



CITY COUNCIL AGENDA

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

REGULAR MEETING

April 20, 2015

6:00 PM

NOTE: MEETING WAS RESCHEDULED TO START AT 6:00 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.

4 PUBLIC HEARING AND RESOLUTION 3246-415 - 2015-2019 CONSOLIDATED PLAN, 2015-2106 ANNUAL ACTION PLAN AND 2015 ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE

City Council will hold a public hearing and consider a resolution approving the 2015-2019 Consolidated Plan and the 2015-2016 Annual Action Plan which identify housing and community development needs and strategies and define how Community Development Block grant (CDBG) and HOME funds will be allocated next fiscal year, respectively. The Council will take appropriate action.

5 PUBLIC HEARING AND ORDINANCE 1579-415 AMENDMENT TO AVONDALE GATEWAY PARK/GATEWAY PAVILIONS PLANNED AREA DEVELOPMENT (PAD)

City Council will hold a public hearing and consider a request by Mr. Matt Smith, Clothes Mentor LLC on behalf of property owner Inland Western Avondale McDowell LLC, to adopt an Ordinance amending the Gateway Pavilions Planned Area Development (PAD) to allow for "Non-Consignment Secondhand Apparel Retail Store" uses on Lot 2 located east of Harkins Theater and west of Costco. The Council will take appropriate action.

6 PUBLIC HEARING AND ORDINANCE 1578-415 REZONING FROM MH (MANUFACTURED HOME PARK) TO C-2 (COMMUNITY COMMERCIAL)

City Council will hold a public hearing and consider a request by property owner Ms. Sandee Roberts, Leisure Industries, to adopt an Ordinance amending the zoning atlas from MH (Manufactured Home Park) to C-2 (Community Commercial) for 1.3 gross acres of property located approximately 175 feet north of the northeast corner of Dysart Road and Brinker Drive. The Council will take appropriate action.

7 PUBLIC HEARING PRELIMINARY PLAT FOR SAN VILLAGIO

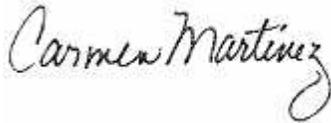
City Council will hold a public hearing and consider a request by Mr. James Abraham, Clouse Engineering, Inc., for approval of a preliminary plat for San Villagio, a proposed gated 34-lot single-family detached residential subdivision with private streets on approximately 11 gross acres of land, located at the northeast corner of Avondale Boulevard and Encanto Boulevard. The Council will take appropriate action.

8 FY 2015/16 - 2ND BUDGET WORK SESSION

The City Manager and staff will present the proposed budget plan for the 2015-16 fiscal year which totals \$169,644,780 prior to requested adjustments. For information, discussion and direction.

9 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 ninos no sten 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:

Public Hearing and Resolution 3246-415 - 2015-2019 Consolidated Plan, 2015-2106 Annual Action Plan and 2015 Analysis of Impediments to Fair Housing Choice

MEETING DATE:

4/20/2015

TO: Mayor and Council**FROM:** Stephanie Small, Neighborhood and Family Services Director, 623-333-2711**THROUGH:** David Fitzhugh, City Manager**PURPOSE:**

The purpose of this item is for City Council to hold a public hearing and take action on a resolution approving the 2015-2019 Consolidated Plan, the 2015-2016 Annual Action Plan and the 2015 Analysis of Impediments to Fair Housing Choice. The plans identify housing and community development needs and strategies and define how Community Development Block grant (CDBG) and HOME funds will be allocated next fiscal year, respectively. The Analysis of Impediments to Fair Housing Choice evaluates barriers to access to housing experienced by area residents, and provides recommendations to eliminate these barriers.

BACKGROUND:

The U.S. Department of Housing and Urban Development (HUD) will allocate \$578,592 in Community Development Block Grant (CDBG) funds and Maricopa County will allocate \$128,772 in HOME funds to the City of Avondale for fiscal year 2015-2016. To be eligible to receive the funds the City of Avondale must complete a Consolidated Plan, Annual Action Plan and an Analysis of Impediments to Fair Housing Choice.

The Consolidated Plan identifies the housing and community development needs of the low-income and special needs populations and provides goals to address them. The Annual Action Plan establishes specific activities and allocates CDBG and HOME funds to these activities in furtherance of the goals of the Consolidated Plan. The Analysis of Impediments to Fair Housing Choice evaluates barriers to access to housing, and provides recommendations to overcome those barriers. As required by HUD, the Neighborhood and Family Services Department conducted a public participation process that formed the goals and strategies. Completion of the Analysis of Impediments to Fair Housing Choice was undertaken by Maricopa County on behalf of the City of Avondale and other members of the Maricopa HOME Consortium.

DISCUSSION:

Staff is recommending the following goals with respect to CDBG and HOME in the five-year Consolidated Plan:

Goal 1 – Preserve existing housing and create new affordable housing opportunities

Goal 2 – Replace outdated infrastructure in low and moderate income neighborhoods

Goal 3 – Acquire and demolish unsafe structures

Goal 4 – Support internal and external programming and other assistance to underserved populations, particularly youth

Goal 4 – Promote business development and growth and increased economic opportunities for low and moderate income residents throughout the City with an emphasis on the Western Avenue area and other commercial areas in Historic Avondale

Goal 6 – Affirmatively further Fair Housing in the City of Avondale

Goal 7 – Reduce residential lead-based hazards

Neighborhood and Family Services (NFS) held an extensive public participation process to receive input for both the Consolidated and Annual Action Plans. The first public meeting was held on September 29, 2014 and second held on November 19, 2014. Staff presented and discussed recommendations to the Neighborhood and Family Services Commission at a public hearing on February 25, 2015 and followed up with discussion at the March 25, 2015 Commission meeting. The Commission approved the implementation of the Plans as written.

Following these forums a draft plan was made available to the public for the required 30-day comment period beginning March 3, 2015 and ending April 3, 2015. After considering all input, staff recommends funding the following allocations for the 2015-2016 funding year.

CDBG Activity Allocations (\$578,592 total anticipated allocation)

- 1) Emergency Home Repairs – \$187,874
- 2) Street Reconstruction – \$225,000
- 3) Youth Job Training – \$30,000
- 4) Revitalization and Small Business Assistance – \$20,000
- 5) Administration – \$115,718

HOME Activity Allocations (\$128,772 total anticipated allocation)

- 1) Substantial Home Repairs – \$90,726
- 2) Homebuyer Assistance – \$29,998
- 3) Administration – \$8,048

BUDGET IMPACT:

The HOME program requires a 25% non-federal match of \$32,193. These funds have been included in the 2015-2016 proposed Budget. CDBG funds do not require match.

RECOMMENDATION:

Staff recommends that the City Council hold a public hearing and adopt the resolution adopting the 2015-2019 Consolidated Plan, the 2015-16 Annual Action Plan and the 2015 Analysis of Impediments to Fair Housing Choice.

ATTACHMENTS:

Description

[Executive Summary - Consolidated Plan and Annual Action Plan](#)

[Executive Summary - Analysis of Impediments to Fair Housing Choice](#)

[Resolution 3246-415](#)

Executive Summary

ES-05 Executive Summary - 91.200(c), 91.220(b)

1. Introduction

The U.S. Department of Housing and Urban Development (HUD) provides the City of Avondale with an annual allocation of between \$500,000 and \$600,000 in Community Development Block Grant (CDBG) funds. The City may use these funds to undertake a variety of community development activities, including: rehabilitation of housing and commercial spaces, assistance to first-time homebuyers, construction of public infrastructure and facilities, demolition of unsafe structures, economic development and assistance to public service providers.

Prior to commitment of funding to specific activities, the City must complete a Consolidated Plan to assess the community development needs of low and moderate income residents and neighborhoods. Updated every five years, this needs assessment establishes general community development goals that the City will pursue during this period. Within this five-year cycle, the City also prepares Annual Action Plans that identify and fund specific activities in furtherance of the Consolidated Plan. Finally, a component of the Consolidated Planning process includes an Analysis of Impediments to Fair Housing Choice, which identifies barriers to affordable housing experienced by residents, as well as recommendations to eliminate these barriers. Development of all three Plans is a highly participatory process, involving substantial input from the public.

To this end, the Neighborhood and Family Services Department (NFS) held an extensive public participation process to receive input for the development of both Plans. The first public hearing was held on September 29, 2014 with the second public meeting held on The Neighborhood and Family Services Commission reviewed the plan on November 19, 2014, February 25, 2015 and March 25, 2015. As a member of the Maricopa HOME Consortium, the City participated in a regional Analysis of Impediments to Fair Housing Choice development process, with Maricopa County as the lead agency responsible for oversight of this plan's development and public participation process. A draft of each Plan was made available to the public for 30-day comment period beginning on March 3, 2015 and ending April 3, 2015. Data gathered from the public participation provided the basis for the goals and strategies outlined herein.

2. Summary of the objectives and outcomes identified in the Plan

Through careful evaluation of existing conditions, plans and public input, the City of Avondale developed the following goals to be pursued in the 2015-2019 Consolidated Planning cycle: 1) preserve and expand affordable housing to low and moderate income residents; 2) replace outdated infrastructure in low and moderate income areas; 3) acquire and demolish dilapidated structures; 4) support internal and external efforts to provide programming and other assistance to underserved populations, particularly youth and seniors; 5) promote business growth

throughout the City with an emphasis on the Western Avenue area and other commercial areas of Historic Avondale; 6) affirmatively further Fair Housing in Avondale; and 7) reduce residential Lead-Based Paint Hazards. A detailed discussion of these goals is included in Section SP-45.

3. Evaluation of past performance

The City of Avondale became a CDBG entitlement and received approval of its first Consolidated Plan in May 2006. Since that time, the City continues to evaluate its programs and procedures in compliance with applicable regulations, and refines processes to enhance efficiency and comply with regulatory changes.

During the current Consolidated Planning cycle, the City undertook several CDBG-funded activities in furtherance of the goals in the 2010-2014 Consolidated Plan. These activities and accomplishments include: 1) Owner Occupied Housing Rehabilitation – 45 homes received emergency home repair assistance and five homes received substantial home repair assistance (CDBG-R funding); 2) Public Improvements to Infrastructure – completed reconstruction of twelve streets in low-income neighborhoods in Historic Avondale; 4) Youth Job Training and Employment Programs – assisted 56 teens with job training, summer jobs and tuition assistance; 5) Façade Improvements -- assisted five Historic Avondale businesses with exterior renovation; 6) Loan Guarantees – partnered with Arizona Multi-Bank (a CDFI) to guarantee loans to five Historic Avondale for business expansion; 7) Demolition – one dilapidated single-family home was demolished.

In addition to CDBG entitlement funding, the City also receives an annual allocation of HOME funds through the Maricopa HOME Consortium. During this planning cycle, the City also obtained two competitively-awarded HOME funds through the Arizona Department of Housing, and two Neighborhood Stabilization Program (NSP) funding awards. Combined, HOME funding from both sources was used to complete substantial home repairs at sixteen owner-occupied units. NSP funding provided Homebuyer Assistance – assisted 40 homebuyers;

4. Summary of citizen participation process and consultation process

The City of Avondale undertook extensive outreach to residents, business owners, non-profit service providers, and elected and appointed officials. A community needs assessment survey was created and disseminated via the City's website (avondale.org/conplan), as well as paper copies provided at various locations throughout the City, including the Care1st Avondale Resource Center and the Avondale Community Center. The City held several public meetings and hearings and discussed the citizen participation process, findings and proposed goals of the Consolidated Plan with the City's Neighborhood and Family Services Commission.

5. Summary of public comments

The City's public participation process indicated a need to: preserve existing housing stock; expand affordable housing opportunities for low and moderate income households; develop and support programming for youth and other underserved populations; improve public safety

through the acquisition and demolition of unsafe structures; expand economic opportunities through infrastructure development and small business assistance

6. Summary of comments or views not accepted and the reasons for not accepting them

The City of Avondale accepted all comments offered by the public.

7. Summary

The City of Avondale completed extensive research and public participation to develop the 2015-2019 Consolidated Plan and 2015-2016 Annual Action Plan. The City received nearly 200 responses from its Community Needs Survey, as well as through several public meetings and hearings. This development yielded an important community needs assessment that forms the basis of this Plan, as well as the funding priorities for the City's HUD-funded activities for the next five years.

Executive Summary

Introduction

Title VIII of the Civil Rights Act of 1968, more commonly known as the Fair Housing Act (the Act), ensures protection of housing opportunity by prohibiting discrimination in the sale or rental of housing on the basis of race, color, religion, sex, and national origin (the protected classes). The Act was amended in 1988 to include familial status and disability as protected classes.

Maricopa County receives funds from the United States Department of Housing and Urban Development's Community Development Block Grant (CDBG) Program and is required to complete a fair housing study (Analysis of Impediments to Fair Housing Choice [AI]) to ensure that HUD-funded programs are being administered in a manner that furthers fair housing for protected classes.

Methodology

The preparation of this regional AI included identifying strengths and weaknesses in fair housing practices and recommending courses of action to improve upon deficiencies identified in the study. The analysis included a review of background data on the jurisdiction including demographics, income, employment, and a housing profile. To create the regional AI it was also necessary to perform a comprehensive review of local laws, regulations, ordinances, and policies related to housing or affecting housing patterns and practices. Extensive engagement with local stakeholders was also an important component of the analysis. This regional AI was prepared in accordance with HUD's *Fair Housing Planning Guide, Vol. 1*. The following sections further describe the definitions and data relied upon in the analysis, the process employed in engaging members of the public, and the components reviewed.

Jurisdictional Background

Maricopa County was established as a county on February 14, 1871 by the Legislative Assembly of the Territory of Arizona from parts of Yavapai and Pima Counties. The County's current geographical boundaries were set in 1881 and have not changed since. Maricopa County has experienced rapid population increase, driven initially by the mining, agriculture and livestock industries. Maricopa County is one of the most populated areas within Arizona.

Maricopa is the nation's fourth largest county in terms of population and has a population greater than 21 states. Twenty-five cities and towns are located in Maricopa County. Its largest city, Phoenix, is the County seat and State capital. Measuring 137 miles east to west

and 102 miles north to south, Maricopa County covers 9,225 square miles, making it the 14th largest county in land area in the continental United States, and larger than seven states. Individuals and corporations make up 30% of total land ownership, with the remainder publicly owned.

Maricopa County is a unit of local government and an entitlement grantee of the U.S. Department of Housing and Urban Development (“HUD”) for funds that include Community Development Block Grant (“CDBG”), HOME Investment Partnerships Program (“HOME”), and the Emergency Solutions Grant (“ESG”) funds. Maricopa County is an entitlement designated “Urban County” for CDBG and ESG funds. Maricopa County formed an Urban County to serve the needs of the unincorporated areas of the County and the non-entitlement cities. Maricopa County Human Service Department (“MCHSD”) administers HOME, CDBG and ESG funding.

The Urban County is also a member of the Maricopa County HOME Consortium (the “Consortium”). The Consortium is a cooperative entity that receives funds on behalf of all its members. The Urban County is part of the HOME Consortium and received a portion of HOME funds. The Urban County communities include: unincorporated areas within Maricopa County and incorporated municipalities of the towns of Buckeye, Gila Bend, Guadalupe, Queen Creek, Wickenburg, Youngtown, and the cities of El Mirage, Goodyear, Litchfield Park, and Tolleson.

The entitlement communities that make up the HOME Consortium, and that are participating in this Regional Analysis of Impediments to Fair Housing Choice, include Avondale, Chandler, Glendale, Peoria, Scottsdale, Surprise, Tempe, and the Town of Gilbert.

Demographic Data

Population

As of 2013 the County’s population was recorded at 4,009,412. The total population of the Entitlement Cities participating in this analysis is 1,473,889. The County’s population is approximately 39% less than the State of Arizona’s population in 2013 which was 6,626,624. The tables below demonstrates each participating Entitlement grantees total population, age trends, and median income as of 2013.

Total Population 2013

Maricopa County	Avondale	Chandler	Gilbert	Glendale	Peoria	Scottsdale	Surprise	Tempe
4,009,412	78,817	249,139	229,989	234,618	162,617	226,909	123,569	168,231

Source: ACS 2013 1-Year Estimates

Median Age 2013

Maricopa County	Avondale	Chandler	Gilbert	Glendale	Peoria	Scottsdale	Surprise	Tempe
35	32	34	33	34	40	44	42	28

Median Household Income

Maricopa County	Avondale	Chandler	Gilbert	Glendale	Peoria	Scottsdale	Surprise	Tempe
\$ 52,045	\$ 51,206	\$ 71,545	\$ 81,589	\$ 41,037	\$ 59,377	\$ 69,690	\$ 55,857	\$ 48,565

Source: ACS 2013 1-Year Estimates

Economic Data

The unique aspects of Maricopa County’s population, climate, and government policies have laid the foundation for a unique and vibrant economy and a supportive business environment. The majority of the economic activity in the County takes place within and immediately surrounding the population center, which is located in the north-central portion of the County and extends all the way to the eastern border, with limited base industry activity extending beyond into the adjacent counties. Maricopa County has also been among the first local government entities in Arizona to take a leadership role in the diversifying of the economic base. Aggressive and strategic economic development activities have already occurred and will continue into the future.

The County has a full-service economy that provides large markets in retail, health care, research, customer service, entertainment, finance and banking, wholesale trade, agricultural, arts and culture, construction, manufacturing, light industry, distribution, and recreation and leisure services. Maricopa County’s economic base continues to evolve and become more diverse. Maricopa County’s quality of life, cost of living, skilled workforce, good universities and favorable business climate contribute to the improvement of its economy.

Employment

The employment rate of the population 16 years and older in Maricopa County has remained nearly the same from 2012 to 2013, with only a 1% decrease in the number of persons employed. Maricopa County's work force has been positively affected by the upturn of the economic climate and has experienced a 4% decrease in unemployment rates since 2010. Census data reveals that Maricopa County had 62% of persons age 16 and over in the labor force as of 2013, with a 7% unemployment rate.

Maricopa County residents maintain being involved in the workforce through several employment industries. In 2013, the educational services, healthcare, and social assistance industry was the largest industry of employment at 21%. Management, business, science, and arts occupations account for the largest sectors of employment both for males and females. Maricopa County is home to several collegiate level institutions which may account for educational services being a large industry for the work force.

Housing Profile

Maricopa County has 1,668,324 total housing units. Based on of the number of total housing units, 85% are occupied housing units and 14% are vacant. Sixty percent of Maricopa County's housing is owner-occupied and 40% is renter-occupied. The type of housing structures in the County vary with, single-family detached accounting for 65% of the housing stock. After single-family detached housing, multi-family housing with 20 or more units makes up approximately 8% of the housing stock. Mobile homes and single-family attached housing accounts for 5% and duplexes remain a small percentage of the housing stock at approximately 1%. The average household size of owner-occupied housing in Maricopa County is 2.76 and 2.81 for rental households. Maricopa County has a total of 426,178 households with children under the age of 18, which accounts for 30% of total households in the County.

Maricopa County built 25% of its housing from 2000 to 2009 to accommodate the rapid growth that took place during that decade. Twenty-two percent of housing units were built from 1990 to 1999 and 19% were built from 1980 to 1989. Overall, 33% of Maricopa County's housing was developed prior to 1979. Though much of Maricopa County's housing ranges from 15 to 35 years old, a significant portion of the housing is over 45 years old. Of the County's total occupied housing, less than 1% lacks complete plumbing facilities and complete kitchen facilities. This is the same for all participating jurisdictions. Maricopa County demonstrates relatively low levels of overcrowding with owner-occupied housing experiencing less overcrowding than rental units. For owner-occupied housing in Maricopa County, 942 units contain more than two occupants per room.

As of 2013, the median value of a home in Maricopa County was \$185,000. The housing market has started to shift again from a decade ago and despite the prior housing crisis

being faced nationwide median home values in Maricopa County has increased by 3% since 2010. The median value of a home in Maricopa County is approximately 10% higher than the State of Arizona as a whole. Selected monthly owner costs for a home with a mortgage in Maricopa County is higher than the State average by almost 6% with State costs averaging \$1,277 and County costs averaging \$1,355. However, the percentage of homeowners with a mortgage paying more than 35% of their income is less than the State at 22% for Maricopa County and 24% for the State of Arizona. The median rent for occupied units in Maricopa County is \$934, which is higher than the State median by almost 5%. The percentage of renters paying more than 35% of their income in Maricopa County is 40%, significantly higher than owner-occupied units and not far behind the State at 41%.

Geography of Race, Ethnicity, and Opportunity

One lens through which to assess access to housing within a jurisdiction is the degree to which its minority residents are concentrated in high poverty areas. HUD defines a racially and ethnically concentrated area of poverty (RCAP/ECAP) as a census tract with an individual poverty rate of 40% or more (or an individual poverty rate at least 3 times that of the tract average for the metropolitan area, whichever is lower) and a non-White population of 50% or more.¹

Using this definition, there are 20 tracts in Maricopa County (excluding Phoenix and Mesa) that qualify as RCAP/ECAPs, based on 2009-2013 ACS estimates. These tracts are home to 72,749 residents, or 3.7% of the total population in Maricopa County minus Phoenix and Mesa. In comparison, looking at the combined population of Maricopa County's RCAP/ECAPs, about three-quarters (73.2%) is minority and just under half (47.0%) lives in poverty. Of all subgroups, Native Americans are most likely to live in an RCAP/ECAP: 13.5% of the County's Native American residents (less Phoenix and Mesa) live in one of these tracts. Latinos and persons of other races follow, with 9.1% and 8.7% of their population in an area of concentrated minority population and concentrated poverty. Whites are least likely to live in these areas, with only 1.5% doing so.

Segregation Analysis

In addition to examining minority concentrations of poverty, we also assess the geographic patterns of race and ethnicity in Maricopa County through an analysis of residential segregation, based on population counts from the 2000 and 2010 U.S. Censuses. Residential segregation is the degree to which two or more racial or ethnic groups live geographically separate from one another. The Dissimilarity Index (DI) indicates the degree to which a

¹ U.S. HUD Office of Policy Development & Research, "FHEA Data Documentation (Draft)," 2013, Accessed January 22, 2015, http://www.huduser.org/Sustainability/grantees/data/ah8c13xl38/FHEA_technical_documentation_2013.pdf.

minority group is segregated from a majority group residing in the same area because the two groups are not evenly distributed geographically

As of 2010, the highest segregation levels in Maricopa County were between Latino and White and Latino and Asian residents, both at 0.51. Latinos and African Americans are most likely to live in similar areas of Maricopa County; Asians and Whites are also likely to live in similar areas of the County as one another. Latinos are somewhat more segregated from Whites and Asians than are African Americans. Between the last two Censuses, segregation declined for all groups except Whites and Asians, who become slightly more segregated from one another. In Maricopa County, the probability of a White person interacting with an African American person is 4%. Latinos have a somewhat similar likelihood of interacting with Whites as do African Americans. Asians, meanwhile, were more likely than either of these groups to be exposed to Whites. In Maricopa County, Whites are the most isolated, in effect segregated, from other racial and ethnic groups. In 2010, the average White resident lived in a Census tract that was 70% White, down from an average of 76% in 2000.

Thus. Whites are most likely to live in areas that are majority White, with moderate levels of segregation from Latinos and African Americans, and little exposure to minority populations other than Latinos. Asians have similar geographic patterns as Whites, with moderate dissimilarity to Latinos and African Americans. For both White and Asian residents, about two-thirds to three-quarters (68% to 74%) of persons within their census tract are either White or Asian. African Americans and Latinos also have relatively similar patterns of geographic distribution. The majority of persons Latinos interact with within their census tract are either African American or Latino (55%), as are nearly half (46%) of persons with whom African Americans interact. However, African Americans are more likely to live in the same census tracts as White residents than are Latinos.

Access to Opportunity

Among the many factors that drive housing choice for individuals and families are neighborhood factors including access to quality schools and jobs. We examine these dimensions geographically relative to locations of RCAP/ECAPs, and evaluates levels of access to opportunity by race and ethnicity:

- Poverty index – family poverty rates and share of households receiving public assistance;
- School proficiency index – school-level data regarding elementary school student performance on state exams;

- Labor market engagement index – employment levels, labor force participation and educational attainment; and
- Job access index – distance to job locations and labor supply levels

Overall, poverty, school proficiency, labor market engagement, and job access scores indicate reduced levels of opportunity on each of these dimensions in RCAP/ECAPs (with the exception of school proficiency and job access in the RCAP/ECAP west of Chandler).

Fair Housing Legal Status

Housing discrimination complaints were requested and received from the Arizona Civil Rights Division, and the Office of Fair Housing and Equal Opportunity Region IX and subsequently analyzed in to identify and assess the county's fair housing issues and potential impediments to fair housing choice. From January 2006 through September 2014, there were 541 housing complaints filed in Maricopa County excluding complaints filed in the City of Mesa and the City of Phoenix. Of these complaints, 84 were determined to have cause and were settled through conciliation or judicial consent order. A total of \$170,348 in settlement compensation was paid regarding the "with cause" claims. A total of 356 were withdrawn for no cause. The overwhelming majority of complaints investigated by the Region IX FHEO Office for Maricopa County were based on disability and national origin (42.7% and 11.09% respectively).

Complaints received by Maricopa County are forwarded to the Arizona Civil Rights Division of the Office of the Arizona Attorney General. The Arizona Civil Rights Division conducts fair housing investigations to determine if there is a grievance. From January 2006 through September 2014, there were 541 housing complaints filed with the Arizona Civil Rights Division for Maricopa County excluding complaints filed in the City of Mesa and the City of Phoenix. Of these complaints, 112 were determined to have cause and were settled through conciliation or judicial consent order. A total of 588 were withdrawn for no cause. The overwhelming majority of complaints investigated by the Arizona Civil Rights Division were based on disability and race (51.1 percent and 25.8 percent respectively).

Arizona has adopted a parallel version of Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, 42 U.S.C. §§ 3601 *et seq.* (the "Fair Housing Act"), known as the Arizona Fair Housing Act (A.R.S. § 41-1491 *et seq.*). Both the FHA and Arizona Fair Housing Act ("AFHA") prohibit discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions, based on sex, race, color, disability (physical and mental), religion, national origin, or familial status (families with children). In addition, the Arizona Developmental Disabilities Act separately prohibits discrimination in housing for persons with developmental disabilities (A.R.S. § 36-551.01 *et seq.*). The AFHA establishes a statutory procedure to resolve housing discrimination

complaints at the local level, and provides an alternative procedure for the administrative complaint process than the federal act provides.

Housing discrimination claims have been brought against local governments and zoning authorities and against private housing providers. The cases in Maricopa County reflect the interests of a wide variety of aggrieved plaintiffs including individuals and families impacted by discrimination, local civil rights advocacy groups on behalf of protected classes, and the State Attorney General and the U.S. Department of Justice to protect the public interest. The cases brought by the Attorney General are highlighted because they demonstrate the State's interest in protecting fair housing choice and redressing housing discrimination even on a small, localized scale where the case raises an issue of general public importance under A.R.S. § 41-1491.35(A)(2) of the AFHA.

Hate Crime Statistics

The State of Arizona has not signed any hate crimes bills into law and does not separate crimes motivated by bias against the victim from other crimes. However, the State does consider a defendant's bias or prejudice as a factor at the time of sentencing. Crimes are generally assigned a minimum and maximum sentence ranging from mitigating to aggravating, where a judge must impose a sentence that lies between the two. Evidence that a crime was committed on the basis of the seven protected classes is an aggravating factor and the judge may impose a greater sentence.

The Federal Bureau of Investigation (FBI) maintains a Uniform Crime Reporting Program, under which more than 18,000 federal, state, and local law enforcement agencies voluntarily report incidences of crime in their jurisdictions for nationwide statistical assessment and monitoring. For the purposes of this analysis, the most recent hate crime data for 2008-2012 was reviewed for trends that could indicate pervasive discriminatory attitudes within Maricopa County, AZ. There were 20 hate crimes reported in Maricopa County during the five year period analyzed. Race was noted in 14 of the 20 hate crimes reported and occurred more frequently than any other bias.

Identification of Impediments

Zoning and Site Selection

The Maricopa County amended Zoning Ordinance is designed to promote the public health, peace, safety, comfort, convenience and general welfare of the citizens of Maricopa County. In preparation of the zoning ordinance, the County took into consideration its goals and objectives in the Maricopa County Comprehensive Plan. The code defines ten zoning districts related to housing, of which three are specific to multifamily housing. Three districts are specifically zoned for single-family use and one for two-family.

Property Tax Policies

Maricopa County offers two forms of property tax relief designed to reduce housing costs for low income seniors, widows/widowers, and disabled persons. The first allows for a reduction of up to \$3,488 of a home's assessed value. The second freezes assessed value at present levels in perpetuity as long as the householder continues to meet program qualifications. State of Arizona law and Maricopa County tax policies allow for a property tax exemption for widows, widowers, and disabled persons who are residents of the State of Arizona and whose property has a total assessed value below \$24,900, which usually equates to a home value of \$249,000 or less. To be eligible for an exemption, household income must have been below \$30,536 in the previous year (for households with no children under age 18) or below \$36,643 (for households with one or more minor children). Disability must be total and permanent as certified by an Arizona licensed physician. Persons who qualify for this exemption receive a reduction to the assessed value of their home of no more than \$3,488, and a corresponding reduction in property taxes. This exemption applies first to the qualified person's home, but then may be applied to taxes owed on a mobile home or automobile. Note that assessed value, income limit, and reduction in assessed value levels change annually based on the GDP price deflator in the two most recent years.²

Maricopa County, and Arizona law, offers a second form of property tax relief for Arizona residents age 65 or over. They may apply for a property valuation protection option on their primary residence if they have lived there for two or more years and have an income that is less than four times the supplemental social security income benefit rate. If the property is owned by two people, their combined income must be less than five times the supplemental social security income benefit rate. If approved, the property valuation remains fixed until the owner is no longer eligible. Owners must re-apply every three years to confirm that income has not exceeded the allowable thresholds.³

Boards and Commissions

According to Maricopa County's website for Boards and Commissions, the County of Maricopa has thirty boards as of January 2015. Most boards provide either guidance, advisement, or oversight on a myriad of community issues ranging from health, transportation, development, environmental issues, community resources (i.e. parks, recreational, and library facilities), and economic concerns. Board and commission

² Maricopa County Assessor's Office, "What are the qualifications?" and "If qualified how does one benefit," Accessed February 12, 2015,

<http://mcaassessor.maricopa.gov/category/frequently-asked-questions/property-exemptions/>

³ Arizona State Legislature, "Residential ad valorem tax limits; limit on increase in values; definition," Fifty-second Legislature – First Regular Session, Accessed February 12, 2015,

<http://www.azleg.gov/FormatDocument.asp?inDoc=/const/9/18.htm>

membership in the County varies by board. Most boards have a membership that is representative of the five County districts. Board membership may be appointed, typically by the Board of Supervisors, based on licensing, education, and expertise requirements, secret ballot voting by current members, or elections by the public.

Building Codes and Accessibility

Each local jurisdiction surveyed within the Maricopa County Study Area has adopted a building or construction code and permitting process to regulate residential and commercial building safety and standards. Each municipality also has granted permitting and inspection authority to a local department or division tasked with enforcing building code compliance and safety, including the adopted accessibility standards. Specifically, the Study Area jurisdictions have each adopted, with certain amendments, a version of the International Code Council's (ICC) International Building Code. They also have adopted other ICC codes such as the International Residential Code, International Existing Building Code, International Plumbing Code, International Mechanic Code, International Fire Code, etc.

Lending Policies and Practices

The Home Mortgage Disclosure Act of 1975 (HMDA) requires most mortgage lending institutions to disclose detailed information about their home-lending activities annually. The objectives of the HMDA include ensuring that borrowers and loan applicants are receiving fair treatment in the home loan market.

The source for this analysis is tract-level HMDA data for Maricopa County census tracts for the years 2011 through 2013⁴. Within each HMDA record some of the data variables are 100% reported: "Loan Type," "Loan Amount," "Action Taken," for example, but other data fields are less complete. According to the HMDA data, these records represent applications taken entirely by mail, internet, or phone in which the applicant declined to identify their sex, race, and/or ethnicity.

Complete race, ethnicity, and income data was available for 31,120 loan records, or 93.09% of the 33,429 total records for Maricopa from 2013. Over half (58.52%) of loan applicants were non-White Hispanic, 3.51% were Black, and 59.04% were Hispanic. Asian and applicants of other or multiple races made up a small share of applicants at 2.09%. For low-income applicants, loan approval rates ranged from 65.10% for Blacks to 68.83% for White applicants. Denial rates were highest for Black applicants (19.91%) and lowest for "other" races (14.05%). Note, however, that rates for "other" applicants are based on a

⁴ Loan records were examined for a three year time frame in order to include a greater number of observations, thereby allowing stronger conclusions about approval rates, denial rates, and reasons for denials.

significantly smaller pool of applications. In comparison to Whites, Black and Hispanic applicants had lower approval rates (by 2.80–3.73 percentage points) and higher denial rates (by 1.7-5.6 percentage points).

Moderate income applicants had higher approval rates and lower denial rates than the low income group for all races/ethnicities. In the moderate income band, minority applicants had approval rates from 69.45% to 70.94%, compared to 74.74% for Whites. Denial rates ranged from 9.97% for White applicants to 13.54% for Black applicants. At the high income level, approval and denial rates for White applicants show little variation from those of minority applicants. Approval rates ranged from 68.89% to 74.99% and denial rates show the largest variance between White applicants (9.69%) and Black applicants (16.94%).

Fair Housing Enforcement

Maricopa County has several organizations throughout the region that handle enforcement of fair housing related issues. These organizations include: The Southwest fair Housing Council (SWFHC); Community Legal Services; the Arizona Fair Housing Center; the Attorney General's Office, and the Housing Authority of Maricopa County. The Arizona Fair Housing Partnership provides crucial support to efforts to try to investigate or resolve cases by bringing together government, real estate professionals, housing providers, lenders, nonprofits and advocacy groups. All of these organizations work in the best interest of residents by providing essential educational/outreach services to eliminate fair housing discrimination in the region.

The County, and participating jurisdictions, also enforce fair housing through its Community Development Block Grant (CDBG), HOME Investment Partnership (HOME), and Emergency Solutions Grant (ESG) programs. Through these programs, grantees are required to affirmatively further fair housing and are actively involved in the preparation of an updated Analysis of Impediments to Fair Housing Choice (AI). The County collaborates with various public service organizations throughout the region to assure that any discriminatory housing practices are eliminated, including the Housing Authority of Maricopa County.

Informational Programs

The organizations providing informational services for fair housing are essentially the same organizations that provide fair housing enforcement and include: The Southwest fair Housing Council (SWFHC); Community Legal Services; the Arizona Fair Housing Center; the Attorney General's Office, the Housing Authority of Maricopa County; and the Arizona Fair Housing Partnership. These organizations all provide community outreach, educational presentations or classes, produce fair housing materials for distribution, and provide additional fair housing resources and contacts. The Southwest Fair Housing Council also

provides research and studies to identify barriers to fair housing and the Arizona Fair Housing Partnership provides trainings and sponsors fair housing events throughout the State. In addition, the Arizona Department of Housing (ADOH) takes an active role in the education and training of housing providers to ensure awareness of fair housing laws.

Visitability in Housing

Demographics are changing nationwide and the elderly population is increasing rapidly. Of the total non-institutionalized population in Maricopa County, 11% is considered to have a disability and 34% of the population is 65+ with a disability. Currently in Arizona, only Pima County (2002) and the City of Tucson (2007) have adopted mandatory visitability ordinances. Pima County's ordinance is applicable to publicly and privately funded homes and Tucson's ordinance is applicable to homes tied to public funds. Prescott Valley also implemented a visitability initiative for consumer awareness programs and certificate programs. The State of Arizona has not adopted a state law and has left it to the discretion of local government to implement visitability regulations.

Maricopa County does not have a visitability ordinance, however when administering its housing rehabilitation programs or in developing new housing utilizing federal funds through HOME or CDBG, the County, and participating jurisdictions, ensure compliance with the Americans with Disabilities Act and Department of Housing and Urban Development (HUD) accessibility requirements. Arizona Bridge to Independent Living (ABIL) offers and promotes programs designed to empower people with disabilities to take personal responsibility so that they may achieve or continue independent lifestyles within the community.

Results of Community Survey of Fair Housing Needs

Additional evaluation of perceptions related to fair housing needs in Maricopa County was conducted via a community survey designed to gather insight into the knowledge, experience, opinions, and feelings of local residents, employees, and service providers. A total of 97 residents completed the survey Respondents were asked to rank barriers to fair housing within Maricopa County. The top ten ranked barriers are:

1. Limited financial assistance for the elderly/low income/disabled. (84.4%)
2. Lack of knowledge among residents regarding fair housing. (84.0%)
3. Poor financial history of potential homebuyers. (82.3%)
4. Concentration of low-income housing in certain areas. (80.0%)
5. Income levels of minority and female-headed households. (78.3%)
6. High up-front costs/fees required for rental housing. (75.6%)

7. Limited availability of affordable owner-occupied housing. (72.7%)
8. Lack of knowledge among large landlords/property managers regarding fair housing. (72.4%)
9. Predatory lending practices. (70.8%)
10. Limited supply of accessible housing for the disabled. (70.1%)

Impediments and Recommendations

Impediment #1: Lack of Accessible Housing/ Housing Discrimination against Persons with Disabilities

According to the 2011-2013 American Community Survey 3 year estimates, 10.2% of County residents have a disability. Nearly 1 in 3, 32.9%, of elderly residents (ages 65 years or more) have a disability. Throughout the development of this analysis, residents of the County and key stakeholders consistently mentioned that the current housing stock is not adequate to serve the needs of disabled residents. In community meetings held throughout the County, 75% of participants reported a lack of accessible housing for the disabled. Accessible rental housing and accessible senior housing were identified as the two major types of housing needed for the disabled. A majority of respondents to the fair housing community survey, 70.1%, identified a limited supply of accessible housing for the disabled as a barrier to fair housing in the County. A major barrier to providing accessible housing in the County is older housing stock being too costly to retrofit with handicapped accessible features. Another major barrier reported by stakeholders is the lack of a sufficient mechanism or resources to locate properties that have accessible units. When accessible units are available and advertised, they may still be leased to non-disabled tenants. Regionally, there are no requirements that public or private property owners reserve or hold open accessible units for disabled residents, or seek referrals from agencies that provide services to people with disabilities.

High incidents of discrimination against disabled residents is also a barrier. In an analysis of complaints of housing discrimination across the County, 51% of complaints of housing discrimination were based on disability. In the Fair Housing Community Survey, conducted with this analysis, 55.3% of respondents identified high concentrations of group homes in particular areas as a barrier to fair housing.

Recommendations:

Organizations that serve persons with physical and mental disabilities are important advocates. These organizations and persons with disabilities should be engaged as participants in the housing strategy development to ensure that policies, programs, and potential funding streams are identified and included that will result in the development or

rehabilitation of housing that is accessible and affordable for persons with disabilities. These projects should also be planned to include supportive services that are essential to the disabled population, as appropriate.

Specific strategies for the County include:

- Review taxation codes and implement tax exemptions for making adaptations to make a home more accessible for persons with disabilities.
- Implement codes regulating that all new construction of multi-family (4 units or more), co-ops, and conversions must meet Section 504 of the American Disabilities Act (ADA).
- Conduct an assessment of accessible housing units and buildings in the region for the purpose of developing an inventory of accessible housing and providing that information to the public.
- Refer people to the Arizona Statewide Independent Living Council, the Arizona Bridge to Independent Living, and the Arizona Department of Economic Security for educational information and brochures.
- Enforce current taxation codes allowing for tax relief and abatements for the elderly and disabled.
- Work with local housing organizations to provide a wide variety of housing services, including services to the disabled.
- Meet with design specialists to require and encourage housing designs that consider the needs of the disabled.
- Provide builders and developers with information about the advantages of providing housing for this market.

Impediment# 2: Lack of Awareness of Fair Housing Laws

The fair housing survey, community meetings, and outreach to the Arizona Attorney General's Office, revealed that the lack of education regarding fair housing laws or how to submit a fair housing complaint impedes fair housing in Maricopa County. Nearly 80% of survey/focus group participants felt a significant need for fair housing education and also that there is a lack of coordination amongst fair housing organizations throughout the

County. Further, participants voiced the need for more testing studies throughout the region, and that results of such studies should be regularly reported to the local government of the local housing authority in which the study was conducted.

As expressed in the Maricopa Fair Housing Survey, 84.0% of respondents identified lack of knowledge among residents regarding fair housing as a barrier to fair housing in Maricopa County. Nearly 1 in 10, 9.5%, of survey respondents reported that they did not know their fair housing rights. A substantive number of respondents, more than 1 out of 4 (27.3%) reported not knowing where to file a fair housing complaint. Minority residents were less likely to report knowing their fair housing rights at a rate of 64.5% compared to 70.1% for non-minority respondents. Minority respondents were also less likely to report knowing where to file a fair housing complaint with a rate of 60.7% compared to 65.6% for non-minority.

Additionally, 7.4% of survey respondents also reported they had experienced housing discrimination. Of those respondents, over two-thirds (83.3%), reported being discriminated against by a land lord or property manager and (16.7%) reported discrimination by a real estate agent. Notably, none of the respondents who reported experiencing discrimination filed a report. Reasons for not file a fair housing claim included: not being sure what good filing a report would do (33.3%), not knowing that the discrimination was a legal violation (16.7%), fear of retaliation (16.7%), and that the complaint filing process was not accessible due to a disability (16.7%).

The common perception is that individuals with more knowledge are more likely to pursue a complaint than those with less knowledge of fair housing laws. Therefore, there is an association between knowledge of the law, the discernment of discrimination, and attempts to pursue a course of action and restitution. Locally, it is critical that there are efforts in place to educate, to provide information, and to provide referral assistance regarding fair housing issues in order to better equip persons with the ability to assist in reducing discrimination.

Recommendations:

The County should consider reserving a portion of its CDBG public service funds to be awarded as a competitive Fair Housing Grant to an organization that will carry out a focused fair housing education programs in the area. As a component of the Fair Housing Grant, the successful applicant should collaborate with local housing organizations including Community Legal Services, Southwest Fair Housing Council, The Arizona Fair Housing Partnership, and the Arizona Fair Housing Center to develop fair housing training curriculum and to coordinate and provide educational outreach and fair housing training.

The County and its cooperating municipalities should focus increased attention and targeted outreach to racial and ethnic minority groups and to areas of concentrations of low- income persons throughout the County to ensure that as many individuals and households as possible understand:

- What constitutes acts of housing discrimination;
- Protections provided for protected classes under the Fair Housing Act;
- How and where to report acts of housing discrimination; and
- Remedies available to victims of housing discrimination, including potential monetary settlements.

The County should also develop fair housing brochures to be kept on site at local City Hall, public libraries, and other public venues and publish contact information and referral information relating to fair housing in local newspapers or advertise where to obtain fair housing information through the local access channel.

As with the recommendation to expand educational efforts to County residents, a similar process should be carried out to educate property owners (landlords) and property managers, real estate professionals, mortgage lenders, and city and county employees on the requirements and penalties under the federal Fair Housing Act. These educational activities should be carried out by HUD-approved Fair Housing organizations using funding provided by HUD or the County and its cooperating municipalities. Additionally, fair housing training should be made mandatory for County staff, subrecipients, and any other entities the County may contract with under its CDBG program.

The County and/or its cooperating municipalities, as appropriate, should provide monitoring and oversight of these outreach and education efforts to report on their effectiveness as a part of their annual report (CAPER) submitted to HUD.

Impediment #3: Cost of Affordable Housing Limits Housing Choice

The quantitative data obtained from the Census Bureau and HUD, supported by comments provided by County residents, key stakeholders, and the Community Survey, demonstrate that a significant number of households in Maricopa County have insufficient income to afford appropriate housing.

As of 2013, the median value of a home in Maricopa County was \$185,000. The housing market has started to shift from a decade ago and despite the prior national housing crisis, median home values in Maricopa County have increased by 3% since 2010. The median

value of a home in Maricopa County is approximately 10% higher than median home value for the State of Arizona as a whole.

However, selected monthly owner costs for a home with a mortgage in Maricopa County is higher than the State average by almost 6% with State costs averaging \$1,277 and County costs averaging \$1,355. The median rent for occupied units in Maricopa County is \$934, which is higher than the State median by almost 5%. The percentage of renters paying more than 35% of their income in Maricopa County is 40%, significantly higher than owner-occupied units and not far behind the State at 41%. Over 1 in 10 respondents (11.8%) to the community fair housing survey reported spending 51% or more on housing costs, while nearly 1 in 3 (32.3%), reported spending 31-50% on housing costs. Thus, more than 44% of respondents spend more than HUD recommendations on housing costs. In addition, 27.3% of respondents reporting dissatisfaction with their current living situation reported that their current housing was too expensive. Three-fourths (75.6%) of respondents identified high up-front costs and fees of for rental housing as a fair housing barrier, while 72.7% identified limited availability of affordable owner-occupied housing as a barrier.

Recommendation:

The County and its public and private sector partners should develop a long-term strategy to serve as an ongoing affordable housing vision and set measurable goals for housing production and preservation. The strategy should be developed with public input and participation, which is critical to the success of establishing and implementing this plan. The County should seek input and collaboration with municipalities, private developers and lenders, nonprofit advocacy groups, Fair Housing organizations, representatives from organizations that serve members of the Protected Classes under the Fair Housing Act, and community representatives from throughout Maricopa County. County collaborations should focus on the following goals:

- Encourage private developers to construct affordable housing.
- Determine locations for the development of affordable housing and work with local non-profits to acquire land for affordable units.
- Continue Homeownership Programs throughout the region, providing homeownership opportunities to low-and moderate- income persons.
- Implement an inclusionary zoning policy aiding in the development of affordable housing.

- Continue the use of Community Development Block Grant Funds (CDBG) and HOME Investment Partnership Funds (HOME) for housing rehabilitation activities to maintain the regions affordable housing stock.
- Work with housing organizations to continue efforts and collaborations on affordable housing and other fair housing needs.

Impediment #4: Poor Financial History of Potential Homebuyers.

According to Home Mortgage Disclosure Act (HMDA) data, there were a total of 4,069 loan applications in 2013 from persons with an income less than 50% of the MSA median. Of those, 2,474 FHA, FSA/RHS, and VA home purchase loans were originated. Of the loans originated, 799 or 32% were denied.

Further, the fair housing survey and community meetings revealed numerous residents and stakeholders who felt that lack of financial literacy was a major cause in residents of the same incomes not having the same range of housing options. A large percentage, 82.3%, of the fair housing survey respondents identified poor financial history of potential home buyers as a barrier to fair housing in Maricopa County. The income levels of minority and female-headed households were identified as a barrier to fair housing by 88.3% of survey respondents. Additionally, predatory lending practices, which can damage credit and reduce savings and assets, was identified by 70.8% of survey respondents as a barrier to fair housing.

Recommendations

The County should partner with local non-profit and community organizations to implement financial management programs and identify resources for financial counseling, financial literacy counseling, and training for residents to learn financial planning skills including what issues impact credit, finding financial resources, education about fair and non-predatory lending practices, and making good financial choices. The County should also partner with and encourage local bank and lending institutions to do outreach and education regarding budgeting, financial literacy, financial products, and fair lending in areas with heavy racial and ethnic minority and low-income and poverty concentrations throughout the County. The County should continue to implement Homeownership Programs and Family Self-Sufficiency programs to assist families with homeownership opportunities and education and help in obtaining employment allowing low-and moderate – income persons to become self-sufficient.

Impediment #5 Lack of Transportation Options in Rural Unincorporated Maricopa County.

Mapping conducted of transportation patterns in Maricopa County and data from the Comprehensive Plan reveal that despite the extensive public transportation system, residents in unincorporated Maricopa County have limited access to public transit. Transit in rural areas is limited to programs related to human services trips and privately operated service. However, program related services do provide trips for the elderly, disabled, and low income riders.

Of survey respondents reporting public transportation needs, the highest need reported was that transportation to and from home and work was not available. This lack of availability was reported by over 1 in 10, 11%, of respondents. Survey respondents who reported a need for transportation assistance, identified 2-4 times per week, as the amount and level of public transit services needed. Minority respondents were 10% less likely to report not having a need for transportation assistance at 75.0% compared to 85.0% for non-minority respondents.

Recommendations

The County should utilize Community Development Block Grant funds or other local or resources to provide subsidies for a public transportation voucher program, gas voucher program, or taxi voucher program for unincorporated Maricopa County residents. The County should coordinate with non-profit organizations providing program related transportation services to encourage community outreach and to provide informational services and resources regarding transportation options in unincorporated Maricopa County.

Impediment# 6: Unequal Distribution of Resources

A majority of participants in community meetings report that public resources are not invested evenly throughout all neighborhoods. In fact, 61% of participants report that public resources need to be invested more evenly throughout neighborhoods. The major public resource identified in community meetings as a need is parks, specifically accessible parks that disabled can use. Other public resources mentioned that communities are in need of include: parks (especially accessible parks for the disabled), youth recreational facilities (Boys & Girls Club), and transportation.

This analysis used mapping and data from the U.S. Census to identify Racially Concentrated Areas of Poverty (RCAP) and Ethnically Concentrated Areas of Poverty (ECAP). Overall, poverty, school proficiency, labor market engagement, and job access scores indicate reduced levels of opportunity on each of these dimensions in RCAP/ECAPs areas (with the exception of school proficiency and job access in the RCAP/ECAP west of Chandler).

Recommendations:

Maricopa County should focus on improving the distribution of resources to adequately cover all areas of the County. In the future, the County's strategy for the development of new affordable housing, including identifying target areas where the number of subsidized housing units could be increased, should focus on areas that beyond RCAP/ECAP areas with limited access to opportunity. This strategy should be communicated to developers and nonprofit partners, and give funding priority to projects that align with this goal.

The County should encourage the de-concentration of high area of poverty by expanding where housing vouchers can be used. To promote this expansion, the County should encourage landlord acceptance of vouchers by providing information about the program and, potentially, incentives for participating. The County should also make housing choice voucher holders aware of the availability of units in other areas of the County, and partner with local nonprofit organizations to provide additional information or assistance to households who wish to move.

The County should work to ensure that public transit in low-income neighborhoods has routes and hours that allow access to major business centers, areas with high performing schools, and areas with accessible park and recreational activities. Public transit hours should be centered around typical work hours. The County should collaborate with local non-profits to provide services, such as after school and recreational programming, targeted at youth.

Conclusion

Through this regional Analysis of Impediments to Fair Housing Choice, barriers have been identified that may restrict the housing choices available to residents of Maricopa County and its cooperating cities. The barriers may also prevent residents from realizing their right to fair and equitable treatment under the Federal Fair Housing Act of 1968. County residents who are members of protected classes under the Act should know their fair housing rights and should understand the actions that they may take if they think their rights may have been violated.

The recommendations proposed in this document address impediments relative to accessible housing needs, awareness of fair housing protections, housing costs, the financial history of potential homebuyers, lacking transportation options, and an unequal distribution of some community resources. The implementation of the recommendations in this report can assist the Maricopa Urban County and the HOME Consortium in providing a supportive environment for achieving fair housing choice for all County residents.

Maricopa County and its cities covered by this regional AI will work cooperatively to achieving fair housing choice for their residents, using the recommendations in this document that are directed toward addressing the impediments identified in this report. Each jurisdiction has an important role to play but cannot, on its own, bring about the change necessary to reduce or remove these impediments to fair housing choice.

RESOLUTION NO. 3246-415

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, APPROVING THE 2015-2019 CONSOLIDATED PLAN AND THE 2015/2016 ANNUAL ACTION PLAN AND AUTHORIZING SUBMISSION TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR RECEIPT OF FEDERAL COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS; ACCEPTING THE 2015 ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE; AND AUTHORIZING ACCEPTANCE OF HOME FUNDS FROM MARICOPA COUNTY AND THE RELATED HOME EXPENDITURES.

WHEREAS, Title 1 of the Housing and Community Development Act of 1974, as amended, establishes a Community Development Block Grant (“CDBG”) program for the purpose of developing viable urban communities by (i) providing decent housing and suitable living environments, (ii) expanding economic opportunities and (iii) preventing and/or eliminating conditions of slum and blight, principally for persons of low and moderate income; and

WHEREAS, the City of Avondale (the “City”) desires to receive CDBG funds and to continue to carry out CDBG-funded programs; and

WHEREAS, the U.S. Department of Housing and Urban Development (“HUD”) is expected to provide approximately \$578,592 in CDBG funds to the City for Fiscal Year 2015/2016; and

WHEREAS, the Code of Federal Regulations, 24 CFR Part 91 requires the submission to HUD and subsequent approval by HUD of a multi-year Consolidated Plan and an Annual Action Plan as a condition of receiving CDBG funds; and

WHEREAS, the 2015 Analysis of Impediments to Fair Housing Choice identifies barriers that restrict resident access to affordable housing and provides recommendations to eliminate these barriers; and

WHEREAS, the Council of the City of Avondale (the “City Council”) must approve the 2015-2019 Consolidated Plan (the “Consolidated Plan”) prior to its submission to HUD; and

WHEREAS, the City prepared an updated 2015/2016 Annual Action Plan element of the Consolidated Plan listing activities to be funded in the 2015/2016 program year (the “2015/2016 Annual Action Plan”); and

WHEREAS, Maricopa County is expected to provide the City \$128,722 in HOME funds, which will require the City to contribute a matching amount equal to 25% from non-federal funds; and

WHEREAS, the City has completed public participation requirements in accordance with 24 CFR Part 91, including (i) a public hearing held on February 25, 2015, at which an opportunity for public comment was available, (ii) a 30-day comment period beginning March 4, 2015 and extending through April 3, 2015, during which time comments were able to be received from City residents for incorporation into the 2015/2016 Annual Action Plan and (iii) an additional public hearing held by the City Council on April 20, 2015.

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

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

SECTION 2. The City Council hereby approves and authorizes the submission to HUD of the following: (i) the 2015-2019 Consolidated Plan, (ii) the 2015/2016 Annual Action Plan and (iii) the allocation of funding to the activities to be undertaken described below.

2015/2016 CDBG Annual Action Plan Allocations – Estimated	
Activity	Amount Proposed
Administration	\$115,718
Street Reconstruction	\$225,000
Emergency Home Repairs	\$187,874
Youth Job Training	\$30,000
Revitalization and Small Business Assistance	\$20,000
Total Grant	\$578,592

SECTION 3. The City Council hereby finds that expenditures as set forth in the 2015/2016 Annual Action Plan are necessary and appropriate and further, that said expenditures for the CDBG program will serve to assist low- and moderate-income individuals/families (no less than 70 percent as described in federal regulations) and/or serve to prevent or eliminate conditions of slum or blight in the community.

SECTION 4. If the amount of funding approved by HUD is less than the total of estimates set forth in Section 2 above, the City Manager or designee is hereby authorized and directed to make adjustments as necessary to the activity allocations to ensure that the funds allocated are distributed to the listed activities in the proportions set forth in Section 2 above.

SECTION 5. The City Council hereby approves and authorizes (i) acceptance of the HOME funds from Maricopa County, (ii) expenditure of the 25% match and (iii) expenditure of the HOME funds in the manner set forth in the 2015/2016 Annual Action Plan.

SECTION 6. The 2015 Analysis of Impediments to Fair Housing Choice is hereby accepted.

SECTION 7. The Mayor, the City Manager or authorized designee, the City Clerk and the City Attorney are hereby authorized and directed to take all steps and execute all documents necessary to carry out the purpose and intent of this Resolution.

PASSED AND ADOPTED by the Council of the City of Avondale, April 20, 2015.

Kenneth N. Weise, Mayor

ATTEST:

Carmen Martinez, City Clerk

APPROVED AS TO FORM:

Andrew J. McGuire, City Attorney



CITY COUNCIL AGENDA

SUBJECT:

Public Hearing and Ordinance 1579-415
Amendment to Avondale Gateway Park/Gateway
Pavilions Planned Area Development (PAD)

MEETING DATE:

4/20/2015

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 amending the Avondale Gateway Park/Gateway Pavilions Planned Area Development (PAD) to allow for "Non-Consignment Secondhand Apparel Retail Store" uses on Lot 2.

PARCEL SIZE:

The Gateway Pavilions Center is approximately 79 gross acres; Lot 2 is approximately 24.1 acres.

LOCATION:

Lot 2 of the Gateway Park/Gateway Pavilions PAD is located approximately 910 feet west of the northwest corner of 99th Avenue and McDowell Road (Exhibits A, B, and C)

APPLICANT:

Mr. Matt Smith, Clothes Mentor of Arizona LLC (623) 623-4999

OWNER:

Inland Western Avondale McDowell LLC; Property is managed by RPAI Southwest Management (630) 634-4258

BACKGROUND:

The property (Exhibits A, B, and C) was annexed on May 26, 1981 and zoned PAD (Planned Area Development) in 1985. The original Avondale Gateway Park PAD divided the property into three distinct zones – a "High Density Office Zone", "Low Density Specialty Retail/Office Zone", and a "Commercial Zone". A PAD Amendment, revising the list of permitted land uses allowed on the property, was approved the City Council in 2001 (Exhibit D). This amendment eliminated any distinction between the various zones, instead allowing for standard commercial use across the entire property. The amended use list allows for C-2 (Community Commercial) uses as specified in the City's Zoning Ordinance, and specifies several prohibited uses, including the sale of used merchandise. Although still officially titled the "Avondale Gateway Park" PAD, the PAD is often referred to as "Gateway Pavilions", in reference to the shopping center built on the site.

A Site Plan for the Gateway Pavilions Shopping Center was approved by the City Council in 2001 and construction of the initial phases of the project commenced shortly thereafter. Development of

the site is nearly complete, with one undeveloped pad site remaining (immediately north of Red Robin). Anchor tenants of Gateway Pavilions include, but are not limited to, Costco, Sports Authority, Bed Bath and Beyond, Mor Furniture, Marshalls, Ross, and Harkins Theatres.

A Final Plat for Gateway Pavilions was approved by the City Council in December 2002 and recorded in April 2003. The Final Plat divided the 79 gross acre site into 11 lots. The subject of this request, Lot 2, is the largest single lot within the Gateway Pavilions, totaling approximately 24.1 acres. This lot is fully developed, with major tenants including Sports Authority, Bed Bath & Beyond, DSW, Marshalls, Mor, and Ross, and smaller tenants such as Peter Piper Pizza, Verizon, Jimmy John's, Jamba Juice, Panda Express, and Starbucks. There is limited unused tenant space on Lot 2, the majority of which is located directly west of Mor Furniture. Clothes Mentor, if this PAD Amendment is approved, would occupy those empty tenant spaces (spaces 13-17), as shown on Exhibit F.

The Gateway Pavilions site is designated by the General Plan Land Use Map as Freeway Commercial. The Freeway Commercial designation is intended to accommodate a broad range of non-residential uses, including, but not limited to, retail, medical/office, higher education, hospitality, entertainment, and service uses. Additionally, the property is located within the Freeway Corridor Specific Plan (FCSP) area. The Gateway Park/Gateway Pavilions PAD and existing retail center development are in complete conformance with the Freeway Commercial land use category.

Lot 2 is bordered on the east and west by other lots within the Gateway Pavilions shopping center. Other adjacent land uses are as follows:

- **SOUTH:** South of McDowell Road, the Gateway Crossing PAD, developed with a regional power retail center, similar to Gateway Pavilions in use and status as a regional attraction.
- **NORTH:** The west portion of Lot 2 abuts land previously used as a film production studio, now vacant. That property is zoned R1-6 (Single Family Residential) and available for future development. The east portion of Lot 2 abuts the Avondale Live PAD. This PAD, still valid, allows for film production studios and retail/restaurant/entertainment type uses.

SUMMARY OF REQUEST:

The applicant, Mr. Matt Smith, Clothes Mentor of Arizona LLC, is seeking to open a retail store specializing in the resale of gently used clothing and other fashion related merchandise within the Gateway Pavilions shopping center. Currently, all sale of used merchandise is prohibited within the Gateway Park/Gateway Pavilions PAD. As such, the applicant is requesting approval of an amendment to the Gateway Park/Gateway Pavilions PAD pertaining to Lot 2 only (Exhibit E). The proposed amendment would revise the permitted use list for Lot 2 only, allowing for "Non-Consignment Secondhand Apparel Retail Stores", defined as:

"A retail establishment where previously-owned fashion-related merchandise, such as clothing, jewelry, shoes, and other fashion-related accessories are sold. This use specifically excludes donated items from being sold.

Secondhand Apparel Stores shall NOT:

1. Include any outdoor component, including, but not limited to, outdoor storage of merchandise, or an outdoor merchandise drop-off area.
2. Sell large items, including, but not limited to, furniture, appliances, vehicles, etc.
3. Accept donated items or function as a "thrift store". All used merchandise sold at the store must be purchased for resale.
4. Function as a "pawn shop" by loaning money for merchandise left in collateral, as further defined by the Avondale Zoning Ordinance."

PARTICIPATION:

The applicant has provided a letter of support from RPAI Southwest Management LLC, the property management company that oversees operations for the bulk of the Gateway Pavilions Shopping Center (Exhibit G, 3rd Page). The letter indicates that the leases of several of the shopping center's major tenants will only support secondhand sales if the use is a "first class" establishment, citing Plato's Closet, Play-It-Again Sports, and Once Upon a Child as examples of the types of secondhand sales retailers that those large retail entities support near their locations.

The applicant conducted a neighborhood meeting to discuss the proposed PAD Amendment on Monday, February 23, 2015 at 6:00 P.M. at Avondale City Hall. The meeting was advertised in the February 3, 2015 edition of the West Valley View. A notification sign was erected on the subject property on February 4, 2015. Additionally, 109 property owners within 500 feet of the Gateway Pavilions PAD were notified of the meeting by letters sent by the applicant on February 4, 2015. No members of the public attended the neighborhood meeting.

Letters notifying nearby property owners of the March 19, 2015 Planning Commission meeting were mailed on March 3, 2015. The sign was updated to include the time, date, and location of the Planning Commission meeting on March 3, 2015. Additionally, a notice of the Planning Commission hearing was published in the West Valley View on March 3, 2015. No members of the public spoke on the proposed rezoning at the Planning Commission meeting.

Letters notifying nearby property owners of the April 20, 2015 City Council meeting were mailed on March 31, 2015. The sign was updated to include the date, time, and location of the City Council meeting on March 31, 2015. Additionally, a notice of the City Council hearing was published in the West Valley View on March 31, 2015. No additional comments on this proposal have been received to date.

PLANNING COMMISSION ACTION:

The Planning Commission conducted a public hearing on March 19, 2015 (Exhibit H).

Only one question was asked during the meeting. Commissioner Pineda inquired whether the amendment could be limited to the life of the proposed user's lease. Staff explained that the amendment, if approved, would be valid for any potential users on Lot 2, unless a subsequent PAD Amendment was approved that nullified this proposal.

Upon conclusion of the public hearing, the Commission voted 4-0 (Vice Chair Smith, Commissioner Long, and Commissioner Kugler absent) to recommend approval of the requested PAD Amendment subject to two staff recommended conditions of approval, as follows:

1. The Gateway Park (aka Gateway Pavilions) PAD Development Plan and Ordinance, including all stipulations of prior approval, shall remain in full force and effect, unless expressly modified by this amendment.
2. The permitted uses allowed on Lot 2 within the Gateway Park (aka Gateway Pavilions) PAD shall be amended to allow "Non-Consignment Secondhand Apparel Retail" stores, as defined and conditioned in the applicant's project narrative, Exhibit E to this report. All sales of used merchandise that falls outside of this definition, including thrift stores and pawn shops, shall remain expressly prohibited.

ANALYSIS:

Retailers specializing in the resale of used fashion merchandise, such as Plato's Closet, Buffalo Exchange, and My Sister's Closet, has led many Valley cities to re-examine their zoning codes to

allow for narrowly defined secondhand sales uses. These specialized resale shops have become desirable uses that can be compatible with the overall function of the shopping center in which the business is located. Examples of secondhand apparel retailers operating in the Valley include:

- **Plato's Closet:** Stores in Glendale (abutting Arrowhead Mall), Scottsdale (south of Old Town Scottsdale), and Chandler (Alma School and Warner Roads).
- **My Sister's Closet/Well Suited:** Stores in Phoenix (Biltmore vicinity), Paradise Valley (AJ's Shopping Center), and north Scottsdale (Pinnacle Peak and Pima Roads).
- **Buffalo Exchange:** Stores in Phoenix (7th Street and Osborn Road) and Tempe (Mill Avenue and University).
- **Clothes Mentor:** Store in Chandler (Rural and Ray Roads)

The proposed amendment to allow for "Non-Consignment Secondhand Apparel Retail" stores on Lot 2 of the Gateway Pavilions center is specifically tailored to ensure that any secondhand sales occurring on the property will be an asset, not a detriment, to Gateway Pavilions. Unlike "thrift store" uses, which sell a range of used merchandise from clothing to appliances to furniture, the proposed definition of "Non-Consignment Secondhand Apparel Retail" limits sales specifically to fashion related merchandise, such as clothing, jewelry, and shoes. Additionally, by definition, these secondhand sales uses would prohibit donated items from being sold, prohibit sales of large merchandise (e.g. furniture, vehicles, appliances), and disallow any outdoor drop-off area. With these conditions taken into account, the proposed use will function in a manner similar to a standard retailer of new merchandise, resulting in compatible land use relationships with existing tenants in the Gateway Pavilions shopping center.

FINDINGS:

1. Approval of the PAD Amendment request will allow for a specific use, "Non-Consignment Secondhand Apparel Retail Stores", that has been allowed in high profile locations throughout the Valley, including in Scottsdale, Tempe, Phoenix, Chandler, and Glendale.
2. The definition of the proposed use ensures that it will function similarly to standard retailers of new merchandise, with no anticipated deterioration in the physical condition of the shopping center or the shopping center's image.
3. The proposed PAD Amendment will result in compatible land use relationships.
4. 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-14-0238, a request to amend the Gateway Park (aka Gateway Pavilions) Planned Area Development (PAD), allowing for "Non-Consignment Secondhand Apparel Retail" stores on Lot 2 only, subject to two conditions, and as recommended by the Planning Commission.

PROPOSED MOTION:

I move that the City Council accept the findings and **ADOPT** the Ordinance approving Application PL-14-0238, a request to amend the Gateway Park (aka Gateway Pavilions) Planned Area Development (PAD), allowing for "Non-Consignment Secondhand Apparel Retail" stores on Lot 2 only, subject to two conditions, and as recommended by the Planning Commission.

ATTACHMENTS:

Description

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

[Exhibit B - Zoning Vicinity Map](#)

[Exhibit C - Aerial Photograph](#)

[Exhibit D - Gateway Park/Pavilions Permitted Use List](#)

[Exhibit E - Applicant's PAD Amendment Request Narrative](#)

[Exhibit F - Gateway Pavilions Site Plan and Tenant Directory](#)

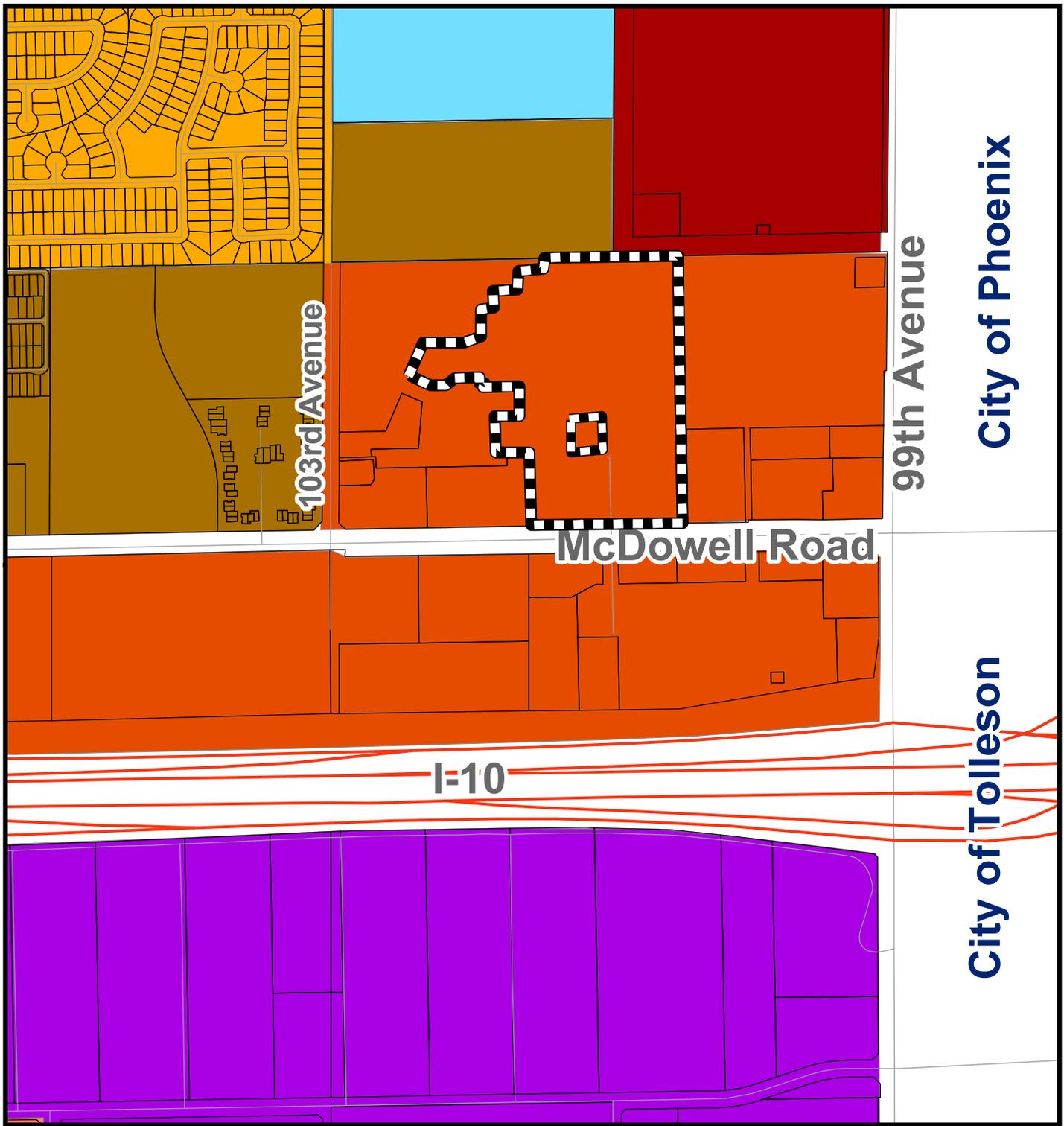
[Exhibit G - Letter of Support from RPAI Southwest Management LLC, and Clothes Mentor Background Information](#)

[Exhibit H - Excerpt of Draft Planning Commission Meeting Minutes \(March 19, 2015\)](#)

[Ordinance 1579-415](#)

PROJECT MANAGER

Ken Galica, Senior Planner (623) 333-4019

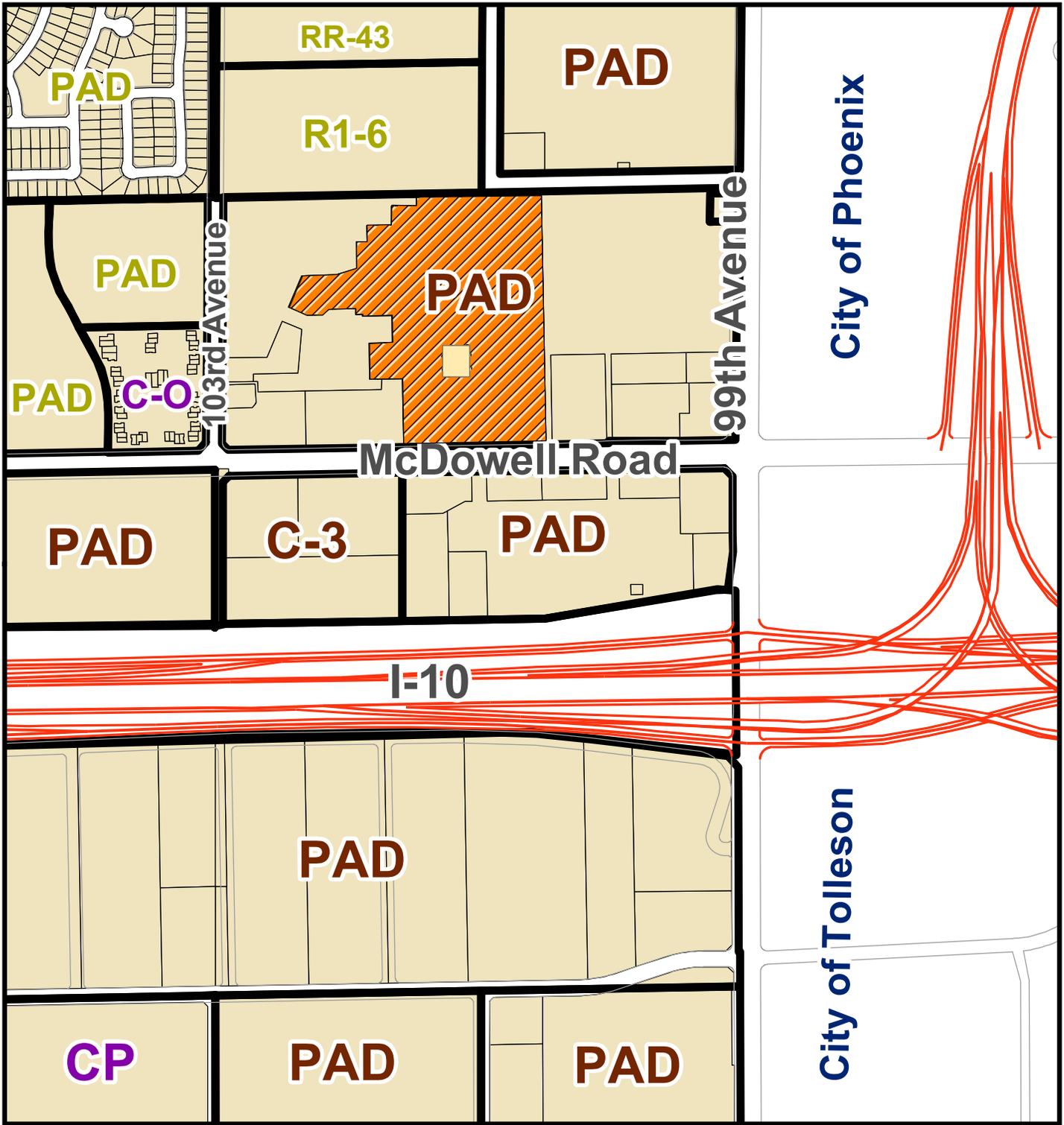


General Plan Land Use Map

 Subject Property



- | | |
|--|--|
|  Freeway Commercial |  High Density Residential |
|  Business Park |  Medium Density Residential |
|  Urban Commercial |  Education |

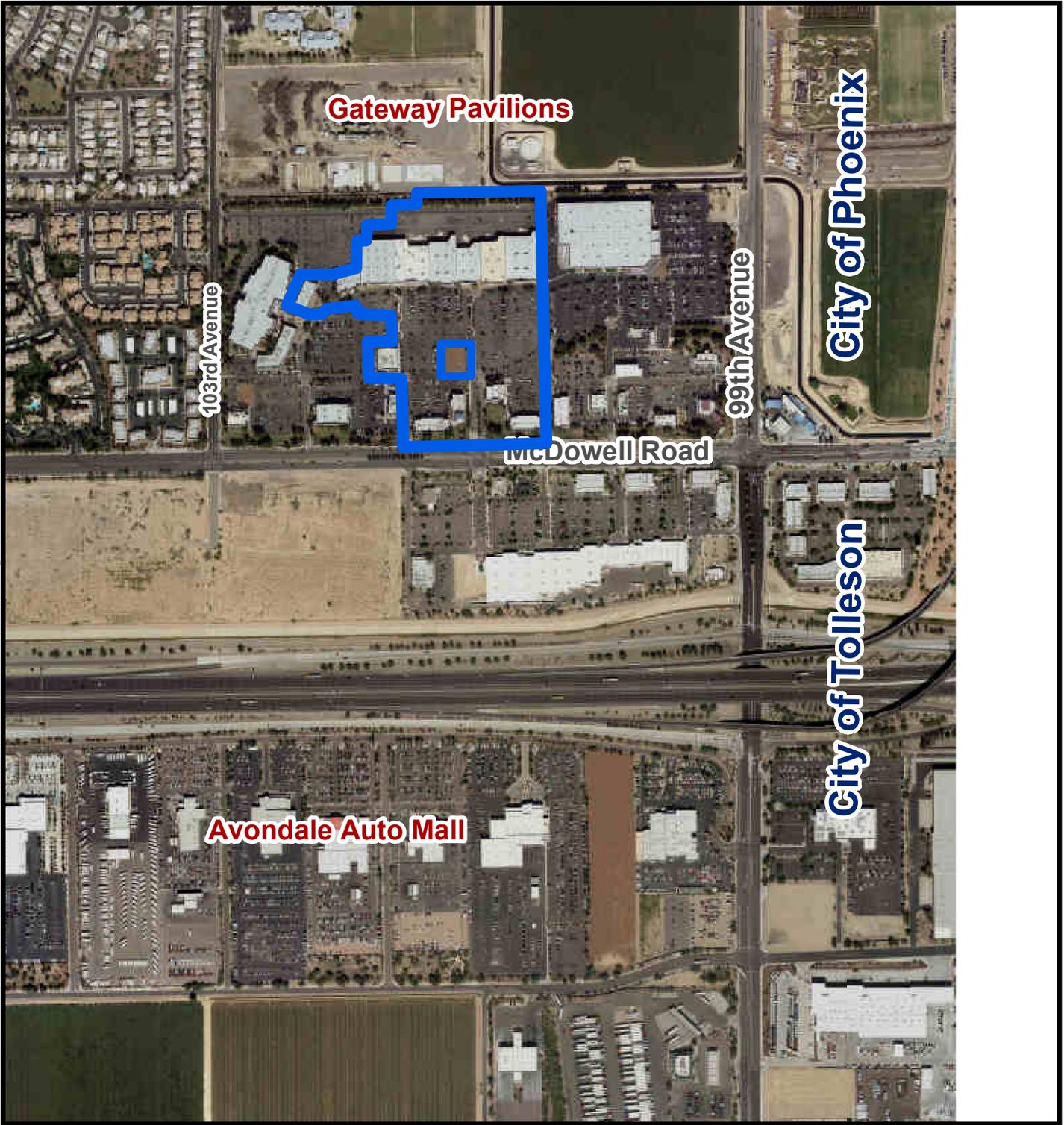


Zoning Vicinity Map

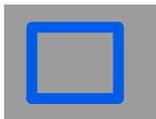


Subject Property





Aerial Photograph



Subject Property



Exhibit D

Avondale Gateway Park/Gateway Pavilions PAD

Permitted Use List

EXHIBIT "C"

AVONDALE GATEWAY PARK PADD AMENDMENT Z 00-198-AM SEPTEMBER 2001

***Amendment to Section P and Q (Permitted and Prohibited Uses)**

	1. High Density Office Zone	2. Low Density Specialty Retail Office	3. Commercial Zone
Allowed Uses	All permitted and conditional uses identified as C-2 (Community Commercial) in Section 300 of the City of Avondale Zoning Ordinance, except as noted in Prohibited Uses.	All permitted and conditional uses identified as C-2 (Community Commercial) in Section 300 of the City of Avondale Zoning Ordinance, except as noted in Prohibited Uses.	All permitted and conditional uses identified as C-2 (Community Commercial) in Section 300 of the City of Avondale Zoning Ordinance, except as noted in Prohibited Uses.
Prohibited Uses	Mini-Storage, Outdoor Storage, Adult Uses/Entertainment, Massage Parlor, RV Park, Truck Stop, Sale of Used Merchandise, Auto Body Shop, Mortuaries, Funeral Homes, Crematoria, Cemeteries, Equipment Rental	Mini-Storage, Outdoor Storage, Adult Uses/Entertainment, Massage Parlor, RV Park, Truck Stop, Sale of Used Merchandise, Auto Body Shop, Mortuaries, Funeral Homes, Crematoria, Cemeteries, Equipment Rental	Mini-Storage, Outdoor Storage, Adult Uses/Entertainment, Massage Parlor, RV Park, Truck Stop, Sale of Used Merchandise, Auto Body Shop, Mortuaries, Funeral Homes, Crematoria, Cemeteries, Equipment Rental, Motor Vehicle Repair

* As of the adoption of the Ordinance, permitted and prohibited uses shall conform with the above table.

Exhibit E

Applicant's PAD Amendment Request Narrative

 CLOTHES MENTOR
CM of Arizona LLC
Gateway Pavilions
10160 W McDowell Rd Suite 100
Avondale, AZ 85323
Matt Smith 623-523-4999

Project Narrative

RE: Gateway Pavilions Planned Area Development (PAD) Amendment to Permit Sale of Used Merchandise

Location-

Lot 2 of the recorded Gateway Pavilions subdivision (Book 633, Page 9, Docket 2003-0530503). North-West corner of 99th Ave and McDowell Rd. – See attached legal description and map.

History-

The subject property was annexed on May 26, 1981 and zoned PAD (Planned Area Development) in 1985. A new development plan was approved by the City Council in 2001. The Gateway Pavilions PAD allows for a range of commercial uses but currently prohibits sale of used merchandise. A site plan for the shopping center was approved by the City Council in 2001 and the property was subdivided in 2002. The site has been almost entirely developed, with only one pad immediately north of Red Robin remaining vacant, and another currently under construction for a Kneader’s bakery and restaurant.

Request-

To allow the sale of used merchandise by a **Non-Consignment Secondhand Apparel Retail Store** on lot 2 of the recorded Gateway Pavilions subdivision (Book 633, Page 9, Docket 2003-0530503).

Non-Consignment Secondhand Apparel Retail Store: A retail establishment where previously-owned fashion-related merchandise, such as clothing, jewelry, shoes, and other fashion-related accessories are sold. This use specifically excludes donated items from being sold.

Secondhand Apparel Stores shall **NOT**:

- a. Include any outdoor component, including, but not limited to, outdoor storage of merchandise, or an outdoor merchandise drop-off area.
- b. Sell large items, including, but not limited to, furniture, appliances, vehicles, etc.
- c. Accept donated items or function as a “thrift store”. All used merchandise sold at the store must be purchased for resale.
- d. Function as a “pawn shop” by loaning money for merchandise left in collateral, as further defined by the Avondale Zoning Ordinance.

Justification-

CM of Arizona LLC would like to open a Clothes Mentor Franchise in Gateway Pavilions. According to Avondale Gateway Park PADD Amendment Z 00-198-AM September 2001, the sale of used merchandise is a prohibited use. Prohibiting thrift shops, pawn shops, and stores like Goodwill from a power center such as this is very understandable as they do not have the same feel, smell, or atmosphere as regular retail stores. We would like to show that Clothes Mentor is nothing like those types of stores.

Clothes Mentor would be a great fit for the shopping center and the City of Avondale providing a first-class store to purchase high quality, stylish apparel at a very affordable price. This would fill the last three vacant units in this top-notch shopping center and would provide approximately 15 new jobs to the area.

Clothes Mentor Introduction-

Clothes Mentor is a National Franchise that buys and sells gently used clothing and accessories in like new condition for women ages 25-55. Clothes Mentor started franchising in 2007 and is ranked as the 90th fastest growing franchise in America and is ranked #221 in Entrepreneur's Franchise 500. There are currently 123 stores in 27 states. This is an upscale resale store that was started by the same people who started Plato's Closet when they saw a need for affordable clothing for the sophisticated woman.

Much of the success of Clothes Mentor can be attributed to the high quality and low prices of the inventory. Clothes Mentor acquires all inventory by purchasing gently used items in like new condition from the general public. Clothes Mentor does not take donations. Since all inventory is purchased and not donated, we can be very selective about styles and quality of the inventory.

It is very common for customers to comment that they would have had no idea the inventory was used if someone didn't tell them. We spend a lot of time and money to make sure that the store smells fresh, looks clean, and has a general feel of a new retail clothing store.

Current Tenants-

Current tenants in the Gateway Pavilions shopping center include Ross, Marshalls, DSW, Bed Bath & Beyond, Sports Authority, Mor Furniture, Costco, Harkins Theatres, Sally Beauty Supply, and many more. These are all perfect co-tenants for Clothes Mentor because they all target the same customers, adult women. The current leases for these first class, national chains all allow stores like clothes mentor. Some of the leases for these stores contain language similar to prohibiting the sale of used merchandise except for first class establishments such as Plato's Closet. They have this language because they understand that there is a very significant difference between Stores like Clothes Mentor or Plato's Closet and thrift shops. Clothes Mentor will be an asset to this shopping center and to the City of Avondale.

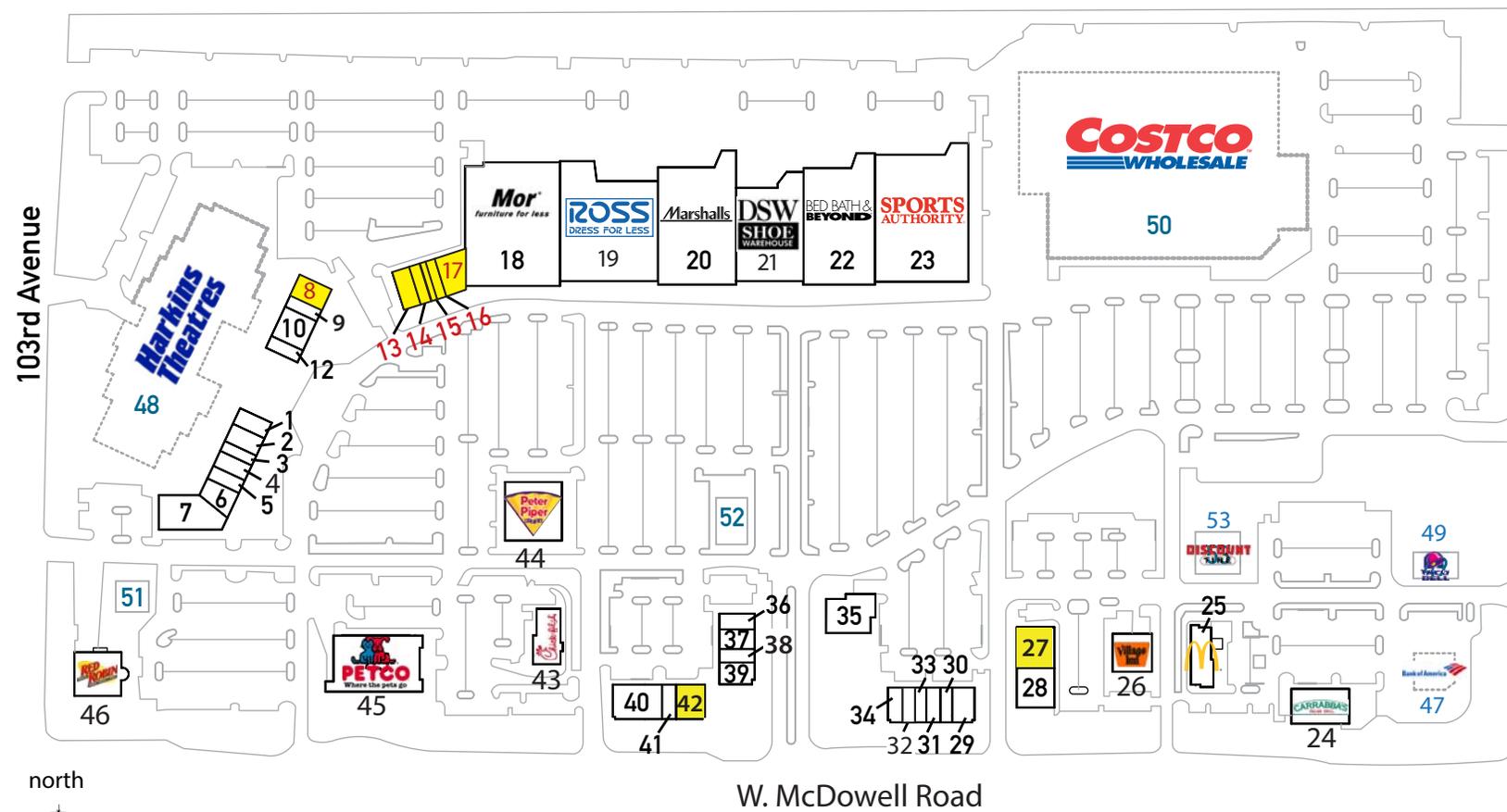
Exhibit F

Gateway Pavilions Tenant Directory



GATEWAY PAVILIONS

99th Ave & McDowell Rd | Northwest Corner | Avondale, AZ



Unit	SF	Tenant
1	1,800	Senor Taco
2	1,980	Yogi's Grill
3	1,261	Subway
4	1,653	Nail Salon
5	1,425	Yogurtland
6	2,368	Johnny Rockets
7	7,001	Native New Yorker
8	2,200	Available
9	1,300	Pixy Cakes
10	3,300	Gentle Dental
12	1,400	Cold Stone Creamery
13	2,086	Available
14	1,205	Available
15	1,205	Available
16	1,200	Available
17	2,244	Available
18	35,000	Mor Furniture For Less
19	32,500	Ross Dress For Less
20	28,150	Marshalls
21	20,000	DSW Shoe Warehouse
22	25,063	Bed Bath & Beyond
23	35,700	Sports Authority
24	6,100	Carrabba's Italian Grill
25	5,000	McDonald's
26	4,441	Village Inn
27	4,445	Available
28	4,477	The Vitamin Shoppe
29	2,200	T-Mobile
30	1,200	Great Clips
31	1,505	GameStop
32	1,200	Zara Jewelry
33	1,200	Select Staffing
34	1,504	Starbucks
35	6,000	China City Super Buffet
36	1,472	Jimmy John's
37	1,980	Jamba Juice
38	1,443	Foot Care
39	2,256	Panda Express
40	5,272	Verizon Wireless
41	1,210	Scottrade
42	2,969	Available (Do Not Disturb)
43	4,200	Chick-fil-A
44	10,000	Peter Piper Pizza
45	14,668	Petco
46	7,000	Red Robin
47		Bank of America
48		Harkins Theatres
49		Taco Bell
50		Costco
51 & 52		Available Pad Sites
53		Discount Tire

Items in blue are owned by others.

ADDITIONAL INFORMATION

Tim Gunnink 602.368.3555 602.617.0333 Tim.Gunnink@GDCRE.com	Phillip Sollomi 602.368.3555 602.316.1894 Phillip.Sollomi@GDCRE.com	Tim Westfall 602.368.3555 602.628.6298 Tim.Westfall@GDCRE.com
--	--	--



The information contained herein has been obtained from sources believed reliable. While we do not doubt its accuracy, we have not verified it and make no guarantee, warranty or representation about it. It is your responsibility to independently confirm its accuracy and completeness. Any projections, opinions, assumptions or estimates used are for example only, and do not represent the current or future performance of the property. The value of this transaction to you depends on tax and other factors which should be evaluated by your tax, financial and legal advisors. You and your advisors should conduct a careful, independent investigation of the property to determine to your satisfaction the suitability of the property for your needs.

Exhibit G

Clothes Mentor Background Information and
Letter of Support from Gateway Pavilions
Property Management Company



We Make Frugal Look Fabulous

Gateway Pavilions - Avondale, Arizona
623-523-4999
pcmatts@gmail.com



Gateway Pavilions – Avondale, AZ

Matt Smith

623-523-4999

pcmatts@gmail.com

ABOUT CLOTHES MENTOR FRANCHISE

- Founded in Ohio in 2001 by Dennis and Lynn Blum who also founded Plato's Closet.
- Franchised in 2007 by Ron and Chad Olsen, who also founded Grow Biz Inc which was the original franchiser of Plato's Closet.
- Currently, there are 123 stores open across the US and 174 franchises sold.
- Ranked #221 by Entrepreneur Magazine's Franchise 500.
- Ranked 90th fastest growing franchise in America by Entrepreneur Magazine.
- Plato's Closet was ranked #1 Best Franchise in America with initial investment of \$150,001 to \$500,000 by Forbes Magazine in June 2014. <http://www.forbes.com/pictures/mgj45elkk/no-1-platos-closet/>

WHAT IS CLOTHES MENTOR

- Clothes Mentor is a resale store that buys and sells better brand, gently used clothing and accessories for women ages 25-55.
 - Clothes Mentor is not a thrift shop and does not accept donations.
 - Clothes Mentor is not a consignment shop because we buy the items that we are selling before we sell it rather than after it is sold.
 - Approximately 90% of all items that are brought in to our store are turned away (we are very selective with what we will purchase).
 - We accept brands like Chicos, Ann Taylor, Coach, Luis Vuitton, Lululemon, Banana Republic, Michael Kors, White House Black Market, Talbots, Lane Bryant, Joes Jeans, etc.
- There is a very professional atmosphere inside Clothes Mentor stores.
 - Professional signage and photos.
 - Although the clothing is used, there is no "thrift shop" smell in the stores.
 - Franchise provided Point of Sale system with a pricing database.
 - Everything is neat and organized by subcategory, size, and color.
- Clothes Mentor is recognized as a high quality retailer that would complement this shopping center and serve the existing customers in the center.
 - Most national, big box retail stores accept stores like Clothes Mentor and Plato's Closet as their peers and as a store that fits in well with their shopping centers.
 - See prohibited uses language in the leases of our co-tenants.
- Clothes Mentor franchises are for profit companies that pay sales tax.

CURRENT PADD

- This PADD does not allow the sale of used merchandise, but the use table only specifies thrift store, consignment store, and pawn shop – none of which do we meet the definition. This may show that the code did not anticipate a similar but distinctly different use and was never intended to prohibit retailers like Clothes Mentor, which did not exist at the time, or were very new.



RPAI Southwest Management LLC

2021 Spring Road, Suite 200

Oak Brook, IL 60523

T: 855 247 RPAI

www.rpai.com

October 12, 2014

City of Avondale
11465 W Civic Center Drive
Avondale, AZ 85323

RE: Lease with Clothes Mentor
Gateway Pavilions

To Whom It May Concern:

As the Leasing Director of the above mentioned shopping center I would like to provide support for Clothes Mentor's application for a special use permit. The below definitions are provided within our existing leases for uses such as Clothes Mentor. The Landlord would not have entered into a lease with this tenant for our last available space in the Shopping Center if we felt that the use would not benefit our existing tenants consisting of national brands such as DSW, Bed Bath & Beyond and Marshalls. Gateway Pavilions will be 100% occupied upon the opening of Clothes Mentor and we feel they will be a great addition to the strong merchandising mix that we currently have in the center. Below is language included in the following tenant's leases which allowed us to enter into a lease along with the fact that Clothes Mentor currently leases space in other first class shopping centers similar to Gateway Pavilions across the country.

1. DSW: Second Hand Store Definition – a thrift store, surplus store, Goodwill, donation-based resale operation, or any facility selling goods that are not new; provided however, Second Hand Store shall not include the following: a first-class retail establishment selling antiques, a first-class consignment shop or a first-class retail operation that operates substantially like Play-it-Again Sports, Once Upon A Child, Kid to Kid or Plato's Closet
2. Bed Bath & Beyond: Any "second hand" store, "surplus" store is prohibited (it being agreed that the foregoing restriction shall not prohibit a "second-hand" store of the type commonly located in first-class shopping centers in Avondale, Arizona, such as Consign and Design, Play-It-Again Sports and Once Upon a Child)
3. Marshalls: Tenant's lease prohibits Landlord from leasing to an establishment which sells or displays used merchandise or second hand goods which shall not prohibit tenants such as "Play It Again Sports," "Terri's Consign and Design," or similar uses.

Should you have any questions regarding the above please feel free to reach out to me at the contact information provided on the attached as well as my colleagues that represent leasing, property management and asset management of the shopping center.

Sincerely,

Stacy L. Short

AVP, Leasing Director – West Region

Stacy L. Short
RPAI Southwest Management LLC
AVP, Leasing Director – West Region
Phone: (630) 634-4285
Email: short@rpai.com

Patrick Brady
RPAI Southwest Management LLC
Senior Leasing Manager – West Region
Phone: (480) 499-9838
Email: brady@rpai.com

Bruce Heitzinger
RPAI Southwest Management LLC
VP Asset Management – West Region
Phone: (630) 634-4176
Email: heitzinger@rpai.com

Lynn Reissenweber
RPAI Southwest Management LLC
VP, Property Management
Phone: (630) 634-4258
Email: reissenweber@rpai.com

Deb Bauer
RPAI Southwest Management, LLC
Property Manager
Phone: (480) 499-9837
Email: bauer@rpai.com

A subsidiary of





CLOTHES MENTOR

A women's resale store deigned for ALL women... sizes 0 to 26, petites and maternity.

We have redefined Women's Resale Store:

All day, everyday we pay our customers cash on-the-spot to purchase their better brand-name, "gently-used" women's apparel, shoes, and designer handbags that are in style and in great condition.



We provide the best value in Women's Apparel Stores:

Our customers can buy all of the most sought-after brands "gently-used" for about 70% off mall store pricing... every day.





Some of the brands we buy/sell:

ann taylor • banana republic • chio's • coach • coldwater creek
• dooney & bourke • express • j.crew • lane bryant • limited
• loft • louis vuitton • micheel kors • new york & co • talbot's
• white house black market • and many more

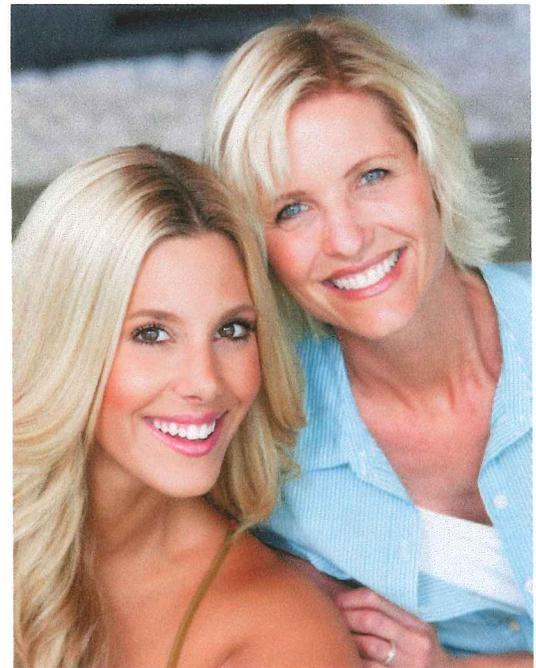
**all brands are registered or trademarked by their respective company*

What we carry:

tops • sweaters • blazers • jackets • coats • tank tops • pants •
jeans • carpis • skirts • shorts • shoes • boots • jewelry • purses
• designer purses • designer perfume • other accessories

Clothes Mentor's target audience:

Clothes Mentor is for ALL women sizes 0-26 and maternity. Our target demographic is women 25-55, but cater to women off ALL ages.



Our business creates **LOYAL REPEAT CUSTOMERS** who **LOVE** these stores for their:

- Tremendous value on a wide variety of better brands, in “gently-used” “like-new” condition, at about 70% off mall store pricing...available every day.
- Great shopping experience in a well lit, organized, beautifully designed environment.
- Dynamic, ever-changing inventory bargains.
- RESALE business model (not consignment).
- Immediacy and convenience of getting CASH-ON-THE-SPOT for selling us their fashions, which we buy right over-the-counter. (No waiting for months to get paid, and no worrying about missing items as in a consignment shop.)
- Opportunity to take this CASH and update their wardrobes on a regular basis – for less...a lot less!

Resale Done Right

Our stores are clean, bright, organized and sophisticated... just like our customers. We provide an easy to shop store that leave customers saying “wow”!



Clothes Mentor is one of the fastest growing franchises in America!

- Resale format means up to 60% profit margins
- Franchise Support from our team of experts
- Model has proven success in a variety of markets
- Training to help first-time franchise owners
- 32% of franchisees now own multiple stores
- 39% of franchise owners see \$132-339K net profit!*

Clothes Mentor is one of the most lucrative franchise options in the market today. Explore our Franchise section to see what it takes to start a Clothes Mentor franchise of your own! Resale Clothing Franchises have proven effective, even in a down economy. Grab your piece of the resale clothing franchise market today by contacting our Franchise Development Experts!



We provide training materials, proven systems for buying inventory in quality, easy staff/manager training, advertising and marketing support, along with much, much more...



Clothes Mentor

[BACK](#) 221/500 [NEXT](#)
2014
FRANCHISE
500
#221

AT A GLANCE

Products & Services: Women's clothing and accessories resale store

Founded: 2001

Number of Locations: 93

Began Franchising: 2007

Total Investment: \$163K - 258K

[f Recommend](#) 3

[t Tweet](#) 0

[g+1](#) 0

[in Share](#)


About Clothes Mentor

Clothes Mentor founders Lynn and Dennis Blum previously started two other resale store franchises, Once Upon a Child and Plato's Closet, before selling them to Grow Biz International (now Winmark Corporation). They opened their first Clothes Mentor store in 2001, buying and selling used women's clothing, shoes, purses and other accessories. Grow Biz co-founder Ronald Olson left his company in 2000 in search of a new concept to franchise. He discovered Clothes Mentor and began franchising the concept in 2007.

Franchise Units

YEAR	U.S.	CANADIAN	INTERNATIONAL	COMPANY OWNED
2013	92	0	0	1
2012	61	0	0	1
2011	45	0	0	1
2010	32	0	0	1

Startup Costs, Ongoing Fees and Financing

Total Investment: \$163,000 - \$258,000

Franchise Fee: \$20,000

Ongoing Royalty Fee: 4%

Term of Franchise Agreement: 10 years, renewable

FINANCIAL REQUIREMENTS

Net Worth: \$250,000

Liquid Cash Available: \$40,000

OPERATIONS

50% of all franchisees own more than one unit. Number of employees needed to run franchised unit: 8 - 8. Absentee ownership of franchise is NOT allowed. (100% of current franchisees are owner/operators).

Franchise Ranking History

Franchise 500®: #221 (2014), #235 (2013), #329 (2012), #409 (2011),

Top New: #25 (2012), #38 (2011),

Exhibit H

Excerpt of Draft Planning Commission Meeting Minutes

Meeting of March 19, 2015

Excerpt of the Minutes of the regular Planning Commission meeting held March 19, 2015 at 6:30 p.m. in the Council Chambers.

COMMISSIONERS PRESENT

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

COMMISSIONERS EXCUSED

Gary Smith, Vice-Chair
Kevin Kugler, Commissioner
Michael Long, Commissioner

CITY STAFF PRESENT

Robert Gubser, Planning Manager
Chris Schmaltz, Legal Counsel
Ken Galica, Senior Planner
Eric Morgan, Planner II

APPLICATION NO. PL-14-0238: Gateway Pavilions PAD Amendment

This is a public hearing before the Planning Commission to review and solicit public input on application PL-14-0238, a request by Mr. Matt Smith, Clothes Mentor LLC, to amend the Gateway Pavilions Planned Area Development (PAD) to allow for “Non-Consignment Secondhand Apparel Retail Store” uses on Lot 2. This use is defined as “a retail establishment where previously owned fashion-related merchandise, such as clothing, jewelry, shoes, and other fashion-related accessories are sold.” The proposed use differs from a “Thrift Store” in that all merchandise is purchased for resale; donated items are prohibited from being sold. The center is located at the northwest corner of 99th Avenue and McDowell Road. Lot 2 is located east of Harkins Theatres and west of Costco. Staff Contact: Ken Galica

Ken Galica, Senior Planner, said Lot 2 is an irregularly-shaped parcel within the Gateway Pavilions Shopping Center with Gateway Crossing Shopping Center located to the south. To the east and west of Lot 2 are other parcels in the Gateway Pavilions Shopping Center. To the north is property that was previously used for a movie studio that is no longer in operation. The property was annexed in 1981, and a PAD called Avondale Gateway Park was approved in 1985. The PAD divided the property into the subzones for office, commercial retail and high-intensity commercial. In 2001, the PAD was amended to eliminate the distinctions between zones, allowing the entire property to develop as a retail center, subject to limitations. One of those limitations was that the sale of used merchandise be prohibited.

Mr. Galica said Gateway Pavilions Site Plan was approved in 2001. Development occurred later that year. In 2002, a final plat was approved creating 11 lots. The center is near full occupancy and contains a mix of regional retail, entertainment, and smaller retail uses.

Mr. Galica state that the Applicant requests an amendment to the PAD specific to Lot 2 to allow non-consignment, second-hand retail stores. This would be defined as the sale of previously owned fashion-related merchandise. The sale of non-fashion items would be prohibited. This use is distinct from thrift stores because all merchandise would be purchased by the store for resale. No items would be donated. All activity would occur indoors.

Mr. Galica stated that staff supports the request. A new generation of second-hand retail shops has become desirable and trendy throughout the Valley. The proposed amendment was carefully crafted to ensure that the use is not detrimental to the center and distinct from thrift stores. It will function similarly to a new retail store. The site has been posted, legal notices have been published, and meeting notifications have been mailed to 109 property owners within 500 feet. A neighborhood meeting was held at City Hall on February 23, but no members of the public attended. Staff has received no comments, and recommends approval subject to two standard conditions.

Chair Scibienski opened the public hearing. Noting that there were no requests to speak, he closed the public hearing.

Commissioner Pineda inquired whether approval could be limited to just the life of the proposed user's lease. Mr. Galica explained that the use would be allowed until it was amended for removal, and not just apply to a specific user. Matt Smith, 14863 N. 172nd Lane, Surprise, Arizona, responded that his retail shop Clothes Mentor has a five-year lease with the landowner, with two five-year options after that. His goal is to stay at the location as long as possible.

Chair Scibienski invited a motion to approve the application. Commissioner Solorio **MOVED** to accept the findings and recommend approval of Application PL-14-0238, a request to amend the Gateway Park a.k.a. Gateway Pavilions PAD allowing for non-consignment, second hand apparel retail stores on Lot 2 only subject to conditions 1 and 2. Commissioner Pineda **SECONDED** the motion.

ROLL CALL VOTE

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

Motion passes 4-0.

ORDINANCE 1579-415

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, MODIFYING THE PREVIOUSLY APPROVED PLANNED AREA DEVELOPMENT FOR REAL PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF 99TH AVENUE AND MCDOWELL ROAD, AS SHOWN IN APPLICATION PL-14-0238, BY AMENDING THE LAND USE PLAN FOR THE DEVELOPMENT.

WHEREAS, on May 20, 1985, the Council of the City of Avondale (the “City Council”) amended the City of Avondale Zoning Atlas (the “Zoning Atlas”) by rezoning approximately 79.4 acres of land located at the northwest corner of 99th Avenue and McDowell Road to a planned area development (presently known as the “Gateway Pavilions PAD”) and imposed conditions pursuant to the property development standards (the “1985 Development Standards); and

WHEREAS, on October 1, 2001, the City Council amended the 1985 Development Standards for the Gateway Pavilions PAD by approving Ordinance No. 816-01 (the “2001 Development Standards”); and

WHEREAS, the City Council now desires to modify the permitted uses allowed on Lot 2 within the Gateway Pavilions PAD as more particularly described and depicted on Exhibit A, attached hereto and incorporated herein by reference, by adopting an amendment known as the 2015 Amended Narrative as shown in Application PL-14-0238 (the “2015 Amended Narrative”), subject to certain modifications; and

WHEREAS, all due and proper notice of the public hearing on the 2015 Amended Narrative held before the City of Avondale Planning Commission (the “Commission”) was given in the time, form and substance provided by ARIZ. REV. STAT. § 9-462.04; and

WHEREAS, the Commission held a public hearing on Thursday, March 19, 2015, on the 2015 Amended Narrative, after which the Commission recommended approval.

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 2015 Amended Narrative is hereby approved subject to the following conditions:

1. The 1985 Development Standards and the 2001 Development Standards, including all stipulations of approval, shall remain in full force and effect, unless expressly modified by this 2015 Amended Narrative.
2. The permitted uses allowed on Lot 2 within the Gateway Pavilions PAD shall be amended to allow Non-Consignment Secondhand Apparel Retail stores, as defined and conditioned in the 2015 Amended Narrative. All sales of used merchandise that falls outside of this definition, including, but not limited to, thrift stores and pawn shops, shall remain expressly prohibited.

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 execute all documents and 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, April 20, 2015.

Kenneth N. Weise, Mayor

ATTEST:

Carmen Martinez, City Clerk

APPROVED:

Andrew J. McGuire, City Attorney

EXHIBIT A
TO
ORDINANCE NO. 1579-415

[Legal Description and Map]

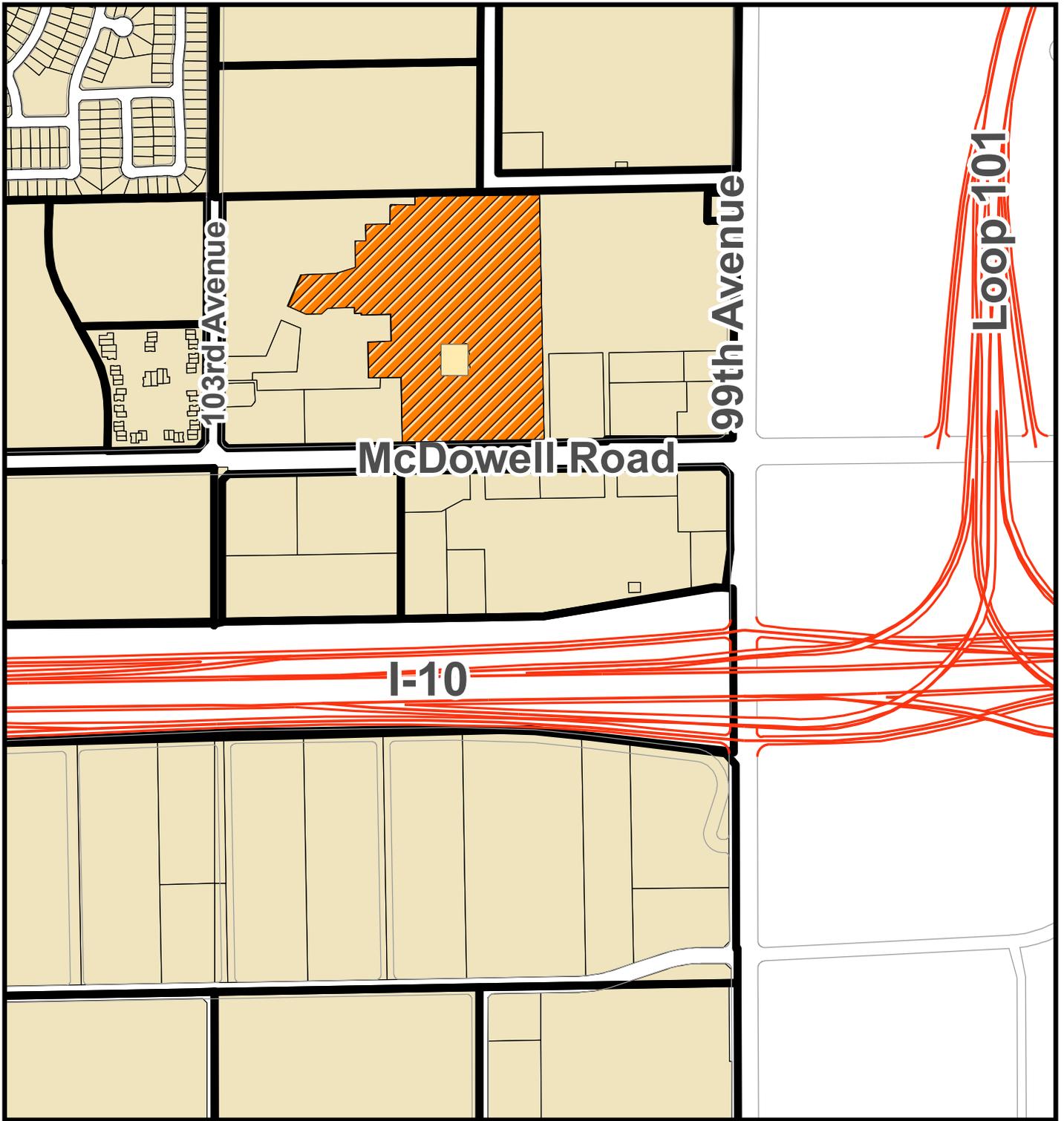
See following pages.

Application PL-14-0238

Gateway Pavilions PAD Amendment

LEGAL DESCRIPTION FOR REZONING

LOT 2 OF GATEWAY PAVILLIONS, ACCORDING TO BOOK 633 OF PLATS, PAGE 9, OF THE OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA.



Application PL-14-0238



Subject Property





CITY COUNCIL AGENDA

SUBJECT:

Public Hearing and Ordinance 1578-415
Rezoning from MH (Manufactured Home Park) to 4/20/2015
C-2 (Community Commercial)

MEETING DATE:

TO:

Mayor and Council

FROM:

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

THROUGH:

David Fitzhugh, City Manager (623) 333-1014

REQUEST:

Hold a public hearing and adopt an Ordinance rezoning approximately 1.3 gross acres 175 feet north of the northeast corner of Dysart Road and Brinker Drive from MH (Manufactured Home Park) to C-2 (Community Commercial)

PARCEL SIZE:

Approximately 1.3 gross acres

LOCATION:

Approximately 175 feet north of the northeast corner of Dysart Road and Brinker Drive (Exhibits A, B, and C)

APPLICANT:

Ms. Sandee Roberts, Leisure Industries (602) 717-9788

OWNER:

Ms. Sandee Roberts, Leisure Industries (602) 717-9788

BACKGROUND:

The 1.3 gross acre subject property was annexed into the City of Avondale corporate limits in June of 1956 and was subsequently zoned R-5 (Multifamily Residence General). Starting in 1972, the subject property was used as a manufactured home dealership accessory to the 18 acre, 122-unit Wigwam Villa mobile home park located directly east of subject property. According to the property owner, the dealership sold homes to buyers from throughout the State and was amongst the most successful manufactured home sellers in Arizona for many years. A two-story office building was built on the subject property in 1978 to serve as the sales office for the mobile home dealership. In March 2009, the R-5 District was renamed MH (Manufactured Home Park) to better distinguish manufactured home park zoning from other residential districts. Aerial photographs show that the site functioned as a mobile home dealership until 2012, at which point all model home models were removed from the property.

The majority of parcels that front Dysart Road south of Van Buren Street, including the subject property, are designated by the General Plan Land Use Map as "Local Commercial". This land use designation is intended to serve the goods and services needs for residents of the surrounding area. Uses appropriate for this category include retail, office, medical, and commercial services.

The subject property, which consists of two parcels, is located approximately 175 feet north of the northeast corner of Dysart Road and Brinker Drive. The existing uses of the surrounding properties (Exhibits B and C) are as follows:

- **EAST:** Wigwam Villa, a 122-unit manufactured home park zoned MH (Manufactured Home Park).
- **NORTH:** A 0.79 acre undeveloped parcel, zoned C-2 (Community Commercial).
- **SOUTH:** Immediately south of the subject property is a 35' wide private driveway, zoned MH (Manufactured Home Park). This driveway is used to provide ingress and egress to the Wigwam Villa manufactured home park. Directly south of the private driveway is a 0.67 acre property developed with the West Valley Pawn Shop, zoned C-3 (Freeway Commercial). The Zoning Ordinance no longer allows pawn shops in the C-3 District and, as such, the use of that property is legal non-conforming.
- **WEST OF DYSART ROAD:** Athletic fields and a covered parking area serving Agua Fria High School. The property on which the high school sits is zoned R1-6 (Single Family Residential).

SUMMARY OF REQUEST:

The property owner is requesting to rezone the subject property from MH (Manufactured Home Park) to C-2 (Community Commercial), in conformance with the property's General Plan designation of "Local Commercial". The C-2 District (Exhibit E) is intended to accommodate commercial development that caters to a community-wide trade area, allowing for a wide range of retail, service, and office uses. There are no imminent plans for redevelopment of the property; however, the applicant believes that allowance for commercial use of the property will expedite sale and redevelopment of the site by a subsequent owner.

Future re-development of the site will be required to adhere to the uses and development standards of the C-2 (Community Commercial) Zoning District. In addition to adherence to the uses and development standards of the C-2 District, future re-development of the site will be subject to the Historic Avondale Design and Development Guidelines. This document guides architecture, site design, and other aesthetic components to site development for properties located within Historic Avondale, ensuring new development complements the existing built environment and adds to area's revitalization.

PARTICIPATION:

The applicant conducted a neighborhood meeting to offer interested parties an opportunity to discuss the proposal on Wednesday, February 25th, at 6:00 P.M. at Avondale City Hall (Ocotillo Conference Room). The meeting was advertised in the February 10, 2015 edition of the West Valley View. A notification sign was erected on the subject property on February 3, 2015. Additionally, 15 property owners within 500 feet of the subject property were notified of the meeting by letters sent by the applicant on January 30, 2015. No members of the public attended the neighborhood meeting.

Letters notifying nearby property owners of the March 19, 2015 Planning Commission meeting were mailed on February 26, 2015. The sign was updated to include the date, time, and location of the Planning Commission meeting on February 27, 2015. Additionally, a notice of the Planning Commission hearing was published in the West Valley View on March 3, 2015. No members of the public spoke on the proposed rezoning at the Planning Commission meeting.

Letters notifying nearby property owners of the April 20, 2015 City Council meeting were mailed on March 20, 2015. The sign was updated to include the date, time, and location of the City Council meeting on March 20, 2015. Additionally, a notice of the City Council hearing was published in the West Valley View on March 31, 2015. No additional comments on this proposal have been received to date.

PLANNING COMMISSION ACTION:

The Planning Commission conducted a public hearing on March 19, 2015 (Exhibit F), and voted 4-0 to recommend approval of the requested rezoning. The Commission had no questions or comments on the request.

ANALYSIS:

The Zoning Ordinance includes two zoning districts that are compatible with the subject property's General Plan land use designation of "Local Commercial": The C-1 (Neighborhood Commercial) District and the C-2 (Community Commercial) District. The C-1 District is intended to be used in areas that are primarily residential, to allow development of "commercial corners" that are located at the intersection of two arterial streets, typically surrounded by residential lots on two or more sides. The C-2 District, on the other hand, is intended to be used along arterial streets to create corridors that are primarily commercial in nature, serving not just adjacent neighborhoods but residents from throughout the City. The subject property's location adjacent to Dysart Road, an established commercial corridor with only intermittent residential uses, makes the C-2 District most appropriate for the subject property.

The proposed rezoning will help to further the goals and policies of the General Plan, particularly as they relate to revitalization of Historic Avondale and supporting infill or redevelopment projects. Redevelopment of the subject property under the standards of the C-2 District and Historic Avondale Design and Development Guidelines will further enhance the economic vitality and aesthetic quality of the Dysart Road corridor, building upon the anticipated successes of the planned Madison Heights redevelopment, just northwest of the subject property, and the planned Carolina's Restaurant development, south of the subject site at the northeast corner of Dysart Road and Western Avenue.

Any necessary upgrades to City infrastructure (e.g. Water, Sewer) to serve future redevelopment of the subject property, determined at the time a Site Plan is submitted for the property, will be completed by a future developer at the developer's cost. The City will not incur any infrastructure cost associated with future redevelopment of the subject property. No right-of-way dedication will be required with this request.

FINDINGS:

1. The rezoning request to C-2 (Community Commercial) is in conformance with the subject property's General Plan Land Use Designation of "Local Commercial" and furthers the Goals and Objectives of the General Plan.
2. Required adherence to the development standards of the C-2 District, the design standards of the Historic Avondale Design & Development Guidelines, and all other applicable City codes, ordinances, and policies will result in a future development project that contributes to the continued revitalization of Historic Avondale.

RECOMMENDATION:

The City Council should conduct a public hearing and adopt the Ordinance approving Application PL-14-0216, a request to rezone approximately 1.3 acres from MH (Manufactured Home Park) to C-2 (Community Commercial).

PROPOSED MOTION:

I move that the City Council accept the findings and **ADOPT** the Ordinance approving Application PL-14-0216, a request to rezone approximately 1.3 acres from MH (Manufactured Home Park) to C-2 (Community Commercial).

ATTACHMENTS:**Description**

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

[Exhibit B - Zoning Vicinity Map](#)

[Exhibit C - Aerial Photograph](#)

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

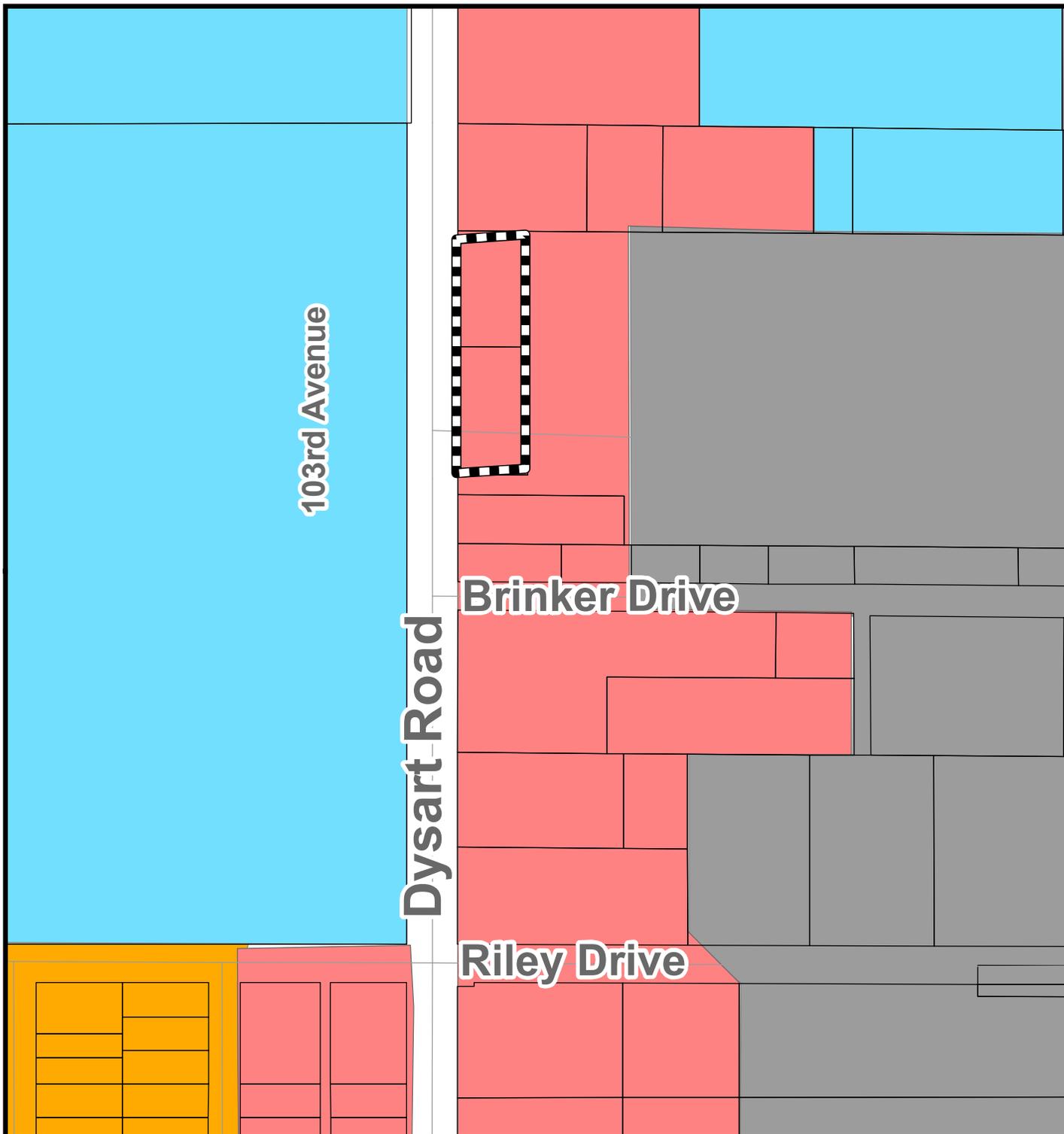
[Exhibit E - Excerpt of Zoning Ordinance Section 3 - Commercial Districts](#)

[Exhibit F - Excerpt of Draft Planning Commission Meeting Minutes \(March 19, 2015 Meeting\)](#)

[Ordinance 1578-415](#)

PROJECT MANAGER

Ken Galica, Senior Planner (623) 333-4019



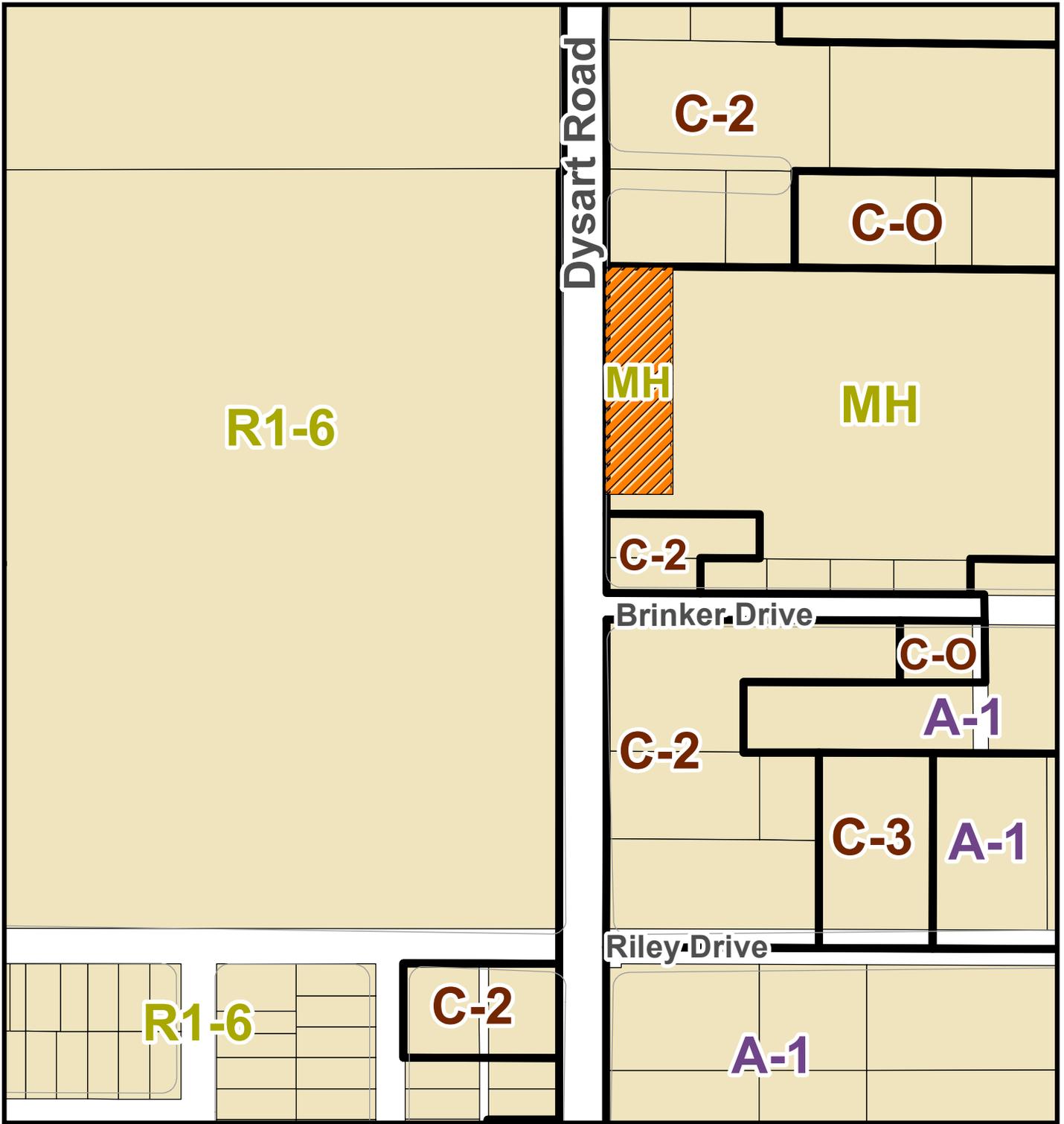
General Plan Land Use Map



Subject Property



-  Neighborhood Commercial
-  Medium Density Residential
-  Industrial
-  Education



Zoning Vicinity Map



Subject Property





Agua Fria High School

Dysart Road

Wigwam Villa Manufactured Home Park

Brinker Drive

Riley Drive

Aerial Photograph



 Subject Property



*SUMMARY OF RELATED FACTS
APPLICATION PL-14-0216*

<i>THE PROPERTY</i>	
PARCEL SIZE	Approximately 1.3 gross acres
LOCATION	Approximately 175 feet north of the northeast corner of Dysart Road and Brinker Drive
PHYSICAL CHARACTERISTICS	The site is relatively flat. The majority of the site is undeveloped/unpaved, however a vacant two-story office building and paved parking area exist on the northern half of the property.
EXISTING LAND USE	The property is currently unused/vacant.
EXISTING ZONING	MH (Manufactured Home Park)
ZONING HISTORY	The property was annexed into Avondale’s Corporate Limits in June 1956 and at an unknown date was zoned R-5 (Mobile Home Park). In March 2009, the R-5 District was renamed MH (Manufactured Home Park) to better reflect the uses permitted within it.
DEVELOPMENT HISTORY	Starting in 1972, the subject property was used as a mobile home dealership, selling homes to be placed on the +/- 18 acre Wigwam Villa mobile home park located directly east of subject property. The existing two-story office building was built circa 1978, to serve as the sales office for the mobile home dealership. Aerial photographs confirm that the site functioned as a mobile home dealership until 2012, when all model homes were removed from the lot.

<i>SURROUNDING ZONING AND LAND USE</i>	
NORTH	An approximate 0.79 acre undeveloped parcel zoned C-2 (Community Commercial).
WEST	Across Dysart Road, athletic fields and a covered parking area serving Agua Fria High School. The property is zoned R1-6 (Single-Family Residential).
SOUTH	Directly south of the subject property is an approximate 35’ wide driveway used to access the Wigwam Villa mobile home park. The driveway is zoned MH (Manufactured Home Park). The 0.67 acre property immediately south of the 35’ driveway contains the West Valley Pawn Shop, zoned C-3 (Freeway Commercial). Pawn shops are no longer allowed in the C-3 District and, as such, the use of that property is legal non-conforming.
EAST	Wigwam Villa, a fully-occupied 122-unit manufactured home park zoned MH (Manufactured Home Park).

GENERAL PLAN

The Avondale General Plan 2030 designates the subject property as “Local Commercial”, a category that is intended to serve the goods and services needs for residents of the surrounding area. Uses appropriate for this category include retail, office, medical, and limited services.

PUBLIC SCHOOLS

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

UTILITIES

Development on the property will be served by an existing 12” waterline in Dysart Road and an existing 8” sewer line in Dysart Road.

STREETS

Dysart Road

Classification	Modified Arterial (South of Van Buren Street)
Existing half street ROW	40’
Standard half street ROW	40’
Existing half street improvements	Two through lanes, ½ center turn lane, curb, gutter, and street lights.
Standard half street improvements	Two through lanes, ½ center turn lane, curb, gutter, detached sidewalk, street lights, and right-of-way landscaping.

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.

Exhibit F

Excerpt of Draft Planning Commission Meeting Minutes

Meeting of March 19, 2015

Excerpt of the Minutes of the regular Planning Commission meeting held March 19, 2015 at 6:30 p.m. in the Council Chambers.

COMMISSIONERS PRESENT

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

COMMISSIONERS EXCUSED

Gary Smith, Vice-Chair
Kevin Kugler, Commissioner
Michael Long, Commissioner

CITY STAFF PRESENT

Robert Gubser, Planning Manager
Chris Schmaltz, Legal Counsel
Ken Galica, Senior Planner
Eric Morgan, Planner II

APPLICATION NO. PL-14-0216: 809 Dysart Road Rezoning – MH to C-2

This is a public hearing before the Planning Commission to review and solicit public input on application PL-14-0216, a request by Ms. Sandee Roberts, Leisure Industries, to rezone approximately 1.3 gross acres of land located approximately 175 feet north of the northeast corner of Dysart Road and East Brinker Drive, from MH (Manufactured Home Park) to C-2 (Community Commercial). The C-2 District allows for retail, office, service, and other commercial uses that serve a community-wide trade area. Staff Contact: Ken Galica

Ken Galica, Senior Planner, explained the parcel's surrounding uses. The Wigwam Villa Manufactured Home Park is to the east while the driveway for that facility is directly to the south. To the south of the driveway is commercial development. To the north is an undeveloped C-2 zoned commercial property, and to the west across Dysart Road is Agua Fria High School. The property was annexed in 1956, and subsequently zoned R-5, which was Multi-Family Residence General. In 2009, the R-5 district was renamed MH (Manufactured Home Park). The property functioned as a dealership for manufactured homes, and allowed as an accessory to the adjacent Wigwam Villa MHP. A two-story office building was built to serve as the sales office in 1978, and still remains. Otherwise, the property is vacant and unused.

Mr. Galica said the General Plan Land Use Map shows the property as Neighborhood Commercial. The request is in conformance with the General Plan land use designation for Local Commercial. C-1 is generally used at the corner of intersections surrounded by residential, whereas C-2 is used more for commercial corridors. C-2 is the logical fit for this location, being on Dysart Road. There are no plans for development at this time, but future redevelopment would have to adhere to the C-2 development standards and other applicable codes and ordinances. Staff believes that this application represents continued progress in Historic

Avondale to go along with the Madison Heights multi-family redevelopment and the Carolina's restaurant project.

Mr. Galica stated that 15 property owners located within 500 feet of the site were notified of neighborhood and Planning Commission meetings. The parcel was also posted with the time and date of meetings. Legal advertisements were posted in the West Valley View. The neighborhood meeting was held on February 25. No members of the public attended and staff has received no comments. Staff recommends approval of the rezoning request.

Chair Scibienski opened the public hearing. Noting that there were no requests to speak, he closed the public hearing.

Chair Scibienski invited a motion to approve the application. Commissioner Pineda **MOVED** to approve Application PL-14-0216, a request to rezone property from MH (Manufactured Home Park) to C-2 (Community Commercial). Commissioner Solorio **SECONDED** the motion.

ROLL CALL VOTE

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

The motion passes 4-0.

ORDINANCE NO. 1578-415

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AMENDING THE OFFICIAL ZONING ATLAS OF THE CITY OF AVONDALE FOR APPROXIMATELY 1.33 ACRES GENERALLY LOCATED APPROXIMATELY 175 FEET NORTH OF THE NORTHEAST CORNER OF DYSART ROAD AND BRINKER DRIVE, AS SHOWN IN APPLICATION PL-14-0216, REZONING SUCH PROPERTY FROM MANUFACTURED HOME PARK (MH) TO COMMUNITY COMMERCIAL (C-2).

WHEREAS, the Council of the City of Avondale (the “City Council”) desires to amend the City of Avondale Zoning Atlas (the “Zoning Atlas”), pursuant to ARIZ. REV. STAT. § 9-462.04, to change the zoning description for a ± 1.33 acre parcel of real property referred to as “809 North Dysart Road” from Manufactured Home Park to Community 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 and substance provided by ARIZ. REV. STAT. § 9-462.04; and

WHEREAS, the Commission held a public hearing on the Zoning Atlas Amendment, on Thursday, March 19, 2015, after which the Commission recommended approval; and

WHEREAS, the City Council held an additional public hearing regarding the Zoning Atlas Amendment on April 20, 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 ± 1.33 acre parcel of real property generally located approximately 175 feet north of the northeast corner of Dysart Road and Brinker Drive, as shown in Application PL-14-0216 (the “Property”), as more particularly described and depicted on Exhibit A, attached hereto and incorporated herein by reference, is hereby rezoned from Manufactured Home Park (MH) to Community Commercial (C-2), subject to the City’s adopted codes, requirements, standards and regulations.

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, April 20, 2015.

Kenneth N. Weise, Mayor

ATTEST:

Carmen Martinez, City Clerk

APPROVED:

Andrew J. McGuire, City Attorney

EXHIBIT A
TO
ORDINANCE NO. 1578-415

[Legal Description and Map]

See following pages.

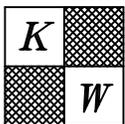
EXHIBIT "A"
RE-ZONING

GROSS LEGAL DESCRIPTION:

(A.P.N. 500-22-008E & 500-22-008F)

THE WEST 151.00 FEET OF THE NORTH 383.00 FEET OF THE FOLLOWING:

SOUTH 30 RODS OF THE NORTH 40 RODS OF THE NORTHWEST QUARTER OF THE
SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 1 NORTH, RANGE 1 WEST OF
THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.



K-WEST SURVEYING, INC.
WADE H. SHAFFER R.L.S. 12600
P.O. BOX 509, AVONDALE, AZ 85323-0170
PHONE(623)536-8248 FAX(623)536-8247 MOBILE(602)320-2333

J.N. 15(1558)001A	DATE: 01/15
SCALE: NONE	SHEET 1 OF 2
CHKD BY: W.H.S.	DWN BY: R.G.A.

15-005

EXHIBIT "B"

RE-ZONING

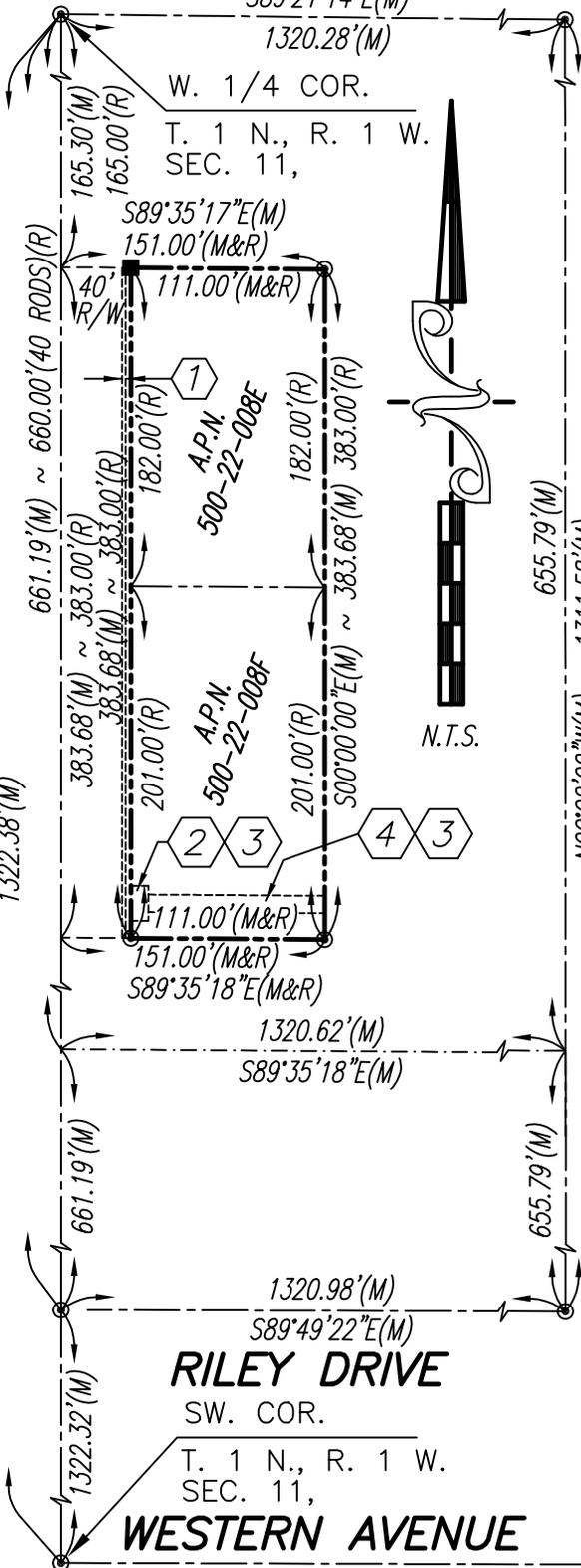
JEFFERSON STREET

$S89^{\circ}21'14"E(M)$

1320.28'(M)

W. 1/4 COR.

T. 1 N., R. 1 W.
SEC. 11,



ADDRESS:

#809 N. DYSART ROAD
AVONDALE, ARIZONA 85323

GROSS AREA:

57,935± SQ.FT. OR 1.33± ACRES

① 2' M.S.T.&T. EASEMENT PER
DKT. 2351, PG. 20

②③ WATERLINE EASEMENT &
AGREEMENT PER
DOC. NO. 2012-0127838
DOC. NO. 2012-0138385

④③ PRIVATE WATERLINE EASEMENT
EASEMENT & AGREEMENT PER
DOC. NO. 2012-0113745
DOC. NO. 2012-0138385

LEGEND

- — — — — CENTER LINE
- — — — — PROPERTY LINE
- — — — — RIGHT OF WAY
- — — — — EASEMENT LINE
- — — — — SURVEY TIE LINE
- R/W RIGHT OF WAY
- A.P.N. ASSESSOR'S PARCEL NUMBER
- M.S.T.&T. MOUNTAIN STATE TELEPHONE & TELEGRAPH



DYSART ROAD
 $S00^{\circ}00'00"E(M)$ (BASIS OF BEARING) ~ 2644.70'(M)
1322.38'(M)

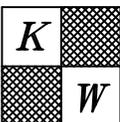
ELISEO C. FELIX JR. WAY
 $N00^{\circ}02'02"W(M)$ ~ 1311.58'(M)

RILEY DRIVE

SW. COR.

T. 1 N., R. 1 W.
SEC. 11,

WESTERN AVENUE



K-WEST SURVEYING, INC.

WADE H. SHAFFER R.L.S. 12600

P.O. BOX 509, AVONDALE, AZ 85323-0170

PHONE(623)536-8248 FAX(623)536-8247 MOBILE(602)320-2333

J.N. 15(1558)001A DATE: 01/15

SCALE: NONE SHEET 2 OF 2

CHKD BY: W.H.S. DWN BY: R.G.A.

15-005



CITY COUNCIL AGENDA

SUBJECT: Public Hearing Preliminary Plat for San Villagio
MEETING DATE: 4/20/2015

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

REQUEST: Approval of a preliminary plat.
PARCEL SIZE: Approximately 11 gross acres
LOCATION: Northeast corner of Avondale Boulevard and Encanto Boulevard
APPLICANT: Mr. James Abraham, Clouse Engineering, Inc. (602) 395-9300
OWNER: Mr. Jim Carlson, Newmark Homes (480) 505-4600

BACKGROUND:

The property (Exhibits A, B, and C) was annexed on June 6, 1994, and zoned AG (Agricultural). Single-family residential neighborhoods have been developed north (Crystal Ridge – 1996), east (Crystal Gardens - 2000), and south (Donatela I - 2004).

The property is designated by the General Plan Land Use Map as Medium Density Residential (2.5 – 4.0 dwelling units per acre). The Medium Density Residential designation provides for a suburban lifestyle with planned detached single-family residential communities with larger setbacks and neighborhood facilities. The property is within the North Avondale Specific Plan (NASP) area, amended May 20, 2013.

On December 15, 2014, City Council approved PL-14-0054, a request to rezone the subject property from Agricultural (AG) to Planned Area Development (PAD) to allow for development of a single-family residential subdivision.

On February 18, 2015, a Roadway License Agreement between the City and Salt River Project (SRP) was recorded allowing for construction of the Encanto Boulevard street over the buried SRP pipe in the right-of-way alignment of Encanto Boulevard along the frontage of San Villagio.

On March 19, 2015, the Planning Commission recommended approval with two conditions of approval.

SUMMARY OF REQUEST:

The applicant is requesting approval of a preliminary plat consisting of 34 lots, 4 tracts (including private streets), typical lot setbacks, landscaping, preliminary utilities, preliminary grading & drainage, perimeter walls and entry gates, community signage, and amenity furniture.

PARTICIPATION:

Not required.

PLANNING COMMISSION ACTION:

The Planning Commission held a public hearing at 6:30 p.m. on Thursday, March 19, 2015, for the request (Exhibit F). No members of the public spoke in favor or opposition to the request. The Planning Commission voted 4-0 to recommend approval with the two conditions of approval recommended by staff. The two conditions of approval recommended are:

1. The San Villagio development shall conform to the San Villagio Preliminary Plat dated 12/22/2014, Landscape Plan dated 11/12/2014, Preliminary Grading Plan dated 10/30/2014, and Utility Plan dated 10/30/2014, except as modified by these conditions.
2. Note M on the Preliminary Plat shall be revised on the Final Plat to read as follows – ALL STORM DRAINS WITHIN THE SITE AND WITHIN A DRAINAGE EASEMENT SHALL BE OWNED, OPERATED, AND MAINTAINED BY THE HOME OWNERS ASSOCIATION.

ANALYSIS:

The approved San Villagio PAD Development Plan is in conformance with the General Plan, North Avondale Specific Plan, Subdivision Ordinance, Zoning Ordinance, and Single-Family Residential Design Manual. The proposed San Villagio Preliminary Plat is in conformance with the San Villagio PAD Development Plan.

Preliminary Plat – Lots & Tracts

The PAD provides for 34 lots and 4 tracts. The minimum lot widths and lot areas are 60 feet and 8,100 square feet respectively. The Preliminary Plat proposes 34 lots, with lots 1 through 5 having a width of 65 feet, lot 6 having a width of 63 feet, and lots 7 through 34 having widths of 60 feet. All lots exceed the minimum lot area, averaging 8,600 square feet, with the smallest area being 8,400 square feet (60 feet by 140 feet).

The PAD requires that the 4 tracts provide for gated internal private streets, open space, landscaping, and onsite retention. The private street, Vernon Avenue, is provided in Tract "A." All lots are accessed from Tract "A." In conformance with the PAD, Tract "A" is 34 feet wide to provide for the street, curb, and gutter. Abutting Tract "A" is a Public Utility Easement (PUE) 8 feet wide and along the north side of Tract "A" is a landscape and sidewalk easement 12 feet in width. Pedestrian access to Avondale Boulevard is provided through a pedestrian gate located at the west end of Tract "A" and crossing Tract "B." This is also the location of an emergency access gate required by Fire for a second point of access. Tract "B" provides for a minimum landscape setback of 9 feet along Avondale Boulevard at the north end of the frontage, widening to 20 feet width at the southern end. Tract "B" continues along a significant portion of the Encanto Boulevard frontage, widening to 68 feet to also provide for open space and onsite retention. Tract "C" abuts Encanto Boulevard and is 68 feet wide for a portion to accommodate landscaping along the street, open space, and retention, narrowing down to 20 feet for landscaping at the eastern end of the property. Along the eastern property line with Crystal Gardens, the tract widens to provide greater visibility of an off-street landscaping area as was negotiated with the residents of Crystal Gardens.

Typical Lot Layout

The Preliminary Plat provides Typical Lot Setbacks on the cover sheet. Minimum front setbacks are 20 feet for lots on the north side of Tract "A," 15 feet on the south side, side setbacks of 5 feet

and both sides totaling not less than 15 feet with a minimum of 15 feet separation between homes, and rear setbacks of 15 feet. The difference in front setbacks for lots on the north and south side of Tract "A" are the result of provision of a landscaping and sidewalk easement across the frontages of the lots on the north side.

As required by the PAD, only one-story homes may be constructed on the two lots along Avondale Boulevard and two lots abutting Crystal Gardens. The number of two-story homes side-by-side shall not exceed three on the internal private street.

Open Space

The PAD requires a minimum of 17% open space. The Preliminary Plat Tracts "B" and "C" provide 17% open space consisting of grass turf areas and four seating nodes along Encanto Boulevard, with one seating node in Tract "D" at the east end of the Tract "A" cul de sac.

Landscaping

Landscaping is provided throughout San Villagio. Public sidewalks along Avondale Boulevard and Encanto Boulevard are lined with shade trees, as well as the internal sidewalk along Tract "A." Each of the seating nodes contains a central tree to provide shade. The main entryway to the community is lushly landscaped, with trees on both sides of 113th Avenue and a landscaped island median. The open space amenity areas are provided with grass turf for play areas as well as trees for shade and aesthetics.

The 113th Avenue main entry will have a decorative subdivision sign composed of a rusted steel sign on a living foliage wall with columns and a plant art feature at each end. Perimeter walls will be 6 feet high and consist of both smooth-face and split-face block, capped with decorative block, with columns spaced throughout. The residents mailbox bank uses the same materials and colors as the perimeter wall for consistency.

Right-of-way Dedications

No additional right-of-way will be required to be dedicated along Avondale Boulevard. The half-street right-of-way requirement for Encanto Boulevard is 40 feet. Salt River Project (SRP) owns a strip 30 feet width across the Encanto Boulevard frontage where a buried irrigation pipe is located in the ultimate street right-of-way alignment. Through an agreement with SRP, the City has acquired a right-of-way license agreement to allow construction of the Encanto Boulevard half-street overtop of the buried pipe. The developer will dedicate the remaining 10 feet of right-of-way with the final plat.

Conclusion:

Staff recommends approval of this request for the following reasons:

1. The proposed Preliminary Plat is in conformance with the Goals and Objectives of the General Plan, the Land Use Designation of "Medium Density Residential," and the North Avondale Specific Plan.
2. The proposed Preliminary Plat is in conformance with the San Villagio PAD Development Plan (PL-14-0054).
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.

FINDINGS:

1. The proposed Preliminary Plat is in conformance with the Goals and Objectives of the General Plan, the Land Use Designation of "Medium Density Residential," and the North Avondale Specific Plan.
2. The proposed Preliminary Plat is in conformance with the San Villagio PAD Development Plan (PL-14-0054).
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:

Staff recommends that the City Council **APPROVE** application PL-14-0053 with two recommended conditions of approval as follows:

1. The San Villagio development shall conform to the San Villagio Preliminary Plat dated 12/22/2014, Landscape Plan dated 11/12/2014, Preliminary Grading Plan dated 10/30/2014, and Utility Plan dated 10/30/2014, except as modified by these conditions.
2. Note M on the Preliminary Plat shall be revised on the Final Plat to read as follows – ALL STORM DRAINS WITHIN THE SITE AND WITHIN A DRAINAGE EASEMENT SHALL BE OWNED, OPERATED, AND MAINTAINED BY THE HOME OWNERS ASSOCIATION.

PROPOSED MOTION:

I move that the City Council **APPROVE** application PL-14-0053, a request for approval of a preliminary plat, subject to two recommended conditions of approval.

ATTACHMENTS:

Description

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

[Exhibit B - Vicinity Zoning Map](#)

[Exhibit C - Vicinity Aerial Photo 2014](#)

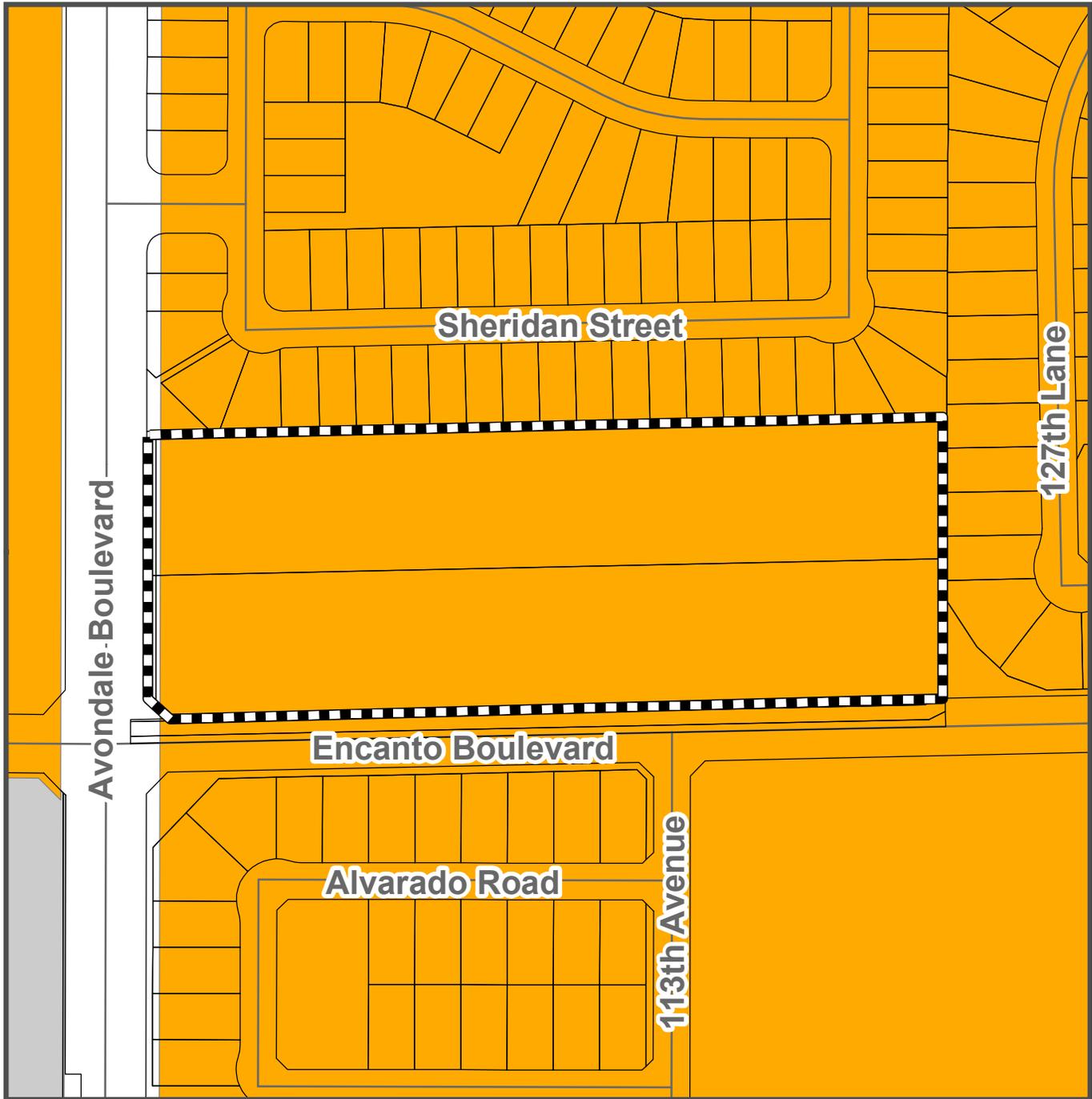
[Exhibit D - Summary of Related Facts](#)

[Exhibit E - San Villagio Preliminary Plat](#)

[Exhibit F - Draft Minutes PC March 19, 2015](#)

PROJECT MANAGER

Ken Galica, Senior Planner (623) 333-4019



San Villagio Preliminary Plat
PL-14-0053

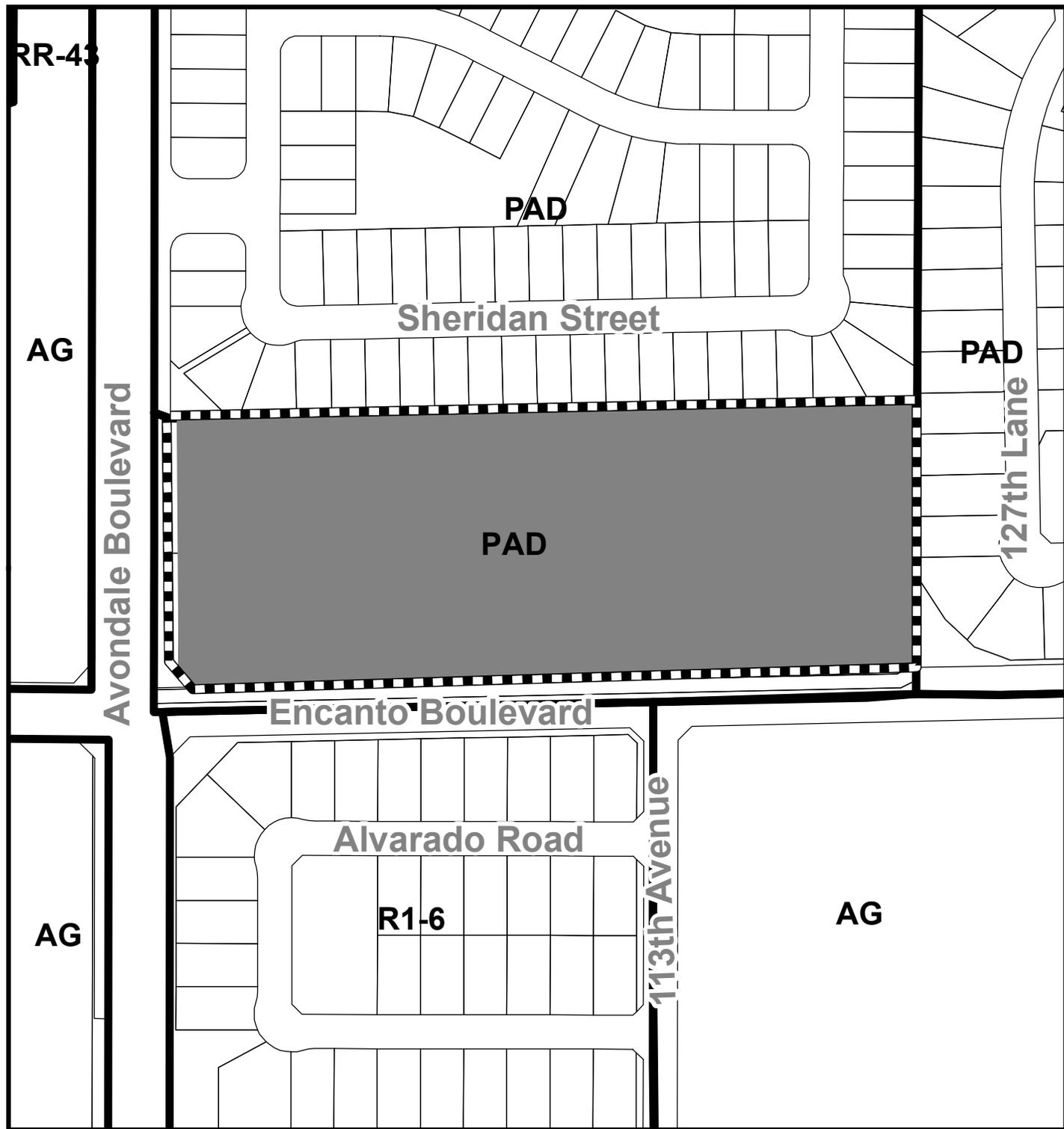
General Plan Land Use Map



 Office/Professional  Medium Density Residential

 Subject Property



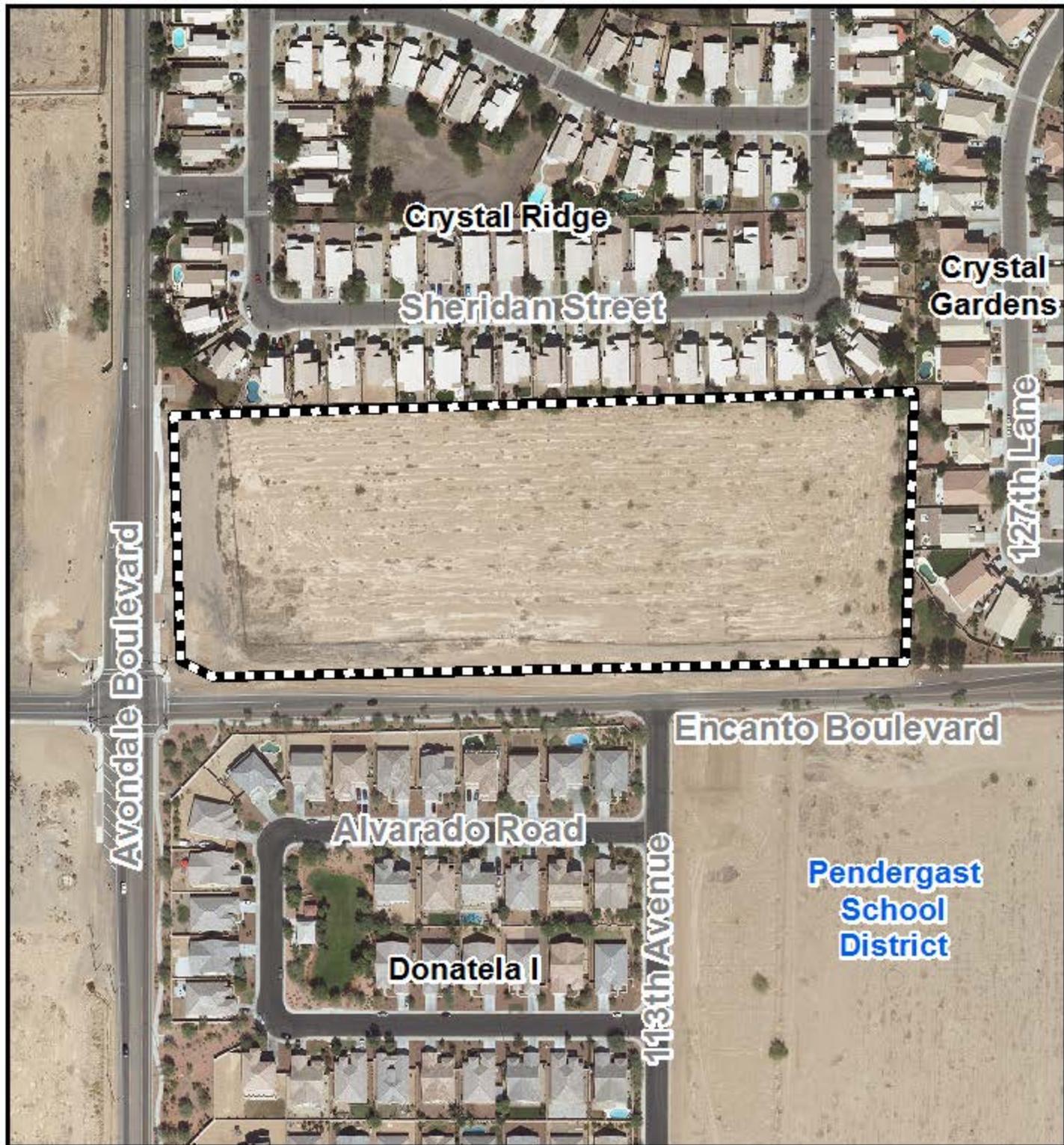


**Zoning Vicinity Map
San Villagio Preliminary Plat
PL-14-0053**



Subject Property





**Aerial Photograph 2014
San Villagio Preliminary Plat
PL-14-0053**



Subject Property



*SUMMARY OF RELATED FACTS
APPLICATION PL-14-0053 SAN VILLAGIO PRELIMINARY PLAT*

<i>THE PROPERTY</i>	
PARCEL SIZE	Approximately 11 acres gross
LOCATION	NEC Avondale Boulevard and Encanto Boulevard
PHYSICAL CHARACTERISTICS	Flat rectangular property
EXISTING LAND USE	vacant
EXISTING ZONING	Planned Area Development (PAD)
ZONING HISTORY	Annexed 6/6/1994
DEVELOPMENT AGREEMENT	None

<i>SURROUNDING ZONING AND LAND USE</i>	
NORTH	PAD – Single-Family Residential Detached Homes (Crystal Ridge)
EAST	PAD – Single-Family Residential Detached Homes (Crystal Gardens)
SOUTH	PAD – Single-Family Residential Detached Homes (Donatela I)
WEST	PAD – Vacant
<i>GENERAL PLAN</i>	
The property is Medium Density Residential (2.5 – 4.0 dwelling units per acre) on the General Plan Land Use Map.	

<i>PUBLIC SCHOOLS</i>	
SCHOOL DISTRICT(S)	Pendergast Elementary School District and Tolleson Union High School District
ELEMENTARY SCHOOLS	Canyon Breeze Elementary School
HIGH SCHOOL	Westview High School

Avondale Boulevard	
Classification	Arterial (4-lane)
Existing half-street ROW	55 feet
Standard half-street ROW	65 feet
Existing half-street improvements	1 travel lane, ½ median turn lane, curb and gutter, sidewalk
Standard half-street improvements	2 travel lanes, ½ median turn lane, bike lane, curb and gutter, sidewalk, street lights, and landscaping

Encanto Boulevard	
Classification	Minor Collector
Existing half-street ROW	40 feet (30 feet of which is SRP fee title*)
Standard half-street ROW	40 feet
Existing half-street improvements	None
Standard half-street improvements (arterial)	1 travel lane, ½ median turning lane, bike lane, curb and gutter, sidewalk, street lights, and landscaping

<i>UTILITIES</i>	
<p>There is an existing 16” water line in Avondale Boulevard and a 12” water line in Encanto Boulevard.</p> <p>There is an existing 10” sewer line in Avondale Boulevard.</p> <p>There is a SRP irrigation water line in Encanto Boulevard’s ultimate alignment, approximately mid-point of the half-street abutting San Villagio.*</p>	

* The SRP irrigation water line is within a USA Fee Title strip of land. USA Fee Title land is land owned by the United States of America and administered by the U.S. Department of the Interior through the Bureau of Land Management through the Salt River Project.

Exhibit E – San Villagio Preliminary Plat

DUE TO ITS SIZE, THIS DOCUMENT
HAS BEEN POSTED SEPARATELY

PLEASE CLICK ON THE LINK BELOW TO VIEW

<http://www.avondale.org/DocumentCenter/View/36064>

**CITY COUNCIL CHAMBERS
11465 W CIVIC CENTER DRIVE
AVONDALE, AZ 85323**

**Thursday, March 19, 2015
6:30 P.M.**

I. CALL TO ORDER

Chair Scibienski called the Regular Meeting to order at approximately 6:30 p.m.

II. ROLL CALL

The following members and representatives were present:

COMMISSIONERS PRESENT

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

COMMISSIONERS ABSENT

Gary Smith, Vice Chair - excused
Michael Long, Commissioner - excused
Kevin Kugler, Commissioner - excused

CITY STAFF PRESENT

Robert Gubser, Planning Manager
Chris Schmaltz, Legal Counsel
Ken Galica, Senior Planner
Eric Morgan, Planner II

VIII. OTHER BUSINESS

1. PL-14-0053: San Villagio Preliminary Plat

This is a hearing before the Planning Commission to review application PL-14-0053, a request by Mr. James Abraham, Clouse Engineering, Inc., for approval of a Preliminary Plat. The plat covers approximately 11 acres of property and consists of 34 lots for single family residential detached development and four tracts for gated private streets, landscaping, open space, and landscaping. The plat includes typical lot layouts

(setbacks), landscaping plans, amenity furniture details, gate and wall details, conceptual utilities, and a conceptual grading and drainage plan. The property is located at the northeast corner of Avondale Boulevard and Encanto Boulevard. Staff Contact: Eric Morgan

Eric Morgan, Planner II, noted that this project came before the Commission as a PAD in November of 2014. The General Plan identifies this parcel as Medium Density Residential, which has a density range of 2.5 to 4 dwelling units to the acre. It was annexed into the City in June 1994, and was rezoned by City Council to PAD from Agricultural in 2014. The current use is vacant. It is bordered on the north by Crystal Ridge neighborhood, on the east by Crystal Gardens neighborhood, on the south by Donatela 1 neighborhood and vacant Pendergast School District property. San Villagio has larger setback standards than surrounding neighborhoods. There is a buried SRP pipeline on Encanto Boulevard, and the City already has an agreement that allows for construction of the road on top of the pipe.

Mr. Morgan explained that San Villagio proposes an infill gated community with private streets. The 34 lots and four tracts are within the guidelines of the approved PAD. The PAD requires a minimum of 60-foot wide lots, and the minimum lot area is 8,100 square feet. The developer and property owner revised a screening wall to allay the concerns of neighbors who felt it would present security issues under its initial configuration. The typical setback for the north lots is 20 feet from the internal private street to accommodate a 12-foot wide landscape and sidewalk easement. There is no sidewalk on the south side of the internal private street, so the minimum front yard setbacks for south lots are 15 feet. Side setbacks are a minimum of five feet and there will be no less than 15 feet between each house. Rear setbacks are 15 feet.

Mr. Morgan noted that only one-story homes are allowed on the lots adjacent to Avondale Boulevard and bordering Crystal Gardens. The PAD includes a restriction, recommended by the Planning Commission, that no more than three two-story homes can be built in a row. In conformance with the PAD, there is 17% open space. There is shade along Encanto and Avondale Boulevards, and on the internal road. A pedestrian gate and an emergency vehicle access gate at the west end will allow access to and from Avondale Boulevard. The perimeter wall is in line with the surrounding area. All construction will be done in a single phase.

Mr. Morgan stated that staff finds that the preliminary plat conforms to the PAD, the General Plan, and the North Avondale Specific Plan, the Zoning Ordinance, design manuals, and the Subdivision Ordinance. Staff recommends approval with two conditions: a standard condition and a correction to a note on the plat.

Commissioner Carrillo inquired whether Home Owners Associations (HOA) are typically responsible for storm drains. Mr. Morgan explained that even public half-street retentions have to be taken on private property. The preliminary plat initially did not make that clear.

Chair Scibienski invited a motion to approve the application. Commissioner Carrillo moved to accept the findings and recommend approval of Application PL-14-0053, San

Villagio Preliminary Plat, a request for preliminary plat approval for 34 lots on approximately 11 gross acres, subject to the two staff recommended conditions of approval. Commissioner Pineda seconded the motion.

ROLL CALL VOTE

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

End



CITY COUNCIL AGENDA

SUBJECT:

FY 2015/16 - 2nd Budget Work Session

MEETING DATE:

4/20/2015

TO: Mayor and Council

FROM: Abbe Yacoben, Finance & Budget Director (623) 333-2011

THROUGH: David Fitzhugh, City Manager

PURPOSE:

The City Manager and staff will present the proposed budget plan for the 2015-2016 fiscal year which totals \$169,644,780 prior to requested adjustments.

BACKGROUND:

The Avondale City Charter requires that the City Manager present a recommended budget estimate to the Mayor and Council on or before June 1st for the upcoming year. The estimate must include all estimated revenues and expenditures.

The budget was provided to City Council on April 2, 2015. The first worksession was held on April 13, 2015 during which the City department heads presented their operating budgets and supplemental requests.

DISCUSSION:

The combined base operating and capital budget for fiscal year 2015-2016 totals \$169,644,780 which includes \$82,432,670 in operating costs, \$63,831,280 in capital projects, \$11,444,550 in debt service costs and \$11,936,280 contingency. Total revenues anticipated for fiscal year 2015-2016 are \$170,667,820. Fund balances will be utilized for one-time expenditures, carryover requests and capital projects.

The capital improvement plan (CIP) as presented includes projects planned over the next ten years. For FY 2015-16, over \$13 million is programmed for street improvements, \$2.3 million in park projects, \$3 million in special one-time projects, \$4 million in wastewater projects, \$11.8 million in water projects and \$8.3 million in equipment and vehicle replacements. A few of the key projects scheduled for FY 2015-16 include:

- Completion of the Dysart Road pedestrian facilities
- Central Avenue improvements from Van Buren to Western
- Friendship & Festival Field park improvements
- Water reclamation facility improvements

The CIP was reviewed and discussed with the Capital Improvement Plan Citizens' Committee on February 24th and 25th of 2015. The committee meeting minutes are attached to this report. The CIP included in the City Manager's proposed budget includes the Council's recommendations for the one-time capital fund projects. The first year of the CIP will be appropriated with the annual operating budget.

The following list shows the timeline for all actions required for formal adoption of the City's annual budget:

April 20th – Council budget work session
May 18th - Adopt tentative budget
June 2nd - Publication of Budget and tax notice
June 9th - Publication of Budget and Tax notice
June 15th - Public hearing and adoption of final budget
July 6th - Adopt Property tax levy

RECOMMENDATION:

This item is for discussion and direction.