

**WORK SESSION**  
**March 14, 2016**  
**6:00 PM**

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**CALL TO ORDER BY MAYOR**

**1 ROLL CALL BY THE CITY CLERK**

**2. OPTIONS FOR THE EXTENSION OF THE ALTERNATIVE EXPENDITURE LIMITATION (HOME RULE)**

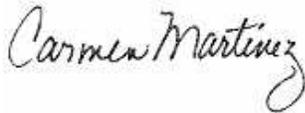
City Council will receive information regarding the State-imposed expenditure limitation and options for Alternative Expenditure Limitations. For information, discussion and direction.

**3. AN UPDATE FROM ARIZONA STATE UNIVERSITY**

An update of Arizona State University's academic, research, and athletic successes will be presented by Ms. Barbara Shaw-Snyder, ASU Community & Municipal Relations Director. Opportunities for Avondale residents at ASU will also be highlighted. Information and an update of the Arizona Board of Regents legislative agenda will also be provided. For information and discussion only.

**4 ADJOURNMENT**

Respectfully submitted,



Carmen Martinez  
City Clerk

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

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

Individuals with special accessibility needs, including sight or hearing impaired, large print, or interpreter, should contact the City Clerk at 623-333-1200 or TDD 623-333-0010 at least two business days prior to the Council Meeting.

Personas con necesidades especiales de accesibilidad, incluyendo personas con impedimentos de vista u oido, o con necesidad de impresion grande o interprete, deben comunicarse con la Secretaria de la Ciudad at 623-333-1200 o TDD 623-333-0010 cuando menos dos dias habiles antes de la junta del Concejo.

Notice is hereby given that pursuant to A.R.S. 1-602.A.9, subject to certain specified statutory exceptions, parents have a right to consent before the State or any of its political subdivisions make a video or audio recording of a minor child. Meetings of the City Council may be audio and/or video recorded and, as a result, proceedings in which children are present may be subject to such recording. Parents, in order to exercise their rights may either file written consent with the City Clerk to such recording, or take personal action to ensure that their child or children are not present when a recording may be made. If a child is present at the time a recording is made, the City will assume that the rights afforded parents pursuant to A.R.S. 1-602.A.9 have been waived.

De acuerdo con la ley A.R.S. 1-602.A.9, y sujeto a ciertas excepciones legales, se da aviso que los padres tienen derecho a dar su consentimiento antes de que el Estado o cualquier otra entidad política haga grabaciones de video o audio de un menor de edad. Las juntas del Concejo de la Ciudad pueden ser grabadas y por consecuencia, existe la posibilidad de que si hay menores de edad presentes estos aparezcan en estos videos o grabaciones de audio. Los padres puedan ejercitar su derecho si presentan su consentimiento por escrito a la Secretaria de la Ciudad, o pueden asegurarse que los niños no estén presentes durante la grabación de la junta. Si hay algún menor de edad presente durante la grabación, la Ciudad dará por entendido que los padres han renunciado sus derechos de acuerdo a la ley contenida A.R.S. 1-602.A.9.



## CITY COUNCIL AGENDA

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**SUBJECT:**

Options for the extension of the Alternative Expenditure Limitation (Home rule)

**MEETING DATE:**

3/14/2016

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**TO:** Mayor and Council

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

**THROUGH:** David Fitzhugh, City Manager

**PURPOSE:**

To provide Council with information on the State-imposed expenditure limitation and options for Alternative Expenditure Limitations.

**BACKGROUND:**

The Arizona State Constitution and Arizona Revised Statutes impose an expenditure limitation on every City and Town in the State. The state-imposed limitation uses expenditures of local revenues from Fiscal Year 1979-80 as a baseline. Each year, the Economic Estimates Commission (EEC) adjusts baseline expenditures based on a standard inflation rate and the population growth in the community to establish a new expenditure limitation (See Attachment A for FY 2015-16 final estimates).

Certain revenues are specifically excluded from the state-imposed expenditure limitation. For example, revenues received from the issuance of bonds, revenues received from interest or dividends, revenue from Federal grants, and intergovernmental revenue already subject to another entity's expenditure limitation, are all exempt from the expenditure limit. If the state-imposed limitation does not allow for the expenditure of sufficient local funds (less the exemptions listed above), State law provides four options to potentially solve this problem.

- Alternative expenditure limitation (local home rule option)
- A permanent base adjustment
- A capital projects accumulation fund
- A one-time override

All of the options require voter approval. If none of the options are approved by the voters, the state-imposed limitation will apply.

**Home rule option**

The home rule option allows the City to adopt its own "alternative" expenditure limitation and sets the limit at its adopted budget. In other words, it allows the City to establish its own expenditure limitation without being subject to the state-imposed limitation. It also significantly reduces the City's reporting burden to the State. Home rule must be approved by the voters, and is good for a period of four years. Renewal of home rule must be re-approved by the voters every four years.

### Permanent Base adjustment option

A permanent base adjustment modifies the expenditure limitation base from 1979-80. The permanent adjustment allows the City to increase the base expenditures from 1979-80 and calculates the impact of the population and inflation factor on that new base. This results in an increase of the current and future year's expenditure limitations. As the name indicates, the adjustment is permanent and requires the approval of the voters one time.

### Capital projects accumulation fund option

A capital project accumulation fund allows the City to exclude funds accumulated to pay for specific capital projects. This option is useful for Cities where the State-imposed limitation is adequate for operating costs, but not for capital outlay costs. A capital projects accumulation fund and the specific projects must be approved by the voters. If new projects are identified by the City, this would require voter approval for the new projects.

### One-time override option

Any City may exceed its State-imposed limitation by a one-time override. This override is effective for one year, and does not affect the expenditure limitation base. The override must be approved by the voters and is good for one year.

### **DISCUSSION:**

In 2013, the Avondale voters adopted an alternative expenditure limitation – Home Rule option (first approved in 1981 with seven subsequent extensions). The Home Rule option expires at the end of Fiscal Year 2016-2017.

The FY 2015-2016 adopted City budget is \$176,731,990, and while staff estimates \$45 million in exemptions, this leaves a City budget of \$131,731,990. The Current State-imposed limitation is \$49,716,471. The City would have to cut more than \$80 million from its budget. This would cause a very significant change in service levels. There are several factors that would cause the City of Avondale to exceed the state-imposed expenditure limit.

First, the state-imposed expenditure limitation, which is calculated with population and inflation factors, is based on projections for one year's needs. In a high-growth community, this doesn't allow for a City to plan infrastructure and city services to stay ahead of the growth curve (i.e., building a wastewater treatment facility with excess capacity, instead of one year's capacity needs).

Second, the City of Avondale has changed significantly since 1979-80, when the baseline was established. Current citizens are demanding increased services and amenities that may not have been required in 1980. The increased expectations of the residents are not adequately factored into the population and inflation calculation performed by the State. As a result, the state-imposed limitation is based on expectations from 35 years ago, instead of today's residents.

Finally, the State imposed limitation does not account for additional revenue sources received since 1979-80. The City of Avondale has established development impact fees and two, half-percent sales tax increases since 1979-80. Both of these local revenue sources are subject to the State-imposed limitation. Without an alternate expenditure limitation, the City would be unable to spend sales tax dollars from a voter approved initiative, which was approved to increase funding for public safety.

As the state-imposed expenditure limitation for the City of Avondale is not sufficient to allow the City to expend its local revenues and provide the basic services that the residents require, one of the alternative options must be selected and placed on the ballot for voter approval.

The Home Rule option has been in place for 35 years and the residents are familiar with this option on the ballot. Staff is recommending that Council proceed with a proposed extension of the Home Rule and hold public hearings on March 21, 2016 and April 4, 2016. In a special meeting on April 4, 2016, Council can consider a Resolution proposing the extension of Home Rule be submitted to the voters.

**BUDGET IMPACT:**

This item has a dramatic budgetary impact; if the voters should not approve an alternate expenditure limitation, the City will have to cut approximately \$80 million of its \$180 million budget during the FY 2018 budget process.

**RECOMMENDATION:**

This item is for discussion and possible direction to hold two (2) public hearings regarding staff's recommendation to place the home rule option on the August 2016 election ballot.

**ATTACHMENTS:**

Description

[Attachment A - 2016 State Expenditure Limitation](#)

**FINAL FY 2015/16 EXPENDITURE LIMITATIONS: CITIES & TOWNS**

CITY	POPULATION **		POPULATION FACTOR	INFLATION FACTOR*	FY 1979/80 BASE LIMIT	FINAL FY 2015/16 EXPENDITURE LIMITATION
	2014	1978				
APACHE JUNCTION	37,639	9,500	3.9620	2.8798	\$1,581,484	<b>\$18,044,492</b>
AVONDALE	78,090	6,900	11.3174	2.8798	\$1,525,417	<b>\$49,716,471</b>
BENSON	5,027	3,925	1.2808	2.8798	\$1,317,815	<b>\$4,860,591</b>
BISBEE	5,394	6,860	0.7863	2.8798	\$1,625,337	<b>\$3,680,406</b>
BUCKEYE	58,795	3,175	18.5181	2.8798	\$5,000,000	<b>\$266,644,142</b>
BULLHEAD CITY	39,465	13,830	2.8536	2.8798	\$5,493,553	<b>\$45,144,892</b>
CAMP VERDE	10,925	5,650	1.9336	2.8798	\$2,072,112	<b>\$11,538,560</b>
CAREFREE	3,453	1,744	1.9799	2.8798	\$1,642,262	<b>\$9,363,925</b>
CASA GRANDE	50,821	14,100	3.6043	2.8798	\$18,793,221	<b>\$195,070,093</b>
CAVE CREEK	5,354	2,025	2.6440	2.8798	\$656,393	<b>\$4,997,844</b>
CHANDLER	249,423	23,500	10.6137	2.8798	\$7,245,951	<b>\$221,477,395</b>
CHINO VALLEY	10,844	2,400	4.5183	2.8798	\$255,094	<b>\$3,319,280</b>
CLARKDALE	4,102	1,200	3.4183	2.8798	\$255,616	<b>\$2,516,331</b>
CLIFTON	4,459	4,515	0.9876	2.8798	\$1,656,956	<b>\$4,712,551</b>
COLORADO CITY	4,800	1,730	2.7746	2.8798	\$987,191	<b>\$7,887,902</b>
COOLIDGE	12,027	6,775	1.7752	2.8798	\$1,530,413	<b>\$7,823,877</b>
COTTONWOOD	11,402	4,200	2.7148	2.8798	\$7,000,000	<b>\$54,726,184</b>
DEWEY HUMBOLDT	3,910	4,080	0.9583	2.8798	\$1,533,271	<b>\$4,231,564</b>
DOUGLAS	16,989	12,600	1.3483	2.8798	\$17,190,988	<b>\$66,751,878</b>
DUNCAN	840	700	1.2000	2.8798	\$177,389	<b>\$613,018</b>
EAGAR	4,909	2,450	2.0037	2.8798	\$627,268	<b>\$3,619,474</b>
EL MIRAGE	32,857	4,025	8.1632	2.8798	\$4,874,680	<b>\$114,597,069</b>
ELOY	16,531	6,300	2.6240	2.8798	\$1,419,813	<b>\$10,728,898</b>
FLAGSTAFF	69,391	32,000	2.1685	2.8798	\$22,522,966	<b>\$140,651,422</b>
FLORENCE	26,828	3,175	8.4498	2.8798	\$714,110	<b>\$17,377,010</b>

**FINAL FY 2015/16 EXPENDITURE LIMITATIONS: CITIES & TOWNS**

CITY	POPULATION **		POPULATION FACTOR	INFLATION FACTOR*	FY 1979/80 BASE LIMIT	FINAL
	2014	1978				FY 2015/16 EXPENDITURE LIMITATION
FOUNTAIN HILLS	23,090	10,190	2.2659	2.8798	\$4,107,576	<b>\$26,804,069</b>
FREDONIA	1,324	850	1.5576	2.8798	\$329,695	<b>\$1,478,927</b>
GILA BEND	1,960	1,575	1.2444	2.8798	\$684,678	<b>\$2,453,733</b>
GILBERT	235,493	4,250	55.4101	2.8798	\$2,346,450	<b>\$374,425,789</b>
GLENDALE	232,680	84,000	2.7700	2.8798	\$67,955,628	<b>\$542,088,977</b>
GLOBE	7,525	6,550	1.1489	2.8798	\$2,436,186	<b>\$8,060,111</b>
GOODYEAR	74,743	2,500	29.8972	2.8798	\$4,125,000	<b>\$355,156,565</b>
GUADALUPE	6,084	4,300	1.4149	2.8798	\$549,792	<b>\$2,240,188</b>
HAYDEN	661	1,200	0.5508	2.8798	\$408,838	<b>\$648,540</b>
HOLBROOK	5,067	5,450	0.9297	2.8798	\$2,585,121	<b>\$6,921,507</b>
HUACHUCA CITY	1,810	1,690	1.0710	2.8798	\$317,153	<b>\$978,196</b>
JEROME	444	395	1.1241	2.8798	\$132,688	<b>\$429,520</b>
KEARNY	1,989	2,665	0.7463	2.8798	\$950,057	<b>\$2,041,985</b>
KINGMAN	28,620	8,745	3.2727	2.8798	\$4,426,488	<b>\$41,719,057</b>
LAKE HAVASU CITY	53,193	13,000	4.0918	2.8798	\$4,711,264	<b>\$55,515,461</b>
LITCHFIELD PARK	5,893	3,835	1.5366	2.8798	\$3,542,818	<b>\$15,677,806</b>
MAMMOTH	1,451	1,960	0.7403	2.8798	\$425,048	<b>\$906,180</b>
MARANA	40,342	1,425	28.3102	2.8798	\$202,239	<b>\$16,488,185</b>
MARICOPA	46,708	3,790	12.3240	2.8798	\$10,601,417	<b>\$376,254,200</b>
MESA	455,567	130,000	3.5044	2.8798	\$54,090,640	<b>\$545,879,019</b>
MIAMI	1,826	2,615	0.6983	2.8798	\$878,262	<b>\$1,766,113</b>
NOGALES	21,647	11,740	1.8439	2.8798	\$3,245,377	<b>\$17,232,971</b>
ORO VALLEY	42,190	1,475	28.6034	2.8798	\$272,317	<b>\$22,431,465</b>
PAGE	7,582	4,375	1.7330	2.8798	\$6,429,631	<b>\$32,089,071</b>
PARADISE VALLEY	13,457	10,425	1.2908	2.8798	\$6,645,509	<b>\$24,703,917</b>
PARKER	3,199	2,485	1.2873	2.8798	\$1,145,364	<b>\$4,246,164</b>

**FINAL FY 2015/16 EXPENDITURE LIMITATIONS: CITIES & TOWNS**

CITY	POPULATION **		POPULATION FACTOR	INFLATION FACTOR*	FY 1979/80 BASE LIMIT	FINAL FY 2015/16 EXPENDITURE LIMITATION
	2014	1978				
PATAGONIA	953	925	1.0303	2.8798	\$213,500	<b>\$633,453</b>
PAYSON	15,551	4,305	3.6123	2.8798	\$1,267,280	<b>\$13,183,269</b>
PEORIA	163,839	10,500	15.6037	2.8798	\$18,247,857	<b>\$819,983,730</b>
PHOENIX	1,506,439	717,000	2.1010	2.8798	\$229,200,625	<b>\$1,386,799,159</b>
PIMA	2,479	1,465	1.6922	2.8798	\$275,000	<b>\$1,340,099</b>
PINETOP-LAKESIDE	4,340	2,635	1.6471	2.8798	\$1,214,814	<b>\$5,762,146</b>
PRESCOTT	40,520	19,250	2.1049	2.8798	\$8,495,931	<b>\$51,500,928</b>
PRESCOTT VALLEY	40,485	1,520	26.6349	2.8798	\$380,054	<b>\$29,151,522</b>
QUARTZSITE	3,801	2,115	1.7972	2.8798	\$974,825	<b>\$5,045,212</b>
QUEEN CREEK	31,767	2,525	12.5810	2.8798	\$818,277	<b>\$29,646,977</b>
SAFFORD	9,734	6,200	1.5700	2.8798	\$20,484,597	<b>\$92,617,372</b>
SAHUARITA	27,476	1,629	16.8668	2.8798	\$713,697	<b>\$34,666,634</b>
SAN LUIS	33,190	1,690	19.6391	2.8798	\$724,909	<b>\$40,998,637</b>
SCOTTSDALE	225,698	83,000	2.7193	2.8798	\$55,861,444	<b>\$437,448,723</b>
SEDONA	10,176	7,050	1.4434	2.8798	\$2,960,687	<b>\$12,306,820</b>
SHOW LOW	10,958	3,800	2.8837	2.8798	\$1,443,667	<b>\$11,988,921</b>
SIERRA VISTA	44,286	24,050	1.8414	2.8798	\$10,055,882	<b>\$53,325,744</b>
SNOWFLAKE	5,697	3,000	1.8990	2.8798	\$741,469	<b>\$4,054,930</b>
SOMERTON	15,499	3,540	4.3782	2.8798	\$681,742	<b>\$8,595,791</b>
SOUTH TUCSON	5,751	6,275	0.9165	2.8798	\$1,879,168	<b>\$4,959,760</b>
SPRINGERVILLE	1,971	1,400	1.4079	2.8798	\$678,299	<b>\$2,750,079</b>
STAR VALLEY	2,321	2,255	1.0293	2.8798	\$744,113	<b>\$2,205,631</b>
ST. JOHNS	3,475	4,100	0.8476	2.8798	\$819,104	<b>\$1,999,288</b>
SUPERIOR	2,869	4,700	0.6104	2.8798	\$682,763	<b>\$1,200,240</b>
SURPRISE	123,797	3,550	34.8724	2.8798	\$9,500,000	<b>\$954,049,152</b>

**FINAL FY 2015/16 EXPENDITURE LIMITATIONS: CITIES & TOWNS**

CITY	POPULATION **		POPULATION FACTOR	INFLATION FACTOR*	FY 1979/80 BASE LIMIT	FINAL FY 2015/16 EXPENDITURE LIMITATION
	2014	1978				
TAYLOR	4,178	1,740	2.4011	2.8798	\$245,508	\$1,697,658
TEMPE	169,529	102,000	1.6620	2.8798	\$65,579,379	\$313,889,296
THATCHER	5,113	3,170	1.6129	2.8798	\$1,860,674	\$8,642,755
TOLLESON	6,777	4,190	1.6174	2.8798	\$966,494	\$4,501,819
TOMBSTONE	1,344	1,600	0.8400	2.8798	\$508,007	\$1,228,894
TUCSON	529,336	311,400	1.6999	2.8798	\$138,097,586	\$676,027,382
TUSAYAN	579	606	0.9554	2.8798	\$470,573	\$1,294,787
WELLTON	3,083	900	3.4256	2.8798	\$460,150	\$4,539,372
WICKENBURG	6,602	3,300	2.0006	2.8798	\$6,600,000	\$38,025,146
WILLCOX	3,674	2,985	1.2308	2.8798	\$10,497,909	\$37,210,285
WILLIAMS	3,129	2,100	1.4900	2.8798	\$1,254,501	\$5,382,979
WINKELMAN	353	1,010	0.3495	2.8798	\$183,579	\$184,774
WINSLOW	9,672	7,725	1.2520	2.8798	\$4,995,579	\$18,012,293
YOUNGTOWN	6,415	2,100	3.0548	2.8798	\$1,119,748	\$9,850,608
YUMA	96,522	34,500	2.7977	2.8798	\$15,663,245	\$126,198,541
<b>TOTAL</b>	<b>5,258,198</b>	<b>1,896,649</b>	<b>2.7724</b>		<b>\$908,807,171</b>	<b>\$9,001,633,789</b>

\* SOURCE: (2014 GDP Implicit Price Deflator - BEA, February 2015)/(1978 GDP Implicit Price Deflator) = 108.287 / 37.602

\*\* FIGURES AS OF JULY 1 (SOURCE: DEPT. OF ADMINISTRATION)



## CITY COUNCIL AGENDA

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**SUBJECT:**

An Update from Arizona State University

**MEETING DATE:**

3/14/2016

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**TO:** Mayor and Council

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

**THROUGH:** David Fitzhugh, City Manager

**PURPOSE:**

An update of Arizona State University's academic, research, and athletic successes will be presented by Ms. Barbara Shaw-Snyder, ASU Community & Municipal Relations Director. Opportunities for Avondale residents at ASU will also be highlighted. Information and an update of the Arizona Board of Regents legislative agenda will also be provided.

**BACKGROUND:**

Arizona State University was ranked #1 among the Most Innovative Schools in the nation for 2016 by U.S. News & World Report. We are fortunate to have ASU located in the Valley, but we are even more fortunate to share the West Valley with the ASU West Campus. ASU boasts over 400,000 alumni members worldwide, is proud of the 30 National Endowment for the Humanities members among its Faculty, and is forward-thinking in creating unprecedented partnerships that increase college access to Arizona residents.

**DISCUSSION:**

An update of Arizona State University's academic, research, and athletic successes will be presented by Ms. Barbara Shaw-Snyder, ASU Community & Municipal Relations Director. Opportunities for Avondale residents at ASU will also be highlighted. Information and an update of the Arizona Board of Regents legislative agenda will also be provided.

**BUDGET IMPACT:**

There is no budgetary impact.

**RECOMMENDATION:**

For information and discussion only.



# CITY COUNCIL AGENDA

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

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**REGULAR MEETING**  
**March 14, 2016**  
**7:00 PM**

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**CALL TO ORDER BY MAYOR**  
**PLEDGE OF ALLEGIANCE**  
**MOMENT OF REFLECTION**

**1 ROLL CALL AND STATEMENT OF PARTICIPATION BY THE CITY CLERK**

**2 UNSCHEDULED PUBLIC APPEARANCES**

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

**3 CONSENT AGENDA**

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

**a. APPROVAL OF MINUTES**

1. Regular Meeting of February 1, 2016
2. Work Session of February 16, 2016
3. Regular Meeting of February 16, 2016

**b. AUTHORIZATION TO PROCEED - LAKIN RANCH ANNEXATION**

City Council will consider a request from Mr. Cameron Carter from the Rose Law Group PC on behalf of the majority of property owners to begin the annexation process of approximately 1,256 acres of land located between Avondale Blvd. and Dysart Road and between Illini Street and Sunland Avenue. The Council will take appropriate action.

**c. SPECIAL EVENT LIQUOR LICENSE - COMEDY NIGHT AT TRINITY FAMILY LIFE CENTER**

City Council will consider a request to approve an application for a Special Event Liquor License submitted by Ms. Keri Sparks to be used at the Trinity Life Center on Saturday, April 9th from 5:30 pm to 10:30 pm in conjunction with a fundraiser comedy night dinner and auction. The Council will take appropriate action.

**d. LIQUOR LICENSE EXTENSION OF PREMISES - AMERICROWN AT PIR**

City Council will consider a request to approve an application submitted by Mr. Joseph Michael Henderson for an extension of Americrown's Series 6 - Bar license to sell all spirituous liquors at PIR to be used in conjunction with the Phoenix Grand Prix scheduled for April 1, 2016 through April 3, 2016. The Council will take appropriate action.

**e. LIQUOR LICENSE TEMPORARY EXTENSION OF PREMISES - 8-BIT ALEWORKS**

City Council will consider a request to approve an application submitted by Mr. Ryan Scott Whitten for a temporary extension of premises to be used in conjunction with the first anniversary celebration for the establishment on Saturday, April 9, 2016. The Council will take appropriate action.

**f. TRANSFER OF FUNDS TO ADDRESS FIRE STATION SECURITY**

City Council will consider a request to transfer funds from 319-1217-00-8230 (fire capital projects) to 101-6310-00-8230 (fire administration) in the amount of \$50,000 to address fire station security issues. The council will take appropriate action.

**g. ORDINANCE 1603-316 POWER TRANSMISSION EASEMENT 107TH AVENUE FROM ROOSEVELT STREET TO VAN BUREN STREET**

Council will consider an ordinance granting a Power Transmission Easement to Salt River Project Agricultural Improvement and Power District for power facilities associated with the 107th Avenue, Roosevelt Street to Van Buren Street, Improvement Project, and authorize the Mayor, City Clerk, and City Attorney to execute the necessary documents. The Council will take the appropriate action.

**h. ORDINANCE 1605-316 - AMENDING AVONDALE CITY CODE, CHAPTER 24 - WATER, SEWERS AND SEWAGE DISPOSAL - DECLARING AN EMERGENCY**

The Council will consider an ordinance amending Avondale City Council Chapter 24 Water, Sewer and Sewage Disposal relating to the removal of water and wastewater rates and several other minor changes, declaring an emergency and setting an effective date. The Council will take the appropriate action.

**4 PUBLIC HEARING - ORDINANCE 1604-316 - PALM VALLEY-AVONDALE PAD AMENDMENT (PL-15-0258)**

City Council will hold a public hearing and consider an ordinance approving a an amendment to the Palm Valley-Avondale Planned Area Development located approximately 300 feet south of the southeast corner of Dysart Road and Thomas Road to allow an Assisted Living Facility as a conditionally permitted use within the Palm Valley-Avondale PAD, allow an increase in the maximum allowable height from 30-feet to 38-feet for the tower element of the building, reduce the required landscape buffer from 25-feet to 5-feet, and reduce the required parking from 260 parking spaces to 120 parking spaces. The Council will take appropriate action.

**5 PUBLIC HEARING CONDITIONAL USE PERMIT (CUP) FOR AN ASSISTED LIVING FACILITY (PL-15-0257)**

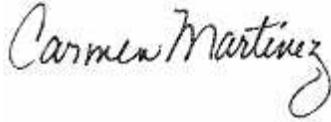
City Council will hold a public hearing and consider a request by Western States Lodging, requesting approval of a Conditional Use Permit in conjunction with an amendment to the Palm Valley-Avondale PAD to allow for the construction and operation of an assisted living facility on approximately 5.27 acres of a larger vacant 11 acre parcel located south of the southeast corner of Dysart Road and Thomas Road. The Council will take appropriate action.

**6 EXECUTIVE SESSION**

City 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 (i) potential litigation with respect to tax matters and (ii) regarding termination of a lease agreement of city-owned property.

## 7 ADJOURNMENT

Respectfully submitted,



Carmen Martinez  
City Clerk

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

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

Individuals with special accessibility needs, including sight or hearing impaired, large print, or interpreter, should contact the City Clerk at 623-333-1200 or TDD 623-333-0010 at least two business days prior to the Council Meeting.

Personas con necesidades especiales de accesibilidad, incluyendo personas con impedimentos de vista u oido, o con necesidad de impresion grande o interprete, deben comunicarse con la Secretaria de la Ciudad at 623-333-1200 o TDD 623-333-0010 cuando menos dos dias habiles antes de la junta del Concejo.

Notice is hereby given that pursuant to A.R.S. 1-602.A.9, subject to certain specified statutory exceptions, parents have a right to consent before the State or any of its political subdivisions make a video or audio recording of a minor child. Meetings of the City Council may be audio and/or video recorded and, as a result, proceedings in which children are present may be subject to such recording. Parents, in order to exercise their rights may either file written consent with the City Clerk to such recording, or take personal action to ensure that their child or children are not present when a recording may be made. If a child is present at the time a recording is made, the City will assume that the rights afforded parents pursuant to A.R.S. 1-602.A.9 have been waived.

De acuerdo con la ley A.R.S. 1-602.A.9, y sujeto a ciertas excepciones legales, se da aviso que los padres tienen derecho a dar su consentimiento antes de que el Estado o cualquier otra entidad politica haga grabaciones de video o audio de un menor de edad. Las juntas del Concejo de la Ciudad pueden ser grabadas y por consecuencia, existe la posibilidad de que si hay menores de edad presentes estos aparezcan en estos videos o grabaciones de audio. Los padres pueden ejercitar su derecho si presentan su consentimiento por escrito a la Secretaria de la Ciudad, o pueden asegurarse que los niños no estén presentes durante la grabacion de la junta. Si hay algun menor de edad presente durante la grabacion, la Ciudad dara por entendido que los padres han renunciado sus derechos de acuerdo a la ley contenida A.R.S. 1-602.A.9.



## CITY COUNCIL AGENDA

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**SUBJECT:**

Authorization to Proceed - Lakin Ranch  
Annexation

**MEETING DATE:**

3/14/2016

---

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

City Council will consider a request from Mr. Cameron Carter from the Rose Law Group PC on behalf of the majority of property owners to begin the annexation process of approximately 1,256 acres of land located between Avondale Blvd. and Dysart Road and between Illini Street and Sunland Avenue.

**BACKGROUND:**

Staff has been working with Sunbelt Holdings, LLC for approximately two (2) years related to the potential development of this area as a master plan community including commercial, residential and public facilities.

The proposed annexation consists approximately 1,256 acres of land most of which is currently owned by Cashion Farms and Lakin Farms. Two of the parcels are owned by SRP, one is owned by the Tolleson USD and one of them is owned by a private owner.

**DISCUSSION:**

The necessary General Plan Amendment was approved by City Council in September of 2015, and it is now time to proceed with the annexation of the properties which, if approved, will be followed by rezoning.

Upon receiving authorization to proceed with the annexation by the City Council, staff will request property ownership and valuation information from Maricopa County Assessor and the AZ State Department of Revenue.

City Clerk staff expects to schedule the public hearing for June 20, 2016, followed by adoption of the Annexation Ordinance on July 18, 2016. Development Services staff will work concurrently on the rezoning of the property and the Council will likely consider both items at the same meeting.

**BUDGET IMPACT:**

The annexation request included the required \$4,000 deposit that will be used towards costs incurred related to this annexation.

**RECOMMENDATION:**

Staff is recommending council approval of a request by Mr. Cameron Carter from the Rose Law Group PC on behalf of the majority of property owners to begin the annexation process of

approximately 1,256 acres of land located between Avondale Blvd. and Dysart Road and between Illini Street and Sunland Avenue.

**ATTACHMENTS:**

**Description**

[Annexation request](#)

ROSE  
LAW GROUP<sub>pc</sub>  
RICH ■ HURLEY ■ CARTER

**CAMERON C. CARTER**  
7144 E. Stetson Drive, Suite 300  
Scottsdale, Arizona 85251  
Phone 480.240.5639 Fax 480.505.3925  
CCarter@rosclawgroup.com  
www.rosclawgroup.com  
www.rosclawgroup.com

February 29, 2016

Carmen Martinez, CMC, CPM  
City Clerk  
City of Avondale  
11465 W Civic Center Drive, Suite 200  
Avondale, AZ 85323

RE: Annexation Request for 1,256 acres near Lakin Ranch property

Dear Ms. Martinez,

Please accept this letter as a formal written request to the City of Avondale for the annexation of the property identified as Lakin Ranch (the "Property"). A map of the Annexation area along with a Property Ownership map are included with this request as Exhibits A and B for your review.

The Property is approximately 1,256 acres of currently undeveloped land used for farming which is bounded by Avondale Boulevard to the east, Dysart Road to the west, Illini Street on the north and Sunland Avenue to the south. There is one residence located on approximately 12.27 acres which is owned by Betty Jane Yerington. Also, SRP owns and operates a transmission substation on approximately 80 acres included in this annexation request.

In relation to this annexation request, the City of Avondale recently approved a Rezoning and a Major General Plan Amendment application through Sunbelt Holdings, LLC ("Sunbelt Holdings"), in order to facilitate the development of the Lakin Ranch project proposed on the Property. Included in this request is a letter from Sunbelt Holdings that outlines the proposed land uses for the project along with all of the other necessary materials listed as Attachments.

We are hopeful that the City of Avondale will process this annexation request quickly as Sunbelt Holdings is looking forward to the development of the Lakin Ranch project. Please let us know if you need anything further to commence the annexation of this Property.

Sincerely,



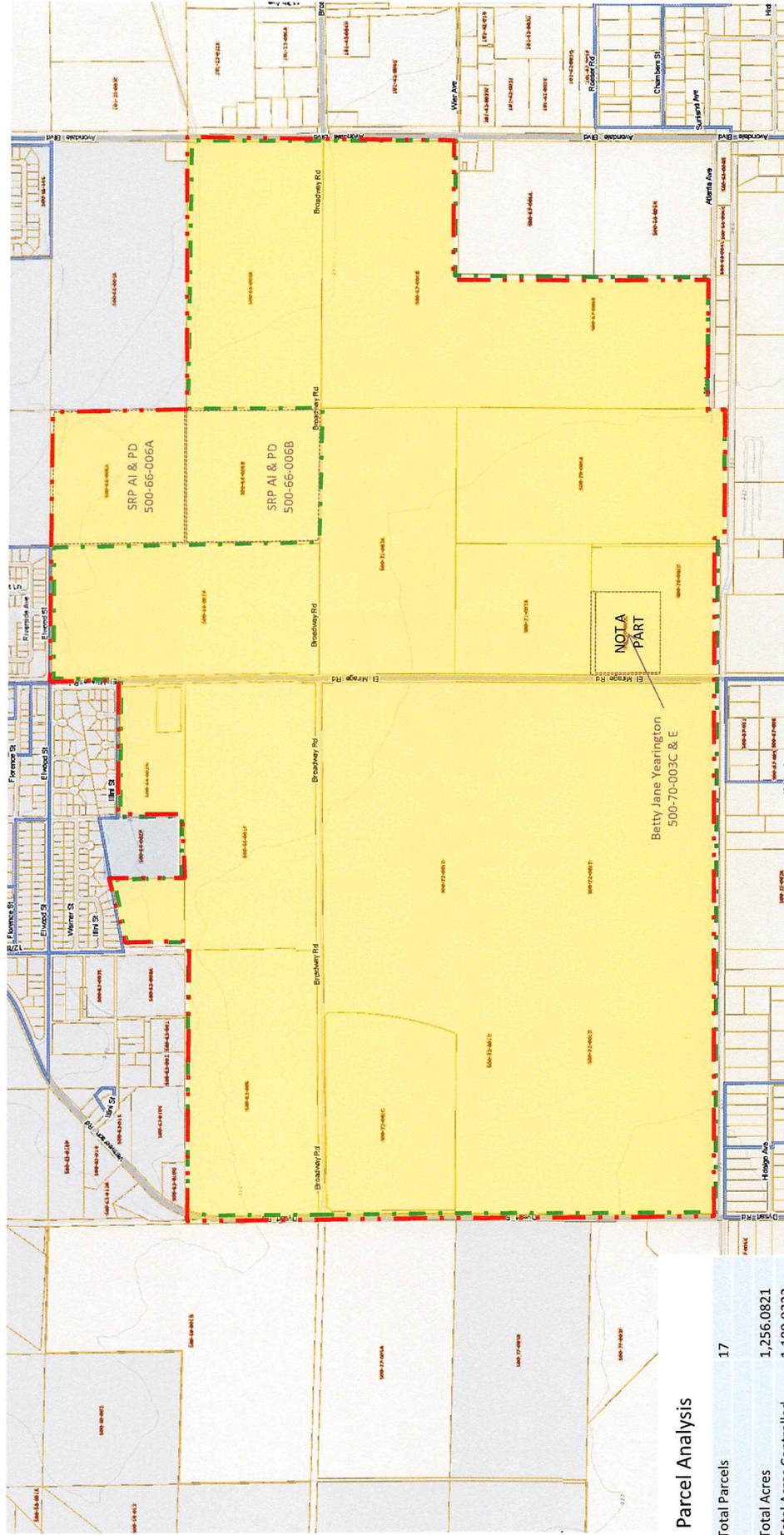
Cameron Carter

Attachments:

- Exhibit A – Map of Annexation Area
- Exhibit B – Map of Property Ownership
- Exhibit C – Parcel Ownership and Size Spreadsheet
- Exhibit D – Letter from Sunbelt Holdings (proposed land uses)
- Exhibit E – Authorization letters from property owners

## Exhibit A – Map of Annexation Area

# Exhibit A – Map of Annexation Area



## Parcel Analysis

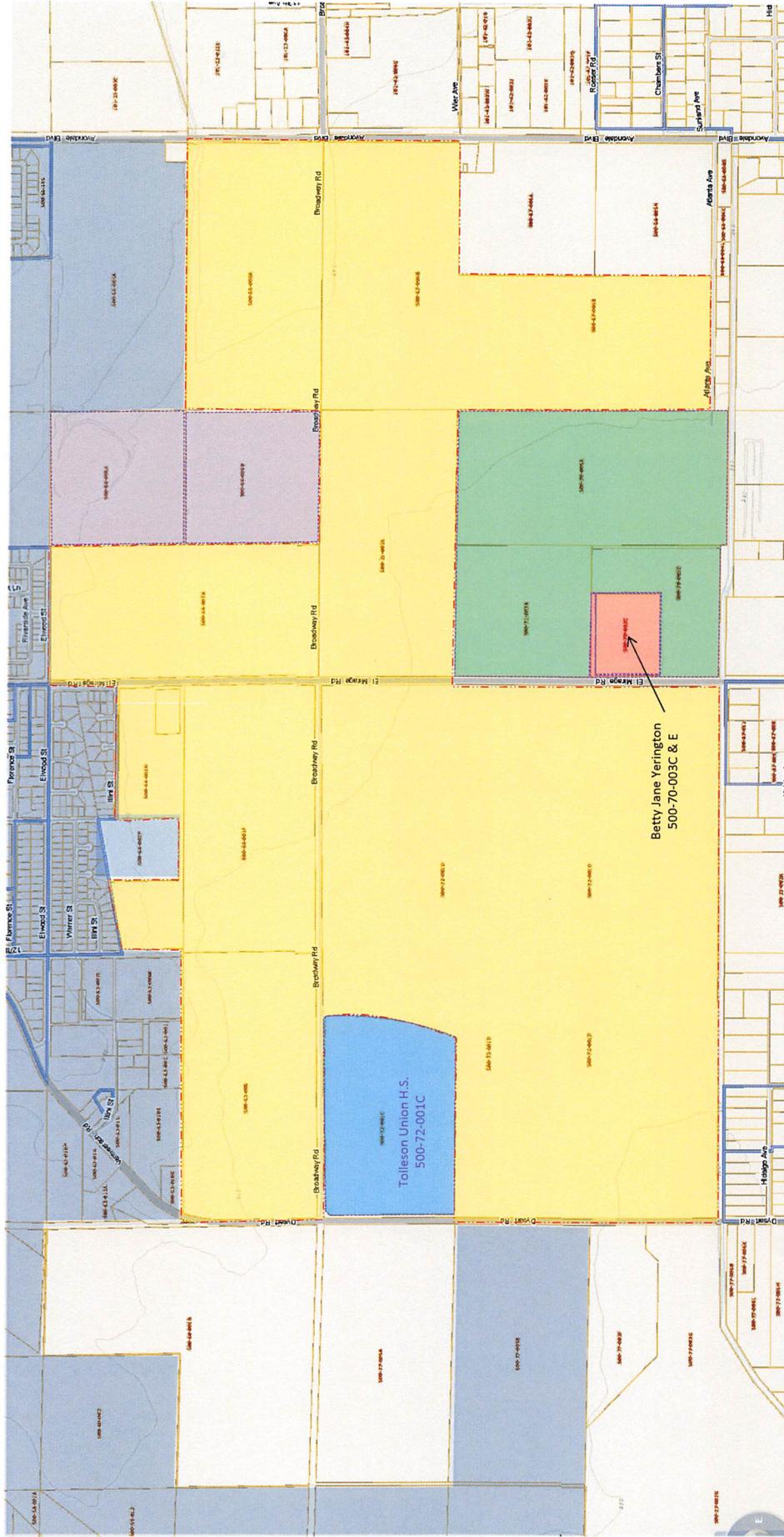
Total Parcels	17
Total Acres	1,256.0821
Total Acres Controlled	1,109.9222
% Controlled	88.3638%

\*Entities controlled are Lakin Cattle Company and Cashion Farms Ltd Partnership

- Annexation Area
- City of Avondale
- Maricopa County
- Parcel included in annexation but not a part of Lakin Ranch
- Lakin Ranch Boundary

## Exhibit B – Map of Property Ownership

# Exhibit B – Map of Parcel Ownership



- Lakin Cattle Company
- Tolleson Union H.S. District
- Betty Jane Yerington
- SRP AI & PD
- Cashion Farm Limited Partnership

## Exhibit C – Parcel Ownership and Size Spreadsheet

EXHIBIT C  
ANNEXATION PARCEL OWNERSHIP AND SIZE

Owner	Address	City	State	Zip	APN	Sq Ft.	Acre2	Total Acres
LAKIN CATTLE COMPANY	4456 S DYSART RD	AVONDALE	AZ	85323	50063006	3,335,726	76.5777	
LAKIN CATTLE COMPANY	4456 S DYSART RD	AVONDALE	AZ	85323	50064001F	3,347,455	76.8470	
LAKIN CATTLE COMPANY	4456 S DYSART RD	AVONDALE	AZ	85323	50072001D	17,348,265	398.2614	
LAKIN CATTLE COMPANY	4456 S DYSART RD	AVONDALE	AZ	85323	50071002A	3,432,092	78.7900	
LAKIN CATTLE COMPANY	4456 S DYSART RD	AVONDALE	AZ	85323	50066007A	3,379,385	77.5800	
LAKIN CATTLE COMPANY	4456 S DYSART RD	AVONDALE	AZ	85323	50066008A	3,431,657	78.7800	
LAKIN CATTLE COMPANY	4456 S DYSART RD	AVONDALE	AZ	85323	50067004B	6,665,987	153.0300	
LAKIN CATTLE COMPANY	4456 S DYSART RD	AVONDALE	AZ	85323	50064002N	1,165,400	26.7539	
LAKIN CATTLE COMPANY	4456 S DYSART RD	AVONDALE	AZ	85323	50064002J	98,666	2.2651	968.8851
YERINGTON BETTY JANE	5477 S ELMIRAGE RD	AVONDALE	AZ	85353	50070003C	493,317	11.3250	
YERINGTON BETTY JANE	5477 S ELMIRAGE RD	AVONDALE	AZ	85353	50070003E	41,426	0.9510	12.2760
TOLLESON UNION HS DISTRICT NO 214	9419 W VAN BUREN ST	TOLLESON	AZ	85353	50072001C	2,347,184	53.8839	53.8839
S R P A I & P D	PO BOX 1980	PHOENIX	AZ	85001	50066006A	1,742,400	40.0000	
S R P A I & P D	PO BOX 1980	PHOENIX	AZ	85001	50066006B	1,742,400	40.0000	80.0000
CASHION FARM LIMITED PARTNERSHIP	4456 S DYSART RD	AVONDALE	AZ	85323	50070003D	1,002,893	23.0233	
CASHION FARM LIMITED PARTNERSHIP	4456 S DYSART RD	AVONDALE	AZ	85323	50071003A	1,655,883	38.0138	
CASHION FARM LIMITED PARTNERSHIP	4456 S DYSART RD	AVONDALE	AZ	85323	50070005A	3,484,800	80.0000	141.0371

**Total Parcels** 17

**Total Acres** 1,256.0821

**Total Acres Controlled** 1,109.9222

**% Controlled** 88.3638%

## Exhibit D – Letter from Sunbelt Holdings

February 25, 2016

Carmen Martinez, CMC, CPM  
 City Clerk  
 City of Avondale  
 11465 W Civic Center Drive, Suite 200  
 Avondale, AZ 85323

RE: Annexation Request for approximately 1,109 acres known as Lakin Ranch property

Dear Ms. Martinez,

This letter is to accompany the annexation request for the Lakin Ranch Property, generally located between Avondale Boulevard and Dysart Road on the Broadway Road alignment (the “Property”). As stated in the annexation request, the Lakin Ranch Rezoning request (the “PAD”) and Major General Plan Amendment request (the “MGPA”) have been approved by the City of Avondale. Once annexed, Sunbelt Holdings, LLC will develop the Property as a master planned community. A brief project overview is provided below.

The PAD incorporates a mixed-use community consisting of Commercial, Residential and Public Facilities such as Schools and other Municipal uses in response to the existing and future conditions of the area around the development. A variety of residential opportunities are proposed to create an Urban Agricultural community that celebrates the history of the site, blends with the region, and attracts a wide variety of residents to the area.

LAKIN RANCH MASTER LAND USE SUMMARY

ZONING	Lakin Ranch Totals	
	AREA	
Commercial	16.03	1.36%
Residential	808.36	68.52%
<i>*Residential Open Spaces</i>	<i>34.43</i>	<i>4.26%</i>
Elementary School	15.00	1.27%
High School	53.86	4.57%
Public Facility	2.93	0.25%
Park and Open Space	201.45	17.08%
ROW/Misc.	81.96	6.95%
<b>TOTALS</b>	<b>1,179.59</b>	<b>100.00%</b>

We are hopeful to conclude the annexation as quickly as possible in order to turn this proposed development into a reality for Avondale.

Sincerely,



Wayne Dames

## Exhibit E – Authorization Letters

January 29, 2016

Carmen Martinez, CMC, CPM  
City Clerk  
City of Avondale  
11465 W Civic Center Drive, Suite 200  
Avondale, AZ 85323

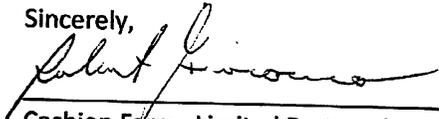
RE: Annexation Request

Dear Ms. Martinez,

As the property owner of approximately 141 acres located in the Lakin Ranch project, I authorize Rose Law Group pc to formally file the attached annexation request. Please direct all correspondence regarding this request to Rose Law Group pc as they are serving as the designated representative(s) throughout the annexation and zoning processes.

Please feel free to contact me with any questions or concerns.

Sincerely,



Cashion Farms Limited Partnership

Owner of APNs: 500-70-003D; 500-70-005A and 500-71-003A

January 29, 2016

Carmen Martinez, CMC, CPM  
City Clerk  
City of Avondale  
11465 W Civic Center Drive, Suite 200  
Avondale, AZ 85323

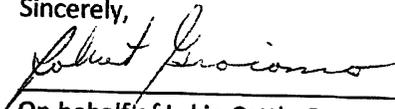
RE: Annexation Request

Dear Ms. Martinez,

As the property owner of approximately 968 acres located in the Lakin Ranch project, I authorize Rose Law Group pc to formally file the attached annexation request. Please direct all correspondence regarding this request to Rose Law Group pc as they are serving as the designated representative(s) throughout the annexation and zoning processes.

Please feel free to contact me with any questions or concerns.

Sincerely,



On behalf of Lakin Cattle Company,

Owners of the APNs: 500-63-006; 500-64-001F; 500-72-001D; 500-71-002A; 500-66-007A; 500-66-008A;  
500-67-004B; 500-64-002N; 500-64-002J



## CITY COUNCIL AGENDA

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**SUBJECT:**

Special Event Liquor License - Comedy Night at  
Trinity Family Life Center

**MEETING DATE:**

3/14/2016

---

**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 for a Special Event Liquor License submitted by Ms. Keri Sparks to be used at the Trinity Life Center on Saturday, April 9th from 5:30 pm to 10:30 pm in conjunction with a fundraiser comedy night, dinner and auction.

**DISCUSSION:**

The City Clerk's Department has received a special event liquor license application from Ms. Keri Sparks on behalf of Trinity TEAM, the parent-teacher organization at Trinity Lutheran School.

The event is an invitation only comedy night to be held at Trinity Life Center on Saturday, April 9, 2016 from 5:30 to 10:30 pm. The required fees have been paid. The Police and Fire Department have reviewed the application and are recommending approval.

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

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

1. The event is a fundraiser
2. Security measures taken by the applicant - This is an adult only ticketed event. Attendees will be carded at registration
3. Beer, wine and spirituous liquors will be served
4. Beverages will be dispensed in disposable cups
5. A similar event was held at this location on April 12, 2014 without any incident
6. No problems are foreseen for this event in terms or noise, time or length of the event as it will be held indoors
7. The event will last five hours
8. Sanitary facilities are available within the facility
9. Zoning designation at this location is Planned Area Development. Development Services staff has indicated that the proposed use will not result in incompatible land uses.
10. Anticipated daily attendance in the liquor area is 200
11. The event is a comedy night dinner and auction

12. Per the Police and Engineering Department, no traffic control measures will be necessary as there is ample parking within the facility

**RECOMMENDATION:**

Staff is recommending approval of an application for a Special Event Liquor License submitted by Ms. Keri Sparks to be used at the Trinity Life Center on Saturday, April 9th from 5:30 pm to 10:30 pm in conjunction with a fundraiser Comedy Night, dinner and auction.

**ATTACHMENTS:**

**Description**

[Application](#)

[Review by Departments](#)

**ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL**

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



400 W Congress #521  
Tucson AZ 85701-1352  
(520) 628-6595

**APPLICATION FOR SPECIAL EVENT LICENSE**

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

**PLEASE NOTE: THIS DOCUMENT MUST BE FULLY COMPLETED OR IT WILL BE RETURNED.**

**\*\*APPLICATION MUST BE APPROVED BY LOCAL GOVERNMENT**

DEPT USE ONLY  
LIC#

1. Name of Organization: Trinity Lutheran School  
2. Non-Profit/I.R.S. Tax Exempt Number: 80-0223673

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

- Charitable       Fraternal (must have regular membership and in existence for over 5 years)
- Civic               Political Party, Ballot Measure, or Campaign Committee
- Religious

4. What is the purpose of this event? School fundraiser for Comedy Night  
5. Location of the event: Trinity Lutheran School 830 E. Plaza Circle, Litchfield Park, AZ 85340  
Address of physical location (Not P.O. Box)      City      County      Zip

**Applicant must be a member of the qualifying organization and authorized by an Officer, Director or Chairperson of the Organization named in Question #1. (Signature required in section #18)**

6. Applicant: SPARKS      KERI      ELIZABETH      [Redacted]  
Last      First      Middle      Date of Birth

7. Applicant's Mailing Address: [Redacted]  
Street      City      State      Zip

8. Phone Numbers: (623) 935-4690      (623) 640-8652      [Redacted]  
Site Owner #      Applicant's Business #      Applicant's Home #

9. Date(s) & Hours of Event: (Remember: you cannot sell alcohol before 10:00 a.m. on Sunday)

	Date	Day of Week	Hours from A.M./P.M.	To A.M./P.M.
Day 1:	<u>April 9, 2016</u>	<u>Saturday</u>	<u>5:30 P.M.</u>	<u>10:30 P.M.</u>
Day 2:	_____	_____	_____	_____
Day 3:	_____	_____	_____	_____
Day 4:	_____	_____	_____	_____
Day 5:	_____	_____	_____	_____
Day 6:	_____	_____	_____	_____
Day 7:	_____	_____	_____	_____
Day 8:	_____	_____	_____	_____
Day 9:	_____	_____	_____	_____
Day 10:	_____	_____	_____	_____

10. Has the applicant been convicted of a felony in the past five years, or had a liquor license revoked?  
 YES  NO (attach explanation if yes)
11. This organization has been issued a special event license for 1 days this year, including this event  
(not to exceed 10 days per year).
12. Is the organization using the services of a promoter or other person to manage the event?  YES  NO  
If yes, attach a copy of the agreement.
13. List all people and organizations who will receive the proceeds. Account for 100% of the proceeds.  
**THE ORGANIZATION APPLYING MUST RECEIVE 25% of the gross revenues of  
Alcoholic Beverage Sales.**

Name	Address	Percentage
Trinity Lutheran School	830 E Plaza Circle, Littlefield Park	100%

(Attach additional sheet if necessary)

14. Knowledge of Arizona State Liquor Laws Title 4 is important to prevent liquor law violations. If you have any questions regarding the law or this application, please contact the Arizona State Department of Liquor Licenses and Control for assistance.

NOTE: ALL ALCOHOLIC BEVERAGE SALES MUST BE FOR CONSUMPTION AT THE EVENT SITE ONLY.  
"NO ALCOHOLIC BEVERAGES SHALL LEAVE SPECIAL EVENT PREMISES."

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

\_\_\_\_ # Police  Fencing  
\_\_\_\_ # Security personnel  Barriers

The event will be held behind school  
fencing. No liquor will leave the premises.

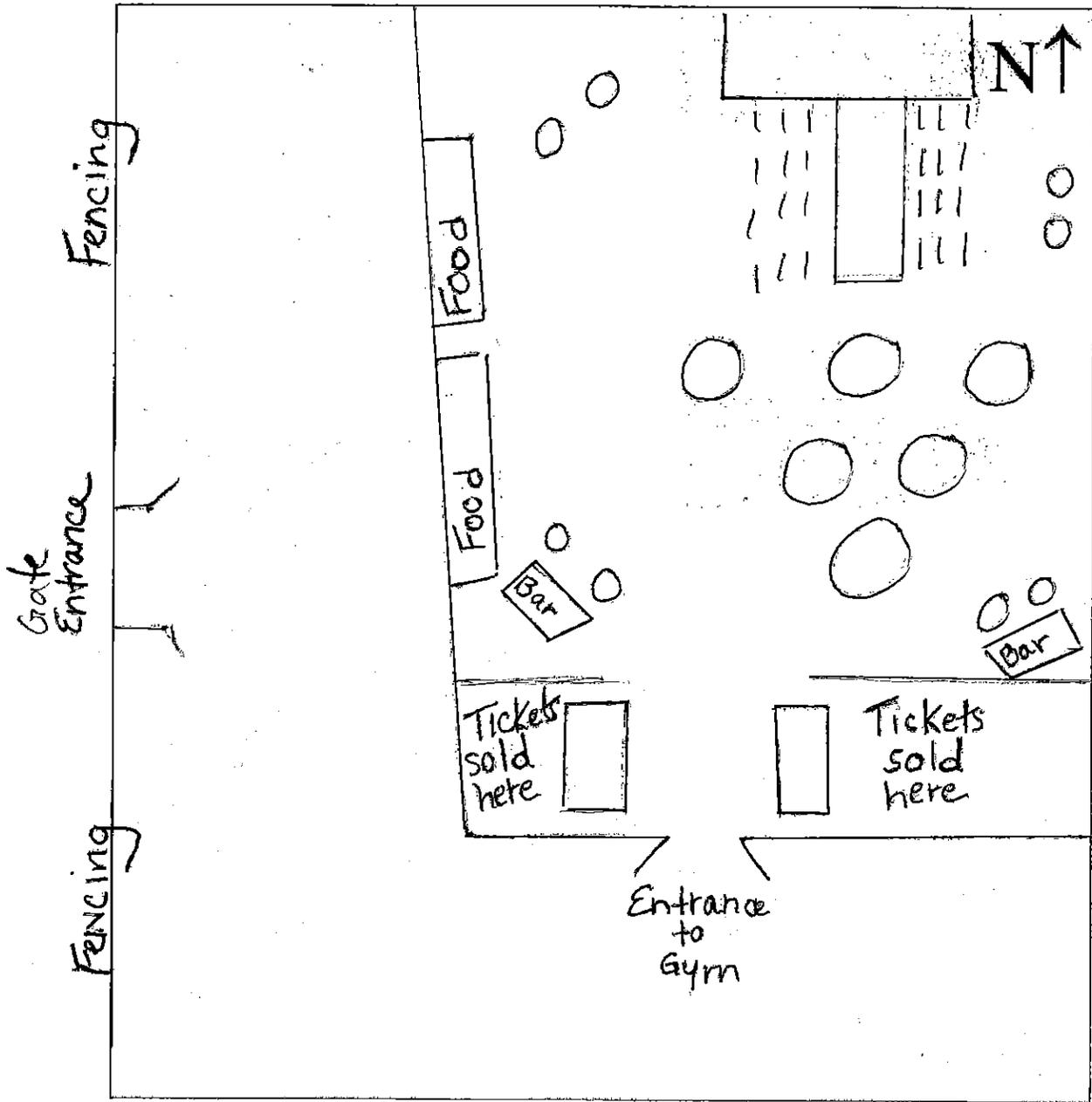
16. Is there an existing liquor license at the location where the special event is being held?  YES  NO  
If yes, does the existing business agree to suspend their liquor license during the time  
period, and in the area in which the special event license will be in use?  YES  NO  
(ATTACH COPY OF AGREEMENT)

\_\_\_\_ ( ) \_\_\_\_\_  
Name of Business Phone Number

17. Your licensed premises is that area in which you are authorized to sell, dispense, or serve spirituous liquors under the provisions of your license. The following page is to be used to prepare a diagram of your special event licensed premises. Please show dimensions, serving areas, fencing, barricades or other control measures and security positions.

**SPECIAL EVENT LICENSED PREMISES DIAGRAM**  
(This diagram must be completed with this application)

Special Event Diagram: (Show dimensions, serving areas, and label type of enclosure and security positions).  
NOTE: Show nearest cross streets, highway, or road if location doesn't have an address.



**THIS SECTION TO BE COMPLETED ONLY BY AN OFFICER, DIRECTOR OR CHAIRPERSON OF THE ORGANIZATION NAMED IN QUESTION #1**

18. I, Jennifer A. Lampe, declare that I am an Officer/Director/Chairperson appointing the applicant listed in Question 6, to apply on behalf of the foregoing organization for a Special Event Liquor License.

X Jennifer A. Lampe Treasurer 2/16/16 407-687-5285  
 (Signature) (Title/Position) (Date) (Phone #)



State of Arizona County of Maricopa  
 The foregoing instrument was acknowledged before me this

02 16 2016  
 Day Month Year  
Cynthia R Hansen  
 (Signature of NOTARY PUBLIC)

My Commission expires on: \_\_\_\_\_  
 (Date)

**THIS SECTION TO BE COMPLETED ONLY BY THE APPLICANT NAMED IN QUESTION #6**

19. I, Keri Elizabeth Sparks, declare that I am the APPLICANT filing this application as listed in Question 6. I have read the application and the contents and all statements are true, correct and complete.

X Keri Elizabeth Sparks  
 Notary Public State of Arizona  
 Maricopa County  
 Cynthia R Hansen  
 My Commission Expires 08/30/2018  
 (Date)

State of Arizona County of Maricopa  
 The foregoing instrument was acknowledged before me this

02 16 2016  
 Day Month Year  
Cynthia R Hansen  
 (Signature of NOTARY PUBLIC)

**You must obtain local government approval. City or County MUST recommend event & complete item #20. The local city or county jurisdiction may require additional applications to be completed and additional licensing fees before approval may be granted.**

**LOCAL GOVERNING BODY APPROVAL SECTION**

20. I, \_\_\_\_\_ hereby recommend this special event application  
 (Government Official) (Title)  
 on behalf of \_\_\_\_\_  
 (City, Town or County) (Signature of OFFICIAL) (Date)

**FOR DLLC DEPARTMENT USE ONLY**

Department Comment Section:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 (Employee) (Date)

APPROVED  DISAPPROVED BY: \_\_\_\_\_  
 \_\_\_\_\_  
 (Title) (Date)

**DEPARTMENTAL REVIEW FORM**

**TYPE OF LICENSE:**

SPECIAL EVENT LIQUOR LICENSE

**ROUTING:**

- POLICE DEPARTMENT  
 FIRE DEPARTMENT  
 FINANCE DEPARTMENT  
 DEVELOPMENT SERVICES

---

**APPLICANT'S NAME:** KERI SPARKS

**ORGANIZATIONS NAME:** TRINITY FAMILY LIFE CENTER

**EVENT ADDRESS:** 830 E. PLAZA CIRCLE

**CITY:** LITCHFIELD PARK **STATE:** AZ. **ZIP CODE:** 85340

**PURPOSE OF EVENT:** COMEDY NIGHT/EVENING UNDER THE STARS DINNER & AUCTION)

**DEPARTMENTAL COMMENTS:**

APPROVED  
 DENIED

  
\_\_\_\_\_  
SIGNATURE  
Asst. Chief of Police  
TITLE

2-22-16  
DATE

THIS LICENSE IS SCHEDULED FOR THE COUNCIL MEETING OF: **MARCH 14, 2016**  
PLEASE RETURN YOUR COMMENTS TO THE CITY CLERK'S OFFICE BY: **FEBRUARY 25, 2016**

**DEPARTMENTAL REVIEW FORM**

**TYPE OF LICENSE:**

SPECIAL EVENT LIQUOR LICENSE

**ROUTING:**

- POLICE DEPARTMENT  
 FIRE DEPARTMENT  
 FINANCE DEPARTMENT  
 DEVELOPMENT SERVICES

---

**APPLICANT'S NAME:** KERI SPARKS

**ORGANIZATIONS NAME:** TRINITY FAMILY LIFE CENTER

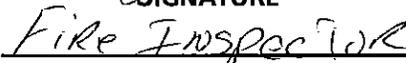
**EVENT ADDRESS:** 830 E. PLAZA CIRCLE

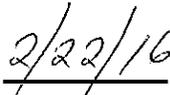
**CITY:** LITCHFIELD PARK **STATE:** AZ. **ZIP CODE:** 85340

**PURPOSE OF EVENT:** COMEDY NIGHT/EVENING UNDER THE STARS DINNER & AUCTION)

**DEPARTMENTAL COMMENTS:**

APPROVED  
 DENIED

  
\_\_\_\_\_  
SIGNATURE  
  
\_\_\_\_\_  
TITLE

  
\_\_\_\_\_  
DATE

**THIS LICENSE IS SCHEDULED FOR THE COUNCIL MEETING OF: MARCH 14, 2016**  
**PLEASE RETURN YOUR COMMENTS TO THE CITY CLERK'S OFFICE BY: FEBRUARY 25, 2016**

**DEPARTMENTAL REVIEW FORM**

**TYPE OF LICENSE:**

SPECIAL EVENT LIQUOR LICENSE

**ROUTING:**

POLICE DEPARTMENT

FIRE DEPARTMENT

FINANCE DEPARTMENT

DEVELOPMENT SERVICES

---

**APPLICANT'S NAME:** KERI SPARKS

**ORGANIZATIONS NAME:** TRINITY FAMILY LIFE CENTER

**EVENT ADDRESS:** 830 E. PLAZA CIRCLE

**CITY:** LITCHFIELD PARK **STATE:** AZ. **ZIP CODE:** 85340

**PURPOSE OF EVENT:** COMEDY NIGHT/EVENING UNDER THE STARS DINNER & AUCTION)

**DEPARTMENTAL COMMENTS:**

APPROVED  
 DENIED

  
\_\_\_\_\_  
SIGNATURE  
*Chief Building Officer*  
\_\_\_\_\_  
TITLE

*2/18/16*  
\_\_\_\_\_  
DATE

THIS LICENSE IS SCHEDULED FOR THE COUNCIL MEETING OF: **MARCH 14, 2016**  
PLEASE RETURN YOUR COMMENTS TO THE CITY CLERK'S OFFICE BY: **FEBRUARY 25, 2016**

**DEPARTMENTAL REVIEW FORM**

**TYPE OF LICENSE:**

SPECIAL EVENT LIQUOR LICENSE

**ROUTING:**

POLICE DEPARTMENT

FIRE DEPARTMENT

FINANCE DEPARTMENT

DEVELOPMENT SERVICES

---

**APPLICANT'S NAME:** KERI SPARKS

**ORGANIZATIONS NAME:** TRINITY FAMILY LIFE CENTER

**EVENT ADDRESS:** 830 E. PLAZA CIRCLE

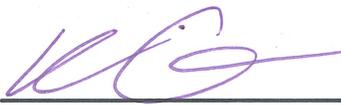
**CITY:** LITCHFIELD PARK **STATE:** AZ. **ZIP CODE:** 85340

**PURPOSE OF EVENT:** COMEDY NIGHT/EVENING UNDER THE STARS DINNER & AUCTION)

**DEPARTMENTAL COMMENTS:**

APPROVED

DENIED

  
\_\_\_\_\_  
SIGNATURE

Senior Planner  
\_\_\_\_\_

TITLE

2-18-2016

\_\_\_\_\_  
DATE

THIS LICENSE IS SCHEDULED FOR THE COUNCIL MEETING OF: **MARCH 14, 2016**  
PLEASE RETURN YOUR COMMENTS TO THE CITY CLERK'S OFFICE BY: **FEBRUARY 25, 2016**



## Development Services & Engineering Department

**DATE:** February 18, 2016

**TO:** Carmen Martinez, City Clerk

**PREPARED BY:** Ken Galica, Senior Planner (623) 333-4019

**SUBJECT:** Trinity Lutheran Church Comedy Night  
Special Event Liquor License (Series 15)  
830 East Plaza Circle

Trinity Lutheran Church of Litchfield Park is located at the southwest corner of Indian School Road and Plaza Circle. The property is developed with existing church, school, and social buildings.

The applicant is proposing to hold a comedy night, dinner, and auction on the evening of April 9<sup>th</sup>. The adult only ticketed event is to take place within the existing Family Life Center building on the church campus. A Series 15 Special Event Liquor License is required to allow sale of alcohol at the event.

Special event liquor licenses are not required to meet any separation requirements to nearby churches or schools.

The General Plan designates the property as Local Commercial and the property is zoned Planned Area Development (PAD). Use of the property for a place of worship, school, and ancillary facilities, such as church social halls, is in conformance with the General Plan and PAD zoning.

Staff recommends approval of this request.

Attachment: Aerial Photograph  
Zoning Vicinity Map

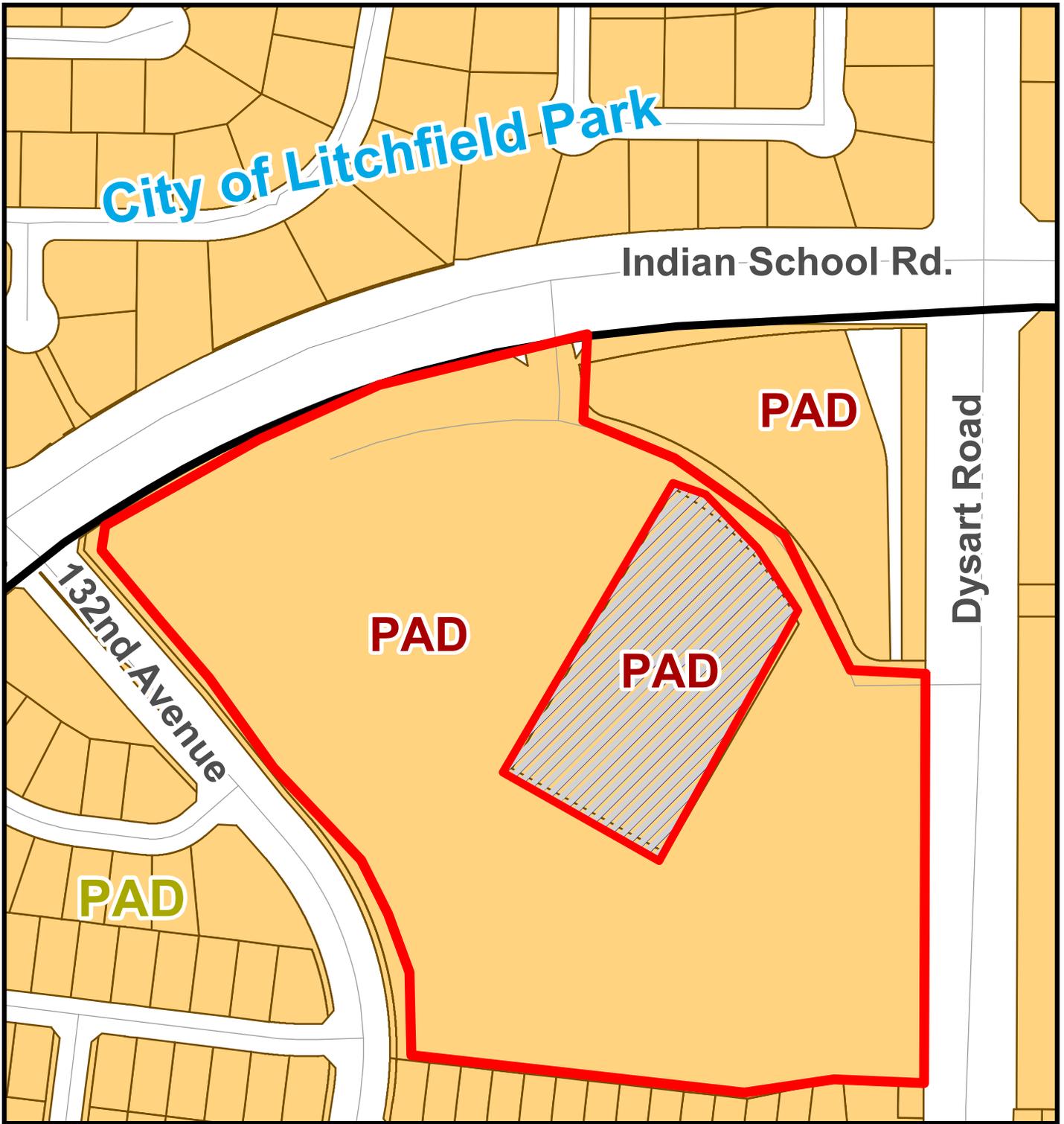


# Aerial Photograph



Trinity Lutheran  
Church Campus





# Zoning Vicinity Map



Trinity Lutheran  
Church Campus



**DEPARTMENTAL REVIEW FORM**

**TYPE OF LICENSE:**

SPECIAL EVENT LIQUOR LICENSE

**ROUTING:**

POLICE DEPARTMENT

FIRE DEPARTMENT

FINANCE DEPARTMENT

DEVELOPMENT SERVICES

---

**APPLICANT'S NAME:** KERI SPARKS

**ORGANIZATIONS NAME:** TRINITY FAMILY LIFE CENTER

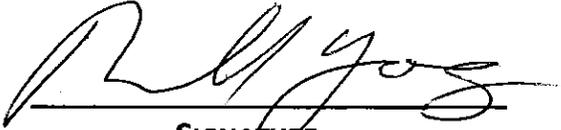
**EVENT ADDRESS:** 830 E. PLAZA CIRCLE

**CITY:** LITCHFIELD PARK **STATE:** AZ. **ZIP CODE:** 85340

**PURPOSE OF EVENT:** COMEDY NIGHT/EVENING UNDER THE STARS DINNER & AUCTION)

**DEPARTMENTAL COMMENTS:**

APPROVED  
 DENIED

  
\_\_\_\_\_  
SIGNATURE  
*Tax Audit Supervisor*  
\_\_\_\_\_  
TITLE

2/18/16  
\_\_\_\_\_  
DATE

**THIS LICENSE IS SCHEDULED FOR THE COUNCIL MEETING OF: MARCH 14, 2016**  
**PLEASE RETURN YOUR COMMENTS TO THE CITY CLERK'S OFFICE BY: FEBRUARY 25, 2016**



## CITY COUNCIL AGENDA

---

**SUBJECT:**

Liquor License Extension of Premises -  
Americrown at PIR

**MEETING DATE:**

3/14/2016

---

**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. Joseph Michael Henderson for an extension of Americrown's Series 6 - Bar license to sell all spirituous liquors at PIR to be used in conjunction with the Phoenix Grand Prix scheduled for April 1, 2016 through April 3, 2016.

**DISCUSSION:**

Staff has received an application from Mr. Joseph Michael Henderson for an extension of premises of Americrown's Series 6 Bar License to sell all spirituous liquor at PIR. The extension of premises will be used for Phoenix Grand Prix Hospitality during the upcoming Grand Prix race at PIR scheduled for April 1st through April 3rd.

The Police, Fire, Planning and Finance Departments have reviewed the application and have recommended approval by the City Council.

**RECOMMENDATION:**

Staff is recommending approval of an application submitted by Mr. Joseph Michael Henderson for an extension of premises of Americrown's Series 6 Bar License to sell all spirituous liquor at PIR. The extension of premises will be used for Phoenix Grand Prix Hospitality during the upcoming Grand Prix race at PIR scheduled for April 1, 2016 through April 3, 2016.

**ATTACHMENTS:**

Description

[Application](#)

[Review by Departments](#)



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

<b>DLLC USE ONLY</b>
CSR:
Log #:

**APPLICATION FOR EXTENSION OF PREMISES/PATIO PERMIT**  
 \*OBTAIN APPROVAL FROM LOCAL GOVERNING BOARD BEFORE SUBMITTING TO THE DEPARTMENT OF LIQUOR\*  
 \*\*Notice: Allow 30-45 days to process permanent change of premise\*\*

Permanent change of area of service. **A non-refundable \$50. fee will apply.** Specific purpose for change:

Temporary change for date(s) of: 4 / 1 / 16 through 4 / 3 / 16 list specific purpose for change:

**Phoenix Grand Prix Hospitality**

1. Licensee's Name: Henderson Joseph Michael License#: 06070036  
Last First Middle

2. Mailing address: \_\_\_\_\_  
Street City State Zip Code

3. Business Name: Americrown

4. Business Address: 7602 S. Avondale Blvd Avondale AZ 85323  
Street City State Zip Code

5. Email Address: \_\_\_\_\_

6. Business Phone Number: 909-917-4431 Contact Phone Number: \_\_\_\_\_

7. Is extension of premises/patio complete?  
 N/A  Yes  No If no, what is your estimated completion date? \_\_\_/\_\_\_/\_\_\_

8. Do you understand Arizona Liquor Laws and Regulations?  
 Yes  No

9. Does this extension bring your premises within 300 feet of a church or school?  
 Yes  No

10. Have you received approved Liquor Law Training?  
 Yes  No

11. What security precautions will be taken to prevent liquor violations in the extended area? \_\_\_\_\_  
Normal enforcement of Liquor laws as on normal licensed premise

12. **IMPORTANT:** Attach the revised floor plan, clearly depicting your licensed premise, along with the new extended area.

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

AREA is fenced in with guard gates at entry. MCSO handles security onsite and will have additional officers posted.

Approval  Disapproval by: \_\_\_\_\_ Date: \_\_\_/\_\_\_/\_\_\_

I, (Print Full Name) Joseph Michael Henderson, hereby declare that I am a CONTROLLING PERSON/ AGENT

Controlling Person / Agent

filing this notification. I have read this document and the contents and all statements are true, correct and complete.

X (Signature) [Signature]  
Controlling Person / Agent

State of Arizona County of Maricopa  
the foregoing instrument was acknowledged before me this

11 of February 2016  
Day Month Year

My commission expires on: 3/25/17



[Signature]  
Signature of NOTARY PUBLIC

**GOVERNING BOARD**

After completion, and before submitting to the Department of Liquor, please take this application to your local Board of Supervisors, City Council or Designate for their recommendation. This recommendation is not binding on the Department of Liquor.

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

\_\_\_\_\_  
Authorized Signature Title Agency Date

Investigation Recommendation:  Approval  Disapproval by: \_\_\_\_\_ Date: \_\_\_/\_\_\_/\_\_\_

Director Signature required for Disapprovals: \_\_\_\_\_ Date: \_\_\_/\_\_\_/\_\_\_

Call 1-866-408-7223 for tickets or **BUY ONLINE NOW**

About PIR

PIR 101: Raceday FAQ's

Hillside 101

Directions to PIR

Maps >>

Parking

NASCAR Fan Schedule

IndyCar Fan Schedule

Entertainment Schedule

Safeway

SPEED Cantina

Phoenix Raceway Charities

Track Rentals

# Maps

## Navigate PIR Like A Pro

While you're at ZOOMTOWN, U.S.A.® Phoenix International Raceway, we want you to feel right at home. We hope you can take a minute to familiarize yourself with our facility by looking at the maps below. See a map you want to save and refer to later? Simply click the image of the map, and a full-size PDF will download to your computer.

### Official PIR Map



### Geico Gecko Flats Reserved RV Map

- Current Licensed area  
 --- - black Extension of use application

**DEPARTMENTAL REVIEW FORM**

**TYPE OF LICENSE:**

EXTENSION OF PREMISES/PATIO PERMIT

**ROUTING:**

- POLICE DEPARTMENT  
 FIRE DEPARTMENT  
 FINANCE DEPARTMENT  
 DEVELOPMENT SERVICES

---

**APPLICANT'S NAME:** JOSEPH MICHAEL HENDERSON

**BUSINESS NAME:** AMERICROWN

**BUSINESS ADDRESS:** 7602 S. AVONDALE BLVD.

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

**PURPOSE:** TEMPORARY CHANGE FOR - PHOENIX GRAND PRIX HOSPITALITY EVENT

**DEPARTMENTAL COMMENTS:**

APPROVED

DENIED

  
\_\_\_\_\_  
SIGNATURE  
Chief of Police  
\_\_\_\_\_  
TITLE

2/16/16  
\_\_\_\_\_  
DATE

**THIS LICENSE IS SCHEDULED FOR THE COUNCIL MEETING OF: MARCH 14, 2016**  
**PLEASE RETURN YOUR COMMENTS TO THE CITY CLERK'S OFFICE BY: FEBRUARY 23, 2016**

**DEPARTMENTAL REVIEW FORM**

**TYPE OF LICENSE:**

EXTENSION OF PREMISES/PATIO PERMIT

**ROUTING:**

- POLICE DEPARTMENT  
 FIRE DEPARTMENT  
 FINANCE DEPARTMENT  
 DEVELOPMENT SERVICES

---

**APPLICANT'S NAME:** JOSEPH MICHAEL HENDERSON

**BUSINESS NAME:** AMERICROWN

**BUSINESS ADDRESS:** 7602 S. AVONDALE BLVD.

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

**PURPOSE:** TEMPORARY CHANGE FOR - PHOENIX GRAND PRIX HOSPITALITY EVENT

**DEPARTMENTAL COMMENTS:**

APPROVED  
 DENIED

  
SIGNATURE  
Fire Inspector  
TITLE

2/22/16  
DATE

**THIS LICENSE IS SCHEDULED FOR THE COUNCIL MEETING OF: MARCH 14, 2016**  
**PLEASE RETURN YOUR COMMENTS TO THE CITY CLERK'S OFFICE BY: FEBRUARY 23, 2016**

**DEPARTMENTAL REVIEW FORM**

**TYPE OF LICENSE:**

EXTENSION OF PREMISES/PATIO PERMIT

**ROUTING:**

- POLICE DEPARTMENT
- FIRE DEPARTMENT
- FINANCE DEPARTMENT
- DEVELOPMENT SERVICES

---

**APPLICANT'S NAME:** JOSEPH MICHAEL HENDERSON

**BUSINESS NAME:** AMERICROWN

**BUSINESS ADDRESS:** 7602 S. AVONDALE BLVD.

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

**PURPOSE:** TEMPORARY CHANGE FOR - PHOENIX GRAND PRIX HOSPITALITY EVENT

**DEPARTMENTAL COMMENTS:**

APPROVED

DENIED

  
\_\_\_\_\_  
SIGNATURE  
*Chief Building Official*  
\_\_\_\_\_  
TITLE

*2/16/16*  
\_\_\_\_\_  
DATE

**THIS LICENSE IS SCHEDULED FOR THE COUNCIL MEETING OF: MARCH 14, 2016**  
**PLEASE RETURN YOUR COMMENTS TO THE CITY CLERK'S OFFICE BY: FEBRUARY 23, 2016**

**DEPARTMENTAL REVIEW FORM**

**TYPE OF LICENSE:**

EXTENSION OF PREMISES/PATIO PERMIT

**ROUTING:**

POLICE DEPARTMENT

FIRE DEPARTMENT

FINANCE DEPARTMENT

DEVELOPMENT SERVICES

---

**APPLICANT'S NAME:** JOSEPH MICHAEL HENDERSON

**BUSINESS NAME:** AMERICROWN

**BUSINESS ADDRESS:** 7602 S. AVONDALE BLVD.

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

**PURPOSE:** TEMPORARY CHANGE FOR - PHOENIX GRAND PRIX HOSPITALITY EVENT

**DEPARTMENTAL COMMENTS:**

APPROVED

DENIED

  
\_\_\_\_\_  
SIGNATURE

Senior Planner  
\_\_\_\_\_  
TITLE

2-17-16  
\_\_\_\_\_  
DATE

THIS LICENSE IS SCHEDULED FOR THE COUNCIL MEETING OF: **MARCH 14, 2016**  
PLEASE RETURN YOUR COMMENTS TO THE CITY CLERK'S OFFICE BY: **FEBRUARY 23, 2016**



## Development Services & Engineering Department

**DATE:** February 17, 2016

**TO:** Carmen Martinez, City Clerk

**PREPARED BY:** Ken Galica, Senior Planner (623) 333-4019

**SUBJECT:** Liquor License - Temporary Extension of Premises  
Phoenix International Raceway – Phoenix Grand Prix Hospitality Event  
7602 South Avondale Boulevard

Phoenix International Raceway (PIR) has applied for a Temporary Extension of Premises of their existing liquor license, allowing for the sale and consumption of alcoholic beverages in the “The Perch” and “RV Vista” sections of the facility. These sections of the facility are premium RV parking areas that afford customers with views of the race events directly from their vehicles. The requested Temporary Extension of Premises would be valid from April 1, 2016 through April 3, 2016, the weekend of the Phoenix Grand Prix.

Temporary Extension of Premises requests are exempt from the State of Arizona’s 300-foot separation requirement from churches, schools, or fenced school recreational areas.

The General Plan designates the property as “Sports and Entertainment” and the current zoning is MSED (Major Sports & Entertainment District). Auto sports venues and associated uses are allowed in the MSED District.

Staff recommends approval of this request.

Attachment: Aerial Photograph  
Zoning Vicinity Map

Indian Springs Rd.

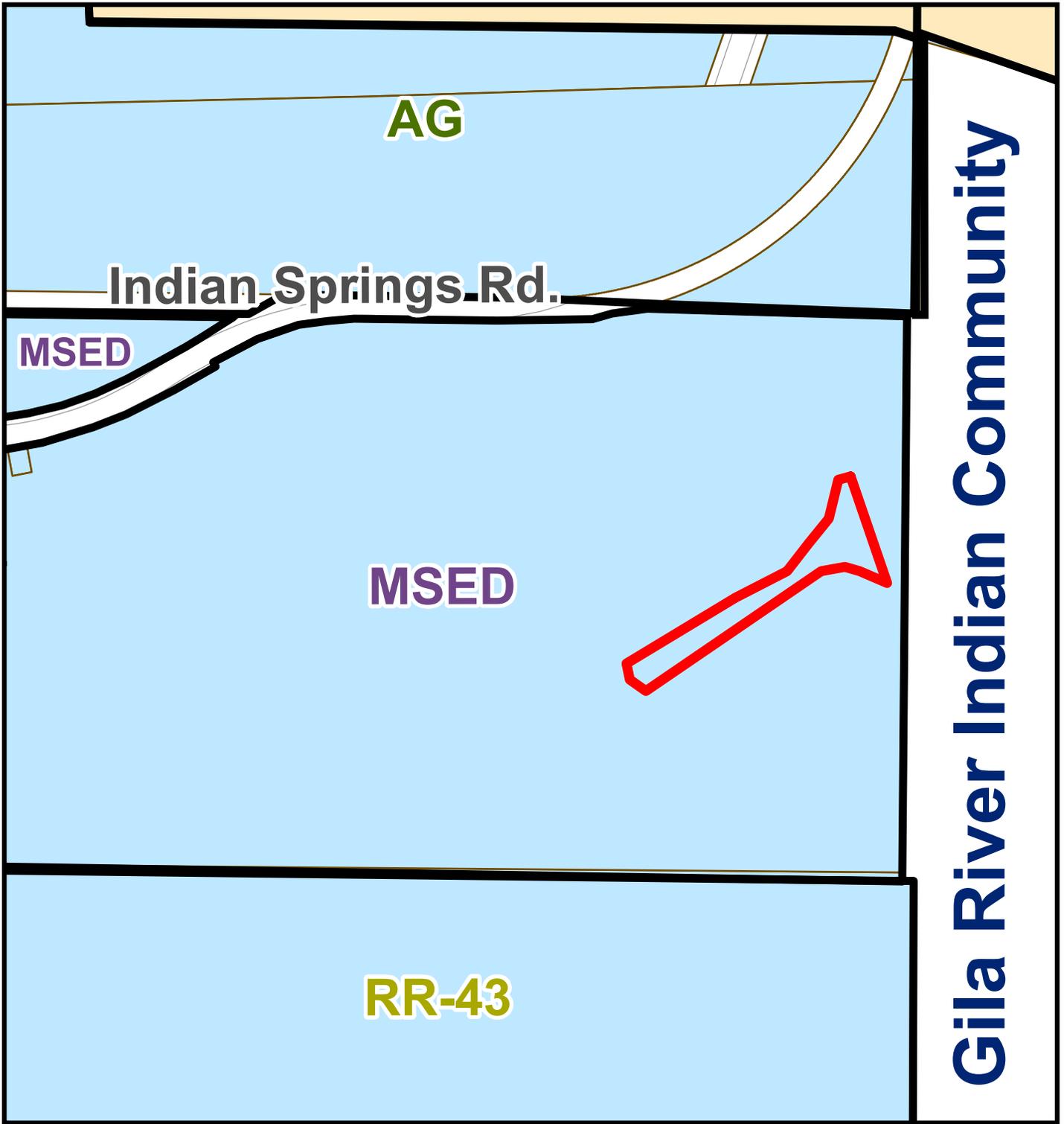


# Aerial Photograph



Phoenix Grand Prix @ PIR  
Proposed Extension  
of Premises





# Zoning Vicinity Map



Phoenix Grand Prix @ PIR  
 Proposed Extension  
 of Premises



**DEPARTMENTAL REVIEW FORM**

**TYPE OF LICENSE:**

EXTENSION OF PREMISES/PATIO PERMIT

**ROUTING:**

POLICE DEPARTMENT

FIRE DEPARTMENT

FINANCE DEPARTMENT

DEVELOPMENT SERVICES

---

**APPLICANT'S NAME:** JOSEPH MICHAEL HENDERSON

**BUSINESS NAME:** AMERICROWN

**BUSINESS ADDRESS:** 7602 S. AVONDALE BLVD.

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

**PURPOSE:** TEMPORARY CHANGE FOR - PHOENIX GRAND PRIX HOSPITALITY EVENT

**DEPARTMENTAL COMMENTS:**

APPROVED

DENIED

  
\_\_\_\_\_  
**SIGNATURE** 2/16/16  
**DATE**  
*Tax Audit Supervisor*  
\_\_\_\_\_  
**TITLE**

**THIS LICENSE IS SCHEDULED FOR THE COUNCIL MEETING OF: MARCH 14, 2016**  
**PLEASE RETURN YOUR COMMENTS TO THE CITY CLERK'S OFFICE BY: FEBRUARY 23, 2016**



## CITY COUNCIL AGENDA

---

**SUBJECT:**

Liquor License Temporary Extension of Premises  
- 8-Bit Aleworks

**MEETING DATE:**

3/14/2016

---

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

Staff is recommending Council approval of an application submitted by Mr. Ryan Scott Whitten for a temporary extension of premises to be used in conjunction with the establishment's first anniversary celebration on Saturday, April 9, 2016.

**DISCUSSION:**

Staff has received an application from Mr. Ryan Scott Whitten for a temporary extension of premises of the Series 3 (Microbrewery) liquor license at 8-Bit Aleworks.

The extension of premises will be used in conjunction with the establishment's first anniversary celebration on Saturday, April 9th from 12:00 pm to 10:00 pm. The event will feature a food truck and is expected to attract about 400 people for the duration of the event.

The Police, Fire, Planning and Finance Departments have reviewed the application and have recommended approval by the City Council.

**RECOMMENDATION:**

Staff is recommending Council approval of an application submitted by Mr. Ryan Scott Whitten for a temporary extension of premises at 8-bit Aleworks located at 1050 N Fairway Drive, Suite F-101 to be used in conjunction with the establishment's first anniversary celebration on Saturday, April 9, 2016 from 12:00 pm to 10:00 pm

**ATTACHMENTS:****Description**

[Application](#)

[Review by Departments](#)



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

**DLIC USE ONLY**

CSR: \_\_\_\_\_

Log #: \_\_\_\_\_

**APPLICATION FOR EXTENSION OF PREMISES/PATIO PERMIT**  
 \*OBTAIN APPROVAL FROM LOCAL GOVERNING BOARD BEFORE SUBMITTING TO THE DEPARTMENT OF LIQUOR\*  
 \*\*Notice: Allow 30-45 days to process permanent change of premise\*\*

Permanent change of area of service. A non-refundable \$50. Fee will apply. Specific purpose for change:

Temporary change for date(s) of: 04/09/16 through 04/09/16 list specific purpose for change:

8-Bit Aleworks Anniversary Event

1. Licensee's Name: Whitten Ryan Scott License#: 03073087  
Last First Middle

2. Mailing address: \_\_\_\_\_

3. Business Name: 8-Bit Aleworks 8-Bit Brewery DBA 8-Bit Aleworks Az  
Street City State Zip Code

4. Business Address: 1050 N. Fairway Dr. Ste F-101 Avondale Arizona 85323  
Street City State Zip Code

5. Email Address: \_\_\_\_\_

6. Business Phone Number: 623-925-1650 Contact Phone Number: \_\_\_\_\_

7. Is extension of premises/patio complete?  
 N/A  Yes  No If no, what is your estimated completion date? \_\_\_/\_\_\_/\_\_\_

8. Do you understand Arizona Liquor Laws and Regulations?  
 Yes  No

9. Does this extension bring your premises within 300 feet of a church or school?  
 Yes  No

10. Have you received approved Liquor Law Training?  
 Yes  No

11. What security precautions will be taken to prevent liquor violations in the extended area? Area will be fenced off  
and customers will be wristbanded. Staff is liquor trained. Security will be hired if requested

12. **IMPORTANT:** Attach the revised floor plan, clearly depicting your licensed premise along with the new extended area outlined in black marker or ink, if the extended area is not outlined and marked "extension" we cannot accept the application.

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

\_\_\_\_\_

\_\_\_\_\_

Approval  Disapproval by: \_\_\_\_\_ Date: \_\_\_/\_\_\_/\_\_\_

**Notary**

I, (Print Full Name) Ryan Whitten, hereby declare that I am a CONTROLLING PERSON/ AGENT filing this notification. I have read this document and the contents and all statements are true, correct and complete.

X (Signature) [Signature] Controlling Person / Agent

State of Arizona County of Maricopa  
the foregoing instrument was acknowledged before me this

25th of February 2016  
Day Month Year

My commission expires on: May 19, 2017



OFFICIAL SEAL  
VENISE MORRIS  
NOTARY PUBLIC - ARIZONA  
MARICOPA COUNTY  
My Commission Expires May 19, 2017

[Signature]  
Signature of NOTARY PUBLIC

**GOVERNING BOARD**

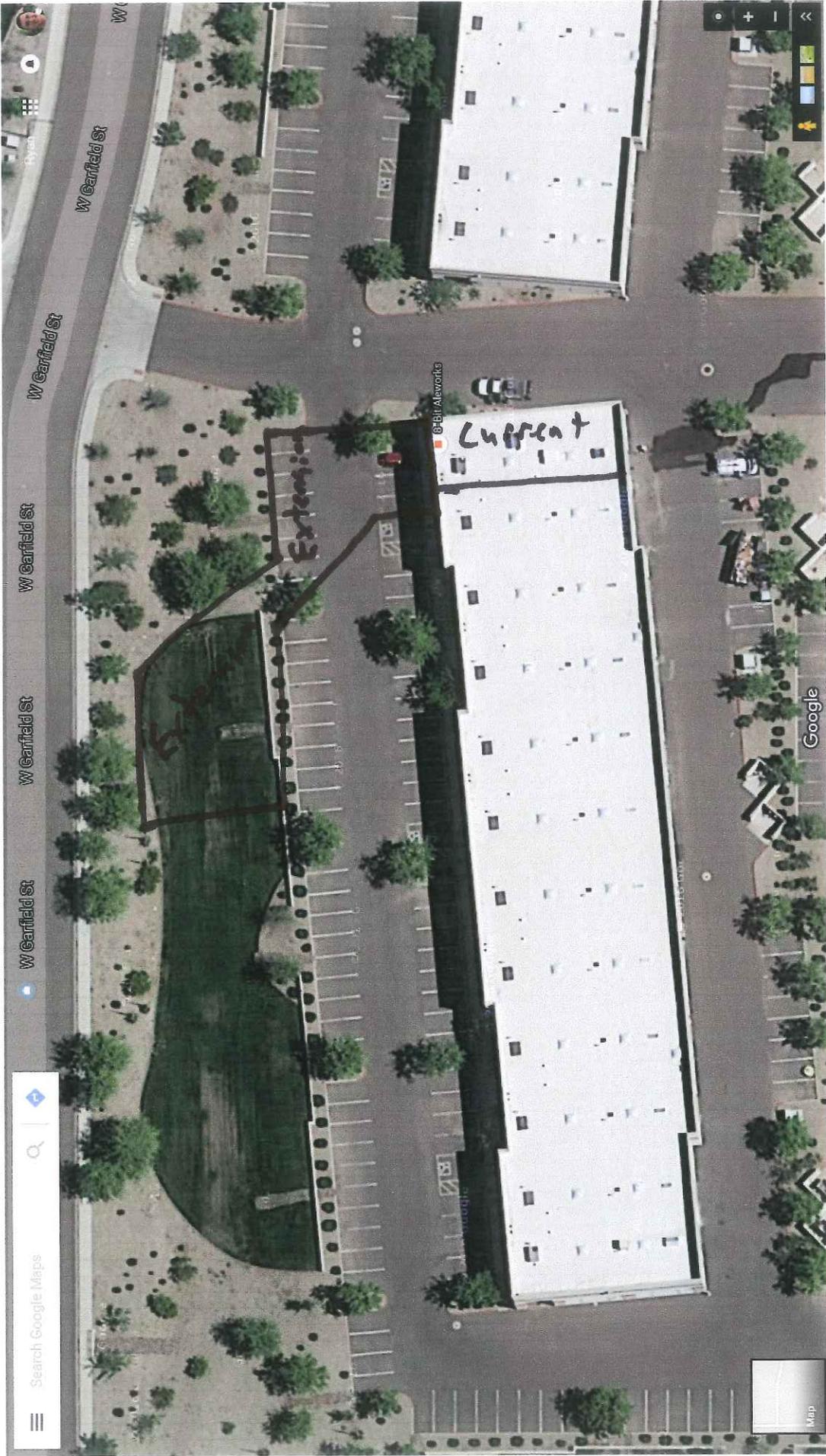
After completion, and before submitting to the Department of Liquor, please take this application to your local Board of Supervisors, City Council or Designate for their recommendation. This recommendation is not binding on the Department of Liquor.

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

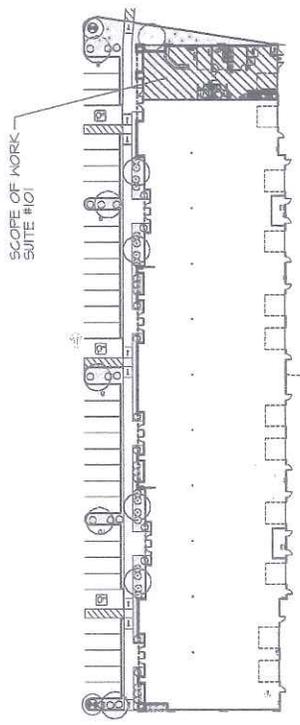
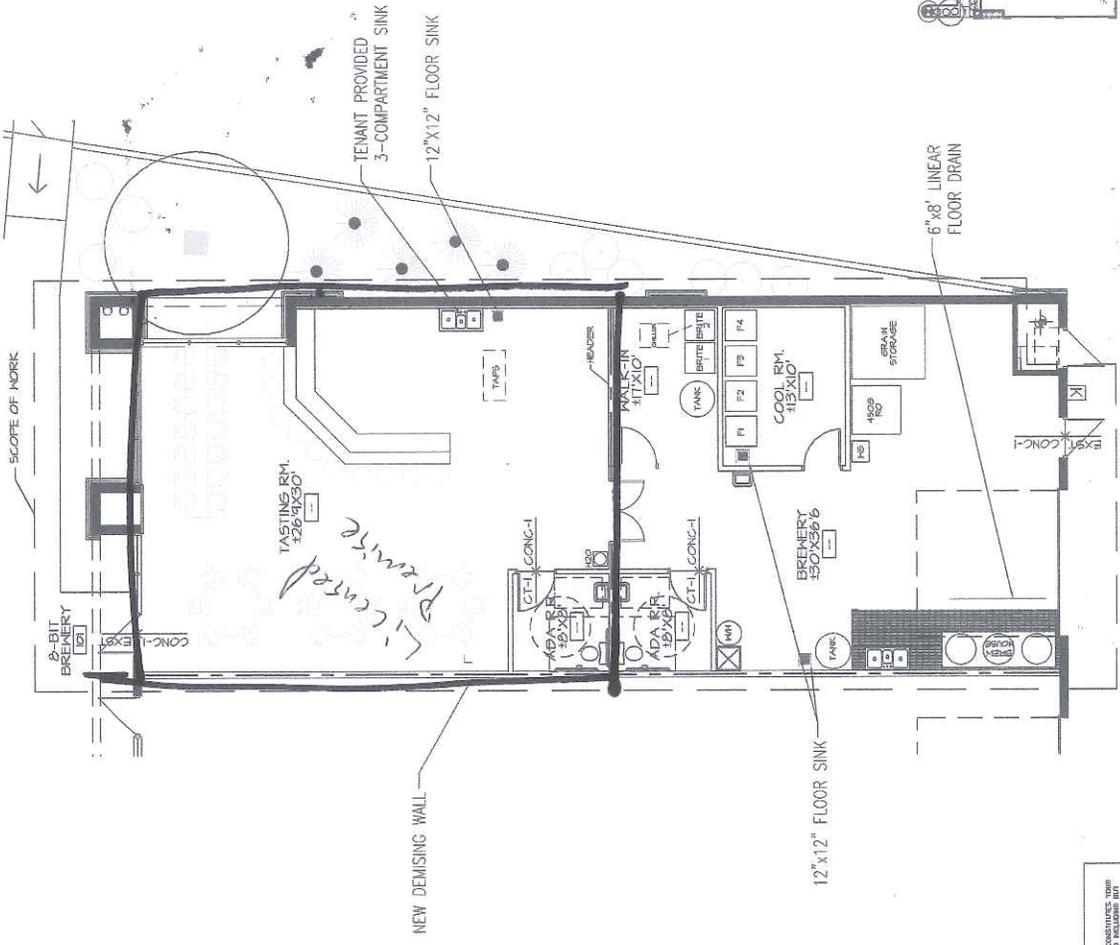
Authorized Signature	Title	Agency	Date

Investigation Recommendation:  Approval  Disapproval by: \_\_\_\_\_ Date: \_\_\_/\_\_\_/\_\_\_

Director Signature required for Disapprovals: \_\_\_\_\_ Date: \_\_\_/\_\_\_/\_\_\_



See Attached floor plan for current



**BUILDING PLAN**  
SCALE: 1/8" = 1'-0"

**SUITE #01 +/- 2.412 D.S.F.**  
SCALE: 1/8" = 1'-0"

**EVOLUTION DESIGN**  
1515 N. 24th Street  
Phoenix, AZ 85016  
Phone: 480-977-0000  
Fax: 480-977-0000  
www.evolutiondesign.com

**PERMIT INFORMATION**  
1515 N. 24th Street  
Phoenix, AZ 85016  
Phone: 480-977-0000  
Fax: 480-977-0000  
www.evolutiondesign.com

**SPACE PLAN**  
NOT FOR CONSTRUCTION

**8-BIT BREWERY CORPORATE CENTER - BLDG. F**  
1050 N. EL MIRAGE ROAD, SUITE #101  
AVONDALE, ARIZONA

DATE	DESCRIPTION
02-20-2014	AS NOTED

**SP-2**  
SPACE PLAN



**DEPARTMENTAL REVIEW FORM**

**TYPE OF LICENSE:**

EXTENTION OF PREMISES/PATIO PERMIT

**ROUTING:**

POLICE DEPARTMENT

FIRE DEPARTMENT

FINANCE DEPARTMENT

DEVELOPMENT SERVICES

---

**APPLICANT'S NAME:** RYAN SCOTT WHITTEN

**BUSINESS NAME:** 8-BIT BREWERY

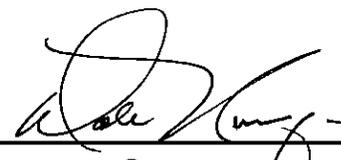
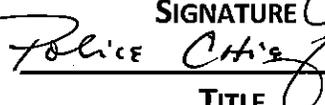
**BUSINESS ADDRESS:** 1050 N. FAIRWAY DRIVE, F-101

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

**PURPOSE OF EVENT:** 8-BIT ALEWORKS ANNIVERSARY EVENT

**DEPARTMENTAL COMMENTS:**

APPROVED  
 DENIED

  
\_\_\_\_\_  
SIGNATURE  
  
\_\_\_\_\_  
TITLE

2/29/2016  
DATE

**THIS LICENSE IS SCHEDULED FOR THE COUNCIL MEETING OF: MARCH 14, 2016**  
**PLEASE RETURN YOUR COMMENTS TO THE CITY CLERK'S OFFICE BY: FEBRUARY 29, 2016**

**DEPARTMENTAL REVIEW FORM**

**TYPE OF LICENSE:**

EXTENSION OF PREMISES/PATIO PERMIT

**ROUTING:**

- POLICE DEPARTMENT  
 FIRE DEPARTMENT  
 FINANCE DEPARTMENT  
 DEVELOPMENT SERVICES

---

**APPLICANT'S NAME:** RYAN SCOTT WHITTEN

**BUSINESS NAME:** 8-BIT BREWERY

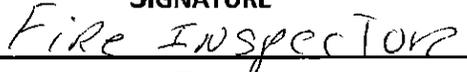
**BUSINESS ADDRESS:** 1050 N. FAIRWAY DRIVE, F-101

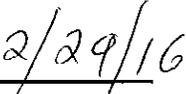
**CITY:** AVONDALE **STATE:** AZ. **ZIP CODE:** 85323

**PURPOSE OF EVENT:** 8-BIT ALEWORKS ANNIVERSARY EVENT

**DEPARTMENTAL COMMENTS:**

APPROVED  
 DENIED

  
\_\_\_\_\_  
SIGNATURE  
  
\_\_\_\_\_  
TITLE

  
\_\_\_\_\_  
DATE

**THIS LICENSE IS SCHEDULED FOR THE COUNCIL MEETING OF: MARCH 14, 2016**  
**PLEASE RETURN YOUR COMMENTS TO THE CITY CLERK'S OFFICE BY: FEBRUARY 29, 2016**

**DEPARTMENTAL REVIEW FORM**

**TYPE OF LICENSE:**

EXTENSION OF PREMISES/PATIO PERMIT

**ROUTING:**

- POLICE DEPARTMENT
- FIRE DEPARTMENT
- FINANCE DEPARTMENT
- DEVELOPMENT SERVICES

---

**APPLICANT'S NAME:** RYAN SCOTT WHITTEN

**BUSINESS NAME:** 8-BIT BREWERY

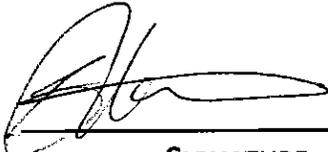
**BUSINESS ADDRESS:** 1050 N. FAIRWAY DRIVE, F-101

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

**PURPOSE OF EVENT:** 8-BIT ALEWORKS ANNIVERSARY EVENT

**DEPARTMENTAL COMMENTS:**

APPROVED  
 DENIED

  
\_\_\_\_\_  
SIGNATURE  
*Chief Building Official*  
\_\_\_\_\_  
TITLE

*2/29/16*  
\_\_\_\_\_  
DATE

THIS LICENSE IS SCHEDULED FOR THE COUNCIL MEETING OF: MARCH 14, 2016  
PLEASE RETURN YOUR COMMENTS TO THE CITY CLERK'S OFFICE BY: FEBRUARY 29, 2016

**DEPARTMENTAL REVIEW FORM**

**TYPE OF LICENSE:**

EXTENSION OF PREMISES/PATIO PERMIT

**ROUTING:**

- POLICE DEPARTMENT  
 FIRE DEPARTMENT  
 FINANCE DEPARTMENT  
 DEVELOPMENT SERVICES

---

**APPLICANT'S NAME:** RYAN SCOTT WHITTEN

**BUSINESS NAME:** 8-BIT BREWERY

**BUSINESS ADDRESS:** 1050 N. FAIRWAY DRIVE, F-101

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

**PURPOSE OF EVENT:** 8-BIT ALEWORKS ANNIVERSARY EVENT

**DEPARTMENTAL COMMENTS:**

APPROVED

DENIED



SIGNATURE

Senior Planner

TITLE

2/29/16

DATE

THIS LICENSE IS SCHEDULED FOR THE COUNCIL MEETING OF: **MARCH 14, 2016**  
PLEASE RETURN YOUR COMMENTS TO THE CITY CLERK'S OFFICE BY: **FEBRUARY 29, 2016**



## Development Services & Engineering Department

**DATE:** February 29, 2016

**TO:** Carmen Martinez, City Clerk

**PREPARED BY:** Ken Galica, Senior Planner (623) 333-4019

**SUBJECT:** Liquor License - Temporary Extension of Premises  
8-Bit Aleworks Anniversary Event  
1050 North Fairway Drive, Suite F-101

8-Bit Aleworks, a brewery operating within the Avondale Commerce Center, north of the northwest corner of Fairway Drive and Van Buren Street, is proposing to hold a special event celebrating the one year anniversary of the business, on Saturday, April 9<sup>th</sup>. The event, which is planned to run from noon until midnight, will include an outdoor beer garden located in parking and retention areas in front of the business, adjacent to Garfield Street. Temporary fencing will enclose the outdoor areas where beer will be served during the event and of-age customers will be wrist-banded to prevent sale of alcohol to minors.

The brewery holds a valid Arizona Liquor License that allows for production, sale, and consumption of beer within the brewery building. A Temporary Extension of Premises is required to allow for beer sales and consumption in the outdoor beer garden area in conjunction with the special event. The requested Temporary Extension of Premises would be valid only on April 9, 2016.

Temporary Extension of Premises requests are exempt from the State of Arizona's 300-foot separation requirement from churches, schools, or fenced school recreational areas.

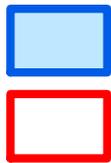
The General Plan designates the property as "Business Park" and the property is zoned Planned Area Development (PAD), part of the Avondale Commerce Center PAD. Breweries are permitted within the Avondale Commerce Center PAD.

Staff recommends approval of this request.

Attachment: Aerial Photograph  
Zoning Vicinity Map



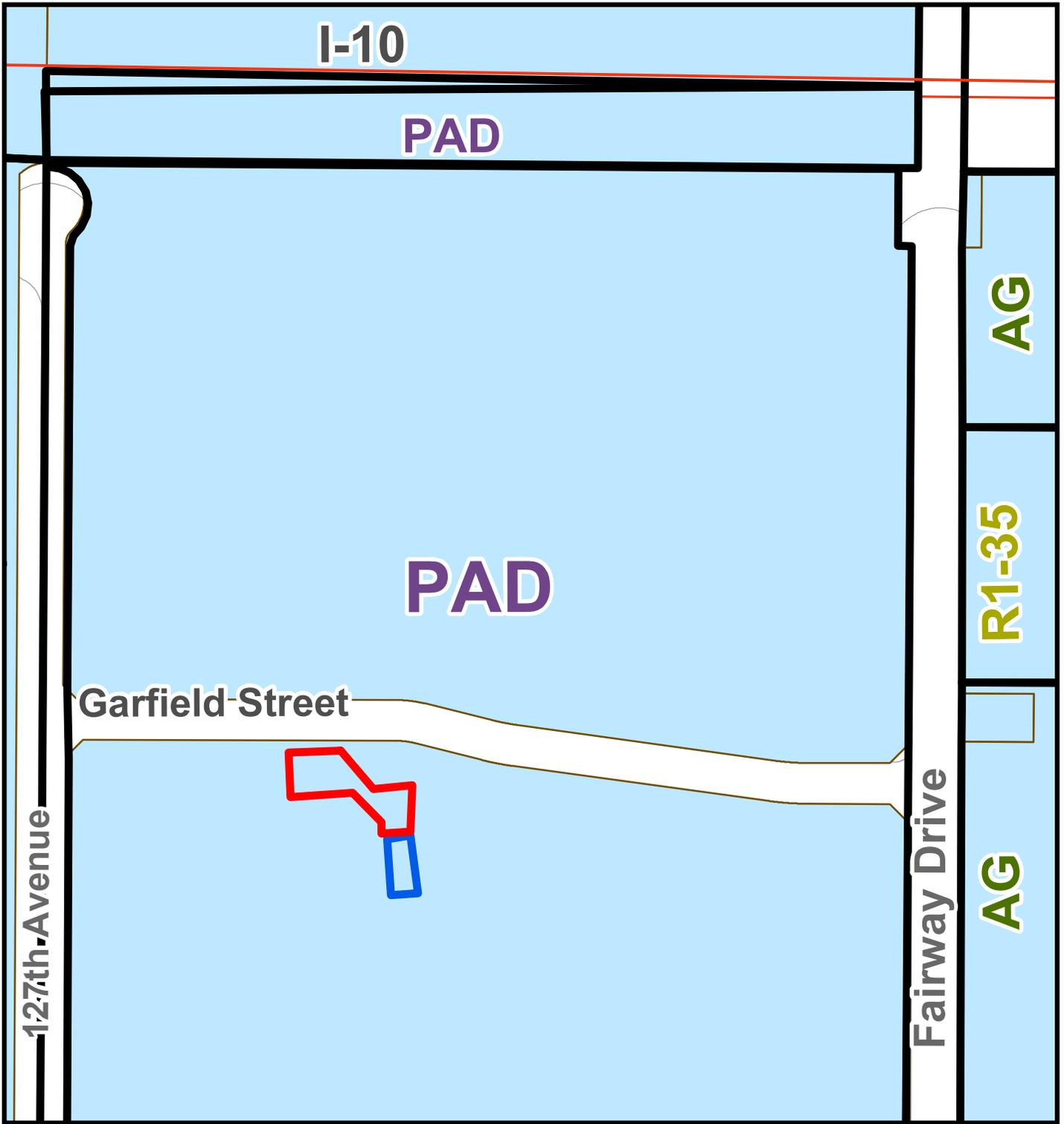
# Aerial Photograph



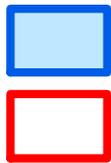
8-Bit Aleworks

Proposed Temporary Extension of Premises





# Zoning Vicinity Map



8-Bit Aleworks

Proposed Temporary Extension of Premises



**DEPARTMENTAL REVIEW FORM**

**TYPE OF LICENSE:**

EXTENSION OF PREMISES/PATIO PERMIT

**ROUTING:**

POLICE DEPARTMENT

FIRE DEPARTMENT

FINANCE DEPARTMENT

DEVELOPMENT SERVICES

---

**APPLICANT'S NAME:** RYAN SCOTT WHITTEN

**BUSINESS NAME:** 8-BIT BREWERY

**BUSINESS ADDRESS:** 1050 N. FAIRWAY DRIVE, F-101

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

**PURPOSE OF EVENT:** 8-BIT ALEWORKS ANNIVERSARY EVENT

**DEPARTMENTAL COMMENTS:**

APPROVED

DENIED

  
\_\_\_\_\_  
SIGNATURE

2/29/2016

DATE

Tax Audit Supervisor

TITLE

**THIS LICENSE IS SCHEDULED FOR THE COUNCIL MEETING OF: MARCH 14, 2016**  
**PLEASE RETURN YOUR COMMENTS TO THE CITY CLERK'S OFFICE BY: FEBRUARY 29, 2016**



## CITY COUNCIL AGENDA

---

**SUBJECT:**

Transfer of Funds to Address Fire Station Security

**MEETING DATE:**

3/14/2016

---

**TO:** Mayor and Council

**FROM:** Paul Adams, Chief of Department, Fire & Medical Department

**THROUGH:** David Fitzhugh, City Manager

**PURPOSE:**

To request that the City Council approve a transfer of funds from 319-1217-00-9230 (capital projects) to 101-6310-00-8230 (fire administration) in the amount of \$50,000 to address fire station security issues.

**BACKGROUND:**

The door locking mechanisms at the three older fire stations use a manual pushbutton locking system where the doors are individually coded to each firefighter and are not tied into the city electronic key system. This type of system has been used over the years to ensure that personnel who may not have their city key card with them at night on emergency responses are still able to gain access to the station living area from the apparatus bays upon their return.

The current system has been maintained over the years by fire department personnel and is now technologically out of date and needs to be upgraded. There have also been recent issues with the doors not locking properly allowing access to the facility by unauthorized personnel. There are now options available that will allow the use of both a city key card and a manual pushbutton system to operate the door locking mechanism which will meet the fire department needs.

**DISCUSSION:**

Funding for a project in the fire department capital improvement program was approved in the FY 15-16/16-17 CIP to begin limited renovations at fire station 172 on 107th Avenue. Due to the immediate need to address the security issue at the stations staff has decided to request the start of the renovation project be delayed until next fiscal year and utilize the CIP funds in this year to address the station lock issue. This request will transfer \$50,000 from the fire department CIP to the fire department operating budget. The estimate to change the locks at the three oldest stations is \$46,900 plus applicable taxes. Newer locks were installed at the northwest public safety facility at the time of initial construction. The city presently has an ongoing contract in place with Stanley Security Solutions who will provide the materials and labor for the project which will be coordinated by the city facilities manager.

**BUDGET IMPACT:**

The cost estimate to replace the necessary locks at the three stations is \$46,900 plus applicable taxes. If this request is approved the funds will be transferred from the fire department capital budget to the fire department operating budget. The fire station 172 renovation project request will be resubmitted for FY 16-17 /17-18.

**RECOMMENDATION:**

Staff recommends that the City Council approve a transfer of funds from 319-1217-00-8230 (capital projects) to 101-6310-00-8230 (fire administration) in the amount of \$50,000 to address fire station security issues.



## CITY COUNCIL AGENDA

---

**SUBJECT:**

Ordinance 1603-316 Power Transmission  
Easement 107th Avenue from Roosevelt Street  
to Van Buren Street

**MEETING DATE:**

3/14/2016

---

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

Staff is requesting that the City Council adopt an ordinance authorizing a Power Transmission Easement with the Salt River Project Agricultural Improvement and Power District (SRP) for power facilities associated with the 107th Avenue, Roosevelt Street to Van Buren Street, Improvement Project.

**BACKGROUND:**

On November 4, 2013, City Council approved the Municipal Aesthetics Program Funding Agreement with SRP for relocating SRP power and irrigation facilities. The project on 107th Avenue, Roosevelt Street to Van Buren Street, was identified as a priority project. Right-of-way dedication for improvements within this project area is also a stipulation in the Pre-Annexation Development Agreement for the Roosevelt Park Development, through Resolution No. 2254-01 approved by City Council on July 16, 2001.

On February 18, 2014, City Council approved the acquisition of right-of-way that was dedicated in advance of development. This action was to allow for the design and construction of underground piping of the open irrigation lateral canal located along the west side of 107th Avenue north of Van Buren Street. Other improvements under design include relocation of the overhead 69kV transmission line and widening of the 107th Avenue roadway.

On February 16, 2016, City Council adopted Ordinance 1601-216 authorizing a Contract and Grant of Easement with the U.S. Department of Interior through the Bureau of Land Management for the USA Fee Title land and relocation of the open irrigation lateral located along the west side of 107th Avenue north of Van Buren Street.

The City's current Capital Improvement Program (CIP) includes a project to widen the roadway on 107th Avenue from Roosevelt Street to Van Buren Street. 107th Avenue will be widened to a 5-lane section within the limits. Temporary drainage control will be included as well.

**DISCUSSION:**

This action is to grant a 30 foot wide Power Transmission Easement to the SRP along 107th Avenue from Van Buren Street to approximately Roosevelt Street. The existing power facilities will be relocated into this area. The City owns the fee title to the real property onto which the power facility will be relocated.

This easement is necessary in order to prepare for the road widening project. The existing SRP overhead power facilities will be relocated to accommodate the road widening.

**BUDGET IMPACT:**

There are no budgetary impacts associated with the granting of this easement.

**RECOMMENDATION:**

Staff is requesting that the City Council adopt an ordinance authorizing a Power Transmission Easement with the Salt River Project Agricultural Improvement and Power District (SRP) for power facilities associated with the 107th Avenue from Roosevelt Street to Van Buren Street Improvement Project, and authorize the Mayor, City Clerk, and City Attorney to execute the necessary documents.

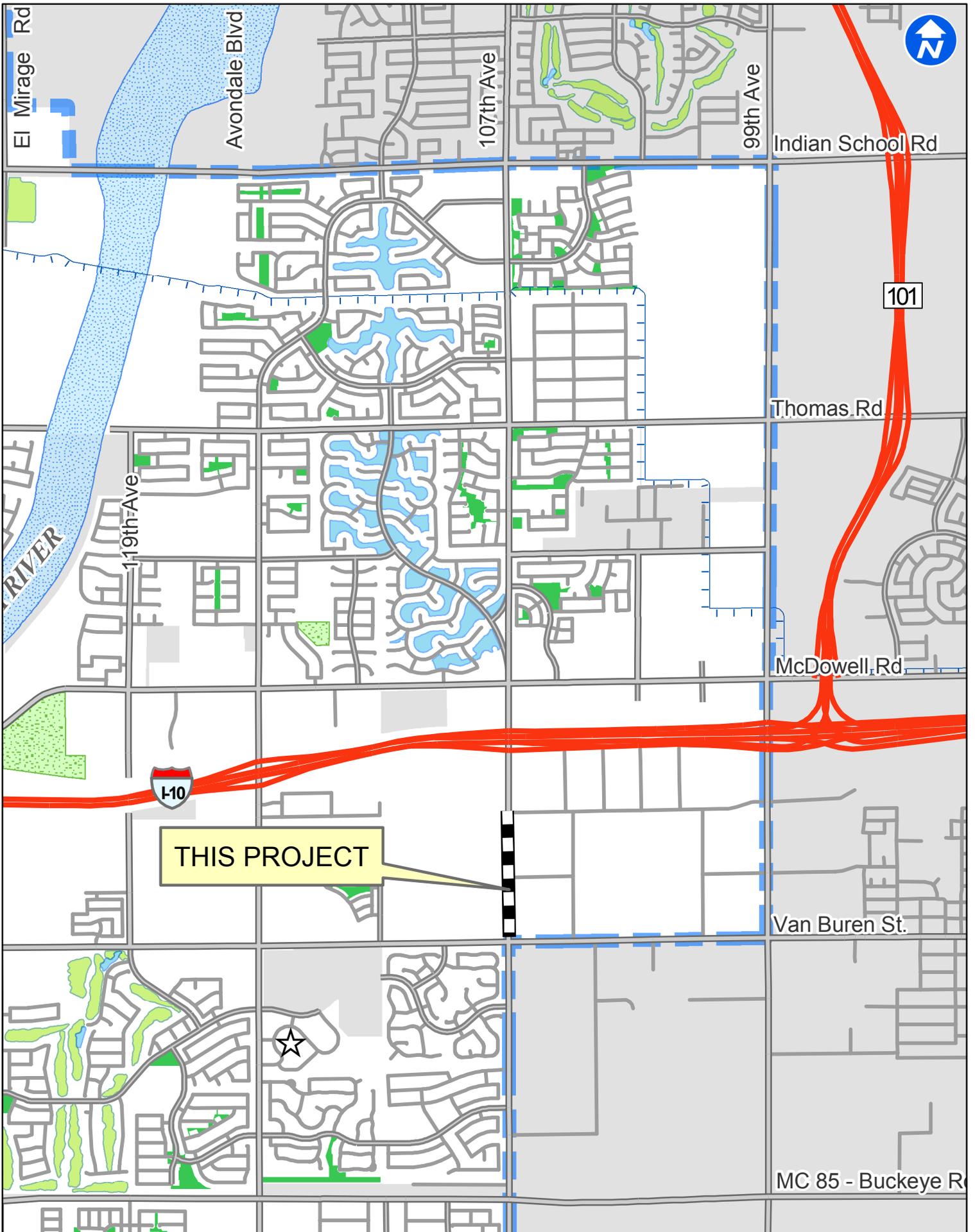
**ATTACHMENTS:**

**Description**

[Vicinity Map](#)

[Ordinance 1603-316](#)

City of Avondale



Vicinity Map  
107th Avenue - Van Buren St to Roosevelt St

**ORDINANCE NO. 1603-316**

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, GRANTING AN EASEMENT TO SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT.

**BE IT ORDAINED** BY THE COUNCIL OF THE CITY OF AVONDALE as follows:

SECTION 1. An easement is hereby granted to Salt River Project Agricultural Improvement and Power District in the form attached hereto as Exhibit 1 and incorporated herein by reference, through, over, under and across certain real property, generally located along the west side of 107th Avenue, from Van Buren Street to Roosevelt Street, described in Exhibit A to the easement form attached hereto as Exhibit 1.

SECTION 2. The Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to execute all documents and take all steps necessary to carry out the purpose and intent of this Ordinance.

**PASSED AND ADOPTED** by the Council of the City of Avondale, March 14, 2016.

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Kenneth N. Weise, Mayor

ATTEST:

---

Carmen Martinez, City Clerk

APPROVED AS TO FORM:

---

Andrew J. McGuire, City Attorney

EXHIBIT 1  
TO  
ORDINANCE NO. 1603-316

[Power Transmission Easement]

See following pages.

**WHEN RECORDED MAIL TO:**

**SALT RIVER PROJECT**

Land Department/PAB360  
P. O. Box 52025  
Phoenix, Arizona 85072-2025

**EXEMPT PURSUANT TO  
A.R.S. §§ 11-1134(A)(2) and (A)(3)**

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**POWER TRANSMISSION EASEMENT**

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Maricopa County

Agt: SFH

Job #: LJ55031

SE ¼ SEC 6, TOWNSHIP 1 NORTH, RANGE 1 EAST

W \_\_\_\_\_ C \_\_\_\_\_

**CITY OF AVONDALE,  
a municipal corporation,**

hereinafter called Grantor, for and in consideration of the sum of Ten Dollars, and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby grant and convey to **SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT**, an agricultural improvement district organized and existing under the laws of the State of Arizona, hereinafter called Grantee, and Grantee's employees, contractors, licensees, invitees, successors and assigns, a non-exclusive easement to construct, install, reconstruct, replace, remove, repair, operate and maintain: a line or lines of poles, towers, or other supporting structures; conductors, cables, wires, communication and signal lines; guys, anchorage, crossarms, braces; switching equipment, transformers, vaults, manholes, and pad-mounted equipment; underground conduits, conductors, pipes, cables, wires; fiber optic, microwave, and antennae for communication or data transmission purposes; and all other appliances, appurtenances and fixtures (collectively, the "Facilities") for the transmission and distribution of electricity, communication signals and data, and for all other purposes connected therewith, at such locations and elevations, in, upon, over, under, across, through and along the Easement Parcel (defined below), as Grantee may now or hereafter deem convenient or necessary from time to time, together with the right of vehicular and pedestrian access to, from, over, across, through and along the Easement Parcel, including without limitation at any intersection of the Easement Parcel and a public road or right of way (collectively, the Easement).

The lands in, upon, over, under, across, through and along which the Easement is granted are situated in the County of Maricopa, State of Arizona, and are more particularly described as:

**Easement Parcel:**

**SEE EXHIBIT "A", attached hereto and incorporated herein with this reference.**

**CAUTION: Facilities placed within the Easement Parcel may contain high voltage electrical equipment. Notice is hereby given that the location of underground electrical conductors or facilities must be verified as required by the Arizona Blue Stake Law, Arizona Revised Statutes, Section 40-360.21-32, prior to any excavation. Notice is also hereby given that any activity performed within the Easement Parcel shall comply with the Arizona Overhead Powerline Safety Law, Arizona Revised Statutes 40-360.41-45.**

The Easement is governed by the following terms and conditions:

1. Approval of Development Plans. Prior to the commencement of any construction or other development activity on the Easement Parcel, Grantor shall provide Grantee with plans describing Grantor's proposed use. Such plans shall include without limitation all construction and other development plans showing all improvements and activities to be located within the Easement Parcel and any alterations thereto. Any and all proposed or existing uses shall be subject to Grantee's written approval, with such approval in each instance to be granted or denied through the exercise of Grantee's sole discretion. Any such approval is hereby subject to all such uses complying with Grantee's clearance, access, and construction standards, as well as National Electrical Safety Code (NESC), Arizona law, Federal law (including OSHA), and all other applicable rules, codes or regulations.

2. Development Standards. Unless agreed to in writing in each instance, the entirety of the Easement Parcel shall be drivable by Grantee's line maintenance vehicles. Any and all below-ground facilities located within the Easement Parcel shall be designed to meet Grantee's then current minimum loading standards. As of the recordation date, such below-ground facilities must be designed to withstand a minimum loading of 320 pounds per square inch (PSI) applied to the ground surface under a crane outrigger pad measuring 27 inches in diameter. Notwithstanding anything herein to the contrary, under no circumstances may any use of the Easement Parcel (by Grantor or any third party) interfere with Grantee's right and ability to construct, access, maintain and use the Facilities, or endanger any of the Facilities or the use thereof. Any curbing installed within or immediately adjacent to the Easement Parcel shall be "mountable" and shall not impede Grantee's line maintenance vehicle's access to, from, or through the Easement Parcel.

3. Prohibited Activities. Without limiting Grantee's approval rights under paragraph 1 above: (i) Grantor shall not construct, install or place, or permit to be constructed, installed or placed, any building or other structure, plant any trees, drill any well, store materials of any kind, or alter the ground level, by cut or fill, within the Easement Parcel, or its associated airspace; and (ii) no plants may be installed within the Easement Parcel unless such plants are drive-over ground cover from Grantee's list of plants approved for use within easements and installed at locations prior approved in writing by Grantee. Notwithstanding the provisions of this paragraph 3, Grantor may obtain prior written approval from Grantee, in accordance with the requirements of paragraph 1, to grade within the limits of the Easement Parcel. This paragraph 3 does not prohibit the use of the Easement Parcel for such purposes as paved parking, sidewalks and/or driveways, provided that such use is otherwise in accordance with the terms of this Easement (including without limitation the approval requirements set forth in paragraph 1), does not interfere with the efficient operation and maintenance of the Facilities, including access thereto, and does not endanger the Facilities.

4. Clear Areas. Grantor shall maintain a clear area that extends 3.00 feet from and around all edges

of all transformer pads and other equipment pads, and a clear area that extends 12.00 feet immediately in front of all transformer and other equipment openings (“Clear Areas”). No permanent structures, fixtures, trees, shrubs, or other obstructions shall be placed within the Clear Areas. Grantee shall have the right (but not the obligation) to remove any obstructions within the Clear Areas.

5. Fences. Grantee may construct, modify, and maintain access openings, at such locations and of such dimensions as solely determined by Grantee, in all fences and walls across or within the Easement Parcel. Grantee shall further have the right to install, maintain and use gates in all fences or walls which now cross or hereafter cross the Easement Parcel. If Grantor constructs fences or walls across the Easement Parcel, Grantor shall, at its expense, provide Grantee with openings at locations and of such dimensions as solely determined by Grantee. Grantor, at its expense, may install gates across such openings and, if such gates are locked, shall install a multiple locking device, accessible by both Grantor and Grantee. Nothing set forth in this paragraph 5 restricts or otherwise modifies Grantee’s approval rights under paragraph 1.

6. Additional Grantee Rights. Grantee shall have the right (but not the obligation) to trim, cut and clear away trees, brush or other vegetation on, or which encroaches into, the Easement Parcel or the Clear Areas, whenever in its judgment the same shall be necessary for the convenient and safe exercise of the rights herein granted.

7. Reservation of Rights. Grantor reserves the right to use and occupy the Easement Parcel for any purposes which will not interfere with the rights and privileges granted to Grantee hereunder or endanger the Facilities, provided that Grantor complies with the requirements and obligations of Grantor hereunder, including without limitation, the approval requirements set forth in paragraph 1. Such right to use and occupy the Easement Parcel includes the right to dedicate any portion of the Easement Parcel for perpendicular crossing(s) of public rights-of-way, subject to Grantor obtaining Grantee’s prior written approval in accordance with the requirements of paragraph 1. Any such dedication is expressly subject to all terms and conditions set forth herein.

8. Perpetual Nature of Easement. The Easement, and Grantee’s rights hereunder, shall be perpetual, and shall not terminate until, and unless abandoned through the recordation of a document formally abandoning the Easement, which references this instrument and is executed and acknowledged by Grantee. Upon such recordation, all Grantee’s rights hereunder shall cease, except the right to remove any and all property placed upon the Easement Parcel within a reasonable time subsequent to such abandonment.

9. Successors and Assigns. The benefits and burdens, and the covenants and agreements herein set forth shall run with and burden the land and shall extend and inure in favor and to the benefit of, and shall be binding on Grantor and Grantee and their successors and assigns. Grantee shall have the right to assign the Easement, in whole or in part, to one or more assignees and, upon the assignment, any such assignee hereby assumes the rights and obligations of the Grantee hereunder with respect to the portion of the Easement assigned.

10. Rights and Remedies Cumulative. The rights and remedies hereunder are cumulative, and the exercise of any one or more of such rights or remedies shall not preclude the exercise, at the same or different times, of any other right or remedy available.

11. Warranty of Title. Grantor represents and warrants that: (i) fee simple title to the Easement Parcel **[AND ACCESS PARCEL]** is vested in Grantor, and (ii) Grantor has full power and authority to grant the

Easement and to perform its obligations under this document.

12. Authority to Bind Grantor. The individual executing this document represents and warrants: (i) that he or she is authorized to do so on behalf of Grantor, and (ii) that he or she has full legal power and authority to bind Grantor in accordance with the terms herein and, if necessary, has obtained all required consents or delegations of such power and authority.

[Signature and acknowledgement appear on following page]



## LEGAL DESCRIPTION PROPOSED SRP POWER EASEMENT

The following described 30.00 feet wide parcel located in a portion of Parcel no. 2 described in Maricopa County Recorders Office (MCR) instrument no. 20140667821 and located in a portion of Parcels no. 1 and 2 of MCR instrument no. 20140661403, both located in the southeast quarter (SE1/4) of Section 6, Township 1 North, Range 1 East of the Gila and Salt River Meridian, City of Avondale, Maricopa County, Arizona:

Commencing at the east quarter corner of said Section 6, being marked by a City of Avondale brass cap in handhole per the Results of Survey recorded in MCR Book 1192, page 14, from which for a bearing reference, per said MCR Book 1192, page 14, the southeast corner of said Section 6, being marked by a City of Avondale brass cap in hand hole, bears South 00° 02' 16" West, 2636.74 feet.

Thence along the east-west mid-section line, per said MCR Book 1192, page 14, of said Section 6, South 88° 59' 24" West, 110.02 feet to the west line of the east 110.00 feet of said Section 6, being the POINT OF BEGINNING;

Thence along said west line, South 00° 02' 16" West, 349.80 feet;

Thence leaving last said west line, South 01° 03' 23" East, 785.58 feet to the west line of the east 95.00 feet of said Section 6;

Thence along last said west line, South 00° 02' 16" West, 1010.22 feet;

Thence leaving last said west line, South 03° 51' 04" West, 225.54 feet back to the west line of the east 110.00 feet of said Section 6;

Thence along last said west line, South 00° 02' 16" West, 266.08 feet to the south line of said southeast quarter (SE1/4) of Section 6 per said MCR Book 1192, page 14, from which, for a bearing reference, the said southeast corner of Section 6, bears North 89° 05' 04" East 110.02 feet;

Thence leaving last said west line, along said south line of Section 6, South 89° 05' 04" West, 30.00 feet to the west line of the east 140.00 feet of said Section 6;

Thence leaving said south line, along last said west line, North 00° 02' 16" East, 100.01 feet to the north line of the south 100.00 feet of said southeast quarter (SE1/4) of Section 6, also being an angle point of said Parcel no. 2 of MCR instrument no. 20140667821 and being marked with a ½ inch rebar and tag "CRS 28742" per said Results of Survey recorded in MCR Book 1192, page 14;

(continued next page)

Thence leaving said north line, continuing along last said west line, also being the west line of said Parcel no. 2 of MCR line per instrument no. 20140667821, North 00° 02' 16" East, 167.56 feet to a cotton picker spindle with aluminum washer "CRS 28742" per said MCR Book 1192, page 14;

Thence leaving last said west line of the east 140.00 feet of Section 6, continuing along said Parcel no. 2 west line per instrument no. 20140667821, North 03° 51' 04" East, 225.54 feet to the west line of the east 125.00 of said Section 6, being marked with a ½ inch rebar and tag "CRS 28742" per said Results of Survey recorded in MCR Book 1192, page 14;

Thence along said west line of the east 125.00 of Section 6, and continuing along said Parcel no. 2 west line per instrument no. 20140667821, North 00° 02' 16" East, 1008.93 feet to a ½ inch rebar and tag "CRS 28742" per said Results of Survey recorded in MCR Book 1192, page 14;

Thence leaving last said west line of the east 125.00 feet of Section 6, continuing along said Parcel no. 2 west line per instrument no. 20140667821, North 01° 03' 23" West, 785.58 feet back to the said west line of the east 140.00 feet of said Section 6, being marked by a ½ inch rebar and tag "CRS 28742" per said Results of Survey recorded in MCR Book 1192, page 14;

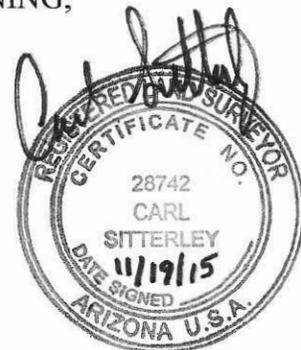
Thence along last said west line of the east 140.00 feet of Section 6, continuing along said Parcel no. 2 west line per instrument no. 20140667821, North 00° 02' 16" East, 259.52 feet to the south line of the north 90.00 feet of said southeast quarter (SE1/4) of Section 6, also being an angle point of said Parcel no. 2 and marked with a ½ inch rebar and tag "CRS 28742" per said Results of Survey recorded in MCR Book 1192, page 14;

Thence leaving last said south line, continuing along said west line of the east 140.00 feet of Section 6, North 00° 02' 16" East, 90.02 feet back to the said east-west mid-section line of Section 6;

Thence leaving last said west line, along said east-west mid-section line, North 89° 59' 24" East, 30.01 feet back to the POINT OF BEGINNING;

Described 30.00 feet wide parcel contains 79,115 square feet or 1.816 acres, more or less.

Exhibit Map, pages 1 and 2 attached and made a part hereon.



Expires 03/31/2016

# EXHIBIT MAP

PAGE 1 OF 2

P.O.C.  
EAST QUARTER  
CORNER SECTION 6

EAST-WEST  
MID-SECTION LINE

ROOSEVELT STREET

P.O.B.

L16

L15

L14

L2

L13

L3

L4

L5

L6

L7

L8

L9

L10

L11

L12

L4

L3

L2

L1

SECTION LINE  
(BASIS OF BEARING)

107TH AVENUE

2636.74'  
S00°02'16"W  
PARCEL  
SOUTHEAST  
CORNER SECTION 6 NO. 1 & 2 MCR 20140661403

PARCEL NO. 2  
MCR 20140667821

30'  
WIDE  
NEW  
POWER  
EASEMENT

ASSESSOR PARCEL  
NO. 102-56-005P

LINE TABLE  
SEE SHEET 2 OF 2

ASSESSOR PARCEL  
NO. 102-56-005G

NORTH-  
SOUTH  
MID-  
SECTION  
LINE

PARCEL  
NO. 1 & 2  
MCR 20140661403

ASSESSOR  
PARCEL NO.  
102-56-005M

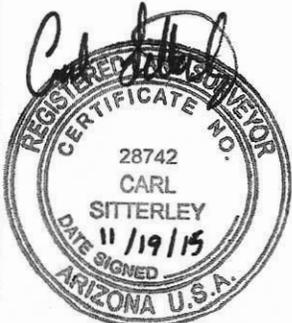
PARCEL NO. 2  
MCR 20140667821

MARICOPA COUNTY  
HIGHWAY DEPARTMENT  
BRASS CAP IN HANDHOLE  
SOUTH QUARTER CORNER  
SECTION 6

SECTION LINE

VAN BUREN STREET

30' WIDE NEW  
POWER EASEMENT



EXPIRES 03/31/2016

PROPOSED EASEMENT

"A" = CITY OF AVONDALE  
BRASS CAP IN HANDHOLE  
MCR = MARICOPA COUNTY  
RECORDERS

P.O.B. = POINT OF BEGINNING  
P.O.C. = POINT OF COMMENCING

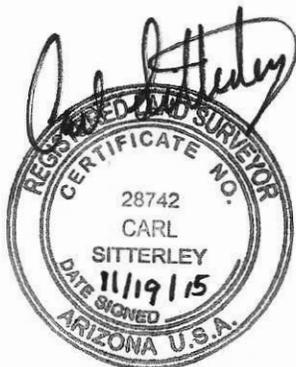
## CRS

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

# EXHIBIT MAP

PAGE 2 OF 2

LINE TABLE		
LINE	LENGTH	BEARING
L1	110.02	S88°59'24"W
L2	349.60	S00°02'16"W
L3	785.58	S01°03'23"E
L4	1010.22	S00°02'16"W
L5	225.54	S03°51'04"W
L6	266.08	S00°02'16"W
L7	110.02	N89°05'04"E
L8	30.00	S89°05'04"W
L9	100.01	N00°02'16"E
L10	167.56	N00°02'16"E
L11	225.54	N03°51'04"E
L12	1008.93	N00°02'16"E
L13	785.58	N01°03'23"W
L14	259.52	N00°02'16"E
L15	90.02	N00°02'16"E
L16	30.01	N88°59'24"E



EXPIRES 03/31/2016

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

Consultant Registered Surveying, Inc.

Parcel name: SRP 30FT POWER

North: 894186.8331 East : 586146.4681   
Line Course: S 00-02-16 W Length: 349.80   
North: 893837.0332 East : 586146.2374   
Line Course: S 01-03-23 E Length: 785.58   
North: 893051.5867 East : 586160.7207   
Line Course: S 00-02-16 W Length: 1010.22   
North: 892041.3669 East : 586160.0546   
Line Course: S 03-51-04 W Length: 225.54   
North: 891816.3362 East : 586144.9065   
Line Course: S 00-02-16 W Length: 266.08   
North: 891550.2563 East : 586144.7310   
Line Course: S 89-05-04 W Length: 30.00   
North: 891549.7769 East : 586114.7349   
Line Course: N 00-02-16 E Length: 100.01   
North: 891649.7869 East : 586114.8008   
Line Course: N 00-02-16 E Length: 167.56   
North: 891817.3468 East : 586114.9113   
Line Course: N 03-51-04 E Length: 225.54   
North: 892042.3776 East : 586130.0594   
Line Course: N 00-02-16 E Length: 1008.93   
North: 893051.3073 East : 586130.7247   
Line Course: N 01-03-23 W Length: 785.58   
North: 893836.7538 East : 586116.2414   
Line Course: N 00-02-16 E Length: 259.52   
North: 894096.2738 East : 586116.4125   
Line Course: N 00-02-16 E Length: 90.02   
North: 894186.2937 East : 586116.4719   
Line Course: N 88-59-24 E Length: 30.01   
North: 894186.8227 East : 586146.4772

Perimeter: 5334.37 Area: 79,115 Sq Ft 1.816 Ac.

Mapcheck Closure - (Uses listed courses, radii, and deltas)

Error Closure: 0.0138 Course: S 41-19-43 E

Error North: -0.01038 East : 0.00913

Precision 1: 386,550.00

Sec 6 ~~7~~  
T1N. R1E.  
S.E. 1/4.



expires 3/31/16



## CITY COUNCIL AGENDA

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**SUBJECT:**

Ordinance 1605-316 - Amending Avondale City Code, Chapter 24 - Water, Sewers and Sewage Disposal - Declaring an Emergency

**MEETING DATE:**

3/14/2016

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**TO:** Mayor and Council

**FROM:** Abbe Yacoben, Finance and Budget Director

**THROUGH:** David Fitzhugh, City Manager

**PURPOSE:**

Staff recommends that the Council adopt an Ordinance amending Chapter 24 Water, Sewer and Sewage Disposal relating to the removal of water and wastewater rates and several other minor changes, declaring an emergency and setting an effective date.

**BACKGROUND:**

Historically, the City's water and wastewater rates have been included in the City Code in Chapter 24 and adopted by Ordinance.

On February 16, 2016 Council adopted new water and wastewater rates by resolution. Therefore, it is necessary to delete the rates that are included in Chapter 24 of the City code. In addition, staff proposes to make minor Code changes by removing the \$5 charge for a meter reread, and charging the actual amount that it costs to test a meter in the case of a customer request.

**DISCUSSION:**

The Ordinance deletes in its entirety 24-47 (Municipal; Water System Consumption charges), and 24-116 (Sewers and Sewage disposal Sewer Service rate). Again, rates are deleted from the code and will be adopted by resolution each year.

The Ordinance also deletes sections 24-51 (Special meter reading) and 24-52 (meter tests). Section 24-52 is replaced with language that allows the City to pass along the costs of having a third party perform a meter test. If the third party determines the meter's accuracy is outside of accepted AWWA standards, the meter will be replaced and the resident would not be charged. If the third party determines the meter is within accuracy standards, the resident would have to pay for the test.

**BUDGET IMPACT:**

There may be a very minor impact of removing the \$5 reread fee and charging the actual amount of the meter testing to the requesting customer.

**RECOMMENDATION:**

Staff recommends that the Council adopt an Ordinance amending Chapter 24 Water, Sewer and Sewage Disposal, declaring an emergency and setting an effective date.

**ATTACHMENTS:**

Description

[Ordinance 1605-316](#)

**ORDINANCE NO. 1605-316**

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AMENDING THE AVONDALE CITY CODE, CHAPTER 24, WATER, SEWERS AND SEWAGE DISPOSAL, ARTICLE II, MUNICIPAL WATER SYSTEM AND ARTICLE III, SEWERS AND SEWAGE DISPOSAL; PROVIDING FOR SEVERABILITY; DECLARING AN EMERGENCY; AND SETTING AN EFFECTIVE DATE.

**BE IT ORDAINED** BY THE COUNCIL OF THE CITY OF AVONDALE as follows:

SECTION 1. The Avondale City Code, Chapter 24 (Water, Sewers and Sewage Disposal) Article II (Municipal Water System) Division 2 (Rates, Charges, Billing and Collection Procedures) Section 24-47 (Consumption charges) is hereby deleted in its entirety and replaced with the following:

**24-47 – Consumption charges.**

The consumption charges shall be established in amounts determined by the City Council as part of the City’s annual budget or by separate resolution.

SECTION 2. The Avondale City Code, Chapter 24 (Water, Sewers and Sewage Disposal) Article II (Municipal Water System) Division 2 (Rates, Charges, Billing and Collection Procedures) Section 24-51 (Special meter reading) is hereby deleted in its entirety and reserved for future use.

SECTION 3. The Avondale City Code, Chapter 24 (Water, Sewers and Sewage Disposal) Article II (Municipal Water System) Division 2 (Rates, Charges, Billing and Collection Procedures) Section 24-52 (Meter tests) is hereby deleted in its entirety and replaced with the following:

**24-52 – Meter tests.**

Any consumer may, upon written application, request a meter test. Upon receipt of the application, the City will obtain an estimate for the cost of performing a meter test by a licensed third party. The City will notify the consumer of the estimate and, upon receipt of the consumer’s deposit in the amount of the estimate, the City will contract with the licensed third party to perform the meter test. If the meter registers a divergence from accuracy outside of the accepted AWWA standards for the specific meter size, the

deposit shall be refunded to the applicant and the indicated adjustment made in the water service charges for a total period not longer than the then-current period and the monthly period immediately preceding. If a meter so tested registers within the AWWA standards for the specific meter size, the deposit shall be retained by the City. All inaccurate and defective meters shall be replaced by the City when detected.

SECTION 4. The Avondale City Code, Chapter 24 (Water, Sewers and Sewage Disposal) Article III (Sewers and Sewage Disposal) Division 4 (Rates and Charges) Section 24-116 (Sewer service charges) Subsection (c) (Sewer Service Rate) is hereby deleted in its entirety and replaced with the following:

**24-116 – Sewer service charges.**

....

(c) Sewer Service Rate. The sewer service rates shall be established in amounts determined by the City Council as part of the City's annual budget or by separate resolution.

....

SECTION 5. If any provision or any portion of any provision of this Ordinance is for any reason held to be unconstitutional or otherwise unenforceable by a court of competent jurisdiction, such provision or portion thereof shall be deemed separate, distinct and independent of the remaining provisions of this Ordinance and shall be severed therefrom without affecting the validity of the remaining portions of this Ordinance.

SECTION 6. The immediate operation of the provisions hereof is necessary for the preservation of the public peace, health and safety and an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect from and after its passage by the City Council and it is hereby exempt from the referendum provisions of the constitution and laws of the State of Arizona.

SECTION 7. This Ordinance shall become effective at 12:02 a.m. on March 17, 2016, or if the effectiveness of this Ordinance is prohibited by Arizona law at such time, then this Ordinance shall become effective at the earliest such later time as authorized by Arizona law.

SECTION 8. The Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to execute all documents and take all steps necessary to carry out the purpose and intent of this Ordinance.

[SIGNATURES ON FOLLOWING PAGE]

**PASSED AND ADOPTED** by the Council of the City of Avondale, March 14, 2016.

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Kenneth N. Weise, Mayor

ATTEST:

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Carmen Martinez, City Clerk

APPROVED AS TO FORM:

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Andrew J. McGuire, City Attorney



## CITY COUNCIL AGENDA

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**SUBJECT:**

Public Hearing - Ordinance 1604-316 - Palm Valley-Avondale PAD Amendment (PL-15-0258)

**MEETING DATE:**

3/14/2016

---

**TO:**

Mayor and Council

**FROM:**

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

**THROUGH:**

David Fitzhugh, City Manager

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**REQUEST:**

Amend the Palm Valley-Avondale Planned Area Development (PAD) to: 1) Allow an Assisted Living Facility as a conditionally permitted use, 2) Allow an increase in height for the tower element from 30-feet to 38-feet, 3) Reduce the required landscape buffer from 25-feet to 5-feet, and 4) Reduce the required parking from 260 spaces to 120 parking spaces.

**PARCEL SIZE:**

5.27 Acres

**LOCATION:**

280 feet south of the southeast corner of Dysart Road and Thomas Road (Exhibits A, B, and C)

**APPLICANT:**

Paul Gilbert, Beus Gilbert, PLLC, (480) 429-3065

**OWNER:**

Hamid R. Ertefai, SW 91st Ave & I-10, LLC.

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**BACKGROUND:**

The subject property was annexed on January 16, 1978, as a part of a larger annexation. On August 2, 1993, City Council approved a Development Agreement between the City and SunCor Development Company regarding the future Palm Valley-Avondale Planned Area Development (PAD), which includes the subject property. On September 6, 1994, City Council approved case Z94-284 Palm Valley-Avondale PAD, which rezoned the subject property to PAD as part of a larger area. The approved PAD designates the uses for the subject property as Neighborhood Retail but does not establish a use listing or development standards. On January 7, 2002, the City Council approved a third amendment to the Development Agreement that established that Neighborhood Retail shall be defined by using the Neighborhood Commercial (C-1) zoning designation development standards and use listing. On June 15, 2015, City Council approved a request by the QuikTrip (QT) Corporation (Case No. PL-14-0240) amending the Palm Valley-Avondale PAD, to allow as a conditional use, a convenience store with gasoline station on approximately 2.75 acres of

land located on the southeast corner of Dysart and Thomas Roads, approximately 280-feet north of the land subject to this request. The QT site does not directly abut the subject property.

## **SUMMARY OF REQUEST:**

Western States Lodging is requesting approval of an amendment to the Palm Valley-Avondale PAD to allow for the construction and operation of an assisted living facility on approximately 5.27 acres of a vacant 11+ acre parcel located south of the southeast corner of Dysart Road and Thomas Road. The assisted living facility will be owned and operated by Western States Lodging, who has proposed siting a two-story assisted living facility comprised of 170 assisted and memory care units on the subject site. The design of the building will feature four-sided architecture and incorporate natural and desert earth tones into the color palette. The main entrance to the building will feature a porte cochere with a tower feature at a height of 38-feet. The rest of the building will not exceed 30-feet in height. Ingress/egress to the site will be provided by two right-in/right-out access points via Dysart Road. The assisted living facility will operate 24 hours per day, 7 days a week.

Currently, the vacant parcel is zoned PAD with an underlying Neighborhood Commercial (C-1) designation. An assisted living facility is not a permitted or conditionally permitted use in the C-1 district. If the amendment is approved, the use listing would be revised to conditionally permit an assisted living facility on the subject site only. Conditional Use Permit (PL-15-0257) and Site Plan (PL-16-0010) applications are concurrently under review by City staff but cannot be approved unless this PAD amendment request is approved by the City Council.

In addition to the inclusion of the assisted living facility as a conditionally permitted use, the applicant is also requesting an increase in the maximum allowable height from 30-feet to 38-feet for the tower element, a reduction in required landscape buffer from 25-feet to 5-feet, and a reduction in parking requirements from 260 parking spaces to 120 parking spaces.

## **PARTICIPATION:**

The applicant conducted two neighborhood meetings to discuss the proposed PAD Amendment. The first meeting was held on Thursday, December 15, 2015 at 6:30 P.M. at Estrella Mountain Community College. The second meeting was held on Tuesday, January 19, 2016 at 6:30 P.M. at the Rancho Santa Fe Elementary School. Both meetings were advertised in the West Valley View and a notification sign was erected on the subject property.

The first neighborhood meeting was attended by four citizens who had questions regarding access to and around the remaining vacant parcel, the measures taken by the applicant to ensure the success of the remaining parcel, the size of the assisted living facility, operational aspects of the assisted living house and the types of architecture proposed.

The applicant's responses were as follows:

- We are working with city staff and the adjacent property owner to create additional points of access for the site.
- The assisted living facility will contain approximately 170 assisted living and memory care units.
- Western States Lodging will be the owner/operator of the Avondale assisted living facility.
- The Legacy House will incorporate a residential design that's compatible with the surrounding residential neighborhood.

The second neighborhood meeting was attended by approximately twelve citizens, who, in addition to the questions noted above, had additional questions regarding access from Dysart and Thomas Roads, where does the property line end, buffering techniques, operating hours, landscaping maintenance, and what will happen with the remainder of the parcel.

The applicant's responses were as follows:

- Legacy House will have two right-in/right-out access points from Dysart Road when developed. However, future considerations are in place when the vacant parcel develops to the north that would provide a left-in via southbound Dysart Road and a full access point via Thomas Road.
- The property line is adjacent to residential developments to the south and the east. However, there is approximately 170 linear feet from the assisted living facility building and the front doors of the residences to the south and east.
- Additional oversized trees would be added in order to buffer the neighborhood.
- The site will meet all zoning ordinance requirements with regards to site lighting.
- Hours of operation will be 24 hours per day, 7 days a week.
- Legacy House will take into account citizen concerns with deliveries.
- The zoning on the remainder of the 5.91 acre parcel would remain unchanged.

Letters notifying nearby property owners of the City Council meeting were mailed on February 26, 2016. Additionally, the signs were updated to include the time and date of this meeting on February 3, 2016. Lastly, a notice of the City Council hearing was published in the West Valley View on February 24, 2016.

#### **PLANNING COMMISSION ACTION:**

The Planning Commission conducted a public hearing on this item on February 18, 2016 (EXHIBIT I). Both the PAD and Conditional Use Permit applications were combined into one overall staff presentation.

Commission asked the following questions during the question and answer portion of the presentation:

- Commissioner Van Leuvan inquired as to why this particular location. Moreover, are there other sites in the City that are currently zoned C-1, and is the reduction of the landscape buffer only along the eastern property line? The applicant responded that there is not an abundance of land zoned C-1 in the City and that they believe that this is a choice location given the proximity to the arterial traffic flow, Estrella Mountain Community College, and the Rancho Santa Fe residential neighborhood, and that the landscape buffer request was along the south and east property lines.
- Commissioner Ramos inquired as to why there was no summary included from the first neighborhood meeting. Staff stated that the first meeting was an informal meeting and not required as part of the rezone process. However, the findings of that meeting were summarized in the public participation portion of the staff report.
- Commissioner Ortega asked if the zoning would be changed and if so, was it specific to the 5.27 acre parcel. Staff stated that the PAD was being amended to include Assisted Living as a Conditionally Permitted Use, the amendment was specific to the 5.27 acre assisted living site, and the remainder of the vacant undeveloped land would remain zoned C-1.
- Commissioner Ramos inquired as to the citizen concerns expressed at the neighborhood meeting, asked for clarification on the intent of a landscape buffer, and asked if a temporary connection would be made to Thomas Road. Staff stated that the citizen response from both meetings was positive regarding the proposed assisted living use but that providing for future access and circulation was extremely important. Staff continued that there were no plans to connect directly to Thomas Road with this development but that future development would provide the connection. Regarding the landscape buffer, staff indicated that the buffer is intended to provide separation between commercial and residential uses in order to mitigate certain nuisances that can be associated with commercial land uses.
- Commissioner Ramos inquired as to where the reduced landscaping had been relocated too.

Staff and the applicant stated that the foundation landscaping had been increased from the 50% requirement to 100%, the number, as well as the caliper size of the trees along the south and east property lines had been increased to provide instant mitigation, that the applicant was continuing the lush street frontage landscaping that was approved with the QT, and that the overall landscaping on site exceeded the 20% requirement by 8%.

- Commissioner Solorio stated that she was happy to see this type of land use in this location and thought it was consistent with the surrounding area.

In addition to the questions and comments made by the Planning Commission, there was one letter of support for the project that was entered into the public record (Exhibit J) and one member of the community spoke in support of the proposed amendment and conditional use permit.

Upon conclusion of the public hearing, the Commission voted 6-0 (Commissioner Kugler excused) to recommend approval of the requested PAD Amendment subject to five staff recommended condition of approval, as follows:

1. The Palm Valley-Avondale PAD Development Plan and Ordinance, including all stipulations of prior approval, shall remain in full force and effect, unless expressly modified by this amendment.
2. Development of an assisted living facility on the subject parcel shall conform to the PAD Amendment Project Narrative, date stamped January 25, 2016, and included as staff report Exhibit D.
3. Applicant shall provide cross access to the property to the north at the location and as depicted on the site plan submitted under case PL-16-0010, Legacy House Avondale, and applicant shall dedicate a cross access easement over the portion of the property identified for cross access at the time the property to the north is developed and reciprocal cross access easement is granted by the property to north owner in favor of applicant.
4. The owner/developer shall dedicate additional right-of-way along Dysart Road for a deceleration lane if warranted by future development.
5. The proposed modifications to height, setbacks, and parking requirements shall only be valid for an assisted living facility in general conformance with Exhibit E.

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

## **ANALYSIS:**

The General Plan Land Use designation for this site is Local Commercial. The site is within the North Avondale Specific Area Plan (NASP) which encompasses an area bounded by McDowell Road to the south, Litchfield Road to the west, 103<sup>rd</sup> Avenue to the east, and Indian School Road to the north. The NASP provides a vision for future development of both residential and commercial properties located in north Avondale. More specifically, the plan seeks to protect the existing character of the North Avondale area by encouraging innovative yet compatible design that promotes the connectivity of the area and creates a "Sense of Place".

As defined in the 3<sup>rd</sup> amendment to the Palm Valley-Avondale PAD the 11+ acre site located on the southeast corner of Dysart and Thomas Roads has an underlying zoning of Neighborhood Commercial (C-1). Neighborhood Commercial is defined in the Zoning Ordinance as those uses that accommodate retail and service establishments satisfying the everyday needs of consumers residing in adjacent neighborhoods. The ordinance further states that this category should provide for neighborhood commercial centers with a trade area limited generally to adjacent and nearby

neighborhoods, act as the primary type of neighborhood commercial development, be located at the intersection of arterial streets with at least one property line directly abutting a residential zone, have users that generally do not exceed 70,000 square feet, and encourage development that is consistent with any specific area plan and the General Plan.

The proposed site is a 5.27 acre carve-out of an 11+ acre vacant parcel that is located south of the southeast corner of two arterials, Dysart Road and Thomas Road. The proposed site is surrounded by a number of different land uses, including commercial, educational and residential. Immediately adjacent to the north is a 5.91-acre vacant parcel and then the recently approved QT convenience store and gas station. Across Thomas Road is the Dysart Commons Shopping Center zoned PAD (Neighborhood Commercial). To the northwest is the Estrella Mountain Community College zoned PAD (Mixed-Use Commercial). To the west is a partially developed commercial corner zoned Commercial PAD (Goodyear). To the south and east are portions of the Rancho Santa Fe single-family residential development zoned PAD.

The proposed amendment to allow for the assisted living facility is consistent with the current 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 5.27 acres located south of the southeast corner of the intersection of Dysart and Thomas Roads. In addition, the remaining 5.91-acre vacant parcel will remain as specified in the Palm Valley-Avondale PAD as Neighborhood Commercial (C-1) thus providing future opportunities for commercial/retail located in between the assisted living facility and the recently approved QT.

The current development plan meets the goals and objectives of the North Avondale Specific Plan (NASP) by incorporating innovative architecture in the design of the building, with an enhanced design and landscape package continuing south from the corner of the major arterials, and providing for pedestrian and bicycle connections with shaded, tree-lined sidewalks. Additionally, future considerations have been made for cross access agreements that would provide additional connectivity from Dysart Road through the parcel to Thomas Road to the north. A stipulation has been added to ensure future cross access throughout.

The PAD amendment currently under review requests multiple deviations from City of Avondale development standards as follows:

- Increase the maximum height of a building in the C-1 zoning district from 30-feet to 38-feet.

Section 306-E of the Avondale Zoning Ordinance limits the maximum height of a building in the C-1 Zoning District to 30-feet. The additional 8-feet would pertain to the architectural tower element of the porte cochere emphasizing the main entrance to the building off of Dysart Road. The remainder of the development would not exceed the 30-foot height limitation.

- Reduce the parking setback from 25-feet to 10-feet and the landscape buffer adjacent to a residential district from 25-feet to 5-feet along the southern and eastern property lines.

Sections 306-E and 1204-5.11 of the City's zoning ordinance address parking setbacks and landscape buffers for commercial developments adjacent to single-family residential. The intent of these development standards is clearly to provide appropriate separation between residential and commercial uses in order to minimize the impacts associated with each of the uses. In this case, the south and east property lines are adjacent to the Rancho Santa Fe neighborhood but separated by an existing 8-foot perimeter wall along the entirety of the adjacent property lines. Additionally, Windsor Avenue to the south and 128<sup>th</sup> Drive to the east, each a 50-foot right-of-way, provide additional separation from the homes and the assisted living facility with the exception of two homes near the northeast and southeast corners of the project site. All totaled, from the front door of the nearest residences it is 70-feet to the proposed parking, approximately 90-feet to the service yard, and approximately 110-feet to

the building. Other mitigating measures taken by the applicant include planting larger trees along the south and east property lines, increasing the landscape buffer adjacent to the two homes affected along the south and east property line to 25-feet, adding foundation planting around the entirety of the building, and enhancing the landscape adjacent to Dysart Road extending the sense of arrival that the QT development has created. It should be noted that the landscape buffer along the south and east property line will exceed the required number of trees and shrubs per the Zoning Ordinance.

- Reduce the required parking from 260 parking spaces to 120 parking spaces.

Section 804-A of the City's Zoning Ordinance requires 1.5 spaces per unit and 1 space for every 200 sf of office area for an assisted living facility. Based on the stated requirement approximately 260 parking spaces would be required for an assisted living facility. Analyzing similar data from existing facilities and the current trip generation model, the submitted Parking Demand Study surmises that parking demand for assisted living is less intense and indicates a parking ratio of 1 space per every .6 beds in the facility, which would require approximately 110 parking spaces including office space. In general, as the population ages the need for individual parking decreases and the facility provides most of the ground transportation to and from activities or appointments for the residents. Staff is supportive of the findings contained in the Parking Demand Study.

The proposed deviations are offset with enhancements to overall on-site landscaping. Section 12 of the City's Zoning Ordinance requires commercial developments to provide a minimum of 20% of the area to be landscaped. More specifically, the ordinance requires approximately 67 (2-inch caliper) trees, 202 shrubs, and 50% foundation landscaping around the building for this site. Of the ground cover, a minimum of 75% of the ground shrubs required shall be 5 gallon in size with 10% of the ground cover being succulents or cacti. As submitted, Legacy House Avondale is proposing a total of 28% of the total area to be landscaped, two additional trees, 65 additional shrubs, and 100% foundation landscaping around the building. Additionally, the current application indicates that all shrubs will be 5 gallon in size with 13% of the shrub plantings being succulents which exceeds the 75% and the 10% requirements respectively.

With the addition of assisted living as a permitted conditional use, the request will be required to go through the process of a Conditional Use Permit (CUP). To grant the CUP, five findings must be met that will ensure that any impacts created by the use will be mitigated to the fullest extent possible.

Following the Planning Commission, a letter of opposition (Exhibit J) was received from a resident in the Las Palmeras West subdivision. Their concerns center around the potential for increased traffic congestion and noise attributed to the proposed use.

In conclusion, it is staff's opinion that the proposed PAD amendment, development plan, and requested zoning deviations are consistent with the General Plan, the North Avondale Specific Plan, the surrounding area, and will not be a detriment to the area or surrounding residential properties. In addition, the inclusion of an assisted living facility in this area will provide for a variety of age appropriate housing not currently in the area while increasing local employment and educational opportunities (internships) to the surrounding neighborhoods, educational facilities, and other communities.

## **FINDINGS:**

Staff recommends approval of this request for the following reasons:

1. The requested amendment is in direct conformance with the underlying General Plan Land Use category of Local Commercial.

2. Approval of the PAD amendment will provide a benefit to the surrounding community by permitting service that is not readily available within the immediate vicinity.
3. Approval of the PAD Amendment will result in a development compatible with nearby neighborhoods and provide a significant buffer between the Quik Trip Gas Station and convenience store and the existing residential development.
4. Approval of the PAD Amendment will enhance the commercial activity by attracting, retaining, and improving economic conditions that are consistent and compatible with the surrounding area.
5. Approval of the PAD Amendment will encourage the creation of an attractive and vibrant development within mature areas of the City.
6. The conditions of approval are reasonable to ensure conformance with the provisions as outlined in the Avondale Zoning Ordinance and all other applicable City codes, ordinances, and policies.

## **RECOMMENDATION:**

The City Council should adopt the Ordinance approving Application PL-15-0258, a request to amend the Palm Valley-Avondale Planned Area Development (PAD), subject to conditions of approval, as recommended by the Planning Commission:

1. The Palm Valley-Avondale PAD Development Plan and Ordinance, including all stipulations of prior approval, shall remain in full force and effect, unless expressly modified by this amendment.
2. Development of an assisted living facility on the subject parcel shall conform to the PAD Amendment Project Narrative, date stamped January 25, 2016, and included as staff report Exhibit D.
3. Applicant shall provide cross access to the property to the north at the location and as depicted on the site plan submitted under case PL-16-0010, Legacy House Avondale, and applicant shall dedicate a cross access easement over the portion of the property identified for cross access at the time the property to the north is developed and reciprocal cross access easement is granted by the property to north owner in favor of applicant.
4. The owner/developer shall dedicate additional right-of-way along Dysart Road for a deceleration lane if warranted by future development.
5. The proposed modifications to height, setbacks, and parking requirements shall only be valid for an assisted living facility in general conformance with Exhibit E.

## **PROPOSED MOTION:**

I move that the City Council accept the findings and **ADOPT** the Ordinance approving Application PL-15-0258, a request to amend the Palm Valley-Avondale Planned Area Development (PAD), subject to conditions of approval, as recommended by the Planning Commission.

## **ATTACHMENTS:**

### **Description**

[Exhibit A Aerial Vicinity Map](#)

[Exhibit B Land Use Map](#)

[Exhibit C Zoning Map](#)

[Exhibit D PAD Narrative](#)

[Exhibit E Landscape/Site Plan](#)

[Exhibit F Legacy House Elevations](#)

[Exhibit G Citizen Participation Summary](#)

[Exhibit H Summary of Related Facts](#)

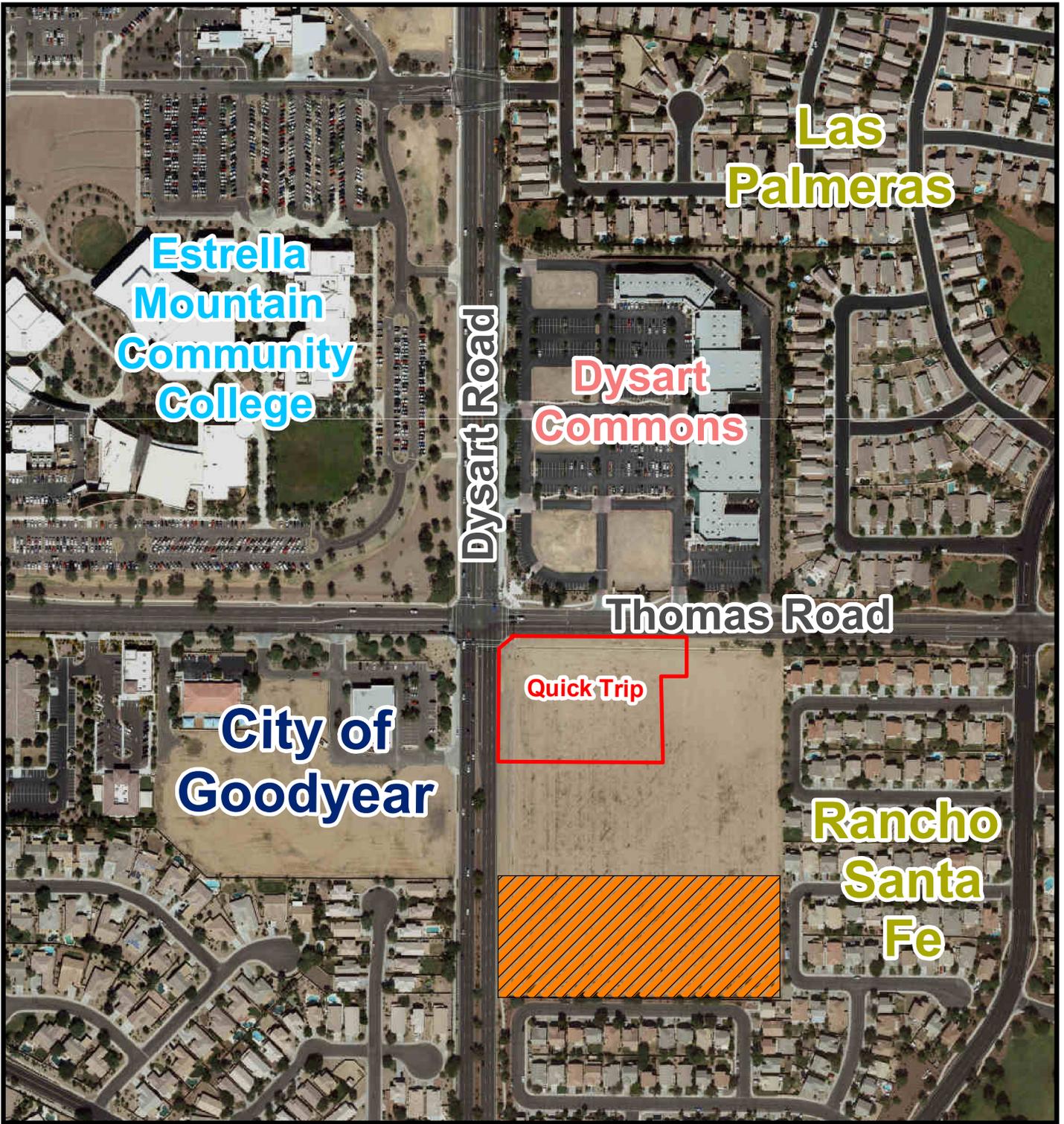
[Exhibit I February 18 2016 Planning Commission Minutes](#)

[Exhibit J Additional Correspondence](#)

[Ordinance 1604-316](#)

**PROJECT MANAGER**

Rick Williams, Planner II

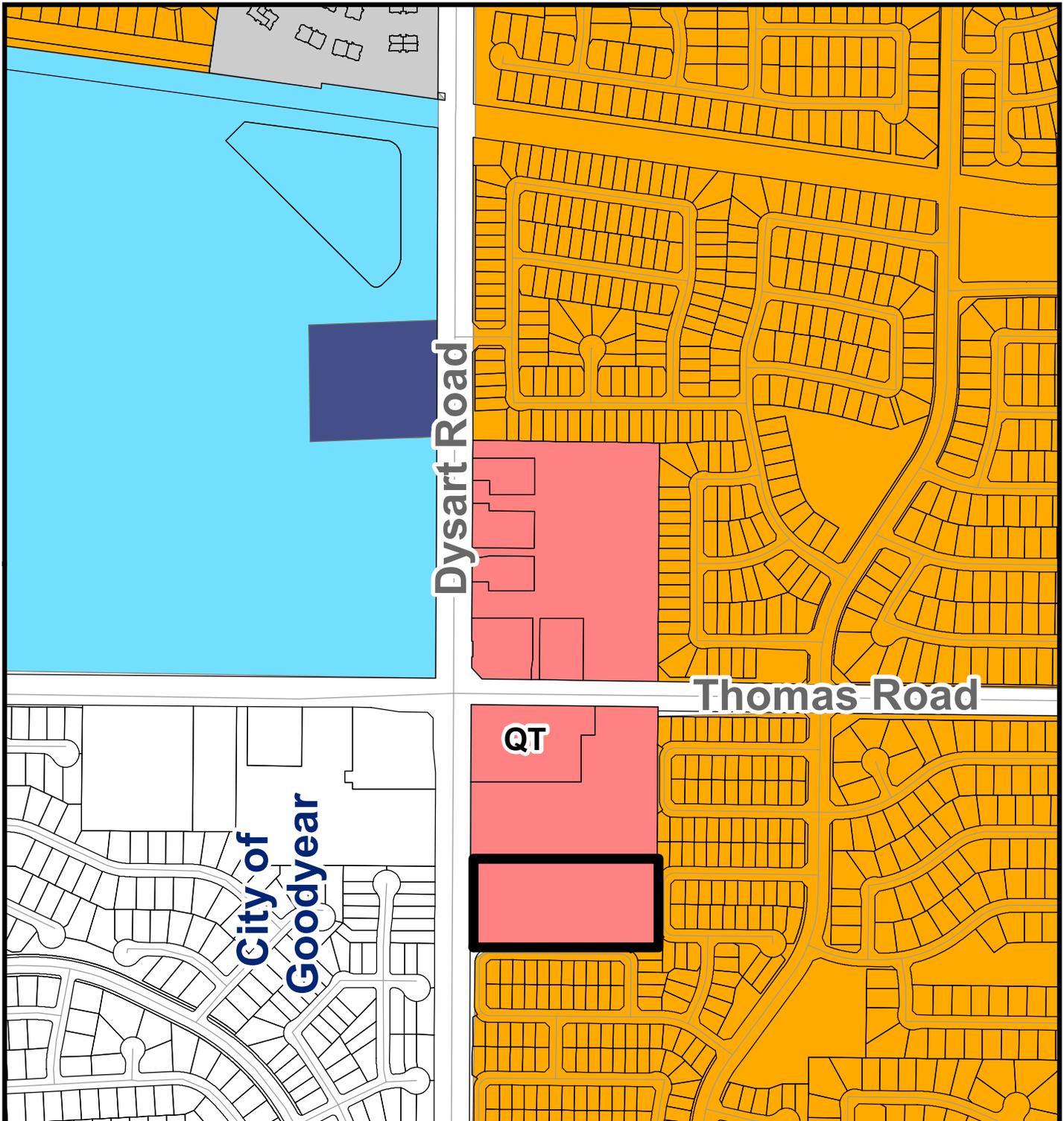


# Aerial Photograph



Subject Property





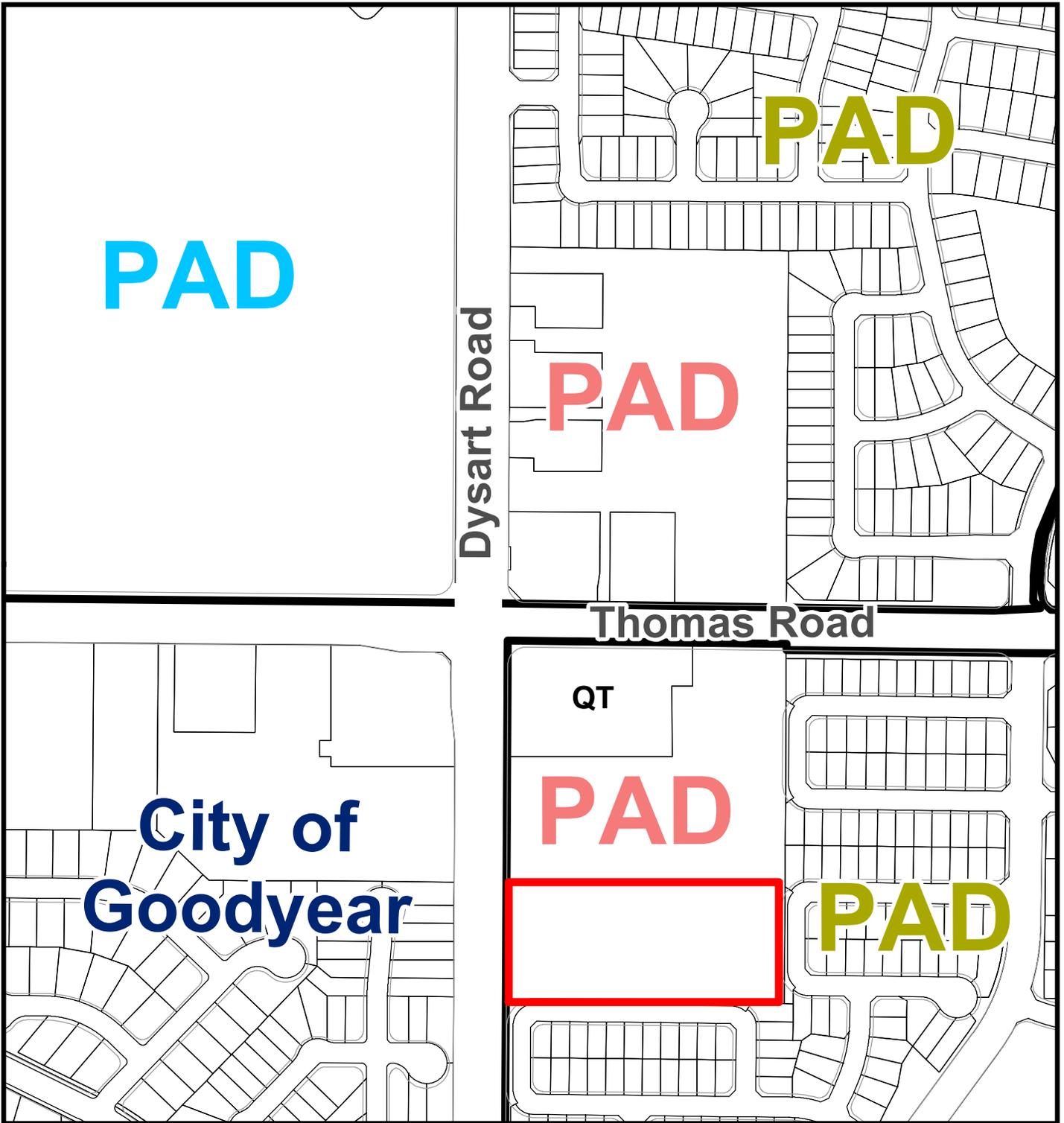
# General Plan Land Use Map



Subject Property



-  Local Commercial
-  Public/Civic
-  Medium Density Residential
-  Office
-  Education



# Zoning Vicinity Map



Subject Property



EXHIBIT D – LEGACY HOUSE PAD NARRATIVE PL-15-0258 AND 0257

DUE TO ITS SIZE, THIS DOCUMENT  
HAS BEEN POSTED SEPARATELY

PLEASE CLICK ON THE LINK BELOW TO VIEW

<http://www.avondale.org/DocumentCenter/View/38185>

EXHIBIT E – LEGACY HOUSE SITE LS PLAN

DUE TO ITS SIZE, THIS DOCUMENT  
HAS BEEN POSTED SEPARATELY

PLEASE CLICK ON THE LINK BELOW TO VIEW

<http://www.avondale.org/DocumentCenter/View/38187>

EXHIBIT F – LEGACY HOUSE ELEVATION

DUE TO ITS SIZE, THIS DOCUMENT  
HAS BEEN POSTED SEPARATELY

PLEASE CLICK ON THE LINK BELOW TO VIEW

<http://www.avondale.org/DocumentCenter/View/38186>

# NEIGHBORHOOD MEETING SUMMARY.

## POINTS/QUESTIONS/RESPONSES.

**Date: Tuesday, January 19, 2016**

Time: 6:30 PM

**Place:** Rancho Santa Fe Elementary School, Media Center/Library  
**Address:** 2150 North Rancho Santa Fe Blvd., Avondale, Arizona 85392

\*\*\*Nine (9) people in attendance at the meeting. (See Sign-in Sheet)\*\*\*

**Question:** Did we contact the two (2) residential homes directly adjacent to the property (i.e. 2621 North 128<sup>th</sup> Lane and 12846 West Roanoke Avenue)?

**Response:** We have sent notices and we will also personally go out to visit with these two (2) properties to discuss. **FYI.** The County Assessor records indicate the properties are not owner-occupied and have mailing addresses elsewhere for those owners. However, it should be noted we are providing close to the required setbacks (i.e. the required 25' and proposed 21') along with additional larger shade trees too.

**Question:** What will happen along the northern border between the vacant 6-acres of land and the proposed development (i.e. Legacy House Avondale Senior Living)?

**Response:** Curbing will be installed in the interim to keep the paved surface drive aisle and vacant (dirt) separate while maintaining a safe driving environment. Curbing will also avoiding rain runoff/dirt coming on to the paved drive aisle. However, once the north vacant property develops the curbing will be removed and landscaping, buildings, or parking will be installed for that development.

**Question:** Will more window "pop-outs" be incorporated into the building elevations?

**Response:** We have just submitted for our site plan and design review process with the City Staff, which we will need to abide by the City's Design Guidelines requirements. The elevations shown are illustrative, but close to what will be built. However, Staff will review and provide comments during the design review process and we will make adjustments accordingly.

**Statement:** The landowner of the remaining 6 vacant acres should provide a comprehensive site plan of what could develop on that property. Do not like the piecemeal site plan process. However, we like the proposed senior living facility and this is a better use.

**Response:** We do not control the remaining 6 vacant acres, but we have provided a "concept site plan" of how development could occur on that property (e.g. access points and building pad areas). Moreover, we are providing/installing a shared access at Dysart Road along with a median break to allow for left turning movements from Dysart Road onto the property. In addition, a looped waterline will be installed from Thomas Road to Dysart Road with this proposed development. These items,

once this case is approved, will create a greater level of interest by future developers of medical office, retail or commercial, since they will have better access (i.e. Dysart and Thomas Roads), water loop, and an abutting use (i.e. Legacy House Avondale Senior Living).

**Synopsis:** The neighbors really like the proposed senior living facility and site/building design, which they believe is a better buffer, needed use, and a quieter use. Their concerns are over the piecemeal site plan by the landowner and the history of what occurred with the Q-Trip case. They acknowledge these items are not our problem, but they want the City Staff to be aware of them and to be cognizant of the future C-1 uses that may go on that vacant property.

**SIGN-IN SHEET**

NEIGHBORHOOD MEETING

JANUARY 19, 2016

**RANCHO SANTA FE ELEMENTARY SCHOOL, MEDIA CENTER/LIBRARY**

2150 NORTH RANCHO SANTA FE BLVD., AVONDALE.

**6:30 PM**

**PROPOSED SENIOR ASSISTED LIVING AND MEMORY CARE FACILITY.**

SOUTH OF THE SOUTHEAST CORNER OF DYSART AND THOMAS ROADS ON APPROX. 5.27 ACRES.

ZONED C-1 PAD PALM VALLEY.

PROPOSED PAD AMENDMENT (APPLICATION PL-15-0258) AND CUP (APPLICATION PL-15-0257).

NAME	ADDRESS	PHONE # OR EMAIL
✓ Pat Dennis	[REDACTED]	[REDACTED]
✓ Bonne Gregory	[REDACTED]	[REDACTED]
✓ Sue Wilson	[REDACTED]	[REDACTED]
✓ Betty S. Lynch	[REDACTED]	[REDACTED]
✓ Ron Talley	[REDACTED]	[REDACTED]
✓ Gary Woods	[REDACTED]	[REDACTED]
NAME	ADDRESS	PHONE # OR EMAIL

**SIGN-IN SHEET**

NEIGHBORHOOD MEETING

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PROPOSED PAD AMENDMENT (APPLICATION PL-15-0258) AND CUP (APPLICATION PL-15-0257).

NAME	ADDRESS	PHONE # OR EMAIL
✓ NAME Shirley TALLEY	ADDRESS [REDACTED]	PHONE # OR EMAIL [REDACTED]
✓ NAME MAURICE WILLS	ADDRESS [REDACTED]	PHONE # OR EMAIL [REDACTED]
4 NAME Jim Frazey	ADDRESS [REDACTED]	PHONE # OR EMAIL [REDACTED]
NAME	ADDRESS	PHONE # OR EMAIL
NAME	ADDRESS	PHONE # OR EMAIL
NAME	ADDRESS	PHONE # OR EMAIL
NAME	ADDRESS	PHONE # OR EMAIL

## SUMMARY OF RELATED FACTS

## APPLICATION PL-15-0257 &amp; PL-15-0258

<i>THE PROPERTY</i>	
PARCEL SIZE	5.27 acre carve-out of a 11+ acre vacant parcel
LOCATION	South of the southeast corner of Dysart Road and Thomas Road
PHYSICAL CHARACTERISTICS	The site is relatively flat.
EXISTING LAND USE	Local Commercial
EXISTING ZONING	Palm Valley Planned Area Development (PAD), allowing for C-1 uses on the approximately 14 acres at the southeast corner of Dysart Road and Thomas Road.
ZONING HISTORY	The parcels were rezoned from Agricultural (AG) to Planned Area Development (PAD) on August 30, 1999.
DEVELOPMENT AGREEMENT	Approved Development Agreement with three amendments, no outstanding issues remain. The third amendment specifies that the subject property be developed according to C-1 development standards and uses.

<i>SURROUNDING ZONING AND LAND USE</i>	
NORTH	PAD – Vacant Commercial, Dysart Commons Shopping Center
EAST	PAD – Rancho Santa Fe (SFR detached)
SOUTH	PAD – Rancho Santa Fe (SFR detached)
WEST	City of Goodyear – SFR detached, golf course, offices
<i>GENERAL PLAN</i>	
The subject property is designated as Local Commercial on the General Plan Land Use Map.	

<i>PUBLIC SCHOOLS</i>	
SCHOOL DISTRICT(S)	Litchfield Elementary School District Agua Fria Union High School District
ELEMENTARY SCHOOL	Corte Sierra Elementary
JUNIOR HIGH SCHOOL	Wigwam Creek Middle School
HIGH SCHOOL	Agua Fria High School

*STREETS*

**Dysart Road**

Classification	Arterial
Existing half street ROW	65 feet
Standard half street ROW	65 feet
Existing half street improvements	3.5 paved travel lanes, bike lane, curb, and gutter.
Standard half street improvements	3.5 paved travel lanes, bike lane, curb, gutter, sidewalk, street lights and landscaping.

**Thomas Road**

Classification	Arterial
Existing half street ROW	55 feet
Standard half street ROW	65 feet
Existing half street improvements	2.5 paved travel lanes in each direction, curb, and gutter.
Standard half street improvements	2.5 paved travel lanes, bike lane, curb, gutter, sidewalk, street lights and landscaping.

*UTILITIES*

A 16" waterline runs along the south side of Thomas Road and an 8" waterline runs along the north side of Dysart Road.

There is an existing 8" sewer line in Thomas Road

**PLANNING COMMISSION  
REGULAR MEETING MINUTES**

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

**Thursday, February 18, 2016  
6:30 P.M.**

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

Thursday, February 18, 2016  
6:30 P.M.

I. **CALL TO ORDER**

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

II. **ROLL CALL**

The following members and representatives were present:

**COMMISSIONERS PRESENT**

Olivia Pineda, Chair  
Gloria Solorio, Vice Chair  
Christopher Reams, Commissioner  
Pearlette Ramos, Commissioner  
Kristopher Ortega, Commissioner  
Russell Van Leuven, Commissioner

**COMMISSIONERS Absent**

Kevin Kugler, Commissioner - excused

**CITY STAFF PRESENT**

Robert Gubser, Planning Manager  
Gary Verburg, Legal Counsel  
Rick Williams, Planner II  
Stephanie Long, Administrative Assistant

III. **OPENING STATEMENT**

Chair Pineda read the Opening Statement.

IV. **APPROVAL OF MINUTES**

Chair Pineda invited a motion to approve the minutes. Commissioner Reams moved to accept the minutes from the January 21, 2016 regular meeting. Commissioner Ortega seconded the motion. The motion passed unanimously.

**V. SCHEDULED PUBLIC APPEARANCES**

There were no scheduled public appearances.

**VI. WITHDRAWALS AND CONTINUANCES:**

None.

**VII. PUBLIC HEARING ITEMS:**

**1. PL-15-0258 Legacy Assisted Living Facility PAD**

This is a public hearing before the Planning Commission to review and solicit public input on application PL-15-0258, a request by Western States Lodging, for approval of a Planned Area Development (PAD) Amendment related to development of an Assisted Living Facility approximately 300 feet south of the southeast corner of Dysart and Thomas Roads. The proposed PAD Amendment will amend the Palm Valley PAD to add "Assisted Living Facility" as a use permitted with a Conditional Use Permit. The PAD Amendment also proposes modification to setback requirements, building heights, and parking requirements. Staff Contact: Rick Williams

Rick Williams, Planner II, requested to present the next two agenda items as one presentation motion. This request by Western States Lodging requires two separate motions, one for a PAD amendment and one for a Conditional Use Permit (CUP). The subject site is at the intersection of Dysart Road and Thomas Road. To the north is approximately six acres of vacant undeveloped land and a recently approved QuikTrip convenience store and gas station. This corner was part of a larger annexation in 1978. It was zoned Palm Valley Avondale PAD in 1994. Several amendments have been approved over the years, most notably the one that established the C-1 Commercial development standards for this corner. In June of 2015, City Council approved a PAD amendment for the QuikTrip.

Mr. Williams said this amendment would amend the PAD to allow assisted living as a permitted use in the C-1 district with a CUP. The height restriction would be raised from 30 to 38 feet to accommodate the tower feature of the building. The landscape buffer would be reduced from 25 feet to 5 feet. Required parking would be reduced from 260 spaces to 120. The assisted care facility would comprise of 170 units. The Rancho Santa Fe neighborhood lies to the east and the south. An existing six-foot wall runs along the southern and eastern perimeters of the site. The buildings would have a residential design. The site would have two right-in/right-out access points off of Dysart Road, and cross access would be built with future development to the north.

Mr. Williams noted that the General Plan and the North Avondale Specific Plan call for local commercial with less intense uses in the C-1 Commercial District that can buffer neighborhoods from more intense uses. The request would only apply to the 5.27-acre site, and not be relative to the remaining six acres. With the exception of the tower, the remainder of the structure would be less than 30 feet tall, which is what is currently allowed in the C-1 District. Staff supports this proposal because the resort style of the facility transitions well with the residential area. The 25-foot landscape buffer was designed to mitigate negative impacts of commercial developments such as noise and light. In this case, there is already a perimeter wall, and the assisted living use is much less intense. The south wall already has a landscape buffer. The developer has agreed to plant more mature trees as a mitigating factor.

Mr. Williams stated that the developer provided a parking demand study showing that vehicular traffic decreases with an aging population, and transportation is often provided for residents. Staff finds that the design of the building and the use is consistent with the surrounding area and supports the City's plans. It provides adequate buffers to the neighborhoods and encourages future development to the north. It meets the required findings of the CUP.

Mr. Williams explained that two public meetings have been held. An informal one was done at the Applicant's request to gauge the response of the neighbors. A second noticed meeting was held on January 19. Four citizens attended the first meeting, and twelve the second. The support for the development was overwhelming. One letter was received from a Rancho Santa Fe resident. Staff recommends approval of the PAD amendment.

Commissioner Van Leuven queried why the developer did not choose a site that would not have required an amendment. Robert Gubser, Planning Manager, responded that other sites were available. The developer would have to explain their reasoning for selecting this site.

Commissioner Reams asked whether the buffer was only being reduced on the east side. Mr. Williams said it will be reduced on the both east and south sides.

Commissioner Ramos inquired about comments that were made at the first public meeting. Mr. Williams explained that the observations were very similar between the two meetings. The ability of the building to assimilate into the surrounding community was very important. It was also clear that providing a cross access agreement to service the future parcel to the north was critical. Many questions were posed about operations and staffing.

Commissioner Ortega asked whether this development would limit development potential for the site to the north. Mr. Williams reiterated that the remaining six acres would remain C-1. He clarified that should this development not be built, a new project would not be entitled to the reduced landscape buffers, nor utilize other development standards that were created for this parcel.

Commissioner Ramos requested more information on the cross access agreement. Mr. Williams responded that the cross access agreement could make a left-in access point possible and would improve general circulation throughout the parcel, including possible access to Thomas Road. The development to the north will ultimately dictate where the two access points go. Chair Pineda shared her concern that cars could drive through the unpaved lot before it is developed. Mr. Williams felt that such behavior could be deterred.

Commissioner Ramos asked about the City's intent for the landscape buffers. Mr. Williams explained that it is required to provide separation distance between two uses and to mitigate nuisances. Since this project already has much mitigation built in, a full buffer is not necessary. Commissioner Ramos asked whether aesthetics are factored in. Mr. Williams said they are important. The larger trees and residential design of the building will help assimilate it into the community. Commissioner Ramos felt the buffer reductions were too severe. Mr. Williams agreed that this would be a concern if the neighboring residences backed right up to the walls, but the combination of walls, landscaping, rights-of-way and front yards already provides 140 feet of existing buffer.

Commissioner Ramos questioned how allowing the increased density would benefit the community. Mr. Williams explained that PADs are essentially a give and take between the developers and the City. The City requested mature trees so that they will have an impact immediately. While the Ordinance normally requires that 50% of the foundation be landscaped, this project will be landscaped 100% around the foundation, creating a much nicer buffer. Much of the landscaping was moved to the front to help create a striking entry. The City's plan also enables future access to Thomas Road and the parcel to the north. Commissioner Ramos inquired about the developer's other projects in Arizona and how they would compare to the one in Avondale. Mr. Williams said the Applicant would have to answer that. Vice Chair Solorio said Avondale needs an establishment like this and stated her support for the application.

Chair Pineda invited the Applicant to address the Commission. Paul Gilbert, 701 N. 44th Street, Phoenix, commended staff on their professionalism. He explained the reasoning behind the site selection. Most of these types of facilities require a CUP. This is one of several sites that the client considered, but was the most appealing one because it lies in a vibrant part of the community, which is important to residents. The utilities are already in place, and the site is adjacent to both commercial and residential. Each facility is specifically designed to fit into the surrounding communities. For comparison purposes, he referred to another facility in Mesa that the client operates. He explained that the City requires 20% landscaping on the site, but this one will feature 28%. Several large conifers will be placed at the corners to provide screening above the Ordinance requirements.

Mr. Gilbert stated that assisted living facilities are good neighbors. They are quiet and produce little traffic and crime. They provide a much needed use and are usually welcomed in communities. No opposition was encountered at the neighborhood meetings. Commissioner Van Leuven inquired about landscape maintenance and the water requirements. Mr. Gilbert responded that the property

owner will be handling maintenance, and an emphasis will be placed on desert landscaping. Commissioner Ortega inquired about educational opportunities with Estrella Mountain Community College. Mr. Gilbert said it is important to have an outreach to the community to keep residents active. The Applicant has not yet reached out to the college but intends to.

Commissioner Ramos requested a deeper explanation of the strategic landscaping plan. Mr. Gilbert used illustrations to demonstrate how lush courtyard landscaping is designed to enhance the quality and environment of residents, reiterating that the entire project exceeds requirements. Commissioner Ramos inquired about the types of concerns that assisted living facilities encounter. Mr. Gilbert explained that the primary concern is ambulances, and that emergency vehicles turn off sirens before they enter residential neighborhoods. He said assisted living is a more compatible use with neighborhoods than the commercial facilities that could otherwise go there.

Chair Pineda opened the public hearing.

Betty Lynch said the Rancho Santa Fe HOA Board met last night and expressed their support for the application. When opposition to the QT arose last year, residents expressed their preference for a medical facility. The developers prefer to have assisted living within neighborhoods. Residents will be able to place and visit family there. The location is within walking distance to EMCC and the Arizona Equestrian Charter School, which require volunteer work for graduation. The college also offers a nursing program. Other medical facilities could be attracted to the remaining six acres on the corner.

Chair Pineda closed the public hearing.

Chair Pineda invited a motion. Commissioner Solorio moved to recommend approval of Application PL-15-0258, subject to the staff recommended conditions of approval. Commissioner Ramos seconded the motion.

#### ROLL CALL VOTE

Olivia Pineda, Chair	Aye
Gloria Solorio, Vice Chair	Aye
Christopher Reams, Commissioner	Aye
Russell Van Leuven, Commissioner	Aye
Pearlette Ramos, Commissioner	Aye
Kristopher Ortega, Commissioner	Aye

The motion carried by a 6-0 vote.

## **2. PL-15-0257 Legacy Assisted Living Facility CUP**

This is a public hearing before the Planning Commission to review and solicit public input on application PL-15-0257, a request by Western States Lodging, for approval of a Conditional Use

Permit (CUP) related to development of an Assisted Living Facility on a 5.27 acre parcel of land approximately 300 feet south of the southeast corner of Dysart and Thomas Roads. The proposed Conditional Use Permit will permit the development of an assisted living facility consisting of 170 assisted and memory care units. Staff Contact: Rick Williams

Mr. Williams included this case in his presentation for PL-15-0258.

Chair Pineda opened the public hearing. Acknowledging no requests to speak, she closed the public hearing.

Chair Pineda invited a motion. Commissioner Van Leuven moved to recommend approval of Application PL-15-0257, a request for a conditional use permit for an assisted living facility, subject to the staff-recommended conditions of approval. Commissioner Reams seconded the motion.

ROLL CALL VOTE

Olivia Pineda, Chair	Aye
Gloria Solorio, Vice Chair	Aye
Christopher Reams, Commissioner	Aye
Russell Van Leuven, Commissioner	Aye
Pearlette Ramos, Commissioner	Aye
Kristopher Ortega, Commissioner	Aye

The motion carried by a 6-0 vote.

**VIII. DISCUSSION ITEMS**

**IX. OTHER BUSINESS**

**X. PLANNING STAFF REPORT**

Robert Gubser, Planning Manager, said City Council requested that Commissioners should state their reasons for opposing motions, preferably before their votes are cast. This will allow Council to better understand the Commissioners opposition and concerns when they make their final decision.

Mr. Gubser presented an updated zoning map to the Commissioners. At this time, no meeting is planned for March, though an April meeting is likely.

**XI. COMMISSION COMMENTS AND SUGGESTIONS**

**XII. ADJOURNMENT**

Chair Pineda entertained a motion to adjourn the regular meeting. Commissioner Solorio moved to adjourn. Commissioner Ortega seconded the motion. The motion passed unanimously.

With no further business, the meeting concluded at approximately 7:42 P.M.

NEXT MEETING: March 17, 2016

**FOR SPECIAL ACCOMMODATIONS**

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 meeting.

Personas con necesidades especiales de accesibilidad, incluyendo personas con impedimentos de vista u oído, impresión grande o intérprete, deben comunicarse con la Secretaria de la Ciudad at 623-333-1200 o TDD 623-333-0010 cuando menos dos días hábiles antes de la junta.

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Staff Signature

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Date

**Rick Williams**

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**From:** Gary Woods <gwoods7@cox.net>  
**Sent:** Thursday, February 18, 2016 8:21 AM  
**To:** Rick Williams  
**Subject:** Assisted Living Facility

Mr. Williams, this email is intended to extend my absolute approval of the Assisted Living Facility being proposed for the lot at Dysart Road and West Thomas. I had attended the meeting at Rancho Santa Fe Elementary School when the proposal was presented in detail by the legal firm representing the builder. I would assume that you were at the meeting also and was able to answer a number of questions.

In my personal opinion, this is the IDEAL type of facility that should be built in this area and, in my opinion, a much more appropriate application of the development limitations/restrictions than the ill advised approval of the QT Gas Station. I might also say that I have informed several neighbors about this project and non expressed any objection or negative attitude.

If you would wish to contact me, you can do so at [gwoods7@cox.net](mailto:gwoods7@cox.net) or my phone number: 623-535-1786  
Thank you.

Gary Woods  
12410 West Virginia Avenue  
Avondale, Arizona 85392  
Rancho Santa Fe – Tierra 1 – Lot 52

# Attention: Rick Williams, Planner II

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Development and Engineering Services Department

11465 W. Civic Center Drive, Suite #110

Avondale, AZ 85323

623-333-4018

February 23, 2016

FROM: Property Owner in Las Palmeras West

RE: Notification of Planning Commission Meeting  
Application PL-15-0257 and PL-15-0258

To Whom It May Concern:

The purpose of this letter and as a resident in Las Palmeras West is to input my concern over the planning of an Assisted Living Facility on the southeast corner of Dysart/Thomas. I am an educator and have lived in this neighborhood for the past 11 years. As of today I have not had any encounters with traffic congestion, concerns and have lived in a peaceful neighborhood.

With this in mind my only concerns that arise with an Assisted Living Facility in plan will be that this will create traffic, congestion and would interrupt with the peacefulness of this neighborhood. The access entries to this business will interrupt with those who live in this community on Dysart.

We currently have quite a few Assisted Living Facilities ranging from 1.3 miles to 4.2 mile of that corner. Is it really necessary to have another Facility when we have them all within a 4 mile radius? Why this location as opposed to an area where they will have some quietness and not traffic noise coming from Dysart? Can you seek to find a location near an area where they will have a home like environment? I just don't want to see the increase in traffic, additional noise nor do I want to see negative impact on my neighborhood.

Thank you for your time and for giving me this opportunity to input my concerns.

Cordially,

Property Owner in Las Palmeras West

## **ORDINANCE 1604-316**

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, MODIFYING THE PLANNED AREA DEVELOPMENT ZONING FOR REAL PROPERTY GENERALLY LOCATED SOUTH OF THE SOUTHEAST CORNER OF DYSART ROAD AND THOMAS ROAD, AS SHOWN IN APPLICATION PL-15-0258, BY AMENDING THE LAND USE PLAN FOR THE DEVELOPMENT.

**WHEREAS**, on September 6, 1994, the Council of the City of Avondale (the “City Council”) amended the City of Avondale Zoning Atlas (the “Zoning Atlas”) by rezoning approximately 5.27 acres of land located south of the southeast corner of Dysart Road and Thomas Road (the “Property”) to a planned area development as part of a larger area (presently known as the “Palm Valley–Avondale PAD”) and designated uses for the subject property as “Neighborhood Retail,” but did not establish a use listing or development standards; and

**WHEREAS**, on January 7, 2002, the City Council approved an amendment to the Development Agreement with SunCor Development Company, which amendment addressed permitted uses for the Property and established that “Neighborhood Retail” shall be defined by using the City of Avondale Zoning Ordinance (the “Zoning Ordinance”) Neighborhood Commercial (C-1) zoning designation development standards and use listing; and

**WHEREAS**, the City Council now desires to modify the permitted uses allowed on the Property within the Palm Valley-Avondale PAD as more particularly described and depicted on Exhibit A, attached hereto and incorporated herein by reference, by adopting the amendment as shown in Application PL-15-0258, dated January 25, 2016, including, but not limited to, the Legacy House PAD Narrative, Conceptual Site Plan/Landscape Plan and Building Elevations (the “2016 Amendment”), subject to certain modifications; and

**WHEREAS**, all due and proper notice of the public hearing on the 2016 Amendment held before the City of Avondale Planning Commission (the “Commission”) was given in the time, form and substance provided by ARIZ. REV. STAT. § 9-462.04; and

**WHEREAS**, the Commission held a public hearing on Thursday, February 18, 2016, on the 2016 Amendment, after which the Commission recommended approval.

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

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

SECTION 2. The 2016 Amendment is hereby approved subject to the following conditions:

1. The Palm Valley–Avondale PAD Development Plan and Ordinance, as amended, including all stipulations of the prior approvals, shall remain in full force and effect unless expressly modified by this 2016 Amendment.
2. The permitted uses allowed on the Property within the Palm Valley–Avondale PAD shall be amended to allow “Assisted Living Facility” as a use subject to a conditional use permit, as defined and conditioned in the 2016 Amendment.
3. Applicant shall provide cross access to the property to the north at the location and as depicted on the site plan submitted under case PL-16-0010, Legacy House Avondale, and applicant shall dedicate a cross access easement over the portion of the property identified for cross access at the time the property to the north is developed and reciprocal cross access easement is granted by the property to north owner in favor of applicant.
4. The owner/developer shall dedicate additional right-of-way along Dysart Road for a deceleration lane if warranted by future development.
5. The proposed modifications to height, setbacks and parking requirements shall only be valid for assisted living facility in general conformance with the Conceptual Site Plan/Landscape Plan.

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

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

[SIGNATURES ON FOLLOWING PAGE]

**PASSED AND ADOPTED** by the Council of the City of Avondale, March 14, 2016.

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Kenneth N. Weise, Mayor

ATTEST:

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Carmen Martinez, City Clerk

APPROVED:

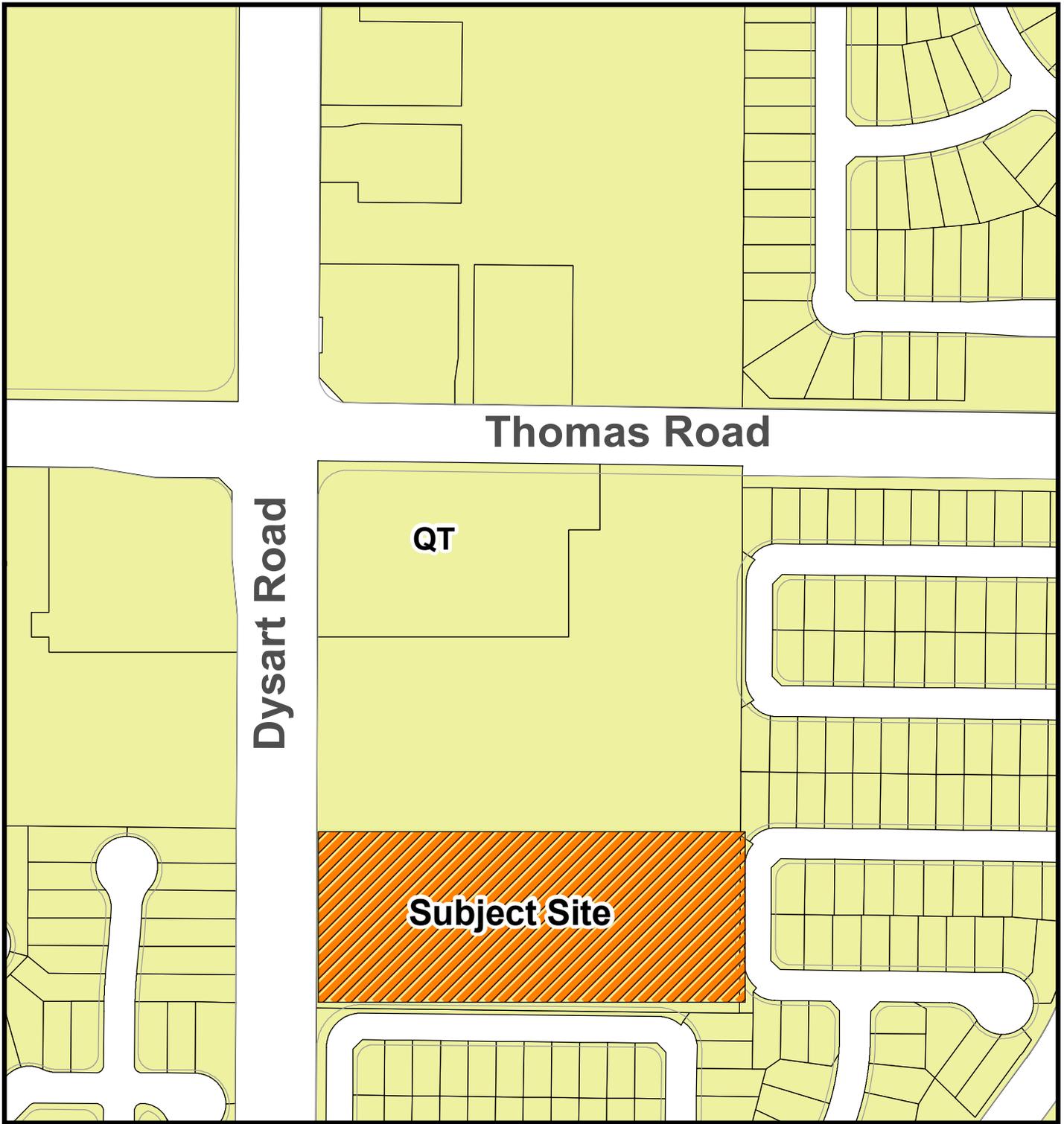
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Andrew J. McGuire, City Attorney

EXHIBIT A  
TO  
ORDINANCE NO. 1604-316

[Legal Description and Map]

See following pages.



# Application PL-15-0258



 Subject Property



**LEGACY HOUSE AVONDALE – PROJECT LEGAL DESCRIPTION  
PREPARED ON NOVEMBER 03, 2015**

THAT PORTION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 35,  
TOWNSHIP 2 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA  
COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 35;

THENCE SOUTH 00°16'08" WEST, A DISTANCE OF 591.80 FEET;

THENCE EAST, A DISTANCE OF 65.00 FEET TO THE TRUE POINT OF BEGINNING;

THENCE SOUTH 89°18'37" EAST, A DISTANCE OF 685.02 FEET,

THENCE SOUTH 00°16'08" WEST, A DISTANCE OF 335.01 FEET;

THENCE NORTH 89°18'37" WEST, A DISTANCE OF 685.02 FEET;

THENCE NORTH 00°16'08" EAST, A DISTANCE OF 335.01' TO THE TRUE POINT OF BEGINNING.

CONTAINS 229,481 SQUARE FEET OR 5.27 ACRES



Legal Description Map Exhibit



## CITY COUNCIL AGENDA

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**SUBJECT:**

Public Hearing Conditional Use Permit (CUP) for  
an Assisted Living Facility (PL-15-0257)

**MEETING DATE:**

3/14/2016

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**TO:**

Mayor and Council

**FROM:**

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

**THROUGH:**

David Fitzhugh, City Manager

---

**REQUEST:**

Approval of a Conditional Use Permit (CUP) for an Assisted Living Facility.

**PARCEL SIZE:**

5.27 acres

**LOCATION:**

280 feet south of the southeast corner of Dysart Road and Thomas Road  
(Exhibits A, B, and C)

**APPLICANT:**

Paul Gilbert, Beus Gilbert, PLLC, (480) 429-3065

**OWNER:**

Hamid R. Ertefai, SW 91st Ave & I-10, LLC.

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**BACKGROUND:**

The subject property was annexed on January 16, 1978, as a part of a larger annexation. On August 2, 1993, City Council approved a Development Agreement between the City and SunCor Development Company regarding the future Palm Valley-Avondale Planned Area Development (PAD), which includes the subject property. On September 6, 1994, City Council approved case Z94-284 Palm Valley-Avondale PAD, which rezoned the subject property to PAD as part of a larger project area. The approved PAD designates the uses for the subject property as Neighborhood Retail but does not establish a use listing or development standards. On January 7, 2002, the City Council approved a third amendment to the Development Agreement that established that Neighborhood Retail shall be defined by using the Neighborhood Commercial (C-1) zoning designation development standards and use listing. On June 15, 2015, City Council approved a request by the QuikTrip (QT) Corporation (Case No. PL-14-0240) amending the Palm Valley-Avondale PAD, to allow as a conditional use, a convenience store with gasoline station on approximately 2.75 acres of land located on the southeast corner of Dysart and Thomas Roads, approximately 280-feet north of the land subject to this request. The QT site does not directly abut the subject property.

**SUMMARY OF REQUEST:**

Western States Lodging is proposing to construct and operate an assisted living facility on approximately 5.27 acres of a larger vacant 11 acre parcel located south of the southeast corner of

Dysart Road and Thomas Road. The assisted living facility will be owned and operated by Western States Lodging who is proposing siting a two-story assisted living facility comprised of 170 assisted and memory care units on the subject site. The design of the building will feature four-sided architecture and incorporate natural and desert earth tones into the color palette. The main entrance to the building will feature a porte cochere with a tower feature at a height of 38-feet. Ingress/egress to the site will be provided by two right-in/right-out access point via Dysart Road. The assisted living facility will operate 24 hours per day, 7 days a week.

The companion rezoning application, PAD Amendment PL-15-0258, is requesting that Assisted Living Facility be added to the approved use listing for the site as a conditional use. The applicant is requesting a Conditional Use Permit (CUP) in conformance with Section 303 of the Avondale Zoning Ordinance and the requirements set-forth in the rezoning application.

## **PARTICIPATION:**

The applicant conducted two neighborhood meetings to discuss the proposed PAD Amendment. The first meeting was held on Thursday, December 15, 2015 at 6:30 P.M. at Estrella Mountain Community College. The second meeting was held on Tuesday, January 19, 2016 at 6:30 P.M. at the Rancho Santa Fe Elementary School. Both meetings were advertised in the West Valley View and a notification sign was erected on the subject property.

The first neighborhood meeting was attended by four citizens who had questions regarding access to and around the remaining vacant parcel, the measures taken by the applicant to ensure the success of the remaining parcel, the size of the assisted living facility, operational aspects of the assisted living house and the types of architecture proposed.

The applicant's responses were as follows:

- We are working with city staff and the adjacent property owner to create additional points of access for the site.
- The assisted living facility will contain approximately 170 assisted living and memory care units.
- Western States Lodging will be the owner/operator of the Avondale assisted living facility.
- The Legacy House will incorporate a residential design that's compatible with the surrounding residential neighborhood.

The second neighborhood meeting was attended by approximately twelve citizens, who, in addition to the questions noted above, had additional questions regarding access from Dysart and Thomas Roads, where does the property line end, buffering techniques, operating hours, landscaping maintenance, and what will happen with the remainder of the parcel.

The applicant's responses were as follows:

- Legacy House will have two right-in/right-out access points from Dysart Road when developed. However, future considerations are in place when the vacant parcel develops to the north that would provide a left-in via southbound Dysart Road and a full access point via Thomas Road.
- The property line is adjacent to residential developments to the south and the east. However, there is approximately 170 linear feet from the assisted living facility building and the front doors of the residences to the south and east.
- Additional oversized trees would be added in order to buffer the neighborhood.
- The site will meet all zoning ordinance requirements with regards to site lighting.
- Hours of operation will be 24 hours per day, 7 days a week.
- Legacy House will take into account citizen concerns with deliveries.
- The zoning on the remainder of the 5.91 acre parcel would remain unchanged.

Letters notifying nearby property owners of the City Council meeting were mailed on February 26, 2016. Additionally, the signs were updated to include the time and date of this meeting on February 3, 2016. Lastly, a notice of the City Council hearing was published in the West Valley View on February 24, 2016.

## **PLANNING COMMISSION ACTION:**

The Planning Commission conducted a public hearing on this item on February 18, 2016 (EXHIBIT I). Both the PAD Amendment (PL-15-0258) and the Conditional Use Permit (PL-15-0257) applications were combined into one overall staff presentation.

Commission asked the following questions during the question and answer portion of the presentation:

- Commissioner Van Leuvan inquired as to why this particular location. Moreover, are there other sites in the City that are currently zoned C-1, and is the reduction of the landscape buffer only along the eastern property line? The applicant responded that there is not an abundance of land zoned C-1 in the City and that they believe that this is a choice location given the proximity to the arterial traffic flow, Estrella Mountain Community College, and the Rancho Santa Fe residential neighborhood, and that the landscape buffer request was along the south and east property lines.
- Commissioner Ramos inquired as to why there was no summary included from the first neighborhood meeting. Staff stated that the first meeting was an informal meeting and not required as part of the rezone process. However, the findings of that meeting were summarized in the public participation portion of the staff report.
- Commissioner Ortega asked if the zoning would be changed and if so, was it specific to the 5.27 acre parcel. Staff stated that the PAD was being amended to include Assisted Living as a Conditionally Permitted Use, the amendment was specific to the 5.27 acre assisted living site, and the remainder of the vacant undeveloped land would remain zoned C-1.
- Commissioner Ramos inquired as to the citizen concerns expressed at the neighborhood meeting, asked for clarification on the intent of a landscape buffer, and asked if a temporary connection would be made to Thomas Road. Staff stated that the citizen response from both meetings was positive regarding the proposed assisted living use but that providing for future access and circulation was extremely important. Staff continued that there were no plans to connect directly to Thomas Road with this development but that future development would provide the connection. Regarding the landscape buffer, staff indicated that the buffer is intended to provide separation between commercial and residential uses in order to mitigate certain nuisances that can be associated with commercial land uses.
- Commissioner Ramos inquired as to where the reduced landscaping had been relocated too. Staff and the applicant stated that the foundation landscaping had been increased from the 50% requirement to 100%, the number, as well as the caliper size of the trees along the south and east property lines had been increased to provide instant mitigation, that the applicant was continuing the lush street frontage landscaping that was approved with the QT, and that the overall landscaping on site exceeded the 20% requirement by 8%.
- Commissioner Solorio stated that she was happy to see this type of land use in this location and thought it was consistent with the surrounding area.

In addition to the questions and comments made by the Planning Commission, there was one letter of support for the project that was entered into the public record (Exhibit J) and one member of the community spoke in support of the proposed amendment and conditional use permit.

Upon conclusion of the public hearing, the Commission voted 6-0 (Commissioner Kugler excused) to recommend approval of the requested Conditional Use Permit subject to three staff recommended conditions of approval.

1. 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.
2. 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.
3. The proposed land use meets the five required findings for a CUP as outlined in Section 108 of the Zoning Ordinance.

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

## **ANALYSIS:**

In order to grant a Conditional Use Permit, Section 109.B of the Zoning Ordinance lists five findings that must be met. The burden of proof is upon the applicant. The findings and analysis are as follows:

**a. 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 which is 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. The request is consistent with the General Plan land use designation.

ii. The subject site and use will potentially provide a service for residents of the Corte Sierra neighborhood to the north, the Rancho Santa Fe Springs neighborhood to the south, as well as regionally that does not currently exist in the area. Additionally, there will be employment opportunities for Avondale residents and potential internship possibilities for Estrella Mountain Community College students. The subject property is within 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 and creates a "Sense of Place", which the design of this building does.

iii. An assisted living facility is compatible with the surrounding character of the area. The residential design and earth tone color palette will complement the surrounding single-family residence. Furthermore with access via Dysart Road, the vehicular impact on the surrounding neighborhoods will be minimal. Eventhough the 5.27 site is adjacent to single-family residential to the south and east, adequate landscape buffers have been provided to mitigate potential impacts on the neighborhoods. It is anticipated that the remaining 5.91-acre vacant parcel between the subject property and the QT would be developed in accordance with the uses as spelled out in the PAD and further defined in the Neighborhood Commercial (C-1) district zoning standards.

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

i. The proposed site is surrounded by a number of different land uses. To the north is the QT convenience store and then the Dysart Commons Shopping Center, both zoned PAD (Neighborhood Commercial). To the northwest is the Estrella Mountain Community College zoned PAD (Mixed-Use Commercial). To the west is a partially developed commercial corner zoned Commercial PAD (Goodyear). To the south are portions of the Rancho Santa Fe single-family residential development zoned PAD. Additionally, the subject site is bounded by two arterial roadways to the north and west of the subject site. An assisted living facility is a commercial use with a low impact residential feel. The use itself provides needed services to an aging population not only in Avondale but neighboring communities as well. The residential design is an ideal buffer between the residences to the south and the higher impact existing and potential future commercial development to the north.

ii. Western States Lodging is requesting to amend the Palm Valley-Avondale PAD which would allow an Assisted Living Facility use with City Council approval of a Conditional Use Permit (CUP) on 5.27 acres of a 11+ acre vacant site. The PAD Amendment request and proposed CUP currently under consideration would be applicable to only the 5.27 acres located south of the southeast corner of the intersection. The remaining 5.91 acres of the vacant site would remain subject to the original conditions set forth in the Palm Valley-Avondale PAD and required to be developed under the C-1 zoning district standards. The site plan for the proposed use will comply with all zoning, traffic, engineering, fire safety, and building code requirements except as modified with the approval of the PAD Amendment.

**c. 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 of adequate size and shape to meet all requirements for parking, landscaping, screening, and allows for safe on-site circulation subject to the requested modifications contained in the PAD. The conceptual site plan (Exhibit E) shows the proposed layout of the assisted living building, the future shared access, the future left-in from Dysart Road, parking and delivery areas, drive aisles and driveways. The conceptual landscape plan shows adequate room for required landscaping and mimics the aesthetically enhanced corner of the intersection that is planned to be constructed with the QT development (Exhibit E and F). Additionally, the development proposes a heartier landscape package with a greater density of mature trees adjacent to the eastern and southern property lines as additional buffering from those residences.

**d. 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 assisted living facility is located south of the southeast corner of two arterial roads. Ingress/egress to the site will be provided by two right-in/right-out access point via Dysart Road. Additionally, it is anticipated that future development of the vacant parcel to the north will provide left-in access from Dysart Road, cross access throughout the three sites, and a connection to the full access movement at Thomas Road. A Traffic Impact Statement (TIS) for the site was prepared and submitted with the proposed PAD amendment and the CUP. City Staff has reviewed the TIS and support the conclusions.

**e. Adequate conditions have been incorporated into the approval to insure that any potential adverse effects will be mitigated.**

i. Staff is recommending three conditions of approval to insure that potential offsite adverse impacts are mitigated. They are:

1. The proposed use will operate 24 hours a day/7 days a week. Staff is recommending a condition of approval that deliveries be limited to the hours between 6 a.m. and 6 p.m.

2. In order to ensure that the requested PAD amendment and CUP apply specifically to the 5.27 acres located south of the southeast corner of the intersection, staff is recommending a condition of approval that requires the completion of a Minor Land Division prior to the issuance of any building permits for the assisted living facility.
3. 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.

## **FINDINGS:**

Based on the information provided by the applicant, the public input received, the analysis by staff, and the recommendation of the Planning Commission, staff recommends approval of the requested Conditional Use Permit. This request meets the required criteria and will conform to the conditions of approval.

- 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.
- 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.
- The proposed land use meets the five required findings for a CUP as outlined in Section 108 of the Zoning Ordinance.

## **RECOMMENDATION:**

The City Council should approve Application PL-15-0257, a request for a Conditional Use Permit for an Assisted Living Facility, subject to conditions of approval, as recommended by the Planning Commission:

1. The Conditional Use Permit approval shall expire two years from the approval date if a permit for construction is not obtained.
2. Deliveries of supplies for the assisted living facility shall be limited to the hours between 6 a.m. and 6 p.m. All deliveries shall be received through the service yard located on the south side of the building.
3. A Minor Land Division shall be completed for the 5.27 acre site located south of the southeast corner of Dysart Road and Thomas Road prior to the issuance of any building permits.

## **PROPOSED MOTION:**

I move that the City Council accept the findings and recommend **APPROVAL** of application PL-15-0257, a request for a Conditional Use Permit for an assisted living facility, subject to the staff recommended conditions of approval.

## **ATTACHMENTS:**

### **Description**

[Exhibit A Aerial Vicinity Map](#)

[Exhibit B Land Use Map](#)

[Exhibit C Zoning Map](#)

[Exhibit D Legacy House CUP Narrative](#)

[Exhibit E Conceptual Site Plan Landscape Plan](#)

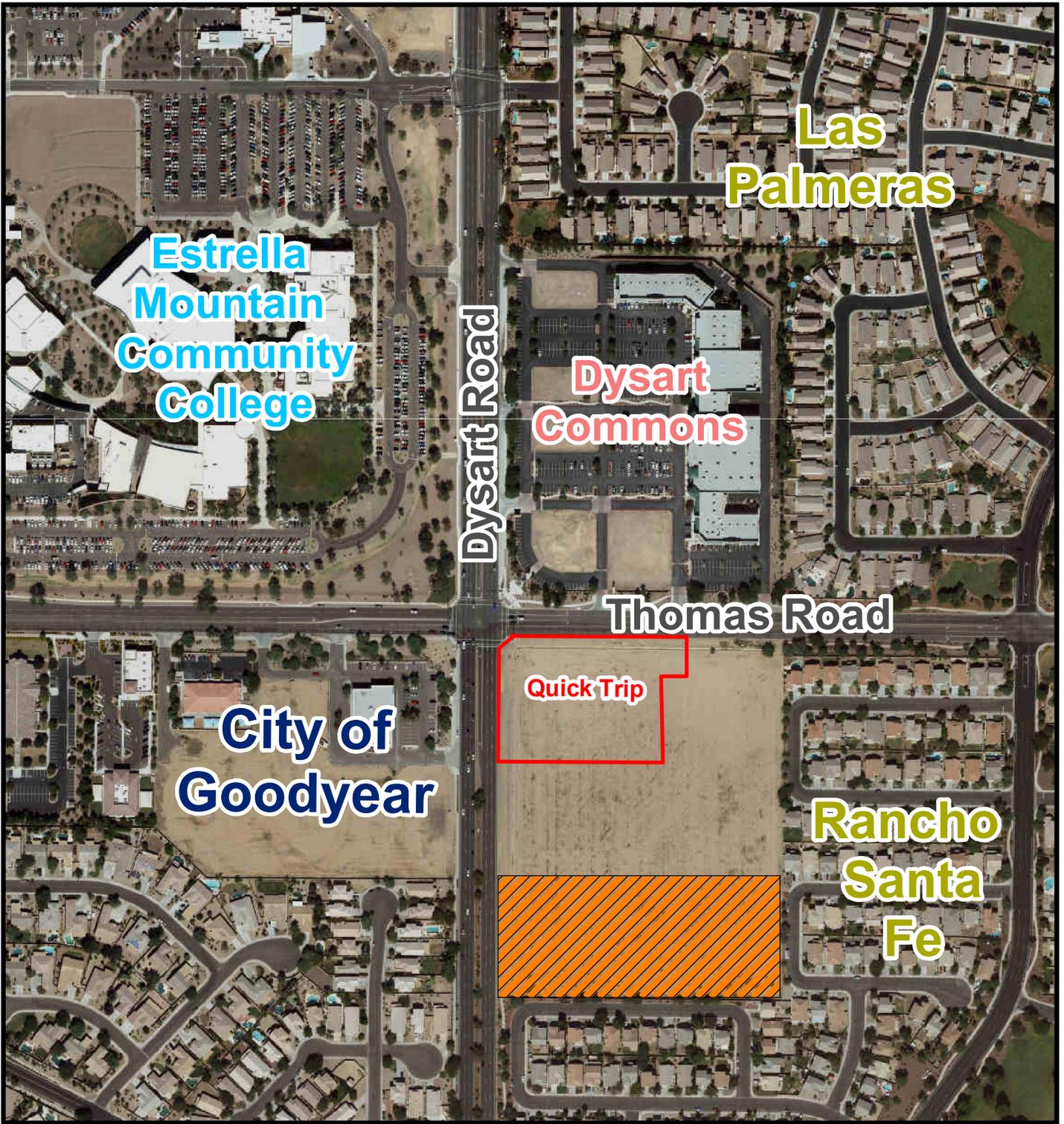
[Exhibit F Legacy House Elevations](#)

[Exhibit G Citizen Participation Summary](#)

[Exhibit H Summary of Related Facts](#)

[Exhibit I February 18 216 Planning Commission Minutes](#)

**PROJECT MANAGER**  
Rick Williams, Planner II

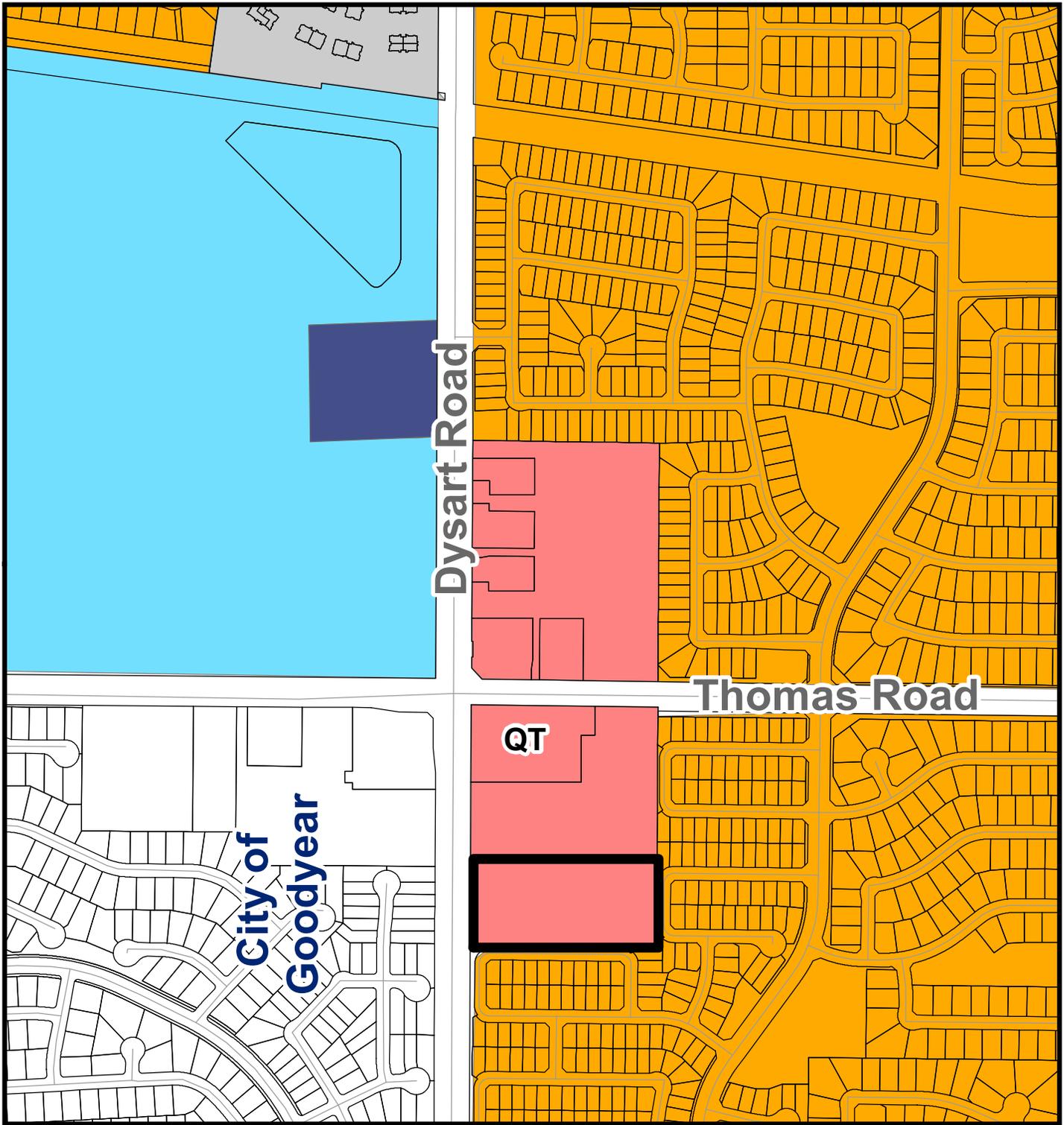


# Aerial Photograph



Subject Property





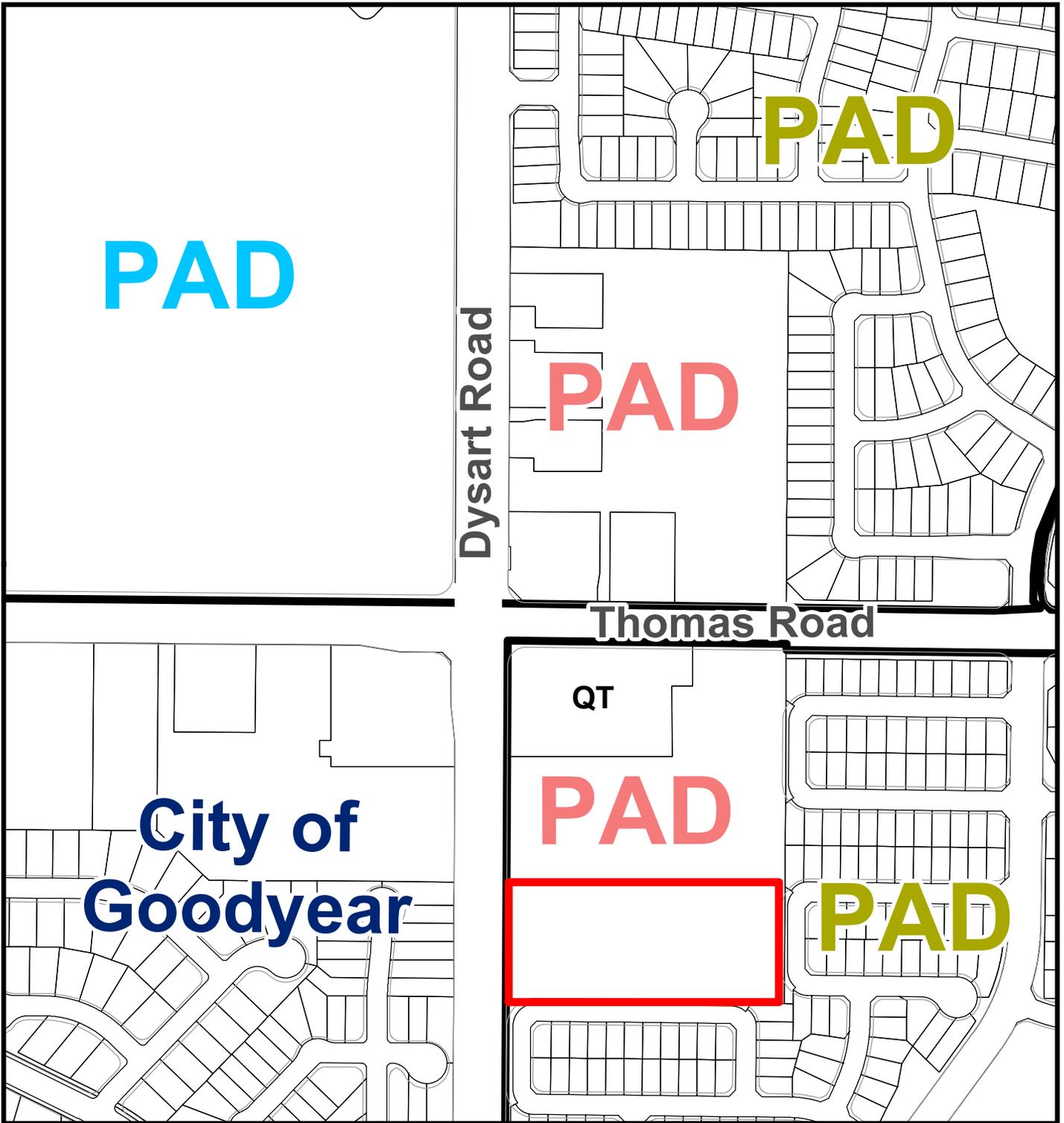
# General Plan Land Use Map



Subject Property



-  Local Commercial
-  Public/Civic
-  Medium Density Residential
-  Office
-  Education



# Zoning Vicinity Map



Subject Property



EXHIBIT D – LEGACY HOUSE CUP NARRATIVE

DUE TO ITS SIZE, THIS DOCUMENT  
HAS BEEN POSTED SEPARATELY

PLEASE CLICK ON THE LINK BELOW TO VIEW

<http://www.avondale.org/DocumentCenter/View/38184>

EXHIBIT E – LEGACY HOUSE SITE LS PLAN

DUE TO ITS SIZE, THIS DOCUMENT  
HAS BEEN POSTED SEPARATELY

PLEASE CLICK ON THE LINK BELOW TO VIEW

<http://www.avondale.org/DocumentCenter/View/38187>

EXHIBIT F – LEGACY HOUSE ELEVATION

DUE TO ITS SIZE, THIS DOCUMENT  
HAS BEEN POSTED SEPARATELY

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<http://www.avondale.org/DocumentCenter/View/38186>

# NEIGHBORHOOD MEETING SUMMARY.

## POINTS/QUESTIONS/RESPONSES.

**Date: Tuesday, January 19, 2016**

Time: 6:30 PM

**Place:** Rancho Santa Fe Elementary School, Media Center/Library  
**Address:** 2150 North Rancho Santa Fe Blvd., Avondale, Arizona 85392

\*\*\*Nine (9) people in attendance at the meeting. (See Sign-in Sheet)\*\*\*

**Question:** Did we contact the two (2) residential homes directly adjacent to the property (i.e. 2621 North 128<sup>th</sup> Lane and 12846 West Roanoke Avenue)?

**Response:** We have sent notices and we will also personally go out to visit with these two (2) properties to discuss. **FYI.** The County Assessor records indicate the properties are not owner-occupied and have mailing addresses elsewhere for those owners. However, it should be noted we are providing close to the required setbacks (i.e. the required 25' and proposed 21') along with additional larger shade trees too.

**Question:** What will happen along the northern border between the vacant 6-acres of land and the proposed development (i.e. Legacy House Avondale Senior Living)?

**Response:** Curbing will be installed in the interim to keep the paved surface drive aisle and vacant (dirt) separate while maintaining a safe driving environment. Curbing will also avoiding rain runoff/dirt coming on to the paved drive aisle. However, once the north vacant property develops the curbing will be removed and landscaping, buildings, or parking will be installed for that development.

**Question:** Will more window "pop-outs" be incorporated into the building elevations?

**Response:** We have just submitted for our site plan and design review process with the City Staff, which we will need to abide by the City's Design Guidelines requirements. The elevations shown are illustrative, but close to what will be built. However, Staff will review and provide comments during the design review process and we will make adjustments accordingly.

**Statement:** The landowner of the remaining 6 vacant acres should provide a comprehensive site plan of what could develop on that property. Do not like the piecemeal site plan process. However, we like the proposed senior living facility and this is a better use.

**Response:** We do not control the remaining 6 vacant acres, but we have provided a "concept site plan" of how development could occur on that property (e.g. access points and building pad areas). Moreover, we are providing/installing a shared access at Dysart Road along with a median break to allow for left turning movements from Dysart Road onto the property. In addition, a looped waterline will be installed from Thomas Road to Dysart Road with this proposed development. These items,

once this case is approved, will create a greater level of interest by future developers of medical office, retail or commercial, since they will have better access (i.e. Dysart and Thomas Roads), water loop, and an abutting use (i.e. Legacy House Avondale Senior Living).

**Synopsis:** The neighbors really like the proposed senior living facility and site/building design, which they believe is a better buffer, needed use, and a quieter use. Their concerns are over the piecemeal site plan by the landowner and the history of what occurred with the Q-Trip case. They acknowledge these items are not our problem, but they want the City Staff to be aware of them and to be cognizant of the future C-1 uses that may go on that vacant property.

**SIGN-IN SHEET**

NEIGHBORHOOD MEETING

JANUARY 19, 2016

**RANCHO SANTA FE ELEMENTARY SCHOOL, MEDIA CENTER/LIBRARY**

2150 NORTH RANCHO SANTA FE BLVD., AVONDALE.

**6:30 PM**

**PROPOSED SENIOR ASSISTED LIVING AND MEMORY CARE FACILITY.**

SOUTH OF THE SOUTHEAST CORNER OF DYSART AND THOMAS ROADS ON APPROX. 5.27 ACRES.

ZONED C-1 PAD PALM VALLEY.

PROPOSED PAD AMENDMENT (APPLICATION PL-15-0258) AND CUP (APPLICATION PL-15-0257).

NAME	ADDRESS	PHONE # OR EMAIL
✓ Pat Dennis	[REDACTED]	[REDACTED]
✓ Bonne Gregory	[REDACTED]	[REDACTED]
✓ Sue Wilson	[REDACTED]	[REDACTED]
✓ Betty S. Lynch	[REDACTED]	[REDACTED]
✓ Ron Talley	[REDACTED]	[REDACTED]
✓ Gary Woods	[REDACTED]	[REDACTED]
NAME	ADDRESS	PHONE # OR EMAIL

**SIGN-IN SHEET**

NEIGHBORHOOD MEETING

JANUARY 19, 2016

**RANCHO SANTA FE ELEMENTARY SCHOOL, MEDIA CENTER/LIBRARY**

2150 NORTH RANCHO SANTA FE BLVD., AVONDALE.

**6:30 PM**

**PROPOSED SENIOR ASSISTED LIVING AND MEMORY CARE FACILITY.**

SOUTH OF THE SOUTHEAST CORNER OF DYSART AND THOMAS ROADS ON APPROX. 5.27 ACRES.

ZONED C-1 PAD PALM VALLEY.

PROPOSED PAD AMENDMENT (APPLICATION PL-15-0258) AND CUP (APPLICATION PL-15-0257).

NAME	ADDRESS	PHONE # OR EMAIL
✓ NAME Shirley TALLEY	[REDACTED]	[REDACTED]
✓ NAME MAURICE WILLS	[REDACTED]	[REDACTED]
4 NAME Jim Frazey	[REDACTED]	[REDACTED]
NAME	ADDRESS	PHONE # OR EMAIL
NAME	ADDRESS	PHONE # OR EMAIL
NAME	ADDRESS	PHONE # OR EMAIL
NAME	ADDRESS	PHONE # OR EMAIL

## SUMMARY OF RELATED FACTS

## APPLICATION PL-15-0257 &amp; PL-15-0258

<i>THE PROPERTY</i>	
PARCEL SIZE	5.27 acre carve-out of a 14 acre vacant parcel
LOCATION	South of the southeast corner of Dysart Road and Thomas Road
PHYSICAL CHARACTERISTICS	The site is relatively flat.
EXISTING LAND USE	Local Commercial
EXISTING ZONING	Palm Valley Planned Area Development (PAD), allowing for C-1 uses on the approximately 14 acres at the southeast corner of Dysart Road and Thomas Road.
ZONING HISTORY	The parcels were rezoned from Agricultural (AG) to Planned Area Development (PAD) on August 30, 1999.
DEVELOPMENT AGREEMENT	Approved Development Agreement with three amendments, no outstanding issues remain. The third amendment specifies that the subject property be developed according to C-1 development standards and uses.

<i>SURROUNDING ZONING AND LAND USE</i>	
NORTH	PAD – Vacant Commercial, Dysart Commons Shopping Center
EAST	PAD – Rancho Santa Fe (SFR detached)
SOUTH	PAD – Rancho Santa Fe (SFR detached)
WEST	City of Goodyear – SFR detached, golf course, offices
<i>GENERAL PLAN</i>	
The subject property is designated as Local Commercial on the General Plan Land Use Map.	

<i>PUBLIC SCHOOLS</i>	
SCHOOL DISTRICT(S)	Litchfield Elementary School District Agua Fria Union High School District
ELEMENTARY SCHOOL	Corte Sierra Elementary
JUNIOR HIGH SCHOOL	Wigwam Creek Middle School
HIGH SCHOOL	Agua Fria High School

*STREETS*

**Dysart Road**

Classification	Arterial
Existing half street ROW	65 feet
Standard half street ROW	65 feet
Existing half street improvements	3.5 paved travel lanes, bike lane, curb, and gutter.
Standard half street improvements	3.5 paved travel lanes, bike lane, curb, gutter, sidewalk, street lights and landscaping.

**Thomas Road**

Classification	Major Collector
Existing half street ROW	55 feet
Standard half street ROW	55 feet
Existing half street improvements	2.5 paved travel lanes in each direction, curb, and gutter.
Standard half street improvements	2.5 paved travel lanes, bike lane, curb, gutter, sidewalk, street lights and landscaping.

*UTILITIES*

A 16" waterline runs along the south side of Thomas Road and an 8" waterline runs along the north side of Dysart Road.

There is an existing 8" sewer line in Thomas Road

**PLANNING COMMISSION  
REGULAR MEETING MINUTES**

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

**Thursday, February 18, 2016  
6:30 P.M.**

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

Thursday, February 18, 2016  
6:30 P.M.

I. **CALL TO ORDER**

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

II. **ROLL CALL**

The following members and representatives were present:

**COMMISSIONERS PRESENT**

Olivia Pineda, Chair  
Gloria Solorio, Vice Chair  
Christopher Reams, Commissioner  
Pearlette Ramos, Commissioner  
Kristopher Ortega, Commissioner  
Russell Van Leuven, Commissioner

**COMMISSIONERS Absent**

Kevin Kugler, Commissioner - excused

**CITY STAFF PRESENT**

Robert Gubser, Planning Manager  
Gary Verburg, Legal Counsel  
Rick Williams, Planner II  
Stephanie Long, Administrative Assistant

III. **OPENING STATEMENT**

Chair Pineda read the Opening Statement.

IV. **APPROVAL OF MINUTES**

Chair Pineda invited a motion to approve the minutes. Commissioner Reams moved to accept the minutes from the January 21, 2016 regular meeting. Commissioner Ortega seconded the motion. The motion passed unanimously.

**V. SCHEDULED PUBLIC APPEARANCES**

There were no scheduled public appearances.

**VI. WITHDRAWALS AND CONTINUANCES:**

None.

**VII. PUBLIC HEARING ITEMS:**

**1. PL-15-0258 Legacy Assisted Living Facility PAD**

This is a public hearing before the Planning Commission to review and solicit public input on application PL-15-0258, a request by Western States Lodging, for approval of a Planned Area Development (PAD) Amendment related to development of an Assisted Living Facility approximately 300 feet south of the southeast corner of Dysart and Thomas Roads. The proposed PAD Amendment will amend the Palm Valley PAD to add “Assisted Living Facility” as a use permitted with a Conditional Use Permit. The PAD Amendment also proposes modification to setback requirements, building heights, and parking requirements. Staff Contact: Rick Williams

Rick Williams, Planner II, requested to present the next two agenda items as one presentation motion. This request by Western States Lodging requires two separate motions, one for a PAD amendment and one for a Conditional Use Permit (CUP). The subject site is at the intersection of Dysart Road and Thomas Road. To the north is approximately six acres of vacant undeveloped land and a recently approved QuikTrip convenience store and gas station. This corner was part of a larger annexation in 1978. It was zoned Palm Valley Avondale PAD in 1994. Several amendments have been approved over the years, most notably the one that established the C-1 Commercial development standards for this corner. In June of 2015, City Council approved a PAD amendment for the QuikTrip.

Mr. Williams said this amendment would amend the PAD to allow assisted living as a permitted use in the C-1 district with a CUP. The height restriction would be raised from 30 to 38 feet to accommodate the tower feature of the building. The landscape buffer would be reduced from 25 feet to 5 feet. Required parking would be reduced from 260 spaces to 120. The assisted care facility would comprise of 170 units. The Rancho Santa Fe neighborhood lies to the east and the south. An existing six-foot wall runs along the southern and eastern perimeters of the site. The buildings would have a residential design. The site would have two right-in/right-out access points off of Dysart Road, and cross access would be built with future development to the north.

Mr. Williams noted that the General Plan and the North Avondale Specific Plan call for local commercial with less intense uses in the C-1 Commercial District that can buffer neighborhoods from more intense uses. The request would only apply to the 5.27-acre site, and not be relative to the remaining six acres. With the exception of the tower, the remainder of the structure would be less than 30 feet tall, which is what is currently allowed in the C-1 District. Staff supports this proposal because the resort style of the facility transitions well with the residential area. The 25-foot landscape buffer was designed to mitigate negative impacts of commercial developments such as noise and light. In this case, there is already a perimeter wall, and the assisted living use is much less intense. The south wall already has a landscape buffer. The developer has agreed to plant more mature trees as a mitigating factor.

Mr. Williams stated that the developer provided a parking demand study showing that vehicular traffic decreases with an aging population, and transportation is often provided for residents. Staff finds that the design of the building and the use is consistent with the surrounding area and supports the City's plans. It provides adequate buffers to the neighborhoods and encourages future development to the north. It meets the required findings of the CUP.

Mr. Williams explained that two public meetings have been held. An informal one was done at the Applicant's request to gauge the response of the neighbors. A second noticed meeting was held on January 19. Four citizens attended the first meeting, and twelve the second. The support for the development was overwhelming. One letter was received from a Rancho Santa Fe resident. Staff recommends approval of the PAD amendment.

Commissioner Van Leuven queried why the developer did not choose a site that would not have required an amendment. Robert Gubser, Planning Manager, responded that other sites were available. The developer would have to explain their reasoning for selecting this site.

Commissioner Reams asked whether the buffer was only being reduced on the east side. Mr. Williams said it will be reduced on the both east and south sides.

Commissioner Ramos inquired about comments that were made at the first public meeting. Mr. Williams explained that the observations were very similar between the two meetings. The ability of the building to assimilate into the surrounding community was very important. It was also clear that providing a cross access agreement to service the future parcel to the north was critical. Many questions were posed about operations and staffing.

Commissioner Ortega asked whether this development would limit development potential for the site to the north. Mr. Williams reiterated that the remaining six acres would remain C-1. He clarified that should this development not be built, a new project would not be entitled to the reduced landscape buffers, nor utilize other development standards that were created for this parcel.

Commissioner Ramos requested more information on the cross access agreement. Mr. Williams responded that the cross access agreement could make a left-in access point possible and would improve general circulation throughout the parcel, including possible access to Thomas Road. The development to the north will ultimately dictate where the two access points go. Chair Pineda shared her concern that cars could drive through the unpaved lot before it is developed. Mr. Williams felt that such behavior could be deterred.

Commissioner Ramos asked about the City's intent for the landscape buffers. Mr. Williams explained that it is required to provide separation distance between two uses and to mitigate nuisances. Since this project already has much mitigation built in, a full buffer is not necessary. Commissioner Ramos asked whether aesthetics are factored in. Mr. Williams said they are important. The larger trees and residential design of the building will help assimilate it into the community. Commissioner Ramos felt the buffer reductions were too severe. Mr. Williams agreed that this would be a concern if the neighboring residences backed right up to the walls, but the combination of walls, landscaping, rights-of-way and front yards already provides 140 feet of existing buffer.

Commissioner Ramos questioned how allowing the increased density would benefit the community. Mr. Williams explained that PADs are essentially a give and take between the developers and the City. The City requested mature trees so that they will have an impact immediately. While the Ordinance normally requires that 50% of the foundation be landscaped, this project will be landscaped 100% around the foundation, creating a much nicer buffer. Much of the landscaping was moved to the front to help create a striking entry. The City's plan also enables future access to Thomas Road and the parcel to the north. Commissioner Ramos inquired about the developer's other projects in Arizona and how they would compare to the one in Avondale. Mr. Williams said the Applicant would have to answer that. Vice Chair Solorio said Avondale needs an establishment like this and stated her support for the application.

Chair Pineda invited the Applicant to address the Commission. Paul Gilbert, 701 N. 44th Street, Phoenix, commended staff on their professionalism. He explained the reasoning behind the site selection. Most of these types of facilities require a CUP. This is one of several sites that the client considered, but was the most appealing one because it lies in a vibrant part of the community, which is important to residents. The utilities are already in place, and the site is adjacent to both commercial and residential. Each facility is specifically designed to fit into the surrounding communities. For comparison purposes, he referred to another facility in Mesa that the client operates. He explained that the City requires 20% landscaping on the site, but this one will feature 28%. Several large conifers will be placed at the corners to provide screening above the Ordinance requirements.

Mr. Gilbert stated that assisted living facilities are good neighbors. They are quiet and produce little traffic and crime. They provide a much needed use and are usually welcomed in communities. No opposition was encountered at the neighborhood meetings. Commissioner Van Leuven inquired about landscape maintenance and the water requirements. Mr. Gilbert responded that the property

owner will be handling maintenance, and an emphasis will be placed on desert landscaping. Commissioner Ortega inquired about educational opportunities with Estrella Mountain Community College. Mr. Gilbert said it is important to have an outreach to the community to keep residents active. The Applicant has not yet reached out to the college but intends to.

Commissioner Ramos requested a deeper explanation of the strategic landscaping plan. Mr. Gilbert used illustrations to demonstrate how lush courtyard landscaping is designed to enhance the quality and environment of residents, reiterating that the entire project exceeds requirements. Commissioner Ramos inquired about the types of concerns that assisted living facilities encounter. Mr. Gilbert explained that the primary concern is ambulances, and that emergency vehicles turn off sirens before they enter residential neighborhoods. He said assisted living is a more compatible use with neighborhoods than the commercial facilities that could otherwise go there.

Chair Pineda opened the public hearing.

Betty Lynch said the Rancho Santa Fe HOA Board met last night and expressed their support for the application. When opposition to the QT arose last year, residents expressed their preference for a medical facility. The developers prefer to have assisted living within neighborhoods. Residents will be able to place and visit family there. The location is within walking distance to EMCC and the Arizona Equestrian Charter School, which require volunteer work for graduation. The college also offers a nursing program. Other medical facilities could be attracted to the remaining six acres on the corner.

Chair Pineda closed the public hearing.

Chair Pineda invited a motion. Commissioner Solorio moved to recommend approval of Application PL-15-0258, subject to the staff recommended conditions of approval. Commissioner Ramos seconded the motion.

#### ROLL CALL VOTE

Olivia Pineda, Chair	Aye
Gloria Solorio, Vice Chair	Aye
Christopher Reams, Commissioner	Aye
Russell Van Leuven, Commissioner	Aye
Pearlette Ramos, Commissioner	Aye
Kristopher Ortega, Commissioner	Aye

The motion carried by a 6-0 vote.

## **2. PL-15-0257 Legacy Assisted Living Facility CUP**

This is a public hearing before the Planning Commission to review and solicit public input on application PL-15-0257, a request by Western States Lodging, for approval of a Conditional Use

Permit (CUP) related to development of an Assisted Living Facility on a 5.27 acre parcel of land approximately 300 feet south of the southeast corner of Dysart and Thomas Roads. The proposed Conditional Use Permit will permit the development of an assisted living facility consisting of 170 assisted and memory care units. Staff Contact: Rick Williams

Mr. Williams included this case in his presentation for PL-15-0258.

Chair Pineda opened the public hearing. Acknowledging no requests to speak, she closed the public hearing.

Chair Pineda invited a motion. Commissioner Van Leuven moved to recommend approval of Application PL-15-0257, a request for a conditional use permit for an assisted living facility, subject to the staff-recommended conditions of approval. Commissioner Reams seconded the motion.

ROLL CALL VOTE

Olivia Pineda, Chair	Aye
Gloria Solorio, Vice Chair	Aye
Christopher Reams, Commissioner	Aye
Russell Van Leuven, Commissioner	Aye
Pearlette Ramos, Commissioner	Aye
Kristopher Ortega, Commissioner	Aye

The motion carried by a 6-0 vote.

**VIII. DISCUSSION ITEMS**

**IX. OTHER BUSINESS**

**X. PLANNING STAFF REPORT**

Robert Gubser, Planning Manager, said City Council requested that Commissioners should state their reasons for opposing motions, preferably before their votes are cast. This will allow Council to better understand the Commissioners opposition and concerns when they make their final decision.

Mr. Gubser presented an updated zoning map to the Commissioners. At this time, no meeting is planned for March, though an April meeting is likely.

**XI. COMMISSION COMMENTS AND SUGGESTIONS**

**XII. ADJOURNMENT**

Chair Pineda entertained a motion to adjourn the regular meeting. Commissioner Solorio moved to adjourn. Commissioner Ortega seconded the motion. The motion passed unanimously.

With no further business, the meeting concluded at approximately 7:42 P.M.

NEXT MEETING:            March 17, 2016

**FOR SPECIAL ACCOMMODATIONS**

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 meeting.

Personas con necesidades especiales de accesibilidad, incluyendo personas con impedimentos de vista u oído, impresión grande o intérprete, deben comunicarse con la Secretaria de la Ciudad at 623-333-1200 o TDD 623-333-0010 cuando menos dos días hábiles antes de la junta.

\_\_\_\_\_  
Staff Signature

\_\_\_\_\_  
Date

**Rick Williams**

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**From:** Gary Woods <gwoods7@cox.net>  
**Sent:** Thursday, February 18, 2016 8:21 AM  
**To:** Rick Williams  
**Subject:** Assisted Living Facility

Mr. Williams, this email is intended to extend my absolute approval of the Assisted Living Facility being proposed for the lot at Dysart Road and West Thomas. I had attended the meeting at Rancho Santa Fe Elementary School when the proposal was presented in detail by the legal firm representing the builder. I would assume that you were at the meeting also and was able to answer a number of questions.

In my personal opinion, this is the IDEAL type of facility that should be built in this area and, in my opinion, a much more appropriate application of the development limitations/restrictions than the ill advised approval of the QT Gas Station. I might also say that I have informed several neighbors about this project and non expressed any objection or negative attitude.

If you would wish to contact me, you can do so at [gwoods7@cox.net](mailto:gwoods7@cox.net) or my phone number: 623-535-1786  
Thank you.

Gary Woods  
12410 West Virginia Avenue  
Avondale, Arizona 85392  
Rancho Santa Fe – Tierra 1 – Lot 52

# Attention: Rick Williams, Planner II

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Development and Engineering Services Department

11465 W. Civic Center Drive, Suite #110

Avondale, AZ 85323

623-333-4018

February 23, 2016

FROM: Property Owner in Las Palmeras West

RE: Notification of Planning Commission Meeting  
Application PL-15-0257 and PL-15-0258

To Whom It May Concern:

The purpose of this letter and as a resident in Las Palmeras West is to input my concern over the planning of an Assisted Living Facility on the southeast corner of Dysart/Thomas. I am an educator and have lived in this neighborhood for the past 11 years. As of today I have not had any encounters with traffic congestion, concerns and have lived in a peaceful neighborhood.

With this in mind my only concerns that arise with an Assisted Living Facility in plan will be that this will create traffic, congestion and would interrupt with the peacefulness of this neighborhood. The access entries to this business will interrupt with those who live in this community on Dysart.

We currently have quite a few Assisted Living Facilities ranging from 1.3 miles to 4.2 mile of that corner. Is it really necessary to have another Facility when we have them all within a 4 mile radius? Why this location as opposed to an area where they will have some quietness and not traffic noise coming from Dysart? Can you seek to find a location near an area where they will have a home like environment? I just don't want to see the increase in traffic, additional noise nor do I want to see negative impact on my neighborhood.

Thank you for your time and for giving me this opportunity to input my concerns.

Cordially,

Property Owner in Las Palmeras West