# City Council Regular Meeting

Municipal Court and Council Chambers
14455 W. Van Buren St., Suite B101
Goodyear, AZ 85338
**Monday, December 13, 2021**
**6:00 PM**

Mayor
Georgia Lord

Vice Mayor
Brannon Hampton

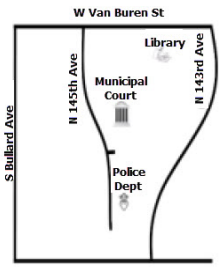
Councilmember
Joe Pizzillo

Councilmember
Sheri Lauritano

Councilmember
Wally Campbell

Councilmember
Bill Stipp

Councilmember
Laura Kaino




**CITIZEN COMMENTS/APPEARANCES FROM THE FLOOR**
Please complete a speaker card and submit it to the City Clerk prior to the meeting being convened, if possible. Each speaker is limited to three (3) minutes. Once the City Clerk has called your name, step up to the lectern and begin by clearly stating your name for the record and whether you are a Goodyear resident.

**NON-AGENDA ITEMS**
Members of the public may address the City Council regarding any non-agenda item within the jurisdiction of the City Council. The City Council will listen to comments and may take any of the following actions:

- Respond to criticism.
- Request that staff investigate and report on the matter.
- Request that the matter be scheduled on a future agenda.

**AGENDA ITEMS**
Members of the public may address the City Council regarding any item on the Consent, Public Hearing and/or Business portions of the agenda. Each speaker's name will be called in turn once the item has been reached and after City staff have completed their presentation.

**PROCEDURES**
Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Goodyear City Council and to the general public that the Council of the city of Goodyear will hold a meeting open to the public. Public body members of the city of Goodyear will attend either in person or by telephone conference call and/or video communication. The Goodyear City Council may vote to go into Executive Session, pursuant to A.R.S. § 38-431.03(A)(3), which will not be open to the public, to discuss certain matters. Meetings are conducted in accordance with the City Council Meetings Council Rules of Procedure adopted by Resolution No.2018-1879



City Clerk's Office: 190 N. Litchfield Rd, Goodyear, AZ 85338 (623) 882-7830
www.goodyearaz.gov/cityclerk
City Council Meeting Live Broadcast: https://www.facebook.com/goodyearazgov/videos

| Monday, December 13, 2021 | 6:00 p.m. | Meeting Agenda |
|---|---|---|

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE AND INVOCATION BY COUNCILMEMBER PIZZILLO**

**ROLL CALL**

**COMMUNICATIONS**

1. Overview of the events and activities that have occurred over the last 12 months to celebrate the city's 75th Anniversary. (Guylene Ozlanski, Arts and Culture Administrator)

**CITIZEN COMMENTS/APPEARANCES FROM THE FLOOR**

## CONSENT

2. **APPROVAL OF MINUTES**

**Recommendation**

Approve the draft minutes from the Special Meeting and Regular Meeting held on December 6, 2021. (Darcie McCracken, City Clerk)

3. **REAPPOINT MEMBERS TO BOARDS, COMMISSIONS AND COMMITTEES**

**Recommendation**

Approve the reappointments to the Arts and Culture Commission, Fire Public Safety Personnel Retirement Board, Police Public Safety Personnel Retirement Board and Planning and Zoning Commission for the terms listed. (Darcie McCracken, City Clerk)

4. **RECOMMEND APPROVAL OF ACQUISITION OF CONTROL FOR SERIES 7 (BEER AND WINE BAR) LIQUOR LICENSE FOR RUDY'S COUNTRY STORE & BAR B QUE**

**Recommendation**

Recommend approval to the Arizona Department of Liquor Licenses and Control of Application No. 167686, a request from Amy S. Nations, agent/applicant for Rudy's Country Store & Bar B Que, for Multi-Agent Change Acquisition of Control of a Series 7 (Beer and Wine Bar) Liquor License. No. 07070105, located at 845 N. Litchfield Road, Goodyear, Arizona 85338 (generally located near the Northeast corner of N. Litchfield Road and W. Test Drive, just south of the I-10 Interchange). (Darcie McCracken, City Clerk)

5. **RECOMMEND APPROVAL OF A NEW SERIES 12 (RESTAURANT) LIQUOR LICENSE FOR TOMO JAPANESE CUISINE**

**Recommendation**

Recommend approval to the Arizona Department of Liquor Licenses and Control (DLLC) of Application No.167964, a request by Amy S. Nations, agent/applicant for Tomo Japanese Cuisine, for a new Series 12 liquor license. Tomo Japanese Cuisine is located at 1550 N. Dysart Road #A7, A8, and A9, Goodyear, Arizona 85338 (generally located near the southwest corner of Dysart Road and McDowell Road). (Darcie McCracken, City Clerk)

6. **COMMUNITY AND NEIGHBORHOOD SERVICES MASTER PLAN - PHASE I: HUMAN SERVICES**

**Recommendation**

ADOPT RESOLUTION NO. 2021-2192 ADOPTING THE CITY OF GOODYEAR COMMUNITY AND NEIGHBORHOOD SERVICES MASTER PLAN PHASE I: HUMAN SERVICES; AND PROVIDING FOR AN EFFECTIVE DATE. (Jenna Goad, Assistant to the City Manager and Christina Panaitescu, Grants & Neighborhood Services Supervisor)

7. **ARIZONA STATE RETIREMENT SYSTEM SUPPLEMENTAL SALARY DEFERRAL 457 PLAN**

**Recommendation**

ADOPT RESOLUTION NO. 2021-2193 ESTABLISHING THE ARIZONA STATE RETIREMENT SYSTEM SUPPLEMENTAL SALARY DEFERRAL PLAN; DESIGNATING THE CITY MANAGER AS THE AUTHORIZED AGENT; PROVIDING AUTHORIZATION AND DIRECTION AND PROVIDING AN EFFECTIVE DATE. (Jeanni Ruddy, Total Compensation and HRIS Manager)

8. **ACCEPT THE DEDICATION OF A SPECIAL WARRANTY DEED FOR A PORTION OF W. ELWOOD STREET REQUIRED FOR THE ISOLA AT GOODYEAR RANCH DEVELOPMENT**

**Recommendation**

Accept the dedication of a Special Warranty Deed for a portion of W. Elwood Street from El Cidro Ranch, LLC, an Arizona limited liability corporation. (Linda Beals, Real Estate Coordinator)

9. **AUTHORIZE THE ESTABLISHMENT OF A PUBLIC STREET FOR A PORTION OF COTTON LANE**

**Recommendation**

APPROVE RESOLUTION NO. 2021-2196 AUTHORIZING THE ESTABLISHMENT OF A PUBLIC STREET FOR A SECTION OF COTTON LANE; PROVIDING RECORDATION CONDITIONS AND REQUIREMENTS; AND PROVIDING FOR AN EFFECTIVE DATE. (Linda Beals, Real Estate Coordinator)

10. **FINAL PLAT FOR PEBBLECREEK PHASE II UNIT 45**

**Recommendation**

Approve the final plat for PebbleCreek Phase II Unit 45 subdividing approximately 33.41 acres into 52 lots and 6 tracts located south Indian School Road, west of Sarival Avenue, within the PebbleCreek Planned Area Development (PAD), subject to stipulations. (Katie Wilken, Planning Manager)

11. **FINAL PLAT OF EL CIDRO PARCEL 5**

**Recommendation**

Approve the Final Plat for El Cidro Parcel 5, subject to stipulations. (Katie Wilken, Planning Manager)

## PUBLIC HEARINGS

The following actions will take place for each public hearing item:

A. Open the Public Hearing
B. Staff Presentation
C. Applicant Presentation (if applicable)
D. Receive Public Comment
E. Close the Public Hearing

12. **USE PERMIT FOR A DRIVE-THROUGH RESTAURANT (EMR STARBUCKS)**

**Recommendation**

Approve a use permit for a convenience use (restaurant with drive-through) subject to the following stipulations. (Alex Lestinsky, Senior Planner)

13. **MAJOR GENERAL PLAN AMENDMENT FOR ESTRELLA COMMUNITY 14**

**Recommendation**

ADOPT RESOLUTION NO. 2021-2197, APPROVING A MAJOR AMENDMENT TO THE GOODYEAR 2025 GENERAL PLAN TO AMEND THE LAND USE DESIGNATION OF APPROXIMATELY 481 ACRES GENERALLY LOCATED EAST OF ESTRELLA PARKWAY, NORTH OF THE WILLIS ROAD INTERSECTION FROM BUSINESS & COMMERCE TO NEIGHBORHOODS, REQUIRING AMENDMENT TO FIGURE 5.7, GROWTH AREAS MAP, AND FIGURE 8.12 LAND USE AND TRANSPORTATION PLAN OF THE GOODYEAR 2025 GENERAL PLAN; PROVIDING DIRECTION; AND PROVIDING FOR AN EFFECTIVE DATE. (Alex Lestinsky, Senior Planner)

14. **MAJOR GENERAL PLAN AMENDMENT FOR CITY CENTER**

**Recommendation**

ADOPT RESOLUTION 2021-2198 APPROVING A MAJOR AMENDMENT TO THE GOODYEAR 2025 GENERAL PLAN TO AMEND THE LAND USE DESIGNATION OF APPROXIMATELY 180 ACRES GENERALLY LOCATED AT ESTRELLA PARKWAY AND YUMA ROAD FROM CITY CENTER TO 88 ACRES OF BUSINESS AND COMMERCE AND 92 ACRES OF NEIGHBORHOODS AND DESIGNATE A VILLAGE CENTER OVERLAY; REQUIRING AMENDMENT TO FIGURE 8.12, LAND USE AND TRANSPORTATION PLAN MAP IN CHAPTER 8 OF THE GENERAL PLAN OF THE GOODYEAR 2025 GENERAL PLAN; PROVIDING DIRECTION; AND PROVIDING FOR AN EFFECTIVE DATE(Katie Wilken, Planning Manager)

15. **INNOVATION CENTRE BORROW PIT SPECIAL USE PERMIT ON PROPERTY ZONED PAD (PLANNED AREA DEVELOPMENT)**

**Recommendation**

Approve the request for a Special Use Permit for an Inert Material Landfill on an approximately 55.4-acre property zoned Planned Area Development (PAD) located at the southeast corner of Citrus Road and Roosevelt Street, subject to stipulations. (Christian M. Williams, Planner)

16. **USE PERMIT FOR A CONVENIENCE USE (RAISING CANE'S RESTAURANT WITH DRIVE-THROUGH)**

**Recommendation**

Approve the request for a use permit for a convenience use (restaurant with drive-through) on a 1.68-acre parcel in the Palm Valley Cornerstone commercial center generally located at the northwest corner of Dysart Road and I-10 within the Palm Valley Phase I Planned Area Development, subject to stipulations. (Steve Careccia, Principal Planner)

17. **TEXT AMENDMENT TO ARTICLE 7 (SIGN REGULATIONS) OF THE ZONING ORDINANCE (MENU BOARDS)**

**Recommendation**

ADOPT ORDINANCE NO. 2021-1520 AMENDING ARTICLE 7-8 (PERMITTED SIGNAGE BY ZONING DISTRICT) OF THE CITY OF GOODYEAR ZONING ORDINANCE, AS AMENDED; AND PROVIDING FOR CORRECTIONS, SEVERABILITY, AN EFFECTIVE DATE, AND PENALTIES. (Steve Careccia, Principal Planner)

18. **AMENDMENTS TO CHAPTER 15 OF THE GOODYEAR CITY CODE (SUBDIVISION REGULATIONS)**

**Recommendation**

1. ADOPT RESOLUTION 2021-2190 DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT TITLED "AMENDMENTS TO CHAPTER 15 SUBDIVISION REGULATIONS OF THE GOODYEAR CITY CODE."

2. ADOPT ORDINANCE 2021-1521 AMENDING SECTIONS 15-1-2 (DEFINITIONS) 15-2-3 (STAGE II–PRELIMINARY PLAT) AND 15-2-5 (STAGE III–FINAL PLAT) OF THE GOODYEAR CITY CODE; PROVIDING FOR CORRECTIONS, SEVERABILITY

AND AN EFFECTIVE DATE. (Katie Wilken, Planning Manager)

## INFORMATION ITEMS

Comments, commendations, report on current events and presentations by Mayor, Councilmembers, staff or members of the public. The Council may not propose, discuss, deliberate or take any legal action on the information presented, pursuant to A.R.S. § 38-431.02.

1. Reports from the Mayor and City Council
    a. This may include current events and activities as well as requests for information or future agenda items.
2. Report from the City Manager
    a. This may include updates from events, staff summary, update of legislative issues, clarification on items being requested by City Council and Manager's update on Council Related Matters.

## FUTURE MEETINGS

| | | |
|---|---|---|
| January 10, 2022 | Work Session | 5:00 p.m. |
| January 10, 2022 | Regular Session | 6:00 p.m. |

## ADJOURNMENT

THE CITY OF GOODYEAR ENDEAVORS TO MAKE ALL PUBLIC MEETINGS ACCESSIBLE TO PERSONS WITH DISABILITIES. With 48-hour advance notice, special assistance can be provided for sight and/or hearing-impaired persons at this meeting. Reasonable accommodations will be made upon request for persons with disabilities or non-English speaking residents. Please call the City Clerk (623) 882-7830 or Arizona Relay (TDD) 7-1-1 to request an accommodation to participate in this public meeting.

LA CIUDAD DE GOODYEAR PROCURA HACER TODA JUNTA PUBLICA ACCESIBLE A PERSONAS CON DISCAPACIDADES. Con un aviso de 48 horas por adelantado se puede proveer asistencia especial a personas con discapacidades visuales o auditivas durante la junta. Se harán adaptaciones razonables con previa solicitud para personas con discapacidades o para residentes que no hablan inglés. Favor de llamar a la Secretaria Municipal al (623) 882-7830 o Retransmisión de Arizona (TDD) 7-1-1 para solicitar adaptaciones para participar en la junta pública.

POSTING VERIFICATION
This agenda was posted on December 8, 2021, at 4:14 p.m. by V.M.

ITEM #: 1.
DATE: 12/13/2021
AI #:591

# CITY COUNCIL COMMUNICATION

**STAFF PRESENTER(S):** Guylene Ozlanski, Arts and Culture Administrator

## SUBJECT:

Overview of the events and activities that have occurred over the last 12 months to celebrate the city's 75th Anniversary. (Guylene Ozlanski, Arts and Culture Administrator)

**Attachments**

Goodyear75_Wrap-Up_Presentation

# GOODYEAR75
## ANNIVERSARY CELEBRATION

Guylene Ozlanski, Arts & Culture Administrator
December 13, 2021

# Goodyear75

## From Kickoff to Carnival: A Celebration for ALL

- Events & Programs
- Activities Throughout the Year
- Public Art Installation
- Public Engagement
- Visual Branding



# Goodyear75





# 100

## THE CENTENNIAL






## See you in 2046!

ITEM #: 2.
DATE: 12/13/2021
AI #:389

# APPROVAL OF MINUTES

## SUBJECT
**APPROVAL OF MINUTES**

## Recommendation
Approve the draft minutes from the Special Meeting and Regular Meeting held on December 6, 2021. (Darcie McCracken, City Clerk)

**Attachments**

December 6, 2021 Draft Special Meeting Minutes

December 6, 2021 Draft Regular Meeting Minutes

**City Council Special Meeting**
Municipal Court and Council Chambers
14455 W. Van Buren St., Suite B101
Goodyear, AZ 85338

**Monday, December 6, 2021** **Meeting Minutes**

Immediately Following the Work Session that Begins at 5:00 p.m.

## CALL TO ORDER

Vice Mayor Hampton called the Special Meeting to order at 5:42 p.m.

## ROLL CALL

| | |
|---|---|
| Present: | **Vice Mayor Brannon Hampton**; **Councilmember Joe Pizzillo**; **Councilmember Sheri Lauritano**; **Councilmember Wally Campbell**; **Councilmember Bill Stipp**; **Councilmember Laura Kaino** |
| Absent: | **Mayor Georgia Lord** |
| Staff Present: | City Manager Julie Karins; City Attorney Roric Massey; City Clerk Darcie McCracken |

**MOTION BY Councilmember Wally Campbell**, **SECONDED BY Councilmember Joe Pizzillo** to EXCUSE Mayor Lord. The motion carried as follows:

AYE: **Vice Mayor Brannon Hampton**, **Councilmember Joe Pizzillo**, **Councilmember Sheri Lauritano**, **Councilmember Wally Campbell**, **Councilmember Bill Stipp**, **Councilmember Laura Kaino**

Passed - Unanimously

## BUSINESS

## A VOTE MAY BE HELD TO CALL AN EXECUTIVE SESSION FOR THE FOLLOWING:

1. Pursuant to A.R.S. §38-431.03(A) (3) (4): Discussion and consultation with the City Attorney for legal advice to consider its position and instruct its attorneys regarding the City's position regarding contracts that are the subject of negotiations related to the Civic Square Parking Rights Agreement.

2. Pursuant to A.R.S. §38-431.03(A) (3) (4): Discussion and consultation with the City Attorney for legal advice to consider its position and instruct its attorneys regarding the City's position regarding contracts that are the subject of negotiations related to the Third Amendment to the Development Agreement.

3. Pursuant to A.R.S. §38-431.03(A) (3) (4): Discussion and consultation with the City Attorney for legal advice to consider its position and instruct its attorneys regarding the City's position regarding pending or contemplated litigations or in settlement discussions conducted in order to avoid or resolve litigation regarding the City's application for a Certificate of Necessity for Ambulance Services and the intervention of American Medical Response in the Certificate of Necessity administrative hearing process.

**MOTION BY Councilmember Bill Stipp**, **SECONDED BY Councilmember Laura Kaino** to CONVENE an Executive Session. The motion carried as follows:

AYE: **Vice Mayor Brannon Hampton**, **Councilmember Joe Pizzillo**, **Councilmember Sheri Lauritano**, **Councilmember Wally Campbell**, **Councilmember Bill Stipp**, **Councilmember Laura Kaino**

Passed - Unanimously

Vice Mayor Hampton convened the Executive Session at 5:43 p.m.

**ADJOURNMENT OF EXECUTIVE SESSION**

Vice Mayor Hampton adjourned the Executive Session at 6:21 p.m.

**RECONVENING OF SPECIAL MEETING**

Vice Mayor Hampton reconvened the Special Meeting at 6:21 p.m.

## ADJOURNMENT

There being no further business to discuss, Vice Mayor Hampton adjourned the Special Meeting at 6:21 p.m.

_____ _____

Darcie McCracken, City Clerk Georgia Lord, Mayor

Date:_____

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the CITY COUNCIL SPECIAL MEETING of the city of Goodyear, Arizona, held on December 6, 2021. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____, 2021. SEAL:

_____

Darcie McCracken, City Clerk

**City Council Regular Meeting**
Municipal Court and Council Chambers
14455 W. Van Buren St., Suite B101
Goodyear, AZ 85338

**Monday, December 6, 2021** **Meeting Minutes**

**Immediately following the Special Meeting that is immediately following the Work Session that begins at 5:00 p.m.**

## CALL TO ORDER

Vice Mayor Hampton called the meeting to order at 6:29 p.m.

## PLEDGE OF ALLEGIANCE AND INVOCATION BY COUNCILMEMBER CAMPBELL

## ROLL CALL

| | |
|---|---|
| Present: | **Vice Mayor Brannon Hampton**; **Councilmember Joe Pizzillo**; **Councilmember Sheri Lauritano**; **Councilmember Wally Campbell**; **Councilmember Bill Stipp**; **Councilmember Laura Kaino** |
| Absent: | **Mayor Georgia Lord** |
| Staff Present: | City Manager Julie Karins; City Attorney Roric Massey; City Clerk Darcie McCracken |

**MOTION BY Councilmember Joe Pizzillo, SECONDED BY Councilmember Laura Kaino to EXCUSE Mayor Lord. The motion carried as follows:**

AYE: **Vice Mayor Brannon Hampton**, **Councilmember Joe Pizzillo**, **Councilmember Sheri Lauritano**, **Councilmember Wally Campbell**, **Councilmember Bill Stipp**, **Councilmember Laura Kaino**

Passed - Unanimously

## CITIZEN COMMENTS/APPEARANCES FROM THE FLOOR

There were no public comments.

## CONSENT

**MOTION BY Councilmember Sheri Lauritano, SECONDED BY Councilmember Joe Pizzillo to APPROVE Consent Agenda Items 1 through 5. The motion carried as follows:**

AYE: **Vice Mayor Brannon Hampton**, **Councilmember Joe Pizzillo**, **Councilmember Sheri Lauritano**, **Councilmember Wally Campbell**, **Councilmember Bill Stipp**, **Councilmember Laura Kaino**

Passed - Unanimously

1. **APPROVAL OF MINUTES**

Recommendation
Approve the draft minutes from the Regular Meeting held on November 15, 2021 and the Special Meeting held on November 29, 2021. (Darcie McCracken, City Clerk)

2. **APPROVE THIRD AMENDMENT TO DEVELOPMENT AGREEMENT (Amending the 2006 Development Agreement between the City of Goodyear and Westcor/Goodyear, L.L.C.)**

Recommendation
ADOPT RESOLUTION NO. 2021-2195 APPROVING THE THIRD AMENDMENT TO THE DEVELOPMENT AGREEMENT, PROVIDING AUTHORIZATION AND DIRECTION FOR EXECUTION AND PROVIDING AN EFFECTIVE DATE. (Roric Massey, City Attorney)

3. **APPROVE EXPENDITURE UP TO $1,568,560 FOR THE PURCHASE AND INSTALLATION OF A REPLACEMENT EMERGENCY BACKUP GENERATOR FOR BOOSTER SITE 11 (PROJECT 60047)**

Recommendation
Approve expenditure of funds up to $1,568,560 to purchase and install a new replacement generator for Booster Site 11. (Barbara Chappell, Deputy Public Works Director)

4. **APPROVAL OF POWER OF ATTORNEY DOCUMENTS FOR RIDGEWAY INTERNATIONAL USA, INC. AND JOHN S. CONNOR GLOBAL LOGISTICS FOR SHIPMENT OF LESS-LETHAL WEAPONS**

Recommendation
ADOPT RESOLUTION NO. 2021-2191 APPROVING THE POWER OF ATTORNEY DOCUMENTS AND ACKNOWLEDGEMENT OF TERMS AND CONDITIONS FOR RIDGEWAY INTERNATIONAL, INC. AND JOHN S. CONNOR GLOBAL LOGISTICS; PROVIDING AUTHORIZATION FOR THE CITY MANAGER OR HER DESIGNEE AND THE CITY ATTORNEY TO TAKE ANY AND ALL ACTIONS NECESSARY IN FURTHERANCE OF THE POWER OF ATTORNEY; AND PROVIDING FOR AN EFFECTIVE DATE. (Santiago Rodriguez, Chief of Police)

5. **RATIFICATION OF THE FUNDED STATE AND LOCAL TASK FORCE AGREEMENT AND APPROVAL OF THE DEPARTMENT OF JUSTICE EQUITABLE SHARING AGREEMENT AND CERTIFICATION**

Recommendation
Ratify the execution of the Funded State and Local Task Force Agreement and authorize the Mayor and the City Manager or her designee to execute the associated Equitable Sharing Agreement and Certification. (Santiago Rodriguez, Chief of Police)

## BUSINESS

6. **FY2022 PAVEMENT MANAGEMENT PROJECTS**

City Traffic Engineer Hugh Bigalk presented the proposed FY2022 pavement management projects and discussed the improved increase in pavement condition index results since beginning the program in FY2014. Infrastructure Support Supervisor Brian Watson reviewed the various pavement treatments and identified the various treatment areas throughout the city. Mr. Bigalk provided an overview of cost and explained that staff recommended approval of expenditures in the amount of $3,293,000 to complete FY2022 pavement management projects.

Council commented about cracking and longevity of slurry seal treatments and pavement replacement.

In response to Council inquiry, Mr. Watson explained that in 2014, there were approximately 835 land miles in the city. He added that the city currently has 1,049 land miles of roadway. Council requested historical data to reflect the growth in number of roadway miles in the city.

**MOTION BY Councilmember Wally Campbell**, **SECONDED BY Councilmember Joe Pizzillo to APPROVE expenditures in the amount of $3,293,000 to complete pavement management projects in various locations throughout the city. The motion carried as follows:**

AYE: **Vice Mayor Brannon Hampton**, **Councilmember Joe Pizzillo**, **Councilmember Sheri Lauritano**, **Councilmember Wally Campbell**, **Councilmember Bill Stipp**, **Councilmember Laura Kaino**

Passed - Unanimously

7. **AGREEMENT TO SHARE COSTS FOR THE FEASIBILITY STUDY OF BARTLETT DAM MODIFICATION ALTERNATIVES AMONG COST-SHARE PARTNERS AND SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT AND RELATED BUDGET TRANSFER**

Water Resources and Sustainability Manager Gretchen Erwin provided information about the proposed feasibility study and discussed the purpose of the study to assess the Bartlett Dam Modification alternatives to restore and enhance water storage due to lost capacity in the Verde River reservoirs. She explained that staff is recommending that the city participate as a voting member on the Steering Committee in which the city's cost-share will be $100,000 per year over a four-year period for a total of $400,000 to complete the study. She added that the study is anticipated to take approximately four years to complete.

Council discussion ensued in support of the study and being a voting member. In response to Council inquiry regarding the base budget, Finance Director Doug Sandstrom explained that the funds will be authorized for one-time use over the next four years. At that time, the line item will be removed from the base budget.

**MOTION BY Councilmember Wally Campbell**, **SECONDED BY Councilmember Laura Kaino to AUTHORIZE the City Manager or her designee to take any and all actions to execute the agreement and APPROVE related budget transfer. The motion carried as follows:**

AYE: **Vice Mayor Brannon Hampton**, **Councilmember Joe Pizzillo**, **Councilmember Sheri Lauritano**, **Councilmember Wally Campbell**, **Councilmember Bill Stipp**, **Councilmember Laura Kaino**

Passed - Unanimously

8. **APPROVE CIVIC SQUARE PARKING RIGHTS AGREEMENT AND NON-DISTURBANCE AGREEMENT**

City Attorney Roric Massey presented the report and explained the provisions of the Parking Rights Agreement at the new Civic Square with the Globe Corporation for the parking structure. Mr. Massey explained that the city will contribute $5 million towards the cost of the parking garage and split the annual maintenance and operating costs for the parking structure. Globe will own and be responsible for operating the garage. He added that the city will have 24-hour exclusive use of its 327 allocated parking stalls with the remainder of stalls available for public use on nights and weekends. Mr. Massey noted that the structure will be non-gated, however, the option to convert the garage to a gated parking structure is available with mutual input from both parties.

**MOTION BY Councilmember Joe Pizzillo**, **SECONDED BY Councilmember Bill Stipp to ADOPT RESOLUTION NO. 2021-2194 APPROVING THE CIVIC SQUARE PARKING RIGHTS AGREEMENT AND THE NON-DISTURBANCE AGREEMENT, PROVING AUTHORIZATION AND DIRECTION FOR EXECUTION AND PROVIDING AN EFFECTIVE DATE. The motion carried as follows:**

AYE: **Vice Mayor Brannon Hampton**, **Councilmember Joe Pizzillo**, **Councilmember Sheri Lauritano**, **Councilmember Wally Campbell**, **Councilmember Bill Stipp**, **Councilmember Laura Kaino**

Passed - Unanimously

## INFORMATION ITEMS

Councilmember Campbell expressed gratitude for the community regarding their donations to the city's fill-a-need program. She relayed concerns received from residents requesting the burlap bags to be removed from traffic lights and traffic signal timing concerns along 144th Avenue, Indian School Road and Litchfield Road. She also inquired about the frequency that Liberty Water tests the fire hydrants for the areas they service within the city.

Vice Mayor Hampton inquired about an update regarding the fiber project in the City.

City Manager Julie Karins announced that Councilmember Lauritano was selected to serve as the next president on Arizona Municipal Water Users Association Board of Directors (AMWUA). Ms. Karins reported that the Goodyear Glows event was held on Saturday, December 4 and she estimated approximately 6,500 people in attendance.

## FUTURE MEETINGS

## ADJOURNMENT

There being no further business to discuss, Vice Mayor Hampton adjourned the Regular Meeting at 7:17 p.m.

Darcie McCracken, City Clerk

Georgia Lord, Mayor

Date:_____

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the CITY COUNCIL REGULAR MEETING of the city of Goodyear, Arizona, held on December 6, 2021. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this ____ day of _____, 2021. SEAL:

Darcie McCracken, City Clerk

ITEM #: 3.
DATE: 12/13/2021
AI #:603

# CITY COUNCIL ACTION REPORT

**SUBJECT: REAPPOINT MEMBERS TO BOARDS, COMMISSIONS AND COMMITTEES**

**STAFF PRESENTER(S):** Darcie McCracken, City Clerk

## SUMMARY

Terms for Boards, Commissions and Committee members are expiring and require reappointment.

## Recommendation

Approve the reappointments to the Arts and Culture Commission, Fire Public Safety Personnel Retirement Board, Police Public Safety Personnel Retirement Board and Planning and Zoning Commission for the terms listed. (Darcie McCracken, City Clerk)

## FISCAL IMPACT

There is no direct budget impact associated with these reappointments.

## BACKGROUND AND PREVIOUS ACTIONS

The City Council Subcommittee: Boards, Commissions and Committees met on December 7, 2021 to review applications and make recommendations for reappointments to the Arts and Culture Commission, Fire and Police Public Safety Personnel Retirement Boards and the Planning and Zoning Commission.

Loyalty oaths will be administered at the appointees respective committee meetings.

The following are the recommended reappointments to Boards, Commissions and Committees.

**Arts and Culture Commission**

| Name | Term Start | Term Expiration |
|---|---|---|
| Brian Cross | January 1, 2022 | December 31, 2024 |
| Jennifer Barnes | January 1, 2022 | December 31, 2024 |
| Holly McKenzie | January 1, 2022 | December 31, 2024 |

**Fire Public Safety Personnel Retirement Board and Police Public Safety Personnel Retirement Board**

| Name | Term Start | Term Expiration |
|---|---|---|

| | | |
|---|---|---|
| Jay Mathias | January 29, 2022 | January 28, 2026 |

**Planning and Zoning Commission**

| Name | Term Start | Term Expiration |
|---|---|---|
| Gregg Clymer | February 2, 2022 | February 1, 2025 |

## STAFF ANALYSIS

None.

ITEM #: 4.
DATE: 12/13/2021
AI #:595

# CITY COUNCIL ACTION REPORT

**SUBJECT: RECOMMEND APPROVAL OF ACQUISITION OF CONTROL FOR SERIES 7 (BEER AND WINE BAR) LIQUOR LICENSE FOR RUDY'S COUNTRY STORE & BAR B QUE**

**STAFF PRESENTER(S):** Darcie McCracken, City Clerk

## OTHER PRESENTER(S):

Amy S. Nations (Agent)

## SUMMARY

Due to a change in its ownership structure, Rudy's Country Store & Bar B Que is required to apply for an acquisition of control with the Arizona Department of Liquor Licenses and Control (DLLC). The City Council has the option to recommend approval, recommend denial or make no recommendation regarding the acquisition of control.

## Recommendation

Recommend approval to the Arizona Department of Liquor Licenses and Control of Application No. 167686, a request from Amy S. Nations, agent/applicant for Rudy's Country Store & Bar B Que, for Multi-Agent Change Acquisition of Control of a Series 7 (Beer and Wine Bar) Liquor License. No. 07070105, located at 845 N. Litchfield Road, Goodyear, Arizona 85338 (generally located near the Northeast corner of N. Litchfield Road and W. Test Drive, just south of the I-10 Interchange). (Darcie McCracken, City Clerk)

## FISCAL IMPACT

Per the Goodyear Municipal User Fee Schedule, a liquor license fee is only charged for new liquor licenses. Acquisitions of Control involve current liquor licenses; therefore, no fee is charged. The business will continue to contribute to the tax base of the community.

## BACKGROUND AND PREVIOUS ACTIONS

City Council voted to recommend approval of a Series 7 (Beer and Wine Bar) liquor license at its regular meeting on April 28, 2014, and with the approval the DLLC issued License No. 07070105 to Rudy's Country Store & Bar B Que. The restaurant is currently open for business to the public.

The City Clerk's Office received the application for an acquisition of control from the DLLC on November 4, 2021. Rudy's Country Store & Bar B Que, the licensee, and its umbrella entity, have removed Creed Ford II as a member and 18% stockholder. Lynn Ford previously held 52%

of the stock. Her new stock percentage will be 23%, and she will remain President. The following have been added, Ford Non-Exempt Martial Trust 28.95%, Ford Bypass Trust 6.05%, HLFR 2020 Trust 6% and CLF4 2020 Trust 6%.

## STAFF ANALYSIS

Per Arizona Revised Statues § 4-203(F), the local governing body of the city, town or county may protest the acquisition of control within sixty days based on the capability, reliability and qualification of the person acquiring control.

The application has been routed to the Police Department and the Development Services Department (Planning and Zoning, Code Compliance and Building Safety). Any comments that have been received are noted below:

| Department | Comments |
|---|---|
| Police | None |
| Planning and Zoning | None |
| Code Compliance | None |
| Building Safety | None |

Only new liquor licenses require a public hearing by the local governing body. A public hearing is not required for an acquisition of control as the action is in regard to an existing liquor license. The City Council's recommendation of "Approval", "Disapproval" or "No Recommendation" will be forwarded to the DLLC for final action.

---

**Attachments**

DLLC Local Governing Body Report

Ownership Chart

Cover Letter to DLLC

# State of Arizona
# Department of Liquor Licenses and Control

Created 11/03/2021 @ 11:00:17 AM

Local Governing Body Report

## LICENSE

| | | | |
|---|---|---|---|
| Number: | 07070105 | Type: | 007 BEER AND WINE BAR |
| Name: | RUDY'S COUNTRY STORE & BAR B QUE | | |
| State: | Pending | | |
| Issue Date: | | Expiration Date: | 02/28/2022 |
| Original Issue Date: | 09/11/1985 | | |
| Location: | 845 N LITCHFIELD ROAD<br>GOODYEAR, AZ 85338<br>USA | | |
| Mailing Address: | | | |
| Phone: | (480)663-6311 | | |
| Alt. Phone: | (480)730-2675 | | |
| Email: | | | |

Currently, this license has pending applications.

## AGENT

| | |
|---|---|
| Name: | AMY S NATIONS |
| Gender: | Female |
| Correspondence Address: | PO BOX 2502<br>CHANDLER, AZ 85244<br>USA |
| Phone: | (480)730-2675 |
| Alt. Phone: | |
| Email: | LIQUORLICENSE@AZLIC.COM |

## OWNER

| | | | |
|---|---|---|---|
| Name: | RUDY'S WEST BAR-B-Q LLC | | |
| Contact Name: | AMY S NATIONS | | |
| Type: | LIMITED LIABILITY COMPANY | | |
| AZ CC File Number: | R16804426 | State of Incorporation: | TX |
| Incorporation Date: | 06/03/2011 | | |
| Correspondence Address: | PO BOX 2502<br>CHANDLER, AZ 85244<br>USA | | |
| Phone: | (480)730-2675 | | |
| Alt. Phone: | | | |
| Email: | LIQUORLICENSE@AZLIC.COM | | |

**Officers / Stockholders**

| Name: | Title: | % Interest: |
|---|---|---|
| RUDY'S TEXAS BAR B Q LLC | MEMBER | 52.00 |

| | | |
|---|---|---|
| CHAD MITCHELL PARRISH | ManagingMember,Stockholder | 20.00 |
| PETER ANDREW BASSETT | ManagingMember,Stockholder | 10.00 |
| HARPER FPRD REHME | STOKHOLDER | 6.00 |
| CREED LAMAR FORD IV | VP | |
| LYNN SELF FORD | ManagingMember | |

## RUDY'S TEXAS BAR B Q LLC - MANAGING MEMBER
## RUDY'S WEST BAR-B-Q LLC - ManagingMember

Name: LYNN SELF FORD
Gender: Female
Correspondence Address: PO BOX 2502
CHANDLER, AZ 85244
USA
Phone: (512)917-8078
Alt. Phone:
Email: LSFORD@FRG99.COM

## RUDY'S TEXAS BAR B Q LLC - ManaGING MEMBER
## RUDY'S WEST BAR-B-Q LLC - ManagingMember,Stockholder

Name: PETER ANDREW BASSETT
Gender: Male
Correspondence Address: PO BOX 2502
CHANDLER, AZ 85244
USA
Phone: (830)708-0680
Alt. Phone:
Email: PBASSETT@RUDY.COM

## RUDY'S WEST BAR-B-Q LLC - ManagingMember,Stockholder

Name: CHAD MITCHELL PARRISH
Gender: Male
Correspondence Address: PO BOX 2502
CHANDLER, AZ 85244
USA
Phone: (512)565-9923
Alt. Phone:
Email: CLFORD@FR99.COM

## RUDY'S TEXAS BAR B Q LLC - MANAGING MEMBER

Name: HARPER FORD REHME
Gender: Female
Correspondence Address: PO BOX 2502
CHANDLER, AZ 85244
USA
Phone: (512)577-9414
Alt. Phone:
Email: HFORDREHME@FRG99.COM

## RUDY'S TEXAS BAR B Q LLC - MEMBER

Name: CREED LAMAR FORD IV
Gender: Male
Correspondence Address: PO BOX 2502
CHANDLER, AZ 85244
USA
Phone: (512)565-9923
Alt. Phone:
Email: CLFORD@FRG99.COM

## RUDY'S WEST BAR-B-Q LLC - VP

Name: CREED LAMAR FORD IV
Gender: Male
Correspondence Address: PO BOX 2502
CHANDLER, AZ 85244
USA
Phone: (512)565-9923
Alt. Phone:
Email: CLFORD@GRF99.COM

## RUDY'S TEXAS BAR B Q LLC - PRESIDENT

Name: LYNN SELF FORD
Gender: Female
Correspondence Address: PO BOX 2502
CHANDLER, AZ 85244
USA
Phone: (512)917-8078
Alt. Phone:
Email: LSFORD@FRG99.COM

## RUDY'S TEXAS BAR B Q LLC - VP

Name: PETER ANDREW BASSETT
Gender: Male
Correspondence Address: PO BOX 2502
CHANDLER, AZ 85244
USA
Phone: (830)708-0680
Alt. Phone:
Email: PBASSERR@RUDYS.COM

## RUDY'S TEXAS BAR B Q LLC - SecretARY

Name: HARPER FORD REHME
Gender: Female
Correspondence Address: PO BOX 2502
CHANDLER, AZ 85244
USA
Phone: (512)577-9414
Alt. Phone:
Email: HFORDREHME@FRG99.COM

## RUDY'S WEST BAR-B-Q LLC - STOKHOLDER

Name: HARPER FPRD REHME
Gender: Female
Correspondence Address: PO BOX 2502
CHANDLER, AZ 85244
USA
Phone: (512)577-9414
Alt. Phone:
Email: HFORDREHME@FRG99.COM

## RUDY'S WEST BAR-B-Q LLC - MEMBER

Name: RUDY'S TEXAS BAR B Q LLC
Contact Name: AMY S NATIONS
Type: LIMITED LIABILITY COMPANY
AZ CC File Number: State of Incorporation:
Incorporation Date:
Correspondence Address: PO BOX 2502
CHANDLER, AZ 85244
USA
Phone: (480)730-2675
Alt. Phone:
Email: LIQUORLICENSE@AZLIC.COM

## RUDY'S TEXAS BAR B Q LLC - STOCKHOLDER

Name: FORD NON-EXEMPT MARTIAL TRUST
Contact Name: AMY S NATIONS
Type: TRUST
AZ CC File Number: State of Incorporation:
Incorporation Date:
Correspondence Address: 1515
RR RR 620 SOUTH
AUSTIN, TX 78734
USA
Phone: (480)730-2675
Alt. Phone:
Email: LIQUORLICENSE@AZLIC.COM

## FORD BYPASS TRUST - TRUSTEE
## FORD NON-EXEMPT MARTIAL TRUST - TRUSTEE

Name: LYNN SELF FORD
Gender: Female
Correspondence Address: 1515
RR RR 620 SOUTH
AUSTIN, TX 78734
USA
Phone: (512)917-8078
Alt. Phone:
Email: LSFORD@FRG99.COM

## RUDY'S TEXAS BAR B Q LLC - STOCKHOLDER

Name: FORD BYPASS TRUST
Contact Name: AMY S NATIONS
Type: TRUST
AZ CC File Number: State of Incorporation:
Incorporation Date:
Correspondence Address: 1515
RR RR 620 SOUTH
AUSTIN, TX 78734
USA
Phone: (480)730-2675
Alt. Phone:
Email: LIQUORLICENSE@AZLIC.COM

## RUDY'S TEXAS BAR B Q LLC - STOCKHOLDER

Name: HLFR 2020 TRUST
Contact Name: AMY S NATIONS
Type: TRUST
AZ CC File Number: State of Incorporation:
Incorporation Date:
Correspondence Address: 1515
RR RR 620 SOUTH
AUSTIN, TX 78734
USA
Phone: (480)730-2675
Alt. Phone:
Email: LIQUORLICENSE@AZLIC.COM

## HLFR 2020 TRUST - TRUSTEE

Name: HARPER FORD REHME
Gender: Female
Correspondence Address: 1515
RR RR 620 SOUTH
AUSTIN, TX 78734
USA
Phone: (512)577-9414
Alt. Phone:
Email: HFORDREHME@FRG99.COM

## RUDY'S TEXAS BAR B Q LLC - STOCKHOLDER

Name: CLF4 20020 TRUST
Contact Name: AMY S NATIONS
Type: TRUST
AZ CC File Number: State of Incorporation:
Incorporation Date:
Correspondence Address: 1515
RR RR 620 SOUTH
AUSTIN, TX 78734
USA
Phone: (480)730-2675
Alt. Phone:
Email: LIQUORLICENSE@AZLIC.COM

## CLF4 20020 TRUST - TRUSTEE

Name: CREED LAMAR FORD IV
Gender: Male
Correspondence Address: 1515
RR RR 620 SOUTH
AUSTIN, TX 78734
USA
Phone: (512)565-9923
Alt. Phone:
Email: CLFORD@FRG99.COM

## MANAGERS

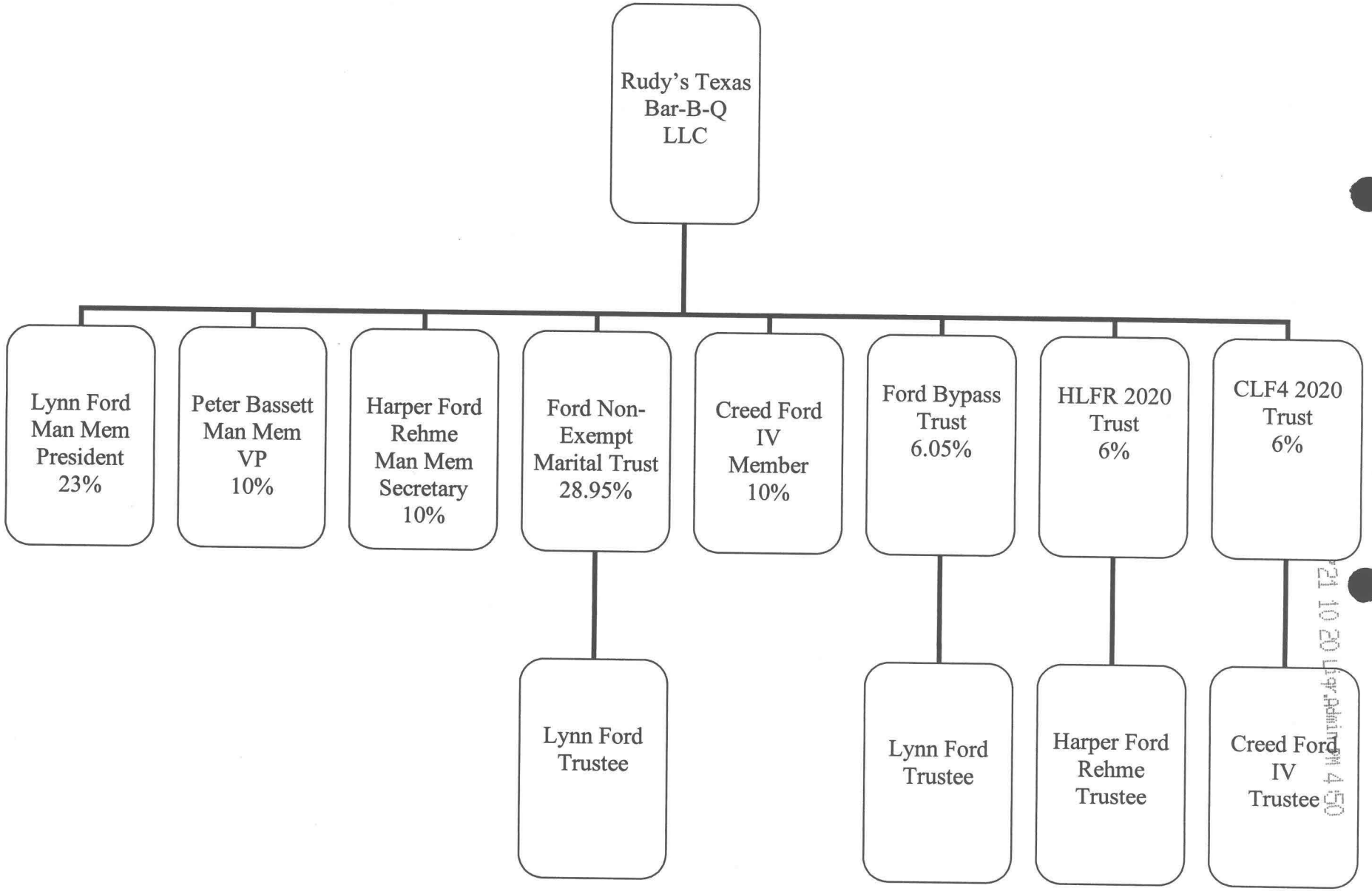
Name: ANDREW JAY JENNE
Gender: Male
Correspondence Address: 10950 W UNION HILLS DRIVE
SUN CITY, AZ 85373
USA
Phone: (915)319-0595
Alt. Phone: (915)319-0595
Email: AJENNE@RUDYS.COM

**********

Name: NANCY MICHELLE JENNE
Gender: Female
Correspondence Address: 10950 W UNION HILLS DRIVE
SUN CITY, AZ 85373
USA
Phone: (915)319-0593
Alt. Phone:
Email: NJENNE@RUDYS.COM

# APPLICATION INFORMATION

Application Number: 167686
Application Type: Multi-License Acquisition of Control / Multi-Agent Change
Created Date: 11/03/2021


Rudy's Texas Bar-B-Q LLC
Lynn Ford Man Mem President 23%
Peter Bassett Man Mem VP 10%
Harper Ford Rehme Man Mem Secretary 10%
Ford Non-Exempt Marital Trust 28.95%
Creed Ford IV Member 10%
Ford Bypass Trust 6.05%
HLFR 2020 Trust 6%
CLF4 2020 Trust 6%
Lynn Ford Trustee
Lynn Ford Trustee
Harper Ford Rehme Trustee
Creed Ford IV Trustee

P.O. Box 2502
Chandler, Arizona 85244
(480) 730-2675 Phone (480) 730-2676 Fax

21 10 20 Liqr.Admin PM 4:50



ARIZONA LIQUOR
INDUSTRY CONSULTANTS

Date: October 13, 2021
To: Licensing Manager Jennifer Benson
From: Amy S. Nations
Subject: 07070105 Rudy's Country Store & Bar B Q

Dear Mrs. Benson,

With this letter, we intend to notify you of the current ownership of Rudy's West Bar-B-Que LLC dba Rudy's Country Store & Bar B Q located at 845 N. Litchfield Rd. Goodyear, Arizona. The stock percentages have been updated as follows:

Rudy's Texas Bar-B-Q LLC, please remove Creed Ford III as a member and 18% stockholder.

Please add the following:

Ford Non-Exempt Martial Trust 28.95%
Ford Bypass Trust 6.05%
HLFR 2020 Trust 6%
CLF4 2020 Trust 6%

Lynn Ford previously held 52% of the stock, her new stock percentage will be 23% and she will remain President.

Should you have any questions, please feel free to contact me at 480-730-2675.

Thank You,

Amy S. Nations

ITEM #: 5.
DATE: 12/13/2021
AI #:596

# CITY COUNCIL ACTION REPORT

**SUBJECT: RECOMMEND APPROVAL OF A NEW SERIES 12 (RESTAURANT) LIQUOR LICENSE FOR TOMO JAPANESE CUISINE**

**STAFF PRESENTER(S):** Darcie McCracken, City Clerk

## OTHER PRESENTER(S):

Amy S. Nations (Agent)

## SUMMARY

The applicant is requesting a recommendation of approval for a new Series 12 (Restaurant) liquor license.

## Recommendation

Recommend approval to the Arizona Department of Liquor Licenses and Control (DLLC) of Application No.167964, a request by Amy S. Nations, agent/applicant for Tomo Japanese Cuisine, for a new Series 12 liquor license. Tomo Japanese Cuisine is located at 1550 N. Dysart Road #A7, A8, and A9, Goodyear, Arizona 85338 (generally located near the southwest corner of Dysart Road and McDowell Road). (Darcie McCracken, City Clerk)

## FISCAL IMPACT

The applicant paid the $635 application fee for the liquor license per the Goodyear Municipal User Fee Schedule. The business will also contribute to the tax base of the community.

## BACKGROUND AND PREVIOUS ACTIONS

Ms. Nations has applied for a new Series 12 liquor license for Tomo Japanese Cuisine, which is currently open for business and operating under an Interim Permit issued by the Arizona Department of Liquor Licenses and Control (DLLC). An Interim Permit allows an applicant to sell, serve and store liquor under an existing license of the same series at the same location while their new license is processed (A.R.S. § 4-203.01).

The City Clerk's Office received the application from the DLLC on November 5, 2021. The applicant paid the $635 application fee for the liquor license, and a public notice was posted on the property on November 19, 2021, to comply with the State-mandated 20-day comment period. No petitions or protests from qualified persons were received during the comment period.

The application was routed to the Police Department and the Development Services

Department (Planning and Zoning, Code Compliance and Building Safety), and any comments are listed below:

| Department | Comments |
|---|---|
| Police | None |
| Planning and Zoning | None |
| Code Compliance | None |
| Building Safety | None |

## STAFF ANALYSIS

A Series 12 license is for a restaurant and is non-transferrable. This on-sale retail privileges liquor license allows the holder to sell and serve all types of spirituous liquor solely for consumption on the premises of an establishment which derives at least forty percent (40%) of its gross revenue from the sale of food.

The DLLC requires license owners, agents, and managers actively involved in the day-to-day operations of the business to complete a state approved management training course prior to the issuance of a liquor license. The state-training has already been scheduled and will be completed by Manger, Gyeyoon Joo before December 10, 2021. In addition to completing the required training, the manager will be on site during all business hours. Restaurant workers will be checking state identification cards and driver licenses to all when serving alcohol.

There are no licensed childcare facilities, K-12 schools or churches within 300 feet of the location.

The City Council's recommendation of "Approval", "Disapproval" or "No Recommendation" will be forwarded to the DLLC for consideration at a public hearing of the State Liquor Board (Board).

---

**Attachments**

DLLC Local Governing Body Report

Liquor License Evaluation Map

Liquor License within One Mile Report

# State of Arizona
# Department of Liquor Licenses and Control

Created 11/05/2021 @ 09:37:25 AM

Local Governing Body Report

## LICENSE

| | | | |
|---|---|---|---|
| Number: | | Type: | 012 RESTAURANT |
| Name: | TOMO JAPANESE CUISINE | | |
| State: | Pending | | |
| Issue Date: | | Expiration Date: | |
| Original Issue Date: | | | |
| Location: | 1550 N DYSART ROAD<br>#A7 A8 A9<br>GOODYEAR, AZ 85338<br>USA | | |
| Mailing Address: | PO BOX 2502<br>CHANDLER, AZ 85244<br>USA | | |
| Phone: | (623)935-2031 | | |
| Alt. Phone: | (480)730-2675 | | |
| Email: | LIQUORLICENSE@AZLIC.COM | | |

## AGENT

| | |
|---|---|
| Name: | AMY S NATIONS |
| Gender: | Female |
| Correspondence Address: | PO BOX 2502<br>CHANDLER, AZ 85244<br>USA |
| Phone: | (480)730-2675 |
| Alt. Phone: | |
| Email: | LIQUORLICENSE@AZLIC.COM |

## OWNER

| | | | |
|---|---|---|---|
| Name: | TOMO JS GLOBAL LLC | | |
| Contact Name: | AMY S NATIONS | | |
| Type: | LIMITED LIABILITY COMPANY | | |
| AZ CC File Number: | 2319861 | State of Incorporation: | AZ |
| Incorporation Date: | 04/22/2021 | | |
| Correspondence Address: | PO BOX 2502<br>CHANDLER, AZ 85244<br>USA | | |
| Phone: | (480)730-2675 | | |
| Alt. Phone: | | | |
| Email: | LIQUORLICENSE@AZLIC.COM | | |

**Officers / Stockholders**

| Name: | Title: | % Interest: |
|---|---|---|
| JIN SUP CHO | MEMBER | 100.00 |

## TOMO JS GLOBAL LLC - MEMBER

| | |
|---|---|
| Name: | JIN SUP CHO |
| Gender: | Male |
| Correspondence Address: | PO BOX 2502<br>CHANDLER, AZ 85244<br>USA |
| Phone: | (213)448-4989 |
| Alt. Phone: | |
| Email: | JSCHO813@GMAIL.COM |

# APPLICATION INFORMATION

| | |
|---|---|
| Application Number: | 167964 |
| Application Type: | New Application |
| Created Date: | 11/05/2021 |

Arzu

# QUESTIONS & ANSWERS

**012 Restaurant**

1) Are you applying for an Interim Permit (INP)?
   Yes
   A Document of type INTERIM PERMIT (INP) NOTARY PAGE is required.
2) Are you one of the following? Please indicate below.
   Property Tenant
   Subtenant
   Property Owner
   Property Purchaser
   Property Management Company
   TENANT
3) Is there a penalty if lease is not fulfilled?
   Yes
   What is the penalty?
   STILL OWE LEASE TERM
4) Is the Business located within the incorporated limits of the city or town of which it is located?
   Yes
5) What is the total money borrowed for the business not including the lease?
   Please list each amount owed to lenders/individuals.
   $650,000.00

   READY CAPITAL 120 NEWPORT CENTER DR NEWPORT BEACH CA 92660
6) Is there a drive through window on the premises?
   No
7) If there is a patio please indicate contiguous or non-contiguous within 30 feet.
   CONTIGUOUS
8) Is your licensed premises now closed due to construction, renovation or redesign or rebuild?
   No

# State of Arizona
# Department of Liquor Licenses and Control

Created 11/05/2021 @ 09:36:39 AM

Local Governing Body Report

## LICENSE

| | | | |
|---|---|---|---|
| Number: | INP070016040 | Type: | INP INTERIM PERMIT |
| Name: | TOMO JAPANESE CUISINE | | |
| State: | Active | | |
| Issue Date: | 11/05/2021 | Expiration Date: | 02/18/2022 |
| Original Issue Date: | 11/05/2021 | | |
| Location: | 1550 N DYSART ROAD<br>#A7 A8 A9<br>GOODYEAR, AZ 85338<br>USA | | |
| Mailing Address: | PO BOX 2502<br>CHANDLER, AZ 85244<br>USA | | |
| Phone: | (623)935-2031 | | |
| Alt. Phone: | (480)730-2675 | | |
| Email: | LIQUORLICENSE@AZLIC.COM | | |

## AGENT

| | |
|---|---|
| Name: | AMY S NATIONS |
| Gender: | Female |
| Correspondence Address: | PO BOX 2502<br>CHANDLER, AZ 85244<br>USA |
| Phone: | (480)730-2675 |
| Alt. Phone: | |
| Email: | LIQUORLICENSE@AZLIC.COM |

## OWNER

| | | | |
|---|---|---|---|
| Name: | TOMO JS GLOBAL LLC | | |
| Contact Name: | AMY S NATIONS | | |
| Type: | LIMITED LIABILITY COMPANY | | |
| AZ CC File Number: | 2319861 | State of Incorporation: | AZ |
| Incorporation Date: | 04/22/2021 | | |
| Correspondence Address: | PO BOX 2502<br>CHANDLER, AZ 85244<br>USA | | |
| Phone: | (480)730-2675 | | |
| Alt. Phone: | | | |
| Email: | LIQUORLICENSE@AZLIC.COM | | |

**Officers / Stockholders**

| Name: | Title: | % Interest: |
|---|---|---|
| JIN SUP CHO | MEMBER | 100.00 |

## TOMO JS GLOBAL LLC - MEMBER

| | |
|---|---|
| Name: | JIN SUP CHO |
| Gender: | Male |
| Correspondence Address: | PO BOX 2502<br>CHANDLER, AZ 85244<br>USA |
| Phone: | (213)448-4989 |
| Alt. Phone: | |
| Email: | JSCHO813@GMAIL.COM |

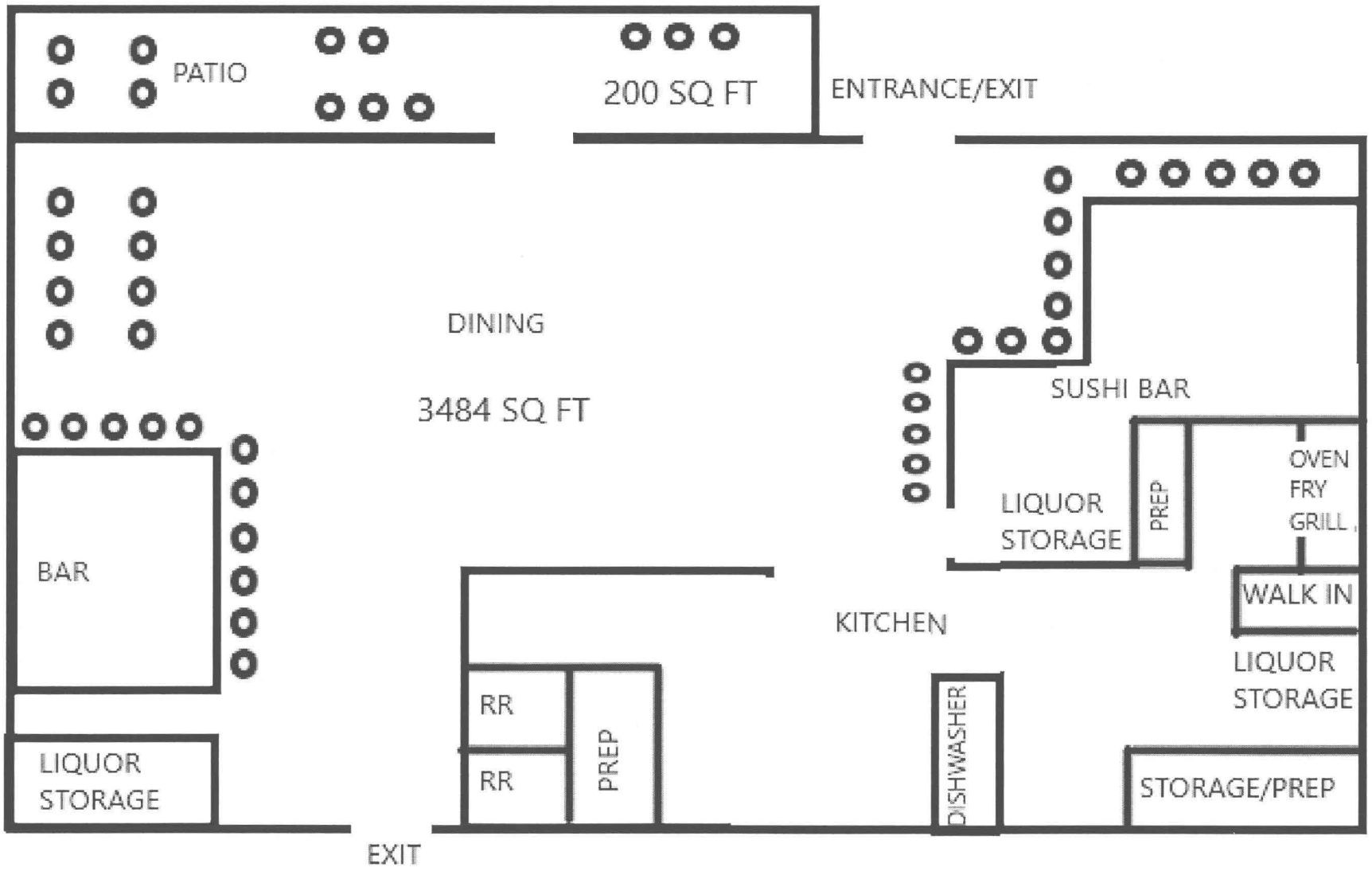
# APPLICATION INFORMATION

| | |
|---|---|
| Application Number: | 167965 |
| Application Type: | New Application |
| Created Date: | 11/05/2021 |

# QUESTIONS & ANSWERS

**INP Interim Permit**

1) Enter License Number currently at location
   1207B091
2) Is the license currently in use?
   Yes
3) Will you please submit section 5, page 6, of the license application when you reach the upload page?
   No




'21 10 20 Liqr Admin PM 4:56

'21 10 20 Liqr.Admin PM 4:56

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

**DLLC USE ONLY**
Job #: 167964

# RESTAURANT OPERATION PLAN

1. Name of restaurant (Please print): TOMO Japanese Cuisine

2. List equipment below by Make, Model, and Capacity : **(PROVIDE THE FOLLOWING ITEMS ONLY, NO ATTACHMENTS)**

| | |
|---|---|
| Grill | Champion APW 48" |
| Oven | Wolf Construction 2 Door Oven |
| Freezer | Crown Tonka Walk-In Freezer |
| Refrigerator | Crown Tonka Walk-In Refrigerator |
| Sink | 1 Hand Sink<br>2 - 3 Compartment Sinks 1 - 2 Compartment Sink |
| Dish Washing Facilities | Ecolab Dishwasher |
| Food Preparation Counter (Dimensions) | 2 - 3' X 6' Tables 1 - 4' X 8' Table |
| Other | Rice Cooker Ice Machine |

3. Attach a copy of your full menu **including prices**
(examples: Breakfast, Lunch, Dinner, and Nonalcoholic beverages).

4. List the **seating capacity** for:

   a. Restaurant dining area of your premises: **(Do not include patio seating)** [ 80 ]

   b. Bar area of your premises: [+ 15 ]

   c. Total dining and bar seating capacity of your premises: [= 95 ]

5. What Type of dinnerware and utensils are utilized within your restaurant?

   ☑ Reusable ☐ Disposable ☐ Both

6. Does your restaurant have a bar area that is distinct and separate from the dining area? ☐ YES ☑ No

   **(If yes, what percentage of the public floor space does this area cover?)** _____%

7. What percentage of your public premises is used primarily for restaurant dining?

   **(Do not include kitchen, bar, hi-top tables, or game area.)** 90 %



Individuals requiring ADA accommodations call (602) 542-9027.

10-20 272.00
Clay

'21 OCT 20 PM 4:43 AZDLLC

**DLLC USE ONLY**

| | |
|---|---|
| Job # | 167964 |
| Date Accepted: | 11-3-2021 |
| CSR: | Clay |

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

# Application for Liquor License
**Type or Print with Black Ink**

**APPLICATION FEE AND INTERIM PERMIT FEES (IF APPLICABLE) ARE NOT REFUNDABLE**
**A service fee of $25 will be charged for all dishonored checks (A.R.S. § 44-6852)**

## SECTION 1 Type of License

- [x] Interim Permit
- [x] New License
- [ ] Person Transfer (series 6, 7 and 9)
- [ ] Location Transfer (series 6, 7 and 9)
- [ ] Probate/ Will Assignment/ Divorce Decree (No Fees)
- [ ] Seasonal

- [ ] **Apply to become Arizona Lottery retailer**

## SECTION 2 Type of Ownership

- [ ] J.T.W.R.O.S.
- [ ] Individual
- [ ] Partnership
- [ ] Corporation
- [x] Limited Liability Co
- [ ] Club
- [ ] Government
- [ ] Trust
- [ ] Tribe
- [ ] Other (Explain) _____

## SECTION 3 Type of Privilege

- [ ] Add Sampling Privilege for Series 9 and 10 only (Complete Sampling Privilege application) A.R.S.§4-206.01(G), (H), (I) & (L)
- [ ] Add Growler privileges (restaurant, series 12 license only. 300-foot restriction applies) A.R.S.§4-207(A) & (B)

1.Type of License (Series of license): Series 12 Restaurant

2. LICENSE # 167964

## SECTION 4 Applicants

1. Agent's Name: Nations (Last) Amy (First) S. (Middle)
2. Individual/Owner Name: TOMO JS Global LLC
   (Ownership name for type of ownership checked in section 2)
3. Business Name (Doing Business As-DBA): TOMO Japanese Cuisine
4. Business Location Address: 1550 N. Dysart Road Suites A7-A9 (Street) Goodyear (City) Arizona (State) 85338 (Zip Code) Maricopa (County)
   (Do not use PO Box)
5. Mailing Address: P.O. Box 2502 (Street) Chandler (City) Arizona (State) 85338 (Zip Code)
   (All correspondence will be mailed to this address)
6. Business Phone: 623-935-2031 Daytime Contact Phone: 480-730-2675
7. Email Address: liquorlicense@azlic.com
8. Is the Business located within the incorporated limits of the above city or town? [x] Yes [ ] No
   If you checked no, in what City, Town, County or Tribal/Indian Community is this business located? _____
9. Total Price paid for Series 6 Bar, Series 7 Beer & Wine Bar or Series 9 Liquor Store (license only) $ _____

**Department Use Only**

| Fees | Application | Interim Permit | Site Inspection | Finger Prints | Total of All Fees |
|---|---|---|---|---|---|
| | 100.00 | 100.00 | 50.00 | 22.00 | $ 272.00 |

Is Arizona Statement of Citizenship & Alien Status for State Benefits complete? [x] Yes [ ] No

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**SECTION 5 Interim Permit**

If you intend to operate business while the application is pending, you will need an interim permit pursuant to A.R.S.§4-203.01. For approval of an interim permit:

- There **must** be a valid license of the same series issued to the current location you are applying for, **OR**
- A Hotel/Motel license is being replaced with a restaurant license pursuant to A.R.S.§4-203.01(A)

1. Enter license number currently at the location: 1207B091

2. Is the license currently in use? ☑ Yes ☐ No If no, how long has it been out of use? _____

**NOTARY**

I **(Print Full Name)** Cong Zhan hereby declare that I am the Agent, Current Owner, or Controlling Person on the stated license and location.

**Signature:** _____ State of Arizona County of Maricopa

**The foregoing instrument was acknowledged before me this**

My Commission Expires on: **Date**

MIRANDA BUSTAMANTE
Notary - Arizona
Maricopa County
My Commission Expires
March 10th, 2024
Commission # 578116

27th Day of October, 2021
**Day** **Month** **Year**

_____
**Signature of Notary**

**SECTION 6 Background Check**

EACH PERSON LISTED MUST SUBMIT A QUESTIONNAIRE, FINGERPRINT CARD, AND $22 PROCESSING FEE PER CARD.

1. If the applicant is an entity, and not an individual, answer questions 1a-b.

a) Date Incorporated/Organized: 3/22/2021 State where Incorporated/Organized: Arizona

b) AZ Corporation or AZ L.L.C. File No: 23199861 Date authorized to do business in AZ: 4/22/2021

2. List any individual or entity that owns a beneficial interest of 10% or more and/or controls the applicant or licensee. If the applicant is owned by another entity, attach an organizational chart showing the ownership structure. Attach additional sheets as needed. Disclose all controlling persons and members, shareholders or general partners who own a beneficial interest of 10% or more of the applicant or licensee.

| Last | First | Middle | Title | %Owned | Mailing Address | City | State | Zip |
|---|---|---|---|---|---|---|---|---|
| Cho | Jin | Sup | Member | 100% | 1017 Elden Ave #9 | Los Angeles, | CA | 90006 |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

**(Attach additional sheet if necessary)**

**SECTION 7 Probate, Receiver, Bankruptcy Trustee, Assignment, or Divorce Decree of an existing liquor license A.R.S.§4-204**

*EACH PERSON LISTED MUST SUBMIT A QUESTIONNAIRE, FINGERPRINT CARD, AND $22 PROCESSING FEE PER CARD.*

1. Current Licensee's Name: _____
**(Exactly as it appears on the license)** **Last** **First** **Middle**

2.Assignee's Name: _____
**Last** **First** **Middle**

3.License Number: _____

**ATTACH A COPY OF THE DOCUMENT THAT SPECIFICALLY ASSIGNS THE LIQUOR LICENSE TO THE ASSIGNEE.**



AMENDMENT

'21 10 20 Liq.Admin PM 4:55

**SECTION 5 Interim Permit**

If you intend to operate business while the application is pending, you will need an interim permit pursuant to A.R.S.§4-203.01. For approval of an interim permit:

- There **must** be a valid license of the same series issued to the current location you are applying for, **OR**
- A Hotel/Motel license is being replaced with a restaurant license pursuant to A.R.S.§4-203.01(A)

1. Enter license number currently at the location: 1207B091

2. Is the license currently in use? ☑ Yes ☐ No If no, how long has it been out of use? _____

**NOTARY**

I **(Print Full Name)** Cong Zhan hereby declare that I am the Agent, Current Owner, or Controlling Person on the stated license and location.

**Signature:** _____ State of _____ County of _____

**The foregoing instrument was acknowledged before me this**

My Commission Expires on: _____ _____ Day of _____, _____

**Date** **Day** **Month** **Year**

_____

**Signature of Notary**

**SECTION 6 Background Check**

EACH PERSON LISTED MUST SUBMIT A QUESTIONNAIRE, FINGERPRINT CARD, AND $22 PROCESSING FEE PER CARD.

1. If the applicant is an entity, and not an individual, answer questions 1a-b.

a) Date Incorporated/Organized: 3/22/2021 State where Incorporated/Organized: Arizona

b) AZ Corporation or AZ L.L.C. File No: 23199861 Date authorized to do business in AZ: 4/22/2021

2. List any individual or entity that owns a beneficial interest of 10% or more and/or controls the applicant or licensee. If the applicant is owned by another entity, attach an organizational chart showing the ownership structure. Attach additional sheets as needed. Disclose all controlling persons and members, shareholders or general partners who own a beneficial interest of 10% or more of the applicant or licensee.

| Last | First | Middle | Title | %Owned | Mailing Address City State Zip |
|---|---|---|---|---|---|
| Cho | Jin | Sup | Member | 100% | 1017 Elden Ave #9 Los Angeles, CA 90006 |
| | | | | | |
| | | | | | |
| | | | | | |

**(Attach additional sheet if necessary)**

**SECTION 7 Probate, Receiver, Bankruptcy Trustee, Assignment, or Divorce Decree of an existing liquor license A.R.S.§4-204**

*EACH PERSON LISTED MUST SUBMIT A QUESTIONNAIRE, FINGERPRINT CARD, AND $22 PROCESSING FEE PER CARD.*

1. Current Licensee's Name: _____
**(Exactly as it appears on the license)** **Last** **First** **Middle**

2.Assignee's Name: _____
**Last** **First** **Middle**

3.License Number: _____

**ATTACH A COPY OF THE DOCUMENT THAT SPECIFICALLY ASSIGNS THE LIQUOR LICENSE TO THE ASSIGNEE.**

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**SECTION 8 Government (for Cities, Towns or Counties only)**

1. Government Entity: _____

2. Person/Designee: _____
**Last** **First** **Middle** **Daytime Contact Phone #**

**SECTION 9 Person to Person Transfer ARS§4-203(C), (D), (G)**
**(Bar and Liquor Stores only – Series 06, 07, and 09)**

1. License #: _____

2. Individual Owner/Agent Name: _____
**Last** **First** **Middle**

3. Ownership Name: _____
**(Exactly as it appears on the license)**

4. Current Business Name: _____
**(Exactly as it appears on the license)**

5. Business Location Address: _____
**Street** **City** **State** **County** **Zip**

6. Current Daytime Phone: _____ Primary Email Address: _____

7. Does current licensee intend to operate the business while this application is pending? ☐ Yes ☐ No

8. I, (Signature): _____ authorize the transfer of this license to the applicant.

**NOTARY**

I **(Print Full Name)** _____ hereby declare that I am the Individual Agent, Owner, Or Controlling Person on the stated license and location.

**Signature:** _____ State of _____ County of _____
**The foregoing instrument was acknowledged before me this**

My Commission Expires on: _____ _____ Day of _____, _____
**Date** **Day** **Month** **Year**

_____
**Signature of Notary**

**SECTION 10 Location Transfer– Current Licensee Information ARS§4-203(C), (D), (G)**
**(Bar and Liquor Stores only – Series 06, 07, and 09)**

1.Current Business: Name: _____

Address: _____
**(exactly as it appears on license)**

2.New Business: Name: _____

Address: _____

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**SECTION 11 Proximity to Church or School - Questions to be completed by 6, 7, 9, 10 and 12G applicants.**

**A.R.S.§4-207.** (A) and (B) state that no **retailer's license** shall be issued for any premises which are at the time the license application is received by the director, within three hundred (300) horizontal feet of a church, within three hundred (300) horizontal feet of a public or private school building with kindergarten programs or grades one (1) through (12), or within three hundred (300) horizontal feet of a fenced recreational area adjacent to such school building.

**The above paragraph DOES NOT apply to:**

a) Restaurants that do not sell growlers (A.R.S.§4-205.02) Series 12
b) Hotel/motel license (A.R.S.§4-205.01) Series 11
c) Microbrewery (A.R.S.§4-205.08) Series 03
d) Craft Distillery (A.R.S.§4-205.10) Series 18
e) Government license (A.R.S.§4-205.03) Series 05
f) Playing area of a golf course (A.R.S.§4-207 (B)(5))
g) Wholesaler/Distributor Series 04
h) Farm Winery Series 13
I) Producer Series 01

1. Distance to nearest School: _____ Name of School: _____
**(If less than one (1) mile, note footage)**
Address: _____

2. Distance to nearest Church: _____ Name of Church: _____
**(If less than one (1) mile, note footage)**
Address: _____

---

**SECTION 12 Business Financials A.R.S.§4-202(F)**

1. **I am the:**

☑ Tenant: **a person who holds the lease of a property; a lessee.**
☐ Sub-tenant: **a person who holds a lease which was given to another person (tenant) for all or part of a property.**
☐ Owner
☐ Purchaser
☐ Management Company

2. If the premises is leased give lessors: Name: Lippow/Dysart 2 LLC

Address: 7025 N. Scottsdale Rd Suite 220 Scottsdale, AZ 85253
**Street City State Zip**

3. What is the penalty if the lease is not fulfilled? $ _____ or Other: Still owe lease term

4. Total money borrowed for the Business, not including lease? $ 650,000.00

Please List Lenders/People you owe money to for business.

| Last | First | Middle | Amount Owed | Mailing Address | City | State | Zip |
|---|---|---|---|---|---|---|---|
| Ready Capital | | | $650,000.00 | 120 Newport Center Dr Newport Beach, CA 92660 | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |

**(Attach additional sheet if necessary)**

5. Has a license or a transfer license for the premises on this application been denied by the state within the past year?

☐ Yes ☑ No If yes, attach explanation.

6. Does any spirituous liquor manufacturer, wholesaler, or employee have an interest in your business?

☐ Yes ☑ No If yes, attach explanation.

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**SECTION 13 Diagram of Premises**

Check ALL boxes that apply to your business:

☐ Walk-up or drive-through windows

☑ Patio: Contiguous ☐ Patio: Non-Contiguous within 30 feet

1. Is your licensed premises now closed due to construction, renovation or redesign or rebuild?

☐ Yes ☑ No If yes, what is your estimated completion date? ____/____/_____

2. What type of business will this license be used for? (be Specific) Japanese Restaurant

**3. Please attach a diagram of the premises** which clearly shows only the areas where spirituous liquor will be sold, served, consumed, dispensed, possessed or stored. Include entrances, exits, interior walls, bar areas, dining areas, dance floor, stage, game room and kitchen.

## DO NOT INCLUDE

Parking lots, living quarters or areas where business is not conducted under this liquor license. Please identify which orientation is North on the diagram.

4.Provide the square footage or outside dimensions of the licensed premises. Please do not include non-licensed areas such as parking lots, living quarters, etc.

# ATTACH DIAGRAM

**IMPORTANT NOTE:** As stated in A.R.S.§4-207.01 (B), it is the licensee's responsibility to notify the Department of Liquor Licenses and Control when there are changes to the service areas or the square footage of the licensed premises, either by increase or decrease.

**RESTAURANTS AND HOTELS/MOTELS ONLY**
(**IMPORTANT NOTE:** A site inspection must be conducted prior to activation of the license. A $50.00 fee for the inspection will be due and payable upon submitting this application.)

5a. Provide a detailed drawing of the kitchen and dining areas, including the locations of all kitchen equipment and dining furniture. These are required as part of the diagram. A.R.S.§4-205.02(C)

5b. Provide a restaurant operation plan.

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**SECTION 14 SIGNATURE BLOCK**

**NOTARY**

I **(Print Full Name)** Amy S. Nations hereby declare that I am the Individual Agent, Owner, Or Controlling Person on the stated license and location.

**Signature:** [signature] State of Arizona County of Maricopa

**The foregoing instrument was acknowledged before me this**

My Commission Expires on: [signature] **Date**

MIRANDA BUSTAMANTE
Notary Public - Arizona
Maricopa County
My Commission Expires
March 10th, 2024
Commission # 578116

19th **Day** of October **Month**, 2021 **Year**

[signature]
**Signature of Notary**

**A.R.S.§41-1030. Invalidity of rules not made according to this chapter; prohibited agency action; prohibited acts by state employees; enforcement; notice**

B. An agency shall not base a licensing decision in whole or in part on a licensing requirement or condition that is not specifically authorized by statute, rule or state tribal gaming compact. A general grant of authority in statute does not constitute a basis for imposing a licensing requirement or condition unless a rule is made pursuant to that general grant of authority that specifically authorizes the requirement or condition.

D. THIS SECTION MAY BE ENFORCED IN A PRIVATE CIVIL ACTION AND RELIEF MAY BE AWARDED AGAINST THE STATE. THE COURT MAY AWARD REASONABLE ATTORNEY FEES, DAMAGES AND ALL FEES ASSOCIATED WITH THE LICENSE APPLICATION TO A PARTY THAT PREVAILS IN AN ACTION AGAINST THE STATE FOR A VIOLATION OF THIS SECTION.

E. A STATE EMPLOYEE MAY NOT INTENTIONALLY OR KNOWINGLY VIOLATE THIS SECTION. A VIOLATION OF THIS SECTION IS CAUSE FOR DISCIPLINARY ACTION OR DISMISSAL PURSUANT TO THE AGENCY'S ADOPTED PERSONNEL POLICY.

F. THIS SECTION DOES NOT ABROGATE THE IMMUNITY PROVIDED BY SECTION 12-820.01 OR 12-820.02.

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8. Does your restaurant contain any games, televisions, or any other entertainment? ☑ YES ☐ No
**(If yes, specify what types and how many** (examples: 4-TV's, 2-Pool Tables, 1-Video Game, etc.)

3 Televisions

9. Do you have live entertainment or dancing? ☐ YES ☑ No
**(If yes, what type and how often** 8.5
example: DJ-2 x a week, Karaoke-2 x a month, Live Band-1 x a month, etc.)

10. Use space below to list how many employees for each position to fully staff your business.

| Position | How many |
|---|---|
| Cooks | 8 |
| Bartenders | 0 |
| Hostesses | 0 |
| Managers | 1 |
| Servers | 7 |
| Other ( Dishwasher/Busser ) | 2 |
| Other ( ) | |
| Other ( ) | |

I, Amy S. Nations, hereby declare that I am the APPLICANT filing this application.
I have read this application and the contents and all statements true, correct and complete.

X Amy S. Nations
**(Signature of APPLICANT)**

**NOTARY**

State of Arizona County of Maricopa

The foregoing instrument was acknowledged before me this 19th day of October 2021
**Day** **Month** **Year**

My Commission Expires on: **Date**

MIRANDA BUSTAMANTE
Notary Public - Arizona
Maricopa County
My Commission Expires
March 10th, 2024
Commission # 578116

**Signature of Notary Public**



Individuals requiring ADA accommodations call (602) 542-9027.

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

**RECORDS REQUIRED FOR AUDIT**
**Applies to Series 11 (Hotel/Motel W/Restaurant) & Series 12 (Restaurant) Only**

**MAKE A COPY OF THIS DOCUMENT AND KEEP IT WITH YOUR DLLC RECORDS**

In the event of an audit, you will be asked to provide to the Department any documents necessary to determine compliance with A.R.S. §4-205.02(G). Such documents requested may include however, are not limited to:

1. All invoices and receipts for the purchase of food and spirituous liquor for the licensed premises.
2. A list of ***all*** food and liquor vendors
3. The restaurant menu used during the audit period
4. A price list for alcoholic beverages during the audit period
5. Mark-up figures on food and alcoholic products during the audit period
6. A recent, ***accurate*** inventory of food and liquor (taken within two weeks of the Audit Interview Appointment)
7. Monthly Inventory Figures - beginning and ending figures for food and liquor
8. Chart of accounts (copy)
9. Financial Statements-Income Statements-Balance Sheets
10. General Ledger
    - A. Sales Journals/Monthly Sales Schedules
        - 1) Daily sales Reports (to include the name of each waitress/waiter, bartender, etc. with sales for that day)
        - 2) Daily Cash Register Tapes - Journal Tapes and Z-tapes
        - 3) Dated Guest Checks
        - 4) Coupons/Specials/Discounts
        - 5) Any other evidence to support income from food and liquor sales
    - B. Cash Receipts/Disbursement Journals
        - 1) Daily Bank Deposit Slips
        - 2) Bank Statements and canceled checks
11. Tax Records
    - A. Transaction Privilege Sales, Use and Severance Tax Return (copies)
    - B. Income Tax Return - city, state and federal (copies)
    - C. Any supporting books, records, schedules or documents used in preparation of tax returns
12. Payroll Records
    - A. Copies of all reports required by the State and Federal Government
    - B. Employee Log (A.R.S. §4-119)
    - C. Employee time cards (actual document used to sign in and out each work day)
    - D. Payroll records for all employees showing hours worked each week and hourly wages



Individuals requiring ADA accommodations please call (602)542-9027

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13. Off-site Catering Records (must be complete and separate from restaurant records)

A. All documents which support the income derived from the sale of food off the license premises.

B. All documents which support purchases made for food to be sold off the licensed premises.

C. All coupons/specials/discounts

The sophistication of record keeping varies from establishment to establishment. Regardless of each licensee's accounting methods, the amount of gross revenue derived from the sale of food and liquor must be substantially documented.

**REVOCATION OF YOUR LIQUOR LICENSE MAY OCCUR IF YOU FAIL TO COMPLY WITH A.R.S. §4-210(A)7 AND A.R.S. §4-205.02(G).**

**A.R.S. §4-210(A)7**

The licensee fails to keep for two years and make available to the department upon reasonable request all invoices, records, bills or other papers and documents relating to the purchase, sale and delivery of spirituous liquors and, in the case of a restaurant or hotel-motel licensee, all invoices, records, bills or other papers and documents relating to the purchase, sale and delivery of food.

**A.R.S. §4-205.02(G)**

For the purpose of this section:

1."Restaurant" means an establishment which derives **at least forty percent (40%)** of its gross revenue from the sale of food
2."Gross revenue" means the revenue derived from all sales of food and spirituous liquor on the licensed premises, regardless of whether the sales of spirituous liquor are made under a restaurant license issued pursuant to this section or under any other license that has been issued for the premises pursuant to this article.

**NOTARY**

I, (Print Full Name) Amy S. Nations, have read and understand all aspects of this statement

X (Signature) _____
Controlling Person / Agent

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

19th Day of October Month 2021 Year

My commission expires on: MIRANDA BUSTAMANTE Notary Public - Arizona Maricopa County My Commission Expires March 10th, 2024 Commission # 578116

_____
Signature of NOTARY PUBLIC

**MAKE A COPY OF THIS DOCUMENT AND KEEP IT WITH RECORDS REQUIRED BY THE STATE**

# SPECIALTY ROLLS

Avocado · Spicy · Cucumber · May be undercooked or contain raw ingredients · Longer Time to Cook




Crab meat, spicy tuna, shrimp tempura, lettuce, soy paper, avocado, eel sauce




Crab meat, cucumber, avocado, shrimp tempura, fried eel, and eel sauce




Salmon, tuna, avocado, asparagus, cucumber, snow crab




Spicy albacore, spicy tuna, cucumber, sriracha, spicy mayo




Grilled eel, cucumber, avocado, eel sauce




Salmon, asparagus, cucumber, avocado, cream cheese




Shrimp tempura, crab meat, avocado, cucumber, crunch flakes, eel sauce




Crab meat, cucumber, avocado, Chef's choice of fish




Crab meat, cucumber, avocado, deep fried soft shell crab, eel sauce




Shrimp tempura, avocado, cucumber, mixture of snow crab leg, sesame powder, spicy mayo, topped with fresh hand cut Tuna & Eel sauce




Crab meat, cucumber, avocado, salmon, white tuna




Avocado, cucumber, yamagobo, pickled daikon, asparagus, daikon sprouts




Smoked salmon, avocado, crabstick, cucumber, asparagus




Shrimp tempura, crab meat, avocado, cucumber, onions, crabstick, masago, jalapeno, eel sauce




Albacore, white tuna, jalapeno, cream cheese, avocado, crab meat, eel sauce (fried)




Crab meat, cucumber, eel sauce, spicy mayo, avocado with lightly fried langostino




Shrimp Tempura, cream cheese, Avocado Cucumber, spicy crab meat topped with seared white Tuna, creamy habanero sauce & Scallions




Salmon, crab meat, avocado, cucumber, cilantro, shiso flakes, garlic ponzu sauce




Shrimp tempura, avocado, cucumber, spicy tuna, crab meat, masago, eel sauce




Cucumber, crab meat, red snapper, salmon, tuna, avocado, ponzu sauce




Spicy tuna, cucumber, grilled eel avocado, eel sauce




Crab meat, avocado cucumber, tuna




Spicy tuna, cucumber avocado, tuna




Shrimp tempura,crab meat, avocado, cucumber, eel sauce




Shrimp tempura, avocado, crab meat, cucumber, cream cheese, eel sauce




Spicy salmon, avocado cucumber, salmon




Crab meat, cucumber, avocado, bay scallops masago, eel sauce, cheese, spicy mayo ( baked )




Crab meat, cucumber, avocado, bay scallops, salmon, masago, cheese, eel sauce, spicy mayo (baked)




Shrimp tempura, avocado, cucumber, cream cheese, salmon, spicy mayo, eel sauce, sweet sauce ( fried )




Spicy tuna, cucumber, albacore, bay scallops, masago, eel sauce, spicy mayo, cheese ( baked )




Salmon, asparagus, cucumber, avocado, cream cheese, eel sauce, spicy mayo ( panko fried )




Shrimp tempura, crab meat, avocado, cucumber, spicy tuna, eel sauce, spicy mayo, crunch flakes




Salmon, tuna, avocado, cucumber, cream cheese, fried garlic, wasabi mayo




Spicy crab meat, avocado, cucumber, salmon, sriracha, jalapeno




Crab meat, avocado, cucumber, spicy salmon, masago, spicy mayo, cheese eel sauce (baked)




Eel, cream cheese, crabstick, avocado, asparagus, eel sauce (fried)




Crab meat, avocado, cucumber, soy paper, onions, Chef's choice fish, mixed with special sauce




Shrimp tempura, spicy crab meat, cucumber, jalapeno, avocado, albacore, sriracha, ponzu sauce




Fresh hand cut Salmon, Philadelphia cream cheese, Avocado, Deep fried, with Spicy Mayo & Eel sauce




Shrimp tempura crab meat, avocado, cucumber, ebi shrimp, eel sauce




Shrimp tempura avocado, cream cheese, cucumber, spicy crab meat, eel sauce, spicy mayo




Fried jalapeño, cream cheese, crab meat, avocado cucumber, spicy mayo, eel sauce, siracha, crunch flakes




Spicy tuna, cucumber, langostino, spicy mayo, masago, cheese, eel sauce (baked)




Crab meat, cucumber, avocado, grilled chicken, eel sauce




Crab meat, cucumber, avocado, grilled eel, eel sauce




Fried eel, red snapper cucumber, avocado, cheese bonito flakes, eel sauce, spicy mayo ( baked )




Grilled eel, cucumber, avocado, eel sauce( fried )




Salmon, red snapper, tuna, crabstick, avocado, eel sauce ( fried )




Crab meat, cucumber, avocado, eel sauce, sweet sauce ( fried )




Spicy tuna, cucumber, eel sauce, spicy mayo( fried )




Smoked salmon, asparagus, cucumber, avocado, cream cheese




Crab meat, cucumber, avocado, bbq beef, eel sauce

## SUSHI & SASHIMI COMBOS

May be displayed differently than shown in the pictures.
NO CHANGES OR ADDITIONS. THANK YOU!

**Sushi Sashimi Combo $24.95**
5 pcs sushi, 9 pcs sashimi, Chef's choice

**Sushi Combo A $15.50**
6 pcs sushi, 1 California Roll

**Sushi Combo B $19.25**
6 pcs sushi, 1 Spicy Tuna Roll

**Sushi Combo C $21.25**
8 pcs sushi, 1 California Roll, 1 Spicy Tuna Roll




**Sushi Combo D $21.95**
12 pcs sushi, Chef's choice

**Sashimi Combo A $21.95**
12 pcs sushi, Chef's choice

**Sashimi Combo B $35.95**
24 pcs sushi, Chef's choice




## ASSORTED SUSHI PLATES

**Chirashi $16.95** Assorted sashimi 9 pcs, Chefs choice, asparagus egg, crabstick, yamagobo, pickled daikon, sushi rice

**Unaju $15.50** Grilled eel 6 pcs, egg , asparagus, crabstick yamagobo, pickled daikon, sushi rice

## UDON & YAKISOBAS

**Tomo Udon $8.25** Wheat flour noodle, light soy sauce broth, fishcake, green onions and dry seaweed

**Tempura Udon $10.95** Wheat flour noodle, light soy sauce broth, fishcake green onions, dry seaweed and small mix tempura on side

**Yaki Udon** Stir fried Udon noodles with choice of meat and vegetables (carrots, onions, squash)
Vegetable $8.25, Chicken $11.25, Beef $11.95
Seafood $13.25, Shrimp $13.25

**Yaki Soba** Wheat flour noodles stir fried with vegetables (carrots, onion, cabbage) and Yakisoba Sauce
Vegetable $8.25, Chicken $11.25, Beef $11.95
Seafood $13.25, Shrimp $13.25

## MAIN COURSE

Served with rice, soup, and salad.

**Teriyaki** Grilled to perfection with teriyaki sauce and small veggie tempura.
Chicken $12.25
Beef $12.95
Salmon $12.95
Fried Tofu $11.25



**Curry Katsu** Panko deep fried with curry sauce.
Chicken $11.50
Beef $11.95
Fried Tofu $11.25

**BBQ Chicken $12.95** Grilled marinated dark chicken meat and veggie tempura.

**BBQ Beef $19.95** Grilled premium beef short ribs.

**Pork Cutlet $12.95** Panko fried pork loin with tonkatsu sauce and small veggie tempura.

**Chicken Cutlet $12.95** Panko fried chicken breast with tonkatsu sauce and small veggie tempura.

**Hibachi Shrimp & Scallop $12.95**
Sauteed shrimp and scallop with cabbage, onion, and carrots.

PRICES ARE SUBJECT TO CHANGE.

## APPETIZERS

**Edamame $3.25**

**Asian Wings (regular or spicy) $7.25**
Fried wings tossed in a sweet spicy sauce OR spicy

**Baked Mussels (6 pcs) $7.95**
Mussels baked with spicy mayo, masago, green onions, and eel sauce

**Fried Calamari $7.50**
Crispy calamari with spicy gyoza sauce

**Ebi Shumai (7 pcs) $5.25**
Steamed shrimp dumplings

**Gyoza (7 pcs) Vegetable $5.25 Pork $6.25**
Deep fried potstickers served with gyoza sauce

**Monkey Balls $8.25**
Deep fried mushrooms stuffed with spicy tuna, w/spicy mayo and eel sauce

**Ninja Jalapeno $8.95**
Deep fried jalapeno, stuffed with spicy tuna, cream cheese, w/spicy mayo and eel sauce

**Sesame Chicken (regular or spicy) $7.75**
Fried chicken tossed with garlic sesame oil, sweet OR spicy

**Soft Shell Crab $8.95**
Deep fried soft shell crab with eel sauce

**Tempura Vegetable $6.95 Shrimp $7.25 Mixed $8.25**

**Spicy Tuna Tartare $7.95**
Spicy tuna, crab meat, sushi rice, spicy mayo, eel sauce, soy mustard sauce

**Yakitori Chicken $7.25 Beef $8.25**
Japanese style grilled kabob served with sweet soy sauce

## SALADS

**Cucumber Sunomono $2.25**
Cucumber, carrots, soy mustard dressing

**Hibachi Salad $1.95**
Lettuce, carrots, cucumber, soy mustard dressing

**Sunomono $6.75**
Seasoned squid salad, kaiware, cucumber, radish, ponzu sauce

**House Salad $6.95**
Lettuce, asparagus, kaiware, radish, carrots, cucumber, soy mustard dressing

**Avocado $8.95**
Lettuce, sliced avocado, radish, kaiware, carrots, asparagus, cucumber, soy mustard dressing

**Poke Tuna $13.50**
Lettuce, kaiware, seaweed, carrots, tuna, masago, cucumber, house spicy sauce, soy mustard dressing

**Seaweed $9.75 Small $3.95**
Lettuce, seaweed, radish, cucumber, kaiware, asparagus, soy mustard dressing

**Salmon Skin $9.95**
Lettuce, cucumber, broiled salmon skin, yamagobo, kaiware, bonito flakes, soy mustard dressing

**Tuna Tataki $13.50**
Lettuce, seared tuna, kaiware, radish, asparagus, soy mustard dressing

## JAPANESE RAMEN

If you have food allergies please let your server know when ordering. Thank You!

**Miso, Shoyu, OR Tonkotsu $9.50**

**Spicy Miso $9.95**

**Spicy Seafood $10.75**
Mussels, Calamari, Shrimp, veggies, spicy broth

## LUNCH SPECIALS

11am to 3pm **Daily** Lunch Only

### TERIYAKI BOWLS

Steamed rice, sauteed vegetables
(cabbage, onions, carrots) teriyaki sauce
Chicken $7.25 Beef $7.75 Salmon $8.50



### LUNCH BENTO

all Bentos include miso soup



**Bento A $12.50**
Sashimi 5 pcs chefs choice
sushi 3 pcs, crunch roll
eel sauce, mix tempura, salad
Soy Mustard Dressing

**Bento B $11.25**
Small mix tempura, pork gyoza, California roll, salad
Beef OR Chicken Teriyaki and teriyaki sauce
Soy Mustard Dressing

**Bento C $11.95**
Sushi 3 pcs chefs choice
California roll, pork gyoza
salmon teriyaki
teriyaki sauce, salad
Soy Mustard Dressing

**Bento D $15.95**
Sashimi 5 pcs chefs choice
spicy tuna roll, BBQ beef
pork gyoza, salad
Soy Mustard Dressing

**Bento E $15.95**
Pork gyoza, crunch roll
eel sauce, BBQ beef,
mix tempura, salad
Soy Mustard Dressing

Please no substitutions on all Bento boxes.
Additions will be charged. Thank You!!

### RAMEN COMBO $11.95



Choice of Ramen

MISO / SPICY MISO / TONKOTSU / SHOYU
and side of Pork Gyoza ( 4 pcs ), served with
egg, green onions, pork, fish cake

### LUNCH COMBO UDON

**Udon A $10.95**
Udon + 1 California Roll (8 pcs)

**Udon B $12.25**
Udon + 1 Spicy Tuna Roll (8 pcs)

**Udon C $15.95**
Udon + Sushi Chef's Choice (6 pcs)



## BASIC ROLLS

Hand rolls available

| | | |
|---|---|---|
| California $5.25 | Salmon $5.95 | Spicy California $5.25 |
| Tuna $5.95 | Eel $6.50 | Spicy Tuna $7.25 |
| Albacore $5.95 | Cucumber $4.25 | Spicy Yellowtail $6.95 |
| Yellowtail $6.95 | Avocado $4.25 | Spicy Salmon $5.95 |
| Spicy Albacore $6.95 | Salmon Skin $6.95 | |

## FRIED RICE

Egg, Green Onion, and Carrots

Fried Rice $4.75
Add Chicken +$2.00 Add Beef +$2.00 Add Shrimp +$2.00

Shrimp Avocado Cucumber Spicy

If you have food allergies please let your server know when ordering. Thank You!
These items may be served undercooked or contain raw ingredients. Consuming raw or undercooked meats, poultry, seafood, shellfish, or eggs may increase your risk of Food bourne illness, especially if you have certain medical conditions.



# ともTOMO
JAPANESE CUISINE

1550 N. DYSART RD. STE A7-9
GOODYEAR, AZ 85395
623-935-2031
WWW.TOMOJAPANESECUISINE.COM



'21 10 20 Liq Admin PM 4:56

'21 10 20 Liqr.Admin PM 4:56

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

FP Current 7-24-2020

# QUESTIONNAIRE

A.R.S.§4-202, 4-210
**Type or Print with Black Ink**

**The fees allowed by R19-1-102 will be charged for all dishonored checks.**

**ATTENTION APPLICANT**: This is a legally binding document. Please type or print in **black ink**. An investigation of your background will be conducted. Incomplete applications will not be accepted. False or misleading answers may result in the denial or revocation of a license or permit and could result in criminal prosecution.

**Attention local governments:** Social security and birth date information is confidential. This information may be given to law enforcement agencies for background checks only.

**QUESTIONNAIRE IS TO BE COMPLETED BY EACH CONTROLLING PERSON, AGENT AND MANAGER BEING DISCLOSED TO THE DEPARTMENT. EACH PERSON COMPLETING THIS FORM MUST SUBMIT A BLUE OR BLACK LINED FINGERPRINT CARD ALONG WITH A $22 FEE. FINGERPRINTS MUST BE DONE BY A LAW ENFORCEMENT AGENCY OR BONA FIDE FINGERPRINT SERVICE. FOR AN ADDITIONAL $13 FEE, FINGERPRINTS MAY BE DONE AT THE DEPARTMENT OF LIQUOR WHEN ACCOMPANIED BY A COMPLETED APPLICATION.**

**Liquor License#:** 167964

1. **Check the Appropriate Box** →

| ☐ Controlling Person | ☑ Agent | ☐ Premises Manager (complete all questions except #12) |
|---|---|---|

2. Name: Nations (Last) Amy (First) S. (Middle) Birth Date: [redacted] (NOT a public record)

3. Social Security #: [redacted] Driver License#: [redacted] State: Arizona

4. Place of birth: Morenci (City) Arizona (State) USA (COUNTRY (not county)) Height: 5' 7 Weight: 165 Eyes: Hazel Hair: Brown

5. Name of current/most recent spouse: (Last) (First) (Middle) Birth Date: ___/___/___ (NOT a public record)

6. Are you a bona fide resident of Arizona? ☑ Yes ☐ No If yes, what is your date of residency: [redacted]

7. Daytime telephone number: 480-730-2675 E-mail address: liquorlicense@azlic.com@azlic.com

8. Business Name: TOMO Japanese Cuisine Business Phone: 623/ 935 /2031

9. Business Location Address: 1550 N. Dysart Rd Suites A7-A9 (Street (do not use PO Box)) Goodyear (City) Arizona (State) Maricopa (County) 85338 (Zip)

10. List your employment or type of business during the past five (5) years. If unemployed, retired, or student, list residence address.

| FROM Month/Year | TO Month/Year | DESCRIBE POSITION OR BUSINESS | EMPLOYERS NAME OR NAME OF BUSINESS (Street Address, City, State & Zip) |
|---|---|---|---|
| 05/99 | CURRENT | Member-ALIC Enterprises LLC | P.O. Box 2502 Chandler, Arizona 85244 |
| | | | |
| | | | |
| | | | |
| | | | |

**(ATTACH ADDITIONAL SHEET IF NECESSARY)**

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11. Provide your residence address information for the last five (5) years: *A.R.S. §4-202(D)*

| FROM Month/Year | TO Month/Year | RESIDENTIAL Street Address |
|---|---|---|
| 05/07 | CURRENT | 21833 S. 140th Street Chandler, Arizona 85286 |
| | | |
| | | |
| | | |
| | | |

**(ATTACH ADDITIONAL SHEET IF NECESSARY)**

12. As a Controlling Person or Agent, will you be physically present and operating the licensed premises? ☐Yes ☑No
If you answered YES, then answer **#13 below. If NO, skip to #14.**

13. Have you attended a DLLC approved Basic & Management Liquor Law Training Course within the past 3 years? ☐Yes ☑No

14. Have you been cited, arrested, indicted, convicted, or summoned into court for violation of ANY criminal law or ordinance, regardless of the disposition, even if dismissed or expunged, within the past five (5) years? ☐Yes ☑No

15. Are there ANY administrative law citations, compliance actions or consents, criminal arrests, indictments or summonses pending against you? (Do not include civil traffic tickets.) *A.R.S.§4-202,4-210* ☐Yes ☑No

16. Has anyone EVER obtained a judgement against you the subject of which involved fraud or misrepresentation? ☐Yes ☑No

17. Have you had a liquor application or license rejected, denied, revoked or suspended in or outside of Arizona within the last five years? *A.R.S.§4-202(D)* ☐Yes ☑No

18. Has an entity in which you are or have been a controlling person had an application or license rejected, denied, revoked or suspended in or outside of Arizona within the last five years? *A.R.S.§4-202(D)* ☑Yes ☐No

**If you answered "YES" to any Question 14 through 18 YOU MUST attach a signed statement. Give complete details including dates, agencies involved and dispositions.**
**CHANGES TO QUESTIONS 14-18 MAY NOT BE ACCEPTED**

## NOTARY

I **(Print Full Name)** Amy S. Nations hereby declare that I am the Agent/ Controlling Person / Premises Manager filing this application. I have read this document and verify the contents and all statements are true, correct and complete, to the best of my knowledge.

**Signature:** _____ State of Arizona County of Maricopa

**The foregoing instrument was acknowledged before me this**

My Commission Expires on: _____ (Date)

MIRANDA BUSTAMANTE
Notary Public - Arizona
Maricopa County
My Commission Expires
March 10th, 2024
Commission # 578116

19th (Day) Day of October (Month), 2021 (Year)

_____
**Signature of Notary**

**The Licensee has authorized the person named on this questionnaire to act as manager for the above License.**

**PRINT NAME:** _____ **SIGNATURE:** _____


Individuals requiring ADA accommodations please call (602)542-2999

'21 10 20 Liq.Admin PM 4:56

**Question 18**

I work for Arizona Liquor Industry Consultants. Because of the number of licenses we work with it is possible that some of them may have a pending action of some kind and violations.

Thank you,

Amy S. Nations

'21 10 20 Liqr.Admin PM 4:56

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

805-090

# QUESTIONNAIRE

A.R.S.§4-202, 4-210
**Type or Print with Black Ink**

**The fees allowed by R19-1-102 will be charged for all dishonored checks.**

**ATTENTION APPLICANT**: This is a legally binding document. Please type or print in **black ink**. An investigation of your background will be conducted. Incomplete applications will not be accepted. False or misleading answers may result in the denial or revocation of a license or permit and could result in criminal prosecution.

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**Liquor License#:** 107964

1. **Check the Appropriate Box** →

☒ **Controlling Person** ☐ **Agent** ☐ **Premises Manager (complete all questions except #12)**

2. Name: CHO (Last) JIN (First) SUP (Middle) Birth Date: [redacted] (NOT a public record)

3. Social Security #: [redacted] Driver License#: [redacted] State: CA

4. Place of birth: SEOUL (City) South KOREA (State) (COUNTRY (not county)) Height: 5'9" Weight: 185 Eyes: BROWN Hair: BLACK

5. Name of current/most recent spouse: _____ (Last) (First) (Middle) Birth Date: __/__/__ (NOT a public record)

6. Are you a bona fide resident of Arizona? ☐ Yes ☒ No If yes, what is your date of residency: _____

7. Daytime telephone number: 213-448-4989 E-mail address: jscho813@gmail.com

8. Business Name: TOMO JAPANESE CUISINE Business Phone 623.935.3031

9. Business Location Address: 1550 N. Dysart Rd. #A7-9. (Street (do not use PO Box)) Goodyear (City) AZ (State) 85338 (Zip) Maricopa (AP) (County)

10. List your employment or type of business during the past five (5) years. If unemployed, retired, or student, list residence address.

| FROM Month/Year | TO Month/Year | DESCRIBE POSITION OR BUSINESS | EMPLOYERS NAME OR NAME OF BUSINESS (Street Address, City, State & Zip) |
|---|---|---|---|
| 8-2016 | CURRENT | OWNER | FJF GLOBAL. 3680 Wilshire Blvd. #P04-55 LA-CA 90010. |
| | | | |
| | | | |
| | | | |
| | | | |

**(ATTACH ADDITIONAL SHEET IF NECESSARY)**



Individuals requiring ADA accommodations please call (602)542-2999

11. Provide your residence address information for the last five (5) years: *A.R.S. §4-202(D)*

21 10 20 Dept.Admin PM 4:56

| FROM Month/Year | TO Month/Year | RESIDENTIAL Street Address |
|---|---|---|
| 08-2015 | CURRENT | 1017 Elden Ave #9. LA. CA 90006. |
| | | |
| | | |
| | | |
| | | |

**(ATTACH ADDITIONAL SHEET IF NECESSARY)**

12. As a Controlling Person or Agent, will you be physically present and operating the licensed premises? If you answered YES, then answer **#13 below. If NO, skip to #14.** ☒ Yes ☐ No

13. Have you attended a DLLC approved Basic & Management Liquor Law Training Course within the past 3 years? ☐ Yes ☒ No

14. Have you been cited, arrested, indicted, convicted, or summoned into court for violation of ANY criminal law or ordinance, regardless of the disposition, even if dismissed or expunged, within the past five (5) years? ☐ Yes ☒ No

15. Are there ANY administrative law citations, compliance actions or consents, criminal arrests, indictments or summonses pending against you? (Do not include civil traffic tickets.) *A.R.S.§4-202,4-210* ☐ Yes ☒ No

16. Has anyone EVER obtained a judgement against you the subject of which involved fraud or misrepresentation? ☐ Yes ☒ No

17. Have you had a liquor application or license rejected, denied, revoked or suspended in or outside of Arizona within the last five years? *A.R.S.§4-202(D)* ☐ Yes ☒ No

18. Has an entity in which you are or have been a controlling person had an application or license rejected, denied, revoked or suspended in or outside of Arizona within the last five years? *A.R.S.§4-202(D)* ☐ Yes ☒ No

**If you answered "YES" to any Question 14 through 18 YOU MUST attach a signed statement. Give complete details including dates, agencies involved and dispositions.**

**CHANGES TO QUESTIONS 14-18 MAY NOT BE ACCEPTED**

## NOTARY

I **(Print Full Name)** Jin Sup Cho hereby declare that I am the Agent/ Controlling Person / Premises Manager filing this application. I have read this document and verify the contents and all statements are true, correct and complete, to the best of my knowledge.

**Signature:** Jin Cho. State of California County of Los Angeles

**The foregoing instrument was acknowledged before me this**

My Commission Expires on: 9/17/2021 (Date) 26 (Day) Day of August (Month), 2021 (Year)

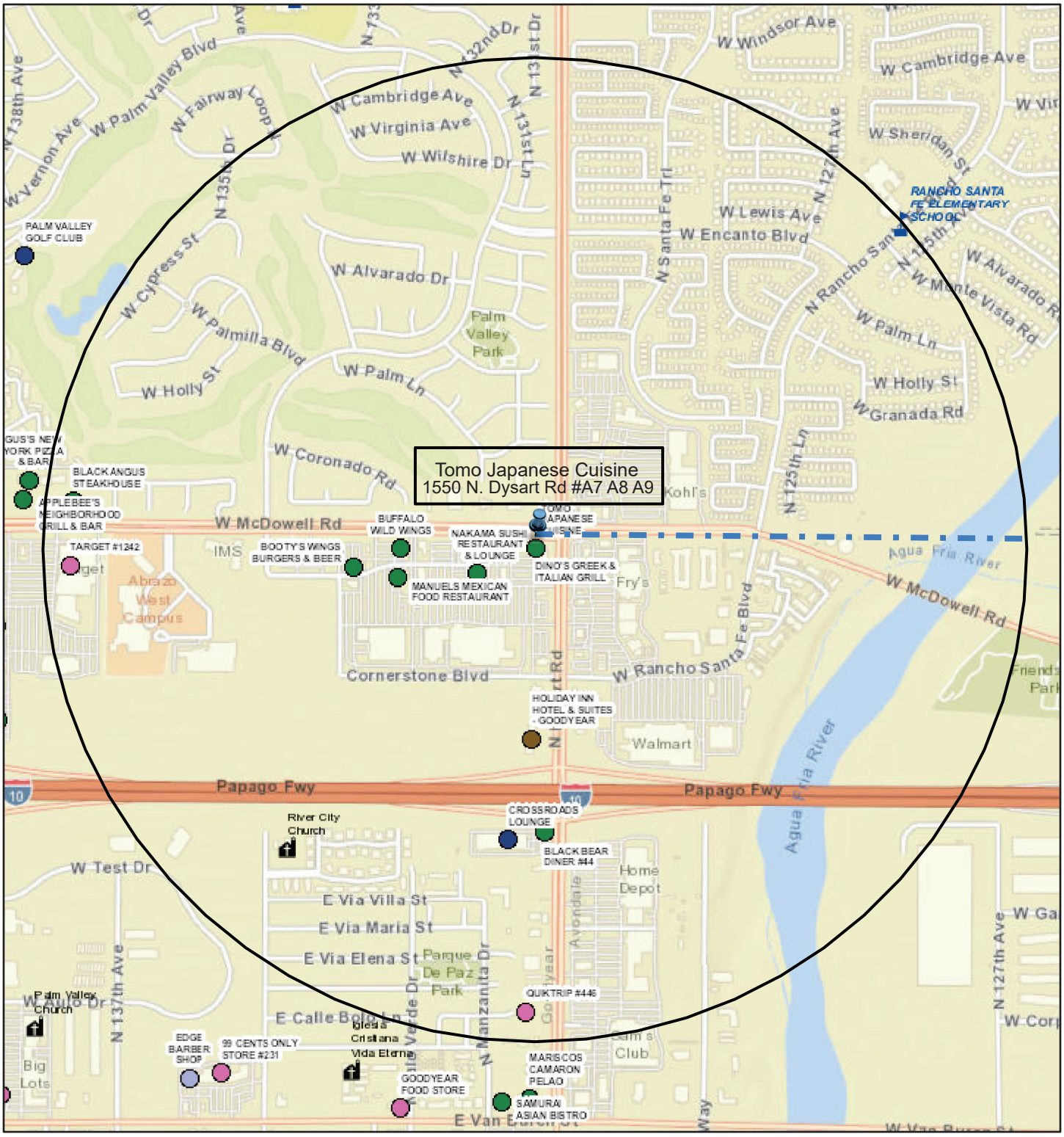
SEAN CHO
Notary Public – California
Los Angeles County
Commission # 2210879
My Comm. Expires Sep 17, 2021

**Signature of Notary**

**The Licensee has authorized the person named on this questionnaire to act as manager for the above License.**

**PRINT NAME:** Jin Sup Cho **SIGNATURE:** Jin Cho.

# Liquor License Evaluation - Tomo Japanese Cuisine




12/2/2021 11:09:04 AM

1:18,056

0 0.13 0.25 0.5 mi

0 0.2 0.4 0.8 km

Places of Worship

Schools

September 2021 Liquor License Locations

BYOB

Bar

Beer & Wine Bar

Beer and Wine Store

Beer and Wine Store Sampling

Government

Hotel

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community, City of Goodyear

Clerk and Recorder
City of Goodyear

## Liquor Licenses within One Mile – Tomo Japanese Cuisine

### Applicant Address 1550 N. Dysart Road #A7 A8 A9., Goodyear, AZ 85338

| Business Name | Address | Distance from Applicant Address | License Series |
|---|---|---|---|
| **Liquor Establishments** | | | |
| DINO'S GREEK & ITALIAN GRILL | 1550 N DYSART Road #B8 | 0 ft | 12 |
| NAKAMA SUSHI RESTAURANT & LOUNGE | 13215 W MCDOWELL Road STE D-3 | 685.38 ft | 12 |
| BUFFALO WILD WINGS | 13311 W. MCDOWELL RD | 1,441.97 ft | 12 |
| MANUELS MEXICAN FOOD RESTAURANT | 13319 W MCDOWELL Road | 1,505.5 ft | 12 |
| BOOTY'S WINGS BURGERS & BEER | 13375 W MCDOWELL Road STE 101 | 1,948.9 ft | 12 |
| HOLIDAY INN HOTEL & SUITES - GOODYEAR | 1188 N DYSART Road | 2,041.79 ft | 11 |
| BLACK BEAR DINER #44 | 980 DYSART Road | 3,036.13 ft | 12 |
| CROSSROADS LOUNGE | 950 N DYSART Road | 3,125.09 ft | 6 |
| QUIKTRIP #446 | 550 N DYSART Road | 4,950.68 ft | 10 |
| BLACK ANGUS STEAKHOUSE | 13766 W MCDOWELL Road | 4,968.56 ft | 12 |
| TARGET #1242 | 1515 N LITCHFIELD Road | 4,971.76 ft | 10 |

| **Places of Worship** | | | |
|---|---|---|---|
| River City Church | 1781 N CENTRAL AVE | 4,137.2 ft | |

| **Schools** | | | |
|---|---|---|---|
| RANCHO SANTA FE ELEMENTARY SCHOOL | 2150 RANCHO SANTA FE BLVD | 5,227.08 ft | |

### Series Legend:

Alternating Proprietorship (20)
Bar (6)
Beer & Wine Bar (7)
Beer & Wine Store (10)
Beer & Wine Store (10) with Sampling Privleges
Private Club (14)
Conveyance (8)
Craft Distiller (18)
Custom Crush (21)
Direct Shipment (17W)
Government (5)
Hotel (11)
Producer: In State (1)
Producer: Out of State (2)
Producer: Limited out of State (2L)
Producer: Out of State Winery (2W)
Producer: Out of State Microbrewery (2M)
Liquor Store (9)
Liquor Store (9) with Sampling Privleges
Microbrewery (3)
Restaurant (12)
Restaurant (12) with Growler Privileges
Special Event Contractor (SEC)
Wholesaler (4)
Winery (13)
Tasting Room (19)

ITEM #: 6.
DATE: 12/13/2021
AI #:557

# CITY COUNCIL ACTION REPORT

**SUBJECT:** **COMMUNITY AND NEIGHBORHOOD SERVICES MASTER PLAN - PHASE I: HUMAN SERVICES**

**STAFF PRESENTER(S):** Jenna Goad, Assistant to the City Manager and Christina Panaitescu, Grants & Neighborhood Services Supervisor

## SUMMARY

Adopt a resolution adopting the Community and Neighborhood Services Master Plan Phase I: Human Services.

## Recommendation

ADOPT RESOLUTION NO. 2021-2192 ADOPTING THE CITY OF GOODYEAR COMMUNITY AND NEIGHBORHOOD SERVICES MASTER PLAN PHASE I: HUMAN SERVICES; AND PROVIDING FOR AN EFFECTIVE DATE. (Jenna Goad, Assistant to the City Manager and Christina Panaitescu, Grants & Neighborhood Services Supervisor)

## FISCAL IMPACT

Funding priorities will be established by Council through the budget process annually, no funds are allocated with this action. Potential funding sources to support the Plan's activities include the city's annual federal CDBG allocation, Community Funding program, and the General Fund, including, but not limited to dollars made available through the American Rescue Plan Act (ARPA) which Council has earmarked for future resident support programs as part of the city's COVID-19 response package.

## BACKGROUND AND PREVIOUS ACTIONS

The city of Goodyear commissioned this study to guide future planning and investments in the provision of human services. Consultant Martina Kuehl, who drafted the City's FY2021-2025 HUD Consolidated Plan, was selected to conduct the study.

This Human Services Master Plan (Plan) was developed through the collection and analysis of both quantitative and qualitative data. Information was incorporated from existing city planning documents including the FY2022-2024 Strategic Plan, FY2021-2025 HUD Consolidated Plan, 2021 Avondale Goodyear Transit Study, 2021 National Community Survey, and others.

In addition, outreach was conducted to gather input regarding the city's most vulnerable residents and their human service needs, including five focus groups attended by 27

individuals, 19 stakeholder and key informant interviews, a school district representative roundtable, a discussion with the Goodyear Youth Commission, and two Goodyear Faith and Community Roundtable discussions. Council reviewed the draft Plan at a work session on November 15, 2021 and a public meeting was held on December 1, 2021 and validated that the proposed actions address the needs identified during plan development.

## STAFF ANALYSIS

As a rapidly growing city, Goodyear's population and the needs of its residents are changing quickly. The Goodyear Human Services Master Plan is intended to serve as the first phase of a broader Community and Neighborhood Services master planning effort with future phases focusing on neighborhood conditions and housing availability. The human services portion was expedited in response to the impact of the COVID-19 pandemic and the passage of the American Rescue Plan Act of 2021 (ARPA).

Goodyear's human services delivery system is in its infancy and is currently siloed and needs-based. Combined with existing funding sources, such as the Community Funding (CF) program and CDBG, Goodyear's ARPA allocation has provided a unique opportunity to respond to the current needs of residents while also thoughtfully planning for future growth.

At its core, this Human Services Plan is rooted in the concept of human dignity or the acknowledgement of and respect for each individual's inherent value and worth. Operating within this core concept, the Plan creates a roadmap to a participant-responsive and participant-driven system that positively impacts the lives of vulnerable people by addressing the root causes of their personal difficulties.

Specifically, community input and data point to seven particularly vulnerable populations in Goodyear:

- People who are elderly or have disabilities, and live on low fixed incomes;
- Low-income households;
- Families with children;
- People with mental health concerns, including people experiencing or recovering from abuse, and people with substance misuse challenges;
- People experiencing or at risk of homelessness, including "doubled-up" families;
- People with limited financial literacy; and
- Disconnected youth, or youth who are not employed or in school.

This Plan prioritizes the delivery system and four service areas identified through prior planning efforts and validated through community and stakeholder outreach:

- Basic Needs;
- Mental Health;
- Sustainable Income; and
- Transportation.

Each priority area has a goal and multiple objectives with corresponding actions for implementation. Combined with knowledge of emerging best practices in human services delivery, the following goals and objectives reflect the key concerns and issues prioritized by Goodyear residents through engagement opportunities conducted during Plan development:

Delivery System Goal: Goodyear's Human Services Delivery System is accountable and participatory. It provides a safety-net in times of crisis, supports stability for residents on the

cusp of crisis, and provides opportunities for self-sufficiency and prosperity.
Objective 1: Increase awareness of available services.
Objective 2: Increase City capacity to effectively manage human services and related funding.
Objective 3: Increase systemwide capacity to deliver participant-driven services.
Objective 4: Expand the use of data and evaluation as tools to direct future funding and establish accountability systems.
Objective 5: Increase community input and transparency in the funding of human services.

Basic Needs Goal: Goodyear's residents are able to meet their basic needs for food, clothing, shelter, and personal safety.
Objective 1: Goodyear residents seeking crisis or crisis prevention assistance report connection with needed services and supports on first contact.
Objective 2: Increase engagement with an economic mobility coach for Goodyear residents seeking crisis prevention assistance.
Objective 3: Goodyear residents do not self-report uncertain, insufficient or inadequate access to nutritious and culturally-appropriate food.
Objective 4: Promote access to any new fee-based city services by reducing barriers for vulnerable and low-income users.
Objective 5: Increase access to alternative service-delivery methods to reduce reliance on transportation solutions.

Mental Health Goal: Goodyear residents are connected to mental health services that align with their individual and family needs.
Objective 1: Reduce the time needed to access mental health services.
Objective 2: Increase the availability of facility or shelter beds and services to help individuals experiencing trauma to move from crisis to self-sufficiency.

Sustainable Income Goal: Goodyear's residents have increased opportunities for economic self-sufficiency and prosperity.
Objective 1: Increase the number of low-income Goodyear residents participating in business formation, higher education, and employment skills and job seeking programs.
Objective 2: Increase the number of Goodyear households with emergency savings, homeownership savings, and/or decreased credit card or other short-term debt.
Objective 3: Increase the availability of high-quality and affordable child care during non-traditional hours to support employment and participation in education, job skills and search training, and services critical to personal stability.

Transportation Goal: Goodyear's vulnerable residents and workforce members have access to flexible and affordable transportation options.
Objective 1: Leverage transit recommendations from the 2021 Transit Study
Objective 2: Increase transportation access during non-traditional transit hours to support vulnerable residents and workforce members.
Objective 3: Increase transit affordability for vulnerable populations as transit availability expands

The framework for action in this plan is ambitious. It serves as a long-term guide that will evolve as the City and its partners gain experience and the social and economic circumstances in Goodyear and the region change. While multiple pilot programs may be pursued during the first years of this plan, long-term success is dependent on the City initially investing time to develop a shared vision and outcome measurement system with stakeholders and community members. All sectors, including the private sector must be engaged to develop a widely-accepted vision

and promote true collaboration.

Pending adoption of the Plan, a budget request for first-year activities will be developed and brought forward as part of the FY23 budget process.

---

**Attachments**

Resolution with Exhibit A

**RESOLUTION NO. 2021-2192**

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, ADOPTING THE CITY OF GOODYEAR COMMUNITY AND NEIGHBORHOOD SERVICES MASTER PLAN PHASE I: HUMAN SERVICES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Goodyear City Council wishes to create a community in which residents can lead full, self-sufficient, and prosperous lives; and

WHEREAS, on May 10, 2021, by Resolution No. 2021-2157 the City of Goodyear City Council adopted the Fiscal Year 2022-2024 Strategic Plan which included a goal to study the human and social service needs of Goodyear residents; and

WHEREAS, the American Rescue Plan Act passed by Congress on March 20, 2021 has provided substantial resources to respond to the economic and public health impacts of the COVID-19 pandemic; and

WHEREAS, this plan builds upon the priorities identified in previous planning efforts including the 2019 Community Assessment, 2021 Community Survey, and Program Year 2021-2025 Community Development Block Grant Consolidated Plan; and

WHEREAS, this plan was developed through data analysis and extensive public outreach including stakeholder interviews, focus groups, and public meetings; and

WHEREAS, future phases of this plan will examine neighborhood conditions and housing to provide a holistic approach to community and neighborhood services;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

SECTION 1. The City Council formally adopts the City of Goodyear Community and Neighborhood Services Master Plan Phase I: Human Services, a copy of which is attached hereto as Exhibit “A” and incorporated herein by reference.

SECTION 2. This Resolution shall become effective upon its passage and adoption.

PASSED AND ADOPTED by the Mayor and Council of the City of Goodyear, Maricopa County, Arizona, by a _____ vote, this _____ day of _____, 20_____.

_____
Georgia Lord, Mayor

Date: _____

ATTEST:

Darcie McCracken, City Clerk

APPROVED AS TO FORM:

Roric Massey, City Attorney

EXHIBIT “A”

CITY OF GOODYEAR COMMUNITY AND NEIGHBORHOOD SERVICES MASTER PLAN
PHASE I: HUMAN SERVICES

COMMUNITY &
NEIGHBORHOOD SERVICES

# MASTER PLAN

## Phase 1: Human Services



2021

City of Goodyear Community and Neighborhood Services Master Plan
Phase 1 - Human Services

Prepared by:
Kuehl Enterprises LLC
PO Box 642
Humboldt, AZ 86329

**Goodyear City Council**
Mayor Georgia Lord
Vice Mayor Brannon Hampton
Councilmember Joe Pizzillo
Councilmember Sheri Lauritano
Councilmember Wally Campbell
Councilmember Bill Stipp
Councilmember Laura Kaino

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# Executive Summary

## Overview

The city of Goodyear commissioned this study to guide future planning and investments in the provision of human services. As a rapidly growing city, Goodyear's population and the needs of its residents are changing quickly. The Goodyear Human Services Master Plan is intended to serve as the first phase of a broader Community and Neighborhood Services master planning effort with future phases focusing on neighborhood conditions and housing availability. The human services portion of this Plan was expedited in response to the impact of the COVID-19 pandemic and the passage of the American Rescue Plan Act (ARPA) of 2021. Together with existing funding sources including the Community Funding program and CDBG, the resources the city has received through ARPA have provided a unique opportunity to respond to the current needs of residents while also thoughtfully planning and preparing for future growth.

## Approach

This Human Services Master Plan (Plan) was developed through the collection and analysis of both quantitative and qualitative data. Information was incorporated from existing city planning city documents including the FY2022-2024 Strategic Plan, FY2021-2025 HUD Consolidated Plan, 2021 Avondale Goodyear Transit Study, 2021 National Community Survey, and others. In addition, outreach was conducted to gather input regarding the city's most vulnerable residents and their human service needs, including five focus groups attended by 27 individuals, 19 stakeholder and key informant interviews, a school district representatives roundtable, a discussion with the Goodyear Youth Commission, and two Goodyear Faith and Community Roundtable discussions. Focus groups were organized for seniors, people experiencing homelessness, and beneficiaries of programs currently providing services in Goodyear. To encourage diverse participation, a gift card incentive was offered to participants. The outreach efforts validated that the needs identified in the 2019 Goodyear Community Assessment and the HUD Consolidated Plan have not changed.

## Goodyear's Vulnerable Residents and Workforce Members

Community input and data point to seven particularly vulnerable populations:

- People who are elderly or have disabilities, and live on low fixed incomes;
- Low-income households;
- Families with children;
- People with mental health concerns, including people experiencing or recovering from abuse, and people with substance misuse challenges;
- People experiencing or at risk of homelessness, including "doubled-up" families;
- People with limited financial literacy; and
- Disconnected youth, or youth who are not employed or in school.

## Service Delivery System

In order to successfully meet the needs of these vulnerable populations, it is critical that the City create an accountable and participatory service delivery system. It takes work and commitment to build a thriving city. The City must take advantage of existing capacity, tools and resources in some areas while collaborating with other units of government, the community, the private sector, and community organizations to counter the challenges faced by vulnerable residents and workforce members. A thriving community requires a shift from short-term remedies to long-term thinking and actions that address the root causes of crisis and instability. The City and its partners must move beyond the alleviation of crisis and instability to focus on producing sustainable solutions that significantly reduce the likelihood of unmanageable crisis or instability and reduce dependence on services to meet basic needs. This Plan provides recommendations that will help the City build a successful service delivery system over time, with an immediate emphasis on increasing data collection and program evaluation as well as supporting and strengthening the capacity of the City and its partners.

## Priority Services

The human services strategies in this Plan focus on four priority service areas identified through prior planning efforts and validated through community and stakeholder outreach:

- Basic Needs;
- Mental Health;
- Sustainable Income; and
- Transportation.

The Plan includes recommendations in each of these service areas, prioritized based on need and on the capacity of the service delivery system to successfully implement these programs.

## Action Plan & Next Steps

The framework for action in this plan is ambitious. It serves as a long-term guide that will evolve as the City and its partners gain experience and as the social and economic circumstances in Goodyear and the region change.

This Action Plan (page 37) focuses on the delivery system and four priority services areas. Each priority area has a goal and multiple objectives with corresponding actions, prioritized based on need, impact, and feasibility. Together these actions reflect the key concerns and issues prioritized by Goodyear residents combined with knowledge of emerging best practices in human services delivery. Council will consider and re-prioritize these actions as part of the budget process annually. First year recommendations are summarized on page 44.

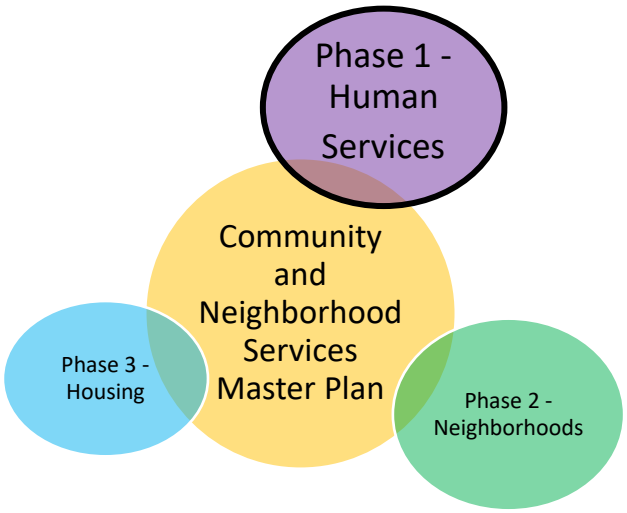
## Introduction and Overview

*The Phase 1 – Human Services Plan is the beginning of a process. Addressing the human services, housing, and neighborhood needs of Goodyear's residents and workforce will require hard work and collaboration.*

The Goodyear Community and Neighborhood Services Master Plan – Phase 1 Human Services Plan (Human Services Plan or Plan) was developed to serve as a foundation to guide the city's role in providing funding for and developing and nurturing partnerships to address the needs of Goodyear's most vulnerable residents and neighborhoods. This Human Services Plan offers recommendations and creates a framework for human services decision-making that will be built on over time to include neighborhoods and housing, including recommended investment in the physical environment to sustain human services.

### One Core Concept – Six Core Values

At its core, the Human Services Plan is rooted in the concept of human dignity or the acknowledgement of and respect for each individual's inherent value and worth. When a mutual sense of worth is recognized and honored, people are connected and feel safe to extend themselves, making growth and development possible. Operating within this core concept, the Human Services Plan seeks to address the root causes of crisis and instability for vulnerable residents and workforce members by embracing the six core values cited in the FY2022-2024 City of Goodyear Strategic Plan.




**CORE CONCEPT**

*HUMAN DIGNITY*

**CITY OF GOODYEAR CORE VALUES**

*Empathy*
*Initiative*
*Innovation*
*Integrity*
*Optimism*
*Adaptability*

**HUMAN SERVICES PLAN VISION**

Thriving residents with opportunities to lead full, self-sufficient and prosperous lives.

## Human Services Plan Development

The Human Services Plan was developed with multiple opportunities for resident and stakeholder input, information from other City plans, and available data. To gather input regarding the city's most vulnerable residents and their human service needs, engagement was conducted from July through September 2021. Engagement included five focus groups attended by twenty-seven (27) individuals, nineteen (19) stakeholder and key informant interviews, a school district representatives roundtable, a discussion with the Goodyear Youth Commission, and two Goodyear Faith and Community Roundtable discussions. An additional engagement opportunity for Goodyear residents to provide feedback on how effectively the draft Plan reflects what was expressed in previous engagements and its responsiveness to community needs was held as a hybrid town hall style meeting prior to adoption of the Plan.

*Engagement efforts validated the needs identified through other planning efforts. It provided valuable insight into the challenges faced by participants and providers in the human services delivery system.*

Focus groups were organized for seniors, people experiencing homelessness, and beneficiaries of programs currently providing services in Goodyear. Outreach was coordinated through service providers and organizations representing Goodyear residents, as well as social media. To encourage diverse participation, a gift card incentive was offered to participants. The engagement efforts validated that many of the needs identified in the 2019 Goodyear Community Assessment and the HUD Consolidated Plan have not changed.

Development of the Human Services Plan was not without challenges. The most significant challenges were engaging the public and stakeholders in the midst of public health challenges, and extremely-limited "real-time" local data.

*The social and economic changes accompanying the COVID-19 pandemic have required most people to make adjustments in how they live, work, and play. It will also require a continual refocusing on what is both needed and possible going forward.*

Turnout for in-person focus groups was impacted by the emergence of the coronavirus delta variant, and possibly by lack-of-action fatigue. Interviewees shared how service demand had become less predictable during the past 18 months, and also expressed lack-of-action fatigue as their opinions are often solicited yet little or nothing changes. It is very possible that lack-of-action fatigue is also impacting the willingness of vulnerable residents to engage in additional discussion.

Primary or "real-time" output and outcome data are critical to identifying demand for services and prioritizing funding. Both the Community Funding program and Avondale Resource Center collect output data that provides insight into duplicated and unduplicated units of service and residents served. This data is important to understanding potential demand and how investments have temporarily alleviated crisis or instability, yet it is less helpful in making informed decisions about investments that will result in movement towards self-sufficiency and prosperity.

## Guiding Documents and Related Plans

The Human Services Plan incorporates information from existing planning efforts:

1. The City's FY2022-2024 Strategic Plan guides the vision and delivery system framework;
2. The City's 2019 Community Assessment describes the health and well-being of residents and provides a comprehensive summary of leading issues important to quality of life;
3. The City's FY2021-2025 HUD Consolidated Plan describes the needs of low-and moderate-income residents and establishes priorities for Community Development Block Grant (CDBG) funding;
4. The 2021 National Community Survey describes satisfaction with city services, and areas of importance identified by survey respondents;
5. The Maricopa County Community Action Program 2021 Community Needs Assessment provides regional context regarding human services needs that cross Goodyear, Avondale and Litchfield Park boundaries;
6. The City's 2014 Focus on Success Economic Development Action Plan identifies business development, workforce, employment center, marketing and branding, and advocacy initiatives; and
7. The 2021 Avondale Goodyear Transit Study identifies transit needs and recommends service improvements, new transit options, and capital investments.

### *City of Goodyear FY2022-2024 Strategic Plan*

The FY2022-2024 Strategic Plan guides the Community and Neighborhood Services Master Plan vision and provides a framework for the delivery system. The Strategic Plan vision recognizes Goodyear as:

1. A great place to live, work, and raise a family;
2. A city with healthy lifestyles and commitment to the environment; and
3. A growing community that provides quality opportunities and lifestyles.

*This human services plan focuses on pathways to self-sufficiency and prosperity for vulnerable residents and workforce members in the context of Goodyear's vision of a great place to live, work, and raise a family.*

It also envisions Goodyear will be known as:

- A destination for regional shopping, dining and entertainment;
- A destination for higher education designed for workforce needs;
- A place for diverse job opportunities and an inventory of industries;
- An incubator for entrepreneurs; and
- A hub of arts and culture in the west valley.

### *2019 City of Goodyear Community Assessment*

The 2019 Community Assessment describes the health and well-being of Goodyear residents. The assessment is an analysis of both quantitative and qualitative data to determine the strengths and needs of the community and is designed to aid in prioritizing and planning the use of resources for community investments and grantmaking. The priority areas identified in the Community Assessment are:

1. Community services focused on minority populations, people in or at risk of crisis, and people experiencing homelessness.
2. Partnerships that use an innovative approach to meeting people where they live, work and play through permanent physical spaces or mobile service delivery.
3. Promotion of activities that engage children/youth.
4. Promotion of signature events that build a sense of local culture.
5. Inclusive design of community spaces to offer choice for individuals of all abilities.
6. Mental health care with an initial focus on supporting efforts in schools and among community partners to link students to care.
7. Allowing for a regional approach to delivery for appropriate services to expand the variety of available options.
8. Investing in innovative transportation solutions, with an initial focus on residents with transportation challenges related to health care.

### *Program Years 2021-2025 HUD Consolidated Plan*

The PY2021-2025 HUD Consolidated Plan gathers and analyzes data required by the US Department of Housing and Urban Development (HUD) and supports public discussion to identify goals for Community Development Block Grant (CDBG) funds. The City expects to receive a CDBG allocation of approximately $430,000 annually. CDBG funds dedicated to human services must meet one of the identified priorities of the Consolidated Plan. The Consolidated Plan identifies four priorities for CDBG funding:

1. Community Facilities and Improvements
2. Services to Meet Basic Needs
3. Attainable and Sustainable Housing
4. Job Creation or Retention

### *2021 National Community Survey*

The National Community Survey™ is about the livability of Goodyear and provides the opinions of a representative sample of 606 Goodyear residents collected from March 8, 2021 to April 2021.

At least 90% of respondents indicated it was important to focus on:

1. Economic health of Goodyear.
2. Quality of utility infrastructure.
3. Feeling of safety.
4. Design or layout of residential and commercial areas.

At least 70% of survey respondents indicated it was important to enhance the following in the coming two years:

1. Internet connectivity.
2. Water conservation and other sustainability programs.
3. Senior services.
4. Child care/after school programs.

### *Maricopa County Community Action Program 2021 Community Needs Assessment*

This Community Needs Assessment informs investments by the Community Action Program in services for people living in poverty and having low-incomes. Both participants and service providers perceive the region's ability to meet service demand is inadequate. Identified critical unmet needs include:

1. Housing support;
2. Child care;
3. Employment supports;
4. Mental health care and substance use treatment; and
5. Education and skills training.

### *2014 Focus on Success Economic Development Action Plan*

The Focus on Success Economic Development Action Plan identifies initiatives to support resident and workforce economic stability and self-sufficiency by:

1. Generating robust job growth within industry clusters by maximizing Goodyear assets;
2. Promoting job creation and revenue generation of small business and local entrepreneurs;
3. Investing in infrastructure and other capital projects to stimulate private sector investment within employment centers; and
4. Creating a unique brand for Goodyear that differentiates the city from its competitors through a robust marketing campaign.

### *2021 Avondale-Goodyear Transit Study*

The 2021 Avondale-Goodyear Transit Study provides recommendations that will address the needs of Goodyear residents, including those who are vulnerable. These recommendations include:
Service improvements, including:

1. Optimizing Avondale ZOOM circulator and extending it to existing park-and-rides;
    a. Extending Valley Metro fixed-routes to improve regional connectivity; and
    b. Increasing services on Valley Metro fixed-routes.
2. New transit options, including:
    a. Piloting micro transit in areas that do not support fixed-route bus service; and
    b. Partnering with major employers to pilot flex routes to business parks.
3. Capital investments, including:
    a. Establishing mobility hubs to promote multimodal connectivity; and
    b. Improving bus stop comfort and safety by introducing enhanced amenities

## Human Services Plan Overview

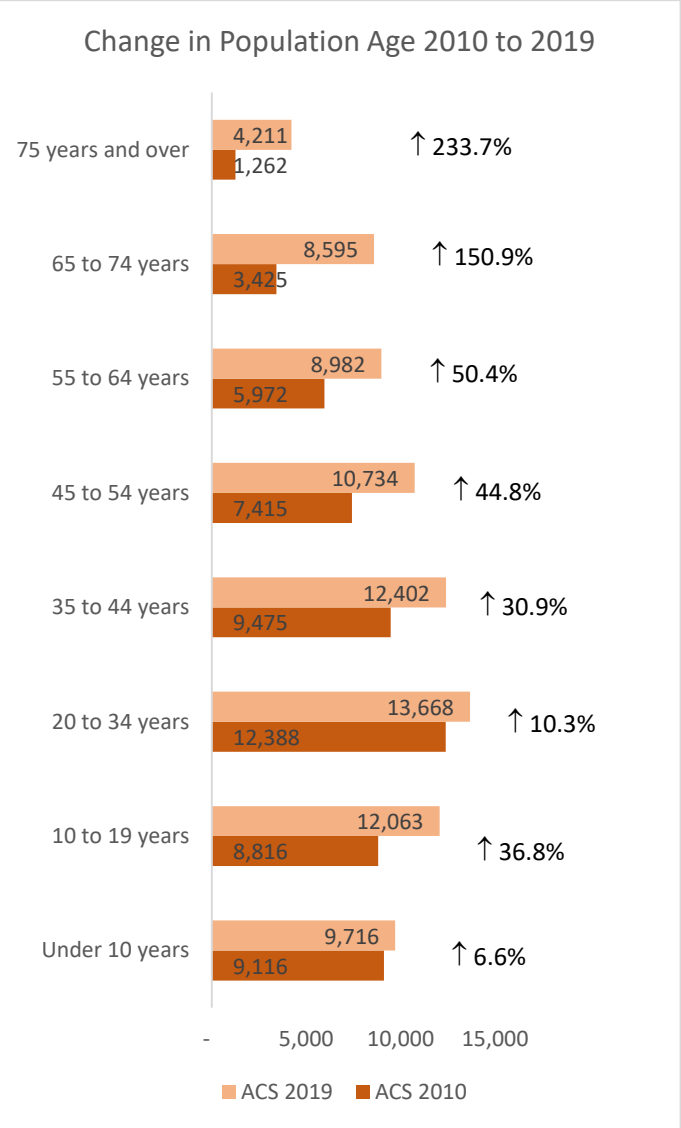
The Human Services Plan includes six sections:

1. The **Socio-economic Conditions and Trends** section summarizes data and background information important to understanding the needs of vulnerable residents and workforce members in the broader community and regional context. This data and information are also important to understanding how the socio-economic environment has changed in the last decade and will serve as an important platform for estimating neighborhood and housing needs in future phases of the planning process.
2. The **Financial Vulnerability** section provides the information necessary to understand what it costs to live in Goodyear. This data is important to understanding how investment in human services must address people's basic needs while helping to move people towards self-sufficiency and prosperity whenever possible.
3. The **Goodyear's Vulnerable Residents and Workforce Members** section explains how prioritized populations are defined and provides data regarding each group when possible. It is important to creating a common understanding of who is vulnerable to crisis and instability and the potential demand for human services.
4. The **Goodyear Human Services Delivery System** section describes the current structure of the Neighborhood Services Division within the City Manager's Office as it relates to human services. Understanding how the current efforts of Neighborhood Services support this Plan is important for engaging the community and building the capacity necessary to move towards the City's vision.
5. The **Other Valley City and Town Approaches to Human Services** section provides basic information about existing services and systems offered by other cities and towns. This information is important because how other municipalities approach human services can contribute to or constrain systemwide capacity.
6. The **Human Services Strategic Plan** describes the goals, objectives and actions for each priority services area based on available data and information, and input received from Goodyear residents and stakeholders. The Action Plan summarizes all goals and objectives in a grid format for ease of future action identification and reporting. It provides a possible timeline for each action and makes recommendations for the first year of Plan implementation.

## Socio-economic Conditions and Trends

*Realizing the city's strategic plan vision requires an understanding of current and changing socio-economic conditions in Goodyear, the surrounding regional economy, and the nation.*

Current and trending socio-economic conditions provide context for understanding the challenges encountered by Goodyear's vulnerable residents and workforce members. Significant growth over the past decade has changed the composition of Goodyear's population and households. At the same time macro-level socio-economic changes have led to increasing income polarization as wages stagnate and employment opportunities are increasingly part-time or require non-traditional work hours, especially for lower-wage employees.




### Changing Population and Household Composition Accompanies Growth

From 2010 to 2019 the Goodyear population increased 38.9%, while households grew by 40.0%, and families grew by 30.2%

#### Population Age Trend

The most notable change in population characteristics is a 5.3-year increase in the median age from 33.4 in 2010 to 38.7 in 2019. Comparatively, median age increased 2.3 years in Maricopa County and 1.2 years in the United States during the same period.

**Median Age ↑ 5.3 years**

Of the increase in population from 2010 to 2019, one-half (49.5%) were people age 55 and over, while 17.1% were school age children (age 19 and under).

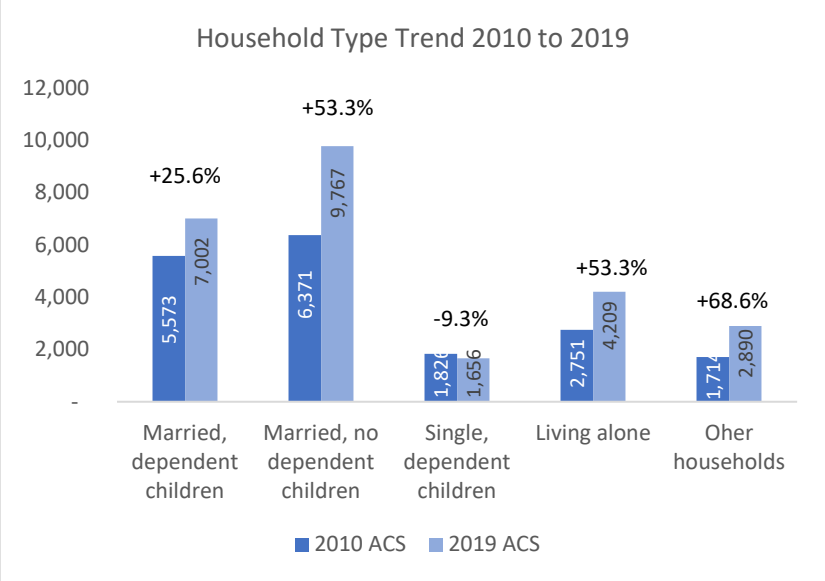
**One-half of population increase = people age 55+**

Overall, the proportion of Goodyear's population identifying as White alone decreased 7.5% from 2010 to 2019, with a notable increase in racial and ethnic diversity among people age 34 and younger.

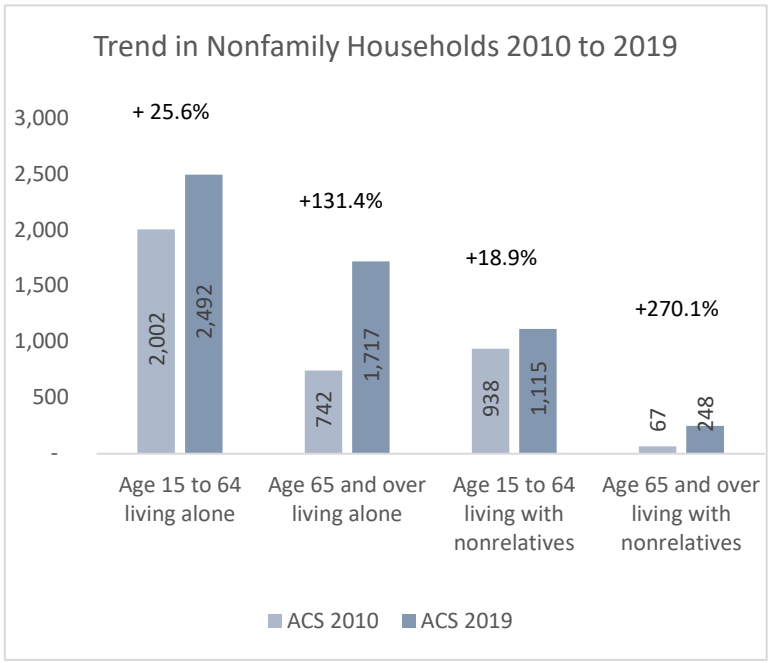
## Household Type Trend

Along with an increase in the age of the population comes changes in household types. Married couples with no dependent children represented nearly one-half (46.6%) of the increase in households from 2010 to 2019.

**Married couple households with no dependent children increased at more than twice the rate of married couple households with dependent children.**



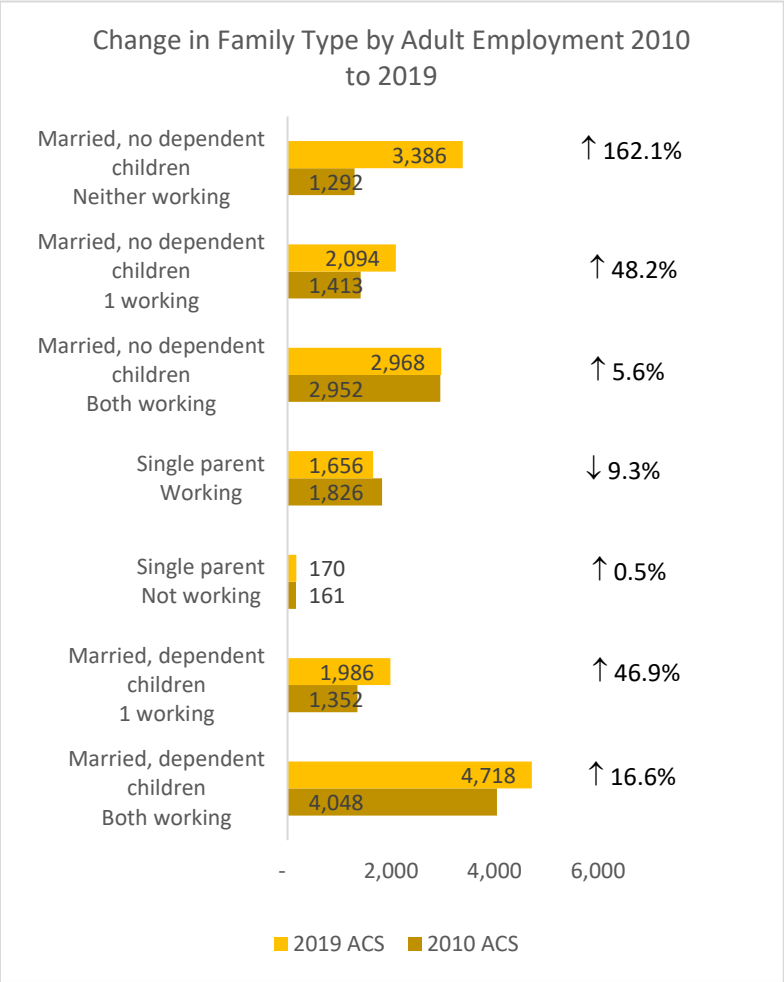

## 2010 to 2019 Nonfamily Type Trend




Nonfamily households include people living alone and people living with non-relatives. People living in nonfamily households increased 59.0% from 2010 to 2019. Of the increase in nonfamily households, slightly more than half (55.4%) were single-person households.

Of the increase in people living alone, nearly two-thirds (63%) were people age 65 or older. In 2019, 4,209 people lived alone, including 1,717 who were age 65 or older.

## Family Type, Presence of Dependent Children and Adult Employment Trend




A family is a group of people who are related by birth, marriage, and/or adoption and residing together. Family households also include subfamilies and unrelated people who live with the family.

Married couples with no dependent children and neither adult working represented over one-half (53.2%) of the increase in families from 2010 to 2019.

**Married couple families with dependent children where both adults work declined from 30.4% of Goodyear families in 2010 to 27.8% of Goodyear families in 2019.**

Single-parent families declined 9.3% or 170 households from 2010 to 2019. In 2019, six of ten (58%) single parents were employed full-time.

In 2019:

- One of five children lived in a single parent family.
- One of ten children lived in a family that included a grandparent or relatives other than a parent.
- Of children living with a grandparent, one in ten did not have a parent present.

## Income Trend

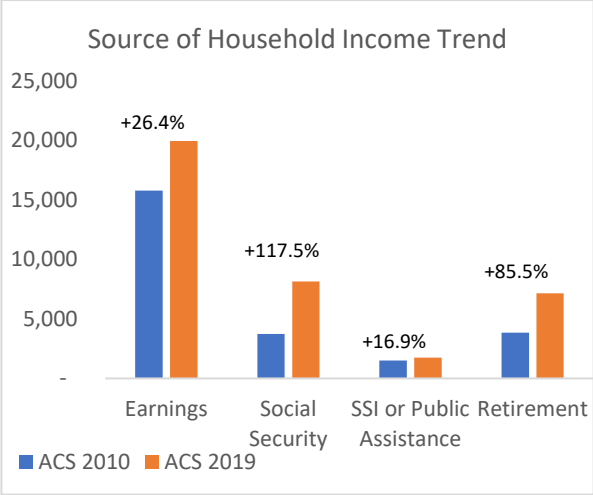



The median Goodyear household income increased 10.0% from $76,221 in 2010 to $83,866 in 2019. During the same period, average household income increased 14.5% from $84,703 in 2010 to $100,119 in 2019.

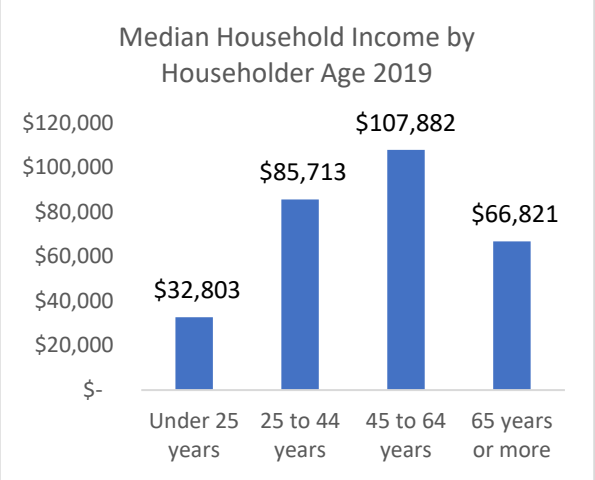
The difference between median income and average income points to increasing economic polarization or the concentration of higher incomes among fewer households in the top income category.

**One-third of the increase in households from 2010 to 2019 was among households with income $150,000 or higher.**

Households may have multiple sources of income. From 2010 to 2019, Goodyear households with Social Security Income increased at 4.5 times the rate of households with earnings.

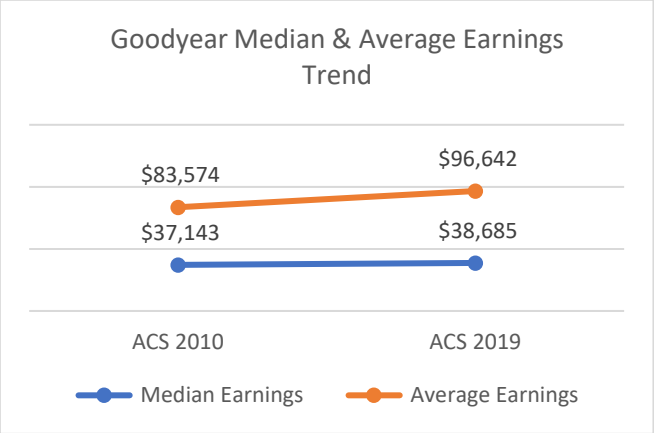



In 2019, household income varied by the age of the householder, with the lowest incomes among the youngest and oldest householders.



### Earnings Trend

One of the most obvious measures of economic polarization is median wage stagnation. Between 2010 and 2019, median wages in Goodyear increased 4.2% while average wages increased 15.6%. Wage stagnation is the result of many factors – increasing part-time employment, a growing labor force that includes more women, and increasing proportions of people with some college who compete for a shrinking share of higher-wage jobs.




**REGIONAL EMPLOYMENT MARKET**

*Of the 2,082,750 jobs in Maricopa County in 2019:*

- *41% had a median wage less than $35,000 and*
- *21% had a median wage of $60,000 or more.*

*The prevalence of lower-wage jobs means that many workers, including those with an education, consistently look for increases in hourly wages or more traditional work hours. This creates instability for both households and employers.*

## Financial Vulnerability

Financial vulnerability is a common element for nearly all prioritized Goodyear vulnerable residents and workforce members. There are different definitions and measures of financial vulnerability. Most definitions and measures are used to determine eligibility for one or more programs. Others seek to measure typical living costs to better understand how much income is needed to make ends meet. There are three measures discussed in this plan:

1. Area Median Income (AMI). The US Department of Housing and Urban Development establishes income limits for program eligibility based on Area Median Income. Low-income is 80% or less of AMI, very-low income is 50% or less of AMI, and extremely low-income is 30% or less of AMI.
2. Federal Poverty Guideline. The US Department of Health and Human Services establishes guidelines that serve as an eligibility threshold for many federal subsistence programs.

**VULNERABILITY**

Vulnerability refers to characteristics that make people especially likely to:

- Consistently face crisis or instability; or
- Experience crisis or instability in the face of changing economic and social conditions, such as job or benefit loss, rising prices of basic essentials such as food, housing or health care, illness, or family breakup.

3. Minimum Earned Income Standard. The Department of Urban Studies and Planning at Massachusetts Institutes of Technology (MIT) has developed a cost-based model as an alternative measure of income necessary to meet basic needs. This market-based approach draws upon geographically-specific expenditure data related to a family's likely minimum costs for basic necessities. The model estimates the rough effects of income and payroll taxes on these costs to determine the minimum income necessary to meet a family's basic needs.

## Minimum Earned Income Standard

There are multiple measures and models of earned income or wages necessary to attain and retain self-sufficiency for working individuals and families. The Department of Urban Studies and Planning at Massachusetts Institute of Technology (MIT) measures income necessary to meet basic needs in a geographic area and provides technical documentation[1] that explains the rationale for and formulas used in the calculation. The calculation includes:

1. Food, at the USDA low-cost food plan average;
2. Employment-related childcare at the lowest cost option available;
3. Out-of-pocket medical, including health insurance costs for employer-sponsored plans, medical services, drugs, and medical supplies;
4. Fair Market Rent;
5. Transportation, including fuel, routine maintenance, financing and insurance for a used vehicle;
6. Basic civic participation and engagement activities, including fees and admissions, audio and visual equipment, pets, toys, hobbies, reading, and education;
7. Clothing, personal care, household supplies, broadband, and cell phone; and
8. Taxes, using the federal tax rate for the middle quintile in 2017 (14.0%), and state tax rate applied to the pre-tax wage, including deductions.

*The minimum income standard, if met, draws a fine line between financial independence for the working poor and the need to seek out public assistance or suffer consistent and severe food and housing insecurity.*

Dr. Amy K. Glasmeier and the Massachusetts Institute of Technology

*The basic needs budget does not include expenditures that support the local economy.*

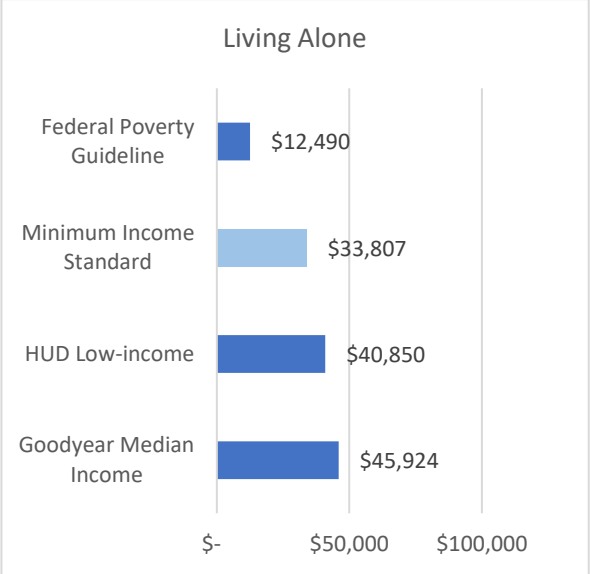
Expenditures for non-necessary items that support the local economy are not included in the calculation, including:

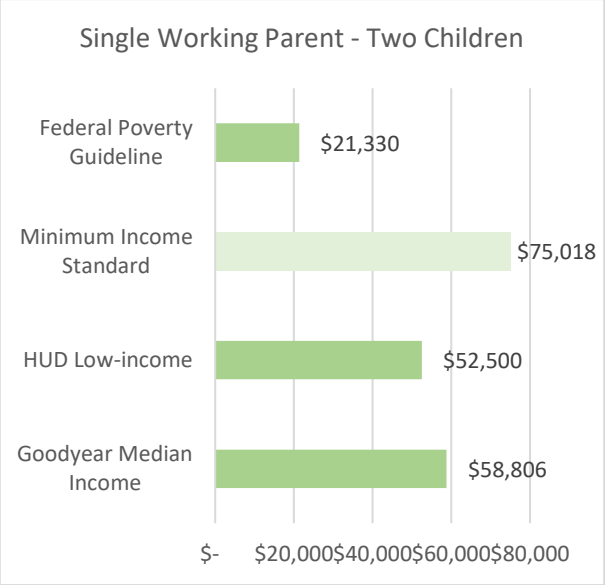
1. Prepared meals
2. Dining out
3. Leisure time
4. Unpaid holidays or vacations, or
5. Saving and investing for the future.

[1] https://livingwage.mit.edu/resources/Living-Wage-Users-Guide-Technical-Documentation-2021-05-21.pdf

The charts and tables below demonstrate how the minimum earned income standard compares to 1) the federal poverty guidelines and HUD Low-income limit for the family size, and 2) the Goodyear 2019 median income for the family type. The tables also provide additional detail regarding average annual costs.

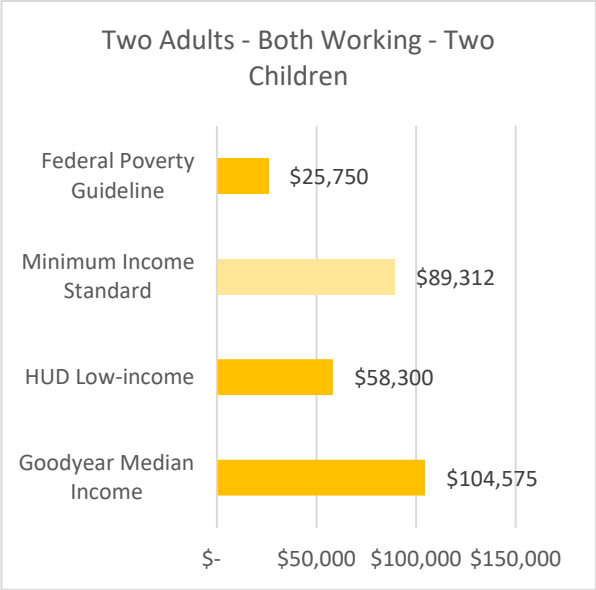
When the minimum earned income standard or HUD Low-income limit is higher than or close to the Goodyear median income, as it is for people living alone and single-parent families, it means that more households of that size and type will be financially vulnerable.

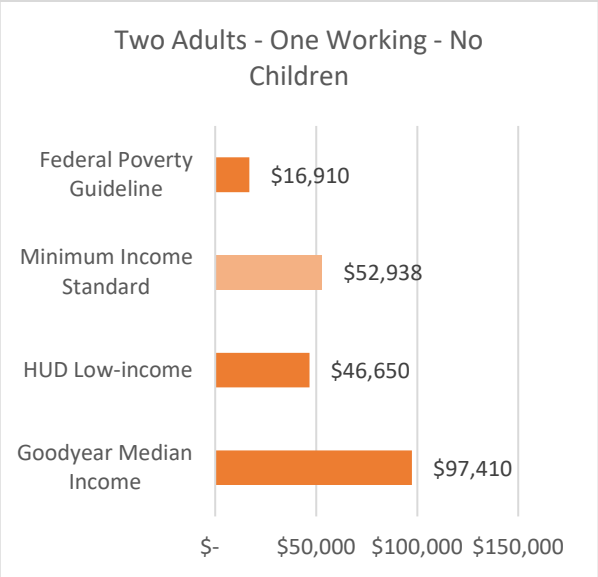



| Annual Basic Needs Costs | | Annual Basic Needs Costs | |
|---|---|---|---|
| Food | $ 3,792 | Food | $ 8,343 |
| Child Care | $ 0 | Child Care | $ 10,547 |
| Medical | $ 2,763 | Medical | $ 7,315 |
| Housing (FMR) | $ 11,196 | Housing (FMR) | $ 15,012 |
| Transportation | $ 4,900 | Transportation | $ 11,186 |
| Civic | $ 1,811 | Civic | $ 3,554 |
| Other | $ 2,794 | Other | $ 4,996 |
| Taxes | $ 6,551 | Taxes | $ 14,065 |
| **Total** | **$33,807** | **Total** | **$75,018** |

Minimum Earned Income Standard




| Annual Basic Needs Costs | | Annual Basic Needs Costs | |
|---|---|---|---|
| Food | $ 11,106 | $ 6,592 | $ 6,592 |
| Child Care | $ 10,547 | $ 0 | $ 0 |
| Medical | $ 7,455 | $ 6,411 | $ 6,411 |
| Housing (FMR) | $ 21,180 | $ 12,384 | $ 12,384 |
| Transportation | $ 13,317 | $ 8,987 | $ 8,987 |
| Civic | $ 4,127 | $ 3,889 | $ 3,889 |
| Other | $ 6,037 | $ 4,553 | $ 4,553 |
| Taxes | $ 15,543 | $ 10,122 | $ 10,122 |
| **Total** | **$89,312** | **Total** | **$52,938** |

## Goodyear's Vulnerable Residents and Workforce Members

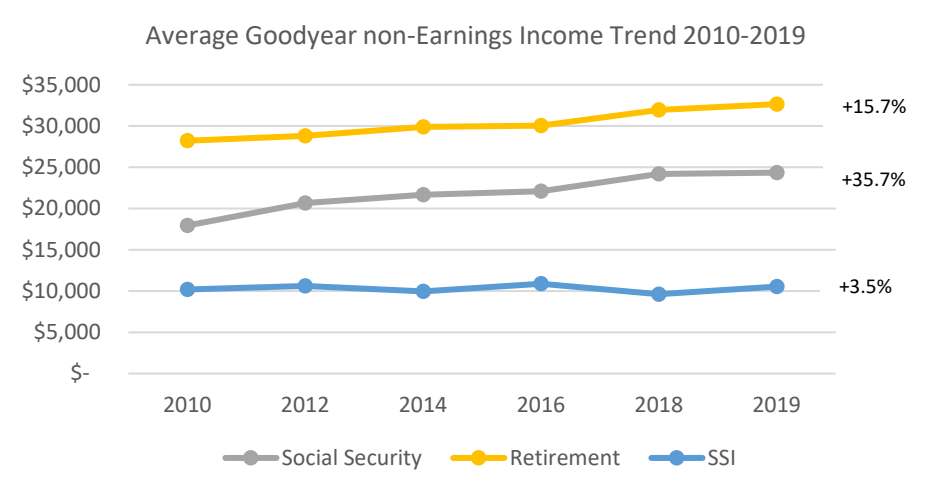
Community input and data point to seven particularly vulnerable populations:

1. People who are elderly or have disabilities, and live on low fixed incomes;
2. Low-income households;
3. Families with children;
4. People with mental health concerns, including people experiencing or recovering from abuse, and people with substance misuse challenges;
5. People experiencing or at risk of homelessness, including "doubled-up" families;
6. People with limited financial literacy; and
7. Disconnected youth, or youth who are not employed or in school.

### Seniors, People with Disabilities and Other Fixed-Income Households

Households living on a fixed income are particularly vulnerable to crisis or instability in the face of rising costs. Seniors and people with disabilities are less likely to have earnings and more likely than other population groups to live on fixed incomes. Social security, retirement and Supplemental Security Income (SSI) represent the primary sources of income for fixed-income households. SSI is available for people who are disabled, blind, or age 65 and have limited income and assets.

Retirement and the Social Security Administration are the primary non-earnings income sources. From 2010 to 2019, average retirement income increased at roughly the same rate as average earnings, while average Social Security income increased at more than 2 times both earnings and retirement. Average Supplemental Security Income (SSI) increased 3.5%.



## Seniors

From 2010 to 2019, the Goodyear population age 65 and older increased 190% to 12,806 people. This increase is in part due to natural aging of Goodyear residents and in part due to population growth. There are currently two large master-planned communities in Goodyear that are restricted to age 55 or older.

An estimated 1,893 Goodyear senior households are low-income.

488 seniors in low-income households live in poverty.

The majority of Goodyear's older residents are not currently vulnerable to crisis or instability. The 2019 median income of Goodyear households headed by a person age 65 years or older was $66,821, well above both the HUD Low-income limit and the minimum earned income standard. However, as the population continues to age, more older adults will become single-person households who are generally more vulnerable to crisis or instability.

Among Goodyear residents age 65 and older who lived alone in 2019, males had a median income of $46,111, compared to $34,119 for females.

## People with Disabilities

People with disabilities and their families have layered, complex social and economic support needs. Of Goodyear's 7,022 residents with disabilities, roughly half are age 18 to 64. Among people with disabilities who are age 18 to 64, 48.4% are in the workforce. Of those in the workforce, 35.2% work full-time year-round and 10.1% are unemployed. The unemployment rate for people with disabilities is 1.54 times that for people with no disabilities.

An estimated 7,022 Goodyear residents have one or more disabilities.

Among Goodyear residents with disabilities, 2,290 are low-income, including 1,067 who live in poverty.

For the many people with disabilities who rely on public assistance to meet their basic needs, there was little or no increase in benefits from 2010 to 2019. In 2019, Monthly Supplemental Security Income (SSI) could not exceed $771 for a single person, or $1,157 for a couple where both spouses were eligible. The average food benefit for a household that includes a

### National Example
### Roanoke, VA Growth Through Opportunity Cadet Program

The Roanoke Virginia cadet program was launched in November 2014 for young adults with disabilities who need assistance gaining valuable social and career experience in a professional setting. Cadets spend four months volunteering at the Roanoke Police Department receiving career and life skills. Each GTO cadet is given their own uniform and can work up to 12 hours per week. Officers work with each candidate and their families to hone the volunteer experience specifically for cadet interests and goals. On average, seven cadets annually graduated from the program during the first three years, and most secured paid employment in the community after graduation.

person with disabilities was $204 per month. People with disabilities are among the most vulnerable to crisis and instability.

### Low-income Households

In 2019 there were 5,800 low-income households in Goodyear. Among low-income households, an estimated 5,470 or 94.3% are family households and 340 or 5.7% are single-person households or people living with non-relatives.

An estimated 5,800 Goodyear households are low-income.

6,608 people in low-income households live in poverty.

People living in poverty are a subset of low-income households that are highly likely to experience crisis and instability. In 2019, 8.0% of Goodyear residents lived in poverty. Of the 6,608 Goodyear residents living in poverty, 2,250 were children age 17 and younger, 3,350 were people age 18 to 64, and 488 were people age 65 and over. Children under age 18 were three times more likely than people age 65 and older to live in poverty.

It is much harder for adults and their families to avoid poverty when the adult did not finish high school, is a single-mother, has a disability, or is an ethnic minority. In 2019:

- One of four single mothers and their children lived in poverty – a rate 3.2 times higher than the overall Goodyear poverty rate;
- 14.2% of people with no high school diploma or GED lived in poverty – a rate 1.8 times higher than the overall Goodyear poverty rate;
- 14.0% of people who were Hispanic (of any race) lived in poverty - a rate 1.8 times higher than the overall Goodyear poverty rate; and
- 9.4% of people with a disability lived in poverty – a rate 1.2 times higher than the overall Goodyear poverty rate.

## National Example
## San Antonio, TX Project QUEST

Employers understandably hesitate to make large, up-front investments in general skills since workers may take those skills to another employer to earn a higher wage. Intermediary programs that work directly with employers to identify skills training to employ people for existing jobs are one approach that may enhance sustainable wage employment outcomes. The most successful intermediary programs develop close relationships with employers, offer support services and counseling for consumers, and make substantial investments in training. One example of an intermediary program is Project QUEST in San Antonio. This program works with local employers to identify future job openings and then recruits low-wage workers to train them for those positions. Participants engage in remedial education and weekly group meetings that encourage motivation and support life skills development. Participants receive financial assistance to cover transportation and other basic needs. Rigorous evaluation of the QUEST program showed significantly higher earnings that, by year nine, were $5,000/year higher than non-participants in a control group.

## Families with Children

Due to higher costs of living, families with dependent children are more likely than families without dependent children to face crisis or instability. Of the 8,658 Goodyear families with dependent children, 7,002 (81%) are two-parent families and 1,656 (19%) are single-parent families. Two-parent families are generally smaller than single-parent families, with 2.2 children per married-couple family and 2.5 children per single-parent family.

An estimated 4,615 Goodyear families with children are considered low-income, including 1,025 with children age 6 and younger and 890 single-parent families.

Children under age 18 were three times more likely than people age 65 and older to live in poverty.

Six of ten single parents work full time. Among two-parent families, 67% include two working adults, and 28% include one working adult. Single-parent and two-parent families with one full-time worker are more susceptible to crisis and instability when faced with social and economic changes. And while two-parent families with dual earners are more likely to positively weather economic, familial, and social uncertainty and change, pandemic-related changes placed extreme stress on both dual-parent and single-parent working families.

*"So many families are on the brink of breaking up. Too much time together coupled with the stress of working and learning from home has caused chaos."*

Because most families with dependent children participate in the workforce, stagnant earnings are more likely to cause economic uncertainty when the cost of basic necessities increases. From 2010 to 2019, the average household income of Goodyear families increased 13.7%. During the same period child care costs increased 5.7%%, out-of-pocket medical increased 20.4%, food increased 10.2%, transportation increased 3.1%, and rent increased 34.9%.

*"The cost of child care is so high that my husband, who has a Ph.D., stays home with our children."*

## People with Mental Health Concerns

Mental health is about how people think, feel, and act. It has a strong impact on how people interact with others, handle problems, and make decisions. Social and financial circumstances, biological factors, chronic physical health conditions, and lifestyle choices play an important role in mental health. The enjoyment of life requires balance among life activities, responsibilities, and stressors.

Just as people can feel physically unwell and not have a serious physical illness, people can have poor mental health without having a serious mental illness.

*"During the first week of school, nine students had full-blown panic attacks- something we have never seen before."*

Every person, regardless of age, gender, income, race or ethnicity has some risk of mental health concerns. Having limited financial means or belonging to a marginalized group can increase the risk of mental health problems. Some factors, such as occupation, social involvement, education, and housing quality can be modified to contribute to positive mental health. Other factors, such as age and ethnicity cannot be modified.

The National Alliance on Mental Illness estimates that one in five adults experience mental health problems each year, and the National Institute of Mental Health estimates that about one in twenty have a severe psychological condition.

The coronavirus pandemic has exacerbated mental health challenges and brought these challenges to the forefront of the human services arena. US Census Bureau surveys indicate that where 11% of adults reported symptoms of anxiety or depression in the first six months of 2019, that percentage increased to 42% in December 2020. These surveys and other studies also indicate that some people are more vulnerable to increased psychological distress, including young people, people with young children, and people previously diagnosed with a psychiatric disorder.

### National Example
### Peer-to Peer Wellness Program

Peer-to-Peer, sponsored by the National Alliance on Mental Illness, is a structured, experiential, self-empowerment, relapse prevention and wellness program led by trained peer mentors for people with mental illnesses. An empirical evaluation of the program revealed that participants gained significant benefits, specifically knowledge and management of their illness, feelings of being less powerless and more confident, and connection with others.

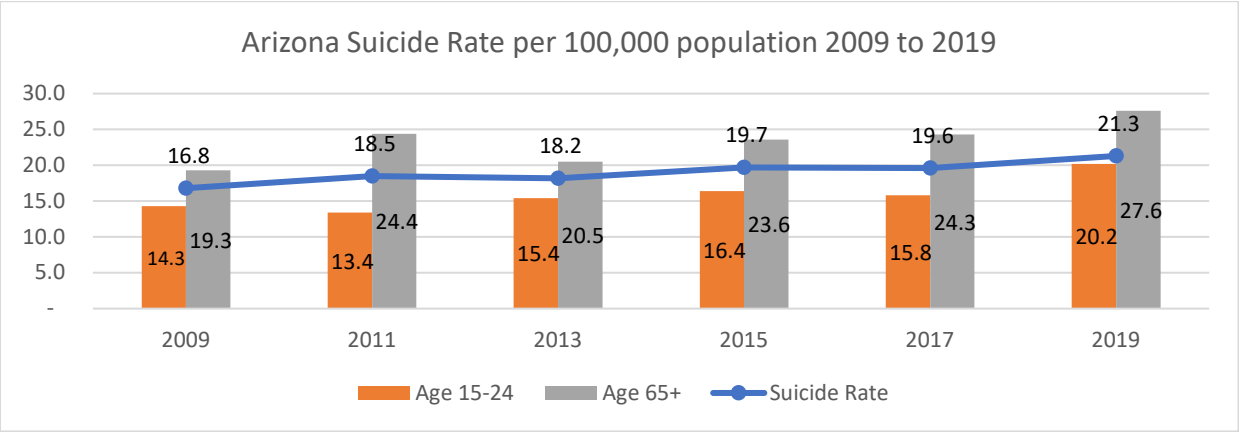
## Increasing Alcohol and Drug Dependence and Suicide Rate

Substance misuse and abuse may accompany mental health concerns as people "self-medicate" in the absence of appropriate social and professional supports. The Arizona Department of Health Services (ADHS) releases annual public health statistics that examine emergency room visits and the primary reason for the visit. This data demonstrates an upward trend in visits coded as primarily for alcohol and drug dependence.

Multiple national population surveys have found that about half of people who experience mental ill health during their lives also experience a substance misuse disorder and vice versa.

ADHS public health statistics also show an increasing rate of suicide. The overall rate of suicide increased 27% from 16.8 per 100,000 in 2011 to 21.3 per 100,000 in 2019. Suicide rates for young adults age 15 to 24 and older adults age 65 and older both increased at a much higher rate. The young adult suicide rate increased 41% and the older adult suicide rate increased 43%.

Increasing emergency room visits for alcohol and drug dependence and increasing suicide rates suggest that people are not able to access needed and appropriate social and professional supports before a crisis occurs.




## National Example
## ReachOut USA for Youth

ReachOut USA is a nonprofit organization helping youth strengthen mental wellness through web-based resources and peer support developed in collaboration with young people from diverse backgrounds. The program focuses on the prevention of mental health difficulties and the active promotion of building resilience in young people. It is part of an international network that began in Australia. A study aimed to explore the impact of the unstructured, brief, digital mental health platform on mental health outcomes and risk of suicide over time revealed that over a 3-month period, young people using the program experienced a significant reduction in symptoms of depression, anxiety, stress, and suicidal thoughts.

## Abuse and Trauma

Abuse occurs along a continuum of behaviors from verbal abuse, threats, intimidation, and manipulation to human trafficking and physical and sexual exploitation and assault. Individuals who have experienced abuse are traumatized and often have complex medical and social service needs that require a specialized trauma-informed approach.

*More beds and longer-term transitional housing and supportive services are needed for abuse survivors.*

There is no universal definition of trauma. The Substance Abuse and Mental Health Services Administration is most commonly referenced:

"Individual trauma results from an event, series of events, or set of circumstances that is experienced by an individual as physically or emotionally harmful or life threatening and that has lasting adverse effects on functioning and mental, physical, social, emotional, and spiritual well-being."

In 2020, the Goodyear Police Department took an estimated 1,172 calls for domestic violence and 172 calls for sexual assault; the Southwest Valley Family Advocacy Center provided services to reduce the trauma of interpersonal violence to 156 Goodyear residents. The physical isolation required by the COVID-19 pandemic has made interpersonal violence more dangerous, traumatic and relentless for those living with an abusive household member.

People escaping or recovering from abusive situations are often starting life over. In addition to specialized mental and physical health care, they need assistance to attain and sustain stable housing and economic self-sufficiency.

## People Experiencing or At Risk of Homelessness

People are more likely to experience housing instability, displacement, and homelessness following a change in economic or personal circumstances, such as job loss, death of a family member, divorce, or severe illness. When these changes occur, people respond in various ways. Households who can cut back spending do so, while others spend down their savings or run up credit card debt. When resources run out, many people often resort to doubling up, or moving in temporarily with family or friends. Others have fewer choices and end up living in temporary shelters, in cars or abandoned buildings, or sleeping unsheltered on the streets and in public spaces.

*All but one participant in a focus group of nine people experiencing homelessness indicated they were homeless due to family circumstances, including death, divorce, and inter-personal conflict.*

There is little real-time data on housing distress and insecurity or the number of individuals and families who are doubled up or unsheltered. In 2020, there were 3,653 sheltered individuals experiencing homelessness in Maricopa County, including 1,174 children under age 18.

Homelessness impacts educational success, employment, earnings potential, and mental health – all of which have long-term consequences for individuals, communities and regions.

Renters are particularly vulnerable to homelessness as they generally have lower household income and are more likely to see increasing housing costs as the market changes. To prevent widespread displacement during the COVID-19 pandemic, emergency rent relief funds were available and a temporary eviction moratorium was in place. According to data provided by Maricopa County, there were 47 eviction filings for Goodyear properties in September 2021.

*Although no data is available, an increase in families who are doubled up was a consistent theme among key informants and focus group and roundtable participants.*

## People with Limited Financial Literacy

Since 2007, the National Foundation for Credit Counseling (NFCC) has conducted an annual nationwide financial literacy survey. The survey reveals how Americans feel about their finances, what they know about financial literacy, and how they use financial literacy knowledge when it comes to retirement, savings, credit card and student loan debt and more.

Although the COVID-19 pandemic has changed how U.S. adults perceive their financial security, the 2019 and 2020 national surveys both revealed that:

1. Four of five renters would like to purchase a home, yet half faced financial obstacles, primarily rising home prices, existing debt, and not enough money for down payment and closing costs;
2. Four of ten respondents carry credit card debt from month-to-month;
3. One quarter of respondents cannot pay all of their bills on time;
4. Seven of ten respondents save for retirement, with most retirement funds kept in savings accounts; and
5. Six of ten respondents would like to reduce their debt.

While 40% of households have and keep a budget and 70% save a portion of their household income for retirement each year, 78% of U.S. adults agree they could benefit from answers to everyday financial questions. Consistent concerns include:

1. Inability to reduce debt, primarily due to unexpected financial emergencies and reductions in income.
2. Continued worry about not saving enough for retirement or for "rainy day" emergencies.
3. Inability to purchase a home due to rising home prices, existing debt, and not enough money for closing costs.

### National Example
### Delaware $tand By Me Financial Empowerment Program

For the past decade, the state of Delaware has offered the $tand By Me ($BM) financial empowerment program, which aims to improve the financial well-being of Delaware residents. The program's structure as a public-private partnership and its focus on delivering free services through professional one-on-one financial coaching has helped it grow rapidly in size and scope to reach diverse populations.

$BM strives to empower Delawareans to have more control over their finances. It offers many free services to all state residents, including financial literacy workshops, tax preparation, access to financial products and services, and planning assistance related to postsecondary financial aid.

## Disconnected Youth

Disconnected youth are teenagers and young adults between the ages of 16 and 19 who are neither working nor in school. Approximately one in ten (11%) of Goodyear youth are considered disconnected.

According to County Health Rankings and Roadmaps, disconnected youth are at increased risk of violent behavior and substance use. Disconnected youth have disproportionately high emotional and cognitive deficits that result from or lead to costly chronic health problems, unemployment, and poverty.

Disconnected youth are young adults between the ages of 16 and 19 who are neither working nor in school.

In 2019, 552 Goodyear youth were considered disconnected, including 317 males and 235 females.

### National Example
### San Diego County Youth-Designed Public Service Campaign

The San Diego County District Attorney's Office engages diverse at-risk high school students to design public service campaigns for their peers that address difficult choices and issues. The program helps at-risk students to remain engaged, rather than disconnecting. The Office establishes mentoring relationships with students and helps them develop leadership skills. Campaigns have addressed lack of respect for self, others, and community; the everyday struggles youth face (such as bullying and juggling family responsibilities); and the pressure to succeed beyond imposed social norms.

## Goodyear Human Services Delivery System

Human services in Goodyear are currently delivered through multiple organizations and programs, some of which are funded through the City's existing Community Funding program overseen by the Goodyear Neighborhood Services Division of the City Manager's Office. Goodyear residents are currently served by a number of nonprofit organizations; however, few are physically located in Goodyear and many services are only available by traveling outside of the city.

The Neighborhood Services Division employs two full-time staff and one manager with additional responsibilities. Continuing staff efforts to preserve and promote cultural cohesion and build capacity to collaborate are critical to the success of this Plan. Goodyear's two Neighborhood Services staff focus their efforts on citizen and organization engagement. To build capacity for constructive community engagement and promote social and cultural cohesion, staff utilize three methods:

1. Outreach.
2. Education.
3. Connection.

*When a mutual sense of worth is recognized and honored, people are connected and feel safe to extend themselves, making growth and development possible*

In a prosperous community, services are:

- Provided in the right amount to meet people's basic needs;
- Widely promoted so that everyone knows about them; and
- Easy to access so that everyone can participate.

Goodyear residents and workforce members may find the services they need when they need them, yet services can be difficult to navigate. Multiple forms may need to be filled out and multiple calls and visits both close to and far away from home or work may be required.

In many cases, people are simply not aware of the resources that are available. And in some cases, such as accessing mental health assistance, the wait is unacceptably long or services are not available at a convenient location or time.

Neighborhood Services staff also bring together faith and community organizations to facilitate networking of resources. The Faith & Community Roundtable provides a strong foundation for the incubation of nonprofit capacity building. This forum can be modified and strengthened to build capacity for service collaboration, and to identify shared outcomes to promote self-sufficiency and prosperity. Other City departments have also made investments in services that target vulnerable populations including the Goodyear Police Department's Homeless Outreach Team (HOT) and the Fire Department's Community Paramedicine and Crisis Response Teams.

Because Goodyear does not have an existing formal human services delivery system, the City is in a unique position to design an efficient system that is collaborative and participant-driven. A collaborative and participant-driven system can begin with continuing to address the basic needs of Goodyear's residents and workforce, while further developing nonprofit capacity and piloting programs with potential to evolve into long-term, collaborative strategies that improve the lives of individuals and the health and prosperity of the community.

The COVID-19 pandemic has increased the urgency to support vulnerable residents and develop the human services delivery system. In addition to funding small business technical assistance and small business relief, the City Council recently allocated funding for immediate measures to address the challenges faced by Goodyear's vulnerable residents and workforce:

1. Home repair/rehab program - $250,000
2. Emergency financial assistance - $250,000;
3. Community navigator program - $150,000; and
4. Future community needs identified through further study and planning efforts - $3,900,000.

This funding provides the City a unique opportunity to thoughtfully design and implement an enhanced human services program.

## Community Funding Program

The Community Funding grant program is viewed by applicants as easy to apply for and manage, with few data collection and process-oriented or organization capacity requirements. Output data is collected to quantify the number of duplicated or unduplicated service units or Goodyear residents served. Recent grant amounts range from $1,500 to $25,000.

*Goodyear is in a unique position to design an efficient system that is collaborative, participant-driven, and results in positive outcomes for participants.*

Applications are reviewed by City staff for completeness and eligibility and a subcommittee of three City Council members reviews the applications and make funding recommendations to the full City Council. While simple for the City to operate and easy for applicants to apply for and manage, the application and performance data collected provides output rather than outcome data. Collecting and analyzing both output and outcome data will be important to evaluating the success of service investments, identifying actual service demand, and understanding gaps in the delivery system.

## Avondale Resource Center

Many of Goodyear's vulnerable residents are currently served through the Avondale Resource Center with funding support provided by the city of Goodyear. The Avondale Resource Center serves as the Senior Center and Community Action Program for Goodyear residents. From July 2020 through June 2021, the Avondale Resource Center provided:

- Ninety-five (95) Goodyear seniors with services, including 53 receiving home-delivered meals, 42 participating in congregate meals at the Senior Center, and 15 receiving transportation services;
- Six hundred eighty-four (684) Goodyear households with utility and rent assistance; and
- One hundred thirty-nine (139) Goodyear residents participating in parent education, health or developmental screenings.

The Avondale Resource Center also provides a variety of human services to help Avondale and Goodyear residents and families in the Southwest Valley and beyond. Anyone can ask for information or assistance. Numerous service partners are located in the Center and provide a range of services to meet basic needs.

The Center also serves as a referral source, making referrals to: emergency food assistance and baby care boxes; employment assistance for adults and youth; community legal services; supportive services for grandparents raising grandchildren; public housing and Housing Choice Vouchers; GED classes and testing; home services for seniors and people with disabilities; and rent and utility assistance.

## Other Valley City and Town Approaches to Human Services

Following are examples of how other valley cities and towns with similar demographics approach human, community, and neighborhood services. These cities are larger than Goodyear and/or their programs are more established, but they offer some insight into how the City may want to design its services as the population grows.

### City of Chandler

The city of Chandler Neighborhood Resources Department provides code enforcement, community development, graffiti elimination, community development grants, homelessness, housing, and neighborhood programs.

Code enforcement helps keep neighborhoods and commercial properties free from unsightly or hazardous conditions that are blighting and lead to further deterioration. Community Development administers funds and programs that promote the improvement of the quality of life for families who are low and moderate-income and assists in the stabilization of Chandler neighborhoods. Community Development also implements affordable housing programs, and partners with nonprofit, faith-based agencies and other City departments to address and meet basic and critical human needs. Grant programs include HUD Community Development Block Grant and HOME Investment Partnership Program funding, and City General Fund human services grants.

The City's housing programs include Section 8 Housing Choice Vouchers, 303 public housing units, and fair housing promotion. Homelessness efforts include prevention through the AZCEND Community Action Program, which provides clothing, food, child care, medical services, diapers and hygiene and household items for households with income less than 150% of the federal poverty limit. The City also provides navigation services, funding for I-HELP and East Valley family shelters, and tenant-based rental assistance for individuals and families experiencing homelessness.

Neighborhood programs foster community building by facilitating communication among neighbors, educating and empowering residents through training and development, assisting those in need, and partnering with organizations to connect residents with resources. Services available to Chandler residents and neighborhoods include neighborhood grants, tool lending, educational classes and ongoing volunteer opportunities.

## Town of Gilbert

The Community Resources Services division of the Gilbert Town Manager's Office provides assistance to residents and neighborhoods, including rent and utility payment assistance. The division also provides housing services for low-income homeowners including emergency and minor home repairs, roof replacement, and exterior painting.

The Heritage Center is a collaborative effort between the Town of Gilbert and local non-profit service providers. Established in 2018, the center is committed to providing access to medical, dental, counseling, and social services. Most of the services are free of charge to families in need. In addition, the center serves as a location to host workshops, trainings, and other activities that are important to the residents of Gilbert.

The center is operated by the nonprofit organization AZCEND, which serves as the Community Action Program Agency for Chandler and Gilbert, and offers family resource classes, support, and navigation, and Volunteer Income Tax Assistance. Dignity Health operates a children's dental clinic, immunizations, and hearing and vision services. The WIC program provides supplemental nutrition, education and screening and referrals to other health and social services for low-income residents. The Southwest Behavioral Health Services offers mental health care appointments.

## City of Scottsdale

The city of Scottsdale Community Assistance Office (CAO) focuses on improving the quality of life for low- to moderate-income families and assisting in the stabilization of Scottsdale neighborhoods. The CAO manages the City's affordable housing programs and collaborates with non-profit agencies and other City departments to address and meet basic and critical human needs. In addition to a variety of local funding sources, the CAO directly administers the HUD Housing Choice Voucher (HCV), Community Development Block Grant (CDBG), and Federal HOME Investments Partnership (HOME) Programs.

The city of Scottsdale also has seven neighborhood, community and resource centers. These centers provide a variety of services to Scottsdale residents to prevent homelessness, meet the basic needs of individuals and families in crisis, relieve economic and emotional stress, and assist individuals to maintain self-sufficiency. Two centers provide avenues for connection and social services for senior adults and their families. Masters-level Social Workers are available by appointment to provide support, education and resources free of charge and a wide variety of support groups and direct assistance are available. One center provides comprehensive programs & services that meet the expressed needs of residents with disabilities to enhance quality of life and promote inclusive community participation. Another neighborhood center provides social, recreational, cultural and educational programs,

resources, services, referrals, and focused support for families with young children to ensure healthy growth and development.

### City of Surprise

The Surprise Human Service & Community Vitality Department houses the Neighborhood Services Division and Senior Services Division. The department is designed to strengthen community, non-profits and government partnerships to better serve Surprise residents. The City has a senior center and a resource center. The senior center offers home-delivered and congregate meal options and a state-of-the-art fitness center. The resource center is a one-stop-shop for veteran, disability and social services. Through strategic partnerships with a growing number of community-based organizations and government agencies, the center offers Surprise residents connections to services that include everything from rent and utility assistance to employment support to food and nutrition resources.

The department also provides a variety of community outreach services including a Block Party Trailer, Day of Service, Safety Day and Mediation Programs. Surprise Academy classes give Surprise residents and others an understanding of city government and operations, as well as training to become effective community servants and leaders. Programs include homebuyer assistance, CDBG Public Service grants to qualified nonprofit organizations that provide services to address one or more targeted public service needs, a Neighborhood Grant program that provides funding for neighborhood projects and events, and the Youth Employment Program that provides area high school students with professional development training while working in local community-minded organizations. Surprise also recently announced plans for a new Housing Support Center offering seven temporary housing units and resource center, as well as a new 99-unit apartment complex for low-income seniors.

## Human Services Strategic Plan

This Plan focuses on pathways to self-sufficiency and prosperity for vulnerable residents and workforce members in the context of Goodyear's vision of a great place to live, work, and raise a family that includes healthy lifestyles, commitment to the environment, and quality opportunities and lifestyles.

The basic premises of this Plan are:

1. Human dignity is integral to a thriving community;
2. Individual and community prosperity are multi-faceted and include financial, physical, social, and spiritual well-being;
3. Everyone deserves to be self-sufficient, to have opportunities to save for the future and for emergencies, and to participate in the community;
4. Community prosperity requires addressing the basic food, clothing, shelter and personal safety needs of people who are experiencing social and economic crisis or instability;
5. Some people or groups of people face unique challenges to accessing services, while others require tailored and specialized services to meet their needs; and
6. Creating a prosperous and thriving community requires a systematic approach.

Human services needs are many and varied yet intricately related. Because of this interrelationship, identified actions in one priority area will often impact other priority areas. Still other priority areas are addressed in existing Goodyear plans, including transportation and economic development.

### CREATING PATHWAYS TO SELF-SUFFICIENCY & PROSPERITY

The increasingly high cost of living in Goodyear means that many Goodyear residents and workforce members are persistently vulnerable to crisis and instability.

Innovation is as important as budget when it comes to the availability of services. Using alternate technologies and delivery models will make it possible for the city to support services that meet both existing and emerging needs.

Focusing **investment** in creating pathways to self-sufficiency will enhance prospects for achieving a high quality of life for all Goodyear residents.

Focusing on **actions** that attract investment in vulnerable residents and workforce members will create a starting point for ensuring that city-supported programs and services are integrated, participant-driven, person-centered, and sustainable.

The **four priority service** areas are:

1. *Basic needs, including food, clothing, shelter and personal safety.*
2. *Mental health.*
3. *Sustainable income.*
4. *Transportation.*

## Service Delivery System

Creating an accountable and participatory delivery system is critical to the success of this Plan. It takes work and commitment to build a thriving city. The City must take advantage of existing capacity, tools and resources in some areas while collaborating with other units of government, the community, the private sector and community organizations to counter the challenges faced by vulnerable residents and workforce members.

### DELIVERY SYSTEM GOAL

Goodyear's human services delivery system is accountable and participatory. It provides a safety-net in times of crisis, supports stability for residents on the cusp of crisis, and provides opportunities for self-sufficiency and prosperity.

*At its core, the Human Services Plan is rooted in the concept of human dignity – the sense of inherent value, worth and respect.*

The human services field is experiencing many of the same challenges that all systems face – namely rapidly changing social and economic forces, demographics, communications, and technology. Goodyear's human services delivery system is in its infancy and is currently siloed and needs-based. This Plan creates a roadmap to a participant-responsive and participant-driven system that positively impacts the lives of vulnerable people by addressing the root causes of their personal difficulties.

### SHIFTING THINKING AND ACTIONS

To successfully create a thriving community requires a shift from short-term remedies to long-term thinking and actions that address the root causes of crisis and instability. The City and its partners must move beyond the alleviation of crisis and instability to focus on producing sustainable solutions that significantly reduce the likelihood of unmanageable crisis or instability and reduce dependence on services to meet basic needs. At the same time, continuing to provide for the basic needs of the 10% to 15% of residents and workforce members who have limited opportunities for self-sufficiency is necessary to avoid creating crisis or instability.

To address root causes requires a holistic platform of solutions and supports for people and families in need through a collaborative approach around shared outcomes. This will require:

1. Meeting people and families where they are and actively engaging them in their own success.
2. Adopting a culture of creativity and innovation as a central part of human services delivery.
3. Establishing and aligning collaborations that include faith and community organizations, foundations, the private sector, people with lived experience, and multiple City departments working towards a common outcome-focused purpose.
4. Creating a shared vision, principles of practice, and accountability for success.
5. Courageous leadership, appropriate staffing, and capacity building that includes:
    a. Increasing awareness of available services through support of intensive marketing and community outreach.
    b. Recognizing that the City cannot address crisis and instability without partners from all sectors of the local and regional economy.
    c. Continuing to fund services to meet basic needs of vulnerable residents and workforce members with limited opportunities to attain self-sufficiency.
    d. Supporting plan implementation through building both internal capacity and collaborating partner capacity.

## Priority Services

The human services strategies in this Plan focus on four priority service areas identified through prior planning efforts and validated through community and stakeholder engagement:

1. Basic Needs.
2. Mental Health.
3. Sustainable Income.
4. Transportation.

### Basic Needs

There are and will always be particularly vulnerable residents with limited opportunities to increase their incomes and save for the future. This Plan must also recognize that no individual family, or household is invulnerable to experiences that are life-altering and may lead to social and/or financial instability.

### Mental Health

Mental health has also consistently been identified as a priority need by Goodyear residents. As is the case in many communities, Goodyear's crisis system has been unofficially handed over to first responders. This has occurred in large part due to a fragmented system that results in too few people obtaining needed mental health supports before a crisis occurs. In addition to the emotional pain of

families struggling to access care, the cost of crisis to the justice and health systems is much higher than the cost of community-based services and supports that prevent crisis.

While professional and medical care is often needed for individuals suffering from a mental health or substance use crisis, many mental health concerns can be positively addressed through less intrusive and costly methods. To be successful, the City must work within the larger system to connect people to care that aligns with each person's needs.

### Sustainable Income

Goodyear residents generally enjoy a higher median and per capita income than residents of most other valley jurisdictions, yet there are thousands of Goodyear residents who face financial instability and uncertainty.

Depending on the funding source, different definitions and measures of financial vulnerability may be used to determine participant eligibility for human service programs. The HUD low-income standard must be used when investing in services that utilize CDBG and other HUD funding. The minimum income standard, an alternative income measure that examines the cost of meeting basic needs, may be used when investing in services that utilize Community Funding and other general funds intended to promote economic self-sufficiency and alleviate economic instability.

### Transportation

Transportation has consistently been identified as a priority need and many of the recommendations included in the 2021 Avondale-Goodyear Transit Study may begin to address the needs of Goodyear's vulnerable residents and workforce members. The transportation and transit-related needs unique to vulnerable populations may be further addressed through this Plan.

Lower-income residents and workforce members often work non-traditional shifts or multiple jobs with irregular schedules that don't always match transit and child care availability. Goodyear's vulnerable residents need flexible transit and transportation that supports getting to and from work, from job to job, and making multiple stops for child care and basic retail needs. In addition to employment-related transit and transportation needs, Goodyear's vulnerable residents need transit and transportation to access education and training opportunities, and take advantage of recreation, social, and civic engagement opportunities. While some vulnerable residents may benefit from door-to-door or dedicated transportation, others may benefit from tele-services or mobile services that reduce or eliminate the need for transportation solutions.

## Action Plan

The framework for action in this plan is ambitious. It serves as a long-term guide that will evolve as the City and its partners gain experience and the social and economic circumstances in Goodyear and the region change. An ambitious action plan and comprehensive human services data collection are the starting point for a more holistic Community and Neighborhood Services Master Plan. Without a solid human services delivery system, a broader understanding of vulnerable residents' self-sufficiency goals, and established services that support those goals, investment in the physical environment is premature.

*An ambitious action plan and comprehensive human services data collection are the starting point for a neighborhood and community resources master plan.*

Honoring human dignity by reducing the probability of crisis or instability is not something that any one government, institution, or group of agencies can accomplish on their own. Crisis and instability are complex issues and solutions are not always readily apparent or known in advance. Intentional, multi-sector collaborations where the efforts of many converge and align with a shared vision are essential, as are flexibility in funding as conditions change or emerge.

While multiple pilot programs may be pursued during the first years of this plan, long-term success is dependent on the City initially investing time to develop a shared vision and outcome measurement system with stakeholders and community members. All sectors, including the private sector must be engaged to develop a widely-accepted vision and promote sectors working together.

This Action Plan focuses on the delivery system and four priority services areas. Each priority area has a goal and multiple objectives and implementation strategies. Together these actions reflect the key concerns and issues prioritized by Goodyear residents combined with knowledge of emerging best practices in human services delivery.

**CHANGE IS INCREMENTAL**

*It is normal for initiatives to make slow or minimal progress in the early years.*

Priorities, knowledge and socio-economic landscapes evolve, and the City will need to evaluate and revise the Action Plan each year. Annual work plans will identify key City initiatives and deliverables to address crisis and instability and promote self-sufficiency and prosperity during the coming year. A yearly progress report and proposed revised investment and work plan will inform the annual initiatives and also be brought to the City Council for consideration each year as a part of the budget process.

Goodyear's human services and city strategic plan both recognize the importance of fiscal and resource management through enhanced performance measurement. Primary data regarding demand for the numerous priorities of this plan is very limited. Pilots are essential to determining demand and quantifying the true cost of services. It is and will remain critical to collect data consistently to ensure focus on the intended outcomes, revise programs as necessary, and create accountability among partners and to the City for invested funds. Pilots are also a key way to support and build the capacity of the nonprofit community without creating ongoing reliance on the City.

| Delivery System | | | | | |
|---|---|---|---|---|---|
| **Goal:**<br>**Goodyear's Human Services Delivery System is accountable and participatory. It provides a safety-net in times of crisis, supports stability for residents on the cusp of crisis, and provides opportunities for self-sufficiency and prosperity.** | | | | | |
| Objective 1: Increase awareness of available services. | | Yr 1 | Yrs 2-3 | Yrs 3-5 | Yrs 5-10 |
| Action | 1. Promote awareness of 2-1-1 and/or 9-8-8 to increase community knowledge of available resources that address the priority services needs of this Plan. | √ | | | |
| Objective 2: Increase City capacity to effectively manage human services and related funding. | | Yr 1 | Yrs 2-3 | Yrs 3-5 | Yrs 5-10 |
| Action(s) | 1. Expand the capacity and specific skills of the Neighborhood Services Division to coordinate funding, activities and partners while managing human services planning, implementation, evaluation, and action (ongoing based on action plan activities). | √ | | | |
| | 2. Champion crisis and instability reduction as a community priority through work with other city departments. | √ | | | |
| | 3. Study additional community needs and develop the housing and neighborhood phases of the Community and Neighborhood Services Master Plan (ongoing). | √ | | | |
| | 4. Invest in community education tools that promote understanding of current and emerging crisis and instability conditions. | | √ | | |
| | 5. Explore stable and sustainable funding options, including additional federal grant programs and new revenue tools. | | √ | | |
| | 6. Assess the costs and benefits of creating one or more one-stop access sites that also serve as community hubs or focal points that provide opportunities for neighborhood connection, community building, and programs and services that increase resiliency. Compare these costs and benefits to the costs and benefits of providing mobile services. | | | | √ |
| Objective 3: Increase systemwide capacity to deliver participant-driven services. | | Yr 1 | Yrs 2-3 | Yrs 3-5 | Yrs 5-10 |
| Action(s) | 1. Through city grants and contracts, prioritize funding for programs that provide tele-services or mobile-service delivery models. | √ | | | |
| | 2. Develop or purchase technical assistance and capacity-building tools that move the human service delivery system beyond networking and towards collaboration and shared outcomes, working with the Faith & Community Roundtable, grantees/contractors, and other nonprofit and for-profit organizations. | | √ | | |
| | 3. Standardize aspects of service delivery and processes to ensure consistent interaction with participants despite receiving different services or having different goals. | | | √ | |

| Delivery System | | | | | |
|---|---|---|---|---|---|
| | 4. Issue a call for pilot programs that incorporate participant-driven services and show promise for future creativity and innovation. Include use of locally-defined shared outcomes and evaluation as required elements. | | | √ | |
| | 5. Consider what additional resources could further enhance the capacity of nonprofits serving the Goodyear community. | | | | √ |
| Objective 4: Expand the use of data and evaluation as tools to direct future funding and establish accountability systems. | | Yr 1 | Yrs 2-3 | Yrs 3-5 | Yrs 5-10 |
| Action(s) | 1. Define high-level shared outcomes in cooperation with stakeholders for factors common to multiple vulnerable populations. Ensure the defined outcomes are flexible enough to allow for participant-defined outcomes and will accept graduated or different outcomes for participants who are farther away from the intended outcome, such as households in poverty developing a spending plan rather than opening and contributing to a savings account. | √ | | | |
| | 2. Develop monitoring and measuring processes and tools, including key data points to inform the implementation and evaluation of the plan, and data collection systems to outcome data for city grants/contracts. | √ | | | |
| | 3. Invest in evaluation of pilot programs. | √ | | | |
| | 4. Track both qualitative and quantitative data. | | √ | | |
| Objective 5: Increase community input and transparency in the funding of human services. | | Yr 1 | Yrs 2-3 | Yrs 3-5 | Yrs 5-10 |
| Action(s) | 1. Create a Human Services Commission consisting of five-to-seven council-appointed members that is representative of people with lived experience (having experienced first-hand living as a member of a vulnerable population), the business community, and the racial and ethnic diversity of Goodyear. Authorize the Commission to:<br>a. Annually recommend to the City Council programs and projects for investment, including Community Funding, and Community Development Block Grant funding;<br>b. Review data and evaluation summaries to recommend future funding direction that will ensure the most needed activities happen; and<br>c. Educate the community about vulnerable residents, and human services, housing and neighborhood approaches that work by recommending strategies based on data and close collaboration with the people most affected. | | √ | | |
| | 2. Coordinate Community Funding and Community Development Block Grant program cycles with the city budget process to provide a more holistic approach to planning. | | √ | | |

| Basic Needs | | | | | |
|---|---|---|---|---|---|
| **Goal:**<br>**Goodyear's residents are able to meet their basic needs for food, clothing, shelter, and personal safety.** | | | | | |
| Objective 1: Goodyear residents seeking crisis or crisis prevention assistance report connection with needed services and supports on first contact. | | Yr 1 | Yrs 2-3 | Yrs 3-5 | Yrs 5-10 |
| Action(s) | 1. Pilot a service navigator program that connects Goodyear residents in crisis or facing instability with existing services and supports, while providing case management services (currently under development). | √ | | | |
| | 2. Through city grants and contracts, prioritize funding for nutritious and fresh food, clothing, shelter and emergency financial assistance for Goodyear residents in crisis or facing instability (emergency financial assistance currently under development) | √ | | | |
| | 3. Assess the costs and benefits of establishing a Goodyear Community Action Program (CAP) to leverage federal funding for crisis intervention and prevention. | | √ | | |
| | 4. Improve systems that track referrals, referral satisfaction, and on-going engagement with needed services and supports. | | √ | | |
| | 5. Through city grants and contracts, prioritize funding for case management and support services for Goodyear residents with limited economic mobility opportunities. | | √ | | |
| Objective 2: Increase engagement with an economic mobility coach for Goodyear residents seeking crisis prevention assistance. | | Yr 1 | Yrs 2-3 | Yrs 3-5 | Yrs 5-10 |
| Action(s) | 1. Issue a call for a pilot economic mobility advisor program for Goodyear residents seeking economic mobility that connects with financial education and asset-building services, and provides career and personal coaching to overcome individual and family challenges. | | | √ | |
| Objective 3: Goodyear residents do not self-report uncertain, insufficient or inadequate access to nutritious and culturally-appropriate food. | | Yr 1 | Yrs 2-3 | Yrs 3-5 | Yrs 5-10 |
| Action(s) | 1. Support simple back- and front-yard gardens by providing reusable containers, seeds and growing instructions. | √ | | | |
| | 2. Examine support and need for an innovative business model that helps retailers sell healthier foods at multiple locations or brings high-quality affordable produce to vulnerable residents. | | | √ | |
| Objective 4: Promote access to any new fee-based city services by reducing barriers for vulnerable and low-income users. | | Yr 1 | Yrs 2-3 | Yrs 3-5 | Yrs 5-10 |
| Action(s) | 1. When considering new fees, consider the impact on vulnerable and low-income populations. | | √ | | |
| | 2. Assess the costs and benefits of sliding-scale fees based on income. | | | √ | |
| | 3. Pilot a single application process for Goodyear's vulnerable residents and workforce members to gain access to available city and nonprofit services, | | | | √ |

| Basic Needs | | | | | |
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| | amenities, subsidies and resources. Assess the higher of the HUD low-income standard or minimum income standard as eligibility factors. | | | | |
| Objective 5: Increase access to alternative service-delivery methods to reduce reliance on transportation solutions. | | Yr 1 | Yrs 2-3 | Yrs 3-5 | Yrs 5-10 |
| Action(s) | 1. Examine funding for programs that increase broadband and mobile data availability to expand vulnerable residents' ability to access services remotely. | | √ | | |
| | 2. Through city grants and contracts, prioritize funding for programs and services that expand digital access and technology literacy to ensure residents can effectively access online programs and services. | | √ | | |
| | 3. Support programs that assist vulnerable residents to establish formal banking relationships that allow them to connect to mobile payment services. | | | √ | |

| Mental Health | | | | | |
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| **Goal:**<br>**Goodyear residents are connected to mental health services that align with their individual and family needs.** | | | | | |
| Objective 1: Reduce the time needed to access mental health services. | | Yr 1 | Yrs 2-3 | Yrs 3-5 | Yrs 5-10 |
| Action(s) | 1. Through city grants and contracts, prioritize funding to support establishment and/or expansion of peer support groups to give people a sense of hopefulness through interaction with people who have shared experiences. | √ | | | |
| | 2. Through city grants and contracts, prioritize funding to support efforts that provide substance use and misuse services and education. | √ | | | |
| | 3. Through city grants and contracts, prioritize funding to support efforts to bring mental health services to schools, workplaces, and other gathering locations. | √ | | | |
| | 4. Develop or support the development of an information campaign to increase awareness of the unique mental health challenges of people with disabilities. | | | √ | |
| Objective 2: Increase the availability of facility or shelter beds and services to help individuals experiencing trauma to move from crisis to self-sufficiency. | | Yr 1 | Yrs 2-3 | Yrs 3-5 | Yrs 5-10 |
| Action(s) | 1. Through city grants and contracts, prioritize funding to support transitional facilities for people fleeing or recovering from abuse. | √ | | | |
| | 2. Through city grants and contracts, prioritize funding for mental health and substance use services that provide trauma-informed care to safely minimize re-traumatization. | √ | | | |

| Sustainable Income | | | | | |
|---|---|---|---|---|---|
| **Goal:**<br>**Goodyear's residents have increased opportunities for economic self-sufficiency and prosperity.** | | | | | |
| Objective 1: Increase the number of low-income Goodyear residents participating in business formation, higher education, and employment skills and job seeking programs. | | Yr 1 | Yrs 2-3 | Yrs 3-5 | Yrs 5-10 |
| Action(s) | 1. Identify opportunities to leverage the Innovation Hub in growing micro-businesses owned and operated by lower-income Goodyear residents that promote the availability of affordable necessary services, such as child care and nutritious food. | | √ | | |
| | 2. Issue a call for a pilot mentoring program in cooperation with Goodyear employers to provide interested employees with opportunities for personal and professional growth through networking with and guidance from seasoned and retired professionals. | | | √ | |
| | 3. Explore models for creating a temporary storefront or similar opportunities for home-based businesses to market and sell their products. | | | √ | |
| Objective 2: Increase the number of Goodyear households with emergency savings, homeownership savings, and/or decreased credit card or other short-term debt. | | Yr 1 | Yrs 2-3 | Yrs 3-5 | Yrs 5-10 |
| Action(s) | 1. Issue a call for a pilot individualized financial literacy education coaching program in cooperation with nonprofit organizations and local employers for all Goodyear residents, regardless of income. Ensure the program is holistic, grounded in each participant's goals, and task oriented to improve residents' financial well-being and self-sufficiency. | | √ | | |
| | 2. Issue a call for a pilot matched-savings program for Goodyear residents and workforce members in cooperation with local employers and civic organizations. Match savings at a high-enough rate to provide for future self-sufficiency and prosperity. | | | √ | |
| Objective 3: Increase the availability of high-quality and affordable child care during non-traditional hours to support employment and participation in education, job skills and search training, and services critical to personal stability. | | Yr 1 | Yrs 2-3 | Yrs 3-5 | Yrs 5-10 |
| Action(s) | 1. Develop expanded child care services during non-traditional hours, working with employers and child care/ early education providers to identify potential delivery partnerships. | √ | | | |
| | 2. Examine the creation of a micro-business / business program to provide training, technical assistance, and start-up financing for child care services during both traditional and non-traditional work hours. | | √ | | |

| Transportation | | | | | |
|---|---|---|---|---|---|
| **Goal:**<br>**Goodyear's vulnerable residents and workforce members have access to flexible and affordable transportation options.** | | | | | |
| Objective 1: Leverage transit recommendations from the 2021 Transit Study | | Yr 1 | Yrs 2-3 | Yrs 3-5 | Yrs 5-10 |
| Action(s) | 1. Determine funding options for:<br>• Transit facility improvements and/or construction;<br>• Improvements to bus shelters and/or mobility hubs; and/or<br>• Shade trees and structures, lighting, sidewalks and crosswalks to improve access to public transit. | | √ | | |
| Objective 2: Increase transportation access during non-traditional transit hours to support vulnerable residents and workforce members. | | Yr 1 | Yrs 2-3 | Yrs 3-5 | Yrs 5-10 |
| Action(s) | 1. Issue a call for a pilot program to provide subsidized transportation vouchers for transportation access during non-traditional transit hours through ride-hailing services such as taxis, Uber and Lyft. | √ | | | |
| | 2. Examine the costs and benefits of funding the lease or purchase of vehicles to bring services to people at multiple locations (mobile services), compared to transporting people to needed services. | | √ | | |
| Objective 3: Increase transit affordability for vulnerable populations as transit availability expands | | Yr 1 | Yrs 2-3 | Yrs 3-5 | Yrs 5-10 |
| Action(s) | 1. Pilot a transit fare reduction program with a nonprofit or governmental organization and one or more employers to facilitate workforce members access to employment, and residents' access to employment, housing, and personal stability resources. | | | | √ |
| | 2. Assess transit demand and affordability among vulnerable populations and incorporate knowledge into future transit planning efforts. | | | | √ |

## Summary of Year One Recommendations

| Delivery System |
| --- |
| Promote awareness of 2-1-1 and/or 9-8-8 to increase community knowledge of available resources that address the priority services needs of this Plan. |
| Expand the capacity and specific skills of the Neighborhood Services Division to coordinate funding, activities and partners while managing human services planning, implementation, evaluation, and actions. |
| Develop monitoring and measuring processes and tools, including key data points to inform the implementation and evaluation of the plan and data collection systems to collect outcome data for city grants/contracts. |
| Champion crisis and instability reduction as a community priority through work with other city departments. |
| Continue to study additional community needs and develop additional phases of the Community and Neighborhood Services Master Plan. |
| Define high-level shared outcomes in cooperation with stakeholders for factors common to multiple vulnerable populations. Ensure the defined outcomes are flexible enough to allow for participant-defined outcomes and will accept graduated or different outcomes for participants who are farther away from the intended outcome, such as households in poverty developing a spending plan rather than opening and contributing to a savings account. |
| Through city grants and contracts, prioritize funding for programs that are expanding tele-services or are mobile-service delivery models. |
| **Basic Needs** |
| Pilot a service navigator program that connects Goodyear residents in crisis or facing instability with existing services and supports, while providing case management services (currently under development). |
| Through city grants and contracts, prioritize funding for nutritious and fresh food, clothing, shelter and emergency financial assistance for Goodyear residents in crisis or facing instability. |
| Support simple back- and front-yard gardens or community gardens in low-to-moderate income areas by providing reusable containers, seeds and growing instructions. |
| **Mental Health** |
| Through city grants and contracts, prioritize funding to support: establishment and/or expansion of peer support groups to give people a sense of hopefulness through interaction with people who have shared experiences, substance use and misuse services and education, efforts to bring mental health services to schools, workplaces, and other gathering locations. |
| Through city grants and contracts, prioritize funding to support transitional facilities for people fleeing or recovering from abuse. |

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| Through city grants and contracts, prioritize funding for mental health and substance use services that provide trauma-informed care to safely minimize re-traumatization. |
| Sustainable Income |
| Develop expanded child care services during non-traditional hours, working with employers and child care/ early education providers to identify potential delivery partnerships. |
| Transportation |
| Issue a call for a pilot program to provide subsidized transportation vouchers for transportation access during non-traditional transit hours through ride-hailing services such as taxis, Uber and Lyft. |

ITEM #: 7.
DATE: 12/13/2021
AI #:578

# CITY COUNCIL ACTION REPORT

**SUBJECT: ARIZONA STATE RETIREMENT SYSTEM SUPPLEMENTAL SALARY DEFERRAL 457 PLAN**

**STAFF PRESENTER(S):** Jeanni Ruddy, Total Compensation and HRIS Manager

## OTHER PRESENTER(S):

(Jim Keeler, Nationwide Retirement Solutions, Program Director)

## SUMMARY

An agreement and resolution with Nationwide Retirement Solutions to provide the Arizona State Retirement System Supplemental Salary Deferral 457 Plan.

## Recommendation

ADOPT RESOLUTION NO. 2021-2193 ESTABLISHING THE ARIZONA STATE RETIREMENT SYSTEM SUPPLEMENTAL SALARY DEFERRAL PLAN; DESIGNATING THE CITY MANAGER AS THE AUTHORIZED AGENT; PROVIDING AUTHORIZATION AND DIRECTION AND PROVIDING AN EFFECTIVE DATE. (Jeanni Ruddy, Total Compensation and HRIS Manager)

## FISCAL IMPACT

There is no financial impact to the city.

## BACKGROUND AND PREVIOUS ACTIONS

As part of the city's comprehensive benefits package, the city offers several retirement plans. Eligible employees are required to participate in one of two defined-benefit pension plans through the Arizona State Retirement System (ASRS) for non-sworn personnel or the Public Safety Personnel Retirement System (PSPRS) for sworn public safety personnel. The city also offers two post-tax Roth Plans and two 457 deferred compensation plans administered by MissionSquare Retirement (formerly ICMA-RC) and Nationwide Retirement Solutions (NRS). A 457(b) deferred compensation plan is a voluntary, supplemental, tax-deferred retirement savings plan much like a 401(k) offered in the private sector.

## STAFF ANALYSIS

Nationwide Retirement Solutions has partnered with the Arizona State Retirement System (ASRS) to offer the Supplemental Salary Deferral Plan (SSDP) 457 Plan. As a participating employer of ASRS, we have the ability to offer this program to all benefit-eligible employees, including employees covered by the Public Safety Personnel Retirement System. By transitioning from the city's standard Nationwide 457 Plan to the ASRS Supplemental Salary Deferral 457 (b) Plan, participants have access to a quality, lower fee plan that allows individual management of accounts or a self-directed brokerage option through Charles Schwab for those do it yourselfers. The primary advantage of the ASRS SSDP plan over the city's current Nationwide 457 Plan, is the fees associated with the ASRS SSDP plan are considerably lower. A number of things factor into why the ASRS fees are lower, with the main reason being that ASRS is utilizing the State of Arizona's Deferred Compensation Plan 10-year contract which became effective in January 2017. By using the economy of scale of the State plan at $2 billion in assets under management, ASRS was able to significantly lower their SSDP 457 plan administrative and record keeping fees, as well as utilize institutional level share class mutual funds. By offering a master level plan for public sector entities to adopt and participate in utilizing these significant enhancements, municipalities can now participate in the ASRS SSDP 457 plan instead of only a standard 457 plan based on our individual city deferred compensation pricing tiers.

With Council approval of Resolution 2021-2193, the 400 participants and over $23M of assets in the city's standard Nationwide 457 Plan will be moved to the ASRS SSDP 457 Plan effective January 3, 2022 with an implementation date of April 2022. Nationwide's Investment Management Group will put together a mapping schedule to move participant investments to like investments in the new plan (i.e. large cap growth to large cap growth). Participants will receive a communication letter prior to the conversion with a mapping sheet of the changes. Plan participants can make investment changes within their plan prior to or immediately following the completion of the conversion process.

The city will continue to offer the MissionSquare Retirement 457 deferred compensation plan.

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**Attachments**

Resolution w/Ex. A - Plan

**RESOLUTION NO. 2021-2193**

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, ESTABLISHING THE ARIZONA STATE RETIREMENT SYSTEM SUPPLEMENTAL SALARY DEFERRAL PLAN; DESIGNATING THE CITY MANAGER AS THE AUTHORIZED AGENT; PROVIDING AUTHORIZATION AND DIRECTION AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, As part of the city's comprehensive benefits package, the city offers several retirement plans requiring eligible employees to participate in one of two defined-benefit pension plans through the Arizona State Retirement System (ASRS) for non-sworn personnel or the Public Safety Personnel Retirement System (PSPRS) for sworn public safety personnel; and

WHEREAS, the city also offers two post-tax Roth Plans and two 457 deferred compensation plans administered by MissionSquare Retirement (formerly ICMA-RC) and Nationwide Retirement Solutions (NRS).

WHEREAS, Nationwide Retirement Solutions has partnered with the Arizona State Retirement System (ASRS) to offer the Supplemental Salary Deferral Plan (SSDP) 457 Plan, which can be offered to all benefit-eligible employees, including employees covered by the Public Safety Personnel Retirement System; and

WHEREAS, by transitioning from the city's standard Nationwide 457 Plan to the ASRS Supplemental Salary Deferral 457 (b) Plan, participants have access to a quality, lower fee plan that allows individual management of accounts or a self-directed brokerage option through Charles Schwab for those do it yourselfers; and

WHEREAS, the primary advantage of the ASRS SSDP plan over the city's current Nationwide 457 Plan, is the fees associated with the ASRS SSDP plan are considerably lower; and

WHEREAS, by offering a master level plan for public sector entities to adopt and participate in utilizing these significant enhancements, municipalities can now participate in the ASRS SSDP 457 plan instead of only a standard 457 plan based on our individual city deferred compensation pricing tiers; and

WHEREAS, with Council approval of Resolution 2021-2193, the 400 participants and over $23M of assets in the city's standard Nationwide 457 Plan will be moved to the ASRS SSDP 457 Plan effective January 3, 2022 with an implementation date of April 2022; and

WHEREAS, the city will continue to offer the MissionSquare Retirement 457 deferred compensation plan; and

WHEREAS, the City desires to establish a supplemental defined contribution plan for all of its eligible employees to be administered by the Arizona State Retirement System (hereinafter designated ASRS) under Article 2, Chapter 5, Title 38 of the Arizona Revised Statutes.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

SECTION 1. PLAN ADOPTION AND ESTABLISHMENT

The Mayor and Council of the City of Goodyear hereby adopts a Supplemental Salary Deferral Plan (hereinafter designated SSDP) and attached as Exhibit "A", established by the ASRS pursuant to Section 38-187, Arizona Revised Statutes, for the officers and employees of the City of Goodyear who are eligible for participation in the SSDP.

SECTION 2. AUTHORIZED AGENT DESIGNATION

Be it further resolved that City Manager Julie Karins is designated as the Authorized Agent and is authorized and directed, as the representative, to conduct all negotiations and actions necessary to carry out the intent of the SSDP plan, in conformity with all applicable federal and state laws, rules, and regulations.

SECTION 3. EFFECTIVE DATE

This Resolution shall become effective upon its passage and adoption.

PASSED AND ADOPTED by the Mayor and Council of the City of Goodyear, Maricopa County, Arizona, by a _____ vote, this _____ day of _____, 20_____.

_____
Georgia Lord, Mayor

Date: _____

ATTEST:

_____
Darcie McCracken, City Clerk

APPROVED AS TO FORM:

_____
Roric Massey, City Attorney

**EXHIBIT "A"**

**SUPPLEMENTAL SALARY DEFERRAL PLAN**

*[On the following pages]*

Arizona State Retirement System
(Name of Employer)

**DEFERRED COMPENSATION PLAN FOR PUBLIC EMPLOYEES**

**457 GOVERNMENTAL PLAN AND TRUST**

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# 457 GOVERNMENTAL PLAN AND TRUST

The Employer adopts this 457 Governmental Plan and Trust. The Plan is intended to be an "eligible deferred compensation plan" as defined in Code §457(b) of the Internal Revenue Code of 1986 ("Eligible 457 Plan"). The Plan consists of the provisions set forth in this plan document and is applicable to the Employer and each Employee who elects to participate in the Plan. If the Employer adopts this Plan as a restated Plan in substitution for, and in amendment of, an existing plan, the provisions of this Plan, as a restated Plan, apply solely to an Employee on or after the execution of this Plan. The Plan is effective as to each Employee upon the date he/she becomes a Participant by entering into and filing with the Employer or the Administrative Services Provider a Participation Agreement or an Acknowledgement Form/Card.

## ARTICLE I
## DEFINITIONS

1.01 **"Account"** means the separate Account(s) which the Administrative Services Provider or the Trustee maintains under the Plan for a Participant's Deferred Compensation. The Administrative Services Provider or Trustee may establish separate Accounts for multiple Beneficiaries of a Participant to facilitate required minimum distributions under Section 4.03 based on each Beneficiary's life expectancy.

1.02 **"Accounting Date"** means the last day of the Plan Year.

1.03 **"Acknowledgement Form/Card"** means the application to the Administrative Services Provider to participate in the Plan when the Plan is a Social Security replacement plan.

1.04 **"Administrative Services Provider"** means Nationwide Retirement Solutions, Inc. which acts as the third party administrative services provider appointed by the Employer to carry out nondiscretionary administrative functions for the Plan.

1.05 **"Beneficiary"** means a person who the Plan or a Participant designates and who is or may become entitled to a Participant's Account upon the Participant's death. A Beneficiary who becomes entitled to a benefit under the Plan remains a Beneficiary under the Plan until the Beneficiary has received full distribution of his/her Plan benefit. A Beneficiary's right to (and the Administrative Services Provider's or a Trustee's duty to provide to the Beneficiary) information or data concerning the Plan does not arise until the Beneficiary first becomes entitled to receive a benefit under the Plan.

1.06 **"Code"** means the Internal Revenue Code of 1986, as amended.

1.07 **"Compensation"** for purposes of allocating Deferral Contributions means the employee's wages, salaries, fees for professional services, and other amounts received without regard to whether or not an amount is paid in cash for personal services actually rendered in the course of employment with the Employer, to the extent that the amounts are includible in gross income (or to the extent amount would have been received and includible in gross income but for an election under Code §§ 125(a), 132(f)(4), 402(e)(3), 402(h)(1)(B), 402(k), and 457(b), including an election to defer Compensation under Article III. See Section 1.16 as to Compensation for an Independent Contractor. Compensation also includes any amount that the Internal Revenue Service in published guidance declares to constitute compensation for purposes of an Eligible 457 Plan.

**(A) Elective Contributions.** Compensation under Section 1.07 includes Elective Contributions. "Elective Contributions" are amounts excludible from the Employee's gross income under Code §§125, 132(f)(4), 402(e)(3), 402(h)(1)(B), 403(b), 408(p) or 457, and contributed by the Employer, at the Employee's election, to a cafeteria plan, a qualified transportation fringe benefit plan, a 401(k) arrangement, a SARSEP, a tax-sheltered annuity, a SIMPLE plan or a Code § 457 plan.

**(B) Differential wage payments.** For years beginning after December 31, 2008, (i) an individual receiving a differential wage payment, as defined by Code § 3401(h)(2), shall be treated as an employee of the employer making the payment; (ii) the differential wage payment shall be treated as compensation; and (iii) the plan will not be treated as failing to meet the requirements of any provision described in Code §414(u)(1)(C) by reason of any contribution or benefit which is based on the differential wage payment.

1.08 **"Deferral Contributions"** means Salary Reduction Contributions, Nonelective Contributions and Matching Contributions. The Employer or the Administrative Services Provider (if applicable) in applying the Code § 457(b) limit will take into account Deferral Contributions in the Taxable Year in which deferred. The Employer or Administrative Services Provider (if applicable) in determining the amount of a Participant's Deferral Contributions disregards the net income, gain and loss attributable to Deferral Contributions.

1.09 **"Deferred Compensation"** means as to a Participant the amount of Deferral Contributions,

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Rollover Contributions and Transfers adjusted for allocable net income, gain or loss, in the Participant's Account.

1.10 **"Effective Date"** of this Plan is the date indicated on the execution line unless the Code, Treasury regulations, or other applicable guidance provides otherwise.

1.11 **"Employee"** means an individual who provides services for the Employer, as a common law employee of the Employer. See Section 1.16 regarding potential treatment of an Independent Contractor as an Employee.

1.12 **"Employer"** means an employer who adopts this Plan by executing the Plan.

1.13 **"Employer Contribution"** means Nonelective Contributions or Matching Contributions.

1.14 **"Excess Deferrals"** means Deferral Contributions to an Eligible 457 Plan for a Participant that exceed the Taxable Year maximum limitation of Code §§457(b) and (e)(18).

1.15 **"Includible Compensation"** means, for the Employee's Taxable Year, the Employee's total Compensation within the meaning of Code § 415(c)(3) paid to an Employee for services rendered to the Employer. Includible Compensation includes Deferral Contributions under the Plan, compensation deferred under any other plan described in Code §457, and any amount excludible from the Employee's gross income under Code §§401(k), 403(b), 125 or 132(f)(4) or any other amount excludible from the Employee's gross income for Federal income tax purposes. The Employer will determine Includible Compensation without regard to community property laws.

1.16 **"Independent Contractor"** means any individual who performs service for the Employer and who the Employer does not treat as an Employee or a Leased Employee. The Employer may permit Independent Contractors to participate in the Plan. To the extent that the Employer permits Independent Contractor participation, references to Employee in the Plan include Independent Contractors and Compensation means the amounts the Employer pays to the Independent Contractor for services.

1.17 **"Leased Employee"** means an Employee within the meaning of Code § 414(n).

1.18 **"Matching Contribution"** means an Employer fixed or discretionary contribution made or forfeiture allocated on account of Salary Reduction Contributions. The Employer may provide for matching contributions.

1.19 **"Nonelective Contribution"** means an Employer fixed or discretionary contribution not made as a result of a Participation Agreement and which is not a Matching Contribution. The Employer may provide for nonelective contributions.

1.20 **"Normal Retirement Age"** means the age designated by the Participant unless the Employer designates in writing a Normal Retirement Age. The Normal Retirement Age designated by the Participant or Employer shall be no earlier than age 65 or the age at which Participants have the right to retire and receive, under the basic defined benefit pension plan of the Employer (or a money purchase plan in which the Participant also participates if the Participant is not eligible to participate in a defined benefit plan), immediate retirement benefits without actuarial or similar reduction because of retirement before some later specified age. The Normal Retirement Age also shall not exceed age 70½.

*Special Rule for Eligible Plans of Qualified Police or Firefighters.* A Participant who is a qualified police officer or firefighter as defined under Code §415(b)(2)(H)(ii)(I) may designate a Normal Retirement Age between age 40 and age 70 ½.

1.21 **"Participant"** is an Employee who elects to participate in the Plan in accordance with the provisions of Section 2.01 or an individual who has previously deferred Compensation under the Plan by a Participation Agreement and has not received a complete distribution of his/her Account.

1.22 **"Participation Agreement"** means the agreement to enroll and participate in the Plan that is completed by the Participant and provided to the Administrative Services Provider. The Participation Agreement is the agreement, by which the Employer reduces the Participant's Compensation for contribution to the Participant's Account.

1.23 **"Plan"** means the 457 plan established or continued by the Employer in the form of this Plan and (if applicable) Trust Agreement. All section references within the Plan are Plan section references unless the context clearly indicates otherwise.

1.24 **"Plan Entry Date"** means the date on which an Employee completes and files a Participation Agreement with the Administrative Services Provider.

1.25 **"Plan Year"** means the calendar year.

1.26 **"Rollover Contribution"** means the amount of cash or property which an eligible retirement plan described in Code §402(c)(8)(B) distributes to an eligible Employee or to a Participant in an eligible rollover distribution under Code §402(c)(4) and which the eligible Employee or Participant transfers directly or indirectly to an

Eligible 457 Plan. A Rollover Contribution includes net income, gain or loss attributable to the Rollover Contribution. A Rollover Contribution excludes after-tax Employee contributions, as adjusted for net income, gain or loss.

1.27 **"Salary Reduction Contribution"** means a contribution the Employer makes to the Plan pursuant to a Participation Agreement.

1.28 **"Service"** means any period of time the Employee is in the employ of the Employer. In the case of an Independent Contractor, Service means any period of time the Independent Contractor performs services for the Employer on an independent contractor basis. An Employee or Independent Contractor terminates Service upon incurring a Severance from Employment.

**(A) Qualified Military Service.** Service includes any qualified military service the Plan must credit for contributions and benefits in order to satisfy the crediting of Service requirements of Code §414(u). A Participant whose employment is interrupted by qualified military service under Code §414(u) or who is on a leave of absence for qualified military service under Code §414(u) may elect to make additional Salary Reduction Contributions upon resumption of employment with the Employer equal to the maximum Deferral Contributions that the Participant could have elected during that period if the Participant's employment with the Employer had continued (at the same level of Compensation) without the interruption of leave, reduced by the Deferral Contributions, if any, actually made for the Participant during the period of the interruption or leave. This right applies for five years following the resumption of employment (or, if sooner, for a period equal to three times the period of the interruption or leave). The Employer shall make appropriate make-up Nonelective Contributions and Matching Contributions for such a Participant as required under Code §414(u). The Plan shall apply limitations of Article III to all Deferral Contributions under this paragraph with respect to the year to which the Deferral Contribution relates.

**(B) "Continuous Service"** means Service with the Employer during which the Employee does not incur a Severance from Employment.

**(C) "Severance from Employment."**

(1) **Employee.** An Employee has a Severance from Employment when the Employee ceases to be an Employee of the Employer. A Participant does not incur a Severance from Employment if, in connection with a change in employment, the Participant's new employer continues or assumes sponsorship of the Plan or accepts a Transfer of Plan assets as to the Participant.

(2) **Independent Contractor.** An Independent Contractor has a Severance from Employment when the contract(s) under which the Independent Contractor performs services for the Employer expires (or otherwise terminates), unless the Employer anticipates a renewal of the contractual relationship or the Independent Contractor becoming an Employee. The Employer anticipates renewal if it intends to contract for the services provided under the expired contract and neither the Employer nor the Independent Contractor has eliminated the Independent Contractor as a potential provider of such services under the new contract. Further, the Employer intends to contract for services conditioned only upon the Employer's need for the services provided under the expired contract or the Employer's availability of funds. Notwithstanding the preceding provisions of this Section 1.28, the Administrative Services Provider will consider an Independent Contractor to have incurred a Severance from Employment: (a) if the Administrative Services Provider or Trustee will not pay any Deferred Compensation to an Independent Contractor who is a Participant before a date which is at least twelve months after the expiration of the Independent Contractor's contract (or the last to expire of such contracts) to render Services to the Employer; and (b) if before the applicable twelve-month payment date, the Independent Contractor performs Service as an Independent Contractor or as an Employee, the Administrative Services Provider or Trustee will not pay to the Independent Contractor his/her Deferred Compensation on the applicable date.

(3) **Uniformed Services.** for purposes of distributions to an individual in the uniformed services, such individual will be treated as incurring a Severance from Employment during any period the individual is performing service in the uniformed services described in Code § 3401(h)(2)(A). However, the plan will not distribute the benefit to such an individual without that individual's consent, so long as the individual is receiving differential wage payments.

If an individual elects to receive a distribution under this provision, the individual may not make an elective deferral or employee contribution during the 6-month period beginning on the date of the distribution.

1.29 **"State"** means (a) one of the 50 states of the United States or the District of Columbia, or (b) a political subdivision of a State, or any agency or instrumentality of a State or its political subdivision. A State does not include the federal government or any agency or instrumentality thereof.

1.30 **"Taxable Year"** means the calendar year or other taxable year of a Participant.

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1.31 **"Transfer"** means a transfer of Eligible 457 Plan assets to another Eligible 457 Plan which is not a Rollover Contribution and which is made in accordance with Section 9.03.

1.32 **"Trust"** means the Trust created under the adopting Employer's Plan. The Trust created and established under the adopting Employer's Plan is a separate Trust, independent of the trust of any other Employer adopting this Eligible 457 Plan and is subject to Article VIII.

1.33 **"Trustee"** means the person or persons designated by the Employer to serve in the position of Trustee.

## ARTICLE II
## PARTICIPATION IN PLAN

2.01 ELIGIBILITY. Each Employee becomes a Participant in the Plan as soon as he/she completes and files a Participation Agreement. If this Plan is a restated Plan, each Employee who was a Participant in the Plan on the day before the Effective Date continues as a Participant in the Plan.

2.02 PARTICIPATION UPON RE-EMPLOYMENT. A Participant who incurs a Severance from Employment will re-enter the Plan as a Participant on the date of his/her re-employment.

2.03 SPECIAL ELIGIBILITY PROVISIONS FOR PARTICIPANTS IN A PLAN USED AS A SOCIAL SECURITY REPLACEMENT PLAN. Notwithstanding any provision to the contrary, the provisions of this Section 2.03 will apply if the Employer elects in a written agreement with the Administrative Services Provider to use the Plan as a Social Security replacement plan. If the Plan is used as a Social Security replacement plan, the provisions of Sections 4.05(a) and 5.03 will not apply.

**(A) Eligibility to participate for new Employees.** A new Employee shall, as a condition of employment participate in the Plan sign and file with the Administrative Services Provider an Acknowledgement Form/Card and thereby consenting to a reduction of salary by the amount of the Deferral Contribution specified in the Acknowledgement Form/Card. Contributions to the Participant's Account must equal at least 7.5% of the Participant's Compensation, or such other minimum amount as shall be required for the Plan to be considered a retirement system under Code §3121(b)(7)(F) and Treas. Reg. 31.3121(b)(7)-2, and the reduction in the Participant's salary shall begin immediately thereafter.

**(B) Eligibility to participate for current Employees.** An Employee who is newly eligible to participate in the Plan shall, prior to becoming eligible to participate in the Plan, sign and file with the Administrative Services Provider an Acknowledgement Form/Card and thereby consent to a reduction of salary by the amount of the Deferral Contribution specified in the Acknowledgement Form/Card. Allocations to the Participant's Account must equal at least 7.5% of the Participant's Compensation or such other minimum amount as shall be required for the Plan to be considered a retirement system under Code §3121(b)(7)(F) and Treas. Reg. §31.3121(b)(7)-2, and the reduction in the Participant's salary shall begin no earlier than the first pay period commencing during the first month after the date on which the Acknowledgement Form/Card is filed with the Administrative Services Provider.

**(C) Takeover Plans.** If the Plan is a restated Plan, an Employee who participated in the predecessor plan shall become a Participant in the Plan upon the Employer's execution of the enabling documents for this Plan. Allocations to each such Participant's Account must equal at least 7.5% of the Participant's Compensation, or such other minimum amount as shall be required for the Plan to be considered a retirement system under Code §3121(b)(7)(F) and Treas. Reg. §31.3121(b)(7)-2, and the reduction in the Participant's salary shall begin immediately thereafter.

## ARTICLE III
## DEFERRAL CONTRIBUTIONS/LIMITATIONS

3.01 AMOUNT.

**(A) Contribution Formula.** For each Plan Year, the Employer will contribute to the Plan the amount of Deferral Contributions the Employee elects to defer under the Plan.

**(B) Return of Contributions.** The Employer contributes to this Plan on the condition its contribution is not due to a mistake of fact. If any Participant Salary Reduction Contribution is due to a mistake of fact, the Employer or the Trustee upon written request from the Employer will return the Participant's contribution, within one year after payment of the contribution.

The Trustee may require the Employer to furnish it whatever evidence the Trustee deems necessary to enable the Trustee to confirm the amount the Employer has requested be returned is properly returnable.

**(C) Time of Payment of Contribution.** An Employer will deposit Salary Reduction Contributions to the Trust within a period that is not longer than is reasonable for the administration of Participant Accounts. Neither the Administrative Services Provider nor the Trustee is responsible for the delay of deposits of Salary Reduction Contributions caused by the Employer.

3.02 SALARY REDUCTION CONTRIBUTIONS. The Plan does not apply any limitations on Salary Reduction Contributions other than the limitations applicable under the Code.

**(A) Deferral from Sick, Vacation and Back Pay.** Participants may make Salary Reduction Contributions from accumulated sick pay, from accumulated vacation pay or from back pay.

**(B) Application to Leave of Absence and Disability.** The Participation Agreement will continue to apply during the Participant's leave of absence or the Participant's disability (as the Employer shall establish), if the Participant has Compensation other than imputed compensation or disability benefits.

**(C) Post-severance deferrals limited to Post-Severance Compensation.** Deferral Contributions are permitted from an amount received following Severance from Employment only if the amount is Post-Severance Compensation.

**Post-Severance Compensation defined.** Post-Severance Compensation includes the amounts described in (1) and (2) below, paid after a Participant's Severance from Employment with the Employer, but only to the extent such amounts are paid by the later of 2½ months after Severance from Employment or the end of the calendar year that includes the date of such Severance from Employment.

**(1) Regular pay.** Post-Severance Compensation *includes* regular pay after Severance of Employment if: (i) the payment is regular compensation for services during the Participant's regular working hours, or compensation for services outside the Participant's regular working hours (such as overtime or shift differential), commissions, bonuses, or other similar payments; and (ii) the payment would have been paid to the Participant prior to a Severance from Employment if the Participant had continued in employment with the Employer.

**(2) Leave cashouts.** Post-Severance Compensation *includes* leave cashouts if those amounts would have been included in the definition of Compensation if they were paid prior to the Participant's Severance from Employment, and the amounts are payment for unused accrued bona fide sick, vacation, or other leave, but only if the Participant would have been able to use the leave if employment had continued.

**(3) Salary continuation payments for military service Participants.** Post-Severance Compensation includes payments to an individual who does not currently perform services for the Employer by reason of Qualified Military Service (as described in Code §414(u)(1)) to the extent those payments do not exceed the amounts the individual would have received if the individual had continued to perform services for the Employer rather than entering Qualified Military Service.

**Limitation on Post-Severance Compensation.** Any payment of Compensation paid after Severance of Employment that is not described in Section 3.02(C)(1) or 3.02(C)(2) is not Post-Severance Compensation, even if payment is made by the later of 2½ months after Severance from Employment or by the end of the calendar year that includes the date of such Severance of Employment.

3.03 NORMAL LIMITATION. Except as provided in Sections 3.04 and 3.05, a Participant's maximum Deferral Contributions (excluding Rollover Contributions and Transfers) under this Plan for a Taxable Year may not exceed the lesser of:

(a) The applicable dollar amount as specified under Code §457(e)(15) (or, beginning January 1, 2006) such larger amount as the Commissioner of the Internal Revenue may prescribe), or

(b) 100% of the Participant's Includible Compensation for the Taxable Year.

3.04 NORMAL RETIREMENT AGE CATCH-UP CONTRIBUTION. For one or more of the Participant's last three Taxable Years ending before the Taxable Year in which the Participant attains Normal Retirement Age, the Participant's maximum Deferral Contributions may not exceed the lesser of:

(a) Twice the dollar amount under Section 3.03 normal limitation, or (b) the underutilized limitation.

**(A) Underutilized Limitation.** A Participant's underutilized limitation is equal to the sum of: (i) the normal limitation for the Taxable Year, and (ii) the normal limitation for each of the prior Taxable Years of the Participant commencing after 1978 during which the Participant was eligible to participate in the Plan and the Participant's Deferral Contributions were subject to the normal limitation or any other Code § 457(b) limit, *less* the amount of Deferral Contributions for each such prior Taxable Year, excluding age 50 catch-up contributions.

**(B) Multiple 457 Plans.** If the Employer maintains more than one Eligible 457 Plan, the Plans may not permit any Participant to have more than one Normal Retirement Age under the Plans.

**(C) Pre-2002 Coordination.** In determining a Participant's underutilized limitation, the

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coordination rule in effect under now repealed Code §457(c)(2) applies. Additionally, the normal limitation for pre-2002 Taxable Years is applied in accordance with Code § 457(b)(2) as then in effect.

3.05 AGE 50 CATCH-UP CONTRIBUTION. All Employees who are eligible to make Salary Reduction Contributions under this Plan and who have attained age 50 before the close of the Taxable Year are eligible to make age 50 catch-up contributions for that Taxable Year in accordance with, and subject to the limitations of, Code § 414(v). Such catch-up contributions are not taken into account for purposes of the provisions of the plan implementing the required limitations of Code § 457. If, for a Taxable Year, an Employee makes a catch-up contribution under Section 3.04, the Employee is not eligible to make age 50 catch-up contributions under this Section 3.05. A catch-up eligible Participant in each Taxable Year is entitled to the greater of the amount determined under Section 3.04 or Section 3.05 catch-up amount plus the Section 3.03 normal limitation.

3.06 CONTRIBUTION ALLOCATION. The Administrative Services Provider will allocate to each Participant's Account his/her Deferral Contributions.

3.07 ALLOCATION CONDITIONS. The Plan does not impose any allocation conditions.

3.08 ROLLOVER CONTRIBUTIONS. The Plan permits Rollover Contributions.

**(A) Operational Administration.** The Employer, operationally and on a nondiscriminatory basis, may elect to permit or not to permit Rollover Contributions to this Plan or may elect to limit an eligible Employee's right or a Participant's right to make a Rollover Contribution. If the Employer permits Rollover Contributions, any Participant (or as applicable, any eligible Employee), with the Employer's written consent and after filing with the Trustee the form prescribed by the Administrative Services Provider, may make a Rollover Contribution to the Trust. Before accepting a Rollover Contribution, the Trustee may require a Participant (or eligible Employee) to furnish satisfactory evidence the proposed transfer is in fact a "Rollover Contribution" which the Code permits an employee to make to an eligible retirement plan. The Trustee, in its sole discretion, may decline to accept a Rollover Contribution of property which could: (1) generate unrelated business taxable income; (2) create difficulty or undue expense in storage, safekeeping or valuation; or (3) create other practical problems for the Trust.

**(B) Pre-Participation Rollover.** If an eligible Employee makes a Rollover Contribution to the Trust prior to satisfying the Plan's eligibility conditions, the Administrative Services Provider and Trustee must treat the Employee as a limited Participant (as described in Rev. Rul. 96-48 or in any successor ruling). If a limited Participant has a Severance from Employment prior to becoming a Participant in the Plan, the Trustee will distribute his/her Rollover Contributions Account to the limited Participant in accordance with Article IV.

**(C) Separate Accounting.** If an Employer permits Rollover Contributions, the Administrative Services Provider must account separately for: (1) amounts rolled into this Plan from an eligible retirement plan (other than from another Eligible 457 plan); and (2) amounts rolled into this Plan from another Eligible 457 Plan. The Administrative Services Provider for purposes of ordering any subsequent distribution from this Plan may designate a distribution from a Participant's Rollover Contributions as coming first from either of (1) or (2) above if the Participant has both types of Rollover Contribution Accounts.

3.09 DISTRIBUTION OF EXCESS DEFERRALS. In the event that a Participant has Excess Deferrals, the Plan will distribute to the Participant the Excess Deferrals and allocable net income, gain or loss, in accordance with this Section 3.09.

The Administrative Services Provider will distribute Excess Deferrals from an Eligible 457 Plan as soon as is reasonably practicable following the Administrative Services Provider's or Employer's determination of the amount of the Excess Deferral.

**(A) Plan Aggregation.** If the Employer maintains more than one Eligible 457 Plan, the Employer must aggregate all such Plans in determining whether any Participant has Excess Deferrals.

**(B) Individual Limitation.** If a Participant participates in another Eligible 457 Plan maintained by a different employer, and the Participant has Excess Deferrals, the Administrative Services Provider may, but is not required, to correct the Excess Deferrals by making a corrective distribution from this Plan.

3.10 DOLLAR LIMITS. The table below shows the applicable dollar amounts described in paragraph 3.03(a) and limitations on age 50 catch-up contributions described in Section 3.05. These amounts are adjusted after 2006 for changes in the cost-of-living to the extent permitted in Code § 415(d).

| Year | Applicable Dollar Amount | Age 50+ Catch-up Contribution Limitation |
|---|---|---|
| 2002 | $11,000 | $1,000 |
| 2003 | $12,000 | $2,000 |
| 2004 | $13,000 | $3,000 |
| 2005 | $14,000 | $4,000 |
| 2006 | $15,000 | $5,000 |

## ARTICLE IV
## TIME AND METHOD OF PAYMENT OF BENEFITS

4.01 DISTRIBUTION RESTRICTIONS. Except as the Plan provides otherwise, the Administrative Services Provider or Trustee may not distribute to a Participant his/her Account prior to the Participant's Severance from Employment, the calendar year in which the Participant attains age 70½, or such other event for which federal legislation is enacted or regulatory relief granted permitting the Plan to make distributions to qualifying Participants.

**(A) Distribution of Rollover Contributions.** To the extent the Employer permits Rollover Contributions (but not Transfers) to this Plan, a Participant may receive a distribution of such Rollover Contributions without regard to the restrictions found in this Section 4.01.

4.02 TIME AND METHOD OF PAYMENT OF ACCOUNT. The Administrative Services Provider, or Trustee at the direction of the Administrative Services Provider, will distribute to a Participant who has incurred a Severance from Employment the Participant's Account under one or any combination of payment methods elected by the Participant. The Participant may elect one of the following methods of payment: (1) lump sum payment, (2) partial lump sum payment, (3) installment, or (4) an annuity. In no event will the Administrative Services Provider direct (or direct the Trustee to commence) distribution, nor will the Participant elect to have distribution commence, later than the Participant's required beginning date, or under a method that does not satisfy Section 4.03.

Subject to any restrictions imposed by the Participant's investment providers and the Administrative Services Provider, the Participant: (1) may elect to commence distribution no earlier than is administratively practical following Severance from Employment; (2) may elect to postpone distribution of his/her Account to any fixed or determinable date including, but not beyond, the Participant's required beginning date; and (3) may elect the method of payment. A Participant may elect the timing and method of payment of his/her Account no later than 30 days before the date the Participant first would be eligible to commence payment of the Participant's Account. The Administrative Services Provider must furnish to the Participant a form for the Participant to elect the time and a method of payment.

4.03 REQUIRED MINIMUM DISTRIBUTIONS. The Administrative Services Provider may not distribute nor direct the Trustee to distribute the Participant's Account, nor may the Participant elect any distribution his/her Account, under a method of payment which, as of the required beginning date, does not satisfy the minimum distribution requirements of Code § 401(a)(9) or which is not consistent with applicable Treasury regulations.

**(A) General Rules.**

(1) **Precedence.** The requirements of this Section 4.03 will take precedence over any inconsistent provisions of the Plan.

(2) **Requirements of Treasury Regulations Incorporated.** All distributions required under this Section 4.03 will be determined and made in accordance with the Treasury regulations under Code § 401(a)(9).

**(B) Time and Manner of Distribution**

(1) **Required Beginning Date.** The Participant's entire interest will be distributed, or begin to be distributed, to the Participant no later than the Participant's required beginning date.

(2) **Death of Participant Before Distribution Begins.** If the Participant dies before distributions begin, the Participant's entire interest will be distributed, or begin to be distributed, no later than as follows:

(a) Spouse Designated Beneficiary. If the Participant's surviving spouse is the Participant's sole designated Beneficiary, distributions to the surviving spouse will begin by December 31 of the calendar year immediately following the calendar year in which the Participant dies, or by December 31 of the calendar year in which the Participant would have attained age 70½, if later.

(b) Non-Spouse Designated Beneficiary. If the Participant's surviving spouse is not the Participant's sole designated Beneficiary, then, distributions to the designated Beneficiary will begin by December 31 of the calendar year immediately following the calendar year in which the Participant died.

(c) No Designated Beneficiary. If there is no designated Beneficiary as of September 30 of the year following the year of the Participant's death, the Participant's entire interest will be distributed by

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December 31 of the calendar year containing the fifth anniversary of the Participant's death.

(d) Death of Spouse. If the Participant's surviving spouse is the Participant's sole designated Beneficiary and the surviving spouse dies after the Participant but before distributions to the surviving spouse begin, this Section 4.03(B)(2) other than Section 4.03(B)(2)(a), will apply as if the surviving spouse were the Participant.

For purposes of this Section 4.03(B) and Section 4.03(D), unless Section 4.03(B)(2)(d) applies, distributions are considered to begin on the Participant's required beginning date. If Section 4.03(B)(2)(d) applies, distributions are considered to begin on the date distributions are required to begin to the surviving spouse under Section 4.03(B)(2)(a). If distributions under an annuity purchased from an insurance company irrevocably commence to the Participant before the Participant's required beginning date (or to the Participant's surviving spouse before the date distributions are required to begin to the surviving spouse under Section 4.03(B)(2)(a), the date distributions are considered to begin is the date distributions actually commence.

(3) **Forms of Distribution.** Unless the Participant's interest is distributed in the form of an annuity purchased from an insurance company or in a single sum on or before the required beginning date, as of the first distribution calendar year distributions will be made in accordance with Sections 4.03(C) and 4.03(D). If the Participant's interest is distributed in the form of an annuity purchased from an insurance company, distributions thereunder will be made in accordance with the requirements of Section 4.01(a)(9) of the Code and the Treasury regulations.

**(C) Required Minimum Distributions during Participant's Lifetime.**

(1) **Amount of Required Minimum Distribution for Each Distribution Calendar Year.** During the Participant's lifetime, the minimum amount that will be distributed for each distribution calendar year is the lesser of:

(a) ULT. The quotient obtained by dividing the Participant's account balance by the number in the Uniform Life Table set forth in Treas. Reg. §1.401(a)(9)-9, using the Participant's attained age as of the Participant's birthday in the distribution calendar year; or

(b) Younger Spouse. If the Participant's sole designated Beneficiary for the distribution calendar year is the Participant's spouse, the quotient obtained by dividing the Participant's account balance by the number in the Joint and Last Survivor Table set forth in Treas. Reg. §1.401(a)(9)-9, using the Participant's and spouse's attained ages as of the Participant's and spouse's birthdays in the distribution calendar year.

(2) **Lifetime Required Minimum Distributions Continue Through Year of Participant's Death.** Required minimum distributions will be determined under this Section 4.03(C) beginning with the first distribution calendar year and up to and including the distribution calendar year that includes the Participant's date of death.

**(D) Required Minimum Distributions after Participant's Death.**

(1) **Death On or After Distributions Begin.**

(a) Participant Survived by Designated Beneficiary. If the Participant dies on or after the date distributions begin and there is a designated Beneficiary, the minimum amount that will be distributed for the distribution calendar year of the Participant's death is obtained by dividing the Participant's account balance by the remaining life expectancy of the Participant. The Participant's remaining life expectancy is calculated using the attained age of the Participant as of the Participant's birthday in the calendar year of death. For each distribution calendar year after the year of the Participant's death, the minimum amount that will be distributed is the quotient obtained by dividing the Participant's account balance by the remaining life expectancy of the Participant's designated Beneficiary.

(b) No Designated Beneficiary. If the Participant dies on or after the date distributions begin and there is no designated Beneficiary as of September 30 of the calendar year after the calendar year of the Participant's death, the minimum amount that will be distributed for each distribution calendar year after the calendar year of the Participant's death is the quotient obtained by dividing the Participant's account balance by the Participant's remaining life expectancy calculated using the attained age of the Participant as of the Participant's birthday in the calendar year of death, reduced by one for each subsequent calendar year.

(2) **Death before Date Distributions Begin.**

(a) Participant Survived by Designated Beneficiary. If the Participant dies before the date distributions begin and there is a designated Beneficiary, the minimum amount that will be distributed for each distribution calendar year after the year of the Participant's death is the quotient obtained by dividing the Participant's account balance by the remaining life expectancy of the Participant's designated Beneficiary, determined as provided in Section 4.03(D)(1).

(b) No Designated Beneficiary. If the Participant dies before the date distributions begin and there is no designated Beneficiary as of September 30 of the year following the year of the Participant's death, distribution of the Participant's entire interest will be completed by December 31 of the calendar year containing the fifth anniversary of the Participant's death.

(c) Death of Surviving Spouse Before Distributions to Surviving Spouse Are Required to Begin. If the Participant dies before the date distributions begin, the Participant's surviving spouse is the Participant's sole designated Beneficiary, and the surviving spouse dies before distributions are required to begin to the surviving spouse under Section 4.03(B)(2)(a), this Section 4.03(D)(2) will apply as if the surviving spouse were the Participant.

**(E) Definitions**

(1) **Designated Beneficiary.** The individual who is designated as the Beneficiary under the Plan and is the designated beneficiary under Code §401(a)(9) and Treas. Reg. §1.401(a)(9)-1, Q&A-4.

(2) **Distribution calendar year.** A distribution calendar year means a calendar year for which a minimum distribution is required. For distributions beginning before the Participant's death, the first distribution calendar year is the calendar year immediately preceding the calendar year which contains the Participant's required beginning date. For distributions beginning after the Participant's death, the first distribution calendar year is the calendar year in which the distributions are required to begin under Section 4.03(B)(2). The required minimum distribution for the Participant's first distribution calendar year will be made on or before the Participant's required beginning date. The required minimum distribution for other distribution calendar years, including the required minimum distribution for the distribution calendar year in which the Participant's required beginning date occurs, will be made on or before December 31 of that distribution calendar year.

(3) **Life expectancy.** Life expectancy as computed by use of the Single Life Table in Treas. Reg. §1.401(a)(9)-9.

(4) **Participant's account balance.** The account balance as of the last valuation date in the calendar year immediately preceding the distribution calendar year (valuation calendar year) increased by the amount of any contributions made and allocated or forfeitures allocated to the account balance as of dates in the valuation calendar year after the valuation date and decreased by distributions made in the valuation calendar year after the valuation date. The account balance for the valuation calendar year includes any Rollover Contributions or Transfers to the Plan either in the valuation calendar year or in the distribution calendar year if distributed or transferred in the valuation calendar year.

(5) **Required beginning date.** A Participant's required beginning date is the April 1 of the calendar year following the later of: (1) the calendar year in which the Participant attains age 70½, or (2) the calendar year in which the Participant retires or such other date under Code § 401(a)(9) by which required minimum distributions must commence.

**(F) General 2009 waiver.** The requirements of Code § 401(a)(9) and the provisions of the Plan relating thereto, will not apply for the distribution calendar year 2009.

(1) **Special rule regarding waiver period.** For purposes of Code § 401(a)(9) and the provisions of the Plan relating thereto: (a) the required beginning date with respect to any individual will be determined without regard to this Article IV for purposes of applying Code § 401(a)(9) for distribution calendar years other than 2009; and (b) if the 5-year rule of Code § 401(a)(9)(B)(ii) applies, the 5-year period described therein shall be determined without regard to calendar year 2009.

(2) **Eligible rollover distributions.** If all or any portion of a distribution during 2009 is treated as an eligible rollover distribution but would not be so treated if the minimum distribution requirements under Code § 401(a)(9) had applied during 2009, then the Plan will not treat such distribution as an eligible rollover distribution for purposes of the direct rollover rules of Code § 401(a)(31), the notice requirements of Code §402(f), or the 20% withholding requirement of Code §3405(c).

(3) **Participant may elect.** The Plan will permit an affected Participant to elect whether to receive his/her RMD distribution for 2009. If the Participant fails to notify the Administrative Services Provider of his/her waiver, the Plan will distribute the 2009 RMD to the Participant.

4.04 DEATH BENEFITS. Upon the death of the Participant, the Administrative Services Provider must pay or direct the Trustee to pay the Participant's Account in accordance with Section 4.03. Subject to Section 4.03, a Beneficiary may elect the timing and method of payment in the same manner as a Participant may elect under Section 4.02, if such elections apply.

In the case of a death occurring on or after January 1, 2007, if a participant dies while performing qualified military service (as defined in Code § 414(u)), the survivors of the Participant are entitled to any additional benefits (other than benefit accruals relating to the period of qualified military service) provided under the Plan as if the participant

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had resumed and then terminated employment on account of death.

4.05 DISTRIBUTIONS PRIOR TO SEVERANCE FROM EMPLOYMENT. Notwithstanding the Section 4.01 distribution restrictions, the Plan permits the following in-service distributions in accordance with this Section.

**(A) Unforeseeable Emergency.** In the event of a Participant's unforeseeable emergency, the Administrative Services Provider may make a distribution to a Participant who has not incurred a Severance from Employment.

An unforeseeable emergency is a severe financial hardship of a Participant or Beneficiary resulting from: (1) illness or accident of the Participant, the Participant's Beneficiary, or the Participant's spouse or dependent (as defined in Code § 152, and, for taxable years beginning on or after January 1, 2005, without regard to Code § 152(b)(1), (b)(2), and (d)(1)(B)); (2) loss of the Participant's or Beneficiary's property due to casualty; (3) the need to pay for the funeral expenses of the Participant's spouse or dependent (as defined in Code § 152, and, for taxable years beginning on or after January 1, 2005, without regard to Code § 152(b)(1), (b)(2), and (d)(1)(B)); or (4) other similar extraordinary and unforeseeable circumstances arising from events beyond the Participant's or Beneficiary's control. The Administrative Services Provider will not pay the Participant or the Beneficiary more than the amount reasonably necessary to satisfy the emergency need, which may include amounts necessary to pay taxes or penalties on the distribution. The Administrative Services Provider will not make payment to the extent the Participant or Beneficiary may relieve the financial hardship by cessation of deferrals under the Plan, through insurance or other reimbursement, or by liquidation of the individual's assets to the extent such liquidation would not cause severe financial hardship.

The Participant's Beneficiary is a person who a Participant designates as a "primary beneficiary" and who is or may become entitled to a Participant's Plan account upon the Participant's death.

A Participant's unforeseeable emergency event includes a severe financial hardship of the participant's primary Beneficiary under the Plan, that would constitute an emergency event if it occurred with respect to the participant's spouse or dependent as defined under Code § 152.

**(B) De minimis distribution.** A Participant may elect to receive a distribution of his/her Account where: (1) the Participant's Account (disregarding Rollover Contributions) does not exceed $5,000 (or such other amount as does not exceed the Code § 411(a)(11)(A) dollar amount); (2) the Participant has not made or received an allocation of any Deferral Contributions under the Plan during the two-year period ending on the date of distribution; and (3) the Participant has not received a prior distribution under this Section 4.05(B).

**(C) Distribution of Rollover Contributions.** A Participant may request and receive distribution of his/her Account attributable to Rollover Contributions (but not to Transfers) before the Participant has a distributable event under Section 4.01.

4.06 DISTRIBUTIONS UNDER QUALIFIED DOMESTIC RELATIONS ORDERS (QDROs). Notwithstanding any other provision of this Plan, the QDRO provisions will apply. The Administrative Services Provider (and any Trustee) must comply with the terms of a QDRO, as defined in Code § 414(p), which is issued with respect to the Plan.

**(A) Time and Method of Payment.** This Plan specifically permits distribution to an alternate payee under a QDRO at any time, notwithstanding any contrary Plan provision and irrespective of whether the Participant has attained his/her earliest retirement age (as defined under Code § 414(p)) under the Plan. Nothing in this Section 4.06 gives a Participant a right to receive distribution at a time the Plan otherwise does not permit nor authorizes the alternate payee to receive a form of payment the Plan does not permit.

**(B) QDRO Procedures.** Upon receiving a domestic relations order, the Administrative Services Provider promptly will notify the Participant and any alternate payee named in the order, in writing, of the receipt of the order and the Plan's procedures for determining the qualified status of the order. Within a reasonable period of time after receiving the domestic relations order, the Administrative Services Provider must determine the qualified status of the order and must notify the Participant and each alternate payee, in writing, of the Administrative Services Provider's determination. The Administrative Services Provider must provide notice under this paragraph by mailing to the individual's address specified in the domestic relations order.

**(C) Accounting.** If any portion of the Participant's Account Balance is payable under the domestic relations order during the period the Administrative Services Provider is making its determination of the qualified status of the domestic relations order, the Administrative Services Provider may maintain a separate accounting of the amounts payable. If the Administrative Services Provider determines the order is a QDRO within 18 months of the date amounts first are payable following receipt of the domestic relations order, the Administrative Services Provider will distribute or will direct the Trustee to distribute the payable amounts in accordance with the

QDRO. If the Administrative Services Provider does not make its determination of the qualified status of the order within the 18-month determination period, the Administrative Services Provider will distribute or will direct the Trustee to distribute the payable amounts in the manner the Plan would distribute if the order did not exist and will apply the order prospectively if the Administrative Services Provider later determines the order is a QDRO.

To the extent it is not inconsistent with the provisions of the QDRO, the Administrative Services Provider may segregate or may direct the Trustee to segregate the QDRO amount in a segregated investment account. The Administrative Services Provider or Trustee will make any payments or distributions required under this Section 4.06 by separate benefit checks or other separate distribution to the alternate payee(s).

**(D) Permissible QDROs.** A domestic relations order that otherwise satisfies the requirements for a qualified domestic relations order ("QDRO") will not fail to be a QDRO: (i) solely because the order is issued after, or revises, another domestic relations order or QDRO; or (ii) solely because of the time at which the order is issued, including issuance after the annuity starting date or after the participant's death.

4.07 DIRECT ROLLOVER OF ELIGIBLE ROLLOVER DISTRIBUTIONS – GOVERNMENTAL PLAN.

**(A) Participant Election.** A Participant (including for this purpose, a former Employee) may elect, at the time and in the manner the Administrative Services Provider prescribes, to have any portion of his/her eligible rollover distribution from the Plan paid directly to an eligible retirement plan specified by the Participant in a direct rollover election. For purposes of this election, a "Participant" includes as to their respective interests, a Participant's surviving spouse and the Participant's spouse or former spouse who is an alternate payee under a QDRO.

**(B) Rollover and Withholding Notice.** At least 30 days and not more than 180 days prior to the Trustee's distribution of an eligible rollover distribution, the Administrative Services Provider must provide a written notice (including a summary notice as permitted under applicable Treasury regulations) explaining to the distributee the rollover option, the applicability of mandatory 20% federal withholding to any amount not directly rolled over, and the recipient's right to roll over within 60 days after the date of receipt of the distribution ("rollover notice").

**(C) Non-spouse Beneficiary rollover right.** A non-spouse Beneficiary who is a "designated beneficiary" under Code § 401(a)(9)(E) and the regulations thereunder, by a direct trustee-to-trustee transfer ("direct rollover"), may roll over all or any portion of his/her distribution to an individual retirement account the Beneficiary establishes for purposes of receiving the distribution. In order to be able to roll over the distribution, the distribution otherwise must satisfy the definition of an eligible rollover distribution.

(1) **Certain requirements not applicable.** Although a non-spouse Beneficiary may roll over directly a distribution, commencing with distributions after December 31, 2009, the distribution will be subject to the direct rollover requirements of Code § 401(a)(31) (including the automatic rollover provisions of Code § 401(a)(31)(B)), the notice requirements of Code § 402(f) and the mandatory withholding requirements of Code § 3405(c). If a non-spouse Beneficiary receives a distribution from the Plan, the distribution is not eligible for a "60-day" rollover.

(2) **Trust Beneficiary.** If the participant's named Beneficiary is a trust, the Plan may make a direct rollover to an individual retirement account on behalf of the trust, provided the trust satisfies the requirements to be a designated beneficiary within the meaning of Code § 401(a)(9)(E).

(3) **Required minimum distributions not eligible for rollover.** A non-spouse Beneficiary may not roll over an amount which is a required minimum distribution, as determined under applicable Treasury regulations and other Revenue Service guidance. If the participant dies before his/her required beginning date and the non-spouse Beneficiary rolls over to an IRA the maximum amount eligible for rollover, the Beneficiary may elect to use either the 5-year rule or the life expectancy rule, pursuant to Treas. Reg. § 1.401(a)(9)-3, A-4(c), in determining the required minimum distributions from the IRA that receives the non-spouse Beneficiary's distribution.

**(D) Definitions.** The following definitions apply to this Section:

(1) **Eligible rollover distribution.** An eligible rollover distribution is any distribution of all or any portion of a Participant's Account, except an eligible rollover distribution does not include: (a) any distribution which is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of the Participant or the joint lives (or joint life expectancies) of the Participant and the Participant's designated Beneficiary, or for a specified period of ten years or more; (b) any Code § 401(a)(9) required minimum distribution; (c) any unforeseeable emergency distribution; and (d) any distribution which otherwise would be an eligible rollover distribution, but where the total distributions to the Participant during that calendar year are reasonably expected to be less than $200.

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(2) **Eligible retirement plan.** An eligible retirement plan is an individual retirement account described in Code § 408(a), an individual retirement annuity described in Code § 408(b), an annuity plan described in Code § 403(a), a qualified plan described in Code § 401(a), an annuity contract (or custodial agreement) described in Code § 403(b), or an eligible deferred compensation plan described in Code § 457(b) and maintained by an Employer described in Code § 457(e)(1)(A), which accepts the Participant's, the Participant's spouse or alternate payee's eligible rollover distribution. For distributions made after December 31, 2007, a Participant or Beneficiary may elect to roll over directly an eligible rollover distribution to a Roth IRA described in Code § 408A(b).

(3) **Direct rollover.** A direct rollover is a payment by the Plan to the eligible retirement plan specified by the distributee.

(4) **Mandatory distribution.** The Administrative Services Provider is directed to make a mandatory distribution, which is an eligible rollover distribution, without the Participant's consent provided that the Participant's Account is less than $1,000. A distribution to a Beneficiary is not a mandatory distribution.

(5) **401(a)(31)(B) Effective Date.** The § 401(a)(31)(B) Effective Date is the date of the close of the first regular legislative session of the legislative body with the authority to amend the Plan that begins on or after January 1, 2006.

4.08 ELECTION TO DEDUCT FROM DISTRIBUTION. For distributions in taxable years beginning after December 31, 2006, an Eligible Retired Public Safety Officer may elect annually for that taxable year to have the Plan deduct an amount from a distribution which the Eligible Retired Public Safety Officer otherwise would receive and include in income. The plan will pay such deducted amounts directly to the provider as described in Section 4.08(A).

**(A) Direct payment.** The Plan will pay directly to the provider of the accident or health insurance plan or qualified long-term care insurance contract the amounts the Eligible Retired Public Safety Officer has elected to have deducted from the distribution. Such amounts may not exceed the lesser of $3,000 or the amount the Participant paid for such taxable year for qualified healthcare premiums, and which otherwise complies with Code § 402(l).

**(B) Definitions.**

(1) **Eligible retired public safety officer.** An "Eligible Retired Public Safety Officer" is an individual who, by reason of disability or attainment of normal retirement age, has experienced a Severance from Employment as a Public Safety Officer with the Employer.

(2) **Public safety officer.** A "Public Safety Officer" has the same meaning as in § 1204(9)(A) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. § 3796b(9)(A)).

(3) **Qualified health insurance premiums.** The term "qualified health insurance premiums" means premiums for coverage for the Eligible Retired Public Safety Officer, his/her spouse, and dependents, by an accident or health plan or qualified long-term care insurance contract (as defined in Code § 7702B(b)).

## ARTICLE V
## ADMINISTRATIVE SERVICES PROVIDER - DUTIES

5.01 TERM / VACANCY. The Administrative Services Provider will serve until his/her successor is appointed. In case the Employer has not appointed a successor Administrative Services Provider, the Employer will exercise any and all duties of the Administrative Services Provider pending the filling of the vacancy.

5.02 DUTIES. The Administrative Services Provider will have the following duties:

(a) To create administrative forms necessary for the proper and efficient administration of the Plan provided the forms are not inconsistent with the terms of the Plan;

(b) To enforce the terms of the Plan and its procedures, including this document and such other documents related to the Plan's operation;

(c) To make, at the direction of the Participant or Beneficiary or pursuant to Section 4.07(D)(4), distributions of an Account;

(d) To review in accordance with the Plan's procedures respecting a claim for (or denial of a claim for) a benefit under the Plan;

(e) To furnish the Employer with information which the Employer may require for tax or other purposes;

(f) To make distributions on account of unforeseeable emergency in accordance with the Plan's procedures;

(g) To accept Deferral Contributions, Employer Contributions, and Rollover Contributions;

(h) To accept Transfers;

(i) To accept Participant or, in the case of a deceased Participant, Beneficiary direction of investment;

(j) To comply with any reporting and disclosure rules applicable to the Plan;

(k) To make loans to Participants if elected by the Employer;

(l) To appoint agents to act for and in performing its third party administrative services to the Plan; and

(m) To undertake any other action the Administrative Services Provider deems reasonable or necessary to provide third party administrative services to the Plan.

5.03 LOANS TO PARTICIPANTS. The Employer may elect to permit the Administrative Services Provider and/or Trustee to make Plan loans to Participants by executing a participant loan program document with the Administrative Services Provider. Any loan by the Plan to a Participant shall be made in compliance with Code § 72(p). If Plan loans are permitted, the Administrative Services Provider, with the approval and direction of the Employer, may establish, amend or terminate from time to time, nondiscriminatory administrative procedures for administering loans. Such loan procedures must be a written document and must include: (1) the procedure for applying for a loan; (2) the criteria for approving or denying a loan; (3) the limitations, if any, on the types and amounts of loans available; and (4) the events constituting default and the steps the Plan will take to preserve Plan assets in the event of default. Any administrative procedures adopted under this Section 5.03 shall be construed as part of the Plan.

5.04 INDIVIDUAL ACCOUNTS / RECORDS. The Administrative Services Provider will maintain a separate Account in the name of each Participant to reflect the value of the Participant's Deferred Compensation under the Plan.

5.05 VALUE OF PARTICIPANT'S ACCOUNT. The value of each Participant's Account consists of his/her accumulated Deferred Compensation, as of the most recent Accounting Date or any later date as the Administrative Services Provider may determine.

5.06 ALLOCATION OF NET INCOME, GAIN OR LOSS. As of each Accounting Date (and each other valuation date determined under Section 5.04), the Administrative Services Provider will adjust Accounts to reflect net income, gain or loss, if any, since the last Accounting Date or Account valuation. The Administrative Services Provider will continue to allocate net income, gain and loss to a Participant's Account subject to an installment distribution, until the Account is fully distributed.

5.07 ACCOUNT CHARGED The Administrative Services Provider will charge all distributions made to a Participant or to his/her Beneficiary, or transferred under Section 9.03 from his/her Account, against the Account of the Participant when made.

5.08 PARTICIPANT DIRECTION OF INVESTMENT. Subject to the terms and conditions required by the Administrative Services Provider and the Trustee, if any, a Participant will have the right to direct the investment or re-investment of the assets comprising the Participant's Account. The Administrative Services Provider will account separately for the Participant-directed Accounts. The Participant's right to direct investment does not give the Participant any vested interest or secured or preferred position with respect to assets over which he/she has investment responsibility.

5.09 VESTING / SUBSTANTIAL RISK OF FORFEITURE. Each Participant's Account will be immediately 100% vested.

5.10 PRESERVATION OF ELIGIBLE PLAN STATUS. The Employer may take any such necessary and appropriate action to preserve the status of the Plan as an Eligible 457 Plan.

5.11 LIMITED LIABILITY. The Employer will not be liable to pay plan benefits to a Participant in excess of the value of the Participant's Account as the Administrative Services Provider determines in accordance with the Plan terms. The Employer, the Administrative Services Provider, or the Trustee will not be liable for losses arising from depreciation or shrinkage in the value of any investments acquired under this Plan.

5.12 LOST PARTICIPANTS. If the Administrative Services Provider is unable to locate any Participant or Beneficiary whose Account becomes distributable (a "lost Participant"), the Administrative Services Provider will apply the provisions of this Section 5.12.

**(A) Attempt to Locate.** The Administrative Services Provider will attempt to locate a lost Participant and may use one or more of the following methods: (1) provide a distribution notice to the lost Participant at his/her last known address by certified or registered mail; (2) use the IRS letter forwarding program under Rev. Proc. 94-22; (3) use a commercial locator service, the internet or other general search method; (4) use the Social Security Administration or PBGC search program; or (5) use such other methods as the Administrative Services Provider believes prudent.

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**(B) Failure to Locate.** If a lost Participant is not located after 6 months following the date the Administrative Services Provider first attempts to locate the lost Participant using one or more of the methods described in Section 5.12(A), the Administrative Services Provider may employ the unclaimed property processes of the state of the lost Participant's last known address. Neither the Administrative Services Provider nor the Trustee shall be responsible for restoring the Account (including potential gains) if a lost Participant whose Account was deposited with a state later makes a claim for his/her Account.

**(C) Nonexclusivity and Uniformity.** The provisions of this Section 5.12 are intended to provide permissible but not exclusive means for the Administrative Services Provider to administer the Accounts of lost Participants. The Administrative Services Provider may utilize any other reasonable method to locate lost Participants and to administer the Accounts of lost Participants, including such methods as the Revenue Service or other regulatory agency may in the future specify. The Administrative Services Provider will apply Section 5.12 in a reasonable manner, but may in determining a specific course of action as to a particular Account, reasonably take into account differing circumstances such as the amount of a lost Participant's Account, the expense in attempting to locate a lost Participant, the Administrative Services Provider's ability to establish and the expense of establishing a rollover IRA, and other factors. The Administrative Services Provider may charge to the Account of a lost Participant the reasonable expenses incurred under this Section 5.12 and which are associated with the lost Participant's Account.

5.13 PLAN CORRECTION. The Administrative Services Provider, as directed by the Employer, may undertake such correction of Plan errors as the Employer deems necessary, including but not limited to correction to maintain the Plan's status as an "eligible deferred compensation plan" under the Code.

## ARTICLE VI
## PARTICIPANT ADMINISTRATIVE PROVISIONS

6.01 BENEFICIARY DESIGNATION. A Participant from time to time may designate, in writing, any person(s) (including a trust or other entity), contingently or successively, to whom the Administrative Services Provider or Trustee will pay the Participant's Account (including any life insurance proceeds payable to the Participant's Account) in the event of death. A Participant also may designate the method of payment of his/her Account. The Administrative Services Provider will prescribe the form for the Participant's written designation of Beneficiary and, upon the Participant's filing the form with the Administrative Services Provider, the form revokes all designations filed prior to that date by the same Participant. Provided the Administrative Services Provider has been provided reasonable notice thereof, a divorce decree, or a decree of legal separation, revokes the Participant's designation, if any, of his/her spouse as his/her Beneficiary under the Plan unless: (a) the decree or a QDRO provides otherwise; or (b) the Participant has re-designated his/her former spouse as Beneficiary following the date of the divorce decree, or other decree of legal separation. The foregoing revocation provision (if applicable) applies only with respect to a Participant whose divorce or legal separation becomes effective on or following the date the Employer executes the Plan.

6.02 NO BENEFICIARY DESIGNATION. If a Participant fails to name a Beneficiary in accordance with Section 6.01, or if the Beneficiary named by a Participant predeceases the Participant, then the Administrative Services Provider will pay the Participant's remaining Account to the Participant's estate.

If the Beneficiary survives the Participant, but dies prior to distribution of the Participant's entire Account, the Trustee will pay the remaining Account to the Beneficiary's estate unless: (1) the Participant's Beneficiary designation provides otherwise; or (2) the Beneficiary has properly designated a Beneficiary. A Beneficiary only may designate a Beneficiary for the Participant's Account Balance remaining at the Beneficiary's death, and the Beneficiary's designation otherwise complies with the Plan terms. The Administrative Services Provider will direct a Trustee if applicable as to the method and to whom the Trustee will make payment under this Section 6.02.

6.03 PARTICIPATION AGREEMENT.

**(A) General.** A Participant must elect to make Salary Reduction Contributions on a Participation Agreement form the Administrative Services Provider provides for this purpose. The Participation Agreement must be consistent with the procedures of the Administrative Services Provider. The Participation Agreement may impose such other terms and limitations as the Employer or Administrative Services Provider may determine.

**(B) Election Timing.** A Participation Agreement may not take effect earlier than the first day of the calendar month following the date the Participant executes the Participation Agreement and as to Compensation paid or made available in such calendar month. However, if an Employee is eligible to become a Participant during the Employee's calendar month of hire, the Employee may execute a Participation Agreement on or before the date he/she

becomes an Employee, effective for the month in which he/she becomes an Employee.

**(C) Sick, Vacation and Back Pay.** If the Employer adopts a policy that permits Participants to make Salary Reduction Contributions from accumulated sick pay, from accumulated vacation pay or from back pay, a Participant who will incur a Severance from Employment may execute a Participation Agreement before such amounts are paid or made available provided: (i) such amounts are paid or made available before the Participant incurs the Severance; and (ii) the Participant is an Employee in that month.

**(D) Modification of Participation Agreement.** A Participation Agreement remains in effect until a Participant modifies it or ceases to be eligible to participate in the Plan. A Participant may modify his/her Participation Agreement by executing a new Participation Agreement. Any modification will become effective no earlier than the beginning of the calendar month commencing after the date the Participant executes the new Participation Agreement. Filing a new Participation Agreement will revoke all Participation Agreements filed prior to that date. The Employer or Administrative Services Provider may restrict the Participant's right to modify his/her Participation Agreement in any Taxable Year.

6.04 PERSONAL DATA TO ADMINISTRATIVE SERVICES PROVIDER. Each Participant and each Beneficiary of a deceased Participant must furnish to the Administrative Services Provider such evidence, data or information as the Administrative Services Provider considers necessary or desirable for the purpose of administering the Plan. The provisions of this Plan are effective for the benefit of each Participant upon the condition precedent that each Participant will furnish promptly full, true and complete evidence, data and information when requested by the Administrative Services Provider, provided the Administrative Services Provider advises each Participant of the effect of his failure to comply with its request.

6.05 ADDRESS FOR NOTIFICATION. Each Participant and each Beneficiary of a deceased Participant must file with the Administrative Services Provider from time to time, in writing, his/her address and any change of address. Any communication, statement or notice addressed to a Participant, or Beneficiary, at his/her last address filed with the Administrative Services Provider, or as shown on the records of the Employer, binds the Participant, or Beneficiary, for all purposes of this Plan.

6.06 PARTICIPANT OR BENEFICIARY INCAPACITATED. If evidence is submitted to the Administrative Services Provider which supports an opinion that a Participant or Beneficiary entitled to a Plan distribution is not able to care for his/her affairs because of a mental condition, a physical condition, or by reason of age, the Administrative Services Provider or the Trustee may make the distribution to the Participant's or Beneficiary's guardian, conservator, trustee, custodian (including under a Uniform Transfers or Gifts to Minors Act) or to his/her attorney-in-fact or to other legal representative upon furnishing evidence of such status satisfactory to the Administrative Services Provider and to the Trustee. The Administrative Services Provider and the Trustee do not have any liability with respect to payments so made and neither the Administrative Services Provider nor the Trustee has any duty to make inquiry as to the competence of any person entitled to receive payments under the Plan.

## ARTICLE VII
## MISCELLANEOUS

7.01 NO ASSIGNMENT OR ALIENATION. A Participant or Beneficiary does not have the right to commute, sell, assign, pledge, transfer or otherwise convey or encumber the right to receive any payments under the Plan or Trust and the Administrative Services Provider and the Trustee will not recognize any such anticipation, assignment, or alienation. The payments and the rights under this Plan are non-assignable and nontransferable. Subject to Section 8.15, a Participant's or Beneficiary's interest in the Trust is not subject to attachment, garnishment, levy, execution or other legal or equitable process.

7.02 EFFECT ON OTHER PLANS. This Plan does not affect benefits under any other retirement, pension, or benefit plan or system established for the benefit of the Employer's Employees, and participation under this Plan does not affect benefits receivable under any such plan or system, except to the extent provided in such plan or system.

7.03 WORD USAGE. Words used in the masculine will apply to the feminine where applicable, and wherever the context of the Plan dictates, the plural will be read as the singular and the singular as the plural.

7.04 STATE LAW. The laws of the state of the Employer's principal place of business will determine all questions arising with respect to the provisions of this Prototype Plan, except to the extent Federal law supersedes State law.

7.05 EMPLOYMENT NOT GUARANTEED. Nothing contained in this Plan, or any modification or amendment to the Plan, or in the creation of any Account, or the payment of any benefit, gives any Employee, Participant or Beneficiary any right to continue employment, any legal or equitable right against the Employer, the

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Administrative Services Provider, the Trustee, any other Employee of the Employer, or any agents thereof except as expressly provided by the Plan.

7.06 NOTICE, DESIGNATION, ELECTION, CONSENT AND WAIVER. All notices under the Plan and all Participant or Beneficiary designations, elections, consents or waivers must be in writing and made in a form acceptable to the Administrative Services Provider. To the extent permitted by Treasury regulations or other applicable guidance, any Plan notice, election, consent or waiver may be transmitted electronically. Any person entitled to notice under the Plan may waive the notice or shorten the notice period except as otherwise required by the Code.

7.07 LIMITATIONS ON TRANSFERS AND EXCHANGES. The Employer and the Administrative Services Provider may adopt procedures to govern Participant elections and directions concerning a Participant's, Beneficiary's, or Alternate Payee's investment specifications and may impose limitations on transfers and exchanges from one investment option with the Plan to another. These procedures shall be in addition to any established by investment providers to the Plan. The Employer and the Administrative Services Provider may decline to implement any investment instructions for a Participant, Beneficiary, or Alternate Payee where either deems appropriate.

7.08 EMPLOYER RESPONSIBILITY FOR DISTRIBUTION OF PLAN RELATED INFORMATION. The Employer will distribute all Plan related amendments, restated plan documents, and deferred compensation plan tax related documentation to the Administrative Service Providers when there are multiple Administrative Service Providers of the Plan.

7.09 USE OF PLAN ASSETS THAT ARE NOT ATTRIBUTABLE TO AN ACCOUNT. If the Plan receives money that is not attributable to an Account, then the Employer will direct the Administrative Services Provider as to the use of these amounts. Examples include, but are not limited to, money received by the Plan as part of a settlement, litigation award or fee reimbursement. The Employer may use these amounts to offset Plan expenses or may allocate these amounts to Participants or as it deems appropriate

## ARTICLE VIII
## TRUST PROVISIONS

8.01 APPLICATION. The provisions of this Article VIII apply only if the Employer has not elected to substitute another trust, custodial accounts or annuity contracts in lieu of the Trust established under this Article VIII.

8.02 ACCEPTANCE / HOLDING. The Trustee accepts the Trust created under the Plan and agrees to perform the duties and obligations imposed. The Trustee must hold in trust under this Article VIII, all Deferred Compensation until paid in accordance with the Plan terms.

8.03 RECEIPT OF CONTRIBUTIONS. The Trustee is accountable to the Employer for the funds contributed to it by the Employer or the Administrative Services Provider, but the Trustee does not have any duty to see that the contributions received comply with the provisions of the Plan.

8.04 FULL INVESTMENT POWERS. The Trustee is authorized and empowered, but not by way of limitation, to exercise and perform the following duties:

(a) To invest any part or all of the Trust in any common or preferred stocks, open-end or closed-end mutual funds, put and call options traded on a national exchange, United States retirement plan bonds, corporate bonds, debentures, convertible debentures, commercial paper, U. S. Treasury bills, U. S. Treasury notes and other direct or indirect obligations of the United States Government or its agencies, improved or unimproved real estate situated in the United States, limited partnerships, insurance contracts of any type, mortgages, notes or other property of any kind, real or personal, and to buy or sell options on common stock on a nationally recognized options exchange with or without holding the underlying common stock, as a prudent person would do under like circumstances. Any investment made or retained by the Trustee in good faith will be proper but must be of a kind constituting a diversification considered by law suitable for trust investments;

(b) To retain in cash so much of the Trust as it may deem advisable to satisfy liquidity needs of the Plan and to deposit any cash held in the Trust in a bank account at reasonable interest;

(c) To invest, if the Trustee is a bank or similar financial institution supervised by the United States or by a State, in any type of deposit of the Trustee (or a bank related to the Trustee within the meaning of Code §414(b)) at a reasonable rate of interest or in a common trust fund as described in Code §584, or in a collective investment fund, the provisions of which the Trust incorporates by this reference, which the Trustee (or its affiliate, as defined in Code §1504) maintains exclusively for the collective investment of money contributed by the bank (or its affiliate) in its capacity as Trustee and which conforms to the rules of the Comptroller of the Currency;

(d) To manage, sell, contract to sell, grant options to purchase, convey, exchange, transfer, abandon, improve, repair, insure, lease for any term even though commencing in the future or extending beyond the term of the Trust, and otherwise deal with all property, real or personal, in such manner, for such considerations and on such terms and conditions as the Trustee decides;

(e) To credit and distribute the Trust as directed by the Administrative Services Provider of the Plan. The Trustee will not be obliged to inquire as to whether any payee or distributee is entitled to any payment or whether the distribution is proper or within the terms of the Plan, or as to the manner of making any payment or distribution. The Trustee will be accountable only to the Administrative Services Provider for any payment or distribution made by it in good faith on the order or direction of the Administrative Services Provider;

(f) To borrow money, to assume indebtedness, extend mortgages and encumber by mortgage or pledge;

(g) To compromise, contest, arbitrate or abandon claims and demands;

(h) To have with respect to the Trust all of the rights of an individual owner, including the power to exercise any and all voting rights associated with Trust assets, to give proxies, to participate in any voting trusts, mergers, consolidations or liquidations, to tender shares and to exercise or sell stock subscriptions or conversion rights;

(i) To lease for oil, gas and other mineral purposes and to create mineral severances by grant or reservation; to pool or unitize interest in oil, gas and other minerals; and to enter into operating agreements and to execute division and transfer orders;

(j) To hold any securities or other property in the name of the Trustee or its nominee, with depositories or agent depositories or in another form as it may deem best, with or without disclosing the trust relationship;

(k) To perform any and all other acts in its judgment necessary or appropriate for the proper and advantageous management, investment and distribution of the Trust;

(l) To retain any funds or property subject to any dispute without liability for the payment of interest, and to decline to make payment or delivery of the funds or property until a court of competent jurisdiction makes a final adjudication;

(m) To file all tax returns required of the Trustee;

(n) To furnish to the Employer and the Administrative Services Provider an annual statement of account showing the condition of the Trust and all investments, receipts, disbursements and other transactions effected by the Trustee during the Plan Year covered by the statement and also stating the assets of the Trust held at the end of the Plan Year, which accounts will be conclusive on all persons, including the Employer and the Administrative Services Provider, except as to any act or transaction concerning which the Employer or the Administrative Services Provider files with the Trustee written exceptions or objections within 90 days after the receipt of the accounts; and

(o) To begin, maintain or defend any litigation necessary in connection with the administration of the Trust, except that the Trustee will not be obliged or required to do so unless

8.05 RECORDS AND STATEMENTS. The records of the Trustee pertaining to the Trust will be open to the inspection of the Employer at all reasonable times and may be audited from time to time by any person or persons as the Employer may specify in writing. The Trustee will furnish the Administrative Services Provider whatever information relating to the Trust the Administrative Services Provider considers necessary.

8.06 FEES AND EXPENSES FROM FUND. The Trustee will receive reasonable annual compensation in accordance with its fee schedule as published from time to time. The Trustee will pay from the Trust all fees and expenses the Trustee reasonably incurs in its administration of the Trust, unless the Employer pays the fees and expenses.

8.07 PROFESSIONAL AGENTS. The Trustee may employ and pay from the Trust reasonable compensation to agents, attorneys, accountants and other persons to advise the Trustee as in its opinion may be necessary. The Trustee may delegate to any agent, attorney, accountant or other person selected by it any non-Trustee power or duty vested in it by the Trust, and the Trustee may act or refrain from acting on the advice or opinion of any agent, attorney, accountant or other person so selected.

8.08 DISTRIBUTION OF CASH OR PROPERTY. The Trustee may make distribution under the Plan in cash or property, or partly in each, at its fair market value as determined by the Trustee.

8.09 RESIGNATION AND REMOVAL. The Trustee or the Custodian may resign its position by giving written notice to the Employer and to the Administrative Services Provider. The Trustee's notice must specify the effective date of the Trustee's resignation, which date must be at least 30 days

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following the date of the Trustee's notice, unless the Employer consents in writing to shorter notice.

The Employer may remove a Trustee or a Custodian by giving written notice to the affected party. The Employer's notice must specify the effective date of removal which date must be at least 30 days following the date of the Employer's notice, except where the Employer reasonably determines a shorter notice period or immediate removal is necessary to protect Plan assets.

8.10 SUCCESSOR TRUSTEE.

**(A) Appointment.** In the event of the resignation or the removal of a Trustee, where no other Trustee continues to service, the Employer must appoint a successor Trustee if it intends to continue the Plan. If two or more persons hold the position of Trustee, in the event of the removal of one such person, during any period the selection of a replacement is pending, or during any period such person is unable to serve for any reason, the remaining person or persons will act as the Trustee. If the Employer fails to appoint a successor Trustee as of the effective date of the Trustee resignation or removal and no other Trustee remains, the Trustee will treat the Employer as having appointed itself as Trustee and as having filed the Employer's acceptance of appointment as successor Trustee with the former Trustee.

**(B) Automatic Successor.** Any corporation which succeeds to the trust business of the Trustee, or results from any merger or consolidation to which the Trustee is a party, or is the transferee of substantially all the Trustee's assets, will be the successor to the Trustee under this Trust. The successor Trustee will possess all rights, duties and powers under this Trust as if the successor Trustee were the original Trustee. Neither the Trustee nor the successor Trustee need provide notice to any interested person of any transaction resulting in a successor Trustee. The successor Trustee need not file or execute any additional instrument or perform any additional act to become successor Trustee.

8.11 VALUATION OF TRUST. The Trustee will value the Trust as of each Accounting Date to determine the fair market value of the Trust assets. The Trustee will value the Trust on such other date(s) the Administrative Services Provider may direct.

8.12 PARTICIPANT DIRECTION OF INVESTMENT. Consistent with the Administrative Services Provider's policy adopted under Section 5.02(i), the Trustee may consent in writing to permit Participants in the Plan to direct the investment to the Trust assets. The Administrative Services Provider will advise the Trustee of the portion of the Trust credited to each Participant's Account under the Plan, and subject to such Participant direction. As a condition of Participant direction, the Trustee may impose such conditions, limitations and other provisions as the Trustee may deem appropriate and as are consistent with the Administrative Services Provider's policy. The Trustee will report to the Administrative Services Provider the net income, gain or losses incurred by each Participant directed Account separately from the net income, gain or losses incurred by the general Trust during the Trust Year.

8.13 THIRD PARTY RELIANCE. No person dealing with the Trustee will be obliged to see to the proper application of any money paid or property delivered to the Trustee, or to inquire whether the Trustee has acted pursuant to any of the terms of the Trust. Each person dealing with the Trustee may act upon any notice, request or representation in writing by the Trustee, or by the Trustee's duly authorized agent, and will not be liable to any person whomsoever in so doing. The certificate of the Trustee that it is acting in accordance with the Trust will be conclusive in favor of any person relying on the certificate.

8.14 INVALIDITY OF ANY TRUST PROVISION. If any clause or provision of this Article VIII proves to be or is adjudged to be invalid or void for any reason, such void or invalid clause or provision will not affect any of the other provisions of this Article VIII and the balance of the Trust provisions will remain operative.

8.15 EXCLUSIVE BENEFIT. The Trustee will hold all the assets of the Trust for the exclusive benefit of the Participants and their Beneficiaries and neither the Employer nor the Trustee will use or divert any part of the corpus or income of the Trust for purposes other than the exclusive benefit of the Participants and Beneficiaries of the Plan. The Employer will not have any right to the assets held by the Trustee and the Trust assets will not be subject to the claims of the Employer's creditors or, except as provided in Section 4.06, of the creditors of any Participant or Beneficiary. No Participant or Beneficiary shall have any right to sell, assign, transfer or otherwise convey his/her Account or any interest in his/her Deferred Compensation. Notwithstanding the foregoing, the Administrative Services Provider may pay from a Participant's or Beneficiary's Account the amount the Administrative Services Provider finds is lawfully demanded under a levy issued by the Internal Revenue Service with respect to that Participant or Beneficiary or is sought to be collected by the United States Government under a judgment resulting from an unpaid tax assessment against the Participant or Beneficiary. The Trust created under the Employer's Plan is irrevocable and its assets will not inure to the benefit of the Employer.

8.16 SUBSTITUTION OF CUSTODIAL ACCOUNT OR ANNUITY CONTRACT. The

Employer may elect to use one or more custodial accounts or annuity contracts in lieu of or in addition to the Trust established in this Article VIII. Any such custodial account or annuity contract must satisfy the requirements of Code §457(g)(3) and applicable Treasury regulations.

8.17 GROUP TRUST AUTHORITY. Notwithstanding any contrary provision in this Plan, the Trustee may, unless restricted in writing by the Administrative Services Provider, transfer assets of the plan to a group trust that is operated or maintained exclusively for the commingling and collective investment of monies provided that the funds in the group trust consist exclusively of trust assets held under plans qualified under Code section 401(a), individual retirement accounts that are exempt under Code section 408(e), and eligible governmental plans that meets the requirements of Code section 457(b). For this purpose, a trust includes a custodial account that is treated as a trust under Code section 401(f) or under Code section 457(g)(3). For purposes of valuation, the value of the interest maintained by the Plan in such group trust shall be the fair market value of the portion of the group trust held for Plan, determined in accordance with generally recognized valuation procedures.

## ARTICLE IX
## AMENDMENT, TERMINATION, TRANSFERS

9.01 AMENDMENT BY EMPLOYER / SPONSOR. The Employer has the right at any time and from time to time:

(a) To amend this Plan and Trust Agreement in any manner it deems necessary or advisable in order to continue the status of this Plan as an Eligible 457 Plan; and

(b) To amend this Plan and Trust Agreement in any other manner, including deletion, substitution or modification of any Plan or Trust.

The Employer must make all amendments in writing. The Employer may amend the Plan by addenda, by separate amendment, or by restatement of the Plan. Each amendment must state the date to which it is either retroactively or prospectively effective. The Employer also may not make any amendment that affects the rights, duties or responsibilities of the Trustee or the Administrative Services Provider without the written consent of the affected Trustee or the Administrative Services Provider.

The Employer will accept amendments from the Administrative Services Provider (including adoption of a substitute Plan and Trust) without being required to re-execute the Plan, provided that the amendments are necessary to continue the Plan as an Eligible 457 Plan.

9.02 TERMINATION / FREEZING OF PLAN. The Employer has the right, at any time, to terminate this Plan or to cease (freeze) further Deferral Contributions to the Plan. Upon termination or freezing of the Plan, the provisions of the Plan (other than provisions permitting continued Deferral Contributions) remain operative until distribution of all Accounts. Upon Plan termination, the Administrative Services Provider or Trustee shall distribute to Participants and Beneficiaries all Deferred Compensation as soon as is reasonably practicable following termination.

9.03 TRANSFERS. The Plan: (a) may accept a Transfer of a Participant's Account in another employer's Eligible 457 Plan; or (b) may Transfer a Participant's (or Beneficiary's) Account in this Plan to the another employer's Eligible 457 Plan. The other plan involved in the Transfer must provide for Transfers. The Participant or Beneficiary, after the Transfer will have Deferred Compensation in the recipient plan at least equal to his/her Deferred Compensation in the transferring plan immediately before the Transfer. Any Transfer also must comply with applicable Treasury regulations, and in particular Treas. Reg. §§1.457-10(b)(2) as to post-severance transfers between Eligible 457 Plans; 1.457-10(b)(3) as to transfers of all assets between Eligible 457 Plans; and 1.457-10(b)(4) as to transfers between Eligible 457 Plans of the same Employer. The Administrative Services Provider will credit any Transfer accepted under this Section 9.03 to the Participant's Account and will treat the transferred amount as a Deferral Contribution for all purposes of this Plan except such Transfer will not be treated as a Deferral Contribution subject to the limitations of Article III. The Plan's Transfer of any Participant's or Beneficiary's Account under this Section 9.03 completely discharges the Employer, the Administrative Services Provider, the Trustee and the Plan from any liability to the Participant or Beneficiary for any Plan benefits.

9.04 PURCHASE OF PERMISSIVE SERVICE CREDIT. A Participant, prior to otherwise incurring a distributable event under Article IV, may direct the Trustee to transfer (as of January 1, 2002, or later) all or a portion of his/her Account to a governmental defined benefit plan (under Code §414(d)) for: (a) the purchase of permissive service credit (under Code §415(n)(3)(A)) under such plan, or (b) the repayment of contributions and earnings previously refunded with respect to a forfeiture of service credited under the plan (or under another governmental plan within the same State) to which Code §415 does not apply by reason of Code §415(k)(3).

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**IN WITNESS WHEREOF,** the undersigned has executed this Plan and Trust to become effective the 25 day of SEPTEMBER, 2015 for the:

ASRS SUPPLEMENTAL SALARY DEFERRAL PLAN (SSDP)
(Plan Name)

By: _____
(signature)

PAUL MATSON
(printed name)

EXECUTIVE DIRECTOR ASRS
(title/role)

ITEM #: 8.
DATE: 12/13/2021
AI #:597

# CITY COUNCIL ACTION REPORT

**SUBJECT:** **ACCEPT THE DEDICATION OF A SPECIAL WARRANTY DEED FOR A PORTION OF W. ELWOOD STREET REQUIRED FOR THE ISOLA AT GOODYEAR RANCH DEVELOPMENT**

**STAFF PRESENTER(S):** Linda Beals, Real Estate Coordinator

## SUMMARY

Dedication of a Special Warranty Deed for a portion of W. Elwood Street required for the development of Isola at Goodyear Ranch.

## Recommendation

Accept the dedication of a Special Warranty Deed for a portion of W. Elwood Street from El Cidro Ranch, LLC, an Arizona limited liability corporation. (Linda Beals, Real Estate Coordinator)

## FISCAL IMPACT

There will be no fiscal impact to the city in the fiscal year 2022 or future years related to the acceptance of the deed.

## BACKGROUND AND PREVIOUS ACTIONS

Isola Goodyear, LLC, an Arizona limited liability company ("Isola"), is in the process of developing the Isola at Goodyear Ranch, a single-family rental development at the northeast corner of S. Cotton Lane and W. Elwood Street (the "Isola Property"). A Final Plat for El Cidro Parcel 5 is being presented tonight as a separate Council item. Isola is responsible for constructing half-street improvements to the north half of W. Elwood Street along the frontage of the southern boundary of the Isola Property (the "W. Elwood Street Improvements") and for providing the city with the additional right-of-way needed for the construction of the W. Elwood Street Improvements.

## STAFF ANALYSIS

El Cidro Ranch, LLC, an Arizona limited liability company has provided the attached Special Warranty Deed dedicating the property necessary for Isola to construct the W. Elwood Street Improvements. Accepting the Special Warranty Deed will allow for the construction of the W. Elwood Street Improvements and the development of Isola at Goodyear Ranch.

## Attachments

Special Warranty Deed

When recorded Mail to:

City of Goodyear
City Clerk / LRB
190 N. Litchfield Road
P.O. Box 5100
Goodyear, Arizona 85338

EXEMPT UNDER A.R.S. § 11-1134(A)(3)

**SPECIAL WARRANTY DEED**
**(W. Elwood Street)**

| GRANTOR: | GRANTEE: |
|---|---|
| **EL CIDRO RANCH, LLC, an Arizona limited liability company** | **CITY OF GOODYEAR, ARIZONA, an Arizona municipal corporation** |

For the consideration of One Dollar ($1.00), and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, **EL CIDRO RANCH, LLC, an Arizona limited liability company,** ("Grantor") does hereby grant and convey to the **CITY OF GOODYEAR, ARIZONA, an Arizona municipal corporation,** ("Grantee"), its successors and assigns, the following real property, together with all improvements thereon and all rights, privileges, easements, tenements, hereditaments and appurtenances pertaining thereto:

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN

SUBJECT ONLY TO current taxes and assessments, reservations in patents and all easements, rights-of-way, encumbrances, liens, covenants, conditions, restrictions, obligations and liabilities as may appear of record, the Grantor hereby binds itself to warrant and defend the title as against all acts of the Grantor herein and no other.

IN WITNESS WHEREOF, this instrument is executed this 18th day of AUGUST, 2020.

*Signatures, Acknowledgements and Exhibits on Following Pages*

GRANTOR:
**EL CIDRO RANCH, LLC,**
**an Arizona limited liability company**

By:_____
Michael P. Markman, Manager

Commonwealth of Pennsylvania )
)ss.
County of Montgomery )

On this 18th day of AUGUST, 2020, before me, a Notary Public, the undersigned officer, personally appeared Michael P. Markman, the Manager of EL CIDRO RANCH, LLC, an Arizona limited liability company, for and on behalf thereof, whose identity was proven to me on the basis of satisfactory evidence to be the person who he or she claims to be, and acknowledged that he or she executed the same for the purposes therein contained in this Special Warranty Deed.

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
Lydia Williams, Notary Public
Horsham Twp., Montgomery County
My Commission Expires Jan. 14, 2021
MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES

Lydia Williams
Notary Public

*Signatures, Acknowledgements and Exhibits on Following Pages*

GRANTEE:

ACCEPTED by the CITY OF GOODYEAR, ARIZONA, an Arizona Municipal Corporation, the ____ day of _____, 2020.

By:_____

Its:_____

State of Arizona )
)ss.
County of Maricopa )

The foregoing instrument (Special Warranty Deed) was acknowledged before me this _____ day of _____, 2020 by _____, as _____ of the CITY OF GOODYEAR, ARIZONA, an Arizona municipal corporation, on behalf of said corporation.

_____
Notary Public

*Exhibit(s) on Following Page(s)*

# EXHIBIT "A"

## LEGAL DESCRIPTION

June 16, 2020

LEGAL DESCRIPTION FOR
EL CIDRO
ELWOOD STREET RIGHT-OF-WAY DEDICATION

That part of the Northwest Quarter of Section 24, Township 1 North, Range 2 West of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at the Maricopa County Highway Department Brass Cap in hand hole marking the West Quarter Corner of said Section 24, from which the Maricopa County Highway Department Brass Cap in hand hole marking the Northwest Corner of said Section 24 bears North 00°11'10" East, a distance of 2,644.51 feet;

Thence South 89°45'48" East, along the South line of the Northwest Quarter of said Section 24, a distance of 75.00 feet to a point on the Easterly line of that certain parcel of land as described in Document No. 2007-1336154, Records of Maricopa County, Arizona, said point being the True Point of Beginning;

Thence North 00°11'10" East, along said Easterly line, a distance of 98.00 feet to the Westernmost Southwest Corner of that certain parcel of land as described in Document No. 2019-0933779, Records of Maricopa County, Arizona;

Thence along the Southerly line of last said parcel of land the following courses:

Thence South 44°47'19" East, a distance of 46.69 feet to a point on a line which is parallel with and 65.00 feet Northerly, as measured at right angles, from the South line of the Northwest Quarter of said Section 24;

Thence South 89°45'48" East, along said parallel line, a distance of 175.15 feet to the beginning of a tangent curve of 2,065.00 foot radius, concave Southwesterly;

Thence Southeasterly, along said curve, through a central angle of 13°04'16", a distance of 471.10 feet to the beginning of a tangent reverse curve of 1,935.00 foot radius, concave Northeasterly;

Thence Southeasterly, along said curve, through a central angle of 01°36'06", a distance of 54.09 feet to a point on the South line of the Northwest Quarter of said Section 24;

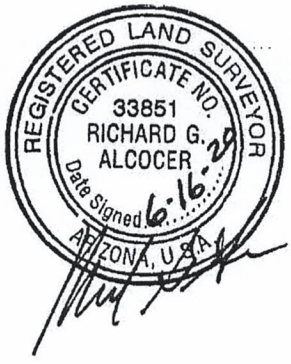


4550 N 12th Street | Phoenix AZ 85014 | 602.264.6831 | (F) 602.264.0928

CVL CONSULTANTS

Thence North 89°45'48" West, departing said Southerly line along said South line, a distance of 727.97 feet to the True Point of Beginning.

Containing 36,402 Square Feet or 0.837 Acres, more or less. .



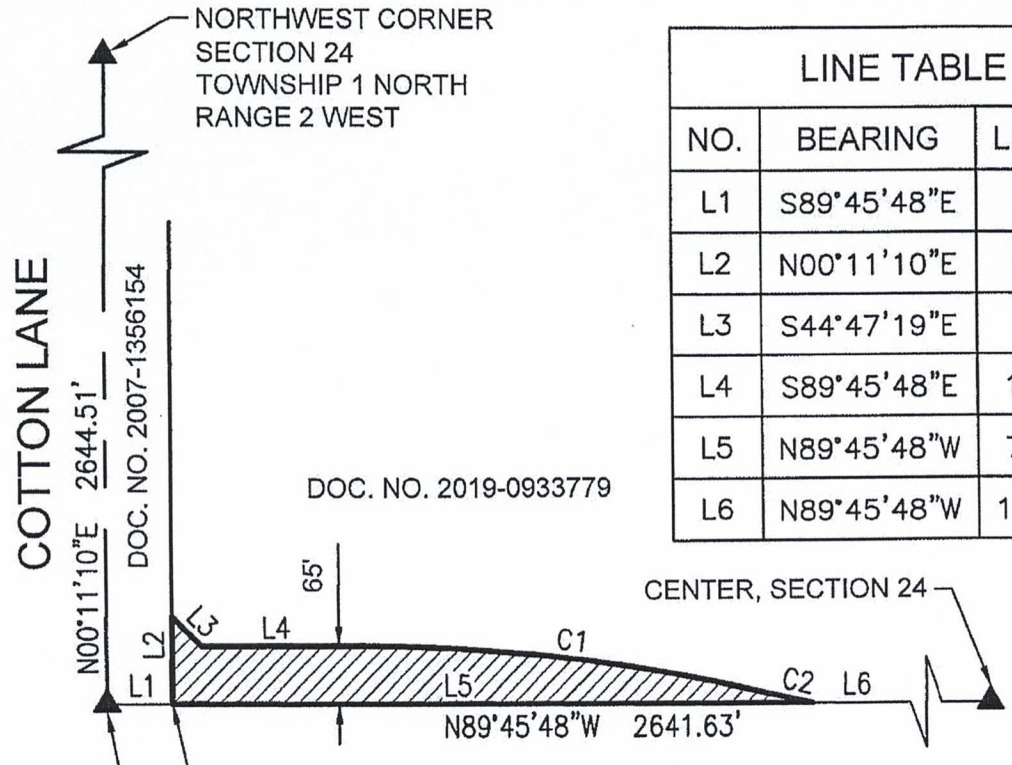



4550 N 12th Street | Phoenix AZ 85014 | 602.264.6831 | (F) 602.264.0928

CVL CONSULTANTS

| CURVE TABLE | | | | | | |
|---|---|---|---|---|---|---|
| NO. | LENGTH | RADIUS | DELTA | TANGENT | CHORD | CHORD-BEARING |
| C1 | 471.10' | 2065.00' | 013°04'16" | 236.58' | 470.08' | N83°13'40"W |
| C2 | 54.09' | 1935.00' | 001°36'06" | 27.05' | 54.09' | S77°29'35"E |

| LINE TABLE | | |
|---|---|---|
| NO. | BEARING | LENGTH |
| L1 | S89°45'48"E | 75.00' |
| L2 | N00°11'10"E | 98.00' |
| L3 | S44°47'19"E | 46.69' |
| L4 | S89°45'48"E | 175.15' |
| L5 | N89°45'48"W | 727.97' |
| L6 | N89°45'48"W | 1838.66' |




Registered Land Surveyor
CERTIFICATE NO.
33851
RICHARD G.
ALCOCER
Date Signed: 6-16-2020
ARIZONA U.S.A.

| | | |
|---|---|---|
| SCALE 1" = 200'<br>EXHIBIT | EL CIDRO<br>ELWOOD STREET<br>RIGHT-OF-WAY DEDICATION | CVL CONSULTANTS<br>CELEBRATING 60 YEARS<br>1 OF 1 |
| 4550 North 12th Street<br>Phoenix, Arizona 85014<br>Phone 602-264-6831<br>http://www.cvlci.com | | |

N:\050050\Cadd\VX.ELWOOD.dwg TomD June 16, 2020

********** JOB - PLAT CLOSURE
The date and time is
Tue Jun 16 14:23:54 2020
and you are logged into job [TM050050]

* FILENAME = COBDELWD

BOUNDARY

N00-11-10E 98.000

S44-47-19E 46.690

S89-45-48E 175.146

RB = S00-14-12W
R = 2065.000
A = 471.097
C = 470.076
CB = S83-13-40E
D = 013-04-16
T = 236.575
RB = S13-18-28W

RB = N13-18-28E
R = 1935.000
A = 54.092
C = 54.090
CB = S77-29-35E
D = 001-36-06
T = 27.048
RB = N11-42-22E

N89-45-48W 727.967

Closing course : S76-03-11E 0.003

Misclosure: One part in 491923

North error = 0.001
East error = 0.003

Area = 36,439 0.837 AC

*** END OF RUN



ITEM #: 9.
DATE: 12/13/2021
AI #:598

# CITY COUNCIL ACTION REPORT

**SUBJECT: AUTHORIZE THE ESTABLISHMENT OF A PUBLIC STREET FOR A PORTION OF COTTON LANE**

**STAFF PRESENTER(S):** Linda Beals, Real Estate Coordinator

## SUMMARY

Establishment of a public street for a portion of Cotton Lane located north of W. Elwood Street required for the development of Isola at Goodyear Ranch.

## Recommendation

APPROVE RESOLUTION NO. 2021-2196 AUTHORIZING THE ESTABLISHMENT OF A PUBLIC STREET FOR A SECTION OF COTTON LANE; PROVIDING RECORDATION CONDITIONS AND REQUIREMENTS; AND PROVIDING FOR AN EFFECTIVE DATE. (Linda Beals, Real Estate Coordinator)

## FISCAL IMPACT

There will be no fiscal impact to the City in the fiscal year 2022 or future years related to the establishment of the public street.

## BACKGROUND AND PREVIOUS ACTIONS

The city owns a property consisting of approximately 9.83 acres, located at the southeast corner of Lower Buckeye Road and Cotton Lane, which the City purchased in December 2007 from BT Goodyear, LLC, an Arizona limited liability company per the terms of the Development Agreement for the El Cidro development (“Property”)

Isola Goodyear, LLC, an Arizona limited liability company (“Isola”) is in the process of developing the Isola at Goodyear Ranch, a single family rental development at the northeast corner of S. Cotton Lane and W. Elwood Street (the “Isola Property’). A Final Plat for El Cidro Parcel 5 is being presented tonight as a separate Council item. Isola is responsible for constructing half-street improvements to Cotton Lane located along the western boundary of the Isola Property. Approximately 29,534 square feet (.68 Acre) of the Cotton Lane alignment Isola is required to construct lies within the City Property and to allow for the construction of Cotton Lane along the Isola Property needs to be declared a public street.

## STAFF ANALYSIS

The declaration of the approximate 29,534 feet as a public street, as described in Resolution 2021-2196, will allow the owner/developer of Isola to construct half-street improvements to the section of Cotton Lane along the western boundary of the Isola Property, which is required for the development of Isola.

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**Attachments**

Resolution w-Ex. A Legal Description

**RESOLUTION NO. 2021-2196**

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, AUTHORIZING THE ESTABLISHMENT OF A PUBLIC STREET FOR A SECTION OF COTTON LANE; PROVIDING RECORDATION CONDITIONS AND REQUIREMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant the power vested in the city of Goodyear ("city") by its Charter and pursuant to A.R.S. § 9-276, the Mayor and Council of the city of Goodyear have the power to establish, construct, improve, regulate vacate, modify roadways open to the public; and

WHEREAS, the city owns a certain parcel of real property consisting of approximately 9.83 acres, located at the southeast corner of Lower Buckeye Road and Cotton Lane which the City purchased in December 2007 from BT Goodyear, LLC, an Arizona limited liability company per the terms of the Development Agreement for the El Cidro development (the "City Property"); and

WHEREAS, Isola Goodyear LLC, an Arizona limited liability company ("Developer") owns and is in the process of developing Isola at El Cidro Ranch, which is generally located north of Elwood Street and along the eastern boundary of the the City Property (the "Isola Property"); and

WHEREAS the Developer intends to subdivide the Isola Property by the recordation of the Final Plat for El Cidro Parcel 5; and

WHEREAS, a portion of the City Property is located within a section of the Cotton Lane alignment; and

WHEREAS, in order to develop the Isola Property the Developer is required to construct a portion of Cotton Lane along the western boundary of the Isola Property; and

WHEREAS, approximately 29,534 square feet (.68 Acre) of the Cotton Lane alignment required for the development of the Isola Property lies within the City Property; and

WHEREAS, the Mayor and Council of the City of Goodyear find and determine that the public health, safety, and welfare require the establishment of a public street in the alignment more particularly described in the legal description, attached hereto as Exhibit A, to be opened to the public and maintained by the city.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

SECTION 1. DECLARATION OF RIGHT-OF-WAY

Subject to the conditions and requirements below, the Mayor and Council of the City of Goodyear find and determine that it is in the interest of the public health, safety and welfare of the city to designate and hereby declare as a city Public Street that portion of the Property, more particularly described and depicted in the Exhibit A attached hereto, and by reference, made a part hereof.

SECTION 2. EFFECTIVE DATE OF DECLARATION

The declaration of city Right-of-Way described in Section 1 above shall become effective upon the recordation of this Resolution 2021-2196 and its exhibits with the office of the County Recorder for Maricopa County, Arizona.

SECTION 3. CONDITIONS AND RECORDATION

This Resolution 2021-2196 shall not be recorded until all of the following have occurred: (i) all of the conditions necessary for the recordation of the Final Plat for El Cidro Parcel 5 approved this 13th day of December, 2021, have been satisfied; and (ii) the City Engineer or his/her designee has received signed mylars for the Final Plat for El Cidro Parcel 5 and is prepared to and has received direction to record the Final Plat for El Cidro Parcel 5. The City Clerk shall record this Resolution 2021-2196 with the office of the County Recorder for Maricopa County, Arizona after being notified by the City Engineer or his designee that all of the conditions necessary for the recordation of this Resolution 2021-2196 have been satisfied; and immediately following the recordation of this Resolution 2021-2196, the City Clerk shall record the Final Plat referred to herein.

SECTION 4. EFFECTIVE DATE

This Resolution shall become effective upon its adoption by the Mayor and Council of the city of Goodyear, Maricopa County.

PASSED AND ADOPTED by the Mayor and Council of the city of Goodyear, Maricopa County, Arizona, by a _____ vote, this _____ day of _____, 20_____.

_____
Georgia Lord, Mayor

Date: _____

ATTEST:

_____
Darcie McCracken, City Clerk

APPROVED AS TO FORM:

_____
Roric Massey, City Attorney

EXHIBIT "A"

# Legal Description
# For
# Right of Way Declaration
# Isola at El Cidro Ranch

Located in the Northwest Quarter of Section 24, Township 1 North, Range 2 West, Gila and Salt River Meridian, Maricopa County Arizona.

Being a portion of that certain parcel of land as described in document number 2007-1356154, Maricopa County Records, being described as follows:

Commencing at the West Quarter corner of said Section 24;

Thence South 89°45'48" East, along the South line of said Northwest Quarter, a distance of 55.00 feet to the Point of Beginning;

Thence departing said South line, North 00°11'10" East, parallel with and 55.00 feet Easterly, as measured at right angles to the West line of said Northwest Quarter, a distance of 1,405.47 feet;

Thence departing said parallel line, South 89°48'50" East, a distance of 10.00 feet;

Thence South 44°38'56" East, a distance of 47.27 feet;

Thence South 00°48'25" West, a distance of 60.06 feet;

Thence South 45°20'19" West, a distance of 46.09 feet;

Thence South 00°11'12" West, parallel with and 65.00 feet Easterly, as measured at right angles to said West line, a distance of 230.62 feet to the Northerly line of a 100’ wide electric easement as recorded in Book 68 of Miscellaneous, Page 92, Maricopa County Records, the centerline of said 100 foot wide easement being established by the location of the existing transmission line towers;

Thence South 71°00'20" East, along said Northerly line, a distance of 35.15 feet to the Easterly line of said parcel;

Thence departing said Northerly line, along the Easterly line of said parcel, the following 3 courses;

Thence South 10°22'00" West, a distance of 109.06 feet;

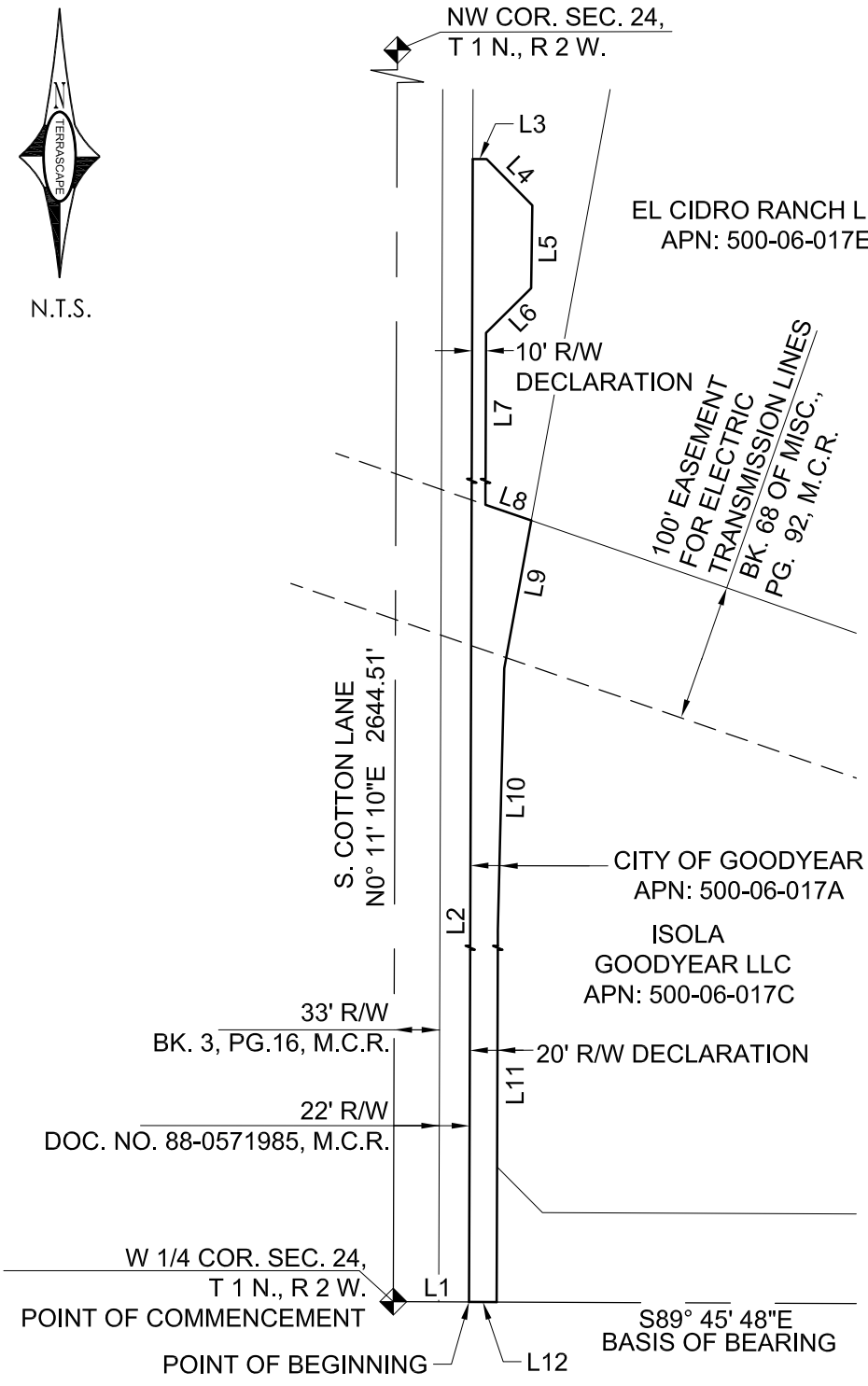
Thence South 01°23'32" West, a distance of 190.04 feet;

Thence South 00°11'10" West, a distance of 740.11 feet to the South line of said Northwest Quarter;

Thence departing said Easterly line, North 89°45'48" West, along said South line, a distance of 20.00 feet to the Point of Beginning.

Containing 29,534.19 square feet or 0.68 acres, more or less.

Registered Land Surveyor
48943
Mitchell H.
Ragsdale
10/7/21
Date Signed
ARIZONA U.S.A.




| Line Table | | |
|---|---|---|
| Line # | Direction | Length |
| L1 | S89° 45' 48"E | 55.00' |
| L2 | N00° 11' 10"E | 1405.47' |
| L3 | S89° 48' 50"E | 10.00' |
| L4 | S44° 38' 56"E | 47.27' |
| L5 | S00° 48' 25"W | 60.06' |
| L6 | S45° 20' 19"W | 46.09' |
| L7 | S00° 11' 12"W | 230.62' |
| L8 | S71° 00' 20"E | 35.15' |
| L9 | S10° 22' 00"W | 109.06' |
| L10 | S01° 23' 32"W | 190.04' |
| L11 | S00° 11' 10"W | 740.11' |
| L12 | N89° 45' 48"W | 20.00' |

Registered Land Surveyor
48943
Mitchell H.
Ragsdale
Date Signed 10/7/21
ARIZONA U.S.A.

consulting Terrascape
civil engineering • surveying • urban planning
645 East Missouri Ave, Suite160
Phoenix, Arizona 85012
P:602.297.8732

# EXHIBIT

## ISOLA AT EL CIDRO RANCH

RIGHT OF WAY DECLARATION
CITY OF GOODYEAR

*Project No. 0909* *Date: 10/07/21*

Plotted: 10/07/21 - 12:39 PM, By: mragsdale
File: M:\0909 Isola Homes - NEC Cotton Lane & Elwood St - Goodyear\Survey\0909_EXH_COG_ROW.dwg, --> EXH

ITEM #: 10.
DATE: 12/13/2021
AI #:600

# CITY COUNCIL ACTION REPORT

**SUBJECT: FINAL PLAT FOR PEBBLECREEK PHASE II UNIT 45**

**STAFF PRESENTER(S):** Katie Wilken, Planning Manager

## OTHER PRESENTER(S):

Jeff Uhrick, B&R Engineering

## SUMMARY

A final plat subdividing approximately 33.41 acres into 52 single family lots and 6 tracts located south Indian School Road, west of Sarival Avenue, within the PebbleCreek Planned Area Development (PAD).

## Recommendation

Approve the final plat for PebbleCreek Phase II Unit 45 subdividing approximately 33.41 acres into 52 lots and 6 tracts located south Indian School Road, west of Sarival Avenue, within the PebbleCreek Planned Area Development (PAD), subject to stipulations. (Katie Wilken, Planning Manager)

## STIPULATIONS

1. Prior to recordation of the final plat, owner shall obtain signature from Liberty Utilities for Certification of Assured Water supply on the cover sheet of the Final Plat.
2. Any technical corrections to the final plat required by the City Engineer shall be made prior to the recordation of the final plat.

## FISCAL IMPACT

Although a fiscal impact analysis has not been conducted on this specific project, all new development will have an ongoing fiscal impact on the city. The development is responsible for construction of infrastructure necessary to serve the site and will generate one-time revenue for the city through payment of permits, construction sales tax and development impact fees. Longer term fiscal impacts include increased demands for municipal services, the costs of which may or may not be offset by increased property values/tax levies, city sales tax, state shared revenues and the increased demand for commercial and retail development. Any areas that will be maintained by the city are constructed by the developer and then conveyed to the city two years after construction.

## BACKGROUND AND PREVIOUS ACTIONS

The property was rezoned on August 24, 1998, with the second phase of the PebbleCreek Golf Resort (Ordinance Nos. 98-620 and 98-621). The PebbleCreek PAD zoning allows for residential development on this parcel. This preliminary plat for PebbleCreek Phase II Units 45, 46, 47A, & 47B was approved by the City Council on August 19, 2019.

## STAFF ANALYSIS

The final plat substantially conforms to the approved preliminary plat and is consistent with the technical requirements of the city's subdivision regulations and engineering standards and provides for the orderly development of the property by identifying the required infrastructure needed to serve the development. Further, as set forth in the attached preliminary plat Council Action Report, the proposed subdivision is consistent with the General Plan and will not adversely impact the surrounding area.

---

**Attachments**

Aerial Photo

Preliminary Plat Council Action Report

Final Plat

**Pebblecreek Phase II Unit 45**
South of W Indian School Road
East of Loop 303
West of N Sarival Avenue




21-520-00017 Pebblecreek Phase II Unit 45

AGENDA ITEM #: _____

DATE: August 19, 2019

CAR #: 2019-6735

# CITY COUNCIL ACTION REPORT

**SUBJECT: Preliminary Plat for PebbleCreek Phase II Units 45, 46, 47A, & 47B**

**CASE NUMBER:** 18-500-00021

**STAFF PRESENTER(S):** Alex Lestinsky, Planner III

**APPLICANT:** Jeff Uhrick, B&R Engineering

**Summary:** Preliminary Plat for PebbleCreek Phase II Units 45, 46, 47A, & 47B

## Recommendation:

Approve the preliminary plat for PebbleCreek Phase II, Units 45, 46, 47A, & 47B, subdividing approximately 122 acres into 272 lots and 19 tracts, subject to the following stipulations:

1. Prior to obtaining a Certificate of Occupancy for any lots within Unit 47B, all offsite, connecting roadways included in the PebbleCreek Phase II, Unit 47A and 46 final plats shall be constructed;
2. The Public Sales Report and final plat shall include a statement that PebbleCreek Phase II is subject to attendant noise, vibrations, dust, and all other effects that may be caused by overflight and by the operation of aircraft landing at, or taking off from, Luke Air Force Base and/or the Phoenix Goodyear Airport;
3. The Public Sales Report and final plat shall include a statement that: PebbleCreek Phase II is in proximity to the I-10 and Loop 303 freeways and may be subject to potential noise intrusion, vibrations, dust, and all other effects that may be caused by said freeways;
4. A note shall be provided on the final plat and the public sales report acknowledging that the development is in close proximity to the Arizona Motorsports Park, generally located at Camelback Road and Reems Road, and may be subject to noise intrusion;
5. Streets within the subdivision shall be privately owned and maintained. The developer and/or HOA shall bring the streets to current city standards in the event that a request is made to dedicate the streets to the city of Goodyear;
6. The final plat for these units shall include the following in the notes: Corner lots are limited to one-story homes unless a minimum 10-foot wide landscape strip is provided, or the lot is at least 10 feet wider than the minimum lot width required.

**Fiscal Impact:** Although a fiscal impact analysis has not been conducted on this specific project, all new development will have an ongoing fiscal impact on the City. The development is responsible for construction of all infrastructure necessary to serve the site and will generate one-time revenue for the City through payment of permits, construction sales tax and development impact fees. Longer-term fiscal impacts include increased demands for municipal services, the costs of which may or may not be offset by increased property values/tax levies, city sales tax, state shared revenues and the increased demand for commercial and retail development.

## Background and Previous Actions

The property was rezoned on August 24, 1998, with the second phase of the PebbleCreek Golf Resort (Ordinance Nos. 98-620 and 98-621). The PebbleCreek PAD zoning allows for residential development on this parcel.

This preliminary plat has not been previously presented to the City Council. Planning and Zoning Commission recommended approval of the preliminary plat on August 7, 2019.

## Staff Analysis

**Current Policy:**
Prior to subdividing a property, the owner must submit a preliminary plat that demonstrates compliance with public objectives, subdivision design principles and standards, and streets and thoroughfare planning. The preliminary plat also must be accompanied by information demonstrating the adequacy of utilities, open space and other public facilities necessary to serve the site. An approved preliminary plat shall expire within 12 months from the date of City Council approval unless either a final plat has been submitted for all or part of the property included in the preliminary plat or an extension has been obtained.

**Details of the Request:**
The request is to subdivide approximately 122 acres into 272 lots and 19 tracts. The subdivision will be accessed from West Fairmont Avenue, and West Monterey Way.

Surrounding development includes:

- North – Proposed PebbleCreek future golf course
- South –PebbleCreek Phase II units 48 and 49
- East – PebbleCreek Phase II units 24 and 43
- West – Loop 303 Freeway

**Luke Air Force Base and Phoenix Goodyear Airport:**
The subject property is located in the vicinity of Luke Air Force Base and the Phoenix Goodyear Airport Traffic Pattern Airspace. A stipulation has been included to require a general note on the final plat to inform the public and homeowners of base and airport operations and the potential for attendant noise and potential over-flights.

**Fire Department:**
Fire station response times are provided below:

| Nearest Goodyear Fire Station | Shortest path | | Longest path | |
|---|---|---|---|---|
| | Mins | Miles | Mins | Miles |
| #185 | 2.56 | 1.28 | 3.63 | 1.81 |

| 2nd Nearest Goodyear Fire Station | Shortest path | | Longest path | |
|---|---|---|---|---|
| | Mins | Miles | Mins | Miles |
| #183 | 8.26 | 4.13 | 8.65 | 4.32 |

**Police Department:**
The subdivision is located within an existing Police patrol beat and the current level of service within the beat can accommodate the development of the property.

**Water/Wastewater:**
Liberty Utilities is the water and wastewater service provider.

**Streets/Access:**
All streets within the subdivision will be private and maintained by the HOA. Two points of access to the subdivision are provided through the adjacent parcels to the east (Fairmont Ave.) and south (165th and 167th Drives).

The proposed subdivision is consistent with the General Plan and will not adversely impact the surrounding area. Further, the proposed subdivision is consistent with the technical requirements of the city's subdivision regulations and engineering standards, and provides for the orderly development of the property by identifying the required infrastructure needed to serve the development.

## Attachments

1. Aerial Photo
2. Preliminary Plat

# FINAL PLAT PEBBLECREEK PHASE II UNIT FORTY-FIVE

LOCATED IN PORTION THE EAST HALF OF SECTION 25, TOWNSHIP 2 NORTH, RANGE 2 WEST, OF THE G. & S.R.M., CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA

## DEDICATION:

STATE OF ARIZONA }
COUNTY OF MARICOPA } S.S.

FIRST AMERICAN TITLE INSURANCE COMPANY, A NEBRASKA CORPORATION (REDOMESTICATED FROM CALIFORNIA EFFECTIVE JULY 1, 2014) AS TRUSTEE OF ITS TRUST NO. 7854 HEREBY SUBDIVIDES UNDER THE NAME OF "FINAL PLAT PEBBLECREEK PHASE II UNIT FORTY-FIVE". A PORTION OF THE EAST HALF OF SECTION 25, TOWNSHIP 2 NORTH, RANGE 2 WEST, GILA AND SALT RIVER MERIDIAN, CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, AND MORE PARTICULARLY, DESCRIBED ON THIS PLAT.(SHEET 5 OF 5) TRUSTEE HEREBY DECLARES THAT THIS PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF THE LOTS, TRACTS, EASEMENTS, STREETS AND PRIVATE ACCESS WAYS CONSTITUTING FINAL PLAT PEBBLECREEK PHASE II UNIT FORTY-FIVE AND THAT EACH LOT, TRACT, EASEMENT, STREET, PRIVATE ACCESS WAY AND OTHER PORTION OF FINAL PLAT PEBBLECREEK PHASE II UNIT FORTY-FIVE SHALL BE KNOWN BY THE NUMBER, LETTER OR NAME THAT IS SET FORTH ON THIS PLAT. COMMON AREA TRACT "A" IS DECLARED A PRIVATE ACCESS WAY FOR DRAINAGE AND FOR INGRESS AND EGRESS TO AND FROM THE LOTS, TRACTS AND OTHER PORTIONS OF FINAL PLAT PEBBLECREEK PHASE II UNIT FORTY-FIVE AND OTHER PORTIONS OF PEBBLECREEK GOLF RESORT BY THE OWNERS THEREOF, BY PEBBLECREEK PROPERTIES LIMITED PARTNERSHIP, AN ARIZONA LIMITED PARTNERSHIP ("PEBBLECREEK PROPERTIES"), BY THEIR RESPECTIVE GUESTS AND INVITEES AND BY FIRE, POLICE, AND EMERGENCY AND GOVERNMENTAL SERVICE VEHICLES AND PERSONNEL, INCLUDING REFUSE COLLECTION VEHICLES AND PERSONNEL. TRUSTEE HEREBY DEDICATES TO ALL PUBLIC UTILITY PROVIDERS A NON-EXCLUSIVE EASEMENT WITHIN COMMON AREA TRACT "A" AND WITHIN ALL AREAS DESIGNATED ON THIS PLAT AS PUBLIC UTILITIES EASEMENTS, WHICH NON-EXCLUSIVE EASEMENT IS FOR UNDERGROUND CABLES, PIPES, WIRES AND OTHER UNDERGROUND EQUIPMENT AND, IF AND TO THE EXTENT APPROVED IN WRITING BY PEBBLECREEK PROPERTIES OR ITS DESIGNATED SUCCESSORS OR ASSIGNS, FOR RELATED ABOVE-GROUND FACILITIES, FOR ELECTRICITY, GAS, COMMUNICATIONS, WATER, CABLE TELEVISION, SEWAGE DISPOSAL, AND EFFLUENT TREATMENT OR DISPOSAL, EXCEPT THAT THE CONSENT OF PEBBLECREEK PROPERTIES OR ITS DESIGNATED SUCCESSOR OR ASSIGN SHALL NOT BE REQUIRED FOR SUCH PERMITTED ABOVE-GROUND FACILITIES IF THE CITY OF GOODYEAR OR A COMMUNITY FACILITIES DISTRICT WITHIN SUCH CITY IS THE UTILITY PROVIDER. EXCEPT WHEN THE APPLICABLE PUBLIC UTILITY PROVIDER IS THE CITY OF GOODYEAR OR A COMMUNITY FACILITIES DISTRICT WITHIN SUCH CITY, A PUBLIC UTILITY PROVIDER'S ACCEPTANCE OF THIS EASEMENT CONSTITUTES SUCH PUBLIC UTILITY PROVIDER'S AGREEMENT (WHICH ACCEPTANCE AND AGREEMENT SHALL CONCLUSIVELY BE EVIDENCED BY THE INSTALLATION OF ANY CABLES, WIRES, PIPES, CONDUIT OR OTHER EQUIPMENT OR MATERIALS WITHIN THE PROPERTY SUBJECT TO THIS PLAT BY, FOR OR ON BEHALF OF SUCH PUBLIC UTILITY PROVIDER AND WHICH ACCEPTANCE AND AGREEMENT SHALL BE A CONDITION TO THE EFFECTIVENESS OF THIS EASEMENT WITH RESPECT TO SUCH PUBLIC UTILITY PROVIDER) TO: (A) INDEMNIFY, DEFEND AND HOLD HARMLESS (1) PEBBLECREEK PROPERTIES, (2) THE PROPERTY OWNERS ASSOCIATION(S) ESTABLISHED BY PEBBLECREEK PROPERTIES FOR FINAL PLAT PEBBLECREEK PHASE II UNIT FORTY-FIVE AND PEBBLECREEK GOLF RESORT, (3) THE RESPECTIVE PARTNERS, OFFICERS, DIRECTORS, EMPLOYEES, MEMBERS SUCCESSORS AND ASSIGNS OF PEBBLECREEK PROPERTIES AND OF SUCH PROPERTY OWNERS ASSOCIATION(S), AND (4) THE RESPECTIVE OWNERS OF THE REAL PROPERTY THAT IS SUBJECT TO THE FOREGOING EASEMENT FROM AND AGAINST ALL CLAIMS, DEMANDS, LIABILITIES, OBLIGATIONS, DAMAGES, SUITS, COSTS AND EXPENSES, INCLUDING BUT NOT LIMITED TO COURT COSTS AND ATTORNEYS' FEES, ARISING FROM OR RELATING TO ANY PERSONAL INJURY, DEATH, PROPERTY DAMAGE OR OTHERWISE, IN CONNECTION WITH THE INSTALLATION, CONSTRUCTION, DESIGN, OPERATION, REPAIR, MAINTENANCE OR REPLACEMENT OF ANY CABLES, PIPES, WIRES OR OTHER EQUIPMENT OR FACILITIES BY, FOR OR ON BEHALF OF SUCH PUBLIC UTILITY PROVIDER OR IN CONNECTION WITH SUCH PUBLIC UTILITY PROVIDER'S OPERATIONS WITHIN FINAL PLAT PEBBLECREEK PHASE II UNIT FORTY-FIVE AND PEBBLECREEK GOLF RESORT; AND (B) REPAIR AND RESTORE ALL STREETS, FENCING, LANDSCAPING AND OTHER IMPROVEMENTS DAMAGED OR DESTROYED BY SUCH PUBLIC UTILITIES PROVIDER TO THE SAME CONDITION AS PRIOR TO THEIR DAMAGE OR DESTRUCTION. IN THE EVENT THE CITY OF GOODYEAR OR ANY COMMUNITY FACILITIES DISTRICT WITHIN SUCH CITY IS OR BECOMES A PUBLIC UTILITY PROVIDER AND INSTALLS, MAINTAINS, REPAIRS OR REPLACES ANY OF ITS PUBLIC UTILITIES WITHIN THE EASEMENT GRANTED TO PUBLIC UTILITY PROVIDERS BY THIS DEDICATION, AND IF THE CITY OF GOODYEAR OR SUCH COMMUNITY FACILITIES DISTRICT DAMAGES OR DESTROYS ANY STREETS, LANDSCAPING OR PRIVATE PROPERTY WITHIN THE EASEMENT, THE REPAIR AND REPLACEMENT OF SUCH LANDSCAPING OR PRIVATE PROPERTY LOCATED WITHIN THE EASEMENT SHALL BE THE RESPONSIBILITY OF THE OWNERS OF SUCH PROPERTY, EXCEPT THAT THE CITY OF GOODYEAR OR SUCH COMMUNITY FACILITIES DISTRICT SHALL CLOSE ANY EXCAVATIONS MADE BY IT WITHIN SUCH EASEMENT AND SHALL REPAIR THE STREETS (I.E. PRIVATE ACCESS WAYS), AT THE POINT OF ANY SUCH DAMAGE OR EXCAVATION, TO THE SAME CONDITION AS PRIOR TO THEIR DAMAGE OR EXCAVATION BY THE CITY OF GOODYEAR OR SUCH COMMUNITY FACILITIES DISTRICT, EXCEPT THAT THE CITY OF GOODYEAR WILL NOT BE RESPONSIBLE TO REPLACE DECORATIVE PAVEMENT INSTALLED OVER CITY UTILITY LINES BUT THAT PAVEMENT REPLACED SHALL BE TYPICAL BLACK ASPHALT CONCRETE COLOR OR GRAY CONCRETE COLOR.

WATER AND SEWER EASEMENT ('EASEMENTS') IN TRACT 'A' AS DESCRIBED ABOVE ARE GRANTED TO LIBERTY UTILITIES (LITCHFIELD PARK WATER & SEWER) CORP., AND THEIR SUCCESSORS AND ASSIGNS (COLLECTIVELY, 'GRANTEE'), TO CONSTRUCT, OPERATE, AND MAINTAIN UNDERGROUND (AND TO THE EXTENT APPROVED IN WRITING BY PEBBLECREEK PROPERTIES, OR ITS DESIGNATED SUCCESSORS OR ASSIGNS, FOR RELATED ABOVE GROUND FACILITIES [EXCEPT FIRE HYDRANTS, WHICH SHALL NOT REQUIRE SUCH APPROVAL]) WATER AND SEWER LINES AND APPURTENANT FACILITIES (COLLECTIVELY, 'FACILITIES') UPON, ACROSS OVER AND UNDER THE SURFACE OF THE EASEMENTS, TOGETHER WITH THE RIGHT TO OPERATE, REPAIR, REPLACE, MAINTAIN, AND REMOVE THE FACILITIES FROM THE PREMISES; TO ADD OR TO ALTER THE FACILITIES, AND TO PROVIDE GRANTEE WITH REASONABLE INGRESS AND EGRESS TO THE FACILITIES. GRANTEE WILL HAVE UNRESTRICTED ACCESS TO THE EASEMENT FOR THE ACTIVITIES DESCRIBED ABOVE AND FORMAL NOTIFICATION OR APPROVAL BY ANY ASSOCIATION PRIOR TO ACCESSING THE EASEMENT WILL NOT BE REQUIRED.

GRANTOR SHALL NOT ERECT, CONSTRUCT OR PERMIT TO BE ERECTED OR CONSTRUCTED ANY BUILDING OR OTHER STRUCTURE WITHIN THE LIMITS OF THE P.U.E. IN TRACT 'A', AND TRACTS 'B' ,'C', 'D', 'E', AND 'F' (AS SHOWN ON PLAT) ; PROVIDED, HOWEVER, GRANTOR SHALL HAVE THE RIGHT TO CONSTRUCT AND ERECT FENCES, TO INSTALL LANDSCAPING, PARKING FACILITIES AND DRIVEWAYS, AND TO ESTABLISH OTHER USES WHICH ARE NOT INCONSISTENT WITH USES WITHIN THE LIMITS OF SAID PUBLIC UTILITY EASEMENT TRACT 'A', AND TRACTS 'B', 'C', 'D', 'E', AND 'F' (AS SHOWN ON PLAT) IN A MANNER WHICH WILL NOT UNREASONABLY INTERFERE WITH GRANTEES' ACCESS TO THE FACILITIES.

THIS EASEMENT (TRACT 'A' ) IS GRANTED SUBJECT TO THE CONDITION THAT GRANTEE SHALL HOLD GRANTOR AND GRANTOR'S SUCCESSORS AND ASSIGNS AND PEBBLECREEK GOLF RESORT HOMEOWNERS ASSOCIATION NO. 1, INC. HARMLESS FROM ANY AND ALL DAMAGES, CLAIMS, LIABILITIES OR EXPENSES WHICH MAY RESULT FROM GRANTEE'S USE OF THE EASEMENT. BY ACCEPTING THE EASEMENT, THE GRANTEE AGREES TO EXERCISE REASONABLE CARE TO AVOID DAMAGE TO THE PREMISES AND ALL PROPERTY THAT MAY AT ANY TIME BE THEREON.

FIRST AMERICAN TITLE INSURANCE COMPANY, A NEBRASKA CORPORATION (REDOMESTICATED FROM CALIFORNIA EFFECTIVE JULY 1, 2014) AS TRUSTEE UNDER TRUST NO. 7854, AND NOT PERSONALLY.

BY:_____
SIMIN BERRY, SENIOR TRUST OFFICER

## ACKNOWLEDGMENT

STATE OF ARIZONA }
COUNTY OF MARICOPA } S.S.

ON THIS THE _____ DAY OF _____, 2021, THE UNDERSIGNED OFFICER, _____, AS SR. TRUST OFFICER FIRST AMERICAN TITLE INSURANCE COMPANY, A NEBRASKA CORPORATION (REDOMESTICATED FROM CALIFORNIA EFFECTIVE JULY 1 2014) AS TRUSTEE UNDER TRUST NO. 7854, AND NOT PERSONALLY, APPEARED BEFORE ME AND BEING DULY AUTHORIZED TO DO SO, EXECUTED THE FOREGOING FOR THE PURPOSES HEREIN CONTAINED, UPON BEHALF OF THE CORPORATION, AS TRUSTEE

IN WITNESS WHEREOF I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC:_____

MY COMMISSION EXPIRES:_____

## LIEN HOLDER'S RATIFICATION

THE UNDERSIGNED, A BENEFICIARY UNDER A CERTAIN DEED OF TRUST DATED FEBRUARY 27, 2018, AND RECORDED FEBRUAURY 28, 2018, IN THE OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA AT DOCUMENT NO. 20180153214, AS AMENDED BY AMENDMENT TO DEED OF TRUST, DATED SEPTEMBER 30, 2019, AND RECORDED ON SEPTEMBER 30, 2019, IN THE OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA, AT DOCUMENT NO. 20190772731, ENCUMBERING THE PROPERTY, HEREBY EXPRESSLY CONSENTS TO AND JOINS IN THE EXECUTION AND RECORDING OF THIS SUBDIVISION PLAT AND DOES HEREBY SUBORDINATE THE LIEN OF THE DEED OF TRUST TO THE EASEMENTS DEDICATED AND GRANTED HEREIN AS SHOWN ON THIS SUBDIVISION PLAT. IT IS EXPRESSLY UNDERSTOOD THAT THIS RELEASE AND SUBORDINATION APPLIES ONLY TO THE PORTIONS OF THE PROPERTY BEING DEDICATED AND GRANTED AND SHALL NOT, IN ANY WAY, AFFECT THE LIEN OF THE DEED OF TRUST UPON THE REMAINDER OF THE PROPERTY. THE UNDERSIGNED REPRESENTS THAT HE OR SHE HAS FULL POWER AND AUTHORITY TO EXECUTE THIS LENDER'S CONSENT AND SUBORDINATION ON BEHALF OF THE LENDER AS BENEFICIARY UNDER THAT CERTAIN DEED OF TRUST RECORDED IN THE OFFICIAL RECORDS OF MARICOPA COUNTY, AZ AT DOCUMENT NO. 20190772731.

WESTERN ALLIANCE BANK,
AN ARIZONA CORPORATION

BY: _____

TITLE: _____

## ACKNOWLEDGMENT

STATE OF ARIZONA }
COUNTY OF MARICOPA } SS.

ON THIS _____ DAY OF _____, 2021, BEFORE ME, THE UNDERSIGNED, PERSONALLY APPEARED _____ WHO ACKNOWLEDGED HIMSELF/HERSELF TO BE THE _____ OF WESTERN ALLIANCE BANK, AN ARIZONA CORPORATION, AND BEING AUTHORIZED SO TO DO ON BEHALF OF SAID ENTITY, EXECUTED THE FOREGOING RATIFICATION.

IN WITNESS WHEREOF I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC:_____

MY COMMISSION EXPIRES:_____

## LEGAL DESCRIPTION

SEE SHEET 5 OF 5.

## CERTIFICATE OF ASSURED WATER SUPPLY

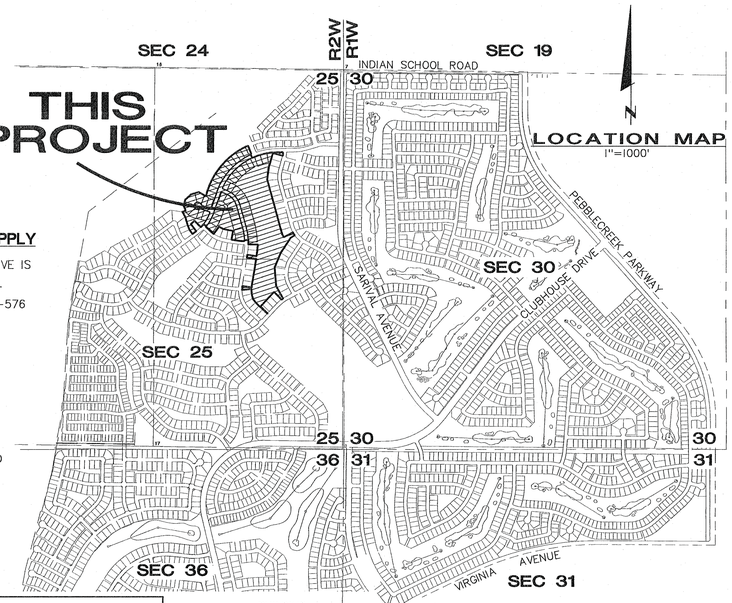
FINAL PLAT PEBBLECREEK PHASE II UNIT FORTY-FIVE IS WITHIN THE SERVICE AREA OF LIBERTY UTILITIES. PEBBLECREEK HAS BEEN ISSUED A CERTIFICATE OF ASSURED WATER SUPPLY PURSUANT TO A.R.S. 45-576 SUB-SECTION A.

LIBERTY UTILITIES (LITCHFIELD PARK WATER & SEWER) CORP.

## BENCHMARKS

C.O.G. BENCHMARK G357 – FOUND BRASS CAP IN HAND HOLE AT INTERSECTION OF THOMAS ROAD AND PEBBLECREEK PARKWAY (S.W. CORNER SECTION 29) ELEVATION = 1014.50 NGVD29 (PROJECT DATUM). =1016.38 NAVD88

C.O.G. BENCHMARK G371 – FOUND BRASS CAP IN HAND HOLE AT INTERSECTION OF CAMELBACK ROAD AND ALSUP (1/2 MILE WEST OF REEMS ROAD) ELEVATION = 1054.59 NGVD29 (PROJECT DATUM). =1056.34 NAVD88




## FINAL PLAT APPROVAL

APPROVED BY THE CITY COUNCIL OF THE CITY OF GOODYEAR, ARIZONA THIS _____ DAY OF_____, 2021.

BY:_____
MAYOR (GEORGIA LORD)

ATTEST:_____
CITY CLERK (DARCIE McCRACKEN)

## FINAL PLAT APPROVAL

APPROVED BY THE CITY ENGINEER OF THE CITY OF GOODYEAR, ARIZONA THIS _____ DAY OF_____, 2021.

BY:_____
CITY ENGINEER (SUMEET MOHAN)

## OWNER/TRUSTEE:

FIRST AMERICAN TITLE INSURANCE CO.
UNDER TRUST #7854
ATTN: SIMIN BERRY
9000 EAST PIMA CENTER PARKWAY
SCOTTSDALE, ARIZONA 85258
PHONE:(620) 685-7033
EMAIL: SIBERRY@FIRSTAM.COM

## DEVELOPER:

PEBBLECREEK PROPERTIES
LIMITED PARTNERSHIP
ATTN: PAULA ROBINSON
9532 E. RIGGS ROAD
SUN LAKES, ARIZONA 85248
PHONE:(480) 895-9200
EMAIL: PAULA.ROBINSON@ROBSON.COM

## ENGINEER:

B & R ENGINEERING, INC.
ATTN: JEFFREY L. UHRICK
9666 E. RIGGS ROAD SUITE 118
SUN LAKES, ARIZONA 85248
PHONE:(480) 895-0799
EMAIL: JUHRICK@BNRAZ.COM

## SURVEYOR:

DESERT SKY SURVEYING, INC.
ATTN: WILLIE J. KATES
13845 E. VISTA VERDE
CHANDLER, ARIZONA 85249
PHONE:(602)499-0884
EMAIL: WKATES@BNRAZ.COM

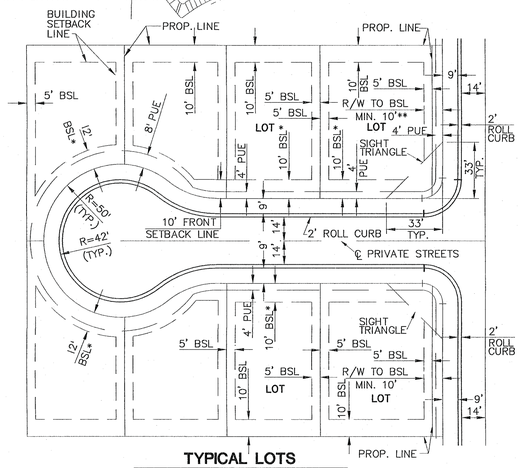
## UTILITY COMPANIES

WATER _____ LIBERTY UTILITIES
WASTE WATER _____ LIBERTY UTILITIES
ELECTRIC _____ ARIZONA PUBLIC SERVICE
NATURAL GAS _____ SOUTHWEST GAS CO.
TELEPHONE _____ CENTURYLINK
CABLE TELEVISION _____ COX CABLE

EXISTING ZONING IS P.A.D.
GROSS AREA OF THIS SUBDIVISION IS 33.41 ACRES.
TOTAL NUMBER OF LOTS IS 52.
THE MINIMUM LOT SIZE IS 6,600 SQ.FT.
THE AVERAGE LOT SIZE IS 9,159 SQ.FT.

## DESCRIPTION OF TRACTS

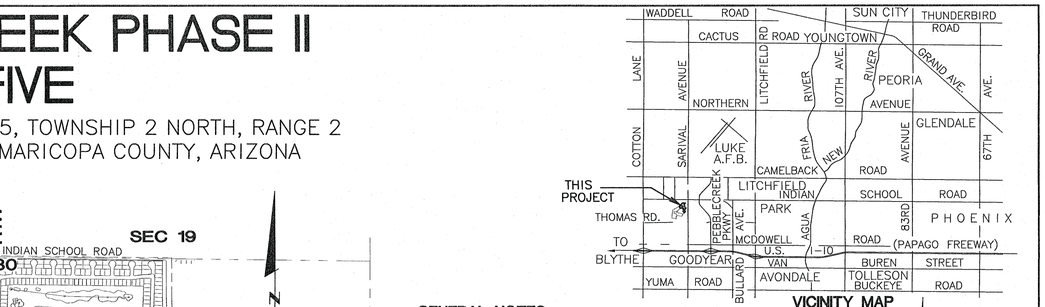
| TRACT | USAGE | MAINTAINED/OWNER | AREA |
|---|---|---|---|
| A | PRIVATE ROADWAY/DRAINAGE/UTILITY/WATER AND SEWER EASEMENTS | PEBBLECREEK GOLF RESORT HOMEOWNERS ASSOCIATION NO. I, INC. | 2.68 AC. |
| B | OPEN SPACE /P.U.E. (AS SHOWN ON PLAT) | PEBBLECREEK GOLF RESORT HOMEOWNERS ASSOCIATION NO. I, INC. | 0.78 AC. |
| C | OPEN SPACE /P.U.E. (AS SHOWN ON PLAT) | PEBBLECREEK GOLF RESORT HOMEOWNERS ASSOCIATION NO. I, INC. | 1.37 AC. |
| D | OPEN SPACE /P.U.E. (AS SHOWN ON PLAT) | PEBBLECREEK GOLF RESORT HOMEOWNERS ASSOCIATION NO. I, INC. | 0.12 AC. |
| E | OPEN SPACE /P.U.E. (AS SHOWN ON PLAT) | PEBBLECREEK GOLF RESORT HOMEOWNERS ASSOCIATION NO. I, INC. | 0.11 AC. |
| F | GOLF COURSE/DRAINAGE/OPEN SPACE/P.U.E. (AS SHOWN ON PLAT) | PEBBLECREEK GOLF RESORT HOMEOWNERS ASSOCIATION NO. I, INC. | 16.06 AC. |




## TYPICAL LOTS

**WITH PUBLIC UTILITY EASEMENTS AND MINIMUM BUILDING SETBACKS**

P.U.E. – INDICATES PUBLIC UTILITY EASEMENT
B.S.L. – INDICATES BUILDING SETBACK LINE
TYPICAL LOTS SHOWING SETBACK LINES AND PUBLIC UTILITY EASEMENTS (UNLESS OTHERWISE SHOWN)
SCALE: 1" = 40'
MIN. FRONT YARD SETBACK = 10 FT.
MIN. STREET SIDE SETBACK = 10 FT.**
MIN. REAR YARD SETBACK = 10 FT.
MIN. SIDE YARD SETBACK = 5 FT.
* FRONT YARD BUILDING SETBACKS TO BE INCREASED BY 5' ADJACENT TO SIDEWALKS
BUILDING SETBACK LINE TO BE 12 FEET WITHIN THE CUL-DE-SAC TO ALLOW FOR A 20 FOOT DRIVEWAY
** STREET SIDE BUILDING SETBACKS ARE 10' FROM THE ADJACENT RIGHT-OF-WAY OR 5' FROM THE SIDE LOT LINE WHERE A TRACT IS PRESENT, WHICHEVER IS GREATER.




## VICINITY MAP

SCALE: 1" = 3 MILES

## GENERAL NOTES

1. GROSS AREA OF THIS SUBDIVISION IS 33.41 ACRES.
2. TOTAL NUMBER OF LOTS: 52
3. BASIS OF BEARINGS:
   THE BEARING OF SOUTH 89°12'47" EAST ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 25, T2N, R2W, OF THE G & SRM. AS SHOWN ON THE FINAL PLAT PEBBLECREEK PHASE II UNIT FORTY FOUR, BOOK 992 PAGE 27, M.C.R.
4. THERE SHALL BE A ONE FOOT, VEHICULAR NON-ACCESS EASEMENT (VNAE) IN LOCATIONS AS SHOWN ON THE PLAT.
5. A FOUR-FOOT (4') PUBLIC UTILITY EASEMENT ADJACENT TO ALL STREETS WITHIN THE LOT AREAS IS DEDICATED HEREON. AN EIGHT-FOOT (8') UNDERGROUND PUBLIC UTILITY EASEMENT ADJACENT TO ALL CUL-DE-SAC STREETS WITHIN THE LOT AREAS AS SHOWN ON THE PLAT IS DEDICATED HEREON.
6. A 1/2" IRON ROD WILL BE SET AND TAGGED WITH RLS #27744 AT ALL LOT CORNERS.
7. A THREE-INCH BRASS SURVEY MONUMENT TO BE SET IN CONCRETE AT ALL CENTERLINE P.C., P.T., AND STREET CENTERLINE INTERSECTIONS.
8. ALL STREETS WITHIN COMMON AREA TRACT "A" ARE PRIVATE. TRACTS 'B', 'C', 'D', 'E' AND 'F' ARE DESIGNATED FOR DRAINAGE AND OPEN SPACE PURPOSES.
9. THE STREETS ARE PRIVATE STREETS, TO BE OWNED AND MAINTAINED BY THE PEBBLECREEK GOLF RESORT HOMEOWNERS ASSOCIATION NO. 1, INC.. AFTER THIS PLAT IS RECORDED, THE CITY OF GOODYEAR WILL NOT ACCEPT DEDICATION OF THE STREET MAINTENANCE RESPONSIBILITIES UNLESS ALL STREET IMPROVEMENTS AND RIGHTS-OF-WAY MEET CURRENT APPLICABLE CITY STANDARDS, UNLESS STREETS ARE BROUGHT UP TO CURRENT CITY STANDARDS.
10. PEBBLECREEK PHASE II UNIT FORTY-FIVE IS SUBJECT TO ATTENDANT NOISE, VIBRATIONS, DUST, AND ALL OTHER EFFECTS THAT MAY BE CAUSED BY OVERFLIGHT AND BY THE OPERATION OF AIRCRAFT LANDING AT, OR TAKING OFF FROM, LUKE AIR FORCE BASE AND/OR PHOENIX-GOODYEAR AIRPORT.
11. TRACTS 'B', 'C', 'D', 'E', AND 'F', ARE HEREBY DESIGNATED FOR DRAINAGE AND OPEN SPACE PURPOSES, AND WILL BE OWNED AND MAINTAINED BY PEBBLECREEK GOLF RESORT HOMEOWNER ASSOCIATION No. 1, INC. THE PROPERTY OWNER SHALL BE RESPONSIBLE FOR THE PROPER MAINTENANCE AND REPAIR OF ALL FACILITIES ASSOCIATED WITH STORMWATER MANAGEMENT ON THE PROPERTY.
12. NO TWO-STORY HOMES SHALL BE PERMITTED ON CORNER LOT 12, 38, 44, AND 52.
13. WALLS IN EXCESS OF 3-FEET WILL NOT BE PERMITTED IN THE AREA OF THE SIGHT VISIBILITY EASEMENT AT THE REAR OR STREET SIDE OF LOTS 12, 31, 38, 39, 44, AND 52.
14. NO STRUCTURES OF ANY KIND SHALL BE CONSTRUCTED OR PLACED WITHIN OR OVER THE UTILITY EASEMENTS EXCEPT: UTILITIES, ASPHALT PAVING, GRASS, AND WOOD, WIRE OR REMOVABLE SECTION TYPE FENCING. IT SHALL BE FURTHER UNDERSTOOD THAT THE CITY OF GOODYEAR SHALL NOT BE REQUIRED TO REPLACE ANY OBSTRUCTIONS, PAVING OR PLANTING THAT MUST BE REMOVED DURING THE COURSE OF MAINTENANCE, CONSTRUCTION OR RECONSTRUCTION.
15. STRUCTURES AND LANDSCAPING WITHIN VISIBILITY EASEMENTS WILL BE LIMITED TO GRANITE, GROUND COVER, AND FLOWERS LESS THAN 2 FEET (MATURE) IN HEIGHT AND/OR TREES WITH BRANCHES NOT LESS THAN 6 FEET ABOVE THE GROUND. TREES SHALL NOT BE PLACED LESS THAN 8 FEET APART.
16. ALL NEW OR RELOCATED UTILITIES WILL BE PLACED UNDERGROUND, WITH EXCEPTION TO ANY 69KVA OR GREATER ELECTRICAL LINES.
17. ALL SHADE STRUCTURES IN THE REAR YARD SHALL BE APPROVED BY THE PEBBLECREEK ARCHITECTURAL REVIEW COMMITTEE.
18. DRIVEWAYS ON CORNER LOTS ARE TO BE LOCATED ON THE SIDE OF THE LOT FURTHEST FROM THE STREET INTERSECTION.
19. PEBBLECREEK PHASE II UNIT FORTY-FIVE IS IN CLOSE PROXIMITY TO THE ARIZONA MOTORSPORTS PARK, GENERALLY LOCATED AT CAMELBACK AND REEMS ROADS, AND MAY BE SUBJECT TO NOISE INTRUSION.
20. THE DEVELOPER SHALL POST SIGNAGE WITHIN ALL SUBDIVISION SALES OFFICES IDENTIFYING THE LOCATION OF THE LUKE AIR FORCE BASE ACCIDENT POTENTIAL ZONES (APZs), 65 Ldn AND HIGHER NOISE CONTOURS, AND DEPARTURE CORRIDORS, AS WELL AS THE PHOENIX-GOODYEAR AIRPORT TRAFFIC PATTERN AREA AND NOISE CONTOURS. THIS DISPLAY SHALL INCLUDE A TWENTY-FOUR BY THIRTY-SIX INCH (24"X36") MAP AT THE SALES FACILITY, BE CLEARLY VISIBLE ON THE WALL AND SHALL INCLUDE THE APPROXIMATE LOCATIONS OF THE HOMES OR APARTMENTS BEING SOLD OR LEASED CLEARLY DEPICTED. THE REQUIRED CONTENTS OF THE MAP SHALL BE PROVIDED BY THE CITY OF GOODYEAR.
21. BUILDING SETBACKS EXCEED THOSE APPROVED IN THE PEBBLECREEK PHASE II P.A.D. AGREEMENT. REFERENCE THE APPROVED P.A.D. AGREEMENT FOR MORE INFORMATION.
22. PEBBLECREEK PHASE II UNIT FORTY-FIVE IS IN PROXIMITY TO THE INTERSTATE 10 AND LOOP 303 FREEWAY AND MAY BE SUBJECT TO POTENTIAL NOISE INTRUSION, VIBRATIONS, DUST AND ALL OTHER EFFECTS THAT MAY BE CAUSED BY SAID FREEWAYS AND THE CONSTRUCTION OF THEREOF.
23. PEBBLECREEK PHASE II UNIT FORTY-FIVE IS IN CLOSE PROXIMITY TO AGRICULTURAL USES AND MAY THEREFORE BE SUBJECT TO NOISE, DUST, AND ODORS ASSOCIATED WITH SUCH USES.
24. DWELLING UNITS LOCATED ON LOTS THAT FRONT A T-INTERSECTION SHALL BE CONFIGURED SO THAT THE NON-LIVABLE PORTIONS OF THE DWELLING FACE ONCOMING TRAFFIC. (UNIT FORTY-FIVE – LOTS 28, AND 42).
25. THE CITY OF GOODYEAR IS NOT RESPONSIBLE FOR AND WILL NOT ACCEPT MAINTENANCE OF ANY PRIVATE UTILITIES, PRIVATE STREETS, PRIVATE FACILITIES AND LANDSCAPED AREAS WITHIN THIS DEVELOPMENT.
26. MAINTENANCE OF ALL STREET LIGHTING AND LANDSCAPING IN COMMON AREA TRACTS SHALL BE THE RESPONSIBILITY OF PEBBLECREEK HOMEOWNERS ASSOCIATION UNLESS OTHERWISE NOTED ON THIS PLAT. THIS INCLUDES LANDSCAPING WITHIN THE RIGHT-OF-WAY, PRIVATE STREET TRACT, AND/OR PUE.
27. BUILDING PERMITS FOR VERTICAL CONSTRUCTION SHALL NOT BE ISSUED UNTIL IMPROVEMENTS ENSURING ADEQUATE WATER, WASTEWATER AND EMERGENCY SERVICE FOR THE SUBDIVISION HAVE BEEN COMPLETED.
28. ALL PUBLIC IMPROVEMENTS CONSTRUCTED BY THE DEVELOPER OR SUCCESSORS WITHIN THE CITY OF GOODYEAR RIGHT-OF -WAY OR EASEMENTS SHALL BE SUBJECT TO A WARRANTY PERIOD OF NOT LESS THAN TWO YEARS FROM THE ACCEPTANCE BY THE CITY ENGINEER.
29. PER SECTION 25 OF THE 1998 PEBBLE CREEK DEVELOPMENT AGREEMENT, IF THE REQUIRED RETENTION BASINS DO NOT DRAIN WITHIN THE PRESCRIBED TIME FRAME, THEN PARTIES SHALL MUTUALLY AGREE UPON A SOLUTION, CONSIDERING ALL REASONABLE OPTIONS.
30. OPEN SPACE IMPROVEMENTS AND ASSOCIATED AMENITIES LOCATED WITHIN A UNIT OF DEVELOPMENT SHALL BE SUBSTANTIALLY COMPLETED UPON ISSUANCE OF THE FIRST CERTIFICATE OF OCCUPANCY FOR ANY SINGLE FAMILY DWELLING UNIT WITHIN THAT UNIT.

## CERTIFICATE OF SURVEYOR

I, WILLIE J. KATES, HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF ARIZONA. THAT THIS MAP CONSISTING OF SEVEN SHEETS CORRECTLY REPRESENTS A SURVEY MADE UNDER MY SUPERVISION DURING THE MONTH OF MAY, 2021 AND MEETS THE MINIMUM STANDARDS FOR AN ARIZONA LAND BOUNDARY SURVEY, THAT THE PLAT IS CORRECT AND ACCURATE THE BEST OF MY KNOWLEDGE AND BELIEF AND THAT THE MONUMENTS DESCRIBED IN IT HAVE EITHER BEEN FOUND, SET OR WILL BE SET AS DESCRIBED, THAT THEIR POSITIONS ARE CORRECTLY SHOWN AND THAT SAID MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
27744
WILLIE J. KATES
Date Signed 10-18-21
ARIZONA, U.S.A.

DATE: 10/18/21


DESERT SKY SURVEYING, INC
A.L.T.A. AND TOPOGRAPHIC
SURVEYS-AERIAL MAPPING
G.I.S.-CONSTRUCTION LAYOUT
13845 E. VISTA VERDE, CHANDLER, AZ. 85249
PH 602-499-0884 FAX 480-883-4326




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PC 45 FINAL PLAT

## LEGEND

| | |
|---|---|
| INDICATES SECTION MON. CENT FOUND AS NOTED | |
| INDICATES BOUNDARY MONUMENT SET 1/2" IRON BAR WITH TAG R.L.S. 27744, (UNLESS NOTED OTHERWISE) | |
| INDICATES FOUND SURVEY MONUMENT 1/2" IRON BAR TAGGED R.L.S. 27744 OR 35869 (UNLESS NOTED OTHERWISE) | |
| INDICATES A 3" BRASS SURVEY MONUMENT IN STREETS TO BE SET IN CONCRETE | |
| INDICATES FOUND 3" BRASS SURVEY MONUMENT (UNLESS NOTED OTHERWISE) | |
| INDICATES SHEET MATCHLINE | |
| ZERO SETBACK LINE FOR DUPLEX LOTS | |
| INDICATES STREET CENTERLINE | |
| INDICATES SUBDIVISION BOUNDARY | |
| INDICATES SECTION LINE | |
| PUE | 4' PUBLIC/PRIVATE UTILITY EASEMENT |
| VNAE | 1' VEHICULAR NON-ACCESS EASEMENT |
| 1R | INDICATES RADIAL BEARING |
| 1 | 33' X 33' SIGHT VISIBILITY TRIANGLE |
| 2 | 10' X 20' KEY LOT SIGHT VISIBILITY TRIANGLE |
| * | HOUSES ON THESE LOTS ARE RESTRICTED TO SINGLE STORY |
| ** | WALLS IN EXCESS OF 3 FEET WILL NOT BE PERMITTED IN THE AREA OF THE SIGHT VISIBILITY EASEMENT AT THE REAR OR STREET SIDE OF THIS LOT. |
| 3 | INDICATES SHEET NUMBER |

UNSUBDIVIDED

PEBBLECREEK PH. II
UNIT 43 "B"
BK 1171, PAGE 27
M.C.R.

N. 165TH AVENUE

TRACT E

TRACT A
PRIVATE STREET
W. FAIRMOUNT AVENUE

N. 164TH AVENUE

PEBBLECREEK PH. II
REPLAT OF UNIT 43 "A"
BK 1146, PAGE 26
M.C.R.

TRACT F

N. 165TH DRIVE

MATCH LINE SEE SHEET 3

MATCH LINE SEE SHEET 3

MATCH LINE SEE SHEET 4

GRAPHIC SCALE
40' 20' 0 40'
SCALE: 1" = 40'

| CURVE TABLE | | | |
|---|---|---|---|
| CURVE # | DELTA | LENGTH | RADIUS |
| C3 | 92°31'50" | 19.38' | 12.00' |
| C4 | 92°31'50" | 19.38' | 12.00' |
| C8 | 0°19'58" | 4.94' | 850.00' |

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
27744
WILLIE J.
KATES
Date Signed 10/18/21
ARIZONA, U.S.A.

# FINAL PLAT
FOR
# PEBBLECREEK PHASE II
# UNIT FORTY-FIVE

CONSISTING OF 5 SHEETS
A PORTION OF THE EAST HALF OF SECTION 25, TOWNSHIP 2 NORTH, RANGE 2 WEST, OF THE GILA AND SALT RIVER MERIDIAN, CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA

DATE: 10/18/21


DESERT SKY SURVEYING, INC
A.L.T.A. AND TOPOGRAPHIC
SURVEYS—AERIAL MAPPING
G.I.S.—CONSTRUCTION LAYOUT
13845 E. VISTA VERDE, CHANDLER, AZ. 85249
PH 602-499-0884 FAX 480-883-4326


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PC 45 FINAL PLAT

| LINE TABLE | | |
|---|---|---|
| LINE # | DIRECTION | LENGTH |
| L1 | S57°02'39"E | 17.35' |
| L2 | N32°57'21"E | 17.44' |
| L3 | S89°16'07"W | 3.50' |

| CURVE TABLE | | | |
|---|---|---|---|
| CURVE # | DELTA | LENGTH | RADIUS |
| C1 | 91°59'40" | 19.27' | 12.00' |
| C2 | 90°00'00" | 18.85' | 12.00' |
| C5 | 41°24'35" | 36.14' | 50.00' |
| C6 | 265°25'45" | 231.63' | 50.00' |
| C7 | 44°01'11" | 29.96' | 39.00' |
| C9 | 92°46'46" | 19.43' | 12.00' |

GRAPHIC SCALE
40' 20' 0 40'
SCALE: 1" = 40'

UNSUBDIVIDED

MATCH LINE SEE SHEET 2

MATCH LINE SEE SHEET 2

MATCH LINE SEE SHEET 4

MATCH LINE SEE SHEET 4

N. 166TH AVENUE

W. FAIRMOUNT AVENUE

TRACT A PRIVATE STREET

N. 165TH DRIVE

TRACT A PRIVATE STREET

TRACT A PRIVATE STREET

TRACT B

TRACT C

TRACT D

TRACT F

PEBBLECREEK PH. II
UNIT 47 "B"
BK 1612, PAGE 40
M.C.R.

PEBBLECREEK PH. II
UNIT 47 "B"
BK 1612, PAGE 40
M.C.R.

W. WHITTON AVENUE

## LEGEND

| | |
|---|---|
| ◆ | INDICATES SECTION MONUMENT FOUND AS NOTED |
| • | INDICATES BOUNDARY MONUMENT SET 1/2" IRON BAR WITH TAG R.L.S. 27744, (UNLESS NOTED OTHERWISE) |
| ○ | INDICATES FOUND SURVEY MONUMENT 1/2" IRON BAR TAGGED R.L.S. 27744 OR 35869 (UNLESS NOTED OTHERWISE) |
| ⊠ | INDICATES A 3" BRASS SURVEY MONUMENT IN STREETS TO BE SET IN CONCRETE |
| ◎ | INDICATES FOUND 3" BRASS SURVEY MONUMENT (UNLESS NOTED OTHERWISE) |
| ▬▬ | INDICATES SHEET MATCHLINE |
| — — — — | ZERO SETBACK LINE FOR DUPLEX LOTS |
| ——— | INDICATES STREET CENTERLINE |
| ——— | INDICATES SUBDIVISION BOUNDARY |
| — — — — | INDICATES SECTION LINE |

| | |
|---|---|
| PUE | 4' PUBLIC/PRIVATE UTILITY EASEMENT |
| VNAE | 1' VEHICULAR NON-ACCESS EASEMENT |
| 1R | INDICATES RADIAL BEARING |
| 1 | 33' X 33' SIGHT VISIBILITY TRIANGLE |
| 2 | 10' X 20' KEY LOT SIGHT VISIBILITY TRIANGLE |
| * | HOUSES ON THESE LOTS ARE RESTRICTED TO SINGLE STORY |
| ** | WALLS IN EXCESS OF 3 FEET WILL NOT BE PERMITTED IN THE AREA OF THE SIGHT VISIBILITY EASEMENT AT THE REAR OR STREET SIDE OF THIS LOT. |
| (3) | INDICATES SHEET NUMBER |

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
27744
WILLIE J. KATES
ARIZONA, U.S.A.

# FINAL PLAT
FOR
# PEBBLECREEK PHASE II
# UNIT FORTY-FIVE

CONSISTING OF 5 SHEETS
A PORTION OF THE EAST HALF OF SECTION 25, TOWNSHIP 2 NORTH, RANGE 2 WEST, OF THE GILA AND SALT RIVER MERIDIAN, CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA

DATE: 10/18/21


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PC 45 FINAL PLAT




N

GRAPHIC SCALE

40' 20' 0 40'

SCALE: 1" = 40'

## LEGEND

| | |
|---|---|
| ◆ | INDICATES SECTION MONUMENT FOUND AS NOTED |
| • | INDICATES BOUNDARY MONUMENT SET 1/2" IRON BAR WITH TAG R.L.S. 27744, (UNLESS NOTED OTHERWISE) |
| ○ | INDICATES FOUND SURVEY MONUMENT 1/2" IRON BAR TAGGED R.L.S. 27744 OR 35869 (UNLESS NOTED OTHERWISE) |
| ▣ | INDICATES A 3" BRASS SURVEY MONUMENT IN STREETS TO BE SET IN CONCRETE |
| ◎ | INDICATES FOUND 3" BRASS SURVEY MONUMENT (UNLESS NOTED OTHERWISE) |
| ━━━ | INDICATES SHEET MATCHLINE |
| — — — | INDICATES STREET CENTERLINE |
| ——— | INDICATES SUBDIVISION BOUNDARY |
| — — — | INDICATES SECTION LINE |
| PUE | 4' PUBLIC/PRIVATE UTILITY EASEMENT |
| VNAE | 1' VEHICULAR NON-ACCESS EASEMENT |
| 1R_ _ | INDICATES RADIAL BEARING |
| 1 | 33' X 33' SIGHT VISIBILITY TRIANGLE |
| 2 | 10' X 20' KEY LOT SIGHT VISIBILITY TRIANGLE |
| * | HOUSES ON THESE LOTS ARE RESTRICTED TO SINGLE STORY |
| ** | WALLS IN EXCESS OF 3 FEET WILL NOT BE PERMITTED IN THE AREA OF THE SIGHT VISIBILITY EASEMENT AT THE REAR OR STREET SIDE OF THIS LOT. |
| 3 | INDICATES SHEET NUMBER |

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
27744
WILLIE J.
KATES
Date Signed 10-18-21
ARIZONA, U.S.A.

# FINAL PLAT
FOR
# PEBBLECREEK PHASE II
# UNIT FORTY-FIVE

CONSISTING OF 5 SHEETS
A PORTION OF THE EAST HALF OF SECTION 25, TOWNSHIP 2 NORTH, RANGE 2 WEST, OF THE GILA AND SALT RIVER MERIDIAN, CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA

DATE: 10/18/21


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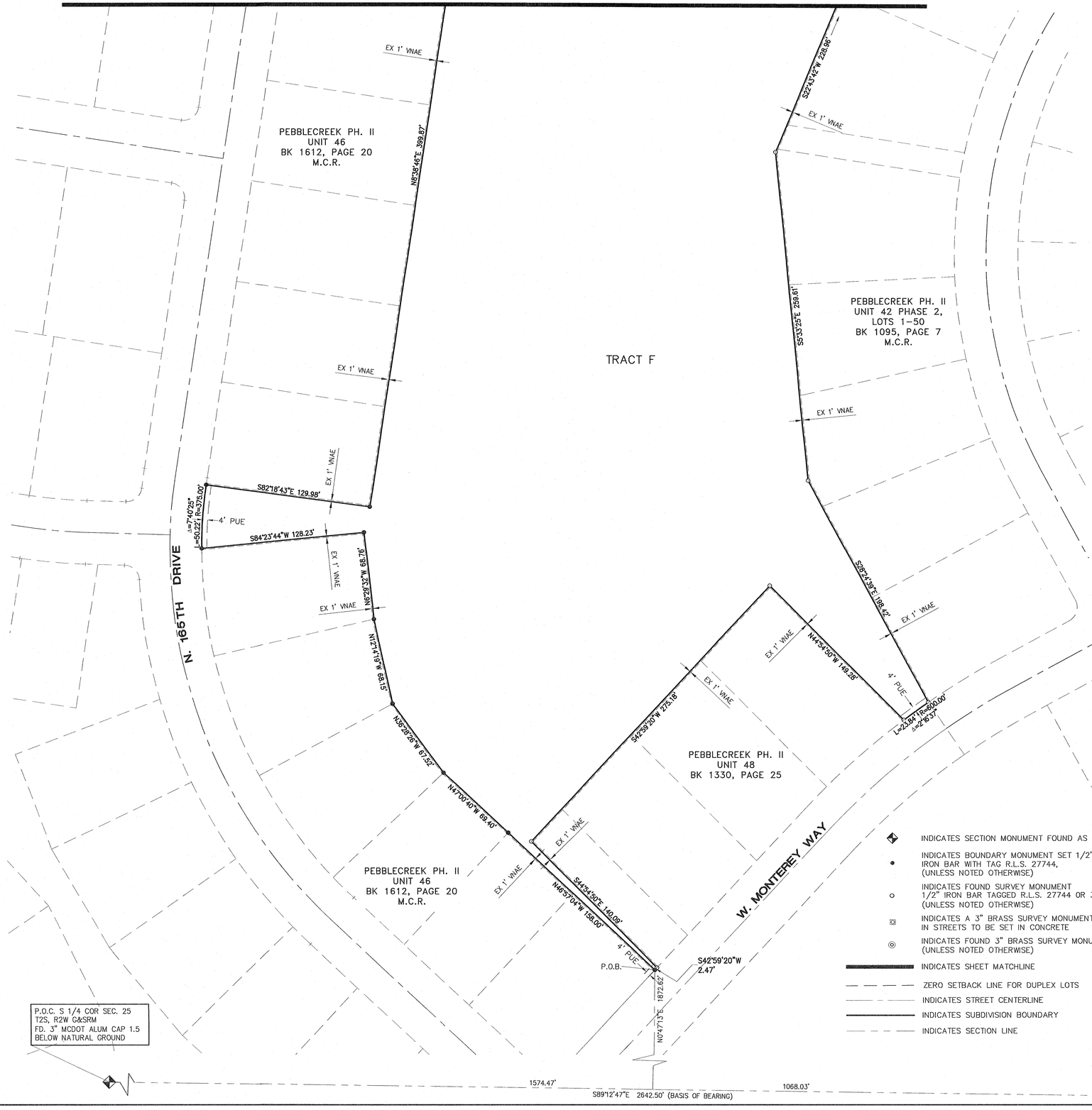



EXHIBIT 'A'
LEGAL DESCRIPTION

A PORTION OF THE EAST HALF OF SECTION 25, T.2N., R.2W., OF THE GILA AND SALT RIVER MERIDIAN, CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 25, A FOUND MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION ALUMINUM CAP, FROM WHICH THE SOUTHEAST CORNER OF SECTION 25, A FOUND MCDOT BRASS CAP, BEARS S89°12'47" E, 2642.50 FEET DISTANT;

THENCE EASTERLY ALONG THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 25 S89°12'47" E, A DISTANCE OF 1574.47 FEET;

THENCE LEAVING SAID SOUTH LINE AT RIGHT ANGLES N00°47'13" E, A DISTANCE OF 1872.62 FEET TO THE TRUE POINT OF BEGINNING;

THENCE N46°57'04"W, A DISTANCE OF 158.00 FEET;
THENCE N47°00'40"W, A DISTANCE OF 69.40 FEET;
THENCE N36°28'26"W, A DISTANCE OF 67.52 FEET;
THENCE N12°14'19"W, A DISTANCE OF 68.15 FEET;
THENCE N06°29'32"W, A DISTANCE OF 68.76 FEET;

THENCE S84°23'44"W, A DISTANCE OF 128.23 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE TO THE EAST, HAVING A RADIUS OF 375.00 FEET, THE RADIUS POINT OF SAID CURVE BEARS S89°52'50"E;

THENCE NORTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 07°40'25", AN ARC DISTANCE OF 50.22 FEET;

THENCE S82°18'43"E, A DISTANCE OF 129.98 FEET;
THENCE N08°38'46"E, A DISTANCE OF 399.87 FEET;
THENCE N81°21'14"W, A DISTANCE OF 130.00 FEET;
THENCE N08°38'46"E, A DISTANCE OF 43.87 FEET;
THENCE S81°21'14"E, A DISTANCE OF 130.00 FEET;
THENCE N07°47'58"E, A DISTANCE OF 78.93 FEET;
THENCE N04°40'41"E, A DISTANCE OF 83.60 FEET;

THENCE N89°11'48"W, A DISTANCE OF 132.00 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE TO THE WEST, HAVING A RADIUS OF 825.00 FEET, THE RADIUS POINT OF SAID CURVE BEARS N89°11'48"W;

THENCE NORTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 04°18'51", AN ARC DISTANCE OF 62.12 FEET;

THENCE S86°29'21"W, A DISTANCE OF 50.00 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 12.00 FEET, THE RADIUS POINT OF SAID CURVE BEARS S86°29'21"W;

THENCE SOUTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 92°46'46", AN ARC DISTANCE OF 19.43 FEET;

THENCE S89°16'07"W, A DISTANCE OF 3.50 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE TO THE NORTH, HAVING A RADIUS OF 375.00 FEET;

THENCE WESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 09°22'39", AN ARC DISTANCE OF 61.38 FEET;

THENCE N81°21'14"W, A DISTANCE OF 109.01 FEET;
THENCE N08°38'46"E, A DISTANCE OF 115.98 FEET;
THENCE N13°32'06"W, A DISTANCE OF 9.74 FEET;
THENCE N81°21'14"W, A DISTANCE OF 66.32 FEET;
THENCE N76°53'52"W, A DISTANCE OF 67.95 FEET;
THENCE N61°49'20"W, A DISTANCE OF 67.31 FEET;

THENCE S35°54'51"W, A DISTANCE OF 125.00 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 375.00 FEET, THE RADIUS POINT OF SAID CURVE BEARS N35°54'51"E;

THENCE NORTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 06°35'50", AN ARC DISTANCE OF 43.18 FEET;

THENCE N47°29'19"W, A DISTANCE OF 91.00 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE TO THE EAST, HAVING A RADIUS OF 12.00 FEET;

THENCE NORTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 86°40'12", AN ARC DISTANCE OF 18.15 FEET;

THENCE N50°49'07"W, A DISTANCE OF 50.00 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 575.00 FEET, THE RADIUS POINT OF SAID CURVE BEARS N50°49'07"W;

THENCE SOUTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 05°37'01", AN ARC DISTANCE OF 56.37 FEET;

THENCE N45°12'05"W, A DISTANCE OF 125.00 FEET;
THENCE S49°09'44"W, A DISTANCE OF 68.48 FEET;
THENCE S36°28'27"E, A DISTANCE OF 125.00 FEET;
THENCE S53°31'33"W, A DISTANCE OF 64.60 FEET;
THENCE N36°28'27"W, A DISTANCE OF 71.98 FEET;
THENCE N21°08'13"W, A DISTANCE OF 69.68 FEET;
THENCE N15°51'35"W, A DISTANCE OF 121.44 FEET;
THENCE N30°10'57"W, A DISTANCE OF 78.97 FEET;

THENCE N69°07'16"E, A DISTANCE OF 50.03 FEET;
THENCE N20°52'44"W, A DISTANCE OF 69.16 FEET;
THENCE N13°51'12"E, A DISTANCE OF 90.01 FEET;
THENCE N48°10'35"E, A DISTANCE OF 113.64 FEET;
THENCE N73°51'12"E, A DISTANCE OF 110.41 FEET;
THENCE S59°29'42"E, A DISTANCE OF 90.14 FEET;
THENCE S57°02'39"E, A DISTANCE OF 17.35 FEET;
THENCE N32°57'21"E, A DISTANCE OF 17.44 FEET;
THENCE N19°12'57"E, A DISTANCE OF 70.00 FEET;
THENCE N20°21'18"E, A DISTANCE OF 76.52 FEET;
THENCE N24°31'50"E, A DISTANCE OF 79.22 FEET;
THENCE N29°14'56"E, A DISTANCE OF 90.54 FEET;
THENCE N34°16'55"E, A DISTANCE OF 90.54 FEET;
THENCE N39°51'17"E, A DISTANCE OF 85.96 FEET;
THENCE N43°48'22"E, A DISTANCE OF 80.05 FEET;
THENCE N48°15'37"E, A DISTANCE OF 80.05 FEET;
THENCE N52°42'51"E, A DISTANCE OF 80.05 FEET;
THENCE N57°10'06"E, A DISTANCE OF 80.05 FEET;
THENCE N61°37'21"E, A DISTANCE OF 80.05 FEET;
THENCE N68°16'05"E, A DISTANCE OF 42.69 FEET;

THENCE S21°43'55"E, A DISTANCE OF 116.23 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE TO THE WEST, HAVING A RADIUS OF 12.00 FEET, THE RADIUS POINT OF SAID CURVE BEARS S68°13'34"W;

THENCE SOUTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 86°58'59", AN ARC DISTANCE OF 18.22 FEET;

THENCE S24°39'13"E, A DISTANCE OF 50.00 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE TO THE SOUTH, HAVING A RADIUS OF 850.00 FEET, THE RADIUS POINT OF SAID CURVE BEARS S24°47'55"E;

THENCE EASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 23°50'20", AN ARC DISTANCE OF 353.66 FEET;

THENCE N89°02'25"E, A DISTANCE OF 73.73 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 12.00 FEET;

THENCE SOUTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 90°00'00", AN ARC DISTANCE OF 18.85 FEET;

THENCE S00°57'35"E, A DISTANCE OF 15.21 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE TO THE WEST, HAVING A RADIUS OF 75.00 FEET;

THENCE SOUTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 16°37'44", AN ARC DISTANCE OF 21.77 FEET;

THENCE S15°40'08"W, A DISTANCE OF 1.45 FEET;
THENCE N74°19'52"W, A DISTANCE OF 140.00 FEET;
THENCE S17°04'14"W, A DISTANCE OF 215.65 FEET;
THENCE S07°01'28"W, A DISTANCE OF 67.00 FEET;
THENCE S07°36'18"W, A DISTANCE OF 96.21 FEET;
THENCE S14°50'05"E, A DISTANCE OF 788.53 FEET;
THENCE S28°31'27"E, A DISTANCE OF 51.77 FEET;

THENCE N61°28'33"E, A DISTANCE OF 142.74 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 385.00 FEET, THE RADIUS POINT OF SAID CURVE BEARS N61°28'33"E;

THENCE SOUTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 07°06'59", AN ARC DISTANCE OF 47.82 FEET;

THENCE S58°04'57"W, A DISTANCE OF 63.61 FEET;
THENCE S33°18'03"W, A DISTANCE OF 245.70 FEET;
THENCE S22°43'42"W, A DISTANCE OF 228.96 FEET;
THENCE S05°33'25"E, A DISTANCE OF 259.61 FEET;

THENCE S28°24'39"E, A DISTANCE OF 198.42 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 600.00 FEET, THE RADIUS POINT OF SAID CURVE BEARS S34°42'33"E;

THENCE SOUTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 02°16'37", AN ARC DISTANCE OF 23.84 FEET;

THENCE N44°54'50"W, A DISTANCE OF 149.28 FEET;
THENCE S42°59'20"W, A DISTANCE OF 275.18 FEET;
THENCE S44°54'50"E, A DISTANCE OF 140.09 FEET;

THENCE S42°59'20"W, A DISTANCE OF 2.47 FEET TO THE TRUE POINT OF BEGINNING.

THE ABOVE-DESCRIBED PARCEL CONTAINS 1,455,324 SQUARE FEET OR 33.41 ACRES, MORE OR LESS.

## LEGEND

- INDICATES SECTION MONUMENT FOUND AS NOTED
- INDICATES BOUNDARY MONUMENT SET 1/2" IRON BAR WITH TAG R.L.S. 27744, (UNLESS NOTED OTHERWISE)
- INDICATES FOUND SURVEY MONUMENT 1/2" IRON BAR TAGGED R.L.S. 27744 OR 35869 (UNLESS NOTED OTHERWISE)
- INDICATES A 3" BRASS SURVEY MONUMENT IN STREETS TO BE SET IN CONCRETE
- INDICATES FOUND 3" BRASS SURVEY MONUMENT (UNLESS NOTED OTHERWISE)
- INDICATES SHEET MATCHLINE
- ZERO SETBACK LINE FOR DUPLEX LOTS
- INDICATES STREET CENTERLINE
- INDICATES SUBDIVISION BOUNDARY
- INDICATES SECTION LINE

PUE 4' PUBLIC/PRIVATE UTILITY EASEMENT
VNAE 1' VEHICULAR NON-ACCESS EASEMENT
1R INDICATES RADIAL BEARING
1 33' X 33' SIGHT VISIBILITY TRIANGLE
2 10' X 20' KEY LOT SIGHT VISIBILITY TRIANGLE
* HOUSES ON THESE LOTS ARE RESTRICTED TO SINGLE STORY
** WALLS IN EXCESS OF 3 FEET WILL NOT BE PERMITTED IN THE AREA OF THE SIGHT VISIBILITY EASEMENT AT THE REAR OR STREET SIDE OF THIS LOT.
3 INDICATES SHEET NUMBER

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
27744
WILLIE J.
KATES
Date Signed 10-18-21
ARIZONA, U.S.A.

GRAPHIC SCALE
40' 20' 0 40'
SCALE: 1" = 40'

# FINAL PLAT
FOR
# PEBBLECREEK PHASE II
# UNIT FORTY-FIVE

CONSISTING OF 5 SHEETS
A PORTION OF THE EAST HALF OF SECTION 25, TOWNSHIP 2 NORTH, RANGE 2 WEST, OF THE GILA AND SALT RIVER MERIDIAN, CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA

DATE: 10/18/21


**DESERT SKY SURVEYING, INC**
A.L.T.A. AND TOPOGRAPHIC
SURVEYS-AERIAL MAPPING
G.I.S.-CONSTRUCTION LAYOUT
13845 E. VISTA VERDE, CHANDLER, AZ. 85249
PH 602-499-0884 FAX 480-883-4326


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PC 45 FINAL PLAT

ITEM #: 11.
DATE: 12/13/2021
AI #:599

# CITY COUNCIL ACTION REPORT

**SUBJECT: FINAL PLAT OF EL CIDRO PARCEL 5**

**STAFF PRESENTER(S):** Katie Wilken, Planning Manager

## OTHER PRESENTER(S):

Sherri Chambers, Terrascape Consulting

## SUMMARY

A Final Plat subdividing approximately 23 acres into 1 lot for a multi-family development at the intersection of South Cotton Lane and West Elwood Street.

## Recommendation

Approve the Final Plat for El Cidro Parcel 5, subject to stipulations. (Katie Wilken, Planning Manager)

## STIPULATIONS

1. Prior to recordation of the Final Plat for El Cidro Parcel 5 (the “Final Plat”), a current title report, no older than 30 days from the submittal date of the mylars provided to the city for recording, shall be provided to the city and the mylar shall be updated to reflect current ownership of the property and lender information reflected in the current title report; and
2. Prior to recordation of the Final Plat, documentation establishing the authority of the person(s) executing the Final Plat on behalf of the property owner shall be provided; and
3. Prior to recordation of the Final Plat, the right-of-way needed for the construction of W. Elwood Street identified on the Final Plat as being dedicated by Separate Instrument shall be conveyed to the city and the conveyance deed shall be recorded in the Official Records of Maricopa County, State of Arizona and the recording information inserted into the Final Plat; and
4. Prior to recordation of the Final Plat, a resolution declaring as right of way a portion of property owned by the City located within the Cotton Lane alignment shall be approved and recorded; and
5. Prior to recordation of the Final Plat or the issuance of a permit for the construction of the improvements to Cotton Lane Owner is required to construct (the “Cotton Lane Improvements”), Owner shall remit to the city an in-lieu payment of $92,150.00 for the cost of half median and landscape improvements for the Cotton Lane Improvements; and
6. Prior to recordation of the Final Plat or the issuance of a permit for the construction of the improvements to Elwood Street Owner is required to construct (the “Elwood Street Improvements”), Owner shall remit to the city an in-lieu payment of $33,584.00 for the the cost of half median and landscape improvements for the Elwood Street Improvements;

and

7. Prior to the recordation of the Final Plat, Owner shall remit to the city an in-lieu payment of $168,750, which represents 25% of the estimated cost of a full traffic signal (all four corners) at the intersection of W. Elwood Street and S. Cotton Lane; and
8. The access driveway onto S. Cotton Lane from the property shall be designed and constructed to allow only right-out access from the property onto S. Cotton Lane; and
9. Owner is responsible for constructing all on-site and off-site infrastructure, including road improvements and utility infrastructure, needed to serve the portion of the Property included in any final plat subdividing all or part of the Property, which includes, but is not limited to the infrastructure described below; and
10. Prior to the issuance of any certificate of completion, temporary certificate of occupancy and/or certificate of occupancy for any structure within the property, full half-street improvements (except for the construction and installation of a median and median landscaping) for the east side of Cotton Lane between Elwood Road and the northern boundary of Pioneer Street (the "Cotton Lane Improvements") shall be constructed at no cost to the City, and accepted by the City Engineer subject to the completion of the two-year warranty period; and
11. Prior to the issuance of any certificate of completion, temporary certificate of occupancy and/or certificate of occupancy for any structure within the property, full half-street improvements (except for the construction and installation of a median and median landscaping) for the north half of Elwood Street along southern boundary of Property (the Elwood Street Improvements") shall be constructed at no cost to the City, and accepted by the City Engineer subject to the completion of the two-year warranty period; and
12. The property owner and/or developer of each respective parcel shall post signage within all sales offices and/or leasing offices identifying the location of the Luke Air Force Base Accident Potential Zones (APZs), 65 Ldn and higher noise contours, and departure corridors, as well as the Phoenix-Goodyear Airport Traffic Pattern Area and noise contours per the Goodyear General Plan 2003-2013 (Policy B-3e of Section 9.2). This display shall include a 24-inch by 36-inch map at the main entrance of such sales facility and shall include the approximate locations of the homes or apartments being sold or leased clearly depicted; and
13. Any technical corrections to this final plat required by the City Engineer or his designee shall be made prior to the recordation of the Final Plat.

## FISCAL IMPACT

Although a fiscal impact analysis has not been conducted on this specific project, all new development will have an ongoing fiscal impact on the City. The development is responsible for construction of all infrastructure necessary to serve the site and will generate one-time revenue for the City through payment of permits, construction sales tax and development impact fees. Longer term fiscal impacts include increased demands for municipal services, the costs of which may or may not be offset by increased property values/tax levies, city sales tax, state shared revenues and the increased demand for commercial and retail development. Any areas that will be maintained by the city are constructed by the developer and then conveyed to the city two years after construction.

## BACKGROUND AND PREVIOUS ACTIONS

On August 19, 2019 City Council passed and adopted Ordinance 2019-1446 rezoning the property included within the Final Plat for El Cidro Parcel 5 rezoning the property to MF-18 with a PAD Overlay to allow for the development of a multi-family development that was to be known as Vita at El Cidro Ranch, but which will be developed under a new name by Isola Communities. On August 24, 2020, City Council approved the Preliminary Plat for El Cidro Parcels 4 & 5, which included the property within the Final Plat for El Cidro Parcel 5.

## STAFF ANALYSIS

As set forth in the attached preliminary plat Council Action Report, the proposed subdivision is consistent with the General Plan and will not adversely impact the surrounding area. Further, the proposed subdivision is consistent with the technical requirements of the city's subdivision regulations and engineering standards, and provides for the orderly development of the property by identifying the required infrastructure needed to serve the development.

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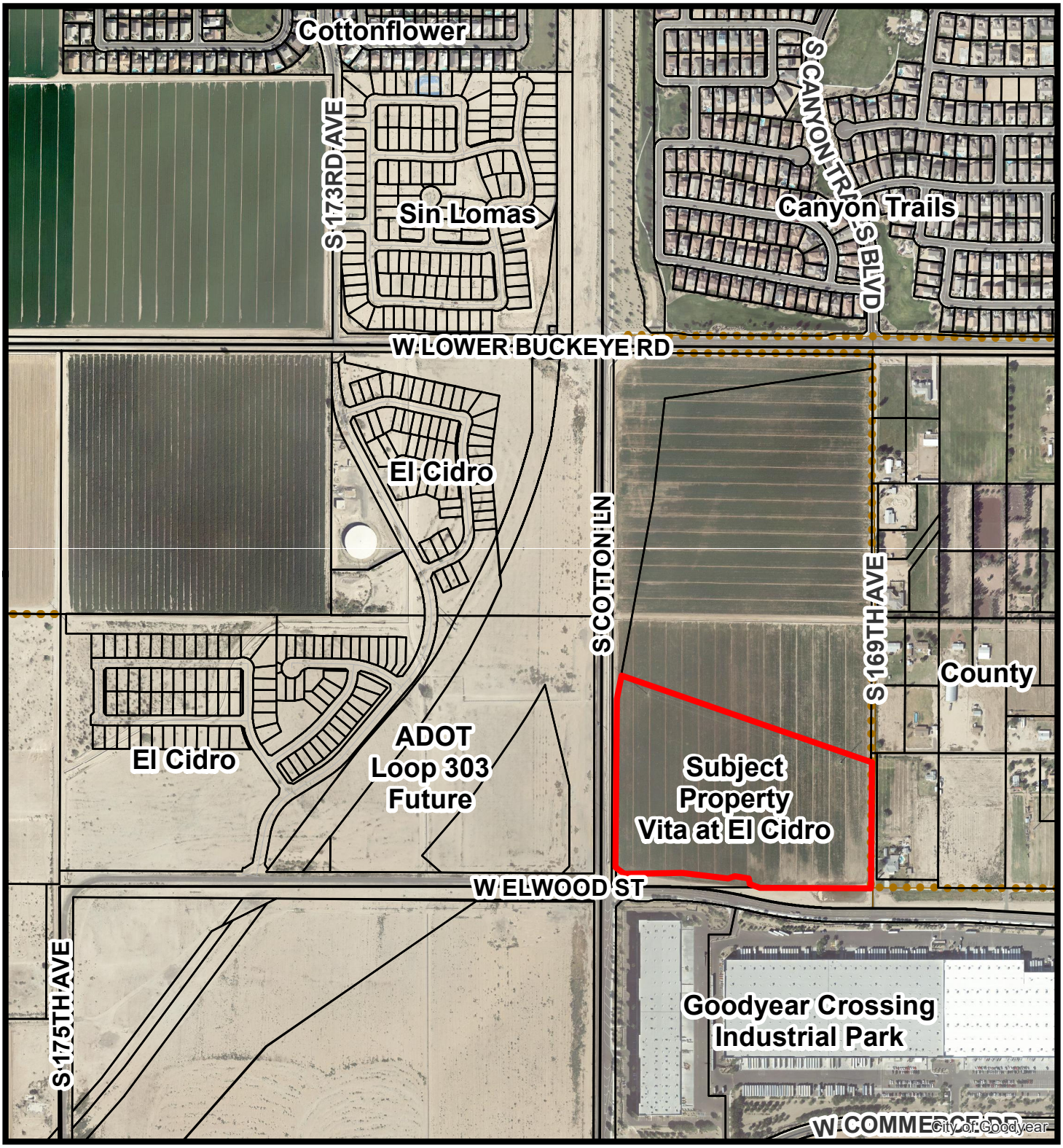
**Attachments**

Aerial Photo

Preliminary Plat Council Action Report

Final Plat

# Aerial Photo Exhibit
# Isola at El Cidro
# Final Plat




Drawn By: Alex Lestinsky
City of Goodyear Development Services Department
Date: October 23, 2020

N

AGENDA ITEM #: _____

DATE: August 24, 2020

CAR #: 2020-6965

# CITY COUNCIL ACTION REPORT

**SUBJECT: Preliminary Plat for El Cidro Parcels 4 & 5**

**CASE NUMBER:** 19-500-00010

**STAFF PRESENTER(S):** Alex Lestinsky, Senior Planner

**APPLICANT:** Benjamin Tate, Withey Morris, PLC

**Summary:** Preliminary Plat for El Cidro Parcels 4 & 5, which includes the Vita at El Cidro Ranch multi-family parcel.

## Recommendation:

Approve the preliminary plat for El Cidro Parcels 4 & 5, which includes the Vita at El Cidro Ranch (Parcel 5), subdividing approximately 24 acres into one lot for a multi-family development, and the addition of one lot to Parcel 4 (the "Property"), subject to the following stipulations:

1. Owner is responsible for constructing all on-site and off-site infrastructure, including road improvements and utility infrastructure, needed to serve the portion of the Property included in any final plat subdividing all or part of the Property, which includes, but is not limited to the infrastructure described below.
2. Owner shall be responsible for acquiring, and conveying to the City at no cost, in fee, and lien free the right of way needed for the construction of all of the public infrastructure improvements Owner is required to construct in connection with the approval and recordation of any final plat subdividing all or part of the Property.
3. Prior to approval of any final plat subdividing all or part of the Property, Owner shall coordinate with the City to declare a portion of parcel 500-06-017A as right-of-way for Cotton Lane prior to recordation of the first final plat subdividing all or part of the Property. Said portion being from W. Elwood Street to the northern boundary of the existing WAPA electric transmission easement. Owner shall be responsible, at Owner's sole cost, of submitting any application, paying any fee, and preparing any document, including the legal description of the property to be declared as public right-of-way. Said declaration is subject to approval of the City Council in its sole discretion and under such terms as may be required by the City Council;

4. The access driveway onto S. Cotton Lane from Parcel 5 shall be designed and constructed to allow only right-out access from the property onto S. Cotton Lane;
5. Full half-street improvements for the east side of Cotton Lane between Elwood Road and the northern boundary of Pioneer Street adjacent to the Property (the "Cotton Lane Improvements") shall be constructed at no cost to the City, the timing of and responsibility of which will be determined at the time of final plat;
6. Full half-street improvements to the north half Elwood Street along southern boundary of Property (the Elwood Street Improvements") shall be constructed at no cost to the City, the timing and responsibility of which will be determined at the time of final plat
7. An in-lieu payment for the cost of half median and landscape improvements for the Cotton Lane Improvements prior to recordation of section of S. Cotton Lane shall be submitted to the City prior to: the recordation of any final plat including any part of the property that is adjacent to where the Cotton Lane Improvements are to be constructed or the issuance of a permit for the S. Cotton Lane Improvements, whichever is earlier; and an in-lieu payment for the cost of half median and landscape improvements for the Elwood Street Improvements shall be submitted to the City prior to: recordation of any final plat including any part of the property that is adjacent to where the Elwood Street Improvements are to be constructed or the issuance of a permit for the Elwood Street Improvements, whichever is earlier;
8. An in-lieu payment of 25% for the full construction cost of the full traffic signal (all four corners) at W. Elwood Street & S. Cotton Lane shall be submitted to the City prior to: the recordation of any final plat that includes any part of the property that is adjacent to where the Cotton Lane Improvements are to be constructed, the recordation of any final plat that includes any part of the property that is adjacent to where the Elwood Street Improvements are to be constructed , the issuance of a permit for the S. Cotton Lane Improvements, or the issuance of a permit for the Elwood Street Improvements, whichever is earlier;
9. The property owner and/or developer for each respective parcel shall provide a waiver agreement, which shall run with the land, for each initial homebuyer to sign, and shall include the following statement in the waiver agreement: “El Cidro is subject to attendant noise, vibrations, dust, and all other effects that may be caused by overflights and by the operation of aircraft landing at, or taking off from Luke Air Force Base and/or the Phoenix-Goodyear Airport. The Owner does release and discharge the City of Goodyear and the developer from any liability for any and all claims for future damages to persons or property and complaints of any kind that may arise at any time in the future from the operation of such aircraft near and over the area;”
10. The Public Sales Report for Parcel 4 and any final plat in which all or part of Parcel 4 is subdivided shall include a statement that El Cidro is subject to attendant noise, vibrations, dust, and all other effects that may be caused by overflights and by the operation of aircraft landing at, or taking off from, Luke Air Force Base and/or the Phoenix-Goodyear Airport;
11. The property owner and/or developer of each respective parcel shall post signage within all subdivision sales offices and/or leasing offices identifying the location of the

Luke Air Force Base Accident Potential Zones (APZs), 65 Ldn and higher noise contours, and departure corridors, as well as the Phoenix-Goodyear Airport Traffic Pattern Area and noise contours per the Goodyear General Plan 2003-2013 (Policy B-3e of Section 9.2). This display shall include a 24-inch by 36-inch map at the main entrance of such sales facility and shall include the approximate locations of the homes or apartments being sold or leased clearly depicted;

12. The following information shall be disclosed in the Public Sales Report for Parcel 4, shall be noted on any final plat subdividing all or part of Parcel 4, and provided in a separate acknowledgment, which shall run with the land, for each initial homebuyer to sign: "El Cidro is in close proximity to agricultural uses and may therefore be subject to noise, dust, and odors associated with such uses;"
13. The following information shall be disclosed in the Public Sales Report for Parcel 4, noted on any final plat subdividing all or part of Parcel 4, and provided in a separate acknowledgement, which shall run with the land, for each initial homebuyer to sign: "El Cidro is in proximity to the proposed Loop 303 and I-10 Reliever freeways and may be subject to potential noise intrusion, vibrations, dust and all other effects that may be caused by said freeways";
14. The City agrees to the locations of the access drives reflected in the preliminary plat for Parcel 4 subject to Owner acquiring easements from the City for either fair market value as determined by an appraisal paid for by the property owner but commissioned by the City or for 90% of the value the City paid when it acquired the property where the access drives are located. The easements shall be in place prior to the recordation of any final plat that includes the access drives within Parcel 4.

**Fiscal Impact:** Although a fiscal impact analysis has not been conducted on this specific project, all new development will have an ongoing fiscal impact on the City. The development is responsible for construction of all infrastructure necessary to serve the site and will generate one-time revenue for the City through payment of permits, construction sales tax and development impact fees. Longer-term fiscal impacts include increased demands for municipal services, the costs of which may or may not be offset by increased property values/tax levies, city sales tax, state shared revenues and the increased demand for commercial and retail development.

## Stipulation Regarding Access Easements

The stipulations of approval include a stipulation regarding access easements needed for the development of the property being platted (Stipulation 14). The approval of a final plat does not grant rights over property owned by others. To develop the property access easements are needed over a portion of the property the city purchased in furtherance of the city's efforts to support the alignment of the Loop 303 that the city favored. The property was purchased with the expectation that ADOT would purchase the property in connection with the development of the Loop 303.

The development of the Loop 303 south of interstate 10 has stalled and the city still retains ownership of the property. Moreover, it is not clear when the extension of Loop 303 will occur. The property owners want certainty that the City will grant them an easement over property it owns in the areas reflected in the preliminary plat. Accordingly, Stipulation 14 was added committing the City to provide access easements in the locations reflected on the preliminary plat. The property owner will have to compensate the city for the easements by paying the fair market value of the property as determined by an appraisal funded by the property owner or paying 90% of the value the City paid when it acquired the property where the access drives are located. Engineering staff reviewed ADOT's current plans for the Loop 303, which have not been finalized, to determine if the access drives will conflict with those plans. Based on the information available to date, there is no apparent conflict.

By approving this preliminary plat, Council is also agreeing to the access easements as discussed above.

## Background and Previous Actions

A preliminary plat subdividing all of El Cidro, approximately 328.4 acres, into 1,260 single-family residential lots was approved on August 25, 2014, and an extension was approved on February 22, 2016. Final plat(s) subdividing three parcels (Parcels 3, 2, and 1D) in the preliminary plat have been approved and recorded and are currently under development. The property included in this proposed preliminary plat is considered Parcels 4 and 5 on the master preliminary plat. On August 19, 2019 City Council approved a rezone of Parcel 5 to MF-18 with a PAD Overlay (Vita at El Cidro Ranch PAD) in order to allow a single-family detached rental project. Because the parcel where Vita is to be developed had been platted into individual lots in the preliminary plat, the preliminary plat had to be revised to reflect the newly approved zoning. The Planning and Zoning Commission recommended approval of the request (6-0) at the August 12, 2020 meeting.

## Staff Analysis

**Current Policy:**
Prior to subdividing a property, the owner must submit a preliminary plat that demonstrates compliance with public objectives, subdivision design principles and standards, and streets and thoroughfare planning. The preliminary plat also must be accompanied by information demonstrating the adequacy of utilities, open space and other public facilities necessary to serve the site. An approved preliminary plat shall expire within 12 months from the date of City Council approval unless either a final plat has been submitted for all or part of the property included in the preliminary plat or an extension has been obtained.

**Details of the Request:**
The request is for a preliminary plat that will allow for the subdivision of approximately 24 acres into one lot (Parcel 5) and slightly modify the preliminary configuration of Parcel 4 by removing a roadway that connects the two parcels. The roadway on Parcel 4 is proposed to be replaced with one additional lot. Parcel 5, which is anticipated to be developed as a multi-family residential development consisting of detached single family dwelling units, (Vita) will be

accessed from West Elwood Street and have an exit only/emergency access off of South Cotton Lane. Parcel 4 will have two points of access, one off of South Cotton Lane and one off of West Lower Buckeye Road.

Surrounding development includes:

- North – Vacant land zoned Low-density residential (LDR4) in the El Cidro PAD.
- South – Goodyear Crossing Industrial Park.
- East – Rural single-family residential, Maricopa County.
- West – Cotton Lane; Vacant Land designated for Commercial use in the El Cidro PAD.

**Luke Air Force Base and Phoenix Goodyear Airport:**

The subject property is located in the vicinity of Luke Air Force Base and the Phoenix Goodyear Airport Traffic Pattern Airspace. A stipulation has been included to require a general note on the final plat to inform the public and homeowners of base and airport operations and the potential for attendant noise and potential over-flights.

**Fire Department:**

Fire station response times are provided below:

| Nearest Goodyear Fire Station | Shortest path | | Longest path | |
|---|---|---|---|---|
| | Mins | Miles | Mins | Miles |
| #184/181 | 5.78 | 2.89 | 5.85 | 2.93 |

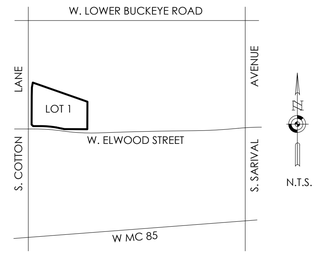
| 2nd Nearest Goodyear Fire Station | Shortest path | | Longest path | |
|---|---|---|---|---|
| | Mins | Miles | Mins | Miles |
| 9.99 | 5.00 | 10.24 | 5.12 | #184/181 |

## Attachments

1. Aerial Photo
2. Preliminary Plat

# FINAL PLAT
# FOR
# EL CIDRO PARCEL 5

LOCATED IN THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 1 NORTH, RANGE 2 WEST, GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA.




VICINITY MAP

## DEDICATION

STATE OF ARIZONA
COUNTY OF MARICOPA } SS

KNOW ALL MEN BY THESE PRESENTS:

THAT ISOLA GOODYEAR, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, AS OWNER, HAVE SUBDIVIDED UNDER THE NAME OF EL CIDRO PARCEL 5, LOCATED IN THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 1 NORTH, RANGE 2 WEST, GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, AS SHOWN PLATTED HEREON AND HEREBY DECLARES THAT SAID FINAL PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF THE LOTS AND EASEMENTS CONSTITUTING THE SAME. EACH LOT, SHALL BE KNOWN BY THE NUMBER, LETTER OR NAME GIVEN TO EACH RESPECTIVELY ON SAID PLAT.

ISOLA GOODYEAR, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, ("OWNER") HEREBY DEDICATES TO THE CITY OF GOODYEAR (THE "CITY") FOR USE BY THE CITY AND ITS PERMITTEES NON-EXCLUSIVE PUBLIC UTILITY EASEMENTS WITHIN, ON, ACROSS, OVER, AND UNDER THOSE AREAS WITHIN LOT 1 DESIGNATED AS PUBLIC UTILITY EASEMENT AS SHOWN ON THIS FINAL PLAT AND INCLUDED IN THE PREMISES DESCRIBED HEREIN ("PUBLIC UTILITY EASEMENT AREAS"), SUCH PUBLIC UTILITY EASEMENTS ARE FOR THE PURPOSES OF: ENTERING UPON, INSTALLING, OPERATING, MAINTAINING, REPLACING, AND/OR REPAIRING PUBLIC UTILITIES WITHIN, ON, OVER, ACROSS, ABOVE AND UNDER THE PUBLIC UTILITY EASEMENT AREAS BY THE CITY AND ITS PERMITTEES; ENTERING UPON, CONSTRUCING, INSTALLING, OPERATING, MAINTAINING, INSPECTING, MODIFYING, REMOVING, REPAIRING, AND REPLACING PUBLIC SIDEWALKS OVER AND ABOVE THE PUBLIC UTILITY EASEMENT AREAS BY THE CITY AND ITS PERMITTEES; AND FOR PEDESTRIAN TRAVEL BY THE GENERAL PUBLIC OVER ANY PUBLIC SIDEWALKS INSTALLED WITHIN THE PUBLIC UTILITY EASEMENT AREAS. THE PUBLIC UTILITY EASEMENTS DEDICATED HEREON RUN WITH THE LAND AND ARE BINDING UPON OWNER AND ALL SUCCESSORS AND ASSIGNS IN INTEREST OR TITLE TO ALL OR PART OF THE PUBLIC UTILITY EASEMENT AREAS.

ISOLA GOODYEAR, LLC, AN ARIZONA LIMITED LIABILITY COMPANY ("OWNER") HEREBY DEDICATES TO THE CITY OF GOODYEAR FOR USE BY THE CITY AND ITS PERMITEES WATER EASEMENTS UPON, OVER, ACROSS, ABOVE, AND UNDER ALL AREAS WITHIN LOT 1 DESIGNATED AS "WATER EASEMENT" AS SHOWN ON THIS FINAL PLAT AND INCLUDED WIHTIN THE PREMISES DESCRIBED HEREIN. THE WATER EASEMENTS DEDICATED HEREIN ARE FOR THE PURPOSES OF ENTERING, INSTALLING, OPERATING, MAINTAINING, REPLACING, AND OR REPAIRING WATER LINES AND APPURTENANCES THAT WILL BE OWNED BY THE CITY OR ITS ASSIGNEES, (THE "WATER FACILITIES") WITHIN, ON, OVER, ACROSS, ABOVE AND UNDER THE WATER EASEMENT AREAS. NO UNDERGROUND IMPROVEMENTS OTHER THAN WATER FACILITIES SHALL BE CONSTRUCTED WITHIN THE WATER EASEMENT AREAS EXCEPT UPON THE WRITTEN CONSENT OF THE CITY. NO BUILDING, STRUCTURE OR WELL SHALL BE ERECTED, CONSTRUCTED, OR DRILLED WITHIN THE WATER EASEMENT AREAS AND THE WATER EASEMENT AREAS SHALL BE KEPT FREE OF ALL VEGETATION EXCEPT VEGETATION ALLOWED UNDER THE CITY OF GOODYEAR ENGINEERING DESIGN STANDARDS AND POLICIES MANUAL. THE WATER EASEMENTS DEDICATED HEREIN RUN WITH THE LAND AND ARE BINDING UPON OWNER AND ALL SUCCESSORS AND ASSIGNS IN INTEREST OR TITLE TO ALL OR PART OF THE WATER EASEMENT AREAS.

ISOLA GOODYEAR, LLC, AN ARIZONA LIMITED LIABILITY COMPANY ("OWNER") HEREBY DEDICATES TO THE CITY OF GOODYEAR SIDEWALK EASEMENTS ON, OVER AN ACROSS THOSE AREAS IN THIS FINAL PLAT IDENTIFIED AS SIDEWALK EASEMENTS AND INCLUDED IN THE ABOVE DESCRIBED PREMISES ("SIDEWALK EASEMENT AREAS"). SUCH SIDWALK EASEMENTS ARE FOR THE PURPOSES OF: INSTALLING, OPERATING, MAINTAINING, REPLACING, AND/OR REPAIRING PUBLIC SIDEWALKS BY THE CITY OF GOODYEAR AND ITS PERMITTEES; PROVIDING ACCESS FOR THE PURPOSES SET FORTH HEREIN; AND FOR PEDESTRIAN TRAVEL BY THE GENERAL PUBLIC OVER ANY PUBLIC SIDEWALKS INSTALLED WITHIN THE SIDEWALK EASEMENT AREAS. THE SIDEWALK EASEMENTS DEDICATED HEREON RUN WITH THE LAND AND ARE BINDING UPON OWNER AND ALL SUCCESSORS AND ASSIGNS IN INTEREST OR TITLE TO ALL OR PART OF THE SIDEWALK EASEMENT AREAS.

ISOLA GOODYEAR, LLC, AN ARIZONA LIMITED LIABILITY COMPANY.
BY: THE ISLOLA GROUP, LLC, A WASHINGTON LIMITED LIABILITY COMPANY.
ITS: SOLE MEMBER

BY:_____ DATE:_____
MANAGER

## ACKNOWLEDGMENT

STATE OF _____
COUNTY OF _____ } SS

BEFORE ME THIS _____ DAY OF _____ 2021, _____ PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, WHO ACKNOWLEDGED HIMSELF TO BE _____ OF _____, THE LEGAL OWNER OF THE PROPERTY PLATTED HEREON AND ACKNOWLEDGE THAT _____ AS _____, EXECUTED THIS INSTRUMENT FOR THE PURPOSES HEREIN CONTAINED.

IN WITNESS WHEREOF, I HEREUNTO SET MY HAND AND OFFICIAL SEAL

_____
NOTARY PUBLIC EXPIRES

## LENDER'S CONSENT

THE UNDERSIGNED, A BENEFICIARY UNDER A CERTAIN DEED OF TRUST DATED AUGUST 4, 2020 RECORDED IN THE OFFICIAL RECORDS OF MARICOPA COUNTY, AZ AT DOCUMENT NO. 2020-0725969 ENCUMBERING THE PROPERTY SUBJECT TO THIS FINAL PLAT, HEREBY EXPRESSLY CONSENTS TO AND JOINS IN THE EXECUTION AND RECORDING OF THIS FINAL PLAT AND DOES HEREBY RELEASE FROM THE LIEN OF THE DEED OF TRUST THAT PORTION OF THE PROPERTY CONVEYED TO THE CITY OF GOODYEAR IN FEE AS SHOWN ON THIS FINAL PLAT AND DOES HEREBY SUBORDINATE THE LIEN OF THE DEED OF TRUST TO THE EASEMENTS DEDICATED TO THE CITY OF GOODYEAR AS SHOWN ON THIS FINAL PLAT. IT IS EXPRESSLY UNDERSTOOD THAT THIS RELEASE ANDSUBORDINATION APPLIES ONLY TO THE PORTIONS OF THE PROPERTY BEING CONVEYED AND DEDICATED TO THE CITY OF GOODYEAR AND SHALL NOT IN ANY WAY, AFFECT THE LIEN OF THE DEED OF TRUST UPON THE REMAINDER OF THE PROPERTY. THE UNDERSIGNED REPRESENTS THAT HE OR SHE HAS FULL POWER AND AUTHORITY TO EXECUTE THIS LENDER'S CONSENT AND SUBORDINATION ON BEHALF OF THE LENDER AS BENEFICIARY UNDER THAT CERTAIN DEED OF TRUST DATED AUGUST 4, 2020 RECORDED IN THE OFFICIAL RECORDS OF MARICOPA COUNTY, AZ AT DOCUMENT NO. 2020-0725969.

CAPITAL FUND II, LLC

BY:_____
AUTHORIZED REPRESENTATIVE

## ACKNOWLEDGMENT

STATE OF _____
COUNTY OF _____ } SS

BEFORE ME THIS _____ DAY OF _____ 2021, _____ PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, WHO ACKNOWLEDGED HIMSELF TO BE _____ OF _____, THE LEGAL OWNER OF THE PROPERTY PLATTED HEREON AND ACKNOWLEDGE THAT _____ AS _____, EXECUTED THIS INSTRUMENT FOR THE PURPOSES HEREIN CONTAINED.

IN WITNESS WHEREOF, I HEREUNTO SET MY HAND AND OFFICIAL SEAL

_____
NOTARY PUBLIC EXPIRES

## NOTES

A. THIS DEVELOPMENT IS WITHIN THE SERVICE AREA OF THE CITY OF GOODYEAR WHICH HAS BEEN DESIGNATED AS HAVING AN ASSURED WATER SUPPLY PURSUANT TO ARS 45-576 SUBSECTION B. THE CITY OF GOODYEAR'S ASSURED WATER SUPPLY DESIGNATION IS SUPPORTED IN PART BY THE CITY'S MEMBERSHIP IN THE CENTRAL ARIZONA GROUNDWATER REPLENISHMENT DISTRICT (CAGRD). PROPERTY WITHIN THIS DEVELOPMENT MAY BE ASSESSED A FEE BASED ON ITS PRO RATA SHARE OF THE CITY'S COST FOR CAGRD PARTICIPATION.

B. NO STRUCTURES OF ANY KIND SHALL BE CONSTRUCTED OR PLACED WITHIN OR OVER THE UTILITY EASEMENTS EXCEPT: UTILITIES, ASPHALT PAVING, GRASS, AND WOOD, WIRE OR REMOVABLE SECTION TYPE FENCING. THE CITY OF GOODYEAR SHALL NOT BE REQUIRED TO REPLACE OR PROVIDE REIMBURSEMENT FOR THE COST OF REPLACING ANY OBSTRUCTIONS, PAVING OR PLANTING THAT IS REMOVED DURING THE COURSE OF MAINTAINING, CONSTRUCTING OR RECONSTRUCTING UTILITY FACILITIES.

C. NO STRUCTURE OF ANY KIND SHALL BE CONSTRUCTED OR ANY VEGETATION SHALL BE PLANTED NOR WILL BE ALLOWED TO GROW WITHIN, ON OR OVER ANY DRAINAGE EASEMENT WHICH WOULD OBSTRUCT OR DIVERT THE FLOW OF STORM WATER. THE CITY MAY, IF IT SO DESIRES, CONSTRUCT OR MAINTAIN DRAINAGE FACILITIES ON OR UNDER THE LAND OF THE DRAINAGE EASEMENT.

D. IMPROVEMENTS MADE WITHIN A CITY RIGHT-OF-WAY, TRACT, OR EASEMENT THAT WILL BE MAINTAINED IN THE FUTURE BY THE CITY OF GOODYEAR SHALL BE CLEARLY IDENTIFIED ON THE APPROVED PLANS AND ARE SUBJECT TO THE FOLLOWING REQUIREMENTS. IMPROVEMENTS MAY INCLUDE BUT ARE NOT LIMITED TO STREET SURFACES, CURBS, GUTTERS, SIDEWALKS, RAMPS, DRIVEWAYS, TURN BAYS, BUS BAYS, STREET LIGHTING, SIGNAGE, AND STREET STRIPING.

1. THE DEVELOPER SHALL MAINTAIN AND WARRANTY ALL IMPROVEMENTS FOR A PERIOD OF TWO-YEARS BEGINNING IMMEDIATELY AFTER THE CITY ISSUES THE NOTIFICATION OF APPROVAL FOR THE PROJECT.
2. DURING THE MAINTENANCE AND WARRANTY PERIOD, THE DEVELOPER SHALL BE RESPONSIBLE FOR MAINTAINING ADEQUATE PROTECTION TO ALL IMPROVEMENTS. ANY DAMAGED IMPROVEMENT SHALL BE IMMEDIATELY REPAIRED OR REPLACED AT THE DEVELOPER'S EXPENSE.
3. MAINTENANCE SHALL INCLUDE BUT IS NOT LIMITED TO STREET SWEEPING, APPLICATION OF A SEALANT ON ALL CRACKS AND JOINTS, AND APPLICATION OF A SEALANT OVER ALL ASPHALT PAVEMENTS.
4. AT THE TERMINATION OF THE MAINTENANCE AND WARRANTY PERIOD ALL IMPROVEMENTS SHALL BE UNDAMAGED AND SHALL MEET CITY STANDARDS.
5. IF ALL IMPROVEMENTS ARE NOT ACCEPTABLE AT THE END OF THE TWO-YEAR WARRANTY PERIOD, THE MAINTENANCE AND WARRANTY PERIOD SHALL CONTINUE UNTIL THE IMPROVEMENTS MEET CITY APPROVAL.

E. LANDSCAPED AREAS THAT WILL BE MAINTAINED IN THE FUTURE BY THE CITY OF GOODYEAR SHALL BE CLEARLY IDENTIFIED ON THE APPROVED PLANS AND ARE SUBJECT TO THE FOLLOWING REQUIREMENTS. THESE AREAS MAY INCLUDE RETENTION BASINS, PARKS, RIGHTS-OF-WAY, AND STREET CENTER MEDIAN LANDSCAPING.

1. THE DEVELOPER SHALL MAINTAIN AND WARRANTY ALL PLANTED AREAS INCLUDING IRRIGATION SYSTEMS FOR A PERIOD OF TWO-YEARS BEGINNING IMMEDIATELY AFTER THE CITY ISSUES THE NOTIFICATION OF APPROVAL FOR THE PROJECT.
2. DURING THE MAINTENANCE AND WARRANTY PERIOD, THE DEVELOPER SHALL BE RESPONSIBLE FOR MAINTAINING ADEQUATE PROTECTION TO ALL AREAS. ANY DAMAGED PLANTING AND OR IRRIGATION SYSTEMS SHALL BE IMMEDIATELY REPAIRED OR REPLACED AT THE DEVELOPER'S EXPENSE.
3. MAINTENANCE SHALL INCLUDE CONTINUOUS OPERATIONS OF WATERING, WEEDING, REMOVAL OF DEAD PLANT MATERIAL, MOWING, ROLLING, FERTILIZING, SPRAYING, INSECT AND PEST CONTROL, RE-SEEDING, REPLACEMENT, AND ALL OTHER MEASURES NECESSARY TO ENSURE GOOD NORMAL GROWTH.
4. WHEN THE TURF HAS ESTABLISHED SUFFICIENT ROOT STRUCTURE AND AN APPROXIMATE HEIGHT OF 3-INCHES, MOWING SHALL BEGIN IMMEDIATELY TO A 2-INCH HEIGHT AND SHALL BE MOWED THEREAFTER AND REDUCED IN SAFE INCREMENTS TO A HEIGHT OF 2-INCHES.
5. AT THE TERMINATION OF THE MAINTENANCE AND WARRANTY PERIOD ALL TURF AREA SHALL BE LIVE, HEALTHY, UNDAMAGED, AND FREE OF INFESTATIONS. ALL AREAS SHALL BE COMPLETELY VOID OF BARREN SPOTS LARGER THAN 3 INCHES BY 3 INCHES.
6. IF ALL PLANTINGS ARE NOT ACCEPTABLE AT THE END OF THE TWO-YEAR PERIOD, THE MAINTENANCE AND WARRANTY PERIOD SHALL CONTINUE UNTIL THE LANDSCAPING MEETS CITY APPROVAL.

F. STRUCTURES WITHIN VISIBILITY EASEMENTS WILL BE LIMITED TO A HEIGHT OF THREE (3) FEET; LANDSCAPING WITHIN VISIBILITY EASEMENTS WILL BE LIMITED TO GROUND COVER, FLOWERS AND GRANITE LESS THAN TWO (2) FEET (MATURE) IN HEIGHT AND/OR TREES WITH BRANCHES NOT LESS THAN SEVEN (7) FEET ABOVE THE GROUND. TREES SHALL NOT BE PLACED LESS THAN EIGHT (8) FEET APART.

G. THE PROPERTY OWNER SHALL BE RESPONSIBLE FOR THE PROPER MAINTENANCE AND REPAIR OF ALL FACILITIES ASSOCIATED WITH STORMWATER MANAGEMENT ON A PROPERTY.

H. THIS PARCEL IS SUBJECT TO ATTENDANT NOISE, VIBRATIONS, DUST, AND ALL OTHER EFFECTS THAT MAY BE CAUSED BY OVERFLIGHTS AND BY THE OPERATION OF AIRCRAFT LANDING AT, OR TAKING OFF FROM PHOENIX-GOODYEAR AIRPORT AND LUKE AIR FORCE BASE.

I. El CIDRO IS IN PROXIMITY TO THE PROPOSED LOOP 303 AND I-10 RELIEVER FREEWAYS AND MAY BE SUBJECT TO POTENTIAL NOISE INTRUSION, VIBRATIONS, DUST, AND ALL OTHER EFFECTS THAT MAY BE CAUSED BY SAID FREEWAYS.

J. THIS DEVELOPMENT IS ADJACENT TO AGRICULTURAL USES AND IS THEREFORE SUBJECT TO NOISE, DUST AND ODORS ASSOCIATED WITH SUCH A USE.

K. ALL NEW OR RELOCATED UTILITIES WILL BE PLACED UNDERGROUND (EXCEPTION 69kv AND LARGER OVERHEAD POWER LINES).

L. ALL LOT CORNERS SHALL BE MONUMENTED WITH ½" REBAR WITH CAP, TAG OR OTHER MONUMENTATION AS DESCRIBED BEARING THE REGISTRATION NUMBER OF THE SURVEYOR RESPONSIBLE FOR THEIR PLACEMENT.

M. THE CITY OF GOODYEAR IS NOT RESPONSIBLE FOR AND WILL NOT ACCEPT MAINTENANCE OF ANY PRIVATE UTILITIES, PRIVATE STREETS, PRIVATE FACILITIES, OR LANDSCAPED AREAS WITHIN THIS DEVELOPMENT.

O. MAINTENANCE OF EASEMENTS THAT LIE WITHIN THE BOUNDARIES OF A SUBDIVISION LOT SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER.

## LEGAL DESCRIPTION

THAT PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 1 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MARICOPA COUNTY HIGHWAY DEPARTMENT BRASS CAP IN HANDHOLE MARKING THE WEST QUARTER CORNER OF SAID SECTION 24, FROM WHICH THE 2 ½ INCH PIPE MARKING THE CENTER OF SAID SECTION 24 BEARS SOUTH 89 DEGREES 45 MINUTES 48 SECONDS EAST, A DISTANCE OF 2,641.63 FEET;

THENCE NORTH 00 DEGREES 11 MINUTES 10 SECONDS EAST, ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 24, A DISTANCE OF 97.93 FEET;

THENCE SOUTH 89 DEGREES 49 MINUTES 50 SECONDS EAST, DEPARTING SAID WEST LINE, A DISTANCE OF 75.00 FEET TO A POINT ON A LINE WHICH IS PARALLEL WITH AND 75.00 FEET EASTERLY, AS MEASURED AT RIGHT ANGLES, FROM THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 24, AND THE TRUE POINT OF BEGINNING;

THENCE NORTH 00 DEGREES 11 MINUTES 10 SECONDS EAST, ALONG SAID PARALLEL LINE, A DISTANCE OF 642.11 FEET;

THENCE NORTH 01 DEGREES 23 MINUTES 32 SECONDS EAST, DEPARTING SAID PARALLEL LINE, A DISTANCE OF 190.04 FEET;

THENCE NORTH 10 DEGREES 22 MINUTES 00 SECONDS EAST, A DISTANCE OF 109.06 FEET TO A POINT ON THE NORTHERLY LINE OF THE 100 FOOT WIDE ELECTRICAL TRANSMISSION LINE EASEMENT RECORDED IN BOOK 68 OF MISCELLANEOUS, PAGE 92, MARICOPA COUNTY RECORDS, THE CENTERLINE OF SAID 100 FOOT WIDE EASEMENT BEING ESTABLISHED BY THE LOCATION OF THE EXISTING TRANSMISSION LINE TOWERS;

THENCE ALONG THE NORTHERLY LINE OF SAID ELECTRIC TRANSMISSION LINE EASEMENT THE FOLLOWING COURSES:

THENCE SOUTH 71 DEGREES 00 MINUTES 20 SECONDS EAST, A DISTANCE OF 149.95 FEET;

THENCE SOUTH 70 DEGREES 38 MINUTES 55 SECONDS EAST, A DISTANCE OF 1,004.08 FEET;

THENCE SOUTH 70 DEGREES 36 MINUTES 36 SECONDS EAST, A DISTANCE OF 140.14 FEET TO A POINT ON THE EAST LINE OF THE WEST HALF OF THE NORTHWEST QUARTER OF SAID SECTION 24;

THENCE SOUTH 00 DEGREES 12 MINUTES 11 SECONDS WEST, ALONG SAID EAST LINE, A DISTANCE OF 614.48 FEET TO THE SOUTHEAST CORNER OF THE WEST HALF OF THE NORTHWEST QUARTER OF SAID SECTION 24;

THENCE NORTH 89 DEGREES 45 MINUTES 48 SECONDS WEST, ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 24, A DISTANCE OF 517.85 FEET TO A POINT ON A 1,935.00 FOOT RADIUS NON-TANGENT CURVE, WHOSE CENTER BEARS NORTH 11 DEGREES 42 MINUTES 22 SECONDS EAST;

THENCE NORTHWESTERLY, DEPARTING SAID SOUTH LINE ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 01 DEGREES 36 MINUTES 06 SECONDS, A DISTANCE OF 54.09 FEET TO THE BEGINNING OF A TANGENT REVERSE CURVE OF 2,065.00 FOOT RADIUS, CONCAVE SOUTHWESTERLY;

THENCE NORTHWESTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 13 DEGREES 04 MINUTES 16 SECONDS, A DISTANCE OF 471.10 FEET TO A POINT ON A LINE WHICH IS PARALLEL WITH AND 65.00 FEET NORTHERLY, AS MEASURED AT RIGHT ANGLES, FROM THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 24;

THENCE NORTH 89 DEGREES 45 MINUTES 48 SECONDS WEST, ALONG SAID PARALLEL LINE, A DISTANCE OF 175.15 FEET;

THENCE NORTH 44 DEGREES 47 MINUTES 19 SECONDS WEST, DEPARTING SAID PARALLEL LINE, A DISTANCE OF 46.69 FEET TO THE TRUE POINT OF BEGINNING.

## SITE SUMMARY

| | |
|---|---|
| EXISTING ZONING | PAD |
| LOT COUNT | 1 |
| AREA NET (LOT 1) | 996,327.32 S.F. / 22.87 AC. |
| AREA GROSS | 996,327.32 S.F. / 22.87 AC. |

## BASIS OF BEARING

S 89°45'48"E, BEING THE SOUTH LINE OF THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 1 NORTH, RANGE 2 WEST, G&SRM PER THE LEGAL DESCRIPTION AS SHOWN IN THE COMMITMENT FOR TITLE INSURANCE, ISSUED BY FIDELITY NATIONAL TITLE AGENCY, INC., TITLE COMMITMENT ORDER NO. 71004805-071-CH1-SHA, COMMITMENT DATE NOVEMBER 14, 2018 AT 7:30 A.M

## OWNER / DEVELOPER

ISOLA GOODYEAR, LLC
13555 SE 36TH ST., STE. 320
BELLEVUE, WA 98006
ATTN: GRAHM SATTERWHITE
206-413-6942
GRAHM.SATTERWHITE@ISOLAHOMES.COM

## SURVEYOR / ENGINEER

TERRASCAPE CONSULTING
645 E. MISSOURI AVE., STE 160
PHOENIX, AZ 85014
ATTN: MITCHELL RAGSDALE
602.297.8732
mragsdale@terrascape.us

## BENCHMARK

CITY OF GOODYEAR BENCHMARK G307, BEING A MARICOPA HIGHWAY DEPT. BRASS CAP IN HANDHOLE ON SARIVAL AVE. 1/2 MILE SOUTH OF LOWER BUCKEYE. HAVING A CITY OF GOODYEAR NAVD 88 ELEVATION OF 937.21

CITY OF GOODYEAR BENCHMARK G309, BEING A BRASS CAP IN HANDHOLE AT COTTON LANE & LOWER BUCKEYE. HAVING A CITY OF GOODYEAR NAVD 88 ELEVATION OF 938.33

## FINAL PLAT APPROVALS

APPROVED BY THE CITY COUNCIL OF THE CITY OF GOODYEAR, ARIZONA THIS _____ DAY OF _____, 20___.

BY:_____
MAYOR: GEORGIA LORD

ATTEST BY:_____
CITY CLERK: DARCIE McCRACKEN

APPROVED BY THE CITY ENGINEER OF THE CITY OF GOODYEAR, ARIZONA THIS _____ DAY OF _____, 20___.

BY:_____
CITY ENGINEER: SUMEET MOHAN

## SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF ARIZONA; THAT THIS PLAT HEREON HAS BEEN PREPARED FROM A SURVEY PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION; THAT THE SURVEY IS TRUE AND ACCURATELY REPRESENTS THE PROPERTY DESCRIBED HERON. I FURTHER CERTIFY THAT ALL MONUMENTS EXIST OR WILL BE SET AS SHOWN, THAT ALL LOT CORNERS ARE SET OR WILL BE SET, IN ACCORDANCE WITH THE LATEST ADAPTED "ARIZONA BOUNDARY SURVEY MINIMUM STANDARDS"; AND THAT SAID MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

MITCHELL H RAGSDALE RPLS #48943 — 10 / 06 / 21 DATE
TERRASCAPE CONSULTING LLC
645 E. MISSOURI AVE. STE. 160, PHOENIX AZ, 85012
602-297-8732
mragsdale@terrascape.us




consulting
terrascape
civil engineering • surveying • urban planning
645 East Missouri Ave, Suite 160, Phoenix, Arizona 85012
P:602.297.8732 • Info@terrascape.us • terrascapeconsulting.com

FINAL PLAT

EL CIDRO PARCEL 5

Contact Arizona 811 at least two full working days before you begin excavation
ARIZONA811
Call 811 or click Arizona811.com

DATE: 10 / 06 / 21
CHECKED BY: MHR
DRAWN BY: BWB
TITLE: FINAL PLAT
SHEET No. 1 of 2
PROJECT No. 0909

Plotted: 10/06/21 - 1:48 PM, By: mragsdale
File: M:\0909 Isola Homes - NEC Cotton Lane & Elwood St - Goodyear\Survey\0909_FP.dwg, --- FP S1

W. LOWER BUCKEYE ROAD

S89° 46' 22"E(C) 2643.20'(R) 2643.10'(C) 1321.59'(C) 1321.51'(C)

NW COR. SEC. 24, T 1 N., R 2 W.
MONUMENT REMOVED DUE TO PRESENT CONSTRUCTION, POSITION CALCULATED FROM RECORD DOCUMENTS

CITY OF GOODYEAR
BRASS CAP IN HANDHOLE
N 1/4 COR. SEC. 24, T 1 N., R 2 W.

| UTILITY PROVIDER TABLE | |
|---|---|
| UTILITY | UTILITY COMPANY |
| WATER | CITY OF GOODYEAR |
| SEWER | CITY OF GOODYEAR |
| ELECTRIC | APS |
| COMM. | COX COMMUNICATIONS |
| COMM. | CENTURYLINK |
| IRRIGATION | RID |
| NATURAL GAS | SOUTHWEST GAS |

SURVEY LEGEND

- SECTION CORNER
- FOUND CITY OF GOODYEAR BRASS CAP FLUSH RLS #35832
- FOUND MONUMENT AS NOTED
- SET 1/2" REBAR W/CAP RLS #48943
- NOTHING FOUND OR SET
- M.C.R. MARICOPA COUNTY RECORDS
- R/W RIGHT OF WAY
- (M) MEASURED DATA
- (R) RECORD DATA (DEED OF RECORD)
- (C) CALCULATED DATA
- SECTION LINE
- BOUNDARY LINE
- EASEMENT LINE AS NOTED
- BOUNDARY LINE - OTHER
- BOUNDARY - TIES

SCALE: (1 Inch = 60 Feet)
60 0 60 120 240

S71° 00' 20"E 149.95'

N10° 22' 00"E 109.06'

33'

N1° 23' 32"E 190.04'

10' PUBLIC UTILITY EASEMENT
***DEDICATED HEREON***

APN: 500-06-017B
UNSUBDIVIDED
DOC. NO. 05-0499823, M.C.R.
ZONE: PAD

S70° 38' 55"E 1004.08'

100' EASEMENT FOR ELECTRIC TRANSMISSION LINES
BK. 68 OF MISC., PG. 92, M.C.R.

100' BUILDING SETBACK

S70° 36' 36"E 140.14'

2030.29'(C)

APN: 500-06-992B
UNSUBDIVIDED
DOC. NO. 17-0732944, M.C.R.
ZONE: RU-43

| Line Table | | |
|---|---|---|
| Line # | Direction | Length |
| L1 | N55° 16' 17"E | 7.99' |
| L2 | S79° 24' 05"E | 7.26' |
| L3 | S89° 45' 48"E | 25.92' |
| L4 | N10° 35' 55"E | 12.54' |
| L5 | S79° 24' 05"E | 67.72' |
| L6 | S33° 20' 46"E | 19.88' |
| L7 | S77° 03' 51"E | 27.00' |
| L11 | S10° 40' 55"W | 45.10' |
| L12 | N10° 40' 55"E | 44.66' |
| L13 | S78° 41' 48"E | 20.00' |
| L14 | N89° 49' 08"W | 23.35' |
| L15 | S00° 11' 10"W | 20.00' |
| L16 | S89° 49' 08"E | 23.35' |

2644.51'(R)(C)

20' 33' 55' 20' 178.20'

CITY OF GOODYEAR
APN: 500-06-017A
UNSUBDIVIDED
***(NOT A PART)***

L16
L15
WATER EASEMENT
***DEDICATED HEREON***
L14

**S. COTTON LANE**

75.0' 20'

N0° 11' 10"E(C)(M) N0° 11' 10"E 642.11'

30' BUILDING SETBACK

433.91'

10' PUBLIC UTILITY EASEMENT
***DEDICATED HEREON***

RIGHT OF WAY DECLARATION BY SEPARATE INSTRUMENT
DOC. NO. _____, M.C.R.

LOT 1
996,327.32 S.F / 22.87 AC.

20' BUILDING SETBACK

APN: 500-06-019L
UNSUBDIVIDED
DOC. NO. 20-0124255, M.C.R.
ZONE: RU-43

614.48' S0° 12' 11"W 2644.73(C)

30'

| Curve Table | | | | | |
|---|---|---|---|---|---|
| Curve # | Length | Radius | Delta | Chord Direction | Chord Length |
| C1 | 471.10' | 2065.00' | 013°04'16" | N83° 13' 40"W | 470.07' |
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| C3 | 16.81' | 2065.00' | 000°27'59" | N76° 55' 32"W | 16.81' |
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33' 55' 20'

POINT OF BEGINNING
N44° 47' 19"W 46.69'

N89° 48' 50"W 75.00'

10' PUBLIC UTILITY EASEMENT
***DEDICATED HEREON***

30' BUILDING SETBACK

***SIDEWALK EASEMENT DEDICATED HEREON***

WATER EASEMENT
***DEDICATED HEREON***

10' PUBLIC UTILITY EASEMENT
***DEDICATED HEREON***

REBAR (NO I.D.)
ACCEPTED &
CAPPED RLS#48943

N89° 45' 48"W 175.15'

RIGHT OF WAY DEDICATED BY SEPARATE INSTRUMENT
DOC. NO._____ M.C.R.

97.93'(R)(C)

55.00' 228.00' 65.0' 1245.81' 519.98' 433.43' 517.85' S89° 45' 48"E 2641.56' (OVERALL) (BASIS OF BEARING)

40.0'

1320.75'(M)

2 1/2" PIPE NO I.D.
CEN. 1/4 COR. SEC. 24, T 1 N., R 2 W.

S89° 46' 13"E(M) 2657.43'(M)

CITY OF GOODYEAR
BRASS CAP IN HANDHOLE
E 1/4 COR. SEC. 24, T 1 N., R 2 W.

R=2000.00'(R)
Δ=13°04'24"(M)
L=456.34'(M)

R=2000.00'(R)
Δ=13°04'24"(M)
L=456.35'(C)

**W. ELWOOD STREET**

65.0'

ELWOOD ST. R/W
BK. 961, PG. 13, M.C.R.

103.67'

N0° 12' 11"E 103.67'(C)

133.08'(C)

S89° 45' 48"E(M) 408.21'(C) 541.29'(M)

CITY OF GOODYEAR
BRASS CAP FLUSH
W 1/4 COR. SEC. 24, T 1 N., R 2 W. RLS#35832
POINT OF COMMENCEMENT

ELWOOD ST. R/W
BK. 961, PG. 13, M.C.R.

Plotted: 10/05/21 – 1:48 PM, By: mrajsdale
File: M:\0909 Iacia Homes - NEC Collins Lane & Elwood St - Goodyear\Survey\0909_FP.dwg — FP S2


consulting Terrascape civil engineering • surveying • urban planning
445 East Missouri Ave, Suite 140, Phoenix, Arizona 85012
P:602.297.8732 • info@terrascape.us • terrascapeconsulting.com


48943 Mitchell H. Ragsdale Date Signed 10/05/21 REGISTERED LAND SURVEYOR ARIZONA U.S.A.

Contact Arizona 811 at least two full working days before you begin excavation
ARIZONA811 Call 811 or click Arizona811.com

DATE: 10 / 06 / 21

CHECKED BY: MHR

DRAWN BY: BWB

TITLE: **FINAL PLAT**

SHEET No. **2 of 2**

PROJECT No. **0909**

# FINAL PLAT

# EL CIDRO PARCEL 5

W. LOWER BUCKEYE ROAD

S89° 46' 22"E(C) 2643.20'(R) 2643.10'(C) 1321.59'(C) 1321.51'(C)

NW COR. SEC. 24, T 1 N., R 2 W.
MONUMENT REMOVED DUE TO PRESENT CONSTRUCTION, POSITION CALCULATED FROM RECORD DOCUMENTS

CITY OF GOODYEAR
BRASS CAP IN HANDHOLE
N 1/4 COR. SEC. 24, T 1 N., R 2 W.

| UTILITY PROVIDER TABLE | |
|---|---|
| UTILITY | UTILITY COMPANY |
| WATER | CITY OF GOODYEAR |
| SEWER | CITY OF GOODYEAR |
| ELECTRIC | APS |
| COMM. | COX COMMUNICATIONS |
| COMM. | CENTURYLINK |
| IRRIGATION | RID |
| NATURAL GAS | SOUTHWEST GAS |

SURVEY LEGEND

- SECTION CORNER
- FOUND CITY OF GOODYEAR BRASS CAP FLUSH RLS #35832
- FOUND MONUMENT AS NOTED
- SET 1/2" REBAR W/CAP RLS #48943
- NOTHING FOUND OR SET
- M.C.R. MARICOPA COUNTY RECORDS
- R/W RIGHT OF WAY
- (M) MEASURED DATA
- (R) RECORD DATA (DEED OF RECORD)
- (C) CALCULATED DATA
- SECTION LINE
- BOUNDARY LINE
- EASEMENT LINE AS NOTED
- BOUNDARY LINE - OTHER
- BOUNDARY - TIES

SCALE: (1 Inch = 60 Feet)
60 0 60 120 240

S71° 00' 20"E 149.95'

N10° 22' 00"E 109.06'

33'

N1° 23' 32"E 190.04'

10' PUBLIC UTILITY EASEMENT
***DEDICATED HEREON***

APN: 500-06-017B
UNSUBDIVIDED
DOC. NO. 05-0499823, M.C.R.
ZONE: PAD

S70° 38' 55"E 1004.08'

100' EASEMENT FOR ELECTRIC TRANSMISSION LINES
BK. 68 OF MISC., PG. 92, M.C.R.

100' BUILDING SETBACK

S70° 36' 36"E 140.14'

2030.29'(C)

APN: 500-06-992B
UNSUBDIVIDED
DOC. NO. 17-0732944, M.C.R.
ZONE: RU-43

| Line Table | | |
|---|---|---|
| Line # | Direction | Length |
| L1 | N55° 16' 17"E | 7.99' |
| L2 | S79° 24' 05"E | 7.26' |
| L3 | S89° 45' 48"E | 25.92' |
| L4 | N10° 35' 55"E | 12.54' |
| L5 | S79° 24' 05"E | 67.72' |
| L6 | S33° 20' 46"E | 19.88' |
| L7 | S77° 03' 51"E | 27.00' |
| L11 | S10° 40' 55"W | 45.10' |
| L12 | N10° 40' 55"E | 44.66' |
| L13 | S78° 41' 48"E | 20.00' |
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CITY OF GOODYEAR
BRASS CAP FLUSH
W 1/4 COR. SEC. 24, T 1 N., R 2 W. RLS#35832
POINT OF COMMENCEMENT

ELWOOD ST. R/W
BK. 961, PG. 13, M.C.R.

Plotted: 10/05/21 – 1:48 PM, By: mrajsdale
File: M:\0909 Iacia Homes - NEC Collins Lane & Elwood St - Goodyear\Survey\0909_FP.dwg — FP S2


consulting Terrascape civil engineering • surveying • urban planning
445 East Missouri Ave, Suite 140, Phoenix, Arizona 85012
P:602.297.8732 • info@terrascape.us • terrascapeconsulting.com


48943 Mitchell H. Ragsdale Date Signed 10/05/21 REGISTERED LAND SURVEYOR ARIZONA U.S.A.

Contact Arizona 811 at least two full working days before you begin excavation
ARIZONA811 Call 811 or click Arizona811.com

DATE: 10 / 06 / 21

CHECKED BY: MHR

DRAWN BY: BWB

TITLE: **FINAL PLAT**

SHEET No. **2 of 2**

PROJECT No. **0909**

# FINAL PLAT

# EL CIDRO PARCEL 5

ITEM #: 12.
DATE: 12/13/2021
AI #:555

# CITY COUNCIL ACTION REPORT

**SUBJECT: USE PERMIT FOR A DRIVE-THROUGH RESTAURANT (EMR STARBUCKS)**

**STAFF PRESENTER(S):** Alex Lestinsky, Senior Planner

---

## OTHER PRESENTER(S):

Justin Gregonis, Upward Architects

## SUMMARY

A request for use permit for a convenience use (restaurant with drive-through) within the Mountain Ranch Marketplace commercial center located at the northwest corner of Estrella Parkway and Elliot Road.

## Recommendation

Approve a use permit for a convenience use (restaurant with drive-through) subject to the following stipulations. (Alex Lestinsky, Senior Planner)

## STIPULATIONS

1. All future development on the subject property (Property) will be subject to site plan review and approval by city staff, at which time all elements of site development will be reviewed, including, but not limited to, architecture, landscaping, grading and drainage, lighting, infrastructure, parking, access and circulation;
2. The configuration and location of the proposed drive-through lanes and pick-up windows and resultant traffic patterns shall be developed in substantial conformance with the conceptual site plan attached hereto. Any changes to the configuration of these improvements, as shown on the conceptual site plan, that result from the approval of the site plan for the Property may require an amendment to the use permit as determined by the Development Services Director or designee; and,
3. The development of the Property shall be in substantial conformance with the conceptual elevations attached hereto; and
4. All signage, including all preview and menu boards, proposed on the Property shall require separate review and approval of sign permits. No signage is approved as part of this use permit.

## FISCAL IMPACT

Although a fiscal impact analysis has not been conducted on this specific project, all new development will have an ongoing fiscal impact on the city. The development is responsible for construction of infrastructure necessary to serve the site and will generate one-time revenue for the city through payment of permits, construction sales tax and development impact fees. Longer term fiscal impacts include increased demands for municipal services, the costs of which may or may not be offset by increased property values/tax levies, city sales tax, state shared revenues and the increased demand for commercial and retail development. Any areas that will be maintained by the city are constructed by the developer and then conveyed to the city two years after construction.

## BACKGROUND AND PREVIOUS ACTIONS

The subject property is located within the Estrella Phase One Planned Area Development (PAD). This mixed-use PAD was approved on October 28, 1986, which was adopted by Ordinance 87-217. Pursuant to the PAD, the property is designated for commercial use in conformance with the city's C-2 (General Commercial) zoning district.

The master site plan for Mountain Ranch Marketplace was approved in 2008. This site was planned for a future Shops building.

The Planning and Zoning Commission held a public hearing on December 1, 2021. The Commission recommended approval of the use permit 4-0.

## STAFF ANALYSIS

Current Policy:
A use permit requires review by the Planning and Zoning Commission and approval by the City Council following required public hearings. The process for the review of a use permit is set forth in section 1-3-2 of the Goodyear Zoning Ordinance and in the City of Goodyear Administrative Process Manual.

Details of the Request:
The applicant is requesting a use permit for a convenience use (Starbucks drive-through) within the Estrella Phase One PAD. As previously noted, the Property is designated for commercial use and will be developed in accordance with the Mountain Ranch Marketplace design guidelines and city's C-2 (General Commercial) zoning district. As required in the C-2 zoning district, a restaurant with a drive-through must obtain approval of a use permit prior to development.

The proposed use will consist of a Starbucks restaurant with a drive-through. As shown on the conceptual site plan submitted with the use permit, the restaurant will consist of a single story, 2,364 square-foot building and 282 square-foot patio. The configuration of the primary drive-through lane has customers entering from the west and traveling through the site to access the drive-through window located on the east side of the building. Customers will then exit to the north, with the option to go either east or west within the center.

The city's design guidelines require drive-through lanes to provide queuing for five cars (150 feet) measured from the first stopping point (i.e. order board). The proposed site plan provides the minimum required queuing of 150-feet.

Parking for the proposed convenience use will be provided onsite and additionally, the center has a shared parking agreement within the CC&Rs, which satisfies in the city's parking

requirements.

As shown on the conceptual building elevations submitted with the use permit, the building design will utilize the materials and colors approved for Mountain Ranch Marketplace. Final building design will be approved at time of site plan review and approval.

Section 1-3-2 (Use Permits) of the Zoning Ordinance requires that the Planning and Zoning Commission and City Council determine that the proposed use meets the following findings prior to granting a Use Permit:

1. The Use Permit will not be materially detrimental to persons residing or working in the vicinity adjacent to the property, to the neighborhood, or to the public welfare;

The proposed use is in conformance with the intent of the Estrella Phase One PAD and Mountain Ranch Marketplace center, which intends commercial uses within the overall area also encompassing the property. The closest residential development is approximately 0.15 miles south (Estrella Mountain Ranch Parcel 43, platted in 1998)

2. The proposed use is reasonably compatible with uses permitted in the surrounding area;

The proposed use will be located within an area intended for similar commercial uses, including those uses with drive-through facilities, as allowed with a use permit, and multi-family uses. As such, the proposed use should be compatible with the intended uses of the surrounding area in terms of hours of operation, traffic generation, and intensity (noise, light, etc.)

Section 4-2-2 (Convenience Uses) of the Zoning Ordinance provides the following additional evaluation criteria for convenience uses regarding their potential impact on traffic congestion, the neighborhood in general, and their appropriateness for the site:

1. Adequacy of the parcel size and configuration to provide for proper access and internal circulation.

The property is of sufficient size and configuration to accommodate the proposed restaurant with drive-through. The proposed access and internal traffic circulation pattern have been designed to be consistent with the overall master design for the area.

2. Compatibility of the proposed hours of operation with adjacent residential areas.

The intended Starbucks restaurant is proposed to be open from 5:00 AM to 10:00 PM, seven days a week. Given the proposed use’s location within a developed commercial center, staff does not recommend any restrictions on hours of operation.

3. Required traffic mitigation measures, if any.

The traffic study for the site was approved by the Engineering Department. Street and access improvements adjacent to Mountain Ranch Marketplace have been completed. A ¾ median break exists at the commercial center’s primary ingress/egress point at Elliot Road. This ingress/egress point at this intersection is unsignalized. Beyond that entry, there are two accessible signalized intersections for the Mountain Ranch Marketplace center, to the west at San Miguel Drive and Elliot Road, and to the northeast a three-way traffic signal at Estrella Parkway adjacent to the Walgreens.

4. Other concerns, which may place the advisability of the proposed convenience use in question.

Staff found no other concerns with the development of a convenience use on the Property.

Fire Department:
Emergency response times and distances are provided below:

| Nearest Goodyear Fire Station | Shortest path | | Longest path | | 2nd nearest Fire Station | Shortest path | | Longest path | |
|---|---|---|---|---|---|---|---|---|---|
| | Mins | Miles | Mins | Miles | | Mins | Miles | Mins | Miles |
| #182 | 1.35 | 0.67 | 1.35 | 0.67 | #186 | 9.90 | 4.95 | 9.90 | 4.95 |

Public Participation:
In accordance with the City's Citizen Review Ordinance, a neighborhood meeting was held on October 20, 2021 at the Mountain Ranch Marketplace commercial center. Notice was sent to property owners within 500-feet of the subject property. No one from the public attended this meeting. Staff has received one phone call from a resident of Estrella who voiced concerns with potential traffic impacts.

Notice for the public hearings before the Planning and Zoning Commission and City Council included a notice mailed to surrounding property owners, a sign posted on the property, and a legal notice published in the Arizona Republic, Southwest Edition, on November 12, 2021. Other than the phone call referred to above, staff has not received any inquires on this request.

On December 1, 2021, the Planning and Zoning Commission held a public hearing for the request. No one from the public attended this meeting or spoke in opposition to the request. The Commission recommended approval of the item by unanimous (4-0) vote.

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**Attachments**

Aerial Photo
Project Narrative
Conceptual Site Plan
Conceptual Building Elevations
Staff Presentation

# Aerial Photo Exhibit
# Use Permit
# Case No. 20-300-00005




Drawn By: Alex Lestinsky
City of Goodyear Development Sevices Department
Date: October 29, 2021

N

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Architecture • Planning • Interior Design

4650 E Cotton Center Boulevard Phoenix, AZ 85040
602.395.1000 www.verticaldesignstudios.com

November 03, 2021

City of Goodyear
Development Services Department
14455 W. Van Buren Street, Suite D101
Goodyear, AZ 85338

Re: Pre-Application Meeting Application
NEC W. Elliot Road and S. Estrella Parkway
Parcel # 400-06-061E

Dear Planner,

Attached you will find our pre-application submittal for a proposed commercial retail development located on the northeast corner of west Elliot Road and south Estrella Parkway in Goodyear, Arizona. Included in this submittal is our application, a contextual site plan, conceptual site plan and conceptual elevations.

Introduction
The proposed building is a new, ground-up coffee shop with a drive-through window and patio seating. The 2,400 square foot building is being proposed on a portion of an overall site with an area of 958,320 square foot (22.0 AC) lot. The development meets the parking requirements for the zoning district and the center has a current cross access and cross parking agreement. The site is zoned PAD.

Access to the site is proposed along Elliot Road to the property. The property can also be accessed from the east from an interior drive aisle.

The proposed typical building parapet elevation is 20'-8" with a 25'-0" high entry tower element. Proposed site walls match the existing site screen walls currently on the site. The colors and materials have been selected from the Mountain Ranch Marketplace approved color/material palette. Metal canopies will provide shade above windows while a trellis and green screen is proposed along the drive through lane. The proposed light fixtures will align with the center standards.

Reasonably Compatible with Surrounding Area
As a drive-thru restaurant, the proposed Starbucks is a use that is typically found in PAD zoned developments in support of large retail developments and fits into the existing retail mix at Mountain Ranch Marketplace at Estrella. We don't foresee any noise, lighting, and odor issues based on the location of the PAD.

Hours of Operation
Starbucks hours of operation are 5 AM to 10 PM. This will NOT be a 24-hour operation.

Not a Detriment to Adjacent Properties
The screen wall to the east of the property is designed to ensure it is not materially detrimental to persons working in the adjacent property.

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602.395.1000 www.verticaldesignstudios.com

Maintenance of Positive Appearance
The proposed Starbucks will be developed to blend with the existing development and will include various shades of painted stucco with a high parapet at the entrance on the north. The elevations include cultured stone decorative pilasters to match other column/pilaster elements in the center. Brick is also introduced on the elevations to match the existing development. Landscaping will be modified to accommodate the Starbucks project using the existing plant palette.

Drive-thru Queuing and Site Access
The proposed drive-thru has queuing for 13 cars, which exceeds the city's ordinance and meets the cities minimum requirements of traffic analysis. This location will also utilize mobile ordering with dedicated pick up spaces which helps alleviate excessive queueing.

The following traffic maneuvers are most likely to be utilized exiting the site.
Northbound on Estrella Parkway – Use of the signalized intersection on Estrella Parkway to make a left turn.
Southbound on Estrella Parkway – The closest driveway to turn right out onto Estrella Parkway would be utilized.
Westbound on Elliot Road - The closest driveway to turn right out onto Elliot Road would be utilized.
Eastbound on Elliot Road – The closest driveway to turn right out on Estrella Parkway then a left turn onto Elliot Road would be utilized.

Please do not hesitate to contact me if you have any questions or need any additional information.

Sincerely,



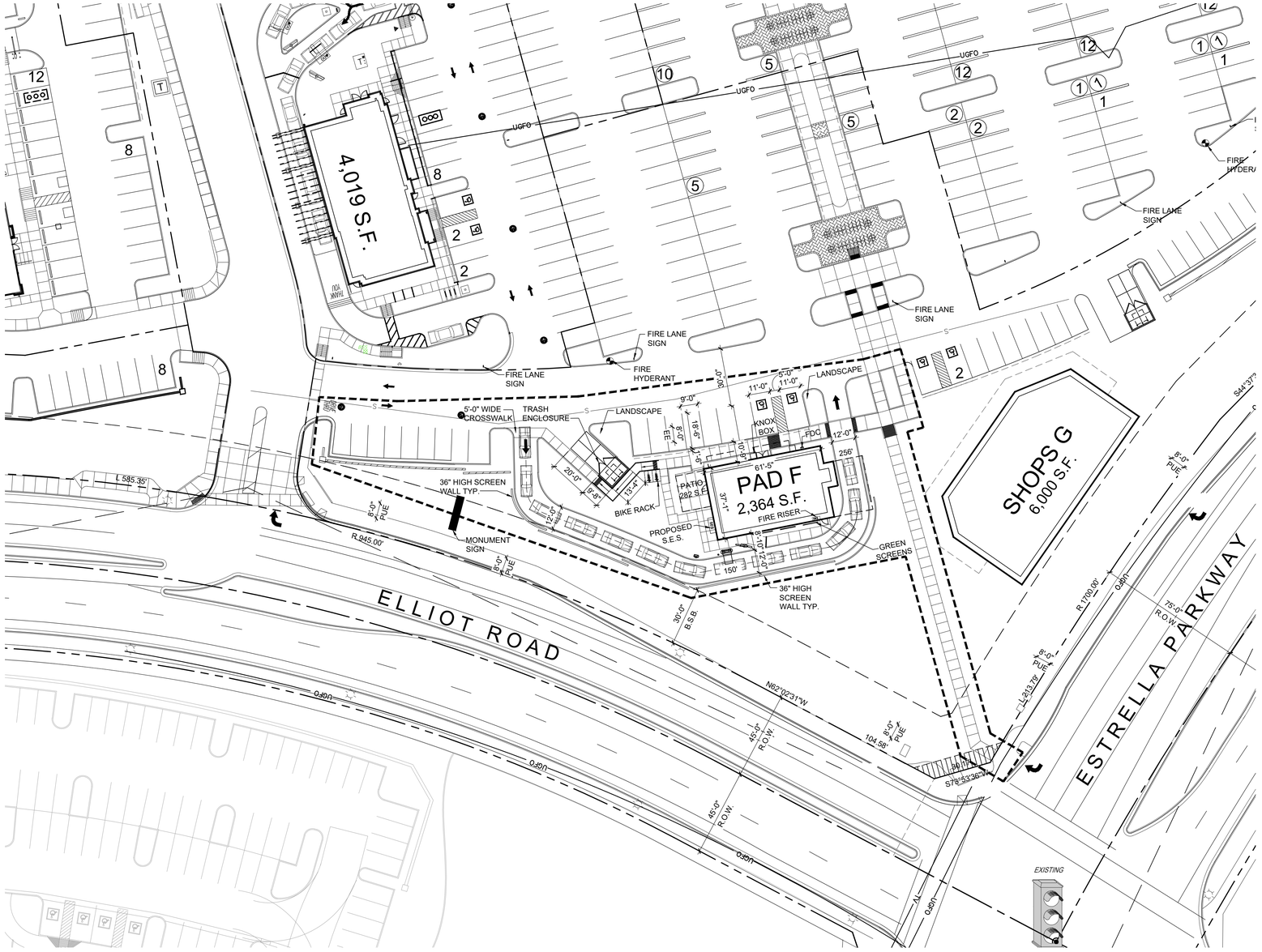
Justin Gregonis
Managing Partner

## CITY OF GOODYEAR SITE PLAN NOTES

1. IMPROVEMENTS MADE WITHIN A CITY RIGHT-OF-WAY, TRACT, OR EASEMENT THAT WILL BE MAINTAINED IN THE FUTURE BY THE CITY OF GOODYEAR SHALL BE CLEARLY IDENTIFIED ON THE APPROVED PLANS AND ARE SUBJECT TO THE FOLLOWING REQUIREMENTS. IMPROVEMENTS MAY INCLUDE BUT ARE NOT LIMITED TO STREET SURFACES, CURB, GUTTER, SIDEWALKS, RAMPS, DRIVEWAYS, TURN BAYS, BUS BAYS, STREET LIGHTING, SIGNAGE, AND STRIPING. LANDSCAPE RESPONSIBILITIES ARE IDENTIFIED UNDER SEPARATE NOTE:
   a. THE DEVELOPER SHALL MAINTAIN AND WARRANTY ALL IMPROVEMENTS FOR A PERIOD OF TWO YEARS BEGINNING IMMEDIATELY AFTER THE CITY ISSUES THE NOTIFICATION OF APPROVAL FOR THE PROJECT.
   b. DURING THE MAINTENANCE AND WARRANTY PERIOD, THE DEVELOPER SHALL BE RESPONSIBLE FOR MAINTAINING ADEQUATE PROTECTION OF ALL IMPROVEMENTS. ANY DAMAGED IMPROVEMENTS SHALL BE IMMEDIATELY REPAIRED OR REPLACED AT THE DEVELOPER'S EXPENSE.
   c. MAINTENANCE SHALL INCLUDE BUT IS NOT LIMITED TO STREET SWEEPING, APPLICATION OF SEALANT IN ALL PAVEMENT CRACKS AND JOINTS, AND APPLICATION OF SEALANT OVER ALL ASPHALT PAVEMENTS.
   d. AT THE TERMINATION OF THE MAINTENANCE AND WARRANTY PERIOD, ALL IMPROVEMENTS SHALL BE UNDAMAGED AND SHALL MEET CITY STANDARDS.
   e. IF ALL IMPROVEMENTS ARE NOT ACCEPTABLE AT THE END OF THE TWO-YEAR PERIOD, THE MAINTENANCE AND WARRANTY PERIOD SHALL CONTINUE UNTIL THE IMPROVEMENTS MEET CITY APPROVAL.
2. LANDSCAPED AREAS THAT WILL BE MAINTAINED IN THE FUTURE BY THE CITY OF GOODYEAR SHALL BE CLEARLY IDENTIFIED ON THE APPROVED PLANS AND ARE SUBJECT TO THE FOLLOWING REQUIREMENTS. THESE AREAS MAY INCLUDE RETENTION BASINS, PARKS, RIGHTS-OF-WAY, AND STREET CENTER MEDIAN LANDSCAPING:
   a. THE DEVELOPER SHALL MAINTAIN AND WARRANTY ALL LANDSCAPE IMPROVEMENTS, INCLUDING PLANTED AREAS AND IRRIGATION SYSTEMS, FOR A PERIOD OF TWO YEARS BEGINNING IMMEDIATELY AFTER THE CITY ISSUES THE NOTIFICATION OF APPROVAL FOR THE PROJECT.
   b. DURING THE MAINTENANCE AND WARRANTY PERIOD, THE DEVELOPER SHALL BE RESPONSIBLE FOR MAINTAINING ADEQUATE PROTECTION TO ALL AREAS. ANY DAMAGED PLANTING AND/OR IRRIGATION SYSTEMS SHALL BE IMMEDIATELY REPAIRED OR REPLACED AT THE DEVELOPER'S EXPENSE.
   c. MAINTENANCE SHALL INCLUDE CONTINUOUS OPERATIONS OF WATERING, WEEDING, REMOVAL OF DEAD PLANT MATERIAL, MOWING, ROLLING, FERTILIZING, SPRAYING, INSECT AND PEST CONTROL, RE-SEEDING, REPLACEMENT, AND ALL OTHER MEASURES NECESSARY TO ENSURE NORMAL HEALTHY GROWTH.
   d. WHEN THE TURF HAS ESTABLISHED SUFFICIENT ROOT STRUCTURE AND HAS OBTAINED AN APPROXIMATE HEIGHT OF 3 INCHES, MOWING SHALL BEGIN IMMEDIATELY TO ACHIEVE A TURF HEIGHT OF 2 INCHES; THE TURF SHALL BE MOWED THEREAFTER TO SAFELY MAINTAIN THE 2-INCH HEIGHT.
   e. AT THE TERMINATION OF THE MAINTENANCE AND WARRANTY PERIOD, ALL TURF AREAS SHALL BE LIVE, HEALTHY, UNDAMAGED, AND FREE OF INFESTATIONS. ALL AREAS SHALL BE COMPLETELY VOID OF BARREN SPOTS LARGER THAN 3 INCHES BY 3 INCHES.
   f. IF ALL PLANTINGS ARE NOT ACCEPTABLE AT THE END OF THE TWO-YEAR PERIOD, THE MAINTENANCE AND WARRANTY PERIOD SHALL CONTINUE UNTIL THE LANDSCAPING MEETS CITY APPROVAL.

## UTILITY PROVIDERS :

APS, COX, CENTURY LINK, SOUTHWEST GAS (BUT STARBUCKS MAY NOT USE GAS), AND CITY OF GOOD YEAR WATER AND SEWER




## CONCEPTUAL SITE PLAN

SCALE: 1" = 30'-0"

N

0' 30' 60' 90'

SCALE: 1" = 30'-0"

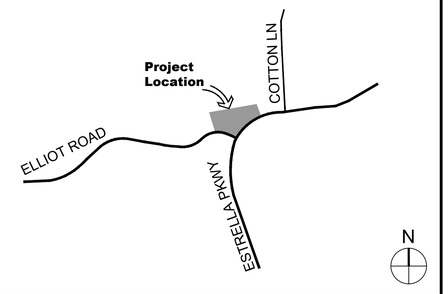
## SITE DATA

| | |
|---|---|
| PARCEL NUMBER: | 400-06-061E |
| EXISTING ZONING: | PAD |
| SITE AREA: | 958,320 SF / 22.00 AC |
| GROSS AREA | 1,078,739.24 SF/24.7 AC |
| LOT COVERAGE | 0.24% |
| USE (EXISTING): | UNDEVELOPED |
| USE (PROPOSED: | LIMITED SERVICE RESTAURANT W/ DRIVE-THRU |

PARKING REQUIRED

| | |
|---|---|
| RESTAURANT 'PAD F' | 2,364 S.F. |
| (1 PER 50 SF SEATING + 1 PER 150 SF FOOD PREP) | |
| (1,416 / 50 = 28.3) + (946 / 150 = 6.3) | = 35 |
| OUTDOOR DINING AREA | 282 S.F. |
| (282 / 150 = 1.8) | = 2 |
| TOTAL PARKING REQUIRED | = 37 |
| SITE PARKING PROVIDED: | = 994 SPACES |

## VICINITY MAP:




## TEAM:


ARCHITECT

VERTICAL DESIGN STUDIOS
1155 W Rio Salado Pkwy, Suite B-101
TEMPE, ARIZONA 85281
PHONE: 602.753.5318
FAX:
E-MAIL: Justin@upwardarchitects.com
CONTACT:Justin Gregonis

PROPERTY OWNER/DEVELOPER

KITCHELL DEVELOPMENT COMPANY
1707 EAST HIGHLAND
PHOENIX, ARIZONA 85016
PHONE: 602.390.3178
FAX:
E-MAIL: BAnderson@kitchell.com
CONTACT:Brad Anderson


## VICINITY MAP:

- FIRE HYDRANT
- FIRE LANE SIGN
- FDC
- FIRE RISER

# SITE PLAN

NEC W Elliot Road and S Estrella Parkway
Goodyear, AZ

09.03.2021

PROJECT NO.: 19115

REGISTERED ARCHITECT
CERTIFICATE NO.
50439
JUSTIN J.
GREGONIS
ARIZONA, U.S.A.
EXPIRES 12/31/21


VERTICAL DESIGN STUDIOS
Architecture • Planning • Interior Design
4650 E. Cotton Center Boulevard Phoenix, AZ 85040
602.395.1000 www.verticaldesignstudios.com



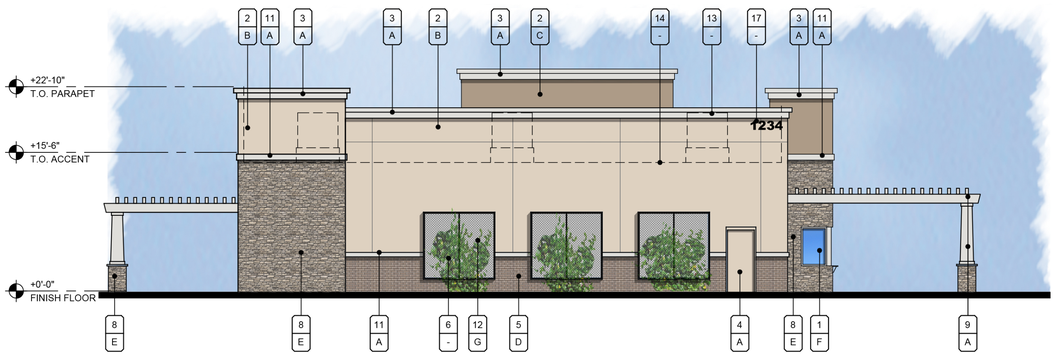

1 NORTH ELEVATION
SCALE: 1/8"=1'-0"




2 WEST ELEVATION
SCALE: 1/8"=1'-0"




3 EAST ELEVATION
SCALE: 1/8"=1'-0"




4 SOUTH ELEVATION
SCALE: 1/8"=1'-0"

# MATERIAL/COLOR SCHEDULE

## MATERIALS

1. ALUMINUM STOREFRONT WITH 1" INSULATED LOW E GLAZING
2. STUCCO FINISH
3. CORNICE TO BE PAINTED
4. HOLLOW METAL DOOR
5. BRICK VENEER
6. FENCE PANEL - TUBE STEEL FRAME WITH 4"X4" METAL MESH - PAINTED BLACK
7. FUTURE TENANT SIGNAGE UNDER SEPARATE PERMIT AND SUBMITTAL
8. STONE VENEER
9. WOOD STRUCTURE - COLUMN AND BEAM
10. METAL CANOPY - PAINTED
11. STUCCO ACCENT - PAINTED
12. DECORATIVE STEEL GREEN SCREEN
13. HVAC EQUIPMENT BEYOND
14. ROOF LINE BEYOND
15. ELECTRICAL SERVICE ENTRANCE SECTION - BEYOND
16. STEEL GATES PAINTED
17. BUILDING ADDRESS WITH 12" HIGH NUMBERS AND 2" STROKE

## COLORS

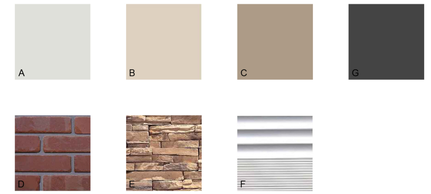
By: Sherwin Williams
- A. SW 6000 "SNOWFALL"
- B. SW 7531 "CANVAS TAN"
- C. SW 7549 "STUDIO TAUPE"
- G. SW 7069 "IRON ORE"

By: Eldorado Stone
- E. "SEQUOIA"
  - 80% RUSTIC LEDGE
  - 20% BANDING STONE

By: Robinson Brick Co.
- D. MASONRY "SCHOOLHOUSE"
  - THIN BRICK W/ GRAY GROUT

Oldcastle Aluminum Storefront:
- F. "CLEAR ANODIZED"

MATERIAL #
FINISH X




# MOUNTAIN RANCH MARKETPLACE STARBUCKS

NEC W Elliot Road and S Estrella Parkway
Goodyear, AZ

08.30.2021

PROJECT NO.: 19115


REGISTERED ARCHITECT
CERTIFICATE NO.
50439
JUSTIN J.
GREGONIS
ARIZONA, U.S.A.
EXPIRES 12/31/21

VERTICAL
DESIGN STUDIOS
Architecture • Planning • Interior Design

4650 E. Cotton Center Boulevar0 Phoenix, AZ 85040
602.395.1000 www.verticaldesignstudios.com

# EMR Starbucks
# Use Permit

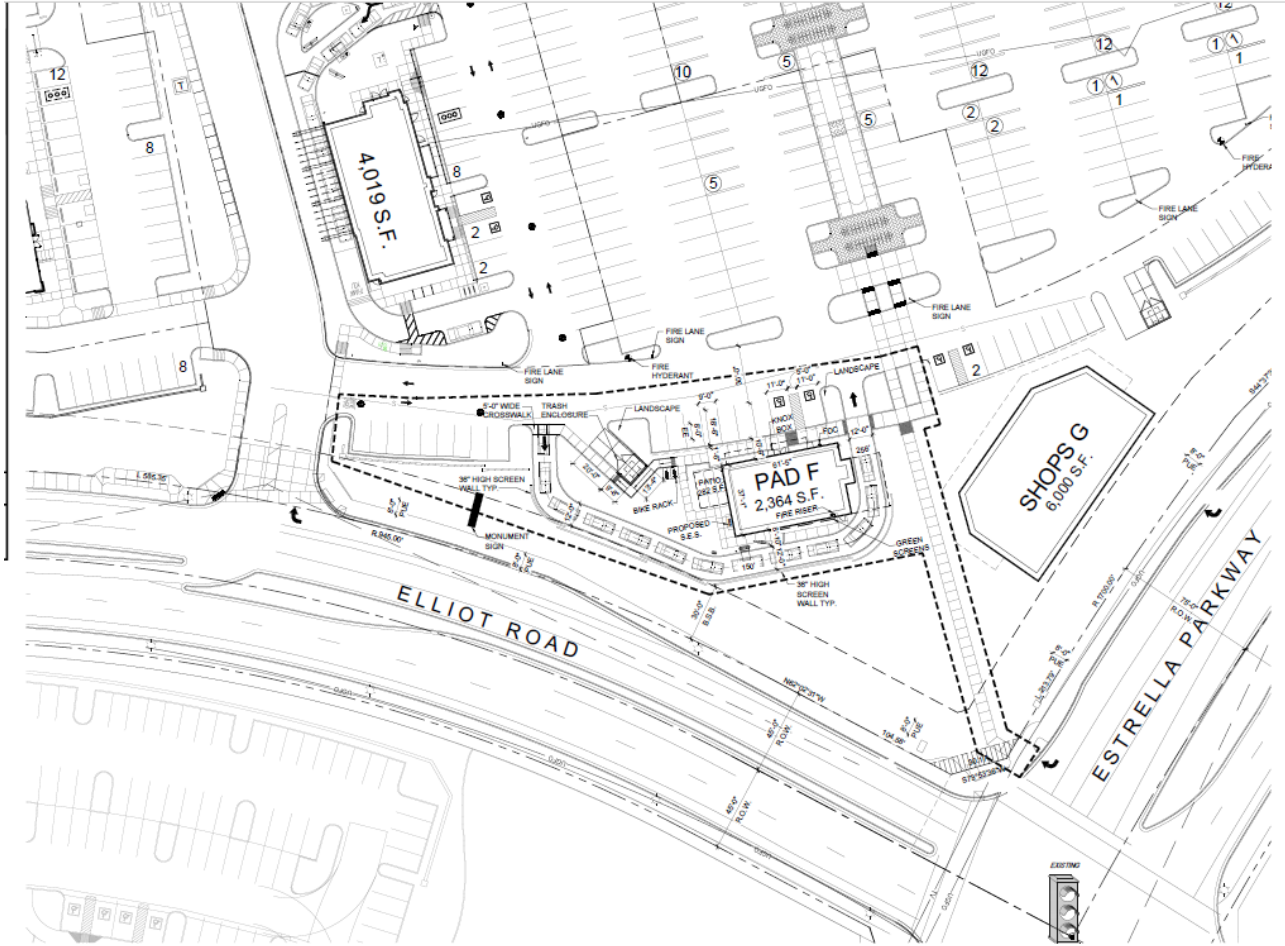
# Request

## NWC ESTRELLA PKWY & ELLIOT RD

- Use Permit to allow a drive-through restaurant

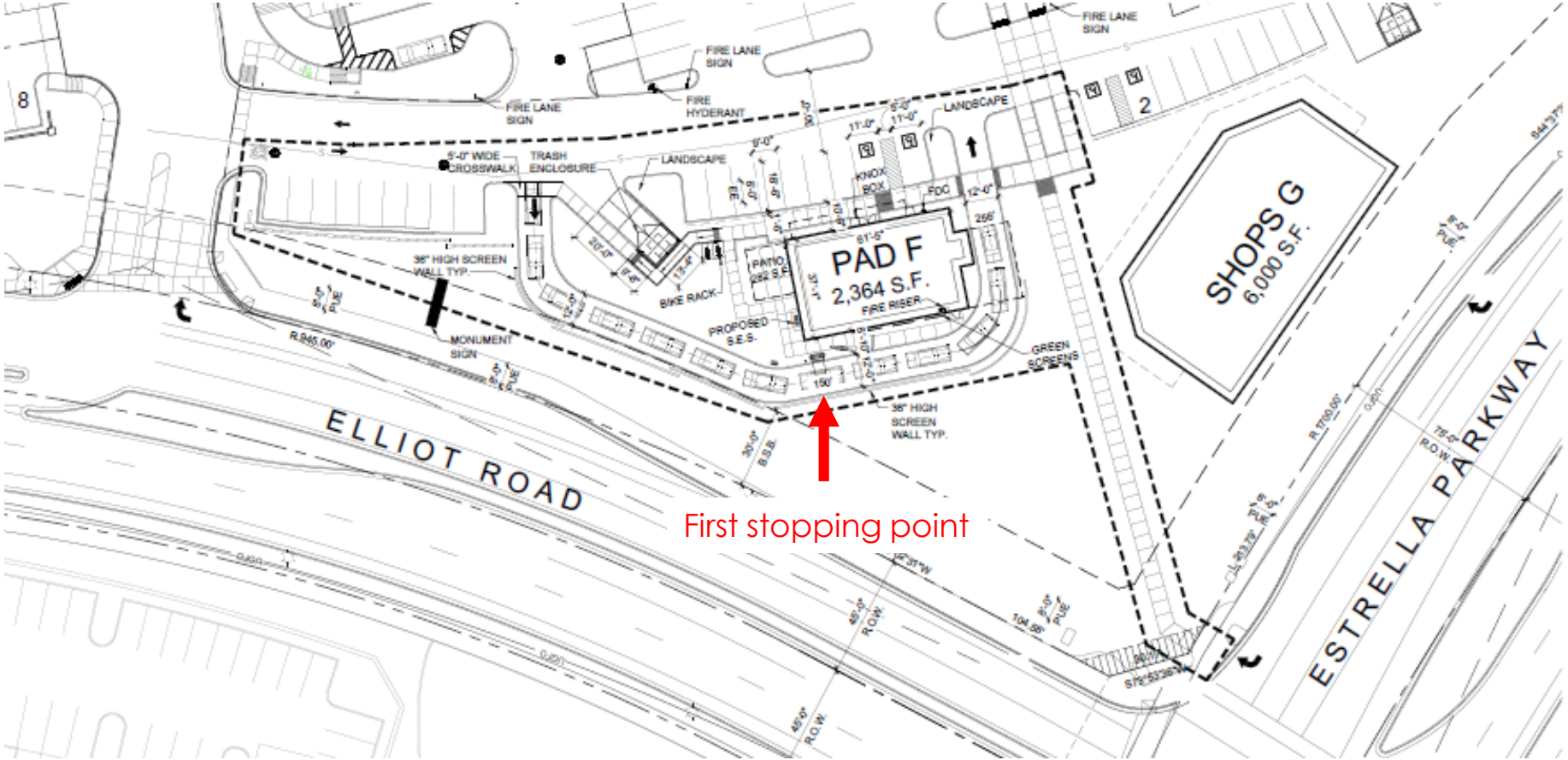



Safeway
Walgreens
S SAN GABRIEL DR E
McDonalds
Subject Property
W ELLIOT RD
S ESTRELLA PKWY
Starpointe Residents Club
W ELLIOT RD
S 175TH AVE
EMR Parcel 43
City of Goodyear




CONCEPTUAL SITE PLAN

SCALE: 1" = 30'-0"


FIRE LANE SIGN
FIRE HYDERANT
FIRE LANE SIGN
FIRE LANE SIGN
LANDSCAPE
5'-0" WIDE CROSSWALK
TRASH ENCLOSURE
LANDSCAPE
KNOX BOX
FDC
38" HIGH SCREEN WALL TYP.
PAD F
2,364 S.F.
FIRE RISER
PATIO 282 S.F.
BIKE RACK
PROPOSED S.E.S.
MONUMENT SIGN
GREEN SCREENS
38" HIGH SCREEN WALL TYP.
SHOPS G
6,000 S.F.
ELLIOT ROAD
ESTRELLA PARKWAY
First stopping point


1234




CROSSWALK
ENCLOSURE
LANDSCAPE
KNOX BOX
FDC
PAD F
2,364 S.F.
FIRE RISER
PATIO
282 S.F.
38" HIGH SCREEN WALL TYP.
BIKE RACK
MONUMENT SIGN
GREEN SCREENS
SHOPS
6,000 S.F.
PARKWAY
R.945.00'
R.1705.00'
75'-0" R.O.W.




1234

# Recommendation

## APPROVE

- Complies with city requirements
  - Traffic Report approved by City Engineer
- Neighborhood meeting – held 10/20/21 at Mountain Ranch Marketplace

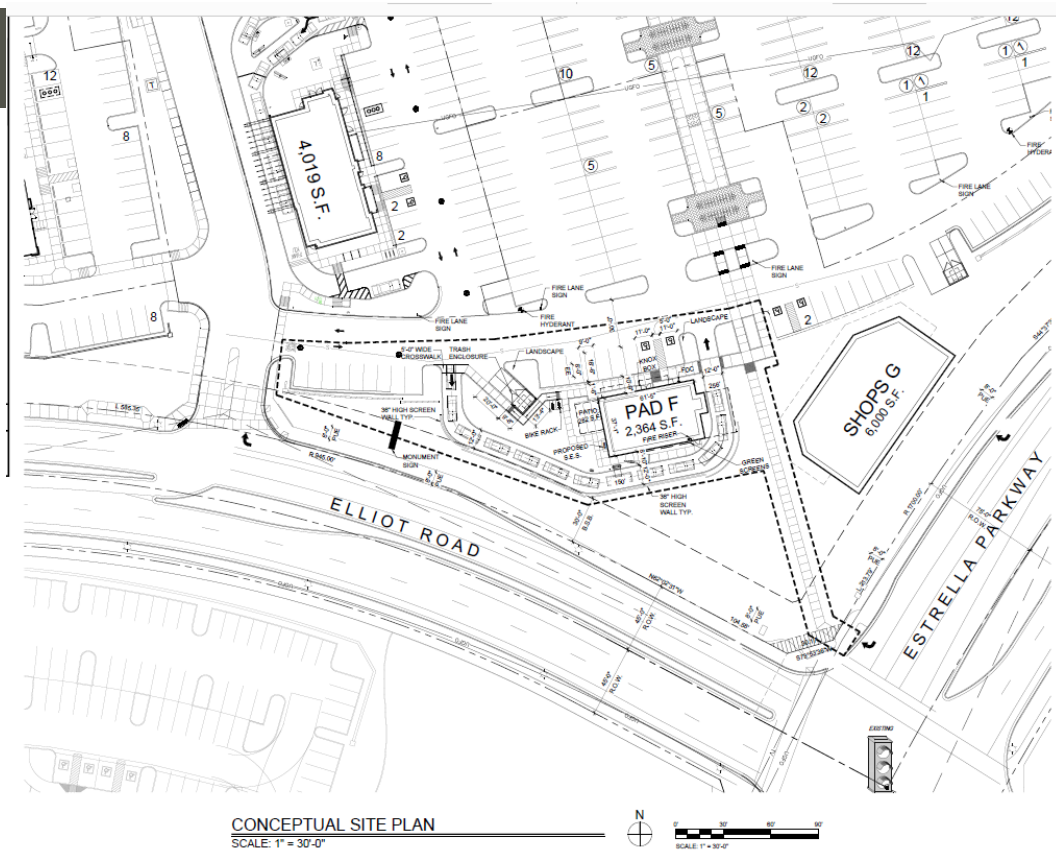
# Recommendation

## APPROVE

- Public notifications
  - Arizona Republic SW Edition
  - Postcards – 500’ from subject property
  - Sign Posted for public hearings
- Planning Commission recommended approval 4-0 on 12/1/2021

# Questions


Safeway
Walgreens
S SAN GABRIEL DR E
McDonalds
Subject Property
W ELLIOT RD
S ESTRELLA PKWY
Starpointe Residents Club
W ELLIOT RD
S 175TH AVE
EMR Parcel 43


4019 S.F.
PAD F
2,364 S.F.
SHOPS G
6,000 S.F.
ELLIOT ROAD
ESTRELLA PARKWAY
CONCEPTUAL SITE PLAN
SCALE: 1" = 30'-0"
N

ITEM #: 13.
DATE: 12/13/2021
AI #:531

# CITY COUNCIL ACTION REPORT

**SUBJECT: MAJOR GENERAL PLAN AMENDMENT FOR ESTRELLA COMMUNITY 14**

**STAFF PRESENTER(S):** Alex Lestinsky, Senior Planner

## OTHER PRESENTER(S):

Carolyn Oberholtzer, Bergin, Frakes, Smalley & Oberholtzer, PLLC

## SUMMARY

Request for a Major Amendment to the Goodyear 2025 General Plan for approximately 481 acres generally located east of Estrella Parkway north of the Willis Road intersection to amend the land use designation for the approximately 481 acres from Business and Commerce to Neighborhoods.

## Recommendation

ADOPT RESOLUTION NO. 2021-2197, APPROVING A MAJOR AMENDMENT TO THE GOODYEAR 2025 GENERAL PLAN TO AMEND THE LAND USE DESIGNATION OF APPROXIMATELY 481 ACRES GENERALLY LOCATED EAST OF ESTRELLA PARKWAY, NORTH OF THE WILLIS ROAD INTERSECTION FROM BUSINESS & COMMERCE TO NEIGHBORHOODS, REQUIRING AMENDMENT TO FIGURE 5.7, GROWTH AREAS MAP, AND FIGURE 8.12 LAND USE AND TRANSPORTATION PLAN OF THE GOODYEAR 2025 GENERAL PLAN; PROVIDING DIRECTION; AND PROVIDING FOR AN EFFECTIVE DATE. (Alex Lestinsky, Senior Planner)

## FISCAL IMPACT

Although a fiscal impact analysis has not been conducted on this specific project, all new development will have an ongoing fiscal impact on the city. The development is responsible for construction of all infrastructure necessary to serve the site and will generate one-time revenue for the city through payment of permits, construction sales tax and development impact fees. Longer term fiscal impacts include increased demands for municipal services, the costs of which may or may not be offset by increased property values/tax levies, city sales tax, state shared revenues and the increased demand for commercial and retail development. Any areas that will be maintained by the city are constructed by the developer and then conveyed to the city two years after construction.

## BACKGROUND AND PREVIOUS ACTIONS

The property subject to the General Plan Amendment is located within what is known as Community 14 of the master planned community known as Estrella (formerly known as Estrella Mountain Ranch). Community 14 encompasses approximately 1,322 acres within Estrella, which is currently zoned Planned Area Development (PAD), and is to be developed in accordance with the Estrella Phase II PAD, adopted by Ordinance 88-257.

The property subject to the General Plan Amendment is approximately 481 acres and is depicted in the document titled Major General Plan Amendment Case No. 21-100-00001 Proposed Changes to Land Use Plan dated November 8, 2021, attached hereto as Exhibit A (the "Property"). Under the current Estrella Phase II PAD, the Property is zoned for the development of commercial uses, high density residential, a school site, park space, and even designated a Regional Mall site.

Land planning for Community 14 is in its' initial stages, and a General Plan Amendment is required to allow for the development of Community 14 as currently envisioned.

The first public hearing for this request was held before the Planning & Zoning Commission on Thursday, November 18, 2021 at Goodyear City Hall. A second public hearing was held before the Planning & Zoning Commission at its regular hearing on Wednesday, December 1, 2021.

## STAFF ANALYSIS

Current Policy:
Chapter 9 of the General Plan defines what type of change is considered a Major Amendment, Minor Amendment, or No Amendment. A change to a property's land use designation affecting more than 160 acres is considered a Major General Plan Amendment. A Major General Plan Amendment requires two public hearings before the Planning and Zoning Commission (one of which must be at a location other than the regular meeting place) and one public hearing before the City Council. All Major Amendments to the General Plan are processed at the same time so that their cumulative effect may be considered. For this calendar year, requests for two Major Amendments have been submitted.

Chapter 9 of the Goodyear 2025 General Plan states that Major Amendments to the General Plan should address certain criteria in order to be considered for approval.

Details of the Request:
When the Estrella Phase II PAD was adopted in the 1988, State Route 303 was anticipated to be located along portions of Community 14. To capitalize on its proximity to State Route 303, the Estrella Phase II PAD provided for the development of approximately 521 acres contiguous acres within Community 14, which included the Property, to be developed for commercial and employment uses, high density residential, a school site, park space, and even designated a Regional Mall site. The vision at the time was for the 521 acres to a regional commercial and employment center. By the time the Goodyear 2025 General Plan was adopted, the State Route 303 alignment was shifted away from Community 14. Although the realignment of State Route 303 made the development of the 521 acres as a regional commercial and employment center less viable, the Land Use designation in the Goodyear 2025 General Plan for the 521 acres was left as Business and Commerce to be consistent with the existing zoning for the 521 acres as depicted in the "Existing General Plan 2025" attached hereto as Exhibit B.

An application has been submitted seeking to amend the General Plan Land Use for the Property from Business & Commerce to Neighborhoods. If approved, the amendment of the land use designation on the Property to Neighborhoods will allow the 481 acres to be rezoned

for the following types of development: Agricultural/Urban (AU), Single Family Residential (R1-10, R1-7, R1-6), Two Family Residential (R2), Multifamily Residential (MF-18), Manufactured Home Subdivision (MHS), Manufactured Home Park or RV Park (MH/RVP), Public Facilities District (PFD), Commercial Office (C-O) Neighborhood Commercial (C-1), General Commercial (C-2), and Planned Area Development (PAD) district. The land use designation of the approximately 40 acres of the 521 acres that had been designated as Business & Commerce will remain as Business & Commerce; which allows for the following types of development: Agriculture (AG), Commercial Office (C-O), Neighborhood Commercial (C-1), General Commercial (C-2), Light Industrial (I-1), Multifamily Residential (MF-18) Public Facilities District (PFD), and Planned Area Development (PAD) zoning districts. To put this into perspective, 40 acres of Business & Commerce could support approximately 400,000 square feet of buildings. Staff anticipates that a rezoning application will be submitted to rezone all or part of Community 14, including the Property consistent with the amended land use designations.

Evaluation Criteria:

Chapter 9, Amendments and Public Participation, specifies the Amendment Review Criteria to be used in reviewing a proposed amendment. The following information identifies these criteria and how this proposed amendment to the General Plan complies with those criteria:

1. The amendment must forward the vision for Goodyear as described in Chapter 3 of the General Plan.

The vision statement for Goodyear is to “create a highly desirable and sustainable place for all to live, work, visit, and play.” The vision statement is supplemented by nine Fundamental Strategies which in turn are implemented by twenty-three community goals that were identified during the General Plan planning process and are reflected in Chapter 4 of the General Plan. The changes proposed support Strategy 9, Foster a Sustainable Economy and Community, since this will provide more residential opportunities in Estrella to support the existing and proposed commercial centers. The applicant has commissioned a market analysis from Elliott D. Pollack & Company, an economic and real estate consulting firm, indicating that the existing amount of commercially zoned land far exceeds the demand needed in the area and that approximately 40 acres will be sufficient for the future growth.

2. The amendment must be consistent with the goals, objectives, and policies contained within the General Plan.

The proposed amendment does not conflict with the goals, objectives and policies in the Goodyear 2025 General Plan, and, more specifically, it supports the following goals, objectives and policies:

Goal GD-1.
A compatible mix of land uses that fosters a quality community, with livable and safe neighborhoods, a healthy population, a strong economy and a sustainable environment.

This amendment provides for additional future residential opportunities in the Estrella community that can support the existing and planned commercial centers in Goodyear. The Business & Commerce category, which would remain on approximately 40 acres at the intersection of Willis Road and Estrella Parkway, provides for a mix of uses from light industrial

to commercial, to multifamily. The Neighborhoods category would still allow for commercial in appropriate areas, and a range of residential land uses.

Goal CC?1.
Vibrant and complete neighborhoods recognized as being people and family friendly, each with their individual character yet connected and integrated into a cohesive Goodyear.
The proposed amendment will provide additional Neighborhoods category which will allow the continuation of the Estrella community and individual, unified neighborhood concepts like Lucero, Montecito, etc.

3. The amendment must align with at least one of the fundamental strategies identified in Chapter 3 and shall not conflict with any of the fundamental strategies.

The proposal supports Strategy 6. Protect and Utilize our Assets. The changes proposed support this strategy by providing more acres of residential land that is connected to parks, trails, and existing residential.

4. The amendment must not negatively impact the implementation of any City-approved Master Plan or shall provide mitigation measures to alleviate the potential impact.

The amendment will not negatively impact the implementation of any Master Plan. The amendment area is close to existing water and wastewater treatment facilities that have sufficient land and can be expanded to meet demand if needed. Distribution system and collection system lines will be constructed by the new developments when they are ready to commence. The amendment aligns with the current Transportation Master Plan.

5. The amendment must constitute an overall improvement to the General Plan.

Changing the future land use category from Business & Commerce to Neighborhoods will result in an overall improvement to the General Plan by right-sizing the amount of potential commercial development within the Estrella Community.

6. The amendment will not adversely impact a portion of, or the entire community, by:
    1. Significantly reducing the balance of residents and jobs. The proposed amendment will provide additional homes and residents to support the existing and proposed commercial in the Estrella community and other existing and future retail centers in Goodyear.
    2. Increasing traffic without mitigation. This proposal decreases the expected amount of commercial and high-density residential development, therefore would likely reduce the amount of traffic in this area.
    3. Requiring additional and more expensive improvements to infrastructure without mitigation. Similar to the reduction in proposed traffic, the reduction of Business & Commerce will likely result in the reduction of the intensity of utilities and associated infrastructure in the area.
    4. Significantly altering the existing character of an area in a negative and unplanned way. The proposed change in land use will not significantly alter the character of the area in a negative way. It will essentially continue the existing neighborhood character and quality of Estrella.
    5. Diminishing the environmental quality of the air, water, land, or cultural resources.

The land use change from Business & Commerce to Neighborhood should not diminish the environmental quality of the air, water, land, or cultural resources in this area. All new development will have to meet existing development standards for residential uses. At the time of zoning, the specific permitted land uses and design guidelines will be established.

PUBLIC PARTICIPATION:

On September 3 2021, in compliance with A.R.S. § 9-461.06(D), a notice of the general plan amendment proposal was sent to the appropriate agencies, including the Arizona State Departments of Transportation, Water Resources, State Land, and Governor's Office, adjacent municipalities and counties, Maricopa Association of Governments, Phoenix/Goodyear Airport, Luke Air Force Base, Maricopa County Department of Transportation, Flood Control District, and Arizona Commerce Authority inviting the agencies to provide comments by mail. City staff received no comments in response to the notices that were sent.

In compliance with the Citizen Review requirements of the Zoning Ordinance, a neighborhood meeting was held on September 29, 2021 at Starpointe Residents Club. A postcard notification was sent to adjacent property owners on September 13, 2021 and the applicant also provided an email blast to the community members by the HOA providing details of the proposed neighborhood meeting. Approximately 20 residents attended the neighborhood meeting. The applicant made a presentation to the residents and staff and the applicant were available for questions. Meeting minutes were provided by the applicant and are included as an attachment to this packet.

Notice of the proposed General Plan Amendment and of the two public hearings before the Goodyear Planning and Zoning Commission required for General Plan Amendments was published in the Southwest Edition of the Arizona Republic on November 2, 2021, was included in signs posted on the property at two locations on November 2, 2021, and included in postcards mailed on October 29, 2021 to the owners of the property affected by this proposed amendment and those within 500 feet of the Property. Mayor and City Council received one email from a resident objecting to the request in response to the public hearing notices.

The first public hearing before the Planning and Zoning Commission was held on November 18, 2021 at Goodyear City Hall. The applicant gave a brief presentation. No one from the public spoke at the public hearing. The second public hearing was held before the Planning and Zoning Commission at its regular meeting on December 1, 2021. No members of the public objected to the request. Commissioner Kish asked for clarification of the location and plans for Cotton Lane, which is planned as Major Arterial. One resident was in attendance and asked what kind of commercial development could be developed in the area. Staff responded that a variety of commercial districts, industrial districts, and multi-family districts are generally permitted in the Business and Commerce land use category. The Planning and Zoning Commission recommend approval of the General Plan Amendment 4-0.

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**Attachments**

Resolution

Resolution

Exhibit A - Proposed Future Land Use Map

Exhibit B - Existing General Plan 2025

Exhibit C - Proposed Future Land Use Map
Neighborhood Meeting Report
Project Narrative
Staff Presentation
Applicant Presentation

**RESOLUTION NO. 2021-2197**

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, APPROVING A MAJOR AMENDMENT TO THE GOODYEAR 2025 GENERAL PLAN TO AMEND THE LAND USE DESIGNATION OF APPROXIMATELY 481 ACRES GENERALLY LOCATED EAST OF ESTRELLA PARKWAY, NORTH OF THE WILLIS ROAD INTERSECTION FROM BUSINESS & COMMERCE TO NEIGHBORHOODS, REQUIRING AMENDMENT TO FIGURE 5.7, GROWTH AREAS MAP, AND FIGURE 8.12 LAND USE AND TRANSPORTATION PLAN OF THE GOODYEAR 2025 GENERAL PLAN; PROVIDING DIRECTION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Goodyear 2025 General Plan (hereinafter, "General Plan") was adopted by the Mayor and City Council of the City of Goodyear on June 23, 2014 and ratified by a vote of the citizens of Goodyear on November 4, 2014; and,

WHEREAS, Chapter 5 of the General Plan includes a Growth Areas Map in Figure 5.7 of said Chapter which represents the job centers and the City Redevelopment Area over the Land Use and Transportation Map; and,

WHEREAS, Chapter 8 of the General Plan includes a Land Use and Transportation Plan Map in Figure 8.12 of said Chapter which represents the preferred land use, physical form, and mobility pattern for Goodyear by illustrating the general location of appropriate land uses to guide future growth and development and promoting full integration of land use and transportation planning; and,

WHEREAS, the owner of approximately 481 acres of land along the east side of Estrella Parkway, north of the Willis Road intersection (the "Property") initiated a request to amend the land use designations shown for their property in the 2025 City of Goodyear General Plan from Business & Commerce to Neighborhoods; and,

WHEREAS, the Property is currently zoned Planned Area Development (PAD) and designated for a mix of commercial, high density residential uses; and,

WHEREAS, on September 3, 2021, in compliance with A.R.S. § 9-461.06(D), the appropriate agencies, including the Arizona State Departments of Transportation, Water Resources, State Land, and Governor's Office, adjacent municipalities and counties, Maricopa Association of Governments, Phoenix/Goodyear Airport, Luke Air Force Base, Maricopa County Department of Transportation, Flood Control District, and Arizona Commerce Authority were sent notice of the proposal and opportunity to comment by mail; and,

WHEREAS, city staff received no comments in response to the notices that were sent; and,

WHEREAS, the Zoning Ordinance, General Plan and A.R.S. § 9-461.06(C)(1) require a citizen review process when amending land uses; and,

WHEREAS, on September 29, 2021, a citizen review meeting was held at the Starpointe Residents Club in Estrella. Adjacent property owners were sent via a postcard notification and an email blast to the community members by the HOA providing details of the proposed meeting. Approximately 20 residents attended the citizen review meeting. The applicant made a presentation to the residents and staff and the applicant were available for questions. No major objections were expressed during this meeting; and,

WHEREAS, in response to the notification, City staff received two phone calls with general questions about the application but neither caller expressed opposition to the request; and,

WHEREAS, the Goodyear Planning and Zoning Commission conducted the first required public hearing on this Major General Plan Amendment on November 18, 2021, at a conference room in Goodyear City Hall, a location different from the Commission's regular meeting location, as required by state law; and,

WHEREAS, notice of the proposed general plan amendment and of the two public hearings before the Goodyear Planning and Zoning Commission required for General Plan Amendment, was published in the Southwest Edition of the Arizona Republic on November 2, 2021, included in signs that were posted on the property at two locations on October 29, 2021, and included in postcards mailed on October 29, 2021 to the owners of the Property affected by this proposed amendment and those within 500 feet of the Property; and,

WHEREAS, the Goodyear Planning and Zoning Commission conducted the first required public hearing on this Major General Plan Amendment on November 18, 2021 at a conference room in Goodyear City Hall, a location different from the Commission's regular meeting location, as required by state law

WHEREAS, prior to the meeting, staff received one email from a resident in opposition of the request. During the public meeting held on November 18, 2021, no members of the public spoke regarding the request; and,

WHEREAS, the Goodyear Planning and Zoning Commission conducted the second required public hearing on this Major General Plan Amendment on December 1, 2021, at its regular meeting location, as required by state law; and,

WHEREAS, during the public meeting held on December 1, 2021, the Planning and Zoning Commission recommended approval of the General Plan Amendment with a vote 4-0. At the public hearing, there were no residents in attendance who opposed the request; and

WHEREAS, notice of the proposed general plan amendment and of the public hearing before the Goodyear City Council required for General Plan Amendments scheduled for December 13, 2021, was published in the Southwest Edition of the Arizona Republic on November 2, 2021, included in signs that were posted on the property on October 29, 2021, and included in postcards mailed on November 8, 2021, to the owners of Property affected by this proposed amendment and those within 500 feet of the Property; and

WHEREAS, the proposed Major General Plan Amendment satisfies the required standards and criteria for approval of a Major Amendment, as specified in the General Plan and documented in the staff report for Case No. 21-700-00001; and,

WHEREAS, the Goodyear Planning and Zoning Commission has found that this Major General Plan Amendment is in the best interests of the City and general public and has recommended that such Major General Plan Amendment be approved; and,

WHEREAS, the City of Goodyear City Council conducted the required public hearing on this Major General Plan Amendment on December 13, 2021 in the manner provided for by law; and,

WHEREAS, the City of Goodyear City Council finds that it would be in the best interests of the city and general public that this Major General Plan Amendment for the Property be approved, as recommended by the Planning and Zoning Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

SECTION 1. APPROVAL OF MAJOR GENERAL PLAN AMENDMENT

The Mayor and Council of the City of Goodyear hereby approve a Major Amendment to the Goodyear 2025 General Plan to amend the land use designation of approximately 481 acres generally located east of Estrella Parkway north of the Willis Road intersection from Business & Commerce to Neighborhoods as shown on that certain document titled "Major General Plan Amendment Case No. 21-700-00001 Proposed Changes to Land Use Plan date 11/8/2021," a copy of which is attached hereto as EXHIBIT A.

SECTION 2. AMENDMENT OF FIGURE 5.7 AND 8.12

Staff is authorized and directed to amend Figure 5.7 in Chapter 5, Physical Growth and Development, and Figure 8.12 in Chapter 8, Land Use and Transportation Plan, of the Goodyear 2025 General Plan to replace the land use designation in said documents with the land use designation shown on that certain document titled "Major General Plan Amendment Case No. 21-700-00001 Proposed Changes to Land Use Plan date 11/8/2021," a copy of which is attached hereto as EXHIBIT A and to make the revised Figure 5.7 and Figure 8.12 available to the public.

SECTION 3. EFFECTIVE DATE

This resolution shall become effective upon its passage and adoption by the Mayor and Council of the City of Goodyear.

PASSED AND ADOPTED by the Mayor and Council of the city of Goodyear, Maricopa County, Arizona, by a _____ vote, this _____ day of _____, 20_____.

_____
Georgia Lord, Mayor

Date: _____

ATTEST:

_____
Darcie McCracken, City Clerk

APPROVED AS TO FORM:

_____
Roric Massey, City Attorney

**RESOLUTION NO. 2021-2197**

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, APPROVING A MAJOR AMENDMENT TO THE GOODYEAR 2025 GENERAL PLAN TO AMEND THE LAND USE DESIGNATION OF APPROXIMATELY 481 ACRES GENERALLY LOCATED EAST OF ESTRELLA PARKWAY, NORTH OF THE WILLIS ROAD INTERSECTION FROM BUSINESS & COMMERCE TO NEIGHBORHOODS, REQUIRING AMENDMENT TO FIGURE 5.7, GROWTH AREAS MAP, AND FIGURE 8.12 LAND USE AND TRANSPORTATION PLAN OF THE GOODYEAR 2025 GENERAL PLAN; PROVIDING DIRECTION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Goodyear 2025 General Plan (hereinafter, "General Plan") was adopted by the Mayor and City Council of the City of Goodyear on June 23, 2014 and ratified by a vote of the citizens of Goodyear on November 4, 2014; and,

WHEREAS, Chapter 5 of the General Plan includes a Growth Areas Map in Figure 5.7 of said Chapter which represents the job centers and the City Redevelopment Area over the Land Use and Transportation Map; and,

WHEREAS, Chapter 8 of the General Plan includes a Land Use and Transportation Plan Map in Figure 8.12 of said Chapter which represents the preferred land use, physical form, and mobility pattern for Goodyear by illustrating the general location of appropriate land uses to guide future growth and development and promoting full integration of land use and transportation planning; and,

WHEREAS, the owner of approximately 481 acres of land along the east side of Estrella Parkway, north of the Willis Road intersection (the "Property") initiated a request to amend the land use designations shown for their property in the 2025 City of Goodyear General Plan from Business & Commerce to Neighborhoods; and,

WHEREAS, the Property is currently zoned Planned Area Development (PAD) and designated for a mix of commercial, high density residential uses; and,

WHEREAS, on September 3, 2021, in compliance with A.R.S. § 9-461.06(D), the appropriate agencies, including the Arizona State Departments of Transportation, Water Resources, State Land, and Governor's Office, adjacent municipalities and counties, Maricopa Association of Governments, Phoenix/Goodyear Airport, Luke Air Force Base, Maricopa County Department of Transportation, Flood Control District, and Arizona Commerce Authority were sent notice of the proposal and opportunity to comment by mail; and,

WHEREAS, city staff received no comments in response to the notices that were sent; and,

WHEREAS, the Zoning Ordinance, General Plan and A.R.S. § 9-461.06(C)(1) require a citizen review process when amending land uses; and,

WHEREAS, on September 29, 2021, a citizen review meeting was held at the Starpointe Residents Club in Estrella. Adjacent property owners were sent via a postcard notification and an email blast to the community members by the HOA providing details of the proposed meeting. Approximately 20 residents attended the citizen review meeting. The applicant made a presentation to the residents and staff and the applicant were available for questions. No major objections were expressed during this meeting; and,

WHEREAS, in response to the notification, City staff received two phone calls with general questions about the application but neither caller expressed opposition to the request; and,

WHEREAS, the Goodyear Planning and Zoning Commission conducted the first required public hearing on this Major General Plan Amendment on November 18, 2021, at a conference room in Goodyear City Hall, a location different from the Commission's regular meeting location, as required by state law; and,

WHEREAS, notice of the proposed general plan amendment and of the two public hearings before the Goodyear Planning and Zoning Commission required for General Plan Amendment, was published in the Southwest Edition of the Arizona Republic on November 2, 2021, included in signs that were posted on the property at two locations on October 29, 2021, and included in postcards mailed on October 29, 2021 to the owners of the Property affected by this proposed amendment and those within 500 feet of the Property; and,

WHEREAS, the Goodyear Planning and Zoning Commission conducted the first required public hearing on this Major General Plan Amendment on November 18, 2021 at a conference room in Goodyear City Hall, a location different from the Commission's regular meeting location, as required by state law

WHEREAS, prior to the meeting, staff received one email from a resident in opposition of the request. During the public meeting held on November 18, 2021, no members of the public spoke regarding the request; and,

WHEREAS, the Goodyear Planning and Zoning Commission conducted the second required public hearing on this Major General Plan Amendment on December 1, 2021, at its regular meeting location, as required by state law; and,

WHEREAS, during the public meeting held on December 1, 2021, the Planning and Zoning Commission recommended approval of the General Plan Amendment with a vote 4-0. At the public hearing, there were no residents in attendance who opposed the request; and

WHEREAS, notice of the proposed general plan amendment and of the public hearing before the Goodyear City Council required for General Plan Amendments scheduled for December 13, 2021, was published in the Southwest Edition of the Arizona Republic on November 2, 2021, included in signs that were posted on the property on October 29, 2021, and included in postcards mailed on November 8, 2021, to the owners of Property affected by this proposed amendment and those within 500 feet of the Property; and

WHEREAS, the proposed Major General Plan Amendment satisfies the required standards and criteria for approval of a Major Amendment, as specified in the General Plan and documented in the staff report for Case No. 21-700-00001; and,

WHEREAS, the Goodyear Planning and Zoning Commission has found that this Major General Plan Amendment is in the best interests of the City and general public and has recommended that such Major General Plan Amendment be approved; and,

WHEREAS, the City of Goodyear City Council conducted the required public hearing on this Major General Plan Amendment on December 13, 2021 in the manner provided for by law; and,

WHEREAS, the City of Goodyear City Council finds that it would be in the best interests of the city and general public that this Major General Plan Amendment for the Property be approved, as recommended by the Planning and Zoning Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

SECTION 1. APPROVAL OF MAJOR GENERAL PLAN AMENDMENT

The Mayor and Council of the City of Goodyear hereby approve a Major Amendment to the Goodyear 2025 General Plan to amend the land use designation of approximately 481 acres generally located east of Estrella Parkway north of the Willis Road intersection from Business & Commerce to Neighborhoods as shown on that certain document titled "Major General Plan Amendment Case No. 21-700-00001 Proposed Changes to Land Use Plan date 11/8/2021," a copy of which is attached hereto as EXHIBIT A.

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SECTION 3. EFFECTIVE DATE

This resolution shall become effective upon its passage and adoption by the Mayor and Council of the City of Goodyear.

PASSED AND ADOPTED by the Mayor and Council of the city of Goodyear, Maricopa County, Arizona, by a _____ vote, this _____ day of _____, 20_____.

_____
Georgia Lord, Mayor

Date: _____

ATTEST:

_____
Darcie McCracken, City Clerk

APPROVED AS TO FORM:

_____
Roric Massey, City Attorney

# Major General Plan Amendment
# Case No. 21-100-00001
# Proposed Changes to Land Use Plan

Date: 11/9/2021

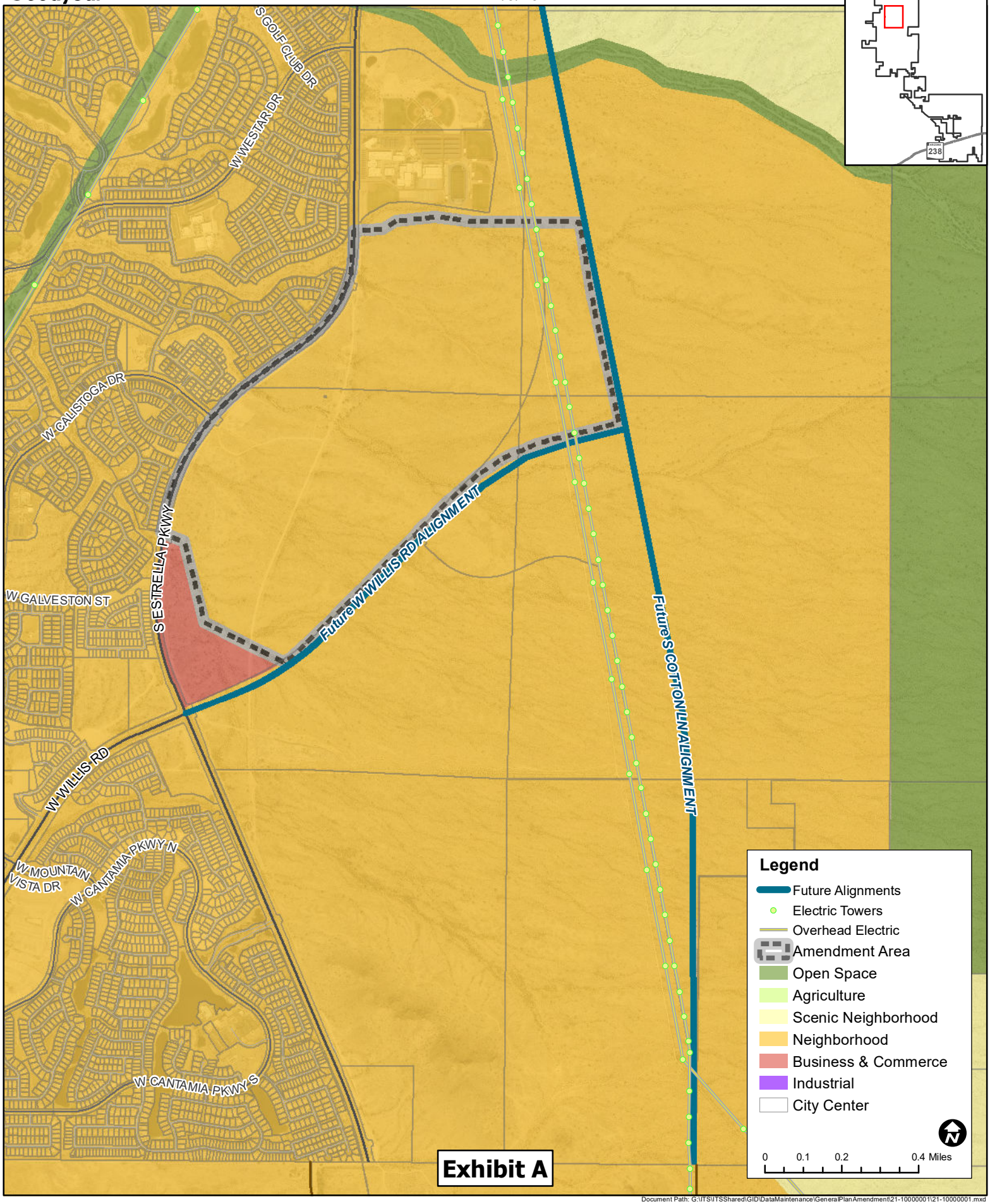



**Exhibit A**

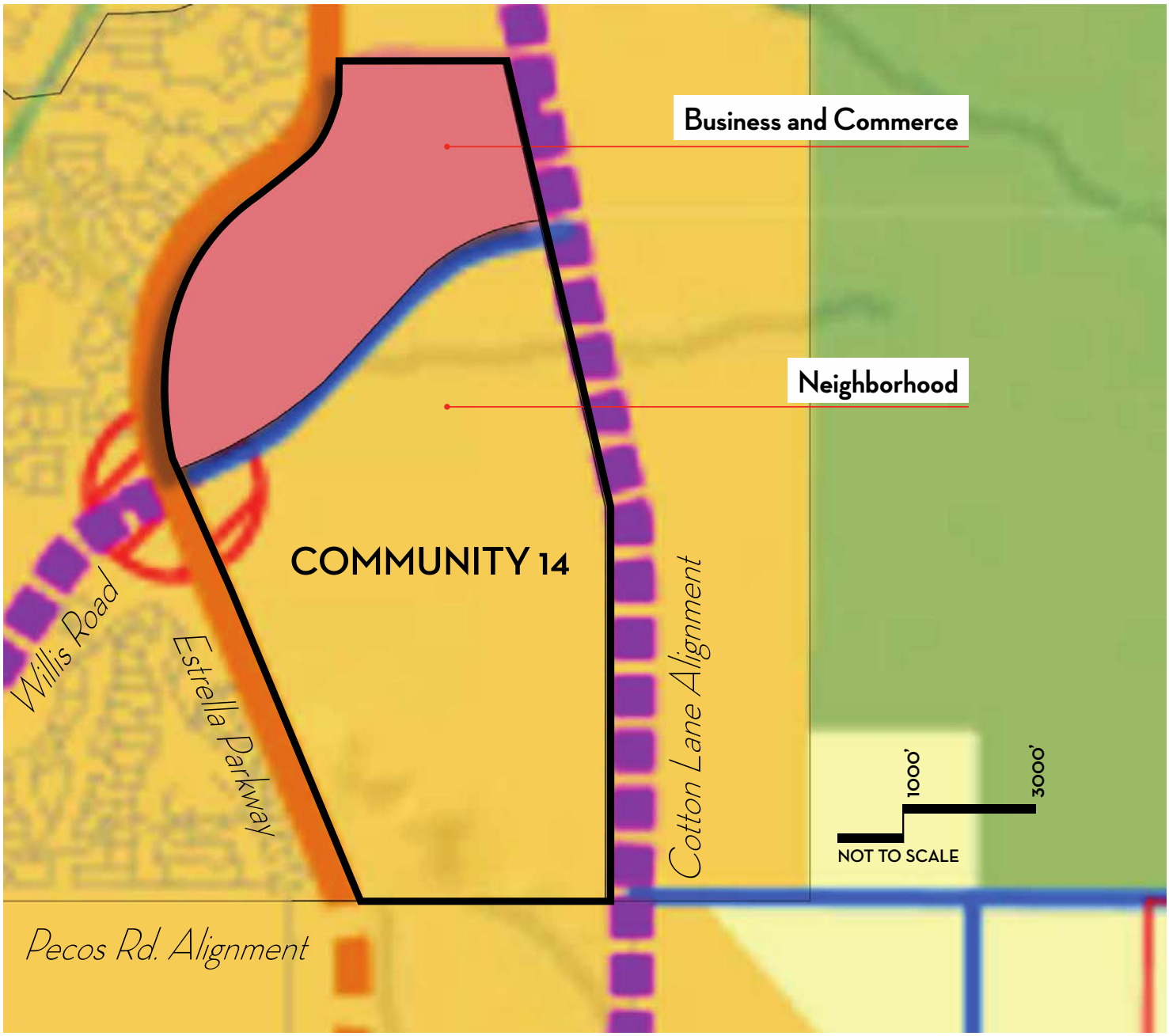
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# EXHIBIT B

## CITY OF GOODYEAR

# EXISTING GENERAL PLAN 2025

AUGUST 13TH, 2021




**Land Use and Transportation Map**

- Maricopa/Pinal County Line
- Municipal Planning Area Boundary
- City Limits

**Land Use Categories**

- Open Space
- Agriculture
- Scenic Neighborhood
- Neighborhood
- Business & Commerce
- Industrial

**Roadway Classifications**

- Arterial
- Scenic Arterial
- Scenic Arterial - Proposed
- City Center Arterial
- Major Arterial
- Major Arterial - Proposed
- Major Arterial - Road of Regional Significance
- Parkway
- Parkway - Proposed
- Freeway
- Freeway/Parkway - Proposed
- Other Streets
- Rail Road

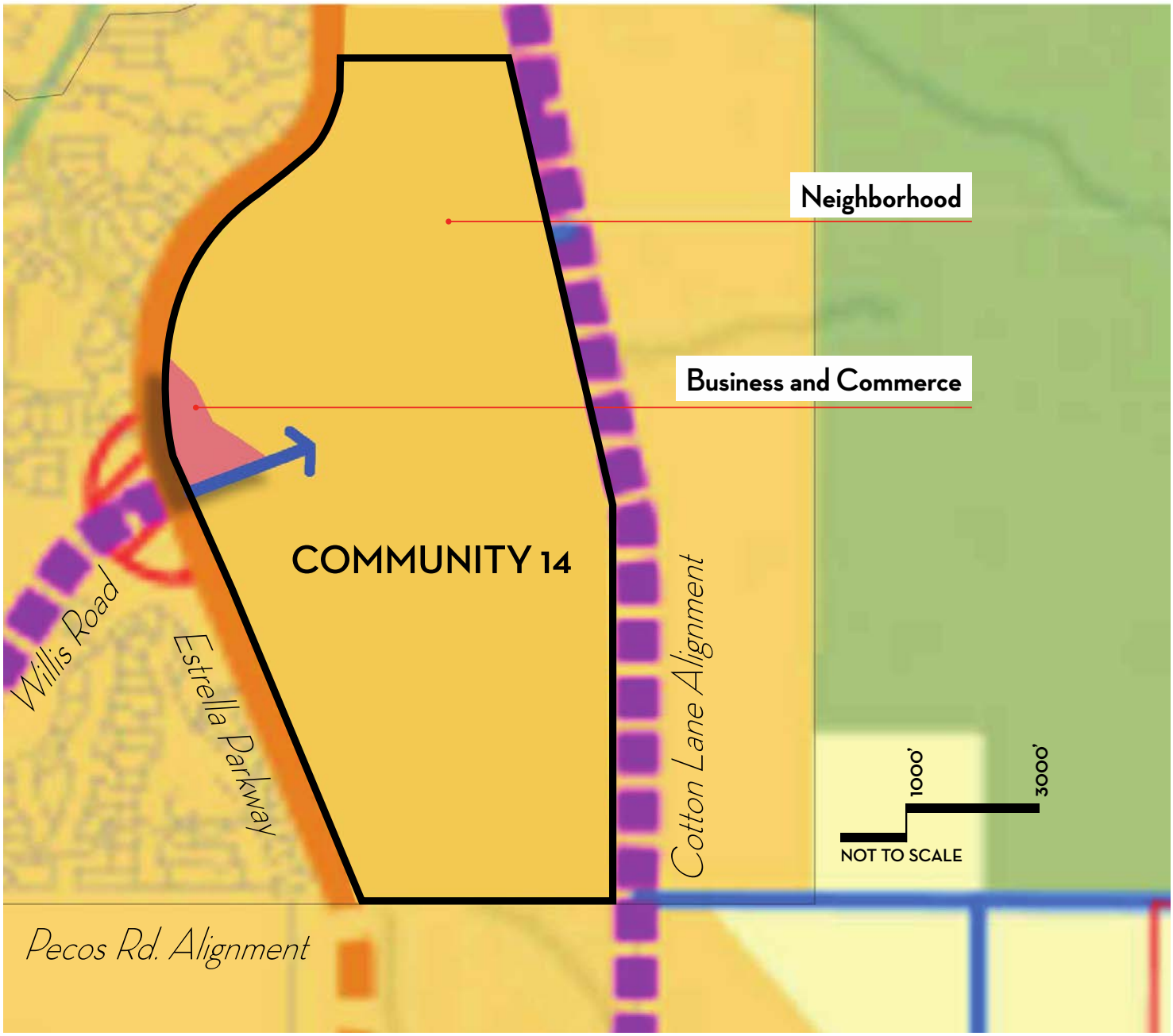
*Date: January 7, 2021*

# EXHIBIT C

## CITY OF GOODYEAR

## PROPOSED GENERAL PLAN LAND USE PLAN

AUGUST 13TH, 2021




**Land Use and Transportation Map**

- Maricopa/Pinal County Line
- Municipal Planning Area Boundary
- City Limits

**Land Use Categories**

- Open Space
- Agriculture
- Scenic Neighborhood
- Neighborhood
- Business & Commerce
- Industrial

**Roadway Classifications**

- Arterial
- Scenic Arterial
- Scenic Arterial - Proposed
- City Center Arterial
- Major Arterial
- Major Arterial - Proposed
- Major Arterial - Road of Regional Significance
- Parkway
- Parkway - Proposed
- Freeway
- Freeway/Parkway - Proposed
- Other Streets
- Rail Road

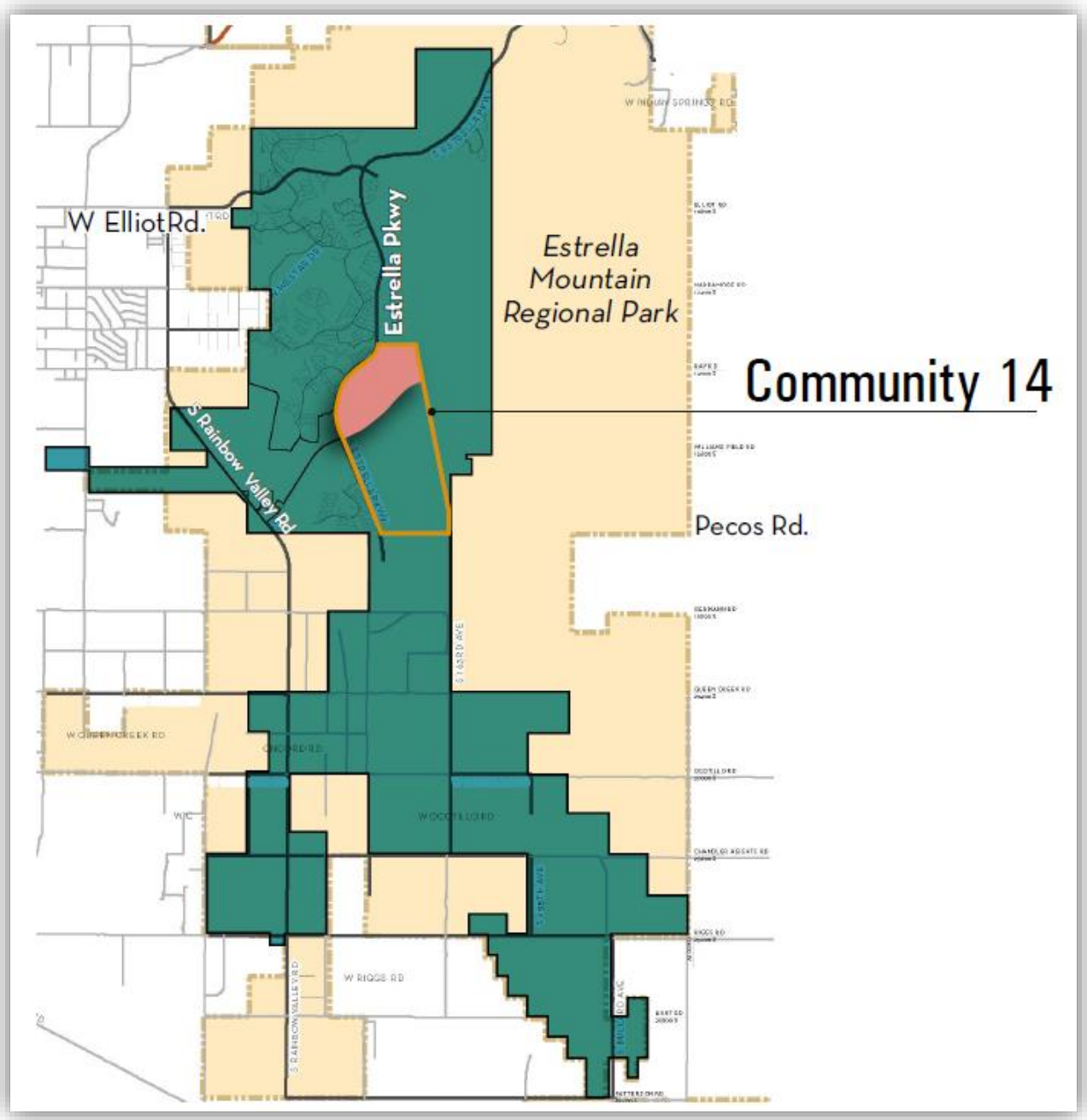
*Date: January 7, 2021*

# Community 14 Estrella General Plan Amendment

**Summary of Neighborhood Meeting**

**September 29th, 2021**

**21-700-00001**



# September 29th, 2021, Neighborhood Meeting

# Community 14 Estrella Major General Plan Amendment

21-700-00001

The development team arrived at 5:45 PM and the first citizens arrived at 6:10 PM. The following members of the development team were in attendance:

Carolyn Oberholtzer – BFSO Law
Andrew Yancey – BFSO Law
Jeffrey Denzak – Swaback Partners
Pao Cagnina – Swaback Partners
Pete Teiche – Brookfield Properties
Alex Lestinsky – City of Goodyear Planning Staff

The development team was present and available to answer citizens questions prior the meeting start time. The presentation began at 6:30 PM. Mr. Denzak began the presentation by introducing the development team and generally explained the General Plan amendment process. He introduced the project and identified the vicinity map and project location within Community 14. He explained the major General Plan amendment application regarding the proposed location, impacting approximately 420 acres of the Business and Commerce General Plan area along the north side of W. Willis Road. He then explained the difference between the existing General Plan designation and the proposed General Plan amendment, which converts approximately 380 acres of existing Business & Commerce category to the Neighborhoods category (from approximately 420 acres to 40 acres), which provides for a wide range of residential densities and also commercial uses at appropriate locations. The resulting 40 acres of Business & Commerce is located along Estrella Parkway, north of W. Willis Road.

Mr. Denzak continued the presentation by recognizing other commercially-zoned centers within the Estrella project and identified their relationship with the proposed 40 acres of Business & Commerce located along the intersection of the Future I-11 and Loop 303 corridor. Mr. Denzak concluded the presentation by providing a historical background of Community 14 and Community 15 zoning, and how they relate in respect to commercial and residential uses.

**The Development Team then opened up the meeting for citizen questions:**

A citizen asked what use will the 420 acres be?

**Mr. Denzak responded that uses cannot be determined until the General Plan is amended, but that the proposed change would result in 40 acres dedicated to Business & Commerce and the remaining 380 acres to Neighborhoods.**

**Ms. Oberholtzer elaborated that commercial uses could still exist within the Neighborhood designation.**

A citizen asked what are other use categories considered in this amendment?

**Ms. Oberholtzer responded that there are no other categories impact and that this change is limited to the Business & Commerce area west of Estrella Parkway, and that a future rezoning case would follow the General Plan adoption that would establish the future uses.**

A citizen asked does this amendment affect existing PADs?

**Ms. Oberholtzer responded that this amendment will not affect the existing PADs and currently, the only application is to amend the General Plan which, due to the acreage, can only be processed once, annually.**

A citizen asked has there been any updates on the new freeway development?

**Mr. Denzak responded that they have not received any updates regarding the freeway, but that the development team is taking a long-term approach to this project and the freeway development will likely be reexamined after this General Plan amendment.**

A citizen asked who makes the final decision to approve this amendment?

**Ms. Oberholtzer responded that it is City Council who votes on the final approval of General Plan amendments.**

A citizen asked when is ground projected to break in the proposed area?

**Mr. Denzak responded that we won't know when that date is until this amendment passes, uses are identified and developers commit.**

**Ms. Oberholtzer responded that development is likely to begin near Pecos Rd. and that platting for those areas would likely being soon.**

A citizen asked what may prevent the amendment from passing?

**Ms. Oberholtzer responded that the City follows a specific schedule in processing this type of amendment, which includes the future City Council hearing. Citizens are encouraged to participate along the way both in the community meetings, but also in the future public hearings that will take place. Ultimately, the decision rests with the City Council.**

A citizen asked will multifamily residential be proposed in Community 14?

**Ms. Oberholtzer responded that there is currently multi-family permitted in Community 14 zoning. The Business & Commerce category also permits multi-family in certain scenarios. If the change to Neighborhoods is approved, a future zoning case will likely reduce the amount of approved multi-family to be consistent with the new General Plan category.**

A citizen asked when is it expected for the commercial buildout to begin?

**Ms. Oberholtzer responded that there is a sequence to developing and before the commercial buildout can begin, first residential must be established to create the critical mass necessary to create sustainable demand for commercial uses.**

A citizen asked what is that home to commercial calculation right now?

**Ms. Oberholtzer responded that the market is different based on the type of commercial, and that the original Business & Commerce designation for this property was intended to facilitate a regional mall complex. The shift has gone away from large-scale retail footprints and this application is tended to be an adjustment in recognition of that.**

**Mr. Denzak responded that the development team has hired experts to determine that calculation.**

A citizen asked how many acres is Community 14?

**Mr. Denzak responded that Community 14 comprises of approximately 1,500 acres.**

A citizen asked will all the information from this community meeting be posted somewhere?

**Ms. Lestinsky responded that yes, the City will post the meeting presentation and minutes on the City website.**

A citizen asked has there been any updates on the medical center development nearby?

**Mr. Denzak responded that we are unaware of the status of that development.**

A citizen asked what is the primary use within the Montecito community adjacent to Community 14?

**Mr. Teiche responded that Montecito is primarily residential.**

**Mr. Denzak responded that there are commercially-zoned acres in the Montecito community zoned, but there isn't enough demand yet to support commercial development.**

A citizen asked is there a plan to build more schools with the increase in residential?

**Mr. Denzak responded that yes, there will be consideration for schools with future applications and that schools have always been a component of the Community 14 plans.**

The meeting concluded at 7:15 PM. The development team stayed after the meeting to answer any additional questions from citizens.

The sign-in sheets are attached as Exhibit #1.

**Exhibit #1**

# Neighborhood Meeting Sign-In Sheet

Estrella Community 14 Major General Plan Amendment
Case No. 21-700-00001

Neighborhood Meeting – Wednesday, September 29th, 2021
Starpointe Residents Club
17665 W. Elliot Road Goodyear AZ, 85338

| Name | Address | City & Zip Code | Phone/E-Mail |
|---|---|---|---|
| Barbara Ertl | 18690 W McNeil St | Goodyear 85338 | 414-322-1710 baertl_3@hotmail.com |
| Marie Bronsing | 14964 S. 181st Lane | Goodyear 85338 | mbronsing@hotmail.com |
| Mayo Xander | 4900 N Scottsdale Road, #3000 | Scottsdale 8525 | 4803000032 |
| Bruce Gottschalk | 17973 W. Gremio Dr | Goodyear 85338 | BruceG6574@AOL.com |
| Denise Harvey | 18366 W Mountain Sky | Goodyear | Dnharvey@yahoo.com 5035772860 |
| Tammie Coyle | 18002 W Thunderhill Pl | Goodyear | cjfoothills@hotmail |
| Charles Scheffe | 13571 S. 177th Ln | Goodyear | charles@estrella.church. |
| Steven & Tracey Jiles | 18291 W. Verbena Dr. | Goodyear | traceyjiles@gmail.com |
| | | | |

# Neighborhood Meeting Sign-In Sheet

Estrella Community 14 Major General Plan Amendment
Case No. 21-700-00001

Neighborhood Meeting – Wednesday, September 29th, 2021
Starpointe Residents Club
17665 W. Elliot Road Goodyear AZ, 85338

| Name | Address | City & Zip Code | Phone/E-Mail |
|---|---|---|---|
| Steve Turke | 9419 S. 181st Ave | Goodyear | |
| Vi McKinley | 18538 Thunderhill | 85338 | |
| Bob Nobis | 18339 W. Mescal Trail | Goodyear 85338 | Robert@Nobis.net |
| Kyle Wax | 14464 S. 181st Lane | Goodyear 85338 | |
| Larry Taylor | 13710 S 177th Ave | Goodyear 85338 | msgtaylorret@gmail.com |
| EARL YODER | 13378 S 176TH DRIVE | GOODYEAR | |
| John Olson | 14939 S. 185 Ave | Goodyear | jkolson1@gmail.com |
| Laurel Peterson | | | |
| Donald Peterson | 12350 S. 181st Dr | Goodyear AZ | |

| Name | Address | City & Zip Code | Phone/E-Mail |
|---|---|---|---|
| Scott Dori Phillips | 14927 S 180th Dr | Goodyear 85338 | Dori97Scott@gmail.com |
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# Proposed Major General Plan Amendment




August 13th, 2021

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Owner Authorization Form ..... Page 11-12

## Authorized Agents:

Community Planning and Design:

**SWABACK**

Att: Jeff Denzak

jdenzak@swaback.com

cell: 480.522.4144

Land Use Attorney:

**Bergin, Frakes, Smalley & Oberholtzer**

Att: Carolyn Oberholtzer

coberholtzer@bfsolaw.com

Forward Planning:

**Silver Fern**

Att: Amy Weidman

aweidman@silverferncompanies.com

## Submitted on behalf of :

NNP III ESTRELLA MOUNTAIN RANCH LLC

# Narrative

**Overview**

As the community of Estrella continues to evolve with new residential offerings and associated amenities, the pressures on growth and expansion push southerly along the eastern boundary of Estrella Parkway in the area that has historically been referred to as Community 14 (see *Exhibit A: Vicinity Map*). Over the past year, an extensive and multi-faceted development strategy has been formulated for this area of the property and has included detailed research associated with:

- Housing product segmentation and absorption forecasts
- Site analysis and investigation
- Utility and infrastructure capacities
- Land planning/ design opportunities and constraints
- Commercial retail market analysis and demand projections

**Context of Community 14**

Before embarking on the next planning phase for Community 14, a 1,322 acre portion of Estrella Phase II, the ownership team commissioned Elliott D. Pollack & Company, one of the Valley's leading economic and real estate consulting firms, to prepare a commercial retail market analysis and demand projections for Community 14. The study focused on the following question; How much commercial retail land area (and associated potential building square footage) is necessary to meet current demand as well as projected development associated with Community 14 and beyond?

The Elliott D. Pollack & Company study concluded the supply of commercial land designated in the General Plan within Commercial 14 is far beyond any foreseeable demand and that the current and future community retail service needs in and around this area of Estrella could be supported by 40 acres of designated commercial retail use (40 acres translates to approximately 400,000 of building square footage). The study compared historic and projected housing growth scenarios, recent declining status of traditional regional commercial (mall) projects, continued growth and upward trajectory of e-commerce (versus "brick & mortar" stores) and the lack of major transportation infrastructure in and around Estrella. The market conditions influencing the study were pre-pandemic, and consequently, the pressure on increasing the available residential housing supply have only been exacerbated, while the pandemic accelerated the declining commercial footprint.

This application is submitted to adjust General Plan expectations for Business & Commerce in this area and maintain supported market levels while facilitating the transition to Neighborhoods to increase density to support future commercial. The request seeks to reduce the Business & Commerce acreage (*Exhibit B*) to 40 acres in this location highlighted in *Exhibit C* (per the City's General Plan) at the north-east corner of Estrella Parkway and Willis Road, with the understanding that additional commercial will also be located throughout the Neighborhoods category consistent with the allowances in the General Plan.

Estrella Parkway and Willis Roads will be an area well-suited for high-intensity activity with convenient access to the region. There is an existing wash corridor on the east side of this area which will provide a natural buffer to the residential which will be designated as Neighborhoods.

This requested amendment will support the future regional-scale Business and Commerce land use of approximately 1,300 acres along the southern part of Estrella (near the confluence of the planned I-11 and 303 corridors). This allotted acreage could accommodate well over 10 million square feet of development and will need proximate residential development to support and sustain it.

As demonstrated below, this application is consistent with the applicable General Plan amendment criteria and with the flexibility provided for in both Business and Commerce and the Neighborhoods categories regarding the establishment of commercial uses.

**Proposed Amendment**

For these reasons, the Applicant proposes to reduce and reconfigure the Business and Commerce land use designations within the area of Community 14 to a total of approximately 40 acres along Estrella Parkway, north of the Willis Road intersection, and identify the remainder of the land area as Neighborhood per *Exhibit C*, Proposed General Plan Land Use Plan. The community of Estrella continues to align with the goals, policies, and objectives of the City of Goodyear's overall General Plan. It is the Applicant's intent to also modify the Estrella Phase II PAD with a proposed amendment (related to zoning) which would align Community 14 with this land use designation change request.

**Amendment Review Criteria**

As required of this application, the following descriptions highlight those criteria of the General Plan that align with this proposal.

1. **The Amendment must forward the vision for Goodyear as described in Chapter 3.**

**"Create a highly desirable and sustainable place for all to live, work, visit and play."**

*- City of Goodyear Vision Statement 2025*

***Response:*** *Estrella continues to play an important role within the overall context of the City of Goodyear to fulfill this vision statement. Annually ranked as one of the best master planned communities in the United States, Estrella is a key part of the City's aspirations past, present and future. At a micro-level; Estrella's development team has had a laser focus on developing a community that has long-term sustainable feasibility. This specific proposed amendment ensures the mix of uses are economically feasible and appropriate both for short-term and long-term. This proposed amendment will better align with the City's mission statement and reinforce the community's long-term feasibility and economic sustainability.*

2. **The amendment must be consistent with the goals, objectives, and polices contained within the General Plan.**
   ***Response:*** *The proposed amendment aligns with the goals, objectives, and policies of the General Plan in numerous ways including the following:*

**Land Use**
Goal GD-1: "A compatible mix of land uses that fosters a quality community, with livable and safe neighborhoods, a healthy population, a strong economy and a sustainable environment."
***Response:*** *The Estrella Community epitomizes every aspect of this goal It is also understood that Estrella plays a bigger role in supporting City wide efforts to continually strengthen the local economy by providing a high quality mixed-use residential experience. Estrella's brand within the community is a major asset in attracting and maintaining diverse business enterprises throughout Goodyear. The proposed amendment looks to solidify Estrella's reputation as one of the premier master planned communities in the west valley as the Neighborhoods category provides for a Variety of residential uses and supporting neighborhood commercial.*

*This response aligns with* ***Objective CC-5-1.*** *"Establish a land use hierarchy and community format that maintains a broad variety of land uses and responds to the community's vision and needs."*

*Associated Policies in alignment include: (✓)*
a. *Allow flexibility and creativity in the development process ..... ✓*
b. *Provide for and encourage a wide variety of housing products ..... ✓*
c. *Greater flexibility in larger master planned communities ..... ✓*

**Environmental Planning**
Goal GD-8: "A community that is sensitive and dedicated to preserving the unique nature and wildlife of the Sonoran Desert."

***Response:*** *Estrella continues to focus its development highlighting healthy indoor/ outdoor living. Its unique location adjacent to the Sierra Estrella Mountain Preserve reinforces to all residents and guests the environmental importance of our Sonoran Desert. The proposed amendment reinforces this dedication by continuing to develop highly sensitive neighborhoods with protected wash corridors, critical open space, and connections to the over 50 miles of trails throughout the community.*

*This response aligns with* ***Objective GD-8-2.*** *"Protect significant natural features and provide opportunities for enjoyment of these resources by residents and visitors."*

*Associated Policies in alignment include: (✓)*
a. *Open space preservation ..... ✓*
b. *Trails to provide connectivity between natural features ..... ✓*
c. *Expand parks ..... ✓*

**Neighborhoods**
Goal CC-1: "Vibrant and complete neighborhoods recognized as being people and family-friendly, each with their individual character yet connected and integrated into a cohesive Goodyear."

***Response:*** *Estrella continues to collaborate with the City on creating great neighborhoods. This can be seen most recently in the new Village of Lucero. The proposed amendment would build on these recent successes of Lucero and look to create the next level of neighborhood and community design bringing greater cohesion to Estrella and Goodyear.*

***This response aligns with Objective CC****-1-1. "Create and foster complete neighborhoods."*

*Associated Policies in alignment include: (✓)*

a. *Promoting complete neighborhoods ..... ✓*
   - *A range of housing options*
   - *Schools that meet the needs of the neighborhood*
   - *Parks and other recreation facilities*
   - *Neighborhood oriented commercial*
   - *A sense of place and community pride*
   - *Places and spaces that encourage social interaction*
   - *Accessibility for people of all abilities*

b. *Promoting aging in place ..... ✓*

c. *Open space and parks and focal points ..... ✓*

**Housing**
**Goal CC-2: "A diverse stock of high quality housing that meets the need of all residents."**

***Response:*** *The proposed amendment allows Estrella to continue to provide a diverse housing stock for the full spectrum of home buyers including; first-time buyers, growing families and empty nesters with supporting commercial uses. Like Lucero, Estrella's newest village, high quality housing continues to be the focus.*

***This response aligns with Objective CC-****2-1. "Provide diverse and quality housing products."*

*Associated Policies in alignment include: (✓)*

a. *Encourage a mix of quality and compatible housing types ..... ✓*

b. *Encourage mixed-use development ..... ✓*

***This response aligns with Objective CC-****2-2. "Preserve the quality of existing housing".*

*Associated Policies in alignment include: (✓)*

a. *Encourage a mix of quality and compatible housing types ..... ✓*

**Parks, Recreation, and Open Space**
***Goal CC-3: "A parks, trails, open spaces, and recreation facilities system that is regionally and locally linked and assessable, that serves existing and future residents and contributes to the community's social, economic, and environmental quality."***

***Response:*** *The outcome of the proposed amendment results in the continuation of the extensive open space and trails system (over 50 miles of trails) throughout Estrella. The envisioned new development ties into the overall Estrella open space and trails network as well as the greater regional system that includes the Sierra Estrella Mountain Preserve.*

**Economy**
Goal ED-1: "A resilient and diversified economy."

***Response:*** *Estrella continues to play an important role within the greater Goodyear community associated with supporting, attractive and maintaining business, industry, and commerce. Estrella's national reputation as a leading master plan community provides employers and employees with housing options and the highest standards associated with quality-of-life aspirations. The proposed amendment continues this commitment to creating great places to live, work and play.*

3. **The amendment must align with at least one of the fundamental strategies identified in Chapter 3 and shall not conflict with any of the fundamental strategies**
   ***Response:*** *Estrella itself is a significant asset for the City of Goodyear. It offers a broad range of housing options and a diverse spectrum of uses; including residential, education, arts & culture, parks & open space, public safety facilities, commercial retail, and entertainment. The proposed*

*amendment enhances and reinforces these aspects of the community and does not conflict with any of the fundamental strategies articulated in Chapter 3 of the General Plan. Specifically, Strategy #6, "Protect and Utilize our Assets"; aligns perfectly with the proposed amendment. The result of the proposed amendment fosters and enhances all of Estrella's community-oriented assets by positioning new expansion in a highly sophisticated, integrated, and orchestrated manner. All of which will ensure a very livable and financially sustainable future.*

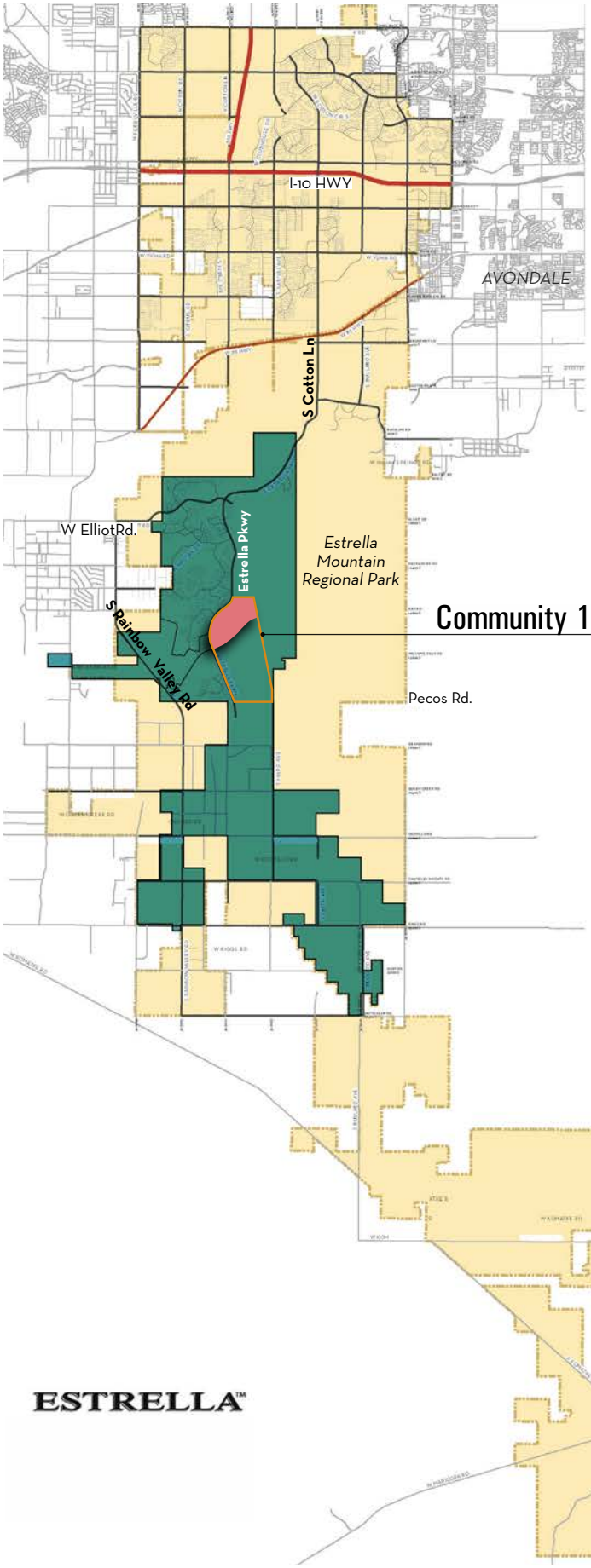
4. **The amendment must not negatively impact the implementation of any City-approved Master Plan or shall provide mitigation measures to alleviate the potential impact**
   ***Response:*** *The proposed amendment enhances the Estrella Master Plan by developing uses that are economically feasible and align with market demand now and into the future. The demand for residential master-planned communities in Goodyear exceeds supply. This amendment addresses This near-term residential short-fall within the City of Goodyear.*

5. **The amendment must constitute an overall improvement to the General Plan**
   ***Response:*** *The proposed amendment projects more realistic and feasible uses for the land area in Community 14. In addition, this refined development strategy aligns better with the envisioned regional business/ commercial core of Estrella located at the intersection of the future Loop 303 and I-11 corridor South of Pecos Rd.*

6. **The amendment must not adversely impact a portion of, or the entire community by:**

   a. **Significantly reducing the balance of residents and jobs.**
      ***Response:*** *As stated previously, the scale of the Business Commerce identified in the General Plan (420 acres +/-) could not be supported by the number of homes and associated population in and around the Estrella trade area. This proposed amendment looks to "right size" the commercial area to align with likely future business/ commerce demand.*
   b. **Increasing traffic without mitigation.**
      ***Response:*** *The proposed amendment will result in less traffic in and around this portion of Estrella.*
   c. **Requiring additional and more expensive improvements to infrastructure without mitigation**
      ***Response:*** *By "right-sizing" the business commercial use to align with demand (along with the addition of neighborhood use), the expected intensity of utilities and associated infrastructure is planned to be less (than what would be needed to support a 420 acre regional business commerce center).*
   d. **Significantly altering the existing character of an area in a negative and unplanned way**
      ***Response:*** *The immediate surrounding area is primarily a lower density residential character. The proposed amendment maintains and enhances that neighborhood character and quality (which still includes business commercial uses- just at a more appropriate neighborhood scale).*
   e. **Diminishing the environmental quality of the air, water, land, or cultural resources.**
      ***Response:*** *The proposed amendment has no negative environmental impacts related to air, water, land, or cultural resources.*

# EXHIBIT A
## CITY OF GOODYEAR
# VICINITY MAP
### AUGUST 13TH, 2021




The vicinity map provides a visual reference to Community 14 within the context of the overall Estrella community and the City of Goodyear.

**LEGEND**

Streets
- Unclassified
- Freeway
- Highway
- Arterial
- Collector
- Residential

City of Goodyear
Estrella Community Boundary
Community 14 Boundary
GPA Area

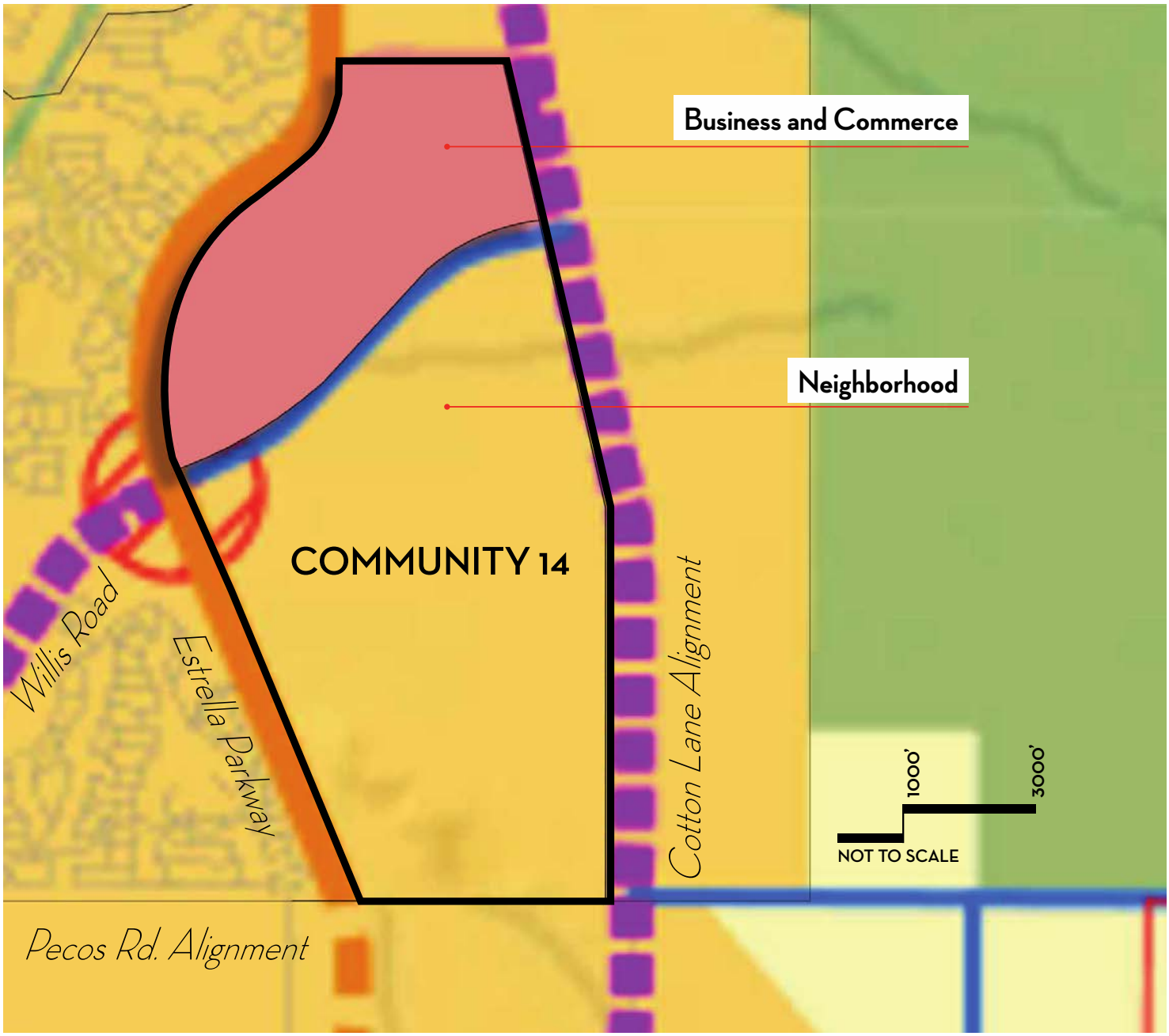
0 1 2 4
Miles

# EXHIBIT B

## CITY OF GOODYEAR

# EXISTING GENERAL PLAN 2025

AUGUST 13TH, 2021




**Land Use and Transportation Map**

- Maricopa/Pinal County Line
- Municipal Planning Area Boundary
- City Limits

**Land Use Categories**

- Open Space
- Agriculture
- Scenic Neighborhood
- Neighborhood
- Business & Commerce
- Industrial

**Roadway Classifications**

- Arterial
- Scenic Arterial
- Scenic Arterial - Proposed
- City Center Arterial
- Major Arterial
- Major Arterial - Proposed
- Major Arterial - Road of Regional Significance
- Parkway
- Parkway - Proposed
- Freeway
- Freeway/Parkway - Proposed
- Other Streets
- Rail Road

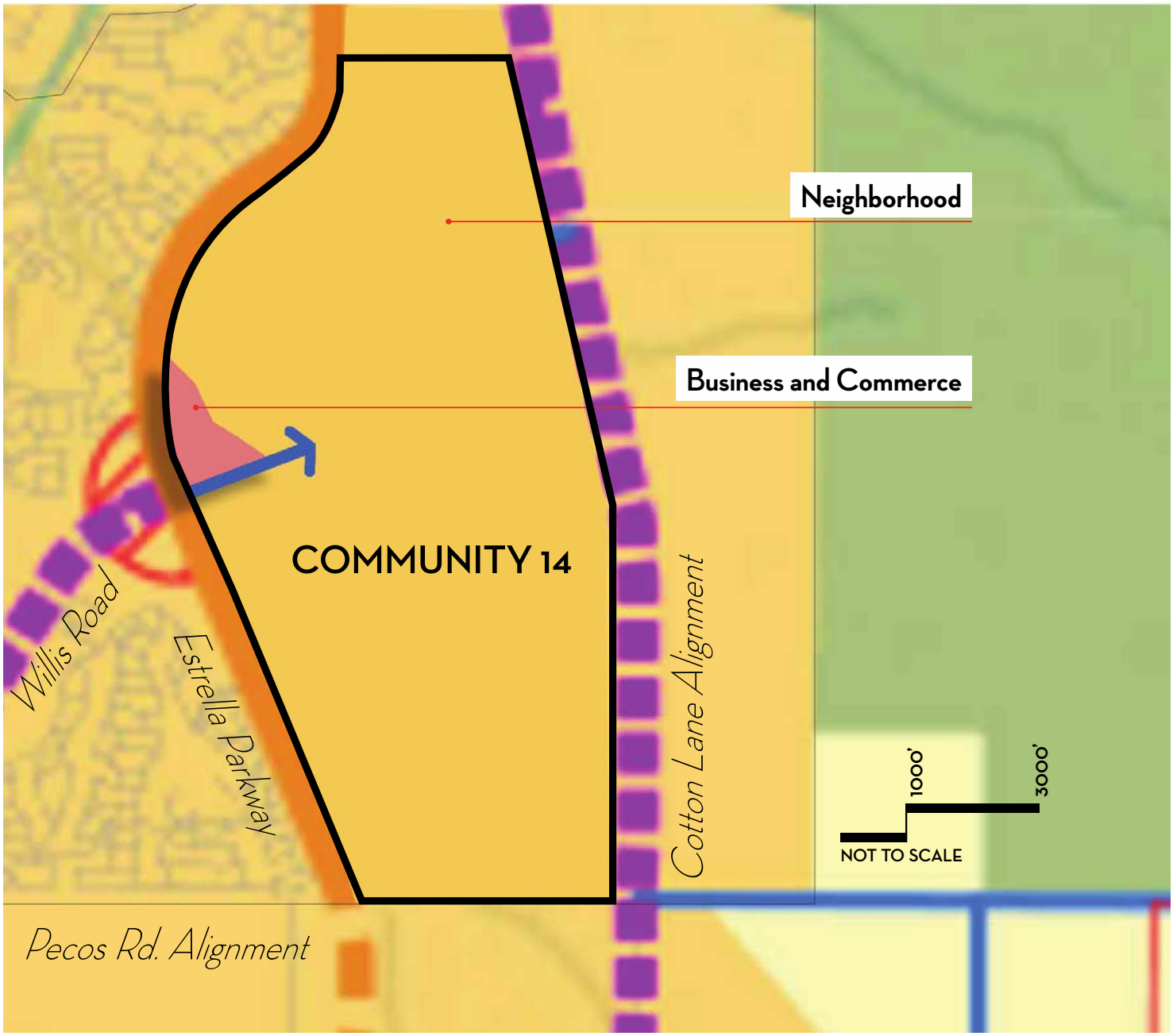
*Date: January 7, 2021*

# EXHIBIT C

## CITY OF GOODYEAR

## PROPOSED GENERAL PLAN LAND USE PLAN

AUGUST 13TH, 2021




**Land Use and Transportation Map**

- Maricopa/Pinal County Line
- Municipal Planning Area Boundary
- City Limits

**Land Use Categories**

- Open Space
- Agriculture
- Scenic Neighborhood
- Neighborhood
- Business & Commerce
- Industrial

**Roadway Classifications**

- Arterial
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- Major Arterial - Proposed
- Major Arterial - Road of Regional Significance
- Parkway
- Parkway - Proposed
- Freeway
- Freeway/Parkway - Proposed
- Other Streets
- Rail Road

*Date: January 7, 2021*

June 17, 2021

City of Goodyear
14455 N 145th Ave.
Goodyear, AZ 85338

**Re: Entitlements for APNs ~~400-56-018D,~~ ~~400-56-046K~~ and ~~400-03-024B~~ (collectively, the "Property")**

I, William M. Olson, Senior Vice President for NNP III EMR 3, LLC, owner of the Property, hereby authorize Bergin, Frakes, Smalley & Oberholtzer, PLLC and Swaback Partners permission to act as authorized agents for the purposes of processing and obtaining a Major General Plan amendment and any related, necessary entitlements for the Property.

This authorization shall be effective on the date this affidavit is notarized and shall remain in effect until terminated by myself.

For: NNP III EMR 3, LLC

STATE OF ARIZONA )
) SS:
COUNTY OF MARICOPA )

The foregoing instrument was acknowledged before me this 17th day of June, 2021.

LESLE L. SWEENEY
Notary Public - Arizona
Maricopa County
My Commission Expires
November 13, 2021

Notary Public

My Commission Expires:

11-13-2021

June 17, 2021

City of Goodyear
14455 N 145th Ave.
Goodyear, AZ 85338

**Re: Entitlements for APNs ~~400-03-024C~~, ~~400-56-046U~~ and ~~400-03-963F~~ (collectively, the "Property")**

I, William M. Olson, Senior Vice President for NNP III ESTRELLA MOUNTAIN RANCH, LLC, owner of the Property, hereby authorize Bergin, Frakes, Smalley & Oberholtzer, PLLC, and Swaback Partners permission to act as authorized agents for the purposes of processing and obtaining a Major General plan Amendment and any related, necessary entitlements for the Property.

This authorization shall be effective on the date this affidavit is notarized and shall remain in effect until terminated by myself.

For: NNP III ESTRELLA MOUNTAIN RANCH LLC

STATE OF ARIZONA )
) SS:
COUNTY OF MARICOPA )

The foregoing instrument was acknowledged before me this 17th day of June, 2021.

LESLE L. SWEENEY
Notary Public - Arizona
Maricopa County
My Commission Expires
November 13, 2021

Notary Public

My Commission Expires:

11-13-2021

# Estrella Community 14 General Plan Amendment

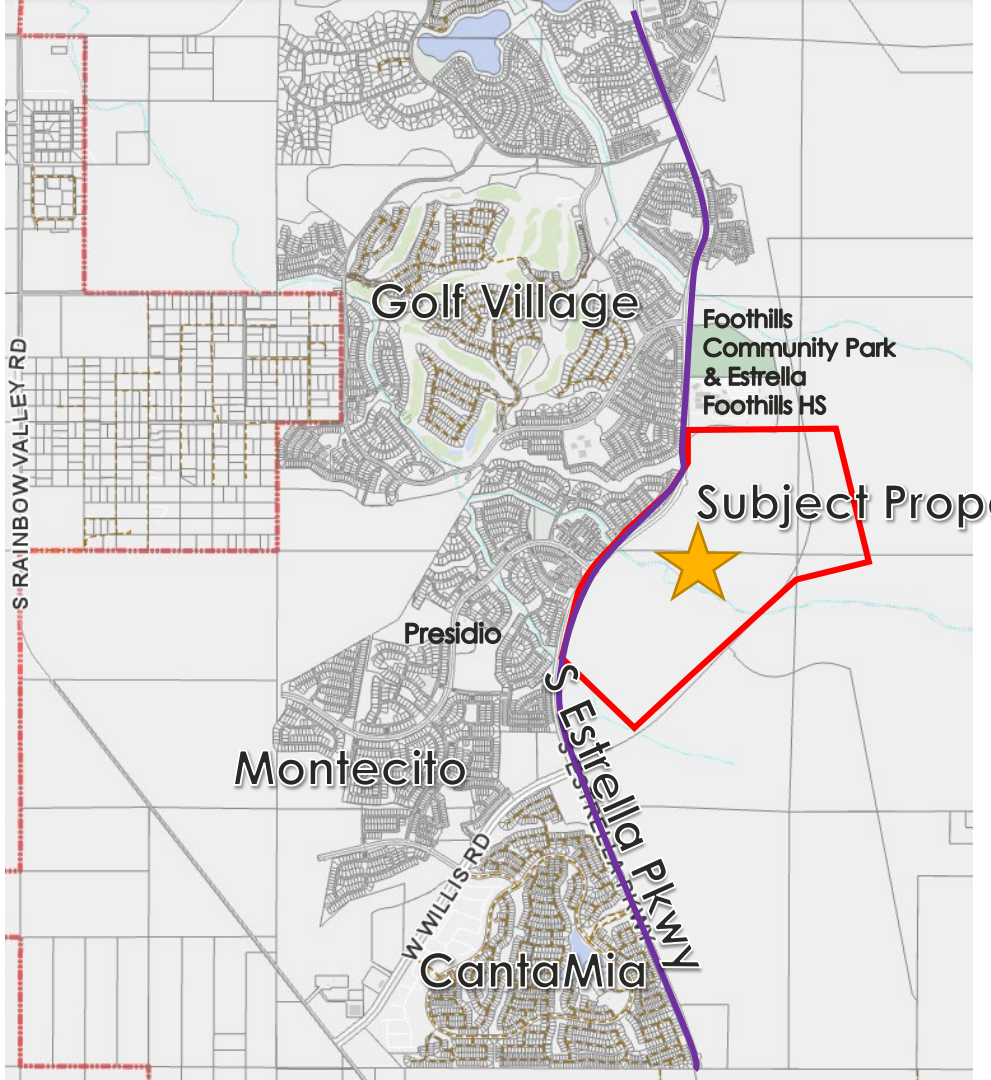
# Community 14 GPA

## MAJOR AMENDMENT

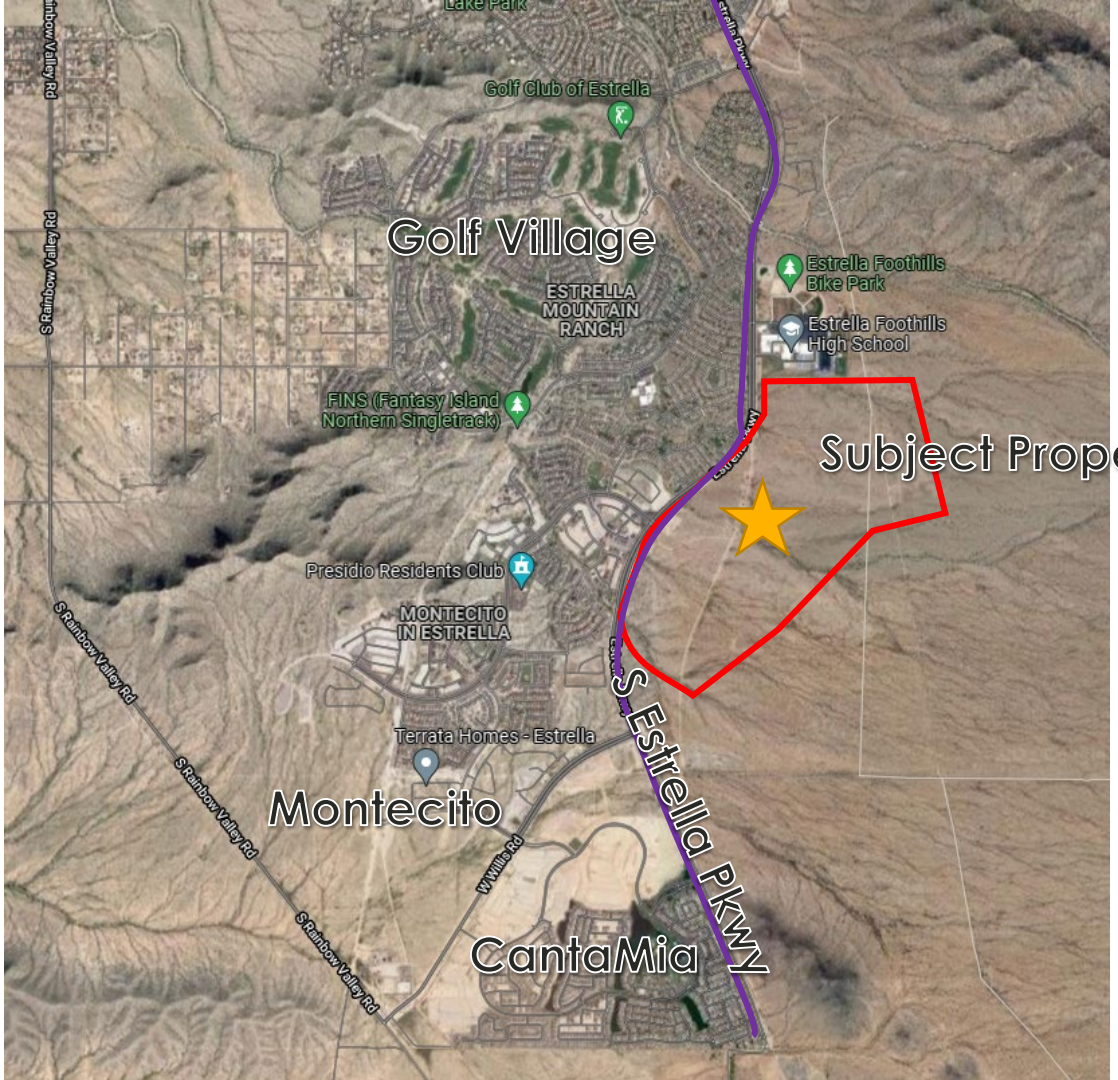
- Change in Land Use Category of ~481 acres

- 60-Day Review by other jurisdictions
- Two Public Hearings by PZC (one off-site)
- Public Hearing by City Council

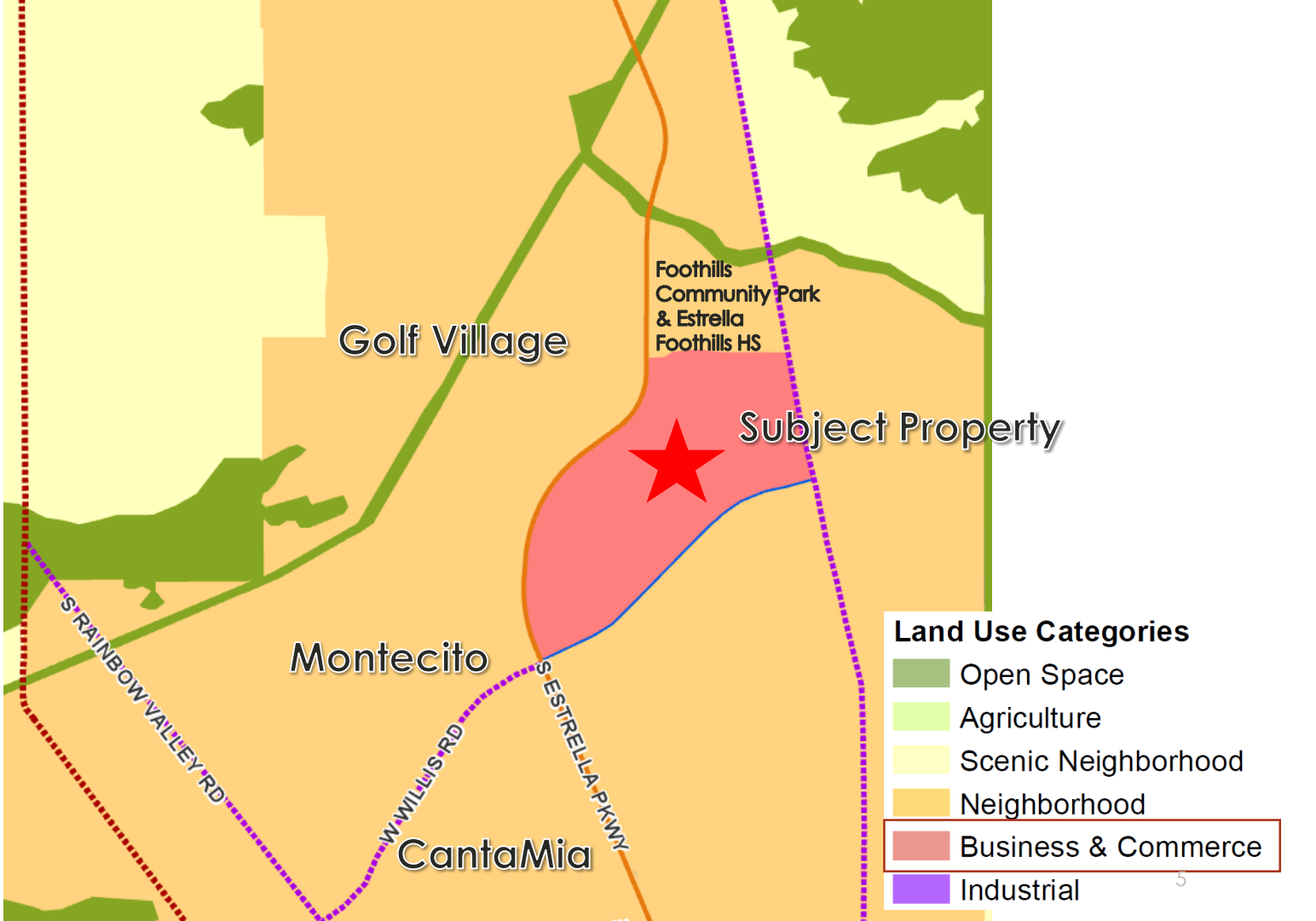
Location:
NEC Estrella Parkway
& Willis Rd
~481 acres included in
Amendment Area



# Aerial Photo



# Current GP Land Use Map



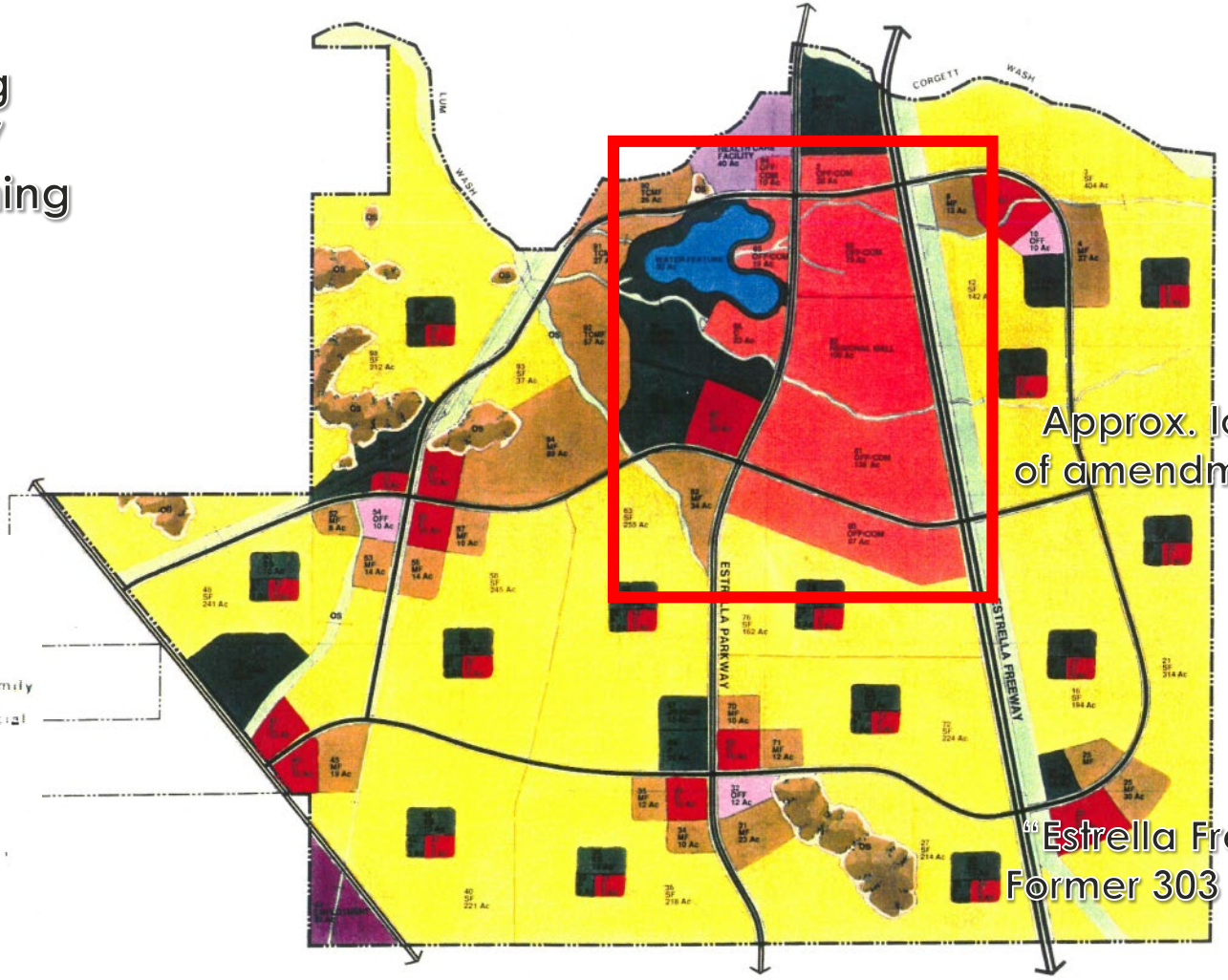
# Business & Commerce

## PERMITTED ZONING DISTRICTS

Business and Commerce Category

Agricultural (AG)
Commercial Office (C-O)
Neighborhood Commercial (C-1)
General Commercial (C-2)
Light Industrial (I-1)
Multi-Family Residential (MF-18)
Public Facilities District (PFD)
Planned Area Development (PAD)

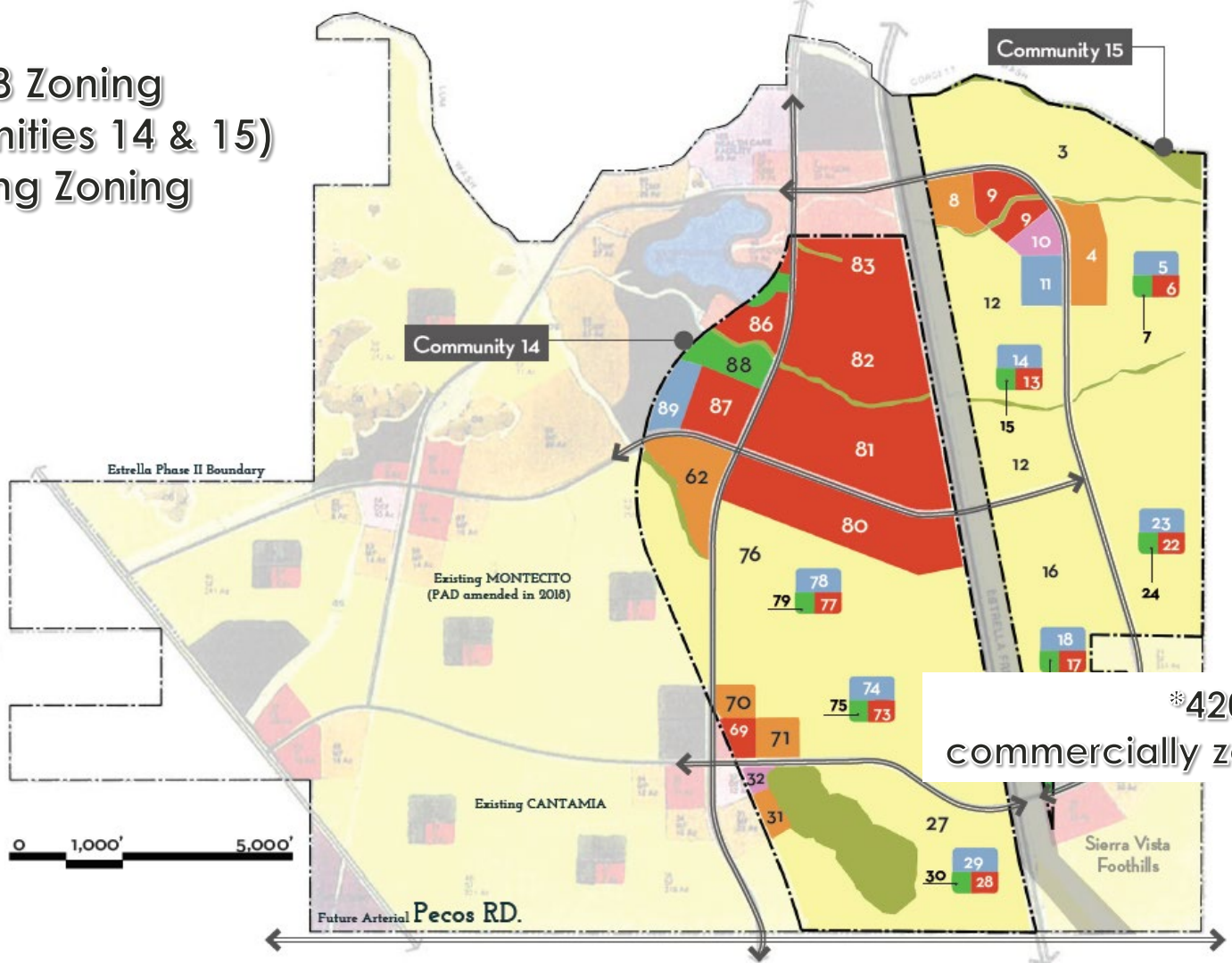
# 1988 Zoning
# Ord. 88-257
# Existing Zoning



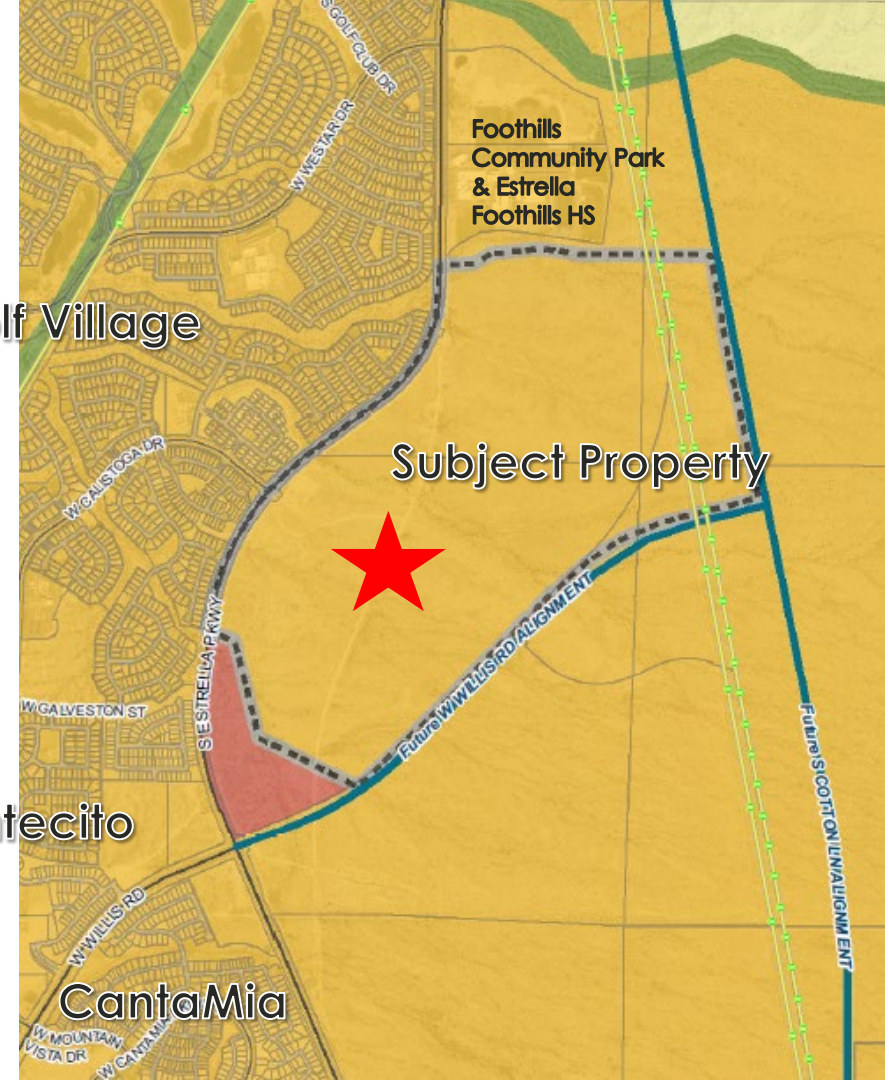

Approx. location of amendment area

"Estrella Freeway" Former 303 location

# 1988 Zoning (Communities 14 & 15) Existing Zoning




*420 acres of commercially zoned land




Land Use Categories

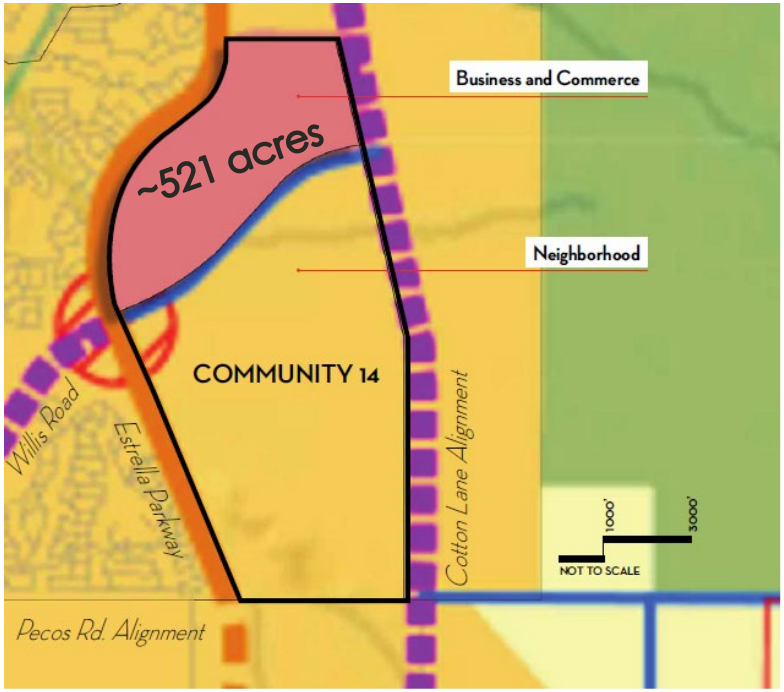
- Open Space
- Agriculture
- Scenic Neighborhood
- Neighborhood
- Business & Commerce
- Industrial

Proposed GP
Land Use Map

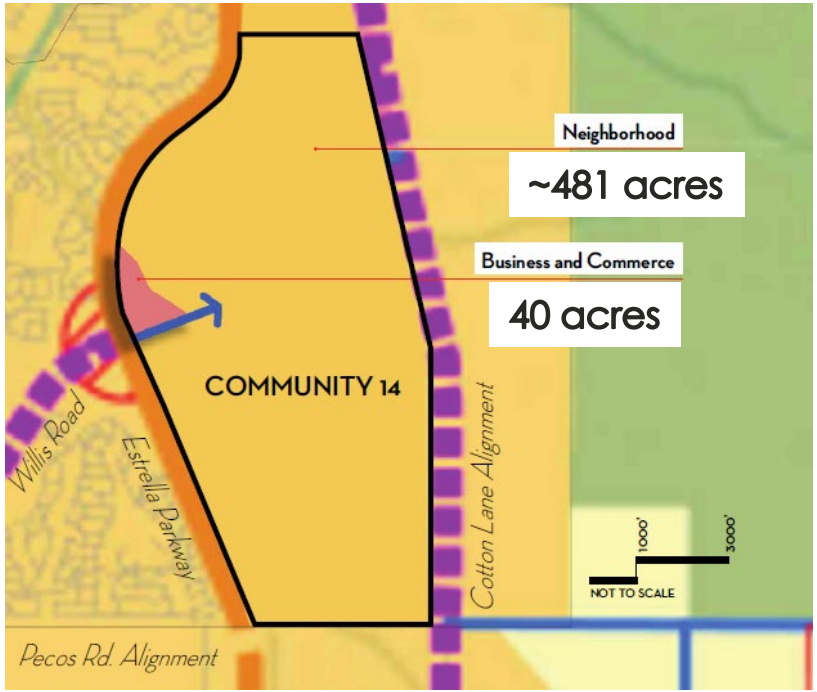
# Neighborhoods

## PERMITTED ZONING DISTRICTS

| Neighborhoods Category |
| --- |
| Agricultural/Urban (AU) |
| Single Family Residential (R1-10), (R1-7), (R1-6) |
| Two Family Residential (R2) |
| Multi-Family Residential (MF-18) |
| Manufactured Home Subdivision (MHS) |
| Manufactured Home Park or RV Park (MH/RVP) |
| Public Facilities District (PFD) |
| Commercial Office (C-O) |
| Neighborhood Commercial (C-1) |
| General Commercial (C-2) |
| Planned Area Development (PAD) |




Existing




Proposed

# Community 14 GPA

## PUBLIC FEEDBACK

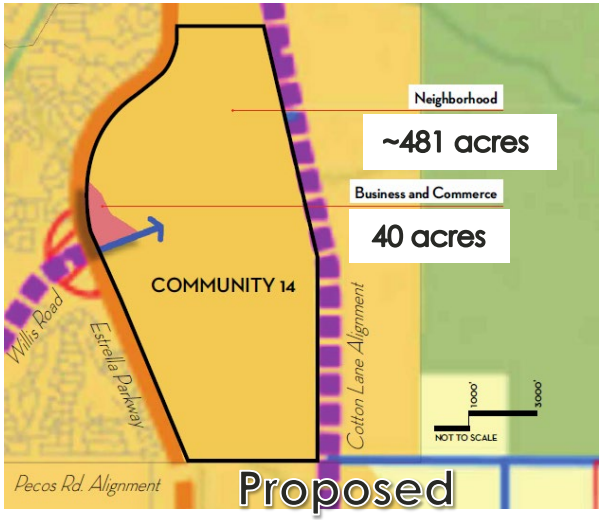
- 60 day outside agency review
- Neighborhood Meeting Results
- Public comment – 1 objection
- Public Hearing #1 – no residents
- Public Hearing #2 – one resident

# Community 14 GPA

## RECOMMENDATION

- Planning & Zoning Commission recommended approval 4-0 on December 1, 2021



# PLANNING COMMISSION



Proposed Major
General Plan Amendment

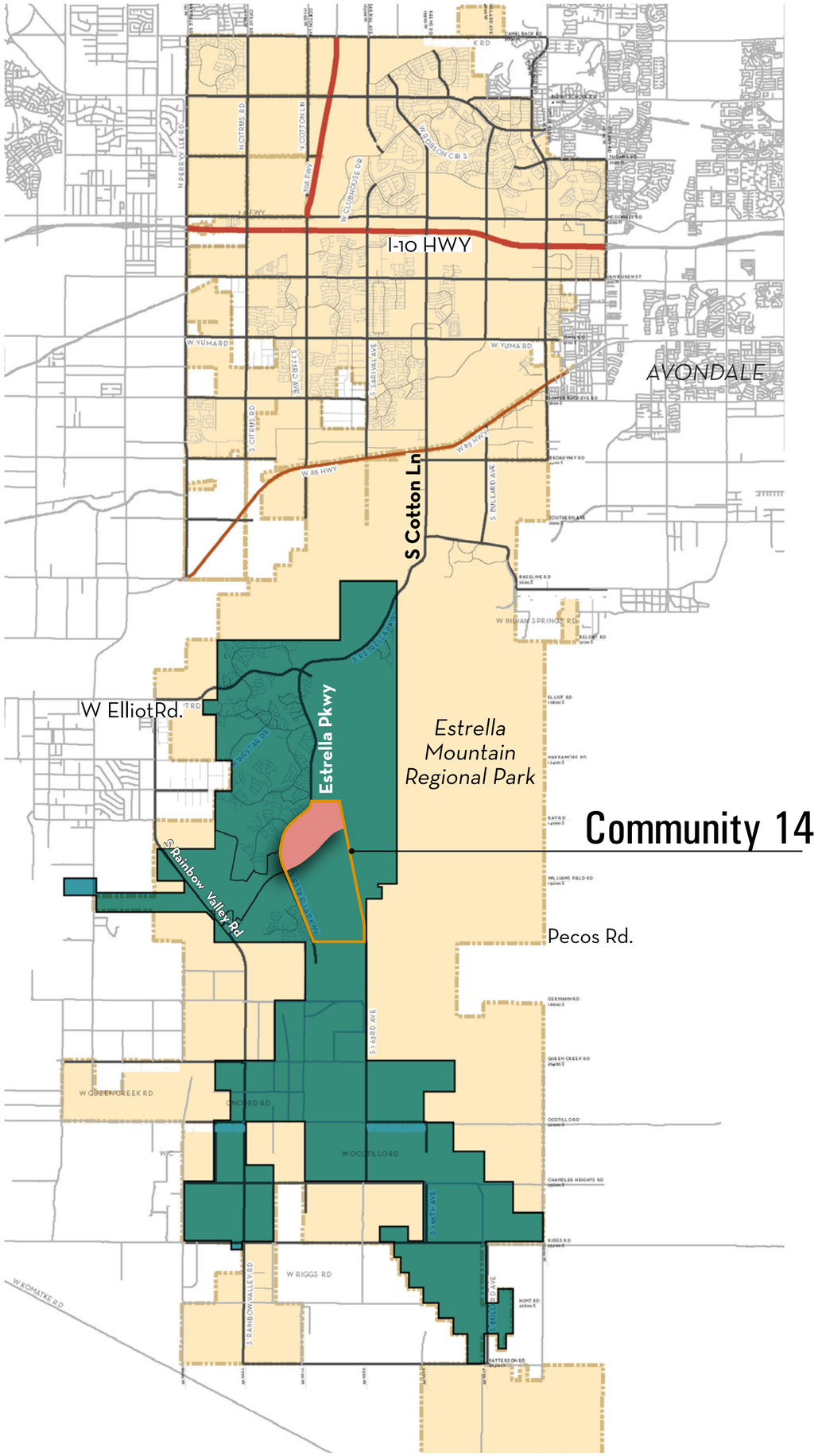
## Community 14
## ESTRELLA™

November 18th, 2021

Case Number: 21-700-00001

CITY OF Goodyear

# VICINITY MAP



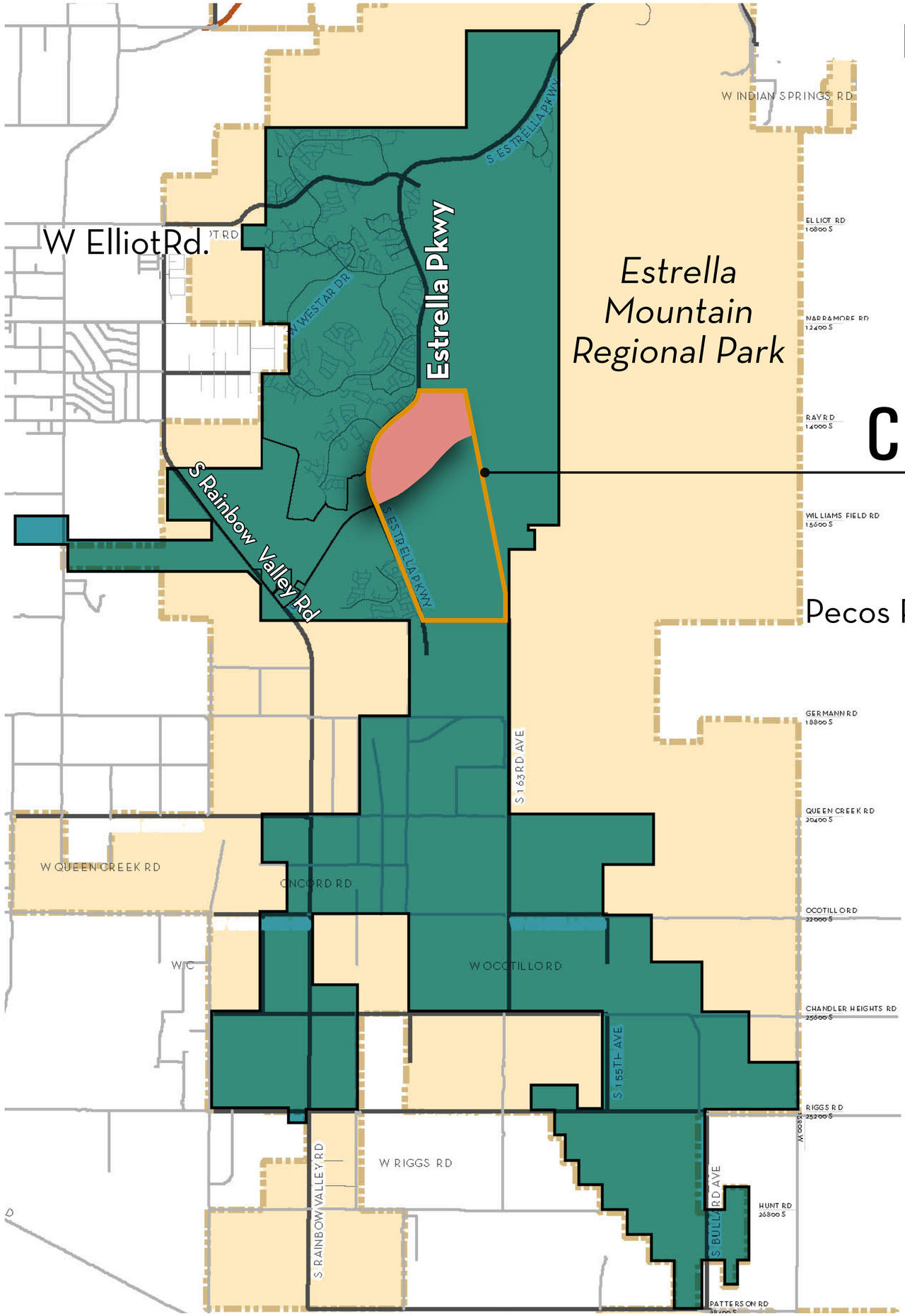

**LEGEND**

Streets

- Unclassified
- Freeway
- Highway
- Arterial
- Collector
- Residential

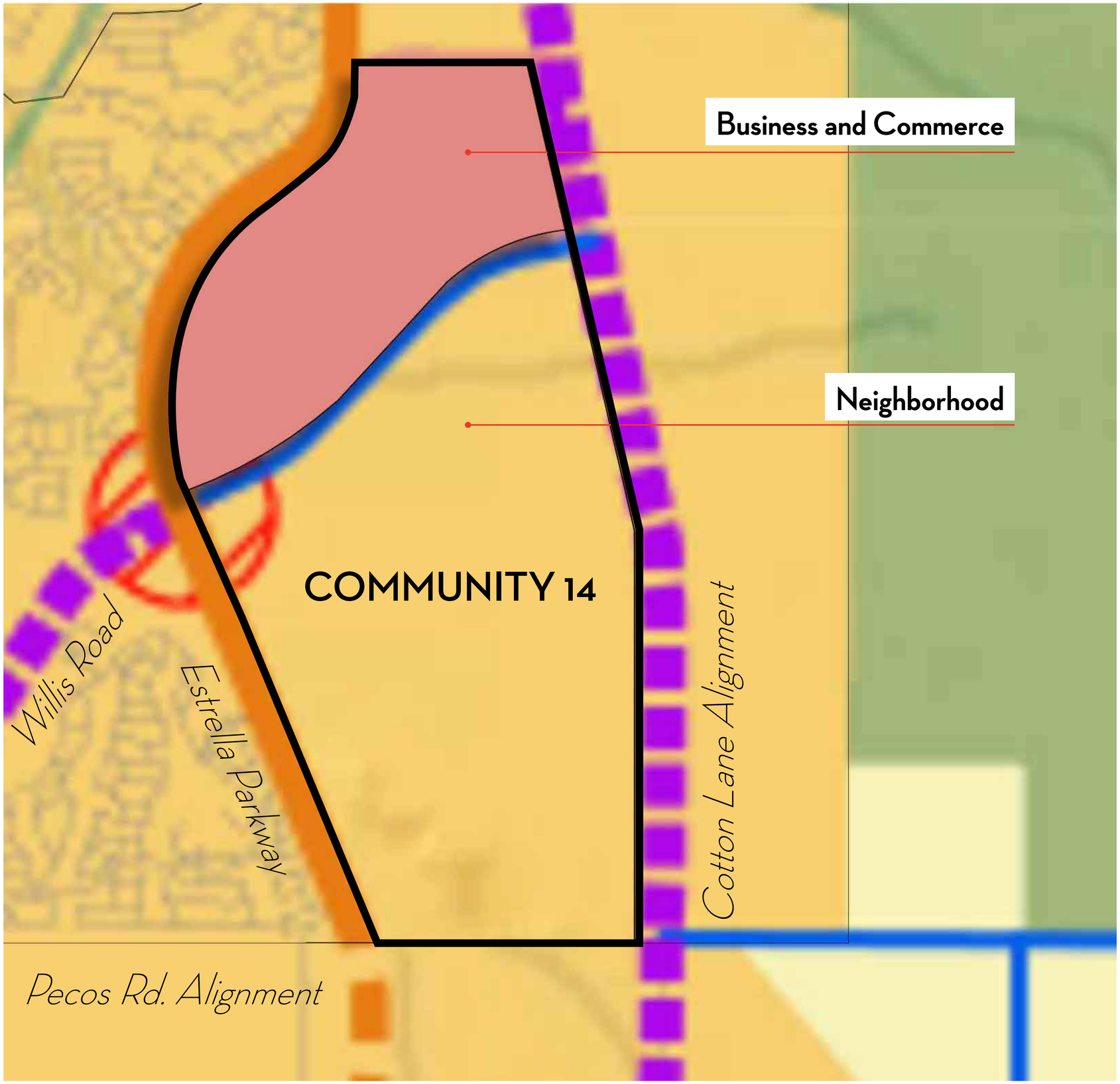
- City of Goodyear
- Estrella Community Boundary
- Community 14 Boundary
- GPA Area

# ESTRELLA COMMUNITY




## Community 14

# EXISTING GENERAL PLAN 2025




**Land Use and Transportation Map**

- Maricopa/Pinal County Line
- Municipal Planning Area Boundary
- City Limits

**Land Use Categories**

- Open Space
- Agriculture
- Scenic Neighborhood
- Neighborhood
- Business & Commerce
- Industrial
- City Center

**Land Use Overlay Districts**

- Village Center Overlay
- Luke Compatible Land Use Overlay
- Transit Oriented Development Overlay
- Wildlife Linkage Overlay
- Aggregate Mining Overlay
- Phoenix/Goodyear Airport
- Airport 65 DNL (Day-night Noise Level) Line
- Luke AFB Accident Potential Zone (APZ)
- Sonoran Desert National Monument
- Wilderness Area

**Roadway Classifications**

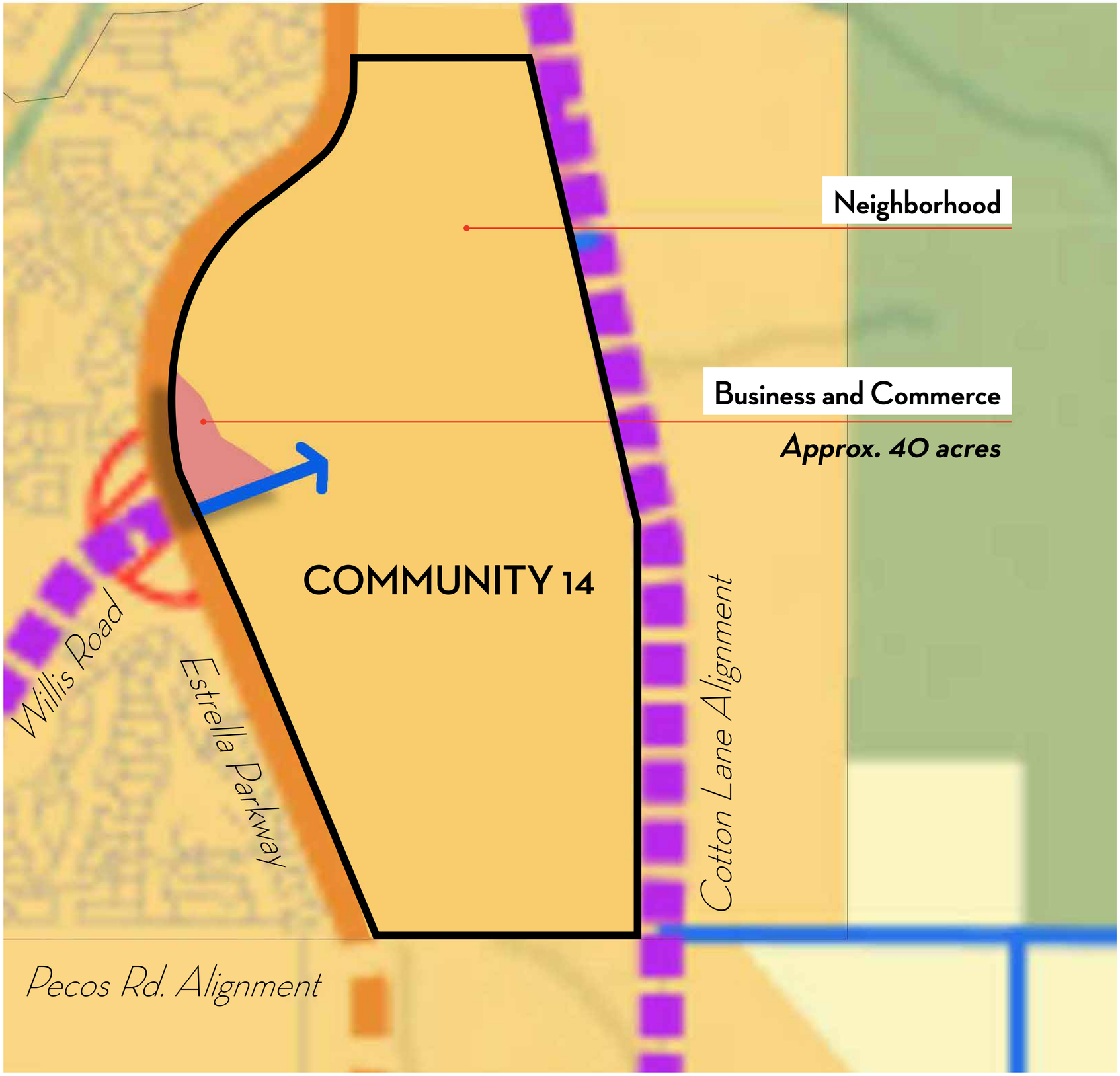
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- Major Arterial - Road of Regional Significance
- Parkway
- Parkway - Proposed
- Freeway
- Freeway/Parkway - Proposed
- Other Streets
- Rail Road

*Date: January 7, 2021*

1000' 3000'

NOT TO SCALE

# PROPOSED GENERAL PLAN LAND USE PLAN




**Land Use and Transportation Map**

- Maricopa/Pinal County Line
- Municipal Planning Area Boundary
- City Limits

**Land Use Categories**

- Open Space
- Agriculture
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- Neighborhood
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- Industrial
- City Center

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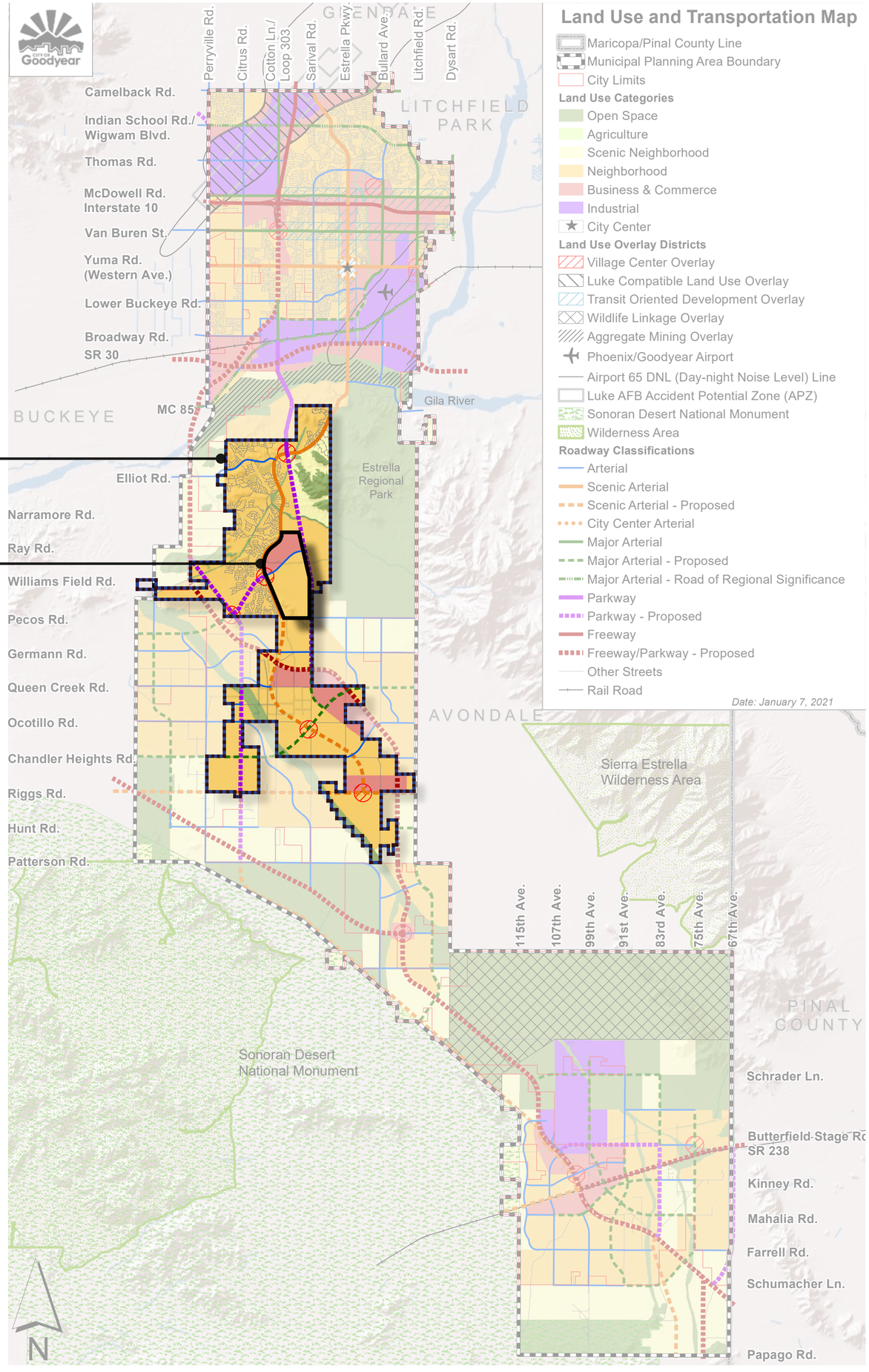
*Date: January 7, 2021*

1000' 3000'

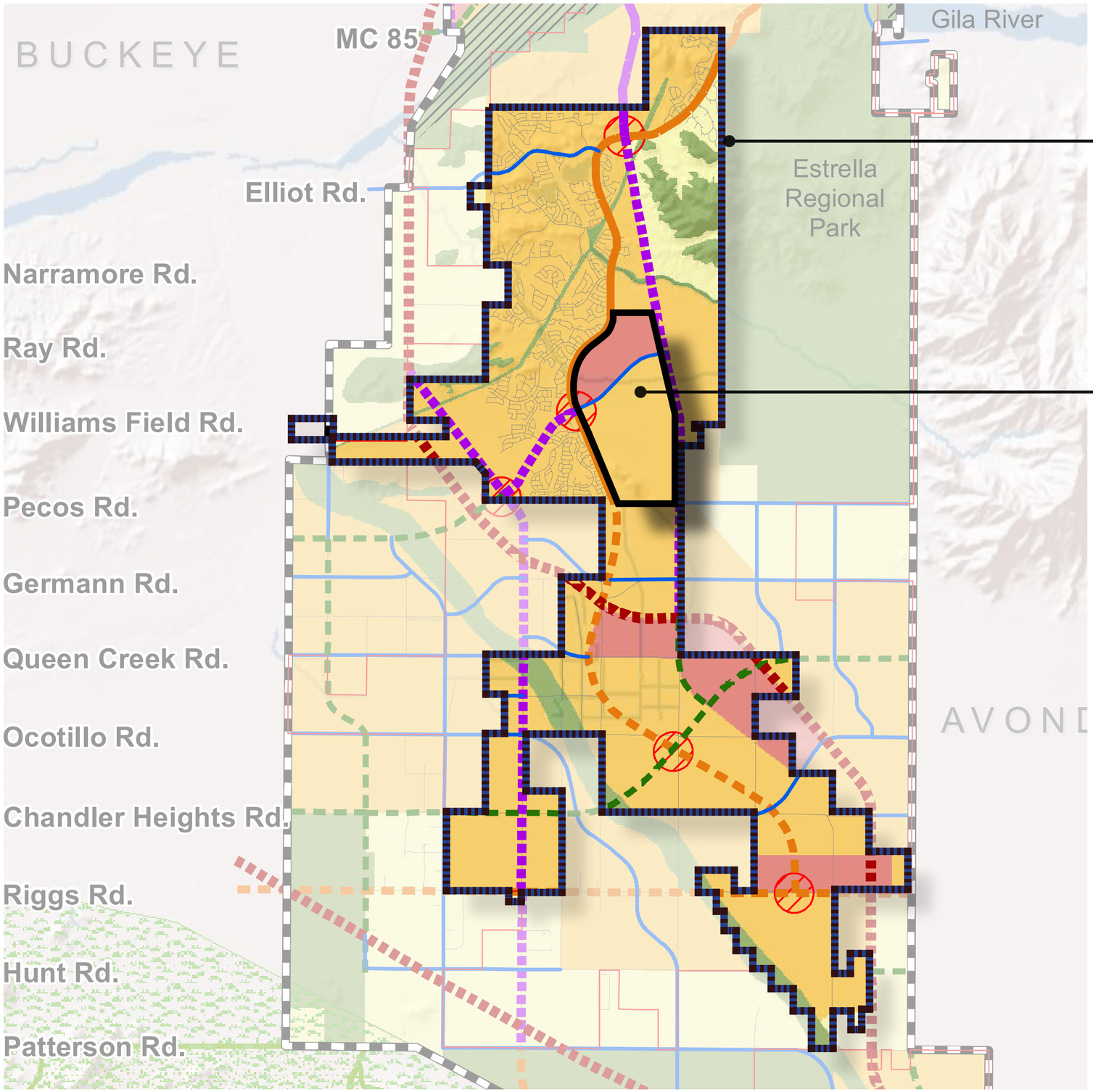
NOT TO SCALE

# ESTRELLA BOUNDARY

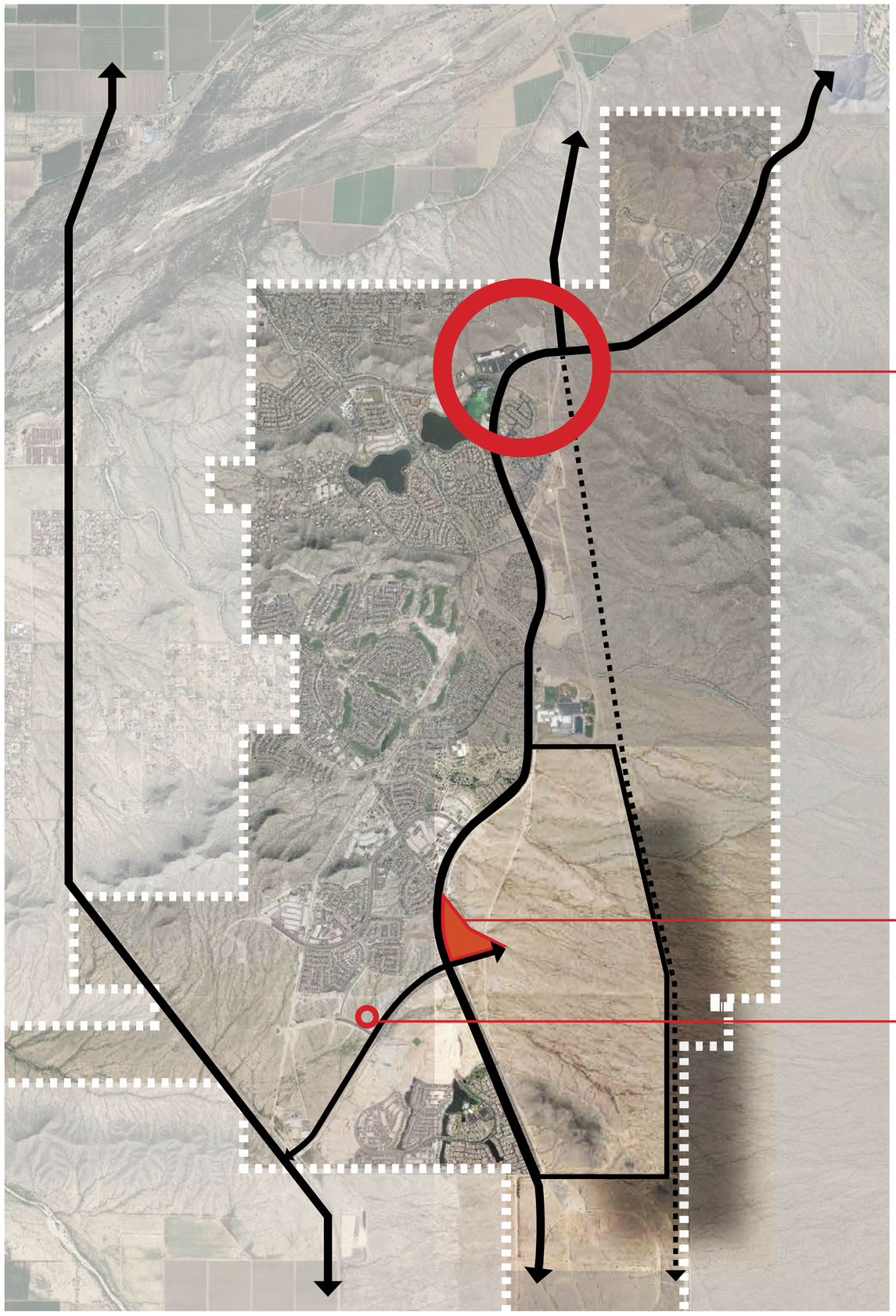
# COMMUNITY 14



# LAND USES . GENERAL PLAN 2025



# COMMERCIAL PARCELS



## NORTH CORE
APPROX 151

Mountain Ranch Marketplace - 22 acres

Elliot Market -15 acres

Parcel 42 - 24.9 acres

Parcel 14 - 63.5 acres

Parcel 45 - 25.4 acres

Proposed Commercial 40 acres

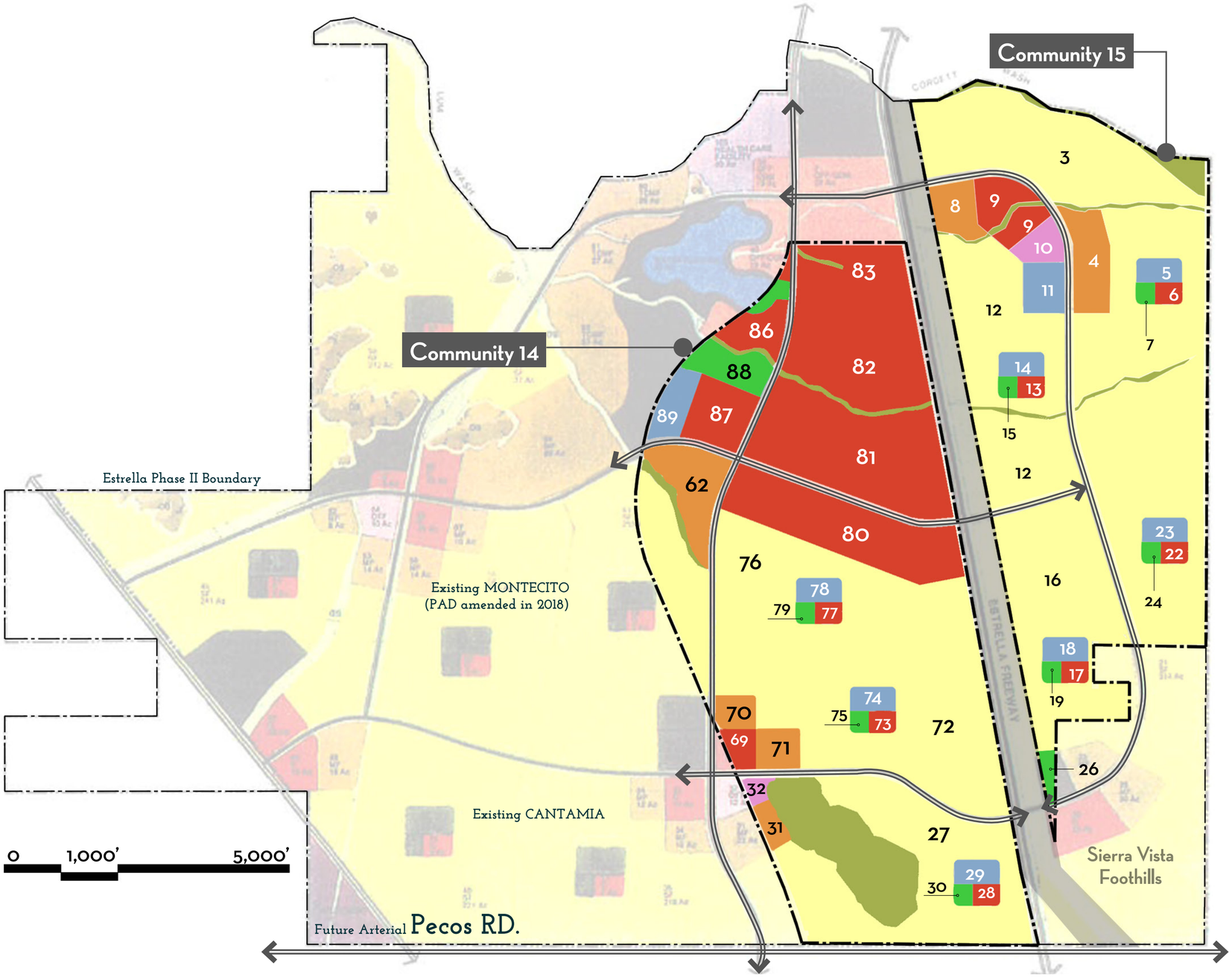
MONTECITO Future Commercial
10.5 acres

# COMMUNITY 14 & 15 . HISTORIC ZONING MAP

Notes:

*1: Gross Densities for Single Family Residential Use are based on a range of densities between 2.5 du/ac and 6.0 du/ac - per page #17 of the Estrella Phase II PAD;

*2: Dwelling units in the Town Center (TC) category are not to exceed a gross density of 50 du/ac - Parcels number 80 and 87 are part of the TC category as estated on page #15 of the Estrella Phase II PAD document, .




## Community 14

| | PAD Parcel Number | LAND USE | LAND AREA (ACRES) | GROSS DENSITY *1 | | Potential Units *1 | |
|---|---|---|---|---|---|---|---|
| Community 14 | 83-82 | Office / Commercial | 143 | N/A | | | |
| | 81 | Mall | 127 | N/A | | | |
| | 86 | Commercial | 16.6 | N/A | | | |
| | 87 *2 | Commercial (TC) | 29.0 | 50 | | 1,450 | 1,450 |
| | 80 *2 | Office / Commercial (TC) | 89.2 | 50 | | 4,460 | 4,460 |
| | 77 | Commercial | 4.0 | N/A | | | |
| | 73 | Commercial | 4.0 | N/A | | | |
| | 28 | Commercial | 4.0 | N/A | | | |
| | 69 | Commercial | 8.0 | N/A | | | |
| | 89 | School | 13.8 | N/A | | | |
| | 78 | School | 7.5 | N/A | | | |
| | 74 | School | 7.5 | N/A | | | |
| | 29 | School | 7.5 | N/A | | | |
| | 76-72 | Single Family | 417.0 | *2.5* | *6.0* | *1,043* | *2,502* |
| | 27 | Single Family | 165.0 | *2.5* | *6.0* | *413* | *990* |
| | 62 | Multi Family | 34.0 | 20.0 | | 680 | 680 |
| | 70 | Multi Family | 9.7 | 20.0 | | 194 | 194 |
| | 71 | Multi Family | 12.6 | 20.0 | | 252 | 252 |
| | 31 | Multi Family | 6.0 | 20.0 | | 120 | 120 |
| | 32 | Office | 3.6 | N/A | | | |
| | | Open Space | 82.0 | N/A | | | |
| | 88 | Park | 20.0 | N/A | | | |
| | 79 | Park | 3.0 | N/A | | | |
| | 75 | Park | 3.0 | N/A | | | |
| | 30 | Park | 3.0 | N/A | | | |
| | | Park | 3.8 | N/A | | | |
| | | Roads | 98.1 | N/A | | | |
| | | | | | | RANGE OF TOTAL UNITS | |
| | | | 1,322 | | | 8,611 | 10,648 |

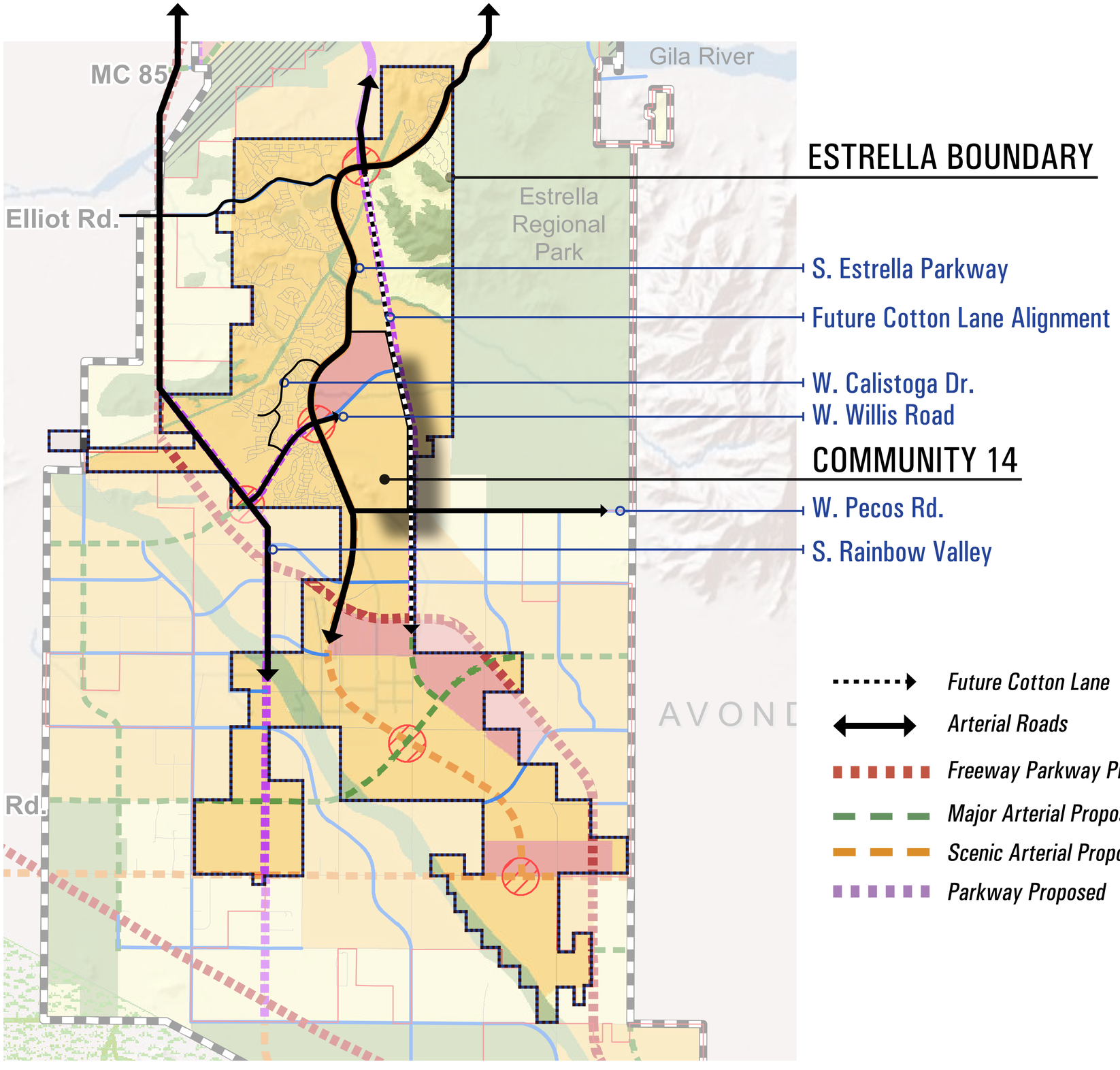
## Community 15

| | PAD Parcel Number | LAND USE | LAND AREA (ACRES) | GROSS DENSITY *1 | | Potential Units *1 | |
|---|---|---|---|---|---|---|---|
| Community 15 | 9 | Commercial | 23.0 | N/A | | | |
| | 6 | Commercial | 4.0 | N/A | | | |
| | 13 | Commercial | 4.0 | N/A | | | |
| | 22 | Commercial | 4.0 | N/A | | | |
| | 17 | Commercial | 4.0 | N/A | | | |
| | 10 | Office | 11.3 | N/A | | | |
| | 11 | School | 15.0 | N/A | | | |
| | 5 | School | 7.5 | N/A | | | |
| | 14 | School | 7.5 | N/A | | | |
| | 23 | School | 7.5 | N/A | | | |
| | 18 | School | 7.5 | N/A | | | |
| | 4 | Multi Family | 28.0 | 20.0 | | 560 | 560 |
| | 8 | Multi Family | 18.0 | 20.0 | | 360 | 360 |
| | 3 | Single Family | 433.6 | *2.5* | *6.0* | *1,084* | *2,602* |
| | 12 | Single Family | 168.0 | *2.5* | *6.0* | *420* | *1,008* |
| | 16 | Single Family | 141.0 | *2.5* | *6.0* | *353* | *846* |
| | 7 | Park | 3.0 | N/A | | | |
| | 15 | Park | 3.0 | N/A | | | |
| | 24 | Park | 3.0 | N/A | | | |
| | 19 | Park | 3.0 | N/A | | | |
| | 26 | Park | 3.0 | N/A | | | |
| | | Open Space | 35.0 | N/A | | | |
| | | Roads | 37.0 | N/A | | | |
| | | | | | | RANGE OF TOTAL UNITS | |
| | | | 971 | | | 2,777 | 5,376 |




CITY OF Goodyear

# TRANSPORTATION FRAMEWORK . GENERAL PLAN 2025



ITEM #: 14.
DATE: 12/13/2021
AI #:577

# CITY COUNCIL ACTION REPORT

**SUBJECT: MAJOR GENERAL PLAN AMENDMENT FOR CITY CENTER**

**STAFF PRESENTER(S):** Katie Wilken, Planning Manager

## SUMMARY

Request for a Major Amendment to the Goodyear 2025 General Plan for approximately 180 acres generally located at the intersection of Estrella Parkway and Yuma Road to amend the designation for the property from City Center to a mix of Business and Commerce (88 acres) and Neighborhoods (92 acres).

## Recommendation

ADOPT RESOLUTION 2021-2198 APPROVING A MAJOR AMENDMENT TO THE GOODYEAR 2025 GENERAL PLAN TO AMEND THE LAND USE DESIGNATION OF APPROXIMATELY 180 ACRES GENERALLY LOCATED AT ESTRELLA PARKWAY AND YUMA ROAD FROM CITY CENTER TO 88 ACRES OF BUSINESS AND COMMERCE AND 92 ACRES OF NEIGHBORHOODS AND DESIGNATE A VILLAGE CENTER OVERLAY; REQUIRING AMENDMENT TO FIGURE 8.12, LAND USE AND TRANSPORTATION PLAN MAP IN CHAPTER 8 OF THE GENERAL PLAN OF THE GOODYEAR 2025 GENERAL PLAN; PROVIDING DIRECTION; AND PROVIDING FOR AN EFFECTIVE DATE (Katie Wilken, Planning Manager)

## FISCAL IMPACT

Although a fiscal impact analysis has not been conducted on this specific project, all new development will have an ongoing fiscal impact on the city. The development is responsible for construction of all infrastructure necessary to serve the site and will generate one-time revenue for the city through payment of permits, construction sales tax and development impact fees. Longer term fiscal impacts include increased demands for municipal services, the costs of which may or may not be offset by increased property values/tax levies, city sales tax, state shared revenues and the increased demand for commercial and retail development. Any areas that will be maintained by the city are constructed by the developer and then conveyed to the city two years after construction.

## BACKGROUND AND PREVIOUS ACTIONS

The concept for the Goodyear City Center can be traced back to the mid-1980s. Community leaders envisioned a central core area where municipal business, citywide activities, and entertainment would be the focal point. In 1987, 40 acres located at the northwest corner of Estrella Parkway and Yuma Road were obtained through a land swap agreement, trading land the city owned at Bullard Avenue and McDowell Road. The Goodyear City Center Master Plan was approved in 1988. The other three corners of the intersection of Estrella Parkway and Yuma Road, which are privately owned, were later incorporated into the plans for City Center and the 2003-2013 City of Goodyear General Plan designated the 180 acre city center site as the “City Center” land use.

After the ratification of the 2003-2013 City of Goodyear General Plan, a Technical Advisory Committee made up of 27 members of the community, including Mayor Lord and Councilmember Lauritano and representatives of the private-property owner, was established to create a plan for City Center. Their efforts resulted in the Goodyear City Center Specific Area Plan which was adopted on September 25, 2006 through Ordinance 06-1026 and was later amended through Resolution 09-1299.

Four separate PADs were created for each of the corners of City Center. These PADs were connected by themes and design principles. The PADs include:

- Goodyear City Center Northeast Quadrant Final PAD – Ordinance 08-1118, adopted June 23, 2008
- Goodyear City Center Northwest Quadrant Final PAD – Ordinance 09-1175, adopted May 11, 2009 (city-owned site)
- Goodyear City Center Southeast Quadrant Final PAD – Ordinance 08-1119, adopted June 23, 2008
- Goodyear City Center Southwest Quadrant Final PAD – Ordinance 08-1120, adopted June 23, 2008

The City moved forward with plans to build a city hall, library, and performing arts center at the city-owned site and had an approved site plan and construction plans were underway when the Great Recession hit and plans had to be halted.

The Goodyear 2025 General Plan which was ratified by voters in 2014 continued the designation of City Center on the four corners of the property and required these properties be developed in conformance with the City Center Specific Area Plan. A Transit Oriented Development Overlay is also over the property. This overlay promotes higher density and intensity uses along important transportation corridors such as Estrella Parkway.

In 2014, Goodyear hosted an Urban Land Institute (ULI) Technical Advisory Panel (TAP) which is made up of experts from the real estate and development community who volunteer their time to help local communities solve development issues. The ULI TAP provided formal recommendations, one of which included a reommendation that the Goodyear City Hall either be located at the Goodyear Ballpark site or the planned Estrella Falls Regional Mall site. The relocation to either of these sites bolsters the success of the existing or planned private development by increasing the day-time population with a use that does not compete with the private development.

Not long after the recommendations of the ULI TAP were received, an opportunity presented itself to enter into a Public Private Partnership with Globe Properties to develop Civic Square, which will include a City Hall and Library, northwest of McDowell Road and 150th Avenue, adjacent to the planned Estrella Falls Regional Mall site as recommended by the ULI TAP. On

July 8, 2019, City Council adopted Ordinance 2019-1440 which rezoned the property to the Civic Square at Estrella Falls PAD. Because of the relocation of the municipal facilities, a new approach for the development of the area identified in the Goodyear 2025 General Plan as City Center.

## STAFF ANALYSIS

**Current Policy**:
Chapter 9 of the General Plan defines what type of change is considered a Major Amendment, Minor Amendment, or No Amendment. A change to a property's land use designation affecting more than 160 acres is considered a Major General Plan Amendment. A Major General Plan Amendment requires two public hearings before the Planning and Zoning Commission (one of which must be at a location other than the regular meeting place) and one public hearing before the City Council. All Major Amendments to the General Plan are processed at the same time so that their cumulative effect may be considered. For this calendar year, there are two Major Amendments that have been submitted.

Chapter 9 of the Goodyear 2025 General Plan states that Major Amendments to the General Plan should address certain criteria in order to be considered for approval.

**Details of the Request**:
This Major General Plan Amendment has been initiated by the city of Goodyear in order to amend the General Plan Land Use for 180 acres located at Estrella Parkway and Yuma Road. The proposed land use designation is (the numbers do not add up to 180 acres due to rounding):

- Northeast Site – approximately 40 acres designated as Business and Commerce
- Northwest Site (city-owned site) – approximately 40 acres designated as Business and Commerce
- Southeast Site – approximately 12 acres designated as Business and Commerce, this property is within the Ballpark Village PAD. Approximately 40 acres designated as Neighborhoods.
- Southwest Site – approximately 52 acres designated as Neighborhoods.
- A Village Center overlay has also been designated on the property which encourages pedestrian oriented development and traditional neighborhood development principles.
- The existing Transit Oriented Development overlay will remain in place.

The Business & Commerce land use would allow Agriculture (AG), Commercial Office (C-O), Neighborhood Commercial (C-1), General Commercial (C-2), Light Industrial (I-1), Multifamily Residential (MF-18) Public Facilities District (PFD), and Planned Area Development (PAD) zoning districts. The Neighborhoods category allows Agricultural/Urban (AU), Single Family Residential (R1-10, R1-7, R1-6), Two Family Residential (R2), Multifamily Residential (MF-18), Manufactured Home Subdivision (MHS), Manufactured Home Park or RV Park (MH/RVP), Public Facilities District (PFD), Commercial Office (C-O) Neighborhood Commercial (C-1), General Commercial (C-2), and Planned Area Development (PAD) districts.

The proposed land use categories are generally in conformance with the exiting zoning with the exception of the Southeast Site which is proposed for Neighborhoods but the zoning allows for high intensity retail and business park uses. An application to rezone the property in conformance with the Neighborhoods land use designation has been received and is currently being processed.

The property subject to this amendment is subject to a Transit Overlay. The amendment is to change the underlying land use from City Center to a combination of Neighborhoods and Business and Commerce and to add a Village Center Overlay. Although the resolution presented to the Planning & Zoning Commission (the "Commission") stated a Village Center Overlay was to be added and the presentations made at the neighborhood meeting and at both hearings before the Commission included an exhibit with the Village Center Overlay, the Exhibit A that was attached to in the draft Resolution presented to the Commission following the second public hearing did not include the Village Center Overlay. The Exhibit A attached to Resolution 2021-2198 being presented to Council for adoption is the proposed land use change (i.e. a change to a combination of Neighborhoods and Business and Commerce with a Village Center Overlay) that was presented in the presentations at the neighborhood meeting and at the two hearings before the Commission. Because the existing Transit Overlay is not affected by the changes being presented, Figure 8.12 will be revised to include the changes reflected in Exhibit A and the existing Transit Overlay. Exhibit B is being added as an attachment to the Resolution to reflect how Figure 8.12 should be revised if Council approves the changes to the general plan amendment being requested.

Evaluation Criteria:

Chapter 9, Amendments and Public Participation, specifies the Amendment Review Criteria to be used in reviewing a proposed amendment. The following information identifies these criteria and how this proposed amendment to the General Plan complies with those criteria

1. The amendment must forward the vision for Goodyear as described in Chapter 3 of the General Plan.

The vision statement for Goodyear is to "create a highly desirable and sustainable place for all to live, work, visit, and play." The vision statement is supplemented by nine Fundamental Strategies which in turn are implemented by twenty-three community goals that were identified during the General Plan planning process and are reflected in Chapter 4 of the General Plan. The changes proposed support the relocation of the city hall to the Civic Square site where it can create a mixed-use development that provides a central gathering place for the community as well as opportunities for office and entertainment development. The proposed land uses at Estrella Parkway and Yuma Road will provide for a mixed of land uses to create neighborhoods and commercial development that will provide additional opportunities for housing, jobs, and amenities.

2. The amendment must be consistent with the goals, objectives, and policies contained within the General Plan.

The proposed amendment does not conflict with the goals, objectives and policies in the Goodyear 2025 General Plan, and, more specifically, it supports the following goals, objectives and policies:

Objective GD-5-2 Integrate land use planning with transportation planning to establish a fiscally sustainable, environmentally sustainable, and healthy community.

Part of the City Center Specific Area Plan called for the unique development of Estrella Parkway and Yuma Road. Goodyear Boulevard was to act as one-way pairs, traffic would divert away

from Estrella Parkway and onto Goodyear Boulevard. This would allow Estrella Parkway and Yuma Road to be narrowed to pedestrian-oriented roadways with on-street parking. Estrella Parkway is a heavily traveled roadway, especially since the development of the Goodyear Ballpark. The plans for the roadways have changed and so the land use plan should adapt as well. If the roadways remain major arterials, then the four corners of the General Plan become disconnected and can't develop as originally intended. The proposed land use categories align with the future transportation plans.

Objective GD-5-4 Enhance and expand retail and entertainment districts to create quality shopping, dining, and entertainment experiences.

The recommendation of the ULI TAP to locate City Hall at either the Goodyear Ballpark or the planned Estrella Falls Mall was in part so another entertainment district was not created that would compete with either of these areas. Removing the City Center designation allows for the successful development of the Goodyear Ballpark without nearby competition from the future City Center.

Objective CC-2-1 Provide diverse and quality housing products.

The designation of "Neighborhoods" at the Southwest Site and Southeast Site will provide an opportunity to create unique housing development that is located in close proximity to city assets such as the Goodyear Ballpark, Bullard Wash, and Recreation Campus. This objective is also supported by the Village Center designation which promotes creating a walkable/bikeable community.

3. The amendment must align with at least one of the fundamental strategies identified in Chapter 3 and shall not conflict with any of the fundamental strategies.

The proposal supports Strategy 6. Protect and Utilize our Assets. The changes proposed support this strategy by ensuring we are not creating an additional entertainment/business center that will compete with other existing or planned centers such as the Goodyear Ballpark, the planned Estrella Falls area, and the I-10 corridor.

4. The amendment must not negatively impact the implementation of any City-approved Master Plan or shall provide mitigation measures to alleviate the potential impact.

The amendment will not negatively impact the implementation of any Master Plan.

5. The amendment must constitute an overall improvement to the General Plan.

Changing the future land use category will result in an overall improvement to the General Plan as outlined in this staff report.

6. The amendment will not adversely impact a portion of, or the entire community, by:
    1. Significantly reducing the balance of residents and jobs. Although this amendment does incorporate new Neighborhoods designation, the overall result will not reduce the balance of residents and jobs as it will help the successful development of other employment centers.
    2. Increasing traffic without mitigation. This proposal is anticipated to reduce the

amount of traffic in this area.
3. Requiring additional and more expensive improvements to infrastructure without mitigation. The proposal is much less dense and will likely result in the reduction of the intensity of utilities and associated infrastructure in the area.
4. Significantly altering the existing character of an area in a negative and unplanned way. Although the proposal will significantly alter the plans for the area, it is generally seen as positive by the surrounding neighborhoods.
5. Diminishing the environmental quality of the air, water, land, or cultural resources. The land use change should not diminish the environmental quality of the air, water, land, or cultural resources in this area.

PUBLIC PARTICIPATION:
On September 3, 2021, in compliance with A.R.S. § 9-461.06(D), a notice of the general plan amendment proposal was sent to the appropriate agencies, including the Arizona State Departments of Transportation, Water Resources, State Land, and Governor's Office, adjacent municipalities and counties, Maricopa Association of Governments, Phoenix/Goodyear Airport, Luke Air Force Base, Maricopa County Department of Transportation, Flood Control District, and Arizona Commerce Authority inviting the agencies to provide comments by mail. City staff received no comments in response to the notices that were sent.

In compliance with the Citizen Review requirements of the Zoning Ordinance, a neighborhood meeting was held on October 20, 2021 at the Goodyear Municipal Complex. A post card notification was sent to adjacent property owners. Two residents were in attendance at the meeting. They had questions about the proposal but did not express any objections at this time.

Notice of the proposed General Plan Amendment and of the first of the two public hearings before the Goodyear Planning and Zoning Commission required for General Plan Amendments scheduled for November 18, 2021 and December 1, 2021 was published in the Southwest Edition of the Arizona Republic on November 2, 2021, and was included in signs posted on the property at two locations on November 2,2021, and included in postcards mailed on October 29, 2021 to the owners of the property affected by this proposed amendment and those within 500 feet of the Property.

The first public hearing was held on November 18, 2021 at Goodyear City Hall at 190 N. Litchfield Road. One member of the public, representing the property owner of the southeast corner, spoke in favor of the Major General Plan Amendment. A second public hearing was held on December 1, 2021 at the Goodyear Council Chambers at 14455 W. Van Buren Street. One member of the public, representing the property owner at the southwest corner, spoke in favor of the Major General Plan Amendment. The Planning and Zoning Commission voted unanimously (4-0) to recommend approval of the Major General Plan Amendment.

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**Attachments**

Resolution
Exhibit A
Exhibit B
Vicinity Map
Presentation

**RESOLUTION NO. 2021-2198**

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, APPROVING A MAJOR AMENDMENT TO THE GOODYEAR 2025 GENERAL PLAN TO AMEND THE LAND USE DESIGNATION OF APPROXIMATELY 180 ACRES GENERALLY LOCATED AT ESTRELLA PARKWAY AND YUMA ROAD FROM CITY CENTER TO 88 ACRES OF BUSINESS AND COMMERCE AND 92 ACRES OF NEIGHBORHOODS AND DESIGNATE A VILLAGE CENTER OVERLAY; REQUIRING AMENDMENT TO FIGURE 8.12, LAND USE AND TRANSPORTATION PLAN MAP IN CHAPTER 8 OF THE GENERAL PLAN OF THE GOODYEAR 2025 GENERAL PLAN; PROVIDING DIRECTION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Goodyear 2025 General Plan (hereinafter, "General Plan") was adopted by the Mayor and City Council of the City of Goodyear on June 23, 2014 and ratified by a vote of the citizens of Goodyear on November 4, 2014; and

WHEREAS, Chapter 8 of the General Plan includes a Land Use and Transportation Plan Map in Figure 8.12 of said Chapter which represents the preferred land use, physical form, and mobility pattern for Goodyear by illustrating the general location of appropriate land uses to guide future growth and development and promoting full integration of land use and transportation planning; and; and,

WHEREAS, 180 acres at the intersection of Estrella Parkway and Yuma Road (hereinafter, "Subject Property") are currently designated as the City Center land use category by Figure 8.1, Land Use and Transportation Plan Map; and,

WHEREAS, the City Center land use category provides an area for the downtown of Goodyear and requires conformance with the City Center Specific Area Plan which was adopted by Ordinance 2006-1026 on September 25, 2006 by the Goodyear City Council; and,

WHEREAS, the City of Goodyear owns approximately 30 acres of the Subject Property at the northwest corner of Estrella Parkway and Yuma Road; and,

WHEREAS, in accordance with the City Center Specific Area Plan and General Plan, the city of Goodyear intended to build a city hall on the city-owned portion of the subject property; and,

WHEREAS, the City of Goodyear no longer intends to build a city hall on the city-owned portion of the subject property and does not have definitive plans for the future use of the parcel; and,

WHEREAS, because the City of Goodyear no longer intends to build a city hall on the subject property, the private property owners of the remaining portions of the subject property wish to develop the property in a way that is not consistent with the City Center Specific Area Plan and General Plan; and,

WHEREAS, the City of Goodyear initiated a request to amend the land use designation for the entire subject property from City Center to 88 acres of Business and Commerce and 92 acres of Neighborhoods and designate a Village Center overlay on the subject property, the portion of the existing transportation overlay located within the property subject to this general plan amendment will remain in place; and,

WHEREAS, on September 3, 2021, in compliance with A.R.S. § 9-461.06(D), the appropriate agencies, including the Arizona State Departments of Transportation, Water Resources, State Land, and Governor's Office, adjacent municipalities and counties, Maricopa Association of Governments, Phoenix/Goodyear Airport, Luke Air Force Base, Maricopa County Department of Transportation, Flood Control District, and Arizona Commerce Authority were sent notice of the proposal and opportunity to comment by mail; and,

WHEREAS, city staff received no comments in response to the notices that were sent; and,

WHEREAS, the Zoning Ordinance, General Plan and A.R.S. § 9-461.06(C)(1) require a citizen review process when amending land uses; and

WHEREAS, on October 20, 2021 a neighborhood meeting was held at the Goodyear Municipal Complex. Two residents were in attendance at the meeting but did not express an objection; and,

WHEREAS, Notice of the proposed General Plan Amendment and of the two public hearings before the Goodyear Planning and Zoning Commission required for General Plan Amendments was published in the Southwest Edition of the Arizona Republic on November 2, 2021, and was included in signs posted on the property at two locations on November 2, 2021, and included in postcards mailed on October 29, 2021 to the owners of the property affected by this proposed amendment and those within 500 feet of the Property; and,

WHEREAS, the Goodyear Planning and Zoning Commission conducted the first required public hearing on this Major General Plan Amendment on November 18, 2021 at a conference room in Goodyear City Hall, a location different from the Commission's regular meeting location, as required by state law; and,

WHEREAS, during the public hearing on November 18, 2021, one member of the public spoke in support of the proposed amendment and there was no opposition to the proposed amendment; and,

WHEREAS, the Goodyear Planning and Zoning Commission conducted the second required public hearing on this Major General Plan Amendment on December 1, 2021 at its regular meeting location; and,

WHEREAS, during the public hearing held on December 1, 2021, one member of the public spoke in support of the proposed amendment and there was no opposition to the proposed amendment; and,

WHEREAS, during the public hearing held on December 1, 2021, the Planning and Zoning Commission recommended approval of the General Plan Amendment with a vote of 4-0; and,

WHEREAS, notice of the proposed general plan amendment and of the public hearing before the Goodyear City Council required for General Plan Amendments scheduled for December 13, 2021 was published in the Southwest Edition of the Arizona Republic on November 26, 2021, included in signs that were posted on the property on November 2, 2021, and included in postcards mailed on October 29, 2021 to the owners of the property affected by this proposed amendment and those within 500 feet of the Property; and,

WHEREAS, the proposed Major General Plan Amendment satisfies the required standards and criteria for approval of a Major Amendment, as specified in the General Plan and documented in the staff report for Case No. 21-700-00003; and,

WHEREAS, the Goodyear Planning and Zoning Commission has found that this Major General Plan Amendment is in the best interests of the City and general public and has recommended that such Major General Plan Amendment be approved; and,

WHEREAS, the City of Goodyear City Council conducted the required public hearing on this Major General Plan Amendment on December 13, 2020 in the manner provided for by law; and,

WHEREAS, the City of Goodyear City Council finds that it would be in the best interests of the city and general public that this Major General Plan Amendment for the City Center area be approved, as recommended by the Planning and Zoning Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

SECTION 1. GENERAL PLAN AMENDMENT

The Mayor and Council of the City of Goodyear hereby approve a Major Amendment to the Goodyear 2025 General Plan to amend the land use designation of approximately 180 acres generally located at Estrella Parkway and Yuma Road from City Center to 88 acres of Business and Commerce and 92 acres of Neighborhoods and to designate a Village Center overlay on the property as shown on that certain document titled "City Center Major General Plan Amendment Case No. 21-700-00003 dated 11/15/2021," a copy of which is attached hereto as EXHIBIT A.

SECTION 2. AMENDMENT OF FIGURE 8.12

Staff is authorized and directed to amend Figure 8.12 in Chapter 8, Land Use and Transportation Plan, of the Goodyear 2025 General Plan to reflect the amended land use designation approved in Section 1 as shown on that certain document titled "City Center Major General Plan Amendment Case No. 21-700-00003 – Proposed Changes to Figure 8.12," a copy of which is attached hereto as EXHIBIT B and to make the revised Figure 8.12 available to the public.

SECTION 3. EFFECTIVE DATE

This resolution shall become effective upon its passage and adoption by the Mayor and Council of the City of Goodyear.

PASSED AND ADOPTED by the Mayor and Council of the city of Goodyear, Maricopa County, Arizona, by a _____ vote, this _____ day of _____, 20_____.

_____
Georgia Lord, Mayor

Date: _____

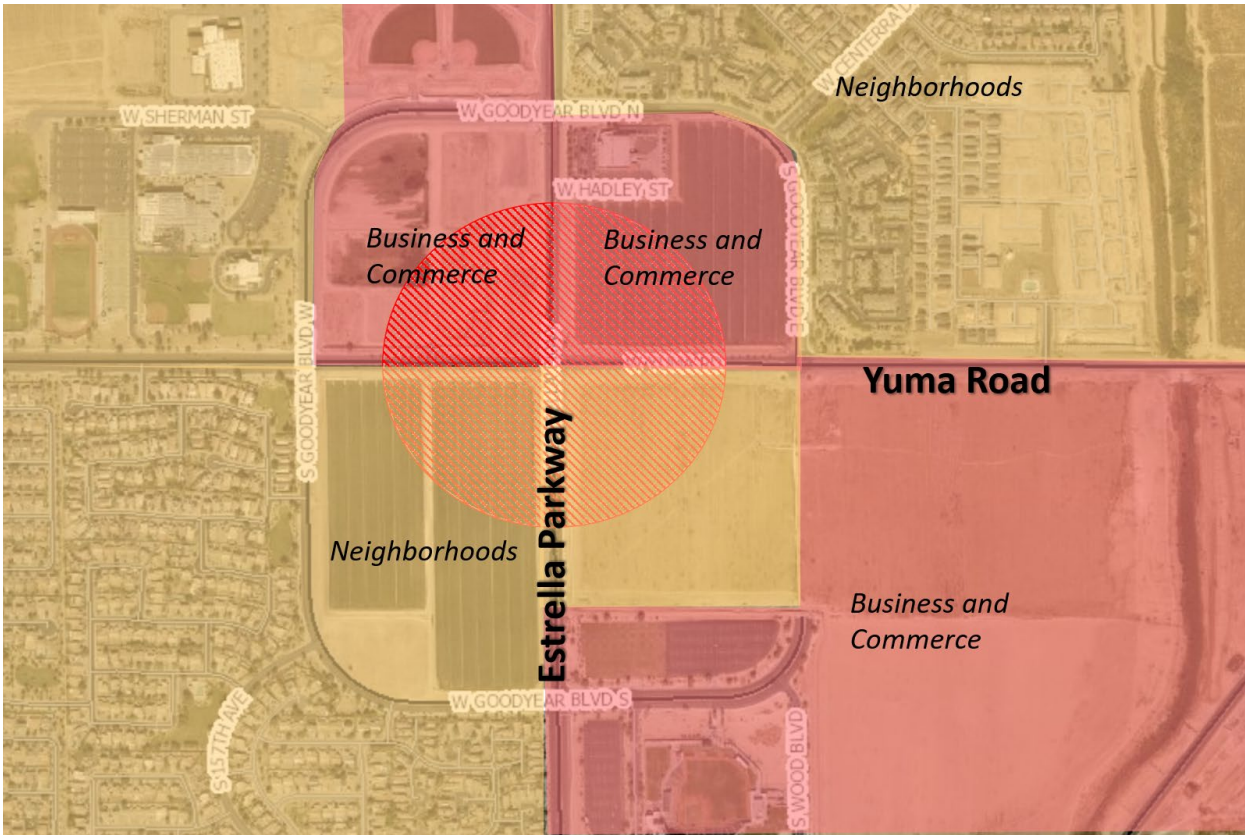
ATTEST:

_____
Darcie McCracken, City Clerk

APPROVED AS TO FORM:

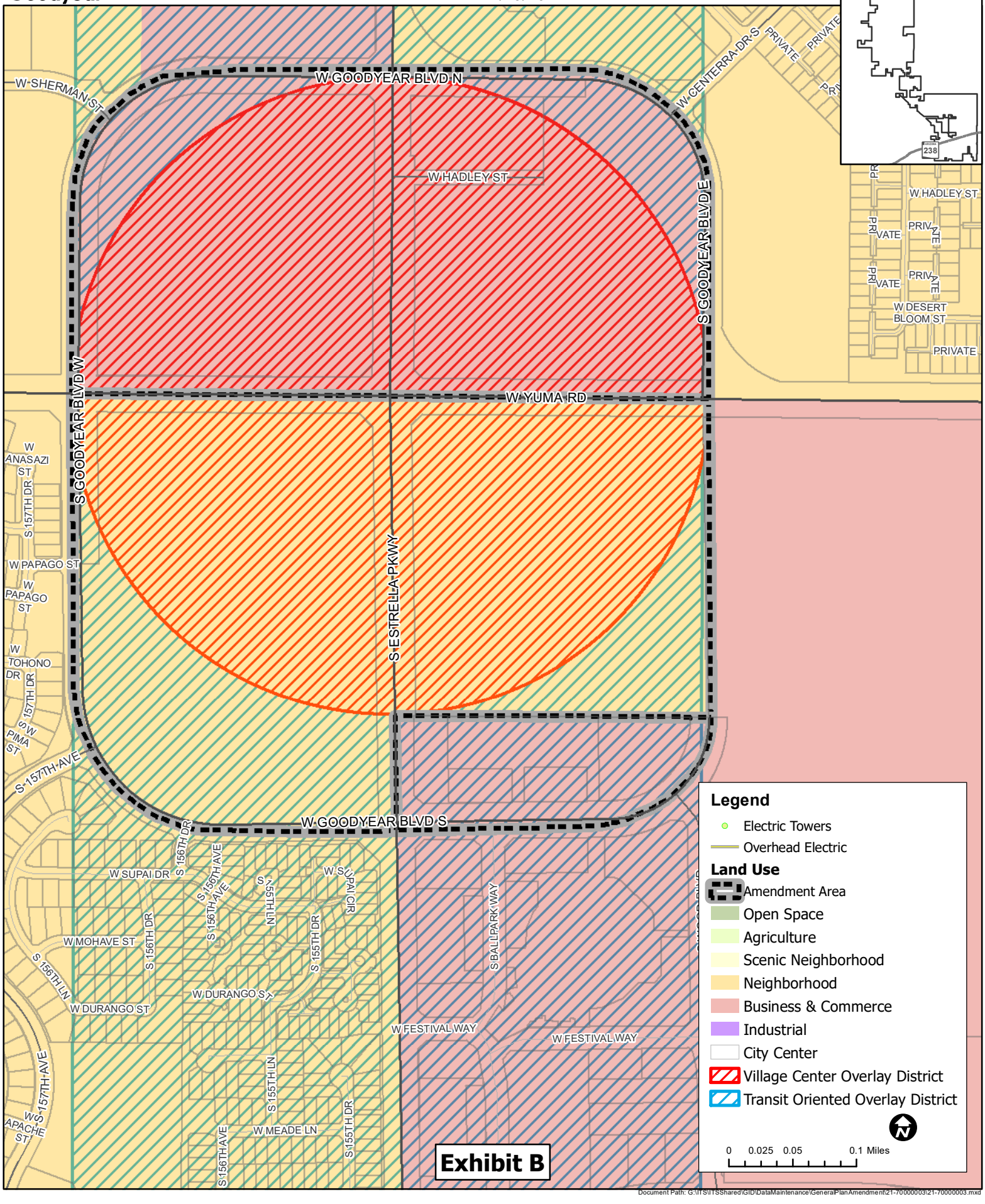
_____
Roric Massey, City Attorney

Exhibit A
City Center Major General Plan Amendment Case No. 21-700-00003 dated 11/15/2021



# Major General Plan Amendment
# Case No. 21-700-00003
# Proposed Changes to Figure 8.12

Date: 11/29/2021




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**Name of Map:City Center Major GPA**



# City Center Major General Plan Amendment

City Council Public Hearing

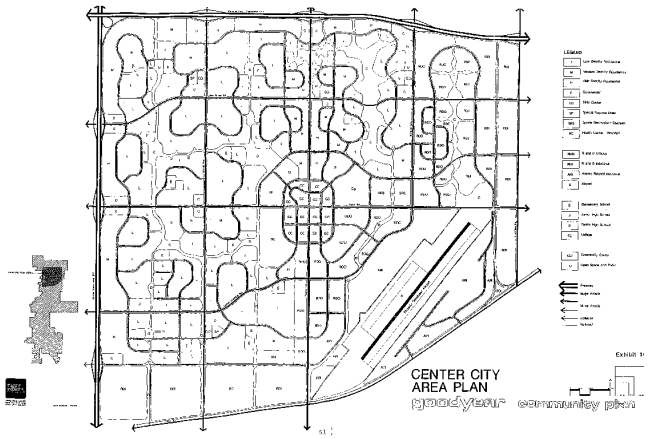


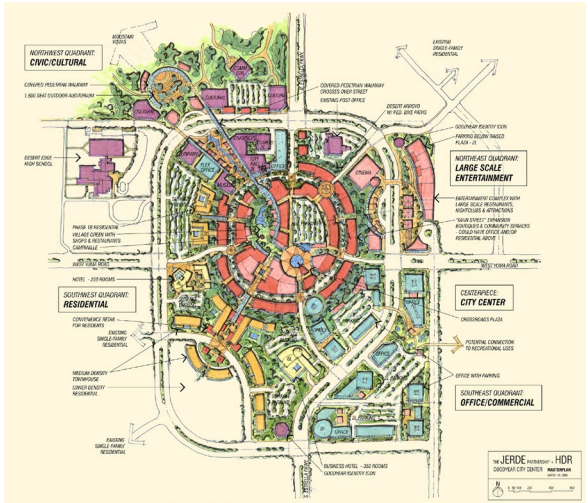
# Location

- Estrella Parkway & Yuma Road
- 180 acres
- NW Quadrant – city owned



# City Center Planning History






# City Center Planning History



GOODYEAR CITYREPORT

SEPTEMBER 2004

Vote in the September 7th Special Election

Special Election is Next Tuesday

Help determine Goodyear's future by casting your vote on:

- 12 amendments updating the City Charter which is like a constitution that governs us and
- 6 bond questions totaling $134 million to build water treatment facilities, sewer and drainage infrastructure, public buildings such as libraries, parks and open space and recreational complexes including a stadium.

**Check the back of the election publicity pamphlet mailed to you in early August for the location of your polling place.** Many new locations have been added since Goodyear's previous election.

In Memorium
K-9 Roscoe

Roscoe (shown here with his many awards) was the City's first dual purpose dog and was responsible for hundreds of thousands of dollars in illegal drug seizures and numerous suspect apprehensions during his many years of service with his partner Tom Clarke.

Come Dream With Us!
Bring Us Your Ideas on How to Design the New Downtown

This your chance to reach for the stars! Let your imagination run wild! Create the downtown of your dreams!

Goodyear's City Center Technical Advisory Committee and HD consultant working with the City Center Committee invite you planning session known as a "Charrette." What in the world you ask? It is a planning process that is concentrated into of time - such as three days. Our charrette will be Oct. 1 - 3 charrette sessions listed below are open to any Goodyear holder. If you would like to attend, please RSVP to our ho or send an e-mail to **citycenter@goodyearaz.gov.**

**PART I:**
**Friday, October 1, 6:00 – 8:00 PM**
**OPENING RECEPTION & KICK-OFF**
**PebbleCreek Tuscany Falls CC**

**PART 2:**
**Sat., October**
**CHARRETTE**
**at Desert Edg**

**Who should attend?** Anyone who plans on attending the all-day workshop on Saturday, as well as residents interested in better understanding the City Center Planning Process.

**Who shoul**
who woul
planning

**Kick-Off:** This opening event of the community-wide planning meeting for the City Center will include opening remarks by Goodyear's Mayor Jim Cavanaugh and key Committee members. Participants will hear about the process and details on what is planned for the Saturday session. The project designer will talk about "placemaking" - creating a sense of place - setting the stage for the weekend's events.

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Refreshments will be served.

Goodyear City Center
Specific Area Plan

## You Spoke...

During the first weekend in October 2004 over 200 Goodyear residents got together to plan the Goodyear City Center; 200 acres of vacant land at Yuma Road and Estrella Parkway.

## We Listened...

At the close of the Charrette we unveiled three rough concepts for the site. We listened to your comments and refined these concepts into three alternative plans.

## Now See What We've Done!

We'd like to hear your opinion on the three alternative plans.

Civic Plaza | Town Square | Main Street

**Please come to an open house!**
**When:** ☐ **Saturday, December 11, 2004**
**Where:** ☐ **Estrella Mtn. Community College**
☐ ☐ **Estrella Hall, 2nd Floor, Community Room (directions on back)**
**Time:** ☐ **Stop in at any time between 9:00 AM and 3:00 PM.**
☐ ☐ **Presentations on the Plans will be repeated at 10 AM, 12 PM, & 2PM.**
☐ ☐ **Attend the presentation that is most convenient to you.**

## What's Next?

*If you are unable to attend, the alternatives will be on display in City Hall during regular business hours between December 3 and December 17, 2004*, comment forms will be available. Based on what you tell us we will refine the three alternatives into a draft final plan.

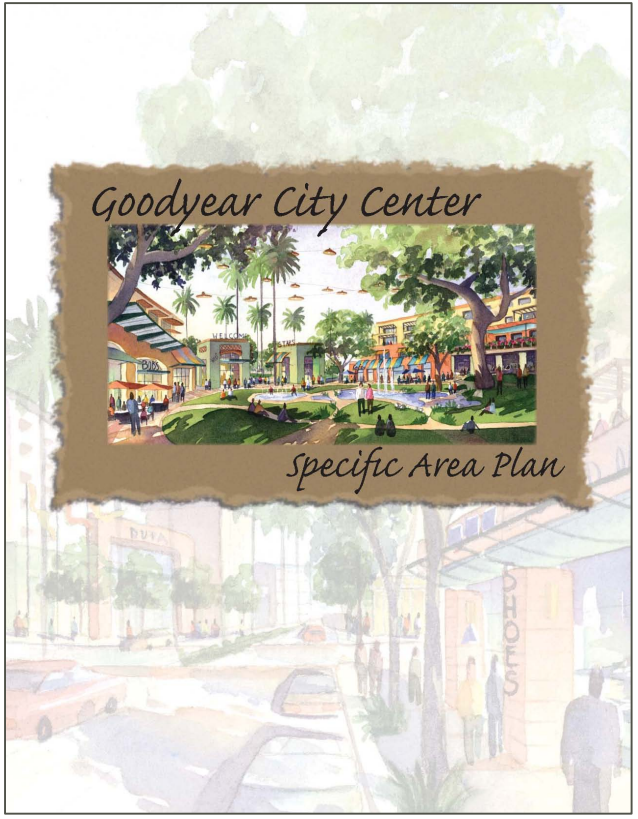
For additional information please contact Karen Keith, City of Goodyear, at (623) 932-3005, or email at kkeith@goodyearaz.gov.



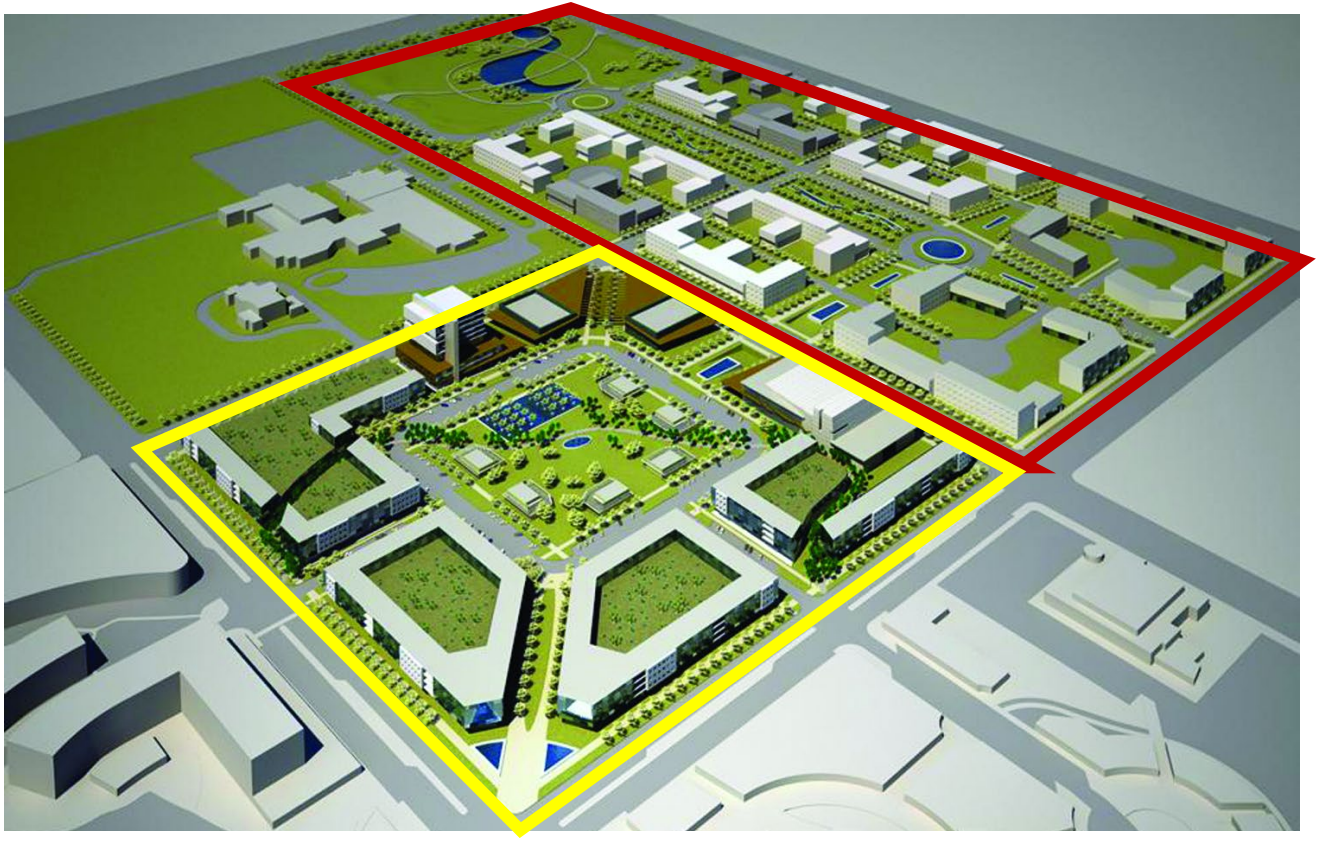
# City Center Specific Area Plan




*Goodyear City Center Specific Area Plan*



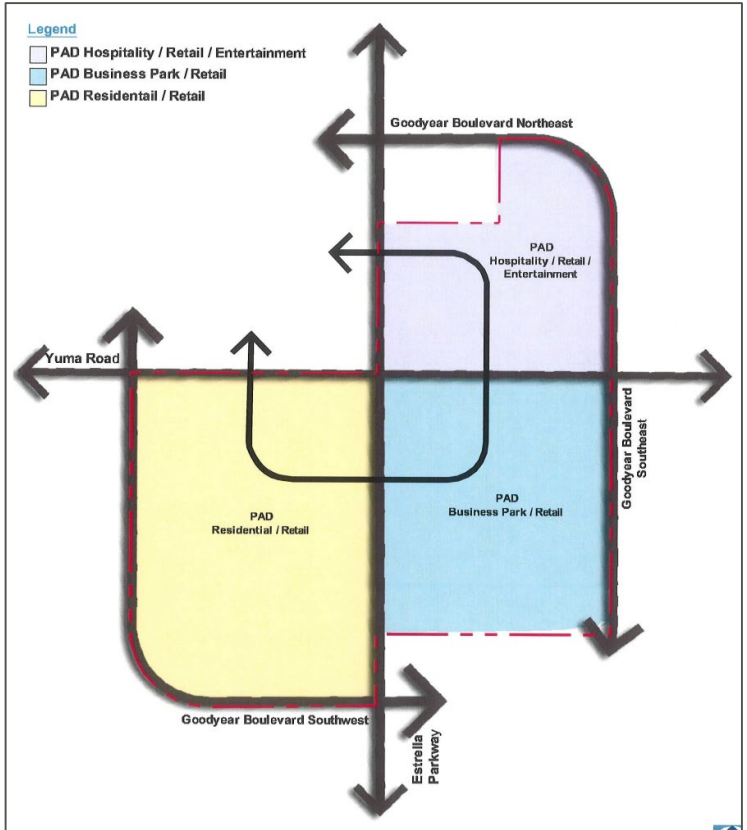
# NW Corner Plan

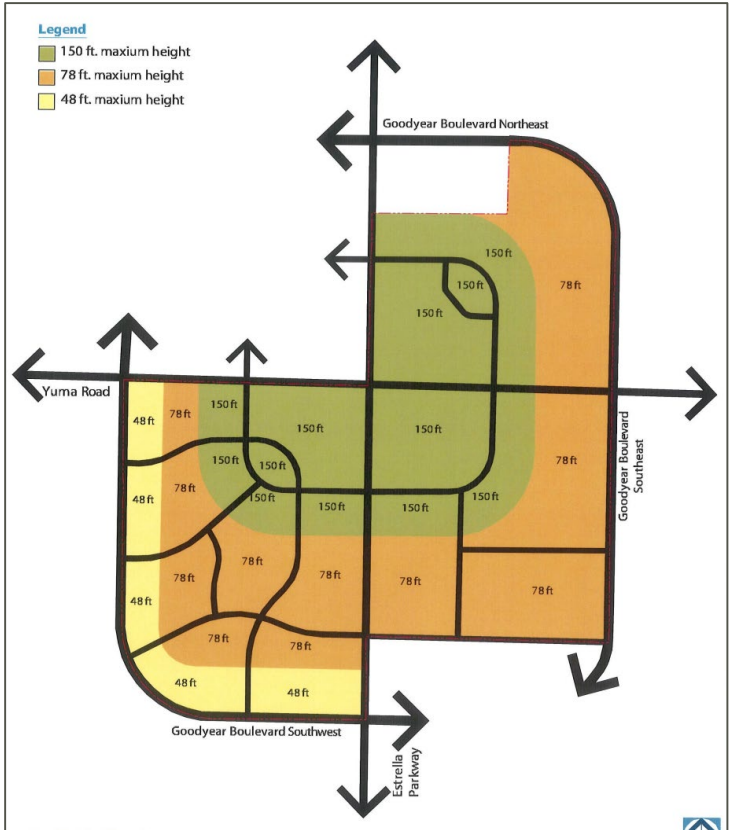


University Park

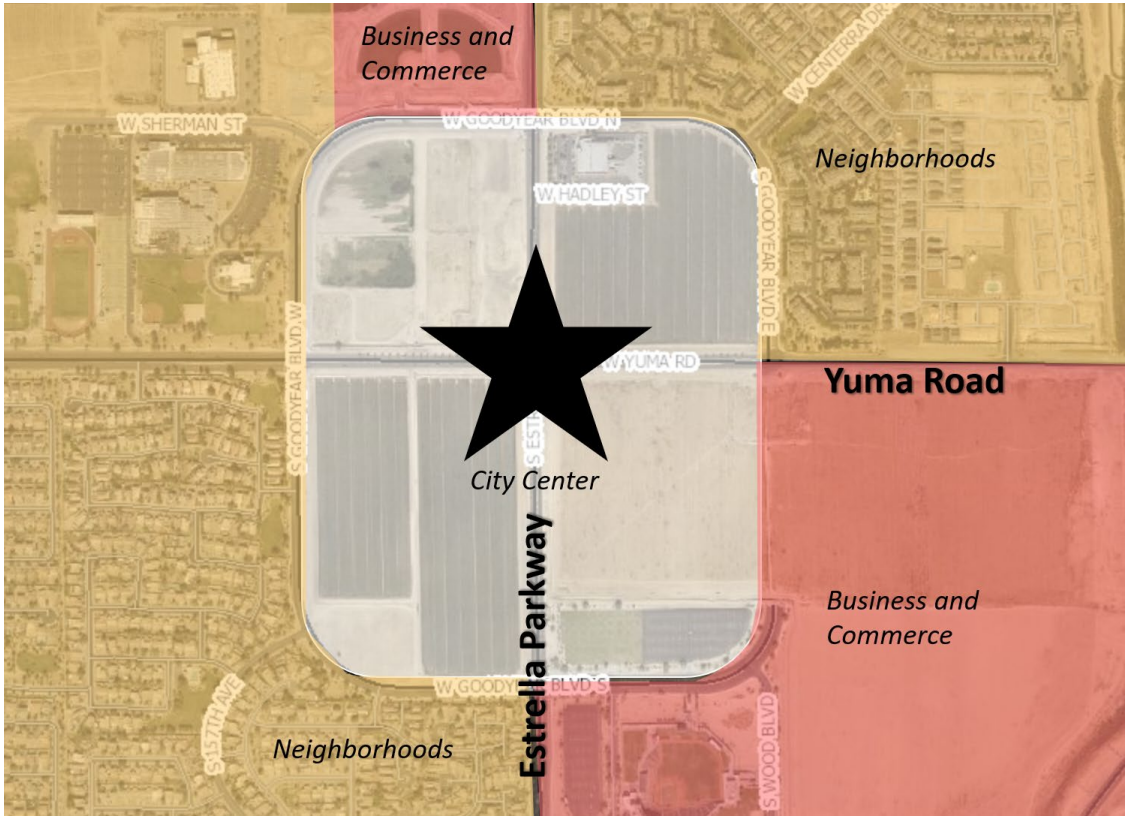
City Hall

# Current Zoning

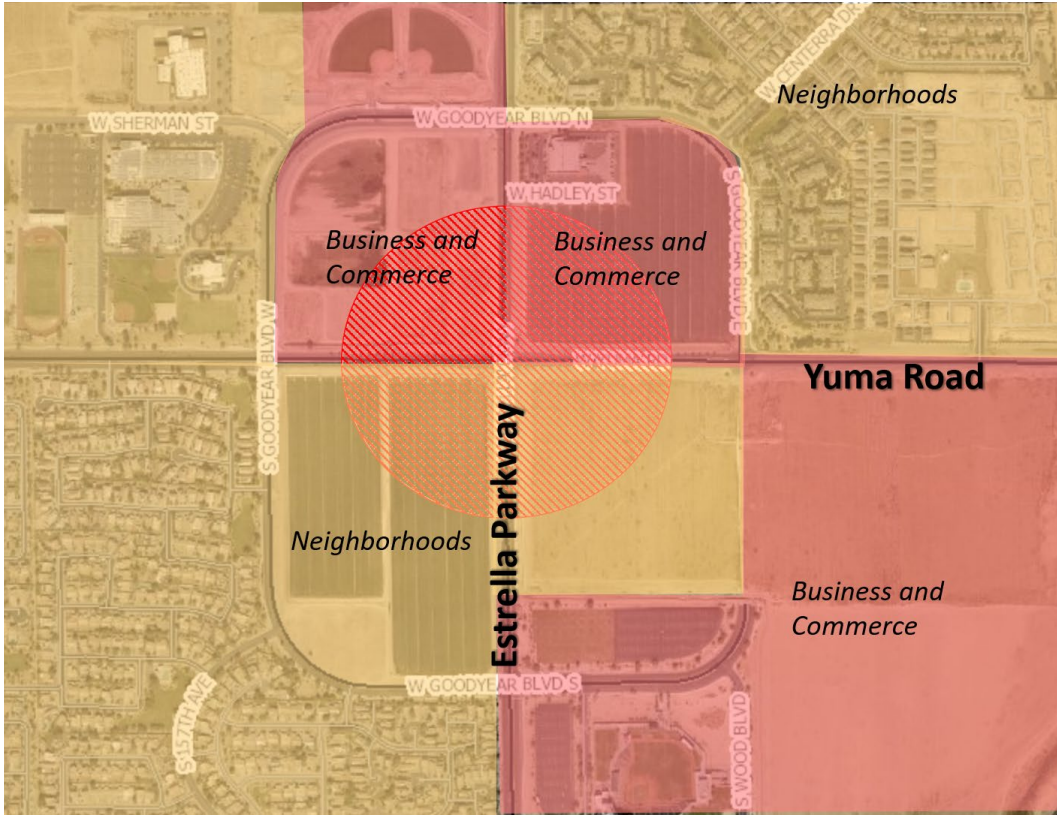


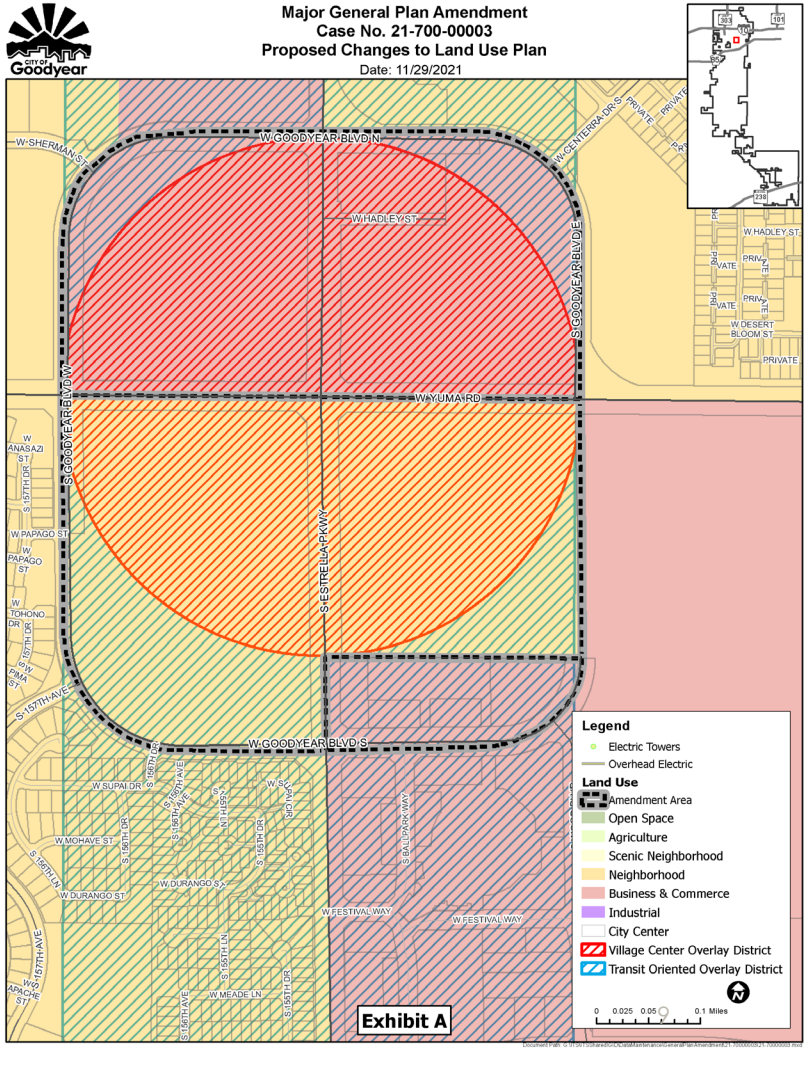



# Existing Land Use



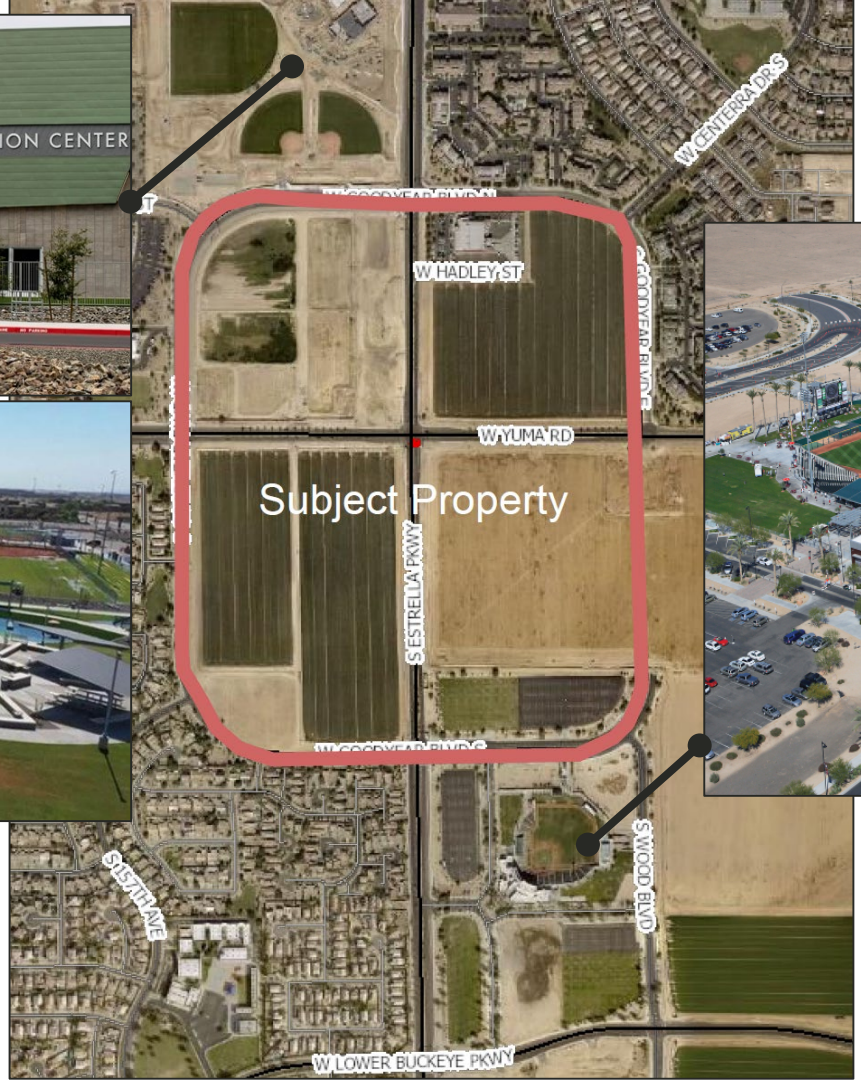
# Proposed Land Use




GOODYEAR RECREATION CENTER
Goodyear Recreation Campus
Goodyear




W CENTERRA DR S
W HADLEY ST
S GOODYEAR BLVD
W YUMA RD
Subject Property
S ESTRELLA PKWY
S WOOD BLVD
S ESTRELLA AVE
W LOWER BUCKEYE PKWY



# Development Plans

- Proposed single family development at the southeast corner
- No development plans have been submitted at other corners
- Anticipate a rezoning will be necessary on other corners

# Public Participation

- 60-day Review
  - No comments received
- Neighborhood Meeting
  - 2 members of the public attended, a few e-mails
  - No objections
- Public Hearing #1
  - 1 speaker in favor of proposal
- Public Hearing #2
  - 1 speaker in favor of proposal

# Recommendation

- Meets criteria for Major General Plan Amendment
- Commission recommends approval

ITEM #: 15.
DATE: 12/13/2021
AI #:569

# CITY COUNCIL ACTION REPORT

**SUBJECT: INNOVATION CENTRE BORROW PIT SPECIAL USE PERMIT ON PROPERTY ZONED PAD (PLANNED AREA DEVELOPMENT)**

**STAFF PRESENTER(S):** Christian M. Williams, Planner

## SUMMARY

Approve a Special Use Permit for an inert materials landfill on an approximately 55.4-acre property zoned Planned Area Development (PAD) located at the southeast corner of Citrus Road and Roosevelt Street.

## Recommendation

Approve the request for a Special Use Permit for an Inert Material Landfill on an approximately 55.4-acre property zoned Planned Area Development (PAD) located at the southeast corner of Citrus Road and Roosevelt Street, subject to stipulations. (Christian M. Williams, Planner)

## STIPULATIONS

1. Except as otherwise provided in these stipulations, the site shall be developed in accordance with the Preliminary Site Plan attached hereto.
2. The Preliminary Landscape Plan has not been approved and prior to the issuance of any permits for any work within the site, all approvals required under applicable standards and regulations, including but not limited to approvals of grading and drainage plans, storm water prevention plans and dust control plans shall be obtained from the City Engineer or his designee.
3. Prior to issuance of any permit for onsite work, the owner/operator shall be required to contract a certified Geotechnical Engineer experienced with land creation. The Geotechnical Engineer shall stipulate and oversee all testing necessary to ensure that existing and future conditions of the property have, and will have, adequate compaction for future development of the site. The Geotechnical Engineer shall provide recommendations for any repair of existing conditions, for the processing, placement, compaction, and testing of future materials, so as to provide acceptable subgrade for development of any future buildings. The recommendations shall include what type and frequency of inspections shall be conducted. These recommendations shall be provided to the City of Goodyear in a report that will be reviewed by a 3rd party, and if found acceptable, approved by the City Engineer. Owner shall comply with all recommendations of the Geotechnical Engineer. Upon approval of the recommendations, the Geotechnical Engineer shall designate who shall perform the inspections (must be a credentialed inspector), and submit the reviewed inspection reports with a sealed letter indicating compliance of recommendations has been followed bi-annually throughout the duration of

the project to the City Engineer. The Geotechnical Engineer shall provide direction on how to correct any deficiencies identified in the reporting and verify compliance with approved recommendations has been restored. This protocol shall remain in place throughout the duration of the project. All operations shall be in conformance with the approved report and operations may be suspended by the City Engineer or his/her designee for the failure of the operations to conform to such approved report;

4. No permits for any on-site work will be issued until Owner submits a Goodyear Land Reclamation Management Plan, and obtains the approval of the City Engineer and Zoning Administrator or their respective designees of such plan. In addition to other requirements of the Zoning Administrator and City Engineer, the plan shall include requirements for regular testing and monthly updates on the operations, which are to be submitted to the City as provided in the agreement.
5. No permits for any on-site work will be issued until paving improvements have been installed along the northern boundary of the site from Citrus Road east to the eastern property line as shown on the preliminary site plan attached hereto (the “Access Road”). The paving improvements shall meet or exceed the minimum requirements for paved fire emergency access roads. Prior to obtaining a grading permit for such work, access road paving plans as applicable must be reviewed and approved by the Engineering Department;
6. Traffic within the site shall conform to the traffic flows reflected in the preliminary site plan attached hereto, and ingress and egress into the site shall be on the Access Road;
7. Upon the completion of the Access Road improvements, owner/operator shall install No parking signs along the Access Road Improvements.
8. No permits for on-site work shall be issued until the entire site has been fenced with temporary fencing approved by the Zoning Administrator or his designee. The temporary fencing shall be a heavy chain link fence or better that screens the site from neighboring properties and controls access to the site to authorized personnel and delivery of materials at all times. If the site has been fenced with a chain link fence, a heavy cloth mesh (a sample of which will be provided to the city) or better that can withstand all weather conditions shall be firmly secure to the entire fence. The fencing and attachments (i.e. cloth mesh or better) shall be maintained in good condition at all times.
9. Prior to the issuance of any permit for onsite work, the owner/operator shall remove all materials that may have been dumped outside of any existing perimeter fencing;
10. If necessary, and as determined by the Zoning Administrator in his/her sole discretion, owner/operator shall, at the request of the Zoning Administrator, relocate a portion of the perimeter fence to the outside boundary of the project site to ensure that no illegal dumping occurs outside of the fenced area;
11. Fill operations and reporting requirements shall be in strict compliance with the approved Goodyear Land Reclamation Management Plan. Test results and updates on the operations of the site shall be submitted to the City Engineering Inspector on a monthly basis. All operations shall be in conformance with the approved Goodyear Land Reclamation Management Plan and operations may be suspended by the City Engineer or his/her designee for the failure of the operations to conform to such approved report;
12. The owner/operator shall strictly observe the following schedule:
    1. Crushing & Sorting Material
        1. First 60 days after grading permit: 9am-5pm, Monday through Friday
        2. After first 60 days: 10am-3pm, Monday through Friday
    2. Delivery of Material
        1. October 16th through April 14th (per City Code winter period): 7am-5pm, Monday through Saturday (No Sundays)
        2. April 15th through October 15th (per City Code summer period): 6am-5pm,

Monday through Friday, 7 am to 5 pm, Saturday (No Sundays)

13. Prior to the commencement of any onsite work, the owner/operator shall install and maintain a permanent track-out pad that is compliant with AZPDES requirements;
14. The Special Use Permit is for land reclamation involving inert materials exclusively. No other landfill activities are included in the Special Use Permit and are not approved by the city. The land reclamation operation shall comply with city, county, state and federal requirements;
15. The owner/operator shall be responsible for ensuring that no materials are dumped outside the fence. Any such materials shall be removed immediately by the owner/operator;
16. “White noise” back-up alarms shall be used on all developer equipment;
17. The decibel level at the property lines must be maintained at 65dB or lower. If the City receives at least 5 complaints within a 30-day period regarding noise from residents within 500-feet of the subject property, the City will measure the noise level. If the City finds the decibel level is higher than 65dB, then the developer will have to provide a noise study and implement mitigation measures to ensure the noise level is at 65dB or lower. The City will measure the noise level after mitigation measures have been enacted;
18. A site plan amendment shall be required under each of the circumstances listed below. When a site plan amendment is triggered, a site plan application, updated traffic study, and any documents typically required for a site plan amendment will be submitted to the City for review and approval and owner shall comply with the terms of the site approval.
    1. The construction trailer is moved
    2. If operations are not in conformance with applicable city, county, state or federal regulations or with the stipulations of approval and modification(s) to the site are required for the operations to be in conformance
    3. The approved traffic circulation flow must be amended to accommodate revised traffic patterns
    4. Other site improvements or changes that typically trigger a site plan review as described by the Zoning Ordinance;
19. Land reclamation operations shall be suspended immediately upon notification by the city, county, state or federal operational violations. Land reclamation operations may resume if the violation is remediated within 5 business days, or as otherwise authorized by the Zoning Administrator. If the violation is not remediated, the Special Use Permit shall be revoked; and,
20. Provided the land reclamation operations occur without a violation of any city, county, state or federal regulation, the Special Use Permit shall be valid for a period of five (5) years from the date of City Council approval of the permit. If the land reclamation operations are not complete at the end of the 5-year period, the owner/operator will need to re-apply for a Special Use Permit to resume or continue operations.
21. Future development of the site will need to address the spoils from the demolition of the former Trotter Track that took place in 2017. Large and small concrete spoils were placed in the South East section of the pit. For any future development to occur within this area, owner/operator will need to perform one of the following;
    1. Remove such spoils and fill in this area to an offsite landfill location and have a geotechnical engineer to certify compliance; or
    2. Process spoils and fill in this are in a manner so that it can be certified for base layer by a geotechnical engineer and have a geotechnical engineer provide certification to that effect; or
    3. Have a geotechnical engineer experienced in land creation and development certify the spoils and fill in this area provide adequate compaction for future land development; or

4. Process the spoils and fill in this area to provide adequate compaction for future land development and have a geotechnical engineer experienced in land creation and development provide certification to that effect.

22. Prior to the commencement of any onsite work, the owner/operator shall install and maintain a permanent track-out pad that is compliant with AZPDES requirements;
23. The Special Use Permit is for land reclamation involving inert materials exclusively. No other landfill activities are included in the Special Use Permit and are not approved by the city. The land reclamation operation shall comply with city, county, and state requirements.

## FISCAL IMPACT

Although a fiscal impact analysis has not been conducted on this specific project, all new development will have an ongoing fiscal impact on the city. The development is responsible for construction of all infrastructure necessary to serve the site and will generate one-time revenue for the city through payment of permits, construction sales tax and development impact fees. Longer term fiscal impacts include increased demands for municipal services, the costs of which may or may not be offset by increased property values/tax levies, city sales tax, state shared revenues and the increased demand for commercial and retail development. Any areas that will be maintained by the city are constructed by the developer and then conveyed to the city two years after construction.

## BACKGROUND AND PREVIOUS ACTIONS

The subject property consists of approximately 55.4 acres of the larger 224-acre Innovation Center, generally located south of Interstate-10 between the Arizona State Route 303 Loop and Citrus Road.

The subject property was zoned Planned Area Development with Ordinance No. 2020-1472 which zoned the larger Innovation Centre development. Previous to the 2020 zoning case, the larger Innovation Center development was zoned PAD and AG (Agricultural). The portion of the property zoned PAD was part of the Cotton Lane RV/Mobile Home & Golf Resort PAD, which was initially approved on May 28, 1996, with the adoption of Ordinance No. 96-551.

The 55.4-acre subject property includes a large pit which had been utilized by the Arizona Department of Transportation as a borrow pit in order to construct the Interstate-10 (Papago Freeway) to the north of the Innovation Centre development.

Most notably, a portion of the Innovation Center property, adjacent to the subject property, had been developed as a trotter park but those facilities have since been demolished; portions of those demolished facility were disposed of on the subject property and were buried within the borrow pit.

## STAFF ANALYSIS

Current Policy:
A Special Use Permit requires review by the Planning and Zoning Commission and approval by the City Council through the public hearing process.

Details of the Request:
The applicant intends to develop an inert materials landfill at the southeast corner of Citrus Road and Roosevelt Street and has submitted an application for a Special Use Permit.

The Innovation Centre development, in which the inert materials landfill will be developed, will

be approximately 55.4-acres of the larger 224-acre development.

Initially, the developer will clean up the site by placing any materials outside the pit, into the borrow pit and removing any materials which cannot properly be compacted within the borrow bit. The developer will then go through a process of sorting and crushing the existing material in the borrow pit to ensure adequate compaction of the material. When the existing material is adequately compacted, new material will be accepted.

Conceptual Site Plan and Landscape Plan convey the screening mechanisms that will be implemented in order to screen the public from the pit filling activities, which are documented by Stipulation 8.

Evaluation Criteria:
The Zoning Ordinance, Section 1-3-4 (Special Use Permits), provides that the Planning and Zoning Commission and City Council must determine that the proposed use meets the following findings prior to granting a use permit:

1. The proposed special use will be desirable or necessary to the public convenience or welfare.
The inert materials landfill will be desirable or necessary to the public convenience or welfare in order to bring the site back to grade and allow it to be redeveloped for future commercial uses.

2. The proposed special use will be harmonious and compatible with other uses adjacent to and in the vicinity of the selected site or sites.
The inert materials landfill will be harmonious and compatible with other uses adjacent to and in the vicinity of the site as it will be screened from public view while being remediated and after remediation will be developable.
The land uses and zoning of the surrounding properties include the following:
· North: Innovation Centre (vacant) future commercial and industrial uses.
· East: Innovation Centre (vacant) future industrial uses.
· South: Roosevelt Irrigation District canal and existing residential development within the Cotton Lane RV PAD.
· West: Citrus Road and existing/proposed residential development zoned PAD (Planned Area Development) and RU-43 (Maricopa County).
3. The proposed special use is in conformance with the adopted General Plan and any adopted Area Plans.
Both the General Plan and current zoning designation of the property provide for the construction of an inert materials landfill with the approval of a Special Use Permit.

4. The proposed special use will not be detrimental to surrounding properties or persons in the area due to; impact on the circulation system of the adjacent neighborhood; excessive noise or light generated from within the site; excessive scale or height in relationship to surrounding properties; hours of operation; inadequate parcel size to provide adequate buffers or mitigation measures to surrounding properties; inconsistency with the development character or architecture of the adjacent properties.
The inert materials landfill will not be detrimental to surrounding properties or persons in the area due to the impact on the circulation system of the adjacent neighborhood, excessive noise or light generated from within the site, excessive scale or height in relationship to surrounding properties, hours of operation, inadequate parcel size to provide adequate buffers or mitigation measures to surrounding properties, or inconsistency with the development character or architecture of the adjacent properties. Further, staff and the applicant have crafted stipulations

of approval to mitigate impact while the inert materials landfill is in operation.

Luke Air Force Base:
The subject property is located within the vicinity of a military airport. Given the location of the property and the commercial nature of the proposed Special Use Permit, base operations will not be adversely impacted by this development.

Phoenix-Goodyear Airport:
The subject property is not located within the Phoenix Goodyear Traffic Pattern Airspace. Additionally, given the commercial nature of the proposed Special Use Permit, airport operations will not be adversely impacted by this development.

5. Demands for public services that will be generated by the uses permitted in the proposed zoning district.
Fire Response:
Emergency response times and distances are provided below:

| Nearest Goodyear Fire Station | Shortest path | | Longest path | | 2nd Nearest Goodyear Fire Station | Shortest path | | Longest path | |
|---|---|---|---|---|---|---|---|---|---|
| | Mins | Miles | Mins | Miles | | Mins | Miles | Mins | Miles |
| Fire Station #184 | 7.42 | 3.71 | 7.42 | 3.71 | Fire Station #181 | 10.12 | 5.06 | 10.12 | 5.06 |

Police Response:
The property development is located within an existing police patrol beat and the current level of service within the beat can accommodate the development of the property.

Solid Waste:
Solid waste service will be provided by a private company as bulk trash containers will be utilized.

Streets/Transportation:
The subject property will have access to a future driveway along the Roosevelt Street alignment and Citrus Road.

Water/Wastewater:
The subject property will be served by the city of Goodyear. All infrastructure necessary to serve the subject property will be required to be installed by the property owner and/or developer.

6. General public concerns.

Public Comment and Planning and Zoning commission Meeting:
A virtual neighborhood meeting was conducted for this proposal on November 3, 2021. Notice of the neighborhood meeting was sent to property owners within 500 feet of the property at least 15 calendar days prior to public hearing to provide ample opportunity for input prior to noticing the public hearing itself, those notices were mailed on October 19, 2021; a sign advertising the neighborhood meeting was posted to the site on October 18, 2021. During the meeting, or subsequent to the meeting, staff did receive any public objection to the project.

A public notice that this rezoning request would be considered and reviewed at a public hearing to be held before the Planning and Zoning Commission on December 1, 2021 appeared in the Arizona Republic Southwest Valley Edition November 12, 2021; postcards were mailed to adjoining owners on November 2, 2021; and the sign(s) on the site were updated on November

15, 2021 to notify residents of the scheduled public hearings.

A public hearing was held before the Planning and Zoning Commission on December 1, 2021 to consider recommending approval of the Special Use Permit. During the meeting, no objection from the public was received. The Commission voted (4-0) to recommend approval of the proposed Special Use Permit, subject to stipulations.

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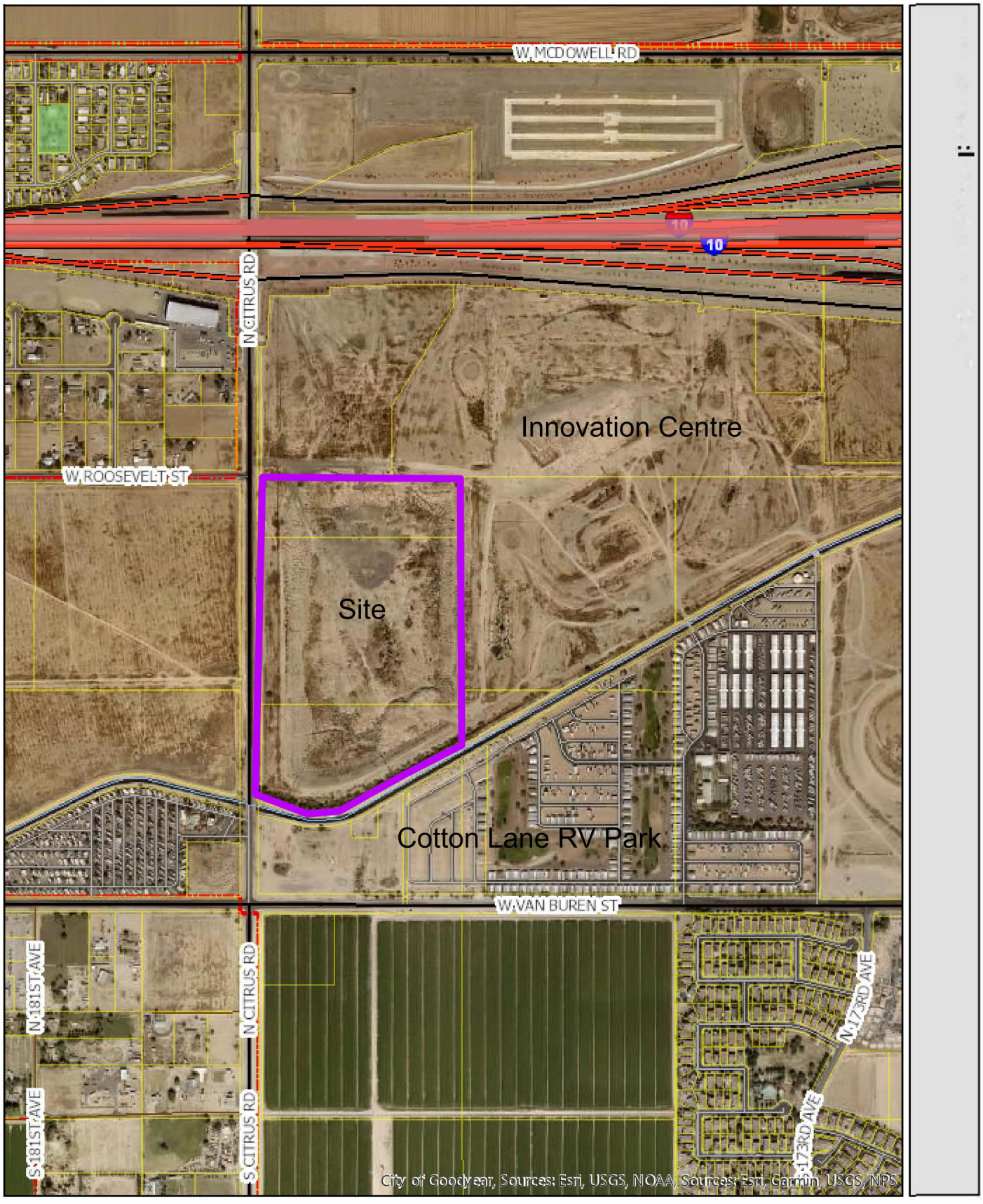
**Attachments**

Aerial Exhibit
Narrative
Site Plan
Landscape Plan
Presentation

**Aerial Exhibit**

**Case No: 21-350-00002**

**Innovation Centre Pit**



BERRY | RIDDELL LLC

6750 E. Camelback Rd., #100
Scottsdale, AZ 85251
Office: 480-385-2727
www.berryriddell.com

wr@berryriddell.com
Direct: 480-682-3902

September 16, 2021

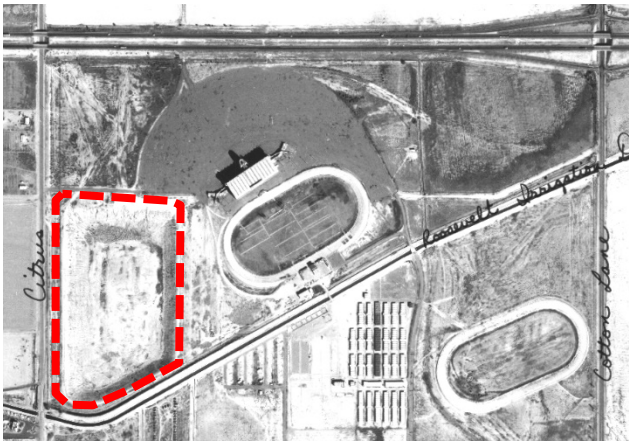
City of Goodyear
Attn: Christian Williams
14455 W Van Buren Street, Suite D101
Goodyear, Arizona 85338

***Re: Innovation Centre / Special Use Permit for Filling of Pit***

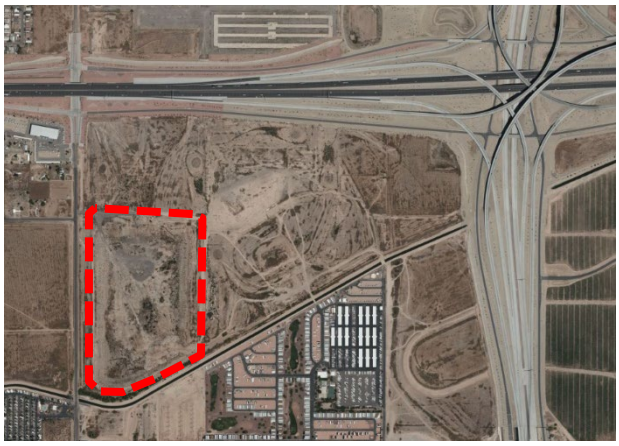
Dear Christian:

The purpose of this request is to seek a Special Use Permit ("SUP") for remediation of an approximate 55.4-acre site located at the southeast corner of Citrus Lane and Roosevelt Road (the "Site"). The Site was used as a borrow pit during the construction of the I-10 freeway in the late 1970's and early 1980's. As shown in the aerials below, the Site remains unfilled.

**1983**




**2020**



The attached Preliminary Site Plan depicts plans to fill the pit in preparation for future development. Specific timing to fill the pit has not been determined at this time.

The Zoning Ordinance identifies specific criteria that guides Special Use Permit requests to respond appropriately to the site context and to address the consistency with long-range planning goals. The proposal meets the criteria as outlined below.

**1. Will be desirable or necessary to the public convenience or welfare; and,**

**Response:** The inert material landfill will be desirable or necessary to the public convenience or welfare.

**2. Will be harmonious and compatible with other uses adjacent to and in the vicinity of the selected site or sites;**

**Response:** The inert material landfill will be harmonious and compatible with other uses adjacent to and in the vicinity of the selected site or sites.

**3. Is in conformance with the adopted General Plan and any adopted Area Plans; and,**

**Response:** The inert material landfill is in conformance with the adopted General Plan and any adopted Area Plans.

**4. Will not be detrimental to surrounding properties or persons in the area due to:**

**a. Impact on the circulation system of the adjacent neighborhood;**

**b. Excessive noise or light generated from within the site;**

**c. Excessive scale or height in relationship to surrounding properties;**

**d. Hours of operation;**

**e. Inadequate parcel size to provide adequate buffers or mitigation measures to surrounding properties;**

**f. Inconsistency with the development character or architecture of the adjacent properties.**

**Response:** The inert material landfill will not be detrimental to surrounding properties or persons in the area due to impact on the circulation system of the adjacent neighborhood, excessive noise or light generated from within the site, excessive scale or height in relationship to surrounding properties, hours of operation, inadequate parcel size to provide adequate buffers or mitigation measures to surrounding properties, or inconsistency with the development character or architecture of the adjacent properties.

If you have any questions, please feel free to reach out to me directly. Thank you for your attention to this matter.

Very truly yours,

Wendy Riddell

# PRELIMINARY SITE PLAN
## FOR
# 10 GOODYEAR
## SEC CITRUS ROAD AND INTERSTATE 10
## GOODYEAR, ARIZONA

## ENGINEERING NOTES

A. ALL GENERAL CONSTRUCTION NOTES SHALL APPLY.
B. FINISHED FLOOR ELEVATIONS SHALL BE A MINIMUM OF 18 INCHES ABOVE POINT OF OUTFALL. LOTS SHALL BE DESIGNED TO FALL TOWARDS THE STREET AT A GRADE NO LESS THAN ONE PERCENT. CITY OF GOODYEAR, ARIZONA ENGINEERING DESIGN STANDARDS AND POLICIES MANUAL
C. A PERMIT IS REQUIRED FOR ANY ON-SITE GRADING.
D. A SEPARATE PERMIT IS REQUIRED FOR ANY GRADING RELATED TO OFF-SITE CONSTRUCTION.
E. STAKING PAD AND/OR FINISHED FLOOR ELEVATIONS ARE THE RESPONSIBILITY OF THE DEVELOPER OR HIS ENGINEER. IN A CRITICAL DRAINAGE AREA (FEMA ZONES A, AO, AH, A1-A33, AND A99), CERTIFICATION OF THE FINISHED BUILDING FLOOR OR STEM WALL ELEVATION SHALL BE SUBMITTED AND APPROVED PRIOR TO ANY VERTICAL CONSTRUCTION. IN NON-CRITICAL AREAS, THE DEVELOPER'S ENGINEER SHALL SUBMIT CERTIFICATIONS OF CONSTRUCTED BUILDING PAD ELEVATIONS PRIOR TO THE CITY'S ACCEPTANCE OF THE PROJECT.
F. THE CONTRACTOR SHALL COMPLY WITH THE APPROVED STORMWATER POLLUTION PREVENTION PLAN PREPARED IN ACCORDANCE WITH THE CITY'S GENERAL AZPDES STORM WATER PERMIT REQUIREMENTS.
G. THE GRADING CONTRACTOR SHALL DESIGNATE THE LOCATION FOR WASTING SPOIL MATERIALS AND OBTAIN A LETTER FROM THE OWNER GIVING PERMISSION FOR SAID DISPOSAL PRIOR TO STARTING ON-SITE CONSTRUCTION.
H. GRADING AND DRAINAGE PLAN APPROVAL INCLUDES RETENTION AND DETENTION AREAS, OTHER DRAINAGE FACILITIES AND CHANGES TO SURFACE GRADING AFFECTING DRAINAGE STRUCTURES, CURBS, ASPHALT PAVEMENT, AND BUILDING FLOOR ELEVATIONS.
I. THE CONTRACTOR SHALL PROVIDE ALL RETENTION AND DETENTION BASINS AT ELEVATIONS AS SHOWN ON THE PLANS. RETENTION BASINS SIDE SLOPES SHALL NOT EXCEED 4:1 ON PRIVATE PROPERTY OR 6:1 ADJACENT TO WALKWAYS OR AREAS DESIGNATED FOR PEDESTRIAN ACCESS AND PUBLIC RIGHTS-OF-WAY. RETENTION BASIN HIGH WATER ELEVATIONS SHALL NOT EXCEED 3-FOOT DEPTH ON PRIVATE PROPERTY OR 1.5-FOOT DEPTH WITHIN 10-FEET OF PUBLIC RIGHTS-OF-WAY. RETENTION IS NOT PERMITTED WITHIN PUBLIC RIGHTS-OF-WAY OR PUBLIC UTILITY EASEMENTS.
J. THE CONTRACTOR IS RESPONSIBLE FOR LOCATING AND CONFIRMING DEPTHS OF ALL THE EXISTING UTILITY LINES WITHIN ROPOSED RETENTION BASIN AREAS. IF THE BASIN CANNOT BE CONSTRUCTED ER PLAN AS A RESULT OF CONFLICT WITH UNDERGROUND UTILITIES,THE CONTRACTOR SHOULD CONTACT THE CITY AND DESIGNER AND REQUEST MODIFICATION OF THE BASIN DESIGN.
K. "AS-BUILT"DRAWINGS (ONE SET OF PRINTS FOR EACH REVIEW AND A FINAL SET OF MYLARS), CERTIFIED BY THE DEVELOPER'S ENGINEER, SHALL BE SUBMITTED AND APPROVED PRIOR TO ISSUANCE OF A BUILDING "CERTIFICATE OF OCCUPANCY." CITY OF GOODYEAR, ARIZONA ENGINEERING DESIGN STANDARDS AND POLICIES MANUAL
L. DEVELOPERS OF NEW PROJECTS SHALL PROVIDE FINANCIAL ASSURANCE IN A FORM AND AMOUNT ACCEPTABLE TO THE CITY TO COVER THE COST TO CORRECT ANY STORM WATER DRAINAGE OR DISPOSAL PROBLEMS THAT MAY ARISE DURING THE FIRST 5 YEARS FOLLOWING THE COMPLETION OF THE INITIAL PROJECT CONSTRUCTION. DURING THE 5-YEAR PERIOD, IF DISPOSAL METHODS IN USE ARE FOUND TO BE INSUFFICIENT TO DISPOSE OF RETAINED STORM WATER WITHIN A 36-HOUR PERIOD FOLLOWING A RAIN EVENT, THE DEVELOPER'S ENGINEER SHALL SUBMIT A CORRECTIVE ACTION PLAN TO THE CITY FOR REVIEW AND APPROVAL. THE SUBMITTED INFORMATION SHALL DEMONSTRATE MEASURES THAT WILL BE IMPLEMENTED TO CORRECT DEFICIENCIES IN THE SYSTEM. THE PLAN SHALL CONFORM TO THE REQUIREMENTS OF THESE GENERAL NOTES.
M. PRIOR TO THE ISSUANCE OF STORM DRAIN PERMITS, STREET SUBGRADE ELEVATIONS SHALL BE GRADED TO WITHIN 0.5 FEET OF THE APPROVED PAVING PLANS; OPEN SPACES, TRACTS, AND RIGHTSOF-WAY ELEVATIONS GRADED TO WITHIN 0.3 FEET OF APPROVED GRADING PLAN ELEVATIONS; AND PADS CERTIFIED TO BE AT OR +0.1 FOOT ABOVE THE PAD ELEVATIONS AS SHOWN ON THE APPROVED GRADING PLANS.

## BASIS OF BEARING

BASIS OF BEARING FOR THIS SURVEY IS A MEASURED BEARING OF SOUTH 00°16'59" WEST, ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 1 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, ACCORDING TO RECORDED DATA PER THE PLSS SUBDIVISION RECORD OF SURVEY "MARICOPA COUNTY GEODETIC DENSIFICATION AND CADASTRAL SURVEY AS RECORDED IN BK. 638, PG. 33, M.C.R.

## BENCHMARK

THE BENCHMARK FOR THIS PROJECT IS BASED UPON THE CITY OF GOODYEAR BENCHMARK LIST, POINT NO. G347 WITH AN NAVD88 DATUM ELEVATION OF 996.48 BEING A BRASS CAP IN HANDHOLE LOCATED AT THE INTERSECTION OF SARIVAL AVENUE & VAN BUREN STREET.

## FEMA NOTES:

THE CURRENT FEMA FLOOD INSURANCE RATE MAP (FIRM) FOR THIS AREA, MAP NUMBER 04013C 1670L AND MAP NUMBER 04013C 2135L (EFFECTIVE REVISED DATE OCTOBER 16, 2013), DESIGNATES THE PROPERTY WITHIN FLOOD HAZARD ZONE X AND ZONE AH.

ZONE: X IS DEFINED AS AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT, OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD.
ZONE: AH IS DEFINED AS AREAS SUBJECT TO INUNDATION BY 1% ANNUAL CHANCE SHALLOW FLOODING (USUALLY AREAS OF PONDING) WHERE AVERAGE DEPTHS ARE BETWEEN ONE AND THREE FEET.

## LEGAL DESCRIPTION

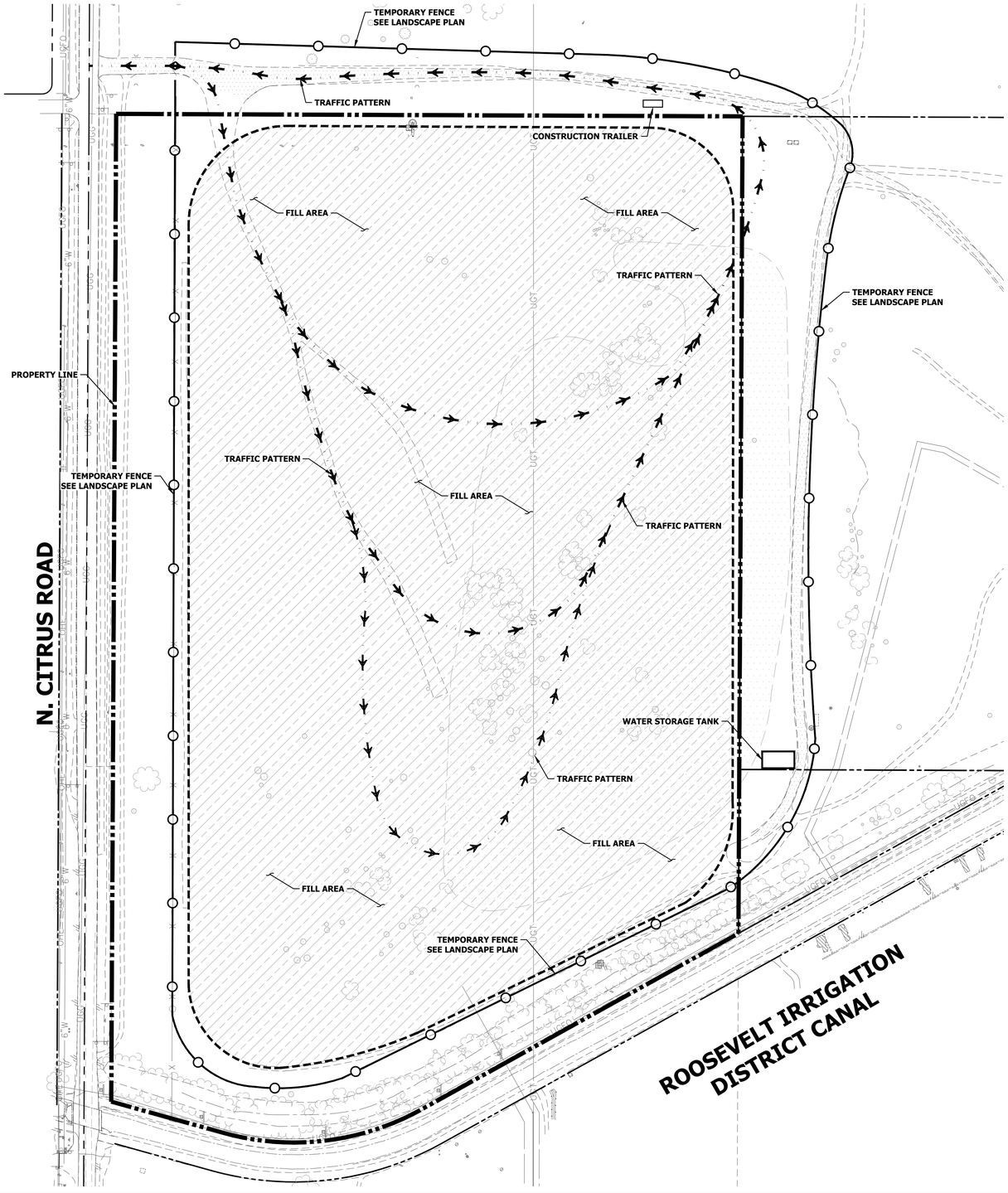
THAT PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 1 NORTH, RANGE 2 WEST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, LYING NORTH OF THE NORTHERLY RIGHT-OF-WAY LINE OF THE ROOSEVELT IRRIGATION DISTRICT CANAL;
EXCEPT THE EAST 1.00 FEET THEREOF; AND
EXCEPT THE WEST 55 FEET THEREOF

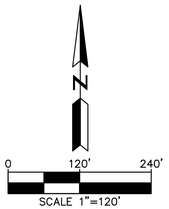
## FIRE ACCESS NOTE

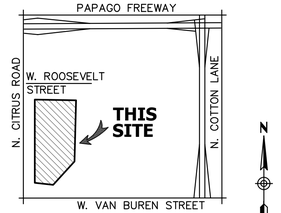
A 20-FOOT FIRE ACCESS LANE SHALL BE MAINTAINED AT ALL TIMES. THE SURFACE SHALL MEET THE CITY OF GOODYEAR STANDARD DETAILS G-3244-1 TO G-3244-3

## TRAFFIC PATTERN NOTE

TRAFFIC PATTERNS WILL VARY DEPENDING ON THE SPECIFIC AREA FILLED. TRAFFIC PATTERNS WILL BE CONTROLLED BY BARRIERS, SIGNS AND HIGH VISIBILITY CONES.




## VICINITY MAP

## ARCHITECT

BUTLER DESIGN GROUP
5017 E. WASHINGTON STREET #107
PHOENIX, ARIZONA 85034
PHONE: (602)957-1800
CONTACT: KOREY WILKES
EMAIL: KWILKES@BUTLERDESIGNGROUP.COM

## OWNER

CINTOS COMMERCE CENTER LLC/ GR+RR LLC
PO BOX: 74767
PHOENIX, AZ 85087

## CIVIL ENGINEER

HUNTER ENGINEERING, INC.
10450 N. 74TH STREET, SUITE #200
SCOTTSDALE, ARIZONA 85258
PHONE: (480) 991-3985
CONTACT: LARRY TALBOTT
EMAIL: LTALBOTT@HUNTERENGINEERINGPC.COM

## SHEET INDEX


| | SHEET |
|---|---|
| PRELIMINARY SITE PLAN | C1.1 |
| LANDSCAPE PLAN. | C1.2 |
| STORMWATER MANAGEMENT PLANS | C1.3 |
| BMP DETAILS | C1.4 |


## SITE AREA: 54.33± AC

## APN#

APN# 502-38-007H, APN# 502-38-007J, AND APN# 502-38-007K

## PROJECT DATA

| | |
|---|---|
| SITE AREA: | 54.33± |
| GENERAL PLAN LAND USE: | INDUSTRIAL |
| ZONING: | AG |
| OVERLAY DISTRICT: | N/A |
| *BUILDING AREA: | N/A |
| *LOT COVERAGE | N/A |
| NUMBER OF STORIES: | N/A |
| *CONSTRUCTION TYPE: | N/A |
| AUTOMATIC FIRE SPRINKLER | N/A |
| PROPOSED USE: | N/A |
| TOTAL PARKING REQUIRED: | N/A |
| TOTAL PARKING PROVIDED: | N/A |
| ACCESIBLE PROVIDED: | N/A |
| LANDSCAPE REQUIRED: | N/A |
| LANDSCAPE PROVIDED: | N/A |
| NO PERMANENT STRUCTURES | |

## PROJECT DATA

MINIMUM PERIMETER CONSTRUCTION TRAILER SETBACK = 50 FEET.

## EXISTING LEGEND

CENTERLINE
RIGHT OF WAY
PROPERTY LINE
EASEMENT
MAJOR CONTOUR 1285
MINOR CONTOUR 1283
SANITARY SEWERLINE -SS-
WATERLINE -W-
STREET LIGHT
SANITARY SEWER MANHOLE
WATER VALVE
FIRE HYDRANT
SPOT ELEVATION 1284.92 EG
ELECTRICAL RISER
WATER METER

## PROPOSED LEGEND

FLOW ARROW
FENCE
APPROXIMATE PIT AREA
TRAFFIC PATTERN LINE
PROPERTY LINE

| NO. | DATE | REVISION | BY |
|---|---|---|---|

PURPOSE: 3RD CITY SUBMITTAL

DESIGN BY: LMT
DRAWN BY: LMT
CHECKED BY: LMT


HUNTER ENGINEERING
CIVIL AND SURVEY
10450 NORTH 74TH STREET, SUITE 200
SCOTTSDALE, AZ 85258
T 480 991 3985
F 480 991 3986


Registered Professional Engineer
CERTIFICATE NO.
42104
LARRY M. TALBOTT
Expiration Date 9/30/2021
ARIZONA, U.S.A.

CONTACT ARIZONA 811 AT LEAST 2 FULL WORKING DAYS BEFORE YOU BEGIN EXCAVATION
AR ZONA811
ARIZONA BLUE STAKE, INC.
CALL 811 OR CLICK: ARIZONA811.COM

THESE PLANS ARE NOT APPROVED FOR CONSTRUCTION WITHOUT AN APPROVED SIGNATURE FROM THE GOVERNING MUNICIPALITY.

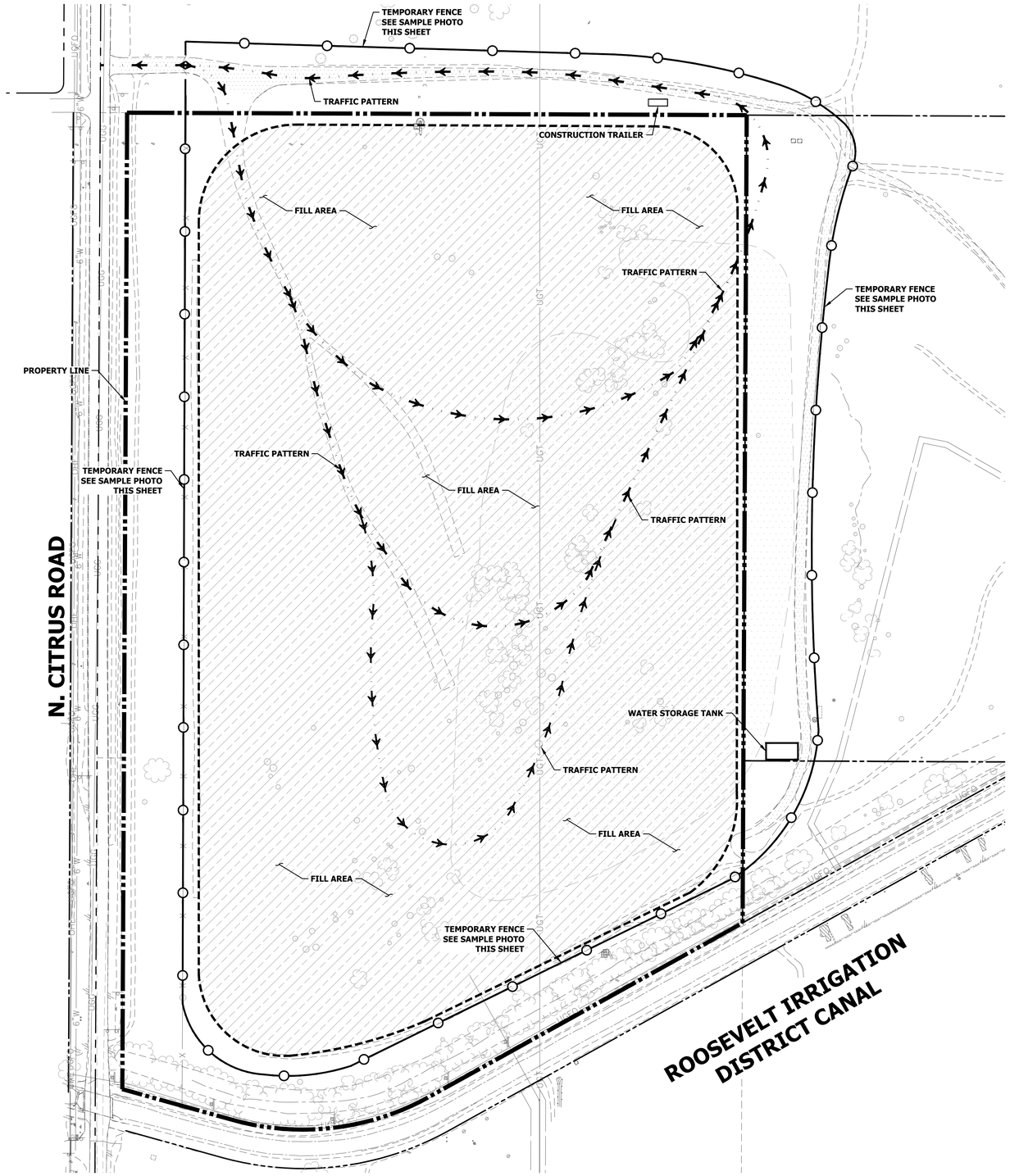
PROJECT NAME: TROTTING GOODYEAR

HE NO.: TROT001
SCALE: 1"=120'

SHEET: C1.0

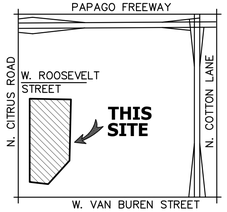
PRELIMINARY SITE PLAN FOR TROTTING GOODYEAR SEC CITRUS ROAD AND INTERSTATE 10 GOODYEAR, ARIZONA

# LANDSCAPE PLAN
FOR
# 10 GOODYEAR
SEC CITRUS ROAD AND INTERSTATE 10
GOODYEAR, ARIZONA





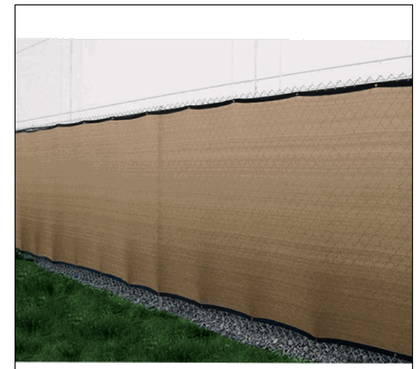





## VICINITY MAP

## PROPOSED LEGEND

- FLOW ARROW
- FENCE
- APPROXIMATE PIT AREA
- TRAFFIC PATTERN LINE
- PROPERTY LINE



## TEMPORARY FENCE SAMPLE PHOTO

| NO. | DATE | REVISION | BY |
|---|---|---|---|
| | | | |

PURPOSE: 3RD CITY SUBMITTAL

DESIGN BY: LMT
DRAWN BY: LMT
CHECKED BY: LMT


HUNTER ENGINEERING
CIVIL AND SURVEY
10450 NORTH 74TH STREET, SUITE 200
SCOTTSDALE, AZ 85258
T 480 991 3985
F 480 991 3986


Registered Professional Engineer
CERTIFICATE NO.
42104
LARRY M. TALBOTT
9/10/21
ARIZONA U.S.A.

LANDSCAPE PLAN
FOR
TROTTING GOODYEAR
SEC CITRUS ROAD AND INTERSTATE 10
GOODYEAR, ARIZONA

CONTACT ARIZONA 811 AT LEAST 2 FULL WORKING DAYS BEFORE YOU BEGIN EXCAVATION
ARIZONA811
CALL 811 OR CLICK ARIZONA811.COM

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PROJECT NAME: TROTTING GOODYEAR

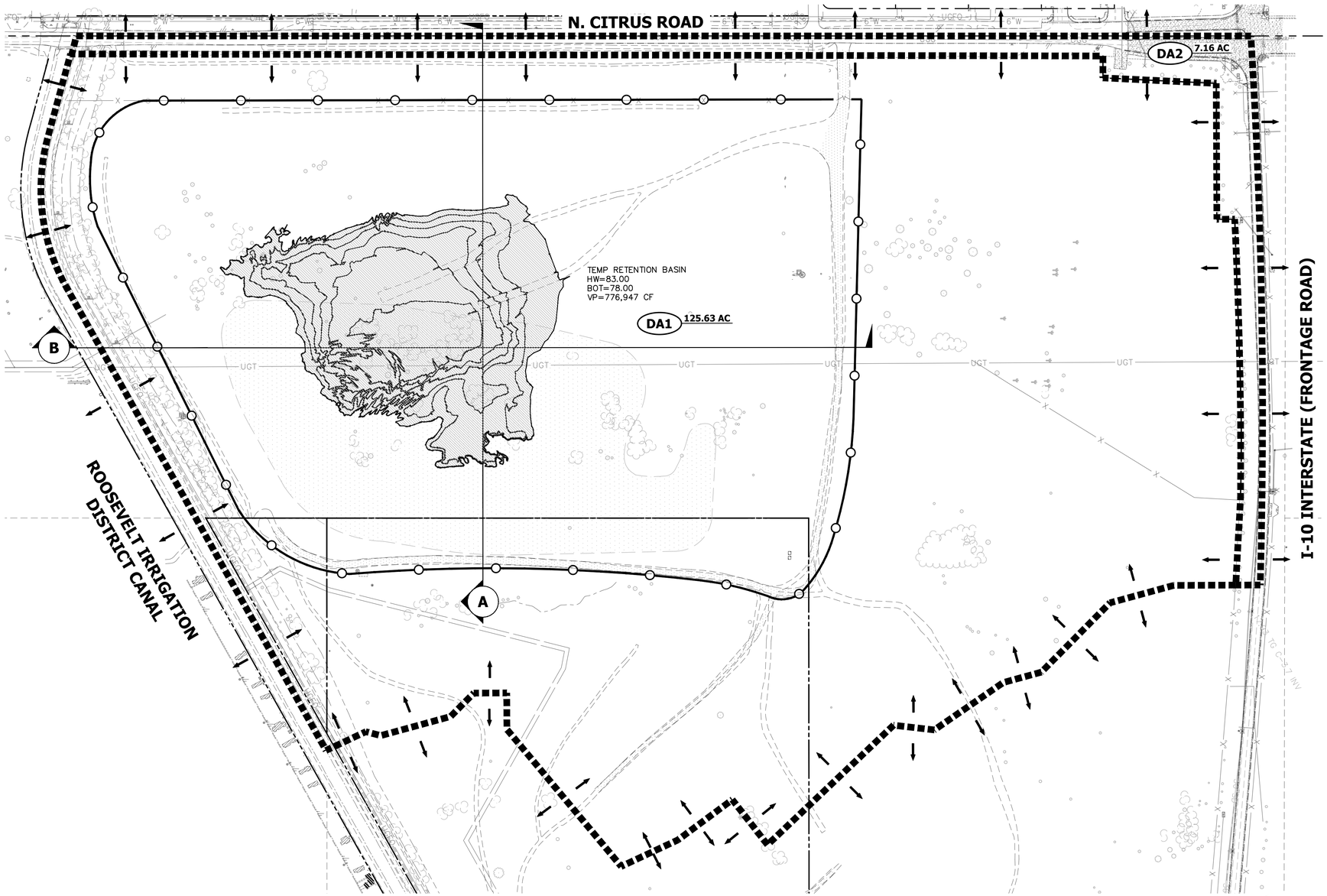
JOB NO.: TROT001
SCALE: 1"=120'

SHEET:
C1.1



G:\TROT001\Cover\ISSUPTSD\C1.1 LANDSCAPE PLAN.dwg, 9/14/2021 8:57:39 AM, ladsett

# PRELIMINARY GRADING AND DRAINAGE
FOR
# 10 GOODYEAR
SEC CITRUS ROAD AND INTERSTATE 10
GOODYEAR, ARIZONA




N

0 150' 300'

SCALE 1"=150'

## DRAINAGE SUMMARY

THE SITE IS AN EXISTING INERT MATERIAL FILL OPERATION. THE SITE RETAINS ALL ON-SITE RUNOFF AT THE LOW POINT OF THE PIT. A SMALL AMOUNT OF THE STREET FRONTAGE IS ALSO CAPTURED IN AN EXISTING BASIN ADJACENT TO THE STREET.

## RETENTION REQUIRED

V=C*P*A
C=RUNOFF COEFFICIENT
P=2.5 INCHES
A=DRAINAGE AREA
VR=VOLUME REQUIRED

### DRAINAGE AREA

| ID | AREA (AC) | C | VR (CF) |
|---|---|---|---|
| DA1 | 125.63 AC | 0.60 | 684,005CF |
| DA2 (STREET) | 7.16 AC | 0.95 | 61,729CF |
| TOTAL | | | 745,784CF |

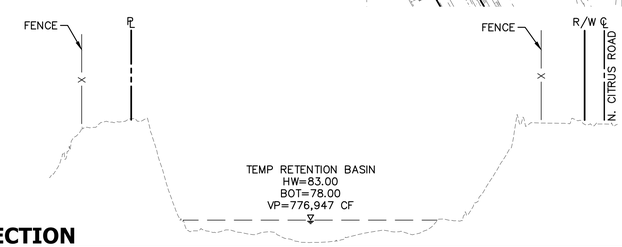
## RETENTION PROVIDED

| ID | DEPTH | UP(CF) | DRAIN TIME |
|---|---|---|---|
| TEMP BASIN | 5' | 1,089,745CF | 30 HOURS |

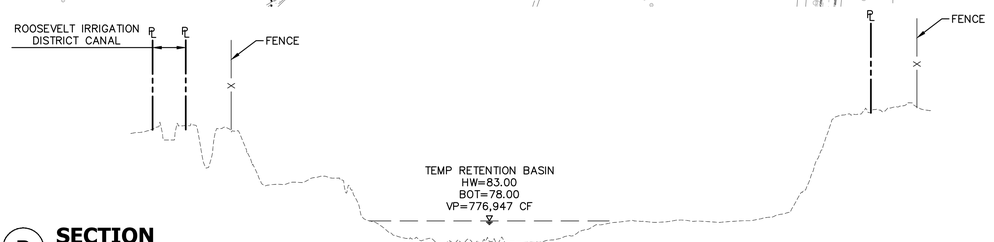
*THE AVAILABLE VOLUME AND SHAPE OF THE BASIN IS BASED UPON AVAILABLE EXISTING TOPOGRAPHIC INFORMATION. THE BASIN AREA WILL CHANGE DURING THE COURSE OF THE PROJECT.

## RETENTION DISCHARGE NOTE

THE SITE RETENTION BASIN WILL BE ADJUSTED THROUGHOUT THE PROJECT AS INDICATED ABOVE. THE OPERATOR WILL MONITOR THE RETENTION BASIN TO CONFIRM THAT THE BASIN DISCHARGES WITHIN 36-HOURS. IN THE EVENT THAT THE DISCHARGE RATES DO NOT ALLOW FOR THE BASIN TO DRAIN WITHIN 36-HOURS, THE BASIN WILL BE WIDENED AS NECESSARY TO ACHIEVE THE 36-HOUR REQUIREMENT.




A SECTION N.T.S




B SECTION N.T.S

| NO. | DATE | REVISION | BY |
|---|---|---|---|
| | | | |

PURPOSE: 3RD CITY SUBMITTAL

DESIGN BY: LMT
DRAWN BY: LMT
CHECKED BY: LMT


HUNTER ENGINEERING
CIVIL AND SURVEY
10450 NORTH 74TH STREET, SUITE 200
SCOTTSDALE, AZ 85258
T 480 991 3985
F 480 991 3986


Registered Professional Engineer
CERTIFICATE NO.
42104
LARRY M. TALBOTT
Signed 9/10/21
ARIZONA, U.S.A.

PRELIMINARY GRADING AND DRAINAGE
FOR
TROTTING GOODYEAR
SEC CITRUS ROAD AND INTERSTATE 10
GOODYEAR, ARIZONA

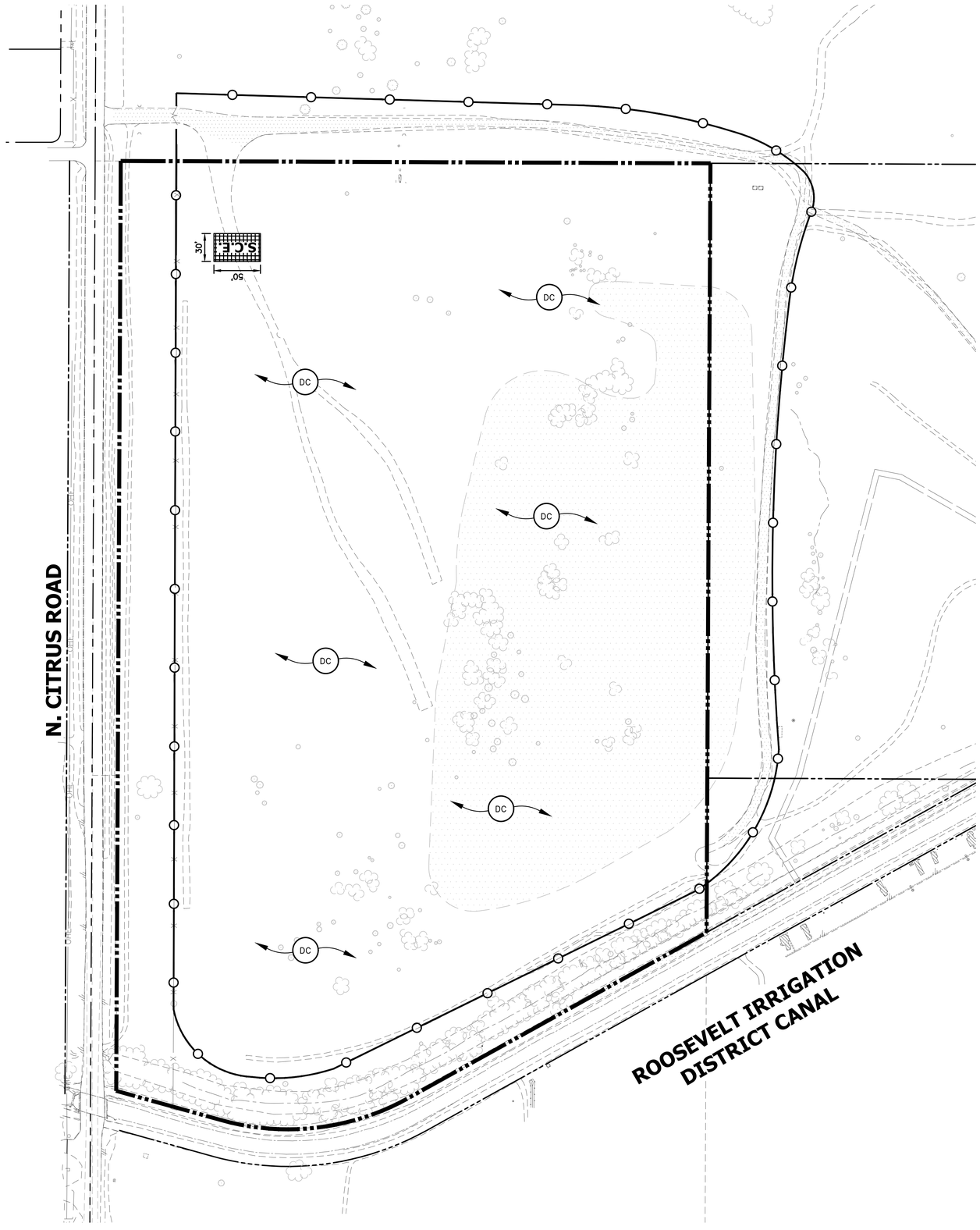
CONTACT ARIZONA 811 AT LEAST 2 FULL WORKING DAYS BEFORE YOU BEGIN EXCAVATION
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PROJECT NAME: TROTTING GOODYEAR

HE NO.: TROT001
SCALE: 1"=150'

SHEET:
C1.2




N

0 120' 240'

SCALE 1"=120'

# STORM WATER PREVENTION PLAN

FOR

# 10 GOODYEAR

## SEC CITRUS ROAD AND INTERSTATE 10
## GOODYEAR, ARIZONA

## LEGEND

| | | | |
|---|---|---|---|
| NOI | NOTICE OF INTENT | | FLOW ARROW |
| NOT | NOTICE OF TERMINATION | -1040- | EXISTING MAJOR CONTOUR |
| SWPPP | STORM WATER POLUTION PREVENTION PLAN | -1043- | EXISTING MINOR CONTOUR |
| | | S.C.E. 30' 50' | EC-5 STABILIZED CONSTRUCTION ENTRANCE |
| | | DC | EC-7 DUST CONTROL |

## GENERAL NOTES FOR STORM WATER POLLUTION PREVENTION

A. ALL GENERAL CONSTRUCTION NOTES SHALL APPLY.
B. APPROVAL OF THIS DOCUMENT INDICATES THE CITY OF GOODYEAR ENGINEERING DEPARTMENT HAS REVIEWED AND FOUND THIS TO BE IN GENERAL COMPLIANCE WITH THE CITY'S STORMWATER MANAGEMENT PLAN AND THAT THE CITY OF GOODYEAR IS AT NO TIME RESPONSIBLE FOR THE APPLICANT'S/OPERATOR'S DUTIES TO COMPLY WITH ANY FEDERAL, STATE, OR LOCAL LAW OR ORDINANCE.
C. IT IS THE OPERATOR'S RESPONSIBILITY TO ENSURE THE STORMWATER POLLUTION PROTECTION PLAN (SWPPP) IS MAINTAINED IN COMPLIANCE WITH ALL FEDERAL, STATE, AND LOCAL REQUIREMENTS. THIS INCLUDES IMPLEMENTATION, CONSTRUCTION, INSPECTION, MAINTENANCE, REPLACEMENT, UPGRADING OF FACILITIES AND RECORD MANAGEMENT. ANY VIOLATIONS AND FINES ARE THE RESPONSIBILITY OF THE OWNER/OPERATOR AND/OR SITE CONTRACTOR.
D. A CITY OF GOODYEAR CONSTRUCTION STORM WATER PERMIT (CSP) AND A GRADING AND DRAINAGE PERMIT ARE REQUIRED PRIOR TO PERFORMING ANY LAND DISTURBANCE ACTIVITIES. A COPY OF THE PERMITS AND APPROVED PLANS SHALL BE MAINTAINED ON-SITE.
E. THE CONTRACTOR IS RESPONSIBLE FOR LOCATING AND CONFIRMING THE DEPTH OF EXISTING UTILITY LINES WITHIN PROPOSED SEDIMENT AND RETENTION BASIN AREAS. IF A BASIN CANNOT BE CONSTRUCTED PER PLAN AS A RESULT OF CONFLICT WITH UNDERGROUND UTILITIES, THE CONTRACTOR SHALL CALL THE CITY AND DESIGNER AND REQUEST MODIFICATION OF THE BASIN DESIGN.
F. BMPS SHALL BE INSTALLED IN SUCH A MANNER SO THAT STORMWATER DISCHARGES DO NOT CAUSE ANY FLOODING OR DAMAGE TO ADJACENT PROPERTIES OR FLOWS OF SEDIMENT ONTO PUBLIC STREETS, SIDEWALKS, DRAINAGE CHANNELS, OR RIGHTS-OF-WAYS.
G. A COPY OF THE APPROVED STORM WATER POLLUTION PREVENTION PLAN (SWPPP), NOTICE OF INTENT (NOI) AND ALL RELATED RECORDS SHALL BE MAINTAINED ON THE SITE AND AVAILABLE FOR REVIEW UPON REQUEST TO THE ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY (ADEQ) AND THE CITY OF GOODYEAR. THE CITY OF GOODYEAR MAY AT ANY TIME PERFORM A COMPLIANCE INSPECTION OF THE SITE.
H. THE OPERATOR SHALL POST THE ADEQ AUTHORIZATION NUMBER(S) IN A CONSPICUOUS LOCATION NEAR THE MAIN ENTRANCE OF THE CONSTRUCTION SITE AND RETAIN A COPY OF THE AUTHORIZATION CERTIFICATE WITH THE SWPPP.
I. THE FACILITIES SHOWN ON THIS PLAN SHALL BE CONSTRUCTED IN CONJUNCTION WITH ALL CLEARING AND GRADING ACTIVITIES IN SUCH A MANNER AS TO ENSURE THAT SEDIMENT-LADEN WATER DOES NOT ENTER THE DRAINAGE SYSTEM OR VIOLATE APPLICABLE WATER STANDARDS. ADDITIONALLY, THEY SHALL BE INSTALLED AND IN OPERATION PRIOR TO ANY GRADING OR LAND CLEARING. WHEREVER POSSIBLE, NATURAL VEGETATION SHALL BE MAINTAINED TO ASSIST IN SILT CONTROL.
J. THE OPERATOR SHALL PERFORM, AT A MINIMUM, A VISUAL INSPECTION OF THE CONSTRUCTION SITE ONCE EVERY SEVEN CALENDAR DAYS OR ONCE EVERY 14 CALENDAR DAYS AND WITHIN 24 HOURS OF ANY RAIN EVENT GREATER THAN OR EQUAL TO 1/2-INCH AS RECORDED BY THE CLOSEST FLOOD CONTROL DISTRICT OF MARICOPA COUNTY (FCDMC) RAIN GAGE. IF WITHIN 1/4 MILE OF AN IMPAIRED WATER, INSPECTIONS SHALL BE PERFORMED AT A MINIMUM OF ONCE EVERY SEVEN CALENDAR DAYS AND SHOULD INCLUDE VISUAL OBSERVATIONS OF STORM WATER DISCHARGES AT ALL DISCHARGE LOCATIONS WITHIN ONE BUSINESS DAY AFTER EACH RAIN EVENT OF 1/2-INCH OR GREATER, AS RECORDED BY THE CLOSEST FLOOD CONTROL DISTRICT OF MARICOPA COUNTY RAIN GAGE. THE OPERATOR SHALL PREPARE A REPORT DOCUMENTING HIS/HER FINDINGS ON THE CONDITIONS OF THE SWPPP CONTROLS AND NOTE ANY EROSION PROBLEM AREAS. THE OPERATOR'S REPORT IS TO BE MAINTAINED ON SITE BY THE OPERATOR.
K. THE OPERATOR OF THE SITE SHALL ALSO MAINTAIN RECORDS WITH THE FOLLOWING INFORMATION:
   1. THE DATES WHEN MAJOR GRADING ACTIVITIES OCCUR IN A PARTICULAR AREA; AND
   2. THE DATES WHEN CONSTRUCTION ACTIVITIES CEASE IN AN AREA, TEMPORARILY OR PERMANENTLY; AND
   3. THE DATES WHEN AN AREA IS STABILIZED, TEMPORARILY OR PERMANENTLY; AND
   4. THE DATES OF MAINTENANCE/REPLACEMENT OR REMOVAL OF BEST MANAGEMENT PRACTICES (BMPS).
L. FACILITIES SHALL BE MAINTAINED AS NECESSARY TO ENSURE THEIR CONTINUED FUNCTIONING. IN ADDITION, ALL CONTROLS AS OUTLINED IN THE SWPPP SHALL BE MAINTAINED IN A SATISFACTORY CONDITION UNTIL SUCH TIME THAT CONSTRUCTION IS COMPLETED, PERMANENT DRAINAGE FACILITIES ARE OPERATIONAL, AND THE POTENTIAL FOR EROSION HAS PASSED.
M. THE OPERATOR SHALL AMEND THE SWPPP AS NECESSARY DURING THE COURSE OF CONSTRUCTION TO RESOLVE ANY PROBLEM AREAS WHICH BECOME EVIDENT DURING CONSTRUCTION, ROUTINE INSPECTIONS, AND/OR PERIODS OF RAINFALL. IF IT IS DETERMINED THAT CURRENT CONTROLS ARE NOT EFFECTIVE AT MINIMIZING POLLUTANT DISCHARGES FROM THE SITE, THE OPERATOR SHALL TAKE IMMEDIATE EFFORTS TO CORRECT THE PROBLEM WITHIN 72 HOURS AND/OR PRIOR TO THE NEXT RAIN EVENT. THE AMENDED PLAN SHALL BE MAINTAINED ON-SITE AND IF REQUIRED, SUBMITTED WITHIN 15 CALENDAR DAYS TO ADEQ.
N. IF, AT ANY TIME, THIS SITE BECOMES IMPACTED BY OTHER CONSTRUCTION, STORM WATER POLLUTION PREVENTION ACTIVITIES SHALL BE COORDINATED BETWEEN THE SITES AND DOCUMENTED IN THE PROJECT SWPPP.
O. ONCE CONSTRUCTION ACTIVITIES HAVE BEEN COMPLETED AND THE SITE HAS MET FINAL STABILIZATION REQUIREMENTS WITH ALL TEMPORARY BMP'S REMOVED, THE AUTHORIZED SITE REPRESENTATIVE MAY FILE A NOTICE OF TERMINATION (NOT) WITH ADEQ, WITH A COPY SUBMITTED TO THE CITY OF GOODYEAR ENGINEERING DEPARTMENT.
P. THE OPERATOR SHALL SUBMIT A COPY OF THE ADEQ NOT ACKNOWLEDGEMENT LETTER TO THE CITY, WHICH WILL EFFECTIVELY TERMINAT COVERAGE UNDER THE CONSTRUCTION STORMWATER PERMIT ISSUED BY THE CITY.

## SWPPP CERTIFICATION STATEMENT

I CERTIFY UNDER PENALTY OF LAW, THAT THIS DOCUMENT AND ALL ATTACHMENTS WERE PREPARED UNDER MY DIRECTION OR SUPERVISION IN ACCORDANCE WITH A SYSTEM DESIGNED TO ASSURE THAT QUALIFIED PERSONNEL PROPERLY GATHERED AND EVALUATED THE INFORMATION SUBMITTED. BASED ON MY INQUIRY OF THE PERSON OR PERSONS WHO MANAGE THE SYSTEM, OR THOSE PERSONS DIRECTLY RESPONSIBLE FOR GATHERING INFORMATION, THE INFORMATION SUBMITTED IS, TO THE BEST OF MY KNOWLEDGE AND BELIEF TRUE, ACCURATE AND COMPLETE. I AM AWARE THAT THERE ARE SIGNIFICANT PENALTIES FOR SUBMITTING FALSE INFORMATION INCLUDING THE POSSIBILITY OF FINE AND IMPRISONMENT FOR KNOWING VIOLATIONS.

## SEQUENCE OF CONSTRUCTION

1. DETERMINE THE DISTURBANCE LIMITS
2. INSTALL THE BMP'S WITHIN THESE LIMITS
3. INSTALL PRIVACY FENCING
4. THEN INSTALL TRACKING PAD
5. CONTINUE DUST CONTROL MEASURES IN WORKING AREAS

| NO. | DATE | REVISION | BY |
|---|---|---|---|
| | | | |

PURPOSE: 3RD CITY SUBMITTAL

DESIGN BY: LMT
DRAWN BY: LMT
CHECKED BY: LMT

HUNTER ENGINEERING
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10450 NORTH 74TH STREET, SUITE 200
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Registered Professional Engineer
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LARRY M. TALBOTT
Signed 9/10/21
ARIZONA, U.S.A.

STORM WATER PREVENTION PLAN
FOR
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HE NO.: TROT001
SCALE: 1"=120'

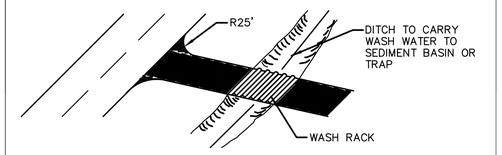
SHEET:
C1.3

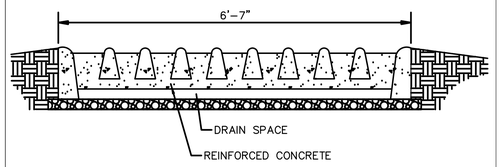
SYMBOL

S.C.E

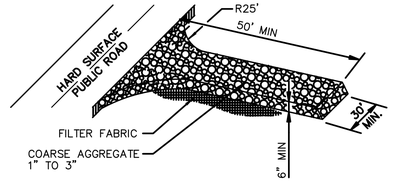
STABILIZED CONSTRUCTION ENTRANCE

FLOOD CONTROL DISTRICT OF MARICOPA COUNTY




WASH RACK




**EC-5**
**STABILIZED CONSTRUCTION ENTRANCE**

SYMBOL

D.C.

DUST CONTROL

FLOOD CONTROL DISTRICT OF MARICOPA COUNTY

| TYPES | FUNCTIONAL MECHANISM | ADVANTAGES | LIMITATIONS |
|---|---|---|---|
| FRESHWATER | MOISTURE WETS PARTICLES, THEREBY INCREASING THEIR MASS AND BINDING THEM TOGETHER. | USUALLY READILY AVAILABLE, LOW MATERIAL COST, AND EASY TO APPLY | FREQUENT LIGHT APPLICATIONS MAY BE NECESSARY DURING HOT DRY WEATHER AND CAN BE LABOR INTENSIVE. OVER APPLICATION MAY RESULT IN LOSS OF TRACTION, EROSION, OR POINTS OF ROAD FAILURE. |
| CALCIUM CHLORIDE | AT A RELATIVE HUMIDITY GREATER THAN APPROXIMATELY 30% (77F), THE SALTS WITHIN THE SOIL WILL PULL MOISTURE FROM THE AIR ABOVE AND RETAIN IT IN THE SOIL. | REDUCES EVAPORATION RATE OF SURFACE MOISTURE, LOWERS THE FREEZING POINT OF WATER, WHICH REDUCES FROST HEAVE AND FREEZE-THAW CYCLES, THEREBY REDUCING REQUIRED ROAD MAINTENANCE. CALCIUM CHLORIDE ALSO INCREASES THE COMPACTED DENSITY OF EXISTING ROAD BASE MATERIAL. EFFECTIVENESS IS RETAINED AFTER REBLADING. | EFFECTIVENESS IN ARID AND SEMI-ARID REGIONS MAY BE LIMITED DUE TO LOW RELATIVE HUMIDITY. IT IS VERY CORROSIVE TO ALUMINUM ALLOYS AND SLIGHTLY CORROSIVE TO STEEL. SOLUBILITY OF CALCIUM CHLORIDE RESULTS IN LEACHING DURING HEAVY PRECIPITATION. RELEASES HEAT WHEN MIXED WITH WATER. |
| MAGNESIUM CHLORIDE | AT A RELATIVE HUMIDITY GREATER THAN APPROXIMATELY 30% (77F), THE SALTS WITHIN THE SOIL WILL PULL MOISTURE FROM THE AIR ABOVE AND RETAIN IT IN THE SOIL. | REDUCES EVAPORATION RATE OF SURFACE MOISTURE, LOWERS THE FREEZING POINT OF WATER, WHICH REDUCES FROST HEAVE AND FREEZE-THAW CYCLES, THEREBY REDUCING REQUIRED ROAD MAINTENANCE. MAGNESIUM CHLORIDE INCREASES THE COMPACTED DENSITY OF EXISTING ROAD BASE MATERIAL MORE THAN CALCIUM CHLORIDE. EFFECTIVENESS IS RETAINED AFTER REBLADING. | EFFECTIVENESS IN ARID AND SEMI-ARID REGIONS MAY BE LIMITED DUE TO LOW RELATIVE HUMIDITY. IT IS VERY CORROSIVE TO ALUMINUM ALLOYS AND SLIGHTLY CORROSIVE TO STEEL. SOLUBILITY OF CALCIUM CHLORIDE RESULTS IN LEACHING DURING HEAVY PRECIPITATION. |
| LIGNIN DERIVATIVES | ACT AS ADHESIVES BY BINDING SOIL PARTICLES TOGETHER AND CURING. | GREATLY INCREASES DRY STRENGTH OF SOIL, NOT HUMIDITY-DEPENDENT, IMPARTS SOME PLASTICITY TO ROAD SURFACES, AND LOWERS FREEZING POINT OF ROAD SURFACE AND BASE. EFFECTIVENESS IS RETAINED AFTER REBLADING. | HIGHLY SOLUBILITY RESULTS IN LEACHING DURING HEAVY PRECIPITATION. IT IS CORROSIVE TO ALUMINUM ALLOYS DUE TO ACIDITY (CaCO3 CAN NEUTRALIZE THE ACIDITY). PROPER AGGREGATE MIX IS IMPORTANT TO PERFORMANCE. BECOMES SLIPPERY WHEN WET AND BRITTLE WHEN DRY. |
| TREE RESIN EMULSIONS (TALL OIL) | ACT AS ADHESIVES BY BINDING SOIL PARTICLES TOGETHER AND CURING. | LOW SOLUBILITY AFTER CURING MINIMIZES LEACHING AND PROVIDES DEGREE OF SURFACE WATERPROOFING. IMPARTS SOME PLASTICITY TO ROAD SURFACES, HAS A HIGH BONDING STRENGTH, AND IS NON-CORROSIVE. | REQUIRES PROPER WEATHER AND TIME TO CURE. NO RESIDUAL EFFECTIVENESS AFTER REBLADING. EQUIPMENT REQUIRES PROMPT CLEANUP TO AVOID CURING OF RESIN IN HOSES AND PIPES. |
| SYNTHETIC POLYMER | BINDING SOIL PARTICLES TOGETHER BY FORMING A POLYMERIZING MATRIX; A FUNCTION SIMILAR TO ADHESIVES. | APPLICABLE TO A RANGE OF EMISSION SOURCES AND FUNCTION WELL IN SANDY SOIL CONDITIONS. SOME TYPES ALLOW SEEDED VEGETATION TO GROW THROUGH THE POLYMER MATRIX. | REQUIRES PROPER WEATHER AND TIME TO CURE. WATER REPELLENT. MAY BE SUBJECT TO UV (SUNLIGHT) DEGRADATION. APPLICATION EQUIPMENT REQUIRES TIMELY CLEANING. THERE IS NO RESIDUAL EFFECTIVENESS AFTER REBLADING. |
| BITUMENTS, TARS, AND RESINS | ASPHALT AND RESINOUS PRODUCTS ARE ADHESIVE BINDING SOIL PARTICLES TOGETHER. PETROLEUM OIL PRODUCTS COAT SOIL PARTICLES, INCREASING THEIR MASS AND BINDING THEM TOGETHER. | WATER INSOLUBLE WHEN DRY; PROVIDE A DEGREE OF SURFACE WATERPROOFING. GOOD RESIDUAL EFFECTIVENESS. | SURFACE CRUSTING FRACTURING ARID POTHOLING MAY DEVELOP. LONG-TERM APPLICATION MAY CAUSE ROAD TO BECOME TOO HARD FOR REBLADING. BITUMENTS WON'T LOWER FREEZING POINT AND PETROLEUM OIL PRODUCTS LACK ADHESIVE CHARACTERISTICS |
| CEMENTITIOUS BASED BINDERS | HIGH PURITY GYPSUM MIXES WITH WATER AND MULCH TO FORM A THIN CEMENT-LIKE CRUST ON THE SOIL SURFACE. | FLEXIBLE, DURABLE, WATER PERMEABLE, ARID RESISTS SOIL CHEMICALS. REDUCES AMOUNT OF AGGREGATE REQUIRED DURING INITIAL CONSTRUCTION AND HAS LOWER MAINTENANCE COSTS THAN OTHER DUST SUPPRESSANTS. | CEMENTITIOUS BASED BINDERS ARE ONLY AFFECTIVE FOR DUST CONTROL IN NON-TRAFFIC AREAS. INSTEAD, CONSIDER MIXING CEMENTITIOUS BASED BINDERS WITH SUB-BASE SOILS FOR GREATER SOIL STRENGTH. |

**EC-7**
**DUST CONTROL**

SYMBOL

D.C.

DUST CONTROL

FLOOD CONTROL DISTRICT OF MARICOPA COUNTY

**DIAGRAM**



**CONDITIONS WHERE PRACTICE APPLIES**

- ___ PERIMETER CONTROL
- * SLOPE PROTECTION
- * SEDIMENT TRAPPING
- ___ DRAINAGEWAY & STREAM PROTECTION
- * TEMPORARY STABILIZATION
- ___ PERMANENT STABILIZATION & EXPOSURE LIMITS
- ___ NON-SEDIMENT POLLUTION CONTROL

DEFINITION

A COMPREHENSIVE PLAN TO LIMIT OFFSITE SEDIMENT DEPRESSION BY MINIMIZING OR CONTROLLING AIRBORNE FUGITIVE DUST.

PURPOSE

SEDIMENTS WHICH ARE TRANSPORTED FROM CONSTRUCTION SITES BY STORMWATER RUNOFF, WIND, EROSION AND VEHICLE TRACKOUT ARE OFTEN RE-DISPERSED TO THE AIR BY SUBSEQUENT VEHICULAR TRAFFIC AND HIGH WINDS. LIKEWISE, THESE SEDIMENTS MAY BE TRANSPORTED BY THE NEXT RAINFALL INTO PUBLIC STORM SEWER SYSTEMS. IMPLEMENTATION OF CONTROL MEASURES TO MINIMIZE THE GENERATION OF FUGITIVE DUST FROM CONSTRUCTION SITES WILL REDUCE PARTICULATE MATTER IN THE AIR, WHICH HAS SIGNIFICANT HEALTH EFFECTS TO WORKERS AND ANY NEARBY RESIDENTS. THERE ARE THREE METHODS OF DUST CONTROL: (1) GEOTEXTILES, MATS, PLASTIC COVERS, AND OTHER MECHANICAL METHODS (2) DUST PALLIATIVES (SOIL BINDERS), AND (3) REVEGETATION.

APPROPRIATE APPLICATIONS

DUST CONTROL MEASURES SHOULD BE APPLIED AT THE FOLLOWING LOCATIONS AND ACTIVITIES:

- GRADING OPERATIONS (LAND CLEARING AND EARTHMOVING)
- DRILLING AND BLASTING
- BATCH DROP OPERATIONS (LOADER OPERATION)
- EXPOSED AREAS, CLEARED UNSTABILIZED AREA.
- VEHICLE TRAFFIC ON UNPAVED SURFACES
- SEDIMENT TRACKING ON PAVED SURFACES
- BLASTING AND WRECKING BALL OPERATIONS
- SOIL AND DEBRIS STORAGE PILES

THE CONTRACTOR IS RESPONSIBLE FOR COMPLYING WITH THE MARICOPA COUNTY AIR QUALITY REGULATIONS. A SUMMARY OF THE BASIC REQUIREMENTS ARE AS FOLLOWS:

- PERMITS REQUIRE THE USE OF REASONABLY AVAILABLE DUST CONTROL MEASURES.
- ENFORCE VISIBLE OPACITY EMISSION LIMITS TO DETERMINE COMPLIANCE.
- REQUIRE DUST CONTROL PLANS FOR CONSTRUCTION OR LAND CLEARING PROJECTS.
- ENFORCEMENT ACTIVITIES WITH PRIORITY GIVEN TO CITIZEN COMPLAINTS.
- REQUIRE CONTRACTORS TO MAINTAIN RECORDS.

LIMITATIONS

- EDUCATE EMPLOYEES, SUBCONTRACTORS, AND SUPPLIERS ON THE CONCRETE WASTE MANAGEMENT TECHNIQUES DESCRIBED HEREIN.
- THE SITE SUPERVISOR OR DESIGNATED PERSONNEL SHOULD OVERSEE AND ENFORCE CONCRETE WASTE MANAGEMENT PROCEDURES.

**EC-7**
**DUST CONTROL**

SYMBOL

D.C.

DUST CONTROL

FLOOD CONTROL DISTRICT OF MARICOPA COUNTY

LIMITATIONS

DUST SUPPRESSANTS HAVE A RANGE OF LIMITATIONS AND PRECAUTIONS. REFER TO COMMONLY USED DUST SUPPRESSANTS TABLE FOR LIMITATIONS OF EACH TYPE OF DUST SUPPRESSANT.

- ALL DUST SUPPRESSANTS ARE TEMPORARY IN NATURE AND MAY NEED REAPPLICATION(S) THROUGHOUT THE LIFE OF A PROJECT.
- DUST SUPPRESSANTS REQUIRE A MINIMUM CURING TIME UNTIL FULLY EFFECTIVE, AS PRESCRIBED BY THE MANUFACTURER, WHICH MAY BE 24 HOURS OR LONGER. REAPPLICATION MAY BE NECESSARY AFTER A STORM EVENT.
- DUST SUPPRESSANTS WILL GENERALLY EXPERIENCE SPOT FAILURES DURING HEAVY RAINFALL EVENTS. IF RUNOFF PENETRATES THE SOIL AT THE TOP OF A SLOPE TREATED WITH A SOIL BINDER, THE RUNOFF MAY COMPLETELY UNDERCUT THE STABILIZED SOIL LAYER AND DISCHARGE AT A POINT FURTHER DOWN THE SLOPE.
- DUST SUPPRESSANTS MAY NOT PENETRATE SOIL SURFACES MADE UP PRIMARILY OF SILT AND CLAY, PARTICULARLY WHEN COMPACTED.
- SOME DUST SUPPRESSANTS CAN BE ENVIRONMENTALLY HAZARDOUS, ESPECIALLY IF THE DUST SUPPRESSANT DISSOLVES IN WATER. DISSOLVED CHEMICALS CAN MIGRATE WITH THE RUNOFF OR PERCOLATE FURTHER BELOW THE GROUND SURFACE. FOR ADDITIONAL INFORMATION, REFER TO THE EPA DOCUMENT, "POTENTIAL ENVIRONMENTAL IMPACTS OF DUST SUPPRESSANTS: AVOIDING ANOTHER TIMES BEACH", REFERENCED AT THE END OF THIS BMP.
- SOME DUST SUPPRESSANTS DO NOT PERFORM WELL WITH LOW RELATIVE HUMIDITY, WHILE OTHERS BECOME SLIPPERY OR LEACH OUT OF THE SOIL UNDER HEAVY PRECIPITATION.

PLANNING CONSIDERATIONS

MANY OF THE REASONABLY AVAILABLE CONTROL MEASURES FOR CONTROLLING FUGITIVE DUST FROM CONSTRUCTION SITES CAN ALSO BE IMPLEMENTED AS BEST MANAGEMENT PRACTICES FOR STORMWATER POLLUTION PREVENTION. THOSE BEST MANAGEMENT PRACTICES INCLUDE:

- PAVE, VEGETATE, OR CHEMICALLY STABILIZE ACCESS POINTS TO PAVED ROADS.
- PROVIDE COVERS FOR TRUCKS TRANSPORTING MATERIALS THAT CONTRIBUTE DUST.
- PROVIDE FOR WET SUPPRESSION OR CHEMICAL STABILIZATION OF EXPOSED SOILS.
- PROVIDE FOR RAPID CLEANUP OF SEDIMENTS DEPOSITED ON PAVED ROADS.
- FURNISH STABILIZED CONSTRUCTION ROAD ENTRANCES AND VEHICLE WASH DOWN AREAS.
- STABILIZE UNPAVED HAUL ROADS, PARKING AND STAGING AREAS.
- IMPLEMENT DUST CONTROL MEASURES FOR MATERIAL STOCKPILES.
- PREVENT DRAINAGE OF SEDIMENT-LADEN STORMWATER ONTO PAVED SURFACES.
- STABILIZE ABANDONED CONSTRUCTION SITES USING VEGETATION OR CHEMICAL STABILIZATION METHODS.
- LIMIT THE AMOUNT OF AREAS DISTURBED BY CLEARING AND EARTH MOVING OPERATIONS BY SCHEDULING THESE ACTIVITIES IN PHASES.

RECOMMENDED MAINTENANCE AND INSPECTION

DUST CONTROL IS AN ONGOING PROCESS DURING SITE CONSTRUCTION. RE-APPLICATION OF DUST CONTROL MEASURE MAY BE NECESSARY UNTIL CONSTRUCTION IS COMPLETE.

**EC-7**
**DUST CONTROL**

| NO. | DATE | REVISION | BY |
|---|---|---|---|
| | | | |

PURPOSE: **3RD CITY SUBMITTAL**

DESIGN BY: LMT
DRAWN BY: LMT
CHECKED BY: LMT


HUNTER ENGINEERING
CIVIL AND SURVEY
10450 NORTH 74TH STREET, SUITE 200
SCOTTSDALE, AZ 85258
T 480 991 3985
F 480 991 3986


Registered Professional Engineer
CERTIFICATE NO.
42104
LARRY M. TALBOTT
Signed 9/10/21
ARIZONA, U.S.A.

**STORM WATER PREVENTION PLAN FOR TROTTING GOODYEAR SEC CITRUS ROAD AND INTERSTATE 10 GOODYEAR, ARIZONA**

CONTACT ARIZONA 811 AT LEAST 2 FULL WORKING DAYS BEFORE YOU BEGIN EXCAVATION
AR ZONA811
CALL 811 OR CLICK ARIZONA811.COM

THESE PLANS ARE NOT APPROVED FOR CONSTRUCTION WITHOUT AN APPROVED SIGNATURE FROM THE GOVERNING MUNICIPALITY.

**PROJECT NAME: TROTTING GOODYEAR**

HE NO.: TROT001
SCALE: NTS

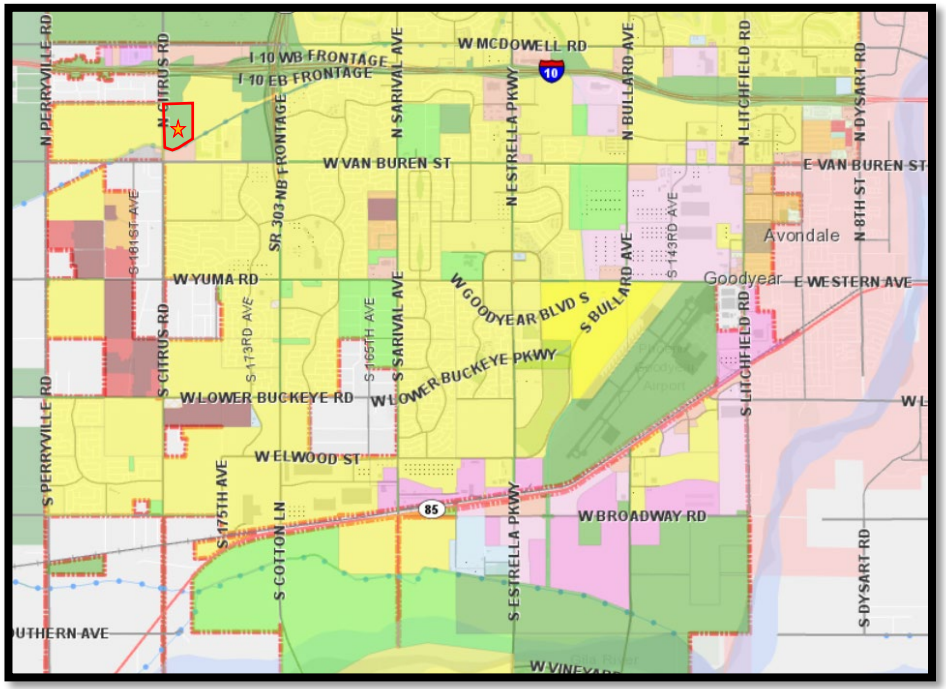
SHEET:
**C1.4**

# Innovation Centre Pit Special Use Permit

City Council Meeting
December 13, 2021

# Location

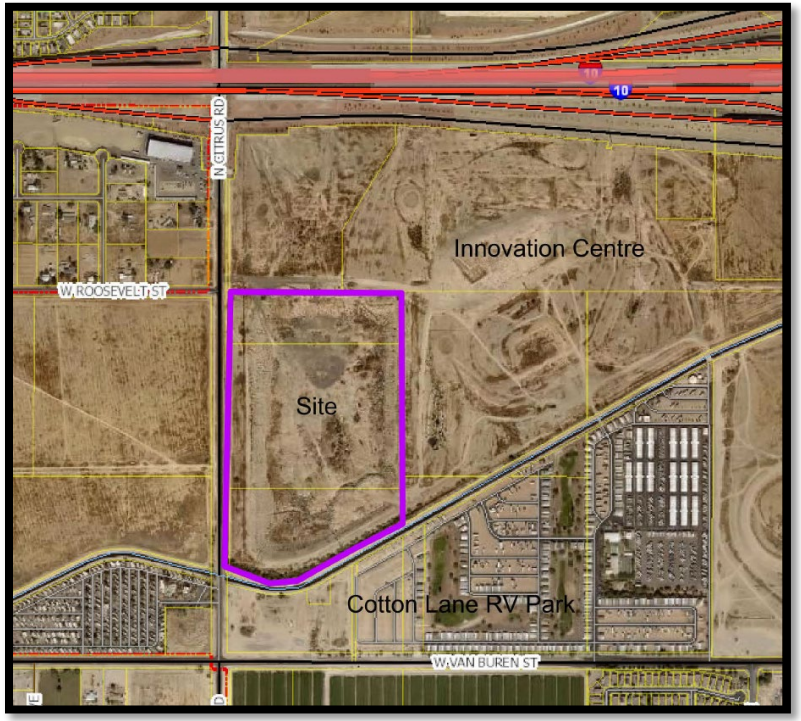
- Central Goodyear
  - SEC of Citrus Road and Roosevelt Street
  - Approximately 55.4 Acres
  - Currently zoned PAD



# Location

## ZOOMED IN

- SEC of Citrus Road and Roosevelt Street
  - North of RID and Cotton Lane RV Park
  - South and West of Innovation Centre (Vacant)
  - East of PAD (vacant residential) and county residential

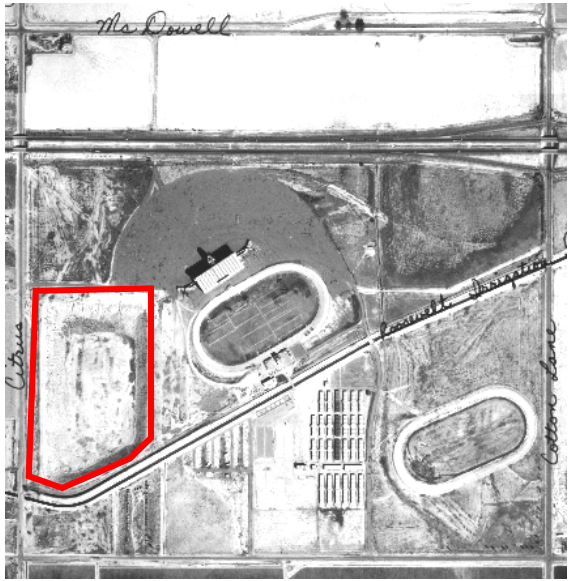


# History

## 1969



## 1986



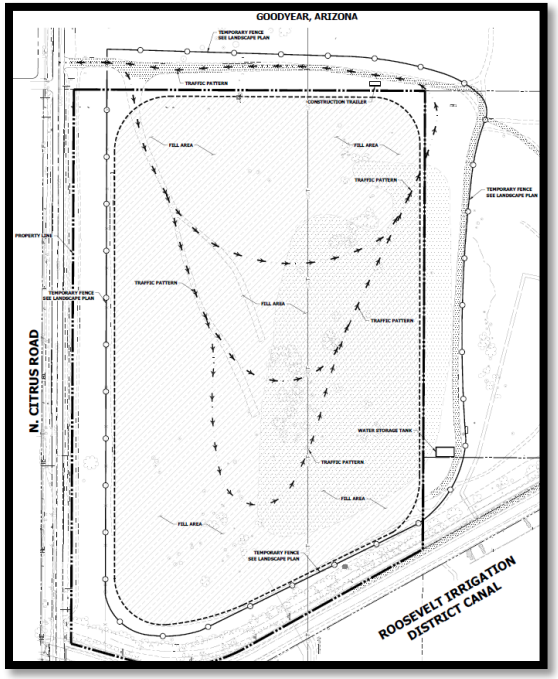

## CURRENT



# Proposal

- Inert Materials Landfill
  - Screening of operations
  - Fill pit for future uses






TEMPORARY FENCE SAMPLE PHOTO

# Recommendation

## APPROVE

- Special Use Permit for an Inert material Landfill on a property zoned PAD subject to stipulations.


CITY OF
Goodyear

ITEM #: 16.
DATE: 12/13/2021
AI #:550

# CITY COUNCIL ACTION REPORT

**SUBJECT: USE PERMIT FOR A CONVENIENCE USE (RAISING CANE'S RESTAURANT WITH DRIVE-THROUGH)**

**STAFF PRESENTER(S):** Steve Careccia, Principal Planner

## OTHER PRESENTER(S):

Chuck Bennett, PM Design

## SUMMARY

A request for use permit for a convenience use (Raising Cane's restaurant with drive-through) generally located at the northwest corner of Dysart Road and I-10 within the Palm Valley Cornerstone commercial center.

## Recommendation

Approve the request for a use permit for a convenience use (restaurant with drive-through) on a 1.68-acre parcel in the Palm Valley Cornerstone commercial center generally located at the northwest corner of Dysart Road and I-10 within the Palm Valley Phase I Planned Area Development, subject to stipulations. (Steve Careccia, Principal Planner)

## STIPULATIONS

1. All future development on the subject property (Property) will be subject to site plan review and approval by city staff, at which time all elements of site development will be reviewed, including, but not limited to, architecture, landscaping, grading and drainage, lighting, infrastructure, parking, access and circulation;

2. The configuration and location of the proposed drive-through lanes and pick-up windows and resultant traffic patterns shall be developed in substantial conformance with the preliminary site plan attached hereto. An amendment to the use permit shall be required if the Zoning Administrator determines that the site plan submitted for approval is not in substantial conformance with the preliminary site plan attached hereto;

3. Three-foot high masonry screen walls, designed to match the existing screen walls within the Palm Valley Cornerstone commercial center, shall be installed along the drive-through lane and Dysart Road, at the locations shown on the preliminary site plan, attached hereto;

4. Existing plant material and trees shall be protected in place, unless designated for removal, as shown on the preliminary landscape plan, attached hereto. Any existing plant material or trees that do not survive shall be replanted with like species and size, within 30 days of notice

provided by the city;

5. The development of the Property shall be in substantial conformance with the conceptual building elevations attached hereto; and,

6. No signage is approved as part of this use permit. All signage proposed on the Property, including the preview/menu boards and the 'One' graphic shown on the conceptual building elevations and preliminary site plan, attached hereto, shall require separate submittal and review of sign permits.

## FISCAL IMPACT

Although a fiscal impact analysis has not been conducted on this specific project, all new development will have an ongoing fiscal impact on the city. The development is responsible for construction of infrastructure necessary to serve the site and will generate one-time revenue for the city through payment of permits, construction sales tax and development impact fees. Longer term fiscal impacts include increased demands for municipal services, the costs of which may or may not be offset by increased property values/tax levies, city sales tax, state shared revenues and the increased demand for commercial and retail development. Any areas that will be maintained by the city are constructed by the developer and then conveyed to the city two years after construction.

## BACKGROUND AND PREVIOUS ACTIONS

The Property is located within Phase I of the Palm Valley PAD. The original zoning for Palm Valley Phase I was approved in 1989. Pursuant to the PAD, commercial uses are permitted on the Property.

The Property is part of a commercial center known as Palm Valley Cornerstone. A master site plan for the center was approved on August 12, 2004 with Case No. 04-600-00015.

The Property is currently developed with an existing building, parking spaces and other associated site improvements. The building was formerly operated by Mimi's Café restaurant. The building will be demolished to accommodate the new user.

The Planning and Zoning Commission considered this item at a public hearing held on December 1, 2021. The Commission unanimously voted (4 - 0) to forward a recommendation of approval to the City Council.

## STAFF ANALYSIS

Current Policy:

A use permit requires review by the Planning and Zoning Commission and approval by the City Council following required public hearings. The process for the review of a use permit is set forth in section 1-3-2 of the Goodyear Zoning Ordinance and in the City of Goodyear Administrative Process Manual.

Details of the Request:

The applicant is requesting a use permit for a convenience use (Raising Cane's restaurant with drive-through) on a 1.68-acre parcel within the Palm Valley Phase I PAD. As previously noted, the Property is designated for commercial use and will be developed in accordance with the

PAD's design guidelines and city's C-2 (General Commercial) zoning district. As required in the C-2 zoning district, a restaurant with a drive-through must obtain approval of a use permit prior to development.

The proposed convenience use will be a Raising Cane's restaurant with drive-through. As shown on the preliminary site plan submitted with the use permit, the restaurant will consist of a single story, 3,766 square-foot building. Indoor dining, outdoor seating areas and a drive-through component will be provided. Mobile curbside pickup will also be provided, with at least two parking spaces reserved for these customers.

As noted in the project narrative, the site will include a double lane drive-through with provision of a third bypass lane. Customers will enter the drive-through lane and place their order at the menu board. They will then pay at the first of two drive-through windows. Food products will be picked up at the second window. As further noted, at peak times, staff members may take orders outside under a provided canopy and deliver food to customers directed to the bypass lane.

Parking for the proposed convenience use will be provided onsite in conformance with city standards. But if additional overflow parking should be needed, cross access and shared parking agreements exist for the Palm Valley Cornerstone center.

As shown on the conceptual building elevations submitted with the use permit, the building design will utilize the design, materials and colors approved for Palm Valley Cornerstone. Final building design will be approved at time of site plan review and approval.

Section 1-3-2 (Use Permits) of the Zoning Ordinance requires that the Planning and Zoning Commission and City Council determine that the proposed use meets the following findings prior to granting a Use Permit:

1. The Use Permit will not be materially detrimental to persons residing or working in the vicinity adjacent to the property, to the neighborhood, or to the public welfare;

As described in the materials provided with the use permit, the proposed use should not generate excessive odors, noise or light to the detriment of the surrounding area. Traffic impacts have been reviewed and determined to be in conformance with the roadway capacity and improvements for this area. The drive-through lanes and queue have been internalized to the Property and should not detrimentally affect surrounding properties or public streets.

2. The proposed use is reasonably compatible with uses permitted in the surrounding area;

The proposed use is located within a commercial center intended for similar commercial uses, including those uses with drive-through facilities (as allowed with a use permit). Surrounding development includes a hotel, credit union, drive-through restaurants, gas station and park and ride facility. The proposed use is also located within close proximity to a freeway interchange. As such, the proposed use will be compatible with the existing uses in the surrounding commercial area in terms of hours of operation, traffic generation, and intensity (noise, light, etc.). There is no residential development within proximity to the proposed use.

Section 4-2-2 (Convenience Uses) of the Zoning Ordinance provides the following additional evaluation criteria for convenience uses regarding their potential impact on traffic congestion, the neighborhood in general, and their appropriateness for the site:

1. Adequacy of the parcel size and configuration to provide for proper access and internal circulation.

The 1.68-acre parcel is of sufficient size and configuration to accommodate the proposed restaurant with drive-through. The proposed access and internal traffic circulation pattern have been designed to be consistent with the overall master site plan. Queuing space for the drive-through meets city standards and can be accommodated onsite without adversely impacting any public streets.

2. Compatibility of the proposed hours of operation with adjacent residential areas.

Hours of operation are intended to be from 9 AM to 3 AM, seven days a week. Given the proposed use's location within a developed commercial center, and with no residential uses in the area, staff does not recommend any restrictions on hours of operation.

3. Required traffic mitigation measures, if any.

The traffic study for the site was approved by the Engineering Department. Street and access improvements adjacent to the Property have been completed.

Ingress/egress is provided from Dysart Road (right in/right out) and Cornerstone Boulevard (full turning). A traffic signal is located at the intersection of Dysart Road and Cornerstone Boulevard/Rancho Santa Fe Boulevard. Cross access agreements exist for the commercial center.

4. Other concerns, which may place the advisability of the proposed convenience use in question.

Staff found no other concerns with the development of a convenience use on the Property.

Fire Department:
Emergency response times and distances are provided below:

| Nearest Goodyear Fire Station | Shortest path | | Longest path | | 2nd nearest Fire Station | Shortest path | | Longest path | |
|---|---|---|---|---|---|---|---|---|---|
| | Mins | Miles | Mins | Miles | | Mins | Miles | Mins | Miles |
| #181 | 4.69 | 2.34 | 4.69 | 2.34 | #183 | 5.25 | 2.62 | 5.25 | 2.62 |

Public Participation:
In accordance with the city's Citizen Review Ordinance, a notice was sent to all property owners within 500 feet of the Property. To date, staff has not received any inquiries on the project.

Notice for the public hearings before the Planning and Zoning Commission and City Council included the following: a notice mailed to surrounding property owners, city of Avondale, Luke AFB and the Phoenix-Goodyear Airport; a sign posted on the property; and a legal notice published in the Arizona Republic, Southwest Edition, on November 12, 2021.

At the December 1, 2021, public hearing before the Planning and Zoning Commission, Commissioner Kish confirmed that the hours of operation were 9AM to 3AM and that that was typical for all Raising Canes. The applicant confirmed that those were typical hours of operation and their goal was to serve shift workers. Upon close of the public hearing, the Commission

unanimously voted (4 - 0) to forward a recommendation of approval to the City Council. There was no opposition to the project presented at the hearing.

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**Attachments**

1. Aerial Photo
2. Project Narrative
3. Preliminary Site Plan
4. Conceptual Building Elevations
5. Preliminary Landscape Plan
6. Staff Presentation

# AERIAL PHOTO
# RAISING CANE'S USE PERMIT



# Narrative

## Raising Canes Chicken Fingers

## 1220 N Dysart Road

## Goodyear AZ 85395




SEPTEMBER 15, 2021

*Prepared By:*

Kimley»Horn

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***ONE GREAT RESTAURANT AT A TIME*** ..... 4

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### *WHO IS RAISING CANES?*

The first step to a successful business is a brilliant business plan, right? Determined to craft the perfect strategy, Todd and his friend created a business plan for a course at Louisiana State University. The project received a B-, the lowest in the class! The professor said a chicken finger restaurant would never work. The banks said the same. Undeterred, he took a job as a boilermaker working 90-hour weeks in a Los Angeles refinery, and then as a fisherman working 20-hour days fishing commercially for Alaskan Sockeye Salmon – to raise money himself. After purchasing and renovating his own building, Todd opened the first Raising Canes on August 28, 1996 – at the North Gates of LSU. It was an immediate success.

On March 16th, 2020 Raising Canes celebrated the opening of its 500th restaurant in Foothill Ranch, California, just down the street from the refinery where he worked to earn his money for the 1st Canes. Since 1996, the company has expanded to 547 restaurants in 29 states and 5 countries, all while staying true to its One Love – Chicken Finger Meals!

Raising Canes has a core value which is to Work with a Sense of Purpose. They appreciate Chicken Finger Meals, Customers, Crew, Community, and Culture. The company's vision is to grow restaurants serving Customers, all over the world, and be the brand for Quality Chicken Finger Meals, a great Crew, Active Community Involvement, and a cool Culture. To date, Raising Canes has given back over $10 Million to their communities. The primary focus areas are Education, Feeding the Hungry, Pet Welfare, Active Community Involvement, and Business Development & Entrepreneurship.

Raising Canes also supports within – in 2020 Todd and his co-CEO spearheaded No Crew Member Left Behind. While COVID-19 had hit hard and many businesses were closing doors and laying off staff, Raising Canes rallied together to reshape their business and was able to keep every crewmember employed during the pandemic. Canes is proud to report that their focus never wavered, and not only were they able to keep every crewmember throughout the extended pandemic, they were able to hire 5,000 more new crewmembers for the 60 new restaurants opened in 2020 alone, and even set aside a Crew Relief fund to deliver $5 Million in "thank-you bonuses" to Crew and Managers.



***ONE GREAT RESTAURANT AT A TIME***

The Raising Canes design theme is One Great Restaurant at Time! The building architecture Is fun, friendly and approachable; possesses an energetic environment; reinforces its cool crewmembers; is warm and welcoming; and feels unique and original. The design is contemporary but not modern.

The patio is a dynamic and social space – an extension of the inside – welcoming to all demographics and is also pet friendly when permissible. The open kitchen showcases crewmembers, quality ingredients, and cooked to order chicken. It's a theatre experience – with lemonade making, coleslaw and sauce preparation, in clear customer view.

Each restaurant shows Cane's commitment to community by including a hand painted exterior mural including the name of the City or neighborhood, as well as boasting an interiors package with dedicated local graphic art and materials specific to that area.

Exterior signage and lighting is designed to meet brand minimum standards, and has been thoughtfully considered to ensure no overly brash colors or excessive sizes, and fits within the context of the surrounding area.

The landscaping package is custom designed for each location which not only compliments the building but consequently heightens the curb appeal for the neighborhood. The overall design is created to be tasteful, welcoming, and uniquely part of its community.




FRONT ELEVATION (EAST)

## *PROJECT OVERVIEW*

This narrative has been provided in support of applications for a use permit and site plan review for the proposed Raising Canes located near the southwest corner of Dysart Road & McDowell Road, within the Palm Valley Cornerstone Development. The proposed establishment, located at 1220 N Dysart Road, will be an approximate 3,766 square foot one-story building with a 364 square foot landscaped outdoor dining area. The restaurant will provide the convenience of drive-thru ordering and pick-up, as well as to-go pick-up parking stalls for those who have ordered ahead. The strategic location for this site is between the McDowell Road and Van Buren Boulevard on the southbound side of the street. The addition of this Raising Canes complements other uses with Palm Valley Cornerstone and will provide a convenient and fun location for patrons to enjoy quality food with friends and family.

The existing onsite improvements consist of an existing Mimi's Cafe, which is to be demolished. The Maricopa County Assessor's Parcel Number is 500-03-474. The proposed development encompasses 1.68 acres of land in a portion of the NE quarter of Section 3, Township 1 North, Range 1 West of the Gila and Salt River Base Line and Meridian in the City of Goodyear, Maricopa County, Arizona. More specifically, the parcel is bounded by commercial developments to the north and south (zoned PAD), N. Dysart Road to the east and a MCFCD Retention Basin to the west.

A Use Permit is a request to allow a use which is permitted by the Zoning Ordinance provided that the use will not cause an adverse impact on adjacent property or properties in the area. This project seeks a use permit for the drive through facility as an accessory use to the restaurant. The flow of traffic will not have an adverse effect on the area as the site has multiple drive-thru lanes to decrease lane congestion and heavy traffic flow. The site consists of a double lane drive-thru with a 3rd bypass lane. The customers will pull up to the menu board, place their order, pay at the first window, and pick up their order at the second window. At times of high volume, Canes crew members will be outside under the provided canopy taking orders ahead of the order window. Crew members may also deliver food at the bypass lane, if necessary.

The design of the 3,766 square foot building and the 1.68-acre site layout, along with the use of quality landscaping materials and decorative screenwalls, will uphold and improve the aesthetics of the community. The use of alternating planes, variation of parapet elevations, and the variety of colors and finish materials create a building and site design that avoids monolithic massing of building style. The building's architectural features include the use of standing seam metal awnings and masonry façade with a combination of brick and stucco accent on each façade of the building. The building colors have been revised to incorporate the color pallet 'B' from the Palm Valley Cornerstone Design guidelines. The 'one' element is an Architectural feature and will not be a part of the signage package. There is no lighting associated with the element. The element is to be cladded w/ vintage car hoods. A patio area is also being constructed as part of the project. Located on the east side of building, the patio will feature a covered steel structure painted to match building. It will include patio seating, fans, lighting, speakers, and landscaping to create an experience for the customer. The speakers are used as mood music for the customers using the outdoor dining facilities. There will not be any noise impact.

The development of this Goodyear AZ Raising Canes restaurant will employ 55 full and part-time Crewmembers, give back to its Community, and provide a Unique place where Customers can enjoy Quality Chicken Finger Baskets amongst fun and friends. The proposed development will operate 7 days a week from 9 am to 3 am.

The proposed Raising Canes development will comply with the City's Zoning Ordinance, Palm Valley Cornerstone PAD, and the laws set forth by the City of Goodyear.


ONE LOVE®
Quality CHICKEN FINGER Meals
We have a focused menu. We use only the highest quality ingredients with a handmade, cook-to-order flow that ensures great-tasting chicken finger meals, served hot and fresh every day.

## CITY OF GOODYEAR SITE PLAN NOTES

1. IMPROVEMENTS MADE WITHIN A CITY RIGHT-OF-WAY, TRACT, OR EASEMENT THAT WILL BE MAINTAINED IN THE FUTURE BY THE CITY OF GOODYEAR SHALL BE CLEARLY IDENTIFIED ON THE APPROVED PLANS AND ARE SUBJECT TO THE FOLLOWING REQUIREMENTS. IMPROVEMENTS MAY INCLUDE BUT ARE NOT LIMITED TO STREET SURFACES, CURB, GUTTER, SIDEWALKS, RAMPS, DRIVEWAYS, TURN BAYS, BUS BAYS, STREET LIGHTING, SIGNAGE, AND STRIPING. LANDSCAPE RESPONSIBILITIES ARE IDENTIFIED UNDER SEPARATE NOTE:

a. THE DEVELOPER SHALL MAINTAIN AND WARRANTY ALL IMPROVEMENTS FOR A PERIOD OF TWO YEARS BEGINNING IMMEDIATELY AFTER THE CITY ISSUES THE NOTIFICATION OF APPROVAL FOR THE PROJECT.

b. DURING THE MAINTENANCE AND WARRANTY PERIOD, THE DEVELOPER SHALL BE RESPONSIBLE FOR MAINTAINING ADEQUATE PROTECTION OF ALL IMPROVEMENTS. ANY DAMAGE IMPROVEMENTS SHALL BE IMMEDIATELY REPAIRED OR REPLACED ATTHE DEVELOPER'S EXPENSE.

c. MAINTENANCE SHALL INCLUDE BUT IS NOT LIMITED TO STREET SWEEPING, APPLICATION OF SEALANT IN ALL PAVEMENT CRACKS AND JOINTS, AND APPLICATION OF SEALANT OVER ALL ASPHALT PAVEMENTS.

d. AT THE TERMINATION OF THE MAINTENANCE AND WARRANTY PERIOD, ALL IMPROVEMENTS SHALL BE UNDAMAGED AND SHALL MEET CITY STANDARDS.

e. IF ALL IMPROVEMENTS ARE NOT ACCEPTABLE AT THE END OF THE TWO-YEAR PERIOD, THE MAINTENANCE AND WARRANTY PERIOD SHALL CONTINUE UNTIL THE IMPROVEMENTS MEET CITY APPROVAL.

2. LANDSCAPED AREAS THAT WILL BE MAINTAINED IN THE FUTURE BY THE CITY OF GOODYEAR SHALL BE CLEARLY IDENTIFIED ON THE APPROVED PLANS AND ARE SUBJECT TO THE FOLLOWING REQUIREMENTS. THESE AREAS MAY INCLUDE RETENTION BASINS, PARKS, RIGHTS-OFWAY, AND STREET CENTER MEDIAN LANDSCAPING:

a. THE DEVELOPER SHALL MAINTAIN AND WARRANTY ALL LANDSCAPE IMPROVEMENTS, INCLUDING PLANTED AREAS AND IRRIGATION SYSTEMS, FOR A PERIOD OF TWO YEARS BEGINNING IMMEDIATELY AFTER THE CITY ISSUES THE NOTIFICATION OF APPROVAL FOR THE PROJECT.

b. DURING THE MAINTENANCE AND WARRANTY PERIOD, THE DEVELOPER SHALL BE RESPONSIBLE FOR MAINTAINING ADEQUATE PROTECTION TO ALL AREAS. ANY DAMAGED PLANTING AND/OR IRRIGATION SYSTEMS SHALL BE IMMEDIATELY REPAIRED OR REPLACED AT THE DEVELOPER'S EXPENSE.

c. MAINTENANCE SHALL INCLUDE CONTINUOUS OPERATIONS OF WATERING, WEEDING, REMOVAL OF DEAD PLANT MATERIAL, MOWING, ROLLING, FERTILIZING, SPRAYING, INSECT AND PEST CONTROL, RE-SEEDING, REPLACEMENT, AND ALL OTHER MEASURES NECESSARY TO ENSURE NORMAL HEALTHY GROWTH.

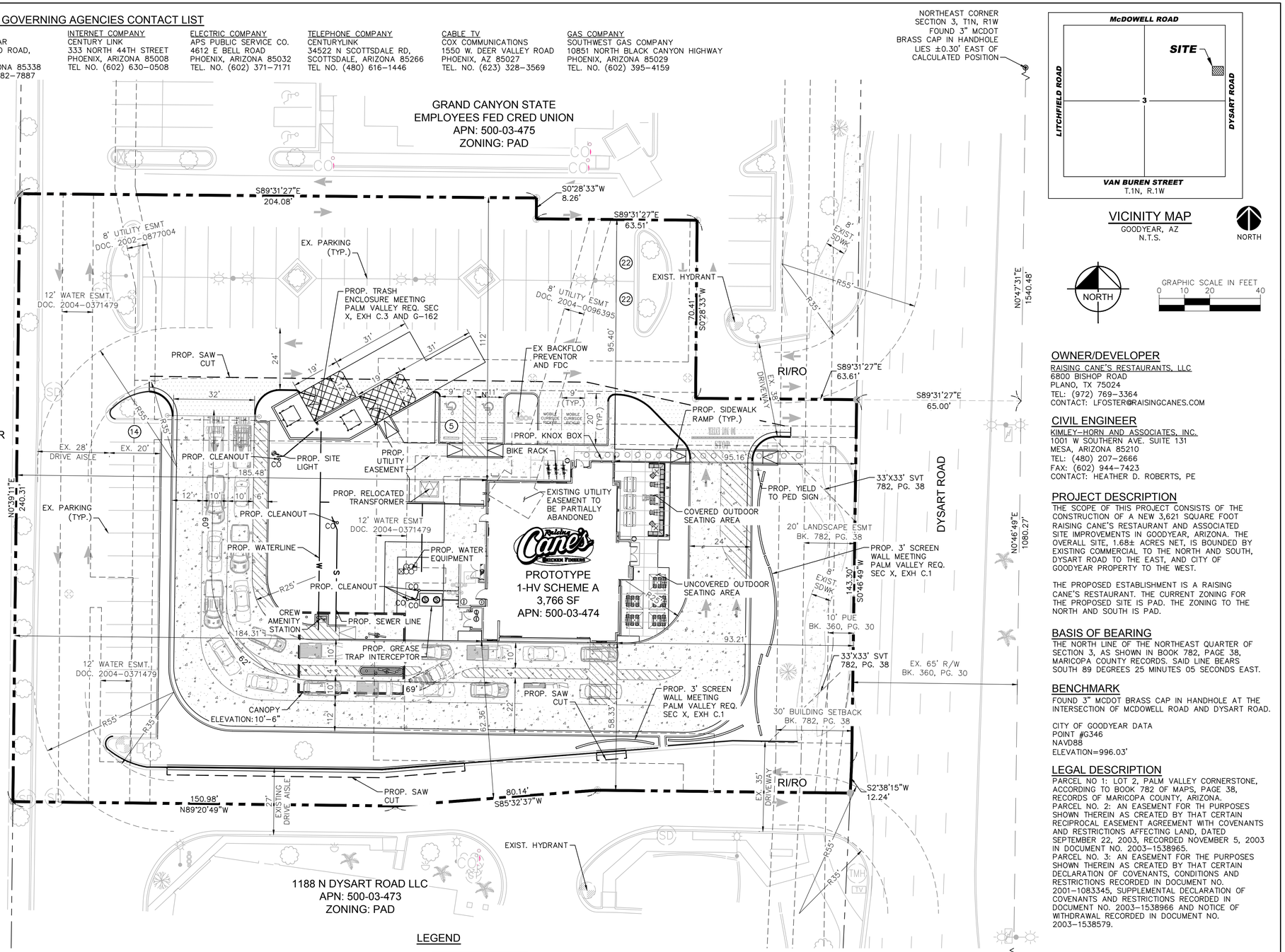
d. WHEN THE TURF HAS ESTABLISHED SUFFICIENT ROOT STRUCTURE AND HAS OBTAINED AN APPROXIMATE HEIGHT OF 3 INCHES, MOWING SHALL BEGIN IMMEDIATELY TO ACHIEVE A TURF HEIGHT OF 2 INCHES; THE TURF SHALL BE MOWED THEREAFTER TO SAFELY MAINTAIN THE 2-INCH HEIGHT.

e. AT THE TERMINATION OF THE MAINTENANCE AND WARRANTY PERIOD, ALL TURF AREAS SHALL BE LIVE, HEALTHY, UNDAMAGED, AND FREE OF INFESTATIONS. ALL AREAS SHALL BE COMPLETELY VOID OF BARREN SPOTS LARGER THAN 3 INCHES BY 3 INCHES.

f. IF ALL PLANTINGS ARE NOT ACCEPTABLE AT THE END OF THE TWO-YEAR PERIOD, THE MAINTENANCE AND WARRANTY PERIOD SHALL CONTINUE UNTIL THE LANDSCAPING MEETS CITY APPROVAL.

## UTILITY AND GOVERNING AGENCIES CONTACT LIST

| WATER / SEWER | INTERNET COMPANY | ELECTRIC COMPANY | TELEPHONE COMPANY | CABLE TV | GAS COMPANY |
|---|---|---|---|---|---|
| CITY OF GOODYEAR<br>190 N. LITCHFIELD ROAD,<br>1ST FLOOR<br>GOODYEAR, ARIZONA 85338<br>TEL. NO. (623) 882-7887 | CENTURY LINK<br>333 NORTH 44TH STREET<br>PHOENIX, ARIZONA 85008<br>TEL NO. (602) 630-0508 | APS PUBLIC SERVICE CO.<br>4612 E BELL ROAD<br>PHOENIX, ARIZONA 85032<br>TEL. NO. (602) 371-7171 | CENTURYLINK<br>34522 N SCOTTSDALE RD,<br>SCOTTSDALE, ARIZONA 85266<br>TEL NO. (480) 616-1446 | COX COMMUNICATIONS<br>1550 W. DEER VALLEY ROAD<br>PHOENIX, AZ 85027<br>TEL. NO. (623) 328-3569 | SOUTHWEST GAS COMPANY<br>10851 NORTH BLACK CANYON HIGHWAY<br>PHOENIX, ARIZONA 85029<br>TEL. NO. (602) 395-4159 |







VICINITY MAP
GOODYEAR, AZ
N.T.S.

NORTH

GRAPHIC SCALE IN FEET
0 10 20 40

## LEGEND

| | |
|---|---|
| | HEAVY DUTY CONCRETE PAVEMENT AT TRASH ENCLOSURE |
| | STANDARD DUTY ASPHALT REFER TO PAVEMENT SECTION |
| | INTEGRAL COLORED 860 GRAPHITE (IRON OXIDE) 6" STANDARD DUTY CONCRETE PAVEMENT. |
| | CANE'S PROPERTY LINE |
| | BUILDING SETBACK LINE |
| | ADA PATH |
| | CONCRETE SIDEWALK |
| 6 | PARKING SPACE COUNT |
| RI/RO | RIGHT IN/RIGHT OUT ACCESS DRIVEWAY |
| 55' 35' | FIRE TURNING RADIUS |

## PROJECT INFORMATION

| | |
|---|---|
| ADDRESS: | 1220 N. DYSART ROAD<br>GOODYEAR, AZ 85395 |
| QUARTER SECTION INFO: | A PORTION OF THE NORTHEAST QUARTER OF SECTION 3, TOWNSHIP 1 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA |
| EXISTING GENERAL PLAN: | COMMERCIAL |
| PROPOSED USE: | DRIVE-THRU RESTAURANT |
| EXISTING ZONING: | PAD (PALM VALLEY CORNERSTONE) |
| ADJACENT ZONING: | PAD, PFD |
| JURISDICTION: | CITY OF GOODYEAR |

## SITE CALCULATIONS

| | |
|---|---|
| BUILDING HEIGHT: | 23'-4" (ONE STORY) |
| ALLOWED BUILDING HEIGHT PER PAD: | 24' WITH 28' ARCH. FEATURE |
| BUILDING AREA: | 3,766 SF |
| TOTAL LOT COVERAGE: | 3,766 SF / 73,247 SF = 5.1% |
| ALLOWED LOT COVERAGE PER PAD: | 50% |
| PROP LOT AREA | NET (AC) 1.68± 73,247± SF<br>GROSS (AC) 1.68± 73,247± SF |
| PARCEL NUMBER: | 500-03-474 |
| CONSTRUCTION TYPE: | V(B) |

## PARKING SUMMARY

REQUIRED PARKING RATIO
1 SPACE PER 50 SF INDOOR SEATING AREA (IA)
1 SPACE PER 150 SF OF OUTDOOR SEATING AREA (OA)
1 SPACE PER 150 SF OF KITCHEN SERVICE AREA (KA)

| | |
|---|---|
| IA 1,245 SF / 50 SF = | 25 SPACES |
| OA 364 SF / 150 SF = | 3 SPACES |
| KA 2,003 SF / 150 SF = | 13 SPACES |
| TOTAL SPACES REQUIRED= | 41 SPACES |

| INDIVIDUAL PARKING: | REQUIRED | PROVIDED |
|---|---|---|
| STANDARD | 38 | 61 |
| ACCESSIBLE PER ADA | 2 | 2 |
| TOTAL PARKING | 41 | 63 |

**CAUTION!!**
CONTRACTOR IS TO VERIFY PRESENCE AND EXACT LOCATION OF ALL UTILITIES PRIOR TO CONSTRUCTION.

Contact Arizona 811 at least two full working days before you begin excavation
ARIZONA811
Call 811 or click Arizona811.com

## OWNER/DEVELOPER

RAISING CANE'S RESTAURANTS, LLC
6800 BISHOP ROAD
PLANO, TX 75024
TEL: (972) 769-3364
CONTACT: LFOSTER@RAISINGCANES.COM

## CIVIL ENGINEER

KIMLEY-HORN AND ASSOCIATES, INC.
1001 W SOUTHERN AVE. SUITE 131
MESA, ARIZONA 85210
TEL: (480) 207-2666
FAX: (602) 944-7423
CONTACT: HEATHER D. ROBERTS, PE

## PROJECT DESCRIPTION

THE SCOPE OF THIS PROJECT CONSISTS OF THE CONSTRUCTION OF A NEW 3,621 SQUARE FOOT RAISING CANE'S RESTAURANT AND ASSOCIATED SITE IMPROVEMENTS IN GOODYEAR, ARIZONA. THE OVERALL SITE, 1.68± ACRES NET, IS BOUNDED BY EXISTING COMMERCIAL TO THE NORTH AND SOUTH, DYSART ROAD TO THE EAST, AND CITY OF GOODYEAR PROPERTY TO THE WEST.

THE PROPOSED ESTABLISHMENT IS A RAISING CANE'S RESTAURANT. THE CURRENT ZONING FOR THE PROPOSED SITE IS PAD. THE ZONING TO THE NORTH AND SOUTH IS PAD.

## BASIS OF BEARING

THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 3, AS SHOWN IN BOOK 782, PAGE 38, MARICOPA COUNTY RECORDS. SAID LINE BEARS SOUTH 89 DEGREES 25 MINUTES 05 SECONDS EAST.

## BENCHMARK

FOUND 3" MCDOT BRASS CAP IN HANDHOLE AT THE INTERSECTION OF MCDOWELL ROAD AND DYSART ROAD.

CITY OF GOODYEAR DATA
POINT #G346
NAVD88
ELEVATION=996.03'

## LEGAL DESCRIPTION

PARCEL NO 1: LOT 2, PALM VALLEY CORNERSTONE, ACCORDING TO BOOK 782 OF MAPS, PAGE 38, RECORDS OF MARICOPA COUNTY, ARIZONA.
PARCEL NO. 2: AN EASEMENT FOR TH PURPOSES SHOWN THEREIN AS CREATED BY THAT CERTAIN RECIPROCAL EASEMENT AGREEMENT WITH COVENANTS AND RESTRICTIONS AFFECTING LAND, DATED SEPTEMBER 22, 2003, RECORDED NOVEMBER 5, 2003 IN DOCUMENT NO. 2003-1538965.
PARCEL NO. 3: AN EASEMENT FOR THE PURPOSES SHOWN THEREIN AS CREATED BY THAT CERTAIN DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED IN DOCUMENT NO. 2001-1083345, SUPPLEMENTAL DECLARATION OF COVENANTS AND RESTRICTIONS RECORDED IN DOCUMENT NO. 2003-1538966 AND NOTICE OF WITHDRAWAL RECORDED IN DOCUMENT NO. 2003-1538579.

Raising Cane's Chicken Fingers
Restaurant Support Office
6800 Bishop Road, Plano, TX 75024
Tele: 972-769-3100 Fax: 972-769-3101

Store:
**1220 N. DYSART ROAD**
**GOODYEAR, AZ 85395**
**Restaurant #0695**

Designer's Information:

Kimley»Horn

© 2021 KIMLEY-HORN AND ASSOCIATES, INC.
1001 W. SOUTHERN AVENUE, SUITE 131
MESA, ARIZONA 85210
(480) 207-2666

Professional of Record:

Registered Professional Engineer (Civil)
CERTIFICATE NO. 47693
HEATHER ROBERTS
Date Signed 03/31/22
Exp. Date 03/31/23

| | |
|---|---|
| Prototype : | 4E-HV SCHEME A 2020-2 RELEASE |
| Prototype Issue Date: | 7.14.2020 |
| Design Bulletin Updates: | INCLUDED |
| Date Issued: | Bulletin Number: |

**PRELIMINARY SET**

PRELIMINARY SITE PLAN

REVISIONS:

| | | |
|---|---|---|
| 1 | | |
| 2 | | |
| 3 | | |
| 4 | | |
| 5 | | |
| 6 | | |
| 7 | | |
| 8 | | |
| 9 | | |

Sheet Title:

| | |
|---|---|
| Date: | 09.13.2021 |
| Project Number: | 291344017 |
| Drawn By: | MTU |

Sheet Number:

1 OF 3

SUBMITTALS

# C695 DYSART & MCDOWELL, GOODYEAR AZ




FRONT ELEVATION (EAST)




DRIVE-THRU ELEVATION (SOUTH)




REAR ELEVATION (WEST)




SIDE ELEVATION (NORTH)

## MATERIAL FINISHES

| EM-1 | EM-2 | EM-3 | EM-4 | EWF-1 | EWF-2 | EWF-3 | EWF-4 | EWF-5 | EWF-6 | EWS-2 |
|---|---|---|---|---|---|---|---|---|---|---|
| STANDING SEAM ROOFING "MATTE BLACK SR.25" KYNAR 500 | METAL CAP FLASHING "MATTE BLACK SR.25" KYNAR 500 | CARBON GRADE FINISH: HOT ROLLED STEEL TO BE PAINTED "MATTE BLACK SR.25" KYNAR 500 | RECLAIMED METAL PANEL: VINTAGE CAR HOOD OCCURS AT FACE OF "1" ELEMMENT ONLY | SUPERLITE PRECISION AUTUMN STANDARD BLOCK 8"x8"x16" | CAST STONE SILL SUPERLITE PRECISION MODESTO | PORTLAND CEMENT STUCCO "SADDLE SOAP 2110-30" BEJAMIN MOORE | PORTLAND CEMENT STUCCO "ARIZONA TAN 2162-50" BENJAMIN MOORE | PORTLAND CEMENT STUCCO "GAUCHO BROWN 2096-40" BEJAMIN MOORE | PORTLAND CEMENT STUCCO "SMOKED OYSTER 2109-40" BENJAMIN MOORE | ALUMINUM STOREFRONT SYSTEM FINISH: ANODIZED BLACK |


Raising Cane's Chicken Fingers
Restaurant Support Office
6800 Bishop Road, Plano, TX 75024
Tele: 972-769-3100 Fax: 972-769-3101

Store:
RAISING CANES RESTAURANT
DYSART & McDOWELL
GOODYEAR, AZ 85395
Restaurant #C695

Professional of Record: KENNETH McCRACKEN

PM DESIGN
Architectural Solutions Group
76 EAST MITCHELL DRIVE,
PHOENIX AZ 85012


| | |
|---|---|
| Prototype : | P1-HV SCHEME A, 2021-1.0 |
| Prototype Issue Date: | 05-07-2021 |
| Design Bulletin Updates: | INCLUDED |
| Date Issued: | Bulletin Number: |

**80% REVIEW SET**

REVISIONS:

| | | |
|---|---|---|
| 1 | 08/27/2021 | SITE PLAN RE-SUBMITTAL |
| 2 | | |
| 3 | | |
| 4 | | |
| 5 | | |
| 6 | | |
| 7 | | |
| 8 | | |
| 9 | | |
| 10 | | |

Sheet Title:

**RENDERED ELEVATIONS**

| | |
|---|---|
| Date: | 06/10/2021 |
| Project Number: | RAC20047 |
| Drawn By / Checked By: | HF/CB |

Sheet Number:

RE1.0

SUBMITTALS: SITE PLAN SUBMITTAL / PVC SUBMITTAL: 6/10/21

\\pmdesign.local\pmdg-shared\PHX\01--Projects Phoenix\Raising Canes\RAC20047 -- C695 Dysart & McDowell Goodyear, AZ\01 Drawings Current\01--Architectural\02 Planning\Rendered Exterior Elevations.dwg 9/13/2021 2:52 PM




## Existing Tree Protection & Removal Notes

**All existing plant material to remain and be protected unless otherwise noted.**

(E) tree symbol

(E) to be removed symbol

## Plant List

| Symbols | Botanical Name | Common Name | Size | Qty | Mature Height | Size Width |
|---|---|---|---|---|---|---|
| | **Trees** | | | | | |
| | *Acacia salicina (Std.)* | Willow Acacia | 24" box | 1 | 30 ft | 30 ft |
| | *Cercidium x 'Desert Museum' (Std.)* | Desert Museum Palo Verde | 24" box | 3 | 25 ft | 25 ft |
| | **Shrubs** | | | | | |
| | *Caesalpinia pulcherrima* | Red Bird of Paradise | 15 gal | 9 | 6 - 10 ft | 6 - 10 ft |
| | *Calliandra eriophylla* | Pink Fairy Duster | 5 gal | 90 | 3 ft | 3 ft |
| | *Cassia phyllodenia* | Silvery Cassia | 5 gal | 9 | 6 - 8 ft | 6 - 8 ft |
| | *Lantana montevidensis* | Purple Trailing Lantana | 5 gal | 64 | 1 - 2 ft | 5 ft |
| | *Lantana x 'New Gold'* | New Gold Lantana | 5 gal | 49 | 2 ft | 4 ft |
| | *Leucophyllum frutescens 'Compacta'* | Texas Sage | 5 gal | 92 | 4 - 5ft | 4 - 5ft |
| | **Perennials** | | | | | |
| | *Convolvulus cneorum* | Shrubby Bindweed | 1 gal | 37 | 2 ft | 2 - 4 ft |
| | *Ruellia brittoniana 'Katie'* | Dwarf Mexican Petunia 'Katie' | 1 gal | 134 | 2 - 3 ft | 1 - 2 ft |
| | **Succulents** | | | | | |
| | *Agave murpheyii* | Murphy's Agave | 5 gal | 22 | 3 ft | 3 - 4 ft |
| | *Dasylirion longissimum* | Mexican Grass Tree | 15 gal | 13 | 4 - 6 ft | 4 - 6 ft |
| | *Hesperaloe funifera* | Giant Hesperaloe | 5 gal | 33 | 6 ft | 6 - 8 ft |
| | *Yucca aloifolia* | Aloe Yucca | 15 gal | 4 | 10 - 15 ft | 3 - 5 ft |

## Materials Legend

| Material | Size | Area |
|---|---|---|
| Decomposed Granite, 2" depth MIN., 1/2" screened<br>Color: Desert Tan | 1/2" | 10,803 SF |
| Local Rip Rap, Palomino Gold or similar to match DG | 2-3" | 4,683 SF |
| Direct Colors® Smokestack 105 - 2lb. or equal integral colored concrete W/ double bladed saw cut joints.<br>Finish: TOPCAST ® #05 | N/A | 1,224 SF |
| Natural colored concrete W/ double bladed saw cut joints.<br>Finish: TOPCAST ® #05 | N/A | 2,375 SF |
| Belgard Holland Stone Legacy pavers<br>Herringbone bone pattern<br>Charcoal or eq color | 4" x 8" x 2 3/8" | 49 SF |
| "A" | 28" - 32" DIA | 11 (QTY) |
| "B" Surface Select Landscape Boulders to match DG | 32" - 40" DIA | 8 (QTY) |
| "C" | 40" - 50" DIA | 11 (QTY) |

***Integral Colored Concrete Supplier: Direct Colors** https://www.directcolors.com/
****Supplier for crushed stone and boulders:** Southwest Boulder & Stone (714) 882-1010

## Proposed Notes

1. (P) overhead structure per Architect
2. (P) headache bar per Architect
3. (P) pre-order board per Architect
4. (P) order board per Architect
5. (P) trash enclosure per Architect
6. (P) patio furniture per Architect
7. (P) 3' H. screen wall per Civil
8. (P) hand washing station per Architect
9. (P) transformer per Electrical
10. (P) 33' x 33' sight visibility triangle shall be kept clear of vegetation that at maturity will have heights greater than 2' and trees that have branches lower than 7'; as measured from pavement surface

## Existing Notes

- A (E) Acacia salicina
- B (E) Quercus virginiana
- C (E) sidewalk
- D (E) light post, TYP.
- E (E) fire hydrant W/ 7' landscape clearance, TYP.
- F (E) Cercidum Desert Museum
- G (E) fire hydrant
- H (E) Cercidum Desert Museum, to be removed and replaced with same variety
- I (E) Washingtonia robusta

Project No. **20-60**

KIESEL • DESIGN

Kiesel Landscape Architecture Inc.

422 E Main Street
Ventura, CA 93001
(p) 805.947.0730
Jack@kieseldesign.com
AL# 70652

**C695 Dysart & McDowell**

1220 N. Dysart Road
Goodyear, AZ. 85395

**Submittals:**
1 06/10/21 Site Plan Submittal
2 09/03/21 2nd Site Plan Submittal

REGISTERED LANDSCAPE ARCHITECT CERTIFICATE NO. 70652 JACK KIESEL DATE SIGNED 09.03.21 ARIZONA U.S.A.

Signature:

**Type: Preliminary**

**Initial Setup Date:**
June 6, 2021

**Drawn By:**

| # | NAME | DATE |
|---|---|---|
| | B.Jordan | 09/2021 |

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**Title:**

**Preliminary Landscape Plan**

**Sheet Number:**

# L0.1



# Use Permit
# Raising Cane's

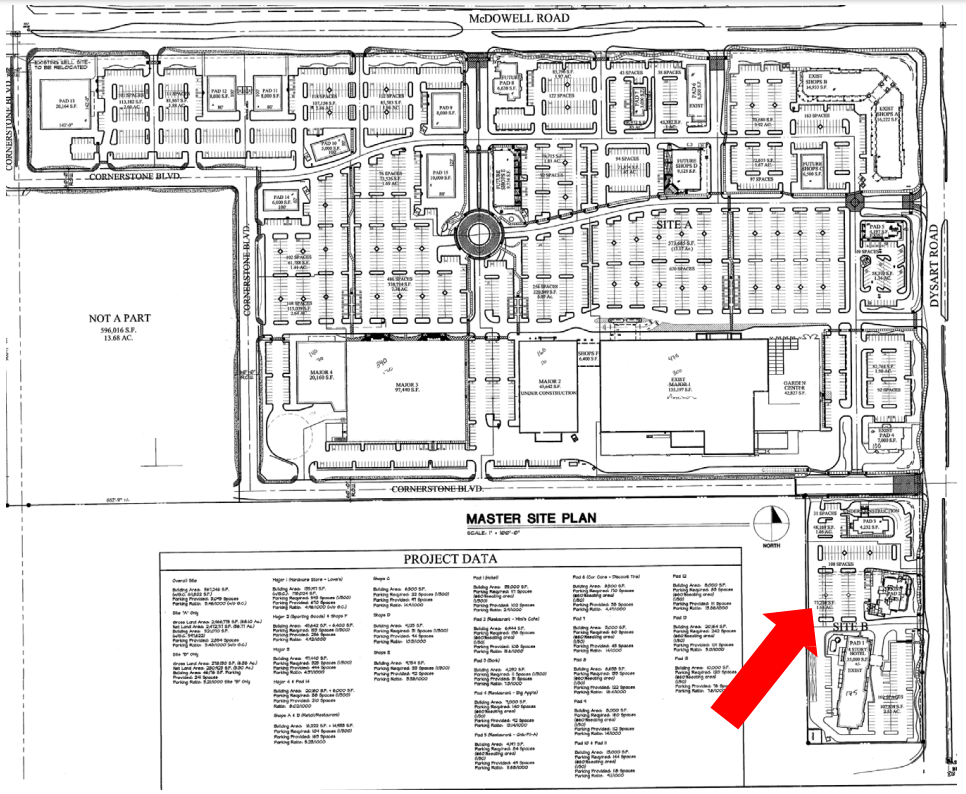
City Council
December 13, 2021


LOWES
N DYSART RD
W RANCHO SANTA FE B
PARK AND RIDE
WAL-MART
INTERSTATE-10

# Raising Cane's Use Permit

## BACKGROUND

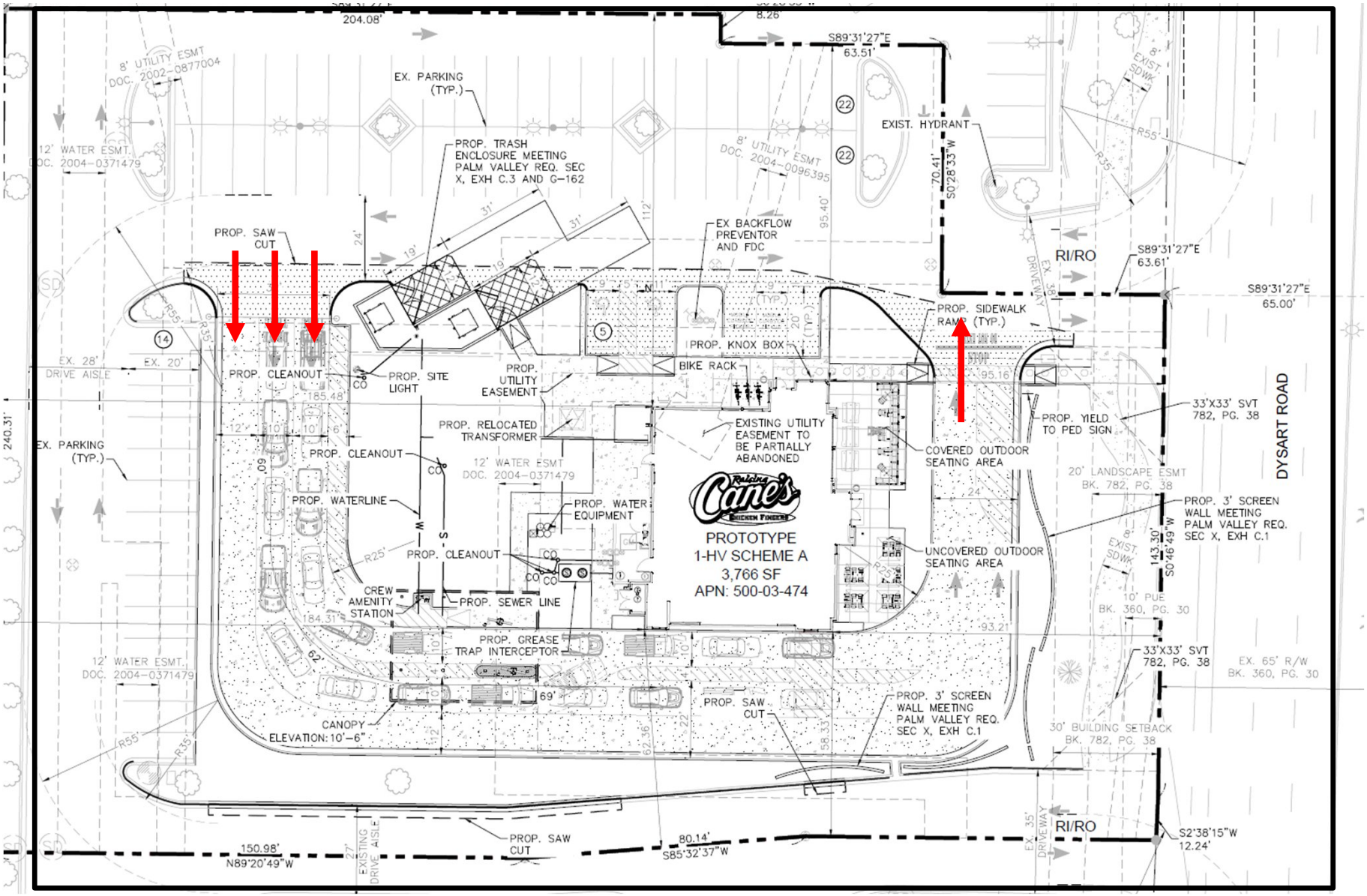
- Palm Valley PAD Phase I – 1989 & 2001
- General Commercial Uses
- Palm Valley Cornerstone
- Master site plan – 2004



# Raising Cane's Use Permit

## REQUEST

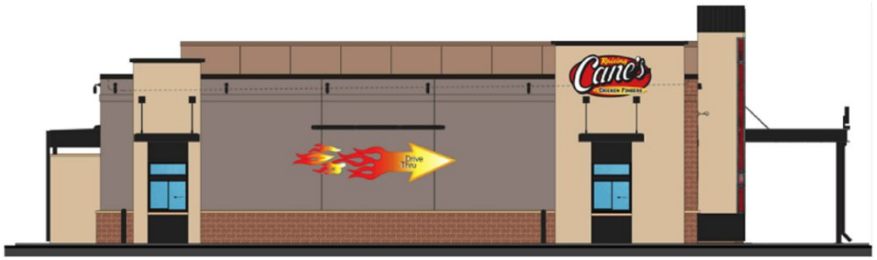
- Use Permit for convenience use (drive-through restaurant)
- 1.7-acre parcel within existing commercial center
- Surrounding site improvements completed
- 3,766 SF Building
- Indoor dining & outdoor patio


PROTOTYPE
1-HV SCHEME A
3,766 SF
APN: 500-03-474
DYSART ROAD
EX. PARKING (TYP.)
PROP. TRASH ENCLOSURE MEETING PALM VALLEY REQ. SEC X, EXH C.3 AND G-162
PROP. SAW CUT
EX BACKFLOW PREVENTOR AND FDC
EXIST. HYDRANT
PROP. SIDEWALK RAMP (TYP.)
PROP. KNOX BOX
BIKE RACK
PROP. UTILITY EASEMENT
PROP. SITE LIGHT
PROP. CLEANOUT
PROP. RELOCATED TRANSFORMER
EXISTING UTILITY EASEMENT TO BE PARTIALLY ABANDONED
COVERED OUTDOOR SEATING AREA
PROP. YIELD TO PED SIGN
PROP. WATERLINE
PROP. WATER EQUIPMENT
UNCOVERED OUTDOOR SEATING AREA
CREW AMENITY STATION
PROP. SEWER LINE
PROP. GREASE TRAP INTERCEPTOR
CANOPY ELEVATION: 10'-6"
PROP. 3' SCREEN WALL MEETING PALM VALLEY REQ. SEC X, EXH C.1
RI/RO
EX. 28' DRIVE AISLE
EX. 20'
EXISTING DRIVE AISLE
12' WATER ESMT. DOC. 2004-0371479
8' UTILITY ESMT DOC. 2002-0877004
8' UTILITY ESMT DOC. 2004-0096395
20' LANDSCAPE ESMT BK. 782, PG. 38
10' PUE BK. 360, PG. 30
EX. 65' R/W BK. 360, PG. 30
30' BUILDING SETBACK BK. 782, PG. 38
33'X33' SVT 782, PG. 38
EX. 35' DRIVEWAY
EX. 38' DRIVEWAY
8' EXIST. SDWK.
204.08'
S89°31'27"E 63.51'
S89°31'27"E 63.61'
S89°31'27"E 65.00'
S0°28'33"W 70.41'
S0°46'49"W 143.30'
S2°38'15"W 12.24'
N89°20'49"W 150.98'
S85°32'37"W 80.14'
240.31'
95.40'
95.16'
93.21'
185.48'
184.31'
69'
62'
58.33'
62.36'

# C695 DYSART & MCDOWELL, GOODYEAR AZ




FRONT ELEVATION (EAST)




DRIVE-THRU ELEVATION (SOUTH)



REAR ELEVATION (WEST)



SIDE ELEVATION (NORTH)

## MATERIAL FINISHES

| EM-1 | EM-2 | EM-3 | EM-4 | EWF-1 | EWF-2 | EWF-3 | EWF-4 | EWF-5 | EWF-6 | EWS-2 |
|---|---|---|---|---|---|---|---|---|---|---|
| STANDING SEAM ROOFING "MATTE BLACK SR.25" KYNAR 500 | METAL CAP FLASHING "MATTE BLACK SR.25" KYNAR 500 | CARBON GRADE FINISH: HOT ROLLED STEEL TO BE PAINTED "MATTE BLACK SR.25" KYNAR 500 | RECLAIMED METAL PANEL: VINTAGE CAR HOOD OCCURS AT FACE OF "1" ELEMMENT ONLY | SUPERLITE PRECISION AUTUMN STANDARD BLOCK 8"x8"x16" | CAST STONE SILL SUPERLITE PRECISION MODESTO | PORTLAND CEMENT STUCCO "SADOLE SOAP 2110-30" BEJAMIN MOORE | PORTLAND CEMENT STUCCO "ARIZONA TAN 2162-50" BENJAMIN MOORE | PORTLAND CEMENT STUCCO "GAUCHO BROWN 2096-40" BEJAMIN MOORE | PORTLAND CEMENT STUCCO "SMOKED OYSTER 2109-40" BENJAMIN MOORE | ALUMINUM STOREFRONT SYSTEM FINISH: ANODIZED BLACK |

Raising Cane's Chicken Fingers
Restaurant Support Office
6800 Bishop Road, Plano, TX 75024
Tele: 972-769-3100 Fax: 972-769-3101

Store:
**RAISING CANES RESTAURANT**
**DYSART & McDOWELL**
**GOODYEAR, AZ 85395**
**Restaurant #C695**

Professional of Record: KENNETH McCRACKEN

PM DESIGN
Architectural Solutions Group
76 EAST MITCHELL DRIVE
PHOENIX, AZ 85012

| | |
|---|---|
| Prototype: | P1-HV SCHEME A, 2021-1.0 |
| Prototype Issue Date: | 05-07-2021 |
| Design Bulletin Updates: | INCLUDED |
| Date Issued: | Bulletin Number: |

**80% REVIEW SET**

| REVISIONS: | | |
|---|---|---|
| 1 | 08/27/2021 | SITE PLAN RE-SUBMITTAL |
| 2 | | |
| 3 | | |
| 4 | | |
| 5 | | |
| 6 | | |
| 7 | | |
| 8 | | |
| 9 | | |
| 10 | | |

Sheet Title:

es\(RAC22047) – C695 Dysart & McDowell, Goodyear, AZ\01 Drawings_Cabinet\01—Architectural\02 Trilevity\Plan Set\Exterior Elevations.dwg 9/13/2021 2:53 PM

# Raising Cane's Use Permit

## USE PERMIT EVALUATION CRITERIA

1. Use will not be materially detrimental
2. Use is reasonably compatible with uses in surrounding area

- Property & surrounding center intended for commercial uses
- Proposed use will be similar to other uses permitted in commercial area
- Traffic and queuing internalized
- No nearby residential

# Raising Cane's Deli Use Permit

## CONVENIENCE USE EVALUATION CRITERIA

Adequacy of parcel size

- Sufficient for proposed use
- Queuing to occur onsite

Hours of operation

- 9 AM to 3 AM, 7 days a week
- No recommended restriction on hours

Required traffic mitigation

- Off-site improvements complete

Other concerns

- Use permit only – no other concerns at this time

# Raising Cane's Use Permit

## PUBLIC PARTICIPATION

- Citizen review notice
- Notice provided for public hearings:
  - Property posted
  - Legal advertisement
  - Mailing to surrounding property owners & stakeholders
- Website: Current Development Applications
- No public inquires on project
- No opposition to project to date

# Raising Cane's Deli Use Permit

## RECOMMENDATION

- Proposal complies with all evaluation criteria
- Staff & PZC recommend approval
- Six stipulations in staff report

ITEM #: 17.
DATE: 12/13/2021
AI #:551

# CITY COUNCIL ACTION REPORT

**SUBJECT: TEXT AMENDMENT TO ARTICLE 7 (SIGN REGULATIONS) OF THE ZONING ORDINANCE (MENU BOARDS)**

**STAFF PRESENTER(S):** Steve Careccia, Principal Planner

## SUMMARY

Request to amend Article 7 (Sign Regulations) of the city of Goodyear Zoning Ordinance to modify the standards applicable to drive-through restaurant menu boards within the city's commercial zoning districts.

## Recommendation

ADOPT ORDINANCE NO. 2021-1520 AMENDING ARTICLE 7-8 (PERMITTED SIGNAGE BY ZONING DISTRICT) OF THE CITY OF GOODYEAR ZONING ORDINANCE, AS AMENDED; AND PROVIDING FOR CORRECTIONS, SEVERABILITY, AN EFFECTIVE DATE, AND PENALTIES. (Steve Careccia, Principal Planner)

## FISCAL IMPACT

There is no direct budget impact associated with the approval of this Zoning Ordinance text amendment.

## BACKGROUND AND PREVIOUS ACTIONS

The city of Goodyear Zoning Ordinance regulates the development of all land within the city. Regulations set forth in the Zoning Ordinance may be amended when deemed necessary to best serve the public interest, health, comfort, convenience, safety, and general welfare of the citizens of the city. The current Zoning Ordinance was originally adopted by the City Council in May 1999 and has been the subject of a number of amendments since that time.

Article 7 (Sign Regulations) of the Zoning Ordinance regulates all signage within the city of Goodyear. Two recent amendments to Article 7 include:

- A comprehensive amendment in response to the 2015 Reed v Gilbert Supreme Court case was approved on June 26, 2017;
- An amendment to allow electronic message displays on monument signs within commercial and industrial zoning districts was approved on October 26, 2020.

The Planning and Zoning Commission considered this item at a public hearing held on December 1, 2021. The Commission unanimously voted (4-0) to forward a recommendation of

approval to the City Council.

## STAFF ANALYSIS

Current Policy:

Article 1, Section 1-3-1, of the Zoning Ordinance establishes the process for the review and approval of amendments to the Zoning Ordinance. Amendments must be reviewed by the Planning and Zoning Commission and approved by the City Council through the public hearing process.

Details of the Request:

The proposed amendment will modify the size, capabilities and design standards applicable to menu boards, which are typically used with drive-through restaurants to convey product offerings and pricing along with ordering capabilities. Specifically, the amendment will address the following:

- Copy area will increase from 25 square feet to 50 square feet;
- Allow the use of one electronic message display up to 24 square feet on the menu board;
- Standards added to ensure any electronic message display does not adversely affect surrounding properties or persons.

Evaluation Criteria:

Section 1-3-1 (Amendments) of the Zoning Ordinance provides evaluation criteria for text amendments. The criteria and accompanying staff analysis (italics) are provided below:

A. Documentation indicating inconsistencies in terms of the Ordinance or problems and/or conflicts in implementation of specific sections of the Ordinance that will be resolved by the amendment;

There are no inconsistencies, problems or conflicts with the Ordinance intended to be solved by this amendment. The modifications are being made to address changes in how drive-through restaurants operate and interact with customers.

B. Whether amendment is needed to respond to changes in the law, statutory or case law;

This amendment is not in response to any changes in law, statutory or case law.

C. Whether amendment is needed to address zoning and/or development issues or to improve processes for addressing such issues;

The city has seen an increase in the size of menu boards requested for drive-through restaurants. There have also been requests to add electronic message displays to menu boards. As such, staff reviewed the sign ordinances for several other cities within the Valley. Research indicated the city to be at the lower end of the allowable size range but generally consistent with the other cities regarding the allowance of electronic message displays (see attached). With most of the comparison cities allowing larger signage, between 36-50 square feet, it was determined that allowing a larger menu board would be consistent with these other cities. Regarding the electronic message displays, while only two of the comparison cities

appeared to permit such displays, given City Council support of electronic message displays within commercial and industrial areas, it was determined their use could be appropriate if proper design standards were adopted. Therefore, the proposed text amendment includes the same provisions applicable to other electronic message displays within the city along with additional screening standards.

D. Whether amendment will to promote implementation of goals and objections of the City's General Plan;

The amendment will allow drive-through businesses additional means to reach and serve customers while not creating any adverse impacts to surrounding property owners. As such, the amendment will help promote the General Plan's goals related to fostering economic development and compatibility of uses.

E. Any other factors related to the impact of the amendment on the general health, safety or welfare of the citizens of the City and the general public.

The amendment should not have any adverse impacts on the general health, safety or welfare of citizens or the general public. Rather, the amendment is intended to promote additional economic benefits for businesses and the city, improve the public's interactions with these businesses, and foster compatibility between neighboring uses.

Public Participation:

Notice for the public hearings before the Planning and Zoning Commission and City Council included a legal notice published in the Arizona Republic on November 12, 2021. Information on this amendment was provided to the development community through correspondence from the city's Economic Development Department via an E-blast. The notice and information related to the amendment were also posted to the current development applications section of the city's website. To date, staff has not received any public inquiries as a result of this notice.

At the December 1, 2021, public hearing before the Planning and Zoning Commission, staff provided an overview of the amendment. Commissioners then began discussion of the item. Commissioner Kish asked if this was spurred by a need from businesses, and staff indicated yes. Commissioner Barnes asked if a business with multiple drive-through lanes could have more than one sign. Staff stated that yes, a maximum of two signs would be permitted per drive-through lane. Commissioner Barnes stated concerns with the light produced by the signs and stated he was glad that the number of signs would be limited. Staff also stated that the lighting and speakers would need to be directed away from residential uses. Upon close of the public hearing, the Commission unanimously voted (4 - 0) to forward a recommendation of approval to the City Council. There was no opposition to the project presented at the hearing.

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**Attachments**

Ordinance
Zoning Ordinance Text Amendment
Comparison Cities Table
Presentation

**ORDINANCE NO. 2021-1520**

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, AMENDING ARTICLE 7-8 (PERMITTED SIGNAGE BY ZONING DISTRICT) OF THE CITY OF GOODYEAR ZONING ORDINANCE, AS AMENDED; AND PROVIDING FOR CORRECTIONS, SEVERABILITY, AN EFFECTIVE DATE, AND PENALTIES.

WHEREAS, the city of Goodyear Zoning Ordinance regulates the development of all land within the City. Regulations set forth in the Zoning Ordinance may be amended when deemed necessary to best serve the public interest, health, comfort, convenience, safety, and general welfare of the citizens of the City; and

WHEREAS, the current Zoning Ordinance was originally adopted by the City Council in May 1999 and has been the subject of a number of amendments since that time; and

WHEREAS, Article 7 (Sign Regulations) of the Zoning Ordinance regulates all signage within the city of Goodyear; and

WHEREAS, the proposed text amendment will amend Paragraph B (Commercial Districts) of Article 7-8 (Permitted Signage by Zoning District) revising Section 5 (Drive-Through Restaurant Menu Boards) to allow larger menu boards, the use of an electronic message display on menu boards and revised design standards applicable to menu boards; and

WHEREAS, Section 1-3-1 (Amendments) of the Zoning Ordinance provides evaluation criteria for text amendments, which were reviewed and addressed with this text amendment; and

WHEREAS, public notice that this amendment to the city of Goodyear Zoning Ordinance was to be considered and reviewed at a public hearing held before the Planning and Zoning Commission on December 1, 2021 appeared in the Arizona Republic Southwest Valley edition on November 12, 2021 and

WHEREAS, a public hearing was held before the Planning and Zoning Commission on December 1, 2021 to consider amendments to Article 7-8, Paragraph B-5. At that hearing, the Commission voted 4-0 to recommend approval of the proposed amendments to the city of Goodyear Zoning Ordinance; and

WHEREAS, public notice that this amendment to the city of Goodyear Zoning Ordinance is to be considered and reviewed at a public hearing held before the City Council on December 13, 2021 appeared in the Arizona Republic Southwest Valley edition on November 12, 2021; and,

WHEREAS, the Mayor and Council of the city of Goodyear, Arizona find the adoption of this ordinance to be in the best interests of the public health, safety, and welfare of the residents of Goodyear.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

SECTION 1. AMENDING ARTICLE 7-8 OF THE CITY OF GOODYEAR ZONING ORDINANCE

**ARTICLE 7-8 (PERMITTED SIGNAGE BY ZONING DISTRICT) PARAGRAPH B (COMMERCIAL DISTRICTS) SECTION 5 (DRIVE-THROUGH RESTAURANT MENU BOARDS) OF THE CITY OF GOODYEAR ZONING ORDINANCE IS HEREBY AMENDED AND REPLACED IN ITS ENTIRETY TO READ AS FOLLOWS:**

5. Drive-Through Restaurant Menu Boards.

   a. A drive-through restaurant may have up to two menu boards per drive-through lane.

   b. A menu board shall have a maximum height of eight feet and maximum copy area of 50 feet. Menu board signs may be freestanding or wall – mounted.

   c. A menu board may utilize one electronic message display in accordance with the following standards:

      1. The electronic message display may be allowed up to a maximum of 24 square feet.

      2. Messages shall be static and not change more than once every eight seconds. The transition between messages shall be immediate.

      3. Display brightness shall not exceed 300 nits from dusk till dawn.

      4. The electronic message display shall be shut off between 10:00 PM and sunrise when such display is located within 150 feet of a single family residential zoning district.

      5. The use of the electronic message display for off-site advertising is prohibited.

   d. The menu board(s) shall be screened from public view by enhanced landscaping, screen walls, and other design elements as deemed appropriate by the Development Services Director or designee.

   e. A menu board shall be located at least 45 feet from any public right-of-way or residential property line.

f. Speakers, illuminated sign faces, electronic message displays, and other menu board lighting shall be directed away from residential property lines.

g. All freestanding menu boards shall have a monument base. The width of the base shall be at least 50% the width of the sign and be of masonry or concrete construction. The area surrounding the base of the sign shall be landscaped.

SECTION 2. CORRECTIONS

The Zoning Administrator, City Clerk, and the codifiers of this Ordinance are authorized to make necessary clerical corrections to this Ordinance, including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

SECTION 3. SEVERABILITY

If any section, subdivision, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining provisions of the ordinance or parts thereof.

SECTION 4. EFFECTIVE DATE

This ordinance shall become effective as prescribed by law. The provisions of the city of Goodyear Zoning Ordinance being amended by this Ordinance shall remain in full force and effect until the effective date of this Ordinance.

SECTION 5. PENALTIES

Any person who violates any provision of this Ordinance shall be subject to penalties set forth in Section 1-2-3 of the city of Goodyear Zoning Ordinance as it may be amended from time to time and which currently provides:

**Section 1-2-3 Violations and Penalties**

A. It is unlawful to construct, erect, install, alter, change, maintain, use or to permit the construction, erection, installation, alteration, change, maintenance, or use of any house, building, structure, sign, landscaped area, parking lot or fence, or to permit the use of any lot or land contrary to, or in violation of any provisions of this Ordinance, or of any conditions, stipulations or requirements included as a condition of any applicable approval. Any land use that is specifically prohibited by this

Ordinance or is unspecified and not classified by the Zoning Administrator is prohibited in any district.

B. Responsible Party. The responsible party for any violations hereunder is the owner of personal property improvements or real property and/or person in possession or control of any personal property improvements or real property (Person). The responsible party shall be responsible for any violations hereunder whether or not the responsible party or its agent committed the prohibited act(s) or neglected to prevent the commission of the prohibited act(s) by another.

C. Every Responsible Party shall be deemed responsible or guilty of a separate offense for each and every day during which any violation is committed or continued.

D. Penalty. Any Person who violates any of the provisions of this Ordinance and any amendments there to and/or any conditions, stipulations or requirements included as a condition of any applicable approval shall be:

1. Subject to civil sanctions of not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000) per offense; or

2. Guilty of a class 1 misdemeanor, punishable by a fine not exceeding two thousand five hundred dollars ($2,500), or by a term of probation not exceeding three (3) years, or imprisonment for a term not exceeding six (6) months, or punishable by a combination of fine, probation or imprisonment. The City Prosecutor is authorized to file a criminal misdemeanor complaint in the City of Goodyear Municipal Court for violations hereunder.

PASSED AND ADOPTED by the Mayor and Council of the city of Goodyear, Maricopa County, Arizona, this _____ day of _____, 20_____.

_____
Georgia Lord, Mayor

Date: _____

ATTEST:

_____
Darcie McCracken, City Clerk

APPROVED AS TO FORM:

_____
Roric Massey, City Attorney

5. Drive-Through Restaurant Menu Boards.

a. A drive-through restaurant may have up to two menu boards per drive-through lane.

~~a. However, only one of the two signs may contain speaker equipment.~~

b. A menu board shall have a maximum height of eight feet and maximum copy area of ~~25~~ 50 feet. Menu board signs may be freestanding or wall – mounted.

c. A menu board may utilize one electronic message display in accordance with the following standards:

1. The electronic message display may be allowed up to a maximum of 24 square feet.

2. Messages shall be static and not change more than once every eight seconds. The transition between messages shall be immediate.

3. Display brightness shall not exceed 300 nits from dusk till dawn.

4. The electronic message display shall be shut off between 10:00 PM and sunrise when such display is located within 150 feet of a single family residential zoning district.

~~1.~~5. The use of the electronic message display for off-site advertising is prohibited.

~~c.~~d. A menu board shall be located at least 45 feet from any public right-of-way or residential property line.

e. The ~~front of the~~ menu board(s) shall ~~not be visible from a public street~~be screened from public view by enhanced landscaping, screen walls, and other design elements as deemed appropriate by the Development Services Director or designee.

~~d.~~f. ~~-~~Speakers, illuminated sign faces, electronic message displays and other menu board lighting shall be directed away from residential property lines.

~~e.~~ All f~~F~~reestanding menu boards shall have a monument base. The ~~with a~~ width of the base shall be at least 50% the width of the sign and ~~,~~ be of masonry or concrete construction. The area ~~and have a landscape area at the~~surrounding the base of the sign~~(s) equal to at least two square feet for each square foot of sign area~~ shall be landscaped.~~.~~

~~f.~~g.

COMPARISON CITIES TABLE

| City | Menu Board Size (square feet) | Electronic Message Display |
|---|---|---|
| Avondale | 48 | NO |
| Gilbert | 50 | NO |
| Glendale | 45 | NO |
| Goodyear (Existing) | 25 | NO |
| Goodyear (Proposed) | 50 | YES |
| Litchfield Park | 24 | NO |
| Peoria | 36 | YES |
| Queen Creek | 24 | NO |
| Scottsdale | 45 | NO |
| Surprise | 50 | YES |

# Zoning Ordinance Text Amendment
# Articles 7 (Sign Regulations)

December 2021

# Zoning Ordinance Text Amendment

## Current Policy

- Article 7 (Sign Regulations)
- Regulates all signage in city
- Comprehensive amendment in 2015
- Electronic message displays added in 2020

*MENU BOARD SIGN*. A permanent sign typically displaying items for sale at a drive-in or drive-through restaurant, with or without ordering capability.





# Zoning Ordinance Text Amendment

## Background

- Drive-through restaurants requesting larger menu boards
- Requesting use of electronic message displays
- Need to reevaluate city's sign code related to menu boards






# Zoning Ordinance Text Amendment

## Proposed Amendment to Article 7 (Sign Regulations)

- Menu Boards – increase from 25 SF to 50 SF
- Electronic message displays would be permitted on menu boards
  - Max 24 SF
  - Static images (no video, animation, sound)
  - Displayed for at least eight seconds
  - Immediate transition between images (no fading, scrolling)
  - Not exceed 300 nits from dusk till dawn
  - Shut off between 10 PM and dawn if within 150 feet of single-family zoning district
  - No off-site advertising
- Screening from street
- Lighting & noise directed away from residential
- Sign base & landscaping

# Zoning Ordinance Text Amendment

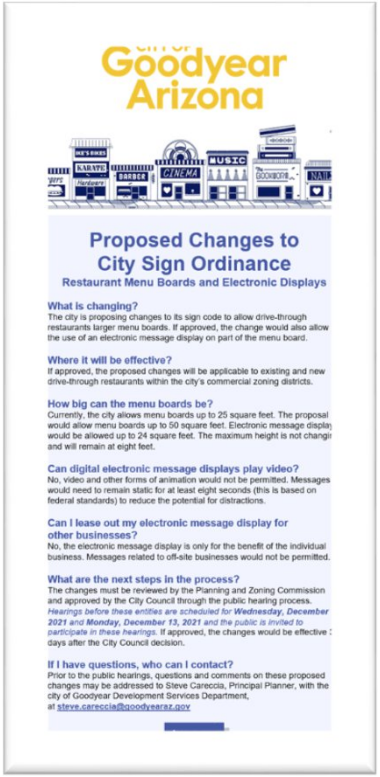
## Basis for Standards

- Reviewed codes for eight other cities
- Goodyear towards lower end (avg ~40 SF)
- Two of eight cities permitted electronic message displays
- Considered appropriate with proper design standards

# Zoning Ordinance Text Amendment

## Public Notice

- Display ad – November 12
- Current Development Page
- Email to stakeholders (+500) on 11/8
- No opposition received to date



City of Goodyear Arizona

**Proposed Changes to City Sign Ordinance**

**Restaurant Menu Boards and Electronic Displays**

**What is changing?**
The city is proposing changes to its sign code to allow drive-through restaurants larger menu boards. If approved, the change would also allow the use of an electronic message display on part of the menu board.

**Where it will be effective?**
If approved, the proposed changes will be applicable to existing and new drive-through restaurants within the city's commercial zoning districts.

**How big can the menu boards be?**
Currently, the city allows menu boards up to 25 square feet. The proposal would allow menu boards up to 50 square feet. Electronic message displa would be allowed up to 24 square feet. The maximum height is not changi and will remain at eight feet.

**Can digital electronic message displays play video?**
No, video and other forms of animation would not be permitted. Messages would need to remain static for at least eight seconds (this is based on federal standards) to reduce the potential for distractions.

**Can I lease out my electronic message display for other businesses?**
No, the electronic message display is only for the benefit of the individual business. Messages related to off-site businesses would not be permitted.

**What are the next steps in the process?**
The changes must be reviewed by the Planning and Zoning Commission and approved by the City Council through the public hearing process. *Hearings before these entities are scheduled for **Wednesday, December 2021** and **Monday, December 13, 2021** and the public is invited to participate in these hearings.* If approved, the changes would be effective days after the City Council decision.

**If I have questions, who can I contact?**
Prior to the public hearings, questions and comments on these proposed changes may be addressed to Steve Careccia, Principal Planner, with the city of Goodyear Development Services Department, at steve.careccia@goodyearaz.gov

# Zoning Ordinance Text Amendment

## Recommendation

Meets evaluation criteria for text amendments

Staff and PZC recommend approval of Zoning Ordinance text amendment to Article 7 (Sign Regulations)

ITEM #: 18.
DATE: 12/13/2021
AI #:552

# CITY COUNCIL ACTION REPORT

**SUBJECT: AMENDMENTS TO CHAPTER 15 OF THE GOODYEAR CITY CODE (SUBDIVISION REGULATIONS)**

**STAFF PRESENTER(S):** Katie Wilken, Planning Manager

## OTHER PRESENTER(S):

None

## SUMMARY

Proposed amendments to City of Goodyear Subdivision Regulations related to preliminary and final plats that are intended to expedite the development process while insuring compliance with city standards and timely completion and recordation of final plats.

## Recommendation

1. ADOPT RESOLUTION 2021-2190 DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT TITLED “AMENDMENTS TO CHAPTER 15 SUBDIVISION REGULATIONS OF THE GOODYEAR CITY CODE.”

2. ADOPT ORDINANCE 2021-1521 AMENDING SECTIONS 15-1-2 (DEFINITIONS) 15-2-3 (STAGE II–PRELIMINARY PLAT) AND 15-2-5 (STAGE III–FINAL PLAT) OF THE GOODYEAR CITY CODE; PROVIDING FOR CORRECTIONS, SEVERABILITY AND AN EFFECTIVE DATE. (Katie Wilken, Planning Manager)

## FISCAL IMPACT

The proposed changes to the subdivision regulations are revenue neutral and will not modify any existing fees or implement new ones.

## BACKGROUND AND PREVIOUS ACTIONS

The current Subdivision Regulations codified in Chapter 15 of the Goodyear City Code (the “Subdivision Regulations”) were originally adopted by the City Council in 1994 and have had several amendments made to them since that time. The most recent amendments to the Subdivision Regulations were adopted by Ordinance 12-1272 on December 10, 2012. The amendments to the Subdivision Regulations adopted by Ordinance 12-1272 included revisions that lengthened the time period for extension of preliminary plat approval from 6-months to 12-months and the length of time of extensions that council could grant from 6-months to 12-months. In addition, new terms were added imposing a 90-day deadline for the recordation of final plats and allowing for City Council to grant a 90-day extension. This

provision was been added because at the time Ordinance 12-1272 was adopted there were at least 47 final plats representing over 5,600 single-family lots that have been approved, but never recorded and developed. Some of these final plats were over eight years old. Once a final plat is approved, the City is committed to providing that subdivision with utilities and public services, which affects the City's ability to manage its infrastructure and resources, particularly in relation to water and wastewater capacity if the plats are not recorded and the infrastructure constructed. The intent of these changes was for platting to be pursued not as "entitlements" but as a means of actual development.

## STAFF ANALYSIS

Staff is constantly engaged in exploring process improvements that will expedite the development process without compromising city standards. As discussed below, the proposed modifications to the city's subdivision regulations do just that.

Waiver of Preliminary Plat Requirement

Under the City's current subdivision regulations, the approval of a preliminary plat for a proposed subdivision is a condition precedent for the submittal and approval of a final plat. State law allows the requirement for preliminary plats to be waived for subdivisions that will include 10 or fewer lots, tracts or parcels. The proposed modifications will allow the City Engineer or his/her designee to waive the preliminary plat requirement for proposed subdivisions that will include 10 or fewer lots, tracts or parcels if the proposed subdivision will be consistent with the zoning applicable to the subdivision, including, compliance with the minimum size of each lot, tract and parcel required in the zoning applicable to the subdivision. If waived, the entity subdividing the property can proceed directly to the submission of a final plat and engineering plans. This saves substantial time because the applicant does not have to create documents that then have to be reviewed, approved by city staff, and then presented at public meetings to the Goodyear Planning and Zoning Commission and to the Goodyear City Council. City standards will not be impacted because all final plats have to be in conformance with applicable development standards and requirements.

Modifications to Expirations of Approvals of Preliminary Plats

The proposed modifications to the process for obtaining extensions for preliminary plat approval deadlines will also serve to expedite the development process. Under the existing subdivision regulations, preliminary plat approvals expire twelve months from the date the Goodyear City Council approves the preliminary plat unless a final plat has been submitted that includes all or part of the property included in the preliminary plat or an extension has been obtained. City Council currently considers requests for 12-month extensions.

The proposed modifications to the subdivision regulations clarify that a preliminary plat expires unless a final plat that includes all or part of the property included in the preliminary plat has been recorded or an extension has been granted. In addition, the Development Services Director, or designee, will have the authority to administratively grant a single 12-month extension to extend the expiration date of a preliminary plat approval and the City Council would have the ability to grant one additional 12-month extension. The regulations still prohibit any extension from being granted unless all of the following conditions have been met: (i) there have been no substantive changes to any of the standards listed in Section 15-2-3(B) of the Goodyear City Code; (ii) that the existing preliminary plat continues to comply with all applicable requirements; and (iii) the subdivider has expended substantial effort to prepare a final plat and engineering plans to support such final plat.

Allowing for the administrative approval of the first extension eliminates the delays associated with the preparation and presentation of a request for the first extension before City Council. Providing for the possibility of one additional 12-month extension approved by City Council avoids delays that would be caused by allowing a preliminary plat to expire, when a final plat is being actively pursued, and the approved preliminary plat is consistent with current standards and requirements and allows City Council to ensure that the platting process is not being used as entitlement but for actual development. The possibility of a preliminary plat approval expiring 36 months after its approval is needed because, despite best efforts on the part of an applicant, finalization of certain final plats has taken substantial amounts of time. This frequently occurs when third parties are involved in the review process, such as reviews by private utility companies and irrigation districts, or when existing improvements owned by third parties have to be relocated before a final plat can be finalized.

Modifications to Final Plat Provisions

The proposed modifications to the process for obtaining extensions for the deadline to record final plats will also serve to expedite the development process. Under the existing subdivision regulations, final plats are required to be recorded 90-days from the date the Goodyear City Council approves the final plat unless an extension has been obtained. City Council currently considers requests for a 90-day extension of the recording deadline.

Under the proposed modifications, the Development Services Director, or designee, will have the authority to administratively grant a single 90-day extension to extend the deadline for recordation of a final plat and the City Council would have the ability to grant one additional 90-day extension. The regulations still prohibit any extension from being granted unless all of the following conditions have been met: (i) there have been no substantive changes to any of the standards listed in Section 15-2-5(D) of the Goodyear City Code; (ii) that the existing preliminary plat continues to comply with all applicable requirements; and (iii) the subdivider has expended substantial effort and made substantial progress towards the completion of engineering construction plans for the required subdivision improvements.

The proposed changes eliminate the delays associated with the preparation and presentation of a request for the first extension before City Council while limiting the time approved final plats remain unrecorded. The ability for the City Council to grant a second extension avoids delays that would be caused by allowing a final plat that is consistent with current standards and requirements and allows City Council to ensure that the platting process is not being used as entitlement but for actual development.

Having the ability for two 90-day extensions of the recordation deadline is needed for a couple of reasons. Although construction plans for infrastructure needed to support final plats should be approved prior to final plats being taken to council for approval, there are cases in which final approvals are delayed because of the need for third-party signatures (i.e. private utilities, irrigation districts, etc. have approved the plans but final signatures are needed). In addition, recordation of final plats are being delayed, because the final plats are often pursued in connection with a sale. In many cases, the potential buyer requires that the property be platted prior to buying the property but the buyer will be the entity that records the final plat and provides the financial assurances for the completion of the required public infrastructure improvements. In such cases, the final plat cannot be recorded until the sale is finalized, the final plat is revised to reflect current owner and lender information, and the new owner has obtained the required financial assurances to submit to the city.

Changes to Definitions

In addition to the foregoing changes, other changes that are more in the nature of clean up were made.

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**Attachments**

Resolution with Exhibit
Ordinance

**RESOLUTION NO. 2021-2190**

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT TITLED "AMENDMENTS TO CHAPTER 15 SUBDIVISION REGULATIONS OF THE GOODYEAR CITY CODE."

Be it resolved by the Mayor and Council of the city of Goodyear, Maricopa County, Arizona, as follows:

SECTION 1. DECLARATION OF PUBLIC RECORDS

That certain document titled "AMENDMENTS TO CHAPTER 15 SUBDIVISION REGULATIONS OF THE GOODYEAR CITY CODE," a copy of which is attached hereto as Exhibit A, is hereby declared a public record.

SECTION 2. PURPOSE

The aforementioned documents are declared public records in connection with the adoption of Ordinance 2021-1521.

SECTION 3. COPIES FILED WITH THE CITY CLERK

Either three paper copies or one paper copy and one electronic copy maintained in compliance with section A.R.S 44-7041 of each of the aforementioned documents being declared public records herein are ordered to remain on file with the City Clerk and to be available for public use and inspection during regular business hours.

SECTION 4. EFFECTIVE DATE

This Resolution shall become effective upon its passage and adoption.

PASSED AND ADOPTED by the Mayor and Council of the city of Goodyear, Maricopa County, Arizona, by a _____ vote, this _____ day of _____, 20_____.

_____
Georgia Lord, Mayor

Date: _____

ATTEST:

_____
Darcie McCracken, City Clerk

APPROVED AS TO FORM:

_____
Roric Massey, City Attorney

**EXHIBIT A**

**AMENDMENTS TO CHAPTER 15 SUBDIVISION REGULATIONS OF THE GOODYEAR CITY CODE**

Chapter 15 Subdivision Regulations of the Goodyear City Code is hereby amended as follows:

AMENDMENTS TO SECTION 15-1-2 OF THE GOODYEAR CITY CODE

Section 15-1-2 (Definitions) in Chapter 15 (Subdivision Regulations) of the Goodyear City Code is hereby amended as follows, with additions shown in all capital letters double underlined and deletions shown as double strike throughs.

Section 15-1-2 is hereby amended to add the following definitions:

***CITY ENGINEER.*** DIRECTOR OF THE CITY OF GOODYEAR ENGINEERING DEPARTMENT.

***COMMISSION.*** THE PLANNING AND ZONING COMMISSION OF THE CITY OF GOODYEAR.

***DEVELOPMENT SERVICES DIRECTOR.*** DIRECTOR OF THE DEPARTMENT.

***ENGINEERING DIRECTOR.*** DIRECTOR OF THE CITY OF GOODYEAR ENGINEERING DEPARTMENT. ALSO MEANS CITY ENGINEER.

Section 15-1-2 is hereby amended to delete the following definitions:

~~***COMMUNITY DEVELOPMENT DIRECTOR***. Director of Development Services or his/her designee.~~

~~***PLANNING DIRECTOR***. Director of Development Services or his/her designee.~~

Section 15-1-2 is hereby amended to amend the following definitions:

***DEPARTMENT***. The ~~Director of the~~ CITY OF GOODYEAR Development Services Department ~~or designee~~.

***ENGINEERING PLANS***. Plans, profiles, cross sections and other required details for the construction of public improvements, prepared by a registered civil engineer in accordance with the approved Preliminary Plat, AS APPLICABLE, and in compliance with standards of design and construction approved by the Council.

***PLAT***. A map of a subdivision.

~~(1) ***PRE-PRELIMINARY*** or ***CONCEPTUAL PLAT*** means a design submitted for review and comments at a presubmittal conference, not to be considered a Preliminary Plat submittal. Designed to show: public streets or private access ways; methods of handling drainage; locations of buildings for condominium developments.~~

(~~2~~ 1) ***PRELIMINARY PLAT*** means a preliminary map, including supporting data, indicating a proposed subdivision development. A preliminary site plan for a condominium development shall be considered a Preliminary Plat.

(~~3~~ 2) ***FINAL PLAT*** means a map of all or part of a subdivision that substantially conforms to an approved Preliminary Plat OR, IF THE REQUIREMENT FOR A PRELIMINARY PLAT HAS BEEN WAIVED AS PROVIDED IN CHAPTER 15 (SUBDIVISION REGULATIONS) OF THE GOODYEAR CITY CODE, MEANS A MAP OF ALL OR PART OF A SUBDIVISION THAT INCLUDES 10 OR FEWER LOTS, TRACTS OR PACELS THAT IS CONSISTENT WITH THE ZONING APPLICABLE TO THE SUBDIVISION, INCLUDING, COMPLIANCE WITH THE MINIMUM SIZE OF EACH LOT, TRACT AND PARCEL REQUIRED IN THE ZONING APPLICABLE TO THE SUBDIVISION~~ that is prepared by a registered civil engineer or a registered land surveyor~~.

(~~4~~ 3) ***RECORDED PLAT*** means a Final Plat bearing all of the certificates of approval required by this chapter and the statutes of the State of Arizona and duly recorded in the Maricopa County Recorder's office.

***STREET***. Any existing or proposed street, avenue, boulevard, road, lane, parkway, place, viaduct, easement for access or other way which is an existing state, county or municipal roadway; a street or way shown in a plat heretofore approved pursuant to law or approved by official action; or a street or way in a plat duly filed and recorded in the County Recorder's office. A ***STREET*** includes the land between the right of way lines, whether improved or unimproved, and may comprise pavement, shoulders, curbs, gutters, sidewalks, parking areas, bridges, viaducts and lawns.

~~(1) ***FREEWAY OR EXPRESSWAY.*** A street providing for the expeditious movement of large volumes of through traffic between areas or across, around or through the City or urban area or a divided arterial highway with full control of access and not intended to~~

~~provide direct access to abutting land. In urban areas both will normally be a portion of a system or network of freeways.~~

~~(2) ***ARTERIAL.*** A street providing for traffic movement between areas and across portions of the City, direct service to principal generators and connections to the freeway or expressway system and secondarily for direct access to abutting land. They are subject to necessary regulation and control of parking, directional controls, turning movements, entrances, exits and curb use. Arterials are often divided roadways and will have some control of access. The individual arterial streets combine to make a system for City-wide traffic movement. Arterial streets are divided into two types—major and minor.~~

~~(3) ***COLLECTOR.*** A street providing direct service to residential areas from arterial streets and highways, for traffic movement within neighborhoods of the City and for direct access to abutting property. It collects local traffic from the neighborhoods and delivers the same to the nearest arterial or highway.~~

~~(4) ***FRONTAGE ROAD.*** A collector street located within a freeway or expressway right-of-way and parallel to the freeway or expressway traffic lanes.~~

~~(5) ***LOCAL.*** A street providing for direct access to residential, commercial, industrial or other abutting land for local traffic movements and connecting to collector or major streets.~~

~~(6) ***MARGINAL ACCESS ROAD.*** A local street, located within the arterial or highway right-of-way, parallel and adjacent to major traffic lanes, providing direct access to abutting property, intercepting local streets and controlling access to arterials.~~

~~(7) ***CUL-DE-SAC.*** A short local street having one end permanently terminated in a vehicular turnaround or an equally convenient form of turning and backing areas as may be recommended by the City Engineer.~~

~~(8) ***PARKWAY.*** A street providing for traffic movement between areas and across portions of the City, direct service to principal generators and connections to the freeway or expressway system and secondarily for direct access to abutting land. They are subject to necessary regulation and control of parking, directional controls, turning movements, entrances, exits and curb use, and typically are divided roadways with large medians that can accommodate indirect left turns.~~

AMENDMENTS TO SECTION 15-2-3 OF THE GOODYEAR CITY CODE

Section 15-2-3 (Stage II – Preliminary Plat) in Chapter 15 (Subdivision Regulations) of the Goodyear City Code is hereby amended as follows, with additions shown in all capital letters double underlined and deletions shown as double strike throughs:

## § 15-2-3 Stage II - Preliminary plat.

The preliminary plat stage ~~of land and airspace subdivision~~ includes detailed subdivision planning, submittal, review and approval of the preliminary plat. The preliminary plat will be processed and reviewed in accordance with the procedures generally described herein and more particularly described in the Administrative Process Manual and Engineering Standards.

(A) *Zoning.* The subdivision shall be designed to meet the specific DEVELOPMENT STANDARDS, MINIMUM DIMENSION REQUIREMENTS AND ALL OTHER requirements for the zoning district in which it is located, and to comply with all zoning conditions and/or stipulations attached to the property.

(1) *Concurrent Processing.* If a proposed preliminary plat is inconsistent with the requirements for the zoning district in which the property is located and/or any zoning conditions or stipulations attached to the property ("zoning"), the City will concurrently process the application for the proposed preliminary plat and an application to amend the zoning as generally described herein and as further described in the Administrative Process Manual adopted by the City Council as amended from time to time. The Department shall not accept the submission of the preliminary plat until an application to amend the zoning on the property being platted has been submitted by the property owner or an authorized agent of the property owner. If the ordinance amending the zoning on the property has not been enacted or taken effect prior to the expiration of the substantive review time frame adopted for the review of preliminary plat applications, the application shall either be denied prior to the expiration of the substantive review time frame or, at the discretion of City Council, conditionally approved subject to the ordinance amending the zoning on the property being enacted and taking effect. No pre-development activity for a subdivision that occurs while an application for zoning amendment is pending, including, but not limited to, the processing of and/or conditional approval of a preliminary plat, shall be construed as having been undertaken in reliance on a favorable determination of such zoning application.

(2) WAIVER OF PRELIMINARY PLAT. THE ENGINEERING DIRECTOR, OR DESIGNEE MAY WAIVE THE REQUIREMENT FOR A PRELIMINARY PLAT FOR PROPOSED SUBDIVISIONS THAT WILL INCLUDE 10 OR FEWER LOTS, TRACTS OR PARCELS IF THE PROPOSED SUBDIVISION WILL BE CONSISTENT WITH THE ZONING APPLICABLE TO THE SUBDIVISION, INCLUDING, COMPLIANCE WITH THE MINIMUM SIZE OF EACH LOT, TRACT AND PARCEL REQUIRED IN THE ZONING APPLICABLE TO THE SUBDIVISION. IF THE REQUIREMENT FOR A PRELIMINARY PLAT IS WAIVED, THE SUBDIVIDER MAY THEN PROCEED DIRECTLY TO THE SUBMISSION OF A FINAL PLAT AND ENGINEERING PLANS.

(B) *Additional Requirements.* The preliminary plat and the proposed development reflected therein shall comply with the requirements set forth in:

(1) the Subdivision Regulations;

(2) the Engineering Standards;

(3) the Flood Prevention Regulations;

(4) the City of Goodyear General Plan;

(5) the Zoning Ordinance of the City of Goodyear;

(6) any applicable Zoning Conditions;

(7) any applicable Development Agreement;

(8) ~~any applicable Development Master Plan;~~ THE CITY OF GOODYEAR DESIGN GUIDELINES MANUAL; and,

(9) all other applicable federal, state, and local laws, ordinances, codes, rules, regulations, policies, and guidelines, including by way of example, but not limitation:

(a) regulations established by the Maricopa County Flood Control District relating to the construction or prevention of construction of streets in lands established as being subject to periodic inundation;

(b) regulations established by the State of Arizona Department of Transportation relating to provisions for safety of entrance upon and departure from abutting state highways;

(c) regulations established by the State of Arizona Department of Health Services and Maricopa County Health Department relating to the provision of domestic water supply and sanitary sewage disposal;

(d) regulations established by the Arizona Department of Environmental Quality, Arizona Department of Water Resources, and the Maricopa County Department of Environmental Quality governing development in Maricopa County.

(C) *Water and Wastewater*. As a prerequisite of preliminary plat review by the Department, the subdivider shall have informed the applicable state and county agencies and the City, or other applicable utility provider, of the tentative subdivision plans and learned the general requirements for potable water supply, distribution, and fire protection and for wastewater treatment and transmission for the property being platted. The preliminary plat and development reflected in the preliminary plat shall comply with applicable requirements for potable water supply, distribution, and fire protection; for wastewater treatment and transmission; and for the transport and use of reclaimed water for the property being platted. A statement as to the proposed source of water supplies for the development and proposed wastewater disposal facilities shall be included on the preliminary plat.

(D) *Preliminary Plat Submission*.

(1) Applications for preliminary plats shall be made ~~on form(s)~~ IN THE MANNER established by the Department and shall include all of the information identified in the: application form(s), in the section of the Administrative Process Manual related to preliminary plats; in the Subdivision Regulations, and in the Engineering Standards. Except as provided herein, the application shall be ~~signed~~SUBMITTED by the property owner or an authorized agent of the property owner and all applicable fees shall be paid when the application is submitted. The City shall be entitled to initiate an application for a preliminary plat filed for the purpose of reverting to acreage land previously subdivided as needed to revoke a previously approved final plat.

(2) The Department may request additional information, and may, during the administrative completeness review process, modify or waive submission requirements as deemed appropriate to the size or nature of the subdivision.

(3) The formatting, content and information to be provided in and in support of the preliminary plat and the formatting, content and information to be provided in and in support of the preliminary engineering plans and reports that are to be submitted in connection with

an application for a preliminary plat shall comply with the requirements set forth in the Subdivision Regulations, the Flood Prevention Regulations, the Engineering Standards, the Administrative Process Manual, and any other applicable federal, state, and/or local law, ordinance, code, rule, regulation, policy, and/or guideline.

(4) Subdivisions containing hillside areas shall provide all applicable information as specified in Section 15-3-9.

(5) Residential subdivisions near existing or proposed freeways shall provide all applicable information as specified in Section 15-4-4(P).

(E) *Preliminary Plat Review.* The Department shall review the preliminary plat and supporting documentation for compliance with the applicable requirements.

(1) Once the submission has been deemed complete, the Department shall conduct a review of the preliminary plat.

(2) The preliminary plat shall be distributed to other City departments, City staff and outside agencies for review and comment. ~~The Department shall compile the comments and provide~~ COMMENTS SHALL BE PROVIDED ~~them in writing~~ to the subdivider.

(3) The Department's comments shall identify areas in which the preliminary plat submission, which includes the preliminary plat and all required supporting documentation, requires revision in order to comply with applicable requirements.

(4) The subdivider shall be responsible for revising the preliminary plat submission in accordance with the comments provided by the ~~Department~~REVIEW. The response to the Department's comments shall be MADE ~~in writing and~~ in the manner and format requested by the Department.

(F) *Preliminary Plat Approval.* The Department will schedule the preliminary plat for consideration for approval generally as follows:

(1) Upon completion of the ~~Department's~~ review PROCESS BY CITY STAFF, the preliminary plat will be scheduled for public meetings before by the Planning and Zoning Commission and City Council. The Department will provide a recommendation of approval, approval with conditions, or denial to the Commission and Council.

(2) The Commission shall make a recommendation to the Council. The Commission may vote to forward a recommendation of approval, approval with conditions, or denial to the Council.

(3) The Council shall consider the preliminary plat and the Department and Commission recommendations and may take action to approve, conditionally approve or deny the preliminary plat.

(4) If the preliminary plat is generally acceptable, but requires minor revision before proceeding with the preparation of the final plat, the Council may find conditional approval and the required conditions noted in the minutes of the meeting and in ~~written~~ correspondence provided to the subdivider. At the direction of the Council, the preliminary plat may be given approval subject to the revisions in accordance with the stated conditions and review by the Department.

(5) Council may impose conditions on the approval of the preliminary plat and/or on the approval of any extension of a preliminary plat approval as Council deems necessary to implement the requirements of any federal, state, and/or local law, ordinance, code, rule, regulation, policy and/or guideline; to protect the public from potential adverse impacts from the proposed development; or to fulfill an identified need for public services. The conditions of approval shall be noted in the Council meeting minutes and in ~~a written~~ correspondence provided to the subdivider.

(6) If the Council finds the preliminary plat does not meet the requirements of this chapter or other applicable plans, codes, ordinances or design guidelines, the Council shall take action to deny the preliminary plat. The Department will provide ~~a written~~ notice to the subdivider indicating the reasons for the denial.

(G) *Significance of Preliminary Plat Approval.* Preliminary plat approval constitutes authorization for the subdivider to proceed with preparation of the final plat and the engineering plans and specifications for public improvements. Preliminary plat approval is subject to the following conditions:

(1) The basic conditions under which approval of the preliminary plat was granted will not be changed prior to the expiration date.

(2) An approved preliminary plat shall expire 12 months from the date of Council approval unless either a final plat has been submitted for all or part of the property included in the

preliminary plat or an extension has been obtained, as provided herein~~, prior to the expiration date~~.

(3) ~~Prior to the expiration of the preliminary plat, and at subdivider's request, Council may grant a 12-month extension of preliminary plat approval if the subdivider demonstrates that there has been no significant substantive change in the Engineering Standards, that the approved preliminary plat, including the supporting documents, continue to comply with all applicable requirements; and that the subdivider has expended substantial effort to create a final plat and engineering plans.~~ THE CITY ENGINEER, OR DESIGNEE, MAY ADMINISTRATIVELY GRANT A SINGLE 12-MONTH EXTENSION TO EXTEND THE EXPIRATION DATE OF A PRELIMINARY PLAT APPROVAL. SHOULD ADDITIONAL TIME BE WARRANTED BEYOND AN EXTENSION GRANTED BY THE DEVELOPMENT SERVICES DIRECTOR OR DESIGNEE THE COUNCIL MAY GRANT AN ADDITIONAL, ONE TIME 12-MONTH EXTENSION OF THE PRELIMINARY PLAT APPROVAL. NO EXTENSIONS SHALL BE GRANTED HEREUNDER UNLESS ALL OF THE FOLLOWING CONDITIONS HAVE BEEN MET: (I) THERE HAVE BEEN NO SUBSTANTIVE CHANGES TO ANY OF THE STANDARDS LISTED IN SECTION 15-2-3(B) OF THE GOODYEAR CITY CODE; (II) THAT THE EXISTING PRELIMINARY PLAT CONTINUES TO COMPLY WITH ALL APPLICABLE REQUIREMENTS; AND (III) THE SUBDIVIDER HAS EXPENDED SUBSTANTIAL EFFORT TO PREPARE A FINAL PLAT AND ENGINEERING PLANS TO SUPPORT SUCH FINAL PLAT. A REQUEST FOR AN EXTENSION HEREUNDER SHALL BE FORMALLY SUBMITTED TO THE CITY PRIOR TO THE EXPIRATION OF THE PRELIMINARY PLAT APPROVAL AND SHALL BE ACCOMPANIED BY DOCUMENTATION DEMONSTRATING COMPLIANCE WITH THE CONDITIONS SET FORTH HEREIN. IF SUCH REQUESTS FOR EXTENSION, INCLUDING THE SUPPORTING DOCUMENTATION, ARE FILED PRIOR TO THE EXPIRATION OF THE PRELIMINARY PLAT APPROVAL, THEN THE PRELIMINARY PLAT APPROVAL SHALL CONTINUE IN EFFECT UNTIL SUCH TIME AS THE REQUESTS FOR EXTENSION HAVE BEEN ACTED UPON. THE PRELIMINARY PLAT SHALL EXPIRE UPON EITHER THE DATE SUCH REQUEST FOR EXTENSION WAS DENIED OR THE EXPIRATION DATE OF A PRELIMINARY PLAT APPROVAL, WHICHEVER IS LATER.

(4) Preliminary plat approval does not assure final acceptance of streets for dedication.

(5) Preliminary plat approval does not assure that subdivider will receive a certificate of assured water supply or a written commitment of water service for the proposed subdivision from the City or private water company designated as having an assured water supply as required under Arizona law as a requirement for final plat approval.

(H) *Appeals.* THE DECISION OF THE CITY ENGINEER OR DESIGNEE TO DENY A REQUEST TO WAIVE THE REQUIREMENT FOR A PRELIMINARY PLAT SHALL BE FINAL. The decision of the Council to approve, conditionally approve, or deny ~~the~~ A preliminary plat shall be final. THE DECISION OF THE DEVELOPMENT SERVICES DIRECTOR OR DESIGNEE AND THE DECISION OF THE COUNCIL TO DENY A REQUEST FOR AN EXTENSION TO EXTEND THE EXPIRATION DATE OF A PRELIMINARY PLAT APPROVAL ARE FINAL. Persons with standing who are aggrieved by ~~a decision of the Council hereunder may~~, SUCH DECISIONS AND WHO DESIRE TO APPEAL SUCH DECISIONS SHALL, within thirty (30) days after ~~Council rendered it's~~ THE decision IS RENDERED, file a complaint for special action in the superior court of Maricopa County to review the ~~Council's~~ decision.

(I) *AMENDMENT*. ALL OR PART OF AN APPROVED PRELIMINARY PLAT MAY BE AMENDED. THE AMENDMENT PROCESS SHALL BE THE SAME AS THE ORIGINAL APPROVAL PROCESS FOR PRELIMINARY PLATS.

## AMENDMENTS TO SECTION 15-2-5 OF THE GOODYEAR CITY CODE

Section 15-2-5 (Stage III – Final Plat) in Chapter 15 (Subdivision Regulations) of the Goodyear City is hereby amended as follows, with additions shown in all capital letters double underlined and deletions shown as double strike throughs:

Subsection A of Section 15-2-5 (15-2-5(A)) is amended as follows:

(A) *Zoning*. The zoning of the property to be subdivided shall permit the use intended for the subdivision, and any zoning amendment necessary to allow the intended use shall have been adopted by the Council prior to the filing of the application for final plat. The subdivision shall be designed to meet the specific DEVELOPMENT STANDARDS, MINIMUM DIMENSION REQUIREMENTS AND ALL OTHER requirements for the zoning district in which it is located and to comply with all Zoning Conditions attached to the property.

Subsection C of Section 15-2-5 is amended as follows:

(C) *Final Plat.* FINAL PLATS SHALL BE PREPARED AND SEALED BY A REGISTERED CIVIL ENGINEER LICENSED BY THE STATE OF ARIZONA OR BY A REGISTERED LAND SURVEYOR LICENSED BY THE STATE OF ARIZONA. ~~The final plat~~ FINAL PLATS shall substantially conform to ~~the~~ AN approved preliminary plat UNLESS THE REQUIREMENT FOR A PRELIMINARY PLAT HAS BEEN WAIVED AS PROVIDED IN SECTION 15-2-3 OF THE GOODYEAR CITY CODE. SUBSTANTIAL CONFORMANCE SHALL MEAN NO MATERIAL CHANGES TO THE OVERALL SUBDIVISION BOUNDARY, RELOCATION OF ANY ARTERIAL OR HIGHER CLASSIFIED ROADWAY RIGHTS-OF-WAY, OR RECONFIGURATION OF ANY MAJOR DRAINAGE WAYS OR UTILITY CORRIDORS ESTABLISHED WITH THE APPROVED

PRELIMINARY PLAT, AS DETERMINED BY THE ENGINEERING DIRECTOR OR DESIGNEE. IN INSTANCES WHERE THE REQUIREMENT FOR A PRELIMINARY PLAT HAS BEEN WAIVED, THE FINAL PLAT SHALL BE CONSISTENT WITH THE ZONING APPLICABLE TO THE SUBDIVISION, INCLUDING, COMPLIANCE WITH THE MINIMUM SIZE OF EACH LOT, TRACT AND PARCEL REQUIRED IN THE ZONING APPLICABLE TO THE SUBDIVISION. In addition, the final plat and the proposed development reflected therein shall comply with the requirements for the zoning district in which the property is located and shall comply with the requirements set forth in:

(1) the Subdivision Regulations;

(2) the Engineering Standards;

(3) the Flood Prevention Regulations;

(4) the City of Goodyear General Plan;

(5) the Zoning Ordinance of the City of Goodyear;

(6) any applicable Zoning Conditions;

(7) any stipulations and/or conditions imposed with the approval of the preliminary plat;

(8) any applicable Development Agreement;

(9) THE CITY OF GOODYEAR DESIGN GUIDELINES MANUAL~~any applicable Development Master Plan~~; and

(10) all other applicable federal, state, and local laws, ordinances, codes, rules, regulations, policies, and guidelines, including by way of example, but not limitation:

(a) regulations established by the Maricopa County Flood Control District relating to the construction or prevention of construction of streets in lands established as being subject to periodic inundation as applicable;

(b) regulations established by the State of Arizona Department of Transportation relating to provisions for safety of entrance upon and departure from abutting state highways as applicable;

(c) regulations established by the State of Arizona Department of Health Services and Maricopa County Health Department relating to the provision of domestic water supply and sanitary sewage disposal as applicable;

(d) regulations established by the Arizona Department of Environmental Quality, Arizona Department of Water Resources, and the Maricopa County Department of Environmental Quality governing development in Maricopa County.

Subsection (I) of Section 15-2-5 is amended to read as follows:

(I) *Final Plat Extension.* Final Plat approval shall expire if the final plat is not recorded with the Maricopa County Recorder within 90 calendar days from the date Council approved the final plat except as provided below.

(1) ~~Prior to the expiration of the final plat approval, subdivider may request an extension of the final plat approval. If a request for extension is filed prior to the expiration of the final plat approval, the final plat approval shall continue in effect until Council acts on the request. Council may grant a 90-day extension of the final plat approval if subdivider demonstrates that there has been no significant substantive change in the Engineering Standards; that the final plat, including the supporting documents, continue to comply with all applicable requirements; and that the subdivider has expended substantial effort and made substantial progress towards the completion of the engineering construction plans for the subdivision improvements.~~ THE ENGINEERING DIRECTOR, OR DESIGNEE, MAY ADMINISTRATIVELY GRANT A SINGLE 90-DAY EXTENSION TO EXTEND THE EXPIRATION DATE OF A FINAL PLAT APPROVAL. SHOULD ADDITIONAL TIME BE WARRANTED BEYOND AN EXTENSION GRANTED BY THE ENGINEERING DIRECTOR OR DESIGNEE, THE COUNCIL MAY GRANT AN ADDITIONAL, ONE TIME 90-DAY EXTENSION OF THE FINAL PLAT APPROVAL. NO EXTENSIONS SHALL BE GRANTED HEREUNDER UNLESS ALL OF THE FOLLOWING CONDITIONS HAVE BEEN MET: (I) THERE HAVE BEEN NO SUBSTANTIVE CHANGES TO ANY OF THE STANDARDS LISTED IN SECTION 15-2-5(D) OF THE GOODYEAR CITY CODE; (II) THAT THE EXISTING PRELIMINARY PLAT CONTINUES TO COMPLY WITH ALL APPLICABLE REQUIREMENTS; AND (III) THE SUBDIVIDER HAS EXPENDED SUBSTANTIAL EFFORT AND MADE SUBSTANTIAL PROGRESS TOWARDS THE COMPLETION OF ENGINEERING CONSTRUCTION PLANS FOR THE REQUIRED SUBDIVISION IMPROVEMENTS. A REQUEST FOR AN EXTENSION HEREUNDER SHALL BE FORMALLY SUBMITTED TO THE CITY PRIOR TO THE EXPIRATION OF THE FINAL PLAT APPROVAL AND SHALL BE ACCOMPANIED BY DOCUMENTATION DEMONSTRATING COMPLIANCE WITH THE CONDITIONS SET FORTH HEREIN. IF SUCH REQUESTS FOR EXTENSION, INCLUDING THE SUPPORTING DOCUMENTATION, ARE FILED PRIOR TO THE EXPIRATION OF THE FINAL PLAT APPROVAL, THEN THE FINAL PLAT APPROVAL SHALL CONTINUE IN EFFECT UNTIL SUCH TIME AS THE REQUESTS FOR EXTENSION HAVE BEEN ACTED UPON.

(2) If ~~the~~ AN extension is granted, the final plat approval shall be valid for 90 days from the date SUCH REQUEST FOR EXTENSION WAS APPROVED ~~Council approved the request for an extension~~, and the final plat approval shall expire if the final plat is not recorded with the Maricopa County Recorder within 90 days from the date the ~~Council approved the request for an~~ extension ~~of the final plat approval~~ WAS APPROVED. If ~~the~~ A request for extension is denied, the final plat shall expire upon the date the ~~Council denied the~~ request for an extension WAS DENIED or 90 calendar days from the date Council approved the final plat, whichever is later.

Subsection J of Section 15-2-5 is amended to read as follows:

(J) *Appeals.* The decision of the Council to approve, conditionally approve, or deny a final plat ~~and to approve, conditionally approve, or deny a request to extend a final plat approval~~ shall be final. THE DECISION OF THE ENGINEERING DIRECTOR OR DESIGNEE AND THE DECISION OF THE COUNCIL TO DENY A REQUEST FOR AN EXTENSION TO EXTEND THE EXPIRATION DATE OF A FINAL PLAT APPROVAL ARE FINAL. Persons with standing who are aggrieved by ~~a decision~~ DECISIONS of the Council AND/OR ENGINEERING DIRECTOR OR DESIGNEE hereunder AND WHO DESIRE TO APPEAL SUCH DECISIONS SHALL ~~may~~, within 30 days after THE decision IS MADE, file a complaint for special action in the superior court of Maricopa County to review ~~the Council's~~ SUCH decision.

**ORDINANCE NO. 2021-1521**

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, AMENDING SECTIONS 15-1-2 (DEFINITIONS) 15-2-3 (STAGE II–PRELIMINARY PLAT) AND 15-2-5 (STAGE III–FINAL PLAT) OF THE GOODYEAR CITY CODE; PROVIDING FOR CORRECTIONS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the city is constantly engaged in exploring process improvements that will expedite the development process without compromising city standards; and

WHEREAS, the proposed modifications to the city's subdivision regulations further the city's goal of expediting the development process without compromising city standards, while ensuring the timely processing and recordation of final plats; and

WHEREAS, the Mayor and Council of the City of Goodyear, Arizona find that the amendment of the Subdivision Regulations in Chapter 15 of the Goodyear City Code as set forth below is in the best interests and welfare of the City and its residents.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

SECTION 1. AMENDMENTS TO SECTION 15-1-2 OF THE GOODYEAR CITY CODE

Section 15-1-2 (Definitions) in Chapter 15 (Subdivision Regulations) of the Goodyear City Code is hereby amended as set forth in that certain document titled "AMENDMENTS TO CHAPTER 15 SUBDIVISION REGULATIONS OF THE GOODYEAR CITY CODE" declared a Public Record by Resolution 2021-2190 and which is is hereby adopted and incorporated herein by this reference.

SECTION 2. AMENDMENTS TO SECTION 15-2-3 OF THE GOODYEAR CITY CODE

Section 15-2-3 (Stage II – Preliminary Plat) in Chapter 15 (Subdivision Regulations) of the Goodyear City Code is hereby amended as set forth in that certain document titled "AMENDMENTS TO CHAPTER 15 SUBDIVISION REGULATIONS OF THE GOODYEAR CITY CODE" declared a Public Record by Resolution 2021-2190 and which is is hereby adopted and incorporated herein by this reference.

SECTION 3. AMENDMENTS TO SECTION 15-2-5 OF THE GOODYEAR CITY CODE

Subsections A, C, I and J of Section 15-2-5 (Stage III – Final Plat) in Chapter 15 (Subdivision Regulations) of the Goodyear City are hereby amended as set forth in that certain document titled "AMENDMENTS TO CHAPTER 15 SUBDIVISION REGULATIONS OF THE GOODYEAR CITY CODE" declared a Public Record by Resolution 2021-2190 and which is is hereby adopted and incorporated herein by this reference.

SECTION 4. CORRECTIONS

The Development Services Director, City Clerk, and the codifiers of this Ordinance are authorized to make necessary clerical corrections to this Ordinance, including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

SECTION 5. SEVERABILITY

If any section, subdivision, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining provisions of the ordinance or parts thereof.

SECTION 6 EFFECTIVE DATE

This ordinance shall become effective as prescribed by law. The provisions of Chapter 15 of the Goodyear City Code being amended by this Ordinance shall remain in full force and effect until the effective date of this Ordinance.

PASSED AND ADOPTED by the Mayor and Council of the city of Goodyear, Maricopa County, Arizona, by a _____ vote, this _____ day of _____, 20_____.

_____
Georgia Lord, Mayor

Date: _____

ATTEST:

_____
Darcie McCracken, City Clerk

APPROVED AS TO FORM:

_____
Roric Massey, City Attorney