CITY COUNCIL AGENDA

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

WORK SESSION
September 16, 2013
6:00 PM

CALL TO ORDER BY MAYOR ROGERS

1 ROLL CALL BY THE CITY CLERK

2 ADEQ ENVIRONMENTAL HEALTH FLAG PROGRAM

A representative from the Arizona Department of Environmental Quality's (ADEQ) Office of Children's Environmental Health will present an overview of its Flag Program. For information and discussion only.

3 WASTEWATER TREATMENT MASTER PLAN UPDATE

City Council will receive a presentation regarding the Wastewater Treatment Master Plan, its timeline and anticipated outcomes. For information, discussion and direction only.

4 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:
ADEQ Environmental Health Flag Program

MEETING DATE:
September 16, 2013

TO: Mayor and Council

FROM: Pier Simeri, Community Relations Director 623-333-1611

THROUGH: Charlie McClendon, City Manager

PURPOSE:

The Arizona Department of Environmental Quality's (ADEQ) Office of Children's Environmental Health wishes to present an overview of its Flag Program, which it describes as a low cost program to help protect children from the harmful effects of air pollution.

BACKGROUND:

The ADEQ has developed a Flag Program to inform the public -- parents and educators in particular -- when levels of pollution in the air is unhealthy for children.

DISCUSSION:

ADEQ is seeking Flag Program Coordinators to inform the public about the four levels of air quality using colored flags that symbolize the air quality for the day. ADEQ would provide flags at no charge; in return, Flag Coordinators are responsible for educating the schools and the community about the air quality forecaset and fly the corresponding flag.

Avondale currently publishes High Pollution Advisories via social media. This program would be an extension of the city's air pollution outreach efforts and complement our partnership with Avondale schools.

BUDGETARY IMPACT:

It is anticipated that this program will have little associated costs.

RECOMMENDATION:

For Council's information and feedback.

ATTACHMENTS:

Click to download

No Attachments Available

CITY COUNCIL REPORT

SUBJECT:
Wastewater Treatment Master Plan Update

MEETING DATE:
September 16, 2013

TO: Mayor and Council

FROM: Wayne Janis, PE, Public Works Director, 623-333-4411

THROUGH: Charlie McClendon, City Manager

PURPOSE:

This presentation informs council of the reasons for and the timeline of a new Wastewater Treatment (WWT) Master Plan, and the anticipated outcomes of the WWT Master Plan's implementation.

BACKGROUND:

The City of Avondale last developed a master plan in 2005. A new master plan will optimize ratepayer investments by assessing the differences between the 2005 assumptions and the present operating conditions, while also taking into consideration the recent challenges that developed at the WWT Facility. It will also provide a strategic capital investment plan for future growth.

DISCUSSION:

The Master Plan Project will provide a comprehensive road map for Avondale wastewater treatment capacity expansion projects for the twenty-five year planning horizon. The plant challenges that were experienced in late 2012 were unexpected and triggered the need to seek expertise from the consulting firm of CH2MHill. The consultant team worked on site with staff to evaluate plant operations. The final report made specific recommendations to improve operations and to upgrade and enhance certain equipment. Those items that could be accomplished within the current budget and staffing have been completed. The plant is operating as expected within permit limits and recharge has resumed. However, there are certain longer term improvements that were recommended to assure that the plant continues to function successfully. The order and magnitude of those capital investments is best evauated through a master planning process.

A master plan will provide a method of assessing the asset conditions along with key expansion triggers to prepare for wastewater treatment growth and also leverage newer technology to accommodate changes in the environmental or treatment standards. The study will include an analysis of the recharge component and the 100 year water supply plan.

WWT Facility expansion triggers will be linked to Avondale growth projections to effectively manage increases in facility treatment capacity. The Master Plan will provide a holistic look at the Wolf Reclamation Facility to improve treatment reliability and optimize the life of the critical facility assets. The intent will be to develop the most cost effective treatment systems possible while utilizing quality equipment to minimize costly failures and potential regulatory action. Technically, the Master Plan will incorporate real time WRF data against dynamic treatment and hydraulic models to provide a clear picture of current treatment system and capacities, needed improvements, and ultimate capacity of the treatment systems.

The Scope of Work includes:

1. Evaluation of the current site, loadings, capacity and processes

2. Alternative process evaluation
3. Solids handling considerations
4. Hydraulic capacity evaluation
5. Evaluation of administrative and laboratory facility requirements
6. Evaluation of possible regional collaborations

BUDGETARY IMPACT:

Funds will be reallocated in the sewer development fund to cover the cost of the master plan.

RECOMMENDATION:

For informational purposes only

ATTACHMENTS:

Click to download

- [ ] Memorandum to Council
- [ ] Final Report

Public Works Memorandum

DATE: September 12, 2013

TO: Mayor and Council

FROM: Wayne Janis, PE, Public Works Director

THROUGH: Charlie McClendon, City Manager

SUBJECT: Wastewater Treatment Master Plan Update

This memorandum elaborates on the Wastewater Treatment Plan Update City Council Report dated September 16, 2013. It explains the improvements made to the plant coming from the CH2MHill report. At the Monday night presentation, staff will discuss what has been done already and answer questions. The following is what staff has done in response to the report's immediate recommendations. These are summarized in the Executive Summary and in section 5.6 "Conclusions" of the report.

The Master Plan is being updated and a consultant selection is in process.

The relocation of the influent sampling point is being evaluated. There exists a second sampling point after the equalization point that can be used to evaluate the current point at the influent to the plant. Staff is collecting data and analyzing any differences to ensure an accurate sample is taken.

Aeration in the basins has been adjusted, mixers are eliminating dead zones, and dissolved oxygen (DO) meters are installed, working, and connected to the SCADA instrumentation and control system. Note that the staff installed DO monitors that are on line now were listed as a long-term activity in the report. DO levels in the basins are maintained as recommended.

Upon recommendation, staff immediately adjusted, and continues to adjust wasting activated sludge in line with the consultant's recommendation regarding solids retention time (SRT) and mixed liquor suspended solids (MLSS). Routine monitoring is done daily and adjustment made accordingly.

Chlorine application to the undesirable foam on the aeration basins was immediately done and is done if excess foam develops. When there is no foam, application of chlorine is unnecessary.

Poly aluminum chloride application evaluation has been suggested, but so far has proved unnecessary as the other actions taken have eliminated the problem. Should indication that foaming problems are recurring, evaluation will continue.

One of the older secondary sedimentation basins has already been inspected and serviced, as recommended. The other basin is being done currently. The primary basin and remaining secondary basins are scheduled for work in the spring. The Public Works' Reliability Program implements a computerized maintenance management system (CMMS) for best use of facilities, staff, and money.

Training has been done and is regularly being scheduled for staff. A well-qualified, experienced Superintendent has been hired. Vacancies have been filled with qualified and promotable operators. The supervisor position is being held open on the expectation that soon one or more existing operators will soon qualify to compete for it.

Standard Operating Procedures (SOPs) to assure daily requirements are met and tasks performed correctly, are being developed. Chlorine Contact Basins (CCT) are monitored and cleaned monthly, exceeding the recommendation. More frequent cleaning allows quicker and easier methods to be used.

The overall plant process control program is being reviewed and documented. Staff is involved.

Oxygen Uptake Rate (OUR) and Sludge Volume Index (SVI) are being monitored. SVI is done continuously. Aeration basin adjustments are made accordingly to achieve the proper amount of oxygen in the various sections of the basin.

Electrical contractors have evaluated and made recommendations on boiler room compliance and safety issues, and procurement of this work is proceeding. Waste collected secondary scum is no longer an issue in the digesters.

In summary, recommended immediate activities are completed or being completed. We look forward to a master plan that addresses increased sewage strengths and ensures the current plant rating of 9 MGD is achievable. Further, a fresher perspective of the likely path for the next 25 years clarifies what must be done and how it can be obtained. Near-term and Long-Term activities, along with other items will be addressed in the upcoming Master Plan Effort. With the immediacy of the Master Plan, secondary clarifier requirements and filters will be addressed in the plan for a comprehensive action 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/33187

CITY COUNCIL AGENDA

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

REGULAR MEETING
September 16, 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. LIQUOR LICENSE PERMANENT EXTENSION OF PREMISES - RACEWAY ELKS #2852
City Council will consider a request from Mr. Gary Bruce for a permanent extension of premises of the Series 14 Private Club license to sell all spirituous liquors at the Raceway Elks Lodge #2852 located at 215 W Van Buren Street in Avondale. The Council will take appropriate action.

b. SENIOR PROGRAM FUND BALANCE TRANSFER
City Council will consider a request to authorize the use of $6,955.58 from the Senior Program Fund to fund a portion of the technology upgrade project at the Avondale Community Center, and authorize the Mayor or the City Manager and the City Clerk to execute the necessary documents. The Council will take appropriate action.

c. RESOLUTION 3132-913 - INTERGOVERNMENTAL AGREEMENT FOR FIRE DEPARTMENT AUTOMATIC AID
City Council will consider a resolution approving and Intergovernmental Agreement among Phoenix Metroplitan Area Municipalities relating to automatic assistnace for fires and other types of emergency incidents and authorize the Mayor or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

d. RESOLUTION NO. 3134-913 - CONTRACT FOR JOINT LEGAL REPRESENTATION AND CONTRACT FOR LEGAL SERVICES WITH ENGELMAN BERGER, P.C.
Council will consider a resolution approving a contract for joint legal representation among the cities of Avondale, Chandler, Glendale and Scottsdale and a Contract for Legal Services with Engelman Berger, P.C. with respect to the Water Rights Claims of the White Mountain Apache Tribe and the Gila River General Stream Adjudication and authorize the Mayor or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

e. ORDINANCE 1525-913 - ANNEXATION - ST. JOHN BOSCO OUTREACH CENTER

City Council will consider an ordinance authorizing the annexation of APN 500-64-002P owned by the St. John Vianney Roman Catholic Parish located at 12443 W. Illini Street also known as 3680 S. 125th Avenue. Council will take appropriate action.

4 PUBLIC HEARING AND RESOLUTION 3137-913 – FREEWAY CORRIDOR SPECIFIC PLAN UPDATE

City Council will hold a public hearing and consider a Resolution approving a comprehensive amendment to the Freeway Corridor Specific Plan to establish site development thresholds, such as maximum building heights and minimum floor area ratios, architectural and site design standards, and standards for design within the public realm. The Council will take appropriate action.

5 AVONDALE BRANDING AND MARKETING INITIATIVE

Staff will update the City Council on the the progress of the branding initiative currently underway. For information, discussion and direction only.

6 EXECUTIVE SESSION

a. The Council may hold an executive session pursuant to: (i) Ariz. Rev. Stat. § 38-431.03 (A) (4) for (i) discussion or consultation with the City Attorney in order to consider its position and instruct the City Attorney regarding the breach of a lease agreement for City Center property and (ii) for discussion or consultation with the City's Attorney in order to consider its position and instruct the City's Attorney regarding potential litigation.

7 ADJOURNMENT

Respectfully submitted,

Carmen Martinez

Carmen Martinez
City Clerk

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CITY COUNCIL REPORT

SUBJECT:
Liquor License Permanent Extension of Premises - Raceway Elks #2852

MEETING DATE:
September 16, 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 Mr. Gary Bruce for a permanent extension of premises of the Series 14 Private Club license to sell all spirituous liquors at the Raceway Elks Lodge #2852 located at 215 W Van Buren Street in Avondale.

DISCUSSION:

The City Clerk's Department has received an application from Mr. Gary Bruce for a permanent extension of premises to the Series 14 Private Club license to sell all spirituous liquors at the Raceway Elks Lodge #2852 located at 215 W Van Buren Street in Avondale. The extension premises will allow the serving and consumption of alcohol in the newly built patio.

The Planning, Fire, Police and Finance Departments have reviewed the application and are recommending approval. Their comments are attached.

RECOMMENDATION:

Staff is recommending approval of a request from Mr. Gary Bruce for a permanent extension of premises for a Series 14 Private Club license to sell all spirituous liquors at the Raceway Elks Lodge #2852 located at 215 W Van Buren Street in Avondale.

ATTACHMENTS:

Click to download

- ☐ Application
- ☐ Department Review

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

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

Date payment received _____
CSR Initials _____

APPLICATION FOR EXTENSION OF PREMISES/PATIO PERMIT

THIS APPLICATION MUST BE RETURNED TO THE DEPARTMENT OF LIQUOR

☑ Permanent change of area of service. A non-refundable $50 fee will apply. Specific purpose for change: Patio used for smoking members, Alcohol will not be server but will be allowed to consume .

☐ Temporary change for date(s) of: ___/___/___ through ___/___/___ List specific purpose for change: _____

1. Licensee's Name: Bruce, Gary J (Last / First / Middle)
2. Mailing Address: _____ (City / State / Zip)
3. Business Name: Raceway Eslks #2852 LICENSE #: 14073069
4. Business Address: 215 W. Van Buren St. Avondale Maricopa AZ 85323 (City / COUNTY / State / Zip)
5. Business Phone: (623) 547-2852 Residence Phone: (___) _____
6. Do you understand Arizona Liquor Laws and Regulations? ■ YES ☐ NO Fax #: (___) _____
7. Have you received approved Liquor Law Training? ☐ NO ■ YES If so, when does your Certificate expire? 3 / 11 / 18
8. What security precautions will be taken to prevent liquor violations in the extended area? 3 ft fencing installed around entire patio area
9. Does this extension bring your premises within 300 feet of a church or school? ☐ YES ■ NO
10. IMPORTANT: ATTACH THE REVISED FLOOR PLAN CLEARLY DEPICTING YOUR LICENSED PREMISES AND WHAT YOU PROPOSE TO ADD.

☐ Barrier Exemption: an exception to the requirement of barriers surrounding a patio/outdoor serving area may be requested. Barrier exemptions are granted based on public safety, pedestrian traffic, and other factors unique to a licensed premises. List specific reasons for exemption: _____

Investigation Recommendation ☐ Approval ☐ Disapproval by: _____ Date: ___/___/___

******After completing sections 1-10, please take this application to your local Board of Supervisors, City Council or Designate for their recommendation. This recommendation is not binding on the Department of Liquor.**

This change in premises is RECOMMENDED by the local Board of Supervisors, City Council or Designate:

_____ _____ _____
(Authorized Signature) (Title) (Agency)

I, GARY J. BRUCE (Print full name), being first duly sworn upon oath, hereby depose, swear and declare, under penalty of perjury, that I am the APPLICANT making the foregoing application. I have read this application and the contents and all statements are true, correct and complete.

* Gary J Bruce
(Signature of Owner or Agent)

State of Arizona County of Maricopa
SUBSCRIBED IN MY PRESENCE AND SWORN TO before me this date August 2013
Month Year

AARON S. LOPEZ
Notary Public - State of Arizona
MARICOPA COUNTY
My Commission Expires
May 27, 2016

My commission expires on: 05/27/16

(Signature of NOTARY PUBLIC)

Investigation Recommendation ☐ Approval ☐ Disapproval by: _____ Date: ___/___/___

Director Signature required for Disapprovals _____ Date: ___/___/___

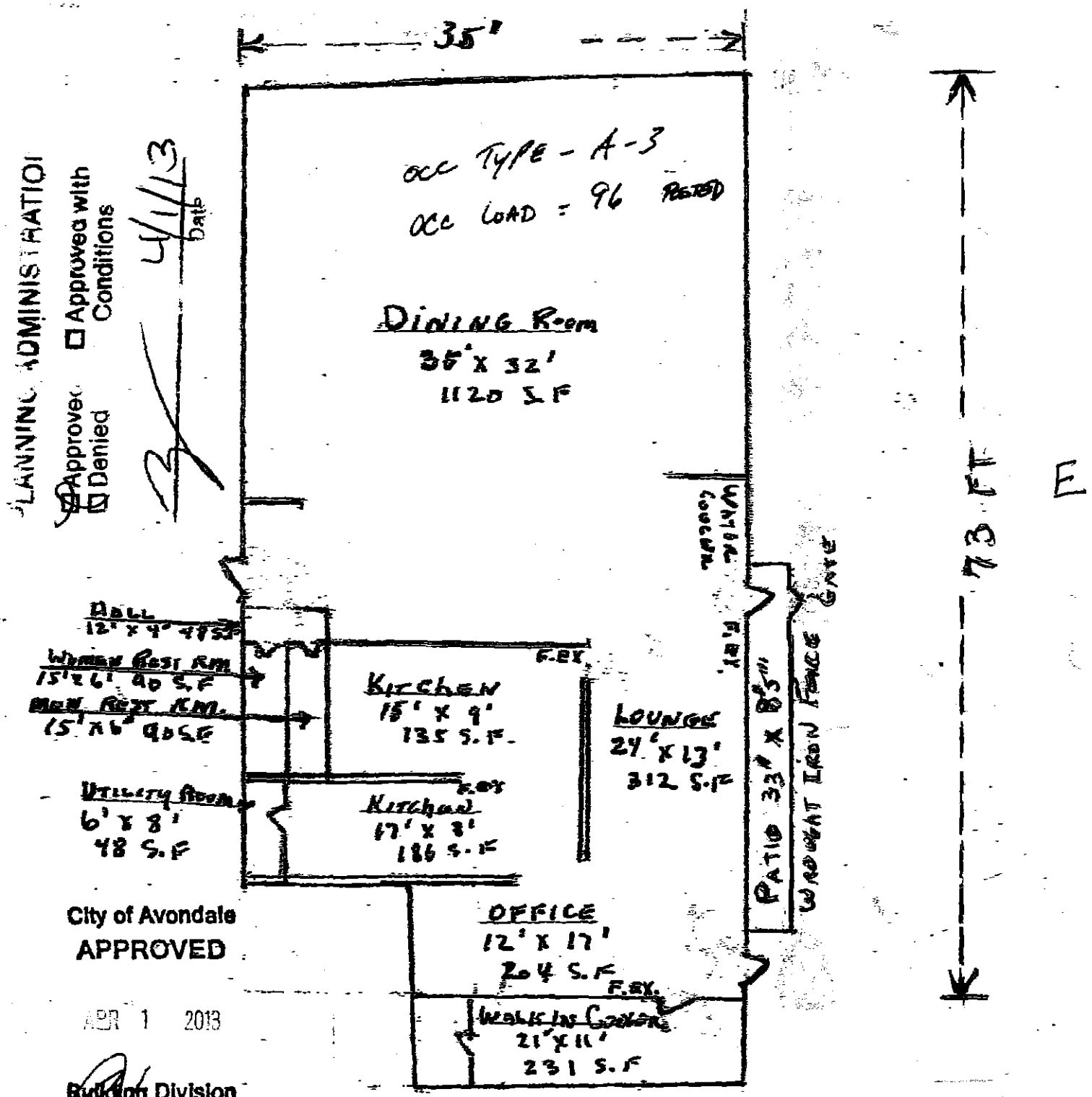
12/26/2012 *Disabled individuals requiring special accommodation, please call the Department(602) 542-9027.

FLOOR PLAN

~~ADDRESS~~

215 W. VAN BUREN BLVD
AVONDALE, AZ. 85323

N



PLANNING ADMINISTRATION
☐ Approved with Conditions
☐ Approved
☐ Denied
4/1/13
Date

City of Avondale
APPROVED
APR 1 2013
Building Division
By:

City of Avondale
CITY CLERK'S OFFICE

DEPARTMENTAL REVIEW FORM

TYPE OF LICENSE:
☒ EXTENSION OF PREMISES SERIES # 14

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

APPLICANT'S NAME: GARY J. BRUCE

BUSINESS NAME: RACEWAY ELKS #2852

ADDRESS: 215 W. VAN BUREN ST.

CITY: AVONDALE **STATE:** AZ **ZIP CODE:** 85323

PURPOSE OF EXTENSION: PERMANENT PATIO EXTENSION

DEPARTMENTAL COMMENTS:

☒ APPROVED
☐ DENIED

SIGNATURE

ASST. CHIEF
TITLE

8/27/13
DATE

THIS LICENSE IS SCHEDULED FOR THE COUNCIL MEETING OF: SEPT. 16, 2013
PLEASE RETURN YOUR COMMENTS TO THE CITY CLERK'S OFFICE BY: SEPT. 29, 2013

City of Avondale
CITY CLERK'S OFFICE

DEPARTMENTAL REVIEW FORM

TYPE OF LICENSE:
☒ EXTENSION OF PREMISES SERIES # 14

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

APPLICANT'S NAME: GARY J. BRUCE

BUSINESS NAME: RACEWAY ELKS #2852

ADDRESS: 215 W. VAN BUREN ST.

CITY: AVONDALE **STATE:** AZ **ZIP CODE:** 85323

PURPOSE OF EXTENSION: PERMANENT PATIO EXTENSION

DEPARTMENTAL COMMENTS:

☒ APPROVED
☐ DENIED

SIGNATURE

FIRE MARSHAL
TITLE

8/27/13
DATE

THIS LICENSE IS SCHEDULED FOR THE COUNCIL MEETING OF: SEPT. 16, 2013
PLEASE RETURN YOUR COMMENTS TO THE CITY CLERK'S OFFICE BY: SEPT. 29, 2013

City of Avondale
CITY CLERK'S OFFICE

DEPARTMENTAL REVIEW FORM

TYPE OF LICENSE:
☒ EXTENSION OF PREMISES SERIES # 14

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

APPLICANT'S NAME: GARY J. BRUCE

BUSINESS NAME: RACEWAY ELKS #2852

ADDRESS: 215 W. VAN BUREN ST.

CITY: AVONDALE **STATE:** AZ **ZIP CODE:** 85323

PURPOSE OF EXTENSION: PERMANENT PATIO EXTENSION

DEPARTMENTAL COMMENTS:
Gate on patio is self closing and non-latching.
Approved as noted RPW

☑ APPROVED
☐ DENIED

SIGNATURE 8/27/13 DATE

Chief Building Official
TITLE

THIS LICENSE IS SCHEDULED FOR THE COUNCIL MEETING OF: SEPT. 16, 2013
PLEASE RETURN YOUR COMMENTS TO THE CITY CLERK'S OFFICE BY: SEPT. 29, 2013

City of Avondale
CITY CLERK'S OFFICE

DEPARTMENTAL REVIEW FORM

TYPE OF LICENSE:
☒ EXTENSION OF PREMISES SERIES # 14

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

APPLICANT'S NAME: GARY J. BRUCE

BUSINESS NAME: RACEWAY ELKS #2852

ADDRESS: 215 W. VAN BUREN ST.

CITY: AVONDALE **STATE:** AZ **ZIP CODE:** 85323

PURPOSE OF EXTENSION: PERMANENT PATIO EXTENSION

DEPARTMENTAL COMMENTS:

☒ APPROVED
☐ DENIED

SIGNATURE

Zoning Specialist
TITLE

8/29/13
DATE

THIS LICENSE IS SCHEDULED FOR THE COUNCIL MEETING OF: SEPT. 16, 2013
PLEASE RETURN YOUR COMMENTS TO THE CITY CLERK'S OFFICE BY: SEPT. 29, 2013

DEVELOPMENT SERVICES

MEMORANDUM

DATE: August 28, 2013

TO: Carmen Martinez, City Clerk

PREPARED BY: Jennifer Fostino, Zoning Specialist

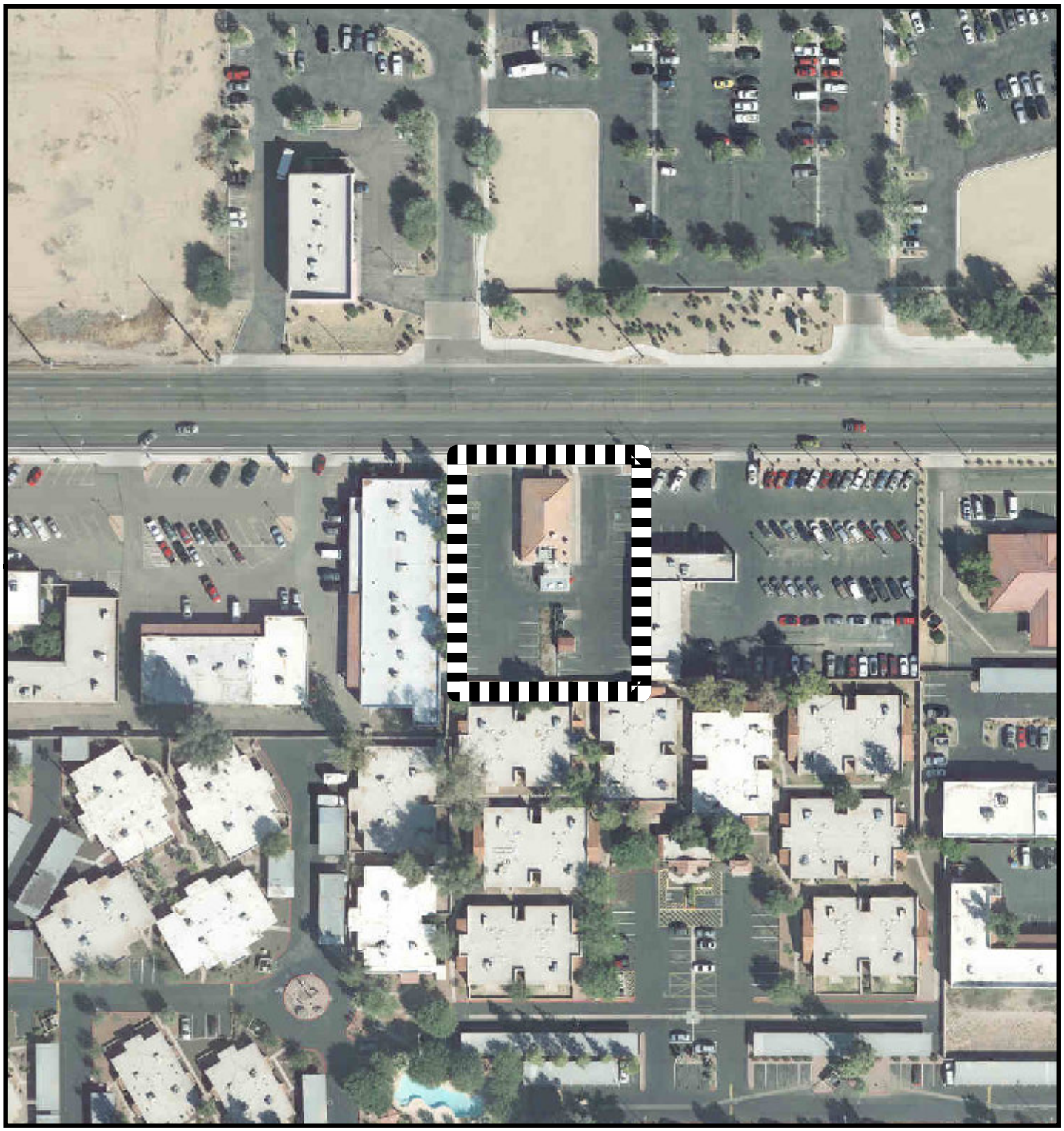
SUBJECT: Extension of Premises/Patio for Raceway Elks #2852
215 W Van Buren Street

The site is located west of the southwest corner of Central Avenue and Van Buren Street. The building is existing.

State Statute requires a minimum separation of 300 feet from K-12 schools or church buildings. It also requires 300 feet from fenced recreational areas that are part of a school building. There are no church buildings, K-12 school buildings, or fenced recreational areas associated with K-12 schools within 300-feet of the proposed site.

The General Plan designates the property as local commercial. The subject property is zoned Community Commercial District (C-2). A social/private club is a permitted use within the C-2 zoning district.

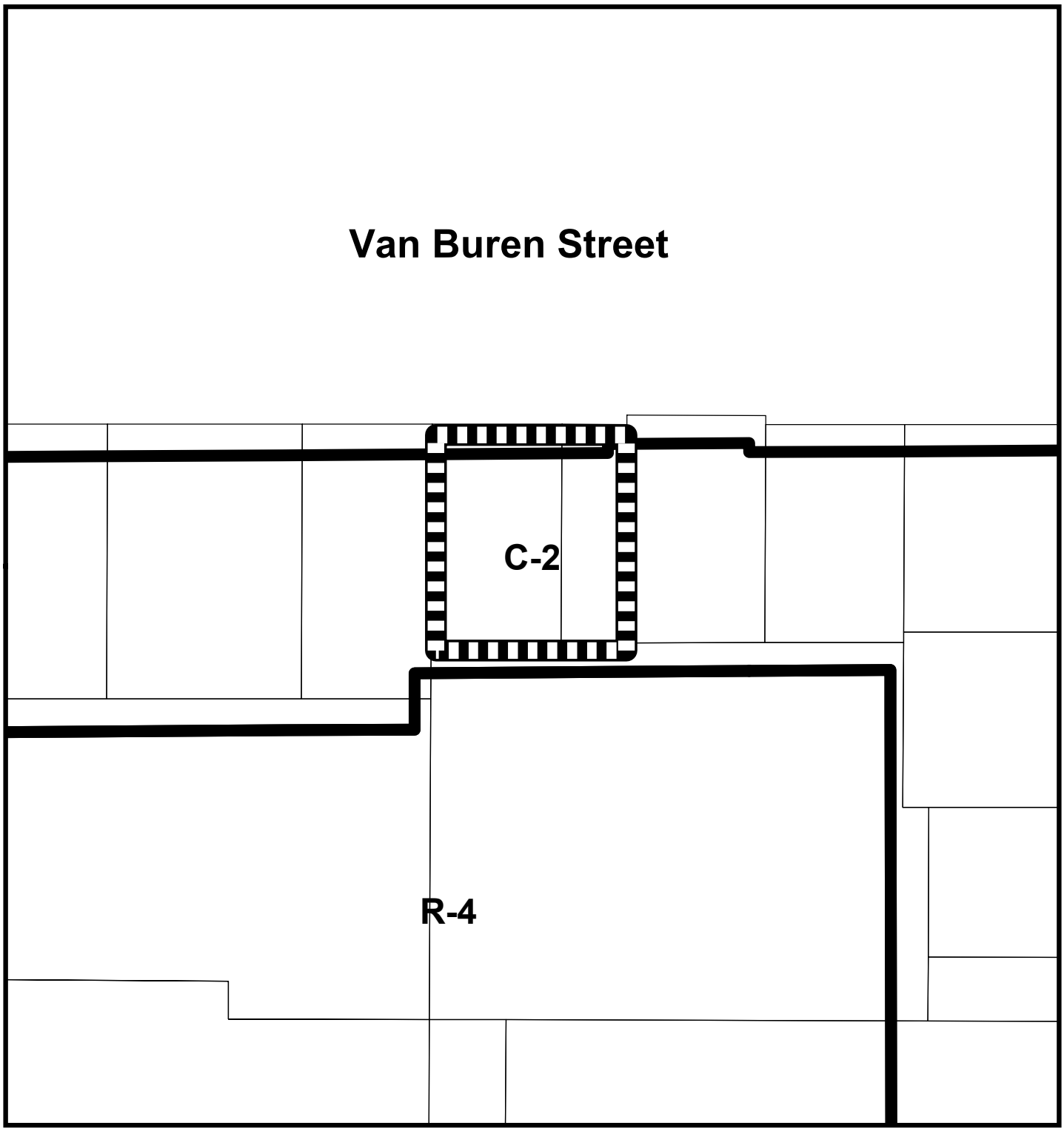
Attachment: Aerial Photography
Zoning Vicinity Map
300 Foot Separation



2013 Aerial Photograph

Avondale

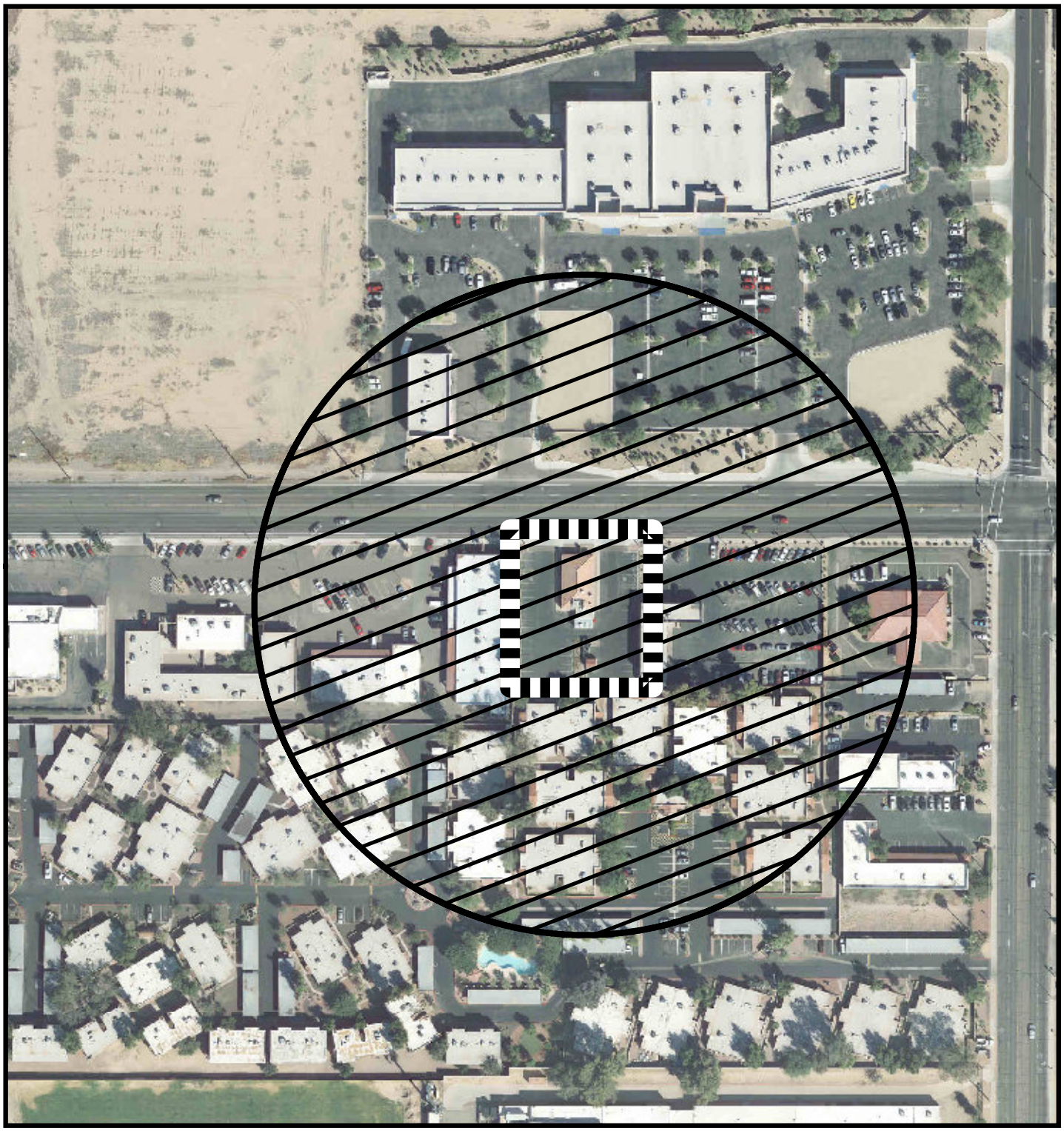
Subject Property



Zoning Vicinity Map

Avondale

Subject Property



300 Foot Separation

Avondale

Subject Property

City of Avondale
CITY CLERK'S OFFICE

DEPARTMENTAL REVIEW FORM

TYPE OF LICENSE:
☒ EXTENSION OF PREMISES SERIES # 14

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

APPLICANT'S NAME: GARY J. BRUCE

BUSINESS NAME: RACEWAY ELKS #2852

ADDRESS: 215 W. VAN BUREN ST.

CITY: AVONDALE **STATE:** AZ **ZIP CODE:** 85323

PURPOSE OF EXTENSION: PERMANENT PATIO EXTENSION

DEPARTMENTAL COMMENTS:

☒ APPROVED
☐ DENIED

SIGNATURE

8/27/13
DATE

Tax Audit Supervisor
TITLE

THIS LICENSE IS SCHEDULED FOR THE COUNCIL MEETING OF: SEPT. 16, 2013
PLEASE RETURN YOUR COMMENTS TO THE CITY CLERK'S OFFICE BY: SEPT. 29, 2013

CITY COUNCIL REPORT

SUBJECT:
Senior Program Fund Balance Transfer

MEETING DATE:
September 16, 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 authorize the transfer of appropriations and use of $6,955.58 from the Senior Program Fund Balance to fund a portion of the technology upgrade project at the Avondale Community Center, and authorize the Mayor or the City Manager and the City Clerk to execute the necessary documents.

DISCUSSION:

The Avondale Community Center (the Center) at 1007 S. Third Street is in need of technology enhancements to provide expanded access to Avondale Senior Program Participants, Neighborhood and Family Services Department (NFSD) staff, and visitors to the Center. The Center is the operational base for two separate City functions: NFSD and the Avondale Senior Program. The cost of the upgrades will be shared by the Avondale Senior Program and the City Facilities Division. Use of funds from the Senior Program requires a council action.

The upgrade will provide up to 144 Mbps wireless access at the Center, allowing the facility users to access internet-based resources for their activities and programs. The Center is the only remaining City facility that does not have the capability of providing Wi-Fi access, and other web-based program connectivity.

The City of Avondale will use State of Arizona award ADSPO12-024652 with Insight Public Sector to purchase one switch and three access points for $13,350. Another $600 will be expended on State of Arizona award ADSPO12-033460 to Gazda Data Solutions for required cabling. This infrastructure is required to create additional lines and cover the entire facility.

BUDGETARY IMPACT:

The total amount of funding for this project is $13,911.15.

Equipment Required	Cost
One (1) Network Switch	$13,311.15
Three (3) Data Drops	$600.00
Total	$13,911.15

The contract amount will not exceed $13,911.15 over the entire length of the contract. Funding for this agreement is available through PRLD Contractual Maintenance Account 101-5420-00-6320 ($6,955.57) and the PRLD Senior Program Fund Balance Account 202 ($6,955.58).

The Senior Program Fund Balance is projected to end the 2013 - 2014 fiscal year with a balance of approximately $122,405 which is primarily an accumulation of general fund transfers to the fund for

the City's share of the senior program costs. Use of funds from the Senior Nutrition Fund Balance, requires a council action. The appropriations will be transferred from unobligated spending authority in the Other Grant Fund (fund 209).

RECOMMENDATION:

Staff recommends that the City Council authorize the appropriations transfer and use of $6,955.85 from the Senior Program Fund Balance to fund a portion of the technology upgrade project at the Avondale Community Center, and authorize the Mayor or the City Manager and the City Clerk to execute the necessary documents.

ATTACHMENTS:

Click to download

No Attachments Available

CITY COUNCIL REPORT

SUBJECT:
Resolution 3132-913 - Intergovernmental Agreement for Fire Department Automatic Aid

MEETING DATE:
September 16, 2013

TO: Mayor and Council

FROM: Paul Adams, Fire Chief 623-333-6100

THROUGH: Charlie McClendon, City Manager

PURPOSE:

Staff is requesting that the City Council adopt a resolution approving the renewal of an Intergovernmental Agreement relating to fire department automatic aid.

BACKGROUND:

The City of Avondale approved an Intergovernmental Agreement (IGA) in 1995 which allowed the fire department to begin participation in the valley wide fire department automatic aid system. This system, which now involves agencies from Apache Junction to Buckeye, provides fire and emergency medical response by the closest available unit regardless of jurisdiction. A requirement of the IGA is that it be reviewed every five years. The last revison to the document, which was approved by council, occurred in 2003. The document was reviewed by the participating agencies in 2008 but it was felt that no revisions were necessary at that time.

DISCUSSION:

The automatic aid IGA was reviewed in 2012 by the Central Arizona Life Safety Response System Council (Life Safety Council) which consists of the fire chief from each participating agency. The Life Safety Council recommended some modifications and the revised document has now been submitted to the participating jurisdictions for approval.

The revisions to the document are intended to clarify the intent of the document and to include language reflecting current practice. The most significant revisions to this version of the agreement clarify the 4-person staffing requirement and include a notification requirement should an agency be forced to close a fire station or make other service delivery reductions.

BUDGETARY IMPACT:

There is no additional budgetary impact associated with our continued participation in the automatic aid system.

RECOMMENDATION:

Staff recommends that the City Council adopt a resolution approving an Intergovernmental Agreement relating to fire department automatic aid.

ATTACHMENTS:

Click to download

- Resolution 3132-913

RESOLUTION NO. 3132-913

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, APPROVING AN INTERGOVERNMENTAL AGREEMENT AMONG PHOENIX METROPOLITAN AREA MUNICIPALITIES RELATING TO AUTOMATIC ASSISTANCE FOR FIRES AND OTHER TYPES OF EMERGENCY INCIDENTS.

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

SECTION 1. The Intergovernmental Agreement among Phoenix metropolitan area municipalities relating to automatic assistance for fires and other types of emergency incidents (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, September 16, 2013.

_____
Marie Lopez Rogers, Mayor

ATTEST:

_____
Carmen Martinez, City Clerk

APPROVED AS TO FORM:

_____
Andrew J. McGuire, City Attorney

EXHIBIT A
TO
RESOLUTION NO. 3132-913

(Agreement)

See following pages.

AUTOMATIC AID AGREEMENT
FOR FIRE PROTECTION AND OTHER EMERGENCY SERVICES

THIS AGREEMENT, is made and entered into this ____ day of _____, _____, by and between the Cities, Towns, Fire Districts, and governmental jurisdictions as listed in Appendix "A" Automatic Aid System Participants (hereinafter referred to as Automatic Aid System Participants) through their duly authorized Mayor, City Manager or Board Director, to provide for automatic assistance for fires and other types of emergency incidents as described under the terms of this agreement.

W I T N E S S E T H:

WHEREAS, agreements for automatic assistance in fire protection and response to other emergencies have existed between specific municipalities and governmental jurisdictions; and;

WHEREAS, the Automatic Aid System has been in existence since 1976 to provide the highest levels of services in conjunction with the most effective use of local fire department resources working collaboratively through intergovernmental cooperation, and;

WHEREAS, the participating cities, towns and fire districts of the Automatic Aid System seek to provide the most efficient, safe, and effective fire-rescue-emergency medical services to their communities, and;

WHEREAS, the Automatic Aid System Participants are committed to demonstrate

public equity through the reasonable commitment and distribution of resources within their jurisdiction to ensure that no participant unfairly benefits at the expense of the other participants, and;

WHEREAS, it is the desire of the Automatic Aid System participants joining in this agreement to continue and improve the nature and coordination of emergency assistance to incidents that threaten loss of life or property within the geographic boundaries of their respective jurisdictions; and

WHEREAS, it is further the determination of each of the parties hereto that the decision to enter into this Automatic Aid Agreement constitutes a fundamental governmental policy of the parties hereto which is automatic in nature, and includes the determination of the proper use of the resources available with respect to the providing of governmental services and the utilization of existing resources of each of the parties hereto, including the use of equipment and personnel.

WHEREAS, it is the desire of these municipalities and governmental jurisdictions to initiate and/or renew an "Automatic Aid Agreement" for fire department services.

NOW, THEREFORE, IT IS AGREED:

1. The parties hereto acknowledge that this Agreement is being entered into pursuant to the Intergovernmental Agreement Statute, Section 11-952, Arizona Revised Statutes.

2. That the Automatic Aid System participants executing this agreement agree to dispatch

their respective assigned fire department units on an automatic basis. The Computer Aided Dispatch and Automatic Vehicle Locator system will automatically determine the closest available, most appropriate unit(s) regardless of jurisdictional boundaries. Each jurisdiction agrees that such unit(s) will respond.

3. It is agreed that the scope of this agreement includes automatic assistance in responding to fires, medical emergencies, hazardous materials incidents, rescue and extrication situations and other types of emergency incidents that are within the standard scope of services provided by fire departments in the Automatic Aid System.

4. If at any time while this Automatic Aid Agreement is in effect, if a party to the Automatic Aid Agreement closes a fire station, or reduces the level of fire, medical or emergency services provided within its municipal or jurisdictional boundaries, the party closing said fire station or reducing services will give a minimum of 120 days notice to all other parties to this Automatic Aid Agreement.

5. This agreement shall encourage the development of cooperative procedures and protocols, including but not limited to, the possibility of joint purchasing, communications coordination, training, health and safety, fire prevention, public education, fire investigations and other activities that will enhance the ability of the fire departments to fulfill their missions.

6. Nothing in this agreement shall limit the ability of any or all of the parties from agreeing to participate in more specific contracts for services, mutual assistance or automatic response; nor shall this prohibit any party from providing emergency assistance to another jurisdiction which is not a participant in this agreement.

7. Each participating municipality or fire district shall retain ownership of any equipment or property it brings to the performance of this agreement and shall retain ultimate control of its employees. If at any time it is determined that communications infrastructure is necessary to meet the operational requirements of the automatic aid response system, the jurisdiction's fire department will assist the Mesa or Phoenix Fire Department in facilitating all necessary steps to implement sufficient communications infrastructure, including the authorizations, agreements, access, etc.

8. Each Automatic Aid System participant shall be a member of the Central Arizona Life Safety Response System Council. The Fire Chief or his principle assistant, will be his department's representative on the Council. The Council shall meet regularly to discuss issues of mutual concern and to develop policy positions on these issues.

9. Participants in this automatic aid agreement do further agree to the following standard service criteria as the primary response system elements of this automatic aid agreement:

A. The Automatic Aid System will use a Computer Aided Dispatch system that automatically selects the closest, most appropriate unit(s) for dispatch. The CAD system shall be a centralized, totally integrated unit dispatch/status keeping system.

B. The Automatic Aid System allows the closest, most appropriate emergency response unit to an emergency to be dispatched automatically - regardless of the jurisdiction where the emergency occurs or the jurisdictional affiliation of the response unit. The dispatch system utilizes Automatic Vehicle Location (AVL) equipment to discern the

location of emergency response units and a computerized Geographic Information System (GIS) to discern the location of the emergency call. The AVL and GIS systems allow the dispatch system to match the closest response unit to the emergency and recommend it for dispatch within the Automatic Aid System boundaries. All Automatic Aid system participants shall insure its engines, ladders and ladder tenders are equipped with AVL's.

C. The automatic aid system utilizes a preplanned system of communications. Communications support for participants includes the provision of a main dispatch and multiple tactical radio frequencies, a Mobile Computer Terminal (MCT) system, a station alerting system, direct communication lines between each participating fire station and the Dispatch Center, and a paging system. These systems are in place and supported by the Dispatch Center.

D. All participants will use standard command procedures. A standardized Incident Management System (IMS) provides for efficient management of the emergency and for the safety of firefighters through the use of standard terminology, reporting relationships, and support structures. The Incident Management System and associated standard operating procedures adopted for use by all Automatic Aid participants is the Phoenix Fire Department's Standard Operating Procedures as outlined in Phoenix Volume II Manual.

E. Participants shall use the same set of procedures for Incident Management and Minimum Company Standards (basic evolutions used by the fire service). Battalion Chiefs and other designated command officers will attend at least 75% of joint

command officer training for responders. Participants shall explore other opportunities for joint training. Participants that do not attend joint training opportunities on a regular basis, as determined by the Central Arizona Life Safety Council, will be automatically removed from this agreement.

F. To ensure compatibility of equipment, participants shall maintain a mutually agreed upon inventory of equipment (based upon minimum NFPA standards), including hoses, couplings, pump capacity, communications equipment, and will maintain the minimum standard amount of equipment on each type of apparatus (as recommended by related NFPA Standards).

G. Participants shall utilize the Valley-wide apparatus numbering system and standardized terminology for apparatus and fire stations.

H. Participants shall use standardized response criteria (i.e. pre-established type and number of apparatus that will be automatically dispatched based on type of call as per standard NFPA and ISO recommendations). The dispatch system can tailor the response to specific types of incidents by jurisdiction or part of a jurisdiction. This includes the capability to automatically dispatch selected specialty units.

I. System participants recognize the importance of service delivery and personnel safety issues. The minimum daily staffing level for engines and ladders shall be four members. Henceforth this will be referred to as full staffing. Engine and ladder staffing may be reduced to three trained personnel for short periods of time as established by the Life Safety Council throughout a 24 hour shift. Departments that

enter the system with a staffing level of three members on each engine and/or ladder shall have an active plan to accomplish full staffing within one year of entry.

J. To ensure safety, all participants agree that their standard operating procedures and command procedures shall match those adopted by the Automatic Aid System participants. Departments shall use safety officers that will follow standardized procedures as recommended by NFPA. Staff filling the role of safety officer shall participate in joint training.

K. Participants agree to the use of specialized unit resources. The assignment of a specialized unit to an incident relies on predefined response levels to specific types of incidents, the closest specialized unit to the call, and/or any special call for resources made by an incident commander that is not pre-programmed in the CAD system. This includes, but is not limited to, hazardous materials support, technical rescue support, loss control, rehab, command, utility, brush, and water tenders.

L. Participants agree that automatic aid is reciprocal. While automatic aid does not ensure that a community will receive the exact same amount of assistance as it gives, it does mean that all participants will provide assistance outside its jurisdictional boundaries and that the level of service delivered within the Automatic Aid System will be comparable.

M. Participants shall define "time of dispatch" as the point in time at which the Dispatch and Deployment Center has notified the station or (responding unit if out of station) of the call through the station alert system, radio, or MCT.

N. Participants shall measure "response time" from the time of dispatch to time of arrival on-scene.

O. Calls outside the response boundaries of the Automatic Aid Response System will be considered mutual aid where such written agreements exist. Requests for and responses to mutual aid will be at the sole discretion of the departments involved.

P. System participants agree that full staffing as described in NFPA 1710 on engines and ladders provides the most efficient and effective personnel safety and service delivery to public. Staffing engines and ladders with less than full staffing has financial implications to neighboring jurisdictions, the system as a whole, and the public. Before June 30, 2016, participants that reduce staffing below full staffing shall be subject to financial considerations intended to make the system whole. After June 30, 2016, participants that reduce staffing below full staffing shall no longer be members of the automatic aid system.

10. No term or provision of this Agreement is intended to, or shall, create any rights in any person, firm, corporation or other entity not a party hereto, and no such person or entity shall have any cause of action hereunder.

11. Except as specifically agreed to by both parties for a particular incident, neither party shall be reimbursed by the other party for any costs incurred pursuant to this agreement. In the event of Declared Disasters, participants may apply for reimbursements from County, State and Federal agencies.

12. The parties further understand that this agreement supersedes any previous Automatic Aid Agreement between any of the parties hereto.

13. The parties also recognize that it is the responsibility of each participating party to ensure that their employees are notified in accordance with the provisions of Arizona Workers Compensation Law, specifically, A.R.S. 23-1022 or any amendment thereto, and that all such notices as required by such laws shall be posted in accordance with said law. Each party hereto further grants consent to each other party hereto to inspect the premises and work place of each party to ensure compliance with said notice posting requirements of said law, said consent being provided to the appropriate emergency services and/or risk management function of each agency party hereto.

14. The parties hereto understand and acknowledge the applicability of the Immigration Reform and Control Act of 1986 (IRCA). Each party agrees to comply with the IRCA in performing under this Agreement and to permit inspection of its personnel records to verify such compliance.

15. This Automatic Aid Agreement shall commence upon filing with the Maricopa County Recorder's Office and shall continue in force until terminated by formal act of the parties to this agreement. If one party wishes to terminate this agreement, one hundred twenty (120) days notice in writing of intention to terminate shall be given to all parties involved.

16. No term or provision in this agreement is intended to create a partnership, joint venture or agency arrangement between any of the parties.

17. The parties hereto acknowledge that this agreement is subject to cancellation pursuant to the provisions of Section 38-511, Arizona Revised Statutes.

18. The parties to this agreement hereby agree that other departments dispatched by the Phoenix Dispatch Center and added to the Automatic Aid Response System may be added to this Automatic Aid Agreement upon approval of their governing body and the filing of its signature page with this agreement at the Maricopa County Recorder's Office.

19. This Automatic Aid Agreement shall be reviewed by all parties every five years or as deemed necessary.

IN WITNESS WHEREOF, this Agreement is executed on the year and date first above written.

15001

SIGNAT URE PAGE

JURISDICTION: AVONDALE

The City of Avondale is authorized by Article I, Section 3, of the City Charter to (i) join with other governmental entities by contract for the exercise of its powers and (ii) organize and maintain the fire department and provide for the management and control of the same.

Authority to enter into this Agreement has been given by the Council of the City of Avondale on September 16, 2013.

CITY OF AVONDALE, a municipal Corporation

_____
Charles P. McClendon, City Manager

ATTEST:

By: _____
Carmen Martinez, City Clerk

In accordance with the requirement of Section 11-952(D), Arizona Revised Statutes, the undersigned attorney acknowledges that (i) he has reviewed the above agreement on behalf of the City of Avondale and (ii) has determined that this Agreement is in proper form and is within the powers and authority granted to the City of Avondale under the laws of the state of Arizona.

APPROVED AS TO FORM:

By: _____
Andrew J. McGuire, City Attorney

APPENDIX A

PARTICIPATING FIRE DEPARTMENTS AND FIRE DISTRICTS
WITH REQUIRED SIGNATORY YEAR

Signers during FY 2012-2013

Chandler Fire Department

Daisy Mountain Fire District

Glendale Fire Department

Mesa Fire Department

Phoenix Fire Department

Scottsdale Fire Department

Tempe Fire Department

Signers during FY 2013-2014

Avondale Fire - Rescue

Gilbert Fire Department

Guadalupe Fire Department

Peoria Fire Department

Tolleson Fire Department

Signers during FY 2014-2015

El Mirage Fire Department

Goodyear Fire Department

Queen Creek Fire Department

Sun City Fire District

Signers during FY 2015-2016

Apache Junction Fire District

Buckeye Fire Department

Buckeye Valley Fire District

Maricopa Fire Department Sun

City West Fire District Sun

Lakes Fire District Surprise

Fire Department

CITY COUNCIL REPORT

SUBJECT:
Resolution No. 3134-913 - Contract for Joint Legal Representation and Contract for Legal Services with Engelman Berger, P.C.

MEETING DATE:
September 16, 2013

TO: Mayor and Council

FROM: Wayne Janis, P.E., Public Works Director (623) 333-4444

THROUGH: Charlie McClendon, City Manager

PURPOSE:

The purpose of this report is to request approval of Resolution No. 3134-913 and a Professional Services Agreement with Engelman Berger, P.C. for joint legal representation with respect to the Water Rights Claims of the White Mountain Apache Tribe and the Gila River General Stream Adjudication respectively for an amount not to exceed $24,000.

BACKGROUND:

The law firm of Engelman Berger, P.C. currently represents the City of Avondale in the settlement activities relating to the WMAT water rights claims and the Gila River General Stream Adjudication. The existing contracts specify financial compensation and contains a Scope of Services for the firm to serve as joint outside counsel for the Cities of Avondale, Chandler, Glendale, and Scottsdale, Arizona for the WMAT and these cities plus Mesa for the Gila River General Stream Adjudication. Outside counsel organizes and attends meetings, hearings, and conferences between the participating cities and others, prepares appropriate documentation and other related activities in accordance with the Intergovernmental Agreement among the Cities.

DISCUSSION:

Over the years counsel has expended substantial effort in activities related to the WMAT and Gila River General Stream Adjudication. However, additional time and effort is needed to complete the execution of the Settlement and continue to work on the Adjudication.

The new contracts allow for an increase in hourly rate, as well as additional funds to complete any necessary activities on behalf of the City of Avondale and the other cities named in the contracts. Duties of outside counsel would be the same as those provided in the prior contract and as are set forth in this new contract. The new contract would replace the existing contract in its entirety and expires at the end of fiscal year 2013/2014 with an option for annual renewal.

BUDGETARY IMPACT:

The total expense of continued joint representation by Engelman Berger, P.C. on the settlement is not expected to exceed $80,000 divided equally amongst the four cities and $4,000 per city for the adjudication work. Avondale's share is not expected to exceed $24,000 for both cases. Funding for these services has been identified in the Water Resources Operating Budget, line item 501-9112-00-6180.

RECOMMENDATION:

Staff recommends that Council:

1. Adopt Resolution No. 3134-913 approving a contract for legal services among the cities of Avondale, Chandler, Glendale and Scottsdale with Engelman Berger, P.C. with respect to the water rights claims of the White Mountain Apache Tribe.
2. Approve a Contract for Legal Services with Engelman Berger, P.C. for legal representation related to the water rights cliams of the White Mountain Apache Tribe.

ATTACHMENTS:

Click to download

- ☐ Resolution 3134-913
- ☐ Contract for Legal Services

RESOLUTION NO. 3134-913

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, APPROVING A CONTRACT FOR LEGAL SERVICES AMONG THE CITIES OF AVONDALE, CHANDLER, GLENDALE AND SCOTTSDALE AND ENGELMAN BERGER, P.C. PROVIDING FOR JOINT REPRESENTATION IN SETTLEMENT EFFORTS WITH RESPECT TO THE WATER RIGHTS CLAIMS OF THE WHITE MOUNTAIN APACHE TRIBE.

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

SECTION 1. The Contract for Legal Services among the Cities of Avondale, Chandler, Glendale, and Scottsdale providing for joint representation in settlement efforts with respect to the water rights claims of the White Mountain Apache Tribe (the "Agreement") is hereby approved in substantially the form attached hereto as Exhibit A.

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 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, September 16, 2013.

_____
Marie Lopez Rogers, Mayor

ATTEST:

_____
Carmen Martinez, City Clerk

APPROVED AS TO FORM:

_____
Andrew J. McGuire, City Attorney

EXHIBIT A
TO
RESOLUTION NO. 3134-913

(Agreement)

See following pages.

CONTRACT FOR LEGAL SERVICES

This Contract for Legal Services ("Contract") is made to be effective this ____ day of _____, 2013 (the "Effective Date"), by, between and among the Cities of Avondale, Chandler, Glendale, and Scottsdale, municipal corporations, hereafter collectively referred to as the "Cities," and the law firm of Engelman Berger, P.C., hereinafter referred to as "Counsel".

NOW, THEREFORE, for and in consideration of the financial accommodations and other terms and conditions of this Contract, the parties hereto agree as follows:

1. Scope of Services. Counsel agrees to represent the Cities in settlement activities relating to the water rights claims of the White Mountain Apache Tribe and the settlement of such possible claims ("Settlement Activities"). This representation shall be in accordance with the terms and conditions of this Contract and direction provided by attorneys employed by the Cities ("City Attorneys").

1.1. Counsel agrees to perform services specified in this Contract. Counsel shall not be required to perform additional services under this Contract and may terminate this Contract if the amount of services and costs has reached the maximum limit as provided in Section 3 of this Contract and no mutually satisfactory arrangements have been made to increase that limit.

1.2. Counsel agrees to represent the Cities in Settlement Activities. For purposes of this Contract, "Settlement Activities" shall mean any of the following:

1.2.1. A settlement conference conducted by the court, special master, mediator, arbitrator, or other designated persons;

1.2.2. A meeting in which some or all of the parties to the Gila River General Stream Adjudication are invited to discuss settlement of the White Mountain Apache Tribe Claims;

1.2.3. A document distributed to some or all of the parties to the Gila River General Stream Adjudication that sets out principles or specific provisions addressing settlement of any litigation related to or settlement of the White Mountain Apache Tribe's water rights;

1.2.4. Any proceedings or activities that relate to the process for court approval or enactment of federal or state legislation relating to the settlement of the White Mountain Apache Tribe water rights claims or allocation of Central Arizona Project water to the Tribe by the Secretary of Interior.

1.2.5. Any activity required that is a condition for one or more of the Cities to receive water that is provided to such Cities under a Settlement Agreement relating to the White Mountain Apache Tribe water rights claims.

1.2.6. Any other activity that relates to possible settlement of the White Mountain

Apache Tribe claims if Counsel obtains prior approval to participate in such activity from each designated City Representative.

1.3. Counsel shall meet with appropriate Representatives of the Cities, collectively and individually, as necessary to discuss and evaluate Settlement Activities.

1.4. Each City shall provide Counsel information as necessary to assist Counsel in its representation of the Cities in Settlement Activities.

1.5. Each City shall designate one Representative for Counsel to keep informed of Settlement Activities. No major decision regarding the resolution of Settlement Activities shall be made without the prior approval of each designated City Representative. All offers of compromise made by any party shall be promptly transmitted to each designated City Representative. Each City will be responsible for obtaining proper authority to accept a compromise or for obtaining authority to enter a counter-offer.

2. Term of Contract. Unless terminated or extended as provided herein, the term of this Contract shall expire on July 1, 2014; provided this Contract may be renewed for additional one (1) year periods upon the approval of the respective City Attorneys.

3. Case Budget; Authorized Expenditures. The Cities agree to pay Counsel for Settlement Activity services rendered pursuant to Subsection 1.2 of this Contract according to the hourly rates and expenses set forth in Exhibit A, with each City paying its allocation pursuant to the percentage divisions identified in Section 4 of this Contract. The total collective costs to the Cities for all attorneys' fees rendered under this Contract, including all expenses of any description, shall not exceed $80,000.00.

3.1. The hourly rates for Counsel shall be inclusive of word processing services, clerical overtime and all other overhead expenses of Counsel which shall not be separately itemized and billed to the City; provided, that the expenses identified in Exhibit "A" shall be separately itemized and billed to the City.

3.2. Photocopying charges shall not exceed 15 cents per page.

3.3. Any expense to the Cities not expressly authorized in the text or by an exhibit to this Contract may be included in a billing of Counsel only if the expense was reasonably incurred in the performance of services under this Contract and is billed on an actual out-of-pocket cost basis to Counsel.

4. Payment for Services; Billing Format. Counsel shall prepare and distribute to the Cities a monthly billing for services rendered under this Contract.

4.1. The monthly billing shall consist of one, aggregate billing for all services furnished to the Cities under this Contract.

4.2. Counsel shall indicate clearly on each bill the allocated portion to be paid separately

by each City.

4.3. City allocations shall represent a one-fourth percentage division of the total bill. In order to limit total collective costs to no more than $80,000.00 and also to divide equally the costs among the Cities, each City's percentage of costs was rounded to twenty-five (25) percent. Percentage allocations are as follows:

		%		$
Avondale	=	25%	=	$20,000.00
Chandler	=	25%	=	$20,000.00
Glendale	=	25%	=	$20,000.00
Scottsdale	=	25%	=	$20,000.00
Total	=	100%	=	$80,000.00

4.4. Within thirty (30) days of receipt of each monthly bill, each City shall remit to Counsel its allocated portion of the aggregate monthly billing.

4.5. Monthly billings shall clearly indicate time spent on tasks in increments of tenths of hours and the name or initials of the person(s) performing each task. Words in billing statements such as "analysis," "conference," "research" or "case preparation" shall only be used if supplemented by descriptions of specific topics or issues germane to the Scope of Services.

4.6. All billings of Counsel shall be subject to audit by the Cities. Counsel shall maintain during the term of this Contract, and for two (2) years thereafter, all books, documents, papers, accounting records and other evidence pertaining to time billed and costs incurred on behalf of the Cities pursuant to this Contract and shall make such materials available to the Cities upon request at Counsel's offices during normal business hours. The Cities shall give Counsel reasonable notice for Counsel to assemble such billing records.

5. Lead Attorney. William H. Anger shall serve as Lead Attorney to the Cities. Counsel shall not substitute another Lead Attorney to the Cities without the prior written consent of the Cities.

6. Subcontracting, Assignment, Experts. Services covered by this Contract shall not be assigned or subcontracted, in whole or in part, without the prior written consent of the City Attorneys. Technical experts shall not be retained by Counsel at the expense of the Cities without prior written consent of the City Attorneys.

7. Insurance, Indemnification. Counsel shall secure and maintain during the life of this Contract a Certificate of Insurance evidencing that Counsel carries Errors and Omissions Professional Liability Insurance with limits no less than $1,000,000.00. Insurance evidenced by this certificate shall not expire, be canceled, or materially changed without fifteen (15) days prior written notice to the Cities.

8. Independent Contractor. The services provided by Counsel under this Contract are those of an independent contractor, not an employee.

9. Termination Under A.R.S. § 38-511. In accordance with A.R.S. § 38-511, the Cities may cancel any contract or agreement, without penalty or obligation, if any person significantly involved in initiating, negotiating, securing, drafting or creating the contract on behalf of the Cities' departments or creating the contract on behalf of the Cities' departments agencies is, at any time while the contract or any extension of contract is in effect, an employee of any other party of the contract in any capacity or a consultant to any other party of the contract with respect to the subject matter of the contract. The cancellation shall be effective when written notice from the Cities is received by all other parties to the contract, unless the notice specifies a later time.

10. Common Interests and Conflicts of Interest. The Cities have decided upon joint representation in order to achieve economies of scale and to maximize the effectiveness of all the Cities represented by Counsel in Settlement Activities relating to White Mountain Apache Tribe's water rights claims. Counsel is directed to seek strategies and positions in Settlement Activities relating to White Mountain Apache Tribe's water rights claims that advance the common interests of the Cities. However, the Cities also recognize that from time to time issues may arise in Settlement Activities relating to the White Mountain Apache Tribe's water rights claims and as to which the Cities may have diverse, incompatible or conflicting interests. Accordingly, the Cities agree:

10.1. That Counsel shall fully and timely inform and explain to all Cities the factual and legal basis for each conflict of interest among the Cities which Counsel perceives as a result of the performance of its duties under this Contract respecting issues raised in Settlement Activities or litigation relating to the settlement of the White Mountain Apache Tribe's water rights claims; and

10.2. That the Cities shall disclose to Counsel perceived or known conflicts of interest among the Cities respecting issues raised in Settlement Activities or litigation relating to the White Mountain Apache Tribe's water rights.

10.3. In the event the Cities, with Counsel's assistance, are unable to resolve a conflict of interest among them, such conflicts shall be dealt with in accordance with the Supreme Court's Rules of Professional Responsibility; provided, however, this Contract shall be construed to confer upon each City and upon Counsel a direct obligation to negotiate in good faith in an attempt to resolve such concerns in order to allow Counsel to continue to represent the remaining Cities in situations where the rules would require Counsel to cease representing one or more of the Cities.

10.4. Each City is entitled to actively participate on issues in Settlement Activities or litigation relating to the White Mountain Apache Tribe's water rights claims and consistent with the Supreme Court's Rules of Professional Responsibility.

10.5. For convenience or cause other than a conflict of interest among the Cities, the Cities may withdraw from future obligations under their Contract with Counsel upon written notice to Counsel; provided, however, Counsel's Contract will remain in full force and effect as to the remaining Cities. Additionally, the percentage division and allocation of the total bill for the remaining cities as outlined in

Paragraph 4.3 shall be increased to make up for the loss of the withdrawing City. The withdrawing Cities shall pay Counsel for their proportionate share of all legal services and expenses incurred up to the date of withdrawal. If requested by the withdrawing city, Counsel shall provide the withdrawing city, within thirty (30) days a copy of Counsel's file provided that the withdrawing city shall pay Counsel for the photocopy charges incurred in copying said file. In the event the withdrawal of one or more Cities raises issues regarding use by Counsel for the remaining Cities of confidential or privileged information, such conflict shall be dealt with in accordance with the Supreme Court's Rules of Professional Responsibility; provided however this contract shall be construed to confer upon such City and upon Counsel a direct obligation to negotiate in good faith in an attempt to resolve such concerns in order to allow Counsel to continue to represent the remaining Cities in situations where the rules would require Counsel to cease representing one or more of the Cities.

10.6. That given the large number of diverse interested parties in Settlement Activities relating to the White Mountain Apache Tribe's water rights, Counsel shall generally have the right to continue to represent or to undertake to represent existing or new clients in any matter consistent with the Supreme Court's Rules of Professional Responsibility.

11. Compliance with A.R.S. § 41-4401. Pursuant to the provisions of A.R.S. § 41-4401, Counsel hereby warrants to the City that Counsel and each of its subcontractors ("Subcontractors") will comply with all Federal Immigration laws and regulations that relate to the immigration status of their employees and the requirement to use E-Verify set forth in A.R.S. §23-214(A) (hereinafter "Counsel Immigration Warranty").

11.1. A breach of the Counsel Immigration Warranty (Exhibit B) shall constitute a material breach of this Contract that is subject to penalties up to and including termination of the Contract.

11.2. Each City retains the legal right to inspect the papers of any Counsel or Subcontractor employee who works on this Contract to ensure that Counsel or Subcontractor is complying with the Counsel Immigration Warranty. Counsel, at the City's expense, agrees to assist the City in the conduct of any such inspections. The City's inspection rights under this Paragraph 11.2 only extend to such employee records necessary to determine whether Counsel or Counsel's Subcontractor is complying with the Counsel Immigration Warranty and not any other employment or other employee records. In conducting any inspections under this Paragraph 11.2, except as required by law, the City agrees to keep confidential and not disclose Counsel's employee's personal information such as social security numbers and other information of Counsel's employees.

11.3. Each City may, at its sole discretion, conduct random verifications of the employment records of Counsel and any of Counsel's Subcontractors who provide services under this Contract to ensure compliance with the Counsel Immigration Warranty. Counsel, at the City's expense, agrees to assist the City in performing

any such random verifications. The City's random verifications rights under this Paragraph 11.3 only extend to the right to review such employee records necessary to determine whether Counsel or Counsel's Subcontractor is complying with the Counsel Immigration Warranty and not any other employment or other employee records. In conducting any random verifications under this Paragraph 11.3, except as required by law, the City agrees to keep confidential and not disclose Counsel's employee's personal information such as social security numbers and other information of Counsel's employees.

11.4. The provisions of this Article must be included in any contract that Counsel enters into with any and all of its Subcontractors who provide services under this Contract or any subcontract. "Services" are defined as furnishing labor, time or effort in the State of Arizona by a contractor or subcontractor. Services include construction or maintenance of any structure, building or transportation facility or improvement to real property.

11.5. In accordance with A.R.S. §35-393.06, Counsel hereby certifies that Counsel does not have scrutinized business operations in Iran.

11.6. In accordance with A.R.S. §35-391.06, Counsel hereby certifies that Counsel does not have scrutinized business operations in Sudan.

12. This Contract may be executed in counterparts, each of which may contain fewer than all signatures but all of which, together, shall constitute a single instrument.

[Signatures on following pages.]

ENGELMAN BERGER, P.C.

By: _____
Title: Partner/Shareholder

CITY OF AVONDALE, an
Arizona Municipal Corporation

_____
Andrew McGuire, City Attorney

CITY OF CHANDLER, an
Arizona Municipal Corporation

_____
Mary Wade, City Attorney

CITY OF GLENDALE, an
Arizona Municipal Corporation

_____
City Attorney

CITY OF SCOTTSDALE, an
Arizona Municipal Corporation

_____
Bruce Washburn, City Attorney

EXHIBIT "A"

During the term of the Contract, Counsel will bill the Cities at the hourly rate of $320.00 for the time of William H. Anger and other shareholders in the firm; Counsel's hourly rate may increase by $15.00 per hour each year on the anniversary of the Effective Date. All other attorneys in the firm or attorneys contracted by the firm to perform services under this Contract will be billed at the rate not to exceed $280.00 per hour which rate may be increased by $15.00 per hour on the anniversary of the Effective Date. Paralegals will be billed at the rate of $180.00 per hour, which rate may be increased by $10.00 per hour on the anniversary of the Effective Date.

Counsel will bill for the reasonable expenses incurred in performing its legal services. These expenses will include long-distance telephone charges, fax charges, electronic research charges, delivery charges, mail expense associated with any filing in the case, printing and copying, and payments to third parties for filing fees, transcripts, travel expenses, including, without limitation, meals and lodging, for settlement negotiations and meetings outside of the Phoenix metropolitan area, and other items for the Cities' benefit under this Contract.

EXHIBIT B

Counsel Immigration Warranty
To Be Completed by Counsel Prior to Execution of Contract

A.R.S. § 41-4401 requires as a condition of your contract verification of compliance by Counsel and Subcontractors with the Federal Immigration and Nationality Act (FINA), all other Federal immigration laws and regulations, and A.R.S. § 23-214 related to the immigration status of its employees.

By completing and signing this form, Counsel shall attest that it, and all Subcontractors performing work under the cited Contract, meets all conditions contained herein.

Contract Description: Joint Representation of the Cities of Avondale, Chandler, Glendale and Scottsdale relating to the White Mountain Apache Tribe's Water Rights
Name (as listed in the contract): Engelman Berger, P.C.
Street Name and Number: 3636 North Central Avenue, Suite 700
City: Phoenix State: Arizona Zip Code: 85012

I hereby attest that:

1. Counsel complies with the Federal Immigration and Nationality Act (FINA), all other Federal immigration laws and regulations, and A.R.S. § 23-214 related to the immigration status of those employees performing work under this contract;

2. All Subcontractors performing work under this contract comply with the Federal Immigration and Nationality Act (FINA), all other Federal immigration laws and regulations, and A.R.S. § 23-214 related to the immigration status of their employees; and

3. Counsel has identified all Counsel and Subcontractor employees who perform work under the Contract on the attached Employee Verification Worksheet and has verified compliance with Federal Immigration and Nationality Act (FINA), all other Federal immigration laws and regulations, and A.R.S. § 23-214.

Signature of Counsel (Employer) or Authorized Designee:

_____

Printed Name: _____

Title: _____

Date (month/day/year): _____

CONTRACT FOR LEGAL SERVICES

This CONTRACT FOR LEGAL SERVICES (the "Contract") is effective as of July 1, 2013, by and between by CITY OF AVONDALE, an Arizona municipal corporation (the "City"), and the law firm of ENGELMAN BERGER, P.C. ("Counsel").

RECITALS

A. The Cities of Avondale, Chandler, Glendale, Mesa, and Scottsdale, pursuant to an Intergovernmental Agreement Relating To Joint Legal Representation In The Gila River General Stream Adjudication effective August 1, 2006 (the "IGA"), have entered into that certain Contract for Legal Services with Counsel, effective August 1, 2006 (the "Contract for Legal Services").

B. The City and Counsel now wish to extend the term by which such legal services are provided by entering into this form of Contract.

AGREEMENT

NOW THEREFORE, in consideration of the mutual agreements set forth herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, City and Counsel hereby agree as follows:

1. **Scope of Services.** Counsel agrees to represent City in the action known as The Gila River General Stream Adjudication and related matters and litigation ("the Adjudication") in accordance with the terms of this Contract and direction provided by the City to serve as its chief legal counsel (the "City Attorney").

1.1 Counsel agrees to perform legal services specified in this Contract and as identified in any litigation plan adopted by the cities who are parties to the IGA. The City Attorney agrees to collectively direct and manage Counsel's activities with other city attorneys employed or retained by the cities who are parties to the IGA (each, an "IGA City", or collectively, the "IGA Cities"). City Attorney will further ensure that Counsel's activities are under and in accordance with the terms of this Contract; provided, that Counsel shall not be required to perform additional legal services under this Contract if the combined amount of legal services and costs has reached the maximum limit as provided in paragraph 3 of this Contract.

1.2 Counsel agrees to represent City in any hearings relating to interlocutory issues identified by the Arizona Supreme Court as the subject of interlocutory appeals in the Adjudication ("interlocutory issues"). This representation shall include preparation of any and all briefs or other pleadings, presentation of an expert witness, cross-examination of other witnesses, and oral argument as specified by City.

1.3 Counsel agrees to represent City regarding issues which are appealed to the Arizona Supreme Court or the United States Supreme Court from the

Little Colorado River Adjudication and the Gila River Adjudication. This representation shall include activities as directed by the City Attorney.

1.4 Counsel agrees to review City's status as to the Statements of Claimant, and as to the Adjudication, in order to determine issues of common concern with other IGA Cities, e.g., prior decrees, abandonment and forfeitures, federally reserved rights to groundwater, appurtenancy, agency, and other parties' water rights, for the purpose of development of issues the City Attorney will direct Counsel to address in the Adjudication.

1.5 Counsel agrees to review relevant portions of the Adjudication records, such as prior pleadings, court orders, transcripts and steering committee reports, which are relevant for the purpose of development of issues the City Attorney will direct Counsel to address in the Adjudication.

1.6 Counsel may assist City on any matters before the trial court and special master in the Little Colorado River Adjudication and Gila River Adjudication.

1.7 Counsel may assist City on any matters before any court addressing the issue of the application of the public trust doctrine on Arizona streams including, but not limited to, Center for Biological Diversity v. Smith, (Maricopa County Superior Court No. CV 2002-000171).

1.8 Counsel agrees to assist City in developing a position on normal flow accounting issues and on severance, transfer, abandonment, and forfeiture issues. It is understood that these tasks will be undertaken in addition to work on the interlocutory issues pursuant to direction given by City.

1.9 During the term of this Contract, Counsel agrees to prepare any and all notices of appearance, statements of position and briefs, and to present oral argument which may be scheduled by the Arizona Supreme Court or the United States Supreme Court as to the interlocutory issues.

1.10 Should Counsel, City Attorney and all other city attorneys employed or retained by IGA Cities determine that technical consultants are required to assist Counsel in his performance of this Contract, such technical consultants may be employed only with the express consent of City Attorney, under such terms and conditions as the City Attorney may specify.

1.11 Subject to the activities contemplated in paragraph 11 of this Contract, Counsel shall meet with appropriate representatives of City as necessary to discuss and evaluate the water interests of City and to discuss and evaluate the status of City's water claims in this Adjudication.

1.12 City shall provide Counsel a summary of its claim filed in the Adjudication, a description of its water supply and demand, the amount of

each component of its water supply (i.e., Kent Decree rights, CAP rights, groundwater pumping, effluent use, etc.), projections of future water supply and demand for City, and other information necessary to assist Counsel in its representation of City in the Adjudication.

1.13 When reasonably feasible, at least 10 calendar days prior to their due date, Counsel shall furnish City with draft copies of all motions or briefs to be filed on behalf of City that may be dispositive of a particular issue. If Counsel is unable to meet this 10 day deadline, Counsel shall promptly endeavor to make other arrangements satisfactory to City to address the strategy and major positions in the motion or brief to be filed on behalf of City.

1.14 The Counsel will perform services describe in subparagraphs 1.6, 1.7, and 1.10 only upon the direction of the unanimous consensus of city attorneys who are employed or retained by the IGA Cities.

2. **Term of Contract.** Unless terminated as provided below, the term of this Contract shall expire on June 30, 2014; provided, this Contract may be renewed for one (1) additional one (1) year period upon the approval of the City Attorney.

3. **Authorized Expenditures for Legal Services and Expenses.** City agrees to pay Counsel for services rendered hereunder according to the hourly rates and expenses set forth in Exhibit A, with City paying 21.25% of the total cost for all attorneys' fees rendered under this Contract and 20% of the total cost for all expert fees. The total annual cost to City for all attorneys' fees rendered under this Contract, including all expenses of any description for services rendered, shall not exceed $19,125.00, and except as set forth below, City shall not be liable under this Contract for any amount in excess of $19,125.00 per year, for services rendered under this Contract. The case budget for legal services and expenses will not include the costs of experts authorized pursuant to paragraph 6.

3.1. The hourly rates for Counsel will include word processing services, clerical overtime and all other overhead expenses of Counsel which will not be billed to City; provided, that the expenses identified in Exhibit A will be separately itemized and billed to City.

3.2. Only one attorney for Counsel may bill for performing the same major task, such as attending the same deposition, meeting, or hearing, unless Counsel has received the prior approval of the City Attorney; provided, that, without the prior approval of City Attorney, more than one attorney may bill for and assist in work related to research and preparation of pleadings and other documents prepared by Counsel. City and other IGA Cities will appoint a contract manager, who may be the City Attorney and authorize such person to perform duties specified in this Contract.

4. **Payment for Service Billing Format**. Counsel shall prepare and distribute to City a monthly billing for services rendered under this Contract.

4.1 The monthly billing shall consist of one, aggregate billing of all services furnished to City and other IGA Cities under this Contract, with expert services that are authorized pursuant to paragraph 6 identified separately from the other furnished services.

4.2 Counsel shall indicate clearly on each bill the allocated portion to be paid separately by City.

4.3 Counsel agrees to assess expert fees equally amongst all IGA Cities. The amount of expert fees for City shall not exceed $4,000.

4.4 Within thirty (30) days of receipt of each monthly bill, City shall remit to Counsel its allocated portion of the aggregate monthly billing.

5. **Lead Attorney**. William H. Anger shall serve as Lead Attorney to City. Counsel shall not substitute another Lead Attorney to City and other IGA Cities without the prior written consent of City and other IGA Cities.

6. **Subcontracting/ Assignment; Experts**. Services covered by this Contract shall not be assigned or subcontracted, in whole or in part, without the prior written notice and consent of the City Attorney. Technical experts shall not be retained by Counsel at the expense of City without the prior written consent of the City Attorney. This Contract specifically contemplates that experts may be hired during the Contract term upon the unanimous written consent of all City Attorneys employed or retained by other IGA Cities for purposes related to whether federal reserved rights exist for state trust lands, the resolution of Tribal or Indian Community claims, and any other issues in the Adjudication as needed. The total cost to City for such expert services shall not exceed $4,000.00.

7. **Insurance**. Counsel shall secure and maintain during the life of this Contract a Certificate of Insurance evidencing that Counsel carries Errors and Omission Professional Liability with limits no less than $1,000,000. Insurance evidenced by this certificate shall not expire, be canceled, or be materially changed without 15 days prior written notice to City.

8. **Independent Contractor**. The services provided by Counsel under this Contract are those of an independent contractor, not an employee.

9. **Termination Under A.R.S. § 38-511**. In accordance with A.R.S. § 38-511, City may cancel any contract or agreement, without penalty or obligation, if any person significantly involved in initiating, negotiating, securing, drafting or creating the contract on behalf of City's departments or creating the Contract on behalf of City's departments or agencies is, at any time while the Contract or any extension of the Contract is in effect, an employee or any other party of the Contract in any capacity or a consultant to any other party of the Contract with respect to the subject matter of this Contract. The cancellation shall be effective when written notice from City is received by all other parties to the Contract, unless the notice specifies a later time.

10. **Common Interests and Conflicts of Interest.** City acknowledges that Counsel is jointly representing City and other IGA Cities on matters stated in paragraph 1 of this Contract. To achieve economies of scale and to maximize the effectiveness of City in the Adjudication, City authorizes the Counsel to seek strategies and positions in the Adjudication that advance the common interests of all IGA Cities. However, City also recognize that from time to time issues may arise in the Adjudication concerning which City and other IGA cities may have diverse, incompatible or conflicting interests.

10.1 Counsel will fully and timely inform and explain to City the factual and legal basis for each conflict of interest among IGA Cities which Counsel perceives as a result of the performance of its duties under this Contract respecting issues raised in Adjudication; and

10.2 City will disclose to Counsel perceived or known conflicts of interest among the IGA Cities respecting issues raised in the Adjudication.

10.3 In the event the IGA Cities, with Counsel's assistance, are unable to resolve a conflict of interest among them, such conflicts shall be dealt with in accordance with the Supreme Court's Rules of Professional Conduct; provided, however, this Contract shall be construed to confer upon City and upon Counsel a direct obligation to negotiate in good faith in an attempt to resolve such concerns in order to allow Counsel to continue to represent the remaining IGA Cities in situations where the rules would require Counsel to cease representing City.

10.4 For convenience or cause other than a conflict of interest among the IGA Cities, City may withdraw from future obligations under this Contract upon written notice to Counsel. In such case, City will promptly pay Counsel for its proportional share of all legal services and expenses incurred up to the date of withdrawal. Upon request of City, Counsel shall provide City, within 30 days after receiving the written withdrawal notice from City, a copy of Counsel's files provided that City has paid Counsel for the photocopy charges incurred in copying said file. In the event City's withdrawal raises issues regarding use by Counsel for the other IGA Cities of confidential or privileged information, such conflict will be dealt with in accordance with the Supreme Court's Rules of Professional Conduct; provided, City will negotiate in good faith with Counsel and the other IGA Cities in order to allow Counsel to continue to represent the other IGA Cities in situations where such Rules would require Counsel to cease representing one or more IGA Cities.

10.5 Counsel will notify City if one of the IGA Cities has withdrawn from the joint representation contemplated in paragraph 10.

10.6 Given the large number of diverse and interested parties in the Adjudication, Counsel shall generally have the right to continue to

represent or to undertake to represent existing or new clients in any matter consistent with the Supreme Court's Rules of Professional Conduct.

11. **Separate Representation.** This Contract does not prohibit IGA City or Cities from retaining the Counsel to perform legal services related to the Adjudication that are different in kind to those services performed under this Contract as long as: (i) Counsel is retained by a separate contract; (ii) the IGA City or Cities are billed separately for the services; and (iii) the services are not in furtherance of an issue in which the separately contracting IGA City or Cities have directly conflicting interests with City.

12. **Immigration Law Compliance.**

12.1 Counsel, on its own behalf and on behalf of any subcontractor, warrants, to the extent applicable under A.R.S. § 41-4401, compliance with all federal immigration laws and regulations that relate to their employees as well as compliance with A.R.S. § 23-214(A) which requires registration and participation with the E-Verify Program.

12.2 Any breach of warranty under subparagraph 12.1 above is considered a material breach of this Contract and is subject to penalties up to and including termination of this Contract.

12.3 City retains the legal right to inspect the papers of Counsel or a subcontractor employee who performs work under this Contract to ensure that Counsel or any subcontractor is compliant with the warranty under subparagraph 12.1 above.

12.4 City may conduct random inspections, and, upon request of City, Counsel will provide copies of papers and records of Counsel demonstrating continued compliance with the warranty under subparagraph 12.1 above. Counsel agrees to keep papers and records available for inspection by City during normal business hours and will cooperate with City in exercise of its statutory duties and not deny access to its business premises or applicable papers or records for the purposes of enforcement of this paragraph.

12.5 Counsel agrees to incorporate into any subcontracts under this Contract the same obligations imposed upon Counsel and expressly accrue those obligations directly to the benefit of City. Counsel also agrees to require any subcontractor to incorporate into each of its own subcontracts under this Contract the same obligations above and expressly accrue those obligations to the benefit of City.

12.6 Counsel's warranty and obligations under this section to City are continuing throughout the term of this Contract or until such time as City determines, in its sole discretion, that Arizona law has been modified and that compliance with this paragraph is no longer a requirement.

12.7 The "E-Verify Program" above means the employment verification program administered by the United States Department of Homeland Security, the Social Security Administration, or any successor program.

ENGELMAN BERGER, P.C.

By: [illegible]

Title: Partner/Stockholder

CITY OF AVONDALE, an
Arizona Municipal Corporation

_____
Charles P. McClendon, City Manager

ATTEST:

_____
Carmen Martinez, City Clerk

EXHIBIT A

During the term of the Contract, Counsel will bill the Cities at the hourly rate of $320.00 for the time of William H. Anger and other shareholders in the firm; Counsel's hourly rate may increase by $15.00 per hour each year on the anniversary of the Effective Date. All other attorneys in the firm or attorneys contracted by the firm to perform services under this Contract will be billed at the rate not to exceed $280.00 per hour which rate may be increased by $15.00 per hour on the anniversary of the Effective Date. Paralegals will be billed at the rate of $180.00 per hour, which rate may be increased by $10.00 per hour on the anniversary of the Effective Date.

Counsel will bill for the reasonable expenses incurred in performing its legal services. These expenses will include long-distance telephone charges, fax charges, electronic research charges, delivery charges, mail expense associated with any filing in the case, printing and copying, and payments to third parties for filing fees, transcripts, travel expenses, including, without limitation, meals and lodging, for settlement negotiations and meetings outside of the Phoenix metropolitan area, and other items for the Cities' benefit under this Contract.

CITY COUNCIL REPORT

SUBJECT:
Ordinance 1525-913 - Annexation - St. John Bosco Outreach Center

MEETING DATE:
September 16, 2013

TO: Mayor and Council

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

THROUGH: Charlie McClendon, City Manager

PURPOSE:

Staff is recommending Council adoption of Ordinance 1525-913 authorizing the annexation of APN 500-64-002P owned by the St. John Vianney Roman Catholic Parish located at 12443 W. Illini Street also known as 3680 S. 125th Avenue. Council will take appropriate action.

BACKGROUND:

Staff received a request from Reverend Thomas J. Eckert, Pastor of the St. John Vianney Roman Catholic Parish for the annexation of APN 500-64-002P located at 12443 W. Illini Street also known as 3680 S. 125th Avenue. The property is within Maricopa County. The property owner is currently developing this property with Maricopa County to place a modular building to be used as an after-school recreational youth center. The property owner desires to connect the new building into the City's water and sewer systems.

DISCUSSION:

On July 1, 2013 Council approved the pre-annexation agreement. Through this agreement the city will provide the property owner the water and sewer services needed and the City will receive the additional right-of-way required to complete the future widening of 125th Avenue. Council members did not object to the idea of continuing to consider the proposed annexation.

The required public hearing was held on September 9, 2013. No comments were received.

RECOMMENDATION:

Staff recommends that the City Council adopt Ordinance 1525-913 authorizing the annexation of APN 500-24-002P owned by the St. John Vianney Roman Catholic Parish located at 12443 W. Illini Street also known as 3680 S. 125th Avenue.

ATTACHMENTS:

Click to download

- Ordinance 1525-913

ORDINANCE NO. 1525-913

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, EXTENDING AND INCREASING THE CORPORATE LIMITS OF THE CITY OF AVONDALE BY ANNEXING THERETO CERTAIN TERRITORY CONTIGUOUS TO THE EXISTING CITY LIMITS.

WHEREAS, a petition in writing (the "Petition"), accompanied by a map of said real property, having been filed and presented to the Council of the City of Avondale (the "City Council"), signed by the owners of more than one-half in value of the real and personal property and more than one half of the persons owning real and personal property as would be subject to taxation by the City of Avondale (the "City") in the event of annexation within the territory and land hereinafter described (the "Annexation Area") as shown by the last assessment of said property, which territory is contiguous to the City and not now embraced within its limits, asking that the property more particularly hereinafter described be annexed into the City, and to extend and increase the corporate limits of the City so as to embrace the same; and

WHEREAS, the City Council desires to comply with the Petition and to extend and increase the corporate limits of the City to include the Annexation Area; and

WHEREAS, the Petition (i) sets forth a true and correct legal description of all the exterior boundaries of the entire Annexation Area and (ii) had attached thereto at all times an accurate map of the Annexation Area; and

WHEREAS, no alterations increasing or reducing the Annexation Area have been made after the Petition has been signed by any owner of real and personal property in such territory; and

WHEREAS, pursuant to ARIZ. REV. STAT. § 9-471(L), a city shall adopt a zoning classification for the annexation area that permits densities and uses no greater than that permitted by the county immediately before the annexation; and

WHEREAS, the Annexation Area is currently zoned by Maricopa County as Rural Zoning District – One Acre Per Dwelling Unit Rural-43 ("Rural-43"), and the City's "Rural Residential - 43 (RR-43)" zoning classification does not permit densities and uses greater than permitted by Maricopa County's Rural-43 zoning classification; and

WHEREAS, the provisions of ARIZ. REV. STAT. § 9-471, and amendments thereto, have been fully observed; and

WHEREAS, proper and sufficient certification and proof of the foregoing facts are now on file in the office of the City Clerk together with a true and correct copy of the original Petition referred to herein, which is on file in the office of the Maricopa County Recorder.

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 Annexation Area, as more particularly described and depicted on Exhibit A, attached hereto and incorporated herein by this reference, is hereby annexed to the City and that the present corporate limits are hereby extended and increased to include the Annexation Area.

SECTION 3. The land-use classification for the Annexation Area is hereby designated as "Rural Residential - RR-43" under the City of Avondale Zoning Ordinance.

SECTION 4. The City Clerk is hereby authorized and directed to file with the Maricopa County Recorder's Office a fully executed copy of this Ordinance, together with an accurate map of the Annexation Area.

SECTION 5. 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 6. 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, September 16, 2013.

_____
Marie Lopez Rogers, Mayor

ATTEST:

_____
Carmen Martinez, City Clerk

APPROVED AS TO FORM:

_____
Andrew J. McGuire, City Attorney

2034223.1

EXHIBIT A
TO
ORDINANCE NO. 1525-913

(Legal Description and Map)

See following pages.

ANNEXATION
St. John Bosco Center
MCA 500-64-002P
Revised July 8, 2013

LEGAL DESCRIPTION

That part of the East half of the Northwest quarter of the Southeast quarter of Section 23, Township 1 North, Range 1 West of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at the East quarter corner of said Section 23, a MCHD brass disk in handhole, from which the Southeast corner thereof, a MCHD brass disk in handhole, bears South 01 degrees, 10 minutes 37 seconds East, 2614.24 feet distant, as a basis of bearing;

Thence North 89 degrees 41 minutes 41 seconds West a distance of 1304.24 feet to a point on the East line of the East half of the Northeast quarter of the Southeast quarter of said Section 23,

Thence South 01 degrees 00 minutes 53 seconds East along said East line a distance of 481.97 feet to a point on the Southerly line of LUCY T. HOMESITES UNIT TWO, a subdivision recorded in Book 142 of Maps, page 26, official records of Maricopa County, Arizona, said point also being the True Point of Beginning;

Thence South 01 degrees 00 minutes 53 seconds East continuing along said East line for a distance of 780.78 feet to a point on a line parallel with and 50.00 feet North of the South line of the East half of the Northwest quarter of the Southeast Quarter of said Section 23;

Thence North 89 degrees, 56 minutes 48 seconds West along said South line for distance of 603.83 feet to a point on a line parallel with and 50.00 feet East of the West line of the East half of the Northwest quarter of the Southeast Quarter of said Section 23;

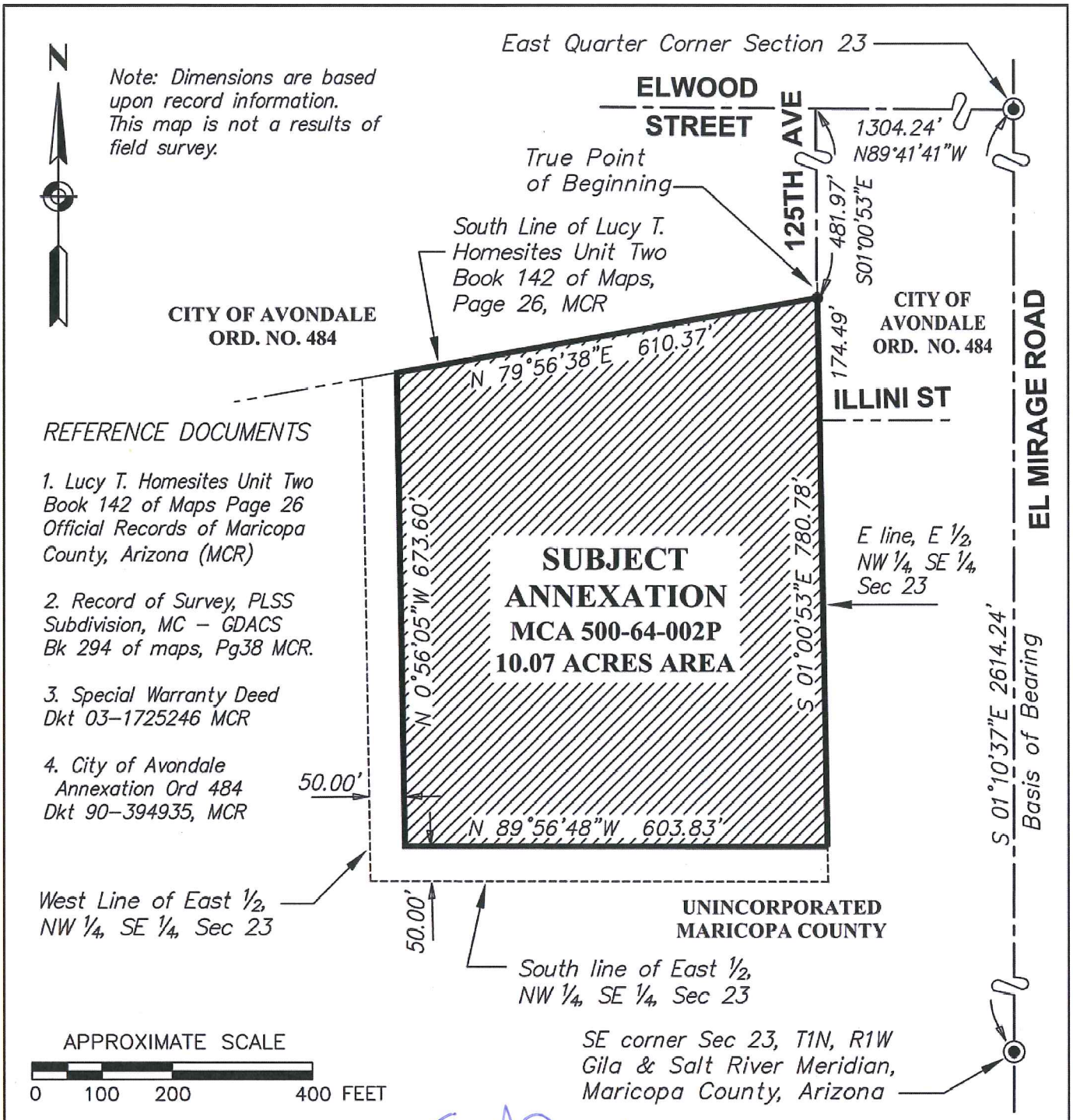
Thence North 0 degrees 56 minutes 05 seconds West along said West line a distance of 673.60 feet to a point on the Southerly line of said LUCY T. HOMESITES UNIT TWO;

Thence North 79 degrees 56 minutes 38 seconds East feet along said Southerly line for a distance of 610.37 feet to the True Point of Beginning;

Said parcel contains 10.07 Acres, more or less.

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
13572
LARI DON
SPIRE
Date Signed 7-8-13
ARIZONA, U.S.A.

EXPIRES: June 30, 2016



City of Avondale

ENGINEERING DEPARTMENT

REGISTERED LAND SURVEYOR
CERTIFICATE NO. 13572
LARI DON SPIRE
Date Signed 7-8-13
ARIZONA, U.S.A.

EXPIRES: June 30, 2016

ANNEXATION EXHIBIT MAP

ST JOHN BOSCO CENTER

12443 W. Illini Street, Avondale, Arizona

Part of E. ½, NW 1/4, SE ¼, Sec 23, T1N, R1W, G&SRM, Maricopa County, Arizona

DATE: 7–08–2013	PROJECT NAME ANNEXATION MCA 500–64–002P
DSN:	
DRN. LS	
CHK: CH	PAGE: 1 of 1

DEVELOPMENT SERVICES

SUBJECT:
Public Hearing and Resolution 3137-913 – Freeway Corridor Specific Plan Update

MEETING DATE:
September 16, 2013

TO: Mayor and Council

FROM: Tracy Stevens, Development and Engineering Services Department Director (623) 333-4012

THROUGH: Charlie McClendon, City Manager (623) 333-1015

REQUEST: Staff is recommending that Council holds a public hearing and considers a resolution approving a comprehensive amendment to the Freeway Corridor Specific Plan (FCSP). The FCSP establishes site development thresholds, such as maximum building heights and minimum floor area ratios (FARs), architectural and site design standards, and standards for design within the public realm.

LOCATION: Area generally bounded by Van Buren Street, Dysart Road, 99th Avenue, and McDowell Road, and area bounded by McDowell Road, 103rd Avenue, 99th Avenue, and Indian School Road (Exhibit A, Page 2).

APPLICANT: City of Avondale Development and Engineering Services Department

BACKGROUND:

The Freeway Corridor Specific Plan (FCSP) was originally adopted by the Avondale City Council in June 1991, in accordance with State of Arizona enabling statutes that allow municipalities to provide greater detail for development guidance in sensitive areas. 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 architecture, can be regulated by a Specific Plan in much the same way.

The most significant emphasis of the 1991 FCSP (Exhibit B) is placed on allowing increased density and building height within the Freeway Corridor area, in order to promote the development of Avondale's most visible properties to their highest and best use. Since 1991, the FCSP's design standards have guided the new development of regional shopping centers, office parks, commerce parks, and the Auto Mall, resulting in the more developed area of which we are familiar today. Due to its lack of minimum intensity/density thresholds, however, the Plan has achieved only limited success in attracting the level of development that was originally desired in 1991, and is still desired to this day.

The General Plan 2030 identified the updating of existing plan as an implementation strategy which would establish an Avondale identity. The General Plan also places a heavy emphasis on establishing a transit corridor through Avondale, and authorizes increased residential densities and commercial intensities to sufficiently support future enhancements to transit service. Following the adoption of the General Plan 2030 staff began the implementation strategy of updating the Freeway Corridor Specific Plan (FCSP) at a Planning Commission work session on May 17, 2012 (Exhibit C). The City Council held an introductory work session on this item on June 18, 2012 (Exhibit D). A

second Planning Commission work session was held on November 15, 2012 (Exhibit E). At those meetings, staff received feedback from Commissioners and Council Members on their vision for the Freeway Corridor. That vision, of a transit oriented, dense employment and residential center, was essential in determining priorities and shaping the overall direction that the document would take.

SUMMARY OF REQUEST:

1. The proposed Freeway Corridor Specific Plan (FCSP) is included as Exhibit A in this packet. The amended Plan, if adopted, will replace the current Freeway Corridor Specific Plan, adopted in 1991. The extent of proposed changes are substantial, but the amended Plan does maintain the FCSP's original focus of creating an intense Freeway Corridor characterized by attraction of a high employment population, taller buildings, and exceptional design.

2. Section I of the proposed FCSP, Introduction and Background, establishes the primary reasons for undertaking this revision process:

- To amend the boundaries of the Plan to include additional properties appropriate for intense development that are located in close proximity to I-10 or Loop 101.
- To expound upon the City's vision for the Freeway Corridor as a transit served urban center containing intense, employment generating offices, unique shopping opportunities, and dense, urban residential uses.
- To integrate Class-A office development and corporate commerce that promote high quality jobs instead of warehouse uses that compromise the aesthetic character of the area.
- To establish requirements for transit oriented development (TOD) in proximity to the City's recommended high capacity transit (HCT) alignment.
- To ensure new development in the Plan area is pedestrian/bicyclist friendly and contributes to a walkable community.
- To enhance the City's appearance from the I-10 and the Loop 101 freeways.
- To provide a seamless visual transition between the City Center and Freeway Corridor areas.
- To establish specifications for planned improvement projects within the Plan's boundaries, such as the Van Buren Drainage and Recreation Corridor, and the Agua Fria Levee Trail.
- To emphasize the Community's desire for urban residential in areas of the FCSP where residential uses are allowed.

3. Section I.A, General Plan 2030, includes a map identifying the boundaries of the proposed FCSP area and a summary of General Plan land use designations applied within the Corridor. The General Plan 2030 purposefully applied the most intense land use categories, such as Urban Residential and High Intensity Office, to properties in the corridor to strengthen the City's ability to attract future transit service enhancements. The boundaries of the FCSP area have been expanded to incorporate properties located between 99th Avenue and 103rd Avenue, due to their proximity to the Loop-101.

4. Section I.B, Planning Area Description and Existing Land Uses, describes the development patterns that have already occurred within the Plan area and provides a visual inventory of existing development within the Freeway Corridor. The opportunity for future development in the area is strong; approximately 57 percent of the Freeway Corridor land area, around 1,700 acres, is undeveloped or in agricultural use.

5. Section I.C, Infrastructure and Public Facilities, describes the street system in the Freeway Corridor 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 six Objectives for the Freeway Corridor's future. These Objectives, with a brief explanation of each, are as follows:

- **Objective #1: Prioritize the City's appearance from the I-10 and the Loop 101 freeways, limiting uses and establishing strict design requirements where necessary.** Maintaining a corporate/business appearance from the I-10 and Loop 101 is vital to enhancing Avondale's overall image, job base, and architectural appeal for the residents and business owners of Avondale.
- **Objective #2: Establish design requirements based on and specific to the General Plan designation of a developable property to ensure Freeway Corridor subareas achieve their intended purposes**. Each General Plan land use category used in the FCSP area varies from one another in terms of intensity and desired character, and, as such, it is important for the Plan to establish different design requirements for each.
- **Objective #3: Institute minimum site utilization thresholds for properties adjacent to the City's recommended HCT alignment and provide generous maximum building heights throughout to ensure the area develops at the intensity level and form that is needed to accomplish the City's goals, most notably attracting high capacity transit.** The City's goal of attracting future high capacity transit extensions into Avondale can only be realized if the Freeway Corridor and City Center develop at a supportive level of intensity, measured in terms of both employment density and residential density, to outperform potential competing corridors.
- **Objective #4: The Freeway Corridor will be the southwest valley's premier job center.** The City currently has a deficiency in the number of jobs for our population. The addition of the specific types of employment generators will serve to address the City's current imbalance.
- **Objective #5: Ensure new development in the Plan area is pedestrian/bicyclist friendly and contributes to a walkable community.** The FCSP area is planned for intense development that, if designed solely with the automobile in mind, would sacrifice pedestrian and bicyclist movement throughout the area. It will be imperative that all future development within the Corridor, regardless of use, be designed to accommodate multiple modes of travel, affording pedestrians and cyclists the same level of accessibility and mobility as has traditionally been given to motorists.
- **Objective #6: Further develop the Freeway Corridor's sense of place through street treatments, entry gateways, and other aesthetic treatments within the public realm.** Enhancing the aesthetic appeal of the Freeway Corridor cannot simply be accomplished through the design of private development sites. Improvements to the City's rights-of-way throughout the area will need to be provided in order to continue developing Avondale's image as an upscale, modern community.

7. Section III, Freeway Corridor Design and Development Requirements, uses a combination of text and imagery to illustrate requirements for future development within the Corridor. Each item in this section was chosen to further at least one of the objectives referenced above. Items include, but are not limited to:

- Maximum building heights
- Minimum Floor Area Ratios (FARs) adjacent to the City's preferred transit corridor
- Surface parking area screening requirements
- Allowances for parking reductions for transit oriented development (TOD)
- Restrictions on incompatible land uses
- "Class A" office development standards
- Business Park development requirements
- "Urban Residential" development requirements
- Freeway Commercial development requirements
- Pedestrian/bicyclist pathway requirements
- Freeway-adjacent design standards
- Transit corridor right-of-way needs
- Bus stop design
- Van Buren Drainage and Recreational Corridor description and right-of-way needs
- Entry gateway landscape treatment standards

8. Floor Area Ratios are a common industry method for measuring the intensity of a development. The higher a prescribed FAR, the more intense the development on a site will be. For instance, downtowns of major US cities have FARs well over 6.0, represented by high-rise office, hotel, and residential developments with structured parking. Conversely, suburban development typically will have FARs at 0.3 range, and generally takes the form of one-story retail and garden office development served by large surface parking lots. The FCSP proposes minimum required FARs on properties adjacent to the City's planned transit corridor – McDowell Road west to 107th Avenue, and Roosevelt Street west to Fairway Drive. The proposed FARs range between 0.5 and 1.5; Page 23 of the proposed FCSP (Exhibit A) illustrates the intensity of development at those levels.

9. In order to best position the region for future high-capacity transit service, the Maricopa Association of Government's commissioned the Sustainable Transportation and Land Use Integration Study, completed earlier this year. The study finds that only those areas that develop at a sufficient intensity will warrant future transit service extension, and recommends minimum FARs of 2.5 or greater. After discussion with the City's Economic Development Department, property owners, and the development communities zoning attorney, as well as development interests in the area, it was determined that 2.5 FARs are not feasible in Avondale under current market conditions. Staff researched Floor Area Ratios of successful transit served developments throughout the western United States, and throughout the valley and has reduced the FARs to the proposed minimum (0.5 to 1.5) based on those findings. Implementation of these minimum FARs will result in development of a more urban nature than what Avondale has received to date, but still less intense than MAG's recommendations for transit oriented development. However, as discussed with the Planning Commission upward adjustments can be made in future amendments when market conditions warrant.

10. As a result of feedback from the development community, staff recognizes the need to facilitate short-term development while still preserving long-term goals. The Plan (Exhibit A, Page 24) allows for the phasing of development on sites where minimum FARs are applicable. The proposed language allows for up to half of a site to develop at half of the required minimum FAR so long as the second half of the site develops at the minimum intensity necessary to achieve the required FAR over the entire property. For example, a 10 acre property with a minimum FAR of 0.5 may develop a first phase of up to 5 acres at a minimum FAR of 0.25. The remaining 5 acres of that property then must, as a second phase, develop at a 0.75 FAR, achieving the intended 0.5 FAR over the entire property.

11. Section IV, Implementation, specifies the situations in which this document is and is not applicable, addresses when Variances from the requirements of the FCSP can be considered, and establishes procedures for amending this Plan.

12. Section V, 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, engage the development community, and interest in planning matters and solicit new ideas for the study area. These methods include:

- Creating a webpage for the Freeway Corridor Specific Plan update (www.avondale.org/freewaycorridor). 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 public opinion related to the Freeway Corridor. The surveys ask respondents to answer a series of

questions regarding a wide variety of topics relevant to each area, including walkability, transit, and architecture/design. The survey received 19 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 located along the corridor 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 or property owner with a smartphone and knowledge of QR reader technology is able to instantly link to the City's website after scanning in the QR code. Signs for this project are located at the northwest corner of 99th Avenue and McDowell Road and the northeast corner of Van Buren Street and Dysart Road.
- City staff has made every effort to engage the community and inform property owners. In all, information and notice of all of the public hearings for this application was provided:
    - Via 1/8 page legal advertisements in the West Valley View
    - Via email to all persons/organizations who have previously indicated interest in being updated on Planning issues.
    - Via email to property owners within the FCSP area, when known.
    - Via USPS Mail, to all property owners within the boundary of the FCSP area, at the addresses on file with the Maricopa County Assessor (attached)
    - Via email to all persons who have signed up for updates under the "Notify Me" function on the City's website.
    - Via City Press Releases.
    - Via Twitter to all followers of the Development Services Department's Twitter Account.

As was expected at the beginning of this process, the Specific Plan evolved based on the input of our residents, land owners, business owners, Planning Commission members, and City Council members. Rialto Capital Management recently submitted a letter in opposition to the plan (attached).

PLANNING COMMISSION ACTION:

Staff presented the Freeway Corridor Specific Plan Update at the May 23, 2013 Planning Commission meeting (Exhibit F). At that meeting, staff requested a continuance to allow for additional public outreach opportunities. At that time, staff had received minimal feedback from the development community and sought additional opportunities to seek out comment on the Plan from stakeholders, a key component of the Planning Division's mission of Citizen Participation. The Planning Commission voted 5-0 (Commissioners Cotera and Kugler excused) to continue the item to the July 18, 2013 Planning Commission, as recommended by staff.

During the ensuing outreach period, staff consulted zoning attorney Stephen Earl with Earl, Curley, and Legarde, with property owners, their representatives, and the City's Economic Development Department in order to obtain feedback on the proposed FCSP. Written feedback was provided by Stephen Earl and one property owner (Exhibit G), who stated a concern with the City imposing minimum FARs and design requirements on his property. Verbal feedback was also received from various owner representatives, also expressing concern with the Plan's requirements, rather than recommendations, for intense development. In response to these concerns, in consult with Avondale's Economic Development Department, staff revised the draft FCSP to change items that were previously listed as requirements to recommendations, or expectations. For example, the required floor area ratios were either removed from properties not adjacent to the transit corridor (as identified on the Transportation Plan) or changed to recommend on properties adjacent to the transit corridor. Requirements pertaining to design, such as architecture, screening, or pedestrian accessibility, were also revised to allow for more flexibility for development according to the market at the time. As could be expected, the weakened plan was well received by the development community. Staff, however, expressed concern that development that may occur under a set of

“optional” provisions would likely not reach the desired intensity levels, damaging the City’s ability to attract high-capacity transit in the future.

Staff presented the revised version of the FCSP at the July 18, 2013 Planning Commission meeting (Exhibit H). At the meeting, the Commission expressed near unanimous concern that the Plan was no longer strong enough to ensure that the City’s vision for the Freeway Corridor, as detailed in the General Plan 2030, would be met and transit services could be attracted. The Commission asked staff to revise the FCSP once more, to reintroduce requirements rather than optional standards, in order to best position Avondale to achieve its long term objectives, such as attracting high-capacity-transit and becoming a vibrant, walkable center for employment, entertainment, retail, and urban residential uses. At the conclusion of the meeting, the Commission voted 6-0 (Commissioner Carillo excused) to continue the item to the August 15, 2013 meeting to allow staff time to perform further research and revise the document accordingly.

In the month following the meeting, staff again revised the FCSP, reintroducing requirements to ensure the City’s vision is met, as recommended by the Planning Commission and met again with Stephen Earl with Earl, Curley and Legarde. Minimum FAR requirements were reinstituted, although they were lowered to .5 in some instances to reflect current market conditions, as recommended by the Economic Development Department. Additionally, a process for phasing FARs was introduced to the Plan, increasing the opportunities for some short-term development while still maintaining the overall intensity goals for the corridor. Also, provisions relating to design and development, such as measures pertaining to Class-A office design, were also reintroduced as requirements rather than recommendations. Staff believes the resulting plan will ultimately help to achieve Avondale’s goal of being a high capacity transit served city, while at the same time offering a degree of flexibility that was not present in the Plan’s initial draft.

Staff presented the third version of the FCSP at the August 15, 2013 Planning Commission meeting (Exhibit I). The Commission voted 4-0 (3 Commissioners excused) to approve the revised document. While the majority of the Planning Commission preferred the original draft with higher minimum FAR requirements per MAG recommendations, the Commission acknowledged the need to provide some flexibility to the development community by way of compromise. Staff was urged to continue to monitor market conditions and increase FARs back to MAG recommended levels when the opportunity presents itself.

ANALYSIS:

The Freeway Corridor has, since 1991, been viewed as a high intensity business corridor, developed with multi-story buildings that bring jobs and population to the City. The area is comprised of a variety of General Plan Land Use designations, the majority of which are intended to accommodate an intense urban core of commercial and residential development, integrated mixed use development, and/or compact transit-oriented development. The General Plan identifies these high intensity and/or urban-style land uses as key to supporting future high capacity transit service into the City’s core, growing Avondale’s sales tax revenues, and attracting well-paying jobs.

The proposed FCSP maintains the City’s longstanding vision for the Freeway Corridor and seeks to advance the Goals, Policies, and Implementation Strategies of the General Plan 2030 with the intent of transforming the I-10 and Loop 101 corridors into the City’s premier business and employment area, while also providing urban living opportunities in a highly connected, walkable environment. The proposed version is a strong plan that will protect this vital corridor from low intensity development that would negatively impact Avondale’s pursuit of HCT. The Plan also is representative of a collaborative effort between several City Departments, property owners, and the development community at large. Flexibility is provided to accommodate short term market realities while still protecting long-term goals.

Conclusion:

Staff recommends approval of the Freeway Corridor Specific Plan update as presented.

FINDINGS:

The proposal reflects careful long-range planning and is in conformance with the General Plan Goals and Objectives for the Freeway Corridor area.

RECOMMENDATION:

The City Council should conduct a public hearing and adopt the Resolution approving Application PL-11-0080, a request to approve the amended Freeway Corridor Specific Plan.

PROPOSED MOTION:

I move that the City Council accept the findings and **ADOPT** a Resolution approving Application PL-11-0080, a request to approve the amended Freeway Corridor Specific Plan.

ATTACHMENTS:

Click to download

- ☐ Exhibit A - Proposed Freeway Corridor Specific Plan Update
- ☐ Exhibit B – Existing Freeway Corridor Specific Plan (c.1991)
- ☐ Exhibit C – Planning Commission work session minutes of May 17, 2012
- ☐ Exhibit D – City Council work session minutes of June 18, 2012
- ☐ Exhibit E – Planning Commission work session minutes of November 15, 2012
- ☐ Exhibit F – Planning Commission regular meeting minutes of May 23, 2013
- ☐ Exhibit G – Letter from Tait Development, Inc., dated July 15, 2013
- ☐ Exhibit H – Planning Commission regular meeting minutes of July 18, 2013.
- ☐ Exhibit I – Planning Commission regular meeting minutes of August 15, 2013
- ☐ Exhibit J - Letter from Rialto Capital, dated September 10, 2013
- ☐ City's Notification to Property Owners, dated August 7, 2013
- ☐ Resolution 3137-913

PROJECT MANAGER:

Ken Galica, Planner II (623) 333-4019

EXHIBIT A

PROPOSED FREEWAY CORRIDOR

SPECIFIC PLAN UPDATE

~ FINAL DOCUMENT IS PART OF

RESOLUTION 3137-913 ~

Exhibit B

CITY OF AVONDALE

FREEWAY CORRIDOR SPECIFIC PLAN

GRUEN ASSOCIATES

JUNE 1991

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City of Avondale

Raymond "Bill" Bedoya
Mayor

Thomas F. Morales
Vice Mayor

City Council

Henry Beltran
Earl Cooper
Dale Moxon
Albert Carroll
Lon Montgomery

Planning and Zoning Commission

Donald Turner, Chairman
Ruben Garcia, Vice Chairman
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I. INTRODUCTION

This Plan is undertaken by authority of the State of Arizona enabling statutes which provide the specific plan technique to municipalities desiring to establish greater detail for the guidance of development in sensitive areas. It has been determined by the City of Avondale, in its adopted General Plan, that the Freeway Corridor is deserving of such special attention.

A. Corridor Planning Area Description

The Freeway Corridor Specific Plan addresses an area which is presently devoted primarily to agribusiness, open land uses and some scattered residential use but which is regarded as having a high priority potential for the City of Avondale's future economic development.

The study area is bounded on the east by the city limits at 99th Avenue; on the west, by Dysart Road; on the north, by Encanto Boulevard; and on the south by Van Buren and Riley, extended.

B. Public Participation

The City of Avondale Planning Commission has hosted a comprehensive program for public involvement in the Freeway Corridor Specific Plan study development and Plan preparation. In addition to City Council, Planning Commission, Resource Committee and general City staff briefings, various public forums and property owner input sessions have been held to assure a high level of citizen participation in the planning process.

Specifically, three distinct workshop-style forums were held during the study's initial phases. These addressed evolving specific plan concepts and were widely promoted through water bill mailers, fliers and personal invitations to all persons who had attended prior forum sessions.

Each workshop was held in a different Avondale location to accommodate the interested public. The focus, dates and locations for these meetings were:

- Corridor Image, December 12, 1990, West View High School
- Freeway Plan Concepts, January 16, 1991, Avondale Public Library
- Design Guidelines, February 20, 1991, Underdown Junior High

Subsequent to the workshop series and specific plan drafting, individual and group sessions were intended to elicit further commentary and support for the Draft Concept Plan. Planning Commission and City Council public hearings were held on May 16 and June 17, 1991, respectively, preparatory to the Council's consideration of this plan for adoption.

C. General Plan Goals and Objectives

Specific plans are cited in the City of Avondale General Plan as a principal technique for shaping the community's economic growth; "Specific Plans, scheduled as implementation follow-up to Plan adoption, will further anticipate creation of mixed use activity centers or revitalization cores." (General Plan, Section 8.3).

The Corridor Plan was envisioned as the first such implementation of General Plan goals (Section 9.1):

> Specific Plans, for select geographical areas within the Planning Area, are being scheduled on an annual basis to open portions of the community to new development. The first such Specific Plan, the "Freeway Corridor Plan", will combine development guidelines and incentives with specially-tailored regulations (as provided in State statutes).

D. Issue Identification

Numerous planning issues were considered during preparation of the Freeway Corridor Specific Plan. Among the most significant study topics were the following:

1. Freeway Corridor Image/Character
   The Interstate 10 Freeway provides a high profile introduction to the City of Avondale. Visual image is regarded as a significant contributor to the Corridor's future economic development success.

2. Land Uses/Development Intensity
   The Corridor is identified as incorporating the City's highest development potential. Use type, mix and intensity designations are necessary to encourage high quality land development.

3. Public Facilities/Infrastructure
   Adequate utility and municipal service capacity are key determinants of private development to the highest and best use of Corridor properties.

4. Circulation
   Efficient access to and from Interstate 10 is a major specific plan objective. The routing of truck and industrial traffic through and around the Corridor will contribute to the efficiency of traffic movement.

5. Urban Design
   Site planning, building massing and broad architectural/landscaping guidelines are regarded as essential to the creation of a positive visual image and efficient Corridor function.

6. Plan Implementation
   Methods for achieving desired development and initiation of projects in a timely fashion are the subject of various Corridor incentive programs.

II. SPECIFIC PLAN OBJECTIVES

The mission of Avondale's Freeway Corridor Specific Plan is to inspire a public-private joint venture for quality economic development in the area identified as having the City's highest urbanizing potential. Further, this Specific Plan effort, called for in the adopted General Plan as the first such detailed implementing activity, is intended to serve as a model for other, future specific planning exercises in the community.

The Specific Plan objectives are oriented toward commencement of the City's future vision realization. They address the Corridor's special locational advantages, its high degree of visibility and the planned focusing of municipal services in the area which will, in turn, support relatively more intense development. In short, this Plan recognizes the Freeway Corridor as representing the long term economic, social and community appearance best interests of Avondale.

Particular directions for strategic municipal positioning are:

A. Mixed Use Potential
The Corridor is viewed both as a place for employment and for residence. Because of its accessibility to other metropolitan area activity centers via Interstate 10, this vicinity is being planned for maximum orderly capacities in terms of the jobs it may accommodate and the people it may house. Further, to enhance this objective, the Corridor land use and design designations incorporate facilities for shopping convenience, leisure activities, institutional/government uses and alternative transportation modes.

B. Community Identity
Travelers along Interstate 10 gain their first impressions of Avondale from properties sited along its frontages. Preserving and enhancing the City's distinctive mountain backdrops is a declared objective. "To establish a distinctive image for the Corridor and the City of Avondale" preserving to encourage this Corridor foreground's transformation from undeveloped, rural land into an attractive, man-made environment. Building form, landscaping, streets, parking areas, open space and utilities are to be masterplanned into pleasing visual arrangements.

C. Economic Development
This is prime real estate among the metropolitan area inventory of land that is ripe for urban development. It is the mutual objective of private property owners and local government to assure the highest and best use of Freeway Corridor sites. The City challenges landowners' creativity toward the achievement of profitable urban development excellence.

III. EXISTING CONDITIONS/SITUATION

The Corridor area has been identified as being ripe for imminent urban development. In its present state, however, this land area is largely undeveloped; its predominant use is devoted to agribusiness.

With the completion of Interstate 10's connection through Phoenix in August 1990, the Corridor's preeminent location astride a coast-to-coast transportation linkage has been established. As a western gateway to the metropolitan area's centers of commerce, the Avondale Freeway Corridor should experience rapid transition from rural to urban usage.

A. General Plan

The Avondale General Plan has identified the Corridor, on the Future Growth Plan Map, as meriting the City's highest development intensity. Transportation access and public service capacities are cited as the basis for these urbanizing expectations.

Property owners and the City government are enthusiastic about the Corridor's prospect for achieving early success as called for in the General Plan. Participation is encouraged in conformance with Plan objectives of mixed use activity center, visual excellence and aggressive real estate marketing.

B. Character Analysis

In large part, the image of this area is that of a blank canvas. Its character, as has been the case for generations, is an area of farms and floodplain. Area residents, visitors and developers, alike, are able to visualize this transition to a more urban character, though these visions range from suburban subdivisions to sophisticated office architecture.

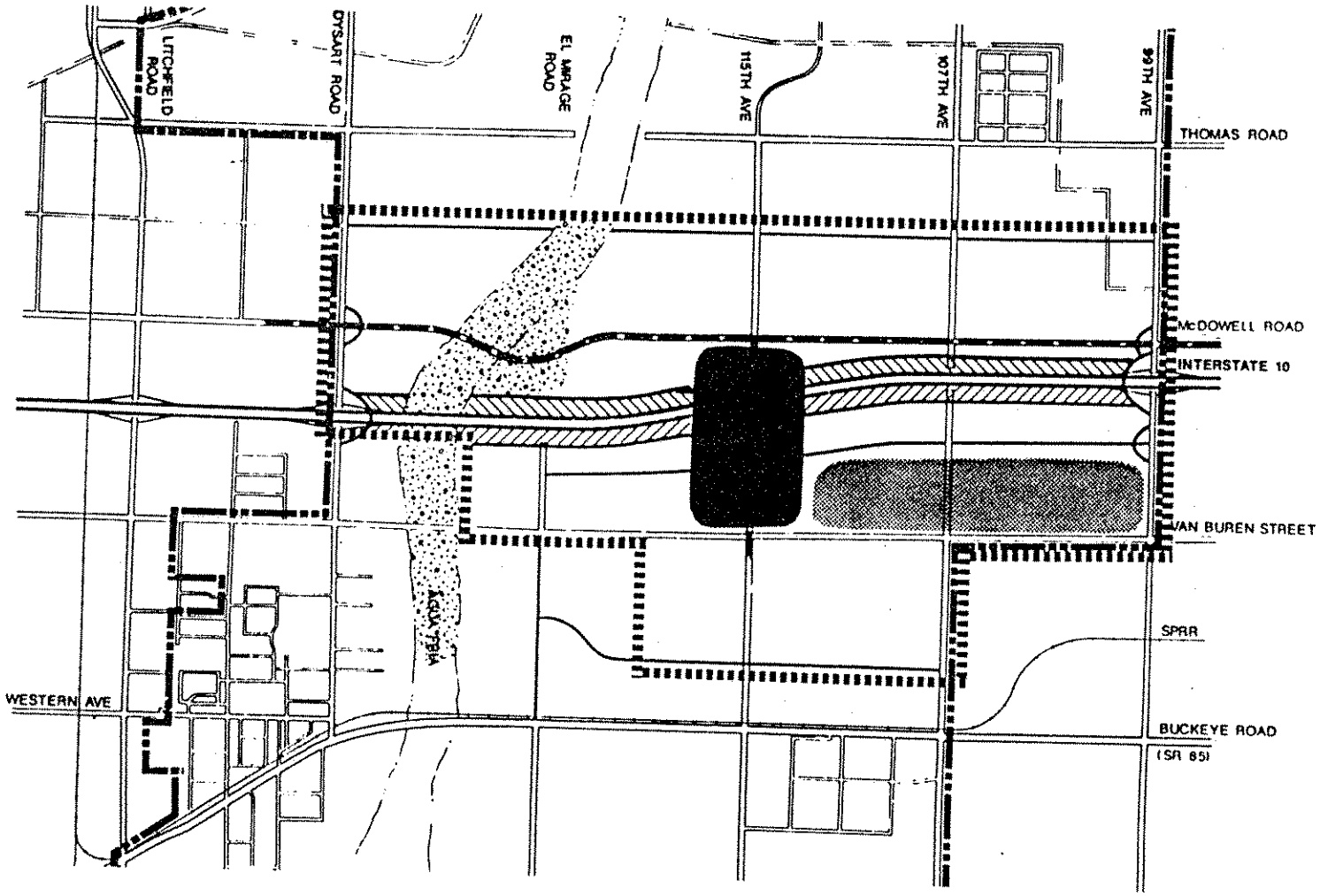
The Planning Team conducted several visual and character analyses of the Freeway Corridor area. Following are the results of those studies:

- The corridor area is well-suited for intense urban development. The elevated freeway makes property adjacent to it unsuited for residential uses. Land uses which are less susceptible to noise and visual pollution will be most appropriate along the freeway frontage.

- Except for a mobile home park located on the south side of McDowell Road, west of 115th Avenue, the corridor area is largely undeveloped, with only agricultural-related uses existing. The land is flat, well drained with few impediments for development.

- Distant mountain views are a dominant part of the visual environment. Primary views are to the south to the Estrella Mountains; secondary views of the White Tank Mountains are also noted.

- The Agua Fria River presents a natural boundary along the west side of the corridor area. That portion of the corridor north of the Freeway and west of the river has a distinct character of its own, more oriented toward development along Dysart Road than the Freeway. This area may develop in a different manner than the remainder of the corridor.



OPPORTUNITY SITES

- High Profile Development
- Residential Opportunity
- Freeway Visibility
- Gateway
- Open Space Amenity
- Boulevard Treatment

Employment: The accessibility to the freeway will attract a wide variety of employment-generating uses with a desire for exposure and visibility. The Freeway Corridor Area is positioned within the metro area to serve as a highly desireable location for both regional and community-wide services and activities.

Roads of Regional Significance: Dysart Road and 99th Avenue have been designated by the Maricopa Association of Governments as "roads of regional significance". Their upgrading, together with the proposed Agua Fria Freeway interchange with I-10 (east of 99th Avenue) will provide sites for future employment-generating uses.

115th Avenue Node: As proposed in the General Plan, 115th Avenue is centrally located in the Freeway Corridor Area so as to serve as the regional commercial/office node. The interchange currently functions as the primary entrance to Phoenix International Raceway and will continue to have full directional, continuous access to the I-10 Freeway, even after construction of the Agua Fria.

McDowell Road: The proximity of McDowell Road to I-10 creates a significant opportunity for intense uses benefiting from high visibility between 115th Avenue and 99th Avenue. Office, retail, and entertainment uses, in particular, will seek this preferred siting location. The synergy between these two transportation arteries should be exploited.

Dysart Road and 99th Avenue: These, as Roads of Regional Significance, are intended to carry increasing volumes of inter-metropolitan traffic and, as such, offer excellent entries into Avondale proper.

Mass Transit: The I-10 Freeway corridor provides the ability to develop strong mass transit connections to Phoenix and the metropolitan area which can assist in developing a regional node at 115th Avenue.

2. Constraints.
Some of the Corridor's more negative conditions are:

Pollution Effects: The elevated freeway creates noise and visual pollution which is not suitable for all types of land use.

Agua Fria River: The Agua Fria River separates a small portion of the west end of the corridor from the remainder.

Circulation: Vehicular circulation patterns are limited to crossing the freeway at mile intervals. There are no mid-section crossings contemplated at this time, creating the potential for congestion at the interchanges. Access to properties adjacent to the interchanges will be a significant issue. Collector street patterns must be properly designed to channel traffic to arterials.

Power Lines: Negative visual impacts result from the wide swaths cut by 220kV transmission lines running perpendicular to I-10 along the Agua Fria River and at other locations visible from the Interstate.

Drainage Channel: A major stormwater facility, paralleling the north side of the freeway is visible from moving lanes in some places and, at present, constitutes an unsightly foreground for some properties fronting on I-10.

IV. SPECIFIC PLAN ELEMENTS

A. Land Use Element

The Land Use Plan proposed by this element is just one part of the Freeway Corridor Specific Plan. The remaining elements, Urban Design and Circulation, when combined together, provide a composite, balanced vision for the future development of the Corridor area. The Specific Plan, as a whole, presents the opportunity for the City of Avondale to create a true "gateway" to the Phoenix metro area of proportions not found in any other location. This opportunity is made possible by the elevated I-10 freeway; the visual exposure of the adjacent property; and the vacant, unencumbered agricultural land which is well suited for intense urban uses.

The Plan encourages the full spectrum of regional and community services, employment opportunities, and residential uses to establish a "destination" location where people can live in close proximity to their work. Urban design standards and concepts established by the Plan will serve to make the Corridor a distinctive experience and setting.

The Land Use Plan is based on accepted planning definitions and principles to identify and locate generalized land use districts within the Corridor area. The Plan provides a two-dimensional synthesis of land use and economic development analysis designed to maximize benefits to the City of Avondale.

1. Land Use Criteria

   Placement of particular land uses and building types will determine the Corridor's buildout pattern. Some of the locational and siting factors considered in the Land Use Element are:

   Freeway Exposure: Sites with high visibility are appropriate for corporate headquarters, "signature buildings", and architectural design excellence. These properties will advertise individual business identities and Avondale. Harmonious building profiles (height, bulk) and consistent themes in structural materials or landscaping are especially important to land uses that can be seen in the foreground of views from I-10. Residential uses are not well-suited to locations along the Freeway because of the visual and noise pollution.

   Freeway Access: Residential development as well as business uses, benefit from convenience to the interstate. Multifamily housing, retail centers, hotels, and offices should be encouraged to utilize fully Avondale's transportation advantage of easy on-off access to the Freeway, with reduced travel time to other major development nodes throughout the metro area.

   Integration/Transition: Tracts of land in the Freeway Corridor, and in particular along its edges, should be developed in a manner that is compatible with the rest of the City. To illustrate, residential planned developments may be most suitable along the Corridor's northern reaches, relating to Garden Lakes and responding to housing demand

created by the new community college. Along the southern portions of the corridor, efforts should be directed to fostering connections with the rest of the community via Van Buren and to buffering future residential uses from heavier industry along Buckeye Road.

Special Conditions: Some properties are affected by unique circumstances that will shape development configurations. For example, the Agua Fria River channel may encourage uses that are compatible with open space and recreation activity. The Freeway entrance into the City at 99th Avenue may attract businesses that call attention to the visual appeal of Avondale's side of 99th Avenue.

2. Land Use Categories

The Avondale Freeway Corridor, throughout this Specific Plan, has been referred to as an area that is appropriate for mixed land use development. Further, selected development sites are considered, depending upon their location within the Corridor, to be able to accommodate relatively more intense activity or larger structures than other locations in the City which do not have comparable transportation system advantages.

Descriptive land use types, as used in this Plan, are more precisely defined in this section. Also, the interrelationships among the Plan's principles, guidelines and regulatory criteria and the Avondale Zoning Ordinance are discussed.

Definitions: The terminology employed in this Specific Plan ranges from generic classifications, as defined below, to the application of site specific designation of a use or groups of listed uses identified as being required or preferred in certain geographic locations.

Commercial. Retail and service uses, including hospitality and food establishments. Ample parking for customers is provided. Accessory or adjunct uses may include professional and general offices, wholesaling, automotive uses and enclosed storage of inventory/records for sale or use on the premises.

Office. Administrative, managerial and clerical workplaces, (including mid-rise structures) for general, corporate or professional office use. Employee/business invitee parking is required, some of which may be provided in parking structures. Hotel, food establishments and retail uses (the latter predominantly within office structures) may be located in these areas as adjunct uses.

This designation is applied, particularly, to the "Avondale Centre" Office Corridor, perpendicular to the Freeway along 115th Avenue, from (approximately) McDowell to Van Buren. The area may accommodate structures of greater height (ten stories) and bulk than are permitted elsewhere in the City.

Mixed Use. Employment centers including research and development, fabrication and assembly, communications, data processing and other uses typical of business or commerce parks. Corporate, general and administrative offices are regarded as principal uses in these subsectors.

Warehousing or freight forwarding may be acceptable only if buildings are appropriately oriented, screened from freeway visibility, and present distinctive design characteristic. Retail and service commercial establishments are limited to "convenience" scale (i.e., generally not exceeding 3000 square feet) and are preferred to be located within principal use buildings or in clusters of such uses internal to the subsector area.

Parking and loading facilities are required to be scaled to the particular establishment or activity's traffic generation needs and properly screened from public view.

High Density Residential. Housing densities of 15-30 dwelling units per acre. These apartment or condominium units are intended to be arranged in grouping of 150-300 dwellings with guest parking as required by zoning ordinance.

This use intensity may exceed otherwise applicable zoning standards with the inclusion of high-amenity open space and recreation facilities. Building heights are expected to observe gradations appropriate to adjacent subsectors.

Moderate Density Residential. Housing densities of 8-14 dwelling units per acre. These single family-detached, -attached, townhome, atrium house, patio home or similar type housing units are intended to be planned in groups of 12-300 unit enclaves, consistent with existing City residential zoning classifications.

Parking spaces are to be supplied in accordance with the zoning ordinance. Each unit shall have its own useable open space in addition to common recreational areas. Building height is limited to two stories and/or the standards of the applicable zoning classification.

Other terms employed in this Plan as distinctions of land use type refer to non-development areas or conditions which enhance or may negatively impact adjacent properties. These designations include:

Regional Open Space. Potential recreation venue with activity areas and facilities intended for employees and residents of the Specific Plan area community. Organized leagues in such sports as softball, golf, soccer, basketball, volleyball may be particularly appropriate as Corridor amenity attractions. Ample, convenient parking is necessary.

Bikeway, pedestrian, and equestrian trailheads or linkages are especially appropriate in designing high-use, active, open space areas.

Transition. Areas paralleling or bounding sites designated for highest development intensity, such as the Avondale Centre Office Corridor, in which the uses, adjunct uses and parking or other standards, characteristic of the Plan subsectors they separate may be blended.

Transition sector structures, and intensity of activity are intended to represent a mid-point gradation between those of adjacent subsectors. For example, with 6-10 story buildings being appropriate to the Office Corridor and 2-3 story "garden office" profiles to Mixed Use or High Density Residential, a Transition structure would, typically, range in height from 3-5 stories.

In general, sites developed to transition uses should observe uniform lot depths, not less than 300 no more than 660 feet.

Buffer. Spacious areas landscaped and maintained in accord with City water conservation and image policies are designated as peripheral portions of sites utilized for employment, housing, or commercial use. These peripheral tracts are intended as separations for various use types and intensities of development as well as visual enhancement for the Corridor area.

Constraint Sites. Existing or future locations for uses which may require special attention or mitigation to assure compatibility with designated, adjacent uses. Examples include: utility storage yard, motion picture production lot.

Relationship to Zoning Districts

This Specific Plan is intended, unless otherwise stated, to conform with the classifications, standards, provisions and requirements of the Avondale Zoning Ordinance. Aspects of the Plan are regulatory in nature and, therefore, supplement, augment, further specify or expand development use or criteria FOR THE FREEWAY CORRIDOR SPECIFIC PLAN AREA ONLY, or its subsectors which regulations do not apply to properties located elsewhere in the City.

Exceptions of special application to sites located within this Specific Plan are include, but are not limited to:

Development Bonus Incentives. To encourage quality development at the earliest feasible date, the City offers additional building height and bulk (in terms of lot coverage or number of dwelling units per acre) in exchange for developer performance criteria contributions. (See Implementation, Section V-B-1, page 34 and B-2, page 35.)

Minimum Site Utilization Thresholds. Capital expenditures for infrastructure provided by Avondale's taxpayers require efficient use of public investment. Accordingly, in certain locations minimum site sizes and/or development intensity is required to prevent piecemeal construction or under utilization of the facilities provided (See, Implementation, Section V-B-3, page 36.)

Image Standards. In addition to the Avondale Zoning Ordinance's basic requirements for site appearance improvements, this Specific Plan establishes Design Standards which are applicable to some sectors of the Freeway Corridor. These criteria are set forth in the Implementation Section, (V-C, page 37).

3. Land Use Plan

The purpose of the Land Use Plan is to provide for the highest and best economic development of all properties. To accomplish this, consideration has been given to specific sites' propensity for assemblage, development timing in coordination with infrastructure improvements, and likely market demand for a balance of housing, employment, and retail activity.

Over time, the Freeway Corridor area is expected to function as the economic heart of the City of Avondale. The Corridor will contain not only manufacturing and distribution uses which are typically found in the Southwest Phoenix metro area, but also intensive office uses, moderate to high density residential uses, retail shopping uses and entertainment.

In order to function as a "gateway" to the Phoenix metropolitan area, the Corridor area will need to attract a wide range of both regional and community-wide services. Regional uses are those retail uses which attract most of their customers from a distance of more than five miles or office uses which provide services to clients throughout the Phoenix area. Examples of these users are department stores and national or regional headquarters for major corporations. Ancillary uses such as restaurants and hotels are often found within these regional service areas.

Community-wide uses are those retailers which attract most of their customers from the surrounding area (less than five miles) or office uses which provide services to Avondale and adjacent communities. Examples of these users are junior department stores, large grocery stores, and headquarters of local businesses.

Based on analysis of the characteristics of the Corridor, several sub-areas were identified which exhibit the potential for intense development or unique urban design treatment. Several sub-areas are also well suited as locations for regional services which are expected to desire high visibility and access. Following is a description of each of the sub-areas.

Avondale Centre: The General Plan designates a "regional commercial node" in the vicinity of 115th Avenue, and I-10. This Land Use Plan finds the area as ideally suited for designation as the business center of the Corridor containing the most intense uses, primarily comprised of regional-type services such as corporate offices.

Corridor Entries: These areas at the entrances to the Freeway Corridor demonstrate the potential for intense development, exhibiting many of the features of the Avondale Centre sub-area. The entries of primary importance are the 99th Avenue/I-10 and Dysart/I-10 areas. Unique design and landscaping treatment of the corridor entries will help establish a progressive image for the City of Avondale. Corridor entry areas may be suited for both regional and community-wide services.

McDowell Road Corridor: The proximity of McDowell Road to I-10 creates an opportunity for land uses desiring high visibility and excellent access to their facilities. The McDowell Road corridor between 99th Avenue and 115th Avenue is well-situated for regional retail and related commercial uses.

Freeway Frontage: All remaining property along the I-10 Freeway, not previously included in sub-areas listed above will play a significant role in creating the Freeway Corridor image because of its exposure and visibility. Freeway properties are well-suited for certain types of commercial and commerce park uses which desire high visibility and are not impacted by freeway noise. Design and landscaping standards must be developed to ensure that development along the Freeway will present an upscale image.

Corridor Edges: Property along the boundary or edge of the Freeway Corridor will need close study to ensure that the use, intensity or development of the site does not negatively impact adjacent property outside the Corridor.

4. Projected Buildout

The Specific Plan area (exclusive of roadway rights-of-way and the Agua Fria River bed) encompasses approximately 3600 acres or 5.6 square miles. In broad designations, its land use pattern allocations are as follows:

	Acres	% of Total
Public Facilities	80 acres	2%
Commercial	350 acres	10%
Office	150 acres	4%
Transition	330 acres	9%
Mixed Use	880 acres	24%
Constraints	45 acres	1%
High Density Residential	900 acres	25%
Moderate Density Residential	630 acres	18%
Open Space (Regional Park)	35 acres	1%
Buffer	200 acres	6%

Employment Development: Employment uses, concentrated in Office, Mixed Use and Transition sectors may accommodate a workforce of 20,000 persons. The Freeway Corridor Specific Plan Area, therefore, is intended to become Avondale's primary employment district. A well-planned employment center will assure a positive balance of jobs and housing for the total community.

Support Retail/Commercial: Commercial uses, accounting for up to 2,000 additional jobs, represent a 15-20 year land absorption supply at the rates anticipated by the City's adopted General Plan. More realistically, accounting for commercial development elsewhere in the community, commercial buildout would not be expected to be approached until the year 2020 or beyond.

The Corridor supplies opportunity sites for sales tax revenue-producing activities such as regional shopping centers, outlet malls and automobile sales which are not widely available elsewhere in the City.

Residential Population Capacity: As many as 16,000 dwelling units (11,000 high density; 5,000 moderate density) housing 40,000 or more persons, may be developed in the Corridor Area. Comprising about 40% of the total Specific Plan area, housing development, at buildout, may average 10 units per acre, or more--very high by today's metropolitan area standards; but, also, extremely efficient and compact with working, shopping and recreational advantages nearby.

Moreover, developed adjacent to Avondale's primary employment focus, these new neighborhoods may provide a significant workplace availability as an attraction to employers selecting Corridor site locations.

B. Urban Design Element

The term "urban design" refers to the built environment: a person's visual perception of buildings, streets, open spaces, landscaping and other elements which, in combination, form the image of the urban environment. Urban design deals with three dimensional space contrasted to a two-dimensional land use plan. The vision of the Freeway Corridor is literally brought to life by the Urban Design Element.

This element recommends that the "form" of the Avondale Freeway Corridor be suburban in character, similar to most of the development occurring outside the City of Phoenix. This suburban form is exhibited by predominantly low building heights, wide landscaped setbacks, moderate ground coverage ratios and surface parking of cars. The Avondale Zoning Ordinance currently mandates this type of site design and development. However, within certain specified areas of the Corridor, more intensive development will be encouraged to create strong urban design images and places of activity.

A number of important urban design components will help to fashion the image of the Freeway Corridor. Following is a discussion of each component or concept. The Urban Design Element establishes the basis for instituting the Design Review Standards which will regulate design and development within the Corridor (See Section V-C).

1. Building Intensity

   Intensity refers to the level of human activity within the Corridor, i.e. the number of people who will be attracted to live and work in the area. Intensity is often measured by the square footage of individual buildings, the number of vehicle trips generated by development, and

the number of jobs created in an area. Intensity is regulated by a variety of mechanisms, the most prominent of which are:

- building height;
- lot coverage;
- floor area ratio;
- density of residential projects.

The Corridor Plan suggests that certain sub-areas are well-suited for certain uses and activities which are more intensive than normally permitted by the Avondale Zoning Ordinance. The Corridor Plan will utilize the elements of building height, lot coverage, and density to encourage more intense development in those areas.

Office uses: Office uses in specified locations are permitted to exceed the maximum height established by the Zoning Ordinance (maximum of two (2) stories or 30 feet) upon meeting certain performance criteria. The locations where building heights can be increased are:

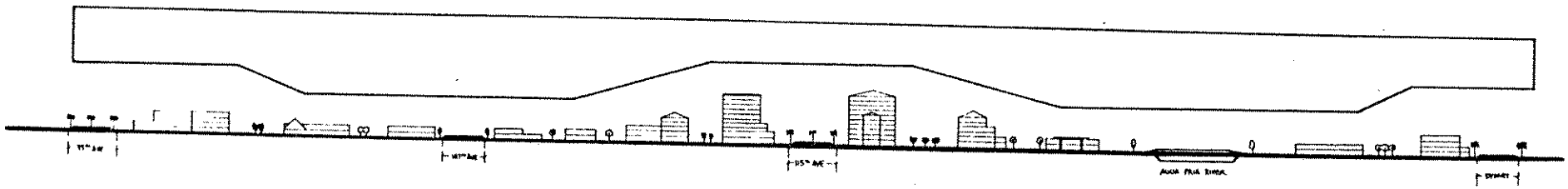
- Avondale Centre (115th Avenue/I-10):
  Maximum height of ten (10) stories, 135+ feet.
- Corridor Entries as designated by the Land Use Plan:
  Maximum height of four (4) stories, 56+ feet.

The height of buildings within the Avondale Centre area should relate to the site's location, with the highest building situated near the I-10 Freeway and 115th Avenue. Building height should decrease as distance for the intersection increases, similar to the concept of a pyramid, shown on Intensity of Development figure (page 19).

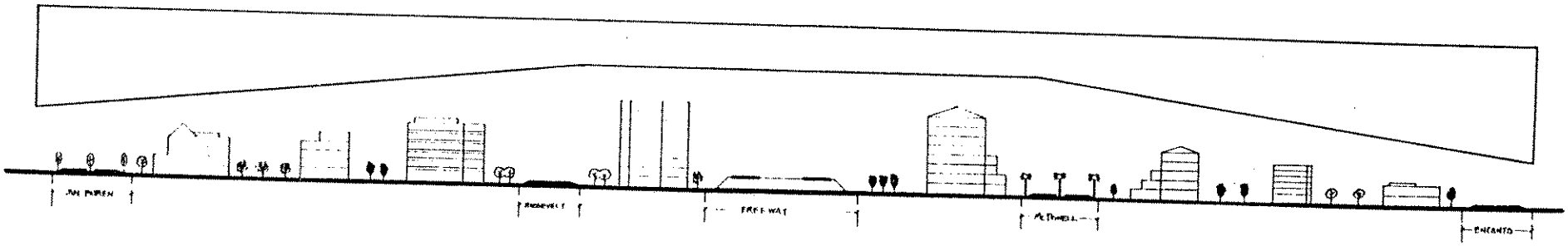
Residential Uses: High density residential uses within three fourths of a mile of the I-10 Freeway and with direct access to an arterial street are permitted to exceed the building heights and densities established by the Zoning Ordinance (maximum of two (2) stories or 30 feet and 22 units per acre) upon meeting certain performance criteria. Building height and density may be increased to 40 feet and 30 units per acre, respectively.

2. Boulevard Streetscape
One of the objectives of the Freeway Corridor Plan is, in part, "to establish a distinctive image for the Corridor and the City of Avondale". To carry out this objective, this Element proposes developing unique street and landscaping improvements within certain important public rights-of-way in the corridor. A formal "Boulevard" theme is proposed to be developed along the most important thoroughfares in the Corridor to set them apart from other arterials in the Valley. Specifically, 115th Avenue, between McDowell Road and Van Buren Street, and the entire length of McDowell Road within the Corridor, should receive the Boulevard treatment.

INTENSITY OF DEVELOPMENT



CROSS-SECTION ALONG McDOWELL RD.
(LOOKING SOUTH)



CROSS-SECTION ALONG 115TH AVENUE
(LOOKING WEST)

The "Boulevard" streetscape concept should be comprised of the consistent and repetitive use of certain tree and plant materials. In particular, vertical landscape elements such as tall trees help to accentuate focal points along the boulevard and to catch the attention of the public from a distance. Pedestrian circulation can be upgraded by providing wide, shaded sidewalks separated from the street by landscaping and by specially paved pedestrian street crossings. Other elements which will help to enhance the streetscape include specially-designed transit stops, unique street furniture and lighting, and street intersections constructed of special paving materials. Drought tolerant plant materials shall be required to promote water conservation.

Requirements for utilizing a formal palm tree theme along the Boulevard in combination with shade trees and wide sidewalks are included in this plan (see accompanying sketches). California fan palms, with a minimum trunk height of 20 feet, shall be planted at 60 foot intervals along the sides of streets and within landscaped median areas. Understory trees to provide shade along sidewalks shall be chosen from the Palo Verde, Mesquite, Acacia and Honey Locust variety of trees.

In combination with landscaping, setback, and other design standards and requirements imposed on private property fronting on the Boulevard, Avondale has the opportunity to establish a unique character for the Freeway Corridor area. While the Boulevard will be designed to carry significant amounts of vehicular traffic, many of the Boulevard elements are designed to enhance pedestrian circulation as well as comfort.

3. Building and Site Design

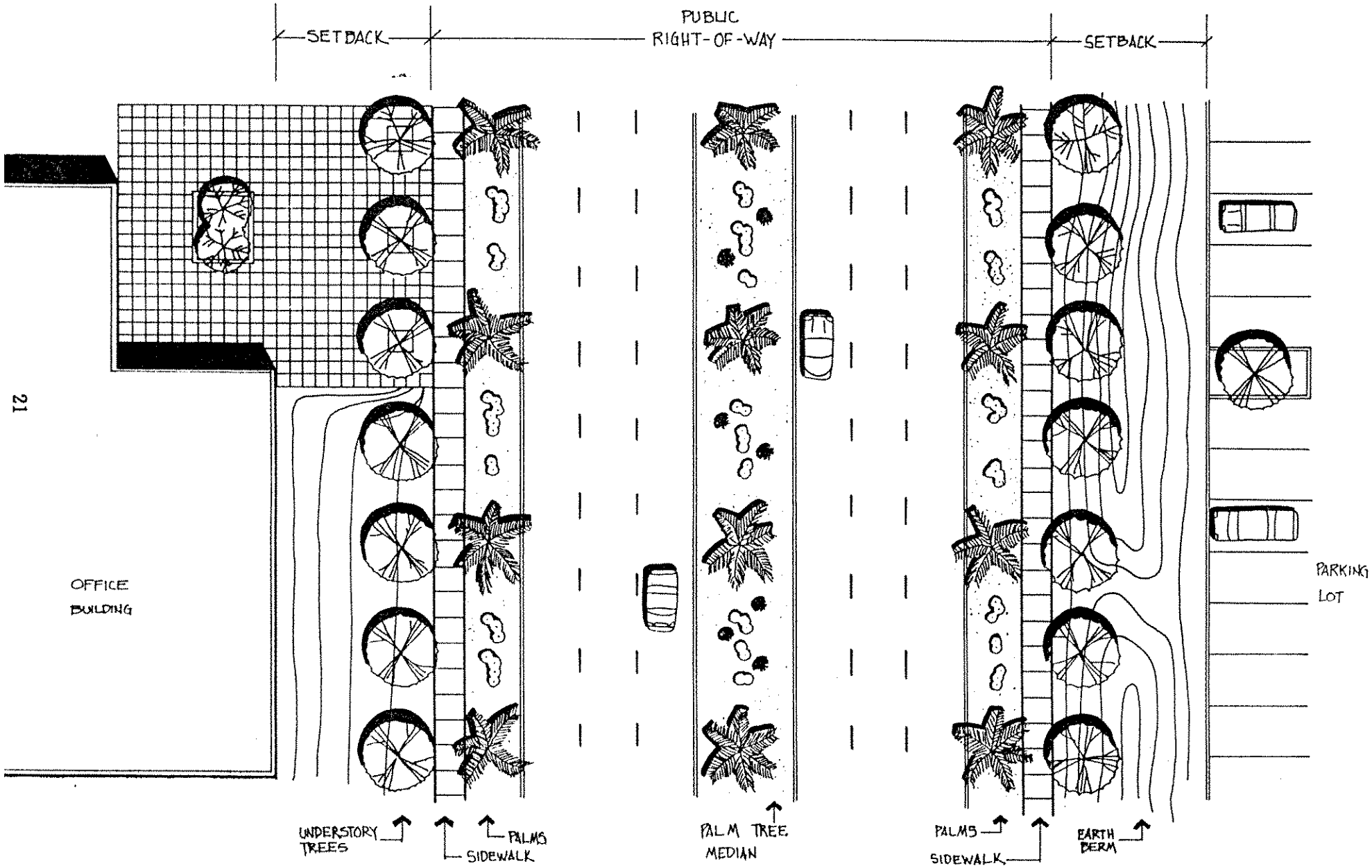
The design of buildings and the property upon which they are located is a critical component of the urban environment. The City encourages architectural themes that are sensitive to the southwestern heritage. The scale of a building and its relationship to the street can create either a city, suburban, or rural flavor. The integration of a building into the streetscape can influence pedestrian circulation patterns and create a sense of place for public gatherings.

The Avondale Zoning Ordinance regulates building and site design throughout the City. Certain areas, however, within the Freeway Corridor will require more detailed review and regulation because of their visibility or importance to the image of the Corridor. Those types include:

- Property fronting on McDowell Road and 115th Avenue where the "Boulevard" streetscape is proposed;
- Corridor entries; and
- Property either fronting on or within 600 feet of the I-10 Freeway.

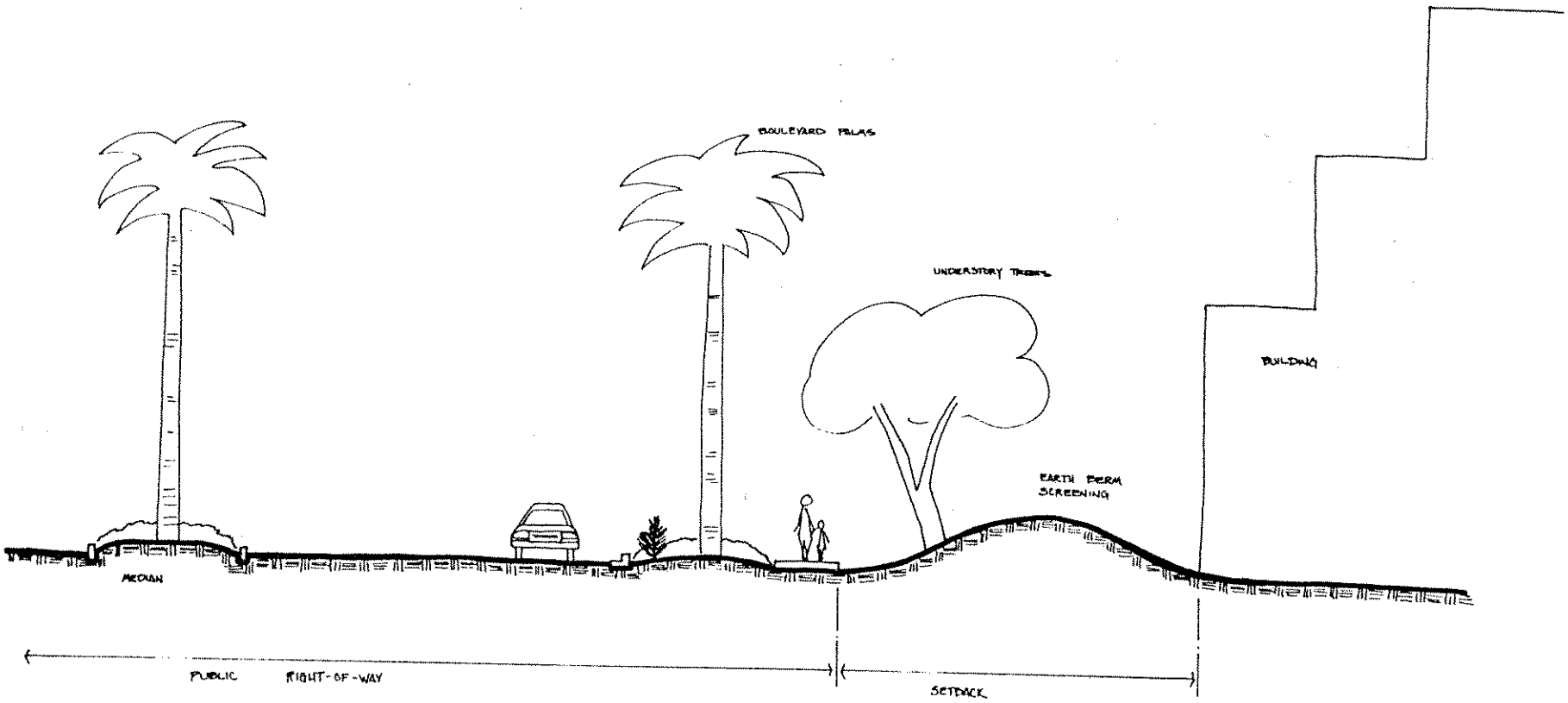
Following is a more detailed description of each area referenced above.

BOULEVARD CONCEPT



NOTE: DRAWING NOT TO SCALE

BOULEVARD CONCEPT



Boulevard Area: The Boulevard streetscape concept proposes a unified landscaping and design treatment for the public right-of-way. Complementary building and site design of private property is necessary to ensure that the integrity of the public street improvements is not compromised. Building design and site planning should promote the "pedestrian-friendly" atmosphere of the Boulevard. Buildings should be placed along the street frontage to encourage pedestrian circulation via courtyards, plazas, and walkways. Parking lots should be situated behind buildings or, if fronting on the Boulevard, should be heavily screened by "soft" materials such as earth berms and landscaping. To promote a suburban character to the boulevard, setbacks along the street should be increased beyond the minimum requirements of the Zoning Ordinance. Buildings which receive increased height allowances should be designed in a manner to promote openness along the boulevard and the suburban character.

Corridor Entries: These designated areas should meet the same building and site design guidelines established for the Boulevard areas. In addition, however, entry into the Corridor should be noted by unique building design, landscaping treatments, and signage. Monuments or similar structures should be considered to announce the Corridor entry.

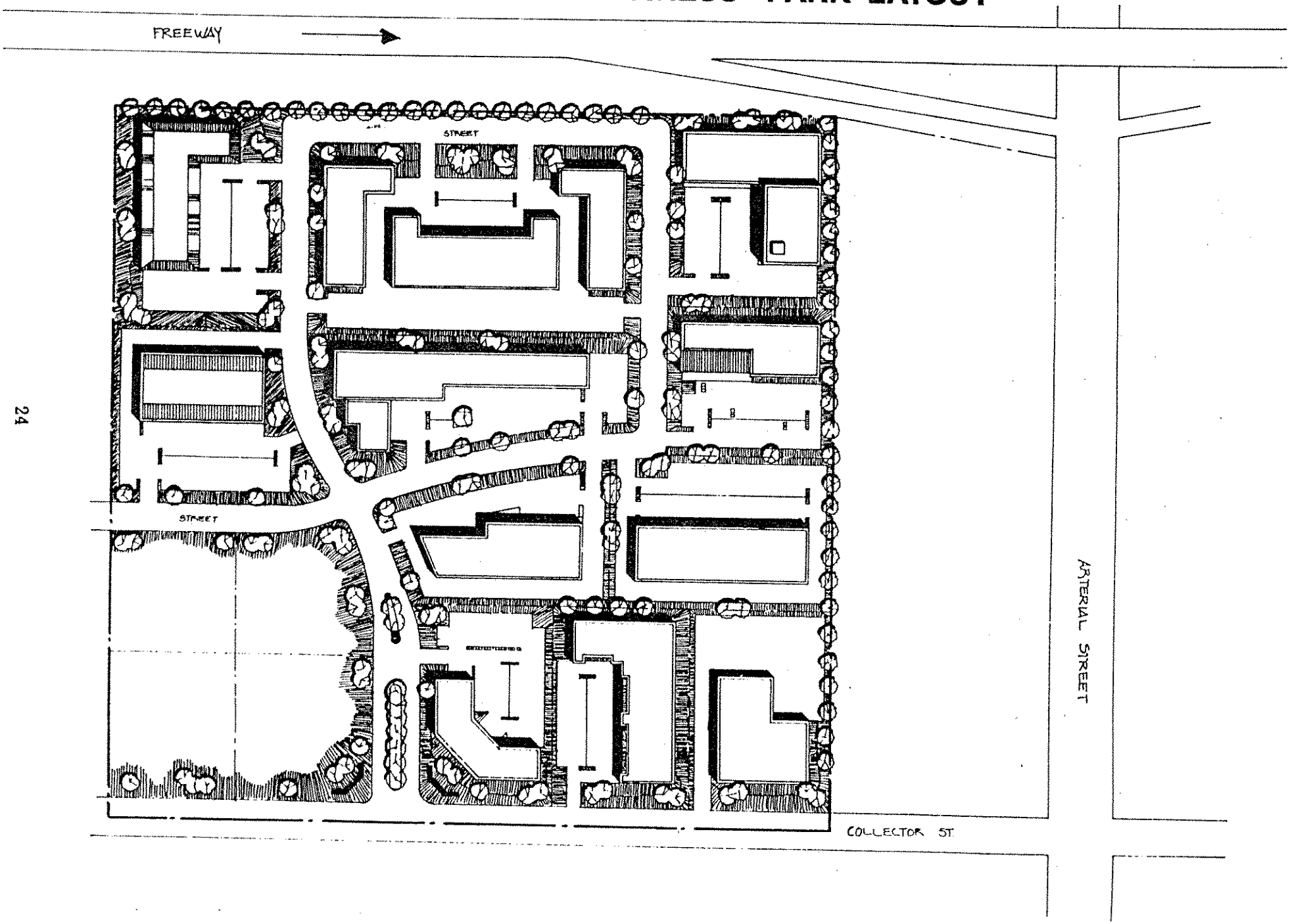
Freeway Frontage: Property within 600 feet of I-10 which is not included within the previous categories, will be subject to certain use and design restrictions. Two generalized types of land use areas are expected to be found along the Freeway frontage:

- Between 99th Avenue and 115th Avenue along the north side of the Freeway, commercial and service uses are expected to locate with buildings oriented toward the McDowell Road frontage.
- Along the remainder of the Freeway frontage, uses are expected to be largely employment-related.

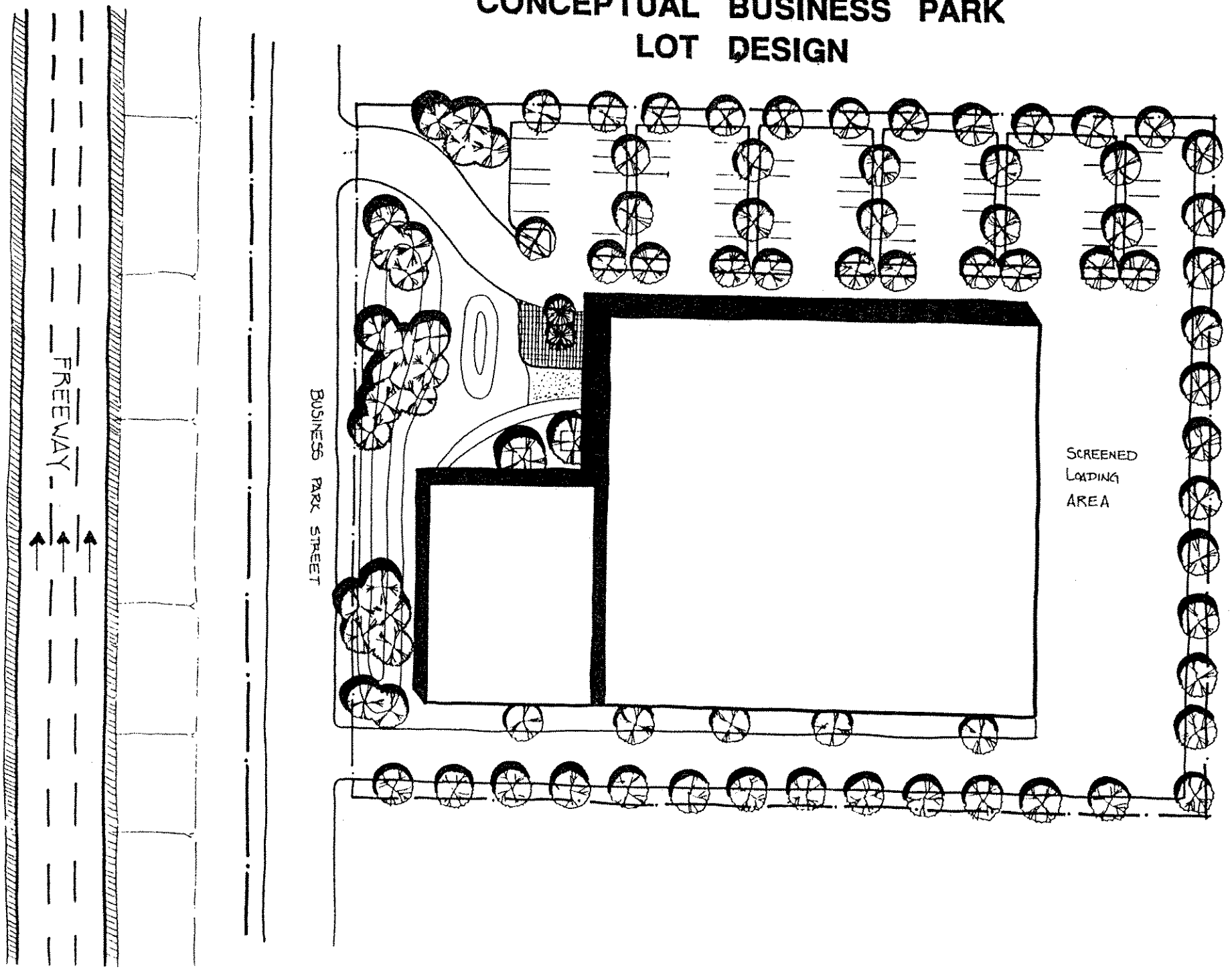
Development along the I-10 Freeway frontage should consider the speed and direction of travel of freeway traffic which limits views into adjacent properties. Buildings and landscaping shall be oriented to provide screening of parking areas and loading and service areas away from the view of the Freeway traveler. Buildings shall be designed to give the appearance of fronting or facing onto the freeway. Building entries, administrative office areas and similar activity areas should be oriented toward the Freeway to promote a high tech/research and development/business park image.

Where it is not possible to front buildings onto the Freeway, such as between 99th Avenue and 115th Avenue, high earth berms and other "soft" screening devices shall be used to conceal parking areas and similar uses. Four-sided building architecture in these instances will be highly important.

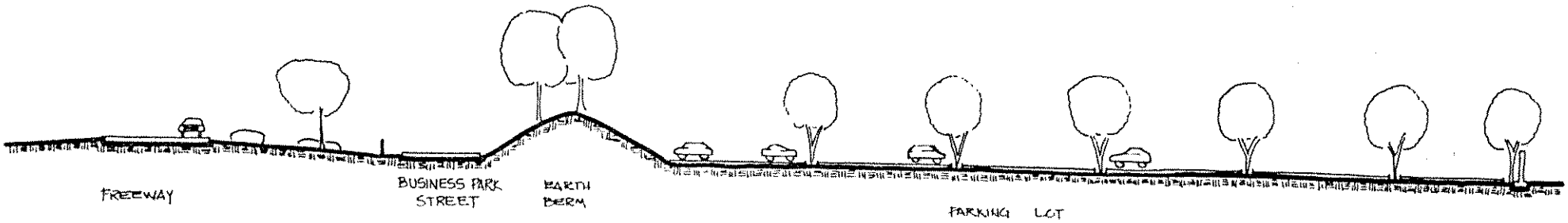
CONCEPTUAL BUSINESS PARK LAYOUT

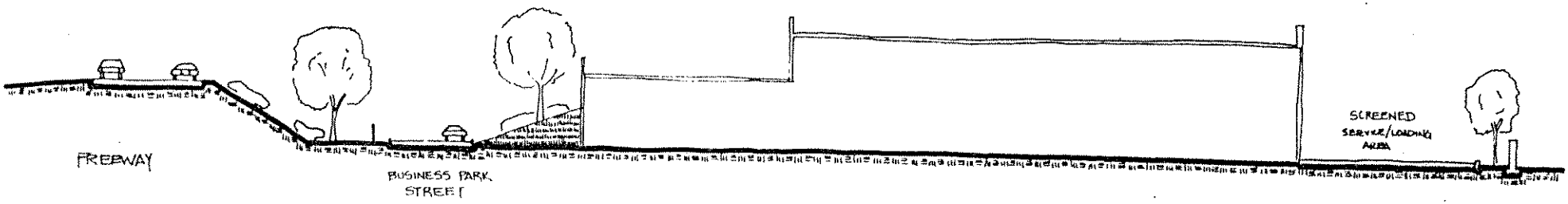


CONCEPTUAL BUSINESS PARK LOT DESIGN



CONCEPTUAL BUSINESS PARK LOT CROSS-SECTIONS





Employment related uses within the Freeway frontage area should be limited to minimize offensive visual images. Manufacturing uses shall be restricted to enclosed buildings with only limited outdoor storage areas not visible to the freeway traveler. Uses which employ trucks in their operations, such as warehousing and distribution, shall be fully screened. Bay doors and loading areas shall not be visible from the Freeway.

Transition/Integration: Increases in allowable building intensity can create conflicts between incompatible land uses, particularly moderate and low density residential. Building design shall be developed to preserve privacy for impacted residential areas due to increases in building intensity. Design requirements may necessarily exceed the screening and buffering standards currently contained in the Zoning Ordinance.

Views: Views of the Estrella Mountains should be preserved along arterial streets through setback and building design standards. Individual building sites should also incorporate view preservation in their design program.

C. Circulation Element

The Freeway Corridor Plan is directed to capitalizing on Avondale's interstate and metropolitan transportation advantages. It is, therefore, essential to augment I-10 access to the area with an efficient, safe, and attractive circulation system.

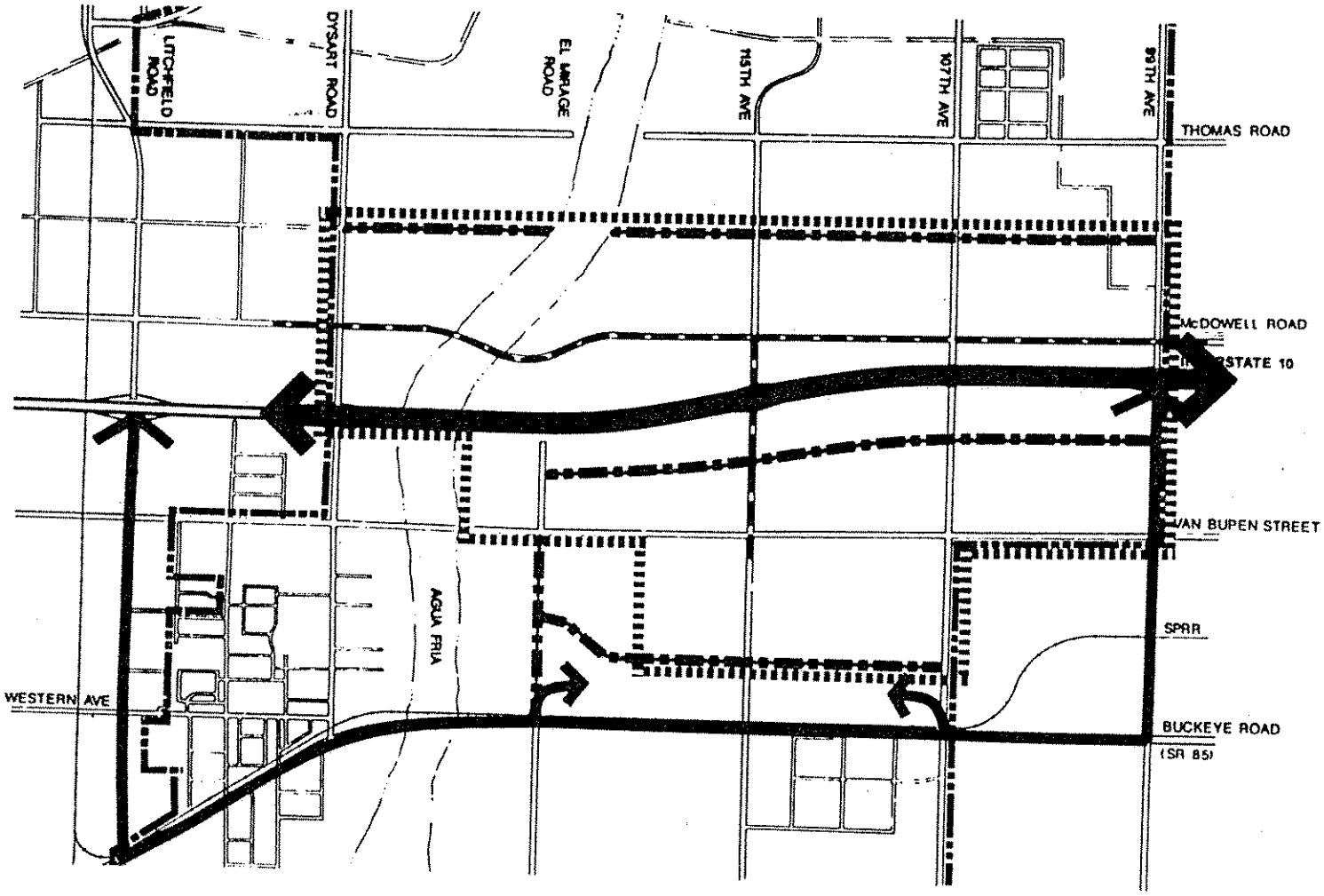
This system considers auto, truck, transit, bicycle and pedestrian movement as operating in concert to constitute the Corridor's circulation element.

1. Street Classification

   A hierarchy of streets criteria within the Freeway Corridor has been established the desired appearance and functional requirements. The system classifies streets into four categories: freeway, major arterial, minor arterial, and collector. Each category reflects varying characteristics of the roadway in terms of speed of movement, width, landscaping, accessibility, and traffic volumes.

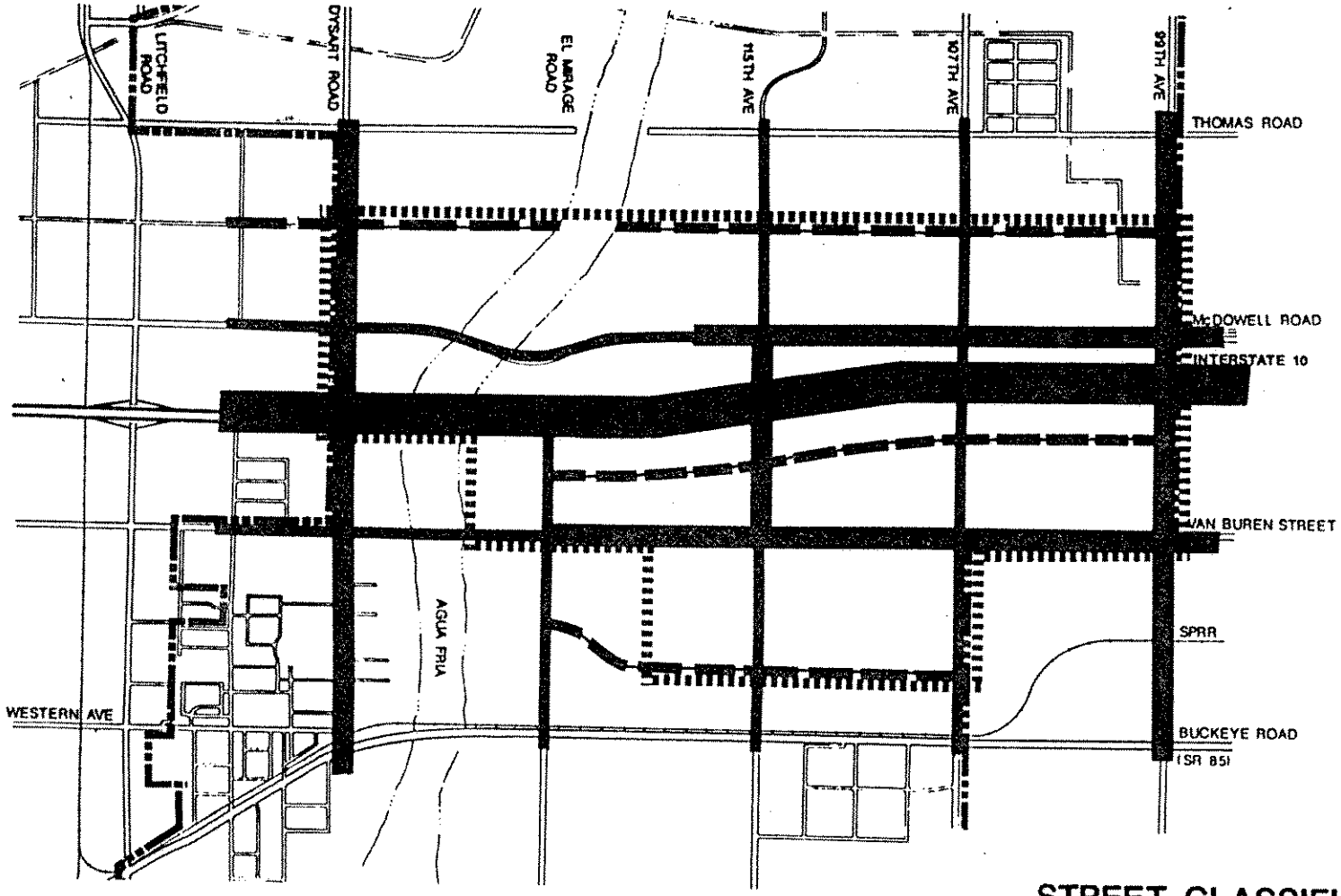
   Local streets, access drives and other internal circulation routes will also be designated in site masterplanning.

   Freeway: The sole roadway in this category is the I-10 Freeway. This classification contains the most intensive activity of the entire roadway network. Characteristics include: very high traffic speeds, wide lanes, large landscaped median, extremely limited access, and very high traffic volumes.



STREETS / CIRCULATION

- Interstate 10
- Road Extensions
- Boulevard Treatment
- Truck Access



STREET CLASSIFICATION

- Freeway
- Major Arterial
- Minor Arterial
- Collector

Major Arterial: The major arterial classification is restricted to streets at select locations along the mile grid pattern. Streets within the Freeway Corridor that qualify for this classification are Dysart Road, 99th Avenue, and parts of 115th Avenue, McDowell Road, and Van Buren Street. Characteristics of major arterial streets include: relatively high traffic speeds, wide lanes, limited access, and high traffic volumes. Landscaped medians are typical for major arterials, as well.

Minor Arterial: Minor arterials also tend to be located along the mile-grid pattern; however, this is not required. Streets classified as minor arterials within the Freeway corridor include 107th Avenue, El Mirage Road, and portions of 115th Avenue, McDowell Road, and Van Buren Street. These roadways are characterized by moderate traffic speeds, moderate traffic volumes. Minor arterials may also include landscaped medians, but will typically include only a left turn lane.

Collector: Collector streets are the least intensive component of the street classification system. Within the Freeway Corridor three future street extensions have been classified as collectors: Encanto Extension, Roosevelt Extension, and Hadley Extension. These collectors will be classified by low traffic volumes. These streets are not likely to contain medians.

2. System Improvements

As the land uses and intensities envisioned in this Specific Plan begin to be realized, comprehensive circulation system improvements will be required to accommodate the increased traffic flow throughout the Corridor. A comprehensive circulation system should include consideration and encouragement of alternative modes of transportation as well as traditional street widening and signalization improvements.

Improved Collector Street Service: Currently, three collector streets are proposed to be extended into the Corridor--Encanto Boulevard Extension, Roosevelt Road Extension, and Hadley Road Extension. These are seen as necessary additions to existing east-west arterials, McDowell and Van Buren.

When complete, the three new east-west streets will provide mid-point access and augment internal circulation to future development throughout the Corridor. Encanto Boulevard and Hadley Road extensions comprise the northern and southern boundaries of the Corridor, respectively.

Up-grading Arterials: The primary north-south arterial in the Corridor is 115th Avenue, with the McDowell Road/I-10/115th Avenue node being the focus of development in the Corridor. With the intense office development proposed by this Plan along 115th Avenue, major street improvements will be required to accommodate the expected traffic volumes. These improvements will include street widening and additional signalization, as well as the provisions for pedestrian and bicycle travel.

Other north-south arterials (99th Avenue, 107th Avenue, Dysart Road) provide additional access through the Corridor. All of these streets provide linkages between the north and south sides of the freeway through under passes under the elevated freeway. Currently, 107th Avenue and El Mirage Road are the only arterials without a freeway interchange; however, both have been approved for interchanges, 107th Avenue being in the five-year plan.

The only access across the freeway is located at the one-mile arterial streets. No mid-block crossings exist or are planned in the near future. This creates the need for an efficient collector street network to accommodate the increased traffic volumes at the freeway interchanges.

State Route 85 (Buckeye Road), located just south of the Corridor, is the primary truck and industrial traffic link to the Corridor. This state highway should be maintained as the primary truck route around the Corridor. Truck access between the state highway and the freeway will be provided via 99th Avenue and Litchfield Road. This route will effectively limit truck traffic through the Corridor. Heavy truck traffic will be discouraged through the Corridor except as necessary for local deliveries.

3. Alternative Modes

As the Avondale Freeway Corridor develops, attention needs to be focussed on the encouragement of alternative methods of transportation, such as transit, bicycles, and pedestrian. Future transportation system improvements need to incorporate adequate facilities to promote the use of alternative modes of transportation rather than the traditional automobile usage.

Transit: Avondale is actively participating in metro park-and-ride services. The potential exists for the extension of these services throughout the Freeway Corridor. This should be a consideration in the planning and development of all future projects in the Corridor.

The potential of a mass transit link from Avondale to Phoenix is the greatest along the I-10 Corridor, with the 115th Avenue/I-10 Freeway interchange being the major focus of such a link. This focus along 115th Avenue will increase the opportunities for regional office and commercial development in the center of the Freeway Corridor.

Bicycle Paths: A high priority should be placed on the incorporation of bicycle facilities into transportation system improvements. A distinction should be made between bicycle paths used for recreation and bicycle lanes used for commuting. Recreational paths should be separated from major roadways to reduce conflict and stress for the rider. However, bicycle lanes should be included on all major streets for use by commuters. These lanes should be of adequate width to facilitate their efficient use by riders and should be clearly marked as bicycle-only lanes.

Pedestrians: A focus also should be on the provision for pedestrian access to and through the Corridor. This includes the development of "pedestrian friendly" environments, such as landscaped, shaded plazas and other similar amenities that encourage people to walk places rather than drive very short distances. These provisions should be included in future development projects in the Corridor as well as in the development and implementation of street design standards.

V. IMPLEMENTATION

A. Specific Plan Administration

Under State law, specific plans provide a greater level of detailed planning and regulation of a sub-area of the community. Specific Plans are considered a part of or an amendment to the community's General Plan, and may, by State law, be regulatory. That is, the Plan may contain provisions, standards, and restrictions which supercede regulations of the City's Zoning Ordinance.

The Avondale Freeway Corridor Plan contains a number of provisions which are "regulatory" in nature. Administration of the Specific Plan will be subject to the following rules.

1. Where a provision of the Specific Plan varies from the underlying zoning or the Subdivision Ordinance, the Specific Plan shall prevail.

2. Within the Freeway Corridor area, no building shall be erected and no existing building shall be moved, altered, enlarged; nor shall any land or building be used except in conformance with regulations contained in the Specific Plan.

3. If at the time of adoption of the Specific Plan, any lot, structure, or building was being used in an otherwise lawful manner that does not conform to the Specific Plan regulations, such lot, structure, or building shall be deemed nonconforming. Such use may continue in the manner and to the extent that it existed or was being used at the time of such adoption. Nonconforming uses shall be governed by the nonconforming use regulations of the Zoning Ordinance.

4. Variances from regulations contained in the Specific Plan may be granted in accordance with the procedures and standards for granting variances from the Zoning Ordinance.

5. Any amendment to the adopted Specific Plan shall be processed in accordance with State law.

6. Violation of any regulation contained in the Specific Plan shall be deemed to be a violation of the Avondale Zoning Ordinance.

B. Development Review Procedures

This section describes regulatory procedures for the review of development proposals and rezonings within the Freeway Corridor area. Two primary areas for review and processing are addressed by this section: 1) those projects which desire to achieve increased height or density allowances in certain areas of the Corridor; 2) projects located within the Corridor with regard to conformance with specific design standards.

Increased height and density allowances may be granted by the City Council, upon recommendation of the Planning Commission, in accordance with the procedures for review and approval of Zoning Ordinance Amendments (Section 109 of the Avondale Zoning Ordinance) and

Notification of Public Hearings (Section 111). Requests for increased height and density allowances may be combined and heard concurrently with requests for rezoning of property.

1. Increased Building Height Allowance
   Within the Avondale Centre Corridor Entry areas, the height of office buildings may be increased above the maximum height allowed by the zoning Ordinance to the following levels:

   - o Avondale Centre: Maximum of ten (10) stories or 135+ feet
   - o Corridor Entry Area: Maximum of four (4) stories or 56+ feet

   Approval of a request for increased height allowances shall only be granted by the City Council upon finding that:

   a. The request conforms to the intent and objectives of the Freeway Corridor Plan.
   b. The request meets the Corridor design standards and principles.
   c. The request addresses four or more of the following performance criteria.

      - The project supports the Boulevard streetscape concept and provides street and landscaping improvements which exceed the minimum requirements.
      - The project provides a mix of land uses which may, in addition to office, include retail, hotel, entertainment, and residential uses.
      - The project exhibits extraordinary architectural design quality.
      - The project provides a daycare or preschool facility primarily for employees.
      - The project provides and incorporates public art into the site.
      - The project provides cultural amenities such as libraries, museums, art galleries either on- or off-site.
      - The project is "pedestrian-friendly," providing for ease of pedestrian movement, unique pedestrian environments, or distinctive pedestrian gathering places.
      - If within a Corridor Entry area, the project incorporates unique signage, monuments, and other improvements to announce entry into the City of Avondale.
      - The project goes to extraordinary efforts to mitigate the impact of parking on the visual environment by use of structured or underground garages or exceptional landscaping treatment.
      - The project provides unique transit stops within or adjacent to the site.

   The review of a request for an increased building height allowance is a subjective matter left to the discretion of the City Council. The performance criteria establish a framework for evaluation purposes. In review of a proposal, the City Council should consider:

- The cost associated with the amenities provided under the performance criteria;
- The importance and desirability of the amenities in meeting the objectives of the Freeway Corridor Specific Plan.

2. Increased Density Allowance

For properties designated for high density residential uses located within three-fourths of a mile of the I-10 Freeway and with access to an arterial street, multi-family uses may request an increase in density (and a corresponding increase in building height) above the maximum allowed by the zoning Ordinance up to:

30 units per acre and 40 feet building height.

A density allowance may only be granted for those properties zoned R-4 under the City Zoning Ordinance. A request for an increased density allowance may be processed simultaneously with a request for rezoning.

Approval of a request for an increased density allowance shall only be granted by the City Council upon finding that:

a. The request conforms to the intent and objectives of the Freeway Corridor Plan.
b. The request meets the Corridor design standards and principles.
c. The request addresses three or more of the following performance criteria.
   - The project supports the Boulevard streetscape concept and provides street and landscaping improvements which exceed the minimum requirements.
   - The project exhibits extraordinary architectural design quality and distinguishes itself apart from other multi-family projects.
   - The project provides a buffer between non-residential and lower density residential uses.
   - The project possesses exceptional environmental quality in the use of open space, provision of landscaping and recreational facilities, and creation of a high quality image along the public street.
   - The project builds upon the pedestrian orientation of facilities within the Corridor area.

The review of a request for an increased density allowance is a subjective matter left to the discretion of the City Council. The performance criteria establish a framework for evaluation purposes.

3. Minimum Site Utilization Thresholds:
Development of Freeway Corridor sites is intended to utilize the land's full potential. Masterplanning is required in increments of ten acres or more. Phasing of development and demonstration of compatibility with the high intensity designations contained in both the Avondale General Plan and this Specific Plan must be indicated in all masterplan submittals.

Building coverage for office development, hotels and related, accessory uses in the Avondale Centre sector, shall not exceed one third of the site's total planned building area. The Specific Plan does not specify minimum or maximum floor area ratios; however, it expressly encourages structures of four stories or greater in the Centre; two to four stories for office/hotel uses elsewhere in Mixed Use or Transition sectors.

Residential development contained in the Freeway Corridor Specific Plan Area masterplans shall have an average gross density not less than the lower end of the applicable, designated density range. That is, housing in High Density Residential shall average at least 15 units per acre; Moderate Density Residential, not less than eight units per acre.

At least twenty-five percent of the total masterplanned site shall be improved in the initial development phase. In addition to building sites, landscaping, open space and parking areas may be approved to meet the first phase improvement criterion.

4. Development Processing - Design Standards
The Urban Design Element of the Corridor Plan establishes policies and principles for the development of property within the study area. These Urban Design policies are further translated into specific "Design Standards" (See Section V-C.) which are regulatory and which add to or supercede the Design Standards of the Avondale Zoning Ordinance.

The Design Standards contained herein will apply to the review of building and site plans as part of the application of building permits in accordance with Section 106, Site Plan Review, of the Avondale Zoning Ordinance. The Freeway Corridor Design Standards, therefore, will apply to:

- All new buildings and uses of land which have not received building permits prior to the adoption of the Specific Plans; and
- Existing properties when a change in the distinguishing characteristics or primary features of the use of a building or land occurs as defined in Section 106 of the Zoning Ordinance after the adoption of the Specific Plan.

The Design Standards or extensions of time for previously-approved, lapsed site plan approvals may also be used in the evaluation of Zoning Map amendments within the Corridor area. The Design Standards should be incorporated into any preliminary site plans that may be prepared for rezoning cases and be part of any stipulations placed on a zoning case.

City staff shall inform all applicants for rezoning and building permits about the Freeway Corridor Design standards at the earliest time possible, preferably at preliminary application meetings.

The City staff shall require the use of the Planned Area Development (PAD) District for any rezonings within the Freeway Corridor area.

C. Design Standards

The Design Standards directly affect only a few important sub-areas within the corridor and are organized by those categories of sub-area and design element. The standards are also noted by the symbol (R) or (E). The symbol (R) indicates that the standard is a "regulation"; i.e. it must be included in a development which is subject to the City's Site Plan Review process. Any waiver of or relief from the regulation must be approved through the variance procedures established in the Zoning Ordinance.

The symbol (E) refers to the term "expectation"; i.e. a concept or principle which should be considered in the design of a project. Adhering to expectation standards may be beneficial to the favorable acceptance of a plan by demonstrating the applicant's desire to meet the objectives of the Freeway Corridor Plan. This, in turn, may help the City to evaluate the project for a request for rezoning or for an increase building height or density allowance.

1. Boulevard Area Design Standards

   Property fronting on the "Boulevard" area or located at a Corridor Entry site shall meet the following design standards.

   Building Design

   (R) a. Buildings higher than two (2) stories shall be designed with a "stepped" pattern to promote openness along the street frontage. Such a pattern creates interesting building surfaces and the opportunity to preserve view corridors.

   (E) b. Uses which promote pedestrian activity along the street frontage, such as retail, restaurant, and entertainment facilities, are highly encouraged. Pedestrian courtyards and plazas should be used to tie buildings to the Boulevard, adjacent sites, and transit stops.

   (R) c. Building entries shall be unique and easily identifiable to the pedestrian. Primary entries shall face on to and be oriented toward the Boulevard.

   (R) d. Exterior building surfaces shall minimize reflectivity onto adjacent property. While the maximum level of reflectivity is not prescribed mirrored surfaces are discouraged. The color of exterior surfaces shall also minimize solar heat gain within the building.

(R) e. Parking structures shall not be located adjacent to public street frontages unless street level business space is incorporated into the structure. The structure shall be designed in harmony with the primary structure(s) on the site in terms of scale, form, color, and materials.

(E) f. Signs should be designed to be consistent with the architectural character, materials, and color of the primary structure(s).

(E) g. Buildings at Corridor Entry locations should receive unique design treatment to accentuate entrance into the City of Avondale.

Site Design and Landscaping

(E) h. Encourage a minimum of 30% of the street frontage to be occupied by buildings located at the setback line.

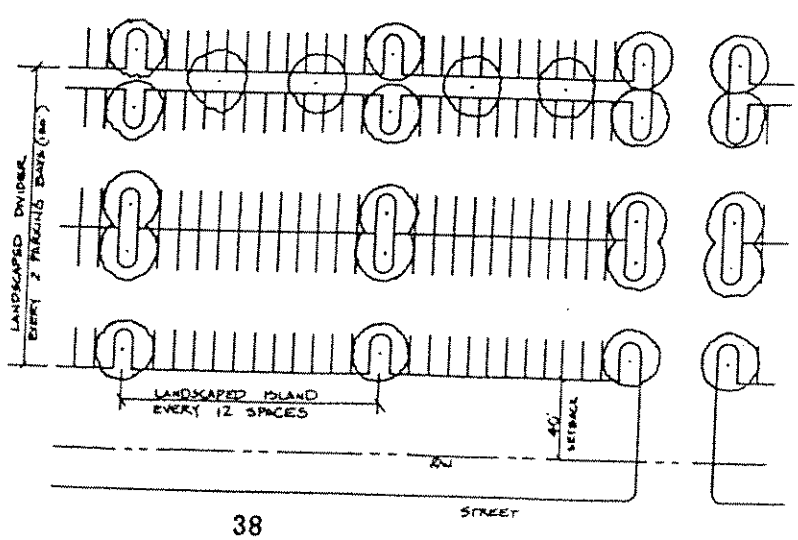
(R) i. Setbacks along the Boulevard area shall be 30 feet for buildings and 40 feet for parking areas. The entire set back area shall be landscaped except for driveways, sidewalks, pedestrian plazas and similar hardscape improvements which may extend into the set back area.

(R) j. At least 50% of all frontage landscaped areas shall be covered by living plant material characterized by horizontal growth which generally does not exceed 18 inches in height.

(R) k. All parking lots shall be screened along the Boulevard by earth berms with a minimum height of four (4) feet and a maximum slope of 3:1. Masonry walls and landscaping may substitute for screening up to a maximum of 25% of the frontage of the parking lots.

(R) l. Where a parking lot is situated within 200 feet of the Boulevard public right-of-way, a minimum of 15% of the parking lot shall be landscaped, excluding required set back areas. Planter islands shall be provided at least every 12 consecutive parking spaces. A landscaped divider island shall be provided every two (2) parking bays or 130 feet (see sketch below).

TYPICAL PARKING LOT LANDSCAPING



(R) m. Trees shall be provided in surface parking lots at the ratio of one (1) tree per six (6) spaces.

(E) n. Shaded pedestrian walkways, directing pedestrians to primary building entrances, should be provided where feasible.

(R) o. All landscaping improvements and plant material installed shall conform with the Boulevard landscape theme established by this Plan, the Zoning Ordinance, and any subsequent studies. Tree sizes shall be a minimum of 24" box. Upgrading of tree sizes to 36" box is encouraged.

(E) p. Building sites along the Boulevard should include pedestrian-oriented facilities such as street furniture, public art, rest areas, and similar improvements, all consistent with this corridor Plan.

2. Freeway Frontage Design Standards
Property within the Freeway Frontage area (within 600 feet of the Freeway) shall meet the following design standards.

Land Use

(R) a. Uses expected to locate within the Freeway Frontage area will be predominately commercial and commerce park. Uses specifically prohibited include:
- Lumber yards;
- Farm machinery or heavy equipment sales;
- Truck stop;
- RV park or mobile home park;
- Drive-in theater; and
- Motion picture studio.

(R) b. Warehousing, distribution and light manufacturing uses are permitted along the Freeway frontage provided all design, screening and landscaping standards are met and provided that:
- All manufacturing activities are within enclosed buildings;
- Outdoor storage areas are limited in size and not visible to the Freeway traveler;
- Warehouse and distribution uses are fully screened; bay doors and loading areas shall not be visible to the Freeway, or arterial/collector streets.

Building Design

(R) c. All non-residential buildings must be constructed of masonry or reinforced concrete. Metal buildings will not be permitted.

(E) d. The design of a building should consider the speed and direction of travel of Freeway traffic. Design emphasis should be placed on those sides of the building most visible to Freeway traffic. However, all sides of a building shall receive architectural treatment.

(R) e. All roof mounted mechanical equipment, satellite dish antennas, and similar appurtenances must be screened from public view. All screening devices shall be designed as an integral part of the building.

(E) f. Non-retail building design should reflect a high tech/R&D/ business park image along the Freeway. Building entries, administrative offices and similar activity areas should be oriented toward the Freeway. False building facades may be used to promote the high tech image on large wall expanses or for non-administrative building areas on the most critical building sides.

(E) g. Signs should be designed to be consistent with the architectural character, materials, and color of the primary structure(s). The City will consider increases in wall sign coverage, consistent with the scale of the building, up to 200 square feet.

Site Design and Landscaping

(R) h. Site design should consider the speed and direction of travel of Freeway traffic which limits views into adjacent property. Buildings and landscaping shall be oriented to screen parking areas and loading and service areas from the view of the Freeway traveler.

(R) i. Parking areas fronting on the Freeway shall be screened by minimum six (6) foot or higher landscaped earth berms. Parking areas shall set back from the Freeway or any service roads a minimum of 30 feet.

(E) j. Sites should be designed with buildings facing or fronting onto the Freeway. Building entries, administrative office areas, and similar activity areas should be oriented toward the Freeway to promote the high tech image.

(R) k. At least 50% of all frontage landscaped areas shall be covered by living plant material characterized by horizontal growth which generally does not exceed 18 inches in height.

(R) l. Parking lots which front on the Freeway shall receive more extensive landscaping than required by Code. The method of providing such landscaping is not prescribed; however, the City may include larger tree specimens, additional planter islands and dividers, or additional trees.

(R) m. ADOT-approved landscaping of existing right-of-way fencing.

D. Public Facilities

Each site upon which any development requiring City of Avondale permits takes place is required to provide, or contribute toward the provision of all planned public facilities according to applicable City policy. In particular, the City may require special standards for the Freeway Corridor Specific Plan area.

1. Streets
   It is intended that the Avondale Right-of-Way Standards Manual establish widths, paving standards, policies regarding curb-cuts and street radii, lines of sight, curb, gutter, sidewalk, and landscaping criteria specially tailored to the anticipated type, intensity and quality of Freeway Corridor development.

2. Water and Sewer
   Master plans for water line extension and looping, sanitary sewer and storm sewer (or other drainage facilities) are calibrated for the Freeway Corridor so as to provide adequate capacities for projected development intensities. It is expressly contemplated that these standards may exceed those applicable to other areas of the Avondale community.

3. Utilities
   Installation of utilities, likewise, may be subject to special guidelines or requirements designed by the City or utility action guides include: encouragement of common trenching for better construction economy and providing underground utilities in high-visibility areas such as Freeway Frontage properties.

4. Other Municipal Systems
   Additional City facilities, such as bicycle paths, gateway beautification features, common parking areas, transit convenience or public open space, may require or provide incentive for contributions by adjacent property owners who may benefit from these Freeway Corridor improvements.

E. Action Program

The implementation of Specific Plan goals will be highly dependent on the concerted efforts, by both city and property owners, to prepare and promote the Corridor. This prime location requires four distinct steps as part of an active follow-through program: detailed infrastructure planning; development funding; capital improvements programming; and on-going progress monitoring.

1. Functional Studies and Plans
   As called for in this Plan, special requirements may be established for property development within the Freeway Corridor area. These requirements, including (but not limited to) the following, should be established as soon as practicable.

Components described in Subsection D, Public Facilities, are regarded as priority topics for Freeway Corridor functional plans. Early action to establish street, water/sewer, utility and other systems' criteria tailored to the Corridor's specific goals is fundamental to Plan implementation.

2. Development Funding Assistance
   Exploration into joint venture funding on the part of multiple property owners, may be necessary in order to achieve economies of scale for utility extensions, roadways and visual enhancements. Oversized improvement programs, with payback arrangements, should be considered. The City may wish to consider utilizing the Community Facilities District approach to help provide necessary financing for phased Corridor infrastructure improvements.

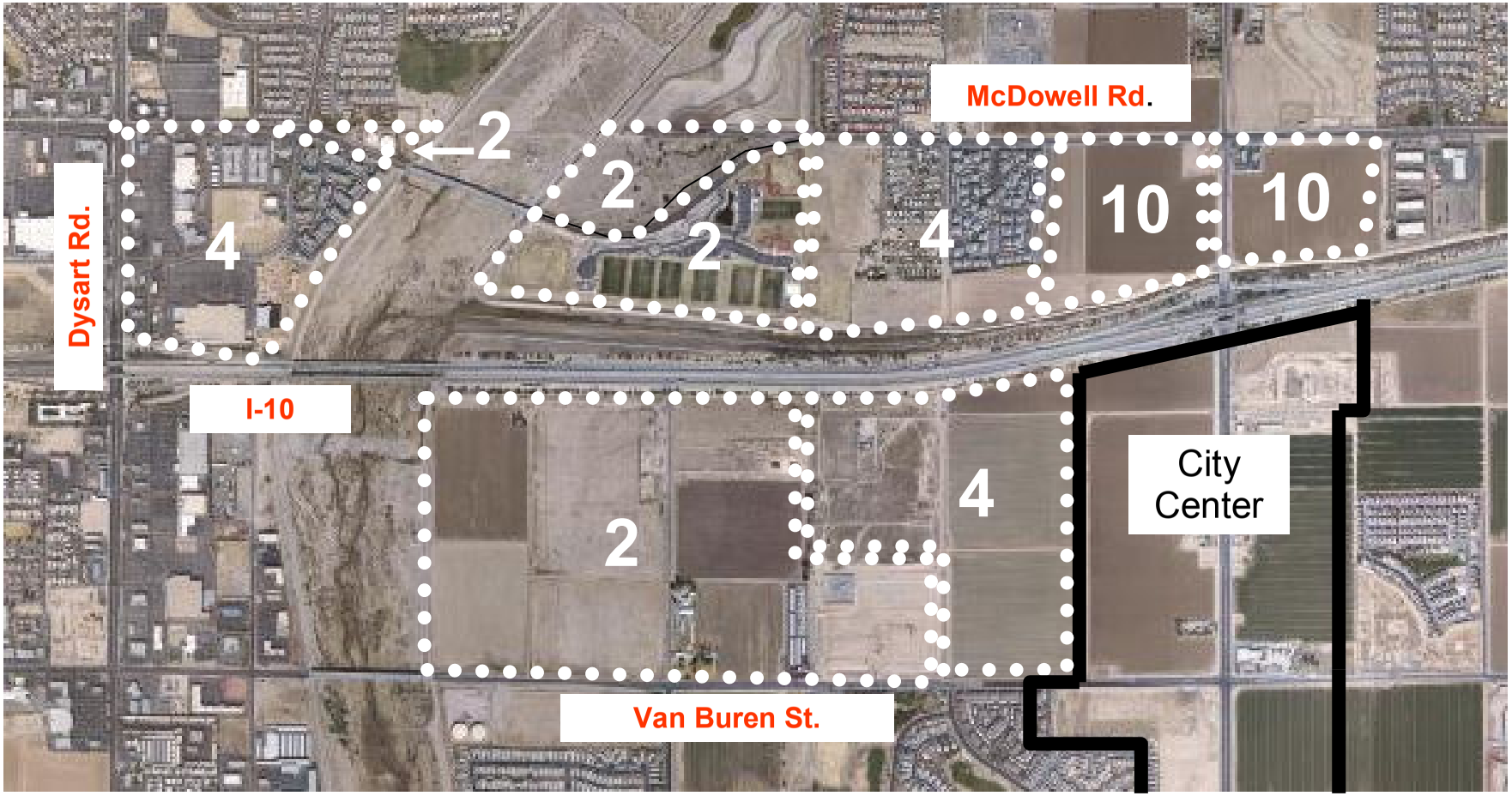
3. Capital Improvements Programming
   Avondale's Capital Improvements Program is expected to supply a significant boost to the Corridor's development. The City's willingness to earmark public funds for Specific Plan projects should be used as an incentive for quality private development.

   CIP funding should be sufficiently large and flexible to accommodate investors in early Plan implementation projects.

4. Progress Monitoring
   The Avondale Planning Commission is charged with the responsibility for causing appropriate City staff reporting as to the progress of Freeway Corridor Specific Plan development. It is recommended that reporting occur on at least an annual basis, preceded by a review workshop or forum to which Corridor property owners and the general public are invited.

Proposed Maximum Building Height (stories)

EXHIBIT C1



Match Exhibit C 2

SP-07-04

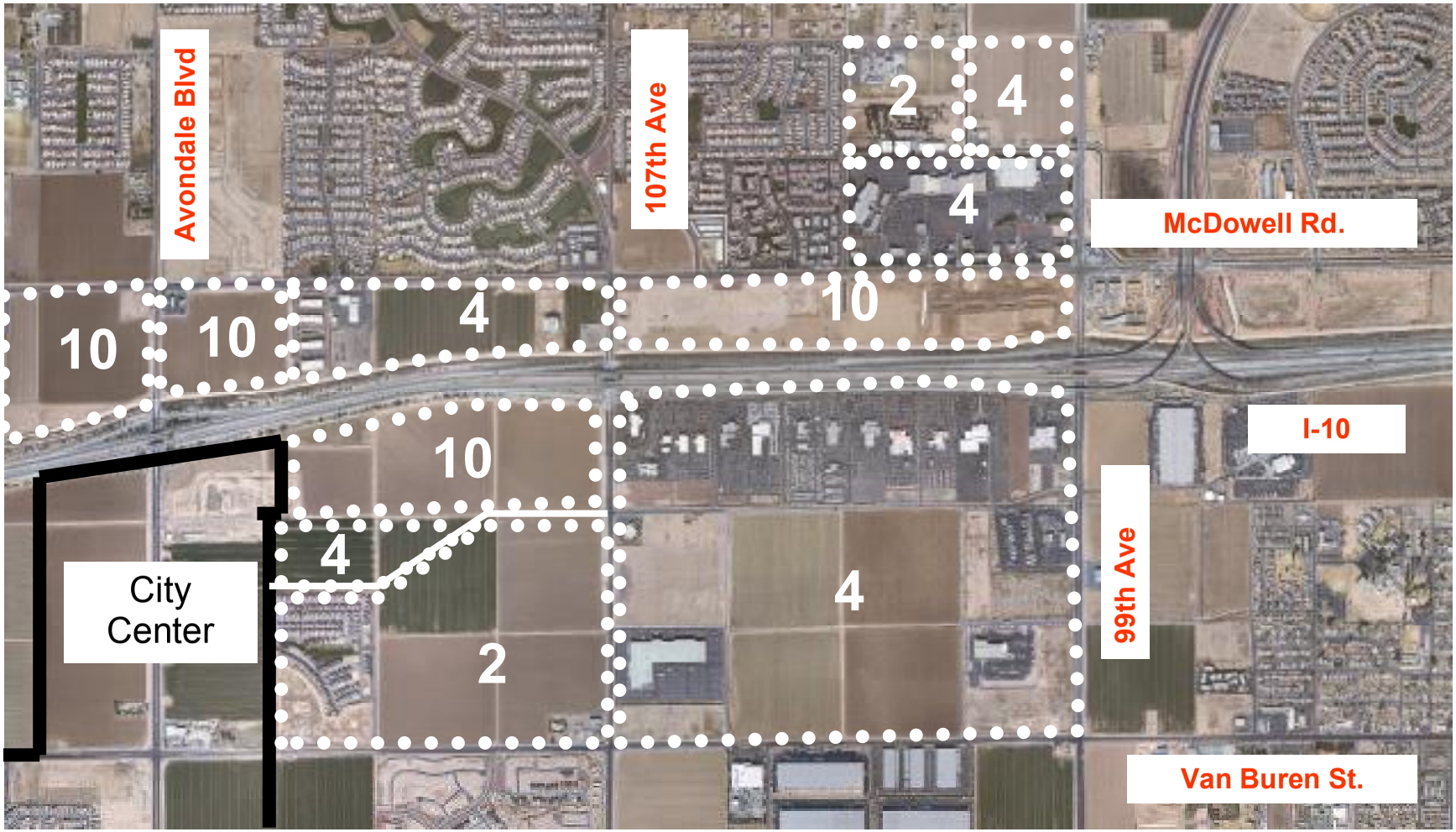
N

EXHIBIT B

Proposed Maximum Building Height (stories)

EXHIBIT C 2

Match Exhibit C 1



SP-07-04

N

PROPOSED AMENDMENT
FREEWAY CORRIDOR SPECIFIC PLAN
(SP-07-04)

IV. SPECIFIC PLAN ELEMENTS

B. Urban Design Element

(Page 18)
~~Office uses:~~ OfficeS, ~~uses~~ HOTELS, AND VERTICALLY INTEGRATED MIXED-USE: BUILDINGS in specified locations are permitted to exceed the maximum height established by the Zoning Ordinance (maximum of two (2) stories or 30 feet) upon meeting certain performance criteria. The locations where building heights can be increased are:

- Avondale Centre (115th Avenue / I-10:
  Maximum height of ten (10) stories, 135+ feet.

- ~~Corridor Entries as designated by the Land Use Plan:~~
  ~~Maximum height of four (4) stories, 56+ feet.~~

- SHOWN ON EXHIBITS C1 and C2.

The height of buildings within the Avondale Centre area should relate to the site's location, with the highest building situated near the I-10 Freeway and 115th Avenue. Building height should decrease as distance from the intersection increases, similar to the concept of a pyramid, shown on Intensity of Development figure (page 19).

Residential Uses: High density residential uses within three fourths of a mile of the I-10 Freeway and with direct access to an arterial street are permitted to exceed the building heights and densities established by the Zoning Ordinance (maximum of two (2) stories or 30 feet and 22 units per acre) upon meeting certain performance criteria. Building height and density may be increased to 40 feet and 30 units per acre respectively.

V. IMPLEMENTATION

B. Development Review Procedures

(Page 33)
This section describes regulatory procedures for the review of development proposals and rezonings within the Freeway Corridor area. Two primary areas for review and processing are addressed by this section: 1) those projects which desire to achieve increased height or density allowances in certain areas of the Corridor; 2) projects located within the Corridor with regard to conformance with specific design standards.

Increased height and density allowances may be granted by the City Council, upon recommendation of the Planning Commission, in accordance with the procedures for review and approval of Zoning Ordinance Amendments (Section 109 of the Avondale Zoning Ordinance) and Notification of Public Hearings (Section 111). Requests for increased height and density allowances may be combined and heard concurrently with requests for rezoning of property.

(Page 34)

1. Increased Building Height Allowance

   ~~Within the Avondale Centre Corridor Entry areas~~, ~~t~~The height of office, HOTELS, AND VERTICALLY INTEGRATED MIXED-USE buildings may be increased above the maximum height allowed by the Zoning Ordinance to the following levels:

   - Avondale Centre: Maximum of ten (10) stories or 135+ feet
   - ~~Corridor Entry Area: Maximum of four (4) stories or 56+~~ feet
   - OTHER LOCATIONS: AS SHOWN ON EXHIBITS C1 AND C2

   Approval of a request for increased height allowances shall only be granted by the City Council upon finding that:

   a. The request conforms to the intent and objectives of the Freeway Corridor Plan.
   b. The request meets the Corridor design standards and principles.
   c. The request addresses four or more of the following performance criteria.

      - The project supports the Boulevard streetscape concept and provides street and landscaping improvements which exceed the minimum requirements.
      - The project provides a mix of land uses which may, in addition to office, include retail, hotel, entertainment, and residential uses.
      - The project exhibits extraordinary architectural design quality.
      - The project provides a daycare or preschool facility primarily for employees.
      - The project provides and incorporates public art into the site.
      - The project provides cultural amenities such as libraries, museums, art galleries either on or off-site.
      - The project is “pedestrian-friendly”, providing for ease of pedestrian movement, unique pedestrian environments, or distinctive pedestrian gathering places.
      - If within a Corridor Entry area, the project incorporates unique signage, monuments, and other improvements to announce entry into the City of Avondale.
      - The project goes to extraordinary efforts to mitigate the impact of parking on the visual environment by use of structured or underground garages or exceptional landscaping treatment.
      - The project provides unique transit stops within or adjacent to the site.

~~The review of a request for an increased building height allowance is a subjective matter left to the discretion of the City Council. The performance criteria establish a framework for evaluation purposes. In review of a proposal, the City Council should consider:~~

- ~~The cost associated with the amenities provided under the performance criteria;~~
- ~~The importance and desirability of the amenities in meeting the objectives of the Freeway Corridor Specific Plan~~.

THE CITY COUNCIL MAY GRANT AN ADDITIONAL HEIGHT INCREASE OF UP TO FIFTY PERCENT (50%) IN AREAS WHERE FOUR OR MORE STORIES WOULD OTHERWISE BE ALLOWED UPON FURTHER FINDING THAT:

1. THE ADDITIONAL HEIGHT IS NEEDED TO FURTHER THE CITY'S STRATEGIC PLAN FOR ECONOMIC DEVELOPMENT;

2. BUILDINGS WILL EXHIBIT SUPERIOR DESIGN FEATURES THAT ARE APPROPRIATE FOR A COMMUNITY LANDMARK;

3. THE ADDITIONAL HEIGHT WILL NOT RESULT IN INCOMPATIBLE LAND USE RELATIONSHIPS; AND

4. THE ADDITIONAL HEIGHT WILL NOT ADVERSELY AFFECT THE FUTURE DEVELOPMENT OR ONGOING VITALITY OF THE CITY CENTER AREA ALONG AVONDALE BOULEVARD.

(Page 36)

3. Minimum Site Utilization Thresholds:

Development of Freeway Corridor sites is intended to utilize the land's full potential. Master planning is required in increments of ten acres or more. Phasing of development and demonstration of compatibility with the high intensity designations contained in both the Avondale General Plan and this Specific Plan must be indicated in all master plan submittals.

Building coverage for office development, hotels and related accessory uses in the Avondale Centre sector shall not exceed one third of the site's total planned building area. The Specific Plan does not specify minimum or maximum floor area ratios:; however, it expressly encourages structures of four stories or greater in the Centre; two to four stories for office / hotel uses elsewhere in Mixed Use or Transition sectors.

4. Development Processing – Design Standards

C**. Design Standards**

The Design Standards directly affect only a few important sub-areas within the corridor and are organized by those categories of sub-area and design element. The standards are also noted by the symbol (R) or (E). The symbol (R) indicates that the standard is a

"regulation;" i.e. it must be included in a development which is subject to the city's Site Plan Review process. Any waiver of or relief from the regulation must be approved through the variance procedures established in the Zoning Ordinance.

The symbol (E) refers to the term "expectation;" i.e. a concept or principle which should be considered in the design of a project. Adhering to expectation standards may be beneficial to the favorable acceptance of a plan by demonstrating the applicant's desire to meet the objectives of the Freeway Corridor Plan. This, in turn, may help the City to evaluate the project for a request for rezoning or for an increase building height or density allowance.

1. Boulevard Area Design Standards
   Property fronting on the "Boulevard" area or located at a Corridor Entry site shall meet the following design standards.

   <u>Building Design</u>

   a. Buildings higher than two (2) stories shall be designed with a "stepped" pattern to promote openness along the street frontage. Such a pattern creates interesting building surfaces and the opportunity to preserve view corridors.
      ~~(R)~~ (E)

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-11-0080

APPLICANT: City of Avondale

REQUEST: Freeway Corridor Specific Plan Update – a presentation will be provided by Planning Staff to discuss an update to the Freeway Corridor Specific Plan, originally adopted in 1991. The study area is generally bounded by 99th Avenue, McDowell Road, Van Buren Street, and the Agua Fria River. For information and discussion only.

Ken Galica, Planner II, stated that the Freeway Corridor Specific Plan was adopted in 1991. It was amended in 2002, along with the General Plan Update, and again in 2007 in relation to building heights. The primary purpose of the plan is to establish design criteria to enhance Avondale's image along the I-10 freeway corridor, which is the most heavily traveled roadway through the City. Most people unfamiliar with the City get their first impression from this corridor. The plan says design emphasis should be placed on the side of the building most visible to freeway traffic.

Mr. Galica said the majority of the design criteria contained in the plan is now required for development across Avondale. The new update focuses specifically on what the City would like to see in the freeway corridor. Land uses are governed by the General Plan and Zoning Ordinances, not the specific plans. The area covered by the plan is generally bounded by McDowell Road, 99th Avenue, Van Buren Street, and the Agua Fria River, with exceptions west of the river and north of McDowell Road. The City Center area was removed from the plan when it received its own area-specific plan. The most dominant features of the corridor are the Automall, Friendship Park, Integrated Medical Services, and the Avondale Commerce Center.

Mr. Galica explained that much has changed in the last 20 years that the plan has been in existence. The economic development focus has shifted a little in the corridor since 1991. Today's focus is to create Business Park, Office, and Urban Commercial. Updates are also needed to reflect a new vision for increased Employment and Mixed Use density, with the goal of creating an attractive, sustainable, walkable, transit-served urban center unlike anything in the West Valley. Updating the specific plan is also an Implementation Strategy of General Plan 2030 approved by City Council on April 2nd.

Mr. Galica stated that staff envisions:

- A freeway corridor that incorporates new design requirements to enhance Avondale's image
- Ensuring compatibility with the General Plan, specifying the form that density should take
- Utilizing technology that was unavailable in 1992 to create a highly visual document
- Reviewing the height requirements to determine if they are still sufficient
- Determining a consistent treatment for gateways into the area
- Evaluating the boundaries to determine if areas should be added to the specific area plan
- Using a highly transparent process to encourage as much community support as possible, including neighborhood design charettes, where property owners can see their ideas transformed into photo simulations.

Mr. Galica explained that no action is required now. He welcomed Commissioner input on the plan, on the strengths and weaknesses of the freeway corridor as it exists today, on the goals and objectives for the corridor, and on creating a walkable urban core.

Commissioner Demlong encouraged careful consideration on how to buffer the riparian area along the Agua Fria River and the highly planned City Center area, so that development does not negatively affect those areas. He said Avondale should look to coordinate with Goodyear and Tolleson so that adjacent plans mesh as much as possible.

Chair Cotera inquired about the City of Phoenix's plan for the area north of McDowell Road and east of the 101 Freeway. Mr. Galica explained that Phoenix has significant plans for the 99th Avenue corridor, though none are scheduled for the immediate future. They see mid-rise office development for a majority of the frontage. Chair Cotera requested information on the Avondale side of 99th Avenue. Mr. Galica responded that Avondale would like to build off the intensity planned for the Phoenix side, while also buffering areas closer to residences. He acknowledged that the plan boundary could be expanded on the west to incorporate the Coldwater Plaza shopping center, which is in the corridor, and could potentially be an attractive site for redevelopment in the future.

Chair Cotera inquired whether the plan accounts for an interchange at El Mirage Road. Mr. Galica said an interchange is being considered for south of El Mirage Road, but

Friendship Park makes it impossible to build to the north. The current plan allows for increased building heights along the freeway itself.

Vice Chair Scibienski said he agreed with the extension on the southwest portion of the area plan, as long as it does not negatively affect the industrial area along Eliseo C. Felix Jr. Way. Mr. Galica said adding the area into the plan would not change their use, but would enhance their design requirements.

Chris Schmaltz, Legal Counsel, inquired about the update process. Mr. Galica explained that the specific plan would require a resolution, but not an amendment to the General Plan. The purpose of specific area plans is to supplement the General Plan with more requirements for particular areas, such as heights, landscape, etc. They give developers an understanding of what requirements they need to adhere to when they develop property in the area.

Commissioner Kugler asked about branding opportunities in the plan. Mr. Galica responded that there might be a need to discuss the design of signs in this area, but no need to discuss specific allowances as those already determined by the Zoning Ordinance. Gateway entry features and way finding measures provide opportunities for branding that would help establish an Avondale identity.

City Council Work Session Meeting – Excerpt of Meeting Minutes
June 18, 2012

2) FREEWAY CORRIDOR SPECIFIC PLAN UPDATE

Information related to the Freeway Corridor Specific Plan (FCSP) update and provide input regarding how the Plan can best achieve the City's goals for future development within the freeway corridor.

Charlie McClendon, City Manager, said that since the General Plan is being updated, staff recommends also updating the various area specific plans that provide guidance to the General Plan. Ken Galica, Planner II, presented the Freeway Corridor Specific Plan. Arizona state statutes allow cities to enact area specific plans to provide further direction for very specific geographical areas. The FCSP was adopted in 1991, lightly amended in 2002, and majorly amended in 2007 as part of an effort to address building heights. The plan establishes urban design criteria to ensure that development of the freeway corridor enhances the image of Avondale. Land uses inside the specific plan are governed by the General Plan land use map and overlying zoning.

Mr. Galica stated that the boundary of the FCSP is roughly 99th Avenue on the east, McDowell on the north, Dysart Road north of I-10, and Van Buren on the south (except the area within City Center). The boundary encompasses the Avondale Auto Mall, the Integrated Medical Services office building, Friendship Park, and the Avondale Commerce Center. The plan is over 20 years old, and much has changed in that time. Most of the property then was used for agricultural purposes. Today's focus is on business park, medical corridor, high-intensity office, urban commercial and mixed use along I-10. The FCSP is included in the General Plan update that will go before voters in August. The updated plan will be used to implement the vision of an attractive, sustainable, multi-modal urban center unlike anything in the West Valley.

Mr. Galica said new design requirements ensure that Avondale's image is enhanced along the I-10. Many of the current design standards are worthy of being held over, since they have been adopted citywide. Staff would also like to enhance landscape design opportunities, implement Tree City U.S.A., evaluate height requirements and design, and amend plan boundaries to possibly incorporate the Coldwater Depot Shopping Center. In order to enhance community engagement, staff would like to hold interactive design charrettes, presenting designed components in real time. He welcomed input from the Council Members.

Council Member Weise noted that tall buildings are rare along freeways in the Valley, because development has not yet matured in those areas. If opportunities for height and density come along, then the City should pursue them, but he felt the current focus should be on the weaknesses in the design guidelines instead. When it comes to development along 99th Avenue, Avondale should take the lead instead of waiting for Phoenix to set the standard. Eventually, the market will turn around, and the West Valley will be attractive because it offers the best value. He inquired whether Coldwater Plaza will be included in this plan. Mr. Galica responded that staff felt it should be included, since it is freeway commercial property. Council

Member Weise commented that the area is a valuable part of the city that brings unique assets.

Council Member Weise inquired about a southbound freeway ramp at El Mirage. Mr. McClendon explained that the project is not budgeted in Prop 400 until the fourth five-year period, which will be in the 2020s. However, staff has had preliminary discussions with Maricopa Association of Governments (MAG) on the potential for advancing that schedule. There are benefits to giving Coldwater Depot easier access to the freeway. A ramp there would drive traffic off of Van Buren and away from Coldwater Springs. Direct access would also increase the ability of Avondale distribution centers to serve the Pacific Coast.

Vice Mayor Karlin inquired whether the area north of McDowell Road between 115th Avenue and 99th Avenue could be incorporated into the plan. Mr. Galica agreed that the area could be added to either the FCSP or the North Avondale Specific Plan. The boundaries should definitely be re-evaluated.

Council Member McDonald said that while tall buildings seem unlikely, they should not be removed from the plan, since those height standards would provide future Councils the flexibility to entertain almost any proposal that might arise. It is important that the plan prepare for transit in the corridor, including leaving corridors open for light rail, and space for a bus-only freeway access ramp near the transit center location. With foresight, the City could avoid having to tear something up in the future to make way for transit improvements.

Council Member Scott inquired whether Avondale's FCSP was close to Goodyear's vision for the corridor. Mr. Galica said he could only speak to land uses. Since Goodyear has a longer frontage, they have a more varied mix of land uses. The area near the border with Avondale is very similar to what the FCSP would allow.

Council Member Buster noted that the plans are shifting away from light industrial towards residential and urban commercial, but questioned where the market was headed. Mr. Galica responded that the City has not abandoned the concept of light industrial in the city, but a significant amount was moved to the Litchfield and Lower Buckeye areas, near Goodyear's Airpark to build synergy there. The market is weak for just about everything right now. The City and the region have a warehouse shortage. It is very difficult to predict what segments will come back first, but the City has large acreage available to pretty much every possible use.

Council Member Weise suggested that undeveloped areas around Glenarm Farms could be used as a buffer zone, featuring step down residential development. Avondale has shown a propensity to look toward the future and be aggressive when required. He would not like to see Phoenix dictate what happens between the Loop 101 and 99th Avenue. Avondale should set the vision for that corridor, and can move faster than Phoenix. It would make sense to include 99th Avenue in the North Avondale Specific Plan. Council Member Vierhout felt the area should be incorporated into the FCSP so that it would tie into the property to the south near the Costco.

Mayor Lopez Rogers said that since the area is along the freeway, it would be helpful to tie it into the FCSP, only because it seems to have the same types of

uses. Coldwater needs to be brought back in to the FCSP. Transit-oriented development is crucial to this area. The entryway to Avondale should have a special landscaping look, without blocking the views of the buildings.

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-11-0080

APPLICANT: City of Avondale

REQUEST: Freeway Corridor 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.

Excerpt of the Minutes of the Planning Commission Meeting held May 23, 2013 at 6:30 p.m. in the Council Chambers.

COMMISSIONERS PRESENT
Sean Scibienski, Chair
Mike Demlong, Vice Chair
Lisa Amos, Commissioner
Grace Carrillo, Commissioner
Michael Long, Commissioner

COMMISSIONERS EXCUSED
Anglea Cotera, Commissioner
Kevin Kugler, Commissioner

CITY STAFF PRESENT
Tracy Stevens, Planning Manager, Development Services Department
Ken Galica, Planner II
Linda Herring, Development Services Representative
Jackie Keller, Landscape Architect/Urban Designer

APPLICATION NO. PL-11-0080

APPLICANT: City of Avondale

REQUEST: A City initiative to update the Freeway Corridor Specific Plan (FCSP). The FCSP will apply to property in Avondale's jurisdiction in the area bounded by Van Buren Street to the south, McDowell Road to the north, Dysart Road to the west, and 99th Avenue to the east. The Plan area will also include parcels located between 99th Avenue and 103rd Avenue from McDowell Road to Indian School Road. Additionally, several commercial parcels north of McDowell Road, west of 103rd Avenue are included in this plan's boundaries. Staff Contact: Ken Galica

Ken Galica, Planner II, presented an update to the Freeway Corridor Specific Plan (FCSP). The FCSP was adopted in 1991 and amended in 2002 and 2007. The role of the FCSP is to supplement the classifications, standards, provisions, and requirements of the Avondale Zoning Ordinance and other City documents, ensuring the area's development meets the City's goals for the Corridor as identified in the GP2030.

Mr. Galica reviewed the four sections of the FCSP. Section I is the Introduction and Background, which discusses FCSP'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.

Vice Chair Demlong **MOVED** that the Planning Commission CONTINUE application PL-11-0080, a request to approve a Resolution adopting the amended Freeway Corridor Specific Plan (FCSP), to the July 18, 2013 Planning Commission Meeting. Commissioner Long **SECONDED**.

ROLL CALL VOTE

Sean Scibienski, Chair	Aye
Michael Demlong, Vice Chair	Aye
Lisa Amos, Commissioner	Aye
Grace Carrillo, Commissioner	Aye
Michael Long, Commissioner	Aye
Angela Cotera, Commissioner	Excused
Kevin Kugler, Commissioner	Unexcused

The motion passed 5-0.

EXHIBIT G

TAIT DEVELOPMENT, INC.

3131 E. CAMELBACK ROAD, SUITE 310
PHOENIX, ARIZONA 85016
(602) 279-3999 • FAX (602) 230-8065

July 15, 2013

Via email to spyles@avondale.org

Avondale City Mayor and Council Members
c/o Stephen Pyles
11465 West Civic Center Drive
Avondale, AZ 85323

Via email to tstevens@avondale.org

Avondale Planning Commission Members
c/o Tracy Stevens
11465 West Civic Center Drive
Avondale, AZ 85323

Via email to trivas@avondale.org

Avondale City Manager
c/o Tiffany Rivas
11465 West Civic Center Drive
Avondale, AZ 85323

Re: Freeway Corridor Specific Plan Update

All:

We have received a copy of the Freeway Corridor Specific Plan Update (Planning Commission Draft), together with a transmittal email stating: "A draft of the City's long overdue update to the Freeway Corridor Specific Plan is attached. The current plan was adopted in 1991 - The primary purpose of this update was to bring the Plan into agreement with the General Plan 2030's vision for higher intensity development and future High Capacity Transit service to the area. The updated Plan will apply to development in the area denoted by the black border, below. Existing PADs that are vested or those that are not expired will NOT be subject to any new requirements. The proposed plan will, however, apply to straight zoned properties (e.g., C-2) and any new/revised/extended PAD that is processed after the Plan's adoption date. You are encouraged to review the draft and provide comments, preferably by the end of business, Wednesday, May 22nd. Staff will be presenting the item to Planning Commission on May 23rd, at 6:30 PM in the Avondale City Hall Council Chambers."

We have thoroughly reviewed the proposed plan and would like you to consider our questions, comments and experience, which are briefly stated below:

Questions:

- Where has this type of plan, with this intensity of land use (i.e., very high FAR requirements, all office employment, tall buildings, structured parking), been implemented and successfully developed in the past?

- If it has worked in other areas, what were the demographics, population base, age of the surrounding housing stock, employment growth and economic vitality of those areas? Were they similar to this area or not similar to Avondale (i.e., population, land area, transportation, job base, overall size of economy)?

- How long did it take to build out those areas and how large were those areas?

- How large were the economic incentives offered by the cities in those areas to achieve the quality of development that they wanted?

- How is it legal to force the proposed plan to "apply to straight zoned properties (e.g., C-2) and any new/revised/extended PAD that is processed after the Plan's adoption date"? Didn't the owners and developers make major financial investments based on the zoning that they have and the City's Zoning Code?

Comments:

- Forcing owners and developers to comply with the FAR, structured parking, open space and other requirements will cause significant financial discord.

- The proposed plan is a wholesale departure from the incentive options and intent of the 1991 plan.

- Establishing mandatory minimum FARs for the FCSP area will significantly delay all future development of the FCSP area for many years and could lead to those properties never being developed due to declining quality of surrounding housing (i.e., old neighborhoods). Developers will build to the market, and the market in Avondale is not class "A" mid-rise office. How many mid-rise buildings and projects with "intense urban development" are located outside of downtown Phoenix and Tempe with FARs of 1.5 to 4.0?

- As a case in point, Phoenix Children's Hospital is a major user and they chose to build only a single level facility with surface parking.

- Users will choose cost effective real estate solutions that fit their specific cost structures, location, employee and use requirements.

- The plan states: "Employment generating uses within the Freeway Corridor will be required to take the form of multi-story Class A office development, spacious corporate office campuses, fully enclosed light industrial commerce park, and/or offices that are vertically integrated into mixed use developments." These types of projects are market and user driven, not city driven unless the city puts forth enormous economic incentives. These types of projects require high rental rates to be economically viable. The mandate of the FCSP, as proposed, will cause the majority of the growth and development activity to skip over Avondale in search of affordable real estate solutions with less restrictions, lower costs, and lower intensity of uses, i.e., more affordable options.

- Parklets are not popular with developers.

- The plan states: "All development in the Freeway Corridor <u>must adhere</u> to the requirements contained in this section in addition to all design and development standards contained in the Avondale Zoning Ordinance or Design Manuals. In the instance where a requirement in the Plan conflicts with a requirement from another City document, the standards herein shall take precedence."

- Site development thresholds: "Development within the FCSP area must adhere to the maximum building heights and minimum floor area rations (FARs) as shown on the following maps." Most FARs on the map are shown as .8 on the north side of I-10. This means that four times as many buildings will be placed on the property as currently are planned, i.e., four times the coverage or, alternatively, 80% of the land area will be buildings. This is to be mandated under the plan and will exacerbate the lack of employment growth for many years. A case in point, the existing low intensity employment (i.e., office and light industrial) buildings have a very high vacancy rate and only have a typical FAR of .2 or so. In some projects the vacancy rate is in excess of 75%.

- The plan requires structured parking for sites above a .8 FAR; however, in order to park above a .25 FAR building, tenants' parking ratios require developers to build structured parking. Lease rates in this submarket do not support the added cost of structured parking.

- The plan requires four foot high earth berms with a maximum slope of 3:1 adjacent to surface parking. Turf usually will not grow on 3:1 slopes. Four feet is a very tall berm. Where is the berm measured from?

- The plan requires "Continues planting strips dividing rows of parking must be provided every other row, with a minimum landscape area width of 6'". This requirement will significantly increase the land area needed to accommodate surface parking, and increase maintenance costs, which translate to higher real estate costs for the user/tenant.

- The plan requires "Development of office uses within the Freeway Corridor must meet "Class A" office standards, as follows": Min. 4 stories, Min. 15,000 SF, Central, interior lobby, steel frame construction, stucco/EFIS finishes, except in limited amounts as an accent material is prohibited. How many buildings fit all of these criteria in the I-10 Corridor between McDowell Road and Van Buren Street, west of I-17? Zero in 25-30 years of development in the area?

- The plan requires: "For development of commercial centers within the Freeway Commercial designation, a minimum of 30 percent of the street frontage shall be occupied by buildings located at the setback line." Retailers want their stores to be visible from arterials and freeways. This requirement is contrary to normal shopping center design, contrary to major retailers' business practices, site design, and customer experience, and will further reduce and delay development in the Freeway Corridor in Avondale.

<u>Experience & Facts:</u>

- Vacancy rates for employment type buildings (i.e., commercial office and industrial buildings) in Avondale are very high.

- Avondale Business Center, which is a 95,000+/- s.f. "flex" designed project able to accommodate employers ranging from 2,500 s.f. to 50,000+ s.f., is currently only 25% occupied, after 7+ years and has never been more than 30% occupied. The FAR for this project is only .25 FAR or less. Imagine what the vacancy would be if the project were currently 5 times larger?

- Requiring narrow and restricted uses contributes to increased vacancy rates.

- Requiring higher FARs will significantly increase the amount of square footage developed on each project, increasing the space built in the submarket by 4 to 5 times and lead to extremely difficult and long absorption periods.

- Requiring higher FARs and class "A" office will force developers to attempt to build buildings that are not desired in the sub market.

- Requiring structured parking will lead to enormous increases in development costs and lease rates that are not desired in the sub market.

- The FCSP as proposed is a city mandate, not an incentive based model. This mandate will render virtually all of the property undevelopable based on the standards set forth in the FCSP until such time as the population densities, traffic issues, and market lease rate factors create a scenario where tall class "A", high FAR buildings are developable.

- Our experience suggests that it is possible that high FAR buildings could be built in the FCSP area in the next 20 to 30 years; however, we believe it is much more likely that the development will leapfrog west of the FCSP area and be constructed at more normal FARs of .25 or less.

- Factors that will contribute to the leapfrog of commercial development will be: 1) FCSP area plans mandate for expensive high FAR class "A" projects with structured parking; 2) aging housing stock surrounding the FCSP area and likely declining demographic factors associated with aging housing stock; 3) existence of no successful non-retail employment projects within the FCSP area; 4) enormous supply of existing vacant employment space within the FCSP area (over 1,300,000+/- s.f.); 5) restrictive property use, zoning, and development standards within the FCSP area; 6) unrealistic expectations for development of the FCSP area which are not aligned with real estate development economics and real estate market economics in the southwest valley sub-market.

In summary, we believe that there are certain areas within metro-Phoenix where the real estate market economics and dynamic nature of employers desiring to locate in those areas will support high FAR projects. We do not believe that the I-10 corridor and FCSP area will support high lease rates for the development of high FAR projects with class "A" office. The FCSP area plan is completely out of touch with the realities of the real estate marketplace, will significantly lengthen development times, contribute to many years of fallow projects, and cause users to seek more affordable options in Goodyear, Buckeye, Surprise, Glendale and Tolleson.

Thank you for soliciting our input to the proposed FCSP area plan. If you have any questions regarding the items we addressed in this letter, please contact me at 602-279-3999.

Sincerely,

Tom Tait, Jr.

Tom Tait, Jr.

Excerpt of the Minutes of the Planning Commission Meeting held July 18, 2013 at 6:30 p.m. in the Council Chambers.

COMMISSIONERS PRESENT
Sean Scibienski, Chair
Mike Demlong, Vice Chair
Lisa Amos, Commissioner
Michael Long, Commissioner
Anglea Cotera, Commissioner
Kevin Kugler, Commissioner

COMMISSIONERS EXCUSED
Grace Carrillo, Commissioner (Excused)

CITY STAFF PRESENT
Tracy Stevens, Planning Manager, Development Services Department
Chris Schmaltz, Legal Counsel
Ken Galica, Planner II
Linda Herring, Development Services Representative
Jackie Keller, Landscape Architect/Urban Designer

APPLICATION NO. PL-11-0080

APPLICANT: City of Avondale

REQUEST: A City initiative to update the Freeway Corridor Specific Plan (FCSP). The FCSP will apply to property in Avondale's jurisdiction in the area bounded by Van Buren Street to the south, McDowell Road to the north, Dysart Road to the west, and 99th Avenue to the east. The Plan area will also include parcels located between 99th Avenue and 103rd Avenue from McDowell Road to Indian School Road. Additionally, several commercial parcels north of McDowell Road, west of 103rd Avenue are included in this plan's boundaries. Staff Contact: Ken Galica

Ken Galica, Planner II, said the FCSP was originally adopted in 1991 and amended in 2002 and 2007. This is the first major update since the plan was created. The role of the FCSP is to supplement the City's other documents for one specific area. Land uses are governed by the General Plan and Zoning Ordinance. The update was presented to the Planning Commission in May, where staff requested a two-month continuance to work with the development community and the Economic Development Department. This presentation is the result of that effort.

Mr. Galica said the updated plan amends the plan boundaries to include properties adjacent to 99th Avenue along the Loop 101 Corridor, to enhance the City's appearance from I-10 and Loop 101, to establish expectations for transit-oriented development (TOD) along the planned Roosevelt Street transit alignment, to promote development in

the corridor area that is multi-modal friendly, to promote forms of development that are high quality and emphasize the desire for urban residential, and to establish specifications for future construction of City infrastructure projects.

Mr. Galica said the FCSP is arranged in four sections: Introduction, Objectives, Design Requirements, and Public Participation. Of the six objectives, only Objective 3 has changed since May. Previously, Objective 3 required developers to meet recommended site utilization thresholds and provide generous maximum building heights to ensure the area develops at the intensity level needed to accomplish the City's goals. The language has been changed to encourage this type of development rather than require it, considering current market conditions.
Mr. Galica explained high capacity transit (HCT) and development associated with it. General Plan 2030 makes attracting a future HCT extension a priority. The Maricopa Association of Governments (MAG) Sustainable Transportation & Land Use Integration Study (STCUIS) has determined that demand for HCT will increase as the region grows, but will only be extended to areas that are sufficiently dense and intense. Cities that want HCT service must plan for target densities in strategic locations, and cities that fail to plan sufficient density are unlikely to warrant HCT service in the future. Avondale's General Plan land use map places intense commercial, office and residential categories adjacent to the preferred transit alignment, and elaborates on what form they should take on. Market trends have clearly shifted over the last ten years and continue to do so. Younger generations, who make up the largest population block in the country, prefer urban densities and places where they can live without a car. The FCSP and City Center are very much in line with those desires.

Mr. Galica explained that compact walkable communities are those like Western Avenue. Transit-served areas will support regional bus service, but lack densities sufficient to warrant a fixed rail investment. HCT-oriented areas, on the other hand, can support most intense forms of transit, such as light rail, but require commercial floor area ratios (FAR) of 2.0 or greater. Land uses typically associated with suburban areas, such as mini-malls, are not consistent with HCT-oriented areas. Staff has determined some site-development thresholds to encourage HCT-oriented densities.

Mr. Galica said Section 3, which covers Design and Development, has been modified. It no longer requires structure parking, at the request of the development community, though the General Plan still requires structured parking for certain land use categories. Surface parking, where allowed, must be screened with berms or planters instead of walls. A clarification was made noting that Business Park designated properties are not to feature distribution. TOD categories are to be eligible for a new zoning district. Class A office buildings are an expectation of the plan, but no longer a requirement. Likewise, the Urban Residential form is expected but not required. Standards that promote walkability will remain a requirement.

Mr. Galica said the revised document would once again require that building elevations facing I-10 conform to stringent architectural treatments. Developments are expected to provide unique bus stops where they are deemed necessary by the Transportation Plan.

Entries to the freeway corridor should be distinctive and conform to one of several designs. The document addressed the need for properties to work with the City to accommodate the Van Buren Drainage-Recreation Corridor.

Commissioner Kugler inquired whether developers exhibited as much resistance to a minimum number of stories threshold as they did to FAR requirements. Mr. Galica said they view the requirements as a radical departure from what they have typically built in the West Valley.

Commissioner Cotera inquired whether the update would change any lighting requirements. Mr. Galica said it would not. Commissioner Cotera queried about the building height for the Phoenix Children's Hospital. Mr. Galica said the first phase was to build a one-story urgent care facility, but a two-story hospital and multi-story office building are also planned.

Vice Chair Demlong expressed concern about the influence that one property owner had in forcing important changes. If the plan is followed over the long term, Avondale will become the city its residents want it to be. Tracy Stevens, Acting Development and Engineering Services Director, clarified that one zoning attorney represented several properties in the freeway corridor.

Vice Chair Demlong inquired about several FAR changes. Mr. Galica explained that FARs were removed from all properties that were not adjacent to the City's preferred transit alignment. Vice Chair Demlong asked whether staff recommended the downgrade from Class A Office being a requirement to an expectation. Mr. Galica explained that it was suggested jointly by the property owners and Economic Development. Vice Chair Demlong felt the changes represented a huge compromise, since it takes a document that guides the City's future and makes it simply an option.

Chair Scibienski requested that Economic Development present their suggested changes separately, which would allow the Commission to determine how closely they align with the wishes of the development community. Mr. Galica stated their primary concern was that non-conforming development would be turned away.

Commissioner Kugler said that if a suburban community like Avondale is to have any intensity, it should be next to a freeway corridor. He expressed reluctance to strip away the requirements of the plan without much forethought.

Commissioner Cotera echoed the concerns that the plan has been reduced from a clearly thought out vision for the future, to a suggestion that could be easily ignored. She suggested that FARs of increasing intensity could be phased in over time as the pace of economic development increases. For example, the longer a developer takes to develop a project, the more stringently they would have to comply with the City's vision. The Commission, the City Council, and the citizens have all identified the FCSP as something they want, and it should not be so easily undone by a handful of people. Commissioner Cotera felt that if implemented, her suggestion would give developers time to adjust to a

new way of thinking. She noted that Avondale had to fight the developers on the City Center vision as well.

Commissioner Kugler said the City should not have to reject the good parts of the plan in order to address the concerns of some developers. He encouraged Avondale to adopt the standards it wants. To the extent the developers do not want to live by them, they could always file a PAD that would adjust the development standards. Mr. Galica said the FCSP currently contains a provision that says only existing PADs are exempt, but future ones would have to adhere. That provision would have to be removed. Ms. Stevens added that opportunities exist to arrange development agreements based on end users.

Commissioner Cotera reiterated her discomfort with lowering the City's standards so drastically to appease one group of developers. By expecting instead of requiring standards, the new FCSP essentially abandons a vision that met with the approval of the citizens. The freeway corridor defines Avondale for most people driving by. Buildings are rarely demolished once they are built, so the City realistically only has one chance to get it right. Ms. Stevens noted that the Commission could continue the item for another month, which would provide staff with an opportunity to explore some of the ideas that have been presented.

Commissioner Long cautioned that ad hoc additions to the FCSP could jeopardize its effectiveness. He preferred to keep the plan as presented.

Vice Chair Demlong queried the extent of the planning area not vested PAD or developed. Mr. Galica said about 50% of the freeway corridor is undeveloped. Overall, this represents about 10% of the area.

Commissioner Amos felt that the 10% of properties with existing PADs give developers an opportunity to do what they want in the area. She felt the City sends a mixed message by laying out a clear vision for the future on paper, but then ignoring it when the time comes to build.

Commissioner Kugler said development standards with a sliding scale tend to be the most palatable. For example, if a developer proposes a lower FAR development, they would have to make concessions in other areas. Higher FAR developments could qualify for concessions from the City. He requested a review of approaches other cities with extensive freeway frontages have taken. Mr. Galica reported that Sacramento, which has 37 miles of light rail system, uses FARs of 1.5 and 1 for employment centers, and 2.0 for urban core. Dallas, with a 45–mile light rail system, uses FARs of 0.8 to 1.0 at designated station areas in the suburbs. He noted that it would be difficult to find something in the Phoenix region that is comparable to what Avondale is proposing, as the areas that are already built out will not support HCT extensions.

Chair Scibienski requested either a specific comment in writing from Economic Development, or a representative to address the proposal at the next Commission meeting.

Chair Scibienski opened the public hearing. As nobody stepped forward to speak, he closed the public hearing.

Commission Cotera **MOVED** that the Planning Commission **CONTINUE** application PL-11-0080, a request to approve a Resolution adopting the amended Freeway Corridor Specific Plan (FCSP), to the August 15, 2013 Planning Commission Meeting. Commissioner Kugler **SECONDED**.

ROLL CALL VOTE

Sean Scibienski, Chair	Aye
Michael Demlong, Vice Chair	Aye
Lisa Amos, Commissioner	Aye
Grace Carrillo, Commissioner	Excused
Michael Long, Commissioner	Aye
Angela Cotera, Commissioner	Aye
Kevin Kugler, Commissioner	Aye

The motion to continue the item to the August 15, 2013 Meeting passed unanimously.

Excerpt of the Minutes of the Planning Commission Meeting held August 15, 2013 at 6:30 p.m. in the Council Chambers.

COMMISSIONERS PRESENT
Sean Scibienski, Chair
Michael Demlong, Vice Chair
Grace Carrillo, Commissioner
Angela Cotera, Commissioner

COMMISSIONERS EXCUSED
Lisa Amos, Commissioner
Michael Long, Commissioner
Kevin Kugler, Commissioner

CITY STAFF PRESENT
Chris Schmaltz, Legal Counsel
Ken Galica, Planner II
Eric Morgan, Planner II
Jeff Fairman, Economic Development

APPLICATION NO. PL-11-0080

APPLICANT: City of Avondale

REQUEST: A City initiative to update the Freeway Corridor Specific Plan (FCSP). The FCSP will apply to property in Avondale's jurisdiction in the area bounded by Van Buren Street to the south, McDowell Road to the north, Dysart Road to the west, and 99th Avenue to the east. The Plan area will also include parcels located between 99th Avenue and 103rd Avenue from McDowell Road to Indian School Road. Additionally, several commercial parcels north of McDowell Road, west of 103rd Avenue are included in this plan's boundaries. Staff Contact: Ken Galica

Ken Galica, Planner II, highlighted the changes that have been made to the Freeway Corridor Specific Plan since it was presented to the Planning Commission last month. At the July meeting, the Commission advised strengthening the plan to include minimum requirements. This will ensure that the City's vision is followed rather than making it optional. The Commission also recommended conducting additional research into minimal Floor Area Ratios (FAR) for transit-oriented development, providing a degree of flexibility in accommodating current market conditions, and clarifying the plan's applicability to specific properties.

Mr. Galica stated that the revised FCSP now requires minimum FARs on strategically located sites adjacent to the transit corridor although they have been reduced. Glendale and Scottsdale require minimum FARs in strategic locations through PADs. Tempe is moving in the direction of requiring minimum FARs in areas adjacent to light rail. The

revised Avondale FCSP drops minimum FARs from 2.5 to 1.5/1 on properties adjacent to Roosevelt Street, while minimum FARs on properties west of 99th Avenue were reduced to 0.5. In comparison, while a typical suburban shopping center will usually have FARs ranging between 0.1 and 0.3, successful transit-oriented development outside central cities typically has FARs exceeding 1.0.

Mr. Galica noted that other criteria have been converted into requirements as well. Surface-parking screening, Class-A Office design, open space/pedestrian connectivity, development at setback lines for Freeway Commercial, urban residential design, and freeway adjacent design are now all requirements. Structured parking requirements have been removed from the FCSP document, but are still required in the General Plan. 1.5 FAR development will basically have to rely on structured parking anyway, making this requirement somewhat redundant. Some Class B Office can now be considered in place of Class A Office, if it provides the desired density and design quality emphasized in the plan.

Mr. Galica explained that staff is proposing a method of phasing for properties that may want to develop under minimum FAR requirements, to allow for short-term development while still maintaining a minimum threshold over an entire property to provide sufficient density to attract transit. The first phase of a site, up to 50%, can be developed at half the minimum FAR requirement, so long as the master plan and future phases are built to a higher FAR to balance out the minimum across the property.

Mr. Galica said a new section called Implementation was added to the revised FCSP to emphasize that the plan is applicable to all properties, with the exception that minimum FARs apply to properties rezoned after the adoption of the plan. All other requirements apply, with the exception of valid PADs.

Mr. Galica detailed staff's effort to notify the public about the FCSP. The City's website was updated. Emails were sent to people on the interested parties list. Notification signs and legal ads appeared in local newspapers. Steven Earl of Earl, Curley and LaGuarde PC, who represents property owners in the corridor, met with staff to learn about the revisions. All property owners within the FCSP boundaries were sent letters. Staff recommends approval of the plan as presented.

Jeff Fairman, Economic Development, stated that the relationship between Planning and Economic Development is critical. Both departments worked together to arrive at a compromise solution. As Avondale is trying to attract light rail in future years, minimum density will be important in the corridor. The revised FARs are much more realistic and create a solid balance between market expectations and the community goals. The FCSP will help Avondale move aggressively towards the concept of urbanization, while respecting the existing built community. Economic Development supports the plan and strongly recommends approval.

Commissioner Cotera queried whether a 2.5 minimum FAR standard is a realistic expectation in the future. Mr. Galica responded that the FCSP provides a good first step

to increase the level of intensity in the freeway corridor within the next ten years. Ideally, the goal should be to have FARs in the 2.5 to 3 range. Commissioner Cotera recalled that the Planning Commission reviewed PADs for the Hyatt and Avondale Live, and inquired whether those projects were still viable. Mr. Galica explained that the Hyatt hotels was part of the Park 10 PAD, and Avondale Live PAD are still valid. Commissioner Cotera stated that the revised FCSP is much improved and should provide the flexibility to push for a community vision while working within economic realities.

Vice Chair Demlong said he likes the revisions, but still prefers the original proposal, expressing a discomfort with the reduction in minimum FARs. The Maricopa Association of Governments (MAG) is recommending higher FARs for communities that want light rail. Mr. Galica responded that MAG's calculations were derived from analysis of transit-oriented development in different regions. The Phoenix area is different in that it is not contained by geographic or self-imposed growth boundaries. If Avondale were to achieve a 1.5 FAR, its developmental intensity relative to the rest of the Valley would only be exceeded by downtown Phoenix and the Central Avenue corridor, making it difficult for MAG to ignore it for high capacity transit. As the Valley continues to evolve, and the preferences of younger generations continue to come to fruition, the development community will be more willing to build that type of project. At that point, the plan could be amended to require higher minimum FARs.

Vice Chair Demlong said he views the phasing approach as a good compromise, and asked whether other cities have successfully used it. Mr. Galica said Avondale came up with the approach independently in the belief that it would best help the development community navigate through a transitional period until the higher FARs become more viable. Vice Chair Demlong queried whether the requirements would still apply to property owners who buy developments midway through the phasing. Mr. Galica explained that the requirements run with the land. Once a master site plan was filed and the first phase is built, a second owner would either have to comply with the second phase as proposed, or propose a new second phase with at least the same amount of intensity as originally shown. Chair Scibienski inquired whether the Phoenix Children's Hospital (PCH) phasing plan was an example of the phasing concept at work. Mr. Galica explained that while PCH will not approach the same intensity as proposed for the FCSP, in general, it uses a similar approach. Future phases will be more intense, as the growing West Valley population justifies that level of development.

Vice Chair Demlong inquired about a provision related to possible relief from parking space requirements. Mr. Galica responded studies have shown that people who live in development adjacent to fixed rail services tend to own fewer automobiles than average, and therefore the City's parking requirements might be too high when transit serves the area. If a developer proposes an office building adjacent to transit with substantially less parking than typically required, the provision makes consideration of their proposal possible. Staff would ensure that the provision is not abused. Vice Chair Demlong asked why references to New Urbanism regarding residential design standards were removed from the document. Mr. Galica said those provisions are applicable to Residential and

Mixed Use development, which are already covered by the Residential Design Manual so it wasn't needed in the FCSP.

Chair Scibienski expressed support for revisions allowing greater flexibility regarding office development, and for the phasing concept outlined in the FCSP. He was glad to hear that Planning and Economic Development were able to find compromise. Commissioner Cotera concurred that the revised plan is a good first step, but emphasized that the Commission's long-term vision calls for higher FARs. The compromise acknowledges the current economic realities, but should not be misconstrued as the ideal. Mr. Galica said the Planning staff intends to monitor real world conditions, and can suggest adjustments to the plan as necessary.

Chair Scibienski opened the public hearing. Hearing no requests to speak, he closed the public hearing.

Vice Chair Demlong **MOVED** that the Planning Commission **APPROVE** application PL-11-0080, a Resolution adopting the amended Freeway Corridor Specific Plan (FCSP) as presented on August 15, 2013. Commissioner Cotera **SECONDED.**

ROLL CALL VOTE

Sean Scibienski, Chair	Aye
Michael Demlong, Vice Chair	Aye
Lisa Amos, Commissioner	Aye
Grace Carrillo, Commissioner	Excused
Angela Cotera, Commissioner	Aye
Kevin Kugler, Commissioner	Excused
Michael Long, Commissioner	Excused

Approved 4-0.

EXHIBIT J

Rialto
CAPITAL MANAGEMENT

September 10, 2013

Mayor Marie Lopez Rogers
Members of the City Council
11465 W. Civic Center Dr.
Suite 280
Avondale, AZ 85232

RE: Continuance of Freeway Corridor Specific Plan
City Council Hearing September 16, 2013

Dear Mayor Lopez Rogers and City Council Members:

On September 16, 2013, you will be considering action on the city's proposed Freeway Corridor Specific Plan ("Plan"). With this letter, we are asking you to continue this draft Plan for at least sixty days to further evaluate the severe negative impacts that will be placed on the developability of certain properties located within the proposed Plan's boundaries, specifically including our own property.

We are Rialto Capital Management – owners of 2 properties along McDowell Road within the proposed Freeway Corridor Specific Plan boundaries. One property totals approximately 8.3 acres, with the other totaling approximately 22.6 acres **(See Attached Aerial Plans)**. Rialto is a real estate investment, management, development and finance company with offices in Florida, New York, Georgia, California, Arizona, Nevada, Colorado and North Carolina. We specialize in a broad spectrum of disciplines, including real estate, finance, CMBS, asset repositioning, residential and commercial land development, construction, property management and leasing, and strategic asset management services. As owners of property in the Plan boundaries, we have substantial interest in what is being proposed by the Plan for our properties and yet never received written notice of the Plan or the impacts the Plan was proposing to place on our properties. Given the regulatory nature of the proposed Plan, we do not believe such development restrictions should be considered by the City without actively involving us as property owners in the process.

The Plan, as proposed, will have a direct, immediate and substantial negative financial impact on both the current and future value of our property, particularly our property located near 103rd Avenue and McDowell Road. Our property is strategically located in the logical path of expanded retail development along McDowell Road. Again, please refer to the attached aerial photograph. This Plan, if adopted in its current form, will kill the commercial viability of our property, because it places an unrealistically high minimum FAR of .5 across it. At that level of required intensity, our property could no longer be developed as the logical extension of the

current retail centers to the east (Gateway Crossing) and north (Gateway Pavilions) on McDowell Road. As now configured, the Plan would strip our property's current value. The City's current land use designation for our property is Freeway Commercial and that is its logical market drive use. But retail development only reaches a .2 to .25 FAR – not .5. We cannot overstate the devastating impact of placing a minimum .5 FAR on our property, which would allow only urban core types of uses.

As a real estate investment and development company, we understand and appreciate the desire of Avondale to implement a General Plan, Specific Area Plan and other regulatory documents to create a vision for the City. We likewise seek responsible, high quality development. But, we have substantial concerns with the proposed Freeway Corridor Specific Plan as it relates to viable, market-supported development on our property.

Candidly, we question why the City did not send out written letters of notification to all property owners within the Plan boundaries. We did not receive any such actual notification from the City. It was only through a third party that we finally heard what the City was proposing to do. As written, we believe that the proposed Plan is not a policy document, but rather a regulatory plan that will bind and restrict development on our land. In these circumstances, we feel there should have been much more direct dialog between us before the Plan moved forward to public hearings.

We understand the current Freeway Corridor Specific Plan was adopted in 1991 and that updates need to occur to make it a living document. However, as written, the proposed Plan places unrealistically high minimum development requirements on our property, especially coming out of this past recession. As earlier noted, one of Plans requirements is a ".5 Minimum F.A.R." for certain properties located along McDowell Road (including our property). The severity of this recession (which most experts agree has been the worst recession in the last 50 years), has already placed extreme financial and property distress on commercial property owners and with the proposed minimum FAR requirement, we strongly believe this restriction will stop or severely restrain development on our land for decades.

We have recently received written offers for retail development on our land. If the Plan were to be adopted, as written, those uses would no longer be possible, even though such uses would be the natural extension of the existing retail uses in Gateway Crossing and Gateway Pavilions. These uses would also benefit Avondale residents in the area and the City itself (through increased sales tax revenues). On the other hand, any type of high intensity use or development on our parcels will be decades away.

When you analyze the existing commercial character of the area between 99th Avenue and 107th Avenue along McDowell Road, our site is the "perfect" natural extension of retail development in Gateway Crossing and Gateway Pavilions. And it is our understanding that Gateway Crossing has now been able to lease up their center and additional retail tenants are interested in locating in this corridor. Our property was previously zoned PAD. Much like many properties within the City that were hit hard by the recession, the City initiated a rezoning to revert the zoning back to AG (Agricultural).

We would certainly ask the City to adopt the proposed Plan as a policy document rather than a regulatory one, just as the City did with the City Center Specific Plan, adopted August 11, 2008. Below is the operative language from the City Center Specific Plan:

> "The City Center plan is a policy plan. All of its provisions are guidelines which will serve as a guide for evaluating proposed developments. The quantitative provisions of the Plan establish targets and provide a basis for project review, but they are not mandatory standards. The primary goal of the Plan is to ensure that the overall desired character and intensity of development is achieved in the City Center area, as projects are built over time. Applicants may submit projects that meet the overall intent of the Plan but do not comply with all of the development guidelines. Any project application should include an explanation of how the project meets the overall objectives and guidelines of the Specific Plan, and a justification for any departures from the Specific Plan guidelines."

Using such words as "target", "encourage" and similar words is also appropriate in this setting. This would allow the City Council the ability to determine if a proposed project met the goals and objective of the General Plan and Freeway Corridor Specific Plan without the strict interpretation of a requirement. Unfortunately, there is no similar policy language in the proposed Plan.

Because we found out about the Plan so late in this process, we have not be able to confirm if the City prepared real time market projections of the total amount of development that could occur within the Plan boundaries to assess the potential intensity of development, and to analyze the corresponding impacts on transportation, utilities infrastructure and importantly, the development of the City Center. In our review of the City Center Plan, much of the intensity of commercial and office development is assumed to have a "target" floor area ratio greater than .5. This is not a "requirement" but appropriately a "target". If the City now requires a greater intensity on McDowell Road than you have in the City Center, the unintended consequence would be to reduce the likelihood of creating a true urban core in the City Center.

With respect, we do not believe growth projections were prepared to fully evaluate appropriate densities, ascertain impacts on specific streets, intersections and utility services, in addition to the potential for over saturation of land uses. Furthermore, this type of market analysis would help the City understand the amount of development that could reasonably be expected to locate within the Plan area at build out. It would also provide valuable information to determine if the proposed high intensity FAR's along McDowell Road would pull away desired intensity from the adjacent City Center.

We realize you have invested considerable City resources in getting the Plan to this point, but we respectfully request the City Council to table the item, so Staff can meet with the individual land owners affected by the draft Plan and prepare a market analysis to fully understand the real consequences and impacts of the Plan. We are not opposed to Specific Area plans when the owners directly affected have been consulted and foundational market/economic studies have been performed. Unfortunately, we are not certain that that has been done here. Based upon our experience, we firmly believe it will take many years, if not decades, before the "required

minimum intensities" in the Plans could ever be realized. Leaving large tracts of land along the City portion of freeway frontage vacant for an extended period of time certainly would not benefit the City or the property owner.

Again, we respectfully request that additional time be allowed to study this Plan further. As owners, we have the same goal as the City – to see high quality development take place on these freeway corridor properties. Thank you for your consideration.

Sincerely,

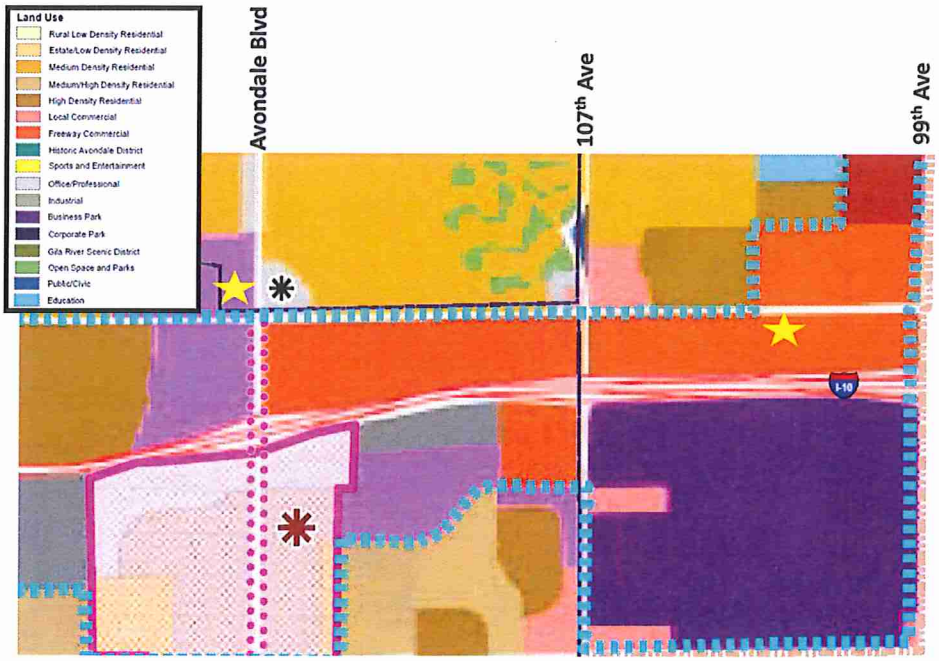
Tony Del Grippo
Director
Rialto Capital Management, LLC

cc: Stephen C. Earl

Aerial Photo of Our Properties

Aerial Photo of Our Property Next to Existing Commercial Character

Avondale General Plan 2030



Planned Land Uses in Freeway Corridor

Land Use

- Rural Low Density Residential
- Estate/Low Density Residential
- Medium Density Residential
- Medium/High Density Residential
- High Density Residential
- Urban Residential
- Gila River Scenic District
- Open Space and Parks
- Education
- Public/Civic
- Local Commercial
- Freeway Commercial
- Urban Commercial
- Old Town District
- Sports and Entertainment
- Industrial
- High Intensity Office
- Office/Professional
- Mixed Use
- Business Park
- Corporate Park
- Townhouse Residential

Aggregate Sites

- Existing
- Potential Sites - Publicly Owned Land

- Planning Boundary
- Growth Area
- Proposed Freeway Corridor Specific Plan Boundary

Source: City of Avondale

EXHIBIT K

City of Avondale

August 7, 2013

PROPERTY OWNER

RE: Notification of Planning Commission Meeting
Avondale Freeway Corridor Specific Plan Update (Application PL-11-0080)

Dear Property Owner:

The purpose of this letter is to inform you that public hearings are scheduled to review and solicit public input on applications PL-11-0080, a City initiated request to update the Freeway Corridor Specific Plan (FCSP). The FCSP will apply to property in Avondale's jurisdiction in the area bounded by Van Buren Street to the south, McDowell Road to the north, Dysart Road to the west, and 99th Avenue to the east. The Plan area will also include parcels located between 99th Avenue and 103rd Avenue from McDowell Road to Indian School Road. Additionally, several commercial parcels north of McDowell Road, west of 103rd Avenue are included in this plan's boundaries.

The Plan, if approved, will require development sites adjacent to the City's high capacity transit corridor to meet minimum Floor Area Ratios (FARs) in order to ensure the corridor develops at a sufficient intensity to warrant future transit service enhancements. Additionally, the FCSP includes architectural and design standards for walkable, pedestrian and transit oriented development, open spaces and trails, and public spaces such as streets. An update to the FCSP 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. A draft of the proposed FCSP can be accessed for your review on the City's website: www.avondale.org/freewaycorridor.

This request is scheduled to be heard by the Planning Commission on:

August 15, 2013, 6:30 p.m.
City of Avondale
Council Chambers
11465 West Civic Center
Avondale, Arizona 85323

The Planning Commission will forward a recommendation to the City Council after considering testimony from affected parties and reviewing the staff report prepared by the Planning Division.

Development & Engineering Services Department
11465 W. Civic Center Drive, #110 • Avondale, AZ 85323
Phone: (623) 333-4000 • Fax: (623) 333-0400 • TDD: (623) 333-0010
www.avondale.org/developmentservices

The request is scheduled to be heard by the City Council on:

September 16, 2013, 7:00 p.m.
City of Avondale
Council Chambers
11465 West Civic Center
Avondale, Arizona 85323

The City Council will make a determination on this request after hearing testimony from affected parties, reviewing the staff report prepared by Planning Division staff, and considering the Planning Commission's recommendation.

You are welcome to attend these hearings to learn about the case and make your opinions known. You may also make your feelings known on this case by writing to the Planning Division at 11465 West Civic Center Drive, Suite 110, Avondale, Arizona, 85323. Your letter will be made part of the case file.

As the assigned Project Manager, I would be happy to answer any questions or hear any concerns that you have regarding this proposal. I can be reached at (623) 333-4019 or kgalica@avondale.org.

Sincerely,

Ken Galica
Planner II

RESOLUTION NO. 3137-913

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, ADOPTING THE FREEWAY CORRIDOR SPECIFIC PLAN.

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

SECTION 1. The Freeway Corridor Specific Plan, Amended and Restated September 16, 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, September 16, 2013.

_____
Marie Lopez Rogers, Mayor

ATTEST:

_____
Carmen Martinez, City Clerk

APPROVED AS TO FORM:

_____
Andrew J. McGuire, City Attorney

EXHIBIT A
TO
RESOLUTION NO. 3137-913

[Freeway Corridor Specific Plan, Amended and Restated September 16, 2013]

See following pages.

FREEWAY CORRIDOR SPECIFIC PLAN

AMENDED AND RESTATED

SEPTEMBER 16, 2013

FREEWAY CORRIDOR SPECIFIC PLAN

HEALTHY SUSTAINABLE COMMUNITY

Avondale AZ

I. INTRODUCTION AND BACKGROUND

The Freeway Corridor Specific Plan ("FCSP" or "Plan") was originally adopted by the Avondale City Council in June 1991. At the time of its original adoption, the Freeway Corridor was devoted primarily to agribusiness, open land uses, and low density residential uses. Since 1991, the FCSP has guided the new development of regional shopping centers, office parks, commerce parks, and the Auto Mall, resulting in the more developed area of which we are familiar today.

The Plan was amended in June 2002, to coincide with the adoption of the City's 2002 General Plan, and in 2007, to reevaluate maximum building heights in the study area. This update increases the Plan boundaries by adding regionally significant properties north of McDowell Road, including a northern extension of the area east of 103rd Avenue, due to its proximity to the Loop 101 freeway. Properties located within the boundaries of the City Center Specific Plan – between 113th Avenue and 119th Avenue, south of I-10 to Van Buren Street – are excluded from this Plan, as they are already governed by a separate, but complementary, Specific Plan.

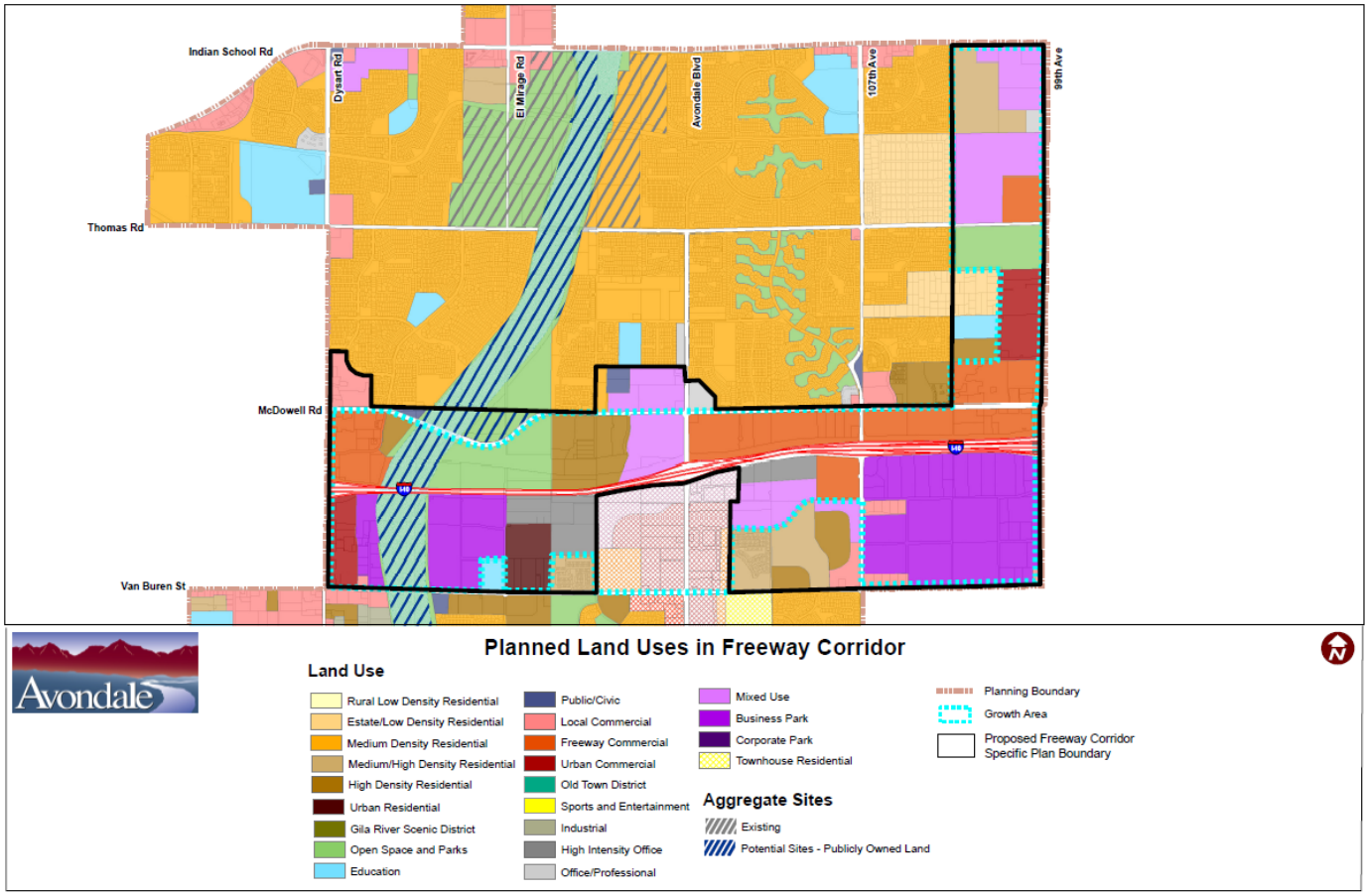
A comprehensive update to the Plan is necessary in order to:

- Amend the boundaries of the Plan to include additional properties appropriate for intense development that are located in close proximity to I-10 or Loop 101.
- Expound upon the City's vision for the Freeway Corridor as a transit served urban center containing intense, employment generating offices, unique shopping opportunities, and residential uses much different from the suburban form of development occurring outside of the Plan's boundaries.
- Integrate Class-A office development and corporate commerce that promote high quality jobs.
- Establish guidelines for transit oriented development (TOD) in proximity to the City's recommended high capacity transit (HCT) alignment, to be complemented by upcoming TOD zoning districts.
- Ensure new development in the Plan area is pedestrian/bicyclist friendly and contributes to a walkable community.
- Enhance the City's appearance from the I-10 and the Loop 101 freeways.
- Provide a seamless visual transition between the City Center and Freeway Corridor areas.
- Establish specifications for planned improvement projects within the Plan's boundaries, such as the Van Buren Drainage and Recreation Corridor, and the Agua Fria Levee Trail.
- Emphasize the Community's desire for urban residential in areas of the FCSP where residential uses are allowed.
- Minimize warehouse uses that compromise the aesthetic character of the area.

The Freeway Corridor Specific Plan is intended to supplement the classifications, standards, provisions, and requirements of the Avondale General Plan and the Avondale Zoning Ordinance. Some aspects of the Plan are regulatory in nature, identifying development standards that are tailored to the Freeway Corridor Area only.

A. GENERAL PLAN 2030

The General Plan lists updating existing Specific Plans on a regular basis as an implementation strategy to ensure future development is meeting the current 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 the Freeway Corridor.



The Freeway Corridor is comprised of a variety of General Plan Land-Use designations as illustrated on the map above. Definitions of these land-use categories can be found within the General Plan document. The majority of these designations are intended to accommodate intense urban commercial and residential development, integrated mixed-use development, and/or compact transit-oriented development. The General Plan identifies these high intensity and/or urban-style land uses as key to supporting future high capacity transit service into the City's core,

growing Avondale's sales tax revenues, and attracting well-paying jobs. As the area develops in accordance with the General Plan and this Plan, the City envisions the I-10 and Loop 101 corridors becoming the City's premier business and employment area, while also providing urban living opportunities in a highly connected, walkable environment. Please see the Avondale General Plan Land Use Element for descriptions of the type and intensity expected of development in 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- Freeway Corridor General Plan 2030 Planned Land Uses

Land-Use Description	Total Area in Acres	Percent of Total
Business Park*	595	21.09%
Freeway Commercial*	464	16.45%
Mixed Use*	389	13.79%
Open Space	386	13.68%
Medium/High Density Residential*	224	7.94%
Urban Commercial*	191	6.77%
High Density Residential*	190	6.74%
High Intensity Office*	108	3.83%
Local Commercial	82	2.91%
Urban Residential*	71	2.52%
Low Density Residential	40	1.42%
Education	35	1.24%
Office	20	0.71%
Public/Civic	16	0.57%
Medium Density Residential	10	0.35%
TOTAL	2,821	100.00%
All land uses designated with an asterisk (e.g. "Business Park*") indicate that a minimum of 70 acres of currently undeveloped/agricultural land is available for future development within those categories.		

Each of the planned Freeway Corridor land uses are located to ensure compatibility between adjacent uses and enhance any strategic benefit that may result from land-use relationships. For example, the Business Park designation, which accommodates campus style development that provides abundant employment opportunities such as light manufacturing and corporate commerce as well as Class-A office, is located in existing employment areas. The Freeway Commercial designation is largely applied to properties in the McDowell Road corridor, in an effort to build upon the successes of the existing Gateway Pavilions and Gateway Crossing power centers and also plan for a medical corridor. Transit oriented development categories, such as Urban Residential, Mixed Use, Urban Commercial, and High Intensity Office, are located directly adjacent to the intense City Center area and along the City's preferred high capacity transit alignment, as depicted in the General Plan's Transportation Map.

Each of the asterisked categories with undeveloped acreage will play important roles in creating a well-balanced, economically sustainable Freeway Corridor. The next section of this Plan contains additional information on existing development; comparing the planned land uses in this section with the existing conditions in Section II will help to illustrate the significant opportunity that Avondale still has to shape the future of this vital area of the City.

B. PLANNING AREA DESCRIPTION AND EXISTING LAND USES

As illustrated on the map on Page 2, the Freeway Corridor Specific Plan applies to the following areas:

- All land bounded by Van Buren Street on the south, Dysart Road on the west, McDowell Road on the north, and 99th Avenue on the east.
- All land bounded by McDowell Road on the south, 103rd Avenue on the west, Indian School Road on the north, and 99th Avenue on the east.
- Properties north of McDowell Road located at arterial intersections (e.g. NEC/NWC McDowell Road and Avondale Boulevard; NEC McDowell Road and Dysart Road).

The Freeway Corridor benefits from several locational strengths. The corridor envelops Interstate 10, a highly traveled freeway that serves as the primary access into the region from California's port cities. Additionally, as the southwest valley has experienced growth over the preceding 20 years, I-10 has seen an increase in usage carrying local traffic to Avondale's residential areas, as well as a significant residential populations west of Avondale, in cities such as Goodyear and Buckeye. As those populations continue to increase as projected, the already high visibility of the Corridor to large quantities of passing motorists will continue to increase, benefitting retail, hospitality, and corporate office users.

Interstate-10 eastbound, approaching the Loop-101 interchange

In addition to offering high visibility, the Plan Area's proximity to I-10 and the Loop 101 Freeway also provides easy accessibility to other parts of the Phoenix metropolitan area. Avondale's Freeway Corridor is currently served by six freeway interchanges, with a seventh, at Fairway Drive (El Mirage Road alignment), to be completed in the near future. Avondale's advantage of being only fifteen minutes from downtown Phoenix and Sky Harbor

Airport contributes to its future HCT opportunities and high quality job base. Express bus service will be provided to downtown Phoenix from Avondale's City Center transit center starting in 2014, with bus rapid transit and/or light rail transit anticipated in the future as the Corridor develops with a mix of dense residential and intense commercial uses. This strong regional accessibility is an asset to virtually all development types.

An additional strength of the Freeway Corridor is its proximity to the City's planned City Center area. The City Center, approximately 400 acres anticipated to be developed with a mix of high density residential products and intense commercial, entertainment, restaurant, and office uses in an urban form, will serve as an attraction to the area, benefitting the Freeway Corridor parcels located at its periphery.

Table 2 – Freeway Corridor Existing Conditions in 2013

Land-Use Description	Total Area in Acres	Percent of Total
Agricultural Use	939	32.4
Undeveloped	739	25.5
Commercial (Retail, Service, and Office)	485	16.8
Open Space	230	7.9
Light Industrial	182	6.3
Residential	178	6.2
Public and Educational Facilities	141	4.9

The City views land within the Freeway Corridor as a precious resource. To this end, the City has been exceptionally disciplined in its approach to development in this critical area. Potential development that is not aligned with the City's vision for the area, as outlined in the General Plan as well as this document, has been strongly discouraged. Because of this careful approach, as indicated in Table 2, the study area is over 57 percent undeveloped/agricultural, with nearly 1,700 acres of land left to accommodate development in line with the City's overall vision.

Of the approximate 1,025 acres in the Plan Area that have been developed, the most predominant development type has been regional commercial "power centers". These retail shopping centers typically contain one or more "big box" stores that cater to not only Avondale's population, but to residents of a much wider trade area. Examples of existing regional commercial development in Avondale's Freeway Corridor include:

Gateway Pavilions

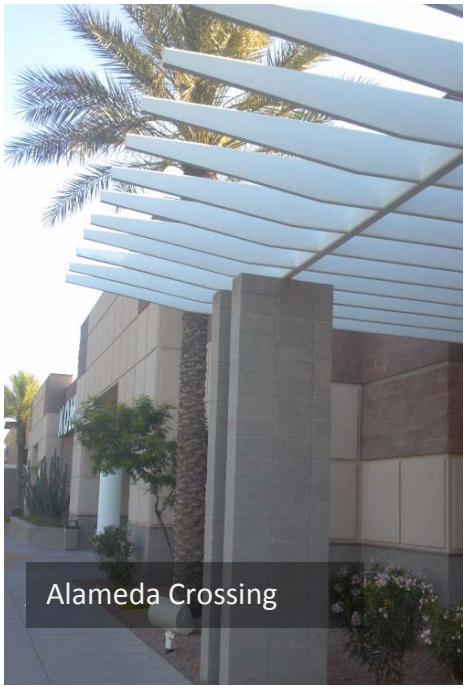
- Gateway Pavilions, an 80 acre power center located at the northwest corner of 99th Avenue and McDowell Road. Major tenants in this development include Harkins (movie theater), Costco, Sports Authority, Bed Bath and Beyond, Marshall's, Ross, and Mor Furniture. Gateway Pavilions is also home to several restaurants and smaller scale retail and service uses. Despite not having direct freeway frontage, the center is highly visible to freeway traffic and draws consumers from throughout the southwest valley.

Gateway Crossing

- Gateway Crossing, a 55 acre power center located at the northwest corner of 99th Avenue and I-10. Tenants in this development include Best Buy, Hobby Lobby, and Old Navy, along with a mix of mid-sized retail, service, and restaurant uses. Situated at Avondale's eastern border, Gateway Crossing plays a significant role in establishing the City's image to freeway travelers.

- Coldwater Plaza, a 45 acre regional power center located at the southeast corner of I-10 and Dysart Road. This development's major tenants include Home Depot and Sam's Club, and several furniture stores, along with a range of smaller scale retail, service and restaurant uses.

- Palmilla Shopping Center, a 75 acre combination regional/neighborhood shopping center located at the northeast corner of Dysart Road and I-10. The primary regional tenants in this development include Wal-Mart, PetSmart, and LA Fitness. The center also includes a variety of neighborhood-serving businesses, most significantly, Fry's Food Center. Palmilla Shopping Center also contains several dining establishments.



Alameda Crossing

Public Art at Alameda Crossing

- Alameda Crossing, a 55 acre regional/neighborhood shopping center located at the northeast corner of McDowell Road and Dysart Road. The primary regional-trade-area-serving-tenants include Kohl's department store and JoAnn Fabrics; neighborhood-serving-users include a Sprouts grocery store, Beauty Brands, Full Circle Auto Wash, and a variety of smaller scale retail, service, and restaurant uses.

- Avondale Auto mall, a 120 acre development located at the southwest corner of I-10 and 99th Avenue. The Auto mall contains an assortment of automobile, motorcycle, and recreational vehicle dealerships. The Avondale Auto mall, established in the early 2000s, is a vital economic engine for the City and an equally strong employment center.

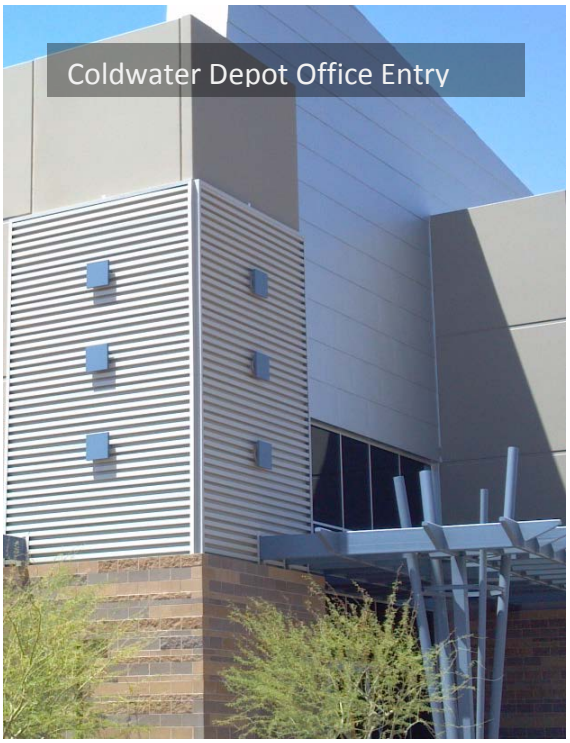
Avondale Auto mall

Digital Freeway Sign at Avondale Auto mall

Business Park uses are the second most established form of development that has occurred in the Freeway Corridor. These developments include:

- Coldwater Depot Logistics Center, an approximately 80 acre development located at the southeast corner of I-10 and the Agua Fria River. The property is developed with a 600,000 square foot cross-dock distribution facility completed in 2013. A phased expansion is expected to increase the total building area on the site to nearly 1 million square feet.

Coldwater Depot Logistics Center


Coldwater Depot Office Entry

- Avondale Commerce Center, a 55 acre development located at the southwest corner of I-10 and Fairway Drive (El Mirage Road alignment). This campus-style commerce park accommodates small to medium sized manufacturing, distribution, and other light industrial uses. Due to the visibility of the site to freeway traffic, outdoor storage is not an approved component of this site.

Avondale Commerce Center

- Griffith Commerce Park, an 80 acre development site located at the northeast corner of 107th Avenue and Van Buren Street. Approximately 35 acres of this site have been developed with the Universal Technical Institute (UTI) trade college, an automotive dealership, and a car rental facility. The remaining 55 acres are vacant and available for future development.

- Interstate Commerce Center, an 80 acre development located at the northwest corner of 99th Avenue and Van Buren Street. This project consists of two separate business parks, a Pilot Travel Center, truck wash, and a Cummins Diesel manufacturing facility. Undeveloped land to accommodate additional light industrial uses is still available within this development.

The General Plan 2030 encourages urban living in certain segments of the Corridor in order to promote a walkable community where people can live, work, and recreate without dependence on an automobile. Furthermore, urban residential development in the Plan area will further the City's goal of attracting high capacity transit in the future. Existing residential development in the Freeway Corridor include:

- Rio Santa Fe, a 340 unit apartment community located at the southeast corner of McDowell Road and Rancho Santa Fe Boulevard.

- Versante, a 400 unit apartment community located at the northwest corner of Van Buren Street and 111th Avenue.

- Desert Springs Village, a 174 lot Medium High Density single family subdivision located at the northwest corner of Van Buren Street and 119th Avenue. The development of the subdivision is approximately 30 percent complete and construction is ongoing.

- Waterford Square, a 217 lot Medium High Density single family subdivision located north of the northwest corner of Van Buren Street and 111th Avenue. The development is complete.

The General Plan 2030 identifies McDowell Road from Avondale Boulevard to 107th Avenue as a potential medical corridor. The foundation for this concept is built on the following existing uses:

- Phoenix Children's Hospital (Southwest Valley Campus), a 12 acre development located at the northeast corner of Avondale Boulevard and McDowell Road. The initial phase of the site, a pediatric urgent care clinic, was completed in 2013. Future phases include a 30,000 square foot medical office building and a 48 bed pediatric hospital.

- Avondale Integrated Medical Services (AIMS), a 14 acre development located west of the southwest corner of 107th Avenue and McDowell Road. The site is developed with a 60,000 square foot office building accommodating a variety of medical specialists. Two additional buildings, identical in size to the existing building, are planned.

While the desired character of the Freeway Corridor is largely urban in nature, the area does include several areas that will remain primarily as open space even as the remainder of the Corridor develops. These areas include: The Agua Fria River, a natural, riparian area that runs north/south through the western portion of the Freeway Corridor; Friendship Park, a City-operated regional park located at the southeast corner of McDowell Road and the Agua Fria River; Holy Cross Mortuary and Cemetery, a 100 acre cemetery located at the southwest corner of 99th Avenue and Thomas Road; and, the proposed Van Buren Regional Drainage and Recreational Corridor.

Play Equipment at Friendship Park

Farmer's Market at Friendship Park

This Specific Plan has also evaluated adjacent Cities' land uses and finds the land uses to be compatible.

C. INFRASTRUCTURE AND PUBLIC FACILITIES

A significant portion of the infrastructure needed to support the Freeway Corridor at build-out was constructed as the area developed between 1992 and 2013. The original 1992 FCSP showed tremendous foresight by requiring the provision of adequately-sized streets, sewers, and other infrastructure to support the planned build-out population. As the vision for the Corridor has intensified, however, additional infrastructure improvements beyond what is in place will be required as densities increase.

Streets

The I-10 Freeway, bisecting the Freeway Corridor, is the area'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 north-south access between Avondale and the vast majority of other cities in the Phoenix region. Currently, four freeway interchanges service the area: 99th Avenue, 107th Avenue, Avondale Boulevard, and Dysart Road. A fifth interchange, at Fairway Drive (El Mirage Road alignment), is anticipated in the near future.

The Loop-101 Freeway, located east of 99th Avenue just outside of Avondale's limits, is a critical link between Avondale and the northwest valley cities (Peoria, Glendale, Surprise), as well as

north Phoenix and north Scottsdale. Three interchanges serve the FCSP area: McDowell Road, Thomas Road, and Indian School Road.

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 Fairway Drive (El Mirage Road alignment) does not continue north of I-10. The mile grid establishes the Freeway Corridor's circulation hierarchy, providing several points of connection to the Loop 101 and I-10 access points. All arterials needed to service the FCSP area are operational, however not all arterial streets are built to their ultimate cross-section. 99th Avenue and 107th Avenue will require the most significant enhancements in the future.

North/South collector streets are generally to be provided at each quarter mile throughout the FCSP area. These streets are built when adjacent private development occurs. Where development has not yet occurred, these streets may not yet exist or may be incomplete. East/West collector streets in the FCSP study area include, from north to south, Roosevelt Street, Corporate Drive, and Pierce Street. Roosevelt Street, which runs east/west approximately ¼ mile south of I-10, is envisioned as the City's future HCT corridor and a premier street for intense urban development. With the exception of the segment between 99th Avenue and 107th Avenue, Roosevelt Street is incomplete and is anticipated to be constructed as development occurs. In order to accommodate future transit, properties adjacent to Roosevelt Street should expect to provide more right-of-way than is typically necessary for a collector roadway.

The character of each of the primary arterial streets in the FCSP area varies based on the level of development that has occurred to date on the street, the nature of the uses abutting the street, and planned development, for example:

99th Avenue and Indian School Road Corridors

The 99th Avenue corridor north of McDowell Road to Indian School Road, is almost entirely undeveloped with portions of the roadway controlled by various jurisdictions, including Avondale, the City of Phoenix, and Maricopa County. Similarly, Indian School Road is under Maricopa County control. As such, segments of both of these streets lack standard improvements such as curbing, medians, bike lanes, detached sidewalks, street lights, landscaping, and other aesthetic treatments. Additionally, the SRP irrigation canal running parallel to 99th Avenue will require relocation and undergrounding at the time of each development to allow for the eventual completion of the roadway to an urban standard. Increasing the aesthetics of these corridors is a priority, as they announce entry into the City.

McDowell Road Corridor

McDowell Road is one of the Freeway Corridor's most established arterial streets. It has received aesthetic treatments that include median landscaping and streetscape enhancements. Additional landscaped medians and bike lanes will be added with new developments to create a continuous,

pleasing streetscape and connectivity throughout the City. This road, between 99th Avenue and 107th Avenue, has been designated as a future transit link into the City Center.

Van Buren Street Corridor

The uses adjacent to Van Buren Street between Fairway Drive and the Agua Fria River are expected to generate significant truck traffic. It is anticipated that, upon completion of the Fairway Drive freeway interchange, this traffic will be confined to a relatively small geographical area and not spill significantly onto other arterial streets, such as Avondale Boulevard. As new development progresses throughout this area, traffic studies will be required to ensure proper circulation is provided.

Water, Sewer and Other Utilities and Services

With few exceptions, all water, sewer, and other utility infrastructure needed to serve existing and future Freeway Corridor development already exists and is functioning well to serve consumer needs. City utilities are generally located within public-street rights-of-way; non-municipal utilities are 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 served by the following entities:

Water and Sewer Service: Water and sewer service to the Planning Area is provided by the City of Avondale. 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. However, upon annexation into the City and development of these parcels, they will be required to hook up to the Avondale water and sewer system.

Television Service: Cox Communications provides cable service throughout the study area; Century Link has applied for permission to provide cable service to the study area. Satellite providers that serve the Freeway Corridor include DirecTV and Dish Network.

Phone/Data Services: Century Link, formerly Qwest Communications, is the primary provider of ground-based telecommunications and data services in the Freeway Corridor. 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 businesses and homes 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 the Freeway Corridor.

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: Prioritize the City's appearance from the I-10 and the Loop 101 freeways, limiting heavy industrial uses and establishing strict design requirements where necessary.

General Plan Urban Design Element Goal #2, Policy K: *Maintain an upscale appearance from the I-10.*

Maintaining a corporate/business appearance from the I-10 and Loop 101 is vital to enhancing Avondale's overall image, job base, and architectural appeal for the residents and business owners of Avondale.

New development and/or redevelopment projects must provide premium freeway exposures, and take measures to ensure their projects contribute to the overall welcoming image Avondale wishes to present. A design emphasis shall be placed on any elevation visible from the Freeway. The level of design detail on freeway facing elevations will be required to match the detail used on the building elevation containing the primary entrance(s). Service areas must be completely integrated into the architecture of the building and entirely screened from view from the freeway perspective and from adjacent streets. Specific design requirements for freeway abutting properties are located in Section III of this Plan.

Additionally, the uses themselves must be restricted to those types deemed appropriate for high-visibility areas. For instance, due to their large truck courts and exposed service areas, warehousing and distribution developments do not make the same positive visual impression as an office park. Truck intensive uses beyond what already exists or is planned are not allowed within the FCSP area.

Objective #2: Establish design requirements based on and specific to the General Plan designation of a developable property to ensure Freeway Corridor subareas achieve their intended purposes.

General Plan Land Use Element Goal #8, Policy B: *"Encourage mixed use areas to be vertically integrated developments comprised of residential, retail, dining, office, and entertainment/recreational uses in order to promote pedestrian activity."*

General Plan Land Use Element, Strategy #42: *"Require new development with a Mixed Use designation or TOD to apply New Urbanist principles."*

General Plan Land Use Element, Strategy #43: *"Require structure parking in place of surface parking lots for high intensity development."*

General Plan Housing Element, Goal #2, Policy E: *"Encourage the development of live/work units in areas of the City that are appropriate for mixed use development."*

As discussed earlier in this Plan, the FCSP area contains several different General Plan Land-Use categories, from Transit-Oriented Development designations such as Mixed Use and Urban Residential, to more established designations like Business Park and Freeway Commercial. Each of these categories varies from one another in terms of intensity and desired character and, as such, it is important for this Plan to establish different design requirements for each. For example, while pedestrian connectivity is important in every Land-Use designation, the importance of a developed path system is more integral to TOD (which de-emphasizes automobile use) than Freeway Commercial (which is designed to accommodate regional automobile traffic). Conversely, project components such as parking lot design, landscaping/shading, and screening are more vital to Freeway Commercial developments than TOD.

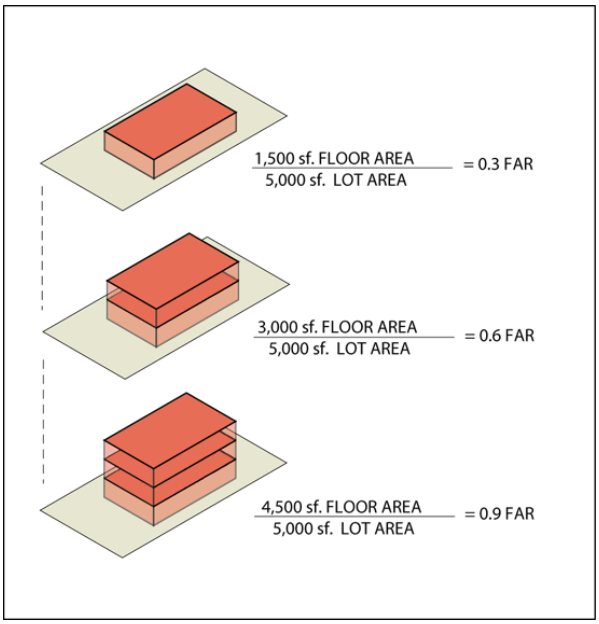
A sampling of General Plan policies and strategies that speak to the need for separate design requirements and recommendations are listed above. A comprehensive list of design requirements applicable to the various General Plan designated land uses can be found in Section III of this document.

Objective #3: Institute minimum site utilization thresholds for properties adjacent to the City's recommended HCT alignment and provide generous maximum building heights throughout to ensure the area develops at the intensity level and form that is needed to accomplish the City's goals, most notably attracting high capacity transit.

General Plan Land Use Element Goal #1, Policy G: *"Support higher density/urban land uses to support future transit and rail."*

The City's goal of attracting future high capacity transit extensions into Avondale can only be realized if the Freeway Corridor and City Center develop at a supportive level of intensity, measured in terms of both employment density and residential density, to outperform potential competing corridors. Establishing both minimum site utilization thresholds and generous maximum building heights will serve to further this goal.

Since the adoption of the original FCSP in 1991, the City has allowed development in the Freeway Corridor to exceed the building heights allowed throughout the remainder of the City. While this policy has resulted in some mid-rise development (e.g. AIMS, Hilton/Homewood Suites), allowing additional height does not provide any assurance or guarantee that development will exceed standard suburban intensity. Establishing minimum floor area ratios (FARs), defined as the total square feet of a building divided by the total square feet of the lot the building is located on, is the standard technique utilized by municipalities to guide the intensity of development in a corridor. Higher minimum FARs equate to more intense development, as illustrated by the figure to the right. As an example, suburban shopping centers will usually have a FAR ranging between 0.10 and 0.30; successful transit oriented development (outside of central cities, where FARs are even greater) will have FARs exceeding 1.0.



Section III of this document establishes both maximum building heights and minimum FARs for the FCSP area, on a parcel basis. The highest minimum FAR requirements (e.g. intense, urban development) are reserved for areas directly adjacent to the proposed transit corridor. Lower minimum FARs are required for some properties a half mile or less from the corridor. The minimum FARs will result in the development of transit supportive place types.

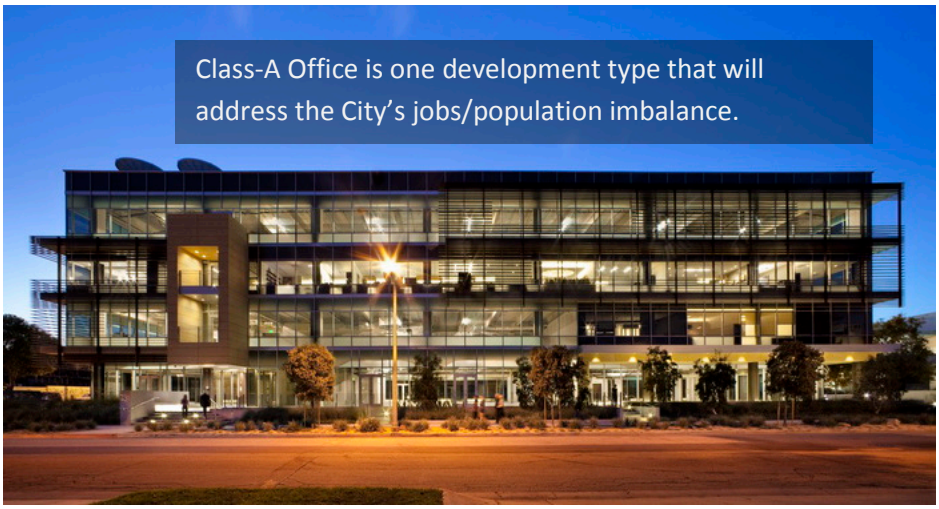
Objective #4: The Freeway Corridor will be the southwest valley's premier job center.

General Plan Economic Element, Goal #2, Policy A: *"Locate desired and targeted businesses in Avondale, specifically in Bio-Industry along Van Buren Street and Medical Support Services along McDowell Road…"*

General Plan Land Use Element Goal #3, Policy A: *"Develop the I-10 Corridor into the City's premier business and employment area by encouraging uses that provide a high ratio of well-paying jobs to square footage."*

General Plan Growth Area Element, Goal #1: *"Create destination employment centers in targeted areas of the City that will help to improve balance between jobs and population."*

Employment generating uses within the I-10 Freeway Corridor will be required to take the form of multi-story office development, spacious corporate office campuses, fully enclosed light industrial commerce parks, and/or offices that are integrated into mixed use developments. Each of these development types will help to achieve the City's goal of providing a higher ratio of well-paying jobs to square footage. Conversely, uses such as storage and distribution are no longer considered appropriate for the Freeway Corridor.



Additionally, the City's General Plan identifies an economic development strategy to focus business attraction on specific sectors in different parts of the FCSP area. The McDowell Road Corridor, for instance, is identified as ripe for development of additional medical office, hospital, and medical support services to support the existing Phoenix Children's Hospital, AIMS, and other medical office projects in the vicinity. Likewise, the undeveloped parcels reserved for Business Park along the Van Buren Street Corridor are seen as a possible future biotechnology center.

The City currently has a deficiency in the number of jobs for its population. The addition of the specific types of employment generators cited in this objective will serve to address the City's current imbalance.

Objective #5: Ensure new development in the Plan area is pedestrian/bicyclist friendly and contributes to a walkable community.

General Plan Circulation Element, Goal #4, Policy A: *"Provide and support opportunities for all modes of travel for all ages and abilities."*

General Plan 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."*

General Plan Transit Oriented Development Element, Strategy #2: *"Ensure that sites contain shaded pedestrian travel ways from the nearest transit route to the entrance(s) of the buildings on the site."*

General Plan Public Buildings, Services, and Facilities Element, Goal #3: *"Protect the community from flooding and plan for long-term, effective, and efficient stormwater services."*

The City aspires to be a healthy, sustainable community. Ensuring that our residents and visitors have ample opportunities to walk or bike to destinations is one of the primary ways in which land-use decisions impact the health and sustainability of our City. As already established, the FCSP area is planned for intense development that, if designed solely with the automobile in mind, would sacrifice pedestrian and bicyclist movement throughout the area. It will be imperative that all future development within the Corridor, regardless of use, be designed to accommodate multiple modes of travel, affording pedestrians and cyclists the same level of accessibility and mobility as has traditionally been given to motorists. Specific design requirements that promote pedestrian movement are included in Section III. An example of one such requirement is that pedestrian pathways from building entrances to the nearest transit location or the public sidewalk will be required to be sufficiently shaded to allow their year-round usage.

Providing pedestrian/bicyclist facilities for recreational/exercise purposes is equally important. Within the Plan boundaries, two major recreational corridors are planned. First, the Agua Fria River Levee Trail will run north/south, connecting the Freeway Corridor with Friendship Park to the north and the developed residential communities to the south. Second, the Van Buren Street Drainage and Recreational Corridor will provide east/west connectivity for the Freeway Corridor, allowing pedestrians to travel from 99th Avenue to the Agua Fria River in a beautiful, spacious, landscaped environment. Section III of this document establishes requirements for properties adjacent to either or both of these proposed systems.

Objective #6: Further develop the Freeway Corridor's sense of place through street treatments, entry gateways, and other aesthetic treatments within the public realm.

General Plan Circulation Element, Goal #1, Policy E: "Work with adjacent jurisdictions when planning or upgrading infrastructure along boundaries."

General Plan Urban Design Element, Goal #2, Policy A: "Create visual "gateways" at principal entry points to Avondale…"

Enhancing the aesthetic appeal of the Freeway Corridor cannot simply be accomplished through the design of private development sites. Improvements to the City's rights-of-way throughout the area will need to be provided in order to continue developing Avondale's image as an upscale, modern community. Such improvements may include, but are not limited to, right-of-way landscaping enhancements, continuation of the City's landscaped median projects, creation of entry treatments for gateways into Avondale, provision of Public art adjacent to streets, use of wider, detached sidewalks, utilization of colorful, patterned paving materials, and incorporation of unique, artfully designed transit shelters. As a bonus, many of the same measures that will beautify City streetscapes, particularly those measures that involve a landscaping component, will have the added effect of providing additional shading for pedestrian sidewalks and enhancing year round walkability.

Parklets provide open space in the public realm. This example provides seating and landscaping adjacent to a retail oriented street, occupying what were on-street parking spaces.

Additionally, incorporating pedestrian plazas and other similar community gathering places into right-of-way design will serve to provide usable open space in an urban form compatible with the level of development anticipated. One such concept for providing small open space oases in an urban context is through use of "parklets". Defined as "small spaces that serve as an extension of the sidewalk, to provide amenities and green space for people using the street", parklets typically occupy what would be an on-street parking space and are popular with both users and developers, since they are located within the public right-of-way and do not decrease the net building area of a site.

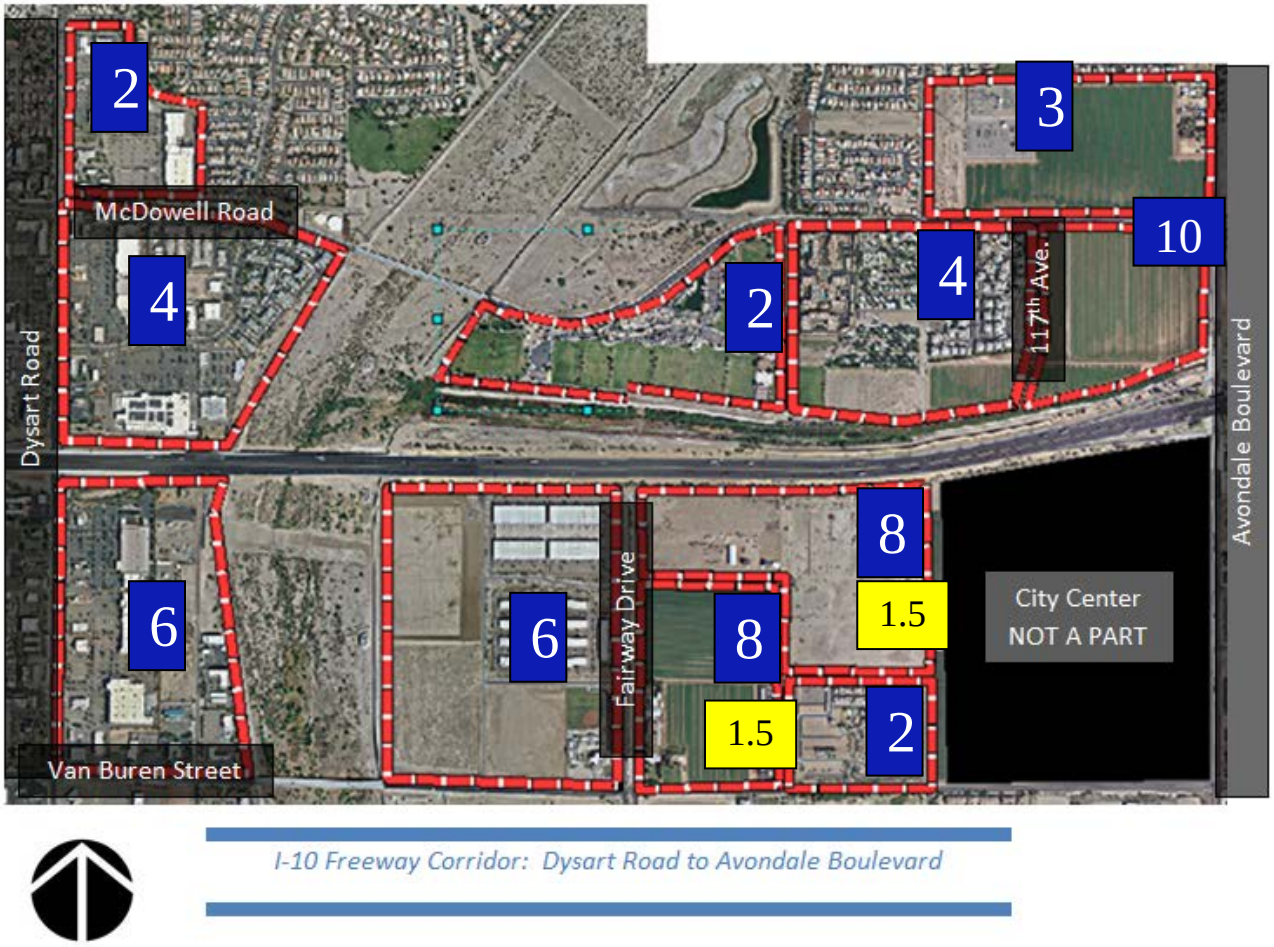
Specific requirements for right-of-way enhancements, including specifications for parklet design, are included in Section III.

III. FREEWAY CORRIDOR DESIGN AND DEVELOPMENT REQUIREMENTS

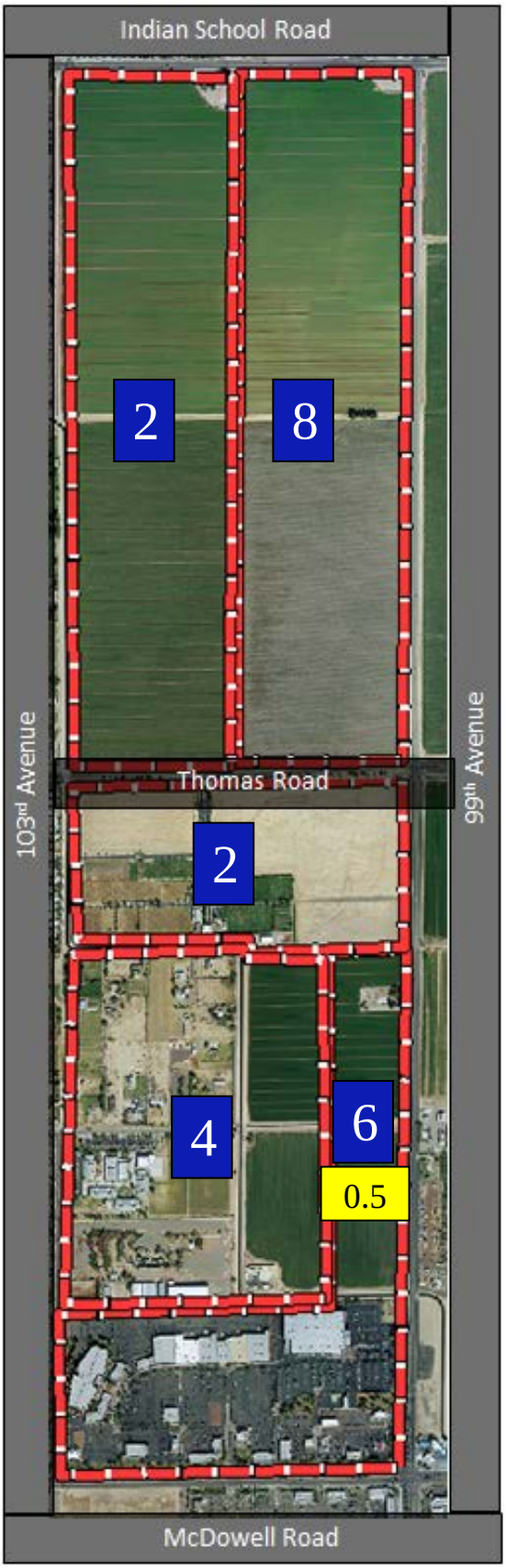
This section establishes design and development requirements intended to further the City's goals for the Freeway Corridor. Unless specifically exempted in Section IV (Implementation) below, development in the Freeway Corridor must adhere to the requirements contained in this section in addition to all design and development standards contained in the Avondale General Plan, Zoning Ordinance and adopted Design Manuals.

Site Development Thresholds:

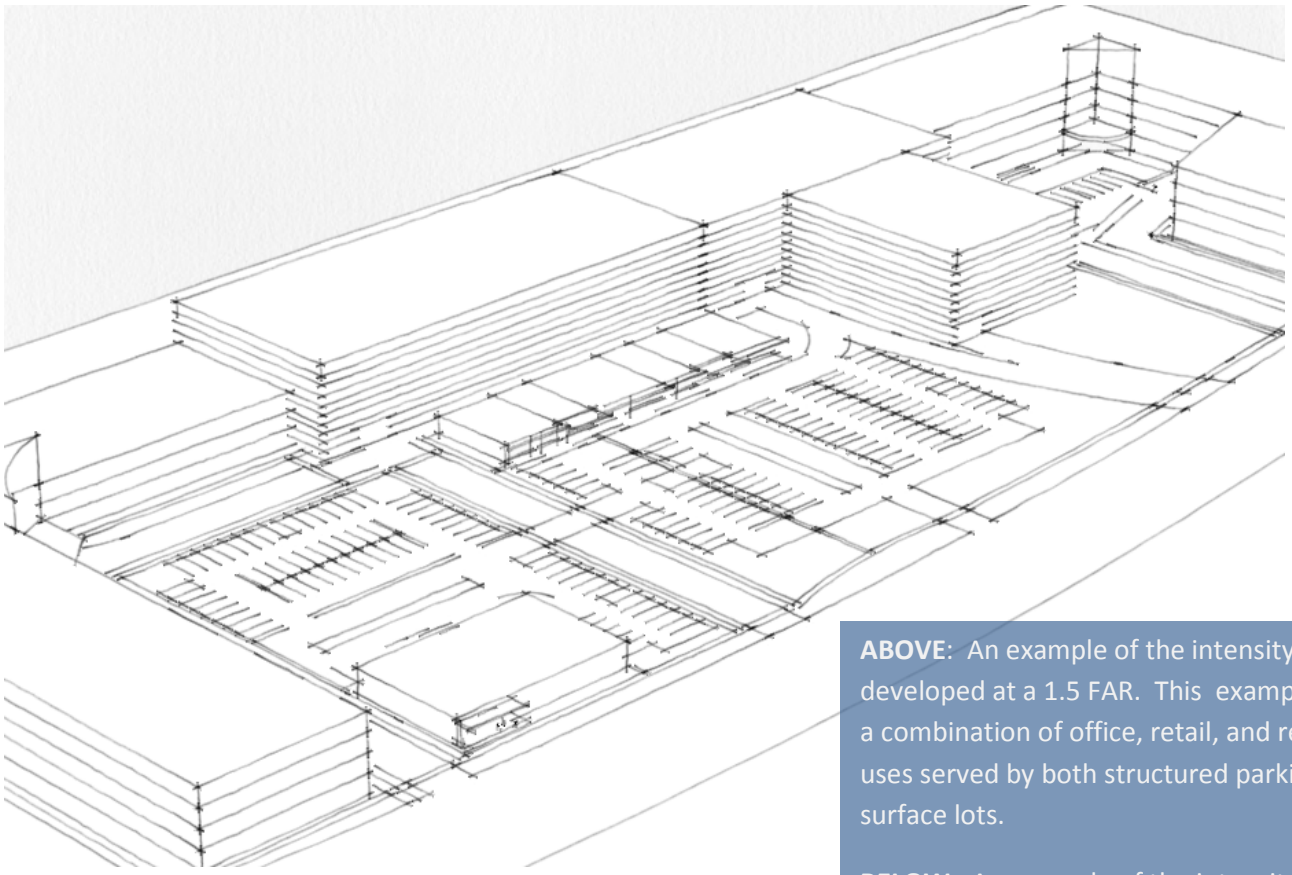
- Development within the FCSP area must adhere to the maximum building heights and minimum floor area ratios (FARs) as shown on the following maps. Maximum building heights are listed, in stories, and are indicated on the maps in blue boxes. Minimum FARs are indicated on the maps in yellow boxes. If a FAR is not shown for a particular boundary area, those areas do not have a minimum FAR requirement. Adherence to minimum FARs will be required on a development site basis subject to the phasing allowances specified later in this document.



I-10 Freeway Corridor: Avondale Boulevard to 99th Avenue

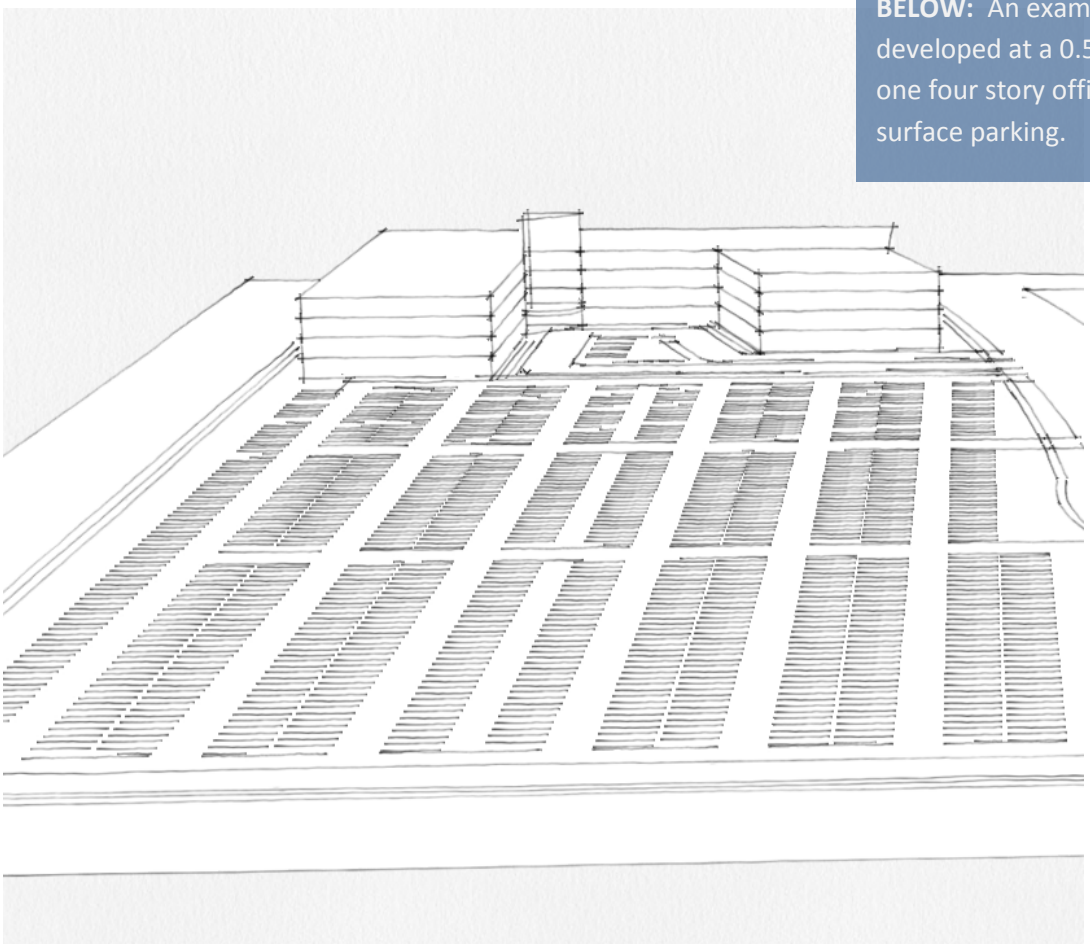


Loop-101 Freeway Corridor:
McDowell Road to Indian School Road



ABOVE: An example of the intensity of a site developed at a 1.5 FAR. This example includes a combination of office, retail, and restaurant uses served by both structured parking and surface lots.

BELOW: An example of the intensity of a site developed at a 0.5 FAR. This example includes one four story office building served entirely by surface parking.



Phasing of Development on Sites with Required FARs

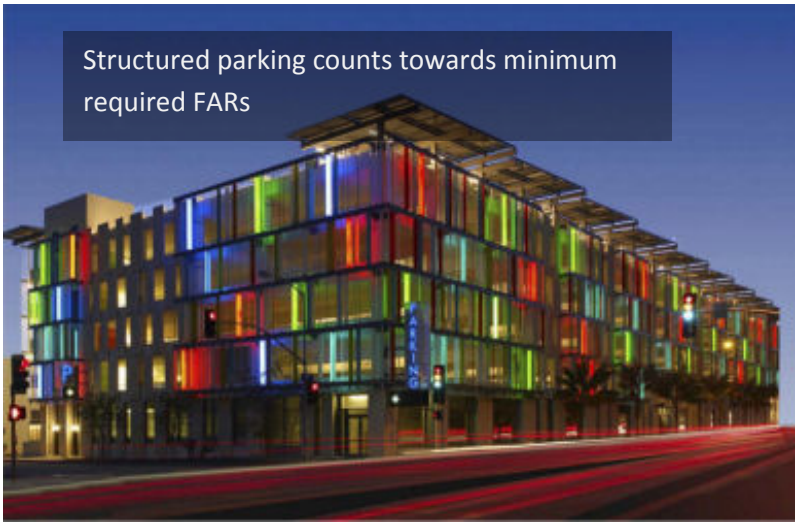
- Development of properties that are subject to minimum FARs may be phased to allow an initial phase of development with less intensity, as may be warranted by current market conditions, as follows:

  - A Master Site Plan for the entire development site is required. The Master Site Plan will be required to achieve the minimum required FAR as established by this document.

  - As part of a first phase, no more than 50 percent of any property subject to a minimum FAR may be developed at 50 percent of the required FAR. For example, a 10 acre property with a minimum 0.5 FAR may develop a first phase not to exceed 5 acres at a minimum FAR of 0.25.

  - As part of a second phase, the remaining 50 percent of the site must be developed at the minimum intensity necessary to achieve the required FAR over the entire parcel. For example, a 10 acre property with a minimum FAR of 0.5 that develops a first phase (5 acres) at 0.25 FAR must develop a second phase (5 acres) at 0.75 FAR, to realize the overall 0.5 FAR.

Parking



- The square footage of a parking structure can be counted towards a development's required minimum FAR.

- Where surface parking is provided adjacent to street, parking lots shall be screened from adjacent public streets by landscaped earth berms a minimum of 3 feet high with a maximum slope of 4:1, or 3' high terraced planters. Vegetative screens may also be approved by the Development Services Director. Parking areas located behind buildings and not visible from adjacent rights-of-way do not require screening.

- Continuous planting strips dividing rows of parking must be provided every other row, with a minimum landscape area width of 6'.

- Development within the TOD Land-Use Designations may request relief of up to 50 percent of required parking spaces due to anticipated lower demand. Interim (e.g. temporary) parking areas may be approved for a transit oriented development until levels of transit service are increased to meet the needs of the development.

Development Types:

Class A Office typically utilizes glass and metal to portray a modern, upscale image.

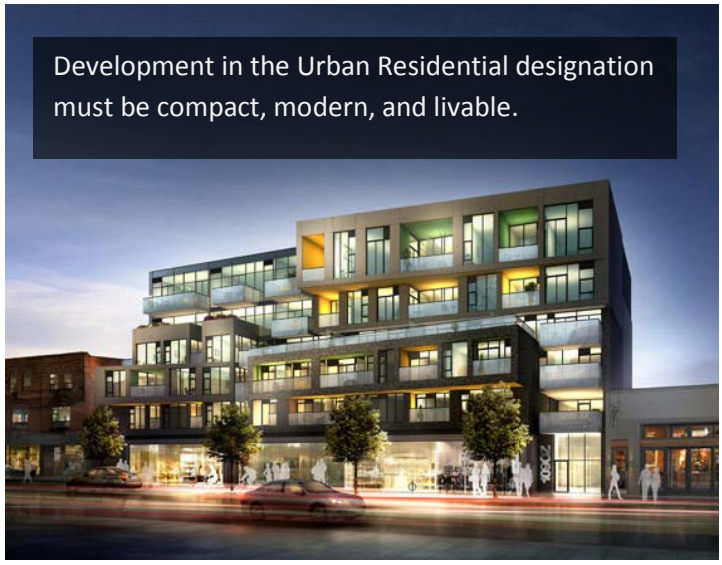
- Development of office uses within the Freeway Corridor shall meet the following "Class A" office standards:
  - 4 stories or greater.
  - 15,000 square feet per floor or greater.
  - Central, interior lobby.
  - Access to all suites from inside the building.

- "Class B" office buildings which do not meet all of the requirements for "Class A" may be approved by the Development Services Department if they are determined to otherwise meet the goals and objectives for design and density within the Freeway Corridor.

- Development of Business Parks within the Freeway Corridor should take on a campus-style form and shall include the following design features:
  - For sites with more than one building, separate buildings must be connected via shaded pedestrian pathways located internal to the site (e.g. in a courtyard setting) and away from parking areas. Shading may be provided mechanically or by shade trees planted on both sides of a pathway.
  - Pedestrian plaza/refuge areas must be provided. These areas must feature, at a minimum: shading, seating, lighting, ground plain variation, and landscaping.

- For development of commercial centers within the Freeway Commercial designation, a minimum of 30 percent of the street frontage shall be occupied by buildings located at the setback line to create a street presence.

- Development within the Urban Residential designation shall meet the following standards:
  - 4 stories or greater.
  - Building(s) 60,000 square feet or larger
  - Central, interior lobby.
  - Access to all units shall be from inside the building.
  - Interior gym facilities for resident use only, roof gardens and/or pools, community rooms, etc. shall count towards minimum open space requirements.

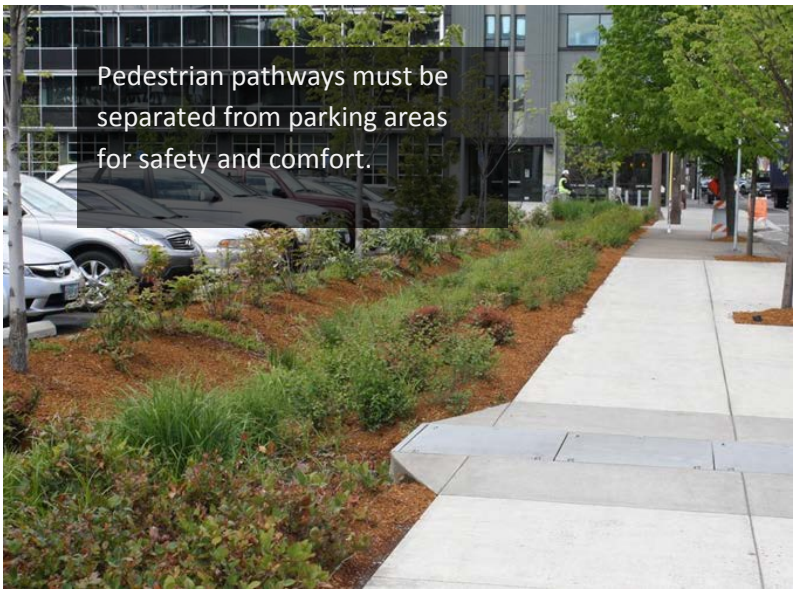


  - Outdoor recreational amenities, such as pool areas, shall count towards minimum FAR requirements.
  - Avoidance of Stucco/EFIS finishes, except in limited amounts as an accent material.

Walkability

- All development shall provide safe and convenient pedestrian and bicyclist access to each building on site from adjacent rights-of-way, transit stops, and parking areas. Pedestrian connections shall feature a minimum 5' wide path and shading. Pedestrian paths, except where they cross driveways and drive aisles, are expected to be located at least 10' from driveways and parking spaces, to buffer pedestrians from vehicular traffic.

- All public sidewalks shall be detached and shaded with trees unless otherwise approved by the City Engineer.



Freeway Adjacent Design

- Building elevations facing I-10 shall utilize the same level of architectural treatment, including, but not limited to, the full range of materials, colors, textures, plane changes, and roofline variation, as the building's primary elevation (e.g. the elevation containing the primary entrance(s)).

- Sites shall be designed to eliminate objectionable views from the freeway. If uses require at grade service areas/loading docks, buildings are shall be sited so that these features are located on a side elevation that is less visible from I-10 or adjacent streets, or entirely screened through a combination of landscaping and other devices.

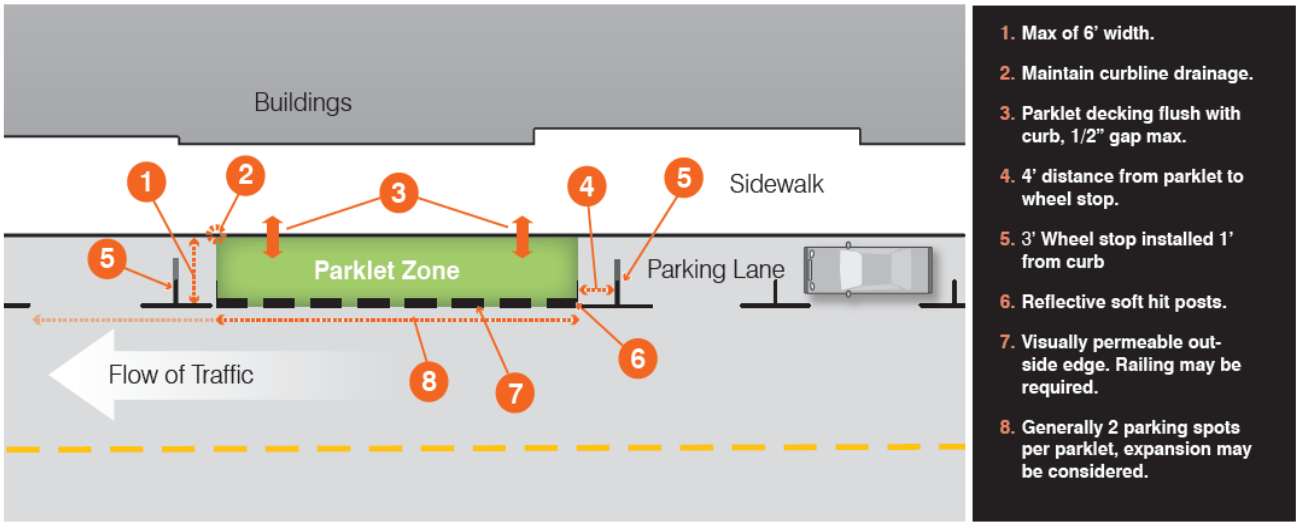
Public Realm

- Development adjacent to the City's planned HCT corridor should anticipate providing right-of-way beyond what is typically required (up to 50' additional per half street) to accommodate future transit service.

- Developments in the Freeway Corridor are required to provide bus/circulator stops at any locations adjacent to the development, as identified by the City's Transportation Plan. Each stop should incorporate materials, colors, and themes from the development. Stops are expected to 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. Potential future BRT/LRT stations, expected to be located within street medians, will be designed and built by the City.

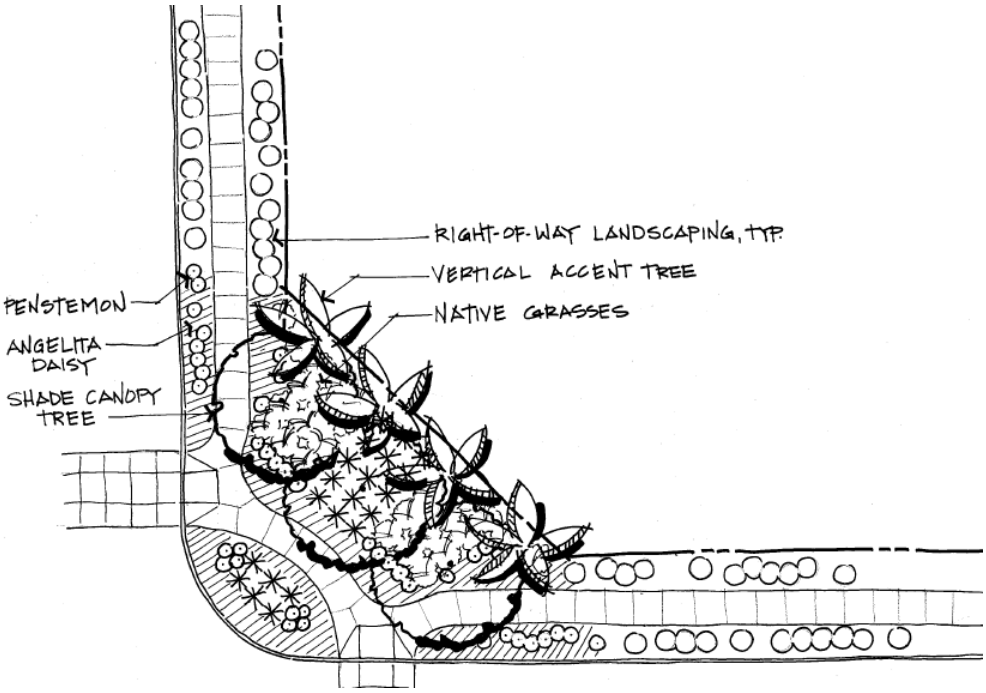
- Right-of-way beyond what is typically required, to accommodate the future Van Buren Regional Drainage and Recreation Corridor, will be required from all development adjacent to Van Buren Street. West of 119th Avenue, an open channel design (right) will restrict vehicular access into development sites from Van Buren Street.

- Retail/Restaurant developments adjacent to collector or local streets should incorporate "parklets" into their design. Parklets are small areas designed to accommodate pedestrian seating and are generally located in areas of high pedestrian traffic.



Entry Gateways

- Entries into the Freeway Corridor should utilize a consistent landscape treatment to help establish the City's identity, as illustrated below. The plant palette and design is intended to be a modern homage to the City's agrarian culture.



- Trees and plants should be planted in rows as illustrated above. Row spacing is to be calculated by determining the plant's diameter at maturity. The cacti and succulent rows should be centered diagonal to the intersection with native grasses flanking both sides of the cacti/succulent massing. Penstemons should be located in front of the grass, and Angelita Daisy in front of the Penstemons to be closest to the pathway and most visible from the street. This arrangement of plants will provide a layered effect as viewed from the street.

- The finished grade shall slope from the sidewalk grade to a height of two feet at the property line.

- Plant materials shall be chosen from the following lists:

  - Common Vertical Accent Tree Options (Choose one): Date Palm (Phoenix dactylifera); California Fan Palm (Washingtonia filifera).

  - Common Shade Canopy Tree Options (Choose one): Blue Palo Verde (Parkinsonia florida); Fruitless Olive (Olea europaea 'Wilsoni'); Native Mesquite (Prosopis juliflora); Red Push Pistache (Pistacia chinensis 'Red Push'); Cottonwood (Populus fremontii)

  - Cacti/Succulents (Choose two): Giant Hesperaloe (Hesperaloe funifera); Desmetti Agave (Agave Desmettiana); Weber Agave (Agave Weberi); Aloe Species (Less than 2' in height)

  - Native Grasses (Choose one): Deer Grass (Muhlenbergia rigida 'Nashville'); Bull Grass (Muhlenbergia emersleyi 'El Toro'); Blue Grama (Bouteloua gracilis); Pine Muhly (Muhlenbergia dubia)

  - Flowering Groundcover (Use all): Angelita Daisy (Tetraneuris acaulis); Parry's Penstemon (Penstemon parryi); Firecracker Penstemon (Penstemon eatoni)

  - Additional plant material may be substituted subject to approval by the City Manager or authorized designee.

IV. IMPLEMENTATION

Under Arizona law, specific plans provide a greater level of detailed planning and regulation of a sub-area of the community. Specific Plans are considered a part of an amendment to the community's General Plan, and may, by State law, be regulatory. That is, the Plan may contain provisions, standards, and restrictions which supersede regulations of the City's Zoning Ordinance.

The Avondale Freeway Corridor Plan contains a number of provisions which are regulatory in nature. Administration of the Specific Plan will be subject to the following rules:

1. Where a provision of the Specific Plan varies from the underlying Zoning or the Subdivision Ordinance, the Specific Plan shall prevail, except that minimum FAR requirements shall only apply to properties rezoned after September 16, 2013. Existing, valid PADs processed before September 16, 2013 are exempt from the requirements of this Plan but are encouraged to use this document as a guide. Amendments to existing PADs processed after September 16, 2013 may propose alternative standards as long as they meet the objectives of this Plan.

2. Within the Freeway Corridor area, no building shall be erected and no existing building shall be moved, enlarged, or altered, or used, in any way except in conformance with the regulations in this Plan.

3. Variances from regulations contained in the Specific Plan may be granted in accordance with the procedures and standards for granting variances, as detailed in the Avondale Zoning Ordinance.

4. Any text amendment to this Plan shall be processed under the procedures for a Major General Plan Amendment, as outlined in the General Plan 2030.

5. Violation of any regulation contained in the Specific Plan shall be deemed to be a violation of the Avondale Zoning Ordinance.

V. PUBLIC PARTICIPATION

Avondale is committed to public participation and daily community engagement. This update of the Freeway Corridor 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 30, 2012, that allowed attendees to share their ideas regarding important design components for future development in the Freeway Corridor. Additionally, a public survey asking questions pertaining to the Freeway Corridor 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, prior to public hearings for the item, drafts of the updated FCSP 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. Property owners within the FCSP area provided input to staff, much of which is reflected in this document.

In addition to the community meeting and outreach detailed above, two Planning Commission work sessions, a City Council Work Session, three Planning Commission Public Hearings, and two City Council Public Hearings were held prior to adoption of the Plan.

CITY COUNCIL REPORT

SUBJECT:
Avondale Branding and Marketing Initiative

MEETING DATE:
September 16, 2013

TO: Mayor and Council

FROM: Pier Simeri, Community Relations Director 623-333-1611

THROUGH: Charlie McClendon, City Manager

PURPOSE:

Staff update the City Council on the the progress of the branding initiative currently underway. Dan Fenton of Strategic Advisory Group (SAG) will present the findings from qualititative and quantitative studies that were conducted regarding people's perceptions of the City of Avondale.

BACKGROUND:

As one of Council's goals under Economic Development, the City of Avondale is developing a marketing strategy to include the creation of a cohesive brand for the city to enhance its image, create a specific identity, promote its positive characteristics and cross-functionally market Avondale to drive business, relocation, tourism and general perception.
As part of its visioning session held in December 2012, the City Council expressed a desire to make Avondale "a community of choice" for business relocation and economic development attraction, as well as home for residents from all socio-economic backgrounds. A means to achieve this is through consistent branding across the City organization and throughout the community to convey the message that Avondale is a community of choice for residents, visitors and businesses.
Through an RFQ process, Avondale selected Strategic Advisory Group (SAG) to develop the city's unique brand.

DISCUSSION:

Since the award of the contract to SAG in May, the consultants have been working closely with city management, and staff from Community Relations & Economic Development on a comprehensive approach to developing Avondale's brand. In July, the city launched a major survey, inviting more than 6,000 individuals via email to participate in the online survey. The survey tool was also available via the city website. The city received more than 1,700 responses to the surveys, providing a solid number for quantititive research.

In addition, SAG consultants conducted extensive outreach to obtain qualitative feedback. As well as one-on-one meetings with council members, several focus group sessions were held over several days in July. Participants included representatives from faith-based and nonprofit and youth-serving organizations, educators from school districts, board and commission and HOA members, engaged residents, PIR, the Automall, the Chamber of Commerce and more.

Dan Fenton from SAG will present the results from the survey and the focus groups. The research will serve as the platform for next step, the creative process into developing the new brand. Simultaneously, staff will be working on a plan for launching and implementing the brand later this year.

BUDGETARY IMPACT:

SAG's services for the year-long project is $90,200. Their fees are covered by carry-over savings from the previous fiscal year from the Economic Development and Community Relations departments' budgets.

RECOMMENDATION:

No action is necessary. For Council's information and feedback only.

ATTACHMENTS:

Click to download

No Attachments Available

CITY COUNCIL REPORT

SUBJECT:
EXECUTIVE SESSION

MEETING DATE:
September 16, 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: (i) Ariz. Rev. Stat. § 38-431.03 (A) (4) for discussion or consultation with the City Attorney in order to consider its position and instruct the City Attorney regarding the breach of a lease agreement for City Center property.

ATTACHMENTS:

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No Attachments Available