

WORK SESSION
February 17, 2015
6:00 PM

CALL TO ORDER BY MAYOR

1 ROLL CALL BY THE CITY CLERK

2. WATER RECLAMATION FACILITY MASTER PLAN UPDATE

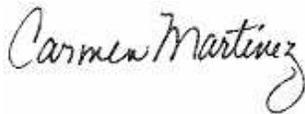
City Council will receive a brief overview of the recently completed Water Reclamation Facility's Master Plan which provides recommendations for the currently needed facility upgrades and future facility expansions identified as Phase 2 and Phase 3 in the Water Reclamation Facility Master Plan. This item is for information and discussion only. No action is required.

3. POSSIBLE CREATION OF A COUNTY ISLAND FIRE DISTRICT WITHIN THE AVONDALE MUNICIPAL PLANNING AREA

City Council will discuss the concept of creating a county island fire district within the Avondale municipal planning area. For information, discussion and direction.

4 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 puedan ejercitar su derecho si presentan su consentimiento por escrito a la Secretaria de la Ciudad, o pueden asegurarse que los niños no estén presentes durante la 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: Water Reclamation Facility Master Plan Update **MEETING DATE:** 2/17/2015

TO: Mayor and Council
FROM: Cindy Blackmore, Public Works Director, 623-333-4410
THROUGH: David Fitzhugh, City Manager

PURPOSE:

Staff will provide a brief overview of the recently completed Water Reclamation Facility's Master Plan. The overview will provide recommendations for the currently needed facility upgrades and future facility expansions identified as Phase 2 and Phase 3 in the Water Reclamation Facility Master Plan.

BACKGROUND:

The City of Avondale's Water Reclamation Facility (WRF) was originally constructed in 1993 and expanded to a capacity of 6 million gallons per day (mgd) in 2002. A master plan, titled Wastewater Treatment and Reclaimed Water Facilities Master Plan (DSWA, December 2005), outlined a plan to expand the plant in three phases; 6-9 mgd (Phase 1), 9-12.0 mgd (Phase 2), and ultimately, 12-15.0 mgd (Phase 3).

Based on the 2005 master planning efforts, design criteria was established for wastewater quality characteristics and flow peaking factors used for the design of the Phase 1 plant expansion. These factors were also utilized in the planning of the two future phases of expansion of the WRF. Since that planning and design effort, the sewage composition has changed. There has been an increase in the solids loading and biological loading to the plant, which affects the ability of the existing plant to perform as originally designed. Additionally, wastewater flows to the WRF are increasing as the City rebounds from the economic recession.

As the City has been experiencing challenges meeting required treatment objectives at the plant, Carollo Engineers were tasked with creating a master plan that would evaluate the plant's current treatment facilities, determine what may be needed to adequately treat the existing flows to the WRF and to prepare a plan that would allow the City to meet future treatment requirements.

DISCUSSION:

In 2010, the Phase 1 construction at the WRF expanded the facility to 9 mgd. The current master plan determined that due to the change in sewage composition additional facility upgrades are required to meet the 9 mgd capacity that the WRF was originally designed for. Future plant expansions will still be required to treat the increased flows from population growth as well as any change in sewage composition to meet regulatory requirements, support recharge, and to augment the City's groundwater supplies. The master plan re-examined the planned expansion timeframes based on historical wastewater flow trends, as well as the current WRF permits as approved by the Maricopa County Environmental Services Department (MCESD). The current permit includes the following requirements:

- When the average day maximum month (ADMM) flow reaches 80 percent of the facility’s rated capacity (i.e. 7.2 mgd), the Owner shall have initiated planning and design of the next expansion of the facility.
- When the ADMM flow reaches 90 percent of the facility’s rated capacity (i.e. 8.1 mgd), the Owner shall have initiated construction of the next expansion of the facility.

The master plan determined that the historical trend of wastewater flow is increasing at approximately 5.9% annually. Historically, the WRF experiences the highest monthly flows in August to September. In September of 2014, the WRF observed the highest recorded ADMM flow to date of 6.4 mgd. Fluctuation in flows experienced at the WRF in recent history make it relatively difficult to pinpoint the actual timing of when the next expansions will be required, but new projections for expansion projects have been prepared based on the best available data, which will be continuously evaluated and adjusted based on growth rate and plant flow. A short summary of the findings include:

Current Recommended WRF Facility Upgrades

The WRF was evaluated for reliability, redundancy, and its ability to treat wastewater flows with increased loadings up to its rated capacity of 9 mgd and to the specified permit requirements. Deficiencies were identified and include lack of redundancy, under capacity due to the increased loadings, and disrepair due to the harsh operating conditions. Some of the upgrades now recommended were “value engineered” (cut) out of the Phase 1 construction package due to limited funding. A number of improvements are now recommended to return the WRF to its fully rated capacity and to maintain operational reliability. A detailed list of the recommended improvements is provided in the Master Plan report. These items are critical components needed to reliably operate the treatment process and consistently meet effluent permit limits. Some of these include:

- Additional Secondary Clarifier
- Additional Primary Clarifier
- Aeration upgrades

Phase 2:

The Phase 2 project will be initiated when the influent flows reach the rates as described above. Phase 2 will bring the WRF up to 12 MGD. The detailed list of the recommended improvements is provided in the WRF master plan report. These items are critical components needed to reliably operate the treatment process and consistently meet effluent permit limits.

BUDGET IMPACT:

The following cost estimates will be included in the CIP budget recommendations:

Description	Estimated Cost	Fiscal Year
Operational Improvement - Design & Construction	\$11.58M	FY 15-17
Phase 2 Expansion - Design & Construction	\$45M	FY 18-21
Phase 3 Expansion - Design & Construction	\$20.85M	FY 24-30

RECOMMENDATION:

This agenda item is for information and discussion only.

ATTACHMENTS:

Description

[Water Reclamation Facility Master Plan](#)

Water Reclamation Facility Master Plan

DUE TO ITS SIZE, THIS DOCUMENT
HAS BEEN POSTED SEPARATELY

PLEASE CLICK ON THE LINK BELOW TO VIEW

<http://www.avondale.org/DocumentCenter/View/35762>



CITY COUNCIL AGENDA

SUBJECT:

Possible Creation of a County Island Fire District
within the Avondale Municipal Planning Area

MEETING DATE:

2/17/2015

TO: Mayor and Council**FROM:** Paul Adams, Fire Chief (623) 333-6100**THROUGH:** David Fitzhugh, City Manager**PURPOSE:**

To present the concept of the creation of a county island fire district within the Avondale municipal planning area and request comment and direction from the city council.

BACKGROUND:

Within the 93 square mile Avondale municipal planning area there are approximately 48 square miles of unincorporated county area, mostly to the south of Lower Buckeye Road. Fire and medical services to these areas are provided on a subscription or fee-for-service basis by Rural-Metro Corporation from a station located in Litchfield Park. Over the years Avondale Fire & Medical has responded to incidents in the unincorporated area at the request of Rural-Metro for which the City has then billed Rural-Metro based on a 2003 letter from then city manager Todd Hileman.

Over the past year, Rural-Metro has requested that the fees established in the 2003 letter be reduced significantly based on agreements that Rural-Metro has in place with other jurisdictions. While those discussions are ongoing staff felt that it would be appropriate to explore the possibility of creating a non-contiguous county island fire district (CIFD) which would include all unincorporated areas within the Avondale municipal planning area (MPA) north of the Estrella Mountains. The CIFD process was established by state statute in 2007 with the first such district being created in Gilbert.

In September 2014, staff retained the services of John Flynn with PolicyLogic, LLC through a two phase agreement to conduct a preliminary assessment of the viability of Avondale servicing a CIFD, should it be created, including the financial and operational aspects. PolicyLogic has completed their assessment and has delivered a report of their findings and recommendation to the city.

DISCUSSION:

The objectives of the assessment were to: identify a methodology to deliver an adequate level of fire and medical service throughout the municipal planning area (MPA); identify a sustainable and equitable funding mechanism for the deployment of fire and medical services; and provide for systematic future expansion of municipal fire and medical response infrastructure throughout the MPA. It was felt that by having the Avondale Fire and Medical Department provide service to the unincorporated areas of the MPA through an IGA with a newly created county island fire district (CIFD) these objectives would be accomplished. The area considered for this project includes all unincorporated areas within the Avondale MPA north of the Estrella Mountains.

The unincorporated area of the Avondale MPA consists of 1,020 real property parcels with an assessed value of \$9.3 million. In response to the 2007 CIFD legislation the Central Arizona Life Safety Response System Council (CALSRSC), which is the policy body for the valley automatic aid system, developed a methodology for the costing of municipal fire services to a CIFD. This methodology is currently used by the five existing municipalities (Chandler, Gilbert, Queen Creek, Tempe and Scottsdale) and their respective CIFD. The costing methodology is based upon the pro-rata cost sharing for fire and medical services by property owners within an MPA. The property values as determined by the Maricopa County Assessor are used to determine the value of real property throughout the MPA.

For purposes of discussion the fire service demand within the proposed CIFD was calculated using a population rate methodology. The rate of emergency incidents within the City is 8.21 per thousand. Applying that same rate per one thousand population to the CIFD, the annual emergency responses are estimated at .39 per thousand or 139 responses per year. The aggregate demand placed on Avondale and the automatic aid system through the creation of a CIFD would be negligible.

Based on the financial analysis the consultant believes that the formation of a CIFD is a viable alternative for the delivery of fire and medical services to the unincorporated area of the Avondale MPA. Service delivery would be improved with marginal capacity demand, there would be appropriate pro-rata cost recovery for Avondale, and the MPA property owners would receive improved services. Based on these findings the consultant recommends that the process to form an Avondale CIFD be initiated.

The process to create a CIFD is the responsibility of the property owners in the affected unincorporated area however the City could assist in the process as necessary. Phase two of the agreement with PolicyLogic would allow the consultant to assist city staff and the residents in developing a work plan for CIFD formation. Staff has had discussions with residents in the affected area who have indicated a desire to take the lead in moving the formation process forward. Staff has also had conversations with representatives from Rural-Metro who have indicated their support for the concept and that they would provide a letter of support to the Maricopa County Board of Supervisors.

The process to create a CIFD is outlined in section 48-851 of the Arizona Revised Statutes which is included as Appendix A in the assessment report. No action by the city council is necessary in order to form the CIFD however the council would need to approve an IGA with the CIFD once formed in order for the city to provide fire and medical services to the area.

BUDGET IMPACT:

Based on a \$3.5088 / \$100 tax rate it is estimated that a CIFD would generate a service cost revenue of \$328,003.85 for the City. It is not anticipated that any additional resources or personnel would be necessary for the City to provide fire and medical service to the CIFD.

RECOMMENDATION:

This item is for information, discussion and direction only. No action is required. Specific issues about which staff is seeking direction include whether or not the council supports the concept of creating a CIFD and moving the process forward or if council does not support the CIFD concept, or if the CIFD fails to meet the requirements to be created, how council wishes for staff to proceed relative to requests for response into the unincorporated area at the request of either Rural-Metro or citizens in the area.

ATTACHMENTS:

Description

[Avondale CIFD Assessment](#)

Avondale Fire & Medical Department

Avondale County Island Fire District Assessment

February 10, 2015

Prepared by: PolicyLogic Government Affairs & Consulting
2/10/2015

Contents

Project Overview 2

Project Background & Objectives 3

General Conditions..... 7

Unincorporated Avondale MPA Fire Services 11

CIFD Framework / Regulatory Assessment 14

Financial Assessment 17

CIFD Operational Considerations 28

 Operating Revenue and Expenditure Forecast 29

 Emergency Incident Demand & Service Delivery Issues 30

Conclusions..... 31

Findings & Recommendations 32

Appendix A – ARS Reference for CIFD..... 33

Project Overview

The City of Avondale (“Avondale”) engaged PolicyLogic, LLC (Consultant) on September 15, 2014 to conduct a preliminary assessment of the viability of servicing a county island fire district proposed to be formed within Avondale’s municipal planning area. Avondale seeks to identify the financial and operational aspects necessary to service a non-contiguous county island fire district (CIFD) formed and operated pursuant to Arizona Revised Statute (ARS)¹.

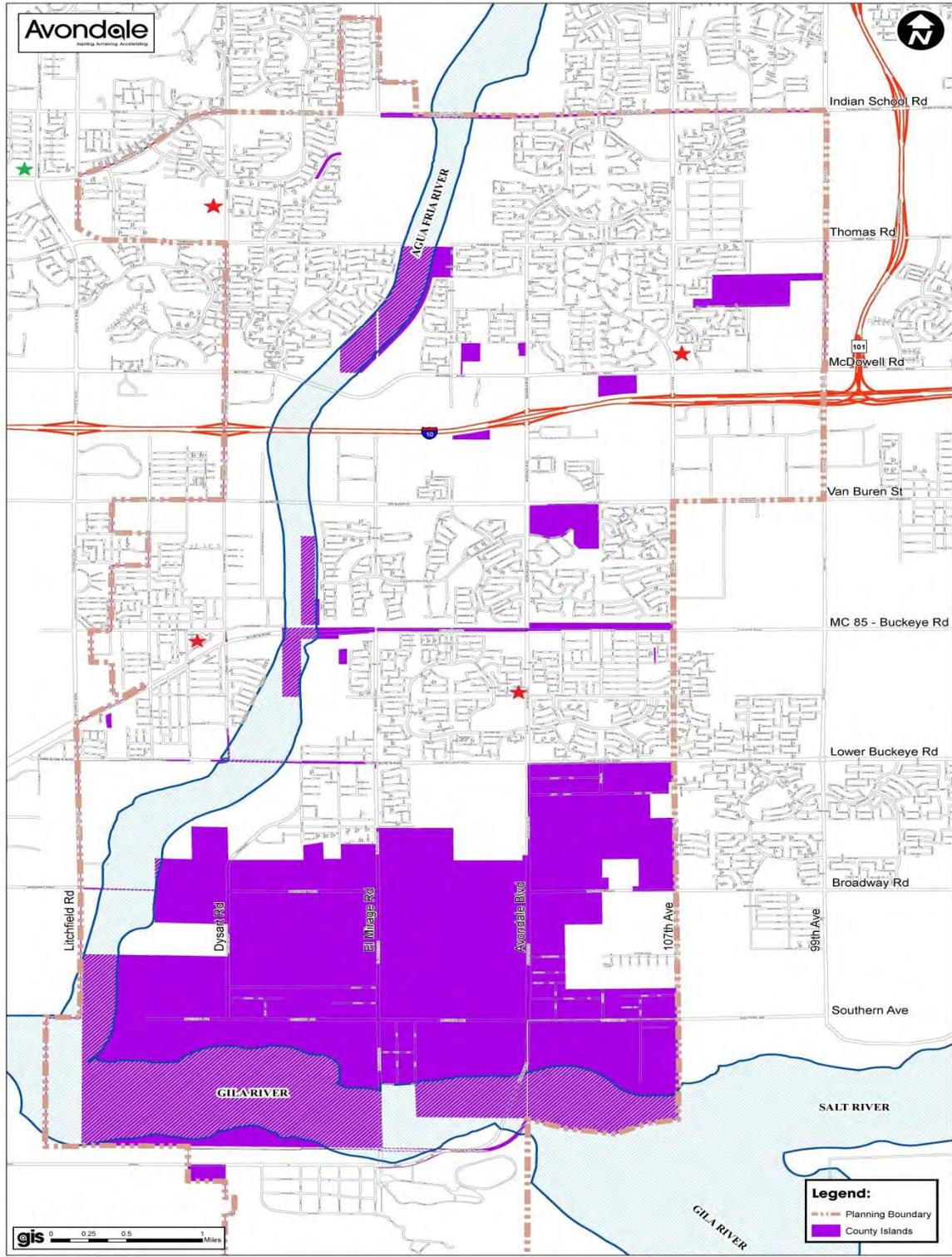
Avondale sought objective third-party assistance to provide an impartial assessment of the financial viability associated with serving the proposed county island fire district. Based upon the findings of the Consultant’s report herein, Avondale may consider the formation and servicing of a county island fire district if determined to be in the best interest of Avondale and its citizens.

¹ Ariz. Rev. Stat. §48- 851, §48- 852, §48- 853 and §48-854

Project Background & Objectives

Throughout the past decade Avondale has annexed various tracts of land to address development, establish the city's future growth boundaries and to protect these areas for land use planning purposes. The result of Avondale's past annexations forms the incorporated area of the city. Located within the planning area of Avondale are a number of unincorporated tracts of land, or "islands", created as the city boundaries grew. These "islands" remain the jurisdiction of Maricopa County and receive no city services.

Avondale's current municipal planning area (MPA), established as required by the voters pursuant to the Growing Smarter Act, is comprised of the land area within the current corporate municipal boundaries (45.1 sq. miles) and unincorporated county areas within the city's future growth plan (approx. 48 sq. miles). Avondale's total MPA approximates a land area of 93 square miles. The planning map below identifies those areas located within the current municipal boundaries and the unincorporated areas located within the MPA.



County Island within City of Avondale

Avondale provides fire based “all hazards” emergency response within its corporate municipal limits. Avondale’s emergency response services are extended to other cities and fire districts located within the Phoenix metropolitan statistical area (MSA) via a regional automatic aid agreement. Avondale does not routinely provide fire services to the unincorporated county areas within the MPA except when requested by the subscription based fire service provider; Rural / Metro Corporation (RMC). The RMC provides fire service to “subscribed” properties within the unincorporated areas of the Avondale MPA.

For the purposes of this report, fire service is defined as fire suppression, emergency medical and special operations as deployed by an “all hazards” fire based emergency response agency.

The RMC does not have a fire station or response resources located within or in close proximity to the “islands” located within the Avondale MPA, which results in response times outside national standards. Therefore, when a fire or medical emergency occurs, the RMC typically requests Avondale Fire Department respond as the closest fire service resource. Avondale bills the RMC for responses generated into these “island” areas. There is currently a dispute over these payments which to date has not been resolved.

The RMC funds its fire service delivery to unincorporated areas within the Avondale MPA by way of annual fee-for-service subscription. Property owners voluntarily pay RMC for fire services. Not all property owners within the unincorporated MPA are RMC subscribers². This method of funding fire service limits the aggregate funding available, which in turn hinders the deployment, response and availability of fire service resource sufficient for this area. Even with one hundred percent subscription saturation, there are an insufficient number of property owners / residents within the unincorporated parcels

² The percentage of total property owners subscribed for fire service within the MPA is unknown.

of the Avondale MPA to generate the funding necessary to support a fire station and associated fire service response resources. Residents and property owners within unincorporated areas of Maricopa County have sought to improve the delivery of fire services through a variety of means, including the formation of fire districts.

Avondale seeks to address three key areas within the unincorporated portion of the MPA through the potential formation of a CIFD:

1. Identify and employ a methodology to deliver an adequate level of fire service throughout the unincorporated areas of the MPA consistent with that of the greater west valley region.
2. Identify a sustainable and equitable funding mechanism for the deployment of fire resources within the unincorporated MPA.
3. Provide for the systematic future extension of municipal fire service response infrastructure throughout the unincorporated areas of the MPA.

The potential establishment of a county island fire district as authorized by ARS³ may provide the necessary administrative framework and sustainable funding mechanism to accomplish these objectives.

The objectives of this consulting project (Phase 1) were established by Avondale in consultation with the Consultant. The primary objectives are:

- Determining the secondary assessed value of all property within a proposed Avondale county island fire district and to determine the base revenue potential

³ Ariz. Rev. Stat. §48- 851.

applying the formula developed by the Central Arizona Life Safety Response System Council for county island fire district service costing.

- Determining the potential prospective aggregate revenue and expenditure impacts over an initial three year period based upon Avondale’s anticipated operational service delivery plan.
- Identifying “key factors” necessary to facilitate county island fire district formation.

General Conditions

Avondale is the thirteenth largest city in Arizona ranked by population (76,238)⁴ and encompasses 45.1 square miles of territory within the west valley region of the Phoenix metro- area. The most densely populated areas of Avondale and the Avondale MPA (1,721 persons per sq. mi.) is located in the northern half of the city and is surrounded by other west valley municipalities: Phoenix and Glendale to the north; Tolleson to the east; Goodyear and Litchfield Park to the West. Avondale’s southern most areas, located south of the Gila River, encompass significant portions of the Estrella Mountain Park and vast tracts of vacant land.

Avondale, incorporated in 1946, is an ARS Title 9 charter government city providing a full range of services to residents and property owners. Avondale is governed by a seven member non-partisan council, which includes a directly elected mayor. Avondale’s day-to-day operations are managed by a professional staff. For taxation purposes, the property within the incorporated limits of Avondale has a net primary assessed value of \$327,955,701 for the 2014 tax year⁵.

⁴ 2010 US Census population estimate

⁵ Maricopa County Assessor – February 10, 2014 published tax year property values.

Avondale provides an “all hazards” fire based emergency services delivery system which encompasses fire protection, emergency medical services (EMS) and associated emergency response services throughout its incorporated jurisdictional boundaries. Avondale deploys its fire resources from four strategically located fire stations with a compliment of 74 personnel. Avondale is in the process of earning accredited fire agency status through the Commission on Fire Accreditation International. Avondale estimates a direct expenditure of \$10,758,220 in fiscal year 2015 for the delivery of fire services.

Fires represent a low occurrence / high consequence event for Avondale Fire & Medical. While actual fires represent a small portion of the total responses for Avondale Fire & Medical, they continue to represent the greatest threat to the safety of both the citizens and the firefighters. Approximately eighty percent of Avondale Fire & Medical responses are to medical emergencies. Two thirds of Avondale Fire & Medical personnel are certified paramedics.

The level of fire protection provided by Avondale Fire & Medical is rated by the Insurance Services Office (ISO) for the purpose of establishing property insurance rates. ISO rates fire agencies nationwide for their ability to deliver service and mitigate fire risk. The resultant rating is used to establish property owners fire insurance premiums. Avondale is rated as an ISO Class 4 fire agency on a scale of one to ten⁶, which translates into lower annual fire insurance premiums for residents, property owners and business. Lower annual fire insurance premiums assist in offsetting the tax burden associated with the funding of fire services. Avondale’s ISO Class 4 ranking places it in the top 15% of the 47,242 communities rated in the United States in 2011⁷.

⁶ ISO rating scale of 1 to 10, which is formula driven to account for water supply, fire resources and emergency communications. An ISO rating of 1 indicates optimal fire service and 10 indicates no fire service. A number grade of 1 to 10 is assigned to each community.

⁷ Latest ISO community data available

Through the deployment of primary response fire resources (3 paramedic engine companies, 1 paramedic ladder company), Avondale Fire & Medical maintains an average travel time of under six minutes to 90% of all emergency incidents within its jurisdictional boundaries. Avondale responded to 9,284 emergency incidents in the 2014 calendar year. Approximately 80% of all emergency responses occurring within Avondale in 2014 were for emergency medical services.

Avondale participates in the Phoenix metropolitan area's regional automatic aid consortium with 23 other municipalities and fire districts. The automatic aid system operates in a complete "boundary drop" environment, which provides for the automatic dispatch of the closest most appropriate fire service resource to an emergency regardless of jurisdiction. A majority of the automatic aid agreement coverage area (coterminous with participating agency boundaries) is geographically located within Maricopa and Pinal Counties. The automatic aid consortium is self-governed by its 23 member agencies through an intergovernmental agreement (IGA). The Central Arizona Life Safety Response System Council (CALSRSC) is the governance body established by the IGA to oversee the automatic aid system. The CALSRSC provides oversight and coordination concerning the operation of the automatic aid system, along with setting the emergency service deployment and response standards of the member agencies. It should be noted that unincorporated areas of Maricopa County are not included within the automatic aid response area unless they are located within a fire district. Participation in the automatic aid system affords Avondale access to significant additional fire and emergency response resources when necessary for emergency incident mitigation.

Avondale is granted authority to provide fire and emergency medical services outside its corporate boundaries pursuant to ARS §9-500.23. This authority is specific to the

provision of service to county islands either by contract with the county⁸ or by contract with a CIFD⁹.

⁸ Ariz. Rev. Stat. §11-251.12

⁹ Ariz. Rev. Stat. §48-853.

Unincorporated Avondale MPA Fire Services

Portions of unincorporated Maricopa County located outside the jurisdictional boundaries of fire districts are provided fire service by the Rural / Metro Corporation (RMC) a private sector for-profit firm. As such, portions of the unincorporated areas within the Avondale MPA are provided fire service by the RMC. Fire service is provided by the RMC through a subscription service for each individual property. Therefore some properties are not provided fire service at the option of each respective owner.

The unincorporated area of the Avondale MPA consists of 1,020 total parcels of real property. The parcels of real property within the Avondale MPA are classified as commercial (Tax Class 1 - 32 parcels); vacant land / agricultural (Tax Class 2 – 504 parcels); residential (Tax Class 3 and 4 - 479 parcels); and Railroad (Tax Class 5 – 5 parcels). The market value (full cash value - FCV) of the property located within the unincorporated Avondale MPA is \$83,233,567. The total assessed value (AV) within the unincorporated area of the Avondale MPA is \$10,557,288¹⁰. Figure 1 below provides a summary of the five tax classes and the amount of assessed value attributable to each tax classification.

	Tax Class	Parcel Count	% of Total	AV	% of Total
Commercial	Class 1	32	3%	\$ 2,208,270.00	21%
Vacant / Ag	Class 2	504	49%	\$ 3,125,485.00	30%
Residential	Class 3	403	40%	\$ 4,228,614.00	40%
Residential	Class 4	76	7%	\$ 650,327.00	6%
Railroad	Class 5	5	<1%	\$ 344,592.00	3%
TOTAL		1020		\$ 10,557,288.00	

Figure 1

¹⁰ Maricopa County Assessor Data – February 10, 2014. The assessor determines a property’s FCV and AV.

Based upon the number of owner occupied residential parcels (403 – Tax Class 3), population within the unincorporated MPA is estimated at 1,149 persons. For the purposes of this report, population is estimated using average persons per household census data for Avondale, Arizona provided by the U.S. Census Bureau. The census bureau identifies 2.85 persons per household for Avondale. The owner occupied residential parcel total (403) is multiplied by the average per household census figure to determine the approximate population. For the purpose of this report, multi-family and non-owned housing (Tax Class 4) is not included within the population estimate to account for the aggregate of residential and multi-family vacancies.

The RMC maintains and staffs two fire stations in western Maricopa County. The facility closest to the Avondale MPA is located in Litchfield Park, Arizona, at 105 W. Desert Avenue (area of Indian School Road east of Litchfield Road). The RMC facility is located approximately one quarter mile north of the northern border of the City of Avondale. RMC fire resources from this facility are the sole first response resource for the unincorporated area within the Avondale MPA. The facility is staffed by six RMC firefighters daily, who operate one engine company and an ambulance. The RMC services other unincorporated areas of western Maricopa County as well as the unincorporated areas of the Avondale MPA from this facility. The second fire station operated by the RMC in western Maricopa County is located at the Loop 303 and Olive Avenue, which is approximately nine miles from the closest point of the Avondale MPA.

The RMC is not an automatic aid system participant. As such, unincorporated county areas are not included within the automatic aid agreement for emergency response. This includes unincorporated areas within the Avondale MPA. When the scope of an emergency event in unincorporated western Maricopa County exceeds the available RMC resource, additional fire resources may be summoned via mutual aid where and

when available, or from RMC facilities located outside the west valley area of the county¹¹.

A cursory analysis of the deployment of fire service resource by the RMC for the unincorporated areas of the Avondale MPA suggests fire resources are insufficient to meet nationally recognized fire service response and deployment standards¹². The limitations inherent in the subscription fire service funding methodology, along with low population density in unincorporated western Maricopa County are contributing factors to the deployment of fire resources. Taken in aggregate, these factors are a direct impediment to the deployment of adequate fire resource to the unincorporated areas of the Avondale MPA by the RMC.

¹¹ Fire resource responding from outside the immediate west valley region is of negligible value for typical structural fire and EMS incident mitigation.

¹² National Fire Protection Association Standard No. 1710: Standard for the Organization and Deployment of Fire Suppression, Emergency Medical and Special Operations to the Public

CIFD Framework / Regulatory Assessment

The 48th Arizona Legislature – First Regular Session enacted HB2780: Noncontiguous County Island Fire Districts, which became effective on September 19, 2007. This law enacted by the legislature allows for county island property owners located within an MPA to form a Noncontiguous County Island Fire District (CIFD). The CIFD law was enacted in response to county residents who found themselves without adequate fire services subsequent to the private fire service provider discontinuing service to their respective areas.

A county island for the purposes of the CIFD law is defined as non-contiguous county islands in a geographic area that is contained in an MPA and within the boundaries of an automatic aid consortium where there is no private provider of fire protection service at the time of the district's formation¹³.

A CIFD significantly differs from a traditional ARS Title 48 fire district in that:

1. Parcels within the CIFD are not required to be contiguous to other parcels within the district as is required for traditional fire districts.
2. A CIFD cannot employ personnel, acquire or maintain assets (including real property or equipment).
3. A CIFD cannot issue debt.
4. A CIFD is limited to only those parcels within a specific city or town's MPA and there can only be one CIFD per MPA.

There are currently five CIFD operating in Maricopa County (Chandler, Gilbert, Queen Creek, Tempe and Scottsdale). Each of the five CIFD has an intergovernmental

¹³ Ariz. Rev. Stat. §48-851.E.1.

agreement (IGA) which provides for the provision of fire services by the municipality in which the district is formed.

The intent of the legislature in crafting the CIFD law was to allow for the establishment of a taxing authority with a sole purpose of contracting for fire services by all property owners within the district. The terms of the contract for fire services is delineated through an IGA negotiated between the municipality and the CIFD. It was also the intent of the legislature for the city or town who's MPA in which the CIFD was formed to be the preferred fire services contractor. To this end the city or town who's MPA in which a CIFD is formed is provided the right of first refusal to contract with the CIFD to provide fire services¹⁴.

A CIFD is formed pursuant to the requirements of ARS¹⁵. In summary, the formation of CIFD entails the submission of a map detailing the area of the district and the names of the three persons who will serve on the organizing board of the district to the county board of supervisors (BOS). Upon receipt of the map and names of the organizing board members, the BOS will set a date for a public hearing on the matter. The clerk of the BOS notices all owners of taxable within the proposed district of the date of hearing for the BOS to act on the formation request. If at the hearing, the BOS determines that the public health, comfort, convenience, necessity or welfare will be promoted, it shall approve the persons proposing the district to circulate petitions. The petitions must be signed by more than one-half of the property owners in the area of the proposed district for the district to be formed. The BOS establishes the parcel number / signature threshold when authorizing the circulation of petitions. There is a one year limit on petition validity from the date the BOS authorizes circulation.

¹⁴ Ariz. Rev. Stat. §48-853.A. 8.(a).

¹⁵ Ariz. Rev. Stat. §48-851.

It should be noted that while ARS allows for less than all the county islands within a municipal planning area to be within the forming CIFD¹⁶, the county BOS encourages all non-contiguous unincorporated land area within an MPA to be included within the map of the forming district.

In the case of the proposed Avondale CIFD there are 1,020 real property parcels within the unincorporated MPA that would make up the district. A total of 511 (50% plus one) of the total property owners would be the minimum number of parcel owners required to sign petitions to enable the CIFD to be formed.

It should also be noted that if a private fire service provider currently serves the area they must provide notice to the county board of supervisors of their intention to no longer serve the area, in effect providing “consent” for the formation of the county island fire district.¹⁷

¹⁶ Ariz. Rev. Stat. §48-851.A.2.

¹⁷ Ariz. Rev. Stat. §48-851.E.1.

Financial Assessment

Fire districts are independent special taxing districts authorized under ARS Title 48. Fire districts are governed by elected non-partisan boards of three or five members¹⁸. Fire districts are funded through the State's property taxing system. A CIFD through its elected governing board determines the tax revenue necessary to operate the district and sets a corresponding tax rate per one hundred dollars of assessed property value. A CIFD is not statutorily limited to the 3.25 per hundred tax rate cap that applies to other fire districts¹⁹.

All fire districts receive tax revenue equal to twenty percent (20%) of their direct secondary property tax levy in the form of the Fire District Assistance Tax (FDAT)²⁰. The FDAT is levied by the county in addition to each fire districts direct property tax levy. FDAT is statutorily capped at a maximum of \$400,000 for each fire district.

In response to the enactment of the law authorizing CIFD, the CALSRSC and its member cities and towns established a subcommittee to develop a methodology for the costing of municipal fire services to a CIFD. This subcommittee sought to develop a costing method to make certain county island property owners paid a base amount equal to the amount paid by the respective municipal property owner for fire services. Additional negotiated services or costs are supplemental to the base amount and are discussed later in this section of the report. This costing methodology provides that county island property owners pay their pro-rata share of the cost of providing fire services throughout the entire MPA. This CIFD costing methodology is currently used by the five existing municipalities and their respective CIFD with relatively minor community specific variations.

¹⁸ CIFD are required to have five member boards except for the initial forming board which consists of three members.

¹⁹ ARS §48-853.A.11.

²⁰ ARS §48-807.

The costing methodology developed by the CALSRSC subcommittee is based upon the pro-rata cost sharing for fire services by property owners within an MPA pursuant to Arizona's property tax system. The property values as determined by the Maricopa County Assessor are used to determine the value of real property throughout the MPA.

As the component costs of fire services adjust annually (property values and budget), the costs for the CIFD are adjusted annually as well. The methodology for CIFD costing parallels the municipal and fire district budgeting process and timeframes. Each year, February 10 property values provided by the assessor for the following tax year beginning July 1 are used to establish the property value within the MPA. A city's fire services and associated expenditures for the fiscal year are determined through the municipal budgeting process. A property tax rate which would generate revenues equal to the amount determined to be the city's fire services costs is derived from the city portion of the assessed value of property within the MPA. This tax rate is then applied to the secondary property value of the unincorporated area of the MPA to develop a base cost for fire services to the CIFD.

For the purpose of costing municipal fire services to a CIFD, the adopted municipal fire services budget must first be adjusted. The financial components used to determine the adjusted fire department budget are:

1. Adopted operating budget (AOB); is the total funding adopted by the city council for fire service operations for the fiscal year.
2. Revenue offsets (RO); is the non- general fund or tax revenues generated directly by the fire department (EMS revenues, federal and state grants, fees and or permit revenues).
3. Capital outlay (CO) within the AOB; is capital outlay funded through the fire operating budget.

4. Capital depreciation (CD); is the annual depreciated amount of the fire department’s capital equipment and infrastructure.
5. Bond interest expense attributable to fire (BIE); is the interest paid on the bonds used to finance the fire department’s capital equipment and infrastructure.
6. City overhead rate (COR); is the rate established as a percentage of the AOB the city determines necessary for administrative support of the fire department (city management, finance, human resource etc.).

The financial components outlined above are used to determine the adjusted fire department budget (AFDB) as follows:

AOB minus RO minus CO plus CD plus BIE plus COR equals AFDB

$$(AOB - RO - CO + CD + BIE + COR = AFDB)$$

Figure 2 below illustrates the formula methodology using Avondale fiscal 2014 figures.

City of Avondale Adopted Fire Operating Budget:	\$ 10,758,220.00			
Revenue Offsets (subtract):	\$ (140,040.00)	*(permits, ALS, CAD, PIR O/T)		
Capital Expenses				
Capital Outlay In Operating (subtract):	\$ (514,000.00)			
Capital Depreciation Expenses (add):	\$ 220,953.00			
Bond Funded Assets (add):	\$ 94,000.00			
City Overhead Rate (add):	\$ 1,088,110.00	*(10.17%)		
Adjusted FD Budget:	\$ 11,507,243.00			

Figure 2

The unit cost (UC) for fire services is determined by dividing the AFDB by the city’s assessed value (AV):

$$(AFDB / CAV = UC)$$

Using Avondale’s fiscal 2014 primary assessed value (\$327,955,701) and AFDB (\$11,507,243), the unit cost for fire services is 0.035088. The calculation is illustrated in Figure 3 below.

	Adjusted FD Budget:	\$ 11,507,243.00	
	City Primary AV:	\$ 327,955,701.00	
	Equals Fire Service Unit Cost:	0.035088	
	(FD Budget div. by City AV)		

Figure 3

The fire service UC is an equivalent means of expressing the base cost of fire services based upon the primary value of property within the municipality. The UC when converted to reflect the cost per one hundred dollars of assessed property value will generate the identical property tax revenue amount as the CIFD calculated tax rate.

The CIFD base cost of services is calculated by multiplying the assessed value (AV) of the unincorporated area of the MPA (identified as the CIFD AV) by the UC.

$$CIFD\ AV \times UC = CIFD\ Base\ Cost$$

Using Avondale UC for fire services and the AV of the proposed CIFD within the Avondale MPA, Figure 4 below illustrates the base cost to the CIFD for Avondale to provide fire services to the CIFD in fiscal 2015.

Equals Fire Service Unit Cost:	0.035088		
(FD Budget div. by City AV)			
District AV:	\$ 9,348,089.00		
District Service Cost (Dist. AV X Unit Cost):	\$ 328,003.85		

Figure 4

Negotiated and or supplemental costs are the final component in determining the cost of fire services to the CIFD. These costs are as stated, negotiated between the fire services provider, in this case Avondale, and its' CIFD. The additional or supplemental services negotiated between the municipal fire services provider and the CIFD are completed when the IGA is developed. Addendums may also be negotiated as necessary to address service issues that may occur during the term of the IGA. It should be noted that ARS requires that a municipality that provides services to a CIFD pursuant to an IGA must provide these services based upon the current fire infrastructure²¹. Any enhancements in municipal fire services (either requested by the city or the CIFD) must be negotiated between the parties through the IGA. As an example, the City of Chandler and the Chandler CIFD negotiated the cost sharing of a staffed fire tanker due to the lack of fire hydrants within the Chandler CIFD. In this case, the cost for the fire tanker is in addition to the base cost. It should also be noted that direct costs are not allocated as a pro-rata share of the fire service cost and are borne solely by the taxpayers of the CIFD on a dollar for dollar basis.

Using the Avondale fiscal 2015 data, the costing of fire services for the CIFD is shown in Figure 5 below, with direct (negotiated costs) illustrated at \$0.00.

²¹ ARS §48-854.C.

Avondale CIFD Assessment

	Adjusted FD Budget:	\$ 11,507,243.00		
	City Primary AV:	\$ 327,955,701.00		
	Equals Fire Service Unit Cost:	0.035088		
	(FD Budget div. by City AV)			
	District AV:	\$ 9,348,089.00		
	District Service Cost (Dist. AV X Unit Cost):	\$ 328,003.85		
	Direct Costs:	\$ -	*(TBD)	
	Total Fire District Cost:	\$ 328,003.85	*(revenue to Avondale)	

Figure 5

The base cost of \$328,003.85 as shown in Figure 5 above is the amount the proposed CIFD would pay during fiscal 2015 to Avondale if the proposed CIFD were in place.

The \$328,003.85 fire service cost must be converted to a secondary property tax rate in order for the CIFD to levy the appropriate taxes. Conversion of the UC method of costing to a secondary tax rate for the CIFD is shown in Figure 6 below.

City of Avondale AV	\$ 327,955,701.00	(2014 FY 14-15 Primary Tax Roll)	
DIV 100	\$ 3,279,557.01	(per hundred of property value)	
Fire Budget - Adjusted	\$ 11,507,243.00		
Tax Rate (TR)	\$ 3.5088	(tax rate for base fire services cost)	
Proposed Avondale CIFD AV	\$ 9,348,089.00	(2014 FY 14-15 Secondary Tax Roll)	
DIV 100	\$ 93,480.89	(per hundred of property value)	
Avondale CIFD AV per \$100	\$ 328,003.85		
DIRECT COST	\$ -	(negotiated between Avondale & CIFD)	
TOTAL CIFD COST	\$ 328,003.85		
ADJUSTED CIFD TR	\$ 3.5088	(TR for base fire + negotiated costs)	

Figure 6

In Figure 6 above the adjusted property tax rate for the proposed CIFD is 3.5088 per hundred of secondary assessed value. The tax rate of 3.5088 generates the property tax revenue necessary for funding base fire service costs as established by the UC method.

It should be noted that the actual tax rate for the proposed CIFD would be marginally lower in application as the district will receive FDAT funds equivalent to twenty percent of the direct tax levy, which in the example Avondale CIFD would be capped at \$400,000 maximum funding²². The CIFD would also incur additional administrative and operational expenses which must be met. These expenses include liability insurance as required by ARS²³, legal services, administrative services, publishing, establishing financial reserves and the repayment of district formation costs to Maricopa County. Using the proposed Avondale CIFD as an example, the district might expect to have an additional \$75,000 in expenses for fiscal 2015. Combined with the \$328,003.85 to be paid to Avondale for the provision of fire services, the district would have an aggregate revenue and expenditure total of \$403,003.85 (rounded to \$403,000 for illustration purposes). Generating revenue of \$403,000 would require a direct tax levy by the CIFD of \$335,833 (direct tax levy + FDAT = total revenue). The property tax rate required to generate the \$335,833 is 3.5925 (CIFD AV / 100 = SUM / Tax Levy). Figure 7 below shows an abbreviated summary revenue and expenditure budget for the CIFD.

²² FDAT is tax levy capped at a maximum of \$300,000 per fire district.

²³ ARS §48-853.A.12.

Avondale CIFD Assessment

Revenue	
Direct tax Levy	\$ 335,833.00
FDAT	\$ 67,167.00
Revenue Total	\$ 403,000.00
Expenditure	
Fire Services	\$ 328,003.00
Insurance	\$ 22,000.00
Legal / Admin	\$ 25,000.00
Financial Reserve	\$ 27,997.00
Expenditure Total	\$ 403,000.00

Figure 7

The estimated tax rate of 3.5925 will impact property owners differently dependent upon the tax classification of the property.

In Figure 8 below the secondary full cash value is shown to illustrate the average 2010 tax year market value of the three significant property classifications within the CIFD; commercial, vacant / agricultural and residential.

	Parcels	Tax Class	Full Cash Value	
			(FCV)	Avg. FCV
Commerical	32	Class 1	\$12,294,487	\$384,202.72
Vacant/AG	504	Class 2	\$19,995,920	\$39,674.44
Primary Residence	403	Class 3	\$42,286,193	\$104,928.52
Non Primary Rental	76	Class 4	\$6,503,267	\$85,569.30
Railroad	5	Class 5	\$2,153,700	\$430,740
	1020		\$83,233,567	

Figure 8

Residential property (Class 3) accounts for 40% of the total parcels within the unincorporated Avondale MPA. The average market value of residential property within

the unincorporated Avondale MPA is \$104,928.52 (FCV / Parcels = Avg. Value). Residential property is assessed at ten percent of its market value for the purpose of determining property tax liability. Using the average value residential property as an example, the assessed property value is determined as follows:

$$\$104,928.52 \times .10 = \$10,493$$

The assessed value (AV) of the residential property is divided by one hundred (secondary property taxes are assessed per \$100 of property value) and then multiplied by the tax rate to determine the secondary property tax liability for the CIFD. Using the average residential property value and the CIFD estimated tax rate (TR) of 3.5925, the property tax liability for the example property in the 2015 tax year is \$376.96. The complete formula calculation for the average residential property is illustrated below.

$$\$104,928.52 \times .10 = \$10,493 / 100 \times 3.5925 = \$376.96$$

The property tax liability for residential property of varying market value within the CIFD is determined as follows:

$$\text{FCV} \times .10 = \text{AV} / 100 \times \text{TR} = \text{Tax Liability}$$

Commercial property and vacant / agricultural property tax liability is determined in a similar manner, with the variable being the assessment ratio. Commercial property, which accounts for three percent of the total parcels in the unincorporated Avondale MPA is assessed at twenty percent (.20) of its market value. The cost to the commercial property owner for the CIFD in fiscal 2015 is calculated using the average value of \$384,202.72 at the tax rate of 3.5925 as illustrated below.

$$\$384,202.72 \times .20 = \$76,841 / 100 \times 3.5925 = \$2,760.50$$

The property tax liability for commercial property of varying market value within the CIFD is determined as follows:

$$FCV \times .20 = AV / 100 \times TR = \text{Tax Liability}$$

Vacant / agricultural property is assessed at sixteen percent (.16) of its market value. Vacant / agricultural property accounts for forty-nine percent of the total parcels within the unincorporated Avondale MPA. The cost to the vacant / agricultural property owner for the CIFD in fiscal 2015 calculated using the average value is \$39,674.44 at the tax rate of 3.5925 is illustrated below.

$$\$39,674.44 \times .16 = \$6,348 / 100 \times 3.5925 = \$228.05$$

The property tax liability for vacant / agricultural property of varying market value within the CIFD is determined as follows:

$$FCV \times .16 = AV / 100 \times TR = \text{Tax Liability}$$

It should be noted that the Maricopa County Assessor uses a variety of other factors to determine the assessed value of properties. The formulas shown above can be used as a general guide to calculate CIFD property tax liability. The precise tax liability for each specific parcel can be calculated by using the current assessed value (AV) as determined by the assessor for the parcel in question²⁴. The AV and related real property data for all 1,020 individual parcels is provided in electronic format as an addendum to this report.

Figure 9 below presents the proposed CIFD costs by average parcel market value for the five tax classifications at the tax rate of 3.5925 per hundred dollars of value.

²⁴ Specific parcel AV information can be obtained from the county assessor's searchable web site.

			Full Cash Value		
	Parcels	Tax Class	(FCV)	Avg. FCV	CIFD Cost - Avg.
Commerical	32	Class 1	\$12,294,487	\$384,202.72	\$2,760.50
Vacant/AG	504	Class 2	\$19,995,920	\$39,674.44	\$228.05
Primary Residence	403	Class 3	\$42,286,193	\$104,928.52	\$376.96
Non Primary Rental	76	Class 4	\$6,503,267	\$85,569.30	\$307
Railroad	5	Class 5	\$2,153,700	\$430,740	\$15,474.33
	1020		\$83,233,567		

Figure 9

CIFD Operational Considerations

The 1,020 property parcels dispersed throughout the unincorporated portions of the Avondale MPA are currently serviced by a single RMC facility located outside of the MPA²⁵. Upon formation of a CIFD, Avondale would be the primary fire services provider to all 1,020 property parcels. The CIFD would be serviced by Avondale and its automatic aid system partners.

The Avondale CIFD would be treated as the city's service area for the purposes of emergency response. Using the automatic aid system's jurisdictional boundary drop, the Avondale CIFD would be serviced by the closest appropriate fire unit or units available within the system

The residents and property owners of the proposed Avondale CIFD would obtain an immediate improvement in emergency response. A preliminary analysis of emergency response into the proposed Avondale CIFD based upon the current automatic aid system deployment indicates the achievement of an under six minute travel time for fire response units to 90% of emergency incidents for a substantial majority of the land area within the unincorporated Avondale MPA. Additionally, Avondale and automatic aid system partners would have the necessary resources available to deploy the full complement of fire resources on the scene of structural fire incidents within eight minutes as required by national standards²⁶.

Future annexations of land by Avondale within the MPA, predominantly those vacant tracts of developable land, will necessitate additional fire response infrastructure and response units. These additions will further enhance emergency response for residents

²⁵ RMC is proposing a fire station to be located in the area of Olive Ave. and Loop 303.

²⁶ National Fire Protection Association Standard No. 1710: Standard for the Organization and Deployment of Fire Suppression, Emergency Medical and Special Operations to the Public.

and property owners of the CIFD, of which they will pay their pro-rata share Avondale Fire & Medical costs. It should be noted that Avondale retains the right to determine the location of future infrastructure pursuant to ARS²⁷.

Operating Revenue and Expenditure Forecast

The proposed Avondale CIFD will operate in a manner substantially similar to the example described within this assessment report. Figure 10 provides a three-year forecast of revenues and expenditures using FY 15 as the base year. Property values for both Avondale and the unincorporated MPA have been adjusted to reflect forecasted real property market trends in the current environment (increased 3.5% annually over forecast period). The adjusted fire budget is increased annually at a rate of 5.5% for system improvements and inflation. The 5.5% adjustments for the adopted fire budget are held constant annually. For the purpose of this assessment, no annexation activity within the unincorporated Avondale MPA by the city is factored into the forecast. Figure 10 provides forecast CIFD annual base fire costs payable to Avondale.

	FY 15	FY 16	FY 17	FY 18
Avondale AV	\$ 327,955,701.00	\$ 339,434,150.54	\$ 351,314,345.80	\$ 363,610,347.91
Adjusted FD Budget	\$ 11,507,243.00	\$ 12,140,141.37	\$ 12,807,849.14	\$ 13,512,280.84
Base Fire Tax rate	3.5088	3.5766	3.6457	3.7161
CIFD AV	\$ 9,348,089.00	\$ 9,675,272.12	\$ 10,013,906.64	\$ 10,364,393.37
Annual CIFD Revenue	\$ 328,003.85	\$ 346,044.06	\$ 365,076.48	\$ 385,155.69

Figure 10

²⁷ ARS §48-853.A.9.(c)

Emergency Incident Demand & Service Delivery Issues

For the purpose of this report the fire service demand within the proposed Avondale CIFD is calculated using a population rate methodology. For the incorporated city of Avondale, the rate of emergency incidents is 8.21 per thousand of population (9,284 responses²⁸ / 76,238 pop.). Applying the same rate per one thousand of population to the proposed Avondale CIFD (1,149) the annual emergency responses are estimated at 139 (average of 0.38 responses daily). Eighty percent of the emergency events are anticipated to be for emergency medical services. The aggregate demand placed on Avondale and the automatic aid system by the CIFD is determined to be negligible.

Structural fires occur infrequently and are estimated to be less than five percent of the total service demand within the proposed CIFD. The adequacy of the water supply for fire protection is questionable throughout a significant portion of the unincorporated Avondale MPA. A transportable water supply will be a necessary element for effectively servicing the Avondale CIFD.

Geographic information system (GIS) mapping for unincorporated areas is typically found to be less than ideal for emergency response purposes. GIS mapping enhancements may be required to facilitate effective emergency response throughout the MPA.

²⁸ 2014 Avondale FD response total

Conclusions

The unincorporated areas of the Avondale MPA meet the requirements for the proposed formation of a CIFD. Avondale is authorized to extend fire services outside their incorporated jurisdictional boundaries and to contract with the proposed CIFD to provide services.

The RMC, as the area's private fire service provider, will need to stipulate they no longer will serve the unincorporated areas of the Avondale MPA for a CIFD formation effort to proceed.

Fire service delivery and outcomes for residents and property owners would be significantly improved. Over time the addition of planned fire infrastructure within the MPA will further enhance fire service delivery.

Based upon tax year 2014 property values, the CIFD would have an AV of \$9,348,089. Avondale has a tax year 2014 AV of \$327,955,701. Using the CALSRSC costing methodology which is standard practice for CIFD in Maricopa County, Avondale would receive base revenues of \$328,003.85 on an equivalency tax rate of 3.5088. The CIFD using tax year 2014 financial data with an estimated budget of \$403,000 would have a tax rate of 3.5925 per one hundred dollars of property value.

The CIFD maximizes cost efficiencies for the district's property owners. The formation of the CIFD ensures all property owners pay within the unincorporated MPA for their respective share for the cost of fire services²⁹. CIFD property owners pay an equivalent pro-rata share for base fire services as current city property owners. Any additional fire service items would be negotiated between the CIFD and Avondale as necessary.

²⁹ Eliminates economic "free riders" that occur with the present subscription fee-for-service funding methodology.

The CIFD is the least costly method of delivering fire services to the unincorporated area of the Avondale MPA.

Findings & Recommendations

The formation of a CIFD is a viable alternative for the delivery of fire services to the unincorporated area of the Avondale MPA. Fire service delivery is significantly improved with marginal capacity demand and pro-rata share cost recovery for Avondale. MPA property owners receive improved services. Financially, the formation of the CIFD is beneficial for Avondale and property owners.

Based upon the findings of the assessment the Consultant recommends formation of a Avondale CIFD. Consultant also recommends the following preliminary CIFD development actions:

- Cost analysis and work plan for CIFD formation.

Appendix A – ARS Reference for CIFD

48-851. Noncontiguous county island fire district; formation; definition

A. A noncontiguous county island fire district shall be formed by the following procedures:

1. One or more persons who wish to petition for a noncontiguous county island fire district shall request and the county assessor shall provide a map and a detailed list of all property parcels that includes the assessed values of all of the county island areas that are contained within the municipal planning area of a city.
2. Within sixty days after receiving a map from the county assessor, the person shall submit a revised map that indicates those county island areas that are proposed to be included in the noncontiguous county island fire district and shall submit a district impact statement that shall contain at least the following:
 - (a) A general description of the boundaries of the proposed district, a map of the area to be included in the district and a list of the parcels to be included in the district by assessor parcel number.
 - (b) An estimate of the assessed valuation within the proposed district.
 - (c) An estimate of the change in the property tax liability, as a result of the proposed district, of a typical resident of the proposed district.
 - (d) A list and explanation of benefits that will result from the proposed district.
 - (e) A list and explanation of the injuries that will result from the proposed district.
 - (f) The names, addresses and occupations of the three proposed members of the district's organizing board of directors.
 - (g) A description of the scope of services to be provided by the district during its first five years of operation.
3. On receipt of the revised map and the impact statement, the board of supervisors shall set a day for a hearing on the proposed district formation not more than sixty days from the date the map and impact statement are received.

4. The clerk of the board of supervisors shall mail, by first class mail, written notice of the day, hour and place of the hearing on the proposed district to each owner of taxable property within the boundaries of the proposed district. The written notice shall state the purpose of the hearing and shall state where a copy of the impact statement may be viewed or requested. The clerk of the board of supervisors shall post the notice in at least three conspicuous public places in the area of the proposed district and shall publish twice in a daily newspaper of general circulation in the area of the proposed district, at least ten days before the hearing, or, if no daily newspaper of general circulation exists in the area of the proposed district, at least twice at any time before the date of the hearing, a notice setting forth the purpose of the proposed district formation, the description of the area of the proposed district and the day, hour and place of the hearing.

5. At the hearing called pursuant to paragraph 3 of this subsection, the board of supervisors shall hear those who appear for and against the proposed district and shall determine whether the creation of the district will promote public health, comfort, convenience, necessity or welfare. If the board of supervisors determines that the public health, comfort, convenience, necessity or welfare will be promoted, it shall authorize the persons proposing the district to circulate petitions as provided in this subsection. The order of the board of supervisors shall be final, but if the request to circulate petitions is denied, a subsequent request for a similar district may be refiled with the board of supervisors after six months from the date of the denial.

6. Within fifteen days after receiving the approval of the board of supervisors as prescribed by paragraph 5 of this subsection, the clerk of the board shall:

(a) Determine the minimum number of signatures required for compliance with paragraph 8, subdivision (b) of this subsection. After making that determination, that number of signatures shall remain fixed.

(b) Certify whether the petition form to be used is valid and in compliance with section 48-266.

7. After receiving the approval of the board of supervisors as provided in paragraph 5 of this subsection, any adult person may circulate and present petitions to the board of supervisors of the county in which the district is located. All petitions circulated shall be returned to the board of supervisors within one year from the date of the approval of the board of supervisors pursuant to paragraph 5 of this subsection. Any petition that is returned more than one year from that date is void.

8. The petitions presented pursuant to paragraph 7 of this subsection shall comply with the provisions regarding verification in section 48-266 and shall:

(a) At all times, contain a general description of the boundaries of the proposed district, the assessor's map of the proposed district and the names, addresses and occupations of the proposed members of the district's organizing board of directors. No alteration of the proposed district shall be made after receiving the approval of the board of supervisors as provided in paragraph 5 of this subsection.

(b) Be signed by more than one-half of the aggregate number of property owners in the county island areas contained in the proposed district.

9. On receipt of the petitions, the board of supervisors shall set a day, not more than thirty days from that date, for a hearing on the petition.

10. Before the hearing called pursuant to paragraph 9 of this subsection, the board of supervisors shall determine the validity of the petition signatures presented. At the hearing called pursuant to paragraph 9 of this subsection, the board of supervisors, if the petitions are valid, shall order the formation of the district. The board of supervisors shall enter its order setting forth its determination in the minutes of the meeting, not later than ten days from the day of the hearing, and a copy of the order shall be filed in the county recorder's office. The order of the board of supervisors shall be final, and the proposed district is formed thirty days after the board of supervisors votes to form the district. A decision of the board of supervisors under this subsection is subject to judicial review under title 12, chapter 7, article 6.

B. For the purpose of determining the validity of the petitions presented pursuant to subsection A, paragraph 7 of this section property held in multiple ownership shall be treated as if it had only one property owner, so that the signature of only one of the owners of property held in multiple ownership is required on the formation petition.

C. If a district is formed pursuant to this section, the cost of publication of the notice of hearing and the mailing of notices to electors and property owners and all other costs incurred by the county as a result of this section shall be a charge against the district.

D. A district organized pursuant to this section shall have an organizing board of directors to administer the affairs of the district until a duly constituted board of directors is elected as provided in this title. The organizing board shall have all the powers, duties and responsibilities of an elected board. The organizing board shall consist of the three individuals named in the petitions presented pursuant to subsection A of this section. If

a vacancy occurs on the organizing board, the remaining board members shall fill the vacancy by appointing an interim member. Members of the organizing board shall serve without compensation but may be reimbursed for actual expenses incurred in performing their duties. The organizing board shall elect from its members a chairperson and a clerk. For any challenge to the formation of the district, the district board is a proper party to the challenge and any petition circulators are not proper parties.

E. For the purposes of this article, "noncontiguous county island fire district" means a district that is formed pursuant to this section and for which all of the following apply:

1. The district consists of only noncontiguous county islands in a geographic boundary area that is contained in a municipal planning area and is within the boundaries of an automatic aid or mutual aid consortium.
2. Fire protection services are not funded pursuant to section 48-807 at the time of the district's formation.
3. There is only one fire district within the geographic area of the municipal planning area for any one city or town.

48-852. District board governance; elections

A. A fire district formed pursuant to this article shall be governed by a five member elected board, but shall be governed initially by a board appointed by the county board of supervisors from among qualified electors of the proposed county island fire district. The initial appointed board shall schedule an election to be held on the next general election date. The election shall be held as otherwise provided by law.

B. If a vacancy occurs on the district board other than from expiration of a term, the remaining board members shall fill the vacancy by appointment of an interim member. If the entire board resigns or for any reason cannot fulfill its duties, the board of supervisors shall appoint an administrator to administer the district with the same duties and obligations of the elected board. If the board of supervisors fails to appoint an administrator within thirty days, a special election shall be held to fill the vacancies on the fire district board.

C. Members of the district board shall serve without compensation, but may be reimbursed for actual expenses incurred in performing duties required by law.

D. The district board shall elect from its members a chairperson and a clerk.

E. Of the members first elected to the district board, the three people receiving the first, second and third highest number of votes shall be elected to four year terms, and the two people receiving the fourth and fifth highest number of votes shall be elected to two year terms. Thereafter, the term of office of each district board member shall be four years from the first day of the month next following such member's election.

48-853. District board; powers and duties; intergovernmental agreements; contract; administration; definition

A. A fire district formed pursuant to this article, through its board shall:

1. Hold public meetings as necessary to carry out its powers and duties but at least once every ninety days.

2. Prepare an annual budget that contains detailed estimated expenditures for each fiscal year and that clearly shows expenses of the district. The budget shall be posted in three public places and published in a newspaper of general circulation in the district twenty days before a public hearing at a meeting called by the board to adopt the budget. The budget shall be posted in a prominent location on the official website no later than seven business days after the estimates of revenues and expenses are tentatively adopted. A complete copy of the approved estimates of revenues and expenses shall be posted in a prominent location on the official website no later than seven business days after final adoption. Copies of the budget shall also be available to members of the public on written request to the district. Following the public hearing, the district board shall adopt a budget. Both the tentatively adopted estimates of revenues and expenses and the budget finally adopted under this section shall be retained and accessible in a prominent location on the official website for at least sixty months.

3. Maintain a website for the purpose of providing access to public records. The district shall post permanent public records to its website.

4. Maintain and store all permanent public records in an electronic media or digital imaging format according to standards for the storage of permanent public records established by the director of the Arizona state library, archives and public records. The director of the Arizona state library, archives and public records shall approve an acceptable electronic media or digital imaging format for the district. The county in which the district is located shall maintain an official copy of the permanent public

records of the district. The copy of the permanent public records shall be provided to the county by the district annually no later than ninety days after the end of the fiscal year.

5. Appoint the fire chief of the fire service provider selected pursuant to paragraph 9 of this subsection, either public or private, as the fire chief for the district.

6. Adopt the fire code of the municipality whose municipal planning area includes the district except that the fire district's authority to conduct inspections shall apply only to commercial and industrial properties and shall not apply to residential properties.

7. Keep three copies of the applicable fire code, amendments and revisions on file for public inspection.

8. Notify the county board of supervisors of the cost of providing fire protection service and emergency medical service for each household or other structure in the district if the district provides service pursuant to paragraph 9, subdivision (a) or (b) of this subsection.

9. Act within sixty days after the formation of the district to do any of the following:

(a) Enter into an intergovernmental agreement with a municipal provider for fire protection services for the district. A municipal provider seeking to enter into an agreement with the district shall make a formal expression of intent to enter into an agreement with the district within twenty-one days of district formation.

(b) Issue a request for proposals for nonmunicipal private providers of fire protection services for the district. Notwithstanding any other law, municipal annexation shall not be undertaken during the term of any contract entered into between the district and a private fire service provider, except that in the one hundred eighty day period before the end of the contract, the municipality shall notify the residents of the opportunity to annex into the municipality. A resident shall notify the district and the municipality within ninety days before the end of the contract that the resident is annexing into the municipality and shall complete the annexation within ten days after the completion of the contract. If no district residents notify the municipality that the resident is annexing, the district may renew the contract automatically. If a resident proposes to annex into the municipality, the district shall issue a request for proposals again as prescribed in this subdivision.

(c) Before applying this subdivision, request an independent review by the county attorney of the negotiations, if any, that were conducted as prescribed in subdivision (a) of this paragraph and the request for proposals and resulting bids. After the

independent review, the county attorney shall certify whether the negotiations and proposals were based on commercially reasonable assumptions. If the county attorney certifies that any one or more of the provisions are not commercially reasonable, the district and the other party to the negotiations have ten days to cure and continue negotiations before resubmitting information on the negotiations and proposals to the county attorney for certification. Notwithstanding any other law, the county attorney shall have access to sealed bids for purposes of this subdivision. The county attorney shall review and issue a certification pursuant to this subdivision within thirty days after the information and documents regarding negotiations and proposals are submitted to the county attorney. If a fire district does not enter into an intergovernmental agreement pursuant to subdivision (a) of this paragraph or enter into a contract pursuant to subdivision (b) of this paragraph, the surrounding municipality shall provide fire protection and emergency medical services except for services regulated pursuant to title 36, chapter 21.1 in the district immediately on request by the district, following final certification by the county attorney. The municipality shall be compensated by the district as follows:

(i) A three person board shall set the secondary property tax rate for the district. The district shall appoint one person to the board, the surrounding municipality shall appoint one person to the board, and the two appointees shall agree on a third person for the board. If the two appointees cannot agree on a third appointee within five days after the two persons are appointed, the county board of supervisors shall appoint the third person to the board.

(ii) The three person board shall meet and set the tax rate within thirty days after the third person is appointed to the board.

(iii) The district shall levy the tax at the rate as determined by the three person board and the tax shall be collected as other property taxes are collected. On receipt of monies from the property tax levied, the district shall reimburse the county for the costs associated with the formation of the district, including administrative expenses.

10. Require that any intergovernmental agreement or contract between the district and a provider of fire protection services include:

(a) A term of duration between three and five years.

(b) A provision setting forth the cost of service and performance criteria.

(c) An acknowledgment of the right of the municipality to determine the location of future infrastructure if the district is in the municipality's planning area at the time of the execution of the contract.

11. If necessary, issue a request for proposals for providers of emergency medical services and enter into an intergovernmental agreement or contract with a provider of emergency medical services except for those services regulated by title 36, chapter 21.1.

12. Assess and levy a secondary property tax to pay for the costs of the fire protection service or emergency medical service except for those services regulated by title 36, chapter 21.1. A secondary property tax assessed pursuant to this section is not subject to the levy limitation prescribed by section 48-807.

13. Defend, indemnify and hold harmless a municipal provider or any other provider of fire protection from and against any claims or expenses to which it may be subjected by reason of injury or death of any person or loss or damage to any property directly attributable to the provision of the services unless the services were provided in a grossly negligent manner. The fire district shall secure insurance sufficient to cover liability exposure.

B. A fire district formed pursuant to this article, through its board, may:

1. Contract for administrative staff services, if any, deemed necessary or appropriate to carry out its powers and duties, but a member of a district board shall not be an employee of the district.

2. Retain a certified public accountant to perform an annual audit of district books.

3. Retain private legal counsel.

4. Sue and be sued.

5. Accept gifts, contributions, bequests and grants and comply with any requirements of such gifts, contributions, bequests and grants not inconsistent with this article.

6. Appropriate and expend annually such monies as are necessary for the purpose of fire districts belonging to and paying dues in the Arizona fire district association and other professional affiliations or entities.

7. Expand its boundaries pursuant to the requirements of section 48-262 to include unincorporated parcels within a city's or a town's municipal planning area with the permission of the city or town.

C. The county attorney may advise and represent the district when in the county attorney's judgment such advice and representation are appropriate and not in conflict with the county attorney's duties under section 11-532. If the county attorney is unable to advise and represent the district due to a conflict of interest, the district may retain private legal counsel or may request the attorney general to represent it, or both.

D. The chairperson and clerk of the district board or their respective designees, as applicable, shall draw warrants on the county treasurer for money required to operate the district in accordance with the budget and, as so drawn, the warrants shall be sufficient to authorize the county treasurer to pay from the fire district fund.

E. The district shall not incur any debt or liability in excess of taxes levied and to be collected and the money actually available and unencumbered at the time in the fund, except as provided in section 48-807.

F. If a district formed under section 48-851 agrees to provide fire and emergency medical services in a county island where a private provider of fire or emergency services has facilities and provides fire service, or where the private provider is the closest responding fire service provider, the district and the private provider shall enter into an agreement covering the roles and relationships regarding mutual aid or backup and any services for which the district wishes to contract. The agreement shall include an allocation of the district's property tax revenues to the municipal contractor or the private provider, or both, based on the proportionate share of the fire services each contractor will provide to the district. The agreement shall be executed before the district begins providing service in the county island. If an agreement is not reached within ninety days after the district requests the private provider to establish a plan, either party may request that the matter be arbitrated pursuant to title 12, chapter 21.

G. This section does not require a fire district or a city or town to provide fire protection or emergency medical services to an area of the county that is receiving services from a private provider, except as provided by a mutual aid or backup agreement pursuant to this section.

H. For the purposes of this article, "fire service" and "fire protection" include fire prevention, emergency medical services and inspection of commercial or industrial property.

48-854. Municipality as service provider; indemnity; intergovernmental agreement

A. If a municipality or any other bidder intends to submit a response to the request for proposals under section 48-853, the municipality or other bidder may do any of the following before submitting its response:

1. Inspect the county island property in its municipal planning area, including inspections for hazardous materials.
2. Obtain reports from the United States environmental protection agency and the Arizona department of environmental quality.
3. Obtain reports from any other industry that identifies any hazardous materials or conditions in the areas of the fire district in the municipality's planning area.

B. This section does not prohibit a municipality from entering into an intergovernmental agreement with another municipality or a private provider to provide fire and emergency medical services to a fire district formed pursuant to this article.

C. A municipality that provides fire or emergency medical services pursuant to an intergovernmental agreement with a fire district formed pursuant to section 48-851 shall provide the service particular to each county island consistent with the geography of the county island, location of fire stations, current infrastructure, water access, streets and building codes of the county island property for which service is provided.

D. If a municipality or any other provider contracts with a fire district formed pursuant to this article, the municipality or other provider is liable only if the municipality or other provider is grossly negligent in providing fire or emergency medical services to the fire district.



CITY COUNCIL AGENDA

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

REGULAR MEETING
February 17, 2015
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. APPROVAL OF MINUTES

1. Work Session of January 20, 2015
2. Work Session of February 2, 2015
3. Regular Meeting of February 2, 2015

b. SPECIAL EVENT LIQUOR LICENSE - STAGS WILDCATS POKER NIGHT

City Council will consider a request from Mr. Nicolas Rodriguez for a special event liquor license application to be used in conjunction with a fundraiser sponsored by the STAGS Wildcats Dad's Club on Saturday, February 28, 2015 at St. Thomas Aquinas School located at 13720 W Thomas Road in Avondale. The Council will take appropriate action.

c. APPOINTMENTS TO THE CITY'S BOARDS, COMMISSIONS AND COMMITTEES

City Council will consider the Council Subcommittee's recommendations for appointment to the City's Boards, Commissions and Committees and a staff recommendation for the appointment of Abbe Yacoben as the Mayor's designee in the Risk Management Trust Fund Board and all the Public Safety Retirement Pension Boards (Fire, Police, Correction Officers and Volunteer Fire). The Council will take appropriate action.

4 PUBLIC HEARING ZONING EXTENSION FOR AVONDALE LIVE PAD (PL-14-0228)

City Council will hold a public hearing and consider a request by Mr. Michael J. Curley, Earl, Curley & Lagarde P.C., on behalf of Harbor Properties LLC, an Illinois Limited Liability Company, for a one year extension of the PAD zoning for Avondale Live, located on approximately 62 acres of land north of the northwest corner of 99th Avenue and McDowell Road. The Council will take appropriate action.

5 PUBLIC HEARING AND ORDINANCE 1570-215 THREE RIVERS REZONING

City Council will hold a public hearing and consider a request by Mr. Paul E. Gilbert, Beus Gilbert PLLC, on behalf of property owner SW Arizona Land LP, to adopt an Ordinance amending the zoning atlas from AG (Agricultural) to CP (Commerce Park) for 39.96 gross acres of property located at the southeast corner of Roosevelt Street and 105th Avenue. The Council will take appropriate action.

6 PUBLIC HEARING AND ORDINANCE 1571-215 - GATEWAY VILLAGE REZONING

City Council will hold a public hearing and consider a request by Mr. David Scholl, Vintage Partners, on behalf of property owners CML-AZ MC 103, LLC and Suenos Avondale LLC, to adopt an Ordinance amending the zoning atlas from AG (Agricultural) to C-3 Freeway Commercial for 17.08 gross acres of property located at the southeast corner of McDowell Road and 103rd Avenue. The Council will take appropriate action.

7 EXECUTIVE SESSION

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

8 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 grabación de la junta. Si hay algún menor de edad presente durante la grabación, la Ciudad dará por entendido que los padres han renunciado sus derechos de acuerdo a la ley contenida A.R.S. 1-602.A.9.



CITY COUNCIL AGENDA

SUBJECT:

Special Event Liquor License - STAGS Wildcats
Poker Night

MEETING DATE:

2/17/2015

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

Staff is recommending approval of a special event liquor license applications submitted by Mr. Nicolas Rodriguez on behalf of the STAGS Wildcats Dad's Club for a fundraiser to be held on Saturday, February 28, 2015 at St. Thomas Aquinas School located at 13720 W Thomas Road in Avondale.

DISCUSSION:

The City Clerk's Department has received an application from Mr. Nicolas Rodriguez on behalf of the STAGS Wildcats Dad's Club at St. Thomas Aquinas School for a special event liquor license to be used in conjunction with a poker night fundraiser on Saturday, February 28, 2015 from 6:00 pm to 11:00 am at the school.

The Police and Fire Department have reviewed the application and are recommending approval.

Staff reviewed the application using the 14 factors set forth in Ordinance 1031-04. The findings are as follows:

Criminal history of the applicant - A background check of the representative, Mr. Rodriguez revealed no contact with the Avondale Police Department.

1. The event is a fundraiser
2. Security measures taken by the applicant - This is a 21 and over event. Attendees will be carded at registration
3. Beer and wine will be served
4. Beverages will be dispensed in disposable cups
5. This is the second time the event organizer has submitted an application for a special event liquor license
6. No problems are foreseen for this event in terms or noise, time or length of the event as it will be held indoors
7. The event will last five hours
8. Sanitary facilities are available within the facility
9. Zoning designation at this location is Planned Area Development. Development Services staff has indicated that the proposed use will not result in incompatible land uses.
10. Anticipated daily attendance in the liquor area is 80

11. The event is a poker night fundraiser
12. Per the Police and Engineering Department, no traffic control measures will be necessary as there is ample parking within the facility

RECOMMENDATION:

Staff is recommending approval of a special event liquor license applications submitted by Mr. Nicolas Rodriguez on behalf of the STAGS Wildcats Dad's Club for a fundraiser to be held on Saturday, Febraury 28, 2015 at St. Thomas Aquinas School located at 13720 W Thomas Road in Avondale.

ATTACHMENTS:

Description

[Application](#)

[Departmental Review](#)

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

FOR DLLC USE ONLY

Event date(s):

Event time start/end:

APPLICATION FOR SPECIAL EVENT LICENSE

Fee= \$25.00 per day for 1-10 days (consecutive)
A service fee of \$25.00 will be charged for all dishonored checks (A.R.S. §44-6852)

IMPORTANT INFORMATION: This document must be fully completed or it will be returned.

The Department of Liquor Licenses and Control must receive this application ten (10) business days prior to the event. If the special event will be held at a location without a permanent liquor license or if the event will be on any portion of a location that is not covered by the existing liquor license, this application must be approved by the local government before submission to the Department of Liquor Licenses and Control (see Section 15).

SECTION 1 Name of Organization: STAGS WILDCATS

SECTION 2 Non-Profit/IRS Tax Exempt Number: 26-2563845

SECTION 3 The organization is a: (check one box only)

- Charitable (501.C) Fraternal (must have regular membership and have been in existence for over five (5) years)
 Religious Civic (Rotary, College Scholarship) Political Party, Ballot Measure or Campaign Committee

SECTION 4 Will this event be held on a currently licensed premise and within the already approved premises?
 Yes No

Name of Business

License Number

Phone (include Area Code)

SECTION 5 How is this special event going to conduct all dispensing, serving, and selling of spirituous liquors? Please read R-19-318 for explanation (look in special event planning guide) and check one of the following boxes.

- Place license in non-use
 Dispense and serve all spirituous liquors under retailer's license
 Dispense and serve all spirituous liquors under special event
 Split premise between special event and retail location

(If not using retail license, submit a letter of agreement from the agent/owner of the licensed premise to suspend the license during the event. If the special event is only using a portion of premise, agent/owner will need to suspend that portion of the premise.)

SECTION 6 What is the purpose of this event? On-site consumption Off-site (auction) Both

SECTION 7 Location of the Event: ST. THOMAS Aquinas Church
Address of Location: 17720 W. Thomas Ln Avondale AZ 85392
Street City County/State Zip

SECTION 8 Will this be stacked with a wine festival/craft distiller festival? Yes No

SECTION 9 Applicant must be a member of the qualifying organization and authorized by an Officer, Director or Chairperson of the Organization named in Section 1. (Authorizing signature is required in Section 13.)

1. Applicant: RODRIGUEZ Nicolas R 9/27/1991
Last First Middle Date of Birth

2. Applicant's mailing address: [REDACTED]
Street City State Zip

3. Applicant's home/cell phone: [REDACTED] Applicant's business phone: [REDACTED] Same

4. Applicant's email address: [REDACTED]

SECTION 10

1. Has the applicant been convicted of a felony, or had a liquor license revoked within the last five (5) years?
 Yes No (If yes, attach explanation.)

2. How many special event licenses have been issued to this location this year? 1
 (The number cannot exceed 12 events per year; exceptions under A.R.S. §4-203.02(D).)

3. Is the organization using the services of a promoter or other person to manage the event? Yes No
 (If yes, attach a copy of the agreement.)

4. List all people and organizations who will receive the proceeds. Account for 100% of the proceeds. The organization applying must receive 25% of the gross revenues of the special event liquor sales. Attach an additional page if necessary.

Name St. Thomas Aquinas grade school ^{with/cent club} Percentage 100%
 Address 17720 W. Thomas Rd Avondale AZ 85955
Street City State Zip

Name _____ Percentage _____
 Address _____
Street City State Zip

5. Please read A.R.S. §4-203.02 Special event license; rules and R19-1-205 Requirements for a Special Event License.

Note: ALL ALCOHOLIC BEVERAGE SALES MUST BE FOR CONSUMPTION AT THE EVENT SITE ONLY.

"NO ALCOHOLIC BEVERAGES SHALL LEAVE SPECIAL EVENT UNLESS THEY ARE IN AUCTION SEALED CONTAINERS OR THE SPECIAL EVENT LICENSE IS STACKED WITH WINE /CRAFT DISTILLERY FESTIVAL LICENSE"

6. What type of security and control measures will you take to prevent violations of liquor laws at this event?
 (List type and number of police/security personnel and type of fencing or control barriers, if applicable.)

0 Number of Police 0 Number of Security Personnel Fencing Barriers

Explanation: All Club members will wear security

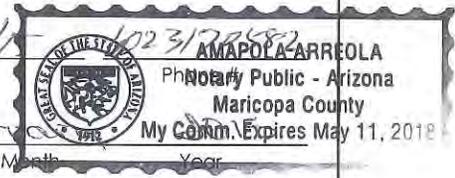
SECTION 11 Date(s) and Hours of Event. May not exceed 10 consecutive days.
 See A.R.S. §4-244(15) and (17) for legal hours of service.

	Date	Day of Week	Event Start Time AM/PM	License End Time AM/PM
DAY 1:	<u>2/25/15</u>	<u>Saturday</u>	<u>6pm</u>	<u>11pm</u>
DAY 2:	_____	_____	_____	_____
DAY 3:	_____	_____	_____	_____
DAY 4:	_____	_____	_____	_____
DAY 5:	_____	_____	_____	_____
DAY 6:	_____	_____	_____	_____
DAY 7:	_____	_____	_____	_____
DAY 8:	_____	_____	_____	_____
DAY 9:	_____	_____	_____	_____
DAY 10:	_____	_____	_____	_____

SECTION 13 This section is to be completed only by an Officer, Director or Chairperson of the organization named in Section 1.

I, Nicolas Rodriguez declare that I am an OFFICER, DIRECTOR, or CHAIRPERSON
(Print full name)
 appointing the applicant listed in Section 9, to apply on behalf of the foregoing organization for a Special Event
 Liquor License.

X [Signature] Title/ Position EVENT Chair Date 2/2/18



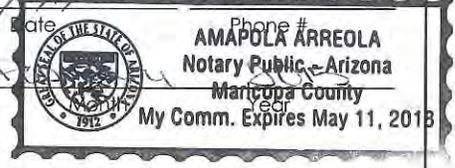
The foregoing instrument was acknowledged before me this 2 Day February Month 2018 Year
 State Arizona County of Maricopa

My Commission Expires on: May 11, 2018 Date [Signature] Signature of Notary Public

SECTION 14 This section is to be completed only by the applicant named in Section 9.

I, Nicolas Rodriguez declare that I am the APPLICANT filing this application as
(Print full name)
 listed in Section 9. I have read the application and the contents and all statements are true, correct and
 complete.

X [Signature] Title/ Position EVENT Chair Date 2/2/18



The foregoing instrument was acknowledged before me this 2 Day February Month 2018 Year
 State Arizona County of Maricopa

My Commission Expires on: May 11, 2018 Date [Signature] Signature of Notary Public

The local governing body may require additional applications to be completed and submitted. Please check with local government as to how far in advance they require these applications to be submitted. Additional licensing fees may also be required before approval may be granted. For more information, please contact your local jurisdiction: http://www.azliquor.gov/assets/documents/homepage_docs/spec_event_links.pdf.

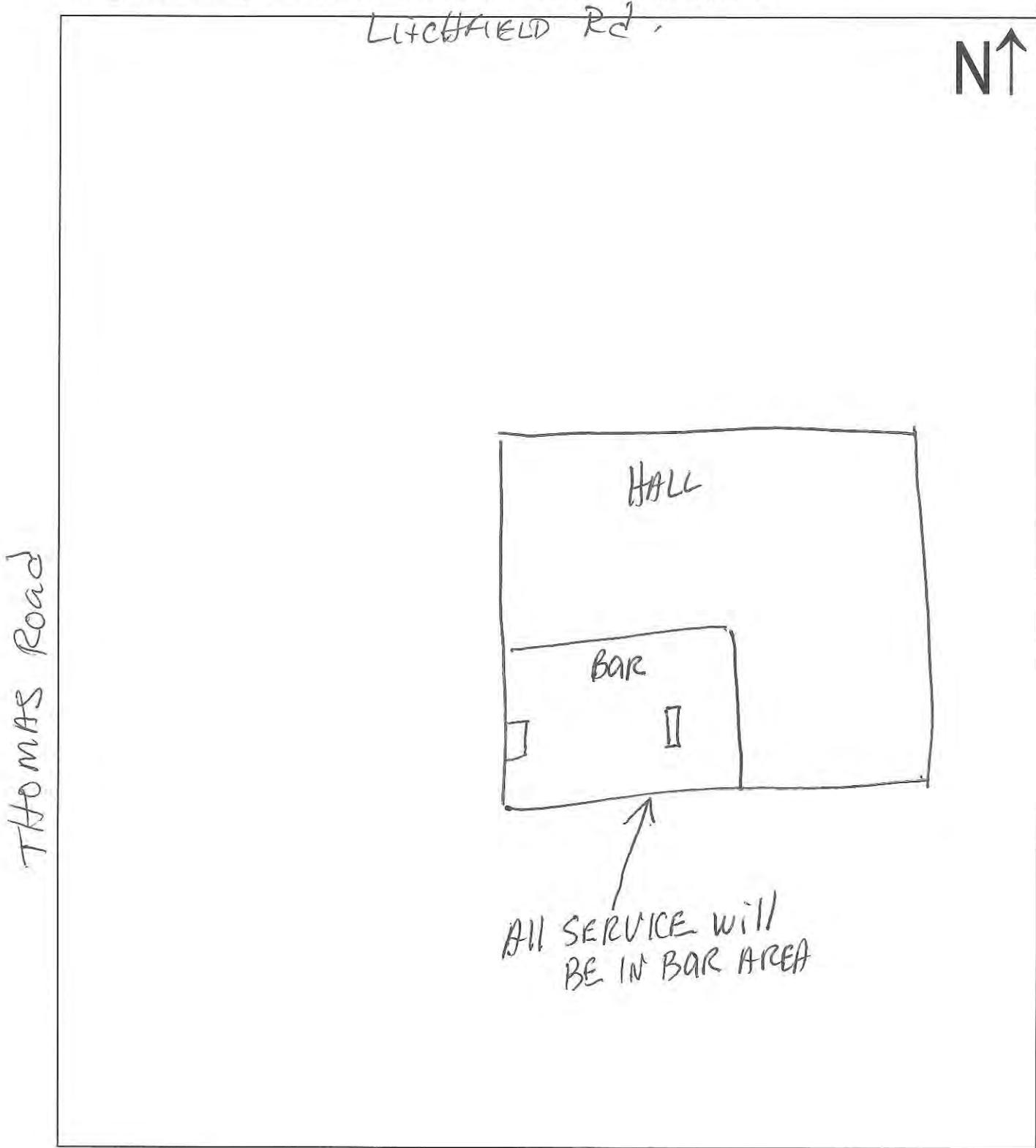
SECTION 15 Local Governing Body Approval Section

I, _____ recommend APPROVAL DISAPPROVAL
(government official) (Title)
 on behalf of _____
(City, Town, County) Signature Date Phone

FOR DEPARTMENT OF LIQUOR LICENSES AND CONTROL USE ONLY

APPROVAL DISAPPROVAL BY: _____ DATE: _____

SECTION 12 License premises diagram. The licensed premises for your special event is the area in which you are authorized to sell, dispense or serve alcoholic beverages under the provisions of your license. The following space is to be used to prepare a diagram of your special event licensed premises. Please show dimensions, serving areas, fencing, barricades, or other control measures and security position.



THOMAS, RO

Kitchen

Patio

Hall

Ban

Littlefield 20

STA Poker Night

- THE EVENT IS HELD TO RAISE MONEY FOR THE STUDENTS OF ST. THOMAS AQUINAS
- WE HAVE AN ITALIAN DINNER WITH BEER/WINE/SODAS
- ALL PLAYERS MUST BE OVER 21 YRS OLD
- VOLUNTEERS WORK THE EVENT + MONITOR ALL ASPECTS OF THE NIGHT
- POKER + DINNER ARE IN THE HALL AND BEVERAGES ARE SERVED IN A SEPARATE ROOM
- THE NIGHT STARTS AT 6PM AND ENDS AT 11PM
- WE WILL HAVE AROUND 50 PLAYERS



DEPARTMENTAL REVIEW FORM

TYPE OF LICENSE:

SPECIAL EVENT LIQUOR LICENSE

ROUTING:

- POLICE DEPARTMENT
 FIRE DEPARTMENT
 FINANCE DEPARTMENT
 DEVELOPMENT SERVICES

APPLICANT'S NAME: NICOLAS R. RODRIQUEZ

ORGANIZATIONS NAME: STAGS WILDCATS

EVENT ADDRESS: 13720 W. THOMAS ROAD

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

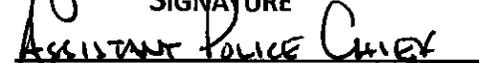
PURPOSE OF EVENT: POKER NIGHT FUNDRAISER

DEPARTMENTAL COMMENTS:

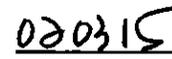
APPROVED

DENIED



SIGNATURE


TITLE



DATE

THIS LICENSE IS SCHEDULED FOR THE COUNCIL MEETING OF: **FEBRUARY 17, 2015**
PLEASE RETURN YOUR COMMENTS TO THE CITY CLERK'S OFFICE BY: **FEBRUARY 5, 2015**



DEPARTMENTAL REVIEW FORM

TYPE OF LICENSE:

SPECIAL EVENT LIQUOR LICENSE

ROUTING:

POLICE DEPARTMENT

FIRE DEPARTMENT

FINANCE DEPARTMENT

DEVELOPMENT SERVICES

APPLICANT'S NAME: NICOLAS R. RODRIQUEZ

ORGANIZATIONS NAME: STAGS WILDCATS

EVENT ADDRESS: 13720 W. THOMAS ROAD

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

PURPOSE OF EVENT: POKER NIGHT FUNDRAISER

DEPARTMENTAL COMMENTS:

APPROVED

DENIED

Valorie Russell
SIGNATURE

2/3/15
DATE

Fire Inspector
TITLE

THIS LICENSE IS SCHEDULED FOR THE COUNCIL MEETING OF: FEBRUARY 17, 2015
PLEASE RETURN YOUR COMMENTS TO THE CITY CLERK'S OFFICE BY: FEBRUARY 5, 2015



DEPARTMENTAL REVIEW FORM

TYPE OF LICENSE:

SPECIAL EVENT LIQUOR LICENSE

ROUTING:

POLICE DEPARTMENT

FIRE DEPARTMENT

FINANCE DEPARTMENT

DEVELOPMENT SERVICES

APPLICANT'S NAME: NICOLAS R. RODRIQUEZ

ORGANIZATIONS NAME: STAGS WILDCATS

EVENT ADDRESS: 13720 W. THOMAS ROAD

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

PURPOSE OF EVENT: POKER NIGHT FUNDRAISER

DEPARTMENTAL COMMENTS:

APPROVED

DENIED



SIGNATURE

Chief Building Officer

TITLE

2/3/15
DATE

THIS LICENSE IS SCHEDULED FOR THE COUNCIL MEETING OF: FEBRUARY 17, 2015
PLEASE RETURN YOUR COMMENTS TO THE CITY CLERK'S OFFICE BY: FEBRUARY 5, 2015



DEPARTMENTAL REVIEW FORM

TYPE OF LICENSE:

SPECIAL EVENT LIQUOR LICENSE

ROUTING:

POLICE DEPARTMENT

FIRE DEPARTMENT

FINANCE DEPARTMENT

DEVELOPMENT SERVICES

APPLICANT'S NAME: NICOLAS R. RODRIQUEZ

ORGANIZATIONS NAME: STAGS WILDCATS

EVENT ADDRESS: 13720 W. THOMAS ROAD

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

PURPOSE OF EVENT: POKER NIGHT FUNDRAISER

DEPARTMENTAL COMMENTS:

APPROVED
 DENIED

Eric Moraga
SIGNATURE
Planner II
TITLE

2/4/2015
DATE

THIS LICENSE IS SCHEDULED FOR THE COUNCIL MEETING OF: **FEBRUARY 17, 2015**
PLEASE RETURN YOUR COMMENTS TO THE CITY CLERK'S OFFICE BY: **FEBRUARY 5, 2015**



Development Services & Engineering Department

DATE: February 4, 2015

TO: Carmen Martinez, City Clerk

PREPARED BY: Eric Morgan, Planner II 623-333-4017

SUBJECT: St. Thomas Aquinas - Stags Wildcats Event
Series 15 Liquor License – Special Event Liquor License
13720 W Thomas Rd

The site is located on the northwest corner of Thomas Road and 137th Avenue. The buildings are existing.

A Series 15 Liquor License is exempt from the 300 foot separation requirement from a church, school, or fenced school recreational area.

The General Plan designates the property as Medium Density Residential. The site is currently zoned Planned Area Development (PAD). Places of worship are allowed.

Staff recommends approval of this request.

Attachment: 2014 Aerial Photography
Zoning Vicinity Map

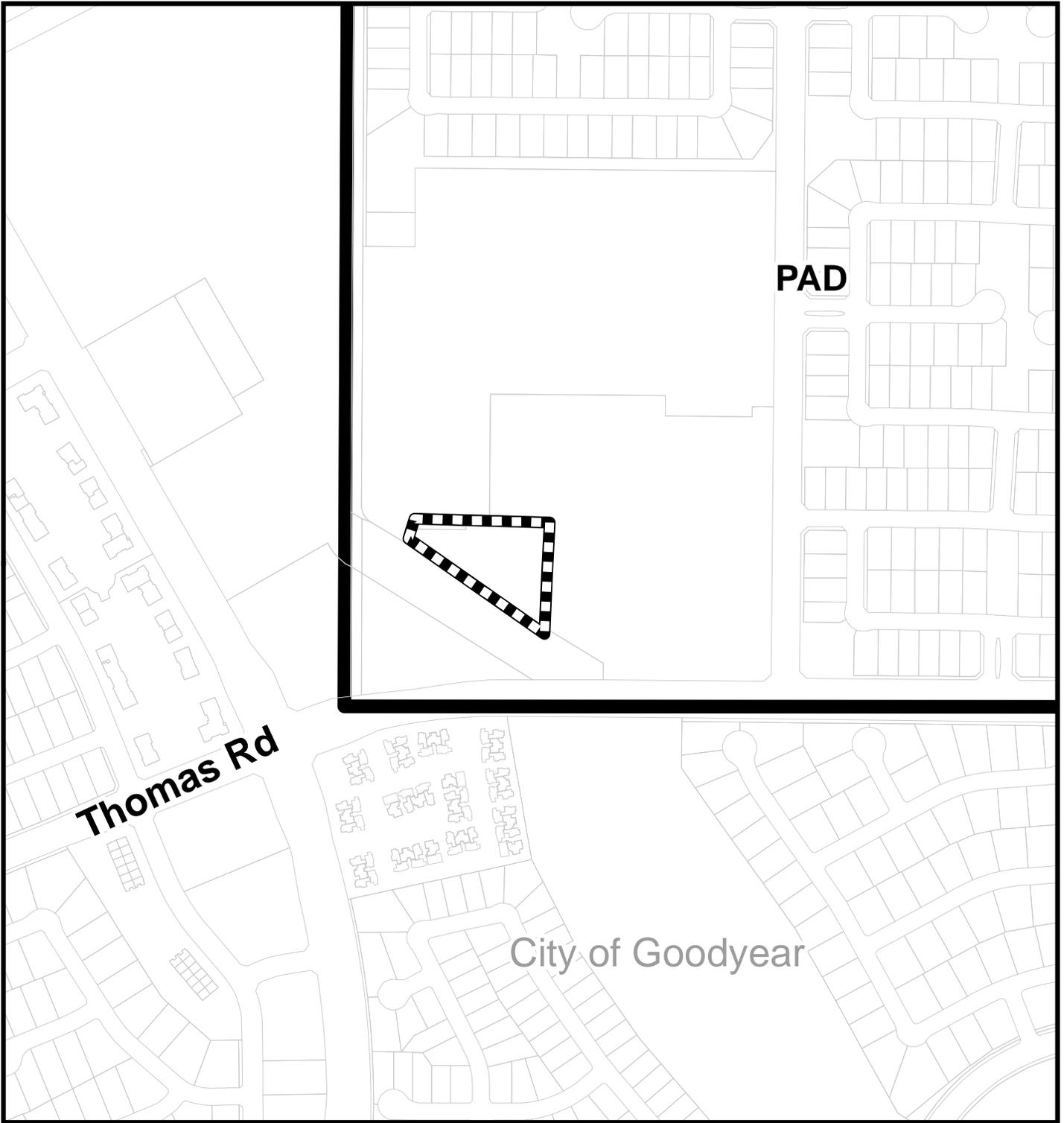


Aerial Photograph



St. Thomas Aquinas





Zoning Vicinity Map



St. Thomas Aquinas





DEPARTMENTAL REVIEW FORM

TYPE OF LICENSE:

SPECIAL EVENT LIQUOR LICENSE

ROUTING:

POLICE DEPARTMENT

FIRE DEPARTMENT

FINANCE DEPARTMENT

DEVELOPMENT SERVICES

APPLICANT'S NAME: NICOLAS R. RODRIQUEZ

ORGANIZATIONS NAME: STAGS WILDCATS

EVENT ADDRESS: 13720 W. THOMAS ROAD

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

PURPOSE OF EVENT: POKER NIGHT FUNDRAISER

DEPARTMENTAL COMMENTS:

APPROVED

DENIED



SIGNATURE
Tax Audit Supervisor

TITLE

2/3/15
DATE

THIS LICENSE IS SCHEDULED FOR THE COUNCIL MEETING OF: FEBRUARY 17, 2015
PLEASE RETURN YOUR COMMENTS TO THE CITY CLERK'S OFFICE BY: FEBRUARY 5, 2015



CITY COUNCIL AGENDA

SUBJECT:

Appointments to the City's Boards, Commissions
and Committees

MEETING DATE:

2/17/2015

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

City Council will consider the Council Subcommittee's recommendations for appointment to the City's Boards, Commissions and Committees and a staff recommendation for the appointment of Abbe Yacoben as the Mayor's designee in the Risk Management Trust Fund Board and all the Public Safety Retirement Pension Boards (Fire, Police, Correction Officers and Volunteer Fire).

DISCUSSION:

The Council Subcommittee hosted a Meet and Greet with candidates for appointment on Wednesday, February 11th. Their recommendations for appointment are as follows:

Board of Adjustment

<u>Name</u>	<u>Term Expiration</u>
Thomas Forwith (regular)	12/31/17

Energy, Environment and Natural Resources

Edward Striffler (regular)	12/31/17
Dan Rauscher (alternate)	12/31/17

Municipal Art Committee

Thomas Forwith (alternate)	12/31/17
Pat Dennis (alternate)	12/31/17

Neighborhood and Family Services Commission

Delores Robinson (alternate)	12/31/17
Bradley Ruggles (alternate)	12/31/17

Parks, Recreation and Libraries

Pat Dennis (regular)	12/31/17
Delores Robinson (alternate)	12/31/17

Capital Improvement Plan Citizens' Committee

Ed Striffler (regular)	12/31/17
Dan Rauscher (regular)	12/31/17
Bradley Ruggles (regular)	12/31/17

Staff is also requesting the appointment of Abbe Yacoben to replace Kevin Artz in the following boards:

- Risk Management Trust Fund Board
- Public Safety Retirement Pension Boards (Police and Fire)
- Correction Officers Retirement Pension Board
- Volunteer Fire Department Pension Retirement Board

The above boards have a seat reserved for the Mayor or his/her designee. Mayor Rogers designated Kevin Artz to represent her in these boards while he was the Finance and Budget Director. It is therefore appropriate for Abbe Yacoben, the city's new Finance and Budget Director, to serve as the Mayor's designee in these boards.

RECOMMENDATION:

Staff recommends that the City Council approves the Subcommittee's recommendation for appointment of members to the City's Boards, Commissions and Committees and appoint Abbe Yacoben as the Mayor's designee in the Risk Management Trust Fund Board and all the Public Safety Retirement Pension Board (Fire, Police, Correction Officers and Volunteer Fire).



CITY COUNCIL AGENDA

SUBJECT:

Public Hearing Zoning Extension for Avondale
Live PAD (PL-14-0228)

MEETING DATE:

2/17/2015

TO:

Mayor and Council

FROM:

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

THROUGH:

David Fitzhugh, City Manager (623) 333-1014

REQUEST:

This is a request for a one year time extension of Planned Area Development zoning on the subject property, to run through October 14, 2015.

PARCEL SIZE:

Approximately 62 acres

LOCATION:

North of the northwest corner of 99th Avenue and McDowell Road (Exhibits A, B, and C)

APPLICANT:

Mr. Michael J. Curley, Earl, Curley, and Lagarde P.C. (602) 265-0094

OWNER:

Mr. Eugene Kraus, Harbor Properties LLC, an Illinois Limited Liability Company (312) 327-1060

BACKGROUND:

The subject property is bounded by 99th Avenue to the east, the Gateway Pavilions shopping center to the south, and a vacant, undeveloped property to the north. The site's western boundary is adjacent to the former site of CJ Movie Studios (now vacant), Rio Vista Elementary School, and a large lot residential neighborhood in the county's jurisdiction. The site was annexed into the City by three separate Council actions between May 26, 1981 and February 1, 1999.

The property's current zoning of Planned Area Development (PAD) was approved by the City Council on September 14, 2009 (Exhibits D and E). The Avondale Live PAD divides the 62 acre site into three distinct development areas, as follows:

- **Studio District:** This subarea accommodates development of movie production facilities and related uses. These facilities include a large L-shaped building that would be utilized for offices and movie production, up to six stories in height, a smaller building for studio production support activities.

- **Commercial District:** This subarea accommodates development of restaurant and retail buildings, constructed to face inward. The orientation of the buildings inward allows the primary entrances of the future shops to front onto a large pedestrian area with an iconic water feature serving as the centerpiece.
- **Residential Village District:** This subarea accommodates high density multi-family residential development in a “village setting” - multiple buildings clustered and arranged near shared landscaped greens or courtyards. The PAD specifies that the units would be one to three story condominiums or townhomes with a maximum density of 22 units per acre, and feature an urban character/design.

All off-site improvements are planned for completion within the first phase of the project, including but not limited to street construction and the undergrounding of the SRP irrigation canal that is located along the eastern edge of the property.

Two previous one-year extensions have been granted for this Planned Area Development. The first extension, approved by the City Council on November 19, 2012, extended the PAD through October 14, 2013. The second extension, approved by the City Council on January 21, 2014, extended the PAD through October 14, 2014, subject to three conditions (Exhibit G).

SUMMARY OF REQUEST:

1. The applicant is requesting a one year extension of the expiration date of PAD zoning to run through October 14, 2015 (Exhibit F). If approved, this will be the third of four allowable one-year extensions.
2. When originally approved in 2009, the subject property was designated by the 2002 General Plan as “Mixed Use”. This category called for development that incorporated proportionate ratios of residential and commercial uses in a village setting. The General Plan 2030, approved in 2012, changed the property’s designation to “Urban Commercial”. This category is intended to accommodate compact commercial centers consisting of retail, restaurant, office, hotel, farmers markets, community gardens, and personal services. Residential units are encouraged in this designation if located on upper floors above commercial uses. While the Studio District and Commercial District are compatible with the updated General Plan, the Residential Village Sub-District, which allows for standalone multi-family housing is not. To bring the PAD into complete conformance with the GP2030’s Urban Commercial land use category, the City Council approved the previous (2nd) extension with a stipulation that eliminated the Residential Village component of the PAD, replacing it with an expanded Commercial District. Residential uses are allowed in the expanded Commercial District if located on the 2nd story or higher, above a ground floor commercial use. It is recommended to carry this stipulation forward with this 3rd extension request.
3. An amendment to the Freeway Corridor Specific Plan was adopted by the City Council in September 2013. To bring the PAD into conformance with the amended FCSP, the City Council approved the previous (2nd) extension with a stipulation that required development of the site to adhere to a minimum floor area ratios (0.5 FAR), architectural requirements, and requirements intended to enhance walkability throughout the corridor. Keeping in line with recent Council direction to provide greater flexibility for development on properties located within the Freeway Corridor, a modified stipulation is proposed to eliminate the minimum floor area ratio requirement.
4. Staff is recommending a stipulation that will require future development of the property adhere to the terms of the City’s Public Art Ordinance. This stipulation is carried over from both the first and second extensions of the Avondale Live PAD.

PLANNING COMMISSION ACTION:

The Planning Commission does not review PAD Extension requests.

ANALYSIS:

Conformance with General Plan

The General Plan 2030 reclassified the subject site from its previous designation of “Mixed Use” to “Urban Commercial”. The Urban Commercial land use designation is intended to accommodate compact commercial centers consisting of retail, restaurant, office, hotel, farmers market, community garden, and personal services. Residential units may be built within this designation if they are located on upper floors of multi-story buildings that feature commercial uses on the ground floor. The Studio District and Commercial sub-Districts contained within the Avondale Live PAD are consistent with the General Plan 2030. The Residential Village sub-District is not, however, as it allows for standalone multi-family residential development without the requirement for ground floor commercial uses. To bring the PAD into complete conformance with the GP2030’s Urban Commercial vision for the area, staff recommends carrying over Stipulation #2 of the previous extension, eliminating the Residential Village component of the PAD, replacing it with an expanded Commercial District. With carryover of this stipulation, the Avondale Live PAD will be consistent with the General Plan 2030.

Conformance with the Freeway Corridor Specific Plan

The amendment to the FCSP expanded upon the General Plan’s objectives by establishing minimum floor-area ratios on properties in proximity to future high-capacity transit corridors. Additionally, the FCSP addresses the need for high quality architecture and the promotion of multi-modal amenities. As it relates to the Avondale Live property, the FCSP specifies a minimum floor area ratio (FAR) of 0.5 on the site and allows for building heights up to 6 stories on the eastern half (1,320 feet from 99th Avenue) and 4 stories on the western half of the property. In an effort to allow for even more flexibility on this site, an amended stipulation is recommended which removes the minimum floor area ratio requirement. This modified stipulation is in line with FCSP Section IV.1, which specifies PADs zoned prior to September 16, 2013 are not required to meet minimum FAR requirements.

Conformance with the Zoning Ordinance and Design Manual

The PAD meets or exceeds Zoning Ordinance requirements in regards to development standards and design requirements in all areas except for public art. Staff recommends carrying over Stipulation #3 of the previous extension, requiring that the project adhere to the requirements of the Public Art Ordinance, Zoning Ordinance Section 11.

PAD Zoning Expiration

The Zoning Ordinance requires that development of the first phase commence within three years of the effective date of the ordinance rezoning the property to PAD. Application for a one year extension of this deadline may be made to City Council; the City Council may grant a maximum of four such extensions. If an extension is denied, City Council may revert the zoning of the property to its previous zoning.

The effective date of the Avondale Live PAD rezoning ordinance was October 14, 2009. The first allowed one-year extension was granted by Council on November 19, 2012, maintaining the validity of the PAD through October 14, 2013. The second allowed one-year extension was granted by Council on January 21, 2014, maintaining the validity of the PAD through October 14, 2014, subject to three stipulations. This is the third PAD extension request for this PAD. If the PAD zoning extension application is granted, the property will remain zoned PAD through October 14, 2015. A fourth and final one-year extension could be requested if development does not commence before the time frame elapses.

Conclusion:

Staff recommends approval of the requested one year extension of PAD zoning, carrying over the following stipulations of the previous extension approval:

1. Development of the Avondale Live Site shall comply with the Freeway Corridor Specific Plan, excluding requirements for minimum floor area ratio (0.5). Maximum building heights of 6 stories shall be permitted on the easternmost 1,320 feet of the property; maximum building heights of 4 stories shall be permitted on the remainder of the property.
2. To achieve consistency between the PAD and the General Plan 2030's designation of Urban Commercial, the area of the PAD denoted as "Residential Village" shall be eliminated and replaced with an expanded "Commercial District", to be developed in accordance with the PAD's standards/uses for the Avondale Live PAD's "Commercial District" subarea.
3. Developers within the PAD shall be required to adhere to the terms of the City's Public Art Ordinance, Avondale Zoning Ordinance Section 11.

FINDINGS:

With staff recommended stipulations, the proposed request is in conformance with the General Plan 2030, the Freeway Corridor Specific Plan, the Zoning Ordinance, and the City's Transportation Plan.

RECOMMENDATION:

Staff recommends that the City Council **APPROVE** application PL-14-0228.

PROPOSED MOTION:

I move that the City Council **APPROVE** application PL-14-0228, a request for a one year extension of PAD zoning for Avondale Live through October 14, 2015, subject to three recommended stipulations.

ATTACHMENTS:

Description

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

[Exhibit B - Zoning Map](#)

[Exhibit C - Aerial Photograph](#)

[Exhibit D - Ordinance 1387-909, approving the Avondale Live PAD](#)

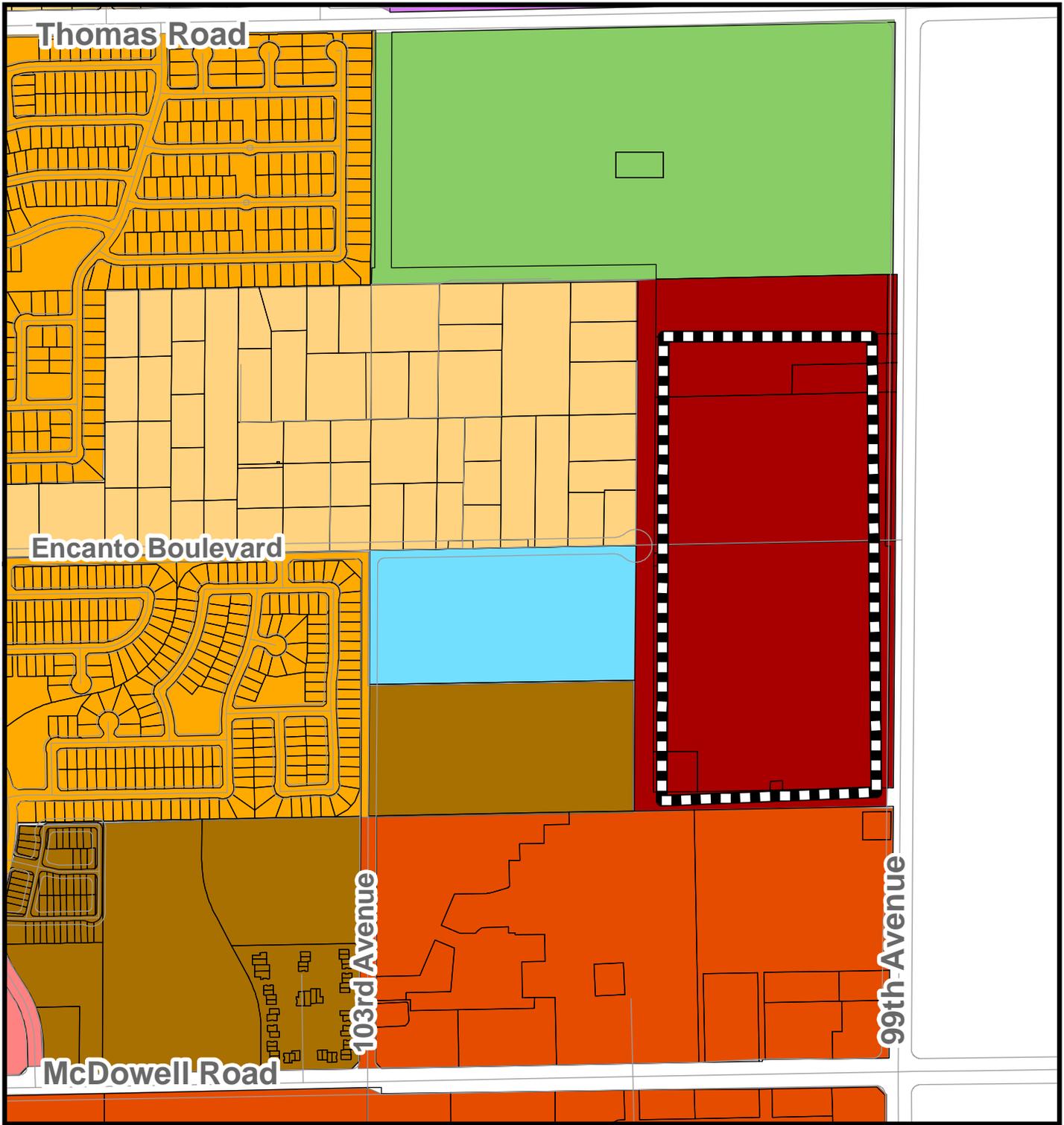
[Exhibit E - Approved Avondale Live PAD Development Plan and Program](#)

[Exhibit F - Applicant's Extension Request Narrative](#)

[Exhibit G - City Council Meeting Minutes, January 21, 2014 \(Approval of 2nd Extension\)](#)

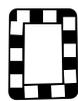
PROJECT MANAGER

Ken Galica, Senior Planner (623) 333-4019



General Plan Land Use Map

Application PL-14-0228



Subject Property

- Freeway Commercial
- Urban Commercial
- Open Space

- Education
- Business Park

- High Density Residential
- Medium Density Residential
- Estate Low Density Residential

EXHIBIT B – ZONING MAP

DUE TO ITS SIZE, THIS DOCUMENT
HAS BEEN POSTED SEPARATELY

PLEASE CLICK ON THE LINK BELOW TO VIEW

<http://www.avondale.org/DocumentCenter/View/35797>

EXHIBIT C – AERIAL PHOTOGRAPH

DUE TO ITS SIZE, THIS DOCUMENT
HAS BEEN POSTED SEPARATELY

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<http://www.avondale.org/DocumentCenter/View/35798>

ORDINANCE NO. 1387-909

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AMENDING THE GENERAL DEVELOPMENT PLAN AND PROGRAM FOR THE AVONDALE LIVE (FORMERLY LA ENTRADA) PAD FOR APPROXIMATELY 62 ACRES LOCATED AT THE NORTHWEST AND SOUTHWEST CORNERS OF 99TH AVENUE AND THE ENCANTO BOULEVARD ALIGNMENT, AS SHOWN IN FILENAME Z-09-4.

WHEREAS, on May 21, 2007, the Council of the City of Avondale (the “City Council”) approved the La Entrada PAD Development Plan and Program rezoning real property generally located west of 99th Avenue north and south of the Encanto Boulevard alignment; and

WHEREAS, the City Council adopted Ordinance No. 1343-209 on February 2, 2009, amending the La Entrada PAD Development Plan and Program; and

WHEREAS, the text of the La Entrada PAD Development Plan and Program and Ordinance No. 1343-209 erroneously indicated an affected area of approximately 60.77 acres, when the actual area (which area was correctly described and depicted in the legal descriptions and maps attached to the La Entrada PAD Development Plan and Program and Ordinance No. 1343-209) is more accurately described as encompassing approximately 62 acres of real property; and

WHEREAS, the City Council desires to further amend the La Entrada PAD Development Plan and Program and related stipulations; and

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

WHEREAS, the Commission held a public hearing on Thursday, August 20, 2009, on this Ordinance after which the Commission recommended approval; and

WHEREAS, the Commission recommended to the City Council that this Ordinance be approved; and

WHEREAS, the City Council held a public hearing regarding this Ordinance on September 14, 2009.

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

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

SECTION 2. That the Avondale Live (formerly La Entrada) Planned Area Development (PAD) is hereby amended, as shown in File Z-09-4, subject to the following conditions:

1. Development of the subject property shall conform to the Avondale Live PAD Amendment Narrative date stamped August 10, 2009, except as modified by these stipulations.
2. The development shall be completed in accordance with the City of Avondale General Engineering Requirements Manual, the most recent edition of the MAG Uniform Standard Specifications and Details and the most recent editions of the City of Avondale Supplement to MAG Uniform Standard Specifications and Details.
3. Financial assurance for all work within the public right-of-way, in an amount and form acceptable to the City Attorney, shall be deposited with the City prior to the issuance of the first construction permit.
4. All common, landscape and open space areas, including recreational structures, shall be maintained by the property manager and/or homeowners' association in accordance with the approved plan.
5. Final driveway locations, curb cuts and street cross-sections shall be finalized at the time of master site plan approval, as determined by the City Engineer.
6. As part of the first phase of development, the developer shall relocate the existing SRP irrigation canal along 99th Avenue per SRP requirements. This shall include, but not be limited to, the construction of the new pipe and all actions required to accommodate any necessary easements.
7. The developer shall dedicate right-of-way for 99th Avenue as required by the City Engineer prior to the issuance of a building permit on the subject property. Additional requirements for improvements, traffic signals and right-of-way for deceleration lanes, turn lanes and transit stops, may be required during the site plan review process as determined by the City Engineer.
8. The developer shall dedicate right-of-way for Encanto Boulevard from the eastern property line to the western property line of the subject property as required by the City Engineer prior to the issuance of a building permit on the subject property. Additional requirements for improvements, traffic signals and right-of-way for deceleration lanes, turn lanes, and transit stops, may be required during the site plan review process as determined by the City Engineer.

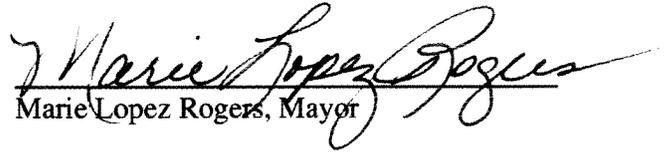
9. As part of the first phase of development, the developer shall construct the full half-street improvements of the west side of 99th Avenue adjacent to the subject property and the entire width of Encanto Boulevard as shown in the PAD amendment.
10. Prior to the issuance of a building permit on the subject property, the developer shall contribute towards the cost of the design, purchase and installation of new traffic signals warranted by this development, as determined by the City Engineer during the master site plan review and approval process. This contribution will include no more than 50% of the cost of design, purchase, and installation of a new traffic signal at the intersection of 99th Avenue and Encanto Boulevard.
11. As part of the submittal of the Commercial District master site plan, the developer shall submit a sound study conducted by a registered architect to determine the effect of any theater and outdoor activities conducted on site.
12. To the extent allowed by law, all Type 1 and Irrigation Grandfathered Groundwater Rights appurtenant to the property shall be properly extinguished and the resulting Assured Water Supply credits pledged to the City of Avondale's account at the Arizona Department of Water Resources ("ADWR") prior to recordation of the final plat or issuance of a building permit, whichever comes first.
13. The developer shall allocate any SRP surface water rights or any other surface water rights to the City prior to recordation of the final plat or issuance of a building permit, whichever comes first.
14. The developer will abandon any existing registered or unregistered wells using ADWR's well abandonment rules prior to recordation of the final plat or issuance of a building permit, whichever comes first.

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

SECTION 4. That 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.

[SIGNATURES ON FOLLOWING PAGE]

PASSED AND ADOPTED by the Council of the City of Avondale, September 14, 2009.


Marie Lopez Rogers, Mayor

ATTEST:


Carmen Martinez, City Clerk

APPROVED AS TO FORM:

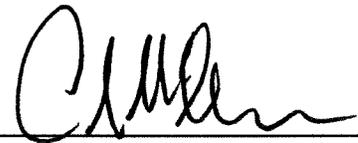

Andrew J. McGuire, City Attorney

EXHIBIT A
TO
ORDINANCE NO. 1387-909
(Map and Legal Description)

EXHIBIT "ONE"

The Northeast quarter of the Southeast quarter of Section 32, Township 2 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

EXCEPT the West 90 feet; and

EXCEPT the South 90 feet; and also

EXCEPT the following portion of Northeast quarter of the Southeast quarter of Section 32, Township 2 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as:

BEGINNING 90 feet East and 40 feet South of the Northwest corner of said Northeast quarter of the Southeast quarter;

Thence East 50 feet;

Thence South 65 feet;

Thence West 50 feet;

Thence North 65 feet to the place of beginning; and also

EXCEPT the following described property:

That part of the Northeast quarter of the Southeast quarter of Section 32, Township 2 North, Range 1 East of the Gila and Salt River Base and Meridian further described as follows:

COMMENCING at the Southeast corner of said Section 32, said point also being the intersection of 99th Avenue and McDowell Road;

Thence, North 00 degrees 55 minutes 21 seconds West along the East line of said Section 32, also being the monument line of 99th Avenue, a distance of 1321.22 feet to the Southeast corner of the Northeast quarter of the Southeast quarter of said Section 32;

Thence, continuing North 00 degrees 55 minutes 21 seconds West along said East Section line a distance of 90.00 feet to the North right-of-way line of the RID canal;

Thence, South 87 degrees 34 minutes 17 seconds West, departing said East Section line, along the North right-of-way line of the RID canal and parallel to and 90.00 feet North of the South line of the Northeast quarter of the Southeast quarter of said Section 32, a distance of 585.00 feet to the POINT OF BEGINNING;

Thence, continuing South 87 degrees 34 minutes 17 seconds West along the said North right-of-way line, a distance of 60.00 feet;

Thence, departing the said North right-of-way line, North 00 degrees 55 minutes 21 seconds West, parallel with the East line of said Section 32, a distance of 45.00 feet;

Thence, North 87 degrees 34 minutes 17 seconds East, parallel with the South line of the Northeast quarter of the Southeast quarter of said Section 32, a distance of 60.00 feet;

Thence, South 00 degrees 55 minutes 21 seconds East, parallel with the East line of said Section 32, a distance of 45.00 feet to the POINT OF BEGINNING; and also

EXCEPT the following described property:

That part of the Northeast quarter of the Southeast quarter of Section 32, Township 2 North, Range 1 East of the Gila and Salt River Base and Meridian further described as follows:

COMMENCING at the Southeast corner of said Section 32, said point also being the intersection of 99th Avenue and McDowell Road;

Thence, North 00 degrees 55 minutes 21 seconds West along the East line of said Section 32, also being the monument line of 99th Avenue, a distance of 1321.22 feet to the Southeast corner of the Northeast quarter of the Southeast quarter of said Section 32;

Thence, continuing North 00 degrees 55 minutes 21 seconds West along said East Section line a distance of 90.00 feet to the North right-of-way line of the RID canal;

Thence, South 87 degrees 34 minutes 17 seconds West, departing said East Section line, along the North right-of-way line of the RID canal and parallel to and 90.00 feet North of the South line of the Northeast quarter of the Southeast quarter of said Section 32, a distance of 1008.85 feet to the POINT OF BEGINNING;

Thence, continuing South 87 degrees 34 minutes 17 seconds West along said North right-of-way line, a distance of 220.00 feet to a North and East corner in the RID canal right-of-way said point being 90.00 feet East of the West line of the Northeast quarter of the Southeast quarter of said Section 32;

Thence, North 00 degrees 59 minutes 31 seconds West along the East right-of-way line of the RID canal and parallel to and 90.00 feet East of the West line of the Northeast quarter of the Southeast quarter of said Section 32, a distance of 200.00 feet;

Thence, North 87 degrees 34 minutes 17 seconds East, parallel with the South line of the Northeast quarter of the Southeast quarter of said Section 32, a distance of 220.00 feet;

Thence, South 00 degrees 59 minutes 31 seconds East, parallel with the West line of the Northeast quarter of the Southeast quarter of said Section 32, a distance of 200.00 feet to the POINT OF BEGINNING.

CHICAGO TITLE INSURANCE COMPANY
LEGAL DESCRIPTION

Page 1

Escrow/Title No. 2513791 17

PARCEL 1:

THE SOUTH 730.45 FEET OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 2 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT THE WEST 90 FEET AND

EXCEPT THE EAST 80 FEET THEREOF.

PARCEL 2:

THE WEST 25 FEET OF THE EAST 80 FEET OF THE SOUTH 730.45 FEET OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 2 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

PARCEL 3:

THE WEST 22 FEET OF THE EAST 55 FEET OF THE SOUTH 730.45 FEET OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 2 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

LEGAL DESCRIPTION EXHIBIT "A"

PARCEL NO. 1:

THE SOUTH 147.38 FEET OF THE EAST 566.06 FEET OF THE SOUTH 294.77 FEET OF THE FOLLOWING DESCRIBED PROPERTY:

THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 2 NORTH RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT THE SOUTH 730.45 FEET THEREOF.

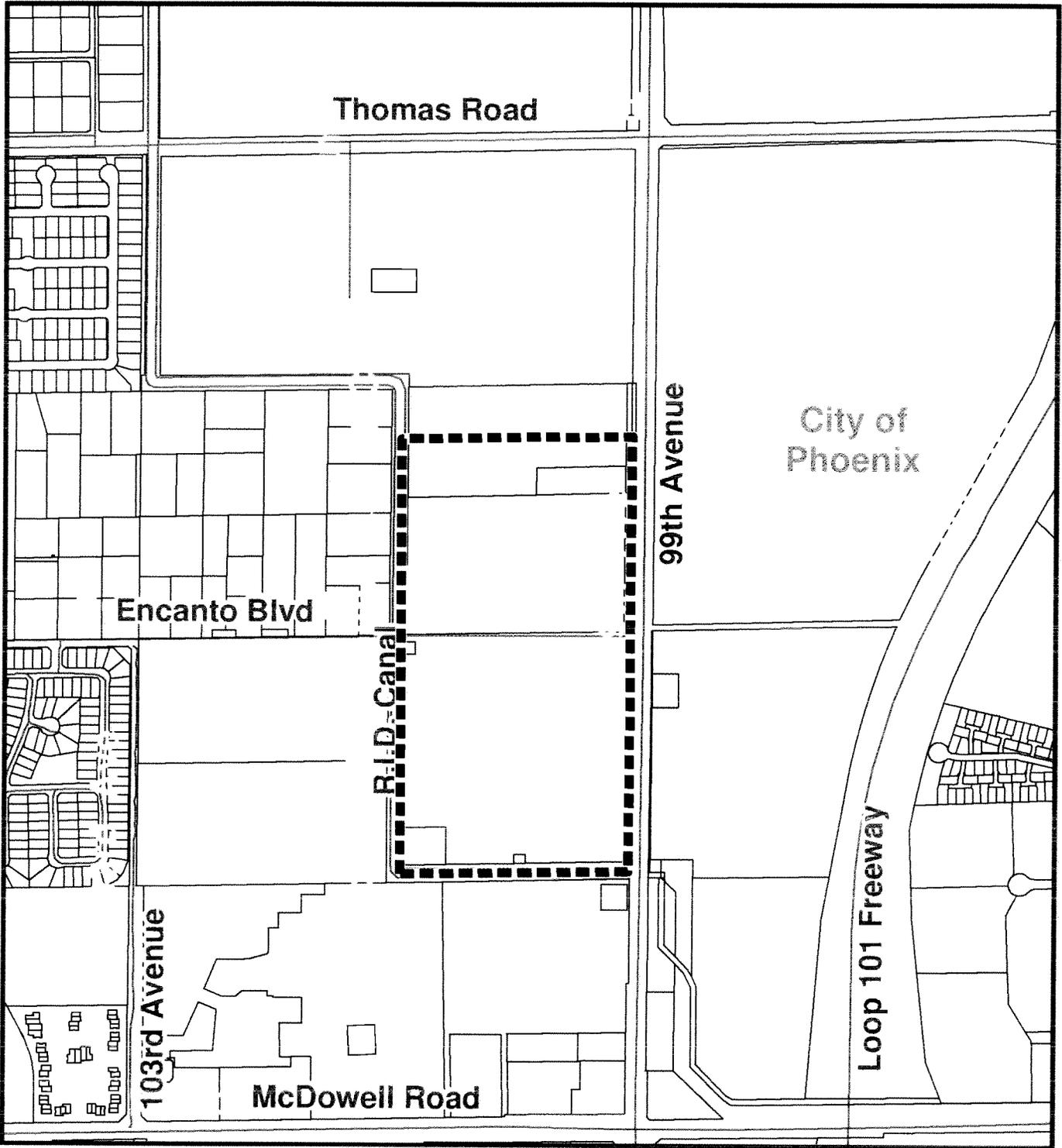
PARCEL NO. 2:

THE SOUTH 294.77 FEET, EXCEPTING THEREFROM THE SOUTH 147.38 FEET OF THE EAST 566.06 FEET OF THE FOLLOWING DESCRIBED PROPERTY:

THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 2 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT THE WEST 90 FEET; AND

EXCEPT THE SOUTH 730.45 FEET THEREFROM



Application Z-09-4



Subject Site



**EXHIBIT E – APPROVED AVONDALE LIVE PAD
DEVELOPMENT PLAN AND PROGRAM**

DUE TO ITS SIZE, THIS DOCUMENT
HAS BEEN POSTED SEPARATELY

PLEASE CLICK ON THE LINK BELOW TO VIEW

<http://www.avondale.org/DocumentCenter/View/35792>

EARL, CURLEY & LAGARDE, P.C.
ATTORNEYS AT LAW

Telephone (602) 265-0094
Fax (602) 265-2195
www.ecllaw.com

3101 North Central Avenue
Suite 1000
Phoenix, Arizona 85012

December 2, 2014

Mayor Kenn Weise
Members of the City Council
11465 W. Civic Center Drive, Suite 280
Avondale, AZ 85232

RE: Avondale LIVE PAD (Zoning Case No.: Z-09-4)
Northwest and southwest of 99th Avenue and Encanto Boulevard alignment
PAD Extension request

Dear Mayor Weise and City Council Members:

Our law firm represents the owner of the 62-acre property located at the northwest and southwest corners of 99th Avenue and Encanto Boulevard alignment (see aerial below). We are writing this letter on behalf of our client, Harbor Properties LLC, who seek a one (1) year time extension for the approved "Avondale LIVE" PAD zoning.



Background

The property's current zoning is Planned Area Development ("PAD") which is consistent with the City's General Plan and the approved Freeway Corridor Specific Plan. The approved Avondale LIVE PAD created 3 distinct districts and allows for a mixture of commerce, office, retail and multi-family residential users, all of which are required to be developed in a comprehensively planned and attractive development. Even with the separate districts Avondale LIVE will maintain its interconnection between districts by incorporating similar themes, color, building forms and architectural elements throughout the complete development.

On September 14, 2009, the City Council approved the property's current zoning of PAD. The PAD included a multi-family residential component north of the Encanto Boulevard alignment and a mixed-use commercial office component south of Encanto Boulevard. The 2009 approval divided the commercial village on the south into two halves and kept the residential on the northern portion of the project. The commercial and office users were to be located nearest to 99th Avenue. Additionally, as part of the conditions of approval the first phase of development required the developer to complete off-site improvements, including widening 99th Avenue to its full half-street cross section and construct Encanto Boulevard from 99th Avenue to near the western property line.

The original zoning was approved under the 2002 General Plan Land Use Map which identifies the property as "Mixed Use". The "Mixed Use" category encourages innovatively designed developments, which create a core living environment, reflective of a village concept where residents can live, work, and recreate within the same development or close by. Basic criteria for development includes: reasonable scale to the surrounding neighborhood, proportionate ratios for each use, and encouragement of alternative modes of transportation (such as bicycling or walking) and a well-conceived plan with access to and integration of transit facilities.

In 2012 the City's General Plan 2030 ("Plan") changed this property designation to "Urban Commercial." The "Urban Commercial" Land-use category is intended to "accommodate compact commercial centers consisting of retail, restaurant, office, hotel, farmers market, community garden, and personal services. Residential units may be built on upper floors within this designation if commercial uses are built on the ground floor as part of the same development project. The desired form of development is 4+ story buildings served by structured parking."

We believe that the Avondale LIVE PAD is consistent with the goals and objectives of the adopted new General Plan designation. It provides intensity and uses that are consistent and complement the desire designation. The vision for the development and design standards for Avondale LIVE is to establish a mixed use development that is composed of three distinct districts that are designed to create a character that is engaging, entertaining, of high intensity, and urban in nature. These three separate districts, separated by their land uses and building types, have been established to produce a cohesive development, in which the land uses complement one another and superior architectural design standards focus on the relationship of building form and their connection to their respective surrounding areas.

On January 21, 2014, the City Council approved the 2nd request to extend the PAD (Planned Area Development) zoning for this site. The proposed time extension for this site does not change the overall intent of the approved Avondale LIVE zoning for this project.

Details of Request

Harbor Properties LLC, as the owner of the property, seeks a one-year extension of the Avondale LIVE PAD zoning approval to remain in place, in light of the significant recession that both our nation and our valley have experienced these past six years. This requested extension will permit

the zoning to remain on the property and allow this project to move forward quickly as the market recovers. The PAD zoning on the property still remains consistent with the goals and objectives of the General Plan and remains consistent with the Freeway Corridor Specific Area Plan. It is designed to accommodate density, intensity and creates an urban character as desired by the Plan. The I-10 Freeway Corridor and 99th Avenue corridor are designated by the City to be developed with more intense commercial uses and residential uses near the City's preferred future high-capacity transit service route along McDowell Road and 99th Avenue.

Despite the sluggish economy, it is very important to understand that there is still significant activity in the marketplace particularly along the freeway corridors. The Valley's Economic Development Directors make three major points regarding the process of luring employers to the Valley. The first is that there are companies looking to locate in the Valley. Secondly, freeway-oriented sites with good access are often the most attractive sites to these users. The last point is that unzoned properties are not even considered by any major employers, corporate headquarters or company relocates. The reasons for this are primarily uncertainty of zoning process, delays, and more sure alternatives. The reasons for this are primarily: 1) because there is **uncertainty related** to the rezoning process; 2) the fact that zoning a property **typically takes approximately six months**; and, 3) **there are several thousands of acres of already-zoned properties in nearby cities.**

There have been few multi-family developments that have been built within the immediate area, which furthers amplifies the need for this type of quality urban development. High-Density urban living uses are an important element in attaining the proper balance of land uses within the City in general. Avondale LIVE allows for land uses that are intended to capitalize on the nearby Loop 101 Freeway, the adjacent Gateway Pavilions, the City's preferred high-capacity transit service route and the variety of existing and planned retail centers in the area. The ability for multi-family will also enhance the opportunities for high-quality employment for professionals, technical experts and highly skilled labor surrounding this area of the City by introducing additional housing diversity for employers with at least one high-end apartment community. The larger employment area has lacked diversity of housing opportunities that is important to attracting major employers.

The approved land uses remain valid and appropriate, but more time is needed to allow the Valley's economy to recover and restore viability for this area and to this proposed project. Efforts have been made to diligently market the property for development by well qualified brokers who know the industry well. They have confirmed that despite their best efforts to market this great project, additional time is needed to allow the local economy to become robust again.

Marketing Effort

Our client hired Nathan & Associates, Inc., one of the Southwest's top real estate service companies, who continues to market the property over the past two years. For over 30 years, Nathan & Associates, Inc. has earned a reputation as the leading commercial and residential land

brokerage firms in this part of the United States. They expertly evaluate market trends, formulate valuable and innovative sale opportunities and work closely with industry stakeholders, such as: GPEC, local and national 3rd party brokers, site selection professionals, architects, consultants, lenders, local/national developers and national/global corporate employers.

Nathan & Associates send E-blasts with accompanying marketing materials to over 344 individuals and companies on their qualified buyer list on a monthly basis in order to remind the market of the property's availability. This information relates to such site-specific characteristics as zoning, utilities, transportation, demographic, labor and other related information. Nathan & Associates has; 1) face-to-face meetings with qualified land buyers; 2) advertise in Business Real Estate Weekly; and 3) **posted this property information on various websites including Costar, LoopNet, GPEC, and Nathan & Associates website.** Advertisements on the site run frequently in Business Real Estate Weekly. BREW has 7,000 to 8,000 unique readers per week. In addition to Internet postings, **this marketing material is regularly sent out via email every four weeks.** Targeted recipients are industry professionals including:

1. Local, regional, and state economic development professionals;
2. Multi-Family Residential Developers;
3. Local 3rd party brokers;
4. Commercial Investors;
5. Office Investors;
6. Land Speculators;
7. Site selection professionals;
8. Architects, consultants, and lenders;
9. Local/national developers and investors;
10. National/Global corporate employers;
11. Nathan & Associates professionals.

Conclusion

The good news is that after several years of inactivity, there is now considerable activity from specific users who are looking to locate along the Valley's freeway corridor system. Should the next few quarters see similar occupancy gains, experts expect the market to see single-digit overall vacancy. A one-year extension is essential for this property to have the opportunity to be developed in the manner originally envisioned when the PAD was approved. It is our belief that down-zoning this property will hinder and delay the interests of the City and the property owner. By granting this requested extension, the property will remain in the inventory pool of well positioned parcels that will be uniquely attractive and available to proposed users. This PAD zoning is consistent with both the intent of the General Plan and Specific Area Plan and was approved without controversy. In consideration of these facts and circumstances, we believe that the granting of this third PAD extension is warranted and necessary for the property owner and the City to obtain the benefits that will be generated by this unique mixed-use development.

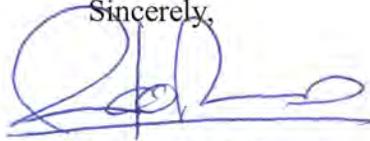
Harbor Properties LLC

December 2, 2014

Page 5

Thank you very much for your time and consideration in this matter.

Sincerely,



FOR Michael J. Curley

MJC/rot

Attachment: As stated.

**City Council Regular Meeting – Excerpt of Meeting Minutes
January 21, 2014**

5 PUBLIC HEARING – ZONING EXTENSION FOR AVONDALE LIVE PAD (PL-13-0202)

A public hearing and a request by Mr. Michael J. Curley, Earl, Curley & Lagarde P.C., on behalf of Harbor Properties LLC, an Illinois Limited Liability Company, for a one year extension of the PAD zoning for Avondale Live, located on approximately 62 acres of land north of the northwest corner of 99th Avenue and McDowell Road.

Senior Planner Ken Galica reviewed the particulars of this item as more specifically described in the council report.

Mr. Galica indicated staff is recommending approval of the application subject to the following stipulations:

1. Development of the Avondale Live Site shall comply with the Freeway Corridor Specific Plan, including adherence to minimum floor area ratios (0.5) as specified in that document. Maximum building heights of 6 stories shall be permitted on the easternmost 1,320 feet of the property; maximum building heights of 4 stories shall be permitted on the remainder of the property.
2. To achieve consistency between the PAD and the General Plan 2030's designation of Urban Commercial, the area of the PAD denoted as "Residential Village" shall be eliminated and replaced with an expanded "Commercial District", to be developed in accordance with the PAD's standards/uses for the Avondale Live PAD's "Commercial District" subarea.
3. Developers within the PAD shall be required to adhere to the terms of the City's Public Art Ordinance, Avondale Zoning Ordinance Section 11.

Mr. Galica commented that if the request is approved, the PAD zoning will be extended until October 14th of this year. The applicant may at that time request an additional extension to October 14, 2015.

Council Member McDonald commented that the PAD originally included a movie studio but subsequent state legislative action prevented that plan from moving forward. Mr. Galica replied that his guess at this point is that a commercial component would be more viable than a movie studio.

Mike Curley of Earl of Curley and Legarde commented that the property is currently in escrow and the prospective developers are well aware of the PAD and are interested in a mixed used project but is not aware whether they plan to include a movie studio. He added it is likely the site plan may be modified slightly.

Mayor Rogers opened the public hearing. There being no requests to speak, Mayor Rogers closed the public hearing.

Council Member McDonald moved to approve application PL-13-0202, a request for a one year extension of PAD zoning for Avondale Live through October 14, 2014,

subject to three staff recommended stipulations. Council Member Vierhout seconded the motion.

ROLL CALL VOTE AS FOLLOWS:

Council Member Vierhout	Aye
Council Member McDonald	Aye
Council Member Weise	Absent/Excused
Mayor Rogers	Aye
Vice Mayor Scott	Aye
Council Member Karlin	Aye
Council Member Buster	Aye

Motion carried 6-0



CITY COUNCIL AGENDA

SUBJECT:

Public Hearing and Ordinance 1570-215 Three Rivers Rezoning

MEETING DATE:

2/17/2015

TO:

Mayor and Council

FROM:

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

THROUGH:

David Fitzhugh, City Manager (623) 333-1014

REQUEST:

Hold a public hearing and adopt an Ordinance rezoning approximately 39.96 gross acres at the southeast corner of Roosevelt Street and 105th Avenue from AG (Agricultural) to CP (Commerce Park)

PARCEL SIZE:

Approximately 39.96 gross acres

LOCATION:

Southeast corner of Roosevelt Street and 105th Avenue (Exhibits A, B, and C)

APPLICANT:

Mr. Paul E. Gilbert, Beus Gilbert PLLC, c/o Dennis Newcombe (480) 429-3065

OWNER:

Ms. Erika Mitchell, SW Arizona Land LP (480) 305-7223

BACKGROUND:

The subject property, along with the 40 acre parcel directly south, was annexed on March 17, 1986 and rezoned from AG (Agricultural) to PAD (Planned Area Development) on January 17, 2006. The PAD development plan and Ordinance allowed for commerce park type uses with additional allowances for automobile related uses along the Roosevelt Street frontage, directly adjacent to the Auto Mall.

A final plat which divided the original 80 acre PAD into two 35 net acre parcels and dedicated necessary right-of-way was approved by the City Council on January 16, 2007. These two halves are presently under separate ownership. The southern parcel adjacent to Van Buren Street is owned by Maricopa County and planned for a Southwest Justice Complex. The northern parcel adjacent to Roosevelt Street is owned by the applicant Arizona Land Company, LLC.

On December 8, 2011, the PAD Development Plan expired before development of the property occurred, at which time the zoning became eligible for reversion under the terms of Zoning Ordinance Section 6. The City Council approved the zoning reversion to AG (Agricultural) on January 17, 2012.

The subject parcel is designated by the General Plan 2030 Land Use Map as "Business

Park” (Exhibit A). This land use designation is intended to allow for large scale campus developments that provide abundant employment opportunities while offering amenities such as attractive streetscapes with enhanced landscape setbacks, pedestrian connections and refuge areas, efficient circulation, and appropriate screening from I-10. The property remains zoned AG following the 2012 reversion. The zoning and uses of the surrounding properties (Exhibits B and C) are as follows:

- **NORTH:** The Avondale Auto Mall, a collection of new vehicle dealerships, zoned Planned Area Development (PAD).
- **EAST:** Undeveloped land (80 gross acres) currently used for agricultural purposes. The property is zoned PAD (Avondale Commerce Park) and anticipated to develop with light industrial uses.
- **SOUTH:** Currently undeveloped, the property directly south of the subject parcel is owned by Maricopa County and reserved for future development of the “Southwest Justice Complex”, a campus that will include a series of law enforcement related uses, including a Superior Court.
- **WEST:** Undeveloped land. The property directly west of the subject site is zoned PAD (Griffith Commerce Park) which allows for a series of light industrial uses, with some commercial uses allowed directly adjacent to Roosevelt Street. The owner of the property subject to this rezoning application also owns the commerce park portion of the property to the west.

SUMMARY OF REQUEST:

On behalf of the property owner, the applicant is requesting to rezone the subject property from AG (Agricultural) to CP (Commerce Park) to allow for development of the property in conformance with the site’s General Plan designation of “Business Park”.

Development of the site will be in accordance with the uses and development standards of the Commerce Park (CP) Zoning District (Exhibit E). The purpose of the Commerce Park district is to accommodate employment uses including administrative, medial, and research industries, offices, hotels, and light manufacturing, along with associated commercial uses. Warehousing/Distribution uses are only permitted if ancillary to a permitted use (e.g. warehousing of goods manufactured on site). Setbacks and other development standards of the district are designed to ensure high quality aesthetics from adjacent streets.

In addition to required compliance with the standards of the CP District, any development on the site will be expected to comply with the design requirements contained within the Design Manual for Commercial and Industrial Development and the Freeway Corridor Specific Plan.

Participation in the City’s Public Art program is required for any development on site that exceeds 50,000 square feet. At the time of development, the developer may decide to provide art on the site, subject to approval by the City’s Art Committee, or provide a fee in lieu deposited for use by the Art Committee. The value of the art required is based upon a percentage of the valuation of any proposed buildings.

PARTICIPATION:

The applicant conducted a neighborhood meeting to offer interested parties an opportunity to discuss the proposal on Thursday, December 18, at 6:00 P.M. at Avondale City Hall (Sonoran Conference Room). The meeting was advertised in the December 2, 2014 edition of the West Valley View. A notification sign was erected on the subject property on December 1, 2014. Additionally, 21 property owners within 500 feet of the subject property were notified of the meeting

by letters sent by the applicant on December 2, 2014. No members of the public attended the neighborhood meeting.

After the neighborhood meeting, staff received phone calls from representatives of two nearby property owners (UTI and Maricopa County) seeking additional information about the request. After having their questions answered by staff, neither representative expressed any objection to the proposed rezoning.

Letters notifying nearby property owners of the January 15, 2015 Planning Commission meeting were mailed on December 30, 2014. The sign was updated to include the date, time, and location of the Planning Commission meeting on December 30, 2014. Additionally, a notice of the Planning Commission hearing was published in the West Valley View on December 30, 2014.

Letters notifying nearby property owners of the February 17, 2015 City Council meeting were mailed on January 27, 2015. The sign was updated to include the date, time, and location of the City Council meeting on January 27, 2015. Additionally, a notice of the City Council hearing was published in the West Valley View on January 27, 2015. No additional comments on this proposal have been received to date.

PLANNING COMMISSION ACTION:

The Planning Commission conducted a public hearing on January 15th (Exhibit G), and voted 5-0 (Vice Chair Smith and Commissioner Kugler absent) to recommend approval of this request, subject to the following eight staff-recommended conditions of approval:

1. Development of the site shall be in substantial conformance with the "Three Rivers Request for Rezoning Narrative" date stamped December 3, 2014.
2. Development shall be completed in accordance with the versions of the City of Avondale General Engineering Requirements Manual and City of Avondale Supplement to the MAG Uniform Standard Specifications and Details in effect at the time of Site Plan submittal.
3. 103rd Avenue south of Roosevelt Street is required to align with the existing segment of 103rd Avenue north of Roosevelt Street. Abandonment and/or dedication of right-of-way to/from the subject property may be required prior to development, based upon final roadway design.
4. The developer's requirements for provision of water and waste water infrastructure in arterial streets shall be determined, respectively, by the City's Water Master Plan and Waste Water Master Plan in effect at the time of Site Plan review. The developer's requirements for provision of water and waste water infrastructure in all other street classifications shall be determined by the latest version of the City of Avondale General Engineering Requirements Manual and City of Avondale Supplement to the MAG Uniform Standard Specifications and Details.
5. All perimeter off-site infrastructure improvements adjacent to a master site planned area must be completed with the first phase of development within that master site plan, prior to issuance of a Certificate of Occupancy or Certificate of Completion.
6. Additional requirements for improvements, traffic signals, and right-of-way for deceleration lanes, turn lanes, transit stops, or other traffic enhancements may be required during the site plan review process as determined after review of and approval of a site specific Traffic Impact Analysis by the City Engineer or designee.
7. To address turning conflicts, median/intersection improvements may be required at the 105th Avenue/Roosevelt Street intersection based upon review of a Traffic Impact Study submitted at the time of Site Plan review.
8. Development shall adhere to all applicable provisions of the Avondale Zoning Ordinance, City of Avondale Design Manual for Commercial, Industrial, and Multi-Family Residential Development, and Freeway Corridor Specific Plan.

The Commission had no questions or comments on the request.

Following the Planning Commission meeting, the City Attorney recommended deletion of stipulations #2 and #8. These two stipulations were determined by the City Attorney to be duplicative, as "Section 2" of the rezoning ordinance states the rezoning is "subject to the City's adopted codes, requirements, standards, and regulations. As such, the recommendation has been revised to recommend approval subject to six stipulations, deleting stipulations #2 and #8 above.

ANALYSIS:

The proposed rezoning of the property to CP is in complete conformance with the property's General Plan designation of "Business Park". The "Business Park" designation is intended to accommodate enclosed light manufacturing, corporate commerce, hotel, multi-story office, research and development, solar and renewable energy manufacturing, and motor sports related manufacturing uses in a campus form. The CP district mirrors the "Business Park" designation, allowing a range of professional and enclosed light industrial uses integrated in a campus setting.

The CP district does not allow standalone warehousing/distribution facilities, unenclosed operations, or manufacturing uses that involve compounding of raw materials. The CP District is intended to be used in higher visibility areas of the City, including this portion of the Freeway Corridor designated for "Business Park" development.

The proposed rezoning furthers the goals and policies of the General Plan, particularly as they relate to creating employment opportunities. Approval of the proposed rezoning will increase the inventory of "shovel ready" sites available within the City.

The standard conditions of approval, pertaining to future development procedures, right-of-way dedication, and infrastructure, are recommended. Additionally, a condition requiring future intersection improvements at 105th Avenue and Roosevelt Street is recommended to address the traffic safety issues caused by the existing staggered offset of 105th Avenue north and south of Roosevelt Street. A median or other similar improvement is recommended to restrict turning movements at that intersection.

FINDINGS:

1. The proposed rezoning to CP is in conformance with the property's General Plan Land Use Designation of "Business Park".
2. The proposed rezoning will increase the City's inventory of shovel ready development sites and, ultimately, further the City's goals of increasing the number of quality jobs provided within Avondale.
3. The development standards of the CP District combined with the design standards of the Design Manual for Commercial and Industrial development and Freeway Corridor Specific Plan will result in development compatible with surrounding uses.
4. The conditions of approval are reasonable to ensure conformance with the provisions of the Avondale Zoning Ordinance.

RECOMMENDATION:

The City Council should conduct a public hearing and adopt the Ordinance approving Application PL-14-0176, a request to rezone approximately 39.96 acres from AG (Agricultural) to CP (Commerce Park), subject to the following six conditions of approval:

1. Development of the site shall be in substantial conformance with the "Three Rivers Request for Rezoning Narrative" date stamped December 3, 2014.
2. 103rd Avenue south of Roosevelt Street is required to align with the existing segment of 103rd Avenue north of Roosevelt Street. Abandonment and/or dedication of right-of-way to/from the

- subject property may be required prior to development, based upon final roadway design.
3. The developer's requirements for provision of water and waste water infrastructure in arterial streets shall be determined, respectively, by the City's Water Master Plan and Waste Water Master Plan in effect at the time of Site Plan review. The developer's requirements for provision of water and waste water infrastructure in all other street classifications shall be determined by the latest version of the City of Avondale General Engineering Requirements Manual and City of Avondale Supplement to the MAG Uniform Standard Specifications and Details.
 4. All perimeter off-site infrastructure improvements adjacent to a master site planned area must be completed with the first phase of development within that master site plan, prior to issuance of a Certificate of Occupancy or Certificate of Completion.
 5. Additional requirements for improvements, traffic signals, and right-of-way for deceleration lanes, turn lanes, transit stops, or other traffic enhancements may be required during the site plan review process as determined after review of and approval of a site specific Traffic Impact Analysis by the City Engineer or designee.
 6. To address turning conflicts, median/intersection improvements may be required at the 105th Avenue/Roosevelt Street intersection based upon review of a Traffic Impact Study submitted at the time of Site Plan review.

PROPOSED MOTION:

I move that the City Council accept the findings and **ADOPT** the Ordinance approving Application PL-14-0176, a request to rezone approximately 39.96 acres from AG (Agricultural) to CP (Commerce Park), subject to six conditions of approval.

ATTACHMENTS:

Description

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

[Exhibit B - Zoning Vicinity Map](#)

[Exhibit C - Aerial Photograph \(1\)](#)

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

[Exhibit E - Zoning Ordinance Section 4 \(Employment Districts\)](#)

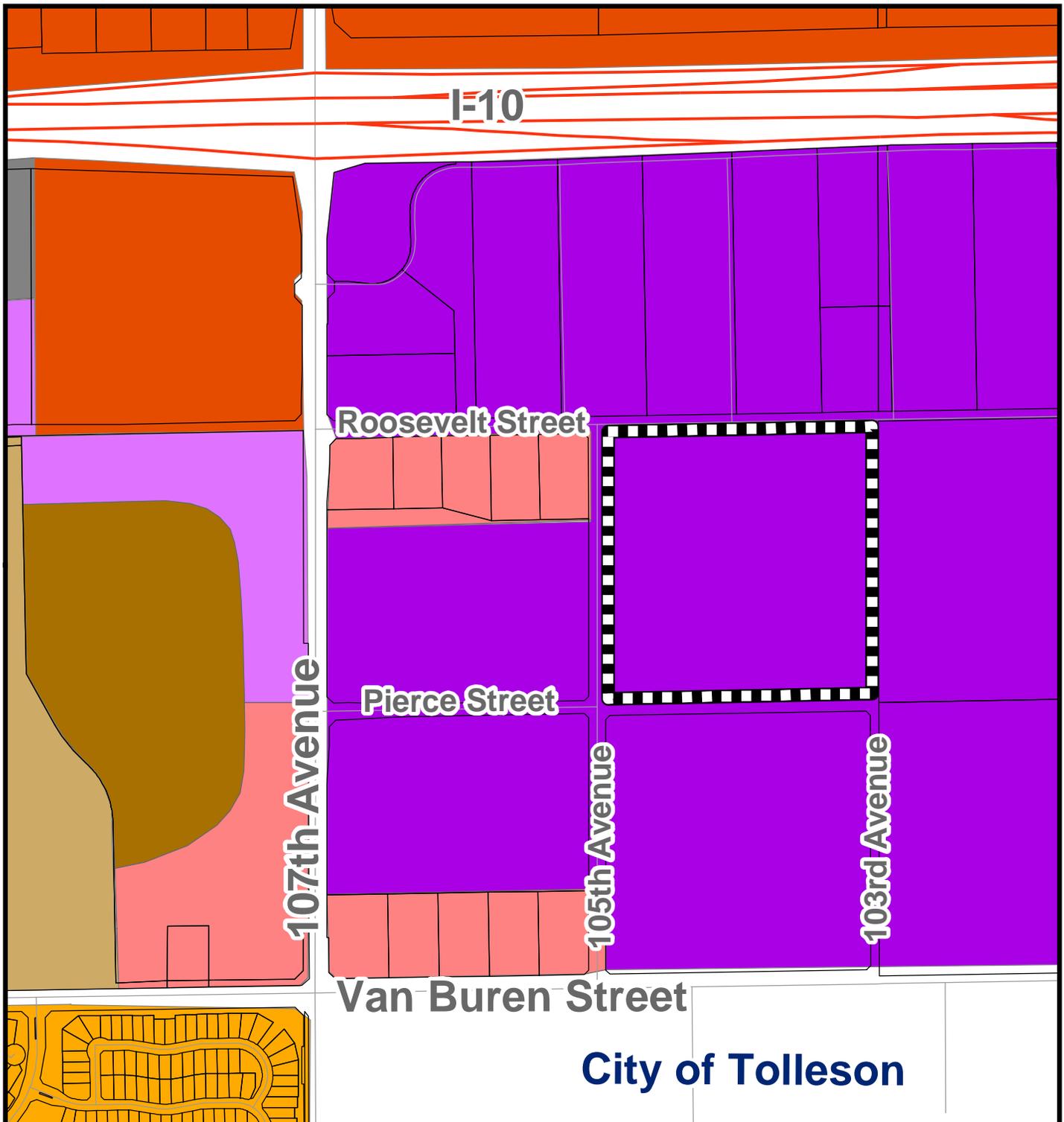
[Exhibit F - Applicant's "Three Rivers Request for Rezoning Narrative"](#)

[Exhibit G - Excerpt of Draft Planning Commission Meeting Minutes \(January 15, 2015 Meeting\)](#)

[Ordinance 1570-215](#)

PROJECT MANAGER

Ken Galica, Senior Planner (623) 333-4019



General Plan Land Use Map

 Subject Property



 Freeway Commercial

 High Density Residential

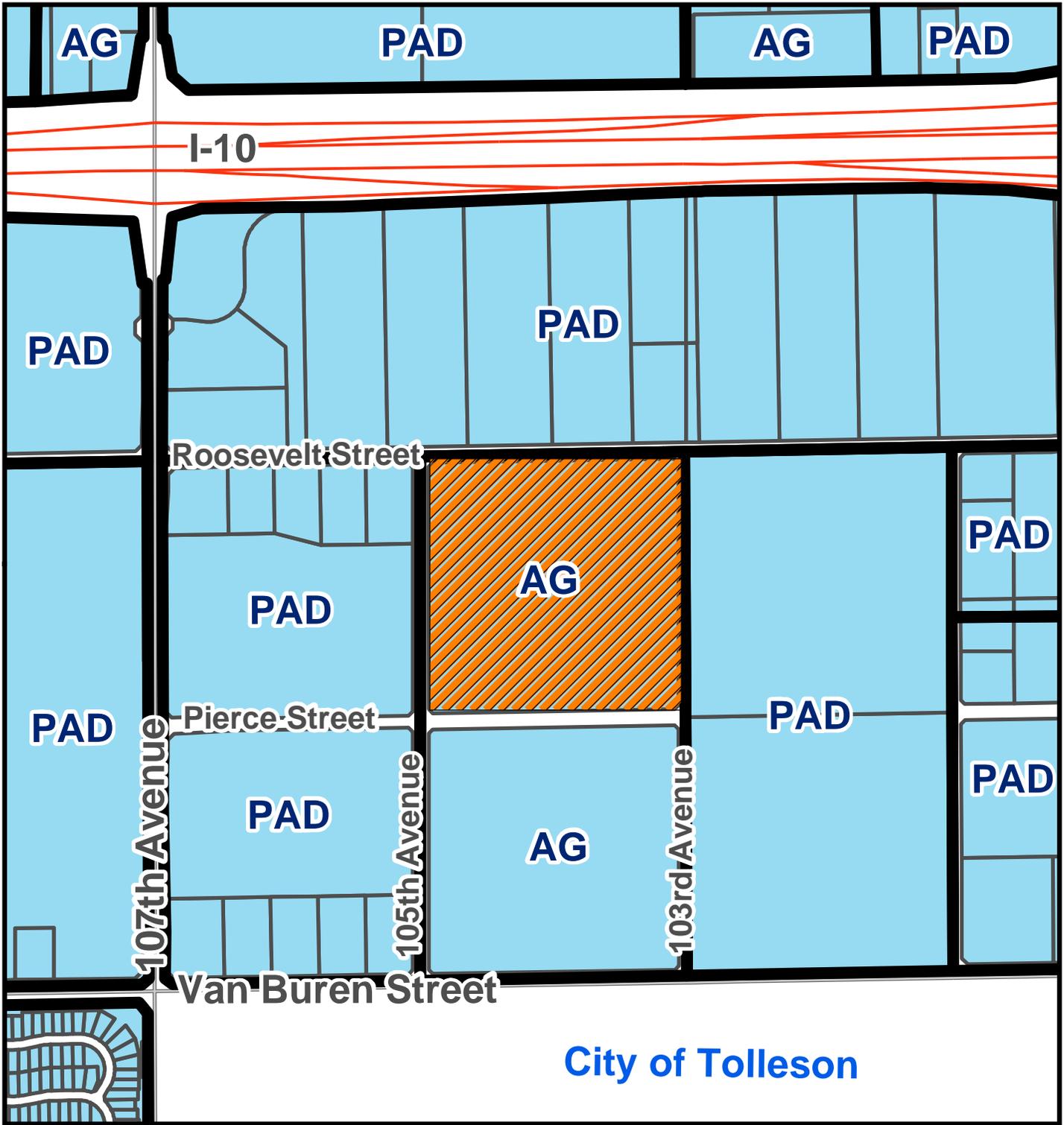
 Mixed Use

 Business Park

 Medium/High Density Residential

 Local Commercial

 Medium Density Residential



Zoning Vicinity Map



Subject Property



EXHIBIT C – AERIAL PHOTOGRAPH

DUE TO ITS SIZE, THIS DOCUMENT
HAS BEEN POSTED SEPARATELY

PLEASE CLICK ON THE LINK BELOW TO VIEW

<http://www.avondale.org/DocumentCenter/View/35799>

*SUMMARY OF RELATED FACTS
APPLICATION PL-14-0176*

<i>THE PROPERTY</i>	
PARCEL SIZE	39.96 gross acres
LOCATION	Southeast corner of Roosevelt Street and 105 th Avenue
PHYSICAL CHARACTERISTICS	None
EXISTING LAND USE	Vacant/Undeveloped
EXISTING ZONING	AG (Agricultural)
ZONING HISTORY	The site was zoned AG upon annexation and rezoned to PAD in January 2006. Upon expiration of the PAD, the zoning was reverted to AG in January 2012.
DEVELOPMENT AGREEMENT	None

<i>SURROUNDING ZONING AND LAND USE</i>	
NORTH	Avondale Auto Mall, a collection of new car dealerships, zoned PAD (Planned Area Development).
EAST	Vacant, zoned PAD (Avondale Commerce Park), planned for light industrial uses.
SOUTH	Vacant/Undeveloped, zoned AG, planned for a future Maricopa County justice complex (Superior Court and associated facilities).
WEST	Vacant, zoned PAD (Griffith Commerce Park), planned for light industrial uses.

<i>GENERAL PLAN</i>	
The property has a land use designation of "Business Park". Additionally, the property falls within the boundaries of the Freeway Corridor Specific Plan, which allows for additional building height (up to 6 stories) but does not require a minimum FAR (Floor Area Ratio).	

STREETS	
Roosevelt Street	
Classification	Collector
Existing half street ROW	35 feet (to monument line)
Standard half street ROW	40 feet (to center line)
Existing half street improvements	None
Standard half street improvements	1.5 traffic lanes, curb, gutter, sidewalk, landscaping and streetlights.

Pierce Street	
Classification	Collector
Existing half street ROW	40 feet
Standard full street ROW	40 feet
Existing half street improvements	None
Standard Full street improvements	1.5 traffic lanes, curb, gutter, sidewalk, landscaping and streetlights.

103rd Avenue	
Classification	Collector
Existing half street ROW	40 feet
Standard half street ROW	40 feet
Existing half street improvements	None
Standard half street improvements	1.5 traffic lanes, curb, gutter, sidewalk, landscaping and streetlights.

105th Avenue	
Classification	Collector
Existing half street ROW	40 feet
Standard half street ROW	40 feet
Existing half street improvements	None
Standard half street improvements	1.5 traffic lanes, curb, gutter, sidewalk, landscaping and streetlights.

<i>Utilities</i>
<p>15” sanitary sewer runs along Van Buren Street from Avondale Boulevard to 101st Avenue</p> <p>12” waterline runs along Van Buren Street from 107th Avenue to 105th Avenue and another 12” waterline running north and south along 101st Avenue.</p>

SECTION 4 EMPLOYMENT DISTRICTS

401 Purpose and Intent

Employment zoning districts are intended to make property available for uses that provide employment opportunities, including general office and industrial, and retail and commercial uses supporting these primary uses.

The following Employment districts are established:

- A. Commerce Park (CP). The purpose of the Commerce Park district is to accommodate employment uses including administrative, medical, and research industries, offices, hotels and light manufacturing. Associated support commercial uses are also included within this district. The Commerce Park is intended to meet the following objectives:
 1. Encourage a campus-style development.
 2. Development that is compatible with surrounding and adjacent uses, generally occurring within enclosed buildings.
 3. A district that provides flexibility to respond to the City’s land use and economic needs while projecting a highly desirable and unified appearance along public streets.
 4. Promote an efficient circulation system that includes attractive streetscapes and functional pedestrian areas.
- B. General Industrial (A-1). The purpose of the General Industrial district is to accommodate warehousing, wholesaling, assembly, and heavy manufacturing of an intensive nature, often involving open uses and/or storage, large scale machinery and structures.

402 Land Use Matrix

The following land use matrix shows the uses that are permitted outright (P), permitted subject to a conditional use permit (C), permitted with conditions provided herein (PC), as an accessory use to an otherwise permitted use (A) or prohibited (-) in specific employment zoning districts in the City of Avondale. The land use matrix is intended to serve as a guide for the convenience of the user of this Zoning Ordinance. Where the text of this Zoning Ordinance differs from the land use matrix, the text shall prevail.

Land Use Matrix

Permitted Use	P
Permitted Use with Conditions	PC
Conditional Use Permit	C
Accessory Use	A
Not Permitted	-

LAND USE	CP	A-1
Ambulance dispatch facility	P	P
Animal shelter	-	C
Auto body and engine repair, upholstery, painting facilities, and similar uses for trucks, automobiles, boats, motorcycles, recreational vehicles, and similar	-	P
Aviation related business, including aircraft repair, sales and service	-	C
Banks and chartered financial institutions	P	-
Business support services - photocopy centers, office supply stores, and package delivery services.	P	C
Catering	P	P
Child care center	C	-
Clinic for dental and medical	P	-
Contractor's materials storage yard	-	P
Data and call centers	P	P
Day laborers hiring center	-	C
Design centers	P	P
Distribution of products manufactured or assembled on-site	A	A
Dry cleaning drop-off establishment	P	-
Dry cleaning plant	-	P
Employment agency	P	-
Emissions testing facility	-	P
Extraction of rock, sand, gravel, etc. operations	-	C
Garages for repair of trucks, buses and heavy equipment	-	P
Government offices and facilities - federal, state, county and city.	P	P
Health and exercise centers, intended to serve the surrounding employment uses (maximum 10,000 square feet gross building area)	P	-
Hospital and urgent-care facility	P	-
Hotel and conference center	P	-
Impound lot	-	C
Laboratories for product development, testing, experimenting and investigating - bio-science, medical, dental, pharmaceutical, electronic and similar uses.	P	P
Landscaping and agricultural supplies and equipment, wholesaling, and storage	-	P
Manufacturing and assembly, light	P	P
Manufacturing and assembly, heavy	-	P
Manufacturing of hazardous materials (explosives, chemicals, dry ice, gases, gasoline, petroleum, paints, varnishes, and other similar) manufacturing or processing	-	C
Medical, dental, or health offices, excluding plasma centers and medical marijuana uses	P	-
Medical Marijuana Dispensary	-	PC
Medical Marijuana Cultivation Location	-	PC
Mini-storage warehouse, excluding outdoor storage of vehicles or trailers	C	C

LAND USE	CP	A-1
Mining or drilling operations	-	C
Mixing plant for cement or paving	-	C
Motion picture productions (studio)	C	P
Motor vehicle assembly	-	P
Outdoor storage associated with an on-site primary use, excluding vehicles	C	PC
Pharmacy, when integral to a multi-tenant building (no drive-through)	P	-
Processing of meats, fats or oils	-	C
Professional offices	P	P
Public utility facilities	P	P
Recycling facility, metals collecting and crushing	-	C
Restaurant, Full Service (no drive-through)	P	-
Retail sales that primarily support the businesses and employees of the commerce park and not the general population	C	C
Sale of products manufactured or assembled on-site	A	A
Schools, vocational, business, trade, college, university	P	-
Sexually oriented businesses, subject to the requirements of Section 10 of the Zoning Ordinance	-	PC
Signs and monuments, including sales, manufacturing and assembly of signs or sign components	P	P
Transmitting and receiving towers	C	C
Truck and trailer fueling, dispatch and weighing stations	-	C
Veterinary hospital, clinic	P	-
Vehicle storage facility, excluding dead vehicle storage	-	P
Warehousing	A	P
Wholesaling	-	P

403 Uses Permitted With Conditions

Based upon site plan review, land uses listed in the land use matrix as “Permitted with Conditions” may be subject to additional conditions of approval if deemed necessary to protect the health, safety, and public welfare.

- A. In addition to, and in no way limiting the general nature of this Section 403, medical marijuana dispensaries and medical marijuana cultivation locations are allowed in certain general industrial districts as set forth above, so long as such uses are in compliance with the requirements of Section 13 of this Zoning Ordinance.
- B. In addition to, and in no way limiting the general nature of this Section 403, sexually oriented businesses are allowed in certain general industrial districts as set forth above, so long as such uses are in compliance with the requirements of Section 10 of this Zoning Ordinance.
- C. Outdoor storage associated with an on-site primary use is permitted in the A-1 District, subject to the following conditions:

1. Storage areas must be attached, fully screened, and designed as part of the primary building.
2. Storage areas must be constructed of concrete and/or masonry block with exterior finishes to match the primary building.
3. Storage area gates must be opaque.
4. Stored materials shall not exceed the height of the lowest adjacent wall.

404 Uses Permitted With a Conditional Use Permit

The land uses listed in the land use matrix as being permitted subject to a Conditional Use Permit shall require approval of a conditional use permit through the process set forth in Section 1 of this Zoning Ordinance prior to approval of a Site Plan.

405 Development Standards

The following development standards shall apply to all developments zoned CP and A-1.

- A. All activities, except as allowed by conditional use permit as listed in the land use matrix, shall be conducted entirely within enclosed buildings.
- B. Within the CP District, warehousing or indoor storage of goods or material incidental to permitted uses shall be allowed.
- C. All new buildings and uses of land or substantial additions to or remodeling of existing buildings/uses shall be subject to site plan review in accordance with Section 1 of this Zoning Ordinance.
- D. The following table outlines the minimum development standards within each district.

District	CP	A-1
Maximum height	35'	45'
Maximum building coverage	50%	-
Minimum setbacks:		
Front Yard	25'	30'
Side yard	15'	10'
Rear yard	15'	10'
Street side	25'	30'
Adjacent to a residential zoning district or use*	50'	75'

* Not applicable to manufactured home parks.

406 Design Standards

The Design Manuals adopted by City Council and maintained by the Zoning Administrator or designee shall serve as guidelines for site and architectural design in all districts.

**EXHIBIT F – APPLICANTS “THREE RIVERS REQUEST FOR
REZONING NARRATIVE”**

DUE TO ITS SIZE, THIS DOCUMENT
HAS BEEN POSTED SEPARATELY

PLEASE CLICK ON THE LINK BELOW TO VIEW

<http://www.avondale.org/DocumentCenter/View/35796>

Excerpt of the Minutes of the regular Planning Commission meeting held January 15, 2015 at 6:30 p.m. in the Council Chambers.

COMMISSIONERS PRESENT

Sean Scibienski, Chair
Michael Long, Commissioner
Grace Carrillo, Commissioner
Olivia Pineda, Commissioner
Gloria Solorio, Commissioner

COMMISSIONERS ABSENT

Kevin Kugler, Commissioner (Excused)
Gary Smith, Commissioner (Unexcused)

CITY STAFF PRESENT

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

APPLICATION NO. PL-14-0176: Three Rivers

This is a public hearing before the Planning Commission to review and solicit public input on application PL-14-0176, a request by Mr. Paul Gilbert, Beus Gilbert PLLC, to rezone approximately 39.96 acres of undeveloped land bounded by 105th Avenue, Pierce Street, Roosevelt Street, and 103rd Avenue, from AG (Agricultural) to CP (Commerce Park). The Commerce Park Zoning District accommodates employment generating uses including, but not limited to, office and enclosed light manufacturing, and limited commercial uses that support employees working in the area. Staff Contact: Ken Galica

Ken Galica, Senior Planner, said the request is to rezone 39.963 acres located at the southeast corner of Roosevelt Street & 105th Avenue from AG (Agricultural) to CP (Commerce Park). It is surrounded on the north by the Avondale Automall PAD, a collection of new vehicle dealerships; to the east by undeveloped land (80 gross acres) zoned PAD (Avondale Commerce Park) currently being used for agricultural purposes; to the south by undeveloped property owned by Maricopa County and reserved for future development of the “Southwest Justice Complex”; and to the west by undeveloped land zoned PAD (Griffith Commerce Park).

Mr. Galica stated the subject property was annexed by the City in March 1996 initially zoned Agricultural. It was rezoned in January 2006 from AG to PAD as Three Rivers PAD (80 acres total) modeled after the CP Zoning District. In January 2007 it was platted dividing the original 80 acre parcel into north 40 and south 40, with dedicated right-a-way. The PAD expired in December 2011 and was reverted to AG in January 2012.

Mr. Galica said the subject parcel is designated by the General Plan 2030 Land Use Map as “Business Park”. This land use designation is intended to allow for large scale campus developments that provide abundant employment opportunities while offering amenities such as attractive streetscapes with enhanced landscape setbacks, pedestrian connections and refuge areas, efficient circulation, and appropriate screening from I-10. Development of the site will also be subject to the Freeway Corridor Specific Plan (FCSP) and Design Manual for Commercial and Industrial Development, which together will address architecture, site design, and other aesthetic components to site development. The FCSP does not specify minimum FARs for properties within this portion of the corridor. The rezoning furthers the goals of the General Plan (GP2030) by creating quality employment opportunities and present a strong aesthetic and well as increasing inventory of “shovel ready” development sites as infrastructure will already be in place.

Mr. Galica clarified that the site plan and building elevations contained within the applicant’s rezoning narrative are conceptual in nature and represent just one possible way in which the property could develop under the requirements of the CP District. The developer will be free to propose a different plan so long as it meets those CP requirements.

Mr. Galica stated staff recommends APPROVAL with 8 conditions:

1. Development of the site shall be in substantial conformance with the “Three Rivers Request for Rezoning Narrative” date stamped December 3, 2014.
2. Development shall be completed in accordance with the versions of the City of Avondale General Engineering Requirements Manual and City of Avondale Supplement to the MAG Uniform Standard Specifications and Details in effect at the time of Site Plan submittal.
3. 103rd Avenue south of Roosevelt Street will be required to align with the existing segment of 103rd Avenue north of Roosevelt Street. Abandonment and/or dedication of right-of-way to/from the subject property may be required prior to development, based upon final roadway design.
4. The developer’s requirements for provision of water and waste water infrastructure in arterial streets shall be determined, respectively, by the City’s Water Master Plan and Waste Water Master Plan in effect at the time of Site Plan review. The developer’s requirements for provision of water and waste water infrastructure in all other street classifications shall be determined by the latest version of the City of Avondale General Engineering Requirements Manual and City of Avondale Supplement to the MAG Uniform Standard Specifications and Details.
5. All perimeter off-site infrastructure improvements adjacent to a master site planned area must be completed with the first phase of development within that master site plan, prior to issuance of a Certificate of Occupancy or Certificate of Completion.

6. Additional requirements for improvements, traffic signals, and right-of-way for deceleration lanes, turn lanes, transit stops, or other traffic enhancements may be required during the site plan review process as determined after review of and approval of a site specific Traffic Impact Analysis by the City Engineer or designee.
7. To address turning conflicts, median/intersection improvements may be required at the 105th Avenue/Roosevelt Street intersection based upon review of a Traffic Impact Study submitted at the time of Site Plan review.
8. Development shall adhere to all applicable provisions of the Avondale Zoning Ordinance, City of Avondale Design Manual for Commercial, Industrial, and Multi-Family Residential Development, and Freeway Corridor Specific Plan.

Chair Scibienski opened the public hearing. With no citizens coming forward to speak, he closed the public hearing.

Commissioner Carrillo **MOVED** that the Planning Commission accept the findings and recommend approval of application PL-14-0176, a request to rezone approximately 39.96 gross acres from AG (Agricultural) to CP (Commerce Park) subject to conditions 1-8. Commissioner Long **SECONDED**.

ROLL CALL VOTE

Sean Scibienski Chair	Aye
Gary Smith, Vice Chair	Unexcused
Michael Long, Commissioner	Aye
Kevin Kugler, Commissioner	Excused
Grace Carrillo, Commissioner	Aye
Olivia Pineda, Commissioner	Aye
Gloria Solorio, Commissioner	Aye

Approved 5-0

ORDINANCE NO. 1570-215

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AMENDING THE OFFICIAL ZONING ATLAS OF THE CITY OF AVONDALE FOR APPROXIMATELY 39.96 ACRES GENERALLY LOCATED ALONG THE SOUTH SIDE OF ROOSEVELT STREET BETWEEN 105TH AVENUE AND 103RD AVENUE, AS SHOWN IN APPLICATION PL-14-0176, REZONING SUCH PROPERTY FROM AGRICULTURAL (AG) TO COMMERCE PARK (CP).

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 ± 39.96 acre parcel of real property referred to as “Three Rivers” from Agricultural to Commerce Park (the “Zoning Atlas Amendment”); and

WHEREAS, all due and proper notice 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 the Zoning Atlas Amendment, on Thursday, January 15, 2015, after which the Commission recommended approval; and

WHEREAS, the City Council held an additional public hearing regarding the Zoning Atlas Amendment on February 17, 2015.

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 ± 39.96 acre parcel of real property generally located along the south side of Roosevelt Street between 105th Avenue and 103rd Avenue, as shown in Application PL-14-0176 (the “Property”), as more particularly described and depicted on Exhibit A, attached hereto and incorporated herein by reference, is hereby rezoned from Agricultural (AG) to Commerce Park (CP), subject to the City’s adopted codes, requirements, standards and regulations, and the following stipulations:

1. Development of the site shall be in substantial conformance with the “Three Rivers Request for Rezoning Narrative” date stamped December 3, 2014.

2. 103rd Avenue south of Roosevelt Street will be required to align with the existing segment of 103rd Avenue north of Roosevelt Street. Abandonment and/or dedication of right-of-way to/from the subject property may be required prior to development, based upon final roadway design.
3. The developer's requirements for provision of water and waste water infrastructure in arterial streets shall be determined, respectively, by the City's Water Master Plan and Waste Water Master Plan in effect at the time of Site Plan review. The developer's requirements for provision of water and waste water infrastructure in all other street classifications shall be determined by the latest version of the City of Avondale General Engineering Requirements Manual and City of Avondale Supplement to the MAG Uniform Standard Specifications and Details.
4. All perimeter off-site infrastructure improvements adjacent to a master site planned area must be completed with the first phase of development within that master site plan, prior to issuance of a Certificate of Occupancy or Certificate of Completion.
5. Additional requirements for improvements, traffic signals, and right-of-way for deceleration lanes, turn lanes, transit stops, or other traffic enhancements may be required during the site plan review process as determined after review of and approval of a site specific Traffic Impact Analysis by the City Engineer or designee.
6. To address turning conflicts, median/intersection improvements may be required at the 105th Avenue/Roosevelt Street intersection based upon review of a Traffic Impact Study submitted at the time of Site Plan review.

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.

[SIGNATURES ON FOLLOWING PAGE]

PASSED AND ADOPTED by the Council of the City of Avondale, February 17, 2015.

Kenneth N. Weise, Mayor

ATTEST:

Carmen Martinez, City Clerk

APPROVED:

Andrew J. McGuire, City Attorney

EXHIBIT A
TO
ORDINANCE NO. 1570-215

[Legal Description and Map]

See following pages.

EXHIBIT A LEGAL DESCRIPTION LOT 1 GROSS AREA

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 5, TOWNSHIP 1 NORTH, RANGE 1 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE CENTER OF SAID SECTION 5 MARKED BY A BRASS CAP IN HANDHOLE FROM WHICH THE SOUTH QUARTER CORNER OF SAID SECTION 5 MARKED BY A BRASS CAP IN HANDHOLE, BEARS SOUTH 00°17'05" EAST, AS MEASURED AND AS RECORDED IN THE FINAL PLAT OF THREE RIVERS COMMERCE PARK, ACCORDING TO BOOK 899 OF MAPS, PAGE 13, AND AMENDMENT RECORDED IN 2008-117784, FOR A MEASURED DISTANCE OF 2638.43 FEET;

THENCE SOUTH 00°17'05" EAST, ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 5, FOR A DISTANCE OF 1319.22 FEET, TO A 1/2" REBAR, NO CAP;

THENCE SOUTH 88°50'12" WEST, AS MEASURED AND AS RECORDED IN SAID FINAL PLAT, FOR A DISTANCE OF 1320.62 FEET;

THENCE NORTH 00°13'06" WEST, AS RECORDED IN SAID FINAL PLAT, FOR A DISTANCE OF 1318.79 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 5;

THENCE NORTH 88°49'01" EAST, ALONG SAID NORTH LINE, AND AS RECORDED IN SAID FINAL PLAT, FOR A DISTANCE OF 1319.10 FEET TO THE **POINT OF BEGINNING**

SAID PARCEL CONTAINS 1,740,674 SQUARE FEET, OR 39.960 ACRES, MORE OR LESS.

PAGE 1 OF 2



TITLE: **XB01**
SCALE: 1"=200'
DATE: 8/18/14
DESC: LOT 1 LEGAL DESCRIPTION

HUNTER
ENGINEERING

10450 N. 74TH ST., SUITE 200
SCOTTSDALE, AZ 85258
T 480 991 3985
F 480 991 3986

CIVIL AND SURVEY

PROJ. NO. STAR001-S

EXHIBIT B

ROOSEVELT STREET

N. LINE S.W. 1/4 SEC. 5, T.1N. R.1E.

N88°49'01"E(R1)

1319.26'(R1) 1319.10'(C)

105TH AVENUE

NO MONUMENT
FOUND

50' R/W
BK.899,
P.13, M.C.R.

**POINT OF
BEGINNING**

CENTER SEC. 5, T.1N., R.1E,
FOUND BRASS CAP IN
HANDHOLE

103RD AVENUE

40' R/W
BK.899,
P.13, M.C.R.

LOT 1

FINAL PLAT FOR
"THREE RIVERS COMMERCE PARK"
BK. 899, PG. 13, M.C.R. (R1)
A.P.N. 102-55-016
DEED NO. 20111071473, M.C.R.
GROSS AREA:
1,740,674 SQ.FT.± 39.960 AC.±



1318.79'(C)

N00°13'06"W(R1)

40' R/W
BK.899,
P.13, M.C.R.

FOUND BRASS
CAP FLUSH

40' R/W
BK.899,
P.13, M.C.R.

FND. 1/2" REBAR,
NO CAP

S88°50'12"W(R1)

1320.73'(R1) 1320.62'(C)

PIERCE STREET

1319.22'(C)

1319.27'(R1)

1319.27'(R1)

S00°17'05"E(R1,M)

2638.48'(R1)

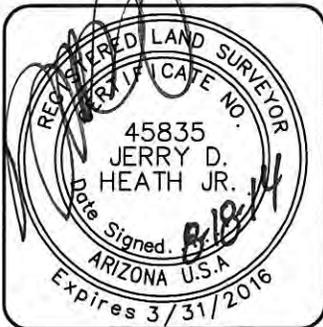
2638.43'(M)

1319.21'

W. VAN BUREN STREET

S. 1/4 SEC. 5, T.1N., R.1E,
FOUND BRASS CAP IN HANDHOLE

PAGE 2 OF 2



TITLE: **XB01**
SCALE: 1"=200'
DATE: 8/18/14
DESC: LOT 1-GROSS
EXHIBIT

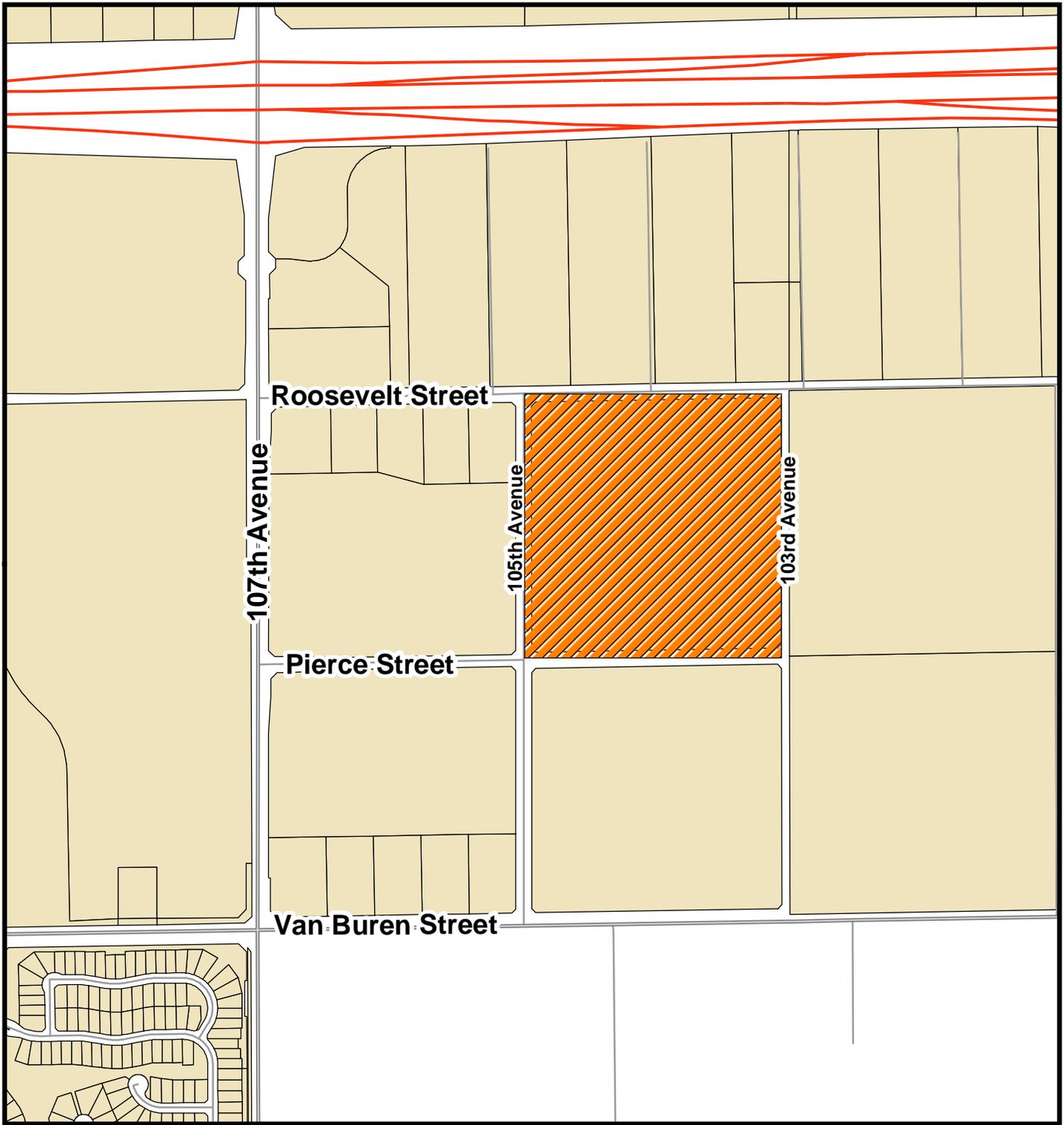
HUNTER

ENGINEERING

CIVIL AND SURVEY

10450 N. 74TH ST., SUITE 200
SCOTTSDALE, AZ 85258
T 480 991 3985
F 480 991 3986

PROJ.NO,STAR001-S



Application PL-14-0176



Subject Property





CITY COUNCIL AGENDA

SUBJECT:

Public Hearing and Ordinance 1571-215 -
Gateway Village Rezoning

MEETING DATE:

2/17/2015

TO:

Mayor and Council

FROM:

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

THROUGH:

David Fitzhugh, City Manager (623) 333-1014

REQUEST:

Hold a public hearing and adopt an Ordinance rezoning approximately 17.08 gross acres at the southeast corner of McDowell Road and 103rd Avenue from AG (Agricultural) to C-3 Freeway Commercial

PARCEL SIZE:

Approximately 17.08 gross acres

LOCATION:

Southeast corner of McDowell Road and 103rd Avenue (Exhibits A-C)

APPLICANT:

Mr. David Scholl, Vintage Partners (602) 459-9924

OWNER:

Mr. James Mullany, CML-AZ MC103, LLC (480) 777-4615 and Mr. John Lopez, Suenos Avondale, LLC (405) 499-0181

BACKGROUND:

The subject property is currently vacant and is divided into three parcels which are controlled by two separate ownership entities. The southernmost parcel, approximately 6.7 acres in size, is owned by Suenos Avondale, LLC, a company located in Oklahoma City, Oklahoma. The northern two parcels, totaling approximately 8.3 acres, are owned by CMZ-AZ MC103, LLC, located in Miami, Florida. The remaining gross acreage is contained in previously dedicated rights-of-way.

The property is currently zoned as AG (Agriculture) and has been subject to several rezoning applications in the past. In 1988, a larger 41 acre parcel of land, which included the subject site and the current development of Gateway Crossing, was rezoned to the Avondale Park Plaza Planned Area Development (PAD). Due to the lack of development activity on the site and the subsequent rezoning of the Gateway Crossing site in 2005, the Avondale Park Plaza PAD expired and a zoning case was staff-initiated in 2012 to revert the site back to the previous zoning district of AG. No development activity has occurred on the subject site since the reversion.

The property is designated by the General Plan Land Use Map as Freeway Commercial. The Freeway Commercial land use category is intended to accommodate the more intense non-

residential uses along the I-10 and Loop 101 freeways, by providing for concentrated retail, hospitality, and related activities along these corridors. This category allows for flexibility in development by promoting community-wide and regional retail, hospitality, commercial complexes, family entertainment, and service destinations to a larger trade area. Additionally, the property is located within and further defined by the Freeway Corridor Specific Plan area.

Freeway Corridor Specific Plan

The Freeway Corridor Specific Plan (FCSP) was originally adopted by the Avondale City Council in June 1991. The General Plan, Zoning Ordinance, and Zoning Map all establish where land uses are appropriate throughout the City. Unlike those documents, a Specific Plan is largely a design-oriented document intended to ensure that the physical form development takes is in line with the vision the community has for a certain area. Since 1991, the FCSP's design standards have guided the new development of regional shopping centers (Gateway Pavilions and Gateway Crossing), office parks, commerce parks, and the Auto Mall. An update to the FCSP was adopted by the City Council in September 2013, which placed a minimum floor area ratio (FAR) of 0.5 on this specific site. There was also a provision added that excluded any parcels that held a valid Planned Area Development (PAD) zoning district prior to September 16, 2013 (adoption date of the FAR requirement). This exclusion included Gateway Crossing to the east and West-10 Corporate Center to the west.

On November 4, 2014, the Board of Adjustment granted a variance from the 0.5 FAR requirement for this site. It was determined that by applying a FAR requirement to this specific site created a hardship on this site that parcels to the immediate east (Gateway Crossing) and west (West-10 Corporate Center) were not required to meet since they were zoned to a PAD prior to the adoption of the FAR requirements in 2013.

Surrounding Uses

The subject property is bordered by 103rd Avenue to the west, McDowell Road to the north, a driveway for a commercial center to the east, and I-10 to the south. The existing uses of the surrounding properties (Exhibits B and C) are as follows:

- **NORTH:** McDowell Road, then Gateway Pavilions, a retail power center zoned PAD (Planned Area Development).
- **EAST:** Gateway Crossing, retail power center zoned PAD.
- **SOUTH:** Interstate-10, then the Avondale Auto Mall, a collection of new vehicle dealerships zoned PAD.
- **WEST:** West-10 Corporate Center, a currently vacant property zoned PAD. A site plan (PL-14-0221: Park 10 – Main Event) for a retail power center is currently in the application process with the City.

SUMMARY OF REQUEST:

On behalf of the property owners, the applicant Vintage Partners is requesting to rezone the subject property from AG (Agricultural) to C-3 Freeway Commercial to facilitate the development of a commercial center entitled Gateway Village. As described in the rezoning narrative report (Exhibit E), Vintage Partners has concluded that there is significant demand for additional retail, dining, and entertainment uses along the McDowell Road corridor.

While the site plan included in the narrative is conceptual in nature, it provides a prospective view as to what the developer has planned for the site. As depicted, there is over 200,000 sf of retail (both major tenant buildings and in-line shops), restaurants, and hospitality uses planned for the

site. The site plan will be further refined through a formal site plan and design review application. The applicant is in the process of completing the site plan and has indicated that they intend to submit the application following approval of the rezoning request from City Council.

PARTICIPATION:

The applicant conducted a neighborhood meeting to offer interested parties an opportunity to discuss the proposal on Monday, December 22, 2014, at 6:00 P.M. at Avondale City Hall Mojave Conference Room. The meeting was advertised in the December 5, 2014 edition of the West Valley View. A notification sign was placed on the subject property on December 4, 2014. Additionally, 13 property owners within 500 feet of the subject property were notified of the meeting by letters sent by the applicant on December 4, 2014. No members of the public attended the neighborhood meeting.

Letters notifying nearby property owners of this Planning Commission meeting were mailed on December 30, 2014. Additionally, the notification sign on the subject site was updated with the Planning Commission hearing date and a notice of the hearing was published in the West Valley View on December 30, 2014. Staff received one phone call from the property asset manager for Gateway Pavilions inquiring as to the request. He did not provide any support or opposition to the request. There were no members of the public who spoke on the proposal at the Planning Commission meeting on January 15, 2015.

Letters notifying the nearby property owners of the February 17, 2015 City Council meeting were mailed on January 22, 2015. The sign on the site was updated to include the date, time, and location of the City Council meeting on January 27, 2015. Additionally, a notice of the City Council hearing was published in the West Valley View on January 27, 2015. No additional comments on this proposal have been received to date.

PLANNING COMMISSION ACTION:

The Planning Commission conducted a public hearing on January 15th (Exhibit F), and voted 5-0 (Vice Chair Smith and Commissioner Kugler absent) to recommend approval of this request, subject to the following five (5) staff-recommended conditions of approval:

1. Development of the site shall be in substantial conformance with the "Gateway Village Rezoning Narrative" date stamped November 20, 2014.
2. Additional requirements for improvements, traffic signals, and right-of-way for deceleration lanes, turn lanes, transit stops, or other traffic enhancements may be required during the site plan review process as determined after review of and approval of the Traffic Impact Analysis by the City Engineer or designee.
3. Additional requirements for water and sewer infrastructure improvements may be required during the site plan review process as determined after review and approval of the water and sewer technical reports by the City Engineer or designee.
4. Development shall be completed in accordance with the City of Avondale General Engineering Requirements Manual and City of Avondale Supplement to the MAG Uniform Standard Specifications and Details.
5. Development shall adhere to all applicable provisions of the Avondale Zoning Ordinance, City of Avondale Design Manual for Commercial, Industrial, and Multi-Family Residential Development, and Freeway Corridor Specific Plan.

Following the Planning Commission meeting, the City Attorney recommended deletion of stipulations #4 and #5 as stated above. These two stipulations were determined by the City Attorney to be duplicative as "Section 2" of the zoning ordinance states that any rezoning action is "subject to the City's adopted codes, requirements, standards, and regulations". As such, the recommendation has been revised to recommend approval subject to three stipulations, deleting

stipulations #4 and #5 above.

ANALYSIS:

The requested zoning district of C-3 Freeway Commercial is in conformance with the property's underlying General Plan land use designation of "Freeway Commercial". The purpose of the C-3 Freeway Commercial zoning district is to promote freeway-oriented services and products with a community-wide to regional trade area while avoiding the disruption of less intensive commercial activities. This zoning district is most appropriate along major arterial streets or along or near freeways. The requested C-3 district will allow for a continuation of established commercial uses along McDowell Road and the freeway corridor.

The future development is required to be in accordance with the uses and development standards as outlined in the C-3 Freeway Commercial section of the Zoning Ordinance (Exhibit F). Specific requirements of the district will address setbacks and other development standards that are intended to ensure high quality aesthetics from the adjacent streets and continue to play a significant role in establishing the City's image to freeway travelers.

In addition to required compliance with the developments standards of the C-3 Freeway Commercial District, any development on the site will be expected to comply with the design requirements contained within the Design Manual for Commercial and Industrial Development and the Freeway Corridor Specific Plan (FCSP). The FCSP also requires a minimum of 30 percent of the street frontage of commercial centers be occupied by buildings located at the setback line, to create a strong street presence. In addition, the FCSP requires sites to be developed in a manner that limits the visibility of objectionable views, such as service and loading areas, from the freeway.

Based on the size of the proposed development exceeding 50,000 square feet, the developer will be required to participate in the City's Public Art program. At the time of building permit issuance, the developer may decide to provide art on the site, subject to approval by the City's Art Committee, or provide a fee in lieu. The value of the art required is calculated upon one quarter percent (0.25%) of the valuation of new commercial, subject to a cap based on overall size of the project.

A Traffic Impact Statement has been reviewed and approved through the rezoning process, subject to conditions of approval. Through the review of a full Traffic Impact Analysis during the site plan application, additional improvements may be required. In terms of circulation for the site, it is planned that the main entry to the project, both vehicular and pedestrian, will be taken from McDowell Road. Secondary access will be from the lighted intersection of 103rd Avenue and McDowell Road and through cross-access with Gateway Crossing to the east. Exact locations will be further refined during the site planning process. There is no additional right-of-way dedication anticipated for the site outside of the potential need for deceleration lanes or bus turn-outs.

Water and Sewer Master Plans will be submitted and reviewed during the site planning process. It is anticipated that no additional off-site infrastructure will be required for this project as the water and sewer service will be taken from the existing lines in McDowell Road.

Staff has recommended conditions of approval to ensure the future review of the site will comply with standard procedural requirements and the development will meet or exceed the expectations of the City.

FINDINGS:

1. The rezoning request to the C-3 Freeway Commercial zoning district is in conformance with the Goals and Objectives of the General Plan and the Land Use Designation of "Freeway Commercial".
2. The development standards of the C-3 Freeway Commercial District, combined with the

design standards of the Design Manual for Commercial and Industrial development and Freeway Corridor Specific Plan, will result in a project that is compatible with adjacent existing and planned developments.

3. The conditions of approval are reasonable to ensure conformance with the provisions as outlined in the Avondale Zoning Ordinance and all other applicable City codes, ordinances, and policies.

RECOMMENDATION:

The City Council should conduct a public hearing and adopt the Ordinance approving Application PL-14-0224, a request to rezone approximately 17.08 gross acres from AG (Agriculture) to C-3 Freeway Commercial, subject to the following three (3) conditions of approval, as recommended by the Planning Commission:

1. Development of the site shall be in substantial conformance with the "Gateway Village Rezoning Narrative" date stamped November 20, 2014.
2. Additional requirements for improvements, traffic signals, and right-of-way for deceleration lanes, turn lanes, transit stops, or other traffic enhancements may be required during the site plan review process as determined after review of and approval of the Traffic Impact Analysis by the City Engineer or designee.
3. Additional requirements for water and sewer infrastructure improvements may be required during the site plan review process as determined after review and approval of the water and sewer technical reports by the City Engineer or designee.

PROPOSED MOTION:

I move that the City Council accept the findings and **ADOPT** the Ordinance approving Application PL-14-0224, a request to rezone approximately 17.08 gross acres from AG (Agricultural) to C-3 Freeway Commercial, subject to three (3) conditions of approval, as recommended by the Planning Commission.

ATTACHMENTS:

Description

[Exhibit A – Vicinity Map](#)

[Exhibit B – General Plan Land Use Map](#)

[Exhibit C – Zoning Vicinity Map](#)

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

[Exhibit E - Zoning Ordinance Section 3 Commercial Districts](#)

[Exhibit F - Citizen Participation/Outreach Report](#)

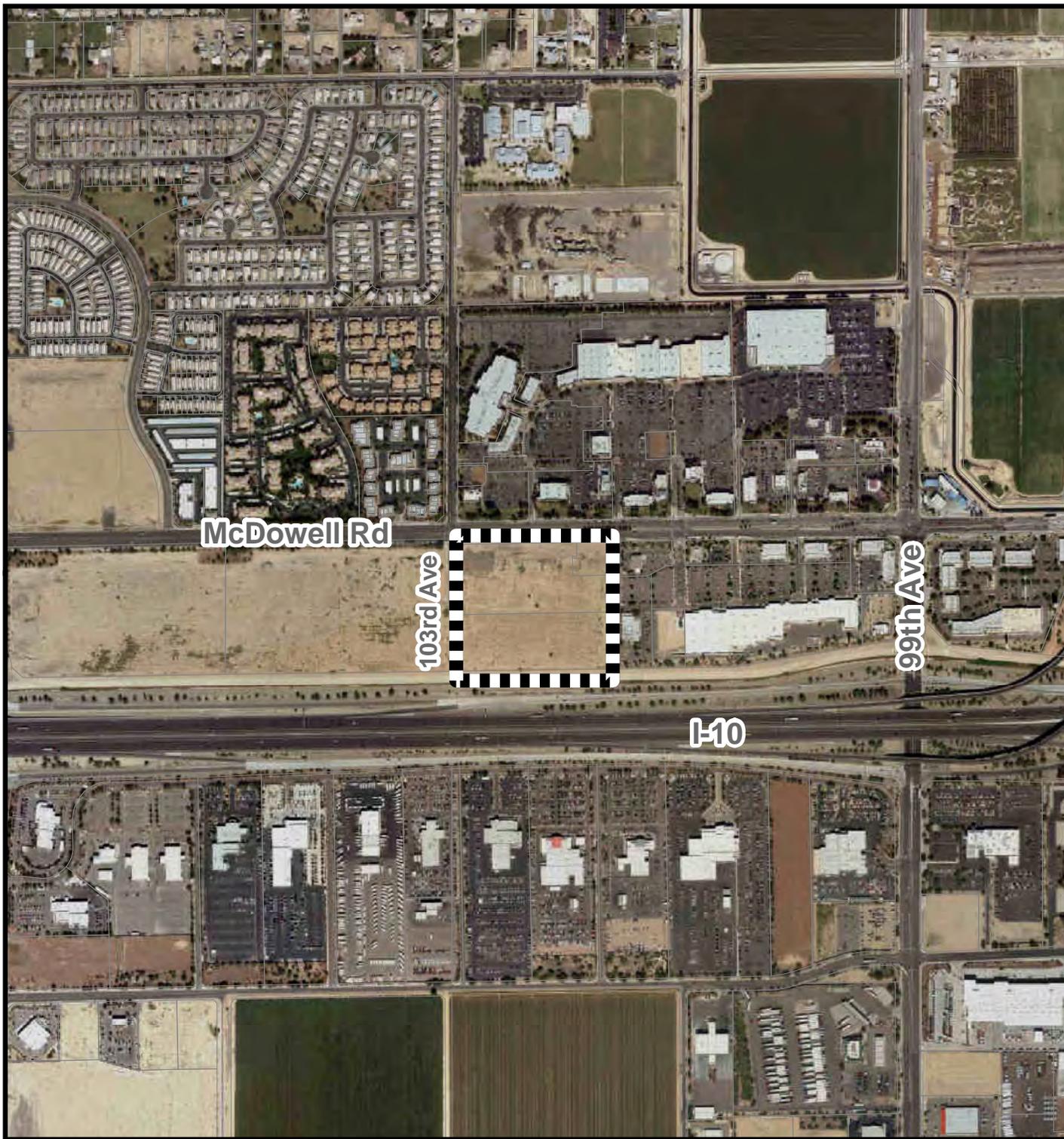
[Exhibit G – Rezoning Narrative Report](#)

[Exhibit H - Excerpt of Draft Planning Commission Meeting Minutes \(January 15, 2015 Meeting\)](#)

[Ordinance 1571-215](#)

PROJECT MANAGER

Robert Gubser, AICP, Planning Manager (623) 333-4015

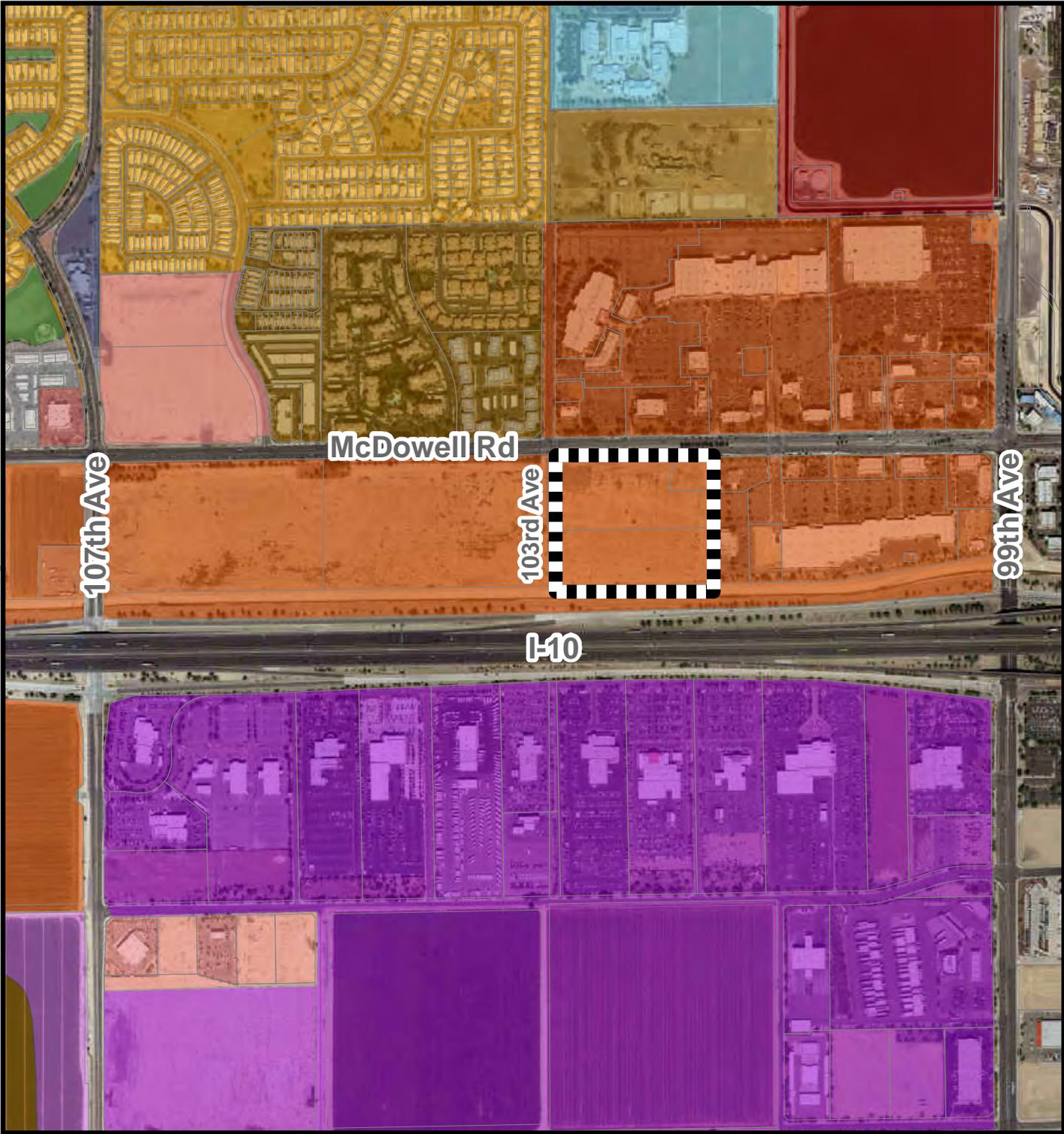


2014 Aerial Photograph



Subject Property





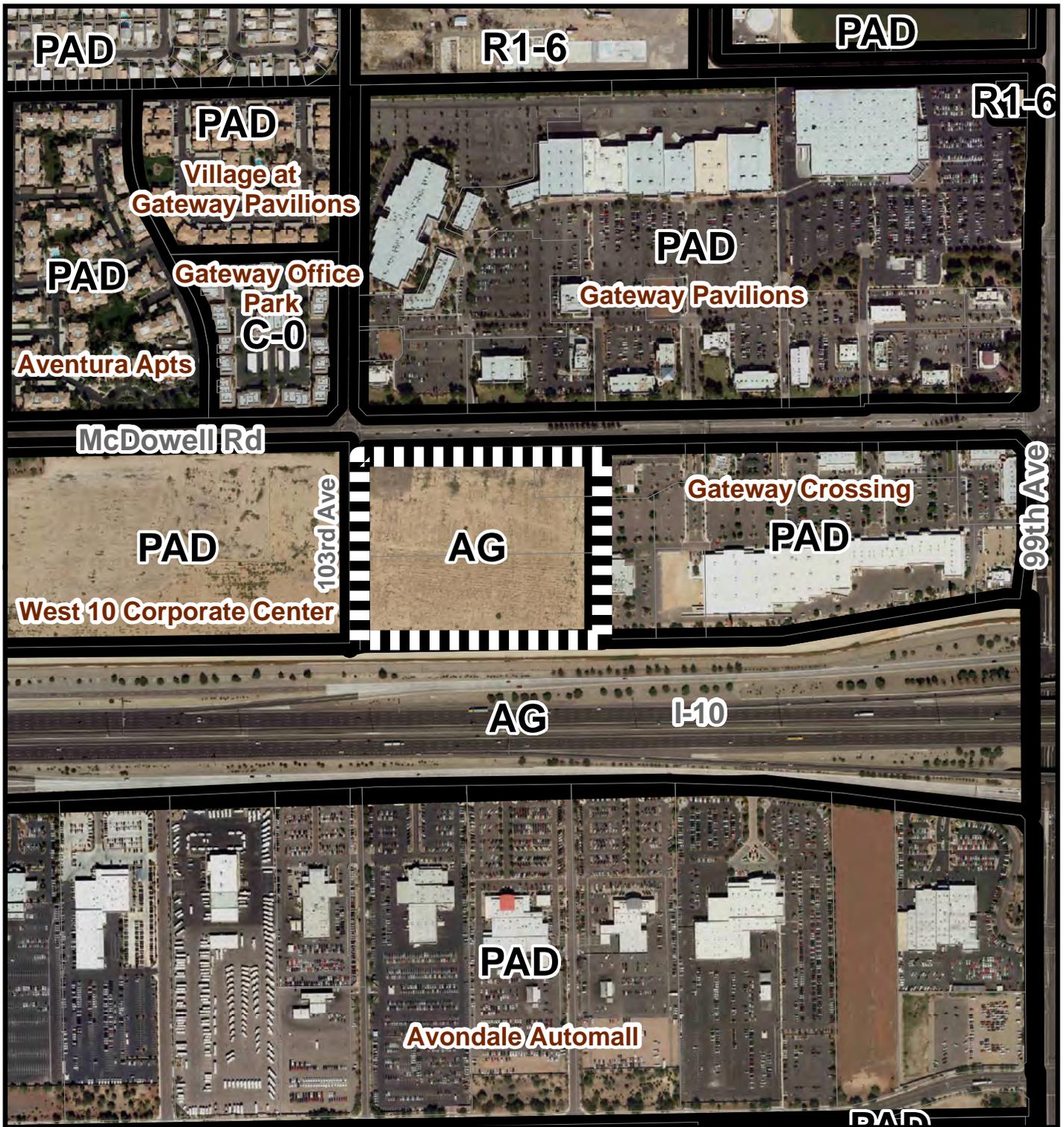
2012 General Plan

Legend

- Medium Density Residential
- Local Commercial
- High Density Residential
- Freeway Commercial
- Urban Commercial
- Business Park



Subject Property



Zoning Map



Subject Property



*SUMMARY OF RELATED FACTS
APPLICATION PL-14-0224*

<i>THE PROPERTY</i>	
PARCEL SIZE	17.08 Gross Acres / 15.01 Net Acres
LOCATION	Southeast corner of 103 rd Avenue and McDowell Road.
PHYSICAL CHARACTERISTICS	Relatively flat, rectangular shaped development site.
EXISTING LAND USE	Vacant
EXISTING ZONING	Agriculture (AG)
ZONING HISTORY	The parcels were reverted to AG in 2005 after being a part of a larger 41 acre rezone to Planned Area Development that was only partially developed (Gateway Crossing).
DEVELOPMENT AGREEMENT	None

<i>SURROUNDING ZONING AND LAND USE</i>	
NORTH	Commercial (Shopping Center), zoned PAD (Gateway Pavilions)
EAST	Commercial (Shopping Center), zoned PAD (Gateway Crossing)
SOUTH	Interstate 10, then the Avondale Automall
WEST	Vacant, zoned PAD (Parkland)

<i>GENERAL PLAN AND FREEWAY CORRIDOR SPECIFIC PLAN</i>	
Designated by General Plan land use map as Freeway Commercial; the subject parcel also falls within the boundaries of the Freeway Corridor Specific Plan but does not contain a minimum floor-area-ratio (FAR).	

<i>PUBLIC SCHOOLS</i>	
SCHOOL DISTRICT(S)	Pendergast Elementary and Tolleson Union High School
ELEMENTARY SCHOOL	Rio Vista Elementary School
HIGH SCHOOL	Tolleson Union High School

<i>STREETS</i>

103rd Avenue	
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Classification	Minor Collector
Existing half street ROW	40 Feet
Standard half street ROW	40 Feet
Existing half street improvements	One traffic lane with a center turn lane, curb, gutter, and attached sidewalk.
Standard half street improvements	One traffic lane with center turn lane, curb, gutter, attached sidewalk, landscaping and street lights.

McDowell Road	
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Classification	Arterial
Existing half street ROW	65 Feet
Standard half street ROW	65 Feet
Existing half street improvements	Three traffic lanes with a center median/turn lane, curb, and gutter.
Standard full street improvements	Three traffic lanes with center median/turn lane. Curb, gutter, detached sidewalk, landscaping and street lights.

<i>Utilities</i>	
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15” sanitary sewer runs along the entire McDowell Road frontage.

12” waterline that spans the McDowell Road frontage.

Exhibit E

**City of Avondale Zoning Ordinance
Section 3 – Commercial Districts**

SECTION 3 COMMERCIAL DISTRICTS

301 Purpose and Intent

Commercial districts provide activity centers with shopping and services, employment for local residents and additional revenue to strengthen the City's economic base. Commercial zoning standards are intended to ensure convenience, safety, positive community image, variety in retail uses, commerce and office development that enhances the citizens' quality of life. Zoning classifications include classifications for (i) offices, (ii) neighborhood, community and regional businesses and (iii) unique commercial uses found in the City's traditional commercial area. Use intensities and site development criteria are intended to mitigate impact on, as well as maintain compatibility with adjacent residential areas.

302 Standard Commercial Districts Statements of Purpose

The following standard commercial districts are established:

- A. Residential Office (R-O). The purpose of the Residential Office (R-O) district is to promote professional and administrative services and live-work uses on small parcels located between higher intensity commercial and multi-use zones and residential zones. Residential Office is most appropriate in and around traditional single-family and multi-family residential developments.
 - 1. Encourage a low-intensity environment for office uses at a residential scale.
 - 2. Provide an appropriate transition from single-family residential uses to multi-family residential and non-residential uses.
 - 3. Support the adaptive reuse of residential structures with direct access to collector and arterial streets for limited office uses.
 - 4. Encourage development that is consistent with the policies and the guidelines established in any specific plan and the General Plan.

- B. Commercial Office District (C-O). The purpose of the Commercial Office (C-O) district is to provide an environment desirable for and conducive to development of office and related uses, as well as certain other kinds of uses which assure compatibility with office uses and/or the residential districts that often may abut the C-O district.
 - 1. Provide an environment for office park development with maximum heights as prescribed by General Plan, Freeway Corridor Specific Plan, and North Avondale Specific Plans.
 - 2. Provide an area for high-quality employment uses in a campus setting as presented in the Employment designation in the General Plan.
 - 3. Allow uses that are compatible with an office park that act as support for the uses within the office park.

4. Serve to provide a transition from more intensive to less intensive uses, usually between commercial and residential districts.
 5. Encourage development that is consistent with the policies and the guidelines established in any specific plan and the General Plan.
- C. Neighborhood Commercial District (C-1). The purpose of the Neighborhood Commercial (C-1) district is to accommodate retail and service establishments satisfying the everyday needs of consumers residing in adjacent neighborhoods.
1. Provide for neighborhood commercial centers with a trade area limited generally to adjacent and nearby neighborhoods.
 2. Act as the primary type of neighborhood commercial development.
 3. Be located at the intersection of arterial streets with at least one (1) property line directly abutting a residential zone.
 4. Have users that generally do not exceed seventy thousand (70,000) gross building square feet.
 5. Encourage development that is consistent with the policies and the guidelines established in any specific plan and the General Plan.
- D. Community Commercial District (C-2). The purpose of the Community Commercial (C-2) district is to accommodate development of commercial complexes providing goods and services to a community-wide trade area.
1. Encourage commercial centers that are planned, developed and managed as integrated complexes with individual users.
 2. Be located so that primary driveways access arterial streets.
 3. Include users with a building square footage up to two hundred thousand (200,000) gross building square feet.
 4. Encourage development that is consistent with the policies and the guidelines established in any specific plan and the General Plan.
- E. Freeway Commercial District (C-3). The purpose of the Freeway Commercial (C-3) district is to promote freeway-oriented services and products with a community-wide to regional trade area while avoiding the disruption of less intensive commercial activities. This zone district is most appropriate along major arterial streets or along or near freeways.
1. Provide an area for large-scale commercial developments while avoiding the disruption of less intensive residential or commercial activities.

2. To create an environment for uses that generally can produce amounts of noise, traffic, and other adverse effects and are of a size that are not compatible with residential development or less intense office and commercial development.
3. Encourage commercial centers that are planned, developed and managed as integrated complexes with individual users.
4. Include users with a building square footage in the range greater than two hundred thousand (200,000) gross square feet.
5. Encourage development that is consistent with the policies and the guidelines established in any specific plan and the General Plan.

303 Land Use Matrix

The following land use matrix shows the uses, which are permitted outright (P), permitted with a conditional use permit (C), permitted with conditions (PC), permitted as accessory uses (A) or prohibited (-) in specific commercial zoning districts in the City of Avondale. The land use matrix is intended to serve as a guide for the convenience of the user of this Zoning Ordinance. Where the text of this Zoning Ordinance differs from the land use matrix, the text shall prevail.

LAND USE	R-O	C-O	C-1	C-2	C-3
Adult day care	C	C	C	-	-
Amusement parks, outdoor	-	-	-	-	C
Antique Store	-	-	P	P	P
Appliance service and repair	-	-	-	P	-
Aquarium	-	-	-	-	C
Art gallery	P	-	-	P	P
Art studio	P	-	C	P	P
Assisted living facility	C	C	-	-	-
Automobile rental facility with no on-site storage	P	P	P	P	P
Automobile rental facility with on-site storage	-	-	-	PC	PC
Automobile service and diagnostic facility	-	-	-	PC	PC
Automobile, boat, recreational vehicle, or motorcycle, sales and/or leasing	-	-	-	PC	PC
Banks and financial institutions without drive-through, excluding non-chartered financial institutions	-	PC	P	P	P
Bar	-	-	-	PC	PC
Barber shop	-	-	P	P	P
Beauty salon	-	-	P	P	P
Bingo Hall	-	-	-	-	P
Body piercing studios	-	-	-	C	-
Bowling alley	-	-	-	P	P
Brewery, ancillary to a bar or restaurant	-	-	-	P	P
Bus terminals	-	-	-	-	P
Car wash, accessory to a gas station	-	-	-	A	A

LAND USE	R-O	C-O	C-1	C-2	C-3
Car wash, self-service	-	-	-	C	-
Caretakers quarters	A	A	A	A	A
Child care center	-	C	C	C	C
Cigar Bar/tobacco lounge/smoke shop	-	-	-	C	C
Clothing alteration, custom dressmaking or tailor shop	-	-	P	P	P
College or university	-	-	-	-	PC
Commercial racetrack, outdoor	-	-	-	-	C
Commercial sporting complexes	-	-	-	-	C
Community garden, one acre or less	P	-	P	P	-
Concert facilities, outdoor	-	-	-	-	C
Consignment shops	-	-	P	P	P
Contractor facility with retail sales	-	-	-	-	P
Contractor storage yard	-	-	-	-	C
Convention centers and exhibition halls	-	-	-	-	P
Dance studio	-	-	P	P	P
Drive-through uses, including restaurants and financial institutions	-	-	PC	PC	PC
Dry cleaning and laundry establishment, pick-up and drop-off only	-	-	P	P	P
Emergency medical care facility	-	P	P	P	P
Employment agencies excluding day labor	-	P	P	P	P
Equipment sales and rental	-	-	-	-	P
Funeral Home	PC	-	-	P	P
Gas station with or without convenience store and/or car wash	-	-	-	C	C
Health and exercise center	-	-	PC	P	P
Hospitals	-	-	-	P	P
Hotel or motel	-	-	-	P	P
Ice skating rink, indoor	-	-	-	P	P
Indoor commercial recreation/entertainment uses not otherwise listed	-	-	-	P	P
Laundromat, self-service	-	-	P	P	-
Libraries	-	-	P	P	P
Liquor stores	-	-	-	C	-
Massage therapy (medical)	P	P	P	P	P
Massage or day spa	-	-	P	P	P
Medical, dental or health offices, clinics and laboratories, excluding plasma centers and medical marijuana uses.	P	P	P	P	P
Museum and cultural centers	-	-	-	P	P
Mini-storage warehouses and personal storage	-	-	-	C	-
Movie theater, indoor	-	-	-	P	P
Music studio	-	-	P	P	P
Nail salon	-	-	P	P	P

LAND USE	R-O	C-O	C-1	C-2	C-3
Night Club	-	-	-	C	PC
Non-chartered financial services	-	-	-	C	-
Outdoor commercial recreational/entertainment uses not otherwise listed	-	-	-	-	C
Outdoor Dining	-	-	A	A	A
Pawn shop	-	-	-	C	-
Pet boarding and day care facility	-	-	-	PC	PC
Photographic developing and printing studio	-	-	P	P	P
Places of worship	P	P	P	P	P
Plant nursery	-	-	-	-	P
Plasma centers	-	-	-	C	-
Pre-schools and similar uses	-	-	C	C	-
Professional offices	P	P	P	P	P
Public service and non-profit community uses	-	C	C	C	-
Public uses	P	P	P	P	P
Public utility buildings, structures, uses, facilities and equipment	PC	PC	PC	PC	PC
Real Estate office	P	P	P	P	P
Reception centers	-	-	-	C	P
Rehabilitation facilities and hospitals, excluding facilities for substance abuse and detoxification	-	-	-	P	P
Residential, upper floor	P	C	-	C	C
Resorts	-	-	-	P	P
Restaurants, without drive-through	-	C	P	P	P
Retail sales of new merchandise within enclosed buildings, excluding liquor stores	-	-	P	P	P
Retail/wholesale sales of lumber, landscaping and building materials, excluding outdoor storage	-	-	-	-	PC
Rodeo grounds, outdoor	-	-	-	-	C
Roller rink, indoor	-	-	-	P	P
School, business, technical, or vocational	-	P	-	-	-
Shooting range, indoor	-	-	-	C	C
Sidewalk Café	-	-	A	A	A
Social/private clubs	-	-	PC	PC	PC
Specialty retail, indoor, excluding liquor stores	-	-	P	P	P
Specialty services	-	P	P	P	P
Stadiums	-	-	-	-	C
Substance abuse treatment centers	-	C	-	-	-
Substance abuse detoxification centers	-	C	-	-	-
Surplus store	-	-	-	P	-
Swimming club, outdoor	-	-	-	-	C
Tanning salon	-	-	P	P	P
Tattoo parlors	-	-	-	C	-
Theater, excluding movie theaters	-	-	C	P	P
Thrift store	-	-	PC	PC	-

LAND USE	R-O	C-O	C-1	C-2	C-3
Ticket and travel agency	P	P	P	P	P
Tire sales, repair and mounting	-	-	-	PC	PC
Truck stop, including wash	-	-	-	-	C
Truck, trailer and equipment rental	-	-	-	C	P
Veterinary hospital, offices and clinics, excluding animal boarding	-	-	PC	PC	PC
Video arcade or game room	-	-	-	P	P
Video Rental	-	-	P	P	P
Wine Bar	-	-	-	PC	PC
Zoo	-	-	-	-	C

- P = Permitted Use
- C = Conditional Use Permit required
- PC = Permitted with Conditions
- A = Accessory Use
- = Not Permitted

304 Uses Permitted With Conditions

The following land uses are listed in the 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 review, staff may add additional conditions of approval deemed necessary to protect the health, safety, and public welfare.

- A. Automobile, boat, recreational vehicle, or motorcycle sales and/or leasing is allowed in certain commercial zone districts provided that:
 1. No more than six (6) vehicles shall be stored on site in association with an office location that is part of a commercial center, or commercial complex that includes retail uses.
 2. Vehicle storage shall be limited to paved areas and shall not occupy required parking spaces or drive aisles.
 3. Accessory uses, such as vehicle washing, refueling stations, and minor maintenance garages, may be allowed on site only if such uses are screened from offsite view and are not used by the general public. Such uses shall be designed and sited as to limit the noise impacts to surrounding properties.

- B. Automobile rental facility with on-site storage is allowed in certain commercial zone districts provided that:
 1. No more than six (6) vehicles shall be stored on site in association with an office location that is part of a commercial center, or commercial complex that includes retail uses.

2. Vehicle storage shall be limited to paved areas and shall not occupy required parking spaces or drive aisles.
 3. Accessory uses, such as vehicle washing, refueling stations, and minor maintenance garages, may be allowed on site only if such uses are screened from offsite view and are not used by the general public. Such uses shall be designed and sited as to limit the noise impacts to surrounding properties.
 4. Storage of vehicles shall be screened from offsite view by a three (3) foot or taller screen wall.
- C. Automobile service and diagnostic facility is allowed in certain commercial zone districts provided that:
1. Where the site or use abuts or adjoins any residentially zoned property or use, there shall be a solid screen wall at least six (6) feet in height constructed according to the City of Avondale Design Manuals, with a minimum twenty (20) foot landscaping buffer inside the wall adjacent to the residentially zoned property or use.
 2. Buildings shall be sited to ensure that garage bay doors do not face public streets or are immediately adjacent to residentially zoned property or uses.
- D. Banks and financial institutions without drive-through, excluding non-chartered financial institutions are allowed in certain commercial zone districts provided that:
1. Banks and financial institutions included within an office building shall not occupy more than twenty five (25) percent of the gross floor area.
- E. Bars are allowed in certain commercial zone districts provided that:
1. The exterior building wall of a bar shall not be located within one thousand three hundred twenty (1,320) feet of the exterior property lines of a public or private school, church, or other bar, night club, or wine bar.
 2. Exits and entrances to a bar shall not be located within three hundred (300) feet of a residential district or use.
 3. Closing time for dance floors or other accessory uses to a bar shall coincide with the closing time for the bar.
- F. Colleges or universities are allowed in certain commercial zone districts provided that:
1. Colleges and universities shall be developed as a campus or park development, rather than as or within a shopping center.
- G. Drive-through uses, including restaurants and financial institutions are allowed in certain commercial zone districts provided that:
1. Payment and/or pick-up windows shall not face streets.

2. Drive-through lane canopies shall be included covering any payment or pick-up windows. Canopies shall be fully architecturally integrated in to the building consistent with the requirements of the Design Manuals.
 3. Portions of a drive-through lane that are adjacent to a street shall be screened from view by a minimum three (3) foot tall masonry wall.
 4. Speaker boxes shall be located a minimum of seventy (70) feet from any residentially zoned property or residential use.
 5. Drive-through lane queuing length shall be approved in accordance with a traffic study as approved by the City Engineer.
- H. Funeral homes are allowed in certain commercial zone districts provided that:
1. Sites shall be designed such that parking, circulation, and access will not adversely affect adjacent or nearby residentially zoned property or residential use.
- I. Health and exercise centers are allowed in certain commercial zone districts provided that:
1. Health and exercise centers located within neighborhood shopping centers shall be limited to no larger than seven thousand (7,000) square feet in area.
- J. Night clubs are allowed in certain commercial zone districts provided that:
1. The exterior building wall of a bar shall not be located within one thousand three hundred twenty (1,320) feet of the exterior property lines of a public or private school, or other bar, night club, or wine bar.
 2. Exits and entrances to a night club shall not be located within three hundred (300) feet of a residential district or use.
 3. Closing time for dance floors or other accessory uses to a night club shall coincide with the closing time for the night club.
- K. Pet boarding and day care facilities, excluding any outdoor exercise/play areas, are allowed in certain commercial zone districts provided that:
1. All activities shall be conducted entirely within enclosed buildings.
 2. Buildings shall be constructed in a manner that limits exterior noise from activities inside the building to a maximum of forty five (45) DBA measured at the exterior building wall. A statement from a registered architect to this effect is required at the time of construction plan submittal.
 3. Buildings shall be setback a minimum of one hundred (100) feet from any residential district.
 4. Solid animal waste must be bagged separately from other refuse.

- L. Pet boarding and day care facilities, including any outdoor exercise/play areas, are allowed in certain commercial zone districts provided that:
1. Direct access shall not be provided from animal housing units to the outside of the building.
 2. Buildings shall be constructed in a manner that limits exterior noise from activities inside the building to a maximum of forty five (45) DBA measured at the exterior building wall. A statement from a registered architect to this effect is required at the time of construction plan submittal.
 3. Outdoor walks and exercise must take place within specified play/exercise areas.
 4. Animals must be supervised by a facility employee at all times when in an outdoor play/exercise area.
 5. Animals shall not be allowed outside between the hours of 7:00 p.m. and 7:00 a.m.
 6. Buildings shall be set back a minimum of one hundred (100) feet from any residential district.
 7. Outdoor play/exercise areas shall be set back a minimum of two hundred fifty (250) feet from any residential district.
 8. A solid block wall with a minimum height of eight (8) feet shall enclose the perimeter of any outdoor play/exercise area.
 9. Animal waste shall be removed from outdoor play/exercise areas every five (5) hours during time periods when these areas are in use.
 10. Solid animal waste must be bagged separately from other refuse.
- M. Public utility buildings, structures, uses, facilities and equipment are allowed in certain commercial zone districts provided that:
1. Sites shall be screened from off-site view by a minimum six (6) foot tall masonry wall. Screen wall may be required to be eight (8) foot tall as determined by staff. All screen walls shall comply with wall standards set forth in the Design Manuals.
- N. Retail/wholesale sales of lumber, landscaping and building materials, excluding outdoor storage is allowed in certain commercial zone districts provided that:
1. All pick-up areas, loading and unloading areas, and truck wells shall be screened from off site by a minimum six (6) foot masonry wall. All screen walls shall comply with the wall standards set forth in the Design Manuals.

- O. Social/Private Club is allowed in certain commercial zone districts provided that:
1. Any restaurant or bar operated in connection with a social/private club shall be an integral part of a principal building, shall have no public entrance except from within the building and shall make no exterior display or advertising of any commercial activity, however incidental.
- P. Thrift stores are allowed in certain commercial zone districts provided that:
1. Outdoor donation bins shall be prohibited.
 2. Signage shall be required on site clearly stating that after-hours drop-off is prohibited.
 3. Loading and unloading areas shall not face or be visible from public streets or primary drive aisles.
 4. Garage bay doors shall be closed except during drop-off or pick-up of items.
 5. All activities, including collection, storage, sorting, and processing, shall occur within a fully enclosed building.
 6. Collection areas inside the store shall be secured from public access during non-business hours.
 7. Large or bulk items not capable of being discarded in a garbage enclosure shall be stored inside the building until the arrival of a removal service.
- Q. Tire sales, repair and mounting facilities are allowed in certain commercial zone districts provided that:
1. Where the site or use abuts or adjoins any residentially zoned property or use, there shall be a solid screen wall at least six (6) feet in height constructed according to the City of Avondale Design Manuals, with a minimum twenty (20) foot landscaping buffer inside the wall adjacent to the residentially zoned property or use.
 2. Buildings shall be sited to ensure that garage bay doors do not face public streets or are immediately adjacent to residentially zoned property or uses.
- R. Veterinary hospital, offices and clinics, excluding animal boarding are allowed in certain commercial zone districts provided that:
1. Clinic activities shall be restricted to the medical care and treatment of small animals during regular office hours. The confinement of such animals on the premises shall be limited to essential and occasional overnight care and shall be entirely within enclosed structures. The boarding and breeding of animals shall be prohibited.
 2. Clinics shall be constructed to be completely contained as to prevent emission of any noise or odor.

3. Outdoor runs or exercise pens shall be prohibited unless approval from the Zoning Administrator or designee is obtained prior to site plan submittal. Additionally, no outdoor runs, pens or enclosures shall be located closer than one hundred (100) feet to any street, residential district or existing restaurant, hotel or motel.
- S. Wine bars are allowed in certain commercial zone districts provided that:
1. The exterior building wall of a bar shall not be located within one thousand three hundred twenty (1,320) feet of the exterior property lines of a public or private school, or other bar, night club, or wine bar.
 2. Exits and entrances to a wine bar shall not be located within three hundred (300) feet of a residential district or use.
 3. Closing time for dance floors or other accessory uses to a wine bar shall coincide with the closing time for the wine bar.

305 Conditional Use Development Standards

The following land uses are listed in the land use matrix as being allowed with a Conditional Use Permit. All uses being granted a Conditional Use Permit shall comply with the conditions listed below for the individual uses, if applicable. 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.

- A. Gas stations with or without convenience stores may be permitted as conditional uses in certain commercial districts, provided that:
1. Facilities for tire changing and repair, polishing, lubing, washing and minor repair and servicing of motor vehicles shall be entirely within an enclosed building. Body repair, engine rebuilding, bumping, painting, vehicle or trailer rental and general sales of auto parts shall be expressly prohibited.
 2. Paved areas shall be reduced to the smallest area commensurate with efficient operation and function of the site. All unpaved areas shall be maintained in turf or landscaping.
 3. The site has minimum frontage of one hundred fifty (150) feet on one (1) arterial street.
 4. The design of all buildings shall meet City of Avondale Design Manuals and be compatible with the existing and anticipated surrounding development. In addition, the roofline and the architecture of the canopies shall be stylistically consistent with the other buildings on the site and shall not exceed one hundred fifty (150) lineal feet on any side.
 5. All canopies, accessory equipment and fuel pump mechanisms shall meet the principal building setback requirements of the applicable zone.

6. Service and car wash bays shall not face residential properties or public streets unless entirely screened in a method acceptable to the Zoning Administrator or designee.
- B. Night Clubs may be permitted as a conditional use in certain commercial districts, provided that:
1. The exterior building wall of a nightclub that sells beer or intoxicating liquor on the premises for consumption on the premises shall not be located within one thousand three hundred twenty (1,320) feet of the exterior property lines of a public or private school, church or other bar, night club, or wine bar.
- C. Reception centers may be permitted as conditional uses in certain commercial districts provided that:
1. Any restaurant or bar operated in connection with a reception center shall be an integral part of a principal building, shall have no public entrance except from within the building and shall make no exterior display or advertising of any commercial activity, however incidental.
- D. An assisted living facility, or similar use may be permitted as a conditional use in certain commercial districts, provided that no such facility is located on a lot with a property line within one thousand, three hundred twenty (1,320) feet, measured in a straight line in any direction, of the lot line of another facility or group home.
- E. Mini-storage warehouses may be permitted as a conditional use in certain commercial districts provided that:
1. Doors of the storage areas shall not front or face onto any public street or residential use.
 2. Only indoor storage shall be permitted and there shall be no sale or rental of goods, materials or other tangible or intangible property from the facility or any part thereof and there shall be no activities conducted on the premises whether related to the stored items or otherwise. The sale of insurance by the operator on goods stored therein or the sale therein or the sale by the operator of items used in connection with the storage of goods at the site shall not be prohibited.
 3. No hazardous or flammable materials, as defined in the Avondale Building Code, shall be stored in such facility.
 4. Any structure may be exempt from side and rear yard setbacks, provided, that in all cases where the conditional use abuts any residential district on its side or rear lot lines, there shall be a side yard of not less than twenty five (25) feet and a rear yard of not less than twenty five (25) feet.
 5. A wall with a minimum height of six (6) feet and a landscaping area a minimum of twenty (20) feet wide, all as approved by the Zoning Administrator, shall be constructed on the side and/or rear property lines.

- F. Body piercing studios, tattoo parlors, non-chartered financial services, pawnshops, liquor stores, cigar bars/tobacco lounges/smoke shops and plasma centers may be permitted as a conditional use in certain commercial districts provided that:
1. The minimum separation between any of the above-listed uses shall be one thousand three hundred twenty (1,320) feet, measured in a straight line from the nearest property line of each property.
 2. The above-listed uses shall not be located within one thousand three hundred twenty (1,320) feet of a sexually oriented business as defined by Section 10, bar, night club, or wine bar.
 3. The minimum separation required for the above uses shall apply regardless of whether the other use is located within the incorporated area of the City of Avondale or another jurisdiction.

306 Commercial Development Standards

The following development standards shall apply to all commercial developments zoned R-O, C-O, C-1, C-2, or C-3, except if otherwise noted above.

- A. All activities, except as otherwise permitted herein, shall be conducted entirely within enclosed buildings.
- B. Outdoor storage of goods and materials shall be prohibited.
- C. Warehousing or indoor storage of goods or material beyond that normally incidental to permitted uses shall be prohibited.
- D. All new buildings and uses of land or substantial additions to or remodeling of existing buildings/uses shall be subject to site plan review in accordance with Section 107.
- E. The following table outlines the minimum development standards within each district. Yard, height, and area requirements in excess of these minimum standards may be required in accordance with the design standards outlined in the Zoning Ordinance, conditions required of conditional use permits or uses permitted with conditions, and/or the Design Manuals:

	R-O	C-O	C-1	C-2	C-3
Minimum Lot Width	45'	60'	None	None	None
Minimum Site Depth	100'	100'	None	None	None
Maximum Lot Coverage	35%	35%	None	None	None
Maximum Building Height	30'	30'	30'	30'	40'
Front Setback	20'	20'	20'	20'	20'
Street Setback	20'	20'	20'	20'	20'

	R-O	C-O	C-1	C-2	C-3
Rear Setback	20'	20'	20'	20'	20'
Side Setback	20'	15'	15'	15'	20'
Parking Setback	10'	20'	30'	30'	30'
Interior Setback	15'	15'	None	None	None
Setback from a Residential District or Use *	1' per 1' bldg. height	1' per 1' bldg. height	1' per 1' bldg. height	50'	100'
Parking Setback from Residential District or Use*	25'	25'	25'	25'	25'
Maximum Accessory Structure Height	15'	15'	15'	15'	15'

* Not applicable to manufactured home parks.

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.

Citizen Participation/Outreach Summary Report

Citizen Participation/Outreach Summary Report – December 23, 2014**Case No. PL-14-0224****Southeast Corner of McDowell Road and 103rd Avenue**REQUEST

Vintage Partners has submitted a request for approval of the rezoning of approximately 17.1 gross acres of undeveloped land located at the southeast corner of McDowell Road and 103rd Avenue, in the City of Avondale, Arizona (the “Property”) from AG to C-3 under Case No. PL-14-0224 (the “Rezoning”). This report provides the City of Avondale with an update as to the applicant’s Citizen Participation/Outreach efforts as required by the City.

REPORT

The following summarizes the efforts and results thus far:

- On December 4, 2014, Bergin, Frakes, Smalley & Oberholtzer, PLLC, mailed the required Neighborhood Meeting invitation letter to 13 property owners within 500-feet of the Property (as provided by the Maricopa County Assessor). The letter advised the recipients of the proposed Rezoning application and neighborhood meeting details.
- On December 4, 2014, a sign was posted on the Property, providing notification of the neighborhood meeting and also providing notice of a public hearing on the Rezoning before the Avondale Planning Commission at 6:30 p.m. on January 15, 2015, at Avondale’s City Hall.
- On December 5, 2014, notification of the neighborhood meeting was published in the West Valley View.
- A neighborhood meeting was held on Monday, December 22, 2014, at 6:00 PM at Avondale’s City Hall in the Mojave Conference Room.
- Three persons attended the neighborhood meeting: Mr. David Scholl of Vintage Partners, Ms. Carolyn Oberholtzer of Bergin, Frakes, Smalley & Oberholtzer PLLC, and Mr. Robert Gubser of the Avondale Planning Division (see enclosed Sign-In Sheet). Due to lack of attendance by members of the public, the neighborhood meeting adjourned at 6:45 p.m.
- To date, neither Mr. Scholl nor Ms. Oberholtzer have received calls or correspondence from any member of the public regarding the Rezoning.

Neighborhood Meeting Sign-In Sheet

Vintage Partners - SE Corner of McDowell Rd. and 103rd Ave.

Rezoning (Application Number PL-14-0224)

Neighborhood Meeting - Monday, December 22, 2014 @ 6:00 PM

Avondale City Hall - Mohave Room

11465 W. Civic Center Drive, Avondale, 85323

Name	Address	City & Zip Code	Phone/E-Mail
David Scholt	2502 E Camelback Suite #214 Phoenix, AZ 85016	Phx 85016	602-459-9824
Carolyn Oberholzer	4455 E Camelback Road A-905	Phx 85018	602-888-7860
Robb Buisson	City of Avondale		623 333 4015

Exhibit G

Rezoning Narrative Report

Gateway Village



VINTAGE
P A R T N E R S

*Zone Change Request
SEC of McDowell Rd & 103rd Ave*

Developer:

Vintage Partners
2502 EAST CAMELBACK ROAD, Suite 214
PHOENIX, ARIZONA 85016

Applicant/Legal Counsel:

Carolyn K. Oberholtzer
Bergin, Frakes, Smalley & Oberholtzer
4455 East Camelback Road Suite A-205
Phoenix, Arizona 85018

GATEWAY VILLAGE
Rezoning Narrative
Submitted November 20, 2014

I. Purpose of Request

Vintage Partners is excited to submit this rezoning package for approximately 15 acres at the southeast corner of McDowell Road and 103rd Avenue (the “Property”) to change the zoning from the AG District to the C-3 Zoning District, consistent with the Avondale General Plan 2030. Approval of this change will enable this key piece of the existing commercial corridor to develop in concert with the adjacent properties, in line with the City’s visioning documents. Further, the change proposed is necessary to capture the demand for commercial uses to “complete” the Gateway projects that begin at 99th Avenue and McDowell Roads and extend to the east and north of this Property.

II. The Partners

Vintage Partners was formed by 6 veteran real estate principals approximately 4 years ago. Together, these principals have more than a combined 150 years of real estate development experience, having developed some of the most recognized retail centers in this state. Along with this experience come long-term relationships with today’s retailers, restaurateurs, and hospitality and entertainment operators. These relationships led Vintage Partners to conclude that there is significant demand for additional retail, dining, and entertainment uses along the McDowell corridor west of the Loop 101, and just north of the I-10 corridor. Vintage Partners looks forward to working with the City to develop Gateway Village.

III. The Property

The Property is made up of three parcels that have been platted as Lots 1 thru 3 under Book 1022, Page 2 of Maps, Maricopa County Records. Two of those lots form the north 8.5 acres, and a single 6.5 acre parcel lies to the south. See Exhibit A, Property Map. The Property is presently vacant and 103rd Avenue is partially improved on the west. McDowell Road is fully improved along the northern frontage. To the east, the Property aligns perfectly with the Gateway Crossing shopping center and will be planned to compliment the auto and pedestrian circulation patterns that have been established. The Property extends south to the Interstate 10 right-of-way line and is perfectly situated to offer merchants and users visibility to this important corridor. The visual access that the Interstate provides is a benefit, but the lack of physical access associated with the adjacency highlights the importance of cohesively planning the three parcels to capture the best mixture of uses at this location.

A. Relationship to Surrounding Properties

The Property is bordered on the north and east by large scale retail and mixed use entertainment development, with the Gateway Crossing shopping center to the east, and

the Gateway Pavilions entertainment center across McDowell to the north. See Exhibit B, Existing Zoning Map. Just west of the Property, the Park 10 project has been approved for a mixture of hotel, office, and retail/restaurant uses on 43 acres. Consequently, the Property is the last piece to be entitled within the master-planned, commercial development district.

IV. Project Vision/Conformance with City Planning

The City of Avondale has shown great vision in facilitating the regional shopping destination along the McDowell corridor. See Exhibit C, Avondale General Plan 2030 Land Use Map. Through the development of the Gateway projects at 99th Avenue and McDowell Roads, retail merchants, service providers, restaurateurs, and entertainment venues have been precisely organized to create one of the west valley's most efficient shopping destinations. This critical mass continues to be an attractive option for new retailers and those that recognize that they need to be included in this powerful line up. Vintage Partners has had early discussions with merchants and end-users interested in working with this project team on Gateway Village, and provided the demand continues, it is anticipated that construction would commence within months of City zoning and site plan approvals.

A. Project Design

As reflected in the Conceptual Site Plan, the Property may be developed as \pm 200,000 sq. ft. of retail, dining, entertainment, and hospitality destinations. See Exhibit D, Conceptual Site Plan. The uses reflected on the Plan are permitted within the proposed C-3 Zoning District and are consistent with the Freeway Commercial General Plan Category. The site design contemplates concentrated retail and hospitality activities, and will incorporate an attractive streetscape, pedestrian connections, and efficient circulation, consistent with the 2030 Avondale General Plan. See Commercial Land Use Element, Freeway Commercial, Avondale General Plan 2030, page 46. The formal documentation of the Gateway Village vision will occur at the site-planning stage, which will follow this Application.

The eventual site plan will also conform to the applicable provisions of the Avondale Freeway Corridor Plan, adopted in September of 2013 ("AFCP"). The AFCP establishes that this area of the City is regionally significant for commercial purposes and sets forth planning objectives that approval of this rezoning case will serve. For example, development will be oriented to the McDowell Road street frontage to create a street presence and to create an entry gateway for the project as shown on the Conceptual Site Plan. Further, the building massing will be assembled and designed in a manner that will be attractive from the adjacent I-10 Freeway.

V. Access to Public Utilities

A. Water

The City has a 12" water line along the north side of McDowell Road, approximately 21' north of the centerline, and a 16" transmission main just south of that. There are no

existing stubs from the 12" line to serve the Property. In order to get an adequate onsite loop, it is proposed that a tie-in could be made to the existing 12" line within the 103rd Avenue alignment and then bring the line south within the existing right-of-way of 103rd Avenue. Another tie-in is proposed along the east side within the adjacent Gateway Pavilions Shopping center, where an existing stub within a water easement is confirmed at the east property line of Property. Therefore, the onsite private fire line will connect to the aforementioned tie-in points for a loop. The Preliminary Water Report detailing this proposal will be submitted with the Site Plan.

B. Sewer

There is a 15" gravity sewer line running along the entire length of McDowell Road, in the westbound lane, approximately 39' north of the centerline. There is capacity in this line to serve the Property and an existing stub at the 103rd Avenue alignment. The proposal for sewer service will include extending this line south to the Property, whereby the line within 103rd Avenue will be considered a public line up to a convenient location, before the sewer becomes private onsite. The Preliminary Sewer Report will be submitted with the Site Plan.

C. Irrigation

An existing 78" SRP irrigation pipe runs along the entire length of the Property and is situated approximately 4' behind the existing curb on McDowell. It was installed back in 2005 as a part of the Gateway Pavilions Shopping Center. The project team is in discussions with SRP to avoid relocating the pipe. It is possible that provided adequate cover is maintained, SRP may approve small portions of the pipe to end up under new pavement.

VI. Drainage

In accordance with City of Avondale drainage standards, the Property will accommodate the 100yr-2hr retention requirements onsite, including the half-street areas. Preliminary calculations indicate that we will need to provide roughly 138,000 cubic feet (3.16 ac-ft) of volume. Pending further engineering studies, this volume could be provided within surface retentions, if enough land area is made available, in underground large diameter pipes, or a combination of both. All surface basins and/or underground pipes will be drained out via dry wells within 36 hours as required by the drainage standards.

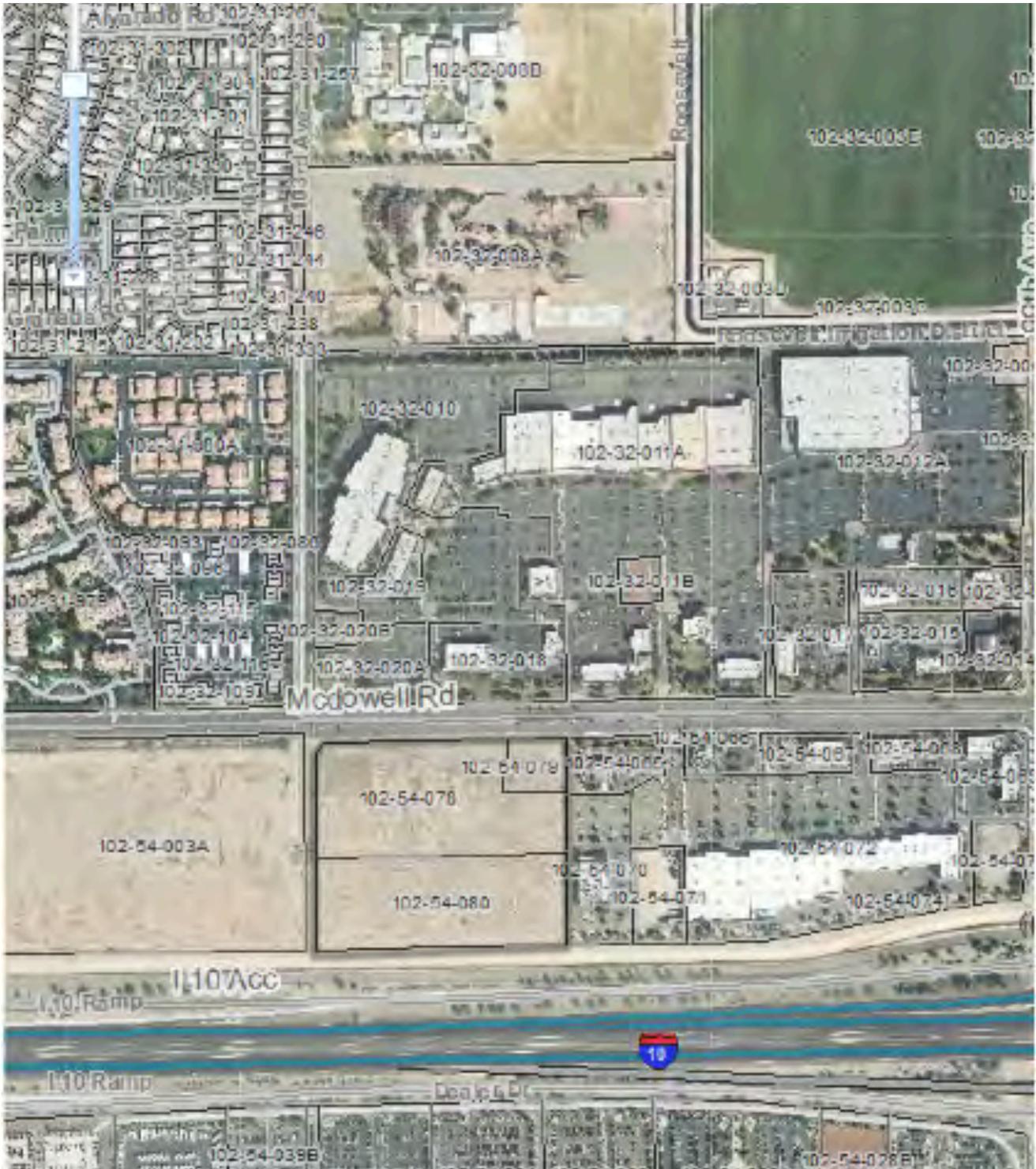
VII. Circulation/Traffic Statement

The Property enjoys access to McDowell Road and 103rd Avenue. Internally, access between the adjacent properties will be maintained to provide for cross-access consistent with the plans for both Gateway Crossing to the east, and the Park 10 project to the west. In conjunction with the Site Plan application, a traffic study will be provided to demonstrate that the circulation network proposed will accommodate the traffic generated

from the project in a manner that maintains the connectivity between the uses in accordance with the City's standards.

VIII. Conclusion

Vintage Partners believes that the retail critical mass that has been established in the McDowell corridor is a powerful asset to the community. Vintage Partners is convinced that Gateway Village is well positioned to create a second western "bookend" for entertainment, dining, retailing, and hospitality destinations. In addition, the vision and land uses we are proposing can contribute to strengthening the City's strategies for attracting employment to this important corridor.

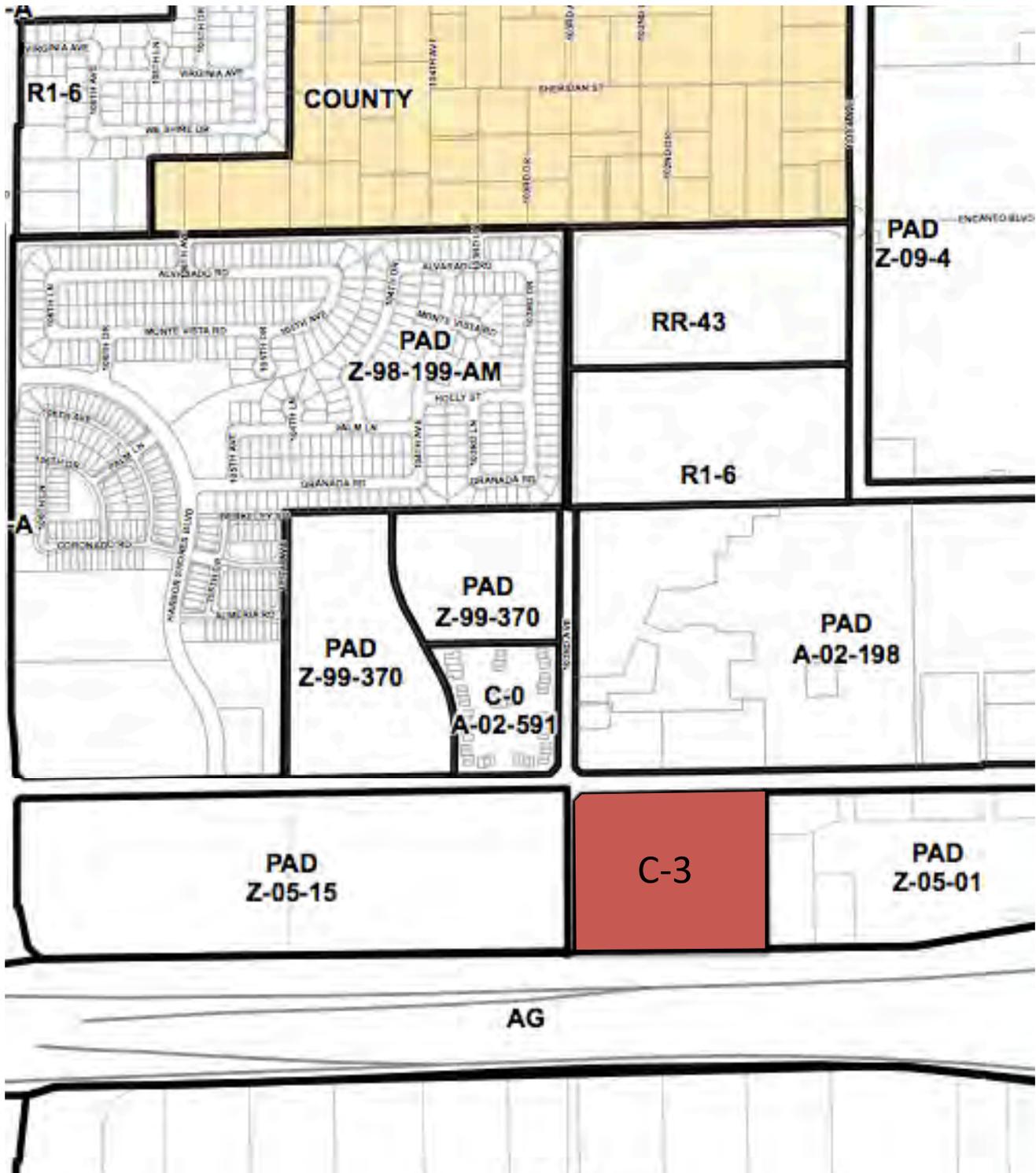


Gateway Village
Zone Change Application
Southeast Corner of
McDowell Rd & 103rd Ave

Property Map

 - Subject Property



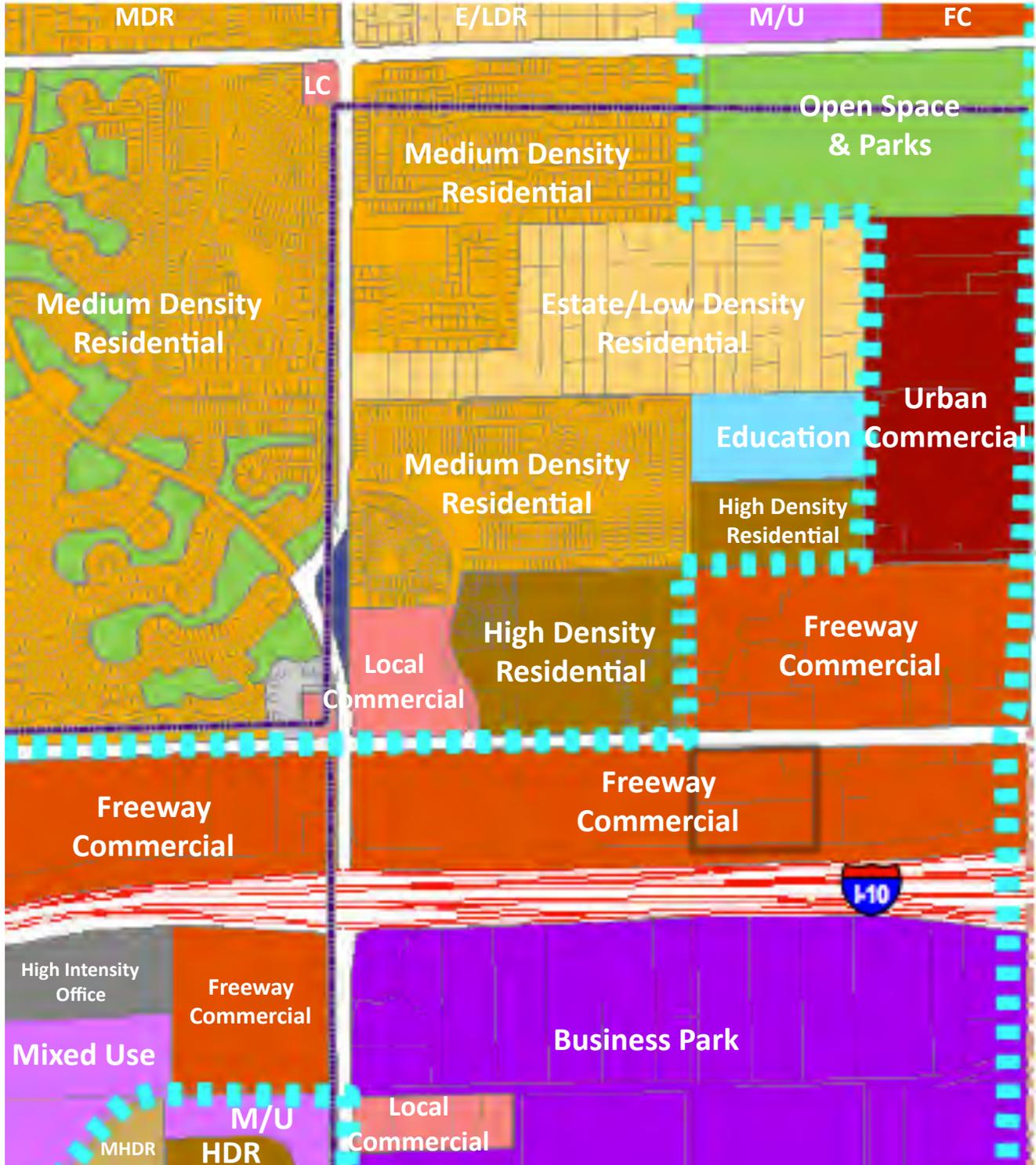


Gateway Village
Zone Change Application
Southeast Corner of
McDowell Rd & 103rd Ave

Existing Zoning Map

 - Subject Property





Gateway Village
Zone Change Application
Southeast Corner of
McDowell Rd & 103rd Ave

General Plan Map

 - Subject Property





McDowell Road

103rd Avenue

Parking Setback
Building Setback

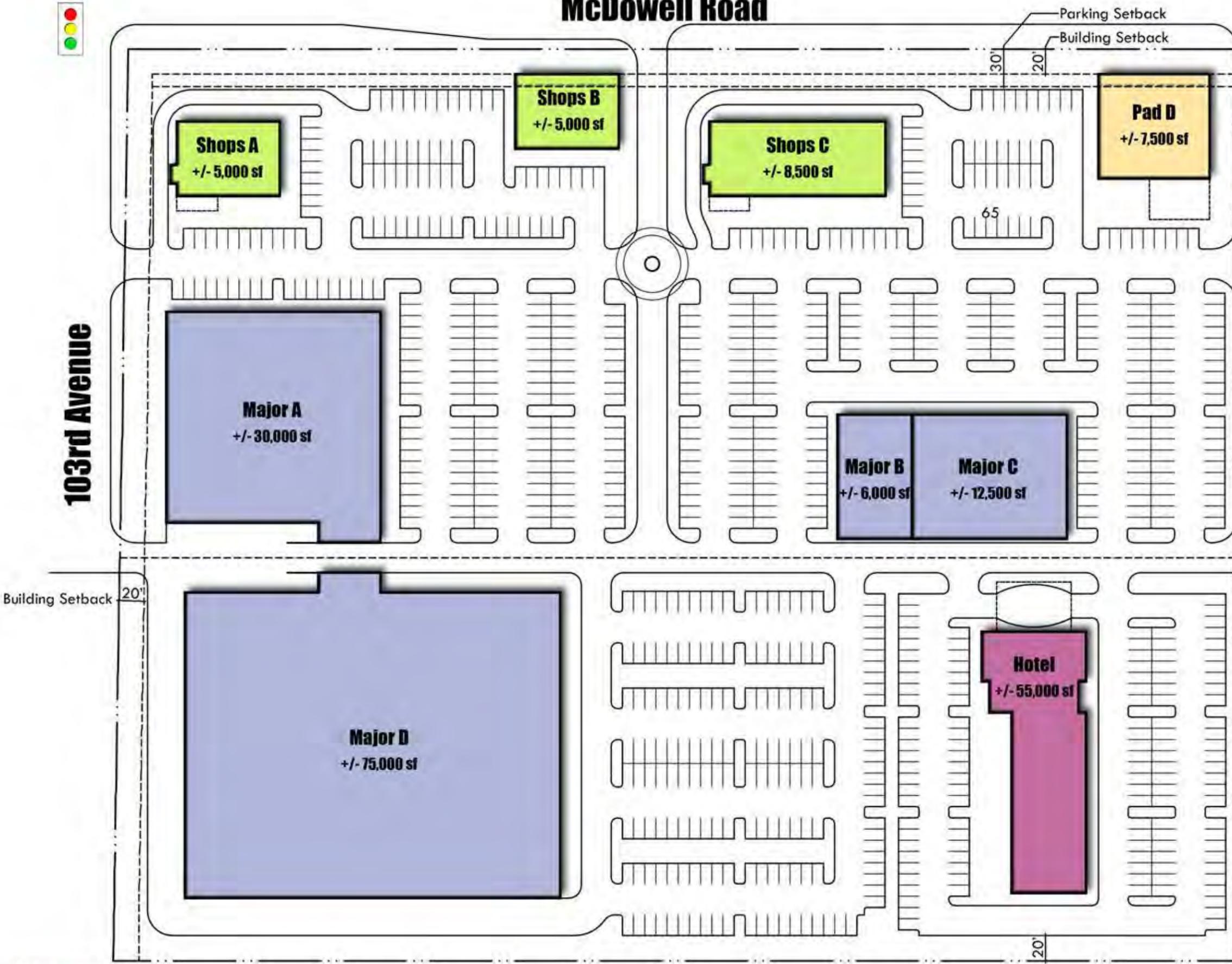


Exhibit D Conceptual Site Plan

North Site Area	+/- 8.4 ac
Total GLA	+/- 74,500 sf
FAR	+/- 0.20
South Site Area	+/- 6.7 ac
Total GLA	+/- 130,000 sf
FAR	+/- 0.45



Excerpt of the Minutes of the regular Planning Commission meeting held January 15, 2015 at 6:30 p.m. in the Council Chambers.

COMMISSIONERS PRESENT

Sean Scibienski, Chair
Michael Long, Commissioner
Grace Carrillo, Commissioner
Olivia Pineda, Commissioner
Gloria Solorio, Commissioner

COMMISSIONERS ABSENT

Kevin Kugler, Commissioner (Excused)
Gary Smith, Commissioner (Unexcused)

CITY STAFF PRESENT

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

APPLICATION NO. PL-14-0224: Gateway Village

This is a public hearing before the Planning Commission to review and solicit public input on application PL-14-0224, a request by Mr. David Scholl, Vintage Partners, to rezone approximately 17.1 gross acres of undeveloped land located at the southeast corner of McDowell Road and 103rd Avenue from AG (Agricultural) to C-3 (Freeway Commercial). The Freeway Commercial district is intended to promote freeway-oriented services and products within a community-wide to regional trade area; retail, bar/restaurant, office, hospitality, entertainment and service uses are allowed in the C-3 District. Staff Contact: Robert Gubser

Robert Gubser, Planning Manager, said the request is to rezone approximately 17.1 gross acres of undeveloped land located at the southeast corner of McDowell Road and 103rd Avenue from AG (Agricultural) to C-3 (Freeway Commercial). The subject property is currently vacant and is divided into three parcels which are controlled by two separate ownership entities. The southernmost parcel, approximately 6.7 acres in size, is owned by Suenos Avondale, LLC, a company located in Oklahoma City, Oklahoma. The northern two parcels, totaling approximately 8.3 acres, are owned by CMZ-AZ MC103, LLC, located in Miami, Florida. The remaining gross acreage is contained in previously dedicated rights-of-way.

The property is currently zoned as AG (Agriculture) and has been subject to several rezoning applications in the past. In 1988, a larger 41 acre parcel of land, which included the subject site and the current development of Gateway Crossing, was rezoned to the Avondale Park Plaza Planned Area Development (PAD). Due to the lack of development activity on the site and the subsequent rezoning of the Gateway Crossing site in 2005, the Avondale Park Plaza PAD expired and a zoning case was staff-initiated in 2012 to revert

the site back to the previous zoning district of AG. No development activity has occurred on the subject site since the reversion. In addition, there was a variance from the floor area ratio (FAR) requirements in 2014 for the site.

Mr. Gubser stated the property is designated by the General Plan 2030 Land Use Map as Freeway Commercial. The Freeway Commercial land use category is intended to accommodate the more intense non-residential uses along the I-10 and Loop 101 freeways, by providing for concentrated retail, hospitality, and related activities along these corridors. This category allows for flexibility in development by promoting community-wide and regional retail, hospitality, commercial complexes, family entertainment, and service destinations to a larger trade area. Additionally, the property is located within and further defined by the Freeway Corridor Specific Plan area.

Mr. Gubser noted that a Traffic Impact Analysis will be provided to show that the traffic network will work for this site, as well as making sure the infrastructure is proper for this site with water and sewer master plans.

Mr. Gubser stated staff recommends APPROVAL subject to conditions 1-5.

1. Development of the site shall be in substantial conformance with the “Gateway Village Rezoning Narrative” date stamped November 20, 2014.
2. Additional requirements for improvements, traffic signals, and right-of-way for deceleration lanes, turn lanes, transit stops, or other traffic enhancements may be required during the site plan review process as determined after review of and approval of the Traffic Impact Analysis by the City Engineer or designee.
3. Additional requirements for water and sewer infrastructure improvements may be required during the site plan review process as determined after review and approval of the water and sewer technical reports by the City Engineer or designee.
4. Development shall be completed in accordance with the City of Avondale General Engineering Requirements Manual and City of Avondale Supplement to the MAG Uniform Standard Specifications and Details.
5. Development shall adhere to all applicable provisions of the Avondale Zoning Ordinance, City of Avondale Design Manual for Commercial, Industrial, and Multi-Family Residential Development, and Freeway Corridor Specific Plan.

Commissioner Long moved that the Planning Commission accept the findings and recommend APPROVAL of application PL-14-0224, a request to rezone approximately 17.08 gross acres from AG (Agriculture) to C-3 (Freeway Commercial), subject to conditions 1-5. Commissioner Solorio seconded.

ROLL CALL VOTE

Sean Scibienski Chair	Aye
Gary Smith, Vice Chair	Unexcused
Michael Long, Commissioner	Aye
Kevin Kugler, Commissioner	Excused

Grace Carrillo, Commissioner	Aye
Olivia Pineda, Commissioner	Aye
Gloria Solorio, Commissioner	Aye

Approved 5-0

ORDINANCE NO. 1571-215

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AMENDING THE OFFICIAL ZONING ATLAS OF THE CITY OF AVONDALE FOR APPROXIMATELY 17.08 ACRES GENERALLY LOCATED AT THE SOUTHEAST CORNER OF MCDOWELL ROAD AND 103RD AVENUE, AS SHOWN IN APPLICATION PL-14-0224, REZONING SUCH PROPERTY FROM AGRICULTURAL (AG) TO FREEWAY COMMERCIAL (C-3).

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 ± 17.08 acre parcel of real property referred to as “Gateway Village” from Agricultural to Freeway Commercial (the “Zoning Atlas Amendment”); and

WHEREAS, all due and proper notice 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 the Zoning Atlas Amendment on Thursday, January 15, 2015, after which the Commission recommended approval; and

WHEREAS, the City Council held an additional public hearing regarding the Zoning Atlas Amendment on February 17, 2015.

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 ± 17.08 acre parcel of real property generally located at the Southeast corner of McDowell Road and 103rd Avenue, as shown in Application PL-14-0224 (the “Property”), as more particularly described and depicted on Exhibit A, attached hereto and incorporated herein by reference, is hereby rezoned from Agricultural (AG) to Freeway Commercial (C-3), subject to the City’s adopted codes, requirements, standards and regulations, and the following stipulations:

1. Development of the site shall be in substantial conformance with the “Gateway Village Rezoning Narrative” date stamped November 20, 2014.
2. Additional requirements for improvements, traffic signals, and right-of-way for deceleration lanes, turn lanes, transit stops, or other traffic enhancements may be required during the site plan review process as determined after review of and approval of the Traffic Impact Analysis by the City Engineer or designee.
3. Additional requirements for water and sewer infrastructure improvements may be required during the site plan review process as determined after review and approval of the water and sewer technical reports by the City Engineer or designee.

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, February 17, 2015.

Kenneth N. Weise, Mayor

ATTEST:

Carmen Martinez, City Clerk

APPROVED:

Andrew J. McGuire, City Attorney

EXHIBIT A
TO
ORDINANCE NO. 1571-215

[Legal Description and Map]

See following pages.

EXHIBIT "A"

LEGAL DESCRIPTION FOR REZONING PURPOSES

THAT PORTION OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 1 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A CALCULATED POSITION OF AN ARIZONA DEPARTMENT OF TRANSPORTATION BRASS CAP IN HAND HOLE, PER A MINOR LAND DIVISION FOR "McDOWELL 103 PARTNERS LLC" RECORDED IN BOOK 1022, PAGE 2, MARICOPA COUNTY RECORDER (M.C.R.), AT THE NORTHEAST CORNER OF SAID SECTION 5, FROM WHICH A CITY OF AVONDALE BRASS CAP IN HANDHOLE AT THE NORTH QUARTER CORNER OF SAID SECTION 5 BEARS S. 88°58'18" W. (BASIS OF BEARING), A DISTANCE OF 2634.20 FEET.

THENCE S. 88°58'18" W ALONG THE NORTH LINE OF SAID SECTION 5, A DISTANCE OF 1703.82 FEET TO THE **POINT OF BEGINNING**;

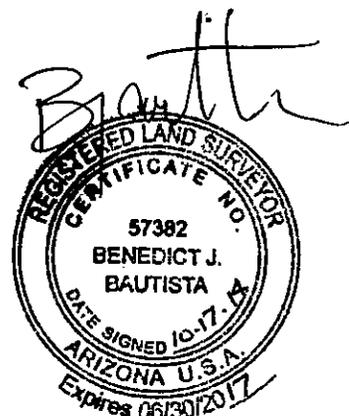
THENCE DEPARTING SAID LINE S. 00°03'23" E., A DISTANCE OF 801.66 FEET;

THENCE S. 89°11'27" W., A DISTANCE OF 930.33 FEET;

THENCE N. 00°03'23" W., A DISTANCE OF 798.10 FEET;

THENCE N. 88°58'18" E., A DISTANCE OF 930.38 FEET TO THE **POINT OF BEGINNING**.

THE ABOVE DESCRIBED PARCEL CONTAINS AN AREA OF 744,088 SQUARE FEET OR 17.08 ACRES, MORE OR LESS.



Subject

LEGAL DESCRIPTION FOR REZONING PURPOSES

Job No.

141200

N. 1/4 COR. SEC. 5
T. 1 N., R. 1 E.
C.O.A. BCHH

P.O.C.
NE COR. SEC. 5
T. 1 N., R. 1 E.
ADOT BCHH

BASIS OF BEARING
W. McDOWELL RD.

S88°58'18"W 2634.20'

930.38'

P.O.B.

1703.82'

40'
R/W

65'
R/W

103 RD AVENUE

N0°03'23"W 798.10'

BOOK 1022, PAGE 2
M.C.R.

S0°03'23"E 801.66'

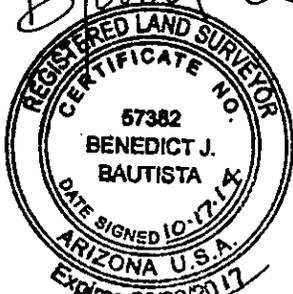
S89°11'27"W 930.33'

INTERSTATE I-10



OPTIMUS
CIVIL DESIGN GROUP
4650 E. COTTON CENTER BLVD.
SUITE 120
PHOENIX, AZ 85040
PH: (602) 286-9300 FAX: (602) 286-9400

Bautista



REGISTERED LAND SURVEYOR
CERTIFICATE NO. 57382
BENEDICT J. BAUTISTA
DATE SIGNED 10-17-14
ARIZONA U.S.A.
Expires 06/30/2017



N.T.S.

H:\141200 - Retail Site @ SEC 103rd Ave & McDowell\Civil\Misc\Survey\Easement.dwg

Prepared By: DB

Date: 10/17/14

Checked By: BJB

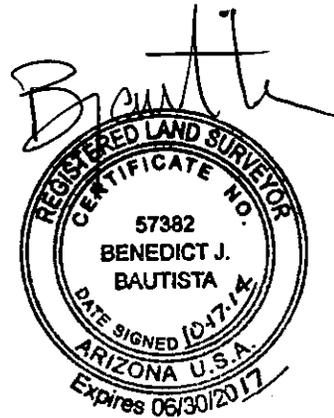
Sheet No: 1 of 1

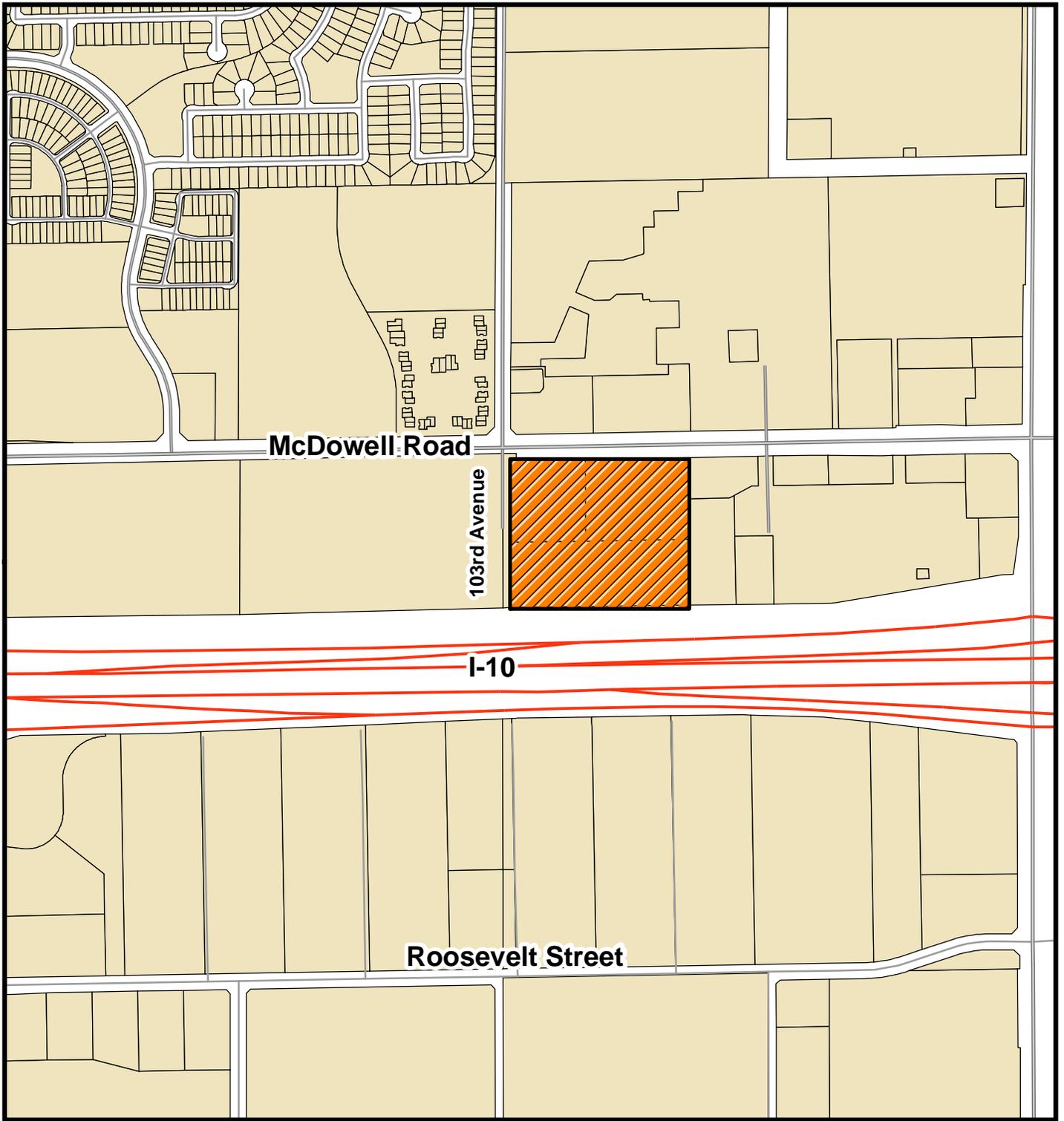
Parcel name: LEGAL FOR REZONING

North: 9969.42	East : 8296.45
Line Course: S 00-03-23 E	Length: 801.66
North: 9167.76	East : 8297.24
Line Course: S 89-11-27 W	Length: 930.33
North: 9154.62	East : 7367.01
Line Course: N 00-03-23 W	Length: 798.10
North: 9952.72	East : 7366.22
Line Course: N 88-58-18 E	Length: 930.38
North: 9969.42	East : 8296.45

Perimeter: 3460.47 Area: 744,088 Sq Ft 17.08 Ac.

Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.00 Course: S 76-07-25 W
Error North: -0.001 East : -0.004
Precision 1: 3,460,470,000.00





Application PL-14-0224



Subject Property

