

**REGULAR MEETING
September 15, 2014
7:00 PM**

**CALL TO ORDER BY MAYOR
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. MUNICIPAL AESTHETICS PROGRAM FUNDING AGREEMENT - SALT RIVER PROJECT

City Council will consider a request to approve a Municipal Aesthetics Program Funding Agreement with Salt River Project to encumber \$500,000 of SRP Aesthetics Funds for relocation and construction of the SRP irrigation canal along 99th Avenue in association with the first phase of development of Parkside Village Master Planned Community and authorize the Mayor or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

b. RESOLUTION 3217-914 - CANVASS OF VOTES OF THE AUGUST 26, 2014 PRIMARY ELECTION

City Council will consider a resolution canvassing the results of the August 26, 2014 Primary Election. The Council will take appropriate action.

c. ORDINANCE 1557-914 - ACQUISITION OF RIGHT-OF-WAY AT SOUTHWEST CORNER OF 107TH AVENUE AND VAN BUREN STREET

City Council will consider an ordinance authorizing the dedication, purchase or condemnation of a portion of right-of-way at the southwest corner of 107th Avenue and Van Buren Street and authorize the Mayor, City Clerk and City Attorney to execute the necessary documents. The Council will take appropriate action.

4 PUBLIC HEARING AND RESOLUTION 3216-914 - MINOR GENERAL PLAN TEXT AMENDMENTS TO GENERAL PLAN 2030

City Council will hold a public hearing and consider a Resolution amending the text of the General Plan 2030 as it relates to three provisions, as follows: 1) To revise the General Plan Amendment process to remove the requirement that Major Amendments be heard by the City Council during the month of August, 2) To revise the "Business Park" land use

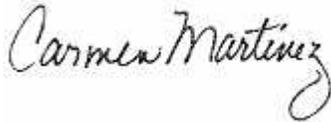
category definition to remove the allowance for “limited warehouse” uses, and 3) To lower the target density for the “Medium/High Density Residential” land use category from 8.0 dwelling units/acre to 4.0 dwelling units/acre. The Council will take appropriate action.

5 PUBLIC HEARING AND ORDINANCE 1556-914 REZONING OF THE NORTHEAST CORNER OF DYSART ROAD AND WESTERN AVENUE REZONING

City Council will hold a public hearing and consider an Ordinance amending the zoning atlas from A-1 (General Industrial) to OTAB (Old Town Avondale Business) for 1.8 gross acres of City-owned property located at the northeast corner of Dysart Road and Western Avenue. The Council will take appropriate action.

6 ADJOURNMENT

Respectfully submitted,



Carmen Martinez
City Clerk

Council Members of the City of Avondale will attend either in person or by telephone conference call.

Los miembros del Concejo de la Ciudad de Avondale participaran ya sea en persona o por medio de llamada telefonica.

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 oido, o con necesidad de impresion grande o interprete, deben comunicarse con la Secretaria de la Ciudad at 623-333-1200 o TDD 623-333-0010 cuando menos dos dias habiles antes de la junta del Concejo.

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 politica 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 estos aparezcan en estos videos o grabaciones de audio. Los padres pueden 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 grabacion de la junta. Si hay algun menor de edad presente durante la grabacion, la Ciudad dara por entendido que los padres han renunciado sus derechos de acuerdo a la ley contenida A.R.S. 1-602.A.9.



CITY COUNCIL AGENDA

SUBJECT:

Municipal Aesthetics Program Funding
Agreement - Salt River Project

MEETING DATE:

9/15/2014

TO:

Mayor and Council

FROM:

Tracy Stevens, Development & Engineering Services Department Director
(623) 333-4012

THROUGH:

David Fitzhugh, City Manager

REQUEST:

Staff requests the City Council approve and authorize a Municipal Aesthetics Program Funding Agreement with Salt River Project to encumber \$500,000 of SRP Aesthetics Funds from the City's account for the realignment and undergrounding of the SRP irrigation canal/lateral along 99th Avenue between Indian School Road and Osborn Road in association with phase 1 construction of the Parkside Village development, in accordance with the Parkside Village development agreement.

PARCEL SIZE:

35-foot wide SRP easement along a half mile length of 99th Avenue

LOCATION:

West side of 99th Avenue between the Indian School Road and Osborn Road.

APPLICANT:

City of Avondale

OWNER:

AG/RW Entorno LLC, Jonathan Grebow (973) 595-0003

BACKGROUND:

In 1989, SRP implemented the Municipal Aesthetics Program to encourage partnerships with local municipalities. The Municipal Aesthetics Program provides municipalities with the opportunity to conduct aesthetic improvements on new and existing SRP water and power distribution facilities. Annual allotment of aesthetics funds to municipalities are based upon: Irrigation water acreage, the percentage of Salt River Valley Water Users Association Membership within the municipality, the municipality's percentage share of total electric facilities revenue, and the total cost of electric system work accomplished during SRP's prior fiscal year.

On June 16, 2014, City Council approved case PL-13-0046 Parkside Village rezoning to Planned Area Development (PAD) as well as a Development Agreement with the property owner. The PAD requires relocation and undergrounding of the SRP irrigation canal along 99th Avenue with the first phase of development. The Development Agreement states the City will contribute \$500,000 of SRP Aesthetics Funds towards the relocation and undergrounding of the SRP irrigation canal along 99th Avenue if the developer receives plan approval by SRP by December 1, 2014, and the

developer provides to the City financial assurances for the cost of the construction by January 1, 2015.

Staff is requesting approval of a funding agreement with SRP to use \$500,000 of SRP Aesthetics Funds for the 99th Avenue irrigation canal relocation and undergrounding. The developer will be responsible for all SRP design costs and the balance of the construction costs for the lateral work.

SUMMARY OF REQUEST:

Staff is seeking authorization to approve a Municipal Aesthetics Program Funding Agreement with Salt River Project to encumber \$500,000 of SRP Aesthetics funds for relocation and construction of a SRP irrigation canal along 99th Avenue in association with the first phase of development of Parkside Village.

PARTICIPATION:

This request is not subject to the Citizen Participation Process.

PLANNING COMMISSION ACTION:

No action is required by Planning Commission.

ANALYSIS:

In 2012, SRP implemented the "Three-Year Rolling Program." This Program established deadlines for municipalities to utilize their respective aesthetic funds. Beginning May 2015 (SRP FY2016), a municipality may carry no more than three (3) fiscal years of allocations. The \$500,000 portion of the SRP Aesthetics is required to be encumbered to a project no later than June 30, 2015. Approving authorization for this agreement with SRP to encumber the \$500,000 for the Parkside Development 99th Avenue SRP irrigation canal is the first step to avoid losing this funding through non-use. The Parkside Village Development Agreement requires the developer to meet the December 1, 2014 date to get SRP plans approved and the January 1, 2015 date to provide to the City financial assurances for the total cost of construction of the 99th Avenue SRP irrigation canal. The developer has provided 60% plans and received SRP tentative approval to proceed with full plans. Plan review is proceeding at a pace expected for the developer to meet the dates required by the Development Agreement. Design and construction consists of relocating the existing 35-foot SRP easement outside of the ultimate right-of-way, and piping the existing open canal.

FINDINGS:

The requested agreement with SRP to encumber \$500,000 of SRP Aesthetics Funds for relocation and undergrounding of the 99th Avenue SRP irrigation canal is in conformance with the goals of the City and the Parkside Village PAD Development Plan approved by City Council June 16, 2014.

RECOMMENDATION:

Staff recommends that the City Council **APPROVE** a Funding Agreement with Salt River Project and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents.

PROPOSED MOTION:

I move that the City Council **APPROVE** a Funding Agreement with Salt River Project and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents.

ATTACHMENTS:

Description

[Exhibit A - 2014 Aerial Photo](#)

[Exhibit B - SRP Aesthetics Funding Agreement](#)

FULL SIZE COPIES: (Council Only)

None

PROJECT MANAGER

Eric Morgan, Planner II (623) 333-4017



**Aerial Photograph 2014
Parkside Village - 99th Avenue
SRP Aesthetics Funds**



 Subject Area





P. O. Box 52025
Phoenix, AZ 85072-2025
(602) 236-5900
www.srpnet.com

July 29, 2014

Charles Andrews
City of Avondale
11465 W Civic Center Dr
Avondale, AZ 85323

File No.: PSG-103.07.09
Ref. No.: MAPE-1323

**SUBJECT: 99TH AVE/INDIAN SCHOOL LATERAL PIPING –
AESTHETICS CONTRIBUTION TOWARDS CONSTRUCTION**

Dear Charles,

Per your direction, the City of Avondale is offering to contribute a portion of its Aesthetics funds towards construction costs to pipe a portion of the 99th Avenue lateral from Indian School Road south to Osborn Road. This work is being done in conjunction with Parkside Village, a developer driven project on the southwest corner of 99th Avenue and Indian School. The developer will be responsible for all SRP design costs and the balance of the construction costs for the lateral work.

Job Scope:

Pipe open lateral along 99th Ave from Indian School Road south to Osborn Road. SRP will install approximately 2,700 feet of 90 inch pipe, one (1) delivery structure, two (2) manholes, and two (2) headwalls.

Attached is a Funding Agreement in the amount of **\$500,000**, the amount you have indicated the city will contribute towards this project. Please sign and return the agreement to me indicating your approval to utilize Avondale's funds towards project construction costs. SRP work must go to construction within 24 months of the date of this letter; otherwise the funds will become void and at risk of being forfeited.

Please contact me at (602) 236-3735 or at Janice.Cacioppo@srpnet.com if you have any questions regarding the Aesthetics funding.

Sincerely,

A handwritten signature in black ink, appearing to read "Janice Cacioppo". The signature is fluid and cursive, with a small star-like mark above the "o" in "Cacioppo".

Janice Cacioppo
Municipal Aesthetics Program Administrator

Sent via Email

c: Chris Hamilton, Avondale
K Tilghman
R Padilla
File



July 29, 2014
File No.: PSG-103.07.09
Ref No.: MAPE-1323

MUNICIPAL AESTHETICS PROGRAM
FUNDING AGREEMENT

CONCEPTUAL ESTIMATE REVISED COSTS DEFINITIVE COSTS

PROJECT NAME: 99TH AVE/INDIAN SCHOOL LATERAL PIPING – CONTRIBUTION TOWARDS CONSTRUCTION

AESTHETICS REF #: ARC00001612

TOTAL COST ESTIMATE: \$500,000

ESTIMATE DATE: 7/29/14

VALID THROUGH: 11/26/14

CONDITIONS:

- This estimate is valid for 120 days from the date of this agreement after which a revised cost may be determined.
- A Definitive Cost will be sent to Municipality upon design completion.
- SRP reserves the right to adjust the estimate to reflect current costs.
- The Municipality's SRP Municipal Aesthetics allocation exposure for this project will not exceed actual costs incurred by SRP.
- Any future relocation of the facilities associated with this project will be at the cost of those other than SRP, including use of SRP Municipal Aesthetics funds.
- Construction will be done during normal SRP work hours unless otherwise agreed to.
- Lane closures that do not impede the normal workflow of traffic will be allowed unless otherwise agreed to.

Power Projects:

- As a condition of the use of SRP Aesthetics funds the Municipality is required to provide SRP with a land right that is acceptable to SRP for all relocated and new facilities installed on Aesthetics projects.
- If the Municipality requires any additional conduits be placed in the trench an agreement must be in place with SRP prior to the start of construction.
- If applicable, Telco and CATV will be offered a joint trench opportunity per existing agreements. Joint trench costs for other utilities are not fundable through the SRP Municipal Aesthetics Program.
- Municipality streetlight requirements, if applicable, will be provided early in the design process. Streetlight pole installation and connection costs are the responsibility of the Municipality.

Trench Provider: SRP N/A Municipality N/A (please initial choice of provider)

Municipality: CITY OF AVONDALE

Print Name: _____ Title: _____

Approved: _____ Date: _____
Signature

Declined: _____ Date: _____
Signature

Please sign and return this Funding Agreement to:

Janice Cacioppo, XCT400
Municipal Aesthetics Program Administrator
SRP Project Services
P O Box 52025
Phoenix, AZ 85072-2025

Janice.Cacioppo@srpnet.com
Office: 602-236-3735
Fax: 602-629-8390



CITY COUNCIL AGENDA

SUBJECT:

Resolution 3217-914 - Canvass of Votes of the August 26, 2014 Primary Election

MEETING DATE:

9/15/2014

TO: Mayor and Council**FROM:** Carmen Martinez, City Clerk (623) 333-1214**THROUGH:** David Fitzhugh, City Manager**PURPOSE:**

City Council will consider a resolution canvassing the results of the August 26, 2014 Primary Election.

DISCUSSION:

The City of Avondale held its Primary Election on August 26, 2014. In accordance with State Statute, City Council must canvass the elections results no less than six days and no more than twenty days after the election. There were seven candidates running for three seats in the City Council.

Elections results are as follows:

<i>Candidate</i>	<i># of Votes</i>
Bryan Kilgore	2,751
Joe Mosca	1,079
Manny Murillo	1,471
Sandi Nielson	2,596
Bradley Ruggles	1,234
Lorenzo Sierra	1,901
Charles Vierhout	1,694

Based on the number of votes cast, Bryan Kilgore and Sandi Nielson received a majority of votes cast at the Primary Election and are therefore declared elected. Lorenzo Sierra and Charles Vierhout will move on to the General Election for the seat that remains open.

RECOMMENDATION:

Staff is recommending the City Council adopt a resolution canvassing the results of the August 26, 2014 Primary Election.

ATTACHMENTS:

Description

[Resolution 3217-914](#)

RESOLUTION NO. 3217-914

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, DECLARING AND ADOPTING THE RESULTS OF THE PRIMARY ELECTION HELD ON AUGUST 26, 2014.

WHEREAS, the City of Avondale (the “City”), Arizona, held a primary election on August 26, 2014 (the “Election”) for the nomination/election of three Council Members; and

WHEREAS, the Election returns, which are depicted on Exhibit A attached hereto, have been presented to, and have been canvassed by, the Council of the City of Avondale.

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

SECTION 1. The total number of registered voters was 33,991; the total number of ballots cast at the Election, as shown by the poll lists, was 5,478 and the total rate of return was 16.12%.

SECTION 2. The number of provisional ballots was 150, and 23 ballots were found to be ineligible.

SECTION 3. The votes cast for the candidates for Council Member were as follows:

Kilgore, Bryan	2,751
Mosca, Joe	1,079
Murillo, Manny	1,471
Nielson, Sandi	2,596
Ruggles, Bradley	1,234
Sierra, Lorenzo	1,901
Vierhout, Charles	1,694

SECTION 4. It is hereby found, determined and declared of record, that the following candidates for the office of Council Member (i) received the majority of valid votes cast at the Primary Election and (ii) shall be issued certificates of election by the City Clerk:

Bryan Kilgore, for the office of Council Member
Sandi Nielson, for the office of Council Member

SECTION 5. It is hereby found, determined and declared of record, that the following candidates for the office of Council Member (i) did not receive more than one-half of the total

number of valid votes cast the Primary Election, (ii) shall be issued letters by the City Clerk declaring their nomination and (iii) shall have their names forwarded to Maricopa County Elections for inclusion on the City of Avondale's November 4, 2014, General Election ballot:

Lorenzo Sierra, for the office of Council Member
Charles Vierhout, for the office of Council Member

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 Resolution.

SECTION 7. That this Resolution shall be in full force and effect immediately upon its adoption.

PASSED AND ADOPTED by the Council of the City of Avondale, September 15, 2014

Kenneth Weise, Mayor

ATTEST:

Carmen Martinez, City Clerk

APPROVED AS TO FORM:

Andrew J. McGuire, City Attorney

EXHIBIT A
TO
RESOLUTION 3217-914

[Election Returns]

(See following page.)

CITY OF AVONDALE
PRIMARY ELECTION - AUGUST 26, 2014
RESULTS ANALYSIS

	PPNO 015	PPNO 035	PPNO 117	PPNO 155	PPNO 185	PPNO 186	PPNO 341	PPNO 454	PPNO 461	PPNO 560	PPNO 684	Official Totals
	ALVARADO Rio Vista School	AVONDALE 1st. So.Baptist Church	COLDWATER RIDGE Estrella Vista School	CRYSTAL GARDENS 1st Baptist Church GL	DESSIE Michael Anderson School	DEVONSHIRE Cornerstone Christian Church	LA REATA Corte Sierra School	ORME Collier School	PALMBROOK Litchfield 1st Baptist Church	SANTA FE Rancho Santa Fe School	WARNER Quentin School	
# REGISTERED VOTERS	1,614	1,727	2,398	4,548	2,418	4,936	1,921	5,395	3,374	2,084	3,576	33,991
BALLOTS CAST	186 12%	285 17%	298 12%	766 17%	298 12%	1082 22%	408 21%	755 14%	547 16%	408 20%	445 12%	5,478 16.12%

COUNCIL

	Votes Cast	% ballots	% votes	Votes Cast	% ballots	% votes	Votes Cast	% ballots	% votes	Votes Cast	% ballots	% votes	Votes Cast	% ballots	% votes	Votes Cast	% ballots	% votes	Votes Cast	% ballots	% votes	Votes Cast	% ballots	% votes	Votes Cast	% ballots	% votes	Votes Cast	% ballots	% votes						
KILGORE	77	41%	18%	131	46%	19%	117	39%	17%	440	57%	24%	121	41%	17%	584	54%	24%	220	54%	23%	398	53%	23%	282	52%	23%	240	59%	26%	141	32%	13%	2,751	8.09%	21.62%
MOSCA	23	12%	5%	46	16%	7%	56	19%	8%	153	20%	8%	73	24%	10%	234	22%	9%	79	19%	8%	139	18%	8%	102	19%	8%	61	15%	7%	113	25%	11%	1,079	19.70%	8.48%
MURILLO	65	35%	15%	124	44%	18%	100	34%	14%	192	25%	11%	138	46%	19%	229	21%	9%	71	17%	8%	193	26%	11%	96	18%	8%	75	18%	8%	188	42%	18%	1,471	26.85%	11.56%
NIELSON	85	46%	20%	135	47%	20%	154	52%	22%	369	48%	20%	111	37%	15%	532	49%	21%	229	56%	24%	343	45%	20%	248	45%	20%	190	47%	20%	200	45%	19%	2,596	47.39%	20.40%
RUGGLES	52	28%	12%	66	23%	10%	67	22%	10%	169	22%	9%	35	12%	5%	223	21%	9%	120	29%	13%	139	18%	8%	175	32%	14%	97	24%	10%	91	20%	9%	1,234	22.53%	9.70%
SIERRA	84	45%	20%	127	45%	18%	131	44%	19%	236	31%	13%	168	56%	23%	305	28%	12%	99	24%	11%	276	37%	16%	149	27%	12%	89	22%	10%	237	53%	23%	1,901	34.70%	14.94%
VIERHOUT	42	23%	10%	59	21%	9%	71	24%	10%	254	33%	14%	71	24%	10%	370	34%	15%	124	30%	13%	255	34%	15%	181	33%	15%	184	45%	20%	83	19%	8%	1,694	30.92%	13.31%
TOTAL	428			688			696			1813			717			2477			942			1743			1233			936			1053			12,726		

Formula to determine successful candidate: Add total votes cast for all candidates, divide by 3 (number of seats open), divide by 2 and round up to the next whole number.

12,726 / 3 = 4,242
4,242 / 2 = 2121

REJECTED BALLOTS												TOTAL																								
LATE				4			6		1	13	2	4	6	2	2																					40
BAD SIGNATURE							2		1	1					1																					5
NO SIGNATURE	2					1	8		5	8	1	6	2	1	7																					41
TOTAL	2			4		1	16		7	22	3	10	8	4	9																				86	

PROVISIONAL BALLOTS												TOTAL
COUNTED	3	4	4	13	3	40	9	28	5	6	12	127
NOT COUNTED	1	3	0	1	4	3	2	0	1	6	2	23
TOTAL	4	7	4	14	7	43	11	28	6	12	14	150



CITY COUNCIL AGENDA

SUBJECT:

Ordinance 1557-914 - Acquisition of Right-of-Way at Southwest Corner of 107th Avenue and Van Buren Street

MEETING DATE:

9/15/2014

TO: Mayor and Council

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

THROUGH: David Fitzhugh, City Manager

PURPOSE:

Staff is requesting that the City Council adopt an ordinance authorizing the dedication, purchase or condemnation of a portion of right-of-way at the southwest corner of 107th Avenue and Van Buren Street and authorize the Mayor, City Clerk and City Attorney to execute the necessary documents.

BACKGROUND:

On November 4, 2013, City Council approved the Municipal Aesthetics Program Funding Agreement with Salt River Project (SRP) for the relocation of SRP's power and irrigation facilities. 107th Avenue from Roosevelt Street to Van Buren Street was identified as a priority project in that Agreement. SRP has completed the pre-final design of the irrigation pipeline for undergrounding the open irrigation lateral located along the west side of 107th Avenue north of Van Buren Street. Other improvements under design include relocation of the overhead 69kV transmission line and widening of 107th Avenue roadway.

DISCUSSION:

This action is to approve the acquisition of an approximately 0.075 acre area of right-of-way owned by Roosevelt Park Unit One Community Association needed for the 107th Avenue Improvement Project. The property consists of an approximate 116 foot long 36 foot wide roughly trapezoidal shaped area of the southwest corner of the intersection. The parcel will be used to relocate SRP irrigation facilities connecting the new pipeline to the north to allow for roadway improvements. Request for approval to grant SRP easements for irrigation facilities in this area will be forthcoming.

BUDGET IMPACT:

Funding for the dedication, purchase or condemnation and associated legal fees for the acquisition of the property is available in CIP Street Fund Line Item No 304-1330-00-8420, 107th Avenue – Roosevelt to Van Buren.

RECOMMENDATION:

Staff recommends that the City Council adopt an ordinance authorizing the dedication, purchase or condemnation of a portion of right-of-way at Southwest corner 107th Avenue and Van Buren Street and authorize the Mayor, City Clerk and City Attorney to execute the necessary documents.

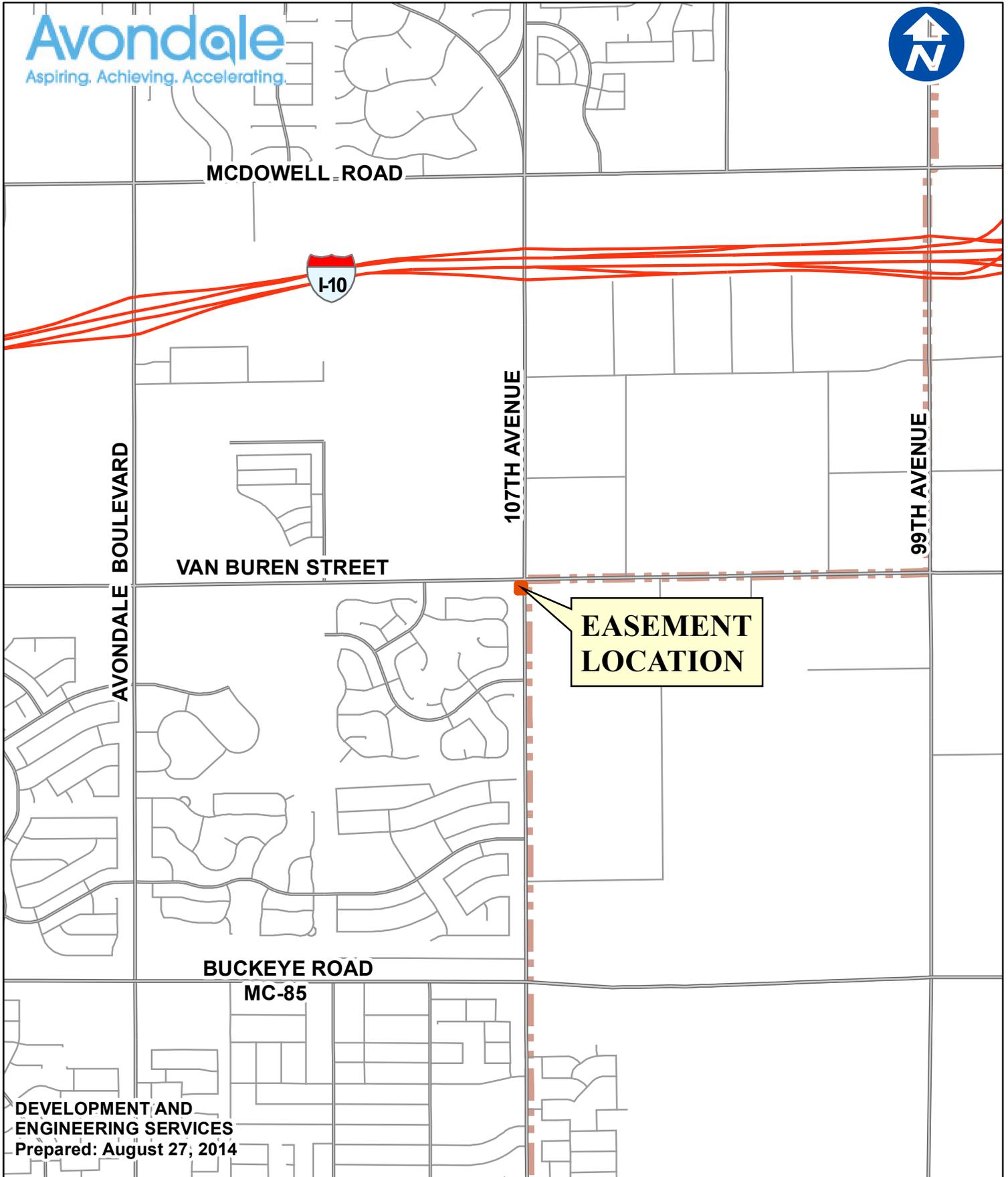
ATTACHMENTS:

Description

[Vicinity Map](#)

[Ordinance 1557-914](#)

LOCATION MAP



RIGHT-OF-WAY DEDICATION 107TH AVE AND VAN BUREN STREET

ORDINANCE NO. 1557-914

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE,
ARIZONA, AUTHORIZING THE ACQUISITION OF REAL PROPERTY FOR
PUBLIC USE.

WHEREAS, Article I, Section 3 of the Avondale City Charter authorizes the City of Avondale (the “City”) to acquire real property in fee simple or any lesser interest, inside or outside its corporate limits for any City purpose, when the public convenience requires it and in accordance with the provisions of State law; and

WHEREAS, the City Council desires to authorize the acquisition of certain real property generally located at the southwest corner of 107th Avenue and Van Buren Street for the 107th Avenue improvement project.

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

SECTION 1. The recitals above are hereby incorporated as if fully set forth herein.

SECTION 2. The acquisition, by purchase or dedication, of real property totaling ± 0.076 acres, a portion of Maricopa County Assessor’s parcel number 101-01-945, generally located at the southwest corner of 107th Avenue and Van Buren Street, as more particularly described and depicted on Exhibit A, attached hereto and incorporated herein by reference, is hereby authorized.

SECTION 3. If any provision of this Ordinance is for any reason held by any court of competent jurisdiction to be unenforceable, such provision or portion hereof shall be deemed separate, distinct and independent of all other provisions and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4. The Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to take all steps and to execute all documents necessary to carry out the purpose and intent of this Ordinance.

[SIGNATURES ON FOLLOWING PAGE]

PASSED AND ADOPTED by the Council of the City of Avondale, September 15, 2014.

Kenneth N. Weise, Mayor

ATTEST:

Carmen Martinez, City Clerk

APPROVED AS TO FORM:

Andrew J. McGuire, City Attorney

EXHIBIT A
TO
ORDINANCE NO. 1557-914

[Legal Description and Map]

See following pages.

**LEGAL DESCRIPTION
RIGHT OF WAY DEDICATION
(ROOSEVELT PARK UNIT ONE COMMUNITY ASSOCIATION)**

The following described Parcel being a part of Tract "B" of the Roosevelt Park Unit 1, subdivision, a residential plat recorded in Maricopa County Recorders Office (MCR) Book 716, page 47, said Parcel and Tract "B" being located in the northeast quarter (NE1/4) of Section 7, Township 1 North, Range 1 East of the Gila and Salt River Meridian, City of Avondale, Maricopa County, Arizona:

Commencing at the northeast corner of said Section 7, being marked by a City of Avondale brass cap in hand hole, from which for a bearing reference the north quarter corner of said Section 7, being marked by a Maricopa County Highway Department brass cap in handhole per point 54231-1 description on the Record of Survey recorded in Maricopa County Recorders Office Book 686, page 43, bears South 89° 05' 04" West, 2613.68 feet (combined grid to ground scale factor 1.000126616); and from which for a second bearing reference the east quarter corner of said Section 7, being marked by a Maricopa County Department of Transportation brass cap in handhole, bears South 00° 12' 56" East, 2631.54 feet (combined grid to ground scale factor 1.000126616);

Thence along the north line of said Section 7, South 89° 05' 04" West, 143.18 feet;

Thence leaving said north line, South 00° 54' 56" East, 65.00 feet to the south line of the north 65.00 feet of said Section 7, also being the north line of said Tract "B" as referenced in MCR Instrument no. 2005-0245953, and the POINT OF BEGINNING;

Thence leaving said north Tract "B" line, continuing South 00° 54' 56" East, 06.40 feet;

Thence South 71° 01' 49" East, 05.13 feet;

Thence South 45° 33' 56" East, 115.90 feet to the west line of the east 55.00 feet of said Section 7, also being the east line of said Tract "B";

Thence along said west line, being said east line of Tract "B", North 00° 12' 56" West, 50.60 feet to an angle point of said Tract "B";

Thence leaving said west line, along the northeast line of said Tract "B", North 45° 33' 56" West, 56.22 feet to an angle point in the said north line of Tract "B";

Thence along said north Tract "B" line, South 89° 05' 04" West, 47.38 feet back to the POINT OF BEGINNING.

Parcel contains 3,307 square feet or 0.076 acres, more or less.

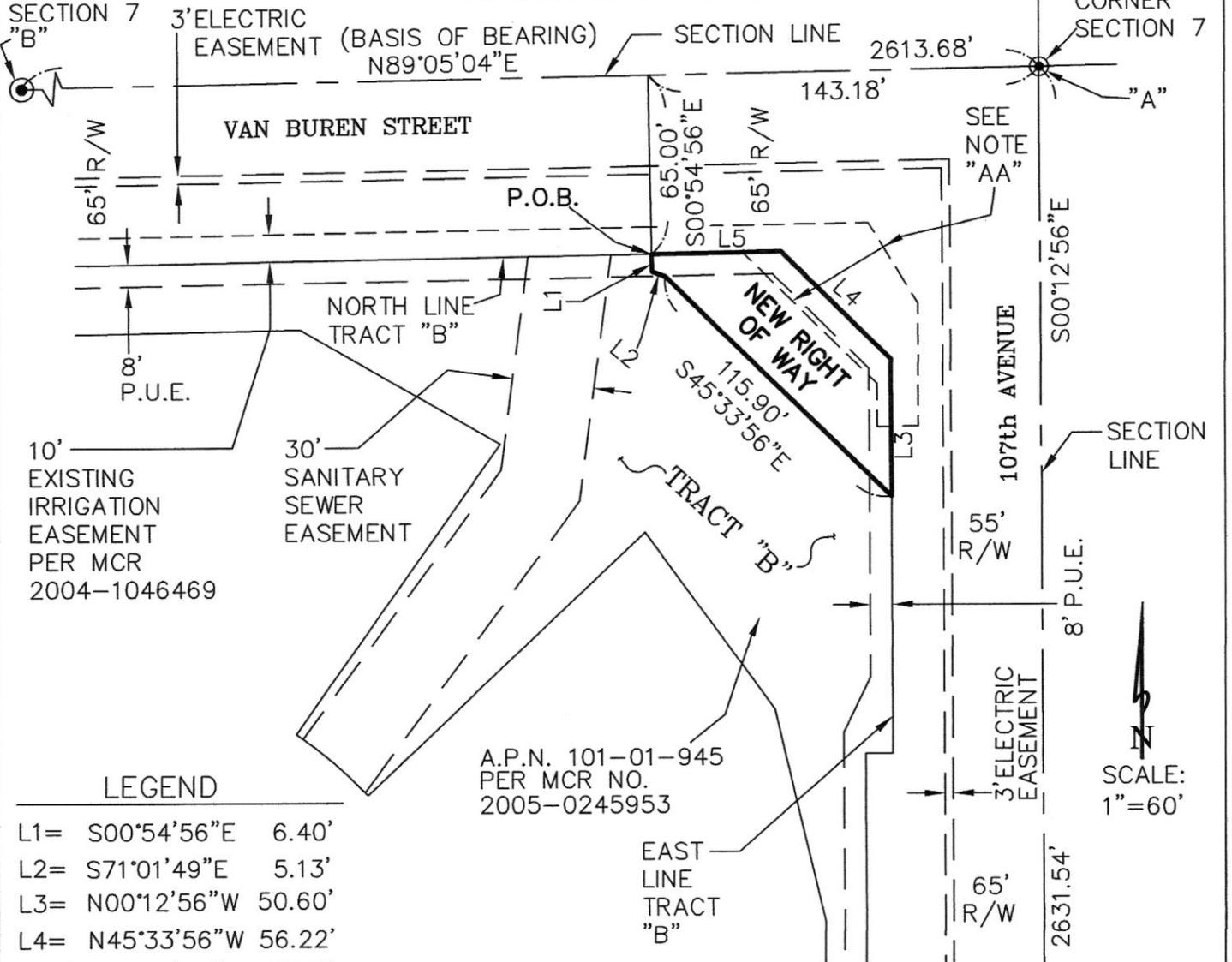
Exhibit Map attached and made a part hereon.



NORTH QUARTER
CORNER
SECTION 7
"B"

EXHIBIT MAP

P.O.C.
NORTHEAST
CORNER
SECTION 7
"A"



LEGEND

- L1= S00°54'56"E 6.40'
- L2= S71°01'49"E 5.13'
- L3= N00°12'56"W 50.60'
- L4= N45°33'56"W 56.22'
- L5= S89°05'04"W 47.38'

NOTE "AA"= EXISTING IRRIGATION EASEMENT PER MCR 2004-1046469

"A"= CITY OF AVONDALE
BRASS CAP IN HANDHOLE

"B"= MARICOPA COUNTY
HIGHWAY DEPARTMENT
BRASS CAP IN HANDHOLE

"C"= MARICOPA COUNTY DEPARTMENT
OF TRANSPORTATION
BRASS CAP IN HANDHOLE

- R/W=RIGHT OF WAY
- A.P.N.=ASSESSOR PARCEL NUMBER
- P.U.E.=PUBLIC UTILITY EASEMENT
- MCR=MARICOPA COUNTY RECORDERS OFFICE
- P.O.B.= POINT OF BEGINNING
- P.O.C.= POINT OF COMMENCING



EXPIRES 03/31/2016

CRS

CONSULTANT REGISTERED
SURVEYING
8732 E. PICCADILLY ROAD
SCOTTSDALE, ARIZONA
480-620-1382



CITY COUNCIL AGENDA

SUBJECT:

Public Hearing and Resolution 3216-914 - Minor
General Plan Text Amendments to General Plan 2030

MEETING DATE:

9/15/2014

TO:

Mayor and Council

FROM:

Tracy Stevens, Development & Engineering Services Director (623) 333-4012

THROUGH:

David Fitzhugh, City Manager (623) 333-1014

REQUEST:

Approve three minor amendments to the text of the General Plan 2030

APPLICANT:

City of Avondale Development & Engineering Services Department

OWNER:

City of Avondale

BACKGROUND:

The Avondale General Plan 2030 (GP2030) was approved by City Council in April 2012 and ratified by Avondale voters in August of that same year. Since ratification, the GP2030 has helped to further Avondale's vision of becoming a "Healthy, Sustainable Community".

After an extensive General Plan update is undertaken, it is standard practice to identify items in the document that are in need of revision or additional clarification. Processing minor updates to the text of the Plan helps to ensure the document is working to achieve the overall community vision, common goals, and policies. In the two years since adoption of GP2030, staff has identified three minor text amendments to the General Plan that, if approved, will ensure the document is functioning optimally. The proposed revisions are detailed in the next section of this report.

SUMMARY OF REQUEST:

1. The proposed General Plan 2030 text amendment includes three separate components (Exhibit A), as follows:

Amendment #1: General Plan Amendment Process

Existing General Plan text:

"Major amendments to the 2012 Plan will be processed starting January 1st of each year and shall be considered by the Council at a regular meeting in August of each year. An application may not

be accepted after February 1st.”

To be replaced by:

“Major amendments to the 2012 Plan will be processed starting January 1st of each year, with the application deadline ending March 1st. In accordance with ARS 9-461.06.H, all major amendments are required to be presented at a single public hearing during the calendar year the proposal is made. The time and date of that meeting shall be determined by the Development & Engineering Services Director, upon review of the number and complexity of Major Amendment requests in any given year.”

Summary of revision:

The proposed amendment provides additional flexibility to applicants and allows for a more efficient process by extending the application submittal deadline for Major General Plan Amendments an additional month, to March 1st, and eliminating the requirement that Major Amendments be heard by the City Council in August of each year. With the proposed revision, all Major General Plan Amendments will still be required to complete the same review and hearing process as is currently required (i.e. Neighborhood Meeting, two Planning Commission Hearings, one City Council Hearing), but the specific date of Council hearing would no longer be prescribed. Additionally, the Arizona statutory requirement is that in the event there are multiple Major Amendment requests submitted during a calendar year, they would all be heard at the same Council meeting.

Amendment #2: Medium/High Density Residential Land Use Category

Existing General Plan text:

“Medium/High Density Residential (4 to 12 DU per acre, Target Density = 8.0)

To be replaced by:

“Medium/High Density Residential (4 to 12 DU per acre, Target Density = 4.0)”

Summary of revision:

All residential land use categories include a density range with a target density. Development is allowed at the target density, with allowances for density to increase within the range if a project demonstrates that it exceeds the minimum requirements for walkability, quality, open space, energy efficiency, etc. The proposed amendment reduces the target density of the Medium/High Density Residential Land Use Category from 8 dwelling units/acre to 4 dwelling units per acre, meaning that proposals to develop land with this designation will start at 4 dwelling units to the acre, with up to 12 dwelling units per acre allowed if the project significantly exceeds expectations. As currently written, development could start at 8 dwelling units per acre without exceeding City minimum requirements.

Amendment #3: Business Park Land Use Category

Existing General Plan text:

“The category accommodates enclosed light manufacturing, corporate commerce, hotel, multi-story offices, research and development industries, solar and renewable energy manufacturers, motor sports related industry manufacturers, and limited warehouse and support services that support these primary employment uses.”

To be replaced by:

“The category accommodates enclosed light manufacturing, corporate commerce, hotel, multi-story offices, research and development industries, solar and renewable energy manufacturers, motor sports related industry manufacturers, and limited service uses that support these primary employment uses.”

Summary of Revision:

The proposed amendment eliminates warehouses from the list of acceptable uses in the Business Park Land Use Category. Warehouses remain an acceptable use in the Industrial Land Use Designation, which is used on properties that have adequate transportation access and are located in areas where heavier uses will not conflict with adjacent land uses.

2. The General Plan 2030 states, “Text changes to this 2012 Plan shall be considered major amendments only if they are in conflict with, eliminate, or alter the intent of any goal or policy. Text changes that alter an implementation strategy or strategies may be considered minor amendments if the goals and policies are not directly or indirectly affected.” The proposed amendments, as listed above, do not conflict with, eliminate, or alter the intent of any goal or policy of the General Plan 2030. As such, this request is considered a “minor” amendment to the Plan and can be processed according to the regularly scheduled review and hearing process.

PARTICIPATION:

The Development and Engineering Services Department conducted a neighborhood meeting to offer interested parties an opportunity to discuss the proposal on Wednesday, July 30th, at 6:00 P.M. at Avondale City Hall (Mohave Conference Room). The meeting was advertised in the July 15, 2014 edition of the West Valley View. No members of the public attended the neighborhood meeting.

The Planning Commission heard this request at their meeting on August 21, 2014. A notice of the Planning Commission hearing was published in the West Valley View on July 29, 2014. No interested parties spoke on the item at the Planning Commission meeting.

A notice of this September 15, 2014, City Council public hearing was published in the West Valley View on August 26, 2014. No additional comments on this proposal have been received to date.

PLANNING COMMISSION ACTION:

The Planning Commission conducted a public hearing on August 21st (Exhibit B), and voted 6-0 to recommend approval of the proposed General Plan text amendments.

ANALYSIS:

A General Plan is a living document which requires continuous review and updating to function appropriately and achieve the goals of the community and City Council. This proposal addresses three areas for improvement that staff has identified in the period following adoption of the General Plan 2030. The goal of the proposed amendments is to ensure that the General Plan is working optimally to further the goals and policies in the plan and the objectives set forth by the City Council.

Amendment #1: General Plan Amendment Process

The proposed amendment represents an improvement to the City’s Major General Plan Amendment process and will provide improved customer service, a primary focus of the City of Avondale.

The current Major General Plan Amendment process requires applications be received by the end of January and heard at a specific Council Meeting during the month of August. For larger, more complex applications, this prescribed schedule does not allow enough time for adequate review, revision, and processing. Removing the specific requirement that Major Amendments be heard by the City Council in August of each year will allow staff and applicants additional time (up to 4 more months) to work through potential issues, if necessary. Except for providing more flexibility in terms of meeting dates, the extensive notification, meeting, and public hearing process required for Major Amendments is not impacted by the proposed amendment.

Amendment #2: Medium/High Density Residential Land Use Category

The proposed amendment represents an improvement to the Medium/High Density land use category by making it uniform with other residential categories, whose target densities begin at the low end of the allowable density range. The proposed amendment does not alter the allowable density range of 4 to 12 dwelling units per acre within the category; rather, it requires developers to submit exceptional proposals in order to obtain approval of projects in the higher end of the allowed 4-12 du/acre range. Rather than allowing for 8 units to the acre by right, as is currently allowed, development applications will need to demonstrate excellence in a variety of different categories (e.g. open space, sustainability, etc) to be approved with densities over 4 units per acre.

Amendment #3: Business Park Land Use Category

The proposed amendment represents an improvement to the General Plan by encouraging diversity of industrial/employment land uses. Heavy, truck intensive uses such as warehousing and distribution are a component of an economically sustainable City. Likewise, less intensive employment generating uses, such as light manufacturing and office are also important, as they attract employees with different skill sets to the community. By eliminating warehouse uses from the Business Park designation but still allowing them in the Industrial designation, the proposed amendment seeks to ensure future development will provide a balance of different employment opportunities within Avondale, each located in an appropriate location depending on intensity of use.

Conclusion:

Staff recommends approval of this Text Amendment request.

FINDINGS:

1. The proposed amendments are an improvement to the General Plan and is not solely for the good or benefit of a particular landowner(s).
2. The proposed amendments will not adversely impact the community as a whole, or a portion of the community.
3. The proposed amendments are consistent with the overall intent of the General Plan and other adopted plans, codes, and ordinances.

RECOMMENDATION:

The City Council should conduct a public hearing and adopt the Resolution approving Application PL-14-0127, a request for three minor amendments to the Avondale General Plan 2030.

PROPOSED MOTION:

I move that the City Council accept the findings and **ADOPT** the Resolution approving Application PL-14-0127, a request for three minor amendments to the Avondale General Plan 2030.

ATTACHMENTS:**Description**

[Exhibit A - Proposed General Plan Text Amendments](#)

[Resolution 3216-914](#)

PROJECT MANAGER

Ken Galica, Senior Planner (623) 333-4019

Proposed General Plan Minor Text Amendments

Proposed Amendment #1 (Page 15 - 2012 General Plan Amendment Process)

Existing text: Major amendments to the 2012 Plan will be processed starting January 1st of each year and shall be considered by the Council at a regular meeting in August of each year. An application may not be accepted after February 1st.

Proposed text: Major amendments to the 2012 Plan will be processed starting January 1st of each year, with the application deadline ending March 1st of each year. In accordance with ARS 9-461.06.H, all major amendments are required to be presented at a single public hearing during the calendar year the proposal is made. The time and date of that meeting shall be determined by the City Manager or authorized designee, upon review of the number and complexity of Major Amendment requests in any given year.

Legislative: Major amendments to the 2012 Plan will be processed starting January 1st of each year, with the application deadline ending March 1st of each year and shall be considered by the Council at a regular meeting in August of each year. An application may not be accepted after February 1st. In accordance with ARS 9-461.06.H, all major amendments are required to be presented at a single public hearing during the calendar year the proposal is made. The time and date of that meeting shall be determined by the City Manager or authorized designee, upon review of the number and complexity of Major Amendment requests in any given year.

Proposed Amendment #2 (Page 44 – Medium/High Density Residential Land Use Category)

Existing text: Medium/High Density Residential (4 to 12 DU per acre, Target Density = 8.0)

Proposed text: Medium/High Density Residential (4 to 12 DU per acre, Target Density = 4.0)

Legislative: Medium/High Density Residential (4 to 12 DU per acre, Target Density = 4.0 8.0)

Proposed Amendment #3 (Page 47 – Business Park Land Use Category, last sentence)

Existing text: The category accommodates enclosed light manufacturing, corporate commerce, hotel, multi-story offices, research and development industries, solar and renewable energy manufacturers, motor sports related industry manufacturers, and limited ware house and support services that support these primary employment uses.

Proposed text: The category accommodates enclosed light manufacturing, corporate commerce, hotel, multi-story offices, research and development industries, solar and renewable energy manufacturers, motor sports related industry manufacturers, and limited service uses that support these primary employment uses.

Legislative: The category accommodates enclosed light manufacturing, corporate commerce, hotel, multi-story offices, research and development industries, solar and renewable energy manufacturers, motor sports related industry manufacturers, and limited ~~warehouse and support services~~ uses that support these primary employment uses.

RESOLUTION NO. 3216-914

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AMENDING THE CITY OF AVONDALE GENERAL PLAN BY A MINOR TEXT AMENDMENT RELATING TO THE TIMING OF PUBLIC HEARINGS ON MAJOR PLAN AMENDMENTS, REDUCTION OF THE TARGET DENSITY FOR MEDIUM//HIGH DENSITY RESIDENTIAL AND MODIFYING THE DESCRIPTION OF USES PERMITTED IN THE BUSINESS PARK LAND USE CATEGORY.

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

WHEREAS, the 2012 Plan establishes the authority and procedures for amendments to the 2012 Plan text and land use designations; and

WHEREAS, the City Council desires to adopt a minor amendment to the 2012 Plan relating to (i) the timing of public hearings on Major Plan Amendments, (ii) reducing the target density for the Medium/High Density Residential land use category and (iii) modifying the description of uses permitted in the Business Park land use category (collectively, the “Minor Text Amendments”); and

WHEREAS, pursuant to ARIZ. REV. STAT. § 9-461.06 and the 2012 Plan, the City has given notice to and provided all neighboring cities, Maricopa County, the Maricopa Association of Governments, the Arizona Department of Commerce, all local school districts and the Gila River Indian Community the opportunity for comment on the Minor Text Amendments; and

WHEREAS, pursuant to ARIZ. REV. STAT. § 9-461.06 and the 2012 Plan, the City has consulted with, advised and provided the opportunity for public comment on the Minor Text Amendments; and

WHEREAS, pursuant to ARIZ. REV. STAT. § 9-461.06 and the 2012 Plan, the City Planning Commission (i) held a public hearing on the proposed Minor Text Amendments in the City Council Chambers on August 21, 2014, and (ii) provided notice of such hearing by publication on July 29, 2014, after which public hearing the City Planning Commission recommended approval of the Minor Text Amendments; and

WHEREAS, pursuant to the 2012 Plan, the City Council (i) held a public hearing on the proposed Minor Text Amendment in the City Council Chambers on September 15, 2014, and (ii) provided notice of such hearing by publication on August 26, 2014; and

WHEREAS, the City Council finds and determines that (i) proper notice of the proposed amendment has been given in a manner required by ARIZ. REV. STAT. § 9-461 *et seq.* and (ii) each of the required publications have been made.

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

SECTION 1. The recitals above are hereby incorporated as if fully set forth herein.

SECTION 2. The 2012 Plan is hereby amended by modifying the General Plan Amendment Process (p. 15) as follows:

. . .

2012 GENERAL PLAN AMENDMENT PROCESS

Major amendments to the 2012 Plan will be processed starting January 1st of each year, **WITH THE APPLICATION DEADLINE ENDING MARCH 1ST OF EACH YEAR.** ~~and shall be considered by the Council at a regular meeting in August of each year. An application may not be accepted after February 1st.~~ IN ACCORDANCE WITH ARS 9-461.06.H, ALL MAJOR AMENDMENTS ARE REQUIRED TO BE PRESENTED AT A SINGLE PUBLIC HEARING DURING THE CALENDAR YEAR THE PROPOSAL IS MADE. THE TIME AND DATE OF THAT HEARING SHALL BE DETERMINED BY THE CITY MANAGER OR AUTHORIZED DESIGNEE, UPON REVIEW OF THE NUMBER AND COMPLEXITY OF MAJOR AMENDMENT REQUESTS IN ANY GIVEN YEAR. Minor amendments may be processed and considered at any time during the year. The minor/major 2012 Plan Amendment process shall include a review, analysis, findings, and recommendation for approval, denial, or modification by staff to the Planning Commission and the City Council. The City should conduct a yearly monitoring review of the 2012 Plan to evaluate growth conditions, implementation strategies that pertain to the Land Use Map, and other minor amendments that may arise.

. . .

SECTION 3. The 2012 Plan is hereby amended by modifying the 2012 PLAN MAP LAND USE CATEGORIES, Residential (Neighborhoods as a Foundation) (p. 44) as follows:

. . .

Medium/High Density Residential (4 to 12 DU per acre, Target Density = ~~8.0~~ 4.0)

. . .

SECTION 4. The 2012 Plan is hereby amended by modifying the 2012 PLAN MAP LAND USE CATEGORIES, Employment (Economic Vitality), Business Park (p. 47) as follows:

. . .

Business Park

The Business Park land use category is intended to allow for large scale campus development that provides abundant employment opportunities and offers amenities such as: attractive streetscapes with excess landscaped setbacks, appropriate screening from the I-10 freeway, pedestrian connections, efficient circulation, and refuge areas for active and passive activities to keep a healthy lifestyle for all employees. The category accommodates enclosed light manufacturing, corporate commerce, hotel, multi-story offices, research and development industries, solar and renewable energy manufacturers, motor sports related industry manufacturers, and limited ~~warehouse and support~~ services USES that support these primary employment uses.

. . .

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

PASSED AND ADOPTED by the Council of the City of Avondale, September 15, 2014.

Kenneth N. Weise, Mayor

ATTEST:

Carmen Martinez, City Clerk

APPROVED AS TO FORM:

Andrew J. McGuire, City Attorney



CITY COUNCIL AGENDA

SUBJECT:

Public Hearing and Ordinance 1556-914
Rezoning of the Northeast Corner of Dysart Road 9/15/2014
and Western Avenue Rezoning

MEETING DATE:

TO: Mayor and Council**FROM:** Tracy Stevens, Development & Engineering Services Director (623) 333-4012**THROUGH:** David Fitzhugh, City Manager (623) 333-1014

REQUEST: Rezone approximately 1.8 gross acres at the northeast corner of Dysart Road and Western Avenue from A-1 (General Industrial) to OTAB (Old Town Avondale Business)**PARCEL SIZE:** Approximately 1.8 gross acres (1.2 net acres)**LOCATION:** Northeast corner of Dysart Road and Western Avenue (Exhibits A, B, and C)**APPLICANT:** City of Avondale Development & Engineering Services Department**OWNER:** City of Avondale

BACKGROUND:

The 1.8 gross acre property was included within the limits of Avondale's original townsite, incorporated on December 16, 1946. The City does not have comprehensive zoning records dating back to 1946, however, historical maps indicate that the site has been zoned A-1 (Light Industrial/General Industrial) since at least 1982. The property was most recently developed as a truck/trailer rental facility. The City of Avondale acquired the subject property from the State of Arizona, in March 2007, and all remaining structures on the property were demolished in 2008. The property has remained vacant since the 2008 demolition.

The property was, until recently, comprised of two separate lots. On April 21, City Council approved a Minor Land Division that consolidated the two lots into a single parcel, dedicated ultimate right-of-way adjacent to Dysart Road and Western Avenue, and dedicated utility easements to serve adjacent properties.

The subject parcel is designated by the General Plan Land Use Map as "Historic Avondale District" (Exhibit A). This land use designation permits a mix of residential and nonresidential uses, but requires retail/restaurant, service, or office uses at street level to promote a pedestrian oriented environment to serve the large population located within walking distance. Development of the site

will also be subject to the recently approved Historic Avondale Design and Development Guidelines, which will address architecture, site design, and other aesthetic components to site development.

On April 7, the City Council authorized the sale of the property to further Historic Avondale economic development opportunities. Concurrent with this rezoning request, a purchase and sale agreement for the property is in progress. If both the rezoning and sale agreement are approved by the City Council, the property will be sold to the owners of Carolina's Mexican Food, who plan on developing the site for a restaurant.

The subject property is bordered by Western Avenue to the south and Dysart Road to the west. The existing uses of the surrounding properties (Exhibits B and C) are as follows:

- **EAST:** 2.0 acre site developed as the office and storage yard for Standard Construction. The site is zoned A-1 (General Industrial).
- **NORTH:** 1.2 acre site developed as the American Legion Post #61. The site is zoned A-1 (General Industrial). The use of the site for a "social/private club" is legal non-conforming.
- **SOUTH OF WESTERN AVENUE:** Union Pacific Railroad (UPRR) right-of-way, approximately 250 feet in width, containing a single set of railroad tracks, at this time solely used for freight service.
- **WEST OF DYSART ROAD:** 1.6 acre site developed as Avondale Automotive, an auto repair business. The site is zoned OTAB (Old Town Avondale Business). Auto repair facilities are not permitted within the OTAB District and, as such, the use is considered legal non-conforming.

SUMMARY OF REQUEST:

1. The Development and Engineering Services Department is requesting to rezone the subject property from A-1 (General Industrial) to OTAB (Old Town Avondale Business) to achieve conformance with the property's General Plan designation of "Historic Avondale District".
2. Development of the site will be in accordance with the uses and development standards of the OTAB (Old Town Avondale Business) Zoning District (Exhibit E). The OTAB District (Heritage Sub-District) emphasizes pedestrian orientation throughout. Development standards are designed to ensure development takes the form of a traditional main street, with reduced setbacks and maximum setbacks to ensure buildings extend nearer to the sidewalk. Parking is deemphasized through allowances for on-street parking (rather than parking lots), as well as placement of parking lots behind or to the side of buildings. Commercial uses are required on the ground floor of any new development to achieve the critical mass of business activity needed to make the area flourish and open air components, such as outdoor dining areas, are encouraged. Auto-oriented uses, such as drive-throughs, are not permitted in the OTAB District.
3. In addition to required compliance with the standards of the OTAB District, any development on the site will be expected to comply with the aesthetic requirements contained within the recently adopted Historic Avondale Design and Development Guidelines (HADDG). Initial concepts for the proposed Carolina's Mexican Food restaurant involve a territorial/mid-century modern design that borrows elements, such as intricate patterned perforated block, from some of Historic Avondale's most iconic buildings.
4. The City is exploring options to better connect the subject site, located on the east side of Western Avenue, with the more developed west side, across Dysart Road. Pedestrian crossing improvements are not designed and funded at this time but will continue to be studied until the City's vision of a connected Western Avenue can be achieved.

PARTICIPATION:

The Development and Engineering Services Department conducted a neighborhood meeting to offer interested parties an opportunity to discuss the proposal on Monday, July 21st, at 6:00 P.M. at Avondale City Hall (Sonoran Conference Room). The meeting was advertised in the July 1, 2014 edition of the West Valley View. A notification sign was erected on the subject property on July 1, 2014. Additionally, 68 property owners within 500 feet of the subject property were notified of the meeting by letters sent by the applicant on June 25, 2014. No members of the public attended the neighborhood meeting.

The Planning Commission heard this request at their meeting on August 21, 2014. Letters notifying nearby property owners of the Planning Commission meeting were mailed on July 24, 2014. Additionally, a notice of the Planning Commission hearing was published in the West Valley View on July 29, 2014. No interested parties spoke on the item at the Planning Commission meeting.

A notice of this September 15, 2014, City Council public hearing was published in the West Valley View on August 26, 2014. On August 20, 2014, letters were mailed to the 68 property owners whose parcels were located within 500 feet of the subject property. No additional comments on this proposal have been received to date.

PLANNING COMMISSION ACTION:

The Planning Commission conducted a public hearing on August 21st (Exhibit F), and voted 6-0 (Commissioner Carrillo excused) to recommend approval of this request. The Commission expressed excitement about potential development of the site by Carolina's Mexican Food.

ANALYSIS:

- The proposed rezoning of the property to OTAB is in total conformance with the property's General Plan designation of "Historic Avondale District". The "Historic Avondale District" designation permits a mix of residential and nonresidential uses, but requires retail/restaurant, service, or office uses at street level to promote a pedestrian oriented environment to serve the large population located within walking distance.
- Conversely, the property's current zoning of A-1 (General Industrial) is not in conformance with the "Historic Avondale District" designation. The A-1 District allows for primarily industrial uses that are not typically pedestrian friendly. Development of the parcel under its current A-1 zoning would not be consistent with the City's vision for Western Avenue, as defined in the General Plan.
- The proposed Rezoning furthers the goals and policies of the General Plan, particularly as they relate to Historic Avondale and supporting infill or redevelopment projects. Development of the subject property under the standards of the OTAB District will allow for a new development that will significantly enhance the important Western Avenue/Dysart Road Intersection and help to continue the progress made in the area over recent years.

Conclusion:

Staff recommends approval of this request.

FINDINGS:

- The proposed rezoning to OTAB is in conformance with the property's General Plan Land Use designation of "Historic Avondale District".
- Development of the property will be in conformance with the City of Avondale Zoning Ordinance and Historic Avondale Design and Development Guidelines.

RECOMMENDATION:

The City Council should conduct a public hearing and adopt the Ordinance approving Application PL-14-0080, a request to rezone approximately 1.8 gross acres from A-1 (General Industrial) to OTAB (Old Town Avondale Business).

PROPOSED MOTION:

I move that the City Council accept the findings and **ADOPT** the Ordinance approving Application PL-14-0080, a request to rezone approximately 1.8 gross acres from A-1 (General Industrial) to OTAB (Old Town Avondale Business).

ATTACHMENTS:**Description**

[Exhibit A - General Plan 2030 Land Use Map](#)

[Exhibit B - Zoning Vicinity Map](#)

[Exhibit C - Aerial Photograph](#)

[Exhibit D - Summary of Related Facts](#)

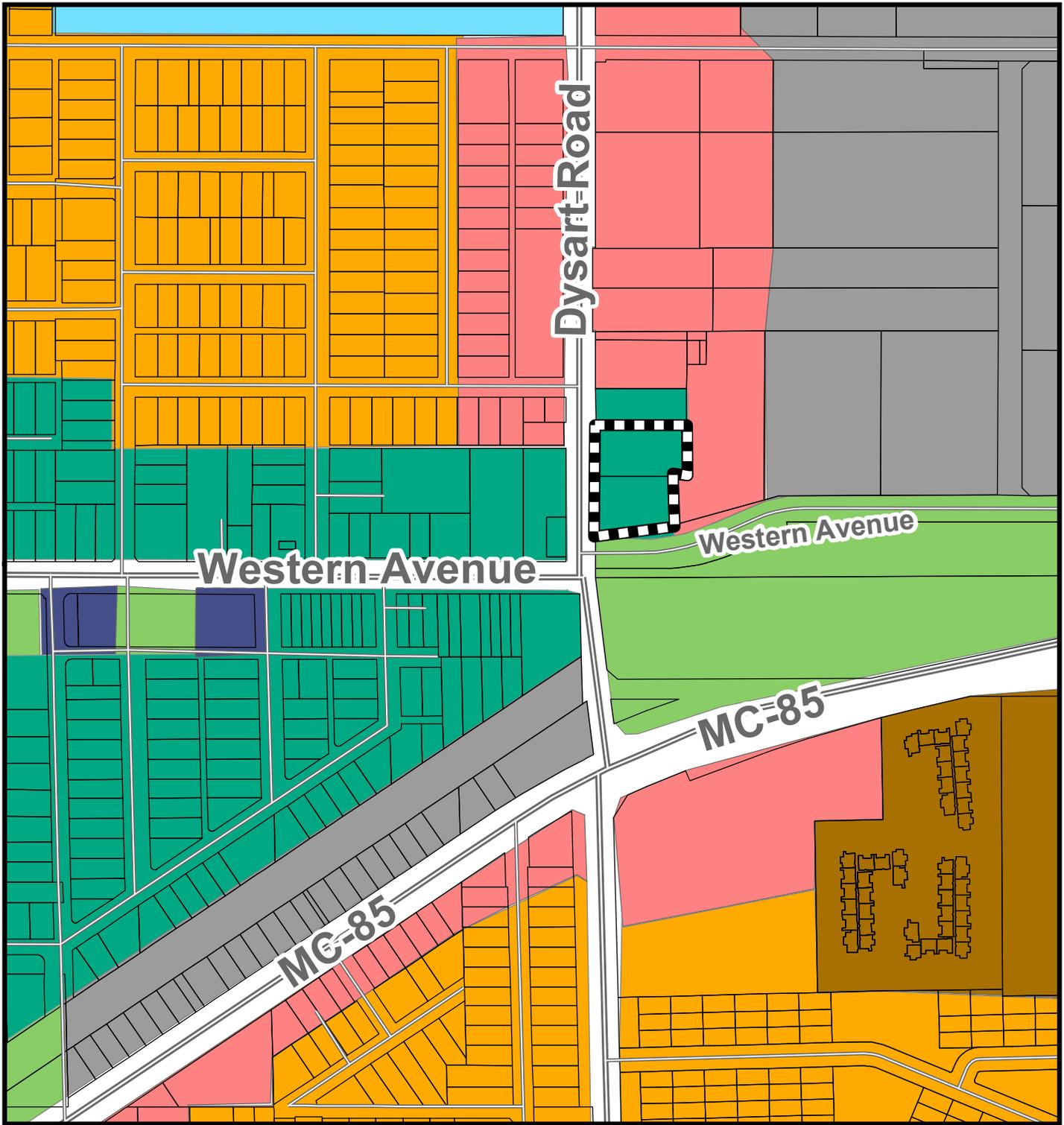
[Exhibit E - Excerpt of Zoning Requirements for Old Town Avondale Business \(OTAB\) Zoning District](#)

[Exhibit F - Excerpt of Draft Planning Commission Meeting Minutes from August 21, 2014](#)

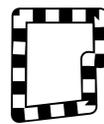
[Ordinance 1556-914](#)

PROJECT MANAGER

Ken Galica, Senior Planner (623) 333-4019



General Plan Land Use Map



Subject Property



Historic Avondale District

Open Space and Parks

High Density Residential

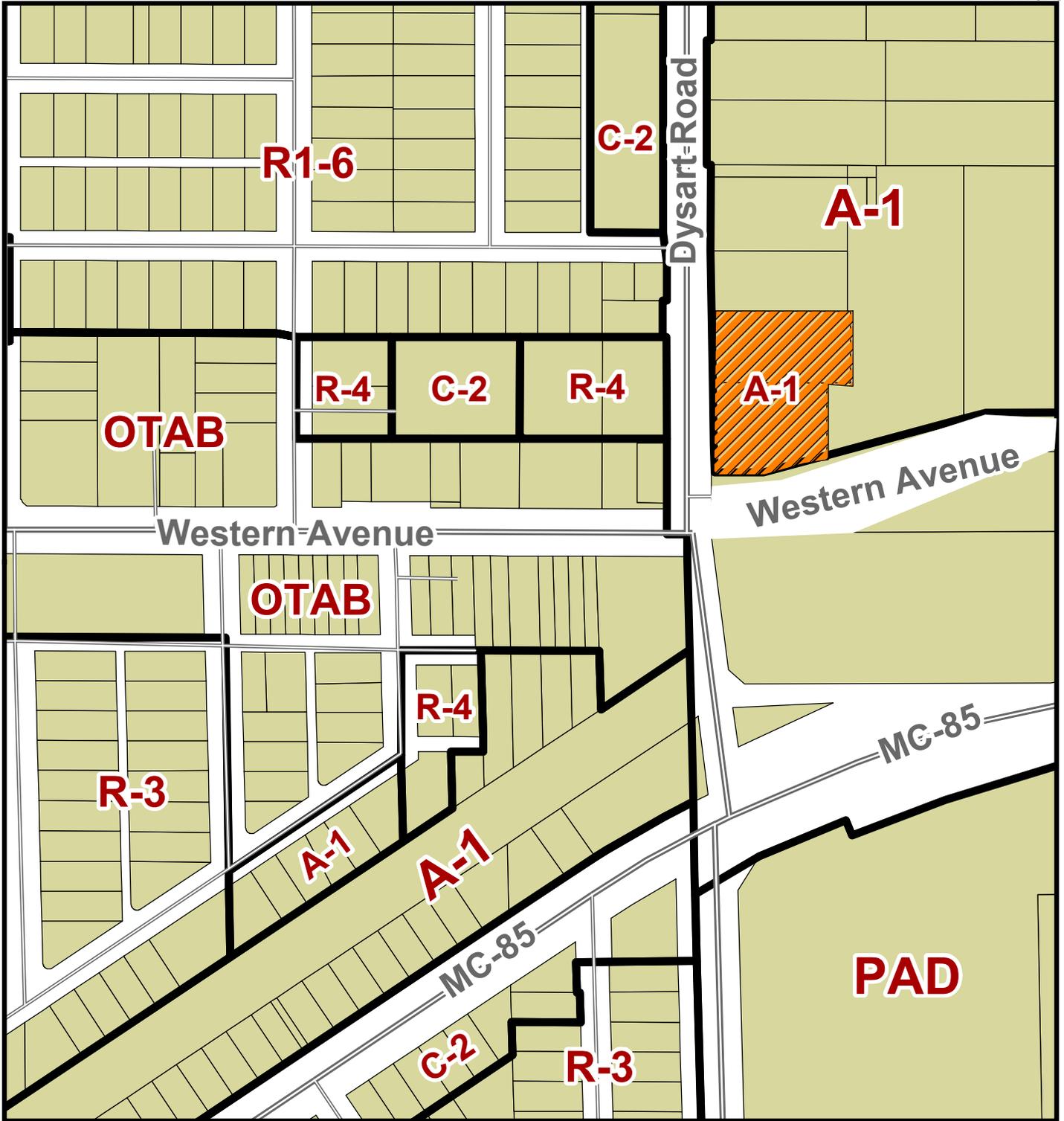
Local Commercial

Education

Medium Density Residential

Industrial

Public/Civic



Zoning Vicinity Map

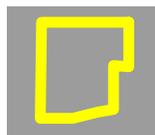


 Subject Property





Aerial Photograph



Subject Property



EXHIBIT D

*SUMMARY OF RELATED FACTS
APPLICATION PL-14-0080*

<i>THE PROPERTY</i>	
PARCEL SIZE	1.8 Acres
LOCATION	Northeast corner of Western Avenue and Dysart Road
PHYSICAL CHARACTERISTICS	Relatively flat, R-Shaped parcel
EXISTING LAND USE	The site is currently undeveloped.
EXISTING ZONING	A-1 (General Industrial)
ZONING HISTORY	The property was a portion of Avondale’s original townsite, incorporated on December 16, 1946. Records indicate that the subject site has been zoned A-1 (Light Industrial/General Industrial) since at least 1982.
DEVELOPMENT HISTORY	The property was most recently developed as a truck/trailer rental facility. The City acquired the property from the State of Arizona in 2007; all structures on the site were demolished in 2008.
OTHER	A purchase and sale agreement for the property is in progress. If approved by the City Council, the property will be sold to the owners of Carolina’s Mexican Food, who plan on developing the site with a restaurant building.

<i>SURROUNDING ZONING AND LAND USE</i>	
NORTH	1.2 acre site developed as the American Legion Post #61. The site is zoned A-1 (General Industrial); “social/private club” uses are not allowed within the A-1 District and, as such, the use is considered legal non-conforming.
EAST	2.0 acre site developed as the office and storage yard for Standard Construction. The site is zoned A-1 (General Industrial); office uses and contractor storage yard uses are both allowed in the A-1 District.
SOUTH	Across Western Avenue: Union Pacific Railroad (UPRR) right-of-way, approximately 250 feet in width, containing a single set of railroad tracks used for freight service.
WEST	Across Dysart Road: 1.6 acre site developed as Avondale Automotive, an auto repair business. The site is zoned OTAB (Old Town Avondale Business); auto repair facilities are not permitted within the OTAB District and, as such, the use is considered legal non-conforming.

GENERAL PLAN

The property is designated by the General Plan 2030 land use map as “Historic Avondale District”. The subject parcel also falls within the boundaries of the “Creative Arts District” identified in the Historic Avondale Design & Development Guidelines.

PUBLIC SCHOOLS

SCHOOL DISTRICT(S)	Avondale Elementary School District, Agua Fria Union High School District
ELEMENTARY SCHOOL	Lattie Coor K-8
HIGH SCHOOL	Agua Fria High School

ADJACENT STREETS

Dysart Road

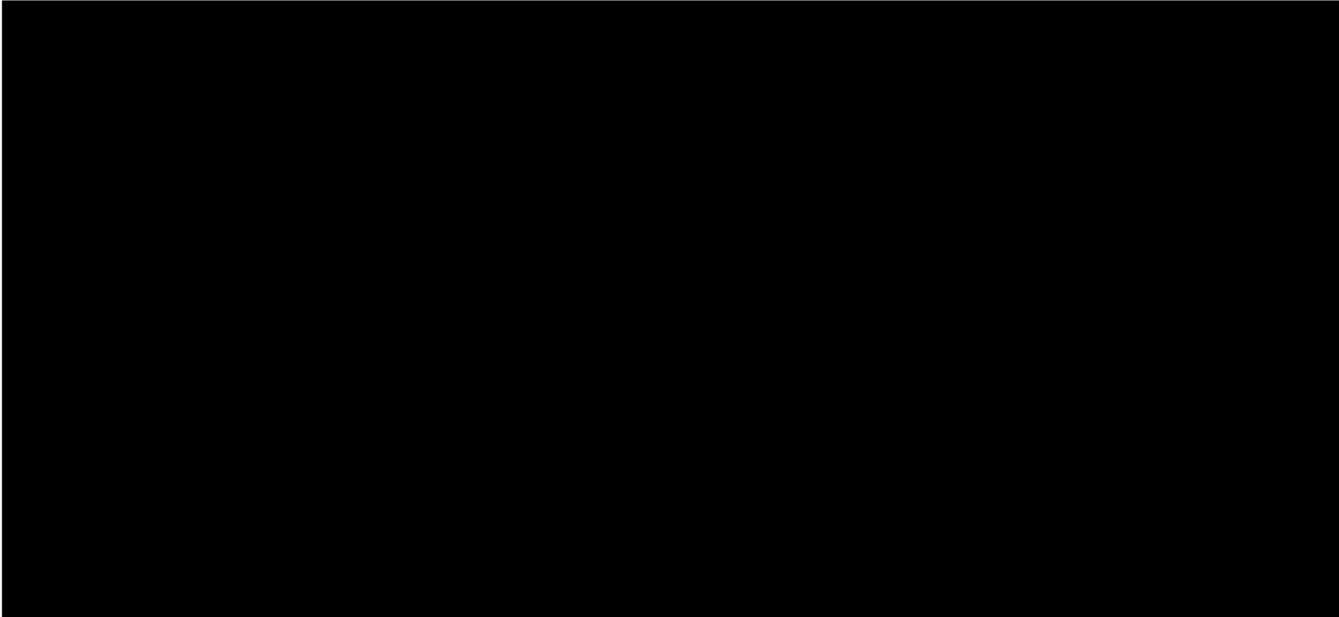
Classification	Major Collector
Existing half street ROW	55 Feet
Standard half street ROW	50 Feet
Existing half street improvements	Two through lanes, ½ center turn lane, curb, gutter, attached sidewalk, and street lights.
Standard half street improvements	Two through lanes, ½ center turn lane, curb, gutter, detached sidewalk, street lights, and right-of-way landscaping.

Western Avenue

Classification	Collector
Existing half street ROW	40+ Feet (varies)
Standard half street ROW	40 Feet
Existing half street improvements	One 28’ wide traffic lane with unmarked on-street parking, curb and gutter, attached sidewalk
Standard half street improvements	One 12’ traffic lane, delineated on-street parking, curb and gutter, sidewalk, landscaping, and streetlights

Utilities

The property has access to an existing 12” water line in Western Avenue, an existing 12” water line in Dysart Road, an existing 10” sewer line in Western Avenue, and an existing 10” sewer line in Dysart Road.



307 Old Town Avondale Business District (OTAB)

A. Purpose

The purpose of the Old Town Avondale Business District (OTAB) is to further the revitalization of the City’s original town site and its immediate vicinity by encouraging pedestrian-oriented development and by emphasizing a unique mix of uses intended to make Old Town a destination, with street level activity that takes one back to an earlier place in Avondale’s history.

The district shall enhance and maintain the character of retail and residential living by encouraging an active pedestrian environment while also promoting vitality throughout the district. To accomplish the task of making OTAB pedestrian friendly, the district requires new structures to be designed at a human scale to preserve the residential and historical character of the neighborhood. Development occurring in the district shall be designed to reduce conflicts between pedestrians and vehicular traffic and to promote primary areas of concentrated indoor retail and service business uses, but not regional shopping centers.

The Old Town Avondale Business District is intended to:

1. Promote a healthy community by encouraging development and redevelopment of pedestrian-focused commercial businesses, such as those which encourage patrons to shop and dine for several hours without having to use their vehicles between stops.
2. Reduce the dominance of the automobile by encouraging the use of shared parking areas, such as on-street parking, public surface lots, and public parking structures.
3. Create a destination for unique retail, restaurant, entertainment and service uses that increase revenues and strengthen the City’s tax base, drawing consumers both locally and regionally.

4. Respect the local and cultural significance of the City’s original town site without hindering creativity in design.
5. Support limited commercial uses in residential structures located within the neighborhoods that are located in close proximity to Western Avenue.
6. Provide an environment where commerce can flourish in a traditional main street type of setting, with the knowledge that ample opportunity for suburban style development is available throughout the remainder of the City.
7. Create old-fashioned neighborhoods where a variety of housing types coexist alongside compatible commercial businesses.

B. Applicability

The location and boundaries of the OTAB District are established as shown on the map entitled “Zoning Atlas, City of Avondale, Arizona,” as amended, a copy of which is on file with the City of Avondale Development and Engineering Services Department.

C. Sub-Districts

The OTAB District is comprised of the following sub-districts:

1. Heritage District:

Any property located within OTAB with direct frontage on Western Avenue, Central Avenue or Dysart Road shall be subject to the requirements, restrictions and standards that are listed in this subsection 307(C) (1). This Sub-District promotes pedestrian-oriented development that is designed to attract customers from a regional trade area as well as from the immediate area. Commercial uses are required on the ground floor in order to produce the critical mass of businesses necessary to make the area flourish; residential uses are encouraged on upper floors to create a presence in the area during off-peak business hours. Development shall take the form of a traditional main street, where businesses extend to the pedestrian sidewalk and parking is provided on the street, within public lots/structures, or behind the buildings.

2. Neighborhood District:

Any property located within OTAB with direct frontage on a local street shall be subject to the requirements, restrictions and standards that are listed in this subsection 307(C)(2) for the Neighborhood District. This Sub-District is designed to provide a transition between the OTAB Heritage District and the residential districts located on the periphery of the OTAB Neighborhood District. Residential uses remain the primary land use; however, non-residential uses such as boutiques, cafes, professional offices and bed and breakfast inns are permitted. These commercial businesses may be located in either retrofitted residences or new buildings. Development standards have been designed to be respectful of the residential character of the district. Unlike the Heritage District, which requires buildings be placed at the edge of the sidewalk, landscaped areas are required in the fronts of businesses in this Sub-District in order to

give entryways a sense of importance and to distinguish businesses from residential uses.

D. OTAB Land Use Matrix

The following land use matrix shows the uses that are:

- (P) Permitted outright
- (C) Permitted with a conditional use permit
- (PC) Permitted with conditions
- (A) Permitted as an accessory use
- (-) Prohibited

LAND USE	HERITAGE SUB-DISTRICT	NEIGHBORHOOD SUB-DISTRICT
<i>Assembly Uses</i>		
Funeral homes	C	-
Movie and performing arts theaters, indoor	P	-
Places of worship	P	-
Reception centers	C	-
Social/Private club	P	-
<i>Commercial Service Uses</i>		
Banks and financial institutions, excluding non-chartered financial services	P	-
Barber shops	P	PC
Beauty salons	P	PC
Child care centers	C	-
Clothing alteration, custom dressmaking, or tailor shop	P	PC
Health and exercise center	P	-
Massage or day spas	P	PC
Nail salons	P	PC
Pet grooming	P	-
Shoe repair shops	P	PC
Ticket, travel, and recreational activity agencies	P	P
<i>Dining and Entertainment Uses</i>		
Bakeries	P	PC
Bars	C	-
Coffee shops	P	PC
Juice bars	P	PC
Outdoor dining	A	PC
Restaurants, without drive-through	PC	PC
Sidewalk cafes	PC	PC
Sidewalk vendors	PC	-
Video arcades or game rooms	P	-
<i>Educational, Institutional, and Office Uses</i>		
Art schools	P	-

LAND USE	HERITAGE SUB-DISTRICT	NEIGHBORHOOD SUB-DISTRICT
Dance studios	P	-
Medical, dental, or health offices, excluding plasma centers and medical marijuana uses.	P	PC
Museums, libraries, and cultural centers	P	-
Music studios	P	P
Professional offices	P	PC
Public schools	P	P
<i>Hospitality Uses</i>		
Bed and breakfast inns	C	PC
Hotels	P	-
<i>Miscellaneous Uses</i>		
Community gardens, one acre or less	P	P
Public parking facilities, including parking structures, surface lots and park-and-rides.	PC	PC
Public uses, including utility buildings, structures, uses, facilities and equipment	PC	PC
Uses that are customary and incidental to the principal permitted use of the property	A	-
<i>Pedestrian Oriented Retail Uses</i>		
Antique and collectible shops	P	PC
Art, craft and photography studios, including retail sales	P	PC
Art galleries	P	PC
Consignment shops	P	PC
Farmers markets, indoor or outdoor	P	-
Florists	P	PC
Liquor Stores	C	-
Outdoor sales and display	PC	-
Specialty retail shops, excluding liquor stores	P	-
Grocery Store	P	PC
Pharmacy	P	-
<i>Residential Uses</i>		
Caretaker's Quarters	-	PC
Dwelling units on the second/third stories of a commercial building	P	-
Multi-family dwelling	-	PC
Single family attached dwelling	-	PC
Single family detached dwelling	-	PC

E. OTAB Uses Permitted with Conditions

The following land uses are listed in the OTAB land use matrix as Permitted with Conditions. These uses are permitted by right only if the conditions listed below for the individual uses are met. Based on site plan and/or tenant improvement plan review,

additional conditions of approval deemed necessary to protect the health, safety, and public welfare may be added.

1. (a) Antique and collectible shops, (b) Art, craft, and photography studios, (c) Art galleries, (d) Barber shops, (e) Beauty Salons, (f) Clothing alteration, dressmaking, or tailor shops, (g) Coffee shops, (h) Consignment shops, (i) Grocery store, (j) Juice bars, (k) Massage and day spas, (l) Medical, dental, or health offices, (m) Nail salons, (n) Professional offices and (o) Shoe repair shops are allowed in the Neighborhood Sub-District provided that:
 - i. The business shall not be open to customers between the hours of 10:00 p.m. and 6:00 a.m.
 - ii. The floor area devoted to the business shall not exceed three-thousand (3,000) square feet.
 - iii. A maximum of two (2) on-site parking spaces may be provided on a paved driveway. Any additional required parking must be accommodated by delineated on-street spaces, public surface parking lots or public parking structures, all of which must be located within two hundred fifty (250) feet of the property on which the business is to be located.
 - iv. The business shall not receive more than three (3) commercial deliveries in a twenty four (24) hour period.
 - v. Outdoor storage or display shall be prohibited.
2. Bakeries are allowed in the Neighborhood Sub-District provided that:
 - a. The business shall comply with the conditions listed in subsection 307(E)(1), above.
 - b. The business shall not make more than one (1) delivery of baked goods for off-site sale in a twenty four (24) hour period.
3. Bed and breakfast inns are allowed in the Neighborhood Sub-District provided that:
 - a. The bed and breakfast inn shall be owner-occupied. The guest rooms shall be part of the primary residence.
 - b. The bed and breakfast inn shall not have more than three (3) commercial deliveries or outside service in a twenty four (24) hour period.
 - c. Meals shall only be served to overnight guests and residents.
 - d. The bed and breakfast inn shall not be used for the hosting of receptions, private parties or similar events.

- e. A fire escape plan shall be developed and graphically displayed in each guest room. Such plan shall be filed with and approved by the City of Avondale Fire Department.
4. Florists are allowed in the Neighborhood Sub-District provided that:
 - a. The business shall comply with the conditions listed in subsection 307(E)(1), above.
 - b. Commercial vehicles, as defined in Section 1, shall not be used to make floral deliveries to off-site locations.
5. Outdoor dining is allowed as an accessory to a restaurant in the Neighborhood Sub-District provided that:
 - a. The outdoor dining area shall only be allowed if located on the same property as a restaurant operating in compliance with the restaurant requirements set forth in subsections 307(E)(10) and (11) below.
 - b. The outdoor dining area shall not exceed one thousand (1,000) square feet.
 - c. Music, live or recorded, may not be played in the outdoor dining area.
6. Outdoor sales and display are allowed as an accessory use to an approved retail use in the Heritage Sub-District provided that:
 - a. Outdoor sales and displays shall feature products sold and displayed in the primary business conducted in the adjacent permanent building.
 - b. Outdoor sales and displays shall be clearly subordinate to the indoor sales occurring in the adjacent permanent building.
 - c. Displays shall not impede pedestrian access ways, handicapped access ways, fire lanes, parking spaces, driveways, entryways, street intersections or landscape areas, and shall not interfere with traffic visibility.
 - d. Displays shall only occur during the hours the business in the permanent building is operating. Items must be returned indoors prior to the closing of business in the permanent building.
7. Public parking facilities, including parking structures and surface lots are allowed in the Heritage and Neighborhood Sub-Districts provided that:
 - a. Parking structures may be above ground, provided the structure is architecturally concealed and has the appearance of being enclosed.
 - i. Open metal railings or panels which don't adequately screen the vehicle from view are prohibited.

- ii. When located within the Heritage Sub-District, parking structures shall be designed to have side street accessibility where possible.
 - iii. The architecture of the parking structure shall share architectural themes of adjacent and nearby buildings.
 - b. Parking structures shall adhere to the height limitations of the Sub-District in which they are located.
 - c. Where feasible, parking structures shall feature commercial space on the perimeter of the ground floor. In instances where commercial space cannot be provided, ground level landscaping shall be required on the perimeter of the structure for aesthetic enhancement.
- 8. Public uses, including utility buildings, structures, uses, facilities and equipment, are allowed in the Heritage and Neighborhood Sub-Districts provided that sites shall be screened from off-site view by a minimum six (6) foot tall masonry wall; taller screen walls may be required depending on the dimensions of the facility being screened. Wall design shall comply with the requirements of Section 12 of this Zoning Ordinance, Landscaping, Walls, and Fences.
- 9. Residential living quarters occupied by the owner or employee of a permitted business on the property are allowed in the Neighborhood Sub-District provided that:
 - a. The interior of the building shall be designed such that customers do not have access to the residential living quarters.
 - b. The living quarters shall not be rented, leased or sold separately from the principle residence or otherwise used for compensation.
 - c. A separate address, water meter, or utility meter shall not be provided for the living quarters.
 - d. The living quarters must be physically attached to the business and cannot be located within a separate structure.
- 10. Restaurants without a drive-through lane are allowed in the Heritage and Neighborhood Sub-District provided that:
 - a. Restaurants within the Neighborhood Sub-District shall comply with the conditions listed in subsection 307(E)(1), above.
 - b. Restaurants shall schedule regularly occurring trash pickups and provide individual dumpsters to ensure that objectionable odors are minimized.

11. Sidewalk cafés are allowed in the Heritage Sub-District provided that:
 - a. Sidewalk cafés shall be located directly adjacent to and abutting an indoor restaurant and cannot extend beyond the frontage of the operating indoor restaurant.
 - b. A sidewalk café shall be allowed only where the sidewalk or porch is wide enough to adequately accommodate both pedestrian traffic in the area and the operation of the proposed café. There shall be a minimum of forty eight (48) inches clear distance free of all obstructions in order to allow adequate pedestrian movement.
 - c. All outdoor dining furniture, including tables, chairs, umbrellas and planters, shall be moveable. Umbrellas must be secured with a minimum base of not less than sixty (60) pounds. All furniture used in the operation of the café, including any barriers required as a condition of a liquor license must be removed from the sidewalk and stored indoors whenever the restaurant is closed.
 - d. If determined necessary, by the City Engineer or authorized designee, for public safety, in conjunction with a license issued pursuant to subsection 307(E)(11)(i) below, a moveable decorative barrier separating café seating from pedestrian traffic shall be provided. The designs must reflect the architecture of the restaurant building façade. The barrier must be removed from the sidewalk and stored indoors whenever the restaurant is closed.
 - e. A sidewalk café shall only serve food and beverages prepared or stocked for sale at the adjoining indoor restaurant, provided that an extension of premises for the service of alcoholic beverages for on-site consumption has been authorized by the City of Avondale and the State of Arizona.
 - f. Hours of operation for a sidewalk café shall be the same as those of the adjoining indoor restaurant, or less, but in no event shall the sidewalk café be open when the main restaurant is not.
 - g. The City shall have the right to prohibit the operation of the sidewalk café at any time because of anticipated or actual problems or conflicts in the use of the public sidewalk. Such problems and conflicts may arise from, but are not limited to, scheduled festivals and similar events, parades, repairs to the street or sidewalk or emergencies occurring in the area. To the extent possible, the business will be given prior written notice of any time period during which the operation of the sidewalk café will be prohibited by the City.
 - h. The sidewalk café shall not require the provision of additional parking.
 - i. A sidewalk café shall require a license, or other authorization as determined acceptable by the City Attorney, prior to utilizing any portion of the public right-of-way. Plans detailing the specific location and dimensions of the sidewalk café, as well as the specifications of the proposed site furniture and barrier, shall be

approved by the Development and Engineering Services Department prior to approval of the sidewalk café.

12. Sidewalk vendors are allowed in the Heritage Sub-District provided that:

a. Licensing:

i. Selling, or offering for sale, any food, beverage, or merchandise on any property within Old Town shall comply with the City of Avondale Municipal Code business licensing requirements. Licenses to vend within the OTAB District shall be reviewed and approved by the Development and Engineering Services Director or authorized designee in conjunction with the City Finance and Budget Department. The application for a vendor's license shall be signed by the applicant and include:

- 1) The name, home and business address of applicant, and the name and address of the owner, if other than applicant, of the vending stand to be used in the operation of the vending business.
- 2) An itemized list and description of the food, drinks and/or merchandise to be sold.
- 3) A description and a depiction (including signage and colors), and specifications of any stand to be used in the operation of the business.
- 4) A site plan (to scale) depicting the exact proposed location of the vending stand.
- 5) Proof of an insurance policy, issued by an insurance company licensed to do business in the State of Arizona, protecting the licensee and the City from all claims for damages to property and bodily injury, including death, which may arise from operations under or in connection with the license. Such insurance shall name as additional insured the City and shall provide that the policy shall not terminate or be canceled prior to the expiration date without thirty (30) days advance written notice to the City.

ii. Vending locations shall be approved only if the site is determined to safely accommodate the use.

ii. All licenses shall be displayed in a visible and conspicuous location at all times during the operation of the vending business.

iii. The Zoning Administrator may recommend to the Finance and Budget Office that any license may be denied, suspended or revoked in accordance with the procedures in the Municipal Code for any of the following causes:

- 1) Fraud or misrepresentation contained in the application for license.

- 2) Fraud or misrepresentation made in the course of operating the vending business.
 - 3) Conduct of the licensed business in such a manner as to create a public nuisance, or constitute a danger to the public health, safety, or welfare.
 - 4) Any conduct contrary to the vending cart regulations contained within this subsection 307(E)(12).
- b. Sidewalk vendors shall not sell food, beverages or merchandise that is not listed on their license applications, nor sell anything that is sold by an indoor restaurant or retail business within a three hundred (300) foot radius from the approved vending location.
 - c. Vendors within Old Town may operate only between the hours of 8:00 a.m. and 10:00 p.m. except in association with a City-approved special event.
 - d. No vending stand shall exceed four (4) feet in width, eight (8) feet in length, and eight (8) feet in height.
 - e. All food or drink sold must be for immediate consumption.
 - f. Trash receptacles shall be provided for use by patrons. Trash and refuse generated by the vending cart shall not be disposed of in public trash receptacles. All trash must be removed and disposed of by the vendor at the conclusion of each business day, or more frequently as necessary.
 - g. All items relating to the vending business shall be confined to the stand itself. Seating, tables or other furniture may not be provided in association with the vending operation.
 - h. A vending stand shall not be left unattended while in operation or left outdoors overnight.
 - i. Vendors shall not solicit or conduct business with persons in motor vehicles.
 - j. Vendors shall not sound any device that produces a loud and raucous noise, or use or operate any loudspeaker, public address system, radio, sound amplifier or similar device to attract the attention of the public.
 - k. No advertising shall be permitted on any stand, except to identify prices and/or the name of the product or vendor.
 - l. All vending stands shall comply with the following safety requirements:
 - i. All equipment shall be secured in order to prevent movement during transit and to prevent detachment in the event of a collision or overturn. A safety knife holder shall be provided to avoid the loose storage of knives.

- ii. All mechanical instruments used in the operation of the stand shall be installed so as to be hidden from view to the extent possible while remaining accessible.
13. Single family attached dwellings are allowed in the Neighborhood Sub-District, provided that new single-family attached dwellings and additions to existing single-family attached dwellings shall comply with the development standards, accessory use standards, and design standards (including landscaping and signage requirements) of the R-2 (Multiple Family Residential) Zoning District.
14. Single family detached dwellings are allowed in the Neighborhood Sub-District, provided that new dwellings and additions to existing dwellings shall comply with the development standards, accessory use standards, and design standards (including landscaping and signage requirements) of the R1-6 (Urban Residential) Zoning District.
15. Multi-family dwellings are allowed in the Neighborhood Sub-District, provided that new multi-family dwellings and additions to existing multi-family dwellings comply with the Historic Avondale Design and Development Guidelines. For all development standards, accessory use standards and design standards (including landscaping and signage requirements) not covered in the Historic Avondale Design and Development Guidelines, multi-family dwellings shall comply with the requirements of either the R-3 or R-4 (Multiple Family Residential) Zoning District, whichever is determined to be more appropriate by the Zoning Administrator.

F. OTAB Conditional Use Standards

The following land uses are listed in the OTAB land use matrix as being allowed with a Conditional Use Permit. All uses being granted a Conditional Use Permit shall meet the City's required findings for a Conditional use Permit. Additionally, the individual uses listed below shall comply with the conditions set forth below. Based on review of the Conditional Use Permit application, the City Council may add additional conditions of approval deemed necessary to protect the health, safety and public welfare.

1. Funeral homes are allowed in the Heritage Sub-District provided that:
 - a. A plan illustrating the route that funeral processions will use exiting Old Town shall be provided by the business and approved by the City Council as part of the Conditional Use Permit process prior to issuance of a business license.
 - b. Delivery of funeral accessories to the site shall be scheduled at non-peak viewing and service times to reduce vehicular and pedestrian conflicts.
 - c. The disposal of blood extracted during embalming shall comply with the City's Wastewater Pre-Treatment Ordinance.
2. Liquor stores may be permitted as a conditional use in the Heritage Sub-District provided that:

- a. The minimum separation between any liquor store and the nearest body piercing studio, tattoo parlor, non-chartered financial service provider, pawn shop, plasma center, sexually oriented business or another liquor store shall be one thousand three hundred twenty (1,320) feet, measured in a straight line from the nearest property line of each property.
 - b. The minimum separation required shall apply regardless of whether the other use is located within the incorporated area of the City of Avondale or within another jurisdiction.
3. Music studios may be permitted as a conditional use in the Neighborhood Sub-District provided that:
- a. The floor area devoted to the business shall not exceed three thousand (3,000) square feet.
 - b. Sound attenuation measures shall be taken to ensure the business has no measurable impact on adjacent residential uses.

G. OTAB District Property Development Standards

OTAB DISTRICT DEVELOPMENT STANDARDS	HERITAGE SUB-DISTRICT	NEIGHBORHOOD SUB-DISTRICT
Minimum Lot Width	Not Applicable	50 feet
Minimum Site Depth	Not Applicable	100 feet
Maximum Lot Coverage	100%	50%
Maximum Building Height	40 feet	30 feet
Minimum Front Setback	0 feet	15 feet
Maximum Front Setback	10 feet	30 feet
Minimum Side Setback	0 feet, except as provided in subsection 307(G)(2)(a) below	0 feet, except when adjacent to a residential use a 5' minimum setback is required.
Minimum Street Side Setback	0 feet	10 feet
Minimum Rear Setback	0 feet, except as provided in subsection 307(G)(2)(b) below	15 feet

1. The following table outlines the minimum development standards required in the OTAB District. Setbacks in excess of those listed on this table may be required in accordance with the conditions required of conditional use permits or uses permitted with conditions.
2. Additional Requirements:
 - a. Within the Heritage Sub-District, where a side property line abuts a residentially zoned property, no setback shall be required for the ground floor portion of the structure or first fifteen (15) feet of structure height, whichever is less. Portions of the structure above the ground floor or fifteen (15) feet in height shall be set back a minimum of ten (10) feet from the side property line.

- b. Within the Heritage Sub-District, where a rear property line abuts a residentially zoned property, a minimum rear yard setback of twenty (20) feet shall be maintained.

H. OTAB Performance Standards

- 1. Any exterior modification of a building, structure or site within the OTAB District shall be subject to the standards set forth in the Historic Avondale Design and Development Guidelines and future amendments thereto, as well as the requirements contained within this subsection 307(H).
 - a. New and remodeled buildings shall be compatible with the Old Town character and architecture.
 - b. Design shall preserve the integrity of each individual structure and the character of its streetscape.
 - c. Important character-defining features and details of existing buildings shall be preserved when exterior alterations are proposed.
 - d. All new buildings shall be designed to be compatible with the human scale and shall also preserve the residential and historic character of the surrounding neighborhood.
 - e. For elevations fronting onto Western Avenue, Dysart Road or Central Avenue, storefront windows shall be utilized to allow views into and out of ground level spaces. Clear or lightly tinted glass shall be used in windows, doors and display windows.
 - f. Façade surfaces adjacent to major streets (Western Avenue, Dysart Road and Central Avenue) shall be no more than twenty four (24) feet in length without an opening.
 - g. Any building over fifty (50) feet wide shall be designed to appear as a series of buildings no wider than fifty (50) feet each.
 - h. All retail entrances adjacent to major streets (Western Avenue, Dysart Road and Central Avenue) shall be sheltered by use of a porch, canopy or awning.
 - i. All customer entries shall be open to either the public right-of-way or an open air breezeway leading to the public right-of-way.
- 2. All activities shall be conducted entirely within enclosed buildings, except where outdoor uses are explicitly listed in the OTAB Land Use Matrix as permitted, permitted with conditions or permitted as an accessory use, except that outdoor furniture (e.g. benches, chairs, tables) may be provided on any private property for use by pedestrians if the furniture is designed for exterior use and any portion of the furniture is not located within the public-right-of-way. Customer service shall not be provided outside unless as part of an authorized sidewalk café or outdoor dining use.

3. Outdoor storage and/or display of goods and materials shall be prohibited except where specifically authorized in this Section.
4. Service entrances and service yards shall be located in the rear and/or side yard of the business use or accessed from an alley. Service yards shall be screened from any adjoining residential zone or use by the installation and maintenance of a solid wall or solid (opaque) fence having a height of not less than six (6) feet.
5. Trash enclosures shall be located within screened enclosures that are designed to correspond to the particular architectural style of the corresponding property. These enclosures should not be visible from Western Avenue, Central Avenue or Dysart Road.
6. Signage within OTAB shall be provided in accordance with Section 9 of the Zoning Ordinance and the Historic Avondale Design and Development Guidelines.
7. Except where specified otherwise within this subsection 307, parking shall be provided in accordance with Section 8 of the Zoning Ordinance and the Historic Avondale Design and Development Guidelines. Joint-use parking shall be permitted in accordance with the procedures outlined in that Section.
8. Landscaping and walls shall be required in accordance with the provisions of Section 12 of the Zoning Ordinance (Landscaping, Walls, and Fences Regulations) and the Historic Avondale Design and Development Guidelines, except as follows:
 - a. Development in the OTAB District shall be exempt from the provisions of subsection 1204(C)(1)(d) (Landscape Design Standards, Required Landscape Areas, General). No minimum percentage of site landscaping shall be required.
 - b. The provisions of subsection 1204(C)(3) (Landscape Design Standards, Landscape Setback) shall apply to development in the OTAB District, except that the minimum dimension of landscape setbacks shall be determined by the Development Standard table, above.
 - c. The provisions of subsection 1204(C)(5) (Landscape Design Standards, Land Use Buffers) shall not apply to development in the OTAB District.

Excerpt of the Minutes of the regular Planning Commission meeting held August 21, 2014 at 6:30 p.m. in the Council Chambers.

COMMISSIONERS PRESENT

Kevin Kugler, Chair
Lisa Amos, Vice Chair
Michael Long, Commissioner
Michael Demlong, Commissioner
Gary Smith, Commissioner
Sean Scibienski, Commissioner

COMMISSIONERS EXCUSED

Grace Carrillo, Commissioner

CITY STAFF PRESENT

Robert Gubser, Planning Manager
Chris Schmaltz, Legal Counsel
Ken Galica, Senior Planner
Linda Herring, Development Services Representative

APPLICATION NO. PL-14-0080

City's proposal to rezone 1.8 acres of property located at the northeast corner of Dysart Road and Western Avenue from A-1 (General Industrial) to OTAB (Old Town Avondale Business District). The purpose of the OTAB Zoning District is to assist in the revitalization of the City's original town site and its immediate vicinity by encouraging development of retail, restaurant, entertainment, and service type uses that serve both local and regional customers. Development in the District is required to be designed to encourage pedestrian activity through placement of buildings close to streets and sidewalks. Staff contact: Ken Galica

Ken Galica, Senior Planner, said the A-1 Zoning District is the heaviest of Avondale's industrial districts. It is located directly east of Old Town Avondale. The parcel was included in the original Avondale town site, incorporated in 1946, and has been zoned A-1 since at least 1982. The site was developed as a truck and trailer rental facility until the City acquired the property in 2007 and demolished it. The City has been waiting for the right business to come along before selling the property. That sale was authorized in April 2014, and a minor land division was approved to dedicate right-of-way. If the sale closes, the property will be owned by Carolina's Mexican Food.

Mr. Galica said the property will be rezoned to OTAB, which will help draw attention to the entrance of Western Avenue from Dysart Road. The existing A-1 is not in conformance with the General Plan. OTAB ensures development on a pedestrian scale. The recently adopted Old Town Design Guidelines will influence the design of the building. Staff recommends approval.

Chair Kugler opened the public hearing. With no requests to speak, he closed the public hearing.

Commissioner Scibienski **MOVED** to accept the findings and recommend approval of Application PL-14-0080, a request to rezone approximately 1.8 acres from A-1 General Industrial to OTAB Old Town Avondale Business. Commissioner Smith **SECONDED** the motion.

ROLL CALL VOTE

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

APPROVED 6-0

ORDINANCE 1556-914

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AMENDING THE OFFICIAL ZONING ATLAS OF THE CITY OF AVONDALE FOR APPROXIMATELY 1.8 ACRES GENERALLY LOCATED AT THE NORTHEAST CORNER OF DYSART ROAD AND WESTERN AVENUE, AS SHOWN IN APPLICATION PL-14-0080, REZONING SUCH PROPERTY FROM GENERAL INDUSTRIAL (A-1) TO OLD TOWN AVONDALE BUSINESS DISTRICT (OTAB).

WHEREAS, the Council of the City of Avondale (the “City Council”) desires to amend the City of Avondale Zoning Atlas (the “Zoning Atlas”), pursuant to ARIZ. REV. STAT. § 9-462.04, to change the zoning description for a ± 1.8 acre parcel of real property from General Industrial (A-1) to Old Town Avondale Business District (OTAB) (the “Zoning Atlas Amendment”); and

WHEREAS, all due and proper notices of the public hearings on the Zoning Atlas Amendment held before the City of Avondale Planning Commission (the “Commission”) and the City Council were given in the time, form, substance and manner provided by ARIZ. REV. STAT. § 9-462.04; and

WHEREAS, the Commission held a public hearing on Thursday, August 21, 2014, on the Zoning Atlas Amendment, after which the Commission recommended approval; and

WHEREAS, the City Council held an additional public hearing regarding the Zoning Atlas Amendment on September 15, 2014.

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 ± 1.8 acre parcel of real property generally located at the northeast corner of Dysart Road and Western Avenue, as shown in Application PL-14-0080 (the “Property”), as more particularly described and depicted on Exhibit A, attached hereto and incorporated herein by reference, is hereby rezoned from General Industrial (A-1) to Old Town Avondale Business District (OTAB).

SECTION 3. If any provision of this Ordinance is for any reason held by any court of competent jurisdiction to be unenforceable, such provision or portion hereof shall be deemed separate, distinct and independent of all other provisions and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4. The Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to take all steps necessary to carry out the purpose and intent of this Ordinance.

PASSED AND ADOPTED by the Council of the City of Avondale, September 15, 2014.

Kenneth N. Weise, Mayor

ATTEST:

Carmen Martinez, City Clerk

APPROVED:

Andrew J. McGuire, City Attorney

EXHIBIT A
TO
ORDINANCE NO. 1556-914

[Legal Description and Map]

See following pages.

ZONING LEGAL DESCRIPTION
PARCEL AT NORTHEAST CORNER OF
DYSART ROAD AND WESTERN AVENUE
(PART OF APN 500-21-011A and 500-21-017)

That portion of Parcel no. 1 and Parcel no. 2 described in Maricopa County Recorders Office (MCR) instrument no. 2008-1085607, AND that portion of Western Avenue and Dysart Road adjoin said Parcels 1 and 2, all portions being located in the southwest quarter (SW1/4) of Section 11, Township 1 North, Range 1 West of the Gila and Salt River Meridian, City of Avondale, Maricopa County, Arizona, and more particularly described as follows:

Commencing at the southwest corner of said Section 11, being marked by a City of Avondale brass cap in handhole per description on the Record of Survey recorded in Maricopa County Recorders Office Book 1181, page 12, from which for a bearing reference the west quarter corner of said Section 11, being marked by a City of Avondale brass cap in hand hole per said MCR Book 1181, page 12, bears North 00° 01' 11" East, 2644.67 feet.

Thence along the west line of said Section 11, North 00° 01' 11" East, 54.07 feet to a brass cap surveying monument per said MCR Book 1181, page 12 and the POINT OF BEGINNING;

Thence continuing along the west line of said Section 11, North 00° 01' 11" East, 317.35 feet per said MCR 2008-1085607 (record over all distance of 371.42 feet);

Thence leaving said west line, along the north line of Parcel no. 2 of said MCR 2008-1085607, South 89° 58' 49" East, 55.00 feet to the east line of the west 55.00 feet of said Section 11, being marked with a ½ inch rebar with an attached ¾ inch brass tag stamped "CRS 28742", said rebar being a typical survey monument hereafter described;

Thence continuing along the said north line of Parcel no. 2, South 89° 58' 49" East, 218.00 feet to the northeast corner of said Parcel no. 2 of MCR 2008-1085607, being marked with a said typical survey monument;

Thence along the east line of said Parcel no. 2 of MCR 2008-1085607, South 00° 01' 11" West, 120.00 feet to the southeast corner of said Parcel no. 2 of MCR 2008-1085607, being marked with a said typical survey monument;

Thence the south line of said Parcel no. 2, North 89° 58' 49" West, 38.93 feet to the east line of Lot 1, being Parcel no. 1 of said MCR 2008-1085607, being marked with a said typical survey monument;

(continued next page)

Thence along said east line of said Lot 1, South 00° 14' 12" East, 121.98 feet to the southeast corner of said Lot 1, being said Parcel no. 1 of MCR 2008-1085607, being marked with a found ½ inch rebar, not having any found identification, thus a ¾ inch brass tag stamped "CRS 28742 was attached;

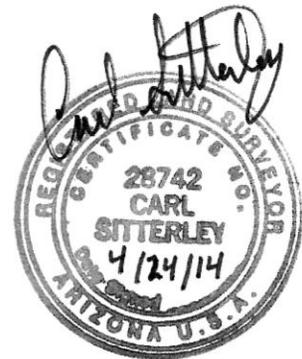
Thence continuing along the southerly extension of said east line of Lot 1, South 00° 14' 12" East, 65.27 feet to the computed intersection with the centerline of Western Avenue as indicated on the Results of Survey recorded in MCR Book 1179, page 03, said intersection being a non-tangent curve concave northerly having a radius of 573.00 feet and a radial bearing of South 10° 22' 38" East;

Thence westerly along said non-tangent curve and computed centerline of Western Avenue an arc length of 100.98 feet, subtended by an angle of 10° 05' 49", to a brass cap monument flush with the pavement per MCR Book 1181, Page 12;

Thence continuing along said computed centerline of Western Avenue per said MCR Book 1179, page 03, South 89° 43' 11" West, 134.50 feet to the POINT OF BEGINNING.

Parcel contains 78,600 square feet or 1.804 acres more or less.

Exhibit Map Attached and made a part hereon.



Expires 03/31/2016



Application PL-14-0080



Subject Property

