

# CITY COUNCIL AGENDA

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

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**WORK SESSION**  
**September 4, 2007**  
**6:00 PM**

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## **CALL TO ORDER BY MAYOR ROGERS**

**1 ROLL CALL BY THE CITY CLERK**

**2 CITY CENTER SPECIFIC AREA PLAN**

The consultants for the City Center Area Plan will present a status report on the project and two alternatives for future land use and circulation. Other key components of the plan including open space, landscaping, street design, block size, and property development standards will also be discussed. No formal action is requested, but the City Council may provide appropriate direction.

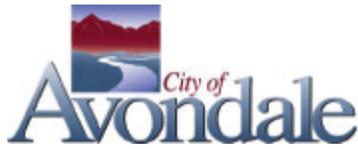
**3 ADJOURNMENT**

Respectfully submitted,

A handwritten signature in cursive script that reads "Linda M. Farris".

Linda Farris, CMC  
City Clerk

Any individual with a qualified disability may request a reasonable accommodation by contacting the City Clerk at 623-333-1200 at least 48 hours prior to the council meeting.



# CITY COUNCIL REPORT

**SUBJECT:**  
City Center Specific Area Plan

**MEETING DATE:**  
September 4, 2007

**TO:** Mayor and Council  
**FROM:** Dean Svoboda, Long Range Planning Director (623)333-1035  
**THROUGH:** Charlie McClendon, City Manager

**PURPOSE:**

The consultants for the City Center Area Plan will present a status report on the project and two alternatives for future land use and circulation. Other key components of the plan including open space, landscaping, street design, block size, and property development standards will also be discussed. No formal action is requested, but the City Council may provide appropriate direction.

**BACKGROUND:**

The City Center study area includes 272 acres bordered by Interstate 10 on the north, Coldwater Springs Boulevard on the south, the 113th Avenue alignment on the east and the 117th Avenue alignment on the west. The General Plan encourages Freeway Commercial and Commercial land use in this area. The Freeway Corridor Specific Area Plan envisions an intense activity center with multi-story buildings.

One of the City Council's adopted goals for fiscal year 2007-2008 is to prepare a specific plan for the City Center area. This plan is intended to "...implement the Council's vision for Avondale Boulevard as a premier destination for shopping, restaurants and entertainment, with exciting mixed-use development to include hotels, higher quality density housing, professional office space, with an atmosphere that is fun, pedestrian friendly and conducive to daytime and night time activities." A team of consultants led by Dyett & Bhatia Urban and Regional Planners was hired in January 2007 to assist city staff with this effort.

The City Council last reviewed this project at a work session on June 4, 2007 (Exhibit A). Six alternative concepts were discussed at that time. The consultants subsequently began preparing the preliminary draft of the City Center Specific Area Plan based on this discussion.

**DISCUSSION:**

Leslie Gould from Dyett & Bhatia will present the key concepts included in the preliminary draft and discuss these with City Council. The feedback from this discussion will be used by the consultants to prepare the final draft of the plan. Once a final draft is completed the public review process will begin.

The preliminary draft includes two alternative plans for land use and circulation. Both provide a grid street system, a unique landscape scheme along Avondale Boulevard, a major linear park running north south between Avondale Boulevard and 113th Avenue, and a coordinated system of open space corridors. Either alternative will accommodate 500,000 square feet of retail space, 1 to 2.5 million square feet of office space, and 2,400 dwelling units.

The proposed land use pattern is almost identical in both alternatives. "Employment" is shown north of the Roosevelt Street alignment near Interstate 10. "Employment Mixed-Use" is shown south of the Roosevelt Street alignment along both sides of Avondale Boulevard. This designation is encourages employment uses, but also allow urban residential in conjunction with retail and office. "Residential Mixed-Use" is shown adjacent to the existing and future residential development east of the study area. This designation is intended for urban residential uses, but allows retail and office uses on the ground floor. Both alternatives also show

recommendations for future land use on the undeveloped parcels adjacent to the study area.

The major difference between the two alternatives is the location of Corporate Drive. Alternative 1 shows Corporate Drive intersecting Avondale Boulevard as shown on the City's General Plan. Alternative 2 moves this intersection north about 350 feet to the center of the property owned by Byrd Enterprises. Both alternatives eliminate the "S" curve east of Avondale Boulevard and add two new traffic signals on Avondale Boulevard.

The two alternatives also differ in terms of street orientation and block length. The Alternative 1 block pattern has a north-south orientation; whereas Alternative 2 shows the blocks west of Avondale Boulevard running east-west. The block length in Alternative 1 is 440 feet on both sides of Avondale Boulevard. Alternative 2 shows a block length of 660 feet west of Avondale Boulevard.

The preliminary draft includes unique street sections, landscaping guidelines, and property development standards. These are intended to work in concert with the plan alternatives to produce a vibrant urban center. They are still being discussed by the consultants and city staff in an effort to determine the most appropriate way to meet the City's overall objectives.

City staff and the consultants have met several times with representatives of the Empire Group to discuss the future development of their property at the northwest corner of Avondale Boulevard and Van Buren Street. At each of these meetings, the concepts presented in the preliminary draft of the City Center Specific Area Plan were discussed in relation to Empire's preliminary development plan. A letter from Empire's attorney stating their opposition to these concepts is attached (Exhibit B).

#### **RECOMENDATION:**

Staff recommends that the City Council consider the information presented, discuss the issues, and provide staff and the consultants with appropriate direction.

#### **ATTACHMENTS:**

##### **Click to download**

- [📄 Exhibit A - City Council Meeting Minutes June 4, 2007](#)
- [📄 Exhibit B - Letter from Paul Gilbert dated August 20, 2007](#)
- [📄 Exhibit C - City Center Specific Area Plan Preliminary Draft dated August 29, 2007](#)

**City Council Minutes - Work Session of June 4, 2007**

Minutes of the Work Session held June 4, 2007 at 6:00 p.m. in the Council Chambers.

**MEMBERS PRESENT**

Mayor Lopez-Rogers and Council Members

Jim Buster  
Frank Scott  
Ken Weise  
Jason Earp  
Betty Lynch

**MEMBERS EXCUSED**

Vice Mayor Chuck Wolf

**ALSO PRESENT**

Charlie McClendon, City Manager  
Andrew McGuire, City Attorney  
Dean Svoboda, Long Range Planning Director  
Leslie Gould, Dyett & Bhatia  
Linda Farris, City Clerk

**1) ROLL CALL BY THE CITY CLERK**

**2) WORK SESSION – CITY CENTER AREA PLAN**

Dean Svoboda, Long Range Planning Director, informed Council that Leslie Gould from Dyett & Bhatia will summarize the results of a community open house, a developer roundtable, and a Planning Commission workshop that have been held since the March 26, 2007 Council Work Session. He stated that as a result of some of the feedback, the consultants and he felt it was important to further explore some additional alternatives. Mr. Svoboda stated in the packets given to Council Members tonight were the Center Street concept and five additional concepts that Ms. Gould would be discussing.

Leslie Gould, Dyett & Bhatia, summarized the results of the impact analysis study that the consultants had completed, stating in terms of traffic, they had concluded the transportation system that had been designed would accommodate the amount of traffic that would be generated. She stated they had estimated the number of total students generated by the townhouses and condominiums proposed and concluded that while the existing schools are nearing capacity, a nearby elementary school is planned, as well as a new high school, and the school district is keeping up with growth at this time. Next Ms. Gould covered the community open house, developer roundtable, and Planning Commission workshop. She informed Council there were 60 people present at a community open house who voiced strong support in general, and concerns about building height over five stories, and brokers and property owners present who expressed concerns about the market viability of the project. She stated the Planning Commission was very excited about the project. Ms. Gould stated the developer's roundtable revealed excitement about the project and the view that the City Council had, yet there were

concerns regarding market viability. She stated the biggest issue raised was with the Center Street scheme, which was viewed as not providing enough visibility for the retail on Avondale Blvd. and it was suggested the City would have to take a very big role facilitating the development due to the multiple property owners. Ms. Gould mentioned Empire Realty coming in with preliminary site plans and talking about the development of their property on the west side, as well as the property owner further west with 80 acres has filed an application for a General Plan amendment for mixed use. She continued, discussing the Corporate Drive alignment, suggesting alternatives might work better, and that the 21 acre feet of storm water detention requirement will require a lot of underground work, as well as major landscape features above ground. She stated that everyone had stated if Avondale had any hope of being an office center, the City would have to help attract an office tenant at the beginning of the project by incentives. Ms. Gould then directed Council to slides of schemes: 1) The Center Street Scheme with employment uses along the freeway and down Avondale Blvd. 2) A scheme by DMV depicting the creation of a couplet to force all of the traffic on Avondale Blvd. to go past the retail, but would require rebuilding Avondale Blvd. 3) A scheme using Empire Realty's plan as the first development and then build on that over time with residential mixed use. 4) Working with Empire Realty to make a connected network of streets and make the streets public with a big landscape project along Avondale Blvd. lined with retail and office. 5) Corporate Drive without an S curve, which would put the retail in the right place, the City would not have to acquire that property, and all of the property would have a simple mixed-use designation. 6) A variation of Scheme No. 5 with the retail on Center Street. Ms. Gould stated an interesting comment from the developers was a need for a public place where the community comes together and suggested the park space the City owns be moved near the City Center or toward the corner of Avondale Blvd. and Van Buren. She suggested the City would not want one story buildings with surface parking, as that would be an under utilization of a massive public investment. She concluded with the key issues: 1) The status of the Empire Realty site. 2) The Corporate Drive configuration. 3) The storm water retention. 4) The building heights. 5) City incentives. Ms. Gould stated they would like feedback from Council before developing a preferred plan and would return to Council with a preferred plan in July 2007.

Council Member Lynch stated she would like to see a minimum of 4 story retail with offices above and 2-3 story lofts. She expressed concern with public open space near the highway as it would attract non resident use. She stated she believed forcing the traffic in scheme 5 on Avondale Blvd. to go past the retail would anger people, and she preferred Scheme No. 6. Council Member Lynch stated there still may not be enough retail and she is concerned about using the land for ground parking and would rather see incentives for parking garages. She commented she did not see the developer who wants to know what council is thinking present and was concerned about that. Council Member Lynch inquired if Dean Svoboda was familiar with the Esplanade in north Scottsdale. Mr. Svoboda inquired if Council Member Lynch was referring to the Frank Lloyd Wright area, and Council Member Lynch responded that was correct as there is a great mixed use area there, and she questioned were those office buildings 6 or 7 stories high. Mr. Svoboda responded they were 6 stories and he could familiarize Ms. Gould with that

area. Council Member Lynch stated her biggest concern was locking the City into immediate retail that would not service the needs of the future.

Mayor Lopez-Rogers asked the Council to focus on the key issues, the Corporate Drive configuration, the storm water retention, city incentives, etc.

Council Member Weise stated he likes Scheme No. 6 with the green belt, but likes Scheme No. 5 better as it allows housing on one side and commercial on the other. Council Member Weise suggested the incentives be parking garages and low interest loans for small businesses.

Council Member Buster inquired what kind of visibility would retailers have with the landscape features on Avondale Blvd. Ms. Gould responded they were just introducing the idea of big landscape features to deal with the retention, and on Scheme No. 6 the landscape could be concentrated on Avondale 50 feet deep and the retail visibility would be at the corners. Council Member Buster asked where the storm water would empty and Ms. Gould responded it would drain west. Council Member Buster asked on Scheme 5 would there be a neighborhood type of development along the green belt, and Ms. Gould responded yes, a green belt would attract more residential uses. Council Member Buster inquired if Scheme No. 3 had a green belt feature, and Ms. Gould responded that was correct. Council Member Buster inquired why Corporate Drive had the S feature to begin with. Ms. Gould stated there had been a basic logic in following the alignment of the freeway and making one continuous street.

Mr. Svoboda interjected the Corporate Drive concept was approved with the 2002 General Plan and was intended to accommodate through traffic through the major employment area.

Council Member Buster stated creativity must be married with practicality and what the Council does must enhance a successful retail atmosphere. He stated Scheme No. 3 or No. 5 would be his choice.

Mayor Lopez-Rogers asked Council Member Buster what were his thoughts on the intensity, building heights and incentives. Council Member Buster replied he would agree to 3 stories, but would go with 4 or 5, and in terms of incentives, he thinks parking should be considered as an incentive, and perhaps a park.

Council Member Scott stated he liked Scheme No. 6 the best, and his second favorite is No. 5. He stated in terms of building height, he would target 3 or more, and use of parking as an incentive. He stated if the green belt was done right, it could double as a park area.

Council Member Earp stated the scheme should be successful for 20 or more years and he likes Scheme No. 5 with the No. 6 landscaping. He stated he would have no problem with incentives to get the first developments in, and would prefer 3 plus stories.

Mayor Lopez-Rogers stated Scheme No. 6 tended to be more visionary, and she also likes No. 5 because the retail has more visibility. She commented that 21 acres of retention is a lot and should be a key focus. Mayor Lopez-Rogers stated a parking garage would be a good incentive and bike trails and transit stops, and she agrees with 3 stories and up.

Council Member Lynch stated the nearby residents to the west should be educated on how they could be protected by multiple heights, building views and traffic noise, such as they had been with the project at Encanto and Avondale Blvd.

Mayor Lopez-Rogers asked Leslie Gould to touch base with Vice Mayor Wolf, and inquired if she needed further direction. Ms. Gould responded she had a good sense of direction and wanted more time to work with the landscape architect and City Staff and debate implementation strategies, and then would bring Council a comprehensive package in July or August.

**3) ADJOURNMENT**

There being no further business to come before the Council, Council Member Lynch moved to adjourn. Council Member Weise seconded the motion. The motion carried unanimously.

Meeting adjourned at 6:54 p.m.

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Mayor Lopez-Rogers

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Linda M. Farris, CMC  
City Clerk

**CERTIFICATION**

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Work Session of the Council of the City of Avondale held on the 4<sup>th</sup> day of June, 2007. I further certify that the meeting was duly called and held and that the quorum was present.

---

City Clerk

**BEUS GILBERT**  
PLLC

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31101-010

20 August 2007

**VIA FACSIMILE**

Charlie McClendon  
Avondale City Manager  
City of Avondale  
11465 W. Civic Center Drive  
Avondale, AZ 85323-6804

Re: NWC Avondale Boulevard and Van Buren Road – Empire Group  
Follow-up from Meeting of Avondale City Center Plan

Dear Mr. McClendon:

As a follow-up to our meeting earlier this week and per your suggestion, this correspondence is to list our specific concerns with the current proposed City Center plan. However, before I do that, I would like to sincerely thank you and the City for taking the time to meet with us. I also wanted to confirm that staff will be making no recommendation to the City Council concerning the City Center plan prior to or during the September 4<sup>th</sup> work session.

We appreciate your clarification that you have not commented on our conceptual plan because we have not formally submitted. Initially, per staff's request, we did not submit a plan. The hope at the time was that we would be able to work with staff while the City Center plan was evolving so that the City's plan would take into account some of our needs and concerns and our plan would do the same, however it seems we were misguided and we will now submit. We very much look forward to working with you as we move through the development of this project.

As you know, we have met with staff and the City's consultant throughout the development of the City Center plan and we have drafted a conceptual plan for the property which we have reviewed with staff on multiple occasions. We have not received any feed back on our conceptual plan, however we now understand why, as noted above. We tried to incorporate many of the City Center goals in our plan including multi-story buildings, non-traditional main street design, pedestrian friendly driveways and a mix of retail and office uses. As a result of our meetings however, we still have several concerns with regard to the impact this plan would have on Empire's property. In addition to the other issues we have raised, there are

three basic core issues that substantially and potentially negatively affect the ability of Empire to develop their property. These three issues are:

### **HEIGHT**

First, is the issue of a proposed minimum height requirement. As we have noted in our meeting and as shown on our draft conceptual plan, we are prepared to work with the City in providing some combination of single and multi-story buildings on the property. However, it is important to understand the potentially adverse affects of requiring a significant amount of height on any development. A minimum height requirement would put a burden on the site that could very well limit its opportunity in to be built in this market. Whether it is market acceptance of the product; competing developments in the area not hampered by height requirements; or the significant additional costs required to build such a product, including underground parking, etc., minimum height requirements may make the property impossible to develop. A potential solution to this issue may be to set an achievable average height for the site, as well as the ability to phase the project over time to ultimately achieve the average height requirement.

### **FAR**

Our second major issue is the high Floor Area Ratio that has been suggested by the consultants for the property. The consultants have offered up a proposed FAR of 1 to 1, which is, in our opinion, not only impossible to achieve in this market, it is in fact more dense than downtown Phoenix. Understanding that the Town is hoping to achieve an urban type development for this area we note that we have proposed an urban, pedestrian friendly conceptual plan which increases the floor area ratio over what is typical for a development in this area. We understand the Town's concept in trying to create a more dense, urban area, and increasing floor area ratio beyond what would be typical is a part of that vision, however this ratio should be on a sliding scale proportionate to the distance from the I-10 Freeway. For instance, a higher floor area ratio could be expected to be achieved directly adjacent to the freeway (as would height), however, once one moves away from the freeway particularly as far south as Van Buren, one is at a competitive disadvantage in trying to achieve higher floor area ratios based on a number of different factors the most important of which is visibility from the freeway.

### **NEW PUBLIC ROAD**

Finally, our other major issue with the draft City Center plan is the proposed public road going right through the middle of Empire's property. This middle road is simply not necessary and is overly burdensome particularly since it is not necessary for the development of Empire's project. It is not that Empire has a problem with the idea of a development that includes connecting roadways and pedestrian walkways, and is, in fact, showing this on the conceptual

site plan that has been submitted, however, dedicating these roadways, especially this early on in the process, bifurcates the property with roads that will be nearly impossible to relocate. This will severely restrict any flexibility we might have in placing tenants on the property. Additionally, public roadways, as opposed to private drives, would require a whole new set of standards for development adjacent to these public roads.

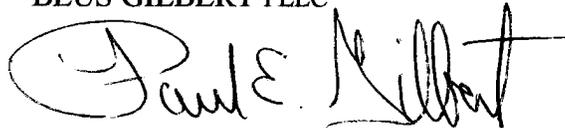
I would like to remind you that we are not alone in our concerns, as many of these same concerns, as well as others, have been expressed by many other experienced development professionals, as referenced in your own consultant's summary. A copy of these concerns is attached for your reference. These concerns are ones that should not be disregarded.

In closing, we would like to reiterate our enthusiasm in working with the City and trying to establish a unique plan, one that the City of Avondale will be proud of and one that will be successful for Empire. In fact, I would like to remind you that Empire is not only the owner of the property; they are also the ultimate developer of the property. They are not a speculating nor do they plan on flipping the project. As you know, the hardest part of a plan is trying to implement it immediately after adoption. Empire presents a great opportunity in being able to step up to the plate and begin to implement the City's plan immediately following adoption. Through this partnership, we believe that we can come to a mutually acceptable resolution and create a situation that is a win-win for both parties.

Again, thank you for your time and I will contact you next week to discuss this letter further and hopefully come to a resolution before the work session on September 4<sup>th</sup>.

Very Truly Yours,

BEUS GILBERT PLLC

A handwritten signature in black ink that reads "Paul E. Gilbert". The signature is written in a cursive style with a large, looped initial "P" and a long horizontal stroke at the end.

Paul E. Gilbert

PEG:ich

cc: Brian Berndt, City of Avondale (via facsimile)  
Dean Svoboda, City of Avondale (via facsimile)  
Geoff Jacobs, Empire (via facsimile)  
Jeff Schwartz, Empire (via facsimile)

# DYETT & BHATIA

Urban and Regional Planners

## **Serious Concerns about Market Viability and Implementation**

All of the developers raised serious concerns about the market viability of the proposals and challenges in implementation. Comments about the market feasibility of the proposals included the following:

- This is a very big area to fill up, when you think about how much development there is in downtown Tempe, and this area is the same size, and Tempe has ASU.
- The retail and restaurants proposed for Center Street would have absolutely no visibility from Avondale Boulevard, and that could be a fatal flaw. A developer and/or business tenants could go bankrupt.
- The City would probably have to act as a master developer to make the Center Street happen. The City would have to buy the land, put in the streets and infrastructure, and then sell development sites. City would have to end up banking the land for some period of time. It's very difficult if not impossible to achieve this scheme with multiple property owners building at different times.
- It is difficult to attract this type of development right now given the market. The area of the valley doesn't have amenities yet like a university, jobs, or restaurants. The plan could work well in the long run, but not right now.
- It is very difficult to attract medical office uses, given the State and City of Phoenix projects that are concentrating medical and biotech uses in downtown Phoenix. This site is not close enough to the new Banner hospital.
- It is difficult to compete with the cheaper office space in the area with surface parking. The City would have to provide parking if they want it to be structured.
- Construction of condominiums is not realistic in the current market, given the low prices of single family homes in Avondale. It is cheaper to build a single family home than a condominium. Townhouses are feasible, built at approximately 18-22 units per acre, in a project where the property owners own the land and the project can be phased. The typical demographic is a professional without children, typically middle aged, such as: health care workers, teachers, community college employees, airplane pilots, and attorneys.
- There is major competition in the West Valley for higher intensity office development. Westgate and a new development proposed for I-10 and 101 are also proposing mid-rise and high-rise office development.
- It will be very difficult to protect the big vision during down cycles in the market place. The City will be persuaded to give permits to projects that don't fit with the desired character.

## **Strategies the City Should Pursue**

- Attracting a major known business to the area is key. The City would need to be aggressive and offer incentives to a major corporation to locate in the City Center area.
- The City will need to build parking structures and streets as an incentive for this type of development. Several different mechanisms were suggested. The City could create a parking district that would develop surface parking lots first, and then parking structures later. Developers could buy in to the parking structure over time, rather than hav-

# AVONDALE CITY CENTER SPECIFIC AREA PLAN



## SPECIFIC PLAN PRELIMINARY DRAFT

*revised August 29, 2007*

**DYETT & BHATIA**  
Urban and Regional Planners



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# 1 ALTERNATIVE PLANS

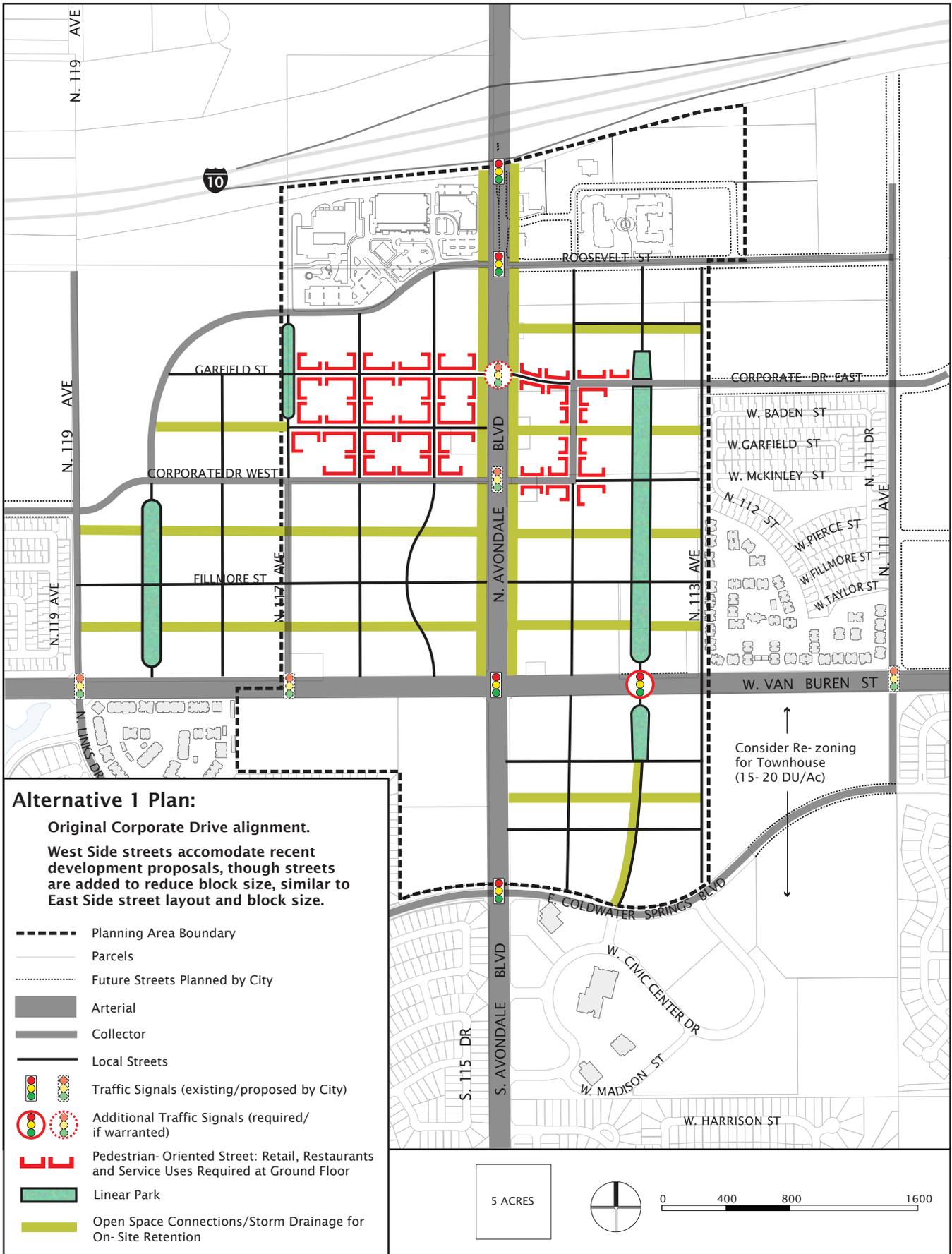
On June 4, 2007, the City Council reviewed six alternative City Center concept plans that tested different options for circulation, land use, and locations for pedestrian-oriented districts. The concepts each stressed different goals of the City Center project, and the exercise helped inform the consultant team about the project's challenges as well as its options for fostering retail viability, developing livable new neighborhoods, and creating a memorable City Center.

In the weeks that followed, the consultant team refined the ideas presented in the six concepts into a single concept plan. In the meantime, a rezoning application was filed on the 80 acres immediately to the west of the study area that proposed the realignment of Corporate Drive. A companion rezoning request is expected to be filed soon on the property owned by Byrd Enterprises. Considering the proposed street layout, and drawing from the conclusions arrived at through previous studies and impact analyses, the team worked through the many options to produce two Specific Plan Alternatives.

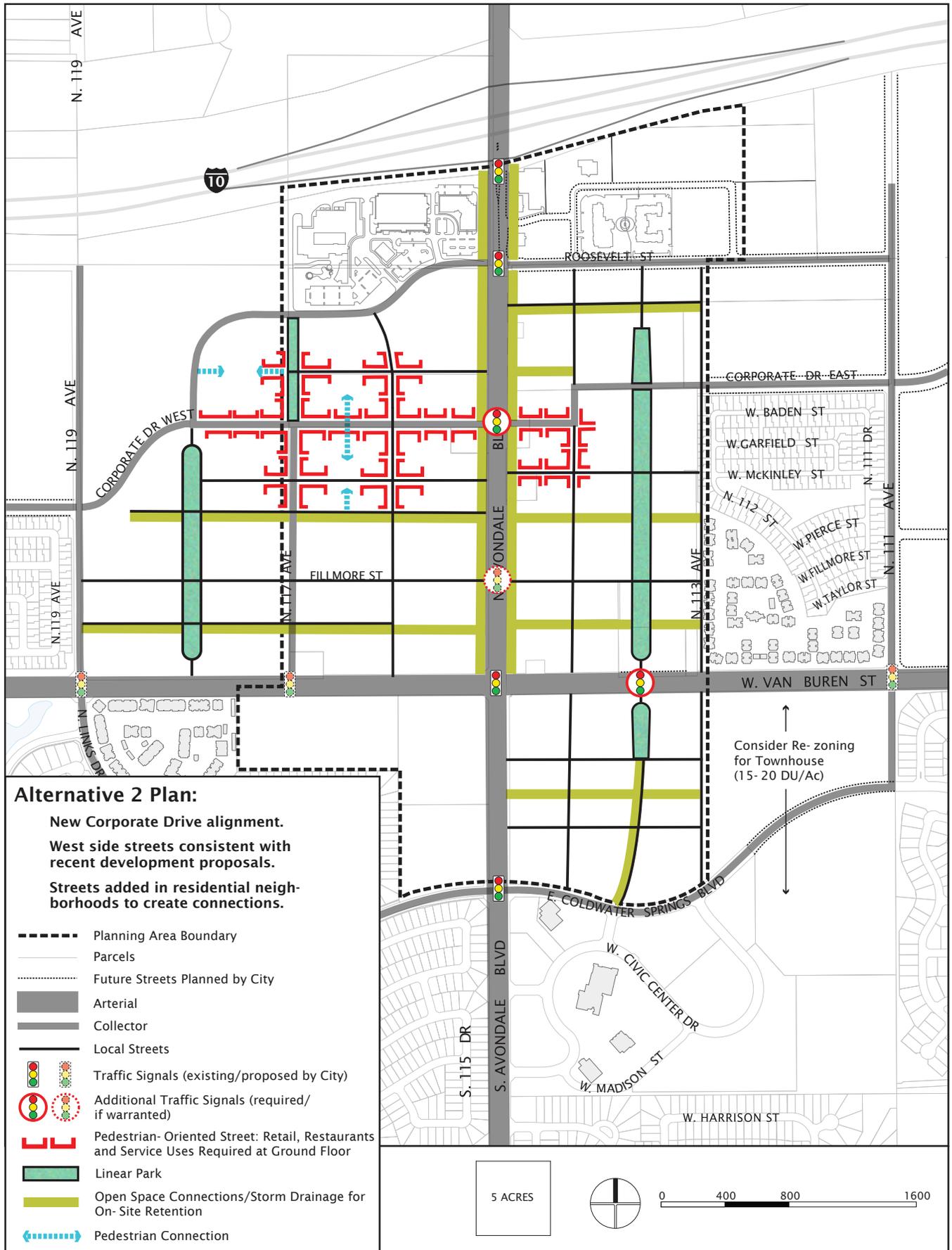
The following drawings illustrate these latest two alternatives. The major difference between the two alternatives concerns Corporate Drive: while both schemes straighten out the proposed S-curve just east of Avondale Boulevard, the location of Corporate Drive West differs. Alternative 1 shows Corporate Drive West in the same location that the City initially proposed—along the McKinley alignment—and Alternative 2 moves it 350 feet north, to the centerline of the Byrd property. The two alternatives also differ in terms of street orientation and block layout. In Alternative 1, the blocks and streets are oriented in the north-south direction, whereas in Alternative 2, the blocks and streets on the west side are oriented in the east-west direction. Table 1 on page 4 details the major differences and similarities between the two alternatives.

Following the Alternative Plan drawings, this document presents the proposals for land use, open space, and landscaping for the two alternatives. Also included are street sections and development standards for the proscribed land uses.

**FIGURE 1-1: ALTERNATIVE 1 PLAN**



**FIGURE 1-2: ALTERNATIVE 2 PLAN**

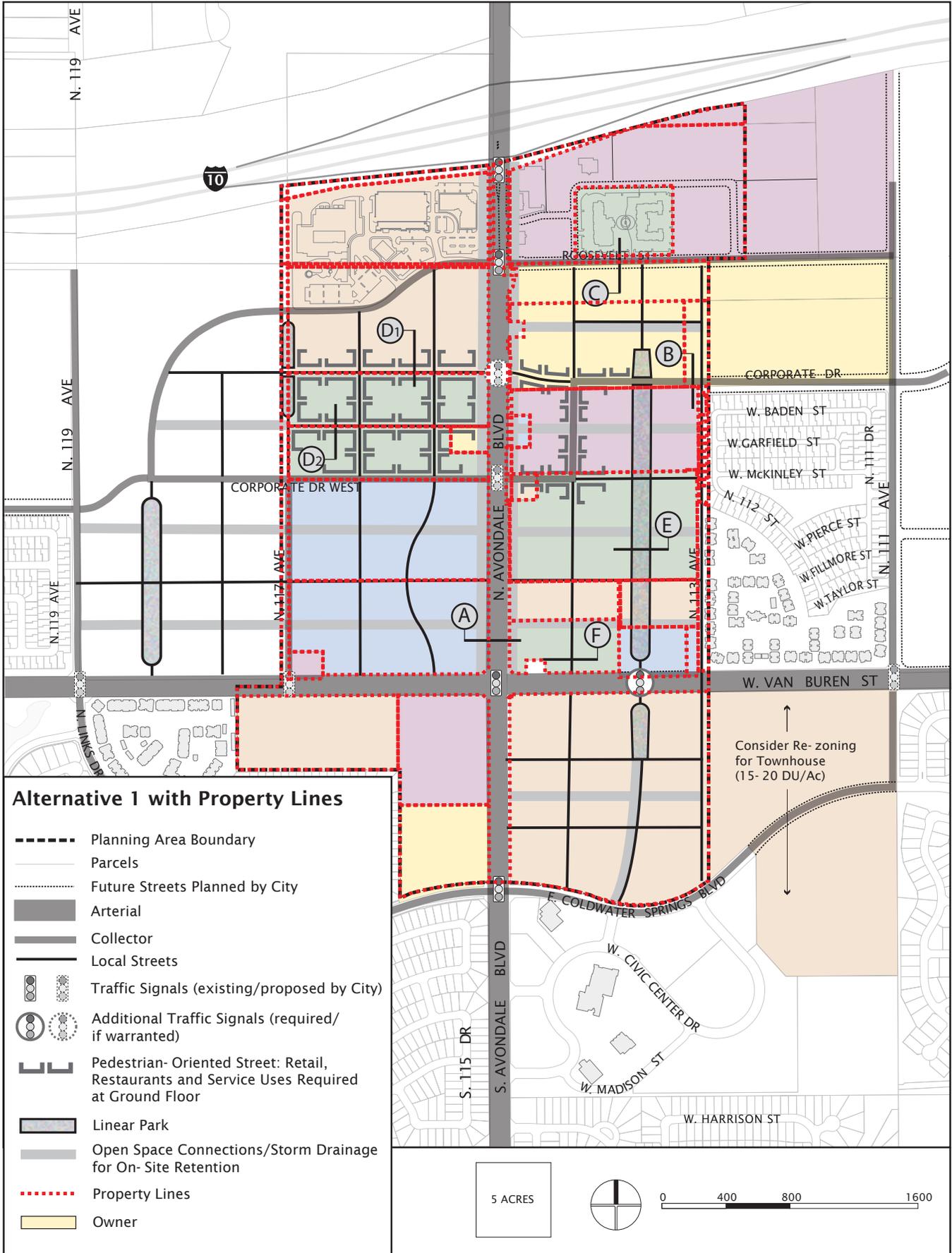


**TABLE I: PROPOSED ALTERNATIVES COMPARISON CHART**

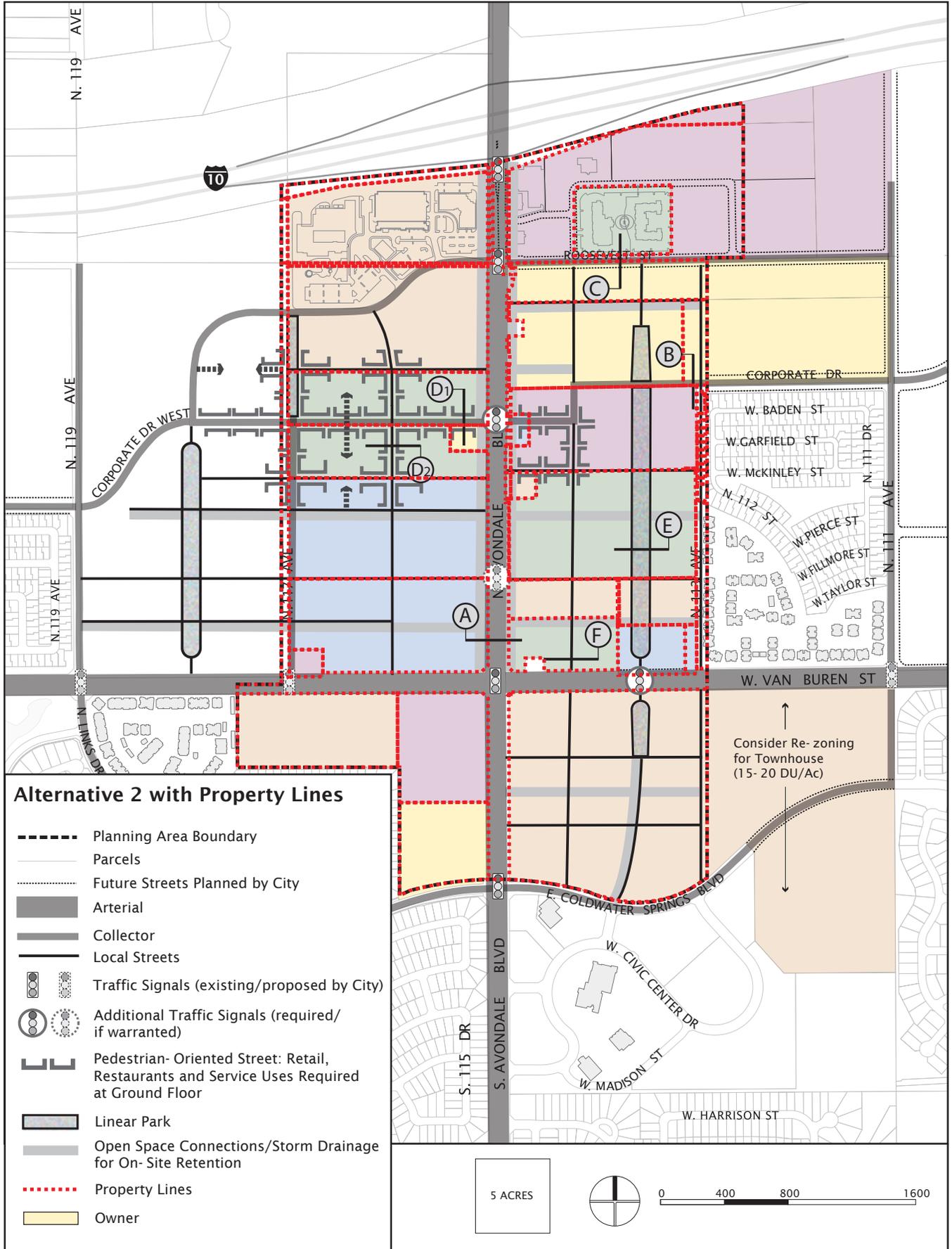
	<b>Alternative 1</b>	<b>Alternative 2</b>
<b>Differences</b>		
<b>Circulation</b>		
Corporate Drive, West of Avondale Boulevard	Corporate Drive West remains where the City initially planned it, along the McKinley alignment.	Corporate Drive West moves to the Center of the Byrd Enterprises site (between Baden and Garfield alignments).
Signals	The two new potential stoplights along Avondale Blvd are located at the Corporate Drive East and Corporate Drive West alignments.	The two new potential stoplights along Avondale Blvd are located at the Corporate Drive West and Fillmore alignments.
<b>Urban Design</b>		
Block layout and orientation: east-west	The blocks between Avondale Blvd and 119th Ave are 440 feet long (6 blocks total from east to west).	The blocks between Avondale Blvd and 119th Ave are 660 feet long (4 blocks total from east to west).
Block layout and orientation: north-south	The blocks between Corporate Drive West and Van Buren fall along existing property lines.	The blocks between Corporate Drive West and Van Buren fall along existing property lines. The only street that does not fall along an existing property line is the new street at the Pierce Street alignment.
Pedestrian districts	The pedestrian-oriented district is built along two axes: Corporate Drive West and a new street along the Corporate Drive East alignment. Expansion of the pedestrian-oriented district would occur to the north and west of the planned area.	The pedestrian-oriented district is built along a central axis (Corporate Drive West). Expansion of the pedestrian-oriented district would occur to the north of the planned area, and along Corporate Drive east of Avondale Boulevard.
Implications for parking structures	The narrower east-west block dimensions accommodate medium sized parking structures in the pedestrian-oriented area.	Accommodates larger district parking structures in the pedestrian-oriented area.
<b>Property Ownership</b>		
Empire: NWC Avondale Blvd and Van Buren	One east-west street and two north-south streets mirror private drives shown on pre-application proposal. Corporate Drive runs along the north property line.	Three east-west streets and one north-south street divide the property. A local street runs along the north property line.
Byrd Enterprises (Kohan): NWC McKinley alignment and Avondale Blvd	Block sizes in the pedestrian-oriented area are smaller than those shown in the pre-application proposal. A collector street - Corporate Drive West - runs along the south property line.	Block sizes, thru-streets, and the single east-west axis for the pedestrian area are consistent with pre-application proposal. Corporate Drive West bisects the property.
Devera: Exception to Byrd Enterprises on west side of Avondale Blvd	A local street runs along the north edge of property.	Corporate Drive West runs along the north edge of property.
East side of Avondale Blvd	Properties are divided into 440 ft blocks in the east-west direction. Corporate Drive crosses the whole north-south length of the Mortensen property. The O'Brien property abuts Corporate Drive.	Properties are divided into 440 ft blocks in the east-west direction. Corporate drive runs along part of the north-south length of the Mortensen property and crosses the Conaway property. The O'Brien property abuts a local street.

	<b>Alternative 1</b>	<b>Alternative 2</b>
<b>Similarities</b>		
Growth projections	Plan accommodates 500,000 SF new retail space, 1 to 2.5 million SF new office space, and 2,400 new dwelling units.	Plan accommodates 500,000 SF new retail space, 1 to 2.5 million SF new office space, and 2,400 new dwelling units.
Overall Circulation and Areawide Connections	Two east-west collector streets run through the study area between I-10 and Van Buren. One of these collectors - Corporate Drive - connects the City Center to the greater area to the east and west.	Two east-west collector streets run through the study area between I-10 and Van Buren. One of these collectors - Corporate Drive - connects the City Center to the greater area to the east and west.
Avondale Boulevard	Land art with open space connections/storm drainage runs along the length of Avondale Blvd.	Land art with open space connections/storm drainage runs along the length of Avondale Blvd.
Corporate Drive, East of Avondale Boulevard	The S-curve is converted to right angles along Center Street.	The S-curve is converted to right angles along Center Street.
Linear parks, open space and storm drainage	North-south oriented linear parks on both sides of Avondale Blvd, and along 117th Ave south of Roosevelt Drive.	North-south oriented linear parks on both sides of Avondale Blvd, and along 117th Ave south of Roosevelt Drive.

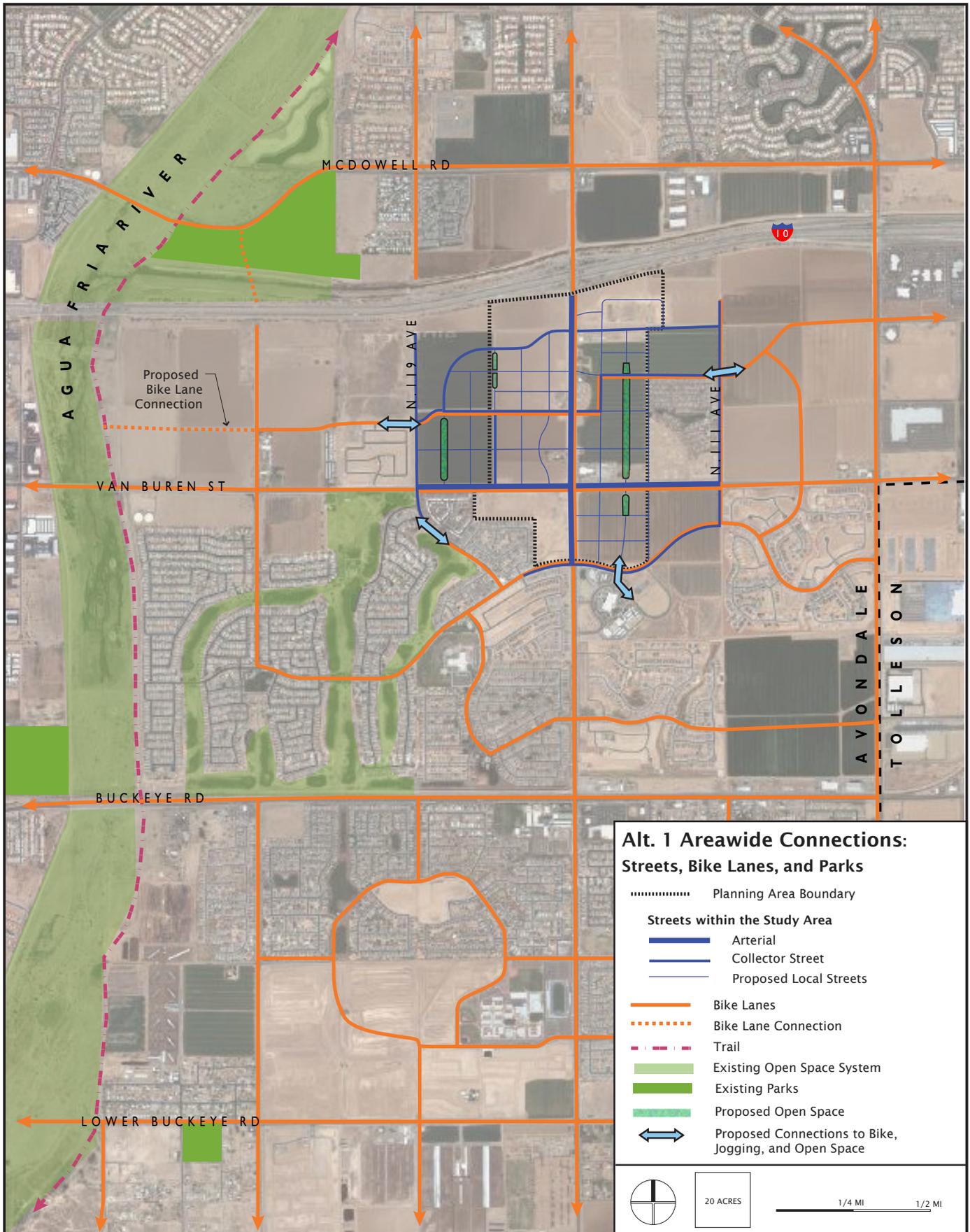
**FIGURE 1-3: ALTERNATIVE 1 WITH PROPERTY LINES**



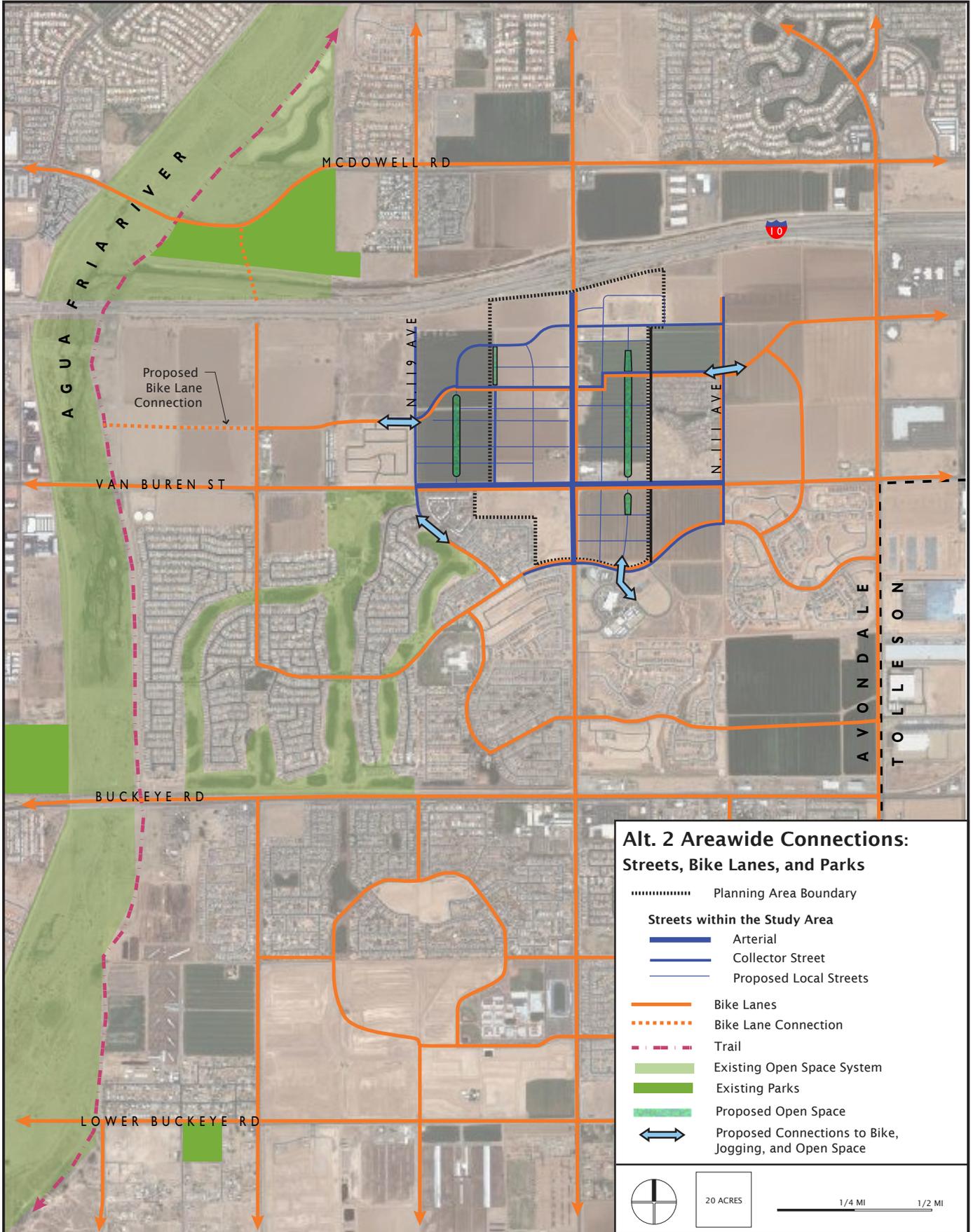
**FIGURE 1-4: ALTERNATIVE 2 WITH PROPERTY LINES**



**FIGURE 1-5: ALTERNATIVE 1 AREAWIDE CONNECTIONS**



**FIGURE 1-6: ALTERNATIVE 2 AREAWIDE CONNECTIONS**



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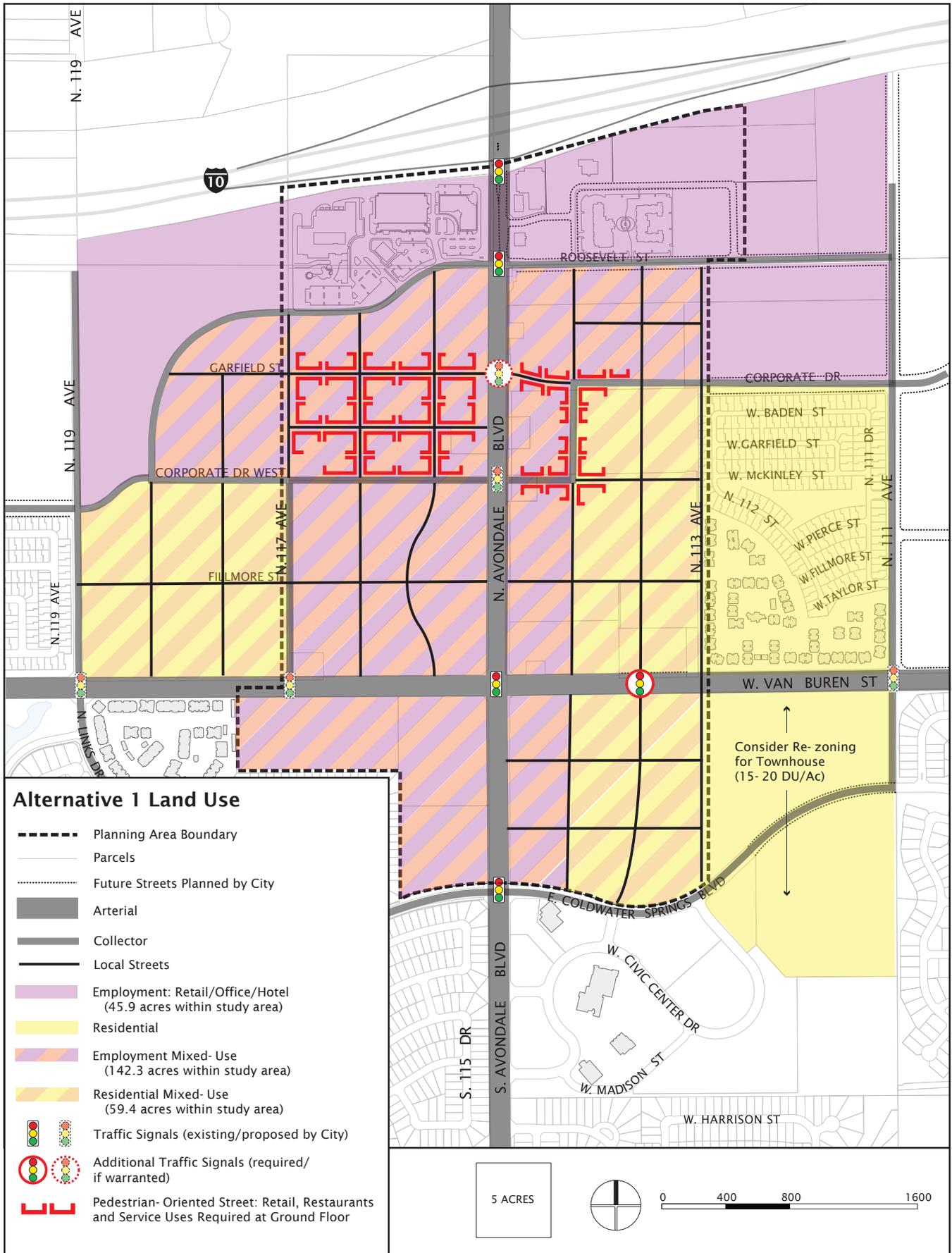
## 2 LAND USE AND OPEN SPACE

The land uses proposed by the two alternative plans are virtually identical, creating pedestrian-oriented mixed-use districts on both sides of Avondale Boulevard. In both alternatives, both sides of Avondale Boulevard south of Roosevelt Street are marked as Employment Mixed-Use. Together with the proposed street grids, this land use category encourages an active and varied urban center, with stacked uses and a variety of neighborhood amenities throughout. In order to ensure continued job creation for Avondale, properties would be required to include job-creating uses with any residential development.

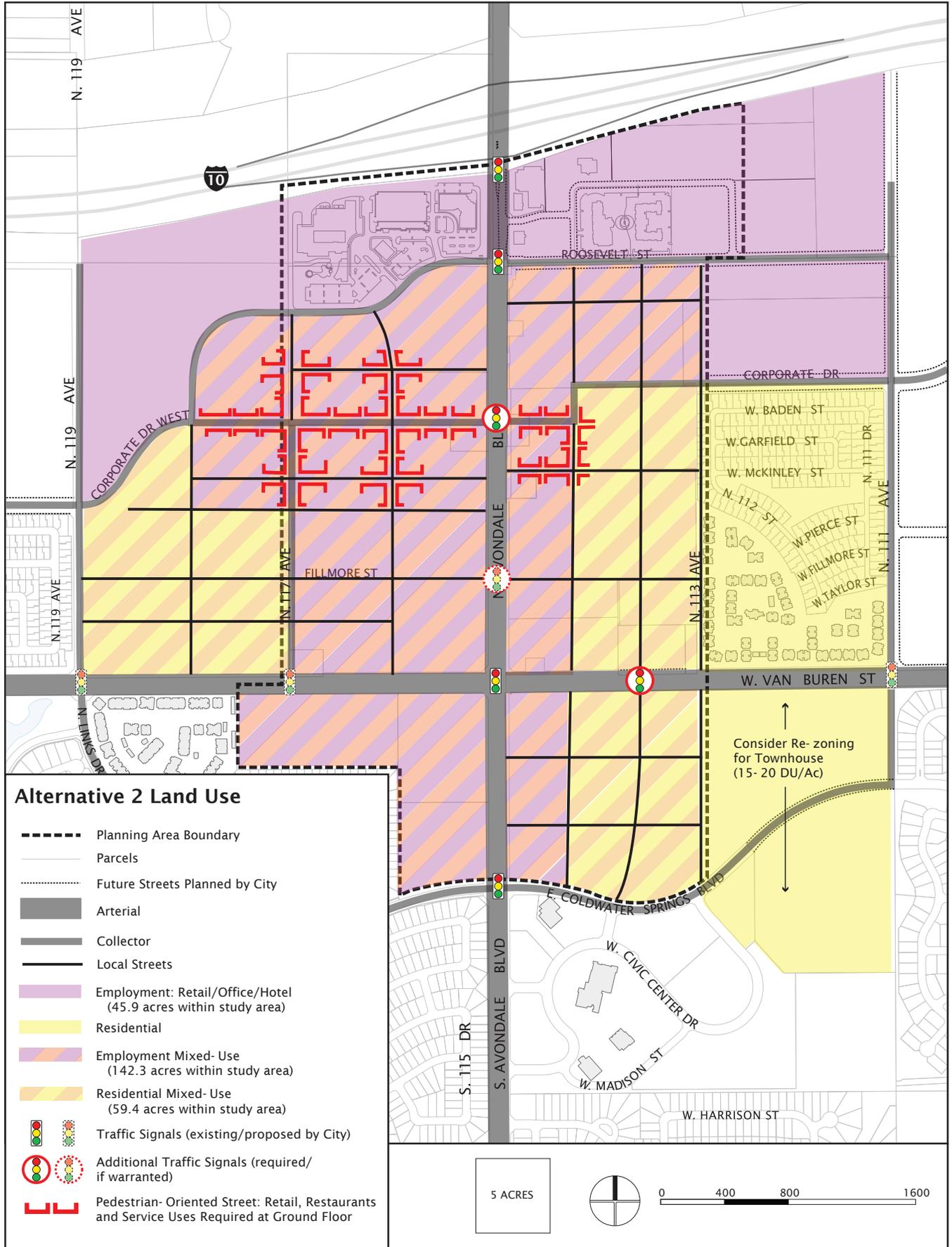
To the east and west of the Employment Mixed-Use areas, the two alternatives provide a buffer land use to the Residential uses beyond. In these Residential Mixed-Use areas, properties can be developed exclusively with residential uses, but retail and office uses are also permitted (and encouraged at the ground floor). The area south of I-10 to Roosevelt Street is reserved exclusively for employment uses, due to the proximity of freeway traffic. The table on page 14 details the differences among the four proposed land uses.

The open space diagrams that follow the land use diagrams show parks, landscaping and natural open space. The two plans share most of the same features. Both include a “land art” feature along Avondale Boulevard through the whole length of the study area. Both plans weave east-west linear storm drainage areas through the site – public areas that also serve as pedestrian paths to and from linear parks, neighborhoods, and pedestrian-oriented activities. Both alternatives provide linear parks that help give shape to new neighborhoods, and tree-lined streets that will lend shade and character to the streets.

**FIGURE 2-1: ALTERNATIVE 1 LAND USE**



**FIGURE 2-2: ALTERNATIVE 2 LAND USE**

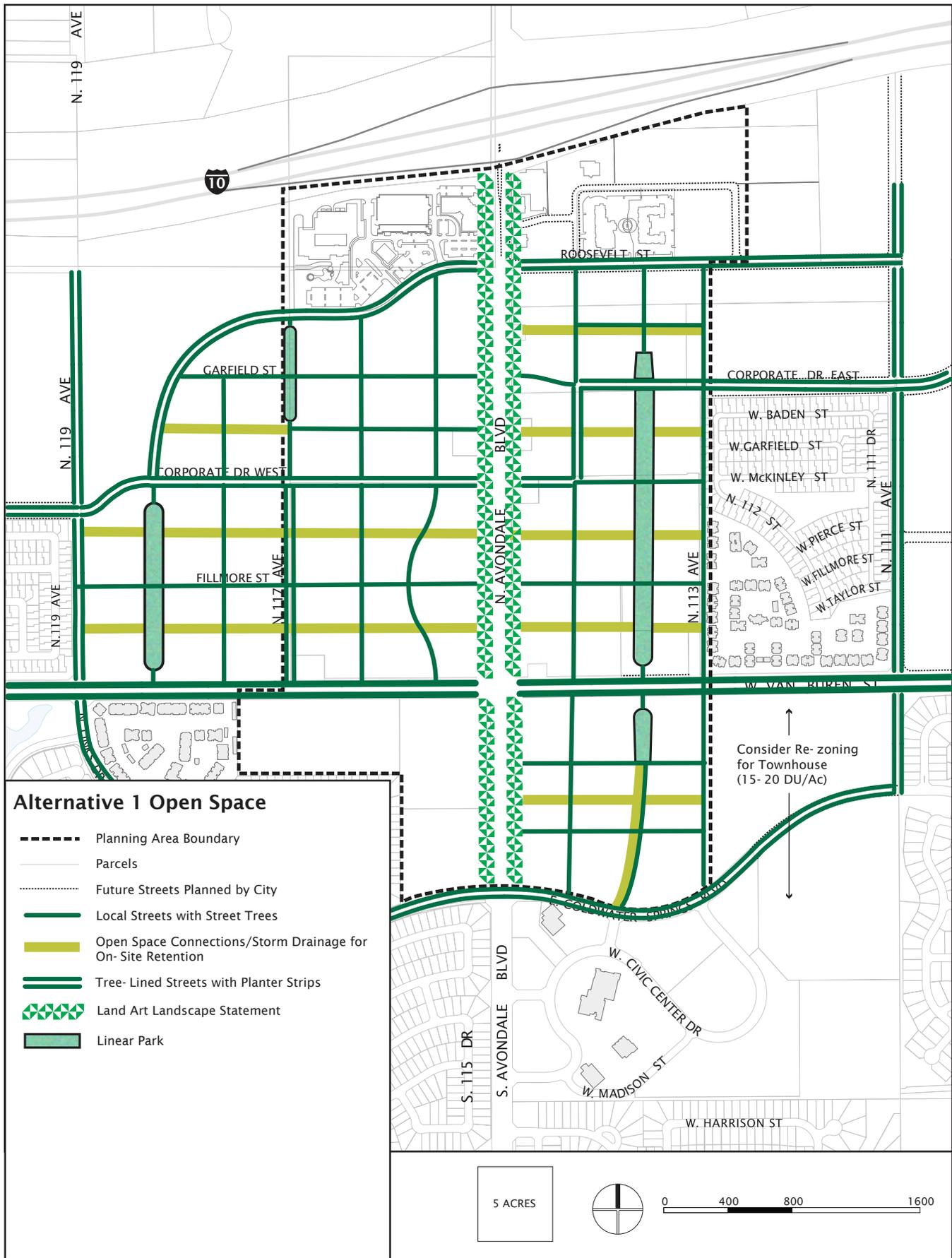


**TABLE 2: LAND USES AND DENSITIES**

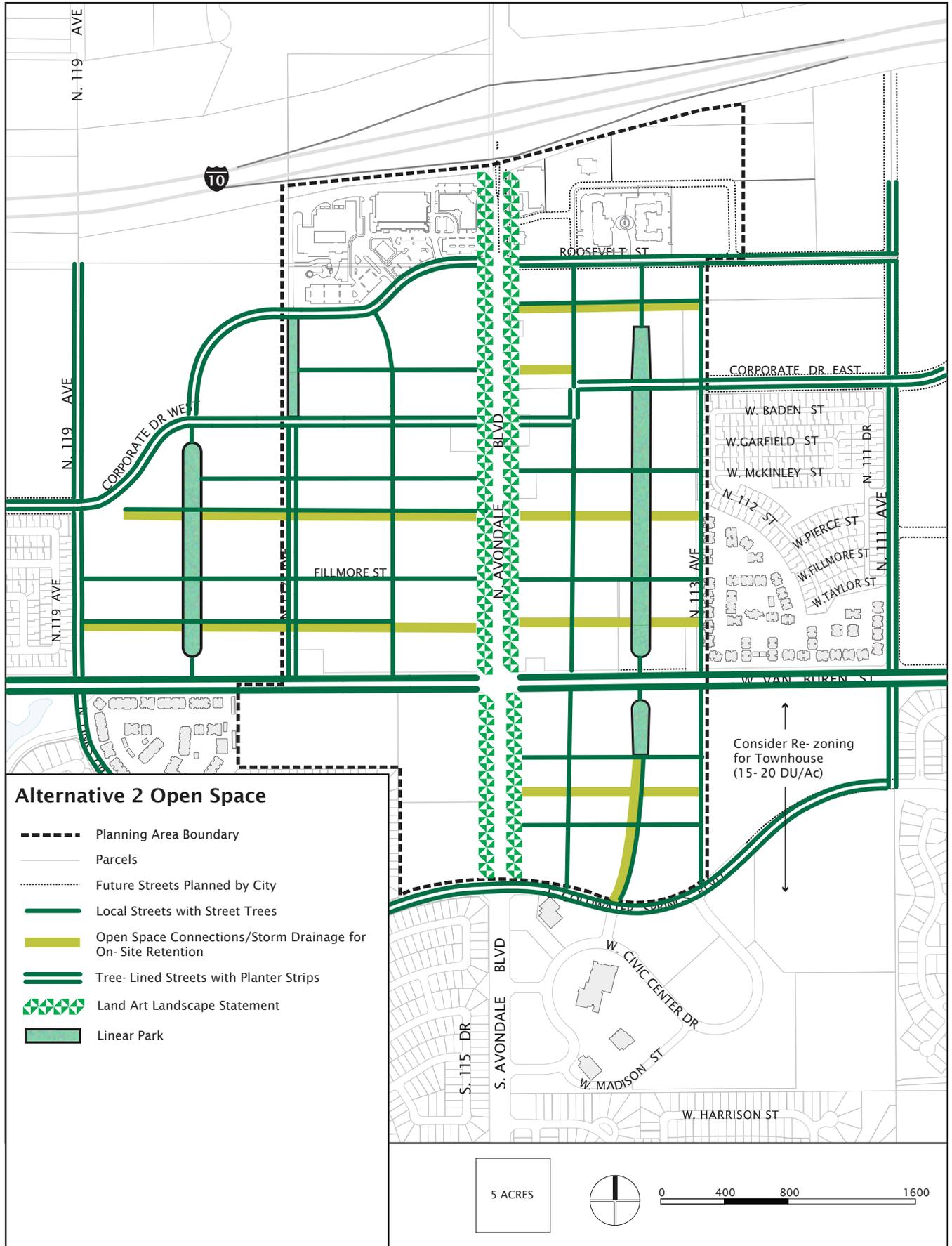
	<b>Employment</b>	<b>Employment Mixed-Use</b>	<b>Residential Mixed-Use</b>	<b>Residential, Townhouse Density</b>
<b>Land Uses</b>				
Office	Office	Office	Ground Floor Office & Small Office Buildings	
Hotel	Hotel	Hotel	Hotel	
Research & Development	Research & Development	Research & Development		
Retail, Restaurants & Services	Retail, Restaurants, & Services	Retail, Restaurants, & Services	Ground Floor Retail, Restaurants & Services	
Residential	Residential Not Permitted (due to freeway proximity)	Residential in a Mixed Use Project	Residential	Residential
Live/Work		Live/Work in a Mixed Use Project	Live/Work	Live/Work
Ground Floor Uses on Pedestrian Retail Streets		Retail, Restaurants, Personal Services, Banks, Health Clubs, Travel Agencies, Medical Offices, and other Active Pedestrian Uses	Retail, Restaurants, Personal Services, Banks, Health Clubs, Travel Agencies, Medical Offices, and other Active Pedestrian Uses	
<b>Density and Building Height</b>				
Minimum Density	.5 FAR	.75 FAR	15 Units Per Net Acre	15 Units Per Net Acre
Maximum Density	No Limit	No Limit	45 Units Per Net Acre	30 Units Per Net Acre
Building Height	2-10 Stories; up to 16 stories with City Council approval of a CUP	2-10 Stories; up to 16 stories with City Council approval of a CUP	2-5 Stories	2 - 3 Stories
	Minimum Average of Two Stories	Minimum Average of Two Stories		
Special Provisions for Mixed Use		Minimum 1 sq. ft. of employment use for every 2 square feet of residential. Development may be spread over multiple properties.		

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**FIGURE 2-3: ALTERNATIVE 1 OPEN SPACE**



**FIGURE 2-4: ALTERNATIVE 2 OPEN SPACE**



**Alternative 2 Open Space**

- Planning Area Boundary
- Parcels
- ..... Future Streets Planned by City
- Local Streets with Street Trees
- Open Space Connections/Storm Drainage for On-Site Retention
- Tree-Lined Streets with Planter Strips
- ▤ Land Art Landscape Statement
- ▭ Linear Park

Consider Re-zoning for Townhouse (15- 20 DU/Ac)

5 ACRES

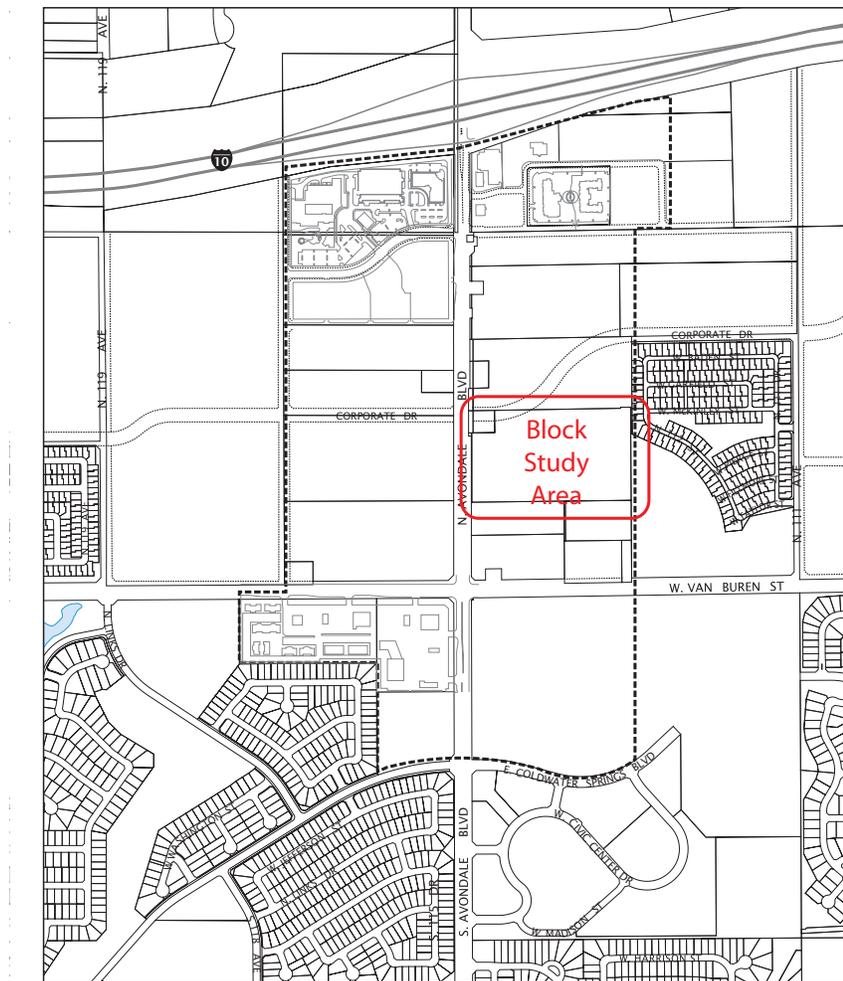


0 400 800 1600

# 3 BLOCK STUDIES

The following pages illustrate block studies performed by Field Paoli Architects, to test out development feasibility within the proposed block pattern. The blocks chosen for this detailed study are on the southeast corner of Avondale Boulevard and the McKinley alignment. The studies account for all the practical requirements for buildings and parking, including garage dimensions, access, and ventilation requirements; building dimensions that are appropriate for offices and residential units; light and ventilation for residential units; issues of land use adjacencies; open space and storm drainage requirements; building setbacks; and pedestrian circulation throughout the new development.

Although these particular designs are shown on three specific blocks, the principles they employ and the problems they resolve are applicable throughout the study area. The drawing on page 20 illustrates the same design principles applied through the entire east side, and the typical building sections diagrammed on page 21 illustrate different possible configurations of parking and floor area that may be employed across the long and short dimensions of the blocks.



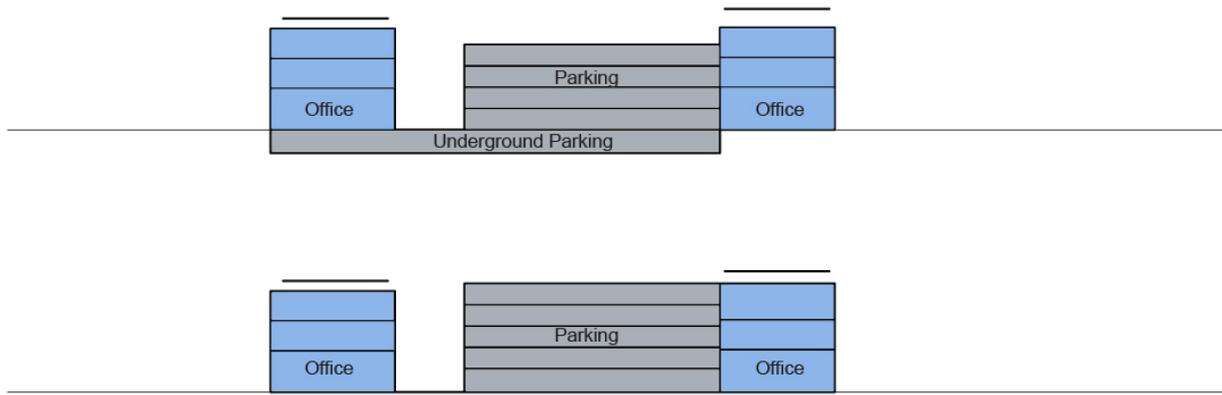
**FIGURE 3-1: BLOCK STUDIES**



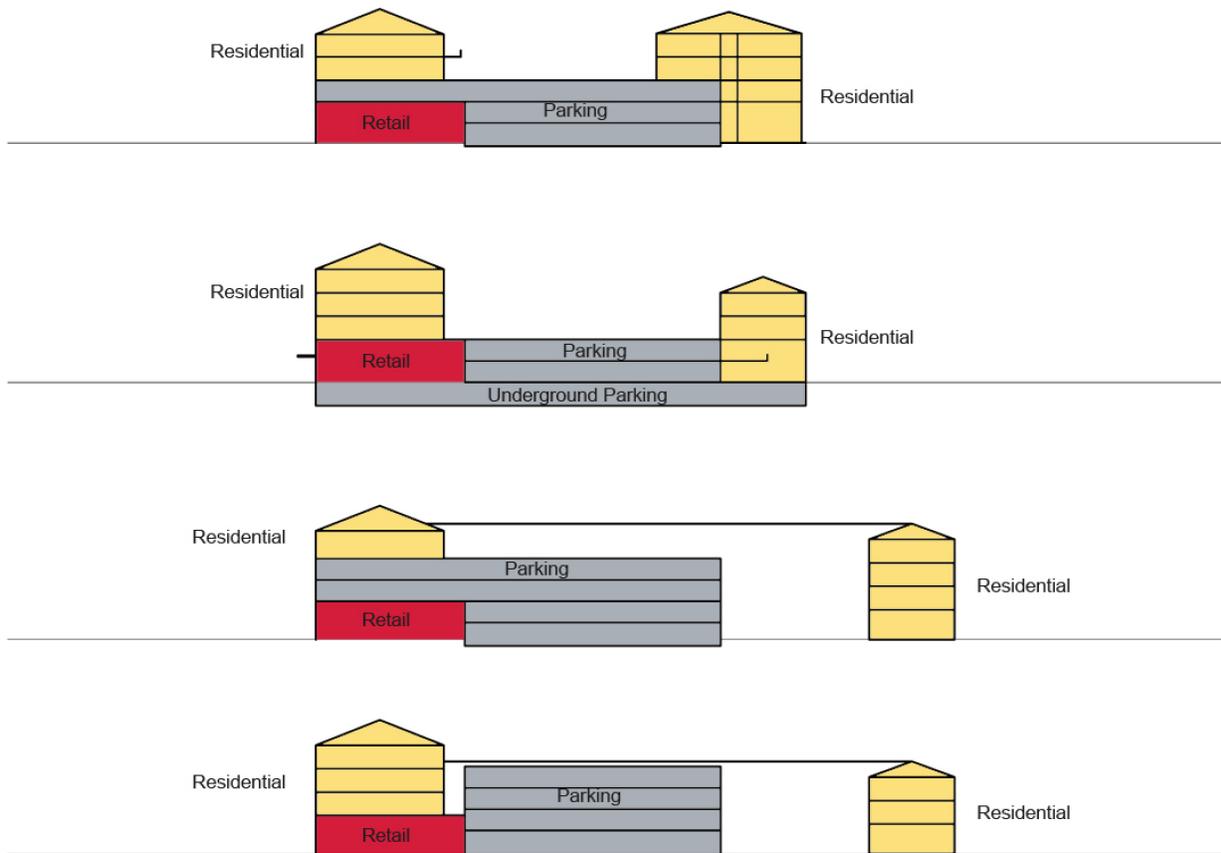
**FIGURE 3-2: EAST SIDE ILLUSTRATIVE**



**FIGURE 3-3: BUILDING SECTIONS**



Office Sections, East of Avondale Boulevard



Typical Sections, East of Avondale Boulevard

## 4 LANDSCAPE ELEMENTS

The population and job growth that the Avondale City Center anticipates will create a significant demand for parks, open space, and comfortable pedestrian connections. The development that accommodates these residents and jobs will correspondingly create a significant demand for stormwater retention and drainage. Presented next are design solutions that integrate parks, streetscape beautification, identity-makers, climate-sensitivity, and stormwater retention strategies. The designs apply to both alternatives plans.

As illustrated in the bird's-eye sketch and street section options, the Avondale Boulevard setback will take on a number of forms, presenting a continuously changing face along the length of the study area. The changing condition, which offers stormwater retention, shady walkways, and interesting landscape streetscape elements, will form the lush "land art" concept presented earlier to City Council. The Avondale street sections show different options for the 30' setback (to a building) and the 40' setback (to parking), as currently required by the Freeway Corridor Specific Plan.

Additionally, both alternatives call for linear parks and linear open space connections that also serve for storm drainage and on-site retention areas. The plans and sections for these elements show how these necessary open spaces can become opportunities to create unique pedestrian corridors with various amenities such as street furniture, gardens, and a lush palette of tree species.

**FIGURE 4-1: AVONDALE CITY CENTER MASTER PLAN PLANT CHARACTER**



Blue Palo Verde



Mesquite



Ironwood



Evergreen elm



Ash



Chinese pistache

Natural Open Space

Linear Park



Date Palm



Aleppo Pine



Evergreen elm



Blue Palo Verde



Sissoo



Chilean Mesquite



Dalbergia sissoo



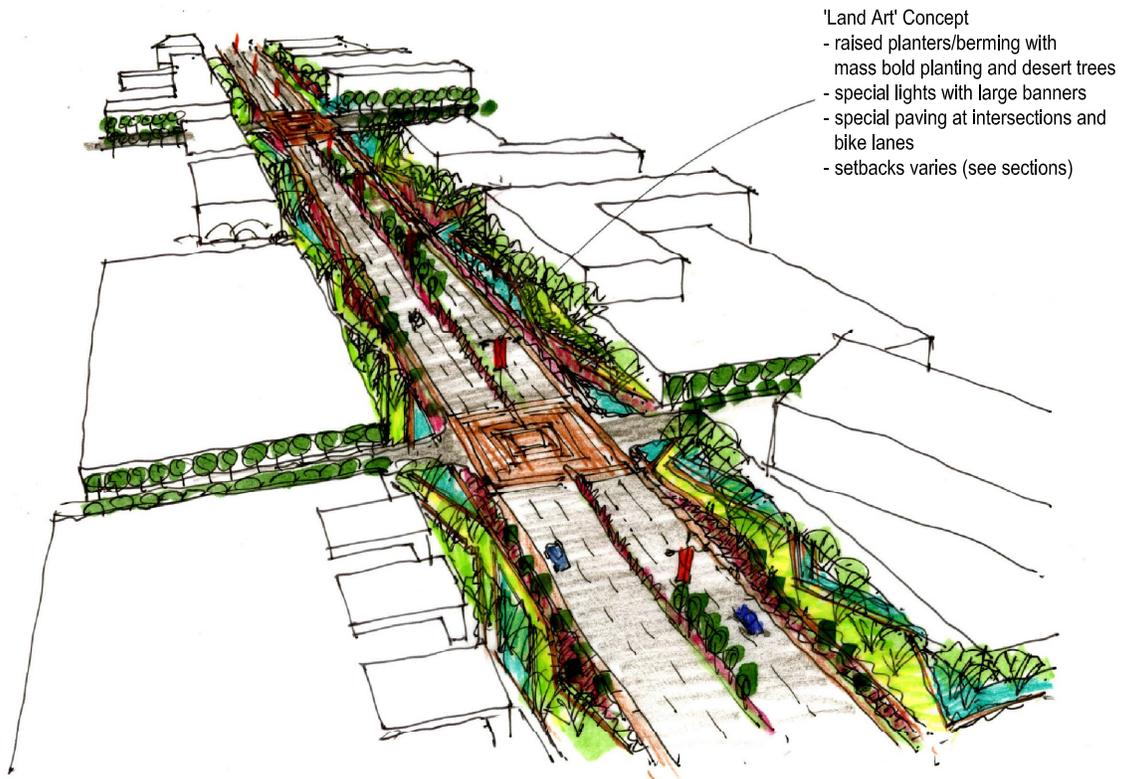
Acacia aneura 'Mulga'

Avondale Boulevard

Retail Street

avondale city center  
master plan  
plant character  
july 3, 2007

## FIGURE 4-2: AVONDALE BOULEVARD - BIRD'S EYE PERSPECTIVE



- 'Land Art' Concept
- raised planters/berming with mass bold planting and desert trees
  - special lights with large banners
  - special paving at intersections and bike lanes
  - setbacks varies (see sections)

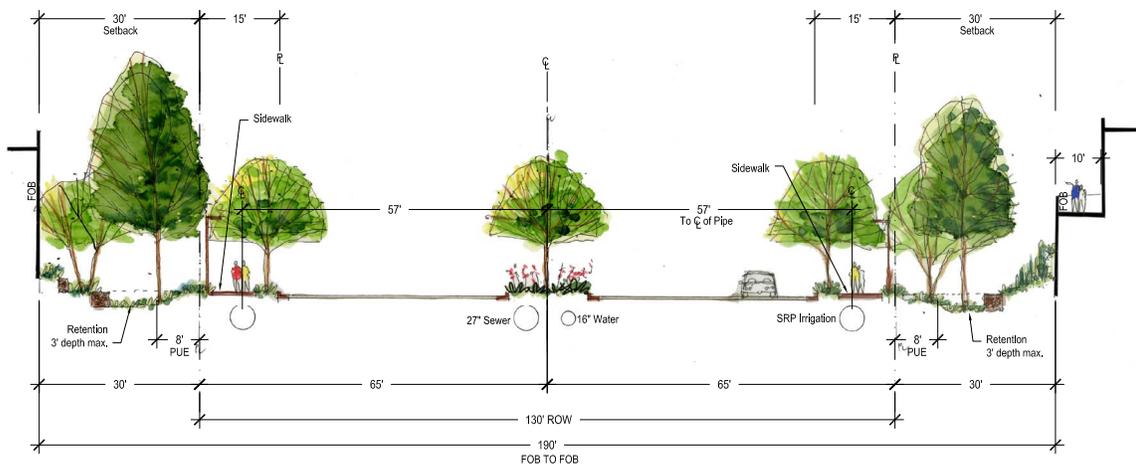
Avondale Boulevard - Landscaping, Sidewalk and Storm Water Retention  
Bird's Eye Perspective

Ten Eyck

## FIGURE 4-3: AVONDALE BOULEVARD - OPTION A

Building Facing Avondale Boulevard  
30' Setback

Building Facing Avondale Boulevard  
30' Setback



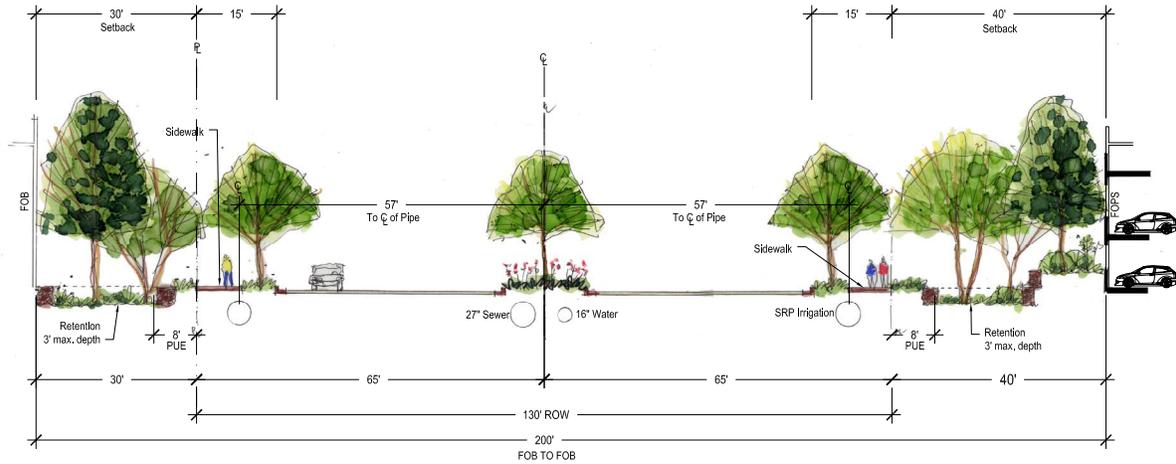
Avondale Boulevard - Landscaping, Sidewalks and Storm Water Retention  
Option A

SCALE: 1/8" = 1'-0"

**FIGURE 4-4: AVONDALE BOULEVARD - OPTION B**

Building Facing Avondale Boulevard  
30' Setback

Parking Facing Avondale Boulevard  
40' Setback



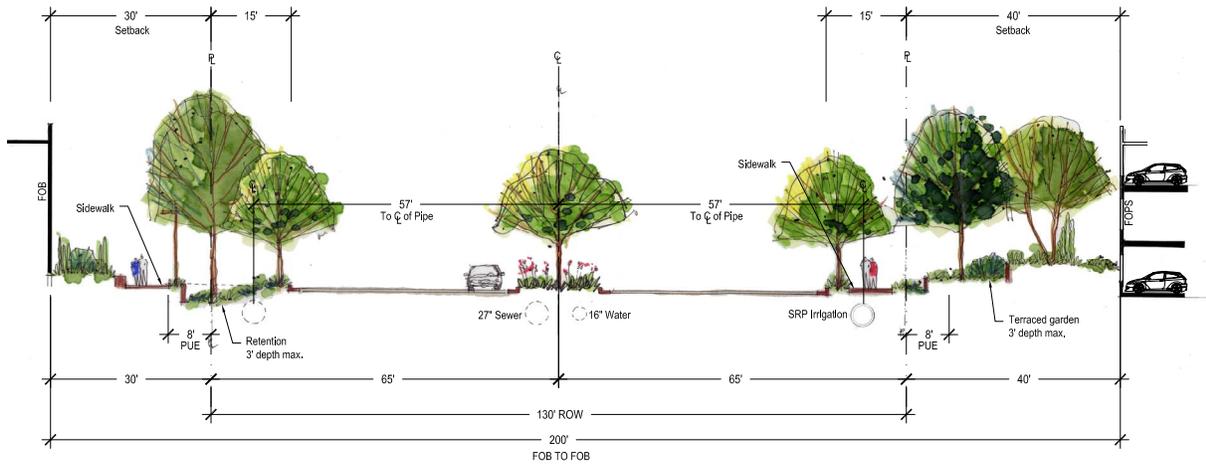
Avondale Boulevard - Landscapnig, Sidewalk and Storm Water Retention  
Option B



**FIGURE 4-5: AVONDALE BOULEVARD - OPTION C**

Building Facing Avondale Boulevard  
30' Setback

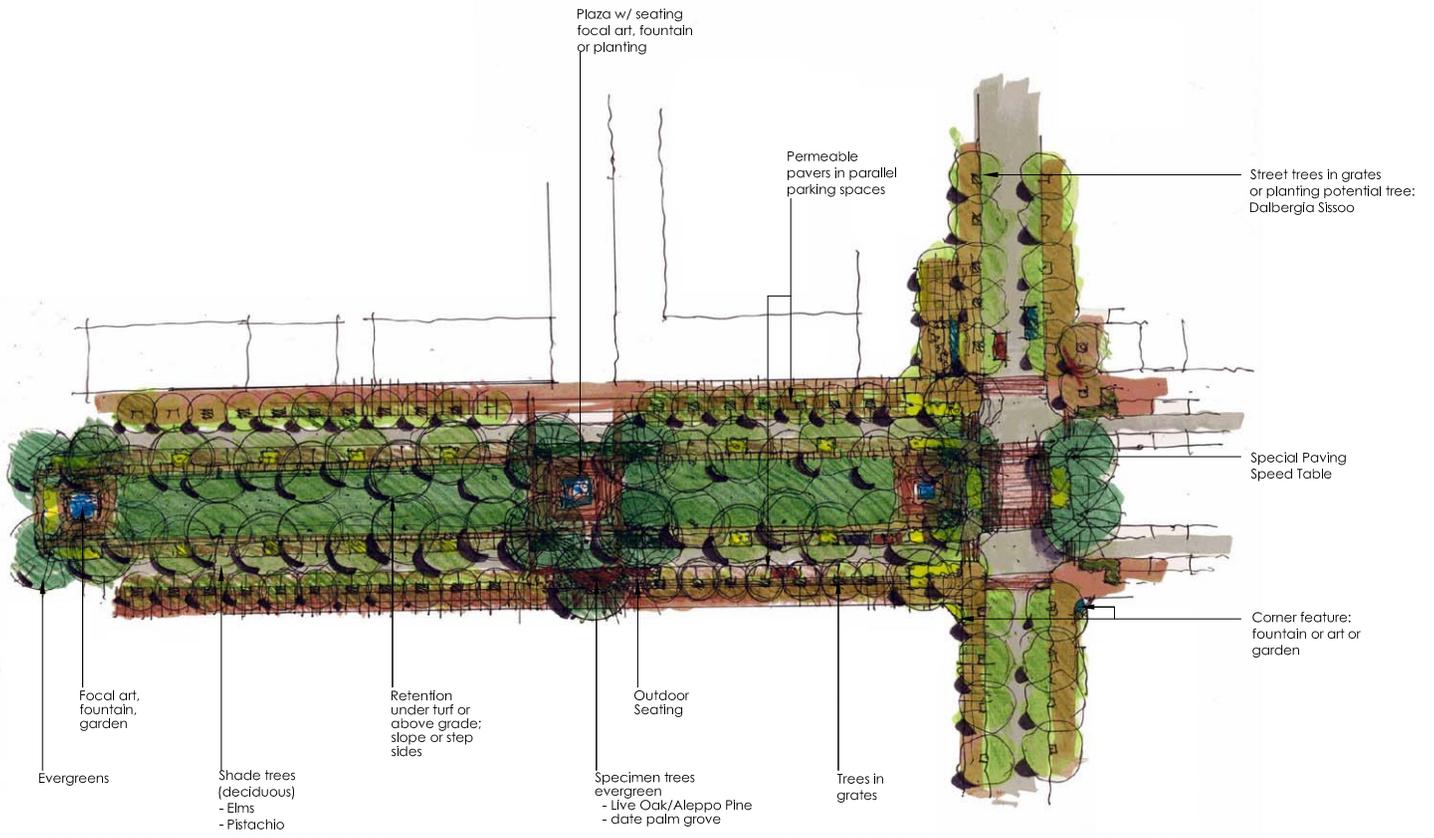
Parking Facing Avondale Boulevard  
40' Setback



Avondale Boulevard - Landscapnig, Sidewalk and Storm Water Retention  
Option C



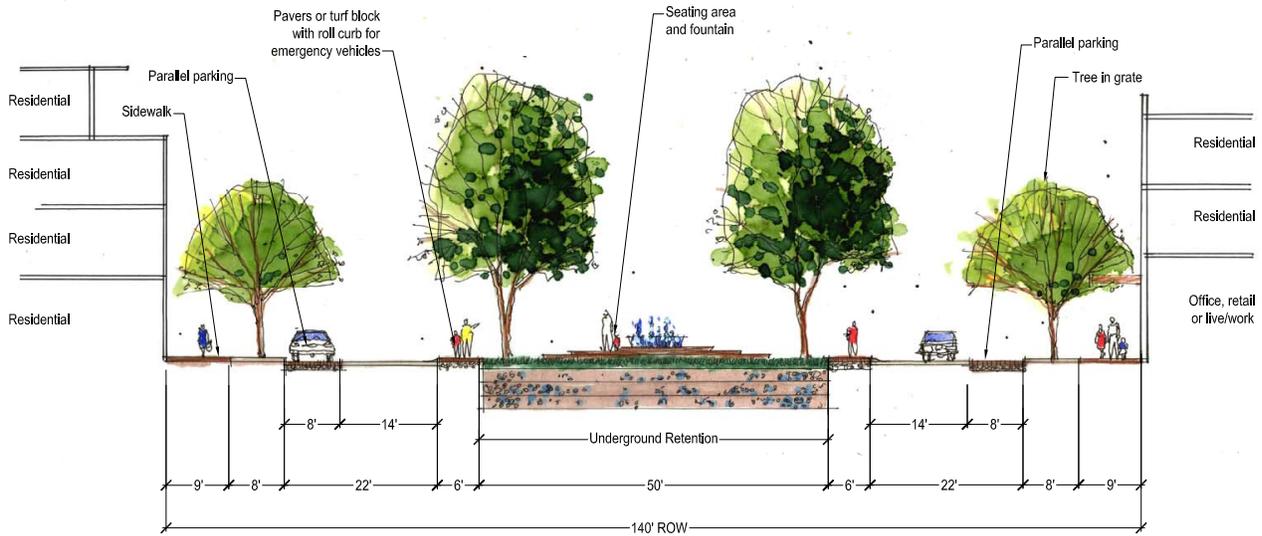
**FIGURE 4-6: LINEAR PARK PLAN**



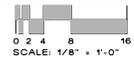
Linear Park Plan



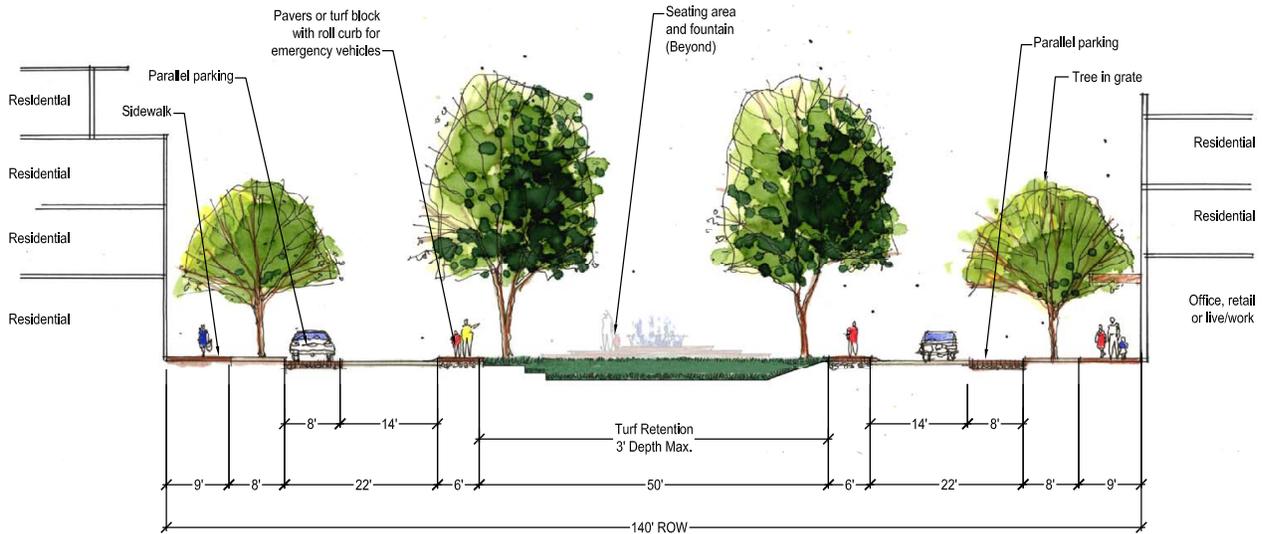
**FIGURE 4-7: LINEAR PARK SECTION 1**



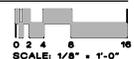
Linear Park Section



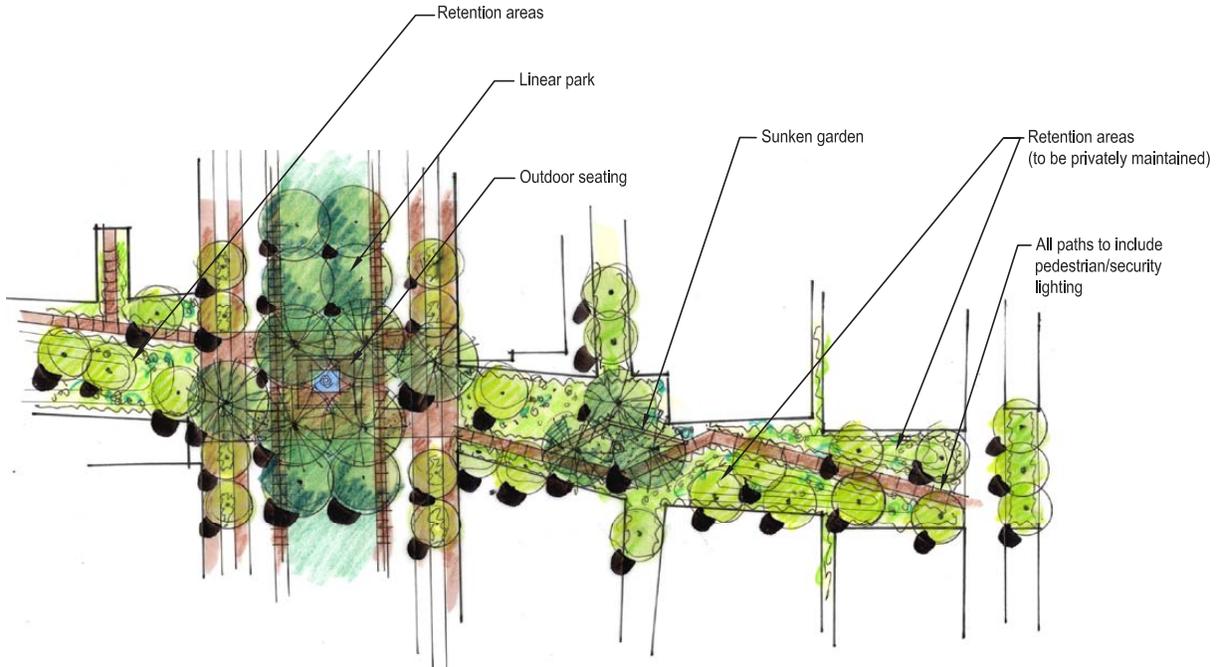
**FIGURE 4-8: LINEAR PARK SECTION 2**



Linear Park Section



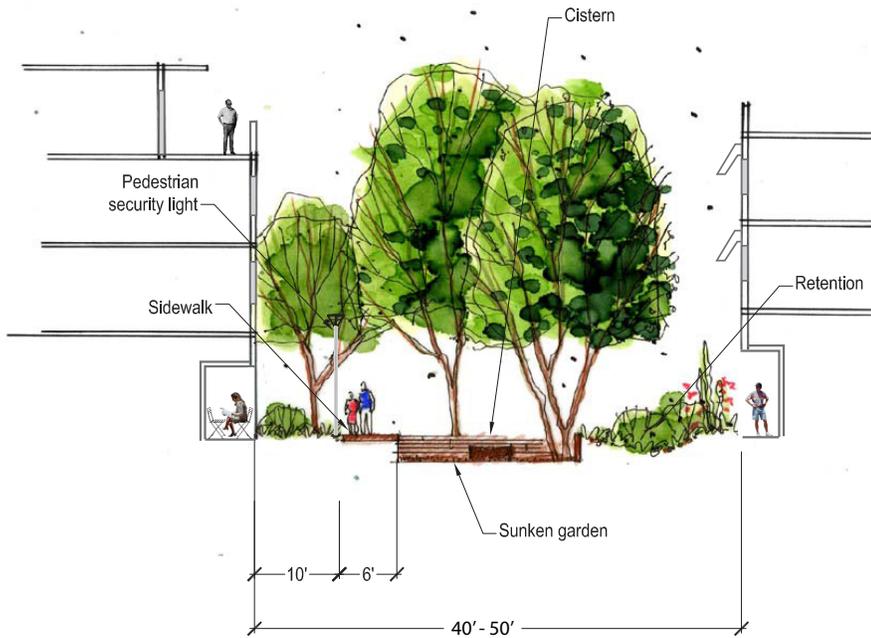
**FIGURE 4-9: NATURAL RETENTION AREA PLAN**



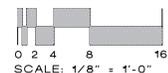
Natural Retention Area Plan



**FIGURE 4-10: RETENTION SECTION**



Retention Section



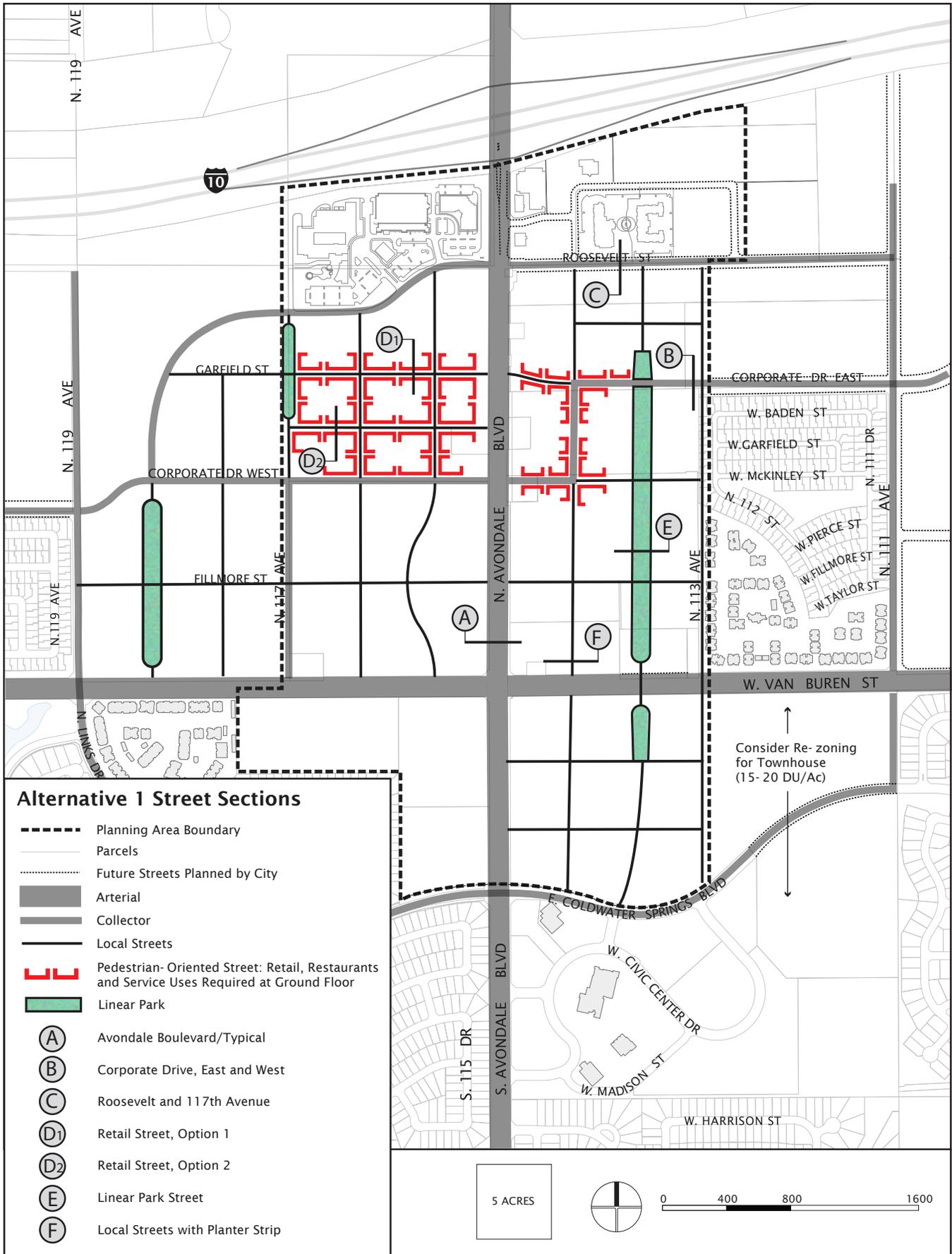
# 5 STREET SECTIONS AND DEVELOPMENT STANDARDS

The street sections on pages 32-34 correspond to the section symbols indicated on the following plan drawings. Unique street designs are proposed to achieve the special pedestrian-oriented character of the City Center area. The streets are generally narrower than the standard City street sections, but are consistent with those in modern urban areas. These sections are preliminary and the consultant team will continue to work with the City's traffic engineers and fire officials to determine the most appropriate standard to meet the City objectives.

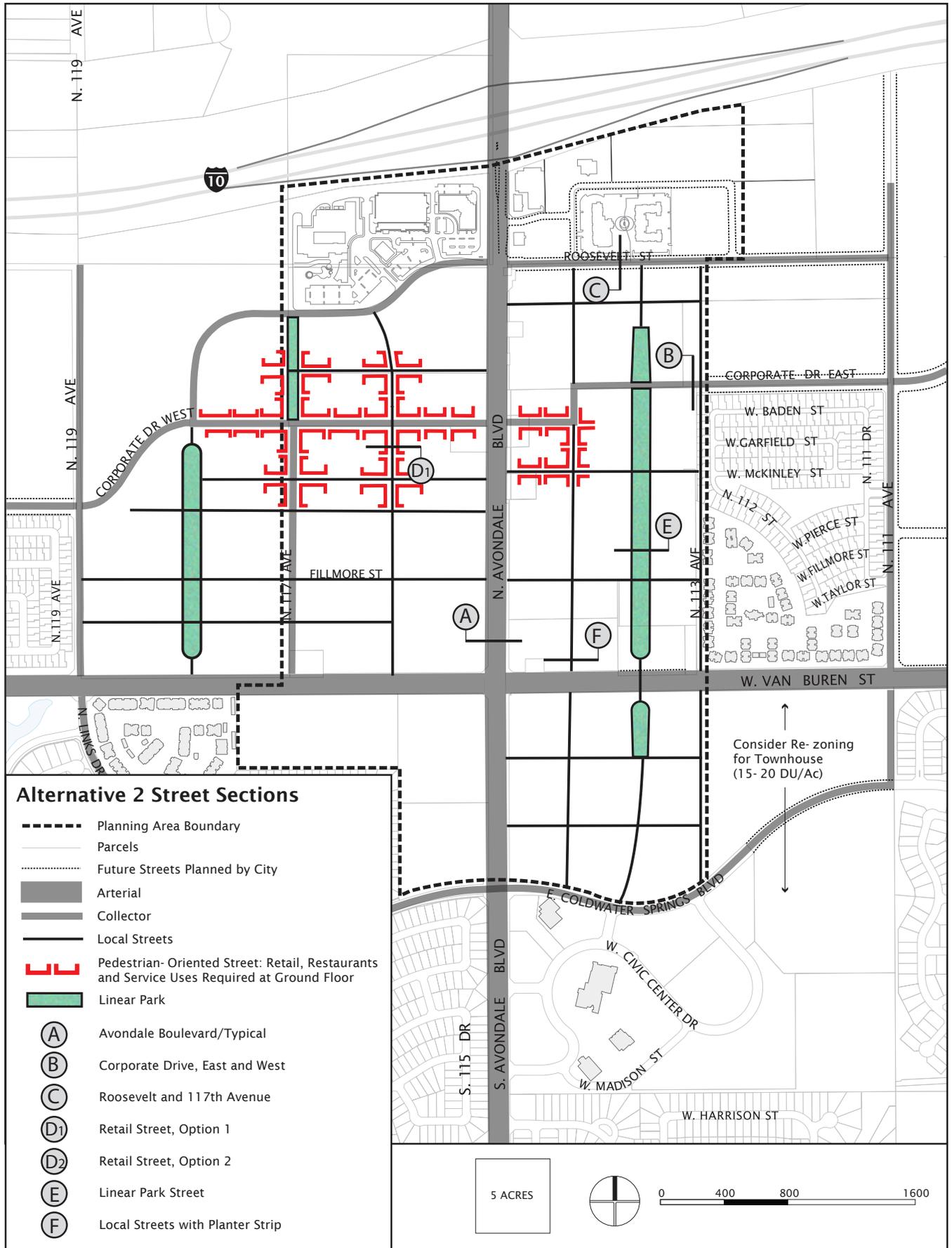
All streets are designed to have shaded, comfortable sidewalks. To achieve adequate shade, double rows of trees should be planted with sidewalks between, or and overhangs should be permitted to encroach into the right-of-way. For retail street sections, the team proposes that setback requirements be reduced or eliminated and street parking installed, in an effort to create the pedestrian strolling and shopping experience.

Like the street sections, the Development Standards for the four proposed land uses (pages 36-37) are designed to encourage a vibrant urban destination that will support a variety of activities. Minimum densities are included to encourage an intensity of development that creates a lively City Center, and is commensurate with the level of investment the City has made in Avondale Boulevard and infrastructure. Maximum block dimensions, parking requirement reductions, requirements to hide parking, maximum surface parking areas, and minimum landscaping and open space requirements provide the regulatory framework to achieve the City's vision for the City Center. Likewise, limits on setbacks, ground floor transparency and façade articulation requirements encourage buildings that will help achieve the City's unique vision.

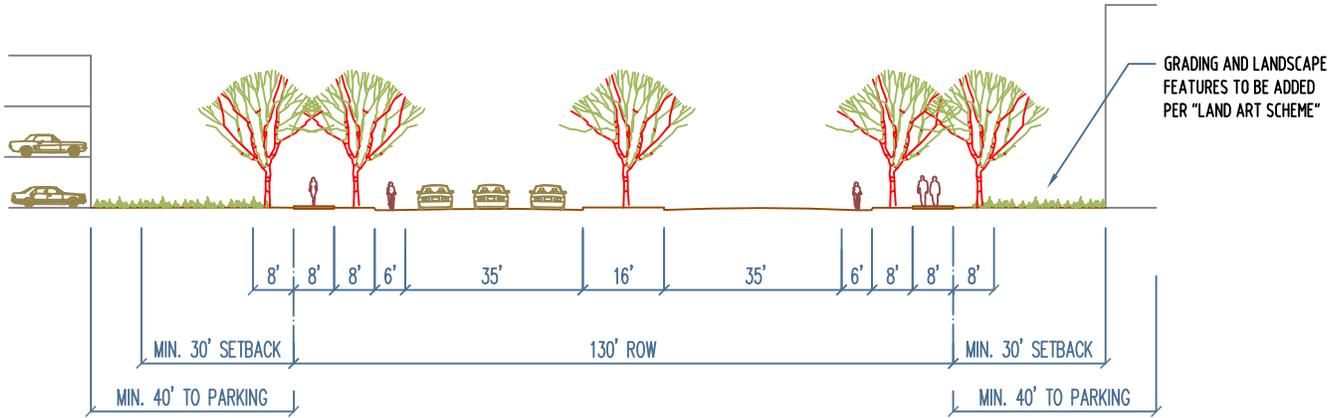
**FIGURE 5-1: ALTERNATIVE 2 - STREET SECTIONS**



**FIGURE 5-2: ALTERNATIVE 2 - STREET SECTIONS**

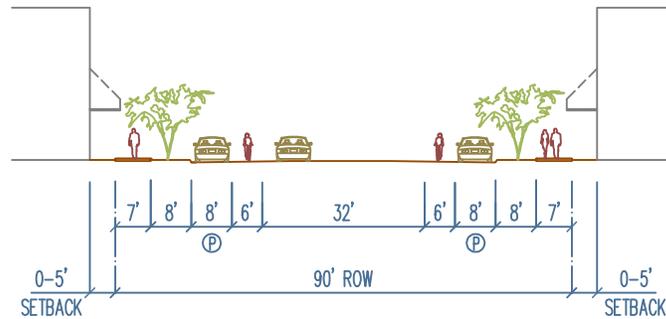


**FIGURE 5-3: STREET SECTIONS**



**A**

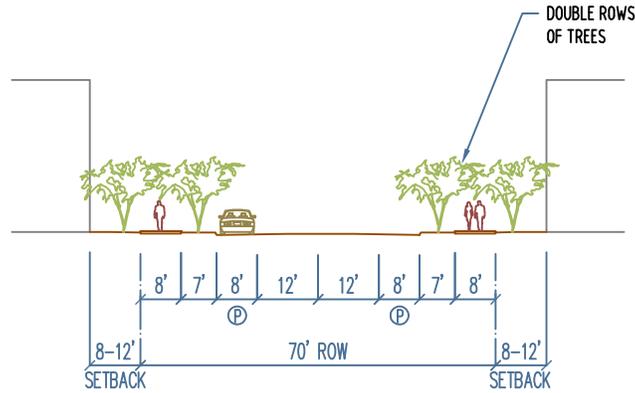
**Avondale Boulevard/Typical**



**B**

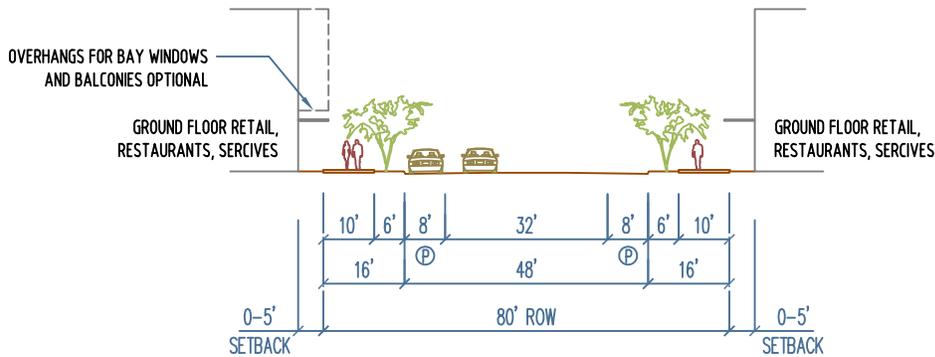
**Corporate Drive,  
East and West**  
(For segments near Avondale Blvd,  
turn pockets will be added.)

**FIGURE 5-3: STREET SECTIONS**



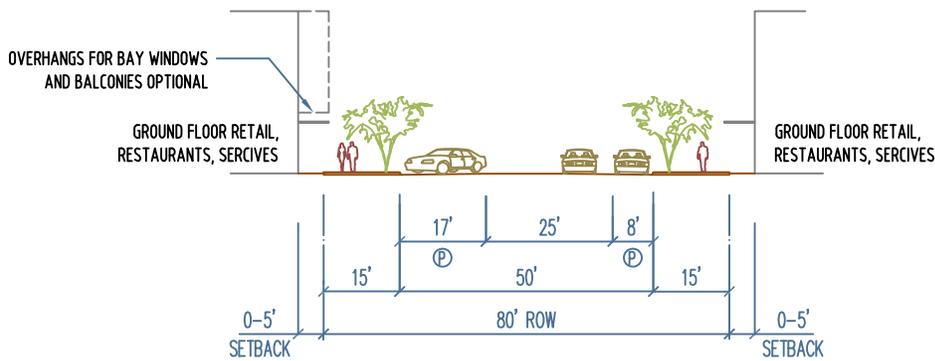
**C**

**Roosevelt Street and 117th Avenue  
(May need to add two-way left turn lane.)**



**D1**

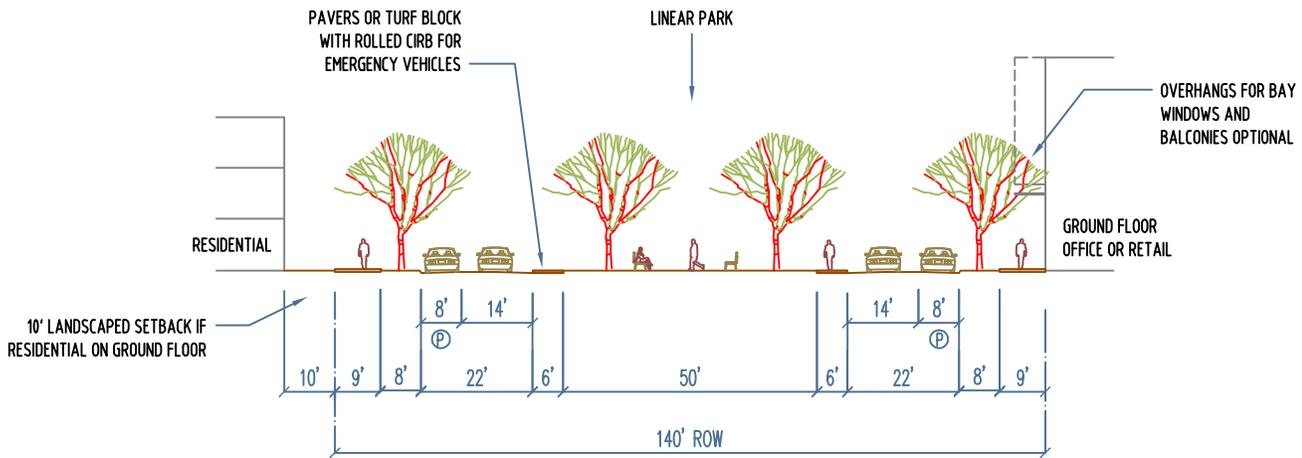
**Retail Street  
Option 1**



**D2**

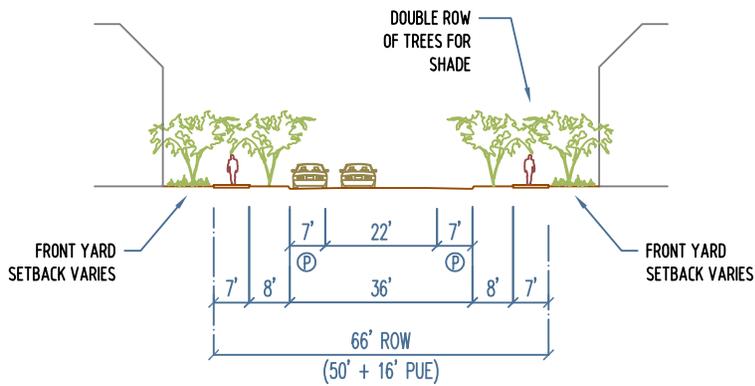
**Retail Street  
Option 2**

**FIGURE 5-3: STREET SECTIONS**



**E**

**Linear Park Streets**



**F**

**Local Streets with Planter Strip  
(typically residential)**

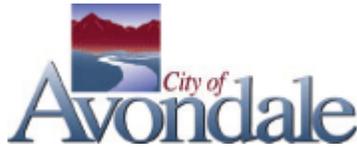
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**TABLE 3: PROPOSED DEVELOPMENT STANDARDS**

	<b>Employment</b>	<b>Employment Mixed-Use</b>	<b>Residential Mixed-Use</b>	<b>Residential, Town-house Density</b>
<b>Block Standards and Land Dedication Requirements</b>				
Maximum Block Dimension		400 feet; 600 feet with a mid-block pedestrian way	400 feet; 500 feet with a mid-block pedestrian way	400 feet; 500 feet with a mid-block pedestrian way
Public Streets	Locations Established by Specific Plan	Locations Established by Specific Plan	Locations Established by Specific Plan	Locations Established by Specific Plan
	Land Dedication Required	Land Dedication Required	Land Dedication Required	Land Dedication Required
Parks		Locations Established by Specific Plan	Locations Established by Specific Plan	Locations Established by Specific Plan
		Land Dedication Required	Land Dedication Required	Land Dedication Required
Storm Drainage		Approximate Locations established by Specific Plan. Minimum average 50 foot width. Must connect to adjacent properties to create continuous pedestrian pathways. Natural Landscape Character.	Approximate Locations established by Specific Plan. Minimum average 50 foot width. Must connect to adjacent properties to create continuous pedestrian pathways. Natural Landscape Character.	Approximate Locations established by Specific Plan. Minimum average 50 foot width. Must connect to adjacent properties to create continuous pedestrian pathways. Natural Landscape Character.
<b>Parking</b>				
Off-street parking for commercial uses	20% reduction from standard requirements due to internal trip capture, transit, and carpool access and on-street parking counts towards parking requirements			
Parking for residential uses	20% reduction from standard requirement; and on-street parking counts towards parking requirements.			
Maximum Parking	100% of Parking Requirements			
Bicycle Parking	5% of Total Required Parking - secure and weather protected, also secure short-term bike parking. Provide showers in commercial buildings over 50,000 sq. ft.			
Parking Structures and Lots -Location	Parking must be located so that it is not visible from streets. At least 60% of the perimeter facing streets or parks shall be wrapped with habitable space.			
	Exceptions may be allowed with design review; if the design quality of the garage exterior is equivalent to habitable space.			
Garages attached to Indiv. Resid. Units	Maximum 50% of Ground Level Frontage Facing the Street			
Parking Access and Curb Cuts	Maximum One Curb Cut per Lot or per Street Frontage			
Preferential Parking for Carpools	Required - Minimum 1% of Parking Spaces			
Tandem Parking	Tandem Parking Permitted for up to 75% of Residential Units			
Open Surface Parking	Maximum 40% of Site Area	Maximum 20% of Site Area	Maximum 20% of Site Area	Maximum 30% of Site Area
<b>Landscaping and Open Space</b>				
Minimum Site Landscaping	20% of Site Area	10% of Site Area	20% of Site Area for non-residential	20% of Site Area
Minimum on-site open space per unit		75 sf per residential unit	100 sf per residential unit	125 sf per residential unit
		Common and Private Open Space	Common and Private Open Space	Common and Private Open Space

**TABLE 3: PROPOSED DEVELOPMENT STANDARDS**

	<b>Employment</b>	<b>Employment Mixed-Use</b>	<b>Residential Mixed-Use</b>	<b>Residential, Town-house Density</b>
<b>Building Form and Site Design</b>				
Building Height	2-10 Stories; up to 16 stories with City Council approval of a CUP	2-10 Stories; up to 16 stories with City Council approval of a CUP	2-5 stories	2-3 stories
Setback on Avondale Boulevard	30 ft - Buildings; 40 ft - Parking	30 ft - Buildings; 40 ft - Parking	30 ft - Buildings; 40 ft - Parking	30 ft - Buildings; 40 ft - Parking
Setbacks on Pedestrian Retail Streets	0-5 feet	0-5 feet	0-5 feet	0-5 feet
Setbacks - Residential Ground Floor		8-15 feet; minimum 12 ft. average	8-15 feet; minimum 12 ft. average	8-15 feet; minimum 12 ft. average
Rear Setbacks	10, 20 feet next to residential zone	10, 20 feet next to residential zone	20'; greater if next to lower density residential	20, 25 for 3 story buildings adjacent to lower density residential zone
	40 for 5-6 story portions, 60 for 6 story portions next to residential	40 for 5-6 story portions, 60 for 6 story portions next to residential		
Side Setbacks	0; 10' if next to residential	0, 10 feet if next to residential zone	5 ft, 10 feet if over 3 stories	5 ft, 10 feet if over 3 stories
		20 feet for 5+ stories next to residential	Attached Townhouses Permitted	Attached Townhouses Permitted
Building to Building Separation	20	0-10	0, but must comply with building code/fire code requirements for building separation	0, but must comply with building code/fire code requirements for building separation
	40 for 5-6 story portions	40 for 5-6 story portions, 60 for 6 story portions	30 ft between primary windows - living rooms, bedrooms	30 ft between primary windows - living rooms, bedrooms
	60 for 6 story portions	30 ft between residential primary windows - living rooms, bedrooms		
<b>Ground Floor Building Design - Pedestrian Retail Streets</b>				
Floor to Ceiling Height	Minimum 18 feet for Retail; 15 ft. for office			
Ground Floor Windows	Minimum 60% of Ground Floor Wall Area			
Limits on Blank Walls	Maximum 30% of Linear Frontage per Street; Maximum 20 feet in length			
Building Entrances	Minimum one entrance per 100 feet of frontage; Building Entrances must face the street.			
Ground Floor Exterior Materials	Tile, Stone, Brick, Glass and Other Durable Quality materials			
Wall Plane Articulation	Wall Plane Recesses minimum 6-18 inches			
Floor Elevations	Floor elevations no more than two feet from sidewalk Level			



# CITY COUNCIL AGENDA

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

**REGULAR MEETING**  
**September 4, 2007**  
**7:00 PM**

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

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

**2 UNSCHEDULED PUBLIC APPEARANCES**

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

**3 CONSENT AGENDA**

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

**a. APPROVAL OF MINUTES**

- a. Work Session of August 13, 2007
- b. Work Session of August 20, 2007
- c. Regular meeting of August 20, 2007

**b. ANNEXATION AUTHORIZATION - DIAMOND P RANCH - SOUTH OF LOWER BUCKEYE ROAD BETWEEN AVONDALE BLVD. AND EL MIRAGE ROAD**

Staff is requesting Council authorization to proceed with the annexation of APN 500-66-009F, 500-66-009E, 500-66-001D, 500-66-002A and 500-66-005A; 244 acres of land generally located south of Lower Buckeye Road between Avondale Blvd. and El Mirage Road. The Council will take appropriate action.

**c. ORDINANCE 1266-907 AUTHORIZING RIGHT-OF-WAY AND ROADWAY EASEMENT DEDICATION - ALGONQUIN WATER SERVICES**

The Council will consider an ordinance accepting right-of-way and roadway easement dedication on Indian School Road at the south east corner of Indian School Road and Dysart Road. by Algonquin Water Services, LLC. The Council will take appropriate action.

**d. TRANSIT SERVICE AGREEMENT - VALLEY METRO/RPTA FOR FISCAL YEARS 2008 – 2012 & ADA REIMBURSEMENT APPROVAL FOR FY2007/2008**

Staff is requesting that the City Council approve the FY2008-2012 Transit Service Agreement with Valley Metro/RPTA to allow Avondale the opportunity to seek reimbursement, for an amount not to exceed \$176,497, from Valley Metro/RPTA for FY2007/2008 ADA expenses. The Council will take appropriate action.

**4 PUBLIC HEARING - HILLCREST ANNEXATION**

The Council will hold a public hearing regarding the proposed annexation of Parcel Numbers 101-24-009A, 101-24-007, 101-42-001C, 101-42-006D, 101-42-006C, 101-42-006B, 101-42-001D and 101-43-001; 269.4 acres of land generally located at the southwest corner of 107th Avenue and Broadway Road.

**5 INTERSTATE 10 ACCELERATION FUNDING**

The City Council will discuss the MAG Regional Council recommendation of \$6 million to reimburse interest costs for the Interstate 10 acceleration project. For Council discussion and direction only.

**6 INTERGOVERNMENTAL AGREEMENT - ARIZONA DEPARTMENT OF TRANSPORTATION FOR COST SHARING -107TH AVENUE OVERPASS STRUCTURE ON INTERSTATE 10**

Staff will provide an update to the City Council regarding a Joint Project Agreement with the Arizona Department of Transportation to replace the I-10/107th Avenue overpass structure and the transfer of funds within the Street Capital Improvement Program. For information, discussion and direction only.

**7 SITE PLAN FOR AVONDALE COLDWATER I (DR-06-20)**

The Council will consider a request for site plan approval for Avondale Coldwater, an 8.3 acre shopping center with retail and office uses located on the northwest corner of Coldwater Springs Blvd and Avondale Blvd. The Council will take appropriate action.

**8 EXECUTIVE SESSION**

- a. The Council may hold an executive session pursuant to ARIZ. REV. STAT. § 38-431.03 (A) (7) for discussion or consultation with City representatives in order to consider its position and instruct its representatives regarding negotiations for the sale of real property and (ii) Rev. Stat. § 38-431.03 (A)(4) for discussion or consultation with the City's attorney in order to consider its position and instruct the City's attorney regarding the council's position regarding an intergovernmental agreement.

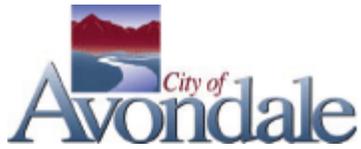
**9 ADJOURNMENT**

Respectfully submitted,



Linda Farris, CMC  
City Clerk

Any individual with a qualified disability may request a reasonable accommodation by contacting the City Clerk at 623-333-1200 at least 48 hours prior to the council meeting.



# CITY COUNCIL REPORT

**SUBJECT:**  
Approval of Minutes

**MEETING DATE:**  
September 4, 2007

**TO:** Mayor and Council  
**FROM:** Linda Farris  
**THROUGH:** Charlie McClendon, City Manager

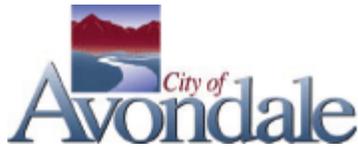
**PURPOSE:**

- a. Work Session of August 13, 2007
- b. Work Session of August 20, 2007
- c. Regular meeting of August 20, 2007

**ATTACHMENTS:**

**Click to download**

No Attachments Available



# CITY COUNCIL REPORT

**SUBJECT:**

Annexation Authorization - Diamond P Ranch - South of Lower Buckeye Road between Avondale Blvd. and El Mirage Road

**MEETING DATE:**

September 4, 2007

**TO:** Mayor and Council

**FROM:** Carmen Martinez, Deputy City Clerk (623)333-1214

**THROUGH:** Charlie McClendon, City Manager

**PURPOSE:**

Staff is requesting Council authorization to proceed with the annexation of APN 500-66-009F, 500-66-009E, 500-66-001D, 500-66-002A and 500-66-005A; 244 acres of land generally located south of Lower Buckeye Road between Avondale Blvd. and El Mirage Road.

**DISCUSSION:**

Staff has received a request from David B. Coble of Coe & Van Loo on behalf of the owner, Michael Pylman, for the annexation of 244 acres of land generally located south of Lower Buckeye Road between Avondale Boulevard and El Mirage Road.

The property is contiguous to existing city limits on three sides, is currently zoned Rural-43 by Maricopa County and will be designated AG (Agriculture) upon annexation. However, following the annexation, staff will process an application to rezone the property to PAD (Planned Area Development) for development of the Diamond P Ranch Development. The annexation will reduce a county island.

Upon Council approval to proceed with the annexation and receipt of utility of information from the Department of Revenue, staff will initiate the annexation process which will include the filing of a blank annexation petition at the county recorder's office, scheduling, posting and holding a public hearing within 30 days of filing the blank petition, filing the completed annexation petition at the county recorder's office, and adoption by the City Council of the annexation ordinance. The annexation process will take approximately 90 to 120 days.

**RECOMENDATION:**

Staff recommends that the City Council authorize the City Clerk to proceed with the annexation process.

**ATTACHMENTS:**

Click to download

[Annexation request](#)

[Map and legal description](#)

April 23, 2007

Linda Farris  
City Clerk  
City of Avondale  
11465 West Civic Center Drive  
Avondale, AZ 85323-6806

Re: City of Avondale Annexation  
Diamond P Ranch, CVL Project No.: 1.01.0197001

Dear Ms. Farris:

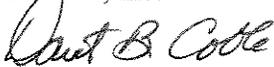
This company represents Michael Pylman Dairy, LLC and Silver Bullet, LLC, regarding its property in unincorporated Maricopa County and within the City of Avondale General Plan Planning Area Boundary (the "Property"), referred to as Diamond P Ranch. Michael Pylman owns Diamond P Ranch, a +/-244-acre parcel that is bound by Lower Buckeye Road to the north and Avondale Boulevard to the east. This area encompasses parcel numbers 500-66-009F, 500-66-009E, 500-66-001D, 500-66-002A, and 500-66-005A. The development team has discussed annexation of Diamond P Ranch into the corporate limits of the City of Avondale. This letter requests initiation of that annexation with the filing of the blank annexation petition with Maricopa County.

The land is currently used for dairy production and contains structures to carry out the effort. It is the intent of the development team of Diamond P Ranch to develop the property for single-family residential purposes including a site for an elementary school/park.

Enclosed are a letter of authorization, legal description, and map of the area proposed for annexation, per your request. We look forward to proceeding with the annexation. Please keep us posted on the filing of the blank annexation petition with Maricopa County. Thank you for your assistance in this matter.

Sincerely,

COE & VAN LOO  
Consultants, Inc.



David B. Coble  
Associate, Project Manager

DBC:mf



January 9, 2007

LEGAL DESCRIPTION FOR  
PYLMAN DAIRY  
ANNEXATION PARCEL

That part of Section 24, Township 1 North, Range 1 West of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

Beginning at the Maricopa County Highway Department Brass Cap in handhole marking the North Quarter Corner of said Section 24, from which the City of Avondale Brass Cap flush marking the Northeast Corner of said Section 24 bears South  $89^{\circ}52'51''$  East, a distance of 2,653.37 feet;

Thence South  $89^{\circ}52'51''$  East, along the North line of the Northeast Quarter of said Section 24, a distance of 1,419.13 feet to a point on the East line of Parcel No. 1 as described in Warranty Deed recorded in Instrument No. 98-0207373, Maricopa County Records;

Thence South  $01^{\circ}42'54''$  East, departing said North line along said East line, a distance of 2,639.37 feet to a point on the North line of the Southeast Quarter of said Section 24;

Thence South  $89^{\circ}33'23''$  East, along said North line, a distance of 1,116.18 feet to a point on a line which is parallel with and 33.00 feet Westerly, as measured at right angles, from the East line of the Southeast Quarter of said Section 24;

Thence South  $00^{\circ}10'01''$  West, along said parallel line, a distance of 1,106.44 feet to a point on the North line of that certain parcel of land described in Instrument No. 86-546801, Maricopa County Records;

Thence North  $89^{\circ}23'38''$  West, departing said parallel line along said North line, a distance of 200.00 feet to a point on the West line of said parcel of land;

Thence South  $00^{\circ}10'01''$  West, along said West line, a distance of 215.00 feet to a point on the South line of the North Half of the Southeast Quarter of said Section 24;

Thence North  $89^{\circ}23'38''$  West, along said South line, a distance of 2,389.43 feet to the Southwest Corner of the North Half of the Southeast Quarter of said Section 24;

Thence North  $00^{\circ}18'32''$  West, along the West line of the Southeast Quarter of said Section 24, a distance of 1,314.20 feet to the 1/2" Rebar marking the Center of said Section 24;

Thence North  $89^{\circ}32'38''$  West, along the South line of the Northwest Quarter of said Section 24, a distance of 1,316.48 feet to the Southwest Quarter of the East Half of the Northwest Quarter of said Section 24;



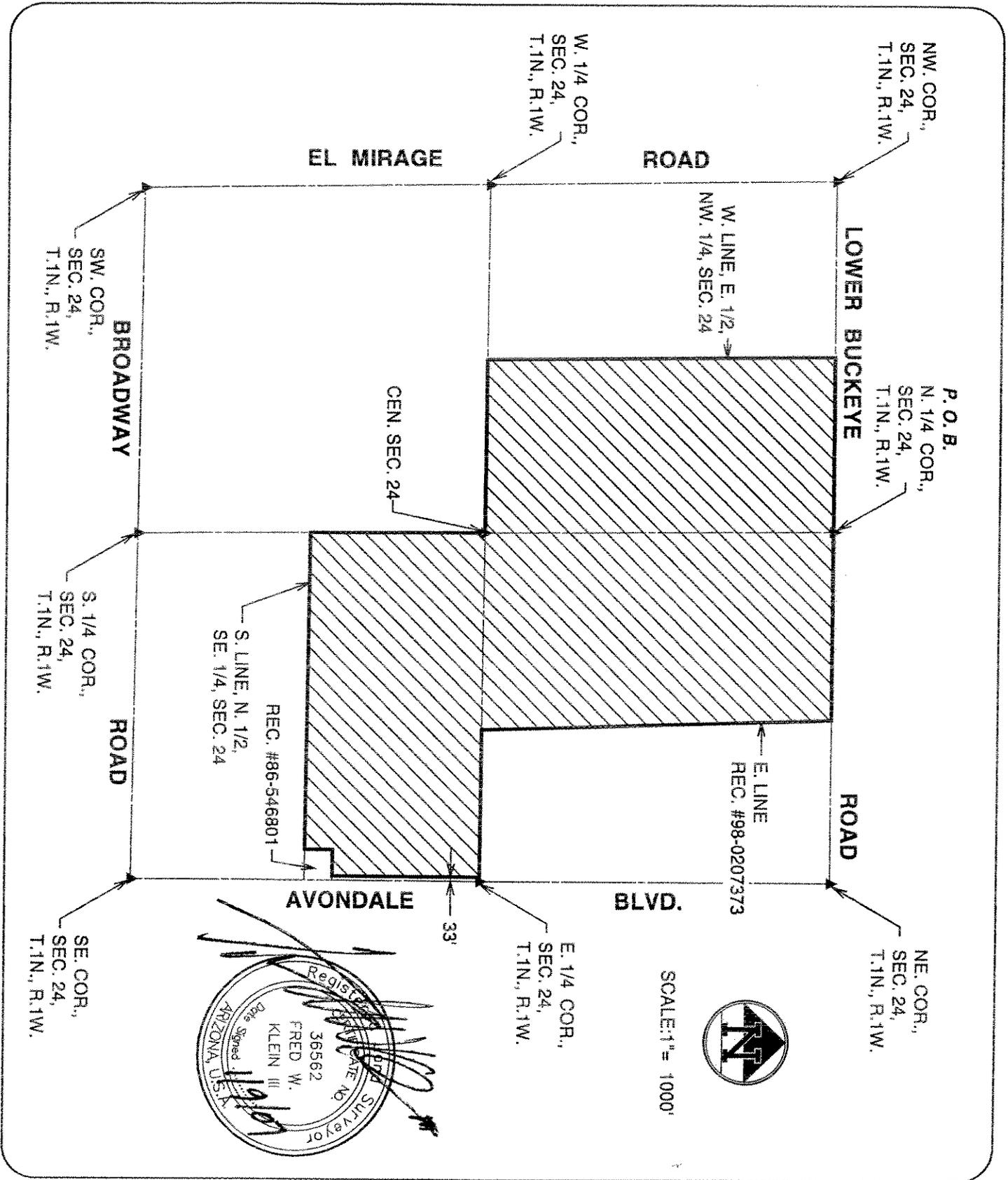
Legal Description for  
Pylman Dairy  
Annexation Parcel  
January 9, 2007

Thence North 00°31'31" West, along the West line of the East Half of the Northwest Quarter of said Section 24, a distance of 2,621.98 feet to the Northwest Corner thereof;

Thence South 89°53'01" East, along the North line of the Northwest Quarter of said Section 24, a distance of 1,326.44 feet to the Point of Beginning.

Containing 244.928 Acres, more or less.





<p><b>EXHIBIT</b></p> <p>N:\01\0197001\LAND\EHANNEX.DGN</p> <p>4550 NORTH 12TH STREET PHOENIX, ARIZONA 85014 TELEPHONE (602) 264-6831</p>	<p><b>PYLMAN DAIRY ANNEXATION PARCEL</b></p>	<p>JOB NO 0197001</p>
<p><b>COE &amp; VAN LOO</b> PLANNING • ENGINEERING • LANDSCAPE ARCHITECTURE</p>		<p>SHEET 1 OF 1</p>

January 12, 2007

Linda Farris  
City Clerk  
City of Avondale  
11465 West Civic Center Drive  
Avondale, AZ 85323-6806

Re: Pylman Estates  
Property Owner Authorization

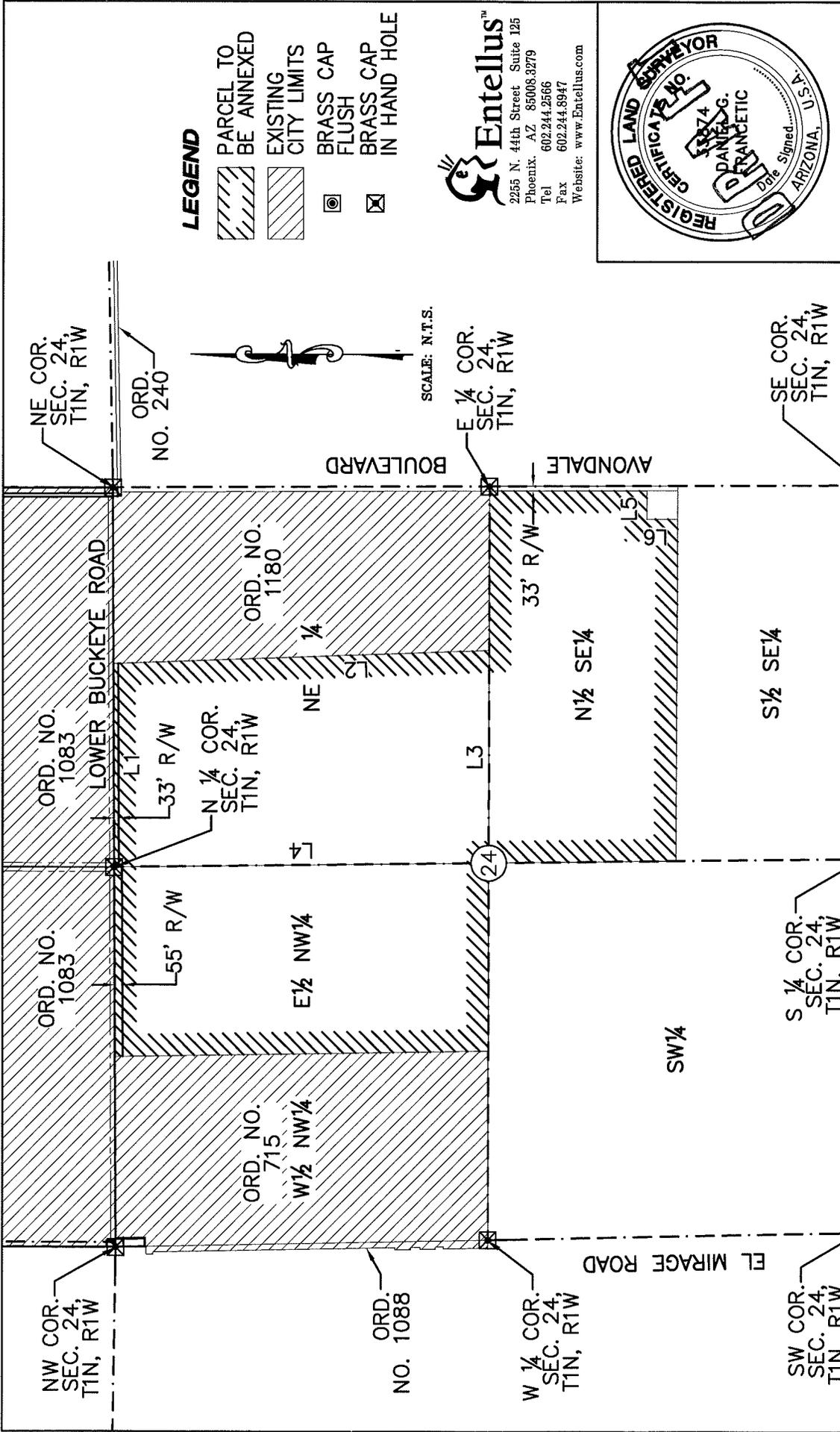
Dear Ms. Farris:

This letter shall serve as authorization for Dave Coble to represent Michael Pylman on the following land use entitlement matters related to property owned by Michael Pylman and, more particularly, described on the attached documents.

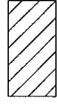
Sincerely,



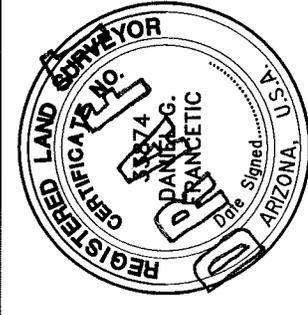
Michael Pylman  
Owner



**LEGEND**

-  PARCEL TO BE ANNEXED
-  EXISTING CITY LIMITS
-  BRASS CAP FLUSH
-  BRASS CAP IN HAND HOLE

**Entellus™**  
 2255 N. 44th Street Suite 125  
 Phoenix, AZ, 85008.3279  
 Tel 602.244.2566  
 Fax 602.244.8947  
 Website: www.Entellus.com



**CITY OF AVONDALE, ARIZONA**  
 SECTION 24  
 T.1N., R.1W., G. & S.R.B. & M.  
**ANNEXATION EXHIBIT**  
 DATE: 6/26/07 REV'D: / /  
 DRAWN BY: DG CHK'D: DGF PAGE: 1 OF 1  
 FILE: P/SS/APROJ/435011\_PHS04/LEGALS/SEC.CORNERS

LINE	BEARING	DISTANCE
L1	N 89°43'05" E	1419.36'
L2	S 02°06'18" E	2639.29'
L3	N 89°56'43" W	1484.05'
L4	N 00°42'09" W	2629.31'
L5	N 89°47'01" W	200.01'
L6	S 00°13'47" E	216.56'

**PYLMAN ANNEXATION**  
 CITY OF AVONDALE, ARIZONA  
 WE HEREBY CERTIFY THAT THIS IS AN ACCURATE  
 PLAT OF TERRITORY ANNEXED TO THE CITY OF  
 AVONDALE, ARIZONA BY ORDINANCE NO. \_\_\_\_\_  
 MAYOR \_\_\_\_\_ DATE \_\_\_\_\_  
 CLERK \_\_\_\_\_ DATE \_\_\_\_\_

**DESCRIPTION FOR ANNEXATION  
CITY OF AVONDALE**

Those portions of Section 24, Township 1 North, Range 1 West, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows:

The East Half of the Northwest Quarter of said Section.

The North Half of the Southeast Quarter of said Section;

EXCEPT the East 33.00 feet thereof;

And also EXCEPT the South 215.00 feet of the West 200.00 feet of the East 233.00 thereof.

That portion of the Northeast Quarter of said Section described as follows:

BEGINNING at the Maricopa County Department of Transportation brass cap in hand hole found at North Quarter Corner of said Section, from which the City of Avondale brass cap found in hand hole at the Northeast Corner of said Section bears North 89 degrees 43 minutes 05 seconds East a distance of 2653.56 feet as defined on "Record of Survey- PLSS Subdivision" recorded in Book 694 of Maps, Page 38 of the records of the Maricopa County Recorder, said line being the North line of said Northeast Quarter and the basis of bearing for this description;

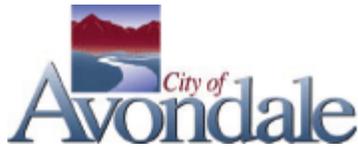
Thence along said North line, North 89 degrees 43 minutes 05 seconds East a distance of 1419.36 feet to the prolongation of the West deed line of the parcel of land described in Document # 2006-1522394 of the Maricopa County Recorder, said line also being the West line of the annexation described in Document # 2006-0693233, being City of Avondale Ordinance 1180-406;

The along said West deed line, South 02 degrees 06 minutes 18 seconds East a distance of 2639.29 feet to a point on the South line of said Northeast Quarter;

Thence along said South line, North 89 degrees 56 minutes 43 seconds West a distance of 1484.05 feet to the Center of said Section;

Thence along the West line of said Northeast Quarter, North 00 degrees 42 minutes 09 seconds West a distance of 2629.31 feet to the POINT OF BEGINNING.

**DRAFT**  
6/27/07



# CITY COUNCIL REPORT

**SUBJECT:**

Ordinance 1266-907 authorizing right-of-way and Roadway easement dedication - Algonquin Water Services

**MEETING DATE:**

September 4, 2007

**TO:** Mayor and Council

**FROM:** Kathy Mathiesen, Plan Review Engineer, Development Services (623)333-4036

**THROUGH:** Charlie McClendon, City Manager

**PURPOSE:**

Staff is requesting that the City Council adopt an ordinance to accept the dedication of right-of-way and roadway easement by Algonquin Water Services, LLC on Indian School Road at the southeast corner of Indian School Road and Dysart Road and authorize the Mayor or City Manager, and the City Clerk to execute the appropriate documentation.

**BACKGROUND:**

On August 7, 2006, City Council approved a Conditional Use Permit for a water reservoir and treatment facility on the SEC of Dysart Road and Indian School Roads (See the attached Vicinity Map). The reservoir site is expanding slightly to the south, and is providing treatment to allow the site to meet the latest water quality standards. The applicant agreed at that time to dedicate right-of-way along Indian School Road for the future road expansion, among other items.

**DISCUSSION:**

The applicant has committed to dedicate the additional rights-of-way needed for the future Indian School Road construction, and has provided this dedication. The applicant is also responsible for the cost of the improvements along the street frontage. The dedication of a roadway easement is also being provided that will allow the construction of a bus bay in the same location.

**BUDGETARY IMPACT:**

No financial impact to the City.

**RECOMENDATION:**

Staff recommends that the City Council adopt an ordinance to accept the dedication of right-of-way and roadway easement by Algonquin Water Services, LLC on Indian School Road at the south east corner of Indian School Road and Dysart Road and authorize the Mayor or City Manager, and the City Clerk to execute the appropriate documentation.

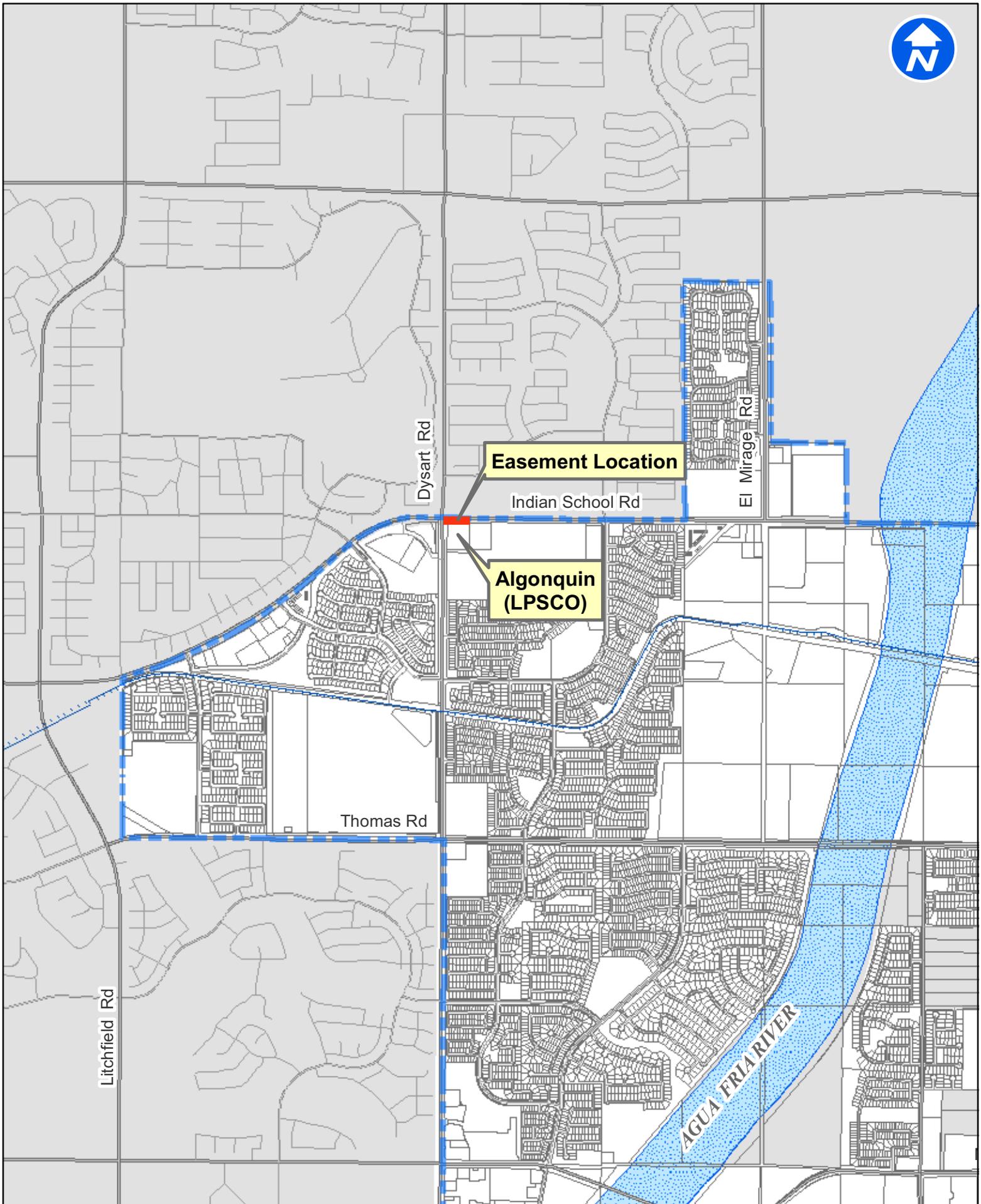
**ATTACHMENTS:**

Click to download

[Vicinity Map](#)

[ORD - 1266-907](#)

# VICINITY MAP



**City of Avondale**  
**Indian School Rd R.O.W. & Roadway Easement Dedication**

**ORDINANCE NO. 1266-907**

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, ACCEPTING THE DEDICATION OF REAL PROPERTY FOR USE AS PUBLIC RIGHT-OF-WAY.

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

SECTION 1. That certain real property generally located along Indian School Road, east of Dysart Road, as more particularly described and depicted in Exhibit A, attached hereto and incorporated herein by reference, is hereby accepted by the City of Avondale (the "City") from Litchfield Park Service Corporation for use as a public right-of-way.

SECTION 2. That certain real property generally located along Indian School Road, east of Dysart Road, as more particularly described and depicted in Exhibit B, attached hereto and incorporated herein by reference, is hereby accepted by the City from Litchfield Park Service Corporation for use as a public roadway easement.

SECTION 3. That the Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to take all steps and to execute all documents necessary to carry out the purpose and intent of this Ordinance.

**PASSED AND ADOPTED** by the Council of the City of Avondale, September 4, 2007.

---

Marie Lopez Rogers, Mayor

ATTEST:

---

Linda M. Farris, City Clerk

APPROVED AS TO FORM:

---

Andrew J. McGuire, City Attorney

EXHIBIT A  
TO  
ORDINANCE NO. 1266-907

[Legal description and map of Right-of-Way Dedication]

See following pages.

LEGAL DESCRIPTION

Right-of-Way  
Dedication

That portion of the Northwest quarter of Section 26, Township 2 North, Range 1 West, Gila & Salt River Base & Meridian, Maricopa County, Arizona, and more particularly described as follows:

Beginning at the Northwest corner of said Section 26;

Thence South 89 degrees 19 minutes 59 seconds East and along the North line of said Section 26, a distance of 125.00 feet;

Thence South 0 degrees 12 minutes 31 seconds West a distance of 55.00 feet to the TRUE POINT OF BEGINNING of the herein described parcel;

Thence South 89 degrees 19 minutes 59 seconds East a distance of 325.00 feet;

Thence South 0 degrees 12 minutes 31 seconds West a distance of 10.00 feet;

Thence North 89 degrees 19 minutes 59 seconds West a distance of 330.00 feet;

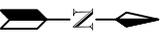
Thence South 45 degrees 26 minutes 16 seconds East a distance of 56.34 feet;

Thence North 0 degrees 12 minutes 31 seconds West a distance of 5.00 feet;

Thence North 45 degrees 26 minutes 16 seconds East a distance of 63.39 feet to the TRUE POINT OF BEGINNING;

Said parcel containing 3488 square feet more or less;

# Right-Of-Way Dedication



1" = 60'

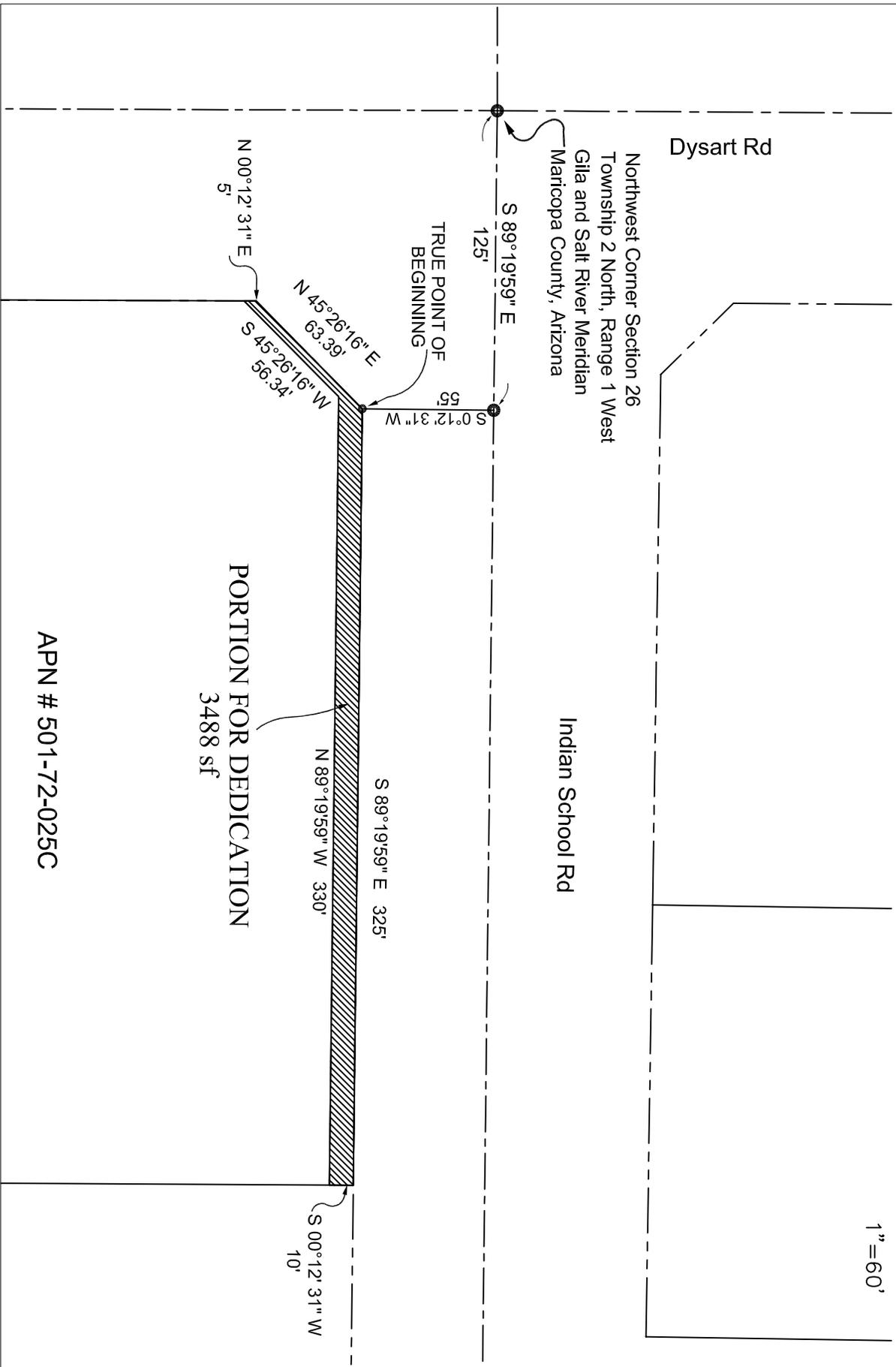


EXHIBIT B  
TO  
ORDINANCE NO. 1266-907

[Legal description and map of Easement Dedication]

See following pages.

LEGAL DESCRIPTION

Roadway Easement  
Dedication

That portion of the Northwest quarter of Section 26, Township 2 North, Range 1 West, Gila & Salt River Base & Meridian, Maricopa County, Arizona, and more particularly described as follows:

Beginning at the Northwest corner of said Section 26;

Thence South 89 degrees 19 minutes 59 seconds East and along the North line of said Section 26, a distance of 229.60 feet;

Thence South 0 degrees 12 minutes 31 seconds West a distance of 65.00 feet to the TRUE POINT OF BEGINNING of the herein described parcel;

Thence South 0 degrees 12 minutes 31 seconds West a distance of 3.00 feet;

Thence South 89 degrees 19 minutes 59 seconds East a distance of 55.00 feet;

Thence South 0 degrees 12 minutes 31 seconds West a distance of 4.50 feet;

Thence South 89 degrees 19 minutes 59 seconds East a distance of 40.00 feet;

Thence North 0 degrees 12 minutes 31 seconds East a distance of 6.00 feet;

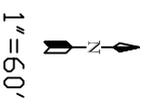
Thence South 89 degrees 19 minutes 59 seconds East a distance of 125.25 feet;

Thence North 0 degrees 12 minutes 31 seconds East a distance of 1.50 feet;

Thence North 89 degrees 19 minutes 59 seconds West and parallel to the North Line of said Section 26, a distance of 220.25 feet to the TRUE POINT OF BEGINNING;

Said parcel containing 653 square feet more or less;

# Easement Dedication



508-07-952

508-07-956

Dysart Rd

Indian School Rd

S 89°19'59" E  
229.60'

Northwest Corner Section 26  
Township 2 North, Range 1 West  
Gila and Salt River Meridian  
Maricopa County, Arizona

TRUE POINT OF  
BEGINNING

S 0°12'31" W  
65.00'

S 0°12'31" W  
3.00'

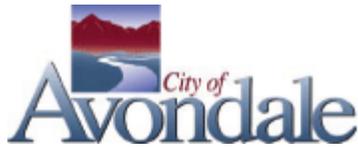
PORTION FOR DEDICATION  
653 sf

55'  
4.5'  
N 89°19'59" W 220.25'  
40'  
6'

125.25'

1.5'

501-72-025C



# CITY COUNCIL REPORT

**SUBJECT:**

Transit Service Agreement - Valley Metro/RPTA for  
Fiscal Years 2008 – 2012 & ADA Reimbursement  
Approval for FY2007/2008

**MEETING DATE:**

September 4, 2007

**TO:** Mayor and Council

**FROM:** Jess Segovia, Transit Administrator (623)333-1030

**THROUGH:** Charlie McClendon, City Manager

**PURPOSE:**

Staff is requesting that the City Council approve the FY2008-2012 Transit Service Agreement between the City of Avondale and Valley Metro/RPTA to allow Avondale the opportunity to seek reimbursement, for an amount not to exceed \$176,497, from Valley Metro/RPTA for FY2007/2008 ADA expenses.

**BACKGROUND:**

In 2005, Maricopa County voters approved Proposition 400, or the Regional Transportation Plan (RTP), a Transportation tax that provides funding for highways, roads and public transit services. An updated agreement between the City of Avondale and Valley Metro/RPTA is necessary in order to request reimbursement for RTP-funded services and to continue receiving local grant funds.

**DISCUSSION:**

The Transit Service Agreement provides the City of Avondale the opportunity to annually seek reimbursement of RTP funds for ADA Dial-a-Ride services. These funds can also be spent on trips provided by Maricopa County Special Transportation Services to ADA-certified individuals. Staff may invoice Valley Metro/RPTA for up to \$176,497 in ADA expenses for FY2007/2008.

**RECOMENDATION:**

Staff recommends the City Council approve the Transit Service Agreement between the City of Avondale and Valley Metro/RPTA.

**ATTACHMENTS:**

Click to download

📎 [RES - RPTA](#)

**RESOLUTION NO. 2678-907**

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT WITH THE REGIONAL PUBLIC TRANSPORTATION AUTHORITY RELATING TO PUBLIC TRANSPORTATION SERVICES.

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

SECTION 1. That the Intergovernmental Agreement between the City of Avondale and Regional Public Transportation Authority relating to public transportation services is hereby approved in the form attached hereto as Exhibit A and incorporated herein by reference.

SECTION 2. That the Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to cause the execution of the Agreement and to take all steps necessary to carry out the purpose and intent of this Resolution.

**PASSED AND ADOPTED** by the Council of the City of Avondale, September 4, 2007.

---

Marie Lopez Rogers, Mayor

ATTEST:

---

Linda M. Farris, City Clerk

APPROVED AS TO FORM:

---

Andrew J. McGuire, City Attorney

EXHIBIT A  
TO  
RESOLUTION NO. 2678-907

[Intergovernmental Agreement]

See following pages.

TRANSIT SERVICE AGREEMENT  
(The "Agreement")

**Contract # 106-34-2008**

BETWEEN: THE City of Avondale, a Municipal Corporation (hereinafter referred to as the "CITY")

AND: THE REGIONAL PUBLIC TRANSPORTATION AUTHORITY (of Maricopa County), a public agency established pursuant to A.R.S. Section 48-5101, et seq., (hereinafter referred to as the "RPTA").

WHEREAS: The RPTA is authorized to contract for the provision of public transportation services pursuant to A.R.S. Sections 48-5122 and 48-5123; and

WHEREAS: The CITY is authorized to contract for the provision of public transportation services pursuant to the City of Avondale Code; and

WHEREAS: The CITY and the RPTA together with other Maricopa County cities desire to provide a regional public transportation system; and

WHEREAS: CITY has been authorized by its CITY Council and RPTA has been authorized by its Board of Directors to enter into this Agreement; and

WHEREAS: The RPTA has established a network of regional public transportation services within Maricopa County; and

WHEREAS: The CITY, a municipal corporation, and the RPTA, a public agency, have authority in accordance with A.R.S. 11-952 to enter into intergovernmental agreements;

NOW, THEREFORE IT IS AGREED by and between the parties, as follows:

Regional Transit Services: means a public system for the transport of passengers by any means but not including community-funded transportation services.

ADA Paratransit Service: ADA Paratransit Service means services provided by CITY to transport persons certified by Valley Metro as eligible for ADA Complementary Paratransit Service.

Public Transportation Service: Public Transportation Service means Regional Transit Services and ADA Paratransit Services.

Service specifications: A detailed description of the Regional Transit Services funded by RPTA and covered by the agreement, including:

- a street by street description of routes;
- times of operations;
- route name and number;
- frequency;
- days of operation;
- first and last trip times;
- connections with other routes;
- timing points;
- boarding and alighting policies; and
- estimates of revenue hours and miles on weekly hours.

Transit stop: any location or structure and any ancillary facilities the purpose of which is to enable passengers to board or alight from transit vehicles

#### SECTION 1: SERVICE AREA AND TRANSIT SERVICES

The boundaries of the CITY which are lawfully in effect on the 1st day of July, 2007 shall designate and define the limits of the service area for the purposes of the Agreement.

#### SECTION 2: TERM AND RENEWAL

This agreement shall commence on July 1, 2007, and shall terminate on June 30, 2012, unless terminated earlier by one of the parties, in which case, written notice of termination shall be required no less than thirty (30) days prior to the proposed termination date. Funding levels for this Agreement shall be determined annually and shall be incorporated into this Agreement through the amendment of Schedule A. Upon termination of this Agreement any and all property used in connection with this Agreement will be promptly returned to the party holding title thereto.

#### SECTION 3: RPTA RESPONSIBILITY

- 3.1 With respect to Regional Transit Services, the RPTA shall:
  - a. approve annual operating budgets for the provision of Regional Transit Service hereunder;
  - b. recommend service specifications in consultation with the CITY;

- c. determine, set and amend the fare structure for transit services provided hereunder;
- d. recommend (subject to CITY approval) functional standards for construction and establishment of transit stops and capital projects, such as park and ride and transit exchange facilities. Provided, however, CITY shall not be bound by such recommendation and shall act upon its independent judgment and discretion;
- e. coordinate the negotiation of operating agreements with operating companies for the provision of transit service hereunder;
- f. provide marketing and merchandising of transit service provided hereunder;
- g. provide administrative services, equipment, personnel and management services necessary to provide the CITY with local bus scheduled, fixed route transit service. Scheduled transit services will be delivered by independent contractor(s) selected and approved by the RPTA. The RPTA shall ensure that the contractor(s) are duly qualified, licensed, trained, and have adequate equipment to perform services under this Agreement;
- h. provide quarterly reports on ridership and revenue collected; and
- i. provide professional staff, as requested, to assist the CITY in developing, evaluating and adjusting services.

3.2 With respect to ADA Paratransit services, the RPTA shall transfer to the CITY funds allocated by the Board of the RPTA, and specified in Schedule A, for the purposes of reimbursing CITY for the cost to provide ADA Paratransit services. The CITY shall submit a PTF Reimbursement Request Form, Attachment A, certifying that the costs have been incurred and are eligible for reimbursement.

3.3 The RPTA may conduct service and financial audits for services operated with any funding from the RPTA.

#### SECTION 4: CITY RESPONSIBILITY

4.1(a). The CITY expressly acknowledges, understands and agrees that:

- (i). any recommendation provided by RPTA to the CITY pursuant to this Agreement or otherwise (including, but not limited to, any recommended service specifications or functional standards for construction and establishment of transit stops and any capital project) are simply general recommendations that the RPTA makes available to certain political subdivisions of the State of Arizona.
- (ii). all such recommendations must be tailored to the specific requirements of the CITY;

- (iii). the RPTA makes no representation or warranty to CITY that any such representation is sufficient or adequate to meet the specific requirements of the CITY;
  - (iv). it is the CITY's sole responsibility to review, approve or modify as appropriate any recommendation of the RPTA hereunder, including (but not limited to) any recommendation concerning pedestrian and traffic control.
    - a. With respect to services provided hereunder, the CITY shall provide traffic control and transit priority measures such as turning movements, on CITY streets.
    - b. The CITY shall purchase and install bus stop signs, and
    - c. The CITY shall provide advice to the RPTA and to any operator providing service required by this Agreement in the preparation and amendment of service plans.
- 4.2 The CITY shall provide reasonable financial and operational data to the RPTA with respect to all regional transportation services, as requested from time to time.
- 4.3 CITY shall expend a certain percent of its Local Transportation Assistance Funds (LTAF) on transit as required by ARS Section 48-5104.
- 4.4 The CITY shall agree to abide by the RPTA Transit Life Cycle Program Policies and Procedures.
- 4.5 Provide a written ninety (90) calendar day notice for major service changes

SECTION 5:

5.1 Records

The Federal Transit Administration (FTA), the Arizona Department of Transportation, the Comptroller General of the United States, or any designee shall have access to any books, documents, papers and records which are pertinent to this Agreement for the purpose of making audit, examination, excerpts and transcriptions. All required records shall be maintained for a minimum of three years after all pending matters are closed.

5.2 Covenant Against Contingent Fees

Both parties warrant that no person has been employed or retained to solicit or secure this Agreement upon an agreement or understanding for a commission, percentage, brokerage or contingent fee; and that no member of Congress, CITY Council, the RPTA Board or any employee of CITY or RPTA, has any interest, financially or otherwise, in this Agreement.

5.3 Alteration in Character of Work

Minor alterations in the character of work shall be authorized in writing by RPTA and acknowledged by CITY by letter.

5.4 Termination

RPTA and CITY hereby agree to full performance of the covenants and obligations contained herein, except that each reserves the right, at its option and sole discretion, to terminate or abandon the service provided for in this Agreement, or any portion thereof.

Termination of this Agreement may be at any time and for any reason, with or without cause, upon providing thirty (30) calendar days prior written notice. Termination shall be effected by delivery of a Notice of Termination specifying the extent to which performance of work under the Agreement is terminated, and the date upon which such termination becomes effective.

Upon termination, RPTA shall calculate actual expenses incurred up to and including the date of termination together with any penalty or costs imposed by other funding sources and any costs attributing to Section 13(c) of the Federal Transit Act of 1964, as amended, the total of which is hereinafter referred to as "termination costs." If CITY has paid RPTA sums in excess of the termination costs, RPTA shall refund the excess; if CITY has paid RPTA an amount less than the termination costs, then CITY shall pay to RPTA an amount equal to the difference between the termination costs and the amount that CITY has already paid under this Agreement.

5.5 Additional Work

Additional work, when authorized by executed Contract Change Order or Supplement Agreement, shall be compensated for by a fee, mutually agreed upon by both parties.

5.6 Successors and Assigns

This Agreement shall not be assignable, except at the written consent of the parties hereto; and it shall extend to and be binding upon the heirs, executors, administrators, successors and assigns of the parties hereto.

5.7 Title VI Assurances

The parties hereby agree that as a condition of this Agreement, they will comply with Title VI of the Civil Rights Act of 1964, and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, to the end that no person in the United States shall, on the grounds of race, color sex or national origin be subjected to discrimination under any program or activity that receives federal assistance from the Department of Transportation, including the Federal Transit Administration.

SECTION 6: INDEMNIFICATION

Each party to this Agreement agrees to defend, indemnify, save and hold harmless the other (and each of their respective directors, officers, agents and employees) from and against all liabilities, suits, obligations, claims, demands, damages, fines, costs and expenses (including reasonable attorney's fees) arising under this Agreement to the extent that such are attributable, directly or indirectly, to the indemnifying party's negligence, error, omission or intentional act. An indemnifying party's negligence, error, omission or intentional act, as that phrase is used herein, includes the negligence, error, omission or intentional act of its officers, agents and employees. This provision shall survive the termination of this Agreement.

SECTION 7: AMENDMENT

This Agreement may be amended in whole or in part by written agreement of the parties.

SECTION 8: RELATIONSHIP OF PARTIES

Each party to this Agreement shall act in its individual capacity and not as an agent, employee, partner, joint venturer, associate, or any other representative capacity of the other. Each party shall be solely and entirely responsible for its acts or the acts of its agents and employees during the performance of this Agreement.

SECTION 9: INTEGRATION

This agreement represents the entire agreement of the parties with respect to the subject matter hereof, and all agreements entered into prior hereto with respect to the subject matter hereof are revoked and superseded by this Agreement, and no representations, warranties, inducements or oral agreements have been made by any of the parties except as expressly set forth herein, or in other contemporaneous written agreements. This Agreement may not be changed, modified or rescinded except in writing, signed by all parties hereto, and any attempt at oral modification of this Agreement shall be void and of no effect.

SECTION 10: ATTORNEYS' FEES

In the event suit is brought or an attorney is retained by any party to this Agreement to enforce the terms of this Agreement or to collect any moneys due hereunder, or to collect money damages for breach hereof, the prevailing party shall be entitled to recover, in addition to any other remedy, reimbursement for reasonable attorneys' fees, court costs, costs of investigation and other related expenses incurred in connection therewith.

SECTION 11: SEVERABILITY

If any provision of this Agreement is declared void or unenforceable, such provision shall be deemed severed from this Agreement, which shall otherwise remain in full force and effect.

SECTION 12: NO ASSIGNMENT

This Agreement is personal to each of the parties hereto, and neither party may assign or delegate any of its rights or obligations hereunder without first obtaining the written consent of the other; provided, however, that RPTA may assign its rights and delegate its obligations hereunder to a successor in interest without obtaining such consent.

SECTION 13: WAIVER

Failure of any party to exercise any right or option arising out of a breach of this Agreement shall not be deemed a waiver of any right or option with respect to any subsequent or different breach, or the continuance of any existing breach.

SECTION 14: COUNTERPARTS

This Agreement may be executed in any number of counterparts, all such counterparts shall be deemed to constitute one and the same instrument, and each of said counterparts shall be deemed an original hereof.

SECTION 15: CAPTIONS

Captions and section heading used herein are for convenience only and are not a part of this Agreement and shall not be deemed to limit or alter any provisions hereof and shall not be deemed relevant in construing this Agreement.

SECTION 16: CANCELLATION

This agreement is subject to cancellation pursuant to A.R.S. Section 38-511.

This Agreement shall be in full force and effect after it has been approved by the RPTA Board of Directors, after it has been executed by the duly authorized officials of the parties and after it has been filed with the County Recorder and the Secretary of State if necessary as provided by A.R.S. 11-952.

SECTION 17: NOTICES

Any notice, consent or other communication ("Notice") required or permitted under this Agreement shall be in writing and either delivered in person, sent by facsimile transmission, deposited in the United States mail, postage prepaid, registered or certified mail, return receipt requested, or deposited with any commercial air courier or express service addressed as follows:

If to RPTA:

Regional Public Transportation Authority  
302 North 1st Ave., Suite 700  
Phoenix, Arizona 85004  
(Attention: David A. Boggs, Executive Director)

If to CITY:

City of Avondale  
11465 West Civic Center Drive  
Avondale, Arizona 85323

Notices shall be deemed received at the time it is personally served, on the day it is sent by facsimile transmission, on the second day after its deposit with any commercial air courier or express service or, if mailed, ten (10) days after the Notice is deposited in the United States mail as above provided. Any time period stated in a Notice shall be computed from the time the Notice is deemed received. Either party may change its mailing address or the person to receive Notice by notifying the other Party as provided in this paragraph. Notices sent by facsimile transmission shall also be sent by regular mail to the recipient at the above address. This requirement for duplicate notice is not intended to change the effective date of the notice sent by facsimile transmission.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the \_\_\_\_ day of \_\_\_\_\_, 2007.

By: \_\_\_\_\_  
Marie Lopez Rogers  
Mayor

By: \_\_\_\_\_  
David A Boggs  
Executive Director

ATTEST: \_\_\_\_\_  
Avondale City Clerk

ATTEST: \_\_\_\_\_  
Jon Medwin  
Contracts and Procurement Manager

ATTEST: \_\_\_\_\_  
Christopher Curcio  
Deputy Executive Director Finance

INTERGOVERNMENTAL AGREEMENT DETERMINATION

In accordance with the requirements of A.R.S. Section 11-952(D), each of the undersigned attorneys acknowledge that: (1) they have reviewed the above Agreement on behalf of their respective clients; and, (2) as to their respective clients only, each attorney has determined that this Agreement is in proper form and is within the powers and authority granted under the laws of the State of Arizona.

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For the City of Avondale

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Attorney for RPTA

## **SCHEDULE A**

For the period of July 1, 2007 to June 30, 2008 it is estimated that the City of Avondale may request reimbursement from Regional Public Transportation Authority a maximum of \$176,497 for ADA Paratransit service in Avondale. This amount is contingent upon approval of RPTA's fiscal year 2007-2008 budget by the RPTA Board of Directors.

Reimbursements must be requested by CITY on a PTF Reimbursement Request Form, attachment A, and certified by the CITY's chief financial officer or designee. RPTA will reimburse CITY within thirty (30) business days based upon availability of funds. CITY may request that reimbursements be made electronically. Wire transfers must be pre arranged through the RPTA Finance Department.

**Attachment A**

**Regional Public Transportation Authority  
PTF Expenditure Reimbursement Request**

The information provided will be used by the Regional Public Transportation Authority (RPTA) to monitor designated lead agency cash flow to ensure compliance with ARS 48-5103. No further monies may be paid out under this program unless this report is completed and filed as required.

<b>RECIPIENT ORGANIZATION NAME AND ADDRESS</b>	<b>PROJECT AGREEMENT NUMBER</b>	<b>REQUEST NO.</b>
	<b>REPORTING PERIOD (Dates)</b>	
	<b>FROM:</b>	<b>TO:</b>

	<b>TOTAL</b>	<b>PTF SHARE</b>
<b>TOTAL ELIGIBLE COSTS</b>	\$ -	\$ -
<b>TOTAL PREVIOUS PAYMENTS</b>	\$ -	\$ -
<b>CURRENT PAYMENT REQUESTED</b>	\$ -	\$ -
<b>REMAINING FUNDING</b>	\$ -	\$ -

**REQUIRED SIGNATURE**

**This document must be signed by the recipient's Chief Financial Officer or their designated representative.**

**CERTIFICATION**

I certify the financial expenditures submitted for reimbursement with this report, including supporting documentation, are eligible and allowable expenditures consistent with the project goals and requirements, have not been previously requested, and that payment is due. I also certify that all matching requirements have been met and sufficient documentation exists in our files and are available upon request or in the event of an audit.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	DATE REQUEST SUBMITTED
TYPED OR PRINTED NAME AND TITLE	TELEPHONE

***Instructions***

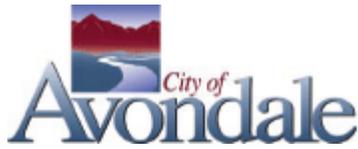
1. Keep a copy of everything submitted.
2. All project records, including financial records, must be maintained for 3 years beyond project completion.

*For RPTA use only*

Date request received:	Life cycle compliance review (signature/date)
Approved for funds availability (signature/date)	Date of funds transfer (signature/date)

**Comments**

Project	WBS	Phase	Activity	GL Account (Finance Only)	Amount
			7901		
			7901		
			7901		
			7901		



# CITY COUNCIL REPORT

**SUBJECT:**  
Public Hearing - Hillcrest Annexation

**MEETING DATE:**  
September 4, 2007

**TO:** Mayor and Council  
**FROM:** Carmen Martinez, Deputy City Clerk (623)333-1214  
**THROUGH:** Charlie McClendon, City Manager

**PURPOSE:**

Staff is requesting that the City Council conduct a public hearing regarding the proposed annexation of Parcel Numbers 101-24-009A, 101-24-007, 101-42-001C, 101-42-006D, 101-42-006C, 101-42-006B, 101-42-001D and 101-43-001; 269.4 acres of land generally located at the southwest corner of 107th Avenue and Broadway Road.

**BACKGROUND:**

On August 11, 2006, staff received a request from Matt Butcher of Evergreen Communities, LLC for the annexation of 269.4 acres of land generally located at the southwest corner of 107th Avenue and Broadway Road.

The property is contiguous to existing city limits on three sides, is currently zoned Rural-43 by Maricopa County and will be designated AG (Agriculture) upon annexation. Following the annexation, staff will process an application to rezone the property to PAD (Planned Area Development) for development of the Hillcrest Development, a master planned community. The annexation will reduce a county island.

In accordance with state statutes, the Council must hold a public hearing on this proposed annexation. The notice of this hearing and the pending annexation have been published in the West Valley View and posted at three locations within the property as required by state statutes. No comments have been received from the public.

**RECOMENDATION:**

Staff recommends that Council hold a public hearing on the proposed annexation as required by law.

**ATTACHMENTS:**

Click to download

- [Annexation Request](#)
- [Map and legal description](#)
- [Photos of annexation postings](#)



**EVERGREEN**

REAL ESTATE DEVELOPMENT

---

2390 E Camelback Rd, Suite 410 - Phoenix, Arizona 85016 - P 602.808.8600 - F 602.808.9100  
200 N Maryland Ave, Suite 201 - Glendale, California 91206 - P 818.240.8727 - F 818.240.1823

August 11, 2006

**Via Hand Delivery**

Ms. Linda Farris  
Avondale City Clerk  
11465 W Civic Center Drive  
Avondale, AZ 85323

**Re: Request to Annex Property – Proposed Hillcrest Development Project  
Parcels: 101-24-009A, 101-24-007, 101-24-001C, 101-42-006D, 101-42-006C, 101-43-001, 101-42-005C, 101-42-003J, 101-42-003U, 101-42-003K, 101-42-003Q, 101-42-002B, 101-42-002A, 101-42-004B, 101-42-004H, 101-42-004G**

Dear Ms. Farris:

Please accept this letter as our formal request to initiate annexation proceedings for the property described in the legal descriptions included with this letter. Also included with this letter is an aerial map indicating the parcel numbers and location of this property, letters from all of the property owners authorizing Evergreen to pursue the annexation of this property into the City of Avondale, and the submittal fee of \$4,000.

We would like to conclude the annexation of this property at the earliest possible time in order to be able to proceed with our rezoning application. In the event that this application is incomplete or you require any additional information please contact me immediately.

Thank you for your time and consideration and we look forward to working with you during this process.

Sincerely,

Matt Butcher  
Evergreen Communities, LLC

Enclosure: As stated

cc: Edwin C. Bull  
Ricki L. Horowitz

**TOBIN REMAINING 80 ACRES  
ANNEXATION LEGAL DESCRIPTION**

**Parcel A:**

That portion GLO Lot 1 in the Northwest quarter of Section 30, Township 1 North, Range 1 East of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at a brass cap in hand hole accepted as the northwest corner of said section, from which a brass cap in hand hole accepted as the west quarter corner thereof bears South 00 degrees 08 minutes 28 seconds East, a distance of 2620.21 feet;

Thence South 00 degrees 08 minutes 28 seconds East, along the west line of said Northwest quarter, a distance of 1310.31 feet to the south line of the Northwest quarter of the Northwest quarter also being the southwest corner of GLO Lot 1 in said section;

Thence along said south line North 89 degrees 01 minutes 54 seconds East, a distance of 99.01 feet to the **POINT OF BEGINNING**;

Thence North 00 degrees 08 minutes 28 seconds West a distance of 16.50 feet;

Thence North 89 degrees 01 minutes 54 seconds East a distance of 1159.84 feet to the east line of the Northwest quarter of the Northwest quarter, also being the east line of said lot;

Thence South 00 degrees 35 minutes 16 seconds East along said east line, a distance of 16.50 feet to the southeast corner of the Northwest quarter of the Northwest quarter and the southeast corner of said lot;

Thence along the south line of said Northwest quarter of the Northwest quarter and said lot, South 89 degrees 01 minutes 54 seconds West, a distance of 1159.97 feet to the **POINT OF BEGINNING**.

**Parcel B:**

That portion of the Southeast quarter of the Northwest quarter of Section 30, Township 1 North, Range 1 East of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at a brass cap in hand hole accepted as the northwest corner of said section from which a brass cap in hand hole accepted as the west quarter corner thereof bears South 00 degrees 08 minutes 28 seconds East a distance of 2620.61 feet;

Thence along the west line of said Northwest quarter, South 00 degrees 08 minutes 28 seconds East, a distance of 1310.31 feet to the south line of the Northwest quarter of the Northwest quarter;

Thence along the south line of said Northwest quarter of the Northwest quarter North 89 degrees 01 minutes 54 seconds East, a distance of 1258.98 feet to the southeast corner thereof and the **POINT OF BEGINNING**.

Thence along the north line of the Southeast quarter of the Northwest quarter, North 89 degrees 01 minutes 54 seconds East, a distance of 1303.45 feet to the north-south mid-section line of said Section 30;

Thence along said north-south mid-section line South 00 degrees 56 minutes 08 seconds East, a distance of 1174.60 feet to the north line of the south 150.00 feet of the Southeast quarter of the Northwest quarter;

Thence along said north line South 89 degrees 21 minutes 06 seconds West, a distance of 1310.55 feet to the west line of said Southeast quarter of the Northwest quarter;

Thence along said west line, North 00 degrees 35 minutes 16 seconds West, a distance of 1167.29 feet to the northwest corner of said Southeast quarter of the Northwest quarter to the **POINT OF BEGINNING**.

**Parcel C:**

The Northeast quarter of the Southwest quarter of Section 30, Township 1 North, Range 1 East of the Gila and Salt River Meridian, Maricopa County, Arizona, being more particularly described as follows:

COMMENCING at a brass cap in hand hole accepted as the west quarter corner of said section, from which a brass cap in hand hole for the northwest corner thereof bears North 00 degrees 08 minutes 28 seconds West a distance of 2620.61 feet;

Thence North 89 degrees 21 minutes 06 seconds East, along the east-west mid-section line of said section, a distance of 1269.17 feet to the northeast corner of GLO Lot 3, also known as the Northwest quarter of the Southwest quarter of said section, and the **POINT OF BEGINNING**;

Thence continuing along said east-west mid-section line, North 89 degrees 21 minutes 06 seconds East a distance of 1311.46 feet to the east line of the Northeast quarter of the Southwest quarter;

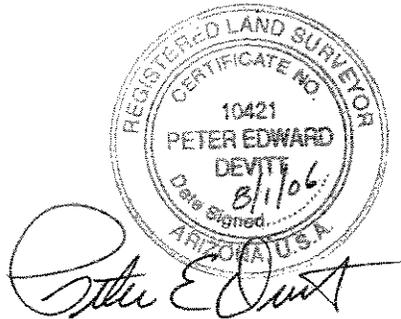
Thence along said east line South 00 degrees 56 minutes 08 seconds East, a distance of 1304.33 feet to the south line of said Northeast quarter of the Southwest quarter;

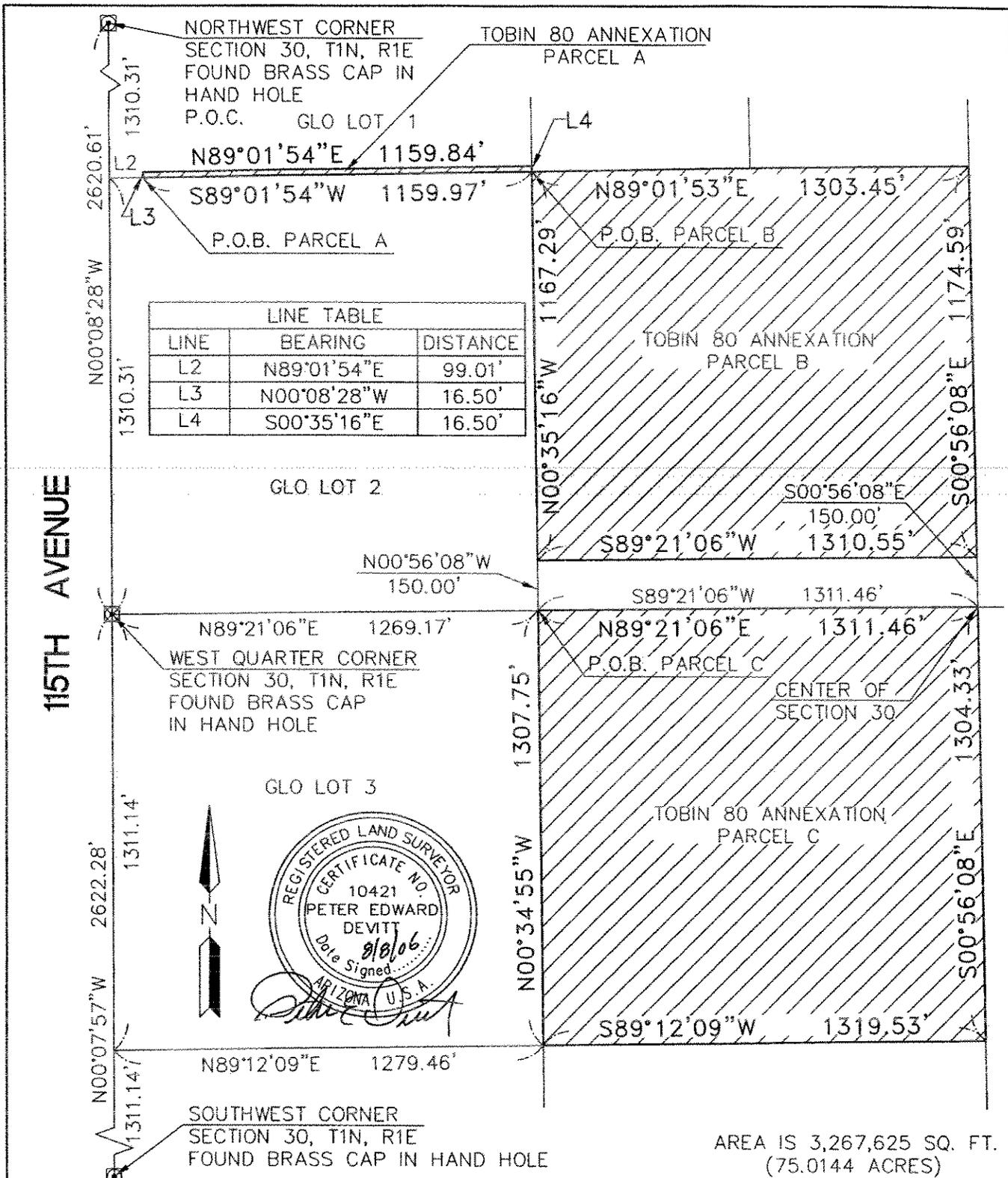
Thence South 89 degrees 12 minutes 09 seconds West, along said south line, a distance of 1319.53 feet to the east line of said GLO Lot 3 and the west line of said Northeast quarter of the Southwest quarter;

Thence North 00 degrees 34 minutes 55 seconds West, along said west line, a distance of 1307.75 feet to the **POINT OF BEGINNING**.

The description shown hereon is not to be used to violate any subdivision regulation of the state, county and/or municipality or any other land division restrictions.

Prepared by: CMX, L.L.C.  
7740 N. 16<sup>th</sup> Street, Suite 100  
Phoenix, Arizona 85020  
Project No. 6966  
July 28, 2006





CMX PROJ. 6966	<b>TOBIN 80 PROPERTY ANNEXATION</b> BROADWAY ROAD & 115TH AVENUE MARICOPA COUNTY, ARIZONA	7740 N. 16TH ST. STE.100 PHOENIX, AZ 85020 PH (602) 567-1900 FAX (602) 567-1901 www.cmxinc.com	
DATE: 08/02/06			
SCALE: N.T.S.			
DRAWN BY: CJP			
CHECKED BY: PED			
<b>EXHIBIT "A"</b>			

X:\6900\6966\Exhibit\Leplat\TOBIN-80-ANNEX-WITH-ACCESS-ROAD.dwg 08-08-2006 - 10:52am

**EVERGREEN COMMUNITIES  
SOUAMAN PROPERTY  
LEGAL DESCRIPTION**

That portion of GLO Lot 2 also known as the Southwest Quarter of the Northwest quarter of Section 30, Township 1 North, Range 1 East of the Gila and Salt River Meridian, Maricopa County, Arizona, described as follows:

**COMMENCING** at a brass cap in hand hole accepted as the west quarter corner of said section, from which a brass cap in hand hole accepted as the northwest corner thereof bears North 00 degrees 08 minutes 28 seconds West, a distance of 2620.61 feet;

Thence along the west line of said section, North 00 degrees 08 minutes 28 seconds West, a distance of 304.31 feet to the north line of the south 304.30 feet of said Southwest quarter of the Northwest quarter;

Thence along said north line, North 89 degrees 21 minutes 06 seconds East a distance of 99.00 feet to the east line of the west 99.00 feet of said Southwest quarter of the Northwest quarter, said point being the **POINT OF BEGINNING**;

Thence along said east line, North 00 degrees 08 minutes 28 seconds West, a distance of 330.01;

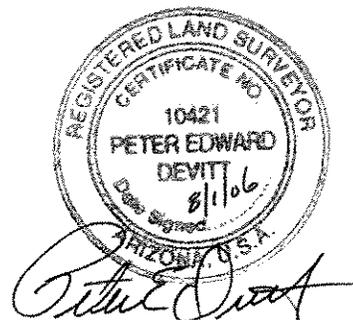
Thence leaving said east line, North 89 degrees 21 minutes 06 seconds East a distance of 660.03 feet to the east line of the west 759.00 feet of said Southwest quarter of the Northwest quarter;

Thence along said east line, South 00 degrees 08 minutes 28 seconds East a distance of 330.01 feet to the north line of the south 304.30 feet of said Southwest quarter of the Northwest quarter;

Thence along said north line, South 89 degrees 21 minutes 06 seconds West a distance of 660.03 feet to **POINT OF BEGINNING**.

The description shown hereon is not to be used to violate any subdivision regulation of the State, County and/or Municipality or any other land division restrictions.

Prepared by: CMX, L.L.C.  
7740 N. 16th Street, Suite 100  
Phoenix, AZ 85020  
Project No. 6976  
July 26, 2006



**BROADWAY ROAD**

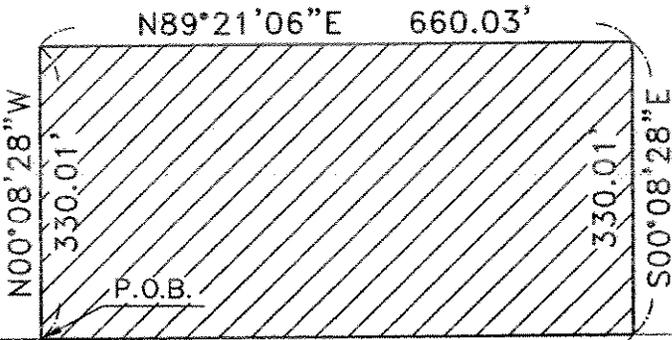
NORTHWEST CORNER  
SECTION 30, T1N, R1E  
FOUND BRASS CAP  
IN HAND HOLE

NORTH QUARTER CORNER  
SECTION 30, T1N, R1E  
FOUND BRASS CAP  
IN HAND HOLE

**AVONDALE BOULEVARD**

2620.61'

N00°08'28"W

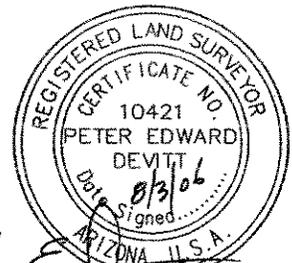
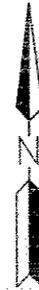


S89°21'06"W 660.03'

304.31'

N89°21'06"E  
99.00'

WEST QUARTER CORNER  
SECTION 30, T1N, R1E  
FOUND BRASS CAP  
IN HAND HOLE  
P.O.C.



**ROESER ROAD**

CENTER OF  
SECTION 30

AREA IS 217,809 SQ. FT. OR 5.0002 ACRES

CMX PROJ.	6976
DATE:	08/02/06
SCALE:	NTS
DRAWN BY:	CJP
CHECKED BY:	PED

**SOUMAN ANNEXATION**  
AVONDALE BLVD. AND ROESER RD  
MARICOPA COUNTY, ARIZONA  
**EXHIBIT "A"**

7740 N. 16TH ST. STE.100  
PHOENIX, AZ 85020  
PH (602) 567-1900  
FAX (602) 567-1901  
www.cmxicom.com



**ROGERS PROPERTY ANNEXATION  
LEGAL DESCRIPTION**

A portion of the Southeast quarter of Section 19, Township 1 North, Range 1 East of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at a brass cap in hand hole accepted as the south quarter corner of said section from which a brass cap in hand hole accepted as the southeast corner thereof bears North 89 degrees 12 minutes 39 seconds East, a distance of 2599.41 feet;

Thence along the south line of said Southeast quarter, North 89 degrees 12 minutes 39 seconds East, a distance of 230.00 feet to the **POINT OF BEGINNING**;

Thence North 00 degrees 00 minutes 28 seconds West a distance of 568.17 feet;

Thence South 88 degrees 57 minutes 42 seconds West a distance of 230.00 feet to the west line of said Southeast quarter;

Thence North 00 degrees 00 minutes 22 seconds West, along said west line, a distance of 29.20 feet;

Thence, leaving said west line, North 89 degrees 59 minutes 38 seconds East a distance of 4.41 feet;

Thence North 00 degrees 30 minutes 04 seconds East a distance of 387.66 feet;

Thence South 87 degrees 12 minutes 10 seconds West a distance of 7.86 feet to the west line of said Southeast quarter;

Thence North 00 degrees 00 minutes 22 seconds West, along said west line, a distance of 335.02 feet to the north line of the Southwest quarter of the Southeast quarter of said section;

Thence along said north line, North 89 degrees 01 minutes 43 seconds East a distance of 1289.98 feet to the northeast corner of said Southwest quarter of the Southeast quarter;

Thence along the easterly line thereof, South 00 degrees 25 minutes 49 seconds East a distance of 1113.96 feet;

Thence South 89 degrees 12 minutes 39 seconds West a distance of 22.20 feet;

Thence North 01 degrees 05 minutes 00 seconds West a distance of 51.20 feet;

Thence South 87 degrees 21 minutes 04 seconds West a distance of 207.28 feet;

Thence South 00 degrees 41 minutes 27 minutes East a distance of 213.17 feet;

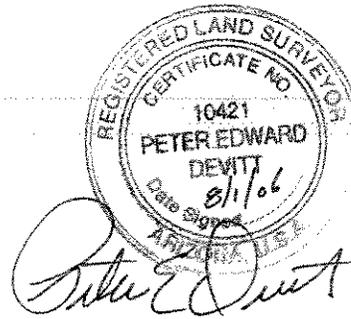
Thence North 88 degrees 59 minutes 29 seconds East a distance of 20.23 feet;

Thence South 00 degrees 25 minutes 49 seconds East a distance of 40.00 feet to the south line of said Southeast quarter;

Thence along said south line, South 89 degrees 12 minutes 39 seconds West, a distance of 861.00 feet to the **POINT OF BEGINNING**.

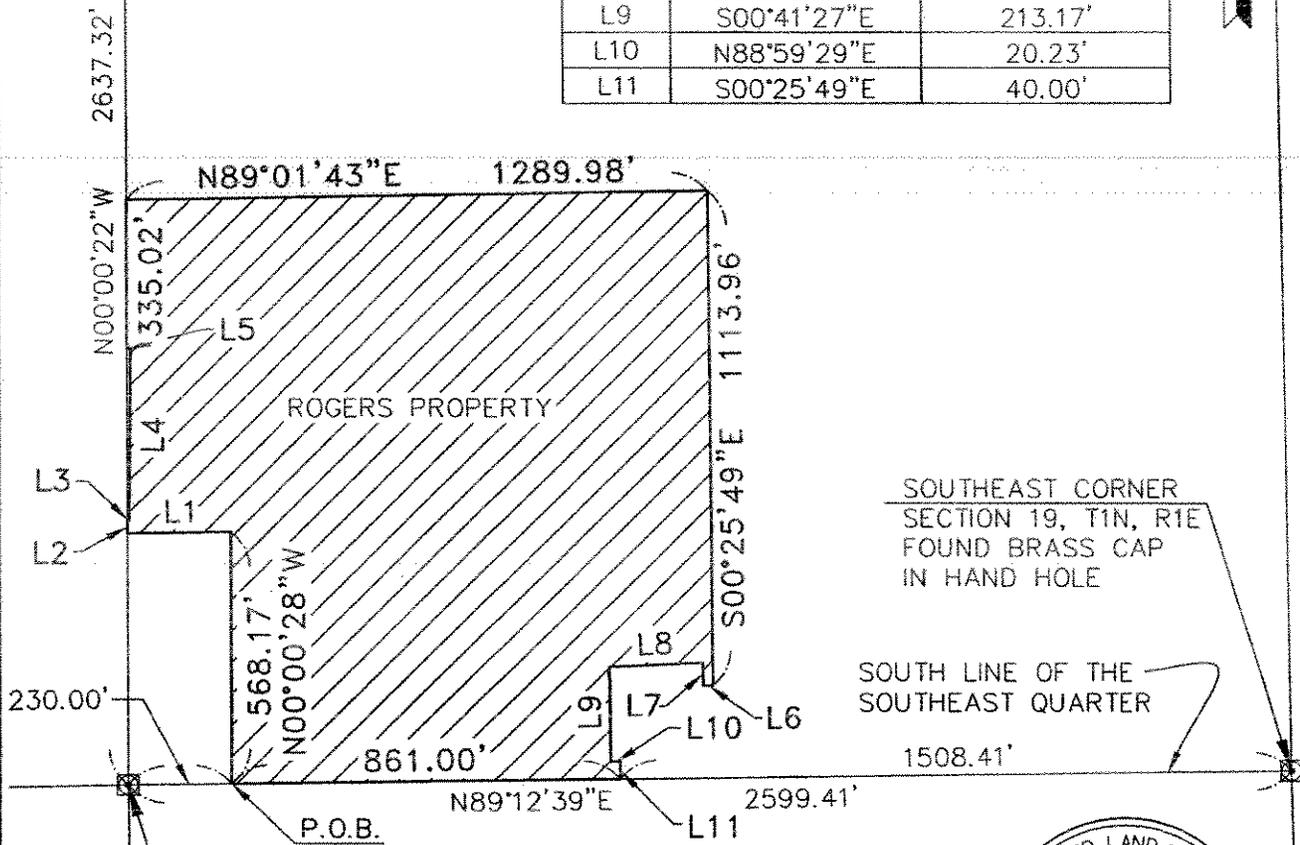
The description shown hereon is not to be used to violate any subdivision regulation of the State, County and/or Municipality or any other land division restrictions.

Prepared by: CMX, L.L.C.  
7740 N. 16<sup>th</sup> Street, Suite 100  
Phoenix, Arizona 85020  
Project No. 6966  
August 1, 2006



CENTER OF SECTION 19

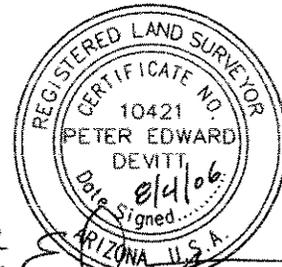
LINE TABLE		
LINE	BEARING	DISTANCE
L1	S88°57'42"W	230.00'
L2	N00°00'22"W	29.20'
L3	N89°59'38"E	4.41'
L4	N00°30'04"E	387.66'
L5	S87°12'10"W	7.86'
L6	S89°12'39"W	22.20'
L7	N01°05'00"W	51.20'
L8	S87°21'04"W	207.28'
L9	S00°41'27"E	213.17'
L10	N88°59'29"E	20.23'
L11	S00°25'49"E	40.00'



SOUTHEAST CORNER SECTION 19, T1N, R1E FOUND BRASS CAP IN HAND HOLE

SOUTH LINE OF THE SOUTHEAST QUARTER

SOUTH QUARTER CORNER SECTION 19, T1N, R1E FOUND BRASS CAP IN HAND HOLE P.O.C.



AREA IS 1,520,043 SQ. FT. OR 34.8954 ACRES

CMX PROJ.	6966
DATE:	08/02/06
SCALE:	N.T.S.
DRAWN BY:	CJP
CHECKED BY:	PED

**ROGERS PROPERTY ANNEXATION**  
 107TH AVENUE & BROADWAY ROAD  
 MARICOPA COUNTY, ARIZONA  
**EXHIBIT "A"**

7740 N. 16TH ST. STE.100  
 PHOENIX, AZ 85020  
 PH (602) 567-1900  
 FAX (602) 567-1901  
 www.cmxinc.com



**ODLE PROPERTY ANNEXATION  
LEGAL DESCRIPTION**

That portion of the Northeast quarter of Section 30, Township 1 North, Range 1 East of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

**BEGINNING** at a brass cap in hand hole accepted as the northeast corner of said section, from which a brass cap in hand hole accepted as the north quarter corner thereof bears South 89 degrees 12 minutes 39 seconds West, a distance 2599.41 feet;

Thence along the east line of said Northeast quarter, South 01 degrees 08 minutes 51 seconds East, a distance of 2505.66 feet to the north line of the south 150.00 feet of said Northeast quarter;

Thence along said north line, South 89 degrees 21 minutes 06 seconds West, a distance of 2608.70 feet to the west line of said Northeast quarter;

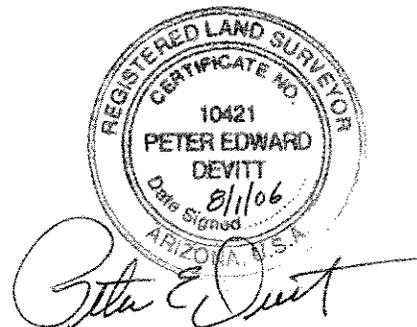
Thence along said west line, North 00 degrees 56 minutes 08 seconds West, a distance of 2499.20 feet to the north line of said Northeast quarter;

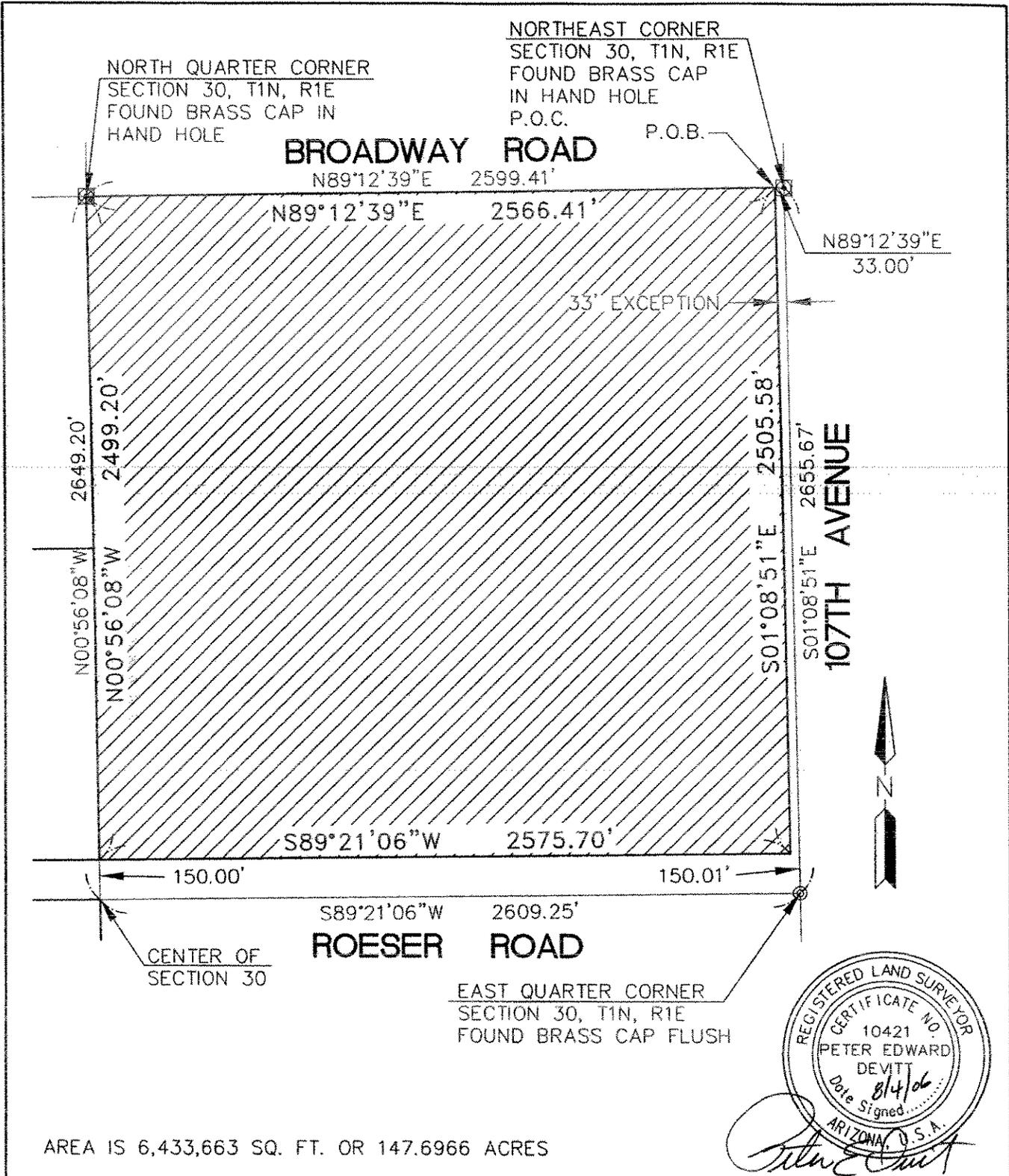
Thence along said north line, North 89 degrees 12 minutes 39 seconds East, a distance of 2599.41 feet to the **POINT OF BEGINNING**.

**EXCEPT** the east 33.00 feet thereof.

The description shown hereon is not to be used to violate any subdivision regulation of the State, County and/or Municipality or any other land division restrictions.

Prepared by: CMX, L.L.C.  
7740 N. 16<sup>th</sup> Street, Suite 100  
Phoenix, Arizona 85020  
Project No. 6966  
July 26, 2006





REGISTERED LAND SURVEYOR  
CERTIFICATE NO. 10421  
PETER EDWARD DEVITT  
Date Signed 8/4/06  
ARIZONA, U.S.A.

*Peter Edward Devitt*

CMX PROJ.	6966
DATE:	08/02/06
SCALE:	N.T.S.
DRAWN BY:	CJP
CHECKED BY:	PED

**ODLE PROPERTY ANNEXATION**  
BROADWAY ROAD & 115TH AVENUE  
MARICOPA COUNTY, ARIZONA

**EXHIBIT "A"**

7740 N. 16TH ST. STE.100  
PHOENIX, AZ 85020  
PH (602) 567-1900  
FAX (602) 567-1901  
www.cmxinc.com



**EVERGREEN COMMUNITIES  
JENSEN PROPERTY  
ANNEXATION LEGAL DESCRIPTION**

That portion of GLO Lot 2, also known as the Southwest Quarter of the Northwest quarter of Section 30, Township 1 North, Range 1 East of the Gila and Salt River Meridian, Maricopa County, Arizona, described as follows:

**COMMENCING** at a brass cap in hand hole accepted as the west quarter corner of said Section 30, from which a brass cap in hand hole accepted as the northwest corner thereof bears North 00 degrees 08 minutes 28 seconds West, a distance of 2620.61 feet;

Thence along the west line of said northwest quarter, North 00 degrees 08 minutes 28 seconds West a distance of 150.01 feet to the north line of the south 150.00 feet of said Southwest quarter of the Northwest quarter;

Thence along said north line, North 89 degrees 21 minutes 06 seconds East, a distance of 99.00 feet to the east line of the west 99.00 feet of said Southwest quarter of the Northwest quarter and the **POINT OF BEGINNING**;

Thence along said east line, North 00 degrees 08 minutes 28 seconds West a distance of 154.31 feet to the north line of the south 304.30 feet of said Southwest quarter of the Northwest quarter;

Thence along said north line, North 89 degrees 21 minutes 06 seconds East a distance of 660.03 feet to the east line of the west 759.00 feet of said Southwest quarter of the Northwest quarter;

Thence along said east line, North 00 degrees 08 minutes 28 seconds West a distance of 330.01 feet;

Thence South 89 degrees 21 minutes 06 seconds West a distance of 660.03 feet to the east line of the west 99.00 feet of the Southwest quarter of the Northwest quarter;

Thence along said east line, North 00 degrees 08 minutes 28 seconds West a distance of 330.50 feet;

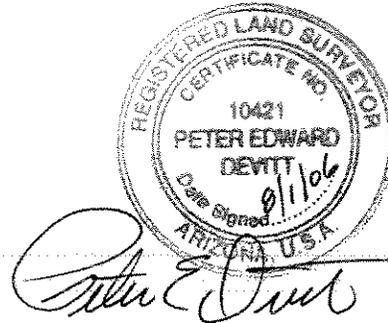
Thence, North 89 degrees 01 minutes 54 seconds East a distance of 1162.67 feet to the east line of said Southwest quarter of the Northwest quarter;

Thence along said east line, South 00 degrees 35 minutes 16 seconds East a distance of 821.28 feet to the north line of the south 150.00 feet of the Southwest quarter of the Northwest quarter;

Thence along said north line, South 89 degrees 21 minutes 06 seconds West a distance of 1168.99 feet to the **POINT OF BEGINNING**.

The description shown hereon is not to be used to violate any subdivision regulation of the State, County and/or Municipality or any other land division restrictions.

Prepared by: CMX, L.L.C.  
7740 N. 16th Street, Suite 100  
Phoenix, AZ 85020  
Project No. 6976  
July 26, 2006



**BROADWAY ROAD**

NORTHWEST CORNER  
SECTION 30, T1N, R1E  
FOUND BRASS CAP  
IN HAND HOLE

NORTH QUARTER CORNER  
SECTION 30, T1N, R1E  
FOUND BRASS CAP  
IN HAND HOLE

2620.61'

**AVONDALE BOULEVARD**

N89°01'54"E 1162.67'

N00°08'28"W

330.50'

S89°21'06"W 660.03'

N89°21'06"E  
99.00'

N89°21'06"E 660.03'

N00°08'28"W

154.31'

P.O.B.

N00°08'28"W

330.01'

821.28'

S00°35'16"E



N00°08'28"W

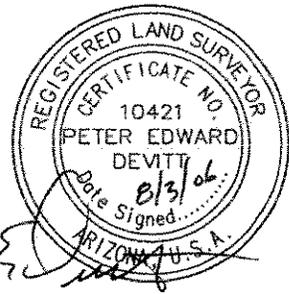
150.01'

S89°21'06"W

1168.99'

WEST QUARTER CORNER  
SECTION 30, T1N, R1E  
FOUND BRASS CAP  
IN HAND HOLE (P.O.C.)

**ROESER ROAD**



AREA IS 735,859 SQ. FT. OR 16.8930 ACRES

CMX PROJ.	6976
DATE:	08/02/06
SCALE:	NTS
DRAWN BY:	CJP
CHECKED BY:	PED

**JENSEN ANNEXATION**  
AVONDALE BLVD. AND ROESER RD  
MARICOPA COUNTY, ARIZONA  
**EXHIBIT "A"**

7740 N. 16TH ST. STE.100  
PHOENIX, AZ 85020  
PH (602) 567-1900  
FAX (602) 567-1901  
www.cmxinc.com



**EVERGREEN PROPERTY  
ANNEXATION LEGAL DESCRIPTION**

That portion of GLO Lot 1 also known as the Northwest quarter of Section 30, Township 1 North, Range 1 East of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

**COMMENCING** at a brass cap in hand hole accepted as the northwest corner of said section, from which a brass cap in hand hole accepted as the west quarter corner thereof bears South 00 degrees 08 minutes 28 seconds East a distance of 2620.61 feet;

Thence North 88 degrees 42 minutes 23 seconds east a distance of 99.02 feet along the north line of said section to the **POINT OF BEGINNING**;

Thence North 88 degrees 42 minutes 23 seconds East, along the north line of said Northwest quarter, a distance of 1049.81 feet;

Thence South 02 degrees 08 minutes 08 seconds East a distance of 184.84 feet;

Thence South 02 degrees 08 minutes 09 seconds East a distance of 185.07 feet;

Thence South 01 degrees 56 minutes 37 seconds East a distance of 169.05 feet;

Thence South 00 degrees 56 minutes 45 seconds East a distance of 160.00 feet;

Thence South 03 degrees 34 minutes 09 seconds East a distance of 192.26 feet;

Thence South 02 degrees 02 minutes 39 seconds East a distance of 118.04 feet;

Thence South 11 degrees 20 minutes 19 seconds East a distance of 80.41 feet;

Thence South 23 degrees 10 minutes 40 seconds East a distance of 148.38 feet to the easterly line of said lot;

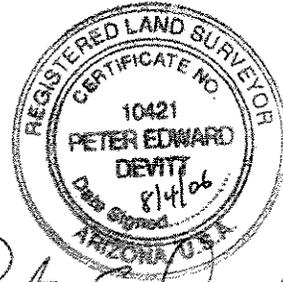
Thence along said easterly line, South 00 degrees 35 minutes 16 seconds East a distance of 74.78 feet;

Thence South 89 degrees 01 minutes 53 seconds West a distance of 1159.84 feet;

Thence North 00 degrees 08 minutes 28 seconds West a distance of 1294.37 feet to the **POINT OF BEGINNING**.

The description shown hereon is not to be used to violate any subdivision regulation of the State, County and/or Municipality or any other land division restrictions.

Prepared by: CMX, L.L.C.  
7740 N. 16<sup>th</sup> Street, Suite 100  
Phoenix, Arizona 85020  
Project No. 6976  
August 4, 2006



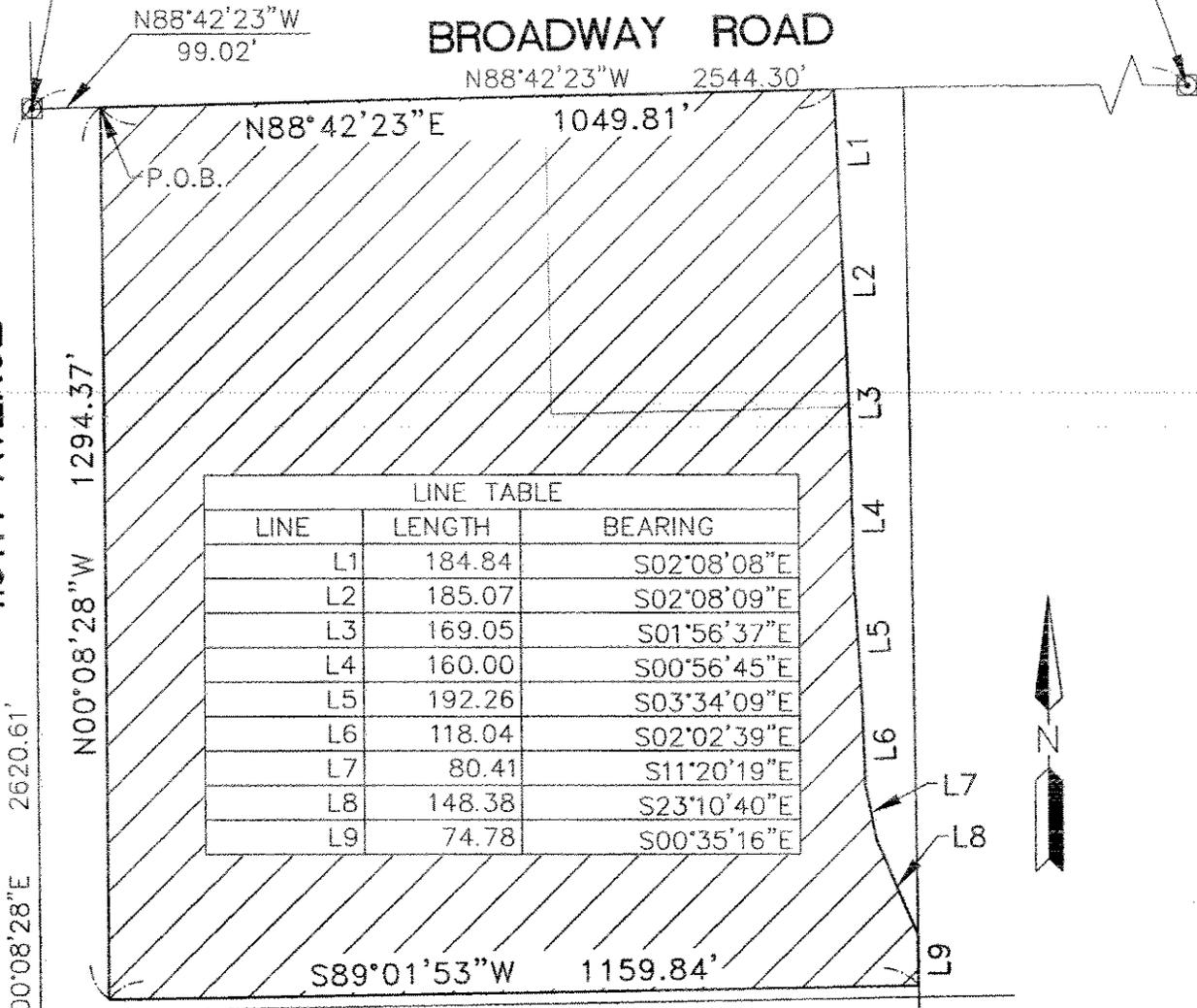
*Peter E Devitt*

NORTHWEST CORNER  
SECTION 30, T1N, R1E  
FOUND BRASS CAP  
IN HAND HOLE  
P.O.C.

NORTH QUARTER CORNER  
SECTION 30, T1N, R1E  
FOUND BRASS CAP  
IN HAND HOLE

**BROADWAY ROAD**

**115TH AVENUE**



LINE TABLE		
LINE	LENGTH	BEARING
L1	184.84	S02°08'08"E
L2	185.07	S02°08'09"E
L3	169.05	S01°56'37"E
L4	160.00	S00°56'45"E
L5	192.26	S03°34'09"E
L6	118.04	S02°02'39"E
L7	80.41	S11°20'19"E
L8	148.38	S23°10'40"E
L9	74.78	S00°35'16"E

S00°08'28"E 2620.61'

N00°08'28"W 1294.37'

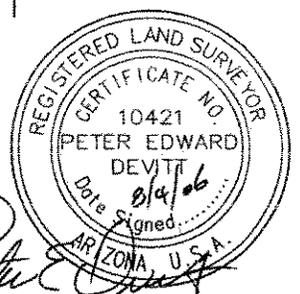
N88°42'23"W 99.02'

N88°42'23"W 2544.30'

N88°42'23"E 1049.81'

S89°01'53"W 1159.84'

WEST QUARTER CORNER  
SECTION 30, T1N, R1E  
FOUND BRASS CAP  
IN HAND HOLE



AREA IS 1,401,549 SQ. FT. OR 32.1751 ACRES

CMX PROJ.	6976
DATE:	08/02/06
SCALE:	N.T.S.
DRAWN BY:	CJP
CHECKED BY:	PED

**EVERGREEN ANNEXATION**  
AVONDALE BLVD & BROADWAY RD  
MARICOPA COUNTY, ARIZONA  
**EXHIBIT "A"**

7740 N. 16TH ST. STE.100  
PHOENIX, AZ 85020  
PH (602) 567-1900  
FAX (602) 567-1901  
www.cmxinc.com



**EVERGREEN COMMUNITIES  
CASHION PROPERTY  
ANNEXATION LEGAL DESCRIPTION**

That portion of GLO Lot 2 also known as the Southwest Quarter of the Northwest quarter of Section 30, Township 1 North, Range 1 East of the Gila and Salt River Meridian, Maricopa County, Arizona, described as follows:

**COMMENCING** at a brass cap in hand hole accepted as the west quarter corner of said section from which a brass cap in hand hole accepted as the northwest corner thereof bears North 00 degrees 08 minutes 28 seconds West a distance of 2620.61 feet;

Thence along the east-west mid-section line of said section North 89 degrees 21 minutes 06 seconds East a distance of 33.00 feet to the east line of the west 33.00 feet of said Southwest quarter of the Northwest quarter, also being the **POINT OF BEGINNING**;

Thence along said east line, North 00 degrees 08 minutes 28 seconds West a distance of 1310.49 feet to the north line of said Southwest quarter of the Northwest quarter;

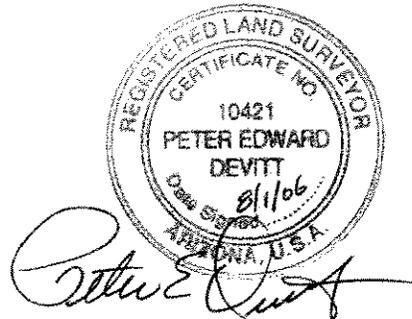
Thence along said north line, North 89 degrees 01 minutes 54 seconds East a distance of 66.01 feet to the east line of the west 99.00 feet of said Southwest quarter of the Northwest quarter;

Thence along said east line, South 00 degrees 08 minutes 28 seconds East a distance of 1310.86 feet to the east-west mid-section line of said section;

Thence along said mid-section line, South 89 degrees 21 minutes 06 seconds West a distance of 66.00 feet to the **POINT OF BEGINNING**.

The description shown hereon is not to be used to violate any subdivision regulation of the State, County and/or Municipality or any other land division restrictions.

Prepared by: CMX L.L.C.  
7740 N. 16th Street, Suite 100  
Phoenix, AZ 85020  
Project No. 6976  
July 26, 2006

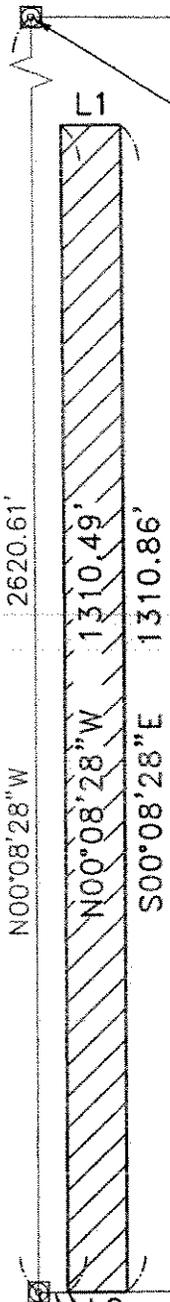


# BROADWAY ROAD

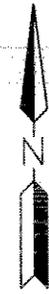
NORTHWEST CORNER  
SECTION 30, T1N, R1E  
FOUND BRASS CAP  
IN HAND HOLE

NORTH QUARTER CORNER  
SECTION 30, T1N, R1E  
FOUND BRASS CAP  
IN HAND HOLE

AVONDALE BOULEVARD



LINE TABLE		
LINE	LENGTH	BEARING
L1	66.01	N89°01'54\"E
L2	66.00	S89°21'06\"W



# ROESER ROAD

P.O.B.  
N89°21'06\"E  
33.00'  
WEST QUARTER CORNER  
SECTION 30, T1N, R1E  
FOUND BRASS CAP  
IN HAND HOLE (P.O.C.)

CENTER OF  
SECTION 30

AREA IS 86,505 SQ. FT. OR 1.9859 ACRES

CMX PROJ.	6976
DATE:	08/02/06
SCALE:	NTS
DRAWN BY:	CJP
CHECKED BY:	PED

**CASHION ANNEXATION**  
AVONDALE BLVD AND ROESER RD.  
MARICOPA COUNTY, ARIZONA  
**EXHIBIT "A"**

7740 N. 16TH ST. STE.100  
PHOENIX, AZ 85020  
PH (602) 567-1900  
FAX (602) 567-1901  
www.cmxinc.com



February 19, 2004

Mr. Dean Svoboda  
Planning & Development Director  
City of Avondale  
11465 W. Civic Center Drive  
Avondale, AZ

Re: **SWC 107<sup>th</sup> Avenue and Broadway Road**  
**Odle Property: APN: 101-42-001C & 101-42-001F**

Dear Mr. Svoboda:

As an owner of property located in the area of the SWC of 107<sup>th</sup> Avenue and Broadway Road, I hereby authorize Stephen C. Earl and members of the law firm Earl, Curley and Lagarde, and Evergreen Devco, Inc. to submit applications to annex the unincorporated portion of our property, obtain an amendment of the property's General Plan designation, rezone the property as described in the attached legal description to PADD and obtain all other related entitlements as may be necessary to develop the property.

Sincerely,

William E. Odle  
WILLIAM E. ODLE, AS TRUSTEE OF THE EZRA ODLE, JR. FAMILY  
TRUST DATED MAY 1, 1995

William E. Odle  
WILLIAM E. ODLE

Martha Beidler  
MARTHA BEIDLER

Larry D. Odle  
LARRY D. ODLE

James Odle by Dorothy Odle POA  
JAMES ODLE

February 19, 2004

Mr. Dean Svoboda  
Planning & Development Director  
City of Avondale  
11465 W. Civic Center Drive  
Avondale, AZ

Re: **West of 107<sup>th</sup> Ave and Broadway Road**  
**Rogers Property: APN: 101-24-007 & 101-24-009A**

Dear Mr. Svoboda:

As an owner of property located in the area of the 107<sup>th</sup> Avenue and Broadway Road, I hereby authorize Stephen C. Earl and members of the law firm Earl, Curley and Lagarde, and Evergreen Devco, Inc. to submit applications to annex the unincorporated portion of our property, obtain an amendment of the property's General Plan designation, rezone the property as described in the attached legal description to PADD and obtain all other related entitlements as may be necessary to develop the property.

Sincerely,

RICHARD GENE ROGERS



ALICE FAYE ROGERS



July 26, 2006

Mr. Dean Svoboda  
Planning & Development Director  
City of Avondale  
11465 W. Civic Center Drive  
Avondale, AZ

Re: West of 107<sup>th</sup> Ave and Broadway Road  
Tobin Property: APN: 101-42-005C, 101-42-006D, 101-42-006C and 101-43-001

Dear Mr. Svoboda:

As an owner of property located in the area of the 107<sup>th</sup> Avenue and Broadway Road, I hereby authorize Ed Bull and members of the law firm Burch & Cracchiolo, P.A, and Evergreen Communities, LLC to submit applications to annex the unincorporated portion of our property, rezone the property as described in the attached legal description to PAD and obtain all other related entitlements as may be necessary to develop the property.

Sincerely,

ARTHUR C. TOBIN, a married man sole and separate property

Arthur C. Tobin

ART TOBIN FAMILY LIMITED LIABILITY  
LIMITED PARTNERSHIP, an Arizona limited  
Liability partnership

By: Arthur C. Tobin  
Arthur Tobin

Its: General Partner

October 25, 2004

Mr. Dana Svoboda  
Planning & Development Director  
City of Avondale  
11465 W. Civic Center Drive  
Avondale, AZ

Re: Avondale Blvd and Roeser Road  
Jensen Property: APN: 101-43-003J, 101-43-003Q, 101-43-003U

Dear Mr. Svoboda:

As an owner of property located in the area of the Avondale Blvd and Roeser Road, I hereby authorize Stephen C. Earl and members of the law firm Earl, Curley and Lagarde, The Lead Group, LLC and Evergreen Devco, Inc. to submit applications to annex the unincorporated portion of our property, obtain an amendment of the property's General Plan designation, rezone the property as described in the attached legal description to PADD, and obtain all necessary approvals from Arizona Department of Water Resources.

Sincerely,

  
CRAIG I. JENSEN, TRUSTEE OF THE JENSEN  
FAMILY TRUST DATED JUNE 25, 1996

  
CECELIA J. JENSEN, TRUSTEE OF THE JENSEN  
FAMILY TRUST DATED JUNE 25, 1996

June 28, 2006

Mr. Dean Svoboda  
Planning & Development Director  
City of Avondale  
11465 W. Civic Center Drive  
Avondale, AZ

Re: **Avondale Blvd and Roeser Road**  
**Cashion Property: APN # 101-42-002A and 101-42-002B**

Dear Mr. Svoboda:

As an owner of property located in the area of the Avondale Blvd and Roeser Road, I hereby authorize Ed Bull and members of the law firm Burch & Cracchiolo, P.A, and Evergreen Communities to submit applications to annex the unincorporated portion of our property, rezone the property as described in the attached legal description to PADD, and obtain all necessary approvals from Arizona Department of Water Resources.

Sincerely,

CASHION AVONDALE BLVD L.L.C., an Arizona limited liability company

By:   
Its: Managing Member *CHARLES SPENCE*

October 25, 2004

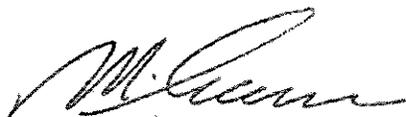
Mr. Dean Svoboda  
Planning & Development Director  
City of Avondale  
11465 W. Civic Center Drive  
Avondale, AZ

Re: **Avondale Blvd and Roeser Road**  
**Souman Property: APN: 101-42-003K**

Dear Mr. Svoboda:

As an owner of property located in the area of the Avondale Blvd and Roeser Road, I hereby authorize Stephen C. Earl and members of the law firm Earl, Curley and Lagarde, The Lead Group, LLC and Evergreen Devco, Inc. to submit applications to annex the unincorporated portion of our property, obtain an amendment of the property's General Plan designation, rezone the property as described in the attached legal description to PADD, and obtain all necessary approvals from Arizona Department of Water Resources.

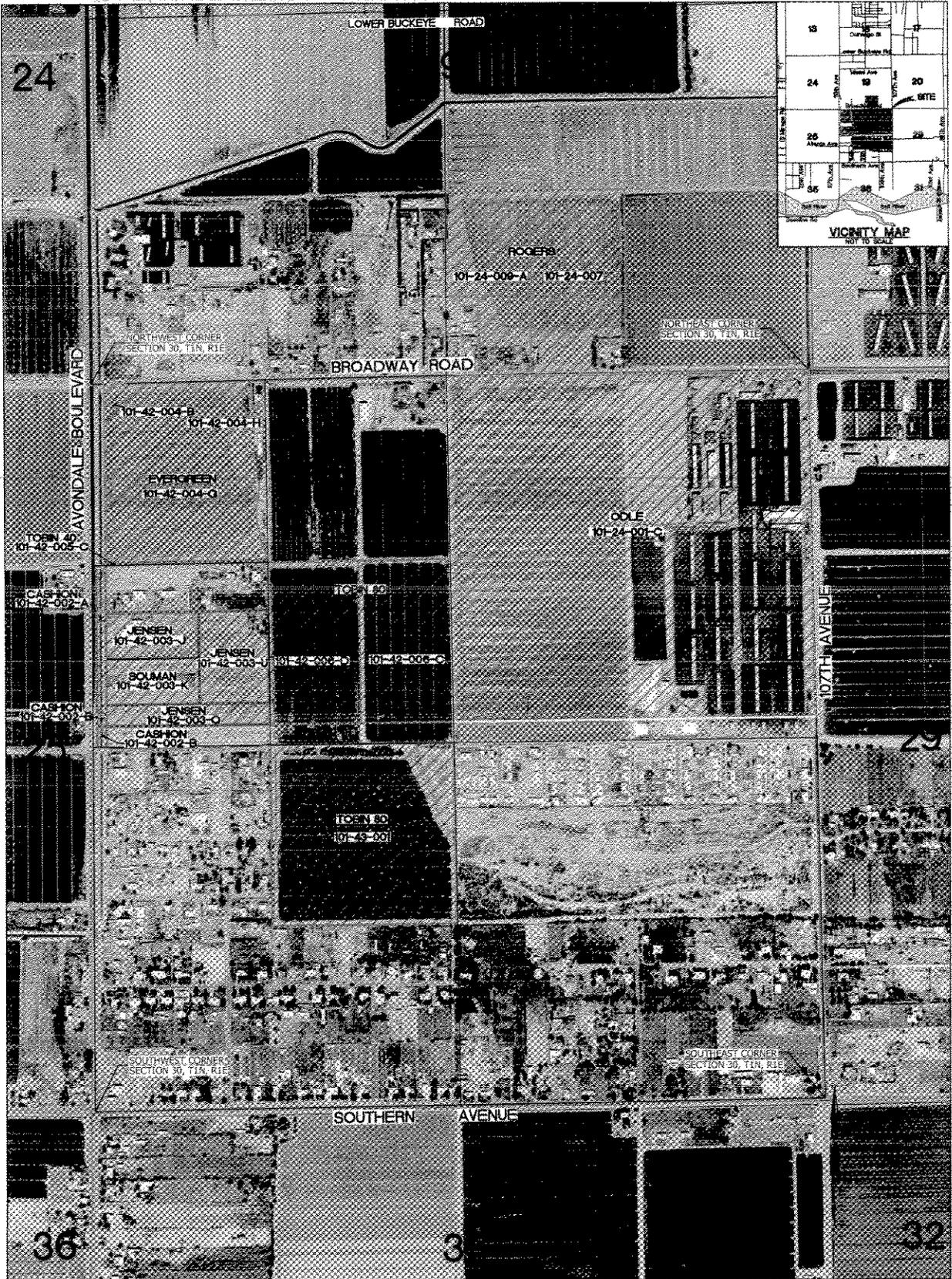
Sincerely,



SOUMAN ENTERPRISES, INC., an  
Arizona corporation

By: M. Souman

Its: President



**Ownership Legend**

----- Odie	----- Jensen	----- County
----- Martin	----- Souman	
----- Rogers	----- Cobbin	
----- Tobin		

DWG. NO.	CMX PROJ: 8978	DATE: 12/17/05	SCALE: N.T.S.
<b>B</b>	DESIGNED: CMX	DRAWN: AJS	APPROVED: SMJD
	REV:		
SHT. 1 OF 1			

**HILLCREST**  
 107TH AVENUE AND BROADWAY ROAD  
 AVONDALE, ARIZONA  
 EXHIBIT B - OWNERSHIP MAP



7745 N. 168TH ST. STE. 100  
 PHOENIX, AZ 85030  
 PHONE: (602) 567-1800  
 FAX: (602) 567-1901  
 www.cmxinc.com

ENGINEERS • PLANNERS • LANDSCAPE ARCHITECTS • SURVEYORS • CONSTRUCTION MANAGERS

LINE	BEARING	DISTANCE
L1	S 89°26'04" W	208.70'
L2	N 00°12'17" W	208.70'
L3	N 00°13'06" E	567.17'
L4	N 89°11'07" E	230.00'
L5	S 00°13'00" W	568.17'
L6	S 89°26'04" W	230.00'

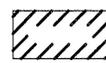
E 1/4 COR.  
SEC. 19, T1N, R1W

SW COR.  
SEC. 19, T1N, R1E  
NW COR.  
SEC. 30, T1N, R1E

SCALE: N.T.S.

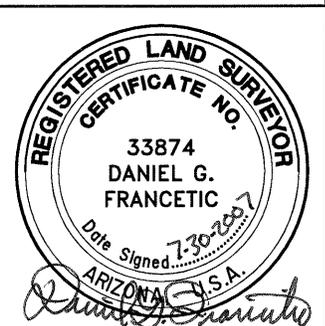
SE COR.  
SEC. 19, T1N, R1E  
NE COR.  
SEC. 30, T1N, R1E

**LEGEND**

-  PARCEL TO BE ANNEXED
-  EXISTING CITY LIMITS
-  BRASS CAP FLUSH
-  BRASS CAP IN HAND HOLE

E 1/4 COR.  
SEC. 30, T1N, R1E

**Entellus™**  
 2255 N. 44th Street Suite 125  
 Phoenix, AZ 85008.3279  
 Tel 602.244.2566  
 Fax 602.244.8947  
 Website: www.Entellus.com



**HILLCREST ANNEXATION**  
 CITY OF AVONDALE, ARIZONA  
 WE HEREBY CERTIFY THAT THIS IS AN ACCURATE  
 PLAT OF TERRITORY ANNEXED TO THE CITY OF  
 AVONDALE, ARIZONA BY ORDINANCE NO.

MAYOR \_\_\_\_\_ DATE \_\_\_\_\_  
 CLERK \_\_\_\_\_ DATE \_\_\_\_\_

**CITY OF AVONDALE, ARIZONA**  
 SECTIONS 19 & 30  
 T1N, R1E, G. & S.R.B. & M.  
**ANNEXATION EXHIBIT**  
 DATE: 6/20/07 REV'D: \_\_\_/\_\_\_/\_\_\_  
 DRAWN BY: DG CHK'D: DF PG: 1 OF 1  
 FILE: P\SS\APROJ\435011 PH3 HILLCREST

**CITY OF AVONDALE  
DESCRIPTION FOR ANNEXATION**

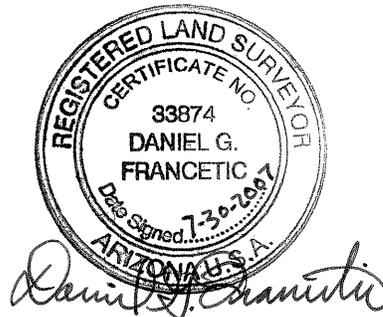
Those portions of Section 30, Township 1 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

The Southeast Quarter of the Northwest Quarter of said Section 30.

The Northeast Quarter of the Southwest Quarter of said Section 30.

The Northeast Quarter of said Section 30;

EXCEPT the East 58.00 feet of said Northeast Quarter.



**CITY OF AVONDALE  
DESCRIPTION FOR ANNEXATION**

That portion of Section 19, Township 1 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona described as follows:

The Southwest Quarter of the Southeast Quarter of said Section;

EXCEPT the South 208.70 feet of the East 208.70 feet of said Southwest Quarter of the Southeast Quarter;

And also EXCEPT the following described parcel:

BEGINNING at the Maricopa County Engineering Department brass cap found in a hand hole at the South Quarter Corner of said Section, from which the Maricopa County Engineering Department brass cap found in a hand hole at the Southeast Corner of said Section bears North 89 degrees 26 minutes 04 seconds East a distance of 2599.39 feet as shown on "Record of PLSS Subdivision" as found in Book 686 of Maps, Page 43 of the Maricopa County Recorder;

Thence along the West line of said Southeast Quarter, North 00 degrees 13 minutes 06 seconds East a distance of 567.174 feet to a rebar found with cap (RLS 28739) at the Northwest Corner of property as shown on survey recorded in Book 885 of Maps, Page 23 of the Maricopa County Recorder;

Thence along the North line of said property, North 89 degrees 11 minutes 07 seconds East a distance of 230.00 feet to a rebar found with cap (RLS 15336) at the Northeast Corner of said property;

Thence South 00 degrees 13 minutes 00 seconds West a distance of 568.174 feet to a point on the South line of said Southeast Quarter;

Thence along said South line, South 89 degrees 26 minutes 04 seconds West a distance of 230.00 feet to the POINT OF BEGINNING.

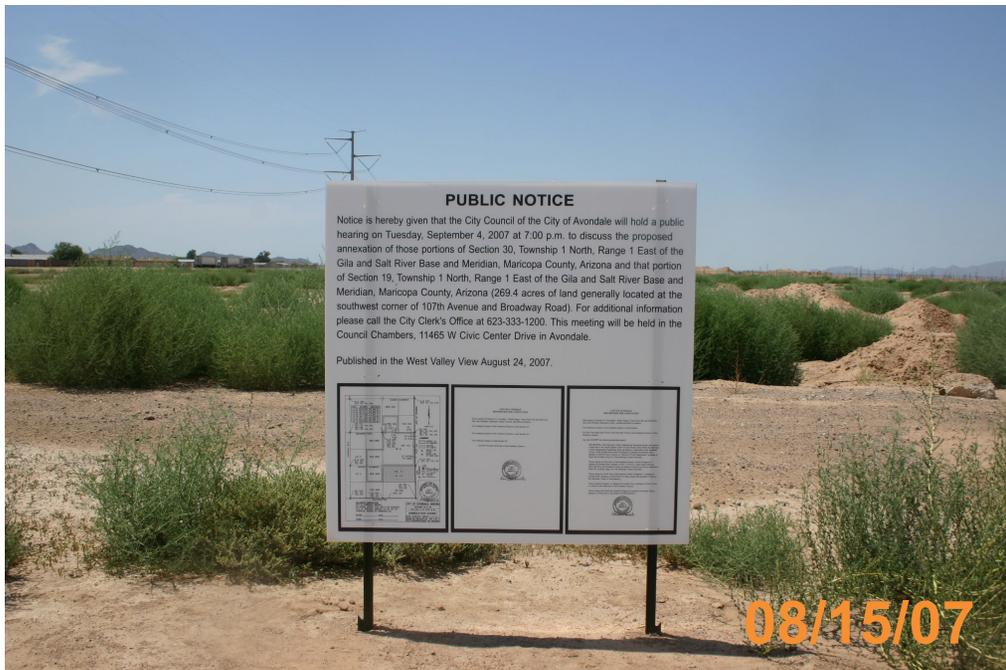




**PUBLIC NOTICE**

Notice is hereby given that the City Council of the City of Avondale will hold a public hearing on Tuesday, September 4, 2007 at 7:00 p.m. to discuss the proposed annexation of those portions of Section 30, Township 1 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona and that portion of Section 19, Township 1 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona (269.4 acres of land generally located at the southwest corner of 107th Avenue and Broadway Road). For additional information please call the City Clerk's Office at 623-333-1200. This meeting will be held in the Council Chambers, 11465 W Civic Center Drive in Avondale.

Published in the West Valley View August 24, 2007.



**PUBLIC NOTICE**

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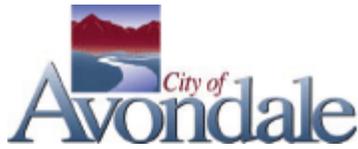
Published in the West Valley View August 24, 2007.



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Published in the West Valley View August 24, 2007.



# CITY COUNCIL REPORT

**SUBJECT:**  
Interstate 10 Acceleration Funding

**MEETING DATE:**  
September 4, 2007

**TO:** Mayor and Council  
**FROM:** Shirley Gunther, Intergovernmental Affairs Manager (623)333-1612  
**THROUGH:** Charlie McClendon, City Manager

**PURPOSE:**

Staff is requesting that the City Council discuss the MAG Regional Council recommendation of \$6 million to reimburse interest costs for the Interstate 10 acceleration project.

**BACKGROUND:**

On April 4, 2006 the cities of Avondale, Buckeye, Litchfield Park and Goodyear met to consider a resolution to support the acceleration of the widening project on Interstate 10. Goodyear City Manger, Steve Cleveland explained that through a financing mechanism that draws on the HELP Program and Grant Anticipates Notes, funds could be made available to advance the needed money earlier to accelerate the widening of I-10. The total project costs for the Loop 101 – Sarival Avenue were estimated to cost \$130 million dollars with \$24 million in total interest costs. West Valley Legislators were also in attendance and testified at the meeting. They explained that legislation was being crafted to help the cities pay for some or all of the interest costs related to highway acceleration projects. Given that, the four cities approved the Resolution.

On April 14, 2006 the MAG Regional Council approved seeking alternative funding through HELP and GANs for the I-10 acceleration project. In June 2006, the Governor signed the Statewide Transportation Acceleration Needs (STAN) account legislation. The measure directed \$190 million in state general funds to the Maricopa Association of Governments specifically for highway acceleration projects. At the recommendation of MAG and with the approval of the State Transportation Board the following projects received approval for STAN funding:

- \$33 million for I-17 Anthem to Carefree Highway
- \$47 million for I-10 Verrado Way to Sarival
- \$20 million for Loop 202 Santan to Meridian Road
- \$32 million for Loop 101 Tatum to Princess
- \$42 million for Cactus and Waddell Roads and the 303 TI
- \$38 million Baseline Road to Loop 202

While the Verrado to Sarival Ave project was eligible, prior to the approval of the projects listed above, Avondale continually expressed at each Regional Council Meeting, Transportation Policy Committee meeting, and the STAN working group meeting that the I-10 project was in need of funding and was a legitimate project; the City argued that it met the legislative criteria and should be included in the list of projects being considered for funding.

Avondale Mayor, Council and staff were informed by state officials that the enabling STAN legislation did not specifically state that interest is reimbursable for projects such as the I-10 and recommend changing the law to allow such provision. During the 2007, Forty-eighth Legislative Session, Representative John Nelson (District 12) sponsored legislation (HB 2562) to amend the law allowing interest to be reimbursed. That bill passed out of the House of Representatives and the Senate Transportation Committee but was held in the Senate Rules Committee. Representative Nelson was successful in getting the interest provision and an appropriation of \$10 million for the project amended into the House Transportation Budget Reconciliation Bill (HB 2793). HB 2793

passed and was signed by the Governor authorizing \$10 million to interest reimbursement to projects that met the statutory criteria.

The bill also requires that MAG make recommendations for the funding priorities and forward those recommendations to the State Transportation Board for final review and approval. As part of the MAG process, the I-10 interest item was scheduled and discussed through a number of MAG Committees.

First, the MAG Management Committee heard the interest Issue on August 8, 2007 and recommended by a vote of 19 Yes and 6 No to authorize \$10 million be dedicated to the I-10 project. Second, on August 20, 2007 the MAG Transportation Policy Committee which consists of Mayors and business leaders also recommended that the full \$10 million be dedicated to the I-10 project. On August 22, the MAG Regional Council met and by a vote of 14 Yes and 10 No supported dedicating the full \$10 million to the I-10. However, during the voting process a “weighted” vote was called and because the weight is based on population – the larger cities that voted no were successful in blocking the motion. The motion that passed the Regional Council was a recommendation to allow \$6 million of the \$10 million to be applied to the local entities for their share of the local interest costs. The recommendation also called for the three cities to take the Regional Council recommendation back to their Councils for review and input.

If each of the Councils accept the \$6 million recommendation the recommendation moves to the State Transportation Board for their approval. If the Council does not approve the \$6 million recommendation, the item will be referred back to the Regional Council for additional discussion and action.

#### **DISCUSSION:**

##### **Next Steps**

The City Council should provide some direction regarding if and how they would like to proceed with financing of the project. The Arizona Department of Transportation is ready to bid the project. However, until the sources of funds are determined and agreements between all the entities have been signed the project will not move forward.

#### **BUDGETARY IMPACT:**

The MAG Regional Council recommendation of \$6 million will require the City of Avondale to contribute approximately \$1.4 million.

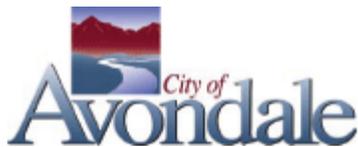
#### **RECOMENDATION:**

Staff recommends that the City Council discuss the MAG Regional Council recommendation of \$6 million to reimburse interest costs for the Interstate 10 acceleration project and provide direction.

#### **ATTACHMENTS:**

[Click to download](#)

No Attachments Available



# CITY COUNCIL REPORT

**SUBJECT:**

Intergovernmental Agreement - Arizona Department of Transportation for Cost Sharing -107th Avenue Overpass Structure on Interstate 10

**MEETING DATE:**

September 4, 2007

**TO:** Mayor and Council

**FROM:** David Fitzhugh, P.E., Interim City Engineer 623-333-4211

**THROUGH:** Charlie McClendon, City Manager

**PURPOSE:**

Staff will provide an update to the City Council regarding a Joint Project Agreement (JPA) between the City of Avondale and the Arizona Department of Transportation regarding the payment of \$2,019,335 as the City's share of the costs to replace the I-10/107th Avenue overpass structure. Staff also proposes to transfer \$500,000 from 304-1154, Traffic Signal – Indian School/El Mirage, \$420,000 from 304-1157, Avondale Boulevard – Northbound @ I-10 Right Turn Lane, and \$1,200,000 from 304-1193 (FY08-09), Buckeye Road – 107th Avenue to Avondale Medians to a newly created line item for the 107th Avenue overpass structure on Interstate 10 project. This item is for discussion purposes only.

**BACKGROUND:**

The Arizona Department of Transportation (ADOT) has been working with staff to complete improvement plans for replacement of the 107th Avenue bridge overpass structure as part of the freeway widening project on Interstate 10 (I-10) from Loop 101 to Sarival Lane. ADOT will be widening I-10 in two (2) parts. The first part will be a widening in the median to provide an additional general purpose lane and a new HOV lane. Design for the median widening is complete and is scheduled to go out to bid in the next two (2) months. The second part is to widen the outside of the freeway for an additional general purpose lane. The outside widening is currently under design, however, the section between Loop 101 and Dysart Road through Avondale has not yet been funded for construction. The City of Avondale has jurisdiction of 107th Avenue under I-10, and ADOT has jurisdiction of the I-10 freeway. The Avondale Transportation Plan demonstrated the need to widen 107th Avenue to 6-lanes in the future. The current overpass bridge structure on I-10 over 107th Avenue is not wide enough to support this future roadway.

**DISCUSSION:**

During the early design process, Avondale staff requested that ADOT explore the cost to replace the structure to accommodate our future needs. Last winter, ADOT determined the cost to be approximately \$4 million and that the cost was substantially the responsibility of the City of Avondale. ADOT continued the design inclusive of the new structure fully aware that funding was contingent on project approval in the City's Capital Improvement Program (CIP). Staff included the project in the preliminary CIP but it was not included in the final adopted program due to the cost and other higher priority projects. This decision was conveyed to ADOT in May 2007.

In late June, ADOT met with staff and graciously offered to evenly share in the cost of the replacement structure. Staff considered this offer compared to the future cost, which would be the sole responsibility of Avondale and determined it in the best interest of Avondale to recommend that the City Council agree to this offer.

Since this item was not included in the CIP, funding must be found within the existing street fund. Staff proposes to defer some projects to later years and to utilize savings found in other projects due to scope

refinement.

The JPA proposes the following:

- The State will act as the lead agency
- The State will provide design plans, specifications and other documents and services required for construction bidding and construction of the project
- The State will advertise for bids and award the construction contracts
- The State will perform inspections and notify the City in writing after final inspection that the project is complete
- The State will invoice the City according to the following schedule:
  - \$300,000 due 30 days after award of construction contract by State Transportation Board
  - \$300,000 due 120 days after award of construction contract
  - \$1,419,334.50 on or after July 1, 2008
- The City will review the design documents
- The City will be responsible for 50% of the project costs and will remit payment to the State within 30-days upon receipt of an invoice, in accordance with the proposed schedule
- The City will be responsible for all maintenance within the City's jurisdiction

If the estimated construction costs provided to the City are different than the actual costs of construction, ADOT shall remit an invoice to the City detailing the discrepancies.

#### **BUDGETARY IMPACT:**

A line item for the 107th Avenue overpass structure on Interstate 10 project will need to be created. Funding for this project is made available through cost savings on one (1) CIP project and the adjustment of schedules on two (2) CIP projects. The traffic signal at Indian School Road and El Mirage has \$500,000 available due to project cost savings and cost participation from Maricopa County. The additional funding can be attributable to the deferral of the Avondale Boulevard–Northbound @ I-10 Right Turn Lane and the Buckeye Road - 107th Avenue to Avondale Medians projects.

Based on the proposed invoice schedule, funding for this project in the amount of \$2,120,000 is proposed to be transferred from the following Street Fund Line Items to the newly created line item in the respective fiscal years:

- FY07-08 - \$500,000 from 304-1154, Traffic Signal – Indian School/El Mirage
- FY07-08 - \$420,000 from 304-1157, Avondale Boulevard – Northbound @ I-10 Right Turn Lane
- FY08-09 - \$1,200,000 from 304-1193, Buckeye Road – 107th Avenue to Avondale Medians

#### **RECOMENDATION:**

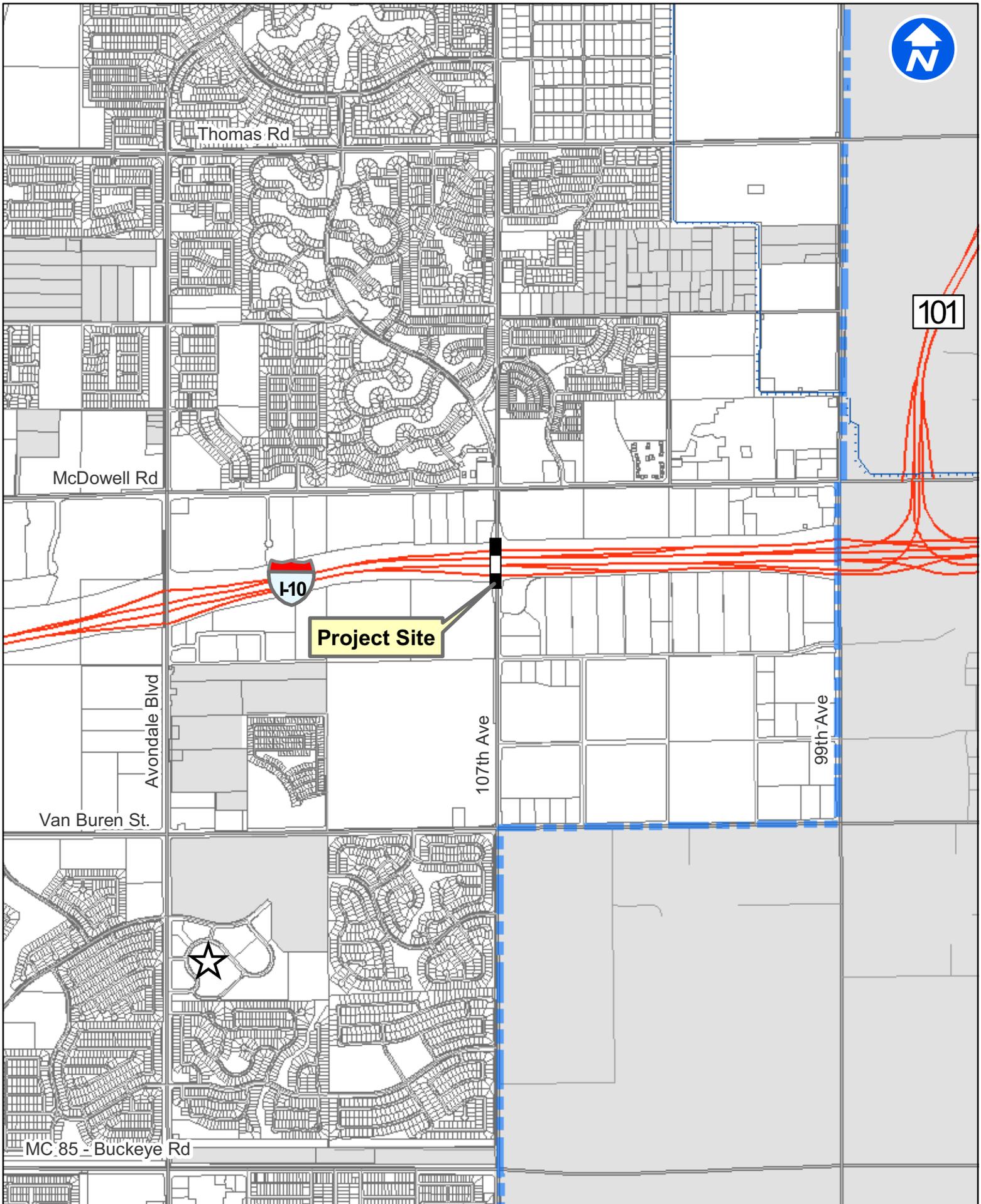
For information and discussion purposes only, no action required.

#### **ATTACHMENTS:**

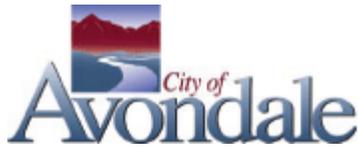
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 [Vicinity Map](#)

# VICINITY MAP



**City of Avondale**  
**107th Avenue Overpass at Interstate 10**



# DEVELOPMENT SERVICES

**SUBJECT:**  
Site Plan for Avondale Coldwater I (DR-06-20)

**MEETING DATE:**  
September 4, 2007

**TO:** Mayor and Council  
**FROM:** Scott Wilken, Senior Planner (623)333-4016  
**THROUGH:** Charlie McClendon, City Manager

---

**REQUEST:** Site Plan approval for Avondale Coldwater I

**PARCEL SIZE:** 8.3 acres

**LOCATION:** Northwest corner of Coldwater Springs Blvd. and Avondale Blvd. (See Exhibit A and B)

**APPLICANT:** Ms. Darlene Moore, Cawley Architects, Inc.

**OWNER:** Benton Gaynes, Wickes Development Corporation

**BACKGROUND:**

The subject property is part of the Coldwater Springs Planned Area Development (PAD) and was designated for C-2 uses by the PAD. The subject property was annexed in 1997 and zoned AG (Agriculture), and was later rezoned to PAD on March 17, 1997.

A development agreement was signed in 1997 for the Coldwater Springs PAD. There are no outstanding issues related to this proposed development.

**SUMMARY OF REQUEST:**

1. The applicant is requesting site plan approval for an 8.3 acre shopping center with retail and office uses. The center includes 2 single-story retail/restaurant buildings with a total gross floor area of 23,591 square feet; 2 single-story office buildings with a total gross floor area of 22,496 square feet; and 1 two-story office building with an area of 11,418 square feet for each floor. The site will have a total of 45,782 square feet of office space and 22,086 square feet of retail and restaurant space.
2. Vehicular access will be provided by a right-in/right-out driveway on Avondale Boulevard and a full-access driveway on Coldwater Springs Boulevard. Cross access will be provided to the shopping center to the north, known as Coldwater Springs Promenade, following completion of the center.
3. The proposed architecture is a contemporary southwestern style comprised of smooth-faced block, and stucco over block. Architectural detailing and appropriate treatment will be included on all four sides of all buildings. Accent features include fieldstone and standing seam metal roofs.
4. The two-story office building has a height of 33' to the roof deck, with an architectural embellishment for the standing seam roof, for a peak height of 40'. The single-story buildings have a height of 26' to the roof deck, and a total peak height of 34'.

**PARTICIPATION:**

A letter of notification and a copy of the site plan were mailed on June 8, 2006 to 75 property owners within 500 feet of the property. Notices were mailed to the Littleton School District Superintendent and the Tolleson High School Director of Facilities on June 8, 2006. No comments have been received to date.

**PLANNING COMMISSION ACTION:**

The Planning Commission considered this item at their meeting on August 16, 2007 and voted 6-1 to recommend **APPROVAL** of this request subject to the following stipulations:

1. The development shall conform to the site plan, conceptual landscape plan, elevations, phasing plan, photometric plan, project narrative, and comprehensive sign package all dated August 8, 2007, except as modified by these stipulations.
2. In accordance with Section 106.C.4 of the City of Avondale Zoning Ordinance the approval of the site plan shall expire within one year of approval if a building permit has not been issued.
3. Final landscape plans shall be approved prior to issuance of a building permit.
4. Prior to the issuance of a certificate of occupancy for any building, a cross access easement shall be recorded allowing access between the subject property and the proposed shopping center to the north.
5. All trees planted in the landscape buffer along the western property line shall be a minimum size of 24" box.
6. Final construction documents shall include a water connection to Avondale Blvd. in a location that will not require the fire line to be constructed under any area used for storm water retention.

## **ANALYSIS:**

### *General Plan and Specific Plan*

The site is designated Commercial in the General Plan. The existing PAD zoning is consistent with these plans. The type and scale of development is consistent with the General Plan and the approved PAD zoning.

### *Compatibility with Surrounding Land Uses*

The Coldwater Springs single-family subdivision is adjacent to the west boundary of the site. The buildings are setback a minimum of 72' from the closest residences to the west. All buildings exceed the minimum setback of 25' for single-story and 50' for two-story.

A 10' landscape buffer is proposed on the west boundary of the site that includes 24" box sissoo trees to act as a buffer for the adjacent subdivision.

There is currently a 6' screen wall along the perimeter of the residential subdivision to the west. A combination of 3' masonry screen wall and 3' landscape berm is proposed along the eastern and southern sides of the development, screening the parking lot and drive aisle from off site.

Light poles have been located approximately 40 feet from the neighboring residential property lines and will be a maximum of 22'6" tall. This is less than the 25' height limit required by the Zoning Ordinance.

All lights in the parking lot will be fully shielded and directed downward. Lights mounted on the underside of the parking canopies will be screened from off site views by structural members in the canopy. Light levels will not exceed 1 footcandle at the property lines.

Refuse containers are dispersed throughout the parking lot. The closest containers are approximately 55' from the nearest residential lot and will be separated from the lot by a 10' landscape buffer, 24' drive aisle, and covered parking spaces.

### *Building Materials, Colors and Design*

A contemporary southwestern style of architecture will be utilized throughout the proposed development. The proposed colors are desert earth tones of brown with a muted red accent for the standing seam roof features. All buildings in the center will feature quality architectural design features on all four sides of the buildings.

The parking lot will include 68 covered parking spaces. The canopies will include a full fascia on all sides and will be painted and treated to match the buildings.

### *Access, Circulation, and Parking*

The two proposed entrances will provide sufficient access to the site. The existing traffic signal located at the intersection of Coldwater Springs Boulevard and Avondale Boulevard, will allow the flow of traffic to the site from Coldwater Springs Boulevard.

A traffic study has been reviewed and approved by the Engineering Department. The proposed access points and improvements are consistent with the traffic study.

The zoning ordinance requires one parking space for every 250 square feet of general office use, one space per 300 square feet of retail, and one space for every 50 square feet of public space in restaurants. Based on the usage and gross floor area of the development, 319 parking spaces are required. The site plan shows 372 parking spaces, including 68 covered spaces and 14 handicapped accessible spaces. Note: The parking requirements for the proposed development were based on the general office requirements in the Zoning Ordinance, 1 space per 250 square feet. The Zoning Ordinance requires 1 space per 200 square feet for medical office. If the office space proposed in this development was used for only medical office, an additional 45 parking spaces would be required. The proposed site plan includes enough parking spaces for the office buildings to be used for medical or general office.

The site plan includes stamp pattern paving for pedestrian crosswalks in the parking lot to help delineate crosswalks in the drive aisles, as well as at internal driveway intersections.

### *Landscaping*

A master landscape plan has been provided. Right-of-way landscaping is included in the preliminary landscape plan and is required as part of the development of the site. Final landscape plans will be submitted and approved by staff prior to the issuance of a building permit.

The master landscape plan is proposed to be a xeriscape theme using plants from the Arizona Department of Water Resources list. The landscape plan meets city standards and will compliment the adjacent property and further the character of the development.

A series of berms and three-foot high screen walls will be installed along Coldwater Springs Boulevard and Avondale Boulevard to screen the parking lot.

### *Signage*

A comprehensive sign package has been submitted with the site plan. The sign package requires that all wall signage be a unified color. If lighting is to be used, the signs will utilize halo backlighting. Visible raceways are prohibited. All wall signs will require a separate permit and are required to comply with the comprehensive sign package.

### **FINDINGS:**

The proposed site plan meets the following findings:

- It meets the objectives of the General Plan and Freeway Corridor Specific Plan.
- It meets the requirements of the Coldwater Springs PAD Zoning.
- It meets the requirements of the City of Avondale Zoning Ordinance.

### **RECOMMENDATION:**

Staff recommends that the **APPROVE** the proposed site plan subject to the six stipulations recommended by the Planning Commission.

### **PROPOSED MOTION:**

I move that the City Council accept the findings and **APPROVE** application DR-06-20, a request for master site plan approval for Avondale Coldwater I, subject to the 6 stipulations recommended by the Planning Commission.

**ATTACHMENTS:**

Click to download

 [DR-06-20 Avondale Coldwater I Exhibits A-H](#)

**FULL SIZE COPIES (Council Only):**

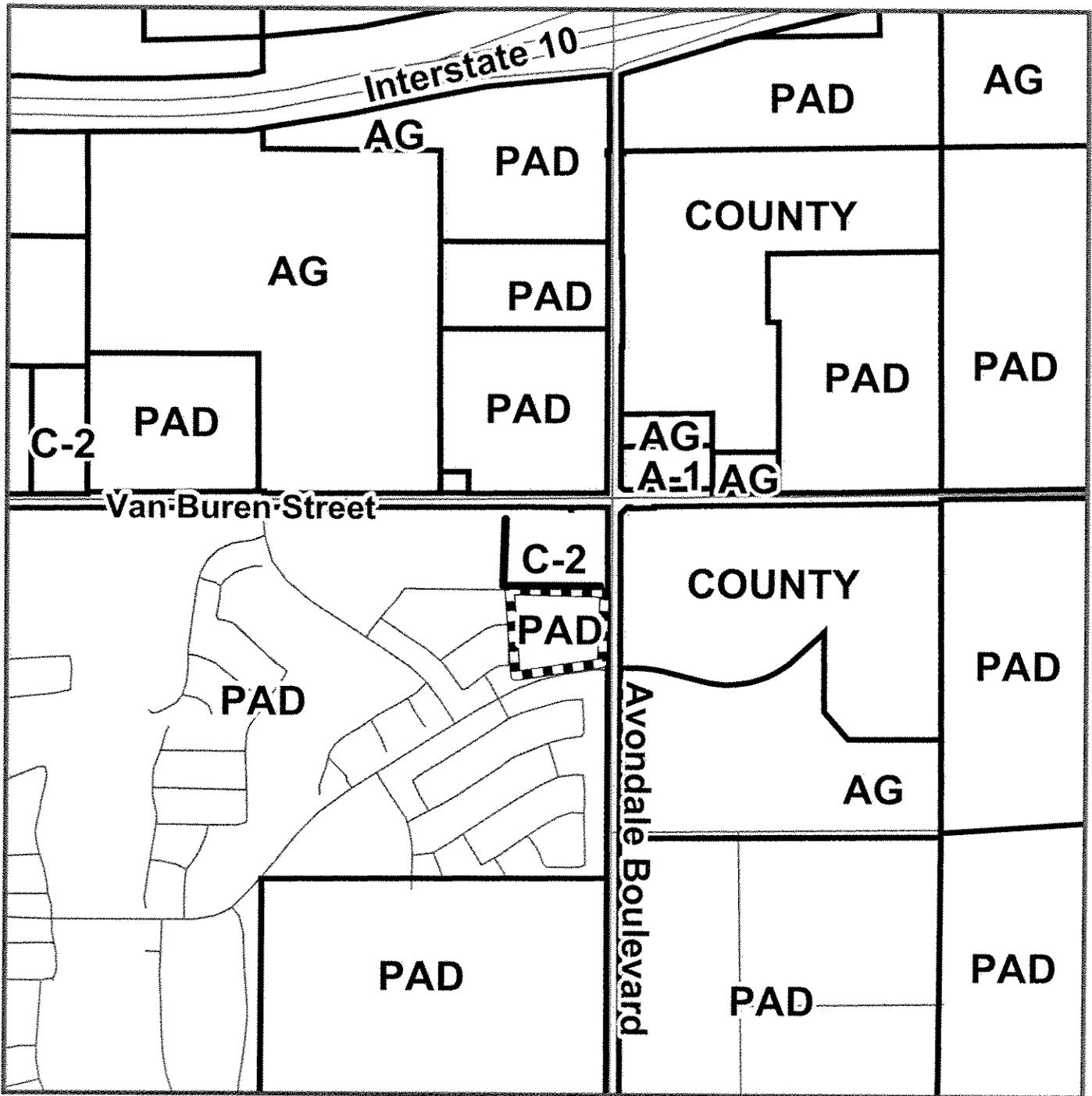
Master Site Plan dated August 8, 2007 (24 x 36); Conceptual Landscaping Plan dated August 8, 2007 (24 x 36); Black and White Building Elevations dated August 8, 2007 (24 x 36); Color Building Elevations dated August 8, 2007 (24 x 36); Phasing Plan dated August 8, 2007 (24 x 36); Photometric plan dated August 8, 2007 (24 x 36); Comprehensive sign package August 8, 2007 (24 x 36)

**PROJECT MANAGER:**

Scott Wilken, Senior Planner

DR-06-20 Avondale Coldwater I  
List of Exhibits

- Exhibit A - Zoning Vicinity Map
- Exhibit B - Air Photo 2006
- Exhibit C - Summary of Facts
- Exhibit D - Project Narrative dated August 8, 2007
- Exhibit E - Site plan date stamped August 8, 2007
- Exhibit F - Conceptual landscaping plan date stamped August 8, 2007
- Exhibit G - Building elevations date stamped August 8, 2007
- Exhibit H - Draft minutes of the August 16, 2007 Planning Commission meeting

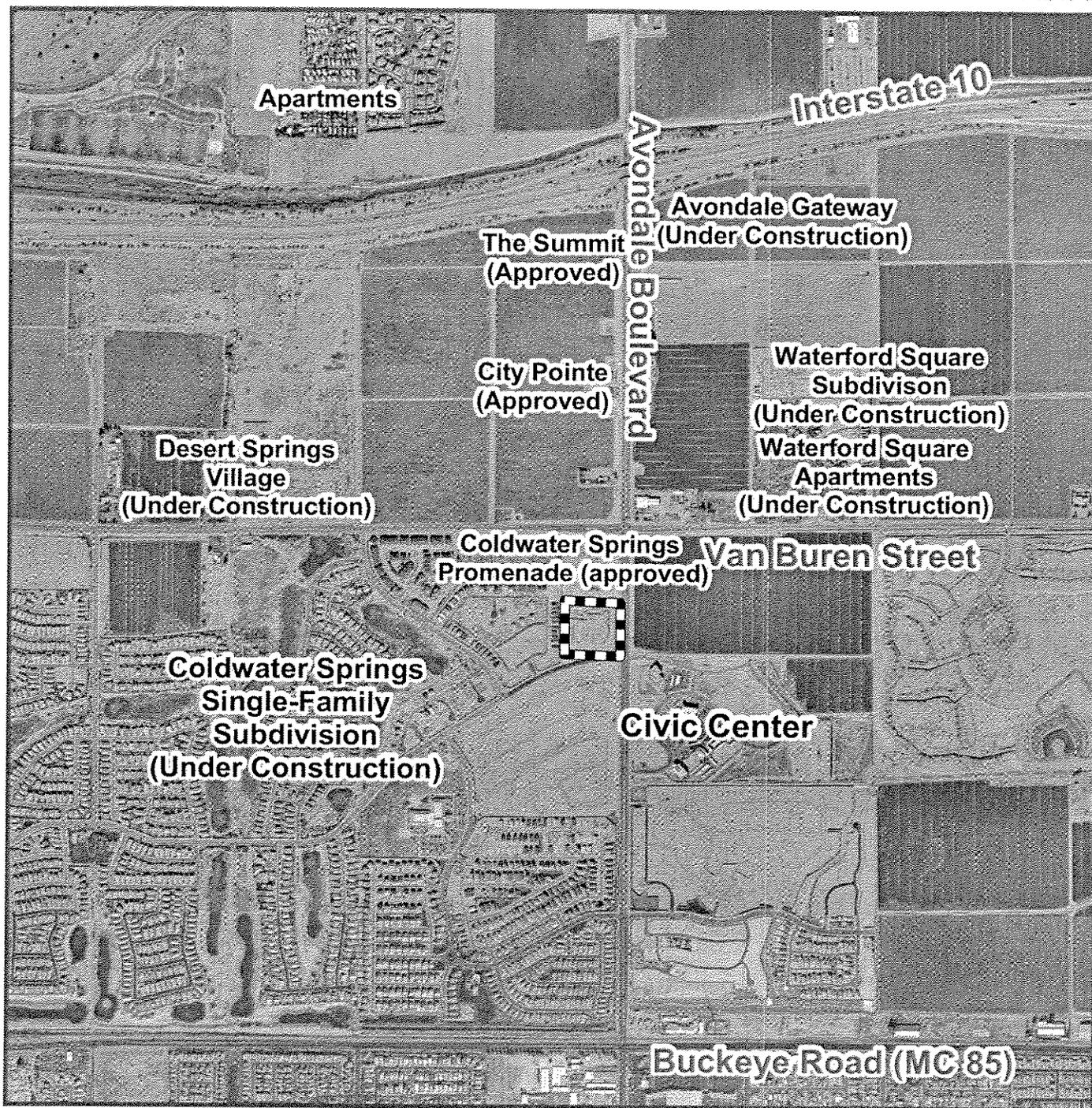


### Zoning Vicinity Map DR-06-20



Subject Site





**Air Photo 2006  
DR-06-20**



Subject Site



*SUMMARY OF RELATED FACTS**APPLICATION DR-06-20*

<i>THE PROPERTY</i>	
PARCEL SIZE	8.3 acres
LOCATION	Southwest Corner of Avondale Boulevard and Coldwater Springs Boulevard
PHYSICAL CHARACTERISTICS	Site is relatively flat
EXISTING LAND USE	Vacant
EXISTING ZONING	Planned Area Development District (PAD)
ZONING HISTORY	The site was rezoned from Agricultural (AG) to Planned Area Development (PAD) on March 17, 1997 as part of the Coldwater Springs PAD
DEVELOPMENT AGREEMENT	The Development Agreement for Coldwater Springs was approved in 1997. There are no outstanding issues affecting this proposal.

<i>SURROUNDING ZONING AND LAND USE</i>	
NORTH	Vacant, zoned C-2 (Coldwater Springs Promenade)
EAST	Agricultural , Maricopa County
SOUTH	Residential, zoned PAD (Coldwater Springs)
WEST	Residential, zoned PAD (Coldwater Springs)
<i>GENERAL PLAN</i>	
The subject property is designated as Commercial on the General Plan Land Use Map.	

<i>PUBLIC SCHOOLS</i>	
SCHOOL DISTRICT(S)	Littleton and Tolleson Union Schools
ELEMENTARY SCHOOLS	Collier Elementary (K-8)
HIGH SCHOOL	La Joya Community High School

*STREETS*

**Coldwater Springs Boulevard**

Classification	Collector
Existing half street ROW	35 feet
Standard half street ROW	35 feet
Existing half street improvements	One travel lane and ½ center turn lane, curb and gutter, street lights
Standard half street improvements	One travel lane and ½ center turn lane, bike lane, curb and gutter, detached sidewalk, street lights, and landscaping.

**Avondale Boulevard**

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

*UTILITIES*

There is a 24" waterline in Avondale Boulevard and a 12" waterline in Coldwater Springs Boulevard adjacent to the site.

There is an 18" sewer line in Avondale Boulevard and an 18" sewer line in Coldwater Springs Boulevard adjacent to the site.



**To:** Planning and Zoning Commission  
City of Avondale  
DR-06-20

**From:** Peter Newton, Associate AIA

**Subject:** Project Narrative for Avondale Coldwater I

**Date:** Tuesday, August 07, 2007

## **Project Narrative**

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This is a request for Planning and Zoning Commission approval for the Avondale Coldwater I project, including the Landscape, Electrical, Architectural Site Plan and Exterior Elevations.

The property is located within the PAD zoning district on approximately 7.08 Net Acres (308,564 S.F.). This is a multi-building 73,743 square foot mixed use project for Victory Capital Corp. There will be two (2) single-story retail buildings along Avondale Boulevard totaling 22,086 S.F. A two (2) single-story and one (1) two-story building office court of 45,782 S.F. will accompany the retail buildings to the rear along Coldwater Boulevard.

Ingress and egress to the property is accomplished via a main drive along Avondale Boulevard, with a secondary point of access located off of Coldwater Boulevard, as well as, to the shopping district to the north through a cross access agreement. These driveways allow safe and convenient access to the site and provide an identifiable traffic flow, and Fire Truck access in case of fire or catastrophes.

Off street parking is provided at a ratio of 1 space for 300 square foot for the Retail buildings with additional parking provided at 1 space per 50 square foot in case of restaurant tenants. The Office Court provides off street parking at a ratio of 1 space per 250 square foot. All ratios exceed the zoning ordinance.

The five (5) buildings are designed around a central court access by a Project Boulevard. The boulevard is accented through vertical elements in the landscape, architecture and electrical features. Architectural towers on the retail buildings frame the drive and access to the office court, with a focus on the central tower of the 2 story office building. Date palms continue the rhythm of the towers along the Project Boulevard, centering the project and creating a focal point for the burgeoning City Center. Lighting features further enhance the vertical rhythm, bringing a flare of history to the Boulevard.

The boulevard is similarly paved to create rhythm and a sense of arrival. Decorative stamped asphalt field patterns with exposed aggregate concrete circles are used to demark traffic intersections and pedestrian crossings. Pedestrian crossings at the

towers of building A, B and D are flush with the drive surface, separated by decorative bollards. Angled parking is provided along the retail center with 90 degree parking within the office court. These spaces use parking stops and porcelain traffic buttons for accents.

A safe pedestrian route is designed a Project Boulevard to provide an enhanced and shaded access from the public right of ways. The pedestrian walkway is enhanced through patterned concrete sidewalks broken with rhythmic salt finish concrete strips. Dated palms, canopies and trellises shade the pedestrian areas from Avondale Boulevard to the central office court. Trellises and canopies are repeated through out the project to provide a unity of design and pleasant pedestrian circulation throughout the site.

Additional design features include monument signage along Avondale and Coldwater Boulevards, lighted stone pylons at the Avondale Boulevard pedestrian access points and a stone water feature in front of building D. The monument sign is an EIFS trowelled finish resting on a stone base with the name of the project listed. There will be limited space for tenant signage pursuant to the Comprehensive Signage Package. Three 10 foot tall stone pylons will accent the monument signage and will be lighted from within. Parking screen walls will be EIFS trowelled CMU walls. A water feature will spring beneath the balcony of the 2 story building. 3 5 foot tall walls will meet within a pool, spilling water into said pool.

A phasing is provided with the attached documents.

The 5 buildings provide four-sided Architectural design for each building and conform to the zoning requirements for the PAD district; including setbacks, lot coverage and building height and parking ratios. Each provides varying facades, parapets and fenestration to create a cohesive design that is complimentary between the structures. Each building creates solar relief through the tailored use of canopies, soffits, trellises and 1" insulated glazing.

The Project Boulevard is the primary feature and focal point of the project, as stated above. All buildings provide entrances and additional detail to create pedestrian activity along side the Boulevard. These features continue to animate the facades facing Avondale Boulevard and in reduced fashion along the remaining edges of the site. The towers along the Boulevard and roofed with Standing Seam Metal.

The retail buildings are sited along Avondale Boulevard, providing the easiest access and greatest amount of activity. Each building is constructed of CMU and are painted in a desert suede color scheme to provide a warm and inviting feeling. Stone and EIFS are selectively used to ground the structures in the ancient building traditions of Arizona and Tuscany, respectively, providing rhythm and greater tactility to the design. The use of canopies, towers, soffits and trellises incorporate these traditions to provide shaded walkways and identity for the prospective tenants. Signage will be understated, yet elegant pursuant to the Comprehensive Signage Package. Spaces at either end of the buildings is design for possible restaurant tenants, although outdoor seating under cover may be more limited at the north end of Building B.

The Office Court was designed as a transition buffer between the retail center along Avondale and the residential neighborhood along the western property line, decreasing activity as one crosses the site. All buildings are design with Class A tenants in mind, both in space planning and material choices. All 3 buildings are CMU structures with EIFS selectively used to create rhythm and variety. All are painted in a desert suede color scheme to provide a warm yet professional setting. The use of

canopies, towers, soffits and trellises provide shaded walkways and connect the office court to the retail center. Signage will be understated, yet elegant pursuant to the Comprehensive Signage Package. The single Story offices use of painted CMU is intended to signify entry, while EIFS is used to designate office areas.

The 2 story office building grounds the structure with EIFS, providing a shaded walkway on the east elevation, while serving as a wainscoting and signage header around the conditioned spaces. These latter spaces are constructed of painted CMU with a few sections of EIFS along the West Elevation. The Central Tower forms the focal point of the office court. Here the elevator and main stair can be found leading to a balcony. The second floor breeze way canopy provides shelter from the weather for the stairs and access to the second floor tenants.

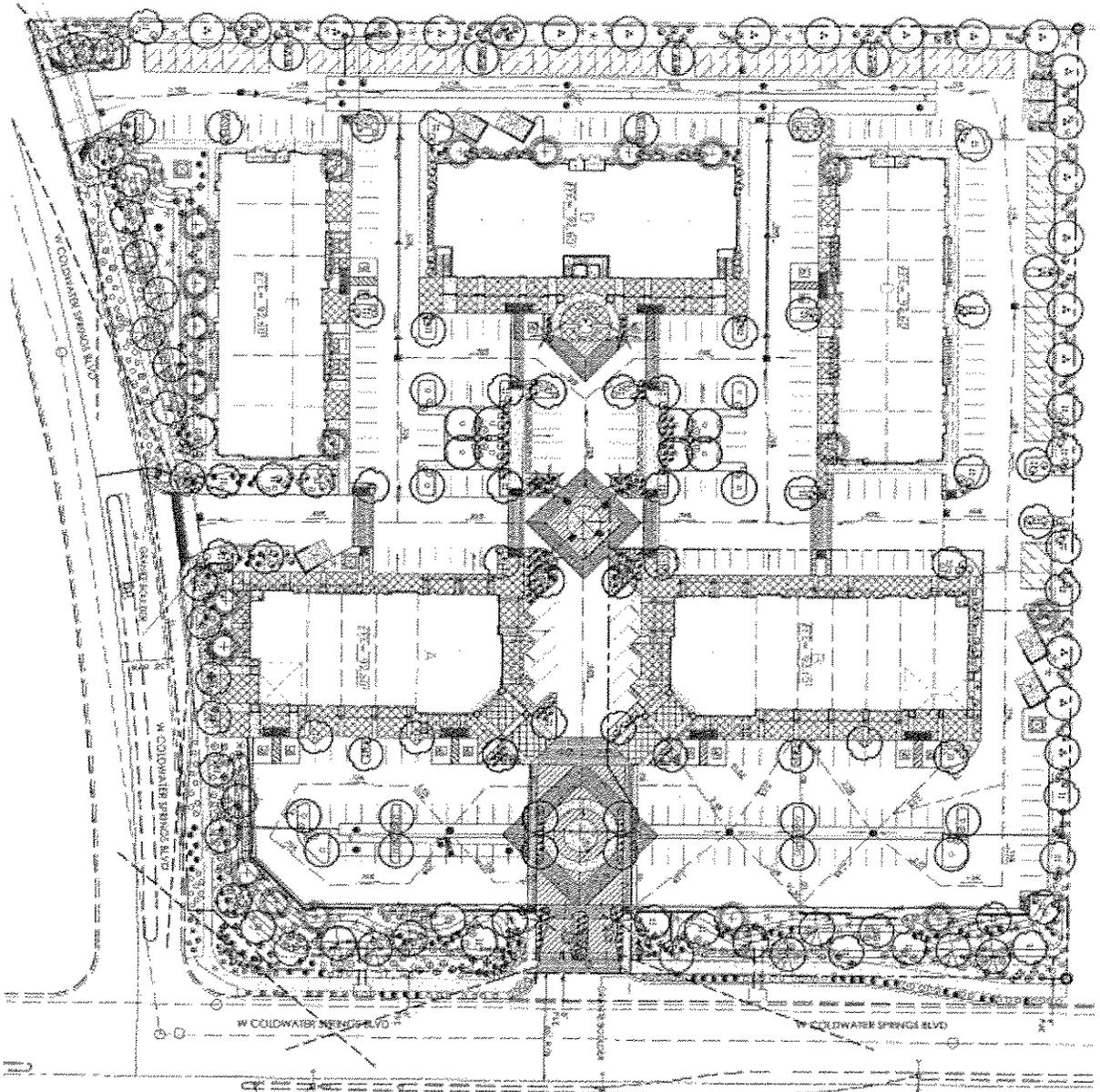
The overall use of this site is intended to accommodate the growing business needs of the residents of the City of Avondale Through the combination of Architectural and Landscape Design, this project will create a community for the citizens of Avondale where they can work, shop and be merry in pleasant surroundings.

Thank you in advance for your consideration with this project.

Sincerely,

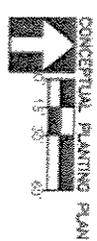
Peter Newton, Associate AIA  
Project Manager  
Cawley Architects, Inc.





**LANDSCAPE LEGEND**

- 17' SPREAD VARIAN (COLDWATER SPRINGS BLVD)
- 16' SPREAD VARIAN (COLDWATER SPRINGS BLVD)
- 15' SPREAD VARIAN (COLDWATER SPRINGS BLVD)
- 14' SPREAD VARIAN (COLDWATER SPRINGS BLVD)
- 13' SPREAD VARIAN (COLDWATER SPRINGS BLVD)
- 12' SPREAD VARIAN (COLDWATER SPRINGS BLVD)
- 11' SPREAD VARIAN (COLDWATER SPRINGS BLVD)
- 10' SPREAD VARIAN (COLDWATER SPRINGS BLVD)
- 9' SPREAD VARIAN (COLDWATER SPRINGS BLVD)
- 8' SPREAD VARIAN (COLDWATER SPRINGS BLVD)
- 7' SPREAD VARIAN (COLDWATER SPRINGS BLVD)
- 6' SPREAD VARIAN (COLDWATER SPRINGS BLVD)
- 5' SPREAD VARIAN (COLDWATER SPRINGS BLVD)
- 4' SPREAD VARIAN (COLDWATER SPRINGS BLVD)
- 3' SPREAD VARIAN (COLDWATER SPRINGS BLVD)
- 2' SPREAD VARIAN (COLDWATER SPRINGS BLVD)
- 1' SPREAD VARIAN (COLDWATER SPRINGS BLVD)




 T.O. MADSEN & ASSOCIATES, INC.  
 452-100  
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 1000 W. 10th Street  
 Phoenix, AZ 85003

T.O. MADSEN & ASSOCIATES, INC.  
 LANDSCAPE ARCHITECTURE  
 1000 W. 10th Street  
 Phoenix, AZ 85003  
 (602) 251-1000



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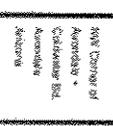
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**IGEE**  
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AN OFFICE OF  
 ARCHITECTS &  
 LANDSCAPE ARCHITECTS  
 1000 W. 10th Street  
 Phoenix, AZ 85003



730 N. 32nd Street  
 Phoenix, AZ 85008  
 602.393.3980



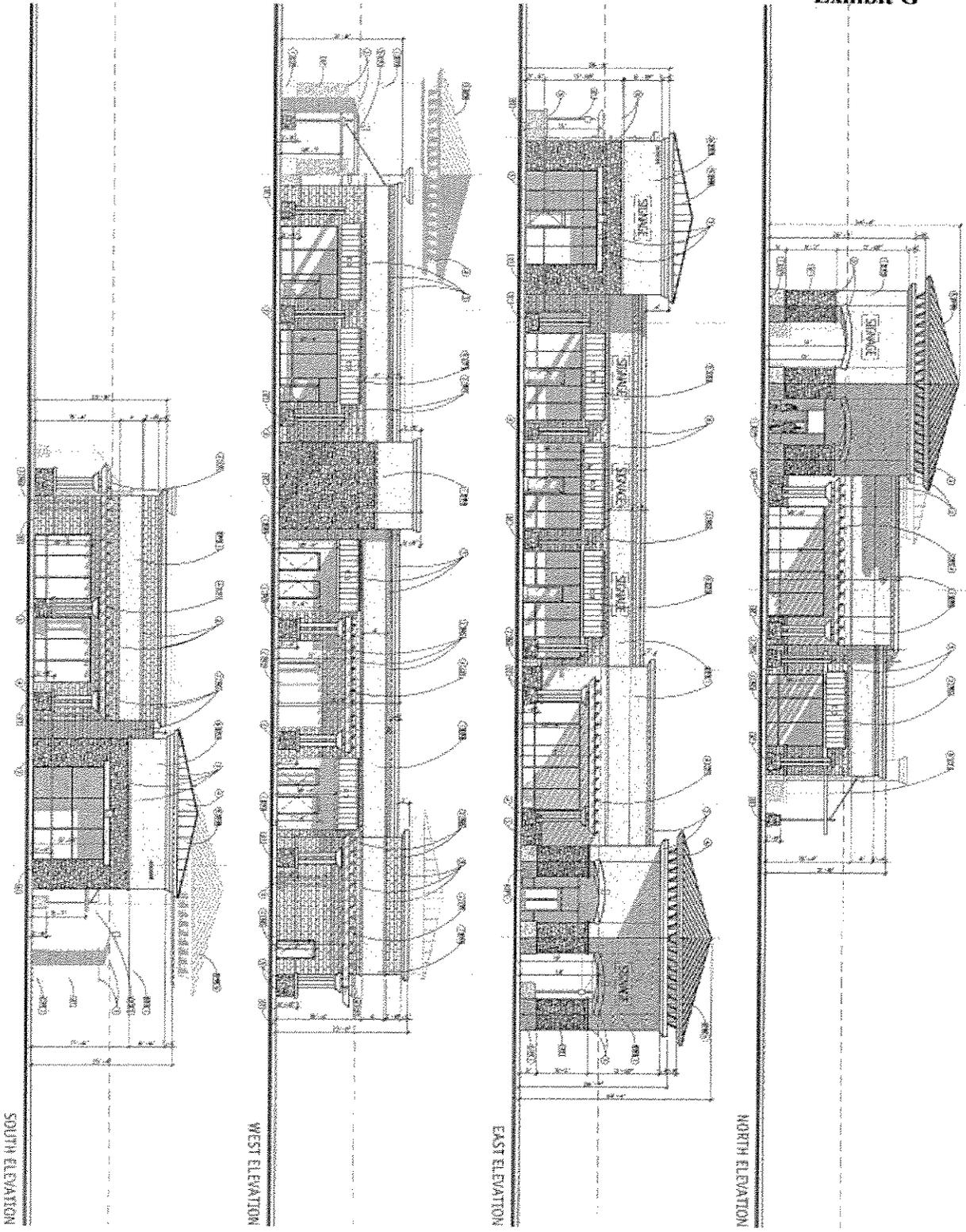
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**GENERAL NOTES**

1. CONSULT THE ARCHITECT'S GENERAL CONTRACTOR FOR ALL MATERIALS AND FINISHES.
2. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND REGULATIONS.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
4. ALL MATERIALS AND FINISHES SHALL BE APPROVED BY THE ARCHITECT BEFORE INSTALLATION.
5. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
6. ALL UTILITIES SHALL BE PROTECTED AND MARKED PRIOR TO CONSTRUCTION.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES.
8. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
9. THE CONTRACTOR SHALL MAINTAIN A NEAT AND SAFE WORK SITE AT ALL TIMES.
10. ALL MATERIALS AND FINISHES SHALL BE STORED PROPERLY ON SITE.

**LEGEND**

- 1. 1/2" = 1' SCALE
- 2. 1/4" = 1' SCALE
- 3. 1/8" = 1' SCALE
- 4. 1/16" = 1' SCALE
- 5. 1/32" = 1' SCALE
- 6. 1/64" = 1' SCALE
- 7. 1/128" = 1' SCALE
- 8. 1/256" = 1' SCALE
- 9. 1/512" = 1' SCALE
- 10. 1/1024" = 1' SCALE

**REVISIONS**

NO.	DATE	DESCRIPTION
1	10/15/2023	ISSUED FOR PERMITTING
2	11/01/2023	REVISED TO REFLECT PERMITTING COMMENTS
3	11/15/2023	REVISED TO REFLECT ARCHITECT COMMENTS
4	12/01/2023	REVISED TO REFLECT FINAL APPROVALS

**DESIGNER**

ARCHITECT: [Firm Name]  
 PROJECT: [Project Name]  
 ADDRESS: [Address]  
 CITY: [City]  
 STATE: [State]  
 ZIP: [ZIP Code]

**DATE**

DATE: 12/01/2023  
 TIME: 10:00 AM  
 LOCATION: [Location]

**SCALE**

SCALE: 1/2" = 1'  
 1/4" = 1'  
 1/8" = 1'  
 1/16" = 1'  
 1/32" = 1'  
 1/64" = 1'  
 1/128" = 1'  
 1/256" = 1'  
 1/512" = 1'  
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**NOTES**

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 5678 NORTH STREET  
 CITY, STATE, ZIP

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1234 5678 STREET  
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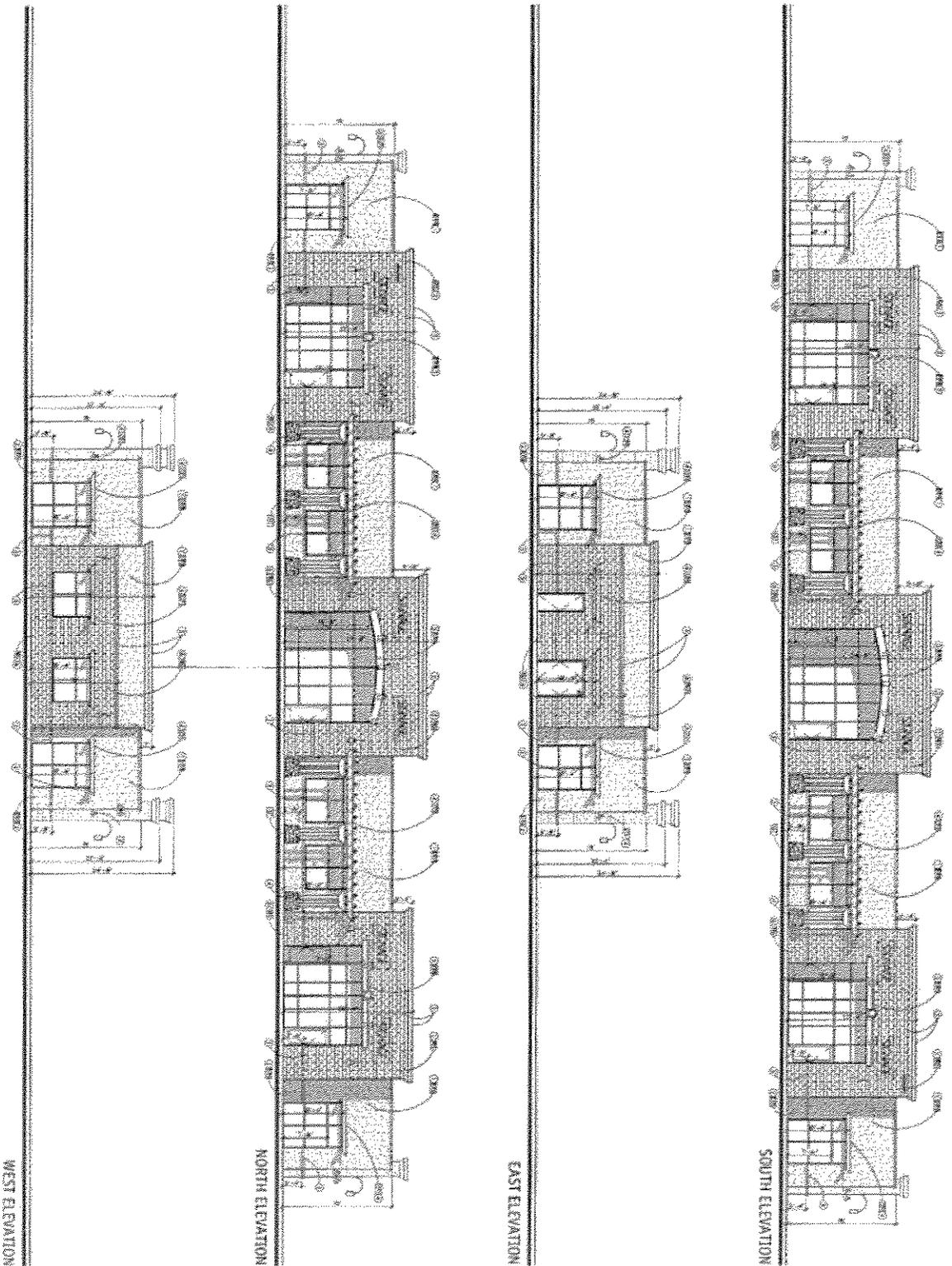
**IGC**  
 1234 5678 STREET  
 CITY, STATE, ZIP  
 PHONE: 555-555-5555  
 FAX: 555-555-5555

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**GENERAL NOTES**

1. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE IN FEET AND INCHES.
2. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.
3. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.
4. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.

**MATERIAL KEY**

- 1. BRICK - COMMON BRICK - 8" x 8" x 16"
- 2. CONCRETE - 3000 PSI
- 3. GYPSUM BOARD - 5/8" THICK
- 4. INSULATION - R-19
- 5. ROOFING - ASPHALT/FLY
- 6. PAINT - EXTERIOR - WHITE
- 7. PAINT - INTERIOR - WHITE

**FOUNDATION**

1. FOUNDATION SHALL BE CONCRETE ON GRADE.

2. FOUNDATION SHALL BE 18" THICK.

3. FOUNDATION SHALL BE 18" THICK.

**ROOFING**

1. ROOF SHALL BE ASPHALT/FLY.

2. ROOF SHALL BE 2" THICK.

3. ROOF SHALL BE 2" THICK.

**WALLS**

1. WALLS SHALL BE BRICK.

2. WALLS SHALL BE BRICK.

3. WALLS SHALL BE BRICK.

**FLOORS**

1. FLOORS SHALL BE GYPSUM BOARD.

2. FLOORS SHALL BE GYPSUM BOARD.

3. FLOORS SHALL BE GYPSUM BOARD.

**DOORS**

1. DOORS SHALL BE 36" x 80".

2. DOORS SHALL BE 36" x 80".

3. DOORS SHALL BE 36" x 80".

**WINDOWS**

1. WINDOWS SHALL BE 36" x 48".

2. WINDOWS SHALL BE 36" x 48".

3. WINDOWS SHALL BE 36" x 48".

**FINISHES**

1. INTERIOR WALLS - GYPSUM BOARD.

2. INTERIOR WALLS - GYPSUM BOARD.

3. INTERIOR WALLS - GYPSUM BOARD.

**GENERAL NOTES**

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**FINISHES**

1. INTERIOR WALLS - GYPSUM BOARD.

2. INTERIOR WALLS - GYPSUM BOARD.

3. INTERIOR WALLS - GYPSUM BOARD.



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**EXHIBIT H**

**Excerpt of the Draft Minutes of the regular Planning Commission meeting held August 16, 2007 at 7:00 p.m. in the Council Chambers.**

COMMISSIONERS PRESENT

Linda Webster, Commissioner  
Lisa Copeland, Commissioner  
David Iwanski, Commissioner  
Edward Meringer, Vice Chair  
Michael Alcorn, Commissioner  
Alan Lageschulte, Chairperson  
Kevin Grimsley, Commissioner

CITY STAFF PRESENT

Tracy Stevens, Planning Manager  
Megan Neal, Planner II  
Eric Morgan, Planner II  
Scott Wilken, Senior Planner  
Alice Barlow, Sr. Admin. Clerk

**APPLICATION**                      DR-06-20

**APPLICANT**                      Ms. Darlene Moore, Cawley Architects  
730 N. 52<sup>nd</sup> St., Phoenix, AZ

**REQUEST**                      The applicant is requesting master site plan approval for Avondale Coldwater I. The property is located at the northwest corner of Coldwater Springs Blvd. and Avondale Blvd. Staff Contact: Scott Wilken (623) 333-4016.

Scott Wilken, Senior Planner, showed the Commission slides as he described the subject property, stating the property is zoned PAD, consists of 8.3 acres, is currently vacant, and is located across from City Hall. Mr. Wilken stated the Site Plan includes five buildings: two multi-tenant retail/restaurant buildings, two single-story office buildings, and one two-story office building, and he described the vehicular access and extensive landscaping to include a 10 foot landscape buffer from the residential property to the west boundary, and a fountain in front of the office building. He described the architecture as contemporary southwestern style comprised of smooth-faced block and stucco over the block. Mr. Wilken informed the Commission that the project would be built in phases: Phase I to include one of the multi-tenant retail/restaurant buildings and the full width of both driveways on the north and west sides of that building; Phase II to include the three office buildings; and Phase III to include the remaining multi-tenant retail/restaurant

building. Mr. Wilken continued his slide show, showing elevations of the buildings and architectural features.

Mr. Wilken summarized his presentation, stating Staff believes that the Site Plan meets the objectives of the General Plan and the Freeway Corridor Specific Plan, the requirements of the Coldwater Springs PAD zoning, and it meets the requirements of the City of Avondale Zoning Ordinances. Mr. Wilken informed the Commission that Staff recommends approval of the proposed Site Plan subject to six stipulations. He informed the Commission the applicant was present to answer questions.

Chairperson Lageschulte invited questions for Staff. Chairperson Lageschulte asked if any neighborhood meetings had been held. Mr. Wilken responded that Site Plans were non-public hearing items; therefore, a neighborhood meeting had not been required. Chairperson Lageschulte queried therefore all the houses in back of the proposed two-story building did not know it was being built. Mr. Wilken responded the public notification for Site Plans involves letters of notification to all property owners within 500 feet; thus, all property owners were notified. Chairperson Lageschulte stated Cawley Architects, Inc. was currently working with Avondale to design the entry gateway to Avondale on Avondale Blvd., and the drawings look nice. He asked did Mr. Wilken and the Staff believe this Site Plan was a good project for a nice entryway into Avondale. Mr. Wilken responded Staff does believe this project will fit in well with Avondale's vision for that area, and it will also fit in well with the Civic Center Campus.

Commissioner Copeland asked, if this was a property that City employees would be frequenting for lunch and dinner, would this be the time to discuss pedestrian crosswalks. Mr. Wilken informed the Commission that the Site Plan would include sidewalks on both Avondale Blvd. and Coldwater Springs Blvd. to help people from the Civic Center or from the neighborhood to get to the site. He stated the crosswalks would be discussed with the Traffic Engineering division. Commissioner Copeland commented she would like to have that conversation prior to a pedestrian being hit. Mr. Wilken assured Commissioner Copeland he would bring it up to Staff tomorrow.

Commissioner Iwanski inquired about bus bays. Mr. Wilken responded that the bus pull-in/pull-out requirements are referred to as far-side bus bays located at every mile and every half mile street. He stated this intersection is not a mile or half mile intersection, but there is a bus stop at the Civic Center and up closer to Van Buren.

Commissioner Alcorn remarked that the two driveways on Coldwater Springs Blvd. should be addressed, as they were accidents waiting to happen. Mr. Wilken stated he would bring that up tomorrow with the Traffic Engineer.

Chairperson Lageschulte asked for further questions, and on hearing none, thanked Mr. Wilken for his presentation. He then invited the applicant to address the Commission.

Michael Jorgensen, Cawley Architects, Inc., 730 N. 52<sup>nd</sup> St., came forward and stated they were in agreement with the stipulations, and he was open to answer questions.

Chairperson Lageschulte invited questions for the applicant.

Vice Chair Meringer asked if the office space would include general office, medical, and mixed variety. Mr. Jorgensen stated the office space would be Class A, general office.

Commissioner Copeland inquired if the restaurants had been identified, who would be the tenants. Mr. Jorgensen replied the restaurants had not currently been identified, but marketing would start after this process. Commissioner Copeland asked Mr. Jorgensen to consider small mom & pop shops, not only as far as restaurants, but for retail as well. She thanked the applicant for choosing Avondale for this project.

Commissioner Grimsley asked what about this particular development would attract tenants away from other unoccupied office spaces. Mr. Jorgensen responded the level of architecture and the layout, and particularly the campus feeling, would be more desirable, as well as the good circulation and the location just south of the freeway. Commissioner Grimsley stated that while the architecture and palette was beautiful, it was very similar to a lot of the other buildings in the Southwest Valley, and he was wondering what would differentiate these office buildings from the rest, and he would hate to see it unoccupied. Mr. Jorgensen replied his client would hate that too, but from market studies they did not believe that would be a problem.

Chairperson Lageschulte asked for further questions for the applicant, and hearing none, opened the item for public hearing.

Page Hannah, 201 S. 122<sup>nd</sup> Dr., Avondale, AZ, stated she had received the packet as an Alternate Commissioner and was not very impressed, as the architecture looks like a school, especially the two-story building. She stated she is hoping that the palm trees that will be added would take away some of the boxy appearance. Ms. Hannah stated this Site Plan shows Tuscan roofs, which are prevalent in Avondale. She expressed a hope for more base planting around the property to soften the edges.

Chairperson Lageschulte asked for further questions for Staff or the applicant, and hearing none, asked for a motion. Commissioner Iwanski moved that the Planning Commission accept the findings and recommend approval of application DR-06-20, a request for Site Plan approval of Avondale Coldwater I subject to the six stipulations recommended by Staff, adding that Staff also look at softening the edges in terms of additional landscaping. Commissioner Copeland seconded the motion.

Chairperson Lageschulte opened the floor for discussion.

Commissioner Alcorn expressed that as far as the landscaping, he was tired of palm trees and has yet to see a live oak or pecan tree in the City of Avondale; although, they have been promised in many places. He stated he would love to see oak and pecan trees planted among these buildings.

Chairperson Lageschulte remarked in response to Ms. Hannah's comments, that as far as the buildings go in Avondale, most of the time the problem is with Staff and with everyone saying we need a southwest design, and his argument is that we need some diversity in the City. He stated this agenda could be brought out when the plans come before the Commission, and he would be for diversity in building design, especially along Avondale Blvd., and he would almost guarantee it would pass, as everyone is tired of seeing all the same buildings, designs, and colors. He continued, commenting the Planning Commission has been trying to work on this problem and has been on Staff about the problem in the past, and will continue to be on Staff in search of diversity. Chairperson Lageschulte added the Commission had achieved diversity at McDowell Rd. and 99<sup>th</sup> Ave. and will keep on it.

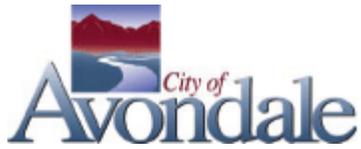
Commissioner Grimsley stated the roof appeared to be a grayish-brown, steel roof, and as this is the gateway to Avondale and directly across from the Civic Center, it is not what he would expect to be along that corridor as far as the architecture or the color.

Chairperson Lageschulte reiterated the motion from Commissioner Iwanski, who moved that the Planning Commission accept the findings and recommend approval of application DR-06-20, a request for Site Plan approval of Avondale Coldwater I subject to the six stipulations recommended by Staff, adding that Staff also look at softening the edges in terms of additional landscaping, and that Commissioner Copeland seconded the motion. Chairperson Lageschulte called for a Roll Call vote.

#### ROLL CALL VOTE

Commissioner Webster	Aye
Commissioner Copeland	Aye
Vice Chair Meringer	Aye
Commissioner Alcorn	Aye
Chairperson Lageschulte	Aye
Commissioner Grimsley	Nay
Commissioner Iwanski	Aye

The motion passed with 6 Ayes, 1 Nay.



# CITY COUNCIL REPORT

**SUBJECT:**  
Executive Session

**MEETING DATE:**  
September 4, 2007

**TO:** Mayor and Council  
**FROM:** Linda Farris  
**THROUGH:** Charlie McClendon, City Manager

**ATTACHMENTS:**

[Click to download](#)

No Attachments Available