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Attorneys for Claimant AutoMatch USA, LLC

**CITY OF AVONDALE**  
**BOARD OF ADJUSTMENT**

In re:  
  
Appeal of Zoning Interpretation Dated  
October 14, 2105  
  
AutoMatch USA, LLC  
  
Claimant

Case No.: PL15-0246  
  
**CLAIMANT'S HEARING  
MEMORANDUM**  
  
Board of Adjustment Hearing:  
January 12, 2016  
6:00 p.m.

Claimant AutoMatch USA, LLC ("Claimant" or "AutoMatch"), by and through undersigned counsel, hereby provides the Board of Adjustment of the City of Avondale ("City") with the following Memorandum in advance of the Hearing scheduled currently for January 12, 2016 concerning AutoMatch's appeal ("Appeal") of the City Planning Manager's Interpretation Letter (PL15-0246) dated October 14, 2015. [Exhibit 1, Interpretation Letter.]

**I. INTRODUCTION**

AutoMatch operates full-service certified used car dealerships. AutoMatch leases property located at 10501 West Papago Freeway in the City of Avondale (the "Property").

1 AutoMatch leased the Property intending to remodel the existing vacant car dealership and  
2 service center and operate a certified used car sales lot. As required by the City, AutoMatch  
3 met with City Staff and presented its proposed plans for the Property. Staff advised  
4 AutoMatch that it could not operate a used car business on the Property because such activity  
5 is not allowed under the Avondale Automall Planned Area Development Zoning ("PAD") on  
6 the Property, unless used car sales are ancillary to a new car sales use. [Exhibit 2, PAD.]

7 For the reasons set forth herein, AutoMatch believes the City is incorrect, and that the  
8 PAD allows a used car dealership to operate on the Property as a primary use. In order to  
9 exhaust its administrative remedies, AutoMatch asked the City for a formal interpretation of  
10 the PAD. The Interpretation Letter concludes that used vehicle sales are not permitted  
11 within the Avondale Automall unless used car sales are ancillary to a new car sales use.

12 The following Memorandum describes the reasons AutoMatch believes the City is  
13 incorrect, basing its interpretation on opinion, rather than the facts of the zoning case in  
14 question.

## 15 **II. MEMORANDUM**

### 16 **A. AutoMatch's Proposed Use**

17 AutoMatch is a full-service certified used car dealership. [Exhibit 3, AutoMatch  
18 brochure.] Gently used vehicles are selected from various manufactures and are then  
19 reconditioned to high safety and functionality standards before being offered for sale.  
20 Vehicles are prepared and classified into two categories: (1) SavingsMatch certified and (2)  
21 AutoMatch certified. SavingsMatch certified vehicles are required to receive a full  
22 inspection, after which all mechanical deficiencies are corrected and any required  
23 maintenance is performed. AutoMatch certified vehicles are held to an even higher standard.  
24 These exceptional vehicles complete a rigorous inspection and are restored to a "like-new"

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1 condition. Only those vehicles that are less than seven years old and have less than 100,000  
2 miles can bear the AutoMatch certified nameplate.

3 As a full-service dealership, AutoMatch also provides vehicle maintenance and  
4 service for all makes and models at competitive prices. The service centers are state-of-the-  
5 art, and all technicians are Automotive Service Excellence ("ASE") certified and receive  
6 continuous training on the latest industry advancements. In order for a technician to become  
7 ASE certified, they must pass a test as well as possess two years of on the job training, or  
8 one year of on the job training and a two-year degree in automotive repair. ASE certification  
9 is typical of a manufacture's dealership, and further demonstrates AutoMatch's commitment  
10 to providing the highest level of customer support. In sum, AutoMatch is a first-class used  
11 vehicle full-service dealership that offers fair prices on quality used cars with a quick and  
12 hassle-free sales process.

13 **B. PAD Excerpts**

14 The Interpretation Letter relies on six excerpts from the 1999 PAD and 2003  
15 amendment that expanded the Automall. Those excerpts are numbered; AutoMatch's  
16 responses are immediately below each excerpt.

17 1. 1999 PAD, page 2: The purpose of the zoning was to "accommodate the  
18 development of several full service automobile dealerships." When read with the remaining  
19 language in the paragraph, it is clear that the mention of used car sales is intended to allow  
20 for used car sales at the full service dealerships, not to allow for a stand-alone used car lot.

21 AutoMatch Response: The PAD paragraph referenced is titled "Automall" and lays  
22 the predicate that the intent of the PAD was to establish an automall on the east half of the  
23 street, and a retail power center on the west half of the street. The retail center was replaced  
24 with more Automall in a zoning amendment. The PAD references "full service automobile  
25 dealerships" and then elaborates that the uses would include "new and used car sales

1 (outdoor and indoor), repair (including mechanical, collision repair and painting), and the  
2 storage and sale of automotive parts.”

3 AutoMatch is not a “stand-alone used car lot” as the City suggested. Rather,  
4 AutoMatch is a “full service automobile dealership,” in the same vein as the existing  
5 dealerships in the Automall. At an AutoMatch facility vehicles from various manufacturers  
6 are displayed for sale, on-site financing is available, as well as complete service and repair  
7 center.

8 If the PAD language were to be construed as the City suggests, e.g. that both new and  
9 used car sales must occur at every “full service dealership,” following that to its logical  
10 conclusion, every dealership must also include “outdoor and indoor” sales, “mechanical,  
11 collision repair and painting” repairs, as well as “storage and sale” of parts. While some of  
12 the foregoing uses are provided at the dealerships in the Automall, not all of them do. It is  
13 preposterous to posit that the use of the word “and” in this descriptive paragraph mandates  
14 that each of the listed uses is required at each dealership. Under the City’s interpretation the  
15 dealerships that are not providing all of the foregoing uses are in violation of the zoning.

16 2. 1999 PAD, page 3: The proposed uses in the conditional use permit list refers  
17 to "Outdoor Automobile Sales; New and Used" indicating that the two types of sales are to  
18 be from a dealership offering both new and used vehicles. Had it been intended otherwise,  
19 the text simply could have used the term "or" instead.

20 AutoMatch Response: Reference to the inclusion of "Outdoor Automobile Sales;  
21 New and Used" in the list of conditionally permitted uses is a selective reading of the PAD  
22 and the uses allowed on the Property. The PAD states “In addition to the land uses permitted  
23 under the Community Commercial C-2 zoning district, this application includes a request for  
24 a Conditional Use Permit for the following uses, subject to stipulations:”(emphasis added)  
25 The City’s argument that the use of the word “and” restricts dealerships to both new and

1 used vehicle sales because the PAD lists "Outdoor Automobile Sales, New and Used" with  
2 the list of conditionally permitted uses is irrelevant and duplicative. New and used  
3 automobile sales were already permitted uses under the C-2 zoning district. [Exhibit 4, C-2  
4 permitted used.] The PAD sought to increase the number of uses already allowed.  
5 Therefore, all land uses allowed previously within the C-2 Zoning district were permitted  
6 and continue to be permitted within the Automall.<sup>1</sup>

7 3. 1999 PAD, page 5: Phase One construction was to include eight full service  
8 dealerships. The auto mall was clearly planned as a new car sales area, so the use of "eight  
9 (8) full service automobile dealerships" is a plain reference to new-car dealerships.

10 AutoMatch Response: A "full service automobile dealership" is not always a "new  
11 car dealership," and vice versa. Nothing in the PAD establishes that the two terms are  
12 synonymous. Used car dealerships can be and are full service automobile dealerships. As  
13 stated above, AutoMatch is a full service dealership that provides the same level of customer  
14 services and experience that a traditional manufacture's dealership provides, just with gently  
15 used vehicles from a variety of manufacturers.

16 4. 1999 PAD, page 7: Among many other descriptive terms describing services  
17 provided at a new car dealership, the rear yard provisions specifically refer to the "service  
18 section" of the dealership. On-site manufacturer service facilities are hallmarks of new car  
19 dealerships.

20 AutoMatch Response: The City misrepresents the language of the PAD by adding an  
21 adjective not present in the document, specifically the word "manufacturer," and then  
22 making the unsupported conclusion that "manufacturer service facilities are hallmarks of  
23

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24 <sup>1</sup> This portion of the Automall PAD and the specific language detailing the allowed uses on  
25 the property is discussed below in the paragraph entitled PAD Permitted Land Uses.

1 new car dealerships.” To be clear, the PAD refers to a “service section,” not a  
2 “manufacturer’s service section.” Moreover, the City is relying on an archaic version of  
3 what constitutes a new car dealership. AutoMatch sites provide state-of-the-art service  
4 facilities equipped with the latest vehicle service and diagnostic technology. All its  
5 technicians are ASE Certified. Its service facilities are no different or better than those  
6 offered by the City’s concept of a traditional “new car dealership.” Further, as stated above,  
7 the City has not, and cannot, argue that it believes a new car dealership without a service bay  
8 is in violation of the PAD. Such an interpretation would lead to absurd results.

9 5. 1999 PAD, page 8: There are multiple occurrences where the text describing  
10 the signs allowed for each dealership specifically refers to "its corresponding manufacturer's  
11 logo." These are clearly references to new car dealerships.

12 AutoMatch Response: The City’s reliance on the above is misplaced. The specific  
13 quote and reference is actually found in the description for the 75 foot tall Automall freeway  
14 sign, which identifies dealerships in the entire Automall, it is not related to individual  
15 dealership signs. Again, the City misrepresents the text of the PAD. There is no specific  
16 reference to logos and the PAD only states that “Individual dealer signs may be unique to  
17 each corresponding manufacturer’s trademark identification sign.” (emphasis added)

18 The City’s interpretation is illogical. Reference to the allowance for a dealership to  
19 display a manufacturer’s logo cannot be construed as a requirement for a dealership to have  
20 one manufacturer for their vehicles, and does not imply that the PAD was meant for new car  
21 dealerships. AutoMatch sells most manufacturers’ vehicles. It is also possible and quite  
22 common for multiple manufacturers’ vehicles to be sold out of a single dealership, including  
23 new car dealerships. Within the Avondale Automall for example, Chrysler and Jeep are sold  
24 out of a single dealership, as are Toyota and Scion. Larry H. Miller Dodge also advertises  
25 “Ram” with a separate logo on their signs. Camping World sells new recreational vehicles

1 from multiple manufacturers, and of course every dealership within the Automall sells used  
2 vehicles from other car manufacturers.

3 6. 2003 PAD, page 1: The last sentence of the first paragraph is clear as to the  
4 intent "to obtain the proper zoning to allow for additional new vehicle dealers." As you can  
5 see, the language that follows is nearly identical to the 1999 PAD, further supporting the  
6 original intent of the 1999 PAD (new car dealerships).

7 AutoMatch Response: The 2003 PAD Amendment expanded the Automall into the  
8 area designated originally in the 1999 PAD as a retail power center. In the opening  
9 paragraph of the narrative, the property owner was only indicating its intent to obtain the  
10 zoning to allow for additional new car dealers, because that is who was approaching the  
11 owner for additional sites. Related to the allowed uses on the Property, the 2003 PAD  
12 language retained the same wording of the original 1999 PAD which allows all existing C-2  
13 uses on the Property, including new vehicle sales, used vehicle sales, or any combination  
14 thereof.

15 **C. Development Agreement Excerpts**

16 The Interpretation Letter also includes five excerpts from certain Development  
17 Agreements that the City Council entered into with various dealers in the Automall. The  
18 Development Agreements concern sales tax rebates designed to entice dealers to locate  
19 within the Automall. The Development Agreements do not discuss the zoning of the  
20 Automall or other uses within the Automall. The Development Agreements do not  
21 supersede zoning laws and make no attempt to limit the permitted uses on the Property, other  
22 than as approved by the PAD.

23 Those excerpts are numbered; AutoMatch's responses are immediately below each  
24 excerpt.

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1           1.       Development Agreement, page 1: Recital B(i) clearly sets forth the developers  
2 intent to "construct an auto mall complex consisting of new car dealerships."

3           AutoMatch's Response: The City's interpretation is misguided and based on a  
4 selective portion. Recital B(i) also clearly provides for "other automotive uses." "Other  
5 automotive uses" includes the sale of recreational vehicles, which are also already occurring  
6 in the Automall. Under the City's interpretation, Camping World could not operate its  
7 current RV dealership because RVs are not cars. However, the City has not, and cannot,  
8 argue that Camping World is in violation of the zoning or the Development Agreement.  
9 Therefore, used car dealerships can and should be included in "other automotive uses."

10           Recital B(ii) also states that "the Development Plan may be revised by Developer  
11 from time-to-time to reflect changes to the Project and as long as the revisions ... do not  
12 materially change the Auto Mall." Allowing for a used car lot is not an alteration when  
13 every new car dealer in the Auto Mall also sells used cars

14           The Development Agreement does not state how many new car dealerships must be  
15 secured other than the reference in Recital C(i) that requires the Developer to retain two (2)  
16 dealerships that could relocate elsewhere. That requirement was satisfied and continues to  
17 be satisfied.

18           2.       1999 DA page 1: Recital C(i) states that there will be significant benefits to  
19 the City, its residents and the general public and enhance the economic ability of the City by  
20 significantly increasing transaction privilege tax revenues by encouraging new car  
21 automobile dealerships.

22           AutoMatch Response: This recital confirms the intent of the Agreement to offer tax  
23 rebates to new car dealerships. It does not change the fact that the PAD zoning allows other  
24 uses, including used car dealerships, which can locate in the Automall without the tax rebate.  
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1           3.     1999 DA, page 2: Recital E establishes developer's obligation to use best  
2 efforts to attract additional dealerships to the auto mall, and it uses two new car dealerships  
3 as examples of its commitment to that obligation.

4           AutoMatch Response: The Developer used reasonable, good faith and diligent efforts  
5 to attract additional automotive dealerships to the Automall. Thus, the Developer complied  
6 with this Recital. In addition to Gateway Chevrolet and Avondale Dodge, which are  
7 specifically mentioned in this Agreement, prior to the recession, many other dealerships were  
8 located in the Automall. Some of those dealerships have closed, leaving vacant buildings  
9 including the one on the Property that AutoMatch would like to fill.

10           In addition, Recital E does not provide that additional automotive dealerships must to  
11 be new car dealerships. The two examples identify those dealerships that had been secured  
12 at the time the Agreement was entered. They are not exclusive examples of the only type  
13 that can be acquired

14           4.     First Amend. to DA, page 1: Recital B is again clearly stating new car  
15 dealerships.

16           AutoMatch Response: As stated above, it is clear that transaction privilege tax  
17 rebates were offered to attract new car dealerships. Recital C bolsters this intent in that the  
18 Amendment is specific to the addition of Earnhardt Volkswagen, Honda, and RVs to the  
19 Automall. The Development Agreement does not provide a number of how many new car  
20 dealerships must be secured other than the reference in Recital C(i) of the Development  
21 Agreement that requires the Developer to retain two (2) dealerships that could relocate  
22 elsewhere. Again, as stated above, that requirement was satisfied and continues to be  
23 satisfied. Furthermore, neither the Development Agreement, nor the Amendment supersedes  
24 the PAD zoning.

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1           5.       Second Amend. to DA, pages 1 & 2: Recital B and the new language added as  
2 subsection 2.2 are both clearly stating new car dealerships.

3           AutoMatch Response: As stated above; it is clear that transaction privilege tax  
4 rebates were offered to attract new car dealerships. Recital C bolsters this intent in that the  
5 Amendment is specific to the addition of Earnhardt Volkswagen, Honda, and RVs to the  
6 Automall. The Development Agreement does not provide a number of how many new car  
7 dealerships must be secured other than the reference in Recital C(i) of the Development  
8 Agreement that requires the Developer to retain two (2) dealerships that could relocate  
9 elsewhere. Again, as stated above, that requirement was satisfied and continues to be  
10 satisfied. Furthermore, neither the Development Agreement, nor the Amendment supersedes  
11 the PAD zoning.

12           Recital D clearly indicates that the intent of the Second Amendment is to increase the  
13 potential rebates for infrastructure increases to “accommodate additional auto  
14 dealerships....” Additional auto dealerships would include both used and new car dealers.

15           Further, the City misrepresents the “new language” in Section 2.2. The actual  
16 language provides that the rezone shall “permit retail automotive dealership uses within the  
17 Project.” Section 2.2 does not specify new or used, but rather uses the broad term “retail  
18 automotive dealership uses.” Used car dealerships are a “retail automotive dealership use.”

19           **D.    PAD Permitted Land Uses**

20           Page 3 of the PAD lists the allowed used within the Automall. It provides: “In  
21 addition to the land uses permitted under the Community Commercial C-2 zoning district,  
22 this application includes a request for a Conditional Use Permit for the following uses,  
23 subject to stipulations:” (emphasis added.) This language clearly states that all uses within  
24 the C-2 zoning district are allowed within the PAD, in addition to the specifically listed uses  
25 which were added by a Conditional Use Permit granted within the PAD.

1 In 1999, when the PAD was approved, the Avondale Zoning Ordinance, specifically  
2 listed "Auto, recreational vehicle, motorcycle, travel trailer and boat sales and rental" as a  
3 permitted use within the Community Commercial C-2 District. There is no distinction  
4 between new and used vehicles or that one could not sell used vehicles without also selling  
5 new vehicles. The 1999 Zoning Ordinance also included the following definition of an  
6 Automobile, Boat, Truck and Trailer Sales Lot: "An open area used for the display, sales  
7 and/or rental of new or used automobiles, boats, trucks and trailers but where no repair  
8 repainting or remodeling is performed." (Emphasis added)

9 In sum, if a use was allowed under C-2 zoning when the 1999 PAD was adopted, it  
10 continued to be allowed thereafter. AutoMatch's use of the Property was allowed under the  
11 C-2 zoning, therefore it is allowed under the PAD.

12 **E. There Was No Intent to Modify the Allowed Uses in the PAD**

13 Planned Area Development zoning can be used to restrict or modify allowed uses on a  
14 property. In the Interpretation Letter, staff agrees that (in 1999) C-2 zoning allowed for used  
15 vehicles as a primary use. However, they claim that the additional reference to automobile  
16 sales in the conditional use permit list, and the language utilized, "Outdoor Automobile  
17 Sales, New and Used", was intended to restrict the automobile sales.

18 Had the intent been to restrict or limit used vehicles sales, by using the word "and" to  
19 require that all automobile dealerships must have new and used vehicles for sale, the PAD  
20 documents would have listed auto sales separately, thereby clarifying that the C-2 zoning  
21 district allowed uses were modified and auto sales were further restricted within the PAD. In  
22 this case, the PAD makes no mention of restricting uses, just that the C-2 zoning district uses  
23 are allowed along with the listed conditional uses, which includes the second and superfluous  
24 reference to "Outdoor Automobile Sales."  
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**F. Definition and Use of the Word "and"**

In the Interpretation Letter, the City puts a great deal of emphasis on the use of the word "and" in the PAD. The City believes the Council "meant to use those precise words for a reason," and that the Council meant "to give words their common meanings." The flaw in the City's arguments is that the definition upon which it relies is incorrect. The City cites the Merriam-Webster definition for "and" as a noun, as used in computer programming, where the operating system is being instructed to require two or more inputs or conditions to be met before executing a task.

Instead, the word "and" in the PAD functions as a conjunction, which has an entirely different Merriam-Webster Dictionary definition: "Used as a function word to indicate a connection or addition especially of items within the same class or type; used to join sentence elements of the same grammatical rank or function." As a conjunction, the use of the word "and" joins similar uses together but does not require that both uses must occur.

Irrespective of dictionary definitions, the common meaning of the word "and" as it relates to the PAD must be as it is typically used by the City for zoning purposes. For example, the 1999 version of the Avondale Zoning Ordinance uses the word "and" in numerous occasions when describing land uses in a fashion similar to that used within the PAD.

- Auto, recreational vehicle, motorcycle, travel trailer and boat sales, and rental
- Commercial parking lots and garages
- Mini-storage and vehicle storage areas provided sites are used for dead storage only, not for retail purposes.
- Printing and copying shops

- 1 • Building materials and lumber yards provided there are no milling or planning
- 2 operations.
- 3 • Farm implements and machinery sales and repair
- 4 • Radio and television studios with receiving and transmitting towers
- 5 • Barber shops and beauty salons
- 6 • Medical and dental laboratories
- 7 • Medical offices and clinics

8 Following the City's logic, each of the above examples must occur together or not at  
9 all. However, the City's interpretation leads to absurd results. Are travel trailer sales not  
10 allowed without boat sales on the same parcel? Are printing shops only allowed if they also  
11 offer copying too? Is vehicle storage a required component of a mini-storage facility?  
12 Would a television studio be prohibited in Avondale if they were also not a radio studio at  
13 the same time with both a receiving tower and a transmitting tower? Would a medical  
14 laboratory not be allowed without offering dental laboratory services as well? None of those  
15 are the case. Therefore, the City's tortured interpretation of the PAD as not allowing  
16 facilities that sell only used cars should be disregarded.

17 The City argues that had the PAD intended to allow only used vehicles to be sold at a  
18 dealership, the PAD could have used the word 'or' instead of "and." As demonstrated  
19 above, given the clear precedent set by language of the Avondale Zoning Ordinance, the  
20 terms "and" and "or" are regularly used interchangeably. Therefore, the City cannot argue  
21 that use of the word "and" in and of itself modifies the PAD to require that all dealerships  
22 within the Automall may only sell used cars as an ancillary use to new car sales.

1           **G. No Evidence of Intent to Restrict Uses**

2           The PAD specifically states “In addition to the land uses permitted under the  
3 Community Commercial C-2 zoning district, this application includes a request for a  
4 Conditional Use Permit for the following uses, subject to stipulations.” (Emphasis added)  
5 The PAD then includes a list of additional uses of which “Outdoor Automobile Sales, New  
6 and Used” is the first in the list. This phrase expands the use that was already allowed under  
7 the C-2 zoning (auto, recreational vehicles, motorcycles, travel trailers, and boat sales and  
8 rentals). The additional phrase “New and Used” modifies “Outdoor Automobile Sales” and  
9 provides that new and used outdoor automobile sales in the Automall are an allowed use  
10 with a Conditional Use Permit.

11           The City’s interpretation stretches common sense and logic to the limit. If the City’s  
12 interpretation was as important as the City claims, it would have been a critical topic for  
13 discussion during the hearings at which the PAD and amendments were discussed. It was  
14 not. In fact, the record is devoid of any references to the City’s interpretation.

15           **1. Planning and Zoning Commission Hearing - November 18, 1999**

16           The paragraph titled “Conditional Use Request” in the Staff Report prepared for the  
17 Commission Hearing concerning the PAD, contains no reference to auto sales. [Exhibit 5,  
18 November 18, 1999 Planning and Zoning Commission Staff Report.] The Staff Report also  
19 contains has a paragraph titled “Requested P.A.D.D. modifications.” It likewise contains no  
20 reference to the City’s interpretation. The meeting minutes from the November 1999 hearing  
21 include a presentation by staff detailing the request for C-2 zoning with a Conditional Use  
22 Permit for several uses with no mention of auto sales being restricted or modified. [Exhibit  
23 6, November 18, 1999 Meeting Minutes.]

1                   **2. City Council Hearing – December 20, 1999**

2                   The Staff Report prepared for the City Council matches that for the Commission  
3 Hearing. [Exhibit 7, December 20, 1999 City Council Staff Report.] Again, there is no  
4 mention that the sale of used automobiles, an allowed C-2 use, was being modified or  
5 restricted in any way. The meeting minutes indicate a presentation by staff detailing the  
6 request for C-2 zoning along with a Conditional Use Permit. [Exhibit 8, December 20, 1999  
7 Meeting Minutes.] Nine specific uses were listed by staff at the hearing. There was no  
8 suggestion that auto sales were to be restricted, nor was there any discussion by the City  
9 Council requesting or directing staff that they wanted auto sales to be restricted.

10                   **3. Planning and Commission Hearing – March 20, 2003**

11                   In 2003 the PAD was amended to change the area designated originally for the retail  
12 power center to expand the location for dealerships. The four-page Staff Report summarizes  
13 the background of the Automall and the request for the amendment stating that it “would  
14 allow motor vehicle dealerships....” There is no intent evident of the City’s interpretation  
15 that only new car dealerships would be allowed in either the Staff Report or the meeting  
16 minutes. [Exhibits 9 and 10, March 20, 2003 Staff Report and Meeting Minutes,  
17 respectively.]

18                   **4. City Council Hearing – April 21, 2003**

19                   As with the previous Staff Reports and meeting minutes, the City makes no reference  
20 at the April 21, 2003 City Council hearing to an intent to restrict or prohibit the sale of used  
21 cars to an ancillary use. [Exhibits 11 and 12, April 21, 2003 Staff Report and Meeting  
22 Minutes, respectively.]

23                   Between the original rezoning application in 1999 and the amendment in 2003, there  
24 were four public hearings on the Automall zoning. None of the Staff Reports or approved  
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1 meeting minutes contain any statements or discussions demonstrating an intent to prohibit or  
2 restrict used auto sales to an ancillary use within the Automall.

3 In sum, contrary to the City's argument, there is simply no evidence to either support  
4 the City's interpretation or the assertion that the City Council specifically required language  
5 in the zoning to restrict used car sales in the Automall to an ancillary use. Had the Council  
6 made such a request, it would be reflected in the public record.

7 **H. PAD Narrative Language and Substantial Conformance**

8 The PAD narrative for the 2003 amendment states that the applicant wishes to "obtain  
9 the proper zoning to allow for additional new vehicle dealerships." However, the foregoing  
10 statement does not abrogate the uses that were already allowed and did not modify the  
11 language of the PAD other than to eliminate the retail center. At that time, the applicant did  
12 want to the retail power center from the PAD and open additional new vehicle dealerships  
13 because the developer was trying to bring new manufacturers to the Automall. Such a  
14 statement does not infer than only new vehicle dealerships are allowed because the PAD still  
15 allows for all C-2 uses.

16 **III. CONCLUSION**

17 For the reasons set forth herein, AutoMatch respectfully requests that the Board  
18 reverse the decision of the City that under the PAD used car sales are only allowed as an  
19 ancillary use to new car sales and instead find that used car sales as a primary use is allowed  
20 in the Automall under the PAD.

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DATED this 6th day of January, 2016.

**BEUS GILBERT PLLC**

By 

Paul E. Gilbert  
Cassandra H. Ayres  
701 North 44<sup>th</sup> Street  
Phoenix, AZ 85008-6504  
Attorneys for AutoMatch USA, LLC

The foregoing was emailed  
this 6th day of January, 2016  
and six copies hand-delivered to:

City of Avondale, Board of Adjustment  
Attn: Robert Gubser  
Development and Engineering Service Department  
11465 W. Civic Center Drive  
Avondale, AZ 85323  
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Copy of the foregoing emailed and hand-delivered  
this 6<sup>th</sup> day of January, 2016 to:

William Bock  
5427 E. Hashknife Road  
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**INDEX OF EXHIBITS**  
**AUTOMATCH USA, LLC'S BOARD OF ADJUSTMENT HEARING MEMORANDUM**

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3	AutoMatch Brochure
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5	November 18, 1999 Planning and Zoning Commission Staff Report
6	November 18, 1999 Planning and Zoning Commission Meeting Minutes
7	December 20, 1999 City Council Staff Report
8	December 20, 1999 City Council Meeting Minutes
9	March 20, 2003 Planning and Zoning Commission Staff Report
10	March 20, 2003 Planning and Zoning Meeting Minutes
11	April 21, 2003 City Council Staff Report
12	April 21, 2003 City Council Meeting Minutes

# **Exhibit 1**

**October 14, 2015**

Paul Gilbert  
Beus Gilbert PLLC  
701 N 44<sup>th</sup> Street  
Phoenix, AZ 85008-6504

**RE: Avondale Auto Mall Zoning Interpretation (PL-15-0210)**

Dear Mr. Gilbert:

This letter is in response to your formal application received on September 1, 2015 (attached) requesting a zoning interpretation in regards to a prospective business seeking to occupy a site located at 10501 W. Papago Freeway within the Avondale Auto Mall. The property is currently zoned Planned Area Development under case Z-99-402-A. The initial staff assessment provided via Pre-Application meeting on August 5, 2014 (PL-14-0134) was that the intended use of used car sales was not permitted unless it was ancillary to a new car sales use.

***Proposed Use***

In your letter, you describe the business model for AutoMatch as a full-service dealership that only sells used vehicles. You further define the use as one that displays vehicles of various manufacturers for sale, provides on-site financing, and a repair center with certified mechanics. This proposed use was also provided for staff review through a Pre-Application meeting held on August 5, 2014 (Exhibit 1: PL-14-0134, Auto Match USA).

***Evaluation***

In evaluating your request, I have reviewed the original 1999 PAD rezoning application, the 2003 PAD rezoning amendment, and the associated development agreements.

The purpose of the 1999 PAD rezoning, approved by City Council on December 20, 1999, was to allow for the development of an Auto Mall and a retail shopping center. The purpose of the 2003 amendment to the PAD was to eliminate the remaining acreage planned for a retail power center and replace it with dealerships and related uses. The following are references contained in the original PAD and subsequent amendment that address the specifics of dealerships:

1. 1999 PAD, page 2: The purpose of the zoning was to "accommodate the development of several full service automobile dealerships." When read with the remaining language in the paragraph, it is clear that the mention of used car sales is intended to allow for used car sales at the full service dealerships, not to allow for a stand-alone used car lot.
2. 1999 PAD, page 3: The proposed uses in the conditional use permit list refers to "Outdoor Automobile Sales; New and Used" indicating that the two types of sales are to be from a

dealership offering both new and used vehicles. Had it been intended otherwise, the text simply could have used the term "or" instead.

3. 1999 PAD, page 5: Phase One construction was to include eight full service dealerships. The auto mall was clearly planned as a new car sales area, so the use of "eight (8) full service automobile dealerships" is a plain reference to new-car dealerships.
4. 1999 PAD, page 7: Among many other descriptive terms describing services provided at a new car dealership, the rear yard provisions specifically refer to the "service section" of the dealership. On-site manufacturer service facilities are hallmarks of new car dealerships.
5. 1999 PAD, page 8: There are multiple occurrences where the text describing the signs allowed for each dealership specifically refers to "its corresponding manufacturer's logo." These are clearly references to new car dealerships.
6. 2003 PAD, page 1: The last sentence of the first paragraph is clear as to the intent "to obtain the proper zoning to allow for additional new vehicle dealers." As you can see, the language that follows is nearly identical to the 1999 PAD, further supporting the original intent of the 1999 PAD (new car dealerships).

Coupled with the rezoning actions, there were several development agreements that the City entered into with the developer of the Auto Mall. The original DA was in 1999, (with a subsequent corrective DA in 2000), followed by a first and a second amendment in 2002/2003 that addressed the expansion of the Auto Mall. The following are references from those documents:

1. 1999 Development Agreement, page 1: Recital B(i) clearly sets forth the developer's intent to "construct an auto mall complex consisting of new car dealerships."
2. 1999 DA, page 1: Recital C(i) states that there will be significant benefits to the City, its residents and the general public and enhance the economic ability of the City by significantly increasing transaction privilege tax revenues by encouraging new car automotive dealerships.
3. 1999 DA, page 2: Recital E establishes developer's obligation to use best efforts to attract additional dealerships to the auto mall, and it uses two new car dealerships as examples of its commitment to that obligation.
4. First Amend. to DA, page 1: Recital B is again clearly stating new car automobile dealerships.
5. Second Amend. to DA, pages 1 & 2: Recital B and the new language added as subsection 2.2 are both clearly stating new car dealerships.
  - o The report transmitted to the City Council on November 4, 2002 regarding the Second Amendment, clearly states that the purpose of the amended DA will allow for expansion of sites suited to new car dealerships. In addition, AZVT was required to promptly complete and submit for approval a PAD amendment that allows for the development of

new car dealerships.

The word “and” as used by the City Council in the 1999 PAD and the subsequent approvals is far more significant than you have concluded. When trying to understand the City Council’s intent, we are required (i) to presume the Council meant to use those precise words for a reason and (ii) to give words their common meanings. Using common definition of “and” (utilizing the Merriam-Webster dictionary), it means a logical operator that requires both of two inputs to be present or two conditions to be met for an output to be made or a statement to be executed. The common definition supports the conclusion that that both new and used automobile sales would need to be present to meet the criteria provided outlined in the use listing of the PAD. This is how this use has been applied consistently since the original zoning approval.

The C-2 district at the time of the 1999 rezone allowed, “Auto, recreational vehicle, motorcycle, travel trailer and boat sales and rental.” However, with the execution of a PAD as a zoning instrument, the uses may be tailored meeting the needs and goals set-forth by all parties. The allowed uses were modified with the rezoning to PAD and the “Outdoor Automobile Sales; New and Used” was placed as an allowed use subject to receiving a Conditional Use Permit. As stated in the overview of the PAD text above, had it been intended otherwise, the text simply could have used the term "or" instead. Additionally, it could have been completely removed from the Conditional Use Permit listing, as it was an allowed use in the C-2 section of the 1999 Zoning Ordinance. In this instance, it was not removed and we are required to presume the Council meant to adopt the standards in the PAD as controlling for automotive uses at the Auto Mall.

The 2002/2003 PAD Amendment narrative indicates the applicant wishes to “obtain the proper zoning to allow for additional new vehicle dealers.” The narrative in PAD’s are used to convey the intended character of the development and as such, is used to provide information necessary for the City Council to either support or deny a request. The amendment was approved by Council using the included narrative and the ordinance includes a stipulation that the development shall be in substantial conformance with the PAD Zoning Amendment dated March 5, 2003.

Consistent with the new-car-only intent of the PAD and its amendments, the City Council approved a number of economic development agreements relating to new car dealerships at the Auto Mall. In each of those agreements, the intent is clear that operation of a new automobile franchise is an essential component of the transaction. Copies of each agreement are attached for your review.

### ***Determination***

It is my determination as the City’s Zoning Administrator that, based on evaluation of the language contained in the original PAD, subsequent amendments to the PAD, numerous economic development agreements, and the supporting staff reports, that the City Council did not intend for a stand-alone used car dealership to be a permitted use within the Auto Mall. The intent to have only new car dealerships in the Auto Mall was made clear from the beginning and has been consistently followed through a series of related agreements and supporting documents.

### *Appeal Rights*

Under the Zoning Ordinance Section 112.B.1, a notice of appeal an interpretation by the Zoning Administrator shall be submitted by the applicant through the Zoning Administrator to the Board of Adjustment within fifteen (15) days from the date of the decision.

If you have any questions, please feel free to contact me at (623) 333-4015 or by email at [rgubser@avondale.org](mailto:rgubser@avondale.org).

With regards,



Robert Gubser, AICP  
Planning Manager

### Exhibits:

- A. Pre-Application Meeting comments – dated August 5, 2014
- B. 1999 PAD, including all applicable staff reports
- C. 2003 PAD amendment, including all applicable staff reports
- D. 1999 Development Agreement
- E. 1999 Corrective Development Agreement
- F. 2002 First Amendment to Development Agreement
- G. 2003 Second Amendment to Development Agreement
- H. Copies of Economic Development Agreements with various dealerships

Cc: Tracy Stevens, Development and Engineering Services Director  
Andrew McGuire, City Attorney  
File

# **Exhibit 2**

299-402

**REZONING REQUEST  
&  
GENERAL DEVELOPMENT PLAN AND PROGRAM**

**AVONDALE AUTOMALL & RETAIL SHOPPING CENTER**  
Southwest Corner of 99<sup>th</sup> Avenue and Interstate 10

**Request: Rezoning from AG, Agricultural to PADD, C-2, CUP, Planned Area  
Development District, Community Commercial, Conditional Use Permit, with  
Development Standards Modifications**

*Applicant:* AZVT, L.L.C.  
P.O. Box 16460  
Phoenix, Arizona 85011  
Phone: (602) 230-1051  
Facsimile: (602) 200-7560  
Attention: Michael Pacheco, Development Manager

*Co-Applicant:* Beus Gilbert  
3200 North Central Avenue  
Suite 1000  
Phoenix, Arizona 85012  
Phone: (602) 234-5806  
Facsimile: (602) 234-5893  
Attention: Paul E. Gilbert, Esq.

*Developer:* AZVT, L.L.C.  
P.O. Box 16460  
Phoenix, Arizona 85011  
Phone: (602) 230-1051  
Facsimile: (602) 200-7560  
Attention: Michael Pacheco, Development Manager

***Submitted to:***

City of Avondale  
525 North Central Avenue  
Avondale, Arizona 85252  
Phone: (602) 932-6088  
Facsimile: (602) 932-6119

November 1999

Purpose of Request:

General

This application is a request to rezone approximately 150 acres of unimproved land located at the southwest corner of 99<sup>th</sup> Avenue and Interstate 10 (the "Site") from its existing zoning of AG, Agricultural to PADD, C-2, CUP, Planned Area Development District, Community Commercial, Conditional Use Permit zoning, with Site Plan approval and Development Standards Modifications. The purpose of this request is to allow for the development of an automall and a retail shopping center, which will host various land uses and amenities.

Automall

The requested PADD, C-2, CUP zoning with Development Standards Modifications is intended to accommodate the development of several full service automobile dealerships and other automotive related uses (the "Automall") on the eastern portion of the Site. Uses requested for the Automall generally include new and used car sales (outdoor and indoor), repair (including mechanical, collision repair and painting) and the storage and sale of automotive parts.

Retail Center

The requested PADD, C-2, CUP zoning with Development Standards Modifications is intended to accommodate the development of a retail shopping center on the western portion of the Site consisting of uses common to "power" and "neighborhood" type shopping centers (the "Shopping Center".)

Compliance with City of Avondale's General Plan

The intent of the City's General Plan and underlying Land Use Plan, consistent with Avondale planning goals, is to manage and guide development, rather than to react to it. The General Plan and Land Use Plan indicates that the future use of the site shall be Mixed-Use Commercial. The uses requested under this PADD, C-2, CUP zoning are compatible and consistent with the General Plan and the Land Use Plan. In particular, they are compatible with the City's Freeway Corridor Specific Plan. Additionally, the proposed development meets the goals and objectives of the City's Future Growth Plan.

### Proposed Zoning District Modifications

In addition to the land uses permitted under the Community Commercial C-2 zoning district, this application includes a request for a Conditional Use Permit for the following uses, subject to stipulations:

- Outdoor Automobile Sales; New and Used.
- Motor Vehicle Repair
- Motor Vehicle Parts Storage and Sales
- Motor Vehicle Body Shop; provided the use occurs within the south half of the Site or is in conjunction with a franchised new motor vehicle dealership use.
- Restaurants with Live Entertainment; provided live entertainment does not include "adult" live entertainment.
- Second Hand Merchandising Sales; provided the use is limited to consignment sales.
- Skating Rinks
- Building Materials and Lumberyards; provided there are no milling or planing operations.
- Video Arcade or Similar Amusement Establishment; provided the site is not located within five hundred (500) feet of a public or private school site.
- Animal Kennels; provided the use is limited to veterinarians and retail pet shops.

### Public Infrastructure Requirements

The Site lies within what generally can be characterized as an infrastructure deficient area of the City. We have conducted a preliminary investigation of the locations of available utilities and agree to install the following public infrastructure to serve the Site:

- Utilities: Water & Sewer, Electrical, Natural Gas, Telephone.
- Surface Improvements: 99<sup>th</sup> & 107<sup>th</sup> Avenues and Roosevelt Street half streets and all of the right-of-way improvements that lie within the Site as a result of the Roosevelt Street alignment at the easternmost end of the Site, including roadways, signalization, curbs & gutters, sidewalks, landscaping, lighting, signing, pavement marking.

### Relationship to Surrounding Properties

The Site is bounded by Interstate 10, 99<sup>th</sup> & 107<sup>th</sup> Avenues and the future Roosevelt Street. The proposed development is located on the City of Avondale's eastern border and is designated as Mixed Use Commercial on the City's Freeway Corridor Specific Plan.

Currently, there is limited development at the properties that abut the Site. The nearest and only large scale development, the Reckitt & Coleman plant, is of an industrial

use and is located immediately east of the site, in the City of Tolleson. The surrounding land use and zoning designations are as follows:

<u>Direction</u>	<u>Existing Use</u>	<u>Current Zoning</u>
North	Interstate 10	N/A
East	Reckitt & Coleman	Industrial
	Vacant Land	Industrial
South	Unimproved	A-1 (Industrial) and C-2 (Commercial)
West	Unimproved	AG (Agricultural)

The Site is also in close proximity to Phoenix International Raceway ("PIR"). PIR has emerged as a location for major national Stock & Indy Car racing events. We believe this development, and, in particular the Automall will benefit from its "automotive connection" with the raceway.

#### Site Accessibility

The Site is contiguous with 99<sup>th</sup> & 107<sup>th</sup> Avenues, and the future Roosevelt Street. This allows for excellent access via these surface streets to Interstate 10 and the future 101-loop freeway. Additional access to the existing Interstate 10 frontage road is being researched and requested from the Arizona Department of Transportation.

The Site is highly visible from Interstate 10 and the future Loop 101/I-10 interchange. We believe that this condition provides an excellent opportunity to capitalize on the traffic that travels Interstate 10 and the traffic that will travel the Loop 101. Many of the customers purchasing goods and services at the Site will be residents from outside of Avondale.

#### Traffic Circulation System

The public roads that abut the east (99<sup>th</sup> Ave.), south (Roosevelt St.) and the west (107<sup>th</sup> Ave.) sides of the Site are not fully improved. The Developer shall dedicate the necessary right-of-way improvements as required by the City of Avondale and the City of Tolleson. We will construct the public infrastructure as necessary to adequately and safely serve each phase.

On-Site vehicle circulation throughout the Site shall consist of private drives.

### Phasing

While the Automall and the Shopping Center developments could potentially occur either simultaneously, overlap or could occur one after the other, the anticipated development phasing program is as follows:

#### Phase One

- Construction of public infrastructure (utilities, roadways, etc.) necessary for the development of the Automall portion of the Site.
- Approximately eight (8) full service automobile dealerships and various automotive related businesses.

#### Phase Two

- Construction of remaining public infrastructure necessary for the development of the retail shopping center portion of the Site.
- Shopping Center.

### Public Utilities and Services

Water:	City of Avondale
Sewer:	City of Avondale
Refuse:	City of Avondale
Electricity:	Salt River Project (SRP)
Telephone:	US West
Natural Gas:	Southwest Gas
Fire Protection:	City of Avondale
Police Protection:	City of Avondale
Elementary School:	Littleton Elementary School District
High School:	Tolleson Union High School District

### Topography

The Site is characterized as being relatively flat with surface drainage generally flowing south to southwest. The Site's is currently farmed and has an approximate elevation of 1,015 above mean sea level.

## Proposed Development Standards Modifications

### Introduction

Today's automotive sales industry is a highly competitive business. Dealers need every possible advantage to gain an edge on the rapidly expanding competition. The facility plays a big role in accomplishing this goal. If designed properly, an automobile dealership facility acts as a selling tool for its employees. If not, sales can fall short of expectations, and in some instances, even fail. Many dealerships have had to close their doors or build entirely new facilities because of inefficient, inadequate facility design.

This request is to allow for development standards that will give the dealers located in this Automall the ability to build user friendly, state-of-the-art facilities that will not only compete with the valley's existing automobile dealers, but will exceed anyone's expectations for success.

Likewise, the needs of today's shopping center retailers are not unlike those of the automobile dealers. To get the competitive edge they need to be successful, retailers must have flexibility when designing and operating their facilities. The proper development standards will produce an attractive, highly functional development that will allow them to be competitive deeply into the twenty-first century.

### Proposed Modifications to Existing Development Standards

In addition to the Development Standards permitted by right under the requested existing C-2 ordinance, this request is to permit the following modifications to the existing Development Standards:

#### Automall Development Standards & Signs

##### General

- Drywells and/or buried lateral perforated pipe shall be permitted. All drywells installed within paved areas shall be Maxwell Enviro type or a city approved equivalent.
- Retention basins with side slopes greater than 4:1 shall be permitted provided they are not accessible by the general public or immediately visible from the public right-of-way.
- No increase in historical stormwater retention shall be required in excess of existing Maricopa County flood control data.
- Public right-of-way landscaping may be applied towards landscape calculations and any open space requirements.

- A flagpole of up to seventy-five (75) feet in height displaying the flag of the United States of America may be installed at each dealership.
- The joint use of a single driveway by two (2) or more adjoining parcels shall not be required.

The following shall be allowed in the Front Yard of dealerships:

- Each dealership's main vehicle display area (the "Front Yard") shall be landscaped at a minimum of 5%. Landscaping installed at the perimeter of each dealership shall consist of contours and variations in grade height provided it does not screen the general public's view of the vehicles.
- Special outdoor display features, such as patios, plazas, pedestals and courtyards shall be permitted and shall count towards landscape calculations and any open space requirements.
- Landscaped parking islands shall be provided at a minimum of one (1) for every twenty (20) parking spaces, shall be a minimum of 150 square feet in size (each) and shall be included in the landscape calculations.
- A minimum of two (2) trees for every twenty (20) parking spaces in the Front Yard shall be required.
- Stormwater retention shall not be required to occur in the dealership's Front Yards.
- Decorative fencing, eighteen to twenty-four inches in height shall be installed in lieu of solid walls or berms.
- Alternative building construction materials shall be permitted provided they fit into the dealership's overall architectural character and theme.

The following shall be allowed in the Rear Yard of dealerships:

- Each dealership's service section (the "Rear Yard") shall not require landscaping except for perimeter landscape treatments outside of the required screen wall.
- Vehicle parking and storage areas may be depressed up to eighteen (18) inches in order to accommodate stormwater.
- Foundation plantings shall not be required around buildings.
- Parking islands shall not be required.
- Alternative building construction materials, such as tilt-up concrete and pre-engineered metal shall be allowed. Any portion of a building located in the Back Yard that abuts the Front Yard of the dealership shall meet the finish standards required in the Front Yard.
- Open service bays shall be allowed provided they are screened from public right-of-way.

*In addition to signs permitted by right under the existing ordinance, the following signs shall be permitted for the Automall:*

*Automall Signs*

- One master Automall freeway identification sign located on Interstate 10, seventy-five (75) feet in height, with 1,000 square feet of sign area per side. Such sign shall identify the automall, display the names of each dealership and its corresponding manufacturer's logo, shall be internally lit and have change panels. Digital or reader board type sign shall be permitted.
- One mini-master Automall identification sign located on 99<sup>th</sup> Avenue, thirty (30) feet in height, with 250 square feet of sign area per side.
- Directory signs installed throughout the common areas of the Site.
- All master or common automall signs shall be of similar style and architecture. Developer may submit a comprehensive sign package at a later date.

*Individual Dealership Signs*

- Banners, pennants, fixed balloons and flags for the purposes of advertising or promoting special sales events shall be permitted on weekends and holidays.
- Decorative seasonal/holiday lighting such as Christmas lights.
- Temporary window painting of vehicles for the purpose of advertising.
- One (1) thirty-five (35) foot high pylon sign per dealership, with 150 square feet of sign area per side. Individual dealer signs may be unique to each corresponding manufacturer's trademark identification sign.
- Building signs shall be permitted, state the name of the respective dealership, and shall be allowed up to two (2) square foot of sign area for each building front foot. One building sign shall be permitted on each street the dealership fronts. For the purposes of calculating building sign area, private drives provided for the common use of the Automall shall be considered streets.
- Eight (8) foot high monument style signs with twenty-five (25) square feet of sign area per side located at each dealership's retail ingress/egress points.

*Shopping Center Development Standards & Signs*

*General*

- "Anchor" or "Major" users may construct buildings up to forty (40) feet in height.
- Drywells and/or buried lateral perforated pipe shall be permitted. All drywells installed within paved areas shall be Maxwell Enviro type or a city approved equivalent.

- Retention basins with side slopes greater than 4:1 shall be permitted provided they are not accessible by the general public or immediately visible from the public right-of-way.
- No increase in historical stormwater retention shall be required in excess of existing Maricopa County flood control data.
- All parking lots shall be screened from public streets with a combination of walls and berms a minimum of thirty-six (36) inches in height above the grade of the most adjacent parking lot or street.
- A flagpole of up to seventy-five (75) feet in height displaying the flag of the United States of America may be installed.
- Special outdoor features and amenities such as patios, plazas, pedestals and courtyards shall be permitted and shall count towards landscape calculations and any open space requirements.
- Vehicle parking areas may be depressed up to eighteen (18) inches.
- Foundation plantings shall not be required at buildings where not visible by the general public.
- Alternative building construction materials, such as tilt-up concrete and pre-engineered metal shall be allowed provided they are in architectural harmony with the remainder of the project.

**In addition to signs permitted under the existing ordinance, the following signs shall be permitted for Shopping Center:**

**Master Shopping Center Signs**

- One master freeway identification sign located on Interstate 10, sixty-five (65) feet in height, with 700 square feet of sign area per side. Such sign shall identify the name of the Shopping Center, may display the names of major/anchor users, may be internally lit and have change panels.
- One mini-master identification sign located on 99<sup>th</sup> Avenue, thirty (30) feet in height, with 250 square feet of sign area per side.
- Directory signs installed throughout the common areas of the Shopping Center.
- All master or common signs shall be of similar style and architecture. Developer may submit a comprehensive sign package at a later date.

**Individual User Signs**

- Major or Anchor users shall be allowed on building wall sign for each street the user's building space faces, and shall be allowed one and one-half (1 ½) square feet of sign area for each one (1) lineal front foot of building wall.
- Shop space, in-line or pad users shall be allowed on building wall sign for each street the user's building space faces, and shall be allowed one (1) square feet of sign area for each one (1) lineal front foot of building wall.

### Summary

We have demonstrated the project's compatibility with the City of Avondale's General Plan and its underlying Growth and Use Plans. It will provide the mechanism for the installation of needed public infrastructure. Each year it will generate millions in City sales taxes and provide a source for thousands of jobs at all levels of pay.

Our goal in developing the proposed Avondale Automall & Shopping Center is to provide a successful marquee project in the City of Avondale. A project that Avondale's residents will cite as a point of pride in their city. A highly functional project that is attractive, safe, and will give its retailers the competitive edge they need to be successful.

### Exhibits

The following exhibits are a part of this zoning request:

- Exhibit A      Legal Description
- Exhibit B      Vicinity Map
- Exhibit C      Zoning Context Plan
- Exhibit D      Conceptual Site Plan

Exhibit A

LEGAL DESCRIPTION

THE SOUTH HALF OF THE NORTH HALF OF SECTION 5, TOWNSHIP 1 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT ANY PORTION OF THE ABOVE DESCRIBED PROPERTY LYING BETWEEN LINE NOS. 1 AND 2, AS SET FORTH IN FINAL ORDER OF CONDEMNATION RECORDED IN INSTRUMENT NO. 84-463775, DESCRIBED AS FOLLOWS:

LINE NO. 1

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 5; THENCE S00°-22'39"-E, ALONG THE EAST LINE OF SAID SECTION, 100.00 FEET TO THE POINT OF BEGINNING; THENCE S89°-37'21"-W, 40.00 FEET; THENCE S07°-08'11"-W, 382.34 FEET; THENCE S88°-58'31"-W, 50.65 FEET; THENCE S60°-16'47"-W, 859.88 FEET; THENCE S88°-58'31"-W, 411.38 FEET; THENCE N50°-48'18"-W, 99.22 FEET TO THE POINT N10°-31'07"-W, 187.67 FEET; THENCE S89°-44'25"-W, 55.00 FEET TO THE POINT OF ENDING ON THE WEST LINE OF SAID SECTION 5, WHICH POINT BEARS S00°-15'35"-E, 339.97 FEET FROM THE NORTHWEST CORNER OF SAID SECTION.

LINE NO. 2

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 5; THENCE N00°-22'39"-W, ALONG THE EAST LINE OF SAID SECTION, 170.48 FEET TO THE POINT OF BEGINNING; THENCE S89°-37'21"-W, 40.00 FEET; THENCE N00°-22'39"-W, 1009.75 FEET; THENCE N85°-00'46"-W, 1044.57 FEET; THENCE S88°-58'31"-W, 424.51 FEET; THENCE S08°-08'17"-W, 403.83 FEET; THENCE S89°-44'25"-W, 55.00 FEET TO THE POINT OF ENDING ON THE WEST LINE OF SAID SECTION 5, WHICH POINT BEARS N00°-15'35"-W 900.75 FEET FROM THE WEST QUARTER CORNER OF SAID SECTION; AND ALSO

EXCEPT THAT PORTION OF THE SOUTH HALF OF THE NORTHWEST QUARTER AND OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 1 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, WHICH LIES BETWEEN THE EXISTING (1978) SOUTH RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY 10 (CHRENBERG-PHOENIX HIGHWAY) AND THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 5; THENCE ALONG THE WEST LINE OF SAID SECTION 5, N00°-04'33"-W, 1500.70 FEET (1500.75 RECORDED) TO THE CENTERLINE OF SAID INTERSTATE HIGHWAY 10;

THENCE ALONG SAID CENTERLINE, N89°-09'33"-E, 1071.07 FEET; THENCE S00°-50'27"-E, 200.00 FEET TO THE POINT OF BEGINNING ON SAID EXISTING SOUTH RIGHT OF WAY LINE OF INTERSTATE HIGHWAY 10; THENCE CONTINUING S00°-50'27"-E, 46.18 FEET; THENCE N87°-35'49"-E, 960.36 FEET; THENCE N87°-31'21"-E, 700.29 FEET TO THE POINT OF ENDING ON SAID SOUTH RIGHT OF WAY LINE OF INTERSTATE HIGHWAY 10, AS CONVEYED TO THE STATE OF ARIZONA, BY AND THROUGH ITS DEPARTMENT OF TRANSPORTATION IN INSTRUMENT NO. 92-0512378; AND ALSO

EXCEPT THAT PORTION OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 1 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, WHICH LIES BETWEEN THE EXISTING (1978) SOUTH RIGHT OF WAY LINE OF INTERSTATE HIGHWAY 10 (CHRENBERG-PHOENIX) AND THE FOLLOWING DESCRIBED LINE:

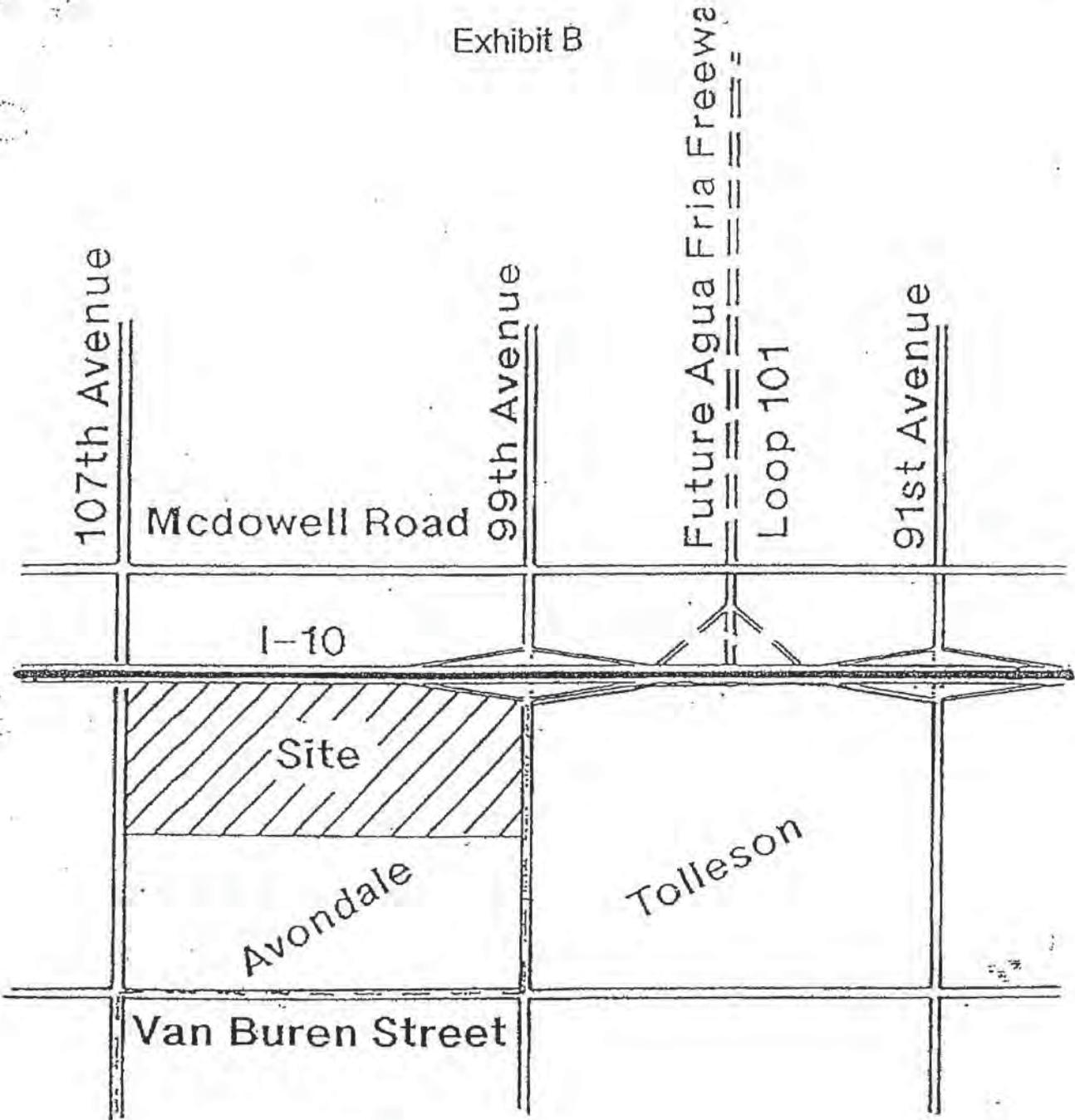
COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 5; THENCE ALONG THE EAST LINE OF SAID SECTION 5, N00°-11'37"-W, A DISTANCE OF 1486.92 FEET TO THE MEDIAN CENTERLINE OF THE AFORESAID INTERSTATE HIGHWAY 10; THENCE S89°-08'33"-W, 1433.24 FEET; THENCE S00°-50'27"-E, 200.00 FEET TO THE POINT OF BEGINNING IN THE AFORESAID SOUTH RIGHT OF WAY LINE OF INTERSTATE HIGHWAY 10; THENCE S88°-15'51"-E, 400.41 FEET; THENCE S84°-12'12"-E, 276.85 FEET; THENCE S82°-58'47"-E, 681.15 FEET; THENCE S41°-35'13"-E, 75.02 FEET TO THE POINT OF ENDING ON THE EXISTING WEST RIGHT OF WAY LINE OF 99TH AVENUE AS CONVEYED TO THE STATE OF ARIZONA, BY AND THROUGH ITS DEPARTMENT OF TRANSPORTATION IN INSTRUMENT NUMBER 92-0406965; AND ALSO

EXCEPT THAT PORTION OF THE SOUTH HALF OF THE NORTHWEST QUARTER AND OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 1 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, WHICH LIES BETWEEN THE EXISTING (1978) SOUTH RIGHT OF WAY LINE OF INTERSTATE HIGHWAY 10 (CHRENBERG-PHOENIX HIGHWAY) AND THE FOLLOWING DESCRIBED LINE:

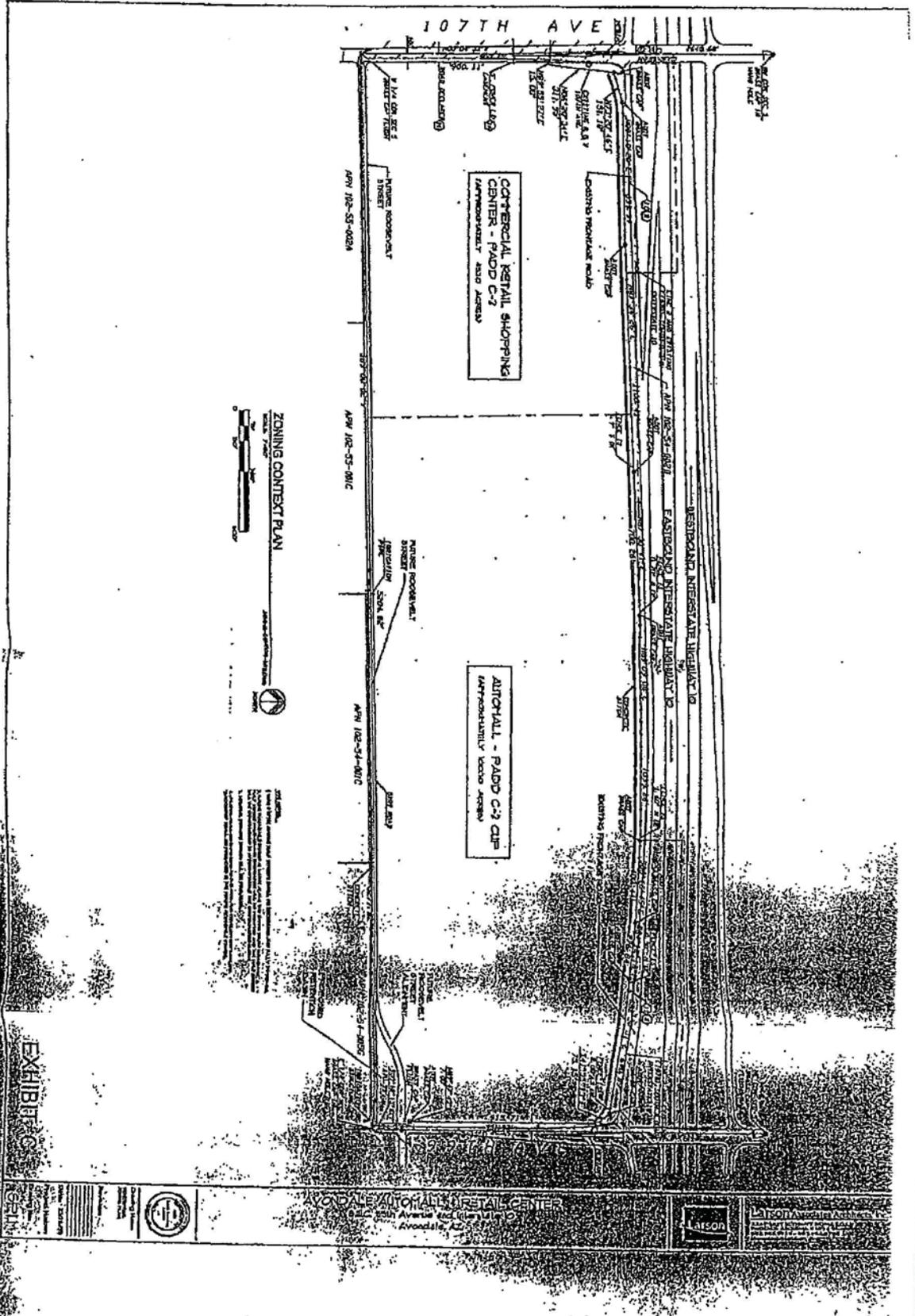
COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 5; THENCE ALONG THE WEST LINE OF SAID SECTION 5, N00°-04'33"-W, 1210.70 FEET; THENCE N89°-55'27"-E, 89.76 FEET TO THE POINT OF BEGINNING ON THE EXISTING EAST RIGHT OF WAY LINE OF 107TH AVENUE; THENCE N73°-18'36"-E, 150.91 FEET; THENCE N89°-09'33"-E, 700.01 FEET; THENCE N87°-35'49"-E, 140.05 FEET; THENCE N00°-50'27"-W, 46.18 FEET TO THE POINT OF ENDING ON THE AFORESAID EXISTING SOUTH RIGHT OF WAY OF THE 407TH AVENUE INTERCHANGE AS CONVEYED TO THE STATE OF ARIZONA, BY AND THROUGH ITS DEPARTMENT OF TRANSPORTATION IN INSTRUMENT NUMBER 92-0406965. AND ALSO;

EXCEPT THE WEST 40 FEET AND THE EAST 33 FEET THEREOF.

Exhibit B



Vicinity Map  
N.T.S.



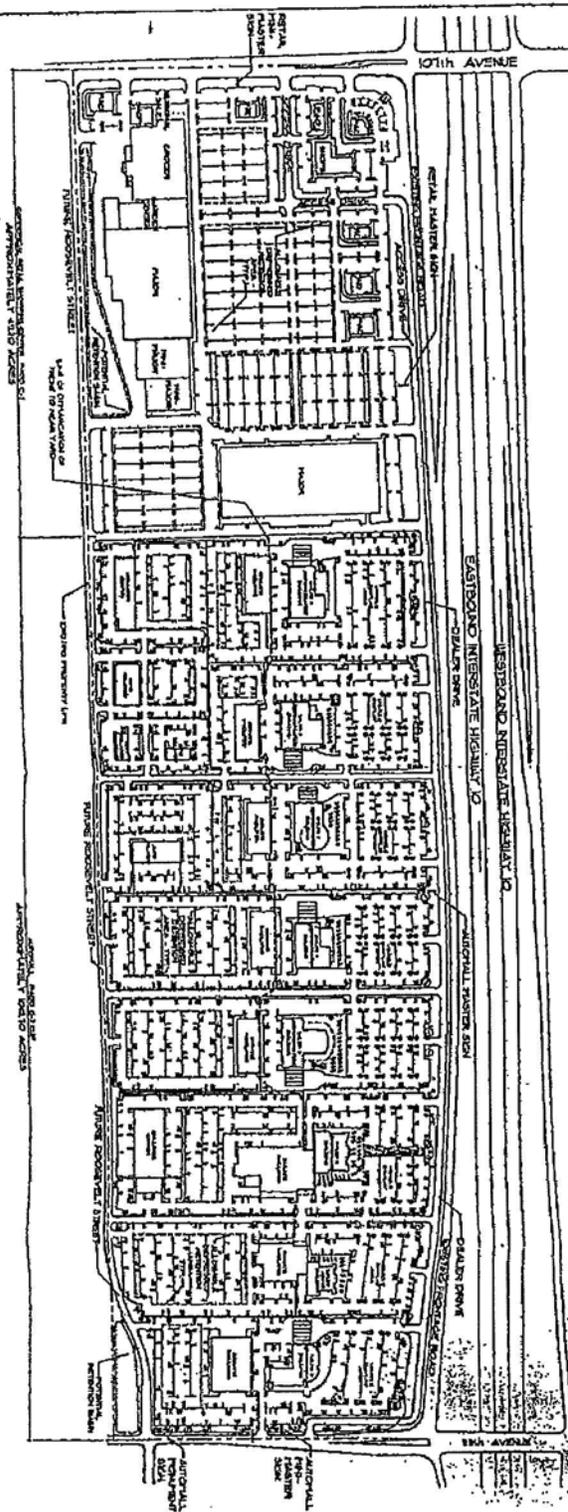
ZONING CONTEXT PLAN



NOTES:  
 1. THIS PLAN IS A PRELIMINARY DESIGN AND IS SUBJECT TO CHANGE WITHOUT NOTICE.  
 2. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT.  
 3. THE DESIGNER IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT.

EXHIBIT C

DATE TIME DRAWN BY CHECKED BY



**CONCEPTUAL SITE PLAN**  
 SCALE: 1" = 200'  
 DATE: 10/1/00  
 PROJECT: AVONDALE AUTO MALL & RETAIL CENTER  
 CLIENT: AVONDALE AVENUE DEVELOPMENT, INC.  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]

EXHIBIT D

9710

**AVONDALE AUTO MALL & RETAIL CENTER**  
 8000 101st Avenue and Interstate 10  
 Avondale, AZ


**LAISSON** Associates Architects  
 2222 West McDowell Road, Suite 100  
 Phoenix, AZ 85015  
 Phone: (602) 998-1111  
 Fax: (602) 998-1112  
 Email: info@laison.com

## EXHIBIT D

**PROJECT NARRATIVE  
FOR  
AVONDALE AUTOMALL &  
RETAIL SHOPPING CENTER  
PAD ZONING AMENDMENT**

February 2003



### **History & Project Narrative**

AZVT, LLC acquired approximately 150 acres of unimproved land south of Interstate 10 between 99<sup>th</sup> and 107<sup>th</sup> Avenues. Subsequently, the project was rezoned to PADD, C-2, with a Conditional Use Permit to allow for new and used vehicle sales and other various automotive related uses on the easternmost 100 acres. The westernmost 50 acres was rezoned to PADD, C-2, with a Conditional Use Permit to allow for commercial and retail uses. Because of the Avondale Automall's success insofar as new vehicle dealers' desires to purchase land within the 50 acre portion of the overall 150 acre property owned by AZVT, LLC, but not within property rezoned as the Avondale Automall, AZVT wishes to obtain the proper zoning to allow for additional new vehicle dealers.

### **Rezoning Request**

This rezoning request is to amend the existing zoning on AZVT's west 50 acres so that, in addition to the existing C-2 zoning, the following uses are allowed:

Outdoor Automobile Sales: New and Used

Motor Vehicle Repair

Motor Vehicle Parts Storage and Sales

Motor Vehicle Body Shop – provided the use occurs within the south half of the site or is in conjunction with a franchised new motor vehicle dealership

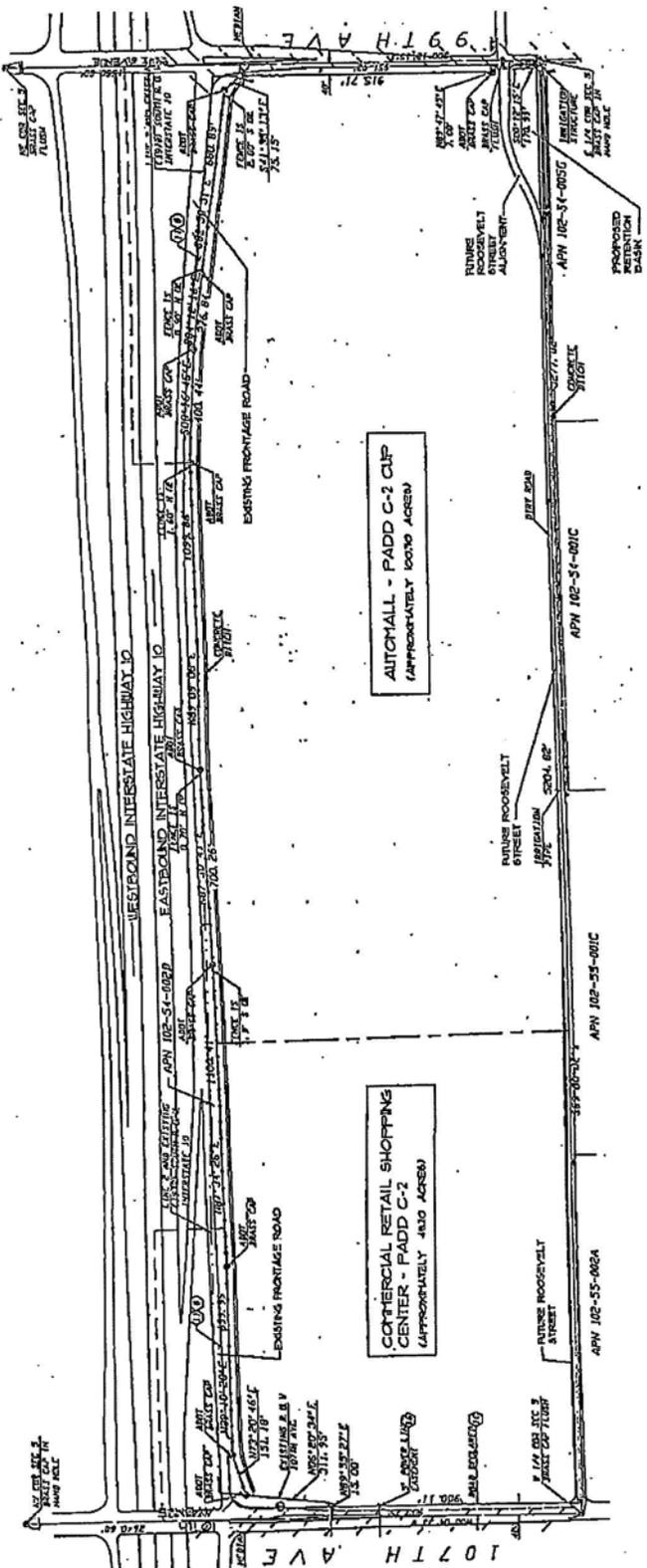
Motorcycle Sales: New and Used with parts sales and service

Additionally, the Modifications to Existing Development Standards, as applicable to the PADD for the Avondale Automall, shall apply to the expansion area of the Avondale Automall covered under this rezoning request. The applicable standards, whether automotive or retail commercial, shall apply to the particular proposed use.

A revised Zoning Context Plan is provided as Exhibit A and a Conceptual Site Plan is provided as Exhibit B.



EXHIBIT F



NOTES:  
 1. This is a preliminary plan and should not be used for any legal purposes.  
 2. All areas shown are subject to local laws and regulations.  
 3. The information shown is for informational purposes only and does not constitute a contract.  
 4. The information shown is for informational purposes only and does not constitute a contract.

LARSON ASSOCIATES ARCHITECTS INC.  
 10000 N. 10TH AVENUE, SUITE 100  
 DENVER, COLORADO 80231  
 PHONE: (303) 751-1000  
 FAX: (303) 751-1001  
 WWW.LARSONARCHITECTS.COM



AVONDALE AUTO-TALL & RETAIL CENTER  
 5110 99th Avenue and Interstate 10  
 Avondale, AZ

DATE: 01/17/20  
 PROJECT NUMBER:  
 DRAWING NUMBER:  
 DRAWING TITLE:  
 DRAWN BY:  
 CHECKED BY:  
 APPROVED BY:

# **Exhibit 3**

# **AutoMatch USA**

*You'll fall in love with our quality cars at unbeatable prices!*



# AutoMatch USA

Since the beginning there has been only one thing wrong with the automobile business: the car buying experience. For over 100 years buyers have been forced to choose between dealerships that offer a slight of hand sales process that leaves them confused and frustrated or an inflexible process that gives them only a “one price” take it or leave it offer. Neither scenario offers a truly favorable customer driven experience. That’s why we’ve created AutoMatch USA. We have reinvented the car buying experience and for the first time ever the customer will truly control the process.

We understand that the two most important commodities for a consumer during this transaction are their time and money. Our process caters to the value of both. Our customer driven experience is a product of our exclusive **AutoMatching System**® in which the customer can quickly identify the vehicles that match their specific needs and upon selection of their perfect match they can take advantage of our **Just Purchased 1 Hour Delivery** process.

To instill confidence in purchasing with AutoMatch USA we put all of our cars through a rigorous 160 point inspection and they are **AutoReconditioned** to look like new. Each vehicle is aggressively priced below the market place and will come with free Road Side Assistance.

It’s a new day for the car business and AutoMatch USA is truly redefining the way consumers are choosing to purchase their next car or truck.

AutoMatch USA

# The Brand

At AutoMatch USA we understand that in addition to paying a better than fair price for a quality used car, customers universally prefer a quick and hassle free process that comes with a relationship after the sale that they can count on 24 hours a day, 7 seven days a week.

Years of trying to control the customer and forcing them from one step to the next in an antiquated “road to the sale” has created a climate in which people loath the car buying experience. It shouldn’t be that way, so we’ve created the Fluid Sales Approach. This approach is powered by our Sales Force deskling tool and allows the customer to truly control the entire sales process...

“You tell us Mr. and Mrs. Customer, where you would like to begin the process, what is most important to you?”

In addition to our customer driven sales process the technology behind our website and our AutoMatching System allows the customer to efficiently and accurately identify the right vehicle for them based on their own specific matching criteria.

Once we have identified their perfect match, they can then take advantage of our 1 Hour Delivery Commitment and drive home confidently with the reassurances provided by our Good Sam Road side assistance.

# The Brand Experience

## WELCOME

You'll Fall in Love with Our  
Quality Vehicles at Unbeatable Prices!  
**AutoMatch USA**

## THANK YOU

FOR SHOPPING WITH US TODAY!  
**AutoMatch USA**

## SERVICE

QUALITY MAINTENANCE TO  
KEEP YOU ON THE OPEN ROAD.  
**AutoMatch USA**



### FINDING THE PERFECT VEHICLE FOR YOU!



## DRIVE OFF

HAPPILY-EVER-AFTER.



## TOP DOLLAR

FOR YOUR RIDE.

**AutoMatch USA**



## 1-800-Car-Cash

Turn Your CAR  
Into CASH Today!



THE FASTEST WAY TO SELL YOUR CAR SINCE 1977

**AutoMatch USA**

# The Brand Experience

**AutoMatch USA**



**1 HOUR DELIVERY COMMITMENT**

Once Your Match Has Been Selected, You And Your Vehicle Can Drive Off In 1 Hour Or Less **HAPPILY-EVER-AFTER!**

**AutoMatch USA**

**AutoMatch System**

**WE FIND THE PERFECT VEHICLE BASED ON YOUR NEEDS!**

 WHAT YOU WANT  
 BUDGET TO MEET  
 TRIM LEVEL CHOICE

**AutoMatch USA**

**AutoMatch Approved**

**AutoMatch Approved**

All AutoMatch USA vehicles are fully serviced and ready for the open road!

**AutoMatch USA**

**WELCOME**

You'll Fall in Love with Our Quality Vehicles at Unbeatable Prices!

**AutoMatch System**

**AutoMatch USA**

**125-POINT INSPECTION**



**QUALITY IS OUR TOP PRIORITY**

**AutoMatch USA**

**CONSIGNMENT PROGRAM**

We sell it, so you don't have to! Our vehicle will be professionally sold for you and you get top dollar for your ride!

**\* QUICK PAYMENTS**  
 \* No sales tax  
 \* We sell your stock, its that easy!

**\* FAST & FREE**  
 \* Professional assistance with a nationally recognized company.

**No More Waiting & Hoping.**  
**AutoMatch USA** takes the hassle out of selling your vehicle.



**EVERY AUTO INCLUDES ONE YEAR GOOD SAM PLATINUM AUTO ROADSIDE ASSISTANCE**

**Good Sam**

**Auto Match**

- 24-hour toll-free dispatch
- Protection on the street, your auto, truck, trailer
- Coverage for your spouse & dependent driver
- Emergency flat, lock, oil, etc.

- Vehicle location service
- Unlimited dispatch time up to the nearest service location
- 24-hour towing service
- 24-hour roadside assistance

**ALL YOUR SALES ASSOCIATE FOR DETAILS**

**AutoMatch USA**

**FLUID SALES PROCESS**

- 1 Find out what the customer wants to do first
- 2 Listen to what is most important to them
- 3 Understand their purchasing priorities
- 4 Bring them to take the next step
- 5 Deliver on their expectations

**AutoMatch USA**

# Website and AutoMatching System

## AutoMatching USA

INVENTORY | FINANCING | SERVICE | PARTS & ACCESSORIES | CONTACT | WHY AUTOMATCH?

**AutoMatching SYSTEM**



**THIRD PARTY FIND OUT MORE!**

I KNOW  
WHAT I WANT

I HAVE A  
BUDGET TO MEET

I WANT A  
CERTAIN STYLE









**HIND YOUR PERFECT AUTOMATCH!**

My Match is: Tall, Dark & Handsome

**You'll Want to Introduce Me to Your Entire Family!**

**Model:** Chevy, IL

**2018 Chevy 1.5L Sport Hatchback** with only 28,000 miles. It's great looking & new owner. It's great value with rearview and handy features. It's a great car. Call us today! **1-800-888-8888** or visit [www.automatch.com](#). **Delightful umbrellas lighting.**

Personal ID: ANM11052734

**I'll Help With Those Light Gas Prices!**

**Model:** Chevy, IL

**2018 Chevy 1.5L Sport Hatchback** with only 28,000 miles. It's great looking & new owner. It's great value with rearview and handy features. It's a great car. Call us today! **1-800-888-8888** or visit [www.automatch.com](#). **Delightful umbrellas lighting.**

Personal ID: ANM11052734

**Let's Go On An Adventure Together!**

**Model:** Chevy, IL

**2018 Chevy 1.5L Sport Hatchback** with only 28,000 miles. It's great looking & new owner. It's great value with rearview and handy features. It's a great car. Call us today! **1-800-888-8888** or visit [www.automatch.com](#). **Delightful umbrellas lighting.**

Personal ID: ANM11052734

Speak with our **LIVE CHAT** Merchants Now!

Call Us Today! **888.574.8142**







2018 AUTOMATCH LIVE PARTNER REWARD | Privacy Policy | Terms of Use

**AutoMatch USA**

# AutoMatch USA

## FLUID SALES PROCESS

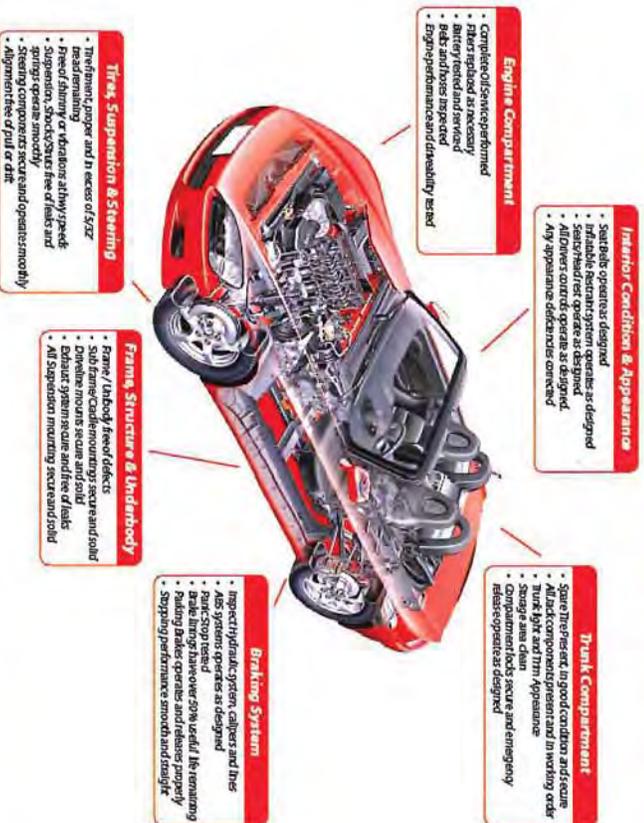
- F** FIND OUT WHAT THE CUSTOMER WANTS TO DO FIRST
- L** LISTEN TO WHAT IS MOST IMPORTANT TO THEM
- U** UNDERSTAND THEIR PURCHASING PRIORITIES
- I** INVITE THEM TO TAKE THE NEXT STEP
- D** DELIVER ON THEIR EXPECTATIONS

"Empty your mind, be formless. Shapeless, like water. If you put water into a cup, it becomes the cup. You can put water into a bottle, and it becomes the bottle. You can put it in a teapot, it becomes the teapot. Now water can flow or it can crash. Be water, my friend."

- Bruce Lee

# AutoMatch USA

## 125-POINT INSPECTION



## QUALITY IS OUR TOP PRIORITY

At AutoMatch USA, we are committed to putting the highest quality vehicles on the road. Each AutoMatch Approved vehicle must meet or exceed an intensive 125-point quality inspection, which includes mechanical, detailing and appearance standards. Our trained technicians complete any necessary repairs and reconditioning before the vehicle is sold. Buy with confidence and enjoy your AutoMatch USA vehicle for years to come!

# AutoMatch Certified

## 2013 CHEVROLET EQUINOX LT

Exterior: White

Interior: Grey

### STANDARD EQUIPMENT (AT NO EXTRA COST)

**EXTERIOR**

- Illumin. rear manual with fixed glass
- Door handles, body-color
- Wiper, rear variable-speed, intermittent
- Mirrors, outside heated power-adjustable, body-color and integral spoiler mirror
- Glass, deep-tinted (all windows except light-tinted glass on windshield and driver and front passenger-side glass)
- LT Exterior Appearance includes body-color bumpers with Chevrolet logo, Chevrolet logo grille, rear end with fixed glass
- Door handles, body-color
- Mirrors, rear variable-speed, intermittent, body-color
- Wipers, rear variable-speed, intermittent, body-color
- Glass, deep-tinted (all windows except light-tinted glass on windshield and driver and front passenger-side glass)
- LT Exterior Appearance includes body-color bumpers with Chevrolet logo, Chevrolet logo grille, rear end with fixed glass
- Door handles, body-color
- Mirrors, rear variable-speed, intermittent, body-color
- Wipers, rear variable-speed, intermittent, body-color
- Glass, deep-tinted (all windows except light-tinted glass on windshield and driver and front passenger-side glass)

**INTERIOR**

- Illumin. rear manual with fixed glass
- Door handles, body-color
- Wiper, rear variable-speed, intermittent
- Mirrors, outside heated power-adjustable, body-color and integral spoiler mirror
- Glass, deep-tinted (all windows except light-tinted glass on windshield and driver and front passenger-side glass)
- LT Exterior Appearance includes body-color bumpers with Chevrolet logo, Chevrolet logo grille, rear end with fixed glass
- Door handles, body-color
- Mirrors, rear variable-speed, intermittent, body-color
- Wipers, rear variable-speed, intermittent, body-color
- Glass, deep-tinted (all windows except light-tinted glass on windshield and driver and front passenger-side glass)

**MECHANICAL**

- Illumin. rear manual with fixed glass
- Door handles, body-color
- Wiper, rear variable-speed, intermittent
- Mirrors, outside heated power-adjustable, body-color and integral spoiler mirror
- Glass, deep-tinted (all windows except light-tinted glass on windshield and driver and front passenger-side glass)
- LT Exterior Appearance includes body-color bumpers with Chevrolet logo, Chevrolet logo grille, rear end with fixed glass
- Door handles, body-color
- Mirrors, rear variable-speed, intermittent, body-color
- Wipers, rear variable-speed, intermittent, body-color
- Glass, deep-tinted (all windows except light-tinted glass on windshield and driver and front passenger-side glass)

**ENTERTAINMENT**

- Illumin. rear manual with fixed glass
- Door handles, body-color
- Wiper, rear variable-speed, intermittent
- Mirrors, outside heated power-adjustable, body-color and integral spoiler mirror
- Glass, deep-tinted (all windows except light-tinted glass on windshield and driver and front passenger-side glass)
- LT Exterior Appearance includes body-color bumpers with Chevrolet logo, Chevrolet logo grille, rear end with fixed glass
- Door handles, body-color
- Mirrors, rear variable-speed, intermittent, body-color
- Wipers, rear variable-speed, intermittent, body-color
- Glass, deep-tinted (all windows except light-tinted glass on windshield and driver and front passenger-side glass)

**OTHER**

- Illumin. rear manual with fixed glass
- Door handles, body-color
- Wiper, rear variable-speed, intermittent
- Mirrors, outside heated power-adjustable, body-color and integral spoiler mirror
- Glass, deep-tinted (all windows except light-tinted glass on windshield and driver and front passenger-side glass)
- LT Exterior Appearance includes body-color bumpers with Chevrolet logo, Chevrolet logo grille, rear end with fixed glass
- Door handles, body-color
- Mirrors, rear variable-speed, intermittent, body-color
- Wipers, rear variable-speed, intermittent, body-color
- Glass, deep-tinted (all windows except light-tinted glass on windshield and driver and front passenger-side glass)

**EXTERIOR**

- Illumin. rear manual with fixed glass
- Door handles, body-color
- Wiper, rear variable-speed, intermittent
- Mirrors, outside heated power-adjustable, body-color and integral spoiler mirror
- Glass, deep-tinted (all windows except light-tinted glass on windshield and driver and front passenger-side glass)
- LT Exterior Appearance includes body-color bumpers with Chevrolet logo, Chevrolet logo grille, rear end with fixed glass
- Door handles, body-color
- Mirrors, rear variable-speed, intermittent, body-color
- Wipers, rear variable-speed, intermittent, body-color
- Glass, deep-tinted (all windows except light-tinted glass on windshield and driver and front passenger-side glass)

**INTERIOR**

- Illumin. rear manual with fixed glass
- Door handles, body-color
- Wiper, rear variable-speed, intermittent
- Mirrors, outside heated power-adjustable, body-color and integral spoiler mirror
- Glass, deep-tinted (all windows except light-tinted glass on windshield and driver and front passenger-side glass)
- LT Exterior Appearance includes body-color bumpers with Chevrolet logo, Chevrolet logo grille, rear end with fixed glass
- Door handles, body-color
- Mirrors, rear variable-speed, intermittent, body-color
- Wipers, rear variable-speed, intermittent, body-color
- Glass, deep-tinted (all windows except light-tinted glass on windshield and driver and front passenger-side glass)

Vehicle Identification Number: E50032488  
 Engine Number: ED508743  
 Stock Number: 54FF3 440  
 Transmission Number: 44T3ED3

Cylinders: 6  
 Turbo: Included  
 Mileage: 27,000 miles  
 Transmission: Manual



### NOTES

This item has been option purchased by Field Law. Do not remove prior to delivery to the ultimate purchaser. Includes manufacturer's recommended safety seat. One to two children under 10 years old and under 40 lbs. are allowed to ride in the back seat. Two children under 10 years old.

### EPA FUEL ECONOMY ESTIMATES

**21** CITY  
MPG

Estimated range for most drivers between 18 and 24 MPG

Estimated Annual Fuel Cost **\$1,876**

Based on 15,000 miles at \$3.00 per gallon

**24** HIGHWAY  
MPG

Estimated range for most drivers between 21 and 27 MPG

Combined Fuel Economy

10 ————— 32

**24**  
YOUR ACTUAL MILEAGE WILL VARY depending on how you drive and maintain your vehicle.

### GOVERNMENT SAFETY RATINGS

**OVERALL VEHICLE SCORE**  
★★★★★

Based on the combined ratings of frontal, side, and rollover. Should differ from the overall score. See NHTSA's website for more details.

**FRONTAL CRASH DRIVER** ★★★★★

**PASSENGER** ★★★★★

**SIDE CRASH** ★★★★★

**FRONT SEAT** ★★★★★

**REAR SEAT** ★★★★★

**ROLLOVER** ★★★★★

Based on the risk of rollover in a single-vehicle crash.

**FIND YOUR PERFECT AUTOMATCH 1-HOUR DELIVERY - GUARANTEED**



**AutoMatch USA**

**AutoMatch USA**

# SavingsMatch Approved

## 2013 CHEVROLET EQUINOX LT

Exterior: White Interior: Grey

### STANDARD EQUIPMENT (AT NO EXTRA COST)

- |  |   |   |  |
|--|---|---|--|
| <p><b>EXTERIOR</b></p> <ul style="list-style-type: none"> <li>• Liftgate, rear manual with fixed glass</li> <li>• Door handle, body-color</li> <li>• Mirrors, outside heated power-adjustable, body-color and integral spotter mirror</li> <li>• Glass, deep-tinted (all windows except light-tinted glass on windshield and driver and front passenger-side glass)</li> <li>• *1-Elector Appearance includes body-color bumpers with Chevrolet bowtie, Chevrolet bowtie and body-color door handles</li> <li>• *1-Luggage, rear manual with fixed glass</li> <li>• Door handle, body-color</li> <li>• *Wiper, rear variable-speed, intermittent</li> <li>• Mirrors, outside heated power-adjustable, body-color and integral spotter mirror</li> <li>• Glass, deep-tinted (all windows except light-tinted glass on windshield and driver and front passenger-side glass)</li> <li>• *1-Elector Appearance includes body-color bumpers with Chevrolet bowtie, Chevrolet bowtie and body-color door handles</li> <li>• *1-Luggage, rear manual with fixed glass</li> <li>• Door handle, body-color</li> <li>• *Wiper, rear variable-speed, intermittent</li> <li>• Mirrors, outside heated power-adjustable, body-color and integral spotter mirror</li> <li>• Glass, deep-tinted (all windows except light-tinted glass on windshield and driver and front passenger-side glass)</li> </ul> | <p><b>INTERIOR</b></p> <ul style="list-style-type: none"> <li>• Liftgate, rear manual with fixed glass</li> <li>• Door handle, body-color</li> <li>• Mirrors, outside heated power-adjustable, body-color and integral spotter mirror</li> <li>• Glass, deep-tinted (all windows except light-tinted glass on windshield and driver and front passenger-side glass)</li> <li>• *1-Elector Appearance includes body-color bumpers with Chevrolet bowtie, Chevrolet bowtie and body-color door handles</li> <li>• *1-Luggage, rear manual with fixed glass</li> <li>• Door handle, body-color</li> <li>• *Wiper, rear variable-speed, intermittent</li> <li>• Mirrors, outside heated power-adjustable, body-color and integral spotter mirror</li> <li>• Glass, deep-tinted (all windows except light-tinted glass on windshield and driver and front passenger-side glass)</li> </ul> | <p><b>MECHANICAL</b></p> <ul style="list-style-type: none"> <li>• Liftgate, rear manual with fixed glass</li> <li>• Door handle, body-color</li> <li>• Mirrors, outside heated power-adjustable, body-color and integral spotter mirror</li> <li>• Glass, deep-tinted (all windows except light-tinted glass on windshield and driver and front passenger-side glass)</li> <li>• *1-Elector Appearance includes body-color bumpers with Chevrolet bowtie, Chevrolet bowtie and body-color door handles</li> <li>• *1-Luggage, rear manual with fixed glass</li> <li>• Door handle, body-color</li> <li>• *Wiper, rear variable-speed, intermittent</li> <li>• Mirrors, outside heated power-adjustable, body-color and integral spotter mirror</li> <li>• Glass, deep-tinted (all windows except light-tinted glass on windshield and driver and front passenger-side glass)</li> </ul> | <p><b>ENTERTAINMENT</b></p> <ul style="list-style-type: none"> <li>• Liftgate, rear manual with fixed glass</li> <li>• Door handle, body-color</li> <li>• Mirrors, outside heated power-adjustable, body-color and integral spotter mirror</li> <li>• Glass, deep-tinted (all windows except light-tinted glass on windshield and driver and front passenger-side glass)</li> <li>• *1-Elector Appearance includes body-color bumpers with Chevrolet bowtie, Chevrolet bowtie and body-color door handles</li> <li>• *1-Luggage, rear manual with fixed glass</li> <li>• Door handle, body-color</li> <li>• *Wiper, rear variable-speed, intermittent</li> <li>• Mirrors, outside heated power-adjustable, body-color and integral spotter mirror</li> <li>• Glass, deep-tinted (all windows except light-tinted glass on windshield and driver and front passenger-side glass)</li> </ul> |
|--|---|---|--|

Vehicle Identification Number: ES0032488  
 Engine Number: ED568743  
 Stock Number: 54FF3440  
 Transmission Number: 444TSD3

Cylinders: 6  
 Turbo: Included  
 Mileage: 77,000 miles  
 Transmission: Manual



### EXTRA EQUIPMENT

- |  |  |
|--|--|
| <p><b>EXTERIOR</b></p> <ul style="list-style-type: none"> <li>• Liftgate, rear manual with fixed glass</li> <li>• Door handle, body-color</li> <li>• Mirrors, outside heated power-adjustable, body-color and integral spotter mirror</li> <li>• Glass, deep-tinted (all windows except light-tinted glass on windshield and driver and front passenger-side glass)</li> </ul> | <p><b>INTERIOR</b></p> <ul style="list-style-type: none"> <li>• Liftgate, rear manual with fixed glass</li> <li>• Door handle, body-color</li> <li>• Mirrors, outside heated power-adjustable, body-color and integral spotter mirror</li> <li>• Glass, deep-tinted (all windows except light-tinted glass on windshield and driver and front passenger-side glass)</li> </ul> |
|--|--|

### NOTES

This label has been applied pursuant to Federal Law. Do not remove prior to delivery to the ultimate purchaser. The dealer Manufacturer's Recommended Pre-Delivery Service. Does not include dealer installed options and accessories that incur a fee, such as those in Invoice Item.

### EPA FUEL ECONOMY ESTIMATES

**CITY**  
MPG  
**21**

**HIGHWAY**  
MPG  
**24**

Expected range for 2013 Equinox LT between 18 and 24 MPG

Expected range for 2013 Equinox LT between 21 and 27 MPG

Estimated Annual Fuel Cost **\$1,876**  
 Based on 15,000 miles at \$3.00 per gallon

Combined Fuel Economy

10 **24** 32

YOUR ACTUAL MILEAGE WILL VARY depending on how you drive and maintain your vehicle.

### GOVERNMENT SAFETY RATINGS

**OVERALL VEHICLE SCORE**  
★★★★★

Based on the combined ratings of frontal, side-impact rollover. Should not be compared to other vehicles of similar size and weight. Safety Concern Test Selections by model vehicle.

**FRONTAL CRASH DRIVER** ★★★★★  
**PASSENGER** ★★★★★

Based on the risk of injury in a frontal impact. Should only be compared to other vehicles of similar size and weight.

**SIDE CRASH FRONT SEAT** ★★★★★  
**REAR SEAT** ★★★★★

Based on the risk of injury in a side impact.

**ROLLOVER** ★★★★★

Based on the risk of rollover in a single-vehicle crash.

**FIND YOUR PERFECT AUTOMATCH**  
**1-HOUR DELIVERY - GUARANTEED**



**AutoMatch USA**

**AutoMatch USA**

# AutoMatch and SavingsMatch

## AutoMatch USA



SavingsMatch  
APPROVED

AutoMatch  
APPROVED

SavingsMatch Approved vehicles are reconditioned to high standards with regard to safety and functionality, any substantial items are repaired.

**SavingsMatch Approved Requirements:**

- History inspection, full maintenance & road test
- Oil change, oil filter replacement & chassis lubrication
- Air filter replacement\*
- Cabin filter replacement\*
- Windshield wiper insert/blade replacement\*
- Battery terminal service & load test
- Complete detail, interior shampoo, buff & wax

AutoMatch Approved vehicles have all the attributes of our SavingsMatch Approved brand, but are held to exceptional standards. These vehicles are subject to our highest level of reconditioning, all interior or exterior appearance deficiencies are restored to like-new condition.

**AutoMatch Approved Requirements:**

- Rigorous 125-point inspection
- Clean vehicle history report
- Model is less than seven years old
- Must not exceed 100,000 miles

**All AutoMatch USA vehicles are fully serviced and ready for the open road!**

AutoMatch USA

# Fixed Operations - AutoReconditioning Standards

In order to capture and deliver on a promise of the highest quality pre-owned vehicles, each unit must be evaluated, inspected and then reconditioned to the highest standard possible with respect to various markets, vehicle condition, age and mileage. Therefore, based on several qualifying factors there are two levels of reconditioning.

**All Levels of reconditioning (except for wholesale trades)** will be subject to a minimum reconditioning of the following

- Oil Change, Oil Filter Replacement and Chassis Lubrication
- Air Filter Replacement (as necessary)
- Cabin Filter Replacement (as necessary)
- Windshield Wiper Insert/Blade Replacement (as necessary)
- Battery Terminal Service and Load test
- Complete Detail, Interior Shampoo, Buff and wax.

**AutoMatch Reconditioning** Highest level of reconditioning. These vehicles will be subject to a 160 point inspection. Any substandard safety related items will be repaired. All other items found to be substandard, broken or inoperative will be repaired to an extent of retaining value in the product. All Interior appearance items, interior cuts, tears, or worn areas, Exterior deficiencies such as scratches, dings, dents and the like will be repaired to present the highest standards with regard to cost while retaining value in the product. Tires must all match, brand and model and size per the MFG door plate and require a minimum tread depth of 5/32. Brakes linings must have a minimum of 50% useful material front and rear.

## **Qualifiers for AutoMatch Reconditioning**

- Clean Vehicle History report. Clean Title, No Accidents
- Must not exceed 7 model years old
- Must not exceed 100,000 miles
- Vehicle must not have been modified other than minor appearance items
- Any open Recall/Campaigns must be completed **prior** to any reconditioning

# Fixed Operations - AutoReconditioning Standards

**SavingsMatch Reconditioned** ..Units that do not Qualify for AutoMatch Certified are reconditioned to the same high standards with regard to Safety and function but may exhibit some minor appearance flaws. These vehicles are also subject to a history inspection, Full Maintenance and Road Test. Items found to be substandard functionally will be repaired to proper operation. Appearance Items both interior and Exterior will be addressed to an acceptable level to present value in the product. This level will be determined by the location Sales Management.

**Cost to Unit..**

## **AutoMatch Reconditioned**

- **Inspection** 267.00 plus Maintenance Parts and Materials (Oil, Filters and the like)
- **Detail** 120.00

## **Savings Match Reconditioned**

- **Inspection** 89.00 plus Maintenance Parts and Materials (Oil, Filters and the like)
- **Detail** 120.00

**Recondition and repair pricing..** all using flat Rate times established through **All Data** and standard parts grid mark up's. All sublet repairs used standard 20% Mark up.

# AutoReconditioning Process

- Unit arrives on lot from trade or purchase/auction
- Sales Manager checks in vehicle and determines to Recondition or Wholesale
- Sales Management performs history investigation (Car Fax/Auto Check)
- Wholesale units are given an exterior wash and vacuum and staged in wholesale line, no further action taken.
- Retail units are staged in retail area for Reconditioning.
- Sales Manager begins a "160 Point Check List" form populating the following
  - Stock #, Date Received, VIN, Year, Make, Model, Mileage and Color.
  - Sales Management Determines **AutoMatch** Certified or **SavingsMatch** Certified
- Form presented along with History report to Service Advisor/ Reconditioning Coordinator
- First in First out (FIFO) process to be used
- Any open Recalls are immediately sublet to the appropriate Franchise Dealer for correction
- Repair Order is created and Vehicle is Dispatched to Technician for Inspection (FIFO)

## Inspection/Repair/Detail

- Qualification verified for AutoMatch Certified Yes or No
- Road Test performed, Minimum of 5 miles, various road conditions and achieving highway speeds of 65 mph if possible.
- All Maintenance items performed
- **AutoMatch** units then subject to complete 160 point inspection. All deficiencies or anything not meeting standards are noted.
- **SavingsMatch** units are subject to a general Inspection with emphasis on Safety related items and any other operational deficiencies found are noted.
- Inspection form with Repair Order is returned to Advisor.
- Advisor creates an estimate for all needed repairs and presents to Sales Management.
- Each individual repair is listed separately on individual job lines of the Repair order.
- Any declined repairs are noted on 1 job line of the repair order along with estimated costs, stating "Declined Repairs" and by whom.

# *AutoReconditioning Process (cont.)*

- Repair Order is Dispatched to the technician to perform approved repairs.
- After repairs are complete, vehicle is dispatched to our approved sublet vendor for all appearance... Body /paint, interior and the like repairs.
- All Reconditioning repairs are complete unit is dispatched to detail department for final buff, Wax, shampoo and complete detail.
- Vehicle is presented to Sales Management for final inspection.
- Sales Management signs off on accepted condition and unit is placed in inventory, 'Front Line Ready' for spot delivery.
- Repair Order is finalized and filed along with bottom copy of 160 point inspection form.
- Top two copies on inspection form are retained by sales Department in Vehicle Sales Jacket along with copy of completed Work order for use as a sales tool.

## **Appearance Reconditioning**

Appearance reconditioning will be sublet to our National Preferred Vendor, Dent Wizard. Dent Wizard has committed to their "Front Line Fast" program that will recondition most units within 48 hrs. Relationships will be established in the local market with the local Market Manager. They will provide reconditioning of the following items:

- Paint less dent Repair (PDR)
- Bumper Repairs (Scuffs, Scrapes and Abrasions)
- Minor Body Repairs/Painting
- Interior Repairs
- Alloy Wheel Repairs (Refinishing and Straightening)
- Head Light Restoration

Inventory walk will be conducted and an estimate provided from Dent Wizard' s Team Market manager for each new unit arriving at the location. Sales Management will determine the extent of repairs done to each unit to make saleable with regard to quality and cost to unit, and provide approval to Service Department. The Service Department will contract with Dent Wizard for all reconditioning work approved by Sales Management and process all documentation through the work order.

# Automotive Service

## **Service Mission Statement.**

*To provide the highest quality Automotive Dealership service experience to our guests for all makes and models at competitive prices.*

- Management Staffing plan and process that embraces a customer friendly experience
- All ASE Certified Technicians
  - Continuous training on all the latest industry advancements
- State of the art Service Center.
  - Equipped with the latest technology in all aspects of vehicle service and diagnostic equipment
- Ability to handle all Service and appearance needs

# **Exhibit 4**

ZONING  
ORDINANCE

CITY OF AVONDALE  
ARIZONA

BEUS, GILBERT & DEVITT, P.L.L.C.  
3200 N. CENTRAL, STE. 1000  
PHOENIX, AZ 85012-2417

AUGUST 1990

KFX  
1092  
AV 102

*Current As  
of 10-31-98*

4. Day care and nursery schools.
5. Tailor, dressmaking.
6. Shoe repair.
7. Barber shops and beauty salons.
8. Dry cleaning and laundry stores, including on-site cleaning facilities.
9. Bakery shops.
10. Photo studio, photographer.
11. The manufacture of goods for retail sale on the premises provided such manufacturing is clearly incidental to and operated in connection with the main use of the property.

B. Uses Permitted Subject to a Conditional Use Permit

1. Grocery or convenience markets (dispensing of gasoline, propane or similar fuels prohibited).
2. Clubs and lodges.
3. Hospitals.
4. Restaurants, closed building only with no drive-thru.
5. Institutions for medical rehabilitation and care.
6. Homes for the aged.
7. Veterinary offices, provided such offices are in accordance with Section 302.B.1.
8. Comprehensive child care facility.
9. Group recovery home.
10. Accessory uses in accordance with Section 303.B.2.

Section 305: Community Commercial (C-2) District

A. Permitted Uses

1. All uses permitted in the C-0 and C-1 Districts and all uses permitted in the C-0 and C-1 Districts subject to a conditional use permit.
2. Athletic clubs, health clubs (enclosed buildings).
3. Auto, recreational vehicle, motorcycle, travel trailer and boat sales and rental.

4. Bowling alleys.
5. Car washes.
6. Commercial parking lots and garages.
7. Commercial, trade, business, dance and similar schools except those of industrial character.
8. Convenience stores with gasoline dispensing.
9. Drive-in restaurants.
10. Equipment rentals.
11. Hotels and motels.
12. Mini-storage and vehicle storage areas provided the sites are used for dead storage only, not for retail purposes.
13. Mortuaries, funeral homes, crematoria, cemeteries.
14. Plant nurseries with outdoor display.
15. Printing and copying shops.
16. Repair shops for appliances, radios, upholstery, plumbing including limited manufacturing and assembly for such uses as awning sales or other similar uses.
17. Restaurants with a bar or cocktail lounge as an accessory use.
18. Restaurants with drive-thru windows.
19. Service stations.
20. Theaters (enclosed buildings).
21. Wholesale sales for restaurant and hospital equipment.
22. The manufacture of goods for retail sale on the premises provided such manufacturing is clearly incidental to and operated in connection with the main use of the property.

B. Uses Permitted Subject to a Conditional Use Permit

1. Motor vehicle repair.
2. Cocktail lounge, bars, nightclubs, taverns.
3. Commercial recreation facilities such as swimming or tennis clubs.
4. Restaurants with live entertainment.

5. Second hand merchandise sales.
6. Skating rinks.
7. Adult bookstore, adult theaters, and adult live entertainment establishments provided:
  - a. None of the above listed uses may be located within one-thousand (1,000) feet of any other use in the same category as measured from building to building; and,
  - b. None of the above listed uses may be located within five-hundred (500) feet of a public or private school, church or any residential district listed in Section 2, as measured from the building containing the adult establishment to the closest point of the residential district, public or private school parcel or church parcel.
8. Amusement Park such as a swim or water park, kiddie-land or similar use.
9. Motor vehicle body shop.
10. Building materials and lumber yards provided there are no milling or planing operations.
11. Bus terminal.
12. Drive-in theaters.
13. Farm implements and machinery sales and repair.
14. Golf/baseball driving range.
15. Animal kennels.
16. Miniature golf.
17. Taxi dispatch station.
18. Video arcade or similar amusement establishment, provided the site is not located within five-hundred (500) feet of a public or private school site.
19. Truck stop.
20. Radio and television studios with receiving and transmitting towers.
21. Massage parlor provided the establishment is not conducted on the same premises where there is a cocktail lounge, photo studio, model studio, art studio, telephone answering service, motion picture theater, or bookstore.

22. Recreational vehicle park subject to the following standards.
- a. One recreation vehicle per space permitted.
  - b. Accessory uses common to recreational vehicle parks are permitted including community recreational buildings, parking areas, laundry facilities, manager's office and living quarters, boat and trailer storage and other similar accessory uses for the exclusive benefit of park residents.
  - c. The sale of convenience type items is permitted for those persons using the park provided that the maximum sales area is not greater than 600 square feet and provided there are no outside signs to advertise the sales area.
  - d. The minimum size of a recreational vehicle park shall be two (2) acres.
  - e. The maximum number of recreational vehicle spaces or units per acre shall be eighteen (18).
  - f. The minimum width of private driveways or accessways within the park shall be twenty (20) feet. Each unit shall have access to a private driveway or accessway connected to a public street.
  - g. The minimum space between recreational vehicles shall be fourteen (14) feet. This dimension may be reduced to ten (10) feet between awnings or canopies.
  - h. No recreational vehicle shall be closer than eight (8) feet to a private driveway.
  - i. A minimum of three (3) percent of the site shall be devoted to usable common open space for all residents, excluding streets and private driveways, parking and storage areas, or required setbacks at the exterior boundaries of the site.
  - j. All areas not covered by structures or paving shall be landscaped.
  - k. The maximum height of any building shall be thirty (30) feet.
  - l. Vehicle parking shall be provided at a rate of 1.1 parking spaces per recreational vehicle space (see Section 804).
  - m. No recreational vehicle shall be located closer than twenty (20) feet to the perimeter of the park. Within such area, trees with a minimum size of fifteen (15) gallons shall be planted every 20 feet on center.

- n. A minimum six (6) foot and maximum eight (8) foot wall shall be constructed around the perimeter of the park. Where said wall fronts onto a public street, the wall shall be constructed of slump block, brick or masonry with a stucco finish.
- o. Any part of the recreational vehicle park fronting on a public street shall meet the screening and landscaping standards for commercial developments contained in Section 5.

23. Any uses similar to and not more detrimental than the uses permitted herein.

Section 306: Yard, Height, and Area Requirements

The following table outlines the minimum development standards within each district. Yard, height, and area requirements in excess of these minimum standards may be required in accordance with design standards outlined in Section 5.

COMMERCIAL DISTRICTS			
DISTRICT	C-0	C-1	C-2
MINIMUM NET SITE AREA	6000 SF	-	-
MINIMUM LOT WIDTH	60'	-	-
MINIMUM LOT DEPTH	100'	-	-
MAXIMUM HEIGHT	30'	30'	35'
MAXIMUM BLDG. COVERAGE	35%	-	-
MINIMUM SETBACKS:			
FRONT YARD	20'	20'	20'
SIDE YARD *	10'	-	-
REAR YARD *	15'	-	-
STREET SIDE	20'	20'	20'

\* WHEN ADJACENT TO A RESIDENTIAL DISTRICT OR USE, THE FOLLOWING SIDE AND REAR SETBACKS SHALL APPLY:

BUILDING HEIGHT	SETBACK
1 STORY (15')	25'
2 STORY (35')	50'

# **Exhibit 5**



# CITY OF AVONDALE

INCORPORATED 1946

COMMUNITY DEVELOPMENT DEPARTMENT ♦ 1225 SOUTH 4TH STREET  
AVONDALE, ARIZONA 85323 ♦ PHONE (623) 932-6088 ♦ FAX (623) 932-6119

## CITY OF AVONDALE

### PLANNING AND ZONING COMMISSION

#### STAFF REPORT

**MEETING DATE:** November 18, 1999

**CASE NO.:** Z99-402-A

**APPLICANT:** AZVT, L.L.C, Michael Pacheco  
P.O Box 16460  
Phoenix, AZ  
85011

**REQUEST:** Request to rezone approximately 150 acres of AG (Agriculture) to P.A.D.D. (Planned Area Development District), consisting of C-2 (Commercial) Zoning

**LOCATION:** Project area is located west of 99<sup>th</sup> Avenue, east of 107<sup>th</sup> Avenue, south of Interstate 10 and north of the Roosevelt Street Alignment.

---

#### BACKGROUND:

The applicant is requesting the rezoning of approximately 150 acres of AG to P.A.D.D. consisting of C-2 zoning. The site is located within the City of Avondale Freeway Corridor Specific Plan and is designated as Mixed Use. The general development plan and program submitted by the applicant identifies two major land uses for the site. The eastern portion of the site has been designated by the development plan as an automall and consists of approximately 100.7 acres. The plan designates the remaining 49.2 acres within the western portion of the site as a retail shopping center.

The conceptual site plan for the project identifies eight full service automobile dealerships and other auto related business sites within the Automall portion of the site. The retail shopping component of the plan includes two major anchor businesses and several pads. Intended uses for the retail shopping center will consist of uses commonly found in power type shopping centers.

Revised  
Copy

### *Conditional Use Request*

The application for rezoning includes a request for Conditional Use Permit for several uses and potential uses within the project area. The uses listed below are identified in the City of Avondale Zoning Ordinance as uses that are subject to a Conditional Use Permit: Motor Vehicle Repair; Motor Vehicle Parts Storage and Sales; Motor Vehicle Body Shop; Restaurants with Live Entertainment, provided entertainment does not include "adult" live entertainment; Second Hand Merchandising Sales; Skating Rinks, Building Material and Lumberyard retail operations; Video Arcade or Similar Amusement Establishment, provided the location is not within 500 feet of a school site; and Animal Kennels.

The project area is surrounded by the I-10 freeway to the north and Industrial to the east. The City of Avondale Freeway Corridor Specific Plan identifies the land to the west as "mixed use" and the property to the south as "transitional". Future residential development would be unlikely within the immediate vicinity surrounding the project site, therefore causing no impact to surrounding neighborhoods by these uses. Staff supports the request for Conditional Use Permit for these uses and proposed uses within the project area.

### *Requested P.A.D.D. modifications*

The applicant has requested modifications to the C-2 development standards within the P.A.D.D. plan and program development. The applicant has also requested modifications to the landscape standards and height standards of the C-2 zone.

#### Modification Requested:

- 1) Retention Basin with side slopes greater than 4 to 1  
Ordinance Standard, maximum slope, 4 to 1
- 2) Flagpole with height up to 75 feet  
C-2 Ordinance Standard, 35 feet maximum height
- 3) 5% front yard landscaping area (Automall area)  
C-2 Ordinance Standard, 10 %
- 4) Rear Yard landscaping on perimeter of lot out side of screen wall (Automall Area)  
C-2 Ordinance Standard 10%
- 5) Parking Lot trees , 2 trees per 20 parking spaces (Automall area)  
C-2 Ordinance Standard, 1 tree per 8 parking spaces
- 6) Waiver of 3 foot high parking screen wall (Automall area)

C-2 Ordinance Standard, 3 foot block wall or berm required, adjacent to public roads

- 7) Major or Anchor height allowance of 40 feet (retail shopping center)  
C-2 Ordinance Standard, 35 feet

The P.A.D.D. zoning designation of the subject property requires that each final site plan and building elevations within the project will proceed through the Planning and Zoning Commission and the Mayor and City Council for approval. The location of the project is ideally suited for regional commercial activity due to the visibility from both the 1-10 freeway and the future 101 freeway interchange. Furthermore, the proposed project is ideal in that it is a use that will not be impacted negatively by freeway noise or the land uses that surround the site. Staff has found that the proposed project is consistent with the City of Avondale Freeway Corridor Specific Plan.

**RECOMMENDATION:**

Staff recommends that the Planning and Zoning Commission forward case Z99-402-A to the Mayor and City Council with their recommendation of **APPROVAL** with the following stipulations.

- 1) That the necessary right of way as required by the City of Avondale is dedicated for 107<sup>th</sup> Avenue and Roosevelt Street; and that the necessary right of way as required by the City of Tolleson is dedicated for 99<sup>th</sup> Avenue.
- 2) That a 6 foot high block wall is used to screen the rear service yard of the auto dealership parcels along 99<sup>th</sup> Avenue, Roosevelt Street and the retail center property line
- 3) That any metal structure used for the service facility buildings be architecturally altered through the application of a veneer so that it minimizes metal surfaces and appears architecturally compatible with the main sales building.

This is a revised staff report for Zoning Case Z99-402-A. The request for additional signage for the property has been withdrawn from the P.A.D.D. zoning application.

# **Exhibit 6**

**PLANNING AND ZONING COMMISSION  
MEETING MINUTES**

**Regular Meeting of:** November 18, 1999

**PRESENT:**

Marie Rogers, Commissioner  
Lora Isaacs, Commissioner  
Earnest Tillman, Commissioner  
Gonzalo Ortiz, Commissioner  
Donald Turner, Chairman

**OTHERS:**

Bob Bigando, Senior Planner  
Desmond McGeough, Planner  
Karen Carranza, Staff

**EXCUSED:**

Homero Arjona, Vice-Chairman

**A. CALL TO ORDER:**

The Planning and Zoning Commission meeting of November 18, 1999 was called to order by Chairman Turner at 7:05 p.m.

**B. ROLL CALL:**

Those present are noted above

**C. APPROVAL OF MINUTES:** Regular Meeting of October 21, 1999

EARNEST TILLMAN MADE A MOTION TO APPROVE THE MINUTES OF OCTOBER 21, 1999. GONZALO ORTIZ SECONDED THE MOTION. MOTION WAS PASSED UNANIMOUSLY.

**D. HEARINGS:**

1) **CASE NO:** Z99-369-B

**APPLICANT:** Virgil Doerfler  
1125 W. Pasadena #1  
Phoenix, Arizona 85213

**REQUEST:** Preliminary Plat approval for 35 acres of P.A.D.D. (Planned family Area Development District) consisting of Single-Residential and Commercial.

**LOCATION:** Northeast corner of Litchfield Road and Lower Buckeye.

**ROLL CALL WAS AS FOLLOWS:**

PLANNING AND ZONING COMMISSION MEETING MINUTES  
NOVEMBER 18, 1999  
PAGE 6

**Marie Rogers Aye**

**Lora Isaacs**            **Aye**

**Earnest Tillman**      **Aye**

**Gonzalo Ortiz**        **Aye**

**Donald Turner**       **Aye**

Motion was passed unanimously.

**3)      CASE NO:                      Z99-402-A**

**APPLICANT:**            AZVT, L.L.C, Michael Pacheco  
   P.O. Box 16460  
   Phoenix, AZ 85011

**REQUEST:**                Request to rezone approximately 150 acres of AG (Agriculture) to  
   P.A.D.D. (Planned Area Development District), consisting of C-2  
   (Commercial) Zoning.

**LOCATION:** Project area is located west of 99th Avenue, east of 107th Avenue,  
   south of Interstate 10 and north of the Roosevelt Street Alignment.

Mr. McGeough presented the staff report to the Planning and Zoning. He stated that the applicant is requesting the rezoning of approximately 150 acres of AG to P.A.D.D. consisting of C-2 zoning. The site is located within the City of Avondale Freeway Corridor Specific Plan and is designated as Mixed Use. The general development plan and program submitted by the applicant identifies two major land uses for the site. The eastern portion of the site has been designated by the development plan as an automall and consists of approximately 100.7 acres. The plan designates the remaining 49.2 acres within the western portion of the site as a retail shopping center.

Mr. McGeough stated the conceptual site plan for the project identifies eight full service automobile dealerships and other auto related business sites within the Automall portion of the site. The retail shopping component of the plan includes two major anchor businesses and several pads. Intended uses for the retail shopping center will consist of uses commonly found in power type shopping centers.

The application for rezoning includes a request for Conditional Use Permit for several uses and potential uses within the project area. The uses listed below are identified in the City of Avondale Zoning Ordinance as uses that are subject to a Conditional Use Permit; Motor Vehicle

Repair; Motor Vehicle Parts Storage and Sales; Motor Vehicle Body Shop; Restaurants with Live

PLANNING AND ZONING COMMISSION MEETING MINUTES

NOVEMBER 18, 1999

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Entertainment, provided entertainment does not include "adult" live entertainment; Second Hand Merchandising Sales; Skating Rinks, Building Material and Lumberyard retail operations; Video Arcade for Similar Amusement Establishment, provided the location is not within 500 feet of a school site; and Animal Kennels.

The project area is surrounded by the I-10 freeway to the north and Industrial uses to the east. The City of Avondale Freeway Corridor Specific Plan identifies the land of the west as "mixed use" and the property to the south as "transitional." Future residential development would be unlikely within the immediate vicinity surrounding the project site, therefore causing no impact to surrounding neighborhoods by these uses. Staff supports the request for Conditional Use Permit for these uses and proposed uses within the project area.

Mr. McGeough stated the applicant has requested modifications to the C-2 development standards within the P.A.D.D. plan and program development. The applicant has also requested modifications to the landscape standards and height standards of the C-2 zone.

The modifications are as follows:

- 1) Retention Basin with side slopes greater than 4 to 1, Ordinance Standard, maximum slope, 4 to 1
- 2) Flagpole with height up to 75 feet, C-2 Ordinance Standard, 35 feet maximum height
- 3) 5% front yard landscaping area (Automall area), C-2 Ordinance Standard, 10%
- 4) Rear Yard landscaping on perimeter of lot outside of screen wall (Automall Area), C-2 Ordinance Standard 10%
- 5) Parking lot trees, 2 trees per 20 parking spaces (Automall Area) C-2 Ordinance Standard 10%
- 6) Waiver if 3 foot high parking screen wall (Automall area), C-2 Ordinance Standard, 3 foot block wall of berm required, adjacent to public roads
- 7) Major or Anchor height allowance of 40 feet (retail shopping center) C-2 Ordinance Standard, 35 feet

The P.A.D.D. zoning designation of the subject property requires that each final site plan and building elevations within the project will proceed through the Planning and Zoning Commission

and the Mayor and City Council for approval. The location of the project is ideally suited for regional commercial activity due to the visibility from both the I-10 freeway and the future 101

PLANNING AND ZONING COMMISSION MEETING MINUTES

NOVEMBER 18, 1999

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freeway interchange. Furthermore, the proposed project is ideal in that it is a use that will not be impacted negatively by freeway noise or the land uses that surround the site. Staff has found that the proposed project is consistent with the City of Avondale Freeway Corridor Specific Plan.

Mr. McGeough stated that staff recommends that the Planning and Zoning Commission forward case Z99-402-A to the Mayor and City Council with their recommendation of approval with the following stipulations.

- 1) That the necessary right of way as required by the City of Avondale is dedicated for 107th Avenue and Roosevelt Street; and that the necessary right of way as required by the City of Tolleson is dedicated for 99th Avenue.
- 2) That a 6 foot high block wall is used to screen the rear service yard of the auto dealership parcels along 99th Avenue, Roosevelt Street and the retail center property line.
- 3) That any metal structure used for the service facility buildings be architecturally altered through the application of a veneer so that it minimizes metal surfaces and appears architecturally compatible with the main sales building.

Chairman Turner asked if there were any questions of staff. Chairman Turner asked if the idea behind P.A.D.D. was that the standards are set up and if the applicant wants to modify those standards for some reason that there is offsetting benefits to the City of Avondale. He explained that the modifications the applicant is requesting does not benefit the city and why they should receive extra benefits. Mr. McGeough explained that some of the request that are being made in terms of landscaping and such the main portion and retail activity of this site will be taking place outside and an area that accommodates the number of cars that they will be bringing and so they are trying to maximize the area, which is a strong economic impact for the city in terms of sales tax generation. Chairman Turner stated that it is no different that Target or Albertsons. Chairman Turner discussed on how why they should receive extra benefits. Chairman Turner explained that he understood why the applicant was requesting modifications but wanted to know why it should be done if the city does not benefit from it. Mr. McGeough stated that the benefit in a whole is the economic benefit it would bring to the city with financial impact for these requested modifications. Chairman Turner asked is there were any other questions. Chairman Turner asked the applicant was present and would like to make a presentation. Paul Gilbert and Mike Pacheco were present with two dealerships that are interested in locating at this site. Mr. Gilbert stated that this project is a very infrastructure area. The infrastructure that is necessary to make this happen does not exist and therefore developing this property is a very expensive process. He explained that they need to bring water, sewer, electrical, natural gas, and telephone to serve the site and bringing it at a more substantially greater distance than is normally the case

and that is in great detail in the development agreement. Mr. Gilbert explained that they are asking for fewer changes than they normally do. He explained the benefits to city are that

**PLANNING AND ZONING COMMISSION MEETING MINUTES**

NOVEMBER 18, 1999

PAGE 9

automalls are the number one generator of sales tax of any user anywhere. He stated that other benefits are jobs and opportunities. He also explained that the most important thing is to keep the automall going and in order to keep it going, they need the changes that they are asking for. Mr. Gilbert stated to summarize the benefits are an immense sales tax rate that the town will acquire and more importantly job opportunities. He stated that in summary he believes this request is appropriate because it will result in a major land use that provides jobs, sales tax opportunities, it will not have a detrimental impact on the surrounding properties and to his knowledge he knows of no oppositions at this time from the surrounding development or property owners, they are compatible with the general plan, with the freeway corridor plan, and exactly what the Avondale wants to be located at this location. He believes that these are good reasons and to recommend approval and they have a strong recommendation of support from the planning staff.

Chairman Turner asked if there were any questions of the applicant. Commissioner Tillman asked how long it would take to start the project. Mr. Gilbert answered that they intend to start this as fast as they can get approvals and infrastructure agreements and everything in place. They hope to be under construction very quickly within a year. Commissioner Isaacs stated that she was very excited about this project and didn't have any problems with a majority of the modification. She did have a concern about cutting the landscaping area from 10% to 5%. Mr. Gilbert explained the reason for that was because they are selling cars and they need the space to demonstrate and place the cars where they need to be and need flexibility to do that. Commissioner Isaacs asked if they would later see the sign modifications. Mr. Gilbert stated that they would see them at a later time. Chairman Turner asked if there were any other questions of staff.

**EARNEST TILLMAN MADE A MOTION TO FORWARD CASE Z99-402-A WITH THE ATTACHED STIPULATIONS, WITH THEIR RECOMMENDATION OF APPROVAL TO THE MAYOR AND CITY COUNCIL. COMMISSIONER ORTIZ SECONDED THE MOTION. ROLL CALL WAS AS FOLLOWS:**

<b>Marie Rogers</b>	<b>Aye</b>
<b>Lora Isaacs</b>	<b>Aye</b>
<b>Earnest Tillman</b>	<b>Aye</b>
<b>Gonzalo Ortiz</b>	<b>Aye</b>
<b>Donald Turner</b>	<b>Aye</b>

**Motion was passed unanimously.**

**E. UNSCHEDULED PUBLIC APPEARANCE:**

1. Olinda Luna-Hernandez stated that she is impressed by the commission asking all the questions and asking for clarifications on these projects. She stated that she

# **Exhibit 7**



# CITY OF AVONDALE

INCORPORATED 1946

COMMUNITY DEVELOPMENT DEPARTMENT ♦ 1225 SOUTH 4TH STREET  
AVONDALE, ARIZONA 85323 ♦ PHONE (623) 932-6088 ♦ FAX (623) 932-6119

## CITY OF AVONDALE

### MAYOR AND CITY COUNCIL

#### STAFF REPORT

**MEETING DATE:** December 20, 1999

**CASE NO:** Z99-402-A

**APPLICANT:** AZVT, L.L.C, Michael Pacheco  
P.O. Box 16460  
Phoenix, AZ 85011

**REQUEST:** Request to rezone approximately 150 acres of AG (Agriculture) to P.A.D.D. (Planned Area Development District), consisting of C-2 (Commercial) Zoning

**LOCATION:** Project area is located west of 99th Avenue, east of 107th Avenue, south of Interstate 10 and north of the Roosevelt Street Alignment.

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#### BACKGROUND:

The applicant is requesting the rezoning of approximately 150 acres of AG to P.A.D.D. consisting of C-2 zoning. The site is located within the City of Avondale Freeway Corridor Specific Plan and is designated as Mixed Use. The general development plan and program submitted by the applicant identifies two major land uses for the site. The eastern portion of the site has been designated by the development plan as an automall and consists of approximately 100.7 acres. The plan designates the remaining 49.2 acres within the western portion of the site as a retail shopping center.

The conceptual site plan for the project identifies eight full service automobile dealerships and other auto related business sites within the Automall portion of the site. The retail shopping component of the plan includes two major anchor businesses and several pads. Intended uses for the retail shopping center will consist of uses commonly found in power type shopping centers.

#### *Conditional Use Request*

The application for rezoning includes a request for Conditional Use Permit for several uses and potential uses within the project area. The uses listed below are identified in the City of Avondale Zoning Ordinance as uses that are subject to a Conditional Use Permit: Motor Vehicle Repair; Motor Vehicle Parts Storage and Sales; Motor Vehicle Body Shop, Restaurants with Live Entertainment, provided entertainment does not include "adult" entertainment; Second Hand Merchandising Sales; Skating Rinks, Building Material and Lumberyard retail operations; Video Arcade or Similar Amusement Establishment, provided the location is not within 500 feet of a school site; and Animal Kennels.

The project area is surrounded by the I-10 freeway to the north and Industrial to the east. The City of Avondale Freeway Corridor Specific Plan identifies the land to the west as "mixed use" and the property to the south as "transitional". Future residential development would be unlikely within the immediate vicinity surrounding the project site, therefore causing no impact to surrounding neighborhoods by these uses. Staff supports the request for Conditional Use Permit for these uses and proposed uses within the project area.

#### *Requested P.A.D.D. modifications*

The applicant has requested modifications to the C-2 development standards within the P.A.D.D. plan and program development. The applicant has also requested modifications to the landscape standards and height standards of the C-2 zone.

#### Modification Requested:

- 1) Retention Basin with side slopes greater than 4 to 1  
Ordinance Standard, maximum slope, 4 to 1
- 2) Flagpole with height up to 75 feet  
C-2 Ordinance Standard, 35 feet maximum height
- 3) 5% front yard landscaping area (Automall area)  
C-2 Ordinance Standard, 10%
- 4) Rear Yard landscaping on perimeter of lot outside of screen wall (Automall area)  
C-2 Ordinance Standard 10%
- 5) Parking Lot trees, 2 trees per 20 parking spaces (Automall area)  
C-2 Ordinance Standard, 1 tree per 8 parking spaces

- 6) Waiver of 3 foot high parking screen wall (Automall Area)  
C-2 Ordinance Standard, 3 foot block wall or berm required, adjacent to public roads
- 7) Major or Anchor height allowance of 40 feet (retail shopping center)  
C-2 Ordinance Standard, 35 feet

The P.A.D.D. zoning designation of the subject property requires that each final site plan and building elevations within the project will proceed through the Planning and Zoning Commission and the Mayor and City Council for approval. The location of the project is ideally suited for regional commercial activity due to the visibility from both the I-10 freeway and the future 101 freeway interchange. Furthermore, the proposed project is ideal in that it is a use that will not be impacted negatively by freeway noise or the land uses that surround the site. Staff has found that the proposed project is consistent with the City of Avondale Freeway Corridor Specific Plan.

The request for additional signage for the property has been withdrawn from the P.A.D.D. zoning application. As required by section 909 C.1. of the Avondale sign code, the applicant will submit a comprehensive sign package to the Community Development Department. The planing division will submit a report of findings to the City Council regarding the compliance with the sign code.

#### **RECOMMENDATION:**

The Planning and Zoning Commission recommends that the Mayor and City Council **APPROVE** case Z99-402-A with the following stipulations by ordinance.

- 1) That the necessary right of way as required by the City of Avondale is dedicated for 107th Avenue and Roosevelt Street; and that the necessary right of way as required by the City of Tolleson is dedicated for 99th Avenue.
- 2) That a 6 foot high block wall is used to screen the rear service yard of the auto dealership parcels along 99th Avenue, Roosevelt Street and the retail center property line
- 3) That any metal structure used for the service facility buildings be architecturally altered through the application of a veneer so that it minimizes metal surfaces and appears architecturally compatible with the main sales building.

# **Exhibit 8**



would that have any affect on this rezoning. Mr. Ross stated no, it would not affect it.

Mayor reminded the Council that Item 28 is for a development agreement and not a rezoning item.

Frank Ross read the above resolutions, items # 3A, 4A, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 & 36 by title only. Vice Mayor Beltran moved to approve the resolutions on consent. Councilman Carroll seconded the motion. Roll Call Vote as follows:

Council member Federico	Aye
Council member Shuey	Aye
Council member Rogers	Aye
Councilman Carroll	Aye
Vice Mayor Beltran	Aye
Mayor Morales	Aye

Warren Brown, K.E.Y.S, addressed the Council. He stated that since this is the last meeting of the year he wanted to address the Council at this time. Mr. Brown presented the Council with t-shirts and thanked them for their support. Mr. Brown explained that a grant from the Phoenix Coyotes gave them a chance to do another retreat in October and he recognized two city employees who assisted with that retreat, Jeremy Figueroa and Mike Powell.

Mr. Brown explained that K.E.Y.S. stands for Keeping Excellence in Youth Support and was started about seven years ago by the City of Avondale. He said it was started by a group of individuals who wanted to do something about helping young people in our community. Mr. Brown explained that K.E.Y.S. works with Avondale Elementary School District, Tolleson Elementary District, Westview High School, Tolleson, Millenium and Agua Fria. He said the K.E.Y.S. program model is succeeding in spite of what issue you are dealing with.

Mayor Morales thanked Mr. Brown.

**22) ORDINANCE #723-99- ZONING CASE Z99-402A - AZVT LLC - P.A.D.D.**  
Bob Bigando, Senior Planner, addressed the Council. He explained the applicant, AZVT, L.L.C, has requested the rezoning of approximately 150 acres of AG(Agriculture) to P.A.D.D. (Planned Area Development District), consisting of C-2 (Commercial) Zoning. He stated the site is located west of 99th Avenue, east of 107<sup>th</sup> Avenue, south of Interstate 10 and north of the Roosevelt Street Alignment and is within the City of Avondale

Council meeting minutes

December 20, 1999

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Freeway Corridor Specific Plan and designated as Mixed Use.

Mr. Bigando stated the general development plan and program submitted by the applicant identifies two major land uses for the site; the eastern portion of the site has been designated by the development plan as an automall and consists of approximately 100.7 acres, and the plan designates the remaining 49.2 acres within the western portion of the site as a retail shopping center. He stated the conceptual site plan for the project identifies eight full service automobile dealerships and other auto related business sites within the Automall portion of the site; the retail shopping component of the plan includes two major anchor businesses and several pads. Mr. Bigando stated the intended uses for the retail shopping center will consist of uses commonly found in power type shopping centers.

Mr. Bigando stated the application for rezoning includes a request for Conditional Use Permit for several uses and potential uses within the project area. He listed those uses below that are identified in the City of Avondale Zoning Ordinance as uses that are subject to a Conditional Use Permit: Motor Vehicle Repair; Motor Vehicle Parts Storage and Sales; Motor Vehicle Body Shop, Restaurants with Live Entertainment, provided entertainment does not include Adult entertainment; Second Hand Merchandising Sales; Skating Rinks, Building Material and Lumberyard retail operations; Video Arcade or Similar Amusement Establishment, provided the location is not within 500 feet of a school site; and Animal Kennels.

Mr. Bigando listed the applicant requested modifications to the C-2 development standards within the P.A.D.D. plan and program development and modifications to the landscape standards and height standards of the C-2 zone:

- 1) Retention Basin with side slopes greater than 4 to 1  
Ordinance Standard, maximum slope, 4 to 1
- 2) Flagpole with height up to 75 feet  
C-2 Ordinance Standard, 35 feet maximum height
- 3) 5% front yard landscaping area (Automall area)  
C-2 Ordinance Standard, 10%
- 4) Rear Yard landscaping on perimeter of lot outside of  
screen wall (Automall area) C-2 Ordinance Standard 10%
- 5) Parking Lot trees, 2 trees per 20 parking spaces  
(Automall area) C-2 Ordinance Standard, 1 tree per 8  
parking spaces.

- 6) Waiver of 3 foot high parking screen wall (Automall Area) C-2 Ordinance Standard, 3 foot block wall or berm required, adjacent to public roads
- 7) Major or Anchor height allowance of 40 feet (retail shopping center) C-2 Ordinance Standard, 35 feet

Mr. Bigando said these diverge from the existing standards but are in keeping with the overall design of the development and the rather particular nature of the use of the development.

Mr. Bigando stated the Planning and Zoning Commission recommended that the Mayor and City Council **APPROVE** case Z99-402-A with the following stipulations:

- 1) That the necessary right of way as required by the City of Avondale is dedicated for 107th Avenue and Roosevelt Street; and that the necessary right of way as required by the City of Tolleson is dedicated for 99th Avenue.
- 2) That a 6 foot high block wall is used to screen the rear service yard of the auto dealership parcels along 99th Avenue, Roosevelt Street and the retail center property line.
- 3) That any metal structure used for the service facility buildings be architecturally altered through the application of a veneer so that it minimizes metal surfaces and appears architecturally compatible with the main sales building.

Paul Gilbert, 3200 N. Central, on behalf of applicant, AZVT, L.L.C. He introduced Mike Pachenko, Mr. Gambino and Mr. Grant who will hopefully be users of the automall.

Council member Shuey asked for more information about modification #5 with regards to the number of trees per 20 parking spaces. Mr. Gilbert explained that more landscaping is provided elsewhere on the site and they need the area to satisfy their pragmatic requirements for the parking. He stated what they are asking for is not inconsistent with similar approvals granted all over the valley for automobile dealerships of this nature.

Frank Ross read the ordinance by title. Councilman Carroll moved to adopt this ordinance. Vice Mayor Beltran seconded the motion.  
ROLL CALL VOTE AS FOLLOWS:

Council member Federico	Aye
Council member Shuey	Aye
Council member Rogers	Aye
Councilman Carroll	Aye
Vice Mayor Beltran	Aye
Mayor Morales	Aye

**1A) APPOINTMENT OF THE CITY MAGISTRATE**

Carlos Palma, City Manager, explained that per the Charter requirement, a City Magistrate must be appointed to a term of no less than two years. He stated the current contract with Judge Rhodes expired on June 30, 1999 and the Judge has been working under a provision in the city charter.

Council member Rogers stated that she would like to postpone this until the new council has taken office. Council member Shuey seconded the motion.

Council member Shuey explained that he has been privileged to know Judge Rhodes for seventeen years, but stated that he agreed with Council member Rogers because a new Mayor and Council will be taking office in a few days. He stated that this meeting's Council agenda could be cut into two distinct components; one the progress and achievements of the existing Mayor and Council, and one that deals with issues looking forward into the future.

Mayor Morales stated that he disagreed with that reasoning because the present Council had an obligation to take care of this item in May and therefore should take this action.

Councilman Carroll stated that the Council has been lax and should have taken action. He said he appreciated the fact that the judge has worked without a contract and stated he felt it was this Council's obligation to take care of this item and so he does not support the motion.

Motion was defeated 4-2.

Vice Mayor Beltran moved to approve the appointment of the City Magistrate. Councilman Carroll seconded the motion. Motion carried 4 - 2.

**5) PRESENTATION - PLAQUE - PEDIATRIC BRAIN TUMOR FOUNDATION**

Ken Sowers, Acting Community Development Director, presented the Council with commemorative plaques from the Pediatric Brain Tumor Foundation in appreciation of the work and support of the Community Development and Police Departments during the October

# **Exhibit 9**



## PLANNING AND BUILDING SERVICES

**SUBJECT:** Amendment to the Avondale  
Automall PAD (A03-402-AM1)

**MEETING DATE:** March 20, 2003  
**AGENDA ITEM:** 2

### PLANNING COMMISSION REPORT

**TO:** Planning Commission  
**FROM:** Nathan Crane, Planning Manager  
**THROUGH:** Dean Svoboda, Planning and Building Services Director  
**PREPARED BY:** Adrian Williamson, Planner II

#### PURPOSE AND ACTION REQUESTED:

Mr. Michael Pacheco of AZVT, LLC, 1550 E. Missouri, Suite 300, Phoenix, Arizona, 85014, is requesting an amendment to the Avondale Automall PAD to allow automotive dealerships and related uses to be located on the western 50+ acres of the Automall site. The Automall is located south of Interstate 10, between 99<sup>th</sup> and 107<sup>th</sup> Avenues (Exhibits A and B).

	ZONING	LAND USE
<b>Onsite</b>	PAD	Automobile Dealerships, Vacant Commercial
<b>North</b>	PAD and AG	Interstate 10
<b>South</b>	PAD, AG	Williams Travel Center, Agricultural
<b>East</b>	City of Tolleson	Vacant Commercial/Industrial
<b>West</b>	AG	Agricultural

#### BACKGROUND:

The Avondale Automall PAD zoning includes approximately 150+ acres and was approved by the City Council on December 20, 1999. The PAD approved the site for automobile dealerships and related uses on the eastern 100 acres and a retail commercial center on the western 50+ acres.

Currently there are three dealerships located in the Automall and three additional dealerships under construction. A site plan for a Nissan dealership will be heard by the Commission as a separate agenda item.

Nissan's proposed site overlaps the existing Automall area and the original retail commercial center. The proposed PAD amendment will need to be approved prior to consideration by the City Council of the Nissan site plan.

A revised final plat will also need to be approved by the City Council. This application has not yet been filed.

#### **DISCUSSION:**

The proposed amendment would allow motor vehicle dealerships and related uses to be developed on the western 50 acres of the PAD in addition to the originally approved C-2 uses. The amendment will eliminate the possibility of a retail power center. It will allow independent retail sales that can be used for motor vehicle sales or service and general retail uses. Further, auto service uses that normally require a conditional use permit will be permitted outright as a permitted use as currently allowed within the Automall property.

Staff supports the expansion of motor vehicle sales to the western 50 acres. However with this expansion, the PAD needs to be clarified to protect the character of the Automall.

To ensure continuity, dealerships need to be located contiguously. As a result, the location of general retail uses should be limited to the northwest corner of the site. General retail should also be part of a master planned and single center. This will prohibit general retail uses to be scattered throughout the Automall.

Staff believes that auto service uses could be an appropriate secondary use in conjunction with a successful Automall. However, due to the nature and characteristics of these uses a conditional use permit would be appropriate. The location of the uses should be limited to adjacent to Roosevelt Street so as not to downgrade the character of the Automall and the outdoor storage of parts and vehicles unrelated to sales should be prohibited.

Stipulations have been included to address these issues. The stipulations require that dealerships be located contiguously; any general retail uses will be planned and located so that the Automall is uninterrupted; and auto service uses be located adjacent to Roosevelt Street subject to a conditional use permit. Staff believes that these stipulations will contribute to the future success and maintain the character of the Automall.

The infrastructure as approved for the original PAD is sufficient to accommodate the proposed amendment.

The developer has constructed Dealer Drive to the boundary of the current Automall. The half-street improvements for Roosevelt Street from 99<sup>th</sup> Avenue to 107<sup>th</sup> Avenue have also been completed. Private access roads between Chrysler and Dodge and between Volkswagen and RV dealerships are either constructed or under construction.

The amended conceptual site plan shows the continuation of Dealer Drive to 107<sup>th</sup> Avenue and an additional access road between Dealer Drive and Roosevelt Street. Dealer Drive and the access roads are private and are the responsibility of the developer. Additional private access roads may be necessary and will need to be determined prior to Final Plat approval.

The dedication of 107<sup>th</sup> Avenue right-of-way will be required, as part of the final plat and the improvements of 107<sup>th</sup> Avenue will be required by the developer as adjacent development occurs.

The PAD approved the site signage for both the Automall and power retail center. The Automall is approved for the following signage:

- Entire Automall – One 75 foot tall, 1,000 square feet per side freeway identification sign;  
One 30 foot tall, 250 square feet per side mini-identification sign on 99<sup>th</sup> Avenue.
- Dealerships – One 35 foot tall, 150 square feet per side freestanding pylon sign;  
Wall signage calculated at two square feet of sign area per building front foot along each street (including private streets);  
Each retail ingress/egress points of each dealership shall be allowed an 8-foot tall, 25 square foot per side freestanding monument sign.

There are no recommended changes to the sign standards for the Automall and dealerships. The following are the standards for the power retail center:

- Master Center – One 65 foot tall, 700 square feet per side identifying the Center and major/anchor tenants located on Interstate 10;  
One 30 foot tall, 250 square feet per side mini-master identification sign on 99<sup>th</sup> Avenue.
- Individual Tenants – Major/Anchor user's wall signage is calculated at 1.5 square feet of sign area per building front foot along each street;  
Shop space, in-line or pad user's wall signage is calculated at one square foot of sign area per building front foot along each street.

With the amendment eliminating the power retail center, staff recommends that all signage related to individual retail businesses not associated with a dealership comply with the City of Avondale Sign Ordinance. The Zoning Ordinance permits freeway commercial pylon signs for commercial centers over 40 acres. Individual retail sites or tenants are not allowed freeway commercial pylon signs.

#### **FINDINGS:**

The proposed PAD Amendment meets the following findings:

- It is in conformance with the City of Avondale General Plan.

- It is in conformance with the City of Avondale Freeway Corridor Specific Plan.
- Consistent with the existing uses within the Automall.
- Will allow expansion of the existing Automall.

**RECOMMENDATION:**

Staff recommends that the Planning Commission recommend **APPROVAL** of the proposed PAD Amendment subject to the following stipulations:

1. Development shall comply with the revised context plan dated February 10, 2003 and the PAD General Development Plan and Program as amended.
2. Automobile dealerships shall be developed in a contiguous fashion along Interstate 10 to avoid inter-mixed uses.
3. Automobile service and related uses not directly associated with an automobile dealership shall be located adjacent to Roosevelt Street subject to a Conditional Use Permit.
4. Outdoor storage by individual retail/service businesses of automotive parts and vehicles to be serviced is prohibited.
5. General retail uses shall only be allowed within a planned and a single center at the northeast corner of Dealer Drive and 107<sup>th</sup> Avenue.
6. The dedication of 107<sup>th</sup> shall occur with the final plat and improvements for 107<sup>th</sup> Avenue will be required from the developer as adjacent development occurs.
7. All individual retail developments not associated with an automotive dealership shall comply with the City of Avondale Sign Ordinance.

**PROPOSED MOTION:**

I move that the Planning Commission accept the findings and forward a recommendation of **APPROVAL** for Case A03-402-AM1, a request for amendment to the Automall PAD zoning, subject to the seven staff recommended stipulations.

**ATTACHMENTS:**

- Exhibit A – Zoning Vicinity Map
- Exhibit B – Air Photo 1999
- Exhibit C – Proposed Development Plan dated February 10, 2003
- Exhibit D – PAD Amendment Narrative dated February 2003
- Exhibit E – Proposed Conceptual Site Plan dated February 10, 2003
- Exhibit F – Approved Development Plan dated October 26, 1999
- Exhibit G – Approved PAD Narrative dated November 1999
- Exhibit H – Original Conceptual Site Plan dated November 8, 1999
- Exhibit I – City Council Meeting Minutes from December 20, 1999

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# **Exhibit 10**

**CITY OF AVONDALE, ARIZONA  
PLANNING COMMISSION  
MEETING MINUTES**

**Regular Meeting of: March 20, 2003**

**PRESENT:**

Yolanda Gonzales, Commissioner  
William Moore, Commissioner  
Veronica De La O, Commissioner  
Rusty Martin, Commissioner  
Anita Hedrick, Commissioner

**ALSO PRESENT:**

Gail Pastrano, Alternate

**OTHERS:**

Dean Svoboda, Planning & Building Services Director  
Nathan Crane, Planning Manager  
Anna Roedler, Planner I  
Adrian Williamson, Planner II  
Stephen Careccia, Planner II  
Linda Fifer, Administrative Secretary

**ABSENT:**

EXCUSED  
Bill Malone, Commissioner  
Nancy Bolton, Commissioner

**UNEXCUSED**

None

**A. CALL TO ORDER:**

The Planning Commission of Avondale, Arizona convened in regular session in Council Chambers at 521 East Western Avenue, Avondale, Arizona on March 20, 2003. The meeting was called to order by Chairperson Hedrick at 7:10 p.m.

**B. ROLL CALL:**

Those present are noted above.

**COMMISSIONER MOORE MADE A MOTION TO EXCUSE BILL MALONE AND NANCY BOLTON FROM THE MEETING OF MARCH 20, 2003 OF THE PLANNING COMMISSION. COMMISSIONER GONZALES SECONDED THE MOTION. MOTION PASSED UNANIMOUSLY.**

**C. OPENING STATEMENT:**

Nathan Crane, Planning Manager, read the opening statement.

1. All development shall substantially conform to the site plan, landscape plan, and building elevations date stamped January 7, 2003, except as modified by the amended site plan date stamped March 12, 2003.
2. All loading docks shall be screened with an 8-foot masonry wall that matches the architecture of the plaza.
3. All signage shall require a separate permit.
4. All proposed buildings, including those of franchise uses, within the plaza will match the approved Materials and Color Elevations Board dated December 31, 2002.
5. Plaza drives along 115<sup>th</sup> Avenue shall be coordinated with the Littleton Elementary drives as determined by the City Engineer.
6. The centerline of the northern most driveway on 113<sup>th</sup> Avenue shall line up with the centerline of Joblanca Road.
7. Trash enclosures shall be constructed per City of Avondale Garbage Enclosure Specifications.
8. A final landscape and irrigation plan shall be submitted to and approved by the Planning and Building Services Department prior to the issuance of a building permit.
9. In accordance with Section 106.C.4. of the City of Avondale Zoning Ordinance, the site plan shall expire within one year of approval if a building permit has not been issued.
10. Pads B-E will require administrative site plan review and approval by the Planning and Building Services Department prior to development.
11. The landscape plan shall be revised to eliminate the Mexican Fan Palms and a substitute tree shall be approved by staff.
12. The public access easement along the south perimeter shall be provided unless the existing PADD zoning is amended to eliminate this requirement.
13. The developer shall provide a physical barrier to discourage pedestrian traffic through the rear retention basin as determined by staff prior to construction plan approval.

**F. NEW BUSINESS: PUBLIC HEARINGS and/or ACTION:**

**2) CASE NO.:** A03-402-AM1

**APPLICANT:** Mr. Michael Pacheco  
 AZVT, LLC  
 1550 E. Missouri, Suite 300  
 Phoenix, Arizona 85014

**REQUEST:** Amendment to the Avondale Automall PAD to allow automotive dealerships and related uses to be located on all parcels. The Avondale Automall is located south of Interstate 10, between 99<sup>th</sup> and 107<sup>th</sup> Avenues.

Adrian Williamson, Planner II, presented the staff report to the Planning Commission. He said staff recommends approval of the proposed PAD amendment, subject to the seven stipulations contained in the staff report and two additional stipulations provided in a memo to the commission.

Commissioner Martin pointed out the applicant is requesting a conditional use for a number of other businesses, asking if that is why staff added a stipulation limiting the conditional use permits to auto related services. Mr. Williamson stated, while the original PAD listed other uses approved with the PAD, staff feels those uses would no longer be applicable in the subject area. He said, therefore, staff has limited the uses to automotive uses along Roosevelt. Commissioner Martin asked what is the square footage of the proposed retail center. Mr. Williamson said the square footage has not yet been determined. Commissioner Martin asked if the retail center could ultimately be made a dealership. Mr. Williamson responded yes.

Michael Pacheco, Applicant, said, in addition to developing the automall, they are also in the automobile business. He said their initial research, which was used as a model for Phase I, indicated automalls run from 50 to 70 acres. He said, however, they believe they will eventually have the largest automall in the country. He explained the proposed sizing is based on future markets and manufacturers' product line expansions.

Chairperson Hedrick opened the public hearing on Case No. A03-402-AM1. As no comments were made, she closed the public hearing.

Commissioner Martin expressed his opinion the automall will be a boon for the city and west valley.

**COMMISSIONER MOORE MADE A MOTION TO FORWARD CASE NO. A03-402-AM1 TO THE MAYOR AND CITY COUNCIL WITH A RECOMMENDATION FOR APPROVAL, SUBJECT TO THE STIPULATIONS RECOMMENDED BY STAFF. COMMISSIONER DE LA O SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

1. Development shall comply with the revised context plan dated February 10, 2003 and the PAD General Development Plan and Program as amended.
2. Automobile dealerships shall be developed in a contiguous fashion along Interstate 10 to avoid inter-mixed uses.
3. Automobile service and related uses not directly associated with an automobile dealership shall be located adjacent to Roosevelt Street subject to a Conditional Use Permit.

4. Outdoor storage by individual retail/service businesses of automotive parts and vehicles to be serviced is prohibited.
5. General retail uses shall only be allowed within a planned and a single center at the northeast corner of Dealer Drive and 107<sup>th</sup> Avenue.
6. The dedication of 107<sup>th</sup> shall occur with the final plat and improvements for 107<sup>th</sup> Avenue will be required from the developer as adjacent development occurs.
7. All individual retail developments not associated with an automotive dealership shall comply with the City of Avondale Sign Ordinance.
8. If automobile dealerships occupy 75% or more of the net area of the western 50 acres of the Automall, an additional 35-foot tall, 150 square feet per side freestanding pylon sign shall be allowed on 107<sup>th</sup> Avenue matching the existing freeway identification sign on Dealer Drive. These signs shall only identify the Automall and automobile dealerships. These signs shall require sign permits and be approved by staff prior to construction.
9. If a retail commercial center is developed in the northwest corner of the PAD, a 12-foot tall, 84 square feet per side freestanding sign identifying the name of the center and individual tenants shall be permitted along 107<sup>th</sup> Avenue. This sign shall require a sign permit and be approved by staff prior to construction

4) **CASE NO.:** AR03-608  
**APPLICANT:** Mr. John Mahoney  
John Mahoney Architect  
1819 W. Drake Drive, #101  
Tempe, Arizona 85283

**REQUEST:** Site plan approval for Avondale Nissan. Avondale Nissan will be located within the Avondale Automall. The Avondale Automall is located south of Interstate 10, between 99<sup>th</sup> and 107<sup>th</sup> Avenues.

Mr. Careccia presented the staff report to the Planning Commission. He said staff recommends approval of the proposed site plan, subject to the seven stipulations contained in the staff report.

Chairperson Hedrick asked if anyone would like to comment on Case No. AR03-608.

Mr. Pacheco thanked City of Avondale Planning staff, stating he received excellent service. He noted the person who will ultimately own the facility started Tempe Toyota in the east valley.

# **Exhibit 11**



## PLANNING AND BUILDING SERVICES

**SUBJECT:** Amendment to the Avondale Automall PAD (A03-402-AM1)  
Public Hearing and Ordinance

**MEETING DATE:** April 21, 2003

### CITY COUNCIL REPORT

**TO:** Mayor and City Council

**FROM:** Dean Svoboda, Planning and Building Services Director (623) 932-6088

**THROUGH:** Todd Hileman, City Manager

#### PURPOSE AND ACTION REQUESTED:

Mr. Michael Pacheco, AZVT, LLC, 1550 E. Missouri, Suite 300, Phoenix, Arizona, 85014, is requesting an amendment to the Avondale Automall PAD to allow automotive dealerships and related uses to be located on the western 50+ acres of the Automall site. The Automall is located south of Interstate 10, between 99<sup>th</sup> and 107<sup>th</sup> Avenues (Exhibits A and B).

	ZONING	LAND USE
Onsite	PAD	Automobile Dealerships, Vacant Commercial
North	PAD and AG	Interstate 10
South	PAD, AG	Williams Travel Center, Agricultural
East	City of Tolleson	Vacant Commercial/Industrial
West	AG	Agricultural

#### BACKGROUND:

The Avondale Automall PAD zoning includes approximately 150+ acres and was approved by the City Council on December 20, 1999. The PAD approved the site for automobile dealerships and related uses on the eastern 100 acres and a retail commercial center on the western 50+ acres.

Currently there are three dealerships located in the Automall and three additional dealerships under construction. A site plan for a Nissan dealership will be heard by the Council as a separate agenda item. Nissan's proposed site overlaps the existing Automall area and the original retail

commercial center. The proposed PAD amendment will need to be approved prior to Council consideration of the Nissan site plan.

A revised final plat will also need to be approved by the City Council. This application has not yet been filed.

**DISCUSSION:**

The proposed amendment will allow motor vehicle dealerships and related uses to be developed on the western 50 acres of the PAD in addition to the originally approved C-2 uses. The amendment will eliminate the possibility of a retail power center. It will allow independent retail sales that can be used for motor vehicle sales or service and general retail uses. Further, auto service uses that normally require a conditional use permit will be permitted outright as a permitted use as currently allowed within the Automall property.

Staff supports the expansion of motor vehicle sales to the western 50 acres. However with this expansion, the PAD needs to be clarified to protect the character of the Automall.

To ensure continuity, dealerships need to be located within a contiguous area. As a result, the location of general retail uses should be limited to the northwest corner of the site. General retail should also be part of a single master planned center. This will prohibit general retail uses from being scattered throughout the Automall.

Staff believes that auto service uses could be an appropriate secondary use in conjunction with a successful Automall. However, due to the nature and characteristics of these uses a conditional use permit requirement is appropriate. The location of these uses should be limited to parcels with frontage on Roosevelt Street so as not to downgrade the character of the Automall. The outdoor storage of parts and vehicles unrelated to sales should be prohibited.

Stipulations have been included to address these issues. The stipulations require that dealerships be located contiguously; any general retail uses be planned and located so that the Automall is uninterrupted; and auto service uses be located adjacent to Roosevelt Street subject to a conditional use permit. Staff believes that these stipulations will contribute to the future success of the Automall and help maintain the character.

The developer has constructed Dealer Drive to the western boundary of the current Automall. The half-street improvements for Roosevelt Street from 99<sup>th</sup> Avenue to 107<sup>th</sup> Avenue have also been completed. Private access roads are provided between the Chrysler and Dodge dealerships and between the Volkswagen and Earnhardt RV dealerships.

The amended conceptual site plan shows the continuation of Dealer Drive to 107<sup>th</sup> Avenue and an additional access road between Dealer Drive and Roosevelt Street. Dealer Drive and the access roads are private and are the responsibility of the developer. Additional private access roads may be necessary and will need to be determined prior to Final Plat approval.

The dedication of 107<sup>th</sup> Avenue right-of-way will be required, as part of the final plat. The improvement of 107<sup>th</sup> Avenue will be required as adjacent development occurs.

The original PAD addressed signage for the entire Automall property. This included the following:

- Entire Automall
  - One 75 foot tall, 1,000 square feet per side freeway identification sign;
  - One 30 foot tall, 250 square feet per side mini-identification sign on 99<sup>th</sup> Avenue.
- Each Dealership Parcel
  - One 35 foot tall, 150 square feet per side freestanding pylon sign;
  - Wall signage calculated at two square feet of sign area per building front foot along each street (including private streets);
  - An 8-foot tall, 25 square foot per side freestanding monument sign at each retail ingress/egress points of each dealership.

Based on discussions with the applicant, staff recommends that an additional 30 foot tall mini-identification sign be allowed on 107<sup>th</sup> Avenue. Staff also recommends that an additional 75 foot tall freeway identification sign be allowed if 75 percent or more of the west fifty acres of the Automall site is developed for automobile dealerships. Otherwise the current PAD standards are sufficient for the Automall expansion.

The original PAD also included signage for the power retail center as follows:

- Master Center
  - One 65 foot tall, 700 square feet per side multi-tenant freeway identification sign;
  - One 30 foot tall, 250 square feet per side mini-master identification sign on 107<sup>th</sup> Avenue.
- Individual Tenants
  - Major/Anchor user's wall signage calculated at 1.5 square feet of sign area per building front foot along each street;
  - Shop space, in-line or pad user's wall signage calculated at one square foot of sign area per building front foot along each street.

With the amendment eliminating the power retail center, staff recommends that all signage related to individual retail businesses not associated with a dealership comply with the City of Avondale Sign Ordinance with one exception. A 12 foot high multi-tenant shopping center identification sign should be allowed on 107<sup>th</sup> Avenue. The Zoning Ordinance only permits freeway commercial pylon signs for centers over 40 acres. Individual retail sites or tenants are not allowed freeway commercial pylon signs. Stipulations have been included to address staff's recommended modifications to the PAD sign standards.

**PLANNING COMMISSION ACTION:**

The Planning Commission reviewed this request at their meeting on March 20, 2003 (Exhibit J). The Commission voted unanimously to forward a recommendation of approval to the City Council subject to nine stipulations. No one from the public spoke on this item.

## **FINDINGS:**

The proposed PAD Amendment meets the following findings:

- It is in conformance with the City of Avondale General Plan.
- It is in conformance with the City of Avondale Freeway Corridor Specific Plan.
- It is consistent with the existing uses within the Automall.
- It will allow for the expansion of the existing Automall.

## **RECOMMENDATION:**

Staff recommends that the City Council **APPROVE** the proposed PAD Amendment subject to the following stipulations as recommended by the Planning Commission:

1. Development shall be in substantial conformance with the revised context plan dated February 10, 2003 and the PAD Zoning Amendment dated March 5, 2003.
2. Automotive dealerships shall be developed in a linear fashion along Interstate 10. Retail and service uses shall not separate automotive dealerships.
3. Automobile service and related uses not directly associated with an automobile dealership shall be located adjacent to Roosevelt Street subject to a Conditional Use Permit.
4. Outdoor storage by individual retail/service businesses of automotive parts and vehicles to be serviced is prohibited.
5. General retail uses shall only be allowed within a planned, single center at the northeast corner of Dealer Drive and 107<sup>th</sup> Avenue.
6. The dedication of 107<sup>th</sup> shall occur with the final plat and improvements for 107<sup>th</sup> Avenue will be required from the developer as adjacent development occurs.
7. All individual retail developments not associated with an automotive dealership shall comply with the City of Avondale Sign Ordinance.
8. If automobile dealerships occupy 75% or more of the net area of the western 50 acres of the Automall, an additional 35-foot tall, 150 square feet per side freestanding pylon sign shall be allowed on 107<sup>th</sup> Avenue matching the existing pylon sign on 99<sup>th</sup> Avenue. An additional 75-foot tall, 573 square feet per side freeway identification sign shall be permitted on the western 50 acres on Dealer Drive matching the existing freeway identification sign on Dealer Drive. These signs shall only identify the Automall and automobile dealerships. These signs shall require sign permits and be approved by staff prior to construction.
9. If a retail commercial center is developed in the northwest corner of the PAD, a 12-foot tall, 84 square feet per side freestanding sign identifying the name of the center and individual tenants shall be permitted along 107<sup>th</sup> Avenue. This sign shall require a sign permit and be approved by staff prior to construction.

## **PROPOSED MOTION:**

I move that the City Council accept the findings and **APPROVE** Case A03-402-AM1, a request to amend the Automall PAD zoning and adopt the attached ordinance, subject to the 9 stipulations recommended by the Planning Commission.

**ATTACHMENTS:**

Exhibit A – Zoning Vicinity Map

Exhibit B – Air Photo 1999

Exhibit C – Proposed Development Plan dated February 10, 2003

Exhibit D – PAD Amendment Narrative dated February 2003

Exhibit E – Preliminary Conceptual Site Plan dated February 10, 2003

Exhibit F – Approved Development Plan dated October 26, 1999

Exhibit G – Approved PAD Narrative dated November 1999

Exhibit H – Original Conceptual Site Plan dated November 8, 1999

Exhibit I – City Council Meeting Minutes from December 20, 1999

Exhibit J – Planning Commission Meeting Minutes from March 20, 2003

Draft Ordinance

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# **Exhibit 12**

Minutes of the Regular Meeting held April 21, 2003 at 7:00 p.m. in the Council Chambers.

**MEMBERS PRESENT**

Mayor Ronald Drake and Council Members

Marie Lopez Rogers  
Peggy Jones  
Stephanie Karlin  
Raymond Shuey  
Betty Lynch  
Albert Carroll, Jr.

**ALSO PRESENT**

Todd Hileman, City Manager  
Andrew McGuire, City Attorney

**STATEMENT BY THE CITY CLERK**

Linda Farris, City Clerk, read the statement regarding public appearances.

**4) RECOGNITION ITEMS (MAYOR PRESENTATIONS)**

**a. Recognition of Congressman Pastor**

Mayor Drake read a proclamation in recognition of United States Congressman, Ed Pastor for his years of integrity, commitment to and support of the City and the citizens of Avondale.

Congressman Pastor stated that he was thankful for the honor of representing Avondale.

**b. National Volunteer Week Proclamation**

Mayor Drake stated that there was a proclamation in recognition of all of the volunteers across Avondale in appreciation for their efforts.

**5) UNSCHEDULED PUBLIC APPEARANCE**

Ernest Bustamante, Legislative Delegate, stated that he wanted to introduce himself and stay in contact with the community.

Jane Houx, 306 N. 3<sup>rd</sup> Place, Avondale, stated that she wanted to thank the Public Works Department for their outstanding service and that a clean up was needed in her neighborhood. She stated that the speed limit needed to be lowered to 25 mph on Central Avenue and that she did not agree with the proposed tax increase.

**6) SCHEDULED PUBLIC APPEARANCE**

Brian Sperber, President of the Phoenix International Raceway, stated that improvements were made to the fan concourse along with the creation of new luxury boxes and the corporate

Dean Svoboda, Director, Planning and Building Services, stated that the 39-acre subdivision would consist of 8 lots and was part of the Palm Valley/Avondale PAD that was approved in 1994. He stated that the lots were configured differently to accommodate future sale to individual pad users. He stated that the bulk of development in the future would occur on Lot Nos. 7 and 8. He stated that Lot No. 7 was where the Kohl's Department Store would be and Lot No. 8 was where the rest of the major tenants would be. He stated that perimeter landscaping had already been installed and staff recommended approval subject to the following two stipulations:

1. The recorded plat shall be in conformance with the final plat date stamped February 24, 2003.
2. The final plat shall meet all of the City of Avondale Engineering Code requirements and landscape ordinance requirement within ninety (90) days of final plat approval and prior to recordation of the final plat.

Council Member Lynch asked if the sign package was approved yet.

Mr. Svoboda stated that the sign package was still being processed but a neighborhood meeting was held.

Council Member Karlin moved to approve the item as recommended subject to the two stipulations. Vice-Mayor Rogers seconded the motion. Motion carried unanimously.

**Mayor Drake declared a 10 minute recess. The Council reconvened at 9:00 p.m. in the same location with all members present.**

**10) PUBLIC HEARING AND ORDINANCE - AMENDMENT - AVONDALE AUTOMALL PAD (A03-402-AMI)**

Public hearing to consider an ordinance reaffirming the Planned Area Development District amending the property development standards for approximately 150 acres located at the southwest corner of 99th Avenue and Interstate 10.

Dean Svoboda, Director, Planning and Building Services, stated that the Auto mall was located south of I-10 between 99<sup>th</sup> and 107<sup>th</sup> Avenues and included over 150 acres. He stated that the eastern 2/3 of the site had zoning approved for automobile dealerships and other uses. He stated that western most 50 acres, when the original PAD was approved in 1999, called for the development of a power center and the provision for automobile dealerships was not extended to that portion of the property. He stated that the proposed amendment would allow motor vehicle dealerships and related uses to be developed on that 50 acres and would forever eliminate the possibility of a power center.

Mr. Svoboda stated that staff and the applicant worked closely on the item and felt it the amendment was necessary to allow the ultimate expansion of the auto center to meet its market

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potential. He stated that there were several stipulations to address the fact that any general retail uses would be located in the northwest corner of the property and any vehicle service areas would be located in the Roosevelt Alignment subject to conditional use permit approval. He stated that another issue of concern was with the continuity of dealerships within the auto mall so that retail uses were not randomly interspersed.

Mr. Svoboda stated that another aspect involved the signage and more signs might be needed. He stated that the Planning and Zoning Commission recommended approval subject to nine stipulations. He stated that he would suggest the following additional stipulation:

10. The provisions of the original auto mall PAD (Z99-402-A) shall apply except as modified by the above stipulations.

Mike Pacheco, AZVT, stated that the Auto mall was being planned much better than the ones along Bell Road where there were a lot of traffic problems. He stated that he wanted to compliment staff and enjoyed working with them.

Council Member Lynch stated that she wanted to thank Mr. Pacheco for his belief in Avondale.

Mayor Drake stated that a card was received from Brent Heiss indicating that he was in favor of the item.

Andrew McGuire, City Attorney, read Ordinance No. 927-03 by title only. Council Member Lynch moved to adopt the ordinance. Council Member Karlin seconded the motion. ROLL CALL VOTE AS FOLLOWS:

Council Member Jones	Aye
Council Member Karlin	Aye
Council Member Shuey	Aye
Council Member Lynch	Aye
Council Member Carroll	Aye
Vice Mayor Rogers	Aye
Mayor Drake	Aye

Motion carried unanimously.

- 11) **SITE PLAN – AVONDALE NISSAN (AR03-608)**  
Request by John Mahoney for site plan approval for Avondale Nissan, a proposed dealership within the Avondale Auto mall, located south of Interstate 10, between 99<sup>th</sup> Avenue and 107<sup>th</sup> Avenue.

Dean Svoboda, Director, Planning and Building Services, stated that the proposed dealership occupied a portion of existing Lot No. 8 and a portion of the unsubdivided portion on the west.