

A GENERAL PLAN AREA DEVELOPMENT FOR (Apache Park Development) WITH FINAL PLANNED AREA DEVELOPMENT FOR PARCEL 1, PHASE 1 (RETAIL/OFFICE)

n/d/a
nagata design associates
ARBOR COURT
5125 North 16th Street, Suite A-111
Phoenix, Arizona 85016
602-604-8886 602-604-8965 fax

LEGAL DESCRIPTION

(PARCEL 1)

A PORTION OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GLA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE CENTER OF SAID SECTION 23, THENCE NORTH 0000'00" WEST, ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 23, A DISTANCE OF 300 FEET;
THENCE NORTH BOUND 0000'00" EAST, TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF DORSEY LANE AND THE POINT OF BEGINNING;
THENCE NORTH BOUND 0000'00" EAST, PARALLEL WITH THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 23, A DISTANCE OF 210.00 FEET;
THENCE SOUTH 0000'00" NORTH, 145.00 FEET;
THENCE SOUTH BOUND 0000'00" WEST, PARALLEL TO LAST SAID SOUTH LINE, A DISTANCE OF 48.00 FEET;
THENCE SOUTH BOUND 0000'00" WEST, PARALLEL TO THE EAST RIGHT-OF-WAY LINE OF DORSEY LANE, A DISTANCE OF 144.50 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF DORSEY LANE;
THENCE NORTH 0000'00" WEST, ALONG LAST SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 151.70 FEET TO THE POINT OF BEGINNING.

(PARCEL 2)

A PORTION OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GLA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE CENTER OF SAID SECTION 23, THENCE NORTH BOUND 0000'00" EAST ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 23, A DISTANCE OF 347.87 FEET;
THENCE NORTH BOUND 0000'00" EAST, 50 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF APACHE BOULEVARD AND THE POINT OF BEGINNING;
THENCE NORTH BOUND 0000'00" EAST, PARALLEL WITH THE WEST LINE OF THE NORTHEAST QUARTER, A DISTANCE OF 172.85 FEET;
THENCE SOUTH BOUND 0000'00" WEST, ALONG SAID SOUTH LINE OF THE NORTHEAST QUARTER, A DISTANCE OF 124.50 FEET; THENCE NORTH BOUND 0000'00" WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE OF APACHE BOULEVARD AND THE POINT OF BEGINNING; THENCE SOUTH BOUND 0000'00" WEST, PARALLEL WITH THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 23, A DISTANCE OF 106.30 FEET;
THENCE SOUTH BOUND 0000'00" WEST, PARALLEL WITH THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 23, A DISTANCE OF 144.50 FEET; THENCE SOUTH BOUND 0000'00" WEST, PARALLEL WITH THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 23, A DISTANCE OF 146.30 FEET TO THE POINT OF BEGINNING.

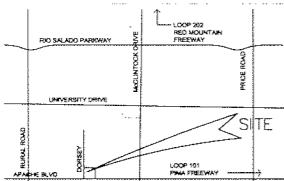
(PARCEL 3)

SAIA PORTION OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GLA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE CENTER OF SAID SECTION 23, THENCE NORTH BOUND 0000'00" EAST ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 23, A DISTANCE OF 347.87 FEET;
THENCE NORTH BOUND 0000'00" EAST, 50 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF APACHE BOULEVARD AND THE POINT OF BEGINNING;
THENCE NORTH BOUND 0000'00" EAST, PARALLEL WITH THE WEST LINE OF THE NORTHEAST QUARTER, A DISTANCE OF 172.85 FEET;
THENCE SOUTH BOUND 0000'00" WEST, ALONG SAID SOUTH LINE OF THE NORTHEAST QUARTER, A DISTANCE OF 124.50 FEET; THENCE NORTH BOUND 0000'00" WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE OF APACHE BOULEVARD AND THE POINT OF BEGINNING; THENCE SOUTH BOUND 0000'00" WEST, PARALLEL WITH THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 23, A DISTANCE OF 106.30 FEET;
THENCE SOUTH BOUND 0000'00" WEST, PARALLEL WITH THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 23, A DISTANCE OF 144.50 FEET; THENCE SOUTH BOUND 0000'00" WEST, PARALLEL WITH THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 23, A DISTANCE OF 146.30 FEET TO THE POINT OF BEGINNING.

(PARCEL 4)

A PORTION OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GLA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE CENTER OF SAID SECTION 23, THENCE NORTH BOUND 0000'00" WEST, ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 23, A DISTANCE OF 300 FEET;
THENCE NORTH BOUND 0000'00" EAST, 30 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF DORSEY LANE;
THENCE CONTINUING NORTH BOUND 0000'00" EAST, PARALLEL WITH THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 23, A DISTANCE OF 11.00 FEET;
THENCE CONTINUING NORTH BOUND 0000'00" EAST, PARALLEL WITH THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 23, A DISTANCE OF 11.00 FEET; THENCE NORTH BOUND 0000'00" EAST, A DISTANCE OF 145.00 FEET TO THE POINT OF BEGINNING.

VICINITY MAP



Sec. 23, Tn. 1 North, Range 4 East of the Gila, and Salt River Base, and Meridian

DEVELOPMENT PROGRAM

OWNER: APACHE PARK DEVELOPMENT, LLC.
738 S. PERRY LANE, TEMPE, ARIZONA
602-966-1210
ADDRESS: 1310 EAST APACHE BOULEVARD
TEMPE, ARIZONA
ZONING: C-2
OCCUPANCY GROUP: A - (RESTAURANT), B - (OFFICE), M - (RETAIL),
S-3 - (CAR WASH)
SITE AREA (GROSS): ± 212,632 S.F. (± 4.88 ACRES)
SITE AREA (NET): ± 98,070.6 S.F. (± 2.25 ACRES)
BUILDING AREA: 18,470 S.F. (1,140 S.F. + 4,800 S.F. + 3,530 S.F.)
BUILDING COVERAGE: ± 17.5% (17,900 S.F. / 98,070.6 S.F.)
LANDSCAPE ON SITE: 30,238.8 S.F. (30,238.8/98,070.6 S.F. = ± 30.8%)
PARKING REQUIRED: 97 SPACES
PARKING PROVIDED: 111 SPACES
BUILDING CODE: UNIFORM BUILDING CODE 1994
AND TEMPE AMENDMENTS
NEC 1993
UPC 1991
UMC 1991
UFC 1988
FIRE PROTECTION: BUILDING FIRE PROTECTION
SYSTEMS TO BE PROVIDED
PER NFPA #13 AND C.O. TEMPE, AS TO BE
PROVIDED.
PARCEL 1: - PHASE 1
SITE AREA (NET): 31,996.9 S.F. (± .73 ACRES)
BUILDING AREA:
BUILDING: (1ST)
(2ND)
8,860 S.F.
1,280 S.F.
10,140 S.F.
BUILDING COVERAGE: ± 27.7% (8,860 S.F. / 31,996.9 S.F.)
LANDSCAPE ON SITE: 8,778.9 S.F. (27.4%)
PARKING REQ'D: 41 SPACES (10,140 S.F. / 250)
PARKING PROVIDED: 41 SPACES
PARCEL 2: - PHASE 2
SITE AREA (NET): 20,397.9 S.F. (± .47 ACRES)
BUILDING AREA: 4,800 S.F.
BUILDING COVERAGE: ± 23.5%
LANDSCAPE ON SITE: 8,140.9 S.F. (28.8%)
PARKING REQ'D: 42 SPACES (2,400 S.F. / 75 + 2,400 S.F./250)
PARKING PROVIDED: 18 SPACES
PARCEL 3: - PHASE 3
SITE AREA (NET): ± 28,275.8 S.F. (± .65 ACRES)
BUILDING AREA: 3,530 S.F.
BUILDING COVERAGE: ± 12.5%
LANDSCAPE ON SITE: ± 8,140.9 S.F. (28.8%)
PARKING REQ'D: 14 SPACES (3,350 S.F. / 250)
PARKING PROVIDED: 14
PARCEL 4: PHASE 2
SITE AREA (NET): ± 17,403.5 S.F.
BUILDING AREA: 0
BUILDING COVERAGE: 0
LANDSCAPE ON SITE: 4,349.9 S.F. (51%)
PARKING REQ'D: 0 SPACES
PARKING PROVIDED: 38 SPACES

PROPOSED USE PERMIT AND VARIANCES

APACHE PARK DEVELOPMENT
USE PERMIT: COMMERCIAL OFFICE, RETAIL, RESTAURANT (WITHOUT ENTERTAINMENT), AND A CAR WASH IN THE C-2 ZONING
EXPLANATION: THE PROPOSED USES FOR THE SITE ARE COMMERCIAL BASED AND PROVIDE SERVICES WHICH ARE CURRENTLY NOT BEING PROVIDED AND ARE COMPATIBLE WITH THE SURROUNDING BUSINESS. THESE USES CREATE NO UNUSUAL AMOUNT OF TRAFFIC AND WILL CREATE POSSIBLE ENERGY IN THIS REDEVELOPMENT DISTRICT. BEING A PART OF A REDEVELOPMENT DISTRICT, THIS DEVELOPMENT IS CONSISTENT WITH THE IDEALS OF BRING VIBRANT AND SUCCESSFUL NEW BUSINESS TO THE BOULEVARD.
VARIANCES:
A. WAIVE THE REQUIRED BUILDING SETBACK FROM 17' TO 5' IN PHASES 2 & 3 ALONG THE EXISTING FRONTAGES OF APACHE BOULEVARD AND DORSEY AVE.
B. TO ALLOW REQUIRED PARKING FOR PHASE 2 - PARCEL 2 TO BE PROVIDED ON A NON CONTIGUOUS SITE.
EXPLANATION: THESE TWO VARIANCES ARISE FROM FACILITATING THE CITY'S DESIRE TO CREATE A PEDESTRIAN ENVIRONMENT ON THE BOULEVARD. THIS CAN BE ACHIEVED BY PLACING THE BUILDINGS ADJACENT TO THE STREET WITH THE VEHICULAR TRAFFIC SIDEWALKS AND THUS PURSUIT THIS GOAL. IT WAS NECESSARY TO PLACE THE BUILDINGS JUST BEHIND THE EXISTING SIDEWALKS AND THE EXISTING DRIVE OFF OF APACHE WITH CEDAR. THE CORNER PAD WAS LIMITED IN ITS SIZE, TRYING TO CREATE A STANDARD BUILDING CONFIGURATION WITH THE TYPES OF USES THAT THE CITY DESIRES FOR THIS LOCATION. SOME OF THE REQUIRED PARKING HAD TO BE PLACED ON ANOTHER PHASE, EVEN THOUGH THE SITE ON WHICH THIS PARKING IS PROVIDED IS VERY CLOSE IN SIZE. IN INTERPRETATION IT IS NOT CONTIGUOUS AND THUS THE SECOND REQUEST TO ALLOW PARKING ON A NON CONTIGUOUS SITE.

CONDITIONS OF APPROVAL

- The Public Works Department shall approve all roadway, alley, and utility easement dedications, driveways, storm water detention, and street drainage plans, water and sewer construction drawings, refuse pickup, and off-site improvements.
 - Off-site improvements to bring roadways to current standards include:
 - Water lines and fire hydrants
 - Sewer lines
 - Storm drains
 - Roadway improvements including street lights, curb, gutter, bike paths, sidewalk, bus shelter, and related amenities.
 - fees to be paid with the development of this project include:
 - Water and sewer development fees.
 - Water and sewer participation charges.
 - Inspection and testing fees.
 - All applicable off-site plans shall be approved prior to recordation of Final Subdivision Plat.
 - All street dedications shall be made within six (6) months of Council approval.
 - Public improvements must be installed prior to the issuance of any occupancy permit. Any phasing shall be approved by the Public Works Department.
 - All new and existing, as well as on-site and off-site, utility lines (other than transmission lines) shall be placed underground prior to the issuance of an occupancy permit for this (re) development in accordance with the Code of the City of Tempe - Section 25.120.
 - The approval of CCAR's in a form acceptable to the City Attorney and the Development Services Director must take place prior to the issuance of Certificate of Occupancy. These CCAR's should provide that a single entity will ultimately be responsible for the monitoring of landscaping, both required by Ordinance and in the common areas on site, according to the landscape plan approved by the City, and that such provision may not be amended without prior approval by the City Attorney and the Development Services Director.
 - No variances may be created by future property lines without the prior approval of the City of Tempe.
 - A valid building permit shall be obtained and substantial construction commenced within one year of the date of Council approval or the variance(s) and use permit(s) shall be deemed null and void.
 - The P.A.D. cover sheet shall be modified to revise title block and reflect bicycle parking calculations requirement and provision for each parcel, prior to recordation.
 - This plan shall be recorded prior to the issuance of permits, and shall show cross access to be maintained throughout this site over the driving aisles. No changes or modifications to the driving aisles will be allowed without the prior approval of the Engineering Department.
 - The developer shall provide the City with satisfactory evidence of cross access onto adjacent property to 1st east, prior to the issuance of a building permit.
 - A Final Subdivision Plat and Final PUD for Phase One and any future phases must be approved by the City Council and recorded prior to the issuance of construction permits for this project.
 - The Phase One project shall adhere to all Design Review Board conditions of 6/2/99.
 - The applicant shall resolve all lighting and security details with the Police Department prior to the issuance of a building permit.
 - The PUD document shall be revised to include conditions for this action prior to recordation.
 - All future phases must receive Design Review Board and Final Planned Area Development approval and be recorded prior to issuance of permits for such phases.
- * Condition #10 modified between 1st and 2nd hearing as a result of DRB action on 6/2/99.

OWNER AND CONSULTANTS

OWNER: Apache Park Development, LLC.
738 S. Perry Lane
Tempe, Arizona 85281
TEL: (602) 966-1210
FAX: (602) 966-0766

ARCHITECT: Nagai Design Associates, Inc.
5125 North 16th Street, Suite A-111
Phoenix, Arizona 85016
TEL: (602) 964-8966
FAX: (602) 964-8965
CONTACT: Larry Nagai

LANDSCAPE: McDouagh Group
8200 East Thomas Road
Scottsdale, Arizona 85251
TEL: (602) 990-4404
FAX: (602) 990-1580
CONTACT: Tim McDouagh

CIVIL: Allen Consulting Engineers
1000 N. Central Avenue, Suite 212
Tempe, Arizona 85210
TEL: (602) 844-1566
FAX: (602) 844-1511
CONTACT: Gary Allen

STATEMENT OF OWNER:
THIS IS TO CERTIFY THAT WE HAVE REVIEWED THIS PLAN AND HEREBY APPROVE
THE DEVELOPMENT AS SHOWN.

SIGNED THIS 31 DAY OF JANUARY 2000

OWNER:
Apache Park Development, LLC, an Arizona Limited Liability Corporation

BY: *Sam Hause*
Sam Hause

IN: *Pres.*

ACKNOWLEDGMENTS

STATE OF ARIZONA:)
SS:)
COUNTRY OF MARICOPA:)
ON THIS THE 31 DAY OF JANUARY 2000
BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED
WHO ADMITS HIMSELF TO BE
A CORPORATION, AS OWNER AND ACKNOWLEDGED THAT HE, AS
SUCH OFFICER, BEING AUTHORIZED SO TO DO, EXECUTED THE FOREGOING
INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED.

IN WITNESS WHEREOF, I HEREBY UNTO SET MY HAND AND OFFICIAL SEAL.

BY: *Shelly Johnson*

MY COMMISSION EXPIRES: *May 28, 2003*

CERTIFICATION

BY: *Gregory L. Allen*

HEREBY CERTIFY THAT I AM A

REGISTERED LAND SURVEYOR ON

THIS DATE OF *February 1, 2000*

UNDER MY SUPERVISION DURING THE MONTH OF *February 2000*

THAT THE SURVEY IS CORRECT AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

THAT THE BOUNDARY MONUMENTS SHOWN ACTUALLY EXIST AS SHOWN AND ARE

SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

REGISTERED LAND SURVEYOR

ON THIS DATE OF *February 1, 2000*

APPROVED BY THE MAYOR AND CITY COUNCIL

ON THIS DATE OF *February 1, 2000*

APPROVED BY THE CITY COUNCIL

ON THIS DATE OF *February 1, 2000*

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nagaki design associates

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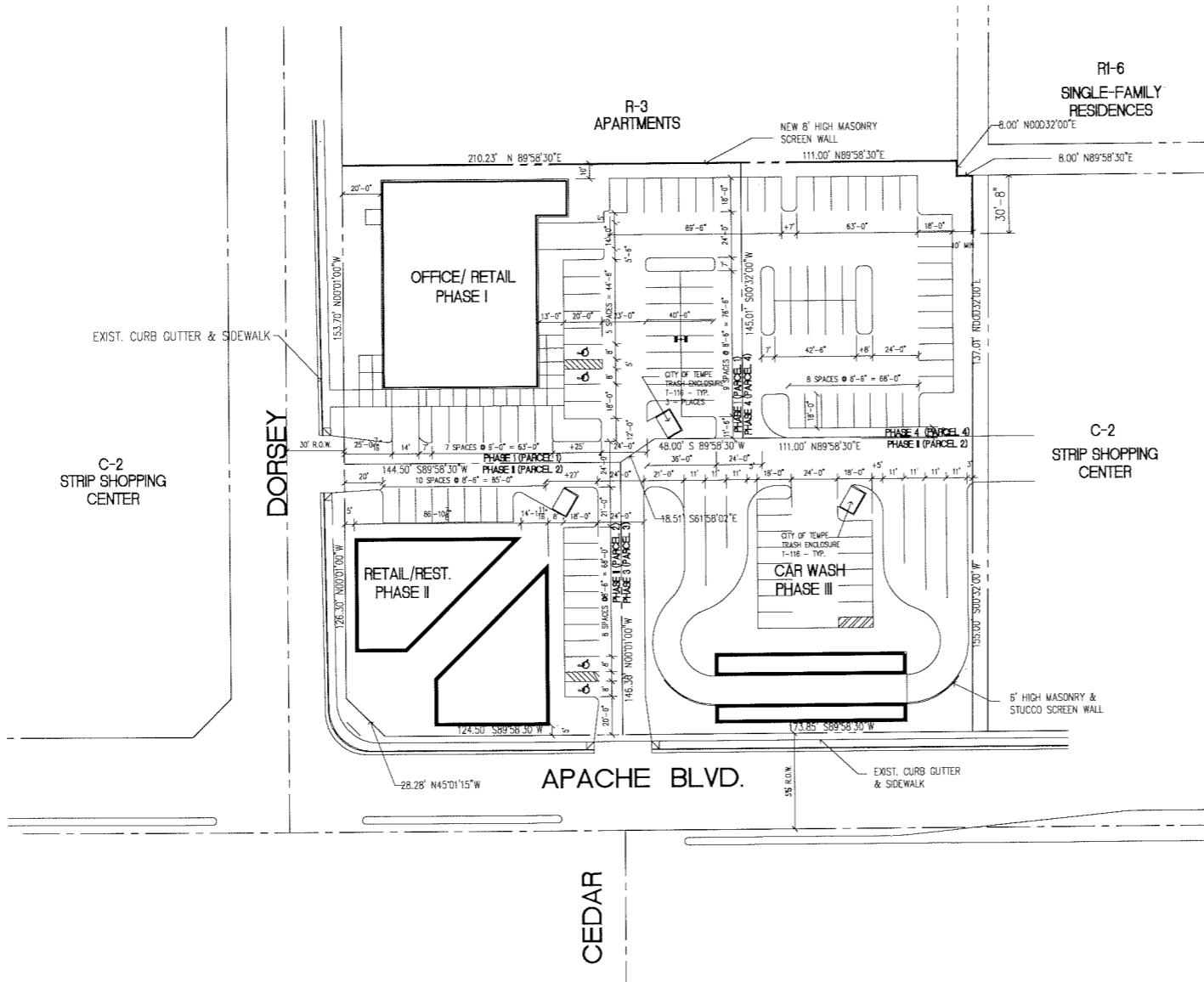
BOOK 528 PAGE 31
OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
HELEN PURCELL
00-0238882
03/30/00 01:38

APACHE PARK DEVELOPMENT

1310 East Apache Boulevard
Tempe, Arizona

99005.01
CONSTRUCTION ISSUE
Issued Package/Date

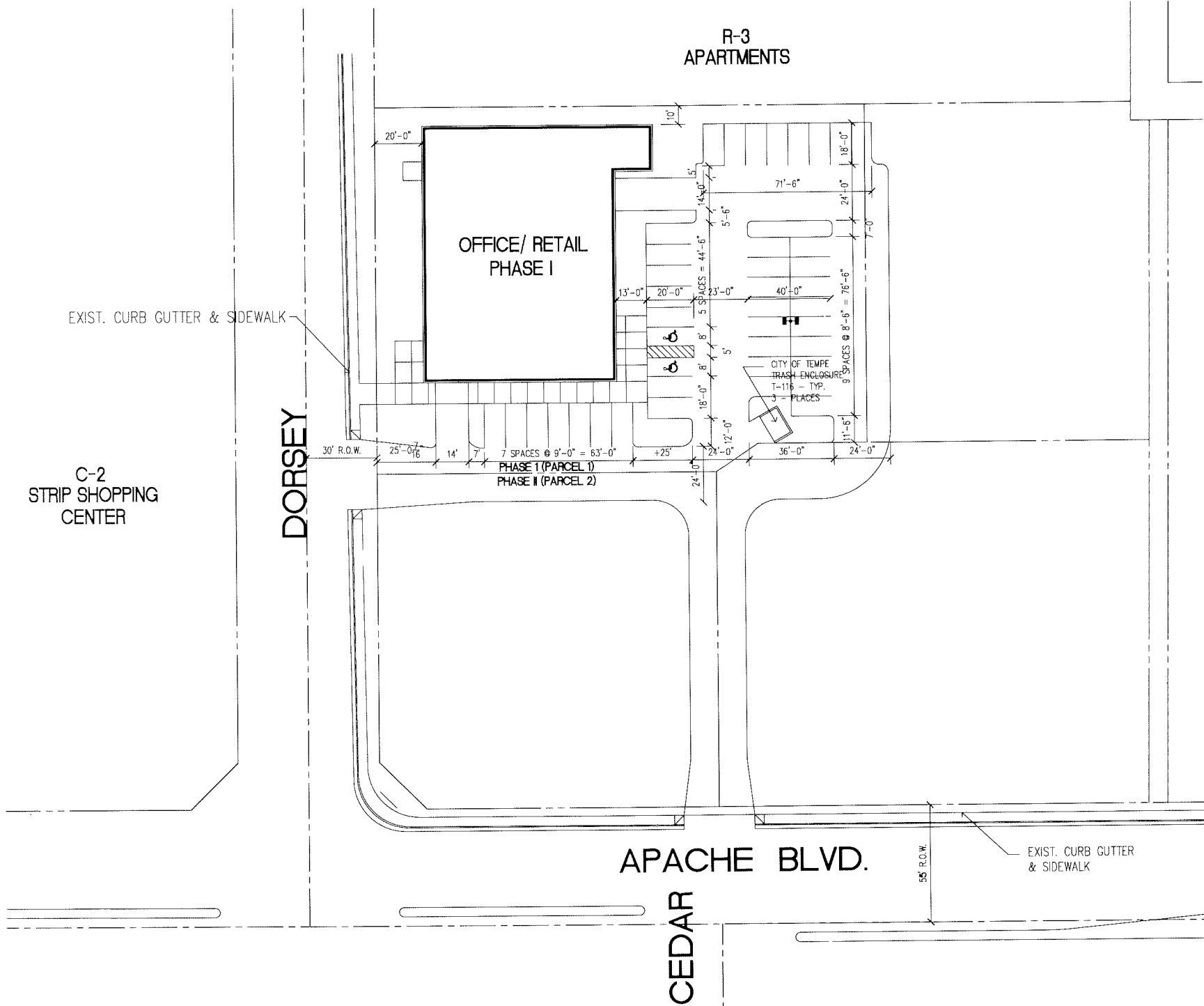
Preliminary Site Plan 02/19/99



SITE PLAN



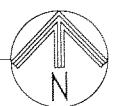
SA-1



1310 East Apache Boulevard
Tempe, Arizona

99005.01
CONSTRUCTION ISSUE
Issued Package/Date

Preliminary Site Plan 02/19/99



SA-1 (Phase I)