

## NOTICE OF REGULAR MEETING OF THE GUADALUPE TOWN COUNCIL

THURSDAY, FEBRUARY 8, 2024  
6:00 P.M.

GUADALUPE TOWN HALL  
9241 SOUTH AVENIDA DEL YAQUI, COUNCIL CHAMBERS  
GUADALUPE, ARIZONA

Valerie Molina  
Mayor

Ricardo Vital  
Vice Mayor

Mary Bravo  
Councilmember

Esteban F. V. Fuerte  
Councilmember

Elvira Osuna  
Councilmember

Joe Sánchez  
Councilmember

Anita Cota Soto  
Councilmember

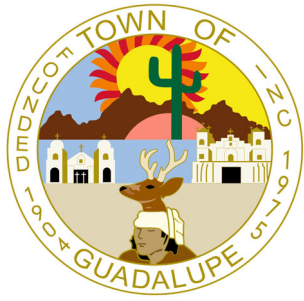
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Town Council Chambers  
9241 S. Avenida del Yaqui  
Guadalupe, AZ 85283  
Phone: (480) 730-3080  
Fax: (480)-505-5368

Pursuant to A.R.S. 38-431.02, notice is hereby given to the members of the Guadalupe Town Council and to the public that the Guadalupe Town Council will hold a meeting, open to the public, on Thursday, February 8, 2024, at 6:00 P.M., at Guadalupe Town Hall, 9241 South Avenida del Yaqui, Council Chambers, Guadalupe, Arizona. Meetings are streamed live on the Town of Guadalupe Facebook page at <https://www.facebook.com/guadalupeaz.org>.

### AGENDA

- A. CALL TO ORDER
- B. ROLL CALL
- C. INVOCATION/PLEDGE OF ALLEGIANCE
- D. APPROVAL OF MINUTES
  1. Approval of the November 9, 2023, Town Council Regular Meeting Minutes.
- E. CALL TO THE PUBLIC: An opportunity is provided to the public to address the Council on items that are not on the agenda or included on the consent agenda. A total of 3 minutes will be provided for the Call to the Audience agenda item unless the Council requests an exception to this limit. Please note that those wishing to comment on agenda items posted for action will be provided the opportunity at the time the item is heard.
- F. MAYOR and COUNCIL PRESENTATION:
- G. DISCUSSION AND POSSIBLE ACTION ITEMS:
  1. **PUBLIC HEARING – REZONING REQUEST FOR 9050 SOUTH AVENIDA DEL YAQUI (RZ2024-01):** Hold a public hearing for a rezoning request of the property located at 9050 South Avenida del Yaqui (Maricopa County Assessor parcel #301-06-373 comprising approximately 2.80 acres) that is currently vacant and zoned R1-9 Single Family Residential to Planned Area Development (PAD) to facilitate future development of the TOWN COMMONS project, comprised of 132 family-oriented affordable rental units in two phases. Buildings will be set back a minimum of 20-feet from existing residential uses, inclusive of alleys. The proposed PAD development standards provide a maximum building height of 54 feet, and maximum density of 60 units per acre. Custom parking and setback standards are also part of the PAD application. The Applicant is the Town of Guadalupe, property owner. Council may provide direction to the Town Manager / Clerk. (items G1 – G6 related)



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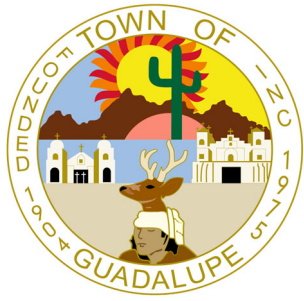
**2. REZONING REQUEST – REZONING REQUEST FOR 9050 SOUTH AVENIDA DEL YAQUI (RZ2024-01):** Council will consider and may take action to approve or deny a rezoning request of the property located at 9050 South Avenida del Yaqui (Maricopa County Assessor parcel #301-06-373 comprising approximately 2.80 acres) that is currently vacant and zoned R1-9 Single Family Residential to Planned Area Development (PAD) to facilitate future development of the TOWN COMMONS project, comprised of 132 family-oriented affordable rental units in two phases. Buildings will be set back a minimum of 20-feet from existing residential uses, inclusive of alleys. The proposed PAD development standards provide a maximum building height of 54 feet, and maximum density of 60 units per acre. Custom parking and setback standards are also part of the PAD application. The Applicant is the Town of Guadalupe, property owner. Council may provide direction to the Town Manager / Clerk. (items G1 – G6 related)

**3. PUBLIC HEARING – REZONING REQUEST FOR 9080 SOUTH AVENIDA DEL YAQUI (RZ2024-02):** Hold a public hearing for a rezoning request of the property located at 9080 South Avenida del Yaqui (Maricopa County Assessor parcel #301-12-121, comprising approximately 0.34 acres) that is currently vacant and zoned C-1 Neighborhood Commercial to Planned Area Development (PAD) to facilitate future development of the TOWN COMMONS project, comprised of 60 rental units for seniors. Buildings will be set back a minimum of 20-feet from existing residential uses, inclusive of alleys. The proposed PAD development standards provide a maximum building height of 54 feet, and maximum density of 61 units per acre. Custom parking and setback standards are also part of the PAD application. The Applicant is the Town of Guadalupe, property owner. Council may provide direction to the Town Manager / Clerk. (items G1 – G6 related)

**4. REZONING REQUEST – REZONING REQUEST FOR 9080 SOUTH AVENIDA DEL YAQUI (RZ2024-02):** Council will consider and may take action to approve or deny a rezoning request of the property located at 9080 South Avenida del Yaqui (Maricopa County Assessor parcel #301-12-121, comprising approximately 0.34 acres) that is currently vacant and zoned C-1 Neighborhood Commercial to Planned Area Development (PAD) to facilitate future development of the TOWN COMMONS project, comprised of 60 rental units for seniors. Buildings will be set back a minimum of 20-feet from existing residential uses, inclusive of alleys. The proposed PAD development standards provide a maximum building height of 54 feet, and maximum density of 61 units per acre. Custom parking and setback standards are also part of the PAD application. The Applicant is the Town of Guadalupe, property owner. Council may provide direction to the Town Manager / Clerk. (items G1 – G6 related)

**5. PUBLIC HEARING – REZONING REQUEST FOR 9084 SOUTH AVENIDA DEL YAQUI (RZ2024-03):** Hold a public hearing for a rezoning request of the property located at 9084 South Avenida del Yaqui (Maricopa County Assessor parcel #301-12-113, comprising approximately 0.65 acres) that is currently vacant and zoned C-1 Neighborhood Commercial to Planned Area Development (PAD) to facilitate future development of the TOWN COMMONS project, comprised of 60 rental units for seniors. Buildings will be set back a minimum of 20-feet from existing residential uses, inclusive of alleys. The proposed PAD development standards provide a maximum building height of 54 feet, and maximum density of 61 units per acre. Custom parking and setback standards are also part of the PAD application. The Applicant is the Town of Guadalupe, property owner. Council may provide direction to the Town Manager / Clerk. (items G1 – G6 related)

**6. REZONING REQUEST – REZONING REQUEST FOR 9084 SOUTH AVENIDA DEL YAQUI (RZ2024-03):** Council will consider and may take action to approve or deny a rezoning request of the property located at 9084 South Avenida del Yaqui (Maricopa County Assessor parcel #301-12-113, comprising approximately 0.65 acres) that is currently vacant and zoned C-1 Neighborhood Commercial to Planned Area Development (PAD) to facilitate future development of the TOWN COMMONS project, comprised of 60 rental units for seniors. Buildings will be set back a minimum of 20-feet from existing residential uses, inclusive of alleys. The proposed PAD development standards provide a maximum building height of 54 feet, and maximum density of 61 units per acre. Custom parking and setback standards are also part of the PAD application. The Applicant is the Town of Guadalupe, property owner. Council may provide direction to the Town Manager / Clerk. (items G1 – G6 related)



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7. **CHIEF FISCAL OFFICER DESIGNATION (RESOLUTION NO. R2024.03):** Council will consider and may take action to adopt a Resolution R2024.03 designating Jeff Kulaga, Town Manager/Clerk as the Chief Fiscal Officer, as required annually by the Arizona Auditor General through the Arizona Revised Statutes §§42-17101 and 42-17102. The Chief Fiscal Officer is responsible for officially submitting the Fiscal Year 2024 Expenditure Limitation Report to the Auditor General. Council may provide direction to the Town Manager / Clerk.

H. TOWN MANAGER/CLERK'S COMMENTS

I. COUNCILMEMBERS' COMMENTS

J. ADJOURNMENT



February 2, 2024

To: The Honorable Mayor and Town Council

From: Jeff Kulaga, Town Manager / Clerk

RE: February 8, 2024, Town Council Regular Meeting Information Report

The purpose of this report is to provide brief information regarding each agenda item.

**Agenda Items:**

**D1. NOVEMBER 9, 2023, REGULAR COUNCIL MEETING MINUTES (PAGES 6 – 12):**

**G1. PUBLIC HEARING – REZONING REQUEST FOR 9050 SOUTH AVENIDA DEL YAQUI (RZ2024-01) (PAGES 13 – 76):** A public hearing is required to receive public input regarding a request to rezone the property located at 9050 South Avenida del Yaqui (Maricopa County Assessor parcel #301-06-373 comprising approximately 2.80 acres) that is currently vacant and zoned R1-9 Single Family Residential to Planned Area Development (PAD) to facilitate future development of the TOWN COMMONS project, comprised of 132 family-oriented affordable rental units in two phases. Buildings will be set back a minimum of 20-feet from existing residential uses, inclusive of alleys. The proposed PAD development standards provide a maximum building height of 54 feet, and maximum density of 60 units per acre. Custom parking and setback standards are also part of the PAD application. *(items G1 – G6 are related)*

**G2. REZONING REQUEST – REZONING REQUEST FOR 9050 SOUTH AVENIDA DEL YAQUI RZ2024-01) (PAGES 13 – 76):** Council to approve or deny a request to rezone the property located at 9050 South Avenida del Yaqui that is currently vacant and zoned R1-9 Single Family Residential to Planned Area Development (PAD) to facilitate future development of the TOWN COMMONS project, comprised of 132 family-oriented affordable rental units in two phases. *(items G1 – G6 are related)*

**G3. PUBLIC HEARING – REZONING REQUEST FOR 9080 SOUTH AVENIDA DEL YAQUI (RZ2024-02) (PAGES 77 – 121):** A public hearing is required to receive public input regarding a request to rezone the property located at 9080 South Avenida del Yaqui (Maricopa County Assessor parcel #301-12-121, comprising approximately 0.34 acres) that is currently vacant and zoned C-1 Neighborhood Commercial to Planned Area Development (PAD) to facilitate future development of the TOWN COMMONS project, comprised of 60 rental units for seniors. Buildings will be set back a minimum of 20-feet from existing residential uses, inclusive of alleys. The proposed PAD development standards provide a maximum building height of 54 feet, and maximum density of 61 units per acre. Custom parking and setback standards are also part of the PAD application. *(items G1 – G6 are related)*

**G4. REZONING REQUEST – REZONING REQUEST FOR 9080 SOUTH AVENIDA DEL YAQUI (RZ2024-02) (PAGES 77 – 121):** Council to approve or deny a request to rezone the property located at 9080 South Avenida del Yaqui that is currently vacant and zoned C-1 Neighborhood Commercial to Planned Area Development (PAD) to facilitate future development of the TOWN COMMONS project, comprised of 60 rental units for seniors. *(items G1 – G6 are related)*

**G5. PUBLIC HEARING – REZONING REQUEST FOR 9084 SOUTH AVENIDA DEL YAQUI (RZ2024-03)**

**(PAGES 122 – 169):** A public hearing is required to receive public input regarding a request to rezone the property located at 9084 South Avenida del Yaqui (Maricopa County Assessor parcel #301-12-113, comprising approximately 0.65 acres) that is currently vacant and zoned C-1 Neighborhood Commercial to Planned Area Development (PAD) to facilitate future development of the TOWN COMMONS project, comprised of 60 rental units for seniors. Buildings will be set back a minimum of 20-feet from existing residential uses, inclusive of alleys. The proposed PAD development standards provide a maximum building height of 54 feet, and maximum density of 61 units per acre. Custom parking and setback standards are also part of the PAD application. *(items G1 – G6 are related)*

**G6. REZONING REQUEST – REZONING REQUEST FOR 9084 SOUTH AVENIDA DEL YAQUI (RZ2024-03)**

**(PAGES 122 – 169):** Council to approve or deny a request to rezone the property located at 9084 South Avenida del Yaqui that is currently vacant and zoned C-1 Neighborhood Commercial to Planned Area Development (PAD) to facilitate future development of the TOWN COMMONS project, comprised of 60 rental units for seniors. *(items G1 – G6 are related)*

**G7. CALL CHIEF FISCAL OFFICER DESIGNATION (RESOLUTION NO. R2024.03) (PAGE 170):**

Council will consider and may take action to adopt a resolution designating Jeff Kulaga, Town Manager/Clerk as the Chief Fiscal Officer, as required annually by the Arizona Auditor General through the Arizona Revised Statutes §§42-17101 and 42-17102. The Chief Fiscal Officer is responsible for officially submitting the Fiscal Year 2025 Expenditure Limitation Report to the Auditor General. Council may provide direction to the Town Manager / Clerk.



## Minutes Town Council Regular Meeting November 09, 2023

Minutes of the Guadalupe Town Council Regular Meeting held on November 09, 2023, at 6:00 p.m., at Guadalupe Town Hall, 9241 South Avenida del Yaqui, Council Chambers, Guadalupe, Arizona.

Valerie Molina  
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A. Mayor Valerie Molina called the meeting to order at 6:05 p.m.

### B. ROLL CALL

Councilmembers Present: Mayor Valerie Molina, Vice Mayor Ricardo Vital, Councilmember Mary Bravo, Councilmember Esteban F. V. Fuerte, and Councilmember Anita Cota Soto  
Councilmembers via Zoom: Councilmember Elvira Osuna

Staff Present: Jeff Kulaga – Town Manager / Clerk, Dave Ledyard – Town Attorney and Rocio Ruiz – Deputy Town Clerk

### C. INVOCATION/PLEDGE OF ALLEGIANCE

Councilmember Soto provided the invocation. Mayor Molina then led the Pledge of Allegiance.

D. APPROVAL OF MINUTES: None.

### E. CALL TO THE PUBLIC:

Mayor Molina stated that the Call to the Public is an opportunity for members of the public to address the Council on items that are not on the agenda or included on the consent agenda and asked whether any members of the public would like to address the Council.

Mayor Molina called upon Janet Florer to address the Council. Ms. Florer focused on the current traffic issues, emphasizing that the speed bump on Vauo Nawi and Guadalupe causes significant congestion, preventing residents from making a right turn. Ms. Florer highlighted that the proposed project lacks traffic management and parking provisions. Ms. Florer questioned the accuracy of the project's renderings, which depict people walking despite the absence of nearby supermarkets. Ms. Florer sought clarification on the status and details of the project, expressing concerns about its impact on traffic and the community.

Mayor Molina called upon Enrique Vega to address the Council. Mr. Vega emphasized the importance of Indigenous Month and highlighted unresolved issues after five hundred years. Mr. Vega expressed concerns about the financial struggles in the Town of Guadalupe and shared his perspective on income calculations, stating he does not make \$13,000 a month. Drawing from his experience as a former social worker in Guadalupe, Mr. Vega discussed the challenges with drugs and addiction in the community. Mr. Vega proposed a solution to address the lack of affordable recreational opportunities for Guadalupe kids, suggesting a Town-owned van to shuttle them to the pool for a nominal fee. Despite acknowledging the Town's financial difficulties, Mr. Vega proposed seeking financial support from community members and specifically mentioned Art Moreno, owner of the Los Angeles Angels baseball team. Mr. Vega recommended reaching out to

Mr. Moreno to help address the community's needs.

F. MAYOR AND COUNCIL PRESENTATION: None.

G. DISCUSSION AND POSSIBLE ACTION ITEMS:

**1. PUBLIC HEARING – MARICOPA COUNTY COMMUNITY BLOCK GRANT PROGRAM – TOWN OF GUADALUPE ROADWAY AND NEIGHBORHOOD STREETLIGHTING REHABILITATION PROJECT, PHASE 3 (RESOLUTION NO. R2023.17)**

Mayor Molina stated council will hold a public hearing to obtain public input regarding adopting resolution R2023.17, authorizing Town staff to submit an application to the Maricopa County Housing and Community Development Division for funding under the U.S. Department of Housing and Urban Development's (HUD) Community Development Block Grant (CDBG) Program for a Roadway & Neighborhood Streetlight Rehabilitation Project. The project includes removing and replacing 16 streetlights and installing 18 new streetlights in the Cuarenta Area Neighborhood; and, engineering design/construction document preparation, construction bid process oversight, construction management, quality control and inspection services. The Project would be funded by the Maricopa County CDBG Program for fiscal year 2024-25. The requested grant funding amount totals \$498,000. If adopted and approved, the Project would begin November 10, 2023, and conclude on November 30, 2025.

Jeff Kulaga, Town Manager/Clerk, stated Maricopa County mandates a public hearing for the project. The project pertains to lighting in the Cuarenta neighborhood, involving a \$498,000 grant from the county to the Town through the U.S. Department of Housing and Urban Development (HUD). Staff requests approval to proceed with the grant application.

**Motion by Councilmember Bravo to open the public hearing; second by Councilmember Fuerte. Motion passed unanimously on a voice vote 6-0.**

No members of the public spoke.

**Motion by Councilmember Soto to close the public hearing; second by Councilmember Fuerte. Motion passed unanimously on a voice vote 6-0.**

The public hearing was closed.

Councilmembers held a public hearing to obtain public input regarding adopting resolution R2023.17, authorizing Town staff to submit an application to the Maricopa County Housing and Community Development Division for funding under the U.S. Department of Housing and Urban Development's (HUD) Community Development Block Grant (CDBG) Program for a Roadway & Neighborhood Streetlight Rehabilitation Project. The project includes removing and replacing 16 streetlights and installing 18 new streetlights in the Cuarenta Area Neighborhood; and, engineering design/construction document preparation, construction bid process oversight, construction management, quality control and inspection services. The Project would be funded by the Maricopa County CDBG Program for fiscal year 2024-25. The requested grant funding amount totals \$498,000.

**2. MARICOPA COUNTY COMMUNITY BLOCK GRANT PROGRAM – TOWN OF GUADALUPE ROADWAY AND NEIGHBORHOOD STREETLIGHTING REHABILITATION PROJECT, PHASE 3 (RESOLUTION NO. R2023.17)**

Mayor Molina stated Council will consider and may take action to adopt Resolution No. R2023.17 authorizing Town staff to submit an application to the Maricopa County Housing and Community Development Division for funding under the U.S. Department of Housing and Urban Development's (HUD) Community Development Block Grant (CDBG) Program for a Roadway & Neighborhood Streetlight Rehabilitation Project. The project includes removing and replacing 16 streetlights and



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installing 18 new streetlights in the Cuarenta Area Neighborhood; and, engineering design/construction document preparation, construction bid process oversight, construction management, quality control and inspection services. The Project would be funded by the Maricopa County CDBG Program for fiscal year 2024-25. The requested grant funding amount totals \$498,000. If adopted and approved, the Project would begin November 10, 2023, and conclude on November 30, 2025.

Jeff Kulaga, Town Manager/Clerk, highlighted streets in the Cuarenta neighborhood for the removal and replacement of streetlights. The focus was on the removal of 16 streetlights and the installation of 18 new lights in the neighborhood. The project includes undergrounding, trenching, conduit work, and the addition of bases, poles, and mast arms. Mr. Kulaga stated that all necessary parts and construction management are included in the proposal. This initiative represents phase three of the Town's street lighting rehabilitation program, following an inventory and assessment conducted in March of the previous year. Mr. Kulaga stated staff recommends approval of the project.

In response to a question from Mayor Molina regarding whether the project includes extra lighting in the Plaza area, Mr. Kulaga stated that it can be considered as part of the project.

**Motion by Councilmember Fuerte to approve agenda item G2; second by Councilmember Bravo. Motion passed unanimously on a voice vote 6-0.**

Councilmembers adopted Resolution No. R2023.17 authorizing Town staff to submit an application to the Maricopa County Housing and Community Development Division for funding under the U.S. Department of Housing and Urban Development's (HUD) Community Development Block Grant (CDBG) Program for a Roadway & Neighborhood Streetlight Rehabilitation Project. The project includes removing and replacing 16 streetlights and installing 18 new streetlights in the Cuarenta Area Neighborhood; and, engineering design/construction document preparation, construction bid process oversight, construction management, quality control and inspection services. The Project would be funded by the Maricopa County CDBG Program for fiscal year 2024-25. The requested grant funding amount totals \$498,000. If adopted and approved, the Project would begin November 10, 2023, and conclude on November 30, 2025.

### **3. SOLARES NEIGHBORHOOD STREET LIGHTING IMPROVEMENT PROGRAM PHASE 2 ENGINEERING, DESIGN AND CONSTRUCTION ADMINISTRATION SERVICES CONTRACT**

Mayor Molina stated Council will consider and may take action to award contract (C2023-28) in the amount of \$176,739 to the Town Engineer, Dibble Engineering, for engineering, design and construction document preparation, construction bid process oversight, construction management, quality control and inspection services for Roadway and Neighborhood Lighting Project, Phase 2, consisting of removing 41 street lights in the Solares neighborhood and replacing with 48 new street lights. This contract is funded through Community Development Block Grant funding of \$493,600 as approved by the Town Council at the October 27, 2022, Regular Council Meeting and awarded by Maricopa County on February 8, 2023.

Jeff Kulaga, Town Manager/Clerk, stated HUD funding totaling \$493,000 was awarded a year ago and is currently in progress. The initial step, upon grant approval, involves creating design and engineering plans for construction. A contract of \$176,000 is recommended for the town engineer, Dibble Engineering, to oversee the creation of plans and manage construction and bidding processes. The project focuses on relocating 41 streetlights in the Solares neighborhood and replacing them with 48 new lights. Staff recommends approval.

In response to a question from Mayor Molina regarding light poles on private property, Vince Gibbons, Town Engineer, clarified that poles located on private property would be removed and would be replaced within the public right of way. During the construction phase, homeowners with light poles on their private properties will be informed accordingly.



**Motion by Councilmember Fuerte to approve agenda item G3; second by Vice Mayor Vital. Motion passed unanimously on a voice vote 6-0.**



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Councilmembers approved contract (C2023-28), in the amount of \$176,739, to the Town Engineer, Dibble Engineering, for engineering, design and construction document preparation, construction bid process oversight, construction management, quality control and inspection services for Roadway and Neighborhood Lighting Project, Phase 2, consisting of removing 41 streetlights in the Solares neighborhood and replacing with 48 new streetlights. This contract is funded through Community Development Block Grant funding of \$493,600 as approved by the Town Council at the October 27, 2022, Regular Council Meeting and awarded by Maricopa County on February 8, 2023.

#### **4. COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AWARD STATUS REPORT**

Mayor Molina stated Council will receive a brief report regarding awarded Community Development Block Grant (CDBG) funding from Maricopa County Housing and Community Development Division under the U.S. Department of Housing and Urban Development (HUD) to the Town. Since 2009, the Town of Guadalupe has received \$5.9M in CDBG grants, providing funding for 16 infrastructure improvement projects.

Jeff Kulaga, Town Manager/Clerk, provided an overview of CDBG grants from HUD funds received since 2009. Mr. Kulaga highlighted nearly \$6 million in projects, emphasizing the completion of street repaving and ongoing sewer system rehabilitation. Mr. Kulaga stated grant applications are competitive and mentioned the Solares neighborhood streetlighting project's approval and the potential addition of \$498,000 with the approval of grants, as well as three active grants, including wastewater system rehabilitation and street construction, amounting to \$1.5 million in ongoing projects. Mr. Kulaga emphasized that these initiatives are funded primarily through grants, minimizing Town expenses, and provided an overview of historical grant performance and current on-going projects.

In response to a question from Mayor Molina regarding grant opportunities for slurry when conducting road maintenance and repairs, Mr. Kulaga confirmed it may be a possibility and suggested looking into grants for slurry and/or overlays, noting that these types of projects may not be as competitive.

#### **5. ARIZONA DEPARTMENT OF REVENUE INTERGOVERNMENTAL AGREEMENT - UNIFORM ADMINISTRATION OF THE TOWN'S TRANSACTION PRIVILEGE TAX (RESOLUTION NO. R2023.18)**

**Mayor Molina stated** Council will consider and may adopt resolution (R2023.18) authorizing the Mayor, or designee, to sign an intergovernmental agreement (C2023-29) (Agreement) with the Arizona Department of Revenue (AZDOR) related to uniform administration of the Town of Guadalupe Transaction Privilege Tax. This Agreement will initially be in force through December 31, 2024, and will automatically renew each year thereafter on January 1 for a term of one year, without any action required by the Town Council or by AZDOR through December 31, 2028. The Agreement is related to the AZDOR administration of Transaction Privilege Tax on behalf of the Town of Guadalupe and is required under A.R.S. § 42-6001 and 6002.

Jeff Kulaga, Town Manager/Clerk, stated that there is a state mandate from the Department of Revenue, requiring the adoption of an Intergovernmental Agreement (IGA). Commencing on June 13, 2024, and expiring at the end of this year, the current four-year term of the IGA is set to conclude. This mandate applies to all municipalities in Arizona and necessitates the implementation of uniform methods for the administration, collection, audits, and licensing of local sales taxes by the Department of Revenue. Mr. Kulaga stated that, if approved, the IGA will remain in effect until December 31, 2024, with automatic renewals until the end of 2028. Mr. Kulaga mentioned that, following a sunset review, a new IGA might be required in 2029, extending through December 2037. Staff recommends approval.

**Motion by Councilmember Bravo to approve agenda item G5; second by Councilmember Fuerte. Motion passed unanimously on a voice vote 6-0.**

Councilmembers adopted resolution (R2023.18) authorizing the Mayor, or designee, to sign an intergovernmental agreement (C2023-29) (Agreement) with the Arizona Department of Revenue (AZDOR) related to uniform administration of the Town of Guadalupe Transaction Privilege Tax. This Agreement will initially be in force through December 31, 2024, and will automatically renew each year thereafter on January 1 for a term of one-year, without any action required by the Town Council or by AZDOR through December 31, 2028. The Agreement is related to the AZDOR administration of Transaction Privilege Tax on behalf of the Town of Guadalupe and is required under A.R.S. § 42-6001 and 6002.



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Fax: (480)-505-5368

## 6. VERIZON LICENSE AGREEMENT RENEWAL

Mayor Molina stated Council will consider and may approve authorizing the Mayor to sign renewal of a Wired Telecommunications License and Right-of-Way Use Agreement (C2018-29A) (Agreement) with MCImetro Access Transmission Services Corporation (d/b/a Verizon Access Transmission Services), effective upon Council approval. Approval of this Agreement will allow Verizon to continue to construct, operate, maintain, and repair telecommunication equipment in Town right-of-way. In exchange for use of Town right-of-way, Verizon agrees to pay the Town of Guadalupe a \$2,500 application fee, and associated maintenance and usage fees.

Jeff Kulaga, Town Manager/Clerk, stated that this agreement authorizes Verizon to utilize the Town's rights of way for their services. Having fulfilled their initial application fee and construction permit fees, Verizon is also responsible for any costs related to rights of way construction, improvements, or repairs. These obligations include the repair and replacement, in kind, to the same level. Mr. Kulaga stated Verizon has been cooperative since 2018. Staff recommends approval.

In response to a question from Mayor Molina regarding Verizon's prior involvement before road construction, Mr. Kulaga explained that Verizon had taken proactive measures before the Town's street renovation. While no immediate plans with Verizon are known, Mr. Kulaga acknowledged that unforeseen events might arise in the future.

**Motion by Councilmember Fuerte to approve agenda item G6; second by Vice Mayor Vital. Motion passed unanimously on a voice vote 6-0.**

Councilmembers approved a renewal of a Wired Telecommunications License and Right-of-Way Use Agreement (C2018-29A) (Agreement) with MCImetro Access Transmission Services Corporation (d/b/a Verizon Access Transmission Services), effective upon Council approval. Approval of this Agreement will allow Verizon to continue to construct, operate, maintain, and repair telecommunication equipment in Town right-of-way. In exchange for use of Town right-of-way, Verizon agrees to pay the Town of Guadalupe a \$2,500 application fee, and associated maintenance and usage fees.

## 7. TOWN MANAGER / CLERK EMPLOYMENT CONTRACT

Mayor Molina stated Council will consider and may take action to approve a contract (C2023-30) between the Town of Guadalupe and the appointed Town Manager / Clerk, Jeff Kulaga. The term of this contract is three years, commencing on November 10, 2023, and terminating on November 9, 2026, with an initial annual salary of \$165,000. This is the third employment contract with Mr. Kulaga, with the first approved by Council on October 17, 2017, and a second on October 28, 2021.

**Motion by Vice Mayor Vital to approve agenda item G7; second by Councilmember Bravo. Motion passed unanimously on a voice vote 6-0.**

Councilmembers approved a contract (C2023-30) between the Town of Guadalupe and the appointed Town Manager / Clerk, Jeff Kulaga. The term of this contract is three years, commencing on November

10, 2023, and terminating on November 9, 2026, with an initial annual salary of \$165,000. This is the third employment contract with Mr. Kulaga, with the first approved by Council on October 17, 2017, and a second on October 28, 2021.



Valerie Molina  
Mayor

Ricardo Vital  
Vice Mayor

Mary Bravo  
Councilmember

Esteban F. V. Fuerte  
Councilmember

Elvira Osuna  
Councilmember

Joe Sánchez  
Councilmember

Anita Cota Soto  
Councilmember

Agendas/Minutes:  
[www.guadalupeaz.org](http://www.guadalupeaz.org)

Town Council Chambers  
9241 S. Avenida del Yaqui  
Guadalupe, AZ 85283  
Phone: (480) 730-3080  
Fax: (480)-505-5368

#### H. TOWN MANAGER/CLERK'S COMMENTS

Jeff Kulaga, Town Manager / Clerk

- Thanked Mayor and Council for their support.
- Thanked staff for their work.
- Pledged to continue working to serve the Guadalupe community to the best of his ability.
- Announced the installation of the new crosswalk at Calle Encinas.
- Noted positive assessments from respective agencies for the CAP and the Senior Center, emphasizing effective service delivery.
- Announced Veteran's Day parade, encouraging community attendance.

#### I. COUNCILMEMBERS' COMMENTS

Councilmember Osuna

- Thanked staff for their work.

Councilmember Bravo

- Thanked residents for watching on Facebook.
- Thanked staff for their work.

Councilmember Fuerte

- Announced Little League fall ball has ended and preparations for Spring Little League are underway.

Councilmember Soto

- Thanked staff for their work.
- Invited residents to visit the playground in her suite at the mercado.
- Encouraged residents to look out for each other during the holiday season.
- Encouraged residents to decorate Avenida del Yaqui for the upcoming light parade.

Vice Mayor Vital

- Thanked staff for their work.
- Thanked residents for watching on Facebook.
- Announced Tribal Building will be closed November 10.
- Invited residents to Christmas Party on December 20 at the Church Plaza.
- Wished everyone a Happy Thanksgiving.

Mayor Molina

- Announced Town Hall will be closed November 10.
- Urged Residents not to park along the new Avenida del Yaqui sidewalks.
- Announced a bike repair event from 12pm – 2pm at the Guadalupe Fire Department.
- Announced Christmas food box / tree giveaway at Frank School, November 18.



J. ADJOURNMENT

Motion by Vice Mayor Vital to adjourn the Regular Council Meeting; second by Councilmember Bravo. Motion passed unanimously on a voice vote 6-0.

The meeting was adjourned at 6:42 p.m.

\_\_\_\_\_  
Valerie Molina, Mayor

ATTEST:

Valerie Molina  
Mayor

Ricardo Vital  
Vice Mayor

Mary Bravo  
Councilmember

Esteban F. V. Fuerte  
Councilmember

Elvira Osuna  
Councilmember

Joe Sánchez  
Councilmember

Anita Cota Soto  
Councilmember

Agendas/Minutes:  
[www.guadalupeaz.org](http://www.guadalupeaz.org)

\_\_\_\_\_  
Jeff Kulaga, Town Manager / Town Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the November 09, 2023, Town of Guadalupe, Town Council Regular Meeting. I further certify the meeting was duly called and held, and that a quorum was present.

\_\_\_\_\_  
Jeff Kulaga, Town Manager / Town Clerk

Town Council Chambers  
9241 S. Avenida del Yaqui  
Guadalupe, AZ 85283  
Phone: (480) 730-3080  
Fax: (480)-505-5368



## PLANNING & ZONING APPLICATION

### FOR: VARIANCE, CONDITIONAL USE OR ZONING CHANGE

1. Please complete this application and attach all required items as outlined.
2. Once submitted, please allow a minimum of two weeks for staff to review and determine whether submittal is complete or additional information/material is needed.
3. Once application is determined complete and acceptable, staff will schedule a public hearing.
4. Complete/accepted application must be submitted to the Town Clerk in final no less than 30 days prior to scheduled Town council meeting. **Applicant must attend all public hearings/meetings.**

#### GENERAL INFORMATION:

Project name: Town Commons (A)

Existing use of property: Vacant

Proposed use of property: Multi-Family Residential

Existing zoning: R-1-9 Requested zoning (if applicable): PAD

#### PROPERTY INFORMATION:

Address: 9050 S Avenida del Yaqui (NE Corner / 2.80 acres / Lot A)

Legal Description\*: Section 4 Township 1S Range 4E

Maricopa County Assessor's Parcel Number (APN)\*: 301-06-373

Subdivision Name & Lot # (if applicable/available) EAST GUADALUPE BLOCK 14 TR A-G

\*Available at: <https://mcassessor.maricopa.gov/>

#### APPLICANT INFORMATION:

Name: Town of Guadalupe

Mailing Address: 9241 S. Avenida del Yaqui

Contact phone #: (480)-730-3080 Email: clerk@guadalupeaz.org

Status (owner, agent, lessee, etc): Owner

#### APPLICATION MUST INCLUDE THE FOLLOWING (per Town Code 154.036):

- WAIVED  Filing fee(s) (as outlined on page 2) – *attach*
- Legal description – *attach*
- Letter of explanation – *complete page 3*
- DEF  Plot plan – *attach*
- DEF  Site plan (drawn to scale, showing what is planned for the property, including lot dimensions, existing and proposed buildings, etc.) – *attach*
- Vicinity map of property owners within 150' of property – *attach*
- Mailing labels (Name/Address) for property owners within 150' of property – *attach*
- Proof of property ownership

**TYPE OF REQUEST:**

\_\_\_\_\_ CONDITIONAL USE PERMIT

\_\_\_\_\_ VARIANCE FOR (CHECK ALL THAT APPLY):

\_\_\_\_\_ Lot width

\_\_\_\_\_ Lot depth

\_\_\_\_\_ Building height

\_\_\_\_\_ Front setback

\_\_\_\_\_ Rear setback

\_\_\_\_\_ Sideyard setback

ZONING CHANGE – AMENDMENT TO THE ZONING MAP FOR:

\_\_\_\_\_ Single-family Residential

\_\_\_\_\_ Multi-family Residential, Commercial, or Industrial Districts

Planned Area Development

**PROPERTY OWNER:** (*If different from Applicant*, complete the Property Owner Authorization statement below. Property owner’s signature must be notarized. For more than one owner, attach a separate sheet with notarized signatures, names and addresses.)

Name: N/A

Mailing Address: \_\_\_\_\_

Phone #: \_\_\_\_\_ Email: \_\_\_\_\_

**PROPERTY OWNER AUTHORIZATION:**

I hereby authorize \_\_\_\_\_ to file this application and act on my behalf in regard to this application.

\_\_\_\_\_  
(Signature) (Date)

Notary (Rezoning Applications Only)

The State of \_\_\_\_\_ County of \_\_\_\_\_  
Subscribed, sworn to and acknowledged before me by \_\_\_\_\_, the principal,  
and subscribed and sworn to me by \_\_\_\_\_, the witness, this \_\_\_\_\_ day of  
\_\_\_\_\_ (month), \_\_\_\_\_ (year).

(signed) \_\_\_\_\_

\_\_\_\_\_  
(Notary Public)

**LETTER OF EXPLANATION:**

Briefly describe the nature and intent of the proposed development and reasons justifying the request. Include references to effects on surrounding neighborhoods and the town at large.

View attached project narrative dated January 15, 2024.

**FEE SCHEDULE:**

Type of Application	Fee	Calculate Fees
Appeals of administrative decisions	\$25	
Site plan review application	\$50	
<b>Amendments to the Zoning Map for:</b>		
Continued items, continued at the request of the applicant after the property has been posted and public hearing notices are mailed	\$25	
Multi-family residential, commercial and industrial districts	\$400	\$400
Planned area development	\$400	
Single-family residential	\$100	
Site plan review application	\$50 + \$25/acre for each acre over one	
<b>Conditional Use Permits</b>		
Manufactured homes	\$50	
All other	\$50	
<b>Variances</b>		
Single-family residential	\$50	
All other	\$50	
<b>TOTAL</b>		<b>\$0</b>

Waived

**APPLICANT SIGNATURE:**

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

**STAFF USE ONLY**

**Town of Guadalupe Review Process**

Case# \_\_\_\_\_

Zoning District: \_\_\_\_\_

Date of Application: \_\_\_\_\_

Fee: \_\_\_\_\_

Accepted by: \_\_\_\_\_

Date Application Deemed Acceptable by Staff: \_\_\_\_\_

Date of Legal Advertisement: \_\_\_\_\_

Date(s) of Public Hearing(s): \_\_\_\_\_

Council Decision: \_\_\_\_\_



# TOWN OF GUADALUPE – ZONING CODE SETBACK REQUIREMENTS



## RESIDENTIAL ZONING DISTRICTS – TOWN CODE §154.066 (E) (1) & (2)

Zoning District	Minimum Lot Area per D.U. First 2 D.U.	Minimum Lot Area per D.U. Add'l D.U.	Minimum Lot Width	MINIMUM YARD SETBACKS				Maximum Building Height
				Front	Side	Street Side	Rear	
R-2	5,000 square feet		75'	25'	7'*	20'	20'	30'
R-3	5,000 square feet	2,500 square feet	100'	20'	7'*	15'	15'	30'
R-4	5,000 square feet	1,250 square feet	100'	20'	7'*	15'	15'	30'

\*For ease of access, 1 side shall be at least 10 feet in width. Churches and schools 35 feet on each side.

The minimum provisions listed above shall not apply to any lot of smaller size already of record in the office of the County Recorder of Maricopa County, Arizona, before the effective date of this chapter.

Zoning District	MINIMUM YARD SETBACKS				Maximum Height
	Front	Side	Street Side	Rear	
R-1-9	30'	10'	20'	10'	30'
R-1-6	25'	7'	15'	10'	30'

The minimum provisions listed above shall not apply to any lot of smaller size already of record in the office of the County Recorder of Maricopa County, Arizona, before the effective date of this chapter.

## COMMERCIAL ZONING DISTRICTS – TOWN CODE §154.067(F)

Zoning District	MINIMUM YARD SETBACKS				Maximum Height
	Front	Side	Street Side	Rear	
C-1	25'	12'	15'	15'	30'
C-2	20'	12'	15'	15'	30'
C-Mix	30'	20'	30'	30'	40'

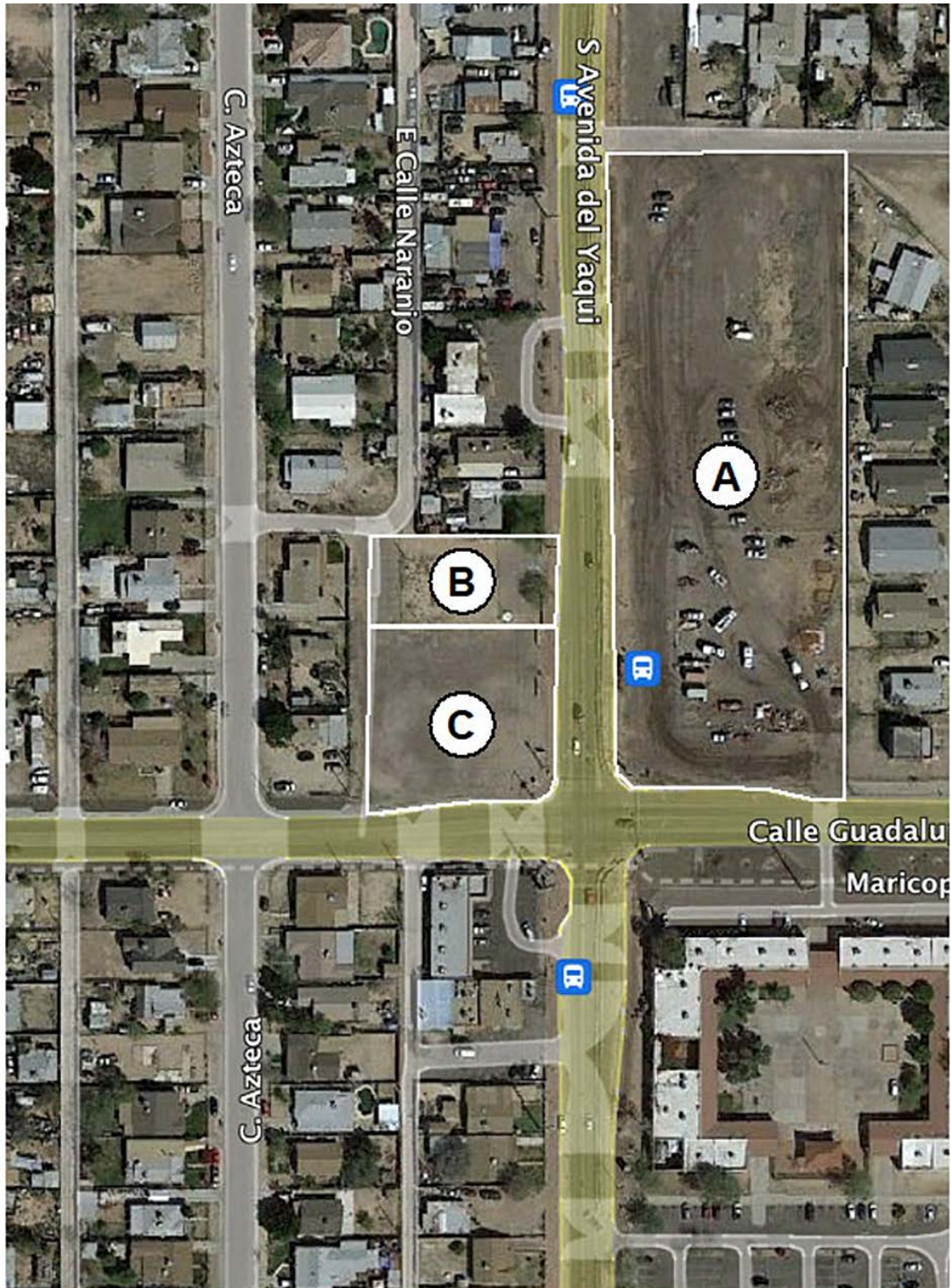
The minimum provisions listed above shall not apply to any lot of smaller size already of record in the office of the County Recorder of Maricopa County, Arizona, before the effective date of this chapter.



## Vicinity map of properties

18

- “A” in the image below is APN 301-06-373 (approx. 2.80 acres)
- “B” in the image below is APN 301-12-121 (approx. 0.34 acres)
- “C” in the image below is APN 301-12-113 (approx. 0.65 acres)

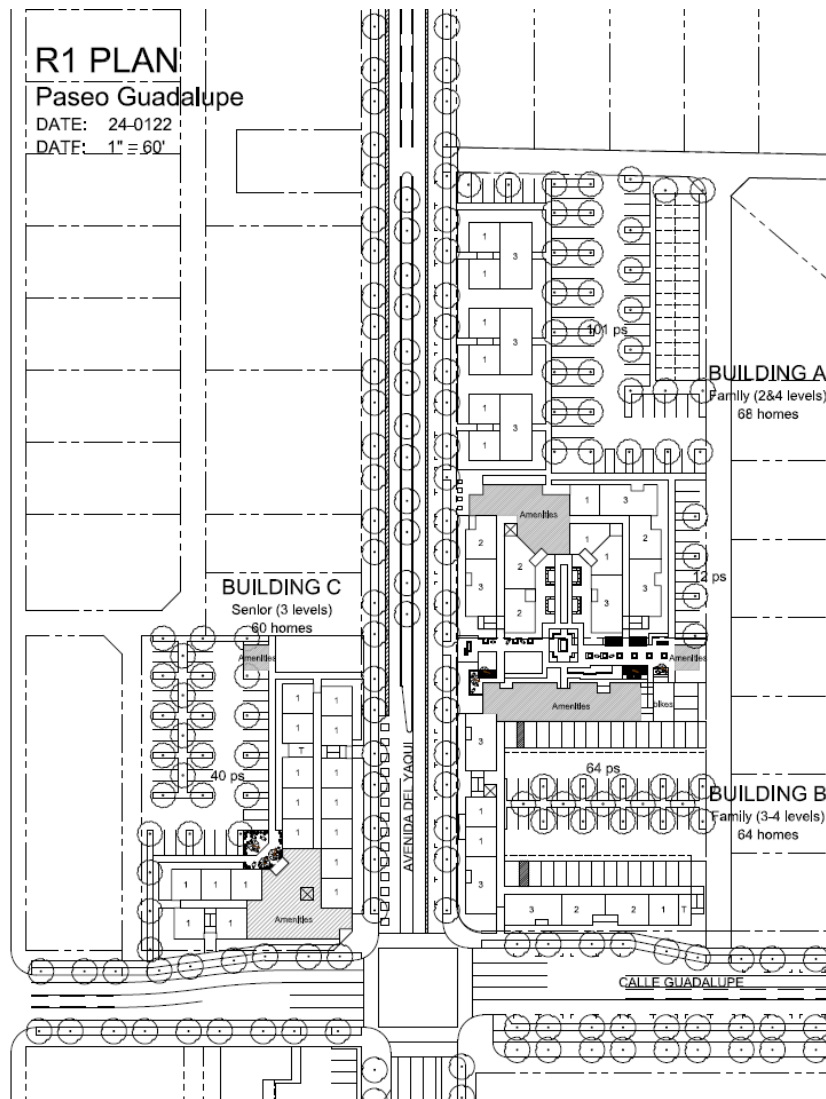


# PAD PROJECT NARRATIVE

## Town Commons

Rezoning CASE Nos. RZ2024-01, RZ2024-02 and RZ2024-03

Submittal: January 15, 2024



*Project Location: NEC and NWC of  
Guadalupe Road & Avenida Del Yaqui  
APNs 301-06-373; 301-12-121; 301-12-113*

## Project Overview

On December 9, 2022, the Town issued a Request for Proposals seeking a development partner for the future development of vacant Town-owned properties at the corner of Guadalupe Road and Avenida Del Yaqui. Respondents with team capability, previous experience, financial acumen and resources, and a reasonable method of approach were sought.

After review and consideration of the proposals, an award was made by the Town Council in a regular public meeting on March 9, 2023, to enter into exclusive negotiations with The Richman Group for a Development Agreement comprising the subject property. This Development Agreement has been submitted for concurrent review and consideration by the Town Council along with this rezoning request.

This rezoning and the Development Agreement, if approved, may result in a The Richman Group completing a competitive application to the State Department of Housing for award of project tax credits or other funding support for their proposed multifamily project in three distinct phases. This rezoning will help support these competitive application efforts.

Town staff is making this rezoning request as representatives of the Town to facilitate this future development. A vicinity map of the properties is attached here as [Exhibit A](#). As further described in the concurrent Development Agreement, The Richman Group proposes to lease the subject properties to develop affordable housing projects on the subject properties in three separate phases, both comprising the “Town Commons” project.

Two Phases of Town Commons, on the NEC of Guadalupe Road and Avenida Del Yaqui, will consist of nearly 132 family-oriented affordable rental units – 68 and 64 units respectively. Phase two of Town Commons, on the NWC of Guadalupe Road and Avenida Del Yaqui, will consist of 60 affordable homes for seniors.

The Town Commons will create an intergenerational community in three developments to serve neighbors seeking to continue living in Guadalupe as they age, and residents who need accessible rent to grow deeper roots with their family.

The proposed project has the potential to help the Town overcome its growing structural deficit by increasing the potential for resident spending, thereby supporting local retail businesses that contribute transaction taxes in support of General Fund services residents have come to expect and deserve.

The location of the project phases at the intersection of Guadalupe Road and Avenida Del Yaqui provides the potential for positive advancement of community art, architecture and resident activity at the most frequently travelled intersection in our community.

### Summary of Request

The Town is the owner of the currently vacant properties designated as APN numbers 301-06-373 (zoned “R1-9” in the Town and comprising approximately 2.80 acres); 301-12-121 (zoned “C-1” in the Town and comprising approximately 0.34 acres); and 301-12-113 (zoned “C-1” in the Town comprising approximately 0.65 acres) at the NE and SW corners of Guadalupe Road and Avenida Del Yaqui. The Town is advancing this rezoning of the subject properties to facilitate new development of multi-family housing.

### Relationship to Adjacent Properties

The following table describes the uses, zoning and General Plan designation for the properties immediately adjacent to the subject properties.

<u>Direction</u>	<u>Surrounding Uses</u>	<u>Zoning</u>
North	Residential, Commercial	C-1, R1-9 and R1-6
East	Residential	R1-9
South	Residential, Commercial Civic Center	C-1, R1-9 and R1-6
West	Residential	R1-6

### Conformance with General Plan

Currently, the Town has a Council-approved Master Plan that has served as a precursor document to a General Plan as defined by ARS 9-461.05. That document was adopted by Town Council on January 2, 2004, and provides guidance for future development, including:

Overall Goals – Four are described in the plan

- Preserve the Uniqueness of the Town
- Promote the Orderly Development of the Town
- Strengthen Economic Base and Enhance Economic Development
- Improve Quality of Life

This proposed PAD conforms to the long-range plan in the following ways:

- **Preserve the Uniqueness of the Town**

By creating opportunities for new and affordable housing, Guadalupe residents who are seeking modern construction and amenities will have additional choices to remain in Town, close to relatives and within the community they call home, at an affordable price.

- **Promote the Orderly Development of the Town & Strengthen Economic Base and Enhance Economic Development**

These underutilized properties, when successfully transitioned into residential communities, can help promote the further diversification of the Town’s retail tax base by encouraging private sector investment into new retail uses - thereby helping to resolve the Town’s current structural deficit and ensuring the continuation of municipal services.

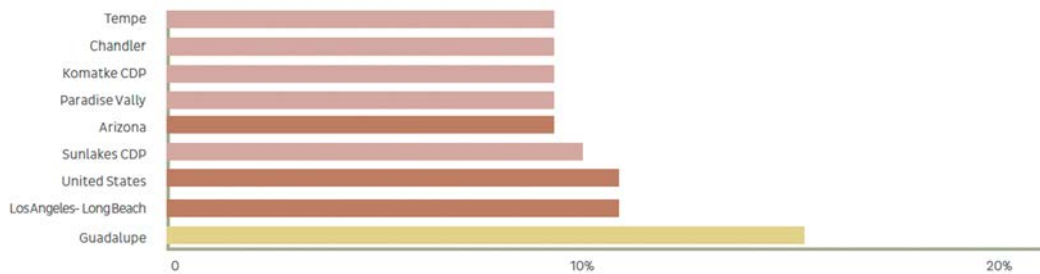
- **Improve Quality of Life**

There is a demonstrated need for new, affordable housing in the Town.

**FIGURE 18: OWNER COST AS % OF HOUSEHOLD INCOME (WITHOUT MORTGAGE)**

This analysis can be useful for understanding the affordable housing for home ownership excluding any financing cost in the area shown. Guadalupe shows it has a % of Income Owner Costs-No Mortgage of 15% which is the most of all places in the greater Guadalupe region.

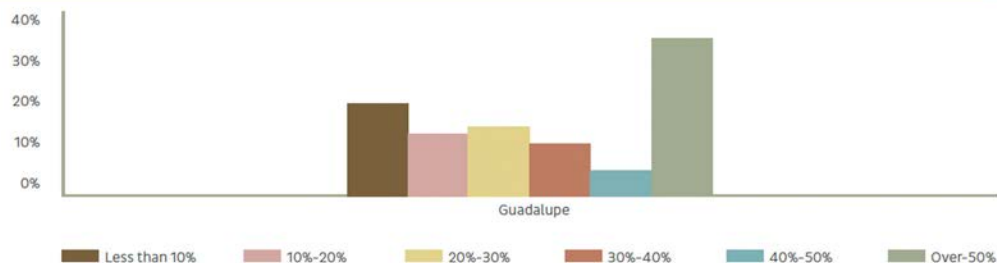
FIGURE 18 | OWNER COST AS % OF HOUSEHOLD INCOME (WITHOUT MORTGAGE)



**FIGURE 19: RENT AS A PERCENT OF HOUSEHOLD INCOME**

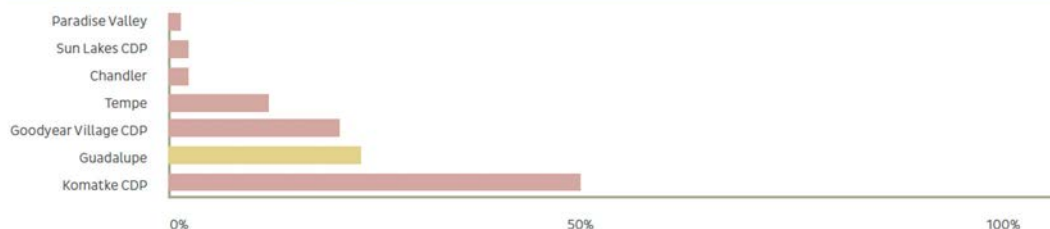
This graphic looks at the cost of rent for rental property using the percent of total household income which is a valuable measure of financial health for the area. (The higher the proportion of rent payments to total household income is a sign of greater financial stress. Also, rent can be covered by rent assistance and rent assistance programs in the form of rent assistance.) Guadalupe has the percentage of rent as a percent of income is less than 10 pct less than most other places in the greater region at 12% of the total. Second, it has one of the largest proportions of rent as a percent of income is between 40pct to 50pct at 34% of the total and is ranked #2. The only larger city being Sun Lakes CDP with 34%.

FIGURE 19 | RENT AS A PRECENT OF HOUSEHOLD INCOME



**FIGURE 24: PERCENT OF POPULATION IN POVERTY**

This chart illustrates the percentage of people earning less than the poverty level is shown and compared across the group of places. Guadalupe shows it has a Percent of Population In Poverty of 32.0% which is the second most of all the places in the local area. The city with the highest percent of people earning less than the poverty level in the area is Komatke CDP which shows a percent of people in poverty of 54.7% (71.2% larger).

**FIGURE 24 | PERCENT OF POPULATION IN POVERTY**

## Permitted Uses

All uses permitted in the R-4 Multi-Family Residential District of the Town of Guadalupe Zoning Ordinance are permitted with a residential density of up to 60.0 units per acre for the NEC property (APN number 301-06-373 comprising approximately 2.80 acres); and 61.0 units per acre for the NWC properties (APN numbers 301-12-121 & 301-12-113, comprising approximately 0.99 acres). In addition, up to 10,000 square feet of retail uses as identified in § 154.067.C. and 154.067.D. ,COMMERCIAL DISTRICTS, are allowed across the phases of Town Commons. All office uses are also allowed including professional, business, executive and all other office uses up to 10,000 square feet for the phases of Town Commons. Live/work units are allowed. This PAD and Preliminary Development Plan establish the applicable development standards and design guidelines for the Property.

## PAD Development Standards

All development standards in the C-2 zoning district of the Town of Guadalupe Zoning Ordinance shall apply on the Property, except as provided herein. In the event of a conflict between a provision of this application and a provision of the Town of Guadalupe Zoning Ordinance, this application shall prevail.

### Density

This amended PAD and accompanying PDP will allow the Property a maximum residential density of 61.0 units per net acres across the Property and an overall density of 20.0 units per net acre across the original PAD Properties.

### Building Height

No building shall exceed 54 feet.

Streetscape Standards (from face of curb):

- i. Guadalupe Road: 18-foot (**minimum 6-foot sidewalk and 8-foot landscape strip**)
- ii. Avenida Del Yaqui: 18-foot (**minimum 6-foot sidewalk and 8-foot landscape strip**)

Building Setback

- iii. Property Lines adjacent to existing Residential uses, inclusive of alleys: 20 foot

Parking

The Project will incorporate surface parking and tuck-under garages. As part of the visitor surface parking spaces at the main entry, the development will provide ridesharing loading/unloading parking spaces. The development may also provide several electrical charging stations for the residents.

The parking will be well-lit and landscaped to support a ground level experience in keeping with the standards of a high-quality residential community. Surface parking is set back at least 20 feet from all right-of-way lines.

The Town currently requires the following parking:

- i. Minimum 1.0 parking spaces per efficiency unit
- ii. Minimum 1.5 parking spaces per each 1 and 2 bedroom unit
- iii. Minimum 2.0 parking spaces per each unit containing more than 2 bedrooms

Each Project will provide the following parking:

- i. Minimum 1.25 parking spaces per dwelling unit for Phases 1 and 2
- ii. Minimum 0.5 parking spaces per dwelling unit for Phase 3

Private Open Space

The Town Commons project provides amenities in its passive and active recreation areas. Open space areas are well integrated throughout the Project. On-site amenities provide an equal and balanced distribution of recreation for resident access. The type and quantity of furnishings, hardscape and active recreation elements vary, depending upon the location within the project and type of experience programmed.



### Deviations

The following include identified deviations from code requirements for multifamily housing, and provided Project design elements will replace contradicting city standards:

1. Landscape setback widths vary as identified above.
2. A minimum 6-foot wide public sidewalk is provided along Avenida Del Yaqui to accommodate the existing right-of-way.
3. The streetscape standard is measured at 18 feet from face of curb.
4. Building height is at 54 feet.
5. **Minor Modifications for Town Commons:** Minor modifications shall be processed through an administrative review by The Town Manager or designee. Modifications may include a 10% deviation to any approved development standard, including but not limited to required building setbacks, required streetscape dimensions, parking, density, building height, etc.

### **Preliminary Development Plan**

A preliminary plan for development is attached here as Exhibit B. This plan will be advanced to a final plan for development through the development process of community outreach, planning and design. The final plan for development, comprising but not limited to a site plan, open space plan, circulation plan, and plans for provision of utilities, public art, and offsite improvements will be reviewed and approved separately from this rezoning action through the Town's normal plan review and permitting processes.

### **Architecture**

The Town Commons apartments are proposed as a comfortable urban architecture that takes references from the Town's long history and traditions. Building on the transition in the surrounding neighborhood toward this safe, clean and friendly environment, the architecture is proposed as an modern character of clean lines, open floor plans and a connection to the outdoors, both visually and physically, providing a high design aesthetic.

The overall architectural character for the development should respond to a regional awareness and history of the southwest and Arizona both visually and environmentally by: (1) acknowledging climate and solar considerations; (2) utilizing natural light as much as possible; (3) using vertical scale for contrast and importance; (4) choosing appropriate forms and materials;

(5) utilizing landscape materials to provide continuity and aesthetics; and (6) building a positive identity through a “sense of place” and architecture.

An observer of the project on any side would note any expanse of building wall is broken up by a combination of height and depth articulation, material changes, window and building openings, color, light and shadow control, and landscaping with upper, mid and pedestrian level treatments to create a visually interesting and elegant design aesthetic in harmony with desert living.

The project architecture and theming elements are carried into the amenity areas. Maintaining human scale building proportions along street frontages create visual interest. Indoor spaces are integrated with outdoor spaces through attractive breezeways and project landscaping.

### **Building Material/Color**

Accessory structures should be of similar architectural design and constructed of compatible materials. Low reflective materials, textures, and colors should be used to reduce solar radiation. Choose colors which relate well to one another, to the proposed buildings and landscape materials and which are appropriate to the architecture and surrounding.

### **Sustainability**

The Town Commons Apartments are designed with a focus on a range of sustainable considerations to provide green building opportunities for the development through building orientation/location, shading, window design, building mechanics, conservation of energy and water.

The following are sustainable practices that are integrated into the Project:

- Reusing a vacant infill property for the proposed multi-family development
- Responding to the harsh southwest climate by incorporating materials and design method suitable for the region
- Recognizing the value of human comfort zones and providing appropriate landscaping and adequate shading
- Installing energy efficiency, Low E windows
- Providing low volatile organic (VOC) paints, carpet and flooring
- Providing light emitting diode (LED) and energy efficient lighting technology within units, site, and parking lighting
- Providing low flow plumbing fixtures to reduce water usage
- Installing a minimum of 3 Energy Star rated ceiling fans.
- Installing Energy Star rated hot water heater.
- Providing high efficiency HVAC units

- Using roofing materials that specify a high Solar Reflectance Index for a minimum of 75% of the roof surface area
- Shading surface parking spaces using vegetation.
- Landscaping and stormwater management that seeks to retain stormwater runoff where appropriate and allow it to provide water for landscaping and improve groundwater conditions.
- Providing open bike parking areas to allow residents an opportunity to have an alternative mode of transportation

### **Equipment Screening**

The rooftop mechanical equipment is screened visually and integral to the architectural design of the project buildings. Trash enclosures are fully enclosed with concrete masonry unit (“CMU”) block walls and metal gates. Screening will be accomplished through location, orientation and use of landscaping to the maximum extent possible while still providing ease of access to residents and collection services. Meter bank installation will be guided in accordance with SRP, Tempe Water, and Southwest Gas standards and by the goals of minimizing their visual impact through location, minimizing exposed conduit and painting of conduit, landscape screening where practical and to the maximum extent feasible.

### **Landscaping**

The overall landscape theme of Town Commons is inspired by the Sonoran Desert style palette to create an attractive experience for residents and visitors alike. The design and materials create a sense of place within the site, while adding a fresh approach to a timeless desert environment for the surrounding community. All plant species proposed adhere to the Arizona Department of Water Resources, “Low Water Use Plant List” in order to promote water efficiency stewardship and incorporate native vegetation into the landscape environment. Site landscape will be irrigated by means of a low volume drip irrigation system that utilizes moisture sensing and weather-based technology.

The landscaping theme draws from the lush desert look and feel of an adapted Sonoran landscape, crafted for the Arizona climate through the use of drought tolerant and native adapted elements. The use of Oaks and Elms along Avenida Del Yaqui and Guadalupe Road create an inviting street frontage, providing a shady haven for all public users. These classic street trees will be complemented with large massings of colorful shrubs, accents and groundcovers. Trees along Avenida Del Yaqui and Guadalupe Road will be planted an average of 30’ on center.

Plant material and location has been carefully considered. Plant material included is within the latest amended edition of the "Low-Water-Using Plant List" approved by the Director of the Phoenix Active Management Area of the Arizona Department of Water Resources. All trees shall

comply with the latest amended edition of the "Arizona Nursery Association — Recommended Tree Specifications". All plant material will meet the applicable minimum planting sizes and spacing required by the Town with spacing sufficient to allow plants to reach their natural mature size and form. Plant massing, coverage and density requirements of the Town are met for parking areas, common open space/retention basins; intersection setback areas; landscape setback areas; other perimeter landscape strips and rights-of-way. The grouping of plant species commonly found together in natural associations or of common environmental requirements (soil type, water, sun exposure, temperature limitations, etc.) has been considered throughout the Project design.

Landscaping is designed and will be installed and maintained in accordance with the Town's stated basic principles of xeriscaping. Water features are placed only within small-scale pedestrian/oriented places. Water feature designs reduce evaporation losses. Town Commons uses landscaping design to incorporate energy conservation measures by shading of south and west sides of building by overhangs and/or trees and the provision of shade trees on the south and west side of streets.

### **Signage**

The main entry to Town Commons buildings will have identifying signage in a well-landscaped setting. Site directories are located at common access points for viewing by pedestrians and people in vehicles. Paving treatments are used at entryways, crosswalks and amenity areas.

### **Property Management**

As a comprehensive and fully vertically integrated real estate development services company, The Richman Group ("TRG") maintains its own property management division internal to the company. TRG Management is a premier manager of multifamily apartment communities across the United States, with over 160,000 residential units currently under their care.

The Town expects TRG Management to create an exceptional living environment at Town Commons, in all areas of Property Management, including marketing, training, financial reporting, construction management and maintenance to present an 'A' class property that the entire community will be proud to showcase.

### **Grading and Drainage Summary**

Project parcels are planned to retain on-site stormwater onsite as prescribed by the Town for the 100-year, 2-hour storm event. Runoff generated by the new development will meet the applicable water quality standards imposed by the Town. Stormwater will be retained onsite either in surface ponds or underground storage tanks. All retention facilities designed will dispose

of stormwater via drywells. All finished floor elevations for new buildings will be set according to Town of Guadalupe requirements.

### **Utilities Summary**

Electrical transformers or other ground mounted utility equipment will be painted to match the building to blend in with the Project architecture and landscaping.

The Project will not adversely affect municipal or private facilities and services. Similarly, it will not have an adverse effect on existing or future public and private open space, recreation, schools, or library facilities.

The following list identifies public and private services for the Property:

- Water: City of Tempe
- Sewer: City of Tempe
- Electric: SRP
- Gas: Southwest Gas
- School District: Chandler Unified School District
- Police: Maricopa County Sherriff
- Fire: Town of Guadalupe

All new buildings will be served by private onsite water and sewer facilities. Domestic water and fire suppression services will be provided to each building from a looped onsite system that connects to existing facilities in Guadalupe Road and Avenida Del Yaqui. Sanitary sewer services to each new building are planned as provided from private main extensions onsite that connect to the existing public main in Guadalupe Road. Dry utility services are planned to connect to adjacent facilities located in the surrounding public roads.

### **Phasing Plan**

Town Commons will be constructed in three distinct phases. Arterial road frontages, landscaping and streetscape will be installed in conjunction with onsite development.

### **Summary**

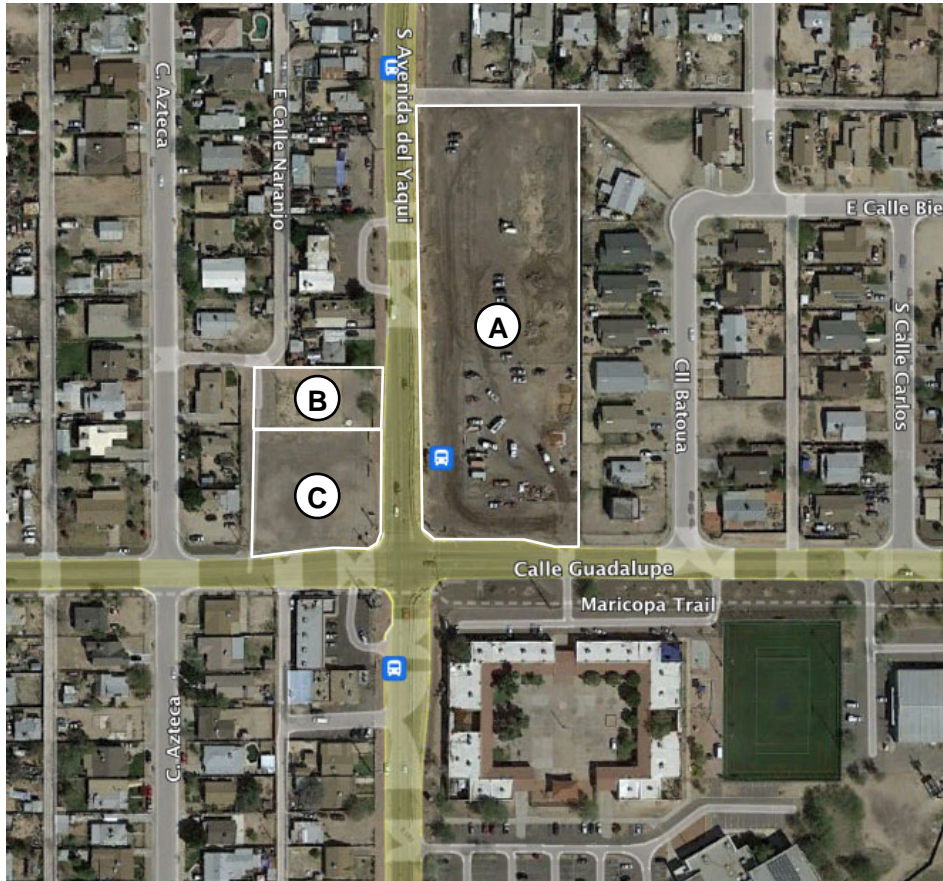
The proposed PAD and Preliminary Development Plan conform with and promote the goals and objectives of the Town of Guadalupe Long-Range Plan, and will provide a modern, affordable residential community for the Town. The Town Commons project will be a great complementary asset to the surrounding uses and represent the highest and best use for this currently vacant Property.

**Exhibit A**  
**Vicinity map of the properties**

“A” in the image below is APN 301-06-373 (approx. 2.80 acres)

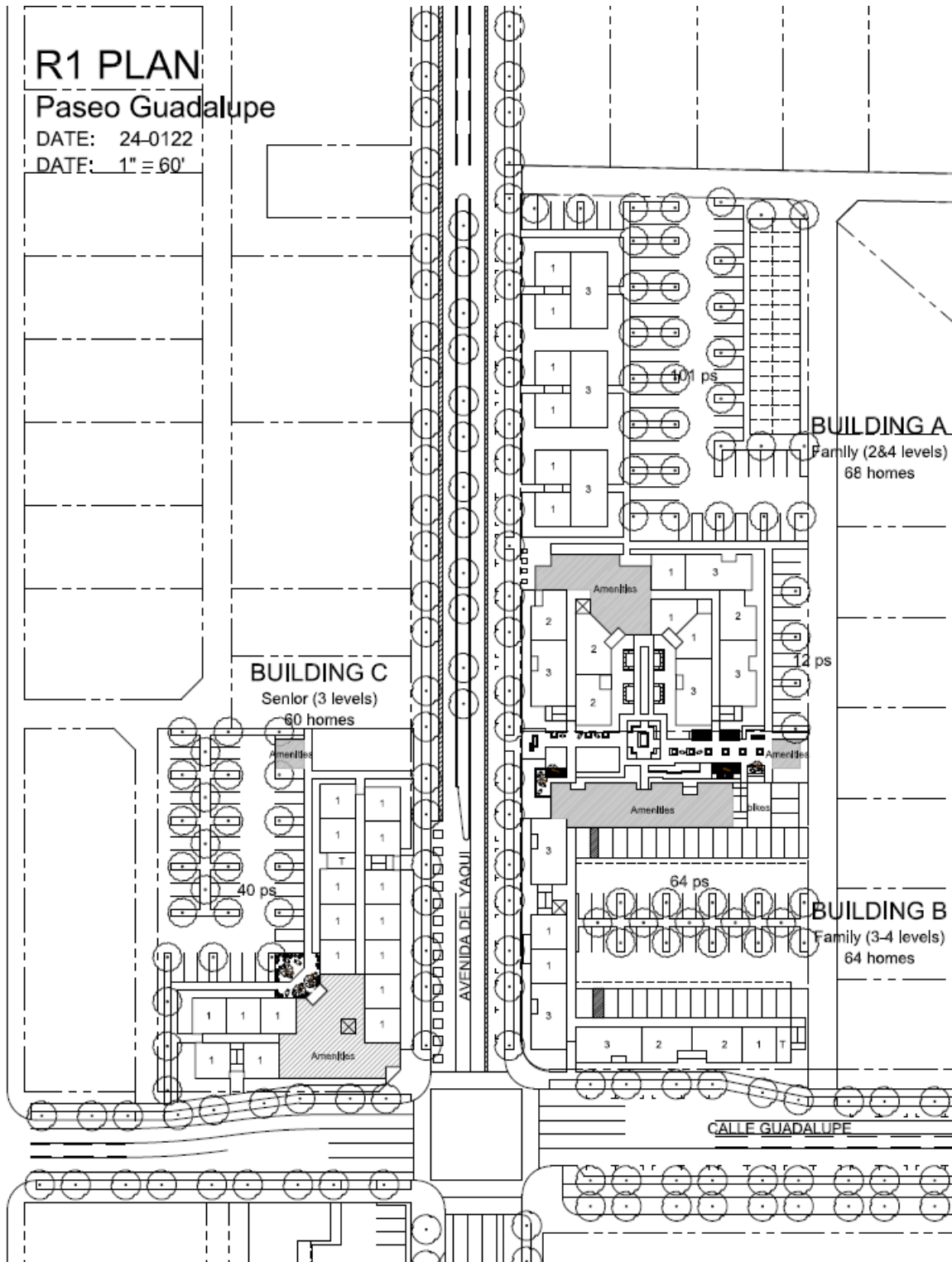
“B” in the image below is APN 301-12-121 (approx. 0.34 acres)

“C” in the image below is APN 301-12-113 (approx. 0.65 acres)



**Exhibit B**

Preliminary Development Plan



# Unofficial Document

32

When recorded mail to:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

HOLD FOR  
FRONTIER PROCESS



OFFICIAL RECORDS OF  
MARICOPA COUNTY RECORDER  
HELEN PURCELL  
2009-0041691 01/16/09 04:29 PM  
3 OF 6

FLORESC

this area reserved for county recorder

CAPTION HEADING:

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DO NOT REMOVE

This is part of the official document.

7/20



COPY FOR CERTIFICATION

12/30/08 FILED 3:54pm  
MICHAEL K. JEANES, Clerk  
By R. Smith  
R. Smith, Deputy

HOLD FOR FRONTIER PROCESS

1 **DAVID E. LEDYARD**  
Attorney Bar#005904  
2 Faith, Ledyard, Nickel & Shelsky, PLC  
3 919 N. Dysart Road, Suite F  
Avondale, Arizona 85323  
623-932-0430

CERTIFIED COPY

4 Attorney for the Town of Guadalupe

5  
6 **IN THE SUPERIOR COURT FOR THE STATE OF ARIZONA**  
7 **IN AND FOR THE COUNTY OF MARICOPA**  
8

9 **IN THE MATTER OF THE CHARITABLE**  
10 **TRUST OF THE BIEHN COLONY**  
11 **TRUST, INC.**

Case No. PB2004-002356

**PARTIAL JUDGMENT**  
**A.R.C.P. 54B**

12  
13 Unofficial Document

14 The Court Finds:

15 This matter came before the Court for review on November 19, 2008. In addition,  
16 the Town of Guadalupe filed a Motion to Confirm Prior Orders and Transfer Real Property  
17 to the Town.

18 1. LAS FUENTES

19 This Court had previously approved a settlement of the Charitable Trust of the  
20 Biehn Colony Trust, Inc., ("the Trust"), by Order dated April 12, 2006. As part of that  
21 settlement, the Trust was to convey certain real property to the Las Fuentes Health Clinic  
22 of Guadalupe, Inc., a non-profit corporation("Las Fuentes"), with the proviso that Las  
23 Fuentes' interest would not vest unless certain contingencies were met and that if those  
24 contingencies were not fulfilled, title to the property would automatically vest in the  
25 Town of Guadalupe and Las Fuentes would never have had legal title to the property.  
26

1 One of the contingencies Las Fuentes was required to fulfill was to prepare a  
2 complete comprehensive development plan for the property and to obtain approval from  
3 both the Court and the Town within 18 months. Las Fuentes was unable to complete  
4 this requirement despite two extensions granted by the Court in its Orders of February 4,  
5 2008, and September 3, 2008.

6 The Town's motion asks the Court to confirm its prior orders and order that the  
7 Las Fuentes Health Clinic of Guadalupe, Inc., does not now, nor has it ever held legal title  
8 to the property described hereafter and further that the Town of Guadalupe, a municipal  
9 corporation, does have legal title pursuant to the Deed dated April 15, 2008, and  
10 recorded in the records of the Maricopa County Arizona Recorder at 20080344995. The  
11 legal description of said property is attached hereto and labeled Exhibit B.  
12

13 2. G.U.A.D.

Unofficial Document

14 As part of the settlement approved by the Court's Order dated April 12, 2006, the  
15 Court approved an earlier transfer of property from the Trust to Guadalupanos United for  
16 Advancement, Inc., a non-profit corporation ("G.U.A.D.") with the proviso that should  
17 G.U.A.D. ever disincorporate, it must convey the property to the Town.

18 G.U.A.D. did disincorporate and conveyed its interest in the real property to the  
19 Trust which in turn conveyed the property to the Town as required by the Court's prior  
20 Order of April 12, 2006. The two deeds were recorded in the records of Maricopa  
21 County Arizona Recording numbers 2008-0652059 on July 25, 2008 (GUAD to the  
22 Trust) and 2008-0655571 July 28, 2008 (Trust to the Town). The legal description of  
23 the GUAD property is attached hereto as Exhibit E.  
24  
25  
26

1 The Town has moved that the Court specifically approve the foregoing  
2 conveyance and hold that the Town of Guádalupe holds legal title to the GUAD property  
3 in fee simple free of any restrictions from the Trust.

4 There are no objections to the Town's motion.

5 NOW THEREFORE IT IS HEREBY ORDERED ADJUDGED AND DECREED:

6 1. Las Fuentes Health Clinic of Guadalupe, Inc., having failed to fulfill the  
7 required contingencies does not now nor did it ever hold legal title to the property  
8 described on "Exhibit B" attached hereto and incorporated herein by reference as if  
9 set forth in full.

10 2. The Town of Guadalupe's title conveyed to it by deed dated April 15,  
11 2008, and recorded at 2008-034495<sup>✓</sup> records of the Maricopa County Recorder,  
12 Maricopa County Arizona is confirmed and the Town holds title to the property  
13 described on "Exhibit B" attached hereto and incorporated herein by reference as if  
14 Unofficial Document  
15 set forth in full subject only to the requirement that prior to selling or building on the  
16 property, it must first obtain Court approval for a development plan that complies  
17 with the terms of the Trust, as modified by the Court's Order of April 12, 2006,  
18 approving the settlement entered herein.

19 3. The Court's Orders of April 12, 2006 and February 4, 2008, are  
20 confirmed.

21 4. Las Fuentes Health Clinic of Guadalupe, Inc., shall cooperate and sign any  
22 documents necessary to effectuate this Order.

23 5. The conveyance from Guadalupanos United for Development and  
24 Advancement, Inc., to the Biehn Colony Trust, Inc., and the conveyance from the  
25 Biehn Colony Trust, Inc., to the Town of Guadalupe both dated July 10, 2008 and  
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recorded in the records of the Maricopa County Arizona Recorder at 2008-0652059 and 2008-0655571 respectively are approved. The Town of Guadalupe holds title to said property in fee simple free of any development restrictions. Said property is described on Exhibit E attached hereto and incorporated herein by reference.

6. This Order is a Partial Judgment involving title to the real property described on Exhibits B and E. There being no just cause for delay, the Clerk of the Court is directed to file this Partial Judgment without delay pursuant to the Arizona Rules of Civil Procedure Rule 54B.

DATED this 18 day of December 2008.

By *Lindsay Ellis*  
PRESIDING COMMISSIONER LINDSEY ELLIS

Unofficial Document

**EXHIBIT B****ORIGINALLY RECORDED AS EXHIBIT A TO DOCUMENT RECORDED AS 2008-0344995**

1. LOT 6 OF BLOCK 10, EAST GUADALUPE, CITY OF GUADALUPE, MARICOPA COUNTY, ARIZONA, AND AS SHOWN ON THE SUBDIVISION PLAT OF EAST GUADALUPE AS FILED IN THE RECORDS OF THE MARICOPA COUNTY RECORDER ON MAY 7, 1979, IN BOOK 211, PAGE 18, MARICOPA COUNTY RECORDER PARCEL NO. 301-06-141-1.
  
2. LOT 7 OF BLOCK 10, EAST GUADALUPE, CITY OF GUADALUPE, MARICOPA COUNTY, ARIZONA, AND AS SHOWN ON THE SUBDIVISION PLAT OF EAST GUADALUPE AS FILED IN THE RECORDS OF THE MARICOPA COUNTY RECORDER ON MAY 7, 1979, IN BOOK 211, PAGE 18, MARICOPA COUNTY RECORDER PARCEL NO. 301-06-142.
  
3. TRACT G, BLOCK 14, EAST GUADALUPE, CITY OF GUADALUPE, MARICOPA COUNTY, ARIZONA, AND AS Unofficial Document SHOWN ON THE SUBDIVISION PLAT OF EAST GUADALUPE, BLOCK 14, AS FILED IN THE RECORDS OF THE MARICOPA COUNTY RECORDER ON AUGUST 5, 1986, IN BOOK 301, PAGE 6, MARICOPA COUNTY RECORDER PARCEL NO. 301-06-373.

## EXHIBIT E

## ORIGINALLY RECORDED AS EXHIBIT A TO DOCUMENTS RECORDED

AS 2008-0652059 and 2008-065557

THAT PART OF BLOCK 4 OF EAST GUADALUPE, SUBDIVISION RECORDED IN BOOK 162, PAGE 35, MARICOPA COUNTY, ARIZONA RECORDS, DESCRIBED AS FOLLOWS:

FROM THE SOUTHERNMOST TERMINUS OF THE CURVE AT THE SOUTHEAST CORNER OF THE SAID BLOCK 4, MEASURE THENCE SOUTH 89 DEGREES 59 MINUTES 51 SECONDS WEST, ALONG THE SOUTH LINE OF THE SAID BLOCK 4, A DISTANCE OF 311.00 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 89 DEGREES 59 MINUTES 51 SECONDS WEST, ALONG THE SOUTH LINE OF THE SAID BLOCK 4, A DISTANCE OF 118.00 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT, HAVING A RADIUS POINT BEARING NORTH 00 DEGREES 00 MINUTES 09 SECONDS WEST, 12.00 FEET;

Unofficial Document

THENCE NORTHWESTERLY 18.85 FEET ALONG THE ARC OF THIS CURVE THROUGH 90 DEGREES 00 MINUTES 00 SECONDS OF A CENTRAL ANGLE TO A POINT ON THE WEST LINE OF THE SAID BLOCK 4;

THENCE NORTH 00 DEGREES 00 MINUTES 09 SECONDS WEST, ALONG THE SAID WEST LINE OF BLOCK 4, A DISTANCE OF 172.00 FEET;

THENCE NORTH 89 DEGREES 59 MINUTES 51 SECONDS EAST, 130.00 FEET;

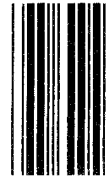
THENCE SOUTH 00 DEGREES 00 MINUTES 09 SECONDS EAST, 184.00 FEET TO THE POINT OF BEGINNING.

The foregoing instrument is a full, true and correct copy  
of the original on file in this office.

Attest JAN - 5 2009 20

MICHAEL K. JEANES, Clerk of the Superior Court of the  
State of Arizona, in and for the County of Maricopa.

By [Signature] Deputy



OFF  
MARICOPA

2008-0344995 04/18/08 02:08 PM

1 OF 1

BROWN

When recorded please /  
mail this Deed to /  
Town of Guadalupe /  
c/o David E. Ledyard /  
Town Attorney /  
919 N. Dysart Rd, Suite F /  
Avondale, AZ 85322 /

THIS DEED IS EXEMPT FROM THE  
AFFIDAVIT AND FEE REQUIREMENTS  
OF A.R.S. § 11-1134 BY REASON  
OF A.R.S. § 11-1134A(5)

QUIT CLAIM DEED

Effective Date:

April 15<sup>th</sup>, 2008

County and State where  
Real Property is located:

Maricopa County, Arizona

GRANTOR:

Biehn Colony Trust, Inc.  
an Arizona corporation

GRANTEE:  
Inc.

Las Fuentes Health Clinic of Guadalupe,  
an Arizona corporation

CONTINGENT GRANTEE:

Town of Guadalupe  
an Arizona municipal corporation

Subject Real Property  
(Legal Description):

See Exhibit "A" attached hereto

For valuable consideration, Grantor quit claims to Grantee or the Contingent Grantee should the contingency set forth hereafter occur, all right, title and interest of Grantor in the subject Real Property, together with all rights and privileges appurtenant or to become appurtenant to the Subject Real Property on the Effective date, subject to all liens, encumbrances, easements, rights-of-way, restrictions and other matters of record.

As directed by the Maricopa County Superior Court in Case No. PB2004-002356 which was consolidated with Case C184394 by order of the Court on June 19, 2004 In The Matter Of The Charitable Trust Of The Biehn Colony Trust, Inc.: said Grant to Grantee is expressly contingent on the following terms and conditions:

1. This conveyance is subject to the Orders of the Court dated April 12, 2006 and February 4, 2008 in Case No. PB2004-002356, Maricopa County Superior Court.
2. The conveyance is expressly contingent on Grantee fulfilling all of the requirements of the aforementioned court orders that the property be developed in accord with the terms of the Charitable Trust, of the Biehn Colony Trust, Inc. and that a final development plan be approved by the Court no later than September 3, 2008.
3. If the Grantee does not meet this contingency and obtain approval of a final development plan by September 2, 2008, unless the date is extended by the Court, the conveyance to Grantee shall fail, be void and of no legal effect.
4. In the event that the conveyance to Grantee fails due to a failure of Grantee to obtain approval of a final development plan by September 3, 2008 or by a specific later date set by the Court, then the Subject Property described in Exhibit "A" attached hereto is hereby conveyed to the Contingent Grantee, The Town of Guadalupe, an Arizona municipal corporation, in fee title subject only to the requirement that the Subject Property be developed in a way consistent with the terms of Charitable Trust of the Biehn Colony Trust, Inc., under the <sup>Unofficial Document</sup> supervision of the Maricopa County Superior Court in Case No. PB2004-002356.

GRANTOR:

Biehn Colony Trust, Inc.  
an Arizona corporation

By 

Jimmy Molina  
Its President



EXHIBIT "A"

1. LOT 6 OF BLOCK 10, EAST GUADALUPE, CITY OF GUADALUPE, MARICOPA COUNTY, ARIZONA, AND AS SHOWN ON THE SUBDIVISION PLAT OF EAST GUADALUPE AS FILED IN THE RECORDS OF THE MARICOPA COUNTY RECORDER ON MAY 7, 1979, IN BOOK 211, PAGE 18, MARICOPA COUNTY RECORDER PARCEL NO. 301-06-141-1
2. LOT 7 OF BLOCK 10, EAST GUADALUPE, CITY OF GUADALUPE, MARICOPA COUNTY, ARIZONA, AND AS SHOWN ON THE SUBDIVISION PLAT OF EAST GUADALUPE AS FILED IN THE RECORDS OF THE MARICOPA COUNTY RECORDER ON MAY 7, 1979, IN BOOK 211, PAGE 18, MARICOPA COUNTY RECORDER PARCEL NO. 301-06-142.
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Unofficial Document

STATE OF ARIZONA )  
 )ss.  
County of Maricopa )

On this 15<sup>th</sup> day of April, 2008, before me, the undersigned Notary Public, personally appeared Jimmy Molina, President of Biehn Colony Trust, Inc., who is known to me (or satisfactorily proven) to be the person whose name is above subscribed, who acknowledged that he executed this instrument, as Grantor, on behalf of the Trust for the purposes stated herein.

Lia Cleaver Bascombe  
Notary Public

July 27, 2010  
My Commission Expires

ACCEPTED AND APPROVED

John Molina  
Dr. John Molina  
President of Las Fuentes Health Clinic  
of Guadalupe, Inc.



Unofficial Document

HOLD FOR FRONTIER PROCESS

WHEN RECORDED RETURN TO: /

Town of Guadalupe /  
c/o David E. Ledyard /  
919 N. Dysart Road, Suite F /  
Avondale AZ 85323 /

M

20

10 OF 10

JESSICAC

THIS DEED IS EXEMPT FROM THE AFFIDAVIT AND FEE REQUIREMENTS OF A.R.S. § 11-1134 BY REASON OF A.R.S. § 11-1134A(5)

QUIT CLAIM DEED

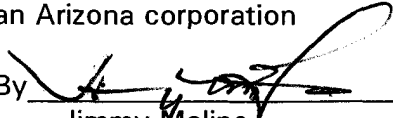
For valuable consideration, the undersigned, **Biehn Colony Trust, Inc.**, an Arizona corporation, **GRANTOR**, does hereby quit claim to **Town of Guadalupe**, an Arizona municipal corporation, **GRANTEE**, all right, title and interest of Grantor in the Subject Real Property, together with all rights privileges appurtenant or to become appurtenant to the Subject Real Property on the Effective Date, subject to all liens, encumbrances, easements, rights-of-way, restrictions and other matters of record.:

See Exhibit "A" attached hereto

Dated this 10th day of July, 2008.

**GRANTOR:**

Biehn Colony Trust, Inc.  
an Arizona corporation

By   
Jimmy Molina  
Its President

STATE OF ARIZONA )  
 ) ss  
COUNTY OF MARICOPA )

This instrument was acknowledged before me this 10th day of July, 2008, before me, personally appeared Jimmy Molina, President of Biehn Colony Trust, Inc., who is known to me (or satisfactorily proven) to be the person whose name is above subscribed, who acknowledged that he executed this instrument, a Grantor, on behalf of the Trust for the purposes stated herein.

  
Notary Public

Notary expiration date



**EXHIBIT "A"**

THAT PART OF BLOCK 4 OF EAST GUADALUPE, SUBDIVISION RECORDED IN BOOK 162, PAGE 35, MARICOPA COUNTY, ARIZONA RECORDS, DESCRIBED AS FOLLOWS:

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THENCE CONTINUING SOUTH 89 DEGREES 59 MINUTES 51 SECONDS WEST, ALONG THE SOUTH LINE OF THE SAID BLOCK 4, A DISTANCE OF 118.00 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT, HAVING A RADIUS POINT BEARING NORTH 00 DEGREES 00 MINUTES 09 SECONDS WEST, 12.00 FEET;

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Unofficial Document

THENCE NORTH 89 DEGREES 59 MINUTES 51 SECONDS EAST, 130.00 FEET;

THENCE SOUTH 00 DEGREES 00 MINUTES 09 SECONDS EAST, 184.00 FEET TO THE POINT OF BEGINNING.

9050 AVENIDA DEL YAQUI

150FT NOTIFICATION AREA



JOSE BOJORQUEZ  
5740 E CALLE MEXICO  
GUADALUPE AZ USA 85283

ROSALIO MATUS  
5611 E CALLE MEXICO  
GUADALUPE AZ USA 85283

JOE GARZA RUIZ  
5615 E CALLE MEXICO  
GUADALUPE AZ USA 85283

JUAN CONCEPCION FLORES  
5619 E MEXICO ST  
GUADALUPE AZ USA 85283

LADISLADO FLORES  
5621 E CALLE MEXICO  
GUADALUPE AZ USA 85283

LISA GUTIERREZ  
5627 E CALLE MEXICO  
GUADALUPE AZ USA 85283

MANUEL RALPH BARROS JR  
5629 E CALLE MEXICO  
GUADALUPE AZ USA 85283

DAVID MYERS  
5441 E CALLE SAN ANGELO  
GUADALUPE AZ USA 85283

ALEX CAMPOY PADEREZ  
9010 S CALLE BATOUA  
GUADALUPE AZ USA 85283

ROSA VALENZUELA  
4720 W CALLE TETAKUSIM  
TUCSON AZ USA 85757

ESTEBAN NAVARETTE  
9244 S CALLE MARAVILLA  
GUADALUPE AZ USA 85283

REGGY LAKE  
9014 S CALLE BATOUA  
GUADALUPE AZ USA 85283

LENORE YAZZIE  
9028 S CALLE BATOUA  
GUADALUPE AZ USA 85283

CRUZ PORRAS  
PO BOX 20186  
PHOENIX AZ USA 85036

JESUS LEON  
9024 S CALLE BATOUA  
GUADALUPE AZ USA 85283

GILBERT LOPEZ  
9034 S CALLE BATOUA  
GUADALUPE AZ USA 85283

JOSE LUCIO ORTEGA  
9038 S AVENIDA DEL YAQUI  
GUADALUPE AZ USA 85283

RAMON GUZMAN  
PO BOX 11776  
TEMPE AZ USA 85284

CARLOS SAMANIEGO  
9006 S AVENIDA DEL YAQUI  
GUADALUPE AZ USA 85283

EDUARDO COTA JR  
518 N SANTA BARBARA  
MESA AZ USA 85201

DANIEL TORRES  
9034 S AVENIDA DEL YAQUI  
GUADALUPE AZ USA 85283

TOWN OF GUADALUPE  
9241 S AVENIDA DEL YAQUI  
GUADALUPE AZ USA 85283

ASCEND CHURCH  
1615 E GUADALUPE RD  
TEMPE AZ USA 85285

TOWN OF GUADALUPE  
9241 S AVENIDA DEL YAQUI  
GUADALUPE AZ USA 85283

HENRY LOPEZ  
9020 S AVENIDA DEL YAQUI  
GUADALUPE AZ USA 85283

SUZUKI REVOCABLE LIVING TRUST  
12010 S EQUESTRIAN TRL  
PHOENIX AZ USA 85044

TOWN OF GUADALUPE  
9241 S AVENIDA DEL YAQUI  
GUADALUPE AZ USA 85283

RAMON GUZMAN  
PO BOX 11776  
TEMPE AZ USA 85284

RAMON GUZMAN  
PO BOX 11776  
TEMPE AZ USA 85284

TOWN OF GUADALUPE  
9241 S AVENIDA DEL YAQUI  
GUADALUPE AZ USA 85283



## Notice of Public Hearing

The Guadalupe Town Council shall hold public hearings on Thursday, February 8, 2024, at 6:00 p.m. at the Guadalupe Town Hall, 9241 South Avenida del Yaqui, Council Chambers, Guadalupe, Arizona, to consider the following rezoning request:

**Rezoning Application (RZ2024-01) – 9050 South Avenida del Yaqui:** The Town of Guadalupe, as the Applicant, is requesting to rezone the property located at 9050 South Avenida del Yaqui (Maricopa County Assessor parcel #301-06-373 comprising approximately 2.80 acres) that is currently vacant and zoned R1-9 Single Family Residential to Planned Area Development (PAD) to facilitate future development of the TOWN COMMONS project, comprised of 132 family-oriented affordable rental units in two phases. Buildings will be set back a minimum of 20-feet from existing residential uses, inclusive of alleys. The proposed PAD development standards provide a maximum building height of 54 feet, and maximum density of 60 units per acre. Custom parking and setback standards are also part of the PAD application.

Written letters of objection or support may be submitted by adjacent landowners and potentially affected citizens to the Town Clerk via email at [clerk@guadalupeaz.org](mailto:clerk@guadalupeaz.org) or delivered to Guadalupe Town Hall prior to, or at the time of the hearing. Copies of the Application are available for review at Guadalupe Town Hall.

Town of Guadalupe  
9241 South Avenida del Yaqui  
Guadalupe, AZ 85283  
(480) 730-3080

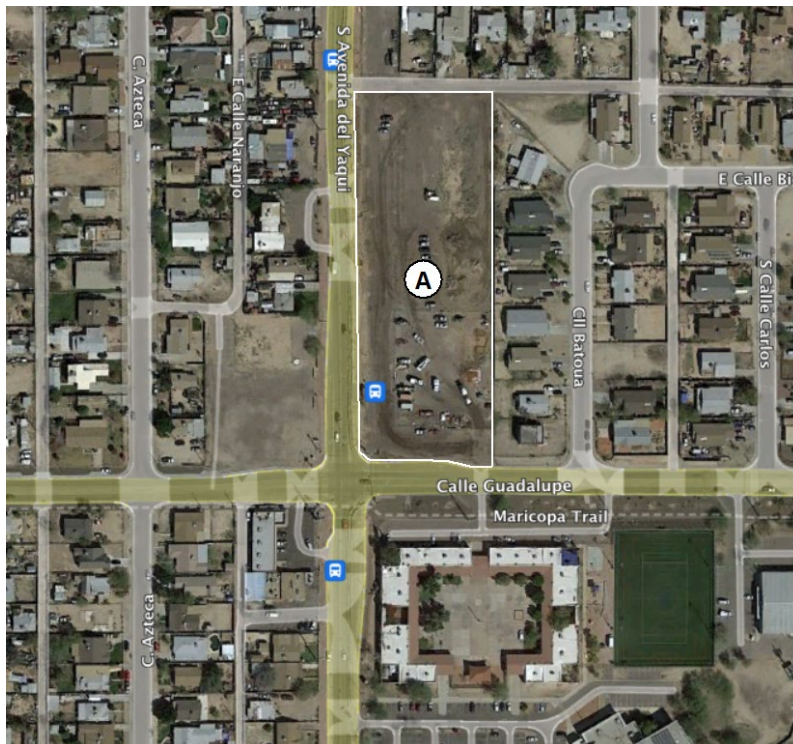
Date: February 2, 2024  
From: Sam Amaya, Town Planner, samaya@guadalupeaz.org  
Through: Jeff Kulaga, Town Manager/Clerk, jkulaga@guadalupeaz.org  
To: The Honorable Guadalupe Town Council  
**Re: RZ2024-01, Rezoning of Town Owned Land (APN 301-06-373) Staff Report**

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## Introduction

The Town is the owner of the currently vacant property located at 9050 S. Avenida Del Yaqui designated APN 301-06-373, zoned R1-9 in the Town and comprising approximately 2.80 acres at the NE corner of Guadalupe Road and Avenida Del Yaqui. The Town is advancing this rezoning request of the subject property to facilitate the new development of affordable multi-family housing.

## Vicinity Map





## History

The subject property title was conveyed to the Town of Guadalupe by deed dated July 10, 2008. In 2009, the subject property was included in a final judgement by the Superior Court of the State of Arizona in the matter of the Charitable Trust of the Biehn Colony Trust, Inc. The Court's Final Judgment dated March 31, 1999, is attached here, as Exhibit A along with its own Exhibits "B&E".

Item #4 on page 2 of the judgment relates directly to use of the northeast corner 3-acre property, where:

*"The Town is free to develop the remaining Biehn Colony property described on Exhibit B as it sees fit free of any of the restrictions set forth in this Judgment or any prior orders on this Court."*

On December 9, 2022, the Town issued a Request for Proposals seeking proposals for the future development of the subject property. Respondents with team capability, previous experience, financial acumen and resources, and a reasonable method of approach were sought. Three qualified responses were received before the response deadline. The three respondents were the Guadalupe Community Development Corporation ("GCDC"), B&B Development & Construction ("B&B"), and The Richman Group ("TRG").

Here is a summary table of data included in the RFP responses received:

RESPONDENT	DEVELOPMENT CONCEPT INCLUDED	PROPOSED DEVELOPMENT	ASSETS UNDER MANAGEMENT	PROPERTY OFFER (all sites)
GCDC Team of 1	NO	5 SF Homes, 2-story \$1M est. value	65 Senior Units 72 Family Units 126 SF Homes Would pursue funding	\$360K Close in 90 days  Town provides lot splits
B&B Team of 2	NO	Retail/Commercial Building. 40-unit "workforce" housing. \$8M est. value	9 SF Homes 1 retail location \$25M in Managed construction	\$2.21M  No Role for Town
TRG Team of 17	YES	3,000 s.f. New Retail 5,000 s.f. Community Space 88 "affordable" MFH Units 60 "affordable" Senior Units 82 Homes New "Town Square" \$98M est. value (\$6.1M in community uses	12,000 "affordable" units 166,000+ units  \$20B in financed development	\$3.95M for Land (equal to Town's appraised value)  Town included in project planning

After review and consideration of the proposals, an award was made by the Town Council in a regular public meeting on March 9, 2023, to enter into exclusive negotiations with The Richman Group for a Development Agreement comprising the subject property. This Development Agreement has been submitted for concurrent review and consideration by the Town Council along with this rezoning request.

This rezoning and the Development Agreement, if approved, may result in a The Richman Group completing a competitive application to the State Department of Housing for award of project tax credits or other funding support for their proposed multifamily project in three distinct phases. This rezoning will help support these competitive application efforts.

### **Requirements for Approval of this Rezoning Request**

Because this is Town Owned property, the \$400 filing fee for this rezoning has been waived per Town Code § 154.036.B.3.

Per code Section § 154.030 AMENDMENTS, the regulations and boundaries set forth in the chapter PROCEDURES may be amended, supplemented, changed, modified, or repealed whenever deemed necessary to best serve the public interest, health, comfort, safety, and general welfare of the citizens of the town. Accordingly, this application will defer the code requirement to provide a plot plan and final development plan. Any proposed project will submit those design documents for separate review and approval after a Development Agreement has been finalized, approved and recorded.

That Development Agreement will identify requirements for any proposed project on this Subject Property to be designed with the community's history and culture in mind, and with the needs of current and future residents, and articulated through subsequent submittal of plans for review.

This rezoning is a first step in the process of developing a project, by first establishing the applicable development standards to which any multi-family project designer must conform.

### **PAD Development Standards**

The Town's Zoning Ordinance identifies the underlying zoning and related development standards for land within the Town's corporate limits. Per Code § 154.068 PLANNED AREA DEVELOPMENT (PAD), PAD zoning is described as:

- (A) *Intent. The PAD District is intended and designed to: provide a means for development on a unit basis, ensuring orderly and thorough planning that will result in high quality urban design; encourage variety in architectural design through techniques, including, but not*

*limited to, variations in building style, lot arrangements, and site planning; establish procedures that would reduce inequities occurring when strict application of zoning regulations pertaining primarily to small lots are applied to large lots; encourage innovative site planning, including, but not limited to, the preservation of natural character of the land and economy in construction and maintenance of streets and utilities; permit flexibility in design such that development would produce maximum choice in the type of environment, living units, commercial installations, and facilities available to the public; and produce an efficient, aesthetic, and desirable use of open space.*

This rezoning proposes the following development standards for the subject property's PAD zoning:

	<b>Current R1-9 Zoning</b>	<b>This PAD Request</b>
Maximum Height:	30 feet	54 Feet
Density:	9,000 s.f for each DU	61.0 DU/Acre
Parking:	Minimum 1.0 spaces per efficiency unit Minimum 1.5 spaces per each 1 and 2 bedroom unit Minimum 2.0 spaces per each unit containing more than 2 bedrooms	Minimum 1.25 per dwelling unit
Setbacks:		
<u>Building Setbacks</u>		
i. Guadalupe Road:	30-foot (front) 10-foot (side)	18-foot (minimum 6-foot sidewalk and 8-foot landscape strip)
ii. Avenida Del Yaqui:	30-foot (front) 10-foot (side)	18-foot (minimum 6-foot sidewalk and 8-foot landscape strip)
iii. Property Lines adjacent to existing residential uses, inclusive of alleys:	10-foot (side) 10-foot (rear)	20-foot
<u>Landscape Setbacks</u>		
i. Guadalupe Road:	30-foot (front) 20-foot (side) 10-foot (rear)	Landscape setback widths vary  The streetscape standard is

	measured at 18 feet from face of curb.
ii. Avenida Del Yaqui Rd.: 30-foot (front) 20-foot (side) 10-foot (rear)	Landscape setback widths vary A minimum 6-foot wide public sidewalk is provided along Avenida Del Yaqui to accommodate the existing right-of-way. The streetscape standard is measured at 18 feet from face of curb.

### **Preliminary Development Plan**

A preliminary plan for development is attached here as Exhibit B. This plan will be advanced to a final plan for development through the development process of community outreach, planning and design. The final plan for development, comprising but not limited to a site plan, open space plan, circulation plan, and plans for provision of utilities, public art, and offsite improvements will be reviewed and approved separately from this rezoning action through the Town's normal plan review and permitting processes. This requirement has been reiterated in the staff's recommended zoning stipulations in the final section of this report.

### **Conformance with General Plan**

Currently, the Town has a Council-approved Masterplan plan that has served as a precursor document to a General Plan as defined by ARS 9-461.05. That document was adopted by Town Council on January 2, 2004 and provides guidance for future development, including:

- Overall Goals – Four are described in the plan
- Preserve the Uniqueness of the Town
  - Promote the Orderly Development of the Town
  - Strengthen Economic Base and Enhance Economic Development
  - Improve Quality of Life

This proposed PAD conforms to the long-range plan in the following ways:

- **Preserve the Uniqueness of the Town**  
By creating opportunities for new and affordable housing, Guadalupe residents who are seeking modern construction and amenities will have additional choices to remain in Town, close to relatives and within the community they call home, at an affordable price.

- **Promote the Orderly Development of the Town & Strengthen Economic Base and Enhance Economic Development**

These underutilized properties, when successfully transitioned into residential communities, can help promote the further diversification of the Town's retail tax base by encouraging private sector investment into new retail uses - thereby helping to resolve the Town's current structural deficit and ensuring the continuation of municipal services.

- **Improve Quality of Life**

There is a demonstrated need for new, affordable housing in the Town.

### **Notification for this Rezoning**

Notices have occurred in accordance with Guadalupe zoning ordinance §154.034 NOTIFICATION. Exhibit C illustrates a map of the notification area.

Attached in Exhibit D includes all notification materials posted, including:

- Site posting
- Site posting notice
- Notice in newspaper
- Mailing list
- Mailing notice

Exhibit E includes all written emails and or letters received for this project from the public since January 24, 2024, the first day of statutory notification.

### **Legal Description**

A legal description of the property is included in Exhibit A.

### **Staff Recommended Conditions of Approval**

Per the Town's Code § 154.030.C.1., any recommendation of approval for an amendment, or any adoption of an amendment, may be subject to such conditions as the Council deems applicable in order to fully carry out the provisions of this chapter.

Therefore, if approved, staff recommends these conditions of approval, which are taken from the current Town Code § 154.068 PLANNED AREA DEVELOPMENT (PAD), Paragraph B. Procedure; Paragraph C. Plan Requirements; and Paragraph D. Standards, and reiterate the requirements for development plan review:

1. The applicant shall submit within one year, a final development plan, which shall consist of a complete set of drawings and specifications for the proposed use and development. It shall be reviewed for conformity with the comprehensive plan, and with recognized principles of architectural design, land use planning, and landscape architecture. The final development plan also be reviewed for compliance with the PAD standards and substantial compliance with the preliminary plan. The Council shall review the final development plan for its compliance with the standards of this chapter and its substantial compliance with the preliminary development plan.
2. The final development plan and final plat shall be approved by the Council and the final plat duly recorded before any building permit is issued.
3. The Council may give the approval of the development plan contingent upon the completion of construction and improvements within a reasonable period of time. Failure to complete all improvements within said period of time shall be deemed sufficient cause for the Council to rescind the rezoning, unless an extension is requested by the developer or owner and approved by the Council.
4. The preliminary development plan shall contain at a minimum the following information:
  - (a) Relationship of the property to the surrounding areas that will be affected by the proposed PAD;
  - (b) Proposed pattern of land uses including areas to be conveyed, dedicated, or reserved for public use.
  - (c) Schematic site plan for each building site and common open areas, showing the approximate location of all structures, buildings, and improvements.
5. The final development plan shall contain, where applicable, the following information:
  - (a) All information contained in the preliminary development plan as refined and revised;
  - (b) Plans and elevations of all building types;
  - (c) Schematic grading plans including proposed treatment of slopes and drainage plans;
  - (d) The number of dwelling units by dwelling type;
  - (e) Projection of school enrollment generated by the proposed project;
  - (f) Street and lot patterns and building siting envelopes showing setbacks;
  - (g) Projection of traffic volumes within PAD and volumes generated by the PAD that will be added to streets in the vicinity;
  - (h) Evidence of consultation with affected public agencies, including, but not limited to, school districts, flood control districts, and coordination with plans of other appropriate agencies;

6. Any agreements to lease the subject property to facilitate development shall describe maintenance of all interior streets, parking areas, sidewalks, common land, parks and plantings which have not been dedicated to the town in compliance with the town ordinances; and also a performance bond or bonds which shall insure to the town that the dedicated public streets, utilities, and other common development facilities shall be completed by the developer within the time specified in the final development plan;
7. The Council may require that open space or screening be located along all or a portion of the development boundaries.
8. All public streets, water mains, and sanitary sewer and storm sewer facilities shall comply with appropriate ordinances and specifications of the Town.
9. Spaces for off-street parking and loading shall be provided in accordance with applicable Town Codes or a related Development Agreement at the time of building permit issuance.
10. Signs, on-site shall be subject to the provisions of applicable Town Codes at the time of building permit issuance.

**Exhibit A**

Final Judgement by the Superior Court of the State of Arizona in the matter of the Charitable Trust of the Biehn Colony Trust, Inc., dated July 10, 2008. Attached to this document.



# Unofficial Document

57

When recorded mail to:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

\_\_\_\_\_

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HOLD FOR FRONTIER PROCESS



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MARICOPA COUNTY RECORDER  
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2009-0041691 01/16/09 04:29 PM  
3 OF 6

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## CAPTION HEADING:

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12/30/08 FILED 3:54pm  
MICHAEL K. JEANES, Clerk  
By R. Smith  
R. Smith, Deputy

HOLD FOR FRONTIER PROCESS

1 **DAVID E. LEDYARD**  
Attorney Bar#005904  
2 Faith, Ledyard, Nickel & Shelsky, PLC  
3 919 N. Dysart Road, Suite F  
Avondale, Arizona 85323  
623-932-0430

CERTIFIED COPY

4 Attorney for the Town of Guadalupe

5  
6 **IN THE SUPERIOR COURT FOR THE STATE OF ARIZONA**

7 **IN AND FOR THE COUNTY OF MARICOPA**

8  
9 **IN THE MATTER OF THE CHARITABLE**  
10 **TRUST OF THE BIEHN COLONY**  
11 **TRUST, INC.**

Case No. PB2004-002356

12 **PARTIAL JUDGMENT**  
13 **A.R.C.P. 54B**

14 Unofficial Document

15 The Court Finds:

16 This matter came before the Court for review on November 19, 2008. In addition,  
17 the Town of Guadalupe filed a Motion to Confirm Prior Orders and Transfer Real Property  
18 to the Town.

19 1. LAS FUENTES

20 This Court had previously approved a settlement of the Charitable Trust of the  
21 Biehn Colony Trust, Inc., ("the Trust"), by Order dated April 12, 2006. As part of that  
22 settlement, the Trust was to convey certain real property to the Las Fuentes Health Clinic  
23 of Guadalupe, Inc., a non-profit corporation("Las Fuentes"), with the proviso that Las  
24 Fuentes' interest would not vest unless certain contingencies were met and that if those  
25 contingencies were not fulfilled, title to the property would automatically vest in the  
26 Town of Guadalupe and Las Fuentes would never have had legal title to the property.

1 One of the contingencies Las Fuentes was required to fulfill was to prepare a  
2 complete comprehensive development plan for the property and to obtain approval from  
3 both the Court and the Town within 18 months. Las Fuentes was unable to complete  
4 this requirement despite two extensions granted by the Court in its Orders of February 4,  
5 2008, and September 3, 2008.

6 The Town's motion asks the Court to confirm its prior orders and order that the  
7 Las Fuentes Health Clinic of Guadalupe, Inc., does not now, nor has it ever held legal title  
8 to the property described hereafter and further that the Town of Guadalupe, a municipal  
9 corporation, does have legal title pursuant to the Deed dated April 15, 2008, and  
10 recorded in the records of the Maricopa County Arizona Recorder at 20080344995. The  
11 legal description of said property is attached hereto and labeled Exhibit B.  
12

13 2. G.U.A.D.

Unofficial Document

14 As part of the settlement approved by the Court's Order dated April 12, 2006, the  
15 Court approved an earlier transfer of property from the Trust to Guadalupanos United for  
16 Advancement, Inc., a non-profit corporation ("G.U.A.D.") with the proviso that should  
17 G.U.A.D. ever disincorporate, it must convey the property to the Town.

18 G.U.A.D. did disincorporate and conveyed its interest in the real property to the  
19 Trust which in turn conveyed the property to the Town as required by the Court's prior  
20 Order of April 12, 2006. The two deeds were recorded in the records of Maricopa  
21 County Arizona Recording numbers 2008-0652059 on July 25, 2008 (GUAD to the  
22 Trust) and 2008-0655571 July 28, 2008 (Trust to the Town). The legal description of  
23 the GUAD property is attached hereto as Exhibit E.  
24  
25  
26

1 The Town has moved that the Court specifically approve the foregoing  
2 conveyance and hold that the Town of Guádalupe holds legal title to the GUAD property  
3 in fee simple free of any restrictions from the Trust.

4 There are no objections to the Town's motion.

5 NOW THEREFORE IT IS HEREBY ORDERED ADJUDGED AND DECREED:

6 1. Las Fuentes Health Clinic of Guadalupe, Inc., having failed to fulfill the  
7 required contingencies does not now nor did it ever hold legal title to the property  
8 described on "Exhibit B" attached hereto and incorporated herein by reference as if  
9 set forth in full.

10 2. The Town of Guadalupe's title conveyed to it by deed dated April 15,  
11 2008, and recorded at 2008-034495 records of the Maricopa County Recorder,  
12 Maricopa County Arizona is confirmed and the Town holds title to the property  
13 described on "Exhibit B" attached hereto and incorporated herein by reference as if  
14 Unofficial Document  
15 set forth in full subject only to the requirement that prior to selling or building on the  
16 property, it must first obtain Court approval for a development plan that complies  
17 with the terms of the Trust, as modified by the Court's Order of April 12, 2006,  
18 approving the settlement entered herein.

19 3. The Court's Orders of April 12, 2006 and February 4, 2008, are  
20 confirmed.

21 4. Las Fuentes Health Clinic of Guadalupe, Inc., shall cooperate and sign any  
22 documents necessary to effectuate this Order.

23 5. The conveyance from Guadalupanos United for Development and  
24 Advancement, Inc., to the Biehn Colony Trust, Inc., and the conveyance from the  
25 Biehn Colony Trust, Inc., to the Town of Guadalupe both dated July 10, 2008 and  
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recorded in the records of the Maricopa County Arizona Recorder at 2008-0652059 and 2008-0655571 respectively are approved. The Town of Guadalupe holds title to said property in fee simple free of any development restrictions. Said property is described on Exhibit E attached hereto and incorporated herein by reference.

6. This Order is a Partial Judgment involving title to the real property described on Exhibits B and E. There being no just cause for delay, the Clerk of the Court is directed to file this Partial Judgment without delay pursuant to the Arizona Rules of Civil Procedure Rule 54B.

DATED this 18 day of December 2008.

By *Lindsay Ellis*  
PRESIDING COMMISSIONER LINDSEY ELLIS

Unofficial Document

**EXHIBIT B****ORIGINALLY RECORDED AS EXHIBIT A TO DOCUMENT RECORDED AS 2008-0344995**

1. LOT 6 OF BLOCK 10, EAST GUADALUPE, CITY OF GUADALUPE, MARICOPA COUNTY, ARIZONA, AND AS SHOWN ON THE SUBDIVISION PLAT OF EAST GUADALUPE AS FILED IN THE RECORDS OF THE MARICOPA COUNTY RECORDER ON MAY 7, 1979, IN BOOK 211, PAGE 18, MARICOPA COUNTY RECORDER PARCEL NO. 301-06-141-1.
  
2. LOT 7 OF BLOCK 10, EAST GUADALUPE, CITY OF GUADALUPE, MARICOPA COUNTY, ARIZONA, AND AS SHOWN ON THE SUBDIVISION PLAT OF EAST GUADALUPE AS FILED IN THE RECORDS OF THE MARICOPA COUNTY RECORDER ON MAY 7, 1979, IN BOOK 211, PAGE 18, MARICOPA COUNTY RECORDER PARCEL NO. 301-06-142.
  
3. TRACT G, BLOCK 14, EAST GUADALUPE, CITY OF GUADALUPE, MARICOPA COUNTY, ARIZONA, AND AS Unofficial Document SHOWN ON THE SUBDIVISION PLAT OF EAST GUADALUPE, BLOCK 14, AS FILED IN THE RECORDS OF THE MARICOPA COUNTY RECORDER ON AUGUST 5, 1986, IN BOOK 301, PAGE 6, MARICOPA COUNTY RECORDER PARCEL NO. 301-06-373.

## EXHIBIT E

## ORIGINALLY RECORDED AS EXHIBIT A TO DOCUMENTS RECORDED

AS 2008-0652059 and 2008-065557

THAT PART OF BLOCK 4 OF EAST GUADALUPE, SUBDIVISION RECORDED IN BOOK 162, PAGE 35, MARICOPA COUNTY, ARIZONA RECORDS, DESCRIBED AS FOLLOWS:

FROM THE SOUTHERNMOST TERMINUS OF THE CURVE AT THE SOUTHEAST CORNER OF THE SAID BLOCK 4, MEASURE THENCE SOUTH 89 DEGREES 59 MINUTES 51 SECONDS WEST, ALONG THE SOUTH LINE OF THE SAID BLOCK 4, A DISTANCE OF 311.00 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 89 DEGREES 59 MINUTES 51 SECONDS WEST, ALONG THE SOUTH LINE OF THE SAID BLOCK 4, A DISTANCE OF 118.00 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT, HAVING A RADIUS POINT BEARING NORTH 00 DEGREES 00 MINUTES 09 SECONDS WEST, 12.00 FEET;

Unofficial Document

THENCE NORTHWESTERLY 18.85 FEET ALONG THE ARC OF THIS CURVE THROUGH 90 DEGREES 00 MINUTES 00 SECONDS OF A CENTRAL ANGLE TO A POINT ON THE WEST LINE OF THE SAID BLOCK 4;

THENCE NORTH 00 DEGREES 00 MINUTES 09 SECONDS WEST, ALONG THE SAID WEST LINE OF BLOCK 4, A DISTANCE OF 172.00 FEET;

THENCE NORTH 89 DEGREES 59 MINUTES 51 SECONDS EAST, 130.00 FEET;

THENCE SOUTH 00 DEGREES 00 MINUTES 09 SECONDS EAST, 184.00 FEET TO THE POINT OF BEGINNING.

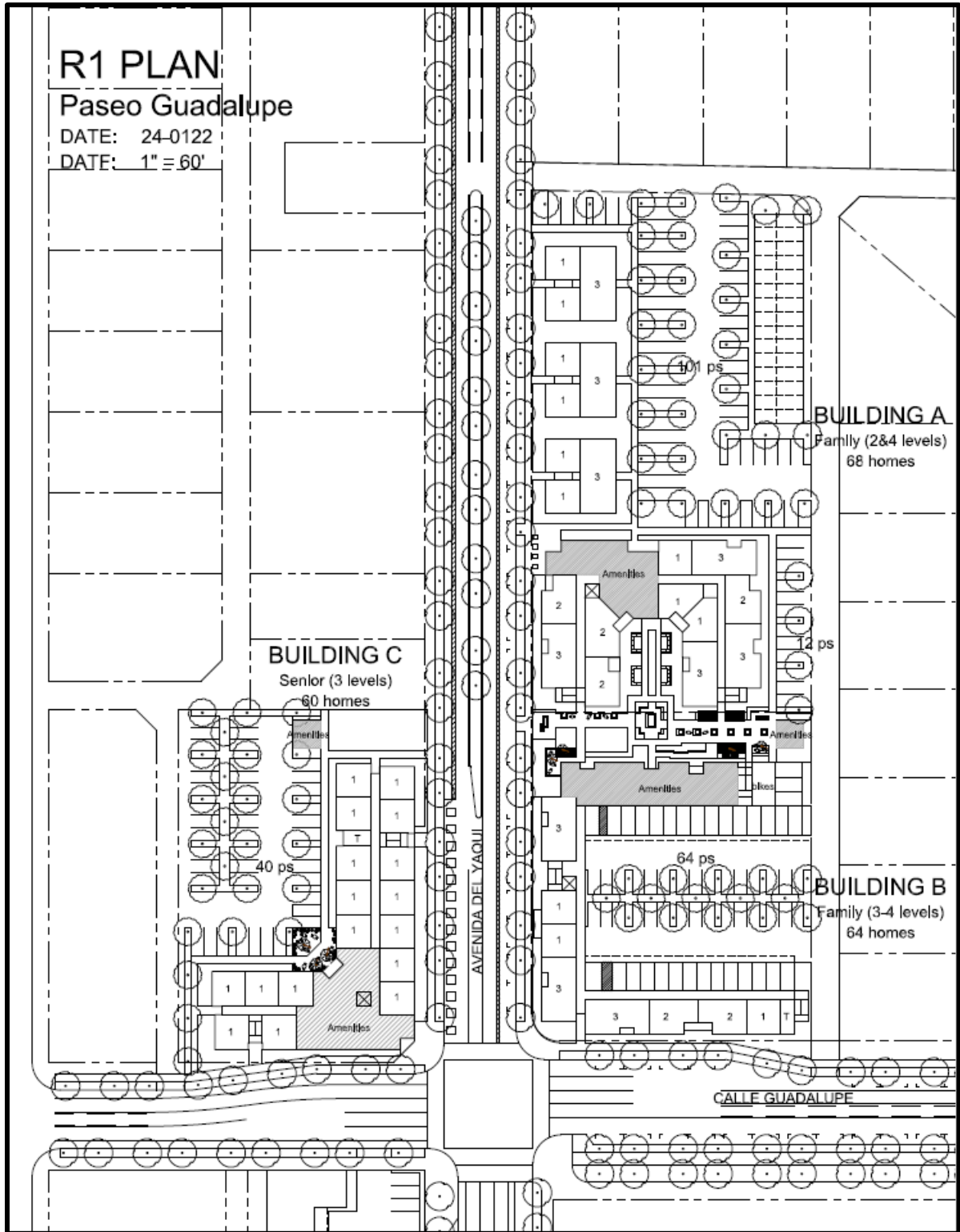
The foregoing instrument is a full, true and correct copy  
of the original on file in this office.

Attest JAN - 5 2009 20

MICHAEL K. JEANES, Clerk of the Superior Court of the  
State of Arizona, in and for the County of Maricopa.

By [Signature] Deputy

**Exhibit B**  
Preliminary Plan for Development





**Exhibit C**  
Map of Notification Area



**Exhibit D**

Notification Materials attached to this document.

- Site posting proof
- Site posting
- Notice in newspaper
- Mailing list
- Mailing notice

**9050 S. AVENIDA DEL YAQUI**  
**PUBLIC NOTICE JANUARY 24, 2024**



**NOTICE OF PUBLIC HEARING**



The Guadalupe Town Council shall hold a public hearing on **Thursday, February 8, 2024, at 6:00 p.m.** at the **Guadalupe Town Hall Council Chambers, 9241 South Avenida del Yaqui, Guadalupe, AZ 85283** to consider the following rezoning request:

**Rezoning Application (RZ2024-01) – 9050 South Avenida del Yaqui:** The Town of Guadalupe, as the Applicant, is requesting to rezone the property located at 9050 South Avenida del Yaqui (Maricopa County Assessor parcel #301-06-373 comprising approximately 2.80 acres) that is currently vacant and zoned R1-9 Single Family Residential to Planned Area Development (PAD) to facilitate future development of the TOWN COMMONS project, comprised of 132 family-oriented affordable rental units in two phases. Buildings will be set back a minimum of 20-feet from existing residential uses, inclusive of alleys. The proposed PAD development standards provide a maximum building height of 54 feet, and maximum density of 60 units per acre. Custom parking and setback standards are also part of the PAD application.

Written letters of objection or support may be submitted by adjacent landowners and potentially affected citizens to the Town Clerk via email at [clerk@guadalupeaz.org](mailto:clerk@guadalupeaz.org) or delivered to Guadalupe Town Hall prior to, or at the time of the hearing. Copies of the Application are available for review at Guadalupe Town Hall and at [www.guadalupeaz.org](http://www.guadalupeaz.org).

01/24/2024 9:41 AM

# NOTICE OF PUBLIC HEARING



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**Rezoning Application (RZ2024-01) – 9050 South Avenida del Yaqui:** The Town of Guadalupe, as the Applicant, is requesting to rezone the property located at 9050 South Avenida del Yaqui (Maricopa County Assessor parcel #301-06-373 comprising approximately 2.80 acres) that is currently vacant and zoned R1-9 Single Family Residential to Planned Area Development (PAD) to facilitate future development of the TOWN COMMONS project, comprised of 132 family-oriented affordable rental units in two phases. Buildings will be set back a minimum of 20-feet from existing residential uses, inclusive of alleys. The proposed PAD development standards provide a maximum building height of 54 feet, and maximum density of 60 units per acre. Custom parking and setback standards are also part of the PAD application.

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# THE RECORD REPORTER

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ROCIO RUIZ  
TOWN OF GUADALUPE  
9241 S AVENIDA DEL YAQUI  
GUADALUPE, AZ 85283

RR# 3776200

## COPY OF NOTICE

(Not an Affidavit of Publication. Do not file.)

Reference #

Notice Type: MCHRG NOTICE OF HEARING

Ad Description

Rezoning Application (RZ2024-01) - 9050 South Avenida del Yaqui

To the right is a copy of the notice you sent to us for publication in THE RECORD REPORTER. Please read this notice carefully and fax or e-mail (record\_reporter@dailyjournal.com) any corrections. The Affidavit will be filed, if required, and mailed to you after the last date below. Publication date(s) for this notice is (are):

01/24/2024

The charge(s) for this order is as follows. An invoice will be sent after the last date of publication. If you prepaid this order in full, you will not receive an invoice.

Publication	\$3.40
Arizona Sales Tax	\$0.02
Total	\$3.42

Notice of Public Hearing The Guadalupe Town Council shall hold public hearings on Thursday, February 8, 2024, at 6:00 p.m. at the Guadalupe Town Hall, 9241 South Avenida del Yaqui, Council Chambers, Guadalupe, Arizona, to consider the following rezoning request: Rezoning Application (RZ2024-01) - 9050 South Avenida del Yaqui: The Town of Guadalupe, as the Applicant, is requesting to rezone the property located at 9050 South Avenida del Yaqui (Maricopa County Assessor parcel #301-06-373 comprising approximately 2.80 acres) that is currently vacant and zoned R1-9 Single Family Residential to Planned Area Development (PAD) to facilitate future development of the TOWN COMMONS project, comprised of 132 family-oriented affordable rental units in two phases. Buildings will be set back a minimum of 20-feet from existing residential uses, inclusive of alleys. The proposed PAD development standards provide a maximum building height of 54 feet, and maximum density of 60 units per acre. Custom parking and setback standards are also part of the PAD application. Written letters of objection or support may be submitted by adjacent landowners and potentially affected citizens to the Town Clerk via email at clerk@guadalupeaz.org or delivered to Guadalupe Town Hall prior to, or at the time of the hearing. Copies of the Application are available for review at Guadalupe Town Hall.  
1/24/24

RR-3776200#

Your Legal Publishing



\* A 0 0 0 0 0 6 6 7 0 6 7 6 \*

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ROSALIO MATUS  
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JOE GARZA RUIZ  
5615 E CALLE MEXICO  
GUADALUPE AZ USA 85283

JUAN CONCEPCION FLORES  
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LADISLADO FLORES  
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JOSE LUCIO ORTEGA  
9038 S AVENIDA DEL YAQUI  
GUADALUPE AZ USA 85283

RAMON GUZMAN  
PO BOX 11776  
TEMPE AZ USA 85284

CARLOS SAMANIEGO  
9006 S AVENIDA DEL YAQUI  
GUADALUPE AZ USA 85283

EDUARDO COTA JR  
518 N SANTA BARBARA  
MESA AZ USA 85201

DANIEL TORRES  
9034 S AVENIDA DEL YAQUI  
GUADALUPE AZ USA 85283

TOWN OF GUADALUPE  
9241 S AVENIDA DEL YAQUI  
GUADALUPE AZ USA 85283

ASCEND CHURCH  
1615 E GUADALUPE RD  
TEMPE AZ USA 85285

TOWN OF GUADALUPE  
9241 S AVENIDA DEL YAQUI  
GUADALUPE AZ USA 85283

HENRY LOPEZ  
9020 S AVENIDA DEL YAQUI  
GUADALUPE AZ USA 85283

SUZUKI REVOCABLE LIVING TRUST  
12010 S EQUESTRIAN TRL  
PHOENIX AZ USA 85044

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9241 S AVENIDA DEL YAQUI  
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RAMON GUZMAN  
PO BOX 11776  
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TOWN OF GUADALUPE  
9241 S AVENIDA DEL YAQUI  
GUADALUPE AZ USA 85283



## Notice of Public Hearing

The Guadalupe Town Council shall hold public hearings on Thursday, February 8, 2024, at 6:00 p.m. at the Guadalupe Town Hall, 9241 South Avenida del Yaqui, Council Chambers, Guadalupe, Arizona, to consider the following rezoning request:

**Rezoning Application (RZ2024-01) – 9050 South Avenida del Yaqui:** The Town of Guadalupe, as the Applicant, is requesting to rezone the property located at 9050 South Avenida del Yaqui (Maricopa County Assessor parcel #301-06-373 comprising approximately 2.80 acres) that is currently vacant and zoned R1-9 Single Family Residential to Planned Area Development (PAD) to facilitate future development of the TOWN COMMONS project, comprised of 132 family-oriented affordable rental units in two phases. Buildings will be set back a minimum of 20-feet from existing residential uses, inclusive of alleys. The proposed PAD development standards provide a maximum building height of 54 feet, and maximum density of 60 units per acre. Custom parking and setback standards are also part of the PAD application.

Written letters of objection or support may be submitted by adjacent landowners and potentially affected citizens to the Town Clerk via email at [clerk@guadalupeaz.org](mailto:clerk@guadalupeaz.org) or delivered to Guadalupe Town Hall prior to, or at the time of the hearing. Copies of the Application are available for review at Guadalupe Town Hall.

**Exhibit E**

All written emails and letters received for this project from the public since January 24, 2024.

- Myers letter, January 25, 2024
- Villegas letter, January 25, 2024



David A. Myers  
Priest – Attorney  
Guadalupe Law Center  
5441 E. Calle San Angelo  
Guadalupe, AZ 85283  
480-838-3143  
davidamyers@mindspring.com  
January 25, 2024

Guadalupe Town Council  
by Email

Re: Town Commons Project

Dear Mayor and Council Members,

My name is David A. Myers. I am the owner of land parcel 301-06-372B, which is adjacent to the proposed development parcel (301-06-370) at the southeast corner.

I received notice of the proposed zoning change yesterday morning, January 24, 2024, by means of a sign being posted on the property. This is not sufficient time for the statutory notice. I am sorry I cannot attend your meeting, but I already had other duties planned for that time.

From reviewing the proposal on the internet, I believe the Town, on behalf of Richman Group, is asking the Town to change the zoning from R-1-9 to C-4 (also referred to as PAD). C-4, PAD is not defined. Page 7, article 5 grants Richman Group the right to change the requirements by 10% with administrative approval of the Town. I believe C-4, PAD should be fully defined and that changes should go through the Town Council.

I believe the proposed population density is excessive. The proposal has 132 apartments on the northeast corner lot. That would mean that approximately 525 people would live there. About 250 vehicles would park there. Excessive population would very likely result in physical and mental illnesses.

The proposal calls for apartment buildings of 4 stories or 2 stories in height. It states that they can go to 54 ft. high. I believe 2 stories should be the maximum.

I believe there should be use of solar energy—both for heating water and for electricity. The proposal does not include this.

If there is construction, will preference be given to Guadalupe residents to do the work? The Town council has repeatedly said that the Town should hire residents.

The setbacks should be from the closest edge of an alley and a walk-way.

Ownership is a major issue. Apparently Richman Group will be given ownership of the whole project forever.

The entire area was given, free, by Mrs. Jenny Biehn for “Yaqui Indian home sites.” In the *Olivas* case, the court changed it to “Yaqui Indians, Mexican Americans, or persons of any other race who are poor and in need of a home site.”

The Town got the land free from the Biehn Colony board. I do not believe this was lawful. I believe the land, or the apartments, should be given to the people, free, which is what Mrs. Biehn intended.

What about diversity? Federal law does not allow prejudice. This is especially true if Federal money is involved. Most of the public housing in Guadalupe now goes to Yaqui people and Mexican-American people. Therefore most of this project would have to be rented to people of other races. This would destroy the culture of Guadalupe.

Thank you for the opportunity to contribute my ideas.

David A. Myers

Honorable council members:

Thank you for your leadership, dedication, and time you have devoted to the Town of Guadalupe and its residents. My name is Amalia Villegas. I was born in Tempe, grew up in and around Guadalupe. Like you, I too understand the importance of family, friends, and community support. With your continued leadership, together we can work towards achieving and realizing our personal and community dreams because we have the control to resist authority that robs us of our dignity and rights. Guadalupe residents have an unbeatable attitude and desire to improve Guadalupe by advancing our culture, our sense of identity, unity, pride, our heritage, traditions, and our shared community values.

This letter speaks to personal thoughts, ideas, opinions and those of Guadalupe residents that I have spoken to, regarding the Richmond Proposal and its impact on the Town of Guadalupe.

A repeated comment from residents concerning Town of Guadalupe Leadership was their expectations that you will do the utmost to increase resources for Guadalupe that continue to strengthening families and community. Guadalupe residents think and act and are vocal in challenging authority, speaking up for self-interest and the interest of the Town \. Expectations for the Town's leadership is to guide us.

Residents from the Town respect leadership that is collaborative, communicative, capacity-building, and community-driven, providing them with a sense of co-ownership of their Guadalupe. People from Guadalupe desire to be helpful.

There are misgivings and negative responses regarding the Town's interest in accepting the Richmond proposal. Many unknowns about the impact 'affordable apartments'. How affordable will the affordable apartments be? Affordable to whom. Pros and cons of subsidized housing for low-income families. What revenues will be collected? What are the profits from 'affordable apartments' and the 99 year-lease proposed. The wording of the RFP and the distribution, advertising of it?

How will the Richmond project impact our local culture, our environment, beliefs and values, and the social shift of demographics. The Richmond project stirs up numerous uncertainties about Guadalupe's future, our way of life that has been cultivated over time, over several generations. The Richmond project is contrary to the culture of Guadalupe. The compelling plea expressed is for the Town of Guadalupe leadership to prioritize, preserve, safeguard the culture of Guadalupe, work towards our long-term well-being.

Town leadership, our elected officials who are accountable to us, the community wants Guadalupe to rethink the use of the property that the Richmond group wants. Let us review the RFP, Invite us to be part of the process. Let us thoroughly and carefully explore and

evaluate further options for Guadalupe's land use. Involve community residents that are committed to assist, with the financial challenges of the Town of Guadalupe:

- Face to face, door to door communication is the mode of operation for Guadalupe residents from Guadalupe want and are willing to engage in open and transparent communication. In addition to the current communication utilized by the Town.
- The community wants to be presented with a clear plan for financial recovery, demonstrating the potential benefits for all community residents.
- Community members want to participate, they want to be inclusive, they want to be a partner, a be involved in a proactive approach to develop the most appropriate course of action to address the financial distress of the Town.
- Guadalupe residents would like to assist in researching, exploring, examining the best course of action for land use.
- Residents are willing to be taught and trained on how to be active participants in guiding the future of Guadalupe.
- Assistance, support, and various forms of aid, guidance from the state's representatives and institutions, community colleges, state universities, businesses, etc. is suggested.
- Financial consultants, restructuring experts, etc. who can assist in developing and implementing improvement plans is proposed.
- Keeping the autonomy of the Town of Guadalupe without the pressure of meeting timeline, self-interest, groups such as Richmond's

Technical assistance and expertise in various forms are opportunities. Guadalupe land is prime land. We, the owners of Guadalupe, suggest collaborative approaches, the leveraging of our knowledge and resources of the state's, our elected officials. We, the community members of the Town of Guadalupe request a quality of life for the citizens of Guadalupe. The Richmond project falls short.



## PLANNING & ZONING APPLICATION FOR: VARIANCE, CONDITIONAL USE OR ZONING CHANGE

1. Please complete this application and attach all required items as outlined.
2. Once submitted, please allow a minimum of two weeks for staff to review and determine whether submittal is complete or additional information/material is needed.
3. Once application is determined complete and acceptable, staff will schedule a public hearing.
4. Complete/accepted application must be submitted to the Town Clerk in final no less than 30 days prior to scheduled Town council meeting. **Applicant must attend all public hearings/meetings.**

### GENERAL INFORMATION:

Project name: Town Commons (B)  
 Existing use of property: Vacant  
 Proposed use of property: Multi-Family Residential  
 Existing zoning: C-1 Requested zoning (if applicable): PAD

### PROPERTY INFORMATION:

Address: 9080 S Avenida del Yaqui (NW Corner / 0.34 acres / Lot B)  
 Legal Description\*: Section 5 Township 1S Range 4E  
 Maricopa County Assessor's Parcel Number (APN)\*: 301-12-121  
 Subdivision Name & Lot # (if applicable/available) \_\_\_\_\_

\*Available at: <https://mcassessor.maricopa.gov/>

### APPLICANT INFORMATION:

Name: Town of Guadalupe  
 Mailing Address: 9241 S. Avenida del Yaqui  
 Contact phone #: (480)-730-3080 Email: clerk@guadalupeaz.org  
 Status (owner, agent, lessee, etc): Owner

### APPLICATION MUST INCLUDE THE FOLLOWING (per Town Code 154.036):

- WAIVED  Filing fee(s) (as outlined on page 2) – *attach*  
 Legal description – *attach*  
 Letter of explanation – *complete page 3*
- DEF  Plot plan – *attach*
- DEF  Site plan (drawn to scale, showing what is planned for the property, including lot dimensions, existing and proposed buildings, etc.) – *attach*  
 Vicinity map of property owners within 150' of property – *attach*  
 Mailing labels (Name/Address) for property owners within 150' of property – *attach*  
 Proof of property ownership

**TYPE OF REQUEST:**

\_\_\_\_\_ CONDITIONAL USE PERMIT

\_\_\_\_\_ VARIANCE FOR (CHECK ALL THAT APPLY):

\_\_\_\_\_ Lot width

\_\_\_\_\_ Lot depth

\_\_\_\_\_ Building height

\_\_\_\_\_ Front setback

\_\_\_\_\_ Rear setback

\_\_\_\_\_ Sideyard setback

ZONING CHANGE – AMENDMENT TO THE ZONING MAP FOR:

\_\_\_\_\_ Single-family Residential

\_\_\_\_\_ Multi-family Residential, Commercial, or Industrial Districts

Planned Area Development

**PROPERTY OWNER:** *(If different from Applicant, complete the Property Owner Authorization statement below. Property owner’s signature must be notarized. For more than one owner, attach a separate sheet with notarized signatures, names and addresses.)*

Name: N/A

Mailing Address: \_\_\_\_\_

Phone #: \_\_\_\_\_ Email: \_\_\_\_\_

**PROPERTY OWNER AUTHORIZATION:**

I hereby authorize \_\_\_\_\_ to file this application and act on my behalf in regard to this application.

\_\_\_\_\_  
(Signature) (Date)

Notary (Rezoning Applications Only)

The State of \_\_\_\_\_ County of \_\_\_\_\_  
Subscribed, sworn to and acknowledged before me by \_\_\_\_\_, the principal,  
and subscribed and sworn to me by \_\_\_\_\_, the witness, this \_\_\_\_\_ day of  
\_\_\_\_\_ (month), \_\_\_\_\_ (year).

(signed) \_\_\_\_\_

\_\_\_\_\_  
(Notary Public)

**LETTER OF EXPLANATION:**

Briefly describe the nature and intent of the proposed development and reasons justifying the request. Include references to effects on surrounding neighborhoods and the town at large.

View attached project narrative dated January 15, 2024.

**FEE SCHEDULE:**

Type of Application	Fee	Calculate Fees
Appeals of administrative decisions	\$25	
Site plan review application	\$50	
<b>Amendments to the Zoning Map for:</b>		
Continued items, continued at the request of the applicant after the property has been posted and public hearing notices are mailed	\$25	
Multi-family residential, commercial and industrial districts	\$400	\$400
Planned area development	\$400	
Single-family residential	\$100	
Site plan review application	\$50 + \$25/acre for each acre over one	
<b>Conditional Use Permits</b>		
Manufactured homes	\$50	
All other	\$50	
<b>Variances</b>		
Single-family residential	\$50	
All other	\$50	
<b>TOTAL</b>		<b>\$0</b>

Waived

**APPLICANT SIGNATURE:**

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

**STAFF USE ONLY**

**Town of Guadalupe Review Process**

Case# \_\_\_\_\_

Zoning District: \_\_\_\_\_

Date of Application: \_\_\_\_\_

Fee: \_\_\_\_\_

Accepted by: \_\_\_\_\_

Date Application Deemed Acceptable by Staff: \_\_\_\_\_

Date of Legal Advertisement: \_\_\_\_\_

Date(s) of Public Hearing(s): \_\_\_\_\_

Council Decision: \_\_\_\_\_



# TOWN OF GUADALUPE – ZONING CODE SETBACK REQUIREMENTS



## RESIDENTIAL ZONING DISTRICTS – TOWN CODE §154.066 (E) (1) & (2)

Zoning District	Minimum Lot Area per D.U. First 2 D.U.	Minimum Lot Area per D.U. Add'l D.U.	Minimum Lot Width	MINIMUM YARD SETBACKS				Maximum Building Height
				Front	Side	Street Side	Rear	
R-2	5,000 square feet		75'	25'	7'*	20'	20'	30'
R-3	5,000 square feet	2,500 square feet	100'	20'	7'*	15'	15'	30'
R-4	5,000 square feet	1,250 square feet	100'	20'	7'*	15'	15'	30'

\*For ease of access, 1 side shall be at least 10 feet in width. Churches and schools 35 feet on each side.

The minimum provisions listed above shall not apply to any lot of smaller size already of record in the office of the County Recorder of Maricopa County, Arizona, before the effective date of this chapter.

Zoning District	MINIMUM YARD SETBACKS				Maximum Height
	Front	Side	Street Side	Rear	
R-1-9	30'	10'	20'	10'	30'
R-1-6	25'	7'	15'	10'	30'

The minimum provisions listed above shall not apply to any lot of smaller size already of record in the office of the County Recorder of Maricopa County, Arizona, before the effective date of this chapter.

## COMMERCIAL ZONING DISTRICTS – TOWN CODE §154.067(F)

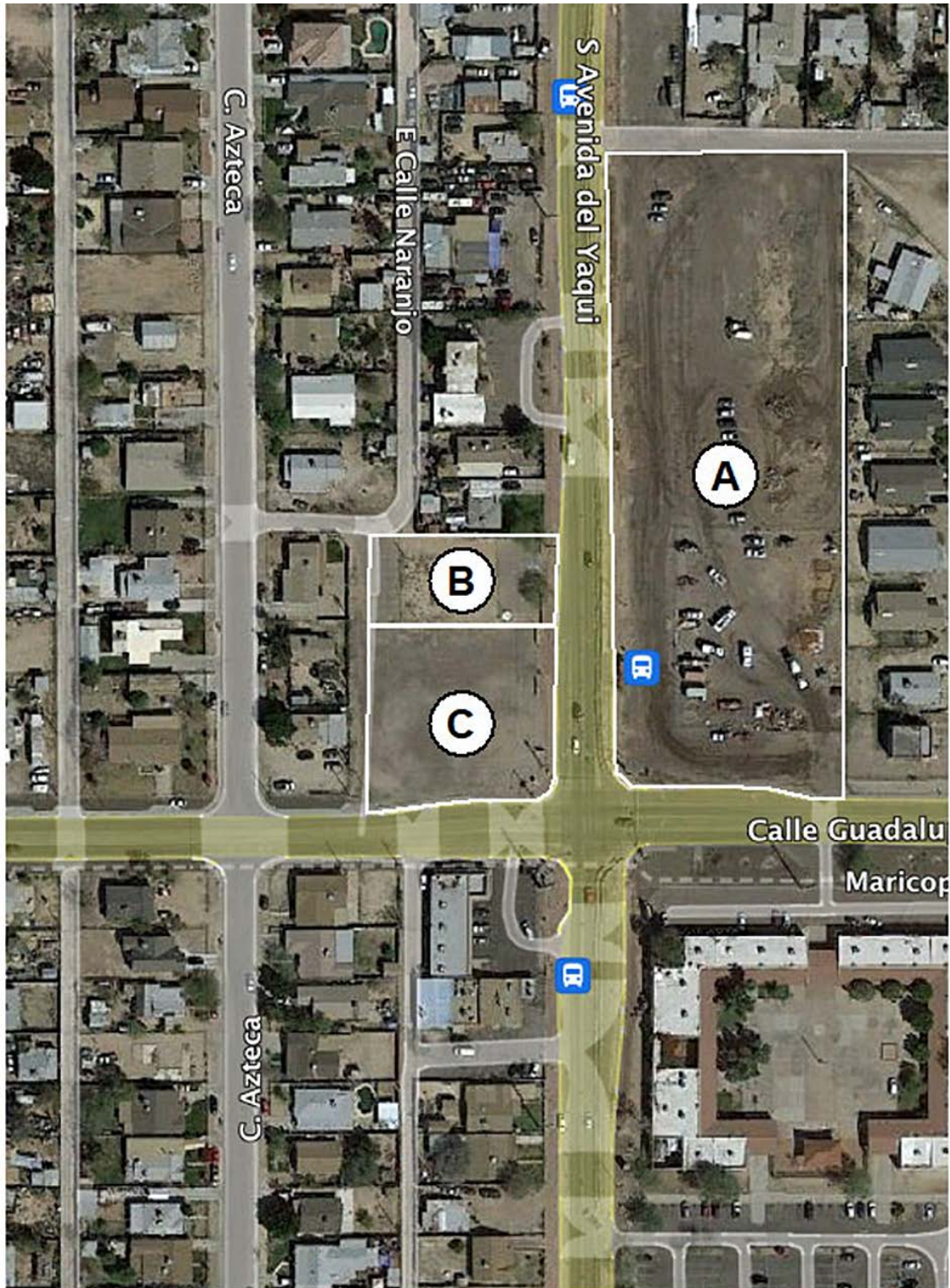
Zoning District	MINIMUM YARD SETBACKS				Maximum Height
	Front	Side	Street Side	Rear	
C-1	25'	12'	15'	15'	30'
C-2	20'	12'	15'	15'	30'
C-Mix	30'	20'	30'	30'	40'

The minimum provisions listed above shall not apply to any lot of smaller size already of record in the office of the County Recorder of Maricopa County, Arizona, before the effective date of this chapter.



## Vicinity map of properties

- “A” in the image below is APN 301-06-373 (approx. 2.80 acres)
- “B” in the image below is APN 301-12-121 (approx. 0.34 acres)
- “C” in the image below is APN 301-12-113 (approx. 0.65 acres)

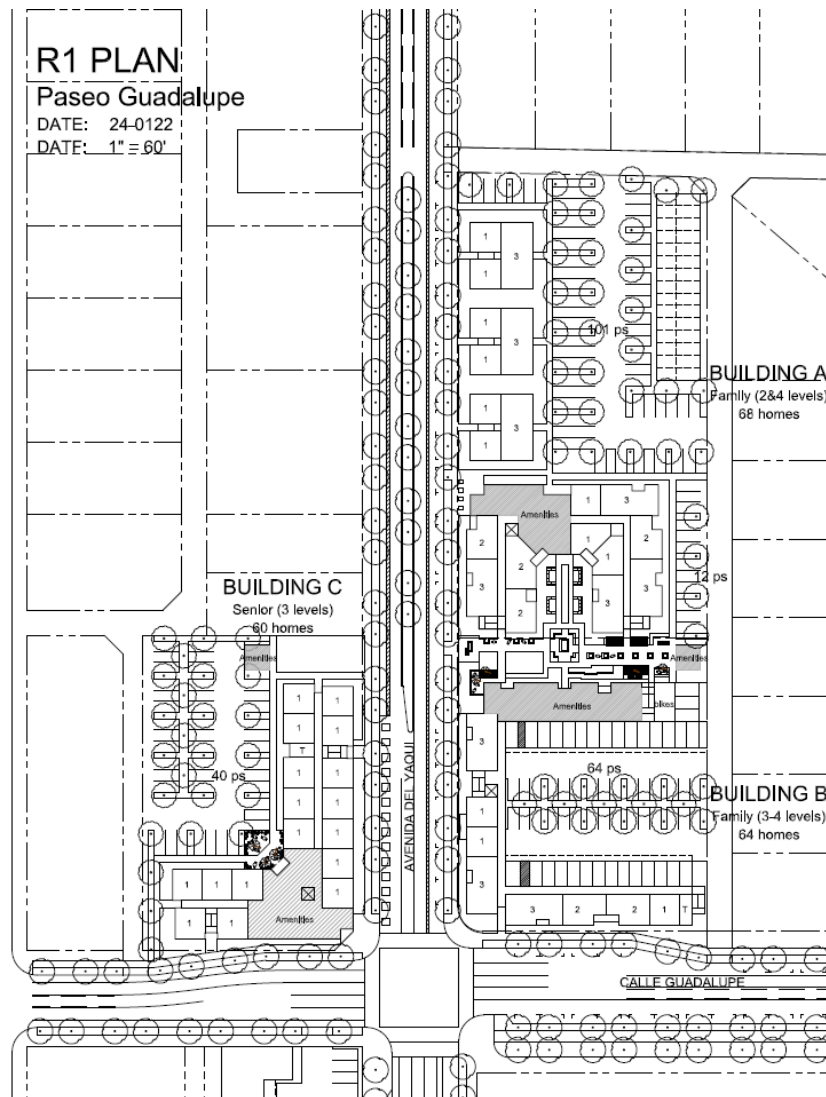


# PAD PROJECT NARRATIVE

## Town Commons

Rezoning CASE Nos. RZ2024-01, RZ2024-02 and RZ2024-03

Submittal: January 15, 2024



*Project Location: NEC and NWC of  
Guadalupe Road & Avenida Del Yaqui  
APNs 301-06-373; 301-12-121; 301-12-113*

## Project Overview

On December 9, 2022, the Town issued a Request for Proposals seeking a development partner for the future development of vacant Town-owned properties at the corner of Guadalupe Road and Avenida Del Yaqui. Respondents with team capability, previous experience, financial acumen and resources, and a reasonable method of approach were sought.

After review and consideration of the proposals, an award was made by the Town Council in a regular public meeting on March 9, 2023, to enter into exclusive negotiations with The Richman Group for a Development Agreement comprising the subject property. This Development Agreement has been submitted for concurrent review and consideration by the Town Council along with this rezoning request.

This rezoning and the Development Agreement, if approved, may result in a The Richman Group completing a competitive application to the State Department of Housing for award of project tax credits or other funding support for their proposed multifamily project in three distinct phases. This rezoning will help support these competitive application efforts.

Town staff is making this rezoning request as representatives of the Town to facilitate this future development. A vicinity map of the properties is attached here as [Exhibit A](#). As further described in the concurrent Development Agreement, The Richman Group proposes to lease the subject properties to develop affordable housing projects on the subject properties in three separate phases, both comprising the “Town Commons” project.

Two Phases of Town Commons, on the NEC of Guadalupe Road and Avenida Del Yaqui, will consist of nearly 132 family-oriented affordable rental units – 68 and 64 units respectively. Phase two of Town Commons, on the NWC of Guadalupe Road and Avenida Del Yaqui, will consist of 60 affordable homes for seniors.

The Town Commons will create an intergenerational community in three developments to serve neighbors seeking to continue living in Guadalupe as they age, and residents who need accessible rent to grow deeper roots with their family.

The proposed project has the potential to help the Town overcome its growing structural deficit by increasing the potential for resident spending, thereby supporting local retail businesses that contribute transaction taxes in support of General Fund services residents have come to expect and deserve.

The location of the project phases at the intersection of Guadalupe Road and Avenida Del Yaqui provides the potential for positive advancement of community art, architecture and resident activity at the most frequently travelled intersection in our community.

### Summary of Request

The Town is the owner of the currently vacant properties designated as APN numbers 301-06-373 (zoned “R1-9” in the Town and comprising approximately 2.80 acres); 301-12-121 (zoned “C-1” in the Town and comprising approximately 0.34 acres); and 301-12-113 (zoned “C-1” in the Town comprising approximately 0.65 acres) at the NE and SW corners of Guadalupe Road and Avenida Del Yaqui. The Town is advancing this rezoning of the subject properties to facilitate new development of multi-family housing.

### Relationship to Adjacent Properties

The following table describes the uses, zoning and General Plan designation for the properties immediately adjacent to the subject properties.

<u>Direction</u>	<u>Surrounding Uses</u>	<u>Zoning</u>
North	Residential, Commercial	C-1, R1-9 and R1-6
East	Residential	R1-9
South	Residential, Commercial Civic Center	C-1, R1-9 and R1-6
West	Residential	R1-6

### Conformance with General Plan

Currently, the Town has a Council-approved Master Plan that has served as a precursor document to a General Plan as defined by ARS 9-461.05. That document was adopted by Town Council on January 2, 2004, and provides guidance for future development, including:

Overall Goals – Four are described in the plan

- Preserve the Uniqueness of the Town
- Promote the Orderly Development of the Town
- Strengthen Economic Base and Enhance Economic Development
- Improve Quality of Life

This proposed PAD conforms to the long-range plan in the following ways:

- **Preserve the Uniqueness of the Town**

By creating opportunities for new and affordable housing, Guadalupe residents who are seeking modern construction and amenities will have additional choices to remain in Town, close to relatives and within the community they call home, at an affordable price.

- **Promote the Orderly Development of the Town & Strengthen Economic Base and Enhance Economic Development**

These underutilized properties, when successfully transitioned into residential communities, can help promote the further diversification of the Town’s retail tax base by encouraging private sector investment into new retail uses - thereby helping to resolve the Town’s current structural deficit and ensuring the continuation of municipal services.

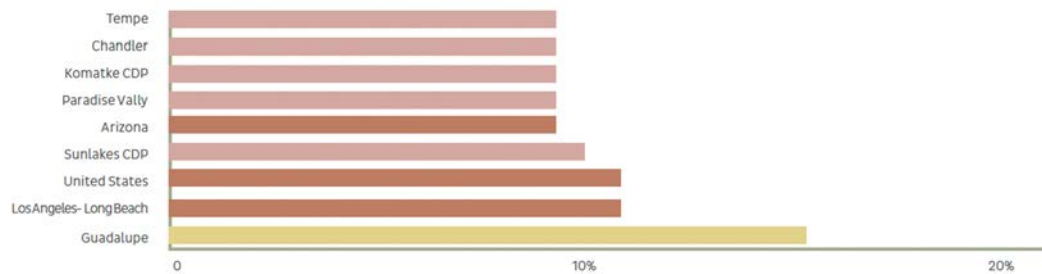
- **Improve Quality of Life**

There is a demonstrated need for new, affordable housing in the Town.

**FIGURE 18: OWNER COST AS % OF HOUSEHOLD INCOME (WITHOUT MORTGAGE)**

This analysis can be useful for understanding the affordable housing for home ownership excluding any financing cost in the area shown. Guadalupe shows it has a % of Income Owner Costs-No Mortgage of 15% which is the most of all places in the greater Guadalupe region.

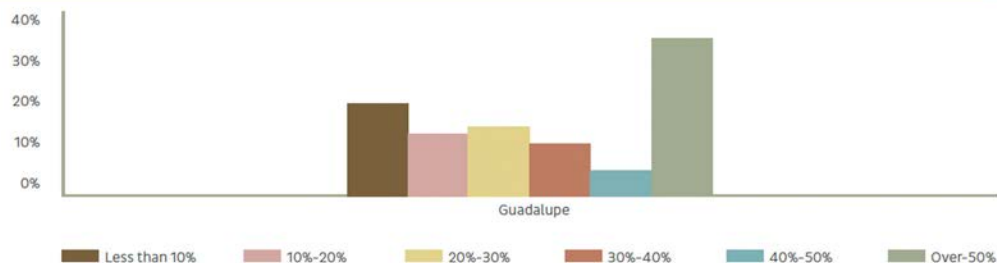
FIGURE 18 | OWNER COST AS % OF HOUSEHOLD INCOME (WITHOUT MORTGAGE)



**FIGURE 19: RENT AS A PERCENT OF HOUSEHOLD INCOME**

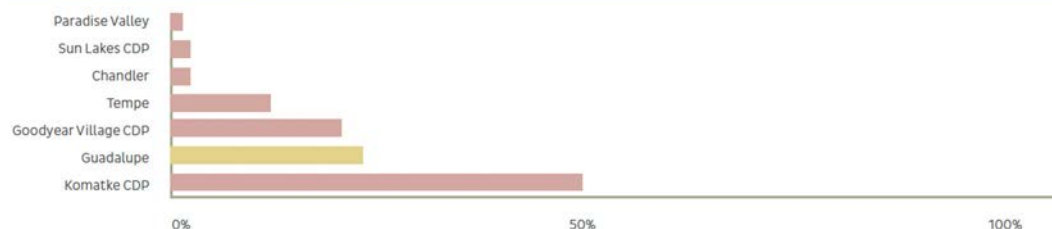
This graphic looks at the cost of rent for rental property using the percent of total household income which is a valuable measure of financial health for the area. (The higher the proportion of rent payments to total household income is a sign of greater financial stress. Also, rent can be covered by rent assistance and rent assistance programs in the form of rent assistance.) Guadalupe has the percentage of rent as a percent of income is less than 10 pct less than most other places in the greater region at 12% of the total. Second, it has one of the largest proportions of rent as a percent of income is between 40pct to 50pct at 34% of the total and is ranked #2. The only larger city being Sun Lakes CDP with 34%.

FIGURE 19 | RENT AS A PERCENT OF HOUSEHOLD INCOME



**FIGURE 24: PERCENT OF POPULATION IN POVERTY**

This chart illustrates the percentage of people earning less than the poverty level is shown and compared across the group of places. Guadalupe shows it has a Percent of Population In Poverty of 32.0% which is the second most of all the places in the local area. The city with the highest percent of people earning less than the poverty level in the area is Komatke CDP which shows a percent of people in poverty of 54.7% (71.2% larger).

**FIGURE 24 | PERCENT OF POPULATION IN POVERTY**

## Permitted Uses

All uses permitted in the R-4 Multi-Family Residential District of the Town of Guadalupe Zoning Ordinance are permitted with a residential density of up to 60.0 units per acre for the NEC property (APN number 301-06-373 comprising approximately 2.80 acres); and 61.0 units per acre for the NWC properties (APN numbers 301-12-121 & 301-12-113, comprising approximately 0.99 acres). In addition, up to 10,000 square feet of retail uses as identified in § 154.067.C. and 154.067.D. ,COMMERCIAL DISTRICTS, are allowed across the phases of Town Commons. All office uses are also allowed including professional, business, executive and all other office uses up to 10,000 square feet for the phases of Town Commons. Live/work units are allowed. This PAD and Preliminary Development Plan establish the applicable development standards and design guidelines for the Property.

## PAD Development Standards

All development standards in the C-2 zoning district of the Town of Guadalupe Zoning Ordinance shall apply on the Property, except as provided herein. In the event of a conflict between a provision of this application and a provision of the Town of Guadalupe Zoning Ordinance, this application shall prevail.

### Density

This amended PAD and accompanying PDP will allow the Property a maximum residential density of 61.0 units per net acres across the Property and an overall density of 20.0 units per net acre across the original PAD Properties.

### Building Height

No building shall exceed 54 feet.

Streetscape Standards (from face of curb):

- i. Guadalupe Road: 18-foot (**minimum 6-foot sidewalk and 8-foot landscape strip**)
- ii. Avenida Del Yaqui: 18-foot (**minimum 6-foot sidewalk and 8-foot landscape strip**)

Building Setback

- iii. Property Lines adjacent to existing Residential uses, inclusive of alleys: 20 foot

Parking

The Project will incorporate surface parking and tuck-under garages. As part of the visitor surface parking spaces at the main entry, the development will provide ridesharing loading/unloading parking spaces. The development may also provide several electrical charging stations for the residents.

The parking will be well-lit and landscaped to support a ground level experience in keeping with the standards of a high-quality residential community. Surface parking is set back at least 20 feet from all right-of-way lines.

The Town currently requires the following parking:

- i. Minimum 1.0 parking spaces per efficiency unit
- ii. Minimum 1.5 parking spaces per each 1 and 2 bedroom unit
- iii. Minimum 2.0 parking spaces per each unit containing more than 2 bedrooms

Each Project will provide the following parking:

- i. Minimum 1.25 parking spaces per dwelling unit for Phases 1 and 2
- ii. Minimum 0.5 parking spaces per dwelling unit for Phase 3

Private Open Space

The Town Commons project provides amenities in its passive and active recreation areas. Open space areas are well integrated throughout the Project. On-site amenities provide an equal and balanced distribution of recreation for resident access. The type and quantity of furnishings, hardscape and active recreation elements vary, depending upon the location within the project and type of experience programmed.



### Deviations

The following include identified deviations from code requirements for multifamily housing, and provided Project design elements will replace contradicting city standards:

1. Landscape setback widths vary as identified above.
2. A minimum 6-foot wide public sidewalk is provided along Avenida Del Yaqui to accommodate the existing right-of-way.
3. The streetscape standard is measured at 18 feet from face of curb.
4. Building height is at 54 feet.
5. **Minor Modifications for Town Commons:** Minor modifications shall be processed through an administrative review by The Town Manager or designee. Modifications may include a 10% deviation to any approved development standard, including but not limited to required building setbacks, required streetscape dimensions, parking, density, building height, etc.

### **Preliminary Development Plan**

A preliminary plan for development is attached here as Exhibit B. This plan will be advanced to a final plan for development through the development process of community outreach, planning and design. The final plan for development, comprising but not limited to a site plan, open space plan, circulation plan, and plans for provision of utilities, public art, and offsite improvements will be reviewed and approved separately from this rezoning action through the Town's normal plan review and permitting processes.

### **Architecture**

The Town Commons apartments are proposed as a comfortable urban architecture that takes references from the Town's long history and traditions. Building on the transition in the surrounding neighborhood toward this safe, clean and friendly environment, the architecture is proposed as an modern character of clean lines, open floor plans and a connection to the outdoors, both visually and physically, providing a high design aesthetic.

The overall architectural character for the development should respond to a regional awareness and history of the southwest and Arizona both visually and environmentally by: (1) acknowledging climate and solar considerations; (2) utilizing natural light as much as possible; (3) using vertical scale for contrast and importance; (4) choosing appropriate forms and materials;

(5) utilizing landscape materials to provide continuity and aesthetics; and (6) building a positive identity through a “sense of place” and architecture.

An observer of the project on any side would note any expanse of building wall is broken up by a combination of height and depth articulation, material changes, window and building openings, color, light and shadow control, and landscaping with upper, mid and pedestrian level treatments to create a visually interesting and elegant design aesthetic in harmony with desert living.

The project architecture and theming elements are carried into the amenity areas. Maintaining human scale building proportions along street frontages create visual interest. Indoor spaces are integrated with outdoor spaces through attractive breezeways and project landscaping.

### **Building Material/Color**

Accessory structures should be of similar architectural design and constructed of compatible materials. Low reflective materials, textures, and colors should be used to reduce solar radiation. Choose colors which relate well to one another, to the proposed buildings and landscape materials and which are appropriate to the architecture and surrounding.

### **Sustainability**

The Town Commons Apartments are designed with a focus on a range of sustainable considerations to provide green building opportunities for the development through building orientation/location, shading, window design, building mechanics, conservation of energy and water.

The following are sustainable practices that are integrated into the Project:

- Reusing a vacant infill property for the proposed multi-family development
- Responding to the harsh southwest climate by incorporating materials and design method suitable for the region
- Recognizing the value of human comfort zones and providing appropriate landscaping and adequate shading
- Installing energy efficiency, Low E windows
- Providing low volatile organic (VOC) paints, carpet and flooring
- Providing light emitting diode (LED) and energy efficient lighting technology within units, site, and parking lighting
- Providing low flow plumbing fixtures to reduce water usage
- Installing a minimum of 3 Energy Star rated ceiling fans.
- Installing Energy Star rated hot water heater.
- Providing high efficiency HVAC units

- Using roofing materials that specify a high Solar Reflectance Index for a minimum of 75% of the roof surface area
- Shading surface parking spaces using vegetation.
- Landscaping and stormwater management that seeks to retain stormwater runoff where appropriate and allow it to provide water for landscaping and improve groundwater conditions.
- Providing open bike parking areas to allow residents an opportunity to have an alternative mode of transportation

### **Equipment Screening**

The rooftop mechanical equipment is screened visually and integral to the architectural design of the project buildings. Trash enclosures are fully enclosed with concrete masonry unit (“CMU”) block walls and metal gates. Screening will be accomplished through location, orientation and use of landscaping to the maximum extent possible while still providing ease of access to residents and collection services. Meter bank installation will be guided in accordance with SRP, Tempe Water, and Southwest Gas standards and by the goals of minimizing their visual impact through location, minimizing exposed conduit and painting of conduit, landscape screening where practical and to the maximum extent feasible.

### **Landscaping**

The overall landscape theme of Town Commons is inspired by the Sonoran Desert style palette to create an attractive experience for residents and visitors alike. The design and materials create a sense of place within the site, while adding a fresh approach to a timeless desert environment for the surrounding community. All plant species proposed adhere to the Arizona Department of Water Resources, “Low Water Use Plant List” in order to promote water efficiency stewardship and incorporate native vegetation into the landscape environment. Site landscape will be irrigated by means of a low volume drip irrigation system that utilizes moisture sensing and weather-based technology.

The landscaping theme draws from the lush desert look and feel of an adapted Sonoran landscape, crafted for the Arizona climate through the use of drought tolerant and native adapted elements. The use of Oaks and Elms along Avenida Del Yaqui and Guadalupe Road create an inviting street frontage, providing a shady haven for all public users. These classic street trees will be complemented with large massings of colorful shrubs, accents and groundcovers. Trees along Avenida Del Yaqui and Guadalupe Road will be planted an average of 30’ on center.

Plant material and location has been carefully considered. Plant material included is within the latest amended edition of the "Low-Water-Using Plant List" approved by the Director of the Phoenix Active Management Area of the Arizona Department of Water Resources. All trees shall

comply with the latest amended edition of the "Arizona Nursery Association — Recommended Tree Specifications". All plant material will meet the applicable minimum planting sizes and spacing required by the Town with spacing sufficient to allow plants to reach their natural mature size and form. Plant massing, coverage and density requirements of the Town are met for parking areas, common open space/retention basins; intersection setback areas; landscape setback areas; other perimeter landscape strips and rights-of-way. The grouping of plant species commonly found together in natural associations or of common environmental requirements (soil type, water, sun exposure, temperature limitations, etc.) has been considered throughout the Project design.

Landscaping is designed and will be installed and maintained in accordance with the Town's stated basic principles of xeriscaping. Water features are placed only within small-scale pedestrian/oriented places. Water feature designs reduce evaporation losses. Town Commons uses landscaping design to incorporate energy conservation measures by shading of south and west sides of building by overhangs and/or trees and the provision of shade trees on the south and west side of streets.

### **Signage**

The main entry to Town Commons buildings will have identifying signage in a well-landscaped setting. Site directories are located at common access points for viewing by pedestrians and people in vehicles. Paving treatments are used at entryways, crosswalks and amenity areas.

### **Property Management**

As a comprehensive and fully vertically integrated real estate development services company, The Richman Group ("TRG") maintains its own property management division internal to the company. TRG Management is a premier manager of multifamily apartment communities across the United States, with over 160,000 residential units currently under their care.

The Town expects TRG Management to create an exceptional living environment at Town Commons, in all areas of Property Management, including marketing, training, financial reporting, construction management and maintenance to present an 'A' class property that the entire community will be proud to showcase.

### **Grading and Drainage Summary**

Project parcels are planned to retain on-site stormwater onsite as prescribed by the Town for the 100-year, 2-hour storm event. Runoff generated by the new development will meet the applicable water quality standards imposed by the Town. Stormwater will be retained onsite either in surface ponds or underground storage tanks. All retention facilities designed will dispose

of stormwater via drywells. All finished floor elevations for new buildings will be set according to Town of Guadalupe requirements.

### **Utilities Summary**

Electrical transformers or other ground mounted utility equipment will be painted to match the building to blend in with the Project architecture and landscaping.

The Project will not adversely affect municipal or private facilities and services. Similarly, it will not have an adverse effect on existing or future public and private open space, recreation, schools, or library facilities.

The following list identifies public and private services for the Property:

- Water: City of Tempe
- Sewer: City of Tempe
- Electric: SRP
- Gas: Southwest Gas
- School District: Chandler Unified School District
- Police: Maricopa County Sherriff
- Fire: Town of Guadalupe

All new buildings will be served by private onsite water and sewer facilities. Domestic water and fire suppression services will be provided to each building from a looped onsite system that connects to existing facilities in Guadalupe Road and Avenida Del Yaqui. Sanitary sewer services to each new building are planned as provided from private main extensions onsite that connect to the existing public main in Guadalupe Road. Dry utility services are planned to connect to adjacent facilities located in the surrounding public roads.

### **Phasing Plan**

Town Commons will be constructed in three distinct phases. Arterial road frontages, landscaping and streetscape will be installed in conjunction with onsite development.

### **Summary**

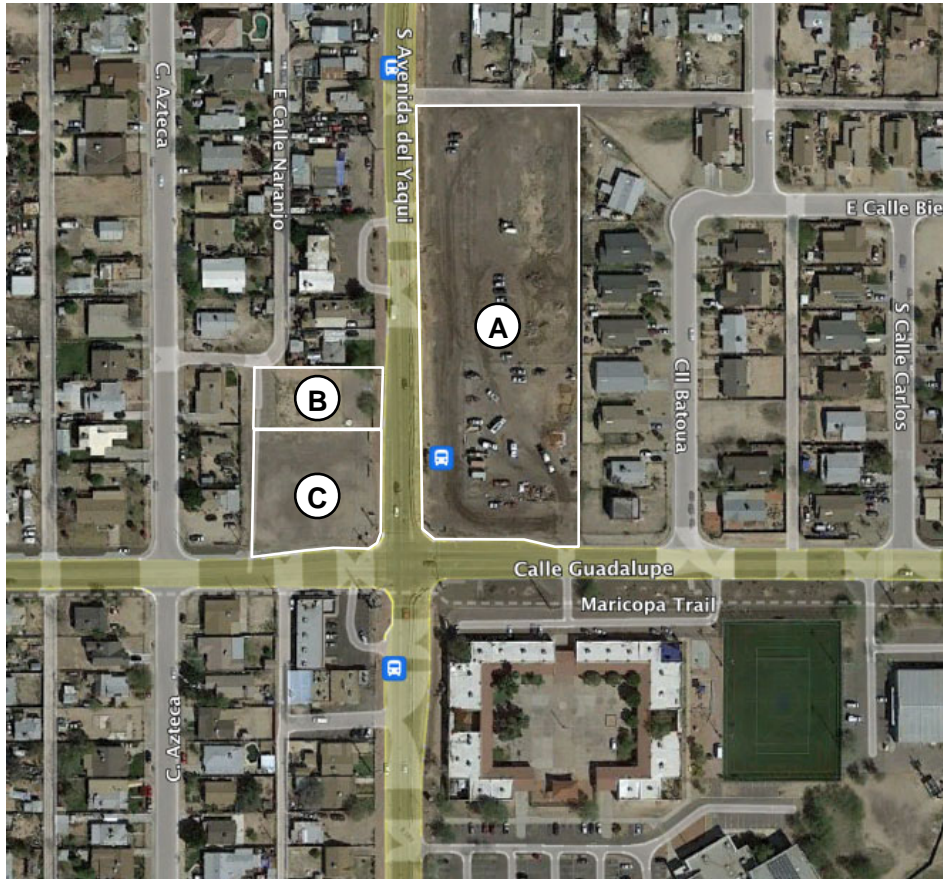
The proposed PAD and Preliminary Development Plan conform with and promote the goals and objectives of the Town of Guadalupe Long-Range Plan, and will provide a modern, affordable residential community for the Town. The Town Commons project will be a great complementary asset to the surrounding uses and represent the highest and best use for this currently vacant Property.

**Exhibit A**  
**Vicinity map of the properties**

“A” in the image below is APN 301-06-373 (approx. 2.80 acres)

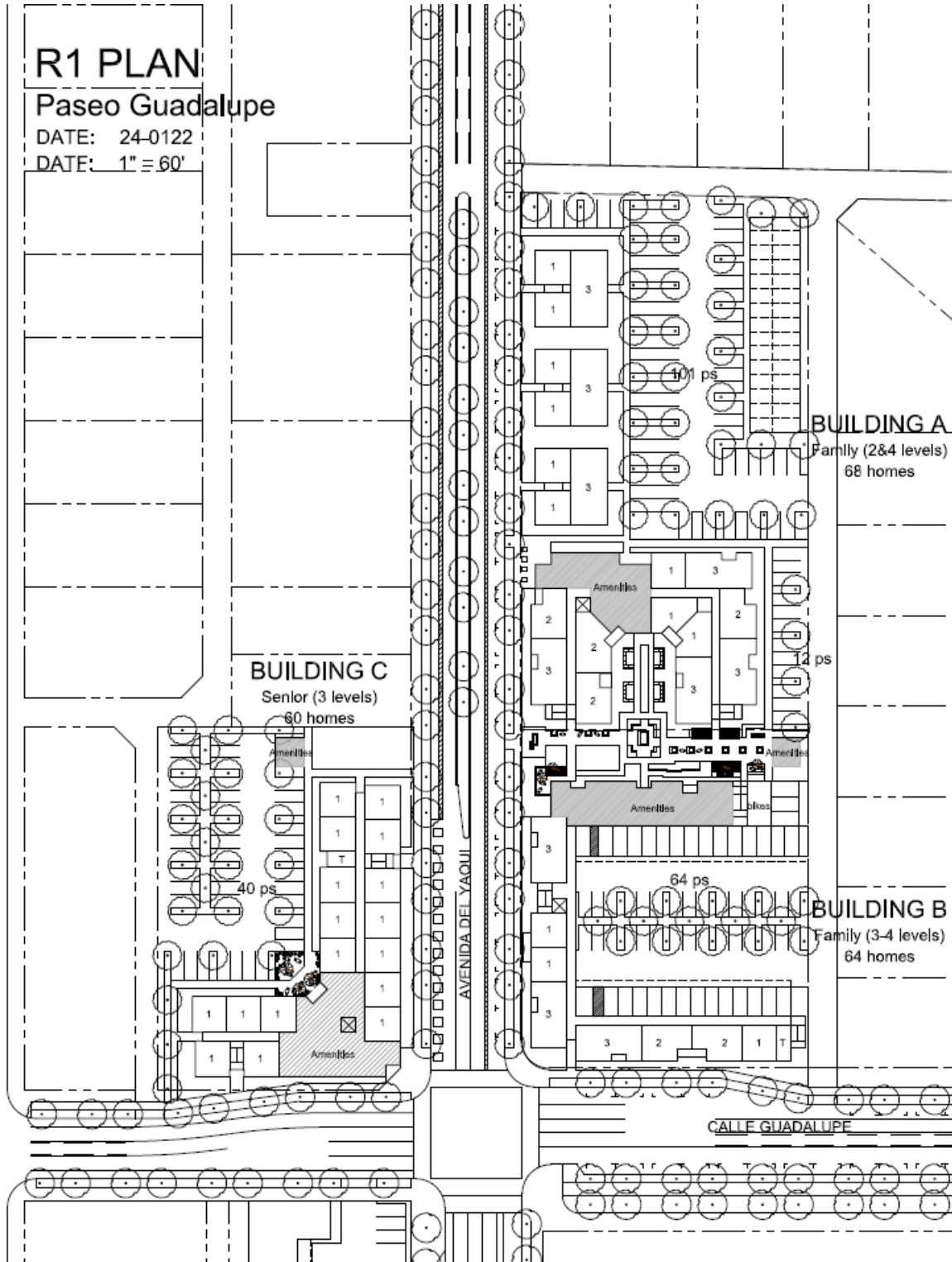
“B” in the image below is APN 301-12-121 (approx. 0.34 acres)

“C” in the image below is APN 301-12-113 (approx. 0.65 acres)



**Exhibit B**

Preliminary Development Plan



MAR 20 1978 -8 00

STATE OF ARIZONA  
COUNTY OF MARICOPA

ss. I hereby certify that the within instrum  
in DOCKET: 12780 1230 and in

at the request of CHICAGO TITLE INSURANCE CO.

When recorded, mail to:

Witness my hand and office

THE TOWN OF GUADALUPE  
9056 S. 56th St  
Guadalupe, AZ 85283

TOM FREESTONE  
COUNTY RECORDER

Photostated

Fee: 5.00

Deputy Recorder

*RJ M... ..*

07-7801599

## Warranty Deed

For the consideration of Ten Dollars, and other valuable considerations, I or we, The Guadalupe Organization, An Arizona Corporation

do hereby convey to The Town of Guadalupe, a Municipal Corporation

the following real property situated in Maricopa County, Arizona:

### LEGAL DESCRIPTION

That part of the Southeast quarter of the Southeast quarter of Section 5, Township 1 South, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona described as follows:

BEGINNING at a point 209 feet North of the Southeast corner of said Section 5; thence West 209 feet; thence North 84 feet; thence East 209 feet to a point on the East line of said Section 5; thence South 84 feet to the point of beginning.

Subject to current taxes and other 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 warrants the title against all persons whomsoever.

THE GUADALUPE ORGANIZATION, AN ARIZONA CORPORATION

Dated this 8th day of February, 1978.

BY: *Lauro Garcia*  
LAURO GARCIA, EXECUTIVE ADMINISTRATOR, FOR THE GUADALUPE ORGANIZATION AN ARIZONA CORPORATION

STATE OF ARIZONA  
County of Maricopa

ss.

This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ by

LAURO GARCIA, EXECUTIVE ADMINISTRATOR, FOR THE GUADALUPE ORGANIZATION AN ARIZONA CORPORATION

STATE OF ARIZONA )  
County of Maricopa ) ss

On this, the 24th day of February, 1978, before me, the undersigned officer, personally appeared LAURO GARCIA and Executive Administrator who acknowledged himself to be the

respectively, of THE GUADALUPE ORGANIZATION and that they being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by themselves as such officers.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

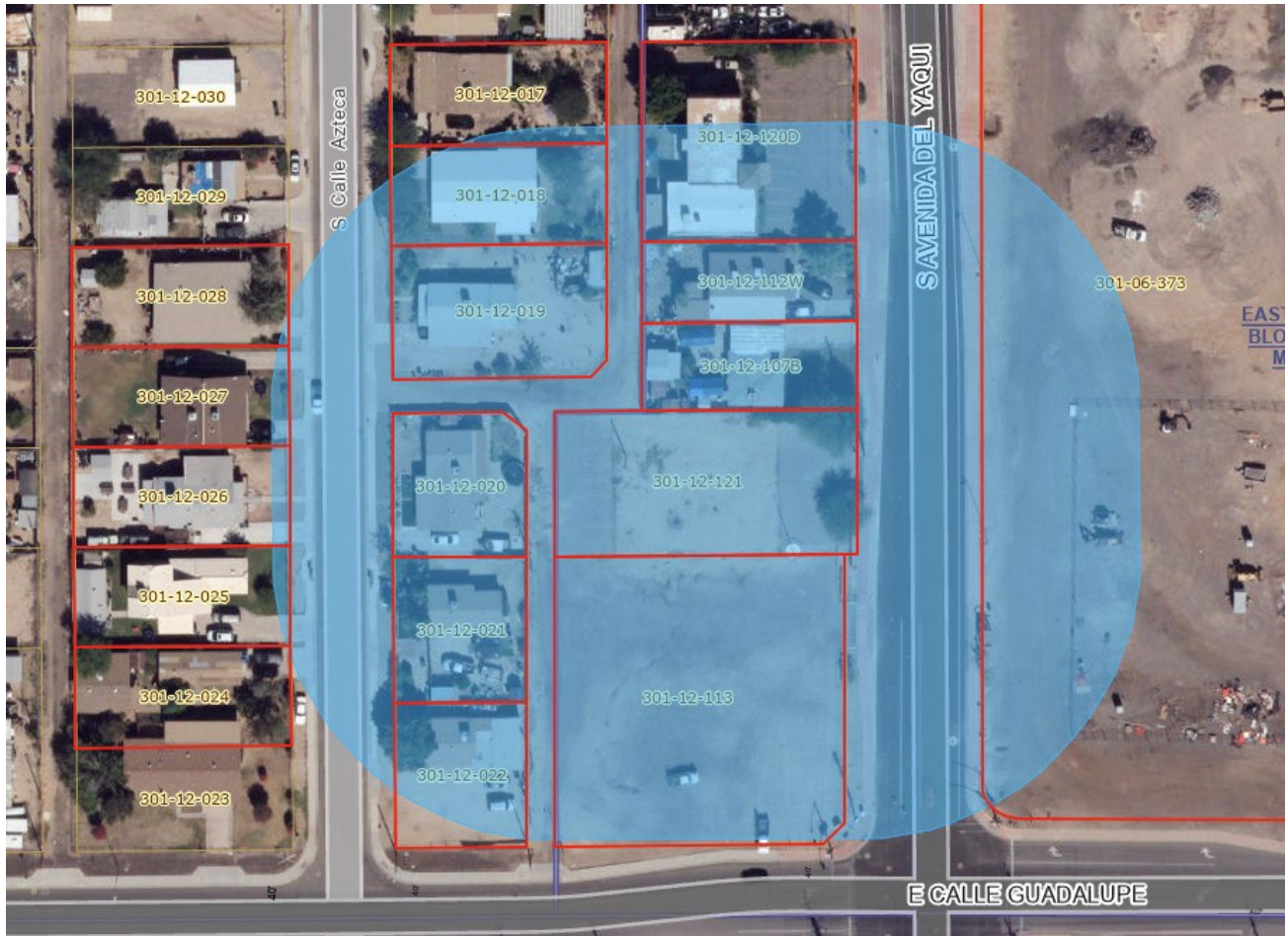
*Michael J. Jarrow*  
Notary Public

My commission expires: My Commission Expires June 1, 1981

Notary Public



**9080 AVENIDA DEL YAQUI**  
**150FT NOTIFICATION AREA**



ASCEND CHURCH  
1615 E GUADALUPE RD  
TEMPE AZ USA 85285

MARCELO GASTELO  
9034 S CALLE AZTECA  
GUADALUPE AZ USA 85283

ISIDRO GASTELO  
9027 S CALLE AZTECA  
GUADALUPE AZ USA 852832525

JOSE LUCIO ORTEGA  
9038 S AVENIDA DEL YAQUI  
GUADALUPE AZ USA 85283

JUAN GASTELO JR  
9031 S CALLE AZTECA  
GUADALUPE AZ USA 85283

DANIEL TORRES  
9034 S AVENIDA DEL YAQUI  
GUADALUPE AZ USA 85283

SAMUEL HOLGUIN  
9035 S CALLE AZTECA  
GUADALUPE AZ USA 85283

TOWN OF GUADALUPE  
9241 S AVENIDA DEL YAQUI  
GUADALUPE AZ USA 85283

BARBERA ERIKA GARCIA  
9041 S CALLE AZTECA  
GUADALUPE AZ USA 85283

TOWN OF GUADALUPE  
9241 S AVENIDA DEL YAQUI  
GUADALUPE AZ USA 85283

MARY HELEN CANO  
8203 S CALLE MOCTEZUMA  
GUADALUPE AZ USA 85283

TOWN OF GUADALUPE  
9241 S AVENIDA DEL YAQUI  
GUADALUPE AZ USA 85283

RUDOLF BILDUCIA  
8226 S CALLE AZTECA  
GUADALUPE AZ USA 85283

TOWN OF GUADALUPE  
9241 S AVENIDA DEL YAQUI  
GUADALUPE AZ USA 85283

RAYMOND ORTEGO GASTELLO  
9046 S CALLE AZTECA  
GUADALUPE AZ USA 85283

JUAN VITAL  
9042 S CALLE AZTECA  
GUADALUPE AZ USA 85283

RAUL GUZMAN  
2943 E OAKLAND CT  
GILBERT AZ USA 85295



## Notice of Public Hearing

The Guadalupe Town Council shall hold public hearings on Thursday, February 8, 2024, at 6:00 p.m. at the Guadalupe Town Hall, 9241 South Avenida del Yaqui, Council Chambers, Guadalupe, Arizona, to consider the following rezoning request:

**Rezoning Application (RZ2024-02) – 9080 South Avenida del Yaqui:** The Town of Guadalupe, as the Applicant, is requesting to rezone the property located at 9080 South Avenida del Yaqui (Maricopa County Assessor parcel #301-12-121, comprising approximately 0.34 acres) that is currently vacant and zoned C-1 Neighborhood Commercial to Planned Area Development (PAD) to facilitate future development of the TOWN COMMONS project, comprised of 60 rental units for seniors. Buildings will be set back a minimum of 20-feet from existing residential uses, inclusive of alleys. The proposed PAD development standards provide a maximum building height of 54 feet, and maximum density of 61 units per acre. Custom parking and setback standards are also part of the PAD application.

Written letters of objection or support may be submitted by adjacent landowners and potentially affected citizens to the Town Clerk via email at [clerk@guadalupez.org](mailto:clerk@guadalupez.org) or delivered to Guadalupe Town Hall prior to, or at the time of the hearing. Copies of the Application are available for review at Guadalupe Town Hall.

Town of Guadalupe  
9241 South Avenida del Yaqui  
Guadalupe, AZ 85283  
(480) 730-3080

Date: February 2, 2024  
 From: Sam Amaya, Town Planner, samaya@guadalupez.org  
 Through: Jeff Kulaga, Town Manager/Clerk, jkulaga@guadalupez.org  
 To: The Honorable Guadalupe Town Council  
 Re: **RZ2024-02, Rezoning of Town Owned Land (APN 301-12-121) Staff Report**

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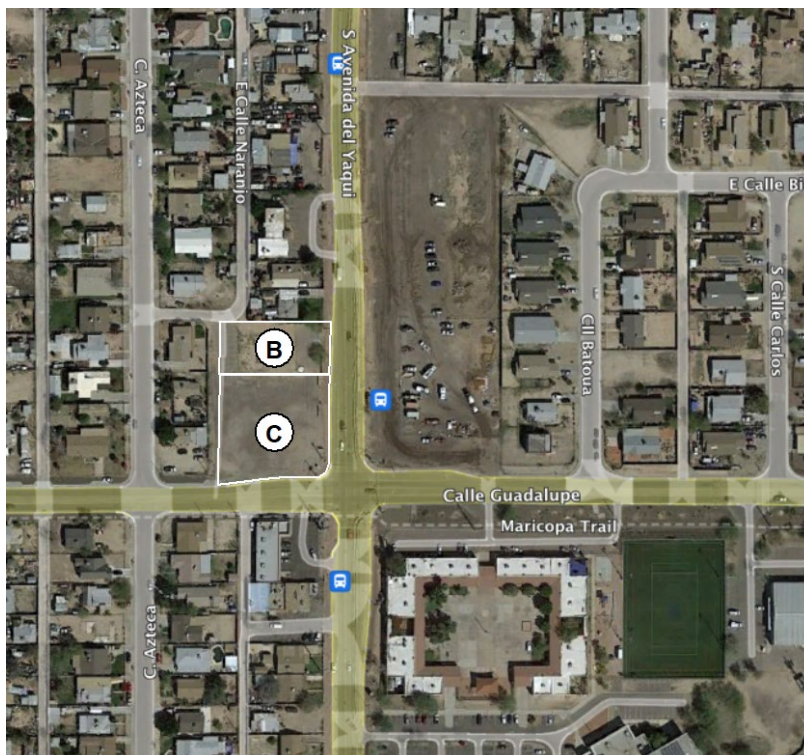
## Introduction

The Town is the owner of the currently vacant 9080 S. Avenida Del Yaqui, designated APN 301-12-121, zoned C-1 in the Town and comprising approximately 0.34 acres near the NW corner of Guadalupe Road and Avenida Del Yaqui. The Town is advancing this rezoning request of the subject property to facilitate new development of affordable multi-family housing.

## Vicinity Map

“B” in the image below is 9080 S. Avenida Del Yaqui (approx. 0.34 acres)

“C” in the image below is 9084 S. Avenida Del Yaqui (approx. 0.65 acres)



## History

The subject property title was the former site of the Guadalupe Town Hall. Attached in [Exhibit A](#) is the warranty deed of the property, designating the Town of Guadalupe as the legal owner of the property.

On December 9, 2022, the Town issued a Request for Proposals seeking proposals for the future development of the subject property. Respondents with team capability, previous experience, financial acumen and resources, and a reasonable method of approach were sought. Three qualified responses were received before the response deadline. The three respondents were the Guadalupe Community Development Corporation (“GCDC”), B&B Development & Construction (“B&B”), and The Richman Group (“TRG”).

Here is a summary table of data included in the responses received:

RESPONDENT	DEVELOPMENT CONCEPT INCLUDED	PROPOSED DEVELOPMENT	ASSETS UNDER MANAGEMENT	PROPERTY OFFER (all sites)
GCDC Team of 1	NO	5 SF Homes, 2-story \$1M est. value	65 Senior Units 72 Family Units 126 SF Homes Would pursue funding	\$360K Close in 90 days Town provides lot splits
B&B Team of 2	NO	Retail/Commercial Building. 40-unit “workforce” housing. \$8M est. value	9 SF Homes 1 retail location \$25M in Managed construction	\$2.21M No Role for Town
TRG Team of 17	YES	3,000 s.f. New Retail 5,000 s.f. Community Space 88 “affordable” MFH Units 60 “affordable” Senior Units 82 Homes New “Town Square” \$98M est. value (\$6.1M in community uses	12,000 “affordable” units 166,000+ units \$20B in financed development	\$3.95M for Land (equal to Town’s appraised value) Town included in project planning

After review and consideration of the proposals, an award was made by the Town Council in a regular public meeting on March 9, 2023, to enter into exclusive negotiations with The Richman Group for a Development Agreement comprising the subject property. This Development Agreement will identify the specific terms and provisions for future development of the property, and has been drafted concurrent with this rezoning request, for separate review and consideration from this rezoning action.

This rezoning and the Development Agreement, if approved, may result in a The Richman Group completing a competitive application to the State Department of Housing for award of project tax credits or other funding support for a proposed multifamily project. This rezoning will help support that competitive application effort.

### **Requirements for Approval of this Rezoning Request**

Because this is Town Owned property, the \$400 filing fee for this rezoning has been waived per Town Code § 154.036.B.3.

Per code Section § 154.030 AMENDMENTS, the regulations and boundaries set forth in the chapter PROCEDURES may be amended, supplemented, changed, modified, or repealed whenever deemed necessary to best serve the public interest, health, comfort, safety, and general welfare of the citizens of the town. Accordingly, this application will defer the code requirement to provide a plot plan and final development plan. Any proposed project will submit those design documents for separate review and approval after a Development Agreement has been finalized, approved, and recorded.

That Development Agreement will identify requirements for any proposed project on this Subject Property to be designed with the community's history and culture in mind, and with the needs of current and future residents, and articulated through subsequent submittal of plans for review.

This rezoning is a first step in the process of developing a project, by first establishing the applicable development standards to which any multi-family project designer must conform.

### **PAD Development Standards**

The Town's Zoning Ordinance identifies the underlying zoning and related development standards for land within the Town's corporate limits. Per Code § 154.068 PLANNED AREA DEVELOPMENT (PAD), PAD zoning is described as:

*(A) Intent. The PAD District is intended and designed to: provide a means for development on a unit basis, ensuring orderly and thorough planning that will result in high quality urban design; encourage variety in architectural design through techniques, including, but not limited to, variations in building style, lot arrangements, and site planning; establish procedures that would reduce inequities occurring when strict application of zoning regulations pertaining primarily to small lots are applied to large lots; encourage innovative site planning, including, but not limited to, the preservation of natural character of the land and economy in construction and maintenance of streets and utilities; permit flexibility in design such that development would produce maximum choice in the type of environment, living units, commercial installations, and facilities available to the public; and produce an efficient, aesthetic, and desirable use of open space.*

This rezoning proposes the following development standards for the subject property's PAD zoning:

	<b>Current C-1 Zoning</b>	<b>This PAD Request</b>
Maximum Height:	30 feet	54 Feet
Density:	5,000 s.f for 1 <sup>st</sup> 2 DU 1,250 s.f for DU's above 2	61.0 DU/Acre
Parking:	Minimum 1.0 spaces per efficiency unit Minimum 1.5 spaces per each 1 and 2 bedroom unit Minimum 2.0 spaces per each unit containing more than 2 bedrooms	Minimum 0.5 per dwelling unit
<b>Setbacks:</b>		
<u><b>Building Setbacks</b></u>		
i. Guadalupe Road:	25-foot (front) 12-foot (side)	18-foot (minimum 6-foot sidewalk and 8-foot landscape strip)
ii. Avenida Del Yaqui:	25-foot (front) 12-foot (side)	18-foot (minimum 6-foot sidewalk and 8-foot landscape strip)
iii. Property Lines adjacent to existing residential uses, inclusive of alleys:	12-foot (side) 15-foot (rear)	20-foot
<u><b>Landscape Setbacks</b></u>		
i. Guadalupe Road:	25-foot (front) 12-foot (side) 15-foot (rear)	Landscape setback widths vary  The streetscape standard is measured at 18 feet from face of curb.
ii. Avenida Del Yaqui Rd.:	25-foot (front)  12-foot (side) 15-foot (rear)	Landscape setback widths vary  A minimum 6-foot wide public sidewalk is provided along Avenida Del Yaqui to accommodate the existing right-of-way.  The streetscape standard is measured at 18 feet from face of curb.

### **Preliminary Development Plan**

A preliminary plan for development is attached here as Exhibit B. This plan will be advanced to a final plan for development through the development process of community outreach, planning and design. The final plan for development, comprising but not limited to a site plan, open space plan, circulation plan, and plans for provision of utilities, public art, and offsite improvements will be reviewed and approved separately from this rezoning action through the Town's normal plan review and permitting processes. This requirement has been reiterated in the staff's recommended zoning stipulations in the final section of this report.

### **Conformance with General Plan**

Currently, the Town has a Council-approved Masterplan plan that has served as a precursor document to a General Plan as defined by ARS 9-461.05. That document was adopted by Town Council on January 2, 2004, and provides guidance for future development, including:

Overall Goals – Four are described in the plan

- Preserve the Uniqueness of the Town
- Promote the Orderly Development of the Town
- Strengthen Economic Base and Enhance Economic Development
- Improve Quality of Life

This proposed PAD conforms to the long-range plan in the following ways:

- **Preserve the Uniqueness of the Town**  
By creating opportunities for new and affordable housing, Guadalupe residents who are seeking modern construction and amenities will have additional choices to remain in Town, close to relatives and within the community they call home, at an affordable price.
- **Promote the Orderly Development of the Town & Strengthen Economic Base and Enhance Economic Development**  
These underutilized properties, when successfully transitioned into residential communities, can help promote the further diversification of the Town's retail tax base by encouraging private sector investment into new retail uses - thereby helping to resolve the Town's current structural deficit and ensuring the continuation of municipal services.
- **Improve Quality of Life**  
There is a demonstrated need for new, affordable housing in the Town.

### **Notification for this Rezoning**

Notices have occurred in accordance with Guadalupe zoning ordinance §154.034 NOTIFICATION. Exhibit C illustrates a map of the notification area.



Attached in Exhibit D includes all notification materials posted, including:

- Site posting
- Site posting notice
- Notice in newspaper
- Mailing list
- Mailing notice

Exhibit E includes all written emails and or letters received for this project from the public since January 24, 2024, the first day of statutory notification.

### **Staff Recommended Conditions of Approval**

Per the Town's Code § 154.030.C.1., any recommendation of approval for an amendment, or any adoption of an amendment, may be subject to such conditions as the Council deems applicable in order to fully carry out the provisions of this chapter.

Therefore, if approved, staff recommends these conditions of approval, which are taken from the current Town Code § 154.068 PLANNED AREA DEVELOPMENT (PAD), Paragraph B. Procedure; Paragraph C. Plan Requirements; and Paragraph D. Standards, and reiterate the requirements for development plan review:

1. The applicant shall submit within one year, a final development plan, which shall consist of a complete set of drawings and specifications for the proposed use and development. It shall be reviewed for conformity with the comprehensive plan, and with recognized principles of architectural design, land use planning, and landscape architecture. The final development plan also be reviewed for compliance with the PAD standards and substantial compliance with the preliminary plan. The Council shall review the final development plan for its compliance with the standards of this chapter and its substantial compliance with the preliminary development plan.
2. The final development plan and final plat shall be approved by the Council and the final plat duly recorded before any building permit is issued.
3. The Council may give the approval of the development plan contingent upon the completion of construction and improvements within a reasonable period of time. Failure to complete all improvements within said period of time shall be deemed sufficient cause for the Council to rescind the rezoning, unless an extension is requested by the developer or owner and approved by the Council.
4. The preliminary development plan shall contain at a minimum the following information:
  - (a) Relationship of the property to the surrounding areas that will be affected by the proposed PAD;

- (b) Proposed pattern of land uses including areas to be conveyed, dedicated, or reserved for public use.
  - (c) Schematic site plan for each building site and common open areas, showing the approximate location of all structures, buildings, and improvements.
5. The final development plan shall contain, where applicable, the following information:
- (a) All information contained in the preliminary development plan as refined and revised;
  - (b) Plans and elevations of all building types;
  - (c) Schematic grading plans including proposed treatment of slopes and drainage plans;
  - (d) The number of dwelling units by dwelling type;
  - (e) Projection of school enrollment generated by the proposed project;
  - (f) Street and lot patterns and building siting envelopes showing setbacks;
  - (g) Projection of traffic volumes within PAD and volumes generated by the PAD that will be added to streets in the vicinity;
  - (h) Evidence of consultation with affected public agencies, including, but not limited to, school districts, flood control districts, and coordination with plans of other appropriate agencies;
6. Any agreements to lease the subject property to facilitate development shall describe maintenance of all interior streets, parking areas, sidewalks, common land, parks and plantings which have not been dedicated to the town in compliance with the town ordinances; and also a performance bond or bonds which shall insure to the town that the dedicated public streets, utilities, and other common development facilities shall be completed by the developer within the time specified in the final development plan;
7. The Council may require that open space or screening be located along all or a portion of the development boundaries.
8. All public streets, water mains, and sanitary sewer and storm sewer facilities shall comply with appropriate ordinances and specifications of the Town.
9. Spaces for off-street parking and loading shall be provided in accordance with applicable Town Codes at the time of building permit issuance.
10. Signs, on-site shall be subject to the provisions of applicable Town Codes at the time of building permit issuance.

**Exhibit A**  
Warranty deed

MAR 20 1978 -8 00

STATE OF ARIZONA }  
COUNTY OF MARICOPA }

ss. I hereby certify that the within instrum  
in DOCKET: 12780 1230 and in

at the request of CHICAGO TITLE INSURANCE CO.

When recorded, mail to:

Witness my hand and office.....

THE TOWN OF GUADALUPE  
9056 S. 56th St  
Guadalupe, AZ 85283

TOM FREESTONE  
COUNTY RECORDER

Photostated

Fee: 5.00

Deputy Recorder

*RJ M... ..*

07-7801599

# Warranty Deed

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do hereby convey to The Town of Guadalupe, a Municipal Corporation

the following real property situated in Maricopa County, Arizona:

## LEGAL DESCRIPTION

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BEGINNING at a point 209 feet North of the Southeast corner of said Section 5; thence West 209 feet; thence North 84 feet; thence East 209 feet to a point on the East line of said Section 5; thence South 84 feet to the point of beginning.

Subject to current taxes and other 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 warrants the title against all persons whomsoever.

THE GUADALUPE ORGANIZATION, AN ARIZONA CORPORATION

Dated this 8th day of February, 1978.

BY: *Lauro Garcia*  
LAURO GARCIA, EXECUTIVE ADMINISTRATOR, FOR THE GUADALUPE ORGANIZATION AN ARIZONA CORPORATION

STATE OF ARIZONA }  
County of Maricopa }

This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ by

LAURO GARCIA, EXECUTIVE ADMINISTRATOR, FOR THE GUADALUPE ORGANIZATION AN ARIZONA CORPORATION

STATE OF ARIZONA )  
County of Maricopa ) ss

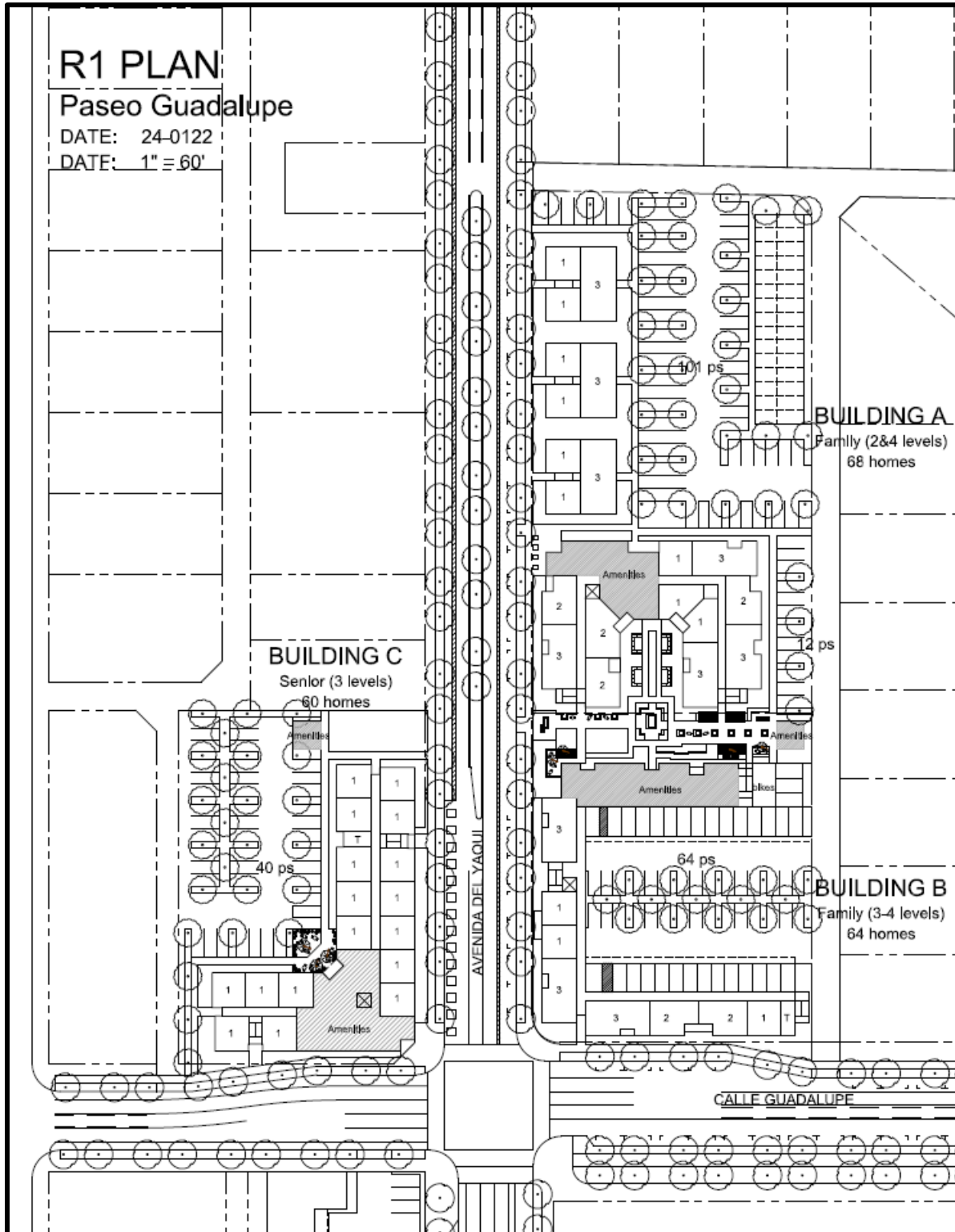
On this, the 24th day of February, 1978, before me, the undersigned officer, personally appeared LAURO GARCIA and Executive Administrator who acknowledged himself to be the

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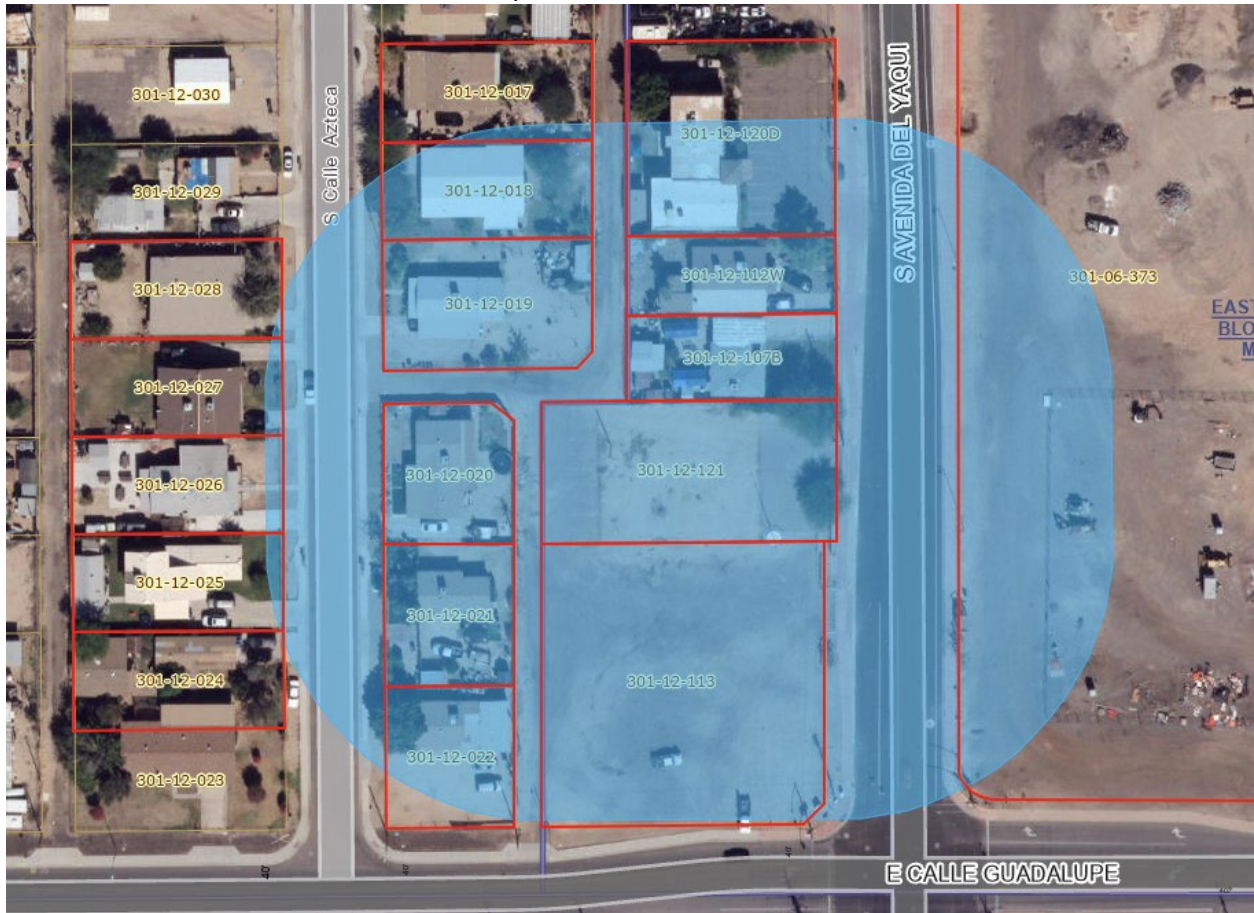
IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

*M... ..*  
Notary Public

**Exhibit B**  
Preliminary Plan for Development



**Exhibit C**  
**Map of Notification Area**



**Exhibit D**

Notification Materials attached to this document.

- Site posting proof
- Site posting
- Notice in newspaper
- Mailing list
- Mailing notice

**9080 S. AVENIDA DEL YAQUI**  
**PUBLIC NOTICE JANUARY 24, 2024**





# NOTICE OF PUBLIC HEARING



The **Guadalupe Town Council** shall hold a public hearing on **Thursday, February 8, 2024, at 6:00 p.m.** at the **Guadalupe Town Hall Council Chambers, 9241 South Avenida del Yaqui, Guadalupe, AZ 85283** to consider the following rezoning request:

**Rezoning Application (RZ2024-02) – 9080 South Avenida del Yaqui:** The Town of Guadalupe, as the Applicant, is requesting to rezone the property located at 9080 South Avenida del Yaqui (Maricopa County Assessor parcel #301-12-121, comprising approximately 0.34 acres) that is currently vacant and zoned C-1 Neighborhood Commercial to Planned Area Development (PAD) to facilitate future development of the TOWN COMMONS project, comprised of 60 rental units for seniors. Buildings will be set back a minimum of 20-feet from existing residential uses, inclusive of alleys. The proposed PAD development standards provide a maximum building height of 54 feet, and maximum density of 61 units per acre. Custom parking and setback standards are also part of the PAD application.

Written letters of objection or support may be submitted by adjacent landowners and potentially affected citizens to the Town Clerk via email at [clerk@guadalupez.org](mailto:clerk@guadalupez.org) or delivered to Guadalupe Town Hall prior to, or at the time of the hearing. Copies of the Application are available for review at Guadalupe Town Hall and at [www.guadalupez.org](http://www.guadalupez.org).

# THE RECORD REPORTER

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ROCIO RUIZ  
TOWN OF GUADALUPE  
9241 S AVENIDA DEL YAQUI  
GUADALUPE, AZ 85283

RR# 3777320

## COPY OF NOTICE

(Not an Affidavit of Publication. Do not file.)

Reference #

Notice Type: MCHRG NOTICE OF HEARING

Ad Description

Rezoning Application (RZ2024-02) - 9050 South Avenida del Yaqui

To the right is a copy of the notice you sent to us for publication in THE RECORD REPORTER. Please read this notice carefully and fax or e-mail ([record\\_reporter@dailyjournal.com](mailto:record_reporter@dailyjournal.com)) any corrections. The Affidavit will be filed, if required, and mailed to you after the last date below. Publication date(s) for this notice is (are):

01/26/2024

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RR-3777320#

The charge(s) for this order is as follows. An invoice will be sent after the last date of publication. If you prepaid this order in full, you will not receive an invoice.

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Arizona Sales Tax	\$0.02
Total	\$3.32

Your Legal Publishing



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GUADALUPE AZ USA 85283

ISIDRO GASTELO  
9027 S CALLE AZTECA  
GUADALUPE AZ USA 852832525

JOSE LUCIO ORTEGA  
9038 S AVENIDA DEL YAQUI  
GUADALUPE AZ USA 85283

JUAN GASTELO JR  
9031 S CALLE AZTECA  
GUADALUPE AZ USA 85283

DANIEL TORRES  
9034 S AVENIDA DEL YAQUI  
GUADALUPE AZ USA 85283

SAMUEL HOLGUIN  
9035 S CALLE AZTECA  
GUADALUPE AZ USA 85283

TOWN OF GUADALUPE  
9241 S AVENIDA DEL YAQUI  
GUADALUPE AZ USA 85283

BARBERA ERIKA GARCIA  
9041 S CALLE AZTECA  
GUADALUPE AZ USA 85283

TOWN OF GUADALUPE  
9241 S AVENIDA DEL YAQUI  
GUADALUPE AZ USA 85283

MARY HELEN CANO  
8203 S CALLE MOCTEZUMA  
GUADALUPE AZ USA 85283

TOWN OF GUADALUPE  
9241 S AVENIDA DEL YAQUI  
GUADALUPE AZ USA 85283

RUDOLF BILDUCIA  
8226 S CALLE AZTECA  
GUADALUPE AZ USA 85283

TOWN OF GUADALUPE  
9241 S AVENIDA DEL YAQUI  
GUADALUPE AZ USA 85283

RAYMOND ORTEGO GASTELLO  
9046 S CALLE AZTECA  
GUADALUPE AZ USA 85283

RUDOLPH BILDUCIA  
8226 S CALLE AZTECA  
GUADALUPE AZ USA 85283

JUAN VITAL  
9042 S CALLE AZTECA  
GUADALUPE AZ USA 85283

RAUL GUZMAN  
2943 E OAKLAND CT  
GILBERT AZ USA 85295



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Town of Guadalupe  
9241 South Avenida del Yaqui  
Guadalupe, AZ 85283  
(480) 730-3080

**Exhibit E**

All written emails and letters received for this project from the public since January 24, 2024.

- Myers letter, January 25, 2024
- Villegas letter, January 25, 2024

David A. Myers  
Priest – Attorney  
Guadalupe Law Center  
5441 E. Calle San Angelo  
Guadalupe, AZ 85283  
480-838-3143  
davidamyers@mindspring.com  
January 25, 2024

Guadalupe Town Council  
by Email

Re: Town Commons Project

Dear Mayor and Council Members,

My name is David A. Myers. I am the owner of land parcel 301-06-372B, which is adjacent to the proposed development parcel (301-06-370) at the southeast corner.

I received notice of the proposed zoning change yesterday morning, January 24, 2024, by means of a sign being posted on the property. This is not sufficient time for the statutory notice. I am sorry I cannot attend your meeting, but I already had other duties planned for that time.

From reviewing the proposal on the internet, I believe the Town, on behalf of Richman Group, is asking the Town to change the zoning from R-1-9 to C-4 (also referred to as PAD). C-4, PAD is not defined. Page 7, article 5 grants Richman Group the right to change the requirements by 10% with administrative approval of the Town. I believe C-4, PAD should be fully defined and that changes should go through the Town Council.

I believe the proposed population density is excessive. The proposal has 132 apartments on the northeast corner lot. That would mean that approximately 525 people would live there. About 250 vehicles would park there. Excessive population would very likely result in physical and mental illnesses.

The proposal calls for apartment buildings of 4 stories or 2 stories in height. It states that they can go to 54 ft. high. I believe 2 stories should be the maximum.

I believe there should be use of solar energy—both for heating water and for electricity. The proposal does not include this.

If there is construction, will preference be given to Guadalupe residents to do the work? The Town council has repeatedly said that the Town should hire residents.

The setbacks should be from the closest edge of an alley and a walk-way.

Ownership is a major issue. Apparently Richman Group will be given ownership of the whole project forever.

The entire area was given, free, by Mrs. Jenny Biehn for “Yaqui Indian home sites.” In the *Olivas* case, the court changed it to “Yaqui Indians, Mexican Americans, or persons of any other race who are poor and in need of a home site.”

The Town got the land free from the Biehn Colony board. I do not believe this was lawful. I believe the land, or the apartments, should be given to the people, free, which is what Mrs. Biehn intended.

What about diversity? Federal law does not allow prejudice. This is especially true if Federal money is involved. Most of the public housing in Guadalupe now goes to Yaqui people and Mexican-American people. Therefore most of this project would have to be rented to people of other races. This would destroy the culture of Guadalupe.

Thank you for the opportunity to contribute my ideas.

David A. Myers

Honorable council members:

Thank you for your leadership, dedication, and time you have devoted to the Town of Guadalupe and its residents. My name is Amalia Villegas. I was born in Tempe, grew up in and around Guadalupe. Like you, I too understand the importance of family, friends, and community support. With your continued leadership, together we can work towards achieving and realizing our personal and community dreams because we have the control to resist authority that robs us of our dignity and rights. Guadalupe residents have an unbeatable attitude and desire to improve Guadalupe by advancing our culture, our sense of identity, unity, pride, our heritage, traditions, and our shared community values.

This letter speaks to personal thoughts, ideas, opinions and those of Guadalupe residents that I have spoken to, regarding the Richmond Proposal and its impact on the Town of Guadalupe.

A repeated comment from residents concerning Town of Guadalupe Leadership was their expectations that you will do the utmost to increase resources for Guadalupe that continue to strengthening families and community. Guadalupe residents think and act and are vocal in challenging authority, speaking up for self-interest and the interest of the Town \. Expectations for the Town's leadership is to guide us.

Residents from the Town respect leadership that is collaborative, communicative, capacity-building, and community-driven, providing them with a sense of co-ownership of their Guadalupe. People from Guadalupe desire to be helpful.

There are misgivings and negative responses regarding the Town's interest in accepting the Richmond proposal. Many unknowns about the impact 'affordable apartments'. How affordable will the affordable apartments be? Affordable to whom. Pros and cons of subsidized housing for low-income families. What revenues will be collected? What are the profits from 'affordable apartments' and the 99 year-lease proposed. The wording of the RFP and the distribution, advertising of it?

How will the Richmond project impact our local culture, our environment, beliefs and values, and the social shift of demographics. The Richmond project stirs up numerous uncertainties about Guadalupe's future, our way of life that has been cultivated over time, over several generations. The Richmond project is contrary to the culture of Guadalupe. The compelling plea expressed is for the Town of Guadalupe leadership to prioritize, preserve, safeguard the culture of Guadalupe, work towards our long-term well-being.

Town leadership, our elected officials who are accountable to us, the community wants Guadalupe to rethink the use of the property that the Richmond group wants. Let us review the RFP, Invite us to be part of the process. Let us thoroughly and carefully explore and



evaluate further options for Guadalupe's land use. Involve community residents that are committed to assist, with the financial challenges of the Town of Guadalupe:

- Face to face, door to door communication is the mode of operation for Guadalupe residents from Guadalupe want and are willing to engage in open and transparent communication. In addition to the current communication utilized by the Town.
- The community wants to be presented with a clear plan for financial recovery, demonstrating the potential benefits for all community residents.
- Community members want to participate, they want to be inclusive, they want to be a partner, a be involved in a proactive approach to develop the most appropriate course of action to address the financial distress of the Town.
- Guadalupe residents would like to assist in researching, exploring, examining the best course of action for land use.
- Residents are willing to be taught and trained on how to be active participants in guiding the future of Guadalupe.
- Assistance, support, and various forms of aid, guidance from the state's representatives and institutions, community colleges, state universities, businesses, etc. is suggested.
- Financial consultants, restructuring experts, etc. who can assist in developing and implementing improvement plans is proposed.
- Keeping the autonomy of the Town of Guadalupe without the pressure of meeting timeline, self-interest, groups such as Richmond's

Technical assistance and expertise in various forms are opportunities. Guadalupe land is prime land. We, the owners of Guadalupe, suggest collaborative approaches, the leveraging of our knowledge and resources of the state's, our elected officials. We, the community members of the Town of Guadalupe request a quality of life for the citizens of Guadalupe. The Richmond project falls short.



## PLANNING & ZONING APPLICATION FOR: VARIANCE, CONDITIONAL USE OR ZONING CHANGE

1. Please complete this application and attach all required items as outlined.
2. Once submitted, please allow a minimum of two weeks for staff to review and determine whether submittal is complete or additional information/material is needed.
3. Once application is determined complete and acceptable, staff will schedule a public hearing.
4. Complete/accepted application must be submitted to the Town Clerk in final no less than 30 days prior to scheduled Town council meeting. **Applicant must attend all public hearings/meetings.**

### GENERAL INFORMATION:

Project name: Town Commons (C)  
 Existing use of property: Vacant  
 Proposed use of property: Multi-Family Residential  
 Existing zoning: C-1 Requested zoning (if applicable): PAD

### PROPERTY INFORMATION:

Address: 9084 S Avenida del Yaqui (NW Corner / 0.65 acres / Lot C)  
 Legal Description\*: Section 5 Township 1S Range 4E  
 Maricopa County Assessor's Parcel Number (APN)\*: 301-12-113  
 Subdivision Name & Lot # (if applicable/available) \_\_\_\_\_

\*Available at: <https://mcassessor.maricopa.gov/>

### APPLICANT INFORMATION:

Name: Town of Guadalupe  
 Mailing Address: 9241 S. Avenida del Yaqui  
 Contact phone #: (480)-730-3080 Email: clerk@guadalupeaz.org  
 Status (owner, agent, lessee, etc): Owner

### APPLICATION MUST INCLUDE THE FOLLOWING (per Town Code 154.036):

- WAIVED  Filing fee(s) (as outlined on page 2) – *attach*  
 Legal description – *attach*  
 Letter of explanation – *complete page 3*
- DEF  Plot plan – *attach*
- DEF  Site plan (drawn to scale, showing what is planned for the property, including lot dimensions, existing and proposed buildings, etc.) – *attach*  
 Vicinity map of property owners within 150' of property – *attach*  
 Mailing labels (Name/Address) for property owners within 150' of property – *attach*  
 Proof of property ownership

**TYPE OF REQUEST:**

\_\_\_\_\_ CONDITIONAL USE PERMIT

\_\_\_\_\_ VARIANCE FOR (CHECK ALL THAT APPLY):

\_\_\_\_\_ Lot width

\_\_\_\_\_ Lot depth

\_\_\_\_\_ Building height

\_\_\_\_\_ Front setback

\_\_\_\_\_ Rear setback

\_\_\_\_\_ Sideyard setback

ZONING CHANGE – AMENDMENT TO THE ZONING MAP FOR:

\_\_\_\_\_ Single-family Residential

\_\_\_\_\_ Multi-family Residential, Commercial, or Industrial Districts

Planned Area Development

**PROPERTY OWNER:** (*If different from Applicant*, complete the Property Owner Authorization statement below. Property owner’s signature must be notarized. For more than one owner, attach a separate sheet with notarized signatures, names and addresses.)

Name: N/A

Mailing Address: \_\_\_\_\_

Phone #: \_\_\_\_\_ Email: \_\_\_\_\_

**PROPERTY OWNER AUTHORIZATION:**

I hereby authorize \_\_\_\_\_ to file this application and act on my behalf in regard to this application.

\_\_\_\_\_  
(Signature) (Date)

Notary (Rezoning Applications Only)

The State of \_\_\_\_\_ County of \_\_\_\_\_  
Subscribed, sworn to and acknowledged before me by \_\_\_\_\_, the principal,  
and subscribed and sworn to me by \_\_\_\_\_, the witness, this \_\_\_\_\_ day of  
\_\_\_\_\_ (month), \_\_\_\_\_ (year).

(signed) \_\_\_\_\_

\_\_\_\_\_  
(Notary Public)

**LETTER OF EXPLANATION:**

Briefly describe the nature and intent of the proposed development and reasons justifying the request. Include references to effects on surrounding neighborhoods and the town at large.

View attached project narrative dated January 15, 2024.

**FEE SCHEDULE:**

Type of Application	Fee	Calculate Fees
Appeals of administrative decisions	\$25	
Site plan review application	\$50	
<b>Amendments to the Zoning Map for:</b>		
Continued items, continued at the request of the applicant after the property has been posted and public hearing notices are mailed	\$25	
Multi-family residential, commercial and industrial districts	\$400	
Planned area development	\$400	\$400
Single-family residential	\$100	
Site plan review application	\$50 + \$25/acre for each acre over one	
<b>Conditional Use Permits</b>		
Manufactured homes	\$50	
All other	\$50	
<b>Variances</b>		
Single-family residential	\$50	
All other	\$50	
<b>TOTAL</b>		<b>\$0</b>

Waived

**APPLICANT SIGNATURE:**

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

**STAFF USE ONLY**

**Town of Guadalupe Review Process**

Case# \_\_\_\_\_

Zoning District: \_\_\_\_\_

Date of Application: \_\_\_\_\_

Fee: \_\_\_\_\_

Accepted by: \_\_\_\_\_

Date Application Deemed Acceptable by Staff: \_\_\_\_\_

Date of Legal Advertisement: \_\_\_\_\_

Date(s) of Public Hearing(s): \_\_\_\_\_

Council Decision: \_\_\_\_\_

# TOWN OF GUADALUPE – ZONING CODE SETBACK REQUIREMENTS



## RESIDENTIAL ZONING DISTRICTS – TOWN CODE §154.066 (E) (1) & (2)

Zoning District	Minimum Lot Area per D.U. First 2 D.U.	Minimum Lot Area per D.U. Add'l D.U.	Minimum Lot Width	MINIMUM YARD SETBACKS				Maximum Building Height
				Front	Side	Street Side	Rear	
R-2	5,000 square feet		75'	25'	7'*	20'	20'	30'
R-3	5,000 square feet	2,500 square feet	100'	20'	7'*	15'	15'	30'
R-4	5,000 square feet	1,250 square feet	100'	20'	7'*	15'	15'	30'

\*For ease of access, 1 side shall be at least 10 feet in width. Churches and schools 35 feet on each side.

The minimum provisions listed above shall not apply to any lot of smaller size already of record in the office of the County Recorder of Maricopa County, Arizona, before the effective date of this chapter.

Zoning District	MINIMUM YARD SETBACKS				Maximum Height
	Front	Side	Street Side	Rear	
R-1-9	30'	10'	20'	10'	30'
R-1-6	25'	7'	15'	10'	30'

The minimum provisions listed above shall not apply to any lot of smaller size already of record in the office of the County Recorder of Maricopa County, Arizona, before the effective date of this chapter.

## COMMERCIAL ZONING DISTRICTS – TOWN CODE §154.067(F)

Zoning District	MINIMUM YARD SETBACKS				Maximum Height
	Front	Side	Street Side	Rear	
C-1	25'	12'	15'	15'	30'
C-2	20'	12'	15'	15'	30'
C-Mix	30'	20'	30'	30'	40'

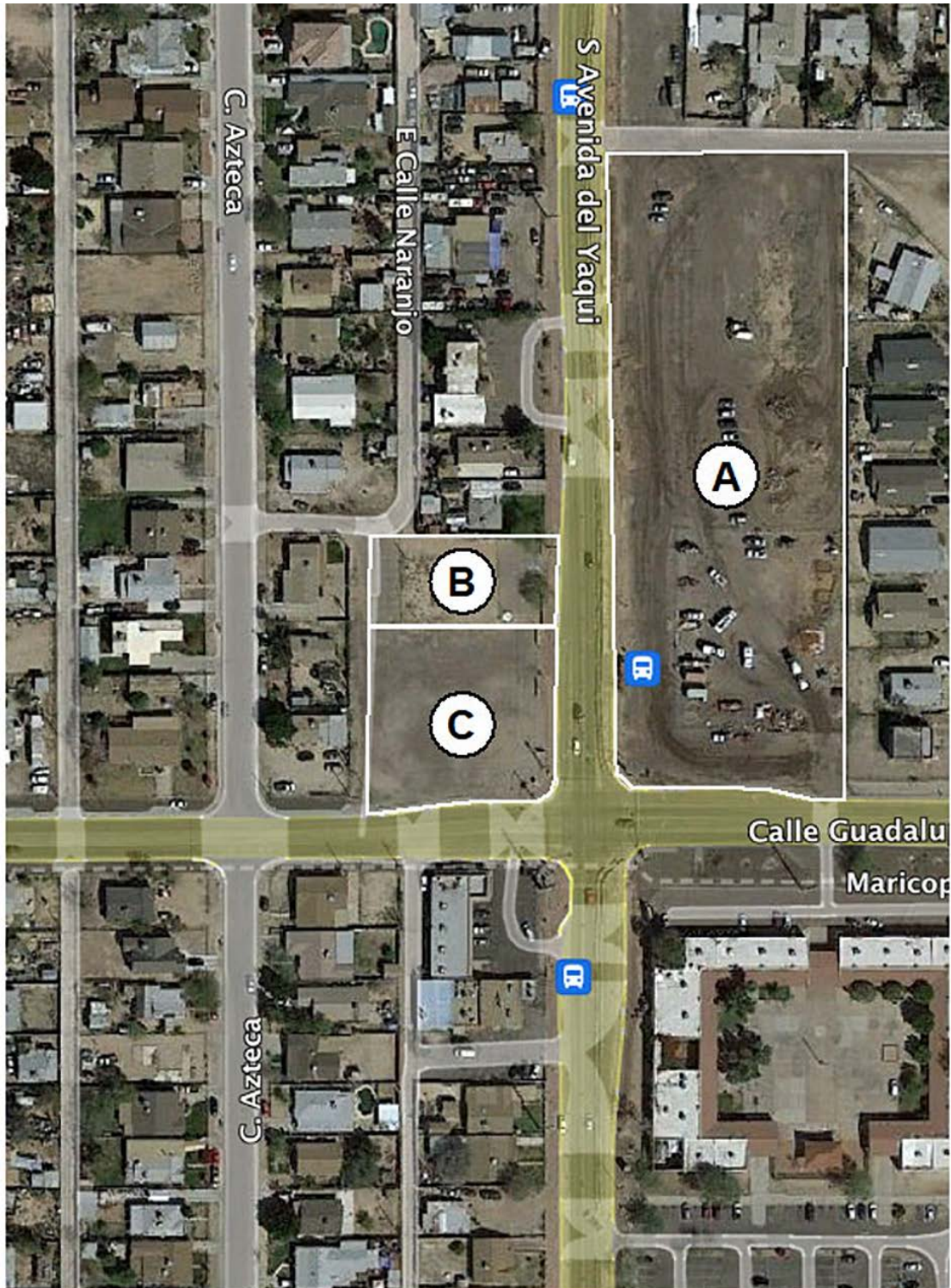
The minimum provisions listed above shall not apply to any lot of smaller size already of record in the office of the County Recorder of Maricopa County, Arizona, before the effective date of this chapter.



## Vicinity map of properties

127

- “A” in the image below is APN 301-06-373 (approx. 2.80 acres)
- “B” in the image below is APN 301-12-121 (approx. 0.34 acres)
- “C” in the image below is APN 301-12-113 (approx. 0.65 acres)

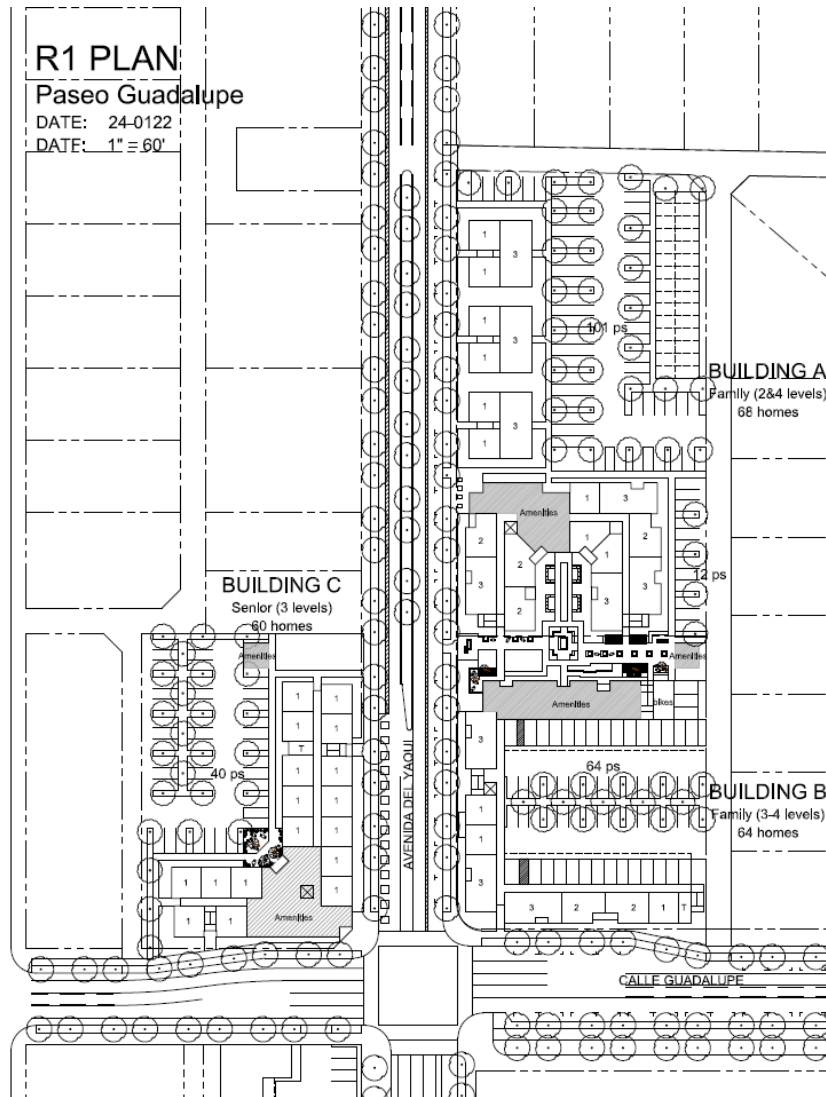


# PAD PROJECT NARRATIVE

## Town Commons

Rezoning CASE Nos. RZ2024-01, RZ2024-02 and RZ2024-03

Submittal: January 15, 2024



*Project Location: NEC and NWC of  
Guadalupe Road & Avenida Del Yaqui  
APNs 301-06-373; 301-12-121; 301-12-113*



## Project Overview

On December 9, 2022, the Town issued a Request for Proposals seeking a development partner for the future development of vacant Town-owned properties at the corner of Guadalupe Road and Avenida Del Yaqui. Respondents with team capability, previous experience, financial acumen and resources, and a reasonable method of approach were sought.

After review and consideration of the proposals, an award was made by the Town Council in a regular public meeting on March 9, 2023, to enter into exclusive negotiations with The Richman Group for a Development Agreement comprising the subject property. This Development Agreement has been submitted for concurrent review and consideration by the Town Council along with this rezoning request.

This rezoning and the Development Agreement, if approved, may result in a The Richman Group completing a competitive application to the State Department of Housing for award of project tax credits or other funding support for their proposed multifamily project in three distinct phases. This rezoning will help support these competitive application efforts.

Town staff is making this rezoning request as representatives of the Town to facilitate this future development. A vicinity map of the properties is attached here as [Exhibit A](#). As further described in the concurrent Development Agreement, The Richman Group proposes to lease the subject properties to develop affordable housing projects on the subject properties in three separate phases, both comprising the “Town Commons” project.

Two Phases of Town Commons, on the NEC of Guadalupe Road and Avenida Del Yaqui, will consist of nearly 132 family-oriented affordable rental units – 68 and 64 units respectively. Phase two of Town Commons, on the NWC of Guadalupe Road and Avenida Del Yaqui, will consist of 60 affordable homes for seniors.

The Town Commons will create an intergenerational community in three developments to serve neighbors seeking to continue living in Guadalupe as they age, and residents who need accessible rent to grow deeper roots with their family.

The proposed project has the potential to help the Town overcome its growing structural deficit by increasing the potential for resident spending, thereby supporting local retail businesses that contribute transaction taxes in support of General Fund services residents have come to expect and deserve.

The location of the project phases at the intersection of Guadalupe Road and Avenida Del Yaqui provides the potential for positive advancement of community art, architecture and resident activity at the most frequently travelled intersection in our community.

### Summary of Request

The Town is the owner of the currently vacant properties designated as APN numbers 301-06-373 (zoned “R1-9” in the Town and comprising approximately 2.80 acres); 301-12-121 (zoned “C-1” in the Town and comprising approximately 0.34 acres); and 301-12-113 (zoned “C-1” in the Town comprising approximately 0.65 acres) at the NE and SW corners of Guadalupe Road and Avenida Del Yaqui. The Town is advancing this rezoning of the subject properties to facilitate new development of multi-family housing.

### Relationship to Adjacent Properties

The following table describes the uses, zoning and General Plan designation for the properties immediately adjacent to the subject properties.

<u>Direction</u>	<u>Surrounding Uses</u>	<u>Zoning</u>
North	Residential, Commercial	C-1, R1-9 and R1-6
East	Residential	R1-9
South	Residential, Commercial Civic Center	C-1, R1-9 and R1-6
West	Residential	R1-6

### Conformance with General Plan

Currently, the Town has a Council-approved Master Plan that has served as a precursor document to a General Plan as defined by ARS 9-461.05. That document was adopted by Town Council on January 2, 2004, and provides guidance for future development, including:

Overall Goals – Four are described in the plan

- Preserve the Uniqueness of the Town
- Promote the Orderly Development of the Town
- Strengthen Economic Base and Enhance Economic Development
- Improve Quality of Life

This proposed PAD conforms to the long-range plan in the following ways:

- **Preserve the Uniqueness of the Town**

By creating opportunities for new and affordable housing, Guadalupe residents who are seeking modern construction and amenities will have additional choices to remain in Town, close to relatives and within the community they call home, at an affordable price.

- **Promote the Orderly Development of the Town & Strengthen Economic Base and Enhance Economic Development**

These underutilized properties, when successfully transitioned into residential communities, can help promote the further diversification of the Town’s retail tax base by encouraging private sector investment into new retail uses - thereby helping to resolve the Town’s current structural deficit and ensuring the continuation of municipal services.

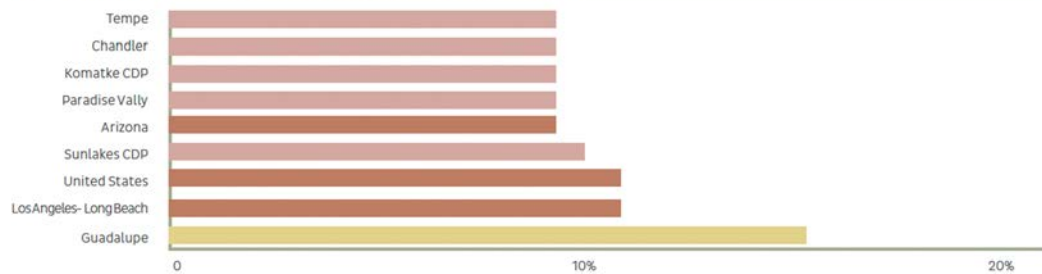
- **Improve Quality of Life**

There is a demonstrated need for new, affordable housing in the Town.

**FIGURE 18: OWNER COST AS % OF HOUSEHOLD INCOME (WITHOUT MORTGAGE)**

This analysis can be useful for understanding the affordable housing for home ownership excluding any financing cost in the area shown. Guadalupe shows it has a % of Income Owner Costs-No Mortgage of 15% which is the most of all places in the greater Guadalupe region.

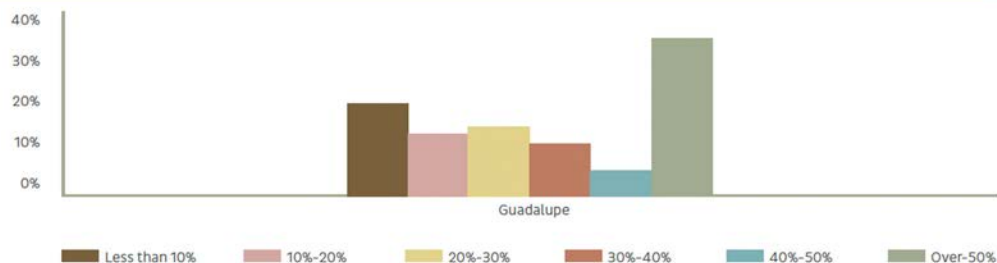
FIGURE 18 | OWNER COST AS % OF HOUSEHOLD INCOME (WITHOUT MORTGAGE)



**FIGURE 19: RENT AS A PERCENT OF HOUSEHOLD INCOME**

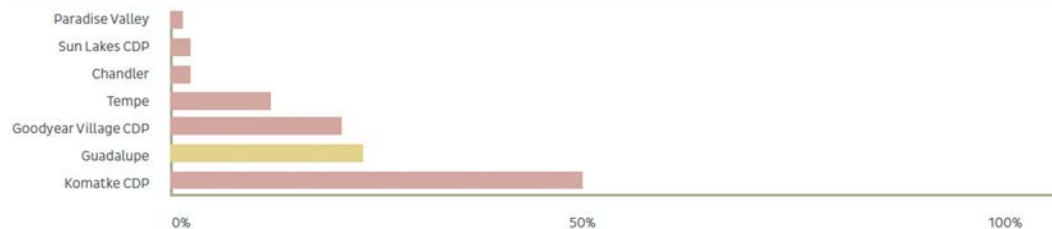
This graphic looks at the cost of rent for rental property using the percent of total household income which is a valuable measure of financial health for the area. (The higher the proportion of rent payments to total household income is a sign of greater financial stress. Also, rent can be covered by rent assistance and rent assistance programs in the form of rent assistance.) Guadalupe has the percentage of rent as a percent of income is less than 10 pct less than most other places in the greater region at 12% of the total. Second, it has one of the largest proportions of rent as a percent of income is between 40pct to 50pct at 34% of the total and is ranked #2. The only larger city being Sun Lakes CDP with 34%.

FIGURE 19 | RENT AS A PERCENT OF HOUSEHOLD INCOME



**FIGURE 24: PERCENT OF POPULATION IN POVERTY**

This chart illustrates the percentage of people earning less than the poverty level is shown and compared across the group of places. Guadalupe shows it has a Percent of Population In Poverty of 32.0% which is the second most of all the places in the local area. The city with the highest percent of people earning less than the poverty level in the area is Komatke CDP which shows a percent of people in poverty of 54.7% (71.2% larger).

**FIGURE 24 | PERCENT OF POPULATION IN POVERTY**

## Permitted Uses

All uses permitted in the R-4 Multi-Family Residential District of the Town of Guadalupe Zoning Ordinance are permitted with a residential density of up to 60.0 units per acre for the NEC property (APN number 301-06-373 comprising approximately 2.80 acres); and 61.0 units per acre for the NWC properties (APN numbers 301-12-121 & 301-12-113, comprising approximately 0.99 acres). In addition, up to 10,000 square feet of retail uses as identified in § 154.067.C. and 154.067.D. ,COMMERCIAL DISTRICTS, are allowed across the phases of Town Commons. All office uses are also allowed including professional, business, executive and all other office uses up to 10,000 square feet for the phases of Town Commons. Live/work units are allowed. This PAD and Preliminary Development Plan establish the applicable development standards and design guidelines for the Property.

## PAD Development Standards

All development standards in the C-2 zoning district of the Town of Guadalupe Zoning Ordinance shall apply on the Property, except as provided herein. In the event of a conflict between a provision of this application and a provision of the Town of Guadalupe Zoning Ordinance, this application shall prevail.

### Density

This amended PAD and accompanying PDP will allow the Property a maximum residential density of 61.0 units per net acres across the Property and an overall density of 20.0 units per net acre across the original PAD Properties.

### Building Height

No building shall exceed 54 feet.

Streetscape Standards (from face of curb):

- i. Guadalupe Road: 18-foot (**minimum 6-foot sidewalk and 8-foot landscape strip**)
- ii. Avenida Del Yaqui: 18-foot (**minimum 6-foot sidewalk and 8-foot landscape strip**)

Building Setback

- iii. Property Lines adjacent to existing Residential uses, inclusive of alleys: 20 foot

Parking

The Project will incorporate surface parking and tuck-under garages. As part of the visitor surface parking spaces at the main entry, the development will provide ridesharing loading/unloading parking spaces. The development may also provide several electrical charging stations for the residents.

The parking will be well-lit and landscaped to support a ground level experience in keeping with the standards of a high-quality residential community. Surface parking is set back at least 20 feet from all right-of-way lines.

The Town currently requires the following parking:

- i. Minimum 1.0 parking spaces per efficiency unit
- ii. Minimum 1.5 parking spaces per each 1 and 2 bedroom unit
- iii. Minimum 2.0 parking spaces per each unit containing more than 2 bedrooms

Each Project will provide the following parking:

- i. Minimum 1.25 parking spaces per dwelling unit for Phases 1 and 2
- ii. Minimum 0.5 parking spaces per dwelling unit for Phase 3

Private Open Space

The Town Commons project provides amenities in its passive and active recreation areas. Open space areas are well integrated throughout the Project. On-site amenities provide an equal and balanced distribution of recreation for resident access. The type and quantity of furnishings, hardscape and active recreation elements vary, depending upon the location within the project and type of experience programmed.

### Deviations

The following include identified deviations from code requirements for multifamily housing, and provided Project design elements will replace contradicting city standards:

1. Landscape setback widths vary as identified above.
2. A minimum 6-foot wide public sidewalk is provided along Avenida Del Yaqui to accommodate the existing right-of-way.
3. The streetscape standard is measured at 18 feet from face of curb.
4. Building height is at 54 feet.
5. **Minor Modifications for Town Commons:** Minor modifications shall be processed through an administrative review by The Town Manager or designee. Modifications may include a 10% deviation to any approved development standard, including but not limited to required building setbacks, required streetscape dimensions, parking, density, building height, etc.

### **Preliminary Development Plan**

A preliminary plan for development is attached here as Exhibit B. This plan will be advanced to a final plan for development through the development process of community outreach, planning and design. The final plan for development, comprising but not limited to a site plan, open space plan, circulation plan, and plans for provision of utilities, public art, and offsite improvements will be reviewed and approved separately from this rezoning action through the Town's normal plan review and permitting processes.

### **Architecture**

The Town Commons apartments are proposed as a comfortable urban architecture that takes references from the Town's long history and traditions. Building on the transition in the surrounding neighborhood toward this safe, clean and friendly environment, the architecture is proposed as an modern character of clean lines, open floor plans and a connection to the outdoors, both visually and physically, providing a high design aesthetic.

The overall architectural character for the development should respond to a regional awareness and history of the southwest and Arizona both visually and environmentally by: (1) acknowledging climate and solar considerations; (2) utilizing natural light as much as possible; (3) using vertical scale for contrast and importance; (4) choosing appropriate forms and materials;

(5) utilizing landscape materials to provide continuity and aesthetics; and (6) building a positive identity through a “sense of place” and architecture.

An observer of the project on any side would note any expanse of building wall is broken up by a combination of height and depth articulation, material changes, window and building openings, color, light and shadow control, and landscaping with upper, mid and pedestrian level treatments to create a visually interesting and elegant design aesthetic in harmony with desert living.

The project architecture and theming elements are carried into the amenity areas. Maintaining human scale building proportions along street frontages create visual interest. Indoor spaces are integrated with outdoor spaces through attractive breezeways and project landscaping.

### **Building Material/Color**

Accessory structures should be of similar architectural design and constructed of compatible materials. Low reflective materials, textures, and colors should be used to reduce solar radiation. Choose colors which relate well to one another, to the proposed buildings and landscape materials and which are appropriate to the architecture and surrounding.

### **Sustainability**

The Town Commons Apartments are designed with a focus on a range of sustainable considerations to provide green building opportunities for the development through building orientation/location, shading, window design, building mechanics, conservation of energy and water.

The following are sustainable practices that are integrated into the Project:

- Reusing a vacant infill property for the proposed multi-family development
- Responding to the harsh southwest climate by incorporating materials and design method suitable for the region
- Recognizing the value of human comfort zones and providing appropriate landscaping and adequate shading
- Installing energy efficiency, Low E windows
- Providing low volatile organic (VOC) paints, carpet and flooring
- Providing light emitting diode (LED) and energy efficient lighting technology within units, site, and parking lighting
- Providing low flow plumbing fixtures to reduce water usage
- Installing a minimum of 3 Energy Star rated ceiling fans.
- Installing Energy Star rated hot water heater.
- Providing high efficiency HVAC units

- Using roofing materials that specify a high Solar Reflectance Index for a minimum of 75% of the roof surface area
- Shading surface parking spaces using vegetation.
- Landscaping and stormwater management that seeks to retain stormwater runoff where appropriate and allow it to provide water for landscaping and improve groundwater conditions.
- Providing open bike parking areas to allow residents an opportunity to have an alternative mode of transportation

### **Equipment Screening**

The rooftop mechanical equipment is screened visually and integral to the architectural design of the project buildings. Trash enclosures are fully enclosed with concrete masonry unit (“CMU”) block walls and metal gates. Screening will be accomplished through location, orientation and use of landscaping to the maximum extent possible while still providing ease of access to residents and collection services. Meter bank installation will be guided in accordance with SRP, Tempe Water, and Southwest Gas standards and by the goals of minimizing their visual impact through location, minimizing exposed conduit and painting of conduit, landscape screening where practical and to the maximum extent feasible.

### **Landscaping**

The overall landscape theme of Town Commons is inspired by the Sonoran Desert style palette to create an attractive experience for residents and visitors alike. The design and materials create a sense of place within the site, while adding a fresh approach to a timeless desert environment for the surrounding community. All plant species proposed adhere to the Arizona Department of Water Resources, “Low Water Use Plant List” in order to promote water efficiency stewardship and incorporate native vegetation into the landscape environment. Site landscape will be irrigated by means of a low volume drip irrigation system that utilizes moisture sensing and weather-based technology.

The landscaping theme draws from the lush desert look and feel of an adapted Sonoran landscape, crafted for the Arizona climate through the use of drought tolerant and native adapted elements. The use of Oaks and Elms along Avenida Del Yaqui and Guadalupe Road create an inviting street frontage, providing a shady haven for all public users. These classic street trees will be complemented with large massings of colorful shrubs, accents and groundcovers. Trees along Avenida Del Yaqui and Guadalupe Road will be planted an average of 30’ on center.

Plant material and location has been carefully considered. Plant material included is within the latest amended edition of the "Low-Water-Using Plant List" approved by the Director of the Phoenix Active Management Area of the Arizona Department of Water Resources. All trees shall



comply with the latest amended edition of the "Arizona Nursery Association — Recommended Tree Specifications". All plant material will meet the applicable minimum planting sizes and spacing required by the Town with spacing sufficient to allow plants to reach their natural mature size and form. Plant massing, coverage and density requirements of the Town are met for parking areas, common open space/retention basins; intersection setback areas; landscape setback areas; other perimeter landscape strips and rights-of-way. The grouping of plant species commonly found together in natural associations or of common environmental requirements (soil type, water, sun exposure, temperature limitations, etc.) has been considered throughout the Project design.

Landscaping is designed and will be installed and maintained in accordance with the Town's stated basic principles of xeriscaping. Water features are placed only within small-scale pedestrian/oriented places. Water feature designs reduce evaporation losses. Town Commons uses landscaping design to incorporate energy conservation measures by shading of south and west sides of building by overhangs and/or trees and the provision of shade trees on the south and west side of streets.

### **Signage**

The main entry to Town Commons buildings will have identifying signage in a well-landscaped setting. Site directories are located at common access points for viewing by pedestrians and people in vehicles. Paving treatments are used at entryways, crosswalks and amenity areas.

### **Property Management**

As a comprehensive and fully vertically integrated real estate development services company, The Richman Group ("TRG") maintains its own property management division internal to the company. TRG Management is a premier manager of multifamily apartment communities across the United States, with over 160,000 residential units currently under their care.

The Town expects TRG Management to create an exceptional living environment at Town Commons, in all areas of Property Management, including marketing, training, financial reporting, construction management and maintenance to present an 'A' class property that the entire community will be proud to showcase.

### **Grading and Drainage Summary**

Project parcels are planned to retain on-site stormwater onsite as prescribed by the Town for the 100-year, 2-hour storm event. Runoff generated by the new development will meet the applicable water quality standards imposed by the Town. Stormwater will be retained onsite either in surface ponds or underground storage tanks. All retention facilities designed will dispose

of stormwater via drywells. All finished floor elevations for new buildings will be set according to Town of Guadalupe requirements.

### **Utilities Summary**

Electrical transformers or other ground mounted utility equipment will be painted to match the building to blend in with the Project architecture and landscaping.

The Project will not adversely affect municipal or private facilities and services. Similarly, it will not have an adverse effect on existing or future public and private open space, recreation, schools, or library facilities.

The following list identifies public and private services for the Property:

- Water: City of Tempe
- Sewer: City of Tempe
- Electric: SRP
- Gas: Southwest Gas
- School District: Chandler Unified School District
- Police: Maricopa County Sherriff
- Fire: Town of Guadalupe

All new buildings will be served by private onsite water and sewer facilities. Domestic water and fire suppression services will be provided to each building from a looped onsite system that connects to existing facilities in Guadalupe Road and Avenida Del Yaqui. Sanitary sewer services to each new building are planned as provided from private main extensions onsite that connect to the existing public main in Guadalupe Road. Dry utility services are planned to connect to adjacent facilities located in the surrounding public roads.

### **Phasing Plan**

Town Commons will be constructed in three distinct phases. Arterial road frontages, landscaping and streetscape will be installed in conjunction with onsite development.

### **Summary**

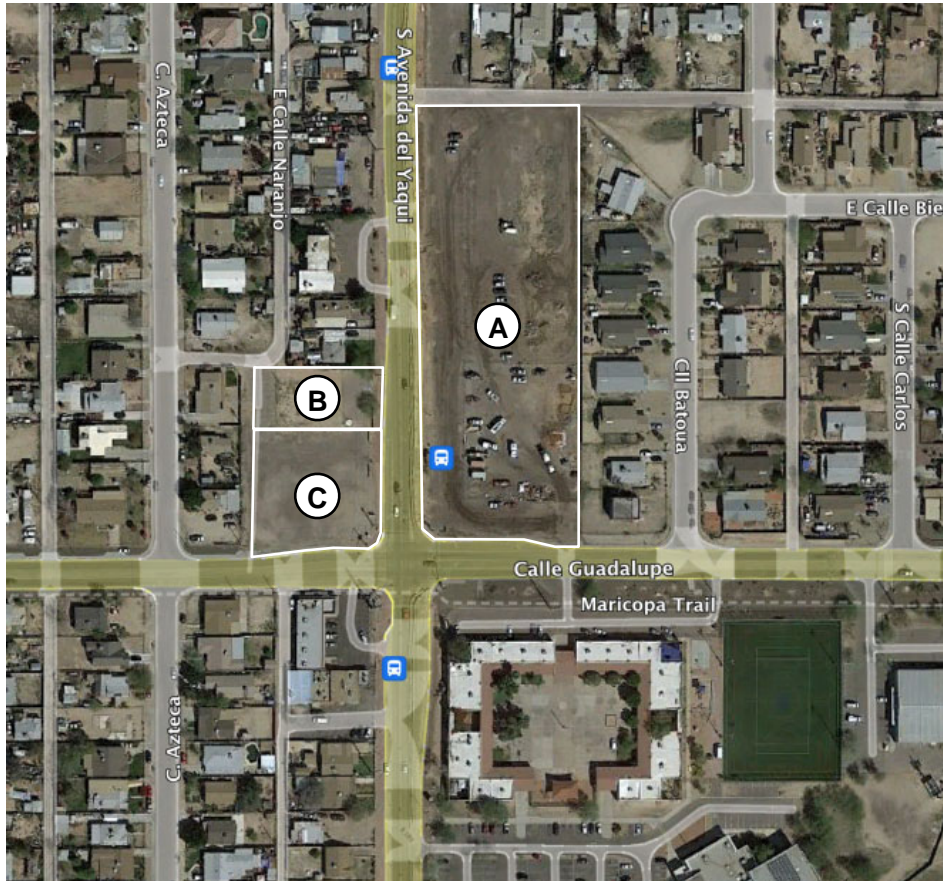
The proposed PAD and Preliminary Development Plan conform with and promote the goals and objectives of the Town of Guadalupe Long-Range Plan, and will provide a modern, affordable residential community for the Town. The Town Commons project will be a great complementary asset to the surrounding uses and represent the highest and best use for this currently vacant Property.

**Exhibit A**  
**Vicinity map of the properties**

“A” in the image below is APN 301-06-373 (approx. 2.80 acres)

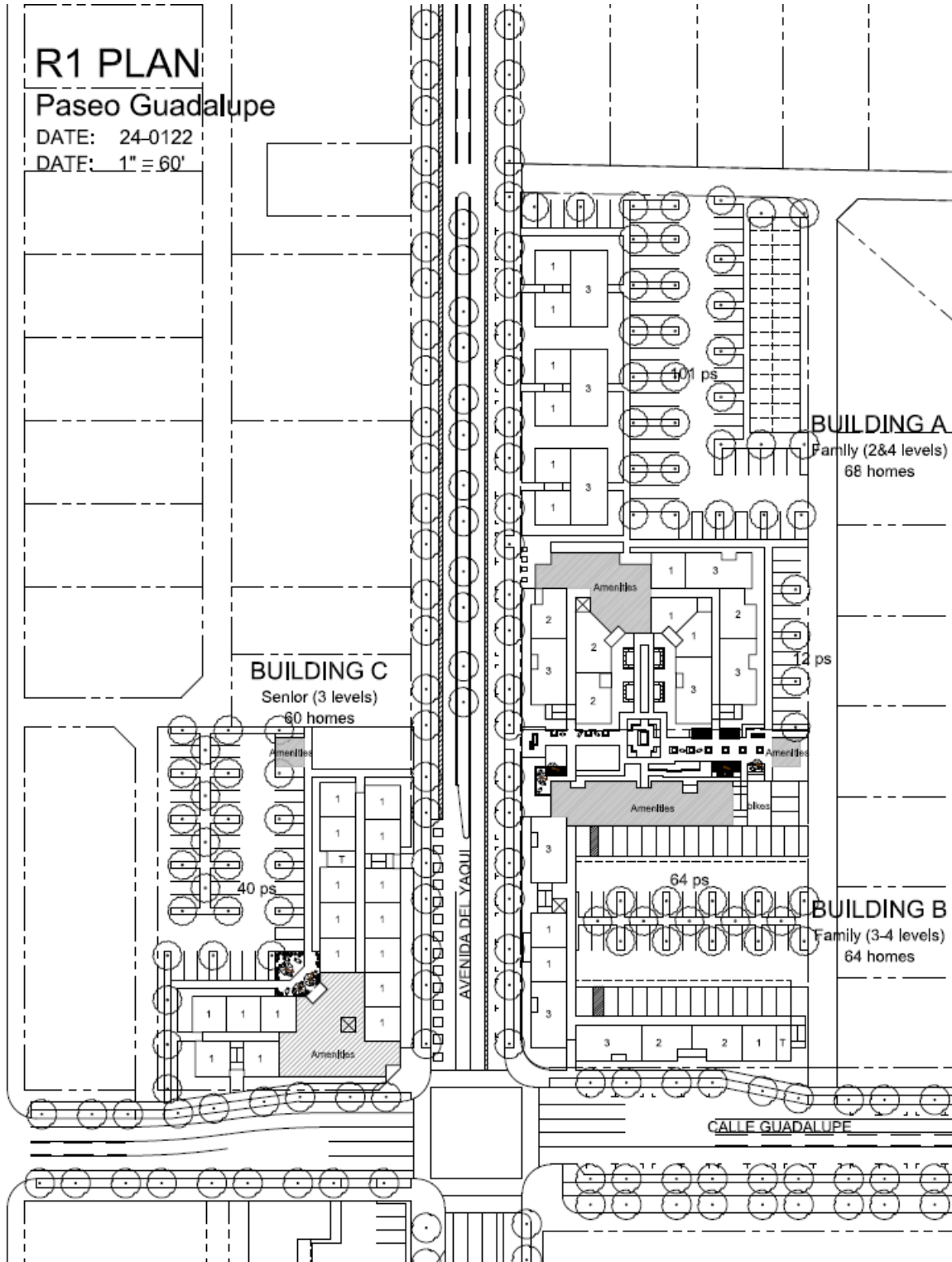
“B” in the image below is APN 301-12-121 (approx. 0.34 acres)

“C” in the image below is APN 301-12-113 (approx. 0.65 acres)



**Exhibit B**

Preliminary Development Plan



STATE OF ARIZONA }  
County of \_\_\_\_\_ } ss

I hereby certify that the within instrument  
In DOCKET \_\_\_\_\_ page \_\_\_\_\_

at the request of First American Title

when recorded, mail to  
Town of Guadalupe  
9050 S. Avenida Del Yaqui  
Guadalupe, Arizona 85283

Witness my hand  
By \_\_\_\_\_

SEP 22 1985	12 00
KEITH POLET	County Recorder
FEE	PGS
Deputy Recorder	2

Order No. 255-02-820225 1/2

### WARRANTY DEED

For the consideration of Ten and NO/100 Dollars, and other valuable considerations, I or we,

ONE 00

CHEE LEE and HELEN LEE, husband and wife

the GRANTORS

do hereby convey to

TOWN OF GUADALUPE, a municipal corporation

the GRANTEES

the following described real property situate in Maricopa

County, Arizona

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF:

SUBJECT TO: Existing taxes, assessments, liens, encumbrances, covenants, conditions, restrictions, rights of way and easements of record.

And the Grantor, ...do...warrant the title against all persons whomsoever, subject to the matters above set forth.

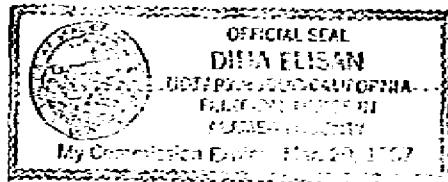
Dated this 2nd day of August, 1985

CHEE LEE

*Chee Lee*

HELEN LEE

*Helen Lee*



This instrument was acknowledged before me this 12th day of August, 1985, by CHEE LEE AND HELEN LEE

*Diana Elisan*  
Notary Public

STATE OF ARIZONA }  
County of COCHISE } ss

My commission expires:

STATE OF ARIZONA }  
County of \_\_\_\_\_ } ss

This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_ by \_\_\_\_\_

\_\_\_\_\_  
Notary Public

My commission expires:

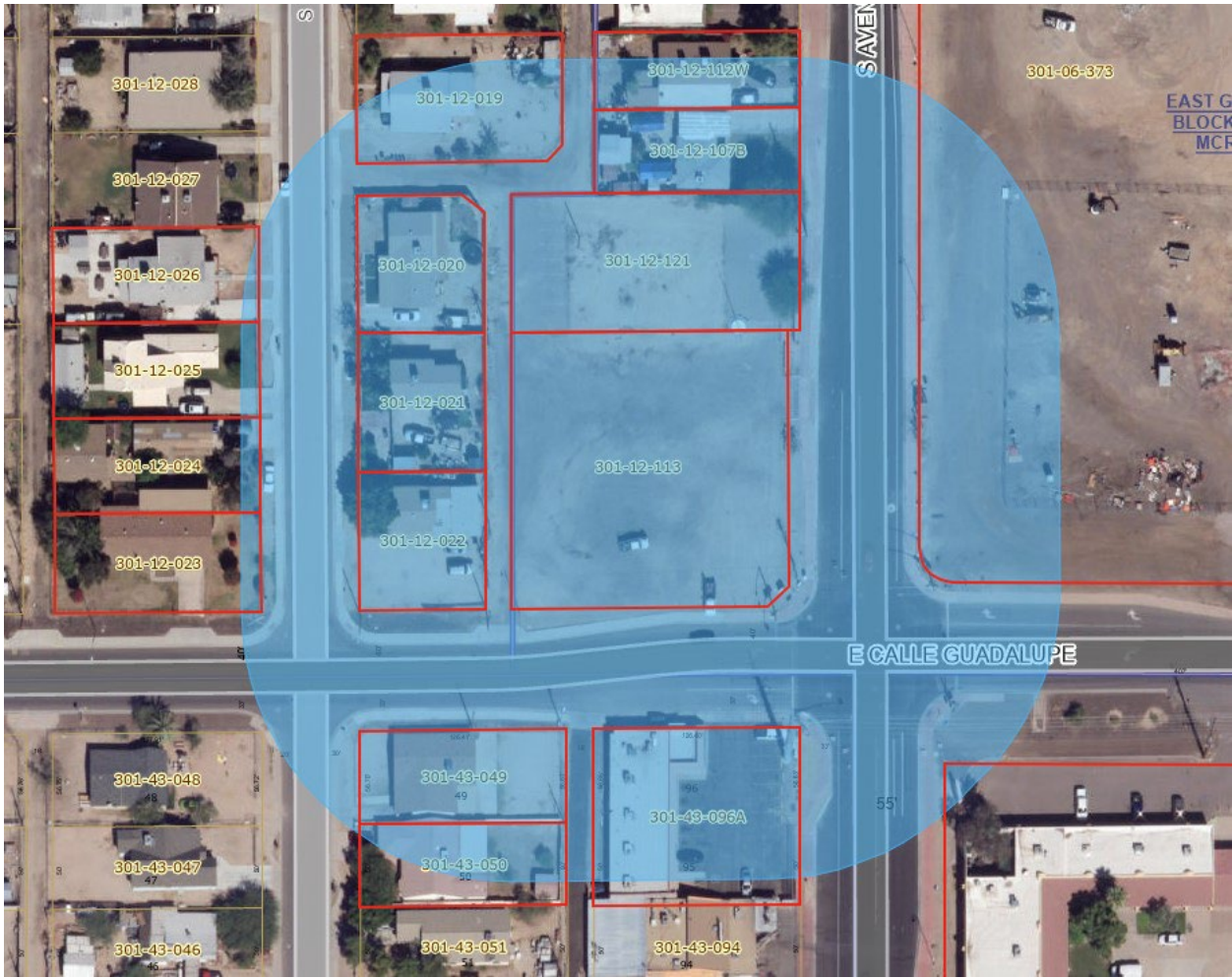
85 459614

## EXHIBIT "A"

That part of the Southeast quarter of the Southeast quarter of Section 5, Township 1 South, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona described as follows:

BEGINNING at the Southeast corner of the Southeast quarter of the Southeast quarter; thence running 209 feet West to a point; thence 209 feet North to a point; thence 209 feet East; thence 209 feet South to the point of beginning.

**9084 AVENIDA DEL YAQUI**  
**150FT NOTIFICATION AREA**



SAMUEL HOLGUIN  
9035 S CALLE AZTECA  
GUADALUPE AZ USA 85283

ESMERALDA VILLA  
9430 S CALLE MARAVILLA  
GUADALUPE AZ USA 85283

RAYMOND ORTEGO GASTELLO  
9046 S CALLE AZTECA  
GUADALUPE AZ USA 85283

BARBERA ERICKA GARCIA  
9041 S CALLE AZTECA  
GUADALUPE AZ USA 85283

MANUEL CORRALES  
9205 CALLE AZTECA  
GUADALUPE AZ USA 85283

JUAN VITAL  
9042 S CALLE AZTECA  
GUADALUPE AZ USA 85283

MARY HELEN CANO  
8203 S CALLE MOCTEZUMA  
GUADALUPE AZ USA 85283

SUZUKI REVOCABLE LIVING TRUST  
12010 S EQUESTRIAN TRL  
PHOENIX AZ USA 85044

JOSE LUCIO ORTEGA  
9038 S AVENIDA DEL YAQUI  
GUADALUPE AZ USA 85283

RUDOLPH BILDUCIA  
8226 S CALLE AZTECA  
GUADALUPE AZ USA 85283

DANIEL TORRES  
9034 S AVENIDA DEL YAQUI  
GUADALUPE AZ USA 85283

TOWN OF GUADALUPE  
9241 S AVENIDA DEL YAQUI  
GUADALUPE AZ USA 85283

TOWN OF GUADALUPE  
9241 S AVENIDA DEL YAQUI  
GUADALUPE AZ USA 85283

TOWN OF GUADALUPE  
9241 S AVENIDA DEL YAQUI  
GUADALUPE AZ USA 85283

RUDOLF BILDUCIA  
8226 S CALLE AZTECA  
GUADALUPE AZ USA 85283

RUDOLF BILDUCIA  
8226 S CALLE AZTECA  
GUADALUPE AZ USA 85283

TOWN OF GUADALUPE  
9241 S AVENIDA DEL YAQUI  
GUADALUPE AZ USA 85283





## Notice of Public Hearing

The Guadalupe Town Council shall hold public hearings on Thursday, February 8, 2024, at 6:00 p.m. at the Guadalupe Town Hall, 9241 South Avenida del Yaqui, Council Chambers, Guadalupe, Arizona, to consider the following rezoning request:

**Rezoning Application (RZ2024-03) – 9084 South Avenida del Yaqui:** The Town of Guadalupe, as the Applicant, is requesting to rezone the property located at 9084 South Avenida del Yaqui (Maricopa County Assessor parcel #301-12-113, comprising approximately 0.65 acres) that is currently vacant and zoned C-1 Neighborhood Commercial to Planned Area Development (PAD) to facilitate future development of the TOWN COMMONS project, comprised of 60 rental units for seniors. Buildings will be set back a minimum of 20-feet from existing residential uses, inclusive of alleys. The proposed PAD development standards provide a maximum building height of 54 feet, and maximum density of 61 units per acre. Custom parking and setback standards are also part of the PAD application.

Written letters of objection or support may be submitted by adjacent landowners and potentially affected citizens to the Town Clerk via email at [clerk@guadalupez.org](mailto:clerk@guadalupez.org) or delivered to Guadalupe Town Hall prior to, or at the time of the hearing. Copies of the Application are available for review at Guadalupe Town Hall.

Town of Guadalupe  
9241 South Avenida del Yaqui  
Guadalupe, AZ 85283  
(480) 730-3080

Date: February 2, 2024  
From: Sam Amaya, Town Planner, samaya@guadalupez.org  
Through: Jeff Kulaga, Town Manager/Clerk, jkulaga@guadalupez.org  
To: The Honorable Guadalupe Town Council  
**Re: RZ2024-03, Rezoning of Town Owned Land (APN 301-12-113) Staff Report**

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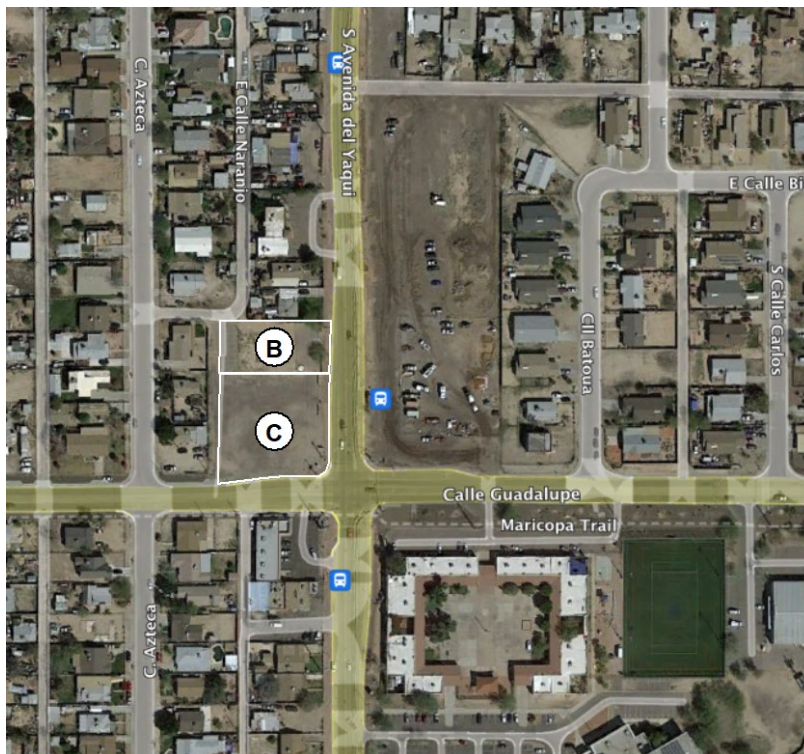
## Introduction

The Town is the owner of the currently vacant 9084 S. Avenida Del Yaqui, designated APN 301-12-113, zoned C-1 in the Town and comprising approximately 0.65 acres near the NW corner of Guadalupe Road and Avenida Del Yaqui. The Town is advancing this rezoning request of the subject property to facilitate new development of affordable multi-family housing.

## Vicinity Map

“B” in the image below is 9080 S. Avenida Del Yaqui (approx. 0.34 acres)

“C” in the image below is 9084 S. Avenida Del Yaqui (approx. 0.65 acres)



## History

The subject property title was conveyed from Chee Lee and Helen Lee to the Town of Guadalupe by a Warranty Deed recorded on September 27, 1985, attached here as Exhibit A.

On December 9, 2022, the Town issued a Request for Proposals seeking proposals for the future development of the subject property. Respondents with team capability, previous experience, financial acumen and resources, and a reasonable method of approach were sought. Three qualified responses were received before the response deadline. The three respondents were the Guadalupe Community Development Corporation (“GCDC”), B&B Development & Construction (“B&B”), and The Richman Group (“TRG”).

Here is a summary table of data included in the responses received:

RESPONDENT	DEVELOPMENT CONCEPT INCLUDED	PROPOSED DEVELOPMENT	ASSETS UNDER MANAGEMENT	PROPERTY OFFER (all sites)
GCDC Team of 1	NO	5 SF Homes, 2-story \$1M est. value	65 Senior Units 72 Family Units 126 SF Homes Would pursue funding	\$360K Close in 90 days  Town provides lot splits
B&B Team of 2	NO	Retail/Commercial Building. 40-unit “workforce” housing. \$8M est. value	9 SF Homes 1 retail location \$25M in Managed construction	\$2.21M  No Role for Town
TRG Team of 17	YES	3,000 s.f. New Retail 5,000 s.f. Community Space 88 “affordable” MFH Units 60 “affordable” Senior Units 82 Homes New “Town Square” \$98M est. value (\$6.1M in community uses	12,000 “affordable” units 166,000+ units  \$20B in financed development	\$3.95M for Land (equal to Town’s appraised value)  Town included in project planning

After review and consideration of the proposals, an award was made by the Town Council in a regular public meeting on March 9, 2023, to enter into exclusive negotiations with The Richman Group for a Development Agreement comprising the subject property. This Development Agreement will identify the specific terms and provisions for future development of the property, and has been drafted concurrent with this rezoning request, for separate review and consideration from this rezoning action.

This rezoning and the Development Agreement, if approved, may result in a The Richman Group completing a competitive application to the State Department of Housing for award of project tax credits or other funding support for a proposed multifamily project. This rezoning will help support that competitive application effort.

### **Requirements for Approval of this Rezoning Request**

Because this is Town Owned property, the \$400 filing fee for this rezoning has been waived per Town Code § 154.036.B.3.

Per code Section § 154.030 AMENDMENTS, the regulations and boundaries set forth in the chapter PROCEDURES may be amended, supplemented, changed, modified, or repealed whenever deemed necessary to best serve the public interest, health, comfort, safety, and general welfare of the citizens of the town. Accordingly, this application will defer the code requirement to provide a plot plan and final development plan. Any proposed project will submit those design documents for separate review and approval after a Development Agreement has been finalized, approved and recorded.

That Development Agreement will identify requirements for any proposed project on this Subject Property to be designed with the community's history and culture in mind, and with the needs of current and future residents, and articulated through subsequent submittal of plans for review.

This rezoning is a first step in the process of developing a project, by first establishing the applicable development standards to which any multi-family project designer must conform.

### **PAD Development Standards**

The Town's Zoning Ordinance identifies the underlying zoning and related development standards for land within the Town's corporate limits. Per Code § 154.068 PLANNED AREA DEVELOPMENT (PAD), PAD zoning is described as:

*(A) Intent. The PAD District is intended and designed to: provide a means for development on a unit basis, ensuring orderly and thorough planning that will result in high quality urban design; encourage variety in architectural design through techniques, including, but not limited to, variations in building style, lot arrangements, and site planning; establish procedures that would reduce inequities occurring when strict application of zoning regulations pertaining primarily to small lots are applied to large lots; encourage innovative site planning, including, but not limited to, the preservation of natural character of the land and economy in construction and maintenance of streets and utilities; permit flexibility in design such that development would produce maximum choice in the type of environment, living units, commercial installations, and facilities available to the public; and produce an efficient, aesthetic, and desirable use of open space.*

This rezoning proposes the following development standards for the subject property's PAD zoning:

	<b>Current C-1 Zoning</b>	<b>This PAD Request</b>
Maximum Height:	30 feet	54 Feet
Density:	5,000 s.f for 1 <sup>st</sup> 2 DU 1,250 s.f for DU's above 2	61.0 DU/Acre
Parking:	Minimum 1.0 spaces per efficiency unit Minimum 1.5 spaces per each 1 and 2 bedroom unit Minimum 2.0 spaces per each unit containing more than 2 bedrooms	Minimum 0.5 per dwelling unit
<b>Setbacks:</b>		
<b><u>Building Setbacks</u></b>		
i. Guadalupe Road:	25-foot (front) 12-foot (side)	18-foot (minimum 6-foot sidewalk and 8-foot landscape strip)
ii. Avenida Del Yaqui:	25-foot (front) 12-foot (side)	18-foot (minimum 6-foot sidewalk and 8-foot landscape strip)
iii. Property Lines adjacent to existing residential uses, inclusive of alleys:	12-foot (side) 15-foot (rear)	20-foot
<b><u>Landscape Setbacks</u></b>		
i. Guadalupe Road:	25-foot (front) 12-foot (side) 15-foot (rear)	Landscape setback widths vary  The streetscape standard is measured at 18 feet from face of curb.
ii. Avenida Del Yaqui Rd.:	25-foot (front)  12-foot (side) 15-foot (rear)	Landscape setback widths vary  A minimum 6-foot wide public sidewalk is provided along Avenida Del Yaqui to accommodate the existing right-of-way.  The streetscape standard is measured at 18 feet from face of curb.

### **Preliminary Development Plan**

A preliminary plan for development is attached here as Exhibit B. This plan will be advanced to a final plan for development through the development process of community outreach, planning and design. The final plan for development, comprising but not limited to a site plan, open space plan, circulation plan, and plans for provision of utilities, public art, and offsite improvements will be reviewed and approved separately from this rezoning action through the Town's normal plan review and permitting processes. This requirement has been reiterated in the staff's recommended zoning stipulations in the final section of this report.

### **Conformance with General Plan**

Currently, the Town has a Council-approved Masterplan plan that has served as a precursor document to a General Plan as defined by ARS 9-461.05. That document was adopted by Town Council on January 2, 2004 and provides guidance for future development, including:

Overall Goals – Four are described in the plan

- Preserve the Uniqueness of the Town
- Promote the Orderly Development of the Town
- Strengthen Economic Base and Enhance Economic Development
- Improve Quality of Life

This proposed PAD conforms to the long-range plan in the following ways:

- **Preserve the Uniqueness of the Town**

By creating opportunities for new and affordable housing, Guadalupe residents who are seeking modern construction and amenities will have additional choices to remain in Town, close to relatives and within the community they call home, at an affordable price.

- **Promote the Orderly Development of the Town & Strengthen Economic Base and Enhance Economic Development**

These underutilized properties, when successfully transitioned into residential communities, can help promote the further diversification of the Town's retail tax base by encouraging private sector investment into new retail uses - thereby helping to resolve the Town's current structural deficit and ensuring the continuation of municipal services.

- **Improve Quality of Life**

There is a demonstrated need for new, affordable housing in the Town.

### **Notification for this Rezoning**

Notices have occurred in accordance with Guadalupe zoning ordinance §154.034 NOTIFICATION. Exhibit C illustrates a map of the notification area.

Attached in Exhibit D includes all notification materials posted, including:

- Site posting
- Site posting notice
- Notice in newspaper
- Mailing list
- Mailing notice

Exhibit E includes all written emails and or letters received for this project from the public since January 24, 2024, the first day of statutory notification.

### **Legal Description**

A complete meets and bounds legal description of the property was not available at the time this report was written. A legal description will accompany either the Development Agreement for Town Commons, and/or any lease for for this property.

### **Staff Recommended Conditions of Approval**

Per the Town's Code § 154.030.C.1., any recommendation of approval for an amendment, or any adoption of an amendment, may be subject to such conditions as the Council deems applicable in order to fully carry out the provisions of this chapter.

Therefore, if approved, staff recommends these conditions of approval, which are taken from the current Town Code § 154.068 PLANNED AREA DEVELOPMENT (PAD), Paragraph B. Procedure; Paragraph C. Plan Requirements; and Paragraph D. Standards, and reiterate the requirements for development plan review:

1. The applicant shall submit within one year, a final development plan, which shall consist of a complete set of drawings and specifications for the proposed use and development. It shall be reviewed for conformity with the comprehensive plan, and with recognized principles of architectural design, land use planning, and landscape architecture. The final development plan also be reviewed for compliance with the PAD standards and substantial compliance with the preliminary plan. The Council shall review the final development plan for its compliance with the standards of this chapter and its substantial compliance with the preliminary development plan.
2. The final development plan and final plat shall be approved by the Council and the final plat duly recorded before any building permit is issued.
3. The Council may give the approval of the development plan contingent upon the completion of construction and improvements within a reasonable period of time. Failure to complete all improvements within said period of time shall be deemed sufficient cause for the Council to rescind the rezoning, unless an extension is requested by the developer or owner and approved by the Council.

4. The preliminary development plan shall contain at a minimum the following information:
  - (a) Relationship of the property to the surrounding areas that will be affected by the proposed PAD;
  - (b) Proposed pattern of land uses including areas to be conveyed, dedicated, or reserved for public use.
  - (c) Schematic site plan for each building site and common open areas, showing the approximate location of all structures, buildings, and improvements.
  
5. The final development plan shall contain, where applicable, the following information:
  - (a) All information contained in the preliminary development plan as refined and revised;
  - (b) Plans and elevations of all building types;
  - (c) Schematic grading plans including proposed treatment of slopes and drainage plans;
  - (d) The number of dwelling units by dwelling type;
  - (e) Projection of school enrollment generated by the proposed project;
  - (f) Street and lot patterns and building siting envelopes showing setbacks;
  - (g) Projection of traffic volumes within PAD and volumes generated by the PAD that will be added to streets in the vicinity;
  - (h) Evidence of consultation with affected public agencies, including, but not limited to, school districts, flood control districts, and coordination with plans of other appropriate agencies;
  
6. Any agreements to lease the subject property to facilitate development shall describe maintenance of all interior streets, parking areas, sidewalks, common land, parks and plantings which have not been dedicated to the town in compliance with the town ordinances; and also a performance bond or bonds which shall insure to the town that the dedicated public streets, utilities, and other common development facilities shall be completed by the developer within the time specified in the final development plan;
  
7. The Council may require that open space or screening be located along all or a portion of the development boundaries.
  
8. All public streets, water mains, and sanitary sewer and storm sewer facilities shall comply with appropriate ordinances and specifications of the Town.



9. Spaces for off-street parking and loading shall be provided in accordance with applicable Town Codes at the time of building permit issuance.

10. Signs, on-site shall be subject to the provisions of applicable Town Codes at the time of building permit issuance.

**Exhibit A**  
Warranty deed

STATE OF ARIZONA }  
County of \_\_\_\_\_ } ss

I hereby certify that the within instrument  
In DOCKET \_\_\_\_\_ page \_\_\_\_\_

at the request of First American Title

when recorded, mail to  
Town of Guadalupe  
9050 S. Avenida Del Yaqui  
Guadalupe, Arizona 85283

Witness my hand  
By \_\_\_\_\_

SEP 22 1985 12 00  
KEITH POLET  
FEE 70 PGS 2  
County Recorder

Order No. 255-02-820225 1/2

### WARRANTY DEED

For the consideration of Ten and NO/100 Dollars, and other valuable considerations, I or we,

CHEE LEE and HELEN LEE, husband and wife

the GRANTORS

do hereby convey to

TOWN OF GUADALUPE, a municipal corporation

the GRANTEES

the following described real property situate in Maricopa

County, Arizona

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF:

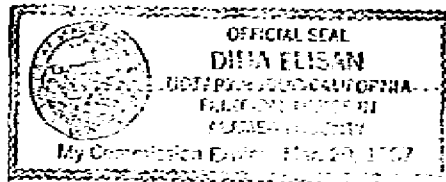
SUBJECT TO: Existing taxes, assessments, liens, encumbrances, covenants, conditions, restrictions, rights of way and easements of record.

And the Grantor, ...do...warrant the title against all persons whomsoever, subject to the matters above set forth.

Dated this 2nd day of August, 1985

CHEE LEE

HELEN LEE



This instrument was acknowledged before me this 12th day of August, 1985, by CHEE LEE AND HELEN LEE

Notary Public

STATE OF ARIZONA }  
County of COCHISE } ss

My commission expires:

STATE OF ARIZONA }  
County of \_\_\_\_\_ } ss

This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_ by \_\_\_\_\_

Notary Public

My commission expires:

85 459614

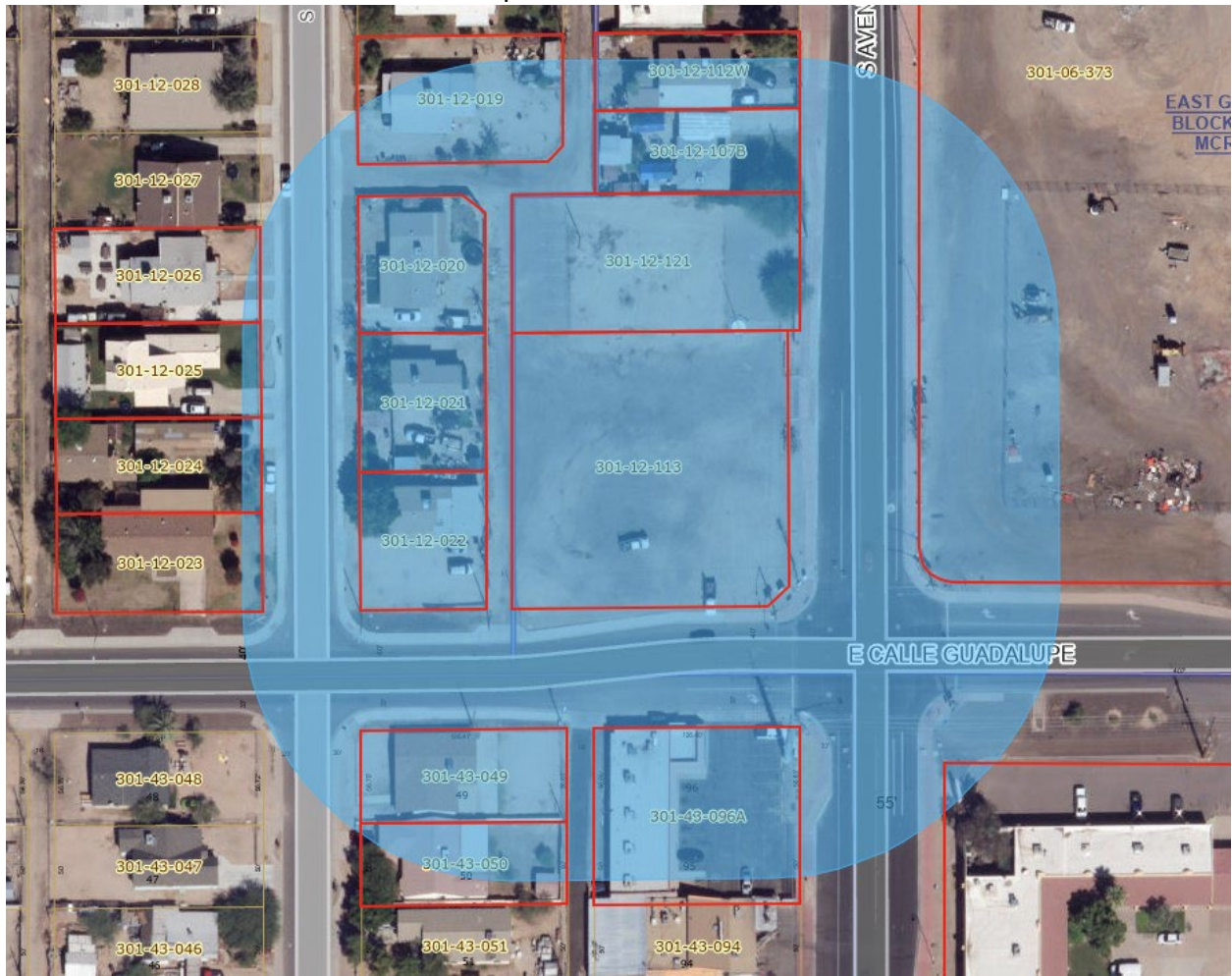
## EXHIBIT "A"

That part of the Southeast quarter of the Southeast quarter of Section 5, Township 1 South, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona described as follows:

BEGINNING at the Southeast corner of the Southeast quarter of the Southeast quarter; thence running 209 feet West to a point; thence 209 feet North to a point; thence 209 feet East; thence 209 feet South to the point of beginning.



**Exhibit C**  
**Map of Notification Area**



**Exhibit D**

Notification Materials attached to this document.

- Site posting proof
- Site posting
- Notice in newspaper
- Mailing list
- Mailing notice

9080 S. AVENIDA DEL YAQUI

PUBLIC NOTICE HANUARY 24, 2024



# NOTICE OF PUBLIC HEARING



The Guadalupe Town Council shall hold a public hearing on **Thursday, February 8, 2024, at 6:00 p.m.** at the **Guadalupe Town Hall Council Chambers, 9241 South Avenida del Yaqui, Guadalupe, AZ 85283** to consider the following rezoning request:

**Rezoning Application (RZ2024-03) – 9084 South Avenida del Yaqui:** The Town of Guadalupe, as the Applicant, is requesting to rezone the property located at 9084 South Avenida del Yaqui (Maricopa County Assessor parcel #301-12-113, comprising approximately 0.65 acres) that is currently vacant and zoned C-1 Neighborhood Commercial to Planned Area Development (PAD) to facilitate future development of the TOWN COMMONS project, comprised of 60 rental units for seniors. Buildings will be set back a minimum of 20-feet from existing residential uses, inclusive of alleys. The proposed PAD development standards provide a maximum building height of 54 feet, and maximum density of 61 units per acre. Custom parking and setback standards are also part of the PAD application.

Written letters of objection or support may be submitted by adjacent landowners and potentially affected citizens to the Town Clerk via email at [clerk@guadalupeaz.org](mailto:clerk@guadalupeaz.org) or delivered to Guadalupe Town Hall prior to, or at the time of the hearing. Copies of the Application are available for review at Guadalupe Town Hall and at [www.guadalupeaz.org](http://www.guadalupeaz.org).

01/24/2024 10:00 AM



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# THE RECORD REPORTER

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ROCIO RUIZ  
TOWN OF GUADALUPE  
9241 S AVENIDA DEL YAQUI  
GUADALUPE, AZ 85283

RR# 3777321

## COPY OF NOTICE

(Not an Affidavit of Publication. Do not file.)

Reference #

Notice Type: MCHRG NOTICE OF HEARING

Ad Description

Rezoning Application (RZ2024-03) - 9050 South Avenida del Yaqui

To the right is a copy of the notice you sent to us for publication in THE RECORD REPORTER. Please read this notice carefully and fax or e-mail ([record\\_reporter@dailyjournal.com](mailto:record_reporter@dailyjournal.com)) any corrections. The Affidavit will be filed, if required, and mailed to you after the last date below. Publication date(s) for this notice is (are):

01/26/2024

Notice of Public Hearing The Guadalupe Town Council shall hold public hearings on Thursday, February 8, 2024, at 6:00 p.m. at the Guadalupe Town Hall, 9241 South Avenida del Yaqui, Council Chambers, Guadalupe, Arizona, to consider the following rezoning request: Rezoning Application (RZ2024-03) - 9084 South Avenida del Yaqui: The Town of Guadalupe, as the Applicant, is requesting to rezone the property located at 9084 South Avenida del Yaqui (Maricopa County Assessor parcel #301-12-113, comprising approximately 0.65 acres) that is currently vacant and zoned C-1 Neighborhood Commercial to Planned Area Development (PAD) to facilitate future development of the TOWN COMMONS project, comprised of 60 rental units for seniors. Buildings will be set back a minimum of 20-feet from existing residential uses, inclusive of alleys. The proposed PAD development standards provide a maximum building height of 54 feet, and maximum density of 61 units per acre. Custom parking and setback standards are also part of the PAD application. Written letters of objection or support may be submitted by adjacent landowners and potentially affected citizens to the Town Clerk via email at [clerk@guadalupeaz.org](mailto:clerk@guadalupeaz.org) or delivered to Guadalupe Town Hall prior to, or at the time of the hearing. Copies of the Application are available for review at Guadalupe Town Hall. 1/26/24

RR-3777321#

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9084 S AVENIDA DEL YAQUI MAILING LABELS

163

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ESMERALDA VILLA  
9430 S CALLE MARAVILLA  
GUADALUPE AZ USA 85283

RAYMOND ORTEGO GASTELLO  
9046 S CALLE AZTECA  
GUADALUPE AZ USA 85283

BARBERA ERICKA GARCIA  
9041 S CALLE AZTECA  
GUADALUPE AZ USA 85283

MANUEL CORRALES  
9205 CALLE AZTECA  
GUADALUPE AZ USA 85283

JUAN VITAL  
9042 S CALLE AZTECA  
GUADALUPE AZ USA 85283

MARY HELEN CANO  
8203 S CALLE MOCTEZUMA  
GUADALUPE AZ USA 85283

SUZUKI REVOCABLE LIVING TRUST  
12010 S EQUESTRIAN TRL  
PHOENIX AZ USA 85044

JOSE LUCIO ORTEGA  
9038 S AVENIDA DEL YAQUI  
GUADALUPE AZ USA 85283

RUDOLPH BILDUCIA  
8226 S CALLE AZTECA  
GUADALUPE AZ USA 85283

DANIEL TORRES  
9034 S AVENIDA DEL YAQUI  
GUADALUPE AZ USA 85283

TOWN OF GUADALUPE  
9241 S AVENIDA DEL YAQUI  
GUADALUPE AZ USA 85283

TOWN OF GUADALUPE  
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RUDOLF BILDUCIA  
8226 S CALLE AZTECA  
GUADALUPE AZ USA 85283

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8226 S CALLE AZTECA  
GUADALUPE AZ USA 85283

TOWN OF GUADALUPE  
9241 S AVENIDA DEL YAQUI  
GUADALUPE AZ USA 85283



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Town of Guadalupe  
9241 South Avenida del Yaqui  
Guadalupe, AZ 85283  
(480) 730-3080

**Exhibit E**

All written emails and letters received for this project from the public since January 24, 2024.

- Myers letter, January 25, 2024
- Villegas letter, January 25, 2024

David A. Myers  
Priest – Attorney  
Guadalupe Law Center  
5441 E. Calle San Angelo  
Guadalupe, AZ 85283  
480-838-3143  
davidamyers@mindspring.com  
January 25, 2024

Guadalupe Town Council  
by Email

Re: Town Commons Project

Dear Mayor and Council Members,

My name is David A. Myers. I am the owner of land parcel 301-06-372B, which is adjacent to the proposed development parcel (301-06-370) at the southeast corner.

I received notice of the proposed zoning change yesterday morning, January 24, 2024, by means of a sign being posted on the property. This is not sufficient time for the statutory notice. I am sorry I cannot attend your meeting, but I already had other duties planned for that time.

From reviewing the proposal on the internet, I believe the Town, on behalf of Richman Group, is asking the Town to change the zoning from R-1-9 to C-4 (also referred to as PAD). C-4, PAD is not defined. Page 7, article 5 grants Richman Group the right to change the requirements by 10% with administrative approval of the Town. I believe C-4, PAD should be fully defined and that changes should go through the Town Council.

I believe the proposed population density is excessive. The proposal has 132 apartments on the northeast corner lot. That would mean that approximately 525 people would live there. About 250 vehicles would park there. Excessive population would very likely result in physical and mental illnesses.

The proposal calls for apartment buildings of 4 stories or 2 stories in height. It states that they can go to 54 ft. high. I believe 2 stories should be the maximum.

I believe there should be use of solar energy—both for heating water and for electricity. The proposal does not include this.

If there is construction, will preference be given to Guadalupe residents to do the work? The Town council has repeatedly said that the Town should hire residents.

The setbacks should be from the closest edge of an alley and a walk-way.

Ownership is a major issue. Apparently Richman Group will be given ownership of the whole project forever.

The entire area was given, free, by Mrs. Jenny Biehn for “Yaqui Indian home sites.” In the *Olivas* case, the court changed it to “Yaqui Indians, Mexican Americans, or persons of any other race who are poor and in need of a home site.”

The Town got the land free from the Biehn Colony board. I do not believe this was lawful. I believe the land, or the apartments, should be given to the people, free, which is what Mrs. Biehn intended.

What about diversity? Federal law does not allow prejudice. This is especially true if Federal money is involved. Most of the public housing in Guadalupe now goes to Yaqui people and Mexican-American people. Therefore most of this project would have to be rented to people of other races. This would destroy the culture of Guadalupe.

Thank you for the opportunity to contribute my ideas.

David A. Myers

Honorable council members:

Thank you for your leadership, dedication, and time you have devoted to the Town of Guadalupe and its residents. My name is Amalia Villegas. I was born in Tempe, grew up in and around Guadalupe. Like you, I too understand the importance of family, friends, and community support. With your continued leadership, together we can work towards achieving and realizing our personal and community dreams because we have the control to resist authority that robs us of our dignity and rights. Guadalupe residents have an unbeatable attitude and desire to improve Guadalupe by advancing our culture, our sense of identity, unity, pride, our heritage, traditions, and our shared community values.

This letter speaks to personal thoughts, ideas, opinions and those of Guadalupe residents that I have spoken to, regarding the Richmond Proposal and its impact on the Town of Guadalupe.

A repeated comment from residents concerning Town of Guadalupe Leadership was their expectations that you will do the utmost to increase resources for Guadalupe that continue to strengthening families and community. Guadalupe residents think and act and are vocal in challenging authority, speaking up for self-interest and the interest of the Town \. Expectations for the Town's leadership is to guide us.

Residents from the Town respect leadership that is collaborative, communicative, capacity-building, and community-driven, providing them with a sense of co-ownership of their Guadalupe. People from Guadalupe desire to be helpful.

There are misgivings and negative responses regarding the Town's interest in accepting the Richmond proposal. Many unknowns about the impact 'affordable apartments'. How affordable will the affordable apartments be? Affordable to whom. Pros and cons of subsidized housing for low-income families. What revenues will be collected? What are the profits from 'affordable apartments' and the 99 year-lease proposed. The wording of the RFP and the distribution, advertising of it?

How will the Richmond project impact our local culture, our environment, beliefs and values, and the social shift of demographics. The Richmond project stirs up numerous uncertainties about Guadalupe's future, our way of life that has been cultivated over time, over several generations. The Richmond project is contrary to the culture of Guadalupe. The compelling plea expressed is for the Town of Guadalupe leadership to prioritize, preserve, safeguard the culture of Guadalupe, work towards our long-term well-being.

Town leadership, our elected officials who are accountable to us, the community wants Guadalupe to rethink the use of the property that the Richmond group wants. Let us review the RFP, Invite us to be part of the process. Let us thoroughly and carefully explore and



evaluate further options for Guadalupe's land use. Involve community residents that are committed to assist, with the financial challenges of the Town of Guadalupe:

- Face to face, door to door communication is the mode of operation for Guadalupe residents from Guadalupe want and are willing to engage in open and transparent communication. In addition to the current communication utilized by the Town.
- The community wants to be presented with a clear plan for financial recovery, demonstrating the potential benefits for all community residents.
- Community members want to participate, they want to be inclusive, they want to be a partner, a be involved in a proactive approach to develop the most appropriate course of action to address the financial distress of the Town.
- Guadalupe residents would like to assist in researching, exploring, examining the best course of action for land use.
- Residents are willing to be taught and trained on how to be active participants in guiding the future of Guadalupe.
- Assistance, support, and various forms of aid, guidance from the state's representatives and institutions, community colleges, state universities, businesses, etc. is suggested.
- Financial consultants, restructuring experts, etc. who can assist in developing and implementing improvement plans is proposed.
- Keeping the autonomy of the Town of Guadalupe without the pressure of meeting timeline, self-interest, groups such as Richmond's

Technical assistance and expertise in various forms are opportunities. Guadalupe land is prime land. We, the owners of Guadalupe, suggest collaborative approaches, the leveraging of our knowledge and resources of the state's, our elected officials. We, the community members of the Town of Guadalupe request a quality of life for the citizens of Guadalupe. The Richmond project falls short.

**RESOLUTION NO. R2024.03**

A RESOLUTION OF THE TOWN OF GUADALUPE, ARIZONA, MAYOR AND COMMON COUNCIL, DESIGNATING JEFF KULAGA, TOWN MANAGER / CLERK, AS THE CHIEF FISCAL OFFICER FOR OFFICIALLY SUBMITTING THE FISCAL YEAR 2025 EXPENDITURE LIMITATION REPORT TO THE ARIZONA AUDITOR GENERAL; AND REPEALING AND REPLACING RESOLUTION NO. R2023.01 WITH RESOLUTION NO. R2024.03.

**WHEREAS**, A.R.S. §41-1279.07(E) requires each county, city, town, and community college district to annually provide to the Auditor General by July 31 the name of the Chief Fiscal Officer the governing body designated to officially submit the current year's annual expenditure limitation report (AELR) on the governing body's behalf; and

**WHEREAS**, the Town of Guadalupe, Mayor and Council desires to designate the Town Manager / Clerk, Jeff Kulaga, as the Town of Guadalupe Chief Fiscal Officer; and,

**WHEREAS**, Entities must submit an updated form and documentation for any changes in the individuals designated to file AELR.

**NOW THEREFORE, BE IT RESOLVED** that the Town Council of the Town of Guadalupe, Mayor and Council as follows:

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

**SECTION 2.** Jeff, Kulaga, Town Manager / Clerk, is hereby designated as the Town of Guadalupe's Chief Fiscal Officer for purposes of submitting the fiscal year 2025 AELR to the Arizona Auditor General's Office on the governing body's behalf.

**SECTION 3.** Repealing and replacing Resolution No. R2023.01, adopted by the Guadalupe Town Council on February 09, 2023, with Resolution No. R2024.03, dated February 08, 2024.

**PASSED AND ADOPTED** by the Mayor and Council of the Town of Guadalupe, Arizona, this 8<sup>th</sup> day of February, 2024.

\_\_\_\_\_  
Valerie Molina  
Mayor

ATTEST:

Approved as to Form:

\_\_\_\_\_  
Jeff Kulaga  
Town Manager/Clerk

\_\_\_\_\_  
David E. Ledyard, Esq.  
FAITH, LEDYARD & FAITH, PLC  
Town Attorneys