CITY COUNCIL AGENDA

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

REGULAR MEETING
March 17, 2008
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 CITY MANAGER'S REPORT

a. **Recognition of eight City employees who recently graduated from the Arizona State University Certified Public Manager Program.**

3 UNSCHEDULED PUBLIC APPEARANCES

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

4 CONSENT AGENDA

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

a. **APPROVAL OF MINUTES**
a. Regular meeting of March 3, 2008
b. Work Session of March 3, 2008

b. **APPROVAL OF CLAIMS - JANUARY AND FEBRUARY 2008**

c. **APPROVAL OF EMPLOYMENT AGREEMENT FOR JUDGE RICHARD T. LYNCH**
City staff is requesting that the City Council approve an employment agreement for Mr. Richard T. Lynch for a two-year appointment as City Judge. The Council will take appropriate action.

d. **AWARD A CONSTRUCTION CONTRACT TO BLUCOR CONTRACTING, INC. FOR THE CDBG STREET & SIDEWALK IMPROVEMENT PROJECT**

Staff is requesting that the City Council award a construction contract to Blucor Contracting, Inc. for the CDBG Street and Sidewalk Improvement Project in the amount of $1,695,000, authorize the transfer of $429,368 from Street Fund Line Item No. 304-1009-00-8420 (Citywide Street Enhancement) to Street Fund Line Item No. 304-1162-00-8420 (CDBG Street and Sidewalk Improvements), $300,000 from Water Fund Line Item No. 514-1057-00-8520 (Garden Lakes Improvements) to Water Fund Line Item No. 514-1162-00-8520 (CDBG Water Improvements), $400,000 from Water Fund Line Item No. 514-1058-00-8520 (South Avondale Improvements) to Water Fund Line Item No. 514-1162-00-8520 (CDBG Water Improvements), and $60,632 (in FY 08-09) from Water Fund Line Item No. 514-1058-00-8520 (South Avondale Improvements) to Water Fund Line Item No. 514-1162-00-8520 (CDBG Water Improvements) and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

e. **AWARD A CONSTRUCTION CONTRACT TO BRIZCO CONSTRUCTION, LLC FOR THE**

VAN BUREN STREET 16-INCH TRANSMISSION LINE

Staff is requesting that the City Council award a construction contract to Brizco Construction, LLC for waterline and other improvements for Van Buren Street, in the amount of $324,940.99 and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

f. RIVERA MINOR LAND DIVISION ML-07-11

The Council will consider a request to subdivide a 0.46 acre parcel into two lots. Lot 1 will be 11,578 square feet; Lot 2 will be 11,580 square feet. In addition to creating these two lots, the applicant is dedicating 30 feet of right-of-way on 124th Avenue to the City. The Council will take appropriate action.

g. LETTER REIMBURSEMENT AGREEMENT WITH EMPIRE AT COLDWATER SPRINGS, LLC

Staff is requesting the Mayor and City Council approve a Letter Agreement between the City of Avondale and Empire at Coldwater Springs, L.L.C relating to street, traffic signal and median landscaping improvements cost sharing, approve the transfer of funds from Street Fund Line No. 304-1009-00-8420 to Street Fund Line No. 304-1257-00-8420 and authorize the Mayor or City Manager and City Clerk to execute the agreement. The Council will take appropriate action.

h. RESOLUTION 2722-208 AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT WITH MARICOPA COUNTY DEPARTMENT OF HEALTH

The City Council will consider a resolution authorizing an intergovernmental agreement with Maricopa County Department of Public Health relating to the childhood immunization program. The Council will take appropriate action.

i. RESOLUTION 2731-308 APPROVING A PRE-ANNEXATION AGREEMENT AND ORDINANCE 1298-308 ACCEPTING RIGHT-OF-WAY

The City Council will consider a resolution approving a pre-annexation agreement with Mr. and Mrs. Verville and an ordinance accepting the dedication of right of way from Mr. and Mrs. Verville and authorize the Mayor or the City Manager and the City Clerk to execute the necessary documents. The Council will take appropriate action.

j. ORDINANCE 1292-308 - DIAMOND P RANCH ANNEXATION

The Council will consider an ordinance annexing 244 acres of land generally located south of Lower Buckeye Road between Avondale Blvd. and El Mirage Road. The Council will take appropriate action.

k. ORDINANCE AUTHORIZING ACQUISITION OF WELLSITE 22 FROM THE EMPIRE CENTER AT COLDWATER SPRINGS, LLC

The Council will consider an ordinance authorizing the acquisition of Wellsite 22 at the Coldwater Springs Promenade Development for $24,892.30. The Council will take appropriate action.

5 INSTALLATION OF JUDGE LYNCH

Mayor Rogers will administer the oath of office to Judge Richard Lynch.

6 UPDATE ON PROACTIVE CODE ENFORCEMENT EFFORTS

City Staff will update the Council on proactive code enforcement efforts in commercial areas in support of the revitalization of Old Town Avondale. For information, discussion, and direction.

7 ORDINANCE AMENDING AVONDALE CITY CODE CHAPTERS 15 AND 23

The City Council will consider an ordinance amending the Avondale City Code Chapters 15 and 23 pertaining to dust control and abatement. The Council will take appropriate action.

8 AVONDALE MARKETPLACE (DR-07-8) MASTER SITE PLAN AND PARCEL 2 FINAL SITE PLAN APPROVAL

The Council will consider a request for Master Site Plan approval for Avondale Marketplace and Final Site Plan approval for parcel 2 of Avondale Marketplace, 38.6 acres on the northwest corner of Avondale Blvd and McDowell Road. The Council will take appropriate action.

9 AVONDALE COMMERCE CENTER PHASE III SITE PLAN

The Council will consider a request for site plan approval for Avondale Commerce Center Phase III,25.34 acres located at the northwest corner of El Mirage Road and Van Buren Street. The Council will take appropriate action.

10 PUBLIC HEARING AND ORDINANCE 1295-308 - FOR Z-07-3 - ZAVALA LIVING TRUST

The Council will hold a public hearing and will consider an ordinance rezoning approximately 1.03 acres from Residential (R1-6) to Community Commercial (C-2) located on West Buckeye Road between 113th and 111th Avenues. The Council will take appropriate action.

11 PUBLIC HEARING AND ORDINANCE 1296-308 REZONE FROM AGRICULTURAL (AG) TO PLANNED AREA DEVELOPMENT (PAD) FOR DIAMOND P RANCH (Z-07-4)

The Council will hold a public hearing and will consider an ordinance rezoning from Agricultural (AG) to Planned Area Development (PAD) approximately 245 acres located south and west of the southwest corner of Lower Buckeye Road and Avondale Blvd. The Council will take appropriate action.

12 PRELIMINARY PLAT APPROVAL FOR DIAMOND P RANCH (PP-07-2)

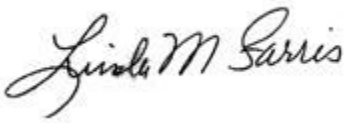
The Council will consider a request for approval of a preliminary plat for Diamond P Ranch, approximately 245 acres located south and west of the southwest corner of Avondale Boulevard and Lower Buckeye Road. The Council will take appropriate action.

13 PUBLIC HEARING AND ORDINANCE 1294-308 REZONE FROM AGRICULTURAL (AG) TO PLANNED AREA DEVELOPMENT (PAD) FOR AVONDALE COMMERCE PARK (Z-07-7)

The Council will hold a public hearing and will consider an ordinance rezoning from Agricultural (AG) to Planned Area Development (PAD) approximately 80 acres located on the northeast corner of 103rd Avenue and Van Buren Street. The Council will take appropriate action.

14 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:
Arizona State University Certified Public Manager recognition

MEETING DATE:
March 17, 2008

TO: Mayor and Council

FROM: Sammi Curless, Assistant to the Mayor and Council (623)333-1613

THROUGH: Charlie McClendon, City Manager

PURPOSE:

City Manager McClendon would like to recognize the eight City employees who recently graduated from the Arizona State University Certified Public Manager (CPM) Program.

BACKGROUND:

The ASU CPM program is a nationally recognized management development program for public managers and supervisors from all government levels. This course is designed to create thoughtful and professional individuals who apply useful managerial techniques to address challenges that they face every day in the City of Avondale, whether it is managing financial resources, developing strategic plans or dealing effectively with personnel.

Avondale's most recent graduates include:

- Pam Altounian, Code Compliance Manager, Neighborhood & Family Service Department
- Tony Ayala, Operation & Service Manager, Water Resources Deparment
- Ron Dennis, Assistant Fire Chief
- Janeen Gaskins, Grants Administrator, City Administration
- Javier Machuca, Solid Waste Supervisor, Field Operations
- Carmen Martinez, Deputy City Clerk
- Pier Simeri, Community Relations & Public Affairs Department Director
- Lari Spire, GIS Manager, Water Resources Department

DISCUSSION:

City Manager McClendon recognized the efforts of these employees during his most recent Quarterly Employee meeting on March 7. Certificates of recognition were provided at that time.

The graduates were officially recognized by ASU during a ceremony hosted by the City on March 14.

ATTACHMENTS:

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No Attachments Available

CITY COUNCIL REPORT

SUBJECT:
APPROVAL OF MINUTES

MEETING DATE:
March 17, 2008

TO: Mayor and Council

FROM: Linda Farris

THROUGH: Charlie McClendon, City Manager

ATTACHMENTS:

Click to download

No Attachments Available

CITY COUNCIL REPORT

SUBJECT:
APPROVAL OF CLAIMS - JANUARY AND FEBRUARY 2008

MEETING DATE:
March 17, 2008

TO: Mayor and Council

FROM: Linda Farris

THROUGH: Charlie McClendon, City Manager

ATTACHMENTS:

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No Attachments Available

CITY COUNCIL REPORT

SUBJECT:
Approval of Employment Agreement for Judge Richard T. Lynch

MEETING DATE:
March 17, 2008

TO: Mayor and Council

FROM: Rogene Hill, Assistant City Manager (623)333-1012

THROUGH: Charlie McClendon, City Manager

PURPOSE:

City staff is requesting that the City Council approve the attached employment agreement for Mr. Richard T. Lynch for a two-year appointment as City Judge.

BACKGROUND:

This is the third two year appointment of Richard T. Lynch as the presiding judge for Avondale's Municipal Court. Mr. Lynch has seen the Avondale Municipal court grow in workload and in revenue.

DISCUSSION:

The employment agreement with Mr. Lynch covers the period from April 1, 2008 through March 31, 2010. Mr. Lynch shall be paid a base salary of $140,000 for the period from April 1, 2008 to March 31, 2009 and $147,000 for the period from April 1, 2009 to March 31, 2010. In addition to any amounts contributed by the employee, the City shall contribute the following amounts into his existing Nationwide Retirement Solution 457 Plan, $3,800 for the period from April 1, 2008 to March 31, 2009 and $3,990 for the period from April 1, 2009 to March 31, 2010. Any catch-up amounts permitted by the 457 Plan can be made separately by Mr. Lynch. Mr. Lynch's salary cannot be adjusted up or down during the agreement period.

Over the past two-years, Mr. Lynch has provided excellent professional services and presided over exponential growth in filings, collections and other judicial hearings. Mr. Lynch continues to be available evenings and weekends through the video arraignment system. He has worked through the challenges of implementing the photo red light and photo speed systems, which have improved police enforcement efficiency and greatly increased the workload of the court.

Council reviewed Mr. Lynch's performance and accomplishments in Executive Session on March 3, 2008.

BUDGETARY IMPACT:

The proposed salary increase has been submitted to the Budget Office.

RECOMENDATION:

Staff recommends that the City Council approve the attached employment agreement for Mr. Richard T. Lynch for a two-year appointment as City Judge.

ATTACHMENTS:

Click to download

- AGR

PROFESSIONAL SERVICES AND EMPLOYMENT AGREEMENT
BETWEEN
THE CITY OF AVONDALE
AND
RICHARD T. LYNCH

Amended and Restated March 17, 2008

THIS PROFESSIONAL SERVICES AGREEMENT (this "Agreement") is entered into on March 17, 2008, by and between the City of Avondale, an Arizona municipal corporation (the "City") and Mr. Richard T. Lynch ("Employee").

RECITALS

A. The City and Employee desire to enter into this Agreement for employment by the City of Employee for the position of Presiding Judge of the Avondale City Court (the "City Court").

B. This Agreement is based on the Arizona Constitution's requirement of separation of powers and the necessity of judicial independence to preserve and protect that separation. This Agreement shall set forth the parameters, guidelines, duties, rules of conduct and compensation during the term of this Agreement.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing and the covenants and conditions set forth herein, the City and Employee agree as follows:

1. Term. This Agreement shall be effective on April 1, 2008, and shall remain in full force and effect through April 1, 2010, unless sooner terminated for cause as set forth in Section 5 below.

2. Compensation.

a. Base Salary. Employee shall be paid, in bi-weekly installments, the following amounts: (i) $140,000 for the period from April 1, 2008 to March 31, 2009 and (ii) $147,000 for the period from April 1, 2009 to March 31, 2010.

b. Employee Benefits. Employee shall accrue and exercise benefits at the rate of a department head under Chapter 6 of the City of Avondale Personnel Policies and Procedures Manual (the "Policy Manual").

c. Deferred Compensation. In addition to any amounts contributed by Employee, the City shall contribute the following amounts into his existing Nationwide Retirement Solution 457 Plan (the "457 Plan") account: (i) $3,800 for the period from April 1,

2008 to March 31, 2009 and (ii) $3,990 for the period from April 1, 2009 to March 31, 2010. Such contributions shall be in 26 equal bi-monthly installments. Any catch-up amounts permitted by the 457 Plan shall be made separately by Employee. The City further agrees to transfer ownership of Employee's 457 Plan to any succeeding employer in the event of Employee's termination from the City, for any reason.

3. Duties. Employee shall perform the duties of Presiding Judge of the City Court ("Presiding Judge") pursuant to all laws, ordinances, and rules of the State of Arizona, the City of Avondale and the Arizona Supreme Court.

4. Conditions of Employment.

a. Work Hours. Employee shall maintain reasonable work hours Monday through Friday except for legal holidays, and shall be available as necessary during weekends and legal holidays to conduct initial appearances as required by law; provided, that all time worked during a calendar week shall not be less than 40 hours, including any leave taken or holidays occurring during such time period.

b. Case Adjudication. Employee shall preside as Judge over all assigned court calendar dockets in a timely fashion and shall, if necessary secure the services of a Judge Pro Tem or hearing officer to facilitate the timely adjudication of cases in the City Court.

c. Judicial Conduct. Employee shall at all times ensure that his conduct as Presiding Judge does not violate Arizona Supreme Court Administrative Orders No. 93-30, the Code of Judicial Conduct, Rule 45 of Rules of the Arizona Supreme Court and any other Rule or law governing the conduct of judges during the term of this Agreement.

d. Court Administration. Employee shall, through the Court Administrator, act as the Chief Administrative Officer over the City Court and shall abide by the Rules and Regulations of the City, including the Policy Manual, in the conduct thereof. Employee shall, through the Court Administrator, be responsible for administering the budget of the City Court and for preparing and submitting for approval an annual budget in accordance with established City procedures.

5. Termination. During the term of this Agreement, Employee may be removed from office by the City Council for cause, including violation of this Agreement. Notice of removal of office shall be delivered in writing to Employee and Employee shall have the right to request a hearing before the City Council. Employee may terminate this Agreement and resign his appointment as Presiding Judge upon 30 days written notice to the City Manager.

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the parties have executed this Agreement on the date first set forth above.

EMPLOYEE:

_____

Richard T. Lynch

CITY:

CITY OF AVONDALE, an Arizona municipal corporation

_____

Marie Lopez Rogers, Mayor

ATTEST:

_____

Linda M. Farris, City Clerk

CITY COUNCIL REPORT

SUBJECT:
Award a Construction Contract to BluCor Contracting, Inc. for the CDBG Street & Sidewalk Improvement Project

MEETING DATE:
March 17, 2008

TO: Mayor and Council

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

THROUGH: Charlie McClendon, City Manager

PURPOSE:

Staff is requesting that the City Council award a construction contract to Blucor Contracting, Inc. for the CDBG Street and Sidewalk Improvement Project in the amount of $1,695,000, authorize the transfer of $429,368 from Street Fund Line Item No. 304-1009-00-8420 (Citywide Street Enhancement) to Street Fund Line Item No. 304-1162-00-8420 (CDBG Street and Sidewalk Improvements), $300,000 from Water Fund Line Item No. 514-1057-00-8520 (Garden Lakes Improvements) to Water Fund Line Item No. 514-1162-00-8520 (CDBG Water Improvements), $400,000 from Water Fund Line Item No. 514-1058-00-8520 (South Avondale Improvements) to Water Fund Line Item No. 514-1162-00-8520 (CDBG Water Improvements), and $60,632 (in FY 08-09) from Water Fund Line Item No. 514-1058-00-8520 (South Avondale Improvements) to Water Fund Line Item No. 514-1162-00-8520 (CDBG Water Improvements) and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents.

BACKGROUND:

City Council approved the use of CDBG and other capital funds to assist with water and street improvements in South Avondale. This CDBG project is located south of Main Street and is bounded by 4th Street and 7th Street. On August 6, 2007, Council approved a professional services agreement with Kimley Horn and Associates to provide construction contract documents for this project. This project will replace the existing small diameter waterlines with new eight-inch waterlines in all streets. New fire hydrants and water service lines to all existing residents will also be installed. The increased line size and new fire hydrants will provide additional water pressure and fire flow in the area. The existing pavement is beyond its life span and will be completely reconstructed and sidewalk ramps will be replaced with ADA compliant ramps. Several existing drainage issues will also be resolved through this project. A copy of the contract is available for review in the City Clerk's office.

DISCUSSION:

SCOPE OF WORK:

The scope of work for this project will include:

- Installation of approximately 1.5 miles of 8-inch waterline
- Reconstruction of 1.8 miles of streets
- Installation of new fire hydrants and water service lines
- Installation of new ADA compliant sidewalk ramps

BID PROCESS:

Requests-for-Bid notices were published in the West Valley View on February 5 and February 8, 2008, and the

Arizona Business Gazette on February 7, 2008. The Engineering Department held a pre-bid meeting on February 20, 2008. Seven (7) bids were received and opened on February 28, 2008. Each bid package was reviewed and all bidders met the bidding requirements. The firms submitting bids and the amount of their bids are as follows:

BIDDER	BID AMOUNT	M/DBE
Banicki Construction	$2,175,027.78	No
Wheeler Construction	$2,033,861.98	No
Pierson Construction	$2,036,753.20	No
Petra Contracting	$1,683,074.52	No
Standard Construction	$1,721,400.16	No
Brizco Construction	$2,222,833.98	No
BluCor Contracting	$1,695,000.00	No

See the attached Bid Tabulation Sheet for a detailed, bid item breakdown of each submitted bid.

Petra Contracting was the apparent low bidder; however, after further review it was found that their bid proposal did not include two (2) allowance items. Petra was contacted and confirmed that there was an error in the amount. Their revised bid amount is $1,843,696.76. Thus, Blucor Contracting, Inc., with a bid of $1,695,000, was determined to have submitted the lowest, responsible and qualified bid.

Staff contacted references and believes Blucor Contracting, Inc. to be competent and qualified for this project. Blucor Contracting, Inc. has successfully completed similar work for other local government agencies. Staff contacted the Registrar of Contractors and found no claims on file against this contractor.

SCHEDULE:

A tentative construction schedule is as follows:

PROJECT MILESTONES	TARGET DATES
Issue Notice of Award	03/18/08
Pre-Construction Conference	03/25/08
Notice-to-Proceed	04/01/08
Begin Construction	04/02/08
Completion	09/30/08

BUDGETARY IMPACT:

Funding for this project in the amount of $1,695,000 is available in the following line items in the respective fiscal years:

- FY07-08 - $205,000 in Street Fund Line Item No. 304-1162-00-8420 (CDBG Street and Sidewalk Improvements)
- FY07-08 -$429,368 in Street Fund Line Item No. 304-1009-00-8420 (Citywide Street Enhancement) to be transferred to Street Fund Line Item No. 304-1162-00-8420 (CDBG Street and Sidewalk Improvements)
- FY07-08 -$300,000 in Water Fund Line Item No. 514-1057-00-8520 (Garden Lakes Improvements) to be transferred to Water Fund Line Item No. 514-1162-00-8520 (CDBG Water Improvements)
- FY07-08 -$400,000 in Water Fund Line Item No. 514-1058-00-8520 (South Avondale Improvements) to be transferred to Water Fund Line Item No. 514-1162-00-8520 (CDBG Water Improvements)
- FY08-09 - $300,000 in Street Fund Line Item No. 304-1162-00-8420 (CDBG Street and Sidewalk Improvements)
- FY08-09 -$60,632 in Water Fund Line Item No. 514-1058-00-8520 (South Avondale Improvements) to be transferred to Water Fund Line Item No. 514-1162-00-8520 (CDBG Water Improvements)

RECOMENDATION:

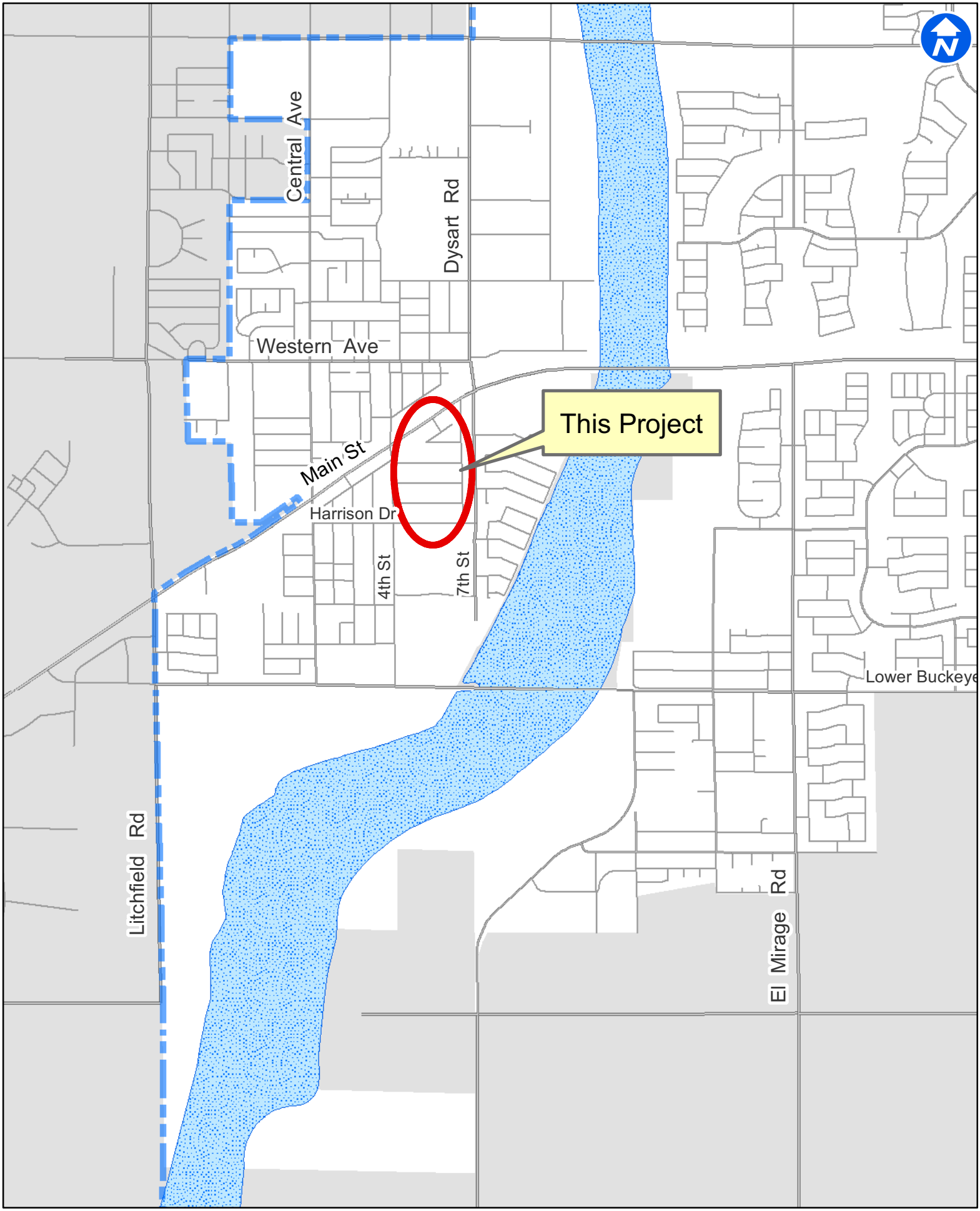
Staff recommends that the City Council award a construction contract to Blucor Contracting, Inc. for the CDBG Street and Sidewalk Improvement Project, in the amount of $1,695,000, authorize the transfer of $429,368 from Street Fund Line Item No. 304-1009-00-8420 (Citywide Street Enhancement) to Street Fund Line Item No. 304-1162-00-8420 (CDBG Street and Sidewalk Improvements), $300,000 from Water Fund Line Item No. 514-1057-00-8520 (Garden Lakes Improvements) to Water Fund Line Item No. 514-1162-00-8520 (CDBG Water Improvements), $400,000 from Water Fund Line Item No. 514-1058-00-8520 (South Avondale Improvements) to Water Fund Line Item No. 514-1162-00-8520 (CDBG Water Improvements), and $60,632 (in FY 08-09) from Water Fund Line Item No. 514-1058-00-8520 (South Avondale Improvements) to Water Fund Line Item No. 514-1162-00-8520 (CDBG Water Improvements) and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents.

ATTACHMENTS:

Click to download

- Vicinity Map
- Bid Tabulation Sheet

VICINITY MAP



City of Avondale
ST 1162 - CDBG Project

BID TABULATION
ST1162 - CDBG Streets & Sidewalks Project
BID DATE: February 28, 2008

				Banicki Construction		Wheeler Construction		Pierson Construction		Petra Contracting		Standard Construction		Brizco Construction		BluCor Contracting		Engineer's Estimate	
				Unit	Total	Unit	Total	Unit	Total	Unit	Total	Unit	Total	Unit	Total	Unit	Total	Unit	Total
Item No.	Description of Materials and/or services	Qty	Unit	Price	Price	Price	Price	Price	Price	Price	Price	Price	Price	Price	Price	Price	Price	Price	Price
107.03000	NPDES/SWPPP	1	LS	$ 500.00	$ 500.00	$ 9,500.00	$ 9,500.00	$ 600.00	$ 600.00	$ 4,800.00	$ 4,800.00	$ 2,500.00	$ 2,500.00	$ 15,000.00	$ 15,000.00	$ 10,080.00	$ 10,080.00	$ 20,000.00	$ 20,000.00
107.04000	Miscellaneous Reimbursables	1	LS	$ 150,000.00	$ 150,000.00	$ 150,000.00	$ 150,000.00	$ 150,000.00	$ 150,000.00	$ 150,000.00	$ 150,000.00	$ 150,000.00	$ 150,000.00	$ 150,000.00	$ 150,000.00	$ 150,000.00	$ 150,000.00	$ 150,000.00	$ 150,000.00
107.15000	Community Relations	1	LS	$ 15,000.00	$ 15,000.00	$ 15,000.00	$ 15,000.00	$ 15,000.00	$ 15,000.00	$ 15,000.00	$ 15,000.00	$ 15,000.00	$ 15,000.00	$ 15,000.00	$ 15,000.00	$ 15,000.00	$ 15,000.00	$ 15,000.00	$ 15,000.00
108.01000	Preparation of As-Built Plans	1	LS	$ 3,700.00	$ 3,700.00	$ 4,000.00	$ 4,000.00	$ 500.00	$ 500.00	$ 2,500.00	$ 2,500.00	$ 1,800.00	$ 1,800.00	$ 5,000.00	$ 5,000.00	$ 5,040.00	$ 5,040.00	$ 15,000.00	$ 15,000.00
108.01010	Construction Surveying and Layout	1	LS	$ 26,500.00	$ 26,500.00	$ 25,500.00	$ 25,500.00	$ 17,000.00	$ 17,000.00	$ 22,000.00	$ 22,000.00	$ 14,000.00	$ 14,000.00	$ 21,000.00	$ 21,000.00	$ 12,600.00	$ 12,600.00	$ 35,000.00	$ 35,000.00
109.09000	Mobilization/Demobilization	1	LS	$ 58,500.00	$ 58,500.00	$ 25,000.00	$ 25,000.00	$ 143,848.00	$ 143,848.00	$ 65,000.00	$ 65,000.00	$ 7,500.00	$ 7,500.00	$ 35,000.00	$ 35,000.00	$ 9,409.00	$ 9,409.00	$ 60,000.00	$ 60,000.00
301.01000	Subgrade Preparation	12,706	SY	$ 3.20	$ 40,659.20	$ 3.00	$ 38,118.00	$ 2.50	$ 31,765.00	$ 5.26	$ 66,833.56	$ 4.50	$ 57,177.00	$ 2.50	$ 31,765.00	$ 1.75	$ 22,235.50	$ 5.75	$ 73,059.50
308.01000	Geogrid Lining	8,269	SY	$ 5.00	$ 41,345.00	$ 4.00	$ 33,076.00	$ 5.00	$ 41,345.00	$ 4.50	$ 37,210.50	$ 4.50	$ 37,210.50	$ 7.00	$ 57,883.00	$ 6.00	$ 49,614.00	$ 6.00	$ 49,614.00
310.03227	4" Aggregate Base Course, 200mm, {Local}	884	TON	$ 15.00	$ 13,260.00	$ 18.00	$ 15,912.00	$ 15.00	$ 13,260.00	$ 18.00	$ 15,912.00	$ 25.00	$ 22,100.00	$ 24.00	$ 21,216.00	$ 18.00	$ 15,912.00	$ 30.00	$ 26,520.00
310.03275	5" Aggregate Base Course, 200mm, {Collector}	2,016	TON	$ 15.00	$ 30,240.00	$ 18.00	$ 36,288.00	$ 18.35	$ 36,993.60	$ 18.50	$ 37,296.00	$ 22.00	$ 44,352.00	$ 26.00	$ 52,416.00	$ 18.00	$ 36,288.00	$ 30.00	$ 60,480.00
316.01000	Asphalt Pavement Crack Sealing	1	LS	$ 2,100.00	$ 2,100.00	$ 2,500.00	$ 2,500.00	$ 500.00	$ 500.00	$ 6,000.00	$ 6,000.00	$ 5,500.00	$ 5,500.00	$ 4,500.00	$ 4,500.00	$ 1,890.00	$ 1,890.00	$ 1,000.00	$ 1,000.00
317.01000	Mill 2" AC	1,625	SY	$ 2.00	$ 3,250.00	$ 4.00	$ 6,500.00	$ 3.30	$ 5,362.50	$ 12.00	$ 19,500.00	$ 2.00	$ 3,250.00	$ 7.00	$ 11,375.00	$ 4.50	$ 7,312.50	$ 3.50	$ 5,687.50
321.00200	1.5" AC Surface Course (12.5mm), {Collector}	1,321	TON	$ 61.00	$ 80,581.00	$ 65.00	$ 85,865.00	$ 67.00	$ 88,507.00	$ 62.85	$ 83,024.85	$ 63.00	$ 83,223.00	$ 70.00	$ 92,470.00	$ 69.00	$ 91,149.00	$ 95.00	$ 125,495.00
321.00202	2 AC Surface Course (12.5mm), {Local}	1,113	TON	$ 61.00	$ 67,893.00	$ 65.00	$ 72,345.00	$ 69.00	$ 76,797.00	$ 64.50	$ 71,788.50	$ 63.00	$ 70,119.00	$ 71.00	$ 79,023.00	$ 70.00	$ 77,910.00	$ 95.00	$ 105,735.00
321.00203	3" AC Surface Course (12.5mm), {Local}	749	TON	$ 61.00	$ 45,689.00	$ 65.00	$ 48,685.00	$ 65.50	$ 49,059.50	$ 63.50	$ 47,561.50	$ 63.00	$ 47,187.00	$ 70.00	$ 52,430.00	$ 71.00	$ 53,179.00	$ 95.00	$ 71,155.00
321.01300	2.5" AC Surface Course (19.0mm)	2,202	TON	$ 61.00	$ 134,322.00	$ 65.00	$ 143,130.00	$ 77.50	$ 170,655.00	$ 65.80	$ 144,891.60	$ 63.00	$ 138,726.00	$ 72.00	$ 158,544.00	$ 73.00	$ 160,746.00	$ 95.00	$ 209,190.00
329.01000	Asphalt Emulsion Tack Coat (SS-1)	6	TON	$ 550.00	$ 3,300.00	$ 900.00	$ 5,400.00	$ 660.00	$ 3,960.00	$ 770.00	$ 4,620.00	$ 510.00	$ 3,060.00	$ 825.00	$ 4,950.00	$ 1,316.00	$ 7,896.00	$ 500.00	$ 3,000.00
336.01500	Pavement Replacement - MAG 200 "T-Top"	3,076	SF	$ 2.80	$ 8,612.80	$ 5.50	$ 16,918.00	$ 3.40	$ 10,458.40	$ 4.50	$ 13,842.00	$ 35.00	$ 107,660.00	$ 4.50	$ 13,842.00	$ 6.00	$ 18,456.00	$ 20.00	$ 61,520.00
340.01110	6" Vertical Curb & Gutter, MAG 220 Type A	2,161	L.FT.	$ 10.00	$ 21,610.00	$ 12.00	$ 25,932.00	$ 9.00	$ 19,449.00	$ 8.00	$ 17,288.00	$ 17.00	$ 36,737.00	$ 14.00	$ 30,254.00	$ 11.00	$ 23,771.00	$ 20.00	$ 43,220.00
340.01160	6" Sinlge Curb MAG 222 Type A	199	L.FT.	$ 9.00	$ 1,791.00	$ 15.00	$ 2,985.00	$ 7.00	$ 1,393.00	$ 8.50	$ 1,691.50	$ 16.00	$ 3,184.00	$ 15.00	$ 2,985.00	$ 13.00	$ 2,587.00	$ 20.00	$ 3,980.00
340.01210	4" Thick Sidewalk, MAG 230	4,250	SQ.FT.	$ 3.00	$ 12,750.00	$ 2.30	$ 9,775.00	$ 3.00	$ 12,750.00	$ 2.60	$ 11,050.00	$ 3.50	$ 14,875.00	$ 3.00	$ 12,750.00	$ 2.20	$ 9,350.00	$ 6.00	$ 25,500.00
340.01325	Modified Pedestrian Ramp, Sheet DT-01	10	EA	$ 800.00	$ 8,000.00	$ 865.00	$ 8,650.00	$ 670.00	$ 6,700.00	$ 1,050.00	$ 10,500.00	$ 1,100.00	$ 11,000.00	$ 950.00	$ 9,500.00	$ 792.20	$ 7,922.00	$ 1,500.00	$ 15,000.00
340.01400	Residential Driveway, MAG 250, (6" Thick)	246	SY	$ 43.00	$ 10,578.00	$ 50.00	$ 12,300.00	$ 38.00	$ 9,348.00	$ 63.00	$ 15,498.00	$ 35.00	$ 8,610.00	$ 60.00	$ 14,760.00	$ 19.00	$ 4,674.00	$ 120.00	$ 29,520.00
340.01600	Concrete Valley Gutter & Apron, MAG 240	2,244	SQ.FT.	$ 7.00	$ 15,708.00	$ 7.25	$ 16,269.00	$ 6.25	$ 14,025.00	$ 7.00	$ 15,708.00	$ 7.50	$ 16,830.00	$ 10.00	$ 22,440.00	$ 19.25	$ 43,197.00	$ 9.00	$ 20,196.00
345.01100	Manhole Adjustments, MAG 422	17	EA	$ 430.00	$ 7,310.00	$ 375.00	$ 6,375.00	$ 350.00	$ 5,950.00	$ 300.00	$ 5,100.00	$ 275.00	$ 4,675.00	$ 400.00	$ 6,800.00	$ 391.00	$ 6,647.00	$ 385.00	$ 6,545.00
345.01000	Adjust Frame and cover to Grade, MAG Std Det 39	24	EA	$ 310.00	$ 7,440.00	$ 350.00	$ 8,400.00	$ 350.00	$ 8,400.00	$ 350.00	$ 8,400.00	$ 175.00	$ 4,200.00	$ 400.00	$ 9,600.00	$ 322.00	$ 7,728.00	$ 210.00	$ 5,040.00
345.01400	Adjust Water Meter to Grade	72	EA	$ 380.00	$ 27,360.00	$ 40.00	$ 2,880.00	$ 125.00	$ 9,000.00	$ 82.00	$ 5,904.00	$ 175.00	$ 12,600.00	$ 50.00	$ 3,600.00	$ 95.00	$ 6,840.00	$ 500.00	$ 36,000.00
350.01301	(Sawcut&) Remove Existing AC	28,625	SY	$ 1.70	$ 48,662.50	$ 4.50	$ 128,812.50	$ 2.50	$ 71,562.50	$ 4.00	$ 114,500.00	$ 2.50	$ 71,562.50	$ 3.20	$ 91,600.00	$ 3.20	$ 91,600.00	$ 3.50	$ 100,187.50
350.01801	Remove Existing Curb and Gutter	2,129	L.FT.	$ 3.00	$ 6,387.00	$ 6.00	$ 12,774.00	$ 4.50	$ 9,580.50	$ 2.80	$ 5,961.20	$ 5.00	$ 10,645.00	$ 2.50	$ 5,322.50	$ 4.00	$ 8,516.00	$ 9.00	$ 19,161.00
350.01901	Remove existing Sidewalk, Driveway, Valley Gutter	7,980	SQ.FT.	$ 1.10	$ 8,778.00	$ 2.00	$ 15,960.00	$ 2.00	$ 15,960.00	$ 1.50	$ 11,970.00	$ 2.00	$ 15,960.00	$ 2.00	$ 15,960.00	$ 2.20	$ 17,556.00	$ 3.00	$ 23,940.00
351.12001	Remove Existing Valve, Box and Cover	16	EA	$ 450.00	$ 7,200.00	$ 500.00	$ 8,000.00	$ 55.00	$ 880.00	$ 55.00	$ 880.00	$ 120.00	$ 1,920.00	$ 350.00	$ 5,600.00	$ 86.00	$ 1,376.00	$ 750.00	$ 12,000.00
401.01000	Traffic Control	1	LS	$ 33,000.00	$ 33,000.00	$ 63,000.00	$ 63,000.00	$ 25,000.00	$ 25,000.00	$ 46,000.00	$ 46,000.00	$ 20,000.00	$ 20,000.00	$ 45,000.00	$ 45,000.00	$ 7,780.00	$ 7,780.00	$ 50,000.00	$ 50,000.00
405.00020	Survey Monument, MAG 120-1 (Type B)	6	EA	$ 240.00	$ 1,440.00	$ 110.00	$ 660.00	$ 220.00	$ 1,320.00	$ 200.00	$ 1,200.00	$ 175.00	$ 1,050.00	$ 500.00	$ 3,000.00	$ 145.00	$ 870.00	$ 300.00	$ 1,800.00
610.02008	8" Class 350 DIP	7,847	L.FT.	$ 73.00	$ 572,831.00	$ 60.00	$ 470,820.00	$ 55.60	$ 436,293.20	$ 44.00	$ 345,268.00	$ 35.00	$ 274,645.00	$ 55.00	$ 431,585.00	$ 33.00	$ 258,951.00	$ 65.00	$ 510,055.00
610.08505	Remove Existing Fire Hydrant	5	EA	$ 400.00	$ 2,000.00	$ 650.00	$ 3,250.00	$ 560.00	$ 2,800.00	$ 900.00	$ 4,500.00	$ 325.00	$ 1,625.00	$ 350.00	$ 1,750.00	$ 142.00	$ 710.00	$ 1,100.00	$ 5,500.00
610.08511	Install Fire Hydrant Assembly	7	EA	$ 6,100.00	$ 42,700.00	$ 5,500.00	$ 38,500.00	$ 5,140.00	$ 35,980.00	$ 4,700.00	$ 32,900.00	$ 4,200.00	$ 29,400.00	$ 5,850.00	$ 40,950.00	$ 4,484.00	$ 31,388.00	$ 4,500.00	$ 31,500.00
610.10541	New Water Service Connection to ROW	37	EA	$ 900.00	$ 33,300.00	$ 1,200.00	$ 44,400.00	$ 1,180.00	$ 43,660.00	$ 770.00	$ 28,490.00	$ 900.00	$ 33,300.00	$ 1,350.00	$ 49,950.00	$ 606.00	$ 22,422.00	$ 1,000.00	$ 37,000.00
610.10544	Water Meter Box, andCover MG 311 & 320	72	EA	$ 200.00	$ 14,400.00	$ 120.00	$ 8,640.00	$ 76.00	$ 5,472.00	$ 95.00	$ 6,840.00	$ 190.00	$ 13,680.00	$ 169.85	$ 12,229.20	$ 411.00	$ 29,592.00	$ 500.00	$ 36,000.00
610.10621	Reconnect Existing 1" Water Service Line	144	EA	$ 900.00	$ 129,600.00	$ 600.00	$ 86,400.00	$ 850.00	$ 122,400.00	$ 600.00	$ 86,400.00	$ 500.00	$ 72,000.00	$ 1,275.00	$ 183,600.00	$ 881.00	$ 126,864.00	$ 800.00	$ 115,200.00
610.20006	Abandon Existing 6" ACP, Plug and Grout	3	EA	$ 500.00	$ 1,500.00	$ 800.00	$ 2,400.00	$ 400.00	$ 1,200.00	$ 2,000.00	$ 6,000.00	$ 400.00	$ 1,200.00	$ 650.00	$ 1,950.00	$ 640.00	$ 1,920.00	$ 1,200.00	$ 3,600.00
615.11000	Removal and Replacement of Exisiting Sewer Serv	12	EA	$ 2,800.00	$ 33,600.00	$ 2,300.00	$ 27,600.00	$ 2,200.00	$ 26,400.00	$ 1,990.00	$ 23,880.00	$ 1,300.00	$ 15,600.00	$ 2,250.00	$ 27,000.00	$ 1,533.00	$ 18,396.00	$ 1,700.00	$ 20,400.00
615.11010	Removal and Replacement of Exisiting Sewer Serv	9	EA	$ 2,350.00	$ 21,150.00	$ 1,700.00	$ 15,300.00	$ 1,660.00	$ 14,940.00	$ 1,250.00	$ 11,250.00	$ 1,300.00	$ 11,700.00	$ 2,250.00	$ 20,250.00	$ 1,384.00	$ 12,456.00	$ 1,700.00	$ 15,300.00
615.04001	New Sewer Service Connection to ROW	48	EA	$ 2,600.00	$ 124,800.00	$ 1,900.00	$ 91,200.00	$ 2,080.00	$ 99,840.00	$ 1,300.00	$ 62,400.00	$ 1,400.00	$ 67,200.00	$ 3,000.00	$ 144,000.00	$ 1,482.00	$ 71,136.00	$ 1,200.00	$ 57,600.00
630.01108	8" Gate Valve, Box and Cover	14	EA	$ 1,600.00	$ 22,400.00	$ 1,500.00	$ 21,000.00	$ 1,500.00	$ 21,000.00	$ 1,006.00	$ 14,084.00	$ 1,200.00	$ 16,800.00	$ 1,350.00	$ 18,900.00	$ 1,217.00	$ 17,038.00	$ 1,100.00	$ 15,400.00
625.01011	Lined Manhole, MAG 420 w/Riser Frame & Cover	17	EA	$ 6,800.00	$ 115,600.00	$ 3,400.00	$ 57,800.00	$ 2,920.00	$ 49,640.00	$ 2,500.00	$ 42,500.00	$ 2,700.00	$ 45,900.00	$ 4,100.00	$ 69,700.00	$ 1,620.00	$ 27,540.00	$ 7,500.00	$ 127,500.00
	SUBTOTAL WITHOUT TAX				$ 2,057,347.50		$ 1,923,819.50		$ 1,926,554.20		$ 1,743,943.21		$ 1,627,263.00		$ 2,102,449.70		$ 1,603,544.00		$ 2,454,600.50
	TAX				117,680.28		110,042.48		110,198.90		99,753.55		93,079.44		120,260.12		91,722.72		$147,276.03
	TOTAL CALCULATED BY STAFF				**$2,175,027.78**		**$2,033,861.98**		**$2,036,753.10**		**$1,843,696.76**		**$1,720,342.44**		**$2,222,709.82**		**$1,695,266.72**		$2,601,876.53
	TOTAL SUBMITTED BY BIDDER				$2,175,027.78		$2,033,861.98		$2,036,753.20		$1,683,074.52		$1,721,400.16		$2,222,833.98		$1,695,000.00		
	Bid Bond Attached?				Yes		Yes		Yes		Yes		Yes		Yes		Yes		
	Contractor License Attached?				Yes		Yes		Yes		Yes		Yes		Yes		Yes		
	Is contract properly signed?				Yes		Yes		Yes		Yes		Yes		Yes		Yes		
	Business License Attached?				Yes		Yes		Yes		Yes		Yes		Yes		Yes		
	Addendum #1 attached				Yes		Yes		Yes		Yes		Yes		Yes		Yes		
	Exceptions to specifications?				No		Yes		No		No		No		No		No		

CITY COUNCIL REPORT

SUBJECT:
Award a Construction Contract to Brizco Construction, LLC for the Van Buren Street 16-Inch Transmission Line

MEETING DATE:
March 17, 2008

TO: Mayor and Council

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

THROUGH: Charlie McClendon, City Manager

PURPOSE:

Staff is requesting that the City Council award a construction contract to Brizco Construction, LLC for waterline and other improvements for Van Buren Street, in the amount of $324,940.99 and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents.

BACKGROUND:

On October 24, 2005, the City Council approved a Professional Services Agreement (PSA) with Landmark/V3 Consulting Engineers in the amount of $98,685 to provide professional engineering services for the design and preparation of construction documents for a 16" well transmission line and roadway widening improvements on Van Buren Street from Fairway Drive to the Agua Fria Bridge.

On May 15, 2006, City Council approved Amendment No. 1 to the PSA with Landmark/V3 Consulting Engineers for the Van Buren Street Improvement Project to add design services for a reclaimed waterline, a pedestrian underpass, and a storm drain system, in the amount of $107,805. This was based upon recommendations from the City's Engineering, Water Resources, and Parks, Recreation and Library Departments who identified additional items to be included in the original scope of work. Although this additional work would delay the project's schedule, these items would ultimately prevent costly construction and alleviate the need to cut open a newly constructed road. All three (3) departments had projects programmed that would have impacted this segment of Van Buren Street.

Because of right-of-way and utility conflict issues associated with the transportation project, the schedule for the completion of the waterline and transportation components of the project no longer aligned. The Water Resources Department requested that the waterline be constructed separately from the transportation project in order to meet the timeline for increasing the capacity of the City potable water distribution system and on November 19, 2007, City Council approved Amendment No. 2 to the Professional Services Agreement with Landmark/V3 Consulting Engineers for the Van Buren Street Improvement Project to add design services for preparing stand-alone waterline plans in the amount of $10,570.

The proposed 16-inch ductile iron pipe waterline improvements will be constructed along the south side of Van Buren Street starting at the Coldwater Booster Station's main entrance and ending approximately 700 feet west of the Van Buren Street and El Mirage Road intersection.

DISCUSSION:

SCOPE OF WORK:

The scope of work for this project will include:

- Installing 12-inch and16-inch Ductile Iron Pipe
- Installing asphaltic concrete
- Installing air release valves
- Installing resilient wedge gate valves
- Traffic Control
- Other miscellaneous installations and removals

BID PROCESS:

Invitations for Bid notices were published in the West Valley View on February 8 and February 12, 2008 and the Arizona Business Gazette on February 14, 2008. The Engineering Department held a voluntary pre-bid meeting on February 19, 2008. Twenty-two (22) bids were received and opened on March 6, 2008. Each bid package was reviewed and all except nine (9) bidders met the bidding requirements. The top six (6) firms submitting responsive bids and the amount of their bids (corrected and adjusted) are as follows:

BIDDER	BID AMOUNT	M/DBE
Brizco Construction, LLC	$324,940.99	No
Sahuro Contracting	$325,981.81	No
Johansen Construction, Inc.	$343,592.74	No
Standard Construction	$345,433.76	No
DCS Contracting, Inc.	$347,002.11	No
Pipeline Dynamics	$366,892.80	No

See the attached Bid Tabulation Sheet for a detailed, bid item breakdown of each submitted bid.

Brizco Construction, LLC with a bid of $324,940.99 was determined to have submitted the lowest, responsive, and qualified bid. Staff was able to contact two (2) of the three (3) required references and Brizco Construction, LLC did receive positive recommendations. Staff believes Brizco Construction, LLC to be competent and qualified for this project. Brizco Construction, LLC has successfully completed similar work. Staff contacted the Registrar of Contractors and found no claims on file against this contractor.

SCHEDULE:

A tentative construction schedule is as follows:

PROJECT MILESTONES	TARGET DATES
Issue Notice of Award	3/18/08
Pre-Construction Conference	3/28/08
Notice-to-Proceed	3/25/08
Begin Construction	4/08/08
Completion	5/24/08

BUDGETARY IMPACT:

Funding for this project is available in the Water Fund Line Item No. 514-1089-00-8520, Van Buren – Bridge to Fairway.

RECOMENDATION:

Staff is requesting that the City Council award a construction contract to Brizco Construction, LLC for waterline and other improvements for Van Buren Street, in the amount of $324,940.99 and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents.

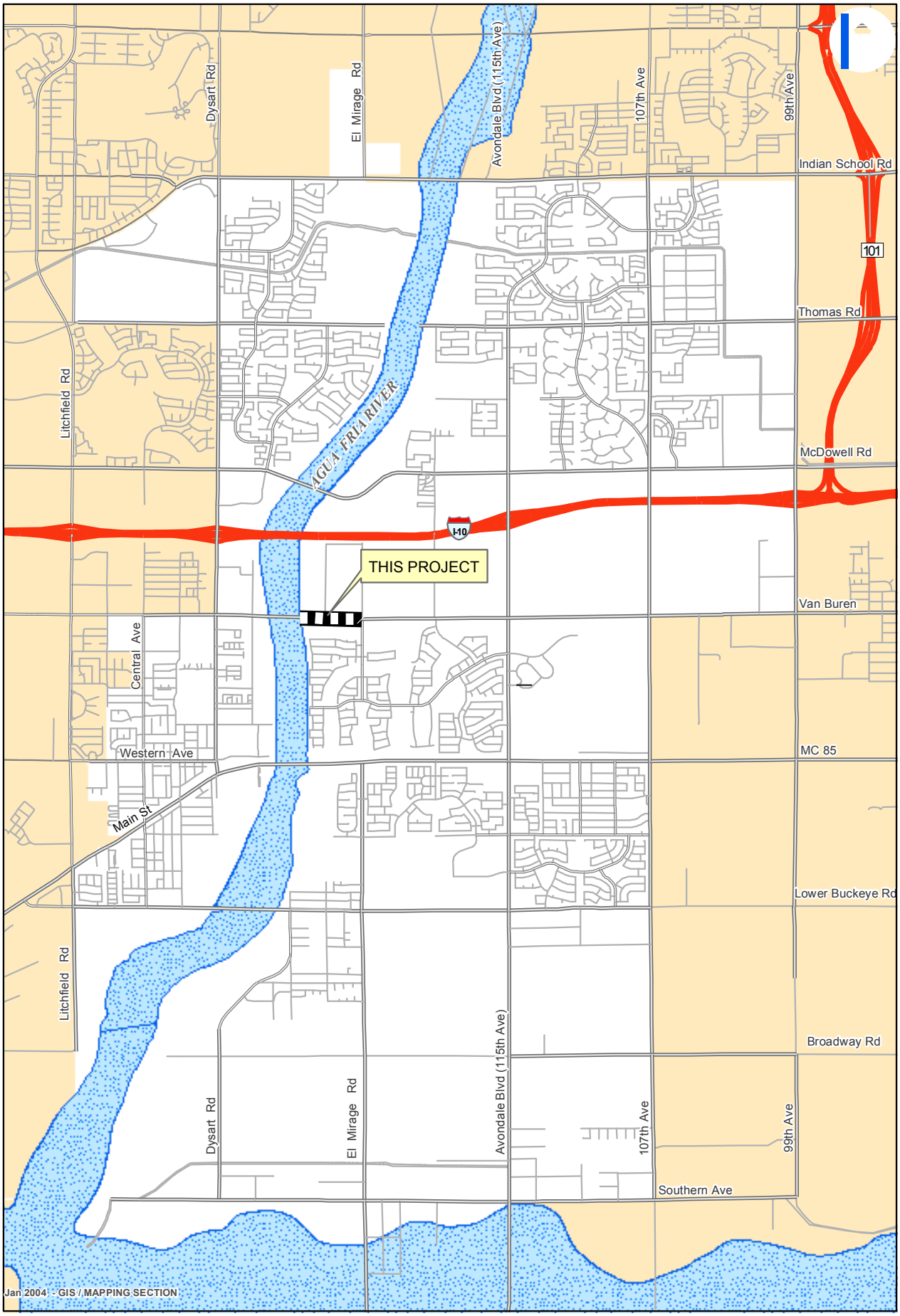
Contract is on file with the City Clerk.

ATTACHMENTS:

Click to download

- Vicinity Map
- Bid Tabulation Sheet

VICINITY MAP



CITY OF AVONDALE

Van Buren St Improvements

				Wheeler Construction		Pierson Construction		Petra Contracting		Standard Construction		Brizco Construction		VISUS INC	
				Unit	Total	Unit	Total	Unit	Total	Unit	Total	Unit	Total	Unit	Total
Item No.	Description of Materials and/or services	Qty	Unit	Price	Price	Price	Price	Price	Price	Price	Price	Price	Price	Price	Price
107.04	Miscellaneous Reimbursables (Allowance)	1	LS	$ 60,000.00	$ 60,000.00	$ 60,000.00	$ 60,000.00	$ 60,000.00	$ 60,000.00	$ 60,000.00	$ 60,000.00	$ 60,000.00	$ 60,000.00	$ 60,000.00	$ 60,000.00
108.01	Construction Staking, Surveying and Layout	1	LS	$ 4,500.00	$ 4,500.00	$ 3,500.00	$ 3,500.00	$ 2,800.00	$ 2,800.00	$ 4,000.00	$ 4,000.00	$ 3,000.00	$ 3,000.00	$ 5,000.00	$ 5,000.00
108.0101	As-built Plan Preparation	1	LS	$ 1,700.00	$ 1,700.00	$ 500.00	$ 500.00	$ 432.00	$ 432.00	$ 500.00	$ 500.00	$ 500.00	$ 500.00	$ 500.00	$ 500.00
109.09	Mobilization/Demobilization	1	LS	$ 12,000.00	$ 12,000.00	$ 31,500.00	$ 31,500.00	$ 3,109.00	$ 3,109.00	$ 1,000.00	$ 1,000.00	$ 10,000.00	$ 10,000.00	$ 7,000.00	$ 7,000.00
301.01	Subgrade Preparation	623	SY	$ 6.00	$ 3,738.00	$ 2.00	$ 1,246.00	$ 2.00	$ 1,246.00	$ 7.00	$ 4,361.00	$ 2.00	$ 1,246.00	$ 8.00	$ 4,984.00
310.0328	Aggregate Base Course (12")	405	TON	$ 25.00	$ 10,125.00	$ 17.00	$ 6,885.00	$ 17.00	$ 6,885.00	$ 28.00	$ 11,340.00	$ 16.00	$ 6,480.00	$ 20.00	$ 8,100.00
321.012	2" Asphaltic Concrete Surface Course (12.5mm)	70	TON	$ 110.00	$ 7,700.00	$ 73.00	$ 5,110.00	$ 37.00	$ 2,590.00	$ 120.00	$ 8,400.00	$ 115.00	$ 8,050.00	$ 60.00	$ 4,200.00
321.013	3" Asphaltic Concrete Base Course (19.0 mm)	105	TON	$ 100.00	$ 10,500.00	$ 73.00	$ 7,665.00	$ 40.00	$ 4,200.00	$ 120.00	$ 12,600.00	$ 115.00	$ 12,075.00	$ 60.00	$ 6,300.00
350.011	Remove 18" and 30" Abandoned Irrigation Pipe, Backfill and Compact	41	LF	$ 12.00	$ 492.00	$ 20.00	$ 820.00	$ 27.00	$ 1,107.00	$ 20.00	$ 820.00	$ 12.00	$ 492.00	$ 30.00	$ 1,230.00
350.013	Sawcut & Remove Existing Asphaltic Concrete	623	SY	$ 3.50	$ 2,180.50	$ 9.00	$ 5,607.00	$ 7.00	$ 4,361.00	$ 9.00	$ 5,607.00	$ 4.00	$ 2,492.00	$ 15.00	$ 9,345.00
401.01	Traffic Control	1	LS	$ 40,000.00	$ 40,000.00	$ 17,500.00	$ 17,500.00	$ 13,500.00	$ 13,500.00	$ 5,000.00	$ 5,000.00	$ 5,000.00	$ 5,000.00	$ 25,000.00	$ 25,000.00
401.011	Uniformed Off-Duty Officer (Allowance)	1	LS	$ 5,000.00	$ 5,000.00	$ 5,000.00	$ 5,000.00	$ 5,000.00	$ 5,000.00	$ 5,000.00	$ 5,000.00	$ 5,000.00	$ 5,000.00	$ 5,000.00	$ 5,000.00
610.0201	8" DIP, Class 350, polywrapped	140	LF	$ 65.00	$ 9,100.00	$ 64.00	$ 8,960.00	$ 82.00	$ 11,480.00	$ 45.00	$ 6,300.00	$ 43.00	$ 6,020.00	$ 72.00	$ 10,080.00
610.0202	16" DIP, Class 250, polywrapped	452	LF	$ 130.00	$ 58,760.00	$ 90.00	$ 40,680.00	$ 128.00	$ 57,856.00	$ 78.00	$ 35,256.00	$ 80.00	$ 36,160.00	$ 165.00	$ 74,580.00
~~610.0512~~	~~12" and 16" Vertical Realignment of Water Main~~	~~5~~	~~EA~~	$	$	$	$	$	$	$	$	$	$	$	$
610.0512	12" Vertical Realignment of Water Main	1	EA	$ 2,000.00	$ 2,000.00	$ 6,500.00	$ 6,500.00	$ 4,500.00	$ 4,500.00	$ 3,500.00	$ 3,500.00	$ 1,400.00	$ 1,400.00	$ 8,000.00	$ 8,000.00
610.0512	16" Vertical Realignment of Water Main	4	EA	$ 5,600.00	$ 22,400.00	$ 12,500.00	$ 50,000.00	$ 5,800.00	$ 23,200.00	$ 7,100.00	$ 28,400.00	$ 3,500.00	$ 14,000.00	$ 6,500.00	$ 26,000.00
610.0512	Pipe Support, MAG 403-1, Type "A"	4	EA	$ 480.00	$ 1,920.00	$ 1,000.00	$ 4,000.00	$ 2,280.00	$ 9,120.00	$ 1,200.00	$ 4,800.00	$ 850.00	$ 3,400.00	$ 1,200.00	$ 4,800.00
610.12	Curb Stop w/Flushing Pipe, MAG 390, Type "A"	4	EA	$ 800.00	$ 3,200.00	$ 550.00	$ 2,200.00	$ 1,000.00	$ 4,000.00	$ 975.00	$ 3,900.00	$ 800.00	$ 3,200.00	$ 1,000.00	$ 4,000.00
615.1001	12" DIP, Class 350, w/joint restraint & polywrapped	~~55~~	LF		$		$	$	$		$	$	$		$
		31		$ 98.00	$ 3,038.00	$ 88.00	$ 2,728.00	$ 78.00	$ 2,418.00	$ 100.00	$ 3,100.00	$ 75.00	$ 2,325.00	$ 120.00	$ 3,720.00
615.1002	16" DIP, Class 250, w/joint restraint & polywrapped	~~849~~	LF	$	$		$	$	$		$	$	$		$
		692		$ 159.00	$ 110,028.00	$ 120.00	$ 83,040.00	$ 126.00	$ 87,192.00	$ 105.00	$ 72,660.00	$ 110.00	$ 76,120.00	$ 200.00	$ 138,400.00
630.0212	16" Resilient Wedge Gate Valve, Box, and Cover w/Debris Cap & Attached Waterline Cap	1	EA	$ 5,100.00	$ 5,100.00	$ 5,000.00	$ 5,000.00	$ 5,900.00	$ 5,900.00	$ 6,400.00	$ 6,400.00	$ 5,200.00	$ 5,200.00	$ 5,000.00	$ 5,000.00
630.6021	Air Release Valve	4	EA	$ 3,900.00	$ 15,600.00	$ 4,200.00	$ 16,800.00	$ 6,000.00	$ 24,000.00	$ 4,200.00	$ 16,800.00	$ 3,300.00	$ 13,200.00	$ 3,000.00	$ 12,000.00
640.0161	16" x 12" Tee, 12" Resilient Wedge Gate Valve, Box, and Cover w/Debris Cap	1	EA	$ 4,700.00	$ 4,700.00	$ 4,500.00	$ 4,500.00	$ 5,370.00	$ 5,370.00	$ 7,000.00	$ 7,000.00	$ 3,500.00	$ 3,500.00	$ 8,000.00	$ 8,000.00
640.0242	24" x 16" Tee, 16" Resilient Wedge Gate Valve, Box, and Cover w/Debris Cap	1	EA	$ 14,395.00	$ 14,395.00	$ 15,000.00	$ 15,000.00	$ 15,000.00	$ 15,000.00	$ 11,000.00	$ 11,000.00	$ 15,000.00	$ 15,000.00	$ 8,928.50	$ 8,928.50
640.1161	16" x 8" Tapping Sleeve, 8" Resilient Wedge Gate Valve, Box a,nd Cover w/Debris Cap	3	EA	$ 3,500.00	$ 10,500.00	$ 5,800.00	$ 17,400.00	$ 4,595.00	$ 13,785.00	$ 3,000.00	$ 9,000.00	$ 4,500.00	$ 13,500.00	$ 4,500.00	$ 13,500.00
	SUBTOTAL WITHOUT TAX				$ 418,676.50		$ 402,141.00		$ 369,051.00		$ 326,744.00		$ 307,360.00		$ 453,667.50
	TAX				23,948.30		23,002.47		21,109.72		18,689.76		17,580.99		25,949.78
	TOTAL CALCULATED BY STAFF				$442,624.80		$425,143.47		$390,160.72		$345,433.76		$324,940.99		$479,617.28
	TOTAL SUBMITTED BY BIDDER				$442,624.90		$419,700.00		$393,389.91		$345,646.14		$324,940.99		$465,009.19
	Bid Bond Attached?				Yes		Yes		Yes		Yes		Yes		Yes
	Contractor License Attached?				Yes		Yes		Yes		Yes		Yes		Yes
	Is contract properly signed?				Yes		Yes		Yes		Yes		Yes		Yes
	Business License Attached?				Yes		Yes		Yes		Yes		Yes		Yes
	Addendum #1 attached				Yes		Yes		Yes		Yes		Yes		Yes
	Addendum #2 attached				No		Yes		No		Yes		yes		NO
	Exceptions to specifications?				No		No		No		No		No		NO

				Material Delivery, Inc.		Ellison-Mills Contractors		Pipeline Dynamics Inc		Swengel-Robbins Inc		Talis Construction		Shiya Strephans	
				Unit	Total	Unit	Total	Unit	Total	Unit	Total	Unit	Total	Unit	Total
Item No.	Description of Materials and/or services	Qty	Unit	Price	Price	Price	Price	Price	Price	Price	Price	Price	Price	Price	Price
107.04	Miscellaneous Reimbursables (Allowance)	1	LS	$ 60,000.00	$ 60,000.00	$ 60,000.00	$ 60,000.00	$ 60,000.00	$ 60,000.00	$ 60,000.00	$ 60,000.00	$ 60,000.00	$ 60,000.00	$ 60,000.00	$ 60,000.00
108.01	Construction Staking, Surveying and Layout	1	LS	$ 6,612.00	$ 6,612.00	$ 3,120.00	$ 3,120.00	$ 7,500.00	$ 7,500.00	$ 3,500.00	$ 3,500.00	$ 2,429.46	$ 2,429.46	$ 3,900.00	$ 3,900.00
108.0101	As-built Plan Preparation	1	LS	$ 1,810.00	$ 1,810.00	$ 1,560.00	$ 1,560.00	$ 2,500.00	$ 2,500.00	$ 2,000.00	$ 2,000.00	$ 1,095.55	$ 1,095.55	$ 1,000.00	$ 1,000.00
109.09	Mobilization/Demobilization	1	LS	$ 5,700.00	$ 5,700.00	$ 30,864.00	$ 30,864.00	$ 3,500.00	$ 3,500.00	$ 6,000.00	$ 6,000.00	$ 6,685.20	$ 6,685.20	$ 32,000.00	$ 32,000.00
301.01	Subgrade Preparation	623	SY	$ 7.00	$ 4,361.00	$ 2.86	$ 1,781.78	$ 6.00	$ 3,738.00	$ 6.50	$ 4,049.50	$ 4.48	$ 2,791.04	$ 6.00	$ 3,738.00
310.0328	Aggregate Base Course (12")	405	TON	$ 41.00	$ 16,605.00	$ 21.50	$ 8,707.50	$ 18.00	$ 7,290.00	$ 22.00	$ 8,910.00	$ 8.83	$ 3,576.15	$ 20.00	$ 8,100.00
321.012	2" Asphaltic Concrete Surface Course (12.5mm)	70	TON	$ 167.00	$ 11,690.00	$ 101.50	$ 7,105.00	$ 144.00	$ 10,080.00	$ 290.00	$ 20,300.00	$ 132.52	$ 9,276.40	$ 175.00	$ 12,250.00
321.013	3" Asphaltic Concrete Base Course (19.0 mm)	105	TON	$ 167.00	$ 17,535.00	$ 110.17	$ 11,567.85	$ 141.00	$ 14,805.00	$ 225.00	$ 23,625.00	$ 132.52	$ 13,914.60	$ 164.00	$ 17,220.00
350.011	Remove 18" and 30" Abandoned Irrigation Pipe, Backfill and Compact	41	LF	$ 75.00	$ 3,075.00	$ 72.23	$ 2,961.43	$ 65.00	$ 2,665.00	$ 50.00	$ 2,050.00	$ 32.72	$ 1,341.52	$ 35.00	$ 1,435.00
350.013	Sawcut & Remove Existing Asphaltic Concrete	623	SY	$ 14.00	$ 8,722.00	$ 5.15	$ 3,208.45	$ 16.00	$ 9,968.00	$ 20.00	$ 12,460.00	$ 6.34	$ 3,949.82	$ 10.00	$ 6,230.00
401.01	Traffic Control	1	LS	$ 8,428.00	$ 8,428.00	$ 18,000.00	$ 18,000.00	$ 12,000.00	$ 12,000.00	$ 10,000.00	$ 10,000.00	$ 11,595.15	$ 11,595.15	$ 13,000.00	$ 13,000.00
401.011	Uniformed Off-Duty Officer (Allowance)	1	LS	$ 5,000.00	$ 5,000.00	$ 5,000.00	$ 5,000.00	$ 5,000.00	$ 5,000.00	$ 5,000.00	$ 5,000.00	$ 5,000.00	$ 5,000.00	$ 5,000.00	$ 5,000.00
610.0201	8" DIP, Class 350, polywrapped	140	LF	$ 83.00	$ 11,620.00	$ 40.82	$ 5,714.80	$ 31.00	$ 4,340.00	$ 53.00	$ 7,420.00	$ 58.64	$ 8,209.60	$ 78.00	$ 10,920.00
610.0202	16" DIP, Class 250, polywrapped	452	LF	$ 111.00	$ 50,172.00	$ 88.99	$ 40,223.48	$ 55.00	$ 24,860.00	$ 65.00	$ 29,380.00	$ 89.46	$ 40,435.92	$ 90.00	$ 40,680.00
~~610.0512~~	~~12" and 16" Vertical Realignment of Water Main~~	~~5~~	~~EA~~	$	$		$								
610.0512	12" Vertical Realignment of Water Main	1	EA	$ 16,700.00	$ 16,700.00	$ 9,977.12	$ 9,977.12	$ 6,100.00	$ 6,100.00	$ 4,500.00	$ 4,500.00	$ 2,214.24	$ 2,214.24	$ 4,000.00	$ 4,000.00
610.0512	16" Vertical Realignment of Water Main	4	EA	$ 22,300.00	$ 89,200.00	$ 14,078.73	$ 56,314.92	$ 9,700.00	$ 38,800.00	$ 7,500.00	$ 30,000.00	$ 8,455.65	$ 33,822.60	$ 8,000.00	$ 32,000.00
610.0512	Pipe Support, MAG 403-1, Type "A"	4	EA	$ 1,500.00	$ 6,000.00	$ 1,200.00	$ 4,800.00	$ 3,000.00	$ 12,000.00	$ 700.00	$ 2,800.00	$ 534.93	$ 2,139.72	$ 1,000.00	$ 4,000.00
610.12	Curb Stop w/Flushing Pipe, MAG 390, Type "A"	4	EA	$ 1,070.00	$ 4,280.00	$ 1,378.77	$ 5,515.08	$ 2,500.00	$ 10,000.00	$ 750.00	$ 3,000.00	$ 1,493.69	$ 5,974.76	$ 1,000.00	$ 4,000.00
615.1001	12" DIP, Class 350, w/joint restraint & polywrapped	~~55~~	LF		$		$		$						
		31		$ 256.00	$ 7,936.00	$ 94.49	$ 2,929.19	$ 56.00	$ 1,736.00	$ 140.00	$ 4,340.00	$ 148.93	$ 4,616.83	$ 150.00	$ 4,650.00
615.1002	16" DIP, Class 250, w/joint restraint & polywrapped	~~849~~	LF		$		$								
		692		$ 141.00	$ 97,572.00	$ 106.17	$ 73,469.64	$ 80.00	$ 55,360.00	$ 145.00	$ 100,340.00	$ 131.60	$ 91,067.20	$ 109.00	$ 75,428.00
630.0212	16" Resilient Wedge Gate Valve, Box, and Cover w/Debris Cap & Attached Waterline Cap	1	EA	$ 8,080.00	$ 8,080.00	$ 8,235.62	$ 8,235.62	$ 7,000.00	$ 7,000.00	$ 4,700.00	$ 4,700.00	$ 6,830.46	$ 6,830.46	$ 6,500.00	$ 6,500.00
630.6021	Air Release Valve	4	EA	$ 5,530.00	$ 22,120.00	$ 4,176.06	$ 16,704.24	$ 5,200.00	$ 20,800.00	$ 4,000.00	$ 16,000.00	$ 3,923.15	$ 15,692.60	$ 4,200.00	$ 16,800.00
640.0161	16" x 12" Tee, 12" Resilient Wedge Gate Valve, Box, and Cover w/Debris Cap	1	EA	$ 5,610.00	$ 5,610.00	$ 6,735.77	$ 6,735.77	$ 4,500.00	$ 4,500.00	$ 3,800.00	$ 3,800.00	$ 6,703.82	$ 6,703.82	$ 5,000.00	$ 5,000.00
640.0242	24" x 16" Tee, 16" Resilient Wedge Gate Valve, Box, and Cover w/Debris Cap	1	EA	$ 27,200.00	$ 27,200.00	$ 20,832.26	$ 20,832.26	$ 13,500.00	$ 13,500.00	$ 13,000.00	$ 13,000.00	$ 17,794.73	$ 17,794.73	$ 12,000.00	$ 12,000.00
640.1161	16" x 8" Tapping Sleeve, 8" Resilient Wedge Gate Valve, Box a,nd Cover w/Debris Cap	3	EA	$ 4,160.00	$ 12,480.00	$ 6,359.27	$ 19,077.81	$ 3,000.00	$ 9,000.00	$ 4,000.00	$ 12,000.00	$ 7,181.67	$ 21,545.01	$ 3,000.00	$ 9,000.00
	SUBTOTAL WITHOUT TAX				$ 508,508.00		$ 424,405.94		$ 347,042.00		$ 389,174.50		$ 378,702.38		$ 388,851.00
	TAX				29,086.66		24,276.02		19,850.80		22,260.78		21,661.78		22,242.28
	TOTAL CALCULATED BY STAFF				$537,594.66		$448,681.96		$366,892.80		$411,435.28		$400,364.16		$411,093.28
	TOTAL SUBMITTED BY BIDDER				$536,107.27		$448,681.96		$366,892.80		$423,421.86		$399,192.14		$411,093.28
	Bid Bond Attached?				Yes		Yes		Yes		Yes		Yes		Yes
	Contractor License Attached?				Yes		Yes		Yes		Yes		Yes		Yes
	Is contract properly signed?				Yes		Yes		Yes		Yes		Yes		Yes
	Business License Attached?				Yes		Yes		NO		Yes		Yes		Yes
	Addendum #1 attached				Yes		Yes		Yes		Yes		Yes		Yes
	Addendum #2 attached				Yes		Yes		Yes		Yes		Yes		Yes
	Exceptions to specifications?				NO		NO		NO		NO		NO		NO

				D&A Pipelines LLC		Volt Telecommunications Group, Inc.		DCS Contracting, Inc.		Sahuaro Contracting		Spire Engineering, LLC		Prime Contracting, LLC	
				Unit	Total	Unit	Total	Unit	Total	Unit	Total	Unit	Total	Unit	Total
Item No.	Description of Materials and/or services	Qty	Unit	Price	Price	Price	Price	Price	Price	Price	Price	Price	Price	Price	Price
107.04	Miscellaneous Reimbursables (Allowance)	1	LS	$ 60,000.00	$ 60,000.00	$ 60,000.00	$ 60,000.00	$ 60,000.00	$ 60,000.00	$ 60,000.00	$ 60,000.00	$ 60,000.00	$ 60,000.00	$ 60,000.00	$ 60,000.00
108.01	Construction Staking, Surveying and Layout	1	LS	$ 2,932.00	$ 2,932.00	$ 4,531.95	$ 4,531.95	$ 2,500.00	$ 2,500.00	$ 1,650.00	$ 1,650.00	$ 3,000.00	$ 3,000.00	$ 2,966.00	$ 2,966.00
108.0101	As-built Plan Preparation	1	LS	$ 1,614.00	$ 1,614.00	$ 4,834.08	$ 4,834.08	$ 1,000.00	$ 1,000.00	$ 1,450.00	$ 1,450.00	$ 400.00	$ 400.00	$ 1,483.00	$ 1,483.00
109.09	Mobilization/Demobilization	1	LS	$ 1,500.00	$ 1,500.00	$ 19,547.81	$ 19,547.81	$ 4,100.00	$ 4,100.00	$ 4,500.00	$ 4,500.00	$ 12,768.00	$ 12,768.00	$ 18,852.00	$ 18,852.00
301.01	Subgrade Preparation	623	SY	$ 2.17	$ 1,351.91	$ 8.55	$ 5,326.65	$ 8.55	$ 5,326.65	$ 2.00	$ 1,246.00	$ 9.00	$ 5,607.00	$ 6.00	$ 3,738.00
310.0328	Aggregate Base Course (12")	405	TON	$	$	$ 32.63	$ 13,215.15	$ 16.85	$ 6,824.25	$ 33.00	$ 13,365.00	$ 15.00	$ 6,075.00	$ 22.00	$ 8,910.00
321.012	2" Asphaltic Concrete Surface Course (12.5mm)	70	TON	$ 194.44	$ 13,610.80	$ 123.18	$ 8,622.60	$ 82.85	$ 5,799.50	$ 100.00	$ 7,000.00	$ 250.00	$ 17,500.00	$ 214.00	$ 14,980.00
321.013	3" Asphaltic Concrete Base Course (19.0 mm)	105	TON	$ 222.22	$ 23,333.10	$ 124.04	$ 13,024.20	$ 103.50	$ 10,867.50	$ 100.00	$ 10,500.00	$ 250.00	$ 26,250.00	$ 183.00	$ 19,215.00
350.011	Remove 18" and 30" Abandoned Irrigation Pipe, Backfill and Compact	41	LF	$ 17.50	$ 717.50	$ 28.86	$ 1,183.26	$ 17.80	$ 729.80	$ 17.00	$ 697.00	$ 100.00	$ 4,100.00	$ 129.00	$ 5,289.00
350.013	Sawcut & Remove Existing Asphaltic Concrete	623	SY	$ 15.00	$ 9,345.00	$ 3.62	$ 2,255.26	$ 8.60	$ 5,357.80	$ 4.50	$ 2,803.50	$ 10.00	$ 6,230.00	$ 18.00	$ 11,214.00
401.01	Traffic Control	1	LS	$ 2,870.00	$ 2,870.00	$ 15,295.33	$ 15,295.33	$ 7,300.00	$ 7,300.00	$ 7,500.00	$ 7,500.00	$ 15,000.00	$ 15,000.00	$ 25,000.00	$ 25,000.00
401.011	Uniformed Off-Duty Officer (Allowance)	1	LS	$ 5,000.00	$ 5,000.00	$ 5,000.00	$ 5,000.00	$ 5,000.00	$ 5,000.00	$ 5,000.00	$ 5,000.00	$ 5,000.00	$ 5,000.00	$ 5,000.00	$ 5,000.00
610.0201	8" DIP, Class 350, polywrapped	140	LF	$ 40.74	$ 5,703.60	$ 76.47	$ 10,705.80	$ 63.65	$ 8,911.00	$ 56.00	$ 7,840.00	$ 50.00	$ 7,000.00	$ 136.00	$ 19,040.00
610.0202	16" DIP, Class 250, polywrapped	452	LF	$ 161.52	$ 73,007.04	$ 87.09	$ 39,364.68	$ 101.00	$ 45,652.00	$ 72.00	$ 32,544.00	$ 120.00	$ 54,240.00	$ 103.00	$ 46,556.00
~~610.0512~~	~~12" and 16" Vertical Realignment of Water Main~~	~~5~~	~~EA~~				$								
610.0512	12" Vertical Realignment of Water Main	1	EA	$ 2,768.67	$ 2,768.67	$ 2,896.38	$ 2,896.38	$ 3,000.00	$ 3,000.00	$ 4,100.00	$ 4,100.00	$ 7,000.00	$ 7,000.00	$ 8,553.00	$ 8,553.00
610.0512	16" Vertical Realignment of Water Main	4	EA	$ 6,484.44	$ 25,937.76	$ 8,199.95	$ 32,799.80	$ 5,700.00	$ 22,800.00	$ 7,100.00	$ 28,400.00	$ 12,000.00	$ 48,000.00	$ 9,874.00	$ 39,496.00
610.0512	Pipe Support, MAG 403-1, Type "A"	4	EA	$ 383.33	$ 1,533.32	$ 808.20	$ 3,232.80	$ 415.00	$ 1,660.00	$ 500.00	$ 2,000.00	$ 400.00	$ 1,600.00	$ 479.00	$ 1,916.00
610.12	Curb Stop w/Flushing Pipe, MAG 390, Type "A"	4	EA	$ 667.76	$ 2,671.04	$ 889.19	$ 3,556.76	$ 560.00	$ 2,240.00	$ 800.00	$ 3,200.00	$ 800.00	$ 3,200.00	$ 1,218.00	$ 4,872.00
615.1001	12" DIP, Class 350, w/joint restraint & polywrapped	~~55~~	LF				$								
		31		$ 158.63	$ 4,917.53	$ 137.30	$ 4,256.30	$ 105.00	$ 3,255.00	$ 93.00	$ 2,883.00	$ 150.00	$ 4,650.00	$ 136.00	$ 4,216.00
615.1002	16" DIP, Class 250, w/joint restraint & polywrapped	~~849~~	LF				$								
		692		$ 161.52	$ 111,771.84	$ 89.74	$ 62,100.08	$ 112.00	$ 77,504.00	$ 98.00	$ 67,816.00	$ 140.00	$ 96,880.00	$ 124.00	$ 85,808.00
630.0212	16" Resilient Wedge Gate Valve, Box, and Cover w/Debris Cap & Attached Waterline Cap	1	EA	$ 4,466.69	$ 4,466.69	$ 7,997.75	$ 7,997.75	$ 5,500.00	$ 5,500.00	$ 6,000.00	$ 6,000.00	$ 6,000.00	$ 6,000.00	$ 6,005.00	$ 6,005.00
630.6021	Air Release Valve	4	EA	$ 3,210.06	$ 12,840.24	$ 3,591.07	$ 14,364.28	$ 3,700.00	$ 14,800.00	$ 3,100.00	$ 12,400.00	$ 4,000.00	$ 16,000.00	$ 8,714.00	$ 34,856.00
640.0161	16" x 12" Tee, 12" Resilient Wedge Gate Valve, Box, and Cover w/Debris Cap	1	EA	$ 3,051.27	$ 3,051.27	$ 8,121.46	$ 8,121.46	$ 3,700.00	$ 3,700.00	$ 3,000.00	$ 3,000.00	$ 4,000.00	$ 4,000.00	$ 4,208.00	$ 4,208.00
640.0242	24" x 16" Tee, 16" Resilient Wedge Gate Valve, Box, and Cover w/Debris Cap	1	EA	$ 10,590.24	$ 10,590.24	$ 12,971.25	$ 12,971.25	$ 13,300.00	$ 13,300.00	$ 11,350.00	$ 11,350.00	$ 13,000.00	$ 13,000.00	$ 20,716.00	$ 20,716.00
640.1161	16" x 8" Tapping Sleeve, 8" Resilient Wedge Gate Valve, Box a,nd Cover w/Debris Cap	3	EA	$ 2,764.20	$ 8,292.60	$ 2,465.40	$ 7,396.20	$ 3,700.00	$ 11,100.00	$ 3,700.00	$ 11,100.00	$ 4,000.00	$ 12,000.00	$ 4,621.00	$ 13,863.00
	SUBTOTAL WITHOUT TAX				$ 389,826.15		$ 362,599.83		$ 328,227.50		$ 308,344.50		$ 435,500.00		$ 466,752.00
	TAX				22,298.06		20,740.71		18,774.61		17,637.31		24,910.60		26,698.21
	TOTAL CALCULATED BY STAFF				$412,124.21		$ 383,340.54		$ 347,002.11		$ 325,981.81		$ 460,410.60		$ 493,450.21
	TOTAL SUBMITTED BY BIDDER				$405,789.53		$379,090.83		$347,002.00		$325,981.81		$435,500.00		$485,176.29
	Bid Bond Attached?				Yes		Yes		Yes		Yes		Yes		Yes
	Contractor License Attached?				Yes		Yes		Yes		Yes		Yes		Yes
	Is contract properly signed?				Yes		Yes		Yes		Yes		Yes		Yes
	Business License Attached?				Yes		Yes		Yes		Yes		Yes		Yes
	Addendum #1 attached				Yes		Yes		Yes		Yes		Yes		Yes
	Addendum #2 attached				NO		Yes		Yes		Yes		No		No
	Exceptions to specifications?				NO		Yes		No		No		No		No

				Blucor Contracting, Inc.		Johansen Construction, Inc.		Kelco, LLC		B&F Contracting		Engineer's Estimate	
				Unit	Total	Unit	Total	Unit	Total	Unit	Total	Unit	Total
Item No.	Description of Materials and/or services	Qty	Unit	Price	Price	Price	Price	Price	Price	Price	Price	Price	Price
107.04	Miscellaneous Reimbursables (Allowance)	1	LS	$ 60,000.00	$ 60,000.00	$ 60,000.00	$ 60,000.00	$ 60,000.00	$ 60,000.00	$ 60,000.00	$ 60,000.00	$60,000.00	$60,000.00
108.01	Construction Staking, Surveying and Layout	1	LS	$ 3,075.00	$ 3,075.00	$ 2,500.00	$ 2,500.00	$ 2,500.00	$ 2,500.00	$ 3,300.00	$ 3,300.00	$30,000.00	$30,000.00
108.0101	As-built Plan Preparation	1	LS	$ 670.00	$ 670.00	$ 1,200.00	$ 1,200.00	$ 500.00	$ 500.00	$ 1,600.00	$ 1,600.00	$4,000.00	$4,000.00
109.09	Mobilization/Demobilization	1	LS	$ 7,815.00	$ 7,815.00	$	$	$ 54,000.00	$ 54,000.00	$ 9,000.00	$ 9,000.00	$50,000.00	$50,000.00
301.01	Subgrade Preparation	623	SY	$ 20.00	$ 12,460.00	$ 3.00	$ 1,869.00	$ 6.00	$ 3,738.00	$ 6.00	$ 3,738.00	$10.00	$6,230.00
310.0328	Aggregate Base Course (12")	405	TON	$ 74.00	$ 29,970.00	$ 12.50	$ 5,062.50	$ 13.00	$ 5,265.00	$ 40.00	$ 16,200.00	$25.00	$10,125.00
321.012	2" Asphaltic Concrete Surface Course (12.5mm)	70	TON	$ 126.00	$ 8,820.00	$ 104.00	$ 7,280.00	$ 100.00	$ 7,000.00	$ 220.00	$ 15,400.00	$55.00	$3,850.00
321.013	3" Asphaltic Concrete Base Course (19.0 mm)	105	TON	$ 112.00	$ 11,760.00	$ 103.00	$ 10,815.00	$ 80.00	$ 8,400.00	$ 172.00	$ 18,060.00	$65.00	$6,825.00
350.011	Remove 18" and 30" Abandoned Irrigation Pipe, Backfill and Compact	41	LF	$ 91.00	$ 3,731.00	$ 40.00	$ 1,640.00	$ 25.00	$ 1,025.00	$ 150.00	$ 6,150.00	$30.00	$1,230.00
350.013	Sawcut & Remove Existing Asphaltic Concrete	623	SY	$ 14.00	$ 8,722.00	$ 6.50	$ 4,049.50	$ 18.00	$ 11,214.00	$ 12.00	$ 7,476.00	$6.50	$4,049.50
401.01	Traffic Control	1	LS	$ 14,616.00	$ 14,616.00	$ 22,000.00	$ 22,000.00	$ 50,000.00	$ 50,000.00	$ 12,520.00	$ 12,520.00	$40,000.00	$40,000.00
401.011	Uniformed Off-Duty Officer (Allowance)	1	LS	$ 5,000.00	$ 5,000.00	$ 5,000.00	$ 5,000.00	$ 5,000.00	$ 5,000.00	$ 5,000.00	$ 5,000.00	$5,000.00	$5,000.00
610.0201	8" DIP, Class 350, polywrapped	140	LF	$ 73.00	$ 10,220.00	$ 44.33	$ 6,206.20	$ 43.00	$ 6,020.00	$ 123.00	$ 17,220.00	$55.00	$7,700.00
610.0202	16" DIP, Class 250, polywrapped	452	LF	$ 113.00	$ 51,076.00	$ 80.50	$ 36,386.00	$ 65.00	$ 29,380.00	$ 120.00	$ 54,240.00	$195.00	$88,140.00
~~610.0512~~	~~12" and 16" Vertical Realignment of Water Main~~	~~5~~	~~EA~~										$0.00
610.0512	12" Vertical Realignment of Water Main	1	EA	$ 4,624.00	$ 4,624.00	$ 4,621.20	$ 4,621.20	$ 3,000.00	$ 3,000.00	$ 9,240.00	$ 9,240.00	$4,500.00	$4,500.00
610.0512	16" Vertical Realignment of Water Main	4	EA	$ 8,065.00	$ 32,260.00	$ 7,247.05	$ 28,988.20	$ 5,350.00	$ 21,400.00	$ 11,560.00	$ 46,240.00	$8,500.00	$34,000.00
610.0512	Pipe Support, MAG 403-1, Type "A"	4	EA	$ 698.00	$ 2,792.00	$ 550.00	$ 2,200.00	$ 350.00	$ 1,400.00	$ 1,900.00	$ 7,600.00	$1,200.00	$4,800.00
610.12	Curb Stop w/Flushing Pipe, MAG 390, Type "A"	4	EA	$ 751.00	$ 3,004.00	$ 898.98	$ 3,595.92	$ 750.00	$ 3,000.00	$ 1,430.00	$ 5,720.00	$875.00	$3,500.00
615.1001	12" DIP, Class 350, w/joint restraint & polywrapped	~~55~~ 31	LF	$ 110.00	$ 3,410.00	$ 72.05	$ 2,233.55	$ 120.00	$ 3,720.00	$ 241.00	$ 7,471.00	$155.00	$4,805.00
615.1002	16" DIP, Class 250, w/joint restraint & polywrapped	~~849~~ 692	LF	$ 104.00	$ 71,968.00	$ 100.80	$ 69,753.60	$ 100.00	$ 69,200.00	$ 141.00	$ 97,572.00	$245.00	$169,540.00
630.0212	16" Resilient Wedge Gate Valve, Box, and Cover w/Debris Cap & Attached Waterline Cap	1	EA	$ 6,688.00	$ 6,688.00	$ 5,213.02	$ 5,213.02	$ 4,200.00	$ 4,200.00	$ 5,500.00	$ 5,500.00	$6,800.00	$6,800.00
630.6021	Air Release Valve	4	EA	$ 4,029.00	$ 16,116.00	$ 4,717.55	$ 18,870.20	$ 3,800.00	$ 15,200.00	$ 5,620.00	$ 22,480.00	$1,000.00	$4,000.00
640.0161	16" x 12" Tee, 12" Resilient Wedge Gate Valve, Box, and Cover w/Debris Cap	1	EA	$ 4,440.00	$ 4,440.00	$ 3,363.14	$ 3,363.14	$ 3,000.00	$ 3,000.00	$ 7,900.00	$ 7,900.00	$5,600.00	$5,600.00
640.0242	24" x 16" Tee, 16" Resilient Wedge Gate Valve, Box, and Cover w/Debris Cap	1	EA	$ 14,548.00	$ 14,548.00	$ 12,460.22	$ 12,460.22	$ 12,000.00	$ 12,000.00	$ 19,500.00	$ 19,500.00	$8,500.00	$8,500.00
640.1161	16" x 8" Tapping Sleeve, 8" Resilient Wedge Gate Valve, Box a,nd Cover w/Debris Cap	3	EA	$ 4,598.00	$ 13,794.00	$ 3,231.78	$ 9,695.34	$ 10,000.00	$ 30,000.00	$ 3,900.00	$ 11,700.00	$3,500.00	$10,500.00
	SUBTOTAL WITHOUT TAX				$ 401,579.00		$ 325,002.59		$ 410,162.00		$ 470,827.00		$ 573,694.50
	TAX				22,970.32		18,590.15		23,461.27		26,931.30		$34,421.67
	TOTAL CALCULATED BY STAFF				$ 424,549.32		$ 343,592.74		$ 433,623.27		$497,758.30		$608,116.17
	TOTAL SUBMITTED BY BIDDER				$424,549.32		$337,987.71		$433,623.27		$497,758.30		
	Bid Bond Attached?				Yes		Yes		Yes		Yes		
	Contractor License Attached?				No		Yes		Yes		Yes		
	Is contract properly signed?				Yes		Yes		Yes		Yes		
	Business License Attached?				No		No		Yes		Yes		
	Addendum #1 attached				Yes		Yes		Yes		Yes		
	Addendum #2 attached				Yes		Yes		No		No		
	Exceptions to specifications?				No		No		No		No		

DEVELOPMENT SERVICES

SUBJECT:
Rivera Minor Land Division ML-07-11

MEETING DATE:
March 17, 2008

TO: Mayor and Council

FROM: Brian Berndt, Development Services Director (623) 333-4011

THROUGH: Charlie McClendon, City Manager

REQUEST: Request for approval of a Minor Land Division for Esau Rivera

PARCEL SIZE: 0.46 acres

LOCATION: 2855 124th Avenue (Exhibit A)

APPLICANT: Esau Rivera

OWNER: Esau Rivera

PLANNING COMMISSION ACTION:

The Planning Commission does not review minor land divisions.

ANALYSIS:

- The proposed minor land division will subdivide the 0.46 acre parent parcel into two lots.
- Minor land divisions are typically approved administratively. However, the City can not accept right-of-way without City Council review and approval.
- Approval of the minor land division will allow the owner to develop two lots and dedicate right-of-way to the City to allow for the future widening of 124th Avenue.

FINDINGS:

The proposed minor land division meets the following findings:

- It conforms to the Avondale General Plan.
- It conforms to the City of Avondale Zoning Ordinance.
- It conforms to the City's Subdivision Regulations.

RECOMMENDATION:

Staff recommends that the City Council **APPROVE** the proposed minor land division.

PROPOSED MOTION:

I move that the City Council accept the findings and **APPROVE** application ML-07-11, a request for minor land division for Esau Rivera.

ATTACHMENTS:

Click to download

- Rivera minor land division map

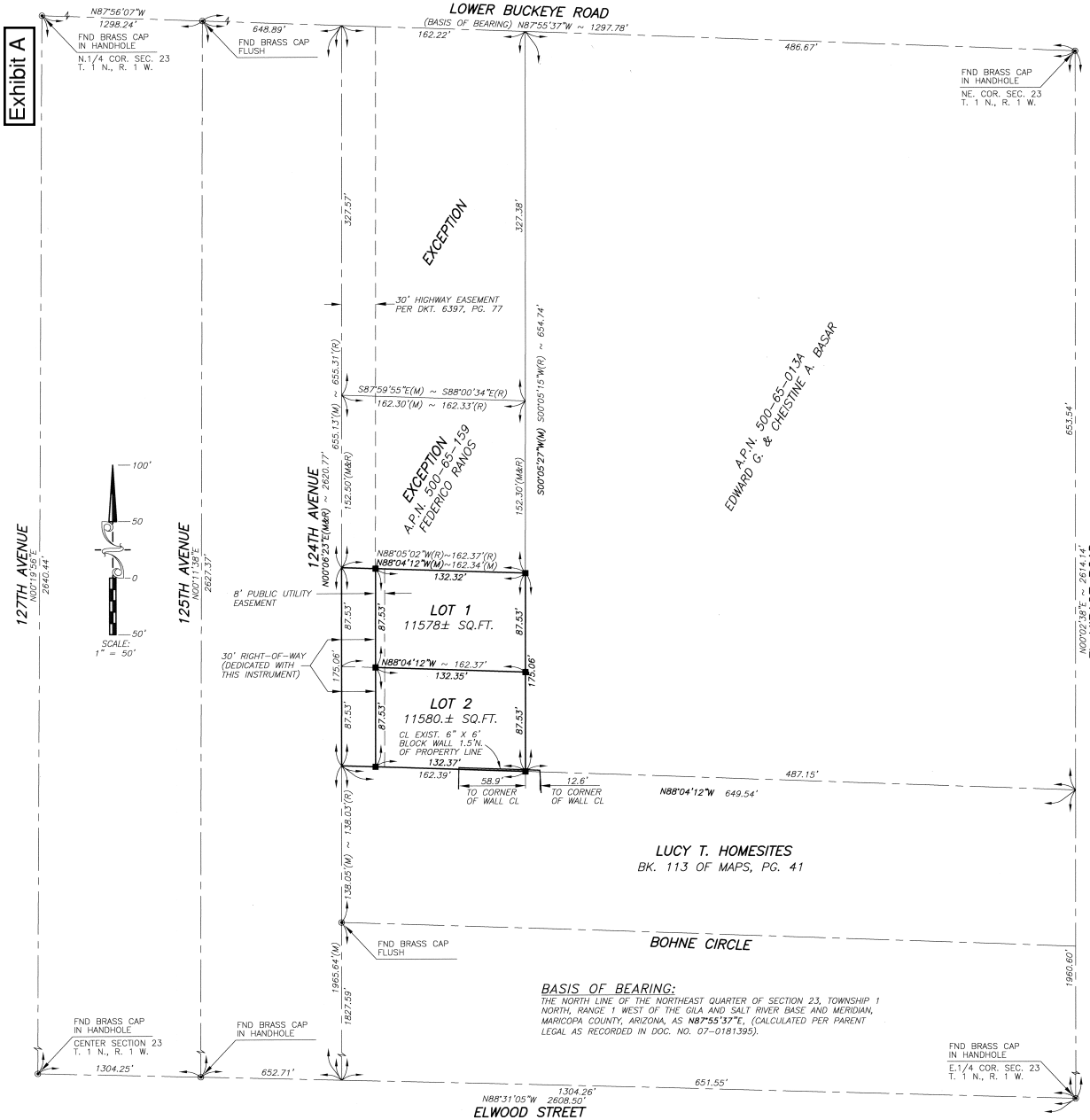
PROJECT MANAGER:

John Vater, Planner (623) 333-4014

Exhibit A

MINOR LAND DIVISION SURVEY

FOR
ESAU A.RIVERA
PART OF THE
S. 1/2, W. 1/2, W. 1/2, NE. 1/4, NE. 1/4, NE. 1/4,
SEC. 23, T.–1N., R.–1W., G. & S.R.B. & M.,
MARICOPA COUNTY, ARIZONA

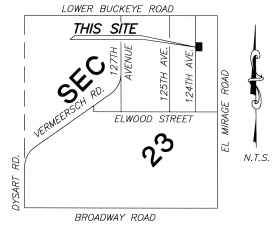


LEGAL DESCRIPTIONS:

PARENT LEGAL:
(A.P.N. 500-65-160)
THE SOUTH HALF OF THE WEST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 1 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;
EXCEPT ANY PORTION LYING NORTHERLY OF THE SOUTHERLY LINE OF THE FOLLOWING DESCRIBED PROPERTY:
A PORTION OF THE SOUTH HALF OF THE WEST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 1 NORTH, RANGE 1 WEST OT THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHWEST CORNER OF THE SOUTH HALF OF THE WEST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 23, SAID POINT BEING THE **POINT OF BEGINNING;**
THENCE SOUTH 88 DEGREES 00 MINUTES 34 SECONDS EAST ALONG THE NORTH LINE OF THE SOUTH HALF OF THE WEST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER, A DISTANCE OF 162.33 FEET TO THE NORTHEAST CORNER OF THE SOUTH HALF OF THE WEST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER;
THENCE SOUTH 00 DEGREES 05 MINUTES 15 SECONDS WEST ALONG THE EAST LINE OF THE SOUTH HALF OF THE WEST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER, A DISTANCE OF 152.30 FEET;
THENCE NORTH 88 DEGREES 05 MINUTES 02 SECONDS WEST, A DISTANCE OF 162.37 FEET TO A POINT ON THE WEST LINE OF THE SOUTH HALF OF THE WEST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER;
THENCE NORTH 00 DEGREES 06 MINUTES 23 SECONDS EAST, A DISTANCE OF 152.5 FEET TO THE **POINT OF BEGINNING; AND**
EXCEPT AN UNDIVIDED ONE-HALF INTEREST IN AND TO THE OWNERSHIP, IN FEET OF, AND THE FULL, FREE, PERPETUAL AND EXCLUSIVE RIGHT TO ALL MINERALS OF EVERY KIND AND NATURE WHATSOEVER AND ALL DIATOMACCOUS EARTH DEPOSITS AND ARCHAEOLOGICAL DEPOSITS THAT ARE OR MAY BE IN, UPON OR UNDER THE LANDS HEREIN DESCRIBED, OR ANY PART OF PARCEL THEREOF, **TOGETHER** WITH CERTAIN RIGHTS TO WATER AND OTHER RIGHTS AS MORE FULLY SET OUT IN DEED RECORDED NOVEMBER 19, 1943 IN BOOK 393 OF DEEDS, PAGE 482, RECORDS OF MARICOPA COUNTY, ARIZONA.

LOT 1:
THAT PORTION OF THE SOUTH HALF OF THE WEST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 1 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHWEST CORNER OF SAID SOUTH HALF OF THE WEST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23;
THENCE SOUTH 88 DEGREES 00 MINUTES 34 SECONDS EAST (RECORD), SOUTH 87 DEGREES 59 MINUTES 55 SECONDS EAST (MEASURED), ALONG THE NORTH LINE OF SAID SOUTH HALF OF THE WEST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23, A DISTANCE OF 162.33 FEET (RECORD), 162.30 FEET (MEASURED) TO THE NORTHEAST CORNER OF SAID SOUTH HALF OF THE WEST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23;
THENCE SOUTH 00 DEGREES 05 MINUTES 15 SECONDS WEST (RECORD), SOUTH 00 DEGREES 05 MINUTES 27 SECONDS WEST (MEASURED), ALONG THE EAST LINE OF SAID SOUTH HALF OF THE WEST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23, A DISTANCE OF 152.30 FEET, (RECORD AND MEASURED), TO THE **POINT OF BEGINNING;**
THENCE CONTINUING SOUTH 00 DEGREES 05 MINUTES 27 SECONDS WEST (MEASURED), ALONG SAID EAST LINE, A DISTANCE OF 87.53 FEET;
THENCE NORTH 88 DEGREES 04 MINUTES 12 SECONDS WEST, A DISTANCE OF 162.37 FEET TO A POINT ON THE WEST LINE OF SAID SOUTH HALF OF THE WEST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23;
THENCE NORTH 00 DEGREES 06 MINUTES 23 SECONDS EAST (RECORD AND MEASURED), ALONG SAID WEST LINE, A DISTANCE OF 87.53 FEET TO A POINT, FROM SAID POINT THE NORTHWEST CORNER OF SAID SOUTH HALF OF THE WEST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23 BEARS NORTH 00 DEGREES 06 MINUTES 23 SECONDS EAST (RECORD AND MEASURED), A DISTANCE OF 152.5 FEET, (RECORD AND MEASURED);
THENCE FROM SAID POINT, SOUTH 88 DEGREES 05 MINUTES 02 SECONDS EAST (RECORD), SOUTH 88 DEGREES 04 MINUTES 12 SECONDS EAST (MEASURED), A DISTANCE OF 162.37 FEET (RECORD), 162.34 FEET (MEASURED), TO THE **POINT OF BEGINNING;** AND
EXCEPT THE WEST 30.00 FEET THEREOF.

LOT 2:
THAT PORTION OF THE SOUTH HALF OF THE WEST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 1 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:
COMMENCING AT THE NORTHWEST CORNER OF SAID SOUTH HALF OF THE WEST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23;
THENCE SOUTH 88 DEGREES 00 MINUTES 34 SECONDS EAST (RECORD), SOUTH 87 DEGREES 59 MINUTES 55 SECONDS EAST (MEASURED), ALONG THE NORTH LINE OF SAID SOUTH HALF OF THE WEST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23, A DISTANCE OF 162.33 FEET (RECORD), 162.30 FEET (MEASURED) TO THE NORTHEAST CORNER OF SAID SOUTH HALF OF THE WEST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23;



VICINITY MAP
SECTION 23, T. 1 N., R. 1 W.

LOT 2 CONTINUED
THENCE SOUTH 00 DEGREES 05 MINUTES 15 SECONDS WEST (RECORD), SOUTH 00 DEGREES 05 MINUTES 27 SECONDS WEST (MEASURED), ALONG THE EAST LINE OF SAID SOUTH HALF OF THE WEST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23, A DISTANCE OF 239.83 FEET TO THE **POINT OF BEGINNING;**
THENCE CONTINUING SOUTH 00 DEGREES 05 MINUTES 27 SECONDS WEST (MEASURED), ALONG SAID EAST LINE, A DISTANCE OF 87.53 FEET TO THE SOUTHEAST CORNER OF SAID SOUTH HALF OF THE WEST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23;
THENCE NORTH 88 DEGREES 04 MINUTES 12 SECONDS WEST, A DISTANCE OF 162.39 FEET TO THE SOUTHWEST CORNER OF SAID SOUTH HALF OF THE WEST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23;
THENCE NORTH 00 DEGREES 06 MINUTES 23 SECONDS EAST (RECORD AND MEASURED), ALONG THE WEST LINE OF SAID SOUTH HALF OF THE WEST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23, A DISTANCE OF 87.53 FEET;
THENCE SOUTH 88 DEGREES 04 MINUTES 12 SECONDS EAST (MEASURED), A DISTANCE OF 162.37 FEET TO THE **POINT OF BEGINNING; AND**
EXCEPT THE WEST 30.00 FEET THEREOF.

DEDICATION:

KNOW ALL MEN BY THESE PRESENT:
THAT ESAU A. RIVERA, AS OWNER, HAS SUBDIVIDED AS A "MINOR LAND DIVISION SURVEY" THAT PORTION OF THE SOUTH HALF OF THE WEST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 1 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, AS SHOWN AND PLATTED HEREON AND HEREBY DECLARES THAT SAID PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF THE LOTS, STREET, AND EASEMENT CONSTITUTING THE SAME AND THAT ESAU A. RIVERA, AS OWNER, HEREBY DEDICATES TO THE CITY OF AVONDALE, ARIZONA FOR USE AS SUCH, THE STREET AND EASEMENT AS SHOWN ON SAID PLAT AND INCLUDED IN THE ABOVE DESCRIBED PREMISES.

ACKNOWLEDGMENT:

STATE OF ARIZONA)
) SS
COUNTY OF MARICOPA)
BEFORE ME, THIS 20th DAY OF February 2008
APPEARED ESAU A. RIVERA, WHO ACKNOWLEDGED HIMSELF AS OWNER, AND WHOM AFTER PRESENTATION OF PROPER IDENTIFICATION, EXECUTED THIS INSTRUMENT FOR THE PURPOSES CONTAINED THEREIN.

ESAU A. RIVERA, OWNER — DATE 02/20/2008

IN WITNESS WHEREOF:
BY: Josie Ortega — NOTARY PUBLIC — COMMISSION EXPIRES June 26, 2011

Josie Ortega
Notary Public - Arizona
Maricopa County
My Commission Expires
June 26, 2011

APPROVED

BY THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, THIS _____ DAY OF _____, 2008.

MAYOR — DATE

CITY CLERK — DATE

CITY OF AVONDALE ENGINEERING DEPARTMENT — DATE

BASIS OF BEARING:

THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 1 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, AS **N87°55'37"E**, (CALCULATED PER PARENT LEGAL AS RECORDED IN DOC. NO. 07-0181395).

LEGEND

	CENTER LINE	A.P.N.	ASSESSOR'S PARCEL NUMBER
	PROPERTY LINE	(R)	RECORD DATA
	EASEMENT LINE	(M)	MEASURED DATA
BK.	BOOK		FOUND MONUMENT AS NOTED
DKT.	DOCKET		SET 1/2" REBAR WITH CAP MARKED LS#12600
PG.	PAGE		

PROPERTY ADDRESS:

N/A

OWNER:

ESAU A. RIVERA
6521 W. DEVONSHIRE AVENUE
PHOENIX, ARIZONA 85033
PHONE 602-725-0919

GENERAL NOTES:

1. SURVEY SHOWN HEREON WAS DONE WITH THE BENEFIT OF A TITLE REPORT FROM STEWART TITLE AND TRUST OF PHOENIX, INC., ESCROW NO. 07250016, DATED FEBRUARY 9, 2007 AND A.L.T.A. / A.C.S.M. LAND TITLE SURVEY BY K-WEST SURVEYING, INC., JOB NO. 07(1231)-001A, DATED 8-27-07
2. ALL BEARINGS AND DISTANCES RESULT FROM ACTUAL FIELD MEASUREMENTS
3. EXACT LOCATION OF EXISTING UNDERGROUND UTILITES, IF ANY, MUST BE DETERMINED IN THE FIELD
4. EXISTING HOUSES ON LOTS 1 & 2 ARE TO BE REMOVED
5. EACH PARCEL MUST HAVE ITS OWN ACCESS POINT ON TO AND FROM 124TH AVENUE

CERTIFICATION

I HEREBY CERTIFY THAT THE SURVEY SHOWN HEREON WAS DONE UNDER MY DIRECTION DURING THE MONTH OF DECEMBER, 2007 AND IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

WADE H. SHAFFER, RLS# 12600

REGISTERED LAND SURVEYOR
12600
WADE H. SHAFFER
Date Signed
ARIZONA U.S.A.

ML-07-11

MINOR LAND DIVISION SURVEY PART OF THE S. 1/2, W. 1/2, W. 1/2, NE. 1/4, NE. 1/4, NE. 1/4, SEC. 23, T.-1N., R.-1W., G. & S.R.B. & M., FOR		SCALE 1"=50'	DATE 12/07
		JOB NO. 07(1231)001B	
		SHEET 1 OF 1	7-047A
OWNER: ESAU A. RIVERA		P.I.C.: W.H.S.	
K-WEST SURVEYING, INC. WADE H. SHAFFER R.L.S. 12600 P.O. BOX 509, AVONDALE, AZ 85323-0170 PHONE(623)536-8248 FAX(623)536-8247 MOBILE(602)320-2333		DRAWN BY: R.G.A. CHECKED BY: W.H.S.	

CITY COUNCIL REPORT

SUBJECT:
Letter Reimbursement Agreement with Empire at Coldwater Springs, LLC

MEETING DATE:
March 17, 2008

TO: Mayor and Council

FROM: David Fitzhugh, Assistant City Manager (623)333-1014

THROUGH: Charlie McClendon, City Manager

PURPOSE:

Staff is requesting the Mayor and City Council approve a Letter Agreement between the City of Avondale and Empire at Coldwater Springs, L.L.C relating to street, traffic signal and median landscaping improvements cost sharing, approve the transfer of funds from Street Fund Line No. 304-1009-00-8420 to Street Fund Line No. 304-1257-00-8420 and authorize the Mayor or City Manager and City Clerk to execute the agreement.

BACKGROUND:

Coldwater Promenade is a commercial and office condo project located at the southwest corner of Avondale Boulevard and Van Buren Street. (See Attached Vicinity Map) The City Council stipulated a number of items with the site plan approval including the provision for a cross-access easement with the property to the south, relocation of an existing well and certain off-site improvements on Van Buren Street and Avondale Boulevard. This agreement clarifies the implementation of these items.

DISCUSSION:

The attached Letter Agreement (Agreement) contains discussion and assignment of certain responsibilities of both parties as follows:
1. Cross-access Easement: The applicant was required to obtain a cross-access easement from the property to the south. They have made multiple attempts to communicate with the owner with no success. This agreement provides an alternative to the stipulated Cross-access easement by recording a Conditional Easement that obligates them to make the access easement over their property effective and unconditional at such time as the owner to the south agrees to grant reciprocal easement rights over the drives installed on its project.
2. Water Well: The applicant was originally required to transfer the existing well to the City prior to initiating work on the site. The applicant has requested the City issue permits for grading and other on and off site work prior to finalizing the transfer of the well. They agree that no vertical construction permits will be issued until such time as until well agreement with Mr. Weiler is finalized and recorded, authorizing the drilling and substituted use of the new well; and they have executed an agreement to sell the well site to the City (together with a grant of the waterline and maintenance easements).
3. Traffic Signals: The project is required to install a new traffic signal at the intersection of 117th Avenue and Van Buren Street and relocate the existing traffic signal at Avondale Boulevard and Van Buren Street.

a. 117th Avenue : The applicant is required to install this new traffic signal at such time it is warranted subject to a 50% reimbursement of the cost to install the signal. This agreement states the following:

i. The developer will install the signal upon notification by the City that the warrants are met; or
ii. The applicant will deposit with the City their 50% share of the cost of the signal18 months after the first building permit is issued;
iii. The City will collect pro-rata cost shares from adjoining benefiting properties at the time they commence development; iv. If no other benefiting properties commence development at such time as the signal is warranted, the applicant shall contribute an additional not to exceed amount of

50 % of the cost to install the signal subject to reimbursement at such time as the other properties commence development.

b. Avondale Boulevard and Van Buren Street: Required improvements to Van Buren and Avondale Boulevard require the relocation of the existing traffic signal on the southwest corner of this intersection. It is necessary to have a fully operational signal in place prior to the removal of the existing one. The City has certain signal materials and equipment available and will provide this equipment to the developer for installation subject to the developer carefully removing the existing materials and equipment such that it may be reused in the future. If the existing equipment is damaged, the developer agrees to replace it with new items.

4. Public Art: The developer requests that their $25,000 gift contribution to public art to be incorporated into the project will not be due until twelve months after the first building permit is issued for the project.
5. Additional Van Buren Street Pavement and Median Removal: Improvements required for Van Buren Street require building the south half of the street to the City's ultimate street section including the construction of the median. This work results in the reduction of the existing north half of the street to one lane at the westerly limits of the project. Staff agrees that leaving this condition is not in the best interest of the City and that requiring the developer to construct additional improvements on the north half street is beyond their scope of responsibilities. Staff recommends that the City pay the cost to construct this one lane, curb and gutter and removal of the median on the east leg of the intersection presently estimated to be approximately $170,928.
6. Additional Median Landscaping: The developer was asked by staff to install landscaping in the Van Buren Street median they are required to construct. However, there are no provisions in the City Code to support this request. As a gesture of good will, the developer agreed to evenly split the cost to install the landscaping with the City. The estimated total cost is $24,000.

BUDGETARY IMPACT:

Funding for the City's reimbursement portion of this letter agreement will be provided by transferring $200,000, from Citywide Street Enhancements (Line Item 304-1009-00-8420), resulting from project savings in recent bids, to a newly created CIP Street Fund project Van Buren/Avondale Blvd Improvement Project, Line Item 304-1257-00-8420.

RECOMENDATION:

Staff recommends that the Mayor and City Council approve a Letter Agreement between the City of Avondale and Empire at Coldwater Springs, L.L.C relating to street, traffic signal and median landscaping improvements cost sharing, approve the transfer of funds from Street Fund Line No. 304-1009-00-8420 to Street Fund Line No. 304-1257-00-8420 and authorize the Mayor or City Manager and City Clerk to execute the agreement.

ATTACHMENTS:

Click to download

- DRAFT Letter Agreement

EMPIRE CENTER AT COLDWATER SPRINGS, LLC
6617 N. Scottsdale Road, Suite 101
Scottsdale, AZ 85250

March 14, 2008

City of Avondale
Attn: Charles P. McClendon
11465 W. Civic Center Drive, Suite 220
Avondale, Arizona 85323-6809

Re: Coldwater Springs Promenade

Dear Mr. McClendon:

As we have discussed, set forth below are our revised proposals to address various City requirements for our planned development.

1. Cross Access Easement for Property to the South. We have submitted two drafts of a reciprocal cross access easement ("Reciprocal Easement") to the current owner of the property located to the south of our project. We have not been able to get a signed agreement with this owner. We will continue to attempt to reach a mutual agreement as to this Reciprocal Easement; however, if we have not been successful in obtaining and recording such Reciprocal Easement by March 3, 2008, we have an alternative solution that we believe addresses the City's concern. Attached to this letter as Exhibit A is a Conditional Access Easement (the "Conditional Easement") that we are prepared to sign and record against our property if we do not have a mutually agreed upon Reciprocal Access Easement signed by us and the owner of the property to the south by March 3, 2008. As you can see, the Conditional Easement obligates us to make the access easement over our property effective and unconditional at such time as the owner to the south agrees to grant reciprocal easement rights over the drives installed on its project, to enable customers of our project to access Coldwater Springs Blvd. We will attach the legal description exhibits before the Conditional Easement is recorded to replace the site plan currently attached, which depicts the access easement location on our property.

2. Water Well. We are in negotiations with the farmer ("Mr. Weiler") who has easement rights to make use of the water from the existing irrigation well on the property to abandon those easement rights (so that the existing irrigation well can be abandoned). Such abandonment would be effective at such time as a new well is dug and is operational at the new well site as shown on our site plan (or another water supply arrangement acceptable to Mr. Weiler is in place). We are also in the process of finalizing an Agreement with the City Water Resources Department to design and install a new well (and establish a water line easement and maintenance easement, at the location as shown on our site plan) and to sell the City the new well site. We expect these agreements to be finalized in the near future (drafts are currently being reviewed), but we would like the ability to process plans for

our development, obtain permits for on-site and off-site improvements, even if finalization of the above-mentioned well agreements are somewhat delayed. We understand that while you will accept and process improvement plan submittals and at-risk building permits will be available for grading and on-site and off-site infrastructure improvements at the project (not vertical construction), no permits for vertical construction will be issued until (a) the above-mentioned well agreement with Mr. Weiler is finalized and recorded, authorizing the drilling and substituted use of the new well; and (b) we have executed an agreement to sell the well site to the City (together with a grant of the waterline and maintenance easements). We further understand that by accepting at-risk grading/building permits before the building plans for the new well and the various water transmission lines and power lines have been finalized, we assume all risks of having to re-engineer, demolish and re-construct any work we perform at the site (including but not limited to re-routing or otherwise relocating utility lines and tearing out and re-installing paving, due to finalization of construction plans for the new well and related transmission lines and power needs.

3. Traffic Signals.

(a) Van Buren Street & 117th Avenue.

(i) We have agreed to design and construct a traffic signal at the intersection of Van Buren and 117th Avenue when such signal is warranted, as determined at the discretion of the City based upon its established traffic/safety criteria, and subject to reimbursement of up to 50% of the cost associated therewith as set forth below. According to existing traffic studies, that signal is not currently necessary and won't be necessary until increased traffic from our project (or from adjoining new projects or from other sources) warrant, as determined in the discretion of the City, based on its established traffic/safety criteria. We agree that the delay in the timing of the signal construction is of sufficient value to us that the cost of the City's traffic signal warrant study shall be included within the total cost of the traffic signal and subject to cost sharing as set forth below.

(ii) Upon the earlier of (A) 45 days after the City sends us written notice that it has determined that the traffic signal is warranted per City safety/traffic standards, or (B) 18 months following the date we are issued our first building permit for the project, we will deposit our 50% share of the design and estimated construction cost for the traffic signal (less the amount we have spent for design of the traffic signal) into a construction disbursement escrow (the "Disbursement Escrow"). If the signal design and construction amounts are not deposited according to the deadlines set forth in this paragraph, the City shall have the right to withhold any building permits, certificates of occupancy or any other approval related to construction on our property (at the City's sole discretion) until such amounts are deposited. If any other property owner adjoining the intersection, other than a property owner who has purchased its property from us or one of our successors, assigns or affiliated entities (an "Adjoining Owner"), has commenced development of its property or has submitted plans for development to the City for its approval or is otherwise obligated to contribute its share of the cost of designing and construction the traffic signal by zoning or development stipulation or development agreement, the City will require such Adjoining Owner to

deposit its proportionate share of the design/construction cost of the traffic signal into the Disbursement Escrow (and we and such other Adjoining Owner(s) will determine which of us will take responsibility to construct the traffic signal, and if no other Adjoining Owner is willing to take such responsibility, we will do so). If no other Adjoining Owner is developing its property or has submitted plans for development or is not otherwise obligated to pay its pro rata share of cost of the traffic signal as of the date the traffic signal is to be installed, such that there is a shortfall in the funding of the design/construction costs, we agree to be responsible for advancing up to but not to exceed 50% of such short fall and the Adjoining Owners shall be responsible for the balance of such shortfall, which amounts shall be deposited into the Disbursement Escrow at the time we are required to deposit our initial 50% share. If we pay any portion of the cost of designing and constructing the Traffic signal in excess of our initial 50% share, the City will collect the amount of such shortfall from the Adjoining Owner(s) who did not fund its proportionate share of such costs into the Disbursement Escrow not later than the date that such Adjoining Owner(s) are issued a building permit for construction on such adjoining property and immediately remit to us the amount so collected, as reimbursement for costs we incur greater than 50% of the design/construction costs of the traffic signal.

(iii) If at the time the traffic signal is constructed we or one or more of the Adjoining Owners have deposited our respective proportionate shares of the estimated design/construction costs into the Disbursement Escrow and upon completion of construction of the traffic signal there are not sufficient funds to pay the total cost thereof, we and each of the other Adjoining Owners who have made deposits into the Disbursement Escrow will pay our respective proportionate shares of any such deficiency. If the amount we previously paid is in excess of our proportionate share of actual costs, any excess will be proportionately reimbursed to those who over funded the Disbursement Escrow.

(b) Avondale Boulevard & Van Buren Street. We understand that we are required to do off-site street traffic signal improvements to Van Buren Street and Avondale Boulevard relating to the Coldwater Promenade development. These improvements will require moving the signal pole, mast arm and related equipment to a point outside the new paving and sidewalk per the City approved traffic signal plans. The existing traffic signal must remain in place and fully operational until such time as the new traffic signal pole is operational. Once the City inspects and agrees that the new pole is fully operational, we may remove the existing signal pole, mast arm and other equipment. It is our understanding hat the City currently has a pole, 55' mast arm and signal heads stored on property approximately 1/2 mile north of our property, near the intersection of Roosevelt Street and Avondale Boulevard in addition to other components related thereto (collectively, the "Substitute Signal"). In lieu of purchasing new signal equipment, we agree to transport the Substitute Signal to the Coldwater Promenade site and install all necessary equipment as identified on the approved plans, including but not limited to pole, mast arm, signal heads, pedestrian heads and push buttons, emergency vehicle preemption devices, video detection and conduit, wiring and appurtenances. The City shall provide us with the equipment listed on Exhibit B for use in installing the Substitute Signal; we will be responsible for the cost and acquisition of all other items necessary to complete the installation. We will deliver the removed pole, mast arm and

signal heads removed from this location to a storage area located at the Northside Water Treatment Facility (located at Indian School Road and El Mirage Road) in an undamaged and fully operational condition. If the removed pole, mast arm and signal heads are damaged or inoperable upon delivery to the City storage location, we understand that we will be responsible for reimbursing the City for the full cost of such damaged or inoperable signal components within 30 days of receipt of an invoice from the City detailing such damaged or inoperable components.

4. Public Art. Our $25,000 gift contribution to public art to be incorporated into the project will not be due until twelve months after the first building permit is issued for the project.

5. Additional Van Buren Street Pavement and Median Removal. In conjunction with the Van Buren Street improvements required as part of the approval for our project, we agree to construct additional improvements to the north half of Van Buren Street on behalf of the City. The improvements are generally described as (a) street pavement and related infrastructure to accommodate an additional lane along the north side of Van Buren Street across from the west end of our project and (b) east end median removal (collectively, the "Street Improvements"), both as more particularly described and depicted in the plans entitled Offsite Paving Plans for Coldwater Springs Promenade, completed by Metro/Land Consultants, dated _____, attached hereto as Exhibit C and incorporated herein by reference. The City shall reimburse us for the actual cost associated with the Street Improvements according to the cost estimate attached hereto as Exhibit D and incorporated herein by reference, and such actual costs shall not exceed the estimated costs by more than 10%, subject to any change orders requested by the City as set forth below. We will submit monthly invoices and supporting documentation to the City representing the portion of the Street Improvements completed to the date of the invoice. Upon approval of such invoice, the City shall pay the amount of the invoice within 30 days. Upon substantial completion of the Street Improvements and a receipt of an invoice and supporting documentation from us evidencing such completion, the City shall pay the remaining amount of 90% of the actual cost. The City shall release the remaining 10% within 30 days of the City's final acceptance of the Street Improvements. Change orders that might occur during construction directly related to the Street Improvements must be pre-approved in writing by the City. The City shall timely review and either reject or approve all requests for change orders. If the City fails to timely approve or reject a change order, we will have the right, but not the obligation, to proceed with the change order at our own cost and expense.

6. Median Landscaping. The City has requested that we provide median landscaping in conjunction with the City Center Plan which is currently not required by City requirements (the "Enhanced Landscaping"). The scope of the Enhanced Landscaping is set forth on Exhibit E, attached hereto and incorporated herein by reference. The City shall reimburse us for 50% of the actual cost associated with the Enhanced Landscaping according to the cost estimate including on Exhibit E, and such actual costs shall not exceed the estimated costs by more than 10%, subject to any change orders requested by the City as set forth below. We will submit monthly invoices and supporting documentation to the City representing the portion of the Enhanced Landscaping completed to the date of the invoice. Upon approval of such invoice, the City shall pay the amount of the invoice within 30 days. Upon substantial completion of the Enhanced Landscaping and a

receipt of an invoice and supporting documentation from us evidencing such completion, the City shall pay the remaining amount of 90% of the actual cost. The City shall release the remaining 10% within 30 days of the City's final acceptance of the Enhanced Landscaping. Change orders that might occur during construction directly related to the Enhanced Landscaping must be pre-approved in writing by the City. The City shall timely review and either reject or approve all requests for change orders. If the City fails to timely approve or reject a change order, we will have the right, but not the obligation, to proceed with the change order at our own cost and expense.

If these proposals are acceptable to the City, please sign below and return a copy of this letter to us, and we will proceed accordingly. A duplicate original is enclosed for your convenience. If you have any questions on our proposals, please call to discuss so that we can arrive at a mutually acceptable solution.

Sincerely,

Geoffrey Jacobs,
Authorized Agent of Empire at Coldwater Springs, LLC

AGREED TO AND ACCEPTED:
CITY OF AVONDALE, an Arizona municipal corporation

By:_____

Name:_____

Title:_____

Date:_____

802349.7

EXHIBIT A
TO
LETTER AGREEMENT
BETWEEN
EMPIRE CENTER AT COLDWATER SPRINGS, LLC
AND
THE CITY OF AVONDALE

[Conditional Easement]

See following pages.

EXHIBIT B
TO
LETTER AGREEMENT
BETWEEN
EMPIRE CENTER AT COLDWATER SPRINGS, LLC
AND
THE CITY OF AVONDALE

[Reimbursable Signal Costs]

See following pages.

EXHIBIT C
TO
LETTER AGREEMENT
BETWEEN
EMPIRE CENTER AT COLDWATER SPRINGS, LLC
AND
THE CITY OF AVONDALE

[Offsite Paving Plans]

See following pages.

EXHIBIT D
TO
LETTER AGREEMENT
BETWEEN
EMPIRE CENTER AT COLDWATER SPRINGS, LLC
AND
THE CITY OF AVONDALE

[Street Improvement Cost Estimate]

See following pages.

EXHIBIT E
TO
LETTER AGREEMENT
BETWEEN
EMPIRE CENTER AT COLDWATER SPRINGS, LLC
AND
THE CITY OF AVONDALE

[Enhanced Landscaping Costs]

See following pages.

CITY COUNCIL REPORT

SUBJECT:
Resolution 2722-208 authorizing an intergovernmental agreement with Maricopa County Department of Health

MEETING DATE:
March 17, 2008

TO: Mayor and Council

FROM: Paul Adams, Fire Chief (623)333-6100

THROUGH: Charlie McClendon, City Manager

PURPOSE:

Staff is requesting that the Mayor and City Council adopt a resolution approving an Intergovernmental Agreement (IGA) with the Maricopa County Department of Public Health relating to the childhood immunization program.

BACKGROUND:

For nearly ten years Avondale Fire-Rescue has been participating in the federal Vaccines for Children (VFC) program. The goal of the program is to increase the capacity at the local level to provide immunizations to children from birth thru 18 years of age.

On a monthly basis Avondale Fire-Rescue Paramedics provide a wide variety of immunizations to children at no charge. The vaccines are provided to the department at no charge through the VCF program. An average of 100 children per month receive vaccines through the program in Avondale. The program is open to any child regardless of residence.

DISCUSSION:

Nursing services are required to support the program in order to appropriately evaluate a child's immunization record and determine which, if any, immunizations are necessary. Avondale Fire-Rescue utilizes a number of nurses on a contract basis to provide this support.

The IGA will provide $15 per child immunized to support the Avondale program. The maximum funding amount available is $225,000 over the 3 year term of the IGA. Based on current participation levels the IGA would provide approximately $18,000 in annual revenue to the Avondale program, which will offset the cost of nursing services necessary to support the program. The IGA will require no additional reporting or adminstrative requirements other than those already in place through the VFC program.

The IGA is an excellent opportunity to generate new revenue to help support a very valuable program for Avondale residents.

BUDGETARY IMPACT:

The childhood immunization program has been funded through the Fire-Rescue budget for the length of the program. This IGA will generate new revenue to help offset the costs of the program.

RECOMENDATION:

Staff recommends that the Mayor and City Council adopt a resolution approving an Intergovernmental Agreement (IGA) with the Maricopa County Department of Public Health relating to the childhood immunization program.

ATTACHMENTS:

Click to download

- RES - 2722-308

RESOLUTION NO. 2722-308

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH MARICOPA COUNTY RELATING TO CHILDHOOD IMMUNIZATION SERVICES.

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

SECTION 1. That the Intergovernmental Agreement with Maricopa County relating to childhood immunization services (the "Agreement") is hereby approved in the form attached hereto as Exhibit A and incorporated herein by this reference.

SECTION 2. That the Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to take all steps necessary to execute and implement this 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, March 17, 2008.

_____
Marie Lopez Rogers, Mayor

ATTEST:

_____
Linda M. Farris, City Clerk

APPROVED:

_____
Andrew J. McGuire, City Attorney

EXHIBIT A
TO
RESOLUTION NO. 2722-308

[Intergovernmental Agreement]

See following pages.

INTERGOVERNMENTAL AGREEMENT
MARICOPA COUNTY
by and through the
DEPARTMENT OF PUBLIC HEALTH
4041 N. Central Avenue, #1400, Phoenix, Arizona 85012

1.	**Agreement No**: C-86-08-045-2-00	**2.**	**Agreement Type:** Service Agreement
3.	**Agreement Amount:** $225,000	**4.**	**Purpose:** Childhood Immunization Services
5.	**Start Date:** Upon Board Execution	**6.**	**Expiration Date:** February 31, 2011

This Agreement is entered into by and between the City of Avondale by and through the Avondale Fire Department referred to hereinafter as Contractor, and Maricopa County by and through its Department of Public Health, referred to herein after as County. Contractor, for and in consideration of the covenants and conditions set forth herein, shall provide and perform the services as set forth below. All rights and obligations of the parties shall be governed by the terms of this document, its Exhibits, Attachments and Appendices, including any Subcontracts or Amendments as set forth herein and in:

Section I	-	General Provisions	Section III	-	Work Statement
Section II	-	Special Provisions	Section IV	-	Compensation

This Agreement contains all the terms and conditions agreed to by the parties. No other understanding, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or to bind any of the parties hereto. Nothing in this Agreement shall be construed as consent to any suit or waiver of any defense in a suit brought against Maricopa County, or the Contractor, in any State or Federal Court.

Legal Notice under this Agreement shall be given by personal delivery or by registered or certified mail to the addresses set forth below and shall be effective upon receipt by the party to who addressed unless otherwise indicated in said notice.

Notice to Contractor: Paul Adams Phone (623) 333-6000
Address: 1825 N.107th Avenue, Avondale AZ 85392

Notice to Department: Machrina Leach Phone: (602) 506-6662
Address: 4041 North Central Avenue, Ste #600, Phoenix, Arizona 85012

IN WITNESS WHEREOF, the parties enter into this Agreement:

Contractor :

By: _____

Title _____

Date _____

_____

_____

_____

Attest: _____

City Clerk

Date: _____

MARICOPA COUNTY BOARD OF SUPERVISORS

Signature _____

Name Andrew Kunasek

Title Chairman, Board of Supervisors

Date _____

ATTEST:

Signature _____

Date Clerk of the Board

Pursuant to A.R.S. §11-952, the Maricopa County At
Office has determined that this Intergovernmental Ag
within the powers and authority granted under the lav
State of Arizona.

Signature _____

SECTION I **GENERAL PROVISIONS**

1. EFFECT

To the extent that the Special Provisions are in conflict with the General Provisions, the Special Provisions shall control. To the extent that the Work Statement(s) and the Special or General Provisions are in conflict, the Work Statement(s) shall control.

2. DEFINITIONS

As used throughout these GENERAL PROVISIONS, the following terms shall have the meanings set forth:

A. **Contract** means this document and all attachments and amendments hereto.

B. **Contractor** means the person, firm or organization listed on the Cover Page of this Contract.

C. **County** means Maricopa County, Arizona.

D. **Department** means the Maricopa County Department of Public Health (MCDPH).

E. **Director** means the Director of the Department.

F. **Funding Source** means any Federal, State, or Private Agency funding source which may impose conditions on the funding that will be passed on to the Contractor.

3. GENERAL REQUIREMENTS

A. The terms of this Contract shall be construed in accordance with Arizona law. Any action thereon shall be brought in the appropriate court in the State of Arizona.

B. The Contractor shall, without limitation, obtain and maintain all licenses, permits, and authority necessary to do business, render services, and perform work under this Contract, and shall comply with all laws regarding Unemployment Insurance, Disability Insurance, and Worker's Compensation.

C. The Contractor is an independent Contractor in the performance of work and the provision of services under this Contract and is not to be considered an officer, employee, or agent of Maricopa County.

4. AMENDMENTS

All Amendments to this Contract must be in writing and signed by both parties.

5. ADEQUACY OF RECORDS

If the Contractor's books, records and other documents relevant to this Contract are not sufficient to support and document that allowable services were provided to eligible clients the Contractor shall reimburse Maricopa County for the services not so adequately supported and documented.

6. RETENTION OF RECORDS

The Contractor agrees to retain all financial books, records, and other documents relevant to this Contract for five (5) years after final payment or until after the resolution of any audit questions which could be more than five (5) years, whichever is longer. The County or Federal or State auditors and any other persons duly authorized by County shall have full access to, and the right to examine copy and make use of any and all said materials.

7. ASSIGNMENT / SUBCONTRACTING

No rights, liability, obligations or duties under this contract may be assigned, delegated or subcontracted without the prior written approval of County.

8. AUDIT DISALLOWANCES

A. The Contractor shall, upon written demand therefore, reimburse Maricopa County for any payments made under this Contract which are disallowed by a Federal, State or Maricopa County audit in the amount of the disallowance, as well as court costs and attorney fees which Maricopa County incurs to pursue legal action relating to such a disallowance.

B. If at any time it is determined by County that a cost for which payment has been made is a disallowed cost, County shall notify the Contractor in writing of the disallowance and the required course of action, which shall be at the option of County either to adjust any future claim submitted by the Contractor by the amount of the disallowance or to require repayment of the disallowed amount by the Contractor.

9. CONTRACT COMPLIANCE MONITORING

County shall monitor the Contractor's compliance with, and performance under, the terms and conditions of this Contract. On-site visits for Contract compliance monitoring may be made by County and/or its grantor agencies at any time during the Contractor's normal business hours, announced or unannounced. The Contractor shall make available for inspection and/or copying by County, all records and accounts relating to the work performed or the services provided under this Contract, or for similar work and/or service provided under other grants and contracts.

10. AVAILABILITY OF FUNDS

A. The provisions of this Contract relating to payment for services shall become effective when funds assigned for the purpose of compensating the Contractor as herein provided are actually available to County for disbursement. The Director shall be the sole judge and authority in determining the availability of funds under this Contract and County shall keep the Contractor fully informed as to the availability of funds.

B. If any action is taken by any State Agency, Federal Department or any other agency or instrumentality to suspend, decrease, or terminates its fiscal obligations under, or in connection with, this Contract, County may amend, suspend, decrease, or terminate its obligations under, or in connection with, this Contract. In the event of termination, County shall be liable for payment only for services rendered prior to the effective date of the termination, provided that such services are performed in accordance with the provisions of this Contract. County shall give written notice of the effective date of any suspension, amendment, or termination under this section, at least ten (10) days in advance.

11. CONTINGENCY RELATING TO OTHER CONTRACTS AND GRANTS

A. The Contractor shall, during the term of this Contract, immediately inform County in writing of the award of any other contract or grant where the award of such contract or grant may affect either the direct or indirect costs being paid/reimbursed under this Contract. Failure by the Contractor to notify County of such award shall be considered a material breach of the Contract and County shall have the right to terminate this Contract without liability.

B. County may request, and the Contractor shall provide within a reasonable time, a copy of any other contract or grant, when in the opinion of the Director, the award of the other contract or grant may affect the costs being paid or reimbursed under this Contract.

C. If County determines that the award to the Contractor of such other Federal or State contract or grant has affected the costs being paid or reimbursed under this Contract, County shall prepare a Contract Amendment effecting a cost adjustment. If the Contractor protests the proposed cost adjustment, the protest shall be construed as a dispute within the meaning of the "Disputes" clause contained herein.

12. DEFAULT

County may suspend, modify or terminate this Contract immediately upon written notice to Contractor in the event of a non-performance of stated objectives or other material breach of contractual obligations; or upon the happening of any event which would jeopardize the ability of the Contractor to perform any of its contractual obligations.

13. TERMINATION

A. County or the Contractor may terminate this Contract at any time with at least thirty (30) days prior written notice to the other party. Such notice shall be given by personal delivery or by Registered or Certified Mail, return receipt requested.

B. This Contract may be terminated by mutual written agreement of the parties specifying the termination date therein.

C. County may terminate this Contract upon twenty-four (24) hours notice when County deems the health or welfare of a patient is endangered or Contractor non-compliance jeopardizes funding source financial participation. If not terminated by one of the above methods, this Contract will terminate upon the expiration date of this Contract as stated on the Cover Page.

14. SEVERABILITY

Any provision of this Contract which is determined to be invalid, void or illegal shall in no way affect, impair or invalidate any other provision hereof, and remaining provisions shall remain in full force and effect.

15. STRICT COMPLIANCE

Acceptance by County of performance not in strict compliance with the terms hereof shall not be deemed to waive the requirement of strict compliance for all future performance obligations. All changes in performance obligations under this Contract must be in writing.

16. NON-LIABILITY

Maricopa County and its officers and employees shall not be liable for any act or omission by the Contractor or any subcontractor, employee, officer, agent, or representative of Contractor or subcontractors occurring in the performance of this Contract, nor shall they be liable for purchases or Contracts made by the Contractor in anticipation of funding hereunder.

17. INDEMNITY

The Contractor agrees to indemnify, hold harmless, and defend Maricopa County, its officers and employees, boards and commissions, from and against any and all claims, damages, suits and proceedings, regardless of the merits, from liability, punitive damages, costs or expense of every type, all or any part thereof arising out of or in connection with or by reason of any act or omission of the Contractor or any subcontractors or anyone directly or indirectly employed by either the Contractor or any subcontractors. Contractor and its Subcontractors shall reimburse County for its costs, including attorney's fees for defense of any litigation arising from such claim. The Contractor shall include a clause to this effect in all subcontracts inuring to the benefit of the Contractor or County.

18. COVENANT AGAINST CONTINGENT FEES

The Contractor warrants that no person or selling agency has been employed or retained to solicit or secure this Contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee. For breach or violation of this warranty County may annul this contract without liability.

19. SAFEGUARDING OF CLIENT INFORMATION

The use or disclosure by any party of any information concerning an eligible individual served under this Contract is directly limited to the performance of this Contract.

20. RIGHTS IN DATA

The parties hereto shall have the use of data and reports resulting from this Contract without cost or other restriction except as may otherwise be provided herein or by law or applicable regulation. Each party shall supply to the other party, upon request, any available information known to supplying party that is relevant to this Contract and to the performance hereunder.

21. NON-DISCRIMINATION

The Contractor, in connection with any service or other activity under this Contract, shall not in any way discriminate against any person on the grounds of race, color, religion, sex, national origin, age, or handicap. The Contractor shall include a clause to this effect in all Subcontracts inuring to the benefit of the Contractor or County.

22. EQUAL EMPLOYMENT OPPORTUNITY

The Contractor will not discriminate against any employee or applicant for employment because of race, age, handicap, color, religion, sex, or national origin. The Contractor will take affirmative action to insure that applicants are employed and that employees are treated during employment without regard to their race, age, handicap, color, religion, sex, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, lay-off or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The Contractor shall to the extent such provisions apply, comply with Title VI and VII of the Federal Civil Rights Act; the Federal Rehabilitation Act; the Age Discrimination in Employment Act; the Immigration Reform and Control Act of 1986 (IRCA) and Arizona Executive Order 99-4 which mandates that all persons shall have equal access to employment opportunities. The Contractor shall also comply with all applicable provisions of the Americans with Disabilities Act of 1990.

23. RIGHT OF PARTIAL CANCELLATION

If more than one activity is funded by this Contract, Maricopa County reserves the right to terminate this Contract or any part thereof based upon the Contractor's failure to

perform any part of this Contract without impairing, invalidating or canceling the remaining Work Statement obligations.

24. RIGHT TO EXTEND CONTRACT

Subject to the availability of funds and acceptable Contractor performance, the Contractor hereby acknowledges and agrees that the County shall have the right to extend this contract for additional periods, not to exceed a total term of five (5) years, except that the cost will be subject to renegotiation. Any extension of contract period must be mutually acceptable to the Department and the Contractor and signed by both parties in writing.

25. CERTIFICATION REGARDING DEBARMENT AND SUSPENSION

A. The undersigned (authorized official signing for the Contractor) certifies to the best of his or her knowledge and belief, that the Contractor, defined as the primary participant in accordance with 45 CFR Part 76, and its principals:

1) are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal Department or agency;

2) have not within 3-year period preceding this Contract been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statues or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

3) are not presently indicted or otherwise criminally or civilly charged by a government entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (2) of this certification; and

4) have not within a 3-year period preceding this Contract had one or more public transaction (Federal, State or local) terminated for cause of default.

B. Should the Contractor not be able to provide this certification, an explanation as to why should be attached to the Contact.

C. The Contractor agrees to include, without modification, this clause in all lower tier covered transactions (i.e. transactions with subcontractors) and in all solicitations for lower tier covered transactions related to this Contract.

26. COUNTY COUNSEL REPRESENTATION

By signing this Agreement each party acknowledges that it is aware that the Civil Division of the Maricopa County Attorney's Office represents both parties to this Agreement, and each party expressly waives any conflict of interest created thereby.

1. SPONSORSHIP ACKNOWLEDGMENT

All promotional materials, brochures, and flyers shall include the following statement, "Sponsored by Maricopa County Department of Public Health."

2. AUDIT REQUIREMENTS

If the Contractor receives $500,000 or more from all contracts administered and/or funded via County, the Contractor may be subject to Federal audit requirements per P.L. 98-502 "The Single Audit Act". The Contractor shall comply with OMB Circulars A-133, A-110 attachment F. The audit report shall be submitted to the County for review within the twelve months following the close of the fiscal year. The Contractor shall take any necessary corrective action to remedy any material weaknesses identified in the audit report within six months after the release date of the report. The County may consider sanctions as described in section 17 of OMB Circular A-133 for contractors not in compliance with the audit requirements. All books and records shall be maintained in accordance with Generally Accepted Accounting Principles (GAAP).

3. REPORTING REQUIREMENTS

The Contractor shall submit a monthly expenditure / progress report. Each monthly report shall include the total number of children vaccinated for that month, a Contractor's Expenditure Report and a Vaccine For Children (VFC) Accountability and Ordering Form.

1. BACKGROUND

Monies supporting this contract are funded through Federal CFDA # 93.268. These monies are a Federal Pass-through provided to Maricopa County Department of Public Health (MCDPH) by Arizona Department of Health Services (ADHS), ADHS Contract # HG352193, 30-4064, and 15-2043. OMB Circular A-133 Subpart D §__.400 requires that all sub recipients of federal funds are informed of the Catalog of Federal Domestic Assistance (CFDA) title and number, award name and number, and the name of federal agency. The agreement above is funded through the Centers for Disease Control's (CDC) *Immunizations and Vaccines for Children* (CFDA #93.268). All Federal grant regulations for this CFDA number apply to the administration of these funds.

2. SERVICE GOALS

A. To increase the capacity within Maricopa County to provide immunizations to children birth thru 18 years of age.

3. SERVICE OBJECTIVES/ACTIVITIES

A. The Contractor shall provide immunizations to children from birth through 18 years of age following the Advisory Committee on Immunization Practices (ACIP) recommendations and. the "Standards of Pediatric and adolescent Immunization Practices".

B. The Contractor will adhere to the Vaccine for Children (VFC) program for ordering, distribution, management and accountability of vaccine.

C. Report all immunizations provided into the Arizona State Immunization Information System (ASIIS)

1. COMPENSATION

A. Subject to the availability of funds, County shall pay the Contractor for the services described herein for a sum not to exceed the Contract Amount listed on the cover page of this contract.

B. The County shall pay the Contractor the amount not to exceed (NTE) $225,000 for the life of the contract.

2. METHOD OF PAYMENT

A. Administration fee rate of $15.00 per child immunized. A Contractor's Expenditure Report and a VFC Accountability and Ordering Form will serve as documentation of children immunized for reimbursement.

B. This payment request must be on Contractor letterhead and contain a signature authorizing the reimbursement request. Monthly expenditure reports are due no later than the 10th business day of the following month.

C. The Contractor must submit supporting documents with each monthly report. Such documents include invoices of costs incurred, Expenditure Report and a VFC Accountability and Ordering Form.

D. County may request reimbursement funds as a result of contract deliverables being reported on the monthly reports. This option will allow County to order stipend payments based on completing program components instead of waiting for an invoice from Contractor.

E. Subject to the availability of funds, County will, within thirty (30) working days from the date of receipt of documents enumerated herein, process and remit to the Contractor a warrant for payment up to the maximum total allowable for services provided. Should County make a disallowance in the claim, the claim shall be processed for the reduced amount. If the Contractor protests the amount or the reason for a disallowance, the protest shall be construed as a dispute concerning a question of fact within the meaning of the "Disputes" clause of the Special Provisions of this Contract.

F. The Contractor understands and agrees that County will not honor any claim for payment submitted six months after date of service. The Contractor understands and agrees that County will not process any claim for payment for services rendered prior to the expiration date which are submitted sixty (60) days after the expiration date without approval of County.

G. Payments made by County to the Contractor are conditioned upon the timely receipt of applicable, accurate and complete monthly reports and sufficient invoice documentation submitted by the Contractor. Contractor forfeits the right to reimbursement for costs incurred in any month for which it fails to meet the deadline for submitting the monthly reports, except if such failure is beyond the

reasonable control of Contractor. Contractor also forfeits the right to reimbursement for costs incurred in which a paid invoice or proof of expenditure is non-existent.

H. Monthly invoices must be submitted to:

Name: Machrina Leach
Title: Director of the Office of Community Health Nursing
Maricopa County Department of Public Health
4041 N. Central Ave., Ste. 600
Phone: 602-506-6662

3. NOTICE

Any notice given under this Agreement shall be sent to the attention of the following:

Avondale Fire Department
Paul Adams
Fire Chief
1825 N. 107th Avenue
Avondale AZ 85392

(623) 333-6000

Public Health
Maria Leyva
Grant/Contract Unit
4041 N. Central Ave., Suite 1400
Phoenix, Arizona 85012
(602) 372-0674

CITY COUNCIL REPORT

SUBJECT:
Resolution 2731-308 approving a Pre-Annexation Agreement and Ordinance 1298-308 accepting right-of-way

MEETING DATE:
March 17, 2008

TO: Mayor and Council

FROM: Linda M. Farris, City Clerk (623)333-1211

THROUGH: Charlie McClendon, City Manager

PURPOSE:

Staff is requesting that the City Council adopt a resolution approving a pre-annexation agreement with Mr. and Mrs. Verville and an ordinance accepting the dedication of right of way from Mr. and Mrs. Verville and authorize the Mayor or the City Manager and the City Clerk to execute the necessary documents.

BACKGROUND:

On February 4, 2008 City Council authorized staff to proceed with the Encanto 66 Annexation - 65.3 acres of land generally located north and west of the northwest corner of Encanto and Avondale Boulevards. As requested, the annexation would have created a County island by leaving out four parcels. On February 19, 2008 Council approved a pre-annexation agreeement with the Snider Family who own three of the four parcels. Staff has successfully negotiated a pre-annexation agreement with the remaining property owners, Mr. and Mrs. Verville and is seeking approval of this agreement and the acceptance of dedication of right-of-way.

DISCUSSION:

In addition to agreeing to the annexation, the agreement specifies certain actions by the City and the Vervilles as summarized below:

- Mr. and Mrs. Verville will dedicate to the City right of way along 117th and Virginia Avenues.
- The City will issue to the Vervilles a License agreement which will allow for continued use of the land to be dedicated. Through this license agreement, the Vervilles are responsible for the maintenance of this land and agree to carry the liability for this portion of land up until the road is constructed by the City.
- When the City builds the road (the timing of this is undetermined at this time as this project is not yet part of the City's 10 year CIP), the City will do so at its own expense and agrees to rebuild the Verville's fence to the edge of the expansion area.
- Maintenance and liability will be transferred to the City at that point.
- When annexed, the zoning designation for the property will be RR-43. This designation is seldom used, but is equivalent to the County's R-43 and will allow the property owners to continue their current use of the property
- The Vervilles have one well located along Virginia Avenue. The City agrees to not disturb that well when the road is constructed. Once connected to City services, the Vervilles will be able to continue to use their well for exterior and animal care use only.
- The City agrees to not charge the Vervilles for the corresponding Development Impact Fees (see attached Pre-Annexation Agreement).
- The City agrees to perform services necessary to connect to the City's water and sewer

Staff negotiated this agreement in good faith. Mr. and Mrs. Verville see value in becoming part of the City of Avondale and receiving fire and police services through the City.

RECOMENDATION:

Staff recommends that the Mayor and Council adopt a resolution approving a pre-annexation agreement with Mr. and Mrs. Verville and an ordinance accepting the dedication of right-of-way from the Vervilles and authorize the Mayor or the City Manager and the City Clerk to execute the necessary documents.

ATTACHMENTS:

Click to download

- RES - 2731-308
- ORD - 1298-308

RESOLUTION NO. 2731-308

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, APPROVING THE PRE-ANNEXATION DEVELOPMENT AGREEMENT BETWEEN THE CITY OF AVONDALE, ALAN VERVILLE AND KAYLENE VERVILLE.

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

SECTION 1. That the Pre-Annexation Development Agreement the between the City of Avondale, Alan Verville and Kaylene Verville, is hereby approved in the form attached hereto as Exhibit A.

SECTION 2. 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 Resolution.

PASSED AND ADOPTED by the Council of the City of Avondale, March 17, 2008.

_____
Marie Lopez Rogers, Mayor

ATTEST:

_____
Linda M. Farris, City Clerk

APPROVED AS TO FORM:

_____
Andrew J. McGuire, City Attorney

EXHIBIT A
TO
RESOLUTION NO. 2731-308

[Pre-Annexation Development Agreement]

See following pages.

When recorded, return to:

City Clerk
City of Avondale
11465 W. Civic Center Drive, Suite 110
Avondale, Arizona 85323-6804

PRE-ANNEXATION DEVELOPMENT AGREEMENT

THIS PRE-ANNEXATION DEVELOPMENT AGREEMENT (this "Agreement") is entered into March 17, 2008 (the "Effective Date"), by and between the City of Avondale, an Arizona municipal corporation (the "City") acting by and through the City Council (the "Council"), Alan and Kaylene Verville (the "Owners"). The City and Owners are sometimes referred to herein collectively as the "Parties" or individually as a "Party."

RECITALS:

A. The Owners own approximately 2.47 acres of real property located at the southwest corner of the intersection of Virginia Avenue and 117th Avenue, adjacent to the City limits in Maricopa County, Arizona, as more particularly described in Exhibit A and depicted on Exhibit B, both of which are attached hereto and incorporated herein by reference (the "Property").

B. The Owners and the property owners of the real property to the west of the Property (the "Adjacent Owners") have executed two Well Easement Agreements (the "Well Easement Agreements") regarding access and use of the well located on the Adjacent Owners property by the Owners, the Adjacent Owners and all future heirs and assigns.

C. The Property is currently designated as Rural 43 pursuant to the Maricopa County Zoning Map.

D. The Owners desire to have the Property annexed by the City (the "Annexation") and to have the Property zoning upon annexation designated as RR-43 (Rural Residential District) designation (1.0 du/acre).

E. The Parties understand and acknowledge that this Agreement is a "Development Agreement" within the meaning of and entered into pursuant to the terms of ARIZ. REV. STAT. § 9-500.05, to facilitate the Annexation, proper municipal zoning designation, and development of the Property by providing for, among other things, conditions, terms, restrictions, and requirements for the annexation of the Property by the City and other matters related to the development of the Property. The terms of this Agreement shall constitute covenants running with the Property as more fully described in this Agreement.

AGREEMENT

NOW THEREFORE, in consideration of the foregoing recitals, which are incorporated herein by reference, the promises contained in this Agreement and for other good and valuable consideration, the receipt and sufficiency of which the Parties acknowledge, the Parties hereto agree as follows:

ARTICLE I
ANNEXATION AND INITIAL ZONING

1.1 Annexation and Initial Rezoning.

A. Annexation Process. The City shall submit the final annexation ordinance for the Property (the "Annexation Ordinance") to the Council for its consideration.

B. Initial Zoning. Pursuant to ARIZ. REV. STAT § 9-471(L), as amended, the City is required to adopt an initial zoning classification for the Property that permits densities and uses no greater than those permitted by Maricopa County immediately before annexation. The Parties hereby agree that the City's RR-43 zoning designation meets the statutory requirements and is an acceptable zoning designation for the Property.

1.2 Term And Effective Date. This Agreement shall become effective upon the Effective Date and shall remain in full force and effect for a period of 15 years from the Effective Date (the "Term"), after which time this Agreement shall automatically terminate as to the Property without the necessity of any notice, agreement, or recording by or between the Parties, except for those specific provisions herein which shall survive termination of this Agreement.

ARTICLE II
MISCELLANEOUS OBLIGATIONS

2.1 Right-of Way Dedication; License.

A. Dedication. The City plans to expand Virginia Avenue into an area of the Property legally described and depicted in Exhibit C, attached hereto and incorporated herein by reference (the "Expansion Area"). Concurrently with the execution of this Agreement, the Owners agree to dedicate the Expansion Area to the City, in fee, in exchange for the City's agreement not charge the development fees described in subsection 2.3(E) below.

B. License. The City agrees to grant the Owners a license in the form attached hereto as Exhibit D, to utilize the Expansion Area for purposes related to single family uses located on the Property (the "License") until such time as the City expands the roadways. In the event that the City expands the roadways within only a portion of the Expansion Area, the license shall remain in full force and effect over those portions not utilized to expand the roadways.

C. The License shall survive the termination of this Agreement until the earlier to occur of the following: (1) Owners discontinue utilizing the Expansion Area for a period of 60 consecutive days or (2) the City begins the expansion of the roadways and the City has relocated the Owners' fence pursuant to subsection 2.3(A) below.

2.2 Insurance.

A. Owners. The Owners agree to secure and maintain insurance coverage for any and all risks that may arise out of the Owners' use of the Expansion Area. All insurance coverage, shall name, to the fullest extent permitted by law for claims arising out of the Owners' use of the Expansion Area, the City, its agents, representatives, officers, directors, officials and employees as additional insured.

B. City. The City agrees maintain insurance coverage for any and all risks that may arise out of the City's use of the Expansion Area as set forth in this Agreement. The acquisition of insurance or the maintenance and operation of a self-insurance program may fulfill the insurance requirement.

2.3 City Obligations.

A. Owners' Fence. The Owners presently have fences within the Expansion Area that must be moved to accommodate expansion of Virginia Avenue. The City agrees, at its sole cost and expense, to relocate the Owners' fences to the edge of the Expansion Area at the time that the respective roadways are expanded into the Expansion Area.

B. Owners' Well.

1. The City agrees to permit the Owners to continue using the existing Arizona Department of Water Resources registered exempt well, Well Registration Number 55-640406, located on the Adjacent Owners property (the "Exempt Well"), subject to the conditions set forth in subsection 2.4(D) below.

2. The City agrees to construct the Virginia Avenue expansion without disturbing the Exempt Well. The City agrees to pay for all costs associated with preserving Exempt Well including moving the piping for the Exempt Well if deemed necessary by the City in its reasonable discretion, moving the meter for the Exempt Well and moving the fencing currently surrounding the Exempt Well and within the Expansion Area.

C. Maintenance of the Expansion Area. The City shall allow reasonable, typical landscaping within the Expansion Area including shrubs, groundcover and decomposed granite except in a ten-foot clear zone around any drainage manholes or clean-out locations. The City shall have the right but not the obligation to trim, cut or remove brush or other vegetation on the Expansion Area that obstruct or hinder access to the Expansion Area, and whenever in the City's judgment the same shall be necessary for the convenient and safe exercise of the rights herein granted.

D. Costs. The City agrees to pay all costs associated with securing title insurance, preparing maps and legal descriptions necessary for the annexation, dedicating the Expansion Area and granting licenses to utilize the Expansion Area to the Owners.

E. Development Fees.

1. The City agrees to not charge the development fees related to construction of single family homes on the Property during the Term of this Agreement (as of the date of this Agreement, such fees are estimated to be $19,332 as further described in Exhibit E and incorporated herein by reference, in exchange for the dedication of the Expansion Area. The City will pay the development fees from other City revenue sources.

2. The City agrees that the Owners will not be charged any additional development fees at such time as the Owners decide to connect the Property to the City's water and sewer systems.

F. Water and Sewer Connection. When the Owners decide to connect to the City's water and sewer systems pursuant to subsection 2.4(D) below, the City agrees to perform the services necessary to connect the Property to the City's water and sewer lines. These services include excavating Virginia Avenue, tapping into the City's main line, extending the City's service lines to the outside edge of the Expansion Area and repairing Virginia Avenue (as of the date of this Agreement, such costs, if performed by an outside contractor, are estimated to be $3,000). However, the Owners will be responsible for all of the costs associated with connecting to the City's water and sewer that fall on the Owners' side of the Expansion Area including, but not limited to, the costs associated with the plumbing or landscaping for the residence on the Property.

2.4 Owners' Obligations.

A. Remove all encumbrances. Owners agree to remove all encumbrances and assist the City in obtaining releases for all encumbrances over the Expansion Area.

B. Indemnification. To the fullest extent permitted by law, the Owners shall indemnify, defend and hold harmless the City and each council member, officer, employee or agent thereof (the City and any such person being herein called an "Indemnified Party"), for, from and against any and all losses, claims, damages, liabilities, costs and expenses (including, but not limited to, reasonable attorneys' fees, court costs and the costs of appellate proceedings) to which any such Indemnified Party may become subject, under any theory of liability whatsoever ("Claims"), insofar as such Claims (or actions in respect thereof) relate to, arise out of, or are caused by or based upon the negligent acts, intentional misconduct, errors, mistakes or omissions, of the Owners or Owners' agents in utilizing the Expansion Area.

C. Maintenance of the Expansion Area. Owners shall not maintain the Expansion Area in a manner that impairs the ability or capacity of the City to fully access and utilize the Expansion Area.

1. Owners shall not install or construct, or permit to be installed or constructed, any building, structure, fence, wall, utility or other facility, nor shall Owners drill any new well, plant any trees, store materials of any kind, or alter ground level by cut or fill, within the limits of the Expansion Area, without the prior written consent of the City.

2. Owners shall not expand the use of the Exempt Well.

3. Owners shall not install any septic system not existing as of the date of this Agreement.

D. Owners' Well.

a. Connect to the City-provided water and sewer systems at any such time as is convenient to the Owners, but prior to any transfer in the ownership of the Property.

b. Notwithstanding the Well Easement Agreements, when the Owners connect to the City-provided water and sewer systems pursuant to subsection 2.4(D)(a) above, the Owners agree to use the Exempt Well only for general exterior purposes and animal care.

c. Concurrently with the execution of this Agreement, the Owners agree to update the ownership information for the Exempt Well with the Arizona Department of Water Resources (the "ADWR") such that it reflects the current owners' names, the Owners and the Adjacent Owners, using ADWR's Form 55-71A, Request to Change Well Information.

E. Owners' Septic System. Not later than 60 days after the connecting to the City-provided water and sewer system, the Owners agree to properly clean up and close the existing septic system per any Maricopa County Department of Environmental Services and/or Arizona Department of Environmental Quality rules regulations or requirements.

F. Waiver of Claims for Diminished Value. The Owners agree and understand that the City is entering into this Agreement in good faith and with the understanding that, if it acts consistently with the terms and conditions herein, it will not be subject to a claim for diminished value of the Property from the Owners or other parties having an interest in the Property. The Owners, on behalf of itself and all other parties having an interest in the Property, intend to encumber the Property with the following agreements and waivers. Owners agree and consent to all the conditions imposed by this Agreement, the Annexation Ordinance and the Initial Rezoning (and any other rezoning enacted consistent with the provisions of this Agreement, specifically including subsection 1.1), and by signing this Agreement waives any and all claims, suits, damages, compensation and causes of action the Owners may have now or in the future under the provisions of ARIZ. REV. STAT. § 12-1134 *et seq.* (but specifically excluding any provisions included therein relating to eminent domain) and resulting from the development of the Property consistent with this Agreement, the Annexation Ordinance and the Initial Rezoning (and any other rezoning enacted consistent with the provisions of this Agreement, specifically including subsection 1.1) or from any "land use law" (as such term is defined in the aforementioned statute sections) permitted by this Agreement to be enacted, adopted or applied by the City now or hereafter. Owners acknowledge and agree the terms and

conditions set forth in this Agreement, the Annexation Ordinance and the Initial Rezoning (and any other rezoning enacted consistent with the provisions of this Agreement, specifically including subsection 1.1), cause an increase in the fair market value of the Property.

ARTICLE III
REPRESENTATIONS AND WARRANTIES

3.1 City Representations. The City represents and warrants to the Owners that:

A. Authority. The City has the full right, power and authorization to enter into and perform this Agreement and each of City's obligations and undertakings under this Agreement, and the City's execution, delivery and performance of this Agreement have been agreed to and duly authorized.

B. Approvals. All consents and approvals necessary to the execution, delivery and performance of this Agreement have been obtained, and no further action needs to be taken in connection with such execution, delivery and performance.

C. Counsel Assistance. The City has been assisted by counsel of its own choosing in connection with the preparation and execution of this Agreement.

3.2 Owners Representations. The Owners represent and warrant to the City that:

A. Authority. The Owners have the full right, power, and authorization to enter into and perform this Agreement and each of Owners' obligations and undertakings under this Agreement, and the Owners' execution, delivery, and performance of this Agreement have been agreed to and duly authorized.

B. Approvals. All consents and approvals necessary to the execution, delivery and performance of this Agreement have been obtained, and no further action needs to be taken in connection with such execution, delivery, and performance.

C. Further Documents. The Owners will execute and acknowledge when appropriate all documents and instruments and take all actions necessary to implement, evidence and enforce this Agreement.

D. No Litigation. As of the date of this Agreement, to the actual knowledge of the Owners, without investigation, there is no litigation, proceeding, or investigation pending or threatened against or affecting the Owners, which could have a material adverse effect on the Owners' performance under this Agreement, which has not been disclosed in writing to the City.

E. Binding Effect. This Agreement (and each undertaking of the Owners contained herein) constitutes a valid, binding, and enforceable obligation of the Owners, enforceable according to its terms, except to the extent limited by bankruptcy, insolvency and other laws of general application affecting creditors' rights and by equitable principles, whether considered at law or in equity. The Owners will use reasonable efforts to defend the validity and enforceability of this Agreement in the event of any proceeding or litigation arising from its

terms that names the Owners as a party or which challenges the authority of the Owners to enter into or perform any of its obligations hereunder. The severability and reformation provisions of Section 5.9 below shall apply in the event of any successful challenge to this Agreement.

F. No Conflicts. The execution, delivery, and performance of this Agreement by the Owners is not prohibited by, and does not conflict with, any other agreements, instruments, judgments or decrees to which the Owners are a party or to which the Owners are otherwise subject.

G. Counsel Assistance. The Owners have either been assisted by counsel in connection with the preparation and execution of this Agreement or have chosen to forego such legal representation despite a recommendation from the City that the Owners seek advice from legal counsel.

ARTICLE IV
DEFAULT

Failure or unreasonable delay by the Owners or City to perform or otherwise act in accordance with any term or provision hereof shall constitute a breach of this Agreement and, if the breach is not cured within 45 days after written notice thereof from the other Party, shall constitute a default under this Agreement; provided, however, that if the failure is such that more than 45 days would reasonably be required to perform such action or comply with any term or provision hereof, then the Party shall have such additional time as may be necessary to perform or comply so long as the Party commences performance or compliance within said 45-day period and diligently proceeds to complete such performance or fulfill such obligation (the "Cure Period"); provided further, however, that no such cure period shall exceed 90 days, unless otherwise agreed to, in writing, by the Parties. Any notice of a breach shall specify the nature of the alleged breach and the manner in which said breach may be satisfactorily cured, if possible. In the event a breach is not cured within the Cure Period, the non-defaulting Party shall have all rights and remedies which may be available under law or equity, including without limitation the right to (A) specifically enforce any term or provision of this Agreement, (B) terminate this Agreement or (C) institute an action for damages.

ARTICLE V
GENERAL PROVISIONS

5.1 Cooperation. The City and the Owners hereby acknowledge and agree that they shall cooperate in good faith with each other as contemplated by this Agreement.

5.2 Time of Essence. Time is of the essence with respect to each and every provision of this Agreement and the performance required by each Party hereto.

5.3 Conflict of Interest. Pursuant to Arizona law, rules and regulations, no member, official or employee of the City shall have any personal interest, direct or indirect, in this Agreement, nor shall any such member, official or employee participate in any decision relating to this Agreement which affects his or her personal interest or the interest of any corporation,

partnership or association in which he or she is, directly or indirectly, interested. This Agreement is subject to cancellation pursuant to ARIZ. REV. STAT. § 38-511.

5.4 Notices and Requests. Any notice or other communication required or permitted to be given under this Agreement shall be in writing and shall be deemed to have been duly given if (A) delivered to the party at the address set forth below, (B) deposited in the U.S. Mail, registered or certified, return receipt requested, to the address set forth below, (C) given to a recognized and reputable overnight delivery service, to the address set forth below or (D) delivered by facsimile transmission to the number set forth below:

If to the City: City of Avondale
11465 West Civic Center Drive
Avondale, Arizona 85323
Facsimile: (623) 333-0100
Attn: Charles P. McClendon, City Manager

With copy to: GUST ROSENFELD, P.L.C.
201 East Washington Street, Suite 800
Phoenix, Arizona 85004-2327
Facsimile: (602) 340-1538
Attn: Andrew J. McGuire, Esq.

If to Owners: Alan and Kaylene Verville
2516 North 117th Avenue
Avondale, Arizona 85392
Facsimile:_____

or at such other address, and to the attention of such other person or officer, as any party may designate in writing by notice duly given pursuant to this Section. Notices shall be deemed received (i) when delivered to the party, (ii) three business days after being placed in the U.S. Mail, properly addressed, with sufficient postage, (iii) the following business day after being given to a recognized overnight delivery service, with the person giving the notice paying all required charges and instructing the delivery service to deliver on the following business day, or (iv) when received by facsimile transmission during the normal business hours of the recipient. If a copy of a notice is also given to a party's counsel or other recipient, the provisions above governing the date on which a notice is deemed to have been received by a party shall mean and refer to the date on which the party, and not its counsel or other recipient to which a copy of the notice may be sent, is deemed to have received the notice.

5.5 Estoppel Certificate. Either Party may request of the other Party, and the requested Party shall, within 21 calendar days, respond and certify by written instrument of the requesting Party that (i) this Agreement and any approvals contemplated herein are unmodified and in full force and effect, or if there have been modifications, that such are in full force and effect as modified, stating the nature and date of such modification, (ii) the existence of a default and the scope and nature of the default, (iii) the existence of any counterclaims which the requested Party has against the other Party and (iv) any other matters that may reasonably be

requested in connection with the development of land, development of the Property or any material aspect of the zoning, plat or other approval.

5.6 Governing Law; Venue. This Agreement shall be interpreted and governed according to laws of the State of Arizona. The venue for any dispute hereunder shall be Maricopa County, Arizona, and the Parties hereby irrevocably waive any right to object to such venue.

5.7 Waiver. No delay in exercising any right or remedy shall constitute a waiver thereof, and no waiver by either Party of any breach of any of the terms, covenants or conditions of this Agreement shall be construed or held to be a waiver of any succeeding or preceding breach of the same for any other term, covenant or condition herein contained.

5.8 Attorneys' Fees. In the event of any actual litigation between the Parties in connection with this Agreement, the Party prevailing in such action shall be entitled to recover from the other Party all of its costs and fees, including reasonable attorneys' fees, which shall be determined by the court and not by the jury.

5.9 Limited Severability. The City and the Owners each believe that this Agreement was executed, delivered and performed in compliance with all applicable laws. However, in the unlikely event that any phrase, clause, sentence, paragraph, section, article or other portion of this Agreement is declared void or unenforceable by a court of competent jurisdiction (or is construed as requiring the City to do any act in violation of any applicable laws, constitutional provision, law, regulation or City Code), such provision shall be deemed severed from this Agreement and this Agreement shall otherwise remain in full force and effect; provided that this Agreement shall retroactively be deemed reformed to the extent reasonably possible in such a manner so that the reformed agreement (and any related agreements effective as of the same date) provide essentially the same rights and benefits (economic or otherwise) to the Parties as if such severance and reformation were not required. The Parties further agree, in such circumstances, to do all acts and to execute all amendments, instruments and consents necessary to accomplish and to give effect to the purposes of this Agreement, as reformed.

5.10 Exhibits. All exhibits attached hereto are incorporated herein by this reference as though fully set forth herein.

5.11 Entire Agreement. This Agreement constitutes the entire agreement between the Parties hereto pertaining to the subject matter hereof and all prior and contemporaneous agreements, representations, negotiations and understandings of the Parties hereto, oral or written, are hereby superseded by and merged into this Agreement.

5.12 Recordation of Agreement. This Agreement shall be recorded in the Maricopa County Recorder's Office within ten days after its approval and execution by the City.

5.13 No Partnership; Third Parties. It is not intended by this Agreement to, and nothing contained in this Agreement shall, create any partnership, joint venture or other agreement between the Owners and the City. No term or provision of this Agreement is intended

to, or shall, be for the benefit of any person or entity not a Party hereto, and no such other person or entity shall have any right or cause of action hereunder.

5.14 Additional Acts and Documents. Each Party hereto agrees to do all such things and take all such actions, and to make, execute and deliver such other documents and instruments, as shall be reasonably requested to carry out the provisions, intent and purpose of this Agreement. If any action or approval is required of any Party in furtherance of the rights under this Agreement, such approval shall not be unreasonably withheld.

5.15 Headings; Counterparts. The headings of this Agreement are for purposes of reference only and shall not limit or define the meaning of any provision of this Agreement. This Agreement may be executed in any number of counterparts, each of which shall be an original but all of which shall constitute one and the same instrument.

5.16 City Services. City shall provide all City services to the Property and the Additional Land to the same extent and upon the same terms and conditions as those services are provided to other real properties in the City, except as otherwise provided herein.

5.17 Force Majeure. The performance of either Party and the duration of this Agreement shall be extended by any causes that are extraordinary and beyond the control of the Party required to perform, such as, but not limited to, extreme changes in market conditions, a significant weather or geological event or other act of God, civil or military disturbance, labor or material shortage, or acts of terrorism.

5.18 Fair Interpretation. All Parties have been represented by counsel (have chosen to forego such legal representation despite a recommendation from the City that the Owners seek advice from legal counsel) in the negotiation and drafting of this Agreement, and this Agreement shall be construed according to the fair meaning of its language. The rule of construction that ambiguities shall be resolved against the Party who drafted a provision shall not be employed in interpreting this Agreement.

5.19 Computation of Time. In computing any period of time under this Agreement the date of the act or event from which the designated period of time begins to run shall not be included. The last day of the period so completed shall be included unless it is a Saturday, Sunday, or legal holiday, in which event the period shall run until the end of the next day which is not a Saturday, Sunday, or legal holiday. The time for performance of any obligation or taking any action under this Agreement shall be deemed to expire at 5:00 p.m. (local time in Phoenix, Arizona) on the last day of the applicable time period provided herein.

5.20 Amendment. No change or addition is to be made to this Agreement except by a written amendment executed by the Parties hereto. Within ten days after any amendment to this Agreement, such amendment shall be recorded in the Maricopa County Recorder's Office.

[SIGNATURES ON FOLLOWING PAGES]

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date first set forth above.

"**CITY**"

CITY OF AVONDALE, an Arizona
municipal corporation

By:_____
Marie Lopez Rogers, Mayor

ATTEST:

_____
Linda M. Farris, City Clerk

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

This instrument was acknowledged before me on _____, 2008, by Marie Lopez Rogers, the Mayor of the CITY OF AVONDALE, an Arizona municipal corporation, on behalf of the City of Avondale.

_____
Notary Public in and for the State of Arizona

My Commission Expires:

_____

"**OWNERS**"

_____
Alan Verville

_____
Kaylene Verville

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

This instrument was acknowledged before me on _____, 2008, by Alan Verville.

_____
Notary Public in and for the State of Arizona

My Commission Expires:

_____

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

This instrument was acknowledged before me on _____, 2008, by Kaylene Verville.

_____
Notary Public in and for the State of Arizona

My Commission Expires:

_____

EXHIBIT A
TO
PRE-ANNEXATION DEVELOPMENT AGREEMENT

[Owners' Property]

See following page.

Legal Description
Owners Property - Verville
APN 501-74-013-P

The East 257 feet of the Southwest Quarter of the Northeast Quarter of Section 36, Township 2 North, Range 1 West, Gila and Salt River Base and Meridian, Maricopa County, Arizona.

EXCEPT the South 1105.5 feet thereof

Said parcel contains 2.47 acres area, more or less.

EXHIBIT B
TO
PRE-ANNEXATION DEVELOPMENT AGREEMENT

[Map of Owners' Property]

See following pages.

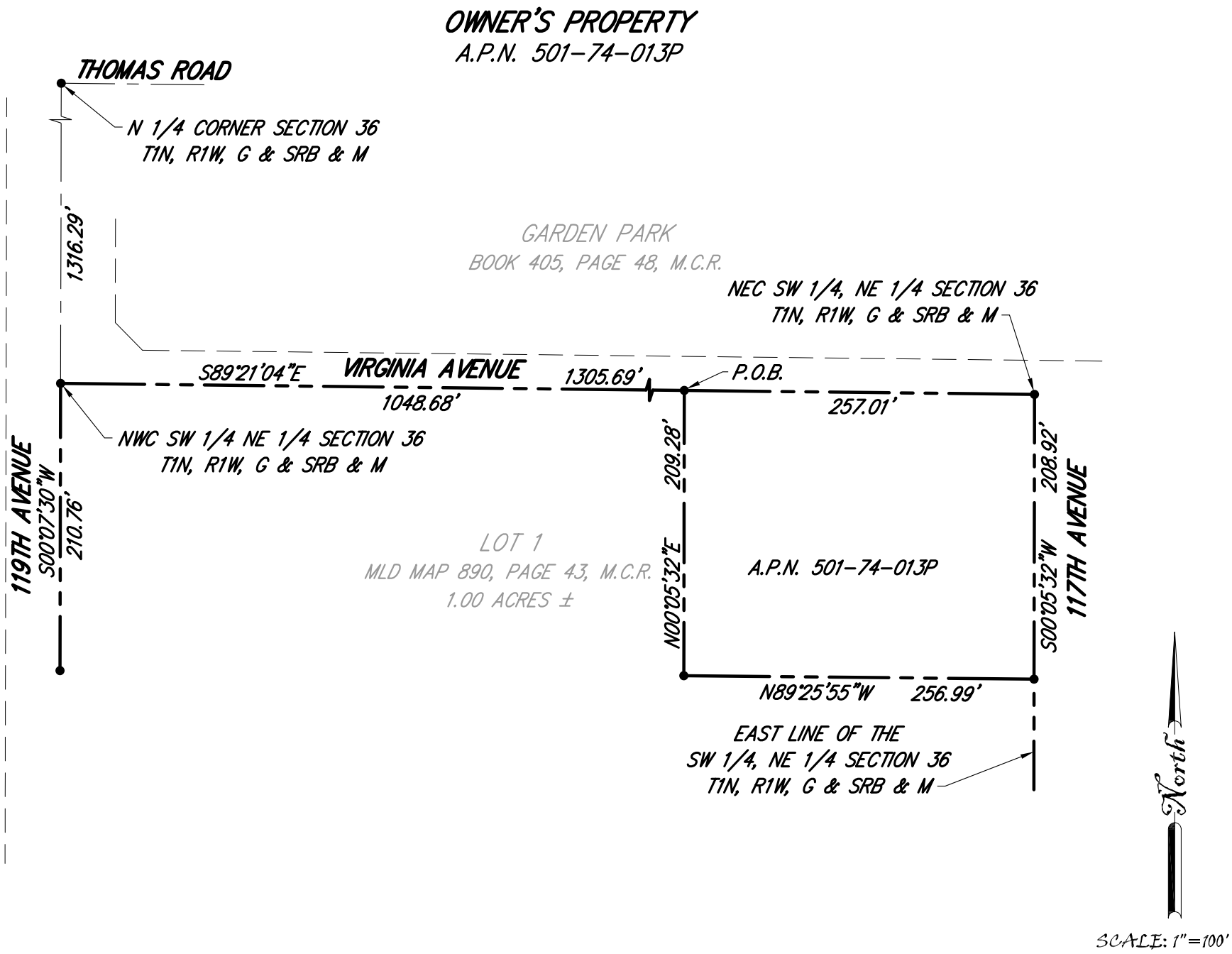

OWNER'S PROPERTY
A.P.N. 501-74-013P
THOMAS ROAD
N 1/4 CORNER SECTION 36
T1N, R1W, G & SRB & M
1316.29'
GARDEN PARK
BOOK 405, PAGE 48, M.C.R.
NEC SW 1/4, NE 1/4 SECTION 36
T1N, R1W, G & SRB & M
S89°21'04"E
VIRGINIA AVENUE
1305.69'
P.O.B.
1048.68'
257.01'
NWC SW 1/4 NE 1/4 SECTION 36
T1N, R1W, G & SRB & M
119TH AVENUE
S00°07'30"W
210.76'
209.28'
208.92'
117TH AVENUE
LOT 1
MLD MAP 890, PAGE 43, M.C.R.
1.00 ACRES ±
N00°05'32"E
A.P.N. 501-74-013P
S00°05'32"W
N89°25'55"W
256.99'
EAST LINE OF THE
SW 1/4, NE 1/4 SECTION 36
T1N, R1W, G & SRB & M
North
SCALE: 1"=100'

EXHIBIT C
TO
PRE-ANNEXATION DEVELOPMENT AGREEMENT

[Expansion Area Legal Descriptions and Maps]

See following pages.

Legal Description
Right of Way
117th Ave and Virginia Avenue
APN 501-74-013-P

That part of the Southwest Quarter of the Northeast Quarter of Section 36, Township 2 North, Range 1 West, Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows;

Commencing at the Northwest Corner of the Southwest Quarter of the Northeast Quarter of Said Section 36, from which the North Quarter Corner of said Section 36 bears North 00 degrees, 07 minutes 30 seconds East, a distance of 1316.29 feet;

Thence South 89 degrees, 21minutes, 04 seconds East along the North line of the Southwest Quarter of the Northeast Quarter of said Section 36, also being the monument line of Virginia Avenue, a distance of 1048.68 feet to the True Point of Beginning;

Thence continuing along said line, South 89 degrees, 21minutes, 04 seconds East a distance of 257.01 feet to the Northeast corner of the Southwest Quarter of the Northeast Quarter of said Section 36;

Thence South 00 degrees, 05 minutes, 32 seconds West along the East line of the Southwest Quarter of the Northeast Quarter of said Section 36 to a point on a line 1105.5 feet North of the South line of said Southwest Quarter;

Thence North 89 degrees 25 minutes, 55 seconds West a distance of 25.00 feet along that line 1105.5 feet North of and parallel with the South line of said Southwest Quarter;

Thence departing from said line, North 00 degrees, 05 minutes, 32 seconds East a distance of 163.95 feet;

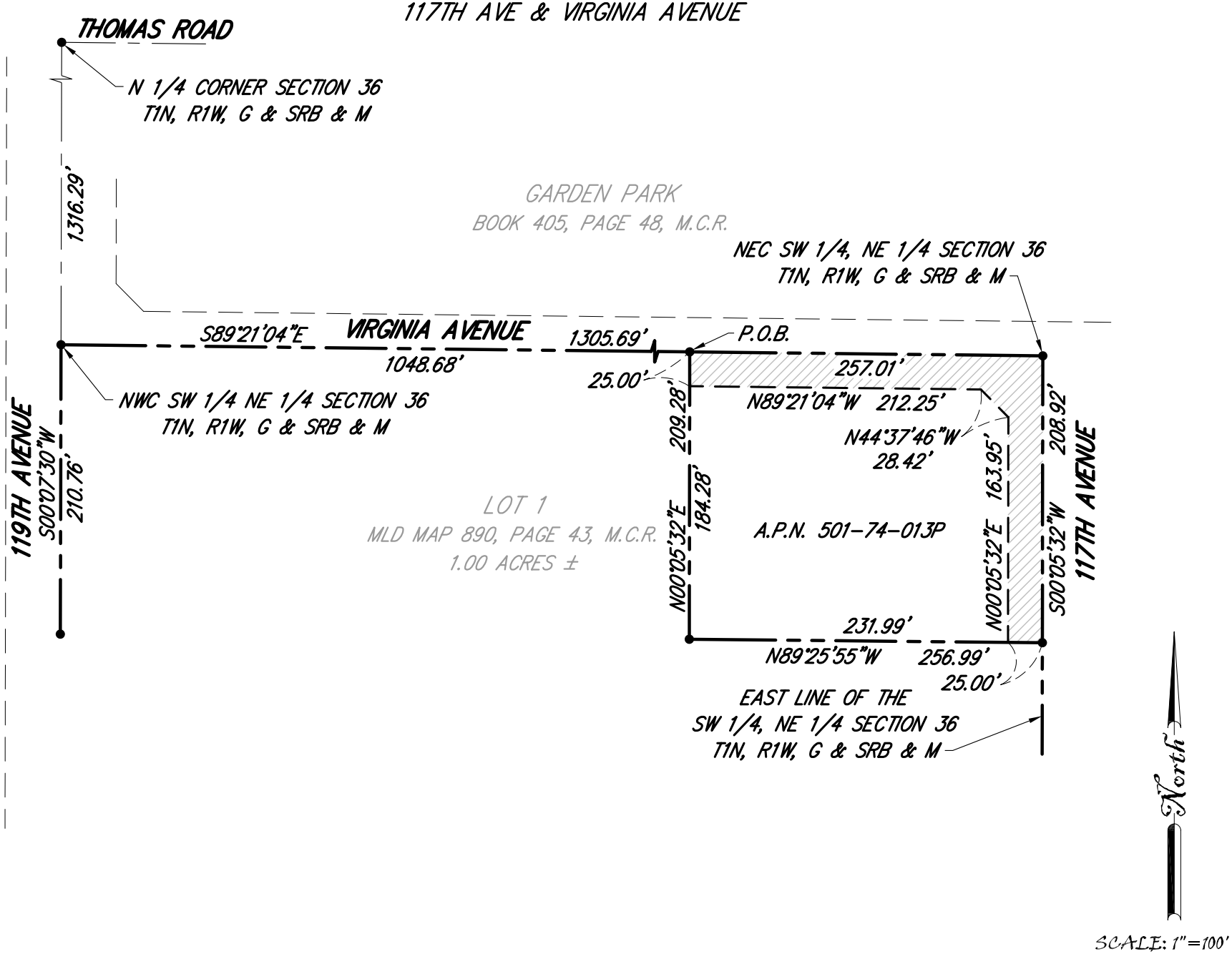
Thence North 44 degrees, 37 minutes, 46 seconds West 28.42 feet to a point 25.00 feet South of the North line of said Southwest Quarter;

Thence North 89 degrees, 21 minutes, 04 seconds West, 212.25 feet to a point on a line 257 feet West of and parallel with the East line of said Southwest Quarter;

Thence North 00 degrees, 05 minutes, 32 seconds West, 25.00 feet to the True Point of Beginning.

RIGHT-OF-WAY EXHIBIT

117TH AVE & VIRGINIA AVENUE



SCALE: 1"=100'

EXHIBIT D
TO
PRE-ANNEXATION DEVELOPMENT AGREEMENT

[License]

See following pages.

When Recorded Mail To:

City Clerk
City of Avondale
11465 West Civic Center Drive, Suite 200
Avondale, Arizona 85323

TEMPORARY LICENSE AGREEMENT

LICENSOR: City of Avondale, an Arizona municipal corporation (the "City")

LICENSEE: Alan and Kaylene Verville (the "Licensees").

THIS TEMPORARY LICENSE AGREEMENT (this "Agreement") is entered into March 17, 2008, by and between the City and Licensees for the purposes set forth below.

RECITALS

A. The Licensees transferred to the City part of the Licensees' Property, which portion is legally described and depicted in Exhibit A (the "Expansion Area"), attached hereto and incorporated by reference, by that certain Special Warranty Deed recorded at _____ for the City's planned expansion Virginia Avenue (the "Roadway").

B. City and Licensees desire to enter into this Agreement to grant to the Licensees a temporary license (the "License") upon, over, across, in, through and under the Expansion Area, as more particularly described herein.

AGREEMENT

NOW THEREFORE, in consideration of the foregoing recitals, which are incorporated herein by reference, the promises contained in this Agreement and for other good and valuable consideration, the receipt and sufficiency of which the City and the Licensees hereby acknowledge, the City and the Licensees hereto agree as follows:

1. Grant of License. The City grants the Licensees the continued use of the Expansion Area until the earlier to occur of the following (a) Licensees discontinue utilizing the Expansion Area for a period of 60 consecutive days or (b) the City begins the expansion of the Roadway and the City has relocated that portion of Licensees' fences within the Expansion Area that must be moved to accommodate expansion of Virginia Avenue.

2. Maintenance of the Expansion Area. Licensees shall not maintain the Expansion Area in a manner that impairs the ability or capacity of the City to fully access and utilize the Expansion Area.

a. Licensees shall not install or construct, or permit to be installed or constructed, any building, structure, fence, wall, utility or other facility, nor shall Licensees drill

any new well, plant any trees, store materials of any kind, or alter ground level by cut or fill, within the limits of the Expansion Area, without the prior written consent of the City.

b. The City shall allow reasonable, typical landscaping within the Expansion Area including shrubs, groundcover and decomposed granite except in a ten-foot clear zone around any drainage manholes or clean-out locations. The City shall have the right but not the obligation to trim, cut or remove brush or other vegetation on the Expansion Area that obstruct or hinder access to the Expansion Area, and whenever in the City's judgment the same shall be necessary for the convenient and safe exercise of the rights herein granted.

3. Attorneys' Fees. Either party may enforce this instrument by appropriate legal action and the prevailing party in such litigation may recover as part of its costs in such action reasonable attorneys' fees and court costs.

4. Entire Agreement. This instrument contains the entire agreement between the parties relating to City's expansion of the roadway and the Licensees continued use of the Expansion Area. Any oral representations or modifications concerning this instrument shall be of no force or effect, excepting a subsequent modification in writing, signed by the parties.

5. Cancellation by City. This Agreement may be cancelled by the City pursuant to ARIZ. REV. STAT. § 38-511.

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date first set forth above.

"**LICENSOR**"

CITY OF AVONDALE, an Arizona
municipal corporation

By:_____
Marie Lopez Rogers, Mayor

ATTEST:

_____
Linda M. Farris, City Clerk

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

This instrument was acknowledged before me on _____, 2008, by Marie Lopez Rogers, the Mayor of the CITY OF AVONDALE, an Arizona municipal corporation, on behalf of the City of Avondale.

_____
Notary Public in and for the State of Arizona

My Commission Expires:

_____

"**LICENSEES**"

_____
Alan Verville

_____
Kaylene Verville

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

This instrument was acknowledged before me on _____, 2008, by Alan Verville.

_____
Notary Public in and for the State of Arizona

My Commission Expires:

_____

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

This instrument was acknowledged before me on _____, 2008, by Kaylene Verville.

_____
Notary Public in and for the State of Arizona

My Commission Expires:

_____

EXHIBIT A
TO
LICENSE AGREEMENT

[Legal description and map]

See following pages.

Legal Description
Right of Way
117th Ave and Virginia Avenue
APN 501-74-013-P

That part of the Southwest Quarter of the Northeast Quarter of Section 36, Township 2 North, Range 1 West, Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows;

Commencing at the Northwest Corner of the Southwest Quarter of the Northeast Quarter of Said Section 36, from which the North Quarter Corner of said Section 36 bears North 00 degrees, 07 minutes 30 seconds East, a distance of 1316.29 feet;

Thence South 89 degrees, 21minutes, 04 seconds East along the North line of the Southwest Quarter of the Northeast Quarter of said Section 36, also being the monument line of Virginia Avenue, a distance of 1048.68 feet to the True Point of Beginning;

Thence continuing along said line, South 89 degrees, 21minutes, 04 seconds East a distance of 257.01 feet to the Northeast corner of the Southwest Quarter of the Northeast Quarter of said Section 36;

Thence South 00 degrees, 05 minutes, 32 seconds West along the East line of the Southwest Quarter of the Northeast Quarter of said Section 36 to a point on a line 1105.5 feet North of the South line of said Southwest Quarter;

Thence North 89 degrees 25 minutes, 55 seconds West a distance of 25.00 feet along that line 1105.5 feet North of and parallel with the South line of said Southwest Quarter;

Thence departing from said line, North 00 degrees, 05 minutes, 32 seconds East a distance of 163.95 feet;

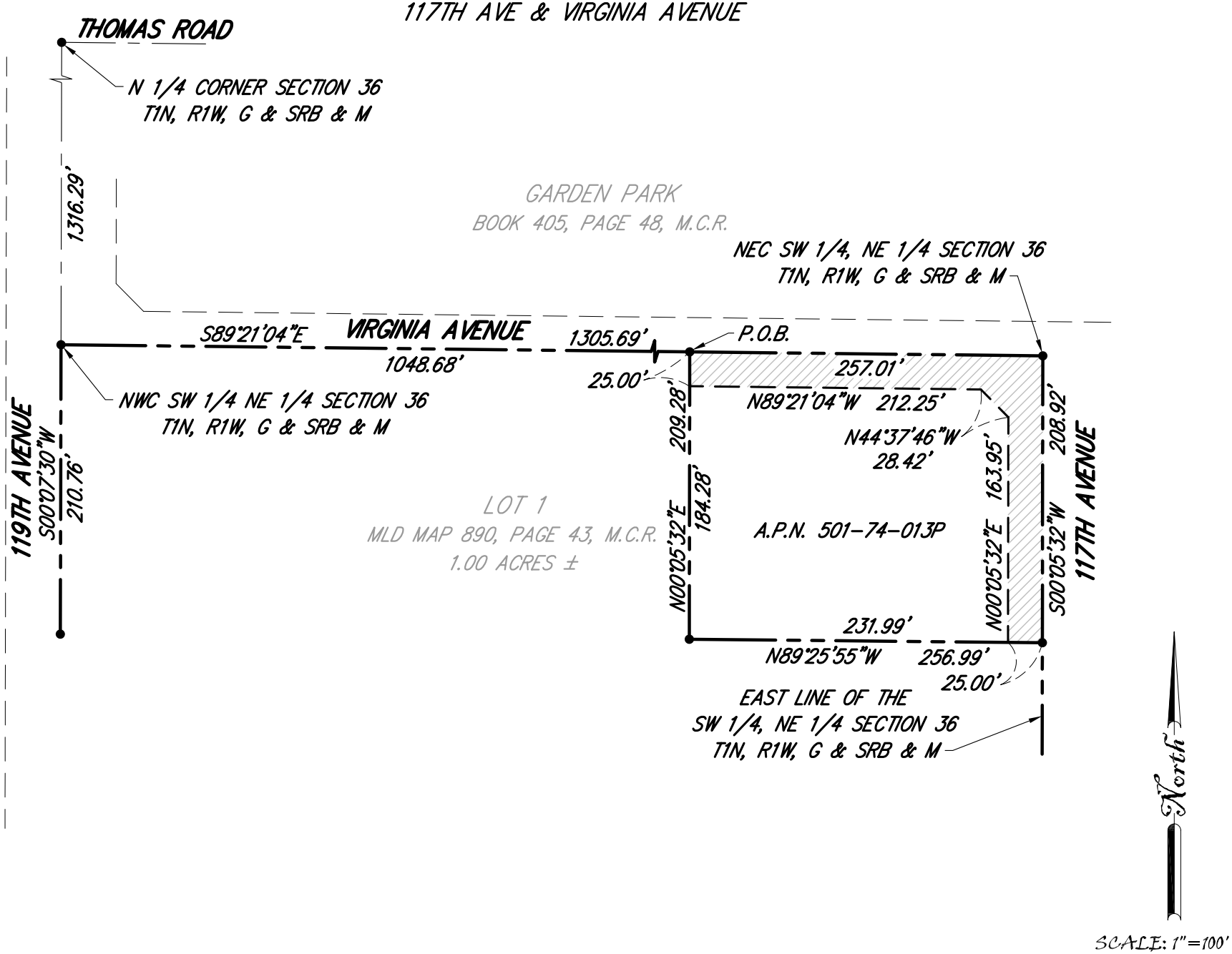
Thence North 44 degrees, 37 minutes, 46 seconds West 28.42 feet to a point 25.00 feet South of the North line of said Southwest Quarter;

Thence North 89 degrees, 21 minutes, 04 seconds West, 212.25 feet to a point on a line 257 feet West of and parallel with the East line of said Southwest Quarter;

Thence North 00 degrees, 05 minutes, 32 seconds West, 25.00 feet to the True Point of Beginning.

RIGHT-OF-WAY EXHIBIT

117TH AVE & VIRGINIA AVENUE



SCALE: 1"=100'

EXHIBIT E
TO
PRE-ANNEXATION DEVELOPMENT AGREEMENT

[Development Fees]

See following page.

DEVELOPMENT FEES[1]

Water Meter	*Water Dep*	*Water Connect*	*Water Dev*	*Sewer Hook-up*	*Sewer Dev*	*Sanitation Dev*	*Total*
$530	$75	$20	$8,833	$300	$9,270	$304	**$19,332**

1 - All fees in the above table have been figured with a 1" meter so that any future expansion or fire sprinklers can be added without incurring additional development fees for upsizing water meters.

ORDINANCE NO. 1298-308

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, being a portion of Maricopa County Assessor's Parcel No. 501-74-013P, generally located west of 117th Avenue, south of Virginia Avenue, as more particularly described and depicted in Exhibit A, attached hereto and incorporated herein by reference, is hereby accepted by the City of Avondale from Alan Verville and Kaylene Verville, for use as public right-of-way.

SECTION 2. 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, March 17, 2008.

_____
Marie Lopez Rogers, Mayor

ATTEST:

_____
Linda M. Farris, City Clerk

APPROVED AS TO FORM:

_____
Andrew J. McGuire, City Attorney

EXHIBIT A
TO
ORDINANCE NO. 1298-308

[Legal description and map of acquisition portion of APN 501-74-013P]

See following pages.

Legal Description
Right of Way
117th Ave and Virginia Avenue
APN 501-74-013-P

That part of the Southwest Quarter of the Northeast Quarter of Section 36, Township 2 North, Range 1 West, Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows;

Commencing at the Northwest Corner of the Southwest Quarter of the Northeast Quarter of Said Section 36, from which the North Quarter Corner of said Section 36 bears North 00 degrees, 07 minutes 30 seconds East, a distance of 1316.29 feet;

Thence South 89 degrees, 21minutes, 04 seconds East along the North line of the Southwest Quarter of the Northeast Quarter of said Section 36, also being the monument line of Virginia Avenue, a distance of 1048.68 feet to the True Point of Beginning;

Thence continuing along said line, South 89 degrees, 21minutes, 04 seconds East a distance of 257.01 feet to the Northeast corner of the Southwest Quarter of the Northeast Quarter of said Section 36;

Thence South 00 degrees, 05 minutes, 32 seconds West along the East line of the Southwest Quarter of the Northeast Quarter of said Section 36 to a point on a line 1105.5 feet North of the South line of said Southwest Quarter;

Thence North 89 degrees 25 minutes, 55 seconds West a distance of 25.00 feet along that line 1105.5 feet North of and parallel with the South line of said Southwest Quarter;

Thence departing from said line, North 00 degrees, 05 minutes, 32 seconds East a distance of 163.95 feet;

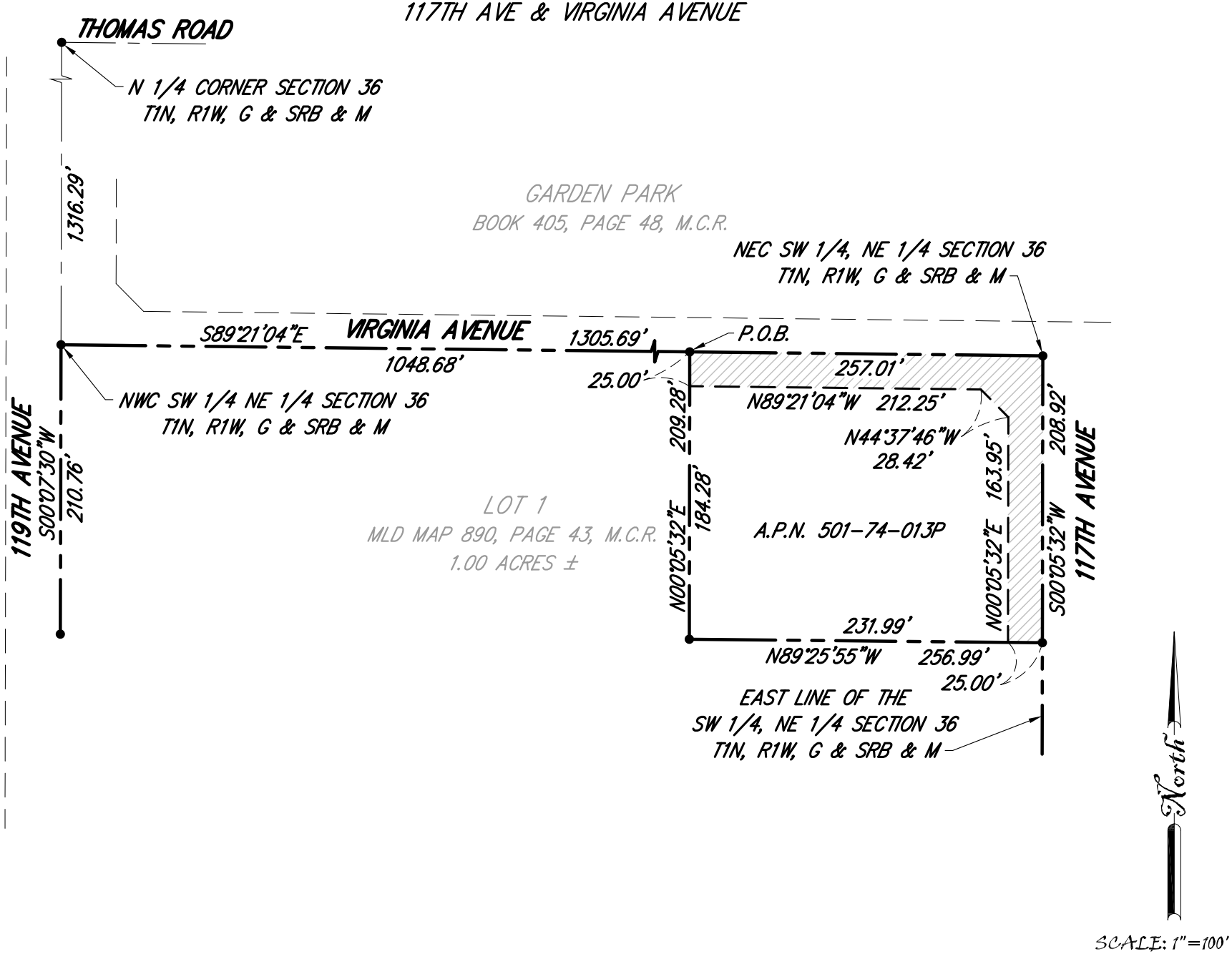
Thence North 44 degrees, 37 minutes, 46 seconds West 28.42 feet to a point 25.00 feet South of the North line of said Southwest Quarter;

Thence North 89 degrees, 21 minutes, 04 seconds West, 212.25 feet to a point on a line 257 feet West of and parallel with the East line of said Southwest Quarter;

Thence North 00 degrees, 05 minutes, 32 seconds West, 25.00 feet to the True Point of Beginning.

RIGHT-OF-WAY EXHIBIT

117TH AVE & VIRGINIA AVENUE



SCALE: 1"=100'

CITY COUNCIL REPORT

SUBJECT:
Ordinance 1292-308 - Diamond P Ranch Annexation

MEETING DATE:
March 17, 2008

TO: Mayor and Council

FROM: Linda M. Farris, City Clerk

THROUGH: Charlie McClendon, City Manager

PURPOSE:

Staff is requesting that the City Council consider an ordinance authorizing the annexation of 244 acres of land generally located south of Lower Buckeye Road between Avondale Blvd. and El Mirage Road.

BACKGROUND:

On January 12, 2007, staff received a request from David Coble from Coe and Van Loo Consultants, Inc. on behalf of Michael Pylman Dairy, LLC and Silver Bullet, LLC for the annexation of Parcel Numbers 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.

City Council authorized staff to proceed with the annexation process on September 4, 2007 and held a Public Hearing on November 5, 2007. No comments were received.

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.

RECOMENDATION:

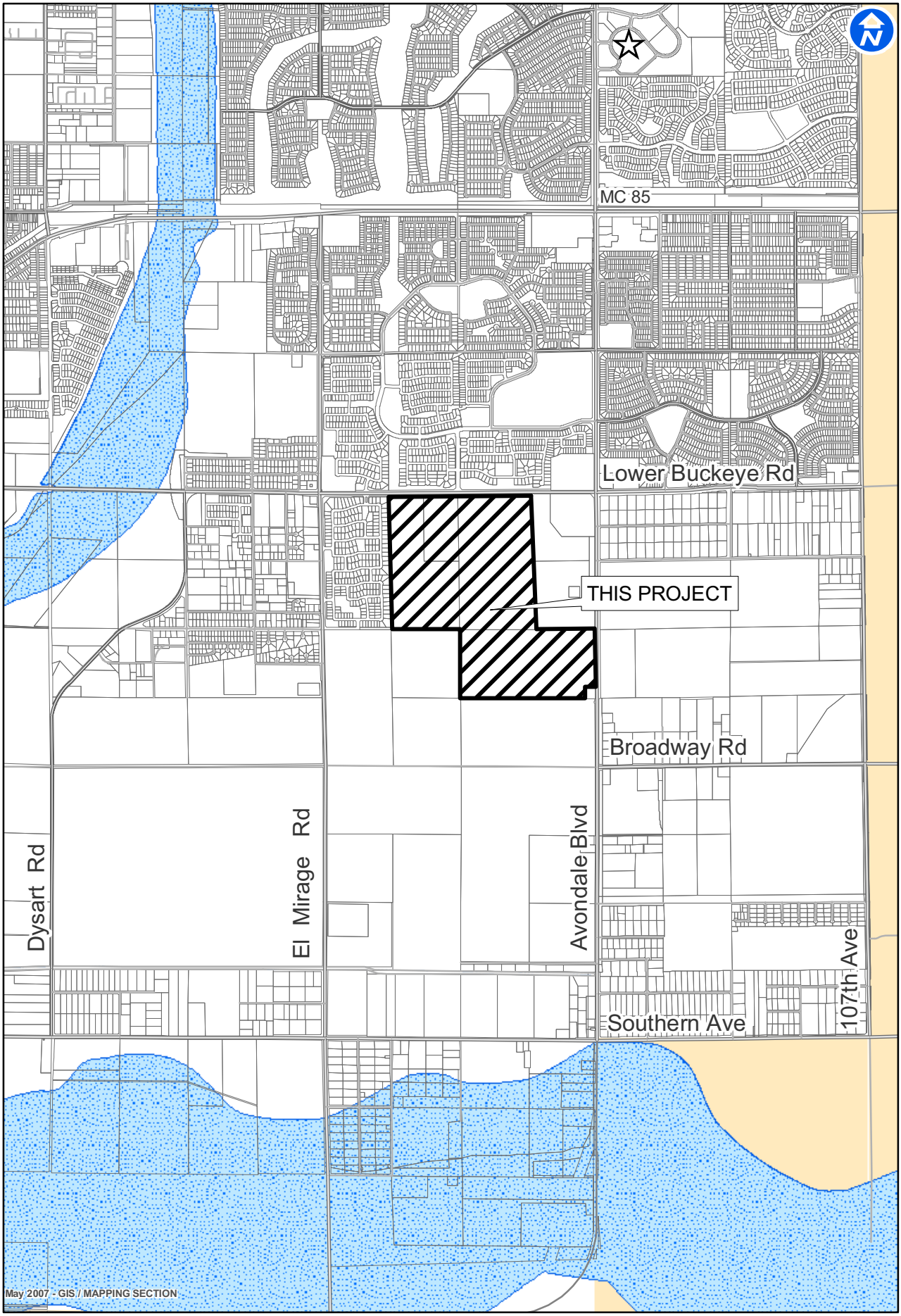
Staff is recommending that the City Council adopt an ordinance annexing 244 acres of land generally located south of Lower Buckeye Road between Avondale Blvd. and El Mirage Road.

ATTACHMENTS:

Click to download

- Vicinity Map
- ORD - 1292-308

VICINITY MAP



CITY OF AVONDALE

Diamond P Ranch Annexation

ORDINANCE NO. 1292-308

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, EXTENDING AND INCREASING THE CORPORATE LIMITS OF THE CITY OF AVONDALE BY ANNEXING THERETO CERTAIN TERRITORY CONTIGUOUS TO THE EXISTING CITY LIMITS.

WHEREAS, a petition in writing, accompanied by a map of said real property, having been filed and presented to the Council of the City of Avondale (the "City Council"), signed by the owners of more than one-half in value of the real and personal property and more than one half of the persons owning real and personal property as would be subject to taxation by the City of Avondale (the "City") in the event of annexation within the territory and land hereinafter described (the "Annexation Area") as shown by the last assessment of said property, which said territory is contiguous to the City, and not now embraced within its limits, asking that the property more particularly hereinafter described be annexed into the City, and to extend and increase the corporate limits of the City so as to embrace the same; and

WHEREAS, the City Council desires to comply with said petition and extend and increase the corporate limits of the City to include the Annexation Area; and

WHEREAS, said petition sets forth a true and correct legal description of all the exterior boundaries of the entire Annexation Area and had attached thereto at all times an accurate map of the Annexation Area; and

WHEREAS, no alterations increasing or reducing the Annexation Area have been made after the said petition has been signed by any owner of real and personal property in such territory; and

WHEREAS, pursuant to ARIZ. REV. STAT. § 9-471(L), a city shall adopt a zoning classification for the annexation area that permits densities and uses no greater than that permitted by the county immediately before the annexation; and

WHEREAS, the Annexation Area is currently zoned by Maricopa County as Rural 43, and the City's Agricultural (AG) zoning classification does not permit densities and uses greater than permitted by Maricopa County's Rural 43 zoning classification; and

WHEREAS, the provisions of ARIZ. REV. STAT. § 9-471, and amendments thereto, have been fully observed; and

WHEREAS, proper and sufficient certification and proof of the foregoing facts are now on file in the office of the City Clerk together with a true and correct copy of the original petition referred to herein, which is on file in the office of the Maricopa County Recorder.

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

SECTION 1. That the Annexation Area, as more fully described and depicted in Exhibit A, attached hereto and incorporated herein by reference, is hereby annexed to the City and that the present corporate limits are hereby extended and increased to include the Annexation Area.

SECTION 2. That the land-use classification for the Annexation Area is hereby designated as Agricultural (AG) under the City of Avondale Zoning Ordinance.

SECTION 3. That the City Clerk is hereby authorized and directed to file with the Maricopa County Recorder's Office a fully executed copy of this Ordinance, together with an accurate map of the Annexation Area.

SECTION 4. If any provision of this Ordinance is for any reason held by any court of competent jurisdiction to be unenforceable, such provision or portion hereof shall be deemed separate, distinct and independent of all other provisions and such holding shall not affect the validity of the remaining portions of this Ordinance.

PASSED AND ADOPTED by the Council of the City of Avondale, March 17, 2008.

_____
Marie Lopez Rogers, Mayor

ATTEST:

_____
Linda M. Farris, City Clerk

APPROVED:

_____
Andrew J. McGuire, City Attorney

843522.1

EXHIBIT A
TO
ORDINANCE NO. 1292-308

[Legal description and map of Annexation Area]

See following pages.

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;

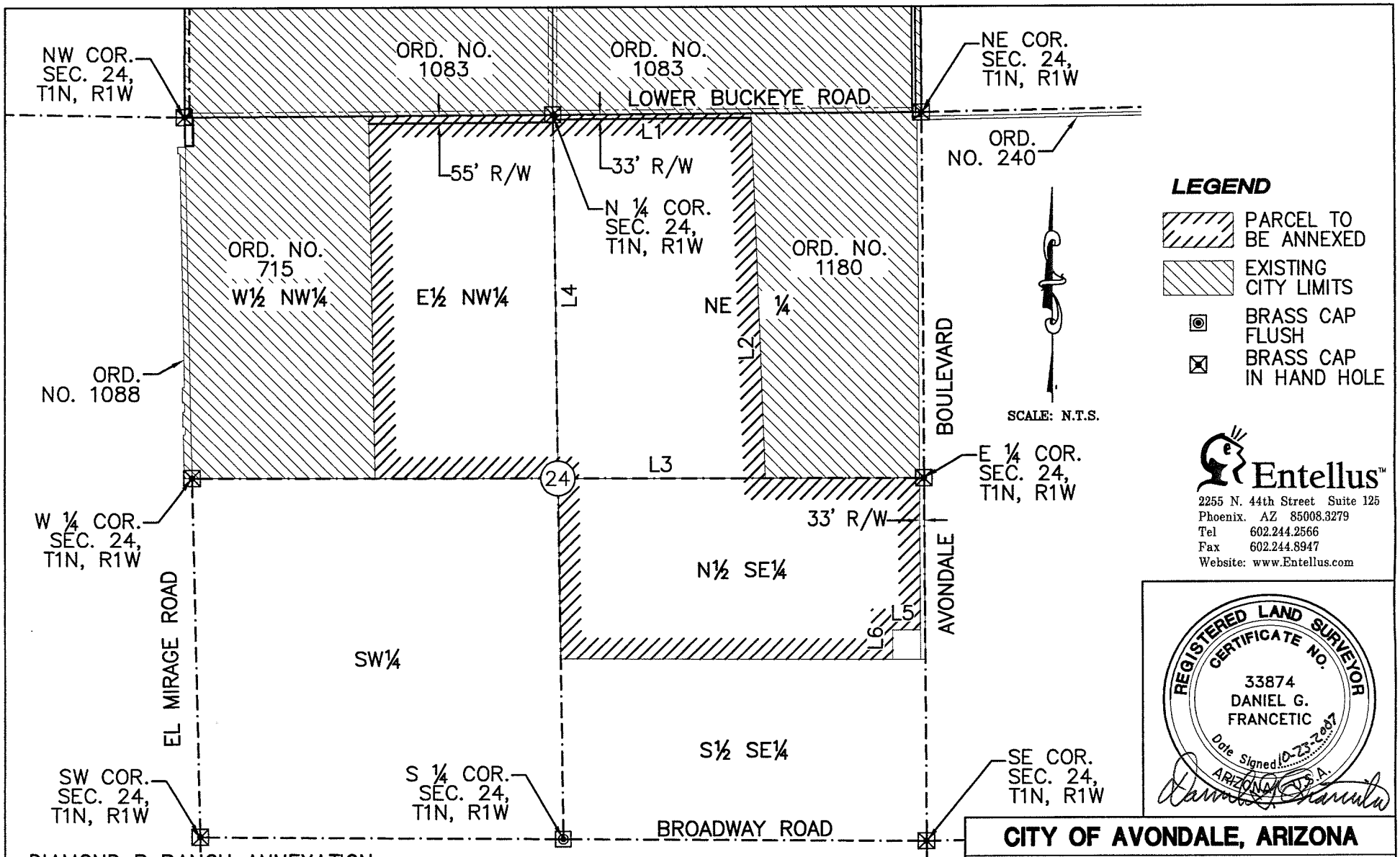
Thence along said North line, North 89 degrees 43 minutes 05 seconds East a distance of 1419.36 feet to the prolongation of the West deed line of the parcel of land described in Document # 2006-1522394 of the Maricopa County Recorder, said line also being the West line of the annexation described in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

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
33874
DANIEL G.
FRANCETIC
Date Signed 10-23-2007
ARIZONA U.S.A.



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

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
33874
DANIEL G.
FRANCETIC
Date Signed 10-23-2007
ARIZONA, U.S.A.

DIAMOND P RANCH 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 _____.

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	215.01'

CITY OF AVONDALE, ARIZONA

SECTION 24

T.1N., R.1W., G. & S.R.B. & M.

ANNEXATION EXHIBIT

DATE: 6/26/07 REV'D: 10/22/07

DRAWN BY: DG | CHK'D: DGF | PAGE: 1 OF 1

FILE: P/SS/APROJ/435011_PHS04/LEGALS/SEC.CORNERS

CITY COUNCIL REPORT

SUBJECT:
Ordinance Authorizing Acquisition of Wellsite 22 from the Empire Center at Coldwater Springs, LLC

MEETING DATE:
March 17, 2008

TO: Mayor and Council

FROM: Wayne Janis, Water Resources Director (623)333-4444

THROUGH: Charlie McClendon, City Manager

PURPOSE:

Staff is requesting that the City Council consider an ordinance authorizing acquisition of Wellsite 22 at the Coldwater Springs Promenade Development for $24,892.30. The Council will take appropriate action.

BACKGROUND:

During the past year the City and Empire Center at Coldwater Springs, LLC ("Empire"), have been working on the relocation of an existing irrigation well located within the Coldwater Springs Promenade Development (the "Development") at the SWC of Avondale Boulevard and Van Buren Street. The City requires the redrilling of this existing well within the Development to augment our municipal production capacity and has been working on a purchase and sales agreement with Empire for a suitable wellsite.

DISCUSSION:

The City is developing Well 22, and one other municipal production well, for FY 2008 to meet projected water demands. Well 22 will be located in the SWC of the Development and will discharge into the Coldwater Springs Booster Station site. This Ordinance will authorize the acquisition of the 2,491 sf wellsite at approximately $10/sf from Empire.

BUDGETARY IMPACT:

Funding for this property acquisition is available in the CIP - Water Development Fund, 514-1201-00-8520 (Weiler Well - SWC Avondale/Van Buren).

RECOMENDATION:

Staff is recommending that the City Council adopt an Ordinance authorizing acquisition of Wellsite 22 at the Coldwater Springs Promenade Development for $24,892.30.

ATTACHMENTS:

Click to download

- ORD - 1297-308

ORDINANCE NO. 1297-308

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AUTHORIZING THE ACQUISITION, BY PURCHASE, CONDEMNATION OR DEDICATION, OF REAL PROPERTY FOR PUBLIC USE RELATING TO CONSTRUCTION OF A WATER WELL.

WHEREAS, pursuant to Article I, Section 3 of the Avondale City Charter (the "Charter"), the City of Avondale (the "City") is authorized to acquire real property in fee simple or any lesser interest, inside or outside its corporate limits, for any City purpose, when the public convenience requires it; and

WHEREAS, the City Water Resources Department has identified the need for the construction of a new potable water well, Well No. 22 (the "Project"), requiring the acquisition of certain real property; and

WHEREAS, the City Council desires to authorize the acquisition of certain real property necessary for the completion of the Project.

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

SECTION 1. That the acquisition, by purchase, condemnation or dedication, of ± 0.0689 acres of real property, being a portion of Maricopa County Assessor's Parcel Nos. 500-29-005R and 500-29-029, generally located southwest of the southwest corner of Avondale Boulevard and Van Buren Street in Avondale, Arizona (the "Acquisition Property"), as more particularly described and depicted in Exhibit A, attached hereto and incorporated herein by reference, is hereby authorized.

SECTION 2. That, in the event that a negotiated purchase cannot be reached for the Acquisition Property, the City Attorney is hereby authorized and directed to immediately initiate condemnation proceedings, including all actions necessary to enable the City to take possession of the Acquisition Property at the earliest possible date.

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.

SECTION 4. That, if any provision of this Ordinance is for any reason held by any court of competent jurisdiction to be unenforceable, such provision of portion hereof shall be deemed separate, distinct, and independent of all other provisions and such holding shall not affect the validity of the remaining portions of this Ordinance.

PASSED AND ADOPTED by the Council of the City of Avondale, March 17, 2008.

_____
Marie Lopez Rogers, Mayor

ATTEST:

_____
Linda M. Farris, City Clerk

APPROVED AS TO FORM:

_____
Andrew J. McGuire, City Attorney

EXHIBIT A
TO
ORDINANCE NO. 1297-308

[Legal Description and Map]

See following pages.

CITY COUNCIL REPORT

SUBJECT:
Installation of Judge Lynch

MEETING DATE:
March 17, 2008

TO: Mayor and Council

FROM: Linda Farris

THROUGH: Charlie McClendon, City Manager

ATTACHMENTS:

Click to download

No Attachments Available

CITY COUNCIL REPORT

SUBJECT:
Update on Proactive Code Enforcement efforts

MEETING DATE:
March 17, 2008

TO: Mayor and Council

FROM: Gina Montes, Neighborhood & Family Services Director (623)333-2727

THROUGH: Charlie McClendon, City Manager

PURPOSE:

The purpose of this item is to discuss proactive code enforcement in commercial areas in support of the revitalization of Old Town Avondale.

BACKGROUND:

Recently there have been requests to consider proactive enforcment of City codes and ordinances in the commercial areas of Old Town. Proactive code enforcement is an effective revitalization tool in both commercial and residential areas. Enforcement of the International Property Maintenance Code (IPMC) and Zoning Ordinance occurs primarily by complaint. However, the Code Enforcement Division regularly conducts proactive enforcement efforts in residential areas. In the past, the Code Enforcement Division has not proactively enforced in commercial areas. There is an opportunity to take a proactive enforcement approach in commercial areas. Many of the issues of concern may not be property maintenance and would require the active participation of multiple City departments.

DISCUSSION:

The Old Town Avondale Revitalization Plan will focus primarily on the development of the commercial corridors on Western Avenue and Main Street with the integration of new and existing housing into these activity centers. This plan of renewal for commercial and residential development will help to build a sustainable Avondale in the long-term. However, new investment can only be sustained when properties are in compliance with city codes and ordinances. Ensuring that properties are currently "up to code" will provide a solid foundation for the short and long-term economic success desired within the community.

There are a variety of codes and ordinances that may apply other than those enforced by the Code Enforcement Division. To develop a fair and consistent approach to proactive enforcement, a task force is proposed of City staff representative of each enforcement area. Old Town Avondale, specifically Western Avenue and Main Street, contain a mix of permitted uses and specific development standards. Several departments would need to participate to prepare for inspections and to address the variety of applicable codes and requirements. This includes, but is not limited to, Development Services (Planning and Building Divisions), Engineering, Fire, Economic Development, Police, Field Operations and Finance.

A systematic approach and organizational commitment will be important to achieving results. This includes advance notice to property owners, viable timelines, strong management support and a balanced approach to compliance requirements. Support of the community would also be very helpful in this effort. However, there is likely to be opposition from some community members. Support of City Council will be essential.

The Code Enforcement Division is capable of leading such a task force given the experience and expertise of staff. Staff hold certifications as Property and Housing Maintenance Inspectors and as Zoning Ordinance Inspectors, and the Division has been very successful with this type of project. Staff also has experience coordinating actions with other departments, jurisdictions and regulatory agencies to aid property owners. With direction to proceed, we will convene a task force and prepare to begin such an effort in early May.

BUDGETARY IMPACT:

None.

RECOMENDATION:

For discussion and direction.

ATTACHMENTS:

Click to download

No Attachments Available

CITY COUNCIL REPORT

SUBJECT:
Ordinance Amending Avondale City Code Chapters 15 and 23

MEETING DATE:
March 17, 2008

TO: Mayor and Council

FROM: David Fitzhugh, Assistant City Manager (623)333-1014

THROUGH: Charlie McClendon, City Manager

PURPOSE:

Staff is requesting that the City Council adopt an Ordinance amending the Avondale City Code Chapters 15 and 23 pertaining to dust control and abatement.

BACKGROUND:

The US Environmental Protection Agency (EPA) has designated Maricopa County as a PM-10 attainment area for the past several years. Multiple measures have been implemented by local, regional and state agencies in an attempt to reduce air borne particles and improve the air quality. PM-10 violations continue to be registered at several monitoring sites resulting in further mandates from the EPA and the requirement that the region develop and implement more restrictive air quality improvement measures including a regional plan demonstrating reductions in particulate matter of at least 5% per year for the next few years. Significant federal sanctions may be implemented if these goals are not met including the loss of federal transportation funds until such time as the goals are met. During the 2007 state legislative session, the Legislature passed and the Gov signed SB 1522 - Air Quality. The legislation requires municipalities to pass ordinances that comply with the pm-10 standards and commitments. Last spring, the City Council identified several air Quality commitments (ie dust) consistent with SB 1522. This Ordinance further implements compliance with this law. Staff has been working closely with several other local agencies and the Maricopa Association of Governments staff to develop ordinances intended to reduce the amount of PM-10 particulate matter. These cities will be adopting similar ordinances during the month of March 2008.

DISCUSSION:

This Ordinance proposes to amend the Avondale City Code Chapter 15, Miscellaneous Provisions and Offenses and Chapter 23 traffic to include measures intended to control the introduction of PM-10 particles (dust) into the air. The amendment to Chapter 15 prohibits the blowing of landscape debris or dust into public roadways. Amendments to Chapter 23 include: The stabilization of ingress, egress and parking areas in all developments including residential buildings with four (4) or few units and 3,000 sf or more of parking area with approved materials including asphalt concrete, cement concrete, bituminous material or other methods as approved by the City. Prohibits the operation of vehicles on or across, or park on any portion of an unpaved or unstabilized vacant lot or area unless the property is dust-proofed pursuant to the town code or the town zoning ordinance or the site has been issued a Maricopa County permit for the control of fugitive dust from dust generating operations. Prohibits the operation of vehicles including off-road/all terrain vehicles on unpaved surfaces that is not a public or private road, street or lawful easement and that is closed by (1) the landowner by rule or regulation of a federal agency, the state, county or city or proper posting if the land is private land. Authorizes the City Manager or his/her designee to enter and inspect property for the purpose of enforcing these codes. Violations of these codes are considered as class 3 misdemeanors.

BUDGETARY IMPACT:

The full cost of implementing and enforcing these code amendments has not been fully analyzed at this time. Staff anticipates additional work responsibilities associated with pubic education and enforcement. Staff is also

evaluating costs associated with identifying any city owned property that may be subject to these measures and the cost to bring them into compliance including the installation of signs, barriers or stabilization of the soil.

RECOMENDATION:

Staff recommends that the City Council adopt an Ordinance amending the Avondale City Code Chapters 15 and 23 pertaining to dust control and abatement.

ATTACHMENTS:

Click to download

- Ordinance 1293-308

ORDINANCE NO. 1293-308

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AMENDING THE AVONDALE CITY CODE, CHAPTER 15, MISCELLANEOUS PROVISIONS AND OFFENSES, AND CHAPTER 23, TRAFFIC, RELATED TO DUST CONTROL AND ABATEMENT.

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

SECTION 1. That the Avondale City Code, Chapter 15, Miscellaneous Provisions and Offenses, Article 1, In General, is hereby amended by adding a new Section 15-4 to read as follows.

Section 15-4 Leaf blowers

(a) It shall be unlawful for any person operating a leaf blower to blow landscape debris or dust into a public roadway.

(b) The provisions of this Section do not apply to any site that has a permit issued by a control officer as defined in Arizona Revised Statutes Section 49-471, as amended, for the control of fugitive dust from dust generating operations.

SECTION 2. That the Avondale City Code, Chapter 23, Traffic, Article III, Stopping, Standing or Parking, is hereby amended by adding a new Section 23-64 to read as follows:

Section 23-64 Unpaved Areas

(a) Parking, maneuvering, ingress and egress areas at developments other than residential buildings with four or fewer units shall be maintained with one or more of the following dustproof paving methods:

1. Asphaltic concrete.

2. Cement concrete.

3. Penetration treatment of bituminous material and seal coat of bituminous binder and a mineral aggregate.

4. A stabilization method approved by the City.

(b) Parking, maneuvering, ingress and egress areas 3,000 square feet or more in size at residential buildings with four or fewer units shall be maintained with one or more of the following dustproof paving methods:

1. Asphaltic concrete.

2. Cement concrete.

3. Penetration treatment of bituminous material and seal coat of bituminous binder and a mineral aggregate.

4. A stabilization method approved by the City.

(c) No person shall operate a vehicle on or across, or park on any portion of an unpaved or unstabilized vacant lot or area unless the property is dust-proofed pursuant to the town code or the town zoning ordinance or the site has been issued a Maricopa County permit for the control of fugitive dust from dust generating operations.

(d) No person shall operate any vehicle, including an off-highway vehicle, an all-terrain vehicle, or an off-road recreational motor vehicle, on an unpaved surface that is not a public or private road, street or lawful easement and that is closed by (1) the landowner by rule or regulation of a federal agency, this state, a county or municipality or (2) proper posting if the land is private land.

(e) This section does not apply to the operation of vehicles used in the normal course of business or the normal course of government operations.

(f) The City Manager or authorized designee shall be permitted to enter and inspect property subject to subject to the provisions set forth in this Section as often as may be necessary to determine compliance with this Section.

1. If a property owner or occupant has security measures in place on the property that require proper identification and clearance before entry into the property, the property owner or occupant shall make the necessary arrangements to allow access to representatives of the City.

2. Any temporary or permanent obstruction to safe and convenient access to the property to be inspected shall be promptly removed by the property owner or occupant upon request of the City Manager or authorized designee and shall not be replaced until the inspection is complete. The costs to provide such access shall be borne by the property owner or occupant.

(g) If the City Manager or authorized designee has been refused access to any part of the property believed to be in violation of this Section, and he/she is able to demonstrate probable cause that there may be a violation of any provision of this Section, or that there is a need to verify compliance with this Section or any order issued hereunder, or to protect the overall public health, safety and welfare of the community, the City Manager or authorized designee may seek issuance of a search warrant from any court of competent jurisdiction.

(h) A person who violates this section is guilty of a class 3 misdemeanor. In addition to or in lieu of a fine pursuant to this Section, a judge may order a person to (1) perform at least eight but not more than twenty-four hours of a community restitution course or (2) complete an approved safety course related to the off-highway operation of motor vehicles, or both.

SECTION 3. That, if any provision or any portion of any provision of this Ordinance is for any reason held to be unconstitutional or otherwise unenforceable by a court of competent jurisdiction, such provision or portion thereof shall be deemed separate, distinct and independent of the remaining provisions of this Ordinance and shall be severed therefrom without affecting the validity of the remaining portions of this Ordinance.

PASSED AND ADOPTED by the Council of the City of Avondale, March 17, 2008.

_____
Marie Lopez Rogers, Mayor

ATTEST:

_____
Linda M. Farris, City Clerk

APPROVED:

_____
Andrew J. McGuire, City Attorney

842636.1

DEVELOPMENT SERVICES

SUBJECT:
Avondale Marketplace (DR-07-8) Master Site Plan and Parcel 2 Final Site Plan Approval

MEETING DATE:
March 17, 2008

TO: Mayor and Council

FROM: Brian Berndt, Development Services Director (623) 333-4011

THROUGH: Charlie McClendon, City Manager

REQUEST:
1. Approve the Master Site Plan for Avondale Marketplace
2. Approve the Final Site Plan for Parcel 2 of Avondale Marketplace

PARCEL SIZE: 38.6 acres total, 25.23 acres for Parcel 2

LOCATION: NWC of Avondale Boulevard and McDowell Road (Exhibits A and B).

APPLICANT: Kevin Kerpan, Robert Kubicek, Inc.

OWNER: Blake Carroll, Troast Properties

BACKGROUND:

The subject property was annexed into the City on February 21, 2006 and subsequently rezoned from AG (Agricultural) to PAD (Planned Area Development) on March 20, 2006 (Exhibits B, C & D).

On February 4, 2008, the City Council approved a one year zoning extension to the PAD development plan.

SUMMARY OF REQUEST:

The applicant is requesting Master Site Plan approval for a commercial/office development (Exhibit D). The development plan also includes a future residential component that is not a part of this application. The site plan proposes three separate parcels: Parcel 2, community commercial uses; Parcel 3, a mini-storage development and Parcel 4, as office park. Parcel 2 has five major-tenant spaces, three multi-tenant buildings, three multi-tenant pads and three single-tenant pads. Parcel 3 has four mini-storage buildings. Parcel 4 has 11 multi-tenant office buildings (Exhibit H).

The applicant is also requesting Final Site Plan approval for Parcel 2 (Exhibit H). Parcel 2 will be developed in three phases for the major buildings exclusive of pad buildings. The first phase consists of two major-tenant spaces (Major B and E), multi-tenant (Shops C) and two multi-tenant pads (Pads B and F). The major-tenant shops will be 29,600 (Major B) and 12,000 square feet (Major E). The multi-tenant wing will be 18,550 square feet (Shops C). The multi-tenant pad buildings will be 10,700 square feet (Pad B) and 5,000 square feet (Pad F).

The remainder of Parcel 2 will be developed in future phases to include 96,600 square feet of major tenant space (Major A, C, D), 17,200 square feet of multi-tenant (Shops A and B) and four single-tenant buildings: Pad A, 7,700 square feet; Pad C, 3,600 Square feet; Pad D, 7,500 square feet; and Pad F 5,000 square feet.

Vehicular access will be provided by two driveways on Avondale Boulevard, and six driveways on McDowell Road. One driveway on Avondale Boulevard will be full access. The other driveway will be right-in/right-out only. On McDowell Road, the two eastern most driveways will be right in/right out only. A signalized

intersection with full access is proposed at the intersection of McDowell Road and 116th Avenue. A right in/right out driveway is proposed between Parcel 4 (office park) and Pad A. A right in/right out/left in driveway is proposed for Parcel 4. A full access drive way is proposed for Parcel 3 (mini-storage).

Cross access will be provided between the commercial and office park. An emergency access lane will be provided between the mini-storage and office park.

Deceleration lanes are required at all driveway locations.

All buildings include architectural treatment that emulate specifications directed in the City's Design Manuals. The architecture contains variations in the roofline, slate and stone columns, brick, sconce lighting accents, a myriad variation in colors throughout, and green metal canopies. Colors are earth tones on the walls with green metal canopies and Spanish style clay roof tiles. The materials are stucco, glass, masonry, slate, stone, and metal.

All off-site improvements will be constructed as part of the first phase of development.

PARTICIPATION:

A letter of notification and a copy of the site plan were mailed on April 4, 2007, to all property owners within 500 feet of the property. No comments have been received.

One letter from an adjoining property owner (Exhibit F) has been received by the Planning Division pertaining to water supply, construction quality and traffic concerns.

PLANNING COMMISSION ACTION:

The Planning Commission (Exhibit G) conducted a public hearing on February 21, 2008, and voted 6-0 to recommend **APPROVAL** of this request subject to the following stipulations:

1. The development shall conform to the project narrative, site plan, landscape plan, building elevations, preliminary grading and drainage plan, photometric plan, materials and color board, and comprehensive sign package stamped February 8, 2008, except as modified by these stipulations.
2. In accordance with Section 106.C.4 of the City of Avondale Zoning Ordinance, the master site plan and Parcel 2 final site plan shall expire within one year of approval if a building permit has not been issued.
3. The proposed development is to conform to the Avondale Commercial/Industrial/Multi-family Design Manual.
4. Architecture, color and materials palette for future phase development shall conform to the architecture, color and materials palette of the master site plan.
5. All signs shall be a uniform color that is consistent with the approved master site plan color palette.
6. Right-of-way for Avondale Blvd: The 9' roadway easement along Avondale Blvd. is to be 3' back of sidewalk only along the right-turn-lane and will end as the sidewalk angles back into the right-of-way.
7. Right-of-way for McDowell: Additional right-of-way for the traffic signal facilities at the median opening west of Avondale Blvd. may be required. This will be determined by the City Traffic Department when final construction plans are submitted. Details for the construction of the median will be developed during the review of final construction plans.
8. The catch basin for area OFF2 shall be an appropriate MAG detail for the 10' curb opening shown as being required as the MAG 530-532 is for a maximum 8' opening.
9. The right-of-way is to be a minimum of 3' behind back of sidewalk for street lights and sign placement. Right turn lane into storage units will require additional right-of-way to meet this requirement. The amount of additional right-of-way will be determined at the time of Civil Improvement Plans submittal.
10. Prior to the issuance of a building permit for the first phase of development, the developer shall contribute the following cost contributions toward traffic signals: 50% for 116' Avenue and McDowell Road, 16% for Avondale Blvd. and Palm Lane, 18% for Avondale Blvd. and Encanto, and full costs of all modifications to existing traffic signal and associated work at northwest corner of Avondale Blvd. and McDowell Road.
11. Additional right-of-way on the corners at the intersection of McDowell Road and 116th Avenue is

required for the new traffic signal equipment. The amount of additional right-of-way will be determined at the time of Civil Improvement Plans submittal.

12. During the first phase of construction, the developer shall provide a transit stop, including bus pull-out bay (can be co-located in deceleration lane if meets spacing standards) and concrete pad for westbound traffic on McDowell Road west of Avondale Blvd. The developer shall also provide a transit stop consisting of a concrete pad (no pull-out bay needed) for westbound traffic on McDowell Road west of 117th Avenue. Additional right-of-way will be required to accommodate the transit bays and pads. The amount of additional right-of-way will be determined at the time of Civil Improvement Plans submittal.
13. All water rights on the property shall be conveyed to the City of Avondale prior to recordation of the final plat.
14. No signs shall be located in a public utility easement.
15. The Developer will devise a traffic study to examine the feasibility of establishing a driveway at the northeast most corner of the property, to be designed as right-out and left-in only. The Developer will pay for the future cost of the deceleration lane when the right-of-way is available or Avondale Blvd. is modified. When Avondale Blvd. is modified and the deceleration lane is available, the northeast exit can be modified to be full right turn in/left turn out. [After further consideration, staff is recommending that the City Council revise this stipulation to the following: The Developer will devise a traffic study to examine the feasibility of establishing a driveway at the northeast most corner of the property, to be designed as right-out only. The Developer will pay for the future cost of the deceleration lane when the right-of-way is available or Avondale Blvd. is modified. When Avondale Blvd. is modified and the deceleration lane is available, the northeast exit can be modified to be full access driveway.]
16. Left and right turn lanes, including dual turn lanes, for all driveways and intersections shall meet the requirements of the traffic study for storage lengths, stacking. and taper lengths. Some adjustments may be required at Civil Improvements Plan submittal, such as to medians, and openings.
17. The future pads of Parcel 2 shall be treated with a decomposed granite ground cover for dust control until development of those areas occurs.
18. All off-site improvements will be constructed as part of the first phase of development, including those for the residential Parcel 1 off of Palm Lane.
19. A signing and striping plan will be required at Civil Improvement Plans submittal.
20. Pedestrian access to Parcel 2 from the future residential part of the development plan will not be allowed until the residential portion is developed.
21. The master site plan and the final site plan for Parcel 2 shall be revised to describe Parcel 4 proposed use as Office Park.

Stipulation #15 was modified by the Planning Commission after a discussion about the need for a deceleration lane at the northern-most driveway on Avondale Boulevard (Exhibit G). The deceleration lane was recommended to be built during the first phase of construction of Parcel 2, as a stipulation of approval.

The applicant stated that they did not own the land that would be needed for the deceleration lane and that they could not comply with the stipulation. As they didn't want their development to be delayed, they requested that the Planning Commission allow them to continue with the site plan as presented and address the decelartion lane at a future time when the right-of-way is available.

ANALYSIS:

General Plan and Specific Plan

- The site is identified as Commercial on the General Plan and Freeway Corridor Specific Plan.
- The development is consistent with the General Plan and the Freeway Corridor Specific Plan.
- The existing PAD zoning is consistent with these plans.

Access, Circulation, and Parking

- There are eight proposed entrances to the site, six of them to Parcel 2 alone (two from Avondale Boulevard and four from McDowell Road). These entrances will provide adequate access to both the master site and Parcel 2.

- Adequate cross access has been provided throughout the master site and within Parcel 2.
- Pedestrian access has been provided from Avondale Boulevard and McDowell Road through the parking lots by shaded walkways. The site plan includes decorative pavers for pedestrian crosswalks in the parking lot.
- The developer will be responsible for completing the paving, deceleration lanes, median, turn lanes, detached sidewalks, streetlights, and landscaping in the right-of-way along Avondale Boulevard and McDowell Road as part of the first phase of construction.
- The developer will contribute cost contributions toward traffic signals at 116 Avenue and McDowell Road, Avondale Boulevard and Palm Lane, Avondale Boulevard and Encanto, and full costs of all modifications to the existing traffic signal and associated work at northwest corner of Avondale Boulevard. and McDowell Road.
- Based on the proposed uses for all the buildings, the master site is required to have 1,183 parking spaces. The applicant is proposing a total of 1,273. Parcel 2 is required to have 851 parking spaces. The applicant is proposing a total of 891.
- All parcels are sufficiently sized and shaped to allow future development and on-site circulation.

Compatibility with Surrounding Land Uses

- The Palm Gardens single-family residential subdivision is to the north of the property with a PADD zoning designation. The property to the south is zoned PADD. Although most of the property south of the subject site is currently vacant, a portion of this property has been developed as multi-family residential. To the east is zoned C-1 and R1-6, known as Donatela. The C-1 is currently vacant and the Rl-6 is under construction. At the northeast corner of the subject property, there are 3 parcels zoned Rural-43. These parcels will remain under County jurisdiction. The property to the west is zoned Rural-43. This property is developed as an SRP electrical substation. Approximately 580' east of the west property, a 30' SRP electrical easement traverses Parcels 3 and 4. No structures are proposed or allowed by SRP within this easement.
- The buildings will be a minimum of 60 feet from the property line adjacent to the future residences. Parcels surrounding the intersection of Avondale Boulevard and Mc Dowell Road are vacant.
- A 6 foot screen wall will be provided along the north property line adjacent to the future residential section. The proposed development will have a landscape buffer along the north property line a minimum of 25 feet wide. The landscape buffer will contain 24 inch box trees planted approximately 20 feet on center.
- Refuse containers will be located a minimum of 60 feet from the residential property lines to minimize the impact on the surrounding area.

Landscaping and Screening

- A master landscape plan has been provided (Exhibit I). Right-of-way landscaping is included in the preliminary landscape plan and is required as part of the first phase of development of the site.
- 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.
- The applicant is proposing 3 foot screen walls to screen the parking. The screen walls will be required to match the building colors and materials to maintain a consistent architectural theme. In conformance with the Freeway Corridor Specific Plan, screen walls will not be used for more than 25 percent of the screening along Avondale Boulevard or McDowell Road.
- The developer is proposing a pedestrian entry plaza at the southeast corner of the site, at the intersection of Avondale Boulevard McDowell Road.

Building Elevations

- The architecture, materials and colors for the proposed Major B and E, Shops C and Pads B and F are complementary to the overall architectural theme being proposed for the entire site. A contemporary commercial style of architectural was chosen for the development. The colors of the proposed center are

desert earth tones. Materials include stone and slate veneers, clay tiles, textured stucco, splitface CMU block and painted metal accent.

- Visual interest will be provided by varied roof lines, articulated façades, decorative arches, corniced columns and metal awnings. Staff is recommending a stipulation to clarify that future phases will be required to conform to the color and materials palette established by this master site plan.
- All future phases will be required to go through the administrative final site plan review and approval process. Future phase buildings will be required to conform to the architectural theme established by this first set of final site plans when approved.

Signage

- The applicant has submitted a comprehensive sign program for this development.
- Five free standing, double sided monument signs are proposed: three for Parcel 2 and one each for Parcels 3 and 4. Monument signs will be internally lit with routed out metal backgrounds.
- Parcel 2 tenant signs will be individual internally illuminated pan channel letters mounted directly to the wall. Parcels 3 and 4 will be halo-illuminated, reverse pan channel aluminum letters mounted directly to the wall. A stipulation has been added to require that all signs be a uniform color that is consistent with the color palette of the buildings.

FINDINGS:

The proposed master site plan and Parcel 2 final site plan meet the following findings:

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

RECOMMENDATION:

Planning Commission recommends that the City Council accept the findings with the attached 21stipulations and appove site plan application DR-07-8, a request to approve the master site plan and Parcel 2 final site plan of the Avondale Marketplace.

PROPOSED MOTION:

I move that the City Council accept the findings and recommend **APPROVAL** of application DR-07-8, a request for master site plan and Parcel 2 final site plan approval for Avondale Marketplace, subject to the 21 recommended stipulations.

ATTACHMENTS:

Click to download

- DR-07-8 Exhibits

FULL SIZE COPIES (Council Only):

Exhibits H, I, J, K

PROJECT MANAGER:

John Vater, Planner (623) 333-4014

AVONDALE MARKETPLACE
DR-07-8
LIST OF EXHIBITS

Exhibit A -	Zoning Vicinity Map
Exhibit B -	Aerial Photo 2007
Exhibit C -	Summary of Facts
Exhibit D -	Project Narrative
Exhibit E -	Approved PAD Development Plan
Exhibit F -	Comment Letter
Exhibit G -	Draft February 21, 2008 Planning Commission Minutes

FULL SIZE COPIES

Exhibit H -	Master Site Plan Set date stamped February 8, 2008
Exhibit I -	Master Landscape Plan Set date stamped February 8, 2008
Exhibit J -	Color Elevations date stamped February 8, 2008
Exhibit K -	Sign Package date stamped February 8, 2008

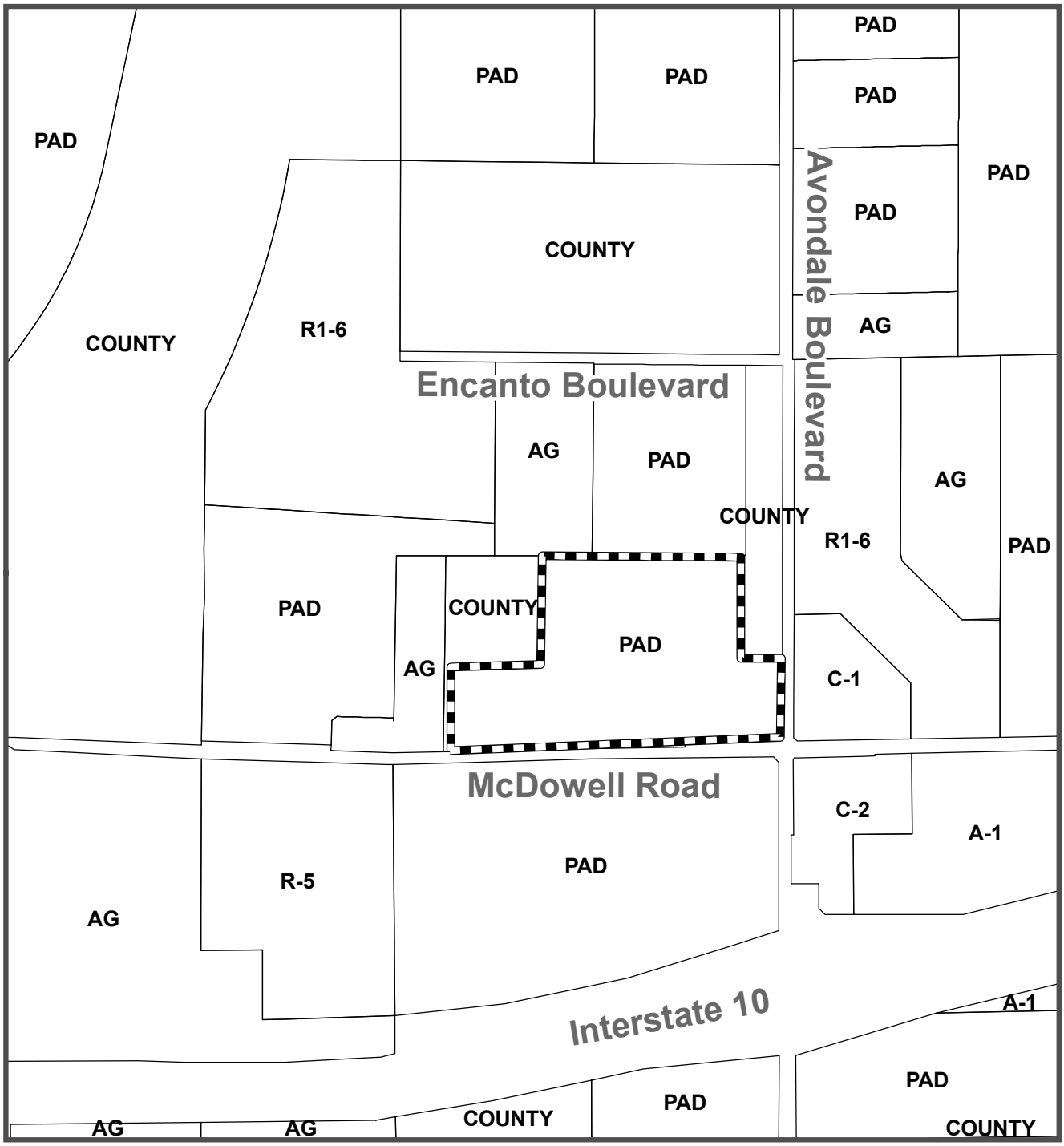
Exhibit A

Aerial Photo 2007

Avondale

Subject Site

Exhibit B



Case DR-07-8

Avondale

Subject Site

SUMMARY OF RELATED FACTS
APPLICATION DR-07-8

THE PROPERTY	
PARCEL SIZE	54.53 Net Acres
LOCATION	Northwest corner of Avondale Boulevard and McDowell Road.
PHYSICAL CHARACTERISTICS	The site is irregular in shape and generally slopes to the southwest.
EXISTING LAND USE	Agriculture
EXISTING ZONING	AG (Agricultural)
ZONING HISTORY	March 6, 2006
DEVELOPMENT AGREEMENT	None

SURROUNDING ZONING AND LAND USE	
NORTH	PAD (Palm Garden) – single family residential
EAST	R-6 (Donatela I) and C-1 - Grading
SOUTH	PAD (Crystal Gardens Commercial) – Agricultural
WEST	Rural 43 (Maricopa County) - Vacant

GENERAL PLAN
Amended from Commercial to Mixed-Use on October 3, 2005

PUBLIC SCHOOLS	
SCHOOL DISTRICT(S)	Pendergast Elementary and Tolleson Union High School
ELEMENTARY SCHOOL	Canyon Breeze Elementary School
HIGH SCHOOL	Westview High School

STREETS	
McDowell Road	
Classification	Arterial
Existing half street ROW	55-65 feet
Standard half street ROW	65 feet
Existing half street improvements	Two traffic lanes with center turn lane at the Avondale Blvd. Intersection.
Standard half street improvements	Three traffic lanes with center turn lane and median. Paving, curb, gutter, detached sidewalk, landscaping and street lights. Deceleration lanes as deemed necessary by City Engineering at time of final

	improvement plan approval.
Avondale Boulevard	
Classification	Arterial
Existing half street ROW	55-65 feet
Standard half street ROW	55-65 feet
Existing half street improvements	One traffic lane with center turn lane at McDowell Road intersection.
Standard half street improvements	Three traffic lanes with center turn lane and median. Paving, curb, gutter, detached sidewalk, landscaping and street lights.
Palm Lane	
Classification	Local
Existing half street ROW	0 feet
Standard half street ROW	25 feet
Existing half street improvements	None.
Standard full street improvements	1 travel lane, paving, curb and gutter, attached sidewalks, street lights and landscaping.

UTILITIES
A 21" sanitary sewer runs along the entire McDowell Road frontage. A 10" and 12" sanitary sewer runs along Palm Lane. A 12" waterline runs along McDowell Road. A 16" waterline runs along Avondale Boulevard An 8" water line runs along Palm Lane.

Exhibit D

Avondale Marketplace
DR-07-8

project narrative

THE BUILDING APPROVALS BEING REQUESTED ARE
WE ARE REQUESTING A SITE PLAN REVIEW FOR A NEW NEIGHBORHOOD CENTER NAMED AVONDALE MARKETPLACE. THE SITE IS LOCATED AT THE NWC AVONDALE BOULEVARD AND MCDOWELL ROAD.

THE PROJECT WILL PROVIDE 212,395 SQUARE FEET OF DIVERSE RETAIL SALES AND SERVICES. THE PROJECT WILL BE COMPRISED OF A WIDE VARIETY OF USES AND DIFFERENT SIZED SHOPS TO SERVICE A WIDE RANGE OF NEEDS TO THE NEIGHBORING COMMUNITY. THE DESIGN OF THE CENTER IS STRONGLY INFLUENCED BY THE NEEDS OF PEDESTRIAN ACCESS. THE SITE CONTAINS AMENITIES TO ACCOMADATE PEDESTRIAN ACCESS FROM BOTH AVONDALE BOULEVARD AND MCDOWELL ROAD BY WAY OF SHADED AND PEDESTRIAN FRIENDLY WALKWAYS.

THE ARCHITECTURAL DESIGN CHARACTER OF THE EXTERIOR OF THE BUSINESSES REPRESENTS A UNIQUE BLEND OF CURRENT CONTEMPORARY COMMERCIAL DESIGN. SHAPES, COLORS, TEXTURES AND MATERIALS SELECTED FOR THE PROJECT ARE BOTH COSISTENT AND AESTHETICALLY COMPATIBLE WITH THE NEIGHBORING ARCHTECTURE AND LANDSCAPE DESIGN. THE PROJECT'S VISUAL ELEMENTS DRAW ON A COMPRISED SIMPLIFIED DETAILS AND TRADITIONAL FORMS. A THEME OF BLENDED AND INTEGRATED MATERIALS WITH DESERT BROWN TONE COLORS PROVIDE A RELAXED ENVIRONMENT.

INTEREST IS PROVIDED BY VARIATIONS IN THE DESIGN AND HEIGHT OF THE ROOF LINES. THE COMBINATION OF DESIGN AND MATERIALS SUGGEST A RELAXED ENVIRONMENT. THE PROPORTIONS OF THE BUILDING PROVIDE A COMFORTABLE PEDESTRIAN SCALE. EACH OF THE EXTERIOR FASCADES ARE ARTICULATED BY THE DECORATIVE ARCHES BETWEEN THE COLUMNS. THE COMBINATION OF THE STONE, TEXTURED STUCCO, CLAY ROOF TILES, DECORATIVE WALL TILES, AND SPLIT FACE MASONRY ARE VISUALLY ATTRACTIVE AND LOW MAINTENANCE.

WE ARE REQUESTING APPROVAL FOR THE FOLLOWING BUILDINGS IN PHASE I WHICH ARE:

MAJOR B
MAJOR E
SHOPS C
PAD B
PAD F

FUTURE BUILDINGS WILL BE REQUIRED TO MAKE A SEPERATE SUBMITTAL.

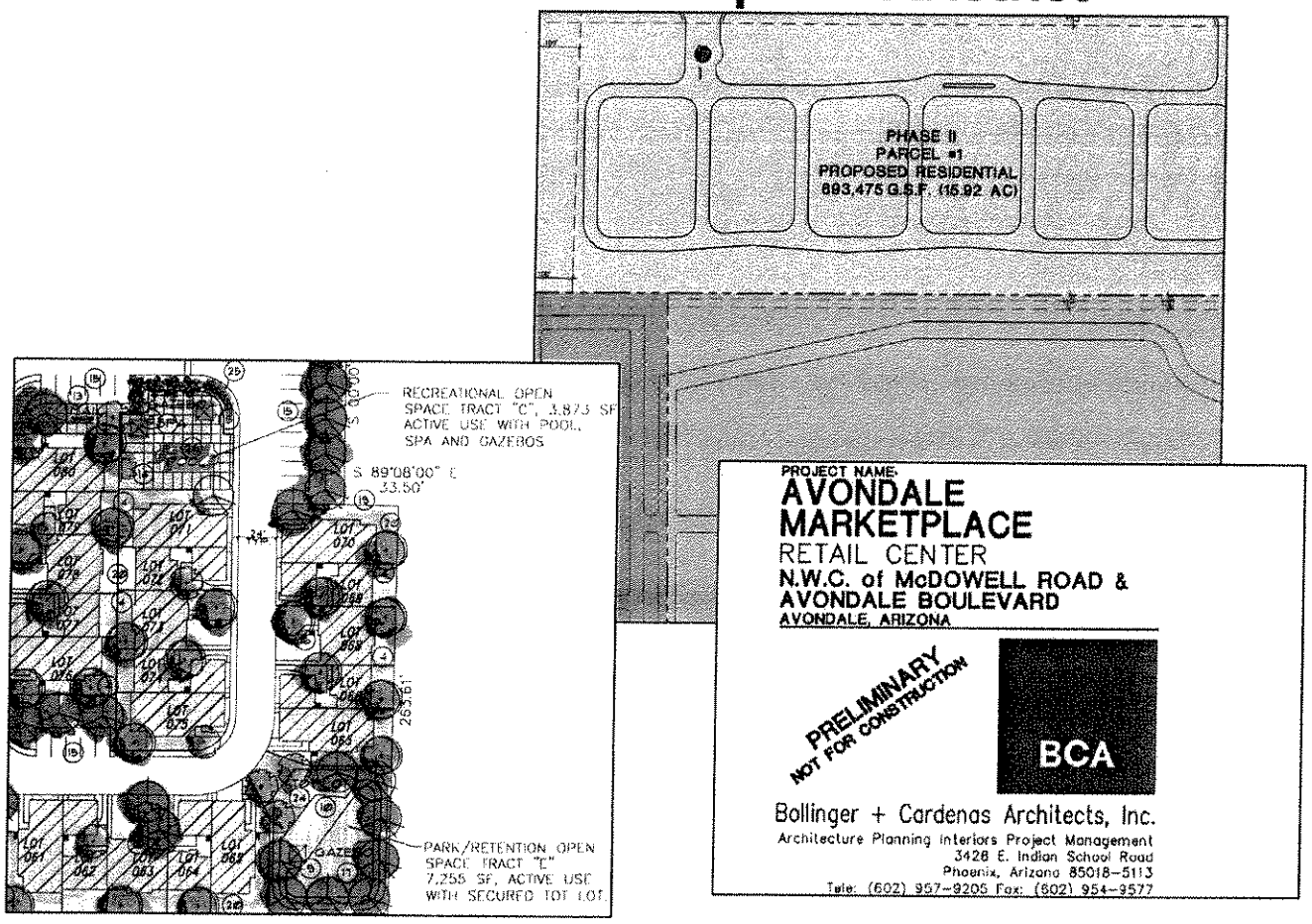
Exhibit E

Avondale Marketplace

Avondale, AZ

NWC Avondale Boulevard and McDowell Road

Planned Area Development District



February 9, 2006

Prepared by:
Felipe A. Zubia, AICP
Beus Gilbert PLLC
4800 N. Scottsdale Rd., #6000
Scottsdale, AZ 85251

Tel: 480-429-3000
Fax: 480-429-3100

Prepared for:
Lewis Patrick
Patrick Properties
P.O. Box 14136
Scottsdale, AZ 85267

Tel.: 480-905-9190
Fax: 480-905-9180

CITY OF AVONDALE
PLANNING AND
FEB 10 2006
BUILDING SERVICES
DEPARTMENT

Z04-12

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Project Team

Location: NWC Avondale Boulevard & McDowell Road	**Acres:** 54.53 Gross acres; 51.42 net acres
Submitted to: City of Avondale Connie Randall 11465 West Civic Center Drive Avondale, Arizona 85323 623-478-3333 623-478-3824 FAX Email: Crandall@avondale.org	**Prepared for Developer:** Patrick Properties P.O. Box 14136 Scottsdale, Arizona 85267 480-905-9190 480-905-9180 FAX Contact: Michelle Sivertson Email: michelle@patrickproperty.com
Owner: RayRoad, LLC P.O. Box 14136 Scottsdale, Arizona 85267 480-905-9190 480-905-9180 FAX Contact: Lewis E. Patrick michelle@patrickproperty.com	**Applicant:** Beus Gilbert PLLC 4800 North Scottsdale Road Suite 6000 Scottsdale, Arizona 85251 480-429-3002 480-429-3100 FAX Contact: Paul E. Gilbert, Esq. Email: fezubia@beusgilbert.com
Architect: Bollinger & Cardenas Architects, Inc. 3428 E. Indian School Road Phoenix, AZ 85018 (602) 957-9205 (602) 954-9577 FAX Contact: Boris Gaedtke Email: bgaedtke@bcaarch.com	**Project Engineer:** DRW Engineering, Inc. 10320 W. McDowell Road, Suite K1136 Avondale, AZ 85323 623-478-8800 623-478-8841 FAX Contact: Debbie Rowe Email: drowe@drwengineering.com
Residential Development: Developer: Greenlight Realty Contact: Ryan Harris Architect: Sherbondy Art & Architecture 5118 N. 9th Avenue Phoenix, AZ 85013 (602) 246-2002 (602) 242-2264 FAX Contact: Don Sherbondy Email: designstudio@cox.net	**Traffic Engineer:** Kirkham - Michael 9201 N. 25th Avenue # 150 Phoenix, AZ 85021 602-328-6592 602-944-6592 FAX Contact: Ashish Egrawal Email: aagrawal@kirkham.com
Landscape Architect: TBD	**Submitted:** March 30, 2005 August 8, 2005 December 02, 2005 February 9, 2006

Property Description

Location, Boundaries and Size

The proposed development is located at the NWC of Avondale Boulevard and McDowell Road. The property is bounded on the south by McDowell Road, on the east by Avondale Boulevard, on the north by Palm Lane and on the west to northwest by the SRP electrical substation. A Vicinity map is provided as Exhibit A and a Photo Location map is provided as Exhibit B. The project encompasses approximately 54.53 gross acres. A Legal Description is provided as Exhibit C.

The subject site is not annexed. However, A request for annexation of the subject property is pending with the City of Avondale. The request for annexation will be heard by the Council prior to the request for rezoning.

Existing and Proposed Zoning

The Property is currently vacant and is zoned Rural-43 under Maricopa County jurisdiction. The purpose of this request is to rezone the property from its current designation to allow for a Mixed-Use Planned Area Development District (PADD). This would allow for a mixed development that would accommodate neighborhood retail, residential and office uses.

Surrounding Land Uses, Zoning and Existing Conditions

To further assist in reviewing this proposal, an Aerial and Surrounding Zoning Map is provided as Exhibit D. This Exhibit illustrates the existing conditions on-site and the surrounding development.

North: The property, Palm Gardens, is developed as single-family residential homes with a PADD zoning designation. The typical lot size in this development is 6,000 square feet (55' x 110').

South: The property to the south is zoned PADD. Although most of the property south of the subject site is currently vacant, a portion of this property has been developed as multi-family residential.

East: To the east is zoned C-1 and R1-6, known as Donatela. The C-1 is currently vacant and the R1-6 is under construction with a typical lot size of 7,300 square feet (63' x 116'). At the northeast corner of the subject property, there are 3 parcels zoned Rural-43. These parcels will remain under County jurisdiction.

West: The property to the west is zoned Rural-43. This property is developed as an SRP electrical substation. Approximately 580' east of the west property, a 30' SRP electrical easement traverses Parcels 3 and 4. No structures are proposed or allowed by SRP within this easement.

Conformance with Plans

Consistency with the City Initiated General Plan Amendment

Mayor and City Council recently approved the City initiated General Plan amendment for the property from Commercial to Mixed-Use. Referring to the General Plan, the following definition of the Mixed Use Land Use designation is provided:

> ***Mixed Use**: This use provides for a mix of high intensity uses with a retail commercial emphasis. This designation may include a maximum of 45% residential use. Mixed uses may include neighborhood and community retail, residential, hotel/motel, and employment.*

Specifically, the General Plan sets forth the objective to "encourage mixed-use development that provides nearby "captive" markets for retail uses." In order to continue to participate in these economic development efforts, the General Plan further states, that new retail developments should be strategically located near potential markets within the City. This proposed development meets this objective and satisfies these policies.

As indicated above, this development will increase the City's sales tax revenues by providing employment and retail services to both residents and visitors. This development will also provide a residential element, which will allow for a truly mixed-use development where individuals can live, work and shop.

The proposed development further meets the City's policy to encourage mixed-use development that provides nearby "captive" markets for retail uses. The proposed development will accommodate neighborhood retail, office, residential, and business park uses. Therefore, it is indeed classified as a mixed development. Furthermore, the proposed development is strategically located at the corner of two arterial streets.

Consistency with the Freeway Corridor Specific Plan (the "Plan")

The subject property is also located within the boundaries of the City's Freeway Corridor Specific Plan. The General Plan indicates that the goal for this area is to provide employment opportunities for the City's residents as well as to contribute to the City's economy and to provide services to the residents and businesses. The proposed development accomplishes these goals.

The Corridor is viewed both as a place for employment and for residence. Because of its accessibility to other metropolitan area activity centers via Interstate 10 ("I-10"), this vicinity is being planned for maximum orderly capacities in terms of the jobs it may accommodate and the people it may house.

The proposed development meets the Plan's goal and objective to encourage the full spectrum of regional and community services, employment opportunities, and residential uses to establish a "destination" location where people can live in close proximity to their work. Urban design standards and concepts established by the Plan will serve to make the Corridor a distinctive experience and setting.

The Avondale Freeway Corridor, throughout this Specific Plan, has been referred to as an area that is appropriate for mixed land use development and the proposed development will serve to accomplish this objective.

Over time, the Freeway Corridor area is expected to function as the economic heart of the City of Avondale. The proposed development helps to achieve this goal by providing office uses, residential uses, retail shopping uses and entertainment as set forth in the Plan.

Boulevard Streetscape

One of the objectives of the Freeway Corridor Plan is, in part, "to establish a distinctive image to the Corridor and the City of Avondale". To carry out this objective, the proposed development will provide increased right-of-way landscaping improvements as required by the City. The Southern Live Oak shall anchor the Boulevard theme.

The "Boulevard" streetscape concept will be comprised of consistent and repetitive use of the Southern Live Oak and complementary landscape materials. Pedestrian circulation will also be upgraded by providing wide, shaded sidewalks separated from the street by landscaping and by specially paved pedestrian street crossing. The Boulevard elements will be designed to enhance pedestrian circulation as well as comfort to promote a "pedestrian-friendly" environment. Increase right-of-way landscaping to accomplish the boulevard theme will be provided as required by the City.

Project Description

Overall Description

The purpose of this request is to rezone the property from its current designation to allow for a mixed-use Commercial Planned Area Development District (PADD). This would allow for a mixed development that would accommodate neighborhood retail, residential and office. This proposal is in conformance with the City's proposed General Plan amendment. Avondale Marketplace is located within the boundaries of the City's Freeway Corridor Specific Plan and it is compatible and in conformance with it as well.

Data Table

	Gross Acres	Right-of-Way	Net Acres
Acreage	54.53	2.11	51.42

Master Site Plan and Site Plan Review

A Master Site Plan for the Commercial/Office development shall be processed and approved by Council following zoning approval. Master Site Plans shall encompass a minimum of 10 acres. Thereafter, each individual Commercial/Office site may process an individual site plan for administrative review and approval.

Flood Zone Determination

The subject property is located within flood zone "X", based on FIRM maps numbers 04013C2085F and 04013C2080H.

Proposed Land Use Development Map

Proposed Land Use Development Map

The developer plans to incorporate major retail anchors, ranging from 30,000 to 100,000 square feet, with several additional retail shops and pads. Major retail anchors in excess of 100,000 square feet are permitted with a Conditional Use Permit. As a mixed-use development, Avondale Marketplace also includes a high-end attached single-family residential component. A copy of the Proposed Land Use Development Map is provided as Exhibit E.

Traffic Analysis

A Traffic Analysis for Avondale Marketplace has been provided with this submittal. As requested by staff, the Traffic Analysis utilizes the City of Avondale traffic counts.

Project Phasing

The project-phasing schedule is not definite however, immediately following Council approval it is our intent to proceed with one or two master site plan approvals for all the Commercial/Office parcels. Master site plans for the Commercial/Office Parcels shall be a minimum of 10 acres. The preliminary plat for the single-family residential will follow the first Commercial/Office site plan.

PHASING SCHEDULE				
Phase	Parcel #	Use	Master Site Plan	Building Plans
I	3 and 4	Commercial/Office	Spring 2006	Spring 2006
I	2, 3 and 4	Perimeter Streets	Spring 2006	Spring 2006
II	1	Residential	Summer 2006	Summer 2006
III	2	Commercial/Office	Spring 2006	Fall 2006

The associated off-site infrastructure in McDowell and Avondale Boulevard adjacent to the PAD will be installed as part of Phase I.

Commercial and Office Sub-Area Criteria

Allowed Uses

Referring to Exhibit E, Parcels 2, 3 and 4 constitute the Commercial Office sub-area. This area will allow various commercial and office land uses listed below provided all uses are indoor and within enclosed buildings and no single-user shall be in excess of 100,000 square feet of gross floor area.

Principally Permitted Uses – The following uses are authorized:

1. Retail sales of new merchandise within enclosed buildings;
2. Personal services:
   a. Barber shops, nail salons, beauty salons, tanning salons;
   b. Day Spa (which provides a variety of personal services such as hair styling, manicures and pedicures, makeup, facials, tanning, massage, and other related services) excluding Sexually Oriented Businesses and tattoo parlors;
3. Medical, dental, or health offices;
4. Child care center;
5. Music or dance schools;
6. Banks and financial institutions;
7. Full service restaurants, delis, coffee shops, and similar eating establishments;
8. Alterations, Tailoring;
9. Professional and administrative offices;
10. Employment agencies excluding day labor centers;
11. Veterinary hospital, office, and clinic, excluding animal boarding;
12. Schools and educational institutions;
13. Video and or music CD/DVD rental or sale.

Permitted Uses subject to Conditions – The following uses are allowed subject to the listed conditions:

1. Auto leasing:
   a. Not more than 10 vehicles stored on site;
   b. Lease vehicles shall be stored to the rear of the main anchor buildings;
2. Mini-Storage:
   a. Only located on parcel 3;
   b. No outdoor or vehicle storage;
3. Health and exercise centers:
   a. Maximum usable square footage of 3,000 square feet.
4. Laundry, cleaning, and dry cleaning establishments, limited as follows:

a. Maximum of one thousand (1,000) square feet of floor area to be occupied by or devoted to machinery to be used for laundry, cleaning, dyeing, and finishing work;
b. Retail service to individual customers only and no wholesaling of any commodity or service shall be permitted.

5. Drive-Thru facilities:
   a. Pick-up window shall be incorporated into the primary building through the use of a canopy;
   b. Pick-up window shall not face Avondale Blvd. or McDowell Rd.;
   c. All drive-thru facilities shall be reviewed and approved concurrent with the master site plan;
   d. A minimum of 75 feet of vehicle stacking measured from the menu board shall be provided;

Permitted Uses, subject to a Conditional Use Permit – The following uses may be allowed subject to Section 108, Conditional Use Permits, of the Avondale Zoning Ordinance:

1. Health and exercise centers greater than 3,000 square feet of usable floor area;
2. Any single retail use that is greater than one-hundred thousand (100,000) square feet of gross floor area;
3. Indoor Commercial/Entertainment such as Ice Skating, Roller Skating, Batting Cage, Bowling Alley, and Driving Range;
4. Automotive Supply Store, indoor.
5. Churches or similar places of worship;
6. Technical School or business school.

Accessory Uses – The following uses are allowed as accessory uses directly related to an approved use:

1. Outdoor Dining
2. ATM (Automated Teller Machine)
3. Accessory buildings, structures and uses customarily incidental to an approved use

Prohibited Uses – The following uses are prohibited:

1. Auto diagnostic, lube and tune, auto service, auto repair, auto body, or any other similar automotive use;
2. Sexually Oriented Businesses;
3. Bar, tavern, cocktail lounge, excluding restaurants, delis, or cafés;
4. Automatic, full service, or self service carwashes;
5. Car sales, new or used;
6. Day labor hiring center;
7. Gas service station;

8. Hotel or motel;
9. Self service Laundromat;
10. Liquor stores;
11. Office warehouse;
12. Outdoor display, except through a Temporary Use Permit and outdoor uses, excluding outdoor dining;
13. Shooting ranges;
14. Any use not expressly permitted herein.

Development Standards

Development standards for the Commercial/Office development are provided below.

Standard	Commercial/Office Parcels
Minimum Lot Width	None
Minimum Lot Depth	None
Maximum Lot Coverage	None
[+]Maximum Height	30'
McDowell Road Setback to Building/Parking	30'/40'
Avondale Boulevard Setback to Building/Parking	25'/25'
Interior Setback	None
Building Setback from a Residential Use	25'
Minimum Side Yard Setback – Building	0'
Minimum Rear Yard Setback	0'

Lighting

Exterior lighting shall be consistent throughout the project area and shall comply with the City of Avondale Outdoor Lighting Ordinance. All lighting shall be fully shielded, directed down, and have a maximum 1-foot candle at the property line. A photometric plan shall be provided with the Master Site Plan application. Additionally, the following standards shall apply:

[+] Maximum height may be exceeded by not more than 5' for parapet. Additionally, architectural embellishments may project up to 40' not used for human occupancy.

- Accent lighting of selected architectural, landscape and/or hardscape features will be allowed and is encouraged. Said lights shall be fully shielded.
- Exterior site lighting fixtures will be located and oriented to focus light inward from the residential parcel, Avondale Boulevard and McDowell Road.
- All primary light fixtures shall be metal halide
- The design of lighting fixtures and their structural support shall be of a scale and architectural design compatible with on-site buildings.
- Fixtures that illuminate large areas from a single source are prohibited.
- Pedestrian scale lighting features shall be provided in areas designed for pedestrian activities such as plazas, courtyards, pathways and seating areas, but excluding parking only areas. Such pedestrian lighting fixtures will complement the general architectural style of the development.
- The use of decorative wall-mounted sconces or light fixtures is encouraged.
- Exterior building lighting for egress and/or security will be located and oriented to focus light downward over egress and delivery doors.
- Bases for pole-mounted lighting shall be concrete and shall be integrally colored to match the shopping center.

Screening

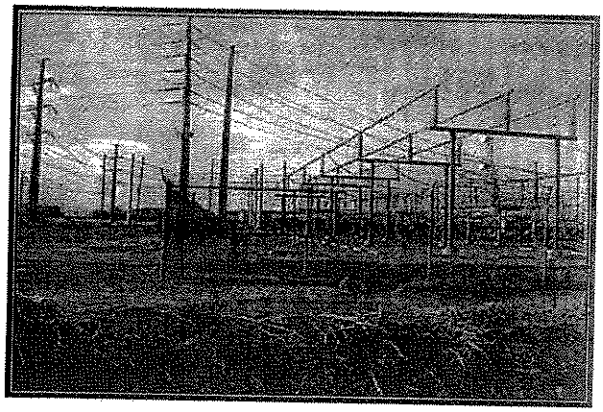
Where screening is required by this document, a combination of elements shall be used including solid walls, berms, and landscaping. All screening, including parking lot, trash enclosure, loading and utility screening shall be architecturally compatible with the adjacent building in terms of materials and colors. Trash enclosures shall be sited away from project entrances and major circulation routes. In conformance with the Freeway Corridor Specific Plan, screen walls shall not be used for more than 25 percent of the screening along McDowell Road or Avondale Boulevard.

Parking

All development shall comply with the parking requirements, identified in Section 804 of the Zoning Ordinance. Appropriate street dedications will be provided as required by the City. A minimum of 15% of any parking area adjacent to McDowell Road shall be landscaped. Shopping cart corrals in parking lot areas shall be designed in a complementary fashion to the building they serve.

Buffers and Landscaping

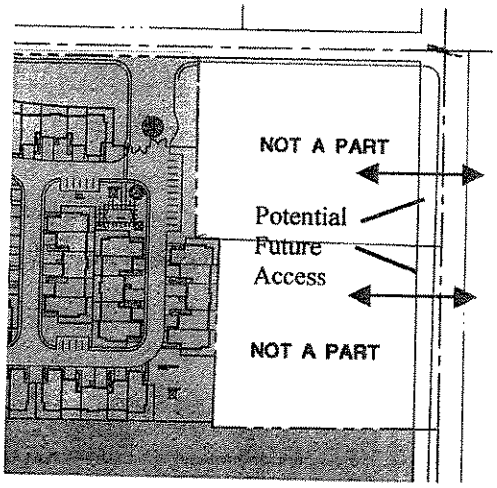
The Commercial and Office parcels of Avondale Marketplace shall provide a 25' landscape buffer directly adjacent to Parcel 1, the residential parcel. No Parking shall be allowed in this buffer.



The development has been thoughtfully designed so that the commercial and office uses are easily noticeable and accessible from the two arterial streets. Further the commercial development on Parcel 3 has been designed to screen the existing SRP Substation from Avondale Boulevard, McDowell Road and the future office development on Parcel 4.

Exception Parcel Access

Future access to property outside Avondale Marketplace at the northeast portion of the site will be provided via Avondale Boulevard.



Architectural Design

The architectural design, including color and material palettes, for the Commercial and Office sub-area shall be reviewed and approved with a Master Site Plan. Architectural design shall be consistent with the following architectural elements:

- No service door, bay or loading area shall front onto Avondale Boulevard or McDowell Road.
- For all buildings at least two of these elements shall repeat horizontally. Buildings with facades greater than 100 feet in length shall include several of the elements listed below, repeated at appropriate intervals, either horizontally or vertically:
  - Color change. Recognizable, but not strongly contrasting.
  - Texture change.
  - Material change.
  - Architectural variety and interest through a change in plane such as offsets, reveals, archways or projecting ribs.

- Wall plane projections or recesses.

- Variations in rooflines or parapets shall be used to reduce the scale of the buildings. Roof size, shape, material, color and slope shall be coordinated with the scale and theme of the building.
- Service and exit doors shall be recessed and integrated into the architecture of the elevations.
- Reduction of building mass shall be achieved by using a combination of the following techniques:
  - Variation in the rooflines and form.
  - Use of ground level arcades and covered areas.
  - Use of protected and recessed entries.
  - Use of vertical elements on or in front of expansive blank walls.
  - Use of pronounced wall plane offsets and projections.
  - Use of focal points and vertical accents.
  - Inclusion of windows on elevations facing streets and pedestrian areas. Retaining a clear distinction between roof, body and base of a building.
- Roof lines, relative building heights, orientation of entrances and other major architectural elements of the buildings shall be designed within the context of the overall PADD. Building design shall complement the surrounding area, with contrast encouraged where appropriate or beneficial to the overall development.
- Service entries, site-mounted equipment, trash containers and other ancillary structures shall be screened from view, both from adjacent properties and surrounding streets.
- All buildings shall be designed and constructed so that all four sides of a building shall receive consistent architectural treatment.
- Expansive vertical surfaces shall be modulated or designed with offsets to reduce the appearance of scale.
- Any accessory buildings, enclosures, carports, and equipment, whether attached or detached from the principal building shall be of similar compatible design and materials as the principal building.
- The design of service and loading areas shall be designed as an integral part of the building architecture.
- Any roof access ladders shall be located inside the building.
- All roof drainage shall be interior roof drains.

Building Materials

The architectural design, including color and material palettes, for the Commercial and Office sub-area shall be reviewed and approved with a Master Site Plan. Building within the PADD shall be consistent with the following building materials:

- Primary buildings materials shall include: common clay brick; poured in place, tilt-up or pre-cast concrete provided that surfaces include scoring, texture or have a painted finish textured concrete or panels; stucco or EIFS (exterior insulated finish systems) type systems provided that finishes must be smooth or sand finish; integrally colored concrete block, smooth face and/or split-face block units; or other similar materials.
- All tilt or pre-cast concrete panels or smooth face block shall include methods for improving the design such as: additional color and texture, bays, windows, notched parapets, canopies, reveals, building wall undulation, corner windows, additional materials etc.
- Accent materials shall include: granite, marble, natural stone, block, brick, ceramic tile, treated wood, metal, or other similar materials.
- Roofs may be flat with parapet walls, or sloped with concrete tile, standing metal seam, or equivalent architectural materials.

The following building materials shall be prohibited:

- Exposed plain concrete block
- Exposed untreated plain concrete tilt
- Wood as a primary building material
- Corrugated metal
- Standing seam metal roofs
- Pre-engineered metal siding

<u>Color Palette</u>

The architectural design, including color and material palettes, for the Commercial and Office sub-area shall be reviewed and approved with a Master Site Plan. Buildings within the PADD shall be consistent with the following:

- Colors and materials should be used to create visual harmony within the PADD. The approved colors are as follows:

  - Primary building colors shall be desert hues and other "earth tones" muted shades of blues, greens, yellows, and reds found in the natural desert, and colors appearing in natural stone.
  - Accent colors on buildings shall complement the primary building colors and include combinations of desert hues, earth tones, muted shades of blues, yellows, greens, reds and colors found in natural stone. Brighter colors such as orange, red, blue, green, yellow, purple and similar colors may be used as accents on retail buildings as approved in the Site Plan review process.

Site Design

The site design for the Commercial and Office sub-area shall be reviewed and approved with a Master Site Plan. The Master Site Plan shall include a list of proposed uses. Any proposed uses requiring a Conditional Use Permit shall be reviewed and approved as part of the Master Site Plan. Unless otherwise modified by this document, the site design shall conform with the applicable City of Avondale Zoning Ordinance requirements, as amended from time to time. Parking canopies, if provided, shall be painted with complementary colors to the building it serves. Additionally, parking canopies shall not front onto McDowell Road or Avondale Boulevard.

Landscape Design

Landscaping shall meet or exceed the landscaping requirements set forth in Sections 2 and 6 of the Zoning Ordinance and the Freeway Corridor Specific Plan. All development in the commercial/office master plan shall comply with screening standards identified in Sections 2, 5 and 6 of the Zoning Ordinance as well as those identified in the Freeway Corridor Specific Plan.

The landscaping will provide for the "boulevard" streetscape for McDowell Road as required by the Freeway Corridor Specific Plan.

Infrastructure

Conceptual grading/drainage, water and sewer design shall be reviewed and approved as part of the Master Site Plan review and approval process. Water and Sewer for the Commercial Office sub-area shall be public. All infrastructure shall meet the City's requirements.

- Grading and Drainage

  The PADD site slopes from the northeast to the southwest. Preliminary grading and drainage plans will be submitted with the Master Site Plan. On-site retention basins will be designed and constructed as part of the development of each parcel or combination of parcels as approved in the Construction Plans.

- Water

  The site is served water with an 8-inch line in Palm Lane, a 16-inch line in Avondale Blvd., and a 16-inch line in McDowell Road, which extends across approximately 40% of the McDowell Rd. frontage. Additional water lines will be designed and constructed to serve individual parcels or combination of parcels as approved in the Construction Plans.

- Sewer

The site is served sewer with 10-inch and 12-inch lines in Palm Lane and a 21-inch line in McDowell Rd. The average daily sewer flows can be estimated based on the City of Avondale Engineering Design Standards Book. The exact sewer flows will not be known until Master Site Plan approval. Sewer lines will be designed and constructed as part of the development of each parcel or combination of parcels as approved in the Construction Plans.

- Fire Hydrants

Fire hydrants will be installed at spacing consistent with use and structures as required by building and fire codes. Additional fire hydrants and water lines may be required for individual parcels depending on the Master Site Plan approval. Domestic and fire flow requirements can not be calculated until Master Site Plan approval and specific users and square footages are known, however, the development of the site will meet the City of Avondale fire flow and supply requirements.

Miscellaneous

- Ownership and Maintenance

Parcel 2 will be governed by a set of Covenants, Conditions and Restrictions that will be utilized to facilitate cross-access, joint parking and drainage. The CC&R's will govern the maintenance responsibility and enforcement for all common and private areas.

Parcel 3, will be self-contained and will be responsible for retaining its own stormwater and providing for its own parking. The CC&R's will govern the maintenance responsibility and enforcement for all common and private areas.

Parcel 4, will be responsible for retaining its own stormwater and providing for its own parking however, a cross-access easement with Parcel 2 will be provided to facilitate internal circulation and reduce traffic on McDowell Road. The CC&R's will govern the maintenance responsibility and enforcement for all common and private areas.

Sign Criteria

These sign standards are proposed for the Commercial/Office development, Parcels 2, 3 and 4. A Comprehensive Sign Plan shall be reviewed and approved as part of the Master Site Plan prior to the issuance any sign permits for the Commercial/Office Development. The Comprehensive Sign Plan shall address the architectural design, letter style and color for all signs, which shall be uniform throughout the center and complementary to the approved building architecture.

- Justificication

This project is located at a major intersection and approximately ¼-mile north of Interstate 10. This property is strategically located to not only serve local residents but also to provide complementary retail support services to the regionally situated properties adjacent to I-10. These standards are less than what is anticipated on the Regional Commercial parcels on the south side of McDowell Road. These standards are intended to be complementary to the anticipated Regional Commercial signage anticipated south of McDowell Road.

The landlord shall approve all signs, in writing, prior to installation. Sign permits for design and location must be obtained from the City of Avondale prior to the installation of any sign.

- PARCEL 2

Free-Standing Signs

The following ground signs are the only ground signs permitted on Parcel 2. All monument signage shall provide illumination of copy and logos only, with routed out metal backgrounds.

1. Free-Standing Multi-Tenant signs. Three monument identification signs, with a minimum spacing between signs of 100', shall be allowed on Parcel 2 as follows: (An additional 2' in height may be allowed for architectural embellishments)

    a. Major Entry – Two 12' – 6" tall 75 square foot signs,
        i. one (1) on Avondale Boulevard and
        ii. one (1) on McDowell Rd.
    b. Minor Entry – One 10' – 6" tall 66 square foot sign,
        i. one (1) on McDowell Rd.

1. All signs to be located 1' behind property line out of traffic visibility perimeters.

2. All metal surfaces shall be painted to match the center colors.

3. All freestanding signs will incorporate the required base landscaping per City of Avondale Zoning Ordinance Requirements.

Parcel 2 Directional Signs

When required to assist the flow of traffic, (i.e. drive thru, exit, enter, etc.).

directional signs are permitted. Such signs shall not exceed 4.8 square feet in area or a height of 3 feet. Directional signs shall not identify businesses.

Parcel 2 Major Tenant Wall Signs

1. A Major store is defined as a tenant or owner with a building area exceeding 30,000 square feet.
2. A Major store will be allowed six (6) attached building signs for the South elevation. The maximum area allowed will be 1 square foot of signage per building foot frontage.
    a. A major tenant shall have a maximum height of 5' letters to identify the name of the business.
    b. Ancillary signs on the South elevation shall have a maximum copy height of 2'-0".

Parcel 2 Shop Tenants wall Signs

Shop tenants are defined as those tenants having leased area of less than 29,999 square feet.

1. Tenant shall have one wall sign per street frontage of individual interior illuminated pan channel letters mounted on the stucco fascia. Tenants with two street fronts may have a sign on each street front.

2. Wall signs shall use integral color 1/8" Plexiglas inserts with standard 3/4" trim cap. Trimcap and returns shall be dark bronze color (Mathews # 41-313). Returns to be five inches (5") deep.

3. Maximum and minimum copy heights are as follows:

Upper and Lower case letters (based on the upper case letter)	maximum 36" minimum 16"
All upper case letters	maximum 36" minimum 16"

Signs with two rows stacked shall have a maximum total height of 5' 0". Overall length of any sign not to exceed 80% of the leased frontage on which it is placed. The maximum individual letter, logo, or cabinet height shall not exceed 36" inches or 70% of the narrowest portion of the vertical fascia height on which it is placed.

4. Permanent signs.
   Wall signs: 1 square feet of sign area for each front foot of building.

5. Letter style and color shall be subject to City approval through the

Comprehensive sign plan.

6. Each sign package shall be subject to review and approval by the Developer/Landlord and the City of Avondale.

7. The overall length of any sign shall not exceed 80% of the leased frontage on which it is placed. The overall height not to exceed 70% of the narrowest portion of the vertical fascia height on which it is placed.

- PARCEL 3 and 4

Free-Standing Signs

a. Parcel 3 – One 6' tall 28 square feet monument sign.
    i. One (1)
b. Parcel 4 – One 6' tall 28 square feet monument sign.
    i. One (1)

Parcel 4 Office Tenants

Permanent Sign Area

Wall signs: 1 square feet of sign area for each foot of building frontage on the longest front. For all other building elevations, 1/2 square feet of sign area per building front.

i.e.: A building that has a 30' x 100' front will be allowed to use their 100 square feet of sign area on the length of the building that holds the 100 feet in length. The remaining other elevations will be allowed to utilize only ½ of their approximate building length for sign square footage. For example a 30' side elevation can have 15 square feet of signage. The main longest front of 100' can have 100' of square footage for signage.

Each sign shall be subject to review and approval by the Developer/Landlord and the City of Avondale.

Residential Sub-Area Criteria

Allowed Use

Referring to Exhibit E, Parcel 1 is proposed as a single-family attached residential project.

Principally Permitted Use – The following use is authorized:

1. Attached or detached Single-Family Residential
2. Multi-Family Residential for fee simple ownership

Permitted Uses subject to Conditions – The following uses are allowed subject to the listed conditions:

1. None

Permitted Uses, subject to a Conditional Use Permit – The following uses may be allowed subject to Section 108, Conditional Use Permits, of the Avondale Zoning Ordinance:

1. None

Accessory Uses – The following uses are allowed as accessory uses directly related to an approved use:

1. Accessory buildings, structures and uses customarily incidental to an approved use

Prohibited Uses – The following uses are prohibited:

1. All uses not specifically listed herein

Development Standards

A full discussion of the proposed residential development, along with identifying exhibits is provided as Exhibit F of this document.

Standard	Parcel 1 (Residential Parcel)
Acres	15.92
Maximum Density	8.5
Maximum Units	135
Housing Type	Rear Loaded Single Family (attached or detached) Multi-Family (condominium or attached town houses)
Parking	2 Car Garage/Unit
	1 visitor parking space for every two units.
Minimum Lot Width	27 feet
Minimum Lot Depth	70 feet
Maximum Lot Coverage	60%
Minimum Lot Area	1,900 Sq. Ft.
[1]Maximum height	30 feet
Setbacks	
Rear	7 feet
Front	3 feet
Side	0 feet for attached units 7 feet from any adjacent building
From single family use or district	15 feet for single-family (attached or detached) measured from property line. 50 feet for multi-family measured from property line
From Substation	100 feet, measured from substation property line

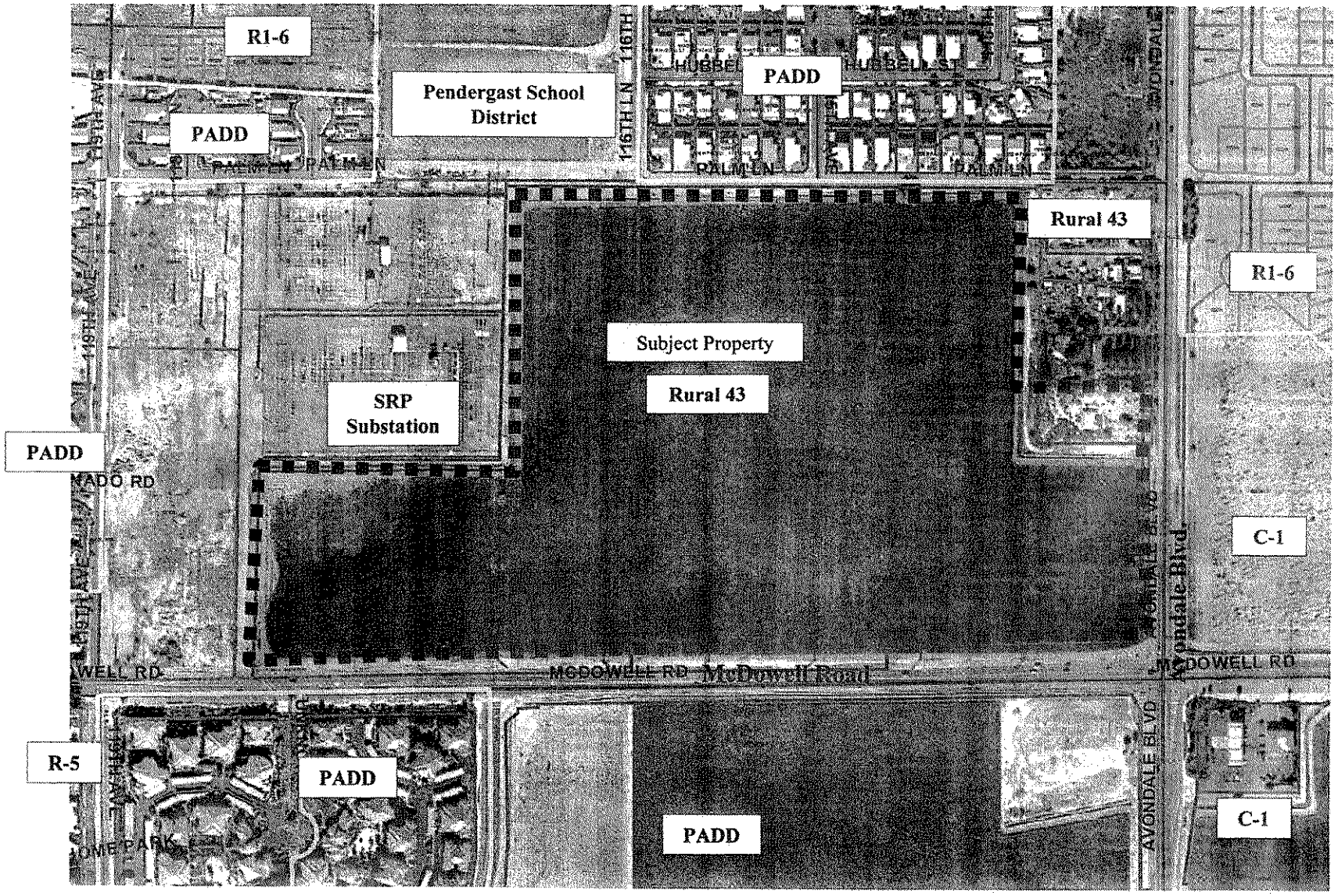
Architectural, Site and Development Criteria

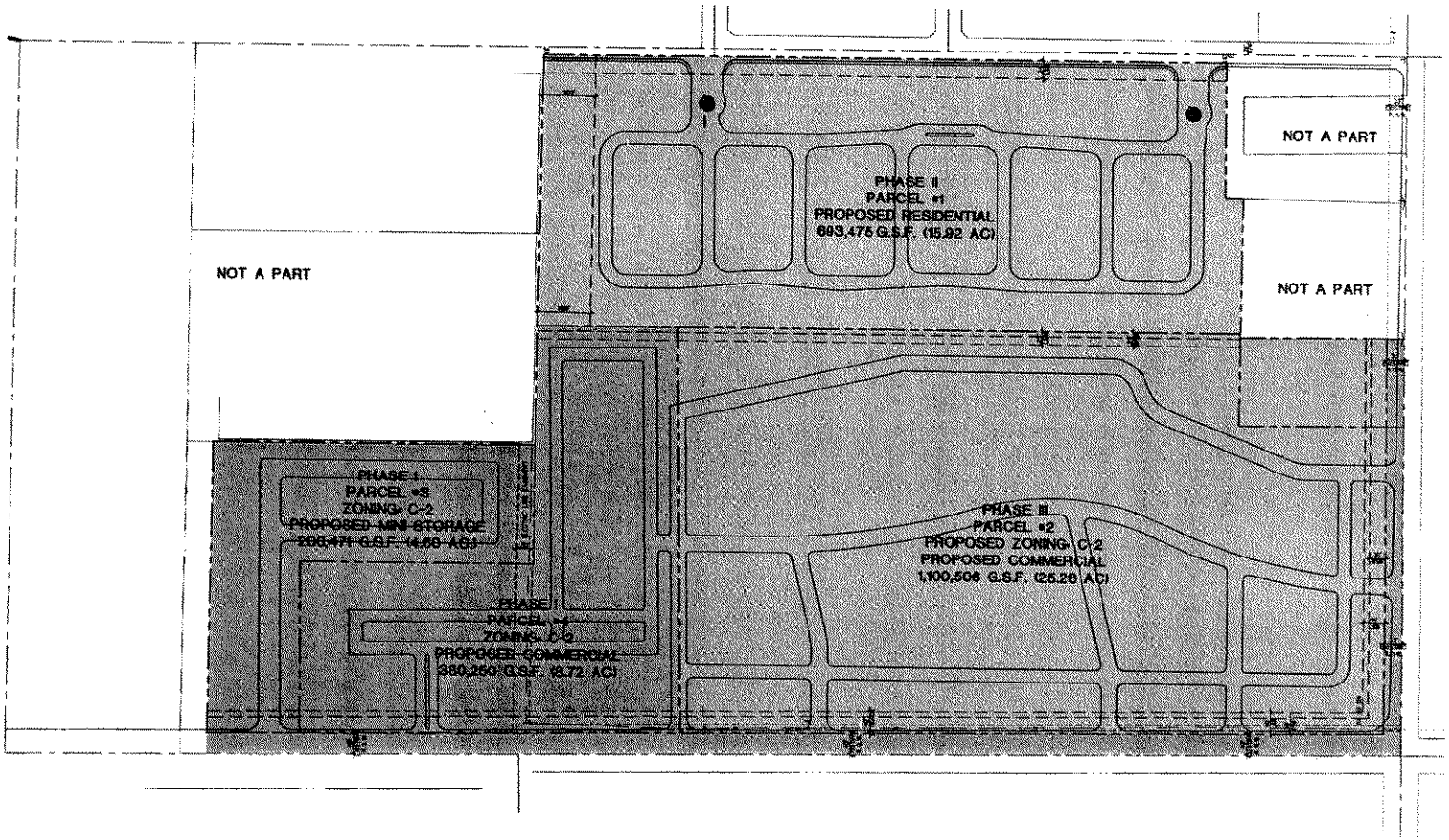
A full discussion of the proposed residential development, along with identifying exhibits is provided as Exhibit F of this document. The residential project design shall comply with the provisions of Exhibit F.

[1] Maximum Height may be exceeded by not more than 5' for parapet or architectural embellishments.

AERIAL and SURROUNDING ZONING MAP

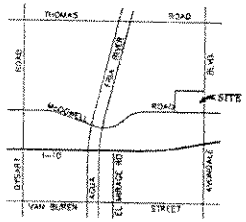
NWC Avondale Boulevard and McDowell Road





PHASING PLAN

SCALE: 1"=100'-0"



VICINITY MAP

SCALE: 1"=1

OVERALL SITE DATA:

EXISTING ZONING	RURAL #3
PROPOSED ZONING	PAD
GROSS SITE AREA	2,375,708 G.S.F. (54.53 AC.)
NET SITE AREA	2,240,103 N.S.F. (51.42 AC.)

PRELIMINARY - Not for Construction or Recording

PROJECT NAME:

AVONDALE MARKETPLACE

RETAIL CENTER

N.W.C. of McDOWELL ROAD & AVONDALE BOULEVARD

AVONDALE, ARIZONA

BCA

Bollinger + Cardenas Architects, Inc.
Architecture Planning Interiors Project Management
3428 E. Indian School Road
Phoenix, Arizona 85018-5113
Tele: (602) 957-9205 Fax: (602) 954-9577

PHASING PLAN

△ REVISIONS:

SCALE : 1"=100'-0"

DATE : 11/16/05

JOB # : 104305

☐ SCHEMATIC DESIGN
■ DESIGN DEVELOPMENT
☐ CONST. DOCUMENTS
☐ BID/PRICING PACKAGE
☐ CONSTRUCTION ISSUE

SHEET

A1.0

OF # SHEETS

Exhibit F

1634 N. Avondale Blvd.
Avondale, AZ 85392
February 12, 2008

Avondale Planning Commission
c/o John Vater
City of Avondale
11465 W. Civic Center Dr.
Avondale, AZ 85323

RE: Avondale Marketplace Application #DR-07-08

Dear Planning Commission Members,

We appreciate John Vater for taking the time to speak to us today, and we wish to express our concerns to the Planning Commission as well.

Our residence is adjacent to and north of the proposed Avondale Marketplace development.

1) We request that the City stipulate that the developer contact Salt River Project Irrigation Dept. to ensure that no part of the development interferes our irrigation rights, including the need to accommodate tailwater.

2) We request that the City ensure that the block wall that will separate our property from the back of the retail development be of good quality.

3) We ask the Planning Commission to rescind the requirement of a southbound deceleration lane for the development's north entrance along Avondale Blvd. At this time, we are not interested in selling a strip of our land along our east boundary for the placement of this lane, and we do not want to be put in the position of linchpin in the approval process. We believe that a clear no-right-turn sign for southbound traffic at the development's north entrance, coupled with a southbound deceleration lane for right turn into the next entrance, would be adequate. A no-right-turn into the development's north entrance might also have the positive effect of reducing truck traffic on the northern end of Avondale Blvd. This section of Avondale Blvd. is entirely residential (except for the planned community center), and the intersection of Thomas and Avondale Blvd. (where Avondale Blvd. ends) is 100% residential. Delivery or commercial trash trucks coming northbound from the I-10 freeway or from McDowell would still have total access to the delivery/dumpster area of the retail center through the development's north driveway.

Thank you for your consideration of our concerns!

Sincerely,

Sally M. Hineman Peter M. Hineman

Exhibit G

Excerpt of the Draft Minutes of the regular Planning Commission meeting held February 21, 2008 at 7:00 p.m. in the Council Chambers.

COMMISSIONERS PRESENT
David Iwanski, Chairman
Michael Demlong, Vice Chair
Al Lageschulte, Commissioner
Edward Meringer, Commissioner
Angela Cotera, Commissioner
Linda Webster, Commissioner

COMMISSIONER EXCUSED
Kevin Grimsley, Commissioner

CITY STAFF PRESENT
Brian Berndt, Development Services Director
John Vater, Planner I, Development Services Department
Eric Morgan, Planner II, Development Services Department
Chris Schmaltz, City Attorney
Scott Wilken, Senior Planner, Development Services Department

OTHERS PRESENT
Mike Curley, Early, Curley and Legarde, P.C.
Blake Carroll, Troast Properties of Arizona
Kevin Kerpan, Robert Kubicek, Inc.
Kristin Thoma, RDB Management and Construction

2. DR-07-8: Kevin Kerpan of RKAA, 2253 E. Thomas Road, Phoenix, AZ 85016, is requesting Site Plan approval of Avondale Marketplace PAD (retail) located at the northwest corner of Avondale and McDowell Road. Staff Contact: John Vater.

John Vater, Planner I, Development Services Department, stated this item is DR-07-8, a request for approval for a Master Site Plan for Avondale Marketplace and Final Site Plan for five sites in Parcel 2 of Avondale Marketplace. He described the 38.6 acre development as located at the northwest corner of Avondale Blvd. and McDowell Road. He described the surrounding properties as the Palm Gardens Development to the north, Donatela Phase 1 to the east, the proposed Agua Fria Marketplace to the south, and an APS substation is to the west. Mr. Vater relayed that the site is designated as Commercial in the General Plan and the Freeway Corridor Specific Plan, and is zoned as a Planned Area Development (PAD) with Residential, Commercial, and Office Park uses. He described the surrounding zoning as Neighborhood-Commercial to the east, Agricultural to the west, and Planned Area Developments to the north and south.

Mr. Vater outlined that the Master Site Plan encompasses three separate parcels, and Parcel 2 is the retail portion of the development, consisting of 25.23 acres with approximately 214,000 square feet of tenant space. Parcel 3 is a self-storage development of 4.6 acres, consisting of four buildings with approximately 103,000 square feet of storage space. Parcel 4 is an 8.77 acre office park consisting of 11 buildings with a combined 75,000 square feet of tenant space. Access to the site will be provided by two driveways on Avondale Blvd. and six driveways on McDowell Road. There will be three full access driveways. One at the entrance to the mini storage parcel, one at the intersection of McDowell Road and 116th Avenue, and one at the northern most entry on Avondale Blvd. Cross access is provided between the parcels, and each parcel is served by a network of internal drives. Pedestrian access is facilitated from Avondale Blvd. and McDowell Road by tree-lined walkways, and a pedestrian entry feature is included at the intersection of Avondale Blvd. and McDowell Road. Mr. Vater explained that based on the proposed uses for all the buildings, the Master Site is required to have 1,183 parking spaces, and the applicant is proposing a total of 1,273. All parcels are sufficiently sized and shaped to allow future development and onsite circulation.

Mr. Vater noted that in addition to the Master Site Plan, the applicant is requesting approval of the Final Site Plan for Parcel 2, the retail portion of the development. Parcel 2 is proposed to be developed in phases. The first phase consists of two major tenant spaces, B and E; one multi-tenant wing; Shops C; and two multi-tenant pads, Pads B and F. The rest of Parcel 2 will be developed in future phases, including Parcels 3 and 4 will be administratively approved. All off-site improvements, including landscaping along the arterial frontages, will be constructed as part of the first phase of development. The site is required to have 204,000 square feet of landscaping and the applicant is proposing approximately 208,000 feet. The development will have a 25 foot landscape buffer along the northern property line to screen it from the future residential phase, and such landscaping will contain mostly 24 inch box trees planted 20 feet on center. Date palms will be used in the medians of two driveways at the entrance of 116th Avenue and McDowell Road, at the northern most entrance off of Avondale Blvd., at the pedestrian entry feature, and spaced along the frontage of the major tenant buildings. Mr. Vater described the architecture as contemporary-commercial, including varied roof lines, articulated facades, decorative arches, cornice columns, scored stucco, and metal awnings. The colors are earth tones on the walls and green for the metal canopies. The materials are stucco, glass, masonry, slate, stone, wood, and metal. He showed the Commission slides of the building elevations and features.

Mr. Vater told the Planning Commission that Staff finds that the application meets the required findings of the Avondale Commerce Center PAD zoning and the City of Avondale Zoning Ordinance, and it meets the objectives of the General Plan and Freeway Corridor Specific Plan. Staff recommends approval of the Master and Final Site Plan subject to 20 stipulations and an added 21st stipulation to DR-07-8 Master and Final Site Plan that states "The Master Site Plan and the Final Site Plan for Parcel 2 shall be revised to describe the Parcel 4 proposed use as Office Park." Mr. Vater noted for the Commission that one letter had been received from an adjoining property owner pertaining to water supply, construction quality and traffic concerns. Mr. Vater stated he was available for questions, and the applicant was available for questions as well.

Chairperson Iwanski invited questions from the Commission.

Commissioner Lageschulte asked for clarification concerning the letter from the adjoining property owner to the north concerning deceleration lanes on Avondale Blvd. Mr. Vater replied that the southern most entrance on Avondale Blvd. has a deceleration lane and the City's Traffic Engineer has required as a stipulation of approval that the applicant also provide a deceleration lane on Avondale Blvd. which abuts and is the frontage to the property of the author of the letter. Commissioner Lageschulte inquired if the author of the letter does not want the deceleration lane there, which Mr. Vater confirmed. Commissioner Lageschulte asked if there is a deceleration lane for the main entrance for the shops, and Mr. Vater pointed out several deceleration lanes on the slides for the Commission. Commissioner Lageschulte stated the very northern driveway would be used mainly for trucks and he did not see any problem with no deceleration lane there because the trucks would be coming off of McDowell Road. Mr. Vater stated the deceleration is a stipulation of approval and it is been required by the City Traffic Engineer. Commissioner Lageschulte asked if the City would force the people on the north side to give up their property for a deceleration lane. Mr. Vater stated the Planning Commission could recommend that the stipulation be removed.

Commissioner Cotera asked if a traffic signal will be where the deceleration lane will be. Mr. Vater pointed out the signalized intersections, one at the intersection of Avondale Blvd. and McDowell Road, and one at 116th Avenue and McDowell Road, and stated that all along McDowell Road, deceleration lanes have been built in to every driveway under the proposed Site Plan. Commissioner Cotera asked for specifics on left turn lanes. Mr. Vater explained that the southern Avondale Blvd. driveway is right-in/right-out only, and a median in the roadway precludes left turns in or left turns out, and the northern most driveway allows for left turns in and out.

Commissioner Meringer asked if any bus stops or bus pull outs were included along Avondale Blvd. and McDowell Road. Mr. Vater pointed out two proposed bus stops, one just after the intersection of Avondale Blvd. and McDowell Road, and one located further down on McDowell Road, with no bus stops being located on Avondale Blvd.

Brian Berndt, Development Services Direct, interjected that the City's policy on bus stops were that they be on the far side of the intersection, so they would be on the property to the south. Commissioner Meringer asked if that would be south of McDowell Road, which Mr. Berndt confirmed.

Commissioner Cotera asked what landscape was planned for the parking lot, as she is concerned about shade. Mr. Vater described trees in the parking lot and tree-lined pedestrian access ways, as well as tree-lined major aisles leading into the parking to screen the majority of the parking.

Vice Chair Demlong stated there were three trash receptacles behind Shops C and asked are those the proper distance from the residence. Mr. Vater confirmed that the trash receptacles are the proper distance from the residence. Vice Chair Demlong commented that there were an awful lot of driveways and he thought there was a limitation on the number of driveways that can go in and out of a property. He asked for assurance that the number of driveways for this

property would not create additional traffic problems, and that this number of driveways is necessary and adequate. Mr. Vater assured the Commission that the City Traffic Engineer has approved the driveways as needed and safe for the development.

Vice Chair Demlong commented on Stipulation No. 2 "In accordance with Section 106.C.4 of the City of Avondale Zoning Ordinance, the Master Site Plan and Parcel 2 Final Site Plan shall expire within one year of approval if a building permit has not been issued." He asked if the City normally gave a project two years before the plans expire. Mr. Berndt, Development Services Director, informed the Commission that the Site Plans are approved for one year until a building permit has been issued, and PADs have two years before the plans expire.

Vice Chair Demlong asked if the Commission decides to remove the stipulation for the deceleration lane, how the stipulation should be modified. Mr. Vater explained that the Commission would be recommending that the City Council remove the stipulation; however, it is the learned opinion of the Traffic Engineer that the deceleration lane is required, and while the Commission may request that the deceleration lane be removed, he does not know that the City Council will go along with that.

Vice Chair Demlong stated he believed the Planning Commission could make a motion to modify the stipulation, which Mr. Berndt confirmed. Vice Chair Demlong inquired which stipulation would need to be modified, and was told that would be Stipulation No. 15 "During construction of the first phase, the developer shall provide a southbound right turn deceleration lane on Avondale Blvd. into the northern full-access driveway connection, including additional right-of-way."

Vice Chair Demlong commented about the author of the letter expressing concern about their SRP water rights and perhaps interference with their tail water. He pointed out that all properties are responsible for retaining and maintaining their own tail water, which is not the responsibility of this developer; thus, the property owner needs to fix their property or not order as much water.

Commissioner Lageschulte remarked regarding Stipulation No. 15 "During construction of the first phase, the developer shall provide a southbound right turn deceleration lane on Avondale Blvd. into the northern full-access driveway connection, including additional right-of-way," that Avondale Blvd. is not even built yet down past this property and the irrigation ditch is still there. He asked if the Commission can add a stipulation that when the City fills in the irrigation ditch and the road is widened, that the deceleration lane is put in at that time. Mr. Vater replied he believes that the City has long term plans to widen Avondale Blvd. at that point, but unfortunately the parcel next to Palm Gardens and the residence in question are part of a County island; however, the Commission can recommend that as a modified stipulation. Commissioner Lageschulte remarked that that might be a way to modify the stipulation right now to get it through so that when Avondale Blvd. has the final improvements, then the deceleration lane can be included in the road improvement at that time.

Commissioner Cotera asked if the Traffic Engineer states there must be a deceleration lane to proceed with the project. Mr. Vater confirmed that is correct. Commissioner Cotera asked if the deceleration lane stipulation is removed, would it hold up the entire project. Mr. Vater

confirmed it would hold up the development of the Final Site Plan. Commissioner Cotera asked if Mr. Vater had any alternative suggestions. He had none.

Commissioner Lageschulte asked how the City could acquire the property. Mr. Vater deferred the question to the applicant.

Chairperson Iwanski invited further questions for Staff, and hearing none, invited the applicant to address the Planning Commission.

Blake Carroll, Troast Properties of Arizona, 7975 N. Hayden Rd., Scottsdale, AZ, stated that in relation to Stipulation No. 15, it is his understanding that the goal for the City is to widen Avondale Blvd. and at that time the City is going to take the additional right-of-way to allow for the deceleration lane at the north end of the site, and at that time the applicant will add the deceleration lane into the property. Commissioner Lageschulte stated in that case the City would not be taking the property away from those property owners. Mr. Carroll stated from his understanding the owner of the property is unwilling to sell for the purposes of the deceleration lane. Commissioner Lageschulte replied that when Avondale Blvd. is constructed, the property owner will not have a choice being that will be a right-of-way, and he asked if at that time the deceleration lane can be put in. Mr. Carroll stated that is correct.

Commissioner Cotera asked then could the project go ahead with the understanding that at some point in time the deceleration lane will be included. Mr. Vater replied it was his belief that the Traffic Engineer intended that the deceleration lane be put in during the first phase of construction as a stipulation for approval.

Commissioner Lageschulte noted that the Traffic Engineer does not own the property.

Commissioner Webster stated she was told that Avondale Blvd. from north of McDowell Road to Encanto or Thomas Road was County property and asked how can the City be widening something that belongs to the County.

Chairperson Iwanski asked what authority the City has to widen Avondale Blvd. at that particular point and then subsequently request the deceleration lane.

Eric Morgan, Planner II, Development Services, replied that Avondale Blvd. is in the City jurisdiction and the County property abuts it to the west. He explained that what will become right-of-way in the future might be in the County. He clarified that Avondale Blvd. is the City's responsibility. Commissioner Webster stated she was told that the City of Avondale Police Department would not assist the school crossing there because they have no control over that street. Mr. Morgan stated that was not his understanding. He clarified that if the Commission makes their recommendation on the deceleration lane based on their knowledge, experience and desires, he would caution that the reason for the stipulation is a safety consideration. He explained that the way the stipulation is written right now makes it incumbent on the developer to negotiate with the homeowner to acquire the deceleration lane and the City is not going to force anybody to sell that land in order to get this project in. He pointed out that at a later date it is true that when Avondale Blvd. is widened, if the property has not been acquired at that time,

then in the interest of eminent domain, the City would acquire that land. He cautioned the Planning Commission about approving a project and allowing it to be built without an area that is required, such as a deceleration lane, because it would present traffic coming down there needing to make almost a full stop in the road that is still two lanes, and then needing to make a right in when that is the main intersection.

Vice Chair Demlong clarified that what the Commission is expressing is that an unnecessary burden is being placed on the developer to acquire this piece of land at all costs when the homeowner is stating they do not want to sell the land. Mr. Morgan pointed out that there is no requirement upon the developer to lay their buildings out the way they did and put their driveways where they did, and they can redesign the site so that they do not have a driveway there. The applicant is the one that has chosen to design the site as it is and the Staff has analyzed what the applicant has chosen to design and said in order for you to get approval, this is what you need. Mr. Morgan stated if the applicant cannot acquire that property, it would be incumbent on them to consider redesigning their site.

Commissioner Cotera asked for clarification, that although the Commission might wish to help the developer by rescinding Stipulation No. 15, they really cannot because it is required by the Traffic Engineer; therefore, it is incumbent upon the developer to either acquire the land or redesign their site. Mr. Morgan replied that to keep the stipulation would be the prudent position to take, but the Planning Commission can make recommendation as to what the Planning Commission would like to see and the City Council will take that into consideration and the Council can approve it without that stipulation. From that point on it would be up to the Staff to work out something that would maintain safety.

Chairperson Iwanski invited the applicant to address the Commission.

Peter Valenzuela, 2425 E. Camelback Rd., Ste. 950, Phoenix, AZ, stated that in regards to the deceleration lane, they do not want their project to be held up any longer. With regards to Stipulation 15, they support the Planning Commission's recommendation that when Avondale Blvd. is widened, that is when the deceleration lane will be constructed. They do not want to reconfigure the Site Plan, as they have spent a long time working on the Site Plan through four submittals and they have requested an extension for the site itself for an additional year already. He reported they have created a wonderful, quality project, and once it is developed and constructed, it will benefit the citizens of Avondale for years to come.

Commissioner Cotera suggested that that entrance be blocked off until such time the deceleration lane is in place. Mr. Vater replied that would change the premise of the Traffic Plan that has been developed for this site and therefore would require additional traffic study.

Kevin Kerpan, Robert Kubicek, Inc., stated regarding redesigning the site, this site needs to thrive and have a left-in and left-out and that location is the only place this can occur, and they have worked with Staff to determine this location. They have also worked with the development across the street and this is an agreed location for the left-in and left-out.

Commissioner Cotera stated she would like that too because she would have to turn left to exit the site. She asked given the difficulties, could the turn be part of a Phase II development as opposed to Phase I. Mr. Vater replied he thought it critical that it be part of Phase I for the center to establish itself.

Commissioner Lageschulte asked if there was a road design for Avondale Blvd. for that area. Mr. Morgan replied that the road is not designed out as far as where the deceleration lanes and curbs will be, but the Transportation Plan calls for Avondale Blvd. to be 130 feet of width of right-of-way and the general designs that are in the Transportation Plan state where there will be sidewalks, bike lanes, etc. While there are standards that have to be met, no one has drawn up engineering plans. Commissioner Lageschulte stated if the deceleration lane is put in now, and down the road Avondale Blvd. is widened and the deceleration lane is in the wrong place, it will be torn out anyway. He asked if the deceleration lane can wait for Avondale Blvd. to be widened. He remarked that in the City of Avondale, every time the City puts something in, the City tears it apart. Mr. Morgan stated that Staff would ideally ask the applicant to build the deceleration lane to what would be the ultimate right-of-way by buying enough right-of-way so that it would be 130 feet wide, plus the 15 feet for the deceleration lane. While he is not privy to what the Traffic Engineer decided was the minimum acceptable, and then if it will have to be rebuilt, it is the choice between not having a deceleration lane and something unsafe, or building half a deceleration lane that will be safe temporarily even if it will be torn up later. Mr. Morgan expressed that while this does cost more money, it does not cost more money to tear up a deceleration lane as it does to cut pavement and move pipe.

Commissioner Lageschulte inquired if the wording on Stipulation 15 could be changed to "if the applicant cannot obtain the property, then maybe the deceleration lane can wait until the time Avondale Blvd. is expanded on the pretext that the property owner is not going to sell" so as not to hold up the project another year or more.

Vice Chair Demlong thanked the applicant, Mr. Valenzuela, for his patience. He asked if the applicant has evaluated if the turn lane can be moved, and if it is moved forward, is there a substantial cost and time requirement. Mr. Valenzuela stated they have looked at relocating the driveway, but it would then be too close to the other driveway, and they are trying to keep the driveway to the south at a location where people would be coming into the major shopping center. Vice Chair Demlong asked if at the most northern driveway is where the trucks would be pulling in to service the major tenants, which Mr. Valenzuela confirmed. Vice Chair Demlong asked if they had to move that driveway, would that require them to move all those buildings forward. Mr. Valenzuela replied that would definitely affect the Site Plan because moving the buildings forward would result in parking issues, etc., and the City wants all the parking to occur in the front of the buildings. Vice Chair Demlong asked if the applicant moves the buildings forward, would he lose parking in the front and create parking in the back. Mr. Valenzuela confirmed that. Vice Chair Demlong asked how long would it take for the applicant to do another site study and revise. Mr. Valenzuela replied it would take four to six months and they have already been in the process for over a year. He pointed out that they have worked with Staff for the last year and have given up right-of-way along McDowell Road and provided everything they have asked. In addition, they have brought the buildings to meet the McDowell Corridor study plan and have taken special detail to dress up the buildings that face McDowell

Road, and they have added additional landscaping to the project. He reiterated that they want to start the project and get it going.

Commissioner Cotera stated the homeowner has requested a no right turn sign and asked if that is a possibility and if the Commission can stipulate "Until such time as a deceleration lane is built, no right turns will be allowed into the property." Mr. Vater replied that as the City Traffic Engineer is not present tonight, he did not have the expertise to answer that question. He pointed out that the driveway is built to the required right-of-way under the City's Transportation Plan. He noted that adjacent along the northern property line is going to be a six foot block wall, and the existing homeowner has a large hedgerow that extends all the way out to the edge of the existing street on Avondale Blvd. He explained that without the deceleration lane, when one attempts to make a left turn they will not be able to see past the corner, and the intent of the deceleration lane is to afford vehicles the opportunity to slow down and to provide sight visibility. Commissioner Cotera voiced concern that there is no solution.

Chairperson Iwanski asked Mr. Valenzuela if Stipulation No. 15 is left in, "During construction of the first phase, the developer shall provide a southbound right turn deceleration lane on Avondale Blvd. into the northern full-access driveway connection, including additional right-of-way," is he cognizant of the issues and does he accept the risk he bears dealing with the landowner in question who does not live within the incorporated city limits of Avondale. Mr. Valenzuela stated that if the Commission leaves the stipulation as is, the driveway may not be installed during Phase 1 of the project. Chairperson Iwanski stated the applicant would be responsible for managing that risk, and the Planning Staff and Commissioners are cheerleaders for the project, but it seems there is no viable alternative that would not slow down the project. Mr. Valenzuela replied that they understand the risks going forward with that stipulation; however, they do echo and support the Commissioner's suggest that Stipulation 15 be modified to read something to the effect that once Avondale Blvd. is widened, that the deceleration lane would then be constructed.

Brian Berndt, Development Services Director, interjected that the Staff is not sure when Avondale Blvd. will be widened and it is not in the five-year CIP, so a safety hazard could exist.

Chris Schmaltz, City Attorney, stated he has concerns with regard to a stipulation that imposes a requirement on a property owner to acquire additional property for purposes of their development when an unwilling seller prevents them from complying with the stipulation as it is worded. While he would not offer an opinion tonight about whether or not such stipulation is enforceable, it creates a serious problem when a stipulation imposes that type of additional requirements on a property owner in light that they are completely unable to comply with the stipulation. He stated if the City wants to impose that requirement with regard to a deceleration lane, a possible modification to Stipulation No. 15 the Commission could entertain would be instead of saying "During construction of the first phase," it could state "When additional right-of-way for Avondale Blvd. becomes available for purposes of the deceleration lane, the developer shall provide a southbound right turn deceleration lane on Avondale Blvd. into the northern full-access driveway connection, including additional right-of-way." Mr. Schmaltz added that there may be issues with the City Engineer regarding if that is a workable solution; however, it is a possible modification that could force discussion with regard to what really is

necessary for purposes of that northern lane and require the Traffic Engineer to provide additional information so that it is clear that it really is a hazard and creates a burden. Mr. Schmaltz expressed if that is the case, it may be appropriate for the City to determine that the City needs to acquire that property now as opposed to imposing that burden on a developer who cannot force a property owner to sell to them.

Chairperson Iwanski commented that the City Council, based on this colloquy, would get a clear message from the Planning Commission as to this tough issue. He asked Mr. Valenzuela if legal counsel's suggestion for modification of Stipulation No. 15 "When additional right-of-way for Avondale Blvd. becomes available for purposes of the deceleration lane, the developer shall provide a southbound right turn deceleration lane on Avondale Blvd. into the northern full-access driveway connection, including additional right-of-way," is acceptable. Mr. Valenzuela stated they are in support of that modification.

Vice Chair Demlong asked if the most northern drive next to the residence would leave enough access in and out of the project to meet Staff's needs. Mr. Vater replied that would be an issue for the City Traffic Engineer. He noted that all of these driveways and the road design are all integrated with the uses and intensity of the uses, and he could not comment on how deleting one driveway would affect the other driveways and the other turning movement loads.

Commissioner Lageschulte replied that the problem with removing the northern driveway is that the trucks that deliver need room to maneuver.

Commissioner Cotera asked Mr. Vater to reiterate what is proposed to be developed in Phase 1. Mr. Vater reiterated that the first phase consists of two major tenant spaces, B and E; one multi-tenant wing; Shops C; and two multi-tenant pads, Pads B and F. The rest of Parcel 2 will be developed in future phases and will be administratively approved, as will Parcels 3 and 4. Commissioner Cotera asked what is located between the two driveways off of Avondale Blvd. Mr. Vater replied that area consists of parking lot, landscape buffering, sidewalk and a deceleration lane.

Commissioner Cotera asked could the applicant redo the parking lot when the deceleration lane comes in and make it so the trucks can turn there now. Mr. Valenzuela replied they might have something that will work if Stipulation No. 15 is modified, making it so they would have no left out until the deceleration lane is installed, which would work for the time being. Commissioner Cotera stated this would be a no right turn in and no left turn out, and asked if this would fit the bill.

Mr. Vater stated it would not be reasonable to enforce a no right in. Mr. Valenzuela stated they were thinking along the lines of a park chop concrete median that would only allow right out, which would be removed once the deceleration lane is installed, which would take care of the safety issue.

Commissioner Cotera stated that would still not take care of the deceleration right turn problem. Mr. Valenzuela replied that is true, but north of the project it is a single lane coming down and they would be expanded to the future build out.

Commissioner Cotera stated she thought the Traffic Engineer's problem was that they needed a right turn deceleration. She asked did the Traffic Engineer want the right turn deceleration for the left-hand turn visibility or for the right hand turn slowing. Mr. Vater replied that the Traffic Engineer had wanted it for both, the left turn out and the right turn in. Commissioner Cotera asked if a possible idea would be to require the deceleration lane right at a later date, understanding that the left out for safety is not allowable until the deceleration lane is installed. Mr. Vater stated the stipulation could be modified that way and then the Traffic Engineer would step in.

Vice Chair Demlong asked Mr. Valenzuela if going northbound on Avondale Blvd., at the northeast entrance, it would be left out only onto Avondale, which Mr. Valenzuela confirmed. Vice Chair Demlong asked if the trucks would have to enter from McDowell Road and then head north, go behind the buildings and load, then use that exit to leave onto Avondale Blvd. Mr. Valenzuela stated that was correct; it was right out only. Vice Chair Demlong asked if it was feasible to put a pork chop there, modify his landscaping a bit to make a bigger sweep to allow right out only, and then the Planning Commission could modify the stipulation so that in the future that could be ripped out for the deceleration lane. Mr. Valenzuela replied that was their intent. Vice Chair Demlong stated as that was working for the applicant, he was going to ask Staff if that was safe and doable. He asked if Mr. Valenzuela had evaluated that with engineers yet. Mr. Valenzuela replied he had not. Vice Chair Demlong asked for a response from Staff.

Mr. Vater suggested that as an addition to the stipulation it state that the applicant revise their traffic study to prove that this change is safe. Vice Chair Demlong stated that is a good suggestion. He asked if whatever the Planning Commission approves tonight, Staff has to get together and City Council has to look at this, so essentially the Planning Commission is just trying to move this project one step forward and help the City and the developer.

Chairperson Iwanski called for further questions.

Vice Chair Demlong asked City Attorney, Chris Schmaltz, how to modify Stipulation No. 15.

Chairperson Iwanski asked, if the Planning Commission requested a modification of the original traffic study, would that cause an additional delay. Chris Schmaltz, City Attorney, stated it would not necessarily cause a delay because if the recommended stipulation involves the applicant having to submit a revised traffic study addressing the northeast driveway, restricting that driveway to right out only and left turn in only, the applicant will be on notice that they need to be producing that study quickly in parallel with the continued review of the Site Plan. Mr. Schmaltz stated in his mind it may delay them a little bit, but if the attempted solution is to respond to whatever the City Traffic Engineer's concerns are with regard to the entry into the northeast corner, the applicant needs to be working on that traffic analysis now. He stated this may be the compromise for a stipulation that essentially says "The developer shall produce a revised traffic study analyzing the safety and feasibility of restricting the northeast entryway to right turn only and left turn from Avondale Blvd. entry only until such time as when additional right-of-way, etc., etc."

Chairperson Iwanski asked Mr. Valenzuela if his client finds that language acceptable. Mr. Valenzuela confirmed that his client finds that language acceptable. Chairperson Iwanski asked if his client was in agreement with Stipulation No. 21. Mr. Valenzuela confirmed they are in agreement with Stipulation No. 21. "The Master Site Plan and the Final Site Plan for Parcel 2 shall be revised to describe the Parcel 4 proposed use as Office Park." Mr. Valenzuela confirmed they are in agreement with Stipulation No. 21.

Chairperson Iwanski called for further questions from the Commission, and hearing none, called for a motion and a second.

Vice Chair Demlong moved that the Planning Commission accept the findings and recommend approval of application DR-07-8, a request for Master Site Plan approval and Parcel 2 Final Site Plan approval for Avondale Marketplace subject to the 21 stipulations recommended by Staff and with modification to Stipulation No. 15 to read as follows: "The Developer will devise a traffic study to examine the feasibility of establishing a driveway at the northeast most corner of the property to be designed as right out and left in only. The Developer will pay for the future cost of the deceleration lane when the right-of-way is available or Avondale Blvd. is modified. When Avondale Blvd. is modified and the deceleration lane is available, the northeast exit can be modified to be full right turn in/left turn out." City Attorney, Chris Schmaltz, stated that Staff has enough information to reproduce an accurate modification for Stipulation No. 15. Commissioner Lageschulte seconded the motion.

1) The development shall conform to the project narrative, site plan, landscape plan, building elevations, preliminary grading and drainage plan, photometric plan, materials and color board, and comprehensive sign package stamped February 8, 2008, except as modified by these stipulations.

2) In accordance with Section 106.C.4 of the City of Avondale Zoning Ordinance, the Master Site Plan and Parcel 2 Final Site Plan shall expire within one year of approval if a building permit has not been issued.

3) The proposed development is to conform to the Avondale Commercial/Industrial/Multi-Family Design Manual (upon adoption).

4) Architecture, color and materials palette for future phase development shall conform to the architecture, color and materials palette of the Master Site Plan.

5) All signs shall be a uniform color that is consistent with the approved Master Site Plan color palette.

6) Right-of-way for Avondale Blvd.: The 9' roadway easement along Avondale Blvd. is to be 3' back of sidewalk only along the right-turn-lane and will end as the sidewalk angles back into the right-of-way.

7) Right-of-way for McDowell: Additional right-of-way for the traffic signal facilities at the median opening west of Avondale Blvd. may be required. This will be determined by the City

Traffic Department when final construction plans are submitted. Details for the construction of the median will be developed during the review of final construction plans.

8) The catch basin for area OFF2 shall be an appropriate MAG detail for the 10' curb opening shown as being required, as the MAG 530-532 is for a maximum 8' opening.

9) The right-of-way is to be a minimum of 3' behind back of sidewalk for street lights and sign placement. Right turn lane into storage units will require additional right-of-way to meet this requirement. The amount of additional right-of-way will be determined at the time of Civil Improvement Plans submittal.

10) Prior to the issuance of a building permit for the first phase of development, the developer shall contribute the following cost contributions toward traffic signals: 50% for 116th Avenue and McDowell Road, 16% for Avondale Blvd. and Palm Lane, 18% for Avondale Blvd. and Encanto, and full costs of all modifications to existing traffic signal and associated work at northwest corner of Avondale Blvd. and McDowell Road.

11) Additional right-of-way on the corners at the intersection of McDowell Road and 116th Avenue is required for the new traffic signal equipment. The amount of additional right-of-way will be determined at the time of Civil Improvement Plans submittal.

12) During the first phase of construction, the developer shall provide a transit stop, including bus pull-out bay (can be co-located in deceleration lane if meets spacing standards) and concrete pad for westbound traffic on McDowell Road west of Avondale Blvd. The developer shall also provide a transit stop consisting of a concrete pad (no pull-out bay needed) for westbound traffic on McDowell Road west of 117th Avenue. Additional right-of-way will be required to accommodate the transit bays and pads. The amount of additional right-of-way will be determined at the time of Civil Improvement Plans submittal.

13) All water rights on the property shall be conveyed to the City of Avondale prior to recordation of the final plat.

14) No signs shall be located in a public utility easement.

15) The Developer will devise a traffic study to examine the feasibility of establishing a driveway at the northeast most corner of the property, to be designed as right out and left in only. The Developer will pay for the future cost of the deceleration lane when the right-of-way is available or Avondale Blvd. is modified. When Avondale Blvd. is modified and the deceleration lane is available, the northeast exit can be modified to be full right turn in/left turn out.

16) Left and right turn lanes, including dual turn lanes, for all driveways and intersections shall meet the requirements of the traffic study for storage lengths, stacking, and taper lengths. Some adjustments may be required at Civil Improvements Plan submittal, such as to medians and openings.

17) The future pads of Parcel 2 shall be treated with a decomposed granite ground cover for dust control until development of those areas occurs.

18) All off-site improvements will be constructed as part of the first phase of development, including those for the residential Parcel 1 off of Palm Lane.

19) A signing and striping plan will be required at Civil Improvement Plans submittal.

20) Pedestrian access to Parcel 2 from the future residential part of the development plan will not be allowed until the residential portion is developed.

21) The Master Site Plan and the Final Site Plan for Parcel 2 shall be revised to describe the Parcel 4 proposed use as Office Park.

Chairperson Iwanski opened the floor for further discussion.

Commissioner Meringer thanked the gentlemen for their presentation. He likes this project and he hopes it goes well and can be done without further delay. He has waited a long time for a project like this and thanked the applicant for bringing it to Avondale.

Vice Chair Demlong stated the Commission appreciates the Planning Staff's and the Engineering Staff's efforts and they know that Staff is looking out for the best interest of the City. He stated they do not mean to be challenging the Staff and he hopes that is not how they interpret tonight's comments. He stated the Commission is very concerned about safety, and they also want to provide the highest quality customer service they can to the applicant because the applicant has bent over backwards to accommodate the City and has produced a high quality, multimillion dollar project, and now is being held up over something he cannot control.

Chairperson Iwanski, hearing no further comments, noted that it has been moved and seconded that the Planning Commission accept the findings and recommend approval of application DR-07-8, a request for Master Site Plan approval and Parcel 2 Final Site Plan approval for Avondale Marketplace subject to the 21 stipulations recommended by Staff, to include the modified language to Stipulation No. 15. Chairperson Iwanski called for a vote.

ROLL CALL VOTE

Chairperson Iwanski	Aye
Vice Chair Demlong	Aye
Commissioner Lageschulte	Aye
Commissioner Grimsley	Excused
Chairperson Meringer	Aye
Commissioner Cotera	Aye
Commissioner Webster	Aye

The motion passed unanimously.

Chairperson Iwanski thanked his fellow Commissioners for their thoughtfulness, questions, comments and concerns.

DEVELOPMENT SERVICES

SUBJECT:
Avondale Commerce Center Phase III site plan

MEETING DATE:
March 17, 2008

TO: Mayor and Council

FROM: Brian Berndt, Development Services Director (623)333-4011

THROUGH: Charlie McClendon, City Manager

REQUEST: Site plan approval for Avondale Commerce Center Phase III

PARCEL SIZE: 25.34 acres

LOCATION: Northwest corner of El Mirage Road and Van Buren Street (Exhibits A and B)

APPLICANT: Kristin Thoma, RDB Management and Construction

OWNER: Avondale Commerce Center Phase III LLC

BACKGROUND:

The applicant is requesting approval for phase three of the Avondale Commerce Center development. The property is zoned Planned Area Development (PAD), and has a development plan approved as part of the Avondale Commerce Center PAD (February 22, 2005). Master site plans for phases one and two were approved by the City Council on November 21, 2005. Phases one and two consisted of flex office/light industrial buildings. Construction of phase one is now complete, while phase two is expected to be complete by spring of 2008. As part of the development of phases one and two, all perimeter improvements were constructed, including the half streets of Van Buren, El Mirage Road and 127th Avenue, as well as the entire widths of Garfield Street and Corporate Drive.

SUMMARY OF REQUEST:

1. The applicant is requesting site plan approval for a 25.34 acre development that will consist of an office component and a retail component. The development includes two two-story office buildings with a total gross floor area of 119,096 square feet designed for general office uses; three single-story office buildings with a total gross floor area of 53,525 square feet designed for medical or general office uses; a retail/restaurant shopping center with a total square footage of 53,280 square feet; and a future 62,443 square foot retail pad.
2. Vehicular access will be provided from two full access driveways from 127th Avenue; two full access driveways from Corporate Drive; two full access driveways from El Mirage Road; and two right-in/right-out driveways from Van Buren Street. Additionally, both the intersections of 127th Avenue at Van Buren Street and El Mirage Road at Van Buren Street will be signalized to help facilitate traffic to and from this development.
3. The proposed architecture is a contemporary style comprised of painted tilt panel concrete walls with architectural scoring and reveals, ornamental steel accents, and stone veneer columns for the two story office buildings; masonry construction with stucco, clay roof tiles on building overhangs and tower features for the retail/restaurant; and masonry construction with stucco and stone veneer with clay roof tile and ornamental metal for the one-story office buildings.
4. The two-story office buildings will have a varied height between 30’ and 35’ to the top of the parapet. The one-story office buildings will be a maximum of 24’3” to the top of the parapet. The retail/restaurant buildings will be 20’8” to the roof deck and the parapets will range 23’4” to 26’8”, with architectural towers as tall as 35’4” in some areas.

PARTICIPATION:

A letter of notification and a copy of the site plan were mailed on August 30, 2007, to all property owners within 500 feet of the property. No comments have been received.

PLANNING COMMISSION ACTION:

At their meeting on February 21, 2008, the Planning Commission voted unanimously to recommend APPROVAL with the following stipulations:

1. The development shall conform to the project narrative, site plan, landscape plan, building elevations, preliminary grading and drainage plan, photometric plan, materials and color board, and comprehensive sign package stamped February 8, 2008, except as modified by these stipulations.
2. In accordance with Section 106.C.4 of the City of Avondale Zoning Ordinance, the site plan shall expire within one year of approval if a building permit has not been issued.
3. Final site plan for the future pad at the southeast corner of the site shall be reviewed and approved administratively, and shall comply with the architectural theme, materials, and colors established by this approval.
4. At the time of development of the future pad at the southeast corner of the site, a site specific traffic study will be required, including the analysis of queuing and stacking demand for any proposed drive-through lanes and other traffic circulation issues.
5. Prior to the issuance of a Certificate of Occupancy for the future pad at the southeast corner of the site, a pedestrian connection will be required from the transit stop into the site, and shall be shown on the site plan. The connection will be required to be installed per City standards.
6. The future pad at the southeast corner of the site shall be covered in decomposed granite a minimum of 2" thick for dust control at the time of development of the retail/restaurant buildings.
7. Prior to the issuance of a building permit for the first phase of development, the developer shall contribute payment for all costs associated with installing and implementing left-turn arrows for north and southbound El Mirage Road at the existing Van Buren Street intersection.
8. Civil Improvement Plans shall include and address the following prior to the issuance of a building permit:

    a. Include ramps at all intersection corners per ADA requirements and City standards.
    b. Include right turn decelerations lanes at both driveways on Van Buren Street as per the results of the traffic study, including a minimum of 100-feet of storage and 100-feet of taper lengths.
    c. Design driveway connections to Van Buren Street as right-in/right-out only with raised pork chop islands designed per City standards.
    d. Submit Signing and Striping Plans for both on-site traffic control, and off-site signing & striping changes as per the results of the traffic study, including but not limited to:

        i. Stop signs at non-signalized intersections and restriping of turn lanes as needed
        ii. Traffic control at the internal 3-way intersection southwest of the corner of "single story Building A office condo" where one approach intersects at an odd angle. All legs are required to have STOP signs, Stop bars, and 50-feet of double yellow striping on approach
        iii. Restriping to extend the left turn storage bay on El Mirage Road for southbound traffic at Van Buren Street to a minimum of 225-feet of storage
        iv. For the intersection at El Mirage Road & Corporate Drive, restriping dedicated left turn lanes in the northbound and eastbound directions with a minimum of 150-feet of storage. Two-way left turn lanes should not approach Stop controlled intersection conditions.

    e. Include a transit stop, including bus pull out bay and landing pad, for westbound traffic on Van Buren Street west of El Mirage Road.
    f. Include fire lines for individual buildings, as well as domestic water lines to 5' outside of buildings, water meters and back flow prevention devices. For domestic services, the meters shall be kept in right-of-way at back of sidewalk and back flow prevention devices just outside of public utility easement on property owner's side.

g. Conduct a vertical review of the sewer alignment to ensure sufficient cover over the sewer line.

9. Prior to the issuance of a building permit for either of the two-story office buildings, the developer shall contribute ¼ of the cost of traffic signal at the intersection of 127th Avenue and Van Buren Street
10. Prior to the issuance of a Certificate of Occupancy for either of the two-story office buildings the developer shall widen Van Buren Street for an eastbound left turn lane at 127th Avenue with a minimum of 200-feet of storage, as per the results of the traffic study.
11. Because the traffic study reviewed only general office and commercial retail land uses, an updated traffic study is required for any other land uses proposed for this development.

ANALYSIS:

- The site is designated Mixed-Use in the General Plan. The development is consistent with the General Plan land use designation of Mixed-Use and the existing PAD zoning district. The type and scale of development is consistent with the General Plan and the approved PAD zoning.
- The uses allowed for phase three are uses similar to those allowed by the Community Commercial (C-2) zoning district. The site was designed for phases one and two to include employment uses, while phase three would include a mix of office uses and retail/restaurant. The proposed site plan meets the goal and intent of the PAD.
- All buildings will feature four-sided architecture specifically designed to continue the desired high-quality architectural character. A variety of materials are proposed including stucco over masonry, architecturally treated tilt/pre-cast concrete as well as accent materials such as stone, brick, and ornamental steel. Colors will be earth tone with appropriate accents. The proposed building design complements the surrounding area.
- Vehicular circulation is sufficient to handle all traffic generated by the proposed development. Driveways connecting to streets on all four sides of the development will facilitate traffic into and out of the development. There is currently a traffic signal at the intersection of El Mirage Road and Van Buren Street, and a future traffic signal planned at the intersection of 127th Avenue and Van Buren Street. These signalized intersections will assist with the traffic flow from this development, as well as phases one and two of Avondale Commerce Center.
- A traffic study was analyzed and approved by staff, and a stipulation is included to ensure that the final civil plans and final construction drawings reflect all of the recommendations of the traffic study. These include items such as design of the deceleration lanes, design of the right-in/right-out driveways on Van Buren Street, inclusion of ADA accessible ramps, in sidewalks, and design and inclusion of a transit stop on westbound Van Buren Street west of El Mirage Road.
- Lush landscaping has been provided around the perimeter and throughout the development site to provide shade and visual relief for the development. 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 further the character of the surrounding area.
- A comprehensive sign package has been submitted with phase three. The sign package will require all wall signs to complement the building architecture, through the use of individually-mounted letters. Signage will be a neutral-toned color that complements the building colors and materials.

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 Avondale Commerce Center PAD Zoning.
- It meets the requirements of the City of Avondale Zoning Ordinance.

RECOMMENDATION:

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

PROPOSED MOTION:

I move that the City Council accept the findings and **APPROVE** application DR-07-29, a request for site plan

approval for Avondale Commerce Center phase III, subject to the 11 stipulations recommended by the Planning Commission.

ATTACHMENTS:

Click to download

- Exhibits A-I

FULL SIZE COPIES (Council Only):

Master Site Plan date stamped February 8, 2008; Landscape Plan date stamped February 8, 2008; Black and White Elevations date stamped February 8, 2008; Color Elevations date stamped February 8, 2008; Color Renderings date stamped February 8, 2008

PROJECT MANAGER:

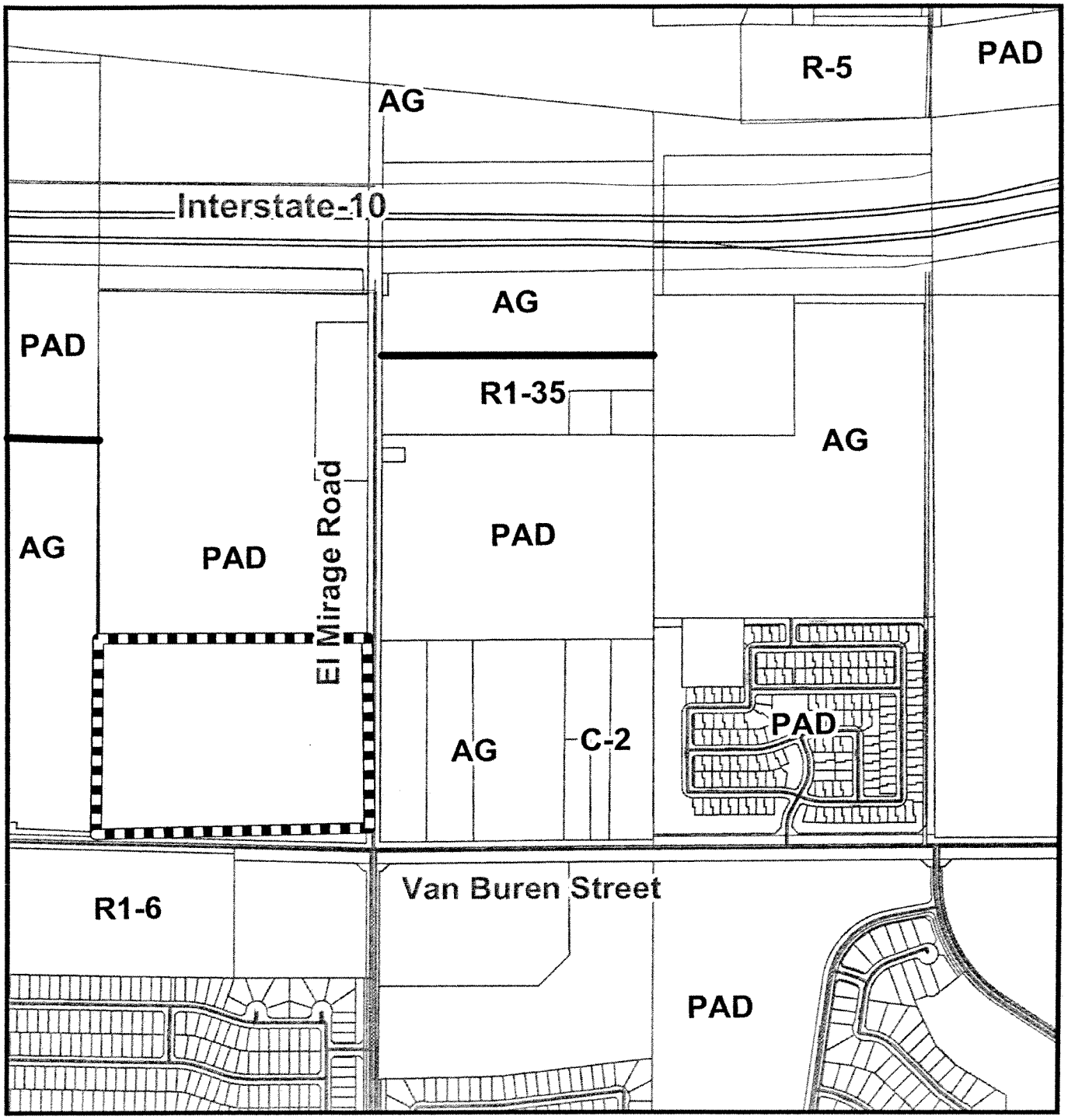
Scott Wilken, Senior Planner

DR-07-29 Avondale Commerce Center Phase III

ATTACHMENTS

Exhibit A -	Zoning Vicinity Map
Exhibit B -	Aerial Photo 2005
Exhibit C -	Summary of Facts
Exhibit D -	Approved PAD development plan
Exhibit E -	Master Site Plan date stamped February 8, 2008
Exhibit F -	Landscape Plan date stamped February 8, 2008
Exhibit G -	Black and White Elevations date stamped February 8, 2008
Exhibit H -	Project Narrative date stamped February 8, 2008
Exhibit I -	Draft minutes of the February 21, 2008, Planning Commission meeting

Exhibit A

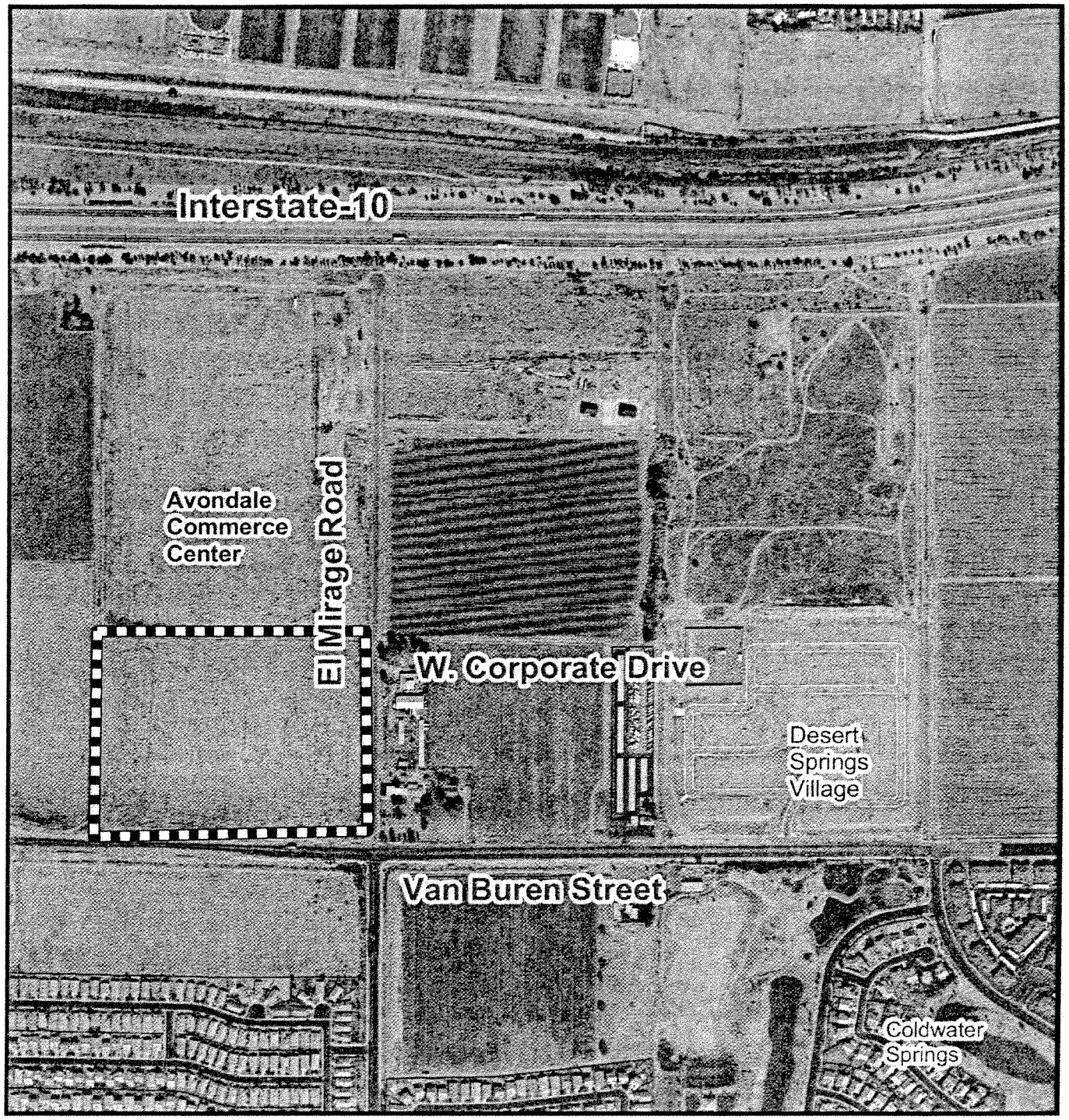


Zoning Vicinity Map
DR-07-29

Avondale

Subject Property

Exhibit B



2006 Aerial Photo
DR-07-29

Avondale

Subject Property

Exhibit C

SUMMARY OF RELATED FACTS
APPLICATION DR-05-08

THE PROPERTY	
PARCEL SIZE	25.34 Acres
LOCATION	Northwest corner of El Mirage Road and Van Buren Street
PHYSICAL CHARACTERISTICS	A relatively flat, rectangular shaped property with frontage on El Mirage Rd, Van Buren St, 127th Ave, and Corporate Dr..
EXISTING LAND USE	Agricultural
EXISTING ZONING	PAD
ZONING HISTORY	Rezoned from AG and C-2 to PAD on February 22, 2005
DEVELOPMENT AGREEMENT	There is no development agreement for the subject property.

SURROUNDING ZONING AND LAND USE	
NORTH	Interstate 10
EAST	AG – 2 single family residences and agricultural; R1-35 – 2 partially constructed single family residences
SOUTH	PAD – Coldwater Springs Single-Family Residential and Vacant Commercial
WEST	AG – Agricultural

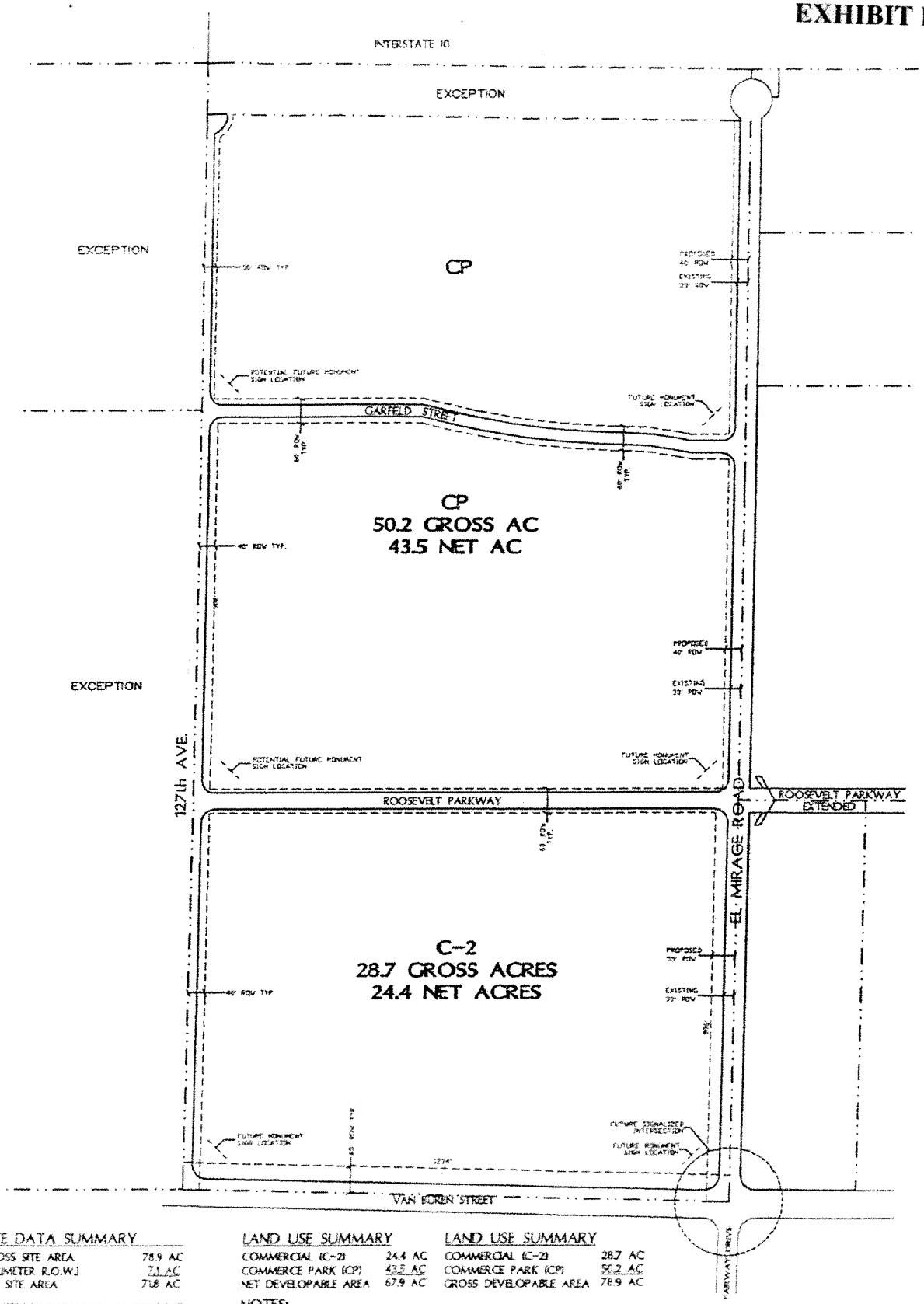
GENERAL PLAN
The property is designated as Mixed Use on the General Plan Land Use Map.

STREETS	
El Mirage Road	
Classification	Arterial
Existing half street ROW	55 feet
Standard half street ROW	55 feet
Existing half street improvements	1.5 travel lanes, bike lane, curb and gutter, sidewalks, street lights and landscaping
Standard half street improvements	2.5 travel lanes, bike lane, curb and gutter, sidewalks, street lights and landscaping
Van Buren Street	
Classification	Arterial
Existing half street ROW	65 feet
Standard half street ROW	65 feet
Existing half street improvements	2.5 travel lanes, bike lane, curb and gutter, sidewalks, street lights and landscaping.
Standard half street improvements	2.5 travel lanes, bike lane, curb and gutter,

	sidewalks, street lights and landscaping.
127th Avenue	
Classification	Collector
Existing half street ROW	40 feet
Standard half street ROW	40 feet
Existing half street improvements	1.5 travel lanes, bike lane, curb and gutter, sidewalks, street lights and landscaping
Standard full street improvements	1.5 travel lanes, bike lane, curb and gutter, sidewalks, street lights and landscaping
Corporate Drive	
Classification	Collector
Existing full street ROW	60 feet
Standard full street ROW	60 feet
Existing full street improvements	2 travel lanes, curb and gutter, sidewalks, street lights and landscaping.
Modified full street improvements	2 travel lanes, curb and gutter, sidewalks, street lights and landscaping.

UTILITIES
A 16-inch waterline exists in Van Buren Street at the El Mirage Road intersection, as well as along El Mirage Road over to 127th Avenue and back to the Van Buren Street and El Mirage Road intersection to loop the water system. A 30-inch sewer line exists at the Van Buren Street and El Mirage Road intersection, as well as a new sewer line along El Mirage Road to service the site.

EXHIBIT D



SITE DATA SUMMARY	
GROSS SITE AREA	78.9 AC
(PERIMETER R.O.W.)	7.1 AC
NET SITE AREA	71.8 AC
NET SITE AREA	71.8 AC
(INTERIOR R.O.W.)	3.9 AC
NET DEVELOPABLE AREA	67.9 AC

LAND USE SUMMARY	
COMMERCIAL (C-2)	24.4 AC
COMMERCE PARK (CP)	43.5 AC
NET DEVELOPABLE AREA	67.9 AC

LAND USE SUMMARY	
COMMERCIAL (C-2)	28.7 AC
COMMERCE PARK (CP)	50.2 AC
GROSS DEVELOPABLE AREA	78.9 AC

NOTES:

GROSS ACERAGES IS CALCULATED TO THE ADJACENT PERIMETER STREET CENTER LINE.

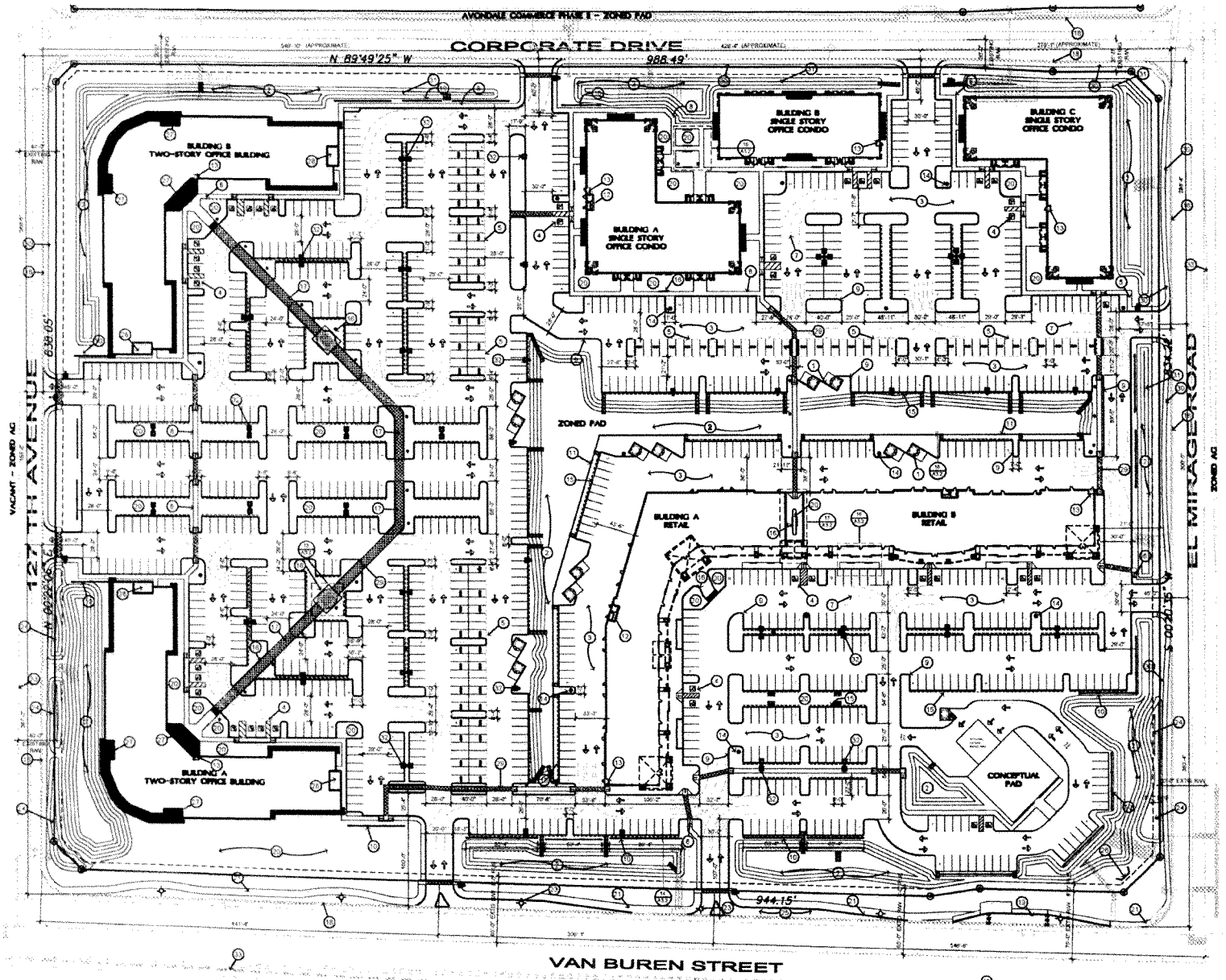
ALL ACERAGES SHOWN ARE BASED ON APPROXIMATE NET VALUE

NORTH

GENERAL DEVELOPMENT PLAN
EXHIBIT D

RDB
Management & Construction

AVONDALE COMMERCE CENTER



PRELIMINARY SITE PLAN

PROJECT INFO

PROJECT NAME:
AVONDALE COMMERCE CENTER PHASE III

PROJECT ADDRESS:
(NOT YET ASSIGNED) NWC VAN BUREN & EL MIRAGE ROAD

PARCEL NUMBER:
[illegible]

LEGAL DESCRIPTION:

A PORTION OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 1 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

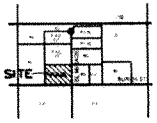
COMMENCING AT THE CITY OF AVONDALE BRASS CAP IN HANDHOLE MARKING THE SOUTHEAST CORNER OF SECTION 3 FROM WHICH A MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION BRASS CAP FLUSH MARKING THE SOUTH QUARTER CORNER OF SAID SECTION 2 BEARS NORTH 89 DEGREES 22 MINUTES 14 SECONDS WEST 2638.38 FEET, SAID LINE BETWEEN THE SOUTH LINE OF SAID SOUTHEAST QUARTER AND THE BASIS OF BEARING FOR THIS DESCRIPTION.

THENCE NORTH 00 DEGREES 10 MINUTES 25 SECONDS EAST 65.02 FEET ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER TO A LINE 65.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF THE SAID SOUTHEAST QUARTER, THENCE NORTH 89 DEGREES 22 MINUTES 14 SECONDS WEST 90.00 FEET ALONG SAID PARALLEL LINE TO THE POINT OF BEGINNING, THENCE CONTINUING NORTH 89 DEGREES 22 MINUTES 14 SECONDS WEST 1164.32 FEET ALONG SAID PARALLEL LINE, THENCE NORTH 44 DEGREES 50 MINUTES 06 SECONDS WEST 42.30 FEET TO A LINE 40.00 FEET EAST OF AND PARALLEL OF THE WEST LINE OF THE EAST HALF OF SAID SOUTHEAST QUARTER, THENCE NORTH 00 DEGREES 20 MINUTES 08 SECONDS EAST 636.05 FEET ALONG SAID PARALLEL LINE, THENCE NORTH 45 DEGREES 10 MINUTES 30 SECONDS EAST 28.33 FEET, THENCE SOUTH 89 DEGREES 49 MINUTES 25 SECONDS EAST 1170.88 FEET, THENCE SOUTH 44 DEGREES 10 MINUTES 25 SECONDS EAST 42.43 FEET TO A LINE 90.00 FEET WEST OF AND PARALLEL TO THE EAST LINE OF SAID SOUTHEAST QUARTER OF SECTION 2, THENCE SOUTH 00 DEGREES 10 MINUTES 25 SECONDS WEST 946.10 FEET ALONG SAID PARALLEL LINE, THENCE SOUTH 45 DEGREES 34 MINUTES 10 SECONDS WEST 50.80 FEET TO THE POINT OF BEGINNING.

COMPRISING 25.312 ACRES OR 1102904 SQUARE FEET MORE OR LESS, SUBJECT TO ALL EASEMENTS OF RECORD

KEYNOTES

1. TRASH ENCLOSURE
2. RETENTION AREA
3. ASPHALT PAVING
4. ACCESSIBLE STALL/AISLE
5. COVERED PARKING - SEE DETAIL 19A-3.7
6. ACCESSIBLE RAMP
7. FIRE TRUCK RADIUS
8. 5'-0" CONCRETE SIDEWALK (TYP.)
9. 6" VERTICAL CURB
10. 3 FOOT MASONRY WALL
11. 8 FOOT MASONRY WALL
12. SSS ROOM
13. RSS/A ROOM
14. PROPOSED FIRE HYDRANT
15. PARKING OVERHANG
16. 10' HIGH MASONRY WALL WITH STONE VENEER FINISH WITH DECORATIVE CAP
17. DECORATIVE CONCRETE OF PAVER WALK
18. EXISTING CURB & GUTTER
19. SUNDAY DETAIL - CITY OF PHOENIX DETAIL #P1204
20. LANDSCAPE AREA
21. 6' SIDEWALK - ALONG VAN BUREN ONLY
22. EXISTING STREETLIGHT
23. EXISTING STREETLIGHT TO BE RELOCATED
24. LANDSCAPE MOUND
25. DECELERATION LANE
26. MONUMENT SIGN / CENTER IDENTIFICATION
27. BALCONY
28. STAIRWELL
29. PEDESTRIAN CROSSWALK TO BE BRICK PAVERS OR STAMPED CONCRETE
30. 8' CONCRETE SIDEWALK
31. SHALLOW RETENTION BASIN DEPTH 1' OR LESS
32. PARKING LOT LIGHTING
33. EDGE OF PAVEMENT



MAP OF SUBDIVISION
NOT TO SCALE

NOTE:
ALL EXTERIOR LIGHTING WILL BE FM SCREENED AND DIRECTED DOWNW
ALL NEW AND EXISTING UTILITIES UNDER SW WILL BE PLACED UNDERGROUND
ALL ROOF MOUNTED MECHANICAL EQUIPMENT SHALL BE SCREENED FROM VIEW
ALL ELECTRICAL SERVICES LOCAT WITHIN AN ENCLOSED ROOM WITHIN EACH BUILDING (NOT VISIBLE FROM EXTERIOR)

VICINITY MAP
NOT TO SCALE

2nd SITE REVIEW COMMENTS - 1/18/08
1st SITE REVIEW COMMENTS - 10/19/07
SITE PLAN REVIEW - NOT FOR CONSTRUCTION

RDB

Avondale Commerce Center Phase III
NWC of El Mirage & Van Buren
AVONDALE, ARIZONA

RDB CONSTRUCTION
1517 WEST WILLIAMS DRIVE
PHOENIX, ARIZONA 85027

DR-07-29

EXHIBIT

A1.1

RETAIL CENTER

PROJECT DATA:

BUILDING CODE: 2006 INTERNATIONAL BUILDING CODE
FIRE CODE: 2003 INTERNATIONAL FIRE CODE
MECHANICAL CODE: 2006 INTERNATIONAL MECHANICAL CODE
ELECTRICAL CODE: 2005 NATIONAL ELECTRIC CODE
PLUMBING CODE: 2006 INTERNATIONAL PLUMBING CODE
ACCESSIBILITY CODE: 1998 ADA ACCESSIBILITY (ICC/ANSI)

ZONING: P.A.D. (CASE Z04-1)

OCCUPANCY TYPE: B (BUSINESS)
M (MERCANTILE)

SETBACKS:

FRONT	20' BSB
SIDE YARD	20' BSB
STREET SIDE	20' BSB

BUILDING HEIGHT:

ALLOWABLE	30'-0" (TOP OF ROOF LINE)
ACTUAL	30'-0"

OCCUPANCY SEPARATION: TO BE DETERMINED DURING TENANT IMPROVMENT

CONSTRUCTION TYPE: TYPE V-B (FULLY SPRINKLED)

BUILDING AREA: (ASSUMING)

	RETAIL(NON)	OFFICE(NON)	F.CONDO(NON)	TOTAL
BUILDING A (SHELL)	27,143 SF	6,612 SF	3,307 SF	33,062 SF
BUILDING B (SHELL)	14,153 SF	4,064 SF	2,021 SF	20,218 SF
TOTAL	37,296 SF	10,676 SF	5,328 SF	53,280 SF

SITE AREA: (43,560 SF = 1 ACRE)

GROSS SITE	1,102,604 SF	25.312 ACRES
RETAIL SITE	304,945 SF	7.00 ACRES

LOT COVERAGE:

BLDG / GROSS SITE	53,280 SF / 1,102,604 SF	= 4%
BLDG / RETAIL SITE	53,280 SF / 304,945 SF	= 17%

FIRE PROTECTION: AUTOMATIC FIRE EXTINGUISHING SYSTEM (AFES) - FULLY SPRINKLED (NFPA 13)

FIRE ALARM: MANDATORY COMMERCIAL ADDRESSIBLE SYSTEM NFPA 72

PARKING CALCULATION: STANDARD

FOR GENERAL OFFICES (NON RETAIL COMMERCIAL)
= 1 SPACE PER 250 SF

10,676 SF/250 = 42.62 = 43 SPACES

FOR RETAIL SALES = 1 SPACE PER 300SF

37,296 SF/300 = 124.32 = 124 SPACES

FOR RESTAURANTS, CAFES, ETC
= 1 SPACE PER 50 SF

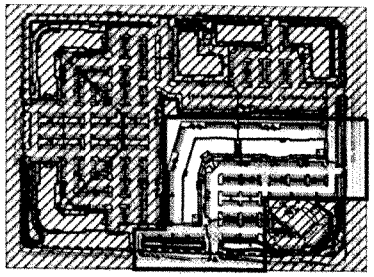
5,328 SF/50 = 106.56 = 107 SPACES

43 + 124 + 107 = 274 SPACES REQUIRED

ACCESSIBLE
FOR 201-300 (6 STANDARD, 1 VAN = 7 TOTAL)

PARKING RESULTS:

	REQUIRED	PROVIDED
STANDARD	267	326
ACCESSIBLE(STAND.)	6	7
ACCESSIBLE(VAN)	1	1
TOTAL	274	334



2-STORY OFFICE

PROJECT DATA:

BUILDING CODE: 2006 INTERNATIONAL BUILDING CODE
FIRE CODE: 2003 INTERNATIONAL FIRE CODE
MECHANICAL CODE: 2006 INTERNATIONAL MECHANICAL CODE
ELECTRICAL CODE: 2005 NATIONAL ELECTRIC CODE
PLUMBING CODE: 2006 INTERNATIONAL PLUMBING CODE
ACCESSIBILITY CODE: 1998 ADA ACCESSIBILITY (ICC/ANSI)

ZONING: P.A.D. (CASE Z04-1)

OCCUPANCY TYPE: B (BUSINESS)

SETBACKS:

FRONT	20' BSB
SIDE YARD	20' BSB
STREET SIDE	20' BSB

BUILDING HEIGHT:

ALLOWABLE	30'-0" (TOP OF ROOF LINE)
ACTUAL	30'-0"

OCCUPANCY SEPARATION: TO BE DETERMINED DURING TENANT IMPROVMENT

CONSTRUCTION TYPE: TYPE III-B (FULLY SPRINKLED)

BUILDING AREA:

BUILDING A (TWO STORY)	SHELL	59,545 SF
BUILDING B (TWO STORY)	SHELL	59,545 SF
TOTALS		119,090 SF

SITE AREA: (43,560 SF = 1 ACRE)

GROSS SITE	1,102,604 SF	25.312 ACRES
OFFICE SITE	474,785 SF	10.90 ACRES

LOT COVERAGE:

BLDG / GROSS SITE	119,090 SF / 1,102,604 SF	= 11%
BLDG / OFFICE SITE	119,090 SF / 474,785 SF	= 25%

FIRE PROTECTION: AUTOMATIC FIRE EXTINGUISHING SYSTEM (AFES) - FULLY SPRINKLED (NFPA 13)

FIRE ALARM: MANDATORY COMMERCIAL ADDRESSIBLE SYSTEM NFPA 72

PARKING CALCULATION: STANDARD

FOR GENERAL OFFICES (NON RETAIL COMMERCIAL)
= 1 SPACE PER 250 SF

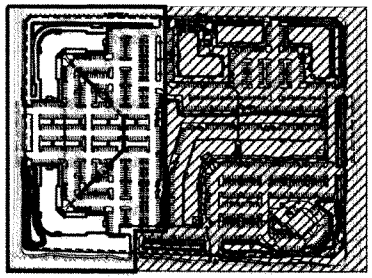
59,545 SF/250 = 238.18 = 238 SPACES REQUIRED

ACCESSIBLE
FOR 201-300 (6 STANDARD, 1 VAN = 7 TOTAL)

CALCULATIONS ARE PER BUILDING ONLY

PARKING RESULTS:

	REQUIRED PER BLDG	PROVIDED FOR BLDG A	PROVIDED FOR BLDG B
STANDARD	238	282	256
ACCESSIBLE(STAND.)	6	7	7
ACCESSIBLE(VAN)	1	1	1
TOTAL	245	290	263



OFFICE CONDOS

PROJECT DATA:

BUILDING CODE: 2006 INTERNATIONAL BUILDING CODE
FIRE CODE: 2003 INTERNATIONAL FIRE CODE
MECHANICAL CODE: 2006 INTERNATIONAL MECHANICAL CODE
ELECTRICAL CODE: 2005 NATIONAL ELECTRIC CODE
PLUMBING CODE: 2006 INTERNATIONAL PLUMBING CODE
ACCESSIBILITY CODE: 1998 ADA ACCESSIBILITY (ICC/ANSI)

ZONING: P.A.D. (CASE Z04-1)

OCCUPANCY TYPE: B (BUSINESS)

SETBACKS:

FRONT	20' BSB
SIDE YARD	20' BSB
STREET SIDE	20' BSB

BUILDING HEIGHT:

ALLOWABLE	30'-0" (TOP OF ROOF LINE)
ACTUAL	30'-0"

OCCUPANCY SEPARATION: TO BE DETERMINED DURING TENANT IMPROVMENT

CONSTRUCTION TYPE: TYPE V-B (FULLY SPRINKLED)

BUILDING AREA:

BUILDING A	SHELL	20,403 SF
BUILDING B	SHELL	12,563 SF
BUILDING C	SHELL	20,559 SF
TOTALS		53,525 SF

SITE AREA: (43,560 SF = 1 ACRE)

GROSS SITE	1,102,604 SF	25.312 ACRES
CONDO SITE	261,917 SF	6.01 ACRES

LOT COVERAGE:

BLDG / GROSS SITE	53,525 SF / 1,102,604 SF	= 5%
BLDG / CONDO SITE	53,525 SF / 261,917 SF	= 20%

FIRE PROTECTION: AUTOMATIC FIRE EXTINGUISHING SYSTEM (AFES) - FULLY SPRINKLED (NFPA 13)

FIRE ALARM: MANDATORY COMMERCIAL ADDRESSIBLE SYSTEM NFPA 72

PARKING CALCULATION: STANDARD

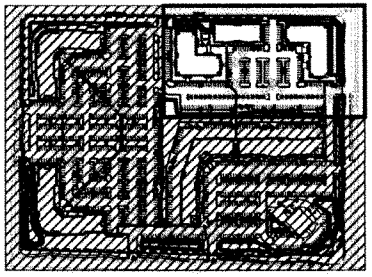
FOR MEDICAL & DENTAL OFFICES, CLINICS
= 1 SPACE PER 200 SF

53,525 SF/200 = 267.6 = 268 SPACES REQUIRED

ACCESSIBLE
FOR 201-300 (6 STANDARD, 1 VAN = 7 TOTAL)

PARKING RESULTS:

	REQUIRED	PROVIDED
STANDARD	245	251
ACCESSIBLE(STAND.)	6	7
ACCESSIBLE(VAN)	1	1
TOTAL	252	261



PAD (CONCEPTUAL)

PROJECT DATA:

BUILDING CODE: 2006 INTERNATIONAL BUILDING CODE
FIRE CODE: 2003 INTERNATIONAL FIRE CODE
MECHANICAL CODE: 2006 INTERNATIONAL MECHANICAL CODE
ELECTRICAL CODE: 2005 NATIONAL ELECTRIC CODE
PLUMBING CODE: 2006 INTERNATIONAL PLUMBING CODE
ACCESSIBILITY CODE: 1998 ADA ACCESSIBILITY (ICC/ANSI)

ZONING: P.A.D. (CASE Z04-1)

OCCUPANCY TYPE: B (BUSINESS)

SETBACKS:

FRONT	20' BSB
SIDE YARD	20' BSB
STREET SIDE	20' BSB

OCCUPANCY SEPARATION: TO BE DETERMINED DURING TENANT IMPROVMENT

CONSTRUCTION TYPE: TYPE V-B

BUILDING HEIGHT:

ALLOWABLE	30'-0" (TOP OF ROOF LINE)
ACTUAL	30'-0"

BUILDING AREA: 5,184 SF

SITE AREA: (43,560 SF = 1 ACRE)

GROSS SITE	1,102,604 SF	25.312 ACRES
PAD SITE	62,443 SF	1.43 ACRES

LOT COVERAGE:

BLDG / GROSS SITE	5,184 SF / 1,102,604 SF	= 0.5%
BLDG / PAD SITE	5,184 SF / 62,443 SF	= 8%

FIRE PROTECTION: AUTOMATIC FIRE EXTINGUISHING SYSTEM (AFES) - FULLY SPRINKLED (NFPA 13)

FIRE ALARM: MANDATORY COMMERCIAL ADDRESSIBLE SYSTEM NFPA 72

PARKING CALCULATION: STANDARD

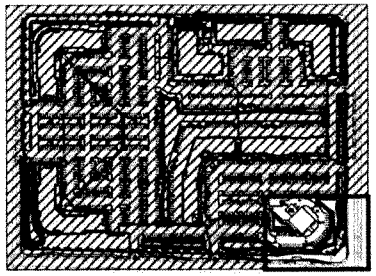
FOR GENERAL OFFICES (NON RETAIL COMMERCIAL)
= 1 SPACE PER 250 SF

5,184 SF/250 = 20.73 = 21 SPACES REQUIRED

ACCESSIBLE
FOR 1-25 (1 STANDARD)

PARKING RESULTS:

	REQUIRED	PROVIDED
STANDARD	20	28
ACCESSIBLE(STAND.)	1	2
TOTAL	21	30



2nd SITE REVIEW COMMENTS - 1/11/08
1st SITE REVIEW COMMENTS - 10/10/07
SITE PLAN REVIEW - NOT FOR CONSTRUCTION

RDB

DR-07-29

Avondale Commerce Center Phase III
NWC of El Mirage & Van Buren
AVONDALE, ARIZONA

RDB CONSTRUCTION
1617 WEST WILLIAMS DRIVE
PHOENIX, ARIZONA 85027

A1.2

Construction

SITE PLAN PLANTING DATA

LANDSCAPE AREAS

A. ON-SITE LANDSCAPE AREA [14-35-4.A.1]

1. OVERALL ON-SITE
INDUSTRIAL: 10% OF NET SITE AREA**
MULTI-FAMILY: 20% OF NET SITE AREA** COMMERCIAL/OTHER
NON-RESIDENTIAL: 20% OF NET SITE AREA **
(** NET OUT LANDSCAPE BUFFER & SCHOOL PLAYFIELDS IF APPLICABLE (C))

B. STREET FRONTAGE LANDSCAPING [14-35-4.A.2]

1. COMMERCIAL/MULTI-FAMILY: 15' WIDE STRIP (ON-SITE) ALONG STREET FRONTAGE
2. SCHOOLS: 15' WIDE STRIP (ON-SITE) ALONG ARTERIAL STREET FRONTAGE; (10' OTHERS
3. INDUSTRIAL: 10' WIDE STRIP (ON-SITE) ALONG STREET FRONTAGE

C. LAND USE BUFFER [14-35-4.A.3]

1. O-1/C-1 DISTRICTS ABUTTING ALL RESIDENTIAL DISTRICTS: 20' WIDE
2. OTHER NON-RESIDENTIAL DISTRICTS ABUTTING ALL RESIDENTIAL DISTRICTS: 30' WIDE 3. MULTI-FAMILY DISTRICTS ABUTTING SINGLE FAMILY DISTRICTS: 20' WIDE

	REQUIRED		PROVIDED	
A. ON-SITE LANDSCAPE AREA	88,173	SQ. FT.	89,023	SQ. FT.
B. STREET FRONTAGE LANDSCAPING	1,692	LIN FT.	1,692	LIN FT.
	NA	LIN FT.	NA	LIN FT.
	NA	LIN FT.	NA	LIN FT.
C. LAND USE BUFFER	12,140	SQ. FT.	12,947	SQ. FT.
	NA	SQ. FT.	NA	SQ. FT.
	NA	SQ. FT.	NA	SQ. FT.

PLANT QUANTITIES

ON-SITE LANDSCAPE AREAS [14-35-4.A.1.a]

MULTI-FAMILY AND NON-RESIDENTIAL
D. TREES: 1 PER 400 SQ. FT. OF REQ. LANDSCAPING (SEE A.1); E. SHRUBS: 5 PER 400 SQ. FT. OF REQ. LANDSCAPING (SEE A.1)

SCHOOLS
F. TREES: 1 PER 800 SQ. FT. OF REQ. LANDSCAPING (SEE A.1)
G. SHRUBS: 1 PER 800 SQUARE FEET OF REQ. LANDSCAPING (SEE A.1)

STREET FRONTAGE LANDSCAPING [14-35-4.A.2]

H. TREES: 1 PER 25 LIN. FT OF STREET FRONTAGE I. SHRUBS: 5 PER 25 LIN. FT. OF STREET FRONTAGE

LAND USE BUFFER PLANTINGS [14-35-4.A.3]

J. TREES: 3 PER 1,000 SF OF REQUIRED BUFFER AREA (24" BOX, MIN) K. SHRUBS: 5 PER 1,000 SF OF REQUIRED BUFFER AREA (5 GAL MIN)

D.	71	TREES	71	TREES
E.	355	SHRUBS	461	SHRUBS
F.	NA	TREES	NA	TREES
G.	NA	SHRUBS	NA	SHRUBS
H.	69	TREES	69	TREES
I.	355	SHRUBS	427	SHRUBS
J.	36	TREES	36	TREES
K.	180	SHRUBS	210	SHRUBS

TOTALS

	REQUIRED		PROVIDED	
TOTAL LANDSCAPE AREAS (A+B+C)	100,313	SQ. FT.	102,020	SQ. FT.
TOTAL TREES (D+F+H+J)	176	TREES	177	TREES
TOTAL 24" BOX TREES (50% OF TOTAL REQUIRED TREES)	88	TREES	88	TREES
TOTAL SHRUBS (E+G+I+K)	860	SHRUBS	1,024	SHRUBS

GENERAL NOTES

1. TURF (LAWN) IS LIMITED TO A MAXIMUM OF 20% OF THE SITE AREA.
2. A DEVELOPMENT MAY SUBSTITUTE A 36" BOX OR LARGER TREE IN PLACE OF A 15 GALLON TREE AT A SUBSTITUTION RATE OF 1.5 TREES FOR EVERY REQUIRED (15) GALLON TREE.
3. ALL LANDSCAPED AREAS SHALL BE SUPPORTED BY AN AUTOMATIC IRRIGATION SYSTEM WHICH MAY BE SPRAY, FLOOD OR DRIP SYSTEM.
4. PLANT MATERIALS UTILIZED IN LANDSCAPED AREAS IN THE R.O.W. MUST BE INCLUDED ON THE MOST RECENT EDITION OF THE PHOENIX ACTIVE MANAGEMENT AREA LOW WATER USE / DROUGHT TOLERANT PLANT LIST.
5. THE PROPERTY OWNER AND/OR LESSEE SHALL BE RESPONSIBLE TO INSTALL/MAINTAIN ALL LANDSCAPING WITHIN THE RIGHT-OF-WAY.
6. A 3 FOOT CLEAR SPACE IS REQUIRED AROUND ALL FIRE SUPPRESSION EQUIPMENT. NO PLANTS MAY BE INSTALLED THAT WILL ENCROACH WHEN MATURE.

MISC NOTES

1. ALL LANDSCAPE WILL BE GUARANTEED 100% DRIP IRRIGATION
2. A PRE-EMERGENT HERBICIDE SHALL BE APPLIED TO THE GROUND PRIOR TO AND AFTER THE PLACEMENT OF NATURAL SURFACE MATERIALS IN ALL LANDSCAPE AREAS

PRE-EMERGENT NOTE

DUE TO CONFLICTS BETWEEN OWNER'S AND CONTRACTOR'S WE ARE NOW REQUIRING THAT THE ENTIRE PRE-EMERGENT APPLICATION PROCESS BE VIDEO TAPPED. VIDEO TAPE IS TO BE VIEWED BY THE LANDSCAPE ARCHITECT. IF VIDEO TAPPING IS NOT PERFORMED ANOTHER APPLICATION SHALL BE PROVIDED WITH VIDEO TAPPING.

LIABILITY NOTE

THE CITY APPROVES THESE PLANS FOR CONCEPT ONLY AND ACCEPTS NO LIABILITY FOR ERRORS OR OMISSIONS.

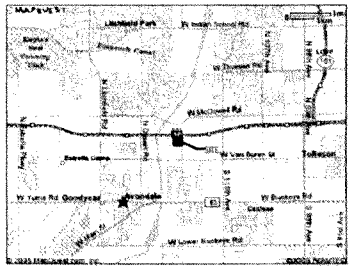
LANDSCAPE AND IRRIGATION

1. ALL LANDSCAPE AND IRRIGATION INSTALLED WITHIN THE PUBLIC RIGHT-OR-WAY OR OTHER CITY MAINTAINED AREAS SHALL BE INSTALLED PER THE APPROVED PLANS. ALL LANDSCAPING APPROVED AS A PART OF THE SITE PLAN PROCESS SHALL BE INSTALLED PER THE APPROVED PLANS. ANY DEVIATIONS TO THE APPROVED PLANS REQUIRED CITY APPROVAL.
2. PERMITS ARE REQUIRED FOR ELECTRICAL CONNECTIONS, INCLUDING ELECTRIC METER INSTALLATION, BACKFLOW PREVENTERS, AND WORK WITHIN THE CITY RIGHT - OF - WAY OR CITY DEDICATED PROPERTY. THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING THESE PERMITS PRIOR TO THE COMMENCEMENT OF ANY WORK.
3. ALL LANDSCAPE PROJECTS REQUIRING CITY MAINTENANCE OR WITHIN THE CITY RIGHT - OF - WAY SHALL BE INSPECTED FOR THE FOLLOWING.
A. PLANT LOCATIONS: THESE LOCATIONS SHALL BE STAKED IN THE FIELD WITH IDENTIFICATION AS TO TREES OR SHRUBS; OR HOLES FOR THE PLANT MATERIALS MAY BE DUG WITH IDENTIFICATION OF PLANT TYPE. USE OF THIS METHOD DOES NOT RELIEVE THE CONTRACTOR OF ANY PLANT RELOCATIONS MADE BY THE CITY.
B. IRRIGATION INSTALLATION: INSPECTIONS SHALL BE MADE AT THE POINT THE IRRIGATION SYSTEM IS INSTALLED. INSPECTIONS OF THE PIPE DEPTH, AUTOMATIC VALVE INSTALLATION AND EMITTER / SPRAY INSTALLATIONS WILL BE MADE.
C. SUBTANTIAL COMPLETION: AN INSPECTION AT COMPLETION OF THE LANDSCAPE AND IRRIGATION INSTALLATION WILL BE MADE. ANY DEFICIENCIES IN THE INSTALLATION WILL BE NOTED AND CORRECTED BY THE CONTRACTOR DURING THE MAINTENANCE PERIOD. D. FINAL ACCEPTANCE: A FINAL INSPECTION IS REQUIRED PRIOR TO CITY ACCEPTANCE OF THE LANDSCAPE AND IRRIGATION IMPROVEMENTS. THE ABOVE INSPECTIONS REQUIRE A MINIMUM OF 48 - HOURS PRIOR NOTIFICATION TO THE CITY. CALL THE PEORIA COMMUNITY DEVELOPMENT DEPARTMENT AT (623) 773 - 7200 AND LEAVE A MESSAGE INCLUDING THE SUBDIVISION, LOCATION AND TYPE OF INSPECTION TO ARRANGE FOR THESE INSPECTIONS.
4. SEPARATE INSPECTIONS ARE REQUIRED FOR THE BACKFLOW PREVENTER AND ELECTRICAL CONNECTIONS. PLEASE CALL (623) 773 - 7220 A MINIMUM OF 24 - HOURS PRIOR TO ARRANGE FOR THESE INSPECTIONS.
5. LANSCAPE AND IRRIGATION, WHICH IS INSTALLED ON PRIVATE PROPERTY IN THE CONJUNCTION WITH A CITY APPROVED SITE PLAN WILL BE INSPECTED BY THE COMMUNITY DEVELOPMENT DEPARTMENT FOR CONFORMANCE TO THE APPROVED SITE PLAN PRIOR TO ISSURANCE OF A CERTIFICATE OF OCCUPANCY.
6. THE LANDSCAPE AND IRRIGATION FOR THIS PROJECT WILL BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION PER THE APPROVED PLANS.
7. ALL CITY MAINTAINED PROJECTS REQUIRE A 90 - DAY MAINTENANCE PERIOD TO BEGIN AT THE DATE OF SUBSTANTIAL COMPLETION AS DETERMINED BY THE CITY.
8. RIGHT - OF - WAY AND CITY MAINTAINED AREAS REQUIRE SEPARATE WATER METER CONNECTIONS. RIGHT - OF - WAY AREAS DESIGNATED FOR MAINTENANCE BY THE ADJACENT PROPERTY OWNERS FOR COMMERCIAL, INDUSTRIAL AND MULTI - FAMILY DEVELOPMENTS SHALL HAVE THE RIGHT - OF - WAY IRRIGATION ISOLATED OR SEPARATED FROM THE ON - SITE IRRIGATION SYSTEM.
9. THE CONTRACTOR SHALL BE RESPONSIBEL FOR INSTALLATION, COST AND REQUIRED PERMIT FEES FOR THE WATER METER (S) DESIGNATED TO SERVE THE IRRIGATION SYSTEM.
10. ALL PLANTINGS AT MATURITY SHALL MAINTAIN A MINIMUM 6'-0" CLEARANCE AROUND ALL FIRE HYDRANTS AND FIRE SUPPRESSION DEVICES.
11. PLANTINGS SHALL NOT INTERFERE WITH ANY TRAFFIC CONTROL SIGNS AND SHALL MAINTAIN A MAXIMUM HEIGHT OF 2'-6" WITHIN ANY SIGHT DISTANCE TRIANGLES.
12. INSTALLATION OF THE LANDSCAPE AND IRRIGATION SYSTEM INCLUDING ADDITION OF GROUND PLANT MATERIALS SHALL NOT IMPEDE THE FLOW OF DESIGNED DRAINAGE FACILITIES NOR DECREASE THE DESIGN VOLUME OF ANY DETENTION / RETENTION BASINS.
13. THE CONTRACTOR IS REAPONSIBLE FOR THE LOCATION AND PROTECTION OF ALL UNDERGROUND UTILITIES DURING THE LANDSCAPE AND IRRATION INSTALLATION.
14. ALL TREES SHALL MAINTAIN A MINIMUM OF 6-0" CLEARANCE FROM ANY CITY WATER OR SEWER LINE. ALL PLANTINGS SHALL MAINTAIN A SUFFICIENT DISTANCE TO ANY SANITARY AND STORM SEWER MAINHOLES TO ALLOW ACCESS BY MAINTENANCE VEHICLES.
15. A SWALE MINIMUM OF 6" IN DEPTH SHALL BE PROVIDED IN ALL LANDSCAPE AREAS WITHIN THE CITY RIGHT - OF - WAY PER CITY DETAIL TO PROMOTE WATER HARVESTING.
16. ALL PLANTING AREAS (EXCEPT TURF AREAS) TO BE MAINTAINED BY THE CITY SHALL BE TREATED WITH A PRE - EMERGENT HERBICIDE BY A LICENSED APPLICATOR PRIOR TO AND AFTER THE PLACEMENT OF THE DECOMPOSED GRANITE, RIVER ROCK ETC. APPLICATION DOCUMENTATION WILL BE REQUIRED PRIOR TO ACCEPTANCE OF THE LANDSCAPING BY THE CITY.
17. AS - BUILT DRAWINGS OF THE LANDSCAPE AND IRRIGATION SYSTEM ARE REQUIRED PRIOR TO ACCEPTANCE BY THE CITY AND FOR PROJECTS WITIN THE CITY RIGHT - OF - WAY OR CITY OWNED PROPERTY. THE AS - BUILT DRAWINGS SHALL BE 4 - MIL PHOTO MYLAR SHOWING THE LOCATIONS OF ALL PLANTINGS AND THE DIMENSIONS TO FIXED POINTS OF ALL IRRIGATION EQUIPMENT, PIPING ETC.

LANDSCAPE LEGEND

- QUERCUS VIGINIANA, LIVE OAK, 24" BOX - 151
- DALBERGIA SISSOO, SISSOO TREE, 24" BOX - 175
- ULMUS PARVIFLORA, EVERGREEN ELM, 15" GALLON -93
- SOPHORA SECUNDIFLORA, TEXAS MOUNTAIN LAUREL, 24" BOX - 117
- DALBERGIA SISSOO, SISSOO TREE, 15 GALLON - 196
- BOUGAINVILLEA 'BARBARA KARST', BOUGAINVILLEA, 5 GALLON - 64
- AGAVE VILMORIANA, OCTOPUS AGAVE, 5 GALLON - 549
- RUELLIA PENINSULARIS, BAJA RUELLIA, 5 GALLON - 361
- 3/4" MINUS MADISON GOLD DECOMPOSED GRANITE, 2" DEPTH IN ALL LANDSCAPE AREAS
- CAESALPINIA MEXICANA, MEXICAN BIRD OF PARADISE, 5 GALLON - 455
- HESPERALOE PARVIFLORA, RED YUCCA, 5 GALLON - 193
- DASYLIRION WHEELERII, DESERT SPOON, 5 GALLON - 350
- NERIUM OLEANDER 'PETITE PINK', PETITE OLEANDER, 5 GALLON - 1296
- LEUCOPHYLLUM FRUTESCENS, 'GREEN CLOUD', 5 GALLON - 796
- CALLIANDRA CALIFORNICA, BAJA FAIRY DUSTER, 5 GALLON - 454
- LANTANA MONTEVIDENSIS, 'GOLD MOUND', 1 GALLON - 1495
- LANTANA MONTEVIDENSIS, 'TRAILING PURPLE', 1 GALLON - 532
- CONVOLVULUS CNEORUM, BUSH MORNING GLORY, 1 GALLON - 258
- ACACIA REDOLENS, 'DESERT CARPET' tm, 1 GALLON - 220

NOTE: ALL 24" BOX TREES SHALL HAVE A MINIMUM TRUNK HEIGHT OF 8' AND A MINIMUM TWO-INCH CALIPER MEASURED 4" ABOVE GROUND. ALL 15 GALLON TREES SHALL HAVE A MINIMUM TRUNK HEIGHT OF 6' AND A MINIMUM 1.5-INCH CALIPER MEASURED 4" ABOVE GROUND.



VICINITY MAP NTS

RDB

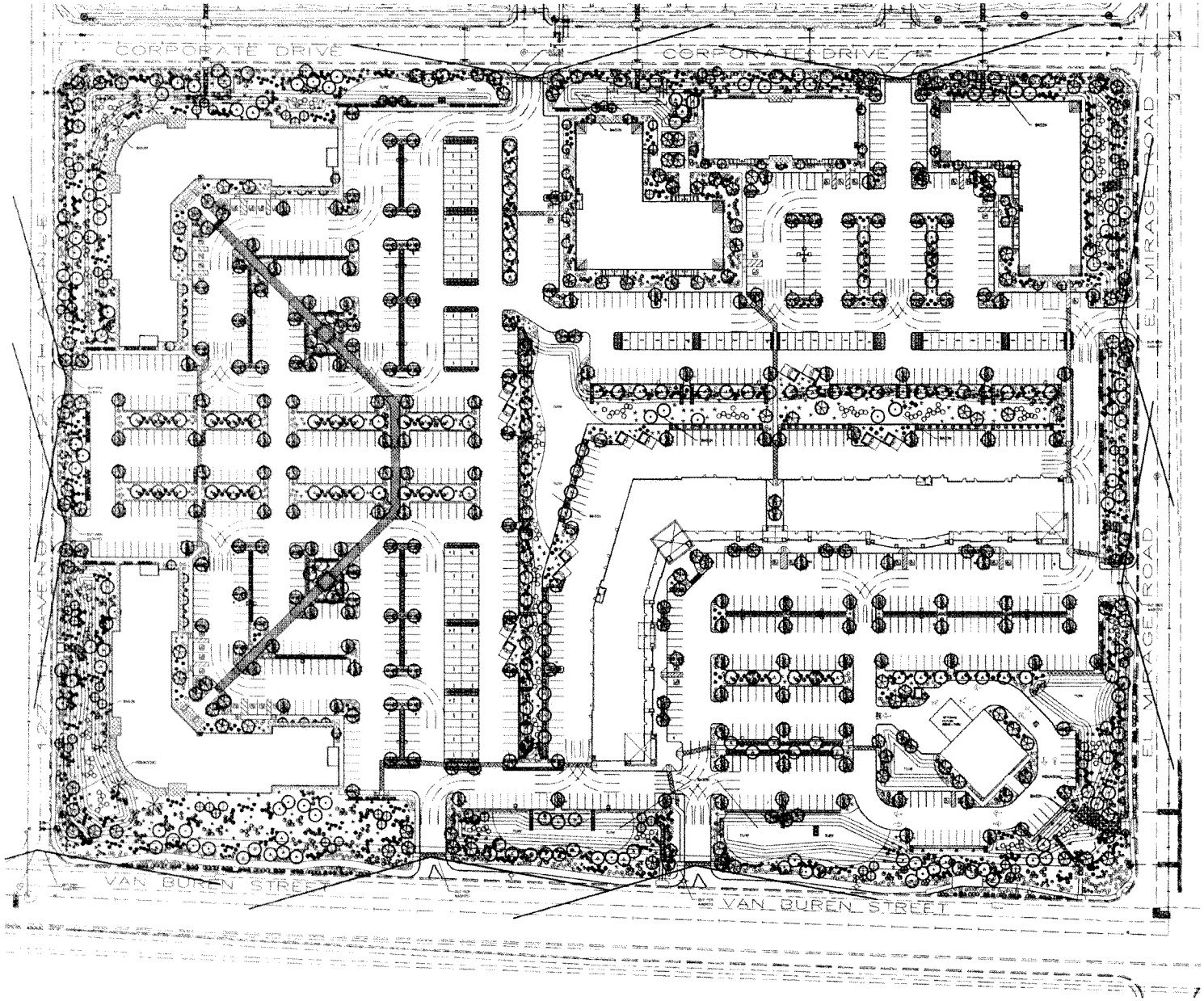
SITE PLAN REVIEW - NOT FOR CONSTRUCTION

Avondale Commerce Center Phase III
NWC of El Mirage & Van Buren
AVONDALE, ARIZONA

RDB MANAGEMENT & CONSTRUCTION
1617 WEST WILLIAMS DRIVE
PHOENIX, ARIZONA 85027

L-1
1 OF 2

Exhibit F
Management & Construction



SITE PLAN REVIEW - NOT FOR CONSTRUCTION

RDB

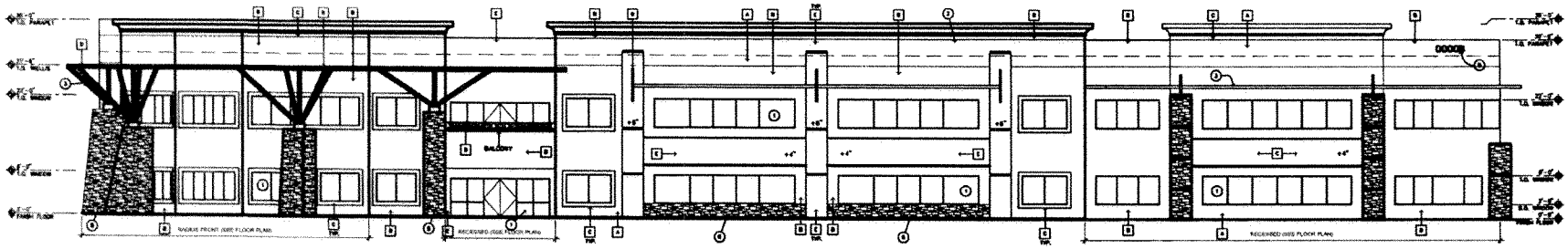
Avondale Commerce Center Phase III
NWC of El Mirage & Van Buren
AVONDALE, ARIZONA

RDB MANAGEMENT & CONSTRUCTION
1617 WEST WILLIAMS DRIVE
PHOENIX, ARIZONA 85027

L-2

2 of 2

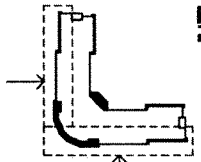
Management & Construc

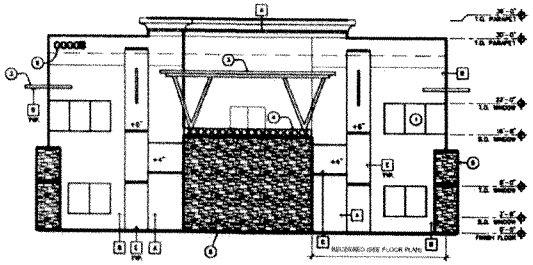


REAR ELEVATION

STREET FRONTAGE

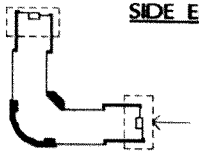
3/32"=1'-0"

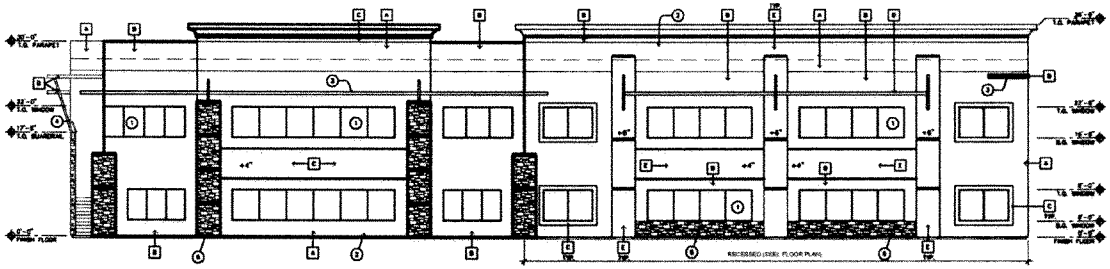




SIDE ELEVATION

3/32"=1'-0"

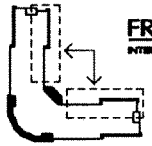


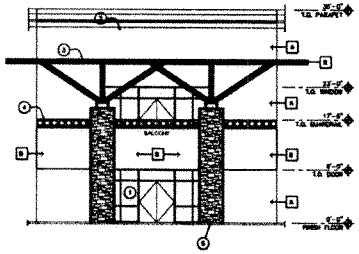


FRONT ELEVATION

INTERNAL TO SITE

3/32"=1'-0"

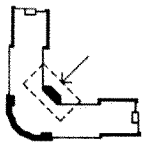




FRONT ELEVATION

INTERNAL TO SITE

3/32"=1'-0"



COLOR SCHEDULE:

- A (100% ACRYLIC, ACRI-COTE OR PRIOR APPROVED EQUAL) FRAZEE #CL 2682M HOUND
- B (100% ACRYLIC, ACRI-COTE OR PRIOR APPROVED EQUAL) FRAZEE #CL 2684D DESK CHAIR
- C (100% ACRYLIC, ACRI-COTE OR PRIOR APPROVED EQUAL) FRAZEE #CL 1586A CATASTROPHE
- D (100% ACRYLIC, ACRI-COTE OR PRIOR APPROVED EQUAL) FRAZEE # CL 2686N WHEEL BARROW
- E (100% ACRYLIC, ACRI-COTE OR PRIOR APPROVED EQUAL) FRAZEE #CL 274-4D DHOO

KEYNOTES:

1. ALUMINUM STORE FRONT ANODIZED DARK BRONZE FRAME WITH SOLAR COOL 1/4" THICK GLASS (REVERSE FOR NO MIRRORED EFFECT)
2. CONCRETE TILT PANEL
3. ORNAMENTAL STEEL CANOPY
4. ORNAMENTAL STEEL TRELLIS
5. WALL PACK LIGHTING
6. STONE VENEER – CORONADO STONE – OLD COUNTRY LEDGE "CARMEL MOUNTAIN" OR APPROVED EQUAL
7. METAL STUD FRAMING WITH STUCCO FINISH +8"
8. METAL STUD FRAMING WITH STUCCO FINISH ++".
9. 14" ADDRESSING BLACK NUMBERS AND LETTERS PER IFC 505.1

2nd SITE REVIEW COMMENTS : 1/15/08
1st SITE REVIEW COMMENTS : 10/15/07
SITE PLAN REVIEW NOT FOR CONSTRUCTION

RDB

DR-07-29

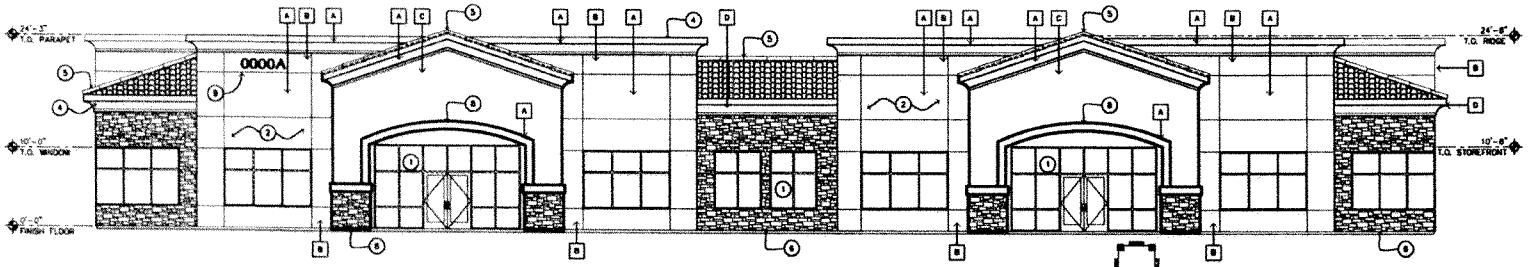
Avondale Commerce Center Phase III
NWC of El Mirage & Van Buren
AVONDALE, ARIZONA

RDB CONSTRUCTION
1617 WEST WILLIAMS DRIVE
PHOENIX, ARIZONA 85027

A4.1

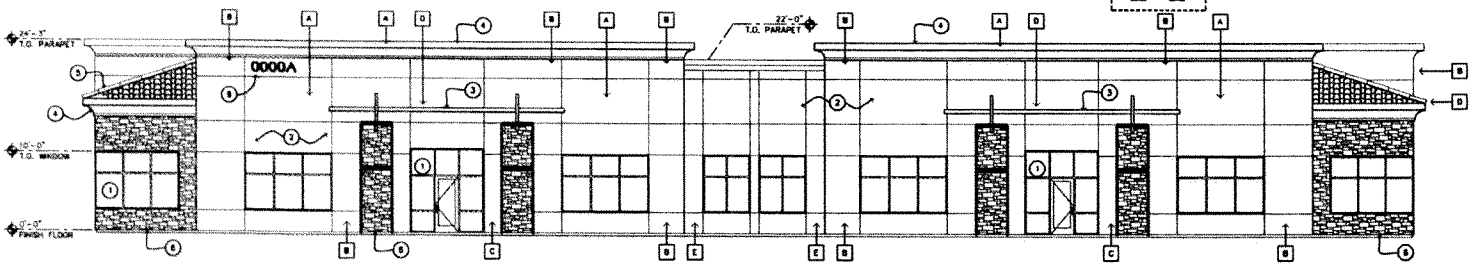
Construction

Exhibit G



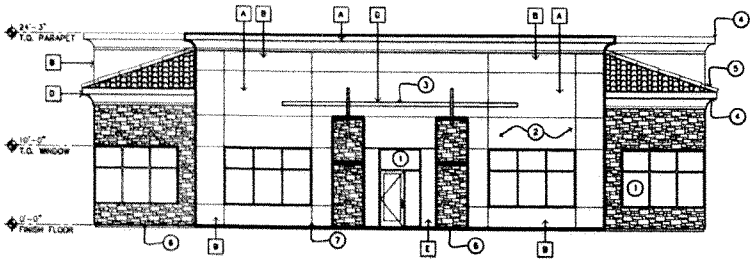
SOUTH ELEVATION

BUILDING A 1/8"=1'-0"



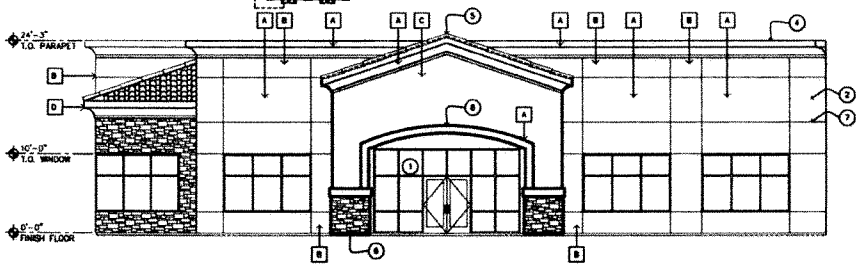
EAST ELEVATION

BUILDING A 3/32"=1'-0"



WEST & NORTH ELEVATION

BUILDING A 1/8"=1'-0"



INTERNAL ELEVATION

BUILDING A 1/8"=1'-0"

SYMBOLS KEY

- STONE VENEER
- STUCCO - SAND FINISH

COLOR SCHEDULE:

- A (100% ACRYLIC, ACRI-COTE OR PRIOR APPROVED EQUAL) FRAZEE #CL 2682N HOUND
- B (100% ACRYLIC, ACRI-COTE OR PRIOR APPROVED EQUAL) FRAZEE #CL 2684D DESK CHAIR
- C (100% ACRYLIC, ACRI-COTE OR PRIOR APPROVED EQUAL) FRAZEE #CL 1586A CATASTROPHE
- D (100% ACRYLIC, ACRI-COTE OR PRIOR APPROVED EQUAL) FRAZEE # CL 2688N WHEEL BARROW
- E (100% ACRYLIC, ACRI-COTE OR PRIOR APPROVED EQUAL) FRAZEE #CL 2744D DRAGO

KEYNOTES:

1. ALUMINUM STORE FRONT ANODIZED DARK BRONZE FRAME WITH SOLAR COOL 1/4" THICK GLASS (REVERSE FOR NO MIRRORED EFFECT)
2. MASONRY WALL WITH STUCCO OR STONE FINISH
3. ORNAMENTAL STEEL CANOPY
4. DECORATIVE FOAM CORNICE WITH STUCCO FINISH
5. CONCRETE TILE - EAGLE ROOFING PRODUCTS
6. STONE VENEER - CORONADO STONE - OLD COUNTRY LEDGE "CARMEL MOUNTAIN" OR APPROVED EQUAL
7. DECORATIVE REVEAL IN STUCCO
8. FOAM POP-OUT WITH STUCCO FINISH +4".
9. 14" ADDRESSING BLACK NUMBERS AND LETTERS PER IFC 505.1

2nd SITE REVIEW COMMENTS - 5/16/08
1st SITE REVIEW COMMENTS - 10/10/07
SITE PLAN REVIEW - NOT FOR CONSTRUCTION

RDB

DR-07-29

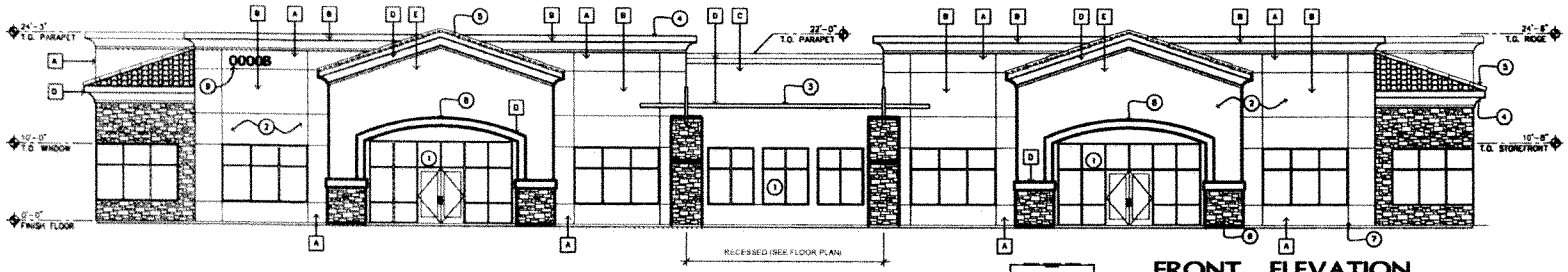
Avondale Commerce Center Phase III
NWC of El Mirage & Van Buren
AVONDALE, ARIZONA

RDB CONSTRUCTION
1617 WEST WILLIAMS DRIVE
PHOENIX, ARIZONA 85027

A4.2

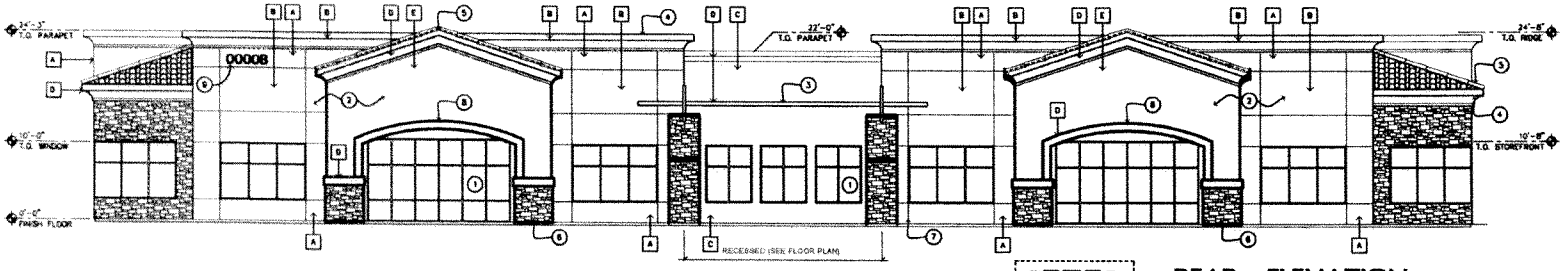
Project: ACC Phase III • Date: 5/16/07 • Developers • Design-Build • General Contractors

RDB Construction



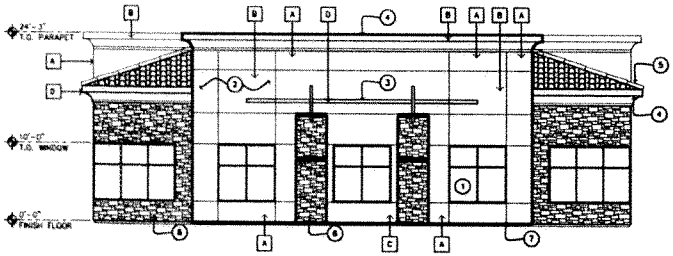
FRONT ELEVATION

BUILDING B 1/8"=1'-0"



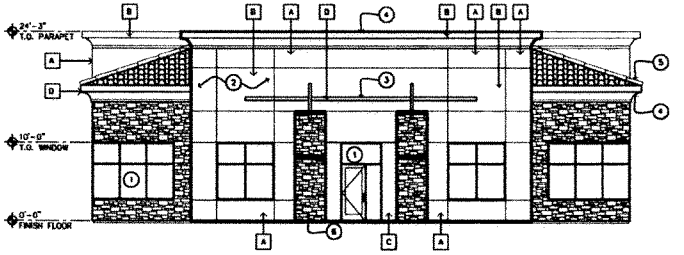
REAR ELEVATION

BUILDING B 1/8"=1'-0"



WEST ELEVATION

BUILDING B 1/8"=1'-0"



EAST ELEVATION

BUILDING B 1/8"=1'-0"

SYMBOLS KEY

- STONE VENEER
- STUCCO - SAND FINISH

COLOR SCHEDULE:

- A (100% ACRYLIC, ACRI-COTE OR PRIOR APPROVED EQUAL) FRAZEE #CL 2682M HOUND
- B (100% ACRYLIC, ACRI-COTE OR PRIOR APPROVED EQUAL) FRAZEE #CL 2684D DESK CHAIR
- C (100% ACRYLIC, ACRI-COTE OR PRIOR APPROVED EQUAL) FRAZEE #CL 1588A CATASTROPHE
- D (100% ACRYLIC, ACRI-COTE OR PRIOR APPROVED EQUAL) FRAZEE # CL 2688M WHEEL BARROW
- E (100% ACRYLIC, ACRI-COTE OR PRIOR APPROVED EQUAL) FRAZEE #CL 2744D BINGO

KEYNOTES:

1. ALUMINUM STORE FRONT ANODIZED DARK BRONZE FRAME WITH SOLAR COOL 1/4" THICK GLASS (REVERSE FOR NO MIRRORED EFFECT)
2. MASONRY WALL WITH STUCCO OR STONE FINISH
3. ORNAMENTAL STEEL CANOPY
4. DECORATIVE FOAM CORNICE WITH STUCCO FINISH
5. CONCRETE TILE - EAGLE ROOFING PRODUCTS
6. STONE VENEER - CORONADO STONE - OLD COUNTRY LEDGE "CARMEL MOUNTAIN" OR APPROVED EQUAL
7. DECORATIVE REVEAL IN STUCCO
8. FOAM POP-OUT WITH STUCCO FINISH +4".
9. 14" ADDRESSING BLACK NUMBERS AND LETTERS PER IFC 505.1

2nd SITE REVIEW COMMENTS - 1/18/08
1st SITE REVIEW COMMENTS - 10/10/07
SITE PLAN REVIEW - NOT FOR CONSTRUCTION

RDB

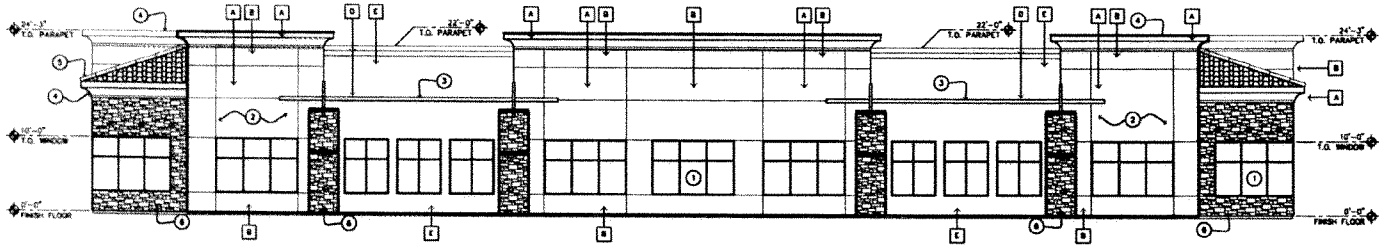
DR-07-29

Avondale Commerce Center Phase III
NWC of El Mirage & Van Buren
AVONDALE, ARIZONA

RDB CONSTRUCTION
1617 WEST WILLIAMS DRIVE
PHOENIX, ARIZONA 85027

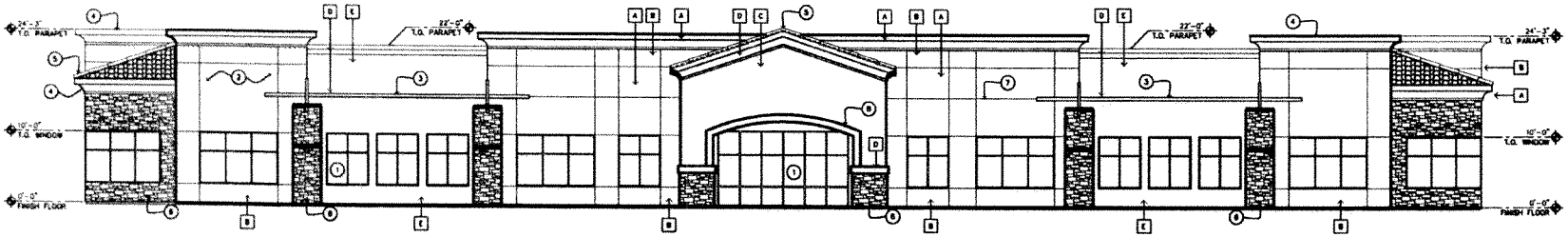
A4.3

Project: ACC Phase III • Date: 8/30/07 • Developers • Design-Build • General Contractors



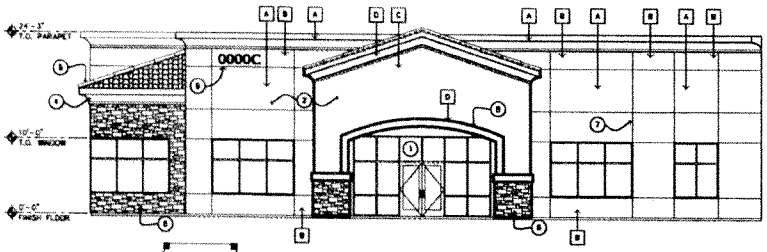
NORTH ELEVATION

BUILDING C 1/8"=1'-0"



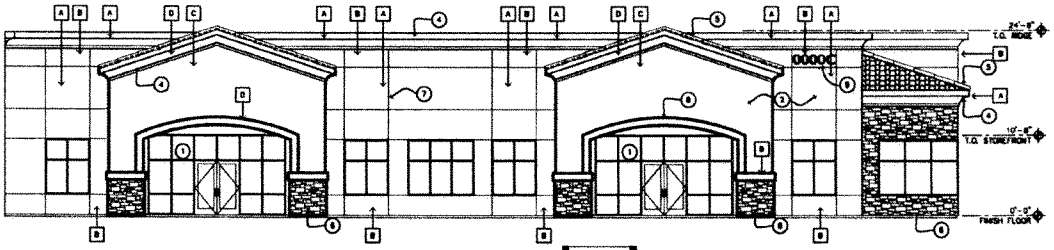
EAST ELEVATION

BUILDING C 1/8"=1'-0"



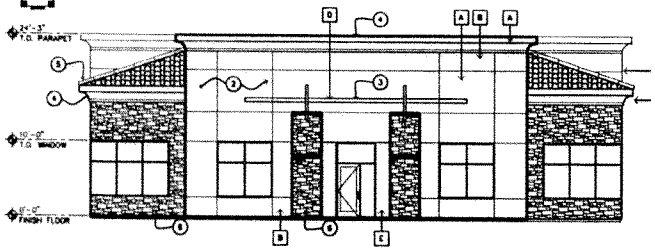
SOUTH ELEVATION

BUILDING C 1/8"=1'-0"



WEST ELEVATION

BUILDING C 1/8"=1'-0"



WEST & SOUTH ELEVATION

BUILDING C 1/8"=1'-0"

SYMBOLS KEY

- STONE VENEER
- STUCCO - SAND FINISH

COLOR SCHEDULE:

- A (100% ACRYLIC, ACRI-COTE OR PRIOR APPROVED EQUAL) FRAZEE (CL 2882M HOUND
- B (100% ACRYLIC, ACRI-COTE OR PRIOR APPROVED EQUAL) FRAZEE (CL 3684D DESK CHAIR
- C (100% ACRYLIC, ACRI-COTE OR PRIOR APPROVED EQUAL) FRAZEE (CL 1586M CATASTROPHE
- D (100% ACRYLIC, ACRI-COTE OR PRIOR APPROVED EQUAL) FRAZEE (CL 3988M WHEEL BARROW
- E (100% ACRYLIC, ACRI-COTE OR PRIOR APPROVED EQUAL) FRAZEE (CL 2744D DINGO

KEYNOTES:

1. ALUMINUM STORE FRONT ANODIZED DARK BRONZE FRAME WITH SOLAR COOL 1/4" THICK GLASS (REVERSE FOR NO MIRRORED EFFECT)
2. MASONRY WALL WITH STUCCO OR STONE FINISH
3. ORNAMENTAL STEEL CANOPY
4. DECORATIVE FOAM CORNICE WITH STUCCO FINISH
5. CONCRETE TILE - EAGLE ROOFING PRODUCTS
6. STONE VENEER - CORONADO STONE - OLD COUNTRY LEDGE "CARMEL MOUNTAIN" OR APPROVED EQUAL
7. DECORATIVE REVEAL IN STUCCO
8. FOAM POP-OUT WITH STUCCO FINISH +4".
9. 14" ADDRESSING BLACK NUMBERS AND LETTERS PER IFC 305.1

2nd SITE REVIEW COMMENTS - 1/19/08
1st SITE REVIEW COMMENTS - 10/10/07
SITE PLAN REVIEW - NOT FOR CONSTRUCTION

RDB

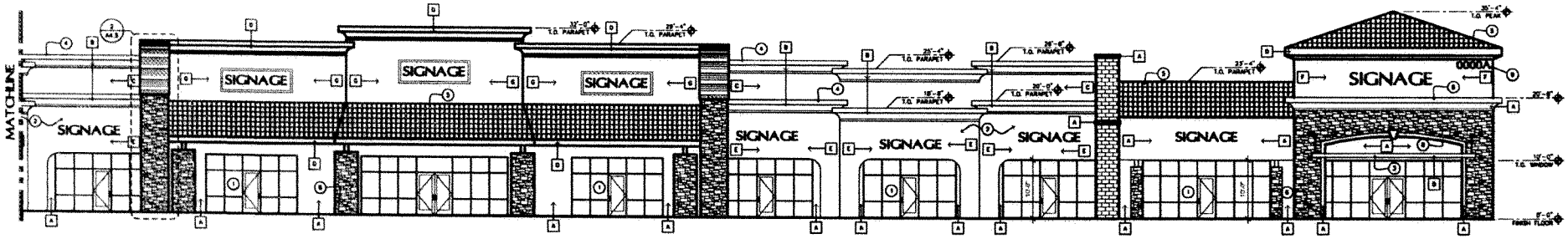
DR-07-29

Avondale Commerce Center Phase III
NWC of El Mirage & Van Buren
AVONDALE, ARIZONA

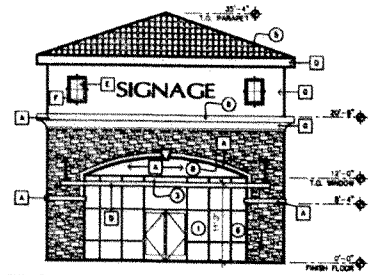
RDB CONSTRUCTION
1817 WEST WILLIAMS DRIVE
PHOENIX, ARIZONA 85027

A4.4

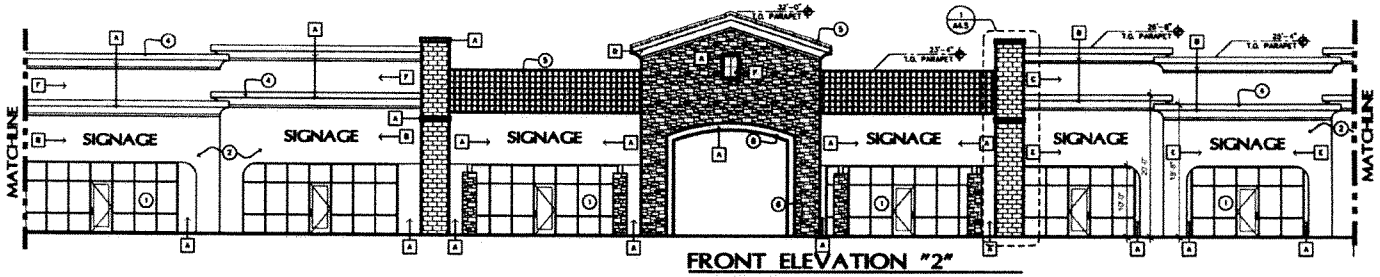
Construction



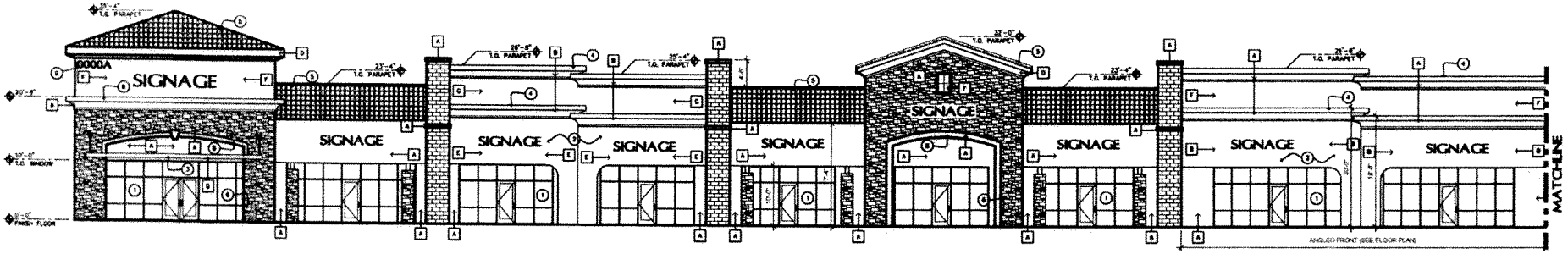
FRONT ELEVATION "1"
BUILDING B 1/8"=1'-0"



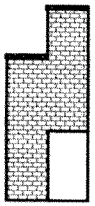
FRONT ELEVATION "3"
BUILDING A 1/8"=1'-0"



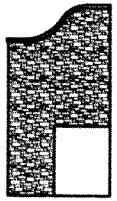
FRONT ELEVATION "2"
BUILDING B 1/8"=1'-0"



FRONT ELEVATION "4"
BUILDING A 1/8"=1'-0"



1 TIERED COLUMN
SIDE ELEVATION N.T.S.



2 CURVED COLUMN
SIDE ELEVATION N.T.S.

SYMBOLS KEY

- STONE VENEER
- CONCRETE TILE
- STUCCO - SAND FINISH
- RED BRICK

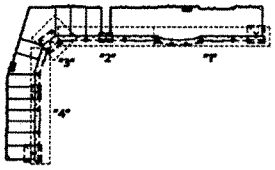
KEYNOTES:

1. ALUMINUM STORE FRONT ANODIZED DARK BRONZE FRAME WITH CLEAR 1/4" THICK GLASS
2. MASONRY WALL WITH STUCCO OR STONE FINISH
3. ORNAMENTAL STEEL CANOPY
4. DECORATIVE FOAM CORNICE WITH STUCCO FINISH
5. CONCRETE TILE - EAGLE ROOFING PRODUCTS
6. STONE VENEER - CORONADO STONE - OLD COUNTRY LEDGE "CARMEL MOUNTAIN" OR APPROVED EQUAL
7. DECORATIVE REVEAL IN STUCCO
8. FOAM POP-OUT WITH STUCCO FINISH 4".
9. 14" ADDRESSING BLACK NUMBERS AND LETTERS PER IFC 505.1

COLOR SCHEDULE:

- A (100% ACRYLIC, ACRI-COTE OR PRIOR APPROVED EQUAL) FRAZEE (CL 2888M HOUND)
- B (100% ACRYLIC, ACRI-COTE OR PRIOR APPROVED EQUAL) FRAZEE (CL 2884D DESK CHAIR)
- C (100% ACRYLIC, ACRI-COTE OR PRIOR APPROVED EQUAL) FRAZEE (CL 1588M CATASTROPHE)
- D (100% ACRYLIC, ACRI-COTE OR PRIOR APPROVED EQUAL) FRAZEE (CL 2888M SHEEL BARROW)
- E (100% ACRYLIC, ACRI-COTE OR PRIOR APPROVED EQUAL) FRAZEE (CL 2741D SHIRO)
- F (100% ACRYLIC, ACRI-COTE OR PRIOR APPROVED EQUAL) FRAZEE (CL 1218D SONATA)
- G (100% ACRYLIC, ACRI-COTE OR PRIOR APPROVED EQUAL) FRAZEE (CL 1288M WOODBURN)

KEY MAP



2nd SITE REVIEW COMMENTS - 1/18/08
1st SITE REVIEW COMMENTS - 10/10/07
SITE PLAN REVIEW - NOT FOR CONSTRUCTION

RDB

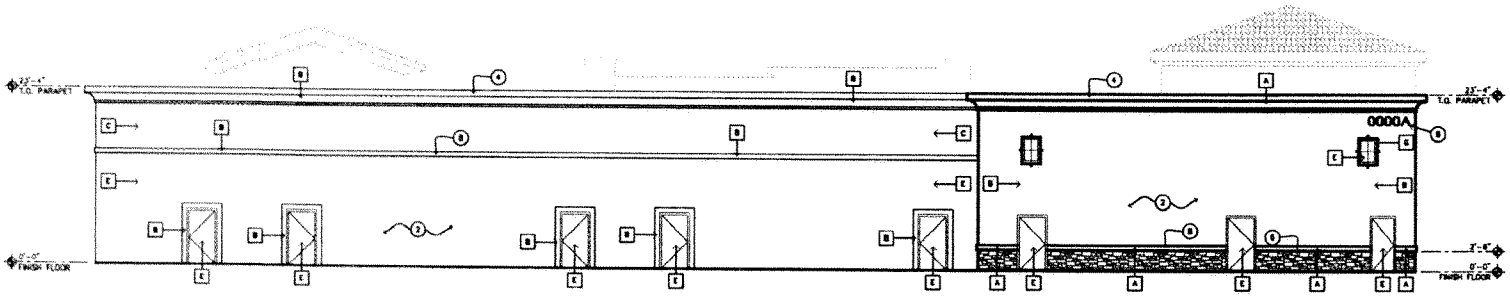
DR-07-29

Avondale Commerce Center Phase III
NWC of El Mirage & Van Buren
AVONDALE, ARIZONA

RDB CONSTRUCTION
1617 WEST WILLIAMS DRIVE
PHOENIX, ARIZONA 85027

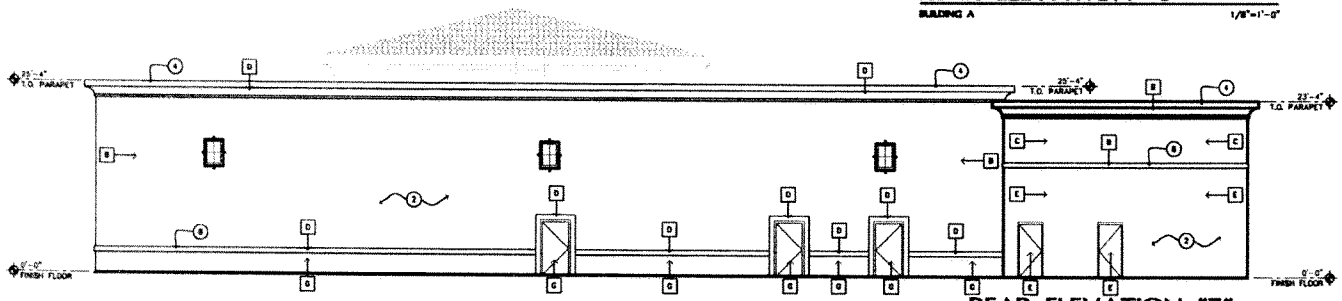
A4.5

Construction



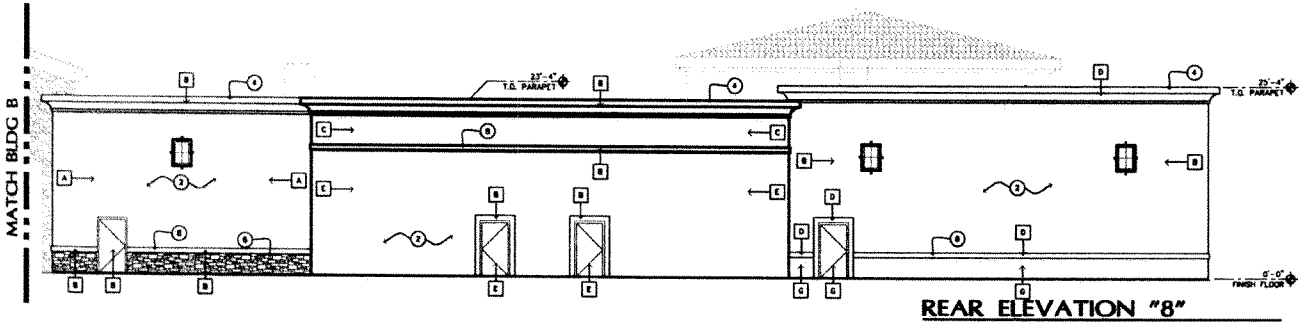
REAR ELEVATION "6"

BUILDING A 1/8"=1'-0"



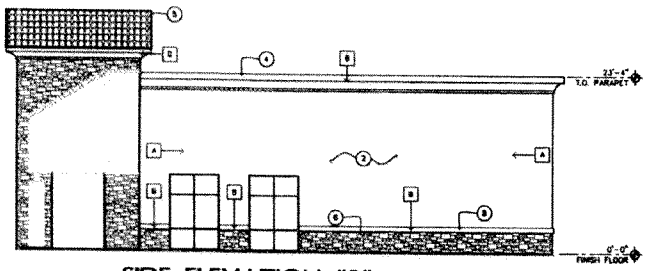
REAR ELEVATION "7"

BUILDING A 1/8"=1'-0"



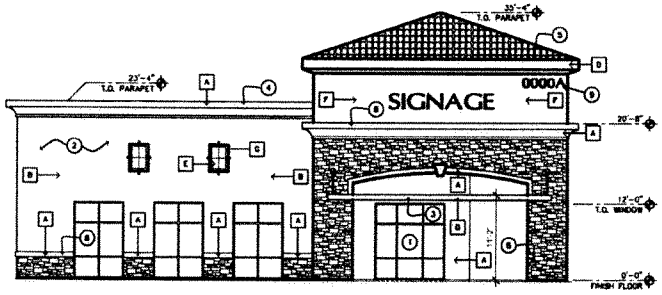
REAR ELEVATION "8"

BUILDING A 1/8"=1'-0"



SIDE ELEVATION "9"

BUILDING A 1/8"=1'-0"



SIDE ELEVATION "5"

BUILDING A 1/8"=1'-0"

KEYNOTES:

1. ALUMINUM STORE FRONT ANODIZED DARK BRONZE FRAME WITH CLEAR 1/4" THICK GLASS
2. MASONRY WALL WITH STUCCO OR STONE FINISH
3. ORNAMENTAL STEEL CANOPY
4. DECORATIVE FOAM CORNICE WITH STUCCO FINISH
5. CONCRETE TILE – EAGLE ROOFING PRODUCTS
6. STONE VENEER – CORONADO STONE – OLD COUNTRY LEDGE "CARMEL MOUNTAIN" OR APPROVED EQUAL
7. DECORATIVE REVEAL IN STUCCO
8. FOAM POP-OUT WITH STUCCO FINISH +4".
9. 14" ADDRESSING BLACK NUMBERS AND LETTERS PER IFC 505.1

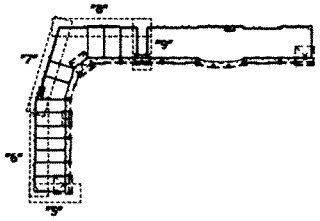
COLOR SCHEDULE:

A	(100% ACRYLIC, ACRI-COTE OR PRIOR APPROVED EQUAL) FRAZEE #CL 2882M HOUND
B	(100% ACRYLIC, ACRI-COTE OR PRIOR APPROVED EQUAL) FRAZEE #CL 2886D DESK CHAIR
C	(100% ACRYLIC, ACRI-COTE OR PRIOR APPROVED EQUAL) FRAZEE #CL 1588A CATASTROPHE
D	(100% ACRYLIC, ACRI-COTE OR PRIOR APPROVED EQUAL) FRAZEE # CL 2898M WHEEL BARROW
E	(100% ACRYLIC, ACRI-COTE OR PRIOR APPROVED EQUAL) FRAZEE #CL 2740 BANGO
F	(100% ACRYLIC, ACRI-COTE OR PRIOR APPROVED EQUAL) FRAZEE #CL 1218D SONATA
G	(100% ACRYLIC, ACRI-COTE OR PRIOR APPROVED EQUAL) FRAZEE #CL 1288M WOODBURN

SYMBOLS KEY

- STONE VENEER
- CONCRETE TILE
- STUCCO – SAND FINISH
- RED BRICK

KEY MAP



2nd SITE REVIEW COMMENTS - 1/19/08
1st SITE REVIEW COMMENTS - 10/10/07
SITE PLAN REVIEW - NOT FOR CONSTRUCTION

RDB

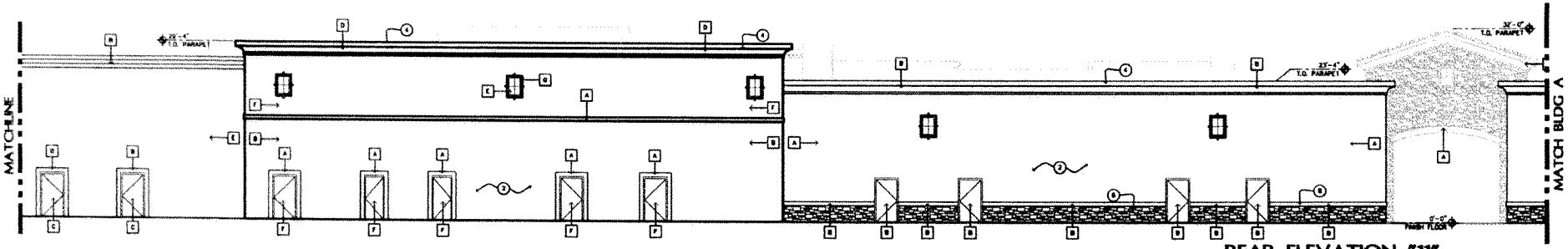
DR-07-29

Avondale Commerce Center Phase III
NWC of El Mirage & Van Buren
AVONDALE, ARIZONA

RDB CONSTRUCTION
1617 WEST WILLIAMS DRIVE
PHOENIX, ARIZONA 85027

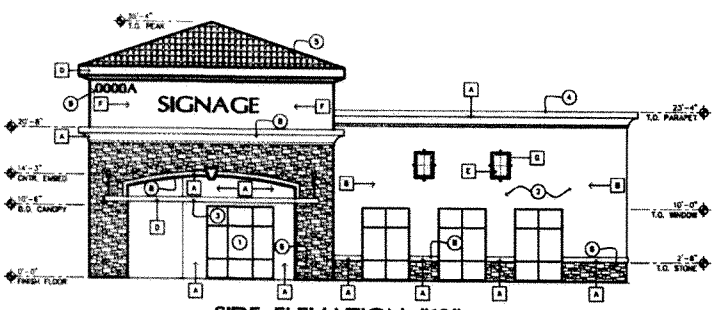
A4.6

Construction



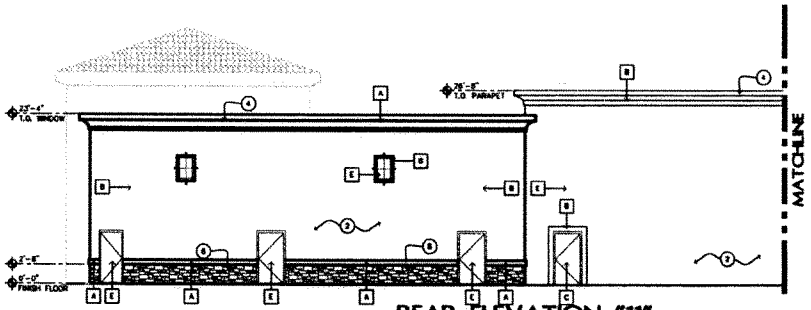
REAR ELEVATION "11"

BUILDING B 1/8"=1'-0"



SIDE ELEVATION "12"

BUILDING B 1/8"=1'-0"



REAR ELEVATION "11"

BUILDING B 1/8"=1'-0"

KEYNOTES:

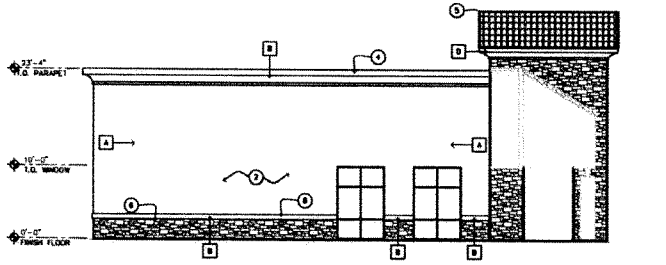
1. ALUMINUM STORE FRONT ANODIZED DARK BRONZE FRAME WITH CLEAR 1/4" THICK GLASS
2. MASONRY WALL WITH STUCCO OR STONE FINISH
3. ORNAMENTAL STEEL CANOPY
4. DECORATIVE FOAM CORNICE WITH STUCCO FINISH
5. CONCRETE TILE - EAGLE ROOFING PRODUCTS
6. STONE VENEER - CORONADO STONE - OLD COUNTRY LEDGE "CARMEL MOUNTAIN" OR APPROVED EQUAL
7. DECORATIVE REVEAL IN STUCCO
8. FOAM POP-OUT WITH STUCCO FINISH +4".
9. 14" ADDRESSING BLACK NUMBERS AND LETTERS PER IFC 505.1

COLOR SCHEDULE

A	(1608 ACRYLIC, ACRI-COTE OR PRIOR APPROVED EQUAL) FRAZEE #CL 3080M MOUND
B	(1608 ACRYLIC, ACRI-COTE OR PRIOR APPROVED EQUAL) FRAZEE #CL 3084D BEIGE CHAIR
C	(1608 ACRYLIC, ACRI-COTE OR PRIOR APPROVED EQUAL) FRAZEE #CL 1308A CATASTROPHE
D	(1608 ACRYLIC, ACRI-COTE OR PRIOR APPROVED EQUAL) FRAZEE # CL 3088M WHEEL BARROW
E	(1608 ACRYLIC, ACRI-COTE OR PRIOR APPROVED EQUAL) FRAZEE #CL 2240 SMOO
F	(1608 ACRYLIC, ACRI-COTE OR PRIOR APPROVED EQUAL) FRAZEE #CL 1216D SONATA
G	(1608 ACRYLIC, ACRI-COTE OR PRIOR APPROVED EQUAL) FRAZEE #CL 1308M WOODBURN

SYMBOLS KEY

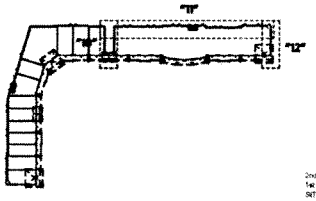
- STONE VENEER
- CONCRETE TILE
- STUCCO - SAND FINISH
- RED BRICK

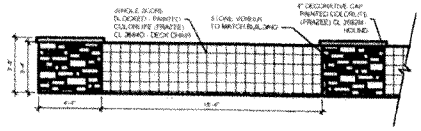


SIDE ELEVATION "10"

BUILDING B 1/8"=1'-0"

KEY MAP





14 PARKING SCREEN WALL
TYPICAL BOTH SIDES SCALE: NTS

2nd SITE REVIEW COMMENTS - 1/19/06
1st SITE REVIEW COMMENTS - 10/10/07
SITE PLAN REVIEW - NOT FOR CONSTRUCTION

RDB

DR-07-29

Avondale Commerce Center Phase III
NWC of El Mirage & Van Buren
AVONDALE, ARIZONA

RDB CONSTRUCTION
1617 WEST WILLIAMS DRIVE
PHOENIX, ARIZONA 85027

A4.7

Construction

RDB CONSTRUCTION

Exhibit H

PLANNING RECEIVED 2007 DIVISION

DR 07-29

November 21, 2007

Attn: Planning Department
City of Avondale
Planning and Building Services
11465 West Civic Center Drive, Suite 110
Avondale, AZ 85323

Re: Narrative for Site Plan Review for
Proposed Avondale Commerce Center Phase III

(Owner)
Avondale Commerce Center Phase III LLC
1617 W Williams Drive
Phoenix, AZ

(Applicant/Builder)
RDB Construction
1617 West Williams Drive
Phoenix, AZ 85027

Dear Review Staff:

Please accept this letter and completed submittal package as a Request for Site Plan Submittal. The following is the legal description (see attached site plan), property description and project narrative.

Project Data

The proposed project will complete the remaining 25.34 acre of the 82 acre, three phase project that borders the north side of Van Buren between 127th Avenue and El Mirage Road. RDB is requesting Master Site Plan approval for the Final Phase that is zoned C-2/PAD that is consistent with the rezoning approval (case #Z04-1) on February 22, 2005. Given the large scale of this project RDB intends to construct the project in phases as the market conditions allow. The scope will consist of several multi-tenant, retail, office and medical buildings that will allow for a variety of users from starter businesses to large corporate end users. The proposed phases are as follows:

Retail Center - Phase I: Situated on the southeast corner of the site is a 53,280 square feet multi-tenant community commercial center project having two individual building, having twenty-seven (27) possible suites ranging between 965 – 4,863 square feet. A typical unit or suite will be composed of possible retail, food, business and/or recreational space (Occupancy Type M, B, & A).

2-Story Office Building - Phase II & III: Situated along the western half of the site will be two (2) high profile 2-story office buildings. Each building will be an identical 59,458 square feet building, totaling 119,096 square feet of total office. A typical suite will be composed of office space (Occupancy Type B).

1617 West Williams Drive • Phoenix, Arizona 85027 • 623.780.2929 • 623.298-2050 Fax • ROC 123861

Office Condo - Phase IV: Situated along the northeast corner of the site bordering Corporate Drive and El Mirage will be three (3) single-story office buildings. Each building will range in size, totaling 53,525 square feet. A typical suite will be composed of office and medical space (Occupancy Type B).

PAD: Situated along the northwest corner of Van Buren and El Mirage a 1.43 acre pad for future development. The conceptual layout allows for a 5,184 square feet single user building with a possible drive-through. The pad will undergo the City of Avondale review process to meet the desired design standards.

At this time there are no prospective tenants given the lengthy lead time of construction for the proposed project. However, RDB will pre-screen tenants who inquire on the suites to ensure compliance with the uses set forth in Section F of the approved PAD. If the tenant meets compliance RDB will draft up a lease, prepare plans and submit the required Tenant Improvement plans to the City of Avondale where the Planning and Building department will be able to review the plans for approval.

Site Conditions

The site is fairly flat with no visible or unusual features or characteristics. The site is not in a flood zone or has any canals, washes, rivers.

Site

The site construction will include painted masonry screen walls at 42 inches, masonry trash enclosures meeting (C.O.A.) City of Avondale Sanitation Standards, concrete sidewalks and curbs, landscaped areas at parking stall overhangs and throughout the site and building perimeter per C.O.A. Standards, painted striping at accessible routes, painted logos and signage at accessible parking stalls, and painted curbs and signage at fire lanes. The sidewalks and accessible routes will connect to the perimeter streets of El Mirage, Van Buren, Corporate and 127th Ave.

Proposed driveways, sidewalks, curb and gutter will follow MAG standards. Exterior lighting will consist of a combination of building mounted wall packs, light poles that are shielded to meet City Light and Glare ordinances. The plans shall comply with the Americans with Disabilities Act's accessibilities guidelines, as pertains to curb and gutter, ramp, crosswalk, slope and cross slope of sidewalk, and parking requirements.

Offsite Improvements such as pavement, curb & gutter, and street lights have been completed with the construction of Phase I and II of the Avondale Commerce Center.

Design Criteria

The RDB design team will refer to the approved Planned Area Development Book that states an in-depth review of architectural standards that shall be set forth within this development and comply with City of Avondale General Plan for building design and site improvements regarding landscaping, lighting, signage and pedestrian paths. RDB has built several multi-tenant retail and office complexes across the valley. As with RDB's

existing projects, great consideration will be put into the design of the building façades through varied building elevation and materials. RDB will design around the intent of four-sided architecture with a primary focus on all building sides which are clearly visible to the residential homes and arterial street commuters. When completed, Avondale Commerce Center will set a high standard for future development of the vacant land surrounding the site.

Retail Center

The building construction will incorporate elements of the first two phases and surrounding residential architectural features that include masonry exterior walls with a combination of painted stucco and stone veneer finish with clay roof tile on building overhang and tower features. Varied building height and undulation will be emphasized; storefront window and door systems along the front and at various side elevations. The mechanical units will be located on the roof and will be screened with a minimum of three to four feet of parapet. The main electrical service will be located within an enclosed room within building, connecting to individual panels within the suites.

2-Story Office Building

The building construction will incorporate several architectural features that include varied building height, painted concrete tilt walls with reveals, ornamental steel accents and canopy system, stone veneer columns and exterior benches for added touch of interest. A rich color palate that includes various desert tones with be used for a warm and inviting visual appeal. Balconies with decorative wrought iron guardrail have been added throughout the building and at the front entry. The mechanical units will be located on the roof and will be screened with a minimum of three to four feet of parapet. The main electrical service will be located within a fully enclosed room, which will connect to individual panels within the suites.

Office Condo

The building construction of the single story office condos will be masonry construction with stucco and stone veneer finish with added elements of clay roof tile and ornamental steel to tie all phases together. The mechanical units will be located on the roof and will be screened with a minimum of four foot of parapet. The main electrical service will be located within a recess of four feet at the rear exterior wall of each building, connecting to individual panels within the suites.

Landscaping

Landscaping is an important component of the Avondale Commerce Center design which softens the park appearance by breaking up the continuous expanse of pavement and buildings. Phase III will maintain the lush streetscape and on-site landscaping design which adds plenty of color and visual appeal throughout the project. The landscaped areas will incorporate scattered parking islands and a generous depth of foundation plantings with several trees to help break up the building planes. Concrete benches are located at buildings entrances for employees and visitors to enjoy the outdoors.

In closing, I ask that you feel free to contact me at (623) 780-2929 ext 145 regarding any questions that may require clarification or more importantly, on any issues encountered that may prevent you from proceeding with the review of this project.

Sincerely,

Kristin Thoma
Senior Designer
RDB Management & Construction
kthoma@rdbconstruction.com

EXHIBIT I

Excerpt of the Draft Minutes of the regular Planning Commission meeting held February 21, 2008 at 7:00 p.m. in the Council Chambers.

COMMISSIONERS PRESENT
David Iwanski, Chairman
Michael Demlong, Vice Chair
Al Lageschulte, Commissioner
Edward Meringer, Commissioner
Angela Cotera, Commissioner
Linda Webster, Commissioner

COMMISSIONER EXCUSED
Kevin Grimsley, Commissioner

CITY STAFF PRESENT
Brian Berndt, Development Services Director
John Vater, Planner I, Development Services Department
Eric Morgan, Planner II, Development Services Department
Chris Schmaltz, City Attorney
Scott Wilken, Senior Planner, Development Services Department

APPLICATION	DR-07-29
APPLICANT	Ms. Kristin Thoma of RDB Construction, 1617 West Williams Drive, Phoenix, AZ 85027
REQUEST	The applicant is requesting Site Plan approval of Avondale Commerce Center Phase III. The property is located at the northwest corner of El Mirage and Van Buren Street. Staff Contact: Scott Wilken 623-333-4016.

Scott Wilken, Senior Planner, Development Services Department, stated this item is application DR-07-29, a site plan for Avondale Commerce Center Phase III. He stated Avondale Commerce Center is zoned Planned Area Development (PAD). He informed the Commission that the first two phases are currently under construction and Phase III is the southern approximate 25 acres of the site, which is adjacent to property zoned Agricultural to the east and to the west, PAD to the northeast, and R1-6 to the south. The property is currently vacant. He relayed that the first two phases of the development are Commerce Park and Light Industrial, and Phase III is designated as Commercial Retail in the PAD. The development will include a retail/restaurant shopping center of approximately 53,000 square feet, three single-story office buildings totaling 53,000 square feet, 2 two-story office buildings approximating 60,000 square feet each, and a

future 62,433 pad will be incorporated into the shopping center, which will be approved at a later date administratively.

Mr. Wilken described two right-in/right-out driveways from Van Buren Street. Both the intersections at 127th Avenue at Van Buren Street and El Mirage Road at Van Buren Street will be signalized. Vehicular access will be provided from two full access driveways from 127th Avenue; two full access driveways from Corporate Drive; and two full access driveways from El Mirage Road. Landscaping will be provided around the perimeter and throughout the development that meets or exceeds the requirements of the Zoning Ordinance. The retail buildings in Phase I include masonry exterior walls and painted stucco with stone veneer and clay root tiles on overhangs and tower features. The one-story office buildings in Phase II include masonry construction, stucco and stone veneer finish, as well as clay roofs and ornamental steel on the exterior. The 2 two-story office buildings in Phase III will include painted concrete tilt panel walls which reveal ornamental steel accents and a canopy system, stone veneer columns, exterior benches, as well as balconies with rot iron guard rails have been added to the front of the building for additional detailing.

Mr. Wilken relayed that Staff is recommending approval of the Site Plan subject to 11 stipulations. He stated he and the applicant are available for questions.

Chairperson Iwanski invited questions from the Commissioners for Staff. Hearing none, he invited the applicant to address the Commission.

Kristin Thoma, RDB Management and Construction, 1617 W. Williams Dr., Phoenix, AZ, stated they look forward to completing the final phase of the Avondale Commerce Center. She shared that she feels this will be a great addition to Avondale, complementing the surrounding neighborhoods. She offered to take questions.

Chairperson Iwanski invited questions for the applicant. There were none. Chairperson Iwanski called for a motion and second.

Commissioner Lageschulte moved that the Planning Commission accept the findings and recommend approval of application DR-07-29, a request for Master Site Plan approval for Avondale Commerce Center III subject to the stipulations recommended by Staff. Commissioner Meringer seconded the motion.

Chairperson Iwanski stated it has been moved and seconded that the Planning Commission accept the findings and recommend approval of application DR-07-29, a request for Master Site Plan approval for Avondale Commerce Center III subject to the stipulations recommended by Staff. Chairperson Iwanski called for a vote.

ROLL CALL VOTE

Chairperson Iwanski	Aye
Vice Chair Demlong	Aye
Commissioner Lageschulte	Aye
Commissioner Grimsley	Excused
Chairperson Meringer	Aye
Commissioner Cotera	Aye
Commissioner Webster	Aye

The motion passed unanimously.

DEVELOPMENT SERVICES

SUBJECT:
Public Hearing and Ordinance 1295-308 - for Z-07-3 - Zavala Living Trust

MEETING DATE:
March 17, 2008

TO: Mayor and Council

FROM: Brian Berndt, Development Services Director (623) 333-4011

THROUGH: Charlie McClendon, City Manager

REQUEST: Rezone from Residential (R1-6) to Community Commercial (C-2)

PARCEL SIZE: Approximately 1.03 acres

LOCATION: 11215 West Buckeye Road between 113th and 111th Avenue (Exhibit A)

APPLICANT: Damian Zavala

OWNER: Zavala Living Trust

BACKGROUND:

The subject property was annexed into the City on August 21, 1989. The General Plan designation for the property is Commercial (Exhibit B). The property has been zoned R1-6 since at least 1994 (Exhibit C).

SUMMARY OF REQUEST:

1. The applicant is requesting to rezone approximately 1.03 acres from Residential (R1-6) to Community Commercial (C-2). The General Plan land use designation is Commercial.
2. The site is currently vacant. The property is bounded on the north by Buckeye Road and the Union Pacific Rail Road right-of-way, on the west by storage, on the east by a tire store and on the south by residences, separated from the site by an alley.
3. The site has direct access to Buckeye Road.
4. A 20 foot "Future Roadway Easement" is required on the northern portion of the site to accommodate the future expansion of Buckeye Road.

PARTICIPATION:

The applicant invited 73 property owners and other interested parties to a neighborhood meeting held on May 30, 2007 to discuss the proposal. No property owners or interested parties attended the meeting (Exhibit E).

A notice was published in the West Valley View newspaper on May 8, 2007. The property was posted on May 11, 2007. Letters were sent to 73 property owners on May 11, 2007.

A notice of the Planning Commission hearing scheduled for February 21, 2008 was published in the West Valley View on February 4, 2008. The property was posted on February 5, 2007. Letters were mailed to 73 property owners on February 4, 2008.

A notice of the City Council hearing scheduled for March 17, 2008 was published in the West Valley View on February 26, 2008. The property was posted on February 29, 2007. Letters were mailed to 73 property owners on February 26, 2008.

PLANNING COMMISSION ACTION:

The Planning Commission (Exhibit F) conducted a public hearing on February 21, 2008, and voted 5-1 to recommend **APPROVAL** of this request subject to the following stipulation:

1. A 20 foot "Future Roadway Easement" shall be recorded on the northern portion of the site prior to issuance of any building permit.

ANALYSIS:

The General Plan land use designation for the site is Commercial. The Commercial designation allows uses that provide for the daily needs of goods and services of the residents within the surrounding area. The existing R1-6 zoning is not consistent with the General Plan land use designation. The proposed C-2 zoning will bring the property into conformance with the General Plan.

The General Plan Commercial land use designation can be implemented with the C-2 district, which allows appropriate uses that serve the neighboring community.

The Engineering Plan Review Division has determined that an easement for additional right-of-way for Buckeye Road is required and is stipulated as part of this report.

FINDINGS:

Staff finds the proposed rezoning meets the following findings:

- The proposed rezoning with the recommended stipulation is in conformance with the General Plan.
- The proposed rezoning will result in compatible land use relationships.

RECOMMENDATION:

Planning Commission recommends that the City Council conduct a public hearing, accept the findings with the attached stipulation and adopt an ordinance approving application Z-07-3, a request to amend the City of Avondale Zoning Map to rezone the approximately 1.03 acre subject property from Residential (R1-6) to Community Commercial (C-2).

PROPOSED MOTION:

I move that the City Council accept the findings with the attached stipulation and **ADOPT** the ordinance approving application Z-07-3, a request to amend the City of Avondale Zoning Map to rezone the approximately 1.03 acre subject property from from Residential (R1-6) to Community Commercial (C-2).

ATTACHMENTS:

Click to download

- Z-07-3 Exhibits
- ORD - 1295-308

PROJECT MANAGER:

John Vater, Planner (623) 333-4014

Application Z-07-3
List of Exhibits

Exhibit A - Aerial Photo January 2007
Exhibit B - General Plan Land Use Map
Exhibit C - Zoning Vicinity Map
Exhibit D - Summary of Facts
Exhibit E - Summary of the May 30, 2007 Neighborhood Meeting.
Exhibit F - Draft Minutes of the February 21, 2008 Planning Commission Meeting

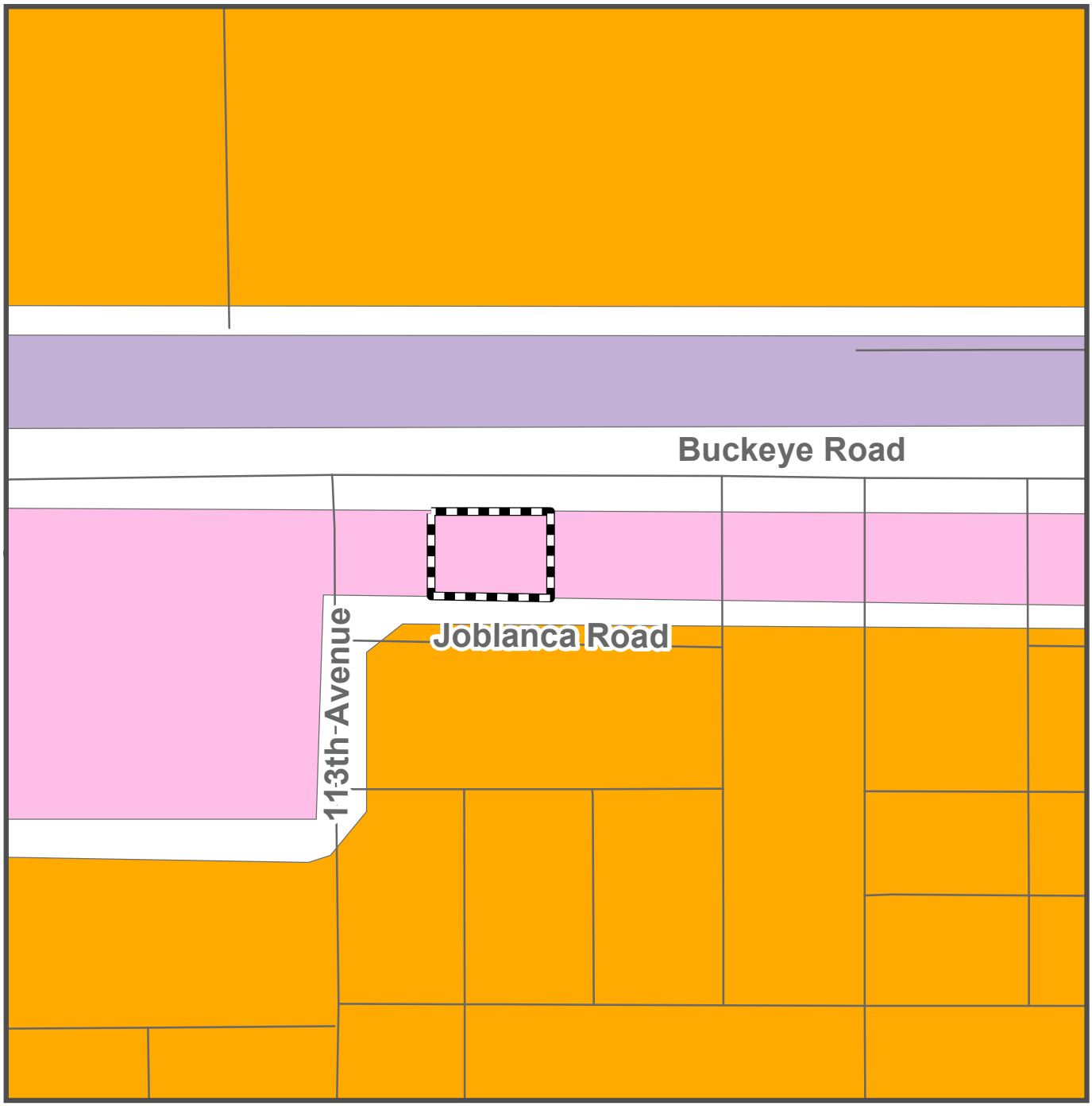
Exhibit A

Air Photo 2007
Z-07-3

Avondale

Subject Property

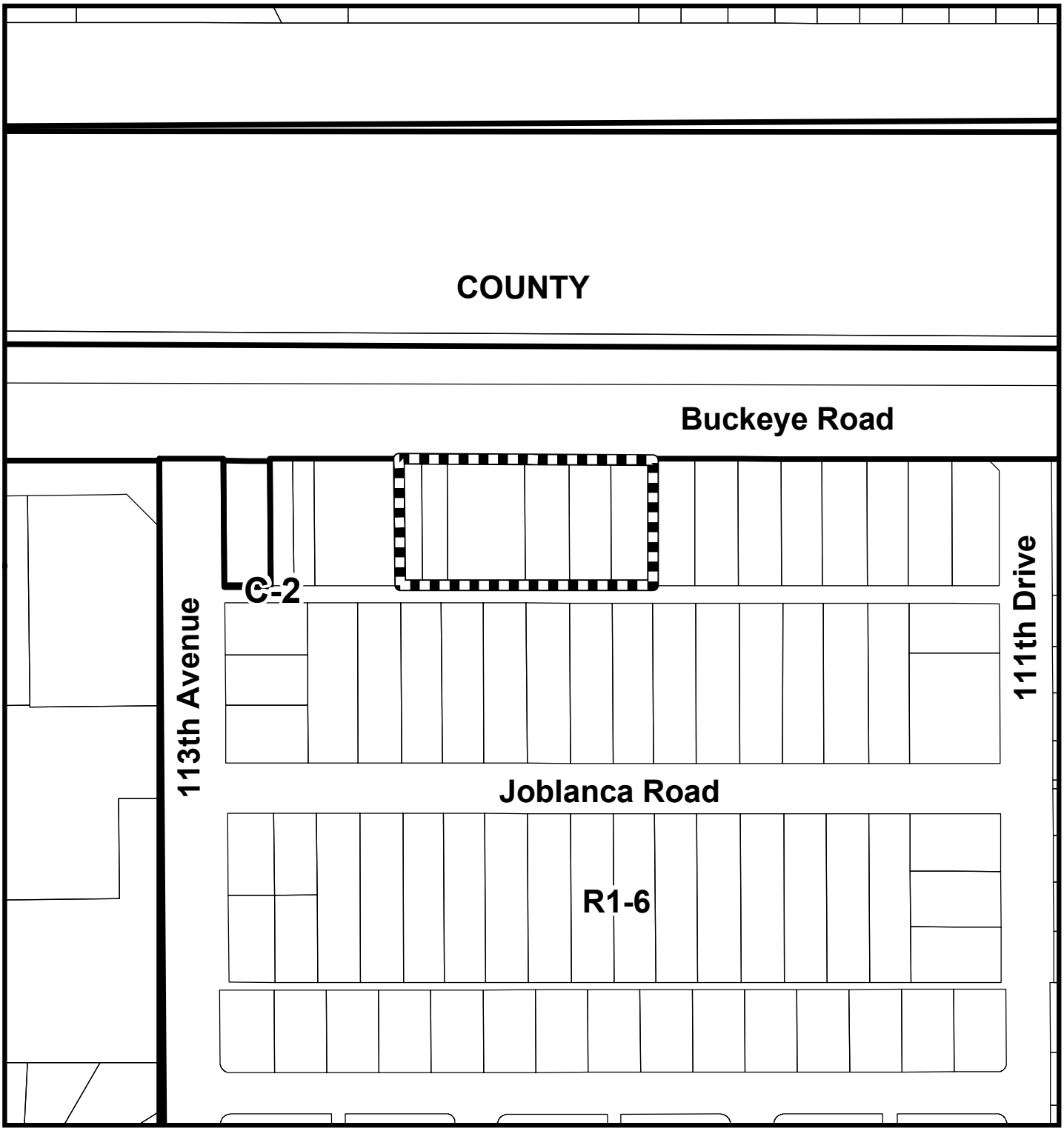
Exhibit B



General Plan Land Use

- Commercial Corridor, Commercial Corridor
- Growth Area, Growth Area
- Commercial
- Employment
- Freeway Commercial
- High Density Residential
- Low Density Residential
- Medium Density Residential
- Medium High Density Residential
- Mixed Use
- Multi Family Residential
- Open Space
- Public Facilities
- Subject Property

Exhibit C



Zoning Vicinity Map

Avondale

Subject Property

EXHIBIT D

SUMMARY OF RELATED FACTS
APPLICATION Z-07-3

THE PROPERTY	
PARCEL SIZE	1.03 acres.
LOCATION	11215 Buckeye Road.
PHYSICAL CHARACTERISTICS	A square-shaped parcel approximately 300 feet by 150 feet.
EXISTING LAND USE	Vacant lot with parking and asphalt already constructed.
EXISTING ZONING	Residential (R1-6)
ZONING HISTORY	Zoned Residential (R1-6) since at least 1994.
DEVELOPMENT AGREEMENT	None

SURROUNDING ZONING AND LAND USE	
NORTH	Industrial, County;
EAST	Residential (R1-6)
SOUTH	Residential (R1-6)
WEST	Residential (R1-6)

GENERAL PLAN
Commercial

PUBLIC SCHOOLS	
SCHOOL DISTRICT(S)	Littleton School District, Tolleson Union High School District
ELEMENTARY SCHOOL	Littleton Elementary School
JUNIOR HIGH SCHOOL	Underdown Junior High School
HIGH SCHOOL	La Joya High School

STREETS	
Buckeye Road	
Classification	Arterial
Existing half street ROW	65-Feet
Standard half street ROW	65-Feet
Existing half street improvements	Standard as described below
Standard half street improvements	two traffic lane with half a center turn lane, bike lane, curb and gutter, attached sidewalk and landscaping.

Utilities
There is a 8” sanitary sewer line that is located south of this property running in the alley behind the property. There is a 12” waterline that is located north of this property that runs in the Buckeye Road right-of-way and a 6” waterline that is located south of the property running in the alley behind the property.

Exhibit E

From: Damian Zavala [damian@fastq.com]
Sent: Friday, November 16, 2007 10:11 AM
To: John Vater
Subject: Fw: LP Rezone Meeting

----- Original Message -----
From: Damian Zavala
To: Kenneth Galica
Sent: Monday, June 04, 2007 11:59 AM
Subject: LP Rezone Meeting

To: Kenneth Galica
From: Damian Zavala
RE: Neighborhood Meeting

On Thursday May 30, 2007 we held a neighborhood meeting to hear comments on the proposed rezoning of the 1.83 acres located at 11215 W. Buckeye Road. The meeting was held at the site and began at 6:00 P.M., Louis Bostic and myself Damian Zavala were present to conduct the proceedings. We closed and departed the site shortly after 7:00 P.M. after we failed in having anyone in attendance.

Exhibit F

Excerpt of the Draft Minutes of the regular Planning Commission meeting held February 21, 2008 at 7:00 p.m. in the Council Chambers.

The following members and representatives were present:

COMMISSIONERS PRESENT
David Iwanski, Chairman
Michael Demlong, Vice Chair
Al Lageschulte, Commissioner
Edward Meringer, Commissioner
Angela Cotera, Commissioner
Linda Webster, Commissioner

COMMISSIONER EXCUSED
Kevin Grimsley, Commissioner

CITY STAFF PRESENT
Brian Berndt, Development Services Director
John Vater, Planner I, Development Services Department
Eric Morgan, Planner II, Development Services Department
Chris Schmaltz, City Attorney
Scott Wilken, Senior Planner, Development Services Department

OTHERS PRESENT
Mike Curley, Early, Curley and Legarde, P.C.
Blake Carroll, Troast Properties of Arizona
Kevin Kerpan, Robert Kubicek, Inc.
Kristin Thoma, RDB Management and Construction

1. Z-07-3: This is a public hearing before the Planning Commission to review and solicit public input on application Z-07-3, a request by Mr. Damian Zavala to rezone approximately 1.83 acres from R1-6 (Residential) to C-2 (Community Commercial) uses. The subject property is located at 11215 West Buckeye Road. Staff Contact: John Vater.

John Vater, Planner I, Development Services Department, stated item Z-07-3 is a request for rezoning from Residential (R1-6) to Community Commercial (C2), and the site is located at 11215 W. Buckeye Road near the intersection of 113th Avenue and Buckeye Road. He stated the site is designated as Commercial in the General Plan. The subject property is zoned R1-6, and the properties to the west, south and east are zoned R1-6 as well, while the property to the north is the Union Pacific right-of-way. He reported that Staff finds that the application meets the required findings and is recommending approval of the rezoning with one stipulation. Mr. Vater stated he was available for questions, and the applicant was present to take questions as well.

Chairperson Iwanski invited questions from the Commissioners.

Commissioner Lageschulte asked if this property is where the old steel factory was located that built fences and corrals and such. Mr. Vater replied that he believed so.

Vice Chair Demlong inquired that since there are houses right behind the subject property and an alleyway is separating the two, is a stipulation necessary to prevent use of the alleyway for business access. Mr. Vater replied that issue can be dealt with at the Site Plan stage.

Chairperson Iwanski invited the applicant to address the Commission.

Damian Zavala, 9117 S. 214th Dr., Buckeye, AZ, came forward. Commissioner Cotera asked if Mr. Zavala intended to rezone the site for sale or development. Mr. Zavala replied that currently they have a Site Plan submitted depicting a car wash and an auto diagnostic facility that they propose to house in the existing metal structure on the property. He explained they wish to wall the structure in, dress it up to fit the area, and remodel it to fit the use, and then the car wash will be built from the ground up.

Chairperson Iwanski invited further questions, and hearing none, opened the public hearing.

Robert Garcia, 1223 S. 111th Dr., Cashion, AZ, stated he did not know if the Planning Commission is familiar with the Cashion Business District Plan structured two to three years ago, but at that time everyone agreed there would be no car wash, mechanic work or auto body facilities, and now here comes a car wash and diagnostic facility. He revealed that they belong to the lower class and are self-employed, and two to three years ago they had wanted to start a business there and were told they could not have a mechanic shop there. Mr. Garcia inquired what happened to consideration of the Cashion Business District Plan. He stated he had a copy with him.

Chairperson Iwanski stated he was not familiar with the Cashion Business District Plan. Mr. Vater explained that the Cashion Business District is an overlay district for the strip along West Buckeye that used to be zoned Commercial and was then rezoned to Residential (R1-6), and it allows fewer uses than the regular Community Commercial (C-2), but its requirements for development are a little relaxed, such as for landscaping and setbacks. He explained that Staff is supporting the rezoning to C2 because the development in question will have to conform to the stricter Community Commercial (C2) setbacks, landscaping requirements, etc., in order to protect the neighborhood behind it.

Chairperson Iwanski invited further questions for Staff or the applicant, or any comments.

Commissioner Webster inquired if the Cashion Business District Plan specifically states that they cannot have car washes, car repair facilities, etc. Mr. Vater replied that he does not believe that they cannot have them, he just believes they are part of the conditional uses. Commissioner Webster asked if the Commission could have a copy of the Cashion Business District Plan. Mr. Vater replied that car washes, mechanical or self-service, are allowed in the Cashion Business

District under a Conditional Use Permit, so the applicant will have to return to the Planning Commission for a Conditional Use Permit.

Chairperson Iwanski invited further questions, and hearing none, called for a motion.

Commissioner Lageschulte moved that the Planning Commission accept the findings and recommend approval of application Z-07-3, a request to rezone approximately 1.83 acres from Residential (R1-6) to Community Commercial (C2) subject to the Staff-recommended stipulation: A 20 foot "Future Roadway Easement" shall be recorded on the northern portion of the site prior to issuance of building permits. Vice-chair Demlong seconded the motion.

Chairperson Iwanski opened the floor for discussion.

Commissioner Lageschulte asked if the Commission could get a copy of the Cashion Business District Plan before the item comes back before the Planning Commission for a Conditional Use Permit. Mr. Berndt informed the Planning Commission that the Cashion Business District Plan could be found in Section 307 of their copy of the Zoning Ordinance.

Chairperson Iwanski, hearing no further discussion, called for a vote.

ROLL CALL VOTE

Chairperson Iwanski	Aye
Vice Chair Demlong	Aye
Commissioner Lageschulte	Aye
Commissioner Grimsley	Excused
Chairperson Meringer	Aye
Commissioner Cotera	Aye
Commissioner Webster	Nay

The motion passed 5 Ayes, 1 Nay.

ORDINANCE NO. 1295-308

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AMENDING THE OFFICIAL ZONING ATLAS OF THE CITY OF AVONDALE FOR APPROXIMATELY 1.83 ACRES LOCATED ON WEST BUCKEYE ROAD BETWEEN 113TH AVENUE AND 111TH AVENUE AS SHOWN IN FILENAME Z-07-3, REZONING SUCH PROPERTY FROM RESIDENTIAL (R1-6) TO COMMUNITY COMMERCIAL (C-2) AND IMPOSING CONDITIONS UPON SUCH CHANGE.

WHEREAS, the Council of the City of Avondale (the "City Council") desires to amend the City of Avondale Zoning Atlas (the "Zoning Atlas") pursuant to ARIZ. REV. STAT. § 9-462.04; and

WHEREAS, all due and proper notices of public hearings on the intended amendment held before the City of Avondale Planning and Zoning Commission (the "Commission") and the City Council were given in the time, form, substance and manner provided by ARIZ. REV. STAT. § 9-462.04; and

WHEREAS, the Commission held a public hearing on Thursday, February 21, 2008, on the amendment to the Zoning Atlas pursuant to such notices and as required by ARIZ. REV. STAT. § 9-462.04; and

WHEREAS, the Commission recommended approval; and

WHEREAS, the City Council held a public hearing regarding the amendment to the Zoning Atlas on March 17, 2008.

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

SECTION 1. That ± 1.83 acres of real property generally located on West Buckeye Road between 113th Avenue and 111th Avenue as shown in filename Z-07-3 (the "Property"), as more particularly described and depicted in Exhibit A, attached hereto and incorporated herein by reference, are hereby rezoned from Residential (R1-6) to Community Commercial (C-2), subject to the following condition:

1. A 20 foot "Roadway Easement" shall be recorded on the northern portion of the site prior to issuance of building permits.

SECTION 2. That if any provision of this Ordinance is for any reason held by any court of competent jurisdiction to be unenforceable, such provision or portion hereof shall be deemed separate, distinct and independent of all other provisions and such holding shall not affect the validity of the remaining portions of this Ordinance.

PASSED AND ADOPTED by the Council of the City of Avondale, March 17, 2008.

_____
Marie Rogers Lopez, Mayor

ATTEST:

_____
Linda M. Farris, City Clerk

APPROVED:

_____
Andrew J. McGuire, City Attorney

EXHIBIT A
TO
ORDINANCE NO. 1295-308

[Map and Legal Description]

See following pages.

LEGAL DESCRIPTION

PARCEL NO. 1:

LOT 9, BLOCK 5, OF CASHION, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARTCOPA COUNTY, ARIZONA, RECORDED IN BOOK 43 OF MAPS, PAGE 28.

PARCEL NO. 2:

LOTS 10 AND 11, BLOCK 5, OF CASHION, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 43 OF MAPS, PAGE 28.

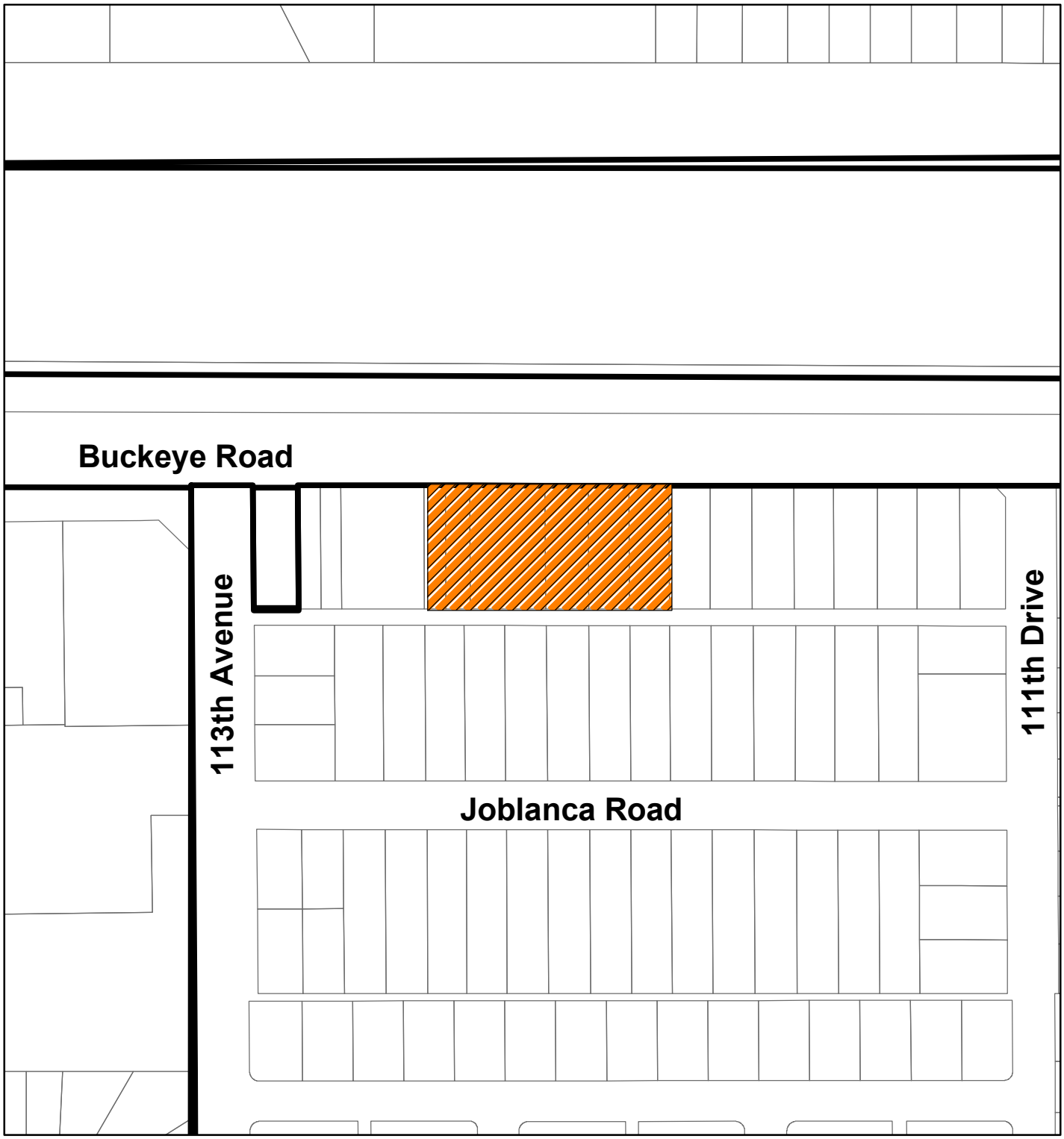
PARCEL NO. 3:

LOT 12, BLOCK 5, CASHION, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 43 OF MAPS, PAGE 28.

EXCEPT THE EAST 26.00 FEET OF THE WEST 54.00 FEET OF THE NORTH 25.00 FEET OF SAID LOT.

PARCEL NO. 4:

LOTS 13 AND 14, BLOCK 5, OF CASHION, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 43 OF MAPS, PAGE 28.



Application Z-07-3

Avondale

Subject Property

DEVELOPMENT SERVICES

SUBJECT:
Public Hearing and Ordinance 1296-308 Rezone from Agricultural (AG) to Planned Area Development (PAD) for Diamond P Ranch (Z-07-4)

MEETING DATE:
March 17, 2008

TO: Mayor and Council

FROM: Brian Berndt, Development Services Director (623) 333-4011

THROUGH: Charlie McClendon, City Manager

REQUEST: Rezone from Agricultural (AG) to Planned Area Development (PAD)

PARCEL SIZE: Approximately 245 acres.

LOCATION: South and west of the southwest corner of Lower Buckeye Road and Avondale Boulevard

APPLICANT: Dave Coble, Coe & Van Loo Consultants

OWNER: Michael Pylman Dairy, LLC/Silver Bullet, LLC

BACKGROUND:

The subject property is currently located outside of the City boundaries, and is scheduled to be annexed into the City March 17, 2008. The site currently operates as a milk dairy.

The site is currently occupied by the Pylman Dairy. The site occupies ½ mile along Lower Buckeye Road between Fleming Farms PAD at the southwest corner of Avondale Boulevard and Lower Buckeye Road and Cantada Ranch PAD located at the southeast corner of El Mirage Road and Lower Buckeye Road. The site occupies an area extending south from Lower Buckeye Road for approximately ¾ mile to abut the Arizona Public Service (APS)/Salt River Project (SRP) Rudd electrical substation, then east approximately ½ mile to Avondale Boulevard. The APS/SRP Rudd substation is approximately 80 acres in area. Large electrical powerline transmission easements extend north and east from the APS/SRP Rudd substation, occupying approximately 17.77 acres of the subject property. These powerline easements are occupied by large transmission towers.

SUMMARY OF REQUEST:

The applicant is requesting to rezone approximately 245 acres from Agriculture (AG) to Planned Area Development (PAD). PAD is a custom zoning district where the applicant proposes uses and development standards guided by Section 6 of the Zoning Ordinance.

The applicant is proposing four lot sizes and an alternative development option for townhomes. The development standards will adhere to the R1-15, R1-8 and R1-6 single-family detached zoning districts (A.Z.O. 202) and R-2 multifamily zoning districts (A.Z.O. 203) as comparable zoning districts, with modification by the PAD narrative (Exhibit E). A summary of the proposed development standards that deviate from the Zoning Ordinance are as follows:

<u>Standards as compared to the Zoning Ordinance:</u>

High-light indicates **less** restrictive than the zoning ordinance requires.

Development Standard	**Zoning Ordinance** **R1-6 zoning district**	**Proposed in PAD** **63' x 110'**
Minimum net site area	6,000 square feet (sf)	6,900 sf
Minimum lot width	60'	63'
Minimum lot depth	94'*	110'
Maximum building height	2-stories or 30'	2-stories or 30'
Maximum building coverage	40%	50%
Minimum setbacks: Front yard	20'	20' to primary structure 12' to side entry garage or semi-detached living space
Minimum Side yard	8'**	8'
Total both Side yards	18' **	18'
Rear yard	15'	15'
Side Street yard	10'	N/A***

Development Standard	**Zoning Ordinance** **R1-8 zoning district**	**Proposed in PAD** **68' x 110'**	**Proposed in PAD** **73' x 115'**
Minimum net site area	8,000 square feet (sf)	7,450 sf	8,350 sf.
Minimum lot width	75'	68'	73'
Minimum lot depth	94'*	110'	115'
Maximum building height	2-stories or 30'	2-stories or 30'	2-stories or 30'
Maximum building coverage	40%	45%	45%
Minimum setbacks: Front yard	25'	20' to primary structure 12' to side entry garage or semi-detached living space	20' to primary structure 12' to side entry garage or semi-detached living space
Minimum Side yard	8'**	8'	8'
Total both Side yards	18' **	18'	18'
Rear yard	20'	20'	20'
Side Street yard	10'	N/A***	N/A***

* Adjacent to arterial roadways (Lower Buckeye Road and Avondale Boulevard) the minimum shall be 105 feet.

** Not a requirement of the R1-6 zoning district, but a requirement of the PAD zoning district section 609.1.f.1.

*** No Side Street lots are proposed in the preliminary plat due to the existence of a landscape strip that equals the width that would be represented by the zoning requirement. In the case a lot would be approved with a Side Street yard, the minimum 10' setback would be required.

Development Standard	**Zoning Ordinance** **R1-15 zoning district**	**Proposed in PAD** **105' x 200'**
Minimum net site area	15,000 square feet (sf)	18,300 sf
Minimum lot width	115'	105'
Minimum lot depth	120'	200'
Maximum building height	2-stories or 30'	2-stories or 30'
Maximum building coverage	20%	30%
Minimum setbacks: Front yard	35'	35' to primary structure 20' to side entry garage or semi-detached living space
Minimum Side yard	15'	15'
Total both Side yards	30'	30'
Rear yard	30'	30'
Side Street yard	20'	N/A***

*** No Side Street lots are proposed in the preliminary plat due to the existence of a landscape strip that equals the width that would be represented by the zoning requirement. In the case a lot would be approved with a Side Street yard, the minimum 10' setback would be required.

Development Standard	**Zoning Ordinance** **R-2 zoning district**	**Proposed in PAD** **Townhomes**
Minimum net site area	2 acres	18.67 acres
Minimum lot area/unit	4,500 square feet (sf)	
Density in du/net acre	9.7	7.0
Minimum lot width	35'	35'
Minimum lot depth	90'	90'
Maximum building height	2-stories or 30'	3-stories or 40'
Maximum building coverage	40%	40%
Minimum setbacks: Front yard	20'*	20'*
Minimum Side yard	**	**
Rear yard	15'	30'
Side Street yard	20'***	20'***

* May be reduced to ten (10) feet in the case of a single-family attached or detached units where a twenty (20) foot long driveway is provided.

** Zero (0) feet for lots with common walls; ten (10) feet for lots with no common walls.

*** May be reduced to ten (10) feet in the case of single-family attached or detached units.

Standards **more** restrictive than the Zoning Ordinance:

1. See the tables above.

2. The PAD proposes more restrictive design and architectural requirements than is required by the Zoning Ordinance. The proposed PAD contains many architectural design requirements drawn from the Design Manuals recently adopted by Council. Some design and architectural requirements proposed are:

a. Two-car garages to be a minimum of 20' x 20', and third and fourth car garages to be a minimum of 10'x 16'.

b. A minimum of 4 floor plans and 4 elevations per floor plan for each of the four lot sizes.

c. Gated entries to side yards that create unique features and variety are required.

d. All garages will have coach lights.

e. Each phase will have a different architectural character to provide a sense of a neighborhood theme.

3. The Zoning Ordinance requires a minimum of 10% Common Open Space (A.Z.O. 606.A). The PAD proposes 14.78% (or approximately 36.2 acres) of open space that is actively usable. Such open space shall be comprised of landscaped multiuse trails with benches and trash receptacles, a community park and three pocket parks with play areas, sports areas, equipment, barbeques and ramadas. The total passive and active Open Space exceeds 20% of the site (approximately 50 acres), including non-landscaped areas under the electrical powerline easements running throughout the development.

PARTICIPATION:

The applicant invited 13 property owners and other interested parties to a neighborhood meeting held on July 23, 2007 to discuss the proposal. No property owners or interested parties attended the meeting (Exhibit F).

The Planning Division has received no correspondence or telephone calls supporting or opposing the request.

For the Planning Commission meeting of February 21, 2008, a notice was published in the West Valley View newspaper, the property was posted on February 5, 2008, and letters were sent to 13 property owners on February 5, 2005.

For the City Council meeting of March 17, 2008, a notice was published in the West Valley View newspaper, the property was posted on February 22, 2008, and letters were sent to 13 property owners on February 26, 2005.

PLANNING COMMISSION ACTION:

The Planning Commission conducted a public hearing on February 21, 2008 and voted 6-0 to recommend **APPROVAL** of the request with the eight stipulations recommended by staff.

Planning Commission did not see the two additional stipulations that are being recommended by staff. See ANALYSIS below.

ANALYSIS:

General Plan:

The General Plan identifies land use of the site as Low Density Residential, with a density of 1 to 2.5 dwelling units per acre (1 - 2.5du/ac) and a target density of 1 du/ac, and Medium Density Residential, with a density of 2.5 - 4 dwelling units per acre and a target density of 2.5 du/ac (Exhibit D). Developments may exceed target density by exhibiting extraordinary site and architectural design.

The proposed PAD contains two development scenarios, one with an 18.67 acre school site and one with townhomes instead. The gross density proposed in the PAD (2.4 du/ac) falls below the target density of the General Plan if the school is built instead of townhomes. If the school is not built, the proposed gross density (2.94 du/ac) exceed the target density, but falls within the upper density limit.

Staff supports the increased density if the school is not built and townhomes are instead because of the additional active and passive open space provided and because of the increased architectural standards provided (see Zoning Ordinance below).

Zoning Ordinance:

The proposed PAD narrative proposes development requirements **less** restrictive than the Zoning Ordinance in the areas of:

- maximum building coverage
- lot width
- front setbacks
- maximum building height (townhomes only)

The PAD narrative proposes development requirements that are **more** restrictive than the Zoning Ordinance in the areas of:

- minimum lot depth
- architectural design - garage size & coach lights on all garages
- architectural design - number of floor plans and elevations per floor plan options
- architectural design - gated entries to side yards
- architectural design - differentiation of neighborhoods with architectural themes
- Open Space
- Density (townhomes only)

Additionally, the PAD narrative commits to no more than two two-story single-family detached homes in a row, and shows innovation and interesting plot plans in Exhibit K for side-entry garages and living spaces in front of the primary dwellings. The PAD narrative commits to all townhomes, if built instead of the school,

being two- or three-stories with attached garages.

Staff feels that the PAD narrative provides adequate development and design commitments to justify the proposed development requirements that do not meet the requirements of the Zoning Ordinance.

Staff is recommending two additional stipulations. The first is a stipulation making clear that the developer shall be responsible for moving the power pole out of the future right-of-way of Elwood Drive near where the street abuts Avondale Boulevard. The second is a stipulation that all areas of the power line utility easements that are not a part of the multi-use trail will be landscaped and covered in decomposed granite. This will maintain aesthetics and dust control on the un-improved portions.

FINDINGS:

The Zoning Ordinance requires two findings be met in order to grant a rezoning to PAD (A.Z.O. 608):

1. The PAD is in substantial conformance with the General Plan of the City and can be coordinated with existing and planned development of surrounding areas; and

2. The streets and thoroughfares proposed are suitable and adequate to serve the proposed uses and the anticipated traffic which will be generated.

Staff finds that both of the findings are met. The proposed PAD complies with the General Plan and can be coordinated with existing and planned development of surrounding areas as evidenced by the Preliminary Plat submitted as case PP-07-2. Staff analysis of the traffic study submitted confirms compliance with the City's Transportation Plan for right-of-way. The 117th Avenue, 119th Avenue and Elwood Drive are proposed as collector roadways, and provide adequate access for anticipated traffic. Required improvements with development to Lower Buckeye Road and Avondale Boulevard will meet anticipated traffic needs.

RECOMMENDATION:

The Planning Commission recommends that the City Council **APPROVE** of the proposed rezoning of approximately 245 acres from Agricultural (AG) to Planned Area Development (PAD) with the following stipulations:

1. Development shall be in substantial conformance with the development plan and narrative Planning Division date stamped February 8, 2008.

2. Right-of-way shall be required as follows:

A. Lower Buckeye Road - 55 feet width half-street.

B. Avondale Boulevard - 65 feet width half-street.

C. 119th Avenue - 80 feet width full-street.

D. 117th Avenue - 70 feet width full-street once the roadway transitions onto the subject property from Fleming Farms PAD.

E. Elwood Street - 80 width full street.

Additional requirements for improvements, traffic signals and right-of-way for deceleration lanes, turn lanes, transit stops, etc., may be required during the site plan process depending upon the findings of traffic studies and analysis.

3. Cost contribution towards traffic signals are required as follows:

A. Lower Buckeye Road & 119th Avenue 50% of the cost to signalize the intersection.

B. Avondale Boulevard & Elwood Street 25% of the cost to signalize the intersection.

Additional traffic signals may be required based upon the findings of traffic studies and analysis, and as determined by the City Engineer.

4. Prior to recording of a final plat, the developer shall:

A. Obtain ownership of the existing irrigation well ADWR Well Registration No. 55-565981, and transfer that ownership to the City;

B. Provide a well site footprint of approximately 7,000 square feet, no more than 660 feet from the location of the existing well, for purchase by the City;

C. Provide design and construction of a pressurized transmission line from the well site to an existing transmission line at 119th Ave and Lower Buckeye Road, for reimbursement by the City; and

D. The City shall work with the Developer to prepare a purchase and reimbursement agreement to cover the well site property and the transmission line costs.

5. Prior to recording of a final plat, the developer shall abandon per the Arizona Department of Water Resources (ADWR) well abandonment rules any existing domestic and/or irrigation wells that will not be transferred to the City. This includes, but is not limited to, ADWR Well Registration Nos. 55-634912, 55-625282, and 55-625281.

6. Prior to issuance of the first Certificate of Occupancy, extinguish and pledge all existing Grandfathered Irrigation Rights, in conformance with Arizona Statutes, to the City's Assured Water Supply account at the ADWR. This includes, but is not limited to, rights no. 58-106098.0003 (75.2 acres), 58-106096.0004 (21.741 acres), 58-110594.0002 (50.0 acres), and 58-106096.0003 (371.88 acres).

7. A full traffic study shall be required at the time of Master Site Plan or Preliminary Plat application. A site specific traffic study shall be required for the proposed school/proposed Townhomes (R-2) site.

8. A preliminary plat shall be required for the single-family attached townhomes site prior to development. The preliminary plat shall require recommendation from Planning Commission and approval by City Council. The preliminary plat shall not be an administrative approval by staff.

9. The developer of Diamond P Ranch shall relocated the existing high voltage power pole located in the northwest corner of Elwood Street and Avondale Boulevard to outside of the proposed right-of-way.

10. All areas within the power line easements not a part of the multi-use trail system shall be covered with DG and provided landscaping.

PROPOSED MOTION:

I move that the City Council accept the findings and **APPROVE** application Z-07-4, a request for rezoning of approximately 245 acres from Agricultural (AG) to Planned Area Development (PAD), subject to the eight stipulations recommended by Planning Commission and two additional stipulations recommended by staff.

ATTACHMENTS:

Click to download

- Exhibits A - D & F case Z-07-4 Diamond P Ranch

- Exhibit G
- ORD - 1296-308

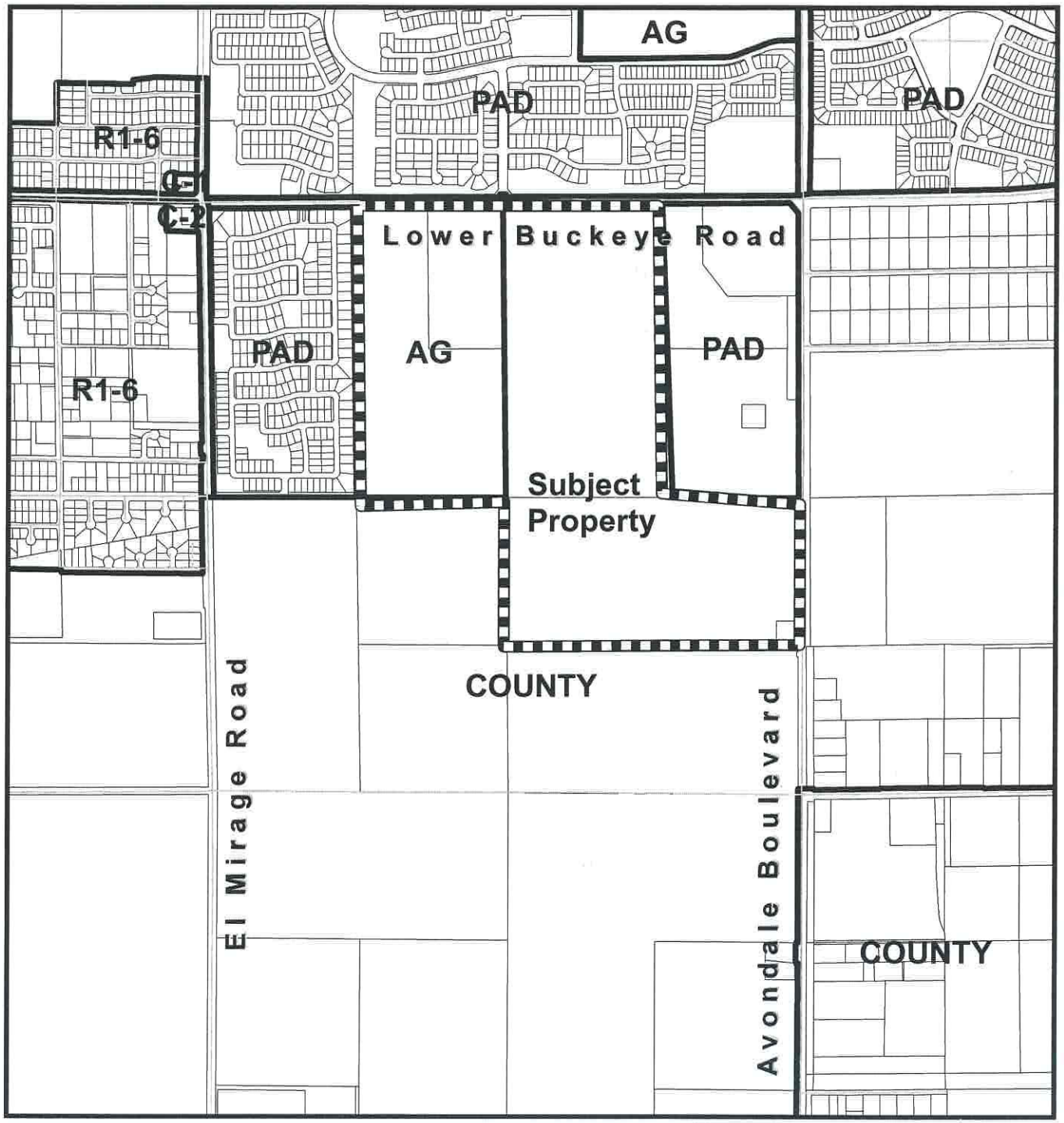
FULL SIZE COPIES (Council Only):

Exhibit E - Pad Narrative date stamped February 8, 2008.

PROJECT MANAGER:

Eric Morgan, Planner II (623) 333-4017

Exhibit A



Zoning Vicinity Map
Diamond P Ranch
Z-07-4

Avondale

Subject Property

Exhibit B

Air Photo 2007
Diamond P Ranch
Z-07-4

Avondale

Subject Site

Exhibit C

SUMMARY OF RELATED FACTS
APPLICATION ***DIAMOND P RANCH Z-07-4***

THE PROPERTY	
PARCEL SIZE	Approximately 245 acres
LOCATION	South and West of the southwest corner of Lower Buckeye Road and Avondale Boulevard
PHYSICAL CHARACTERISTICS	Relatively flat with sloping to the southwest.
EXISTING LAND USE	Dairy farm
EXISTING ZONING	Agricultural (County)
ZONING HISTORY	Annexation pending
DEVELOPMENT AGREEMENT	N/A

SURROUNDING ZONING AND LAND USE	
NORTH	PAD (Del Rio Ranch)
EAST	PAD (Fleming Farms)
SOUTH	Agriculture (County)
WEST	PAD (Cantada Ranch)

GENERAL PLAN
Low Density Residential and Medium Density Residential

PUBLIC SCHOOLS	
SCHOOL DISTRICT(S)	Littleton Elementary School District and Tolleson Union High School District
ELEMENTARY SCHOOL	Littleton Elementary School
HIGH SCHOOL	La Joya Community High School

STREETS	
Lower Buckeye Road	
Classification	Arterial
Existing half street ROW	33 feet
Standard half street ROW	55 feet
Existing half street improvements	1-lane
Standard half street improvements	2-lanes, ½ of landscape median/turn lane, bike lane, detached sidewalk, curb & gutter, street lights and landscaping

Avondale Boulevard	
Classification	Arterial
Existing half street ROW	33 feet
Standard half street ROW	65 feet
Existing half street improvements	1-lane
Standard half street improvements	3-lanes, ½ of landscape median/turn lane, bike lane, detached sidewalk, curb & gutter, street lights and landscaping

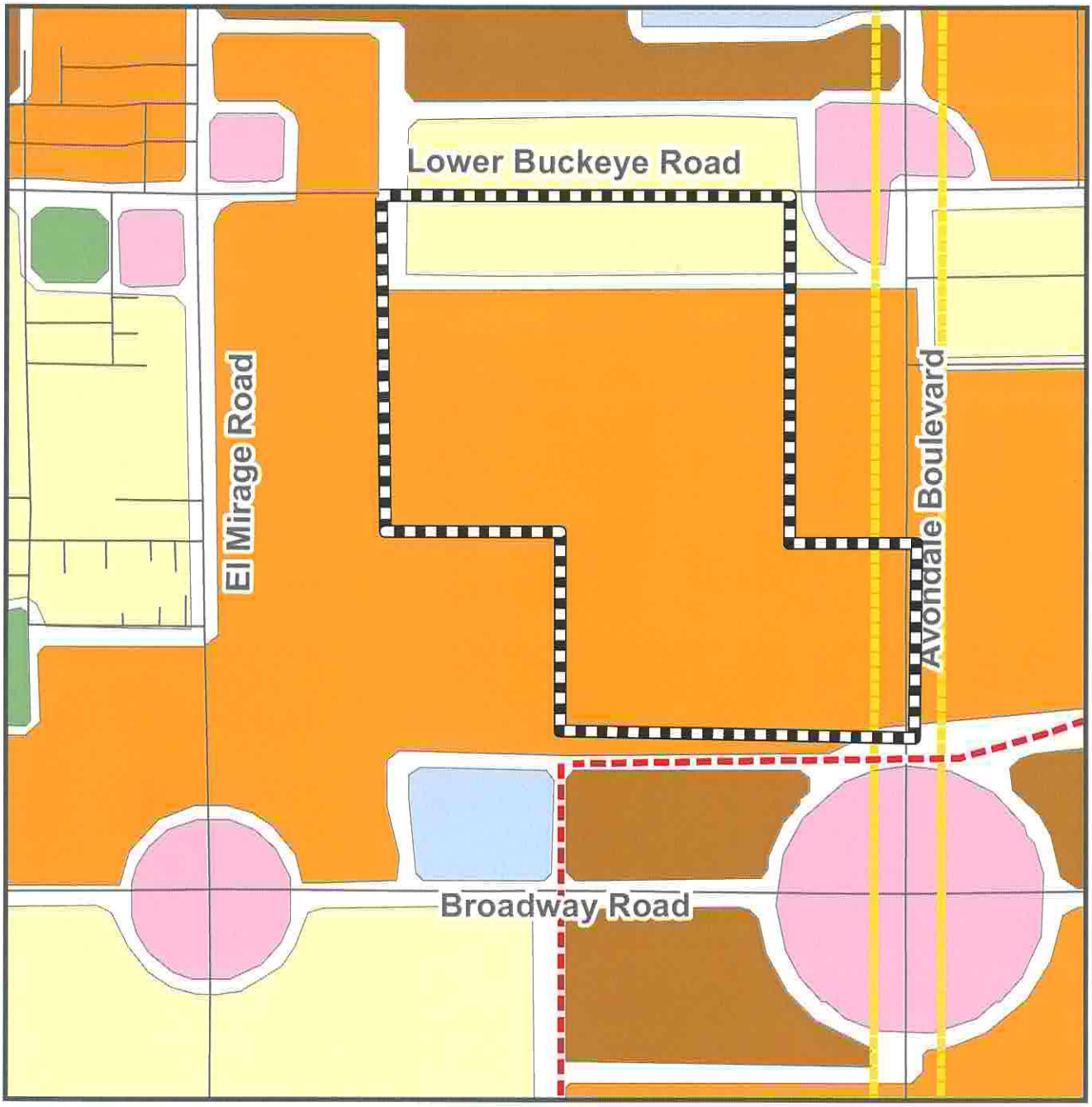
117th Avenue	
Classification	Minor Collector
Existing half street ROW	None
Standard half street ROW	35 feet
Existing half street improvements	None
Standard half street improvements	1-lane, ½ median/turn lane, bike lane, detached sidewalk, curb & gutter, street lights, and landscaping

119th Avenue	
Classification	Minor Collector
Existing half street ROW	None
Standard half street ROW	40 feet
Existing half street improvements	None
Standard half street improvements	1-lane, ½ median/turn lane, bike lane, detached sidewalk, curb & gutter, street lights, and landscaping

Elwood Street	
Classification	Minor Collector
Existing half street ROW	None
Standard half street ROW	40 feet
Existing half street improvements	None
Standard half street improvements	1-lane, ½ median/turn lane, bike lane, detached sidewalk, curb & gutter, street lights, and landscaping

Utilities
A 12" potable water line exists in Lower Buckeye Road and a 24" potable water line is proposed in Avondale Boulevard with this development. A 15" wastewater line exists in Lower Buckeye Road, a 30" wastewater line exists in Avondale Boulevard.

Exhibit D



General Plan Land Use

- Commercial Corridor, Commercial Corridor
- Growth Area, Growth Area
- Commercial
- Employment
- Freeway Commercial
- High Density Residential
- Low Density Residential
- Medium Density Residential
- Medium High Density Residential
- Mixed Use
- Multi Family Residential
- Open Space
- Public Facilities
- Subject Property

Exhibit F

Summary Report for Diamond P Ranch Neighborhood Meeting

Date: July 23, 2007

Time: 7:00 p.m.

Location: Avondale City Hall – Mohave Room

Dave Coble and Adrian Williamson arrived at the meeting location at 6:45 p.m. At 7:45 p.m. there were no attendees and the meeting was closed.

Sign In Sheet

Name:	Address:	Phone:

draft

EXHBIT G

Excerpt of the Draft Minutes of the regular Planning Commission meeting held February 21, 2008 at 7:00 p.m. in the Council Chambers.

COMMISSIONERS PRESENT
David Iwanski, Chairman
Michael Demlong, Vice Chair
Al Lageschulte, Commissioner
Edward Meringer, Commissioner
Angela Cotera, Commissioner
Linda Webster, Commissioner

COMMISSIONER EXCUSED
Kevin Grimsley, Commissioner

CITY STAFF PRESENT
Brian Berndt, Development Services Director
John Vater, Planner I, Development Services Department
Eric Morgan, Planner II, Development Services Department
Chris Schmaltz, City Attorney
Scott Wilken, Senior Planner, Development Services Department

APPLICATION Z-07-4

APPLICANT Dave Coble, Coe & Van Loo Consultants

REQUEST Request to rezoned approximately 245 acres from Agricultural (AG) to Planned Area Development (PAD).
Staff Contact: Eric Morgan (623) 333-4017

APPLICATION PP-07-2

APPLICANT Dave Coble, Coe & Van Loo Consultants

REQUEST Request for approval of a Preliminary Plat for approximately 245 acres, including approval of landscaping plans and preliminary utility plans.
Staff Contact: Eric Morgan (623) 333-4017

Eric Morgan, Planner II, Development Services, gave a joint presentation on Item Z-07-4, a request for rezoning of approximately 245 acres from Agricultural (AG) to Planned Area Development (PAD), and also on Item PP-07-2, a request for approval of a Preliminary Plat. He stated the subject property is located south and west of the southwest corner of Avondale Blvd. and Lower Buckeye Road. He described two land use designations, Low Density Residential

along Lower Buckeye Road with a development density of 1 to 2.5 dwelling units per acre (du/ac), with a target density of 1 du/ac, and the remainder of the site is Medium Density Residential with a density of 2.5 to 4 du/ac, with a target density of 2.5 du/ac. He informed the Commission that the applicant is proposing a development with a density of 2.4 du/ac, with an option for 2.94 du/ac. Mr. Morgan stated the subject property is abutted on three sides by PADs that are residential in nature, and to the south is vacant land outside of the city limits. The site is currently occupied by Pylman Dairy. He stated the Cantada Ranch PAD is under construction to the west of the subject site, Fleming Farms is going through the final platting process, and Del Rio Ranch to the north is continuing construction. Mr. Morgan stated that the PAD narrative as proposed addresses lot dimensions, setbacks, coverage, etc., and the proposed Preliminary Plat will comply with the proposed PAD standards, the Zoning Ordinance, and the subdivision regulations.

Mr. Morgan described the streets and circulation, stating three collector streets are proposed to be constructed at 117th Avenue, 119th Avenue and Elwood Street. 117th Avenue lies on the east property line and divides Diamond P Ranch from Fleming Farms. The Fleming Farms development will construct the northern one-half of the road, as well as its intersection with Lower Buckeye Road, and Diamond P Ranch will construct the remainder of the road down to the intersection with Elwood Street. There are four main access points, all four with full turning movements. The applicant has proposed four lot sizes, the largest being 105 by 200 feet, and there are 42 of these lots. Of the 73 by 120 foot lots, there are 69 of these lots proposed, of the 68 by 115 lots, 221 are proposed, and the remaining 167 lots are 63 by 110 feet. In total there will be 589 single-family detached lots, resulting in a density of 2.4 du/ac. The front yard setbacks are reduced with an option to allow side-entry garages or living space forward of the primary dwelling. Mr. Morgan informed the Planning Commission that Staff is in support of this feature and believes it is an up-and-coming design that will be seen in high-end developments in the Valley. He reported that the applicant is requesting increases in lot coverage for the largest lots from 20% to 30%, and a 5% increase for the 73 and 68 foot wide lots, and an increase from 40 % to 50% increase for the smallest lots. All other development standards comply with the Zoning Ordinance.

Mr. Morgan pointed out to the Commission that notice of the rezoning and preliminary plat applications were sent to the Tolleson Union High School District Superintendent and the Littleton Elementary School Superintendent on March 26, 2007. The applicant has worked with the Littleton Elementary School District with regards to their desires and requirements for a school site on the subject site. Mr. Morgan noted the developer has not counted the proposed 18.67 acre school site towards satisfying the minimum Open Space requirement. He pointed out that the PAD narrative allows for an option that if the school site is not developed as a school, the site can be developed with townhomes, and that this would require the site to come back before the Planning Commission and the City Council to be re-platted. Mr. Morgan stated that staff is proposing a stipulation stating this. He reported that the minimum required open space is 10%, or approximately 25 acres, and that the applicant is providing 36 acres of active open space

consisting of community parks, multi-use trails, and the total open space is 50 acres, or 20% of the site.

Mr. Morgan summarized, stating that Staff finds that the proposed PAD meets the two required findings of the Zoning Ordinance, and Staff also finds that the proposed Preliminary Plat complies with the proposed PAD narrative, the Zoning Ordinance, and the subdivision regulations. Staff is recommending approval with the 7 stipulations in the staff report to rezone from AG to PAD with an additional 8th stipulation stating that the townhomes/school site will return to the Planning Commission and the City Council prior to development of the site. Staff also recommends approval of the Preliminary Plat with 10 stipulations as given in the Staff report. Mr. Morgan stated Staff and the applicant were present to answer questions.

Chairperson Iwanski invited questions from the Commissioners.

Commissioner Cotera asked what the timeframe is on this project, as she understands that there is a problem with overbuilding in Avondale. Mr. Morgan responded that the City Code currently states that rezoning to PAD requires that within two years permits be pulled or the zoning becomes null, and the Preliminary Plat is good for one year or more with extensions. Commissioner Cotera asked if the open space around the large KV lines was a good use of the space. Mr. Morgan referred to an overhead display of the powerline easement corridor and delineated the area claimed by the applicant towards Open Space that will be improved with a turf, a multi-use trail, landscaping, benches, trash receptacles, and pedestrian scale lighting. The un-improved detention areas are not claimed as Open Space. Commissioner Cotera asked if the larger lots were envisioned as custom home lots or would they be developed and built by the builder. Mr. Morgan deferred to the applicant.

Vice Chair Demlong stated he liked the comparison charts in the staff report compiled by Staff to compare what the Zoning Ordinance requires and what the PAD narrative proposes. He inquired as to the density in the Low Density Residential. Mr. Morgan replied that the density was 1 to 2.5 du/ac, with a target density of 1 du/ac. Vice Chair Demlong asked if these items were approved tonight, could the buildout density then be changed. Mr. Morgan replied that an applicant is always free to request a change to density, but must comply to the General Plan density range. Mr. Morgan replied that to exceed the target density of the General Plan, in this case 1 du/ac, the PAD narrative must provide extraordinary development and wow the Commission and the City Council. Vice Chair Demlong stated that the site has a 17 foot change in elevation from the north to the south and appears to drain back into the powerline easement. He inquired if the developer could use that as a retention basin. Mr. Morgan replied that drainage must be contained on-site and it is, with drainage going into detention basins in the powerline easement as well as into many park and open area locations throughout the development. Vice Chair Demlong asked if enough retention is provided for the site. Mr. Morgan confirmed that there was. Vice Chair Demlong asked for a definition of loggia.

Commissioner Cotera offered the definition of loggia, explaining it is an architectural feature used in older Italian homes as a type of gallery or corridor where you drive in with your carriage and disembark. Commissioner Cotera asked if the smaller lots would be single or double story. Mr. Morgan stated the language in the PAD narrative states that there be no more than two single or double story homes in a row or across from each other.

Chairperson Iwanski invited further questions from the Commission, and hearing none, invited the applicant to address the Commission.

Mike Curley, 3101 N. Central Ave., Phoenix, AZ, informed the Planning Commission that the homes in the large executive lots will be custom and semi-custom. Low density is an extremely important component for the City Council, and they are in agreement with all the Staff stipulations and agree with their analysis. They are specifically limited to not having a row of two story homes, and there is also a requirement in the PAD which precludes them from having two story homes at the end of blocks which are collector streets.

Chairperson Iwanski invited questions for the applicant.

Commissioner Cotera asked what the timeframe for the development is given the current economic climate. Mr. Curley reported that aside from the economic climate, they also have the dairy in operation on the site, and the dairy has a lease until December and they may extend the lease slightly beyond that. After the dairy moves, he estimates it will probably be about six months of clean up required, so it will probably be about a year-and-a-half before dirt gets turned. Commissioner Cotera asked if the homes would be purchased by the homeowner and then built. Mr. Curley replied that they are not the builder, but are entitling the property and plan on selling off different parcels to different homebuilders.

Vice Chair Demlong stated he did write down on record that Mr. Curley will maintain those large lots on the north side of the site along Lower Buckeye Road, so he will not forget that the next time it comes up. He asked what the decision point is on whether a school is built or townhomes. Mr. Curley replied that they really want the school to be located there as they see it as a marketing asset, as well as also providing civic activity, but it is ultimately up to the Littleton School District as to whether or not they will be purchasing the property. They plan on reserving the property in the hopes that the school district is going to buy it. He stated they have had several meetings with the school district, and not only did they locate the school at this location with the school district's input because they wanted it centrally located adjacent to the park, but they went through an engineering exercise where they laid their footprints and their MO for the typical elementary school on the site; thus, the site has been dimensioned to accommodate the school. Vice Chair Demlong stated it is more of a financial decision on the part of the school district, which Mr. Curley confirmed. Mr. Curley added he believed it was also a location decision on the school district's part, as they may decide there is a better site that is more centrally located. Vice Chair Demlong opined the school would be very well-positioned

on the property and well-positioned for the area, and he appreciated the effort the applicant has put into it.

Chris Schmaltz, City Attorney, asked if the school district has submitted the plans to the school's facilities board as part of the long term acquisition plan for the district. Mr. Curley replied he did not know if the school district was in that review process yet.

Chairperson Iwanski invited further questions of the applicant. He asked if Mr. Curley's client was in agreement with the added eighth stipulation. Mr. Curley confirmed. Chairperson Iwanski invited further questions of Staff or the applicant, and hearing none, asked for a motion.

Brian Berndt, Development Services Director, reminded Chairperson Iwanski to open a public hearing.

Chairperson Iwanski opened the public hearing on item Z-07-4. There were no requests to speak. Chairperson Iwanski called for a motion and a second.

Vice Chair Demlong moved that the Planning Commission accept the findings and recommend approval of application Z-07-4, a request to rezone approximately 245 acres from Agricultural (AG) to Planned Area Development (PAD) subject to the eight Staff-recommended stipulations. Commissioner Meringer seconded the motion.

1) Development shall be in substantial conformance with the Development Plan and narrative Planning Division date stamped February 8, 2008.

2) Right-of-way shall be required as follows: a) Lower Buckeye Road – 55 feet width half-street. b) Avondale Boulevard – 65 feet width half-street. c) 119th Avenue – 80 feet width full-street. d) 117th Avenue – 70 feet width full-street once the roadway transitions onto the subject property from Fleming Farms PAD. e) Elwood Street – 80 width full street. Additional requirements for improvements, traffic signals and right-of-way for deceleration lanes, turn lanes, transit stops, etc., may be required during the Site Plan process depending upon the findings of traffic studies and analysis.

3) Cost contribution towards traffic signals are required as follows: a) Lower Buckeye Road & 119th Avenue - 50% of the cost to signalize the intersection. b) Avondale Boulevard & Elwood Street - 25% of the cost to signalize the intersection. Additional traffic signals may be required based upon the findings of traffic studies and analysis, and as determined by the City Engineer.

4) Prior to recording of a final plat, the Developer shall: a) Obtain ownership of the existing irrigation well ADWR Well Registration No. 55-565981, and transfer that ownership to the City; b) Provide a well site footprint of approximately 7,000 square feet, no more than 660 feet from the location of the existing well, for purchase by the City; c) Provide design and construction of a pressurized transmission line from the well site to an existing transmission line at 119th Avenue

and Lower Buckeye Road for reimbursement by the City; and d) The City shall work with the Developer to prepare a Purchase and Reimbursement Agreement to cover the well site property and the transmission line cost.

5) Prior to recording of a final plat, the Developer shall abandon per the Arizona Department of Water Resources' (ADWR) well abandonment rules any existing domestic and/or irrigation wells that will not be transferred to the City. This includes, but is not limited to, ADWR Well Registration Nos. 55-634912, 55-625282, and 55-625281.

6) Prior to issuance of the first Certificate of Occupancy, extinguish and pledge all existing Grandfathered Irrigation Rights, in conformance with Arizona Statutes, to the City's assured Water Supply account at the ADWR. This includes, but is not limited to, Rights Nos. 58-106098.0003 (75.2 acres), 58-106096.0004 (21.741 acres), 58-110594.0002 (50.0 acres), and 58-106096.0003 (371.88 acres).

7) A full traffic study shall be required at the time of Master Site Plan or Preliminary Plat application. A site specific traffic study shall be required for the proposed school/proposed Townhomes (R-2) site.

8) A Preliminary Plat shall be required for the single family attached townhouses site prior to the development. The Preliminary Plat shall require recommendation from the Planning Commission and approval by City Council. The Preliminary Plat shall not be an administrative approval by Staff.

Chairperson Iwanski opened the floor for further discussion.

Commissioner Lageschulte remarked that as a long time resident of Avondale, he hates to see Michael Pylman, of Michael Pylman Dairy, leave the area. He believes this project is like a breath of fresh area for the area and hopes that more developers in the area will look at this project with the larger lots and homes, and then the South Avondale area will come out nice if they keep going like this. He thanked the applicant for bringing the project into Avondale. He wished Mr. Pylman good luck.

Chairperson Iwanski, hearing no further discussion, stated it had been moved and seconded that the Planning Commission accept the findings and recommend approval of application Z-07-4, a request to rezone approximately 245 acres from AG to PAD subject to the seven original Staff-recommended stipulations and the additional eighth stipulation "A Preliminary Plat shall be required for the single family attached townhouses site prior to the development. The Preliminary Plat shall require recommendation from the Planning Commission and approval by City Council. The Preliminary Plat shall not be an administrative approval by Staff." Chairperson Iwanski called for a vote.

ROLL CALL VOTE

Chairperson Iwanski	Aye
Vice Chair Demlong	Aye
Commissioner Lageschulte	Aye
Commissioner Grimsley	Excused
Chairperson Meringer	Aye
Commissioner Cotera	Aye
Commissioner Webster	Aye

The motion passed unanimously.

Chairperson Iwanski entertained a motion on Item PP-07-2.

Vice Chair Demlong moved that the Planning Commission accept the findings and recommend approval of application PP-07-2, a request for Preliminary Plat approval subject to the 10 Staff-recommended stipulations. Commissioner Lageschulte seconded the motion.

1) Development shall be in substantial conformance with the Development Plan and narrative Planning Division date stamped February 8, 2008.

2) Prior to recording of a final plat, the Developer shall: a) Obtain ownership of the existing irrigation well, ADWR Well Registration No. 55-565981, and transfer that ownership to the City; b) Provide a well site footprint of approximately 7,000 square feet, no more than 660 feet from the location of the existing well, for purchase by the City; c) Provide design and construction of a pressurized transmission line from the well site to an existing transmission line at 119th Avenue and Lower Buckeye Road, for reimbursement by the City; and d) The City shall work with the Developer to prepare a Purchase and Reimbursement Agreement to cover the well site property and the transmission line cost.

3) Prior to recording of a final plat, the Developer shall abandon per the Arizona Department of Water Resources' (ADWR) well abandonment rules any existing domestic and/or irrigation wells that will not be transferred to the City. This includes, but is not limited to, ADWR Well Registration Nos. 55-634912, 55-625282, and 55-625281.

4) Prior to issuance of the first Certificate of Occupancy, extinguish and pledge all existing Grandfathered Irrigation Rights, in conformance with Arizona Statutes, to the City's assured Water Supply account at the ADWR. This includes, but is not limited to, Rights Nos. 58-106098.0003 (75.2 acres), 58-106096.0004 (21.741 acres), 58-110594.0002 (50.0 acres), and 58-106096.0003 (371.88 acres).

5) The City shall work with the Developer to prepare a Purchase and Reimbursement Agreement to cover the well site property and the transmission line costs.

6) On the final plat, Tract K Well Site shall abut directly upon 119th Avenue, thus eliminating that section of Tract H directly abutting Tract K Well Site.

7) A site-specific traffic study analysis for the school site will be required at site plan or building permit application, whichever comes first. Amenities for Safe Routes to School to be coordinated with Civil Infrastructure plans.

8) Improvements required for the ¾ access opening (right-in/right-out/left-in only) at Odeum Lane & Avondale Boulevard to be shown on the Civil Infrastructure plans.

9) Cost contribution towards traffic signals are required as follows: a) Lower Buckeye Road & 119th Avenue - 50% of the cost to signalize the intersection. b) Avondale Boulevard & Elwood Street - 25% of the cost to signalize the intersection. c) Additional traffic signals may be required based upon the findings of traffic studies and analysis, and as determined by the City Engineer.

10) Signing and Striping Plan will be required at Civil Improvement Plans submittal.

Chairperson Iwanski opened the floor for discussion, and hearing none, stated it had been moved and seconded that the Planning Commission accept the findings and recommend approval of application PP-07-2, a request for Preliminary Plat approval subject to the 10 Staff-recommended stipulations. Chairperson Iwanski called for a vote.

ROLL CALL VOTE

Chairperson Iwanski	Aye
Vice Chair Demlong	Aye
Commissioner Lageschulte	Aye
Commissioner Grimsley	Excused
Chairperson Meringer	Aye
Commissioner Cotera	Aye
Commissioner Webster	Aye

The motion passed unanimously.

ORDINANCE NO. 1296-308

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AMENDING THE OFFICIAL ZONING ATLAS OF THE CITY OF AVONDALE FOR APPROXIMATELY 245 ACRES LOCATED WEST AND SOUTH OF THE SOUTHWEST CORNER OF LOWER BUCKEYE ROAD AND AVONDALE BOULEVARD AS SHOWN IN FILENAME Z-07-4, REZONING SUCH PROPERTY FROM AGRICULTURAL (AG) TO PLANNED AREA DEVELOPMENT (PAD) AND IMPOSING CONDITIONS UPON SUCH CHANGE.

WHEREAS, the Council of the City of Avondale (the "City Council") desires to amend the City of Avondale Zoning Atlas (the "Zoning Atlas") pursuant to ARIZ. REV. STAT. § 9-462.04; and

WHEREAS, all due and proper notices of public hearings on the intended amendment held before the City of Avondale Planning and Zoning Commission (the "Commission") and the City Council were given in the time, form, substance and manner provided by ARIZ. REV. STAT. § 9-462.04; and

WHEREAS, the Commission held a public hearing on Thursday, February 21, 2008, on the amendment to the Zoning Atlas pursuant to such notices and as required by ARIZ. REV. STAT. § 9-462.04; and

WHEREAS, the Commission recommended approval; and

WHEREAS, the City Council held a public hearing regarding the amendment to the Zoning Atlas on March 17, 2008.

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

SECTION 1. That ± 245 acres of real property generally located west and south of the southwest corner of Lower Buckeye Road and Avondale Boulevard as shown in filename Z-07-4, as more particularly described and depicted in Exhibit A, attached hereto and incorporated herein by reference, are hereby rezoned from Agricultural (AG) to Planned Area Development (PAD), subject to the following conditions:

1. Development shall be in substantial conformance with the development plan and narrative Planning Division date stamped February 8, 2008.

2. Right-of-way shall be dedicated to the City as required by the then-current version of the City's adopted transportation plan. For reference purposes only, as of the date of this Ordinance, the required right-of-way dedications are as follows:

   A. Lower Buckeye Road - 55 feet width half-street.
   B. Avondale Boulevard - 65 feet width half-street.
   C. 119th Avenue - 80 feet width full-street.
   D. 117th Avenue - 70 feet width full-street once the roadway transitions onto the subject property from Fleming Farms PAD.
   E. Elwood Street - 80 width full street.

   Additional requirements for improvements, traffic signals and right-of-way for deceleration lanes, turn lanes, transit stops, etc., may be required during the site plan process depending upon the findings of traffic studies and analysis.

3. Cost contribution towards traffic signals are required as follows:

   A. Lower Buckeye Road & 119th Avenue 50% of the cost to signalize the intersection.
   B. Avondale Boulevard & Elwood Street 25% of the cost to signalize the intersection.

   Additional traffic signals may be required based upon the findings of traffic studies and analysis, and as determined by the City Engineer.

4. Prior to recording of a final plat, the developer shall:

   A. Obtain ownership of the existing irrigation well ADWR Well Registration No. 55-565981, and transfer that ownership to the City at no cost to the City.
   B. Provide a roughly square well site of approximately 7,000 square feet, no more than 660 feet from the location of the existing irrigation well, for subsequent purchase by the City.
   C. Design and construct a pressurized transmission line from the new well site to an existing transmission line at 119th Ave and Lower Buckeye Road, the cost of which shall be for reimbursed by the City upon the City's acceptance of the completed transmission line.

5. Prior to recording of a final plat, the developer shall abandon, per the Arizona Department of Water Resources (ADWR) well abandonment rules, any existing domestic and/or irrigation wells that will not be transferred to the City. This includes, but is not limited to, ADWR Well Registration Nos. 55-634912, 55-625282, and 55-625281.

6. Prior to issuance of the first Certificate of Occupancy for any structure on the property , extinguish and pledge all existing Grandfathered Irrigation Rights, in conformance with Arizona law, to the City's Assured Water Supply account at the ADWR. This includes, but is not limited to, rights Nos. 58-106098.0003 (75.2 acres), 58-106096.0004 (21.741 acres) 58-110594.0002 (50.0 acres), and 58-106096.0003 (371.88 acres).

7. Developer shall submit a full traffic study prepared by a professional Traffic Engineer to the City not later than the first to occur of the Master Site Plan application or Preliminary Plat application. A site-specific traffic study shall be required for the proposed school/proposed Townhomes (R-2) site.

8. A preliminary plat shall be required for the single-family attached townhomes site prior to development. The preliminary plat shall require recommendation from Planning Commission and approval by City Council. The preliminary plat shall not be an administrative approval by staff.

SECTION 2. That if any provision of this Ordinance is for any reason held by any court of competent jurisdiction to be unenforceable, such provision or portion hereof shall be deemed separate, distinct and independent of all other provisions and such holding shall not affect the validity of the remaining portions of this Ordinance.

PASSED AND ADOPTED by the Council of the City of Avondale, March 17, 2008.

_____
Marie Rogers Lopez, Mayor

ATTEST:

_____
Linda M. Farris, City Clerk

APPROVED:

_____
Andrew J. McGuire, City Attorney

844626.1

EXHIBIT A
TO
ORDINANCE NO. 1296-308

[Map and Legal Description]

See following pages.

Exhibit A

All that portion of the Northeast quarter of the Northwest quarter of Section 1, Township 1 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows:

COMMENCING at the Northwest corner of Section 1, marked by a ½ inch rebar and cap RLS 34404;

thence along the North line of the Northwest quarter of the Northwest quarter, South 87 degrees 55 minutes 47 seconds East, a distance of 1309.61 feet to a brass cap in hand hole marking the Northwest corner of the Northeast quarter of the Northwest quarter;

thence leaving said North line, South 00 degrees 14 minutes 07 seconds West, a distance of 65.00 feet to a point on the Southerly right-of-way line of McDowell Road as conveyed in Book 2328 of Deed, page 135, said point being the TRUE POINT OF BEGINNING;

thence along the South right-of-way line of McDowell Road, South 88 degrees 58 minutes 51 seconds East, a distance of 697.99 feet;

thence leaving said right-of-way, South 02 degrees 50 minutes 49 seconds West, a distance of 931.23 feet;

thence South 65 degrees 24 minutes 06 seconds West, a distance of 121.63 feet;

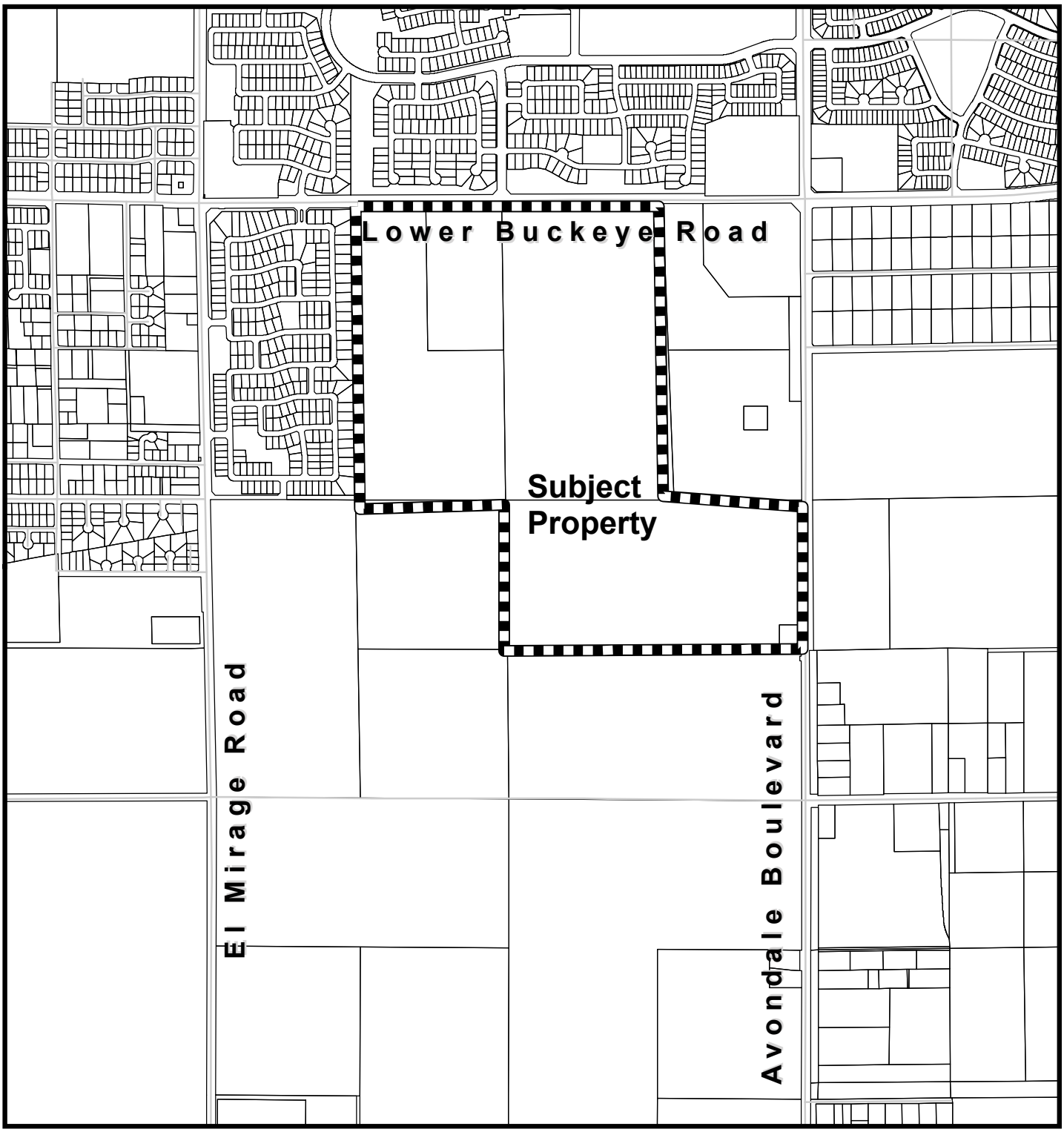
thence South 45 degrees 59 minutes 06 seconds West, a distance of 22.80 feet;

thence South 20 degrees 42 minutes 06 seconds West, a distance of 10.52 feet;

thence South 89 degrees 44 minutes 13 seconds West, a distance of 525.12 feet to a point on the West line of the Northeast quarter of the Northwest quarter;

thence along said West line, North 00 degrees 14 minutes 07 seconds East, a distance of 1021.22 feet to the TRUE POINT OF BEGINNING

Exhibit B



Z-07-4
Diamond P Ranch

Avondale

Subject Property

DEVELOPMENT SERVICES

SUBJECT:
Preliminary Plat approval for Diamond P Ranch (PP-07-2)

MEETING DATE:
March 17, 2008

TO: Mayor and Council

FROM: Brian Berndt, Director of Development Services (623) 333-4011

THROUGH: Charlie McClendon, City Manager

REQUEST: Approval of a Preliminary Plat for Diamond P Ranch

PARCEL SIZE: Approximately 245 acres.

LOCATION: South and west of the southwest corner of Avondale Boulevard and Lower Buckeye Road.

APPLICANT: Dave Coble, Coe & Van Loo Consultants

OWNER: Michael Pylman Dairy, LLC/Silver Bullet, LLC

BACKGROUND:

The subject property is currently located outside of the City boundaries, and is scheduled to be annexed at the March 17, 2008 City Council meeting. The site currently operates as a dairy.

The site is currently occupied by the Pylman Dairy. The site occupies ½ mile along Lower Buckeye Road between Fleming Farms PAD at the southwest corner of Avondale Boulevard and Lower Buckeye Road and Cantada Ranch PAD located at the southeast corner of El Mirage Road and Lower Buckeye Road. The site occupies an area extending south from Lower Buckeye Road for approximately ¾ mile to abut the Arizona Public Service (APS)/Salt River Project (SRP) Rudd electrical substation, then east approximately ½ mile to Avondale Boulevard. The APS/SRP Rudd substation is approximately 80 acres in area. Large electrical powerline transmission easements extend north and east from the APS/SRP Rudd substation, occupying approximately 17.77 acres of the subject property. These powerline easements are occupied by large transmission towers.

SUMMARY OF REQUEST:

The applicant is requesting approval of Diamond P Ranch Preliminary Plat for 589 single-family lots on approximately 245 acres.

Request Details

1. The preliminary plat standards are governed by the Diamond P Ranch Planned Area Development (PAD), case Z-07-4 a companion to this application, the Zoning Ordinance, subdivision regulations, and other codes and regulations for infrastructure and traffic.

2. The site includes: 589 single-family detached lots proposed in four lot sizes (63’ x 115’, 68’ x 115’, 73’ x 120’ and 105’ x 200’); an 18.67 acre site designated for a school or townhomes; two large open space tracts with a landscaped multi-use trail that follows the electrical powerline transmission easement; a 6 acre community park, three pocket parks and retention areas; and collector and local streets.

3. The 42 proposed 105' x 200' lots are located along Lower Buckeye Road on the north end of the site within a gated community. The 167 proposed 63' x 115' lots, 211 proposed 68' x 115' lots and 169 proposed 73' x 120' lots are equally distributed throughout the rest of the site. Each lot size will have a minimum of 4 floor plans and 4 elevations per floor plan. The mixing of lot sizes will ensure a variety of housing types and designs throughout the development.

4. The preliminary plat proposes development to occur in four phases, beginning with the southeast portion of the property adjacent to Avondale Boulevard and progressing west and north.

The developer has offered 18.67 acres to the Littleton School District for a school site. However, if the school site is not developed as a school, the site could be developed with townhomes under the development standards equivalent to the R-2 zoning district with two exceptions per the PAD proposed in case Z-07-4 Diamond P Ranch: 1) Townhomes shall only be two- or three-stories; and 2) the density shall be a maximum of 7 du/ac instead of 9.7 du/ac. Per note 8 of Sheet 1 of the proposed preliminary plat, development of the 18.67 acre site for townhomes will require an amendment to the plat.

PARTICIPATION:

No public notification is required for a reliminary plat.

PLANNING COMMISSION ACTION:

The Planning Commission reviewed the request on February 21, 2008 and voted 6-0 to recommend **APPROVAL** of the request with the stipulations recommended by staff (Exhibit F).

Planning Commission did not see the two additional stipulations that are being recommended by staff. See ANALYSIS below.

ANALYSIS:

Lot Layout and Organization

The General Plan identifies the northern portion of the site along Lower Buckeye Road as Low Density Residential, with a density of 1 to 2.5 dwelling units to the acre (du/ac). The Commission and Council have both expressed a desire for more 'Executive Housing' in south Avondale, meaning larger lots. The proposed preliminary plat accomplishes both objectives by providing 105' x 200' sized lots along Lower Buckeye Road (Exhibit D).

The General Plan identifies the remainder of the site as Medium Density Residential, with a density of 2.5 to 4 du/ac. The preliminary plat proposes a gross density of 2.4 du/ac. Should the 18.67 acre school site develop as townhomes, the overall density would be 2.94 du/ac (Exhibit D).

The 18.67 acre proposed school site is centrally located and meets requirements for street access, abutting 119th Avenue a major collector roadway.

Landscaping, Open Space, Walls & Entry Signs

The preliminary plat provides 36.2 acres (15%) of open space that is actively usable, in conformance with the PAD. Actively usable open space is comprised of:

· A six acre community park with a large turfed open play field, a full-size basketball court, a tot lot with playground equipment, and two sand volleyball courts, all surrounded by a concrete sidewalk. The community park is centrally located and easily accessible to all residents.

· Three pocket parks: One with turfed area, half basketball court, tot lot, benches, trash receptacles and sidewalk; one with turfed area, sand volleyball court, picnic table, ramada, and barbeque grill; and one with turfed area, tot lot, ramada, barbeque grill and sidewalk.

· A landscaped multi-use trail system that runs north-south, then east-west within the electrical powerline easements connecting Lower Buckeye Road and Avondale Boulevard. The trail system ties into a regional trail system within the electrical powerline easement that runs north through Del Rio Ranch. The multi-use trail is stabilized decomposed granite, landscaped with trees for shade, and provides benches and trash receptacles at established distances throughout.

Passive open space is provided in the amount of nearly 14 additional acres, for a total of 50 acres, in the form of retention areas and un-improved areas within the electric powerline corridor.

Trees and shrubs will be provided along the arterials of Lower Buckeye Road and Avondale Boulevard as well as along the collector streets of 117th Avenue, 119th Avenue and Elwood Street at a ratio of one tree and two shrubs for every 20 feet. Tracts located along local entranceways to streets and neighborhoods also are provided and will be landscaped. All tracts are dedicated to the Home Owners Association (HOA), and all landscaping in the rights-of-way will be maintained by the HOA as well.

Three types of decorative walls are proposed:

· Perimeter - six feet height, interspaced with columns, composed of decorative blocks, utilizing variations in colors, materials and size of blocks, and providing a geometric design pattern. These will be provided along Lower Buckeye Road, Avondale Boulevard, Elwood Street, 117th Avenue and 119th Avenue.

· Neighborhood - As perimeter walls above, except without the geometric design pattern. These walls will be provided along local streets to denote neighborhoods.

· View Fences - six feet height, block columns spanned by two feet of block and four feet of iron picket fence. These are intended to allow residents a view, and are provided at various appropriate locations.

The major entry sign will be at the intersection of Lower Buckeye Road and 119th Avenue, and the secondary entry sign will be provided at the intersection of Avondale Boulevard and Elwood Street.

Streets & Circulation

The proposed preliminary plat provides adequate site circulation and widths of streets. Three collector streets are proposed to be constructed at 117th Avenue, 119th Avenue and Elwood Street. 117th Avenue lies on the east property line and divides Diamond P Ranch from Fleming Farms. The Fleming Farms development will construct the northern 1/3 of the road as well as its intersection with Lower Buckeye Road, and Diamond P Ranch will construct the remainder of the road down to the intersection with Elwood Street.

Utilities

Potable water is provided to all lots tapping into the main Avondale system at both Lower Buckeye Road and Avondale Boulevard. A well site is being provided by the developer abutting 119th Avenue south of the large estate lots.

Sewer is provided to all lots. The ultimate outfall is to Avondale Boulevard by use of a temporary lift station. Should the property abutting south of Diamond P Ranch develop, there are options to allow the sewer to tie-in and outfall south with a gravity line thus eliminating the need for the temporary lift station.

The preliminary plat provides adequate on-site retention to meet 100-year storm events, as required in the Avondale General Engineering Guidelines.

Staff is recommending two additional stipulations. The first is a stipulation making clear that the developer shall be responsible for moving the power pole out of the future right-of-way of Elwood Drive near where the street abuts Avondale Boulevard. The second is a stipulation that all areas of the power line utility

easements that are not a part of the multi-use trail will be landscaped and covered in decomposed granite. This will maintain aesthetics and dust control on the un-improved portions.

FINDINGS:

Staff finds that the proposed preliminary plat complies with the General Plan, the proposed Diamond P Ranch PAD Narrative, the Zoning Ordinance, the Subdivision Regulations, the General Engineering Guidelines, the Design Manual for Single-Family Residential, and other applicable development regulations.

RECOMMENDATION:

The Planning Commission recommends that the City Council **APPROVE** the proposed Preliminary Plat with the following stipulations:

1. Development shall be in substantial conformance with the development plan and narrative Planning Division date stamped February 8, 2008.

2. Prior to recording of a final plat, the developer shall:

A. Obtain ownership of the existing irrigation well ADWR Well Registration No. 55-565981, and transfer that ownership to the City;

B. Provide a well site footprint of approximately 7,000 square feet, no more than 660 feet from the location of the existing well, for purchase by the City;

C. Provide design and construction of a pressurized transmission line from the well site to an existing transmission line at 119th Ave and Lower Buckeye Road, for reimbursement by the City; and

D. The City shall work with the Developer to prepare a purchase and reimbursement agreement to cover the well site property and the transmission line costs.

3. Prior to recording of a final plat, the developer shall abandon per the Arizona Department of Water Resources (ADWR) well abandonment rules any existing domestic and/or irrigation wells that will not be transferred to the City. This includes, but is not limited to, ADWR Well Registration Nos. 55-634912, 55-625282, and 55-625281.

4. Prior to issuance of the first Certificate of Occupancy, extinguish and pledge all existing Grandfathered Irrigation Rights, in conformance with Arizona Statutes, to the City's Assured Water Supply account at the ADWR. This includes, but is not limited to, rights no. 58-106098.0003 (75.2 acres), 58-106096.0004 (21.741 acres), 58-110594.0002 (50.0 acres), and 58-106096.0003 (371.88 acres).

5. On the final plat, Tract K Well Site shall abut directly upon 119th Avenue, thus eliminating that section of Tract H directly abutting Tract K Well Site.

6. A Site specific traffic study analysis for the school site will be required at site plan or building permit application, whichever comes first. Amenities for Safe Routes to School to be coordinated with Civil Infrastructure plans.

7. Improvements required for the ¾ access opening (right-in/right-out/left-in only) at Odeum Lane & Avondale Boulevard to be shown on the Civil Infrastructure plans.

8. Cost contribution towards traffic signals are required as follows:

A. Lower Buckeye Road & 119th Avenue 50% of the cost to signalize the intersection;

B. Avondale Boulevard & Elwood Street 25% of the cost to signalize the intersection; and

C. Additional traffic signals may be required based upon the findings of traffic studies and analysis, and as determined by the City Engineer.

9. Signing and Striping Plan will be required at Civil Improvement Plans submittal.

10. The developer of Diamond P Ranch shall relocated the existing high voltage power pole located in the northwest corner of Elwood Street and Avondale Boulevard to outside of the proposed right-of-way.

11. All areas within the power line easements not a part of the multi-use trail system shall be covered with DG and provided landscaping.

PROPOSED MOTION:

I move that the City Council accept the findings and **APPROVE** application PP-07-2, a request to approve a Preliminary Plat for approximately 245 acres zoned Planned Area Development,subject to the nine stipulations recommended by Planning Commission and two additional stipulations recommended by staff.

ATTACHMENTS:

Click to download

- Council Exhibits A - D case PP-07-2 Diamond P Ranch
- Council Exhibit F PLANNING COMMISSION 2-21-2008 draft minutes

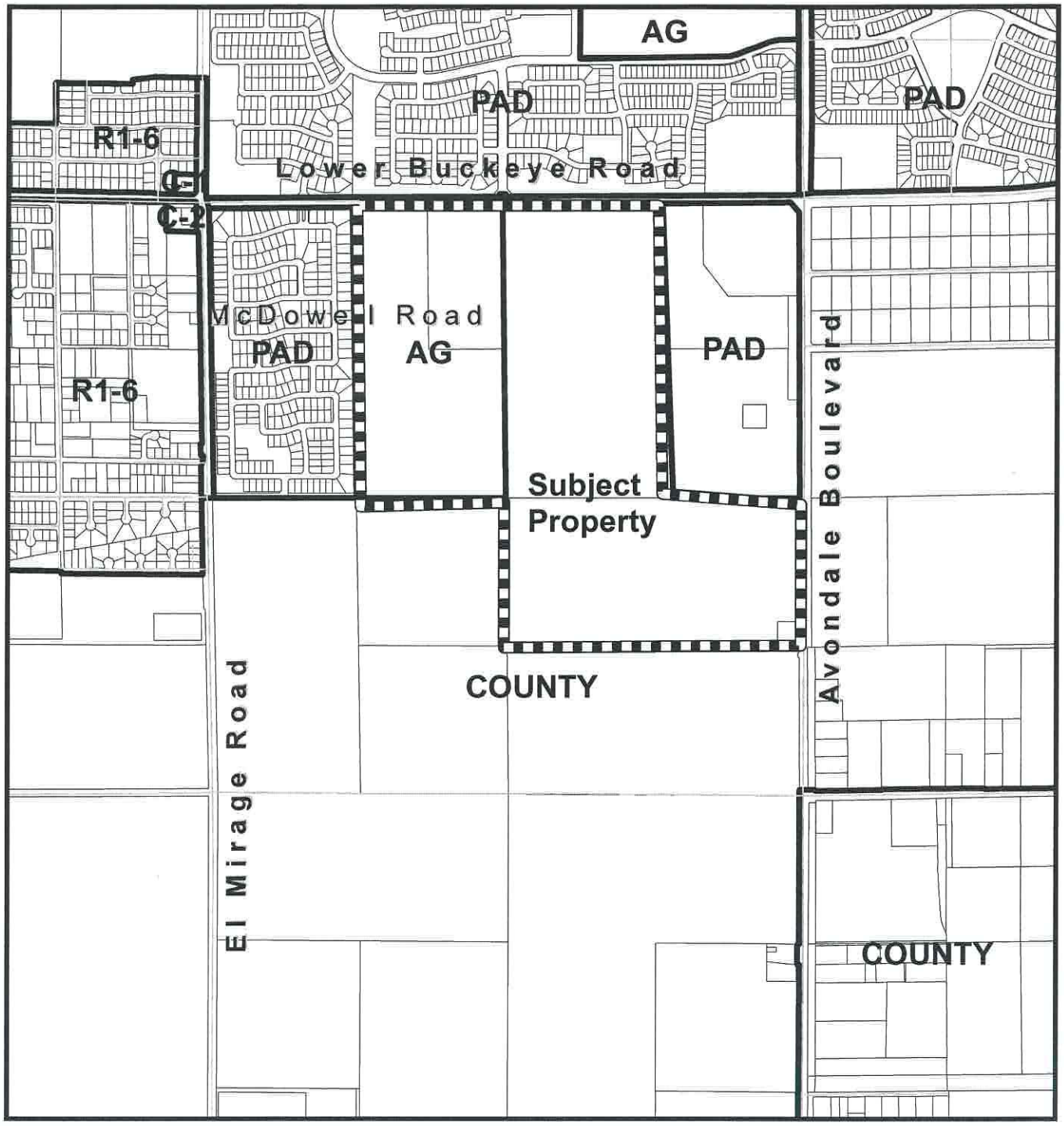
FULL SIZE COPIES (Council Only):

Exhibit E -Preliminary Plat, Landscaping Plan, Lighting Plan, Water Plan, Sewer Plan and Drainage Plan date stamped February 8, 2008.

PROJECT MANAGER:

Eric Morgan, Planner II (623) 333-4017

Exhibit A



Zoning Vicinity Map
Diamond P Ranch
PP-07-2

Avondale

Subject Property

Exhibit B

Air Photo 2007
Diamond P Ranch
PP-07-2

Avondale

Subject Site

N

Exhibit C

SUMMARY OF RELATED FACTS
APPLICATION ***DIAMOND P RANCH PP-07-2***

THE PROPERTY	
PARCEL SIZE	Approximately 245 acres
LOCATION	South and West of the southwest corner of Lower Buckeye Road and Avondale Boulevard
PHYSICAL CHARACTERISTICS	Relatively flat with sloping to the southwest.
EXISTING LAND USE	Dairy farm
EXISTING ZONING	Agricultural (County)
ZONING HISTORY	Annexation pending
DEVELOPMENT AGREEMENT	N/A

SURROUNDING ZONING AND LAND USE	
NORTH	PAD (Del Rio Ranch)
EAST	PAD (Fleming Farms)
SOUTH	Agriculture (County)
WEST	PAD (Cantada Ranch)

GENERAL PLAN
Low Density Residential and Medium Density Residential

PUBLIC SCHOOLS	
SCHOOL DISTRICT(S)	Littleton Elementary School District and Tolleson Union High School District
ELEMENTARY SCHOOL	Littleton Elementary School
HIGH SCHOOL	La Joya Community High School

STREETS	
Lower Buckeye Road	
Classification	Arterial
Existing half street ROW	33 feet
Standard half street ROW	55 feet
Existing half street improvements	1-lane
Standard half street improvements	2-lanes, ½ of landscape median/turn lane, bike lane, detached sidewalk, curb & gutter, street lights and landscaping

Avondale Boulevard	
Classification	Arterial
Existing half street ROW	33 feet
Standard half street ROW	65 feet
Existing half street improvements	1-lane
Standard half street improvements	3-lanes, ½ of landscape median/turn lane, bike lane, detached sidewalk, curb & gutter, street lights and landscaping

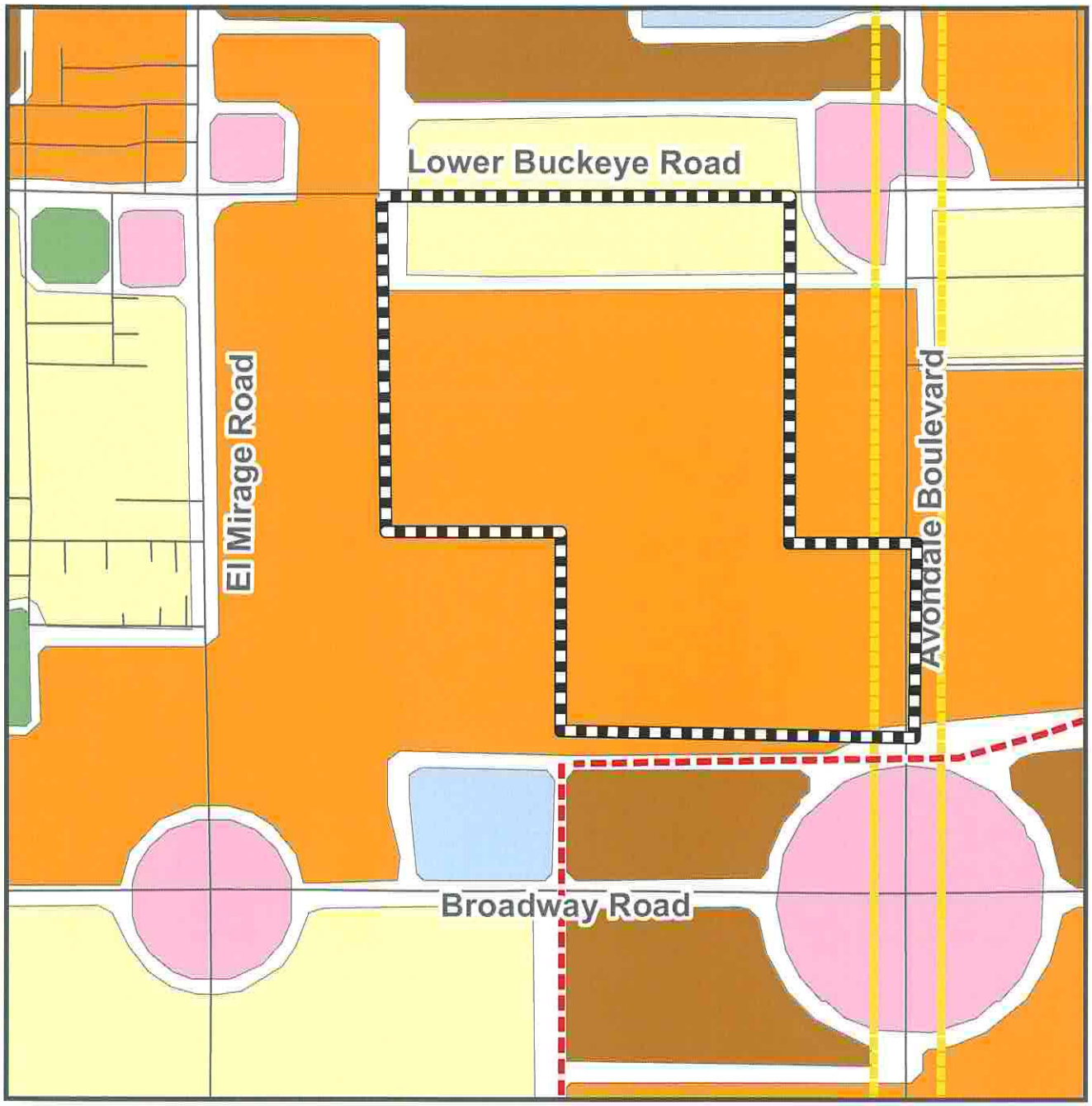
117th Avenue	
Classification	Minor Collector
Existing half street ROW	None
Standard half street ROW	35 feet
Existing half street improvements	None
Standard half street improvements	1-lane, ½ median/turn lane, bike lane, detached sidewalk, curb & gutter, street lights, and landscaping

119th Avenue	
Classification	Minor Collector
Existing half street ROW	None
Standard half street ROW	40 feet
Existing half street improvements	None
Standard half street improvements	1-lane, ½ median/turn lane, bike lane, detached sidewalk, curb & gutter, street lights, and landscaping

Elwood Street	
Classification	Minor Collector
Existing half street ROW	None
Standard half street ROW	40 feet
Existing half street improvements	None
Standard half street improvements	1-lane, ½ median/turn lane, bike lane, detached sidewalk, curb & gutter, street lights, and landscaping

Utilities
A 12" potable water line exists in Lower Buckeye Road and a 24" potable water line is proposed in Avondale Boulevard with this development. A 15" wastewater line exists in Lower Buckeye Road, a 30" wastewater line exists in Avondale Boulevard.

Exhibit D



General Plan Land Use

- Commercial Corridor, Commercial Corridor
- Growth Area, Growth Area
- Commercial
- Employment
- Freeway Commercial
- High Density Residential
- Low Density Residential
- Medium Density Residential
- Medium High Density Residential
- Mixed Use
- Multi Family Residential
- Open Space
- Public Facilities
- Subject Property

draft

EXHBIT F

Excerpt of the Draft Minutes of the regular Planning Commission meeting held February 21, 2008 at 7:00 p.m. in the Council Chambers.

COMMISSIONERS PRESENT
David Iwanski, Chairman
Michael Demlong, Vice Chair
Al Lageschulte, Commissioner
Edward Meringer, Commissioner
Angela Cotera, Commissioner
Linda Webster, Commissioner

COMMISSIONER EXCUSED
Kevin Grimsley, Commissioner

CITY STAFF PRESENT
Brian Berndt, Development Services Director
John Vater, Planner I, Development Services Department
Eric Morgan, Planner II, Development Services Department
Chris Schmaltz, City Attorney
Scott Wilken, Senior Planner, Development Services Department

APPLICATION Z-07-4

APPLICANT Dave Coble, Coe & Van Loo Consultants

REQUEST Request to rezoned approximately 245 acres from Agricultural (AG) to Planned Area Development (PAD).
Staff Contact: Eric Morgan (623) 333-4017

APPLICATION PP-07-2

APPLICANT Dave Coble, Coe & Van Loo Consultants

REQUEST Request for approval of a Preliminary Plat for approximately 245 acres, including approval of landscaping plans and preliminary utility plans.
Staff Contact: Eric Morgan (623) 333-4017

Eric Morgan, Planner II, Development Services, gave a joint presentation on Item Z-07-4, a request for rezoning of approximately 245 acres from Agricultural (AG) to Planned Area Development (PAD), and also on Item PP-07-2, a request for approval of a Preliminary Plat. He stated the subject property is located south and west of the southwest corner of Avondale Blvd. and Lower Buckeye Road. He described two land use designations, Low Density Residential

along Lower Buckeye Road with a development density of 1 to 2.5 dwelling units per acre (du/ac), with a target density of 1 du/ac, and the remainder of the site is Medium Density Residential with a density of 2.5 to 4 du/ac, with a target density of 2.5 du/ac. He informed the Commission that the applicant is proposing a development with a density of 2.4 du/ac, with an option for 2.94 du/ac. Mr. Morgan stated the subject property is abutted on three sides by PADs that are residential in nature, and to the south is vacant land outside of the city limits. The site is currently occupied by Pylman Dairy. He stated the Cantada Ranch PAD is under construction to the west of the subject site, Fleming Farms is going through the final platting process, and Del Rio Ranch to the north is continuing construction. Mr. Morgan stated that the PAD narrative as proposed addresses lot dimensions, setbacks, coverage, etc., and the proposed Preliminary Plat will comply with the proposed PAD standards, the Zoning Ordinance, and the subdivision regulations.

Mr. Morgan described the streets and circulation, stating three collector streets are proposed to be constructed at 117th Avenue, 119th Avenue and Elwood Street. 117th Avenue lies on the east property line and divides Diamond P Ranch from Fleming Farms. The Fleming Farms development will construct the northern one-half of the road, as well as its intersection with Lower Buckeye Road, and Diamond P Ranch will construct the remainder of the road down to the intersection with Elwood Street. There are four main access points, all four with full turning movements. The applicant has proposed four lot sizes, the largest being 105 by 200 feet, and there are 42 of these lots. Of the 73 by 120 foot lots, there are 69 of these lots proposed, of the 68 by 115 lots, 221 are proposed, and the remaining 167 lots are 63 by 110 feet. In total there will be 589 single-family detached lots, resulting in a density of 2.4 du/ac. The front yard setbacks are reduced with an option to allow side-entry garages or living space forward of the primary dwelling. Mr. Morgan informed the Planning Commission that Staff is in support of this feature and believes it is an up-and-coming design that will be seen in high-end developments in the Valley. He reported that the applicant is requesting increases in lot coverage for the largest lots from 20% to 30%, and a 5% increase for the 73 and 68 foot wide lots, and an increase from 40 % to 50% increase for the smallest lots. All other development standards comply with the Zoning Ordinance.

Mr. Morgan pointed out to the Commission that notice of the rezoning and preliminary plat applications were sent to the Tolleson Union High School District Superintendent and the Littleton Elementary School Superintendent on March 26, 2007. The applicant has worked with the Littleton Elementary School District with regards to their desires and requirements for a school site on the subject site. Mr. Morgan noted the developer has not counted the proposed 18.67 acre school site towards satisfying the minimum Open Space requirement. He pointed out that the PAD narrative allows for an option that if the school site is not developed as a school, the site can be developed with townhomes, and that this would require the site to come back before the Planning Commission and the City Council to be re-platted. Mr. Morgan stated that staff is proposing a stipulation stating this. He reported that the minimum required open space is 10%, or approximately 25 acres, and that the applicant is providing 36 acres of active open space

consisting of community parks, multi-use trails, and the total open space is 50 acres, or 20% of the site.

Mr. Morgan summarized, stating that Staff finds that the proposed PAD meets the two required findings of the Zoning Ordinance, and Staff also finds that the proposed Preliminary Plat complies with the proposed PAD narrative, the Zoning Ordinance, and the subdivision regulations. Staff is recommending approval with the 7 stipulations in the staff report to rezone from AG to PAD with an additional 8th stipulation stating that the townhomes/school site will return to the Planning Commission and the City Council prior to development of the site. Staff also recommends approval of the Preliminary Plat with 10 stipulations as given in the Staff report. Mr. Morgan stated Staff and the applicant were present to answer questions.

Chairperson Iwanski invited questions from the Commissioners.

Commissioner Cotera asked what the timeframe is on this project, as she understands that there is a problem with overbuilding in Avondale. Mr. Morgan responded that the City Code currently states that rezoning to PAD requires that within two years permits be pulled or the zoning becomes null, and the Preliminary Plat is good for one year or more with extensions. Commissioner Cotera asked if the open space around the large KV lines was a good use of the space. Mr. Morgan referred to an overhead display of the powerline easement corridor and delineated the area claimed by the applicant towards Open Space that will be improved with a turf, a multi-use trail, landscaping, benches, trash receptacles, and pedestrian scale lighting. The un-improved detention areas are not claimed as Open Space. Commissioner Cotera asked if the larger lots were envisioned as custom home lots or would they be developed and built by the builder. Mr. Morgan deferred to the applicant.

Vice Chair Demlong stated he liked the comparison charts in the staff report compiled by Staff to compare what the Zoning Ordinance requires and what the PAD narrative proposes. He inquired as to the density in the Low Density Residential. Mr. Morgan replied that the density was 1 to 2.5 du/ac, with a target density of 1 du/ac. Vice Chair Demlong asked if these items were approved tonight, could the buildout density then be changed. Mr. Morgan replied that an applicant is always free to request a change to density, but must comply to the General Plan density range. Mr. Morgan replied that to exceed the target density of the General Plan, in this case 1 du/ac, the PAD narrative must provide extraordinary development and wow the Commission and the City Council. Vice Chair Demlong stated that the site has a 17 foot change in elevation from the north to the south and appears to drain back into the powerline easement. He inquired if the developer could use that as a retention basin. Mr. Morgan replied that drainage must be contained on-site and it is, with drainage going into detention basins in the powerline easement as well as into many park and open area locations throughout the development. Vice Chair Demlong asked if enough retention is provided for the site. Mr. Morgan confirmed that there was. Vice Chair Demlong asked for a definition of loggia.

Commissioner Cotera offered the definition of loggia, explaining it is an architectural feature used in older Italian homes as a type of gallery or corridor where you drive in with your carriage and disembark. Commissioner Cotera asked if the smaller lots would be single or double story. Mr. Morgan stated the language in the PAD narrative states that there be no more than two single or double story homes in a row or across from each other.

Chairperson Iwanski invited further questions from the Commission, and hearing none, invited the applicant to address the Commission.

Mike Curley, 3101 N. Central Ave., Phoenix, AZ, informed the Planning Commission that the homes in the large executive lots will be custom and semi-custom. Low density is an extremely important component for the City Council, and they are in agreement with all the Staff stipulations and agree with their analysis. They are specifically limited to not having a row of two story homes, and there is also a requirement in the PAD which precludes them from having two story homes at the end of blocks which are collector streets.

Chairperson Iwanski invited questions for the applicant.

Commissioner Cotera asked what the timeframe for the development is given the current economic climate. Mr. Curley reported that aside from the economic climate, they also have the dairy in operation on the site, and the dairy has a lease until December and they may extend the lease slightly beyond that. After the dairy moves, he estimates it will probably be about six months of clean up required, so it will probably be about a year-and-a-half before dirt gets turned. Commissioner Cotera asked if the homes would be purchased by the homeowner and then built. Mr. Curley replied that they are not the builder, but are entitling the property and plan on selling off different parcels to different homebuilders.

Vice Chair Demlong stated he did write down on record that Mr. Curley will maintain those large lots on the north side of the site along Lower Buckeye Road, so he will not forget that the next time it comes up. He asked what the decision point is on whether a school is built or townhomes. Mr. Curley replied that they really want the school to be located there as they see it as a marketing asset, as well as also providing civic activity, but it is ultimately up to the Littleton School District as to whether or not they will be purchasing the property. They plan on reserving the property in the hopes that the school district is going to buy it. He stated they have had several meetings with the school district, and not only did they locate the school at this location with the school district's input because they wanted it centrally located adjacent to the park, but they went through an engineering exercise where they laid their footprints and their MO for the typical elementary school on the site; thus, the site has been dimensioned to accommodate the school. Vice Chair Demlong stated it is more of a financial decision on the part of the school district, which Mr. Curley confirmed. Mr. Curley added he believed it was also a location decision on the school district's part, as they may decide there is a better site that is more centrally located. Vice Chair Demlong opined the school would be very well-positioned

on the property and well-positioned for the area, and he appreciated the effort the applicant has put into it.

Chris Schmaltz, City Attorney, asked if the school district has submitted the plans to the school's facilities board as part of the long term acquisition plan for the district. Mr. Curley replied he did not know if the school district was in that review process yet.

Chairperson Iwanski invited further questions of the applicant. He asked if Mr. Curley's client was in agreement with the added eighth stipulation. Mr. Curley confirmed. Chairperson Iwanski invited further questions of Staff or the applicant, and hearing none, asked for a motion.

Brian Berndt, Development Services Director, reminded Chairperson Iwanski to open a public hearing.

Chairperson Iwanski opened the public hearing on item Z-07-4. There were no requests to speak. Chairperson Iwanski called for a motion and a second.

Vice Chair Demlong moved that the Planning Commission accept the findings and recommend approval of application Z-07-4, a request to rezone approximately 245 acres from Agricultural (AG) to Planned Area Development (PAD) subject to the eight Staff-recommended stipulations. Commissioner Meringer seconded the motion.

1) Development shall be in substantial conformance with the Development Plan and narrative Planning Division date stamped February 8, 2008.

2) Right-of-way shall be required as follows: a) Lower Buckeye Road – 55 feet width half-street. b) Avondale Boulevard – 65 feet width half-street. c) 119th Avenue – 80 feet width full-street. d) 117th Avenue – 70 feet width full-street once the roadway transitions onto the subject property from Fleming Farms PAD. e) Elwood Street – 80 width full street. Additional requirements for improvements, traffic signals and right-of-way for deceleration lanes, turn lanes, transit stops, etc., may be required during the Site Plan process depending upon the findings of traffic studies and analysis.

3) Cost contribution towards traffic signals are required as follows: a) Lower Buckeye Road & 119th Avenue - 50% of the cost to signalize the intersection. b) Avondale Boulevard & Elwood Street - 25% of the cost to signalize the intersection. Additional traffic signals may be required based upon the findings of traffic studies and analysis, and as determined by the City Engineer.

4) Prior to recording of a final plat, the Developer shall: a) Obtain ownership of the existing irrigation well ADWR Well Registration No. 55-565981, and transfer that ownership to the City; b) Provide a well site footprint of approximately 7,000 square feet, no more than 660 feet from the location of the existing well, for purchase by the City; c) Provide design and construction of a pressurized transmission line from the well site to an existing transmission line at 119th Avenue

and Lower Buckeye Road for reimbursement by the City; and d) The City shall work with the Developer to prepare a Purchase and Reimbursement Agreement to cover the well site property and the transmission line cost.

5) Prior to recording of a final plat, the Developer shall abandon per the Arizona Department of Water Resources' (ADWR) well abandonment rules any existing domestic and/or irrigation wells that will not be transferred to the City. This includes, but is not limited to, ADWR Well Registration Nos. 55-634912, 55-625282, and 55-625281.

6) Prior to issuance of the first Certificate of Occupancy, extinguish and pledge all existing Grandfathered Irrigation Rights, in conformance with Arizona Statutes, to the City's assured Water Supply account at the ADWR. This includes, but is not limited to, Rights Nos. 58-106098.0003 (75.2 acres), 58-106096.0004 (21.741 acres), 58-110594.0002 (50.0 acres), and 58-106096.0003 (371.88 acres).

7) A full traffic study shall be required at the time of Master Site Plan or Preliminary Plat application. A site specific traffic study shall be required for the proposed school/proposed Townhomes (R-2) site.

8) A Preliminary Plat shall be required for the single family attached townhouses site prior to the development. The Preliminary Plat shall require recommendation from the Planning Commission and approval by City Council. The Preliminary Plat shall not be an administrative approval by Staff.

Chairperson Iwanski opened the floor for further discussion.

Commissioner Lageschulte remarked that as a long time resident of Avondale, he hates to see Michael Pylman, of Michael Pylman Dairy, leave the area. He believes this project is like a breath of fresh area for the area and hopes that more developers in the area will look at this project with the larger lots and homes, and then the South Avondale area will come out nice if they keep going like this. He thanked the applicant for bringing the project into Avondale. He wished Mr. Pylman good luck.

Chairperson Iwanski, hearing no further discussion, stated it had been moved and seconded that the Planning Commission accept the findings and recommend approval of application Z-07-4, a request to rezone approximately 245 acres from AG to PAD subject to the seven original Staff-recommended stipulations and the additional eighth stipulation "A Preliminary Plat shall be required for the single family attached townhouses site prior to the development. The Preliminary Plat shall require recommendation from the Planning Commission and approval by City Council. The Preliminary Plat shall not be an administrative approval by Staff." Chairperson Iwanski called for a vote.

ROLL CALL VOTE

Chairperson Iwanski	Aye
Vice Chair Demlong	Aye
Commissioner Lageschulte	Aye
Commissioner Grimsley	Excused
Chairperson Meringer	Aye
Commissioner Cotera	Aye
Commissioner Webster	Aye

The motion passed unanimously.

Chairperson Iwanski entertained a motion on Item PP-07-2.

Vice Chair Demlong moved that the Planning Commission accept the findings and recommend approval of application PP-07-2, a request for Preliminary Plat approval subject to the 10 Staff-recommended stipulations. Commissioner Lageschulte seconded the motion.

1) Development shall be in substantial conformance with the Development Plan and narrative Planning Division date stamped February 8, 2008.

2) Prior to recording of a final plat, the Developer shall: a) Obtain ownership of the existing irrigation well, ADWR Well Registration No. 55-565981, and transfer that ownership to the City; b) Provide a well site footprint of approximately 7,000 square feet, no more than 660 feet from the location of the existing well, for purchase by the City; c) Provide design and construction of a pressurized transmission line from the well site to an existing transmission line at 119th Avenue and Lower Buckeye Road, for reimbursement by the City; and d) The City shall work with the Developer to prepare a Purchase and Reimbursement Agreement to cover the well site property and the transmission line cost.

3) Prior to recording of a final plat, the Developer shall abandon per the Arizona Department of Water Resources' (ADWR) well abandonment rules any existing domestic and/or irrigation wells that will not be transferred to the City. This includes, but is not limited to, ADWR Well Registration Nos. 55-634912, 55-625282, and 55-625281.

4) Prior to issuance of the first Certificate of Occupancy, extinguish and pledge all existing Grandfathered Irrigation Rights, in conformance with Arizona Statutes, to the City's assured Water Supply account at the ADWR. This includes, but is not limited to, Rights Nos. 58-106098.0003 (75.2 acres), 58-106096.0004 (21.741 acres), 58-110594.0002 (50.0 acres), and 58-106096.0003 (371.88 acres).

5) The City shall work with the Developer to prepare a Purchase and Reimbursement Agreement to cover the well site property and the transmission line costs.

6) On the final plat, Tract K Well Site shall abut directly upon 119th Avenue, thus eliminating that section of Tract H directly abutting Tract K Well Site.

7) A site-specific traffic study analysis for the school site will be required at site plan or building permit application, whichever comes first. Amenities for Safe Routes to School to be coordinated with Civil Infrastructure plans.

8) Improvements required for the ¾ access opening (right-in/right-out/left-in only) at Odeum Lane & Avondale Boulevard to be shown on the Civil Infrastructure plans.

9) Cost contribution towards traffic signals are required as follows: a) Lower Buckeye Road & 119th Avenue - 50% of the cost to signalize the intersection. b) Avondale Boulevard & Elwood Street - 25% of the cost to signalize the intersection. c) Additional traffic signals may be required based upon the findings of traffic studies and analysis, and as determined by the City Engineer.

10) Signing and Striping Plan will be required at Civil Improvement Plans submittal.

Chairperson Iwanski opened the floor for discussion, and hearing none, stated it had been moved and seconded that the Planning Commission accept the findings and recommend approval of application PP-07-2, a request for Preliminary Plat approval subject to the 10 Staff-recommended stipulations. Chairperson Iwanski called for a vote.

ROLL CALL VOTE

Chairperson Iwanski	Aye
Vice Chair Demlong	Aye
Commissioner Lageschulte	Aye
Commissioner Grimsley	Excused
Chairperson Meringer	Aye
Commissioner Cotera	Aye
Commissioner Webster	Aye

The motion passed unanimously.

DEVELOPMENT SERVICES

SUBJECT:
Public Hearing and Ordinance 1294-308 Rezone from Agricultural (AG) to Planned Area Development (PAD) for Avondale Commerce Park (Z-07-7)

MEETING DATE:
March 17, 2008

TO: Mayor and Council

FROM: Brian Berndt, Director of Development Services (623) 333-4011

THROUGH: Charlie McClendon, City Manager

REQUEST: Rezone from Agricultural (AG) to Planned Area Development (PAD)

PARCEL SIZE: Approximately 80 acres

LOCATION: Northeast corner of 103rd Avenue and Van Buren Street

APPLICANT: Michael Curley, Earl, Curley and Legarde, P.C.

OWNER: 101st Avenue & Van Buren, LLC and 101st Avenue & Roosevelt, LLC

BACKGROUND:

The subject property was annexed into the City on July 16, 2001 and subsequently zoned Agricultural (AG). No development has been approved on the subject site.

SUMMARY OF REQUEST:

The applicant is requesting to rezone approximately 80 acres from Agricultural (AG) to Planned Area Development (PAD). The General Plan land use designation is Employment (Exhibit D).
The site is currently vacant (Exhibit B). The property is bounded on the north, south and east by developed property, the west abutting property is vacant. To the north is the Avondale Auto Mall, and to the south is warehousing and distribution in the City of Tolleson. To the east of the site is the Interstate Commerce Center, comprised of the 99th Avenue Business Center and 99th Avenue Business Park (Exhibit A).

<u>Proposed Development Standards</u>

The proposed uses and development standards are based upon the Commerce Park (CP) and General Industrial (A-1) zoning districts (A.Z.O. Section 4), with additional support retail uses proposed for 5 acres at the intersection of 103rd Avenue and Van Buren Street (Area C), and along the frontage of Van Buren Street (Area D).

The PAD Narrative proposes a variety of permitted uses for the CP areas, including offices, business schools, restaurants, hotels, wholesaling, light manufacturing, hospitals, and retail. Additional permitted uses are propsed for the retail areas along Van Buren Street and at the southwest corner of the site, including banks, gas stations, employment agencies and retail not to exceed 20,000 square feet per user. Uses that require a Conditional Use Permit include include places of worship, daycare facilities, health clubs, mini-storage and restaurants with a drive-thru. These types of uses requiring a Conditonal Use Permit are proposed throughout the site. Uses are further described on pages 3 through 5 of the PAD Narrative (Exhibit E).

The PAD Narrative proposes an increased maximum building height, in conformance with the Freeway

Corridor Specific Plan, to six stories or 84 feet dependent upon meeting certain performance criteria of the Freeway Corridor Specific Plan.

PARTICIPATION:

The applicant invited 50 property owners and other interested parties to a neighborhood meeting held on January 28, 2008 to discuss the proposal. No property owners or interested parties attended the meeting (Exhibit F).

For the Planning Commission meeting of February 21, 2008, a notice was published in the West Valley View newspaper, the property was posted on February 6, 2008, and letters were sent to 50 property owners on January 31, 2005.

For the City Council meeting of March 17, 2008, a notice was published in the West Valley View newspaper, the property was posted on February 22, 2008, and letters were sent to 50 property owners on February 26, 2005.

PLANNING COMMISSION ACTION:

The Planning Commission conducted a public hearing on February 21, 2008 and voted 5-1 to recommend **APPROVAL** of the request with the eight stipulations recommended by staff (Exhibit H).

ANALYSIS:

General Plan:

The General Plan land use designation is Employment. The Employment designation allows general office, enclosed industrial, and retail and commercial uses that support the employment uses.

The proposed PAD allows for uses that are intended to provide greater opportunities for higher paying employment possibilities. These uses include various types of office uses, light manufacturing, hospitals and hotels in keeping with the Employment land use designation. The inclusion of full service restaurants, banks, gas stations, drying cleaning, copy centers, employment agencies and warehouse/distribution are anticipated to work in concert, as support uses to the employment.

Freeway Corridor Specific Plan:

The Freeway Corridor Specific Plan (FCSP), as amended by Resolution 2708-1207 (Exhibit G), allows office, hotel and vertically integrated mixed-use buildings to exceed maximum building heights to a maximum of four stories upon meeting certain performance criteria outlined in the FCSP. An additional building height increase of 50%, or up to six stories, is allowed by the FCSP upon meeting additional performance criteria as outlined in the FCSP. The proposed PAD provides for maximum building heights in conformance to the FCSP applicable to all uses with the exception of stand alone retail.

The FCSP requires that the minimum Master Site Plan area be 10 acres, and that a minimum of 25% of the approved Master Site Plan area be improved in the initial phase of development. The applicant is proposing that Master Site Plan areas and phases be market driven. Minimum site utilization thresholds provide assurance that the property will be developed with an overall plan that retains the overall intent of the Planned Area Development district. A stipulation has been added to ensure a master site plan is provided with the minimum as required by the FCSP.

The proposed PAD conforms to the intent and objectives of the Freeway Corridor Specific Plan with the exception of minimum site threshold utilization which has been stipulated.

FINDINGS:

The Zoning Ordinance requires that two findings be met in order to grant a rezoning to PAD (A.Z.O. 608):

- The PAD is in substantial conformance with the General Plan of the city and can be coordinated with

existing and planned development of surrounding areas; and

· The streets and thoroughfares proposed are suitable and adequate to serve the proposed uses and the anticipated traffic which will be generated.

Staff finds that the proposal meets the overall intent of the General Plan land use designation of Employment.

Staff finds that the proposal meets the second finding above. All site plans will comply with the adopted PAD and General Engineering Design requirements for safe and efficient pedestrian and motor vehicle access and circulation.

RECOMMENDATION:

The Planning Commission recommends that the City Council **APPROVE** the proposed rezoning of approximately 80 acres from Agricultural (AG) to Planned Area Development (PAD) with the following stipulations:

1. Development shall be in substantial conformance with the development plan and narrative Planning Division date stamped February 8, 2008.

2. Right-of-way shall be dedicated to the City as required by the then-current version of the City's adopted transportation plan: For reference purposes only, as of the date of this Ordinance, the required right-of-way dedications are as follows: (This stipulation has been modified from the Planning Commission recommendation by the City Attorney.)

A. Van Buren Street - 65 feet half-street width

B. Roosevelt Street - 50 feet half-street width

C. 101st Avenue - 40 feet half-street width

D. 103rd Avenue - 40 feet half-street width transitioning into 80 feet full-street width as determined by the ultimate street alignment

E. Pierce Street - 80 feet full-street width

Additional requirements for improvements, traffic signals and right-of-way for deceleration lanes, turn lanes, transit stops, may be required during the site plan process depending upon the findings of the required traffic studies.

3. A contribution of 25% of the cost of a traffic signal at 103rd Avenue and Van Buren Street shall be required with approval of the Master Site Plan for the first phase. Additional traffic signals may be required depending upon the findings of traffic studies and analysis, as determined by the City Engineer.

4. A 16” water line is planned to go in Van Buren by a CIP job, this development will be required to pay for the portion along their frontage with the 1st phase prior to issuance of permits.

5. A 65-feet width half-street waterline easement along the entire frontage of Van Buren Street is required for installation of a 16” waterline, water quality station and meters. Said easement shall be granted and executed prior to recordation of a Final Plat.

6. All groundwater rights shall be dedicated to the City of Avondale in conformance with Arizona Statutes prior to issuance of the first Certificate of Occupancy.

7. Master Site Plans shall be a minimum of 10 acres. A minimum of twenty-five (25%) percent of

each Master Site Plan shall be developed in the first phase.

8. Development shall conform to the Design Manuals as adopted by the City and maintained by the Development Services Department.

PROPOSED MOTION:

I move that the City Council accept the findings and adopt the ordinance 1294-308, Z-07-7, a request for rezoning of approximately 80 acres from Agricultural (AG) to Planned Area Development (PAD),subject to the eight stipulations recommended by Planning Commission.

ATTACHMENTS:

Click to download

- Council Exhibits A - D, F & G case Z-07-7 Avondale Commerce Park
- Draft minutes 2-21-2008 PLANNING COMMISSION case Z-07-7 Avondale Commerce Park
- ORD - 1294-308

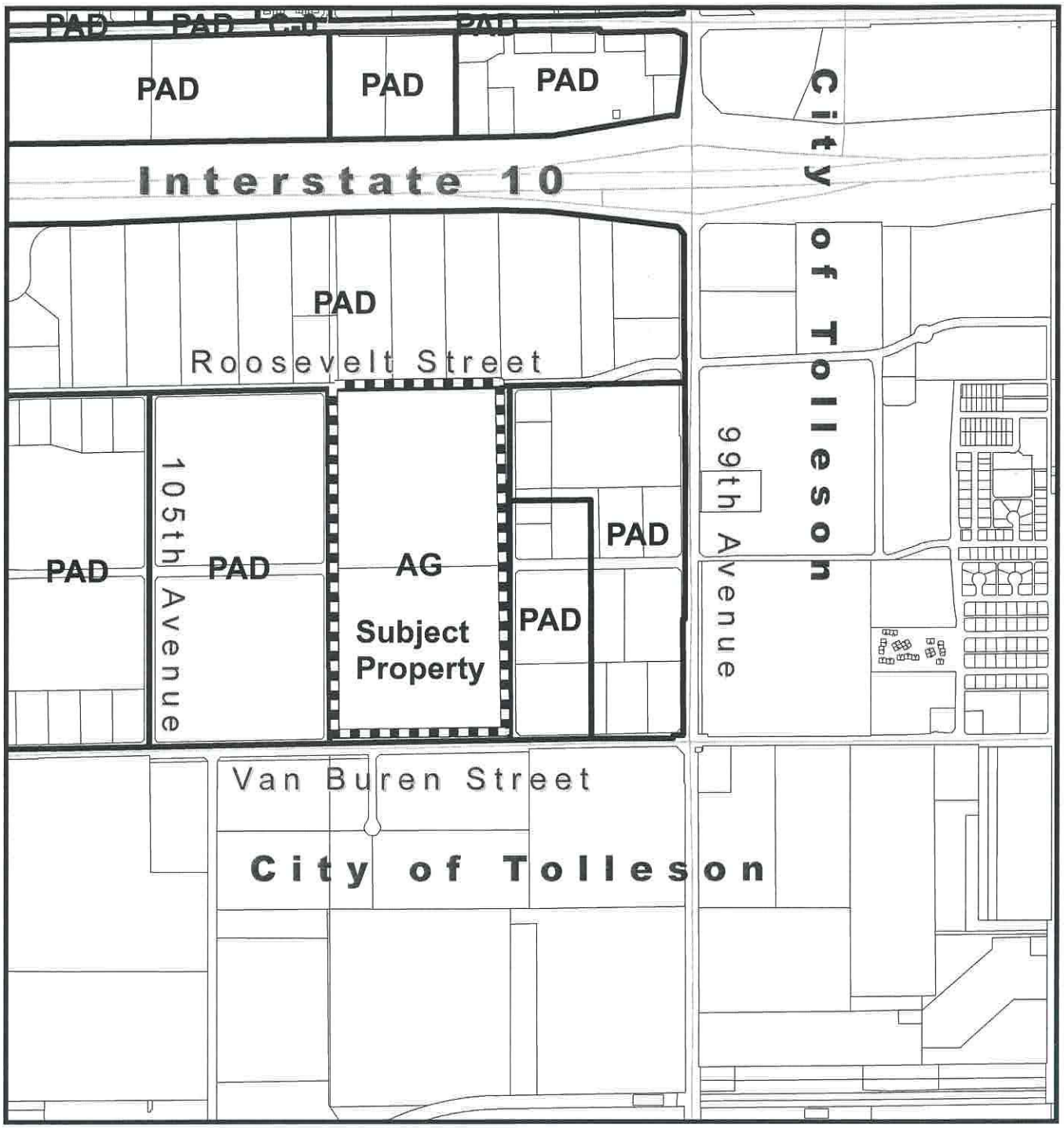
FULL SIZE COPIES (Council Only):

Exhibit E - PAD Narrative Planning division date stamped February 8, 2008

PROJECT MANAGER:

Eric Morgan, Planner II (623) 333-4017

Exhibit A

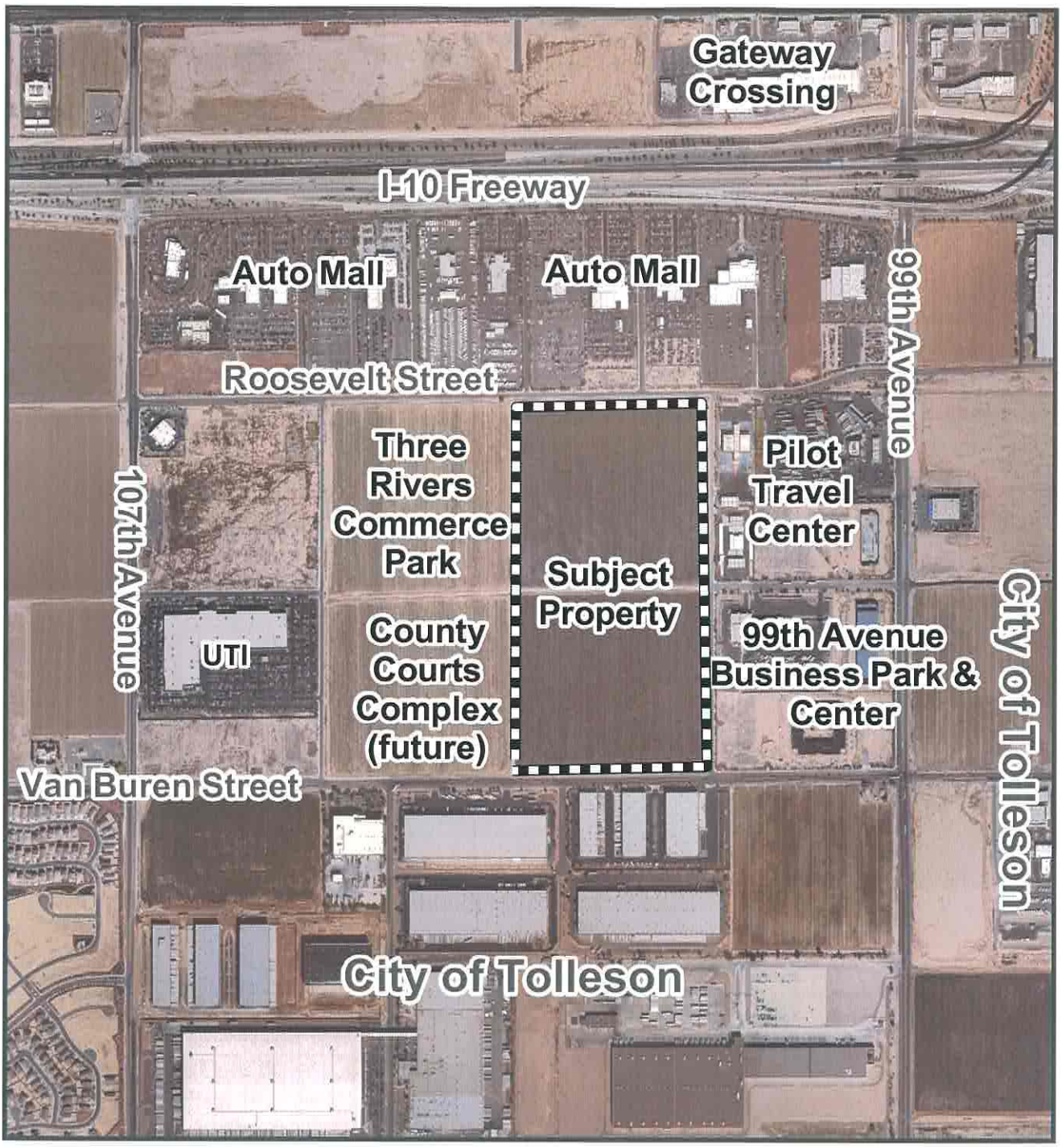


Zoning Vicinity Map
Avondale Commerce Park
Z-07-7

Avondale

Subject Property

Exhibit B



Air Photo 2007
Avondale Commerce Park
Z-07-7

Avondale

Subject Site

Exhibit C

SUMMARY OF RELATED FACTS
*APPLICATION **AVONDALE COMMERCE PARK Z-07-7***

THE PROPERTY	
PARCEL SIZE	Approximately 80 acres
LOCATION	Northeast Corner of 103rd Avenue & Van Buren Street
PHYSICAL CHARACTERISTICS	A relatively flat, rectangular shaped property
EXISTING LAND USE	Agriculture
EXISTING ZONING	Agricultural (AG)
ZONING HISTORY	Annexed July 16, 2001, zoned Agriculture (AG).
DEVELOPMENT AGREEMENT	N/A

SURROUNDING ZONING AND LAND USE	
NORTH	PAD (Automall)
EAST	PAD (99th Ave. Business Park & 99th Ave. Business District)
SOUTH	City of Tolleson (Industrial zoning)
WEST	PAD (Three Rivers Commerce Park with County Courts Complex)

GENERAL PLAN
Employment

PUBLIC SCHOOLS	
SCHOOL DISTRICT(S)	N/A
ELEMENTARY SCHOOL	N/A
HIGH SCHOOL	N/A

STREETS	
Van Buren Street	
Classification	Arterial
Existing half street ROW	33 feet
Standard half street ROW	65 feet (plus 15 feet turn lanes)
Existing half street improvements	One lane
Standard half street improvements	3-lanes, 1/2 landscaped median, bike lane, curb & gutter, street lights, sidewalk, landscaping

101st Avenue	
Classification	Minor Collector
Existing half street ROW	None
Standard half street ROW	40 feet
Existing half street improvements	None
Standard half street improvements	1-lane, ½ landscaped median, bike lane, curb & gutter, street lights, sidewalk, landscaping

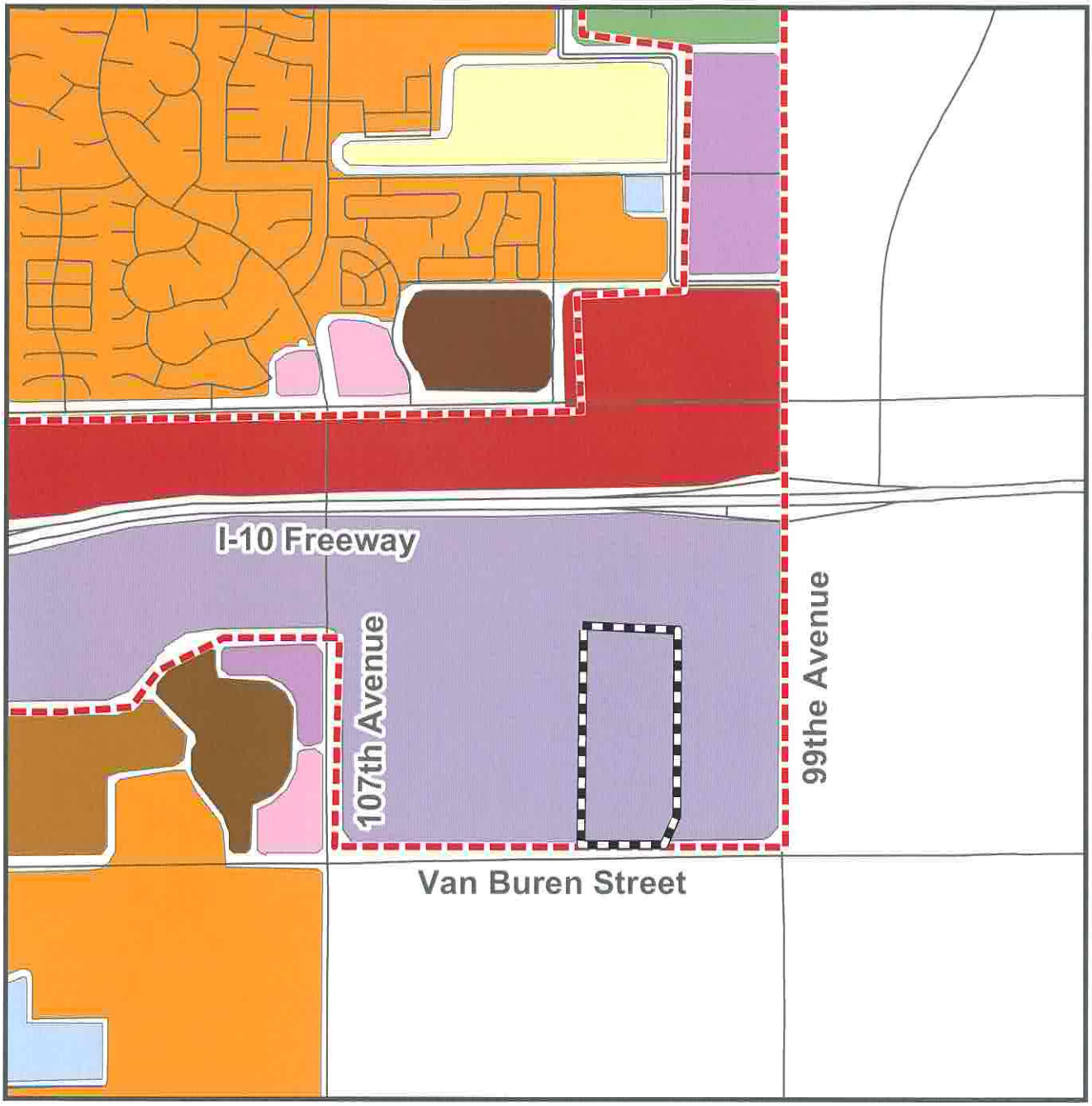
103rd Avenue	
Classification	Minor Collector
Existing half street ROW	None
Standard half street ROW	40 feet
Existing half street improvements	None
Standard half street improvements	1-lane, ½ landscaped median, bike lane, curb & gutter, street lights, sidewalk, landscaping

Roosevelt Street	
Classification	Major Collector
Existing half street ROW	None
Standard half street ROW	50 feet
Existing half street improvements	1-lane
Standard half street improvements	2-lanes, ½ landscaped median, ROW landscaping, bike lane, street lights, sidewalk, curb & gutter

Pierce Street	
Classification	Minor Collector
Existing full street ROW	None
Standard full street ROW	80 feet
Existing half street improvements	None
Standard half street improvements	2-lanes, all landscaped median, bike lane, curb & gutter, street lights, sidewalk, landscaping

Utilities
A 12" potable water line exists in 101st Avenue, and in Roosevelt Street. The Capital Improvements Plan (CIP) has scheduled to bring a 16" potable water line east-west across the frontage of the property in Van Buren Street within the year. A 12" wastewater line exists in 101st Avenue, a 10" wastewater line exists in Roosevelt Street and a 16" wastewater line exists in Van Buren Street.

Exhibit D



General Plan Land Use

- Commercial Corridor, Commercial Corridor
- Growth Area, Growth Area
- Commercial
- Employment
- Freeway Commercial
- High Density Residential
- Low Density Residential
- Medium Density Residential
- Medium High Density Residential
- Mixed Use
- Multi Family Residential
- Open Space
- Public Facilities
- Subject Property

Exhibit F

Neighborhood Meeting Summary

Avondale Commerce Park
General Development Plan and Program

80-acres
Located at the
Northwest corner of 101st Avenue and Van Buren Street

Developer
George Bell/Dr. Steve Weiss
Land Research & Development Inc/Sovereign
Group of Companies Inc.,
16611 North 91st Street
Suite 105
Scottsdale, Arizona 85260
Phone: (480) 538-5474/(480) 603-1099
Fax: (480) 538 5475/(480) 538-5475

Applicant
Michael J. Curley
Earl, Curley & Lagarde, P.C.
3101 N. Central Avenue
Suite 1000
Phoenix, Arizona 85012
Phone: (602) 265-0094
Fax: (602) 265-2195

Prepared for the
City of Avondale

Prepared by:
EARL, CURLEY & LAGARDE, P.C.
ATTORNEYS AT LAW

Preparation date:
January 29, 2008

NEIGHBORHOOD MEETING SUMMARY REPORT

In accordance with the City of Avondale neighborhood meeting guidelines, this is the Neighborhood Meeting Summary Report to identify the results of citizen participation efforts on the proposed Rezoning application for Avondale Commerce Park.

Introduction

The Planned Area Development ("PAD") is an approximately 80-acre parcel that proposes a mixture of employment uses to create a commerce park development. The property is a rectangular shaped parcel located at the northwest corner of 101st Avenue and Van Buren Street. The formal request to the City of Avondale is to rezone the site from Agriculture (AG) to PAD. In accordance with Section 6 of the Zoning Ordinance regarding the PAD Districts, this is a General Development Plan and Program (GDPP). The GDPP identifies the general development theme for the site including: allowed uses, development standards, design criteria, street cross sections, landscape theme, screen wall theme, and entry monument signage.

The intent of this PAD zoning district is to accommodate the development of commerce/office park, support retail services for the project and area, warehousing and certain light industrial uses such as manufacturing, assembly and subassembly uses which operate in an enclosed, clean, quiet and safe manner to create a comprehensively planned and attractive development.

The uses for the entire development are primarily derived from the permitted CP (Commerce Park) and A-1 (General Industrial) zoning districts with additional uses derived from the C-2 (General Commercial) zoning district permitted within Parcels C and D of the development. For areas outside of Parcel D and Parcel C not abutting Van Buren Street shall use list under "***Permitted Uses for the entire project".***

It is not the intent of this PAD to allow all types of C-2 (General Commercial) uses within Parcels C and D of the development. The intent is to address on a limited basis the needs of the surrounding area by providing goods and services generally described as convenience goods and services. The permitted uses within Parcel C and D are intended for smaller scale uses from restaurants, retail commercial, personal services, business services, and professional and administrative offices. Large retail such as big box or grocery stores are excluded.

Techniques/Overview

- As per the City's requirements, the City of Avondale sent out the neighborhood meeting notification letter that was provided by the applicant. The City also placed an advertisement in the newspaper informing citizens of the neighborhood meeting date, time, and location.

- The letter invited resident to attend a neighborhood meeting at the City of Avondale City Hall, Ocotillo Room. The letter provided a brief explanation of the proposed application and explained the purpose of the meeting.

- The neighborhood letter also included the applicant contact information so that if anyone wanted to express concerns, issues, or problems they could by calling, writing, e-mailing, or faxing the applicant. The letter also included the City staff person name and number assigned to this case.

- Earl, Curley & Lagarde posted the property informing citizens of the neighborhood meeting as required by the City.

Neighborhood Meeting Outcome

- The neighborhood meeting was held on:
    - Date: January 28, 2008
    - Time: 6:00 PM
    - Place: Ocotillo Room, Avondale City Hall
    - Location: 11465 West Civic Center Drive

- No residents or participating individuals attended the January 28, 2008, neighborhood meeting. The meeting concluded at 6:30 PM. Only 2 members of Earl, Curley and Lagarde, the attorney's office, representing the Project Development Team attended the meeting.

- No one attended the January 28, 2008, neighborhood meeting, therefore, no concerns, issues or problems were expressed by any of the participating individuals. There was no need to address any concerns, issues or problems since there was no participation.

- Between January 28, 2008 and today's date of February 6, 2008 no concerns, issues or problems have been expressed by any of the participating individuals. Since there were no concerns, issues, or problems raised by the adjacent property owners and other interested individuals there was no need to hold another meeting to address any of the public concerns.

Should any adjacent property owners and/or other interested individuals raise any concern between now and the rezoning hearing dates, the Project Team will make every effort to address their concern in the appropriate manner, such as but not limited to personal visits, phone calls, or other acceptable means. Members of the Project Team are committed to working with the City of Avondale, surrounding neighbors, and

any interested parties to ensure the compatibility and success of the Avondale Commerce Park project.

This concludes the Neighborhood Meeting Summary Report for the rezoning application for Avondale Commerce Park located at the northeast corner of 103rd & Van Buren Street. If there are any questions concerning the content of this report, please contact Ricardo Toris with Earl, Curley & Lagarde at (602) 265-0094 or rtoris@ecllaw.com.

EARL, CURLEY & LAGARDE, P.C.
ATTORNEYS AT LAW

Telephone (602) 265-0094
Fax (602) 265-2195

3101 North Central Avenue
Suite 1000
Phoenix, Arizona 85012

January 9, 2008

Dear Property Owner,

This purpose of this letter is to inform you that our company has recently filed an application (**Avondale Commerce Park, case Z-07-7**) to rezone approximately 80 acres from Agriculture (AG) to Planned Area Development (PAD). The subject site is located at the northeast corner of 103rd Avenue and Van Buren Street.

You are invited to attend a neighborhood meeting to discuss our proposed rezoning.
The meeting schedule is as follows:

Date:	January 28, 2008
Time:	6:00 p.m.
Place:	Ocotillo Room, Avondale City Hall
Location:	11465 West Civic Center Drive

Please be aware that meetings and hearings before the Avondale Planning Commission and City Council are planned to review this case. Specific meeting and hearing dates have not yet been set. You will receive a second mailing identifying the date and location of the hearings at a later date.

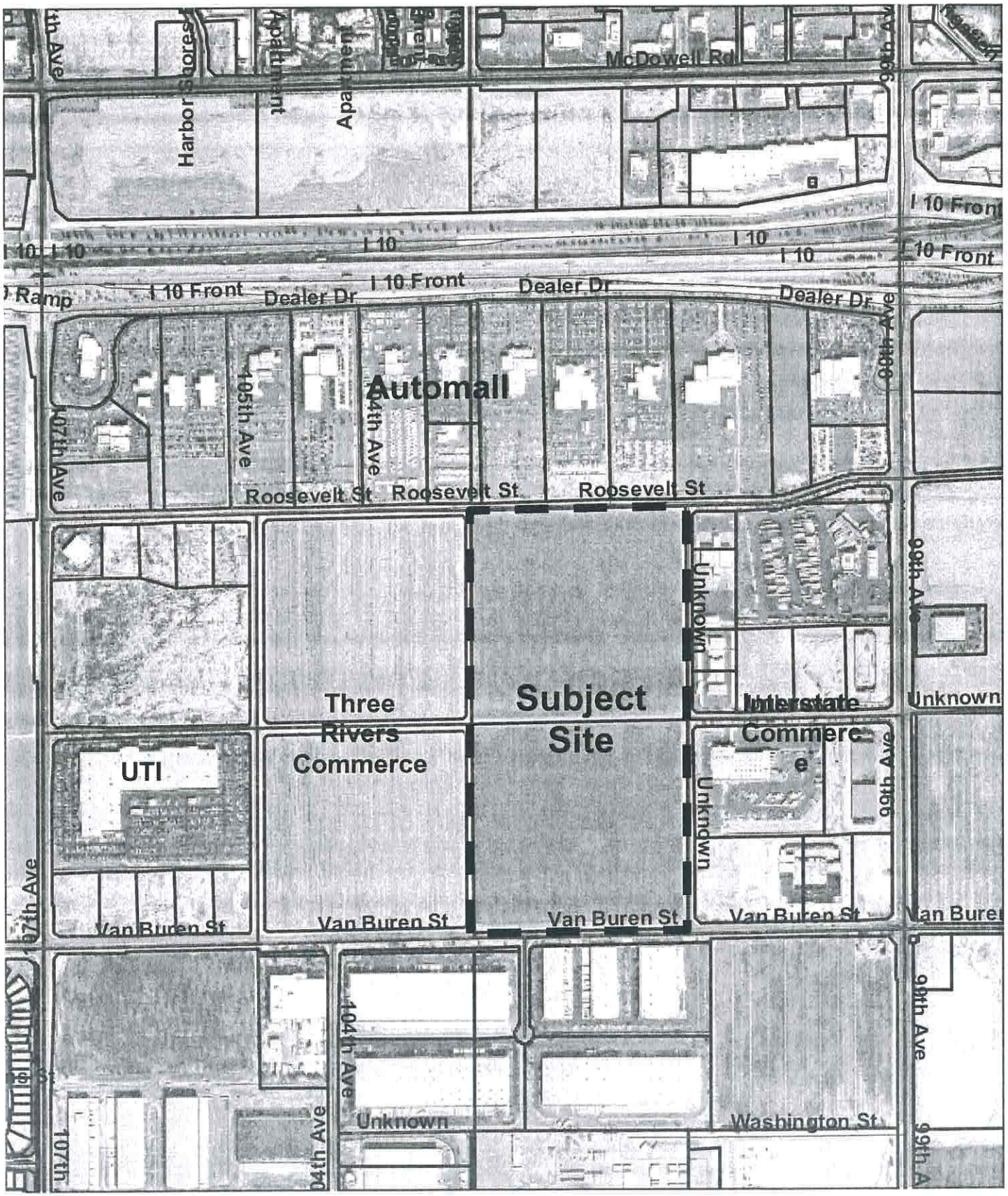
You are welcome to attend all of these meetings to learn about the case and make your opinions known. You may also make your feelings known on this case by writing to the Planning Division at 11465 W. Civic Center Drive, Suite 110, Avondale, Arizona, 85323. Your letter will be made part of the case file.

The City staff person assigned to this case is Eric Morgan. You may contact him via email at emorgan@avondale.org or by telephone at (623) 333-4017 for further information should you wish.

I would be happy to answer any questions or hear any concerns that you have regarding this proposal. You may reach me at (602) 265-0094.

Sincerely,

Ricardo Toris



Aerial Photo

NWC 101st Avenue and Van Buren Street

Exhibit A

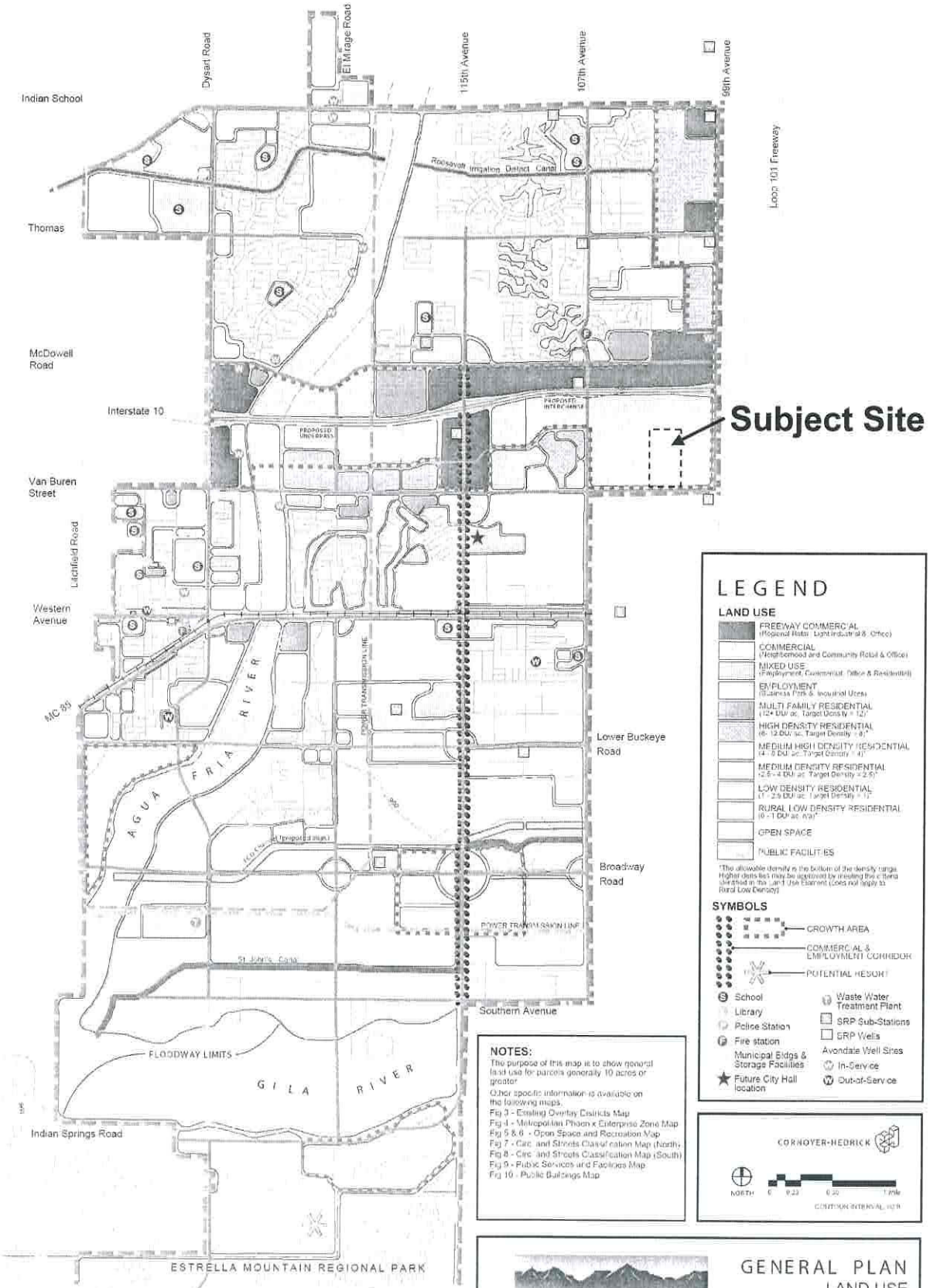
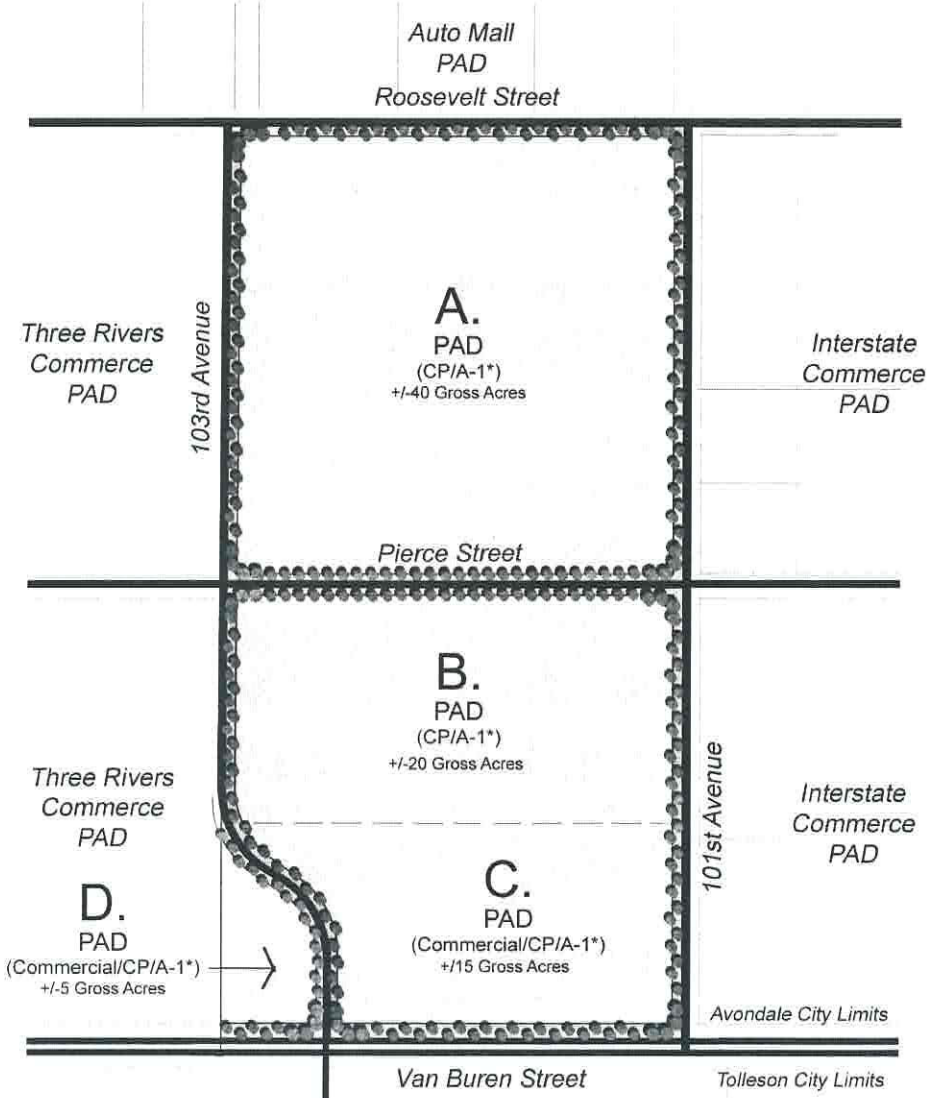

Indian School
Thomas
McDowell Road
Interstate 10
Van Buren Street
Litchfield Road
Western Avenue
MC 85
Dysart Road
El Mirage Road
115th Avenue
107th Avenue
99th Avenue
Loop 101 Freeway
Roosevelt Irrigation District Canal
Subject Site
Lower Buckeye Road
Broadway Road
Southern Avenue
AGUA FRIA RIVER
GILA RIVER
FLOODWAY LIMITS
Indian Springs Road
ESTRELLA MOUNTAIN REGIONAL PARK
LEGEND
LAND USE
FREEWAY COMMERCIAL
COMMERCIAL
MIXED USE
EMPLOYMENT
MULTI FAMILY RESIDENTIAL
HIGH DENSITY RESIDENTIAL
MEDIUM HIGH DENSITY RESIDENTIAL
MEDIUM DENSITY RESIDENTIAL
LOW DENSITY RESIDENTIAL
RURAL LOW DENSITY RESIDENTIAL
OPEN SPACE
PUBLIC FACILITIES
SYMBOLS
GROWTH AREA
COMMERCIAL & EMPLOYMENT CORRIDOR
POTENTIAL RESORT
School
Library
Police Station
Fire station
Municipal Bldgs & Storage Facilities
Future City Hall location
Waste Water Treatment Plant
SRP Sub-Stations
SRP Wells
Avondale Well Sites
In-Service
Out-of-Service
NOTES:
The purpose of this map is to show general land use for parcels generally 10 acres or greater
Other specific information is available on the following maps:
Fig 3 - Existing Overlay Districts Map
Fig 4 - Metropolitan Phoenix Enterprise Zone Map
Fig 5 & 6 - Open Space and Recreation Map
Fig 7 - Circ. and Streets Classification Map (North)
Fig 8 - Circ. and Streets Classification Map (South)
Fig 9 - Public Services and Facilities Map
Fig 10 - Public Buildings Map
CORNOYER-HEDRICK
NORTH
Avondale
GENERAL PLAN
LAND USE
6/17/02
Figure 1
Page 37

Exhibit B

Proposed PAD for:

Avondale Commerce Park

Avondale, Arizona



Conceptual Plan Data:

Parcel:	Land Use District:	Parcel Size:
A.	(CP/A-1*)	40 Gross Acres
B.	(CP/A-1*)	20 Gross Acres
C.	(C-2/CP/A-1*)	15 Gross Acres
D.	(C-2/CP/A-1*)	5 Gross Acres
Total:		80 Gross Acres

Notes:

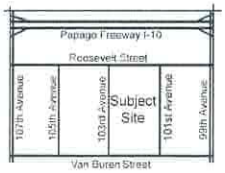
1.* See Land Use Section of this Document for Specific Land Uses.
2. All Calculations are Approximate.
3. Gross Acres includes Existing Van Buren St. 33' R.O.W.
4. 103rd Avenue Alignment shown is Conceptual and Subject to Modification/Relocation.
5. Permitted uses for Parcel C are limited to buildings that are directly adjacent to Van Buren Street.

Owner
101st Avenue & Van Buren L.L.C.
101st Avenue & Roosevelt L.L.C.
1961 N. 91st Street, Suite 105
Scottsdale, AZ 85260
phone: 480 443-3500

Applicant/Zoning Representative
Earl, Curley & Lagarde P.C.
3101 N. Central Avenue, Suite 1000
Phoenix, AZ 85012
Phone: 602 265-0094

Prepared By
Dibing Sands Design Inc.
P.O. Box 24261
Tempe, AZ 85285
phone: 480 927-4203

Vicinity Map:



Not to Scale

Date: January 14, 2008

North

RESOLUTION NO. 2708-1207

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE ARIZONA, AMENDING THE CITY OF AVONDALE FREEWAY CORRIDOR SPECIFIC PLAN TO INCREASE THE ALLOWED BUILDING HEIGHT ALONG PORTIONS OF THE INTERSTATE 10 FREEWAY.

WHEREAS, the Freeway Corridor Specific Plan was adopted by the Council of the City of Avondale (the "City Council") on June 17, 1991 and updated on June 17, 2002; and

WHEREAS, the City Council desires to amend the Freeway Corridor Specific Plan pursuant to ARIZ. REV. STAT. § 9-461.09; and

WHEREAS, all due and proper notices of pubic hearings on the proposed amendment held before the City of Avondale Planning Commission (the "Commission") and the City Council were given in the time, form, substance and manner provided by ARIZ. REV. STAT. § 9–461.09; and

WHEREAS, the Commission held a public hearing on the proposed amendment in the City Council Chambers on November 15, 2007; and

WHEREAS, the Commission recommended approval; and

WHEREAS, the City Council held a public hearing on the proposed amendment on December 17, 2007.

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

SECTION 1. That Section IV, Specific Plan Elements, and Section V, Implementation, of the Freeway Corridor Specific Plan are hereby amended to increase the allowed building height along portions of the Interstate 10 freeway, as set forth in Exhibit A and depicted Exhibit B attached hereto 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 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, December 17, 2007.

Marie Lopez Rogers

Marie Lopez Rogers, Mayor

ATTEST:

Linda M. Farris

Linda M. Farris, City Clerk

APPROVED AS TO FORM:

Andrew J. McGuire, City Attorney

792179.1

EXHIBIT A
TO
RESOLUTION NO. 2708-1207

(Freeway Corridor Specific Plan Text Amendment)

See following page.

FREEWAY CORRIDOR SPECIFIC PLAN AMENDMENT
(SP-07-04)

IV. SPECIFIC PLAN ELEMENTS

B. Urban Design Element

(Page 17)

1. Building Intensity

Intensity refers to the level of human activity within the Corridor, i.e. the number of people who will be attracted to live and work in the area. Intensity is often measured by the square footage of individual buildings, the number of vehicle trips generated by development, and the number of jobs created in an area. Intensity is regulated by a variety of mechanisms, the most prominent of which are:

- building height;
- lot coverage
- floor area ratio;
- density of residential projects.

The Corridor Plan suggests that certain sub-areas are well-suited for certain uses and activities which are more intensive than normally permitted by the Avondale Zoning Ordinance. The Corridor Plan will utilize the elements of building height, lot coverage, and density to encourage more intense development in those areas.

(Page 18)

~~Office uses:~~ OfficeS, ~~uses~~ HOTELS, AND VERTICALLY INTEGRATED MIXED-USE: BUILDINGS in specified locations are permitted to exceed the maximum height established by the Zoning Ordinance (maximum of two (2) stories or 30 feet) upon meeting certain performance criteria. The locations where building heights can be increased are:

- Avondale Centre (115th Avenue / I-10:
  Maximum height of ten (10) stories, 135+ feet.

- ~~Corridor Entries as designated by the Land Use Plan:~~
  ~~Maximum height of four (4) stories, 56+ feet.~~

- SHOWN ON BUILDING HEIGHT MAPS 1 and 2.

The height of buildings within the Avondale Centre area should relate to the site's location, with the highest building situated near the I-10 Freeway and 115th Avenue. Building height should decrease as distance from the intersection increases, similar to the concept of a pyramid, shown on Intensity of Development figure (page 19).

Residential Uses: High density residential uses within three fourths of a mile of the I-10 Freeway and with direct access to an arterial street are permitted to exceed the building heights and densities established by the Zoning Ordinance (maximum of two (2) stories or 30 feet and 22 units per acre) upon meeting certain performance criteria. Building height and density may be increased to 40 feet and 30 units per acre respectively.

V. IMPLEMENTATION

(Page 33)

B. Development Review Procedures

This section describes regulatory procedures for the review of development proposals and rezonings within the Freeway Corridor area. Two primary areas for review and processing are addressed by this section: 1) those projects which desire to achieve increased height or density allowances in certain areas of the Corridor; 2) projects located within the Corridor with regard to conformance with specific design standards.

Increased height and density allowances may be granted by the City Council, upon recommendation of the Planning Commission, in accordance with the procedures for review and approval of Zoning Ordinance Amendments (Section 109 of the Avondale Zoning Ordinance) and Notification of Public Hearings (Section 111). Requests for increased height and density allowances may be combined and heard concurrently with requests for rezoning of property.

(Page 34)

1. Increased Building Height Allowance
   ~~Within the Avondale Centre Corridor Entry areas~~, ~~t~~The height of office, HOTELS, AND VERTICALLY INTEGRATED MIXED-USE buildings may be increased above the maximum height allowed by the Zoning Ordinance to the following levels:

   - Avondale Centre: Maximum of ten (10) stories or 135+ feet
   - ~~Corridor Entry Area: Maximum of four (4) stories or 56+~~ feet
   - OTHER LOCATIONS: AS SHOWN ON BUILDING HEIGHT MAPS 1 AND 2

   Approval of a request for increased height allowances shall only be granted by the City Council upon finding that:

   a. The request conforms to the intent and objectives of the Freeway Corridor Plan.
   b. The request meets the Corridor design standards and principles.
   c. The request addresses four or more of the following performance criteria.

      - The project supports the Boulevard streetscape concept and provides street and landscaping improvements which exceed the minimum requirements.
      - The project provides a mix of land uses which may, in addition to office, include retail, hotel, entertainment, and residential uses.

- The project exhibits extraordinary architectural design quality.
- The project provides a daycare or preschool facility primarily for employees.
- The project provides and incorporates public art into the site.
- The project provides cultural amenities such as libraries, museums, art galleries either on or off-site.
- The project is "pedestrian-friendly", providing for ease of pedestrian movement, unique pedestrian environments, or distinctive pedestrian gathering places.
- If within a Corridor Entry area, the project incorporates unique signage, monuments, and other improvements to announce entry into the City of Avondale.
- The project goes to extraordinary efforts to mitigate the impact of parking on the visual environment by use of structured or underground garages or exceptional landscaping treatment.
- The project provides unique transit stops within or adjacent to the site.

~~The review of a request for an increased building height allowance is a subjective matter left to the discretion of the City Council. The performance criteria establish a framework for evaluation purposes. In review of a proposal, the City Council should consider:~~

- ~~The cost associated with the amenities provided under the performance criteria;~~
- ~~The importance and desirability of the amenities in meeting the objectives of the Freeway Corridor Specific Plan.~~

THE CITY COUNCIL MAY GRANT AN ADDITIONAL HEIGHT INCREASE OF UP TO FIFTY PERCENT (50%) IN AREAS WHERE FOUR OR MORE STORIES WOULD OTHERWISE BE ALLOWED UPON FURTHER FINDING THAT:

1. THE ADDITIONAL HEIGHT IS NEEDED TO FURTHER THE CITY'S STRATEGIC PLAN FOR ECONOMIC DEVELOPMENT;

2. BUILDINGS WILL EXHIBIT SUPERIOR DESIGN FEATURES THAT ARE APPROPRIATE FOR A COMMUNITY LANDMARK;

3. THE ADDITIONAL HEIGHT WILL NOT RESULT IN INCOMPATIBLE LAND USE RELATIONSHIPS; AND

4. THE ADDITIONAL HEIGHT WILL NOT ADVERSELY AFFECT THE FUTURE DEVELOPMENT OR ONGOING VITALITY OF THE CITY CENTER AREA ALONG AVONDALE BOULEVARD.

4. Development Processing – Design Standards

(Page 37)

C. Design Standards

The Design Standards directly affect only a few important sub-areas within the corridor and are organized by those categories of sub-area and design element. The standards are also noted by the symbol (R) or (E). The symbol (R) indicates that the standard is a "regulation;" i.e. it must be included in a development which is subject to the city's Site Plan Review process. Any waiver of or relief from the regulation must be approved through the variance procedures established in the Zoning Ordinance.

The symbol (E) refers to the term "expectation;" i.e. a concept or principle which should be considered in the design of a project. Adhering to expectation standards may be beneficial to the favorable acceptance of a plan by demonstrating the applicant's desire to meet the objectives of the Freeway Corridor Plan. This, in turn, may help the City to evaluate the project for a request for rezoning or for an increase building height or density allowance.

1. Boulevard Area Design Standards
   Property fronting on the "Boulevard" area or located at a Corridor Entry site shall meet the following design standards.

   Building Design
   (~~R~~ E) a. Buildings higher than two (2) stories shall be designed with a "stepped" pattern to promote openness along the street frontage. Such a pattern creates interesting building surfaces and the opportunity to preserve view corridors.

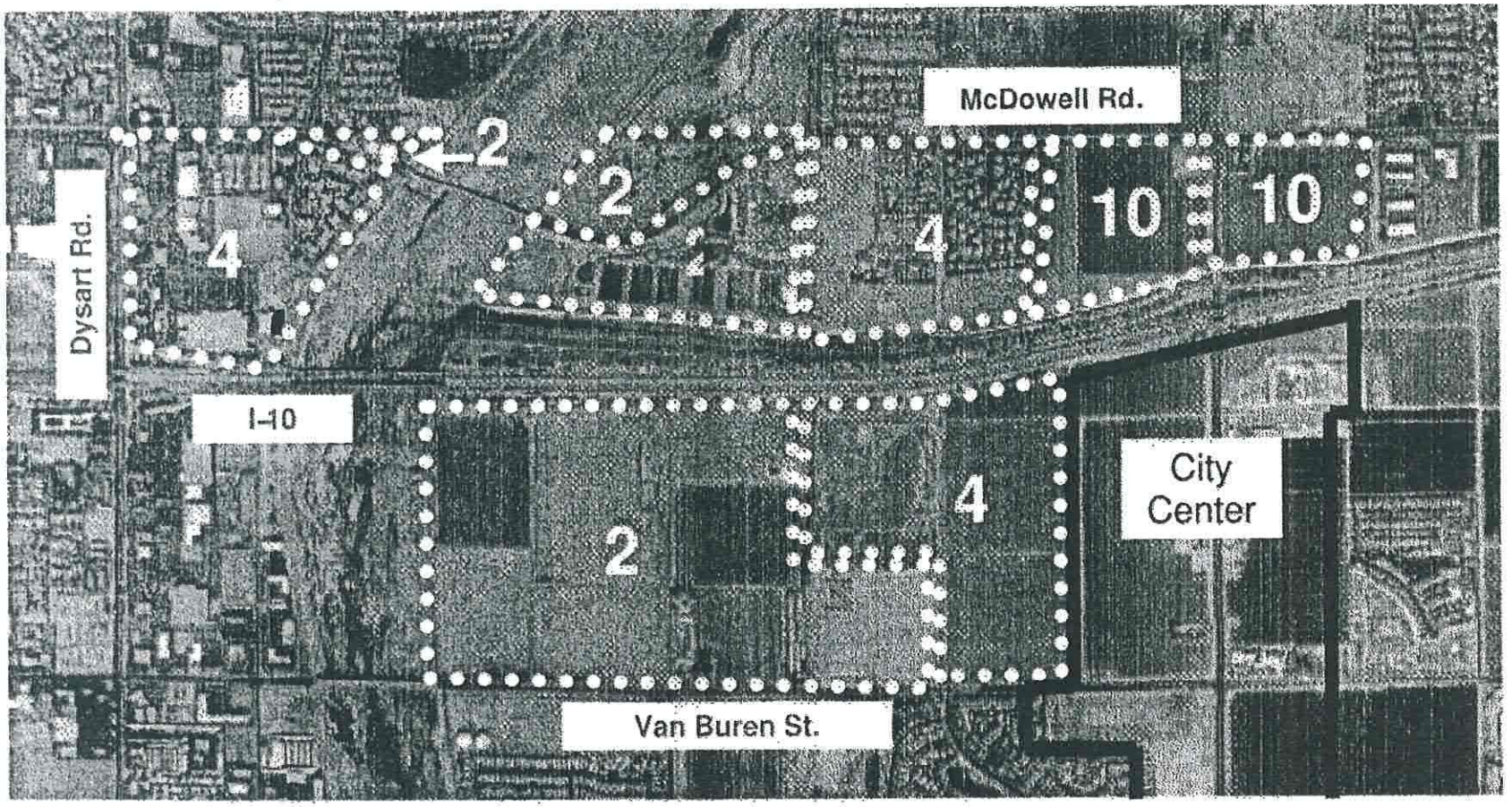
EXHIBIT B
TO
RESOLUTION NO. 2708-1207

(Map Depicting Area of Freeway Corridor Specific Plan Text Amendment)

See following page.

Building Height (stories)

MAP 1



Match Map 2

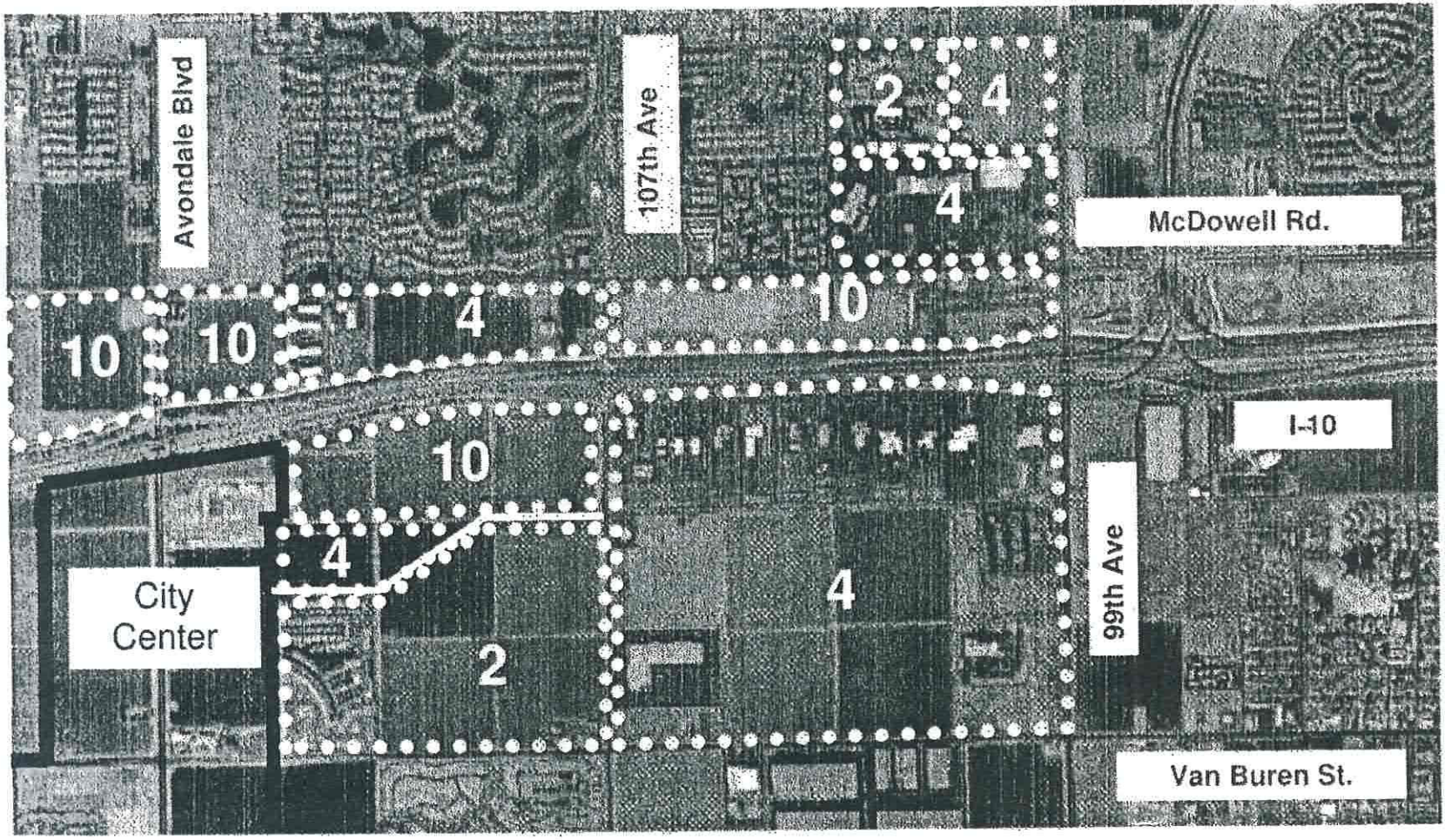
SP-07-04

N

Building Height (stories)

MAP 2

Match Map 1



SP-07-04

N

draft

EXHBIT H

Excerpt of the Draft Minutes of the regular Planning Commission meeting held February 21, 2008 at 7:00 p.m. in the Council Chambers.

COMMISSIONERS PRESENT
David Iwanski, Chairman
Michael Demlong, Vice Chair
Al Lageschulte, Commissioner
Edward Meringer, Commissioner
Angela Cotera, Commissioner
Linda Webster, Commissioner

COMMISSIONER EXCUSED
Kevin Grimsley, Commissioner

CITY STAFF PRESENT
Brian Berndt, Development Services Director
John Vater, Planner I, Development Services Department
Eric Morgan, Planner II, Development Services Department
Chris Schmaltz, City Attorney
Scott Wilken, Senior Planner, Development Services Department

APPLICATION Z-07-7

APPLICANT J. Curley of Earl, Curley and Legarde, P.C.

REQUEST Request to rezoned approximately 80 acres from Agricultural (AG) to Planned Area Development (PAD).
Staff Contact: Eric Morgan (623) 333-4017

Eric Morgan, Planner II, Development Services, reported that this item is a request to rezone approximately 80 acres from Agricultural (AG) to Planned Area Development (PAD). The subject property is located at the northeast corner of 103rd Avenue, more on Van Buren Street from 101st to 103rd Avenue. The property is currently zoned Agricultural and is in the Freeway Corridor Specific Plan area. He described the surrounding uses as the 99th Avenue Business Center and Park to the east, an auto mall to the north, vacant land to the west, and the City of Tolleson to the south. He informed the Commission that the proposed PAD addresses setbacks, which comply with the minimums of the Freeway Corridor Plan and Zoning Ordinance, and addresses maximum building heights, which complies with the amended Freeway Corridor Specific Plan, and adopts those performance criteria to obtain the bonus height, which would allow up to six stories and 84 feet for all uses except stand-alone retail. The PAD also addresses open space and amenities and complies with the minimums of the Freeway Corridor Plan and the Zoning Ordinance, and provides for pedestrian refuge areas. The PAD addresses landscaping, which complies with the minimums of the Zoning Ordinance and Freeway Corridor Plan, plus

provides for undulating perimeter walls for added interest. The PAD addresses signage, which complies with the maximums of the Zoning Ordinance. Mr. Morgan pointed out that the Staff addresses phasing in Stipulation No. 7 "Master Site Plans shall be a minimum of 10 areas. A minimum of 25% of each Master Site Plan shall be developed in the first phase." He explained that the applicant originally was looking for market-driven phasing, but he understands from the applicant that they are not opposed to Stipulation No. 7. Mr. Morgan described the uses as based upon the Commerce Park and General Industrial zoning districts with additional support retail uses, without any of the heavy uses or conditional uses of the General Industrial district.

Mr. Morgan informed the Planning Commission that Staff finds the Planned Area Development narrative meets the two required findings of Section 6 of the Zoning Ordinance, and Staff is proposing an additional Stipulation No. 8 "The PAD will conform to the Design Manuals that have been adopted by City Council and that are maintained by Development Services." Staff recommends approval. Mr. Morgan asked the Planning Commission if Staff could hear more direction on what the Commission feels is an appropriate amount of support retail for the employment uses in the Employment district tonight.

Chairperson Iwanski invited questions from the Commission.

Commissioner Cotera asked for clarification on the development phase. Mr. Morgan clarified that the minimum size of the Master Plan, as stated in the Freeway Corridor Plan, is 10 acres and a minimum of 25% of the Master Plan must be developed in the first phase of development. Stipulation No. 7 re-states this as the PAD narrative proposes no minimums. Commissioner Cotera asked how the 5 acre "Area D" could be developed. Mr. Morgan explained that the 5 acre "Area D" would need to be included within a 10 acre master plan, but the 5 acre area could then be developed as Phase 1 with the balance of the Master Plan area in future phases.

Vice Chair Demlong asked who for pays the other 75% for the traffic signal at 103rd Avenue and Van Buren Street. Mr. Morgan answered that 25% would be paid by the Three Rivers Commerce Park, and the remaining 50% is unstated but assumed to be the City of Tolleson. Vice Chair Demlong stated he was sure that Staff could work that out. He read "The applicant proposes architectural and site design requirements more stringent than in the Zoning Ordinance," and stated when Staff makes those type of statements, there is no way for him to judge that, and it would be nice to see why it has been determined that the applicant has gone above and beyond. Mr. Morgan replied that Commissioners may check any statements made by Staff in their personal copy of the Zoning Ordinance, and staff would strive in future to provide more complete demonstration of statements. With regard specifically to architecture, the Zoning Ordinance provides little in the way of requirements as applicable to this PAD, and thus the many requirements in the proposed PAD narrative exceeded the Zoning Ordinance requirements.

Vice Chair Demlong stated it was hard for him to justify whether this project meets Finding 2 "The streets and thoroughfares proposed are suitable and adequate to serve the proposed uses and the anticipated traffic which will be generated." Without knowing what businesses will be on

the property, it is difficult for him to judge if the streets proposed are adequate to support that number of people working on the property. Mr. Morgan explained that as part of the submittal, the applicant is required to provide a traffic study based on the highest use of this land with the uses that are being proposed, assuming the maximum amount of people working on the property, and for the standards adopted in the Transportation Plan as far as the widths of collector roads. He reported that the Transportation Review Staff has determined that even if the subject property is built out to maximum, the road requirements in the Transportation Plan will be able to handle the burden of what is constructed. Vice Chair Demlong asked how many workers are assumed to be employed at maximum on the site. Mr. Morgan replied he did not know off the top of his head, but that as site plans are approved for actual development these figures get revised and more detailed. Vice Chair Demlong expressed his concern was with a large increase in traffic in that area that would make commuting even more difficult along Van Buren Street. He commented that it seems like the applicant has asked to be able to do everything in the world on the property and asked if this only applies to a small strip right along Van Buren Street and how deep does this strip run. Mr. Morgan replied the description of Area C is only buildings directly abutting onto and affronting onto Van Buren Street, restricted to a one building depth. Mr. Morgan added that the Freeway Corridor Plan places limits on how far back some buildings may sit away from the frontage road, thus reducing seas of parking lots along Van Buren Street.

Vice Chair Demlong expressed that as this site is in the Employment corridor, he would encourage large employer-based organizations in the area, and commented that a government building would be fantastic, as well as white-collar professional offices. He explained he does not have any problem with what the applicant is asking for, he simply would like to see more white-collar businesses in the area.

Commissioner Cotera asked what the applicant would be building on the site. Mr. Morgan responded that development could contain any use on the approved uses list, but as to specifics me deferred to the applicants to explain.

Chairperson Iwanski asked if an applicant conducts a traffic study for a project, taking into account current knowledge, are additional numbers, such as trip counts, number of employees, etc., obtained through additional traffic studies for adjacent developments. Mr. Morgan clarified that the traffic study conducted for the rezoning takes into consideration maximum trips for the uses listed. This might be 7,000 trips generated. When the Master Site Plan comes in, a new traffic study is done with actual building square footages of uses instead of assumed maximums, thus refining the number of traffic trips to a more accurate number. As the site is developed and traffic studies are completed for the various Master Site Plans, the actual traffic numbers are provided that are always lower than the assumed maximums. The traffic study commissioned for the rezoning, assuming maximums, states that the public streets will be able to handle the traffic - keeping in mind that the public streets will be expanded in accordance with the Transportation Plan during development.

Vice Chair Demlong exposed concern that a call center might go in, bringing in a lot of people in small cubicles, so there could be 1,000 people versus a light industrial plant with just a few people. In other words, the Planning Commission does not know what the applicant wants to do and the applicant is asking for everything.

Chairperson Iwanski invited the applicant to address the Commission.

Mike Curley, 3101 N. Central Ave., Phoenix, AZ, thanked the Staff for the enormous amount of time they had spent on this property. He stated the traffic report is submitted to the City and it is reviewed by the Engineering Department, and like any other document it is reviewed by the City's experts. City Staff looks at a square acreage and they do not pick the numbers out of the air, but they have very specific criteria for how to do the traffic studies and make basic assumptions based on empirical data, then those numbers are extrapolated to see if there is adequate capacity on the streets.

Mr. Curley informed the Commission that the City's desire for this block of property between 99th and 107th Avenues and from Van Buren up to the Freeway was the City did not want low intensity type uses there such as warehouses, and the City had wanted the applicant to have very high employee generating uses because they saw this stretch of property between 99th and 107th Avenues as an opportunity for the City to take advantage of attracting large users. He explained that they had three options: rezone the property for Industrial; rezone for Commerce Park, which may allow for too many uses; and a third option for a PAD and exclude the uses the City does not want, and then identify high-end uses that will locate on the site. He noted that the Commerce Park uses are outdated and do not allow things that could support a business park, so City Staff and the applicant had considered what retail uses would support the employees working on the 80 acre site and also support some of the clients of the Court property directly to the west. In summary, the applicant had actually winnowed down the number of uses that could take place and are allowable in the Commerce Park and General Industrial zoning districts.

Mr. Curley informed the Planning Commission that the applicant is establishing the uses, the landscaping and phasing, and the uses will be market driven, and the backbone criteria has been established as far as what it will look like from an architectural standpoint and from a street scape standpoint. He described other properties his group had zoned, and then as the market came along, they were ready because the properties were entitled.

Commissioner Cotera asked what Mr. Curley saw in his mind as potential uses. Mr. Curley replied there may be some office opportunities along Van Buren Street, perhaps a hotel, and one-story industrial, and Commerce Park buildings which from the exterior will likely appear just like an office building surrounded by parking, and there may be very light assembly uses such as an electronic company assembling components within the interior of the building. Of note, Mr. Curley stated there would be no exterior stores or exterior activities allowed. He stated if they were lucky, perhaps there would be an American Express, as American Express has looked up and down the 101 corridor to have a backup facility for their main facility on I-17 and the 101,

and this property would be ideally suited for that. They might also be lucky and land a whopper such as a 20 acre user, and in his opinion, that sort of flexibility is necessary for the City to really compete with some of the other users that will be shopping up and down the corridor. He pointed out that Avondale is competing with the Sheeley Farms piece on the 101 and I-10, who is looking to do exactly what his client is looking to do on this property. As well, both sides of the 101 in Glendale are being zoned right now for business parks or office, similar to what his client wants to do here.

Vice Chair Demlong stated as this is a high employment corridor, his responsibility is to make sure that the City of Avondale gets the highest density of employment possible, and as the applicant is asking for a lot, it could be a much lower employment density or a very high employment density. He stated his query concerned traffic in the area because he does not know exactly what the applicant is going to do and he just wishes there was a little bit more information to give him an idea of which end of the spectrum they are headed – low density employment or high density employment – which relates to traffic flow.

Chairperson Iwanski invited further questions for the applicant and heard none. He asked Mr. Curley if his client agreed to Stipulation No. 8 "The PAD will conform to the Design Manuals that have been adopted by City Council and that are maintained by Development Services." Mr. Curley confirmed the applicant was in agreement.

Chairperson Iwanski opened the item for public hearing. There were no requests to speak. He invited further questions, and hearing known, called for a motion.

Chris Schmaltz, City Attorney, reminded Chairperson Iwanski that the public hearing should be closed. Chairperson Iwanski closed the public hearing.

Chairperson Iwanski called for a motion and a second.

Commissioner Lageschulte moved that the Planning Commission accept the findings and recommend approval of application Z-07-7, a request to rezone approximately 80 acres from Agricultural (AG) to Planned Area Development (PAD) subject to the eight Staff-recommended stipulations. Commissioner Meringer seconded the motion.

1) Development shall be in substantial conformance with the Development Plan and narrative Planning Division date stamped February 8, 2008.

2) Right-of-way shall be required as follows: a) Van Buren Street – 65 feet half-street width. b) Roosevelt Street – 50 feet half-street width. c) 101st Avenue – 40 feet half-street width. d) 103rd Avenue – 40 feet half-street width transitioning into 80 feet full-street width as determined by the ultimate street alignment. E) Pierce Street – 80 feet full-street width. Additional requirements for improvements, traffic signals and right-of-way for deceleration lanes, turn

lanes, transit stops, may be required during the Site Plan process depending upon the findings of the required traffic studies.

3) A contribution of 25% of the cost of a traffic signal at 103rd Avenue and Van Buren Street shall be required with approval of the Master Site Plan for the first phase. Additional traffic signals may be required depending upon the findings of traffic studies and analysis, as determined by the City Engineer.

4) A 16" water line is planned to go in Van Buren by a CIP job. This development will be required to pay for the portion along their frontage with the first phase prior to issuance of permits.

5) A 65-feet width half-street waterline easement along the entire frontage of Van Buren Street is required for installation of a 16" waterline, water quality station and meters. Said easement shall be granted and executed prior to recordation of a Final Plat.

6) All groundwater rights shall be dedicated to the City of Avondale in conformance with Arizona Statutes prior to issuance of the first Certificate of Occupancy.

7) Master Site Plans shall be a minimum of 10 acres. A minimum of twenty-five (25%) percent of each Master Site Plan shall be developed in the first phase.

8) The PAD will conform to the Design Manuals that have been adopted by City Council and that are maintained by Development Services.

Chairperson Iwanski noted it had been moved and seconded that the Planning Commission accept the findings and recommend approval of application Z-07-7, a request to rezone approximately 80 acres from Agricultural (AG) to Planned Area Development (PAD) subject to the original Staff-recommended stipulations and an added eighth stipulation, "The PAD will conform to the Design Manuals that have been adopted by City Council and that are maintained by Development Services." Chairperson Iwanski called for a vote.

ROLL CALL VOTE

Chairperson Iwanski	Aye
Vice Chair Demlong	Nay
Commissioner Lageschulte	Aye
Commissioner Grimsley	Excused
Chairperson Meringer	Aye
Commissioner Cotera	Aye
Commissioner Webster	Aye

The motion passed 5 Ayes 1 Nay.

ORDINANCE NO. 1294-308

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AMENDING THE OFFICIAL ZONING ATLAS OF THE CITY OF AVONDALE FOR APPROXIMATELY 80 ACRES LOCATED AT THE NORTHEAST CORNER OF 103RD AVENUE AND VAN BUREN STREET AS SHOWN IN FILENAME Z-07-7, REZONING SUCH PROPERTY FROM AGRICULTURAL (AG) TO PLANNED AREA DEVELOPMENT (PAD) AND IMPOSING CONDITIONS UPON SUCH CHANGE.

WHEREAS, the Council of the City of Avondale (the "City Council") desires to amend the City of Avondale Zoning Atlas (the "Zoning Atlas") pursuant to ARIZ. REV. STAT. § 9-462.04; and

WHEREAS, all due and proper notices of public hearings on the intended amendment held before the City of Avondale Planning and Zoning Commission (the "Commission") and the City Council were given in the time, form, substance and manner provided by ARIZ. REV. STAT. § 9-462.04; and

WHEREAS, the Commission held a public hearing on Thursday, February 21, 2008, on the amendment to the Zoning Atlas pursuant to such notices and as required by ARIZ. REV. STAT. § 9-462.04; and

WHEREAS, the Commission recommended approval; and

WHEREAS, the City Council held a public hearing regarding the amendment to the Zoning Atlas on March 17, 2008.

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

SECTION 1. That ± 80 acres of real property, generally located at the northeast corner of 103rd Avenue and Van Buren Street, as shown in filename Z-07-7 (the "Property"), as more particularly described and depicted in Exhibit A, attached hereto and incorporated herein by reference, are hereby rezoned from Agricultural (AG) to Planned Area Development (PAD), subject to the following conditions:

1. Development shall be in substantial conformance with the development plan and narrative Planning Division date stamped February 8, 2008.

2. Right-of-way shall be dedicated to the City as required by the then-current version of the City's adopted transportation plan. For reference purposes only, as of the date of this Ordinance, the required right-of-way dedications are as follows:

   A. Van Buren Street - 65 feet half-street width
   B. Roosevelt Street - 50 feet half-street width
   C. 101st Avenue - 40 feet half-street width
   D. 103rd Avenue - 40 feet half-street width transitioning into 80 feet full-street width as determined by the ultimate street alignment
   E. Pierce Street - 80 feet full-street width

   Additional requirements for improvements, traffic signals and rights-of-way for deceleration lanes, turn lanes, transit stops, may be required during the site plan process depending upon the findings of the required traffic studies.

3. A contribution of 25% of the cost of a traffic signal at 103rd Avenue and Van Buren Street shall be required with approval of the Master Site Plan for the first phase. Additional traffic signals may be required depending upon the findings of traffic studies and analysis, as determined by the City Engineer.

4. A 16" waterline is planned to be constructed on Van Buren Street by the City as part of a capital improvement project. This development will be required to pay for the portion of the 16" waterline along its frontage with the first phase of development and prior to issuance of any permits related thereto.

5. As soon as possible following approval of this Ordinance by the City Council, the property owner shall dedicate a waterline easement along the entire frontage of Van Buren Street as required for installation of a 16" waterline, water quality station and meters. Said easement shall be located over the entire area of Van Buren Street the right-of-way set forth above.

6. All groundwater rights shall be dedicated to the City of Avondale in conformance with Arizona Statutes prior to issuance of the first Certificate of Occupancy.

7. Master Site Plans shall be a minimum of 10 acres. A minimum of twenty-five (25%) percent of each Master Site Plan shall be developed in the first phase.

8. Development shall conform to the Design Manuals as adopted by the City and maintained by the Development Services Department.

SECTION 2. That if any provision of this Ordinance is for any reason held by any court of competent jurisdiction to be unenforceable, such provision or portion hereof shall be deemed separate, distinct and independent of all other provisions and such holding shall not affect the validity of the remaining portions of this Ordinance.

PASSED AND ADOPTED by the Council of the City of Avondale, March 17, 2008.

_____
Marie Rogers Lopez, Mayor

ATTEST:

_____
Linda M. Farris, City Clerk

APPROVED:

_____
Andrew J. McGuire, City Attorney

EXHIBIT A
TO
ORDINANCE NO. 1294-308

[Map and Legal Description]

See following pages.

Exhibit A

All that portion of the Northeast quarter of the Northwest quarter of Section 1, Township 1 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows:

COMMENCING at the Northwest corner of Section 1, marked by a ½ inch rebar and cap RLS 34404;

thence along the North line of the Northwest quarter of the Northwest quarter, South 87 degrees 55 minutes 47 seconds East, a distance of 1309.61 feet to a brass cap in hand hole marking the Northwest corner of the Northeast quarter of the Northwest quarter;

thence leaving said North line, South 00 degrees 14 minutes 07 seconds West, a distance of 65.00 feet to a point on the Southerly right-of-way line of McDowell Road as conveyed in Book 2328 of Deed, page 135, said point being the TRUE POINT OF BEGINNING;

thence along the South right-of-way line of McDowell Road, South 88 degrees 58 minutes 51 seconds East, a distance of 697.99 feet;

thence leaving said right-of-way, South 02 degrees 50 minutes 49 seconds West, a distance of 931.23 feet;

thence South 65 degrees 24 minutes 06 seconds West, a distance of 121.63 feet;

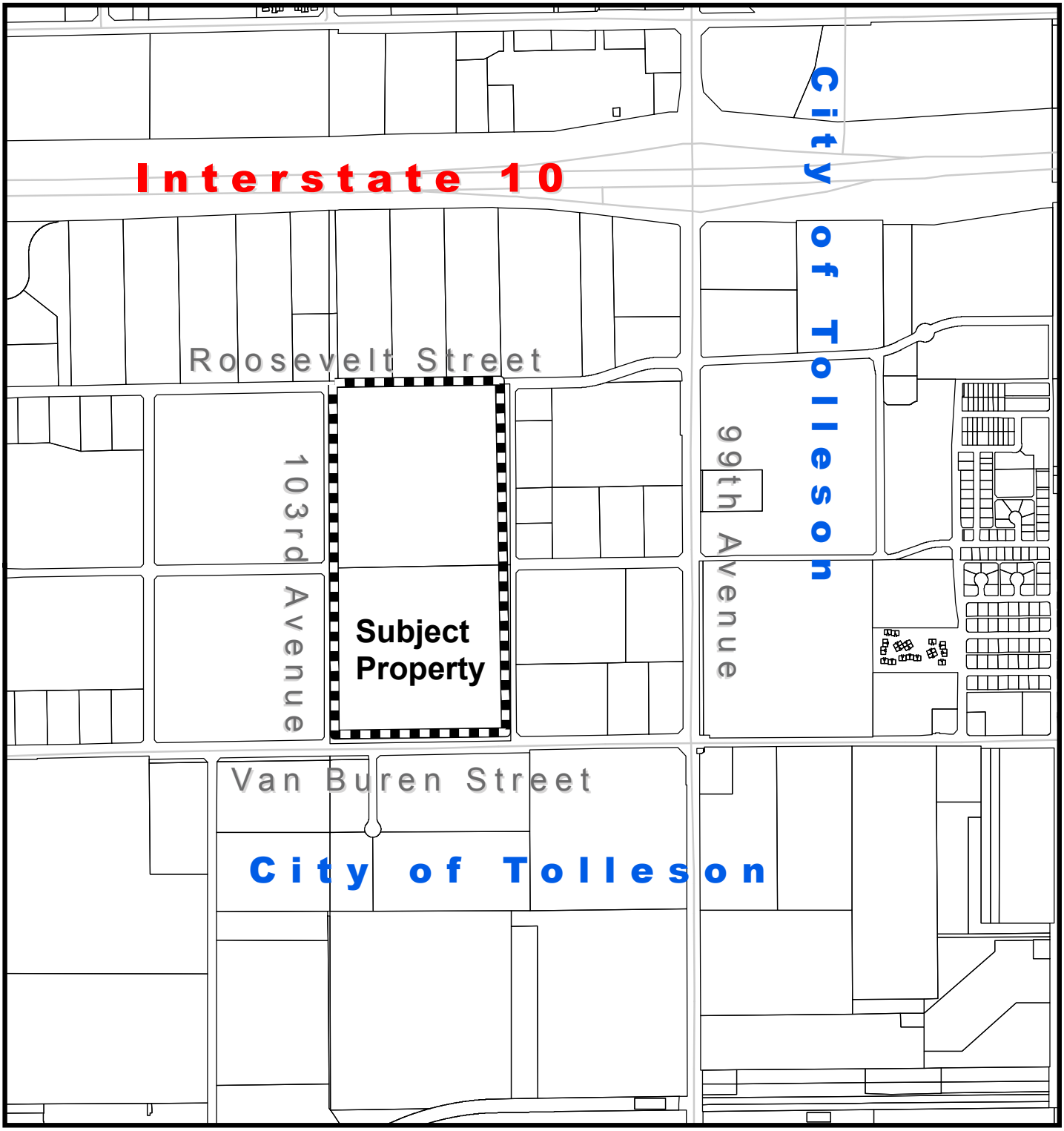
thence South 45 degrees 59 minutes 06 seconds West, a distance of 22.80 feet;

thence South 20 degrees 42 minutes 06 seconds West, a distance of 10.52 feet;

thence South 89 degrees 44 minutes 13 seconds West, a distance of 525.12 feet to a point on the West line of the Northeast quarter of the Northwest quarter;

thence along said West line, North 00 degrees 14 minutes 07 seconds East, a distance of 1021.22 feet to the TRUE POINT OF BEGINNING

Exhibit B



Z-07-7
Avondale Commerce Park

Avondale

Subject Property