CITY COUNCIL AGENDA

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

WORK SESSION
February 22, 2011
6:00 PM

CALL TO ORDER BY MAYOR ROGERS

1 ROLL CALL BY THE CITY CLERK

2 PHOENIX CHILDREN'S HOSPITAL UPDATE

City Council will receive an update regarding Phoenix Children's Hospital and their plans to build a Specialty and Urgent Care facility at the northeast corner of Avondale Boulevard and McDowell Road. For information and discussion only.

3 PROPOSED IGA WITH MARICOPA COUNTY - COLDWATER PARK

Staff will provide information to City Council on the use of Coldwater Park and the termination of the 1986 Avondale Landfill Agreement with Maricopa County. This item is for information and discussion only.

4 ADJOURNMENT

Respectfully submitted,

Carmen Martinez
City Clerk

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

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

CITY COUNCIL REPORT

SUBJECT:
Phoenix Children's Hospital Update

MEETING DATE:
February 22, 2011

TO: Mayor and Council

FROM: Daniel Davis, Economic Development Director (623) 333-1411

THROUGH: Charlie McClendon, City Manager

PURPOSE:

Council will receive an update regarding Phoenix Children's Hospital.

BACKGROUND:

Phoenix Children's Hospital is planning to build a Specialty and Urgent Care facility on property they own at the northeast corner of Avondale Boulevard and McDowell Road. Ms. Karny Stefan will provide Council an update regarding the project, the fundraising activities associated with the capital campaign, and the undertakings of the West Valley Advisory Board.

RECOMMENDATION:

No action is necessary as this report and presentation is for information purposes only.

ATTACHMENTS:

Click to download

No Attachments Available

CITY COUNCIL REPORT

SUBJECT:
Proposed IGA with Maricopa County - Coldwater Park

MEETING DATE:
February 22, 2011

TO: Mayor and Council

FROM: Christopher Reams, Director of Parks, Recreation & Libraries (623) 333-2412

THROUGH: Charlie McClendon, City Manager

PURPOSE:

Staff will provide information to City Council on the use of Coldwater Park and the termination of the 1986 Avondale Landfill Agreement with Maricopa County. This item is for information only.

BACKGROUND:

On August 10, 1987 the City of Avondale (the City) and Maricopa County (the County) entered into an Intergovernmental Agreement (IGA) to excavate, remove, and relocate the Avondale landfill located at the current Coldwater Park site. The City of Avondale received $500,000 to develop and construct a recreational area which became Coldwater Park.

Under the terms of the original IGA the County and the City have the following requirements:

The County:

- acted as a public information source for the project
- retained all land rights to the site
- provided for all testing and groundwater evaluation fees
- collected and drew samples of water, gas, and leachate
- insured the site retained the original contour
- coordinated and provided inspection for development
- accepted any liability for future groundwater contamination
- conveyed to the City the required rights and easements

The City:

- designed, constructed, and maintained a recreational facility on the site
- constructed a recreational facility with approved plans compatible with county needs and requirements
- accepted the maintenance of the area at City expense
- agreed to carry general liability insurance necessary for the operation of the site
- used the relocated landfill for the sole use of a recreation facility

Both Parties agreed to:

- coordinate the design, construction, use, operation, maintenance, safety, and security of the recreation site
- comply with all necessary and current state and federal regulations for the proper operation and maintenance of the site

DISCUSSION:

Maricopa County would like to terminate the original agreement with the City of Avondale and enter into a new agreement with some changes to the use of Coldwater Park. Under the original terms, Maricopa County retained ownership of Coldwater Park and the City managed the site. The site was originally used for recreational purposes which included: softball, passive recreation, and community and City events. Over time the site condition of the field has eroded and became unsafe for many of the activities scheduled for the site. The City ceased all recreational activities once Festival Fields opened and the facility is now in need of revitalization. A revised agreement will provide a plan that will revitalize Coldwater Park and provide additional amenities for the City of Avondale and the region.

The County desires to take over the operation of approximately two thirds of the facility in order to establish a 4000 square foot Animal Care and Control Center and a dog park. The City would maintain operation of the remaining third of the complex for use as a trail head that would connect to the Agua Fria Trail Connector Project that is currently in the planning phase. The trail head would be approximately 3 acres.

The City will be required to demo the site in preparation for the transition. All existing fencing will need to be removed and the City and County will coordinate the preparation of the grounds. The design, construction, and subsequent maintenance of the County Animal Care and Control Center and the Dog Park will be the sole responsibility of the County. The trail head will be the responsibility of the City. City staff has already begun planning for the removal of all amenities on the site, and preparation for passive activities and programming.

This revised agreement will also terminate the IGA entered into between the City and the County on August 10, 1987 for the perpetual care, monitoring, and construction and maintenance of the Avondale Landfill to a recreational area. Staff supports the provisions of a revised agreement. The modified terms will enhance the condition of Coldwater park and provide enhanced amenities for the citizens of Avondale and the region. In addition,the new agreement will secure space for a trail head that is consistent with the City plans for trails and open space.

BUDGETARY IMPACT:

Funds for the City's portion of the project are included in the FY 2011-2012 Capital Improvement Plan budget (PK1032-Coldwater Park Improvements).

RECOMMENDATION:

This item is for information and discussion only.

ATTACHMENTS:

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No Attachments Available

CITY COUNCIL AGENDA

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

REGULAR MEETING
February 22, 2011
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 RECOGNITION ITEMS (MAYOR PRESENTATIONS)

a. **RECOGNITION OF OUTSTANDING EDUCATORS**

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**
1. Work Session of February 7, 2011
2. Regular Meeting of February 7, 2011

b. **LIQUOR LICENSE SERIES 12 (RESTAURANT) - CARRABBA'S ITALIAN GRILL 5305**
City Council will consider a request from Ms. Amy Nations for a Series 12 (Restaurant) License to sell all spirituous liquors at Carrabba's Italian Grill 5305 located at 9920 W McDowell Road in Avondale. The Council will take appropriate action.

c. **BID AWARD - BROOKS BROS. UTILITY CONTRACTORS, LLC FOR STREETLIGHT POLE REPLACEMENTS**
City Council will consider a request to award a bid to Brooks Bros. Utility Contractors, LLC to provide installation of City streetlight poles in the amount of $70,000 and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

d. **PURCHASE AGREEMENT - REHRIG PACIFIC COMPANY**
City Council will consider a request to approve a purchase agreement with Rehrig Pacific Company for the purchase of refuse and recycling containers for an amount not to exceed $150,000 per fiscal year, and authorize the Mayor or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

5 RESOLUTION 2955-211 - AMENDMENT TO 2010-2011 ANNUAL ACTION PLAN

City Council will consider a resolution approving an amendment to the 2010-2011 annual action plan portion of the 2010-2014 Consolidated Plan, authorizing submission to the US Department

of Housing and Urban Development for receipt of Neighborhood Stabilization Funds and authorize the Mayor or City Manager and City Clerk to execute the necessary documents. The Council will take appropriate action.

6 PUBLIC HEARING – RESOLUTION 2957-211 AND ORDINANCE 1449-211 - CITY OF AVONDALE MEDICAL MARIJUANA REGULATIONS

City Council will hold a public hearing and consider a resolution declaring as a public record a document entitled "City of Avondale Medical Marijuana Regulations", and an ordinance adopting the aforementioned document as Section 13 of the Zoning Ordinance and revising Sections 1, 4, 5, and 13 relating to Medical Marijuana and adding reference provisions to Section 4 relating to sexually oriented businesses. The Council will take appropriate action.

7 PUBLIC HEARING - TIME EXTENSION FOR THREE RIVERS PAD ZONING - ALTERNATIVELY ORDINANCE 1447-211 - ZONING REVERSION

City Council will hold a public hearing and consider a request by Mr. Ryan Eller, Paragon Properties, Ltd., to extend the validity of the Three Rivers Planned Area Development (PAD) for one year from the date of expiration, until December 8, 2011. Alternatively, City Council will consider an ordinance reverting the zoning of the Three Rivers PAD from Planned Area Development (PAD) to its previous zoning classification of Agricultural (AG). The Council will take appropriate action.

8 PUBLIC HEARING AND ORDINANCE 1445-211 – THE SHOPS AT AVONDALE (SUMMIT) REZONING

City Council will hold a public hearing and consider an ordinance rezoning approximately 33.957 acres located at the southwest corner of Avondale Boulevard and Interstate 10 from Planned Area Development to City Center District. The Council will take appropriate action.

9 PUBLIC HEARING AND ORDINANCE 1448-211 – ZONING REVERSION FOR AVONDALE CROSSING

City Council will hold a public hearing and consider an ordinance reverting the Planned Area Development zoning of Avondale Crossing located at the northeast corner of El Mirage Road and Corporate Drive, which expired October 15, 2010, to its previous zoning classification of Agricultural. The Council will take appropriate action.

10 PUBLIC HEARING AND ORDINANCE 1446-211 – ZONING REVERSION FOR PAPAGO COMMERCE CENTER

City Council will hold a public hearing and consider an ordinance reverting the Planned Area Development zoning of Papago Commerce Center located at the southeast corner of I-10 and El Mirage Road, which expired October 15, 2010, to its previous zoning classification of Agricultural. The Council will take appropriate action.

11 EXECUTIVE SESSION

a. The Council may hold an executive session pursuant to ARIZ. REV. STAT. § 38-431.03 (A)(4) for discussion or consultation with the City's Attorney in order to consider its position and instruct the City Attorney regarding the Council's position regarding a potential Economic Development Agreement.

12 ADJOURNMENT

Respectfully submitted,

Carmen Martinez

Carmen Martinez, City Clerk

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CITY COUNCIL REPORT

SUBJECT:
Recognition of Outstanding Educators

MEETING DATE:
February 22, 2011

TO: Mayor and Council

FROM: Pier Simeri, Community Relations Director (623) 333-1611

THROUGH: Charlie McClendon, City Manager

PURPOSE:

The Mayor and Council wish to recognize two outstanding school district superintendents and a grade-school principal for their recent noteworthy achievements.

BACKGROUND:

Within the City of Avondale, there are six school districts comprising approximately a dozen elementary, middle and high schools, as well as several private, charter and religious schools. The City Council recognizes the importance of promoting and sustaining a high quality of education in our community, and supports the efforts of local schools through initatives such as Kids at Hope, after-school and summer programs, resource support and programs through Avondale libraries and more. Additionally, Avondale Council members serve as ambassadors to each of the school districts, acting as liasions between the city and the school district they represent. The City realizes that the city's future is dependent in part upon the success of its schools.

DISCUSSION:

The city is proud of the achievements in each of its schools. Recently, two Avondale school district superintendents were honored by the American Association of School Adminstrators. Dr. Roger Freeman, Superintendent of Littleton Elementary School, was named Outstanding Superintendent of the Year (mid-sized district), while Dr. Cathy Stafford, Superintendent of Avondale Elementary School District, was named Outstanding Superintendent of the Year (large-sized district)

Additionally, Randy Watkins, Principal of Michael Anderson School in the Avondale Elementary School District was selected as one of 11 Rodel Exemplary Principal finalists, for his ability to inspire his staff to contribute to the success and development of a safe, high-achieving campus.

The achievements of these three individuals were highlighted in recent newspaper articles. The City Council wishes to recognize these three outstanding educators for showing the entire state that Avondale and the West Valley strive to provide opportunities to educate children to the highest standards.

BUDGETARY IMPACT:

None

RECOMMENDATION:

The Mayor and Council will recognize Dr. Roger Freeman, Dr. Cathy Stafford and Randy Watkins for their outstanding efforts.

ATTACHMENTS:

Click to download

No Attachments Available

CITY COUNCIL REPORT

SUBJECT:
APPROVAL OF MINUTES

MEETING DATE:
February 22, 2011

TO: Mayor and Council

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

THROUGH: Charlie McClendon, City Manager

PURPOSE:

1. Work Session of February 7, 2011
2. Regular Meeting of February 7, 2011

ATTACHMENTS:

Click to download

No Attachments Available

CITY COUNCIL REPORT

SUBJECT:
Liquor License Series 12 (Restaurant) - Carrabba's Italian Grill 5305

MEETING DATE:
February 22, 2011

TO: Mayor and Council

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

THROUGH: Charlie McClendon, City Manager

PURPOSE:

City Council will consider a request from Ms. Amy Nations for a Series 12 (Restaurant) License to sell all spirituous liquors at Carrabba's Italian Grill 5305 located at 9920 W McDowell Road in Avondale.

DISCUSSION:

The City Clerk's Department has received an application for a Series 12 Restaurant license to sell all spirituous liquors from Ms. Amy Nations for a Series 12 Restaurant License to sell all spirituous liquors at Carrabba's Italian Grill 5305 located at 9920 W McDowell Road in Avondale. The establishment has been licensed by the City and State since 2004. The new license was submitted due to changes in the parent company's corporate structure.

As required by state law and city ordinance, the application was posted for the required period of time starting January 31, 2011 and a notice was published in the West Valley View on January 28 and February 1, 2011 No comments were received.

The Arizona Department of Liquor License and Control has accepted the submitted application as complete.

The Development Services, Finance, Fire and Police Departments have reviewed the application and are recommending approval. Their comments are attached.

RECOMMENDATION:

Staff is recommending approval of the application submitted by Ms. Amy Nations for a Series 12 (Restaurant) License to sell all spirituous liquors at Carrabba's Italian Grill 5305 located at 9920 W McDowell Road in Avondale.

ATTACHMENTS:

Click to download

- Application
- Departmental Review
- Posting Photographs
- Vicinity Map

Arizona Department of Liquor Licenses and Control
800 West Washington, 5th Floor
Phoenix, Arizona 85007
www.azliquor.gov
602-542-5141

APPLICATION FOR LIQUOR LICENSE

TYPE OR PRINT WITH BLACK INK

Notice: Effective Nov. 1, 1997, All Owners, Agents, Partners, Stockholders, Officers, or Managers actively involved in the day to day operations of the business must attend a Department approved liquor law training course or provide proof of attendance within the last five years. See page 5 of the Liquor Licensing requirements.

SECTION 1 **This application is for a:**

- ☐ MORE THAN ONE LICENSE
- ■ INTERIM PERMIT ***Complete Section 5***
- ■ NEW LICENSE ***Complete Sections 2, 3, 4, 13, 14, 15, 16***
- ☐ PERSON TRANSFER (Bars & Liquor Stores ONLY) ***Complete Sections 2, 3, 4, 11, 13, 15, 16***
- ☐ LOCATION TRANSFER (Bars and Liquor Stores ONLY) ***Complete Sections 2, 3, 4, 12, 13, 15, 16***
- ☐ PROBATE/WILL ASSIGNMENT/DIVORCE DECREE ***Complete Sections 2, 3, 4, 9, 13, 16*** (fee not required)
- ☐ GOVERNMENT ***Complete Sections 2, 3, 4, 10, 13, 15, 16***

SECTION 2 **Type of ownership:**

- ☐ J.T.W.R.O.S. ***Complete Section 6***
- ☐ INDIVIDUAL ***Complete Section 6***
- ☐ PARTNERSHIP ***Complete Section 6***
- ☐ CORPORATION ***Complete Section 7***
- ■ LIMITED LIABILITY CO. ***Complete Section 7***
- ☐ CLUB ***Complete Section 8***
- ☐ GOVERNMENT ***Complete Section 10***
- ☑ TRUST ***Complete Section 6***
- ☐ OTHER (Explain) _____

SECTION 3 **Type of license and fees** **LICENSE #(s):** 12078611

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

2. Total fees attached: $ _____ (Department Use Only)

APPLICATION FEE AND INTERIM PERMIT FEES (IF APPLICABLE) ARE NOT REFUNDABLE

The fees allowed under A.R.S. 44-6852 will be charged for all dishonored checks.

SECTION 4 **Applicant**

1. Owner/Agent's Name: Mr. / Ms. Nations (Last) Amy (First) S. (Middle) P 1041597
(Insert one name ONLY to appear on license)

2. Corp./Partnership/L.L.C.: Carrabba's Italian Grill, LLC B 1045242
(Exactly as it appears on Articles of Inc. or Articles of Org.)

3. Business Name: Carrabba's Italian Grill 5305 B 1030183
(Exactly as it appears on the exterior of premises)

4. Principal Street Location 9920 W. McDowell (Do not use PO Box Number) Avondale (City) Maricopa (County) 85323 (Zip)

5. Business Phone: 623-936-0597 Daytime Contact: _____

6. Is the business located within the incorporated limits of the above city or town? ■ YES ☐ NO

7. Mailing Address: P.O. Box 2502 Chandler (City) Arizona (State) 85244-2502 (Zip)

8. Price paid for license only bar, beer and wine, or liquor store: Type _____ $_____ Type _____ $_____

DEPARTMENT USE ONLY

Fees: 100. (Application) 100. (Interim Permit) _____ (Agent Change) _____ (Club) 24.00 (Finger Prints $) 224.00 **TOTAL OF ALL FEES**

Is Arizona Statement of Citizenship & Alien Status For State Benefits complete? ☐ YES ☒ NO on file

Accepted by: M.C Date: 12/10/2010 Lic. # 12078611

July 2010 ***Disabled individuals requiring special accommodation, please call (602) 542-9027.**

SECTION 5 Interim Permit:

1. If you intend to operate business when your application is pending you will need an Interim Permit pursuant to A.R.S. 4-203.01.
2. There **MUST** be a valid license of the same type you are applying for currently issued to the location.
3. Enter the license number currently at the location. 12075734
4. Is the license currently in use? ☒ YES ☐ NO If no, how long has it been out of use? _____

ATTACH THE LICENSE CURRENTLY ISSUED AT THE LOCATION TO THIS APPLICATION.

I, Amy S. Nations (Print full name), declare that I am the CURRENT OWNER, AGENT, CLUB MEMBER, PARTNER, MEMBER, STOCKHOLDER, OR LICENSEE (circle the title which applies) of the stated license and location.

X Amy Nations (Signature)

My commission expires on: _____

MARION BUSTAMANTE
Notary Public - Arizona
Maricopa County
My Commission Expires
January 9, 2012

State of Arizona County of Maricopa

The foregoing instrument was acknowledged before me this 27th (Day) day of October (Month), 2010 (Year)

Marion Bustamante
(Signature of NOTARY PUBLIC)

SECTION 6 Individual or Partnership Owners:

EACH PERSON LISTED MUST SUBMIT A COMPLETED QUESTIONNAIRE (FORM LIC0101), AN "APPLICANT" TYPE FINGERPRINT CARD, AND $24 PROCESSING FEE FOR EACH CARD.

1. Individual:

Last	First	Middle	% Owned	Mailing Address	City State Zip

Partnership Name: (Only the first partner listed will appear on license) _____

General-Limited	Last	First	Middle	% Owned	Mailing Address	City State Zip
☐ ☐						
☐ ☐						
☐ ☐						
☐ ☐						

(ATTACH ADDITIONAL SHEET IF NECESSARY)

2. Is any person, other than the above, going to share in the profits/losses of the business? ☐ YES ☐ NO
If Yes, give name, current address and telephone number of the person(s). Use additional sheets if necessary.

Last	First	Middle	Mailing Address	City, State, Zip	Telephone#

'10 DEC 15 LIC 4:15 PM 2:04

SECTION 7 Corporation/Limited Liability Co.:

EACH PERSON LISTED MUST SUBMIT A COMPLETED QUESTIONNAIRE (FORM LIC0101), AN "APPLICANT" TYPE FINGERPRINT CARD, AND $24 PROCESSING FEE FOR EACH CARD.

☐ CORPORATION ***Complete questions 1, 2, 3, 5, 6, 7, and 8.***

■ L.L.C. ***Complete 1, 2, 4, 5, 6, 7, and 8.***

1. Name of Corporation/L.L.C.: Carrabba's Italian Grill, LLC
   (Exactly as it appears on Articles of Incorporation or Articles of Organization)
2. Date Incorporated/Organized: 06/14/2007 State where Incorporated/Organized: Florida
3. AZ Corporation Commission File No.: _____ Date authorized to do business in AZ: _____
4. AZ L.L.C. File No: R-16295479 Date authorized to do business in AZ: 09/29/2010
5. Is Corp./L.L.C. Non-profit? ☐ YES ■ NO
6. List all directors, officers and members in Corporation/L.L.C.:

Last	First	Middle	Title	Mailing Address	City State Zip
OSI Restaurant Parners, LLC			Managing Member	2202 N. West Shore Blvd. 5th Floor	Tampa, Florida 33607
Montgomery	Dirk	Andrew	CFO Vice Pres.	11824 Shire Wycliffe Court	Tampa, Florida 33626
Kadow	Joseph	John	Vice Pres. Secretary	850 S. Newport Avenue	Tampa, Florida 33606

(ATTACH ADDITIONAL SHEET IF NECESSARY)

7. List stockholders who are controlling persons or who own 10% or more:

Last	First	Middle	% Owned	Mailing Address	City State Zip
OSI Restaurant Partners, LLC			100%	2202 N. West Shore Blvd. 5th Floor	Tampa, Florida 33607

(ATTACH ADDITIONAL SHEET IF NECESSARY)

8. If the corporation/L.L.C. is owned by another entity, attach a percentage of ownership chart, and a director/officer/member disclosure for the parent entity. Attach additional sheets as needed in order to disclose personal identities of all owners.

SECTION 8 Club Applicants:

EACH PERSON LISTED MUST SUBMIT A COMPLETED QUESTIONNAIRE (FORM LIC0101), AN "APPLICANT" TYPE FINGERPRINT CARD, AND $24 PROCESSING FEE FOR EACH CARD.

1. Name of Club: _____ Date Chartered: _____
   (Exactly as it appears on Club Charter or Bylaws) (Attach a copy of Club Charter or Bylaws)
2. Is club non-profit? ☐ YES ☐ NO
3. List officer and directors:

Last	First	Middle	Title	Mailing Address	City State Zip

(ATTACH ADDITIONAL SHEET IF NECESSARY)

BAIN CAPITAL OSI IX COINVESTMENT LP
13.99%
Andrew Balson- Authorized Manager
No One Owns Over 10%

BAIN CAPITAL OSI IX LP
49.39%
Andrew Balson- Authorized Manager
No One Owns Over 10%

KANGAROO HOLDINGS INC. P1003895
Elizabeth A. Smith-Director & CEO
Dirk A. Montgomery-CFO & VP
Joseph J. Kadow- Chief Officer, Exec. VP & Secretary
100%

OSI HOLDCO II, INC. P1054086
Andrew Balson-Manager
Dirk A. Montgomery-CFO & VP
Joseph J. Kadow- Chief Officer, Exec. VP & Secretary
100%

OSI HOLDCO I, INC.
Andrew Balson-Manager
Dirk A. Montgomery-CFO & VP
Joseph J. Kadow- Chief Officer, Exec. VP & Secretary
100%

OSI HOLDCO, INC.
Andrew Balson-Manager
Dirk A. Montgomery-CFO & VP
Joseph J. Kadow- Chief Officer, Exec. VP & Secretary
100%

OSI RESTAURANT PARTNERS LLC.
Elizabeth A. Smith- CEO & Manager
Dirk A. Montgomery-CFO & VP
Joseph J. Kadow- Chief Officer, Exec. VP & Secretary
100%

CARRABBA'S ITALIAN GRILL LLC
Dirk A. Montgomery-CFO & VP
Joseph J. Kadow- Chief Officer, Exec. VP & Secretary

'10 DEC 15 L3P. LIC. PM 2:04

AZ Corp. Commission

03254405

1. The company name must contain an ending which may be "limited liability company," "limited company," or the abbreviations "L.L.C.", "L.C.", "LLC" or "LC". If you are the holder or assignee of a trade name, attach a copy of the trade name certificate. If your name is not available for use in Arizona, you must adopt a fictitious name and provide a resolution adopting the fictitious name. The resolution must be signed by a member or by a manager, whichever is applicable.

2. Provide the name of the state or country under whose laws your company was formed.

3. Provide the date on which your company was formed or organized in the state or country of formation.

4. Provide the general character of business you plan to transact in Arizona.

5. The statutory agent must provide a street address. If statutory agent has a P.O. Box, then they must also provide a street address/location.

The agent must consent to the appointment by signing the consent.

APPLICATION FOR REGISTRATION OF A FOREIGN LIMITED LIABILITY COMPANY

Pursuant to A.R.S. §29-602

1. The name of the foreign limited liability company is:

Carrabba's Italian Grill, LLC

1. a. If the exact name of the foreign limited liability company is not available for use in this state or does not meet the requirements of A.R.S. § 29-602, then the fictitious name adopted for use by the limited liability company in Arizona is:

_____ (FN)

2. The company is organized under the laws of: Florida
(State or Country)

3. The date of the company's formation is: 1/13/1995

4. The purpose of the company or the general character of business it proposes to transact in Arizona is:

Restaurant Company

5. The name and street address of the statutory agent for the foreign limited liability company in Arizona is:

CT Corporation System

2394 East Camelback Road

Phoenix, AZ 85016

'10 DEC 15 LIQ. LIC. PM 2:04

ACCEPTANCE OF APPOINTMENT BY STATUTORY AGENT

I, CT Corporation System (print name), having been designated to act as statutory agent, hereby consent to act in that capacity until removed or resignation is submitted in accordance with the Arizona Revised Statutes.

Signature

Madonna Cuddihy
Special Assistant Secretary

If signing on behalf of a company, print company name here

AZ CORPORATION COMMISSION
FILED

SEP 24 2010

FILE NO. R-16295479

6. Check A or B to show which management structure will be applicable to your company. Provide name and address for each person, and check whether they are member, manager, or both.

7. If the state or country of formation does not require an address to be maintained, provide the street address of the statutory agent in the state or country of formation.

The application must be signed by a member or manager, as applicable, or by a duly authorized agent.

Attach a certificate of existence or document of similar import duly authenticated within 60 days of its delivery to the A.C.C. by the official having custody of corporate records in the state or country under whose laws the LLC is formed.

6. Management Structure (check A or B):

A ☐ Management of the limited liability company is vested in a manager or managers. Give the name and address of each and every manager AND of each and every member who owns a twenty percent or greater interest in the capital or profits of the limited liability company, and check off member and/or manager.

Name: _____ [ ] member [ ] manager
Address: _____
City, State, Zip: _____

Name: _____ [ ] member [ ] manager
Address: _____
City, State, Zip: _____

Name: _____ [ ] member [ ] manager
Address: _____
City, State, Zip: _____

Name: _____ [ ] member [ ] manager
Address: _____
City, State, Zip: _____

B ☒ Management of the limited liability company is reserved to the members. Give the name and address of each and every member.

Name: OSI Restaurant Partners, LLC
Address: 2202 N West Shore Blvd., 5th Floor
City, State, Zip: Tampa, FL 33607

Name: _____
Address: _____
City, State, Zip: _____

Name: _____
Address: _____
City, State, Zip: _____

Name: _____
Address: _____
City, State, Zip: _____

7. Give the address of the office required to be maintained in the state or country of formation.
2202 N West Shore Blvd., 5th Floor
Tampa, FL 33607

Signed this 20 day of September, 2010.

Signature

Joseph J. Kadow
Print Name (check one) ☐ Member ☐ Manager ☒ Authorized Agent

PHONE: 813-282-1225 FAX: 813-387-8393

'10 DEC 15 Lic. Lic. PM 2:04

FLORIDA DEPARTMENT OF STATE
Division of Corporations

June 14, 2007

TRICIA TADLOCK
CORPDIRECT AGENTS
TALLAHASSEE, FL

Re: Document Number L07000062830

The Certificate of Conversion and Articles of Organization were filed June 14, 2007, with an organizational date deemed effective January 13, 1995, for CARRABBA'S ITALIAN GRILL, LLC, the resulting Florida Limited Liability Company.

The certification you requested is enclosed. A limited liability company annual report will be due this office between January 1 and May 1 of the year following the calendar year of the file date. A Federal Employer Identification (FEI)number may be required before this report can be filed. Please apply NOW with the Internal Revenue Service by calling 1-800-829-3676 and requesting form SS-4.

Should you have any further questions concerning this matter, please feel free to call (850) 245-6051, the Registration Filing Section.

Buck Kohr
Document Specialist
Division of Corporations

Letter Number: 107A00040083

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State of Florida

Department of State

I certify the attached is a true and correct copy of the Certificate of Conversion and Articles of Organization, filed on June 14, 2007, with an organizational date deemed effective January 13, 1995, for CARRABBA'S ITALIAN GRILL, LLC, the resulting Florida Limited Liability Company, as shown by the records of this office.

The document number of this entity is L07000062830.

Given under my hand and the
Great Seal of the State of Florida
at Tallahassee, the Capitol, this the
Fourteenth day of June, 2007

Kurt S. Browning
Secretary of State

CR2EO22 (01-07)

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FILED
07 JUN 14 PM 2:40
SECRETARY OF STATE
TALLAHASSEE, FLORIDA

Certificate of Conversion
For
Carrabba's Italian Grill, Inc.
Into
Carrabba's Italian Grill, LLC

This Certificate of Conversion and attached Articles of Organization are submitted to convert Carrabba's Italian Grill, Inc., into a limited liability company in accordance with s. 608.439, Florida Statutes.

Carrabba's Italian Grill, Inc., is a corporation first incorporated under the laws of Florida on January 13, 1995, and remains unchanged as of the date of this Certificate.

The name of the Florida limited liability company as set forth in the attached Articles of Organization is Carrabba's Italian Grill, LLC.
*
Signed this 14th day of June 2007.

JOSEPH J. KADOW, Authorized Representative

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* The corporation was converted in compliance with ss. 607-1112-607.1115, FS, and a plan of conversion was approved by the corporation's board of directors and its shareholders in accordance with Chapter 607, FS. The principal address of the resulting Florida limited liability company will be 2202 N. West Shore Blvd., 5th Floor, Tampa, Florida 33607. The resulting Florida limited liability company will pay shareholders of the corporation with appraisal rights (if applicable) pursuant to ss. 607.1301-1333, Florida Statutes.

ARTICLES OF ORGANIZATION
FOR
CARRABBA'S ITALIAN GRILL, LLC

ARTICLE I – Name

The name of the Limited Liability Company is: Carrabba's Italian Grill, LLC

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07 JUN 14 PM 2:40
SECRETARY OF STATE
TALLAHASSEE, FLORIDA

ARTICLE II – Address

The principal office's mailing and street address of the Limited Liability Company is:

2202 N. West Shore Blvd., 5th Floor
Tampa, FL 33607

ARTICLE III – Registered Agent, Registered Office and Registered Agent's Signature

The name and the Florida street address of the registered agent are:

Joseph J. Kadow
2202 N. West Shore Blvd., 5th Floor
Tampa, FL 33607

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Having been named as registered agent and to accept service of process for the above-stated limited liability company at the place designated in this certificate, I hereby accept the appointment as registered agent and agree to act in this capacity. I further agree to comply with the provisions of all statutes relating to the proper and complete performance of my duties, and I am familiar with and accept the obligations of my position as registered agent as provided for in Chapter 608, F.S.

_____
Registered Agent's Signature

ARTICLE IV – Manager(s) or Managing Member(s)

The name and address for the sole Managing Member are as follows:

OSI Restaurant Partners, LLC
2202 N. West Shore Blvd., 5th Floor
Tampa, FL 33607

The effective date shall be the date of filing.

SOLE MANAGING MEMBER:
OSI RESTAURANT PARTNERS, LLC

By: _____
Joseph J. Kadow, Authorized Representative

OPERATING AGREEMENT

THIS OPERATING AGREEMENT (this "Agreement") of Carrabba's Italian Grill, LLC, a Florida limited liability company (the "Company") is entered into as of the 14th day of June, 2007, by the Company and OSI Restaurant Partners, LLC, a Delaware limited liability company, as a member (the "Member").

The Member in order to form a limited liability company pursuant to and in accordance with the Florida Limited Liability Company Act, as amended from time to time (Florida Statutes, Chapter 608) (the "Act"), hereby agrees with the Company as follows:

Section 1. Formation, etc.

The Company was originally formed as a Florida corporation. The Company was converted from a Florida corporation into a Florida limited liability company pursuant to the Act by the filing of the Certificate of Conversion (as defined below) with the Department of State of Florida on June 14th, 2007 (the "Effective Date"). The rights, duties and liabilities of the Member shall be determined pursuant to the Act and this Agreement. To the extent that the provisions of this Agreement pertaining to such rights, duties, liabilities or any other matters herein vary from, supplant or supplement those provisions of the Act pertaining to such matters, then this Agreement shall, to the fullest extent permitted by the Act, control. By execution hereof, the member is admitted as a member of the Company and shall acquire a limited liability interest in the Company, effective as of the Effective Date.

Section 2. Name.

The name of the limited liability company shall be Carrabba's Italian Grill, LLC.

Section 3. Member.

The name and the business, residence or mailing addresses of the Member is as follows:

Name	Address
OSI Restaurant Partners, LLC	2202 North West Shore Boulevard Suite 500 Tampa, Florida 33607

Section 4. Registered Office/Registered Agent.

The address of the registered office of the Company in the State of Florida, and the name and address of the registered agent of the Company for service of process on the Company in the State of Florida, is c/o CT Corporation System, 1200 South Pine Island Road, Plantation, Florida 33324.

Section 5. Certificate of Conversion.

Each of the Member and Joseph J. Kadow is hereby designated as an authorized person within the meaning of the Act to execute, deliver and file the certificate of conversion of the

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Company (the "Certificate of Conversion"), and to execute, deliver and file any amendments or restatements of the Certificate or any certificate of cancellation of the Certificate.

Section 6. Purpose/Powers.

The Company is formed for the object and purpose of, and the nature of the business to be conducted and promoted by the Company is, engaging in any lawful act or activity for which limited liability companies may be formed under the Act and engaging in any and all activities necessary or incidental to the foregoing. The Company shall have the power and authority to do any and all acts necessary or convenient to or in furtherance of said purposes, including all power and authority, statutory or otherwise, possessed by, or which may be conferred upon, limited liability companies under the laws of the State of Florida.

Section 7. Management.

Management, operation and policy of the Company shall be vested exclusively in the Member, and there shall be no "manager" within the meaning of the Act. The Member, acting through its duly authorized agents, is authorized and empowered on behalf and in the name of the Company to perform all acts and engage in all activities and transactions which it may in its sole discretion deem necessary or advisable in order to cause the Company to carry out its purpose and exercise the powers granted to the Company hereunder and under the Act. The Member is an agent of the Company and the actions of such Member in such capacity shall be binding on the Company without liability to the Member so acting.

Section 8. Agents.

The Member by written instrument signed by the Member shall have the power to appoint agents to act for the Company with such titles as the Member deems appropriate and to delegate to such agents such of the powers as are held by the Member hereunder as the Member may determine. The Member by written instrument signed by the Member may, in the sole discretion of the Member, ratify any act previously taken by an agent acting on behalf of the Company. Except as provided in this Section 8, the Member shall be the sole person with the power to bind the Company.

Section 9. Reliance by Third Parties.

Any person or entity dealing with the Company or the Member may rely upon a certificate signed by the Member as to: (a) the identity of the Member, (b) the existence or non-existence of any fact or facts which constitute a condition precedent to acts by the Member or are in any other manner germane to the affairs of the Company, (c) the persons who or entities which are authorized to execute and deliver any instrument or document of or on behalf of the Company or (d) any act or failure to act by the Company or as to any other matter whatsoever involving the Company or the Member.

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Section 10. Capital Contributions.

The Member has contributed $100.00 in cash, as its initial capital contribution to the Company. The Member may make, but shall not be required to make, additional capital contributions to the Company.

Section 11. Units; Member Interest Certificate.

The entire interest of the Member in the capital and profits of the Company, including the right of the Member to any and all benefits to which the Member may be entitled as provided in this Agreement and the Act, together with the obligations of the Member to comply with all the terms and provisions of this Agreement (the Member's "Interest") shall be divided into 100 Units. The Member shall receive a certificate stating the number of Units held by the Member in such form as shall, in conformity with law and this Agreement, be prescribed from time to time by the Member (a "Member Interest Certificate"), and the Company shall maintain a record of the ownership of Interests which shall be amended from time to time to reflect transfers of ownership of Interests.

Section 12. Interest as Securities.

The Member's Interest shall constitute a "security" within the meaning of, and governed by, (i) Article 8 of the Uniform Commercial Code (including Section 102(a)(15) thereof) as in effect from time to time in the State of Florida, and (ii) Article 8 of the Uniform Commercial Code of any other applicable jurisdiction that now or hereafter substantially includes the 1994 revisions to Article 8 thereof as adopted by the American Law Institute and the National Conference of Commissioners on Uniform State Laws and approved by the American Bar Association on February 14, 1995. Notwithstanding any provision of this Agreement to the contrary, to the extent that any provision of this Agreement is inconsistent with any non-waivable provision of Article 8 of the Uniform Commercial Code as in effect in the State of Florida (Florida Statutes, Sections 678.0111, et seq.) (the "UCC"), such provision of Article 8 of the UCC shall control.

Section 13. Taxation.

It is the intent of the Member that since the Company has a single member, the Company shall be disregarded as an entity separate from the Member for federal tax purposes.

Section 14. Allocation of Profits and Losses.

The Company's profits and losses shall be allocated to the Member.

Section 15. Distributions.

Distributions shall be made to the Member at the times and in the aggregate amounts determined by the Member.

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Section 16. Dissolution.

The Company shall have perpetual existence unless it shall be dissolved and its affairs shall have been wound up upon (a) the election of the Member, which shall be evidenced by a writing signed by the Member, or (b) the entry of a decree of judicial dissolution under Section 608.441(3) of the Act. For the avoidance of doubt, none of the events described in Section 608.4237 of the Act shall cause the Member to cease to be a member of the Company.

Section 17. Indemnification.

To the fullest extent permitted bylaw, the Company shall indemnify, defend and hold harmless the Member, the Member's officers, directors, partners, members, shareholders, employees, accountants, counsel and agents, and the employees, officers, accountants, counsel and agents of the Company (all indemnified persons being referred to as "Indemnified Persons" for purposes of this Section 17), from any liability, loss or damage incurred by the Indemnified Person by reason of any act performed or omitted to be performed by the Indemnified Person in connection with the business of the Company and from liabilities or obligations of the Company imposed on such Indemnified Person by virtue of such Indemnified Person's position with the Company, including reasonable attorney's fees and costs and any amounts expended in the settlement of any such claims of liability, loss or damage.

Section 18. Assignments.

The Member may assign its limited liability company interest to any person, which person shall become a Member upon the transfer of the Member Interest Certificate and the recording of such transfer in the records of the company.

Section 19. Amendments.

This Agreement may be amended or restated in writing from time to time by the Member.

Section 20. Liability of Member.

The Member shall not have any liability for any obligations or liabilities of the Company.

Section 21. Governing Law.

This Agreement shall be governed by, and construed under, the laws of the State of Florida, all rights and remedies being governed by said laws.

Section 22. Entire Operating Agreement.

This Agreement constitutes the entire "operating agreement" of the Company for purposes of the Act, and it shall supersede all prior agreements and understandings pertaining thereto. For the avoidance of doubt, this Agreement shall not be deemed amended or modified by any oral statements or undertakings or any course of dealing or similar principles of contract law.

[*Remainder of page intentionally left blank*]

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IN WITNESS WHEREOF, the undersigned, intending to be legally bound hereby, has duly executed this Agreement as of the date and year first above written.

CARRABBA'S ITALIAN GRILL, LLC

By: _____
Joseph J. Kadow, a Duly Authorized Person

OSI RESTAURANT PARTNERS, LLC

By: _____
Joseph J. Kadow, a Duly Authorized Person

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SECTION 9 Probate, Will Assignment or Divorce Decree of an existing Bar or Liquor Store License:

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

2. Assignee's Name: _____
Last First Middle

3. License Type: _____ License Number: _____ Date of Last Renewal: _____

4. ATTACH TO THIS APPLICATION A CERTIFIED COPY OF THE WILL, PROBATE DISTRIBUTION INSTRUMENT, OR DIVORCE DECREE THAT SPECIFICALLY DISTRIBUTES THE LIQUOR LICENSE TO THE ASSIGNEE TO THIS APPLICATION.

SECTION 10 Government: (for cities, towns, or counties only)

1. Governmental Entity: _____

2. Person/designee: _____ _____
Last First Middle Contact Phone Number

A SEPARATE LICENSE MUST BE OBTAINED FOR EACH PREMISES FROM WHICH SPIRITUOUS LIQUOR IS SERVED.

SECTION 11 Person to Person Transfer:

Questions to be completed by CURRENT LICENSEE (Bars and Liquor Stores ONLY-Series 06,07, and 09).

1. Current Licensee's Name: _____ Entity: _____
(Exactly as it appears on license) Last First Middle (Indiv., Agent, etc.)

2. Corporation/L.L.C. Name: _____
(Exactly as it appears on license)

3. Current Business Name: _____
(Exactly as it appears on license)

4. Physical Street Location of Business: Street _____
City, State, Zip _____

5. License Type: _____ License Number: _____

6. If more than one license to be transfered: License Type: _____ License Number: _____

7. Current Mailing Address: Street _____
(Other than business)
City, State, Zip _____

8. Have all creditors, lien holders, interest holders, etc. been notified of this transfer? ☐ YES ☐ NO

9. Does the applicant intend to operate the business while this application is pending? ☐ YES ☐ NO If yes, complete Section 5 of this application, attach fee, and current license to this application.

10. I, _____, hereby authorize the department to process this application to transfer the
(print full name)
privilege of the license to the applicant, provided that all terms and conditions of sale are met. Based on the fulfillment of these conditions, I certify that the applicant now owns or will own the property rights of the license by the date of issue.

I, _____, declare that I am the CURRENT OWNER, AGENT, MEMBER, PARTNER
(print full name)
STOCKHOLDER, or LICENSEE of the stated license. I have read the above Section 11 and confirm that all statements are true, correct, and complete.

_____ State of _____ County of _____
(Signature of CURRENT LICENSEE) The foregoing instrument was acknowledged before me this

_____ _____
Day Month Year

My commission expires on: _____

_____
(Signature of NOTARY PUBLIC)

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SECTION 12 Location to Location Transfer: (Bars and Liquor Stores ONLY)

APPLICANTS CANNOT OPERATE UNDER A LOCATION TRANSFER UNTIL IT IS APPROVED BY THE STATE

1. Current Business: (Exactly as it appears on license) Name _____
   Address _____
2. New Business: (Physical Street Location) Name _____
   Address _____
3. License Type: _____ License Number: _____
4. If more than one license to be transferred: License Type: _____ License Number: _____
5. What date do you plan to move? _____ What date do you plan to open? _____

SECTION 13 Questions for all in-state applicants excluding those applying for government, hotel/motel, and restaurant licenses (series 5, 11, and 12):

A.R.S. § 4-207 (A) and (B) state that no retailer's license shall be issued for any premises which are at the time the license application is received by the director, within three hundred (300) horizontal feet of a church, within three hundred (300) horizontal feet of a public or private school building with kindergarten programs or grades one (1) through (12) or within three hundred (300) horizonal feet of a fenced recreational area adjacent to such school building. The above paragraph DOES NOT apply to:

a) Restaurant license (§ 4-205.02)
b) Hotel/motel license (§ 4-205.01)
c) Government license (§ 4-205.03)
d) Fenced playing area of a golf course (§ 4-207 (B)(5))

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1. Distance to nearest school: _____ ft. Name of school _____
   Address _____
   City, State, Zip
2. Distance to nearest church: _____ ft. Name of church _____
   Address _____
   City, State, Zip
3. I am the: ☒ Lessee ☐ Sublessee ☐ Owner ☐ Purchaser (of premises)
4. If the premises is leased give lessors: Name Inland Western Avondale McDowell, LLC
   Address 2901 Butterfield Road Oak Brook, IL. 60523
   City, State, Zip

4a. Monthly rental/lease rate $7,975.00 What is the remaining length of the lease 3 yrs. 2 mos.

4b. What is the penalty if the lease is not fulfilled? $_____ or other Still owe lease term
(give details - attach additional sheet if necessary)

5. What is the total **business** indebtedness for this license/location excluding the lease? $_____
   Please list debtors below if applicable.

Last	First	Middle	Amount Owed	Mailing Address	City State	Zip

(ATTACH ADDITIONAL SHEET IF NECESSARY)

6. What type of business will this license be used for (be specific)? Restaurant

SECTION 13 - continued

7. Has a license or a transfer license for the premises on this application been denied by the state within the past one (1) year?
   ☐ YES ■ NO If yes, attach explanation.
8. Does any spirituous liquor manufacturer, wholesaler, or employee have any interest in your business? ☐ YES ■ NO
9. Is the premises currently licensed with a liquor license? ■ YES ☐ NO If yes, give license number and licensee's name:

License # 12075734 (exactly as it appears on license) Name Amy S. Nations

---

SECTION 14 Restaurant or hotel/motel license applicants:

1. Is there an existing restaurant or hotel/motel liquor license at the proposed location? ■ YES ☐ NO
   If yes, give the name of licensee, Agent or a company name:

   Nations (Last) Amy (First) S. (Middle) and license #: 12075734

2. If the answer to Question 1 is YES, you may qualify for an Interim Permit to operate while your application is pending; consult A.R.S. § 4-203.01; and complete SECTION 5 of this application.
3. All restaurant and hotel/motel applicants must complete a Restaurant Operation Plan (Form LIC0114) provided by the Department of Liquor Licenses and Control.
4. As stated in A.R.S. § 4-205.02.G.2, a restaurant is an establishment which derives at least 40 percent of its gross revenue from the sale of food. Gross revenue is the revenue derived from all sales of food and spirituous liquor on the licensed premises. By applying for this ☐ hotel/motel ☒ restaurant license, I certify that I understand that I must maintain a minimum of 40 percent food sales based on these definitions and have included the Restaurant Hotel/Motel Records Required for Audit (form LIC 1013) with this application.

   applicant's signature

   As stated in A.R.S § 4-205.02 (B), I understand it is my responsibility to contact the Department of Liquor Licenses and Control to schedule an inspection when all tables and chairs are on site, kitchen equipment, and, if applicable, patio barriers are in place on the licensed premises. With the exception of the patio barriers, these items are not required to be properly installed for this inspection. Failure to schedule an inspection will delay issuance of the license. If you are not ready for your inspection 90 days after filing your application, please request an extension in writing, specify why the extension is necessary and the new inspection date you are requesting. To schedule your site inspection visit www.azliquor.gov and click on the "Information" tab.

   applicants initials

SECTION 15 Diagram of Premises: (Blueprints not accepted, diagram must be on this form)

1. Check **ALL** boxes that apply to your business:

   ■ Entrances/Exits ■ Liquor storage areas Patio: ■ Contiguous
   ☐ Service windows ☐ Drive-in windows ☐ Non Contiguous

2. Is your licensed premises currently closed due to construction, renovation, or redesign? ☐ YES ■ NO
   If yes, what is your estimated opening date? _____ month/day/year
3. Restaurants and hotel/motel applicants are required to draw a detailed floor plan of the kitchen and dining areas including the locations of all kitchen equipment and dining furniture. Diagram paper is provided on page 7.
4. The diagram (a detailed floor plan) you provide is required to disclose only the area(s) where spiritous liquor is to be sold, served, consumed, dispensed, possessed, or stored on the premises unless it is a restaurant (see #3 above).
5. Provide the square footage or outside dimensions of the licensed premises. Please do not include non-licensed premises, such as parking lots, living quarters, etc.

As stated in A.R.S. § 4-207.01(B), I understand it is my responsibility to notify the Department of Liquor Licenses and Control when there are changes to boundaries, entrances, exits, added or deleted doors, windows or service windows,or increase or decrease to the square footage after submitting this initial drawing.

applicants initials

SECTION 15 **Diagram of Premises**

4. In this diagram please show only the area where spirituous liquor is to be sold, served, consumed, dispensed, possessed or stored. It must show all entrances, exits, interior walls, bars, bar stools, hi-top tables, dining tables, dining chairs, the kitchen, dance floor, stage, and game room. Do not include parking lots, living quarters, etc. When completing diagram, North is up ↑.

If a legible copy of a rendering or drawing of your diagram of premises is attached to this application, please write the words "diagram attached" in box provided below.

Diagram attached

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SECTION 16 **Signature Block**

I, Amy S. Nations, hereby declare that I am the OWNER/AGENT filing this
(print full name of applicant)
application as stated in Section 4, Question 1. I have read this application and verify all statements to be true, correct and complete.

X Amy Nations
(signature of applicant listed in Section 4, Question 1)

State of Arizona County of Maricopa

The foregoing instrument was acknowledged before me this

27th of October, 2010
Day Month Year

Miranda Bustamante
signature of NOTARY PUBLIC

My commission expires on _____
Day Month Year

MIRANDA BUSTAMANTE
Notary Public - Arizona
Maricopa County
My Commission Expires
January 9, 2013

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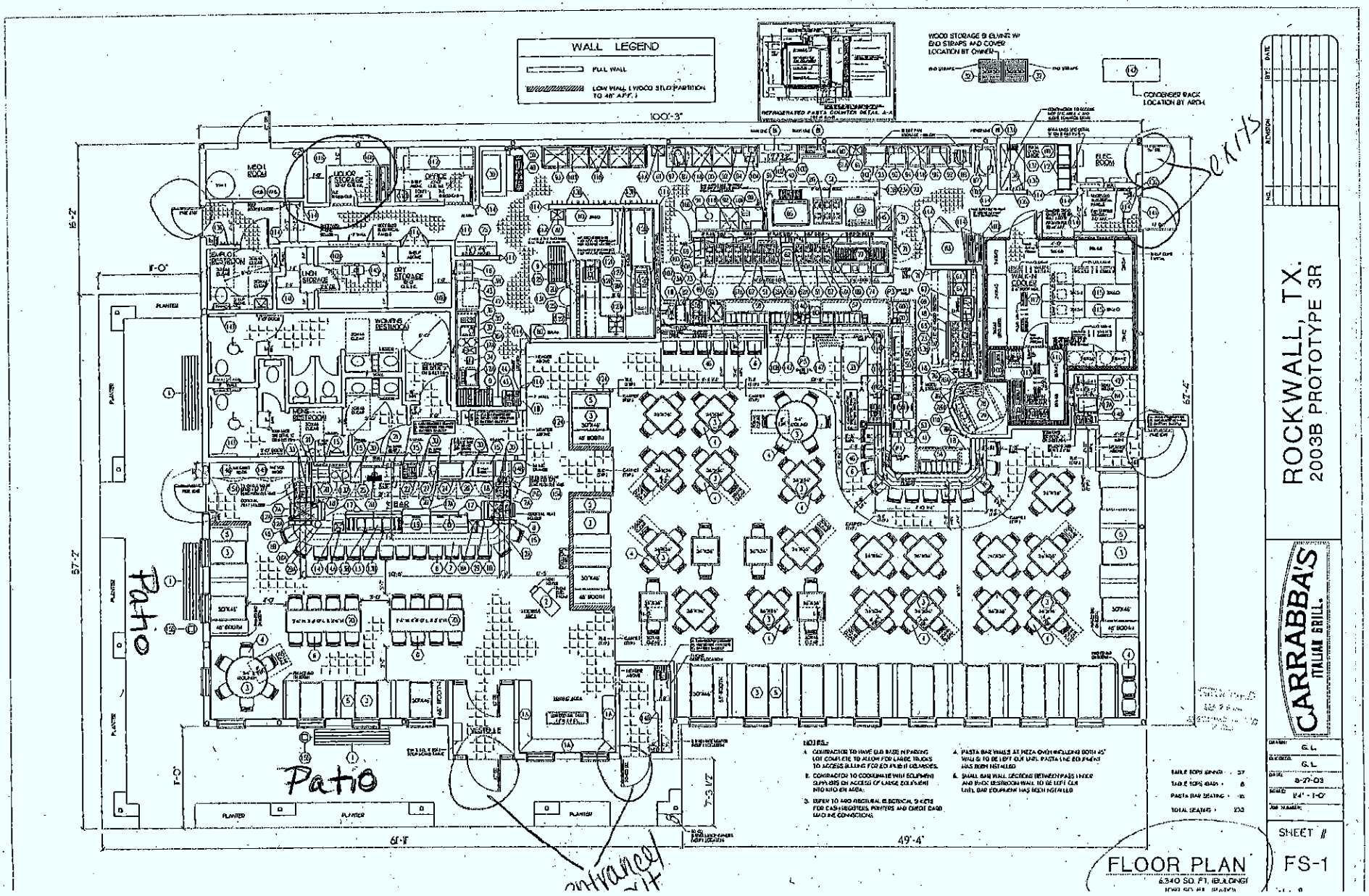

Print Form

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

800 W Washington 5th Floor
Phoenix, AZ 85007-2934
www.azliquor.gov
(602) 542-5141

RESTAURANT OPERATION PLAN

LICENSE # 12074011

1. List by Make, Model and Capacity of your :

Grill	Vulcan VCLB 60" 160,000 BTU
Oven	Woodstone Pizza Oven/Vulcan 481L
Freezer	American Panel 68"X96"
Refrigerator	American Panel 81"X210"
Sink	3 Hand, 2-4 Compartment (1 at bar), 1-2 Compartment, 1-1 Compartment
Dish Washing Facilities	Hobart C44A
Food Preparation Counter (Dimensions)	3 30"X60"
Other	Vulcan M636 - Oven 1 Burner Vulcan M648

2. Print the name ofyour restaurant: Carrabba's Italian Grill #5305

3. Attach a copy of your menu (Breakfast, Lunch and Dinner including prices).

4. List the seating capacity for:

   a. Restaurant area of your premises [170]

   b. Bar area of your premises [+ 56]

   c. Total area of your premises [226]

5. What type of dinnerware and utensils are utilized within your restaurant?
   ☑ Reusable ☐ Disposable

6. Does your restaurant have a bar area that is distinct and separate from the restaurant seating? (If yes, what percentage of the public floor space does this area cover). ☑ Yes 25 % ☐ No

7. What percentage of your public premises is used primarily for restaurant dining? (Does not include kitchen, bar,cocktail tables or game area.) 75 %

*Disabled individuals requiring special accommodations, please call (602) 542-9027

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8. Does your restaurant contain any games or television? ☑ Yes ☐ No
If yes, specify what types and how many of each type (Televisions, Pool tables, Video Games, Darts, etc).
4 Television's

9. Do you have live entertainment or dancing? ☐ Yes ☑ No
(If yes, what type and how often?)

10. Use space below or attach a list of employee positions and their duties to fully staff your business.

Prep Cooks
Line Cooks
Buspersons
Hostesses
Bartenders
Servers
Managers
Dishwashers

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

X Amy Nations
(Signature of APPLICANT)

State of Arizona County of Maricopa
The foregoing instrument was acknowledged before me this
27th day of October, 2010.
Day of Month Month Year

MIRANDA BUCHAMAN
Notary Public - Arizona
Maricopa County
My Commission Expires
January 8, 2012

My commission expires on:

Miranda Buch
(Signature of NOTARY PUBLIC)

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL
800 W Washington 5th Floor
Phoenix, AZ 85007-2934
www.azliquor.gov
(602) 542-5141

RECORDS REQUIRED FOR AUDIT
SERIES 11 (HOTEL/MOTELW/RESTAURANT AND SERIES 12 (RESTAURANT)

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

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

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

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B. Employee Log (A.R.S. §4-119)

C. Employee time cards (actual document used to sign in and out each work day)

D. Payroll records for all employees showing hours worked each week and hourly wages

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

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

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

C. All coupons/specials/discounts

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

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

A.R.S. §4-210(A)7

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

A.R.S. §4-205.02(G)

For the purpose of this section:

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

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I, (**print** licensee name):

Nations	Amy	S.
Last	First	Middle

have read and fully understand all aspects of this statement.

X _____ (Signature of Licensee)

State of Arizona County of Maricopa
The foregoing instrument was acknowledged before me this
27th (Day) day of October (Month), 2010 (Year)

My commission Expires on _____ (Day) _____ (Month) _____ (Year)

MIRANDA BUSTAMANTE
Notary Public - Arizona
Maricopa County
My Commission Expires
January 3, 2013

_____ (Signature of NOTARY PUBLIC)

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

This menu is provided solely for the benefit of our patrons and any duplication, reproduction or distribution of this menu in any form is strictly prohibited. This menu is copyrighted and contains trademarks which are federally protected.

CARRABBA'S ITALIAN GRILL

ANTIPASTI

Calamari
Served with marinara sauce or our spicy Italian pepper and lemon butter sauce
Small 7 / Regular 9.25

Mozzarella Marinara
Hand-breaded and lightly fried
Small 6 / Regular 8.5

Cozze in Bianco
Prince Edward Island mussels steamed in white wine, basil and lemon butter
Small 8 / Regular 11.5

Grilled Bruschette**
With the Chef's fresh toppings of the day
8

Shrimp Scampi
Sautéed with garlic, white wine and lemon butter
10

Zucchini Fritte
Lightly battered and fried, with roasted garlic aioli
Small 6 / Regular 8.5

Antipasti Plate
Our Calamari, Bruschette** and Mozzarella Marinara
11

ZUPPE & INSALATE

Italian Cobb Salad
Wood-grilled chicken with mixed field greens, egg, bacon and grape tomatoes sprinkled with blue cheese in our vinaigrette
11
Substitute Shrimp 2 / Sirloin 2.5 / Salmon 3.5

Insalata Carrabba Caesar
Wood-grilled chicken or shrimp in our own caesar dressing
11 / 13

Insalata Johnny Rocco
Grilled shrimp and scallops, roasted red peppers, olives and ricotta salata in vinaigrette
13

Insalata Fiorucci
Artichoke hearts, roasted red peppers and grilled eggplant in vinaigrette, topped with a hazelnut goat cheese medallion
11

Specialty Soups
Soup of the Day, Minestrone or Mama Mandola's Sicilian Chicken Soup
Cup 4 / Bowl 6

Side Salads
House, Italian or Caesar
5.5
Add crumbled blue cheese 1.3

BRICK-OVEN PIZZA

We prepare all of our pizzas with flavorful, fresh toppings, and bake at 600° in our brick oven.

Pepperoni
A classic Italian favorite, with spicy pepperoni and mozzarella
9.5

Margherita
Vine-ripe Roma tomatoes, basil, extra virgin olive oil and mozzarella
9

Quattro Formaggi
Sundried tomatoes, extra virgin olive oil, romano, mozzarella, fontina and goat cheese
9.5

Italian Chicken
Grilled chicken in our Italian-style sweet and sour sauce with pine nuts, scallions, romano, fontina and mozzarella
10

Build Your Own
Choose up to 3 toppings:
Italian sausage, pepperoni, meatballs, kalamata olives, mushrooms, sweet peppers, onions, tomatoes, sundried tomatoes
11

CLASSICS & COMBINATIONS

Served with a cup of our specialty soup or a side salad, and your choice of the vegetable of the day, garlic mashed potatoes or cavatappi amatriciana.

"The Johnny" - 19
Sirloin Marsala* and Chicken Bryan

Italian Classics - 15.5
Chicken Parmesan and Lasagne

Chicken Trio - 19
Bryan, Marsala and Rosa Maria

Chicken Parmesan
Small 14.5 / Regular 16.5
Sautéed and topped with pomodoro and mozzarella

Veal Piccata* - Small 15 / Regular 17
Sautéed and topped with lemon butter sauce

WOOD-BURNING GRILL

Chicken Bryan
Topped with goat cheese, sundried tomatoes and basil lemon butter sauce
Small 14.5 / Regular 16.5

Pollo Rosa Maria
Stuffed with fontina and prosciutto, topped with mushrooms and a basil lemon butter sauce
Small 14.5 / Regular 16.5

Grilled Norwegian Salmon*
Topped with tomato basil vinaigrette
Small 15.3 / Regular 17.8

Spiedino Di Mare
Shrimp and sea scallops coated with breadcrumbs and topped with lemon butter
18

Trout Nocciola
Lightly breaded with hazelnuts, topped with roma tomatoes and basil lemon butter sauce
14.8

The following are served with the vegetable of the day and garlic mashed potatoes.

Grilled Chicken
Basted with olive oil and herbs
Small 12 / Regular 14.5

Filet Fiorentina*
9 oz. USDA Choice center-cut tenderloin
23
Filet Marsala or Filet Bryan, add 2
Filet Spiedino or Filet Scampi, add 4

MARSALA

Topped with mushrooms, prosciutto and our Lombardo Marsala wine sauce

Chicken - Small 14.5 / Regular 16.5

Sirloin* - Small 16 / Regular 18.5

Pork Chops* - Small 15.5 / Regular 17.5

Veal* - Small 15 / Regular 17

STUFFED PASTA

Mezzaluna
Half moon ravioli with chicken, ricotta and spinach in tomato cream sauce
13.5

Manicotti
Hand-rolled pasta with four cheeses, baked with pomodoro sauce and mozzarella
13

Seafood Cannelloni
Lobster, shrimp and scallops, blended with roasted garlic and chives, topped with shrimp and a light tomato cream sauce
15

Lasagne
A favorite, just like mama used to make
13

Lobster Ravioli
Ravioli with tender Maine lobster in a white wine cream sauce
17.5

Chicken & Spinach Cannelloni
Chicken, spinach, garlic, fresh herbs, fontina and romano cheese, topped with pomodoro and cream sauce
13

FOUNDER'S PASTA

Pasta Carrabba
Fettuccine alfredo with grilled chicken, sautéed mushrooms and peas
14

Pasta Weesie
Fettuccine alfredo with shrimp sautéed in a garlic, lemon butter, white wine sauce with sautéed mushrooms and scallions
16

SIGNATURE PASTA

Can also substitute with whole grain spaghetti.

Tag Pic Pac
Tagliarini in our Picchi Pacchiu sauce with crushed tomatoes, garlic, olive oil and basil
10
Add chicken 3 / Add shrimp 5

Spaghetti
With your choice of our meatballs, meat sauce or grilled Italian fennel sausage
12

Linguine Pescatore
Shrimp, sea scallops and mussels tossed with linguine in a spicy marinara sauce
16.5

Penne Franco
Mushrooms, sundried tomatoes, artichoke hearts and black olives, in garlic and oil with ricotta salata cheese
11
Add chicken 3 / Add shrimp 5

Pasta Sostanza
Tagliarini with sauteed mushrooms, artichoke hearts and spinach in tomato basil sauce topped with seasoned breadcrumbs
11
Add chicken 3 / Add shrimp 5

All pastas are served with a cup of our specialty soup or a side salad.

Carrabba's Favorites

An 18% gratuity is suggested for parties of 8 or more.

11F - 11/10

*Cooked to order. Consuming raw or undercooked meats may increase your risk of foodborne illness, especially if you have certain medical conditions.

**Item may contain nuts.

'10 DEC 15 Lic. M 2 04

VINO

Our award-winning wine list is arranged to help you make a selection to complement your meal.
We've listed the lighter style wines at the beginning of each category, descending to the full–flavored and full–bodied. Enjoy!

GLASS 6.5 / QUARTINO 9 / PITCHER 25

Vino Bianco
White Zinfandel, Copper Ridge
White Zinfandel, Beringer (bottle)
Pinot Grigio, Bisanzio, Italy
Italian Sangria, White
Chardonnay, Copper Ridge

Vino Rosso
Montepulciano d'Abruzzo, Bisanzio, Italy
Italian Sangria, Red
Merlot, Ecco Domani, Italy (bottle)
Cabernet Sauvignon, Copper Ridge

GLASS 8 / QUARTINO 12 / BOTTLE 31

Vino Bianco
Spumante, Korbel, Brut (split)
Prosecco, Martini & Rossi, Italy
Riesling, Saint M, Germany
Pinot Grigio, Lumina, Italy
Sauvignon Blanc, Veramonte, Chile
Chardonnay, Newman's Own

Vino Rosso
Sangiovese-Merlot blend, Santa Cristina, Italy
Chianti, Gabbiano, DOCG, Italy
Merlot, Blackstone
Merlot, Hogue
Chianti Riserva, Ducarosso, Italy
Zinfandel, Ravenswood, Vintners Blend
Syrah, Trapiche, Argentina

GLASS 9.5 / QUARTINO 14 / BOTTLE 37

Vino Bianco
Pinot Grigio, Estancia
Chardonnay, Kendall-Jackson

Vino Rosso
Pinot Noir, Estancia Pinnacles
Sangiovese-Merlot-Cabernet blend, Banfi Centine, Italy
Cabernet Sauvignon, J. Lohr "Seven Oaks"
Claret, Francis Coppola

GLASS 11 / QUARTINO 16 / BOTTLE 43

Vino Bianco
Pinot Grigio, Santa Margherita, Italy
Chardonnay, Clos du Bois Russian River Reserve

Vino Rosso
Pinot Noir, Francis Coppola
Merlot, Clos du Bois Alexander Valley Reserve

Vino Rosso
Chianti Classico Riserva, Banfi, Italy
Cabernet Sauvignon, Folie à Deux
Merlot, Markham, Napa Valley
Super Tuscan, Pian di Nova, Italy
Malbec, Pascual Toso Reserve, Argentina

BOTTLE 49

Vino Bianco
Cuvée Sauvage, Franciscan
Prosecco, Santa Margherita, Italy

Vino Rosso
Zinfandel, Terra d'Oro SHR, Amador County

Vino Rosso
Red Blend, Ferrari-Carano "Siena"
Chianti Classico Riserva, Ruffino Ducale, Italy
Petite Syrah, Stags' Leap Winery
Cabernet Sauvignon, Chateau Ste. Michelle Cold Creek
Cabernet Sauvignon, Mount Veeder

BIRRA

Imports/Crafts
Peroni - Italy • Moretti - Italy
Moretti LaRossa - Italy • Samuel Adams
Heineken • Corona • Stella Artois

American
Budweiser • Bud Light • Michelob ULTRA
Coors Light • Miller Lite • O'Doul's - N/A

BEVERAGES

San Pellegrino Sparkling
Acqua Panna Still

Other assorted soft drinks

BAMBINI MENU

Grilled Chicken Breast
Spaghetti & Meatball
Cheese or Pepperoni Pizza
Cheese Ravioli & Tomato Sauce
Chicken Fingers
Bambini Sundae

DOLCI

Ask your server about our seasonal dessert selection.

Sogno Di Cioccolata "Chocolate Dream"
A rich fudge brownie brushed with Kahlua, with chocolate mousse, fresh whipped cream and homemade chocolate sauce
7.5

Tiramisù
Lady fingers dipped in liqueur laced espresso, layered with sweetened mascarpone, Myers's Rum and chocolate shavings
6.5

John Cole
Blue Bell vanilla ice cream with caramel sauce and roasted cinnamon rum pecans
6.5

Bacino
Delicious, guilt-free mini-desserts, made fresh daily
Dessert Rosa • Seasonal Bacino**
2.25 Each / 12 Order of 6

*10 DEC 15 Liq. Lic. #12 04

©1995-2010 Carrabba's Italian Grill, LLC

Drink Responsibly. Drive Responsibly.

**Item may contain nuts.

Print Form

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

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

QUESTIONNAIRE

Attention all Local Governing Bodies: Social Security and Birthdate information is Confidential. This information may be given to local law enforcement agencies for the purpose of background checks only but must be blocked to be unreadable prior to posting or any public view.

Read carefully. This instrument is a sworn document. Type or print with BLACK INK.
An extensive investigation of your background will be conducted. False or incomplete answers could result in criminal prosecution and the denial or subsequent revocation of a license or permit.

TO BE COMPLETED BY EACH CONTROLLING PERSON, AGENT, OR MANAGER. EACH PERSON COMPLETING THIS FORM MUST SUBMIT AN "APPLICANT" TYPE FINGERPRINT CARD WHICH MAY BE OBTAINED AT DLLC. FINGERPRINTING MUST BE DONE BY A BONA FIDE LAW ENFORCEMENT AGENCY OR A FINGERPRINTING SERVICE APPROVED BY DLLC. THE DEPARTMENT DOES NOT PROVIDE THIS SERVICE.

Effective 10/01/07 there is a $24.00 processing fee for each fingerprint card submitted.

The fees allowed by A.R.S. § 44-6852 will be charged for all dishonored checks.

Liquor License # 12078611
(If the location is currently licensed)

1. **Check appropriate box** →

☐ Controlling Person ☒ Agent (Complete Questions 1-19) Controlling Person or Agent must complete #21 for a Manager	☐ Manager (Only) (Complete All Questions except # 14, 14a & 21) Controlling Person or Agent must complete # 21

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

3. Social Security Number: [redacted] (NOT a public record) Drivers License #: [redacted] (NOT a public record) State: Arizona

4. Place of Birth: Morenci (City) Arizona (State) USA (Country) (not county) Height: 5'7 Weight: 165 Eyes: Hzl Hair: Brown

5. Marital Status ☒ Single ☐ Married ☐ Divorced ☐ Widowed Daytime Contact Phone:

6. Name of Current or Most Recent Spouse: _____ Date of Birth: __/__/__
(List all for last 5 years - Use additional sheet if necessary) Last First Middle Maiden (NOT a public record)

7. You are a bona fide resident of what state? Arizona If Arizona, date of residency: August 1969

8 Telephone number to contact you during business hours for any questions regarding this document. 480-452-9753

9. If you have been an Arizona resident for less than three (3) months, submit a copy of your Arizona driver's license or voter registration card.

10. Name of Licensed Premises: Carrabba's Italian Grill #5305 Premises Phone: 623-936-0597

11. Physical Location of Licensed Premises Address: 9920 W. McDowell Rd. (Street Address (Do not use PO Box #)) Avondale (City) Maricopa (County) 85323 (Zip)

12. List your employment or type of business during the past five (5) years. If unemployed part of the time, list those dates. **List most recent 1st.**

FROM Month/Year	TO Month/Year	DESCRIBE POSITION OR BUSINESS	EMPLOYER'S NAME OR NAME OF BUSINESS (street address, city, state & zip)
05/99	CURRENT	Vice-President ALIC Enterprises	1811 S. Alma School Rd. Suite 268 Mesa, Arizona 85210

ATTACH ADDITIONAL SHEET IF NECESSARY FOR EITHER SECTION

13. Indicate your residence address for the last five (5) years:

FROM Month/Year	TO Month/Year	Rent or Own	RESIDENCE Street Address If rented, attach additional sheet with name, address and phone number of landlord	City	State	Zip
05/07	CURRENT	Own				
05/05	05/07	Own	2936 E. Sierra Madre Avenue	Gilbert	AZ	85296
12/00	05/05	Own	3480 E. Linda Lane	Gilbert	AZ	85234

If you checked the Manager box on the front of this form skip to # 15

14. As a Controlling Person or Agent, will you be physically present and operating the licensed premises? ☐YES ☒NO
If you answered YES, how many hrs/day?_____, and **answer #14a below**. If NO, skip to #15.

14a. Have you attended a DLLC-approved Liquor Law Training Course within the past 5 years? (Must provide proof) ☐YES ☐NO
If the answer to # 14a is "NO", course must be completed before issuance of a new license or approval on an existing license.

15. Have you been convicted, fined, ordered to deposit bail, imprisoned, placed on probation or parole, had to post bond or had sentence suspended for any violation of ANY law or ordinance within the past ten (10) years (include only traffic violations that were alcohol and/or drug related)? ☐ YES ☒ NO

16. Are there ANY administrative law citations, compliance actions or consents, criminal arrest, indictments or summonses PENDING against you or ANY entity in which you are now involved? ☒ YES ☐ NO

17. Have you or any entity in which you have held ownership, been an officer, member, director or manager EVER had a business, professional or liquor application or license rejected, denied, revoked, suspended or fined in this or any other state? ☒YES ☐NO

18. Has anyone EVER filed suit or obtained a judgment against you, the subject of which involved fraud or misrepresentation? ☐YES ☒NO

19. Are you NOW or have you EVER held ownership, been a controlling person, been an officer, member, director or manager on any other liquor license in this or any other state? ☒YES ☐NO

If any answer to Questions 15 through 19 is "YES" YOU MUST attach a signed statement.
Give complete details including dates, agencies involved, and dispositions.
SUBSTANTIVE CHANGES TO THIS APPLICATION WILL NOT BE ACCEPTED

20. I, Amy S. Nations, hereby declare that I am the APPLICANT/REPRESENTATIVE
(print full name of Applicant)
filing this questionnaire. I have read this questionnaire and all statements are true, correct and complete.

X _____
(Signature of Applicant)

State of Arizona County of Maricopa

The foregoing instrument was acknowledged before me this 27th day of October, 2010
Month Year

My commission expires on: _____
Day Month Year

MIRANDA BUSTAMANTE
Notary Public - Arizona
Maricopa County
My Commission Expires
January 8, 2011

_____
(Signature of NOTARY PUBLIC)

COMPLETE THIS SECTION ONLY IF YOU ARE A CONTROLLING PERSON OR AGENT APPROVING A MANAGER'S APPLICATION

21. The applicant hereby authorizes the person named on this questionnaire to act as manager for the named liquor license. The manager named must be at least 21 years of age.

State of_____ County of _____

The foregoing instrument was acknowledged before me this

X _____ _____ day of _____, _____
Signature of Controlling Person or Agent (circle one) Month Year

_____
Print Name

_____
(Signature of NOTARY PUBLIC)

My commission expires on: _____
Day Month Year

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Question 16 & 17

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

Question 19

I am currently or have been the agent on the following liquor licenses:

Roaring Fork 12075190 4800 N. Scottsdale Rd. Suite 1700 Scottsdale, Arizona 85257
Shady Grove Bar & Grill 06070160 1001 E. 8th Street Tempe, Arizona 85281
Little Guy Distributing 04073074 146 S. Country Club Dr. Mesa, Arizona 85210
Claim Jumper 12075270 7000 E. Shea Blvd. #000K Scottsdale, Arizona 85254
Fleming's Steakhouse 12075292 20753 N. Pima Rd Bldg. R Scottsdale, Arizona 85255
Carrabba's Italian Grill 12075300 5646 W. Bell Rd. Glendale, Arizona 85308
Carrabba's Italian Grill 12075301 1060 N. 54th St. Chandler, Arizona 85226
Carrabba's Italian Grill 12075302 1740 S. Clearview Dr. Mesa, Arizona 85208
Carrabba's Italian Grill 12075310 17007 N. Scottsdale Rd. Scottsdale, Arizona 85255
Super Station Car Wash 10073705 7700 S. Autoplex Loop Tempe, Arizona 85284
Super Station Car Wash 10073704 616 W. Baseline Rd. Tempe, Arizona 85283
Super Station Car Wash 10073283 1560 S. Gilbert Rd. Mesa, Arizona 85204
Library Bar & Grill 06070302 501 S. Mill Ave. #101 Tempe, Arizona 85281
Roy's Desert Ridge 12075313 5350 E. Marriott Dr. Phoenix, Arizona 85054
Kaddy Korner 12075335 2801 N. Central Ave. Phoenix, Arizona 85004
McGrath's Fish House 12075338 1610 S. Stapley Dr. Mesa, Arizona 85204
Chevron 10074460 7730 W. Indian School Rd. Phoenix, Arizona 85033
Sinbad Restaurant 12075344 5004 S. Price Rd. Tempe, Arizona 85282
Los Gringos Loco 12113069 208 S. Phelps Dr. Apache Junction, Arizona 85220
Native New Yorker 12075366 10220 W. McDowell #160 Avondale, Arizona 85323
Roy's 12075371 7001 N. Scottsdale Rd. #147 Scottsdale, Arizona 85253
Deemo's 12075169 2501 E. Camelback Rd. #30 Phoenix, Arizona 85016
Best Western 11103039 7060 S. Tucson Blvd. Tucson, Arizona 85706
Piñata Nueva 12075382 14850 N. FLW Blvd. #109 Scottsdale, Arizona 85260
Panda Garden 12075456 4730 E. Warner Rd. #14 Phoenix, Arizona 85044
Austin's Grill 12075440 1339 E. Chandler Blvd. #101 Phoenix, Arizona 85048
Carrabba's 12075734 9920 W. McDowell Avondale, Arizona 85323
Little Guy Distributing 5456 E. McDowell Rd. Ste. #123 Mesa, Arizona 85215
Texaco 10074463 6806 E. Brown Rd. Mesa, Arizona 85207
Texaco 10074412 2005 W. Broadway Rd. Mesa, Arizona 85202
Texaco 10074411 1953 E. Southern Ave. Mesa, Arizona 85204
Texaco 10074391 5402 W. Indian School Phoenix, Arizona 85031
Texaco 10074390 8316 W. Indian School Phoenix, Arizona 85037
Texaco 10074389 6701 W. Indian School Phoenix, Arizona 85033
Texaco 10074316 1166 N. Higley Rd. Mesa, Arizona 85205

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Texaco	10074240	9202 E. Apache Mesa, Arizona 85207
Texaco	10113069	1621 W. Apache Trail Apache Junction, Arizona 85220
Shell	10074298	10989 E. Dynamite #101 Scottsdale, Arizona 85255
Texaco	10103304	3755 W. Cortaro Farms Rd. Tucson, Arizona 85742
Texaco	10103301	2770 W. Valencia Rd. Tucson, Arizona 85746
Paul Lee's	12075802	1368 N. Cooper Rd. Gilbert, Arizona 85233
Lucky Lou's	12075669	1929 N. Power Rd. #107,105 Mesa, Arizona 85205
Fleming's	12105292	6360 N. Campbell Ave. Tucson, Arizona 85718
Claim Jumper	12103633	3761 E. Broadway Blvd. Tucson, Arizona 85716
Claim Jumper	12076027	1530 W. Baseline Rd. Tempe, Arizona 85283
Claim Jumper	12076028	7000 E. Shea Blvd. #000K Scottsdale, Arizona 85254
Claim Jumper	12076026	3063 W. Agua Fria Hwy. Phoenix, Arizona 85027
Pia's European	12076039	99 Easy Street Carefree, Arizona 85377
Paul Lee's	12076064	10040 W. McDowell Rd. Avondale, Arizona 85232
Carrabba's Italian	12076130	14043 W. Bell Rd. Surprise, Arizona 85374
Ck's Tavern	06070439	4142 E. Chandler Blvd. #105 Phoenix, Arizona 85044
Wingstop	12076189	5833 W. Thunderbird Rd. Glendale, Arizona 85306
Wingstop	12076209	1641 W. Bethany Home Rd. Phoenix, Arizona 85015
Gandolofo's	12076286	120 S. Alma School Rd. #C-104 Mesa, Arizona 85210
Carrabba's	12103726	7635 N. Oracle Rd. Oro Valley, Arizona 85737
McGrath's Fish House	12076338	7000 E. Mayo Blvd Bldg #5 Phoenix, Arizona 85054
Gandolfo's Deli	12076378	4980 W. Ray Rd. Suite 10 Chandler, Arizona 85226
McGrath's Fish House	12076468	1800 N. Litchfield Rd. Goodyear, Arizona 85338
Caroline's Grotto	12076489	16872 E. Ave. of the Fountains Fountain Hills, AZ. 85268
Shell Mart	10075129	8316 W. Indian School Rd. Phoenix, Arizona 85037
Roy's	12076517	7151 W. Ray Rd. Chandler, Arizona 85226
Wingstop	12076532	7910 N. 43rd Ave Suite 6 Glendale, Arizona 85310
Native New Yorker	12076607	5020 W. Baseline Rd. Ste 123 Phoenix, Arizona 85339
Native New Yorker	12076606	9030 E. Via Linda #1 & 2 Scottsdale, Arizona 85258
Library Bar & Grill	06070302	501 S. Mill #1 Tempe, Arizona 85281
Wingstop	12076680	5905 W. Chandler Blvd. Suite 1 Chandler, Arizona 85226
Carrabba's	12076681	2885 S. Alma School Road Chandler, Arizona 85226
Carrabba's	12103748	7575 E. Broadway Road Tucson, Arizona 85710
Shell Mart	10075265	8316 W. Indian School Rd. Phoenix, Arizona 85037
Claim Jumper	12076768	10125 W. McDowell Road Avondale, Arizona 85323
Bonefish	12076909	6538 E. Superstition Springs Blvd. Mesa, AZ. 85206
Native New Yorker	12077033	1947 S. Signal Butte Rd. #A Mesa, Arizona 85209
Native New Yorker	12077034	14051 W. Grand Ave. Surprise, Arizona 85374
Native New Yorker	12077187	7273 N. 95th Avenue Glendale, Arizona 85305
Tortilla Factory	12074971	6910 E. Main St. Scottsdale, Arizona 85251
Piñatas	12077165	20343 N. Hayden Rd. #120 Scottsdale, AZ 85255
Piñata Nueva	12075382	14850 N. Frank Lloyd Wright Scottsdale, AZ 85260
Z'Tejas	12077083	7014 E. Camelback Rd. Scottsdale, AZ 85251
Z'Tejas	12077081	7221 W. Ray Rd. Chandler, AZ 85226
Z'Tejas	12074328	20 W. 6th Street Tempe, AZ 85281
Z'Tejas	12073424	10625 N. Tatum Blvd. Phoenix, AZ 85028

'10 DEC 15 Liq. Lic. PM 2:04

Mama Maria 12076928 118 E. McKellips #105 Mesa, AZ 85201
Hilton Phoenix/Chandler 11073175 2929 W. Frye Rd. Chandler, AZ 85224
Oakville Grocery 07070135 15015 N. Scottsdale Rd. Ste D1-101 Scottsdale, AZ 85260
Vatra Grillhouse 12078211 3433 N. 56th Street Phoenix, Arizona 85018
Loco Patron 12078114 1327 E. Chandler Blvd. #108 Phoenix, Arizona 85045
Oakville Grocery Pending 07070697 50 W. Jefferson St. Suite 100 Phoenix, AZ 85003
Crave Café & Lounge 12076774 505 S. Mill Ave Tempe, Arizona 85281

Respectfully submitted,

Amy S. Nations

Amy S. Nations

'10 DEC 15 Liq. Lic. AM 2:04

Print Form

CIG 5305

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

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

QUESTIONNAIRE

Attention all Local Governing Bodies: Social Security and Birthdate Information is Confidential. This information may be given to local law enforcement agencies for the purpose of background checks only but must be blocked to be unreadable prior to posting or any public view.

Read carefully. This instrument is a sworn document. Type or print with BLACK INK. An extensive investigation of your background will be conducted. False or incomplete answers could result in criminal prosecution and the denial or subsequent revocation of a license or permit.

TO BE COMPLETED BY EACH CONTROLLING PERSON, AGENT, OR MANAGER. EACH PERSON COMPLETING THIS FORM MUST SUBMIT AN "APPLICANT" TYPE FINGERPRINT CARD WHICH MAY BE OBTAINED AT DLLC. FINGERPRINTING MUST BE DONE BY A BONA FIDE LAW ENFORCEMENT AGENCY OR A FINGERPRINTING SERVICE APPROVED BY DLLC. THE DEPARTMENT DOES NOT PROVIDE THIS SERVICE.

Effective 10/01/07 there is a $24.00 processing fee for each fingerprint card submitted.

The fees allowed by A.R.S. § 44-6852 will be charged for all dishonored checks.

P 105353

Liquor License # 12078611
(If the location is currently licensed)

1. Check appropriate box →

☑ Controlling Person ☐ Agent (Complete Questions 1-19) Controlling Person or Agent must complete #21 for a Manager	☐ Manager (Only) (Complete All Questions except # 14, 14a & 21) Controlling Person or Agent must complete # 21

2. Name: Montgomery (Last) Dirk (First) Andrew (Middle) Date of Birth: [redacted] (NOT a public record)

3. Social Security Number: [redacted] (NOT a public record) Drivers License: [redacted] (NOT a public record) State: Florida

4. Place of Birth: Cincinnati (City) Ohio (State) USA (Country) (not county) Height: 5' 8" Weight: 140 Eyes: Brown Hair: Brown

5. Marital Status ☐ Single ☑ Married ☐ Divorced ☐ Widowed Daytime Contact Phone: [redacted]

6. Name of Current or Most Recent Spouse: Montgomery (Last) Caprice (First) Donnelly (Middle) (Maiden) Date of Birth: (NOT a public record)
(List all for last 5 years - Use additional sheet if necessary)

7. You are a bona fide resident of what state? Florida If Arizona, date of residency:

8 Telephone number to contact you during business hours for any questions regarding this document. (813) 282-1225

9. If you have been an Arizona resident for less than three (3) months, submit a copy of your Arizona driver's license or voter registration card.

10. Name of Licensed Premises: Carrabba's Italian Grill 5305 Premises Phone: (623) 936-0597

11. Physical Location of Licensed Premises Address: 9920 West McDowell (Street Address (Do not use PO Box #)) Avondale (City) Maricopa (County) 85323 (Zip)

12. List your employment or type of business during the past five (5) years. If unemployed part of the time, list those dates. **List most recent 1st.**

FROM Month/Year	TO Month/Year	DESCRIBE POSITION OR BUSINESS	EMPLOYER'S NAME OR NAME OF BUSINESS (street address, city, state & zip)
11/05	CURRENT	Chief Financial Officer	OSI Restaurant Partners, LLC 2202 N. West Shore Blvd. Tampa, FL 33607

ATTACH ADDITIONAL SHEET IF NECESSARY FOR EITHER SECTION

13. Indicate your residence address for the last five (5) years:

FROM Month/Year	TO Month/Year	Rent or Own	RESIDENCE Street Address If rented, attach additional sheet with name, address and phone number of landlord	City	State	Zip
03/06	CURRENT					

 Disabled individuals requiring special accommodations, please call the Department. (602) 542-9027

If you checked the Manager box on the front of this form skip to # 15

14. As a Controlling Person or Agent, will you be physically present and operating the licensed premises? ☐YES ☑NO
If you answered YES, how many hrs/day?_____, and **answer #14a below**. If NO, skip to #15.

14a. Have you attended a DLLC-approved Liquor Law Training Course within the past 5 years? (Must provide proof) ☐YES ☐NO
If the answer to # 14a is "NO", course must be completed before issuance of a new license or approval on an existing license.

15. Have you been convicted, fined, ordered to deposit bail, imprisoned, placed on probation or parole, had to post bond or had sentence suspended for any violation of ANY law or ordinance within the past ten (10) years (include only traffic violations that were alcohol and/or drug related)? ☐YES ☑NO

16. Are there ANY administrative law citations, compliance actions or consents, criminal arrest, indictments or summonses PENDING against you or ANY entity in which you are now involved? ■YES ~~☑NO~~ DAM

17. Have you or any entity in which you have held ownership, been an officer, member, director or manager EVER had a business, professional or liquor application or license rejected, denied, revoked, suspended or fined in this or any other state? ■YES ~~☑NO~~ DAM

18. Has anyone EVER filed suit or obtained a judgment against you, the subject of which involved fraud or misrepresentation? ☐YES ☑NO

19. Are you NOW or have you EVER held ownership, been a controlling person, been an officer, member, director or manager on any other liquor license in this or any other state? ■YES ☐NO

If any answer to Questions 15 through 19 is "YES" YOU MUST attach a signed statement.
Give complete details including dates, agencies involved, and dispositions.
SUBSTANTIVE CHANGES TO THIS APPLICATION WILL NOT BE ACCEPTED

'10 DEC 15 LIQ. LIC. MC 235

20. I, Dirk Andrew Montgomery, hereby declare that I am the APPLICANT/REPRESENTATIVE
(print full name of Applicant)
filing this questionnaire. I have read this questionnaire and all statements are true, correct and complete.

X _____
(Signature of Applicant)

State of Florida County of Hillsborogh

The foregoing instrument was acknowledged before me this 31 day of August, 2010
Month Year

EMILY ROBERTS
Commission DD 735052
Expires November 18, 2011
Bonded Thru Troy Fain Insurance 800-385-7019

My commission expires on: _____
Day Month Year

_____
(Signature of NOTARY PUBLIC)

COMPLETE THIS SECTION ONLY IF YOU ARE A CONTROLLING PERSON OR AGENT APPROVING A MANAGER'S APPLICATION

21. The applicant hereby authorizes the person named on this questionnaire to act as manager for the named liquor license. The manager named must be at least 21 years of age.

State of_____ County of _____

The foregoing instrument was acknowledged before me this

X _____ _____ day of _____, _____
Signature of Controlling Person or Agent (circle one) Month Year

_____
(Signature of NOTARY PUBLIC)

_____
Print Name

My commission expires on: _____
Day Month Year

Attachment for Dirk A. Montgomery

Question 16

Because of the number of liquor licenses we hold in many states and internationally, it is possible that there could be some type of pending compliance or citation against one or more of our licenses.

Question 17

Because of the number of liquor licenses we hold in many states and internationally, it is possible that one or more have received fines at some point. It would be impossible to send an accurate list of every violation ever received.

Question 20

SEE ATTACHED LIST FOR ALL LOCATIONS IN THE UNITED STATES.

We also hold many liquor licenses internationally as well.

'10 DEC 15 Liq. Lic. AM 2:05

Print Form

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

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

QUESTIONNAIRE

Attention all Local Governing Bodies: Social Security and Birthdate Information is Confidential. This information may be given to local law enforcement agencies for the purpose of background checks only but must be blocked to be unreadable prior to posting or any public view.

Read carefully. This instrument is a sworn document. Type or print with BLACK INK.
An extensive investigation of your background will be conducted. False or incomplete answers could result in criminal prosecution and the denial or subsequent revocation of a license or permit.

TO BE COMPLETED BY EACH CONTROLLING PERSON, AGENT, OR MANAGER. EACH PERSON COMPLETING THIS FORM MUST SUBMIT AN "APPLICANT" TYPE FINGERPRINT CARD WHICH MAY BE OBTAINED AT DLLC. FINGERPRINTING MUST BE DONE BY A BONA FIDE LAW ENFORCEMENT AGENCY OR A FINGERPRINTING SERVICE APPROVED BY DLLC. THE DEPARTMENT DOES NOT PROVIDE THIS SERVICE.

Effective 10/01/07 there is a $24.00 processing fee for each fingerprint card submitted.

The fees allowed by A.R.S. § 44-6852 will be charged for all dishonored checks.

Prosecuted

Liquor License # 12078611
(If the location is currently licensed)

1. Check appropriate box → ☒ Controlling Person ☐ Agent (Complete Questions 1-19) Controlling Person or Agent must complete #21 for a Manager | ☐ Manager (Only) (Complete All Questions except # 14, 14a & 21) Controlling Person or Agent must complete # 21

2. Name: Balson (Last) Andrew (First) BRETT (Middle) Date of Birth. [redacted] (NOT a public record)

3. Social Security Number: [redacted] (NOT a public record) Drivers License #: [redacted] (NOT a public record) State: Massachusetts

4. Place of Birth: Greenwich (City), Connecticut (State) USA (Country) (not county) Height: 6'1 Weight: 190 Eyes: Green Hair: Brown

5. Marital Status ☐ Single ☒ Married ☐ Divorced ☐ Widowed Daytime Contact Phone: _____

6. Name of Current or Most Recent Spouse: Balson (Last) Melora (First) (Middle) (Maiden) Date of Birth: ___/___/___ (NOT a public record)
(List all for last 5 years - Use additional sheet if necessary)

7. You are a bona fide resident of what state? Massachusetts If Arizona, date of residency: _____

8. Telephone number to contact you during business hours for any questions regarding this document. (617) 527-0009

9. If you have been an Arizona resident for less than three (3) months, submit a copy of your Arizona driver's license or voter registration card.

10. Name of Licensed Premises: Carrabba's Italian Grill 5305 Premises Phone: (623) 936-0597

11. Physical Location of Licensed Premises Address: 9920 W. McDowell (Street Address) (Do not use PO Box #) Avondale (City) Maricopa (County) 85323 (Zip)

12. List your employment or type of business during the past five (5) years. If unemployed part of the time, list those dates. **List most recent 1st.**

FROM Month/Year	TO Month/Year	DESCRIBE POSITION OR BUSINESS	EMPLOYER'S NAME OR NAME OF BUSINESS (street address, city, state & zip)
11/96	CURRENT	Private Equity	Bain Capital, LLC 111 Huntington Ave., Boston, MA 02119

ATTACH ADDITIONAL SHEET IF NECESSARY FOR EITHER SECTION

13. Indicate your residence address for the last five (5) years:

FROM Month/Year	TO Month/Year	Rent or Own	RESIDENCE Street Address If rented, attach additional sheet with name, address and phone number of landlord	City	State	Zip
11/07	CURRENT					
08/04	11/07		14 Winthrop Street	West Newton	MA	02465

 Disabled individuals requiring special accommodations, please call the Department. (602) 542-9027

'10 DEC 15 Liq. Lic. AM 2:07

If you checked the Manager box on the front of this form skip to # 15

14. As a Controlling Person or Agent, will you be physically present and operating the licensed premises? ☐YES ☒NO
If you answered YES, how many hrs/day?_____, and **answer #14a below**. If NO, skip to #15.

14a. Have you attended a DLLC-approved Liquor Law Training Course within the past 5 years? (Must provide proof) ☐YES ☐NO
If the answer to # 14a is "NO", course must be completed before issuance of a new license or approval on an existing license.

15. Have you been convicted, fined, ordered to deposit bail, imprisoned, placed on probation or parole, had to post bond or had sentence suspended for any violation of ANY law or ordinance within the past ten (10) years (include only traffic violations that were alcohol and/or drug related)? ☐YES ☒NO

16. Are there ANY administrative law citations, compliance actions or consents, criminal arrest, indictments or summonses PENDING against you or ANY entity in which you are now involved? ☒YES ~~☒NO~~ ABB

17. Have you or any entity in which you have held ownership, been an officer, member, director or manager EVER had a business, professional or liquor application or license rejected, denied, revoked, suspended or fined in this or any other state? ☒YES ☒NO ABB

18. Has anyone EVER filed suit or obtained a judgment against you, the subject of which involved fraud or misrepresentation? ☐YES ☒NO

19. Are you NOW or have you EVER held ownership, been a controlling person, been an officer, member, director or manager on any other liquor license in this or any other state? ☒YES ☐NO

If any answer to Questions 15 through 19 is "YES" YOU MUST attach a signed statement. Give complete details including dates, agencies involved, and dispositions.
SUBSTANTIVE CHANGES TO THIS APPLICATION WILL NOT BE ACCEPTED

'10 DEC 15 LIQ. LIC. AM 2:07

20. I, Andrew ARETT Balson, hereby declare that I am the APPLICANT/REPRESENTATIVE
(print full name of Applicant)
filing this questionnaire. I have read this questionnaire and all statements are true, correct and complete.

X _____
(Signature of Applicant)

State of Massachusetts County of Middlesex

The foregoing instrument was acknowledged before me this 24th day of August, 2010
Month Year

Elizabeth M. Milch
(Signature of NOTARY PUBLIC)

ELIZABETH M. MILCH
Notary Public
COMMONWEALTH OF MASSACHUSETTS
My Commission Expires
February 28, 2014

My commission expires on: 28 Feb 2014
Day Month Year

COMPLETE THIS SECTION ONLY IF YOU ARE A CONTROLLING PERSON OR AGENT APPROVING A MANAGER'S APPLICATION

21. The applicant hereby authorizes the person named on this questionnaire to act as manager for the named liquor license. The manager named must be at least 21 years of age.

State of _____ County of _____

The foregoing instrument was acknowledged before me this

_____ day of _____, _____
Month Year

X _____
Signature of Controlling Person or Agent (circle one)

_____
(Signature of NOTARY PUBLIC)

_____
Print Name

My commission expires on: _____
Day Month Year

Attachment for Andrew B. Balson

Question 16

Because of the number of liquor licenses we hold in many states and internationally, it is possible that there could be some type of pending compliance or citation against one or more of our licenses.

Question 17

Because of the number of liquor licenses we hold in many states and internationally, it is possible that one or more have received fines at some point. It would be impossible to send an accurate list of every violation ever received.

Question 19

SEE ATTACHED LIST FOR ALL OUTBACK, CARRABBA'S, ROY'S, FLEMING'S AND BONEFISH LOCATIONS IN THE UNITED STATES.

We also hold many liquor licenses internationally as well.

Bain Capital also owns interest in Z'Tejas restaurants throughout the United States.

'10 DEC 15 Liq. Lic. PM 2:07

Print Form

CIG 5305

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

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

QUESTIONNAIRE

Attention all Local Governing Bodies: Social Security and Birthdate Information is Confidential. This information may be given to local law enforcement agencies for the purpose of background checks only but must be blocked to be unreadable prior to posting or any public view.

Read carefully. This instrument is a sworn document. Type or print with BLACK INK.
An extensive investigation of your background will be conducted. False or incomplete answers could result in criminal prosecution and the denial or subsequent revocation of a license or permit.

TO BE COMPLETED BY EACH CONTROLLING PERSON, AGENT, OR MANAGER. EACH PERSON COMPLETING THIS FORM MUST SUBMIT AN "APPLICANT" TYPE FINGERPRINT CARD WHICH MAY BE OBTAINED AT DLLC. FINGERPRINTING MUST BE DONE BY A BONA FIDE LAW ENFORCEMENT AGENCY OR A FINGERPRINTING SERVICE APPROVED BY DLLC. THE DEPARTMENT DOES NOT PROVIDE THIS SERVICE.

Effective 10/01/07 there is a $24.00 processing fee for each fingerprint card submitted.

The fees allowed by A.R.S. § 44-6852 will be charged for all dishonored checks.

P1013895

Liquor License # 12078611
(If the location is currently licensed)

1. Check appropriate box →

☒ Controlling Person ☐ Agent (Complete Questions 1-19) Controlling Person or Agent must complete #21 for a Manager	☐ Manager (Only) (Complete All Questions except # 14, 14a & 21) Controlling Person or Agent must complete # 21

2. Name: Smith (Last) Elizabeth (First) Ann (Middle) Date of Birth: [redacted] (NOT a Public Record)

3. Social Security Number: [redacted] (NOT a public record) Drivers License #: [redacted] (NOT a public record) State: New York

4. Place of Birth: Pittsburg, (City) PA (State) USA (Country) (not county) Height: 5'9" Weight: 155 Eyes: Hazel Hair: Blonde/Silver

5. Marital Status ☐ Single ☑ Married ☐ Divorced ☐ Widowed Daytime Contact Phone:

6. Name of Current or Most Recent Spouse: Newton (Last) Ray (First) E (Middle) (Maiden) Date of Birth (NOT a public record)
(List all for last 5 years - Use additional sheet if necessary)

7. You are a bona fide resident of what state? Florida If Arizona, date of residency:

8 Telephone number to contact you during business hours for any questions regarding this document. (813) 282-1225

9. If you have been an Arizona resident for less than three (3) months, submit a copy of your Arizona driver's license or voter registration card.

10. Name of Licensed Premises: Carrabba's Italian Grill 5305 Premises Phone: (623) 936-0597

11. Physical Location of Licensed Premises Address: 9920 West McDowell (Street Address (Do not use PO Box #)) Avondale (City) Maricopa (County) 85323 (Zip)

12. List your employment or type of business during the past five (5) years. If unemployed part of the time, list those dates. **List most recent 1st.**

FROM Month/Year	TO Month/Year	DESCRIBE POSITION OR BUSINESS	EMPLOYER'S NAME OR NAME OF BUSINESS (street address, city, state & zip)
11/09	CURRENT	CEO	OSI Restaurant Partners, LLC 2202 N. West Shore Blvd. Tampa, FL 33607
1/05	10/30/09	President and Executive Vice President	Avon Products, Inc., 1345 Avenue of the America's, New York, NY 10573

ATTACH ADDITIONAL SHEET IF NECESSARY FOR EITHER SECTION

13. Indicate your residence address for the last five (5) years:

FROM Month/Year	TO Month/Year	Rent or Own	RESIDENCE Street Address If rented, attach additional sheet with name, address and phone number of landlord	City	State	Zip
08/2010	CURRENT	Own				
11/2009	08/2010	Rent	2021 N. Lemans Blvd., Apt. 6305	Tampa	FL	33607
2004	08/2010	Own	173 Riverside Drive	New York	NY	10024

If you checked the Manager box on the front of this form skip to # 15

14. As a Controlling Person or Agent, will you be physically present and operating the licensed premises? ☐YES ☑NO
If you answered YES, how many hrs/day?_____, and **answer #14a below**. If NO, skip to #15.

14a. Have you attended a DLLC-approved Liquor Law Training Course within the past 5 years? (Must provide proof) ☐YES ☐NO
If the answer to # 14a is "NO", course must be completed before issuance of a new license or approval on an existing license.

15. Have you been convicted, fined, ordered to deposit bail, imprisoned, placed on probation or parole, had to post bond or had sentence suspended for any violation of ANY law or ordinance within the past ten (10) years (include only traffic violations that were alcohol and/or drug related)? ☐YES ☑NO

16. Are there ANY administrative law citations, compliance actions or consents, criminal arrest, indictments or summonses PENDING against you or ANY entity in which you are now involved? ■YES ~~☑NO~~

17. Have you or any entity in which you have held ownership, been an officer, member, director or manager EVER had a business, professional or liquor application or license rejected, denied, revoked, suspended or fined in this or any other state? ■YES ~~☑NO~~

18. Has anyone EVER filed suit or obtained a judgment against you, the subject of which involved fraud or misrepresentation? ☐YES ☑NO

19. Are you NOW or have you EVER held ownership, been a controlling person, been an officer, member, director or manager on any other liquor license in this or any other state? ■YES ☐NO

'10 DEC 15 Liq. Lic. PM 2:08

If any answer to Questions 15 through 19 is "YES" YOU MUST attach a signed statement.
Give complete details including dates, agencies involved, and dispositions.
SUBSTANTIVE CHANGES TO THIS APPLICATION WILL NOT BE ACCEPTED

20. I, Elizabeth Ann Smith, hereby declare that I am the APPLICANT/REPRESENTATIVE
(print full name of Applicant)
filing this questionnaire. I have read this questionnaire and all statements are true, correct and complete.

X _____
(Signature of Applicant)

State of Florida County of Hillsborogh

The foregoing instrument was acknowledged before me this 31 day of August, 2010
Month Year

EMILY ROBERTS
Commission DD 735052
Expires November 18, 2011
Bonded Thru Troy Fain Insurance 800-385-7019

My commission expires on: _____
Day Month Year

_____
(Signature of NOTARY PUBLIC)

COMPLETE THIS SECTION ONLY IF YOU ARE A CONTROLLING PERSON OR AGENT APPROVING A MANAGER'S APPLICATION

21. The applicant hereby authorizes the person named on this questionnaire to act as manager for the named liquor license. The manager named must be at least 21 years of age.

State of_____ County of _____

The foregoing instrument was acknowledged before me this

X _____ _____ day of _____, _____
Signature of Controlling Person or Agent (circle one) Month Year

_____
(Signature of NOTARY PUBLIC)

_____
Print Name

My commission expires on: _____
Day Month Year

Attachment for Elizabeth A. Smith

Question 16

Because of the number of liquor licenses we hold in many states and internationally, it is possible that there could be some type of pending compliance or citation against one or more of our licenses.

Question 17

Because of the number of liquor licenses we hold in many states and internationally, it is possible that one or more have received fines at some point. It would be impossible to send an accurate list of every violation ever received.

'10 DEC 15 Liq. Lic. PM 2:08

Question 20

SEE ATTACHED LIST FOR ALL LOCATIONS IN THE UNITED STATES.

We also hold many liquor licenses internationally as well.

Print Form

ARIZONA DEPARTMENT OF LIQUOR LICENSES & CONTROL

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

QUESTIONNAIRE

Attention all Local Governing Bodies: Social Security and Birthdate Information is Confidential. This information may be given to local law enforcement agencies for the purpose of background checks only but must be blocked to be unreadable prior to posting or any public view.

Read carefully. This instrument is a sworn document. Type or print with BLACK INK. An extensive investigation of your background will be conducted. False or incomplete answers could result in criminal prosecution and the denial or subsequent revocation of a license or permit.

TO BE COMPLETED BY EACH CONTROLLING PERSON, AGENT, OR MANAGER. EACH PERSON COMPLETING THIS FORM MUST SUBMIT AN "APPLICANT" TYPE FINGERPRINT CARD WHICH MAY BE OBTAINED AT DLLC. FINGERPRINTING MUST BE DONE BY A BONA FIDE LAW ENFORCEMENT AGENCY OR A FINGERPRINTING SERVICE APPROVED BY DLLC. THE DEPARTMENT DOES NOT PROVIDE THIS SERVICE.

Effective 10/01/07 there is a $24.00 processing fee for each fingerprint card submitted.

The fees allowed by A.R.S. § 44-6852 will be charged for all dishonored checks.

P 10/04/011

Liquor License # 12078611
(If the location is currently licensed)

1. **Check appropriate box** →

☐ Controlling Person ☐ Agent (Complete Questions 1-19) Controlling Person or Agent must complete #21 for a Manager	☒ Manager (Only) (Complete All Questions except # 14, 14a & 21) Controlling Person or Agent must complete # 21

2. Name: STEINDECK (Last) SERIK (First) DAVIN (Middle) Date of Birth. _____ **(NOT a Public Record)**

3. Social Security Number: _____ **(NOT a public record)** Drivers License #: _____ **(NOT a public record)** State: _____

4. Place of Birth: DALLAS (City) TEXAS (State) USA (Country (not county)) Height: 6' Weight: 165 Eyes: GRAY Hair: BROWN

5. Marital Status ☒ Single ☐ Married ☐ Divorced ☐ Widowed Daytime Contact Phone: _____

6. Name of Current or Most Recent Spouse: _____ Date of Birth: __/__/__
(List all for last 5 years - Use additional sheet if necessary) Last First Middle Maiden **(NOT a public record)**

7. You are a bona fide resident of what state? ARIZONA If Arizona, date of residency: JUNE 2010

8 Telephone number to contact you during business hours for any questions regarding this document. 303-875-2657

9. If you have been an Arizona resident for less than three (3) months, submit a copy of your Arizona driver's license or voter registration card.

10. Name of Licensed Premises: CARRABBAS ITALIAN GRILL 5305 Premises Phone: 623-936-0597 85323

11. Physical Location of Licensed Premises Address: 9720 W. McDowell RD (Street Address (Do not use PO Box #)) AVONDALE (City) MARICOPA (County) (Zip)

12. List your employment or type of business during the past five (5) years. If unemployed part of the time, list those dates. **List most recent 1st.**

FROM Month/Year	TO Month/Year	DESCRIBE POSITION OR BUSINESS	EMPLOYER'S NAME OR NAME OF BUSINESS (street address, city, state & zip)
06/10	CURRENT	MANAGING PARTNER	CARRABBAS ITALIAN GRILL 9720 W. McDowell Rd Avondale, AZ 85392
01/10	06/10	MANAGER	CARRABBAS ITALIAN GRILL 2815 CENTER DR COLORADO SPRGS, CO 80906
08/07	01/10	MANAGER	CARRABBAS ITALIAN GRILL 7120 CAMPUS DR. COLORADO SPRGS, CO 80920

ATTACH ADDITIONAL SHEET IF NECESSARY FOR EITHER SECTION

13. Indicate your residence address for the last five (5) years:

FROM Month/Year	TO Month/Year	Rent or Own	RESIDENCE Street Address If rented, attach additional sheet with name, address and phone number of landlord	City	State	Zip
06/10	CURRENT	RENT				
04/09	06/10	RENT	6724 PALACE DR.	COLORADO SPGS	CO	80918
03/08	04/09	RENT	510 W. ROCKRIMMON BLVD	COLORADO SPGS	CO	80920
08/07	03/08	RENT	2131 AUSTIN WAY	COLORADO SPGS	CO	80919

'10 DEC 15 LIQ. LIC. PM 2:08

If you checked the Manager box on the front of this form skip to # 15

14. As a Controlling Person or Agent, will you be physically present and operating the licensed premises? ☐YES ☐NO
If you answered YES, how many hrs/day?_____, and **answer #14a below**. If NO, skip to #15.

14a. Have you attended a DLLC-approved Liquor Law Training Course within the past 5 years? (Must provide proof) ☐YES ☐NO
If the answer to # 14a is "NO", course must be completed before issuance of a new license or approval on an existing license.

15. Have you been detained, cited, arrested, indicted or summoned into court for violation of ANY law or ordinance, regardless of the disposition, even if dismissed or expunged, within the past ten (10) years (include only traffic violations that were alcohol and/or drug related)? ☐YES ☒NO

16. Are there ANY administrative law citations, compliance actions or consents, criminal arrest, indictments or summonses PENDING against you or ANY entity in which you are now involved? ☐YES ~~☒NO~~

17. Have you or any entity in which you have held ownership, been an officer, member, director or manager EVER had a business, professional or liquor application or license rejected, denied, revoked, suspended or fined in this or any other state? ☐YES ~~☒NO~~

18. Has anyone EVER filed suit or obtained a judgment against you, the subject of which involved fraud or misrepresentation? ☐YES ☒NO

19. Are you NOW or have you EVER held ownership, been a controlling person, been an officer, member, director or manager on any other liquor license in this or any other state? ☐YES ☒NO

If any answer to Questions 15 through 19 is "YES" YOU MUST attach a signed statement.
Give complete details including dates, agencies involved, and dispositions.
SUBSTANTIVE CHANGES TO THIS APPLICATION WILL NOT BE ACCEPTED

'10 DEC 15 Liq. Lic. PM 2:09

20. I, SERK DAVIN STEINBECK, hereby declare that I am the APPLICANT/REPRESENTATIVE
(print full name of Applicant)
filing this questionnaire. I have read this questionnaire and all statements are true, correct and complete.

X _____
(Signature of Applicant)

Amy Nations
Notary Public
Maricopa County, Arizona
My Comm. Expires 07-25-2011

My commission expires on: _____
Day Month Year

State of ARIZONA County of MARICOPA

The foregoing instrument was acknowledged before me this 27 day of OCTOBER, 2010
Month Year

Amy Nations
(Signature of NOTARY PUBLIC)

COMPLETE THIS SECTION ONLY IF YOU ARE A CONTROLLING PERSON OR AGENT APPROVING A MANAGER'S APPLICATION

21. The applicant hereby authorizes the person named on this questionnaire to act as manager for the named liquor license. The manager named must be at least 21 years of age.

X Amy Nations
Signature of Controlling Person or Agent (circle one)

AMY NATIONS
Print Name

State of ARIZONA County of MARICOPA

The foregoing instrument was acknowledged before me this 27TH day of OCTOBER, 2010
Month Year

Rhonda J Perez
(Signature of NOTARY PUBLIC)

My commission expires on: _____
Day Month Year

OFFICIAL SEAL
RHONDA J PEREZ
Notary Public - Arizona
MARICOPA COUNTY
My Commission Expires
DECEMBER 28, 2012

Additional Addresses

From 08/06-08/07 (Rent) 1225 W Prospect RD Apt K 108 Fort Collins, CO 80526 Stone Creek Apartments 970-221-5328.

From 08/05-08/06 (Rent) 2131 Flagstone Ct Fort Collins, CO 80525 Tony Waters 970-405-8607

Additonal Work History

From 05/06-08/07 Key employee Carrabbas Italian Grill 1212 Oakridge Dr Fort Collins, CO 80525

From 02/03-05/06 Bartender Morrison Inn 301 Bear Creek Ave Morrison, CO 80465

'10 DEC 15 LIQ. LIC. MI 2:09

ATTACHMENT FOR SERIK DAVIN STEINBECK

QUESTION 16

I work for Carrabba's Italian Grill. Carrabba's holds many licenses in many states and it is possible that one or more of those licenses have something pending.

QUESTION 17

Because of the many licenses held by Carrabba's in many states, it's possible that one or more have had a license fined.

'10 DEC 15 Liqr. Lic. PM 2:09

See List below: Outback Steakhouse, Carrabba's, Fleming's, Roy's, and Bonefish

Outback Steakhouse's:

Alabama:

1725 Fulton Road, Birmingham, AL 35068
5231 Hwy. 280 S., Birmingham, AL 35242
281 Lakeshore Pkwy., Birmingham, AL 35209
2925 Ross Clark Circle, Dothan, AL 36301
4777 Whitesburg Dr., Huntsville, AL 35802
7640 Highway 72 West, Madison, AL 35758
901 Montlimar Drive, Mobile, AL 36609
1040 Eastern Blvd., Montgomery, AL 36117
2115 Pepperell Pkwy., Opelika, AL 36801
1899 Sugar Exchange, Prattville, AL 36066
5001 Oscar-Baxter Drive, Tuscaloosa, AL 35405

Alaska:

101 W. 34th, Anchorage, AK 99503

Arizona:

1080 N. 54th Street, Chandler, AZ 85226
2520 W. Chandler Blvd., Chandler, AZ 85224
2600 E. Lucky Lane, Flagstaff, AZ 86004
5605 W. Bell Road, Glendale, AZ 85308
1650 S. Clearview Ave., Mesa, AZ 85208
1860 E. McKellips Road, Mesa, AZ 85203
9801 N. Black Canyon Hwy., Phoenix, AZ 85021
4715 E. Cactus Road, Phoenix, AZ 85032
7000 Mayo Blvd., #24, Phoenix, AZ 85054
99 S. Hwy. 92, Sierra Vista, AZ 85635
734 E. Southern Avenue, Tempe, AZ 85282
14225 W. Grand Ave., Surprise, AZ 85374
2240 W. Ina Road, Tucson, AZ 85741
4871 E. Grant Road, Tucson, AZ 85712
328 East 16th Street, Yuma, AZ 85364

Arkanas:

2310 Sanders St., Conway, AR 72032
6800 Rogers Ave., Ft. Smith, AR 72903
180 Pakis Street, Hot Springs, AR 71913
906-C Southwest Dr., Jonesboro, AR 72401
105 Markham Park Dr., Little Rock, AR 72211
4509 W. Poplar Street, Rogers, AR 72758
4808 S. Thompson, Springdale, AR 72764

California:

632 Blossom Hill Rd., San Jose, CA 95123
5051 Stockdale Hwy., Bakersfield, CA 93309
166 E. Huntington Drive, Arcadia, CA 91006
30 Pointe Drive, Brea, CA 92821
7575 Beach Boulevard, Buena Park, CA 90622
1761 N. Victory Place, Burbank, CA 91504
1887 S. Bascom Avenue, Campbell, CA 95008
1990 E. 20th Street, Chico, CA 95928
151 N. McKinley Street, Corona, CA 92879

'10 DEC 15 Liq. Lic. PM 2:07

1476 N. Azusa Ave., Covina, CA 91722
20630 Valley Green Drive, Cupertino, CA 95014
371 Gellert Blvd., Daly City, CA 94015
6505 Regional Street, Dublin, CA 94568
722 Jamacha Road, El Cajon, CA 92019
7221 Laguna Blvd., Elk Grove, CA 95758
26652 Portola Pkwy, Foothill Ranch, CA 92610
5525 Stevenson Blvd., Fremont, CA 94538
2765 W. Shaw, Fresno, CA 93711
2001 Harbor Boulevard, Garden Grove, CA 92840
146 S. Brand Blvd, Glendale, CA 91204
2100 Golden Centre Lane, Gold River, CA 95670
5690 Calle Real, Goleta, CA 93117
15433 Culver Drive, Irvine, CA 92604
5305 Clark Avenue, Lakewood, CA 90712
20 West Shoreline Dr., Long Beach, CA 90802
1246 Great Mall Dr., Milpitas, CA 95035
2045-D W. Briggsmore Avenue, Modesto, CA 95350
22680 Centerpoint Drive, Moreno Valley, CA 92553
18711 Devonshire Street, Northridge, CA 91324
12850 Norwalk Blvd., Norwalk, CA 90651
2485 Vista Way, Oceanside, CA 92054
4492 Ontario Mills Pkwy., Ontario, CA 91764
2341 Lockwood Street, Oxnard, CA 93030
72220 Hwy. 111, Palm Desert, CA 92260
1061 Rancho Vista Blvd, Palmdale, CA 93551
1361 Fitzgerald Dr., Pinole, CA 94564
4350 Century Blvd., Pittsburg, CA 94565
150 A Longbrook Way, Pleasant Hill, CA 94523
14701 Pomerado Road, Poway, CA 92064
1418 Azusa Avenue, City of Industry, CA 91748
910 Dana Drive, Redding, CA 96003
4619 Redwood Drive, Rohnert Park, CA 94928
181 N. Sunrise Ave., Roseville, CA 95661
1340 Howe Ave., Sacramento, CA 95825
1401 North Davis Road, Salinas, CA 93907
620 E. Hospitality Lane, San Bernardino, CA 92408
4196 Clairemont Mesa Blvd., San Diego, CA 92117
1640 Camino Del Rio N., Suite 125, San Diego, CA 92108
2980 Plaza Bonita, National City, CA 91950
66 31st Ave, San Mateo, CA 94403
196 Donahue Street, Sausalito, CA 94965
1243 W. March Lane, Stockton, CA 95207
40275 Winchester Rd., Temecula, CA 92591
137 E. Thousand Oaks Blvd., Thousand Oaks, CA 91360
21880 Hawthorne Blvd., Torrance, CA 90503
530 N. Mountain Avenue, Upland, CA 91786
521 Davis St., Vacaville, CA 95688
25261 The Old Road, Newhall, CA 91321
549 Westminster Mall, Westminster, CA 92683
12400 - B Amargosa Rd., Victorville, CA 92392

'10 DEC 15 Liq. Lic. PM 2:07

Colorado:

2066 S. Abilene Street Aurora, CO 80014
4687 Milestone Lane Castle Rock, CO 80104
7065 Commerce Center Drive Colorado Springs, CO 80919
10443 E. Costilla Avenue Centennial, CO 80112
2825 Geyser Drive Colorado Springs, CO 80906
16301 E. 40th Ave. Denver, CO 80239
6040 S. Gun Club Rd. G-8 Aurora, CO 80016
807 E. Harmony Road Fort Collins, CO 80525
14295 W. Colfax Avenue Golden, CO 80401
2432 US Hwy 6 & 50 Grand Junction, CO 81505
15 W. Springer Drive Highlands Ranch, CO 80126
8601 W. Cross Drive Littleton, CO 80123
315 Dry Creek Dr. Longmont, CO 80503
988 Dillon Road Louisville, CO 80027
497 E. 120th Avenue Thornton, CO 80241
9329 N. Sheridan Blvd. Westminster, CO 80030

Connecticut:

116 Newtown Rd.Danbury, CT 06810
98 Elm Street Enfield, CT 06082
170 Hale Road Manchester, CT 06040
305 N. Frontage Rd.New London, CT 06320
3210 Berlin Turnpike Newington, CT 06111
345 Washington Ave.North Haven, CT 06473
132 Marsh Hill Road Orange, CT 06477
698 Bridgeport Ave. Shelton, CT 06484
817 Queen Street Southington, CT 06489
14 Danbury Rd. Wilton, CT 06897

Delaware:

27 Possum Park Mall Newark, DE 19711
19917 Sea Blossom Blvd Rehoboth Beach, DE 19971

Florida:

990 N. State Road 434 Altamonte Springs, FL 32714
19595 State Rd 7 Boca Raton, FL 33498
6030 S.W. 18th St. Boca Raton, FL 33433
27230 Bay Landing Drive Bonita Springs, FL 34135
4402 W. Cortez Road Bradenton, FL 34210
4510 East State Rd 64 Bradenton, FL 34208
2020 W Brandon Blvd. 190 Brandon, FL 33511
1642 N.E. Pine Island Rd.Cape Coral, FL 33909
1625 E Highway 50 Clermont, FL 34711
650 Riverside Drive Coral Springs, FL 33071
14830 Griffin Road Davie, FL 33331
1490 International Speedway Daytona Beach, FL 32114
1300 Linton Blvd. Delray Beach, FL 33444
34908 Emerald Coast Pkwy Destin, FL 32541
6201 N. Federal Hwy.Ft. Lauderdale, FL 33308
1801 SE 10th Ave. Ft. Lauderdale, FL 33316
12995 S. Cleveland Avenue Ft. Myers, FL 33907
10045 Gulf Center Dr.Ft. Myers, FL 33913
3536 S.W. Archer Road Gainesville, FL 32608
2225 Hwy. 44 West Inverness, FL 34453
79999 Overseas Hwy Islamorada, FL 33036
8145 Point Meadows Way Jacksonville, FL 32256

'10 DEC 15 Liq. Lic. PM 2:07

13245 Atlantic Blvd. Jacksonville, FL 32225
9400 Atlantic Blvd. Jacksonville, FL 32225
9773 San Jose Blvd. Jacksonville, FL 32257
3760 S. 3rd Street Jacksonville Beach, FL 32250
3760 S. 3rd Street Jacksonville Beach, FL 32250
11800 Sherri Lane Kendall, FL 33183
3230 N. Roosevelt Blvd. Key West, FL 33040
7804 W. Irlo Bronson Hwy. Kissimmee, FL 34747
3109 W. Vine Street Kissimmee, FL 34741
6266 Lantana Road Lake Worth, FL 33463
5255 S. Florida Ave. Lakeland, FL 33813
4208 US 98 North Lakeland, FL 33809
3690 E. Bay Drive Largo, FL 33771
9600 US highway 441 Leesburg, FL 34788
16547 Fishhawk Blvd. Lithia, FL 33547
261 Merritt Sq Mall, 777 Merritt Is Cwy Merritt Island, FL 32952
13145 S.W. 89th Place Miami, FL 33176
8255 W. Flagler Street Miami, FL 33144
15490 NW 77th Ct. Miami Lakes, FL 33016
3161 N.E. 163rd Street North Miami Beach, FL 33160
4910 Tamiami Trail N.Naples, FL 34103
429 3rd Ave.New Smyrna Beach, FL 32169
3215 S.W. College Road Ocala, FL 34474
4899 E. Silver Springs Blvd.Ocala, FL 34470
1775 Wells Road Orange Park, FL 32073
9333 Airport Blvd.Orlando, FL 32827
1301 Florida Mall Avenue Orlando, FL 32809
8195 Vineland Ave.Orlando, FL 32821
4845 S. Kirkman Rd.Orlando, FL 32811
10749 Narcoossee Rd Orlando, FL 32832
12120 Lake Underhill Rd. Orlando, FL 32825
135 E. Granada Blvd. Ormond Beach, FL 32176
167 East Mitchell Hammock Rd. Oviedo, FL 32765
4651 N.E. Babcock Street Palm Bay, FL 32905
10933 N. Military Trail Palm Beach Gardens, FL 33418
45 Plaza Drive Palm Coast, FL 32137
31988 US Hwy. 19 N. Palm Harbor, FL 34684
861 W. 23rd Street Panama City, FL 32405
7841 Pines Blvd. Pembroke Pines, FL 33024
601 Gregory Street Pensacola, FL 32501
1203 Townsgate Court Plant City, FL 33566
1823 B. N. Pine Island Plantation, FL 33322
1481 Tamiami Trail Port Charlotte, FL 33948
11101 Southern Blvd Royal Palm Beach, FL 33411
180 Hickman Drive Sanford, FL 32771
6390 N. Lockwood Ridge Rd. Sarasota, FL 34243
7207 S. Tamiami Trail Sarasota, FL 34231
921 US 27 N Sebring, FL 33870
5829 SW 73rd Street Miami, FL 33143
4905 Commercial Way Spring Hill, FL 34606
245 State Road 312 St. Augustine, FL 32085
4037 13th Street St. Cloud, FL 34769
1950 NW Courtyard Circle Port St. Lucie, FL 34986
1900 4th Street North St. Petersburg, FL 33704
4088 Park Street St. Petersburg, FL 33709
3101 S.E. Federal Hwy. Stuart, FL 34994

'10 DEC 15 Liq. Lic. PM 2:07

1820 Raymond Diehl Road Tallahassee, FL 32308
11618 N. Dale Mabry Tampa, FL 33618
11950 Sheldon Rd.Tampa, FL 33626
3403 Henderson Blvd. Tampa, FL 33609
11308 N. 56th Street Temple Terrace, FL 33617
710 N. Hwy 441 The Villages, FL 32159
10860 State Rd 54 Trinity, FL 34655
4220 S. Tamiami Trail Venice, FL 34293
1475 US Hwy. 1 Vero Beach, FL 32960
6450 N. Wickham Rd. Viera, FL 32940
5710 Oakley Blvd. Wesley Chapel, FL 33544
871 Village Blvd. West Palm Beach, FL 33409
170 Cypress Gardens Blvd. Winter Haven, FL 33880
1927 Aloma Avenue Winter Park, FL 32792
5891 Red Bug Lake Road Winter Springs, FL 32708

Georgia:

823 N. Westover Road Albany, GA 31707
10955 Jones Bridge Rd, 120-124 Johns Creek, GA 30022
3585 Atlanta Hwy. Athens, GA 30606
3850 Roswell Road N.E. Atlanta, GA 30342
1220 Ashford Crossing Atlanta, GA 30346
2145 Lavista Road Atlanta, GA 30329
2949 Washington Road Augusta, GA 30909
3 Reinhardt College Pkwy. Canton, GA 30114
5592 Whitesville Road Columbus, GA 31904
411 Pottery Factory Dr. Commerce, GA 30529
1188 Dogwood Drive Conyers, GA 30012
1715 Market Place Blvd. Cumming, GA 30041
955 Market St. Dalton, GA 30720
6331 Douglas Blvd. Douglasville, GA 30135
655 Dawsonville Hwy. Gainesville, GA 30501
810 Ernest Barrett Pkwy NW Kennesaw, GA 30144
3899 Arkwright Road Macon, GA 31210
995 N. Peachtree Pkwy. Peachtree City, GA 30269
1404 Turner McCall Blvd. Rome, GA 30161
655 Crossville Rd. Roswell, GA 30075
11196 Abercorn Expwy. Savannah, GA 31419
7 Drayton St. Savannah, GA 31401
1609 Frederica Road St. Simons Island, GA 31522
200 North Park Place Stockbridge, GA 30281
1525 E. Park Place Blvd Stone Mountain, GA 30087
145 Gwinco Blvd. Suwanee, GA 30024
1824 Clubhouse Dr. Valdosta, GA 31602
3088 Watson Blvd. Warner Robins, GA 31093

Hawaii:

75-5809 Alii Drive Kailua-Kona, HI 96740
6650 Kalanianaole Hwy Honolulu, HI 96825
302 Kamokila Blvd. Kapolei, HI 96707
281 Pi ' ikea Ave. Kihei, Maui, HI 96753
325 Keawe St Lahaina, HI 96761
1765 Ala Moana Blvd, Honolulu, HI 96815
94-810 Ukee Street Waipahu, HI 96797

'10 DEC 15 LIP. LIC. PM 2:07

Idaho:

7189 Overland Road Boise, ID 83709
1381 Northwood Center Ct. Coeur d' Alene, ID 83814
970 Lindsay Blvd. Idaho Falls, ID 83402
2011 W. Karcher Rd Nampa, ID 83651
1965 Blue Lakes Blvd. N. Twin Falls, ID 83301

Illinois:

166 S. Gary Avenue Bloomingdale, IL 60108s
1409 N. Veteran's Parkway Bloomington, IL 61701
720 W. Lake Cook Road Buffalo Grove, IL 60089
2005 River Oaks Drive Calumet City, IL 60409
2402 N. Prospect Avenue Champaign, IL 61821
8101 W. Higgins Road Chicago, IL 60631
4751 Northwest HWY Crystal Lake, IL 60014
5642 Northridge Drive Gurnee, IL 60031
3241 Chicagoland Circle Joliet, IL 60431
2855 W. Ogden Avenue Naperville, IL 60540
15608 Harlem Avenue Orland Park, IL 60462
6007 E. State Street Rockford, IL 61108
216 E. Golf Road Schaumburg, IL 60173
5535 W. Touhy Avenue Skokie, IL 60077
365 Randall Road South Elgin, IL 60177
3201 Horizon Drive Springfield, IL 62703
4390 N. Illinois Street Swansea, IL 62221
100-28 E. Roosevelt Road Villa Park, IL 60181
50 E. Loop Road Wheaton, IL 60187

Indiana:

50 E. Loop Road Wheaton, IL 60187
1420 Park Place Clarksville, IN 47129
7201 Indiana Street Evansville, IN 47715
5455 Coventry Lane Ft. Wayne, IN 46804
9140 Rockville Rd. Indianapolis, IN 46234
5771 E. 86th Street Indianapolis, IN 46250
7525 U.S. 31 S. Indianapolis, IN 46227
2315 Post Drive Indianapolis, IN 46219
3454 W. 86th Street Indianapolis, IN 46268
3730 S. Reed Road Kokomo, IN 46902
3660 State Road 26 Lafayette, IN 47905
8117 Georgia Street Merrillville, IN 46410
3401 N. Granville Ave Muncie, IN 47303
4611 Grape Road Mishawaka, IN 46545
3700 S. US Highway 41 Terre Haute, IN 47802

Iowa:

2410 SE Tones Drive Ankeny, IA 50021
3939 1st Ave. S.E. Cedar Rapids, IA 52401
945 25th Ave. Coralville, IA 52241
1235 E. Kimberly Road Davenport, IA 52807
10901 University Avenue Clive, IA 50325
4500 Southern Hills Drive Sioux City, IA 51106

'10 DEC 15 AM 11:07

Kansas:

9501 Quivira Drive Overland Park, KS 66214
1851 Village West Parkway Kansas City, KS 66111
15430 S. Rogers Rd. Olathe, KS 66062
5826 W. 21st Street Topeka, KS 66604
2020 N. Rock Road Wichita, KS 67206
233 S. Ridge Rd. Wichita, KS 67212

Kentucky:

441 Riverhill Drive Ashland, KY 41101
3260 Scottville Road Bowling Green, KY 42104
Terminal 3 (4th Floor) Erlanger, KY 41018
2301 Buttermilk Crossing Crescent Springs, KY 41017
1957 Bryant Rd. Lexington, KY 40509
4001 Nicholasville Road Lexington, KY 40503
9498 Brownsboro Rd. Louisville, KY 40241
8101 Bardstown Rd. Louisville, KY 40291
6520 Signature Drive Louisville, KY 40213
4621 Shelbyville Road Louisville, KY 40207
3995 Hinkleville Road Paducah, KY 42001
400 Highland Park Richmond, KY 40475

Louisiana:

3217 S. McArthur Dr Alexandria, LA 71303
5280 Jones Creek Rd. Baton Rouge, LA 70817
2415 S. Acadian Thruway Baton Rouge, LA 70808
2715 Village Lane Bossier City, LA 71112
60 Park Place Dr. Covington, LA 70433
2637 S. Veteran's Blvd Gonzales, LA 70737
1561 Martin Luther King Blvd. Houma, LA 70360
1600 W. Pinhook Road Lafayette, LA 70508
2616 Derek Drive Lake Charles, LA 70605
1601 Barataria Blvd. Marrero, LA 70072
2746 Severn Ave. Metairie, LA 70002
8825 Line Ave. Shreveport, LA 71106
830 E. I-10 Service Rd. Slidell, LA 70461
305 W Constitution Dr West Monroe, LA 71292

Maine:

147 Western Ave. South Portland, ME 04106

Maryland:

2207 Forest Drive Annapolis, MD 21401
13703 Georgia Avenue Silver Spring, MD 20906
615 Bel Air Bel Air, MD 21014
6868 Race Track Road Bowie, MD 20715
23415 Three Notch Road California, MD 20619
2400 Boston St. Baltimore, MD 21224
4420 Long Gate Parkway Ellicott City, MD 21043
1007 W. Patrick Street Frederick, MD 21702
12609 Wisteria Drive Germantown, MD 20874
7744 Governor Ritchie Hwy. Glen Burnie, MD 21061
240 Railway Lane Hagerstown, MD 21740
134 Shawan Rd. Hunt Valley, MD 21031
3500 E. West Hwy. Hyattsville, MD 20782

'10 DEC 15 Liq. Lic. PM 2:07

6649 Crain Highway La Plata, MD 20646
9660 Lottsford Court Largo, MD 20774
15107 Sweitzer Lane Laurel, MD 20707
12741 Ocean Gateway Ocean City, MD 21842
10904 Boulevard Circle Owings Mills , MD 21117
6019 Oxon Hill Rd. Oxon Hill, MD 20745
4215 Ebenezer Road Baltimore, MD 21236
80 Central Square Drive Prince Frederick, MD 20678
8245 A Dickerson Ln. Salisbury, MD 21804
3020 Crain Hwy. Waldorf, MD 20601

Massachusetts:

771 Southbridge Street Auburn, MA 01501
275 N. Main St. Bellingham, MA 02019
34 Cambridge Street Burlington, MA 01803
1775 Washington St. Hanover, MA 02339
1070 Iyannough Rd. (Route 132) Hyannis, MA 02601
865 Merriam Ave. Leominster, MA 01453
28 Reiss Ave. Lowell, MA 01851
145-i47 Pelham Street Methuen, MA 01844
1212 Providence Hwy. Norwood, MA 02062
300 Andover Street Peabody, MA 01960
45 Mazzeo Drive Randolph, MA 02368
1301 Fall River Avenue Seekonk, MA 02771
440 Middlesex Road Tyngsboro, MA 01879
1537 Riverdale St. W. Springfield , MA 01089
227 Turnpike Road Westborough, MA 01581

Michigan:

3173 Oak Valley Drive Ann Arbor, MI 48103
7873 Conference Center Drive Brighton, MI 48116
42871 Ford Road Canton, MI 48187
6435 Dixie Hwy. Clarkston, MI 48346
4270 Miller Road Flint, MI 48507
3650 28th St. SE Kentwood, MI 49512
3475 Alpine NW Grand Rapids, MI 49544
3333 Century Center St. SW Grandville, MI 49418
1501 Boardman Rd. Jackson, MI 49202
4320 Westnedge Kalamazoo, MI 49008
707 Brookside Lansing, MI 48917
29441 5 Mile Road Livonia, MI 48154
1515 W. 14 Mile Rd. Madison Heights, MI 48071
48020 Grand River Novi, MI 48374
4880 Marsh Road Okemos, MI 48864
1880 South Rochester Rd.Rochester, MI 48307
28850 Gratiot Avenue Roseville, MI 48066
2468 Tittabawassee Rd. Saginaw, MI 48604
45170 Schoenherr Rd. Shelby Township, MI 48315
23501 Greenfield Road Southfield, MI 48075
15765 Eureka Road Southgate, MI 48195-2623
3501 Marketplace Circle Traverse City, MI 49684
6203 Orchard Lake Rd. West Bloomfield, MI 48322

'10 DEC 15 1:47 PM

Minnesota:

1321 E. 78th St. Bloomington, MN 55425
2034 W. County Road 42 Burnsville, MN 55337
8880 Springbrook Drive Coon Rapids, MN 55433
4255 Haines Road Hermantown, MN 55811
5723 Bishop Ave Inver Grove Heights, MN 55076
1770 Beam Avenue Maplewood, MN 55109
1201 S. Broadway Rochester, MN 55904
2181 Snelling Avenue N. Roseville, MN 55113
10150 Hudson Road Woodbury, MN 55129

Mississippi:

3586 Sangani Blvd. D'Iberville, MS 39540
103 Carlisle Drive Hattiesburg, MS 39402
6030 I-55 N. Jackson, MS 39211
111 S. Frontage Rd. Meridian, MS 39301
125 W Goodman Rd. Suite A Southaven, MS 38671
1348 N. Gloster Street Tupelo, MS 38801

Missouri:

101 Cape West Parkway Cape Girardeau, MO 63701
1110 SW I-70 Dr. Columbia, MO 65203
15412 Manchester Road Ellisville, MO 63011
7900 N. Lindbergh Blvd. Hazelwood, MO 63042
20000 E. Valley View Pkwy. Independence, MO 64057
3110 E. 36th St. Joplin, MO 64804
7006 NW Barry Road Kansas City, MO 64153
1731 NE Douglas St. Lee's Summit, MO 64086
4002 Winghaven Blvd. O'Fallon, MO 63366
3930 Hwy. 54 Osage Beach, MO 65065
5240 South Lindbergh St. Louis, MO 63126
3760 S Glenstone Ave Springfield, MO 65804
1620 Country Club Plaza Dr.St. Charles, MO 63303

Montana:

2001 Overland Ave. Billings, MT 59102
6059 East Valley Center Road Bozeman, MT 59715
2415 N. Reserve Missoula, MT 59808

Nebraska:

10408 S. 15th St. Bellevue, NE 68123
633 N. 48th Street Lincoln, NE 68504
2414 S. 132nd Street Omaha, NE 68144
7605 Cass Street Omaha, NE 68114

Nevada:

4423 E. Sunset Road Henderson, NV 89014
3785 Las Vegas Blvd, 4th FlLas Vegas, NV 89109
2625 Craig Road N. Las Vegas, NV 89032
4141 S. Pecos Road Las Vegas, NV 89121
1950 N. Rainbow Blvd. Las Vegas, NV 89108
8671 W. Sahara Avenue Las Vegas, NV 89117
7380 S. Las Vegas Blvd. Las Vegas, NV 89123
3411 S Las Vegas Blvd. Las Vegas, NV 89109
1900 S. Casino Dr Laughlin, NV 89029

'10 DEC 15 Liq. Lic. PM 2:07

3645 S. Virginia Street Reno, NV 89502
1805 E. Lincoln Way Sparks, NV 89434

New Hampshire:

95 S. River Road Bedford, NH 03110
22 Loudon Rd. Concord, NH 03301

New Jersey:

2770 Hooper Ave. Brick, NJ 08723
1538 Route 23 North Butler, NJ 07405
230 Lake Drive E. Cherry Hill, NJ 08002
1709 Deptford Center Rd. #200 Deptford, NJ 08096
539 River Road Edgewater, NJ 07020
481 US Hwy. 1 Edison, NJ 08817
6731 Black Horse Pike Egg Harbor Township, NJ 08234
98 US Hwy. 22 W. Green Brook, NJ 08812
740 US Highway 130 Hamilton, NJ 08691
1070 Route 46 Ledgewood, NJ 07852
901 Route 73 South Marlton, NJ 08053
Hwy. 35 & Woodland Dr. Middletown, NJ 07748
1300 Route 46W Parsippany, NJ 07054
194 N. Route 17 Rochelle Park, NJ 07662
455 Harmon Meadow Blvd.Secaucus, NJ 07094
901 Mountain Avenue Springfield, NJ 07081
4600 Route 42 Turnersville, NJ 08012
191 Berdan Avenue Wayne, NJ 07470

New Mexico:

10022 Coors Blvd. NW Albuquerque, NM 87114
4921 Jefferson NE Albuquerque, NM 87109
4921 E. Main St. Farmington, NM 87402
940 N. Telshor Blvd. Las Cruces, NM 88011
2574 Camino Entrada Santa Fe, NM 87507

New York:

145 Wolf Road Colonie, NY 12205
23-48 Bell Blvd. Bayside, NY 11360
1475 86th St. Brooklyn, NY 11228
1551 Niagara Falls Blvd. Amherst, NY 14228
3946 State Rte. 31 Liverpool, NY 13090
610 Old Rt. 146 Clifton Park, NY 12065
216 Jericho Turnpike Commack, NY 11725
3112 Erie Blvd. E. Dewitt, NY 13214
5040 Nesconset Hwy E. Setauket, NY 11733
88-01 Queens Blvd. Elmhurst, NY 11373
1954 W. Ridge Road Rochester, NY 14626
S. 3670 McKinley Pkwy. Blasdell, NY 14219
1180 Jefferson Road Henrietta, NY 14623
325 Main Street Holbrook, NY 11741
200 Colonial Dr. Horseheads, NY 14845
839 New York Ave. Huntington, NY 11743
3939 Long Beach Road Island Park, NY 11558
612 N Wellwood Ave Lindenhurst, NY 11757
2124 Merrick Mall Merrick, NY 11566
215 Larkin Drive Monroe, NY 10950
30 Indian Rock Route 59 Suffern, NY 10901

'10 DEC 15 LIQ. LIC. PM 2:07

8655 Clinton Street New Hartford, NY 13413
919 Third Ave. / 56th St. New York, NY 10022
60 W. 23rd Street New York, NY 10010
925 State Rt 9 Queensbury, NY 12804
280 Marsh Ave. Staten Island, NY 10314
3140 Vestal Pkwy. E. Vestal, NY 13850
4242 Palisades Center W. Nyack, NY 10994
25 Crystal Run Crossing Wallkill, NY 10941
1510 Route 9 Wappingers Falls, NY 12590
1067 Old Country Road Westbury, NY 11590
60 S. Broadway White Plains, NY 10601
1703 Central Park Ave. Yonkers, NY 10710

North Carolina:

_30 Tunnel Road Asheville, NC 28805
8280 Valley Blvd. Blowing Rock, NC 28605
2735 Longpine Road Burlington, NC 27215
1289 Kildaire Farm Road Cary, NC 27511
1412-A East Blvd. Suite A Charlotte, NC 28203
8338 Pineville-Matthews Rd. Charlotte, NC 28226
1015 Chancellor Park Dr. Charlotte, NC 28213
3500 Mount Moriah Road Durham, NC 27707
505 N. McPherson Church Road Fayetteville, NC 28303
845 US Highway 70 West Garner, NC 27529
501 N. New Hope Road Gastonia, NC 28054
2617 North Park Drive Goldsboro, NC 27534
2105 Four Seasons Blvd Greensboro, NC 27407
1611 Westover Terrace Greensboro, NC 27408
606 Greenville Blvd. SW Greenville, NC 27834
250 Mitchelle Drive Hendersonville, NC 28792
1435 13th Ave. Dr. SE Hickory, NC 28602
260 E. Parris Ave. High Point, NC 27262
16400 Northcross Dr. Huntersville, NC 28078
1045 Western Blvd Jacksonville, NC 28546
223 Wintergreen Dr. Lumberton, NC 28358
9623 E. Independence Blvd. Matthews, NC 28105
4937 Arendell St. Morehead City, NC 28557
5220 S. Croatan Hwy. Nags Head, NC 27959
111 Howell Rd. New Bern, NC 28560
3105 Capital Blvd. Raleigh, NC 27604
7500 Creedmoor Road Raleigh, NC 27613
210 Gateway Blvd. Rocky Mount, NC 27804
1020 East Innes Street Salisbury, NC 28144
911 Industrial Park Dr. Smithfield, NC 27577
100 Southern Road Southern Pines, NC 28387
979 Folger Drive Statesville, NC 28625
302 S. College Road Wilmington, NC 28403
505 Highland Oaks Dr. Winston-Salem, NC 27103

Ohio:

110 Montrose W. Ave. Akron, OH 44321
7000 Tiffany S. Blvd. Boardman, OH 44512
4303 Whipple Ave. NW Canton, OH 44718
9880 Colerain Avenue Cincinnati, OH 45251
7731 Five Mile Road Cincinnati, OH 45230
8240 Montgomery Road Cincinnati, OH 45236

'10 DEC 15 AM 8:07

11790 Springfield Pike Cincinnati, OH 45246
6168 Glenway Avenue Cincinnati, OH 45211
2704 Bethel Rd Columbus, OH 43220
1735 Hilliard - Rome Rd Columbus, OH 43026
738 Howe Avenue Cuyahoga Falls, OH 44221
101 E. Alex Bell Road, #124 Centerville, OH 45459
6800 Miller Lane Dayton, OH 45414
930 Interstate Drive Findlay, OH 45840
6100 Rockside Place Independence, OH 44131
5708 Mayfield Road Lyndhurst, OH 44124
8250 Macedonia Commons Blvd. Macedonia, OH 44056
820 N. Lexington Sprgmill Rd. Mansfield, OH 44906
2512 Kings Center Ct. Mason, OH 45040
401 W. Dussel Rd. Maumee, OH 43537
8595 Market St. Mentor, OH 44060
5555 Youngstown-Warren Rd., Unit 40 Niles, OH 44446
6950 Ridge Road Parma, OH 44129
6000 E. Main Street Columbus, OH 43213
4920 Milan Rd. Perkins Township, OH 44870
50575 Valley Frontage Road St. Clairsville, OH 43950
5200 Monroe Street Toledo, OH 43623
1801 Towne Park Dr. Troy , OH 45373
24900 Sperry Drive Westlake, OH 44145

Oklahoma:

3600 S. Broadway Edmond, OK 73013
7206 NW Cache Rd. Lawton, OK 73505
7206 NW Cache Rd. Lawton, OK 73505
4144 NW Expressway Oklahoma City, OK 73116
2219 S.W. 74th, Ste. 100 Oklahoma City, OK 73159
9006 E. 71st Street Tulsa, OK 74133
9710 Riverside Drive Tulsa, OK 74137
4723 South Yale Ave. Tulsa, OK 74135

Oregon:

1180 SE 3rd St. Bend, OR 97702
9500 SE 82nd Ave. Portland, OR 9726
2424 SE Burnside Rd. Gresham, OR 97080
3613 Crater Lake Highway Medford, OR 97504
11146 SW Barnes Road Portland, OR 97225
2285 Lancaster Dr., NE Salem, OR 97305
3463 Hutton St. Springfield, OR 97477
8665 SW Tualatin-Sherwood Rd. Tualatin, OR 97062

Pennsylvania:

3100 W. Tilghman St. Allentown, PA 18104
100 Sheraton Dr. Altoona, PA 16602
3240 Tillman Drive Bensalem, PA 19020
3200 Emrick Blvd. Bethlehem, PA 18020
2076 Interchange Rd. Mill Creek Pavilion Erie, PA 16565
561 Glen Eagle Square Glen Mills, PA 19342
3527 Union Deposit Rd. Harrisburg, PA 17109
2520 York Rd. Jamison, PA 18929
610 Old York Road Jenkintown, PA 19046
100 N. Pointe Blvd. Lancaster, PA 17601
25 Gateway Drive Mechanicsburg, PA 17055

'10 DEC 15 LIQ. LIC. AM 2:07

3000 Mosside Blvd. Monroeville, PA 15146
411 Doylestown Pike Montgomeryville, PA 18936
1400 Marketplace Blvd. Moon Township, PA 15108
9395 McKnight Rd. Pittsburgh, PA 15237
25 McMurray Road Pittsburgh, PA 15241
322 Ridge Pike Conshohocken, PA 19428
1101 Woodland Rd. Wyomissing, PA 19610
22 Anchor Parkway Royersford, PA 19468
1162 Baltimore Pike Springfield, PA 19064
1905 Waddle Rd. State College, PA 16803
460 Washington Road Washington, PA 15301
299 E. Swedesford (Gateway Shopping Ctr) Wayne, PA 19087
547 Arena Hub Plaza Wilkes-Barre, PA 18702
2496 E. Market Street York, PA 17402

Puerto Rico:

PMB 422 San Juan, PR 00913

Rhode Island:

1000 Division St. E. Greenwich, RI 02818

South Carolina:

160 Aiken Mall Rd. Aiken, SC 29801
110 Interstate Blvd. Anderson, SC 29621
2113 Boundary Street Beaufort, SC 29902
100 Buckwalter Pkwy Bluffton, SC 29910
1890 Sam Rittenberg Blvd. Charleston, SC 29407
252 F. Harbison Blvd. Columbia, SC 29212
7611 Two Notch Road Columbia, SC 29223
125 Southern Center Way Easley, SC 29642
110 Dunbarton Drive Florence, SC 29501
945 Factory Shops Blvd. Gaffney, SC 29341
21 Orchard Park Drive Greenville, SC 29615
454 Bypass 72 N.W. Greenwood, SC 29649
20 Hatton Place Hilton Head, SC 29926
715 Johnnie Dodds Blvd. Mt. Pleasant, SC 29464
3270 Hwy. 17 S. Murrells Inlet, SC 29576
7025 N. Kings Hwy. Myrtle Beach, SC 29577
7643 Rivers Avenue N. Charleston, SC 29406
1721 Hwy. 17 N. N. Myrtle Beach, SC 29582
1319 River Run Court Rock Hill, SC 29732
1646 J.B. White SR Blvd. Spartanburg, SC 29301
2480 Broad St. Sumter, SC 29151
4650 Factory Stores Blvd. Myrtle Beach, SC 29579

South Dakota:

665 E. Disk Dr. Rapid City, SD 57701
2411 S. Carolyn Ave. Sioux Falls, SD 57106

Tennessee:

8005 Moores Lane Brentwood, TN 37027
2120 Hamilton Place Blvd. Chattanooga, TN 37421
501-A Northgate Mall Chattanooga, TN 37415
2790 Wilma Rudolph Blvd. Clarksville, TN 37040
536 Paul Huff Pkwy. Cleveland, TN 37312
1390 Interstate Drive Cookeville, TN 38501

'10 DEC 15 LIQ. LIC. PM 2 07

1110 N. Germantown Pkwy Cordova, TN 38016
5582 Old Hickory Blvd. Hermitage, TN 37076
194 Stonebrook Place Jackson, TN 38305
3101 Browns Mill Road Johnson City, TN 37601
330 N. Peters Road Knoxville, TN 37922
314 A Merchants Drive Knoxville, TN 37912
7400 Sawyer Lane Knoxville, TN 37924
1125 Franklin Rd. Lebanon, TN 37090
1125 Franklin Rd. Lebanon, TN 37090
1968 Old Ft. Pkwy. Murfreesboro, TN 37129
3212 West End Avenue Nashville, TN 37203
402 S. Illinois Ave. Oak Ridge, TN 37830
1560 Gallatin Pike N. Madison, TN 37115
611 Parkway Sevierville, TN 37862

Texas:

4142 Ridgemont Dr. Abilene, TX 79606
15180 Addison Road Addison, TX 75001
7101 I-40 W. Amarillo, TX 79106
1151 W. I-20 Arlington, TX 76015
11600 Research Blvd. Austin, TX 78759
4211 South Lamar Blvd. Austin, TX 78704
5218 I-10 East Baytown, TX 77521
2060 IH-10 S. Beaumont, TX 77707
2102 S. Texas Ave. College Station, TX 77840
808 Interstate 45 N. Conroe, TX 77301
4221 S. Padre Island Dr. Corpus Christi, TX 78411
9049 Vantage Point Drive Dallas, TX 75243
300 I-35 S. Denton, TX 76205
1101 N. I-35 East DeSoto, TX 75115
11875 Gateway W. Blvd. El Paso, TX 79936
4608 Bryant Irvin Road Fort Worth, TX 76132
9382 State Hwy 121 Frisco , TX 75035
13265 South Freeway Burleson, TX 76028
4902 N President George Bush Hwy Garland, TX 75040
1031 State Hwy. 114 W. Grapevine, TX 76051
5710 FM 1960 W. Houston, TX 77069
481 W. Bay Area Blvd. Webster, TX 77598
7070 Highway 6 N. Houston, TX 77095
4 FM 1960 W. Houston, TX 77090
12130 Dickinson Road Houston, TX 77089
8731 West Loop South 610 Houston, TX 77096
18326 I-45 SouthShenandoah, TX 77384
10001 Westheimer Rd Houston, TX 77042
9753 FM 1960 Bypass Humble, TX 77338
701 Airport Freeway Hurst, TX 76053
3510 W. Airport Freeway Irving, TX 75062
20455 Katy Freeway Katy, TX 77450
2701 E. Central Texas Expy. Killeen, TX 76543
2211 S. Stemmons Fwy. Lewisville, TX 75067
501 E. Loop 281 Longview, TX 75605
4015 South Loop 289 Lubbock, TX 79423
2206 S. First St. Lufkin, TX 75904
1109 East Business 83 McAllen, TX 78501
3903 Towne Crossing Blvd. Mesquite, TX 75150
2314 W. Loop 250 N. Midland, TX 79705

'10 DEC 15 Lgr. Lic. PM 2:07

1509 N. Central Exp. Plano, TX 75075
1651 I-35 S. Round Rock, TX 78664
4505 Sherwood Way San Angelo, TX 76904
12511 I-10 W. San Antonio, TX 78230
8131 Agora Parkway Selma, TX 78154
5552 NW Loop 410 San Antonio, TX 78238
16080 San Pedro Avenue San Antonio, TX 78232
4205 I-H 35 S. San Marcos, TX 78666
15253 S.W. Freeway Sugar Land, TX 77478
3209 Mall Dr. - Central Mall Texarkana, TX 75503
5704 S. Broadway Tyler, TX 75703
4500 Franklin Waco, TX 76710

Utah:

1664 N. 1200 W. Layton, UT 84041
372 E. 1300 South Orem, UT 84057
7770 S. 1300 E. Sandy, UT 84094
250 N. Red Cliff Dr. #40 St. George, UT 84790

Vermont:

150 Dorset Street S. Burlington, VT 05403

Viriginia:

6804 Richmond Hwy. Alexandria, VA 22306
4821 North First Street Arlington, VA 22203
3168 Linden Dr. Bristol, VA 24202
5702 Union Mill Road Clifton, VA 20124
355 Albemarle Square Charlottesville, VA 22901
4312 Portsmouth Blvd. Chesapeake, VA 23321
6821 Chital Dr. Midlothian, VA 23112
295 Pepper's Ferry Rd. NE Christiansburg, VA 24073
165 Southpark Cir Colonial Heights, VA 23834
14580 Potomac Mills Road Woodbridge, VA 22191
111 Enterprise Drive Danville, VA 24540
9579 Braddock Road Fairfax, VA 22032
10060 Lee Hwy. Fairfax, VA 22030
2941 Plank Road Fredericksburg, VA 22401
1700 West Mercury Blvd. Hampton, VA 23666
261 University Blvd. Harrisonburg, VA 22801
150 Elden Street #100 Herndon, VA 20170
3121 Albert Lankford Dr. Lynchburg, VA 24501
7420 Bell Creek Rd. Mechanicsville, VA 23111
12258 Jefferson Ave. Newport News, VA 23602
333 Waterside Dr. Norfolk, VA 23510
7917 W. Broad Street Richmond, VA 23294
2063 Huguenot Rd. Richmond, VA 23235
4380 Franklin Road Roanoke, VA 24014
6651 Backlick Road Springfield, VA 22150
308 Worth Ave.,Ste. 101 Stafford, VA 22556
46300 Potomac Run Pl. #150 Sterling, VA 20164
315 Maple Ave. E. Vienna, VA 22180
1757 Laskin Road Virginia Beach, VA 23454
1255 Fordham Dr. Virginia Beach, VA 23464
1113 Nimmo Pkwy. Virginia Beach, VA 23456
6419 Lee Highway Warrenton, VA 20187
28 Windigrove Dr. Waynesboro, VA 22980

'10 DEC 15 LIGV. LIC. PM 2:07

3026 Richmond Road Williamsburg, VA 23185
124 Kernstown Commons Blvd. Winchester, VA 22602

Washington:

15100 S.E. 38th Street, Ste. #500 Bellevue, WA 98006
22606 Bothell-Everett Hwy. Bothell, WA 98201
5769 SR 303 NE Bremerton, WA 98311
478 Andis Rd. Burlington, WA 98233
10121 Evergreen Way, # 15 Everett, WA 98204
2210 S. 320th Street, #A-6 Federal Way, WA 98003
6819 W. Canal Drive Kennewick, WA 99336
12120 NE 85th Street Kirkland, WA 98033
701 Westlake Ave. North Seattle, WA 98109
13231 Aurora Ave. N. Seattle, WA 98133
2615 Capital Mall Drive SW Olympia, WA 98502
12920 Meridian Ste. E. Puyallup, WA 98373
16510 Southcenter Parkway Tukwila, WA 98188
5628 N. Division Street, Suite B-6 Spokane, WA 99207
14746 East Indiana Spokane, WA 99216
3111 S. 38th Street Tacoma, WA 98409
8700 NE Vancouver Mall Dr., Ste. 121 Vancouver, WA 98661
2412 Rudkin Rd. Union Gap, WA 98903

West Virginia:

111 Hylton Lane Beckley, WV 25801
3000 Meadowbrook Mall Rd Bridgeport, WV 26330
1062 Charleston Town Center Charleston, WV 25389
3417 U.S. Route 60 E. Barboursville, WV 25504
790 Foxcroft Ave. N. Martinsburg, WV 25401
510 Venture Dr. Morgantown, WV 26505
105 Grand Central Mall Vienna, WV 26101
311 Greasy Ridge Road Princeton, WV 24740

Wisconsin:

1260 S. Moorland Rd. Brookfield, WI 53005
4287 W. College Avenue Grand Chute, WI 54914
7401 West Barnard Avenue Greenfield, WI 53220
4520 East Towne Blvd. Madison, WI 53704
279 Junction Road Madison, WI 53717
311 Hampton Ct. Onalaska, WI 54650

Wyoming:

229 Miracle Street Evansville, WY 82636
1626 Fleischli Business Pkwy. Cheyenne, WY 82007

'10 DEC 15 Liq. Lic. AM 2:07

See List below: Outback Steakhouse, Carrabba's, Fleming's, Roy's, and Bonefish

Carrabba's:

Alabama:

1725 Fulton Road, Birmingham, AL 35068
5231 Hwy. 280 S., Birmingham, AL 35242
281 Lakeshore Pkwy., Birmingham, AL 35209
2925 Ross Clark Circle, Dothan, AL 36301
4777 Whitesburg Dr., Huntsville, AL 35802
7640 Highway 72 West, Madison, AL 35758
901 Montlimar Drive, Mobile, AL 36609
1040 Eastern Blvd., Montgomery, AL 36117
2115 Pepperell Pkwy., Opelika, AL 36801
1899 Sugar Exchange, Prattville, AL 36066
5001 Oscar-Baxter Drive, Tuscaloosa, AL 35405

Alaska:

101 W. 34th, Anchorage, AK 99503

Arizona:

1080 N. 54th Street, Chandler, AZ 85226
2520 W. Chandler Blvd., Chandler, AZ 85224
2600 E. Lucky Lane, Flagstaff, AZ 86004
5605 W. Bell Road, Glendale, AZ 85308
1650 S. Clearview Ave., Mesa, AZ 85208
1860 E. McKellips Road, Mesa, AZ 85203
9801 N. Black Canyon Hwy., Phoenix, AZ 85021
4715 E. Cactus Road, Phoenix, AZ 85032
7000 Mayo Blvd., #24, Phoenix, AZ 85054
99 S. Hwy. 92, Sierra Vista, AZ 85635
734 E. Southern Avenue, Tempe, AZ 85282
14225 W. Grand Ave., Surprise, AZ 85374
2240 W. Ina Road, Tucson, AZ 85741
4871 E. Grant Road, Tucson, AZ 85712
328 East 16th Street, Yuma, AZ 85364

Arkanas:

2310 Sanders St., Conway, AR 72032
6800 Rogers Ave., Ft. Smith, AR 72903
180 Pakis Street, Hot Springs, AR 71913
906-C Southwest Dr., Jonesboro, AR 72401
105 Markham Park Dr., Little Rock, AR 72211
4509 W. Poplar Street, Rogers, AR 72758
4808 S. Thompson, Springdale, AR 72764

California:

632 Blossom Hill Rd., San Jose, CA 95123
5051 Stockdale Hwy., Bakersfield, CA 93309
166 E. Huntington Drive, Arcadia, CA 91006
30 Pointe Drive, Brea, CA 92821
7575 Beach Boulevard, Buena Park, CA 90622
1761 N. Victory Place, Burbank, CA 91504
1887 S. Bascom Avenue, Campbell, CA 95008
1990 E. 20th Street, Chico, CA 95928
151 N. McKinley Street, Corona, CA 92879
1670 Newport Blvd., Costa Mesa, CA 92627

'10 DEC 15 Liq. Lic. AM 2:07

1476 N. Azusa Ave., Covina, CA 91722
20630 Valley Green Drive, Cupertino, CA 95014
371 Gellert Blvd., Daly City, CA 94015
6505 Regional Street, Dublin, CA 94568
722 Jamacha Road, El Cajon, CA 92019
7221 Laguna Blvd., Elk Grove, CA 95758
26652 Portola Pkwy, Foothill Ranch, CA 92610
5525 Stevenson Blvd., Fremont, CA 94538
2765 W. Shaw, Fresno, CA 93711
2001 Harbor Boulevard, Garden Grove, CA 92840
146 S. Brand Blvd, Glendale, CA 91204
2100 Golden Centre Lane, Gold River, CA 95670
5690 Calle Real, Goleta, CA 93117
15433 Culver Drive, Irvine, CA 92604
5305 Clark Avenue, Lakewood, CA 90712
20 West Shoreline Dr., Long Beach, CA 90802
1246 Great Mall Dr., Milpitas, CA 95035
2045-D W. Briggsmore Avenue, Modesto, CA 95350
22680 Centerpoint Drive, Moreno Valley, CA 92553
18711 Devonshire Street, Northridge, CA 91324
12850 Norwalk Blvd., Norwalk, CA 90651
2485 Vista Way, Oceanside, CA 92054
4492 Ontario Mills Pkwy., Ontario, CA 91764
2341 Lockwood Street, Oxnard, CA 93030
72220 Hwy. 111, Palm Desert, CA 92260
1061 Rancho Vista Blvd, Palmdale, CA 93551
1361 Fitzgerald Dr., Pinole, CA 94564
4350 Century Blvd., Pittsburg, CA 94565
150 A Longbrook Way, Pleasant Hill, CA 94523
14701 Pomerado Road, Poway, CA 92064
1418 Azusa Avenue, City of Industry, CA 91748
910 Dana Drive, Redding, CA 96003
4619 Redwood Drive, Rohnert Park, CA 94928
181 N. Sunrise Ave., Roseville, CA 95661
1340 Howe Ave., Sacramento, CA 95825
1401 North Davis Road, Salinas, CA 93907
620 E. Hospitality Lane, San Bernardino, CA 92408
4196 Clairemont Mesa Blvd., San Diego, CA 92117
1640 Camino Del Rio N., Suite 125, San Diego, CA 92108
2980 Plaza Bonita, National City, CA 91950
66 31st Ave, San Mateo, CA 94403
196 Donahue Street, Sausalito, CA 94965
1243 W. March Lane, Stockton, CA 95207
40275 Winchester Rd., Temecula, CA 92591
137 E. Thousand Oaks Blvd., Thousand Oaks, CA 91360
21880 Hawthorne Blvd., Torrance, CA 90503
530 N. Mountain Avenue, Upland, CA 91786
521 Davis St., Vacaville, CA 95688
25261 The Old Road, Newhall, CA 91321
549 Westminster Mall, Westminster, CA 92683
12400 - B Amargosa Rd., Victorville, CA 92392

'10 DEC 15 LIA, LIC, AM 2:07

Colorado:

2066 S. Abilene Street Aurora, CO 80014
4687 Milestone Lane Castle Rock, CO 80104
7065 Commerce Center Drive Colorado Springs, CO 80919
10443 E. Costilla Avenue Centennial, CO 80112
2825 Geyser Drive Colorado Springs, CO 80906
16301 E. 40th Ave. Denver, CO 80239
6040 S. Gun Club Rd. G-8 Aurora, CO 80016
807 E. Harmony Road Fort Collins, CO 80525
14295 W. Colfax Avenue Golden, CO 80401
2432 US Hwy 6 & 50 Grand Junction, CO 81505
15 W. Springer Drive Highlands Ranch, CO 80126
8601 W. Cross Drive Littleton, CO 80123
315 Dry Creek Dr. Longmont, CO 80503
988 Dillon Road Louisville, CO 80027
497 E. 120th Avenue Thornton, CO 80241
9329 N. Sheridan Blvd. Westminster, CO 80030

Connecticut:

116 Newtown Rd.Danbury, CT 06810
98 Elm Street Enfield, CT 06082
170 Hale Road Manchester, CT 06040
305 N. Frontage Rd.New London, CT 06320
3210 Berlin Turnpike Newington, CT 06111
345 Washington Ave.North Haven, CT 06473
132 Marsh Hill Road Orange, CT 06477
698 Bridgeport Ave. Shelton, CT 06484
817 Queen Street Southington, CT 06489
14 Danbury Rd. Wilton, CT 06897

Delaware:

27 Possum Park Mall Newark, DE 19711
19917 Sea Blossom Blvd Rehoboth Beach, DE 19971

Florida:

990 N. State Road 434 Altamonte Springs, FL 32714
19595 State Rd 7 Boca Raton, FL 33498
6030 S.W. 18th St. Boca Raton, FL 33433
27230 Bay Landing Drive Bonita Springs, FL 34135
4402 W. Cortez Road Bradenton, FL 34210
4510 East State Rd 64 Bradenton, FL 34208
2020 W Brandon Blvd. 190 Brandon, FL 33511
1642 N.E. Pine Island Rd.Cape Coral, FL 33909
1625 E Highway 50 Clermont, FL 34711
650 Riverside Drive Coral Springs, FL 33071
14830 Griffin Road Davie, FL 33331
1490 International Speedway Daytona Beach, FL 32114
1300 Linton Blvd. Delray Beach, FL 33444
34908 Emerald Coast Pkwy Destin, FL 32541
6201 N. Federal Hwy.Ft. Lauderdale, FL 33308
1801 SE 10th Ave. Ft. Lauderdale, FL 33316
12995 S. Cleveland Avenue Ft. Myers, FL 33907
10045 Gulf Center Dr.Ft. Myers, FL 33913
3536 S.W. Archer Road Gainesville, FL 32608
2225 Hwy. 44 West Inverness, FL 34453
79999 Overseas Hwy Islamorada, FL 33036
8145 Point Meadows Way Jacksonville, FL 32256

'10 DEC 15 Liq. Lic. AM 2 07

13245 Atlantic Blvd. Jacksonville, FL 32225
9400 Atlantic Blvd. Jacksonville, FL 32225
9773 San Jose Blvd. Jacksonville, FL 32257
3760 S. 3rd Street Jacksonville Beach, FL 32250
3760 S. 3rd Street Jacksonville Beach, FL 32250
11800 Sherri Lane Kendall, FL 33183
3230 N. Roosevelt Blvd. Key West, FL 33040
7804 W. Irlo Bronson Hwy. Kissimmee, FL 34747
3109 W. Vine Street Kissimmee, FL 34741
6266 Lantana Road Lake Worth, FL 33463
5255 S. Florida Ave. Lakeland, FL 33813
4208 US 98 North Lakeland, FL 33809
3690 E. Bay Drive Largo, FL 33771
9600 US highway 441 Leesburg, FL 34788
16547 Fishhawk Blvd. Lithia, FL 33547
261 Merritt Sq Mall, 777 Merritt Is Cwy Merritt Island, FL 32952
13145 S.W. 89th Place Miami, FL 33176
8255 W. Flagler Street Miami, FL 33144
15490 NW 77th Ct. Miami Lakes, FL 33016
3161 N.E. 163rd Street North Miami Beach, FL 33160
4910 Tamiami Trail N.Naples, FL 34103
429 3rd Ave.New Smyrna Beach, FL 32169
3215 S.W. College Road Ocala, FL 34474
4899 E. Silver Springs Blvd.Ocala, FL 34470
1775 Wells Road Orange Park, FL 32073
9333 Airport Blvd.Orlando, FL 32827
1301 Florida Mall Avenue Orlando, FL 32809
8195 Vineland Ave.Orlando, FL 32821
4845 S. Kirkman Rd.Orlando, FL 32811
10749 Narcoossee Rd Orlando, FL 32832
12120 Lake Underhill Rd. Orlando, FL 32825
135 E. Granada Blvd. Ormond Beach, FL 32176
167 East Mitchell Hammock Rd. Oviedo, FL 32765
4651 N.E. Babcock Street Palm Bay, FL 32905
10933 N. Military Trail Palm Beach Gardens, FL 33418
45 Plaza Drive Palm Coast, FL 32137
31988 US Hwy. 19 N. Palm Harbor, FL 34684
861 W. 23rd Street Panama City, FL 32405
7841 Pines Blvd. Pembroke Pines, FL 33024
601 Gregory Street Pensacola, FL 32501
1203 Townsgate Court Plant City, FL 33566
1823 B. N. Pine Island Plantation, FL 33322
1481 Tamiami Trail Port Charlotte, FL 33948
11101 Southern Blvd Royal Palm Beach, FL 33411
180 Hickman Drive Sanford, FL 32771
6390 N. Lockwood Ridge Rd. Sarasota, FL 34243
7207 S. Tamiami Trail Sarasota, FL 34231
921 US 27 N Sebring, FL 33870
5829 SW 73rd Street Miami, FL 33143
4905 Commercial Way Spring Hill, FL 34606
245 State Road 312 St. Augustine, FL 32085
4037 13th Street St. Cloud, FL 34769
1950 NW Courtyard Circle Port St. Lucie, FL 34986
1900 4th Street North St. Petersburg, FL 33704
4088 Park Street St. Petersburg, FL 33709
3101 S.E. Federal Hwy. Stuart, FL 34994

'10 DEC 15 Liq. Lic. AM 2:08

1820 Raymond Diehl Road Tallahassee, FL 32308
11618 N. Dale Mabry Tampa, FL 33618
11950 Sheldon Rd.Tampa, FL 33626
3403 Henderson Blvd. Tampa, FL 33609
11308 N. 56th Street Temple Terrace, FL 33617
710 N. Hwy 441 The Villages, FL 32159
10860 State Rd 54 Trinity, FL 34655
4220 S. Tamiami Trail Venice, FL 34293
1475 US Hwy. 1 Vero Beach, FL 32960
6450 N. Wickham Rd. Viera, FL 32940
5710 Oakley Blvd. Wesley Chapel, FL 33544
871 Village Blvd. West Palm Beach, FL 33409
170 Cypress Gardens Blvd. Winter Haven, FL 33880
1927 Aloma Avenue Winter Park, FL 32792
5891 Red Bug Lake Road Winter Springs, FL 32708

Georgia:

823 N. Westover Road Albany, GA 31707
10955 Jones Bridge Rd, 120-124 Johns Creek, GA 30022
3585 Atlanta Hwy. Athens, GA 30606
3850 Roswell Road N.E. Atlanta, GA 30342
1220 Ashford Crossing Atlanta, GA 30346
2145 Lavista Road Atlanta, GA 30329
2949 Washington Road Augusta, GA 30909
3 Reinhardt College Pkwy. Canton, GA 30114
5592 Whitesville Road Columbus, GA 31904
411 Pottery Factory Dr. Commerce, GA 30529
1188 Dogwood Drive Conyers, GA 30012
1715 Market Place Blvd. Cumming, GA 30041
955 Market St. Dalton, GA 30720
6331 Douglas Blvd. Douglasville, GA 30135
655 Dawsonville Hwy. Gainesville, GA 30501
810 Ernest Barrett Pkwy NW Kennesaw, GA 30144
3899 Arkwright Road Macon, GA 31210
995 N. Peachtree Pkwy. Peachtree City, GA 30269
1404 Turner McCall Blvd. Rome, GA 30161
655 Crossville Rd. Roswell, GA 30075
11196 Abercorn Expwy. Savannah, GA 31419
7 Drayton St. Savannah, GA 31401
1609 Frederica Road St. Simons Island, GA 31522
200 North Park Place Stockbridge, GA 30281
1525 E. Park Place Blvd Stone Mountain, GA 30087
145 Gwinco Blvd. Suwanee, GA 30024
1824 Clubhouse Dr. Valdosta, GA 31602
3088 Watson Blvd. Warner Robins, GA 31093

Hawaii:

75-5809 Alii Drive Kailua-Kona, HI 96740
6650 Kalanianaole Hwy Honolulu, HI 96825
302 Kamokila Blvd. Kapolei, HI 96707
281 Pi ' ikea Ave. Kihei, Maui, HI 96753
325 Keawe St Lahaina, HI 96761
1765 Ala Moana Blvd, Honolulu, HI 96815
94-810 Ukee Street Waipahu, HI 96797

'10 DEC 15 Liq. Lic. PM 2:08

Idaho:

7189 Overland Road Boise, ID 83709
1381 Northwood Center Ct. Coeur d' Alene, ID 83814
970 Lindsay Blvd. Idaho Falls, ID 83402
2011 W. Karcher Rd Nampa, ID 83651
1965 Blue Lakes Blvd. N. Twin Falls, ID 83301

Illinois:

166 S. Gary Avenue Bloomingdale, IL 60108s
1409 N. Veteran's Parkway Bloomington, IL 61701
720 W. Lake Cook Road Buffalo Grove, IL 60089
2005 River Oaks Drive Calumet City, IL 60409
2402 N. Prospect Avenue Champaign, IL 61821
8101 W. Higgins Road Chicago, IL 60631
4751 Northwest HWY Crystal Lake, IL 60014
5642 Northridge Drive Gurnee, IL 60031
3241 Chicagoland Circle Joliet, IL 60431
2855 W. Ogden Avenue Naperville, IL 60540
15608 Harlem Avenue Orland Park, IL 60462
6007 E. State Street Rockford, IL 61108
216 E. Golf Road Schaumburg, IL 60173
5535 W. Touhy Avenue Skokie, IL 60077
365 Randall Road South Elgin, IL 60177
3201 Horizon Drive Springfield, IL 62703
4390 N. Illinois Street Swansea, IL 62221
100-28 E. Roosevelt Road Villa Park, IL 60181
50 E. Loop Road Wheaton, IL 60187

Indiana:

50 E. Loop Road Wheaton, IL 60187
1420 Park Place Clarksville, IN 47129
7201 Indiana Street Evansville, IN 47715
5455 Coventry Lane Ft. Wayne, IN 46804
9140 Rockville Rd. Indianapolis, IN 46234
5771 E. 86th Street Indianapolis, IN 46250
7525 U.S. 31 S. Indianapolis, IN 46227
2315 Post Drive Indianapolis, IN 46219
3454 W. 86th Street Indianapolis, IN 46268
3730 S. Reed Road Kokomo, IN 46902
3660 State Road 26 Lafayette, IN 47905
8117 Georgia Street Merrillville, IN 46410
3401 N. Granville Ave Muncie, IN 47303
4611 Grape Road Mishawaka, IN 46545
3700 S. US Highway 41 Terre Haute, IN 47802

Iowa:

2410 SE Tones Drive Ankeny, IA 50021
3939 1st Ave. S.E. Cedar Rapids, IA 52401
945 25th Ave. Coralville, IA 52241
1235 E. Kimberly Road Davenport, IA 52807
10901 University Avenue Clive, IA 50325
4500 Southern Hills Drive Sioux City, IA 51106

'10 DEC 15 Liq. Lic. PM 2 08

Kansas:

9501 Quivira Drive Overland Park, KS 66214
1851 Village West Parkway Kansas City, KS 66111
15430 S. Rogers Rd. Olathe, KS 66062
5826 W. 21st Street Topeka, KS 66604
2020 N. Rock Road Wichita, KS 67206
233 S. Ridge Rd. Wichita, KS 67212

Kentucky:

441 Riverhill Drive Ashland, KY 41101
3260 Scottville Road Bowling Green, KY 42104
Terminal 3 (4th Floor) Erlanger, KY 41018
2301 Buttermilk Crossing Crescent Springs, KY 41017
1957 Bryant Rd. Lexington, KY 40509
4001 Nicholasville Road Lexington, KY 40503
9498 Brownsboro Rd. Louisville, KY 40241
8101 Bardstown Rd. Louisville, KY 40291
6520 Signature Drive Louisville, KY 40213
4621 Shelbyville Road Louisville, KY 40207
3995 Hinkleville Road Paducah, KY 42001
400 Highland Park Richmond, KY 40475

Louisiana:

3217 S. McArthur Dr Alexandria, LA 71303
5280 Jones Creek Rd. Baton Rouge, LA 70817
2415 S. Acadian Thruway Baton Rouge, LA 70808
2715 Village Lane Bossier City, LA 71112
60 Park Place Dr. Covington, LA 70433
2637 S. Veteran's Blvd Gonzales, LA 70737
1561 Martin Luther King Blvd. Houma, LA 70360
1600 W. Pinhook Road Lafayette, LA 70508
2616 Derek Drive Lake Charles, LA 70605
1601 Barataria Blvd. Marrero, LA 70072
2746 Severn Ave. Metairie, LA 70002
8825 Line Ave. Shreveport, LA 71106
830 E. I-10 Service Rd. Slidell, LA 70461
305 W Constitution Dr West Monroe, LA 71292

Maine:

147 Western Ave. South Portland, ME 04106

Maryland:

2207 Forest Drive Annapolis, MD 21401
13703 Georgia Avenue Silver Spring, MD 20906
615 Bel Air Bel Air, MD 21014
6868 Race Track Road Bowie, MD 20715
23415 Three Notch Road California, MD 20619
2400 Boston St. Baltimore, MD 21224
4420 Long Gate Parkway Ellicott City, MD 21043
1007 W. Patrick Street Frederick, MD 21702
12609 Wisteria Drive Germantown, MD 20874
7744 Governor Ritchie Hwy. Glen Burnie, MD 21061
240 Railway Lane Hagerstown, MD 21740
134 Shawan Rd. Hunt Valley, MD 21031
3500 E. West Hwy. Hyattsville, MD 20782

'10 DEC 15 Liq. Lic. AM 2:08

6649 Crain Highway La Plata, MD 20646
9660 Lottsford Court Largo, MD 20774
15107 Sweitzer Lane Laurel, MD 20707
12741 Ocean Gateway Ocean City, MD 21842
10904 Boulevard Circle Owings Mills , MD 21117
6019 Oxon Hill Rd. Oxon Hill, MD 20745
4215 Ebenezer Road Baltimore, MD 21236
80 Central Square Drive Prince Frederick, MD 20678
8245 A Dickerson Ln. Salisbury, MD 21804
3020 Crain Hwy. Waldorf, MD 20601

Massachusetts:

771 Southbridge Street Auburn, MA 01501
275 N. Main St. Bellingham, MA 02019
34 Cambridge Street Burlington, MA 01803
1775 Washington St. Hanover, MA 02339
1070 Iyannough Rd. (Route 132) Hyannis, MA 02601
865 Merriam Ave. Leominster, MA 01453
28 Reiss Ave. Lowell, MA 01851
145-i47 Pelham Street Methuen, MA 01844
1212 Providence Hwy. Norwood, MA 02062
300 Andover Street Peabody, MA 01960
45 Mazzeo Drive Randolph, MA 02368
1301 Fall River Avenue Seekonk, MA 02771
440 Middlesex Road Tyngsboro, MA 01879
1537 Riverdale St. W. Springfield , MA 01089
227 Turnpike Road Westborough, MA 01581

Michigan:

3173 Oak Valley Drive Ann Arbor, MI 48103
7873 Conference Center Drive Brighton, MI 48116
42871 Ford Road Canton, MI 48187
6435 Dixie Hwy. Clarkston, MI 48346
4270 Miller Road Flint, MI 48507
3650 28th St. SE Kentwood, MI 49512
3475 Alpine NW Grand Rapids, MI 49544
3333 Century Center St. SW Grandville, MI 49418
1501 Boardman Rd. Jackson, MI 49202
4320 Westnedge Kalamazoo, MI 49008
707 Brookside Lansing, MI 48917
29441 5 Mile Road Livonia, MI 48154
1515 W. 14 Mile Rd. Madison Heights, MI 48071
48020 Grand River Novi, MI 48374
4880 Marsh Road Okemos, MI 48864
1880 South Rochester Rd.Rochester, MI 48307
28850 Gratiot Avenue Roseville, MI 48066
2468 Tittabawassee Rd. Saginaw, MI 48604
45170 Schoenherr Rd. Shelby Township, MI 48315
23501 Greenfield Road Southfield, MI 48075
15765 Eureka Road Southgate, MI 48195-2623
3501 Marketplace Circle Traverse City, MI 49684
6203 Orchard Lake Rd. West Bloomfield, MI 48322

'10 DEC 15 LIAF. LIC. PM 2:08

Minnesota:

1321 E. 78th St. Bloomington, MN 55425
2034 W. County Road 42 Burnsville, MN 55337
8880 Springbrook Drive Coon Rapids, MN 55433
4255 Haines Road Hermantown, MN 55811
5723 Bishop Ave Inver Grove Heights, MN 55076
1770 Beam Avenue Maplewood, MN 55109
1201 S. Broadway Rochester, MN 55904
2181 Snelling Avenue N. Roseville, MN 55113
10150 Hudson Road Woodbury, MN 55129

Mississippi:

3586 Sangani Blvd. D'Iberville, MS 39540
103 Carlisle Drive Hattiesburg, MS 39402
6030 I-55 N. Jackson, MS 39211
111 S. Frontage Rd. Meridian, MS 39301
125 W Goodman Rd. Suite A Southaven, MS 38671
1348 N. Gloster Street Tupelo, MS 38801

Missouri:

101 Cape West Parkway Cape Girardeau, MO 63701
1110 SW I-70 Dr. Columbia, MO 65203
15412 Manchester Road Ellisville, MO 63011
7900 N. Lindbergh Blvd. Hazelwood, MO 63042
20000 E. Valley View Pkwy. Independence, MO 64057
3110 E. 36th St. Joplin, MO 64804
7006 NW Barry Road Kansas City, MO 64153
1731 NE Douglas St. Lee's Summit, MO 64086
4002 Winghaven Blvd. O'Fallon, MO 63366
3930 Hwy. 54 Osage Beach, MO 65065
5240 South Lindbergh St. Louis, MO 63126
3760 S Glenstone Ave Springfield, MO 65804
1620 Country Club Plaza Dr.St. Charles, MO 63303

Montana:

2001 Overland Ave. Billings, MT 59102
6059 East Valley Center Road Bozeman, MT 59715
2415 N. Reserve Missoula, MT 59808

Nebraska:

10408 S. 15th St. Bellevue, NE 68123
633 N. 48th Street Lincoln, NE 68504
2414 S. 132nd Street Omaha, NE 68144
7605 Cass Street Omaha, NE 68114

Nevada:

4423 E. Sunset Road Henderson, NV 89014
3785 Las Vegas Blvd, 4th FlLas Vegas, NV 89109
2625 Craig Road N. Las Vegas, NV 89032
4141 S. Pecos Road Las Vegas, NV 89121
1950 N. Rainbow Blvd. Las Vegas, NV 89108
8671 W. Sahara Avenue Las Vegas, NV 89117
7380 S. Las Vegas Blvd. Las Vegas, NV 89123
3411 S Las Vegas Blvd. Las Vegas, NV 89109
1900 S. Casino Dr Laughlin, NV 89029

'10 DEC 15 Liq. Lic. AM 2:08

3645 S. Virginia Street Reno, NV 89502
1805 E. Lincoln Way Sparks, NV 89434

New Hampshire:

95 S. River Road Bedford, NH 03110
22 Loudon Rd. Concord, NH 03301

New Jersey:

2770 Hooper Ave. Brick, NJ 08723
1538 Route 23 North Butler, NJ 07405
230 Lake Drive E. Cherry Hill, NJ 08002
1709 Deptford Center Rd. #200 Deptford, NJ 08096
539 River Road Edgewater, NJ 07020
481 US Hwy. 1 Edison, NJ 08817
6731 Black Horse Pike Egg Harbor Township, NJ 08234
98 US Hwy. 22 W. Green Brook, NJ 08812
740 US Highway 130 Hamilton, NJ 08691
1070 Route 46 Ledgewood, NJ 07852
901 Route 73 South Marlton, NJ 08053
Hwy. 35 & Woodland Dr. Middletown, NJ 07748
1300 Route 46W Parsippany, NJ 07054
194 N. Route 17 Rochelle Park, NJ 07662
455 Harmon Meadow Blvd.Secaucus, NJ 07094
901 Mountain Avenue Springfield, NJ 07081
4600 Route 42 Turnersville, NJ 08012
191 Berdan Avenue Wayne, NJ 07470

New Mexico:

10022 Coors Blvd. NW Albuquerque, NM 87114
4921 Jefferson NE Albuquerque, NM 87109
4921 E. Main St. Farmington, NM 87402
940 N. Telshor Blvd. Las Cruces, NM 88011
2574 Camino Entrada Santa Fe, NM 87507

New York:

145 Wolf Road Colonie, NY 12205
23-48 Bell Blvd. Bayside, NY 11360
1475 86th St. Brooklyn, NY 11228
1551 Niagara Falls Blvd. Amherst, NY 14228
3946 State Rte. 31 Liverpool, NY 13090
610 Old Rt. 146 Clifton Park, NY 12065
216 Jericho Turnpike Commack, NY 11725
3112 Erie Blvd. E. Dewitt, NY 13214
5040 Nesconset Hwy E. Setauket, NY 11733
88-01 Queens Blvd. Elmhurst, NY 11373
1954 W. Ridge Road Rochester, NY 14626
S. 3670 McKinley Pkwy. Blasdell, NY 14219
1180 Jefferson Road Henrietta, NY 14623
325 Main Street Holbrook, NY 11741
200 Colonial Dr. Horseheads, NY 14845
839 New York Ave. Huntington, NY 11743
3939 Long Beach Road Island Park, NY 11558
612 N Wellwood Ave Lindenhurst, NY 11757
2124 Merrick Mall Merrick, NY 11566
215 Larkin Drive Monroe, NY 10950
30 Indian Rock Route 59 Suffern, NY 10901

'10 DEC 15 LIQ. LIC. PM 2:08

8655 Clinton Street New Hartford, NY 13413
919 Third Ave. / 56th St. New York, NY 10022
60 W. 23rd Street New York, NY 10010
925 State Rt 9 Queensbury, NY 12804
280 Marsh Ave. Staten Island, NY 10314
3140 Vestal Pkwy. E. Vestal, NY 13850
4242 Palisades Center W. Nyack, NY 10994
25 Crystal Run Crossing Wallkill, NY 10941
1510 Route 9 Wappingers Falls, NY 12590
1067 Old Country Road Westbury, NY 11590
60 S. Broadway White Plains, NY 10601
1703 Central Park Ave. Yonkers, NY 10710

North Carolina:

_30 Tunnel Road Asheville, NC 28805
8280 Valley Blvd. Blowing Rock, NC 28605
2735 Longpine Road Burlington, NC 27215
1289 Kildaire Farm Road Cary, NC 27511
1412-A East Blvd. Suite A Charlotte, NC 28203
8338 Pineville-Matthews Rd. Charlotte, NC 28226
1015 Chancellor Park Dr. Charlotte, NC 28213
3500 Mount Moriah Road Durham, NC 27707
505 N. McPherson Church Road Fayetteville, NC 28303
845 US Highway 70 West Garner, NC 27529
501 N. New Hope Road Gastonia, NC 28054
2617 North Park Drive Goldsboro, NC 27534
2105 Four Seasons Blvd Greensboro, NC 27407
1611 Westover Terrace Greensboro, NC 27408
606 Greenville Blvd. SW Greenville, NC 27834
250 Mitchelle Drive Hendersonville, NC 28792
1435 13th Ave. Dr. SE Hickory, NC 28602
260 E. Parris Ave. High Point, NC 27262
16400 Northcross Dr. Huntersville, NC 28078
1045 Western Blvd Jacksonville, NC 28546
223 Wintergreen Dr. Lumberton, NC 28358
9623 E. Independence Blvd. Matthews, NC 28105
4937 Arendell St. Morehead City, NC 28557
5220 S. Croatan Hwy. Nags Head, NC 27959
111 Howell Rd. New Bern, NC 28560
3105 Capital Blvd. Raleigh, NC 27604
7500 Creedmoor Road Raleigh, NC 27613
210 Gateway Blvd. Rocky Mount, NC 27804
1020 East Innes Street Salisbury, NC 28144
911 Industrial Park Dr. Smithfield, NC 27577
100 Southern Road Southern Pines, NC 28387
979 Folger Drive Statesville, NC 28625
302 S. College Road Wilmington, NC 28403
505 Highland Oaks Dr. Winston-Salem, NC 27103

Ohio:

110 Montrose W. Ave. Akron, OH 44321
7000 Tiffany S. Blvd. Boardman, OH 44512
4303 Whipple Ave. NW Canton, OH 44718
9880 Colerain Avenue Cincinnati, OH 45251
7731 Five Mile Road Cincinnati, OH 45230
8240 Montgomery Road Cincinnati, OH 45236

'10 DEC 15 LIP. LIC. AM 2 08

11790 Springfield Pike Cincinnati, OH 45246
6168 Glenway Avenue Cincinnati, OH 45211
2704 Bethel Rd Columbus, OH 43220
1735 Hilliard - Rome Rd Columbus, OH 43026
738 Howe Avenue Cuyahoga Falls, OH 44221
101 E. Alex Bell Road, #124 Centerville, OH 45459
6800 Miller Lane Dayton, OH 45414
930 Interstate Drive Findlay, OH 45840
6100 Rockside Place Independence, OH 44131
5708 Mayfield Road Lyndhurst, OH 44124
8250 Macedonia Commons Blvd. Macedonia, OH 44056
820 N. Lexington Sprgmill Rd. Mansfield, OH 44906
2512 Kings Center Ct. Mason, OH 45040
401 W. Dussel Rd. Maumee, OH 43537
8595 Market St. Mentor, OH 44060
5555 Youngstown-Warren Rd., Unit 40 Niles, OH 44446
6950 Ridge Road Parma, OH 44129
6000 E. Main Street Columbus, OH 43213
4920 Milan Rd. Perkins Township, OH 44870
50575 Valley Frontage Road St. Clairsville, OH 43950
5200 Monroe Street Toledo, OH 43623
1801 Towne Park Dr. Troy , OH 45373
24900 Sperry Drive Westlake, OH 44145

Oklahoma:

3600 S. Broadway Edmond, OK 73013
7206 NW Cache Rd. Lawton, OK 73505
7206 NW Cache Rd. Lawton, OK 73505
4144 NW Expressway Oklahoma City, OK 73116
2219 S.W. 74th, Ste. 100 Oklahoma City, OK 73159
9006 E. 71st Street Tulsa, OK 74133
9710 Riverside Drive Tulsa, OK 74137
4723 South Yale Ave. Tulsa, OK 74135

Oregon:

1180 SE 3rd St. Bend, OR 97702
9500 SE 82nd Ave. Portland, OR 9726
2424 SE Burnside Rd. Gresham, OR 97080
3613 Crater Lake Highway Medford, OR 97504
11146 SW Barnes Road Portland, OR 97225
2285 Lancaster Dr., NE Salem, OR 97305
3463 Hutton St. Springfield, OR 97477
8665 SW Tualatin-Sherwood Rd. Tualatin, OR 97062

Pennsylvania:

3100 W. Tilghman St. Allentown, PA 18104
100 Sheraton Dr. Altoona, PA 16602
3240 Tillman Drive Bensalem, PA 19020
3200 Emrick Blvd. Bethlehem, PA 18020
2076 Interchange Rd. Mill Creek Pavilion Erie, PA 16565
561 Glen Eagle Square Glen Mills, PA 19342
3527 Union Deposit Rd. Harrisburg, PA 17109
2520 York Rd. Jamison, PA 18929
610 Old York Road Jenkintown, PA 19046
100 N. Pointe Blvd. Lancaster, PA 17601
25 Gateway Drive Mechanicsburg, PA 17055

'10 DEC 15 Liq. Lic. PM 2:08

3000 Mosside Blvd. Monroeville, PA 15146
411 Doylestown Pike Montgomeryville, PA 18936
1400 Marketplace Blvd. Moon Township, PA 15108
9395 McKnight Rd. Pittsburgh, PA 15237
25 McMurray Road Pittsburgh, PA 15241
322 Ridge Pike Conshohocken, PA 19428
1101 Woodland Rd. Wyomissing, PA 19610
22 Anchor Parkway Royersford, PA 19468
1162 Baltimore Pike Springfield, PA 19064
1905 Waddle Rd. State College, PA 16803
460 Washington Road Washington, PA 15301
299 E. Swedesford (Gateway Shopping Ctr) Wayne, PA 19087
547 Arena Hub Plaza Wilkes-Barre, PA 18702
2496 E. Market Street York, PA 17402

Puerto Rico:

PMB 422 San Juan, PR 00913

Rhode Island:

1000 Division St. E. Greenwich, RI 02818

South Carolina:

160 Aiken Mall Rd. Aiken, SC 29801
110 Interstate Blvd. Anderson, SC 29621
2113 Boundary Street Beaufort, SC 29902
100 Buckwalter Pkwy Bluffton, SC 29910
1890 Sam Rittenberg Blvd. Charleston, SC 29407
252 F. Harbison Blvd. Columbia, SC 29212
7611 Two Notch Road Columbia, SC 29223
125 Southern Center Way Easley, SC 29642
110 Dunbarton Drive Florence, SC 29501
945 Factory Shops Blvd. Gaffney, SC 29341
21 Orchard Park Drive Greenville, SC 29615
454 Bypass 72 N.W. Greenwood, SC 29649
20 Hatton Place Hilton Head, SC 29926
715 Johnnie Dodds Blvd. Mt. Pleasant, SC 29464
3270 Hwy. 17 S. Murrells Inlet, SC 29576
7025 N. Kings Hwy. Myrtle Beach, SC 29577
7643 Rivers Avenue N. Charleston, SC 29406
1721 Hwy. 17 N. N. Myrtle Beach, SC 29582
1319 River Run Court Rock Hill, SC 29732
1646 J.B. White SR Blvd. Spartanburg, SC 29301
2480 Broad St. Sumter, SC 29151
4650 Factory Stores Blvd. Myrtle Beach, SC 29579

South Dakota:

665 E. Disk Dr. Rapid City, SD 57701
2411 S. Carolyn Ave. Sioux Falls, SD 57106

Tennessee:

8005 Moores Lane Brentwood, TN 37027
2120 Hamilton Place Blvd. Chattanooga, TN 37421
501-A Northgate Mall Chattanooga, TN 37415
2790 Wilma Rudolph Blvd. Clarksville, TN 37040
536 Paul Huff Pkwy. Cleveland, TN 37312
1390 Interstate Drive Cookeville, TN 38501

'10 DEC 15 Liq. Lic. PM 2:08

1110 N. Germantown Pkwy Cordova, TN 38016
5582 Old Hickory Blvd. Hermitage, TN 37076
194 Stonebrook Place Jackson, TN 38305
3101 Browns Mill Road Johnson City, TN 37601
330 N. Peters Road Knoxville, TN 37922
314 A Merchants Drive Knoxville, TN 37912
7400 Sawyer Lane Knoxville, TN 37924
1125 Franklin Rd. Lebanon, TN 37090
1125 Franklin Rd. Lebanon, TN 37090
1968 Old Ft. Pkwy. Murfreesboro, TN 37129
3212 West End Avenue Nashville, TN 37203
402 S. Illinois Ave. Oak Ridge, TN 37830
1560 Gallatin Pike N. Madison, TN 37115
611 Parkway Sevierville, TN 37862

Texas:

4142 Ridgemont Dr. Abilene, TX 79606
15180 Addison Road Addison, TX 75001
7101 I-40 W. Amarillo, TX 79106
1151 W. I-20 Arlington, TX 76015
11600 Research Blvd. Austin, TX 78759
4211 South Lamar Blvd. Austin, TX 78704
5218 I-10 East Baytown, TX 77521
2060 IH-10 S. Beaumont, TX 77707
2102 S. Texas Ave. College Station, TX 77840
808 Interstate 45 N. Conroe, TX 77301
4221 S. Padre Island Dr. Corpus Christi, TX 78411
9049 Vantage Point Drive Dallas, TX 75243
300 I-35 S. Denton, TX 76205
1101 N. I-35 East DeSoto, TX 75115
11875 Gateway W. Blvd. El Paso, TX 79936
4608 Bryant Irvin Road Fort Worth, TX 76132
9382 State Hwy 121 Frisco , TX 75035
13265 South Freeway Burleson, TX 76028
4902 N President George Bush Hwy Garland, TX 75040
1031 State Hwy. 114 W. Grapevine, TX 76051
5710 FM 1960 W. Houston, TX 77069
481 W. Bay Area Blvd. Webster, TX 77598
7070 Highway 6 N. Houston, TX 77095
4 FM 1960 W. Houston, TX 77090
12130 Dickinson Road Houston, TX 77089
8731 West Loop South 610 Houston, TX 77096
18326 I-45 SouthShenandoah, TX 77384
10001 Westheimer Rd Houston, TX 77042
9753 FM 1960 Bypass Humble, TX 77338
701 Airport Freeway Hurst, TX 76053
3510 W. Airport Freeway Irving, TX 75062
20455 Katy Freeway Katy, TX 77450
2701 E. Central Texas Expy. Killeen, TX 76543
2211 S. Stemmons Fwy. Lewisville, TX 75067
501 E. Loop 281 Longview, TX 75605
4015 South Loop 289 Lubbock, TX 79423
2206 S. First St. Lufkin, TX 75904
1109 East Business 83 McAllen, TX 78501
3903 Towne Crossing Blvd. Mesquite, TX 75150
2314 W. Loop 250 N. Midland, TX 79705

DEC 15 LIQ. LIC. PM 2 08

1509 N. Central Exp. Plano, TX 75075
1651 I-35 S. Round Rock, TX 78664
4505 Sherwood Way San Angelo, TX 76904
12511 I-10 W. San Antonio, TX 78230
8131 Agora Parkway Selma, TX 78154
5552 NW Loop 410 San Antonio, TX 78238
16080 San Pedro Avenue San Antonio, TX 78232
4205 I-H 35 S. San Marcos, TX 78666
15253 S.W. Freeway Sugar Land, TX 77478
3209 Mall Dr. - Central Mall Texarkana, TX 75503
5704 S. Broadway Tyler, TX 75703
4500 Franklin Waco, TX 76710

Utah:

1664 N. 1200 W. Layton, UT 84041
372 E. 1300 South Orem, UT 84057
7770 S. 1300 E. Sandy, UT 84094
250 N. Red Cliff Dr. #40 St. George, UT 84790

Vermont:

150 Dorset Street S. Burlington, VT 05403

Viriginia:

6804 Richmond Hwy. Alexandria, VA 22306
4821 North First Street Arlington, VA 22203
3168 Linden Dr. Bristol, VA 24202
5702 Union Mill Road Clifton, VA 20124
355 Albemarle Square Charlottesville, VA 22901
4312 Portsmouth Blvd. Chesapeake, VA 23321
6821 Chital Dr. Midlothian, VA 23112
295 Pepper's Ferry Rd. NE Christiansburg, VA 24073
165 Southpark Cir Colonial Heights, VA 23834
14580 Potomac Mills Road Woodbridge, VA 22191
111 Enterprise Drive Danville, VA 24540
9579 Braddock Road Fairfax, VA 22032
10060 Lee Hwy. Fairfax, VA 22030
2941 Plank Road Fredericksburg, VA 22401
1700 West Mercury Blvd. Hampton, VA 23666
261 University Blvd. Harrisonburg, VA 22801
150 Elden Street #100 Herndon, VA 20170
3121 Albert Lankford Dr. Lynchburg, VA 24501
7420 Bell Creek Rd. Mechanicsville, VA 23111
12258 Jefferson Ave. Newport News, VA 23602
333 Waterside Dr. Norfolk, VA 23510
7917 W. Broad Street Richmond, VA 23294
2063 Huguenot Rd. Richmond, VA 23235
4380 Franklin Road Roanoke, VA 24014
6651 Backlick Road Springfield, VA 22150
308 Worth Ave.,Ste. 101 Stafford, VA 22556
46300 Potomac Run Pl. #150 Sterling, VA 20164
315 Maple Ave. E. Vienna, VA 22180
1757 Laskin Road Virginia Beach, VA 23454
1255 Fordham Dr. Virginia Beach, VA 23464
1113 Nimmo Pkwy. Virginia Beach, VA 23456
6419 Lee Highway Warrenton, VA 20187
28 Windigrove Dr. Waynesboro, VA 22980

'10 DEC 15 Liq. Lic. AM 2:08

3026 Richmond Road Williamsburg, VA 23185
124 Kernstown Commons Blvd. Winchester, VA 22602

Washington:

15100 S.E. 38th Street, Ste. #500 Bellevue, WA 98006
22606 Bothell-Everett Hwy. Bothell, WA 98201
5769 SR 303 NE Bremerton, WA 98311
478 Andis Rd. Burlington, WA 98233
10121 Evergreen Way, # 15 Everett, WA 98204
2210 S. 320th Street, #A-6 Federal Way, WA 98003
6819 W. Canal Drive Kennewick, WA 99336
12120 NE 85th Street Kirkland, WA 98033
701 Westlake Ave. North Seattle, WA 98109
13231 Aurora Ave. N. Seattle, WA 98133
2615 Capital Mall Drive SW Olympia, WA 98502
12920 Meridian Ste. E. Puyallup, WA 98373
16510 Southcenter Parkway Tukwila, WA 98188
5628 N. Division Street, Suite B-6 Spokane, WA 99207
14746 East Indiana Spokane, WA 99216
3111 S. 38th Street Tacoma, WA 98409
8700 NE Vancouver Mall Dr., Ste. 121 Vancouver, WA 98661
2412 Rudkin Rd. Union Gap, WA 98903

West Virginia:

111 Hylton Lane Beckley, WV 25801
3000 Meadowbrook Mall Rd Bridgeport, WV 26330
1062 Charleston Town Center Charleston, WV 25389
3417 U.S. Route 60 E. Barboursville, WV 25504
790 Foxcroft Ave. N. Martinsburg, WV 25401
510 Venture Dr. Morgantown, WV 26505
105 Grand Central Mall Vienna, WV 26101
311 Greasy Ridge Road Princeton, WV 24740

Wisconsin:

1260 S. Moorland Rd. Brookfield, WI 53005
4287 W. College Avenue Grand Chute, WI 54914
7401 West Barnard Avenue Greenfield, WI 53220
4520 East Towne Blvd. Madison, WI 53704
279 Junction Road Madison, WI 53717
311 Hampton Ct. Onalaska, WI 54650

Wyoming:

229 Miracle Street Evansville, WY 82636
1626 Fleischli Business Pkwy. Cheyenne, WY 82007

'10 DEC 15 Liq. Lic. AM 2:08

See List below: Outback Steakhouse, Carrabba's, Fleming's, Roy's, and Bonefish

Fleming's:

Alabama:
103 Summit Boulevard, Birmingham, AL 35243

Arizona:
905 North 54th Street, Chandler, AZ 85226
20753 North Pima Road, North Scottsdale, AZ 85255
9712 West Northern Avenue, Peoria, AZ 85345
6333 North Scottsdale Rd., Scottsdale, AZ 85250
6360 North Campbell Avenue, Tucson, AZ 85718

California:
2301 Rosecrans Avenue, El Segundo, CA 90245
639 East Shaw Avenue, Fresno, CA 93710
8970 University Center Lane, San Diego, CA 92122
800 West Olympic Boulevard, Los Angeles, CA 90015
455 Newport Center Drive in Fashion Island, Newport Beach, CA 92660
180 El Camino Real, Palo Alto, CA 94304
7905 Monet Avenue, Rancho Cucamonga, CA 91739
71800 Highway 111, Rancho Mirage, CA 92270
380 K Street, San Diego, CA 92101
1685 Mt. Diablo Boulevard, Walnut Creek, CA 94596
6373 Topanga Canyon Boulevard., Woodland Hills, CA 91367

Colorado:
191 Inverness Drive West, Englewood, CO 80112

Connecticut:
44 South Main Street, West Hartford, CT 06107

Florida:
2525 Ponce de Leon Boulevard, Coral Gables FL 33134
8985 Tamiami Trail North, Naples, FL 34108
8030 Via Dellagio Way, Orlando, FL 32819
600 Grand Boulevard, Sandestin, FL 32550
2001 Siesta Drive, Sarasota, FL 34239
4322 West Boy Scout Boulevard, Tampa, FL 33607
933 North Orlando Ave, Winter Park, FL 32789

Georgia:
4501 Old Perimeter Way, Atlanta, GA 30346

Illinois:
25 East Ohio St., Chicago, IL 60611
960 Milwaukee Ave, Lincolnshire, IL 60069

Indiana:
8487 Union Chapel Road, Indianapolis, IN 46240

'10 DEC 15 Liq. Lic. PM 2:08

Iowa:
150 South Jordan Creek Pkwy, West Des Moines, IA 50266

Louisiana:
7321 Corporate Boulevard, Baton Rouge, LA 70809

Maryland:
720 Aliceanna Street, Baltimore, MD 21202

Massachusetts:
217 Stuart Street, Boston, MA 02116

Michigan:
323 North Old Woodward Avenue, Birmingham, MI 48009
17400 Haggerty Road, Livonia, MI 48152

Missouri:
1855 South Lindbergh Boulevard, St. Louis, MO 63131

Nebraska:
140 Regency Parkway, Omaha, NE 68114

Nevada:
8721 West Charleston Boulevard, Las Vegas, NV 89117

New Jersey:
90 The Promenade, Edgewater, NJ 07020
500 Route 73 North, Marlton, NJ 08053

North Carolina:
_210 East Trade Street, Charlotte NC 28202
3342 West Friendly Avenue, Greensboro, NC 27410
4325 Glenwood Avenue, Raleigh NC 27612

Ohio:
4000 Medina Road, Akron, OH 44333
28869 Chagrin Boulevard, Woodmere, OH 44122
4432 Walnut Street, Dayton, OH 45440

Oklahoma:
1976 Utica Square, Tulsa, OK 74114

Pennsylvania:
555 East Lancaster Avenue, Radnor, PA 19087

Rhode Island:
One West Exchange Street, Providence, RI 02903

Tennessee:
11287 Parkside Drive, Knoxville, TN 37934
6245 Poplar Avenue, Memphis, TN 38119
2525 West End Avenue, Nashville, TN 37203

'10 DEC 15 AM 11:46 AM 2 08

Texas:

320 East Second Street, Austin, TX 78701
11600 Century Oaks Terrace, Austin, TX 78758
2405 West Alabama Street, Houston, TX 77098
1201 Lake Woodlands Drive,
The Woodlands Mall, The Woodlands, TX 77380
788 W. Sam Houston Pkwy North, Houston, TX 77024
255 East Basse Road, San Antonio, TX 78209

Utah:

20 South 400 West (at The Gateway), Salt Lake City, UT 84101

Virginia:

9200 Stony Point Parkway, Richmond, VA 23235
1960-A Chain Bridge Road, McLean VA 22102

Wisconsin:

750 North Midvale Blvd, Madison, WI 53705
15665 West Bluemound Road, Brookfield, WI 53005

'10 DEC 15 Liq. Lic. PM 2:08

See List below: Outback Steakhouse, Carrabba's, Fleming's, Roy's, and Bonefish

Roy's:

Arizona:
7151 West Ray Road Chandler, AZ 85226
5350 East Marriott Drive Phoenix, AZ 85054

California:
321 West Katella Avenue Anaheim, CA 92802
8670 Genesee Avenue San Diego, CA 92122
800 South Figueroa Street Los Angeles, CA 90017
453 Newport Center Drive Newport Beach, CA 92660
641 East Colorado Blvd. Pasadena, CA 91101
2700 Seventeen Mile Drive Pebble Beach, CA 93953
71959 Highway 111 Rancho Mirage, CA 92270
333 West Harbor Drive San Diego, CA 92101
575 Mission Street San Francisco, CA 94105
6363 Topanga Canyon Blvd. Woodland Hills, CA 91367

Florida:
26831 South Bay Drive Bonita Springs, FL 34134
475 Bayfront Place Naples, FL 34102
2400-101 South 3rd Street Jacksonville Beach, FL 32250
7760 West Sand Lake Road Orlando, FL 32819
2001 Siesta Drive Sarasota, FL 34239
4342 West Boy Scout Blvd. Tampa, FL 33607

Hawaii:
6600 Kalanianaole Highway Honolulu, HI 96825
4405 Honoapiilani Highway Lahaina, HI 96761
92-1220 Aliinui Drive Kapolei, HI 96707
2360 Kiahuna Plantation Drive Koloa, HI 96756
226 Lewers Street Honolulu, HI 96815
250 Waikoloa Beach Drive Waikoloa, HI 96738

Illinois:
720 North State Street Chicago, IL 60654

Maryland:
720 B Aliceanna Street Baltimore, MD 21202

Nevada:
620 East Flamingo Road Las Vegas, NV 89119
8701 West Charleston Blvd. Las Vegas, NV 89117

Texas:
2840 Dallas Parkway Plano, TX 75093

See List below: Outback Steakhouse, Carrabba's, Fleming's, Roy's, and Bonefish

Bonefish:

Alabama:
7020 East Chase Parkway, Montgomery, AL 36117
3430 Galleria Circle, Hoover, AL 35244
4800 Whitesburg Drive South, Huntsville, AL 35802
6955 Airport Boulevard, Mobile, AL 36608
7020 East Chase Parkway, Montgomery, AL 36117

Arkansas:
11525 Cantrell Road , Little Rock, AR 72212
3201 Market Street, Rogers, AR 72758

Colorado:
4948 S. Yosemite St., Greenwood Village, CO 80111
8100 W. Crestline Ave., Littleton, CO 80123
4920 Thompson Pkwy, Johnstown, CO 80534
10438 Town Center Drive, Westminster, CO 80021

Florida:
2939 West Bay Drive, Belleair Bluffs, FL 33770
21065 Powerline Road, Boca Raton, FL 33433
26381 South Tamiami Trail, Bonita Springs, FL 34134
1880 N. Congress Avenue, Boynton Beach, FL 33426
7456 Cortez Road West, Bradenton, FL 34210
1015 Providence Road, Brandon, FL 33511
900 SW Pine Island Road, Cape Coral, FL 33991
13262 N. Dale Mabry, Tampa, FL 33618
2519 McMullen Booth Road, Clearwater, FL 33761
1455 N. University Dr., Coral Springs, FL 33071
14261 S Tamiami Trail, Fort Myers, FL 33912
6282 North Federal Highway, Ft. Lauderdale, FL 33308
3237 SW 35th Blvd, Gainesville, FL 32608
2400 South 3rd Street, Jacksonville Beach, FL 32250
12520 SW 120th Street, Kendall, FL 33186
2699 W. Osceola Parkway, Kissimmee, FL 34741
225 West Pipkin Road, Lakeland, FL 33813
1761 West State Road 434, Longwood, FL 32750
10950 San Jose Blvd., Jacksonville, FL 32223
1500 5th Avenue South, Naples, FL 34102
4701 Southwest College Road, Ocala, FL 34474
7830 West Sand Lake Road, Orlando , FL 32819
5463 Gateway Village Circle, Orlando, FL 32812
814 S. Atlantic Avenue, Ormond Beach, FL 32176
11658 U.S. Highway 1, North Palm Beach, FL 33408
641 W. 23rd Street, Panama City, FL 32405
5025 N 12th Ave., Pensacola, FL 32504
10197 West Sunrise Blvd., Plantation, FL 33322
3971 South Tamiami Trail, Sarasota, FL 34231
University Park | 8101 Cooper Creek Blvd., Sarasota, FL 34201
3665 Henderson Blvd., Tampa, FL 33609

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5062 4th Street North, St. Petersburg, FL 33703
2408 Tyrone Blvd., St. Petersburg, FL 33710
2283 S. Federal Highway, Stuart, FL 34994
3491 Thomasville Road, Tallahassee, FL 32309
3580 Wedgewood Lane, The Villages, FL 32162
10750 State Road 54, New Port Richey, FL 34655
9897 Lake Worth Road, Lake Worth, FL 33467
1640 Bruce B Downs Blvd., Wesley Chapel, FL 33544
14218 S.W. 8th Street, Miami, FL 33184
4545 Weston Road, Weston , FL 33331
3279 Daniels Road, Winter Garden, FL 34787

Georgia:

11705 C. Jones Bridge Road, Alpharetta, GA 30005
2911 Washington Road, Augusta, GA 30909
3420 Buford Drive, Buford, GA 30519
5080 Riverside Drive, Macon, GA 31210
5500 Abercorn Street , Savannah, GA 31405
202 Retreat Village, St. Simons Island, GA 31522
1350 Scenic Hwy. 124, Snellville, GA 30078

Idaho:

855 W. Broad Street, Boise, ID 83705

Illinois:

1604 Randall Road, Algonquin, IL 60102
180 S. Roselle Road, Schaumburg, IL 60193

Indiana:

4501 East 82nd Street, Indianapolis , IN 46250
1001 North State Road 135, Greenwood, IN 46142
6401 East Lloyd Expressway, Evansville, IN 47715
620 W. Edison Rd., Mishawaka, IN 46545

Iowa:

650 South Prairie View Drive, West Des Moines, IA 50266

Kansas:

5021 West 135th Street, Leawood, KS 66224
10250 E. 13th Street N., Wichita, KS 67206

Kentucky:

588 Buttermilk Pike, Crescent Springs, KY 41017
657 South Hurstbourne Parkway, Louisville, KY 40222
2341 Sir Barton Way, Lexington, KY 40509

Louisiana:

7415 Corporate Boulevard, Baton Rouge, LA 70809
200 River Highlands Boulevard, Covington, LA 70433
1912 Kaliste Saloom Road, Lafayette, LA 70508

Maryland:

696 J Bel Air Road, Bel Air, MD 21014
15910 Crain Highway, Brandywine, MD 20613
1305 W. 7th Street, Frederick, MD 21702
82 Market Street , Gaithersburg, MD 20878

6711 Governor Ritchie Highway, Glen Burnie, MD 21061
10906 Boulevard Circle, Owings Mills, MD 21117

Michigan:

1100 E Paris Ave SE, Grand Rapids, MI 49546
43304 W Eleven Mile Road , Novi, MI 48375

Mississippi:

2600 East Beach Boulevard, Biloxi, MS 39531
201 Colony Way, Madison, MS 39110

Missouri:

6334 N. Lucerne Ave., Kansas City, MO 64151

Nebraska:

120 Regency Parkway, Omaha, NE 68114

New Jersey:

120 Regency Parkway, Omaha, NE 68114
179 Van Zile Road, Brick, NJ 08724
1709 Deptford Center Road, Deptford, NJ 08096
335 Route 18 , East Brunswick, NJ 08816
3121 F. Fire Road, Egg Harbor Township, NJ 08234
215 Route 22 East, Green Brook, NJ 08812
625 US Highway 1 South, Iselin, NJ 08830
500 Route 73 North, Marlton, NJ 08053
601 From Road, Paramus, NJ 07652
28 US Highway 46, Pinebrook, NJ 07058
200 Mill Creek Drive, Secaucus, NJ 07094

New York:

1247 Niagara Falls Blvd., Amherst, NY 14226
600 Towne Drive, Fayetteville, NY 13066
2185 South Road, Poughkeepsie, NY 12601
1002 Eastview Mall, Victor, NY 14564

North Carolina:

105 C River Hills Road, Asheville, NC 28805
2060 Renaissance Park Place, Cary, NC 27513
7520 Pineville Matthews Road, Charlotte, NC 28226
2100 Koury Blvd., Greensboro, NC 27407
10056 E. Independence Blvd., Matthews , NC 28105
4421 Six Forks Road, Raleigh, NC 27609
190 Partner Circle, Southern Pines, NC 28387
4719 New Centre Drive, Wilmington, NC 28405
300 S Stratford Road, Winston Salem, NC 27103

Ohio:

2737 Madison Road, Cincinnati, OH 45209
6150 Rockside Place, Independence, OH 44131
5712 Frantz Road, Dublin, OH 43016
2818 Miamisburg Centreville Road, Dayton, OH 45459
1930 Polaris Parkway, Columbus, OH 43240
7710 Voice of America Centre Drive, West Chester, OH 45069

Oklahoma:

4651 W. Kenosha Street, Broken Arrow, OK 74012

Pennsylvania:

4889 W. Chester Pike, Newtown Square, PA 19073

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460 W. Lincoln Highway, Exton, PA 19341
901 Lehigh Valley Mall, Whitehall, PA 18052
1015 Easton Road, Willow Grove, PA 19090

South Carolina:

4708 Forest Drive, Columbia, SC 29206
1515 Woodruff Road, Greenville, SC 29607
1260 Bower Parkway, Columbia, SC 29212
890 William Hilton Pkwy., Hilton Head, SC 29928
7401 N. Kings Hwy., Myrtle Beach, SC 29572
103 Highway 17 South, North Myrtle Beach, SC 29582
8703 Highway 17 Bypass S., Surfside, SC 29575

Tennessee:

2115 Gunbarrell Road, Chattanooga, TN 37421
4680 Merchant Park Circle, Collierville, TN 38017
3010 A Mallory Lane, Franklin, TN 37067
6610 Kingston Pike, Knoxville, TN 37919
1250 North Germantown Parkway, Cordova, TN 38016
505 N. Thompson Lane, Murfreesboro, TN 37129
11395 Parkside Drive, Knoxville, TN 37934

Virginia:

5920 Kingstowne Towne Center, Alexandria, VA 22315
43135 Broadlands Center Plaza, Ashburn, VA 20148
6315 Multiplex Drive, Centreville, VA 20121
269 Connor Drive, Charlottesville, VA 22911
1779 Carl D Silver Pkwy., Fredericksburg, VA 22401
7611 Somerset Crossing Dr., Gainesville, VA 20155
13005 Lee Jackson Memorial Hwy, Fairfax, VA 22033
340 Oyster Point Road, Newport News, VA 23602
6081 Harbour Park Drive, Midlothian, VA 23112
3333 Virginia Beach Blvd., Virginia Beach, VA 23452
5212 Monticello Avenue, Williamsburg, VA 23188

Washington:

22616 Bothell Everett Hwy, Bothell, WA 98021
133 Gage Boulevard, Richland, WA 99352

Wisconsin:

18355 W. Bluemound Road, Brookfield, WI 53045

Avondale
City Clerk's Department

DEPARTMENTAL REVIEW FORM

TYPE OF LICENSE:

- ☐ OFF TRACK BETTING
- ☒ LIQUOR LICENSE SERIES # 12
- ☐ EXTENSION OF PREMISES
- ☐ ACQUISITION OF CONTROL

ROUTING:

- ☐ DEVELOPMENT SERVICES
- ☐ FIRE DEPARTMENT
- ☐ FINANCE DEPARTMENT
- ☒ POLICE DEPARTMENT

APPLICANT'S NAME: AMY S. NATIONS

BUSINESS NAME: CARRABBA'S ITALIAN GRILL 5305

ADDRESS: 9920 W. MCDOWELL

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

DEPARTMENTAL COMMENTS:

☒ APPROVED
☐ DENIED

SIGNATURE

ASSISTANT POLICE CHIEF
TITLE

02 10 11
DATE

THIS LICENSE IS SCHEDULED FOR THE COUNCIL MEETING OF: FEBRUARY 22, 2011
PLEASE RETURN YOUR COMMENTS TO THE CITY CLERK'S OFFICE BY: FEBRUARY 14, 2011

Avondale
City Clerk's Department

DEPARTMENTAL REVIEW FORM

TYPE OF LICENSE:

- ☐ OFF TRACK BETTING
- ☒ LIQUOR LICENSE SERIES # 12
- ☐ EXTENSION OF PREMISES
- ☐ ACQUISITION OF CONTROL

ROUTING:

- ☐ DEVELOPMENT SERVICES
- ☒ FIRE DEPARTMENT
- ☐ FINANCE DEPARTMENT
- ☐ POLICE DEPARTMENT

APPLICANT'S NAME: AMY S. NATIONS

BUSINESS NAME: CARRABBA'S ITALIAN GRILL 5305

ADDRESS: 9920 W. MCDOWELL

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

DEPARTMENTAL COMMENTS:

☒ APPROVED
☐ DENIED

Roy [illegible] — SIGNATURE

2/9/11 — DATE

FIRE MARSHAL — TITLE

THIS LICENSE IS SCHEDULED FOR THE COUNCIL MEETING OF: FEBRUARY 22, 2011
PLEASE RETURN YOUR COMMENTS TO THE CITY CLERK'S OFFICE BY: FEBRUARY 14, 2011

Avondale
City Clerk's Department

DEPARTMENTAL REVIEW FORM

TYPE OF LICENSE:

- ☐ OFF TRACK BETTING
- ☒ LIQUOR LICENSE SERIES # 12
- ☐ EXTENSION OF PREMISES
- ☐ ACQUISITION OF CONTROL

ROUTING:

- ☒ DEVELOPMENT SERVICES
- ☐ FIRE DEPARTMENT
- ☐ FINANCE DEPARTMENT
- ☐ POLICE DEPARTMENT

APPLICANT'S NAME: AMY S. NATIONS

BUSINESS NAME: CARRABBA'S ITALIAN GRILL 5305

ADDRESS: 9920 W. MCDOWELL

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

DEPARTMENTAL COMMENTS:

☒ APPROVED
☐ DENIED

SIGNATURE

Zoning Specialist
TITLE

2/9/11
DATE

THIS LICENSE IS SCHEDULED FOR THE COUNCIL MEETING OF: FEBRUARY 22, 2011
PLEASE RETURN YOUR COMMENTS TO THE CITY CLERK'S OFFICE BY: FEBRUARY 14, 2011

City Clerk's Department

DEPARTMENTAL REVIEW FORM

TYPE OF LICENSE:

- ☐ OFF TRACK BETTING
- ☒ LIQUOR LICENSE SERIES # 12
- ☐ EXTENSION OF PREMISES
- ☐ ACQUISITION OF CONTROL

ROUTING:

- ☐ DEVELOPMENT SERVICES
- ☐ FIRE DEPARTMENT
- ☒ FINANCE DEPARTMENT
- ☐ POLICE DEPARTMENT

APPLICANT'S NAME: AMY S. NATIONS

BUSINESS NAME: CARRABBA'S ITALIAN GRILL 5305

ADDRESS: 9920 W. MCDOWELL

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

DEPARTMENTAL COMMENTS:

☒ APPROVED
☐ DENIED

Teresa G. Hale — SIGNATURE

2/9/11 — DATE

Principal Cashier Auditor — TITLE

THIS LICENSE IS SCHEDULED FOR THE COUNCIL MEETING OF: FEBRUARY 22, 2011
PLEASE RETURN YOUR COMMENTS TO THE CITY CLERK'S OFFICE BY: FEBRUARY 14, 2011

¡BENVENUTO!
CARRABBA'S
ITALIAN GRILL
NOTICE
DINING HOURS
Sunday 11:30am- 9:00pm
Mon-Thurs 4:00pm-10:00pm
Friday 4:00pm-11:00pm
Saturday 11:30am-11:00pm
01.31.2011 15:08

PROPRIETARIO
SERIK STEINBECK

¡BENVENUTO!
CARRABBA'S
ITALIAN GRILL

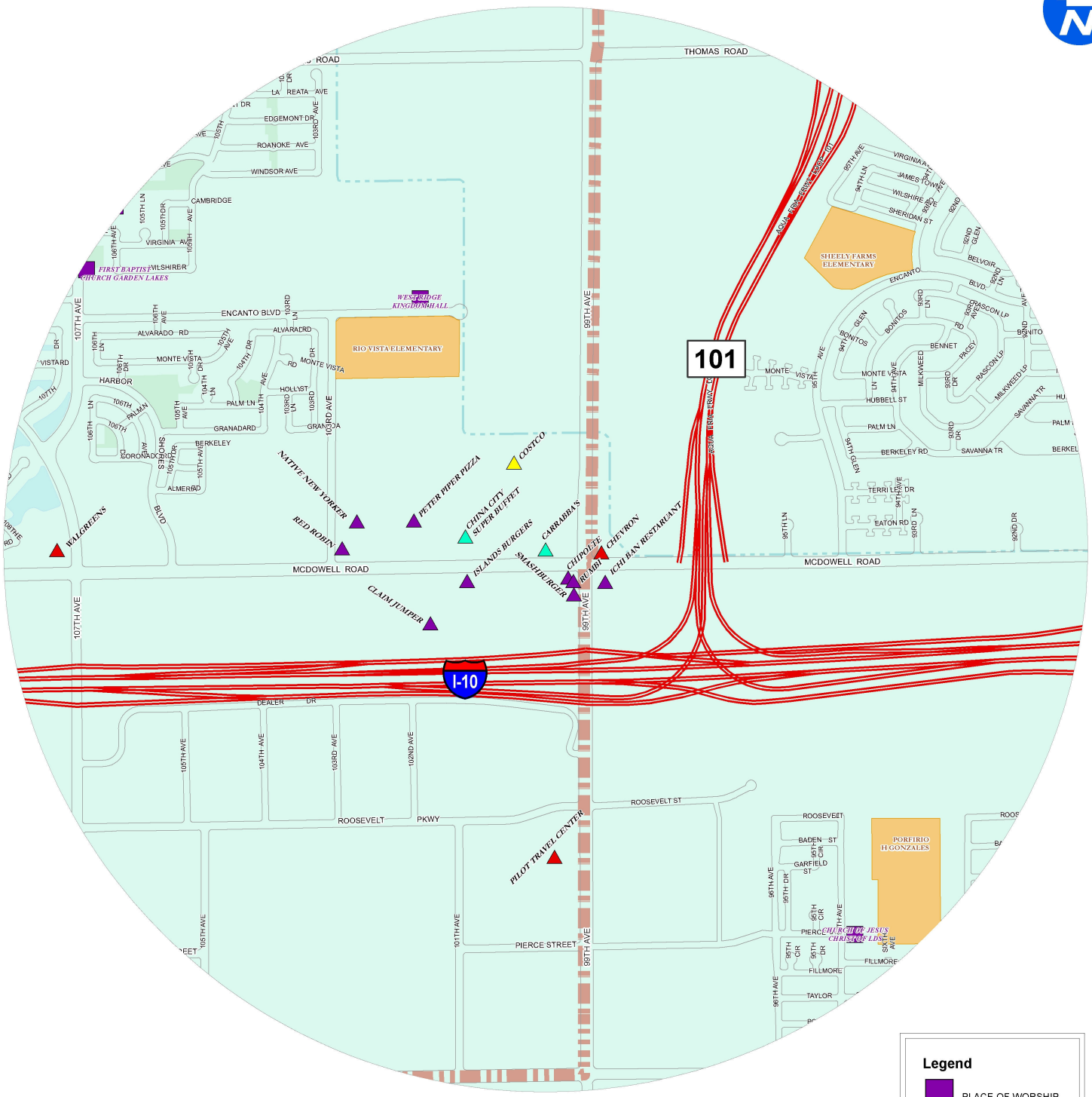
NOTICE

DINING HOURS

Sunday	11:30am- 9:00pm
Mon-Thurs	4:00pm-10:00pm
Friday	4:00pm-11:00pm
Saturday	11:30am-11:00pm

CLASSIC
MANICOT
CHICKEN MAR
PESCATO
LASAGN
EGGPLANT PARM

01.31.2011 15:08



Legend

- PLACE OF WORSHIP

LIQUOR SERIES

- SERIES 5
- SERIES 6
- SERIES 7
- SERIES 9
- SERIES 10
- SERIES 12
- SERIES 14
- SERIES 15
- SERIES 16
- SCHOOLS

Carrabba's Italian Grill
9920 W. McDowell Rd
1 Mile Buffer

0 500 1,000 2,000 3,000 Feet

Avondale GIS Division of Public Works

CITY COUNCIL REPORT

SUBJECT:
Bid Award - Brooks Bros. Utility Contractors, LLC for Streetlight Pole Replacements

MEETING DATE:
February 22, 2011

TO: Mayor and Council

FROM: Sue McDermott, P.E., Director of Development Services & Engineering, 623-333-4211

THROUGH: Charlie McClendon, City Manager

PURPOSE:

Staff is requesting that the City Council award a bid to Brooks Bros. Utility Contractors, LLC to provide installation of City streetlight poles in the amount of $70,000 and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents.

BACKGROUND:

The City owns, operates and maintains approximately 7,800 streetlights within Avondale City limits. Traffic Engineering staff complete streetlight repairs with the exception of pole knockdowns/replacements. Knockdowns are considered streetlight poles that are completely damaged and must be replaced. Staff does not have the equipment necessary to replace knocked down or corroded streetlight poles or for the installation of new poles.

DISCUSSION:

The City has a need for contractor services for the replacement of damaged streetlight poles as a result of traffic accidents or corrosion and for miscellaneous streetlight installations to increase lighting levels in older developed areas. Based upon previous history, staff estimates that approximately 10-12 streetlights are replaced annually.

BID PROCESS:

Requests-for-Bid notices were published in the West Valley View on January 21 and January 28, 2011 and the Arizona Business Gazette on January 20, 2011. Six (6) bids were received and opened on February 10, 2011. Each bid package was reviewed and two (2) of the six (6) bidders met the bidding requirements. The attached Bid Tabulation Sheet provides a detailed, bid item breakdown of each submitted bid.

Based upon unit pricing, the successful bidder is Brooks Bros. Utility Contractors, LLC. Staff contacted references and believes Brooks Bros. Utility Contractors, LLC to be competent and qualified for this project. Staff contacted the Registrar of Contractors and found no claims on file against this contractor.

The contract is on file with the City Clerk.

SCHEDULE:

In accordance with the approved contract, knockdown repairs will be completed within fifteen (15) calendar days of written receipt from the City.

BUDGETARY IMPACT:

Funding for the replacement of damaged streetlight poles as a result of traffic accidents is available in Risk Management Line Item No. 605-5165-00-6480. Funding for streetlight pole upgrades or new installs is available in the respective Capital Improvement Program project line item. The contract term is for a period of one (1) year with an option to renew up to four (4) additional one (1) year terms. The estimated usage of this contract over the 5 year term is $70,000, subject to budget approval.

RECOMMENDATION:

Staff recommends that the City Council award a bid to Brooks Bros Utility Contractors, LLC to provide installation of City streetlight poles in the amount of $70,000 and authorize the Mayor, or City Manager and City Clerk to execute the necessary documents.

ATTACHMENTS:

Click to download

- Bid Tab

CITY OF AVONDALE
BID TABULATION
EN11-039 Streetlight Pole Replacements - Knockdowns/Emergencies
BID DATE: February 10, 2011

				Fluoresco Lighting Sign Maint. Corp		Brooks Bros Utility Contractors LLC		Republic ITS		Briston Construction, LLC		B&F Contracting, Inc.		DRS Complete Power	
				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
1	Install 32'x5" Square Base Mounted Pole with 8'x8' Single Arm	2	EA	$ 475.00	$ 950.00	$ 1,200.00	$ 2,400.00	$ 740.00	$ 1,480.00	$ 1,994.00	$ 3,988.00	$ 1,880.30	$ 3,760.60	$ 723.00	$ 1,446.00
2	Install 32'x5" Square Base Mounted Pole with 8'x8' Dual Arm	2	EA	$ 475.00	$ 950.00	$ 1,200.00	$ 2,400.00	$ 790.00	$ 1,580.00	$ 1,999.00	$ 3,998.00	$ 2,350.30	$ 4,700.60	$ 914.00	$ 1,828.00
3	Install 31' Round Direct Burial Pole with 6' Radius Arm (SRP)	3	EA	$ 550.00	$ 1,650.00	$ 1,000.00	$ 3,000.00	$ 900.00	$ 2,700.00	$ 2,464.00	$ 7,392.00	$ 1,880.30	$ 5,640.90	$ 893.00	$ 2,679.00
4	Install 38'6" Round Direct Burial Pole with 8'x3' Arm (APS)	3	EA	$ 550.00	$ 1,650.00	$ 1,000.00	$ 3,000.00	$ 900.00	$ 2,700.00	$ 2,474.00	$ 7,422.00	$ 1,880.30	$ 5,640.90	$ 1,141.00	$ 3,423.00
5	Supply and Install Foundation	2	EA	$ 875.00	$ 1,750.00	$ 1,200.00	$ 2,400.00	$ 800.00	$ 1,600.00	$ 2,974.00	$ 5,948.00	$ 2,230.60	$ 4,461.20	$ 1,139.00	$ 2,278.00
6	Supply and Install PVC Tube	2	EA	$ 93.00	$ 186.00	$ 250.00	$ 500.00	$ 55.00	$ 110.00	$ 764.00	$ 1,528.00	$ 190.70	$ 381.40	$ 857.00	$ 1,714.00
7	Supply and Install 2 1/2 inch Trenched Conduit	200	FT	$ 9.50	$ 1,900.00	$ 3.95	$ 790.00	$ 16.00	$ 3,200.00	$ 15.00	$ 3,000.00	$ 12.10	$ 2,420.00	$ 1,977.00	$ 1,977.00
8	Supply and Install No. 3 1/2 Pull Box	5	EA	$ 174.00	$ 870.00	$ 150.00	$ 750.00	$ 225.00	$ 1,125.00	$ 114.00	$ 570.00	$ 1,293.00	$ 6,465.00	$ 238.00	$ 1,190.00
9	Supply and Install Overhead Attachment Eyebolt	2	EA	$ 15.50	$ 31.00	$ 150.00	$ 300.00	$ 110.00	$ 220.00	$ 434.00	$ 868.00	$ 796.80	$ 1,593.60	$ 49.00	$ 98.00
			SUBTOTAL		$ 9,937.00		$ 15,540.00		$ 14,715.00		$ 34,714.00		$ 35,064.20		$ 16,633.00
	TAX				$ 632.98		$ 636.36		Included		$ 2,211.28		$ 2,233.59		$ 1,546.00
	CALCULATED TOTAL				$ 10,569.98		$ 16,176.36		$ 14,715.00		$ 36,925.28		$ 37,297.79		$ 18,179.00
	TOTAL SUBMITTED BY BIDDER				$ 10,569.98		$ 16,176.36		$ 14,715.00		$ 36,925.28		$ 37,297.79		$ 18,163.00
	Bid Bond Attached?				Yes		Yes		Yes		Yes		Yes		No
	Is Contract Properly Signed?				Yes		Yes		Yes		Yes		Yes		Yes
	Business License Attached?				Yes		Yes		Yes		Yes		Yes		No
	References Attached?				Yes		Yes		Incomplete		Yes		Yes		Yes
	Contract Complete?				No		Yes		Yes		No		Yes		No
	Exceptions to Specifications?				No		No		No		No		No		No

CITY COUNCIL REPORT

SUBJECT:
Purchase Agreement - Rehrig Pacific Company

MEETING DATE:
February 22, 2011

TO: Mayor and Council

FROM: Wayne Janis, P.E., Public Works Director, 623-333-4444

THROUGH: Charlie McClendon, City Manager

PURPOSE:

Staff is requesting that the City Council approve a purchase agreement with Rehrig Pacific Company for the purchase of refuse and recycling containers for an amount not to exceed $150,000 per fiscal year, and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

BACKGROUND:

The sanitation division must purchase both refuse and recycling containers on an ongoing basis to ensure resident demands are met. Rehrig Pacific Company has supplied the City with these types of containers, offering the City a quality product while providing excellent customer service.

DISCUSSION:

The new containers purchased will be distributed to new customers and used to replace broken and damaged containers that remain in service after the expiration of the required 10-year warranty period.

The City is able to attach to the current City of Glendale supply contract for the purchase of containers with the Rehrig Pacific Company. The purchase price for containers under the contract is $41.80 each, which is an increase of $1.54 per container.

BUDGETARY IMPACT:

The purchase of containers is included as a funding request through the annual budget process. Funding is available in the current operating budget for containers.

RECOMMENDATION:

Staff recommends that the City Council approve a purchase agreement with Rehrig Pacific Company for the purchase of refuse and recycling containers for an amount not to exceed $150,000 per fiscal year, and authorize the Mayor or City Manager and City Clerk to execute the necessary documents.

ATTACHMENTS:

Click to download

- Purchase Agreement

PURCHASE AGREEMENT
BETWEEN
THE CITY OF AVONDALE
AND
REHRIG PACIFIC COMPANY

THIS PURCHASE AGREEMENT (this "Agreement") is made as of February 22, 2011, between the City of Avondale, an Arizona municipal corporation (the "City") and Rehrig Pacific Company, a California corporation ("Vendor").

RECITALS

A. After a competitive bidding process, the City of Glendale entered into contract number 11-13 with the Vendor to provide refuse and recycling containers for a reduced cost (the "Glendale Contract"). The Glendale Contract is attached hereto as Exhibit A and incorporated herein by reference.

B. The City is permitted to purchase refuse and recycling containers under the Glendale Contract without further public bidding, and the Glendale Contract permits its cooperative use by other Arizona municipalities including the City.

C. The City desires to purchase refuse and recycling containers under the Glendale Contract for a lower cost than would otherwise be available.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing recitals, which are incorporated herein by reference, the following mutual covenants and conditions, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby agree as follows:

1. Term of Agreement. This Agreement shall be effective as of the date first set forth above and shall remain in full force and effect until December 13, 2011.

2. Purchase of Containers. Vendor shall provide to the City refuse and recycling containers under the terms and conditions of the Glendale Contract, on an as-needed basis pursuant to purchase orders issued by the City.

3. Compensation. The City shall pay Vendor an aggregate price not to exceed $150,000.00 for containers at the rates set forth in the Glendale Contract attached hereto as Exhibit A.

4. Delivery Terms. All containers shall be delivered free on board, City's place of business. Delivery shall be not later than 30 days from receipt of purchase order by Vendor.

5. Conflict of Interest. This Agreement may be cancelled pursuant to ARIZ. REV. STAT. § 38-511.

6. Scrutinized Business Operations. Pursuant to ARIZ. REV. STAT. §§ 35-391.06 and 35-393.06, the Vendor certifies that it does not have scrutinized business operations in Sudan or Iran. For the purpose of this subsection the term "scrutinized business operations" shall have the meanings set forth in ARIZ. REV. STAT. § 35-391 or and 35-393, as applicable. If the City determines that the Vendor submitted a false certification, the City may impose remedies as provided by law including terminating this Agreement pursuant to the Glendale Contract.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date and year first set forth above.

"**City**"

CITY OF AVONDALE, an
Arizona municipal corporation

_____
Charles P. McClendon, City Manager

ATTEST:

_____
Carmen Martinez, City Clerk

"**Vendor**"

REHRIG PACIFIC COMPANY,
a California corporation

By:_____

Name:_____

Title:_____

(ACKNOWLEDGEMENTS)

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

This instrument was acknowledged before me on _____, 2011, by Charles P. McClendon, the City Manager 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:

_____

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

This instrument was acknowledged before me on _____, 2011, by _____ as _____ of REHRIG PACIFIC COMPANY, a California corporation, on behalf of the corporation.

_____
Notary Public in and for the State of California

My Commission Expires:

_____

EXHIBIT A
TO
PURCHASE AGREEMENT
BETWEEN
THE CITY OF AVONDALE
AND
REHRIG PACIFIC COMPANY

[Glendale Contract]

See following pages.

GLENDALE

ACCEPTANCE AGREEMENT

RE: RFP 11-13, REFUSE CONTAINERS – 60/68 & 90/98 GALLON

1. This is to notify you that on December 14, 2010, City Council has awarded RFP #11-13 to your company, Rehrig Pacific Company.

2. This notification constitutes an acceptance of your offer to provide the materials listed on the Price Page(s) at the prices bid. All terms and conditions of the RFP shall apply.

3. The term of this Agreement shall be for a one-year initial period with the option to extend, by agreement between the City and Contractor, for five more one-year periods thereafter for a maximum term of six years.

4. A contract administrator shall administer the Agreement for the City. The contract administrator for the City shall be Deborah Coy.

5. This Agreement does not constitute a commitment to purchase on the part of the City of Glendale.

6. You are required to sign and return this Agreement within ten (10) days from the date of this notice. If you fail to furnish the document within ten (10) days from the date of this notice, the City will consider this as a default. The City shall be entitled to such rights as may be granted by law.

Please complete the acknowledgment section below and return one copy to the attention of Ray Nader, City of Glendale, Materials Management, 6829 N 58th Dr., Suite 202, Glendale AZ 85301.

Bill Brewer
Materials Manager

ACKNOWLEDGED:

Signature

Sales
Title

Rehrig Pacific Company
Company Name

12/22/10
Date

CITY OF GLENDALE

MATERIALS MANAGEMENT

REQUEST FOR PROPOSAL

SOLICITATION NUMBER: **11-13**

DESCRIPTION: **REFUSE CONTAINERS - 60/68 & 90/98 GALLON**

OFFER DUE DATE AND TIME: **SEPTEMBER 29, 2010 AT 2:00 P.M. LOCAL TIME**

Offers for the materials or services specified will be received by the City of Glendale, Materials Management at the below specified location until the time and date cited. Offers received by the correct time and date will be opened and the name of each offeror will be publicly read.

Offer Opening and Submittal Location:

City of Glendale
Attn: Materials Management
6829 North 58th Drive, Suite 202
Glendale, Arizona 85301-2599

Offers must be in the actual possession of Materials Management on or prior to the time and date, and at the location indicated above. Late offers will not be considered. Offers must be submitted in a sealed envelope with the Solicitation Number and the offeror's name and address clearly indicated on the envelope. **See Paragraph 2.2 for additional instructions for preparing an offer.**

OFFERORS ARE STRONGLY ENCOURAGED TO CAREFULLY READ THE ENTIRE SOLICITATION.

For questions regarding
General Terms and Conditions contact**:**
Ray Nader, CPPB
Contract Analyst
(623) 930-2866
rnader@glendaleaz.com

For questions regarding
Scope or Specifications contact:
Deborah Coy
Recycling Coordinator
(623) 930-2709

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CITY OF GLENDALE
Materials Management

Solicitation Number: 11-13

REFUSE CONTAINERS - 60/68 & 90/98 GALLON

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SECTION ONE

SPECIFICATIONS

CITY OF GLENDALE

Materials Management

Solicitation Number: 11-13

REFUSE CONTAINERS - 60/68 & 90/98 GALLON

1.1 INTRODUCTION

1.1.1 It is the intent of the City of Glendale to request proposals for the purchase of residential and recycling containers to be utilized by the City's Residential Sanitation Division.

1.1.2 All containers must be new, completely assembled, and delivered to the specific container inventory site within the corporate limits of the city, and be ready for continuous use upon delivery to the City.

1.1.3 This Request for Proposal is for the City of Glendale requirements for 60/68 and 90/98 gallon plastic refuse/recycling containers for a one-year period with one-year renewal options for an additional five years. Quantities shown on the Price Page are estimated requirements for the first twelve months.

1.2 SAMPLE CONTAINERS

1.2.1 The proposal evaluation for 60/68 and 90/98 gallon containers requires one sample container of each size to be submitted with the bid for calculating conformity to specification and/or testing purposes.

1.2.2 The sample 90/98 gallon refuse/recycling container shall be furnished at no cost and will be retained by the City of Glendale after tests are complete. Sample containers must be delivered within two working days after the bid opening. Sample containers shall be delivered or shipped directly to the Solid Waste Office at 6429 W. Orangewood Drive, Glendale, Arizona 85301. Contact Deborah Coy at (623) 930-2709 for directions. <u>ONE SAMPLE GREEN 60/68 and 90/98 AND ONE SAMPLE TAN 60/68 and 90/98 GALLON CONTAINER IS REQUIRED. (FOUR CONTAINERS TOTAL)</u>

1.3 TESTING PROCEDURES

1.3.1 In conjunction with the current proposal for 60/68 and 90/98 gallon refuse/recycling containers, the City will test only those containers that are being considered for award. The offer receiving the most points in the evaluation will be the only barrel tested. Should the barrel fail the test, the next highest offeror's barrel will be tested. Sample containers must pass all tests to be eligible for award.

1.3.2 PERFORMANCE/STABILITY. The container shall be stable and self-balancing when in the upright position, when either loaded or empty. The containers will be tested for stability by lifting each into the hopper area of an automated side loader and then setting it down. Containers will be tested in the following positions, facing forward toward the truck, turned 45° to the front, turned 45° to the rear and facing backwards. There will be ten lifts for each position with the exception of the barrel backwards position, which will be done five times (35 total). The container must not slip through the grippers into the hopper or slip to the wheels. Stability is defined as the state of remaining upright and immobile after the container is set in place. To pass the stability test, the barrel must remain upright after at least 33 of the 35 lifts. If the barrel is out of position in the arms while being set down, no attempt will be made by the operator to keep the barrel balanced and upright.

1.3.3 CONTAINER CAPACITY. All 60/68 gallon containers shall hold a minimum of 59 U.S. liquid gallons of water in the barrel portion as determined by the following test: All containers will be filled with water while using a flowmeter to ensure volume measurement. Failure to meet the minimum requirement of 59 gallons shall be reason for disqualification. The City may also reject containers that are oversized or in a form not conducive to proper collection or use by the customer. Capacity shall not exceed 68 gallons.

All 90/98 gallon containers shall hold a minimum of 89 U.S. liquid gallons of water. All containers shall be filled with water while using a flowmeter to ensure volume measurement. Failure to meet the minimum requirements of 89 gallons shall be reason for disqualification. The City may also reject containers that are oversized or in a form not conducive to proper collection or use by the customer.

1.3.3 WATERTIGHT. All test containers must remain watertight during and after liquid-capacity test is completed. Failure to retain water shall be grounds for disqualification.

1.3.4 DROP TEST. Containers shall be drop tested to examine the container's ability to withstand being dropped by a collection vehicle when loaded to its maximum recommended capacity of +/- 200 lbs. Test containers will be filled with sand bags (+/- 200 lbs.), raised to a height of 6 to 7 feet and dropped. Failure is defined as damage occurring to the container that would prevent normal use, or failure to meet the conditions defined in the specifications. The City retains the exclusive right to determine normal use for a container.

1.3.5 RESIN WEIGHT TEST. The container and lids of the 60/68 gallon test container shall weight a minimum of 25 pounds without the hardware and wheels or have a minimum of 0.170" even wall thickness. Measurements are completed by City staff. If discrepancies in measurement are found, an independent service will be utilized with certified scales/measuring devices. All measurements are made without hardware, wheels or axle. Failure to meet the weight or wall thickness requirement for the container shall be reason for disqualification.

The container and lids of each 90/98 gallon test container shall weigh a minimum of 35 pounds without the hardware and wheels or have a minimum 0.170" even wall thickness. Measurements shall be completed by City staff.

1.4 DELIVERY

1.4.1 Containers will be ordered as needed and shall be delivered and assembled within 30 calendar days after receipt of an order. Orders placed will be a minimum of a truckload (approximately 400 barrels).

1.4.2 All containers will be delivered, unloaded and assembled at the Orangewood Service Yard/Container Repair Storage Area, 6429 W. Orangewood Drive, Glendale, Arizona 85301.

1.5 LIQUIDATED DAMAGES

1.5.1 If the Contractor fails to deliver the refuse containers, including unloading, assembly and storage placement, within the time specified in these specifications, or any extension thereof, the actual damages to the City for the delay will be difficult or impossible to determine. Therefore, in lieu of actual damages, the Contractor shall pay to the City a fixed, agreed, and liquidated damage for each calendar day of delay, the amount of $1.00 per container per calendar day for containers not received per the delivery schedule in section 1.4 of the General Specification. The City may also terminate this contract in whole or part as provided in the "Default" provision. In that event, the Contractor shall be liable for such liquidated damages accruing until such time as the City may reasonably obtain delivery or performance of similar supplies and services. The Contractor shall not be charged with liquidated damages when the delay arises without the fault or negligence of the Contractor.

1.6 EQUIPMENT COMPATIBILITY

1.6.1 Currently the City of Glendale uses McNeilus, Curbtender, and Heil vehicles for automated collection.

1.7 CONTAINER IMPRINTING/BARCODING

1.7.1 ALL CONTAINERS

1.7.1.1 The following items shall be molded into the location specified:

1.7.1.2 "REMOVE FROM CURB AFTER COLLECTION" shall be molded into lid. The text letter size shall be ¾" minimum and be placed 1 ½" from lid edge.

1.7.1.3 "Arrow" at curbside of lid facing street, size of arrow no less than 3" x 2" and no more than 2" from lid edge.

1.7.1.4 No parking logo embossed, painted or decaled on left side of container facing curb, 8" in diameter red circle, slash and P (see Exhibit E).

1.7.1.5 Identification markings – In addition to other markings on containers, sequenced embossed onto center of the body of the container with approximately 7/8" characters. Numbers will be white and stand out from the container surface to be read easily. The City shall provide the number scheme used to generate the unique identification. (see Exhibits A and D)

1.7.1.6 Barcodes shall be placed immediately below the imprinted identification numbers (see Exhibit A). Barcode number shall match the imprinted identification number. Barcodes are expected to have a life expectancy that is the same as the container. In the event a barcode is damaged, before the container is no longer useable, an option to replace the barcode is to be in place for this contract. Provide information on how Contractor will meet this request.

1.7.1.7 The lid shall have molded into it "City of Glendale". The characters for "City of Glendale" shall be 1 ½" high.

1.7.1.8 The container shall have molded into it the month and year manufactured and a manufacturer material identification code. This information may appear anywhere except on the bottom of the container.

1.6.2A
~~1.7.2~~ TAN WASTE CONTAINERS

1.6.2A.1
~~1.7.2.1~~ The following shall be molded in the top of the lid – letter size ½" minimum: "City of Glendale containers must be placed out for service by 6:00 a.m. on your assigned collection day. Please keep lid closed. Maximum capacity 200 lbs." (see Exhibit H)

1.6.2A.2
~~1.7.2.2~~ The following shall be molded in the top of the lid – letter size ¼" minimum: "Do not drag container; place on a steep slope; place on elevated platform or play in or around."

1.6.2A.3
~~1.7.2.3~~ The following shall be molded in the top of the lid – letter size ½" minimum: "To move container 1) Grip Handle 2) Tilt 3) Push or Pull

1.6.2A.4
~~1.7.2.4~~ The following shall be molded in the inside of the lid – letter size ½" minimum: "Please close lid before moving".

1.7 TECHNICAL SPECIFICATIONS

1.7.1 DESIGN SPECIFICATIONS FOR THE 60/68 GALLON TAN AND GREEN CONTAINERS (ASSEMBLED):

1.7.1.1 Offerors shall indicate whether the container bid complies with each specification or is an exception to the specification.

1.7.1.2 The City of Glendale must approve all exhibit designs before dies are cut.

a. Minimum capacity – 32 U.S. liquid gallons
☑ COMPLIES ☐ EXCEPTIONS COMMENTS:
b.1 Color – The 60/68 gallon containers for refuse collection shall be beige in color. Bidder shall submit color chip with the bid. The color must match existing tan refuse barrel inventory. ROC Berg Beige PM71641E155 with UV stabilizer. b.2 Color – The 60/68 gallon containers for recycling collection shall be Recycling Glendale Green, containing a minimum of one-half (1/2) of one percent (1%) of

Bid Forms

U.V. stabilizer and one-half (1/2) of one percent (1%) color, hot compounded into material. Bidder shall submit color chip with the bid. The color must match existing recycling green barrel inventory. ROC Glendale Green PM62430.

☑ COMPLIES ☐ EXCEPTIONS

COMMENTS: Per Addendum 1 color chips not needed, however, we have included in bid submission.

c. Lids – Each container shall be furnished with a lid molded from the same material as the container and shall be of such a configuration that it shall not warp., bend, slump, or distort to such an extent that it no longer fits flush on the container properly or becomes otherwise unserviceable. The lids must operate smoothly and not be a safety hazard, or potential maintenance problem. When closed, the lid must prevent entry of rain without latches.

Lids for green barrels will be hot stamped or otherwise have permanently affixed Recycling Information as per attached exhibits G and H. All information will be white in coloring.

Lids for tan barrels will be hot stamped or otherwise have permanently affixed information as per attached exhibits B and C. All information will be red in coloring.

☑ COMPLIES ☐ EXCEPTIONS

COMMENTS:

d. Hardware and Wheels – Each container shall be furnished with a ~~3/4"~~ 5/8" plated steel axle (minimum), two rotationally molded or blow molded, one (1) piece wheels from the same material resin as the container. Axles shall have flat washers between the wheel and the cotter pin (cotter pins are mandatory).

☑ COMPLIES ☐ EXCEPTIONS

COMMENTS: As amended.

e. Stability and Handling Characteristics – The container shall be stable and self-balancing when in the upright position, when either loaded or empty and when the lid is open or closed.

Bid Forms

Container shall be designed to be handled easily by workers and users over a variety of distances and surfaces including sand, gravel, mud and grass.

When the container is loaded with fifty (50 lbs.) pounds of sand, the force (applied directly downward on the handle) required to tilt the container in the "Roll Position," shall not exceed fifty (50 lbs.) pounds as measured by a pull scale.

☑ COMPLIES ☐ EXCEPTIONS

COMMENTS:

f. Resin Weight – 60/68 gallon container-minimum ~~25~~ 22 pounds +/- 10% (finished unit container and lid, excluding hardware and wheels), or a minimum of ~~.170~~ .175 inch even wall thickness throughout the container and ~~.135~~ .125 for the lid

☑ COMPLIES ☐ EXCEPTIONS

COMMENTS: Complies to original and amended specifications

g. Compression Force – Each container shall be capable of withstanding the compression force of the automated loading equipment of two-hundred (200 lbs.) pounds in the lifting and dumping process without permanent damage, deformation, or structural failure.

☑ COMPLIES ☐ EXCEPTIONS

COMMENTS:

h. Bottom – The bottom of the container must have a mold-in wear strip to protect against dragging. Container base must be impact resistant at all points (four corners and center) of the base for durability. Screw-on, bolt-on, or pop-on wear guards are unacceptable.

☑ COMPLIES ☐ EXCEPTIONS

COMMENTS:

Bid Forms

i. Finish – Interior and exterior surfaces shall be smooth and have an even, continuous surface. Interior surfaces shall have a high gloss finish. Containers shall be completely deburred with no sharp edges or corners. Containers are to be manufactured to highest commercial standards.
☑ COMPLIES ☐ EXCEPTIONS COMMENTS:

1.7.2 DESIGN SPECIFICATIONS FOR THE 90/98 GALLON TAN AND GREEN COLORED CONTAINERS (ASSEMBLED):

1.7.2.1 Bidder shall indicate whether the container bid complies with each specification or is an exception to the specification.

1.7.2.2 The City of Glendale must approve all exhibit designs before dies are cut.

a. Minimum Capacity - 89 U.S. liquid gallons
☑ COMPLIES ☐ EXCEPTIONS COMMENTS:
b.1 The 90/98 gallon containers for refuse collection shall be tan containers Bidder shall submit color chip with the bid. The color must match existing tan refuse barrel inventory. ROC Berg Beige PM71641E155 with UV stabilizer. b.2 The 90/98 gallon containers for recycling collection shall be Recycling Glendale Green, containing a minimum of one-half (1/2) of one percent (1%) of U.V. stabilizer and one-half (1/2) of one percent (1%) color, hot compounded into material. Proposer shall submit color chip with the bid. The color must match existing recycling green barrel inventory. ROC Glendale Green PM62430.
☑ COMPLIES ☐ EXCEPTIONS COMMENTS:

Bid Forms

c. Lid – Each container shall be furnished with a lid molded from the same material as the container and shall be of such configuration that it shall not warp, bend, slump, or distort to such an extent that it no longer fits flush on the container properly or becomes otherwise unserviceable. The design shall assure that the lid is durable and rigid. The lid must operate smoothly and not be a safety hazard, or potential maintenance problem. When closed, the lid must prevent entry of rain without latches. Lids shall be hot stamped or otherwise have permanently affixed information. Molded lid and container body information is found in Section 1.8. Container Imprinting Specification.

Lids for tan barrels will be hot stamped or otherwise have permanently affixed information as per exhibits B and C. All information on exhibits B and C will be in red lettering.

Lids for green barrels will be hot stamped or otherwise have permanently affixed Recycling Information as per exhibits G and H and Section 1.8 (for all green containers). All information on exhibits F, G and H will be in white lettering.

☑ COMPLIES ☐ EXCEPTIONS

COMMENTS:

d. Hardware and Wheels - Each container shall be furnished with a 5/8" plated steel axle (minimum), two rotationally molded or blow molded, one (1) piece wheels from the same material resin as the container. Axles shall have flat washers between the wheel and the cotter pin (cotter pins mandatory).

☑ COMPLIES ☐ EXCEPTIONS

COMMENTS:

e. Stability and Handling Characteristics – The container shall be stable and self-balancing when in the upright position, when either loaded or empty and when the lid is open or closed.

Container shall be designed to be handled easily by workers and users over a variety of distances and surfaces including sand, gravel, mud and grass.

When the container is loaded with fifty (50 lbs.) pounds of sand, the force (applied directly downward on the handle) required to tilt the container in the "Roll Position," shall not exceed fifty (50 lbs.) pounds as measured by a pull scale.

☑ COMPLIES ☐ EXCEPTIONS

COMMENTS:

.29

f. Resin Weight – 90/98 gallon container minimum ~~35~~ pounds (finished unit container and lid, excluding hardware and wheels), or a minimum of ~~.170~~ .165 inch even wall thickness throughout the container and ~~.135~~ .125 for the lid.

☑ COMPLIES ☐ EXCEPTIONS

COMMENTS:

g. Compression Force - Each container shall be capable of withstanding the compression force of the automated loading equipment of two-hundred (200 lbs.) pounds in the lifting and dumping process without permanent damage, deformation, or structural failure.

☑ COMPLIES ☐ EXCEPTIONS

COMMENTS:

Bid Forms

h. Bottom- The bottom of the container must have a mold-in wear strip to protect against dragging. Container base must be impact resistant at all points (four corners and center) of the base for durability. Screw-on, bolt-on, or pop-on wear guards are unacceptable.

☑ COMPLIES ☐ EXCEPTIONS

COMMENTS:

i. Finish - Interior and exterior surfaces shall be smooth and have an even, continuous surface. Interior surfaces shall have a high gloss finish. Containers shall be completely deburred with no sharp edges or corners. Containers are to be manufactured to highest commercial standards.

☑ COMPLIES ☐ EXCEPTIONS

COMMENTS:

1.7.3 MATERIAL PROPERTY SPECIFICATIONS FOR THE 60/68 AND 90/98 GALLON CONTAINERS

1.7.3.1 Offeror shall indicate whether the container complies with each specification or is an exception to the specification. Note: Offeror must check each item.

a. **Rotationally or injection molded, cross linked, or linear high or medium density, polyethylene.**
Polyethylene resin must be furnished by a recognized leading manufacturer of the material. Bidders should identify the manufacturer, material type and production method of the resin (blow molded containers are not acceptable).

The container shall be molded from 100% high or medium density polyethylene virgin first quality materials produced by a national petrochemical manufacturer (ex: Exxon, Phillips, Mobil, Dow, DuPont, or equivalent), mixed within 10% to 20% post consumer high density (HDPE) or medium density (MDPE) resin. Material must satisfy manufacturer's original specification for first quality material and cannot be "batch" produced by the bidder.

Upon request, offeror must supply a letter from the resin manufacturer certifying that the post-consumer resin is of like quality to 100% virgin resin.

Offeror must state the source and percentage of particular grades of recycled material (post-consumer scrap) used in the resin for the proposed containers.

Upon request, offeror shall attach letter(s) from recycled and virgin resin suppliers certifying the actual source of resin and the proposer's assured capability of obtaining sufficient resin to complete the contract prior to bid award.

Specify product offered, and the percentage of recycled content.

Product: HDPE Percent Recycled Content 10-20%
High Density Polyethylene

☑ COMPLIES ☐ EXCEPTIONS

COMMENTS: Please refer to Materials section of bid submission for supporting documentation.

b. The resin shall meet or exceed the following A.S.T.M. molded property specification:
Environmental Stress Crack Resistance (E.S.C.R.) Condition "A" for rotational molded containers. Condition "B" for injection molded containers.

Offeror shall substantiate compliance with the above specification by attaching a copy of the actual resin Manufacturer's Published Specification Sheet.

☑ COMPLIES ☐ EXCEPTIONS

COMMENTS: Please refer to Materials section of bid submission for supporting documentation.

c. Offeror must comply with the following additional container properties, performance standards, and certifications: Minimum 0.5% and Maximum of 1.0% color pigment, hot melt compounded into the resin.

Offeror shall identify the specific hot melt compounding extruder herein by its manufacturer's model number, and provide the name and address of the facility where the extruder is located.

Please see materials section in supporting documentation attachment.

Location: Rerhig Pacific Company Los Angeles, California

Resin shall contain an ultraviolet stabilizer, consisting of a minimum of Additive Type one-half (1/2) of one percent (1%). This stabilizer must be hot melt compounded into the resin. State additive manufacturer and type.

Additive: Hindered Amine Light Stabilizer (H.A.L.S.)

Containers shall be designed to regularly receive and dump a minimum of 200 lbs. without permanent damage, deformation, structural failure.

Container and all components shall be capable of withstanding temperature extremes ranging from -30 F to 150 F, when under 200 lbs. total compressing force, applied from opposite sides by the gripping arm.

All plastic components will be recyclable into other polyethylene products of a similar nature. The City shall make the final determination as to recyclability. Bidder shall provide a statement of recyclability of the proposed container and components, and upon request shall supply certification of recyclability from the primary manufacturer of each component or raw material (i.e., resin, hardware, components, etc.) previous to award.

Offeror shall state the number of containers currently in service utilizing the type of resin offered for this proposal.

Number of Containers: 20 million

All metal components shall be plated steel or stainless grade 304.

☑ COMPLIES ☐ EXCEPTIONS

Bid Forms

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Materials Management

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REFUSE CONTAINERS - 60/68 & 90/98 GALLON

COMMENTS: Please refer to Materials section of bid submission for supporting documentation.

All containers to be compatible with current City of Glendale lifting devices used on all City automated refuse equipment.

☑ COMPLIES ☐ EXCEPTIONS

COMMENTS:

d. **DURABILITY**

All containers shall remain durable in temperature variations of this region under loading conditions of 200 pounds of ballast. In addition, the container shall have a life expectancy of not less than ten (10) years during which time the container and its component parts shall maintain sufficient strength, shape, and appearance, and to be resistant to blows, kicks, and rodent penetration, such as to require no routine maintenance and, in general be maintenance free. Any component part, including but not limited to molded to or attached parts, such as frames or bars, or lids that fail during the ten (10) year warranty period shall constitute failure of the container, and will require replacement by a complete and new container (including shipping and disposal of failed containers) at no cost to the City.

The determination of failure will be at the sole discretion of the City of Glendale.

☑ COMPLIES ☐ EXCEPTIONS

COMMENTS: Please refer to Warranty and Test Reports section for supporting documentation.

e. Seller shall maintain copies of all material, process and final inspections and testing reports which it performs or has performed and agrees to promptly furnish copies at no additional cost when requested by the City. Should the Seller refuse to provide the requested reports, samples, and available testing information, it shall be expressly understood and agreed this constitutes a breach of contract. The City may withhold any of its contractual rights, powers or remedies, or take whatever legal actions the City deems necessary to protect its best interests.

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☑ COMPLIES ☐ EXCEPTIONS

COMMENTS:

f. Acceptance Testing - City reserves the right to perform or have performed such inspection and testing as considered necessary to assure acceptability and suitability of the containers, lids and hardware. The City may, at its option, have testing performance done by an independent laboratory. The expense of these tests shall be borne by the City. City will use ASTM Standards for purposes of evaluating such tests or inspections. Test or inspections performed under this reservation shall not be considered a waiver of any right or breach of warranty. (See Section 3.0 for the details of the testing procedure.

☑ COMPLIES ☐ EXCEPTIONS

COMMENTS:

g. It is further agreed that the City's review, concurrence or approval of the Seller's documentation or product shall in no way relieve the Seller of its responsibilities for specification compliance nor shall it be construed as a waiver of abridgment of the City's legal remedies, rights or powers.

☑ COMPLIES ☐ EXCEPTIONS

COMMENTS:

h. Successful offeror shall furnish 1% spare parts with each shipment as part of the price. Consisting of handles and assemblies, wheels and assemblies, lid and hinge assemblies, plus all associated fasteners and brackets.

☑ COMPLIES ☐ EXCEPTIONS

COMMENTS:

1.8 WARRANTY

1.8.1 All containers delivered shall have a warranty for a minimum period of ten (10) years from the date of acceptance against any and all defects in material and workmanship. At any time during the period, if a defect should occur in any item, the item shall be repaired or replaced by the Seller at no cost or obligation to the Buyer, except where it is shown that the defect was caused by fire damage. The offeror expressly warrants all items to be new, free from defects in design, materials and workmanship, and to be fit and sufficient for their intended purpose. All warranties shall survive acceptance and payment by the City.

1.8.2 The offeror shall, during the ten year warranty period, cover the cost of replacing defective containers plus an $8.00 handling fee per container. The $8.00 handling fee covers costs incurred by the City, including staff time and equipment charges, incidental to exchanging defective containers for customers, and disposal of defective containers, lids and hardware. The Seller will have an opportunity to replace/repair defective containers within 30 days of written notice of defects. If the Seller does not respond with replacement or repair the City will bill the Seller to recover predetermined costs.

a.	When the word "container and hardware" is used in this specification, it is defined as a complete unit including a full lid assembly. All containers furnished shall be unconditionally warranted for a period of ten (10) years against defects including, but not limited to, cracking, chipping, peeling, distortion, failures at attachment, weathering degradation, defective or insufficient material, poor material workmanship on the part of the manufacturer and lowered ultraviolet resistance to aging in the process or normal operational use. Defective containers which are replaced under the warranty provisions shall be replaced as complete containers, i.e., with lids, hardware, wheels, etc.
☑ COMPLIES ☐ EXCEPTIONS COMMENTS:	
b.	The Seller shall not be responsible for damage or destruction caused by fire after the containers have been delivered and accepted.
☑ COMPLIES ☐ EXCEPTIONS COMMENTS:	

Bid Forms

c. Seller shall not be responsible for damage or loss of containers due to vandalism or theft, occurring after delivery, distribution, and acceptance by the City of Glendale.

☑ COMPLIES ☐ EXCEPTIONS

COMMENTS:

d. A defective container is any container, including any component part that:

(1) Does not continuously perform in the intended manner as set forth in the bid specifications (including smooth maneuverability);
(2) Does not comply with the minimum design requirements of the bid specifications;
(3) Does not continuously perform in the intended manner within the warranty period.

Such container(s) shall then be considered to be defective in material, workmanship and/or design and shall be covered by the terms of this warranty specification. Any defective container shall be replaced or repaired at no cost to the City. All costs associated with the replacement of such defective containers shall be borne by the seller. In the event that containers or any component parts have been manufactured and supplied to the seller by a subcontractor, the City shall consider the seller as the manufacturer regarding product liability.

☑ COMPLIES ☐ EXCEPTIONS

COMMENTS:

1.9 OPTIONAL ITEMS

1.9.1 The City wishes to inquire on technology available for use in the solid waste industry. Offerors are asked to provide information to explain the use of technology for use with solid waste (refuse/recycling) containers.

1.9.2 Technology may include information on:

- barcoding systems
- RFID tags
- scanners to record information
- container inventory technology
- container maintenance and work orders technology
- distribution programs linking data from container to customers
- collection tracking
- inspection tracking

Information should include equipment required, software required, costs and compatibility with other systems.

1.9.3 The City currently utilizes Zonar technology, version 2.60.0. Zonar provides electronic inspection, tracking, and management solutions for fleet operations. When describing technology solutions in paragraph 1.9.2, indicate how it may be compatible to the Zonar technology.

1.9.4 The City is most interested in the Web capabilities of technology. When providing technology solutions in paragraph 1.9.2, indicate if the solution is a Web-based product.

SECTION TWO

SPECIAL TERMS AND CONDITIONS

CITY OF GLENDALE

Materials Management

Solicitation Number: 11-13

REFUSE CONTAINERS - 60/68 & 90/98 GALLON

2.1 INCORPORATION BY REFERENCE All responses shall incorporate by reference the Scope/Specifications, terms and conditions, general instructions and conditions, and any attachments. The Standard Terms and Conditions applicable to this solicitation are posted on the Internet. They are available for review and download at the City of Glendale Materials Management Internet home page, www.glendaleaz.com/purchasing. Offerors are advised to review all provisions of the General Instructions and Conditions for this solicitation.

2.2 RETURN OF OFFER One CD-ROM containing the entire solicitation, contractor's response to solicitation (Offer) and an originally signed "Offer Sheet" (Section 3.0). With exception to the signed Offer Sheet, no paper documents will be accepted. Response to the solicitation shall be in MS Word, Excel, PowerPoint and/or PDF format. Offers submitted in a format (paper or electronic) different from specified herein, may be rejected at the discretion of the City. If the offeror does not have this capability, companies such as Kinkos or Alphagraphics can provide this service at a nominal charge.

The offeror shall complete all sections of the solicitation in the format given (i.e., Offer Sheet, Price Sheet, Questionnaires) in the space provided. If additional space is needed than what is given, enter "See Attachment A for detail".

Submittal of the CD-ROM by the offeror in response to this solicitation shall be construed as the offeror's intent to be bound by any resultant contract.

2.3 PREPARATION OF OFFER PACKAGE The offeror shall submit a complete proposal on a CD as one file folder. The folder shall be identified as "RFP 11-13 – '*Name of Offeror.'*" (For example: RFP 11-13 – ABC Company.) In order for your response to receive a full and complete evaluation from the evaluation committee, please label your files in the following manner. Failure to include all the items may result in an offer being rejected.

The file folder shall include the following files or documents and be identified in the following manner:

- RFP # 11-13 – "Name of Offeror" – Offer Sheet Section 3.1
- RFP # 11-13 – "Name of Offeror" – Price Sheet Section 4.1
- RFP # 11-13 – "Name of Offeror" – Specifications Section 1.7
- RFP # 11-13 – "Name of Offeror" – Specifications Section 1.8
- RFP # 11-13 – "Name of Offeror" – Specifications Section 1.9

2.4 ALTERNATE OFFERS/EXCEPTIONS Offers submitted as alternates, or on the basis of exceptions to specific conditions of purchase and/or required specifications, must be submitted as an attachment referencing the specific paragraph number(s) and adequately defining the alternate or exception submitted. Detailed product brochures and/or technical literature, suitable for evaluation, must be submitted with the bid. If no exceptions are taken, City will expect and require complete compliance with the specifications and all Conditions of Purchase.

2.5 EVALUATION CRITERIA The criteria is listed in order of relative importance.

2.5.1 COST – 40%
See Section Four

2.5.2 ABILITY TO MEET SPECIFICATIONS – 30%
See Section 1.7

2.5.3 WARRANTY – 20%
See Section 1.8

2.5.4 TECHNOLOGY ENHANCEMENTS – 10%
See Section 1.9

2.6 EVALUATION PANEL Submittals will be evaluated by an evaluation panel. Award shall be made to the responsive, responsible offeror whose proposal is determined to be the most advantageous to the City.

2.7 PANEL CONTACT Proposer shall have no exclusive meetings, conversations or communications with an individual evaluation panel member on any aspect of the RFP, after submittal.

2.8 PRICE All prices quoted shall be firm and fixed for the specified contract period.

2.9 FOB POINT Prices quoted shall be FOB destination to: City of Glendale, AZ

2.10 TERM OF AGREEMENT The term of agreement for this RFP shall be for a one-year initial period.

2.11 OPTION TO EXTEND The City may, at its option and with the approval of the contractor, extend the term of this agreement an additional five (5) year(s), renewable on an annual basis. Contractor shall be notified in writing by the City Materials Manager of the City's intention to extend the contract period at least thirty (30) calendar days prior to the expiration of the original contract period. Price adjustments will only be reviewed during contract renewal.

2.12 EVALUATION LITERATURE Proposals submitted for products considered by the seller to be equal to or better than the brand names or manufacturer's catalog references specified herein, must be submitted with technical literature and/or detailed product brochures with written statements if the literature or brochure is not specific as to the specification for the City's use to evaluate the product(s) offered. Proposals submitted without this product information may be considered as non-responsive and rejected.

2.13 INSURANCE The successful proposer shall maintain, during the period of the contract or agreement, such public liability and property damage insurance, both general and automotive liability, as shall protect him and any subcontractor performing work under the contract from all claims for bodily injury, including accidental death, as well as for property damage arising from operations under the contract or agreement whether such operations be by himself or by any sub-contractor or by anyone directly or indirectly employed by either of them. The insurance company issuing the policy required above shall have an "BB" Financial rating, or better, in the current edition of Standard & Poors Insurance Guide and be authorized by the State of Arizona, Department of Insurance to transact business within the State. The certificate and policy shall name the City of Glendale as an additional insured and shall be primary coverage for the activity of the contractor. Insurance carrier shall notify the Materials Manager in writing of contractor's default in the insurance premiums prior to any cancellation of the insurance and shall accept from the City, if the City so elects payment of the insurance premium to maintain the insurance coverage in full force and effect. The City reserves the right to terminate any contract or agreement if the contractor fails to maintain such insurance coverage.

Contractor must provide certification of insurance compliance within 10 calendar days after notification of award. Certification must include: name and address of insurance company, policy number, liability coverage amounts and a statement the policy will not be canceled or failed to be renewed without thirty (30) days written notice to the City. Certification to be submitted to: Materials Management, 6829 North 58th Drive, Suite 202, Glendale, Arizona 85301-2599.

2.14 PROCUREMENT CARD ORDERING CAPABILITY It is the intent of the City of Glendale to utilize the City's Procurement Card (i.e. MasterCard/Visa), to place and make payment for orders under this Contract. Proposers without this capability may be considered non-responsive and not eligible for award consideration.

2.15 NOTICE OF INTENT TO AWARD Information about the recommended award for this solicitation will be posted on the Internet. The information will be available for review on the City of Glendale's, Materials Management Internet home page www.glendaleaz.com/purchasing immediately after the City has completed its evaluation process of the offers received. If you have any questions, or would like further information about an intended award, contact the buyer immediately. Any protest must be submitted to the Materials Manager no later than seven (7) calendar days from the date of posting on the Internet.

2.16 COOPERATIVE USE OF CONTRACT This agreement may be extended for use by other governmental agencies and political subdivisions of the State including all members of SAVE (Strategic Alliance for Volume Expenditures). Any such usage by other entities must be in accord with the ordinances, charter, rules and regulations of the respective entity and the approval of the Contractor and City. For a list of SAVE members click on the following link: http://www.maricopa.gov/materials/SAVE/SAVE-members.PDF

SECTION FOUR

PRICE SHEET

CITY OF GLENDALE
Materials Management

Solicitation Number: 11-13

REFUSE CONTAINERS - 60/68 & 90/98 GALLON

NOTE: In addition to completing this Section electronically and including it in the CD-ROM submittal, a printed version with original signature shall be submitted with CD-ROM at the time of Offer due date and time.

3.1 OFFER Proposer certifies that they have read, understand, and will fully and faithfully comply with this solicitation, its attachments and any referenced documents. Proposer also certifies that the prices offered were independently developed without consultation with any of the other proposers or potential proposers.

Authorized Signature	Rehrig Pacific Company Company's Legal Name
James L. Drew Printed Name	4010 East 26th Street Address
C.F.O. Title	Los Angeles, CA 90058 City, State & Zip Code
323-262-5145 Telephone Number	323-269-8506 FAX Number
Authorized Signature E-mail Address	Company E-mail Address

For questions regarding this offer: (If different from above)

A.J. McGuckin Contact Name	323-415-8793 Phone Number	323-269-8506 Fax Number

amcguckin@rehrigpacific.com
Email Address

FEDERAL TAXPAYER ID NUMBER: 95-4608797

Arizona Sales Tax No. 07573405M Tax Rate _____

Proposer certifies it is a: Proprietorship ____ Partnership ____ Corporation ✓

Minority or woman owned business: Yes _____ No ✓

SECTION FOUR

PRICE SHEET

CITY OF GLENDALE
Materials Management

Solicitation Number: 11-13

REFUSE CONTAINERS - 60/68 & 90/98 GALLON

4.1 PRICE

ESTIMATED ANNUAL QUANTITY	DESCRIPTION	UNIT PRICE	EXTENDED COST
100 (or more)	60/68 Gallon Size (Beige)	$ 36.50	$ 3,650.00
50 (or more)	60/68 Gallon Size (Green)	$ 36.50	$ 1,825.00
5000 (or more)	90/98 Gallon Size (Beige)	$ 41.80	$ 209,000.00
2000 (or more)	90/98 Gallon Size (Green)	$ 41.80	$ 83,600.00
		TOTAL BID COST EXCLUDING TAX	$ 298,075.00

(COMPLETELY ASSEMBLED)

APPLICABLE TAX RATE: 8.08%

MANUFACTURER: Rehrig Pacific Company

MODEL: Huskylite® ROC-95FA and ROC-65NB - No Bar

MANUFACTURING PROCESS USED: Injection Molding

4.2 DELIVERY Proposer states that all items will be delivered 20 calendar days after receipt of order. Any delay in delivery beyond the stated date may result in the implementing of the "default" and/or "liquidated damages" provisions.

4.3 PROCUREMENT CARD ORDERING CAPABILITY See paragraph 2.14. Please check appropriate box.

☑ YES, I will accept payment under this contract with the Procurement Card.

☐ NO, I will not accept payment under this contract with the Procurement Card.

4.4 DISCOUNT/PAYMENT TERMS: The City standard is 2% 20 days.

Comply: YES ☑ NO ☐

If your answer is NO, please state terms offered: _____

Bid Forms

"HUSKYLITE●" Roll Out Cart Warranty

Rehrig Pacific Company offers a unique full warranty for a period of 10 years. Rehrig Pacific Company warrants that its HuskyLite® containers purchased will conform to all applicable specifications, will be free from defects in material and workmanship, and will be fit for the particular purpose intended by the Buyer. The conditions of this warranty include failure of the cart body, lid, lid attachments, wheels, axle, and all hardware.

Rehrig Pacific Company extends this warranty only to the first purchaser of the HuskyLite® containers.

Warranty Coverage Exclusions

This warranty does not cover: (1) use under circumstances exceeding specifications, (2) Buyer or User abuse or vandalism, (3) unauthorized repair or alteration, (4) damage or failure as a result of incompatible, improperly installed, improperly operated, or defective lifting or dumping mechanisms, (5) damage or failure caused by natural calamities such as fire, storm, or high winds.

Rehrig Pacific Company will not be liable for any claims of loss of business, loss of profits, loss of income or any other losses or expense which exceeds the purchase price of the allegedly defective container.

Administration of Warranty

Any component that fails during the 10 year warranty will be repaired or replaced at no cost to the Buyer provided that:

(1) Buyer notifies Rehrig Pacific Company in writing no later than the end of the applicable warranty period of the claimed defect;

(2) Buyer agrees that Rehrig Pacific Company shall have the right to inspect and test the allegedly defective container;

(3) Determination of the alleged failure shall be made jointly in the judgment of the Buyer and Manufacturer;

(4) The serial number(s) of the defective container(s) shall be submitted via email to Rehrig Pacific Company using the electronic warranty form. Each serial number must be accompanied by the appropriate warranty code identifying where the failure occurred.

(5) Rehrig Pacific Company reserves the right to recycle the defective containers. Buyer agrees to empty, disassemble, and stack containers for shipment back to Rehrig Pacific Company. Rehrig Pacific Company shall be responsible for setting up shipment and the associated freight charges.

(6) Any repaired or replaced component will assume the remainder of the 10-year warranty from the original cart's initial purchase date.

(7) Rehrig Pacific reserves the right to either replace or repair the defective component.

SECTION FIVE

EXHIBITS

CITY OF GLENDALE
Materials Management

Solicitation Number: 11-13

REFUSE CONTAINERS - 60/68 & 90/98 GALLON

Exhibit A

Exhibit B

Exhibit C

Exhibit D

CITY OF GLENDALE
Materials Management

Solicitation Number: 11-13

REFUSE CONTAINERS - 60/68 & 90/98 GALLON

Exhibit E

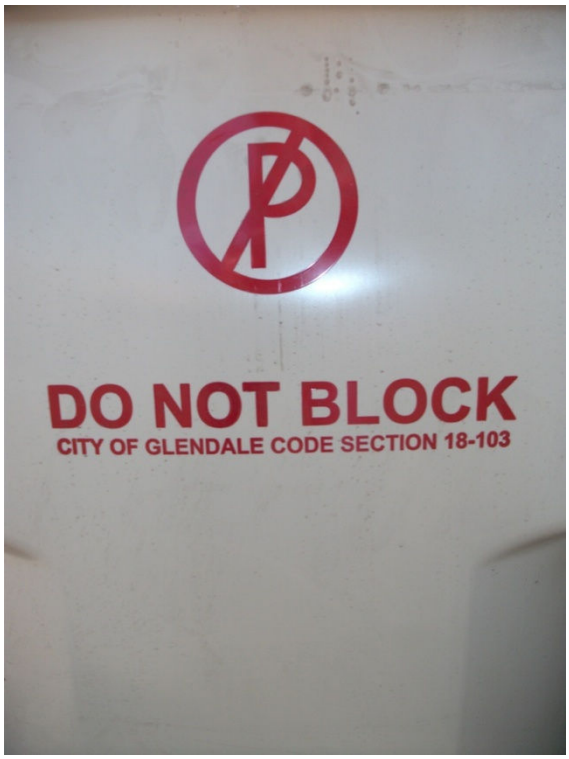

Exhibit F

Exhibit G

Exhibit H

CITY COUNCIL REPORT

SUBJECT:
Resolution 2955-211 - Amendment to 2010-2011 Annual Action Plan

MEETING DATE:
February 22, 2011

TO: Mayor and Council

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

THROUGH: Charlie McClendon, City Manager

PURPOSE:

City Council approval is sought for Resolution No. 2955-211 requesting $1,224,903 in federal Neighborhood Stabilization Funds for the purpose of alleviating the problem of home foreclosures and related vacancies.

BACKGROUND:

The Neighborhood Stabilization Program received a third round of funding provided by Section 1497 of the Wall Street Reform and Consumer Protection Act of 2010 which appropriated $1,224,903 to Avondale for assisting in the redevelopment of foreclosed homes. The U.S. Department of Housing and Urban Development (HUD) issued regulations on October 19, 2010 specifying the activities that may be undertaken by local governments for the use of the funds.

To be eligible for the funds the City must amend the 2010/2011 CDBG Annual Action Plan (AAP Amendment) detailing its plans for the use of NSP3 funds. This report outlines NSP3 allowable activities and provides staff recommendations for the use of the funds. Staff received public input prior to formulating its recommendations. The Neighborhood and Family Services Commission, CDBG Subcommittee reviewed Avondale's options under NSP3 on January 5, 2011. Staff incorporated comments into a draft AAP Amendment and posted it on the City website for a fifteen (15) day citizen comment period beginning February 4, 2011through February 20, 2011. Citizen comments have been incorporated in the AAP Amendment. The Council approved AAP Amendment must be submitted to HUD by March 1, 2011. NSP3 must be 50% expended within two years from the time the City receives its letter of credit from HUD and fully expended within three years.

The attached AAP Amendment includes the following: 1) detailed needs assessment by neighborhood including number of foreclosures and foreclosure starts; 2) list of Target Neighborhoods where NSP3 funds will be directed for expenditure; and 3) detailed description of proposed activities. Of the 23,073 single family housing units in Avondale, 558 (2.62%) are in foreclosure and an additional 1101 (5.16%) have received a pre-foreclosure notice. NSP3 funds may be used for the following activities related to residential properties that have been foreclosed upon: 1) establish finance mechanisms for purchase and redevelopment; 2) acquisition, rehabilitation and sale or rent; 3) establish land banks for future affordable housing use; 4) demolish blighted structures; and 5) redevelopment of demolished or abandoned properties. NSP regulations require that at least 25% of the funds be set-aside to assist low income persons whose household incomes do not exceed 50% of the HUD Area Median Income (AMI). Staff is recommending that the primary use of NSP3 funds be to provide financial assistance to potential homebuyers of vacant foreclosed homes.

DISCUSSION:

NSP3 funds must be targeted to the neighborhoods with the greatest number of foreclosures. Staff is recommending that $673,697 (55%) be used to assist buyers at 51% - 120% AMI with the purchase of foreclosed homes, $306,226 (25% set aside) be used to assist buyers at or below 50% AMI with the purchase of foreclosed homes, $122,490 (10%) be used for acquisition and/or demolition of blighted foreclosed properties; and $122,490 (10%) be used for administration. Approximate performance measures are thirty (30) new up to120% AMI homeowners; five (5) new at or below 50% AMI homeowners; and acquisition of one (1) blighted property for demolition. Eligible buyers are any individual or family with a household income up to 120% AMI. Only owner occupants are eligible.

All assisted homebuyers will complete a comprehensive eight hour homebuyer education curriculum and obtain standard 30-year fixed rate mortgages which do not exceed 30/43 lending ratios (30% of income for house payment and 43% of income for total debt). NSP3 rules require that homes are acquired below market and sold to eligible buyers below the cost of acquisition and rehabilitation. Any monetary down payment assistance provided will be in the form of a no-interest, soft-second loan that is due and payable upon sale of the home. Funds recaptured at the time of sale will be used to assist a subsequent eligible homebuyer.

Demolition activities will be confined to older areas of the city where they can be used in conjunction with ongoing or future redevelopment projects. To implement the activities of the NSP3, staff anticipates entering into one or more contracts with non-profit organizations specializing in homebuyer assistance and single-family rehabilitation. Staff will begin the procurement process following HUD's approval of its AAP Amendment.

A total of 17 neighborhoods are being recommended as target areas for NSP3 (see attached chart). This is a decrease from the 30 target areas under the first round of NSP funding. Under NSP3, HUD is requiring a more targeted approach and has asked that cities establish fewer and smaller geographic NSP3 areas for greater impact. For three of the areas (Cashion, Old Town and Las Ligas), NSP3 may only be used for demolition. The remaining 14 target areas were selected because they each have more than 11% of foreclosured or pre-foreclosed homes. These areas still allow for a wide selection of homes for potential NSP3 homebuyers while responding to HUD's direction to target the funds to smaller areas.

BUDGETARY IMPACT:

No matching funds are required, and there is no impact on the General Fund budget.

RECOMMENDATION:

Staff recommends the approval of resolution 2955-211 authorizing the submission of the 2010/2011 Annual Action Plan amendment to request $1,224,903 in NSP3 funding from the US Department of Housing and Urban Development to assist in the redevelopment of foreclosed properties.

ATTACHMENTS:

Click to download

- Resolution 2955-211
- Target Neighborhoods Table

RESOLUTION NO. 2955-211

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, APPROVING AN AMENDMENT TO THE 2010-2011 ANNUAL ACTION PLAN PORTION OF THE 2010-2014 CONSOLIDATED PLAN AND AUTHORIZING ITS SUBMISSION TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR RECEIPT OF NEIGHBORHOOD STABILIZATION FUNDS.

WHEREAS, Section 1497 of the Wall Street and Consumer Protection Act of 2010, a/k/a the "Dodd-Frank Act" (Public Law 111-203, approved July 21, 2010), provides for an additional allocation (third round) of funding for the Neighborhood Stabilization Program ("NSP3") for the purpose of assisting in the redevelopment of abandoned and foreclosed homes. Except where provided for otherwise, these amounts are distributed based on funding formulas for such amounts established by the Secretary in accordance with Housing and Economic Recovery Act of 2008 and unless otherwise stated, the grants are to be considered Community Development Block Grant ("CDBG") funds; and

WHEREAS, the City of Avondale (the "City") desires to receive NSP3 funds to implement programs to arrest and minimize the effects of foreclosure within the areas of Avondale that have the greatest need; and

WHEREAS, the U.S. Department of Housing and Urban Development ("HUD") is prepared to provide $1,224,903 in NSP3 funds to the City to use within a three-year period from the date of receipt; and

WHEREAS, HUD has issued regulations in the Federal Register under Docket No FR-5447-N-01 (the "Regulations") that define the statutory requirements of NSP3 and which require an Amendment to the City's 2010-2011 Annual Action Plan as a condition of receiving NSP3 funds; and

WHEREAS, the City of Avondale 2010-2014 Consolidated Plan (the "Consolidated Plan") was approved by Council of the City of Avondale (the "City Council") on April 19, 2010 and by HUD in June 2010; and

WHEREAS, the City of Avondale 2010-2011 Annual Action Plan (the "Action Plan") component of the Consolidated Plan was approved by the City Council on April 19, 2010; and

WHEREAS, the City has prepared a draft amendment to the Action Plan (the "Action Plan Amendment") in accordance with the Regulations; and

WHEREAS, the City has completed public participation requirements in accordance with the Regulations, including a 15-day comment period in which the draft amendment was posted on the City website (February 4, 2011 through February 20, 2011), during which time comments were received from City residents and incorporated in the Action Plan Amendment.

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

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

SECTION 2. The Action Plan Amendment and the allocation of funding to the activities to be undertaken described below are hereby approved and authorized for submission to HUD.

NSP3 ALLOCATIONS	
Activity	**Allocation**
Acquisition, Rehabilitation and Sale of Homes to 120% AMI homeowners	$673,697
Acquisition, Rehabilitation and Sale of Homes to 50% AMI homeowners	$306,226
Demolition of Foreclosed, Vacant and Blighted Residential Properties for Redevelopment into Housing	$122,490
Administration	$122,490
Totals	$1,224,903

SECTION 3. The City Council hereby finds that all expenditures as set forth in the Action Plan Amendment are necessary and appropriate and further that said expenditures for the NSP3 program will meet the low-moderate and middle income national objective.

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

[SIGNATURES ON FOLLOWING PAGE]

PASSED AND ADOPTED by the Council of the City of Avondale, February 22, 2011.

_____
Marie Lopez Rogers, Mayor

ATTEST:

_____
Carmen Martinez, City Clerk

APPROVED AS TO FORM:

_____
Andrew J. McGuire, City Attorney

Proposed NSP3 Target Areas

	NEIGHBORHOOD	Total # Units	Foreclosed	Delinquent	% Foreclosed & Delinquent
1	Cantada Ranch	169	16	15	18.34%
2	Donatela II	204	9	23	15.69%
3	Regal @ Rio Vista Estates	52	3	5	15.38%
4	Sanctuary	561	29	55	14.97%
5	Roosevelt Park Phase 1	365	13	37	13.70%
6	Tres Rios Landing	209	10	18	13.40%
7	Palm Meadows	183	6	18	13.11%
8	Villages at Tres Rios	85	4	7	12.94%
9	Glenhurst	469	28	28	11.94%
10	Coldwater Ridge	487	14	43	11.70%
11	Pecan Groves	62	3	4	11.29%
12	Waterford Square	217	5	19	11.06%
13	Littleton Manor	118	2	11	11.02%
14	Old Avondale*	1077	17	21	3.53%
15	Las Ligas*	319	4	5	2.82%
16	Cashion*	1000	8	18	2.60%
17	Rio Vista*	300	2	5	2.33%

*Neighborhoods with highest percentages of high cost loans and vacant or blighted properties.

DEVELOPMENT SERVICES

SUBJECT:
Public Hearing – Resolution 2957-211 and Ordinance 1449-211 - City of Avondale Medical Marijuana Regulations

MEETING DATE:
February 22, 2011

TO: Mayor and Council

FROM: Sue McDermott, Development Services and Engineering Department Director (623) 333-4211

THROUGH: Charlie McClendon, City Manager (623) 333-1015

REQUEST: Approval of a Text Amendment to Zoning Ordinance Sections 1, 4, 5, and 13, creating reasonable regulations with respect to the use of land for medical marijuana dispensaries and related uses.

LOCATION: Citywide

APPLICANT: City of Avondale

BACKGROUND:

In November 2010, the Arizona Medical Marijuana Act (Proposition 203) was approved by Arizona voters. The act legalizes the use, sale and cultivation of medical marijuana within the State of Arizona (Exhibits A and B).

The Arizona Department of Health Services (ADHS) is currently in the process of creating the rules and procedures for medical marijuana dispensary and cultivation licensing. The Arizona Medical Marijuana Act (AMMA) limits the number of dispensaries to one for every ten registered pharmacies in the State of Arizona. Approximately 125 dispensaries will be allowed in the state based upon this ratio. To ensure that dispensaries are spread evenly throughout the state to allow access to medical marijuana even in rural areas with lower population densities, the ADHS will issue only one dispensary license for each Community Health Analysis Area (CHAA). The Avondale CHAA covers the Avondale planning boundary north of the Estrella Mountains and also includes a portion of Tolleson bounded by 83rd Avenue, McDowell Road, Buckeye Road, and 107th Avenue. Because the Avondale CHAA blankets the entire City, no more than one medical marijuana dispensary will be allowed by the state in Avondale. Cultivation locations are not limited by CHAA boundaries; however, qualified patients who live within 25 miles of a dispensary will not be licensed to grow their own medical marijuana. It is highly likely that a dispensary will be located in or within 25 miles of the City and, as a result, qualified patient cultivation sites will not be licensed in Avondale. The ADHS anticipates finalizing their licensing regulations in April and for the first license applications to be processed in May 2011.

In addition to the controls being created by the ADHS, Proposition 203 expressly authorizes cities to enact reasonable zoning regulations that limit the use of land for registered nonprofit medical marijuana dispensaries. These regulations can impose stricter conditions than what has been implemented by the State so long as the regulations do not have the effect of prohibiting medical marijuana uses.

This proposed amendment to the City of Avondale Zoning Ordinance is required to define terms, and establishes regulations related to medical marijuana land uses in accordance with what is allowed by the approved ballot initiative.

SUMMARY OF REQUEST:

1.The proposed Ordinance amendment will allow medical marijuana dispensaries and cultivation locations in the A-1 (General Industrial) zoning district subject to specified development standards and distance and separation requirements from other medical marijuana uses and sensitive land uses. Those standards and separation requirements are discussed in greater detail below.

2.The proposal amends Zoning Ordinance Section 1, Administration and Procedures, by adding the three following definitions:

- “Medical marijuana” means “marijuana” for “medical use” as those terms are defined in Ariz. Rev. Stat. § 36-2801

- “Medical marijuana dispensary” means a nonprofit medical marijuana dispensary (as defined in Ariz. Rev. Stat. § 36-2801) duly registered and certified pursuant to Ariz. Rev. Stat. § 36-2804.

- “Medical marijuana cultivation location” means any of the following: (A) a medical marijuana dispensary at which cultivation occurs for sale at that medical marijuana dispensary, (B) the one additional location, if any, duly identified pursuant to Ariz. Rev. Stat. § 36-2806(E) during the process of registering a medical marijuana dispensary, where marijuana will be cultivated for sale at a medical marijuana dispensary, (C) any location identified pursuant to Ariz. Rev. Stat. § 36-2804.02(A)(3)(f) for cultivation of medical marijuana by a designated caregiver or qualifying patient (as defined in Ariz. Rev. Stat. § 36-2801, as amended) for a qualifying patient's medical use or (D) a facility that incorporates or processes medical marijuana into a consumable or edible product.

3.The proposal amends Zoning Ordinance Section 4, Employment Districts, by adding “Medical Marijuana Dispensary” and “Medical Marijuana Cultivation Location” to the Land Use Matrix (Subsection 402) as “Permitted Uses with Conditions”. Additionally, the proposal adds two new provisions to Subsection 403, Uses Permitted with Conditions, specifying where in the Zoning Ordinance the applicable conditions for marijuana-related land uses and sexually oriented businesses can be found. In the case of medical marijuana land uses, the conditions are being created with this proposal. In the case of sexually oriented businesses, the conditions are existing and this provision has been added for ease of reference.

4.Section 13 of the Zoning Ordinance currently contains Avondale's rules and regulations pertaining to the Special Use Overlay Zoning District. As part of this proposal, the Special Use District (SUD) language will be relocated from Section 13 to Section 503, as part of the “Special Districts” section of the Ordinance which also contains the City Center District (CCD) and Major Sports and Entertainment District (MSED). The relocation of the SUD provisions will allow for Section 13 to be renamed “Medical Marijuana Uses” and the purpose statement, location restrictions, and other requirements for medical marijuana establishments in the A-1 District to be inserted.

5.Subsection 1301, Purpose and Applicability, states that the purpose of adopting regulations for medical marijuana uses is necessary to protect the general public's health, safety and welfare by limiting the possible negative secondary effects of medical marijuana related uses. Additional information on these possible negative secondary effects can be found within the analysis section of this report.

This subsection also specifies that the proposed provisions contained within Section 13 will be applicable to all dispensaries and cultivation locations within the corporate limits of Avondale.

6.Subsection 1302, Location Restrictions, contains the following restrictions intended to achieve the stated purpose of limiting the possible negative secondary effects of medical marijuana related uses:

- 1302.A prohibits dispensaries and/or cultivation locations from being established, operated, or licensed in any Zoning District other than A-1 (General Industrial).

- 1302.B establishes separation requirements. Under the terms of the proposed ordinance, medical marijuana dispensaries and cultivation locations will be required to be located at least 2,000 feet from other medical marijuana uses, substance abuse treatment/rehabilitation facilities, schools, childcare centers, public libraries, parks, and places of worship.

- 1302.C clarifies that cultivation locations must be associated with a registered dispensary and that a maximum of one off-site cultivation location is allowed for each dispensary.

- 1302.D limits the size of medical marijuana dispensaries to a maximum floor area of 2,500 square feet. Additionally, the portion of the dispensary devoted to secured storage of the medical marijuana inventory is limited to a maximum floor area of 500 square feet.

- 1302.E limits the size of medical marijuana cultivation locations to a maximum floor area of 3,000 square feet. Additionally, the portion of the cultivation location devoted to secured storage of the medical marijuana is limited to a maximum floor area of 1,000 square feet. In the instance that a cultivation location is integrated into a dispensary at the same location, the secured storage area for both the dispensary/cultivation location combined is limited to a maximum floor area of 1,500 square feet.

- 1302.F imposes conditions on cultivation locations associated with a qualified patient or designated caregiver. These locations are limited to a maximum floor area of 250 square feet, including storage areas. Additionally, this subsection prohibits the co-location of more than one designated caregiver at a cultivation location.

7.Subsection 1303, Requirements, proposes the creation of the following non-locational standards for medical marijuana dispensaries and cultivation locations:

- 1303.A sets forth the application requirements for medical marijuana uses in Avondale.

- 1303.B specifies that dispensaries shall not operate earlier than 9:00 a.m. or later than 6:00 p.m., and that these facilities may only operate Monday through Friday.

- 1303.C establishes design and operational standards for medical marijuana dispensaries and cultivation locations, including the following:

-- Medical marijuana uses must be located in permanent buildings.

-- Medical marijuana uses shall not provide drive-through service.

-- Medical marijuana uses shall not emit fumes/vapors/odors into the environment.

-- Medical marijuana uses shall not provide offsite delivery.

-- The consumption of marijuana on the premises of a dispensary or cultivation location is prohibited.

-- Medical marijuana uses shall not have outdoor seating areas.

-- Medical marijuana uses shall display a current City business license and State tax number.

-- Medical marijuana uses shall install lighting at exterior entrances and exits and be required to leave the lighting on between sunset and sunrise.

-- The interior of medical marijuana uses shall be required to be illuminated at all times with particular emphasis on illuminating counters, safes, storage areas, and any locations where people are prone to congregate.

-- Medical marijuana uses shall provide security guards at main entrances and exits while open and notify surrounding property owners as to the company providing the security.

-- Medical marijuana facilities shall have an exterior appearance compatible with commercial structures in the immediate neighborhood.

-- Medical marijuana facilities will be required to allow unrestricted access to City code enforcement officers, police officers, or other agents of the City requesting admission to determine compliance with these standards.

-- Medical marijuana facilities will be prohibited from displaying signs or other advertising devices that are offensive in nature or obstruct the view of the interior of the premises from outside.

PARTICIPATION:

A neighborhood meeting to discuss the proposed text amendment was held on January 4, 2011 at 6:00 p.m. in the City Hall Council Chambers. The meeting was advertised in the December 14, 2010 edition of the West Valley View. Additional notice was provided via email to persons on the City's Zoning Ordinance notification list. In addition to staff, five citizens attended the meeting (Exhibit C) were given drafts of the proposed amendment, and participated in a discussion of the text amendment as well as some of the more specific details. The citizens in attendance expressed a preference for prohibiting medical marijuana uses altogether instead of restricting them as proposed by this Ordinance. It was explained at that meeting that a total prohibition on medical marijuana uses would not be considered a reasonable regulation as allowed by the law. In response to resident concerns, the minimum separation distance between medical marijuana uses and parks was increased to 2,000 feet.

Following the meeting, staff received written comments on the proposal from two residents, Mr. Dan Streyle, who did not attend the neighborhood meeting (Exhibit D), and Mr. Curtis Nielson (Exhibit E). After discussing the contents of Mr. Streyle's letter with legal staff, the proposed ordinance amendment was modified in several areas, including extending business hours to 6:00 p.m. and removing the requirement for private security to patrol neighborhoods in the immediate vicinity of the marijuana related use.

A notice of the February 17, 2011 Planning Commission meeting was published in the Arizona Republic's Arizona Business Gazette on February 3, 2011. The City's legal notices are typically published in the West Valley View; however, a publication error by the West Valley View required staff to utilize the Arizona Republic to publish the ad in order to meet the City's 15 day advance notice deadline. Persons on the City's Zoning Ordinance notification list were emailed a notice of the Planning Commission public hearing and copies of the draft Ordinance on January 6, 2011 and a revised draft on February 1, 2011. The City Council will be provided with the Planning Commission meeting minutes on the day of the Council Hearing, February 22, 2011.

A notice of the February 22, 2011 City Council meeting was published in the West Valley View on February 1, 2011. No additional comments were received prior to the publication of this report.

PLANNING COMMISSION ACTION:

The Planning Commission is scheduled to conduct a public hearing on February 17, 2011, five days prior to this Council meeting. Because of the proximity of the two meetings, Planning Commission's actions on this item are not known at the time of this report's publication. Staff will provide the City Council with Planning Commission's recommendation, meeting minutes and a verbal summary of the Planning Commission meeting at the Council meeting on February 22, 2011.

ANALYSIS:

Medical Marijuana

Marijuana is classified as a “Schedule I” drug under the Federal Controlled Substances Act, and its possession, delivery, manufacture, cultivation and sale are currently illegal in the United States, including in the State of Arizona. The approval of Proposition 203 and the subsequent legalization of medical marijuana at the state level are in direct conflict with federal law and the manufacture, use, possession, and sale of medical marijuana remain illegal under federal law. However, on October 19, 2009, the United States Department of Justice (DOJ) issued a guidance memorandum on investigation and prosecution of violations of the Controlled Substances Act in states that have authorized the use of medical marijuana stating that, while still recognized as illegal activity, the DOJ is unlikely to prosecute offenders in those states. The DOJ is free to revise this policy at any time as they see fit.

Despite multiple states approving voter initiatives to legalize marijuana for medicinal purposes, the federal government does not recognize any positive benefits derived from use of the substance. The Federal Food and Drug Administration (the “FDA”) continues to support the placement of marijuana as a “Schedule I” controlled substance with no currently accepted medical use in the United States. Additionally, past evaluations by federal agencies including the FDA, the Substance Abuse and Mental Health Service Administration (“SAMHSA”), and the National Institute for Drug Abuse (“NIDA”) have concluded that no sound scientific studies support medical use of marijuana for treatment in the United States. Furthermore, the Drug Enforcement Administration, as the federal agency charged with enforcing the Controlled Substances Act and the Office of National Drug Control Policy, as the federal coordinator of drug control policy, do not support the use of smoked marijuana for medical purposes.

Possible Negative Secondary Effects of Medical Marijuana Land Uses

Evaluation of several California cities' experiences with medical marijuana dispensaries and the opinion of the California Police Chiefs' Association have indicated negative secondary neighborhood affects associated with the operation of medical marijuana dispensaries including: (i) illegal drug sales to dispensary patrons at a price less than dispensary prices; (ii) marijuana use in and around dispensaries; (iii) non-residents being attracted to the community to secure marijuana; (iv) DUI arrests related to marijuana purchased at dispensaries; (v) burglaries of dispensaries; (vi) drug dealers posing as medical marijuana users to purchase and resell marijuana illegally; (vii) robbery of medical marijuana patrons; (viii) thefts in and around dispensaries to support legal and illegal drug commerce; (ix) negative affects on surrounding businesses resulting from a concentration of criminals associated with the dispensary; and (x) illegal sale of drugs other than marijuana in dispensaries.

The Arizona Medical Marijuana Act approved under Proposition 203 is not patterned after the California legislation and contains certain provisions that are intended to minimize the negative secondary effects; however, it is still reasonable and prudent to amend the Zoning Ordinance to ensure that such effects are avoided as much as possible. It is legally imperative based upon Proposition 203 that the City develops rules and regulations that do not have the effect of prohibiting marijuana related uses within Avondale. The proposed text amendment establishes “reasonable zoning regulations” that are intended to provide opportunity for the establishment of land uses related to medical marijuana in the City of Avondale. However, the proposal is very sensitive to

concerns over the potential negative effects of these uses, many of which are stated above, and as a result, establishes a strict standard regarding the location, size, and operating characteristics of medical marijuana land uses in order to protect sensitive land uses and to discourage an over-concentration of such uses in one portion of the City.

Actions of Other Municipalities

The vast majority of cities in the Phoenix metropolitan area have approved or are working on approving ordinances regulating medical marijuana land uses. In almost all cases, those ordinances involved the same basic components, such as limiting marijuana uses to certain zoning districts, imposing minimum separation requirements from sensitive land uses and like facilities, imposing size limitations, and placing restrictions on hours of operation. Among these similar components, the specific regulations vary. For instance:

- Some cities have chosen commercial districts for dispensary locations (e.g. Mesa), some have selected industrial districts (e.g. Gilbert), and others allow dispensaries in a combination of industrial and commercial districts (e.g. Phoenix).

- Cultivation locations have generally been limited to industrial zoning districts throughout the region.

- Several cities require use permit approval for a medical marijuana land use.

- The maximum square footage of a dispensary has been limited between 1,499 square feet and 2,500 square feet.

- Separation requirements from other medical marijuana uses range from 1,320 feet (1/4 mile) to 5,280 feet (1 mile).

- Separation requirements from sensitive uses, such as churches, schools, drug rehabilitation facilities, parks, etc. range from 500 to 2,000 feet.

This proposal is similar to the regulations that have either been adopted or are currently under consideration in other cities and towns. Avondale's proposal includes less stringent size limitations than some other cities but includes the most restrictive separation requirements and zoning district limitations. While several cities are requiring a use permit for medical marijuana facilities, staff believes that separation standards contained in the proposed Avondale text amendment are sufficient to minimize the impact of these uses on surrounding land uses and, therefore, is not proposing a use permit requirement.

Potential Locations in the City of Avondale

In order to ensure that our proposed regulations are “reasonable”, staff has mapped potential locations where medical marijuana dispensaries or cultivation sites could be located under the terms of the Ordinance. This mapping utilizes City information on existing churches, schools, parks, etc. Applicants will be required to perform a comprehensive area analysis to ensure that all separation requirements are met when proposing a medical marijuana use at any given location.

The result of staff's research shows that there are five general locations in Avondale with the required A-1 Zoning and which meet the 2,000 foot separation requirements. Those general locations are as follows:

- West of the Agua Fria River, north of Thomas Road
- East of the southeast corner of Avondale Boulevard and McDowell Road
- Eliseo C. Felix Junior Way, north of Van Buren Street

- East of the Agua Fria River, north of Broadway Road
- West of the Agua Fria River, north of Southern Avenue

The identification of multiple possible locations demonstrates that Avondale's proposal is indeed reasonable. Although there appears to be five compliant locations in the City, a maximum of one dispensary will be permitted in the Avondale CHAA by ADHS as previously discussed.

Conclusion

The passage of Proposition 203 has created the need for the City to amend its zoning regulations to accommodate medical marijuana land uses. However, due to the potential negative secondary effects of this type of land use, certain regulations and standards are needed to ensure that the purpose of the Zoning Ordinance to promote and protect the health, safety, and welfare of the residents of the City of Avondale is achieved. The changes proposed will provide the opportunity for medical marijuana land uses to be established in Avondale while ensuring that neighboring land uses are protected through enforcement of adequate development and separation standards. Staff recommends approval of the text amendment.

FINDINGS:

1. The proposed amendment meets the intent of the General Plan.
2. The proposed amendment meets the purpose and intent of the Zoning Ordinance by conserving and promoting the public health, safety, and general welfare.
3. The proposed amendment provides reasonable regulations for medical marijuana uses as expressly allowed by Proposition 203.
4. The proposed amendment provides adequate protection against the potential negative effects of medical marijuana land uses through separation requirements, development standards, and operational requirements.

RECOMMENDATION:

The City Council should **APPROVE** Application PL-10-0109, a City initiative to amend Zoning Ordinance Sections 1, 4, 5, and 13, creating reasonable regulations with respect to the use of land for medical marijuana dispensaries and related uses, considering the stipulations, if any, included in Planning Commission's recommendation from February 17, 2011.

PROPOSED MOTION:

1. I move that the City Council adopt Resolution 2957-211 declaring as a public record a document entitled “City of Avondale Medical Marijuana Regulations”
2. I move that the City Council adopt Ordinance 1449-211 adopting the aforementioned document as Section 13 of the Zoning Ordinance and revising Sections 1, 4, 5, and 13 relating to Medical Marijuana and adding reference provisions to Section 4 relating to sexually oriented businesses.

ATTACHMENTS:

Click to download

- Exhibit A - Proposition 203, Arizona Medical Marijuana Act
- Exhibit B - Arizona Department of Health Services, Arizona Medical Marijuana Act Frequently Asked Questions
- Exhibit C - Neighborhood Meeting Sign-In Sheet from January 4, 2011
- Exhibit D - Email Correspondence from resident Dan Streyle, dated January 6, 2011
- Exhibit E - Email Correspondence from resident Curtis Nielson, dated January 5, 2011
- Resolution 2957-211
- Zoning Ordinance Chapter 13
- Ordinance 1449-211

PROJECT MANAGER:

Ken Galica, Planner II (623) 333-4019

Exhibit A

ATTACHMENT 3

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APPLICATION FOR INITIATIVE OR REFERENDUM PETITION SERIAL NUMBER

Secretary of State
1700 W. Washington Street, 7th Floor
Phoenix, AZ 85007

The undersigned intends to circulate and file an INITIATIVE or a REFERENDUM (circle the appropriate word) petition and hereby makes application for the issuance of an official serial number to be printed in the lower right-hand corner of each side of each signature sheet of such petition. Pursuant to Arizona Revised Statutes § 19-111, attached hereto is the full text, in no less ~~than~~ eight point type, of the MEASURE or CONSTITUTIONAL AMENDMENT (circle appropriate word) intended to be INITIATED or REFERRED (circle appropriate word) at the next general election.

SUMMARY: A description of no more than one hundred words of the principal provisions of the proposed law, constitutional amendment or measure that will appear in no less than eight point type on the face of each petition signature sheet to be circulated.

The Arizona Medical Marijuana Act protects terminally or seriously ill patients from state prosecution for using limited amounts of marijuana on their doctor's recommendation. Qualifying patients who register with the Arizona Department of Health Services will obtain marijuana from nonprofit medical marijuana dispensaries regulated by ADHS. Private cultivation will be allowed by ADHS only when no dispensary is available. The Act is self-funding and establishes safeguards: registration cards; fingerprinting of caregivers and dispensary personnel to exclude drug and violent felons; strict security, recordkeeping and oversight requirements; inspection of dispensaries; restrictions on number and location of dispensaries; and providing penalties.

Signature of Applicant

Andrew Myers
Printed Name of Applicant

820 N. 3rd Avenue
Address

Phoenix | AZ | 85003
City | State | Zip

602-462-2200
Telephone Number

Arizona Medical Marijuana Policy Project
Name of Organization (if any)

P.O. Box 1710
Address

Phoenix | AZ | 85001
City | State | Zip

602-462-2291
Telephone Number

Joe Yunas, Chairman
Name of Officer and Title

820 N. 3rd Avenue
Address

Phoenix | AZ | 85003
City | State | Zip

602-462-2200
Telephone Number

Pamela Doan, Treasurer
Name of Officer and Title

820 N. 3rd Avenue
Address

Phoenix | AZ | 85003
City | State | Zip

602-462-2200
Telephone Number

Date of Application	May 15, 2009
Signatures Required	153,365
Deadline for Filing	July 1, 2010
Serial Number Issued	I-04-2010

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Revised 11/92

CF ID # 2008936664

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OFFICIAL TITLE

AN INITIATIVE MEASURE

AMENDING TITLE 36, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 28.1; AMENDING SECTION 43-1201, ARIZONA REVISED STATUTES; RELATING TO THE MEDICAL USE OF MARIJUANA; PROVIDING FOR CONDITIONAL REPEAL.

TEXT OF PROPOSED AMENDMENT

Be it enacted by the people of the state of Arizona:

Section 1. Title.

This act may be cited as the "Arizona Medical Marijuana Act."

Sec. 2. Findings.

The People of the State of Arizona find and declare the following:

A. Marijuana's recorded use as a medicine goes back nearly 5,000 years, and modern medical research has confirmed beneficial uses for marijuana in treating or alleviating the pain, nausea and other symptoms associated with a variety of debilitating medical conditions, including cancer, multiple sclerosis and HIV/AIDS, as found by the National Academy of Sciences' Institute of Medicine in March 1999.

B. Studies published since the 1999 Institute of Medicine report have continued to show the therapeutic value of marijuana in treating a wide array of debilitating medical conditions. These include relief of neuropathic pain caused by multiple sclerosis, HIV/AIDS and other illnesses that often fail to respond to conventional treatments and relief of nausea, vomiting and other side effects of drugs used to treat HIV/AIDS and hepatitis C, increasing the chances of patients continuing on life-saving treatment regimens.

C. Marijuana has many currently accepted medical uses in the United States, having been recommended by thousands of licensed physicians to at least 260,000 patients in the states with medical marijuana laws. Marijuana's medical utility has been recognized by a wide range of medical and public health organizations, including the American Academy of HIV Medicine, American College of

Physicians, American Nurses Association, American Public Health Association, Leukemia & Lymphoma Society and many others.

D. Data from the Federal Bureau of Investigation's Uniform Crime Reports and the Compendium of Federal Justice Statistics show that approximately 99 out of every 100 marijuana arrests in the U.S. are made under state law, rather than under federal law. Consequently, changing state law will have the practical effect of protecting from arrest the vast majority of seriously ill patients who have a medical need to use marijuana.

E. Alaska, California, Colorado, Hawaii, Maine, Michigan, Montana, Nevada, New Mexico, Oregon, Vermont, Rhode Island and Washington have removed state-level criminal penalties for the medical use and cultivation of marijuana. Arizona joins in this effort for the health and welfare of its citizens.

F. States are not required to enforce federal law or prosecute people for engaging in activities prohibited by federal law. Therefore, compliance with this act does not put the state of Arizona in violation of federal law.

G. State law should make a distinction between the medical and nonmedical uses of marijuana. Hence, the purpose of this act is to protect patients with debilitating medical conditions, as well as their physicians and providers, from arrest and prosecution, criminal and other penalties and property forfeiture if such patients engage in the medical use of marijuana.

Sec. 3. Title 36, Arizona Revised Statutes, is amended by adding Chapter 28.1 to read:

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CHAPTER 28.1

ARIZONA MEDICAL MARIJUANA ACT

36-2801. Definitions

IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

1. "ALLOWABLE AMOUNT OF MARIJUANA"

(a) WITH RESPECT TO A QUALIFYING PATIENT, THE "ALLOWABLE AMOUNT OF MARIJUANA" MEANS:

(i) TWO-AND-ONE-HALF OUNCES OF USABLE MARIJUANA; AND

(ii) IF THE QUALIFYING PATIENT'S REGISTRY IDENTIFICATION CARD STATES THAT THE QUALIFYING PATIENT IS AUTHORIZED TO CULTIVATE MARIJUANA, TWELVE MARIJUANA PLANTS CONTAINED IN AN ENCLOSED, LOCKED FACILITY EXCEPT THAT THE PLANTS ARE NOT REQUIRED TO BE IN AN ENCLOSED, LOCKED FACILITY IF THE

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PLANTS ARE BEING TRANSPORTED BECAUSE THE QUALIFYING PATIENT IS MOVING.

(b) WITH RESPECT TO A DESIGNATED CAREGIVER, THE "ALLOWABLE AMOUNT OF MARIJUANA" FOR EACH PATIENT ASSISTED BY THE DESIGNATED CAREGIVER UNDER THIS CHAPTER MEANS:

(i) TWO-AND-ONE-HALF OUNCES OF USABLE MARIJUANA; AND

(ii) IF THE DESIGNATED CAREGIVER'S REGISTRY IDENTIFICATION CARD PROVIDES THAT THE DESIGNATED CAREGIVER IS AUTHORIZED TO CULTIVATE MARIJUANA, TWELVE MARIJUANA PLANTS CONTAINED IN AN ENCLOSED, LOCKED FACILITY EXCEPT THAT THE PLANTS ARE NOT REQUIRED TO BE IN AN ENCLOSED, LOCKED FACILITY IF THE PLANTS ARE BEING TRANSPORTED BECAUSE THE DESIGNATED CAREGIVER IS MOVING.

(c) MARIJUANA THAT IS INCIDENTAL TO MEDICAL USE, BUT IS NOT USABLE MARIJUANA AS DEFINED IN THIS CHAPTER, SHALL NOT BE COUNTED TOWARD A QUALIFYING PATIENT'S OR DESIGNATED CAREGIVER'S ALLOWABLE AMOUNT OF MARIJUANA.

2. "CARDHOLDER" MEANS A QUALIFYING PATIENT, A DESIGNATED CAREGIVER OR A NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT WHO HAS BEEN ISSUED AND POSSESSES A VALID REGISTRY IDENTIFICATION CARD.

3. "DEBILITATING MEDICAL CONDITION" MEANS ONE OR MORE OF THE FOLLOWING:

(a) CANCER, GLAUCOMA, POSITIVE STATUS FOR HUMAN IMMUNODEFICIENCY VIRUS, ACQUIRED IMMUNE DEFICIENCY SYNDROME, HEPATITIS C, AMYOTROPHIC LATERAL SCLEROSIS, CROHN'S DISEASE, AGITATION OF ALZHEIMER'S DISEASE OR THE TREATMENT OF THESE CONDITIONS.

(b) A CHRONIC OR DEBILITATING DISEASE OR MEDICAL CONDITION OR ITS TREATMENT THAT PRODUCES ONE OR MORE OF THE FOLLOWING: CACHEXIA OR WASTING SYNDROME; SEVERE AND CHRONIC PAIN; SEVERE NAUSEA; SEIZURES, INCLUDING THOSE CHARACTERISTIC OF EPILEPSY; OR SEVERE AND PERSISTENT MUSCLE SPASMS, INCLUDING THOSE CHARACTERISTIC OF MULTIPLE SCLEROSIS.

(c) ANY OTHER MEDICAL CONDITION OR ITS TREATMENT ADDED BY THE DEPARTMENT PURSUANT TO SECTION 36-2801.01.

4. "DEPARTMENT" MEANS THE ARIZONA DEPARTMENT OF HEALTH SERVICES OR ITS SUCCESSOR AGENCY.

5. "DESIGNATED CAREGIVER" MEANS A PERSON WHO:

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(a) IS AT LEAST TWENTY-ONE YEARS OF AGE.

(b) HAS AGREED TO ASSIST WITH A PATIENT'S MEDICAL USE OF MARIJUANA.

(c) HAS NOT BEEN CONVICTED OF AN EXCLUDED FELONY OFFENSE.

(d) ASSISTS NO MORE THAN FIVE QUALIFYING PATIENTS WITH THE MEDICAL USE OF MARIJUANA.

(e) MAY RECEIVE REIMBURSEMENT FOR ACTUAL COSTS INCURRED IN ASSISTING A REGISTERED QUALIFYING PATIENT'S MEDICAL USE OF MARIJUANA IF THE REGISTERED DESIGNATED CAREGIVER IS CONNECTED TO THE REGISTERED QUALIFYING PATIENT THROUGH THE DEPARTMENT'S REGISTRATION PROCESS. THE DESIGNATED CAREGIVER MAY NOT BE PAID ANY FEE OR COMPENSATION FOR HIS SERVICE AS A CAREGIVER. PAYMENT FOR COSTS UNDER THIS SUBDIVISION SHALL NOT CONSTITUTE AN OFFENSE UNDER TITLE 13, CHAPTER 34 OR UNDER TITLE 36, CHAPTER 27, ARTICLE 4.

6. "ENCLOSED, LOCKED FACILITY" MEANS A CLOSET, ROOM, GREENHOUSE OR OTHER ENCLOSED AREA EQUIPPED WITH LOCKS OR OTHER SECURITY DEVICES THAT PERMIT ACCESS ONLY BY A CARDHOLDER.

7. "EXCLUDED FELONY OFFENSE" MEANS:

(a) A VIOLENT CRIME AS DEFINED IN SECTION 13-901.03, SUBSECTION B, THAT WAS CLASSIFIED AS A FELONY IN THE JURISDICTION WHERE THE PERSON WAS CONVICTED.

(b) A VIOLATION OF A STATE OR FEDERAL CONTROLLED SUBSTANCE LAW THAT WAS CLASSIFIED AS A FELONY IN THE JURISDICTION WHERE THE PERSON WAS CONVICTED BUT DOES NOT INCLUDE:

(i) AN OFFENSE FOR WHICH THE SENTENCE, INCLUDING ANY TERM OF PROBATION, INCARCERATION OR SUPERVISED RELEASE, WAS COMPLETED TEN OR MORE YEARS EARLIER.

(ii) AN OFFENSE INVOLVING CONDUCT THAT WOULD BE IMMUNE FROM ARREST, PROSECUTION OR PENALTY UNDER SECTION 36-2811 EXCEPT THAT THE CONDUCT OCCURRED BEFORE THE EFFECTIVE DATE OF THIS CHAPTER OR WAS PROSECUTED BY AN AUTHORITY OTHER THAN THE STATE OF ARIZONA.

8. "MARIJUANA" MEANS ALL PARTS OF ANY PLANT OF THE GENUS CANNABIS WHETHER GROWING OR NOT, AND THE SEEDS OF SUCH PLANT.

9. "MEDICAL USE" MEANS THE ACQUISITION, POSSESSION, CULTIVATION, MANUFACTURE, USE, ADMINISTRATION, DELIVERY, TRANSFER OR TRANSPORTATION

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OF MARIJUANA OR PARAPHERNALIA RELATING TO THE ADMINISTRATION OF MARIJUANA TO TREAT OR ALLEVIATE A REGISTERED QUALIFYING PATIENT'S DEBILITATING MEDICAL CONDITION OR SYMPTOMS ASSOCIATED WITH THE PATIENT'S DEBILITATING MEDICAL CONDITION.

10. "NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT" MEANS A PRINCIPAL OFFICER, BOARD MEMBER, EMPLOYEE OR VOLUNTEER OF A NONPROFIT MEDICAL MARIJUANA DISPENSARY WHO IS AT LEAST TWENTY-ONE YEARS OF AGE AND HAS NOT BEEN CONVICTED OF AN EXCLUDED FELONY OFFENSE.

11. "NONPROFIT MEDICAL MARIJUANA DISPENSARY" MEANS A NOT-FOR-PROFIT ENTITY THAT ACQUIRES, POSSESSES, CULTIVATES, MANUFACTURES, DELIVERS, TRANSFERS, TRANSPORTS, SUPPLIES, SELLS OR DISPENSES MARIJUANA OR RELATED SUPPLIES AND EDUCATIONAL MATERIALS TO CARDHOLDERS. A NONPROFIT MEDICAL MARIJUANA DISPENSARY MAY RECEIVE PAYMENT FOR ALL EXPENSES INCURRED IN ITS OPERATION.

12. "PHYSICIAN" MEANS A DOCTOR OF MEDICINE WHO HOLDS A VALID AND EXISTING LICENSE TO PRACTICE MEDICINE PURSUANT TO TITLE 32, CHAPTER 13 OR ITS SUCCESSOR, A DOCTOR OF OSTEOPATHIC MEDICINE WHO HOLDS A VALID AND EXISTING LICENSE TO PRACTICE OSTEOPATHIC MEDICINE PURSUANT TO TITLE 32, CHAPTER 17 OR ITS SUCCESSOR, A NATUROPATHIC PHYSICIAN WHO HOLDS A VALID AND EXISTING LICENSE TO PRACTICE NATUROPATHIC MEDICINE PURSUANT TO TITLE 32, CHAPTER 14 OR ITS SUCCESSOR OR A HOMEOPATHIC PHYSICIAN WHO HOLDS A VALID AND EXISTING LICENSE TO PRACTICE HOMEOPATHIC MEDICINE PURSUANT TO TITLE 32, CHAPTER 29 OR ITS SUCCESSOR.

13. "QUALIFYING PATIENT" MEANS A PERSON WHO HAS BEEN DIAGNOSED BY A PHYSICIAN AS HAVING A DEBILITATING MEDICAL CONDITION.

14. "REGISTRY IDENTIFICATION CARD" MEANS A DOCUMENT ISSUED BY THE DEPARTMENT THAT IDENTIFIES A PERSON AS A REGISTERED QUALIFYING PATIENT, REGISTERED DESIGNATED CAREGIVER OR A REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT.

15. "USABLE MARIJUANA" MEANS THE DRIED FLOWERS OF THE MARIJUANA PLANT, AND ANY MIXTURE OR PREPARATION THEREOF, BUT DOES NOT INCLUDE THE SEEDS, STALKS AND ROOTS OF THE PLANT AND DOES NOT INCLUDE THE WEIGHT OF ANY NON-MARIJUANA INGREDIENTS COMBINED WITH MARIJUANA AND PREPARED FOR CONSUMPTION AS FOOD OR DRINK.

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16. "VERIFICATION SYSTEM" MEANS A SECURE, PASSWORD-PROTECTED, WEB-BASED SYSTEM ESTABLISHED AND MAINTAINED BY THE DEPARTMENT THAT IS AVAILABLE TO LAW ENFORCEMENT PERSONNEL AND NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENTS ON A TWENTY-FOUR HOUR BASIS FOR VERIFICATION OF REGISTRY IDENTIFICATION CARDS.

17. "VISITING QUALIFYING PATIENT" MEANS A PERSON:

(a) WHO IS NOT A RESIDENT OF ARIZONA OR WHO HAS BEEN A RESIDENT OF ARIZONA LESS THAN THIRTY DAYS.

(b) WHO HAS BEEN DIAGNOSED WITH A DEBILITATING MEDICAL CONDITION BY A PERSON WHO IS LICENSED WITH AUTHORITY TO PRESCRIBE DRUGS TO HUMANS IN THE STATE OF THE PERSON'S RESIDENCE OR, IN THE CASE OF A PERSON WHO HAS BEEN A RESIDENT OF ARIZONA LESS THAN THIRTY DAYS, THE STATE OF THE PERSON'S FORMER RESIDENCE.

18. "WRITTEN CERTIFICATION" MEANS A DOCUMENT DATED AND SIGNED BY A PHYSICIAN, STATING THAT IN THE PHYSICIAN'S PROFESSIONAL OPINION THE PATIENT IS LIKELY TO RECEIVE THERAPEUTIC OR PALLIATIVE BENEFIT FROM THE MEDICAL USE OF MARIJUANA TO TREAT OR ALLEVIATE THE PATIENT'S DEBILITATING MEDICAL CONDITION OR SYMPTOMS ASSOCIATED WITH THE DEBILITATING MEDICAL CONDITION. THE PHYSICIAN MUST:

(a) SPECIFY THE QUALIFYING PATIENT'S DEBILITATING MEDICAL CONDITION IN THE WRITTEN CERTIFICATION.

(b) SIGN AND DATE THE WRITTEN CERTIFICATION ONLY IN THE COURSE OF A PHYSICIAN-PATIENT RELATIONSHIP AFTER THE PHYSICIAN HAS COMPLETED A FULL ASSESSMENT OF THE QUALIFYING PATIENT'S MEDICAL HISTORY.

36-2801.01. Addition of debilitating medical conditions.

THE PUBLIC MAY PETITION THE DEPARTMENT TO ADD DEBILITATING MEDICAL CONDITIONS OR TREATMENTS TO THE LIST OF DEBILITATING MEDICAL CONDITIONS SET FORTH IN SECTION 36-2801, PARAGRAPH -3-. THE DEPARTMENT SHALL CONSIDER PETITIONS IN THE MANNER REQUIRED BY DEPARTMENT RULE, INCLUDING PUBLIC NOTICE AND HEARING. THE DEPARTMENT SHALL APPROVE OR DENY A PETITION WITHIN ONE-HUNDRED-EIGHTY DAYS OF ITS SUBMISSION. THE APPROVAL OR DENIAL OF A PETITION IS A FINAL DECISION OF THE DEPARTMENT SUBJECT TO JUDICIAL REVIEW PURSUANT TO TITLE 12, CHAPTER 7, ARTICLE 6. JURISDICTION AND VENUE ARE

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VESTED IN THE SUPERIOR COURT.

36-2802. Arizona Medical Marijuana Act; limitations

THIS CHAPTER DOES NOT AUTHORIZE ANY PERSON TO ENGAGE IN, AND DOES NOT PREVENT THE IMPOSITION OF ANY CIVIL, CRIMINAL OR OTHER PENALTIES FOR ENGAGING IN, THE FOLLOWING CONDUCT:

A. UNDERTAKING ANY TASK UNDER THE INFLUENCE OF MARIJUANA THAT WOULD CONSTITUTE NEGLIGENCE OR PROFESSIONAL MALPRACTICE.

B. POSSESSING OR ENGAGING IN THE MEDICAL USE OF MARIJUANA:

1. ON A SCHOOL BUS.

2. ON THE GROUNDS OF ANY PRESCHOOL OR PRIMARY OR SECONDARY SCHOOL.

3. IN ANY CORRECTIONAL FACILITY.

C. SMOKING MARIJUANA:

1. ON ANY FORM OF PUBLIC TRANSPORTATION.

2. IN ANY PUBLIC PLACE.

D. OPERATING, NAVIGATING OR BEING IN ACTUAL PHYSICAL CONTROL OF ANY MOTOR VEHICLE, AIRCRAFT OR MOTORBOAT WHILE UNDER THE INFLUENCE OF MARIJUANA, EXCEPT THAT A REGISTERED QUALIFYING PATIENT SHALL NOT BE CONSIDERED TO BE UNDER THE INFLUENCE OF MARIJUANA SOLELY BECAUSE OF THE PRESENCE OF METABOLITES OR COMPONENTS OF MARIJUANA THAT APPEAR IN INSUFFICIENT CONCENTRATION TO CAUSE IMPAIRMENT.

E. USING MARIJUANA EXCEPT AS AUTHORIZED UNDER THIS CHAPTER.

36-2803. Rulemaking

A. NOT LATER THAN ONE HUNDRED TWENTY DAYS AFTER THE EFFECTIVE DATE OF THIS CHAPTER, THE DEPARTMENT SHALL ADOPT RULES:

1. GOVERNING THE MANNER IN WHICH THE DEPARTMENT SHALL CONSIDER PETITIONS FROM THE PUBLIC TO ADD DEBILITATING MEDICAL CONDITIONS OR TREATMENTS TO THE LIST OF DEBILITATING MEDICAL CONDITIONS SET FORTH IN SECTION 36-2801, PARAGRAPH 3, INCLUDING PUBLIC NOTICE OF, AND AN OPPORTUNITY TO COMMENT IN A PUBLIC HEARING UPON, PETITIONS.

2. ESTABLISHING THE FORM AND CONTENT OF REGISTRATION AND RENEWAL APPLICATIONS SUBMITTED UNDER THIS CHAPTER.

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3. GOVERNING THE MANNER IN WHICH IT SHALL CONSIDER APPLICATIONS FOR AND RENEWALS OF REGISTRY IDENTIFICATION CARDS.

4. GOVERNING NONPROFIT MEDICAL MARIJUANA DISPENSARIES, FOR THE PURPOSE OF PROTECTING AGAINST DIVERSION AND THEFT WITHOUT IMPOSING AN UNDUE BURDEN ON NONPROFIT MEDICAL MARIJUANA DISPENSARIES OR COMPROMISING THE CONFIDENTIALITY OF CARDHOLDERS, INCLUDING:

(a) THE MANNER IN WHICH THE DEPARTMENT SHALL CONSIDER APPLICATIONS FOR AND RENEWALS OF REGISTRATION CERTIFICATES.

(b) MINIMUM OVERSIGHT REQUIREMENTS FOR NONPROFIT MEDICAL MARIJUANA DISPENSARIES.

(c) MINIMUM RECORDKEEPING REQUIREMENTS FOR NONPROFIT MEDICAL MARIJUANA DISPENSARIES.

(d) MINIMUM SECURITY REQUIREMENTS FOR NONPROFIT MEDICAL MARIJUANA DISPENSARIES, INCLUDING REQUIREMENTS FOR PROTECTION OF EACH REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY LOCATION BY A FULLY OPERATIONAL SECURITY ALARM SYSTEM.

(e) PROCEDURES FOR SUSPENDING OR REVOKING THE REGISTRATION CERTIFICATE OF NONPROFIT MEDICAL MARIJUANA DISPENSARIES THAT VIOLATE THE PROVISIONS OF THIS CHAPTER OR THE RULES ADOPTED PURSUANT TO THIS SECTION.

5. ESTABLISHING APPLICATION AND RENEWAL FEES FOR REGISTRY IDENTIFICATION CARDS AND NONPROFIT MEDICAL MARIJUANA DISPENSARY REGISTRATION CERTIFICATES, ACCORDING TO THE FOLLOWING:

(a) THE TOTAL AMOUNT OF ALL FEES SHALL GENERATE REVENUES SUFFICIENT TO IMPLEMENT AND ADMINISTER THIS CHAPTER EXCEPT THAT FEE REVENUE MAY BE OFFSET OR SUPPLEMENTED BY PRIVATE DONATIONS.

(b) NONPROFIT MEDICAL MARIJUANA DISPENSARY APPLICATION FEES MAY NOT EXCEED $5,000.

(c) NONPROFIT MEDICAL MARIJUANA DISPENSARY RENEWAL FEES MAY NOT EXCEED $1,000.

(d) THE TOTAL AMOUNT OF REVENUE FROM NONPROFIT MEDICAL MARIJUANA DISPENSARY APPLICATION AND RENEWAL FEES AND REGISTRY IDENTIFICATION CARD FEES FOR NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENTS SHALL BE SUFFICIENT TO IMPLEMENT AND ADMINISTER THE NONPROFIT MEDICAL MARIJUANA DISPENSARY PROVISIONS OF THIS CHAPTER, INCLUDING THE

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VERIFICATION SYSTEM, EXCEPT THAT THE FEE REVENUE MAY BE OFFSET OR SUPPLEMENTED BY PRIVATE DONATIONS.

(e) THE DEPARTMENT MAY ESTABLISH A SLIDING SCALE OF PATIENT APPLICATION AND RENEWAL FEES BASED UPON A QUALIFYING PATIENT'S HOUSEHOLD INCOME.

(f) THE DEPARTMENT MAY CONSIDER PRIVATE DONATIONS UNDER SECTION 36-2817 TO REDUCE APPLICATION AND RENEWAL FEES.

B. THE DEPARTMENT IS AUTHORIZED TO ADOPT THE RULES SET FORTH IN SUBSECTION A AND SHALL ADOPT THOSE RULES PURSUANT TO TITLE 41, CHAPTER 6.

36-2804. Registration and certification of nonprofit medical marijuana dispensaries

A. NONPROFIT MEDICAL MARIJUANA DISPENSARIES SHALL REGISTER WITH THE DEPARTMENT.

B. NOT LATER THAN NINETY DAYS AFTER RECEIVING AN APPLICATION FOR A NONPROFIT MEDICAL MARIJUANA DISPENSARY, THE DEPARTMENT SHALL REGISTER THE NONPROFIT MEDICAL MARIJUANA DISPENSARY AND ISSUE A REGISTRATION CERTIFICATE AND A RANDOM 20-DIGIT ALPHANUMERIC IDENTIFICATION NUMBER IF:

1. THE PROSPECTIVE NONPROFIT MEDICAL MARIJUANA DISPENSARY HAS SUBMITTED THE FOLLOWING:

(a) THE APPLICATION FEE.

(b) AN APPLICATION, INCLUDING:

(i) THE LEGAL NAME OF THE NONPROFIT MEDICAL MARIJUANA DISPENSARY.

(ii) THE PHYSICAL ADDRESS OF THE NONPROFIT MEDICAL MARIJUANA DISPENSARY AND THE PHYSICAL ADDRESS OF ONE ADDITIONAL LOCATION, IF ANY, WHERE MARIJUANA WILL BE CULTIVATED, NEITHER OF WHICH MAY BE WITHIN FIVE HUNDRED FEET OF A PUBLIC OR PRIVATE SCHOOL EXISTING BEFORE THE DATE OF THE NONPROFIT MEDICAL MARIJUANA DISPENSARY APPLICATION.

(iii) THE NAME, ADDRESS AND DATE OF BIRTH OF EACH PRINCIPAL OFFICER AND BOARD MEMBER OF THE NONPROFIT MEDICAL MARIJUANA DISPENSARY.

(iv) THE NAME, ADDRESS AND DATE OF BIRTH OF EACH NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT.

(c) OPERATING PROCEDURES CONSISTENT WITH DEPARTMENT RULES FOR OVERSIGHT OF THE NONPROFIT MEDICAL MARIJUANA DISPENSARY, INCLUDING PROCEDURES TO ENSURE ACCURATE RECORD-KEEPING AND ADEQUATE SECURITY

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MEASURES.

(d) IF THE CITY, TOWN OR COUNTY IN WHICH THE NONPROFIT MEDICAL MARIJUANA DISPENSARY WOULD BE LOCATED HAS ENACTED ZONING RESTRICTIONS, A SWORN STATEMENT CERTIFYING THAT THE REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY IS IN COMPLIANCE WITH THE RESTRICTIONS.

2. NONE OF THE PRINCIPAL OFFICERS OR BOARD MEMBERS HAS BEEN CONVICTED OF AN EXCLUDED FELONY OFFENSE.

3. NONE OF THE PRINCIPAL OFFICERS OR BOARD MEMBERS HAS SERVED AS A PRINCIPAL OFFICER OR BOARD MEMBER FOR A REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY THAT HAS HAD ITS REGISTRATION CERTIFICATE REVOKED.

4. NONE OF THE PRINCIPAL OFFICERS OR BOARD MEMBERS IS UNDER TWENTY-ONE YEARS OF AGE.

C. THE DEPARTMENT MAY NOT ISSUE MORE THAN ONE NONPROFIT MEDICAL MARIJUANA DISPENSARY REGISTRATION CERTIFICATE FOR EVERY TEN PHARMACIES THAT HAVE REGISTERED UNDER SECTION 32-1929, HAVE OBTAINED A PHARMACY PERMIT FROM THE ARIZONA BOARD OF PHARMACY AND OPERATE WITHIN THE STATE EXCEPT THAT THE DEPARTMENT MAY ISSUE NONPROFIT MEDICAL MARIJUANA DISPENSARY REGISTRATION CERTIFICATES IN EXCESS OF THIS LIMIT IF NECESSARY TO ENSURE THAT THE DEPARTMENT ISSUES AT LEAST ONE NONPROFIT MEDICAL MARIJUANA DISPENSARY REGISTRATION CERTIFICATE IN EACH COUNTY IN WHICH AN APPLICATION HAS BEEN APPROVED.

D. THE DEPARTMENT MAY CONDUCT A CRIMINAL RECORDS CHECK IN ORDER TO CARRY OUT THIS SECTION.

36-2804.01. Registration of nonprofit medical marijuana dispensary agents; notices; civil penalty; classification

A. A NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT SHALL BE REGISTERED WITH THE DEPARTMENT BEFORE VOLUNTEERING OR WORKING AT A MEDICAL MARIJUANA DISPENSARY.

B. A NONPROFIT MEDICAL MARIJUANA DISPENSARY MAY APPLY TO THE DEPARTMENT FOR A REGISTRY IDENTIFICATION CARD FOR A NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT BY SUBMITTING:

1. THE NAME, ADDRESS AND DATE OF BIRTH OF THE NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT.

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2. A NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT APPLICATION.

3. A STATEMENT SIGNED BY THE PROSPECTIVE NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT PLEDGING NOT TO DIVERT MARIJUANA TO ANYONE WHO IS NOT ALLOWED TO POSSESS MARIJUANA PURSUANT TO THIS CHAPTER.

4. THE APPLICATION FEE.

C. A REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY SHALL NOTIFY THE DEPARTMENT WITHIN TEN DAYS AFTER A NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT CEASES TO BE EMPLOYED BY OR VOLUNTEER AT THE REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY.

D. NO PERSON WHO HAS BEEN CONVICTED OF AN EXCLUDED FELONY OFFENSE MAY BE A NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT.

E. THE DEPARTMENT MAY CONDUCT A CRIMINAL RECORDS CHECK IN ORDER TO CARRY OUT THIS SECTION.

36-2804.02. Registration of qualifying patients and designated caregivers

A. A QUALIFYING PATIENT MAY APPLY TO THE DEPARTMENT FOR A REGISTRY IDENTIFICATION CARD BY SUBMITTING:

1. WRITTEN CERTIFICATION ISSUED BY A PHYSICIAN WITHIN THE NINETY DAYS IMMEDIATELY PRECEDING THE DATE OF APPLICATION.

2. THE APPLICATION FEE.

3. AN APPLICATION, INCLUDING:

(a) NAME, MAILING ADDRESS, RESIDENCE ADDRESS AND DATE OF BIRTH OF THE QUALIFYING PATIENT EXCEPT THAT IF THE APPLICANT IS HOMELESS NO ADDRESS IS REQUIRED.

(b) NAME, ADDRESS AND TELEPHONE NUMBER OF THE QUALIFYING PATIENT'S PHYSICIAN.

(c) NAME, ADDRESS AND DATE OF BIRTH OF THE QUALIFYING PATIENT'S DESIGNATED CAREGIVER, IF ANY.

(d) A STATEMENT SIGNED BY THE QUALIFYING PATIENT PLEDGING NOT TO DIVERT MARIJUANA TO ANYONE WHO IS NOT ALLOWED TO POSSESS MARIJUANA PURSUANT TO THIS CHAPTER.

(e) A SIGNED STATEMENT FROM THE DESIGNATED CAREGIVER, IF ANY, AGREEING TO BE THE PATIENT'S DESIGNATED CAREGIVER AND PLEDGING NOT TO DIVERT MARIJUANA TO ANYONE WHO IS NOT ALLOWED TO POSSESS MARIJUANA

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PURSUANT TO THIS CHAPTER.

(f) A DESIGNATION AS TO WHO WILL BE ALLOWED TO CULTIVATE MARIJUANA PLANTS FOR THE QUALIFYING PATIENT'S MEDICAL USE IF A REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY IS NOT OPERATING WITHIN TWENTY-FIVE MILES OF THE QUALIFYING PATIENT'S HOME.

B. THE APPLICATION FOR A QUALIFYING PATIENT'S REGISTRY IDENTIFICATION CARD SHALL ASK WHETHER THE PATIENT WOULD LIKE THE DEPARTMENT TO NOTIFY HIM OF ANY CLINICAL STUDIES NEEDING HUMAN SUBJECTS FOR RESEARCH ON THE MEDICAL USE OF MARIJUANA. THE DEPARTMENT SHALL NOTIFY INTERESTED PATIENTS IF IT IS NOTIFIED OF STUDIES THAT WILL BE CONDUCTED IN THE UNITED STATES.

36-2804.03. Issuance of registry identification cards

A. EXCEPT AS PROVIDED IN SUBSECTION B AND IN SECTION 36-2804.05, THE DEPARTMENT SHALL:

1. VERIFY THE INFORMATION CONTAINED IN AN APPLICATION OR RENEWAL SUBMITTED PURSUANT TO THIS CHAPTER AND APPROVE OR DENY AN APPLICATION OR RENEWAL WITHIN TEN DAYS OF RECEIVING A COMPLETED APPLICATION OR RENEWAL.

2. ISSUE A REGISTRY IDENTIFICATION CARD TO A QUALIFYING PATIENT AND HIS DESIGNATED CAREGIVER, IF ANY, WITHIN FIVE DAYS OF APPROVING THE APPLICATION OR RENEWAL. A DESIGNATED CAREGIVER MUST HAVE A REGISTRY IDENTIFICATION CARD FOR EACH OF HIS QUALIFYING PATIENTS.

3. ISSUE EACH NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT A REGISTRY IDENTIFICATION CARD AND LOG-IN INFORMATION FOR THE VERIFICATION SYSTEM WITHIN FIVE DAYS OF APPROVING THE APPLICATION OR RENEWAL.

B. THE DEPARTMENT MAY NOT ISSUE A REGISTRY IDENTIFICATION CARD TO A QUALIFYING PATIENT WHO IS UNDER THE AGE OF EIGHTEEN UNLESS:

1. THE QUALIFYING PATIENT'S PHYSICIAN HAS EXPLAINED THE POTENTIAL RISKS AND BENEFITS OF THE MEDICAL USE OF MARIJUANA TO THE CUSTODIAL PARENT OR LEGAL GUARDIAN RESPONSIBLE FOR HEALTH CARE DECISIONS FOR THE QUALIFYING PATIENT.

2. A CUSTODIAL PARENT OR LEGAL GUARDIAN RESPONSIBLE FOR HEALTH CARE DECISIONS FOR THE QUALIFYING PATIENT SUBMITS A WRITTEN CERTIFICATION FROM TWO PHYSICIANS.

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3. THE CUSTODIAL PARENT OR LEGAL GUARDIAN WITH RESPONSIBILITY FOR HEALTH CARE DECISIONS FOR THE QUALIFYING PATIENT CONSENTS IN WRITING TO:

(a) ALLOW THE QUALIFYING PATIENT'S MEDICAL USE OF MARIJUANA.

(b) SERVE AS THE QUALIFYING PATIENT'S DESIGNATED CAREGIVER.

(c) CONTROL THE ACQUISITION OF THE MARIJUANA, THE DOSAGE AND THE FREQUENCY OF THE MEDICAL USE OF MARIJUANA BY THE QUALIFYING PATIENT.

C. A REGISTRY IDENTIFICATION CARD, OR ITS EQUIVALENT, THAT IS ISSUED UNDER THE LAWS OF ANOTHER STATE, DISTRICT, TERRITORY, COMMONWEALTH OR INSULAR POSSESSION OF THE UNITED STATES THAT ALLOWS A VISITING QUALIFYING PATIENT TO POSSESS OR USE MARIJUANA FOR MEDICAL PURPOSES IN THE JURISDICTION OF ISSUANCE HAS THE SAME FORCE AND EFFECT WHEN HELD BY A VISITING QUALIFYING PATIENT AS A REGISTRY IDENTIFICATION CARD ISSUED BY THE DEPARTMENT, EXCEPT THAT A VISITING QUALIFYING PATIENT IS NOT AUTHORIZED TO OBTAIN MARIJUANA FROM A NONPROFIT MEDICAL MARIJUANA DISPENSARY.

36-2804.04. Registry identification cards

A. REGISTRY IDENTIFICATION CARDS FOR QUALIFYING PATIENTS AND DESIGNATED CAREGIVERS SHALL CONTAIN ALL OF THE FOLLOWING:

1. NAME, ADDRESS AND DATE OF BIRTH OF THE CARDHOLDER.

2. A STATEMENT OF WHETHER THE CARDHOLDER IS A QUALIFYING PATIENT OR A DESIGNATED CAREGIVER.

3. THE DATE OF ISSUANCE AND EXPIRATION DATE OF THE REGISTRY IDENTIFICATION CARD.

4. A RANDOM 20-DIGIT ALPHANUMERIC IDENTIFICATION NUMBER, CONTAINING AT LEAST FOUR NUMBERS AND AT LEAST FOUR LETTERS, THAT IS UNIQUE TO THE CARDHOLDER.

5. IF THE CARDHOLDER IS A DESIGNATED CAREGIVER, THE RANDOM IDENTIFICATION NUMBER OF THE REGISTERED QUALIFYING PATIENT THE DESIGNATED CAREGIVER IS ASSISTING.

6. A PHOTOGRAPH OF THE CARDHOLDER.

7. A CLEAR INDICATION OF WHETHER THE CARDHOLDER HAS BEEN AUTHORIZED BY THIS CHAPTER TO CULTIVATE MARIJUANA PLANTS FOR THE QUALIFYING PATIENT'S MEDICAL USE.

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B. REGISTRY IDENTIFICATION CARDS FOR NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENTS SHALL CONTAIN THE FOLLOWING:

1. THE NAME, ADDRESS AND DATE OF BIRTH OF THE NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT.

2. A STATEMENT THAT THE CARDHOLDER IS A NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT.

3. THE LEGAL NAME OF THE REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY WITH WHICH THE NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT IS AFFILIATED.

4. A RANDOM 20-DIGIT ALPHANUMERIC IDENTIFICATION NUMBER THAT IS UNIQUE TO THE CARDHOLDER.

5. THE DATE OF ISSUANCE AND EXPIRATION DATE OF THE REGISTRY IDENTIFICATION CARD.

6. A PHOTOGRAPH, IF THE DEPARTMENT DECIDES TO REQUIRE ONE.

C. IF THE REGISTRY IDENTIFICATION CARD OF EITHER A QUALIFYING PATIENT OR THE PATIENT'S DESIGNATED CAREGIVER DOES NOT STATE THAT THE CARDHOLDER IS AUTHORIZED TO CULTIVATE MARIJUANA PLANTS, THEN THE DEPARTMENT MUST GIVE WRITTEN NOTICE TO THE REGISTERED QUALIFYING PATIENT, WHEN THE QUALIFYING PATIENT'S REGISTRY IDENTIFICATION CARD IS ISSUED, OF THE NAME AND ADDRESS OF ALL REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARIES.

36-2804.05. Denial of registry identification card

A. THE DEPARTMENT MAY DENY AN APPLICATION OR RENEWAL OF A QUALIFYING PATIENT'S REGISTRY IDENTIFICATION CARD ONLY IF THE APPLICANT:

1. DOES NOT MEET THE REQUIREMENTS OF SECTION 36-2801, PARAGRAPH 13.

2. DOES NOT PROVIDE THE INFORMATION REQUIRED.

3. PREVIOUSLY HAD A REGISTRY IDENTIFICATION CARD REVOKED FOR VIOLATING THIS CHAPTER.

4. PROVIDES FALSE INFORMATION.

B. THE DEPARTMENT MAY DENY AN APPLICATION OR RENEWAL OF A DESIGNATED CAREGIVER'S REGISTRY IDENTIFICATION CARD IF THE APPLICANT:

1. DOES NOT MEET THE REQUIREMENTS OF SECTION 36-2801, PARAGRAPH 5.

2. DOES NOT PROVIDE THE INFORMATION REQUIRED.

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3. PREVIOUSLY HAD A REGISTRY IDENTIFICATION CARD REVOKED FOR VIOLATING THIS CHAPTER.

4. PROVIDES FALSE INFORMATION.

C. THE DEPARTMENT MAY DENY A REGISTRY IDENTIFICATION CARD TO A NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT IF:

1. THE AGENT APPLICANT DOES NOT MEET THE REQUIREMENTS OF SECTION 36-2801(10).

2. THE APPLICANT OR DISPENSANRY DID NOT PROVIDE THE REQUIRED INFORMATION.

3. PREVIOUSLY HAD A REGISTRY IDENTIFICATION CARD REVOKED FOR VIOLATING THIS CHAPTER.

4. THE APPLICANT OR DISPENSARY PROVIDES FALSE INFORMATION.

D. THE DEPARTMENT MAY CONDUCT A CRIMINAL RECORDS CHECK OF EACH DESIGNATED CAREGIVER OR NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT APPLICANT TO CARRY OUT THIS SECTION.

E. THE DEPARTMENT SHALL GIVE WRITTEN NOTICE TO THE REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY OF THE REASON FOR DENYING A REGISTRY IDENTIFICATION CARD TO A NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT.

F. THE DEPARTMENT SHALL GIVE WRITTEN NOTICE TO THE QUALIFYING PATIENT OF THE REASON FOR DENYING A REGISTRY IDENTIFICATION CARD TO THE QUALIFYING PATIENT'S DESIGNATED CAREGIVER.

G. DENIAL OF AN APPLICATION OR RENEWAL IS CONSIDERED A FINAL DECISION OF THE DEPARTMENT SUBJECT TO JUDICIAL REVIEW PURSUANT TO TITLE 12, CHAPTER 7, ARTICLE 6. JURISDICTION AND VENUE FOR JUDICIAL REVIEW ARE VESTED IN THE SUPERIOR COURT.

36-2804.06. Expiration and renewal of registry identification cards and registration certificates; replacement

A. ALL REGISTRY IDENTIFICATION CARDS AND REGISTRATION CERTIFICATES EXPIRE ONE YEAR AFTER DATE OF ISSUE.

B. A REGISTRY IDENTIFICATION CARD OF A NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT SHALL BE CANCELLED AND HIS ACCESS TO THE VERIFICATION SYSTEM SHALL BE DEACTIVATED UPON NOTIFICATION TO THE

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DEPARTMENT BY A REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY THAT THE NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT IS NO LONGER EMPLOYED BY OR NO LONGER VOLUNTEERS AT THE REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY.

C. A RENEWAL NONPROFIT MEDICAL MARIJUANA DISPENSARY REGISTRATION CERTIFICATE SHALL BE ISSUED WITHIN TEN DAYS OF RECEIPT OF THE PRESCRIBED RENEWAL APPLICATION AND RENEWAL FEE FROM A REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY IF ITS REGISTRATION CERTIFICATE IS NOT UNDER SUSPENSION AND HAS NOT BEEN REVOKED.

D. IF A CARDHOLDER LOSES HIS REGISTRY IDENTIFICATION CARD, HE SHALL PROMPTLY NOTIFY THE DEPARTMENT. WITHIN FIVE DAYS OF THE NOTIFICATION, AND UPON PAYMENT OF A TEN DOLLAR FEE, THE DEPARTMENT SHALL ISSUE A NEW REGISTRY IDENTIFICATION CARD WITH A NEW RANDOM IDENTIFICATION NUMBER TO THE CARDHOLDER AND, IF THE CARDHOLDER IS A REGISTERED QUALIFYING PATIENT, TO THE REGISTERED QUALIFYING PATIENT'S REGISTERED DESIGNATED CAREGIVER, IF ANY.

36-2805. Facility restrictions

A. ANY NURSING CARE INSTITUTION, HOSPICE, ASSISTED LIVING CENTER, ASSISTED LIVING FACILITY, ASSISTED LIVING HOME, RESIDENTIAL CARE INSTITUTION, ADULT DAY HEALTH CARE FACILITY OR ADULT FOSTER CARE HOME LICENSED UNDER TITLE 36, CHAPTER 4, MAY ADOPT REASONABLE RESTRICTIONS ON THE USE OF MARIJUANA BY THEIR RESIDENTS OR PERSONS RECEIVING INPATIENT SERVICES, INCLUDING:

1. THAT THE FACILITY WILL NOT STORE OR MAINTAIN THE PATIENT'S SUPPLY OF MARIJUANA.

2. THAT THE FACILITY, CAREGIVERS OR HOSPICE AGENCIES SERVING THE FACILITY'S RESIDENTS ARE NOT RESPONSIBLE FOR PROVIDING THE MARIJUANA FOR QUALIFYING PATIENTS.

3. THAT MARIJUANA BE CONSUMED BY A METHOD OTHER THAN SMOKING.

4. THAT MARIJUANA BE CONSUMED ONLY IN A PLACE SPECIFIED BY THE FACILITY.

B. NOTHING IN THIS SECTION REQUIRES A FACILITY LISTED IN SUBSECTION A TO ADOPT RESTRICTIONS ON THE MEDICAL USE OF MARIJUANA.

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C. A FACILITY LISTED IN SUBSECTION A MAY NOT UNREASONABLY LIMIT A REGISTERED QUALIFYING PATIENT'S ACCESS TO OR USE OF MARIJUANA AUTHORIZED UNDER THIS CHAPTER UNLESS FAILING TO DO SO WOULD CAUSE FACILITY TO LOSE A MONETARY OR LICENSING-RELATED BENEFIT UNDER FEDERAL LAW OR REGULATIONS.

36-2806. Registered nonprofit medical marijuana dispensaries; requirements

A. A REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY SHALL BE OPERATED ON A NOT-FOR-PROFIT BASIS. THE BYLAWS OF A REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY SHALL CONTAIN SUCH PROVISIONS RELATIVE TO THE DISPOSITION OF REVENUES AND RECEIPTS TO ESTABLISH AND MAINTAIN ITS NONPROFIT CHARACTER. A REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY NEED NOT BE RECOGNIZED AS TAX-EXEMPT BY THE INTERNAL REVENUE SERVICE AND IS NOT REQUIRED TO INCORPORATE PURSUANT TO TITLE 10, CHAPTER 19, ARTICLE 1.

B. THE OPERATING DOCUMENTS OF A REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY SHALL INCLUDE PROCEDURES FOR THE OVERSIGHT OF THE REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY AND PROCEDURES TO ENSURE ACCURATE RECORDKEEPING.

C. A REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY SHALL HAVE A SINGLE SECURE ENTRANCE AND SHALL IMPLEMENT APPROPRIATE SECURITY MEASURES TO DETER AND PREVENT THE THEFT OF MARIJUANA AND UNAUTHORIZED ENTRANCE INTO AREAS CONTAINING MARIJUANA.

D. A REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY IS PROHIBITED FROM ACQUIRING, POSSESSING, CULTIVATING, MANUFACTURING, DELIVERING, TRANSFERRING, TRANSPORTING, SUPPLYING OR DISPENSING MARIJUANA FOR ANY PURPOSE EXCEPT TO ASSIST REGISTERED QUALIFYING PATIENTS WITH THE MEDICAL USE OF MARIJUANA DIRECTLY OR THROUGH THE REGISTERED QUALIFYING PATIENTS' DESIGNATED CAREGIVERS.

E. ALL CULTIVATION OF MARIJUANA MUST TAKE PLACE IN AN ENCLOSED, LOCKED FACILITY AT A PHYSICAL ADDRESS PROVIDED TO THE DEPARTMENT DURING THE REGISTRATION PROCESS, WHICH CAN ONLY BE ACCESSED BY REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENTS ASSOCIATED IN THE REGISTRY WITH THE NONPROFIT MEDICAL MARIJUANA DISPENSARY.

F. A REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY MAY

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ACQUIRE USABLE MARIJUANA OR MARIJUANA PLANTS FROM A REGISTERED QUALIFYING PATIENT OR A REGISTERED DESIGNATED CAREGIVER ONLY IF THE REGISTERED QUALIFYING PATIENT OR REGISTERED DESIGNATED CAREGIVER RECEIVES NO COMPENSATION FOR THE MARIJUANA.

G. A NONPROFIT MEDICAL MARIJUANA DISPENSARY SHALL NOT PERMIT ANY PERSON TO CONSUME MARIJUANA ON THE PROPERTY OF A NONPROFIT MEDICAL MARIJUANA DISPENSARY.

H. REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARIES ARE SUBJECT TO REASONABLE INSPECTION BY THE DEPARTMENT. THE DEPARTMENT SHALL GIVE REASONABLE NOTICE OF AN INSPECTION UNDER THIS SUBSECTION.

36-2806.01. Dispensary locations

CITIES, TOWNS AND COUNTIES MAY ENACT REASONABLE ZONING REGULATIONS THAT LIMIT THE USE OF LAND FOR REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARIES TO SPECIFIED AREAS IN THE MANNER PROVIDED IN TITLE 9, CHAPTER 4, ARTICLE 6.1, AND TITLE 11, CHAPTER 6, ARTICLE 2.

36-2806.02. Dispensing marijuana for medical use

A. BEFORE MARIJUANA MAY BE DISPENSED TO A REGISTERED DESIGNATED CAREGIVER OR A REGISTERED QUALIFYING PATIENT, A NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT MUST ACCESS THE VERIFICATION SYSTEM AND DETERMINE FOR THE REGISTERED QUALIFYING PATIENT FOR WHOM THE MARIJUANA IS INTENDED AND ANY REGISTERED DESIGNATED CAREGIVER TRANSPORTING THE MARIJUANA TO THE PATIENT, THAT:

1. THE REGISTRY IDENTIFICATION CARD PRESENTED TO THE REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY IS VALID.

2. EACH PERSON PRESENTING A REGISTRY IDENTIFICATION CARD IS THE PERSON IDENTIFIED ON THE REGISTRY IDENTIFICATION CARD PRESENTED TO THE NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT.

3. THE AMOUNT TO BE DISPENSED WOULD NOT CAUSE THE REGISTERED QUALIFYING PATIENT TO EXCEED THE LIMIT ON OBTAINING NO MORE THAN TWO-AND-ONE-HALF OUNCES OF MARIJUANA DURING ANY FOURTEEN-DAY PERIOD.

B. AFTER MAKING THE DETERMINATIONS REQUIRED IN SUBSECTION A, BUT BEFORE DISPENSING MARIJUANA TO A REGISTERED QUALIFYING PATIENT OR A

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REGISTERED DESIGNATED CAREGIVER ON A REGISTERED QUALIFYING PATIENT'S BEHALF, A NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT MUST ENTER THE FOLLOWING INFORMATION IN THE VERIFICATION SYSTEM:

1. HOW MUCH MARIJUANA IS BEING DISPENSED TO THE REGISTERED QUALIFYING PATIENT.

2. WHETHER IT WAS DISPENSED DIRECTLY TO THE REGISTERED QUALIFYING PATIENT OR TO THE REGISTERED QUALIFYING PATIENT'S REGISTERED DESIGNATED CAREGIVER.

3. THE DATE AND TIME THE MARIJUANA WAS DISPENSED.

4. THE REGISTRY IDENTIFICATION CARD NUMBER OF THE NONPROFIT MEDICAL MARIJUANA DISPENSARY AND OF THE NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT WHO DISPENSED THE MARIJUANA.

36-2807. Verification system

A. WITHIN ONE HUNDRED TWENTY DAYS OF THE EFFECTIVE DATE OF THIS CHAPTER, THE DEPARTMENT SHALL ESTABLISH A SECURE, PASSWORD-PROTECTED, WEB-BASED VERIFICATION SYSTEM FOR USE ON A TWENTY-FOUR HOUR BASIS BY LAW ENFORCEMENT PERSONNEL AND NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENTS TO VERIFY REGISTRY IDENTIFICATION CARDS.

B. THE VERIFICATION SYSTEM MUST ALLOW LAW ENFORCEMENT PERSONNEL AND NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENTS TO ENTER A REGISTRY IDENTIFICATION NUMBER AND VERIFY WHETHER THE NUMBER CORRESPONDS WITH A CURRENT, VALID IDENTIFICATION CARD.

C. THE SYSTEM SHALL DISCLOSE:

1. THE NAME OF THE CARDHOLDER, BUT MUST NOT DISCLOSE THE CARDHOLDER'S ADDRESS.

2. THE AMOUNT OF MARIJUANA THAT EACH REGISTERED QUALIFYING PATIENT RECEIVED FROM NONPROFIT MEDICAL MARIJUANA DISPENSARIES DURING THE PAST SIXTY DAYS.

D. THE VERIFICATION SYSTEM MUST INCLUDE THE FOLLOWING DATA SECURITY FEATURES:

1. ANY TIME AN AUTHORIZED USER ENTERS FIVE INVALID REGISTRY IDENTIFICATION NUMBERS WITHIN FIVE MINUTES, THAT USER CANNOT LOG IN TO THE SYSTEM AGAIN FOR TEN MINUTES.

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2. A USERS LOG-IN INFORMATION SHALL BE DEACTIVATED AFTER 5 INCORRECT LOGIN ATTEMPTS UNTIL THE AUTHORIZED USER CONTACTS THE DEPARTMENT AND VERIFIES HIS IDENTITY.

3. THE SERVER MUST REJECT ANY LOG-IN REQUEST THAT IS NOT OVER AN ENCRYPTED CONNECTION.

36-2808. Notifications to department; civil penalty

A. A REGISTERED QUALIFYING PATIENT SHALL NOTIFY THE DEPARTMENT WITHIN TEN DAYS OF ANY CHANGE IN THE REGISTERED QUALIFYING PATIENT'S NAME, ADDRESS, DESIGNATED CAREGIVER OR PREFERENCE REGARDING WHO MAY CULTIVATE MARIJUANA FOR THE REGISTERED QUALIFYING PATIENT OR IF THE REGISTERED QUALIFYING PATIENT CEASES TO HAVE HIS DEBILITATING MEDICAL CONDITION.

B. A REGISTERED DESIGNATED CAREGIVER OR NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT SHALL NOTIFY THE DEPARTMENT WITHIN TEN DAYS OF ANY CHANGE IN HIS NAME OR ADDRESS.

C. WHEN A CARDHOLDER NOTIFIES THE DEPARTMENT OF ANY CHANGES LISTED IN SUBSECTION A BUT REMAINS ELIGIBLE UNDER THIS CHAPTER, THE DEPARTMENT SHALL ISSUE THE CARDHOLDER A NEW REGISTRY IDENTIFICATION CARD WITH NEW RANDOM 20-DIGIT ALPHANUMERIC IDENTIFICATION NUMBERS WITHIN TEN DAYS OF RECEIVING THE UPDATED INFORMATION AND A TEN-DOLLAR FEE. IF THE PERSON NOTIFYING THE DEPARTMENT IS A REGISTERED QUALIFYING PATIENT, THE DEPARTMENT SHALL ALSO ISSUE HIS REGISTERED DESIGNATED CAREGIVER, IF ANY, A NEW REGISTRY IDENTIFICATION CARD WITHIN TEN DAYS OF RECEIVING THE UPDATED INFORMATION.

D. IF THE REGISTERED QUALIFYING PATIENT'S CERTIFYING PHYSICIAN NOTIFIES THE DEPARTMENT IN WRITING THAT EITHER THE REGISTERED QUALIFYING PATIENT HAS CEASED TO SUFFER FROM A DEBILITATING MEDICAL CONDITION OR THAT THE PHYSICIAN NO LONGER BELIEVES THE PATIENT WOULD RECEIVE THERAPEUTIC OR PALLIATIVE BENEFIT FROM THE MEDICAL USE OF MARIJUANA, THE CARD IS VOID UPON NOTIFICATION BY THE DEPARTMENT TO THE QUALIFYING PATIENT.

E. WHEN A REGISTERED QUALIFYING PATIENT CEASES TO BE A REGISTERED QUALIFYING PATIENT OR CHANGES REGISTERED DESIGNATED CAREGIVER, THE DEPARTMENT SHALL PROMPTLY NOTIFY THE FORMER DESIGNATED CAREGIVER THAT

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HIS DUTIES AND RIGHTS UNDER THIS CHAPTER AS TO THAT QUALIFYING PATIENT EXPIRE FIFTEEN DAYS AFTER NOTIFICATION BY THE DEPARTMENT IS SENT.

F. A REGISTERED QUALIFYING PATIENT, DESIGNATED CAREGIVER OR NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT WHO FAILS TO COMPLY WITH SUBSECTION A OR B IS SUBJECT TO A CIVIL PENALTY OF NOT MORE THAN ONE HUNDRED FIFTY DOLLARS.

36-2809. Annual report

THE DEPARTMENT SHALL SUBMIT TO THE LEGISLATURE AN ANNUAL REPORT THAT DOES NOT DISCLOSE ANY IDENTIFYING INFORMATION ABOUT CARDHOLDERS, NONPROFIT MEDICAL MARIJUANA DISPENSARIES OR PHYSICIANS BUT CONTAINS AT LEAST ALL OF THE FOLLOWING INFORMATION:

1. THE NUMBER OF REGISTRY IDENTIFICATION CARD APPLICATIONS AND RENEWALS.

2. THE NUMBER OF QUALIFYING PATIENTS AND DESIGNATED CAREGIVERS APPROVED IN EACH COUNTY.

3. THE NATURE OF THE DEBILITATING MEDICAL CONDITIONS OF THE QUALIFYING PATIENTS.

4. THE NUMBER OF REGISTRY IDENTIFICATION CARDS REVOKED.

5. THE NUMBER OF PHYSICIANS PROVIDING WRITTEN CERTIFICATIONS FOR QUALIFYING PATIENTS.

6. THE NUMBER OF REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARIES.

7. THE NUMBER OF NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENTS IN EACH COUNTY.

36-2810. Confidentiality

A. THE FOLLOWING INFORMATION RECEIVED AND RECORDS KEPT BY THE DEPARTMENT FOR PURPOSES OF ADMINISTERING THIS CHAPTER ARE CONFIDENTIAL, EXEMPT FROM TITLE 39, CHAPTER 1, ARTICLE 2, EXEMPT FROM SECTION 36-105 AND NOT SUBJECT TO DISCLOSURE TO ANY INDIVIDUAL OR PUBLIC OR PRIVATE ENTITY, EXCEPT AS NECESSARY FOR AUTHORIZED EMPLOYEES OF THE DEPARTMENT TO PERFORM OFFICIAL DUTIES OF THE DEPARTMENT PURSUANT TO THIS CHAPTER.

1. APPLICATIONS OR RENEWALS, THEIR CONTENTS AND SUPPORTING

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INFORMATION SUBMITTED BY QUALIFYING PATIENTS AND DESIGNATED CAREGIVERS, INCLUDING INFORMATION REGARDING THEIR DESIGNATED CAREGIVERS AND PHYSICIANS.

2. APPLICATIONS OR RENEWALS, THEIR CONTENTS AND SUPPORTING INFORMATION SUBMITTED BY OR ON BEHALF OF NONPROFIT MEDICAL MARIJUANA DISPENSARIES IN COMPLIANCE WITH THIS CHAPTER, INCLUDING THE PHYSICAL ADDRESSES OF NONPROFIT MEDICAL MARIJUANA DISPENSARIES.

3. THE INDIVIDUAL NAMES AND OTHER INFORMATION IDENTIFYING PERSONS TO WHOM THE DEPARTMENT HAS ISSUED REGISTRY IDENTIFICATION CARDS.

B. ANY DISPENSING INFORMATION REQUIRED TO BE KEPT UNDER SECTION 36-2806.02, SUBSECTION B, OR DEPARTMENT REGULATION SHALL IDENTIFY CARDHOLDERS BY THEIR REGISTRY IDENTIFICATION NUMBERS AND NOT CONTAIN NAMES OR OTHER PERSONALLY IDENTIFYING INFORMATION.

C. ANY DEPARTMENT HARD DRIVES OR OTHER DATA RECORDING MEDIA THAT ARE NO LONGER IN USE AND THAT CONTAIN CARDHOLDER INFORMATION MUST BE DESTROYED. THE DEPARTMENT SHALL RETAIN A SIGNED STATEMENT FROM A DEPARTMENT EMPLOYEE CONFIRMING THE DESTRUCTION.

D. DATA SUBJECT TO THIS SECTION SHALL NOT BE COMBINED OR LINKED IN ANY MANNER WITH ANY OTHER LIST OR DATABASE AND IT SHALL NOT BE USED FOR ANY PURPOSE NOT PROVIDED FOR IN THIS CHAPTER.

E. NOTHING IN THIS SECTION PRECLUDES THE FOLLOWING NOTIFICATIONS:

1. DEPARTMENT EMPLOYEES MAY NOTIFY LAW ENFORCEMENT ABOUT FALSIFIED OR FRAUDULENT INFORMATION SUBMITTED TO THE DEPARTMENT IF THE EMPLOYEE WHO SUSPECTS THAT FALSIFIED OR FRAUDULENT INFORMATION HAS BEEN SUBMITTED HAS CONFERRED WITH HIS SUPERVISOR AND BOTH AGREE THAT THE CIRCUMSTANCES WARRANT REPORTING.

2. THE DEPARTMENT MAY NOTIFY STATE OR LOCAL LAW ENFORCEMENT ABOUT APPARENT CRIMINAL VIOLATIONS OF THIS CHAPTER IF THE EMPLOYEE WHO SUSPECTS THE OFFENSE HAS CONFERRED WITH HIS SUPERVISOR AND BOTH AGREE THAT THE CIRCUMSTANCES WARRANT REPORTING.

3. NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENTS MAY NOTIFY THE DEPARTMENT OF A SUSPECTED VIOLATION OR ATTEMPTED VIOLATION OF THIS CHAPTER OR DEPARTMENT RULES.

F. NOTHING IN THIS SECTION PRECLUDES SUBMISSION OF THE SECTION 36-

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2809 REPORT TO THE LEGISLATURE. THE ANNUAL REPORT SUBMITTED TO THE LEGISLATURE IS SUBJECT TO TITLE 39, CHAPTER 1, ARTICLE 2.

36-2811. Presumption of medical use of marijuana; protections; civil penalty

A. THERE IS A PRESUMPTION THAT A QUALIFYING PATIENT OR DESIGNATED CAREGIVER IS ENGAGED IN THE MEDICAL USE OF MARIJUANA PURSUANT TO THIS CHAPTER.

1. THE PRESUMPTION EXISTS IF THE QUALIFYING PATIENT OR DESIGNATED CAREGIVER:

(a) IS IN POSSESSION OF A REGISTRY IDENTIFICATION CARD.

(b) IS IN POSSESSION OF AN AMOUNT OF MARIJUANA THAT DOES NOT EXCEED THE ALLOWABLE AMOUNT OF MARIJUANA.

2. THE PRESUMPTION MAY BE REBUTTED BY EVIDENCE THAT CONDUCT RELATED TO MARIJUANA WAS NOT FOR THE PURPOSE OF TREATING OR ALLEVIATING THE QUALIFYING PATIENT'S DEBILITATING MEDICAL CONDITION OR SYMPTOMS ASSOCIATED WITH THE QUALIFYING PATIENT'S DEBILITATING MEDICAL CONDITION PURSUANT TO THIS CHAPTER.

B. A REGISTERED QUALIFYING PATIENT OR REGISTERED DESIGNATED CAREGIVER IS NOT SUBJECT TO ARREST, PROSECUTION OR PENALTY IN ANY MANNER, OR DENIAL OF ANY RIGHT OR PRIVILEGE, INCLUDING ANY CIVIL PENALTY OR DISCIPLINARY ACTION BY A COURT OR OCCUPATIONAL OR PROFESSIONAL LICENSING BOARD OR BUREAU:

1. FOR THE REGISTERED QUALIFYING PATIENT'S MEDICAL USE OF MARIJUANA PURSUANT TO THIS CHAPTER, IF THE REGISTERED QUALIFYING PATIENT DOES NOT POSSESS MORE THAN THE ALLOWABLE AMOUNT OF MARIJUANA.

2. FOR THE REGISTERED DESIGNATED CAREGIVER ASSISTING A REGISTERED QUALIFYING PATIENT TO WHOM HE IS CONNECTED THROUGH THE DEPARTMENT'S REGISTRATION PROCESS WITH THE REGISTERED QUALIFYING PATIENT'S MEDICAL USE OF MARIJUANA PURSUANT TO THIS CHAPTER IF THE REGISTERED DESIGNATED CAREGIVER DOES NOT POSSESS MORE THAN THE ALLOWABLE AMOUNT OF MARIJUANA.

3. FOR OFFERING OR PROVIDING MARIJUANA TO A REGISTERED QUALIFYING PATIENT OR A REGISTERED DESIGNATED CAREGIVER FOR THE REGISTERED QUALIFYING PATIENT'S MEDICAL USE OR TO A REGISTERED NONPROFIT MEDICAL

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MARIJUANA DISPENSARY IF NOTHING OF VALUE IS TRANSFERRED IN RETURN AND THE PERSON GIVING THE MARIJUANA DOES NOT KNOWINGLY CAUSE THE RECIPIENT TO POSSESS MORE THAN THE ALLOWABLE AMOUNT OF MARIJUANA.

C. A PHYSICIAN SHALL NOT BE SUBJECT TO ARREST, PROSECUTION OR PENALTY IN ANY MANNER OR DENIED ANY RIGHT OR PRIVILEGE, INCLUDING BUT NOT LIMITED TO CIVIL PENALTY OR DISCIPLINARY ACTION BY THE ARIZONA BOARD OF MEDICAL EXAMINERS OR BY ANY OTHER BUSINESS, OCCUPATIONAL OR PROFESSIONAL LICENSING BOARD OR BUREAU, BASED SOLELY ON PROVIDING WRITTEN CERTIFICATIONS OR FOR OTHERWISE STATING THAT, IN THE PHYSICIAN'S PROFESSIONAL OPINION, A PATIENT IS LIKELY TO RECEIVE THERAPEUTIC OR PALLIATIVE BENEFIT FROM THE MEDICAL USE OF MARIJUANA TO TREAT OR ALLEVIATE THE PATIENT'S DEBILITATING MEDICAL CONDITION OR SYMPTOMS ASSOCIATED WITH THE DEBILITATING MEDICAL CONDITION, BUT NOTHING IN THIS CHAPTER PREVENTS A PROFESSIONAL LICENSING BOARD FROM SANCTIONING A PHYSICIAN FOR FAILING TO PROPERLY EVALUATE A PATIENT'S MEDICAL CONDITION OR OTHERWISE VIOLATING THE STANDARD OF CARE FOR EVALUATING MEDICAL CONDITIONS.

D. NO PERSON MAY BE SUBJECT TO ARREST, PROSECUTION OR PENALTY IN ANY MANNER, OR DENIED ANY RIGHT OR PRIVILEGE, INCLUDING ANY CIVIL PENALTY OR DISCIPLINARY ACTION BY A COURT OR OCCUPATIONAL OR PROFESSIONAL LICENSING BOARD OR BUREAU, FOR:

1. PROVIDING A REGISTERED QUALIFYING PATIENT, A REGISTERED DESIGNATED CAREGIVER OR A REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY WITH MARIJUANA PARAPHERNALIA FOR PURPOSES OF A QUALIFYING PATIENT'S MEDICAL USE OF MARIJUANA.

2. BEING IN THE PRESENCE OR VICINITY OF THE MEDICAL USE OF MARIJUANA AUTHORIZED UNDER THIS CHAPTER.

3. ASSISTING A REGISTERED QUALIFYING PATIENT WITH ADMINISTERING MARIJUANA AS AUTHORIZED BY THIS CHAPTER.

E. A REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY IS NOT SUBJECT TO PROSECUTION; SEARCH OR INSPECTION, EXCEPT BY THE DEPARTMENT PURSUANT TO SECTION 36-2806, SUBSECTION H; SEIZURE OR PENALTY IN ANY MANNER AND MAY NOT BE DENIED ANY RIGHT OR PRIVILEGE, INCLUDING CIVIL PENALTY OR DISCIPLINARY ACTION BY A COURT OR BUSINESS LICENSING BOARD OR ENTITY, FOR

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ACTING PURSUANT TO THIS CHAPTER AND DEPARTMENT REGULATIONS TO ACQUIRE, POSSESS, CULTIVATE, MANUFACTURE, DELIVER, TRANSFER, TRANSPORT, SUPPLY, SELL OR DISPENSE MARIJUANA OR RELATED SUPPLIES AND EDUCATIONAL MATERIALS TO REGISTERED QUALIFYING PATIENTS, TO REGISTERED DESIGNATED CAREGIVERS ON BEHALF OF REGISTERED QUALIFYING PATIENTS OR TO OTHER REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARIES.

F. A REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT IS NOT SUBJECT TO ARREST, PROSECUTION, SEARCH, SEIZURE OR PENALTY IN ANY MANNER AND MAY NOT BE DENIED ANY RIGHT OR PRIVILEGE, INCLUDING CIVIL PENALTY OR DISCIPLINARY ACTION BY A COURT OR OCCUPATIONAL OR PROFESSIONAL LICENSING BOARD OR ENTITY, FOR WORKING OR VOLUNTEERING FOR A REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY PURSUANT TO THIS CHAPTER AND DEPARTMENT REGULATIONS TO ACQUIRE, POSSESS, CULTIVATE, MANUFACTURE, DELIVER, TRANSFER, TRANSPORT, SUPPLY, SELL OR DISPENSE MARIJUANA OR RELATED SUPPLIES AND EDUCATIONAL MATERIALS TO REGISTERED QUALIFYING PATIENTS, TO REGISTERED DESIGNATED CAREGIVERS ON BEHALF OF REGISTERED QUALIFYING PATIENTS OR TO OTHER REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARIES.

G. PROPERTY, INCLUDING ALL INTERESTS IN THE PROPERTY, OTHERWISE SUBJECT TO FORFEITURE UNDER TITLE 13, CHAPTER 39, THAT IS POSSESSED, OWNED OR USED IN CONNECTION WITH THE MEDICAL USE OF MARIJUANA AUTHORIZED UNDER THIS CHAPTER OR ACTS INCIDENTAL TO THE MEDICAL USE OF MARIJUANA AUTHORIZED UNDER THIS CHAPTER, IS NOT SUBJECT TO SEIZURE OR FORFEITURE. THIS SUBSECTION DOES NOT PREVENT CIVIL FORFEITURE IF THE BASIS FOR THE FORFEITURE IS UNRELATED TO THE MEDICAL USE OF MARIJUANA.

H. MERE POSSESSION OF, OR APPLICATION FOR, A REGISTRY IDENTIFICATION CARD MAY NOT CONSTITUTE PROBABLE CAUSE OR REASONABLE SUSPICION, NOR MAY IT BE USED TO SUPPORT THE SEARCH OF THE PERSON OR PROPERTY OF THE PERSON POSSESSING OR APPLYING FOR THE REGISTRY IDENTIFICATION CARD. THE POSSESSION OF, OR APPLICATION FOR, A REGISTRY IDENTIFICATION CARD DOES NOT PRECLUDE THE EXISTENCE OF PROBABLE CAUSE IF PROBABLE CAUSE EXISTS ON OTHER GROUNDS.

I. NO SCHOOL, LANDLORD OR EMPLOYER MAY BE PENALIZED OR DENIED ANY BENEFIT UNDER STATE LAW FOR ENROLLING, LEASING TO OR EMPLOYING A

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REGISTERED QUALIFYING PATIENT OR A REGISTERED DESIGNATED CAREGIVER.

36-2812. Affirmative defense

A. EXCEPT AS PROVIDED IN SECTION 36-2802, A QUALIFYING PATIENT AND A QUALIFYING PATIENT'S DESIGNATED CAREGIVER, IF ANY, MAY ASSERT THE MEDICAL PURPOSE FOR USING MARIJUANA AS A DEFENSE TO ANY PROSECUTION OF AN OFFENSE INVOLVING MARIJUANA INTENDED FOR A QUALIFYING PATIENT'S MEDICAL USE, AND THIS DEFENSE SHALL BE PRESUMED VALID WHERE THE EVIDENCE SHOWS THAT:

1. A PHYSICIAN STATES THAT, IN THE PHYSICIAN'S PROFESSIONAL OPINION, AFTER HAVING COMPLETED A FULL ASSESSMENT OF THE QUALIFYING PATIENT'S MEDICAL HISTORY AND CURRENT MEDICAL CONDITION MADE IN THE COURSE OF A BONA FIDE PHYSICIAN-PATIENT RELATIONSHIP, THE QUALIFYING PATIENT IS LIKELY TO RECEIVE THERAPEUTIC OR PALLIATIVE BENEFIT FROM THE MEDICAL USE OF MARIJUANA TO TREAT OR ALLEVIATE THE QUALIFYING PATIENT'S DEBILITATING MEDICAL CONDITION OR SYMPTOMS ASSOCIATED WITH THE QUALIFYING PATIENT'S DEBILITATING MEDICAL CONDITION.

2. THE QUALIFYING PATIENT AND THE QUALIFYING PATIENT'S DESIGNATED CAREGIVER, IF ANY, WERE COLLECTIVELY IN POSSESSION OF A QUANTITY OF MARIJUANA THAT WAS NOT MORE THAN WAS REASONABLY NECESSARY TO ENSURE THE UNINTERRUPTED AVAILABILITY OF MARIJUANA FOR THE PURPOSE OF TREATING OR ALLEVIATING THE QUALIFYING PATIENT'S DEBILITATING MEDICAL CONDITION OR SYMPTOMS ASSOCIATED WITH THE QUALIFYING PATIENT'S DEBILITATING MEDICAL CONDITION.

3. ALL MARIJUANA PLANTS WERE CONTAINED IN AN ENCLOSED LOCKED FACILITY.

4. THE QUALIFYING PATIENT AND THE QUALIFYING PATIENT'S DESIGNATED CAREGIVER, IF ANY, WERE ENGAGED IN THE ACQUISITION, POSSESSION, CULTIVATION, MANUFACTURE, USE OR TRANSPORTATION OF MARIJUANA, PARAPHERNALIA OR BOTH, RELATING TO THE ADMINISTRATION OF MARIJUANA SOLELY TO TREAT OR ALLEVIATE THE QUALIFYING PATIENT'S DEBILITATING MEDICAL CONDITION OR SYMPTOMS ASSOCIATED WITH THE QUALIFYING PATIENT'S DEBILITATING MEDICAL CONDITION.

B. A PERSON MAY ASSERT THE MEDICAL PURPOSE FOR USING MARIJUANA IN A MOTION TO DISMISS, AND THE CHARGES SHALL BE DISMISSED FOLLOWING AN EVIDENTIARY HEARING WHERE THE PERSON SHOWS THE ELEMENTS LISTED IN

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SUBSECTION (A).

C. IF A QUALIFYING PATIENT OR A QUALIFYING PATIENT'S DESIGNATED CAREGIVER DEMONSTRATE THE QUALIFYING PATIENT'S MEDICAL PURPOSE FOR USING MARIJUANA PURSUANT TO THIS SECTION, THE QUALIFYING PATIENT AND THE QUALIFYING PATIENT'S DESIGNATED CAREGIVER SHALL NOT BE SUBJECT TO THE FOLLOWING FOR THE QUALIFYING PATIENT'S MEDICAL USE OF MARIJUANA:

1. DISCIPLINARY ACTION BY A COURT OR OCCUPATIONAL OR PROFESSIONAL LICENSING BOARD OR BUREAU.

2. FORFEITURE OF ANY INTEREST IN OR RIGHT TO NON-MARIJUANA, LICIT PROPERTY.

36-2813. Discrimination prohibited

A. NO SCHOOL OR LANDLORD MAY REFUSE TO ENROLL OR LEASE TO AND MAY NOT OTHERWISE PENALIZE A PERSON SOLELY FOR HIS STATUS AS A CARDHOLDER, UNLESS FAILING TO DO SO WOULD CAUSE THE SCHOOL OR LANDLORD TO LOSE A MONETARY OR LICENSING RELATED BENEFIT UNDER FEDERAL LAW OR REGULATIONS.

B. UNLESS A FAILURE TO DO SO WOULD CAUSE AN EMPLOYER TO LOSE A MONETARY OR LICENSING RELATED BENEFIT UNDER FEDERAL LAW OR REGULATIONS, AN EMPLOYER MAY NOT DISCRIMINATE AGAINST A PERSON IN HIRING, TERMINATION OR IMPOSING ANY TERM OR CONDITION OF EMPLOYMENT OR OTHERWISE PENALIZE A PERSON BASED UPON EITHER:

1. THE PERSON'S STATUS AS A CARDHOLDER.

2. A REGISTERED QUALIFYING PATIENT'S POSITIVE DRUG TEST FOR MARIJUANA COMPONENTS OR METABOLITES, UNLESS THE PATIENT USED, POSSESSED OR WAS IMPAIRED BY MARIJUANA ON THE PREMISES OF THE PLACE OF EMPLOYMENT OR DURING THE HOURS OF EMPLOYMENT.

C. FOR THE PURPOSES OF MEDICAL CARE, INCLUDING ORGAN TRANSPLANTS, A REGISTERED QUALIFYING PATIENT'S AUTHORIZED USE OF MARIJUANA MUST BE CONSIDERED THE EQUIVALENT OF THE USE OF ANY OTHER MEDICATION UNDER THE DIRECTION OF A PHYSICIAN AND DOES NOT CONSTITUTE THE USE OF AN ILLICIT SUBSTANCE OR OTHERWISE DISQUALIFY A REGISTERED QUALIFYING PATIENT FROM MEDICAL CARE.

D. NO PERSON MAY BE DENIED CUSTODY OF OR VISITATION OR PARENTING

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TIME WITH A MINOR, AND THERE IS NO PRESUMPTION OF NEGLECT OR CHILD ENDANGERMENT FOR CONDUCT ALLOWED UNDER THIS CHAPTER, UNLESS THE PERSON'S BEHAVIOR CREATES AN UNREASONABLE DANGER TO THE SAFETY OF THE MINOR AS ESTABLISHED BY CLEAR AND CONVINCING EVIDENCE.

36-2814. Acts not required; acts not prohibited

A. NOTHING IN THIS CHAPTER REQUIRES:

1. A GOVERNMENT MEDICAL ASSISTANCE PROGRAM OR PRIVATE HEALTH INSURER TO REIMBURSE A PERSON FOR COSTS ASSOCIATED WITH THE MEDICAL USE OF MARIJUANA.

2. ANY PERSON OR ESTABLISHMENT IN LAWFUL POSSESSION OF PROPERTY TO ALLOW A GUEST, CLIENT, CUSTOMER OR OTHER VISITOR TO USE MARIJUANA ON OR IN THAT PROPERTY.

3. AN EMPLOYER TO ALLOW THE INGESTION OF MARIJUANA IN ANY WORKPLACE OR ANY EMPLOYEE TO WORK WHILE UNDER THE INFLUENCE OF MARIJUANA, EXCEPT THAT A REGISTERED QUALIFYING PATIENT SHALL NOT BE CONSIDERED TO BE UNDER THE INFLUENCE OF MARIJUANA SOLELY BECAUSE OF THE PRESENCE OF METABOLITES OR COMPONENTS OF MARIJUANA THAT APPEAR IN INSUFFICIENT CONCENTRATION TO CAUSE IMPAIRMENT.

B. NOTHING IN THIS CHAPTER PROHIBITS AN EMPLOYER FROM DISCIPLINING AN EMPLOYEE FOR INGESTING MARIJUANA IN THE WORKPLACE OR WORKING WHILE UNDER THE INFLUENCE OF MARIJUANA.

36-2815. Revocation

A. THE DEPARTMENT SHALL IMMEDIATELY REVOKE THE REGISTRY IDENTIFICATION CARD OF A NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT WHO VIOLATES SECTION 36-2804.01, SUBSECTION D, OR SECTION 36-2816, SUBSECTION B. THE DEPARTMENT SHALL SUSPEND OR REVOKE THE REGISTRY IDENTIFICATION CARD OF A NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT FOR OTHER VIOLATIONS OF THIS CHAPTER.

B. THE DEPARTMENT SHALL IMMEDIATELY REVOKE THE REGISTRATION CERTIFICATE OF A REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY THAT VIOLATES SECTION 2816, SUBSECTIONS B OR C, AND ITS BOARD MEMBERS AND PRINCIPAL OFFICERS MAY NOT SERVE AS THE BOARD MEMBERS OR PRINCIPAL

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OFFICERS FOR ANY OTHER REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY.

C. ANY CARDHOLDER WHO SELLS MARIJUANA TO A PERSON WHO IS NOT ALLOWED TO POSSESS MARIJUANA FOR MEDICAL PURPOSES UNDER THIS CHAPTER SHALL HAVE HIS REGISTRY IDENTIFICATION CARD REVOKED, AND SHALL BE SUBJECT TO OTHER PENALTIES FOR THE UNAUTHORIZED SALE OF MARIJUANA AND OTHER APPLICABLE OFFENSES.

D. THE DEPARTMENT MAY REVOKE THE REGISTRY IDENTIFICATION CARD OF ANY CARDHOLDER WHO KNOWINGLY VIOLATES THIS CHAPTER, AND THE CARDHOLDER SHALL BE SUBJECT TO OTHER PENALTIES FOR THE APPLICABLE OFFENSE.

E. REVOCATION IS A FINAL DECISION OF THE DEPARTMENT SUBJECT TO JUDICIAL REVIEW PURSUANT TO TITLE 12, CHAPTER 7, ARTICLE 6. JURISDICTION AND VENUE ARE VESTED IN THE SUPERIOR COURT.

36-2816. Violations; civil penalty; classification

A. A REGISTERED QUALIFYING PATIENT MAY NOT DIRECTLY, OR THROUGH HIS DESIGNATED CAREGIVER, OBTAIN MORE THAN TWO-AND-ONE-HALF OUNCES OF MARIJUANA FROM REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARIES IN ANY FOURTEEN-DAY PERIOD.

B. A REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY OR AGENT MAY NOT DISPENSE, DELIVER OR OTHERWISE TRANSFER MARIJUANA TO A PERSON OTHER THAN ANOTHER REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY, A REGISTERED QUALIFYING PATIENT OR A REGISTERED QUALIFYING PATIENT'S REGISTERED DESIGNATED CAREGIVER.

C. A REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY MAY NOT ACQUIRE USABLE MARIJUANA OR MATURE MARIJUANA PLANTS FROM ANY PERSON OTHER THAN ANOTHER REGISTERED NONPROFIT MEDICAL MARIJUANA DISPENSARY, A REGISTERED QUALIFYING PATIENT OR A REGISTERED DESIGNATED CAREGIVER. A KNOWING VIOLATION OF THIS SUBSECTION IS A CLASS 2 FELONY.

D. IT IS A CLASS 1 MISDEMEANOR FOR ANY PERSON, INCLUDING AN EMPLOYEE OR OFFICIAL OF THE DEPARTMENT OR ANOTHER STATE AGENCY OR LOCAL GOVERNMENT, TO BREACH THE CONFIDENTIALITY OF INFORMATION OBTAINED PURSUANT TO THIS CHAPTER.

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E. MAKING FALSE STATEMENTS TO A LAW ENFORCEMENT OFFICIAL ABOUT ANY FACT OR CIRCUMSTANCE RELATING TO THE MEDICAL USE OF MARIJUANA TO AVOID ARREST OR PROSECUTION IS SUBJECT TO A CIVIL PENALTY OF NOT MORE THAN FIVE HUNDRED DOLLARS, WHICH SHALL BE IN ADDITION TO ANY OTHER PENALTIES THAT MAY APPLY FOR MAKING A FALSE STATEMENT OR FOR THE USE OF MARIJUANA OTHER THAN USE UNDERTAKEN PURSUANT TO THIS CHAPTER.

36-2817. Medical marijuana fund; private donations

A. THE MEDICAL MARIJUANA FUND IS ESTABLISHED CONSISTING OF FEES COLLECTED, CIVIL PENALTIES IMPOSED AND PRIVATE DONATIONS RECEIVED UNDER THIS CHAPTER. THE DEPARTMENT SHALL ADMINISTER THE FUND. MONIES IN THE FUND ARE CONTINUOUSLY APPROPRIATED.

B. THE DIRECTOR OF THE DEPARTMENT MAY ACCEPT AND SPEND PRIVATE GRANTS, GIFTS, DONATIONS, CONTRIBUTIONS AND DEVISES TO ASSIST IN CARRYING OUT THE PROVISIONS OF THIS CHAPTER.

C. MONIES IN THE MEDICAL MARIJUANA FUND DO NOT REVERT TO THE STATE GENERAL FUND AT THE END OF A FISCAL YEAR.

36-2818. Enforcement of this act; mandamus

A. IF THE DEPARTMENT FAILS TO ADOPT REGULATIONS TO IMPLEMENT THIS CHAPTER WITHIN ONE HUNDRED TWENTY DAYS OF THE EFFECTIVE DATE OF THIS CHAPTER, ANY CITIZEN MAY COMMENCE A MANDAMUS ACTION IN SUPERIOR COURT TO COMPEL THE DEPARTMENT TO PERFORM THE ACTIONS MANDATED UNDER THIS CHAPTER.

B. IF THE DEPARTMENT FAILS TO ISSUE A REGISTRY IDENTIFICATION CARD WITHIN FORTY-FIVE DAYS OF THE SUBMISSION OF A VALID APPLICATION OR RENEWAL, THE REGISTRY IDENTIFICATION CARD SHALL BE DEEMED ISSUED, AND A COPY OF THE REGISTRY IDENTIFICATION CARD APPLICATION OR RENEWAL IS DEEMED A VALID REGISTRY IDENTIFICATION CARD.

C. IF AT ANY TIME AFTER THE ONE HUNDRED FORTY DAYS FOLLOWING THE EFFECTIVE DATE OF THIS CHAPTER THE DEPARTMENT IS NOT ACCEPTING APPLICATIONS OR HAS NOT PROMULGATED RULES ALLOWING QUALIFYING PATIENTS TO SUBMIT APPLICATIONS, A NOTARIZED STATEMENT BY A QUALIFYING PATIENT CONTAINING THE INFORMATION REQUIRED IN AN APPLICATION PURSUANT TO SECTION

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36-2804.02, SUBSECTION A, PARAGRAPH 3, TOGETHER WITH A WRITTEN CERTIFICATION ISSUED BY A PHYSICIAN WITHIN THE NINETY DAYS IMMEDIATELY PRECEDING THE NOTARIZED STATEMENT, SHALL BE DEEMED A VALID REGISTRY IDENTIFICATION CARD.

36-2819. Fingerprinting requirements

EACH PERSON APPLYING AS A DESIGNATED CAREGIVER, A PRINCIPAL OFFICER, AGENT OR EMPLOYEE OF A NONPROFIT MEDICAL MARIJUANA DISPENSARY OR A MEDICAL MARIJUANA DISPENSARY AGENT SHALL SUBMIT A FULL SET OF FINGERPRINTS TO THE DEPARTMENT FOR THE PURPOSE OF OBTAINING A STATE AND FEDERAL CRIMINAL RECORDS CHECK PURSUANT TO SECTION 41-1750 AND PUBLIC LAW 92-544. THE DEPARTMENT OF PUBLIC SAFETY MAY EXCHANGE THIS FINGERPRINT DATA WITH THE FEDERAL BUREAU OF INVESTIGATION WITHOUT DISCLOSING THAT THE RECORDS CHECK IS RELATED TO THE MEDICAL MARIJUANA ACT AND ACTS PERMITTED BY IT. THE DEPARTMENT SHALL DESTROY EACH SET OF FINGERPRINTS AFTER THE CRIMINAL RECORDS CHECK IS COMPLETED.

Sec. 4. Section 43-1201, Arizona Revised Statutes, is amended to read:

43-1201. Organizations exempt from tax

A. Organizations that are exempt from federal income tax under section 501 of the internal revenue code are exempt from the tax imposed under this title. In addition, the following organizations are exempt from the taxes imposed under this title, except as otherwise provided in this chapter:

1. Labor, agricultural or horticultural organizations, other than cooperative organizations.

2. Fraternal beneficiary societies, orders or organizations both:

(a) Operating under the lodge system or for the exclusive benefit of the members of a fraternity itself operating under the lodge system.

(b) Providing for the payment of life, sick, accident or other benefits to the members of such society, order or organization or their dependents.

3. Cemetery companies owned and operated exclusively for the benefit of their members or which are not operated for profit or any corporation chartered for burial purposes and not permitted by its charter to engage in any business not necessarily related to that purpose, no part of the net earnings of which inures to the benefit of any private shareholder or individual member thereof.

4. Corporations organized and operated exclusively for religious, charitable, scientific, literary or educational purposes or for the prevention of cruelty to children or animals, no part of the net

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earnings of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which is carrying on propaganda or otherwise attempting to influence legislation.

5. Business leagues, chambers of commerce, real estate boards or boards of trade, not organized for profit, no part of the net earnings of which inures to the benefit of any private shareholder or individual.

6. Civic leagues or organizations not organized for profit but operated exclusively for the promotion of social welfare or local organizations of employees, the membership of which is limited to the employees of a designated person or persons in a particular municipality, the net earnings of which are devoted exclusively to charitable, educational or recreational purposes.

7. Clubs organized and operated exclusively for pleasure, recreation and other non-profitable purposes, no part of the net earnings of which inures to the benefit of any private shareholder.

8. Corporations organized for the exclusive purpose of holding title to property, collecting income therefrom and turning over the entire amount of such income, less expenses, to an organization which itself is exempt from the tax imposed by this title.

9. Voluntary employees' beneficiary organizations providing for the payment of life, sick, accident or other benefits to the members of such organizations or their dependents, if both of the following apply:

(a) No part of their net earnings inures, other than through such payments, to the benefit of any private shareholder or individual.

(b) Eighty-five per cent or more of the income consists of amounts collected from members and amounts contributed to the organization by the employer of the members for the sole purpose of making such payments and meeting expenses.

10. Teachers' or public employees' retirement fund organizations of a purely local character, if both of the following apply:

(a) No part of their net earnings inures to the benefit of any private shareholder or individual, other than through payment of retirement benefits.

(b) The income consists solely of amounts received from public taxation, amounts received from assessments upon the salaries of members and income in respect of investments. For the purposes of this paragraph, "public employees" means employees of the state and its political subdivisions.

11. Religious or apostolic organizations or corporations, if such organizations or corporations have a common treasury or community treasury, even if such corporations or organizations engage in business for the common benefit of the members, but only if the members thereof include, at the time of filing their returns, in their Arizona gross income their pro rata shares, whether distributed or not, of the

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net income of the organizations or corporations for such year. Any amount so included in the Arizona gross income of a member shall be treated as a dividend received.

12. Voluntary employees' beneficiary organizations providing for the payment of life, sick, accident or other benefits to the members of such organization, their dependents or their designated beneficiaries, if both of the following apply:

(a) Admission to membership in such organization is limited to individuals who are officers or employees of the United States government.

(b) No part of the net earnings of such organization inures, other than through such payments, to the benefit of any private shareholder or individual.

13. Corporations classified as diversified management companies under section 5 of the federal investment company act of 1940 and registered as provided in that act.

14. Insurance companies paying to the state tax upon premium income derived from sources within this state.

15. Mutual ditch, irrigation or water companies or similar nonprofit organizations if eighty-five per cent or more of the income consists of amounts collected from members for the sole purpose of meeting losses and expenses.

16. Workers' compensation pools established pursuant to section 23-961.01.

B. NONPROFIT MEDICAL MARIJUANA DISPENSARIES UNDER TITLE 36, CHAPTER 28.1, ARE EXEMPT FROM THE TAXES IMPOSED UNDER THIS TITLE.

Sec. 5. Conditional repeal; notice

A. Section 36-2812, Arizona Revised Statutes, as added by this act, is repealed as of the date the Arizona department of health services begins to issue registry identification cards to qualifying patients and designated caregivers.

B. The Arizona department of health services shall notify, in writing, the director of the Arizona legislative council of this date.

Sec. 6. Exemption from rule making

For the purposes of this act, the Department is exempt from the rule making requirements of Title 41, Chapter 6, Arizona Revised Statutes, for one year after the effective date of this act except that the Department shall provide the public with an opportunity to comment on proposed rules and shall publish otherwise exempted rules.

Sec. 7. Severability

If a provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

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Exhibit B

Division of Public Health Services

Medical Marijuana Program – FAQs

Draft Rules for implementation of the Arizona Medical Marijuana Act are now available.
The public comment period for the draft rules is now open—submit your comments today!

Map your location and get the latest info about the dispensary application process.

How can I get a qualifying patient registry identification card to use medical marijuana?

Who can be my designated caregiver?

How many caregivers may I have?

If I am authorized to grow marijuana and a new dispensary opens within 25 miles of where I live, what happens?

Will there be people growing medical marijuana in my neighborhood?

Where will I be able to use medical marijuana?

How will I know if I'm getting medical marijuana?

Will dispensaries be selling candy and brownies with marijuana?

How will dispensaries be distributed throughout the state?

What is a CHAA?

How will dispensary registration certificates be awarded?

Once a dispensary is awarded a dispensary registration certificate, when can the dispensary begin operations?

Will anyone be able to open a dispensary?

Will there be medical oversight of dispensaries?

How will medical marijuana be transported from where it is grown to the dispensary or from the dispensary to qualifying patients who cannot drive?

What security will a dispensary have to provide?

How will dispensaries get the marijuana they sell?

How much will it cost to obtain an individual registry identification card or a certificate to operate a dispensary?

What if I don't like these draft rules or have a better idea?

You may also want to review the FAQs for Initial Draft Rules.

Note: Files indicated as PDF require Adobe Acrobat Reader™ to view.

How can I get a qualifying patient registry identification card to use medical marijuana?
The draft rules require qualifying patients to obtain a written certification for medical marijuana from a physician (medical doctor, osteopath, naturopath, or homeopath) who makes or confirms a diagnosis of a debilitating medical condition for the qualifying patient. In the written certification, the physician will need to state that the physician agrees to assume responsibility for providing management and routine care of the qualifying patient's debilitating medical condition. The physician will also need to attest to having conducted an in-person physical examination of the qualifying patient appropriate to the qualifying patient's symptoms and the debilitating medical condition.

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Who can be my designated caregiver?
The designated caregiver can be anyone over 21 who does not have an excluded felony offense and agrees to assist the qualifying patient with the qualifying patient's medical use of marijuana. A designated caregiver does not have to be a home health aide or other professional caregiver.

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How many caregivers may I have?
A qualifying patient may designate only one individual to assist the qualifying patient with the use of medical marijuana. This designation does not affect the ability of the qualifying patient to use other caregivers to assist the qualifying patient with the administration of other medications, activities of daily living, home health care, or other tasks.

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If I am authorized to grow marijuana and a new dispensary opens within 25 miles of where I live, what happens?
When a qualifying patient applies for renewal of the registry identification card, the Department will check if the qualifying patient's address is within a 25-mile radius of the nearest dispensary and will issue a new registry identification card accordingly. If the qualifying patient's address is within a 25-mile radius of the nearest dispensary, the Department will send the qualifying patient a list of all dispensaries along with a registry identification card indicating that the qualifying patient is not authorized to grow marijuana. The registration identification card issued to the qualifying patient's designated caregiver, if the qualifying patient has one, will also indicate that the designated caregiver is not authorized to grow marijuana.

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Will there be people growing medical marijuana in my neighborhood?
The Arizona Medical Marijuana Act allows a qualifying patient or the qualifying patient's designated caregiver to be approved by the Department to cultivate medical marijuana if the qualifying patient lives more than 25 miles from the nearest dispensary. A dispensary may cultivate marijuana at the dispensary or at a cultivation site, but the location of the dispensary and the cultivation site needs to be in compliance with local zoning restrictions. Anyone who grows medical marijuana must do so in an enclosed area.

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Where will I be able to use medical marijuana?
According to the Arizona Medical Marijuana Act, a qualifying patient may not consume medical marijuana at a dispensary. The law lists other places where a qualifying patient may not smoke medical marijuana, including public places, but allows qualifying patients to consume marijuana-infused edible food products in public. A qualifying patient who lives in a nursing care institution, hospice, assisted living facility, or adult foster care home or who attends an adult day health care facility may also have to follow restrictions imposed by the facility.

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How will I know if I'm getting medical marijuana?
The draft rules require labels containing specific information about where the marijuana came from, amount and strain, date of manufacture, a list of chemical additives, and other information to be attached to all products sold by dispensaries, including marijuana or products containing marijuana. Edible food products containing marijuana must have an additional statement about the safety, oversight and the relative weight of the marijuana.

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Will dispensaries be selling candy and brownies with marijuana?
According to the draft rules, dispensaries are allowed to sell edible food products made with medical marijuana. These edible food products must be produced in a licensed food establishment.

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How will dispensaries be distributed throughout the state?
The Arizona Department of Health Services (Department) will accept applications for dispensary registration certificates beginning in May, 2011. For this initial issuance of dispensary registration certificates, the Department plans to allocate certificates on the basis of Community Health Analysis Areas (CHAAs).

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What is a CHAA?
Community Health Analysis Areas were developed in 2005 as relatively small, community-based geographic units with a large enough population base to do statistical analysis. ADHS developed the CHAAs to align with growing rural and urban communities. A CHAA in the highly urbanized areas of Maricopa County contains approximately 100,000 persons. The average rural CHAA contains approximately 10,000 persons. More information about CHHS is available on the ADHS Director's Blog.

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How will dispensary registration certificates be awarded?
The Department plans to award dispensary registration certificates using the methodology described in R9-17-302. If only one complete and compliant application is received for a dispensary to be located in a particular CHAA, that

applicant will be awarded a certificate. If more than one complete and compliant application is received for a dispensary to be located in a particular CHAA, the Department will randomly select from these applicants the one to be awarded a certificate. This selection will be made in a public forum in the summer of 2011.

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Once a dispensary is awarded a dispensary registration certificate, when can the dispensary begin operations?
According to the draft rules, a dispensary that has been awarded a dispensary registration certificate must obtain from the Department an approval to operate before beginning operations as a dispensary. The process for applying for approval to operate is described in R9-17-304.

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Will anyone be able to open a dispensary?
The draft rules require all principal officers and board members of a dispensary to have been an Arizona resident for three years immediately preceding the date the dispensary submits a dispensary registration certificate application. Principal officers and board members of a dispensary must also be at least 21 years of age and pass a background check. Other conditions that may affect the ability of a dispensary to obtain a dispensary registration certificate are described in R9-17-321.

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Will there be medical oversight of dispensaries?
The draft rules require a dispensary to employ or contract with a physician to be the dispensary's medical director. The responsibilities of the medical director are specified in R9-17-312 and include providing training to the dispensary's dispensary agents and overseeing the devel0opment and distribution of educational materials for qualifying patients and designated caregivers. A medical director is not permitted by the draft rules to provide written certification for medical marijuana.

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How will medical marijuana be transported from where it is grown to the dispensary or from the dispensary to qualifying patients who cannot drive?
According to the draft rules, a dispensary may transport medical marijuana to other dispensaries and patients:

- Only in a vehicle with no medical marijuana identification, with no visible marijuana or paraphernalia
- Complete a trip plan which must be carried in the vehicle
- Have a means of communicating with dispensary
- If to a patient, comply with requirements for verification and recordkeeping specified in R9-17-313

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What security will a dispensary have to provide?
The draft rules require dispensaries to comply with the security requirements in R9-17-317. These include having security equipment to deter unauthorized entrance to limited access areas, exterior lighting, and video surveillance cameras. A dispensary must also have policies and procedures in place for the use of the security equipment to prevent unauthorized access to medical marijuana at the dispensary.

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How will dispensaries get the marijuana they sell?
According to the draft rules, all dispensaries in Arizona will be required to cultivate the marijuana or obtain the marijuana from qualifying patients, designated caregivers, or other Arizona dispensaries. The draft rules require dispensaries to have an accurate inventory control program that tracks the marijuana from its source to the person to whom the marijuana is sold.

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How much will it cost to obtain an individual registry identification card or a certificate to operate a dispensary?
According to the draft rules, the costs will be:

- $160 for an initial or a renewal registry identification card for a qualifying patient. Some qualifying patients may be eligible to pay $80 for initial and renewal cards if they currently participate in the Supplemental Nutrition Assistance Program.
- $200 for an initial or a renewal registry identification card for a designated caregiver.

- $200 for an initial or a renewal registry identification card for a dispensary agent.
- $5,000 for an initial dispensary registration certificate.
- $1,000 for a renewal dispensary registration certificate.
- $2,500 to change the location of a dispensary or cultivation facility.

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What if I don't like these draft rules or have a better idea?
If you are concerned about local regulations, please contact your city or county. However, please contact ADHS if you have constructive criticism and ideas for changes to the draft rules.

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Division of Public Health Services

Medical Marijuana Program – FAQs for Initial Draft Rules

Draft Rules for implementation of the Arizona Medical Marijuana Act are now available.
The public comment period for the draft rules is now open—submit your comments today!

Map your location and get the latest info about the dispensary application process.

FAQs for the General Public

- How can I get a qualified patient card to use medical marijuana?
- Where will I be able to use medical marijuana?
- How will I know if I'm getting medical marijuana?
- Will dispensaries be selling candy and brownies with marijuana?
- Will there be people growing medical marijuana in my neighborhood?
- What security will a dispensary have to provide?
- Are dispensaries just a place for people to buy medical marijuana?
- Will anyone be able to open a dispensary?
- How will dispensaries get the marijuana they sell?
- How much will it cost to have a card or own a dispensary?
- What if I don't like these informal, draft rules or have a better idea?

FAQs for Obtaining a License

- How can a qualifying patient obtain a registry identification card to use medical marijuana?
- Where will a qualifying patient be able to smoke/consume medical marijuana?
- Who can cultivate marijuana?
- Who will be able to open a dispensary?
- What methods will a dispensary have to use to prevent unauthorized distribution of marijuana?
- Can a dispensary sell candy and brownies that have marijuana in them?
- How much will it cost to apply for a registry identification card or a dispensary registration certificate?
- Will there be medical oversight at a dispensary?
- Is a dispensary registration certificate transferable?
- How much marijuana can a qualifying patient possess?
- How many dispensaries will be allowed to open up in AZ?

FAQs for Medical Professionals

- Who can recommend medical marijuana to a qualifying patient?
- What is a "physician-patient relationship"?
- What medical conditions will qualify a patient for medical marijuana?
- How does an individual request the addition of a medical condition to the list of debilitating medical conditions?
- Is a licensed physician required to recommend medical marijuana to a patient who has a chronic or debilitating condition?
- What documentation is the recommending physician required to provide?
- Will there be medical oversight at a dispensary?
- Who can be a Medical Director for a dispensary?

You may also want to review the FAQs for Draft Rules.

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How can I get a qualified patient card to use medical marijuana?
The informal draft rules would require qualified patients to have an on-going relationship with a physician (medical doctor, osteopath, naturopath, homeopath) who diagnoses the patient with certain conditions. On-going means the physician has seen the patient at least 4 times in one year **OR** is beginning a course of treatment and will continue to treat the patient. According to the informal draft rules, the physician will need to initial the type of relationship they have with the patient and sign an affidavit when recommending medical marijuana.

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Where will I be able to use medical marijuana?
According to the informal draft rules, qualified patients can smoke medical marijuana in their homes, not in a public place. They will be able to consume marijuana-infused edibles in public, but must ensure the safety of the edibles.

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How will I know if I'm getting medical marijuana?
The informal draft rules would require labels on all products sold, marijuana or products containing marijuana to have specific information about where the marijuana came from, amount and strain, date of manufacture and a list of chemical additives, among other things. Edible products with marijuana must have an additional statement about the safety and oversight.

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Will dispensaries be selling candy and brownies with marijuana?
According to the informal draft rules, dispensaries are allowed to sell edible products made with medical marijuana. They must be produced in a licensed food establishment.

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Will there be people growing medical marijuana in my neighborhood?
The law provides for qualified patients, caregivers and dispensaries to grow marijuana. Dispensaries must follow local zoning rules. Qualified patients and caregivers may grow marijuana when they live more than 25 miles from a dispensary. Anyone who grows medical marijuana must do so in an enclosed area; if not inside a building, then surrounded by a tall fence with a barrier across the top.

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What security will a dispensary have to provide?
The informal draft rules would require dispensaries to provide a detailed security plan that includes intrusion protection, exterior lighting, and electronic monitoring that allows authorized 24/7 virtual access by the Department.

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Are dispensaries just a place for people to buy medical marijuana?
According to the informal, draft rules, dispensaries must provide information as well as the medical marijuana. The informal draft rules require dispensaries to have a medical director on call whenever they are open; the medical director is a licensed MD or DO who cannot write recommendations for medical marijuana, but ensures educational materials are provided for patients about drug interaction, safe techniques for use, and information about substance abuse programs.

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Will anyone be able to open a dispensary?
The informal draft rules would require all applicants for a dispensary license to have lived in Arizona for two consecutive years prior to application and pass a background check.

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How will dispensaries get the marijuana they sell?
According to the informal, draft rules all licensed dispensaries in Arizona will be required to grow 70% of the marijuana sold. The rest must come from either qualified patients, caregivers or other licensed dispensaries. The informal, draft rules require dispensaries to have an efficient inventory control program that ensures where all marijuana sold was grown and to whom it was sold.

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How much will it cost to have a card or own a dispensary?
According to the informal, draft rules, people would pay:

- Qualified Patients pay $150 for initial and renewal cards.
- Designated Caregivers pay $200 for initial and renewal cards.
- Dispensaries pay $5,000 for initial, $1,000 for renewal and $2,500 to change the location of a dispensary or grow facility.

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What if I don't like these informal, draft rules or have a better idea?
If you are concerned about local regulations, please contact your city or county. However, please contact ADHS if you have constructive criticism and ideas for the state rules.

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How can a qualifying patient obtain a registry identification card to use medical marijuana?
Qualifying patients, who have been diagnosed with one of the debilitating medical conditions listed in the informal draft rules (R9-17-201) would need to get a written certification from a physician (medical doctor, osteopath, naturopath, or homeopath licensed to practice in Arizona) with whom they have an on-going physician-patient relationship (Arizona Revised Statutes (A.R.S.) §§ 36-2801(18) and 36-2804.02(A)(1)). The terms "on-going" and "physician-patient relationship" are defined in the informal draft rules (R9-17-101). After obtaining the written certification from the qualifying patient's physician, a qualifying patient would apply for a registry identification card as specified in the informal draft rules (R9-17-202).

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Where will a qualifying patient be able to smoke/consume medical marijuana?
A qualifying patient may not consume medical marijuana at a dispensary (A.R.S. § 36-2806(G)). A.R.S. § 36-2802 (B) and (C) lists other places where a qualifying patient may not smoke medical marijuana, including public places. The term "public place" is defined in the informal draft rules (R9-17-101). A qualifying patient who lives in a nursing care institution, hospice, assisted living facility, or adult foster care home or who attends an adult day health care facility may also have to follow restrictions imposed by the facility (A.R.S. § 36-2805).

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Who can cultivate marijuana?
A qualifying patient or the qualifying patient's designated caregiver may be approved by the Department to cultivate medical marijuana if the qualifying patient lives more than 25 miles from the nearest dispensary (A.R.S. §§ 36-2801 (1)(a)(ii) and (1)(b)(ii) and 36-2804.02(A)(3)(f)).

A dispensary would cultivate marijuana at the dispensary or at a cultivation site. A dispensary would be required to cultivate at least 70 % of the medical marijuana it sells (informal draft rules R9-17-307(C)) at the dispensary or at a cultivation site associated with the dispensary. The location of the dispensary and the cultivation site would be to be in compliance with local zoning restrictions (informal draft rules R9-17-302(B)(6)) and with A.R.S. § 36-2804(B) (1)(b)(ii).

Anyone who cultivates medical marijuana must do so in an enclosed, locked area (A.R.S. §§ 36-2801(1)(a)(ii) and (1)(b)(ii) and 36-2806(E)). The term "enclosed" is defined in informal draft rules (R9-17-101).

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Who will be able to open a dispensary?
Only an individual who has been a resident of Arizona for at least two consecutive years before the date of application would be allowed to submit an application for a dispensary license (informal draft rules R9-17-302(A)). In addition, each principal officer and board member would also need to meet this two-year residency requirement.

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What methods will a dispensary have to use to prevent unauthorized distribution of marijuana?
The informal draft rules would require dispensaries to provide a detailed security plan that includes intrusion protection, exterior lighting, and electronic monitoring that allows authorized 24/7 virtual access by the Department.

The dispensary would also be required to provide to the Department a detailed plan that describes the security features the dispensary would employ (informal draft rules R9-17-302(B)(4)) at the dispensary, the cultivation site, and the applicable parking areas. The required security features would have to include electronic monitoring,

restricted access, and intrusion protection (informal draft rules R9-17-315).

Before dispensing marijuana to an individual, a designated agent at a dispensary would be required to verify that the individual has a valid registry identification card (A.R.S. § 36-2806.02 and informal draft rules R9-17-311).

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Can a dispensary sell candy and brownies that have marijuana in them?
Dispensaries could sell edible food products infused with marijuana as long as the dispensary complies with the requirements in the informal draft rules (R9-17-313(B)(5) and (B)(6) and R9-17-316). The edible food products would have to be labeled to show the content of marijuana in the edible food product (informal draft rules R9-17-314(B)).

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How much will it cost to apply for a registry identification card or a dispensary registration certificate?
The fees are listed in the informal draft rules (R9-17-102). The fee for an initial registration of a dispensary would be $5,000; for a qualifying patient, $150; for a designated caregiver, $200; and for a dispensary agent, $200.

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Will there be medical oversight at a dispensary?
Yes, a dispensary would be required to employ or contract with a medical doctor or osteopath to be the medical director for the dispensary (informal draft rules R9-17-307(A)(3)) and to carry out the functions described in the informal draft rules (R9-17-310(C)). The term "medical director" is defined in the informal draft rules (R9-17-101 (15). A medical director could not provide a written recommendation for medical marijuana to a qualifying patient (informal draft rules A.A.C. R9-17-310(D)).

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Is a dispensary registration certificate transferable?
A dispensary could not transfer or assign the dispensary registration certificate (informal draft rules R9-17-303(A)).

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How much marijuana can a qualifying patient possess?
A qualifying patient may possess up to 2 ½ ounces of usable marijuana (A.R.S. §§ 36-2801(1)(a)(i), 36-2806.02(A)(3), and 36-2816(A)). The term "usable marijuana" is defined in A.R.S. § 36-2801(15).

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How many dispensaries will be allowed to open up in AZ?
The Department may not issue more than one nonprofit medical marijuana dispensary registration certificate for every ten pharmacies that have registered under A.R.S. § 32-1929, have obtained a pharmacy permit from the Arizona board of pharmacy and operate within the state except that the Department may issue nonprofit medical marijuana dispensary registration certificates in excess of this limit if necessary to ensure that the Department issues at least one nonprofit medical marijuana dispensary registration certificate in each county in which an application has been approved. (A.R.S. § 36-2804 (C)).

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Who can recommend medical marijuana to a qualifying patient?
Allopathic (MD), Osteopathic (DO), Homeopathic [MD(H) or DO(H)], and Naturopathic [MD(N) or NMD] physicians who hold a valid and existing Arizona medical license and who have a physician-patient relationship with the patient may recommend medical marijuana to a qualifying patient, who has been diagnosed with one of the debilitating medical conditions listed in the informal draft Rules (R9-17-201), (A.R.S. §§ 36-2801(12)) and 36-2804.02(A)(1)).

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What is a "physician-patient relationship"?
A physician-patient relationship" means an interaction between a physician and an individual in which the physician has **ongoing** responsibility for the assessment, care, and treatment of the patient's debilitating medical condition (informal draft Rules R9-17-101(17)).

Ongoing, when used in connection with a physician-patient relationship, requires:

- The physician-patient relationship has existed for at least one year and the physician has seen or assessed the patient on at least four visits for the patient's debilitating medical condition during the course of the physician -patient relationship; or
- The physician assumes primary responsibility for providing management and routine care of the patient's debilitating medical condition after conducting a comprehensive medical history and physical examination, including a personal review of the patient's medical record maintained by other treating physicians that may include the patient's reaction and response to conventional medical therapies.

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What medical conditions will qualify a patient for medical marijuana?

- Cancer
- Glaucoma
- Human immunodeficiency virus
- Acquired immune deficiency syndrome
- Hepatitis C
- Amyotrophic lateral sclerosis
- Crohn's disease
- A chronic or debilitating disease or medical condition or the treatment for a chronic or debilitating disease or medical condition that causes cachexia or wasting syndrome;
- A chronic or debilitating disease or medical condition or the treatment for a chronic or debilitating disease or medical condition that causes that causes severe and chronic pain;
- A chronic or debilitating disease or medical condition or the treatment for a chronic or debilitating disease or medical condition that causes severe nausea;
- A chronic or debilitating disease or medical condition or the treatment for a chronic or debilitating disease or medical condition that causes seizures, including those characteristic of epilepsy; and
- A chronic or debilitating disease or medical condition or the treatment for a chronic or debilitating disease or medical condition that causes severe or persistent muscle spasms, including those characteristic of multiple sclerosis.

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How does an individual request the addition of a medical condition to the list of debilitating medical conditions?
In January or in July of each calendar year, the Department would accept written requests to add a medical condition to the list of the debilitating medical conditions. The requirements in the informal draft Rules (R9-17-106) for completing a written request to add a medical condition includes:

- The name of the medical condition or the treatment of the medical condition the individual is requesting be added;
- A description of the symptoms and other physiological effects experienced by an individual suffering from the medical condition or the treatment for the medical condition that may impair the ability of the individual to accomplish activities of daily living;
- The availability of conventional medical treatments to provide therapeutic or palliative benefit for the medical condition or the treatment of the medical condition;
- A summary of the evidence that the use of marijuana will provide therapeutic or palliative benefit for the medical condition or the treatment of the medical condition; and
- Articles, published in peer-reviewed scientific journals, reporting the results of research on the effects of marijuana on the medical condition or the treatment of the medical condition supporting why the medical condition or the treatment of the medical condition should be added.

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Is a licensed physician required to recommend medical marijuana to a patient who has a chronic or debilitating condition?
No, nothing in the statute requires a physician to recommend medical marijuana for a patient.

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What documentation is the recommending physician required to provide?
A written certification includes:

- The physician's name, license number, address, telephone number and email address;
- The qualifying patient's name and date of birth;
- A statement that the qualifying patient has a debilitating medical condition as defined in A.R.S. § 36-2801;
- An identification of one or more of the debilitating medical conditions in R9-17-201 as the qualifying patient's specific debilitating medical condition;
- A statement, initialed by the physician, that the physician:
  - Has a professional relationship with the qualifying patient that has existed for at least one year and the physician has seen or assessed the qualifying patient on at least four visits for the patient's debilitating medical condition during the course of the professional relationship; or
  - Has assumed primary responsibility for providing management and routine care of the patient's debilitating medical condition after conducting a comprehensive medical history and physical examination, including a personal review of the patient's medical record maintained by other treating physicians, that may include the patient's reaction and response to conventional medical therapies.
- A statement, initialed by the physician, that the physician reviewed all prescription and non-prescription medications and supplements that the qualifying patient is currently using for consideration of any potential drug interaction with medical marijuana;
- A statement, initialed by the physician, that the physician has explained the potential risks and benefits of the medical use of marijuana to the qualifying patient;
- A statement, initialed by the physician, that the physician plans to continue to assess the qualifying patient and the qualifying patient's use of medical marijuana during the course of the physician-patient relationship;
- A statement that, in the physician's professional opinion, the qualifying patient is likely to receive therapeutic or palliative benefit from the qualifying patient's medical use of marijuana to treat or alleviate the qualifying patient's debilitating medical condition;
- An attestation that the information provided in the written certification is true and correct; and
- The physician's signature and date the physician signed.

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Will there be medical oversight at a dispensary?
Yes, a dispensary would be required to employ or contract with a medical doctor or osteopath to be the medical director for the dispensary (informal draft Rules R9-17-307(A)(3)) and would be required to carry out the functions described in the informal draft Rules (R9-17-310(C)). A medical director could not provide a written recommendation for medical marijuana to a qualifying patient (informal draft Rules R9-17-310(D)).

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Who can be a Medical Director for a dispensary?
The term "medical director" means a doctor of medicine who holds a valid and existing Arizona medical license to practice medicine pursuant to A.R.S. Title 32, Chapter 13 or its successor or a doctor of osteopathic medicine who holds a valid and existing Arizona medical license to practice osteopathic medicine pursuant to A.R.S. Title 32, Chapter 17 or its successor and who has been designated by a dispensary to provide medical oversight at the dispensary.

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This page last updated January 28, 2011 .

Exhibit C

Meeting Sign-In Sheet

Project: City of Avondale Medical Marijuana Regulations Neighborhood Meeting	**Meeting Date: 1/4/2011**
Project Manager: Tracy Stevens	**Place/Room: Council Chambers**

Name	Company	Phone
Tracy Stevens	City of Avondale DSD	(623) 333-4012
Tina LaBlanc	christlablanc@yahoo.com Home owner	6023777648
Chris LaBlanc	tinalablanc@yahoo.com	4805447067
Curtis + Sandi Nielson	nielsonaz@cox.net Home Owner	623-266-9789
Yvonne Hopper	Homeowner	623-341-6909

Exhibit D

Ken Galica

From: Dan Streyle <dgstreyle@cox.net>
Sent: Thursday, January 06, 2011 10:57 AM
To: Ken Galica
Subject: RE: Avondale Zoning Ordinance Text Amendment - Medical Marijuana Dispensation and Cultivation

Ken:

Thank you for this information.

I voted against this Proposition and understand the divisive nature of this issue. However, it appears that the intent of this Ordinance is to undermine the results of the vote and prevent its' adoption through excessively onerous requirements. As the Proposition states any adopted zoning restrictions must pass a "reasonable" standard. There are several elements of the proposed Ordinance that to me do not appear to pass the "reasonable" standard and may be subject to future legal challenge.

Some of these elements that I believe to be most vulnerable include:

1. 1302 B.7: I believe this separation is too extreme. Is there a defined definition of "church"? As you know some churches rent space in other businesses and are literally only used for 2 hours once per week and at times that do not overlap with the operating hours of the marijuana facilities.
2. 1302 C: This seems to imply that cultivation has to occur at the same location as dispensation. This will be seen as deliberately adding excessive costs.
3. 1303 A.3: It does not seem practical to identify the actual patients. These will be constantly changing and this will become an unenforceable provision. This is also unprecedented for any Zoning provision.
4. 1303 B: The very restricted operating hours will be viewed as discriminatory against anyone who is employed and, therefore, are not "reasonable".
5. 1303 C.9 & 10: The provision for separate security personnel is also unprecedented. Also, giving the City Manager 100% autonomy seems "unreasonable".
6. 1303 D.4.b: The requirement to monitor the "site" is reasonable. The requirement to monitor the "vicinity" is vague and unreasonable.

I hope that the above comments are constructive. They are only meant to ensure that the resulting Ordinance does not lead to needless and costly legal challenges while still providing a reasonable approach to this issue. Feel free to share these thoughts with anyone else.

Dan Streyle

From: Ken Galica [mailto:kgalica@avondale.org]
Sent: Wednesday, January 05, 2011 1:39 PM
To: sta@tblaw.com; dcj@tblaw.com; welally@rhkl-law.com; CarolynO@roselawgroup.com; bmaresca@roselawgroup.com; searl@ECLLAW.com; rtoris@ECLLAW.com; jonesb@hbaca.org; Myrairizarry@yahoo.com; jherlyck@carlson.com; Matt@Evergreendev.com; dmount@insightland.com; bgiocomo@cox.net; alisa@sloanlyons.com; tblake@journey-land.com; rap1948@gmail.com; AValente@thedavisexperience.com; VMarshall@vjproperties.com; HMarshall@vjproperties.com; ted@b2bmarkets.com; casey@capitolconsultingaz.com; Roy.Taniguchi@luke.af.mil; consultantcommunityplanning@gmail.com; j_torgeson@yahoo.com; cgoar@azna.org; mbusch@myurbanedge.com; justin.lalley@cbsoutdoor.com; jweskalnies@admgroupinc.com; nsheriff@admgroupinc.com; david.madrid@arizonarepublic.com; ebull@bcattorneys.com; chabel@bcattorneys.com; jason@witheymorris.com; bpikora@terraformadg.com; dgstreyle@cox.net; kpwoudenberg@aol.com; tigdavmom@gmail.com; carolyno@roselawgroup.com; cdacosta@lvadesign.com; azmangotree@msn.com; ATrenk@roselawgroup.com
Cc: Sue McDermott; Andrew McGuire; Eric Morgan; Jennifer Fostino; Linda Herring; Rita Miller; Stacey Bridge-Denzak; Tracy Stevens
Subject: Avondale Zoning Ordinance Text Amendment - Medical Marijuana Dispensation and Cultivation

CITY OF AVONDALE
NOTICE OF PUBLIC HEARING
PLANNING COMMISSION
JANUARY 20, 2011 6:30 PM
CITY COUNCIL CHAMBERS
11465 WEST CIVIC CENTER DRIVE
AVONDALE, AZ 85323

PURSUANT TO ARIZONA REVISED STATUTES SECTION 9-462.04 *et seq.*, NOTICE IS HEREBY GIVEN that the Planning Commission will be holding a public hearing at the date, time and place set forth above at which time and place all interested persons will have an opportunity to appear and be heard in relation to the following:

ZONING ORDINANCE TEXT AMENDMENT

This is a public hearing before the Planning Commission to review and solicit public input on application PL-10-0109, a City-initiated Zoning Ordinance text amendment relating to medical marijuana cultivation and dispensation. This Zoning Ordinance amendment is required to set parameters on where medical marijuana dispensaries and cultivation centers may be located and to impose conditions including but not limited to maximum size and minimum separation distances.

The proposed amendment will allow for medical marijuana dispensaries and cultivation centers in the A-1 (General Industrial) Zoning District, subject to locational restrictions, size limitations, and operating requirements. A copy of the DRAFT ordinance and text amendment is attached. Please note, modifications to this amendment may occur prior to the date of the scheduled Planning Commission hearing.

Additional information regarding the proposal may be obtained by contacting the City of Avondale Planning Division located at 11465 W. Civic Center Dr., Suite 110, Avondale, Arizona. Written comments on the request may be submitted to the Planning Division for consideration by the Planning Commission. If you have any questions concerning this request, please contact me, either by email at kgalica@avondale.org or by phone at (623) 333-4019.

You have received this email because you have previously expressed interest to be included on the City's Notification and Distribution list for Zoning Ordinance amendments. If you no longer wish to receive these emails, please reply to this email with PLEASE REMOVE in the subject line. Thank you.

Ken Galica
Planner II
Development Services Department
11465 W. Civic Center Drive
Avondale AZ 85323
(623) 333-4019

AVONDALE 2030
GENERAL PLAN UPDATE

Exhibit E

Ken Galica

From: Tracy Stevens
Sent: Wednesday, February 02, 2011 6:19 PM
To: Ken Galica
Subject: FW: Comments - Medical Marijuana Regulations - Ordinance

Please add to report exhibits.

From: Nielson, Curtis [mailto:curtis.nielson@amec.com]
Sent: Wednesday, January 05, 2011 7:33 PM
To: Tracy Stevens
Subject: Comments - Medical Marijuana Regulations - Ordinance

Tracy,

Thank you for reviewing the ordinance with us last night.

I have just a couple of comments:

1. On page 2, 1303 Requirements - Sub Section B is "set forth in Subsection 106(A) above? a typo? Shouldn't it refer to some subsection of Section 13?
2. On page 4, Item C-3. About emissions. I am on the Environmental Board and we have talked a lot about water discharges. The is no reference to water discharge in the ordinance. Whatever process water from the facility should NOT be discharged in to the Avondale waste water system. Maybe the facility should be a "Zero Discharge" facility to keep the total environment clean.

   I looked and most of the A-1 zoning is along the river and if the waste water is just discharge, it could contaminate the ground water.

3. Should there be a maximum amount of stored/secured marijuana on the property? The street value of the stored material could be great. Maybe a maximum weight of 100 or 500 pounds should be included in the zoning ordinance.

Thanks

Curtis Nielson

M. Curtis Nielson
Sr. Process Engineer - Consultant
Cell 623-521-7988
Fax +1 623 266 9789
curtis.nielson@amec.com

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RESOLUTION NO. 2957-211

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK AND ENTITLED THE "CITY OF AVONDALE MEDICAL MARIJUANA REGULATIONS."

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

SECTION 1. That certain document entitled the "City of Avondale Medical Marijuana Regulations," of which three copies are on file in the office of the City Clerk and open for public inspection during normal business hours, is hereby declared to be a public record and said copies are ordered to remain on file with the City Clerk.

SECTION 2. The City Fee Schedule is hereby adopted to include a $450 application fee for the zoning review related to a medical marijuana dispensary or medical marijuana cultivation location.

PASSED AND ADOPTED by the Council of the City of Avondale, February 22, 2011.

_____
Marie Lopez Rogers, Mayor

ATTEST:

_____
Carmen Martinez, City Clerk

APPROVED AS TO FORM:

_____
Andrew J. McGuire, City Attorney

CITY OF AVONDALE MEDICAL MARIJUANA REGULATIONS

SECTION 13 - MEDICAL MARIJUANA USES

1301 Purpose and Applicability

The purpose of this Section 13 is to provide for regulations necessary to protect the public health, safety and welfare for the general public by limiting the possible negative secondary effects of Medical Marijuana facilities. The provisions of this Section 13 shall apply to all Medical Marijuana Dispensaries and Medical Marijuana Cultivation Locations located within the corporate limits of the City of Avondale.

1302 Location Restrictions

A. Medical marijuana dispensaries or medical marijuana cultivation locations are prohibited from being established, operated or licensed in any City of Avondale zoning district other than A-1.

B. Medical marijuana dispensaries and medical marijuana cultivation locations shall meet the following minimum separation requirements, measured in a straight line from the closest property boundary line of the parcel containing the medical marijuana dispensary or medical marijuana cultivation location to the closest property boundary line of the parcel containing any existing uses listed below:

1. Two thousand (2,000) feet from any other medical marijuana dispensary or medical marijuana cultivation location.

2. Two thousand (2,000) feet from a substance abuse diagnostic and treatment facility or other drug or alcohol rehabilitation facility.

3. Two thousand (2,000) feet from a public, private, parochial, charter, dramatic, dancing or music school, a learning center, or other similar school or educational or entertainment facility that caters to children.

4. Two thousand (2,000) feet from a childcare center or registered residential child care facility.

5. Two thousand (2,000) feet from a public library.

6. Two thousand (2,000) feet from a park.

7. Two thousand (2,000) feet from a church or place of worship.

C. A medical marijuana cultivation location not associated with an Arizona medical marijuana dispensary is prohibited, and only one medical marijuana cultivation location shall be permitted for the single Arizona medical marijuana dispensary with which it is associated. The provisions of this Subsection 1302 (C) shall not apply to locations identified pursuant to ARIZ. REV. STAT. § 36-2804-02(A)(3)(f) for

cultivation of medical marijuana by a designated caregiver or qualifying patient for a qualifying patients medical use.

D. The following size limitations shall apply to any medical marijuana dispensary:

1. The total maximum floor area of a medical marijuana dispensary shall not exceed two thousand five hundred (2,500) square feet.

2. The secure storage area for the medical marijuana stored at the medical marijuana dispensary shall not exceed five hundred (500) square feet of the total two thousand five hundred (2,500) square foot maximum floor area of a medical marijuana dispensary.

E. The following size limitations shall apply to any medical marijuana cultivation location associated with a medical marijuana dispensary:

1. The total maximum floor area of a medical marijuana cultivation location shall not exceed three thousand (3,000) square feet.

2. The secure storage area for the medical marijuana stored at the medical marijuana cultivation location shall not exceed one thousand (1,000) square feet of the three thousand (3,000) square feet total maximum floor area of a medical marijuana cultivation location.

3. For a medical marijuana dispensary that also is a medical marijuana cultivation location, the total maximum floor area that may also be used for cultivation and incorporation or processing of the medical marijuana into consumable or edible products inclusive of any secure storage area, shall not exceed three thousand (3,000) square feet. The secure storage area for the medical marijuana stored at a medical marijuana dispensary that also is a cultivation location shall not exceed one thousand five hundred (1,500) square feet.

F. The following size limitations shall apply to any medical marijuana cultivation location associated with a qualified patient or designated caregiver:

1. All conditions and restrictions for medical marijuana cultivation locations apply except that the designated caregiver cultivation area is limited to a total two hundred fifty (250) square feet maximum, including any storage areas.

2. More than one designated caregiver may not co-locate cultivation locations.

1303 Requirements

The following minimum requirements shall apply to all "medical marijuana dispensary" and "medical marijuana cultivation location" uses located in the zoning district where such uses are permitted:

A. In conjunction with the application requirements set forth in Section 1 above, an applicant for any medical marijuana dispensary or medical marijuana cultivation location shall provide the following:

1. A notarized authorization, executed by the property owner, acknowledging and consenting to the proposed use of the property as a medical marijuana dispensary or a medical marijuana cultivation location.

2. The legal name of the medical marijuana dispensary or medical marijuana cultivation location.

3. If the application is for a medical marijuana cultivation location, the name and location of the medical marijuana dispensary with which it is associated or, in the case of designated caregivers or qualifying patients, the names of the qualifying patients for which the medical marijuana is being cultivated.

4. The name, address and birth date of each officer and board member of the nonprofit medical marijuana dispensary agent.

5. The name, address, birth date and valid registry identification card number of (a) each medical marijuana dispensary agent if the application is related to a medical marijuana dispensary or a related medical marijuana cultivation location and (b) each designated caregiver and qualifying patient if the application is related to a medical marijuana cultivation location associated with such qualifying patient and designated caregiver.

6. A copy of the operating procedures adopted in compliance with ARIZ. REV. STAT. § 36-2804(B)(1)(c).

7. A notarized certification that none of the medical marijuana dispensary officers or board members has been convicted of any of the following offenses:

   (a) A violent crime, as defined in ARIZ. REV. STAT. § 13-901.03(B), that was classified as a felony in the jurisdiction where the person was convicted.

   (b) A violation of state or federal controlled substance law that was classified as a felony in the jurisdiction where the person was convicted except an offense for which the sentence, including any term of probation, incarceration or supervised release, was completed ten or more years earlier or an offense involving conduct that would be immune from arrest, prosecution or penalty under ARIZ. REV. STAT. § 36-2811 except that the conduct occurred before the effective date of that statute or was prosecuted by an authority other than the state of Arizona.

8. A notarized certification that none of the medical marijuana dispensary officers or board members has served as an officer or board member for a medical marijuana dispensary that has had its registration certificate revoked.

9. A floor plan showing the location, dimensions and type of security measures demonstrating that the medial marijuana dispensary or medical marijuana cultivation location will be secured, enclosed and locked as required by law.

10. A scale drawing depicting the property lines and the separations from the nearest property boundary of the parcel containing the medical marijuana dispensary or medical marijuana cultivation location to the property boundary of the parcel containing any existing uses listed in Section 1302 above. If any of the uses are located within fifty (50) feet of the minimum separation, the drawing, showing actual surveyed separations, shall be prepared by a registered land surveyor.

B. A medical marijuana dispensary shall have operating hours not earlier than 9:00 a.m. and not later than 6:00 p.m., Monday through Friday.

C. A medical marijuana dispensary or medical marijuana cultivation location shall:

1. Be located in a permanent building and may not be located in a trailer, cargo container, mobile or modular unit, mobile home, recreational vehicle or other mobile vehicle.

2. Not have drive-through service.

3. Not emit dust, fumes, vapors or odors into the environment.

4. Not provide offsite delivery of medical marijuana.

5. Prohibit consumption of marijuana on the premises.

6. Not have outdoor seating areas, but shall have adequate indoor seating to prevent outside loitering.

7. Display a current City of Avondale business license and a State of Arizona tax identification number.

8. Install lighting to illuminate the exterior and interior of the building and all entrances and exits to the facility. Exterior lighting shall be at least five (5) foot candles, measured at ground level, and shall remain on during all hours between sunset and sunrise each day. Twenty-four (24) hours each day, the medical marijuana dispensary or medical marijuana cultivation location shall illuminate the entire interior of the building, with particular emphasis on the locations of any counter, safe, storage area and any location where people are prone to congregate. The lighting must be of sufficient brightness to ensure

that the interior is readily visible from the exterior of the building from a distance of one hundred (100) feet.

9. Provide security guards at the main entrances and exits during all hours of operation. For the purposes of this Section, "security guard" shall mean licensed and duly bonded security personnel registered pursuant to ARIZ. REV. STAT. § 32-2601 *et seq.* Prior to opening for business, the medical marijuana dispensary or medical marijuana cultivation location shall provide all property owners within a five hundred (500) foot radius of the medical marijuana dispensary or medical marijuana cultivation location with written notification via first class U.S. Mail of the security company responsible for providing its security services.

10. Have an exterior appearance compatible with commercial structures already constructed or under construction within the immediate neighborhood to insure against blight, deterioration, or substantial diminishment or impairment of property values in the vicinity.

11. Allow unrestricted access by City code enforcement officers, police officers or other agents or employees of the City requesting admission for the purpose of determining compliance with these standards.

12. Not display signs, or any other advertising matter used in connection with the medical marijuana dispensary or medical marijuana cultivation of any offensive nature and such signs shall in no way be contrary to the City code, or obstruct the view of the interior of the premises viewed from the outside.

13. Comply with all other applicable property development and design standards of the City of Avondale.

D. To ensure that the operations of medical marijuana dispensaries are in compliance with Arizona law and to mitigate the adverse secondary effects from operations of dispensaries, medical marijuana dispensaries shall operate in compliance with the following standards:

1. No doctor shall issue a written certification on-site for medical marijuana.

2. There shall be no on-site sales of alcohol, tobacco or food, and no on-site consumption of food, alcohol, tobacco or medical marijuana.

3. Medical marijuana dispensaries shall only dispense medical marijuana to qualified patients and their designated caregivers as defined in ARIZ. REV. STAT. § 36-2801 *et seq.*

4. Medical marijuana dispensaries shall notify patrons of the following verbally and through posting of a sign in a conspicuous location at the medical marijuana dispensary:

(a) Use of medical marijuana shall be limited to the patient identified on the doctor's written certification. Secondary sale, barter or distribution of medical marijuana is a crime and can lead to arrest.

(b) Patrons must immediately leave the site and not consume medical marijuana until at home or in an equivalent private location. Medical marijuana dispensary staff shall monitor the site and vicinity to ensure compliance.

5. Medical marijuana dispensaries shall not provide marijuana to any individual in an amount not consistent with personal medical use or in violation of state law and regulations related to medical marijuana use.

6. Medical marijuana dispensaries shall not store more than two hundred dollars ($200.00) in cash overnight on the premises.

7. Any qualified patient under eighteen (18) years of age shall be accompanied by a parent or legal guardian. Except for such parent or legal guardian, no persons other that qualified patients and designated caregivers shall be permitted within a medical marijuana dispensary premises.

8. Medical marijuana dispensaries shall provide law enforcement and all interested neighbors with the name and phone number of an on-site community relations staff person to notify if there are operational problems with the establishment.

ORDINANCE NO. 1449-211

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AMENDING THE CITY OF AVONDALE ZONING ORDINANCE REGARDING ADOPTING REASONABLE REGULATIONS WITH RESPECT TO THE USE OF LAND FOR MEDICAL MARIJUANA DISPENSARIES AND RELATED USES; AMENDING SECTIONS 1, 4, 5 AND 13 THEREOF AS NECESSARY TO INCORPORATE SUCH REGULATIONS; AND ADDING REFERENCE PROVISIONS TO SECTION 4 RELATING TO PREVIOUSLY ADOPTED REGULATIONS ADDRESSING SEXUALLY ORIENTED BUSINESSES.

WHEREAS, Proposition 203, the Arizona Medical Marijuana Act, appeared on the November 2, 2010, statewide ballot and, as approved by the voters, provides for certain medical marijuana use, sale and cultivation, to include the establishment of medical marijuana dispensaries in the State of Arizona; and

WHEREAS, the Federal Controlled Substances Act and applicable regulations classify marijuana as a "Schedule I" drug and consequently prohibit its possession for use in any manner, with exceptions only for research purposes; and

WHEREAS, the Federal Food and Drug Administration (the "FDA") continues to support the placement of marijuana as a "Schedule I" controlled substance with no currently accepted medical use in the United States; and

WHEREAS, past evaluation by federal agencies including the FDA, the Substance Abuse and Mental Health Service Administration ("SAMHSA") and the National Institute for Drug Abuse ("NIDA") have concluded that no sound scientific studies support medical use of marijuana for treatment in the United States; and

WHEREAS, the FDA, as the federal agency responsible for reviewing the safety and efficacy of drugs, the Drug Enforcement Administration, as the federal agency charged with enforcing the Controlled Substances Act and the Office of National Drug Control Policy, as the federal coordinator of drug control policy, do not support the use of smoked marijuana for medical purposes; and

WHEREAS, evaluation of several California cities' experiences with medical marijuana dispensaries and the opinion of the California Police Chiefs' Association have indicated negative secondary neighborhood affects associated with the operation of medical marijuana dispensaries including: (i) illegal drug sales at a price less than dispensary prices, to dispensary patrons;

(ii) marijuana use in and around dispensaries; (iii) non-residents being attracted to the community to secure marijuana; (iv) DUI arrests related to marijuana purchased at dispensaries; (v) burglaries of dispensaries; (vi) drug dealers posing as medical marijuana users to purchase and resell marijuana illegally; (vii) robbery of medical marijuana patrons; (viii) thefts in and around dispensaries to support legal and illegal drug commerce; (ix) negative affects on surrounding businesses resulting from a concentration of criminals associated with the dispensary; and (x) illegal sale of drugs other than marijuana in dispensaries; and

WHEREAS, robberies, assaults and burglaries of dispensaries may be under-reported by dispensaries and crime statistics may consequently inaccurately underestimate the incidence of such crimes, and dispensaries may account for a disproportionate number of such incidents in comparison to other business uses; and

WHEREAS, dispensaries, by virtue of their operation: (i) may be the repositories of large amounts of cash and marijuana and consequently operators have been attacked at their dispensaries and at home; (ii) have been regularly burglarized; and (iii) account for other negative affects on the community such as sales of drugs to minors, loitering, heavy vehicle traffic, increased noise and robbery of dispensary customers; and

WHEREAS, the Director of the Office of National Drug Control Policy reports that in states such as Colorado (where medical marijuana is legal), youths who receive information that marijuana is a medicine assume that marijuana use is safe, but science is clear that marijuana use is harmful and associated with dependence, respiratory and mental illness, poor motor performance and cognitive impairment; and

WHEREAS, unregulated dispensaries can expand enormously within a municipality and the current City of Avondale Zoning Ordinance (the "Zoning Ordinance") does not specifically address or regulate establishment, location or operation of marijuana dispensaries which, pursuant to Section 101(H) of the Zoning Ordinance, results in a complete ban on the use; and

WHEREAS, Proposition 203 expressly authorizes cities to enact reasonable zoning regulations that limit the use of land for registered nonprofit medical marijuana dispensaries, but does not permit an outright ban, as currently exists; and

WHEREAS, Arizona law permits cities to enact zoning regulations in order to conserve and promote the public health, safety and general welfare and regulate the use of buildings, structures and land; and

WHEREAS, it is necessary to restrict, or prohibit, the use or division of real property within the City of Avondale in order to protect the public's health by establishing appropriate regulation of medical marijuana dispensaries and cultivation facilities; and

WHEREAS, regulations defining permitted location of dispensaries and cultivation facilities (collectively referred to here as "Facilities") and providing for the minimum separation of such Facilities from uses such as churches, libraries, schools, parks, day care centers, licensed treatment centers, and other Facilities will reduce or eliminate the threat to public health, safety and welfare potentially caused by medical marijuana uses; and

WHEREAS, the regulations, limitations and prohibitions established in this Ordinance are necessary to protect and preserve the public's health and safety; and

WHEREAS, all due and proper notices of public hearings on this Ordinance held before the City of Avondale Planning and Zoning Commission (the "Commission") and the Council of the City of Avondale (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 this Ordinance on January 20, 2011, after which the Commission recommended to the City Council that this Ordinance be approved; and

WHEREAS, the City Council held an additional public hearing on this Ordinance on February 7, 2011.

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

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

SECTION 2. The City of Avondale Zoning Ordinance (the "Zoning Ordinance"), Section 102, Definitions, is hereby amended to add the following new definitions:

> "Medical marijuana" means "marijuana" for "medical use" as those terms are defined in ARIZ. REV. STAT. § 36-2801.
>
> "Medical marijuana dispensary" means a nonprofit medical marijuana dispensary (as defined in ARIZ. REV. STAT. § 36-2801) duly registered and certified pursuant to ARIZ. REV. STAT. § 36-2804.
>
> "Medical marijuana cultivation location" means any of the following: (A) a medical marijuana dispensary at which cultivation occurs for sale at that medical marijuana dispensary, (B) the one additional location, if any, duly identified pursuant to ARIZ. REV. STAT. § 36-2806(E) during the process of registering a medical marijuana dispensary, where marijuana will be cultivated for sale at a medical marijuana dispensary, (C) any location identified pursuant to ARIZ. REV. STAT. § 36-2804.02(A)(3)(f) for cultivation of medical marijuana by a designated caregiver or qualifying patient (as defined in ARIZ. REV. STAT. § 36-2801, as amended) for a qualifying patient's medical use or (D) a facility that incorporates or processes medical marijuana into a consumable or edible product.

SECTION 3. The Zoning Ordinance, Section 402, Land Use Matrix, is hereby amended to add the following uses:

LAND USE	CP	A-1
Medical Marijuana Dispensary	-	PC
Medical Marijuana Cultivation Location	-	PC

SECTION 4. The Zoning Ordinance, Section 403, Uses Permitted with Conditions, is hereby amended to add provisions relating to Medical Marijuana Dispensaries and Medical Marijuana Cultivation Locations, and to add parallel references with respect to previously adopted provisions related to sexually oriented businesses, as follows:

Section 403 Uses Permitted with Conditions

Based upon site plan review, land uses listed in the land use matrix as "Permitted with Conditions" may be subject to additional conditions of approval if deemed necessary to protect the health, safety, and public welfare.

A. IN ADDITION TO, AND IN NO WAY LIMITING THE GENERAL NATURE OF THIS SECTION 403, MEDICAL MARIJUANA DISPENSARIES AND MEDICAL MARIJUANA CULTIVATION LOCATIONS ARE ALLOWED IN CERTAIN GENERAL INDUSTRIAL DISTRICTS AS SET FORTH ABOVE, SO LONG AS SUCH USES ARE IN COMPLIANCE WITH THE REQUIREMENTS OF SECTION 13 OF THIS ZONING ORDINANCE.

B. IN ADDITION TO, AND IN NO WAY LIMITING THE GENERAL NATURE OF THIS SECTION 403, SEXUALLY ORIENTED BUSINESSES ARE ALLOWED IN CERTAIN GENERAL INDUSTRIAL DISTRICTS AS SET FORTH ABOVE, SO LONG AS SUCH USES ARE IN COMPLIANCE WITH THE REQUIREMENTS OF SECTION 10 OF THIS ZONING ORDINANCE.

SECTION 5. That certain document known as the "City of Avondale Medical Marijuana Regulations" (the "Regulations") three copies of which are on file in the office of the City Clerk, which document was made a public record by Resolution No. 2957-211 of the City of Avondale, Arizona, is hereby referred to, adopted and made a part hereof as if fully set out in this Ordinance.

SECTION 6. The Zoning Ordinance is hereby amended by (i) relocating the entire text of Section 13, Overlay Districts, to a new Section 503, Special Use Overlay District, and renumbering all subsections therein accordingly and (ii) amending all references to former Section 13 in the Zoning Ordinance to the appropriate counterpart sections in Section 503.

SECTION 7. The Zoning Ordinance is hereby amended by renaming Section 13 thereof to "Medical Marijuana Uses," and inserting therein the text the Regulations adopted herein by reference.

SECTION 8. If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Regulations adopted herein by reference is for any reason to be held invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

SECTION 9. The Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to execute all documents and take all steps necessary to carry out the purpose and intent of this Ordinance.

PASSED AND ADOPTED by the Council of the City of Avondale, February 22, 2011.

_____
Marie Lopez Rogers, Mayor

ATTEST:

_____
Carmen Martinez, City Clerk

APPROVED AS TO FORM:

_____
Andrew J. McGuire, City Attorney

DEVELOPMENT SERVICES

SUBJECT:
Public Hearing - Time Extension for Three Rivers PAD Zoning - Alternatively Ordinance 1447-211 - Zoning Reversion

MEETING DATE:
February 22, 2011

TO: Mayor and Council

FROM: Sue McDermott, Development Services Director/City Engineer (623) 333-4211

THROUGH: Charlie McClendon, City Manager

REQUEST: Extend the period allowed for commencement of development within the Three Rivers PAD for one year from the date of the expiration of the previous approval, until December 8, 2011.

PARCEL SIZE: Approximately 80 gross acres

LOCATION: Northeast Corner of Van Buren Street and 105th Avenue(Exhibits A and B)

APPLICANT: Mr. Ryan Eller, Paragon Properties, Ltd. (480) 488-0350

OWNER: Multiple Owners: Arizona Land Company, LLC (480) 488-0350 (North Half); Maricopa County Public Finance Corporation (South Half)

BACKGROUND:

The property was annexed on March 17, 1986 and rezoned from AG (Agricultural) to PAD (Planned Area Development) on January 17, 2006 (Exhibits C, D, and E). The original PAD development plan and Ordinance allowed for commerce park type uses with additional allowances for automobile related uses along the Roosevelt Street frontage, directly adjacent to the Automall.

A final plat which divided the original property into two 35 net acre parcels and dedicated necessary right-of-way was approved by the City Council on January 16, 2007. These two halves are presently under separate ownership. The southern 35 acres adjacent to Van Buren Street is owned by Maricopa County. In past discussions with the City, the County has indicated a desire to use this property for their West Court Complex; the development on the County owned portion is on indefinite hold. The northern 40 acres adjacent to Roosevelt Street is owned by Arizona Land Company, LLC.

On December 8, 2008, a major amendment to the Three Rivers PAD was approved by the City Council (Exhibits F, G, and H). The major amendment, which primarily impacted the north 35 acres owned by Arizona Land Company, increased the maximum allowable building height to six stories (if certain conditions can be met), allowed restricted outdoor storage subject to several conditions, increased the minimum amount of landscaping and open space required on the site, required conformance with the Design Manual, and allowed for limited phasing of off-site infrastructure subject to approval by the City Engineer. The approval of the amendment was subject to 9 stipulations.

A Master Site Plan for the north 35 acres and a Final Site Plan for Phase I of the project, which included 5 flex-industrial buildings featuring screened and integrated outdoor storage areas, were approved by the City Council on August 3, 2009. The Site Plan approvals are set to expire on August

3, 2011 if a building permit is not issued for the project or if the PAD is no longer valid; Construction Drawings and Civil Plans for this project have not been submitted as of February 8, 2011.

Under the terms of the PAD Ordinance, the Three Rivers PAD original three year validity period ended on January 17, 2009. The PAD amendment, which also served to extend the PAD to December 8, 2009, used the first of the four allowed extensions. On December 14, 2009, the City Council approved the second of the allowed one year extensions, extending the PAD through December 8, 2010. Approval of this request will use the third of the possible four extensions and extend the PAD through December 8, 2011. If this current request is approved, up to one additional one year extensions could be granted, potentially extending the validity of the PAD through December 8, 2012.

SUMMARY OF REQUEST:

The applicant is requesting that the City Council grant a one year extension for the Three Rivers PAD to allow market conditions to improve and make development of the site more viable (Exhibit J). Additional reasons provided by the applicant as justification for the extension include:

- The property owner has pursued users and financing over the last few years with limited success. Despite the lack of success thus far, the owner continues to work with the City's Economic Development Department to attempt to find users for the site and is working with a lender concerning an extended stay hotel on the property.

- Significant amounts of time and money have been spent preparing the project for permitting (e.g. zoning approvals, extensions, site plan approvals). Restarting the process at the zoning level would require additional time (two to three years) and money from the developer to get back to the current level of progress the property has achieved.

- Restarting the process at the zoning level would damage City economic development efforts by reducing the amount of shovel ready sites available to capture users looking to develop an employment campus.

- The approved PAD and Site Plan remain consistent with the City's goals for development in this portion of Avondale, as this site is utilized for marketing to prospective companies looking to locate in the southwest valley.

PARTICIPATION:

Public notifications of surrounding property owners are not required for PAD Extensions. The property owners have been notified to the possibility the zoning may be reverted to AG (Agricultural) in accordance with the requirements of Zoning Ordinance Section 6.

PLANNING COMMISSION ACTION:

The Planning Commission does not review PAD Extensions.

ANALYSIS:

The Three Rivers PAD and approved Site Plan exceed the City's objectives for development in this corridor. The quality of the site layout, landscape design, and building architecture are superior to other light industrial projects that were built in the last decade in Avondale and staff supports approval of a PAD extension to give the current property owner additional time to pursue users and financing for what we believe is a high quality project.

Since the PAD amendment was approved in December 2008, a Master Site Plan and a Final Site Plan for Phase I of Three Rivers Commerce Park were approved for the northern 35 acres of the PAD. Site Plan approval was a substantial step towards developing the property; obtaining building and civil permits are the only remaining steps required before development can occur. Additionally,

because the property has completed the entitlement processes, the City's Economic Development Department can, and has, submitted the site for GPEC leads in an attempt to attract employers to Avondale. In the event the zoning expires, the property would no longer be an attractive option to companies looking to relocate in the southwest valley.

If the request is approved, the applicant will have until December 8, 2011 to commence development on the site. If development has not commenced by December 8, 2011, the property owner will be able to request a final one year extension to extend the PAD through 2012.

If the request is denied, Zoning Ordinance Section 603.D.2 allows the Council the authority to revert the property's zoning to its previous classification. The previous zoning designation of the Three Rivers property is Agricultural (AG). Reverting the property's zoning will require a separate motion included below.

RECOMMENDATION:

Staff recommends that the City Council approve a time extension for the Three Rivers PAD for one year from the date of the previous expiration, until December 8, 2011.

PROPOSED MOTION:

I move that the City Council **GRANT** a time extension for the Three Rivers Planned Area Development (PAD) for one year, until December 8, 2011.

If Council denies the extension request, the following motion should be used to revert the zoning of the property back to Agricultural (AG):

I move that the City Council **ADOPT** an Ordinance reverting the zoning of the Three Rivers PAD from Planned Area Development (PAD) to its previous zoning classification of Agricultural (AG).

ATTACHMENTS:

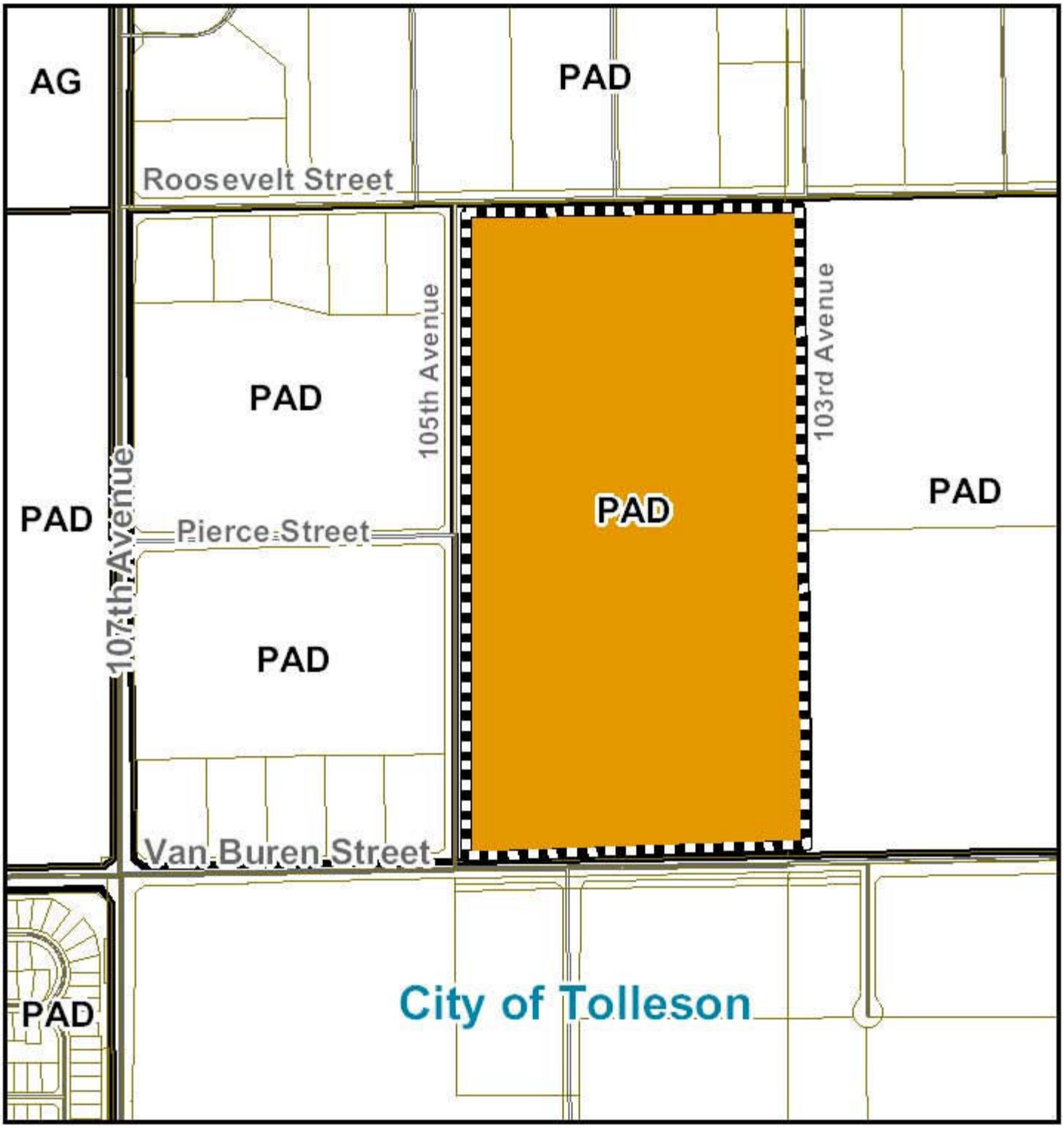
Click to download

- Exhibit A - Zoning Vicinity Map
- Exhibit B - Aerial Photograph
- Exhibit C - Ordinance 1165-106, approving the Three Rivers PAD
- Exhibit D - Approved Three Rivers PAD, pre-2008 Amendment
- Exhibit E - Excerpt of City Council Minutes, Regular Meeting of January 17, 2006 (PAD Approval)
- Exhibit F - Ordinance 1339-1208, amending the Three Rivers PAD
- Exhibit G - Approved Three Rivers PAD, as amended.
- Exhibit H - Excerpt of City Council Minutes, Regular Meeting of December 8, 2008. (PAD Amendment & 1st Extension)
- Exhibit I - Excerpt of City Council Minutes, Regular Meeting of December 14, 2009 (2nd Extension)
- Exhibit J - Applicant's Extension Request Narrative, dated December 2, 2010
- Ordinance 1447-211

PROJECT MANAGER:

Ken Galica, Planner II (623) 333-4019

Exhibit A



Zoning Vicinity Map

Avondale

Subject Property

Exhibit B

Aerial Photograph

Avondale

Subject Property

Exhibit C

ORDINANCE NO. 1165-106

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 GENERALLY LOCATED AT THE NORTHWEST CORNER OF VAN BUREN STREET AND 103RD AVENUE AS SHOWN IN FILENAME A-03-622, 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 to be 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, December 15, 2005, on the amendment to the Zoning Atlas pursuant to such notices and as required by ARIZ. REV. STAT. § 9-462.04; and

WHEREAS, the City Council held a public hearing regarding the amendment to the Zoning Atlas on January 17, 2006.

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

SECTION 1. That ± 80 acres of certain real property generally located at the northwest corner of Van Buren Street and 103rd Avenue as shown in filename A-03-622 (the "Property"), 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 conformance with the Three Rivers Commerce Center General Development Plan date stamped December 5, 2005 except as modified by these stipulations.

2. In accordance with Section 607.A of the Zoning Ordinance, development of the first development unit shall commence within two (2) years of the date upon which the PAD zoning is approved.

3. Access to all parcels shall be provided by interior local streets only as determined at the time of master site plan approval. No parcels or individual lots shall be allowed direct access to Roosevelt Street, Van Buren Street, 103rd Avenue, or 105th Avenue.

4. Perimeter walls shall be installed adjacent to all streets. The design of all perimeter walls shall match Exhibit I. All interior screen walls shall match the architecture of the building.

5. All signage shall comply with the City of Avondale Sign Ordinance with the following exceptions:
    a. Entry monuments that identify the commerce park shall be permitted per the General Development Plan and Program and these stipulations.
    b. Each parcel shall have no more than one freestanding sign. The location of the signs shall be limited to the interior street.
    c. The provisions of Section 909.C.6 concerning a freeway pylon sign shall not apply.
    d. Sign fields for all wall signs shall be determined at time of final site plan approval. In addition, the sign cannot exceed 80% of the length or 70% of the height of the sign field.
    e. Exposed raceways shall not be permitted.
    f. Commerce park identification signs shall be provided at the intersections of all streets and the entrances into the park as determined at time of master site plan approval.

6. Automobile related uses shall only be permitted as part of a master planned automobile center with a maximum size of ten aces adjacent to Roosevelt Street.

7. All vehicle sales and leasing type uses shall be prohibited.

8. Prior to division of the property, a property owner's association shall be formed and funded for the maintenance of perimeter walls, landscaping, common open space areas, and center monument signage. A property owner's association will be formed with covenants, conditions and restrictions (CC&Rs) outlining responsibilities for maintenance of common tracts and regulations for consistency and maintenance of the project, including but not limited to landscaping, screen walls and individual signage prior to issuance of a building permit on any portion of Parcels A or B.

9. The landscaping for 103rd Avenue shall include the street tree theme.

10. Pedestrian refuge areas with a minimum of 100 square feet shall be provided for each individual lot. Each pedestrian refuge area shall include seating, landscaping and shade.

11. The developer shall provide a traffic study at the time of master site plan approval. The study shall include analysis for future traffic signals.

12. The developer shall be responsible for their proportionate share of the cost of the design and construction of any traffic signals as determined at the time of master site plan approval.

13. Street improvements shall be required as follows as determined by the City Engineer:

Street	Right-of-way Required	Street Improvements
Van Buren Street	65' half street	3.5 travel lanes, bike lane, curb and gutter, detached sidewalks, street lights and landscaping.
103rd Avenue	40' half street	1.5 travel lanes, curb and gutter, attached sidewalks, street lights and landscaping
Roosevelt Street	35' half street	1.5 travel lanes, curb and gutter, detached sidewalks, street lights and landscaping.
105th Avenue	40' half street	1.5 travel lanes, bike lane, curb and gutter, attached sidewalks, street lights and landscaping
Pierce Street	80' full street	2 travel lanes, median, curb and gutter, attached sidewalks, street lights and landscaping
Internal Local Streets	60' full street	1 travel lane, curb and gutter, detached sidewalks, street lights and landscaping.

14. Street improvements adjacent to Parcel A shall include the full length of the south half of Roosevelt Street, the full length of the east half of 105th Avenue, the full length of the west half of 103rd Avenue and the full width of Pierce Street. The improvements for all street segments adjacent to Parcel A shall include pavement, curb and gutter and streetlights. Landscaping and sidewalks shall be installed as determined at time of master site plan approval.

15. Street improvements adjacent to Parcel B shall include the full length of the north half of Van Buren Street, the full length of the east half of 105th Avenue, the full length of the west half of 103rd Avenue and the full width of Pierce Street. The improvements for all street segments adjacent to Parcel A shall include pavement, curb and gutter and streetlights. Landscaping and sidewalks shall be installed as determined at time of master site plan approval.

16. To the extent allowed by law, all Type 1 and Irrigation Grandfathered Groundwater Rights appurtenant to the property shall be properly extinguished and the resulting Assured Water Supply credits pledged to the City of Avondale's account at the Arizona Department of Water Resources prior to division of the property.

SECTION 2. If any provision of this Ordinance is for any reason held by any court of competent jurisdiction to be unenforceable, such provision or portion hereof shall be deemed separate, distinct and independent of all other provisions and such holding shall not affect the validity of the remaining portions of this Ordinance.

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

PASSED AND ADOPTED by the Council of the City of Avondale, January 17, 2006.

Marie Lopez-Rogers, Mayor

ATTEST:

Linda M. Farris, City Clerk

APPROVED:

Andrew J. McGuire, City Attorney

623382.2

Exhibit D

THREE RIVERS COMMERCE PARK

NEC 105th Avenue and Van Buren Street

General Development Plan and Program

79.98-Acre Parcel

Prepared for
City of Avondale, Arizona

December 5, 2005

General Development Plan

Development Team

Developer/Applicant:

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2425 E. Camelback Road, Suite 400
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Phoenix, AZ 85016
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General Development Plan Narrative

Introduction

The proposed PAD site is intended to be developed as a commerce park for employment uses with a campus feel that incorporates a common landscape, entry feature, and screen wall theme. The site is divided into two Parcels where buildings within each Parcel will share a common architectural theme. The architectural theme may vary from parcel to parcel; however, guidelines are provided in this narrative to set parameters for architecture, building materials and colors to ensure compatibility in development on the entire site. To ensure that the project is developed appropriately, a "Master Site Plan" for each Parcel is required to be reviewed by the Planning Commission and approved by City Council prior to administrative review and approval of "Individual Site Plans" for buildings or uses. The "Master Site Plans" will determine the architectural theme, locations of buildings, parking, circulation, and landscaping for the entire Parcel.

This is a request to rezone 79.98-acres located on the northeast corner of 105th Avenue and Van Buren Street from Agriculture (AG) to Planned Area Development (PAD) to allow employment uses (see Aerial Map, Exhibit A). In accordance with Section 603 of the PAD District, this is a General Development Plan and Program (GDPP). The GDPP identifies the general development theme for the site including: permitted land uses, development standards, design criteria, street cross sections, landscape theme, screen wall theme, and entry monument signage.

The site fronts along Van Buren Street on the south and Roosevelt Street on the north, between 103rd and 105th Avenues. The site is located across Van Buren Street from the Tolleson city limits. The site is located in the middle of a rapidly developing employment / commercial area within the Cities of Avondale and Tolleson. The surrounding properties have the following land uses and zoning (see Existing Zoning, Exhibit B):

North: Developing automall with 14 dealerships complete or nearly complete. The automall has full perimeter improvements. The automall is zoned PAD (Planned Area Development) in Avondale.

East: Agricultural uses zoned AG (Agricultural) in Avondale.

South: Warehousing/distribution employment uses. The warehousing/ distribution uses are zoned I-1 (light industrial) and the agricultural uses in the area are zoned I-1 and C-2 (commercial) all in Tolleson.

West: PAD zoning for Commerce Park and Retail uses on the adjacent 80-acre parcel across 105th Avenue (see Context Plan, Exhibit C). The commerce park currently contains the Universal Technical Institute and Coyote Honda motorcycle dealership.

The site enjoys excellent regional access due to its geographic location to two freeways, Interstate-10 (I-10) and the Agua Fria Freeway 101. The site is approximately 900-feet south of the I-10 Freeway that connects Phoenix to Los Angeles. There are two I-10 freeway interchanges within one mile of the site. A full I-10 Freeway diamond interchange is at 99th Avenue, and a half diamond I-10 Freeway interchange at 107th Avenue. The Agua Fria Freeway 101 is approximately one and one-half miles east of the site and has a full stack interchange with I-10. The Agua Fria Freeway 101 connects I-10 to Interstate-17

by passing through the northern suburbs of Glendale and Phoenix. The proximity of both I-10 and the Agua Fria Freeway 101 greatly expands the site's employment shed and market area in terms of available labor supply, access to major markets, and business linkages.

Arterial and collector streets such as Van Buren Street, 105th Avenue, 103rd Avenue, and Roosevelt Street provide easy local north-south and east-west access to the site. Van Buren Street will be a six lane arterial when fully developed. Roosevelt Street will be a two-lane collector street between the existing automall and the site. Both 103rd and 105th Avenues will be two lane collector streets between Van Buren and Roosevelt Streets only. Public streets adjacent to the PAD site provide excellent access and marketing windows with high visibility to the planned employment users.

General Plan

The General Plan land use map identifies the entire site to be developed with Employment (Business Park and Industrial Uses) (see General Plan Land Use Map, Exhibit D). The General Plan places great importance on the I-10 Freeway Corridor for employment, industrial and retail uses. The Plan indicates that the corridor along the I-10 Freeway is to be developed with more intense uses. The corridor is intended to allow flexibility by allowing different types of employment uses. Employment uses are defined as general-office; enclosed industrial along with retail and commercial uses that support the employment uses.

The Economic Development Element of the General Plan iterates that residents desire a community that offers employment opportunities. The City targeted a 0.5 jobs-to-population ratio to be achieved during the implementation of the General Plan. The proposed PAD rezoning on the subject property within the I-10 Freeway corridor will ultimately yield approximately 3,500 office, light manufacturing and service related jobs (80 acres x 43,560 sq. ft. x 0.40 lot coverage x 2.50 employees ÷ 1,000 sq. ft. per employee = 3,485). This PAD will help achieve the desired 0.5 jobs-to-population ratio identified in the General Plan, and will provide the intense employment development desired along the I-10 Freeway corridor. The proposed PAD is consistent with the adopted General Plan Land Use Map, and adjacent existing land uses including the automall, UTI, Coyote Honda, and Warehouse/Distribution facilities.

PAD Plan

The 79.98 gross acre PAD Plan includes two Parcels. Parcels A and B are both approximately 40 acres in area. Both Parcels can accommodate large to medium single-tenant or multi-tenant buildings (see PAD Plan, Exhibit E). The Parcels have street frontage on all sides. All perimeter landscaping, entrances, and screen walls will follow a common design theme to create an integrated project.

The PAD Plan shows major streets and perimeter landscape improvements, but the exact building locations, architecture, parking fields, internal street circulation and other defining details are not shown because the final users of the PAD site are not yet known.

To ensure some flexibility for the future users, but to also provide assurances on the quality of the development for the City, this PAD requires that a "Master Site Plan" for each Parcel be reviewed by the Planning Commission and approved by the City Council prior to the administrative review and approval of "Individual Site Plans" for buildings or uses within a Parcel. The Master Site Plan will include: internal circulation, signage, building footprints, parking, preliminary water, sewer and drainage analysis, and landscaping for the entire Parcel.

The architectural theme may vary from parcel to parcel; however, guidelines are provided in this narrative to set parameters for architecture, building materials and colors to ensure compatibility among Parcels across the entire site. As a Parcel develops, the Master Site Plan for the undeveloped portions of the Parcel may be updated to reflect needed changes due to change in users or other factors, requiring a Master Site Plan amendment.

A Master Site Plan or a major amendment to a Master Site Plan shall be reviewed by the Planning Commission and approved by the City Council. Minor amendments to a Master Site Plan may be reviewed and approved by staff administratively. Major amendments shall be any changes that increase traffic, increase building square footage, significantly change building orientation or footprints, have an impact on adjacent uses, or include changes that alter the character of the Master Site Plan including changes to approved building architecture or materials. All other changes are considered minor amendments.

Circulation

The PAD Plan is designed to continue the perimeter and internal collector street system approved for the adjacent commerce park to the west. Perimeter street improvements for each Phase are planned to be completed with the construction of the initial Individual Site Plan. Half-street improvements will be completed along Van Buren Street, Roosevelt Street, 103rd Avenue, 105th Avenue and full street improvements along Pierce Street. Pierce Street continues from the commerce park to the west and allows future connection to the parcel to the east. The right-of-way for streets will be dedicated through a map of dedication or final plat in conjunction with the Master Site Plan approval of each phase.

The need for other internal streets will be dependent on the location and layout of end users. If internal streets are necessary the streets will be public, constructed to City of Avondale local street standards, and provided as part of the Master Site Plans.

Both of the PAD Parcels have public street access on all sides which will provide sufficient opportunities to route traffic to and from the site. Entry drive locations and pedestrian connections will be identified in the Master Site Plans.

The half-width perimeter streets and full-width Pierce Street improvements include: pavement, vertical curbs, gutters, detached sidewalks with 15 to 20-foot landscape tracts adjacent to the rights-of-way. The Van Buren Street cross section identifies a raised median to be completed by others. Pierce Street will be a collector street that provides a 60-foot right-of-way with 44 feet of pavement back-of-curb to back-of-curb with attached sidewalk on each side. Perimeter streets and Pierce Street cross sections are shown in Exhibit F. Depending on end users, thicker pavement sections may be necessary for truck traffic. The pavement thickness will be determined at the time of Master Site Plan approval in accordance with the requirements of the City Engineer.

Landscape Plan

The landscaping will enhance the project and set the tone for a unified development. A Master Landscape Plan for each Parcel will be submitted for review and approval in conjunction with each Master Site Plan. A Landscape Concept Plan is provided as Exhibit G and illustrates a tree lined streetscape for the project as well as a proposed plant list. The Plan provides a 20-foot wide landscape area outside the right-of-way along the frontage of Van Buren Street and Roosevelt Street, and provides a 15-foot wide landscape area outside the right-of-way along the frontages of Pierce Street, 103rd Avenue, and 105th Avenue. Any internal streets will also provide a 15-foot wide landscape area outside the right-of-way along the street frontages.

A street tree theme consisting of a combination of Southern Live Oaks and other canopy trees will create a unifying element to the commerce park. The street trees will alternate between a 24-inch box Southern Live Oak and 15-gallon canopy tree every 20 feet along the landscape frontage with two 36-inch box Date Palms at each Phase's perimeter street intersections as well as at any major entries into the commerce park from Roosevelt, Pierce and Van Buren Streets. The street trees will also continue along any internal streets of the project. The trees along with automatic irrigation will be installed along the perimeter streets of each Phase with initial development of the Phase. Any internal street trees will be installed with each individual site.

The maintenance of the perimeter landscape areas will be the responsibility of the developer/owner unless the project is subdivided at which time Covenants, Conditions and Restrictions (CC&Rs) will be established that form a property owners' association that will be responsible for maintenance. CC&Rs will be provided at the time of final plat review.

The parking lot and screen walls for the project will undulate a minimum of three feet every 150 feet of wall length to create variety and depth along street frontages. The design, materials and colors of the screen walls shall be common throughout the project (see Screen Wall, Exhibit I).

Each individual site's landscaping will reinforce the overall landscaping theme of the project. This will be accomplished through full landscaping of front and side yards including retention basins, foundation plantings and following the landscape palette provided in the PAD.

Permitted Uses

1. Offices for professional, administrative, clerical, financial, medical, sales or other business services with assembly, distribution of parts, supplies or products related to the office or business service.

2. Business class/extended-stay hotel.

3. Medical and dental laboratories, and research and product development laboratories.

4. Commercial, trade, or business schools.

5. Automobile engine repair, body repair, upholstery, painting facilities and similar uses where all service bays shall be completely screened from street view including all roll-

up doors. Work is not to be done outdoors and no dismantled vehicles shall be located outside. These uses shall only be located in the north half of Parcel A to provide complimentary uses to the Automall to the north.

6. Manufacturing or assembly of finished products with distribution of parts, supplies or products related to the business so long as the primary use of the property does not include the basic processing and compounding of raw materials or food products.

7. Retail commercial operations directly related to the primary use, provided it does not exceed 10 percent of the gross floor area of the primary use.

8. Retail sales and service of custom cabinets, custom materials for homes or offices such as countertops/floors/ceilings/walls, custom windows or doors, custom or specialized electronics for home or office, custom furniture for home or office, and custom or specialized parts or equipment for vehicles.

9. Warehousing/storage that is ancillary to a permitted use.

Uses Permitted Subject to a Conditional Use Permit

1. New vehicle sales and leasing in Parcels A only.

2. Athletic clubs, health clubs, gymnasiums, gymnastic clubs.

Prohibited Uses

1. Contractors' yards as a primary use.

2. Mini-storage, dead vehicle storage, RV storage, truck parking or storage.

3. Sexually oriented businesses.

4. Bulk warehousing and distribution where the warehousing and distribution of parts, supplies and products is the exclusive use of the building, and it is the principal business.

5. Outdoor storage.

Development Standards

- The development standards from the Commerce Park (CP) Zoning District identified in Section 4 of the Zoning Ordinance shall apply to all Parcels except as modified by this PAD.

- Prior to construction on each Parcel, a Master Site Plan for the Parcel and an Individual Site Plan for a use shall be approved consistent with this PAD.

- Landscaping in the PAD shall comply with the landscaping requirements identified in Sections 5 and 6 of the Zoning Ordinance except as modified by this PAD. All development in the project shall comply with screening standards identified in Sections 5 and 6 of the Zoning Ordinance and exhibits in this PAD.

- All development shall comply with the parking requirements, schedule and parking space standards identified in Section 8 of the Zoning Ordinance.

- Appropriate street dedications shall be required at the time of Master Site Plan or final plat approvals as applicable.

- Driveway entrances to lots along the frontage of Van Buren Street shall be shared with the adjacent lot when possible to limit the number of curb cuts along Van Buren Street. The lots with Van Buren Street frontage shall provide cross-access easements with adjacent lots. Lots throughout the project shall provide shared access with cross-access easements along all streets where feasible. The final locations of driveways and cross-access easements shall be determined in conjunction with the Master Site Plans and Individual Site Plans.

- Exterior pole mounted lighting shall be consistent throughout the project area and comply with Zoning Ordinance requirements. The typical lighting will be established with the first Master Site Plan and be utilized throughout the project. The lighting shall be fully shielded, directed down, and have a maximum 1-foot candle at the property line.

- In the event where the text of the Zoning Ordinance and the PAD differ, the PAD shall prevail.

Design Criteria

The provisions of this section seek to create an attractive, high quality mixture of architectural styles with emphasis on a mixed-use office and commerce park appearance. The design of each building within the overall development will be compatible through the use of common materials and colors while creating a strong individual identity consistent with their individual use and purpose. Representative photos of the intended character of the commerce park are included as Exhibit j.

Individual Site Plan Approval

All Individual Site Plans are reviewed and approved administratively. Administrative denials of site plans may be appealed in accordance with the Zoning Ordinance. All projects shall use the following design review guidelines to ensure the quality of the project and building architecture.

Architecture

Buildings within the PAD shall be consistent with the following architectural elements:

- For all buildings at least three 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 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 PAD. Building design shall complement the surrounding area, with contrast encouraged where appropriate or beneficial to the overall development.

- All buildings shall have clearly defined customer entrances incorporating elements such as:

  - Canopies or porticos.
  - Overhangs.
  - Recesses/projections.
  - Arcades.
  - Raised corniced parapets over the door.
  - Peaked roof forms.
  - Arches.
  - Entrance framed by outdoor pedestrian features or enhanced landscaping.
  - Architectural details such as tile work and moldings integrated into the building structure to frame the entryway.

- 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, constructed so that all four sides of a building shall receive consistent architectural treatment.
- Any accessory buildings, enclosures, carports, covered parking structures 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 internal.

Building Materials

Buildings within the PAD 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 with 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 or other similar materials.

- Roofs may be flat with parapet walls, sloped with concrete tile, standing metal seam, or equivalent architectural materials.

Color Palette

- A detailed color and materials palette will be reviewed and approved with each Individual Site Plan.

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

    - Primary building colors shall be desert hues and other "earth tones" muted shades of blues, greens 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 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 buildings as approved in the Individual Site Plan review process.

Prohibited Materials and Color Palette

- Wood, except for limited amounts of trim.
- Corrugated metal and pre-engineered metal-sided buildings.
- Bright colors such as orange, red, blue, green, yellow, purple and similar colors, as a primary color on a building.
- Spanish or mission-type barrel roof tile.

Signage

Signage for the PAD should be designed to enhance the identity of the overall development and the individual businesses within. A Master Sign Package shall be submitted for review and approval with the Master Site Plan for each Phase.

- Freestanding Monuments:
  - One freestanding monument along each Van Buren Street and Roosevelt Street shall be provided for commerce park identification only. A conceptual entry monument is provided in Exhibit I. The location of the monuments will be determined at the time of Master Site Plan/Master Sign Package approval. Monument signage shall be maintained by the developer/owner or property owners' association if the project is subdivided.
  - Monuments shall not exceed six feet in height and 30 feet in width with a maximum sign area of 25 square feet.
  - Sign materials and colors shall be consistent with the exterior architecture of the buildings. Lettering shall be raised metal.
  - No other freestanding signage shall be allowed in the commerce park.
- Building Signage:
  - Signage shall be systematically located and styled to support the architectural design.
  - Single-tenant building signage:
    - One square foot of signage for each linear foot of street frontage up to a maximum 50 square feet of signage on each street frontage not to exceed a total of 100 square feet of building signage shall be allowed.
    - Sign placement shall occur below the edge of the roof.
    - Lettering shall be reverse pan channel letters with solid consistent color that compliments the building color.
  - Multi-tenant building signage:

- One square foot of signage for each linear foot of the suites street frontage with a maximum of 25 square feet of signage per suite shall be allowed.
- Sign placement shall occur below the edge of the roof.
- Signs will be mounted above each respective suite, placed consistently along the building face, and located on the upper part of the exterior wall within a dedicated sign band.
- Lettering shall be reverse pan channel letters with solid consistent color that compliments the building color.

Grading and Drainage

The PAD site slopes from northeast to southwest. On-site retention basins will be designed and constructed as part of the development of each user as approved in the Individual Site Plans.

Public Utilities and Services

The following identifies the providers of utilities and public services:

Sewer	City of Avondale
Water	City of Avondale
Electricity	Salt River Project (SRP)
Telephone	Qwest Communications
Cable TV	Cox Communications
Gas	Southwest Gas Company
Refuse	City of Avondale or Private
Fire and Emergency	City of Avondale
Police	City of Avondale

Water The site is served water with an existing 16-inch water line in 107th Avenue and extended along Roosevelt Street through the Griffith Commerce Park development to the west. Additional water lines will be constructed to serve individual lots as determined in the Master Site Plans. These water lines will be installed in the perimeter and interior streets. The Van Buren Street water line will be16-inch. The 103rd Avenue water line will be 12-inch. The water lines in the interior streets will be 8-inch.

Sewer The site is served sewer with an existing 15-inch sewer line in Van Buren Street, 107th Avenue and Roosevelt Street. An additional sewer stub is located in Pierce Street and

will be utilized as appropriate. Additional 8-inch sewer lines and stubs will be constructed to serve individual lots as determined in the Master Site Plans. Sewer manholes will be placed every 400-feet and an 8-inch stub will be extended to adjacent properties from the manholes.

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 Plans for the Parcels are complete. Commerce park land uses will generate approximately 1,000 gallons per acre per day. Commercial land uses will generate 3,000 gallons per acre per day. The estimated wastewater flow will be approximately 148,370 gallons per day.

Fire Hydrants The hydrants will be installed at 300-foot intervals on the site's interior and at 1,000-foot intervals on Van Buren Street. Additional fire hydrants and water lines may be required for individual lots depending on the Master Site Plans. Domestic and fire flow requirements can not be calculated without specific Master Site Plans, however it appears that the City's infrastructure can deliver the water required to adequately serve development on the site.

Phasing

The PAD proposes two Parcels. The following adjacent street improvements are required when each Parcel is developed:

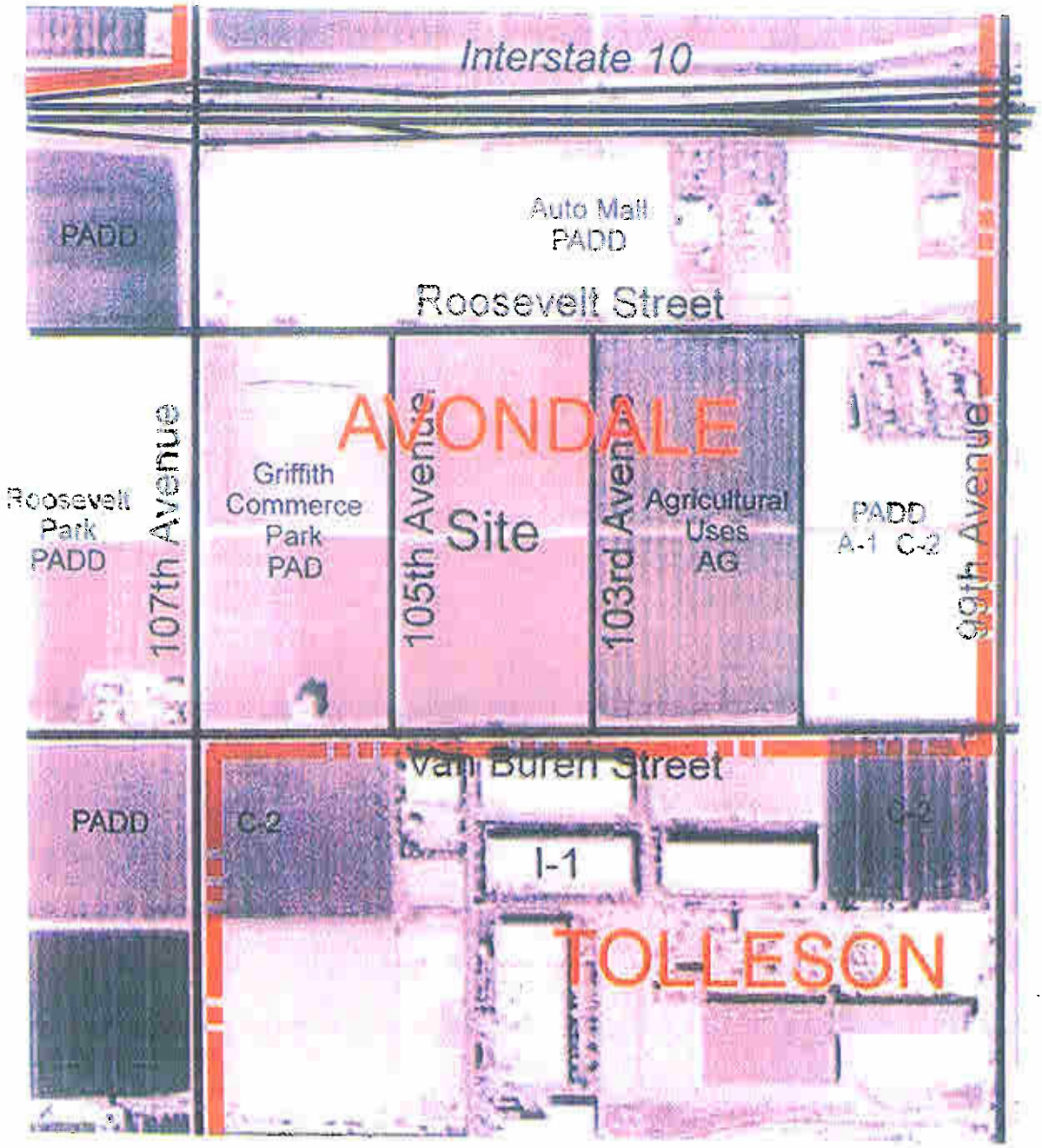
- Development of Parcel A shall include:
  - South half of Roosevelt Street.
  - West half of 103rd Avenue and east half of 105th Avenues between Roosevelt Street and Pierce Street.
  - North half of Pierce Street.

- Development of Parcel B shall include:
  - North half of Van Buren Street.
  - West half of 103rd Avenue and east half of 105th Avenues between Pierce Street and Van Buren Street.
  - South half of Pierce Street.

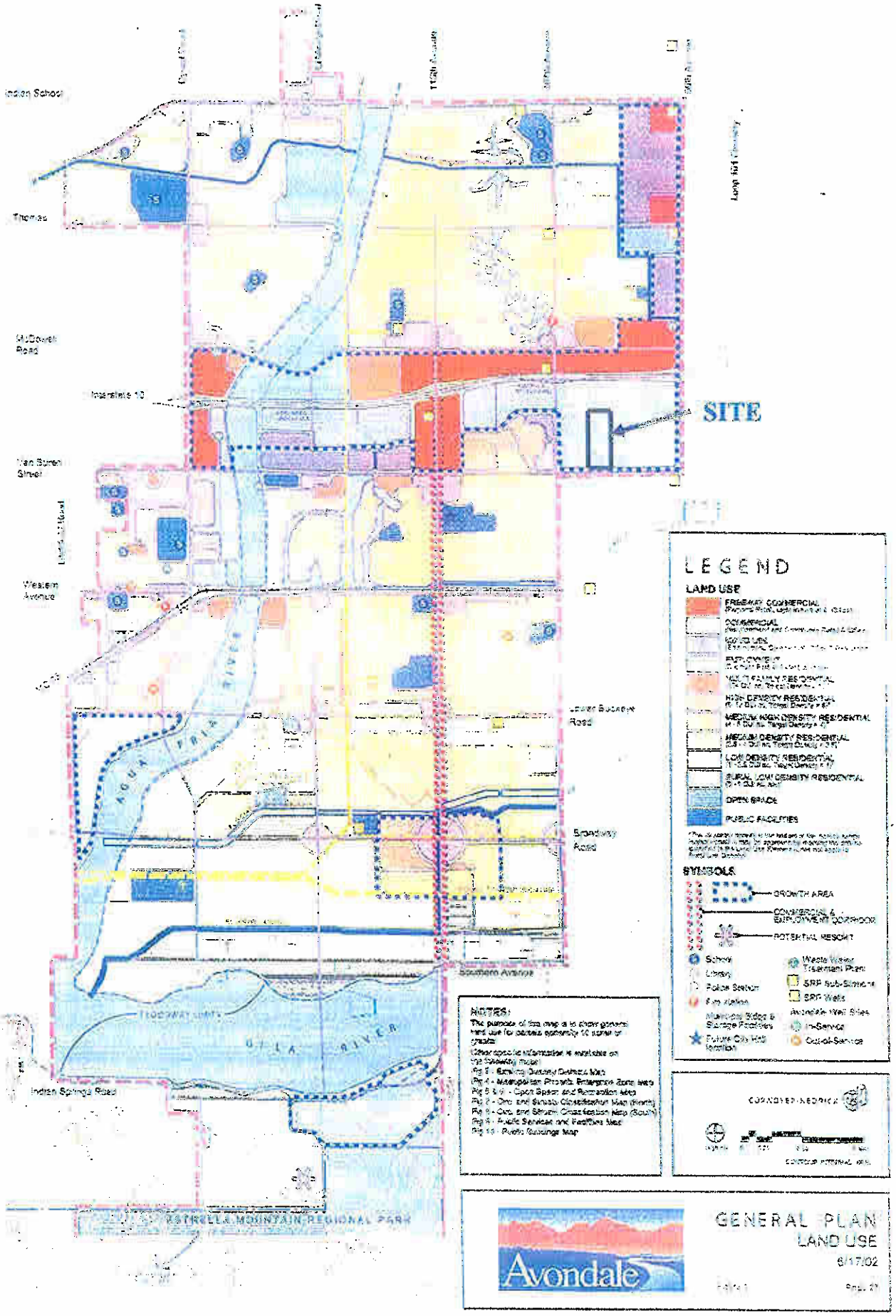
- The project will be master planned in two phases though construction within each phase will be dependent on Individual Site Plans. Once construction begins in a phase, all of the perimeter streets will be installed in conjunction with the construction of the first Individual Site Plan. Internal streets will be indicated on the Master Site Plan of each Phase and the necessary street improvements to adequately serve each Individual Site Plan will be installed in conjunction with the site construction. The chronology of the Phases and Individual Site Plans depends on market conditions. Parcels can be subdivided, however the phasing remains the same. The Parcels can be combined and a Master Site Plan is required for the combined Parcels.

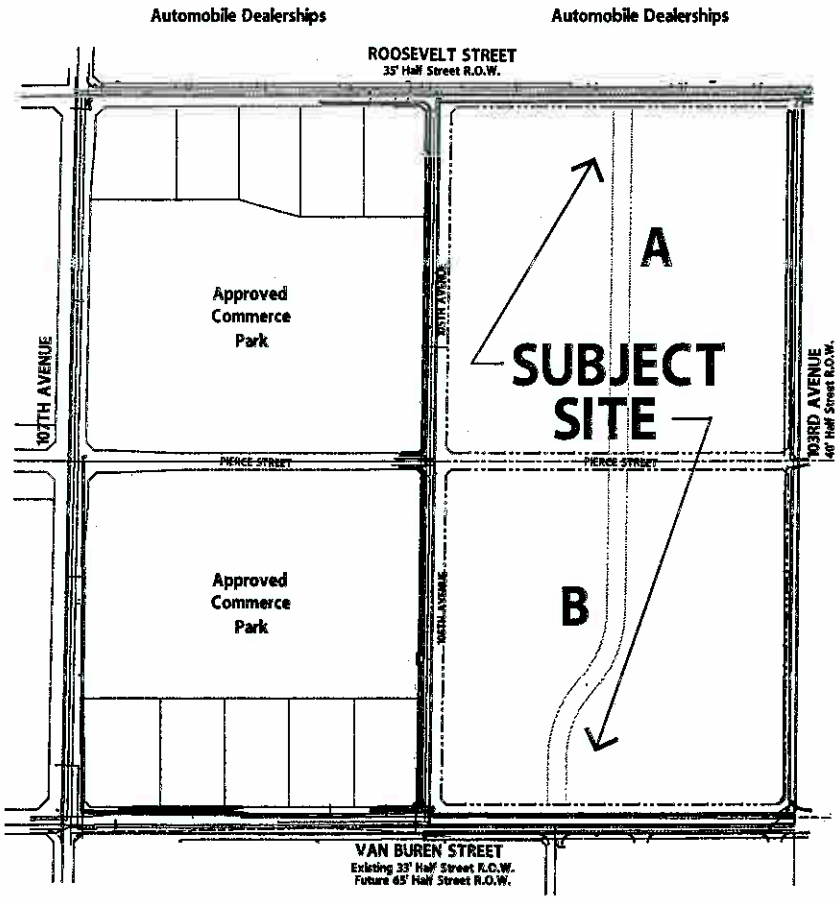
- Prior to administrative approval of an Individual Site Plan, a Master Site Plan must be reviewed by the Planning Commission and approved by City Council for the particular Parcel that the Individual Site Plan is located.

Proposed 80 Acre PAD



Aerial Map


Indian School
Thomas
McDowell Road
Interstate 10
Van Buren Street
Western Avenue
Lower Buckeye Road
Broadway Road
Southern Avenue
Indian Springs Road
AGUA FRIA RIVER
GILA RIVER
FREEWAY/UHPS
SITE
LEGEND
LAND USE
FREEWAY COMMERCIAL
COMMERCIAL
MIXED USE
EMPLOYMENT
VERY LOW 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 Water & 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 approximately 10 acres or greater.
Other specific information is available on the following maps:
Fig 3 - Existing Zoning Districts Map
Fig 4 - Metropolitan Phoenix Enterprise Zone Map
Fig 5 & 6 - Open Space and Recreation Map
Fig 7 - One and Sixteen Classification Map (North)
Fig 8 - One and Sixteen Classification Map (South)
Fig 9 - Public Services and Facilities Map
Fig 10 - Public Buildings Map
CORNERSTONE/NEDRICK
CONTOUR INTERVAL 10 FT.
AZTREELA MOUNTAIN REGIONAL PARK
Avondale
GENERAL PLAN
LAND USE
6/17/02



City of Tolleson
I-1 & C-2 Undeveloped
Unsubdivided

Context Plan

Prepared By:
DFDCornoyerHedrick
2425 E. Camelback Road #400
Phoenix, Az. 85016
(602)381-4848
Contact: Mike Edwards

Date: 12.2.05

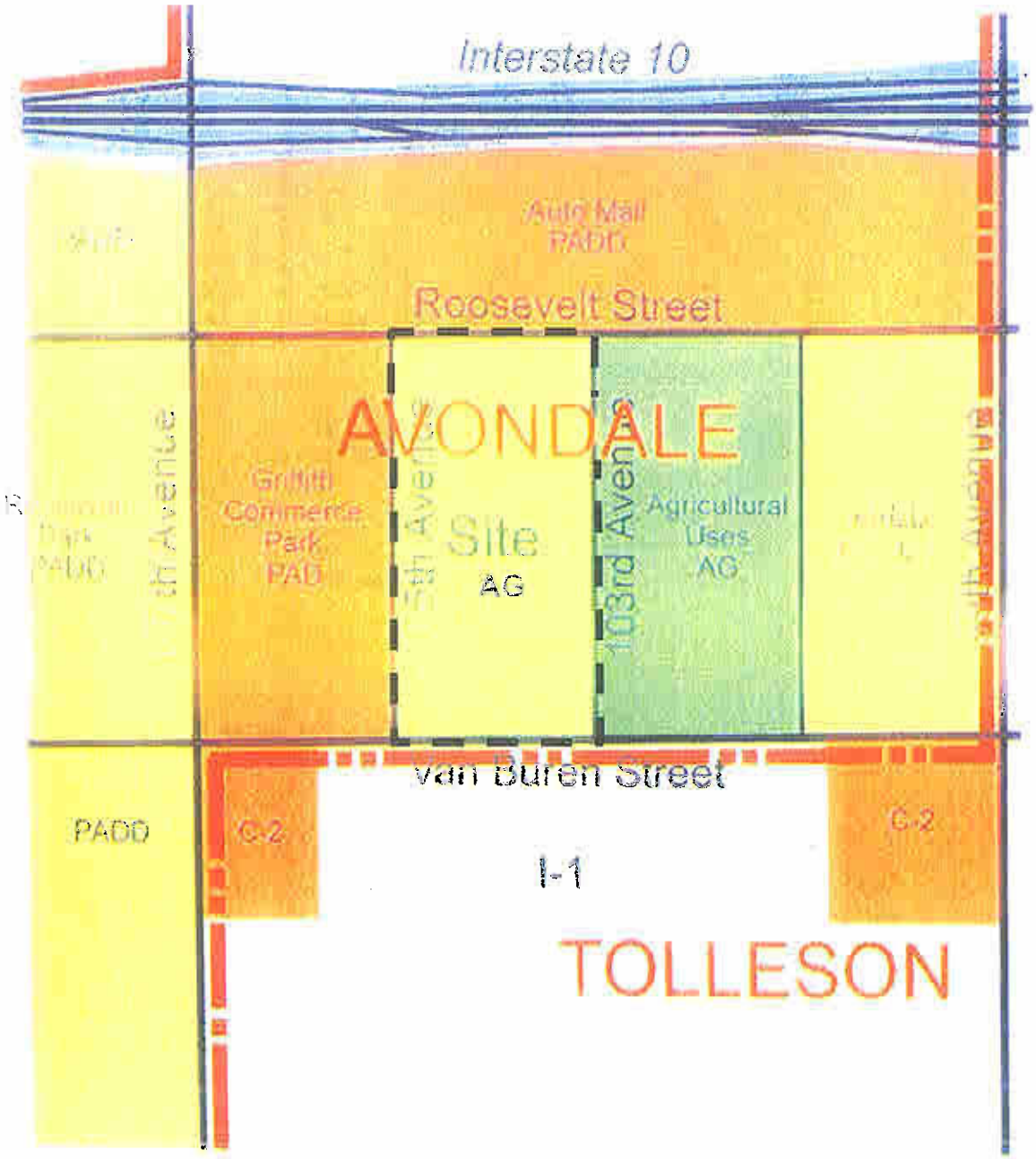
0' 100' 200' 300' 400'

architecture
interior architecture
space planning
facilities management
land planning
landscape architecture
graphic design

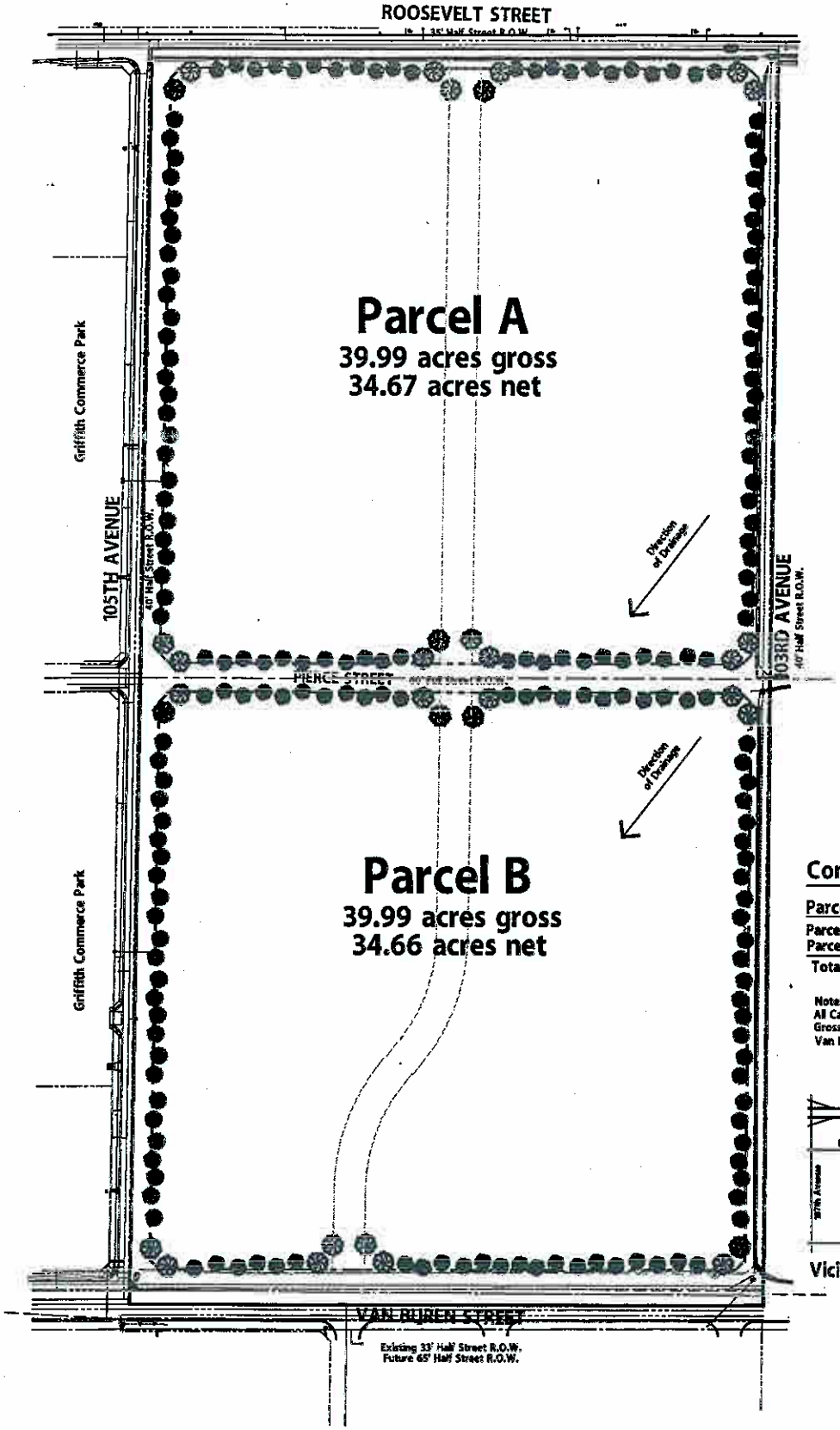
Three Rivers Commerce Park
Avondale, Arizona
05117
11.AUG.05

SHILOH DEVELOPMENT

Proposed 80 Acre PAD



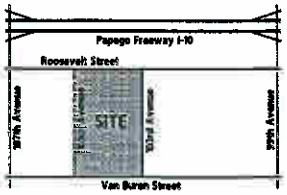
Existing Zoning



Conceptual Plan Data:

Parcel/Phase:	Gross Acres:	Net Acres:
Parcel A	39.99	34.67
Parcel B	39.99	34.66
Totals:	79.98	69.33

Note:
All Calculations are Approximate.
Gross Acres Includes Existing
Van Buren St. 33' R.O.W.



Vicinity Map

Prepared By:
DFDCornoyerHedrick
2425 E. Camelback Road #400
Phoenix, Az. 86016
(602)381-4848
Contact: Mike Edwards

Conceptual PAD Plan

Date: 12.2.05

0' 100' 200' 300' 400'

architecture
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Three Rivers Commerce Park
Avondale, Arizona
05117
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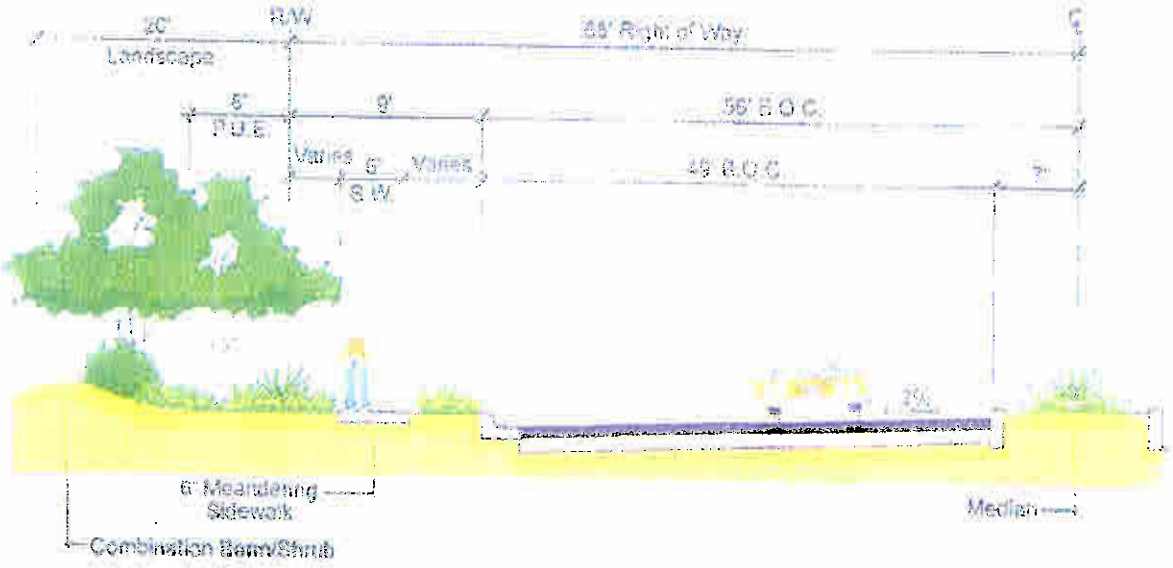
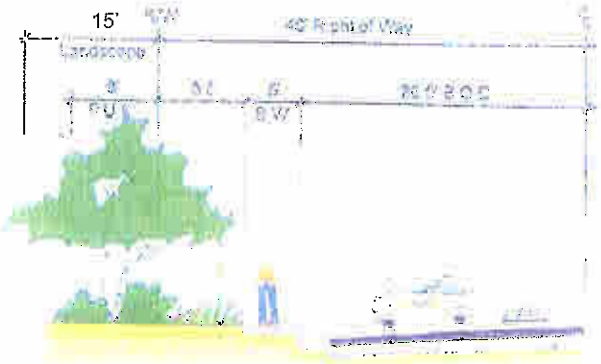
SHILOH DEVELOPMENT



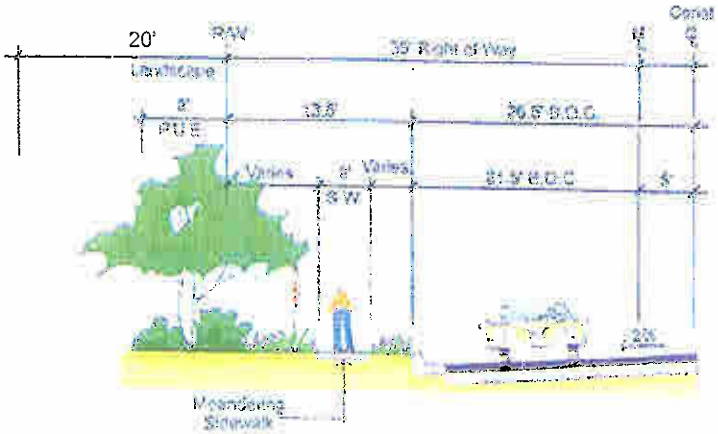
Typical Section: Van Buren Street

Note: Trees to be located outside of the PUE per Engineering Department's request



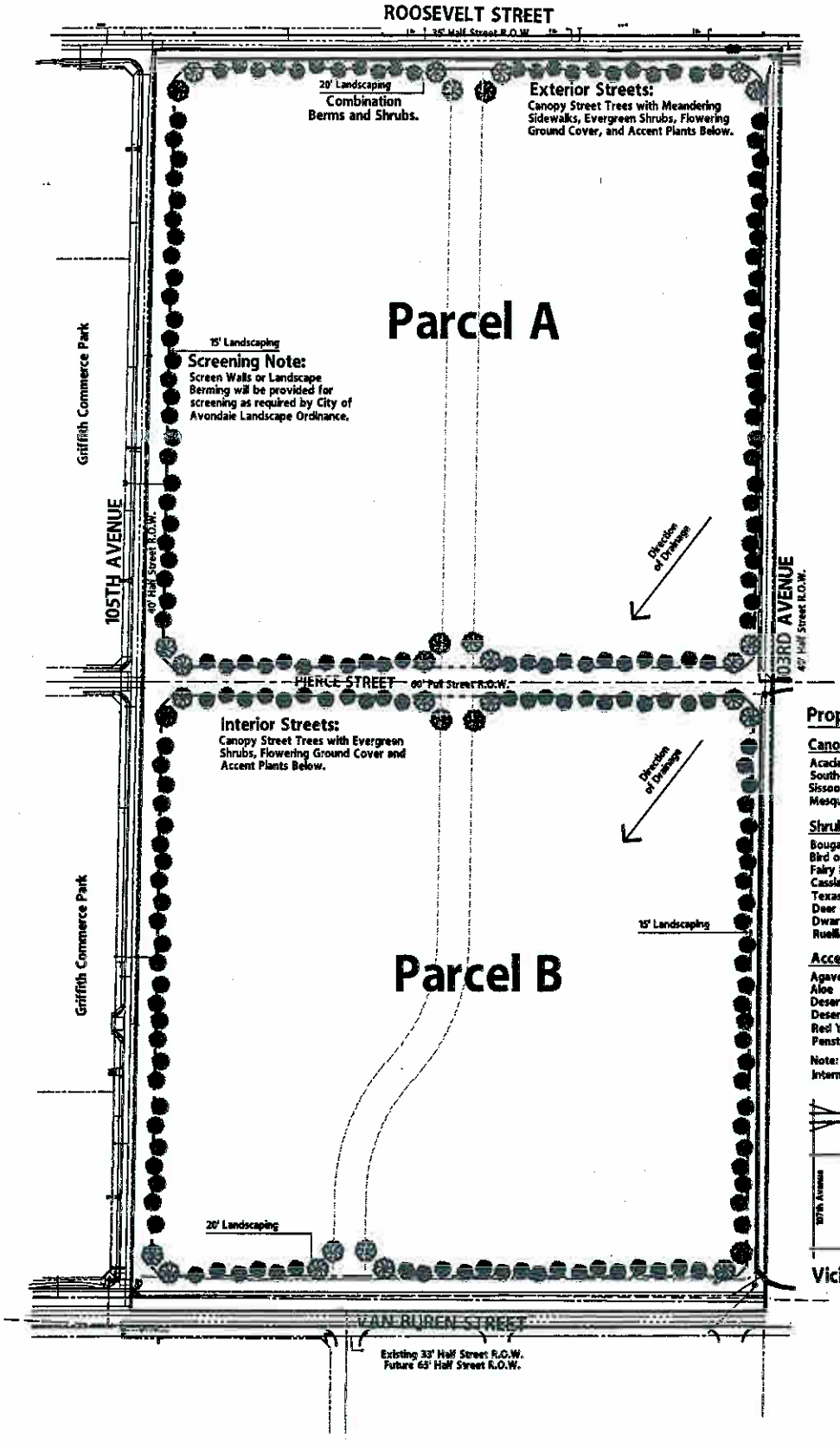
Typical Section: 105th & 103rd Avenues

Typical Section: Pierce Street



Typical Section: Roosevelt Street Looking West

Note: Trees to be located outside of the PUEs per Engineering Department's request



Proposed Plant Materials List:

Canopy Trees:	Palm Trees:
Acacia	Date Palms
Southern Live Oak	
Sissoo Tree	
Mesquite	

Shrubs:	Ground Covers:
Bougainvillea	Trailing Acacia
Bird of Paradise	Dwarf Coyote Bush
Fairy Duster	Ground Morning Glory
Cassia	Trailing Lantana
Texas Ranger	
Deer Grass	
Dwarf Oleander	
Ruellia	

Accents:	Lawn:
Agave	Santa Anna
Aloe	Rye Overseed (winter)
Desert Marigold	
Desert Spoon	
Red Yucca	
Penstemon	

Note: No Lawn to be installed in R.O.W.
Internal streets will have 15' landscape frontage.

Vicinity Map

Prepared By:
DFDCornoyerHedrick
2425 E. Camelback Road #400
Phoenix, Az. 86016
(602)381-4848
Contact: Mike Edwards

Landscape Concept Plan

Date: 12.2.05

0' 100' 200' 300' 400'

architecture
interior architecture
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land planning
landscape architecture
graphic design

Three Rivers Commerce Park
Avondale, Arizona
05117
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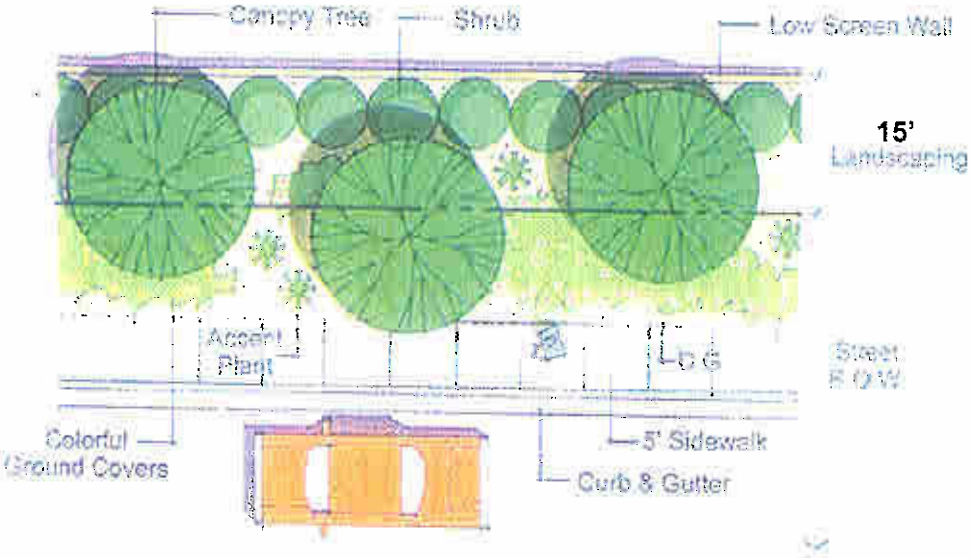
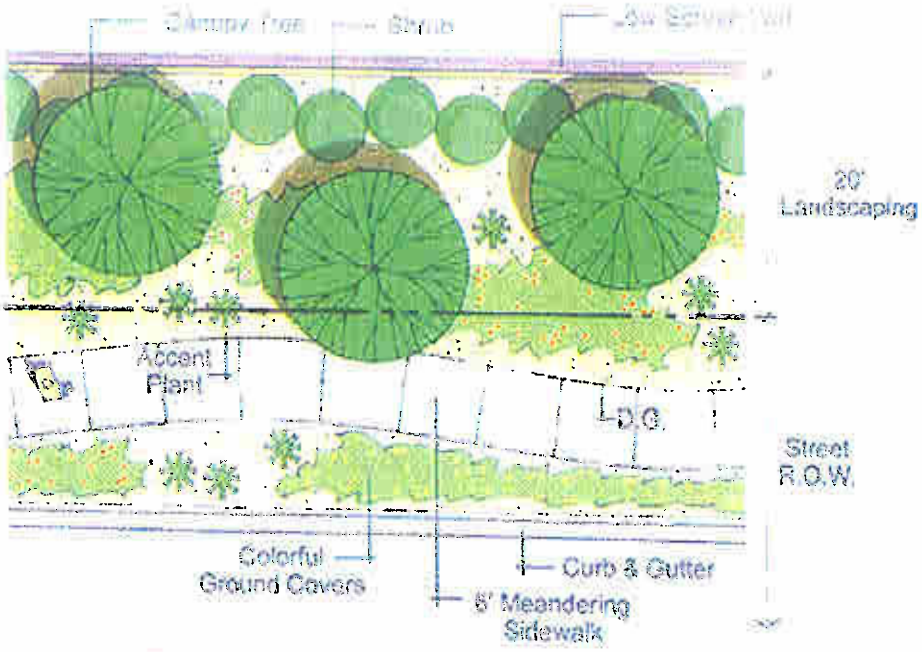
SHILOH DEVELOPMENT



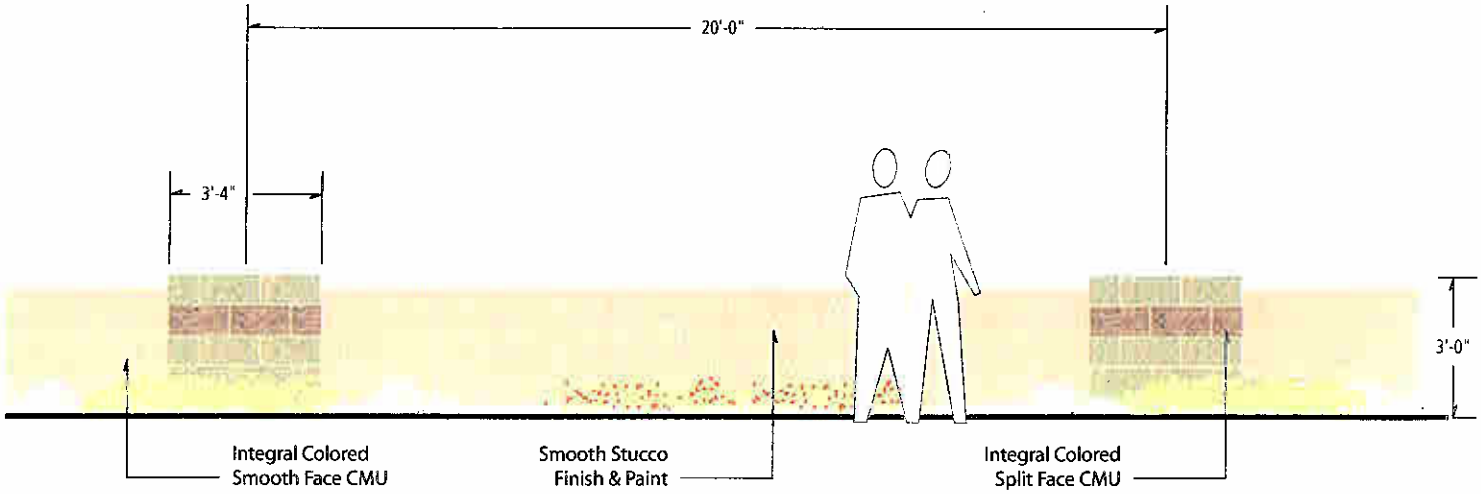
Typical 15' Landscape Tract
105th Ave., 103rd Ave., **Pierce**



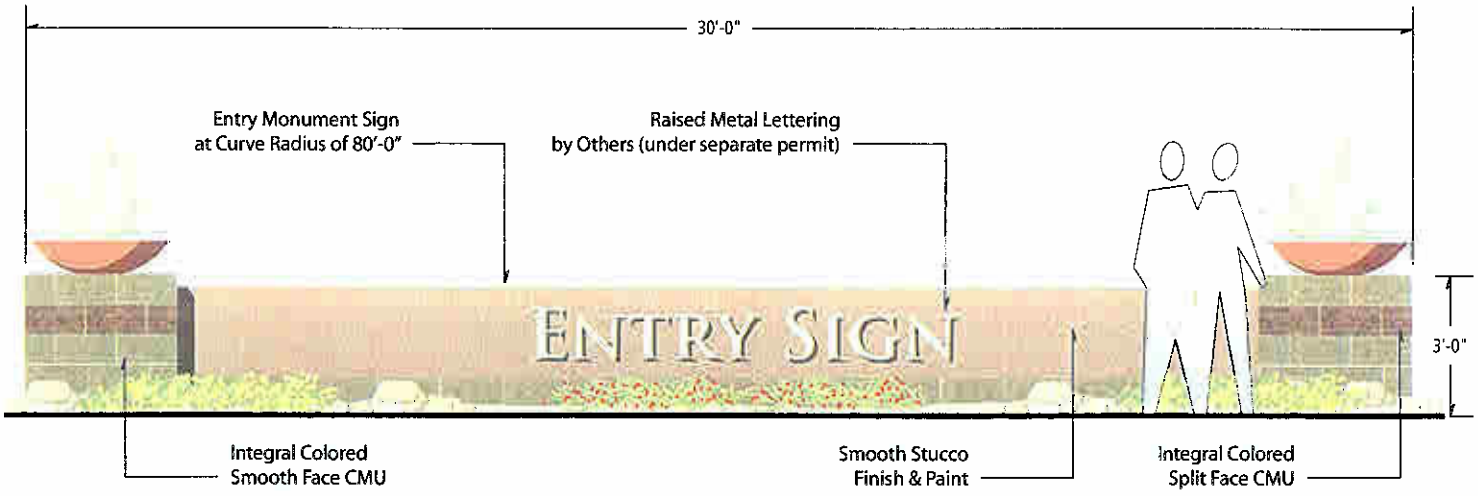
Typical 20' Landscape Tract
Van Buren Street

Roosevelt Street

Note: Trees to be located outside of the PUEs per Engineering Department's request



3' SCREEN WALL



ENTRY MONUMENT WALL

DFD CornoyerHedrick	DESCRIPTION Entry Monument Sign Concept	SCALE 1/4"=1' PROJECT Avondale Office NUMBER TBD DATE 12.4.2005 REVISED	DRAWING NO.	GD 101

© 2005 DFD CornoyerHedrick

Office Suites

Office Suites

Corporate Center

Commerce Park

Commerce Park

Retail Commercial

Hotel

Exhibit E

Excerpt of the Minutes of the regular City Council meeting held January 17, 2006 at 7:00 p.m. in the Council Chambers.

11) PUBLIC HEARING – ORDINANCE – PAD ZONING – THREE RIVERS COMMERCE PARK – A-03-622

A public hearing and consideration of an ordinance rezoning from AG (Agricultural) to PAD (Planned Area Development) 79.98 acres located at the northwest corner of 103rd Avenue and Van Buren Street.

Dean Svoboda, Planning and Building Services Director, explained the city's General Plan shows the subject property and the surrounding area as one of the prime employment areas within the community. He said the project will be developed in two phases, with 40 acre parcels on the north and south separated by Pierce Street. He stated the applicant is proposing to do a separate master plan for each parcel, with the internal streets, landscape theme and basic arrangement determined at that time. He noted the master plan will come before the City Council for approval. He explained the commerce park will permit a variety of different types of office uses, one or more extended stay hotels, medical and dental laboratories, research and development, trade businesses, commercial schools, light manufacturing and assembly of finished products and certain types of custom retail sales and service. He stated some uses will be subject to conditions, including those related to vehicle service, noting such uses would only be permitted if they were part of a master planned auto service center. He said such auto service center could consist of up to 10 acres, would have to be located adjacent to the Roosevelt Street alignment and the service bays would have to be completely screened from the street view. He explained the intent is to capture a need for this type of use in the area, while minimizing adverse affects on the overall character of the area. He said uses permitted under Conditional Use Permits include health and fitness clubs and gymnasiums. He stated new and used vehicle sales or leasing, contractors yards, mini storage, dead vehicle storage, bulk warehousing and distribution and sexually oriented businesses would be prohibited.

Mr. Svoboda said the Planning Commission recommended approval, subject to 15 stipulations on December 15, 2005. He stated, given the added stipulations, staff believes the project meets the intent of the city's General Plan, will optimize the use of the property, result in compatible land use relationships and is consistent with the existing and desired character for the area.

1. Development shall be in conformance with the Three Rivers Commerce Center General Development Plan date stamped December 5, 2005 except as modified by these stipulations.
2. In accordance with Section 607 A of the Zoning Ordinance, development of the first development unit shall commence within two (2) years of the date upon which the PAD zoning is approved.
3. Access to all parcels shall be provided by interior local streets only as determined at the time of master site plan approval. No parcels or individual lots shall be allowed direct access to Roosevelt Street, Van Buren Street, 103rd Avenue, or 105th Avenue.
4. Perimeter walls shall be installed adjacent to all streets. The design of all perimeter walls shall match Exhibit I. All interior screen walls shall match the architecture of the building.
5. All signage shall comply with the City of Avondale Sign Ordinance with the following exceptions:
    a. Entry monuments that identify the commerce park shall be permitted per the General Development Plan and Program and these stipulations.
    b. Each parcel shall have no more than one freestanding sign.
    c. Provisions of Section 909.C.6 concerning freeway commercial corridor signage shall not apply.

Exhibit E

d. Sign fields for all wall signs shall be determined at time of final site plan approval. In addition, the sign cannot exceed 80% of the length or 70% of the height of the sign field.
e. Exposed raceways shall not be permitted.
f. Commerce park identification signs shall be provided at the intersections of all streets and the entrances into the park as determined at time of master site plan approval.

6. Automobile related uses shall only be permitted as part of a master planned automobile center with a maximum size of ten aces adjacent to Roosevelt Street.
7. Vehicle sales and leasing shall be prohibited.
8. A property owner's association shall be formed and funded for the maintenance of perimeter walls, landscaping, common open space areas, and center monument signage. A property owner's association will be formed with covenants, conditions and restrictions (CC&Rs) outlining responsibilities for maintenance of common tracts and regulations for consistency and maintenance of the project, including but not limited to landscaping, screen walls and individual signage.
9. The landscaping for 103rd Avenue shall include the street tree theme.
10. Pedestrian refuge areas with a minimum of 100 square feet shall be provided for each individual lot. Each pedestrian refuge area shall include seating, landscaping and shade.
11. The developer shall provide a traffic study at the time of master site plan approval. The study shall include analysis for future traffic signals.
12. The developer shall be responsible for their proportionate share of the cost of the design and construction of any traffic signals as determined at the time of master site plan approval.
13. Street improvements shall be required as follows as determined by the City Engineer:

Street	**Right-of-way Required**	**Street Improvements**
Van Buren Street	65' half street	3.5 travel lanes, bike lane, curb and gutter, detached sidewalks, street lights and landscaping.
103rd Avenue	40' half street	1.5 travel lanes, curb and gutter, attached sidewalks, street lights and landscaping
Roosevelt Street	35' half street	1.5 travel lanes, curb and gutter, detached sidewalks, street lights and landscaping.
105th Avenue	40' half street	1.5 travel lanes, bike lane, curb and gutter, attached sidewalks, street lights and landscaping
Pierce Street	80' full street	2 travel lanes, median, curb and gutter, attached sidewalks, street lights and landscaping
Internal Local Streets	60' full street	1 travel lane, curb and gutter, detached sidewalks, street lights and landscaping.

14. Street improvements adjacent to Parcel A shall include the full length of the south half of Roosevelt Street, the full length of the east half of 105th Avenue, the full length of the west half of 103rd Avenue and the full width of Pierce Street. The improvements for all street segments adjacent to Parcel A shall include pavement, curb and gutter and streetlights. Landscaping and sidewalks shall be installed as determined at time of master site plan approval.
15. Street improvements adjacent to Parcel B shall include the full length of the north half of Van Buren Street, the full length of the east half of 105th Avenue, the full length of the west half of 103rd Avenue and the full width of Pierce Street. The improvements for all street segments adjacent to Parcel B shall include pavement, curb and gutter and streetlights. Landscaping and sidewalks shall be installed as determined at time of master site plan approval.

Exhibit E

He stated that staff subsequently reviewed the wording of stipulations five and eight and believes that they should be revised for clarification as follows:

5. All signage shall comply with the City of Avondale Sign Ordinance with the following exceptions:

a. Entry monuments that identify the commerce park shall be permitted per the General Development Plan and Program and these stipulations.

b. Each parcel shall have no more than one freestanding sign. THE LOCATION OF THE SIGN SHALL BE LIMITED TO THE INTERIOR STREET.

c. THE provisions of Section 909.C.6 concerning a FREEWAY PYLON SIGN ~~freeway commercial corridor signage~~ shall not apply.

d. Sign fields for all wall signs shall be determined at time of final site plan approval. In addition, the sign cannot exceed 80% of the length or 70% of the height of the sign field.

e. Exposed raceways shall not be permitted.

f. Commerce park identification signs shall be provided at the intersections of all streets and the entrances into the park as determined at time of master site plan approval.

8. PRIOR TO DIVISION OF THE PROPERTY, a property owner's association shall be formed and funded for the maintenance of perimeter walls, landscaping, common open space areas, and center monument signage. A property owner's association will be formed with covenants, conditions and restrictions (CC&Rs) outlining responsibilities for maintenance of common tracts and regulations for consistency and maintenance of the project, including but not limited to landscaping, screen walls and individual signage.

Council Member Lynch said she often hears from residents that Avondale has a shortage of automobile leasing businesses, expressing her opinion the subject site represents an ideal location for such a business. She asked why staff is recommending that all automobile leasing be prohibited. Mr. Svoboda said a similar question was asked at the Planning Commission hearing. He explained one of the intents of the employment district is to generate jobs for the community and one of the concerns in working with the applicant was that storing vehicles for lease would take up a great deal of ground area without contributing many jobs to the community. He stated this is one of the few prime employment areas of the city, whereas there are a wide range of other locations where auto leasing might be appropriate. Council Member Lynch asked if they could stipulate that only a certain number of vehicles be stored on site. Mr. Svoboda said it is within Council's discretion to do so if it believes such a land use is warranted at the subject location. He expressed his opinion, however, there are other industrial areas of the city where the cars could be stored at the same location as the rental office. He said other nearby commercial opportunities for auto leasing offices will also be coming forward in the near future.

Council Member Lynch asked if Cox has been identified as the provider for cable, explaining she is concerned about lawsuits that are beginning to come forward over agreements between developers and particular vendors. Andy Moore, applicant's representative, said Cox is generally the provider, but to his knowledge the applicant is not locked into any kind of deal with Cox. Council Member Lynch asked if a small vendor could come in and submit a bid to be the provider. Mr. Moore said, to his knowledge, yes.

Exhibit E

Mayor Lopez-Rogers opened the meeting up for public comment on this item. As no comments were made, she closed the public hearing.

Andrew McGuire, City Attorney, read Ordinance 1165-106, by title only.

Council Member Lynch said the area will be quite large and, other than a Wendy's restaurant and the truck stop, no restaurants are provided. She expressed her opinion the area would be ideal for a moderately sized coffee shop and larger lunch room that could be used by employees from all of the businesses in the area. Mr. Svoboda said they discussed the issue of restaurants at great length with the applicant. He noted in the near future staff will bring some requests forward to Council for a mix of ancillary service type uses. He said in this case, however, staff felt it was paramount to focus on employment generation given the limited amount of prime employment space. He pointed out all of the parcels along Roosevelt and along Van Buren are currently zoned C-2 and can accommodate restaurant uses as can the commercial corner in the Interstate Commerce Center and a large portion of the Roosevelt Park development. Council Member Lynch said, while she understands staff's rationale, she would prefer not to force employees to drive elsewhere to eat. Mr. Svoboda explained the city also wants to avoid the b-grade commercial that can often develop when retail space is provided in areas intended for employment uses.

Council Member Lynch moved to approve the ordinance. Council Member Vice Mayor Wolf seconded the motion.

ROLL CALL VOTE AS FOLLOWS:

Council Member Earp	Aye
Council Member Scott	Aye
Council Member Buster	Aye
Mayor Lopez Rogers	Aye
Vice Mayor Wolf	Aye
Council Member Lynch	Aye

Motion carried unanimously.

Exhibit F

ORDINANCE NO. 1339-1208

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AMENDING THE GENERAL DEVELOPMENT PLAN AND PROGRAM AND STIPULATIONS OF ZONING APPROVAL IN ORDINANCE 1165-106 FOR THE THREE RIVERS COMMERCE PARK PAD FOR APPROXIMATELY 80 ACRES LOCATED AT THE SOUTHEAST CORNER OF ROOSEVELT STREET AND 105TH AVENUE AS SHOWN IN FILENAME Z-07-13.

WHEREAS, on January 17, 2006, the Council of the City of Avondale (the "City Council") approved the Three Rivers Commerce Park PAD rezoning for approximately 80 acres of real property located at the southeast corner of 105th Avenue and Roosevelt Street (the "Subject Property").; and

WHEREAS, the City Council desires to amend the Roosevelt Park PAD Development Plan and Program, specifically pertaining to the northernmost 40 acres of the Subject Property as more particularly described and depicted in Exhibit A, attached hereto and incorporated herein by reference, to (i) increase the maximum allowable building height from two to six stories, (ii) revise the permitted uses to allow restricted accessory outdoor storage and support retail uses, and (iii) amend related stipulations.; 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, November 20, 2008, on this Ordinance pursuant to such notices and as required by ARIZ. REV. STAT. § 9-462.04; and

WHEREAS, the Commission recommended to the City Council that this Ordinance be approved; and

WHEREAS, the City Council held a public hearing regarding this Ordinance on Monday, December 8, 2008.

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

SECTION 1. That the Three Rivers Planned Area Development (PAD) is hereby amended, as shown in File Z-07-13, subject to the following conditions:

1. Development of the subject property shall conform to the Three Rivers North PAD Amendment Narrative and Conceptual Building Elevations date stamped November 13, 2008, except as modified by these stipulations.

2. The stipulations of approval for the Three Rivers Planned Area Development, Ordinance 1165-106, shall remain in full force and effect on the subject property, except as follows:

   a. Stipulation #3 of Ordinance 1165-106 shall be revised to read, "Access to all parcels shall be determined at the time of Master Site Plan approval with only limited direct access allowed on Roosevelt Street, Van Buren Street, 103rd Avenue or 105th Avenue, subject to receiving City approval and meeting engineering requirements."

   b. Stipulation #4 of Ordinance 1165-106 shall be deleted in its entirety.

   c. Stipulation #10 of Ordinance 1165-106 shall be deleted in its entirety.

3. Development of the southern 40 acres of the original Three Rivers PAD is not subject to this amendment. Development on that parcel shall conform to Ordinance 1165-106.

4. Office development on the southern 20 acres of the Three Rivers north parcel shall meet standards for "Class A" office construction as understood in the Phoenix Metropolitan Region.

5. Outdoor storage areas shall be interior oriented and may not face onto perimeter streets or primary drive aisles. Storage enclosure walls on the ends of the building shall be raised and designed to be consistent with and look similar to side building walls to maximize screening at the end locations.

6. Development on the site shall be completed in accordance with the City of Avondale General Engineering Requirements Manual and City of Avondale Supplement to MAG Uniform Standard Specifications and Details.

7. Additional requirements for improvements, traffic signals, and right-of-way for deceleration lanes, turn lanes, and transit stops, may be required during the site plan review process as determined by the City Engineer.

8. Staff may consider additional phasing of offsite infrastructure based on economic viability considerations provided by the developer subject to input and approval from the City Engineer.

9. Development of the first development unit shall commence within one (1) year of the date of approval. The City Council may extend the validity of the PAD after one year if sufficient progress is made in the Planning and development process.

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, December 8, 2008.

Marie Lopez Rogers, Mayor

ATTEST:

Carmen Martinez, City Clerk

APPROVED AS TO FORM:

Andrew J. McGuire, City Attorney

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Exhibit G

The Three Rivers North PAD Amendment Narrative

Introduction

The Three Rivers PAD site is being developed as a commerce park for employment uses with a campus feel that incorporates a common landscape, entry feature, and screen wall theme. The site is divided into two Parcels: the south half owned by Maricopa County and planned for the County's west courts facility and the north half remaining in private ownership and now planned for a broader mix of commerce park/employment uses. This PAD amendment on the 40 acre North Parcel is being requested to expand the mix of uses allowed with additional employment-related and limited retail uses and to provide additional flexibility in development standards to maximize the site's potential for implementing community goals for the Freeway Corridor.

The North Parcel will continue to feature buildings sharing a common architectural theme. The architectural theme may vary from parcel to parcel; however, guidelines are provided in this narrative to set parameters for architecture, building materials and colors to ensure compatibility in development on the entire site. To ensure that the project is developed appropriately, a "Master Site Plan" for each Parcel is required to be reviewed by the Planning Commission and approved by City Council prior to administrative review and approval of "Individual Site Plans" for buildings or uses. The "Master Site Plans" will determine the architectural theme, locations of buildings, parking, circulation, and landscaping for the entire Parcel.

In accordance with Section 603 of the PAD District, this is a General Development Plan and Program (GDPP). The GDPP identifies the general development theme for the site including: permitted land uses, development standards, design criteria, street cross sections, landscape theme, screen wall theme, and entry monument signage. To better communicate the overall now more specific planning direction for the North Parcel and the proposed expanded mix of uses, a Conceptual Master Site Plan is being included with this PAD amendment submittal.

The overall Three Rivers PAD site fronts along Van Buren Street on the south and Roosevelt Street on the north, between 103rd and 105th Avenues. The site is located across Van Buren Street from the Tolleson city limits. The site is located in the middle of a rapidly developing employment / commercial area within the Cities of Avondale and Tolleson. The surrounding properties have the following land uses and zoning (see Existing Zoning, Exhibit B):

North: Developing automall with 14 dealerships complete or nearly complete. The automall has full perimeter improvements. The automall is zoned PAD (Planned Area Development) in Avondale.

East: Across 103rd Avenue, vacant undeveloped land zoned PAD for Commerce Park employment-related uses in Avondale.

South: Warehousing/distribution employment uses. The warehousing/ distribution uses are zoned I-1 (light industrial) and the agricultural uses in the area are zoned I-1 and C-2 (commercial) all in Tolleson.

West: PAD zoning for Commerce Park and Retail uses on the adjacent 80-acre parcel across 105th Avenue (see Context Plan, Exhibit C). The commerce park currently contains the Universal Technical Institute and Coyote Honda motorcycle dealership.

The site enjoys excellent regional access due to its geographic location to two freeways, Interstate-10 (I-10) and the Agua Fria Freeway 101. The site is approximately 900-feet south of the I-10 Freeway that connects Phoenix to Los Angeles. There are two I-10 freeway interchanges within one mile of the site. A full I-10 Freeway diamond interchange is at 99th Avenue, and a half diamond I-10 Freeway interchange at 107th Avenue. The Agua Fria Freeway 101 is approximately one and one-half miles east of the site and has a full stack interchange with I-10. The Agua Fria Freeway 101 connects I-10 to Interstate-17 by passing through the northern suburbs of Glendale and Phoenix. The proximity of both I-10 and the Agua Fria Freeway 101 greatly expands the site's employment shed and market area in terms of available labor supply, access to major markets, and business linkages.

Arterial and collector streets such as Van Buren Street, 105th Avenue, 103rd Avenue, and Roosevelt Street provide easy local north-south and east-west access to the site. Van Buren Street will be a six lane arterial when fully developed. Roosevelt Street will be a two-lane collector street between the existing automall and the site. Both 103rd and 105th Avenues will be two lane collector streets between Van Buren and Roosevelt Streets only. Public streets adjacent to the PAD site provide excellent access and marketing windows with high visibility to the planned employment users.

Request

This is a request to amend the PAD land use and development standards for the 40 acre Three Rivers North Parcel only, which is bounded on the north by Roosevelt Street, on the south by Pierce Street, on the east by 103rd Avenue, and on the west by 105th Avenue (see Aerial Map, Exhibit A). The amendment is intended to provide the flexibility in both uses and development standards necessary to implement the proposed Conceptual Master Site Plan on the 40 acre North Parcel now that the 40 acre South Parcel has been acquired by the County for a courts facility. With this use established on the South Parcel, the development on the North Parcel is planned to become a more compact employment-oriented complex with an expanded mix of uses

to meet both market demand and Freeway Corridor goals, including the express intent to utilize the full potential of development sites within the corridor.

The PAD amendment would allow development on the North Parcel to take advantage of the Freeway Corridor Specific Plan amendment allowing increased height based upon satisfaction of specified criteria. The criteria are included within the amended PAD to provide the option of meeting any of the required four (4) criteria. Throughout the narrative, potential criteria that could be selected for use on a particular development parcel with buildings identified for greater height are also discussed. The amendment would also take advantage of the recent Zoning Ordinance amendment adding flexibility in Employment District uses, including the inclusion of support retail services and other permitted retail uses. The PAD amendment proposes implementing the increased height option now allowed under the Freeway Corridor Specific Plan, providing a limited amount of highly restricted outdoor storage as an accessory use on one development parcel within the PAD, and bringing the North Parcel into compliance with Avondale's current design guidelines adopted after the original PAD approval. No amendment is being requested for the 40 acre South Parcel.

The North Parcel is in an area identified for increased heights according to the Freeway Corridor Specific Plan. Taller buildings within this parcel will have freeway visibility because of the low-scale automobile dealerships north of Roosevelt. The added height and freeway visibility is intended to attract corporate users and other high quality office tenants, as well as a hotel user. In addition to identifying an area within the PAD for limited accessory outdoor storage use, the Conceptual Master Site Plan also depicts a complex of four (4) larger office buildings that could integrate some limited ground floor retail uses with three (3) floors of office above. One parcel has also been identified for a potential hotel use, which may require additional height as well. The amendment identifies several potential criteria that could be met to achieve greater height for the larger office building complex and potentially for the hotel. Added height for both of these proposed uses is consistent with the Freeway Corridor Specific Plan which identifies the Corridor area as an appropriate location for the City's most intense scale of development and as a high profile location for employment and other economic activities.

This PAD amendment proposes the addition of restricted outdoor storage in association with the primary use of industrial/office flex facilities. The complex of industrial/office flex uses with restricted outdoor storage as an accessory use is intended to provide a transitional land use buffer between the intensity of the auto dealership to the north and the larger scale class a offices proposed on the remaining approximately 20 acres south of this complex. Strict standards have been incorporated into this PAD to clearly define the restrictions on the accessory outdoor storage use. Both the Conceptual Master Site Plan and conceptual elevations for the industrial/office flex facilities are being submitted with this PAD amendment request to better convey the intent and character of the proposed restricted outdoor storage accessory use.

The flex buildings feature an upscale design that will reinforce the high-end image intended for commerce park development in this area. The buildings are proposed to include a small attached accessory outdoor storage area designed as part of the primary building. As the Conceptual Master Site Plan shows, the outdoor storage areas are oriented interior to the storage area and do not face onto perimeter streets. This site plan configuration is consistent with the Freeway Corridor Specific Plan intent to allow "only limited outdoor storage areas not visible to the freeway traveler." The outdoor storage areas are limited to 25% of the overall building area footprint and will be enclosed by concrete and/or masonry block walls with exterior finishes matching the primary building. The storage enclosure walls on the ends of the building will be raised and designed to be consistent with and look similar to side building walls to maximize screening at the end locations. The storage area gate will be solid, and no storage materials will exceed the height of the lowest adjacent screen wall.

The materials that could be stored in these limited outdoor areas include plumbing equipment or building materials, stone pavers, brick and similar items that could be stored on palettes lower than wall height. Vehicles or any large equipment that would extend over the height of the walls would not be allowed to be stored in these areas. This type of very restricted, internally-oriented, screened, integrally designed accessory outdoor storage is not the same type of primary outdoor storage use with chain link, open fencing and/or razor wire. The latter more intensive type of storage as a primary use, which is used to store large equipment, RV's, junk vehicles or other unsightly items, is typically associated with heavy industrial areas and would not be permitted as part of the PAD. This more intensive outdoor storage primary use would not be appropriate in a commerce park setting and therefore would continue to be prohibited in the Three Rivers PAD.

The proposed industrial/office/flex buildings, which include a small accessory outdoor storage area, by contrast, are appropriate commerce park uses and have been configured and designed to be aesthetically compatible with the surrounding hotel and office uses within the remainder of the Three Rivers PAD. These facilities are intended to serve small businesses such as general contractors, home construction companies, kitchen and bath specialties, window coverings, golf equipment outfitters, martial arts schools, plumbing suppliers, commercial and residential pool companies, stone and tile distributors. All of these small business/employment uses are necessary to serve community needs and are appropriate in a commerce park setting.

The proposed amendment of the PAD permitted use list to include the restricted outdoor storage as an accessory use is needed to accommodate small businesses who also provide employment opportunities important to the job mix in any community. The successful commerce park developments in the valley, including the Scottsdale Airpark and Deer Valley Airpark, all combine a mix of small business facilities with similarly restricted outdoor storage like the ones proposed, large office complexes and showroom/warehouse uses. Only limited accessory outdoor storage that is well-screened and aesthetically compatible, similar to what is being proposed under this amendment, is permitted in these high-quality commerce park areas.

General Plan

The General Plan land use map identifies the entire site to be developed with Employment (Business Park and Industrial Uses) (see General Plan Land Use Map, Exhibit D). The General Plan places great importance on the I-10 Freeway Corridor for employment, industrial and retail uses. The Plan indicates that the corridor along the I-10 Freeway is to be developed with more intense uses. The corridor is intended to allow flexibility by allowing different types of employment uses. Employment uses are defined as general-office; enclosed industrial along with retail and commercial uses that support the employment uses.

The Economic Development Element of the General Plan iterates that residents desire a community that offers employment opportunities. The City targeted a 0.5 jobs-to-population ratio to be achieved during the implementation of the General Plan. The PAD zoning on the subject property within the I-10 Freeway corridor could ultimately yield up to approximately 3,500 office, light manufacturing and service related jobs (80 acres x 43,560 sq. ft. x 0.40 lot coverage x 2.50 employees ÷ 1,000 sq. ft. per employee = 3,485). This PAD will help achieve the desired 0.5 jobs-to-population ratio identified in the General Plan, and will provide the intense employment development desired along the I-10 Freeway corridor. The PAD is consistent with the adopted General Plan Land Use Map, and adjacent existing land uses including the automall, UTI, Coyote Honda, and Warehouse/Distribution facilities.

The proposed PAD amendment advances these General Plan goals as well as the objectives of the Freeway Corridor Specific Plan to "assure the highest and best use of freeway corridor sites," "encourage the full spectrum of regional and community services, [and] employment opportunities," and to establish a distinctive architectural image in the Corridor.

PAD Plan

Again, the 79.98 gross acre PAD Plan includes two Parcels. The North and South Parcels are approximately 40 acres in area. The Parcels have street frontage on all sides. All perimeter landscaping, entrances, and screen walls will follow a common design theme to create an integrated project. The South Parcel, adjacent to Van Buren Street, is currently in the design phase by Maricopa County and will be developed as the County's west courts facility. The North Parcel, located between Pierce and Roosevelt streets, is being planned in conjunction with a 25-acre parcel located to the west at the northwest corner of 105th Avenue and Pierce Street within the Griffith PAD. These combined parcels can accommodate large to medium single tenant or multi-tenant buildings (see PAD Plan, Exhibit E). The North Parcel is planned to provide a mix of land uses which may, in addition to office, include limited supporting retail, hotel, and employment-related uses.

The Conceptual Master Site Plan proposed for the 40-acre North Parcel has been designed with an approximately 2.16 acre parcel reserved on the southeast corner of 105th Avenue and Roosevelt Street for a potential hotel use. The office retail four (4) story buildings are located south of this hotel site along 105th Avenue and industrial/office flex buildings with restricted outdoor storage as an accessory use are east of the hotel site, and immediately south of the auto dealership across the street.

The PAD Conceptual Master Site Plan for the North Parcel shows major streets and perimeter landscape improvements, together with general building locations, architecture, parking fields, internal street circulation and other defining details. Perimeter walls are provided for parking screening purposes adjacent to public streets, but will not be used around buildings adjacent to the streets.

To ensure some flexibility for the future users, but to also provide assurances on the quality of the development for the City, this PAD requires that a "Master Site Plan" for each Parcel be reviewed by the Planning Commission and approved by the City Council prior to the administrative review and approval of "Individual Site Plans" for buildings or uses within a Parcel. The Master Site Plan will include: internal circulation, signage, building footprints, parking, preliminary water, sewer and drainage analysis, and landscaping for the entire Parcel.

The parking for the project will be designed to mitigate the visual impact of the parking fields on the environment through the use of appropriately located and well-designed screen walls in conjunction with enhanced landscaping and potentially garages either structured or underground. It is intended that mitigation of the visual impact of the project's parking could be designed to meet one of the criteria for additional height.
The architectural theme will be consistent throughout the project with individual variations based on use and building types; however, guidelines are provided in this narrative to set parameters for architecture, building materials and colors to ensure compatibility among Parcels across the entire site. As a Parcel develops, the Master Site Plan for the undeveloped portions of the Parcel may be updated to reflect needed changes due to change in users or other factors, requiring a Master Site Plan amendment.

Public art shall be provided in compliance with the newly adopted Section 11 of the zoning ordinance and could also be incorporated within specified development parcels within the North Parcel as another way to satisfy the criteria for increased height. Whenever feasible, the public art would be installed on the development site in a location that allows the public art to be visible to the public from a public right-of-way or from other public property at all times. In the event that this is not feasible, the developer may request approval from the City to place the public art on the development site in a location to which the public has free and unrestricted access. The artwork would be appropriate for the selected site and could include elements such as one-of-a-kind building features and enhancements such as custom designed gates, benches and fountains or artist designed landscape art enhancements such as walkways, bridges or art features within a garden or a freestanding sculpture suitable for

the site. The art design would be proportional in size to the scale of the development and aesthetically enhance the surrounding area. The provision of public art could be used to meet one of the criteria for additional height. Public art locations would then be identified on Individual Site Plans.

A Master Site Plan or a major amendment to a Master Site Plan shall be reviewed by the Planning Commission and approved by the City Council. Minor amendments to a Master Site Plan may be reviewed and approved by staff administratively. Major amendments shall be any changes that increase traffic, increase building square footage, significantly change building orientation or footprints, have an impact on adjacent uses, or include changes that alter the character of the Master Site Plan including changes to approved building architecture or materials. All other changes are considered minor amendments.

Circulation

The PAD Plan is designed to continue the perimeter and internal collector street system approved for the adjacent commerce park to the west. Perimeter street improvements for the Three Rivers North PAD (North Parcel) are planned to be completed on a phased basis as approved through the Master Site Plan process. Ultimately, with the completion of development on both the North and South Parcels, half-street improvements will be completed along Van Buren Street, Roosevelt Street, 103rd Avenue, 105th Avenue and full street improvements along Pierce Street. Pierce Street continues from the commerce park to the west and allows future connection to the parcel to the east. The right-of-way for streets will be dedicated through a map of dedication or final plat in conjunction with the Master Site Plan approval of each phase.

The need for other internal streets will be dependent on the location and layout of end users. If internal streets are necessary the streets will be public, constructed to City of Avondale standards, and provided as part of the Master Site Plans.

Both of the PAD Parcels have public street access on all sides which will provide sufficient opportunities to route traffic to and from the site. Entry drive locations and pedestrian connections will be identified in the Master Site Plans.

When installed, the half-width perimeter streets and full-width Pierce Street improvements are to include: pavement, vertical curbs, gutters, detached sidewalks with 15 to 20-foot landscape tracts adjacent to the rights-of-way. The Van Buren Street cross section identifies a raised median to be completed by Maricopa County or any subsequent developer of the 40 acre South Parcel. Pierce Street will be a collector street that provides a 60-foot right-of-way with 44 feet of pavement back-of-curb to back-of-curb with attached sidewalk on each side. Perimeter streets and Pierce Street cross sections are as shown in Exhibit F of the original PAD. Depending on end users, thicker pavement sections may be necessary for truck traffic. The pavement thickness

will be determined at the time of Master Site Plan approval in accordance with the requirements of the City Engineer.

Landscape Plan

The landscaping will enhance the project and set the tone for a unified development. A Master Landscape Plan for each Parcel will be submitted for review and approval in conjunction with each Master Site Plan. The landscape plan will include a minimum 10 percent of the net site area as landscaping/open space, which shall include setback areas and parking lot landscaping. Landscaping that exceeds the minimum requirements and provides an exceptional level of landscape design could also be used to meet one of the height criteria. Such enhanced landscaping would be intended to promote ease of pedestrian movement and to create unique and inviting pedestrian environments and/or distinctive pedestrian gathering areas. A Landscape Concept Plan is provided as Exhibit G and illustrates a tree lined streetscape for the project as well as a proposed plant list. The Plan provides a 20-foot wide landscape area outside the right-of-way along the frontage of Van Buren Street and Roosevelt Street, and provides a 15-foot wide landscape area outside the right-of-way along the frontages of Pierce Street, 103rd Avenue, and 105th Avenue. Any internal streets will also provide a 15-foot wide landscape area outside the right-of-way along the street frontages.

A street tree theme consisting of a combination of Southern Live Oaks and other canopy trees will create a unifying element to the commerce park. The street trees will alternate between a 24-inch box Southern Live Oak and 15-gallon canopy tree every 20 feet along the landscape frontage with two 36-inch box Date Palms at each Phase's perimeter street intersections as well as at any major entries into the commerce park from Roosevelt, Pierce and Van Buren Streets. The street trees will also continue along any internal streets of the project. The trees along with automatic irrigation will be installed along the perimeter streets of each Phase with initial development of the Phase. Any internal street trees will be installed with each individual site.

The maintenance of the perimeter landscape areas will be the responsibility of the developer/owner unless the project is subdivided at which time Covenants, Conditions and Restrictions (CC&Rs) will be established that form a property owners' association that will be responsible for maintenance. CC&Rs will be provided at the time of final plat review.

The parking lot and screen walls for the project will undulate a minimum of three feet every 150 feet of wall length to create variety and depth along street frontages. The design, materials and colors of the screen walls shall be common throughout the project (see Screen Wall, Exhibit I).

Each individual site's landscaping will reinforce the overall landscaping theme of the project. This will be accomplished through full landscaping of front and side yards

including retention basins, foundation plantings and following the landscape palette provided in the PAD.

Permitted Uses

1. Offices for professional, administrative, clerical, financial, medical, sales or other business services with assembly, distribution of parts, supplies or products related to the office or business service.

2. Business class/extended-stay hotel.

3. Medical and dental laboratories, and research and product development laboratories.

4. Commercial, trade, or business schools.

5. Automobile engine repair, body repair, upholstery, painting facilities and similar uses where all service bays shall be completely screened from street view including all roll-up doors. Work is not to be done outdoors and no dismantled vehicles shall be located outside. These uses shall only be located in the north half of Parcel A to provide complimentary uses to the Automall to the north.

6. Manufacturing or assembly of finished products with distribution of parts, supplies or products related to the business so long as the primary use of the property does not include the basic processing and compounding of raw materials or food products.

7. Limited retail uses intended to support and serve the primary uses on the commerce park campus located on the ground floor of a multi-story building.

8. Retail sales and service of custom cabinets, custom materials for homes or offices such as countertops/floors/ceilings/walls, custom windows or doors, custom or specialized electronics for home or office, custom furniture for home or office, and custom or specialized parts or equipment for vehicles.

9. Warehousing/storage that is ancillary to a permitted use.

10. Outdoor storage associated with an on-site primary use shall be limited to the northern 20 acres. Such outdoor storage associated with an on-site primary use shall comply with the following development standards:

    A. Storage areas shall be attached, fully screened, and designed as part of the primary building;
    B. Storage areas shall be constructed of concrete and/or masonry block with exterior finishes to match the primary building;

C. Storage areas gates shall be opaque;
D. Stored materials shall not exceed the height of the lowest adjacent wall;
E. Outdoor storage areas shall be limited to a maximum of 25% of the overall building area footprint (footprint includes both primary building and associated outdoor storage area).

11. Additional uses listed as permitted in the CP (Commerce Park) Zoning District that are not otherwise prohibited by this PAD document.

Uses Permitted Subject to a Conditional Use Permit

1. New vehicle sales and leasing in Parcels A only.

2. Athletic clubs, health clubs, gymnasiums, gymnastic clubs.

Prohibited Uses

1. Contractors' yards as a primary use.

2. Mini-storage, dead vehicle storage, RV storage, truck parking or storage.

3. Sexually oriented businesses.

4. Bulk warehousing and distribution where the warehousing and distribution of parts, supplies and products is the exclusive use of the building, and it is the principal business.

5. Outdoor storage as a primary use or otherwise not in compliance with the restrictions listed under permitted uses, number 10 above.

6. Activities conducted outdoors, other than the storage-related activities allowed above.

Development Standards

- The development standards from the Commerce Park (CP) Zoning District identified in Section 4 of the Zoning Ordinance shall apply to all Parcels except as modified below.

- The maximum building height shall not exceed 56 feet or 4 stories subject to meeting four of the following 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, and entertainment 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.

- 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.

- An additional 2 stories or 28 feet, for a total maximum building height of 6 stores or 84 feet is allowed for all uses with the exception of retail provided the following additional criteria are met:

  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.

- Any restricted outdoor storage shall be accessory to the primary use and limited to 25% of the overall building area footprint. The outdoor storage shall be fully screened from adjacent views by a solid masonry wall and solid gate that match the building architecture.
- Prior to construction on each Parcel, a Master Site Plan for the Parcel and an Individual Site Plan for a use shall be approved consistent with this PAD.

- Landscaping in the PAD shall comply with the landscaping requirements identified in Sections 5 and 6 of the Zoning Ordinance except as modified by this PAD. All development in the project shall comply with screening standards identified in Sections 5 and 6 of the Zoning Ordinance and exhibits in this PAD.

- All development shall comply with the parking requirements, schedule and parking space standards identified in Section 8 of the Zoning Ordinance. The parking for the project shall be designed to mitigate the visual impact of the parking fields on the environment through the use of appropriately located and well-designed screen walls in conjunction with enhanced landscaping or potentially garages either structured or underground.

- Appropriate street dedications shall be required at the time of Master Site Plan or final plat approvals as applicable.

- Driveway entrances to lots along the frontage of Van Buren Street shall be shared with the adjacent lot when possible to limit the number of curb cuts along Van Buren Street. The lots with Van Buren Street frontage shall provide cross-access easements with adjacent lots. Lots throughout the project shall provide shared access with cross-access easements along all streets where feasible. The final locations of driveways and cross-access easements shall be determined in conjunction with the Master Site Plans and Individual Site Plans.

- Exterior pole mounted lighting shall be consistent throughout the project area and comply with Zoning Ordinance requirements. The typical lighting will be established with the first Master Site Plan and be utilized throughout the project. The lighting shall be fully shielded, directed down, and have a maximum 1-foot candle at the property line.

- In the event where the text of the Zoning Ordinance and the PAD differ, the PAD shall prevail.

Design Criteria

The provisions of this section seek to create an attractive, high quality mixture of architectural styles with emphasis on a mixed-use office and commerce park appearance. The design of each building within the overall development will be compatible through the use of common materials and colors while creating a strong individual identity consistent with their individual use and purpose. Representative photos of the intended character of the commerce park are included as Exhibit J.

Individual Site Plan Approval

All Individual Site Plans are reviewed and approved administratively. Administrative denials of site plans may be appealed in accordance with the Zoning Ordinance. All

projects shall use the following design review guidelines to ensure the quality of the project and building architecture.

Architecture

All buildings within the PAD shall be in conformance with the City of Avondale Design Manual for Commercial, Industrial, and Multi-family Development.
As a supplement to the City of Avondale Design Manual, all buildings within the PAD shall be consistent with the following architectural elements, which are intended to provide extraordinary architectural design quality which could be considered in satisfaction of one of the criteria for additional height:

- For all buildings at least three 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 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 PAD. Building design shall complement the surrounding area, with contrast encouraged where appropriate or beneficial to the overall development.

- All buildings shall have clearly defined customer entrances incorporating elements such as:

    - Canopies or porticos.
    - Overhangs.
    - Recesses/projections.
    - Arcades.
    - Raised corniced parapets over the door.
    - Peaked roof forms.
    - Arches.
    - Entrance framed by outdoor pedestrian features or enhanced landscaping.
    - Architectural details such as tile work and moldings integrated into the building structure to frame the entryway.

- 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, constructed so that all four sides of a building shall receive consistent architectural treatment.

- Any accessory buildings, enclosures, carports, covered parking structures 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 internal.

Building Materials

Buildings within the PAD 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 with 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 or other similar materials.

- Roofs may be flat with parapet walls, sloped with concrete tile, standing metal seam, or equivalent architectural materials.

Color Palette

- A detailed color and materials palette will be reviewed and approved with each Individual Site Plan.

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

  - Primary building colors shall be desert hues and other "earth tones" muted shades of blues, greens 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 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 buildings as approved in the Individual Site Plan review process.

Prohibited Materials and Color Palette

- Wood, except for limited amounts of trim.

- Corrugated metal and pre-engineered metal-sided buildings.

- Bright colors such as orange, red, blue, green, yellow, purple and similar colors, as a primary color on a building.

- Spanish or mission-type barrel roof tile.

Signage

Signage for the PAD should be designed to enhance the identity of the overall development and the individual businesses within. A Master Sign Package shall be submitted for review and approval with the Master Site Plan for each Phase.

- Freestanding Monuments:

- One freestanding monument along each Van Buren Street and Roosevelt Street shall be provided for commerce park identification only. A conceptual entry monument is provided in Exhibit I. The location of the monuments will be determined at the time of Master Site Plan/Master Sign Package approval. Monument signage shall be maintained by the developer/owner or property owners' association if the project is subdivided.

- Monument signage shall be maintained by the developer/owner or property owners' association if the project is subdivided.

- Monuments shall not exceed six feet in height and 30 feet in width with a maximum sign area of 25 square feet.

- Sign materials and colors shall be consistent with the exterior architecture of the buildings. Lettering shall be raised metal.

- No other freestanding signage shall be allowed in the commerce park.

- Building Signage:

  - Signage shall be systematically located and styled to support the architectural design.

  - Single-tenant building signage:

    - One square foot of signage for each linear foot of street frontage up to a maximum 50 square feet of signage on each street frontage not to exceed a total of 100 square feet of building signage shall be allowed.

    - Sign placement shall occur below the edge of the roof.

    - Lettering shall be reverse pan channel letters with solid consistent color that compliments the building color.

  - Multi-tenant building signage:
    - One square foot of signage for each linear foot of the suites street frontage with a maximum of 25 square feet of signage per suite shall be allowed.

    - Sign placement shall occur below the edge of the roof.

    - Signs will be mounted above each respective suite, placed consistently along the building face, and located on the upper part of the exterior wall within a dedicated sign band.

- Lettering shall be reverse pan channel letters with solid consistent color that compliments the building color.

Grading and Drainage

The PAD site slopes from northeast to southwest. On-site retention basins will be designed and constructed as part of the development of each user as approved in the Individual Site Plans.

Public Utilities and Services

The following identifies the providers of utilities and public services:

Sewer .....City of Avondale

Water.....City of Avondale

Electricity .....Salt River Project (SRP)

Telephone .....Qwest Communications

Cable TV .....Cox Communications

Gas.....Southwest Gas Company

Refuse .....City of Avondale or Private

Fire and Emergency .....City of Avondale

Police .....City of Avondale

Water The site is served water with an existing 16-inch water line in 107th Avenue and extended along Roosevelt Street through the Griffith Commerce Park development to the west. Additional water lines will be constructed to serve individual lots as determined in the Master Site Plans. These water lines will be installed in the perimeter and interior streets. The Van Buren Street water line will be16-inch. The 103rd Avenue water line will be 12-inch. The water lines in the interior streets will be 8-inch.

Sewer The site is served sewer with an existing 15-inch sewer line in Van Buren Street, 107th Avenue and Roosevelt Street. An additional sewer stub is located in Pierce Street and will be utilized as appropriate. Additional 8-inch sewer lines and stubs will be constructed to serve individual lots as determined in the Master Site Plans. Sewer manholes will be placed every 400-feet and an 8-inch stub will be extended to adjacent properties from the manholes.

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 Plans for the Parcels are complete. Commerce park land uses will generate approximately 1,000 gallons per acre per day. Commercial land uses will generate 3,000 gallons per acre per day. The estimated wastewater flow will be approximately 148,370 gallons per day.

Fire Hydrants The hydrants will be installed at 300-foot intervals on the site's interior and at 1,000-foot intervals on Van Buren Street. Additional fire hydrants and water lines may be required for individual lots depending on the Master Site Plans. Domestic and fire flow requirements can not be calculated without specific Master Site Plans, however it appears that the City's infrastructure can deliver the water required to adequately serve development on the site.

Phasing

The PAD proposes two 40 acre Parcels, the North Parcel and the South Parcel (owned by Maricopa County). The following adjacent street improvements are required for the ultimate development of each parcel:

- Development of the North Parcel (Parcel A) shall include:
    - South half of Roosevelt Street.
    - West half of 103rd Avenue and east half of 105th Avenues between Roosevelt Street and Pierce Street.
    - North half of Pierce Street.

- Development of the South Parcel (Parcel B) shall include:
    - North half of Van Buren Street; including median
    - West half of 103rd Avenue and east half of 105th Avenues between Pierce Street and Van Buren Street.
    - South half of Pierce Street.

- The project will be master planned in these two 40 acre phases though construction within each Phase will be dependent on Individual Site Plans. Perimeter and internal streets will be indicated on the Master Site Plan of each Phase and the necessary street improvements to adequately serve each Individual Site Plan will be installed in conjunction with the site construction, subject to receiving City approval. The chronology of the Phases and Individual Site Plans depends on market conditions. Parcels can be subdivided, however the phasing remains the same. The Parcels can be combined and a Master Site Plan is required for the combined Parcels.

- Prior to administrative approval of an Individual Site Plan on either the North or South Parcel, a Master Site Plan, including any proposed phasing of development and perimeter street improvements, must be reviewed by the Planning Commission

and approved by City Council for the particular Parcel that the Individual Site Plan is located.

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City Council Regular Meeting – Excerpts of Meeting Minutes
December 8, 2008

5 PUBLIC HEARING AND ORDINANCE 1339-1208 - AMENDMENT TO THE THREE RIVERS PAD (Z-07-13)

A public hearing and Ordinance 1339-1208 to approve a request from Ms. Lynne Lagarde of Earl, Curley and Lagarde, P.C. on behalf of Mr. Michael Blenis of Arizona Land Company, LLC for an amendment to the Three Rivers Planned Area Development (PAD) to apply only to 40 acres of the property located at the northeast corner of Van Buren Street and 105th Avenue.

Ken Galica, Planner II, indicated that presented this item indicating this amendment request is only for the 40 acres at the northeast corner of Van Buren Street and 105th Avenue. The amendment will amend the PAD in five specific areas by: adding allowed uses; increasing maximum building heights; increasing minimum landscaping requirements, requiring developments must adhere to the design manual for commercial industrial and multi-family residential development and allowing for the phasing of off-site improvements subject to approval by the City Engineer. He added that the amendment would allow for residential outdoor storage as an accessory to the primary use.

Mr. Galica explained that contrary to the existing PAD and City policy, the applicant is recommending stipulation #8 that would allow for the developer to only build those streets adjacent to the phase of the project being built subject to approval from the City Engineer.

Individually and collectively, Council Members expressed their objection for allowing piecemeal construction of infrastructure. They indicated they would be in favor of extending the PAD for one year instead of two years as allowed under the PAD.

Mayor Rogers indicated she had two speaker cards one being from Michael Blenis, who is in support of this Amendment but does not wish to speak.

Ms Lynne Lagarde, Earl, Curley and Lagarde on behalf of Arizona Land Company, explained the reasons that have made it necessary for them to submit the request for amendment, including selling of the southern portion of the property to Maricopa County for their court facility, the City's adoption of the Freeway Corridor Specific Plan among others. She indicated that the applicant has modified the project to better complement the area and take advantage of the new minimum heights and allowable uses. Ms Lagarde cautioned the Council that not extending the PAD would cause delays in the development of the property.

Mayor Rogers opened the public hearing. There being no requests to speak, Mayor Rogers closed the public hearing.

City Attorney read Ordinance 1339-1208 by title only.

Council Member Wolf moved to adopt Ordinance 1339-1208 subject to the following stipulations including new stipulation #9 to incorporate the extension of the PAD approval for one year with the understanding that it could be reviewed if sufficient progress is made in the planning and development process. Vice Mayor Weise seconded the motion.

1. Development of the subject property shall conform to the Three Rivers North PAD Amendment Narrative and Conceptual Building Elevations date stamped November 13, 2008, except as modified by these stipulations.

2. The stipulations of approval for the Three Rivers Planned Area Development, Ordinance 1165-106, shall remain in full force and effect on the subject property, except as follows:

    a. Stipulation #3 of Ordinance 1165-106 shall be revised to read, "Access to all parcels shall be determined at the time of Master Site Plan approval with only limited direct access allowed on Roosevelt Street, Van Buren Street, 103rd Avenue or 105th Avenue, subject to receiving City Approval and meeting engineering requirements."

    b. Stipulation #4 of Ordinance 1165-106 shall be deleted in its entirety.

    c. Stipulation #10 of Ordinance 1165-106 shall be deleted in its entirety.

3. Development of the southern 40 acres of the original Three Rivers PAD is not subject to this amendment. Development on that parcel shall conform to Ordinance 1165-106.

4. Office development on the southern 20 acres of the Three Rivers north parcel shall meet standards for "Class A" office construction as understood in the Phoenix Metropolitan Region.

5. Outdoor storage areas shall be interior oriented and may not face onto perimeter streets or primary drive aisles. Storage enclosure walls on the ends of the building shall be raised and designed to be consistent with and look similar to side building walls to maximize screening at the end locations.

6. Development on the site shall be completed in accordance with the City of Avondale General Engineering Requirements Manual and City of Avondale Supplement to MAG Uniform Standard Specifications and Details.

7. Additional requirements for improvements, traffic signals, and right-of-way for deceleration lanes, turn lanes, and transit stops, may be required during the site plan review process as determined by the City Engineer.

8. Staff may consider additional phasing of offsite infrastructure based on economic viability considerations provided by the developer subject to input and approval from the City Engineer.

9. Development of the first development unit shall commence within one (1) year of the date of approval. The City Council may extend the validity of the PAD after one year if sufficient progress is made in the planning and development process.

ROLL CALL VOTE AS FOLLOWS:

Council Member Scott	Aye
Council Member Buster	Aye
Mayor Lopez-Rogers	Aye
Vice Mayor Weise	Aye
Council Member Wolf	Aye
Council Member Karlin	Aye
Council Member McDonald	Aye

Motion carried unanimously.

City Council Regular Meeting – Excerpts of Meeting Minutes
December 14, 2009

6 PUBLIC HEARING - TIME EXTENSION FOR THREE RIVERS PAD ZONING (ZE-09-1)

A public hearing and consideration of a request from Ms. Lynne LaGarde of Earl Curley & LaGarde, P.C. on behalf of the Arizona Land Company, LLC and Maricopa County Public Finance Corporation for a two year extension to commence development of the Three Rivers PAD located at the northeast corner of Van Buren Street and 105th Avenue.

Charlie McClendon, City Manager, introduced Ken Galica to present this item.

Ken Galica indicated the PAD was originally approved in January 2006 and was due to expire two years later; a one year extension was granted in February 2008. In December 2008, Council reviewed and approved a major amendment to the PAD which included a additions to the list of permitted uses and increased maximum building height and extended it until December 2009.

In March of 2009 the Council adopted a revision to the PAD section of the Zoning Ordinance. The revision increased the initial period for development from two years to three years. While previously the ordinance was unclear as to the term of an extension, the amendment allows for the Council to grant up to four (4) one year extensions at their discretion.

The Council approved the Three Rivers North Master Site Plan in August of this year. Approval of the master site plan should be considered significant progress towards development of the site.

The extension request being considered tonight was submitted in November of this year. Staff considers it to be the second of the allowed four under the new ordinance, the first one being the extension granted concurrent with the PAD amendment. While the applicant says that the two year extension until 2011 is needed to secure users, staff does not interpret the language of the ordinance as giving the authority to grant the two-year request. Staff is recommending granting a one year extension of the PAD zoning until December 8, 2010 subject to the request modified by staff.

Mayor Rogers opened the public hearing.

Lynne Lagarde of Early Curley and Lagarde addressed the Council on behalf of client. Ms. Lagarde indicated that she is asking Council to apply the new ordinance procedure to the subject PAD. She explained that the PAD was approved in 2006 which was preceded by two years of planning and commented that the original PAD was nothing but 80 acres with landscaping on the outside and streets. Applicant did a lot of work prior to coming for PAD amendment last year and added that if she and

her client had known they would be in this position, they would have called it a new PAD zoning rather than an amendment as it is the equivalent to a new PAD. Ms Lagarde indicated that she is asking the Council to approve an original 3 year period to the PAD. She added that her client has invested several hundred thousand dollars in this project and if the Council allows for the PAD to expire, her client will have to spend time and money to go through the process again. Other cities in the valley are approving PADs for two years to accommodate for the declining economy and to remain competitive and have shovel ready projects when the economy improves. She indicated that they are asking the Council to apply the new ordinance to the amendment because she feels it is equivalent to a PAD approval.

Vice Mayor Weise asked Mr. Galica if the applicant has always shown considerable effort. Mr. Galica indicated that has been the case since he has been involved with this project. Andrew McGuire, City Attorney indicated that there was an extensive public comment process prior to adoption of the new PAD ordinance and added that the applicant is asking for the Council to apply rules to an amendment that took place before adopting of the ordinance and he does not feel there is the flexibility to do that. He indicated that at the time of the text amendment, Council was not interested in having too much flexibility in the process.

Council Member Scott commented Ms. Lagarde and her client indicating that the Council recognizes there is a tough economy, but staff's recommendation reflect the Council's desires.

Council Member McDonald asked what are the costs associated with an extension. Mr. Galica indicated that it is about $2,100. Council Member McDonald commented that while the amount is not small change it is not a significant amount relative to the size of the project. He indicated that he likes the project and commended the applicant for continuing to work on it. He added that staff is simply doing what council has asked them to do.

There being no more requests to speak, Mayor Rogers closed the public hearing.

Vice Mayor Weise moved to approve a one-year extension for Three Rivers PAD Zoning until December 8, 2010; Council Member Karlin seconded the motion.

ROLL CALL VOTE AS FOLLOWS:

Council Member McDonald	Aye
Council Member Scott	Aye
Council Member Earp	Aye
Mayor Lopez-Rogers	Aye
Vice Mayor Weise	Aye
Council Member Karlin	Aye
Council Member Buster	Aye

Motion carried unanimously

Exhibit J

THREE RIVERS PAD ZONING EXTENSION NARRATIVE

December 2, 2010

I. LOCATION

The original Three Rivers PAD for approximately eight (80) acres at the northwest corner of 103rd Avenue and Van Buren Street was approved on January 17, 2006. The southern forty (40) acres of the 80-acre property was subsequently sold to Maricopa County for the County's west courts facility. The economic turndown and County budgetary constraints delayed construction of the planned courts facility. On December 8, 2008, an ordinance amending the Three Rivers PAD was approved for the north forty (40) acres of the site at the southeast corner of Roosevelt Street and 105th Avenue. The approval was subject to a stipulation that required development within one (1) year of the date of approval with the potential for City Council extension of the validity of the PAD after one (1) year "if sufficient progress is made in the planning and development process." The current request is for an extension of the PAD approval in accordance with Section 603.D. of the City's recently amended PAD Ordinance, thus requiring development to occur within three years of the effective date of the 2008 ordinance approving the PAD zoning and stipulations that apply to the north 40 acres.

II. HISTORY

The property was annexed into the City on March 17, 1986, and rezoned from AG (Agricultural) to PAD in 2006, with a PAD amendment for the north forty (40) acres approved in 2008. Subsequent to the PAD amendment approval, a Master Site Plan and Phase I Final Site Plan were approved in Case DR-09-3. In January, 2009, immediately after the PAD Amendment zoning approval in December, 2008, the applicant met with the Staff to initiate the Master Site Plan and Phase I Final Site Plan approval process. After an arduous time and money consuming eight-month process, during which substantial expenditures were required for architectural, engineering, landscaping, lighting and legal services, the Master Site Plan and Phase I Final Site Plan received a Planning Commission recommendation for approval in July, 2009, and unanimous City Council approval in August, 2009. On September 20, 2010, the City Council approved Case PL-10-0058, a request to extend the Master Site Plan and Phase I Final Site Plan approvals for the Three Rivers Commerce Park project.

III. THE APPLICATION IS REQUESTING A FULL ONE-YEAR EXTENSION IN ACCORDANCE WITH THE CITY'S PAD ZONING ORDINANCE PROVISIONS

The applicant continues to commit tremendous time and resources to push for development on the site sooner rather than later. To obtain the original PAD approval, a PAD Amendment approval, and a Master Site Plan and Phase I Final Site Plan approval, at least five (5) years of planning effort and well over one-half million dollars ($500,000), above and beyond the cost of

the land and the carrying costs of related financing, have been required, and there is still insufficient market for the project. The PAD Amendment provides development that is consistent with the General Plan and desired by the City of Avondale in this Freeway Corridor location. The approved Master Site Plan and Phase I Final Site Plan are likewise exactly what the City had hoped for at this location. Both the Master Site Plan and Phase I Final Site Plan received high compliments from the Planning Commission and City Council when they were approved.

It would be detrimental not only to the property owner but also to the City to have to start this process all over again. Both the property owner and the City need this property to be poised for development when the market is ready and when the property owner's efforts come to fruition. It could take two to three years for another PAD approval, followed by Master Site Plan and Final Site Plan approval, and require the expenditure of hundreds of thousands more dollars. The City could lose development to other jurisdictions if Avondale sites are not zoned and ready for development when users are looking for this type of employment campus. Therefore there is no reason not to extend the PAD for the requested period and it benefits both Avondale and the owner/developer to do so.

IV. JUSTIFICATION

No one wants a property developed sooner than the owner/developer of that property. The continuing investment and financing charges incurred in holding a property like this are significant, and the developer has been pursuing both users and financing with very limited sucess in the current downturn with non-availability of financing. The 40-acre southern parcel was acquired by Maricopa County for the development of the west courts facility that would in turn generate demand on the north 40-acre parcel. The County was unable to build the courts facility and so there has not been demand for development on the north 40 acres. Although there continues to be insufficient market demand, the owner/developer has spent significant time and resources in preparing the project for initial permitting as soon as the market returns and financing is available; it is important to note that we have an approved site plan. It is the developer's intent to have the site "shovel ready" when the market demand returns. We are making significant progress towards development; we have continued to work with the City's Economic Development team to find users to bring to the site. Additionally, we are working with our lender and a hotel partner on developing an extended stay hotel on the property. However, having to go through the site plan approval process again could jeopardize this progress. This is a PAD that I believe the City and Staff would still approve today if it were submitted. Again, the PAD is the type of development that the City envisioned for this area, and, therefore, it is appropriate to grant the extension under the provisions of the current ordinance to keep this plan ready to be implemented as soon as development becomes feasible.

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ORDINANCE NO. 1447-211

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 GENERALLY LOCATED AT THE SOUTHEAST CORNER OF ROOSEVELT STREET AND 105TH AVENUE AS SHOWN IN FILE NAME PL-10-0136, REVERTING THE ZONING ON SUCH PROPERTY FROM PLANNED AREA DEVELOPMENT (PAD) TO AGRICULTURAL (AG).

WHEREAS, the Council of the City of Avondale (the "City Council") approved Ordinance No. 1165-106 on January 17, 2006, and Amended by Ordinance No. 1339-1208, approved on December 8, 2008, rezoning that certain ± 80.0 acre parcel of land generally located at the southeast corner of Roosevelt Street and 105th Avenue, as more particularly described and depicted in Ordinance No. 1165-106 (the "Subject Property"), from Agricultural (AG) to Planned Area Development (PAD) and imposing conditions upon such rezoning (the "Rezoning"); and

WHEREAS, the Rezoning was subject to a condition imposed pursuant to provisions of the City of Avondale Zoning Ordinance (the "Zoning Ordinance"), which condition required that the development of the first phase of the project on the Subject Property must have commenced within three years of the effective date of the ordinance approving the PAD zoning on the property (the "Time Condition"); and

WHEREAS, the Time Condition upon the Rezoning has not been met and the City Council desires to revert the zoning on the Subject Property from Planned Area Development (PAD) to Agricultural (AG); and

WHEREAS, the City Council desires to amend the City of Avondale Zoning Atlas (the "Zoning Atlas") pursuant to ARIZ. REV. STAT. § 9-462.04 to reflect the change in zoning on the Subject Property due to the Rezoning reversion; and

WHEREAS, all due and proper notice of the public hearing on the intended Rezoning reversion and Zoning Atlas amendment held before the City Council were given in the time, form, substance and manner provided by the Zoning Ordinance; and

WHEREAS, the City Council held a public hearing regarding the Rezoning reversion and amendment to the Zoning Atlas on February 22, 2011.

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

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

SECTION 2. The ± 80.0 acre parcel of real property generally located at the southeast corner of Roosevelt Street and 105th Avenue, as shown in filename PL-10-0136, as more particularly described and depicted in Exhibit A, attached hereto and incorporated herein by reference, is hereby rezoned from Planned Area Development (PAD) to Agricultural (AG).

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

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

PASSED AND ADOPTED by the Council of the City of Avondale, February 22, 2011.

_____
Marie Lopez Rogers, Mayor

ATTEST:

_____
Carmen Martinez, City Clerk

APPROVED AS TO FORM:

_____
Andrew J. McGuire, City Attorney

1404768.1

EXHIBIT A
TO
ORDINANCE NO. 1447-211

(Legal Description and Map)

See following pages.

PARCEL NO. 1
Legal Description

A portion of the Southwest quarter Section 5 Township 1 North, Range 1 East of the Gila and Salt River Base and Meridian more fully described as follows:

Commencing at the Center of said Section 5 from which the South Quarter corner of Section 5 bears South 00 degrees 16 minutes 54 seconds East a distance of 2638.44 feet;

Thence South 00 degrees 16 minutes 54 seconds East along the East line of said Southwest quarter a distance of 2,225.81 feet to the TRUE POINT OF BEGINNING;

Thence continuing South 00 degrees 16 minutes 54 seconds East along said East line a distance of 412.63 feet to the aforementioned South quarter corner of said Section 5;

Thence South 88 degrees 51 minutes 22 seconds West along the South line of said Southwest quarter to the Southwest corner of the East half of the Southwest quarter of Section 5;

Thence North 00 degrees 13 minutes 06 seconds West along the West line of the East half of the Southwest quarter a distance of 412.63 feet;

Thence North 88 degrees 51 minutes 22 seconds East a distance of 1321.70 feet to the TRUE POINT OF BEGINNING;

EXCEPT the South 33.00 feet.

Area = 545,407 SF or 12.52081 Acres

Prepared By: AEC Consultants, Inc.
1710 E. Indian School Rd., #100
Phoenix, Arizona 85016
(602) 264-1427

Date: March 24, 2003

AEC Job No. 02087

PARCEL NO. 2
Legal Description

A portion of the Southwest quarter Section 5 Township 1 North, Range 1 East of the Gila and Salt River Base and Meridian more fully described as follows:

Commencing at the Center of said Section 5 from which the South Quarter corner of Section 5 bears South 00 degrees 16 minutes 54 seconds East a distance of 2638.44 feet;

Thence South 00 degrees 16 minutes 54 seconds East along the East line of said Southwest quarter a distance of 390.26 feet to the TRUE POINT OF BEGINNING;

Thence continuing South 00 degrees 16 minutes 54 seconds East along said East line a distance of 1835.55 feet;

Thence South 88 degrees 51 minutes 22 seconds West a distance of 1321.70 feet to a point on the West line of the East half of the Southwest quarter of said Section 5;

Thence North 00 degrees 13 minutes 06 seconds West along said West line a distance of 1834.68 feet;

Thence North 88 degrees 49 minutes 01 seconds East a distance of 1319.69 feet to the TRUE POINT OF BEGINNING.

Area = 2,423,325 SF or 55.63189 Acres

Prepared By: AEC Consultants, Inc.
1710 E. Indian School Rd., #100
Phoenix, Arizona 85016
(602) 264-1427

Date: March 24, 2003

AEC Job No. 02087

PARCEL NO. 3
Legal Description

A portion of the Southwest quarter Section 5 Township 1 North, Range 1 East of the Gila and Salt River Base and Meridian more fully described as follows:

Beginning at the Center of said Section 5 from which the South Quarter corner of Section 5 bears South 00 degrees 16 minutes 54 seconds East a distance of 2638.44 feet;

Thence South 00 degrees 16 minutes 54 seconds East along the East line of said Southwest quarter a distance of 390.26 feet;

Thence South 88 degrees 49 minutes 01 seconds West a distance of 1319.69 feet to a point on the West line of the East half of the Southwest quarter of Section 5;

Thence North 00 degrees 13 minutes 06 seconds West along said West line a distance of 390.26 feet to the Northwest corner of the East half of the Southwest quarter of Section 5;

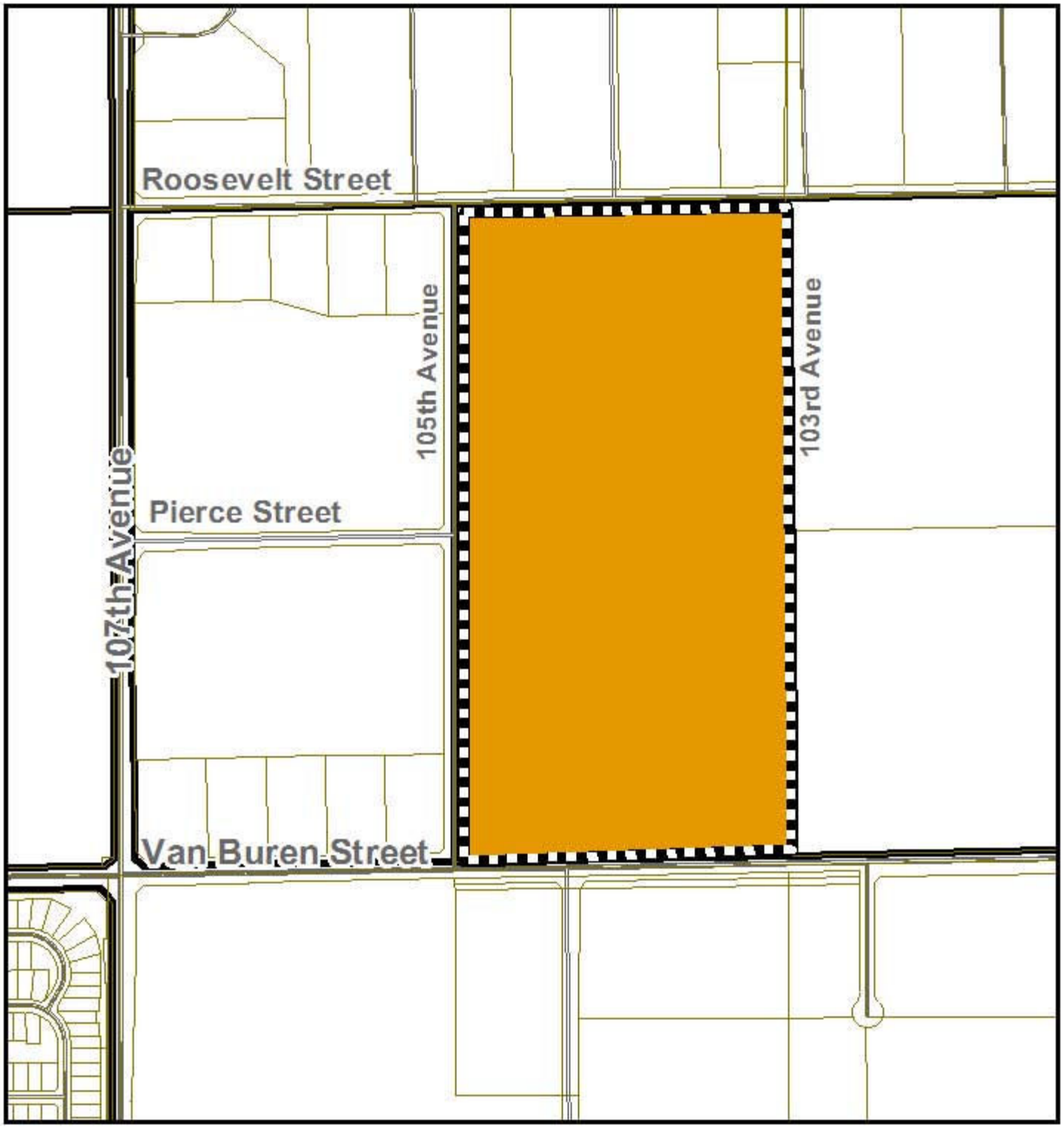
Thence North 88 degrees 49 minutes 01 seconds East a distance of 1319.26 feet to the POINT OF BEGINNING.

Area = 514,871 Sq. Ft.or 11.8198 Acres

Prepared By: AEC Consultants, Inc.
1710 E. Indian School Rd., #100
Phoenix, Arizona 85016
(602) 264-1427

Date: March 24, 2003

AEC Job No. 02087



Application PL-10-0136

Avondale

Subject Property

DEVELOPMENT SERVICES

SUBJECT:
Public Hearing and Ordinance 1445-211 – The Shops at Avondale (Summit) Rezoning

MEETING DATE:
February 22, 2011

TO: Mayor and Council

FROM: Sue McDermott, Development Services Director/City Engineer (623) 333-4211

THROUGH: Charlie McClendon, City Manager

REQUEST: Rezone approximately 33.957 acres from Planned Area Development (PAD) Zoning District to City Center Zoning District (CCD).

PARCEL SIZE: Approximately 33.957 acres

LOCATION: Southwest corner of Avondale Boulevard and Interstate 10

APPLICANT: City of Avondale

OWNER: Avondale Boulevard, LLC

BACKGROUND:

On March 21, 2005, the property was annexed and zoned Agriculture (AG). The property is identified as Freeway Commercial on the General Plan Land Use Map (Exhibit A), and as Gateway Employment and Employment Mixed Use in the City Center Specific Plan (CCSP) (Exhibit B, Figure 3-1).

On September 6, 2005, City Council approved case Z-05-6, rezoning the property from AG to Planned Area Development (PAD) (Exhibit C). The PAD Development Plan showed a 9 acre Retail/Restaurant subarea along Avondale Boulevard and a 25 acre Mixed Use Office Park on the balance of the site to the west.

On November 6, 2006, City Council approved case Z-06-8, amending the PAD to add professional, administrative, corporate business, and medical office uses to the list of permitted uses in the Retail/Restaurant subarea that abutted Avondale Boulevard.

On March 5, 2007, City Council approved case DR-06-3, a Master Site Plan for the northern 17.5 acres of the property. The Master Site Plan showed an eight-story hotel, a six-level parking garage with attached one-story retail shops, and a four-story office building. On March 5, 2008, the Master Site Plan approval expired, and on March 5, 2008 the PAD zoning expired.

On December 28, 2009, the City of Avondale accepted a deed granting additional right-of-way to Avondale Boulevard at the Interstate 10 off-ramp.

SUMMARY OF REQUEST:

The applicant is requesting that the property be rezoned to City Center District (CCD), in conformance with Section 501.B of the Zoning Ordinance, which states that properties within the City Center Specific Plan area may be rezoned to CCD (Exhibit F).

PARTICIPATION:

The applicant invited 12 adjacent property owners and other interested parties to a neighborhood meeting held on January 5, 2011, to discuss the proposal. The meeting was open to the general public. No property owners or interested parties attended the meeting (Exhibit G).

The Planning Division has received no comments opposing or supporting the application.

A notice that the Planning Commission intends to hold a public hearing on this case was published in the West Valley View on Tuesday, January 4, 2011. On January 4, 2011, the property was posted, and letters were sent to 12 adjacent property owners within 500 feet of the property.

A notice that the City Council intends to hold a public hearing on this case was published in the West Valley View on Friday, February 4, 2011. On February 1, 2011, the property was posted, and letters were sent to 12 adjacent property owners within 500 feet of the property.

PLANNING COMMISSION ACTION:

On January 20, 2011, the Planning Commission held a public hearing on this case (Exhibit H). The Planning Commission asked questions of staff regarding the existing PAD zoning, the status of the existing infrastructure on the property, and continuation of farming rights on the property. The owner's representative, Carolyn Oberholtzer, Rose Law Group, also answered Planning Commissioners' questions. All questions were answered to the Planning Commission's satisfaction.

The Planning Commission voted unanimously 7-0 to recommend approval without conditions of approval.

ANALYSIS:

The requested zoning, CCD, complies with the General Plan Land Use Map, the City Center Specific Plan (CCSP), and the Zoning Ordinance; and is compatible with adjacent zoning and surrounding land uses. The CCD provides for different uses and development standards based upon subareas within the CCSP. Currently, the CCSP identifies the northern portion of the property as being Gateway Employment (GE), the southern portion as Employment Mixed Use (EMU), and a portion of the property along the south boundary along Garfield Street, 116th and 117th Avenues, 116th Drive, and Avondale Boulevard as Pedestrian Retail (PR) (Exhibit B, Figure 3-1). GE is located adjacent to the freeway and is intended to take advantage of freeway exposure. Primary uses are retail, office, and hotel. Residential, industrial, manufacturing, and warehouse uses are not permitted due to freeway proximity. GE has the most allowed uses of the six City Center Sub-Districts. Buildings are to be oriented towards the freeway with maximum building heights of 16 stories. A variety of mid-rise and high-rise office, pedestrian-oriented retail, large floor plan uses, and big box uses are permitted in the GE Sub-District.

The EMU Sub-District also has a variety of allowed uses within the City Center Sub-Districts, providing for retail, restaurant, professional office, hotel, and personal service uses. Residential is allowed when located above a ground floor employment use, or on the ground floor when the development demonstrates furtherance of the intent of the EMU subarea. The goal is intense development that is pedestrian-oriented. A mix of mid-rise and high-rise buildings are encouraged, with the minimum average height of two stories required. Maximum building height is ten stories, except along Avondale Boulevard where maximum building height is 16 stories.

The PR Sub-District is intended to have development that fosters a lively street environment by allowing uses on the ground floor such as retail, restaurant, and personal services. Office and residential uses are prohibited on the ground floor, and drive-thru uses are prohibited altogether. Development standards follow the EMU Sub-District except where the Zoning Administrator determines a guideline inapplicable.

The proposed CCD zoning will not result in incompatible land use relationships with surrounding properties to the east, south, and southwest, which all have CCD zoning or PAD zoning with similar uses as GE Sub-District CCD zoning. Abutting the property on the northwest is a County island zoned RU-43, a rural residential designation. The property is vacant. The property is within the City's municipal planning boundary; the General Plan Land Use Map identifies it as Employment; and it is within the CCSP - GE subarea.

Partial infrastructure was installed in conformance with the expired Master Site Plan for a hotel, parking garage, attached retail, and office building development, but never completed or accepted by the City. There are a number of existing fire hydrants, water lines, sewer lines, and portions of curb-and-gutter on site. The developer will coordinate with the City as to whether any of the existing infrastructure is viable for future development.

The property is currently vacant and being utilized for farming. Farming is a permitted use in CCD up to five years after the date of rezoning. Farming may only consist of growing and harvesting crops, and may not include keeping livestock, green houses, or plant nurseries.

There is no requirement to dedicate right-of-way with this rezoning. At the time of Development Plan approval, the right-of-way requirements will be determined.

Conclusion:
Based on the information provided by the applicant, the public input received and the analysis by staff, staff recommends approval of the requested rezoning. This request meets the required criteria and will conform to the conditions of approval.

FINDINGS:

1. The proposed zoning of City Center District is appropriate for Freeway Commercial as identified on the General Plan Land Use Map.
2. The proposed City Center District zoning conforms to the City Center Specific Plan.
3. The request for City Center District zoning is in conformance with the Zoning Ordinance and, in particular, with Section 501.B.
4. January 20, 2011, the Planning Commission recommended approval of this application for rezoning without conditions of approval.

RECOMMENDATION:

The City Council should **APPROVE** application PL-10-0140 with no recommended conditions of approval.

PROPOSED MOTION:

I move that the City Council accept the findings and **ADOPT** the ordinance approving application PL-10-0140, a request to rezone approximately 33.957 acres from Planned Area Development (PAD) to City Center District (CCD).

ATTACHMENTS:

Click to download

- Exhibit A - Area General Plan Land Use Map
- Exhibit B - City Center Map, Figure 3-1
- Exhibit C - Area Zoning Map
- Exhibit D - Area Aerial Photo 2010
- Exhibit E - Summary of Related Facts
- Exhibit F - Request Narrative
- Exhibit G - Neighborhood Meeting Summary
- Exhibit H - Draft Minutes of Planning Commission Meeting 1.20.2011
- Ordinance 1445-211

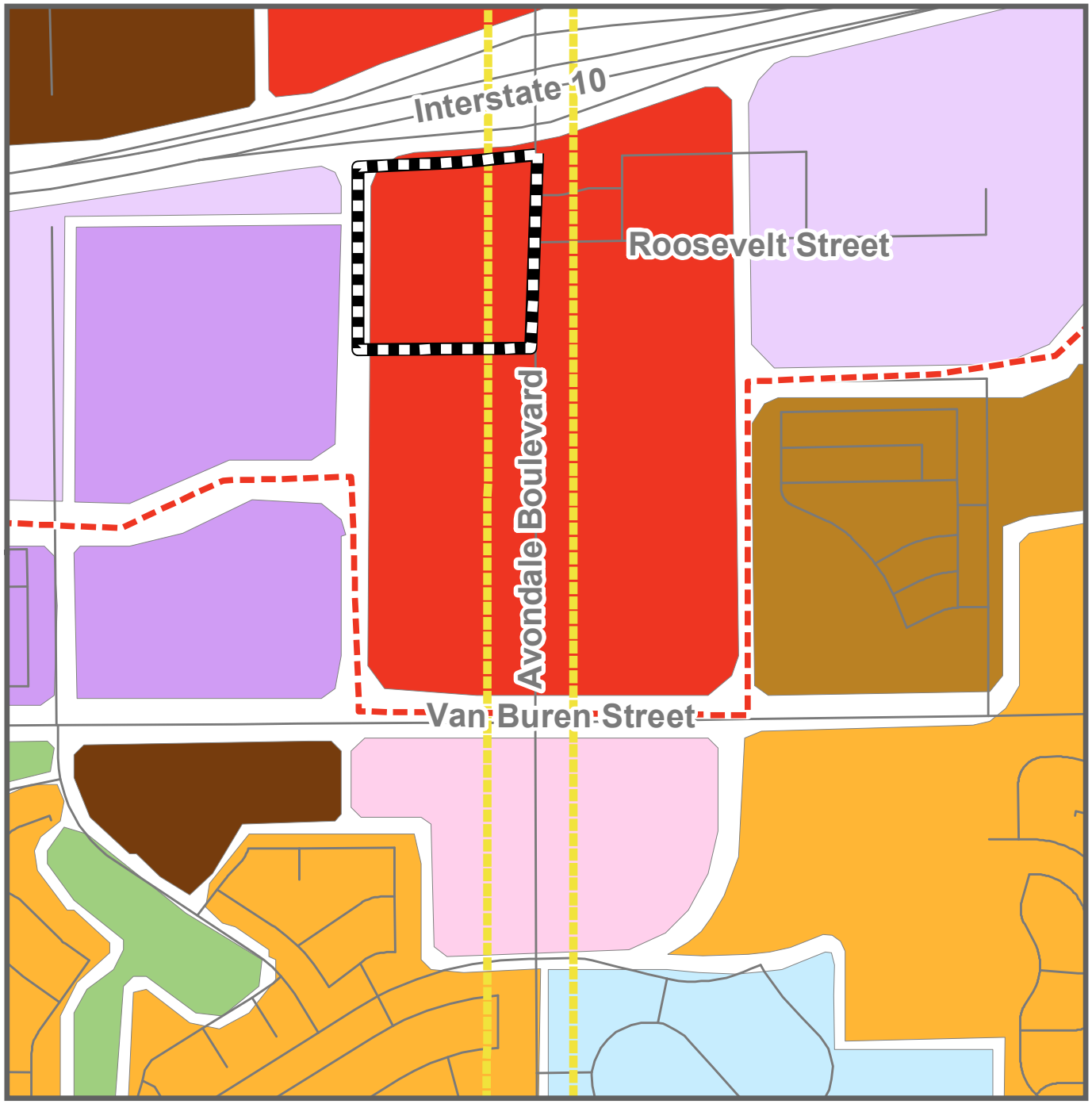
FULL SIZE COPIES (Council Only):

None

PROJECT MANAGER:

Eric Morgan, Planner II (623) 333-4017

Exhibit A



The Shops at Avondale PAD Rezoning
PL-10-0140

General Plan Land Use Map

- 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

Figure 3-1

City Center Plan Framework

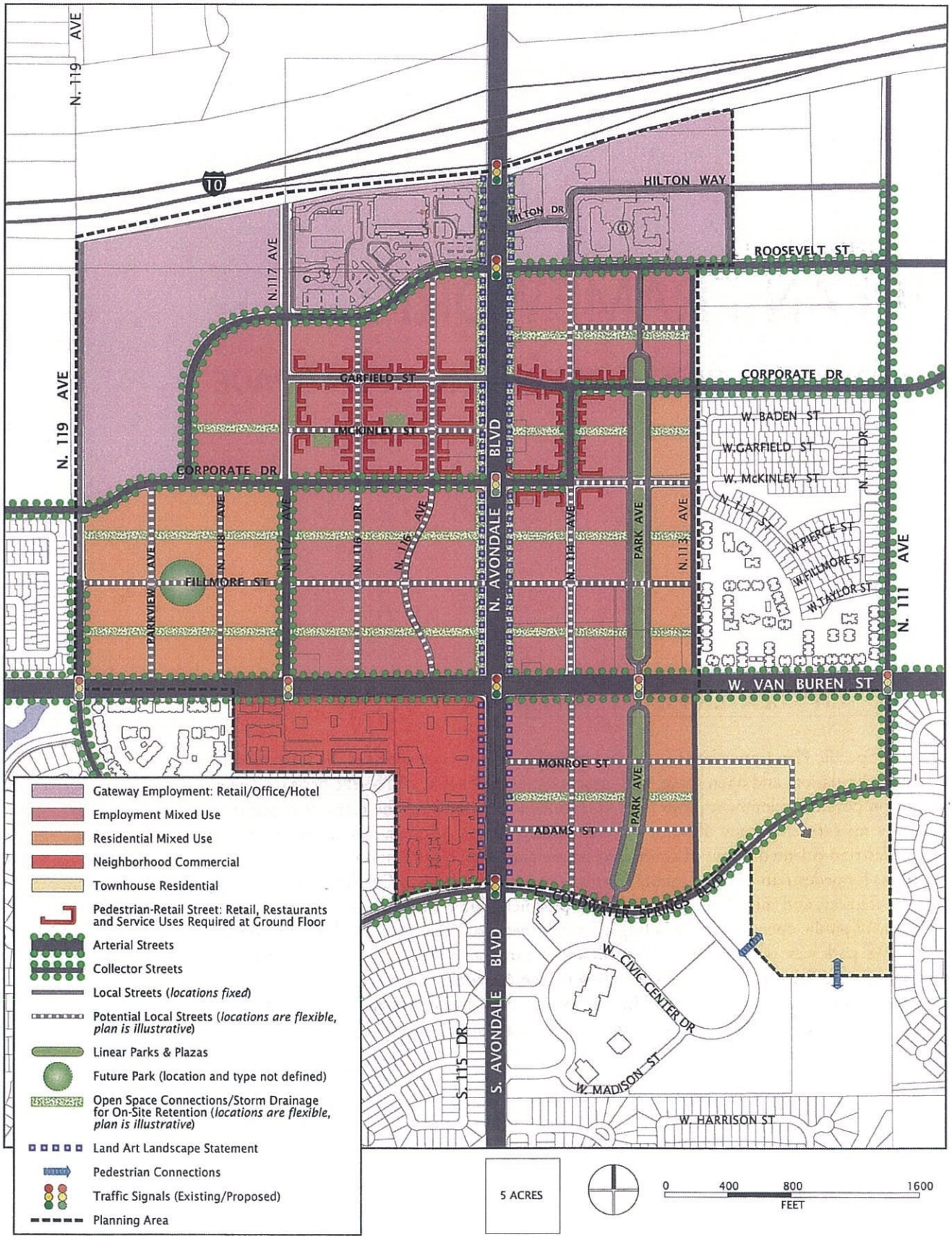
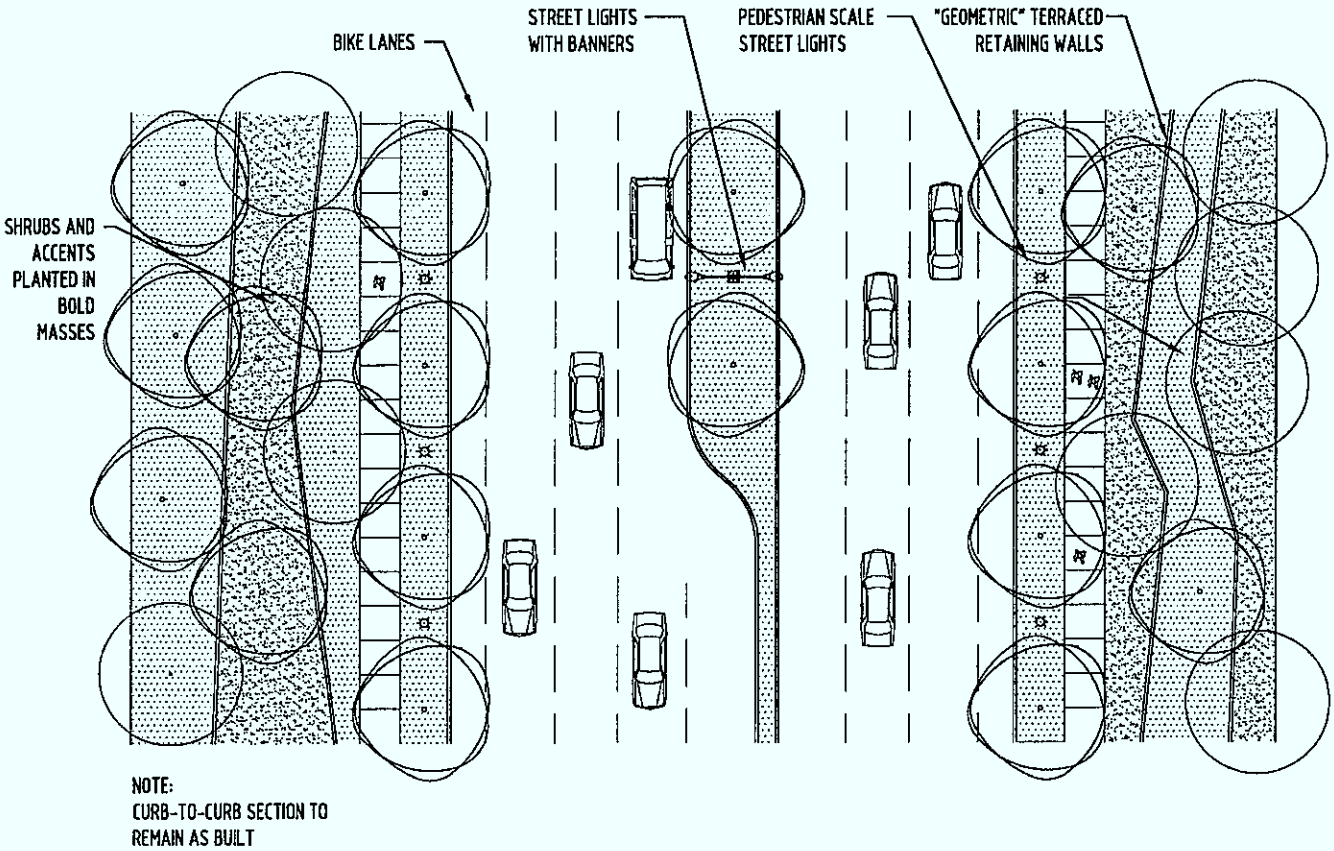


Figure 4-2

Avondale Boulevard



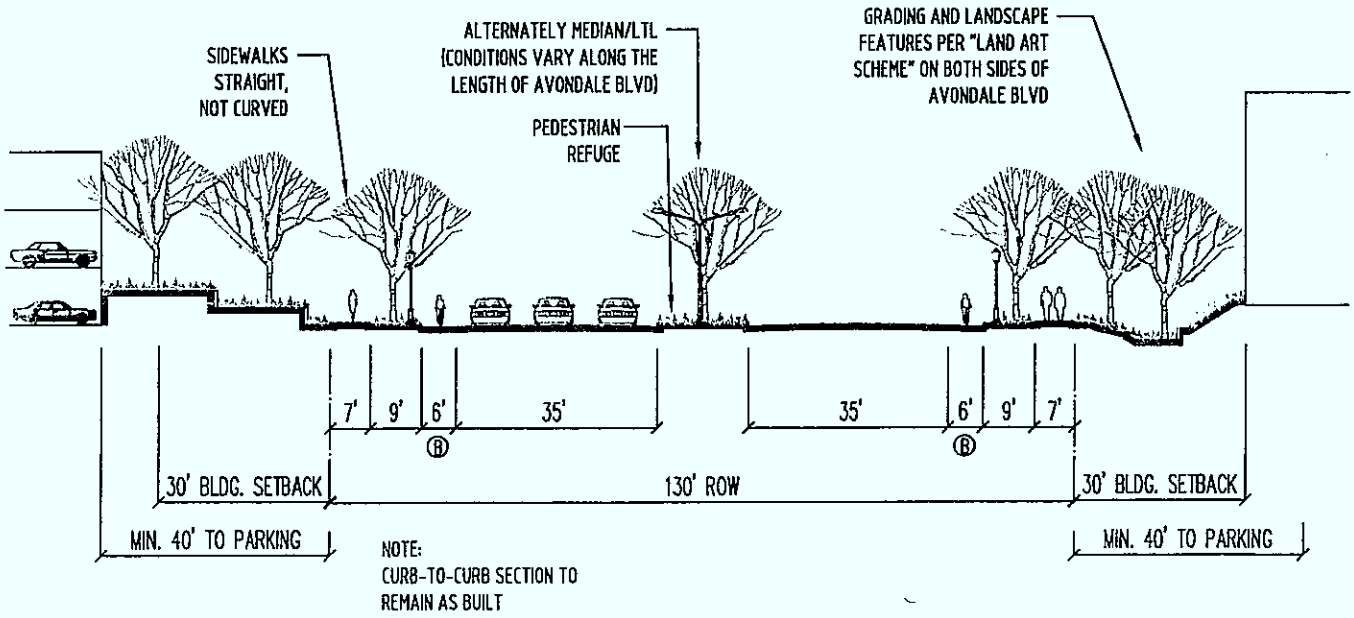
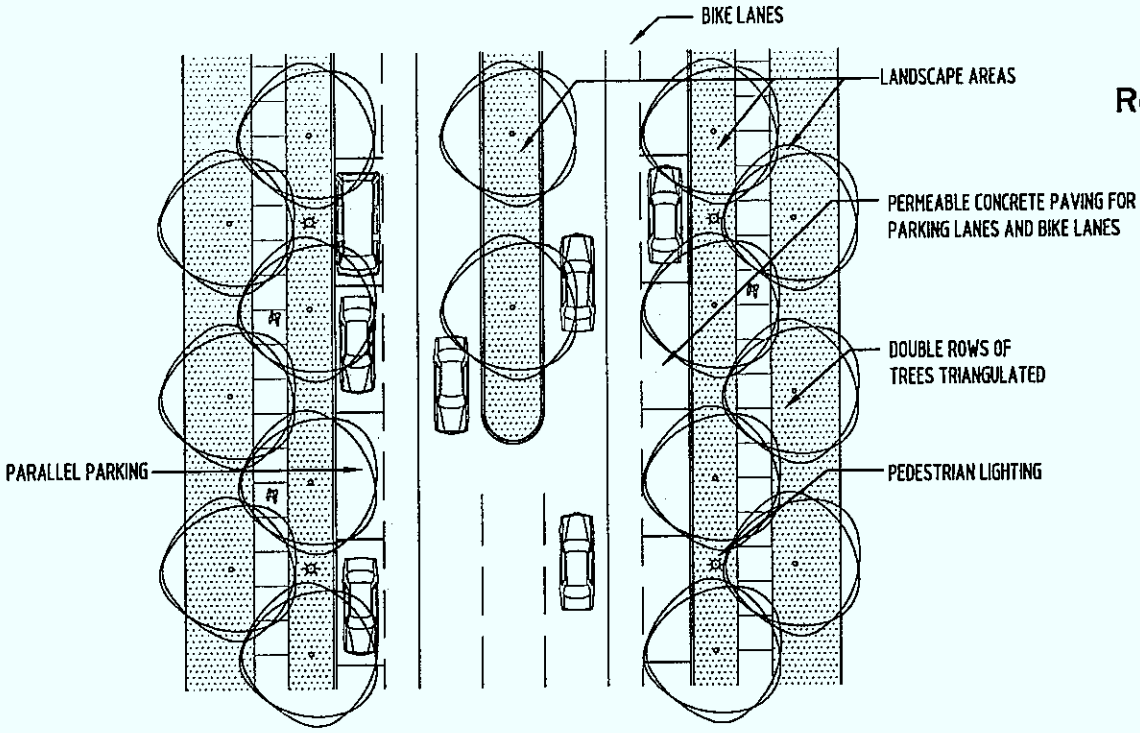
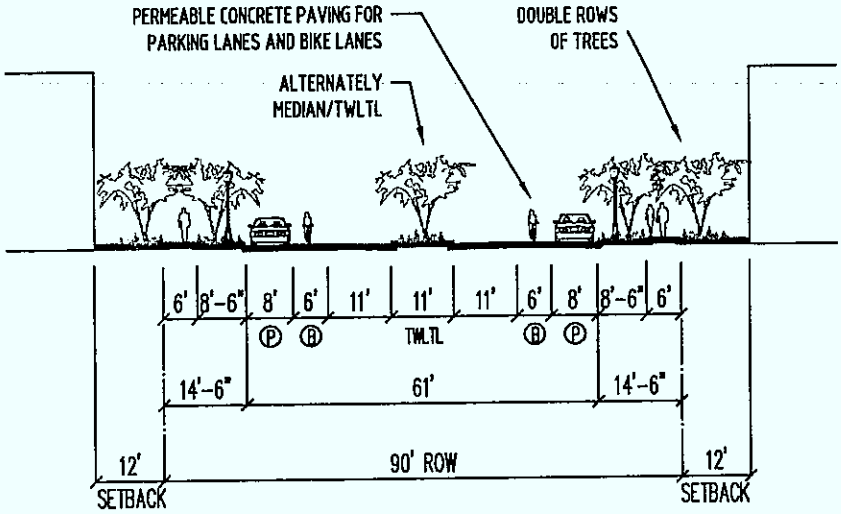
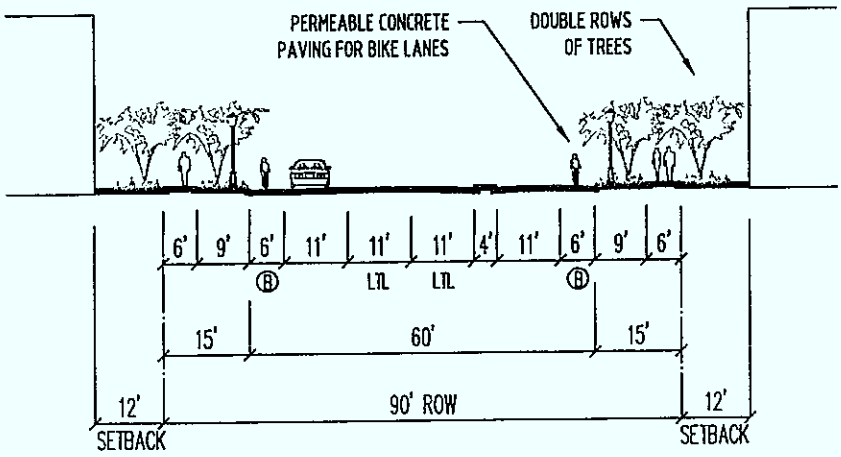


Figure 4-5
Roosevelt Street





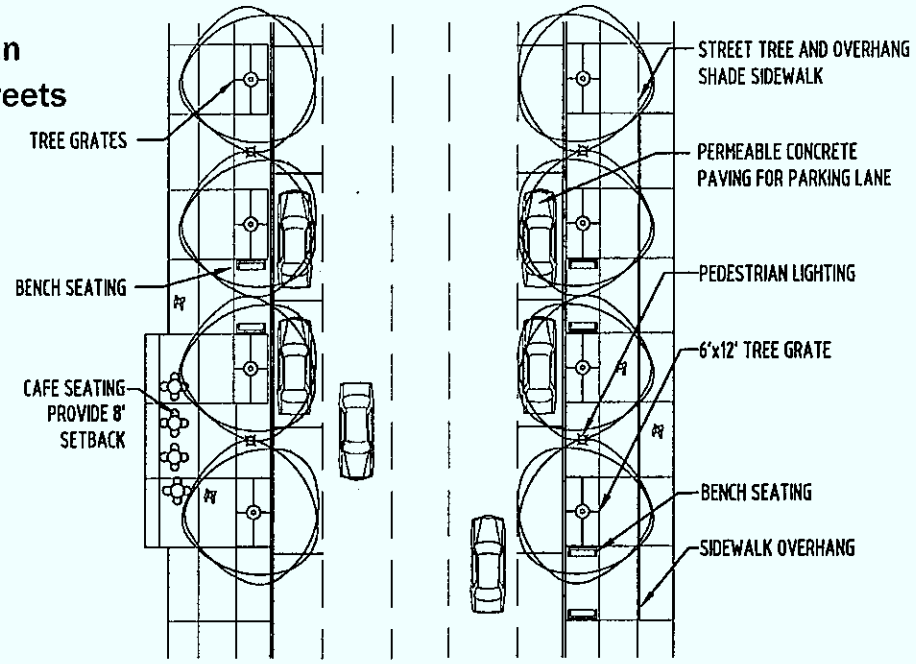
Roosevelt Street

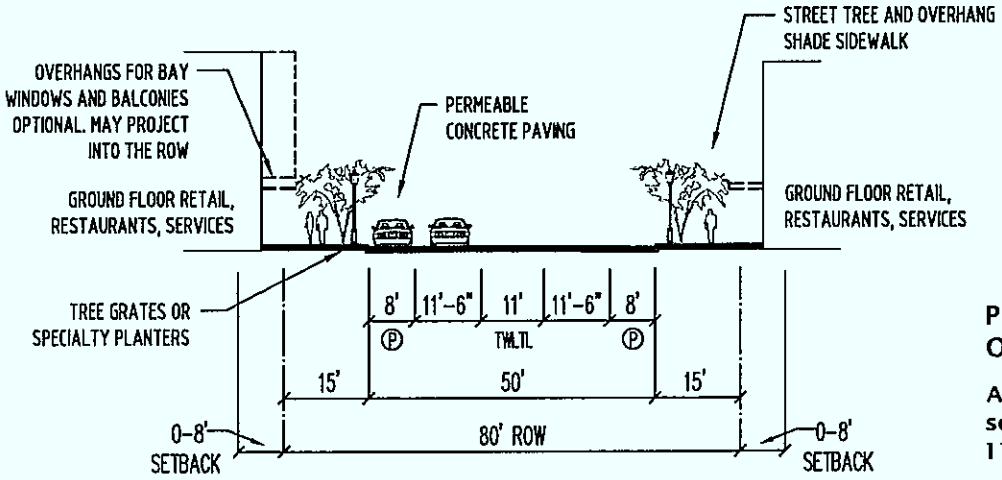


Roosevelt Street
near Avondale Blvd Intersection

Figure 4-8

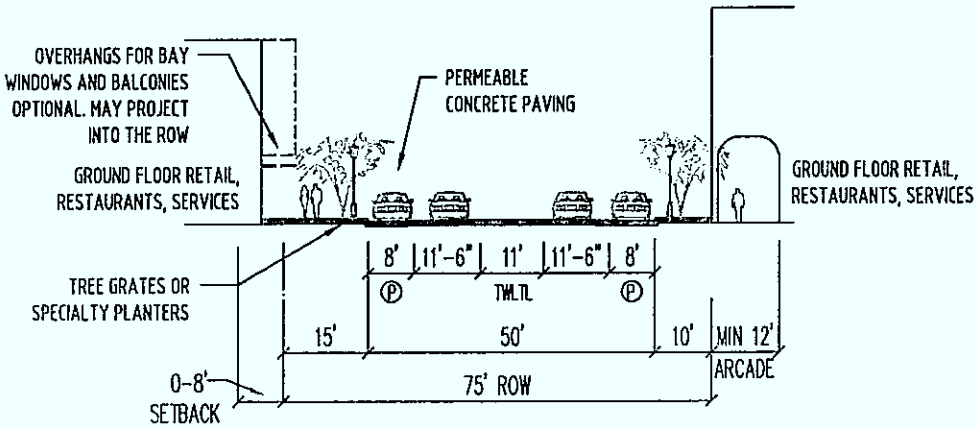
Pedestrian Retail Streets





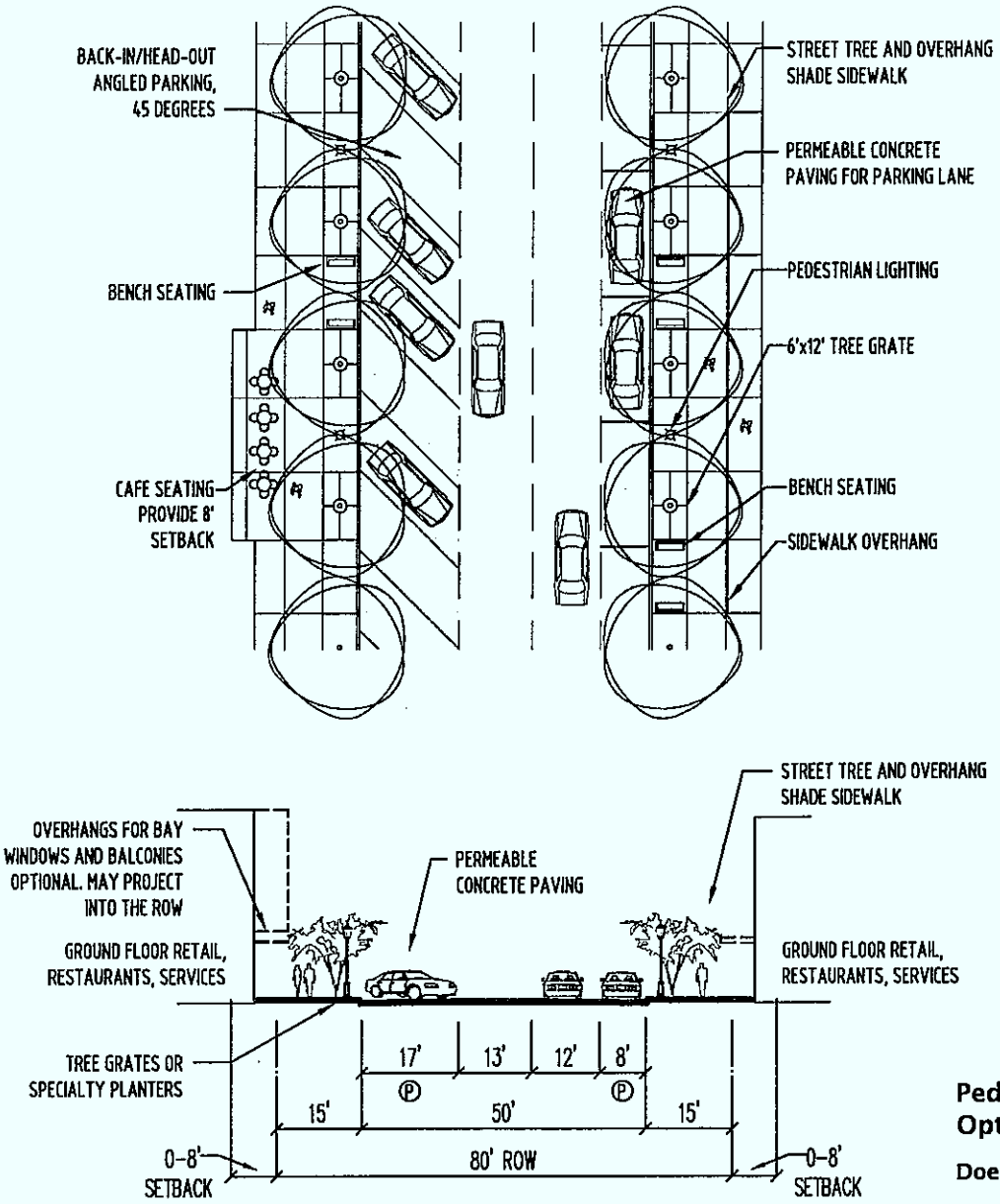
Pedestrian Retail Street Option 1: Parallel Parking

Applies to Pedestrian Retail segments of Corporate Drive, 117th Ave, and Garfield Street



Pedestrian Retail Street Option 2: Arcade

Figure 4-8
Pedestrian Retail Streets



Pedestrian Retail Street Option 3: Angled Parking

Does not apply on Collectors.

5.1 DEVELOPMENT GUIDELINES

Table 5-1 presents the development guidelines for the four unique sub-districts defined in the City Center Plan. These guidelines will be used to guide development project review and/or the preparation of Planned Area Developments. They are a critical component in achieving the desired pedestrian character for the City Center area.

Following the table are Figures 5-1 through 5-14 which illustrate key development guidelines. These illustrations are included to clarify the intent and application of the guidelines. Site plans used in the illustrations are purely illustrative, and do not in any way dictate a prescribed site plan or design.

Table 5-1: Development Guidelines

	GATEWAY EMPLOYMENT	EMPLOYMENT MIXED-USE	RESIDENTIAL MIXED-USE	TOWNHOUSE RESIDENTIAL
STREETS, PARKS, AND PUBLIC OPEN SPACE				
Maximum Block Dimension		450 feet; 600 feet with a mid-block pedestrian way. Larger block sizes may be considered, with pedestrian connections through the block.		
Public Streets - Collectors	Locations established by Specific Plan; land dedication required.			
Public Streets - Local	A network of local streets must be provided. Land dedication required. Some locations are fixed; the rest are flexible, per Figure 3-1.			
Alleys	Permitted. Min. 24 feet wide plus 3-foot setbacks to buildings, garages, and parking spaces.			
Public Parks	—	Land dedication or land reservation required, as shown in Figure 3-1. All residential development must provide public park land, publicly accessible open space, and/or financial contributions to provide 2.5 acres of neighborhood park land per 1,000 residents.		Must incorporate common open space with recreation facilities sized to meet the City standard of 2.5 acres of neighborhood parks per 1,000 residents.
Plazas - Non-Residential and Mixed Use Projects	—	6,000 to 10,000 square feet of plaza(s) in pedestrian retail area east of Avondale Blvd; 10,000 to 15,000 square feet of plaza(s) (one to three) in pedestrian retail area west of Avondale Blvd.		
Sidewalk Shading	Sidewalks must be shaded on both sides by trees, building projections (awnings or overhangs), and/or an arcade. (See fig 5-10 regarding arcades).			
ON-SITE OPEN SPACE				
Common Landscaped Open Space	Min 20% of site area	10-20% of site area	10-20% of site area	10-20% of site area
	Must be landscaped. May include storm water retention. Includes landscaped setbacks, storm drainage areas, courtyards, recreation areas, and open space/storm water retention. Areas enclosed for private use by an individual unit or tenant do not count.			
Open Space/Storm Water Retention	—	Provide an on-site open space system to create a connected network of walking and jogging paths and other amenities wherever possible; unless it prevents the achievement of other goals of the Specific Plan. Corridor locations are flexible and need not be linear. Connect with existing or future corridors on adjacent properties. Average 50 foot width; width may vary. Include pedestrian pathways, landscaping, seating and lighting. Natural landscape character. Storm water retention allowed. 50% may count as public parks, if the area is improved for passive or active recreation and is publicly accessible during the day.		

Table 5-1: Development Guidelines

	GATEWAY EMPLOYMENT	EMPLOYMENT MIXED-USE	RESIDENTIAL MIXED-USE	TOWNHOUSE RESIDENTIAL
Private Open Space for Residential Projects.	—	50 sf per residential unit.	75 sf per residential unit	125 sf per residential unit
PARKING				
Off-street Parking for Commercial Uses	—	Up to 20% reduction from standard requirements due to internal trip capture, transit, and carpool access. On-street parking counts towards parking requirements (based on lot frontage).		—
Parking for Residential Uses	—	Up to 20% reduction from standard requirement. On-street parking counts towards parking requirements, based on lot frontage.		10% reduction from standard requirement
Maximum Parking	—	110% of parking requirements		
Preferential Parking for Carpools	Minimum 1% of parking spaces			—
Tandem Parking	—	Tandem parking permitted for up to 75% of residential units		
Bicycle Parking	5% of total required parking. Secure, weather protected, and secure short-term bike parking. Provide showers in commercial buildings over 50,000 sq. ft.			—
Parking Structures and Lots - Location	—	Parking located behind buildings so that it is not visible from streets; Parking structures and lots should not occupy more than 30% of the lot frontage, and should not exceed 120' of lot frontage		
	No surface parking is allowed between the curb and buildings along Avondale Boulevard.			
Parking Structures	—	At least 60% of the perimeter facing streets or parks should be wrapped with occupiable space. Exceptions may be allowed; if the design quality of the garage exterior is equivalent to occupiable space.		
Parking Structure Design	Garage exterior facing a street or park to be consistent with design guidelines			
Garages attached to Individual Residential Units	—	Should not exceed 50% of ground level frontage facing the street		
Parking Access and Curb Cuts	—	One curb cut per lot or per street frontage; two curb cuts for longer street frontages (e.g. >300 feet)		
Open Surface Parking	—	Should not exceed 20% of site area at build-out	Should not exceed 20% of site area at build-out	Should not exceed 30% of site area at build-out
Surface Parking Lot Screening	Parking lots must be screened from streets by a 3-4' high screen wall or landscape hedge and landscaping at least 10 feet deep, including shade trees.			
GROUND FLOOR BUILDING DESIGN - PEDESTRIAN RETAIL STREETS				
Floor to Ceiling Height	—	15-18 feet for retail; 12 -15 feet for office		—
Ground Floor Windows	—	Should cover 60% of ground floor wall area		—
Limits on Blank Walls	—	Should not exceed 30% of linear frontage per street; or 20 feet in length		—
Building Entrances	—	Should provide at least one entrance per 50 linear feet of building frontage on pedestrian retail streets;]and per 100 linear feet on other streets. Building entrances must face streets.		—
Ground Floor Exterior Materials	—	Tile, stone, brick, glass and other durable quality materials. Stucco in limited amounts.		—

Table 5-1: Development Guidelines

	GATEWAY EMPLOYMENT	EMPLOYMENT MIXED-USE	RESIDENTIAL MIXED-USE	TOWNHOUSE RESIDENTIAL
Wall Plane Articulation	—	Wall plane recesses should be at least 6-18 inches. Windows, doors, columns, and other features should be recessed or project forward, so that there is a six-inch difference between wall and window surfaces and a total of at least 18 inches from the window to the outermost plane of a wall or column.		—
Floor Elevations	—	Floor elevations no more than two feet from sidewalk level		—
BUILDING FORM AND SITE DESIGN				
Maximum Building Height	10 stories; up to 16 stories on properties fronting Avondale Boulevard north of Van Buren Street	10 stories; up to 16 stories on properties fronting Avondale Boulevard north of Van Buren Street	5 stories	3 stories
Minimum Building Height	Minimum average of two stories on Avondale Boulevard and Pedestrian Retail Streets; Minimum two stories average encouraged in all areas.			
Building Form	—	Buildings front the street and occupy at least 70% of the lot frontage along streets.		
Street Setbacks	Building setbacks along streets are established by the street section drawings in Chapter 4. Setbacks for specific conditions are described below:			
Setbacks on Avondale Blvd - Min and Max	Min. 30 ft. to buildings; 40 ft. to parking (max. 60 ft.)	Min. 30 ft. to buildings; 40 ft. to parking (max. 60 ft.)	—	—
Setbacks on Van Buren Street	—	Min. 20 ft. to buildings; 30 ft. to parking (max. 40 ft.)		
Setbacks on Ped. Retail Streets	—	0 - 8 feet	0 - 8 feet	—
Ground floor residential setbacks	—	Min. 12 feet. Building projections may extend to within 5 feet of the property line, provided that adequate room is allowed for front yard shade trees.		
Setbacks - double row of trees	12' where a double row of trees shades the sidewalk			
Building Projections	Front porches, stoops, balconies, and bay windows may extend into required street setbacks, to within 5 feet of a property line along a street.			
Side Setback Guidelines	Determined by site plan.	0; Min. 15 ft. if next to a residential use	• Min. 5 ft. for 1-3 stories (min 15 ft. for primary windows); • Min. 15' for 4-5 stories • Attached townhouses permitted	• Min. 5 ft. • Attached townhoues permitted
Rear Setback Guidelines	Determined by site plan.	15 ft. for 1-3 stories; 20 ft. for 4-5 stories; 25 ft. for 6-10 stories	15 ft. for 1-3 stories; 20 ft. for 4-5 stories; 25 ft. for 6-10 stories	Min. 15 ft.
Building to Building Separation	15 ft. min.; 50 ft. for 5-10 story portions of buildings.	30 ft. between primary windows on floors 1-3; 40 ft. for floors 4-5; 50 ft. for floors 6-10	30 ft. between primary windows on floors 1-3; 40 ft. for floors 4-5	30 ft. between primary windows
Setbacks Adjacent to Residential Zones - Min.	20 ft. for 1-2 stories; 25 ft. for 3rd story; 30 ft. for 4-5 stories			

according to the criteria set forth in subsection (1) above shall be Minor Amendments.

E. Land Uses

Land uses for each Sub-District shall comply with the Land Use Matrix set forth below:

P = Permitted
C = Conditional Use
PC = Permitted with Conditions
FF = First Floor Only
A = Accessory
- = Not Allowed

LAND USE	City Center Sub-Districts					
	GE	EMU	PR	NC	RMU	TR
Amusement parks, outdoor	C	-	-	-	-	-
Antique Store	P	P	P	P	FF	-
Aquarium	C	-	-	-	-	-
Art gallery	P	P	P	P	FF	-
Art studio	P	P	P	P	FF	-
Automobile rental facility with no on-site storage	P	P	P	P	FF	-
Banks and financial institutions without drive-through, excluding non-chartered financial institutions	P	P	P	P	FF	-
Bar	PC	PC	P	-	-	-
Barber shop	P	P	P	P	FF	-
Beauty salon	P	P	P	P	FF	-
Bingo Hall	P	-	-	-	-	-
Bowling alley	P	-	-	-	-	-
Brewery, ancillary to a bar or restaurant	P	P	P	P	FF	-
Bus terminals	P	-	-	-	-	-
Business, technical, or vocational school	P	P	P	P	-	-
Caretakers quarters	A	A	A	A	-	-
Child care center	C	C	C	C	C	C
Cigar Bar or tobacco lounge	P	P	P	-	-	-
Clothing alteration, custom dressmaking or tailor shop	P	P	P	P	FF	-
College or university	P	P	P	P	PC	PC
Commercial sporting complexes	C	-	-	-	-	-
Concert facilities, outdoor	C	-	-	-	-	-
Consignment shops	P	P	P	P	-	-
Convention centers and exhibition halls	P	-	-	-	-	-
Dance studio	P	P	P	P	FF	-
Drive-through uses, including restaurants and financial institutions	P	PC	-	P	-	-
Dry cleaning and laundry establishment, pick-up and drop-off only	P	P	P	P	FF	-
Emergency medical care facility	P	P	P	P	FF	-
Employment agencies excluding day labor	P	P	P	P	FF	-
Farming	PC	PC	PC	PC	PC	PC
Funeral Home	P	-	-	-	-	-

P = Permitted
C = Conditional Use
PC = Permitted with Conditions
FF = First Floor Only
A = Accessory
- = Not Allowed

LAND USE	City Center Sub-Districts					
	GE	EMU	PR	NC	RMU	TR
Health and exercise center	P	P	P	P	FF	-
Hospitals	P	-	-	-	-	-
Hotel or motel	P	P	P	P	PC	PC
Ice skating rink, indoor	P	-	-	-	-	-
Indoor commercial recreation/entertainment uses not otherwise listed	P	P	P	P	-	-
Laboratory for bio-science, dental, medical and research & development	P	P	P	P	-	-
Libraries	P	P	P	P	FF	-
Liquor stores	C	C	C	C	-	-
Massage therapy (medical)	P	P	P	P	FF	-
Massage or day spa	P	P	P	P	FF	-
Medical, dental or health offices, clinics and laboratories, excluding plasma centers	P	P	P	P	PC	-
Museum and cultural centers	P	P	P	P	FF	-
Movie theater, indoor	P	P	P	P	-	-
Music studio	P	P	P	P	FF	-
Nail salon	P	P	P	P	FF	-
Night Club	PC	PC	P	-	-	-
Outdoor Dining, ancillary to a restaurant	A	A	A	A	A	-
Parking Lot, surface	A	A	A	A	A	A
Parking Structure	A	A	A	A	A	A
Pet boarding and day care facility	PC	PC	PC	PC	-	-
Photographic developing and printing studio	P	P	P	P	FF	-
Places of worship	P	P	P	P	P	P
Pre-schools and similar uses	C	C	C	C	C	C
Professional offices	P	P	P	P	PC	-
Public uses	P	P	P	P	P	P
Public utility buildings, structures, uses, facilities and equipment	PC	PC	PC	PC	PC	PC
Real Estate office	P	P	P	P	FF	-
Reception centers	P	-	-	-	-	-
Residential	-	PC	PC	-	P	P
Resorts	P	P	-	-	-	-
Restaurants, without drive-thru	P	P	P	P	FF	-
Retail sales of new merchandise within enclosed buildings, excluding liquor stores	P	P	P	P	FF	-
Roller rink, indoor	P	-	-	-	-	-
Sidewalk Café	P	P	P	P	FF	-
Social/private clubs	P	P	P	P	FF	-
Specialty retail, indoor, excluding liquor stores	P	P	P	P	FF	-

P = Permitted
C = Conditional Use
PC = Permitted with Conditions
FF = First Floor Only
A = Accessory
- = Not Allowed

LAND USE	City Center Sub-Districts					
	GE	EMU	PR	NC	RMU	TR
Specialty sales (e.g. used books or used records, excluding thrift stores and surplus stores)	P	P	P	P	FF	-
Specialty services	P	P	P	P	FF	-
Stadiums	C	-	-	-	-	-
Swimming club, outdoor	C	-	-	-	-	-
Tanning salon	P	P	P	P	FF	-
Telecommunication Tower	PC	PC	PC	PC	PC	PC
Theater, excluding movie theaters	P	P	P	P	-	-
Ticket and travel agency	P	P	P	P	FF	-
Veterinary hospital, offices and clinics, excluding animal boarding	PC	PC	PC	PC	-	-
Video arcade or game room	P	P	P	P	FF	-
Video Rental	P	P	P	P	FF	-
Wine Bar	P	P	P	P	FF	-
Zoo	C	-	-	-	-	-

Land uses listed in the land use matrix above as Permitted with Conditions are permitted by right only if the conditions listed below for the individual uses are met. Based on Development Plan review, staff may add additional conditions of approval deemed necessary to protect the health, safety and public welfare.

1. A college or university is allowed in all CCD Sub-Districts provided that, in RMU and TR Sub-Districts, colleges and universities shall only be permitted if the buildings (1) are in scale with nearby residential development and (2) do not adversely impact current or future residential uses.

2. Drive-through uses, including restaurants and financial institutions, are allowed in GE, NC and EMU Sub-Districts. However, in EMU Sub-Districts, stand-alone drive-through uses shall be prohibited; Drive-through uses in such EMU Sub-Districts shall only be permitted as part of multi-use buildings.

3. A hotel is allowed in all CCD Sub-Districts; provided, however, that in RMU and TR, hotels shall be limited to a maximum of 50 rooms and shall be constructed so that the buildings are in scale with nearby residential development and do not adversely impact current or future residential uses.

4. Medical, dental or health offices, clinics and laboratories, excluding plasma centers, are allowed in the RMU Sub-District; provided, however, that unless located entirely on the first floor of a mixed use building, medical office buildings shall be constructed so that the buildings are in scale with nearby residential development and do not adversely impact current or future residential uses.

5. A professional office is allowed in the RMU Sub-District; provided, however, that unless located entirely on the first floor of a mixed use building, professional office buildings shall be constructed so that the buildings are in scale with nearby residential development and do not adversely impact current or future residential uses.

6. Bars are allowed in the GE and EMU Sub-Districts; provided, however, that (1) the exterior building wall of a bar shall not be located within one thousand three hundred and twenty (1,320) feet of the exterior property lines of a public or private school, church, other bar or night club, (2) closing time for dance floors or other accessory uses to a bar shall coincide with the closing time for the bar and (3) with respect to GE Sub-Districts only, exits and entrances to a bar shall not be located within three hundred (300) feet of a residential district.

7. Night clubs are allowed in the GE and EMU Sub-Districts; provided, however, that (a) the exterior building wall of a night club shall not be located within one thousand three hundred and twenty (1,320) feet of the exterior property lines of a public or private school, church, bar or other night club, (2) closing time for dance floors or other accessory uses to a night club shall coincide with the closing time for the night club and (3) with respect to GE Sub-Districts only, exits and entrances to a night club shall not be located within three hundred (300) feet of a residential district.

8. Residential Uses are allowed in EMU and PR Sub-Districts; provided, however, that, except for residential uses fronting on Park Avenue, such residential uses are only permitted on the upper floors.

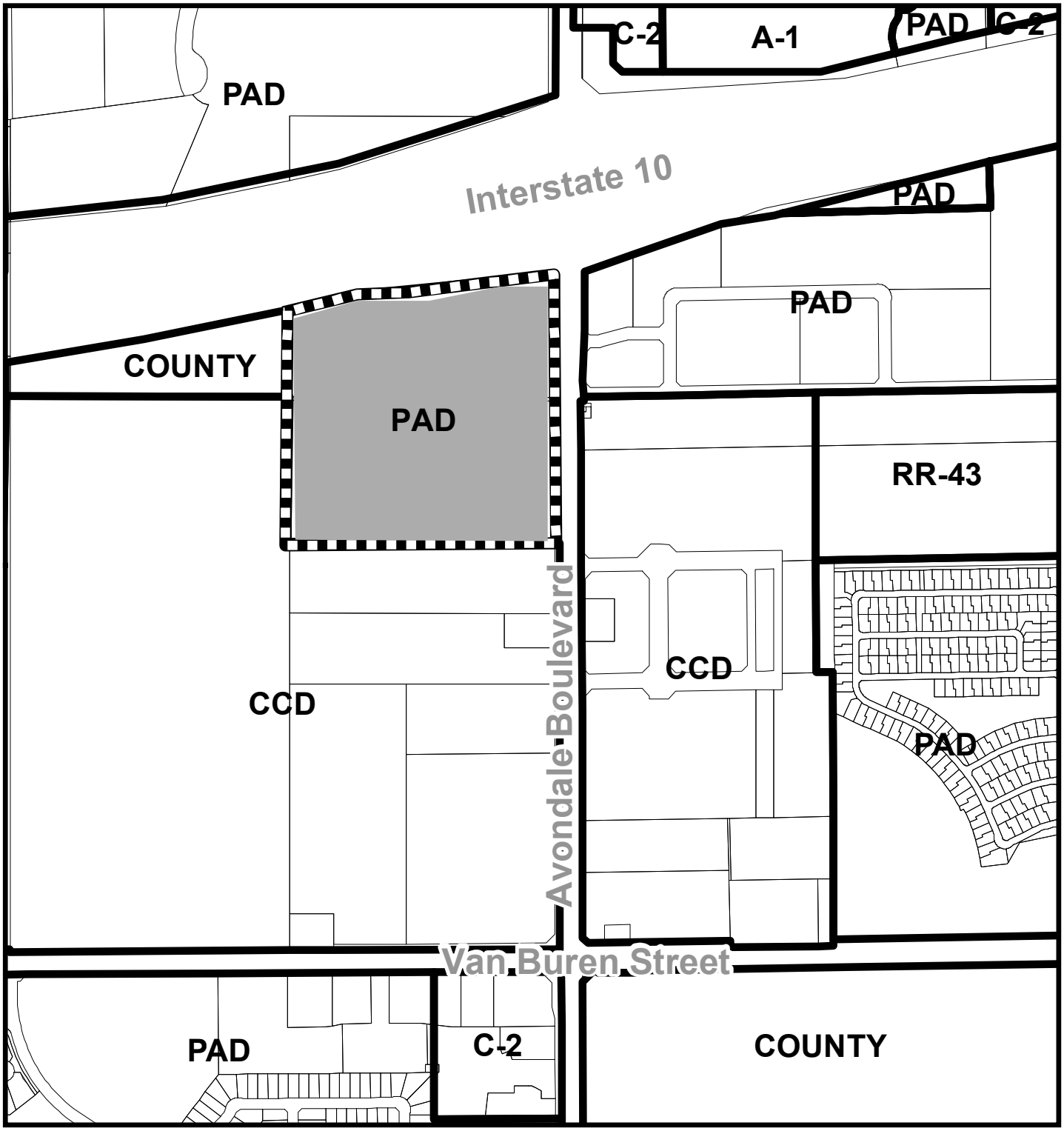
9. Farming is allowed in all CCD Sub-Districts for a period not to exceed five (5) years from the date of rezoning; provided, however, that farming is limited to the cultivation and harvesting of crops and that no agricultural uses which utilize livestock (i.e. dairy farming), plant nurseries, or greenhouses shall be allowed. Farming and agricultural uses legally occurring on the property prior to rezoning to CCD shall not be subject to this provision. After the initial time five (5) year time period has elapsed, such use may only continue under a Conditional Use Permit.

F. Development Guidelines

1. Properties within the Gateway Employment, Employment Mixed-Use, Residential Mixed-Use, and Townhouse Residential Sub-Districts shall comply with the Development Guidelines as listed in Table 5-1 of the CCSP. The Pedestrian Retail Sub-District shall comply with the Development Guidelines as listed for the Employment Mixed-Use Sub-District, except to the extent such guidelines are determined by the Zoning Administrator to be inapplicable.

2. Properties within the Neighborhood Commercial Sub-District shall comply with the Development Guidelines listed for the Gateway Employment Sub-District,

Exhibit C

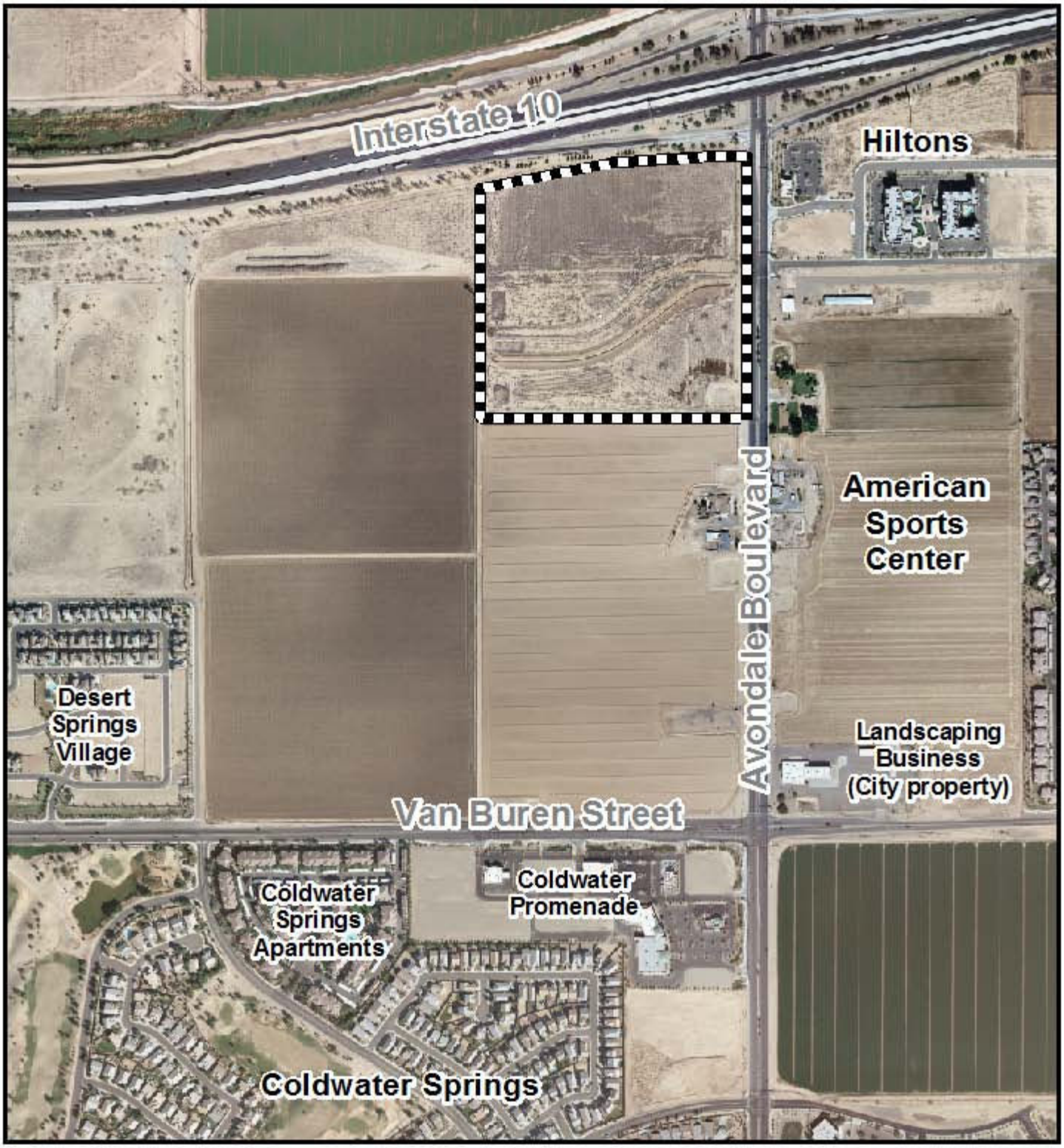


Zoning Vicinity Map
The Shops at Avondale PAD Rezoning
PL-10-0140

Avondale

Subject Property

Exhibit D



Aerial Photograph 2010
The Shops at Avondale PAD Rezoning
PL-10-0140

Avondale

Subject Property

N

Exhibit E

SUMMARY OF RELATED FACTS
APPLICATION PL-10-0140 THE SHOPS AT AVONDALE PAD REZONING

THE PROPERTY	
PARCEL SIZE	Approximately 33.957 acres
LOCATION	SWC Avondale Boulevard & Interstate 10
PHYSICAL CHARACTERISTICS	Approximately square and relatively flat, with some infrastructure onsite
EXISTING LAND USE	Farming
EXISTING ZONING	Planned Area Development (PAD)
ZONING HISTORY	Annexed 3/21/2005, Rezoned to PAD 9/6/2005 PAD Major Amendment 11/6/2005
DEVELOPMENT AGREEMENT	Expired

SURROUNDING ZONING AND LAND USE	
NORTH	N/A – Interstate 10 (freeway)
EAST	Planned Area Development (PAD) – Avondale Gateway (hotels, restaurant, and vacant land)
SOUTH	City Center District (CCD) – vacant (farming)
WEST	City Center District (CCD) – vacant (farming)

GENERAL PLAN
The subject property is designated as **Freeway Commercial** on the General Plan Land Use Map.

PUBLIC SCHOOLS	
SCHOOL DISTRICT(S)	Littleton Elementary School District Tolleson Union High School District
ELEMENTARY SCHOOLS	Littleton Elementary School
HIGH SCHOOL	La Joya Community High School

STREETS	
Avondale Boulevard	
Classification	Arterial
Existing half street ROW	65 feet
Standard half street ROW	65 feet
Existing half street improvements	3 vehicular lanes, ½ landscaped median, bike lane, curb and gutter, street lights
Standard half street improvements	3 vehicular lanes, ½ landscaped median, bike lane, curb and gutter, sidewalk, street lights

UTILITIES
There is an existing 20” water line in Avondale Boulevard transitioning the length of the property frontage. There is an existing 27” sewer line in Avondale Boulevard transitioning across the entire frontage of the property.

Exhibit F

The Shops at Avondale Boulevard
Rezoning Request to City Center Zoning District
Case PL-10-0140
12/15/2010

REQUEST NARRATIVE

This is a request to rezone from Planned Area Development (PAD) to City Center Zoning District (CCD), in conformance with the General Plan, the City Center Specific Plan (CCSP), and the Zoning Ordinance.

The subject property is located at the southwest corner of Avondale Boulevard and U.S. Interstate 10, and comprises approximately 33.957 gross acres. The property is vacant except for a small amount of incomplete infrastructure, comprising fire hydrants, water and sewer lines, and remnant curb and gutter. The property is currently being utilized with agricultural uses (farming).

The General Plan Land Use Map identifies the property as Freeway Commercial. Freeway Commercial accommodates more intense uses along Interstate 10, and is intended for regional retail, neighborhood retail, family entertainment, office, and employment uses. This request furthers the goals and objectives of the General Plan: by ensuring that land uses meet the long-term social and economic goals of the community (Land Use Element, Goal 2); by encouraging development that will increase City's sales tax revenues (Economic Element, Goal 2, Objective B); by encouraging a diversity of employment types to provide against market fluctuations in specific sectors of the economy (Economic Element, Goal 2, Objective D); by diversifying City revenue streams (Cost of Development Element, Goal 1, Objective B); and, by helping to prevent 'sales tax leakage' to other communities by providing more retail and service choices in Avondale (Cost of Development Theme, Goal 2, Objective B).

The CCSP identifies the property as Gateway Employment. The primary uses allowed in the Gateway Employment Sub-District of the Zoning Ordinance are retail, office, and hotel, and includes many other commercial uses appropriate for the area. Gateway Employment prohibits residential, industrial, manufacturing, and warehousing because of the proximity to Interstate 10 and visibility from the freeway.

The property was annexed March 21, 2005 and zoned Agriculture (AG). The property was rezoned from Agricultural (AG) to PAD on September 6, 2005 under case number Z-05-6. The PAD Development Plan showed a 9 acre Retail/Restaurant subarea along Avondale Boulevard and a 25 acre Mixed Use Office Park on the balance of the site to the west.

On November 6, 2006, the City Council approved case Z-06-8, an amendment to the PAD to add professional, administrative, corporate business, or medical offices to the list of permitted uses in the Retail/Restaurant subarea.

On March 5, 2007, the City Council approved case DR-06-3, a Master Site Plan for the northern 17.5 acres of the property. The Master Site Plan showed an eight-story hotel, a six-level parking garage with attached one-story retail shops, and a four-story office building. On March 5, 2008, the Master Site Plan approval expired, and on March 5, 2008 the PAD zoning expired.

On December 28, 2009, the City of Avondale accepted a deed granting additional right-of-way to Avondale Boulevard at the Interstate 10 off-ramp.

EXHIBIT G

City of Avondale

January 6, 2011

Planning Division
Engineering & Development Services Department
City of Avondale
Avondale, Arizona 85323

RE: Neighborhood Meeting Summary Report for The Shops at Avondale PAD Rezoning (case PL-10-0140)

To Whom It May Concern:

A Neighborhood Meeting for case PL-10-0140, a request to rezone approximately 33.957 acres from Planned Area Development to City Center District located at the southwest corner of Avondale Boulevard and Interstate 10, was held last night in the Mojave Room of City Hall. The meeting was noticed with a sign on the property displaying the date and time, a 1/8 page notice was run in the West Valley View newspaper, and first class letters were mailed to each property owner within 500 feet of the subject property.

The meeting was advertised to begin at 6:30 p.m. I was the only one in attendance (see the Meeting Sign-In Sheet attached). No other person showed up to the meeting. I ended the meeting and closed the room at 7:05 p.m.

With regards,

Eric Morgan
Planner II

cc: File PL-10-0140
Correspondence File

Development Services
11465 W. Civic Center Drive, #110 • Avondale, AZ 85323
Phone: (623) 333-4000 • Fax: (623) 333-0400 • TDD: (623) 333-0010
www.avondale.org

MEETING SIGN-IN SHEET Neighborhood Meeting

Project: The Shops at Avondale Rezoning PL-10-0140	**Meeting Date:** 1/5/2011 @ 6:30 p.m.
Facilitator: Eric Morgan, Planner II	**Place/Room:** City Hall / Mojave Room

Name	Title	Company	Phone	Fax	E-Mail
Eric Morgan	Planner II	City of Avondale	623-333-4017	—	emorgan@avondale.org

Exhibit H

PLANNING COMMISSION
REGULAR MEETING

CITY COUNCIL CHAMBERS
11465 W. CIVIC CENTER DR.
AVONDALE, AZ 85323

Thursday, January 20, 2011
6:30 P.M.

I. CALL TO ORDER

The Regular Meeting was called to order at approximately 6:30 p.m. by Chairperson Long.

II. ROLL CALL

The following members and representatives were present:

COMMISSIONERS PRESENT
Michael Long, Chairman
Angela Cotera, Vice Chair
David Iwanski, Commissioner
Lisa Amos, Commissioner
Grace Carrillo, Commissioner
David Scanlon, Commissioner
Sean Scibienski, Commissioner

CITY STAFF PRESENT
Tracy Stevens, Planning Manager, Development Services Department
Chris Schmaltz, Attorney
Eric Morgan, Planner II, Development Services
Linda Herring, Development Services Representative

VI. PUBLIC HEARING ITEMS

1. PL-10-0140: This is a public hearing before the Planning Commission to review and solicit public input on application PL-10-0140, The Shops at Avondale PAD Rezoning; a request by the City of Avondale to rezone approximately 33.957 acres from Planned Area Development (PAD) to City Center District (CCD). The subject site is located at the southwest corner of Avondale Boulevard and Interstate 10. Staff Contact: **Eric Morgan**

Eric Morgan, Planner II, Development Services, stated Item PL-10-0140 is a request to rezone from PAD (Planned Area Development) to CCD (City Center District) for The Shops at Avondale. The property is located at the southwest corner of Interstate 10 and Avondale Blvd. The subject property is identified as Freeway Commercial on the General Plan Land Use Map, which calls for Regional and Neighborhood Commercial, Family Entertainment, Office, and Employment uses. The property is also located within the City Center Specific Plan area. The northern portion of the subject property is designated as Gateway Employment, and the southern portion is designed Employment Mixed Use, with pedestrian-oriented development called for along the boundary streets.

The City Center Specific Plan was adopted in 2009 with the intent for it to be a high density, mixed-use, premier destination. The Gateway Employment area in the northern portion has freeway exposure and the intended primary uses are retail, office and hotel. Residential, industrial, manufacturing and warehouse are not permitted. A 16-story maximum building height is allowed to take advantage of the freeway exposure. The Employment Mixed-Use area in the southern portion of the property is intended to be pedestrian-oriented with retail, restaurant, professional offices, hotels, and personal services. Residential is allowed above the ground floor. Maximum building height is 10 stories, with an average building height of two stories. Maximum building heights of 16 stories are provided for fronting Avondale Boulevard.

The property is approximately 34 acres. Mr. Morgan showed the Commissioners a map of the area, stating zoning to the south and west is City Center. The Avondale Gateway is zoned PAD, and has existing development of the Hilton Hotels and Ruby Tuesdays. Coming soon is a Culver's south of the Ruby Tuesday's. The City Center Zoning area includes the American Sports Center, which also will have retail and restaurant uses.

Staff finds that the three required findings have been met. 1. The proposed zoning of the City Center District is appropriate for Freeway Commercial as identified on the General Plan Land Use Map. 2. The proposed City Center District zoning conforms to the City Center Specific Plan. 3. The request for City Center District zoning is in conformance with the Zoning Ordinance and, in particular with Section 501.B, which states that properties in the City Center Plan area can rezone to City Center District. A Neighborhood Meeting was held January 5, 2011. No interested parties attended the meeting and no one has contacted Staff with comments or questions regarding this case. Staff recommends approval. Mr. Morgan stated the applicant's representative is present.

Chairperson Long invited questions.

Vice Chair Cotera noted that Exhibit D in the Commissioners' packets is for the Avondale Crossing PAD Extension.

Vice Chair Cotera asked if the prior Master Site Plan for the property has expired along with the PAD zoning. Mr. Morgan stated it is a matter of contention and uncertainty whether the PAD

zoning has expired on this property. Some infrastructure exists on the property, i.e., fire hydrants, water lines, etc., but they have not been accepted by the City. Whether installing a portion of the infrastructure constitutes "initiation of the development process," as is required to vest a PAD, has not been definitively determined. If this request to rezone the property is denied, it is unknown whether the PAD zoning is active, and whether someone can go out and continue developing right now.

Vice Chair Cotera asked if somebody wants to develop the property, would they have to provide the City with plans in conformance to the City Center District. Mr. Morgan explained that if the Commissioners approve the rezoning to City Center District, then the applicant will have to submit a Development Plan that conforms to the City Center District. After submittal, the Development Plan is approved by the Planning Commission and City Council. After that, the Site Plan is administratively-approved. If the rezoning is not approved, and the PAD and Master Site Plan is determined to be still valid, an applicant could go ahead and build exactly what was approved on the previous Master Site Plan, which is an eight-story hotel, a six-level parking garage with attached one-story retail shops, and a four-story office building. Otherwise, the developer will have to return to the Planning Commission and City Council to make any changes that deviated from the approved PAD and Master Site Plan.

Vice Chair Cotera asked if someone has plans to build on the property. Mr. Morgan deferred to the property owner's representative.

Commissioner Amos stated she is confused as to who the applicant is. The agenda states the applicant is the City, yet there are applicants present from The Shops at Avondale. Mr. Morgan explained that the City is the applicant, but a representative for the owners of The Shops at Avondale is present.

Commissioner Amos asked what prompted the City to initiate this request to rezone. The City stepped in and offered to rezone the property, as the City is interested in having the property zoned City Center District rather than this uncertain Planned Area Development. If the Commissioners would like to ask the owner what their plans are, the owner's representative is present tonight. Staff will handle other questions as the applicant.

Commissioner Scanlon asked as the infrastructure improvements have already been made, which includes the fire hydrants, are they adequate to accommodate a building 16 stories in height. Mr. Morgan explained that the 16 story height is allowed in the City Center District. If the Commissioners approve the rezoning to City Center District, 16 story heights will be allowed in the northern portion of the property designated as Gateway Employment and along Avondale Boulevard. When a development plan comes through, the developer will have to show exactly what they are planning to build. If a 16-story building is proposed, the Planning Commission and City Council can deny the request. While a maximum height of 16 stories is allowed by the zoning, it still has to be approved. It is unknown if the existing infrastructure is sufficient for a 16-story building.

Commissioner Scanlon asked if the previously installed infrastructure improvements are grandfathered in under the previously approved Master Site Plan. Mr. Morgan stated that the infrastructure improvements have not been accepted by the City, so no.

Commissioner Amos asked if it is premature to rezone the property if the status of the PAD is undecided. Mr. Morgan explained that the City Center District is a hard zoning district. Rezoning to City Center District will clear the books of the PAD zoning and the Master Site Plan. PAD zoning is meant to accommodate custom zoning for a development project that wants to move forward immediately. Development under the current PAD zoning could not move forward, and that is one of the reasons the City initiated the rezoning request. The City wants to get rid of all PAD-zoned properties that are not moving forward with development in the near future. The City wants City Center District zoning in place so the developers will follow the Design Guidelines and development standards for the City Center District. As properties develop to the City Center District zoning requirements, the desired look the City wants for the City Center area will be achieved. In this case, the property owner (Shops at Avondale) is willing to rezone and accommodate the City.

Commissioner Amos asked if this property is rezoned to City Center District, will the current PAD zoning expire. Mr. Morgan stated that if the rezoning to City Center District is approved, the PAD zoning will be eliminated by being replaced.

Vice Chair Cotera asked if the Planning Commission approves the rezoning of the property, can developers who previously had PAD zoning approved stop the rezoning and prevent the property from being developed. Mr. Morgan clarified that the property owner has provided written permission to the City to rezone the property to City Center District. The property owner will not oppose the rezoning. The City is the applicant and is doing all the paperwork work.

Chris Schmaltz, Attorney, stated the issue of the PAD zoning has gone back and forth with Staff; however, if the Planning Commission approves the rezoning request, the PAD zoning question will be answered to the benefit of the City and the property owner.

Commissioner Iwanski asked if the Planning Commission's action tonight would serve as a positive precedent in terms of eliminating PADs that are not proceeding as planned. Mr. Morgan stated he believes this is a positive step in terms of getting some of the PADs that are not performing to move forward with a hard zoning or revert back to another zoning and wait for the economy to improve. Those properties do have the right to request an extension on their PAD zoning.

Commissioner Scanlon asked if Staff had settled the argument on the PAD zoning. Attorney Schmaltz stated that, from his perspective, this action tonight will settle the argument.

Commissioner Scanlon asked if there were any third parties that may come in and complain. Attorney Schmaltz stated that the discussions have all been with the current property owner. The issue of the PAD zoning will be resolved with the Planning Commission's actions taken tonight.

Commissioner Scanlon asked who is responsible for the infrastructure that is already in place. Attorney Schmaltz explained that the City did not accept the infrastructure improvements that were made previously. Any development plan that comes through will have to incorporate the existing infrastructure, or replace the infrastructure with something that serves the new development plan.

Commissioner Scanlon stated the infrastructure will not be the responsibility of the City, which Attorney Schmaltz confirmed.

Mr. Morgan added that he was in a meeting with the property owner and their representative. They indicated they are going to contact engineering staff and review what infrastructure can be salvaged. An evaluation process will be performed by City Staff as to whether to accept the infrastructure. The City is not responsible for removal or improvement of the current infrastructure if it is insufficient because the City did not accept it previously.

Commissioner Amos pointed out that the current land use is farming and farming is allowed in the City Center District up to five years after the date of rezoning. She asked if there are provisions to extend farm zoning past five years should the property not develop. Mr. Morgan stated that the City Center District regulations provide for five years of farming from the time the property is rezoned to City Center District. After that period, the owner can apply for a Conditional Use Permit to extend the farming use beyond five years.

Chairperson Long invited the applicant to address the commission.

Carolyn Oberholtzer, Rose Law Group, 6613 Scottsdale Rd., Scottsdale, AZ, stated they are not the applicant. She represents the property owner. This property has a long history with the City. She just became involved this summer trying to work out the details on what the owners could market this property for. From their perspective, the Planning Commission's actions tonight will solve all these issues, as the property will develop under the City Center District zoning and the rules as set forth in the Zoning Ordinance and the Specific Plan. They do not have any immediate development plans, but with the City's investment in the American Sports Center, things are changing and there is more interest. This rezoning will also provide them a tool by which potential buyers will understand what they are allowed to do and what they cannot do. This has been very difficult with the PAD issue unresolved.

Chairperson Long opened the Public Hearing on item PL-10-0140. There were no requests to speak. Chairperson Long invited questions and there were none. Chairperson Long closed the Public Hearing.

Chairperson Long invited a motion on item PL-10-0140. Commissioner Scibienski moved that the Planning Commission accept the findings and recommend approval of application PL-10-0140, a request to rezone approximately 33.957 acres from Planned Area Development to City Center District. Commissioner Scanlon seconded the motion.

Chairperson Long called for a vote.

ROLL CALL VOTE

Chairperson Long	Aye
Vice Chair Cotera	Aye
Commissioner Iwanski	Aye
Commissioner Amos	Aye
Commissioner Carrillo	Aye
Commissioner Scanlon	Aye
Commissioner Scibienski	Aye

The motion passed unanimously.

End

ORDINANCE 1445-211

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AMENDING THE OFFICIAL ZONING ATLAS OF THE CITY OF AVONDALE FOR APPROXIMATELY 35.92 ACRES LOCATED AT THE SOUTHWEST CORNER OF AVONDALE BOULEVARD AND INTERSTATE 10, AS SHOWN IN FILENAME PL-10-0140, REZONING SUCH PROPERTY FROM PLANNED AREA DEVELOPMENT (PAD) TO CITY CENTER DISTRICT (CCD).

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, January 20, 2011, on the amendment to the Zoning Atlas after which the Commission recommended approval; and

WHEREAS, the City Council held a public hearing regarding the amendment to the Zoning Atlas on February 22, 2011.

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

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

SECTION 2. The ± 35.92 acre parcel of real property generally located at the southwest corner of Avondale Boulevard and Interstate 10, as shown in filename PL-10-0140 (the "Property"), as more particularly described and depicted in Exhibit A, attached hereto and incorporated herein by reference, are hereby rezoned from Planned Area Development (PAD) to City Center District (CCD).

SECTION 3. If any provision of this Ordinance is for any reason held by any court of competent jurisdiction to be unenforceable, such provision or portion hereof shall be deemed

separate, distinct and independent of all other provisions and such holding shall not affect the validity of the remaining portions of this Ordinance.

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

PASSED AND ADOPTED by the Council of the City of Avondale, February 22, 2011

_____
Marie Rogers Lopez, Mayor

ATTEST:

_____
Carmen Martinez, City Clerk

APPROVED:

_____
Andrew J. McGuire, City Attorney

EXHIBIT A
TO
ORDINANCE NO. 1445-211

[Legal Description and Map]

See following pages.

EXHIBIT A

The Shops at Avondale Boulevard - PL-10-0140
Gross Area Legal Description of APN 500-01-016, 017 & 018A
including adjoining Avondale Boulevard Right-of-Way
For Zoning Purposes

Legal Description

That part of the East Half of the Southeast Quarter of Section 1, Township 1 North, Range 1 West of the Gila and Salt River Meridian, Maricopa County, Arizona together with that part of the Northeast Quarter of said Section 1, described as follows:

Beginning at the East Quarter Corner of Section 1, Township 1 North, Range 1 West of the Gila and Salt River Meridian from which the Southeast corner thereof bears South 0 degrees 2 minutes 17 seconds East a distance of 2626.80 as the basis of bearing;

Thence South 0 degrees 2 minutes 17 seconds East along the East line of said Section 1, being the monument line of Avondale Boulevard, a distance of 682.43 feet to the south line of the north 682.43 feet of the East half of the southeast quarter of said Section 1;

Thence North 89 degrees 53 minutes 17 seconds West along said south line a distance of 1309.04 (1316.66 record), to the West line of said East half of the southeast quarter of Section 1;

Thence North 0 degrees, 0 minutes 04 seconds East 682.43 along said West line, to a point on the East-west mid-section line of said section 1;

Thence North 89 degrees 53 minutes 17 seconds West along said mid-section line a distance of 10.29 feet to that accepted West line of the East half of the northeast quarter of said Section 1 modified by agreement in Book 10 page 7 of Road Maps, Maricopa County Records;

Thence North 0 degrees 13 minutes 22 seconds West, along said West line a distance of 409.12 feet to a point on the South Right-of-Way line of Interstate 17;

Thence North 78 degrees 10 minutes 48 seconds East along said south Right-of-Way line a distance of 356.80 feet

Thence North 84 degrees 23 minutes 25 seconds East continuing along said South Right-of-Way line a distance of 975.45 to a point on the East line of the Northeast Quarter of said Section 1;

Thence South 0 degrees 2 minutes 35 seconds East, along the East line of the Northeast Quarter of said Section 1 a distance of 580.13 feet to the Point of Beginning.

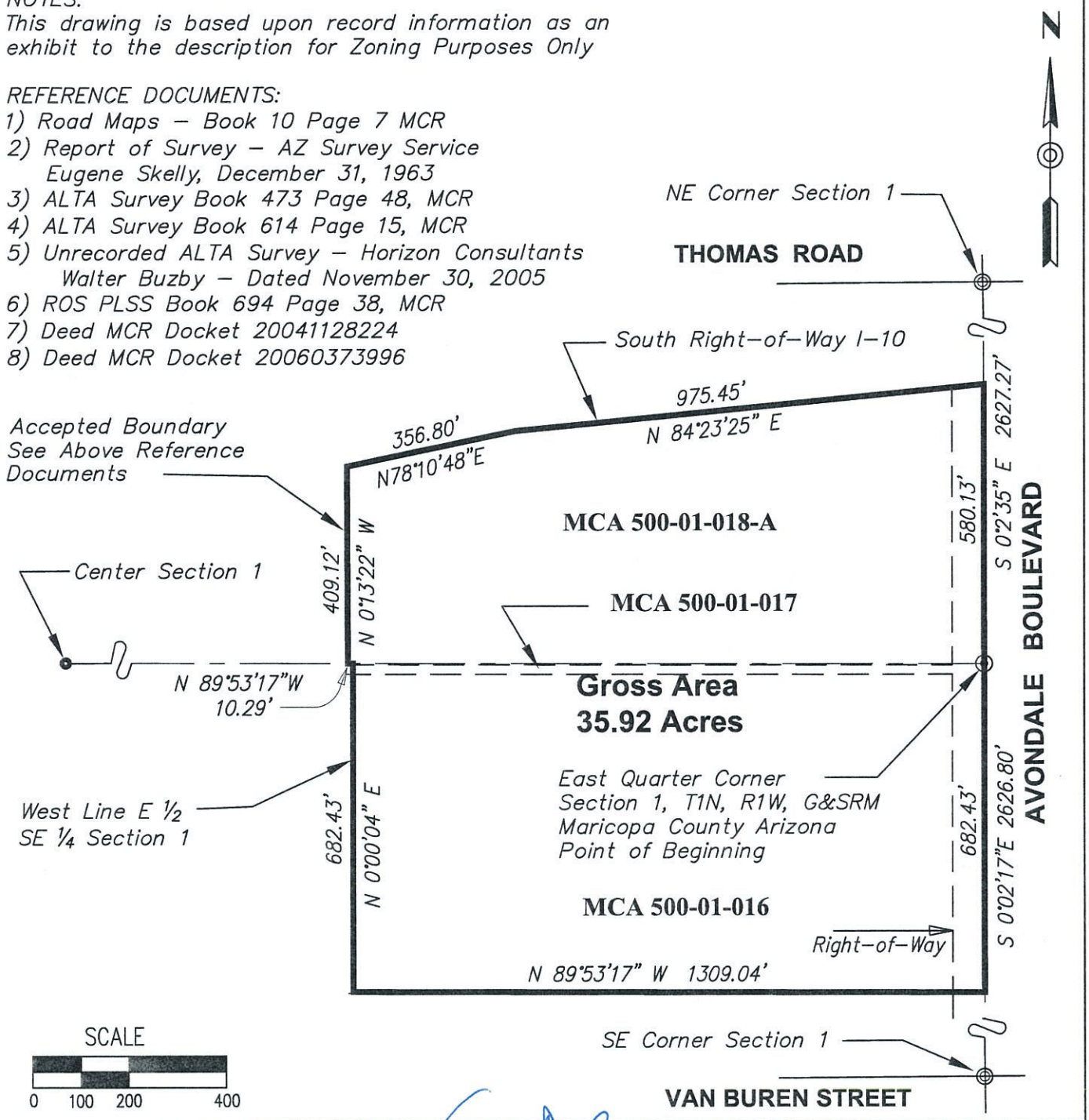
Said parcel contains 35.92 acres gross, more or less

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
13572
LARI DON
SPIRE
Date Signed 1-11-11
ARIZONA, U.S.A.

EXPIRES June 30, 2011

NOTES:
This drawing is based upon record information as an exhibit to the description for Zoning Purposes Only

REFERENCE DOCUMENTS:
1) Road Maps – Book 10 Page 7 MCR
2) Report of Survey – AZ Survey Service
   Eugene Skelly, December 31, 1963
3) ALTA Survey Book 473 Page 48, MCR
4) ALTA Survey Book 614 Page 15, MCR
5) Unrecorded ALTA Survey – Horizon Consultants
   Walter Buzby – Dated November 30, 2005
6) ROS PLSS Book 694 Page 38, MCR
7) Deed MCR Docket 20041128224
8) Deed MCR Docket 20060373996



City of Avondale

ENGINEERING DEPARTMENT

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
13572
LARI DON SPIRE
Date Signed 1-11-11
ARIZONA, U.S.A.
Expires: June 30, 2011

THE SHOPS
AT AVONDALE BOULEVARD
REZONING PL-10-0140
35.92 ACRES GROSS AREA

DATE: 1-11-2011	PROJECT NAME PL-10-0140
DSN:	
DRN. LS	PAGE 2 OF 2
CHK:	

DEVELOPMENT SERVICES

SUBJECT:
Public Hearing and Ordinance 1448-211 – Zoning Reversion for Avondale Crossing

MEETING DATE:
February 22, 2011

TO: Mayor and Council

FROM: Sue McDermott, Development Services Director/City Engineer (623) 333-4211

THROUGH: Charlie McClendon, City Manager

REQUEST: Revert zoning from Planned Area Development (PAD) Zoning District to Agricultural (AG) Zoning District.

PARCEL SIZE: Approximately 29.64 acres

LOCATION: Northeast corner of El Mirage Road and City Center Drive

APPLICANT: City of Avondale

OWNER: LaPour Avondale One, L.L.C., et al., Jeffrey LaPour (702) 222-3022

BACKGROUND:

The property was annexed into the City on June 28, 1978. Upon adoption of the City's new zoning map in 1990, the property was zoned Agricultural (AG).

On October 15, 2007, City Council approved case Z-07-2, rezoning the property to PAD by Ordinance 1273-1007, with twelve conditions of approval.

On October 15, 2010, the PAD expired without development of the property.

On October 18, 2010, an application for extension of PAD zoning for one year was received by the City.

On January 24, 2011, the City Council denied application PL-10-0104, a request to extend PAD zoning for one year. On February 1, 2011, the property owner and the applicant for the PAD extension were both mailed a certified letter informing them that the City Council would hold a public hearing to consider reverting the PAD zoning of the property back to AG.

The property is identified as Employment on the General Plan Land Use Map (Exhibit A). The property is vacant and is currently being farmed.

SUMMARY OF REQUEST:

This is a request to amend the zoning map to revert the zoning classification from PAD back to the previous zoning, AG. Section 603.D of the Zoning Ordinance requires that development of the first phase commence within three years of rezoning to PAD. If the 3 year time condition expires without development, and no extension is granted by City Council, the PAD zoning is subject to reversion to the previous zoning. On October 15, 2010 the 3 year time condition expired without development for this PAD. On January 24, 2011, City Council denied a request for a one year extension of the PAD zoning.

PARTICIPATION:

Not applicable.

PLANNING COMMISSION ACTION:

Not applicable.

ANALYSIS:

Section 603.D of the Zoning Ordinance states that a PAD is conditioned on development of the first phase of the project commencing within three years of the effective date of the ordinance approving the PAD zoning on the property.

Section 603.D.1 of the Zoning Ordinance allows the property owner to request a one year extension of PAD zoning. The maximum number of extensions that may be granted is four.

Section 603.D.2 of the Zoning Ordinance states that the City Council may, at its sole discretion, grant an extension of the time condition.

Section 603.D.4 of the Zoning Ordinance provides for reversion of the zoning on the property to its prior zoning classification by City Council should the time condition expire.

The subject property was rezoned from AG to PAD on October 14, 2007. Development of the first phase did not commence prior to October 15, 2010. A request for a one year extension of the time condition was denied by City Council on January 24, 2011. The owner and applicant for the extension were both notified by certified letter, per Section 603.D.4 of the Zoning Ordinance, that the City Council would hold a public hearing to consider whether to revert the zoning on the property back to AG on February 22, 2011.

Conclusion:

Based on the information contained in the official files and the analysis by staff, staff recommends approval of the request to revert the zoning on the property to its prior zoning classification of AG.

FINDINGS:

1. The property was zoned to PAD on October 15, 2007, conditioned upon commencing development of the first phase of development within three years, or October 15, 2010.

2. Commencement of the first phase of development did not occur prior to October 15, 2010, or afterward.

3. On January 24, 2011, the City Council denied a request for a one year extension of the time condition to October 15, 2011.

4. Section 603 of the Zoning Ordinance provides for the City Council, at its sole discretion, to revert the zoning on the property to its previous zoning classification after expiration of the time condition to commence development.

5. The previous zoning classification of the property was Agricultural (AG).

RECOMMENDATION:

Staff recommends that the City Council adopt an ordinance **APPROVING** application PL-11-0020 with no conditions of approval.

PROPOSED MOTION:

I move that the City Council accept the findings and **ADOPT** the Ordinance approving application

PL-11-0020, a request to revert the zoning of Avondale Crossing from Planned Area Development (PAD) to its previous zoning classification of Agricultural (AG).

ATTACHMENTS:

Click to download

- Exhibit A - Area General Plan Map
- Exhibit B - Area Zoning Map
- Exhibit C - Area Aerial Photo 2010
- Exhibit D - Summary of Related Facts
- Exhibit E - Ordinance Rezoning Avondale Crossing to PAD
- Exhibit F - Avondale Crossing PAD Development Plan & Narrative
- Exhibit G - PAD Extension Request Narrative (PL-10-0104)
- Exhibit H - Minutes of City Council Meeting 1.24.2011
- Ordinance 1448-211

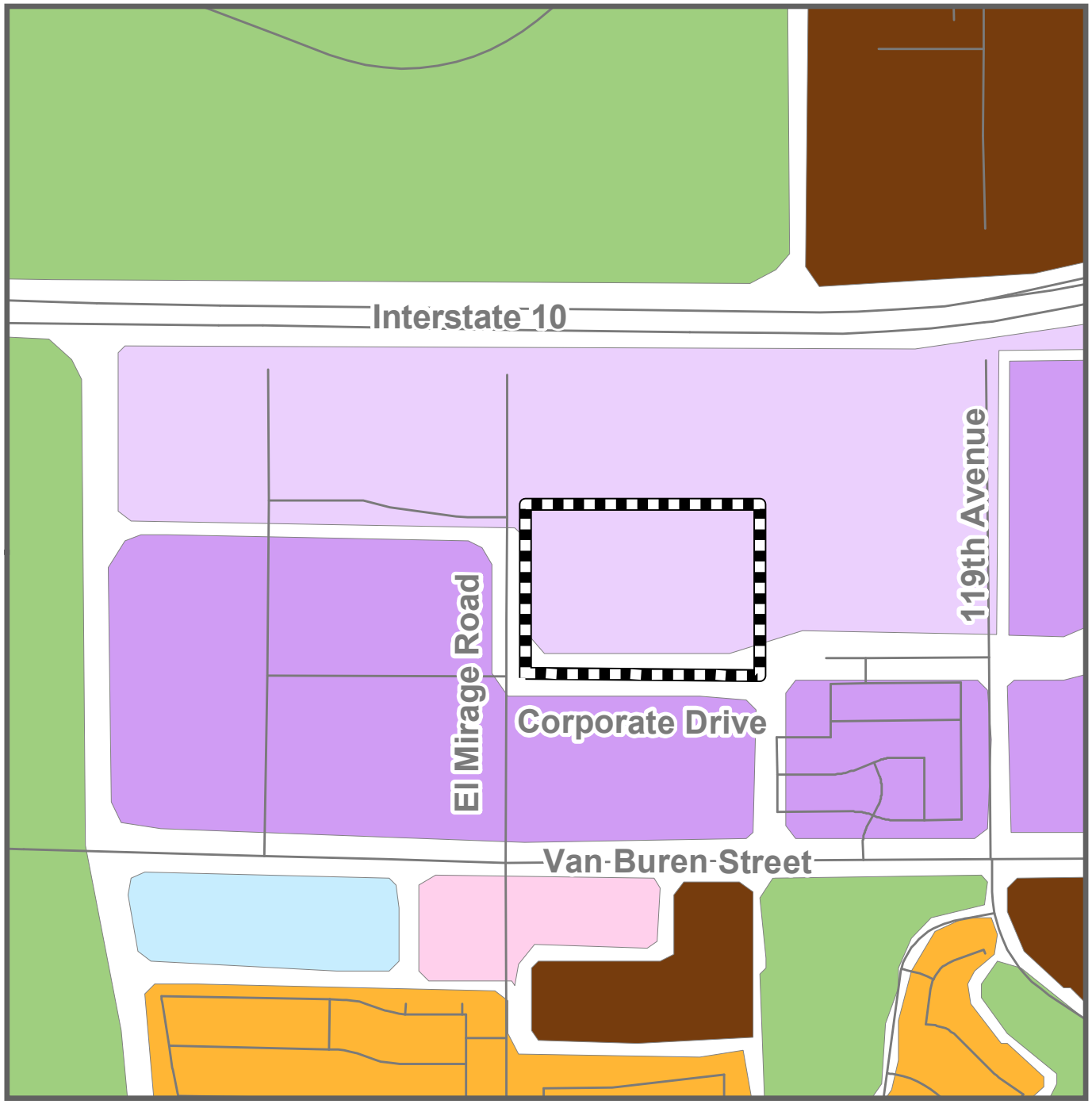
FULL SIZE COPIES (Council Only):

None

PROJECT MANAGER:

Eric Morgan, Planner II (623) 333-4017

Exhibit A



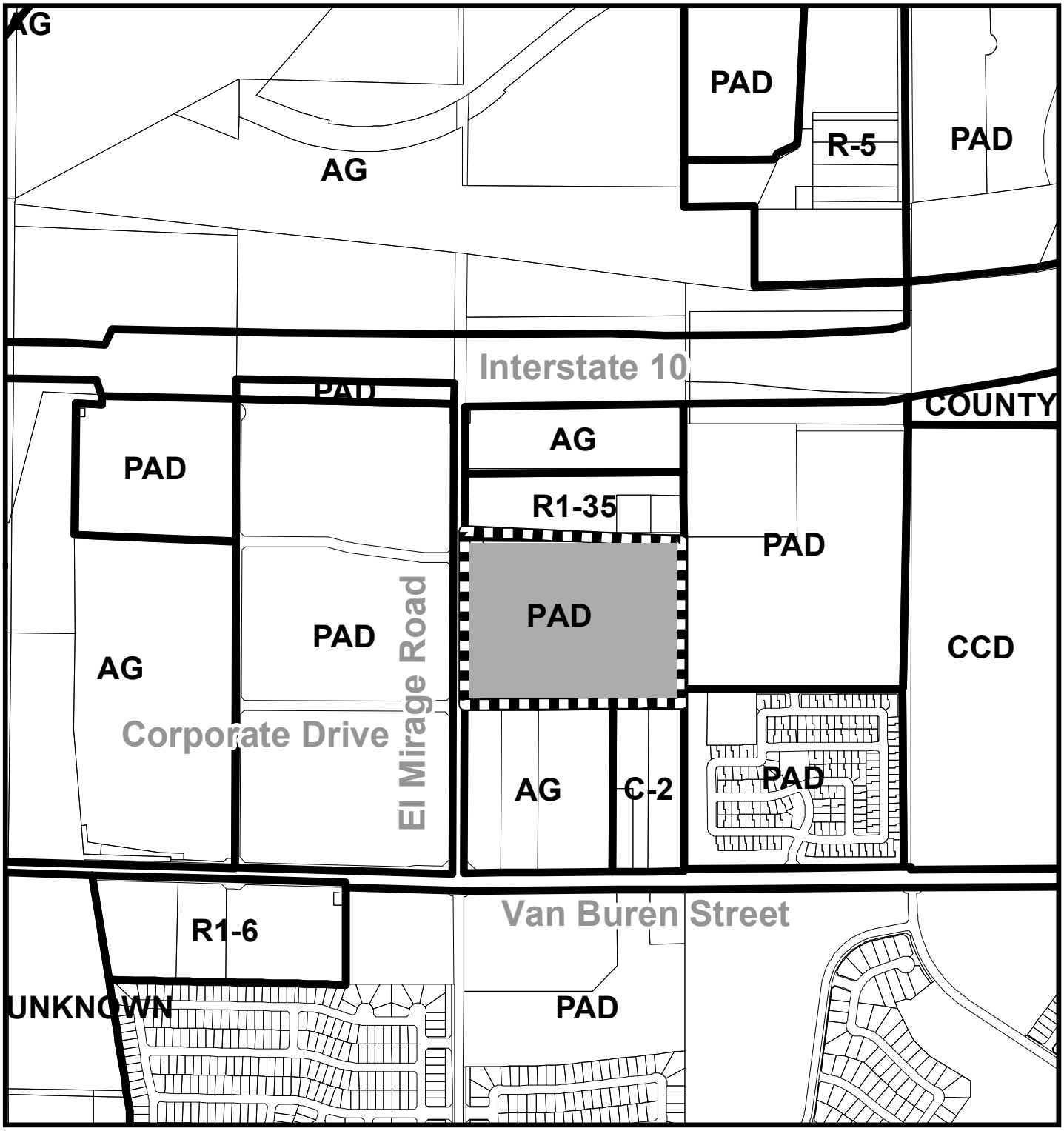
Avondale Crossing PAD Extension
PL-10-0104

General Plan Land Use Map

- 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 B



Zoning Vicinity Map
Avondale Crossing PAD Extension
PL-10-0104

Avondale

Subject Property

N

Exhibit C

Aerial Photograph 2010
Avondale Crossing PAD Extension
PL-10-0104

Avondale

Subject Property

N

Exhibit D

SUMMARY OF RELATED FACTS
APPLICATION PL-11-0020 AVONDALE CROSSING PAD EXTENSION

THE PROPERTY	
PARCEL SIZE	Approximately 29.64 acres
LOCATION	NEC El Mirage Road & Corporate Drive
PHYSICAL CHARACTERISTICS	Approximately square and relatively flat
EXISTING LAND USE	Farming
EXISTING ZONING	Planned Area Development (PAD)
ZONING HISTORY	Annexed 6/28/1978, Rezoned to PAD 10/15/2007
DEVELOPMENT AGREEMENT	None

SURROUNDING ZONING AND LAND USE	
NORTH	Single Family Residential (R1-35) – single family detached home
EAST	Planned Area Development (PAD) – Avondale Spectrum (farming)
SOUTHWEST	Agricultural (AG) – single family detached home & farming
SOUTHEAST	Community Commercial (C-2) – River Crossing Storage & RV (self-storage)
WEST	Planned Area Development (PAD) – Avondale Commerce Center Phases I, II, III (commerce park)
GENERAL PLAN	
The subject property is designated as **Employment** on the General Plan Land Use Map.	

PUBLIC SCHOOLS	
SCHOOL DISTRICT(S)	Littleton Elementary School District Tolleson Union High School District
ELEMENTARY SCHOOLS	Littleton Elementary School
HIGH SCHOOL	La Joya Community High School

STREETS	
El Mirage Road	
Classification	Arterial
Existing half street ROW	0 feet (ROW has been dedicated only on the west half of the street)
Standard half street ROW	65 feet
Existing half street improvements	Existing improvement are on the west side of the road. No improvements on the east side.
Standard half street improvements	2 vehicular lanes, ½ landscaped median, bike lane, curb and gutter, landscaping and sidewalk, street lights

STREETS	
Corporate Drive	
Classification	Major Collector
Existing half street ROW	Nothing
Standard half street ROW	50 feet
Existing half street improvements	Nothing
Standard half street improvements	2 vehicular lanes, ½ turning lane or median, bike lane, curb and gutter, landscaping and sidewalk, street lights

UTILITIES
There is an existing 13” water line in El Mirage Road transitioning the length of the property frontage. There is an existing 15” sewer line in El Mirage Road transitioning across the entire frontage of the property.

ORDINANCE NO. 1273-1007

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AMENDING THE OFFICIAL ZONING ATLAS OF THE CITY OF AVONDALE FOR APPROXIMATELY 28.3 ACRES LOCATED AT THE NORTHEAST CORNER OF EL MIRAGE ROAD AND WEST CORPORATE DRIVE AS SHOWN IN FILENAME Z-07-2, 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, September 20, 2007, 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 October 15, 2007.

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

SECTION 1. That ± 28.3 acres of real property, generally located at the northeast corner of El Mirage Road and West Corporate Drive as shown in filename Z-07-2 (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 for Avondale Crossing dated September 4, 2007.

2. All public improvements, including all half-street improvements on El Mirage Road and West Corporate Drive shall be completed during the first phase of the development. Roadway cross-sections shall be required per Chapter 4 of the Avondale Transportation Plan. Required improvement standards are determined by the City of Avondale Engineering Design Guidelines for Site Development and Infrastructure Development.

3. The proposed development to conform to the Avondale Commercial Design Guidelines. (upon adoption)

4. Full traffic impact analysis reports shall be required at master site plan. Additional comments will be forthcoming based on review and results of traffic study. A full revised Traffic Study will be required at Final Site Plan submittal.

5. Pedestrian-friendly design elements shall be required with the proposed major collector roadways.

6. Additional right-of-way may be required at site plan approval for improvements based upon the results of the revised traffic study and the site plan application, as determined by the City Engineer.

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

8. An area not less than 5,000 square feet and roughly square in shape shall be provided on the subject property for a municipal well. Said site shall be within 660 feet of the present location of the irrigation well on the subject property. The exact site and dimension shall be determined at final site plan.

9. A master site plan and comprehensive sign program for the development shall be approved by the City Council prior to development. Subsequently, plans and permits may be administratively approved by staff for this development in accordance with the Council approved master site plan and comprehensive sign program.

10. Retail commercial operations directly related to the primary industrial use shall not exceed ten (10) percent of the gross floor area of any single tenant except with a Conditional Use Permit, where up to thirty (30) percent may be allowed.

11. The architectural design and building materials to conform to figure 6 within the approved Avondale Crossing Development Plan dated September 4, 2007.

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, October 15, 2007.

Marie Rogers Lopez, Mayor

ATTEST:

Linda M. Farris, City Clerk

APPROVED:

Andrew J. McGuire, City Attorney

772943.1

EXHIBIT F

AVONDALE CROSSING

NEC OF EL MIRAGE RD. & CORPORATE DRIVE
AVONDALE, ARIZONA

P.A.D. REZONING APPLICATION
Z - 07 - 2

LAPOUR PARTNERS
5525 S. Decatur Blvd.
Las Vegas, Nevada
702-222-3022

January 18, 2007
Revised March 27, 2007
Revised June 29, 2007
Revised August 2, 2007
Revised September 4, 2007

CITY COUNCIL

☐ Approved
☐ Denied
☑ Approved with Conditions

10/15/07
Date

PLANNING RECEIVED
SEP 2006
DIVISION
Z-07-2

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I. Introduction

The Conceptual Development Plan and this Program narrative provide a project overview of a Planned Area Development (PAD), proposed by LaPour Partners to develop an approx. 28-acre site at the northeast corner of El Mirage Road and Corporate Drive (the "Property"). This development plan, which is separated into three (3) phases, will include a variety of commercial and employment uses that support the Avondale General Plan.

II. Rezoning Request

This request is to rezone the site from the AG zoning to a Planned Area Development (PAD) to specifically allow the uses proposed in the Conceptual Development Plan.

III. General Plan Conformance

The subject property is located in an area designated by the City of Avondale General Plan as "Employment" land use designation. See Figure 4. This designation allows for development of Business and Industrial Park uses. This application is consistent with this land use designation.

The property is also within the boundaries of the City of Avondale Freeway Corridor Specific Plan (dated June 1991). The proposed development is in keeping with, and will further, the goals and policies of the Specific Plan. The primary mission of that Plan is to inspire a public-private joint venture for quality economic development in this area of the City (which is identified as having the highest urbanizing potential). The Specific Plan further states this area of the City provides the most prime real estate among the City's remaining inventory of land that is ripe for urban development and economically-viable growth.

The Specific Plan identifies the section of El Mirage Road, nearest Interstate 10, as an area that creates significant opportunity for intense uses benefiting from high visibility from the freeway. The Specific Plan further mentions office, retail and employment land uses for this area. The proposed uses are consistent with the Plan and the development standards will comply with the applicable design and landscaping standards set forth in the Specific Plan.

IV. Background

This Property was annexed into the City of Avondale from Maricopa County in 1986. Comparable rezoning was established which designated this property as Agricultural (AG). Refer to Exhibit "A" Contextual Plan for additional information regarding adjacent land uses and existing zoning.

1. ***Ownership***
   The property is owned by LaPour Avondale One LLC, LaPour Avondale Two LLC and LaPour Avondale Three LLC.

2. ***Property***
   The property is located at the northeast corner of El Mirage Road and Corporate Drive and is comprised of approximately 25 net acres. See Figure 1 Vicinity Map and Figure 2 Legal Description of the Property.

V. Site Context

The site is currently in agricultural production with irrigation provided from a well-head located on the northwest corner of the property and an irrigation channel running along the west property edge. The site topography is almost level with grades sloping to the southwest.

The Property has visibility from Interstate 10 Freeway on the north, with access from El Mirage Rd. along the west and the proposed east-west Corporate Drive extension along the south.

1. Surrounding Land Uses

North: The parcel adjacent to the north property line of the Project is designated R1-35 Residential with two homes constructed at the eastern end of this parcel.

East: The parcel adjacent to the east property line of the Project is designated AG Agricultural with a 100 ft wide SRP overhead transmission line corridor running the full length of the east boundary.

South: The proposed Corporate Drive forms the south boundary of the Project with a residential farming property located directly south of Corporate Drive.

West: El Mirage Road forms the west boundary of the Project. The property to the west of El Mirage Rd. is the recently rezoned Avondale Commerce Center Park a mixed-use PAD of commercial (C-2) and Commerce Park (CP) districts.

VI. Development Plan Approvals

1. General Development Plan & Program

In accordance with the Avondale General Plan, this General Development Plan proposes to combine a mix of commercial and industrial uses consistent with uses allowed within the Commerce Park (CP) and General Industrial (A-1) zoning districts. The guidelines and design standards described herein will be used to unify the architectural materials, landscaping and signage into a cohesive development and corporate business park identity that will attract a mix of quality commercial employment opportunities.

The Conceptual General Development Plan is included as Figure 3. This Plan shows the master roadway circulation plan and the proposed land uses. There are three (3) Phases of the Development Plan comprised of business/service-related and indoor storage uses in Phase I (along the north) and Phase II (along the east) with business-related office uses in Phase III, at the southwest corner of the site.

2. Final Development Plans / Phasing Plans

Final Development Plans shall be submitted for each of the three phased areas of the overall development. Phased Final Development Plans shall include compatible architectural themes, internal circulation, parking lot configurations, signage, landscape theme, and maximum building footprints, consistent with the submittal requirements of the Avondale Zoning Ordinance, and shall be in conformity with the approved PAD application.

3. Amendments
As each area develops, the General Development Plan or Final Development Plan may need to be amended or updated.

- Modifications to General Development Plans shall be governed by the Avondale Zoning Ordinance regarding amendments to the PAD.

- Modifications to Final Development Plans that change or otherwise alter the character of conformance with the approved General Development Plan will be considered a Major Amendment, and shall be reviewed by Staff and the Planning Commission and approved by the City Council. All other changes considered minor by the City Planner shall be reviewed and approved administratively by Staff when in the opinion of City Planner are in substantial conformance to the approved General Development Plan.

VII. Land Use Plan

1. *Industrial Park District (20.2 acres)*

The Industrial Park District includes Phase I and II as shown on the Conceptual General Development Plan and shall be in conformance with the uses of the General Industrial (A-1) Zoning District. The purpose of the District is to provide a mix of light manufacturing, warehousing and service-related employment uses.

A. Permitted Uses
The following are proposed as a principal uses within the Industrial Park District of the PAD:
- Warehouse/Storage, with loading dock facilities;
- Light manufacturing, totally enclosed within building structure;
- Retail operations directly related to the primary use, which does not exceed 30 percent of the floor area of the primary use;
- Wholesale sales and services;
- Food repackaging, dry food stuffs only;
- Fabrication of finished products, related to commercial or residential building trades.

B. Conditional Uses
None.

C. Prohibited Uses
Any use not expressly permitted herein.

2. Business Park District (8.0 acres)

The Business Park District includes Phase III as shown on the Conceptual General Development Plan and shall be in conformance with the uses of the Commerce Park (CP) Zoning District. The purpose of the Business Park is to provide employment opportunities within a planned business park environment that provides for a higher percentage of office uses than the Industrial Park District. This may include retail showroom and service uses that support the employment uses.

A. Permitted Uses

The following are proposed as a principal uses within the Business Park Districts of the PAD:

- Offices for professional, administrative, clerical and sales services;
- Pharmacy, dental, research and medical laboratories;
- Retail operations directly related to the primary use, which does not exceed 30 percent of the floor area of the primary use;
- Wholesale sales and services;

B. Conditional Uses

None.

C. Prohibited Uses

Any use not expressly permitted herein.

VIII. Development Standards

All development shall comply with the City of Avondale Zoning Ordinance unless otherwise modified in this PAD application. The following development standards shall apply:

1. Lot Development Standards

Minimum Lot Width and Area:	Business Park - CP	Industrial Park – A1
Minimum Setbacks:		
Front yard from El Mirage or Corporate Dr.	25' to building; 20' to parking	20' to building; 20' to parking
Front from Interior Street	20' to building; 10' to parking	20' to building; 10' to parking
Interior side yard	12'	None
Side yard adjacent to Residential	50' to building	50' to building
Rear yard	12'	None
Rear yard adjacent to Residential	50' to building	50' to building
Max. Building Height:	35' to roof ridge-line; 40' to top of parapet	35' to roof ridge-line; 40' to top of parapet
Max. Building Coverage:	50%	No maximum subject to building code

2. Lighting

In addition to the following requirements, all lighting of the sites shall comply with the outdoor lighting requirements of the Avondale Zoning Ordinance.

- Accent lighting of selected architectural, landscape and/or hardscape features will be encouraged and shall use incandescent type lamps.

- Exterior fixtures will be located and oriented to focus light inward from the edge of each parcel.
- Parking canopy lighting shall be screened by the canopy fascia to limit visual distraction to the surrounding environment.
- All parking lot light fixtures shall be metal halide and shall be fully shielded.
- 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.
- The use of decorative wall-mounted sconces or light fixtures is encouraged.

Refer to paragraph XIV – Signage for information regarding illumination of signage elements, if any.

3. Screening

Parking Areas
Where screening is required by development regulations, a combination of elements shall be used including solid walls, berms, and landscaping. The method of screening shall be architecturally compatible with the adjacent building in terms of materials and colors. Trash enclosures, service facilities, and loading areas will be sited away from project entrances and interior circulation drive aisles.

- **Perimeter Public Streets**: All parking areas adjacent to El Mirage Road and Corporate Drive shall be screened from the public right-of-way by a minimum three (3) foot high wall, landscaped berm, or combination. Walls shall not be used for more than 75% of the total parking lot frontage.

- **Interior Public Streets:** All parking areas within the CP District shall be screened from the public right-of-way by a minimum three (3) foot high wall, landscaped berm, or combination. Screen walls shall be integral-color masonry and designed to complement the design of the adjacent buildings.

- **Interior Private Drive Aisles or Streets:** Parking areas within the A-1 District shall not be screened by walls but will be located to the greatest degree possible along the sides or back of buildings to minimize their street-side exposure.

- **Service Areas:** All dock or service areas shall be screened from residential property with masonry walls six (6) feet high. All dock or service areas shall be screened from the public right-of-way with building massing to the greatest degree possible. Where this is not feasible due to truck maneuvering requirements, masonry wall screening shall be provided with landscape elements. The minimum height of screen walls of service areas shall be six (6) feet and up to eight (8) feet as required for buildings in the Business Park area. Screening of loading-docks or other service areas will use quality materials architecturally consistent and compatible with the building materials that complement the design of the adjacent buildings.

Utility and Mechanical Equipment
All roof mounted equipment, satellite dishes and ventilators projecting above the roofline shall be either fully recessed or screened by a building parapet. No secondary screen elements are allowed unless specifically complementary to the design of the overall building.

No wall-mounted equipment shall be permitted on the front or street sides of any building. Wall mounted equipment shall be made visually subordinate with architectural features that blend with the design of the main building. Overhead service doors and service equipment shall be screened from public streets with a combination of solid walls or landscape trellis.

Ground mounted electrical or mechanical equipment shall be screened from view by walls and/or landscaping. No ground-mounted equipment, other than those installed based on specific utility company criteria, shall be permitted between any street and building setback line.

Exterior electrical service entrance systems (S.E.S.) and panels shall be screened from the street frontage with doors, landscaping, or a solid wall (with landscaping) built of similar building materials and colors of the main development and equal to or exceeding the height of the S.E.S. panel. These criteria shall be reviewed in context with utility company requirements and approved by Staff.

To the extent possible, ground-mounted utility cabinets will be placed where they do not conflict with prominent site views and where they can be screened from major streets and public areas. Cabinets and screen walls will be painted to match the principal structure.

Trash Enclosures
All trash or refuse collection areas shall be enclosed by a minimum six (6) foot wall. All gates shall be opaque and designed to complement the building architecture. No refuse collection area shall be permitted between any street and the building setback line. All trash enclosures will meet City of Avondale requirements. Trash enclosures shall not be located closer than 60-feet to residential property lines.

Walls and Fences
Walls shall be designed to complement the site's architecture. Landscaping used in combination with all walls is required. Walls and fences shall be utilized for screening or security purposes to enclose individual parcels.

Along the north property line and any parking areas, adjacent to the current residential district, a 10-ft wide landscape strip, planted with one tree every 20 feet will be provided, along with a 6-foot high masonry wall architecturally compatible with the building materials.

All walls shall be 8x8x16 center-scored, smooth-face masonry block, stained and sealed in earth tone colors, compatible with the building colors. A geometric pattern consisting of architectural block in a special geometric pattern shall be repeated every 150 feet or less. Walls facing the public right-of-way shall meet the minimum theme standards for the "City Standard Wall" in effect at the time of this P.A.D. approval.

4. Parking
Parking shall be provided per the requirements of the Avondale Zoning Ordinance, as amended. The size of all parking spaces, driveways, parking lot islands, and other improvements in the parking areas shall conform to the City of Avondale Zoning Ordinance. For all parking lots directly adjacent and visible to El Mirage Road and Corporate Drive, a minimum of 15% of the total parking lot area shall be landscaped.

Parking canopy shade structures where allowed, shall be setback to comply with building code requirements. The design of the canopies shall be upgraded through the use of fascia skirts or upgraded details compatible with building architecture and columns painted to match the buildings. Canopies shall be cantilever-type.

Special paving treatments shall be provided at site drive-entrances into parking areas from public streets.

IX. Infrastructure

1. Circulation

Primary access to the Property is provided from the I-10 Freeway, south on Avondale Blvd., west on Van Buren Street and then back north on El Mirage Rd. Corporate Drive as proposed will be extended east and culminate in a tee intersection at Avondale Blvd.

Avondale Blvd. and Van Buren Street are designated as major arterial streets; El Mirage Rd. is designated as a collector street and extends north along the west of property as noted above. Corporate Drive is designated as a major collector. The remaining proposed interior streets will be local private streets. The Van Buren and El Mirage intersection is signalized.

A public street will be dedicated through the project to provide access from Corporate Drive to the residential parcels along the north property line. A Master Circulation plan shall be submitted as part of the Master Site Plan.

2. Utilities

All utilities will be developed with the roadway and site improvements phase and placed underground. As part of the Phase I development, water and sewer lines will be extended along Corporate Drive to serve the properties to the east. All internal water and sewer lines shall be private. A master utility phasing plan shall be submitted as part of the Master Site Plan.

SRP to provide electric service; Qwest to provide telephone service;

3. Grading and Drainage

The Property will be responsible to provide onsite storage for runoff from a 100-year 2-hour storm event through the use of shared retention. The Property will also be responsible for collecting adjacent half-street runoffs.

Retention basins shall be designed and contoured to assume a natural appearance and to be integral part of the landscape. Retention basins shall be designed to meet the requirements of the Avondale Zoning Ordinance, as amended.

4. Maintenance

The property owner(s) will provide maintenance of the proposed individual parcels in a manner that provides a neatly trimmed, cultivated and litter free site, including any contiguous landscape areas up to the back of the public sidewalk and any landscape areas within the right of way between the public walk and street edge. Codes, Covenants & Restrictions that address the maintenance responsibility will be recorded with regard to final plat approval.

X. Landscaping

The goal of the landscape design will be to create a comfortably scaled development with tree lined streets and public spaces, provide a reflection of the architectural character, height and density of the buildings, and enhance the environment with color and plant variety. In addition to the following requirements, all landscaping shall meet the minimum requirements set forth in the City of Avondale Zoning Ordinance, as amended.

Individual parcel landscaping will enhance and acknowledge each site while complementing and unifying the overall development. All streets will be lined with a street theme tree with accent trees at various locations.

All plant materials shall be automatically irrigated with a 100% automatic, low volume drip emitter system. Irrigation run times shall be seasonally adjusted to maximize water use efficiency. The system shall be zoned for specific water use requirements, with all tree and shrub valve zones being controlled separately.

Plant materials were selected with consideration given to low water use, visual screening, air quality, shading and long term maintenance. Plants were selected from the Arizona Department of Water Resource Low Water plant list. A proposed plant palette list is provided as Figure 5.

A combination of trees and groupings of large shrubs shall be planted adjacent to structures at the front, side and rear elevations to accomplish the following:

- Accentuate the building design and highlight building entrances;
- Provide solar protection of glazed surfaces.
- Minimize the impact of large wall surfaces and;
- Provide a buffer between building and parking areas.

All plant materials shall be properly pruned to allow the plant to attain their natural shape and form. The irrigation system will be maintained to optimize water efficiency. Use of fertilizers shall be prudent to avoid excessive plant growth, thus reducing water need and unnecessary pruning.

All planting areas shall receive top-dressing of 3/4 -inch select decomposed granite as approved for the project development. Color and size of the materials shall be compatible with overall development design criteria.

Retention areas adjacent to the right-of-way shall be landscaped. If retaining walls in retention basins are necessary, they shall utilize the same materials as the building wall elements.

A preliminary landscape plan will be submitted with the Master Site Plan.

XI. Open Space

Useable open space shall be provided in the form of outdoor sitting areas, pedestrian refuge areas, bench seating areas, featured landscaped areas, walkways and paths. These open space areas shall be included on individual site plans as appropriate to project use. The separation of uses is required through placement of planters, street furniture, landscaping, different paving textures, and subtle changes in the ground plane.

XII. Site Design

Building placement will cluster groups of buildings in a manner that orients building entrances toward the street-side frontage and utilizes building mass to screen dock doors and service yard areas. Buildings are encouraged to be located at or near the front setback line or create a significant visual presence to the street and minimize the appearance of "parking lots" from the street.

While this development has similar uses but is lower in height than the adjacent RDB Commerce Center to the west, additional emphasis will be made on building elevations within the Industrial District facing the freeway, with consideration of the adjacent residential district

between this Project and the freeway. The four-sided approach to design, described below, will focus on minimizing the appearance of service doors and equipment at grade level with screenwalls, adding glass window elements to provide the appearance of a more "office-like" look within the industrial development, and continue the varied material and color articulation on all four sides of each building.

XIII. Architectural Design

The provisions of this section seek to propose attractive, "four-sided" applications of quality architectural materials, which establish a consistent theme with an emphasis on a corporate office and industrial park vernacular. Because this project is of a "speculative" nature, comprised of multiple tenants, the design of each building within the development will require Staff approval before tenants are identified. Overall building massing and articulation will be consistent through the use of common materials and colors while allowing some variation at tenant entries to provide individual identity consistent with their individual use and purpose.

All buildings within each phase will share a common unifying architectural style. A "contemporary southwest" style is proposed attractive to industrial and corporate business tenants. A materials board and with colors proposed shall be submitted at the time of Final Development Plan review.

The desirable architectural design elements proposed for these buildings include:

- Building modulation, wall plane indentations and architectural fenestration details;
- Color and texture modulation of materials on all four sides, but not strongly contrasting;
- Building and landscape accent lighting;
- Building entry accentuation.

Final building design, materials and colors shall be defined with the Master Site Plan submittal and will require City Council approval. Included in Figure 6 are representative images of the proposed building architectural styles for both the Industrial Park District and Business Park District.

1. *Building Massing*
The visual impact of a building depends not only on its size, but also on the relationship between its length, width and height. Also, such features as prominent entries, windows, color and materials are factors in the visual impression of a building.

Building wall articulation is required on the buildings with appropriate details and elements to help create pedestrian scale and a sense of quality. Reduction of building mass may be achieved by using a combination of the following techniques:

- Variation in the parapet wall lines;
- Use of protected and recessed entries with canopy fenestration elements;
- Use of vertical elements on or in front of expansive blank walls;
- Use of pronounced wall plane offsets and projections;
- Inclusion of windows on elevations facing streets and pedestrian areas.

2. Roofs
Variations in parapet rooflines, and other significant roof or canopy forms shall be used to reduce the scale of commercial and industrial buildings. Parapets for concealing flat roofs and mechanical equipment shall vary in height.

3. Elevations / Walls

Particular attention to detail shall be given to all sides of buildings so that the main architectural theme/style is articulated on all four sides. Materials shall be carried from the main elevation throughout the entire design of the building.

Proposed Exterior Wall Material: Concrete materials such as: synthetic stone, painted concrete tilt-panels, concrete masonry units (scored and split-faced) with surfaces painted, stained or integral-color exposed aggregate and shall have architectural relief; stucco, synthetic stucco or plaster systems provided with smooth or sand finishes. Glazing shall be low-reflectance glass with dark bronze or black anodized framing.

Prescriptive minimum combinations of materials are not indicative of quality architectural design, but at least three concrete materials will be used on each building comprising, on average, 80% of the wall area with glass and door openings and steel fenestration comprising the remaining exterior wall area.

Exterior Fenestration Materials: Exposed steel shapes with perforated steel shade elements painted in darker subdued colors that provide contrast and accentuate entries, while providing solar protection at glazed openings. No "rusted" steel elements are proposed.

Proposed Exterior Wall Colors: All exterior walls shall be painted, stained, or be integrally colored in non-reflective, neutral desert earth tones. Accent colors found in the native desert palette are encouraged to provide design interest and diversity.

Materials and Colors Not Permitted: Wood, unfinished plain concrete or concrete block, corrugated metal and pre-engineered metal sided buildings, bright primary colors such as green, yellow, orange, red, blue, purple and the like (unless specifically approved for corporate logo use, as limited accents).

4. Entrances

All buildings shall have clearly defined customer entrance(s) incorporating elements such as:

- Extensive use of recessed glass openings;
- Projected canopies or overhangs;
- Accent lighting for identification and security.

5. Environmental Quality

To the greatest degree possible and consistent with the uses to be developed, the Project will strive to meet the environmental guidelines of the USGBC "Basic" LEED rating wherever practical. This commitment will include the following minimum sustainable practices:

- Use of low water consumption plumbing fixtures and or dual flush;
- Utilize recycled building materials such as; steel, miscellaneous metals, ceiling tile and insulation, composite wood products, gypsum wallboard, fly-ash in the concrete mix and aggregates for asphalt paving.
- Minimize and orient building openings and windows to reduce solar-gain and heat loss.
- Utilize energy efficient lighting and mechanical equipment.
- Stimulate the economy by procuring building materials regionally within 500 miles of project site.
- Paints, coatings, adhesives, sealants, and floor coverings that are low Volatile Organic Compound (VOC) emitting will be used to help create a more "livable" work environment through enhanced indoor air quality.

- Reject solar heat gain of the building and surrounding footprint with the use materials with a high Solar Reflective index (SRI)

XIV. Signage

1. Theme and Image

A comprehensive sign program shall be submitted for review to the City of Avondale at the time of Master Site Plan application. All signage shall comply with the signage requirements of the Zoning Ordinance, as amended.

Avondale Crossing will be developed with an awareness of the surrounding community. Design for all signage elements in the hierarchy of the project will be developed for compatibility with, and accentuating architectural elements. This will include forms, massing, colors, materials and finishes that complement–not copy the architecture.

2. Freestanding Business Park Identification Sign

Primary identification of the project will be established with a freestanding monument sign at the intersection of the two arterial streets; El Mirage Road and Corporate Drive; This Park identification sign will display the name of the development; "Avondale Crossing" only, in non-illuminated letters, and shall reflect a corporate business park theme consistent with the architectural style of the buildings within the P.A.D. development. Components of this sign include:

- Maximum height; not to exceed six (6) feet in height, including base element;
- Maximum sign area; not to exceed sixty (60) square feet (80 s.f. allowed where frontage exists on two arterial streets);
- Accent up-lighting for identification and security; neon or back-lighting is not proposed;
- Location; ten (10) feet inside of property lines, integrated with landscape.
- There will not be any tenant identification on this identification sign.

3. Multi-Tenant Identification Signs

Primary identification of Tenants for the project will be established with two (2) freestanding monument signs; one at the intersection of the to-be-dedicated north-bound public street and Corporate Drive; a second sign on El Mirage at the northernmost private drive entrance to Phase 1. These Tenant identification signs will be spaced approximately 600 feet either direction from the Park identification sign noted above. Tenant signs shall comply with the signage requirements of the Zoning Ordinance. Signs shall reflect a corporate business park theme consistent with the architectural style of the buildings within the P.A.D. development. Components of this sign include:

- Maximum height; not to exceed twelve (12) feet in height, including base element;
- Maximum sign area; not to exceed eighty (80) square feet. The width of the sign base shall be equal to the width of the sign fascia;
- Park Identification; shall be included on each Tenant identification sign;
- Tenant Identification; a maximum of ten (10) Tenants shall be listed, in 6" high non-illuminated letters;
- Accent up-lighting for identification and security; neon or back-lighting is not proposed;

4. Building Signage

A. General Wall Signage

Tenant identification will be based on the type of use and their location within the Project. Clear identification of the individual businesses will be a key component to an appropriate wayfinding system. A complete tenant building signage guideline will be developed that ensures quality design, quality construction through any combination of the following types of signage and that which is appropriate for the use:

- Internally illuminated, aluminum pan channel returns and retainers and colored acrylic faces;
- Halo-illuminated, aluminum reverse pan channel graphics/letters;
- Non-illuminated, aluminum reverse pan channel, or dimensional flat cutout graphics/letters;
- Custom, dimensional and integrated cabinets with a minimum of three single graphic planes each, a minimum of one (1) inch in depth.

B. General Size and Area

The overall area and sizes of building signage shall be designed to be proportional with the architecture.

Individual signs shall be permitted individually in accordance with the approved Comprehensive Sign Program. Signage shall be calculated per tenant as follows:

- Using the longest building elevation facing a street for calculation, each tenant shall receive one (1) square foot of signage for each linear foot of tenant building frontage facing that street.
- Each building shall have a maximum of two-hundred and fifty (250) square feet of sign area.
- No illuminated signage shall be placed facing a residential use or district adjacent to the development.

List of Figures

Figure 1. Vicinity Map
Figure 2. Legal Description
Figure 3. General Development Plan
Figure 4. Avondale General Land Use Plan
Figure 5. Landscape Palette List
Figure 6. Representative Images – Business Park

AVONDALE CROSSING

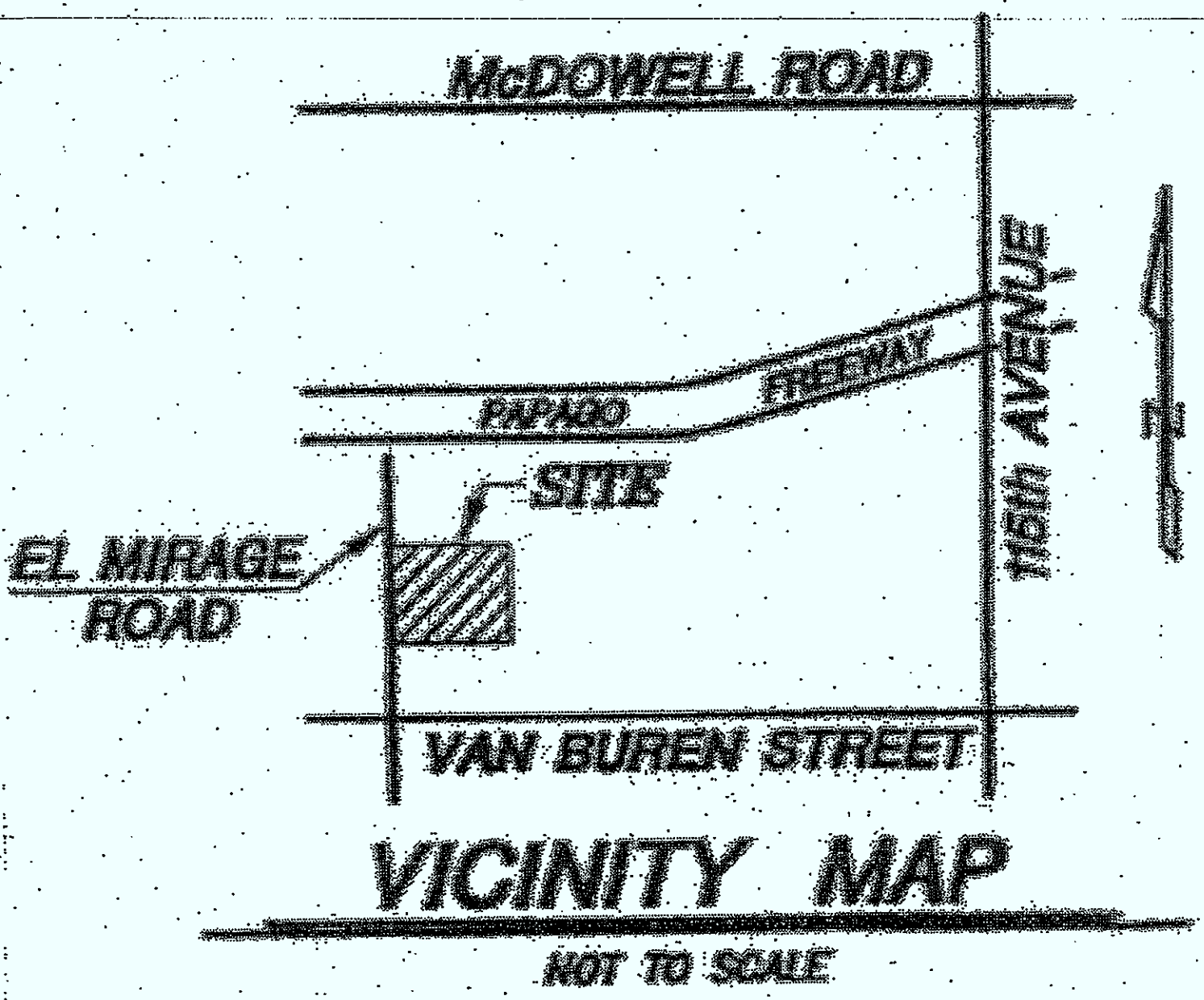


FIGURE 1

Exhibit A

LEGAL DESCRIPTION

Parcel No. 1:

The Southwest quarter of the Southwest quarter of Section 1, Township 1 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

EXCEPT the South 1013 feet thereof.

Parcel No. 2:

Lot 4, the Southwest quarter of the Northwest quarter, and the Northwest quarter of the Southwest quarter of Section 1, Township 1 North, Range 1 West, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

EXCEPT the North 100 acres; and

EXCEPT beginning at the Southwest corner of Section 1, Township 1 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

Thence North 1876 feet to the Point of Beginning;

Thence East 139 feet;

Thence North 71 feet;

Thence West 139 feet;

Thence South to the Point of Beginning.

Parcel No. 3:

An undivided ½ interest in and to the following:

That part of the Northwest quarter of the Southwest quarter of Section 1, Township 1 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

BEGINNING at the Southwest corner of Section 1, Township 1 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

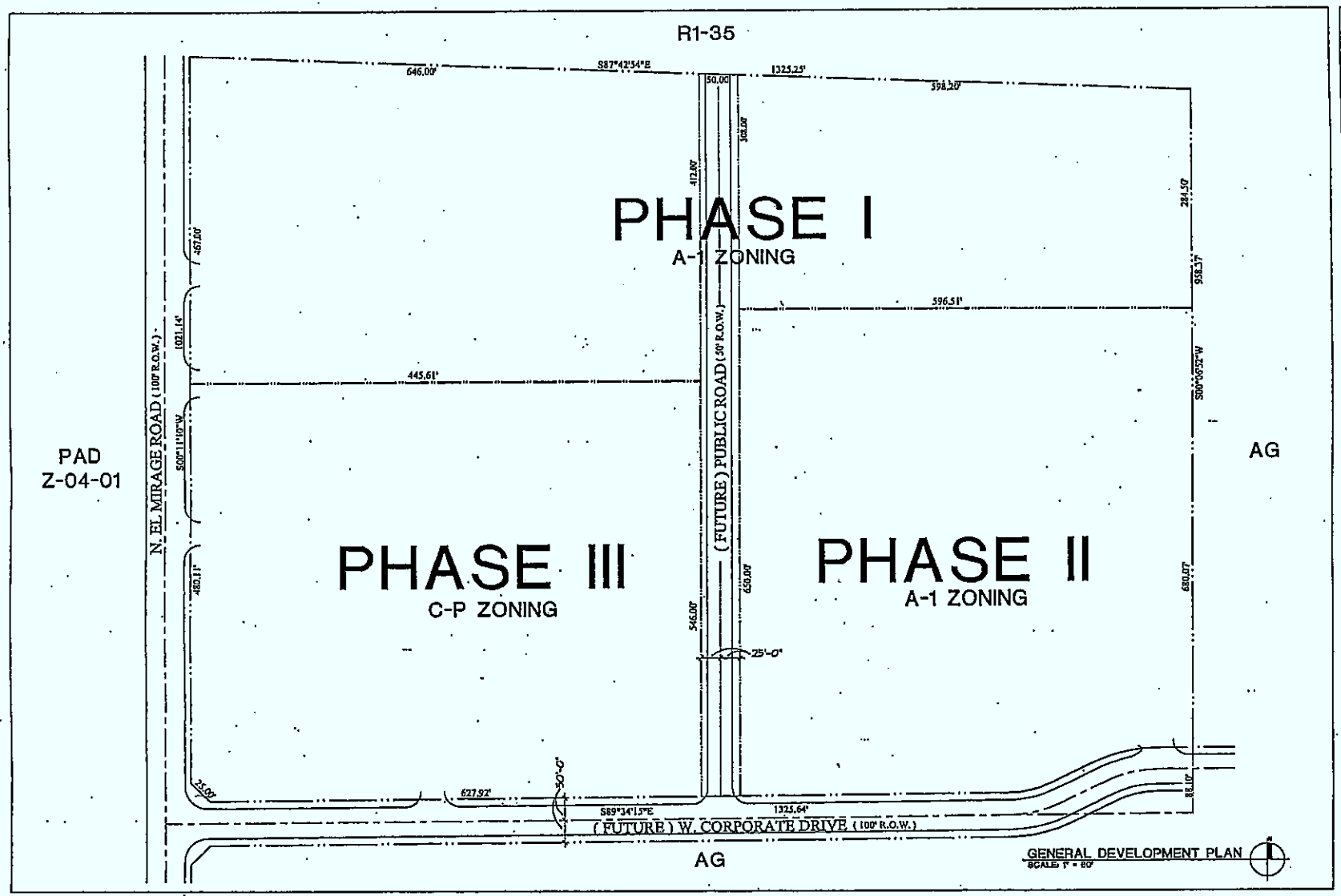
Thence North 1876 feet to the Point of Beginning;

Thence East 139 feet;

Thence North 71 feet;

Thence West 139 feet;

Thence South to the Point of Beginning.



SITE DATA

OVERALL SITE AREA	30.10 AC
OVERALL NET SITE AREA	29.33 AC
NET SITE AREA (with new R.O.W. dedications)	27.10 AC
PHASE I NET SITE ARE	10.80 AC
PHASE II NET SITE AREA	8.62 AC
PHASE III NET SITE AREA	7.68 AC

PHASING SCHEDULE:

PHASE I - Open by	January 2008
PHASE II - Open by	January 2008
PHASE III - Open by	January 2009

LAPOUR PARTNERS
REAL ESTATE DEVELOPMENT & INVESTMENT

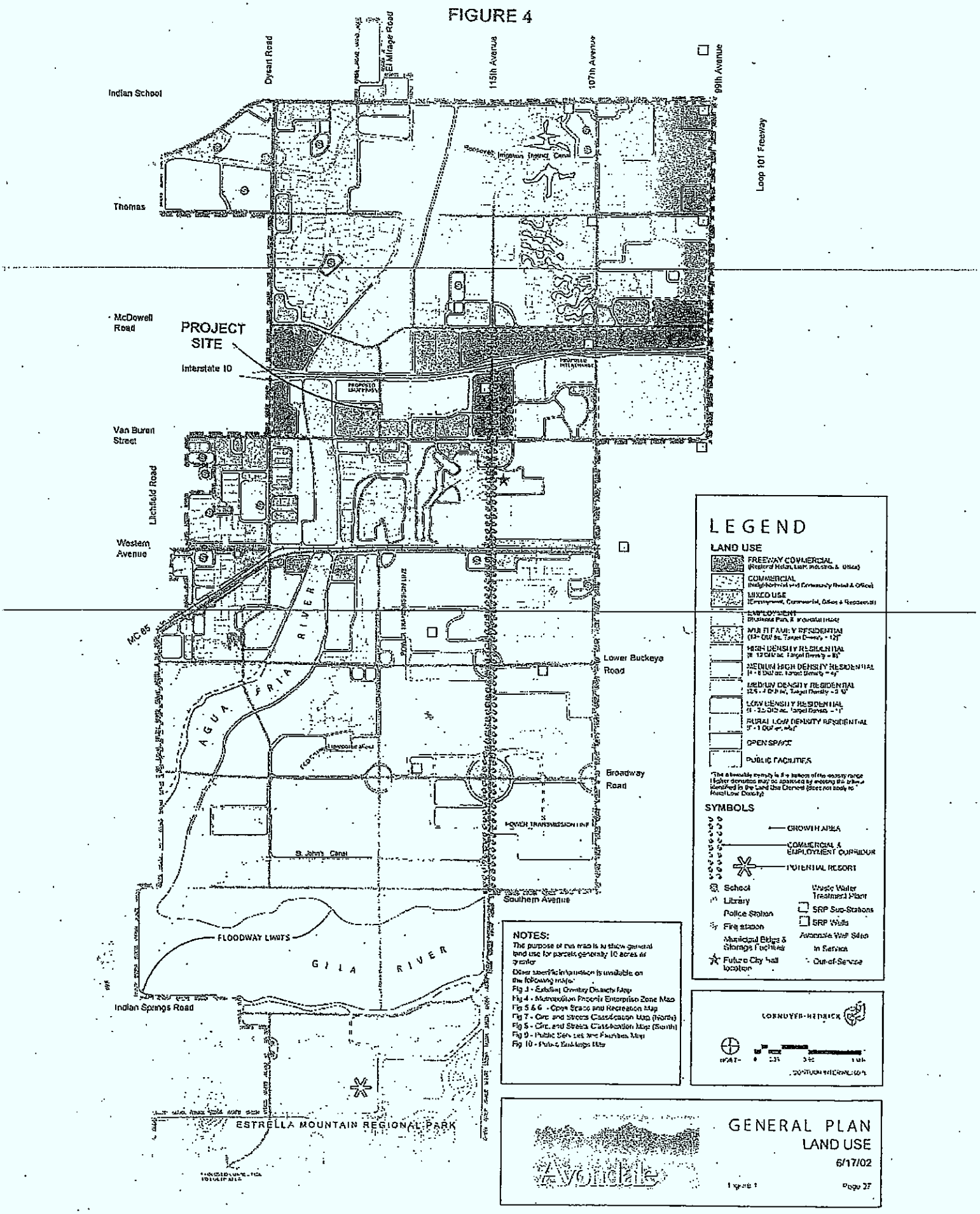
Avondale Crossing

NEC El Mirage Road & Roosevelt Street
Avondale, Arizona

Butler Design Group
Architects & Planners
6555 East Van Buren St.
Suite 215
Phoenix, Arizona 85008
phone 602-957-1800
fax 602-957-7722

Figure 3

FIGURE 4


Indian School
Dysart Road
El Mirage Road
115th Avenue
107th Avenue
99th Avenue
Loop 101 Freeway
Thomas
McDowell Road
PROJECT SITE
Interstate 10
Van Buren Street
Litchfield Road
Western Avenue
MC 85
AGUA FRIA RIVER
Lower Buckeye Road
Broadway Road
St. John's Canal
Southern Avenue
FLOODWAY LIMITS
GILA RIVER
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
Available WAF 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
LORNDYER-HEDRICK
NORTH
GENERAL PLAN
LAND USE
6/17/02
Page 27

Trees

1. Sweet Acacia
2. Catclaw Acacia
3. Weeping Wattle
4. Twisted Acacia
5. Blue Palo Verde
6. Palo Brea
7. Chitalpa
8. Ironwood
9. Texas Ebony
10. ~~Mesquite~~
11. ~~Chilean Mesquite~~
12. Honey Mesquite
13. Southern Live Oak
14. Date Palms
15. Desert Museum Palo Verde
16. Shoestring Acacia
17. Evergreen Bird of Paradise
18. Desert Willow
19. Dalbergia Sissoo
20. Cascalote
21. Willow Acacia

Groundcovers

1. Desert Marigold
2. Angelita Daisy
3. Bush Lantana
4. Lantana 'New Gold'
5. Trailing Ice Plant
6. Blackfoot Daisy
7. Gooding Verbena
8. Goldeneye
9. Bush Morning Glory
10. Turf – Hybrid Bermuda, "Midiron"
11. Purple Trailing Lantana
12. "Little Katies" Ruellia
13. Yellow Dots
14. Myoporum
15. Dwarf Trailing Lantana
16. Carissa sp (not in ROW)
17. Bush Morning Glory

Shrubs

1. Desert Carpet
2. Bursage
3. Desert Milkweed
4. Bush Bougainvillea 'Barbara Karst'
5. Shrubby Senna
6. Mexican Bird of Paradise
7. Red Bird of Paradise
8. Yellow Bird of Paradise
9. Deer Grass
10. Nashville Grass
11. Brittle Bush
12. Turpentine Bush
13. Desert Lavender
14. Chuparosa
15. Regal Mist
16. Firecracker Penstemon
17. Desert Penstemon
18. Lady Bank's Rose
19. Mexican Barrio Ruellia
20. Cleveland Sage
21. Jojoba
22. Globe Mallow
23. Ruellia Species
24. Green Cloud Sage
25. Chihuahuan Sage
26. Salvia Species
27. Valentine Bush
28. Paper Flower
29. Petite Pink Oleander

Accents

1. Century Plant
2. Octopus Agave
3. Gentry's Agave
4. Weber's Agave
5. Saguaro Cactus
6. Peruvian Apple
7. Desert Spoon
8. Fishhook Barrel
9. Ocotillo
10. Giant Hesperaloe
11. Red Yucca
12. Tree Bear Grass
13. Bear Grass
14. *Opuntia sp.(Cactus varieties)*
15. Golden Barrel
16. Toothless Desert Spoon
17. Agave sp. (variety)
18. Twisted Yucca
19. Agave Sp.

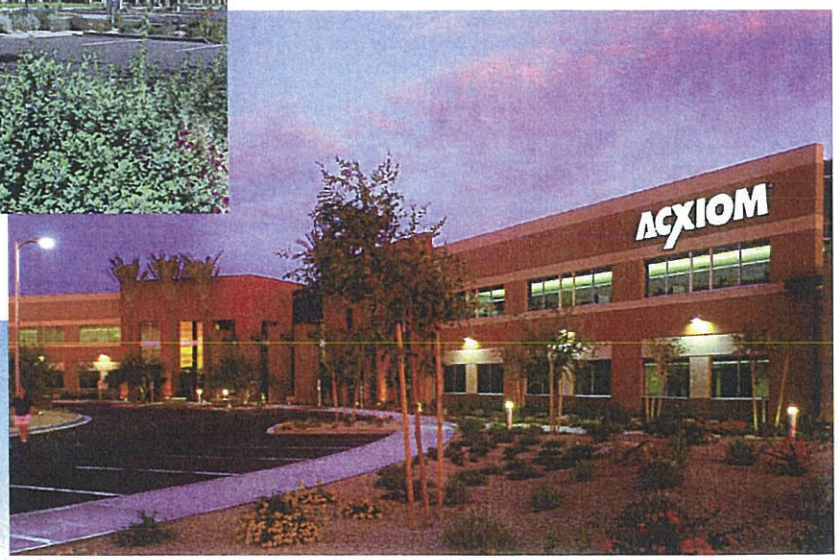
Plant Palette **Figure 5**

BUSINESS PARK

* CONTRAST IN COLOR & MATERIAL TO CREATE VISUAL INTEREST
* DETAIL AT TOP OF WALL FOR ADDITIONAL IDENTITY

* STRONG, BOLD FORMS

* LANDSCAPING TO COMPLIMENT ARCHITECTURE



* DESERT BASED COLOR PALETTE
* VARIATIONS IN TEXTURE
* SURFACE ARTICULATION

REPRESENTATIVE IMAGES

Figure 6

Butler Design Group, Inc
architects & planners

EXHIBIT G

LAPOUR

October 11, 2010

City of Avondale
Development Services Division
11465 W. Civic Center Drive #110
Avondale, AZ. 85323

CITY OF AVONDALE
OCT 18 2010
DEVELOPMENT SERVICES

RE: PAD extension for parcel 500-01-001Q

To Whom It May Concern:

Please accept this correspondence as an official request for extension of the approved PAD for parcel 500-01-001Q located at the northeast corner of El Mirage Road and Corporate Drive and is comprised of approximately 25 net acres.

The property was annexed into the City of Avondale from Maricopa County in 1986. On October 15th 2007, the City Council approved our application, Z-07-2, to rezone the site from AG zoning to a Planned Area Development (PAD).

We are hereby requesting the maximum one (1) year extension to the approval set to expire October 14, 2010.

The property was not developed within the allotted three (3) year period due to the current economic conditions of the commercial real estate market. There is presently a surplus of space on the market and very weak demand due to three (3) primary factors – rising unemployment, negative absorption and rising vacancy. It has been noted that Arizona was one of the states that was hit the hardest during this economic downturn and is lagging behind other parts of the county. The overall industrial market for 2Q10 recorded positive absorption for the first time since third quarter 2008, however the market continues to be impacted by both the national and local economies.

The overall vacancy rate for industrial product in Phoenix this quarter stands at 16.0%. The Southwest Submarket over all product types is reporting a vacancy rate of 18.7%.

Construction activity throughout Phoenix continues to be dominated by build-to-suit projects, as no speculative buildings broke ground during the 2nd quarter. This trend is expected to continue due to a difficult and challenging financial environment and an oversupply of existing space for all property types.

commercial
hospitality
development
asset management

5565 South Decatur Boulevard | Suite 101 | Las Vegas, Nevada 89118 T 702.222.3022 F 702.222.0961
lapour.com

The unemployment rate for Phoenix for August 2010 ticked up to 9.7%, the highest for the state in 27years. In May of this year, the University of Arizona projected that metro Phoenix would lose 47,700 jobs in 2010 before seeing an increase in years 2011 and 2012.

For further information, please reference the full report from CBRE, attached for your review.

This extension will allow the market time to recover and for demand to return.

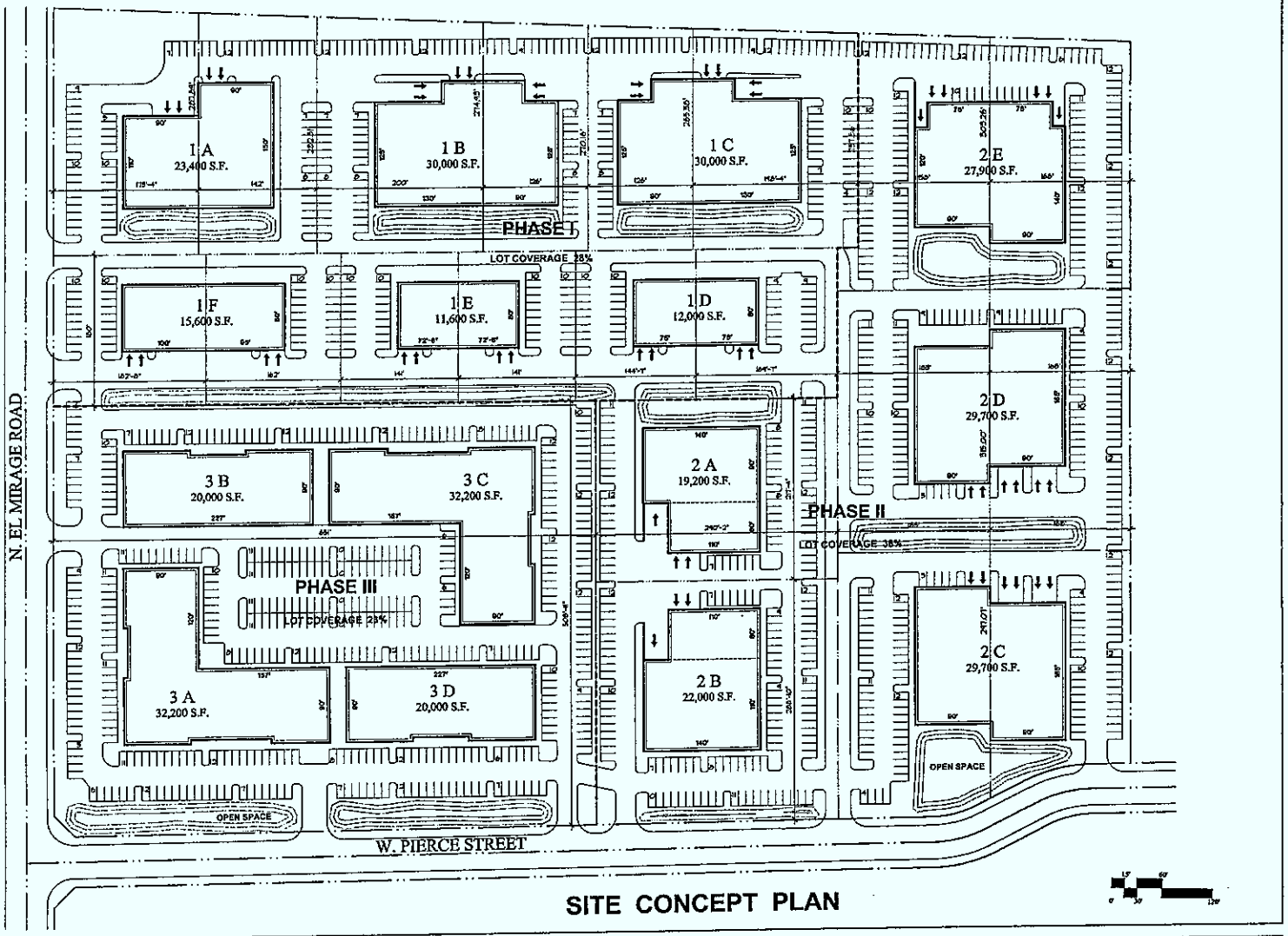
We will continue to market the product to the end users as depicted on the site plan that has been provided. Darren Tappen and Pat Harlan of Cushman & Wakefield have the property listed as For Lease or For Sale. Marketing efforts include brochures, property signage, online marketing via successful sites such as PropertyLine and LoopNet to reach other brokers and end users. At the first indication of qualified users we will immediately move toward development and construction in accordance with the marketing site plan that is attached providing for adjustments to accommodate potential users.

Your consideration of this extension is appreciated. Should you require additional information or have questions concerning the request, please contact me at 702.222.3022 #107.

Sincerely,

Lisa Chasteen

Lisa Chasteen
LaPour Partners, Inc.



SITE CONCEPT PLAN

PROJECT NARRATIVE

This Pre-Application request review for purposes of rezoning from AG (agricultural) to C-3 Commercial District. This parcel is currently designated as Employment Zone (Business Park & Industrial Use) consistent with the current General Land Use Plan.

The Project consists of an approx. 29 acre, 3-phase, single-story, grey-shell, multiple-building Business Park of approx. 350,000 sf. total.
Phase I & II are intended to have light-manufacturing and warehouse service related uses.
Phase III is intended to be flex-product allowing a mix of office and wholesale-service related uses.

Extent of off-site infrastructure improvements will be defined after City review, but it is anticipated that portions of the Pierce Street alignment and water-line loop will be installed as part of and to support the initial Phase I development.

Maximum building heights proposed are 30 ft to top/parapet.
Building setbacks are typically min. 60 feet from property line, min. 25 ft required
Landscape area of approx. 3.0 acres (10%) to be provided on site.

SITE DATA

PHASE 1

	BLDG. AREA	PARKING	RATIO/1,000
1A	23,400 S.F.	66	2.8/1,000
1B	30,000 S.F.	76	2.5/1,000
1C	30,000 S.F.	74	2.5/1,000
1D	12,000 S.F.	36	3.0/1,000
1E	11,600 S.F.	34	3.0/1,000
1F	15,600 S.F.	38	2.4/1,000
	122,600 S.F.	324	2.7/1,000

PHASE 2

	BLDG. AREA	PARKING	RATIO/1,000
2A	19,200 S.F.	67	3.5/1,000
2B	22,000 S.F.	104	4.7/1,000
2C	29,700 S.F.	96	3.2/1,000
2D	29,700 S.F.	134	3.5/1,000
2E	27,900 S.F.	115	4.1/1,000
	128,500 S.F.	516	4.0/1,000

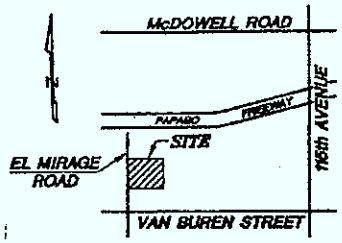
PHASE 3

	BLDG. AREA	PARKING	RATIO/1,000
3A	32,200 S.F.	120	3.7/1,000
3B	20,000 S.F.	79	4.0/1,000
3C	32,200 S.F.	120	3.7/1,000
3D	20,000 S.F.	79	4.0/1,000
	104,400 S.F.	398	3.8/1,000

ENTIRE SITE

	BLDG. AREA	SITE AREA	% COVERAGE
PHASE 1	122,600 S.F.	10.01 AC	28.3%
PHASE 2	128,500 S.F.	7.53 AC	39.3%
PHASE 3	104,400 S.F.	10.38 AC	27.6%
	355,500 S.F.	28.24 AC	28.9%

VICINITY MAP



DATE: 10.05.06

JOB NUMBER: 06037
06037-STD1

LAPOUR PARTNERS
REAL ESTATE DEVELOPMENT & INVESTMENT

Avondale Crossing

Avondale, Arizona

Butler Design Group
Architects & Planners
5555 East Van Buren St.
Suite 215
Phoenix, Arizona 85008
phone 602-957-1800
fax 602-957-7722

CB RICHARD ELLIS

MarketView
Phoenix Industrial

www.cbre.com/research

Second Quarter 2010

Quick Stats

	Current	Change from last Yr.	Qtr.
Vacancy	16.0%	↑	↔
Lease Rates	$0.55	↓	↔
Net Absorption*	1.1M	↑	↑
Completions	466,000	↓	↓
Under Construction	802,600	↓	↓

* The arrows are trend indicators over the specified time period and do not represent a positive or negative value. (e.g., absorption could be negative, but still represent a positive trend over a specified period.)

Hot Topics

- Vacancy decreased, albeit slightly, for the first time since third quarter 2007 when the vacancy rate was 7.1 percent.
- Vacant distribution space accounts for 16.6 million square feet or 38.3 percent of all vacant industrial product in metropolitan Phoenix.
- Over the last year, the net direct average asking lease rate has declined 7.3 percent, dropping from $0.59 NNN to $0.55 NNN at the end of the second quarter.
- Construction activity has declined to 802,600 square feet from 2.5 million square feet one year ago.
- Build-to-suit projects represent 97.5 percent of all product currently under construction.
- Build-to-suit projects of note currently under construction include Café Valley Bakery, W.L. Gore, Cox Communications and Keller Electrical Industries.

At mid-year, the healing process for Arizona's economy had begun according to the second quarter economic outlook released by The Forecasting Project at the University of Arizona. This downturn has affected the Arizona economy differently than in past downturns, where economic growth has returned quickly and at a faster pace. It should be noted that Arizona was one of the states that was hit the hardest during this economic downturn and is lagging behind other parts of the country in the recovery phase according to the outlook. The outlook added that an entire decade of growth has been lost as the state's economy suffered extensive damage that will take years to restore.

Two significant events, which could significantly impact the economies of both metropolitan Phoenix and the state, occurred in the second quarter. On April 23rd, Governor Brewer signed into law Arizona Senate Bill 1070 which has been described as the most wide-reaching and strictest immigration law in decades. The second event was the announcement on June 29th by Governor Brewer that the newly named Arizona Commerce Authority would replace the Arizona Department of Commerce as a public-private economic development group for the state.

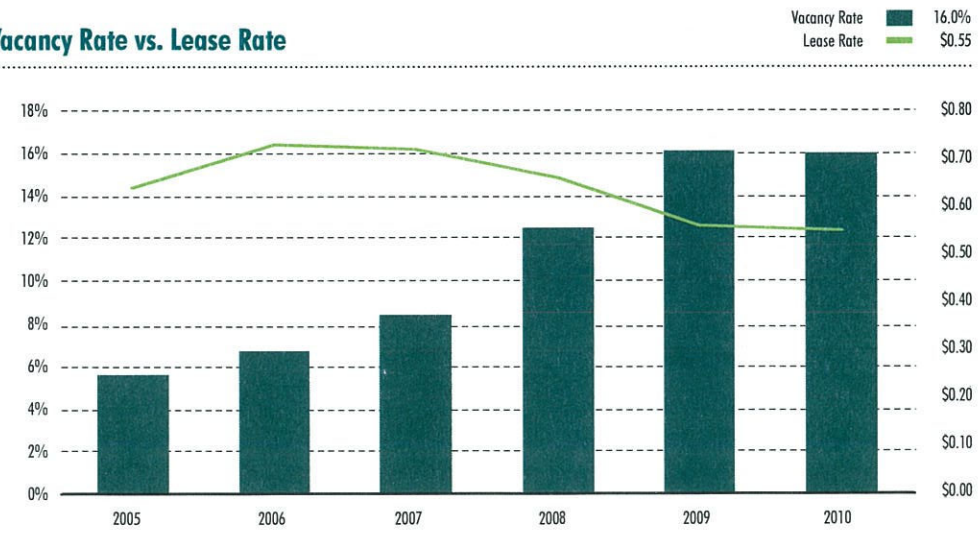
Although the metropolitan Phoenix industrial market recorded positive absorption for the first time since third quarter 2008, the market continues to be impacted by both the national and local economies. In the second quarter, the market absorbed 1.1 million square feet of space with 3.5 million square feet of gross activity.

The industrial market in metropolitan Phoenix, with an inventory of 271.2 million square feet, ended the second quarter with a vacancy rate of 16.0 percent for all product types. This reflects a 40 basis point decline in the vacancy rate from last quarter. One year ago, the Valley's vacancy rate was 15.2 percent.

Construction activity throughout the Phoenix area continues to be dominated by build-to-suit projects, as no speculative buildings broke ground during the second quarter. This trend is expected to continue due to a difficult and challenging financial environment and an oversupply of existing space for all property types throughout the marketplace. Build-to-suits currently account for 97.5 percent of all the product under construction Valley-wide, or 782,800 square feet.

Economic uncertainty has significantly impacted tenant activity among industrial buildings in the Phoenix area, as both consumers and businesses remain cautious about the future. However, companies that are looking for space will benefit, finding multiple opportunities from which to choose at extremely competitive lease rates.

Vacancy Rate vs. Lease Rate



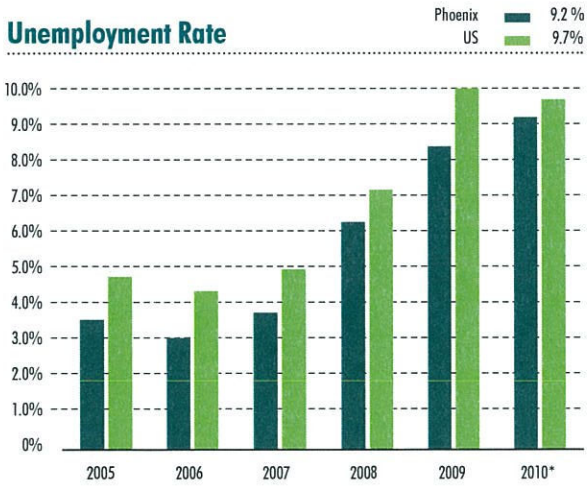
CBRE
CB RICHARD ELLIS

© 2010, CB Richard Ellis, Inc.

Market Statistics

Market	Rentable Area SF	Vacancy Rate	YTD Net Absorption SF	Under Construction SF	Average Asking Lease Rate - $ SF/MO	Availability Rate
Northwest	36,525,718	17.5%	(301,816)	354,600	$0.68	20.1%
Southwest	89,497,757	18.7%	1,757,218	285,000	$0.32	20.9%
Airport	48,293,623	12.5%	(279,253)	145,000	$0.55	14.3%
Northeast	13,446,908	15.9%	(209,820)	0	$0.96	17.9%
Southeast	83,430,779	14.7%	(125,772)	18,000	$0.69	18.8%
Metropolitan Phoenix	271,194,785	16.0%	840,557	802,600	$0.55	18.8%

Unemployment Rate



*May 2010
Source: Arizona Department of Commerce, Research Administration; U.S. Bureau of Labor Statistics

The Arizona Department of Commerce, Research Administration reported that the unemployment rate in metropolitan Phoenix in May 2010 was 9.2 percent, compared to 8.7 percent in May 2009. The metropolitan Phoenix unemployment rate is below both the state and national unemployment rates of 9.6 percent and 9.7 percent, respectively.

In May of this year, the University of Arizona projected that metropolitan Phoenix would lose 47,700 jobs in 2010 followed by job increases of 40,100 in 2011 and 78,500 in 2012. The long-term forecast period of 2012 through 2016 calls for employment growth to average 4.7 percent with an increase of 367,400 jobs during the forecast period.

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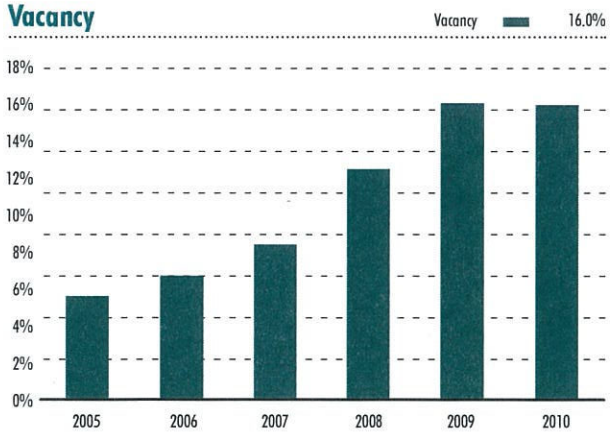
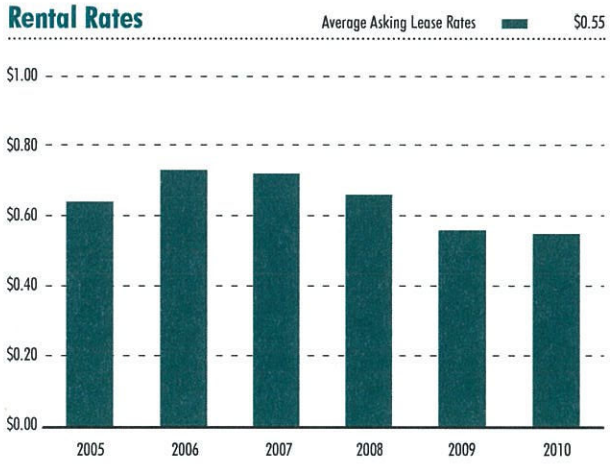
Vacancy



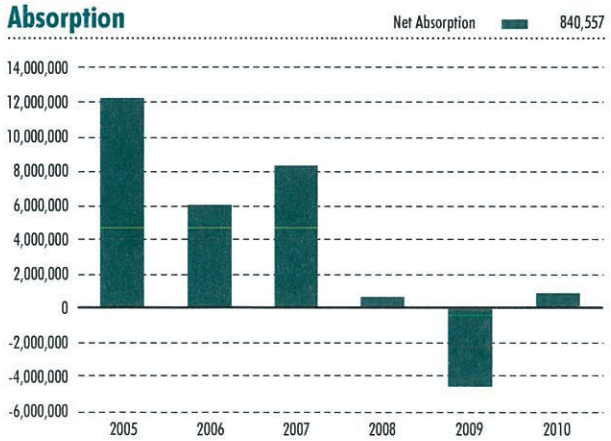
The metropolitan Phoenix industrial vacancy rate decreased in the second quarter to 16.0 percent, from 16.4 percent at the end of the first quarter. In comparison, the vacancy rate one year ago was 15.2 percent. Continuing to have the most significant impact on the overall vacancy rate is the distribution market, which ended the first quarter at 21.1 percent vacant, compared to 20.9 percent vacant one year ago. Vacant distribution space totals 16.6 million square feet or 38.3 percent of all vacant space Valley-wide. One year ago, there was 15.9 million square feet of vacant distribution space, which accounted for 39.2 percent of all the vacant industrial space in metro Phoenix.

Rental Rates



While the net direct average asking lease rate in metropolitan Phoenix varies considerably based on submarket and product type, the second quarter average asking lease rate remained unchanged from the previous quarter. At the end of the second quarter the net direct average asking rate for existing product was $0.55 per square foot. One year ago the rate was $0.59 per square foot. By product type, the current net direct average asking lease rates for existing product are as follows: $0.69 per square foot for multi-tenant buildings, $0.33 per square foot for distribution buildings, $0.59 per square foot for general industrial buildings and $1.00 per square foot for back office buildings.

Absorption



At the end of the second quarter the metropolitan Phoenix industrial market had positive absorption of 1.1 million square feet with 3.5 million square feet of gross activity. This marks the first time that the industrial market has had positive absorption since third quarter 2008, with 16 of its 28 submarkets reporting more space was occupied than lost. One year ago, the market had negative absorption of 1.6 million square feet with 1.9 million square feet of gross activity. During the second quarter, all property types experienced positive absorption with the exception of multi-tenant properties. Property types with positive absorption included major user buildings with 453,401 square feet, distribution buildings with 356,986 square feet, general industrial buildings with 189,495 square feet and freestanding buildings with 140,959 square feet. Multi-tenant properties had negative absorption of 101,501 square feet.

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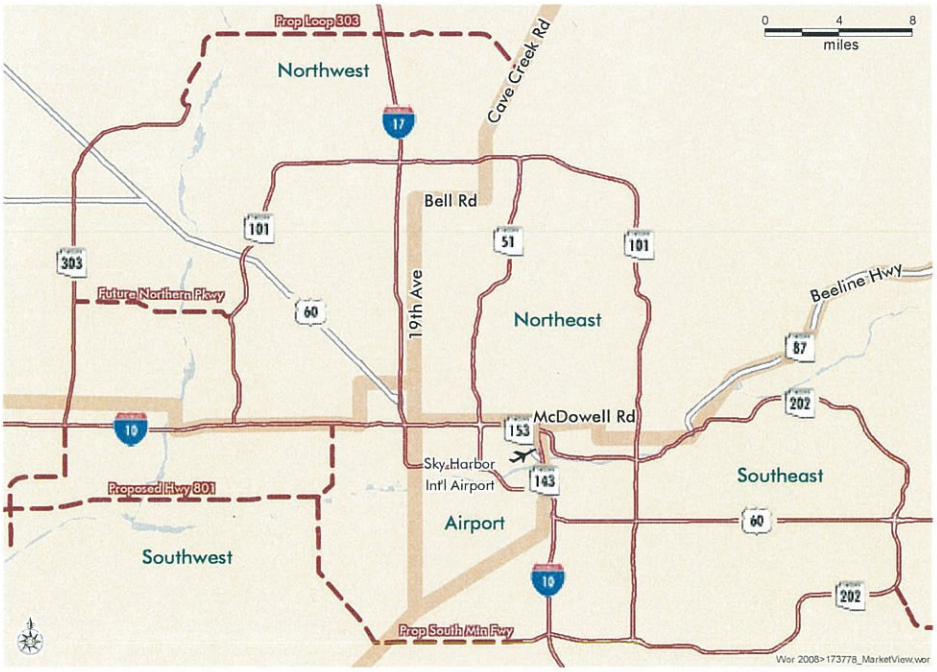
Top Transactions

Size (Sq. Ft.)	Tenant	Address
466,000	Home Depot	9181 W. Washington Street, Tolleson
453,401	Tower Automotive	17300 W. Broadway Road, Goodyear
100,129	Big O Tires	9180 W. Buckeye Road, Tolleson
93,366	21st Century Healthcare	2404 S. Wilson Street, Tempe
81,413	Wal-Mart	901 S. 86th Avenue, Tolleson

Submarket Map



Average Asking Lease Rate
Rate determined by multiplying the asking net lease rate for each building by its available space, summing the products, then dividing by the sum of the available space with net leases for all buildings in the summary.

Net Leases
Includes all lease types whereby the tenant pays an agreed rent plus most, or all, of the operating expenses and taxes for the property, including utilities, insurance and/or maintenance expenses.

Market Coverage
Includes all competitive industrial buildings 5,000 square feet and greater in size.

Net Absorption
The change in occupied square feet from one period to the next.

Net Rentable Area
The gross building square footage minus the elevator core, flues, pipe shafts, vertical ducts, balconies, and stairwell areas.

Occupied Area (Square Feet)
Building area not considered vacant.

Under Construction
Buildings which have begun construction as evidenced by site excavation or foundation work.

Available Area (Square Feet)
Available building area which is either physically vacant or occupied.

Availability Rate
Available square feet divided by the net rentable area.

Vacant Area (Square Feet)
Existing building area which is physically vacant or immediately available.

Vacancy Rate
Vacant building feet divided by the net rentable area.

Normalization
Due to a reclassification of the market, the base, number and square footage of buildings of previous quarters have been adjusted to match the current base. Availability and vacancy figures for those buildings have been adjusted in previous quarters.

For more information regarding the MarketView, please contact:
Jeff Cooledge
Research Manager
CB Richard Ellis | CBRE Research
2415 East Camelback Road
Phoenix, Arizona 85016
T. 602.735.5586 F. 602.735.5655
jeff.cooledge@cbre.com

CBRE
CB RICHARD ELLIS

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Minutes of the Regular Meeting held January 24, 2011 at 7:00 p.m. in the Council Chambers.

MEMBERS PRESENT

Mayor Rogers and Council Members

Jim McDonald, Vice Mayor
Jim Buster
Stephanie Karlin
Frank Scott
Charles Vierhout
Ken Weise

ALSO PRESENT

Charlie McClendon, City Manager
David Fitzhugh, Assistant City Manager
Eric Morgan, Development Services Department
Andrew McGuire, City Attorney
Carmen Martinez, City Clerk

4 PUBLIC HEARING, PAD ZONING EXTENSION, AVONDALE CROSSING (PL-10-0104)

A public hearing and a request by Ms. Lisa Chasteen of LaPour Partners, Inc. for extension of Planned Area Development (PAD) zoning for Avondale Crossing, located on approximately 29.64 acres of land at the northeast corner of El Mirage Road and Corporate Drive.

City Manager Charlie McClendon introduced Eric Morgan from the Development Services Department to present this item.

Eric Morgan, Planner, reviewed the particulars of this item as more specifically described in the Council report. He indicated that staff is recommending approval of the application subject to the following stipulation:

1. The property shall be subject to Ordinance 1324-808, the Public Art Ordinance.

Vice Mayor McDonald commented on the excess inventory the City has of this type of development and asked if the applicant is planning to move forward with the development within the next year.

Mr. Darren Tappen, Voit Real Estate Services, spoke on behalf of the developer and responded by saying that his company is not interested in speculative development but believes there will opportunities for build to suit projects within the next twelve months.

Vice Mayor McDonald commented that he does not feel comfortable with a granting the extension for a project that is uncertain under the current economic climate.

In response to a question from Vice Mayor McDonald, Eric Morgan indicated that, optimistically, the project could be under construction within six months, however if the extension is not granted the rezoning process would add another four months to the project.

In response to a question from Council Member Scott, Mr. Morgan indicated that the only progress that has been done on this project in the last three years is a pre-application. Council Member Scott commented he is not in favor of granting the extension due to the uncertain.

Mr. Tappen commented that the owner owns the property outright and there are no loans on the property, which is an advantage when seeking financing for the development.

Council Member Vierhout commented that the city already has a surplus of the type of development that would be built at this location and is not in favor of granting the extension.

Council Member Buster commented that it is his recollection from a previous council meeting that the majority of the cities in the valley do not have PADs that expire. He added that in his opinion the city is not positioning itself in a competitive position by denying the extension. He agreed it could be two to three years before the development gets built, but there have been some positive signs of recovery.

In response to a question from Council Member Weise, Mr. Tappen indicated that he has represented the property owner for the last three months and has shown the property once. He added that in his opinion the demand is increasing for this type of project.

Mayor Lopez Rogers agreed that granting a one-year extension will not help in the limited use of the property and is not in favor of granting the extension.

Mayor Lopez Rogers opened the public hearing. There being no requests to speak, Mayor Lopez Rogers closed the public hearing.

Vice Mayor McDonald moved to approve application PL-10-0104, a request for a one year extension of PAD zoning for Avondale Crossing to expire October 15, 2011, subject to one recommended condition of approval; Council Member Weise seconded the motion.

ROLL CALL VOTE AS FOLLOWS:

Vice Mayor McDonald	Nay
Council Member Scott	Nay
Council Member Vierhout	Nay
Mayor Lopez-Rogers	Nay
Council Member Weise	Nay
Council Member Karlin	Nay
Council Member Buster	Aye

Motion was denied 1-6.

ORDINANCE NO. 1448-211

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AMENDING THE OFFICIAL ZONING ATLAS OF THE CITY OF AVONDALE FOR APPROXIMATELY 29.64 ACRES GENERALLY LOCATED AT THE NORTHEAST CORNER OF EL MIRAGE ROAD AND WEST CORPORATE DRIVE AS SHOWN IN FILE NAME PL-11-0020, REVERTING THE ZONING ON SUCH PROPERTY FROM PLANNED AREA DEVELOPMENT (PAD) TO AGRICULTURAL (AG).

WHEREAS, the Council of the City of Avondale (the "City Council") approved Ordinance No. 1273-1007 on October 15, 2007, rezoning that certain ± 29.64 acre parcel of land generally located at the northeast corner of El Mirage Road and West Corporate Drive, as more particularly described and depicted in Ordinance No. 1273-1007 (the "Subject Property"), from Agricultural (AG) to Planned Area Development (PAD) and imposing conditions upon such rezoning (the "Rezoning"); and

WHEREAS, the Rezoning was subject to a condition imposed pursuant to provisions of the City of Avondale Zoning Ordinance (the "Zoning Ordinance"), which condition required that the development of the first phase of the project on the Subject Property must have commenced within three years of the effective date of the ordinance approving the PAD zoning on the property (the "Time Condition"); and

WHEREAS, the Time Condition upon the Rezoning has not been met and the City Council desires to revert the zoning on the Subject Property from Planned Area Development (PAD) to Agricultural (AG); and

WHEREAS, the City Council desires to amend the City of Avondale Zoning Atlas (the "Zoning Atlas") pursuant to ARIZ. REV. STAT. § 9-462.04 to reflect the change in zoning on the Subject Property due to the Rezoning reversion; and

WHEREAS, all due and proper notice of the public hearing on the intended Rezoning reversion and Zoning Atlas amendment held before the City Council were given in the time, form, substance and manner provided by the Zoning Ordinance; and

WHEREAS, the City Council held a public hearing regarding the Rezoning reversion and amendment to the Zoning Atlas on February 22, 2011.

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

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

SECTION 2. The ± 29.64 acre parcel of real property generally located at the northeast corner of El Mirage Road and West Corporate Drive, as shown in filename PL-11-0020, as more particularly described and depicted in Exhibit A, attached hereto and incorporated herein by reference, is hereby rezoned from Planned Area Development (PAD) to Agricultural (AG).

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

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

PASSED AND ADOPTED by the Council of the City of Avondale, February 22, 2011.

_____
Marie Lopez Rogers, Mayor

ATTEST:

_____
Carmen Martinez, City Clerk

APPROVED AS TO FORM:

_____
Andrew J. McGuire, City Attorney

1405301.1

EXHIBIT A
TO
ORDINANCE NO. 1448-211

(Legal Description and Map)

See following pages.

NORTHEAST CORNER OF EL MIRAGE ROAD AND WEST CORPORATE DRIVE

LEGAL DESCRIPTION

PARCEL NO. 1:

THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 1 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT THE SOUTH 1013 FEET THEREOF.

PARCEL NO. 2:

LOT 4, THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER, AND THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 1 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT THE NORTH 100 ACRES; AND

EXCEPT BEGINNING AT THE SOUTHWEST CORNER OF SECTION 1, TOWNSHIP 1 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

THENCE NORTH 1876 FEET TO THE POINT OF BEGINNING;

THENCE EAST 139 FEET;

THENCE NORTH 71 FEET;

THENCE WEST 139 FEET;

THENCE SOUTH TO THE POINT OF BEGINNING.

PARCEL NO. 3:

THAT PART OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 1 NORTH, RANGE 1WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SECTION 1, TOWNSHIP 1 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

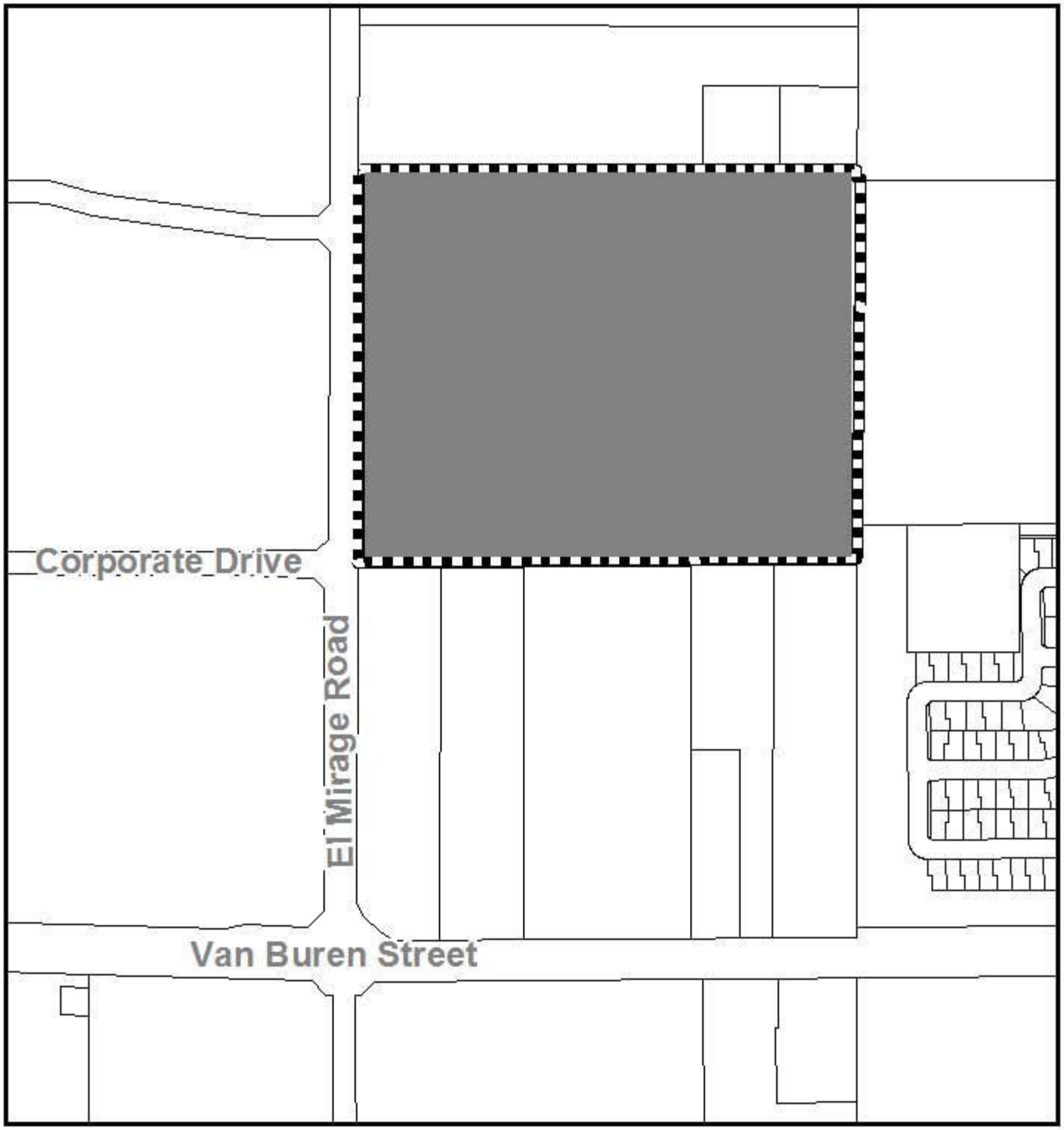
THENCE NORTH 1876 FEET TO THE POINT OF BEGINNING;

THENCE EAST 139 FEET;

THENCE NORTH 71 FEET;

THENCE WEST 139 FEET;

THENCE SOUTH TO THE POINT OF BEGINNING.



Application
PL-11-0020

Avondale

Subject Property

DEVELOPMENT SERVICES

SUBJECT:
Public Hearing and Ordinance 1446-211 – Zoning Reversion for Papago Commerce Center

MEETING DATE:
February 22, 2011

TO: Mayor and Council

FROM: Sue McDermott, Development Services Director/City Engineer (623) 333-4211

THROUGH: Charlie McClendon, City Manager (623) 333-1015

REQUEST: Hold a public hearing and revert the zoning of the Papago Commerce Center PAD to Agricultural (AG).

PARCEL SIZE: Approximately 11.1 Gross Acres

LOCATION: Southeast Corner of El Mirage Road and Interstate 10 (Exhibits A and B)

APPLICANT: City of Avondale

OWNER: iStar Financial, Inc.

BACKGROUND:

The property was annexed into the City of Avondale on July 2, 1984 and was subsequently rezoned from AG (Agricultural) to Planned Area Development (PAD) on October 15, 2007 (Exhibits C, D, and E). The Papago Commerce Center PAD required development of the site in accordance with the uses and requirements of the Commerce Park (CP) Zoning District. The development plan proposed a mix of uses including office and fully enclosed light industrial, as well as a few limited retail/commercial uses.

On October 15, 2010, the PAD expired without development of the property and on December 6, 2010, the City Council denied application PL-10-0100, a request to extend the PAD zoning for one year (Exhibits F and G). On January 19, 2011, iStar Financial, listed as both the property owner and the applicant for the PAD extension, was mailed a certified letter informing them that the City Council would hold a public hearing to consider reverting the PAD zoning of the property back to AG. This letter was successfully delivered on January 21, 2011. Additionally, a certified letter was sent to the property owner on file with the Maricopa County Recorder's Office (1050 N. El Mirage Road Avondale LLC) on January 19, 2011. This letter was returned undeliverable. It is likely that the Maricopa County Recorder has not updated property owner information to reflect the current ownership of the parcel by iStar Financial.

The property is designated by the General Plan Land Use Map as Employment. The Employment designation encourages facilities that provide employment opportunities by allowing uses that include general office, enclosed industrial uses and retail and limited commercial uses that support office and industrial. Additionally, the property is located within the Freeway Corridor Specific Plan area with a land use designation of Employment.

SUMMARY OF REQUEST:

This is a request to amend the zoning map to revert the zoning classification from PAD back to the previous zoning, AG. Section 603.D of the Zoning Ordinance requires that development of the first

phase commence within three years of rezoning to PAD. If the 3 year time condition expires without development, and no extension is granted by City Council, the PAD zoning is subject to reversion to the previous zoning. On October 15, 2010 the 3 year time condition expired without development for this PAD. On December 6, 2010, City Council denied a request for a one year extension of PAD zoning.

PARTICIPATION:

Public notifications are not required for PAD Reversions.

PLANNING COMMISSION ACTION:

The Planning Commission does not review PAD Reversions

ANALYSIS:

Section 603.D of the Zoning Ordinance states that a PAD is conditioned on development of the first phase of the project commencing within three years of the effective date of the ordinance approving the PAD zoning on the property.

Section 603.D.1 of the Zoning Ordinance allows the property owner to request a one year extension of PAD zoning. The maximum number of extensions that may be granted is four.

Section 603.D.2 of the Zoning Ordinance states that the City Council may, at its sole discretion, grant an extension of the time condition.

Section 603.D.4 of the Zoning Ordinance provides for reversion of the zoning on the property to its prior zoning classification by City Council should the time condition expire.

The subject property was rezoned from AG to PAD on October 15, 2007. Development of the first phase did not commence prior to October 15, 2010. A request for a one year extension of the time condition was denied by City Council on December 6, 2010. The owner and applicant for the extension were both notified by certified letter, per Section 603.D.4 of the Zoning Ordinance, that the City Council would hold a public hearing to consider whether to revert the zoning on the property back to AG on February 22, 2011.

Conclusion:

Based on the information contained in the official files and the analysis by staff, staff recommends approval of the request to revert the zoning on the property to its prior zoning classification of AG.

FINDINGS:

1. The property was zoned to PAD on October 15, 2007, conditioned upon commencing development of the first phase of development within three years, or October 15, 2010.
2. Commencement of the first phase of development did not occur prior to October 15, 2010, or afterward.
3. On December 6, 2010, the City Council denied a request for a one year extension of the time condition to October 15, 2011.
4. Section 603 of the Zoning Ordinance provides for the City Council, at its sole discretion, to revert the zoning on the property to its previous zoning classification after expiration of the time condition to commence development.
5. The previous zoning classification of the property was Agricultural (AG).

RECOMMENDATION:

Staff recommends that the City Council adopt an ordinance **APPROVING** application PL-11-0001, a request to revert the zoning of the expired Papago Commerce Center PAD to Agricultural (AG).

PROPOSED MOTION:

I move that the City Council accept the findings and **ADOPT** the Ordinance approving application PL-11-0001, a request to revert the zoning of Papago Commerce Center from Planned Area Development (PAD) to its previous zoning classification of Agricultural (AG).

ATTACHMENTS:

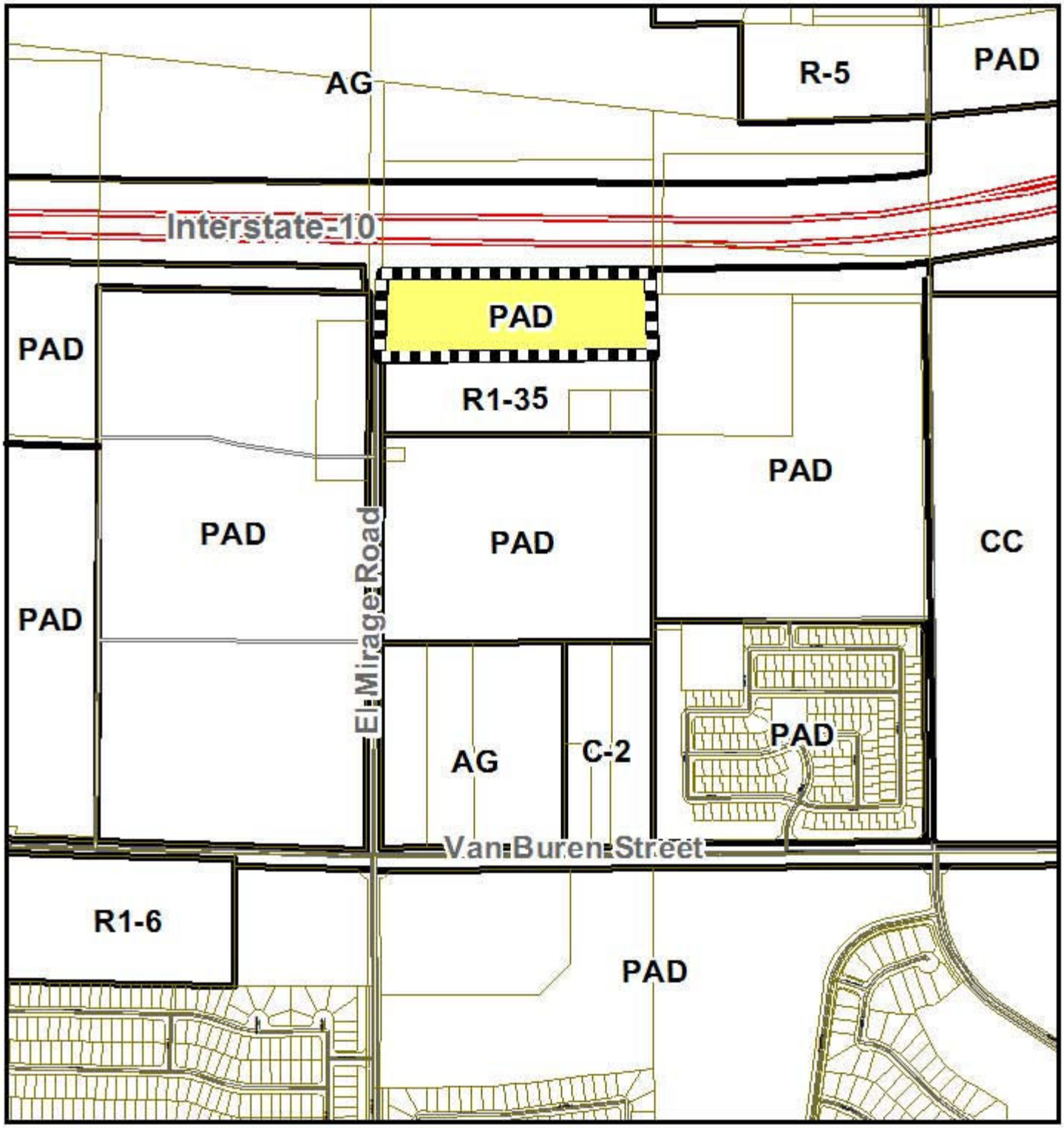
Click to download

- Exhibit A - Zoning Vicinity Map
- Exhibit B - Aerial Photograph
- Exhibit C - Expired Papago Commerce Center PAD
- Exhibit D - Ordinance 1272-1007, approving the Papago Commerce Center PAD in 2007
- Exhibit E - Excerpt from City Council Minutes, Regular Meeting of October 15, 2007 (PAD Approval)
- Exhibit F - Request by iStar Financial for a one-year PAD extension, dated October 12, 2010
- Exhibit G - Excerpt of City Council Minutes, Regular Meeting of December 6, 2010 (PAD Extension Denial)
- Ordinance 1446-211

PROJECT MANAGER:

Ken Galica, Planner II (623) 333-4019

Exhibit A



Zoning Vicinity Map

Avondale

Subject Property

Exhibit B

Aerial Photograph

Avondale

Subject Property

N

Exhibit C

A PLANNED AREA DEVELOPMENT
BY
RDB MANAGEMENT
AND CONSTRUCTION

PAPAGO COMMERCE CENTER

11 ACRES

[illegible] E. ARIZONA

GENERAL DEVELOPMENT PLAN

APRIL 19, 2007
JUNE 29, 2007
AUGUST 8, 2007

2-C-5

A. Introduction

This General Development Plan and Program provides a project overview of the Planned Area Development (PAD), proposed by RDB Management and Construction, (RDB) for an approximate 11 acre parcel of land located quarter mile north of Van Buren along 127th Avenue in Avondale, Arizona (Property). Refer to Exhibit 'A' for the location of this subject property. This General Development Plan and Program is intended to provide the City of Avondale Planning and Building Division with the information necessary to review and approve the requested rezoning to PAD.

1. Site Ownership

This Property is owned by Avondale Commerce Center, LLC.

2. Site Data

The site for this proposed project is located north of Van Buren along El Mirage Road and I-10 in Avondale, Arizona, as shown on the location map enclosed as Exhibit A. The Property is comprised of a gross site area of approximately 11 acres. Refer to Exhibit 'B' for a copy of ALTA Survey.

3. Existing Site Conditions / Topography

The site is currently vacant with no agricultural production. There are no existing structures on-site. The topography of the site is fairly level with a slight but even grade sloping to the southwest.

4. Surrounding Land Uses

North: Arizona Department of Transportation (ADOT) right-of-way for Interstate 10 parallels the north property line. The freeway traffic is elevated approximately 10' above the property. El Mirage, forms the western boundary of the property, which terminates in a Cul-de-sac at the ADOT right-of-way. The land area along the north side of the interstate is Friendship Park, a community Park for Avondale, which includes lighted fields for baseball, softball, and soccer.

West: The area to the west is the newly constructed Avondale Commerce Center. A multi-building commercial center developed by this applicant. Phases II and III of this project, currently under construction, will accommodate Commerce Park type uses. Phase I, located further south along the Van Buren frontage, will accommodate commercial uses, including some retail.

South: The land area directly south is unimproved, has no structures and is being used for agriculture.

East: The land directly east of the proposed development is unimproved, has no structures and is being used for agriculture.

Refer to Exhibit 'C', for additional information regarding land uses and zoning.

B. Objectives / Development Goals

Rezone to PAD (Planned Area Development)

The property, 11 acres, is zoned Agricultural - AG, refer to Exhibit 'B'. RDB intends to rezone the property to PAD for an employment based project that includes Commerce Park uses in conformance with the Avondale General Plan and the Freeway Corridor Specific Plan. This land use plan provides flexibility for future employment based on demand within the marketplace.

The subject property is situated within the Freeway Corridor Specific Plan, a designated growth area as referenced by the Avondale General Plan. Recent growth in the west valley as demonstrated by Coldwater Springs, a master-planned residential community to the south, has focused more attention on the Freeway Corridor area.

C. Conformance with City of Avondale's General Plan

The City of Avondale General Plan has designated this property for Employment Use. Included in the "Employment" designation are land uses related to business parks and industrial parks.

D. General Development Plan

1. Project Description

In accordance with the General Plan, this project is designed to offer a mix of commercial and industrial activities as provided within the Commerce Park (CP) district. These uses will be combined within the Planned Area Development in order to provide a more cohesive development that will offer common design standards for each land use.

Guidelines will be established to unify the architecture, signage, and landscaping throughout the development. The land plan takes advantage of the site's proximity to I-10 to provide a well designed multi-tenant commerce park that will provide many employment opportunities for local residents as well as provide added tax revenue for the City of Avondale.

2. Land Use Plan

The General Development Plan is enclosed as Exhibit 'D'. The land uses are organized to promote compatibility with surrounding land uses, provide appropriate transitions between the commercial and commerce park users, and provide efficient access and circulation throughout the project. The project is designed with minimal vehicular penetration points in order to safely and conveniently move commercial traffic into and out of the project while minimizing the traffic impact upon the surrounding streets. The streetscape will be designed to provide variety and interest as one drives adjacent to the development.

Land Use Summary

Commerce Park, CP	11 acres

It is anticipated that uses in the Pagago Commerce Center shall be similar to those in the Avondale Commerce Center to the west.

3. Commerce Park (CP)

The property will be designated as Commerce Park. The purpose of the Commerce Park district is to allow for a wide variety of employment uses that are not included in a typical CO, C-1 or C-2 district.

Note: All structures and improvements designated within this PAD, designated as CP will be designed and constructed by RDB Management and Construction. RDB will maintain the buildings and lease suites to future tenants.

E. DEVELOPMENT STANDARDS

1. Commerce Park (CP)

The commerce park development will be a fully master planned site consisting of multiple buildings providing flex-space for multiple and individual tenants. The Property will ensure a well designed streetscape, adequate on and off-site auto circulation, encourage pedestrian travel through carefully planned walkway systems, and create a common architectural interest from transition in scale to the building materials that will add visual appeal and serve an overall function of the development. The commerce park will posses an overall design framework that provides an internal organizational structure and contextual response to the surrounding area. Vehicular traffic shall access the site via El Mirage paralleling the west property line. Vehicles will be able to access Avondale Commerce Center I to the west via El Mirage road. Pedestrian traffic shall be able to move between commerce centers on a series of sidewalks and clearly indicated pathways within the developments of similar materials that tie the Commerce centers together.

1a. Permitted Uses

a) Offices for professional, administrative, clerical and sales services including
b) Business colleges.
c) Research, Medical and dental laboratories
e) Wholesaling including but not limited to, irrigation, landscape, material sales provided all supplies and equipment are in a completely enclosed building.
f) "Value added" distribution / packaging – hands-on modification of bulk goods by employees that adds additional value to the products (ie. but not limited too, customized embroidery of sports apparel). Job creation is an important component of this use.
g) Light manufacturing, fabrication, processing, or assembly of finished or unfinished products composed of pre-manufactured or natural products or materials provided that all processes are conducted indoors.
h) Retail commercial operations directly related to a primary industrial use, provided it does not exceed 30% of the gross floor area of the primary industrial use.
i) Print and sign manufacturing with sales.
j) Similar uses as determined by the City's Zoning Administrator, or his designee.

- Warehousing/storage that is ancillary to a permitted use. Not to include dead vehicle storage, trucking companies and moving storage companies.

- Any use not expressly allowed herein is prohibited

1b. Uses Permitted pending City of Avondale Conditional Use Permit Approval

a) Athletic and health clubs
b) Trade school
c) Retail commercial operations directly related to a primary industrial use, provided it does not exceed 40% of the gross floor area of the primary industrial use.
d) Indoor Recreation facilities (ie laser tag, rock wall climbing, etc)

1c. General Requirements

Except where otherwise explicitly stated, this development shall conform to all requirements of the City of Avondale zoning ordinance, as amended, for development within Commerce Park (CP) zoning.

1d. General Standards

Minimum Setbacks

Front Yard:	25'
Street Side Yard	25'
Side Yard	12'
Rear Yard	12'

Interstate 10

A 30' landscape area shall be provided along the north property line of the project nearest to Interstate 10.

Maximum Building Height

a) Maximum building height of any buildings shall be (45) feet. The additional height allowance is intended to attract larger corporate users along this interstate freeway frontage.

Outdoor Storage

a) No outdoor storage shall be permitted.

F. DESIGN STANDARDS

1. Architecture

1a. Architectural Design Theme

While no particular style will be dictated, architectural standards for the development shall remain high while complimenting and drawing from the design and material palettes of the Avondale Commerce Center, directly west. The concept is for these buildings to be recognized as an integral part of the greater Avondale Commerce Center.

1b. Architectural Concepts

- The architectural design for all structures shall be based on "4-sided" architecture solutions, taking into consideration all sides to receive consistent architectural treatment.

- For all buildings at least two of these elements shall repeat horizontally. Buildings with facades greater than 150 feet in length shall include at least three of the elements listed below, repeated at appropriate intervals, both 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 at a minimum of two feet (2') 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 integrated into the architecture of the elevations.

- Service and roll-up doors shall be internalized within the site.

- Reduction of building mass shall be achieved by using a combination of the following techniques:
    - Variation in the rooflines
    - 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.

- Rooflines, relative building heights, orientation of entrances and other major architectural elements of the buildings shall be designed within the context of the overall PAD. Building design shall compliment the surrounding area, with contrast encouraged where appropriate or beneficial to the overall development

- Buildings with freeway frontage will front towards Interstate 10.

- Roof drains shall be internal.

- Any roof access ladders shall be located inside the building.

- All roof mounted equipment, vents, stacks, pipes, etc. shall be screened from view from all perimeter streets and painted to match the roof.

1c. Building Materials

Architectural materials should convey an image of quality and durability. Buildings within the PAD shall be compatible with the materials used in Avondale Commerce Center Phase One and will include the following materials :

- Primary building materials shall include: common clay brick, stucco, or EIFS type systems provided that finishes must be smooth or sand textured, smooth or split face concrete block or similar materials.
- All tilt or pre-cast concrete panels or smooth face block shall include methods for improving the natural material such as: additional color and texture, windows, reveals or recesses, notched parapets, canopies, building wall undulation, corner windows, additional materials, etc.
- Accent materials shall include: natural stone, block, brick, ceramic tile, ornamental steel or other similar materials as implemented in Phase One.
- Roofs may be flat with parapet walls, or sloped with concrete tile, standing metal seam, or equivalent architectural materials.

Prohibited Materials:

- Wood, except for limited amounts of trim
- Corrugated metal and pre-engineered metal-sided buildings

1d. Color Coordination

Buildings within the PAD shall be consistent with the following building colors:

- Colors and materials should be used to create visual harmony within the PAD. The approved colors are as follows:
  - Primary building colors shall be desert hues and other "earth tones" muted shades of blues, greens, and reds found in the natural desert, and colors appearing in natural stone.
  - Accent colors on buildings shall compliment the primary building colors and include combinations of desert hues, earth tones, muted shades of 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 as determined during the Site Planning process.

Prohibited Colors:

- "Loud colors" such as orange, red, blue, green, yellow, purple and similar colors as a primary building color.

2. Site Development

2a. Off-Street Parking

A development plan indicating compliance with the off-street parking requirements of the Avondale Zoning Ordinance as amended will be submitted for approval prior to obtaining final building permits.

- The number of off-street parking spaces shall be based upon the proposed building use as determined at the time of site-plan review.

- All off-street parking and loading areas, access drives, internal circulation drives, and truck maneuvering areas shall conform to the requirements and regulations of the Avondale Fire Department, Zoning Ordinance, and Engineering Division.

Note: Additional landscape enhancements will be required along the Interstate 10 frontage, including shade trees incorporated into parking areas at the rate of one (1) tree per 6 parking stalls instead of the standard of one (1) per 8 stalls.

Covered Parking

- Covered parking shall be lighted. The source of illumination shall be screened, recessed or covered.
- Parking canopies shall include fascias that are consistent with the color and architectural themes of the principal building.

2b. Loading areas

All loading areas and loading docks shall be designed not to be visible from adjacent streets or detract from the architectural character of the project.

- All truck loadings or loading docks shall be located at the rear or side of the building. No loading dock shall face a front street or Interstate 10.
- All loading areas must be screened by a continuous wall with to match the architecture of the building at a minimum height of 8'
- Landscaping by additional street trees or on-site tree massing in combination with the screen wall may be used to visually screen loading docks.

2c. Screening

Screen walls shall maintain a consistent material, design and color theme to provide continuity throughout the Commerce Park.

- Screen walls shall be provided for all service areas, mechanical and electrical equipment yards, outdoor storage areas, loading docks, and refuse collection areas.
- All screen walls should be architecturally treated as an extension of the primary structure.
- When needed, parking screen walls shall be a minimum of 3-foot in height and constructed of block and may be finished with stucco or mortar wash.
- 3' high landscape berms may be used in conjunction with parking screen walls.
- Perimeter screen walls shall be a minimum of 6-foot in height constructed of the design and materials of the building.
- Screen walls along pedestrian routes or sidewalks shall be set back to allow for landscaping

2d. Site Lighting

The lighting should enhance the architectural and site design concepts of the overall PAD.

- Lighting shall be master planned for the development at the time of site plan review.

- Street lighting shall be provided along El Mirage Road per current City of Avondale standards.
- Site lighting shall be provided for security throughout all parking areas, service areas, and building entries/exits that provides a level of security.
- All site lighting shall be directed downward and use appropriate light source to minimize light pollution onto adjacent properties and to adhere to local dark sky ordinance.
- Lighting shall not exceed 1-foot candle at the property line
- Intensity shall not be greater than required for vehicular and pedestrian safety.
- The use of shields with cut-off fixtures is required for all pole and wall pack lighting
- Height of light poles shall be a maximum of 25' high.
- Low pedestrian-scaled fixtures may be allowed to help identify and light pedestrian routes within the commercial areas.

2e. Pedestrian Circulation

El Mirage Drive shall provide 8' wide sidewalks detached from the back of curb. Accessible walkways from the parking areas to the building entries shall also be provided.

a. Stamped, colored concrete or pavers shall be used to denote all pedestrian crossings.
b. Pedestrian pathways shall be shaded via landscaping or the introduction of hardscape elements such as canopies as determined at the time of site plan review.

2f. Grading and Drainage

The site will be required to retain storm water runoff and retain for the adjacent half streets. Retention basins shall be designed and contoured to assume a more natural appearance and to be an integral part of the landscape. The Property will be coordinated to combine open space areas with property to the west in order to provide greater sense of scale and to enhance the potential for more active and passive recreational uses. Retention basins shall be designed to meet the requirements of the Avondale Zoning Ordinance as amended.

2g. Signage

Signage for the PAD should be designed to enhance the identity of the overall development park and the individual businesses within. A master sign package shall be submitted for review and approved with the master site plan.

Freestanding Monument:

- Monument Signs shall be for center identification only, with the complex name and address.
- Monuments shall not exceed 6-foot in height and 10-foot in width.

- Sign materials and colors shall be consistent with the exterior architecture of the buildings. Lettering shall be halo backlit reverse pan channel letters.
- Maintenance of the signage will be at the responsibility of the developer.
- One (1) monument sign location has been proposed to be placed within the PAD. See potential locations on Exhibit "D"

Multi-tenant Monument

- One multi-tenant monument sign for tenant identification will be allowed along El Mirage Road. An additional multi-tenant monument sign may be located at a future secondary entrance point to be determined at the time of site plan review.
- Two multi-tenant signs may be necessary depending upon number of tenants.
- The design of the monument shall be consistent with the overall scale of the building. Design and placement of any signage shall not obstruct traffic safety site areas.
- Shall not exceed 8 feet in height.
- Maximum area of 100 square feet.
- Signs shall be a minimum of 300 feet apart
- Lettering shall be non reflective halo backlit reverse pan channel letters.

Building:

- Signage shall be systematically located and styled to support the architectural design
- Building wall signage
    - Maximum sign area – 1 sq ft for each linear ft of suites building façade. 150 sq ft maximum per sign.
    - Sign placement – below edge of roof.
    - Location requirements – Signs will be mounted above each respective suite, placed consistently along the building face, and located on the upper part of the exterior wall within a dedicated band
- Lettering -
    - Commerce Park - wall mounted tenant signage shall be reverse pan channel letters with solid color that compliments the building color.
    - Illuminated signage may be placed on buildings fronting I-10
    - Halo backlighting will be used for all wall signage requiring illumination.
- Tenants may have one window decal sign. Window signage shall count towards allowable building signage aggregates and shall require a permit from the City of Avondale.

3. Streetscape and On-site Landscape

Landscaping is an important component of commerce center design which softens the park appearance by breaking up the continuous expanse of pavement and buildings. In order to create a uniform appearance throughout the development, the PAD will be established.

The PAD requires complete streetscape concepts and strategies that help contribute to the identity and comfort of the development.

- A typical streetscape concept and theme shall be developed and repeated. Includes tree selection, lighting, signage, decorative walls, and other design elements.
- Streetscape should reinforce design concepts for the commerce, center. This includes defining focal points, framing views and edges, and highlighting architectural design features.
- When necessary, streetscaping should screen views of parking lots and loading areas. Berms or shrubs may be used to help screen parking lots.
- Landscaping shall comply with the City of Avondale landscaping requirements.
- All plant materials shall conform to the Arizona Department of Water Resources (ADWR) plant material list.

On-site landscaping shall reinforce overall site and architectural concepts while increasing pedestrian comfort.

- Planting in front and side yards should reinforce the PAD streetscape concept.
- Foundation planting should enhance architectural and massing concepts for buildings.
- Accent planting and color should reinforce architectural and site design entry expression.
- Screen planting should be used around parking lots and to block undesirable views. Parking lot screen planting should be at least 30" tall.

- Grading and retention basins should be done to fulfill functional requirements and architectural and site design concepts.
- Landscaping must comply with the City of Avondale landscaping requirements.
- All plant materials shall conform to the ADWR plant material list

The City of Avondale has established the landscape theme for the Interstate 10 frontage, which includes the predominant use of Southern Live Oaks (Quercus virginiana 'Heritage Oak'). Along the interstate frontage, 50% of the required trees shall be Southern Live Oak, all which shall be a minimum of 24" Box. All of the interior street intersections shall include at least one Southern Live Oak which shall be a minimum of 36" Box in size and clustered with other Southern Live Oak of varying size to reinforce the street tree theme. The size and quantities of plant material for the balance of the streetscape shall conform to the landscape standards of the Avondale Zoning Ordinance as amended.

Note: Landscaping plans will receive a master site plan/design review in order to maintain a unified project.

G. Infrastructure / Utilities

1. Access / Circulation

The primary access to and from the property is along Van Buren Street, a designated major arterial quarter mile south of the property.

El Mirage Drive is a collector street that aligns with the quarter mile point east of 127th Avenue and is centered on the west property line, where it will terminate at the northeast corner of the property in a cul-de-sac.

Development of the **East** portion of the site may not proceed until a secondary access point agreement is reached along the south or east property lines. The location of the secondary access point must be approved by the City Engineer or his "designee."

]

2. **Street Improvements**
Half street improvements will be constructed per City of Avondale standards and in conformance with the proposed development. Improvements that will comply to City of Avondale standards include but are not limited to, curb, gutter, and 8' wide sidewalks connecting to possible improvements leading to Friendship Park. Street dedications as follows:

Street	Ex. ROW	Prop. ROW
El Mirage: east half ROW	33'	60'

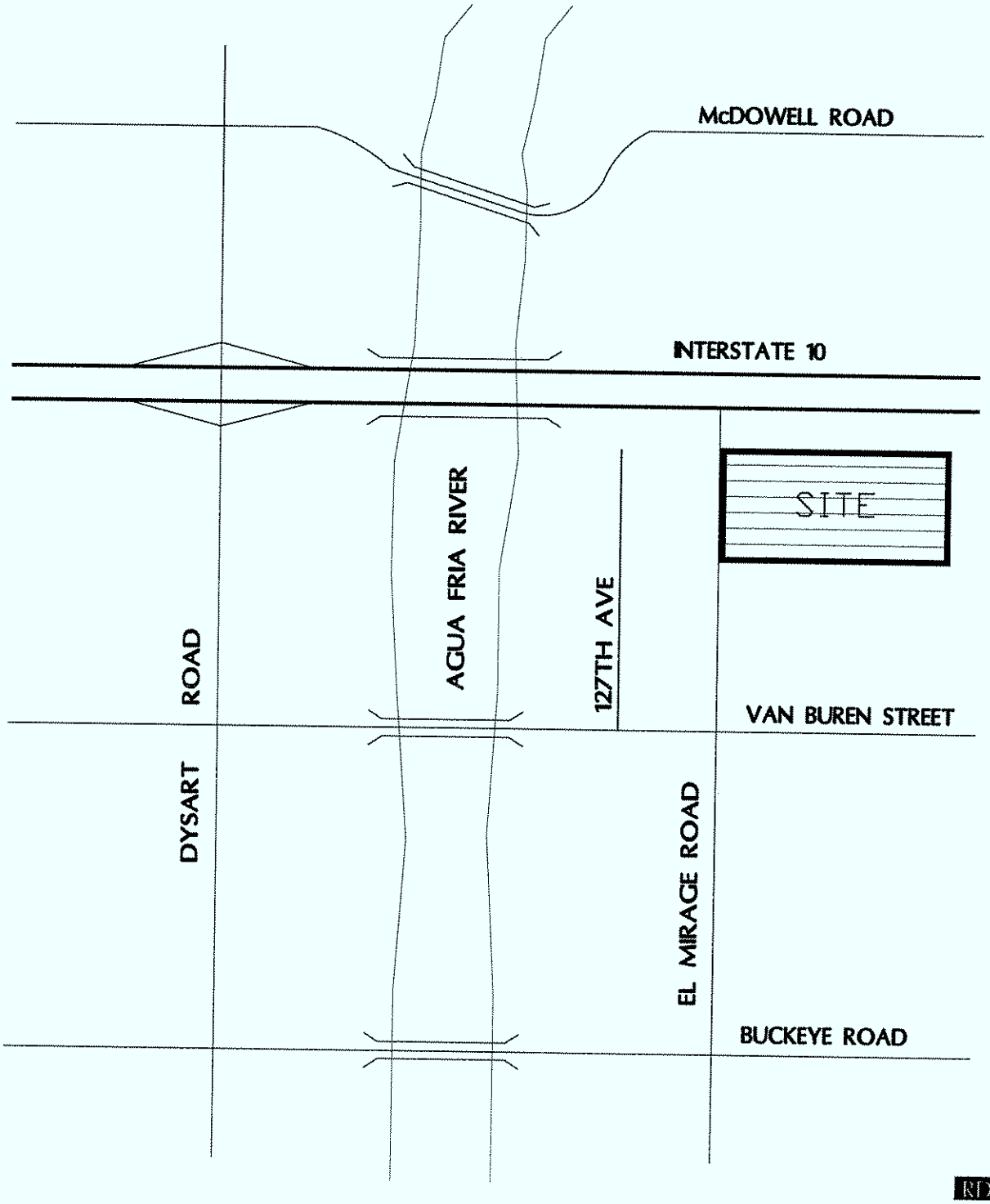
3. **Water Service**
This project will connect into the water main within El Mirage Drive where it connects into the existing water main in Van Buren.

4. **Sanitary Sewer Service**
Proposed is a gravity sewer system. All sewer mains internal to the site will drain to the west and connect into the sewer main in El Mirage Road.

5. **Electrical Service**
This subject property is within the service area of the Salt River Project.

6. **Natural Gas Service**
This project is within the service area of the Southwest Gas Corporation.

7. **Telephone Service**
This Subject property is within the service of Qwest Telephone.



PAPAGO.COMMERCE.CENTER

AVONDALE, AZ

NORTH

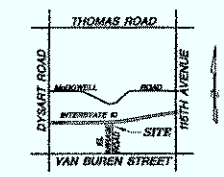
VICINITY MAP
EXHIBIT A

RDB Management & Construction
167 W. Willetta Dr, Phoenix, AZ 85037
T: 623.780.0929 F: 623.296.2050

A.L.T.A. / A.C.S.M. LAND TITLE SURVEY

OF

A PORTION OF THE WEST HALF OF SECTION 1
TOWNSHIP 1 NORTH, RANGE 1 WEST OF THE GILA AND
SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY,
ARIZONA.



VICINITY MAP

NOT TO SCALE

SCALE IN FEET

SCALE : 1" = 50'

AREA

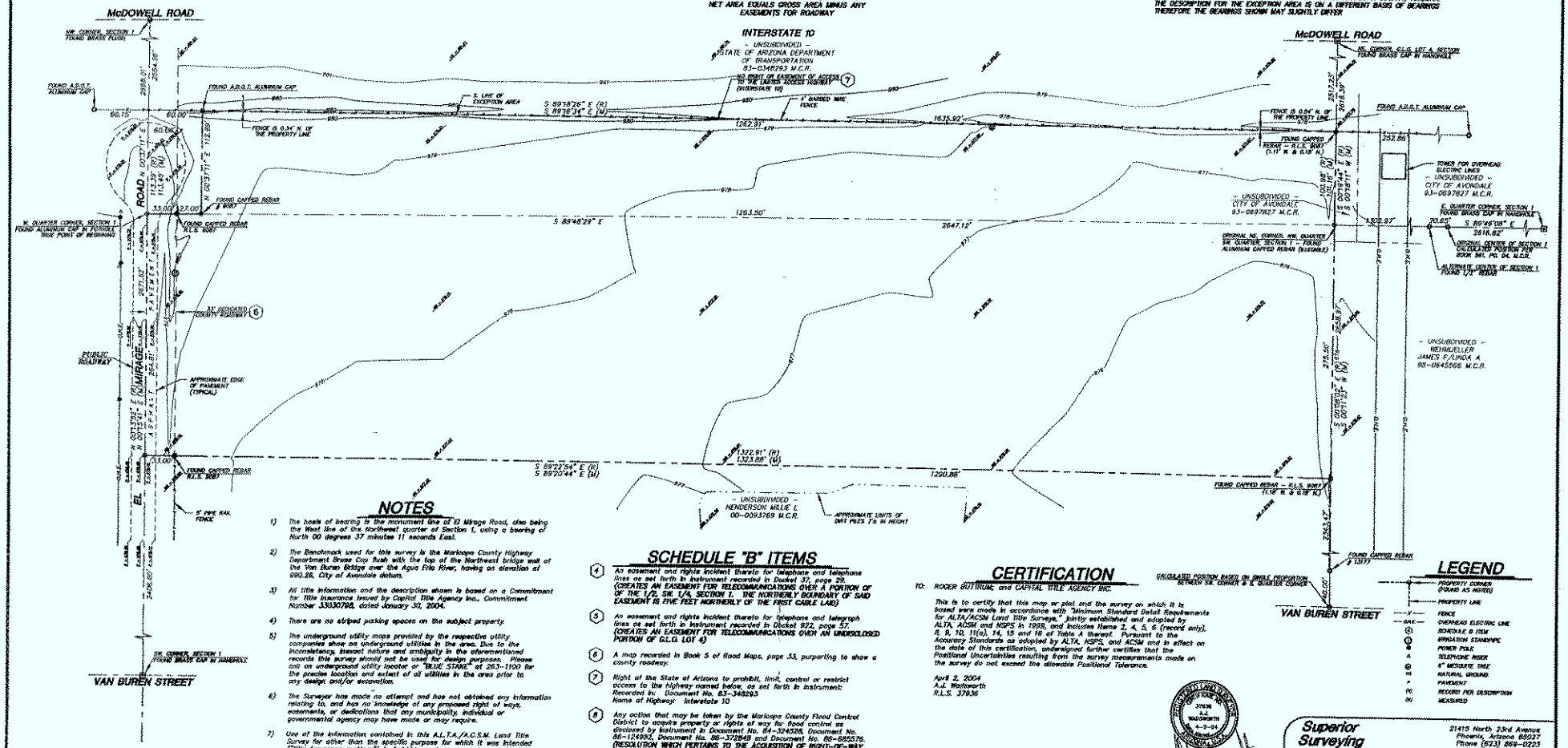
GROSS AREA = 113129 ACRES / 492,791 SQUARE FEET
NET AREA = 111122 ACRES / 484,048 SQUARE FEET
NET AREA EQUALS GROSS AREA MINUS ANY EASEMENTS FOR ROADWAY

DESCRIPTION

A PARCEL OF LAND BEING A PART OF THE WEST HALF OF THE WEST HALF OF SECTION 1, TOWNSHIP 1 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 1, AND THE TRUE POINT OF BEGINNING;
THENCE NORTH 0 DEGREES 37 MINUTES 11 SECONDS EAST ALONG THE WEST LINE OF SAID SECTION 1, A DISTANCE OF 113.39 FEET TO THE NORTHWEST CORNER OF THIS SAID PARCEL;
THENCE SOUTH 89 DEGREES 18 MINUTES 28 SECONDS EAST ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF THE I-10 FREEWAY A DISTANCE OF 1321.86 FEET;
THENCE SOUTH 0 DEGREES 19 MINUTES 44 SECONDS EAST A DISTANCE OF 100.98 FEET TO THE INTERSECTION WITH THE EAST-WEST MID-SECTION LINE OF SAID SECTION 1;
THENCE SOUTH 0 DEGREES 08 MINUTES 02 EAST A DISTANCE OF 275.06 FEET;
THENCE NORTH 89 DEGREES 22 MINUTES 54 SECONDS WEST A DISTANCE OF 1322.91 FEET;
THENCE NORTH 0 DEGREES 13 MINUTES 53 SECONDS EAST A DISTANCE OF 264.81 FEET BACK TO THE TRUE POINT OF BEGINNING;

EXCEPT THAT PORTION WHICH LIES NORTHERLY OF THE FOLLOWING DESCRIBED LINE:
BEGINNING AT THE WEST QUARTER CORNER OF SAID SECTION 1;
THENCE NORTH 89 DEGREES 57 MINUTES 41 SECONDS EAST, 63.00 FEET;
THENCE NORTH 0 DEGREES 17 MINUTES 59 SECONDS EAST 113.90 FEET;
THENCE SOUTH 89 DEGREES 34 MINUTES 21 SECONDS EAST 1516.06 FEET TO THE POINT OF ENDING, AS CONDEMNED FOR STATE HIGHWAY PURPOSES BY INSTRUMENT RECORDED IN DOCUMENT NO. 83-348293, RECORDS OF MARICOPA COUNTY, ARIZONA.
THE DESCRIPTION FOR THE EXCEPTION AREA IS ON A DIFFERENT BASIS OF BEARINGS THEREFORE THE BEARINGS SHOWN MAY SLIGHTLY DIFFER



NOTES

1) The basis of bearing is the monument line of El Mirage Road, also being the West line of the Northwest quarter of Section 1, using a bearing of North 00 degrees 37 minutes 11 seconds East.

2) The Benchmark used for this survey is the Maricopa County Highway Department Brass Cap flush with the top of the Northwest bridge wall of the Van Buren Bridge over the Agua Fria River, having an elevation of 990.26, City of Avondale datum.

3) All title information and the description shown is based on a Commitment for Title Insurance issued by Capital Title Agency Inc., Commitment Number 33330798, dated January 30, 2004.

4) There are no striped parking spaces on the subject property.

5) The underground utility maps provided by the respective utility companies show no underground utilities in the area. Due to the inconsistency, inexact nature and ambiguity in the aforementioned records this survey should not be used for design purposes. Please call an underground utility locator or "BLUE STAKE" at 263-1100 for the precise location and extent of all utilities in the area prior to any design and/or excavation.

6) The Surveyor has made no attempt and has not obtained any information relating to, and has no knowledge of any proposed right of ways, easements, or dedications that any municipality, individual or governmental agency may have made or may require.

7) Use of the information contained in this A.L.T.A./A.C.S.M. Land Title Survey for other than the specific purpose for which it was intended ("title insurance matters") is forbidden unless expressly permitted in writing in advance by Superior Surveying Services, Inc. Superior Surveying Services, Inc. shall have no liability for any such unauthorized use of this information without their written consent.

SCHEDULE "B" ITEMS

(4) An easement and rights incident thereto for telephone and telephone lines as set forth in instrument recorded in Docket 37, page 29. (CREATES AN EASEMENT FOR TELECOMMUNICATIONS OVER A PORTION OF OF THE L/S, SR. 1/4, SECTION 1. THE NORTHERLY BOUNDARY OF SAID EASEMENT IS FIVE FEET NORTHERLY OF THE FIRST CABLE LAID)

(5) An easement and rights incident thereto for telephone and telegraph lines as set forth in instrument recorded in Docket 922, page 57. (CREATES AN EASEMENT FOR TELECOMMUNICATIONS OVER AN UNDISCLOSED PORTION OF G.L.O. LOT 4)

(6) A map recorded in Book 5 of Road Maps, page 33, purporting to show a county roadway.

(7) Right of the State of Arizona to prohibit, limit, control or restrict access to the highway named below, as set forth in instrument:
Recorded in: Document No. 83-348293
Name of Highway: Interstate 10

(8) Any action that may be taken by the Maricopa County Flood Control District to acquire property or rights of way for flood control as disclosed by instrument in Document No. 84-324528, Document No. 86-124952, Document No. 86-372849 and Document No. 86-685575. (RESOLUTION WHICH PERTAINS TO THE ACQUISITION OF RIGHT-OF-WAY FOR THE AGUA FRIA RIVER CHANNELIZATION PROJECT OVER AN UNDEFINED PORTION OF SECTION 1)

CERTIFICATION

TO: ROGER BUTTRUM, and CAPITAL TITLE AGENCY INC.

This is to certify that this map or plat and the survey on which it is based were made in accordance with "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys," jointly established and adopted by ALTA, ACSM and NSPS in 1999, and includes Items 2, 4, 5, 6 (record only), 8, 9, 10, 11(a), 14, 15 and 16 of Table A thereof. Pursuant to the Accuracy Standards as adopted by ALTA, NSPS, and ACSM and in effect on the date of this certification, undersigned further certifies that the Positional Uncertainties resulting from the survey measurements made on the survey do not exceed the allowable Positional Tolerance.

April 2, 2004
A.J. Wadsworth
R.L.S. 37936

CALCULATED POSITION BASED ON BRASS PROTRACTION BETWEEN S.W. CORNER & S. QUARTER CORNER

LEGEND

- PROPERTY CORNER (FOUND AS NOTED)
- PROPERTY LINE
- FENCE
- OVERHEAD ELECTRIC LINE
- (X) SCHEDULE B ITEM
- IRRIGATION STANDPIPE
- POWER POLE
- TELEPHONE RISER
- 6" METQUISTE VALVE
- NATURAL GROUND
- PAVEMENT
- (R) RECORD PER DESCRIPTION
- (M) MEASURED

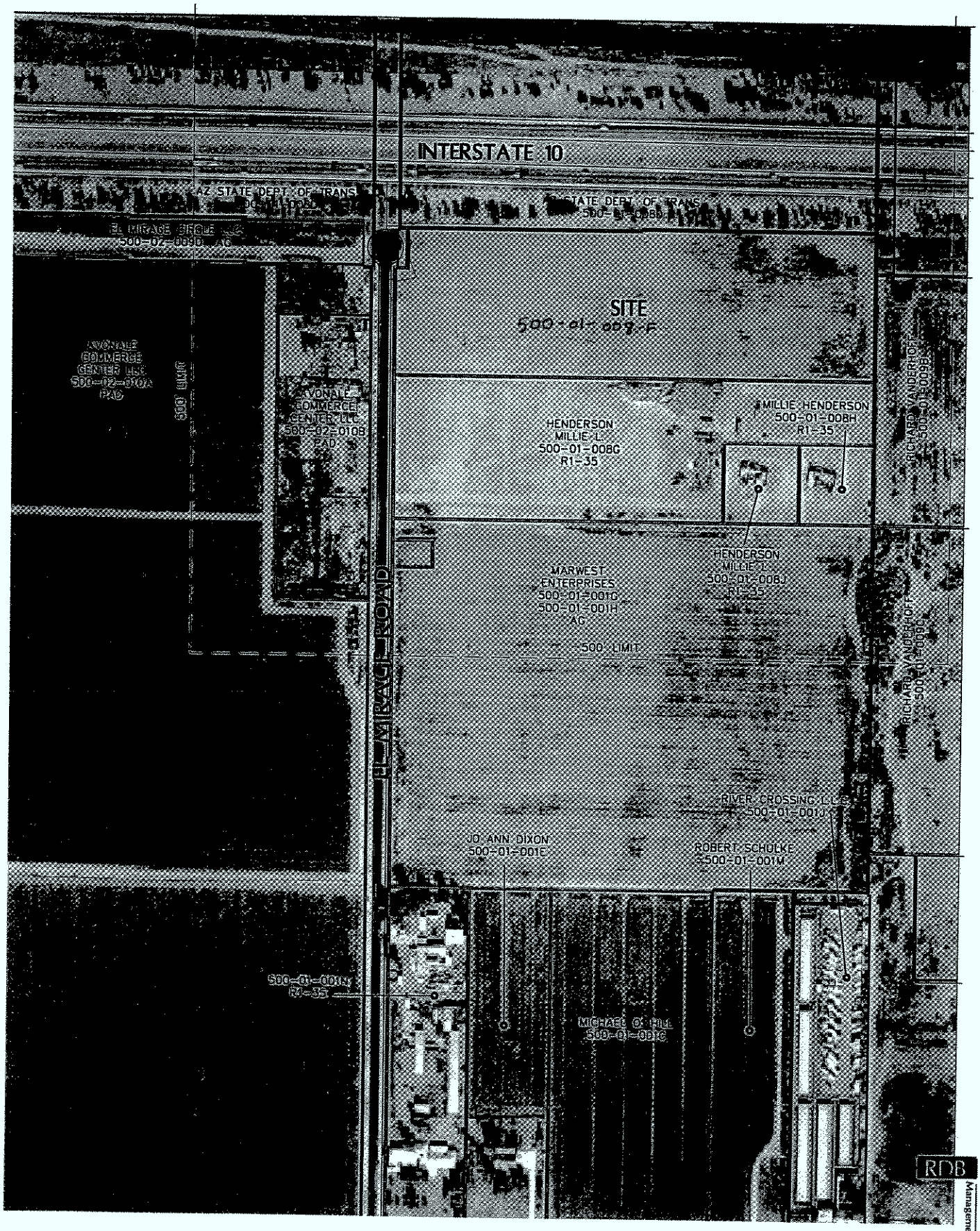
Superior Surveying Services, Inc.
21415 North 23rd Avenue
Phoenix, Arizona 85027
Phone (623) 869-0223
Fax (623) 869-0728
info@superiorsurveying.com
PROFESSIONAL LAND SURVEYING - ARIZONA, CALIFORNIA, NEVADA
ARIZONA NO. 18214 - CALIFORNIA NO. LS8061 - NEVADA NO. 7840

EL MIRAGE & INTERSTATE 10; AVONDALE, ARIZONA

DATE: 4-2-04 REVISED: JOB NO.: 240328

Z:\DWG\240328.DWG

Exhibit B



RDB Management & Construction

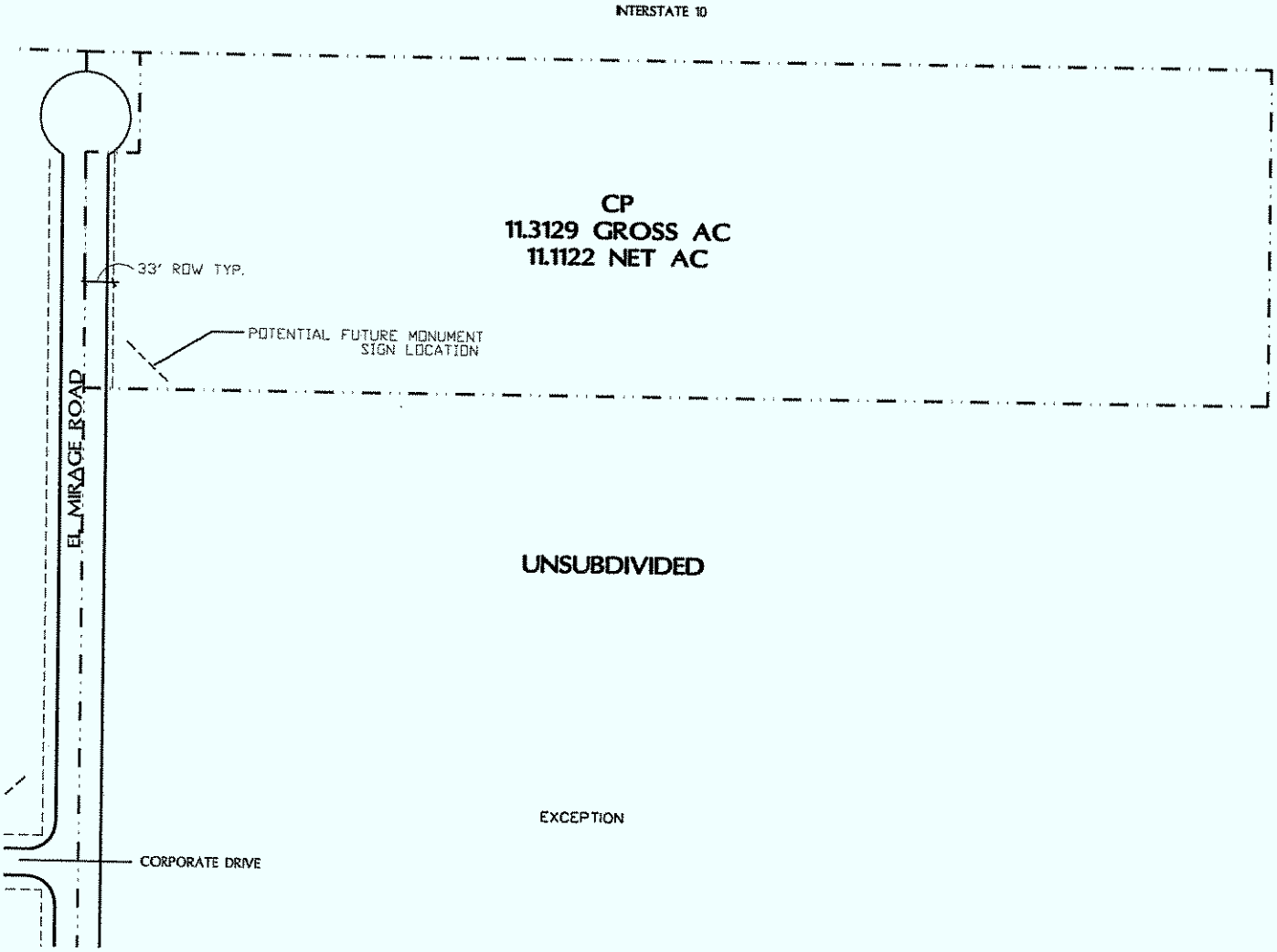
PAPAGO.COMMERCE.CENTER

AVONDALE, AZ

NORTH

CONTEXT PLAN
EXHIBIT C

1617 W. Williams Dr, Phoenix, AZ 85027
T: 623.780.2929 F: 623.298.2050



SITE DATA SUMMARY

GROSS SITE AREA	11.31 AC
(PERIMETER R.O.W.)	0.2 AC
NET SITE AREA	11.11 AC

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

ALL ACERAGES SHOWN ARE BASED ON APPROXIMATE NET VALUE

NORTH

RDB Management & Construction

GENERAL DEVELOPMENT PLAN
EXHIBIT D

PAPAGO.COMMERCE.CENTER

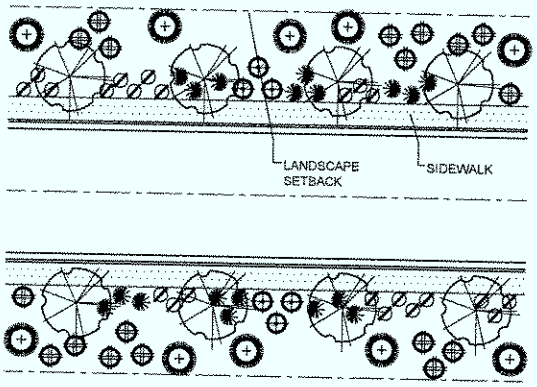
1617 W. Williams Dr. Phoenix, AZ 85027
T: 623.780.2929 F: 623.298.2050

PLANT SCHEDULE

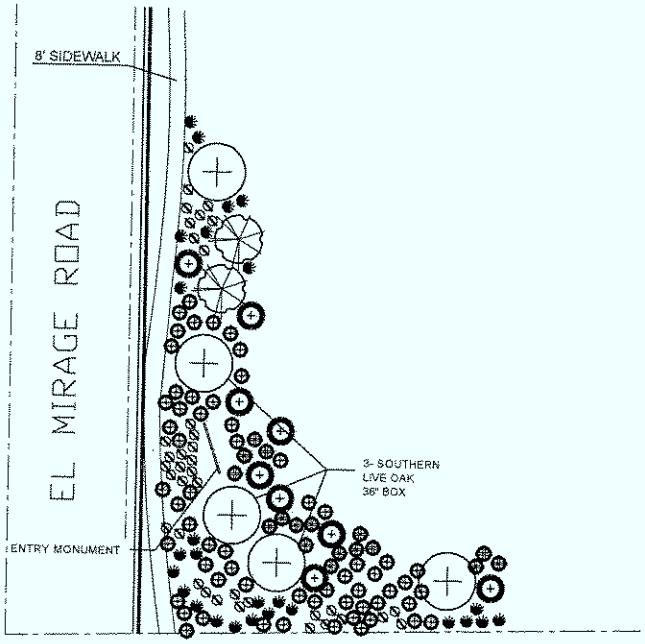
SYMBOL	BOTANICAL/COMMON NAME	W x H
	TREES SUCH AS + (25% = 24" BOX / 74% = 15 GAL.)	
	ACACIA SPP. ACACIA	20 x 20
	CERCIDIUM SPP. PALO VERDE	30 x 30
	CHILOPSIS LINEARIS DESERT WILLOW	20 x 20
	PITHECELLOBIUM FLEXICAULE TEXAS EBONY	25 x 20
	PROSOPIS SPP. MESQUITE	30 x 30
	QUERCUS VIRGINIANA SOUTHERN LIVE OAK	30 x 30
	SHRUBS SUCH AS + (REQ'D. 5 GAL. SHRUBS)	
	CALSALPINA SPP BIRD OF PARADISE	5 x 6
	CASSIA SPP. CASSIA	6 x 6
	CALLIANDRA SPP. FAIRY DUSTER	4 x 4
	DALEA PULCHRIA INDIGO BUSH	5 x 6
	DODONAEA SPP. HOPSEED BUSH	10 x 12
	EREMOPHILA SPP EMU BUSH	4 x 4
	LEUCOPHYLLUM SPP. TEXAS RANGER	3 x 3
	RUELLIA SPP. RUELLIA	4 x 4
	TECOMA SPP. ORANGE JUBILEE	8 x 10
	ACCENTS SUCH AS + (5 GAL.)	
	AGAVE SPP. AGAVE	6 x 6
	DASYLIRION SPP. DESERT SPOON	6 x 4
	HESPERALOE SPP RED YUCCA	3 x 3
	MUHLENBERGIA SPP DEER GRASS	3 x 3
	GROUNDCOVER SUCH AS + (1 GAL.)	
	ACACIA SPP. ACAIA	8 x 2
	BAILEYA MULTIRADIATA DESERT MARIGOLD	2 x 1
	BACCHARIS SPP. DESERT BROOM HYBRID	6 x 3
	DALEA SPP. TRAILING INDIGO BUSH	6 x 1
	LANTANA SPP. LANTANA	5 x 1
	VERBENA SPP. VERBENA	5 x 1
	MATERIAL	
	DECOMPOSED GRANITE "JESSE RED"	3/4" MINUS
	WEATHERED GRANITE BOULDERS SURFACE SELECT	1/2 - 2 TONS 1 TON AVG

NOTE: TREE HEIGHTS AND CALIPERS WILL COMPLY WITH "ARIZONA NURSERY ASSOCIATION SPECIFICATIONS" FOR THAT SIZE OF TREE.

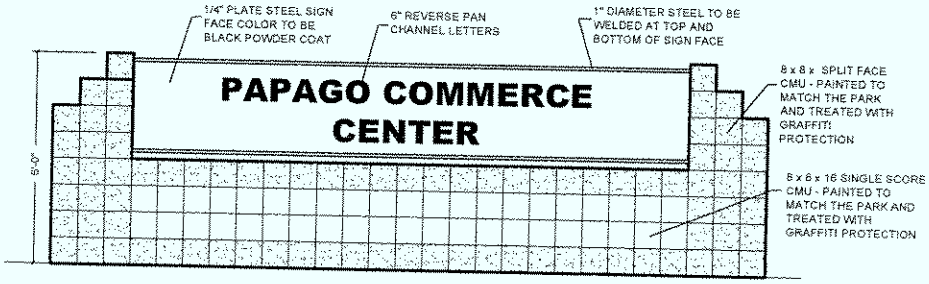
NOTE: LANDSCAPE TO BE WATERED BY AN UNDERGROUND AUTOMATIC IRRIGATION SYSTEM



INTERNAL STREETSCAPE CONCEPT



TYPICAL ENTRY MONUMENT – STREETSCAPE CONCEPT



ENTRY MONUMENT

RDB Management & Construction

PAPAGO.COMMERCE.CENTER

NORTH

CONCEPTUAL MONUMENT & STREETSCAPE EXHIBIT G

1617 W. Williams Dr, Phoenix, AZ 85027
T: 623.780.2929 F: 623.398.2050

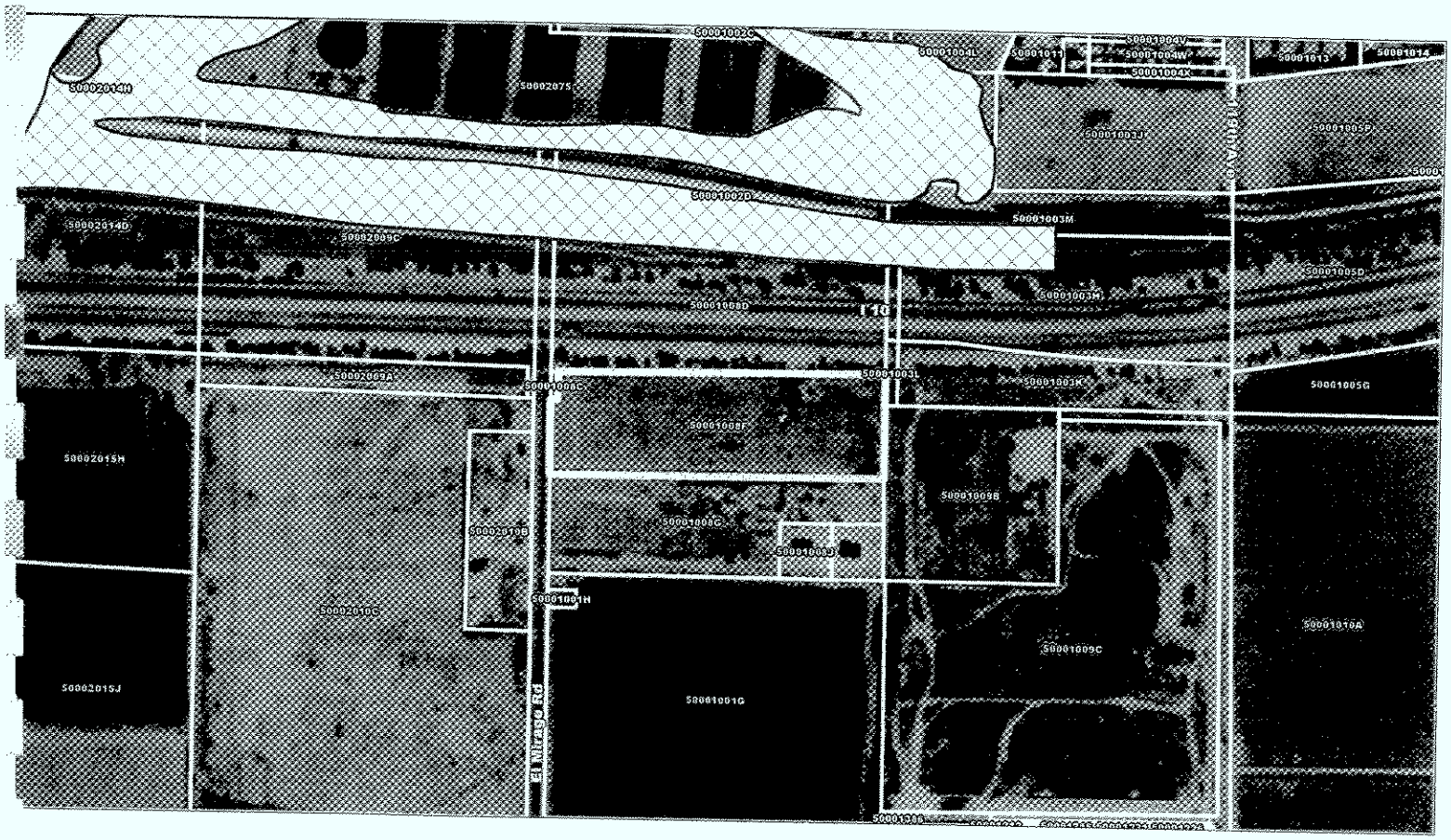
Proposed Papago Commerce Center – Parcel No. 500-01-008F

(Proposed Project)
Papago Commerce Center
El Mirage & I-10
Avondale, AZ

(Owner-Builder)
RDB Development & Construction
1617 West Williams Drive
Phoenix, AZ 85027

FLOOD ZONE DETERMINATION:

Flood zone "X" defined as an area of 500-year flood; areas of 100 year flood with average depths of less than one (1) foot or with drainage areas less than one (1) square mile; and areas protected by levees from 100 year flood.



SCALE 1 : 8,088

500 0 500 1,000 1,500
FEET

N

K:\Projects\Papago\City Comments & Letters\ReZoning Floodzone 5-18-04.doc

Exhibit D

ORDINANCE NO. 1272-1007

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AMENDING THE OFFICIAL ZONING ATLAS OF THE CITY OF AVONDALE FOR APPROXIMATELY 11.1 ACRES LOCATED AT THE SOUTHEAST CORNER OF INTERSTATE 10 AND EL MIRAGE ROAD AS SHOWN IN FILENAME Z-07-5, 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, September 20, 2007, 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 October 15, 2007.

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

SECTION 1. That ± 11.1 acres of real property, generally located at the southeast corner of Interstate 10 and El Mirage Road as shown in filename Z-07-5 (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 conform to the Papago Commerce Center General Development Plan date stamped August 9, 2007, except as modified by these stipulations.

2. Retail commercial operations directly related to the primary industrial use shall not exceed ten (10) percent of the gross floor area of any single tenant except with a Conditional Use Permit, where up to 30 percent may be allowed.

3. Freestanding freeway identification signage shall not be allowed.

4. A master site plan shall be approved by the City Council prior to development. Subsequently, plans and permits may be administratively approved by staff for this development in accordance with the Council approved master site plan and comprehensive sign program.

5. Right-of-way dedication and street improvements shall be required as follows:

Street	**Right-of-way Required**	**Street Improvements**
El Mirage Road	60' half street adjacent to property. (Major Collector)	2 travel lanes, bike lane, curb and gutter, sidewalks, street lights and landscaping

6. Additional right-of-way may be required at site plan approval for improvements based upon the results of the revised traffic study and the site plan application, as determined by the City Engineer.

7. A full traffic impact analysis shall be required at the time of master site plan approval.

8. All water rights on the property shall be conveyed to the City of Avondale prior to issuance if a building permit or approval of a final plat, which ever is first.

9. Development of the eastern half of the Papago Commerce Center property may not commence until a secondary access point can be built.

10. The master site plan shall be approved by ADOT prior to site plan approval by the City of Avondale.

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.

[SIGNATURES ON FOLLOWING PAGE]

PASSED AND ADOPTED by the Council of the City of Avondale, October 15, 2007.

Marie Rogers Lopez, Mayor

ATTEST:

Linda M. Farris, City Clerk

APPROVED:

Andrew J. McGuire, City Attorney

772850.1

EXHIBIT A
TO
ORDINANCE NO. 1272-1007

[Map and Legal Description]

See following pages.

SOUTHEAST CORNER OF INTERSTATE 10 AND EL MIRAGE ROAD

LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PART OF THE WEST HALF OF SECTION 1, TOWNSHIP 1 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 1, AND THE TRUE POINT OF BEGINNING;

THENCE NORTH 0 DEGREES 37 MINUTES 11 SECONDS EAST ALONG THE WEST LINE OF SAID SECTION 1, A DISTANCE OF 113.39 FEET TO THE NORTHWEST CORNER OF THIS SAID PARCEL;

THENCE SOUTH 89 DEGREES 18 MINUTES 26 SECONDS EAST ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF THE I-10 FREEWAY A DISTANCE OF 1321.86 FEET;

THENCE SOUTH 0 DEGREES 19 MINUTES 44 SECONDS EAST A DISTANCE OF 100.98 FEET TO THE INTERSECTION WITH THE EAST-WEST MID-SECTION LINE OF SAID SECTION 1;

THENCE SOUTH 0 DEGREES 08 MINUTES 02 SECONDS EAST A DISTANCE OF 275.50 FEET;

THENCE NORTH 89 DEGREES 22 MINUTES 54 SECONDS WEST A DISTANCE OF 1322.91 FEET;

THENCE NORTH 0 DEGREES 13 MINUTES 52 SECONDS EAST A DISTANCE OF 264.81 FEET BACK TO THE TRUE POINT OF BEGINNING;

EXCEPT THAT PORTION WHICH LIES NORTHERLY OF THE FOLLOWING DESCRIBED LINE:

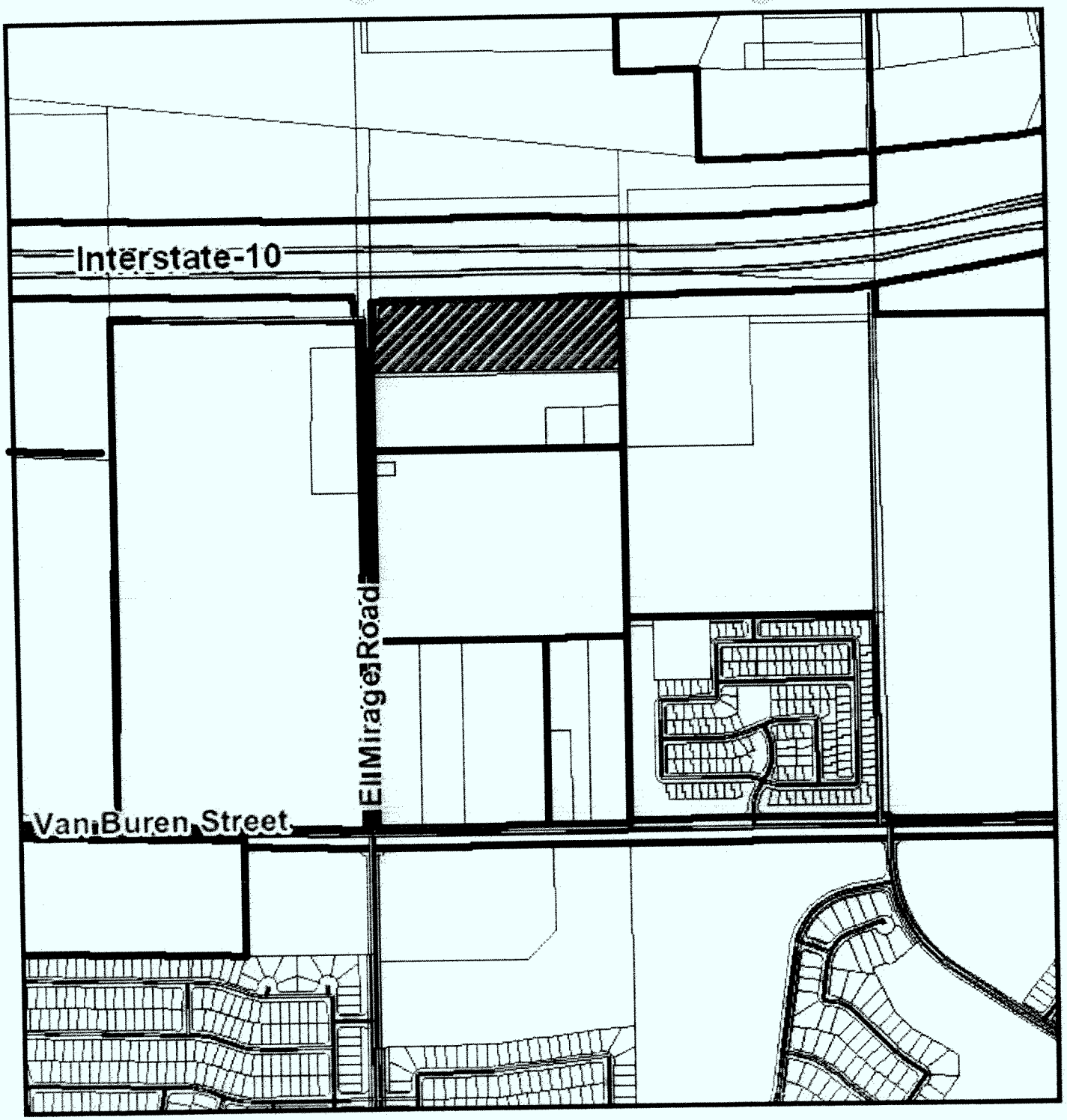
BEGINNING AT THE WEST CORNER OF SAID SECTION 1:

THENCE NORTH 89 DEGREES 52 MINUTES 41 SECONDS EAST, 60.00 FEET;

THENCE NORTH 0 DEGREES 17 MINUTES 59 SECONDS EAST, 112.90 FEET;

THENCE SOUTH 89 DEGREES 34 MINUTES 21 SECONDS EAST, 1516,06 FEET TO THE POINT OF ENDING, AS CONDEMNED FOR STATE HIGHWAY PURPOSES BY INSTRUMENT RECORDED IN DOCUMENT NO. 83-348293, RECORDS OF MARICOPA COUNTY, ARIZONA. THE DESCRIPTION FOR THE EXCEPTION AREA IS ON A

DIFFERENT BASIS OF BEARINGS THEREFORE THE BEARINGS MAY SLIGHTLY DIFFER.



Application Z-07-5

Avondale

Subject Property

City Council Regular Meeting – Excerpt of Meeting Minutes
October 15, 2007

PUBLIC HEARING AND ORDINANCE 1272-1007 – PAPAGO COMMERCE CENTER REZONING (Z-07-5)

Ken Galica, Planner II, Development Services Department, explained this item was a rezoning application for Papago Commerce Center, approximately 11 acres located at the southeast corner of I-10 and El Mirage Road, currently zoned AG. Mr. Galica showed the Council an aerial photo of the subject property, pointing out vehicular access. He stated the subject property is designated as Employment by the General Plan and it falls within the Freeway Corridor Specific Plan, and the Employment land use encourages office and enclosed industrial uses, as well as modest amounts of retail which support the office and industrial uses. Mr. Galica informed the Council that the proposed office, distribution, and light manufacturing uses are consistent with the Commerce Park zoning district and the Employment land use designation, and the proposed Conditional Uses are consistent with the PADs approved in the vicinity. He reported the PAD development plan contains standards designed to encourage outstanding architecture through the inclusion of landscaping, signage and building design standards which will ensure a quality development of the subject property, and all development standards proposed for the property are identical to those in the Commerce Park district with the exception of an increase in building height from 35 to 45 feet. Mr. Galica explained that Staff feels this building height increase is appropriate considering the parcel location is adjacent to the freeway. He stated a Master Site Plan for the site, which will include reviews of materials, colors, landscaping, etc., will come before the City Council at a later date.

Mr. Galica reported this request for rezoning meets the requirements of the Zoning Ordinance, will result in compatible land use relationships, and will produce the quality of development which is consistent with the desired character for the area. He stated that with the recommended stipulations, the Papago Commerce Center PAD is consistent with the objectives of the General Plan and the Freeway Corridor Specific Plan. He reported that on September 20, 2007, the Planning Commission recommended approval of the application subject to 10 stipulations.

Mayor Lopez Rogers opened the item for public hearing. There were no requests to speak.

Council Member Buster stated he received a call regarding a lack of the ability for churches to buy property and to expand which had occurred since the housing boom and the gobbling up of real estate by large developers. While he is not sure the call was in reference to this item or the last item, he pointed out a church had looked at a parcel in terms of leasing space. Mr. Galica responded this issue regarded the phase that is currently under construction just to the west of El

Mirage Road where a church had looked at moving in, and the zoning does not allow for churches. He explained that churches were not considered compatible with employment types of uses because of the differences in parking requirements, pointing out that employment type uses require 1 space for every 500 square feet, and even less for areas that are strictly for warehousing and inventory storage; whereas, churches require much more parking. He added that churches were allowed in all commercial zoning districts, in some residential districts, and in some PAD districts, some subject to a Conditional Use Permit.

Council Member Buster stated this was an ongoing problem and perhaps he needs to talk with Staff about it because it was becoming all too common.

Charlie McClendon, City Manager, suggested that Council Member Buster refer the caller to the Economic Development staff or the Planning staff who are very familiar with inventory of property that might be available in the community that would be suitable for a church and they would be happy to work with the caller.

Mayor Lopez Rogers closed the public hearing.

Andrew McGuire, City Attorney, read Ordinance 1272-1007 – Papago Commerce Center Rezoning (Z-07-5), by title only.

Vice Mayor Wolf moved to approve the Ordinance subject to the 10 stipulations recommended by Staff.

1) Development shall conform to the Papago Commerce Center General Development Plan date stamped August 9, 2007, except as modified by these stipulations. 2) Retail commercial operations directly related to the primary industrial use shall not exceed ten (10) percent of the gross floor area of any single tenant except with a Conditional Use Permit, where up to thirty (30) percent may be allowed. 3) Freestanding freeway identification signage shall not be allowed. 4) A Master Site Plan shall be approved by the City Council prior to development. Subsequently, plans and permits may be administratively approved by staff or this development in accordance with the Council-approved Master Site Plan and Comprehensive Sign Program. 5) Right-of-way dedication and street improvements shall be required as follows: Street right-of-way required street improvements - El Mirage Road 60' half street adjacent to property. (Major Collector) 2 travel lanes, bike lane, curb and gutter, sidewalks, street lights and landscaping. 6) Additional right-of-way may be required at Site Plan approval for improvements based upon the results of the revised Traffic Study and the Site Plan application, as determined by the City Engineer. 7) A full Traffic Impact Analysis shall be required at the time of Master Site Plan approval. 8) All water rights on the property shall be conveyed to the City of Avondale prior to issuance of a building permit or approval of a final plat, whichever is first. 9) Development of the eastern half of the Papago Commerce Center property may not

commence until a secondary access point can be built. 10) The Master Site Plan shall be approved by ADOT prior to Site Plan approval by the City of Avondale.

Council Member Weise seconded the motion.

ROLL CALL VOTE AS FOLLOWS:

Council Member Earp	Excused
Council Member Scott	Excused
Council Member Buster	Aye
Mayor Lopez-Rogers	Aye
Vice Mayor Wolf	Aye
Council Member Lynch	Aye
Council Member Weise	Aye

Motion carried unanimously.

Exhibit F

1

CITY OF AVONDALE
OCT 12 2010
DEVELOPMENT SERVICES

Avondale Commerce Center
PAD ZONING EXTENSION NARRATIVE

I. LOCATION

The subject property contains approximately 11.7 acres and is located at the southeast corner of Interstate 10 and El Mirage Road in Avondale, Arizona. The property has over 1,200 feet of frontage along Interstate 10. On October 15, 2007, the property was rezoned by RDB Development, the previous owners/developer of the property, from AG to PAD as the Papago Commerce Center. The current request is for a one-year extension of the PAD approval in accordance with Section 603.D of the City's recently amended PAD Ordinance, thus requiring development to occur within three years of the effective date of the ordinance approving the PAD zoning and stipulations that apply to the Avondale Commerce Center.

II. HISTORY

The property was annexed into the City on July 2, 1984 and rezoned from AG (Agricultural) to PAD in 2007. The applicant also zoned the remaining property containing approximately 78 acres adjacent to the subject as part of a master plan commonly known as Avondale Commerce Center, which included plans for the existing 598,000+ square foot business park and retail (planned) development on the site. The original applicant, RDB Development had lost title to the property to its lender, iStar Financial, in January 2010. iStar Financial is the current owner of the property of record and the applicant requesting the one-year extension of the PAD zoning.

III. THE APPLICANT IS REQUESTING A ONE-YEAR EXTENSION IN ACCORDANCE WITH THE CITY'S PAD ZONING ORDINANCE PROVISIONS

The PAD Amendment will provide development that is consistent with the General Plan by the City of Avondale in the Freeway Corridor location. The applicant is currently engaged in a marketing campaign with the Avondale Commerce Center Business Park located adjacent to the subject property. Tenant interest in the Avondale Commerce Center has on occasion included the need for additional parking or potential building expansion on the subject property.

It would be detrimental to both the property owner and City to have to start the process all over again. The City of Avondale and property owner both need to be positioned to take advantage of an opportunity when it presents itself to accommodate a prospective tenant (employer) with the opportunity to expand its business on the subject property or use it for excess parking. The potential to lose business (user) opportunities to other municipalities exists if the site isn't zoned to accommodate potential employers.

IV. JUSTIFICATION

It is the goal of the owner of the property to have the property immediately available for future development and/or expansion of the Avondale Commerce Center. Although the market continues to indicate there is little tenant demand for new development, the applicant continues to invest significant funds in the Avondale Commerce Center which includes financing the

concrete flooring in the remaining seven buildings in Phase II of the property, building speculative suites in several of the units in both Phases I and II, and holding a formal open house of the property which will reintroduce the development to the market. It is the goal of the owner to have the site immediately ready for development or business expansion when the opportunity presents itself. PAD is the zoning which the City envisioned for this area and, the applicant believes it would be appropriate to allow this zoning to remain.

City Council Regular Meeting – Excerpt of Meeting Minutes
December 6, 2010

7) PUBLIC HEARING – TIME EXTENSION FOR PAPAGO COMMERCE CENTER PAD ZONING

City Council holds a public hearing and considers a request by Mr. Erich Stiger, iStar Financial, Inc., to extend the validity of the Papago Commerce Center Planned Area Development (PAD) for one year, until October 15, 2011.

Mr. Galica advised that application PL-10-0100 is for property located at the southeast corner of the I-10 freeway and El Mirage. It was zoned PAD in 2007. Bordering properties are zoned R1-35, the Spectrum PAD, and the Avondale Commerce Center PAD. The Papago Commerce Center was processed by the same original applicant as the Avondale Commerce Center and the same owner owns both properties. The request is to extend the application for one year from the date of expiration. This would be the first of four one-year zoning extensions allowed. The site plan is consistent with the employment designation in the General Plan. The majority of development standards in this PAD remain current. The City is stipulating that the design language in the PAD be overridden by the design manuals, that it adhere to the Municipal Art Ordinance, and that it comply with the outdoor lighting standards. The justification for the request is that they have shown a commitment to the City and are still trying to fill empty tenant spaces in Avondale Commerce Project. It would be detrimental to the City and the developer to start a rezoning process from scratch. Staff recommends approval of the application.

Vice Mayor McDonald inquired about their actions to substantially move forward with the project. Mr. Galica explained that they have not submitted a site plan application, which would be the next step. There have been no discussions about development to this point. In response to his further inquiry, Mr. Galica said the adjacent Avondale Commerce Project PAD has three suites occupied out of several dozen. Vice Mayor McDonald doubted that they would break ground on the new development while there were so many empty spaces in the adjacent one and for that reason, he would be opposed to the extension.

Council Member Scott asked whether the applicant was present. Mr. Galica indicated that they were not.

Mayor Lopez Rogers opened the public hearing. There being no requests to speak, Mayor Lopez Rogers closed the public hearing.

Vice Mayor McDonald moved to grant a time extension for the Papago Commerce Center PAD for one year from the date of expiration, until October 15, 2011, subject to the staff recommended stipulations. Council Member Weise seconded.

ROLL CALL VOTE AS FOLLOWS:

Vice Mayor McDonald	Nay
Council Member Scott	Nay
Council Member Vierhout	Nay
Mayor Lopez-Rogers	Nay
Council Member Weise	Nay
Council Member Karlin	Nay
Council Member Buster	Aye

Motion failed 1-6.

ORDINANCE NO. 1446-211

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AMENDING THE OFFICIAL ZONING ATLAS OF THE CITY OF AVONDALE FOR APPROXIMATELY 11.1 ACRES LOCATED AT THE SOUTHEAST CORNER OF INTERSTATE 10 AND EL MIRAGE ROAD, AS SHOWN IN FILE NAME PL-11-0001, REVERTING THE ZONING ON SUCH PROPERTY FROM PLANNED AREA DEVELOPMENT (PAD) TO AGRICULTURAL (AG).

WHEREAS, the Council of the City of Avondale (the "City Council") approved Ordinance No. 1272-1007 on October 15, 2007, rezoning that certain ± 11.1 acre parcel of land generally located at the southeast corner of Interstate 10 and El Mirage Road, as more particularly described and depicted in Ordinance No. 1272-1007 (the "Subject Property"), from Agricultural (AG) to Planned Area Development (PAD) and imposing conditions upon such rezoning (the "Rezoning"); and

WHEREAS, the Rezoning was subject to a condition imposed pursuant to provisions of the City of Avondale Zoning Ordinance (the "Zoning Ordinance"), which condition required that the development of the first phase of the project on the Subject Property must have commenced within three years of the effective date of the ordinance approving the PAD zoning on the property (the "Time Condition"); and

WHEREAS, the Time Condition upon the Rezoning has not been met and the City Council desires to revert the zoning on the Subject Property from Planned Area Development (PAD) to Agricultural (AG); and

WHEREAS, the City Council desires to amend the City of Avondale Zoning Atlas (the "Zoning Atlas") pursuant to ARIZ. REV. STAT. § 9-462.04 to reflect the change in zoning on the Subject Property due to the Rezoning reversion; and

WHEREAS, all due and proper notice of the public hearing on the intended Rezoning reversion and Zoning Atlas amendment held before the City Council were given in the time, form, substance and manner provided by the Zoning Ordinance; and

WHEREAS, the City Council held a public hearing regarding the Rezoning reversion and amendment to the Zoning Atlas on February 22, 2011.

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

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

SECTION 2. The ± 11.1 acre parcel of real property generally located at the southeast corner of Interstate 10 and El Mirage Road, as shown in filename PL-11-0001, as more particularly described and depicted in Exhibit A, attached hereto and incorporated herein by reference, is hereby rezoned from Planned Area Development (PAD) to Agricultural (AG).

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

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

PASSED AND ADOPTED by the Council of the City of Avondale, February 22, 2011.

_____
Marie Lopez Rogers, Mayor

ATTEST:

_____
Carmen Martinez, City Clerk

APPROVED AS TO FORM:

_____
Andrew J. McGuire, City Attorney

1404729.1

EXHIBIT A
TO
ORDINANCE NO. 1446-211

(Legal Description and Map)

See following pages.

SOUTHEAST CORNER OF INTERSTATE 10 AND EL MIRAGE ROAD

LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PART OF THE WEST HALF OF SECTION 1, TOWNSHIP 1 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 1, AND THE TRUE POINT OF BEGINNING;

THENCE NORTH 0 DEGREES 37 MINUTES 11 SECONDS EAST ALONG THE WEST LINE OF SAID SECTION 1, A DISTANCE OF 113.39 FEET TO THE NORTHWEST CORNER OF THIS SAID PARCEL;

THENCE SOUTH 89 DEGREES 18 MINUTES 26 SECONDS EAST ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF THE I-10 FREEWAY A DISTANCE OF 1321.86 FEET;

THENCE SOUTH 0 DEGREES 19 MINUTES 44 SECONDS EAST A DISTANCE OF 100.98 FEET TO THE INTERSECTION WITH THE EAST-WEST MID-SECTION LINE OF SAID SECTION 1;

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THENCE NORTH 0 DEGREES 13 MINUTES 52 SECONDS EAST A DISTANCE OF 264.81 FEET BACK TO THE TRUE POINT OF BEGINNING;

EXCEPT THAT PORTION WHICH LIES NORTHERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT THE WEST CORNER OF SAID SECTION 1:

THENCE NORTH 89 DEGREES 52 MINUTES 41 SECONDS EAST, 60.00 FEET;

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DIFFERENT BASIS OF BEARINGS THEREFORE THE BEARINGS MAY SLIGHTLY DIFFER.

Application PL-11-0001

Avondale

Subject Property

CITY COUNCIL REPORT

SUBJECT:
EXECUTIVE SESSION

MEETING DATE:
February 22, 2011

TO: Mayor and Council

FROM: Andrew McGuire, City Attorney (602) 257-7664

THROUGH: Charlie McClendon, City Manager

PURPOSE:

The Council may hold an executive session pursuant to ARIZ. REV. STAT. § 38-431.03 (A)(4) for discussion or consultation with the City's Attorney in order to consider its position and instruct the City Attorney regarding the Council's position regarding a potential Economic Development Agreement.

ATTACHMENTS:

Click to download

No Attachments Available