



CITY COUNCIL AGENDA

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

WORK SESSION
September 14, 2015
6:30 PM

CALL TO ORDER BY MAYOR

1 ROLL CALL BY THE CITY CLERK

2. READ ON AVONDALE

City Council will welcome Dawn Gerundo, Community Impact Director of Education and Children with Valley of the Sun United Way to provide a brief presentation, overview and status update of Read On Avondale. For information and discussion only.

3 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:

Read On Avondale

MEETING DATE:

9/14/2015

TO: Mayor and Council

FROM: Kirk Haines, Parks, Recreation & Libraries Director

THROUGH: David Fitzhugh, City Manager

PURPOSE:

The Community Impact Director of Education and Children with Valley of the Sun United Way, Dawn Gerundo, will provide a brief presentation, overview and status update of Read On Avondale.

BACKGROUND:

In the fall of 2014, Valley of the Sun United Way approached the City of Avondale and other community stakeholders to establish Avondale as an official *Read On* city. Being a *Read On* city demonstrates a commitment to improve the language and literacy outcomes of children from infant to age eight allowing for better opportunities in school and in life. The group of stakeholders participated a brainstorming session to determine the assets and gaps in our community so that together they could develop and implement coordinated collaborative actions without duplication that address the gaps and strengthen our assets. Multiple City staff from the Parks, Recreation and Libraries and Neighborhood and Family Services departments participate in this initiative.

The process to become a *Read On* city requires completion of an application form and numerous letters of support from the various stakeholders supporting the mission of Read On Arizona. Avondale was granted status of being a *Read On* city on December 17, 2014. One of the first actions taken by the Valley of the Sun United Way was to complete the Avondale Community Early Literacy Scan that identified early literacy resources and programs located in and around the boundaries of the Avondale Elementary School District.

DISCUSSION:

There are a number of stakeholders who have formed an alliance to support the Read On Avondale program:

- A New Leaf
- Arizona Literacy and Language Center
- Arizona Children's Association
- Association for Supportive Child Care
- Avondale Elementary School District
- Boys and Girls Club
- Care 1st
- Catholic Charities
- City of Avondale

- First Things First
- Pilgrim's Rest
- Read Better Be Better
- Southwest Human Development
- Tumbleweed
- Valley of the Sun United Way

Dawn Gerundo, will share a brief presentation outlining where we've been with Read On Avondale, provide information about the literacy scan for the Avondale School District area, and provide information about the next steps as we continue moving forward.

BUDGET IMPACT:

Avondale currently commits staff to help support Read On Avondale. All costs to help support Read On Avondale are already incorporated into the annual operating budget as the early literacy projects already supported by library operations, such as STEM and STEAM learning packets.

RECOMMENDATION:

This report is for information and discussion.



CITY COUNCIL AGENDA

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

REGULAR MEETING
September 14, 2015
7:00 PM

CALL TO ORDER BY MAYOR
PLEDGE OF ALLEGIANCE
MOMENT OF REFLECTION

1 ROLL CALL AND STATEMENT OF PARTICIPATION BY THE CITY CLERK

2 RECOGNITION ITEMS (MAYOR PRESENTATIONS)

a. RECOGNITION OF LEGISLATIVE DISTRICT 19 LEGISLATORS

City Council will recognize the efforts of the Legislative District 19 legislators who supported the City of Avondale through the 52nd Legislature, First Regular Session.

b. RECOGNITION OF OSCAR ESPINOZA

City Council will recognize Oscar Espinoza, owner of Oscar's Barber Shop who has given back to the community by donating more than 400 backpacks which were given away to children who came in for their back-to-school haircuts.

3 UNSCHEDULED PUBLIC APPEARANCES

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

4 CONSENT AGENDA

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

a. APPROVAL OF MINUTES

1. Work Session of August 3, 2015
2. Regular Meeting of August 3, 2015
3. Leadership Summit of August 15, 2015
4. Regular Meeting of August 17, 2015

b. SPECIAL EVENT LIQUOR LICENSE - WILDCAT POKER TOURNAMENT AT ST. THOMAS AQUINAS

City Council will consider a request from Louis Sisbarro on behalf of St. Thomas Aquinas' Wildcat Dads Club for approval of a special event liquor license to be used in conjunction with their Wildcat Poker Tournament scheduled for Saturday, September 19, 2015 at St. Thomas Aquinas Church located at 13720 W Thomas Road in Avondale. The Council will take appropriate action.

c. AGREEMENT OF SALE - CAROLINA'S WEST, LLC

City Council will consider a request to approve an Agreement of Sale for 1.16 acres of property located at the northeast corner of Dysart and Western Avenue in the amount

of \$250,000 and authorize the Mayor or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

d. BUDGET TRANSFERS TO ALLOW FOR EXPENDITURE OF DONATION FUNDS

City Council will consider a request to authorize the transfer of appropriations from contingency to various donations line items in order to allow city departments to spend the donations they receive. The Council will take appropriate action.

e. FIRST AMENDMENT TO CONTRACTOR AGREEMENT - URBAN YOUTH ATHLETIC ASSOCIATION DBA ARIZONA RBI

City Council will consider a request to approve the first amendment of the Contractor Agreement with the Urban Youth Athletic Association, Inc d/b/a RBI to provide jointly-sponsored youth athletic programs with the Avondale Parks, Recreation, and Libraries Department and RBI and authorize the Mayor or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

f. SECOND AMENDMENT TO CONSTRUCTION CONTRACT - TSG CONSTRUCTORS LLC

City Council will consider a request to approve the second amendment to the Contract with TSG Constructors LCC in the amount of \$14,395 for additional ceramic floor tile replacement in the Courts front lobby that was not included in the original agreement and authorize the Mayor or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

g. COOPERATIVE PURCHASING AGREEMENT - SOUTHWEST SLURRY SEAL FOR THE TYPE II SLURRY-SEAL PAVEMENT PRESERVATION PROGRAM

City Council will consider a request to approve a Cooperative Purchasing Agreement with Southwest Slurry Seal for the Type II Slurry-Seal Pavement Preservation Program in an amount of \$400,000 for the first year and a maximum amount of \$4,000,000 over the life of the agreement and authorize the Mayor or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

h. PROFESSIONAL SERVICES AGREEMENT - DIBBLE & ASSOCIATES CONSULTING ENGINEERS, INC. - LARGE DIAMETER SEWER REHABILITATION

City Council will consider a request to approve a Professional Services Agreement with Dibble & Associates Consulting Engineers, Inc. to provide the design for the Large Diameter Sewer Rehabilitation, Project 1A for \$74,513.50 and authorize the Mayor or City Manager and City Clerk to execute the contract documents. The Council will take appropriate action.

i. RESOLUTION 3269-915 - INTERGOVERNMENTAL AGREEMENT WITH THE REGIONAL PUBLIC TRANSIT AUTHORITY

City Council will consider a resolution approving an amendment to the Intergovernmental Agreement with the Regional Public Transportation Authority for FY 2016 Zoom operations, funding for American with Disabilities Act Paratransit Services, and Express Bus Service and authorize the Mayor or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

j. RESOLUTION NO. 3271-915 - CONTRACT FOR LEGAL SERVICES WITH ENGELMAN BERGER, P.C. RELATED TO THE WHITE MOUNTAIN APACHE TRIBE WATER RIGHTS SETTLEMENT

City Council will consider a resolution authorizing a contract for legal services among the Cities of Avondale, Chandler, Glendale, and Scottsdale and the law firm of Engelman Berger, P.C. for legal representation in proceedings related to the White Mountain Apache Tribe water rights settlement and authorize the Mayor or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

k. RESOLUTION 3272-915- INTERGOVERNMENTAL AGREEMENT FOR A MULTI-CITY HOUSEHOLD HAZARDOUS WASTE COLLECTION DAY EVENT

City Council will consider a resolution authorizing an Intergovernmental Agreement with the cities of Goodyear, Litchfield Park and Tolleson to hold household hazardous waste day collection events. The Council will take appropriate action.

5 PUBLIC HEARING AND ORDINANCE 1585-715 AMENDMENT TO PALM VALLEY-AVONDALE PLANNED AREA DEVELOPMENT (PAD) - APPLICATION PL-15-0076

City Council will hold a public hearing and consider a request by Mr. Ali Fakih, Sustainability Engineering Group, to adopt an Ordinance amending the Palm Valley-Avondale Planned Area Development, specific to Lot 3 of the Dysart Commons subdivision, located at the northeast corner of Dysart Road and Thomas Road. This item was continued from the July 20, 2015 City Council Meeting. The Council will take appropriate action.

6 PUBLIC HEARING: CONDITIONAL USE PERMIT FOR FRYS FUEL CENTER (APPLICATION PL-15-0077)

City Council will hold a public hearing and consider a request by Mr. Ali Fakih, Sustainability Engineering Group, for approval of a Conditional Use Permit (CUP) for a Fry's Fuel Center gas station and convenience kiosk at the northeast corner of Dysart Road and Thomas Road. This item was continued from the July 20, 2015 City Council Meeting. The Council will take appropriate action.

7 PUBLIC HEARING AND RESOLUTION LAKIN RANCH MAJOR GENERAL PLAN AMENDMENT CONTINUANCE

City Council will consider a request from Wayne Dames on behalf of Sunbelt Holdings for continuance to September 21, 2015 of the public hearing and consideration of a resolution amending the General Plan, the scope of which includes adjusting the Land Use Map by generally reducing the amount of various density categories and modifying the Circulation and Street Classification Map. The Council will take appropriate action.

8 FUND TRANSFER AUTHORIZATION - TO FUND DEPARTMENT OF REVENUE TAX SIMPLIFICATION

City Council will consider a request to authorize a transfer of contingency funds to the Finance Department in the amount of \$223,527.10 and to authorize the payment to the Arizona Department of Revenue for collecting the City of Avondale's privilege (sales) taxes under the tax simplification project. The Council will take appropriate action.

9 PUBLIC HEARING AND RESOLUTION 3270-915 FREEWAY CORRIDOR SPECIFIC PLAN MAJOR AMENDMENT APPLICATION PL-15-0055

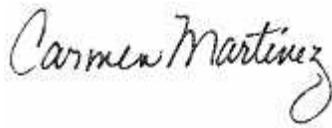
City Council will hold a public hearing and consider a resolution amending the text of the Freeway Corridor Specific Plan which includes, but is not limited to, eliminating minimum floor area ratio requirements for new development, easing design requirements for high intensity office and urban residential development, and amending the rules for seeking variances from and/or amending the FCSP. The Council will take appropriate action.

10 EXECUTIVE SESSION

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

11 ADJOURNMENT

Respectfully submitted,



Carmen Martinez
City Clerk

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CITY COUNCIL AGENDA

SUBJECT:

Recognition of Legislative District 19 Legislators

MEETING DATE:

9/14/2015

TO: Mayor and Council

FROM: Jessica Blazina, Community Relations and Public Affairs Assistant Director

THROUGH: David Fitzhugh, City Manager

PURPOSE:

This is a request for the City Council to recognize the efforts of the Legislative District 19 legislators who supported the City of Avondale through the 52nd Legislature, First Regular Session.

BACKGROUND:

The League of Arizona Cities and Towns recently recognized those legislators who demonstrated their commitment to and support of cities and towns during the 2015 legislative session at the Annual League of Arizona Cities and Towns Conference. Senator Lupe Contreras and Representative Mark Cardenas were recognized as League Champions while Representative Diego Espinoza was recognized as a Friend. The League selects awardees based upon their commitment to and support of cities and towns during the 2015 Legislative Session.

DISCUSSION:

The Legislative District 19 legislators, Senator Lupe Contreras, Representative Mark Cardenas and Representative Diego Espinoza worked tirelessly to support cities and towns, but specifically the City of Avondale, during the 2015 Legislative Session. Throughout the Session, each Legislator maintained an open line of communication with City staff and was exceedingly helpful in alerting City representatives to legislation that could be potentially damaging to City interests. Additionally, these Legislators were instrumental in defeating proposed legislation that would be a direct impact to the City's General Fund and ability to maintain local control.

BUDGET IMPACT:

There are no budgetary impacts.

RECOMMENDATION:

For information and discussion only.



CITY COUNCIL AGENDA

SUBJECT:

Recognition of Oscar Espinoza

MEETING DATE:

9/14/2015

TO: Mayor and Council

FROM: Pier Simeri, Community Relations Director

THROUGH: David Fitzhugh, City Manager

PURPOSE:

The Mayor and Council will consider a recognition of Oscar Espinoza, small business owner, who gave back to the community by providing backpacks to kids just in time for the beginning of the new school year.

BACKGROUND:

Oscar Espinoza opened Oscar's Barber Shop in November of 2013. His shop is located in the Coldwater Springs Promenade shopping center where Oscar and his staff perform 600 haircuts per week. This is Oscar's first shop and he is so grateful to the Avondale community for contributing to his success he wanted to find a way to give back.

During the summer, he came up with the idea to provide kids with backpacks in time for the new school year. He shared his idea with Mayor Weise and Councilmember Sierra, both customers of his, and asked if the city would provide some support and come out to the event. They, in turn, put him in touch with staff and his event came to fruition with participation from the Police Department, who had officers there to interact with the community, and visits from the Mayor and Councilmember Sierra as well.

Over the course of the weekend of August 1 and 2, Oscar and his staff gave out backpacks to over 400 elementary school kids. Oscar is happy to be in Avondale and feels good about being able to do something for the community that has helped him realize his dream of owning his own shop; he is already looking to make next year's event even bigger.

DISCUSSION:

Recognition of Oscar Espinoza was suggested by Mayor Weise, who said Oscar is the embodiment of those who are aspiring, achieving and accelerating right here in Avondale.

BUDGET IMPACT:

None

RECOMMENDATION:

It is recommended that Oscar Espinoza be recognized by the Council for his willingness to give back to the Avondale community.



CITY COUNCIL AGENDA

SUBJECT:

Special Event Liquor License - Wildcat Poker
Tournament at St. Thomas Aquinas

MEETING DATE:

9/14/2015

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

Staff is recommending approval of an application submitted by Mr. Louis Sisbarro for a special event liquor license to be used in conjunction with their Wildcat Poker Tournament scheduled for Saturday, September 19, 2015 at St. Clare Hall in St. Thomas Aquinas Church located at 13720 W Thomas Road in Avondale.

DISCUSSION:

The City Clerk's Department has received a request from Mr. Louis Sisbarro on behalf of the Wildcat Dads Club at St. Thomas Aquinas School for a special event liquor license to be used in conjunction with their Wildcat Poker Tournament scheduled for Saturday, September 19, 2015 at St. Clare Hall within St. Thomas Aquinas Church.

The required fees have been paid. Staff has determined that the applicant is not requesting any city support other than normal city services. The Police and Fire Departments have reviewed the application and are recommending approval. Their comments are attached.

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

1. The event will be open to the public
2. Criminal history of the applicant - A background check of the representative, Mr. Louis Sisbarro, revealed no contact with the Avondale Police Department
3. The event is a Texas Hold'em Poker tournament to raise funds
4. Security measures taken by the applicant - The Police Department has reviewed the security plan and has determined it to be sufficient
5. Beer and wine will be served
6. Beverages will be dispensed in disposable cups and containers
7. The previous event held on February 28, 2015 revealed no neighborhood disturbances
8. Event activities will be confined to St. Clare Hall within the St. Thomas Aquinas Church campus so there is no potential for problems in the neighborhood in terms of noise, hours and time of the event
9. The event will last five hours
10. Sanitary facilities are available within the church campus
11. Zoning is appropriate - Zoning is A-1 General Industrial. Planning staff has indicated that the

proposed use will not result in incompatible land uses

12. Anticipated total daily attendance is 60 people
13. There will not be sound amplication.
14. Per the Police Department, traffic control measures will not be necessary

BUDGET IMPACT:

This item does not have any budgetary impact.

RECOMMENDATION:

Staff is recommending approval of an application submitted by Mr. Louis Sisbarro for a special event liquor license to be used in conjunction with their Wildcat Poker Tournament scheduled for Saturday, September 19, 2015 at St. Clare Hall in St. Thomas Aquinas Church located at 13720 W Thomas Road in Avondale.

ATTACHMENTS:

Description

[Application](#)

[Department Review](#)



CITY COUNCIL AGENDA

SUBJECT:

Agreement of Sale - Carolina's West, LLC

MEETING DATE:

9/14/2015

TO: Mayor and Council

FROM: Daniel Davis, Economic Development Director (623) 333-1411

THROUGH: David Fitzhugh, City Manager

PURPOSE:

To request that city council approve an Agreement of Sale for 1.16 acres of property located at the northeast corner of Dysart and Western Avenue in the amount of \$250,000 and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

BACKGROUND:

The City of Avondale acquired the property in March 2007 from the State of Arizona. The property has been vacant since 2008 when all of the structures on the parcel were demolished. The city has sought out opportunities to advance the economic goals of bringing new businesses and economic vitality to the Historic Avondale area. On April 7, 2014, City Council adopted an ordinance authorizing the sale of the property.

DISCUSSION:

Staff was contacted by a real estate site selection representative working on behalf of Carolina's Mexican Restaurant. Carolina's has a long established reputation as one of the best Mexican restaurants in the Southwest. Carolina's have been in business since 1968 and currently have three (3) locations throughout the Phoenix area.

Carolina's was specifically looking for a location in the historic Avondale area and staff saw the opportunity to showcase the city-owned property and provide an anchor tenant for the gateway to Western Avenue. An appraisal of the property was conducted in February 2014, and updated in August 2015, which established a market value of the property of \$250,000.

Carolina's is planning to construct an 8,000 square foot restaurant, which includes 1,500 square feet of outside patio area. The project has been reviewed by our Development & Engineering Department and has received site plan approval.

BUDGET IMPACT:

The Agreement of Sale requires the purchaser to pay \$25,000 down payment, with the remaining balance of \$225,000 paid to the city at the time of closing.

RECOMMENDATION:

Staff recommends that city council approve an Agreement of Sale for property located at Dysart and Western Ave. in the amount of \$250,000 and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

ATTACHMENTS:

Description

[Agreement](#)



CITY COUNCIL AGENDA

SUBJECT:
Budget Transfers to allow for Expenditure of Donation Funds

MEETING DATE:
9/14/2015

TO: Mayor and Council
FROM: Abbe Yacoben, Finance and Budget Director (623) 333- 2011
THROUGH: David Fitzhugh, City Manager

PURPOSE:
Staff is requesting that the City Council authorize appropriation transfers of \$139,000 from the General Fund contingency.

BACKGROUND:
Historically, the City budget includes appropriations for anticipated donations that Departments receive during the year. The appropriation in the budget provides flexibility to departments to expend the donations they receive during the year.

In previous budget cycles, staff has included donations expenditure authority for the departments listed below, as those departments routinely receive donations. During the FY 2016 cycle, staff inadvertently omitted these items from the departments' budgets.

In August of this year, Council authorized a similar appropriation transfer for donations, for the Neighborhood and Family Services Department.

DISCUSSION:
Staff is requesting Council authorize a transfer of contingency appropriations (i.e., spending authority, not a transfer of funds) to the following departments:

Line Item	Department/Project	Increase	Decrease	Description
101-6110-00-7551	Police Department	\$10,000		To authorize expenditure in case of donations throughout the year
101-6310-00-7551	Fire Department	\$10,000		To authorize expenditure in case of donations throughout the year
101-7500-00-7551	Neighborhood and Family Services	\$19,000		To authorize expenditure in case of donations throughout the year
101-8100-00-7551	Libraries-Sam Garcia	\$10,000		To authorize expenditure in case of donations throughout the year
101-8105-00-7551	Libraries-Civic Center	\$10,000		To authorize expenditure in case of donations throughout the year
101-8110-00-7551	Libraries-General Administration	\$80,000		To authorize expenditure in case of donations throughout the year
101-5300-00-9900	Contingency		\$139,000	

BUDGET IMPACT:
There is no budgetary impact from this action except that the general fund's contingency appropriations will be \$139,000 less in the general fund's contingency line item. This will not impact the City's available fund balance. The expenditures are not authorized unless the donations are received.

RECOMMENDATION:
Staff recommends that the City Council authorize appropriation transfers of \$139,000 from the general fund contingency account (101-5300-00-9900) to the departments' donations line items listed above, in order that those departments can spend donations received.



CITY COUNCIL AGENDA

SUBJECT:

First Amendment to Contractor Agreement -
Urban Youth Athletic Association dba Arizona
RBI

MEETING DATE:

9/14/2015

TO: Mayor and Council

FROM: Kirk Haines, Parks, Recreation & Libraries Director

THROUGH: David Fitzhugh, City Manager

PURPOSE:

Staff is requesting City Council approve the first amendment of the Contractor Agreement with the Urban Youth Athletic Association, Inc d/b/a RBI, to provide jointly-sponsored youth athletic programs with the Avondale Parks, Recreation, and Libraries Department and RBI.

BACKGROUND:

On April 1, 2013 the City of Avondale, through the Parks, Recreation, and Libraries Department and RBI entered into a joint programming agreement to include youth sports leagues, free clinics and community outreach. The current terms of the agreement states that the City provides the facilities, marketing, and registration and RBI will develop, implement, and manage all of the programs. Non-City owned and operated facilities may be used for the programs with the agreement of both parties. RBI receives 50 percent of net profits under this agreement.

All programming aspect of the agreements have been jointly agreed upon by both parties. Programs implemented under this agreement may include, but are not limited to, the following:

- Sports clinics
- Leagues
- Tournaments
- Skills Camps
- Sports related programs and activities

DISCUSSION:

Staff in conjunction with the Urban Youth Athletic Association developed a extended scope of work defining each party's responsibilities. This first amendment defines specific tasks that both RBI and the City of Avondale will perform to ensure a successful partnership. A brief summary to the contract amendment changes are as follows:

- The current agreement will be extended through March 31, 2016
- The City will:
 - take registrations
 - provide prepared fields for games and practices
 - provide cost recoverable staff to assist with the league

- assist with league marketing
- provide oversight of the league budget and league scheduling
- Urban Youth Athletic Association will:
 - provide league staff to be on-site
 - organize registrants into teams
 - recruit volunteer coaches
 - provide background checks of each of the volunteer coaches
 - provide free clinics each season

These changes will more clearly define roles within the partnership and lead to better service to our participants.

BUDGET IMPACT:

Established as a 100% cost recovery program, all revenue collected for youth sports activities is deposited into the Parks, Recreation and Libraries Department Sports Program Account # 101-8125-00-4475, and all expenses are appropriated in account 101-8125-00-6182.

RECOMMENDATION:

Staff is requesting City Council approve the first amendment of the Contractor Agreement with the Urban Youth Athletic Association, Inc d/b/a RBI and authorize the Mayor or the City Manager and City Clerk to execute the applicable contract documents.

ATTACHMENTS:

Description

[First Amendment- Contract](#)



CITY COUNCIL AGENDA

SUBJECT:

Second Amendment to Construction Contract -
TSG Constructors LLC

MEETING DATE:

9/14/2015

TO: Mayor and Council

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

THROUGH: David Fitzhugh, City Manager

PURPOSE:

To approve the Second Amendment to the Contract with TSG Constructors LCC, in the amount of \$14,365 and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

BACKGROUND:

The City of Avondale entered into a contract with DWL Architects and Planners, Inc. on August 8, 2013 to design and construct renovations and remodeling to the front counter area at the Avondale City Court, in the amount of \$113,000.

The original contract consisted of all new mill work for five work stations, new ceramic flooring in the customer walkup area, new carpeting in the employee area, new paint in the lobby area and bullet proof panels and glass.

In November 2014, a First Amendment to the contract was approved in the amount of \$5,102 (total contract of \$118,102) to add a bullet resistant package pass-through window, that allows secure transfer of packages with courier and armored vehicle services.

DISCUSSION:

The additional scope of services for the Second Amendment to TSG Constructors LLC contract includes removal and replacement of the existing tile flooring in the front lobby, and when complete, will provide a uniform look with the same ceramic flooring in the customer walkup area that was not included in the original agreement. The Second Amendment increases the contract by \$14,365.03 for a total contract amount of \$132,467.03.

SCOPE OF WORK FOR THIS PROJECT WILL INCLUDE:

- Removal of approximately 800 +/- square feet of existing tile including the tile base.
- Installation of new 12" X 24" Porcelain Ceramic Tile
- Installation of new #100 Black rubber base
- Protection of adjacent surfaces

The Contractor will be allowed to work one weekend to complete the tile replacement in the Courts front lobby and to meet the time line completion given.

BUDGET IMPACT:

Funding in the amount of \$14,365.00 is available in the Court's budget line item 235-6205-00-8230, Courts Alterations – Architect Services & Construction Estimate.

RECOMMENDATION:

Staff recommends Council approve the Second Amendment to the Contract with TSG Constructors LCC, in the amount of \$14,365 and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

ATTACHMENTS:**Description**

[Second Amendment to Contract](#)



CITY COUNCIL AGENDA

SUBJECT:

Cooperative Purchasing Agreement - Southwest
Slurry Seal for the Type II Slurry-Seal Pavement
Preservation Program

MEETING DATE:

9/14/2015

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

Staff is requesting that the City Council approve a Cooperative Purchasing Agreement with Southwest Slurry Seal for the Type II Slurry-Seal Pavement Preservation Program and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents.

BACKGROUND:

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

The City of Chandler currently has a contract with Southwest Slurry Seal, Inc., to provide pavement preservation materials and services. The City of Chandler contract contains cooperative use language which extends the use of the contract to other municipalities.

DISCUSSION:

Based on data from the PMS, field analysis, and the available budget, staff selected a group of streets and then also selected a treatment for this group of streets that is called Arterial Slurry Seal Type II. A combination of polymer modified asphalt emulsion is field mixed with aggregate and mineral fillers and is placed on the street in a thick liquid form behind a moving vehicle. The material is applied using a screed "box" that corrects a number of minor pre-existing surface flaws, provides exceptional skid resistance, and wears exceptionally well, providing a superior, long term, renewed surface life.

SCOPE OF WORK:

The scope of work for this project will include:

- Prepare street surfaces including minor pavement repairs.
- Apply crack seal where needed.
- Apply Arterial Slurry Seal Type II treatment on selected roadways.
- Restriping as required.

The streets to receive treatment in FY15-16 are:

- 137th Avenue @ Thomas Road
- Thomas Road - 308' west to Dysart Road
- Santa Fe Trail - Osborn Road to Thomas Road - *wheelpaths only*
- Thomas Road - 107th Avenue to RID Canal - *eastbound only*
- Avondale Boulevard - 1290' south of Thomas Road to 380' north of Encanto Boulevard
- McDowell Road - Dysart Road to the Agua Fria Bridge
- 113th Avenue @ McDowell Road
- 107th Avenue @ I-10 - over the drainage channel
- McDowell Road - 103rd Avenue to 99th Avenue
- Van Buren Street - 137th Avenue to Central Avenue - *eastbound only*
- Van Buren Street - Dysart Road to the Agua Fria Bridge
- Van Buren Street - 685' west of Fairway Drive to 400' east of Links Drive
- Van Buren Street - Avondale Boulevard to 111th Avenue
- El Mirage Road - Lower Buckeye to Elwood - *southbound lane only*

SCHEDULE:

A tentative construction schedule is as follows:

PROJECT MILESTONES	TARGET DATES
Issue Notice of Award	09/15/15
Pre-Construction Conference	09/17/15
Issue Notice-to-Proceed	09/21/15
Begin Construction	09/28/15
Completion	10/19/15

BUDGET IMPACT:

The Term of Agreement is for a period of one (1) year with an option to renew up to four (4) additional one (1) year terms. During the first fiscal year (Initial Term), the compensation amount shall not exceed \$400,000. For years 2 – 5 of the Agreement (Renewal Terms), the City shall pay the Contractor an annual aggregate amount not to exceed \$900,000. The maximum aggregate amount for this Agreement, including all Renewal Terms, shall not exceed \$4,000,000, subject to budget approval.

Funding for this Agreement is available in CIP Street Fund Line Item No. 304-1020-00-8420, Citywide Preventive Street Maintenance, during the respective fiscal year.

RECOMMENDATION:

Staff recommends that the City Council approve a Cooperative Purchasing Agreement with Southwest Slurry Seal for the Type II Slurry-Seal Pavement Preservation Program and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents.

ATTACHMENTS:

Description

[CPA](#)

[Slurry Seal Locations Exhibit](#)



CITY COUNCIL AGENDA

SUBJECT:

Professional Services Agreement - Dibble & Associates Consulting Engineers, Inc. - Large Diameter Sewer Rehabilitation

MEETING DATE:

9/14/2015

TO: Mayor and Council

FROM: Cindy Blackmore, PW Director, (623) 333-4410

THROUGH: David Fitzhugh, City Manager

PURPOSE:

Staff is requesting that the City Council enter into a Professional Services Agreement with Dibble & Associates Consulting Engineers, Inc. to provide the design and construction management services for the Large Diameter Sewer Rehabilitation, Project 1A for \$74,513.50 and authorize the Mayor or City Manager and City Clerk to execute the contract documents.

BACKGROUND:

On August 4, 2014 City Council approved a PSA with Dibble & Associates Consulting Engineers, Inc. to complete an assessment of the City's large diameter sewer pipes. Priority was given to inspection of lines that were critical due to their location and accessibility. Priority was also given to lines that were lined and showed potential for problems when the last assessment was completed in the 2009 time frame. This study was completed and the final report published in March 2015.

DISCUSSION:

The first phase of recommended rehabilitation projects listed 6 segments. This design will rehab the highest priority segment (Project 1A), which includes approximately 880 feet of PVC lined sewer pipe in Avondale Blvd under I-10. The construction will require bypassing the existing sewer flows so that the lines can be cleaned, and then relined to prevent further pipe degradation. The attached vicinity map shows the location of project.

Future phases and projects will be evaluated and prioritized during upcoming budget cycles.

BUDGET IMPACT:

The funds for this project are in Line Item 513-1356-00-8620, Large Diameter Pipe Rehabilitation.

RECOMMENDATION:

Staff recommends that the City Council enter into a Professional Services Agreement with Dibble & Associates Consulting Engineers, Inc. to provide the design for the Large Diameter Sewer Rehabilitation, Project 1A for \$74,513.50 and authorize the Mayor or City Manager and City Clerk to execute the contract documents.

ATTACHMENTS:**Description**

[Vicinity Map](#)

[PSA - Dibble & Associates Consulting Engineers, Inc.](#)



CITY COUNCIL AGENDA

SUBJECT:

Resolution 3269-915 - Intergovernmental Agreement with the Regional Public Transit Authority

MEETING DATE:

9/14/2015

TO: Mayor and Council
FROM: Pier Simeri, Community Relations Director
THROUGH: David Fitzhugh, City Manager

PURPOSE:

City Council will consider a resolution approving an Amended and Restated Intergovernmental Agreement with the Regional Public Transportation Authority (RPTA) for FY 2016 Zoom operations, funding for American with Disabilities Act Paratransit Services, and Express Bus Service and authorize the Mayor or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

BACKGROUND:

During 2010 the Maricopa Association of Governments, on behalf of the City of Avondale, conducted a feasibility study and determined that operation of a local Circulator would benefit the community. Avondale started the Zoom Neighborhood Circulator in July 2011 and has seen continued success since inception.

The Zoom Neighborhood Circulator is a 17-mile route that runs throughout the City of Avondale and Tolleson and provides connectivity to fixed routes and greater access to Estrella Mountain Community College and other activity centers. In July 2012, Saturday service was added, and routes running through the City of Tolleson were also added. Beginning in October 2015, the Zoom will extend into Goodyear to the West Valley Hospital. Ridership continues to improve, reaching over 19,000 riders monthly.

The Southwest Valley has a great demand for Express Bus Service to get people to work downtown. During 2010, MAG conducted a feasibility study on a transit center to be located in City Center. During 2014, that Transit Center was completed and the express service started on October 27, 2014.

RPTA is legislatively mandated to implement the transit element of the Regional Transportation Plan, which includes bus operations, bus capital and rail capital. The RPTA Board of Directors oversees the implementation of the transit element of the plan, also known as the Transit Life Cycle Program (TLCP). In addition to Council representation at the Board level, staff attends monthly operational meetings to advise the RPTA Executive Director on issues related to the implementation of the TLCP. As part of the TLCP, seven percent of Proposition 400 is required to be used for ADA Paratransit Service. These funds are used to provide Dial-a-Ride service in Avondale as well as some of the Taxi Program. The TLCP funds cover the cost for routes 3 and 17 that run through Avondale as well as the Express Service that runs out of our transit center.

DISCUSSION:

The Resolution amending and restating the agreement with RPTA provides for costs for the Zoom service. Total FY 2016 costs for the Zoom service is \$1,215,054. Federal Transit Administration funds and fares in the amount of \$635,317 are applied leaving Avondale's share at \$579,737.

The 562 and 563 Express service runs from the City's transit center to downtown Phoenix and provides four trips into Phoenix and four return trips to the transit center. Total cost for the Express service is \$77,143 which is entirely covered by funds from the TLCP.

Routes 3 (Van Buren) and 17 (McDowell) also run through the City of Avondale. The total cost for these routes is \$1,505,514 and that cost is also covered by funds from the TLCP.

BUDGET IMPACT:

The total estimated cost to the City of Avondale for Fiscal Year 2016 for Zoom Operations \$579,737. The funding for this project is available in the Transit Fund 215.

The costs for providing ADA services are also included in Fund 215. This agreement with RPTA provides for reimbursement to Avondale for ADA paratransit expenses up to \$211,920 for Fiscal Year 2016.

RECOMMENDATION:

Staff recommends that the City Council adopt a resolution approving an Amended and Restated Intergovernmental Agreement with the Regional Public Transit Authority for Fiscal Year 2016 Transit services and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

ATTACHMENTS:**Description**

[Resolution 3269-915](#)



CITY COUNCIL AGENDA

SUBJECT:

Resolution No. 3271-915 - Contract for Legal Services with Engelman Berger, P.C. related to the White Mountain Apache Tribe water rights settlement

MEETING DATE:

9/14/2015

TO: Mayor and Council**FROM:** Cindy Blackmore, Public Works Director, 6923-333-4410**THROUGH:** David Fitzhugh, City Manager**PURPOSE:**

Staff is requesting approval of Resolution No. 3271-915 for legal services between and among the Cities of Avondale, Chandler, Glendale, and Scottsdale and the law firm of Engelman Berger, P.C. for legal representation in proceedings related to the White Mountain Apache Tribe water rights settlement.

BACKGROUND:

The law firm of Engelman Berger, P.C. currently represents the Cities of Avondale, Chandler, Glendale, and Scottsdale, AZ in the settlement activities relating to the White Mountain Apache Tribe's water rights claims.

The White Mountain Apache Tribe water right settlement entails leasing of the Colorado River water rights the Tribe is not able to utilize. Based on quantification and negotiations it is anticipated that the City of Avondale will receive a 100 year lease of 882 acre feet per year of additional Central Arizona Project water.

The existing contract for legal services approved by Council on October 20, 2008, specifies financial accommodations to be split equally between each of the cities and sets an amount not exceed of \$120,000 and has no end date.

DISCUSSION:

Outside counsel organizes and/or attends meetings and/or conferences between the Cities and others, prepares appropriate documentation, and performs other related activities. It is anticipated that the work on this settlement is coming to a close and the contract is being revised to reduce the annual amount to \$80,000, still to be split equally among the four cities and will expire on July 1, 2016.

BUDGET IMPACT:

Avondale's 25% share of the \$80,000 contract is \$20,000, the funding is available in the Water Resources operating budget (account number 501-9112-00-6060 Attorney Fees).

RECOMMENDATION:

Staff recommends approval of Resolution No. 3271-915 for legal services between and among the

Cities of Avondale, Chandler, Glendale, and Scottsdale and the law firm of Engelman Berger, P.C. for legal representation in proceedings related to the White Mountain Apache Tribe water rights settlement.

ATTACHMENTS:

Description

[Resolution 3271-915](#)



CITY COUNCIL AGENDA

SUBJECT:

Resolution 3272-915- Intergovernmental
Agreement for a Multi-City Household Hazardous
Waste Collection Day Event

MEETING DATE:

9/14/2015

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

Staff is requesting that the City Council adopt a resolution authorizing an intergovernmental agreement between the City of Avondale and multiple southwest valley cities to hold household hazardous waste day collection events and to authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

BACKGROUND:

In October of 2012, Council approved an Intergovernmental Agreement (IGA) with the Cities of Goodyear, Tolleson, and Litchfield Park to hold joint household hazardous waste collection events, in order to assist residents in the proper disposal of hazardous waste. This agreement was for a three year period and will expire in October of 2015. As the events have been very successful, staff from each City is requesting authority to continue this regional cooperative agreement.

DISCUSSION:

The proposed IGA establishes an agreement between southwest valley Cities to hold a semi-annual household hazardous waste event. The Cities included are, the City of Avondale, the City of Goodyear, the City of Litchfield Park, and the City of Tolleson.

Staff from these Cities meet periodically to plan these events and ensure we continue to meet the needs of residents. It is agreed that there are a number of benefits provided by working together. Benefits include:

- Consistency- It sends a consistent message to the residents on what is accepted at the events.
- Opportunity- It provides an additional opportunity during the year for residents to properly dispose of the materials.
- Reduced Cost- By spreading the cost of holding the event over a greater number of participants, we are able to reduce the cost of the event to each City.

The City of Avondale Public Works Department will partner with the above Cities to hold two events. One will be held during the fall in the month of October or November in the City Goodyear. Another event will be held during the spring in the month of April or May in the City of Avondale.

The responsibilities of each City have been laid out in the agreement. Each City is required to provide employees to assist with every event, to be responsible for any wages incurred by their employees related to the event, and to provide the necessary safety equipment and proper apparel for their employees.

As hosting Cities, the Cities of Avondale and Goodyear have additional responsibilities when the event is held in their City. These responsibilities include providing:

- General event coordination
- A suitable location
- A contractor for collection and disposal for the event
- Traffic control and any necessary police, fire/ems support
- Set up and Clean up

BUDGET IMPACT:

The annual estimated cost to the City of Avondale is \$18,500. Funding is available in the sanitation operating budget line item 520-6830-00-6181 (special events).

RECOMMENDATION:

Staff recommends that the City Council adopt a resolution authorizing an intergovernmental agreement between the City of Avondale and multiple southwest valley cities to hold household hazardous waste day collection events and to authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

ATTACHMENTS:

Description

[Resolution 3272-915](#)



CITY COUNCIL AGENDA

SUBJECT:

Public Hearing and Ordinance 1585-715
Amendment to Palm Valley-Avondale Planned
Area Development (PAD) - Application PL-15-
0076

MEETING DATE:

9/14/2015

TO:

Mayor and Council

FROM:

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

THROUGH:

David Fitzhugh, City Manager (623) 333-1014

REQUEST:

Amend the Palm Valley-Avondale PAD, specific to Lot 3 of the Dysart Commons II subdivision, to: 1) Allow for a gas station with convenience kiosk subject to a Conditional Use Permit, 2) Allow permanent outdoor cabinets for the display and sale of foods & beverages, 3) Allow "button signs" on the proposed fuel canopy, 4) Allow a 6 square foot increase in the maximum size of freestanding fuel price signs, and 5) Allow a total of four parking spaces related to the proposed use

PARCEL SIZE:

Lot 3 of the Dysart Commons II subdivision is approximately 1.13 net acres

LOCATION:

Northeast corner of Dysart Road and Thomas Road (Exhibits A, B, and C)

APPLICANT:

Mr. Ali Fakhri, Sustainability Engineering Group (480) 588-7226

OWNER:

Dysart Investment, LLC, Mr. Hooman Davoodi (310) 977-7757

BACKGROUND:

The subject property is located within the Palm Valley PAD. The PAD includes areas for both residential and commercial development. One of the areas designated for commercial development is located at the northeast corner of Dysart and Thomas Roads. Because the PAD does not specify permitted uses or development standards for any commercially designated land within its boundaries, the third amendment to the development agreement between the City and SunCor Development, approved in 2002, was used to clarify that the subject property would be developed in accordance with C-1 (Neighborhood Commercial) uses and development standards. Gas stations are not a permitted use within the C-1 district and, as such, a PAD Amendment to add that use is required.

The Master Site Plan for the Dysart Commons Shopping Center was approved by the City Council on September 6, 2005.

Construction of the primary building was completed in 2007 and is partially occupied by a gym, several restaurants, a dance studio, and other commercial uses; construction on the five pad sites has not yet occurred.

A Final Plat was approved by the City Council on May 15, 2006. A Replat of Dysart Commons was approved by the City Council on October 15, 2012, creating separate lots for the outlying pads. The subject property is Lot 3 of the Dysart Commons II platted subdivision.

The General Plan 2030 designates the property as Local Commercial. Per the General Plan, the Local Commercial designation is defined as follows: *“Land use category that is used primarily for providing for the daily needs of goods and services to the residents residing within the surrounding area. The types of uses allowed in this category may include: grocery stores, gas stations, neighborhood/retail services, and office and medical uses serving consumers residing in adjacent residential areas, which promotes a walkable community. Preferred locations are major arterial intersections, although other locations may be deemed acceptable based on the merits of the project.”* The property is also located within the boundaries of the North Avondale Specific Plan.

Lot 3 is bordered on the north and east by other lots within the Dysart Commons shopping center. Other adjacent land uses are as follows:

- **SOUTH:** South of Thomas Road, undeveloped, vacant property, also part of the Palm Valley PAD, and also permitted uses in line with the C-1 (Neighborhood Commercial) zoning district. The corner site was recently approved for a Quik Trip Gas Station and Convenience Store.
- **WEST:** Estrella Mountain Community College (EMCC), an accredited college serving approximately 15,000 students per year, with a staff that includes approximately 300 academic faculty and 200 administrative personnel.

SUMMARY OF REQUEST:

The applicant, Mr. Ali Fakh, Sustainability Engineering Group, is requesting approval of five amendments to the Palm Valley Planned Area Development (PAD) to facilitate construction of a proposed Fry's Fuel Center gas station and convenience store kiosk on Lot 3 of the Dysart Commons II Platted Subdivision. The five requested amendments (Exhibit E), which would apply only to Lot 3, are as follows:

Amendment #1: Request to revise the permitted uses on the subject property to allow for gas stations with or without convenience stores as a Conditional Use. This use is not currently permitted on the property.

Amendment #2: Request to allow permanent outdoor merchandise cabinets that will be stocked with food, beverages, and other convenience items for sale to the public. The Zoning Ordinance prohibits outdoor storage of goods and materials in commercial districts, and also requires commercial equipment, such as vending machines and ice machines, to be located inside an enclosed building.

Amendment #3: Request to modify City sign standards to allow for “button signs” on the proposed fuel canopy. The City's Sign Ordinance does not include an allowance for gas station canopy signs.

Amendment #4: Request to modify City sign standards to allow for fuel station price signs 24 square feet in size. When gas stations are part of master planned commercial corners, as this location is, the City's Sign Ordinance limits the size of these signs to 18 square feet.

Amendment #5: Request to allow for a total of four parking spaces to serve the proposed gas station. Based on the small size of the employee kiosk (232 square feet), the Zoning Ordinance caps the maximum number of spaces for this use to 1 parking space.

Evaluation of each of these requests can be found in the Analysis section of this report.

PARTICIPATION:

The applicant conducted a neighborhood meeting on Thursday, May 14th at 7:00 P.M. at Corte Sierra Elementary School. The meeting was advertised in the April 28, 2015 edition of the West Valley View. A notification sign was erected on the subject property on April 28, 2015. Additionally, 17 property owners within 500 feet of the subject property were notified of the meeting by letters sent by the applicant on April 28, 2015.

Nine members of the public attended the neighborhood meeting with 7 persons opting to sign-in (Exhibit J). Of the seven persons on the sign-in sheet, six indicated opposition to the proposals, with one person in support. Upon conclusion of the presentation, the applicant opened the floor for questions and comments. Primary topics for discussion included the general appropriateness of a gas station at this location, potential other locations for gas stations that would have less impact on the nearby neighborhoods, engagement with nearby existing businesses, redemption of Fry's Fuel points at non-Fry's Fuel Centers, maintenance of landscaping, concentration of gas stations in the area, timing of development, concerns over increased neighborhood traffic and safety, and gas stations attracting vagrancy. The minutes of the meeting are included as Exhibit J. Following the neighborhood meeting, staff received three letters/emails regarding the proposal, one in support and two in opposition (Exhibit K).

Letters notifying nearby property owners of the June 18, 2015 Planning Commission meeting were mailed on June 2, 2015. Additionally, the sign was updated to include the time and date of this meeting on June 2, 2015. Lastly, a notice of the Planning Commission hearing was published in the West Valley View on June 2, 2015.

Letters notifying nearby property owners of the July 20, 2015 City Council meeting were mailed on July 2, 2015. The sign was updated to include the date, time, and location of the City Council meeting on June 30, 2015. Additionally, a notice of the City Council hearing was published in the West Valley View on June 30, 2015. At the request of the applicant, the City Council continued the item to the September 14th City Council Meeting.

Letters notifying nearby property owners of the September 14, 2015 City Council meeting were mailed on August 27, 2015. The sign was updated to include the date, time, and location of the City Council meeting on August 27, 2015. Additionally, a notice of the City Council hearing was published in the West Valley View on August 25, 2015. No additional comments have been received to date.

PLANNING COMMISSION ACTION:

The Planning Commission conducted public hearings on the PAD Amendment and CUP requests on June 18, 2015 (Exhibit L).

Commission had the following questions and comments:

- Chair Scibienski inquired into the durability of the fabric shade canopy proposed for the pedestrian seating area. The applicant responded that maintenance of the canopy would be the responsibility of Fry's.
- Chair Scibienski stated that he did not like the kiosk and outdoor merchandise cabinet

components of the project, and questioned whether the cabinets would invite theft after hours. He stated that he believed this type of model made sense when located near a Fry's store, but a full service convenience store makes more sense in these types of locations. The applicant responded that Fry's focuses on fuel sales and the food and beverage sales are a minor component provided as a convenience to their customers. The applicant also noted that theft was not an issue at other locations, as the cabinets are designed to lock down after hours.

- Commissioner Kugler asked whether Thomas Road was identified as an arterial. Staff responded that Thomas Road was identified in the City's planning documents as an arterial, though it operates more similarly to a collector due to the lack of a connection over the Agua Fria River.
- Commissioner Kugler noted that he supports Fry's as a customer but that he was not in support of the proposed fuel center at this location, as gas stations are not marketable gateways into nearby subdivisions and a second gas station is not the highest and best use of land at the Dysart Road and Thomas Road intersection. Commissioner Kugler continued, stating that he believed the lack of symmetry between the approved QuikTrip and the proposed Fry's would undermine the definition of a master planned community.

Eight audience speaker cards were submitted to the clerk indicating opposition to the Fry's Fuel Center proposals. Of those eight persons in opposition, six spoke during the public hearing, indicating concerns including, but not limited to, the general incompatibility of gas station use with nearby neighborhoods, the lack of need for a second gas station at this intersection with the QuikTrip already approved, traffic safety, increased traffic on Santa Fe Trail, and the expectations of area residents that only lower-intensity uses would occur here. With the exception of the applicant team, no persons spoke in favor of the proposed request.

New petitions and letters were entered into the record at the Planning Commission meeting, as follows:

- 102 letters and a petition signed by 108 persons in support of the PAD Amendment and CUP requests (Exhibit M). Please note that there is overlap between the signed letters and petition (e.g. same person wrote letter and signed petition); the total number of persons that have indicated support is approximately 120.
- 136 signatures opposing the PAD Amendment and CUP requests on the grounds that a gas station use is not in the best interest of the community (Exhibit N).

Upon conclusion of the public hearing, the Commission voted 3-1 to recommend denial of the requested PAD Amendment.

ANALYSIS:

Amendment #1 (Gas Station Use)

The General Plan Land Use designation for this site is Local Commercial, which supports uses that provide for the daily needs of goods and services to the residents residing within the surrounding area. The types of uses specifically noted as appropriate for this category include: Grocery stores, gas stations, neighborhood/retail services, and office and medical uses serving consumers residing in adjacent residential areas, which promotes a walkable community. The preferred locations are at arterial intersections, although other locations may be deemed acceptable based on the merits of the project.

The proposed amendment to allow gas stations as a Conditional Use is consistent with the current and planned commercial land uses in the immediate area as well as being in direct conformance with the General Plan designation of Local Commercial. The proposed amendment is specific to the 1.13 acre subject parcel located on the hard corner of the intersection of Dysart and Thomas Roads

and is over 450 feet from the nearest residential property line, thereby minimizing any potential light, noise, and traffic impact to the nearby residential developments. In addition, the existing Dysart Commons shopping center main shops building would act as a buffer between the proposed gas station and the Las Palmeras West community. Furthermore, with the requirement that the use obtain a Conditional Use Permit, any gas station at this location will be required to go through the process of a conditional use permit, adding an additional layer of review. To grant the CUP, five findings must be met that will ensure that any negative impacts created by the use will be mitigated.

The site is located within the North Avondale Specific Area Plan (NASP). The NASP provides a vision for future development of both residential and commercial properties located in north Avondale. Additionally, the NASP focuses on specific goals and objectives contained in the General Plan which encourages future development in and around existing community assets such as the Estrella Mountain Community College.

In accordance with the NASP, the proposed development (Exhibits F, G, and H) achieves compatibility with the architecture of the Dysart Commons shopping center through utilization of the same colors, materials, and forms as the existing shops buildings, promotes connectivity by enhancing pedestrian connections into Dysart Commons and creating landscape enhancements, and a shaded seating node at the corner of Dysart Road and Thomas Road.

Amendment #2 (Outdoor Merchandise Cabinets)

Within commercial districts, the Zoning Ordinance requires all goods and merchandise to be stored and sold within enclosed buildings. The intent of this requirement is to prevent visual clutter from having significant negative impacts on the aesthetics of a business and the surrounding area.

Outdoor merchandise displays that are integrated into the architecture of a building are quite different than standard vending displays, and alleviate the concern that area aesthetics will be impacted. The applicant agreed to integrate the overall architectural theme of the Dysart Commons center, including wrapping the merchandise cabinets in stone, painting any exposed portions with paint colors used elsewhere in the center, and prohibiting signage of any kind on those displays.

Amendments #3 and #4 (Signage)

The Zoning Ordinance states that no sign shall be painted on, mounted to, or affixed in any way to an awning and/or canopy, except within the City Center (CC) or Old Town Avondale Business (OTAB) Zoning Districts. Additionally, the Zoning Ordinance limits the size of freestanding variable message signs for vehicle fueling stations to 16 square feet per side when the gas station it serves is part of a shopping center or planned development; 24 square feet per side is permitted when the gas station is independent of a shopping center development.

The applicant proposes modifying both of these requirements (Exhibit I). Regarding the canopy mounted signs, the applicant is requesting to amend the PAD as it pertains to this parcel to allow for 11 square feet of "button signage" per canopy side. The amendment, if approved, would allow for the Fry's Fuel Center logo to be placed on the upper left corner of each canopy elevation. Regarding the variable message fuel price sign, the applicant is seeking approval of an amendment that will allow for these freestanding signs to be 24 square feet in area, 8 square feet larger than is typically allowed when gas stations are part of master planned shopping centers, but in line with the size allowed when gas stations are developed on independent parcels.

The applicant has also proposed an enhanced landscape package adjacent to arterial street sides at the corner as well as a shaded pedestrian node and pedestrian connections (Exhibits F and G).

Amendment #5 (Parking)

The City's Zoning Ordinance establishes the minimum required number of parking spaces that must be provided for new development, as well as a cap on the maximum number of spaces that can be provided. The proposed fuel center is allowed a maximum of one parking space, based on the fact that the proposed kiosk is only 232 square feet in area. Additional parking spaces are required – 1 ADA space is mandatory, and during shift changes, Fry's anticipates two employee vehicles being present and parked. The proposed amendment allowing for a total of four parking spaces (1 ADA, 3 standard spaces) is the minimum number of spaces necessary to allow for safe and efficient operation of the proposed use.

FINDINGS:

1. The requested amendment is in direct conformance with the underlying General Plan Land Use category of Local Commercial.
2. Approval will result in a development compatible with nearby neighborhoods and ensure a significant buffer of over 450 feet is maintained between the closest residential property line and proposed gas station use.
3. Approval will further the goals and objectives of the North Avondale Specific Plan by creating a stronger sense of place at the corner of Dysart Road and Thomas Road, benefit EMCC, and enhance pedestrian conditions in the area.

RECOMMENDATION:

On June 18, 2015, the Planning Commission **RECOMMENDED DENIAL** of application PL-15-0076, a request to amend the Palm Valley Planned Area Development (PAD), revising the permitted uses, sign allowances, parking requirements, and outdoor storage/display requirements for Lot 3 of the Dysart Commons subdivision.

PROPOSED MOTION:

Two motions are included below. The first, a motion to deny the PAD Amendment, is as recommended by Planning Commission.

Should the City Council approve the proposal, a motion for approval, subject to two staff recommended stipulations, is provided.

Motion to DENY as recommended by the Planning Commission:

I move that the City Council reject the findings and **DENY** Application PL-15-0076, a request to amend the Palm Valley Planned Area Development (PAD), revising the permitted uses, sign allowances, parking requirements, and outdoor storage/display requirements for Lot 3 of the Dysart Commons subdivision.

Alternative Motion to APPROVE with recommended conditions of approval:

I move that the City Council accept the findings and **APPROVE** the Ordinance approving Application PL-15-0076, a request to amend the Palm Valley Planned Area Development (PAD), revising the permitted uses, sign allowances, parking requirements, and outdoor storage/display requirements for Lot 3 of the Dysart Commons subdivision, subject to the following two conditions of approval:

1. The Palm Valley PAD Development Plan, Ordinance, Development Agreement and amendments thereto, including all stipulations of prior approvals, shall remain in full force and effect, unless expressly modified by this amendment.
2. Development of a gas station on the subject parcel shall conform to the PAD Amendment Project Narrative, date stamped June 4, 2015, and included as staff report Exhibit E.

ATTACHMENTS:

Description

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

[Exhibit B - Zoning Vicinity Map](#)

[Exhibit C - Aerial Photograph](#)

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

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

[Exhibit F - Proposed Conceptual Site Plan](#)

[Exhibit G - Proposed Conceptual Landscape Plan](#)

[Exhibit H - Proposed Preliminary Canopy and Kiosk Elevations](#)

[Exhibit I - Proposed Conceptual Sign Plan](#)

[Exhibit J - Neighborhood Meeting Sign-In Sheet and Meeting Minutes \(May 14, 2015 Meeting\)](#)

[Exhibit K - Support/Opposition Letter and E-Mail Correspondence](#)

[Exhibit L - Excerpt of Draft Planning Commission Meeting Minutes \(June 18, 2015 Meeting\)](#)

[Exhibit M - Petitions and Letters in Support of Proposal \(Entered into record at June 18th Planning Commission Meeting\)](#)

[Exhibit N - Petitions in Opposition to Proposal \(Entered into record at June 18th Planning Commission Meeting\)](#)

[Ordinance 1585-715](#)

PROJECT MANAGER

Ken Galica, Senior Planner (623) 333-4019



CITY COUNCIL AGENDA

SUBJECT:

Public Hearing: Conditional Use Permit for Frys Fuel Center (Application PL-15-0077)

MEETING DATE:

9/14/2015

TO:

Mayor and Council

FROM:

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

THROUGH:

David Fitzhugh, City Manager (623) 333-1014

REQUEST:

Approval of a Conditional Use Permit for a gas station with convenience kiosk. If approved, the CUP will permit the development of a gas station featuring 7 double-sided fuel pumps and a 232 square foot convenience store kiosk at the location noted above. The proposed use would operate between the hours of 5:00 A.M. and 11:00 P.M, seven days a week. Approval of this request is dependent upon approval of the previous item, Application PL-15-0076. The Council will take appropriate action.

PARCEL SIZE:

Lot 3 of the Dysart Commons II subdivision is approximately 1.13 net acres

LOCATION:

Northeast corner of Dysart Road and Thomas Road (Exhibits A, B, and C)

APPLICANT:

Mr. Ali Fakh, Sustainability Engineering Group (480) 588-7226

OWNER:

Dysart Investment, LLC, Mr. Hooman Davoodi (310) 977-7757

BACKGROUND:

The subject property is located within the Palm Valley PAD. The PAD includes areas for both residential and commercial development. One of the areas designated for commercial development is located at the northeast corner of Dysart and Thomas Roads. Because the PAD does not specify permitted uses or development standards for any commercially designated land within its boundaries, the third amendment to the development agreement between the City and SunCor Development, approved in 2002, was used to clarify that the subject property would be developed in accordance with C-1 (Neighborhood Commercial) uses and development standards. Gas stations are not a permitted use within the C-1 district and, as such, a PAD Amendment to add that use is required.

The Master Site Plan for the Dysart Commons Shopping Center was approved by the City Council on September 6, 2005.

A Final Plat for Dysart Commons, dedicating all necessary rights-of-way and easements, was

approved by the Council on May 15, 2006; the replat was subsequently approved by the Council on October 15, 2012. The subject property is Lot 3 of the Dysart Commons II platted subdivision.

The General Plan 2030 designates the property as Local Commercial. The property is also located within the boundaries of the North Avondale Specific Plan, ensuring design is compatible with the existing character of the area, and developing a sense of place at entry points into Avondale. Lot 3 is bordered on the north and east by other lots within the Dysart Commons shopping center. Other adjacent land uses are as follows:

- **SOUTH:** South of Thomas Road, undeveloped, vacant property, also part of the Palm Valley PAD, and also permitted uses in line with the C-1 (Neighborhood Commercial) zoning district. Recently approved for a Quik Trip Gas Station and Convenience Store.
- **WEST:** Estrella Mountain Community College (EMCC), an accredited college serving approximately 15,000 students per year, with a staff that includes approximately 300 academic faculty and 200 administrative personnel.

SUMMARY OF REQUEST:

Dependent upon approval of the requested PAD Amendment (Application PL-15-0076), Fry's Food Stores of Arizona is requesting approval of a Conditional Use Permit (CUP) to construct and operate a gas station with convenience store kiosk on Lot 3 of the Dysart Commons II subdivision, the corner parcel within the Dysart Commons Shopping Center located at the northeast corner of Dysart Road and Thomas Road. The proposed operation features seven dual-sided gasoline pumps covered by a 43'x126' canopy 19' in height, and a 232 square foot convenience kiosk (Exhibits E, F, G, and H). Gasoline and diesel fuel inventory is proposed to be stored in two underground tanks west of the proposed canopy.

Operation of the proposed fuel center is proposed for the hours of 5:00 a.m. and 11:00 p.m., concurrent with the hours of operation of some existing businesses in the Dysart Commons Shopping Center. During operating hours, the facility will be staffed by one or two employees. In accordance with Fire Department requirements, pay-at-the-pump service will not be permitted when the facility is unmanned.

The design of the canopy and kiosk features design elements and architectural elements compatible with Dysart Commons Shopping Center, including stone wainscoting and columns, a decorative cornice and a mix of brown, beige, and green earth tones. Additionally, the 3' wide stone-wrapped canopy columns are located to the outside of the fuel pumps, in order to screen the pumps from the perspective of Dysart Road, the more heavily traveled of the two adjacent streets. Outdoor merchandise display cabinets, from which convenience items such as food and beverages will be stocked, are designed to be integrated into the overall design of the center, featuring stone wrapping and complementary colors.

Vehicular ingress and egress to and from the proposed gas station is from any of six existing driveways serving the Dysart Commons Shopping Center, the two nearest being a right-in/right-out entrance from northbound Dysart Road and a right-in/right-out entrance from westbound Thomas Road directly adjacent to Lot 3. Full access is also available into/out-of the Dysart Commons site from Dysart Road to the north and Thomas Road to the east of Lot 3.

Pedestrian access into the site will be from a new, tree lined, stamped concrete sidewalk entering Lot 3 from Thomas Road that provides a connection to the proposed convenience kiosk and also connects to the broader pedestrian network already in place. Pedestrian access from Thomas Road will also be available via the existing sidewalk improvements constructed during the initial development of the shopping center. Additionally, the developer is proposing to install a shaded pedestrian seating node at the intersection corner. The applicant is proposing adding a shrubs and groundcover adjacent to Dysart Road and Thomas Road to assist in the site beautification.

Two types of signs are proposed for the site. Four pan-channel button logo signs, each roughly 11 square feet in area, are to be mounted on the four canopy elevations. Two variable fuel price signs, six feet in height, 24 square feet in area, and featuring digital price displays, are proposed with a design matching the existing Dysart Commons monument signs. One fuel price sign will be located adjacent to each street frontage.

Proposed site lighting meets all City requirements and will not result in light trespass into the public right-of-way or adjacent developments. Additionally, though not required, the proposed canopy lighting will feature energy efficient LED technology.

PARTICIPATION:

The applicant conducted a neighborhood meeting to discuss the proposed PAD Amendment and Conditional Use Permit applications on Thursday, May 14th at 7:00 P.M. at Corte Sierra Elementary School, close to the subject development site. The meeting was advertised in the April 28, 2015 edition of the West Valley View. A notification sign was erected on the subject property on April 28, 2015. Additionally, 17 property owners within 500 feet of the subject property were notified of the meeting by letters sent by the applicant on April 28, 2015.

Not including the applicant, his representatives, and City staff, approximately nine members of the public attended the neighborhood meeting with 7 persons opting to sign-in (Exhibit J). Of the seven persons on the sign-in sheet, six indicated opposition to the proposals, with one person in support. The meeting started with a brief presentation on the proposed Fry's Fuel Center by the project applicant and his team, including a representative of Fry's. Primary topics for discussion included the general appropriateness of a gas station at this location, potential other locations for gas stations that would have less impact on the nearby neighborhoods, engagement with nearby existing businesses, redemption of Fry's Fuel points at non-Fry's Fuel Centers, maintenance of landscaping, concentration of gas stations in the area, timing of development, concerns over increased neighborhood traffic and safety, and gas stations attracting vagrancy. The full minutes of the meeting are included as Exhibit J. Following the neighborhood meeting, staff received three letters/emails regarding the proposal, one in support and two in opposition (Exhibit K).

Letters notifying nearby property owners of the June 18, 2015 Planning Commission meeting were mailed on June 2, 2015. Additionally, the sign was updated to include the time and date of this meeting on June 2, 2015. Lastly, a notice of the Planning Commission hearing was published in the West Valley View on June 2, 2015.

Letters notifying nearby property owners of the July 20, 2015 City Council meeting were mailed on July 2, 2015. The sign was updated to include the date, time, and location of the City Council meeting on June 30, 2015. Additionally, a notice of the City Council hearing was published in the West Valley View on June 30, 2015. At the request of the applicant, the City Council continued the item to the September 14th City Council Meeting.

Letters notifying nearby property owners of the September 15, 2015 City Council meeting were mailed on August 27, 2015. The sign was updated to include the date, time, and location of the City Council meeting on August 27, 2015. Additionally, a notice of the City Council hearing was published in the West Valley View on August 25, 2015. No additional comments have been received to date.

PLANNING COMMISSION ACTION:

The Planning Commission conducted public hearings on the PAD Amendment and CUP requests on June 18, 2015 (Exhibit L).

Commission had the following questions and comments:

- Chair Scibienski inquired into the durability of the fabric shade canopy proposed for the pedestrian seating area. The applicant responded that maintenance of the canopy would be the responsibility of Fry's.
- Chair Scibienski stated that he did not like the kiosk and outdoor merchandise cabinet components of the project, and questioned whether the cabinets would invite theft after hours. He stated that he believed this type of model made sense when located near a Fry's store, but a full service convenience store makes more sense in these types of locations. The applicant responded that Fry's focuses on fuel sales and the food and beverage sales are a minor component provided as a convenience to their customers. The applicant also noted that theft was not an issue at other locations, as the cabinets are designed to lock down after hours.
- Commissioner Kugler asked whether Thomas Road was identified as an arterial. Staff responded that Thomas Road was identified in the City's planning documents as an arterial, though it operates more similarly to a collector due to the lack of a connection over the Agua Fria River.
- Commissioner Kugler noted that he supports Fry's as a customer but that he was not in support of the proposed fuel center at this location, as gas stations are not marketable gateways into nearby subdivisions and a second gas station is not the highest and best use of land at the Dysart Road and Thomas Road intersection. Commissioner Kugler continued, stating that he believed the lack of symmetry between the approved QuikTrip and the proposed Fry's would undermine the definition of a master planned community.

Eight audience speaker cards were submitted to the clerk indicating opposition to the Fry's Fuel Center proposals. Of those eight persons in opposition, six spoke during the public hearing, indicating concerns including, but not limited to, the general incompatibility of gas station use with nearby neighborhoods, the lack of need for a second gas station at this intersection with the QuikTrip already approved, traffic safety, increased traffic on Santa Fe Trail, and the expectations of area residents that only lower-intensity uses would occur here. With the exception of the applicant team, no persons spoke in favor of the proposed request.

New petitions and letters were entered into the record at the Planning Commission meeting, as follows:

- 102 letters and a petition signed by 108 persons in support of the PAD Amendment and CUP requests (Exhibit M). Please note that there is overlap between the signed letters and petition (e.g. same person wrote letter and signed petition); the total number of persons that have indicated support is approximately 120.
- 136 signatures opposing the PAD Amendment and CUP requests on the grounds that a gas station use is not in the best interest of the community (Exhibit N).

The Commission voted 3-1 to recommend denial of the requested Conditional Use Permit.

ANALYSIS:

In order to grant a Conditional Use Permit, five findings must be met as outlined in Zoning Ordinance Section 109.B. The burden of proof is upon the applicant. Each finding is presented below along with staff's analysis.

1. That the proposed use (i) is consistent with the land-use designation set forth in the General Plan, (ii) will further the City's general guidelines and objectives for development of the area, as set forth in the General Plan and (iii) will be consistent with the desired character for the surrounding area.

i. The General Plan Land Use designation for this property is Local Commercial, a category that is primarily used for providing daily needs of goods and services to the residents residing within the surrounding area as stated in the General Plan Land Use category description. The types of uses allowed in this category specifically for local residents may include: grocery stores, gas stations, neighborhood/retail services, and office and medical uses serving consumers residing in adjacent residential areas, which promotes a walkable community. The preferred locations are arterial intersections, although other locations may be deemed acceptable based on the merits of the project.

ii. The proposed site furthers a number of General Plan Land Use guidelines and objectives for development, including, but not limited to, ensuring adequate transitions/buffers between varying land use intensities (450+ feet separation is provided from nearest residential property line), upgrading pedestrian conditions (enhanced sidewalks and shaded seating node), and incorporating eco-friendly materials (LED lighting).

iii. The subject property is located within the boundaries of the North Avondale Specific Plan (NASP), which seeks to protect the existing character of the North Avondale Area by encouraging innovative yet compatible design that promotes the connectivity of the area, creates a "Sense of Place", and encourages future development in and around existing community assets such as the Estrella Mountain Community College. In addition to providing a service for residents of the nearby Corte Sierra, Rancho Santa Fe, and Las Palmeras West communities to the east, as well as for employees and students of Estrella Mountain Community College and other places of employment in the general vicinity, the proposed development will enhance the area's existing pedestrian network, complement the architecture of the surrounding Dysart Commons Shopping Center, and enrich the aesthetics of the intersection through significant landscaping improvements.

2. That the use will be (i) compatible with other adjacent and nearby land uses and (ii) will not be detrimental to (1) persons residing or working in the area, (2) adjacent property, (3) the neighborhood or (4) the public welfare in general.

i. The proposed site is the corner parcel within a master planned shopping center, Dysart Commons. Gas stations are frequently sited on corner parcels within similar shopping centers. As such, staff believes the gas station use is compatible with the existing retail and service uses within that center, future uses that would be allowed under the center's C-1 (Neighborhood Commercial) zoning, as well as other nearby uses, such as Estrella Mountain Community College and CVS Pharmacy.

ii. The site plan for the proposed use will comply with all Avondale zoning, traffic, engineering, fire safety, and building code requirements, and all state and federal environmental requirements pertaining to fuel stations. Additionally, the site is located over 450 feet from the nearest residential property line, ensuring that any light or noise generated by the proposed use will not negatively impact area residents.

3. That the site is adequate in size and shape to accommodate the proposed use, allow safe onsite circulation, and meet all required development standards including, but not limited to setbacks, parking, screening and landscaping.

i. The site is large enough to accommodate the proposed building and meet or exceed all development standards. All setbacks required for commercial development in the C-1 District are met by the proposed development plan.

All screening requirements are met or exceeded by the proposed development plans. Existing 3' parking lot screen walls will remain in place around the perimeter of the site. In addition, the fuel canopy columns are designed to screen pumps from the perspective of Dysart Road, and all accessory appurtenances, such as a water/air station, will be screened by decorative walls. Lastly,

the proposed outdoor cabinets for display and sale of merchandise will be designed to be integrated into the overall architectural theme of the shopping center.

The applicant is proposing landscaping that exceeds City requirements, supplementing the existing landscaping already in place around the perimeter of the site. This landscaping is proposed with the purpose of both beautifying the site and establishing a "Sense of Place" at this key entry point into the City of Avondale.

4. That the site has appropriate access to public streets with adequate capacity to carry the type and quantity of traffic generated by the proposed use.

i. The proposed development is located at the northeast corner of two arterial streets with adequate capacity to carry the traffic generated by the proposed use. Ingress/egress to the site will be provided by any of six existing driveway entrances to the Dysart Commons center, three from Dysart Road (1 full access, 2 right-in/right-out) and three from Thomas Road (2 full access, 1 right-in/right-out). In line with current City engineering requirements, a pork-chop will be added by the developer to the westernmost Thomas Road access, limiting that driveway to right-in/right-out only.

A full Traffic Impact Analysis (TIA) for the site was prepared and submitted with the proposed PAD amendment and the CUP. An independent traffic engineer has reviewed the TIA on the City's behalf and agreed with the conclusion that the proposed use will not impact the level of service at the Dysart Road and Thomas Road intersection.

5. That adequate conditions have been incorporated into the approval to insure that any potential adverse effects will be mitigated.

i. Should the City Council seek to approve the proposal, three conditions of approval are recommended as listed in the alternate proposed motion. Recommended stipulation #1 is a standard stipulation requiring development and use of the site conform to the materials submitted by the applicant and attached as exhibits to this report. Recommended stipulation #2 is a standard stipulation noting that, in accordance with Zoning Ordinance protocol, the Conditional Use Permit will expire in two years from the date of approval if the use has not commenced operations. Recommended stipulation #3, limiting delivery hours of operation, is intended to reduce noise impacts during overnight hours and to ensure consistency with the proposed QuikTrip development, which included a similar stipulation.

FINDINGS:

1. The proposed land use meets the five required findings for a CUP as outlined in Section 108 of the Zoning Ordinance.
2. Approval of the CUP will result in a development compatible with the General Plan, the North Avondale Specific Plan, and existing commercial development in the area.
3. Approval of the CUP will not be detrimental to persons residing or working in the area, on adjacent properties in the neighborhood, or to the public welfare in general.

RECOMMENDATION:

On June 18, 2015, the Planning Commission **RECOMMENDED DENIAL** of application PL-15-0077, a request for Conditional Use Permit approval to develop and operate a gas station with convenience kiosk at the northeast corner of Dysart Road and Thomas Road.

PROPOSED MOTION:

Two motions are included below. The first, a motion to deny the requested CUP, is in keeping with the recommendation of the Planning Commission.

Should the City Council approve the proposal, a motion for approval, subject to three staff recommended stipulations, is also provided.

The CUP application may only be approved if the previous application for a PAD Amendment is approved.

Motion to DENY as recommended by the Planning Commission:

I move that the City Council reject the findings and **DENY** Application PL-15-0077, a request for a Conditional Use Permit for a gas station with convenience kiosk at the northeast corner of Dysart Road and Thomas Road, on Lot 3 of the Dysart Commons II subdivision.

Alternative Motion to APPROVE with recommended conditions of approval:

I move that the City Council accept the findings and **APPROVE** the Ordinance approving Application PL-15-0077, a request for a Conditional Use Permit for a gas station with convenience kiosk at the northeast corner of Dysart Road and Thomas Road, on Lot 3 of the Dysart Commons II subdivision, subject to the following three conditions of approval:

1. The use and development of the site shall conform to the Conditional Use Permit Narrative, Conceptual Site Plan, Conceptual Landscape Plan, Preliminary Canopy/Kiosk Elevations, and Conceptual Sign Plan, date stamped June 4, 2015 and attached as staff report Exhibits E, F, G, and H.
2. In accordance with Section 109 of the Zoning Ordinance, the Conditional Use Permit shall expire within two years from the date of approval if the use has not commenced.
3. Deliveries of fuel and merchandise are to take place only between the hours of 6:00 a.m. and 10:00 p.m.

ATTACHMENTS:

Description

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

[Exhibit B - Zoning Vicinity Map](#)

[Exhibit C - Aerial Photograph](#)

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

[Exhibit E - Applicant's Conditional Use Permit Narrative](#)

[Exhibit F - Proposed Conceptual Site Plan](#)

[Exhibit G - Proposed Conceptual Landscape Plan](#)

[Exhibit H - Proposed Preliminary Canopy and Kiosk Elevations](#)

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[Exhibit J - Neighborhood Meeting Sign-In Sheet and Meeting Minutes \(May 14, 2015 Meeting\)](#)

[Exhibit K - Support/Opposition Letter and E-Mail Correspondence](#)

[Exhibit L - Excerpt of Draft Planning Commission Meeting Minutes \(June 18, 2015 Meeting\)](#)

[Exhibit M - Petitions and Letters in Support of Proposal \(Entered into record at the June 18, 2015 Planning Commission Meeting\)](#)

[Exhibit N - Petitions in Opposition to Proposal \(Entered into record at the June 18, 2015 Planning Commission Meeting\)](#)

PROJECT MANAGER

Ken Galica, Senior Planner (623) 333-4019



CITY COUNCIL AGENDA

SUBJECT:

Public Hearing and Resolution Lakin Ranch
Major General Plan Amendment Continuance

MEETING DATE:

9/14/2015

TO:

Mayor and Council

FROM:

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

THROUGH:

David Fitzhugh, City Manager (623) 333-1014

REQUEST:

A Major General Plan Amendment to adjust the Land Use Map by reducing the amount of Estate Low Density Residential, High Density Residential, Commercial, and Open Space; increasing the amount of Medium Density Residential; and adding a Medium/High Density Residential category; and to modify the Circulation and Street Classification Map.

PARCEL SIZE:

Approximately 1,179 acres

LOCATION:

The project area is located between Dysart Road to the west to Avondale Boulevard to the east, $\frac{3}{4}$ mile south of Lower Buckeye Road (Illini Street), and $\frac{1}{4}$ mile north of Southern Avenue (Sunland Avenue).

APPLICANT:

Mr. Wayne Dames, Sunbelt Holdings

OWNER:

Mr. Robert Giocomo, Lakin Cattle Company

BACKGROUND:

The subject site is currently located within the City's Municipal Planning Area boundary; however, it resides under the jurisdiction of Maricopa County and carries a zoning designation of Rural-43 (Rural – one acre per dwelling unit). The site is currently being used for agricultural purposes. The applicant has been working with the City staff on multiple components related to development of the site including the General Plan Amendment, drafting of their zoning entitlement utilizing the Planned Area Development (PAD) option, and preparing a Pre-Annexation Development Agreement (PADA). The PADA will clarify timing and responsibilities related to infrastructure improvements, maintenance, phasing, etc. Annexation of the entire site will also need to occur prior to zoning entitlement.

The existing uses of the surrounding properties (Exhibit A.1) are as follows:

- **NORTH:** Several existing and proposed single-family developments in various stages of development (Las Ligas, Cantada Ranch, and Fleming Farms). There is an 80 acre SRP

switchyard, and several areas that are currently being utilized for agriculture.

- **EAST:** Avondale Boulevard, then a mix of agriculture and single-family residential on larger rural lots. Hillcrest, a fully entitled undeveloped single-family residential development is approximately one-quarter of a mile east of Avondale Boulevard.
- **SOUTH:** Sunland Avenue alignment, then a combination of single-family residential on larger rural lots and agriculture. One-quarter mile south is Southern Avenue, which will be the future alignment of ADOT's SR30 freeway (subject to final approval by ADOT).
- **WEST:** Dysart Road, then the City's wastewater treatment plant, agricultural uses, and a sand and gravel operation.

The General Plan 2030 Land Use Map (Exhibit A & C) designates five land uses over the nearly 1,179 acre subject property, as follows:

- **Estate/Low Density Residential:** Approximately 793.6 acres of the overall site is designated for Estate/Low Density Residential development. This Land Use Designation requires residential development with a range of 0 to 2.5 dwelling units per acre, with a target density of 1 dwelling unit per acre. The General Plan states that these residences are, "typically large, detached estate or executive-type homes of one or two stories with significant privacy and open space that reside among open areas, near the panoramic views of the Estrella Mountains and Gila River, and seek an equestrian lifestyle."
- **Medium Density Residential:** Approximately 228.5 acres of the property are designated for Medium Density Residential development. This Land Use Designation requires residential construction with a range of 2.5 to 4.0 dwelling units per acre, with a target density of 2.5 dwelling units per acre. The General Plan states that this category is intended to provide for "a suburban lifestyle with planned detached single-family residential communities with larger setbacks and neighborhood facilities."
- **Local Commercial:** Approximately 102.3 acres of the property are designated for Local Commercial development. This category is intended to provide for the daily needs of goods and services to residents residing within the surrounding area.
- **High Density Residential:** Approximately 44.9 acres of the property are designated for High Density Residential development. This land use designation requires residential construction with a range of 12 to 30 dwelling units per acre, with a target density of 12 dwelling units per acre. Patio homes, apartments, condominiums, or townhomes are suitable for this category.
- **Open Space:** Approximately 10 acres of the property are designated as Open Space. This category is intended for publicly owned property used for parks, rivers, mountains, and other natural or improved recreational areas. When the Open Space designation is applied to private property, as in this case, residential development of up to one dwelling unit per acre is allowed.

The site includes several significant encumbrances that make development of the area problematic for any potential end-user (Exhibit G). Most significant of these are major overhead power line easements (230 KV and 500 KV, both over 300' wide in many areas), floodplains, a future drainage channel (Durango Regional Conveyance Channel), and an approximately 110" wide underground reclaimed water line running the length of the development from east to west that feeds the Palo Verde Nuclear Generating Station from the City of Phoenix's 91st Avenue Wastewater Treatment Facility. No development may occur over the reclaimed water line. In addition, the site is located adjacent to the City's wastewater treatment facility to the west and abutting a SRP switchyard along

the northern boundary.

Within the past ten years, several preliminary requests to annex and rezone the property have been submitted to the City for review. All of these previous requests were withdrawn prior to obtaining City Council approval.

SUMMARY OF REQUEST:

Sunbelt Holdings is requesting a Major General Plan Amendment to the land use and circulation maps to facilitate the development of the Lakin Ranch master planned community. This request is the first step in the development process. As indicated in the section above, a PAD and PADA are currently in the process of review with staff and the applicant. Due to the time constraint that Major General Plan Amendment requests must be heard at a specific time within the calendar year it was filed, the GPA request has been separated from the others to allow for additional review of the remaining documents.

Sunbelt's submitted narrative report (Exhibit B) defines the Lakin Ranch Development as follows:

The Lakin Ranch Development is proposing a mixed-use community respecting and incorporating the agrarian nature of the site to create a mix of Commercial, Residential, and Public Facilities such as Schools and other Municipal Uses in response to the existing and future conditions of the region around the development. The overall concept of the development takes all of the constraints that encumber the site such as the SRP easements, regional drainage corridors, local drainage corridors, and other various easements and turns them into amenities that become the focus of the neighborhoods and the community. These features are utilized as parks and trail corridors that connect the entire community together and link all of the recreational amenities to all of the residents as well as connecting to all of Avondale and the Tres Rios Greenway. In addition to the trails and parks, the community will also feature urban agriculture that will continue the legacy of the agricultural history of the property and the region of the Valley.

The narrative continues to describe the project having residential neighborhoods that will accommodate various single-family lots sizes, with lots ranging from 50' wide to 90' wide and in area from 5,000 sq.ft. to 12,000 sq.ft. In addition, there will be a cluster-type residential product. The developer is also exploring an Active Adult community option that could be included in the northwestern portion of Lakin Ranch. As currently proposed in the PAD, the overall project would be developed with a total unit count of 2,600 or will increase to 2,750 if the active adult option is implemented, which equates to a total density of 2.37 du/ac or 2.51 du/ac, respectively. The proposed lot sizes, area, setbacks, and other development standards are not a part of the GPA and are under review with the PAD submittal.

Open space and parks will be included throughout the development and will be linked by an extensive trail system. The power corridor will be programmed with amenities, including, but not limited to, urban agriculture, seating and picnic areas, useable turf, and public and private gardens. The overall open space and landscaped area will be a minimum of 15% of the gross area of the development.

The applicant's submittal proposes a Major General Plan Amendment that will revise the Land Use designations on the subject property (Exhibit D) as listed in the details below (acreage has been rounded):

- Reducing the acreage designated as Estate/Low Density Residential (0-2.5 DU/Acre, Target: 1 DU/Acre) from **794 acres to 427 acres**.
- Increasing the acreage designated as Medium Density Residential (2.5-4 DU/Acre, Target:

2.5 DU/Acre) from **229 acres to 680 acres**.

- Reducing the acreage designated as Local Commercial from **102 acres to 19 acres**.
- Eliminating **45 acres** of High Density Residential Land Use designation.
- Eliminating **10 acres** of Open Space designation.
- Introducing a new land use category to the subject property, Medium/High Density Residential, and designating that category over **54 acres**. The Medium/High Density category allows residential development within a range of 4 to 12 dwelling units per acre, with a target of 4 dwelling units per acre.

Coupled with the changes to the land use for the site, the applicant is also requesting modifications to the existing General Plan Circulation and Streets Classification map (Exhibit E) for several roadways. The following roads will be modified (Exhibit F):

- Broadway Road (Arterial Road) – The alignment of this road will drop approximately ¼ mile south of the existing alignment.
- El Mirage Road (Arterial Road) – The alignment for this road will shift slightly to the east through the development.
- 119th Avenue – The alignment will curve in an “S” pattern to the west and then back east heading from north to south. The road will be extended slightly to the south and will also be reclassified from a local to a collector.
- Atlanta Avenue – The alignment will be extended from 119th Avenue west to intersect with El Mirage Road, and will be reclassified from local to a collector.

PARTICIPATION:

The 60 day notification of potentially impacted adjoining jurisdictions and public agencies, as required by State Statute, was transmitted on April 29, 2015. Sixteen cities, school districts, and other public entities were provided with a summary of the proposal and a web link to a draft of the proposed amendment and asked to provide comments, if any, by June 29, 2015. These entities were: the City of Goodyear, the City of Tolleson, the City of Phoenix, the City of Litchfield Park, the Maricopa County Planning & Development Department, the Arizona Department of Transportation (ADOT), the Flood Control District of Maricopa County (FCDMC), the Arizona Commerce Authority, the Maricopa Association of Governments (MAG), the Gila River Indian Community (GRIC), the Agua Fria Union High School District, the Tolleson Union High School District, the Avondale Elementary School District, the Pendergast Elementary School District, the Littleton Elementary School District, and the Litchfield Elementary School District. The City received no feedback on this proposal from any of the sixteen entities notified.

The applicant hosted a neighborhood meeting to discuss the proposal with the surrounding property owners and any other interested parties at City Hall on Tuesday, June 23rd (Exhibit H). The meeting was advertised in the June 2, 2015 edition of the West Valley View. Two owners with property south along Avondale Blvd, close to the SR30 alignment, attended the meeting. They did not state their support or opposition to the request; but were both interested in hearing more about the proposal.

Staff has been contacted by one property owner in relation to this request. He had questions regarding property values and street lights.

Notice of this July 16th Planning Commission public hearing was published in the West Valley View on June 30, 2015. Additionally, a second round of letters was mailed to the property owner's within 500' of the site on June 24, 2015. The letter identified the time, date, and location of both the July and August Planning Commission hearings, along with the City Council hearing scheduled for September 14th. No additional comments have been received to date.

Notice of the August 20th Planning Commission public hearing was published in the West Valley View on August 4, 2015. No additional comments have been received.

The applicant held a second neighborhood meeting on August 4, 2015 at City Hall (Exhibit I). There were 15 people in attendance. The applicant made a brief presentation outlining the request and opened the meeting up to questions. Those questions ranged from the type of residential density, would livestock be permitted, would there be schools, what is the timeframe for construction, is there an adequate water supply, will the flooding in the area be alleviated, and would this change their zoning. A few more questions focused on the SR30 and when a decision on the alignment would be made. Throughout the meeting, there was no stated opposition or support to the request.

Notice of the September 14th City Council public hearing was published in the West Valley View on August 25, 2015. No additional comments have been received.

PLANNING COMMISSION ACTION:

Two public hearings before the Planning Commission are required for items processed under Major General Plan Amendment procedures. The Planning Commission conducted the first required public hearing on the proposed Lakin Ranch Major General Plan Amendment during its July 16, 2015 meeting held off-site at the City's Municipal Operations Service Center (Exhibit J).

During the public hearing portions of the meeting, three residents requested to speak on this item. They had the following comments:

- Ms. Betty Lynch stated her concerns that this plan represents a downward trajectory for Avondale's aspirations regarding the vision for more large-lot residential in the community. Also, that the power line corridors near the Rancho Santa Fe subdivision did not stop people from buying in that development.
- Mr. David Blackman stated his concerns regarding the increase of traffic congestion this development will pose, and he likes the area the way it is with the lack of people and corresponding lack of crime. He requested information on how his neighborhood would be buffered from the new proposal.
- Ms. Sonia Luna inquired as to the open space at 125th Avenue and Illini Street. In addition, she stated her concerns that this proposal will result in too many people and too much traffic in the area.

The Commission had the following questions and comments:

- Commissioner Pineda inquired whether the City would be building anything to buffer the negative impacts of the site.
- Commissioner Kugler indicated that Sunbelt Holdings has a good reputation and that the plan has changed many times in order to find a sweet spot that best balances development with encumbrances. He had questions on how this plan compares to the previous version and if the State Route 30 alignment has been set yet.

Upon conclusion of the public hearing, the Commission voted 6-0 to continue the item to the August 20, 2015 meeting.

The Planning Commission conducted the second required public hearing on the proposed Lakin Ranch General Plan Amendment on August 20, 2015, in the Council Chambers at Avondale City Hall.

During the public hearing portions of the meeting, one resident requested to speak on this item and had the following comments:

- Ms. Betty Lynch indicated that she is aware of the accomplishments of the developer and was hoping for the same for Avondale. When the property was purchased, the physical encumbrances already existed. This site was to be the last chance for larger homes with special amenities. It is unfair of the developer to request to downsize the plans. She requested that the application be referred with a recommendation of denial.

The Commission had no comments or questions and voted 4-0 to recommend approval of the request (Exhibit K).

ANALYSIS:

As outlined in the request above, the applicant is proposing modifications to a portion of the existing land use designations for the overall Lakin Ranch project area. Working closely with City staff for over the last year and a half, the applicant has developed a revised plan that proposes a mix of land uses that will reposition the project area to meet the living preferences of the current and future market, while turning the multiple large-scale encumbrances of the site into opportunities and creating a unique master planned community.

According to the General Plan 2030 Major Amendment Process, staff's analysis of each of the required findings is presented below.

1) The development pattern contained on the Land Use Plan inadequately provides sufficient sites for the use of change proposed in the amendment.

- The ability to relocate the proposal to another site in the City is not an option due to the lack of available tracts of lands to adequately accommodate a master planned community of the proposed size and scale of Lakin Ranch.

2) The amendment constitutes an overall improvement to the 2012 Plan and is not solely for the good or benefit of a particular land owners or owners.

- The existing General Plan Land Use designations for the area are not responsive to the multiple physical encumbrances that must be overcome for development on the site to occur. The largest change to the plan is the reduction in the amount of Estate/Low Density Residential from 793.6 acres to 427.4 acres and the increase of Medium Density Residential from 228.5 acres to 679.4 acres. As shown on the Existing Land Use Map (Exhibit C), the power line corridor effectively bisects the area currently designated as Estate Low Density. It is not favorable to locate the type of housing product envisioned in the Estate Low Density category through a high tension power line corridor. Working with staff to balance the uses versus against the negative aspects of the encumbrances, the proposed land use map (Exhibit D) has the power line corridor becoming the demarcation between the Medium Density and Estate Low Density Residential categories. This creates a viable location to

transition from one type of density to another.

- The removal of the 10 acres of Open Space designation along the northern boundary of the project will be reintroduced throughout the entirety of the proposed development. The open space will be a minimum of 15% of the gross development area (much greater than the 10 acres) and will include both passive and active amenities.
- The proposed circulation changes to the alignments of El Mirage Road, 119th Avenue, Broadway Road, and Atlanta Avenue better reflect the location of the physical encumbrances on the site including the power line corridors and the regional drainage channel. The amended alignments will allow for better utilization of the site.

3) The amendment will not adversely impact the community as a whole or a portion of the community by: 1) Significantly altering the acceptable land use patterns; 2) Requiring larger and more expensive public infrastructure improvements including; but not limited to, roads, water and wastewater, and public safety facilities than would otherwise be needed without the proposed change; 3) Adversely impacting the existing land uses.

- Avondale Boulevard is a road of regional significance in the area that will directly link I-10 to the future SR30. In addition, the General Plan Land Use map designates Avondale Boulevard as an Employment and Commercial Corridor. The removal of the 33.3 acres of commercial land use internal to the project and the reduction of the 50 acres of commercial along Avondale Boulevard, allows for the primary focus of commercial and employment in the area to remain in this corridor.
- The Engineering Division and Public Works Department have reviewed the requested changes to the land use map. The increase in potential units over the existing designation will be accommodated within the existing capacity of the City's systems. Throughout the review of the PAD, PADA, and submitted master plans, the exact service delivery of water and wastewater will be further evaluated and defined. The amendment will not require any larger or more expensive public infrastructure improvements over what would be needed if the area was developed under the existing land use designations.
- The proposal will not adversely impact the existing land uses in the area. The amendment will assist in facilitating a master planned community in the area that will deliver enhanced infrastructure, a connected roadway network, improvements to the regional drainage solution for the entire area, and will assist in buffering existing residential along the north and south sides of the project area from some of the existing land uses in the area.

4) That the amendment is consistent with the overall intent of the General Plan and other adopted plans, codes and ordinances.

- The amendment is consistent with the overall intent of the Plan and more specifically the following Goals and Policies:

Land Use Goal 1. Establish an Avondale identity based on a healthy lifestyle that promotes land uses which foster an economically sustainable and socially dynamic community.

Policy B. Diversify Avondale's housing stock by providing for varied residential types with an emphasis on large lot development in the southern core of the City.

Land Use Goal 3. Promote a strong balance of high quality residential, employment, recreation, and educational land uses.

Policy B. Provide for larger home sites and encourage custom home developments in order to attract executive level professionals to live in Avondale.

Policy C. Encourage a mix of land uses and amenities when master planning large developments, such a single-family residences, offices, educational institutions, shopping centers, trails, parks, community gardens, and recreational facilities, to encourage social interaction, and to create a larger sense of community amongst residents.

Policy D. Ensure adequate transitions, and/or buffers are provided when adjacent land uses vary in character and intensity.

Land Use Goal 4. Ensure all land use decisions meet the long-term social and economic goals of the community.

Policy B. Encourage annexations that benefit the quality of life for Avondale residents and are in the best interests of the City.

Housing Element Goal 2. Champion the development of housing types not currently available in the City to allow for a variety of socio-economic levels.

Policy A. Expand the City's housing stock by encouraging developers to provide "executive" home sites (i.e., custom homes, large lot home sites, and other similar products) that can be used to attract prospective residents as well as prevent existing residents looking for move-up housing from leaving Avondale for another community.

Policy B. Encourage the development of condominiums and townhomes which appeal to people seeking to own their residence, but who may not want maintenance responsibilities.

Circulation Element Goal 4. Promote and support an integrated transportation system that mitigates congestion, fosters a sense of community, and preserves the environment.

Policy C. Develop adequate links to arterial roadways from new residential, recreation, and employment areas.

FINDINGS:

The proposed General Plan Amendment to facilitate the Lakin Ranch Master Planned Community is in the best long-term interest of the City and is consistent with the objectives of the General Plan.

RECOMMENDATION:

On August 20, 2015, the Planning Commission recommended that City Council approve application PL-15-0104, a request to amend the General Plan to facilitate the development of the Lakin Ranch master planned community.

The applicant has requested a continuance to the September 21, 2015 City Council meeting (Exhibit L).

PROPOSED MOTION:

I move that the City Council recommend a continuance on Application PL-15-0104 to the September 21, 2015 City Council meeting.

ATTACHMENTS:

Description

[Exhibit A - Vicinity/Aerial Map](#)

[Exhibit A.1 - General Plan Land Use Map](#)

[Exhibit B - Lakin Ranch General Plan Amendment Narrative Report](#)

[Exhibit C - Existing General Plan Land Use Map – Site Specific](#)

[Exhibit D - Proposed General Plan Land Use Map](#)

[Exhibit E - Existing Circulation Map](#)

[Exhibit F - Proposed Circulation Map](#)

[Exhibit G - Map of Development Constraints](#)

[Exhibit H - Neighborhood Meeting #1 Results](#)

[Exhibit I - Neighborhood Meeting #2 Results](#)

[Exhibit J - Excerpt of Draft Planning Commission Meeting Minutes from July 16, 2015](#)

[Exhibit K - Excerpt of Draft Planning Commission Meeting Minutes from August 20, 2015](#)

[Exhibit L - September 14, 2015 City Council Continuance Request](#)

PROJECT MANAGER

Robert Gubser, Planning Manager (623) 333-4015



CITY COUNCIL AGENDA

SUBJECT:

Fund Transfer Authorization - To Fund
Department of Revenue Tax Simplification

MEETING DATE:

9/14/2015

TO: Mayor and Council
FROM: Abbe Yacoben, Finance and Budget Director
THROUGH: David Fitzhugh, City Manager

PURPOSE:

As the Council is aware, the State Legislature adopted legislation simplifying transaction privilege tax collection. As part of this effort, the City will be transitioning to become a "Program City" which means that the Arizona Department of Revenue will begin collecting the City's taxes and remitting them instead of the current practice of internal collection. In addition, the Department of Revenue has invoiced the City for software upgrades and personnel increases due to the simplification legislation.

BACKGROUND:

In 2015 the State adopted HB2617, which authorized the State to collect a fee from all counties, cities, towns, council of governments and regional transportation authorities. As part of the State's transaction privilege tax simplification, the House Bill authorized the State to pass along the fee to the local jurisdictions for software programming, staffing and conversion costs. For FY 2015-16, the fee for the City of Avondale is \$223,527.10.

The Fee has two components: 1) to cover administration costs at the Department of Revenue and 2) to cover costs to convert the self-collecting cities to the State collection system. The administration component is calculated based on the City's population to total population of the State and is calculated to be \$165,586. The conversions costs are calculated at \$0.76 per resident, for a total of \$57,941 (population of 76,238 x .76).

Initially, the State proposed that the administration fee (\$165,586) would be withheld from the City's state shared revenue distributions. As a result, the City did not appropriate (budget) funds to pay the administration fee; instead the state-shared revenue projection was reduced by the \$165,586 in the City's adopted budget.

However, netting the fee from revenues is not the proper accounting treatment, and by working with the League of Arizona Cities and Towns, the State agreed it would invoice each city instead of withholding the revenue. Unfortunately, this occurred after the City had adopted the FY 2015-16 budget, resulting in the need to transfer contingency funds to pay the administration costs.

The Finance Department planned to pay the conversion fee (\$57,941) from savings in the departmental budget (in payroll, postage, printing, and other reductions in cost) after the State began collecting the tax revenue for the City in January 2016. Staff is not convinced that the State will be ready to collect the City's tax revenues in January 2016, and as a result, the Finance

Department may not have the savings to pay the conversion costs within the existing budget. Therefore, staff is requesting the transfer of contingency funds to pay the conversion costs as required this fiscal year. If the State is successful in collecting the City tax in January 2016, the funds required for the conversion costs can be returned to the Contingency Fund.

DISCUSSION:

The City has received the invoice from the State of Arizona, in the amount of \$223,527.10, to pay for the administration and conversion fees, as outlined in HB2617. The payment is due by September 30, 2015.

BUDGET IMPACT:

Although funds were not appropriated in the FY 2015-16 budget, the contingency transfer does not have a negative financial impact on the City's current year fund balance. In the 2016-17 budget there will be a supplemental request in the Finance Department to cover the administration fee and State-shared revenues will be increased by that same amount.

Staff anticipates there will eventually be savings in the departmental budget to pay future conversion costs once it is determined that the State will begin collecting the City's privilege (sales) taxes.

A contingency fund transfer from 101-5300-00-9900 to the Finance Department (101-5600) is required to pay the invoice of \$223,527.10 in the current year.

RECOMMENDATION:

Staff recommends Council authorize a transfer of contingency funds to the Finance Department in the amount of \$223,527.10 and to authorize the payment to the Arizona Department of Revenue for collecting the City of Avondale's privilege (sales) taxes under the tax simplification project.

ATTACHMENTS:

Description

[TPT Simplification Invoice](#)



CITY COUNCIL AGENDA

SUBJECT:

Public Hearing and Resolution 3270-915
Freeway Corridor Specific Plan Major
Amendment Application PL-15-0055

MEETING DATE:

9/14/2015

TO:

Mayor and Council

FROM:

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

THROUGH:

David Fitzhugh, City Manager (623) 333-1014

REQUEST:

Amend the Freeway Corridor Specific Plan (FCSP), including, but not limited to, eliminating minimum floor area ratio requirements for new development, revising design standards for high intensity office and urban residential development, and amending the rules for seeking variances from and/or amending the FCSP.

LOCATION:

Area bounded by Van Buren Street to the south, McDowell Road to the north, Dysart Road to the west, and 99th Avenue to the east, also including parcels located between 99th Avenue and 103rd Avenue from McDowell Road north to Indian School Road, and non-residential parcels north of McDowell Road, west of 103rd Avenue.

APPLICANT:

City of Avondale Development & Engineering Services Department

BACKGROUND:

The General Plan, Zoning Ordinance, and Zoning Atlas all establish where land uses are appropriate throughout the City. A Specific Plan is a design-oriented document intended to ensure that the physical form development takes is in line with the vision the community has for an area.

The Freeway Corridor Specific Plan (FCSP) was originally adopted by the Avondale City Council in June 1991, in accordance with State of Arizona enabling statutes that allow municipalities to provide greater detail for development guidance in sensitive areas. Since 1991, the FCSP has guided the new development of regional shopping centers, office parks, commerce parks, and the Auto Mall, resulting in the more developed suburbanized area of which we are familiar today.

The FCSP has been updated on three occasions since its original adoption. In June 2002, the Plan received a minor update coinciding with the adoption of the City's 2002 General Plan. The 2002 update achieved consistency in verbiage between the General Plan 2002 and the FCSP, revising land use categories and street definitions to match the then newly adopted language in the General

Plan. The 2002 update did not reevaluate goals and objectives for the study area, nor did it change any urban design recommendations or implementation strategies from the original 1991 plan.

In December 2007, the FCSP was updated to increase the maximum allowable building heights for certain properties within the corridor area. The 2007 amendment allowed building heights ranging from 2 to 10 stories, with additional height allowed on certain parcels if special design criteria were achieved.

The General Plan 2030 (GP2030), adopted by Avondale voters in August 2012, identified updating the City's existing specific plans as an implementation strategy. A comprehensive update to the Freeway Corridor Specific Plan was initiated by the Planning Division in May 2012.

The update process concluded with approval of the amended FCSP by the City Council on September 16, 2013. The 2013 Plan:

- Expanded the boundaries of the FCSP to include properties adjacent to 99th Avenue, due to their close proximity to the Loop-101 Freeway.
- Applied mandatory minimum floor area ratios (FARs) to properties located adjacent to the City's preferred high capacity transit alignment.
- Incorporated enhanced design requirements, particularly for development in the high-intensity office and urban residential land use designations.
- Set forth site design requirements to ensure development in the corridor was both pedestrian and bicyclist friendly.
- Established specifications for planned capital improvement projects (CIP) within the FCSP boundaries, most notably the Van Buren Drainage and Recreation Corridor and Agua Fria Levee Trail.

SUMMARY OF REQUEST:

At the City Council meeting in December 2014 (Exhibit D) and at the City Council visioning retreat in January 2015, in response to current market conditions, City Council directed staff to establish flexibility in the development process, including requirements within the FCSP, in order to encourage new construction in the City.

In response to Council direction to provide increased flexibility to developers, staff is proposing to amend the Freeway Corridor Specific Plan (Exhibit A). A legislative version of the proposed amendment, showing a full record of all text proposed to be removed, added, or modified, is included as Exhibit B to this staff report. A brief summary of the proposed amendment is as follows:

- The amendment deemphasizes the need for developers to provide intense, transit-oriented, urban development adjacent to the City's preferred high capacity transit alignment.
- Section II, "Existing Conditions", has been updated to reflect any new development that has occurred post September 2013, as well as to include a new listing of undeveloped, zoned properties ripe for development.
- Deleted Objective #3, which read, "*Institute minimum site utilization thresholds for properties adjacent to the City's recommended HCT alignment and provide generous maximum building heights throughout to ensure the area develops at the intensity level and form that is needed to accomplish the City's goals, most notably attracting high capacity transit.*" This Objective and its supporting text established the basis for establishing minimum floor area ratios (FARs) for development adjacent to the HCT alignment.
- All minimum FARs have been removed from the "Site Development Threshold" maps in Section III, "Freeway Corridor Design and Development Requirements." These maps now only prescribe maximum building heights, in stories, as was the case prior to the 2013 amendment. Additionally, graphics illustrating development at various FAR levels have been

deleted from Section III, as have the provision that allowed for the phasing of development sites allowing for minimum FARs to be achieved over time and the provision that allowed structured parking to be eligible to count toward a development's FAR.

- Deletes the provision that allows development to reduce parking by up to 50 percent if designed to take advantage of adjacent transit. Related, the proposed amendment also deletes the provision allowing transit oriented developments to construct temporary parking lots as an interim condition until HCT service is realized.
- Amends the existing requirement that office development within the corridor be "Class A" to also allow for "Class B" office development, as defined by the "North American Office and Industrial Market Terms and Definitions" guide published by the NAIOP (Commercial Real Estate Development Association). Language prohibiting external stairwells on multi-story office building has been maintained in the proposed document.
- Removes several standards for development within the Urban Residential General Plan Land Use designation, including limitations on use of stucco/EIFS exterior finishes as a primary material, requirements that all access to residential units be from inside the building, and the allowance for developers to count interior recreational spaces, such as gyms and community rooms, towards the City's minimum open space requirements. Additionally, the minimum number of stories required for development in this land use category has been reduced from four to three.
- As minimum FARs are no longer included in the proposed FCSP, language exempting approved PADs from adhering to FARs is no longer required and has been deleted from Section IV, "Implementation".
- Revises the process for applicants seeking relief from provisions of the FCSP from requiring a Variance, granted by the Board of Adjustment, to requiring Administrative Relief, granted by the Zoning Administrator.
- Changes the process for amending the text of the FCSP from following the procedures of a Major General Plan Amendment to following the procedures of a Minor General Plan Amendment. A Major General Plan Amendment requires 60 day notification of surrounding jurisdictions and state agencies, a neighborhood meeting, 2 Planning Commission public hearings, and a City Council public hearing, on a fixed date once per year, where the amendment must be approved by a supermajority. A Minor General Plan Amendment does not require 60 day notification of surrounding jurisdictions and state agencies, requires only 1 Planning Commission public hearing, and may be approved at a City Council public hearing by a simple majority at any time throughout the year.
- Updated Section V, "Public Participation", replacing the text discussing the process from the 2013 amendment with new text regarding the process for this proposed amendment.
- Minor and/or non-substantive changes to wording and phraseology based upon recommendations of the City Attorney.

Please note, under the terms of the Freeway Corridor Specific Plan currently in effect, this amendment is required to be considered under the procedures of the Major General Plan Amendment process. As such, in accordance with State of Arizona statute, the amendment must receive a two-thirds majority vote of the City Council for approval.

PARTICIPATION:

The 60 day notification of potentially impacted adjoining jurisdictions and public agencies, as required by State Statute, was transmitted on April 29, 2015. Sixteen cities, school districts, and other public entities were provided with a summary of the proposal and a web link to a draft of the proposed amendment and asked to provide comments, if any, by June 29, 2015. These entities were: the City of Goodyear, the City of Tolleson, the City of Phoenix, the City of Litchfield Park, the Maricopa County Planning & Development Department, the Arizona Department of Transportation (ADOT), the Flood Control District of Maricopa County (FCDMC), the Arizona Commerce Authority, the Maricopa Association of Governments (MAG), the Gila River Indian Community (GRIC), the Agua Fria Union High School District, the Tolleson Union High School District, the Avondale

Elementary School District, the Pendergast Elementary School District, the Littleton Elementary School District, and the Litchfield Elementary School District. The City received no feedback on this proposal from any of the sixteen entities notified.

The Development and Engineering Services Department hosted a neighborhood meeting to discuss the proposal with property owners within the boundary of the FCSP and any other interested parties at City Hall on Tuesday, June 23rd (Exhibit C). The meeting was advertised in the June 2, 2015 edition of the West Valley View. Additionally, postcards inviting property owners to attend the neighborhood meeting were sent to all 424 landowners within the FCSP area on May 28, 2015. The postcards summarized the proposed amendment, provided a link to an online version of the draft document, and identified the time, date, and location of the neighborhood meeting. Three owners of property in the FCSP area attended the neighborhood meeting – none of the attendees expressed concern regarding the proposed FCSP amendment, however, they did share some concern regarding other activity planned for the FCSP area, primarily the impacts of the future I-10 interchange at Fairway Drive, the impacts of the planned Van Buren Regional Drainage Channel, including access to Van Buren Street, and the impacts of the future construction of Roosevelt Street through the corridor.

Outside of the Neighborhood Meeting, staff has been contacted via telephone by two property owners within the FCSP boundary seeking additional information on the proposal. Both calls were strictly informational and neither property owner expressed any opposition to the proposed amendment. Additionally, one property owner within the FCSP area visited City Hall and spoke with staff regarding the amendment. This owner's questions were also informational and the person did not express any opposition to the proposal, but did express concerns regarding the Van Buren Regional Drainage Channel and the impacts on her property.

Notice of the July 16th Planning Commission public hearing was published in the West Valley View on June 30, 2015. Additionally, a second round of postcards was mailed to the 424 landowners within the FCSP area on June 24, 2015. The postcards identified the time, date, and location of both the July and August Planning Commission hearings, along with the City Council hearing scheduled for September 14th. No citizens spoke on the item at the July Commission meeting.

Notice of the August 20th Planning Commission public hearing was published in the West Valley View on August 4, 2015. No citizens spoke on the item at the August Commission meeting.

Notice of the September 14, 2015 City Council public hearing was published in the West Valley View on August 28, 2015. No additional comments have been received to date.

PLANNING COMMISSION ACTION:

Two public hearings before the Planning Commission are required for items processed under Major General Plan Amendment procedures.

The Planning Commission conducted the first required public hearing on the proposed FCSP Amendment during its July 16, 2015 meeting held off-site, at the City's Municipal Operations Service Center (Exhibit E).

The Commission had the following questions and comments:

- Chair Scibienski inquired about the worst-case outcome that could result from the proposed amendment. Staff responded that Commission could expect to see additional development of the same scale, intensity, and character of existing development in the freeway corridor.
- Chair Scibienski asked about higher intensity development that has occurred in other jurisdictions. Staff stated that where higher intensity development has occurred in the west

valley, it has occurred organically. While the City still supports that high intensity vision, it will no longer be a requirement of the FCSP.

- Chair Scibienski stated a desire to prohibit multi-story office buildings with external stairwells. Commissioner Kugler agreed.
- Commissioner Kugler stated his view that the minimum FARs in the current FCSP were ambitious and that, while attracting high-capacity transit is a good long term goal, the current market for development will be driven by the adjacent freeways.
- Commissioner Pineda asked whether the current FCSP has prevented any development in the corridor. Staff responded that to the best of the City's knowledge, no, however, one property did obtain a variance from the minimum FAR requirements in order to begin processing a lower intensity retail site plan.

Upon conclusion of the public hearing, the Commission voted 6-0 (Vice Chair Smith absent) to continue the item to the August 20, 2015 meeting. The proposed FCSP draft was revised to address the concerns raised by the Commission.

The Planning Commission conducted the second required public hearing on the proposed FCSP Amendment on August 20, 2015, in the Council Chambers at Avondale City Hall. The Commission had no comments or questions and voted 4-0 to recommend approval of the request (Exhibit F).

ANALYSIS:

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

In line with recent City Council direction to build flexibility into the City's planning documents and processes, and in order to better conform to existing market conditions, the proposed amendment to the Freeway Corridor Specific Plan removes some of the more onerous requirements from the 2013 amendment, most notably the required adherence to minimum Floor Area Ratios (FARs) on properties adjacent to the preferred HCT alignment. Since 2007, there has been very limited absorption of commercial property in the valley. In 2014, the City of Tempe announced over 2 million square feet of new office and retail construction along the Rio Salado, an amount equal to approximately 10 typical years of development in that City. The total square footage under construction in Tempe and the unsurpassed location of the Mill Avenue and Rio Salado Tempe Town Lake developments will make it even more difficult for other Valley cities, such as Avondale, to attract and build similar, urban commercial and mixed use developments. Given today's economic and market conditions, especially in the high-rise office market, the type and intensity of development envisioned by the FCSPs minimum FARs, with a buildout estimated at 12,490,830 square feet, it is not improbable to assume that full buildout in accordance with the minimum FARs would take several decades in Avondale.

Furthermore, this calculation does not take into account the square footage required to be developed in City Center, an equally intense planned development area. While the proposed amendment will decrease the regulatory authority of the FCSP, the FCSP will continue to stress the importance transit, density, walkability, and bike-ability will need to play to create a future Avondale in line with the vision of the General Plan.

In combination with other City efforts to improve development conditions in Avondale, such as the recently enacted reduction in development fees, the City hopes to attract new businesses, not just in the Freeway Corridor, but Citywide.

FINDINGS:

The proposed amendment increases flexibility in development processes in order to encourage more immediate development in Avondale, as directed by the City Council.

RECOMMENDATION:

On August 20, 2015, the Planning Commission recommended that the City Council approve application PL-15-0055, a request to amend the Freeway Corridor Specific Plan.

PROPOSED MOTION:

Two-thirds majority vote of the City Council is required for approval:

I move that the City Council accept the findings and **ADOPT** the Resolution approving Application PL-15-0055, a request to amend the Freeway Corridor Specific Plan.

ATTACHMENTS:**Description**

[Exhibit A - Proposed, Amended Freeway Corridor Specific Plan, Clean Version](#)

[Exhibit B - Proposed Amended Freeway Corridor Specific Plan, Legislative Version](#)

[Exhibit C - Neighborhood Meeting Sign-In Sheet \(June 23, 2015\)](#)

[Exhibit D - Excerpt of City Council Meeting Minutes, December 15, 2014](#)

[Exhibit E - Excerpt of Planning Commission Meeting Minutes, July 16, 2015](#)

[Resolution 3270-915](#)

PROJECT MANAGER

Ken Galica, Senior Planner (623) 333-4019