

Staff Summary Report



Council Meeting Date: Sept 18, 2008

Agenda Item Number: _____

SUBJECT: Request approval of the second addendum to the Childsplay - Mitchell School Development and Disposition Agreement

DOCUMENT NAME: 20080918cdcm01 **COMMUNITY DEVELOPMENT ADMIN. (0406)**

SUPPORTING DOCS: Yes

COMMENTS: Request approval of the second addendum to the Childsplay – Mitchell School Development Agreement adding a section regarding signage.

PREPARED BY: Chris Messer, Principal Planner (350-8562)

REVIEWED BY: Chris Salomone, Community Development Manager (350-8294)

LEGAL REVIEW BY: Cynthia McCoy, Assistant City Attorney (350-2187)

FISCAL NOTE: N/A

RECOMMENDATION: Approval of the second addendum as presented.

ADDITIONAL INFO: Childsplay is located in the former Mitchell School which is in a single family zoning district. The district's sign regulations are geared more toward single family homes or subdivisions and do not meet the needs of Childsplay. The signage being proposed is of an appropriate scale for this site and building and is not internally illuminated. Staff believes that the proposed signage is appropriate for the buildings, site, and use.

When recorded, return to:
City of Tempe Basket

**SECOND ADDENDUM TO
DEVELOPMENT AND DISPOSITION AGREEMENT**
(C2006-60)

THIS SECOND ADDENDUM TO DEVELOPMENT AND DISPOSITION AGREEMENT ("Agreement") is made as of the ____ day of September, 2008, by and between THE CITY OF TEMPE, an Arizona municipal corporation ("City"), and Childsplay, Inc., an Arizona non-profit corporation ("Childsplay").

RECITALS

A. City and Childsplay are parties to that certain Development and Disposition Agreement dated as of March 2, 2006 (C2006-60), as amended by a First Addendum dated October 5, 2006 (C2006-60a) (the "Development Agreement").

B. City and Childsplay desire to further amend the Development Agreement in certain respects as more fully set forth below.

A G R E E M E N T:

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which the parties acknowledge, the parties hereby agree as follows:

Definitions. Capitalized terms used herein without definition shall have the meanings given such terms in the Development Agreement, except where the context clearly indicates otherwise.

2. **Amendment.** The Development Agreement is hereby amended by adding a new Section 2.7 as follows:

2.7 Signage. City and Childsplay acknowledge the distinctive characteristic of the Property and the change in the nature of its use from a public school to a campus for the creation of imaginative theatrical productions. As a result, City and Childsplay agree that appropriate signage is an integral and important part of the development of the Property. Therefore, City agrees that Childsplay may erect and maintain artistic display panels, at the locations and with the graphic styling identified on the attached Exhibit 1. To the extent Childsplay desires to change the design or location of the artistic display panels,

the City Architect or his designee is hereby authorized to approve the final location and design thereof. A Sign Permit shall be obtained, from the Development Services Department, prior to the installation of the panels.

3. General Provisions.

3.1 Binding Effect. This Second Addendum shall be binding upon and inure to the benefit of the parties hereto and their respective successors, heirs and assigns. Except as amended hereby, the Development Agreement shall remain in full force and effect.

3.2 Counterparts. This Second Addendum may be executed in any number of counterparts, each of which, when executed and delivered, shall be an original, but all of which shall together constitute one and the same instrument.

3.3 Construction. This Second Addendum is intended to express the mutual intent of the parties hereto and thereto, and irrespective of the party preparing any document, no rule of strict construction shall be applied against any party.

3.4 Modification and Waiver. No provision of this Second Addendum shall be amended, waived or modified except by an instrument in writing signed by the parties hereto.

3.5 Schedules and Exhibits. All schedules and exhibits attached hereto are incorporated herein by this reference as though fully set forth herein.

{Signature Page Follows}

IN WITNESS WHEREOF, the undersigned have caused this Second Addendum to Development and Disposition Agreement to be executed as of the day and year first set forth above.

"Childsplay"

Childsplay Inc. an Arizona
Nonprofit corporation

By: _____

Its: _____

"City"

City of Tempe, an Arizona
municipal corporation

By: _____

Hugh L. Hallman, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

By _____

Andrew B. Ching
City Attorney

Exhibit 1

The signage plan is on file with the City Clerk reference the August 26, 2008 letter from Steve Martin to Charlie Meyer.

August 26, 2008

Charlie Meyer, City Manager
City of Tempe
31 E. Fifth Street
Tempe, AZ 85281

Dear Mr. Meyer:

As you are aware, Childsplay has finally taken up residence in the new Sybil B. Harrington Campus for Imagination and Wonder. This terrific facility was conveyed to Childsplay through a Development agreement dated March 2, 2006 and amended October 5, 2006. Through the renovation process, it was discovered that the current zoning for the property does not allow for signage to be attached to the building in any way. Following conversations with members of City of Tempe staff, it was determined that an amendment to the Development Agreement could rectify the situation. Therefore, Childsplay is requesting an amendment to the Development Agreement for the property located at 900 S. Mitchell Drive, Tempe recognizing the unique use of the building.

The amendment will allow Childsplay to install signage recognizing the contributions of donors to the project, wayfinding, and building identification. We believe that the signage package we've developed is compatible to the architectural design of the building; is tasteful and understated; while fulfilling its purpose to provide identification, recognition and direction.

Thank you so very much for your consideration of this request. I look forward to hearing from you at your earliest convenience.

Sincerely,


Steve Martin
Managing Director

BOARD of TRUSTEES

PRESIDENT
Nancy Stone

VICE PRESIDENT
J. Robert Willis

SECRETARY
Trevor Barger

TREASURER
Vicki Williams

PAST PRESIDENT
Joanie L. Flatt

John V. Back, Jr.
Kelly Balthazor
Betsy Bolding
Patrice Caldwell
Manny Canales
Shelley Cohn
Jim Copenhaver
Brooke Corley
Cory Craft
Betty Drake
Tim Ernst
Chris Froggatt
Lisa Hobson
Colleen Jennings-Roggensack
Raymond K. Leppien
Joyce Anne Ware Longfellow
Mary Ann Miller
The Honorable Harry E. Mitchell
Dan O'Neill
Mary Lynn Podolak
Patricia Roediger
Nelson Ross
Jewell Parker Rhodes
Tim Thomason
Tim Toothman
Richard Trujillo
Jennifer A. Van Kirk
Cynthia West
Carol DuVal Whiteman

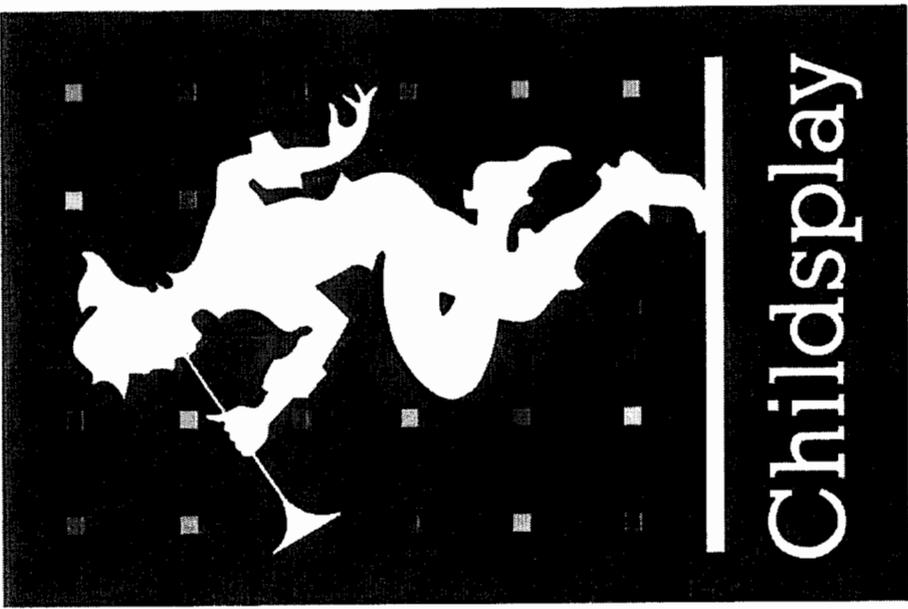
ARTISTIC DIRECTOR
David P. Saar

MANAGING DIRECTOR
Steven Martin

★ Arizona's Award-Winning
Theatre Company for Young
Audiences and Families

900 South Mitchell Drive ★ Tempe, Arizona 85281
Tel 480.921.5700 ★ Fax 480.921.5777
info@childsplayaz.org ★ www.childsplayaz.org





Campus for Imagination and Wonder
Tempe, AZ

Signage Plan

Signage Plan

Table of Contents

- 1. Introduction ★
- 2. Signage Legend ●
- 3. Signage Schedule ■
- 4. Signage Locations ▲
- 5. Signage Details ▲

Introduction

Childsplay, Arizonas Award Winning Professional Theater for young audiences and families has been located in Tempe Arizona since 1977. Their new "Campus for Imagination and Wonder" occupies the old Mitchell Elementary School building. This new campus includes 4 beautiful state-of-the-art classrooms, rehearsal rooms and a Black Box Theater.

Childsplay is funded primarily through major donations.

The purpose of this Comprehensive Sign Program is to insure the quality production of signage and develop design guidelines to compliment the overall architectural character of the campus and surrounding neighborhoods.

Project Colors



Aluminum



Orange (Vinyl)



Dark Blue (Vinyl)



Project Fonts

Folio Md BT:
ABCDEFGHIJKLMN**OP**QRSTUVWXYZ
abcdefghijklmnop**rstu**vwxyz
1234567890

Century Gothic:
ABCDEFGHIJKLMN**OP**QRSTUVWXYZ
abcdefghijklmnop**rstu**vwxyz
1234567890

Stymie Md BT:
ABCDEFGHIJKLMN**OP**QRSTUVWXYZ
abcdefghijklmnop**rstu**vwxyz
1234567890



1205 North Miller Road
 Tempe, Arizona 85281
 480.966.6565
 480.966.5688(f)
 signs@airparksigns.com

DW: JUS DRAWN BY 08-21-08

Childsplay

Sign Plan 4
 Page A1

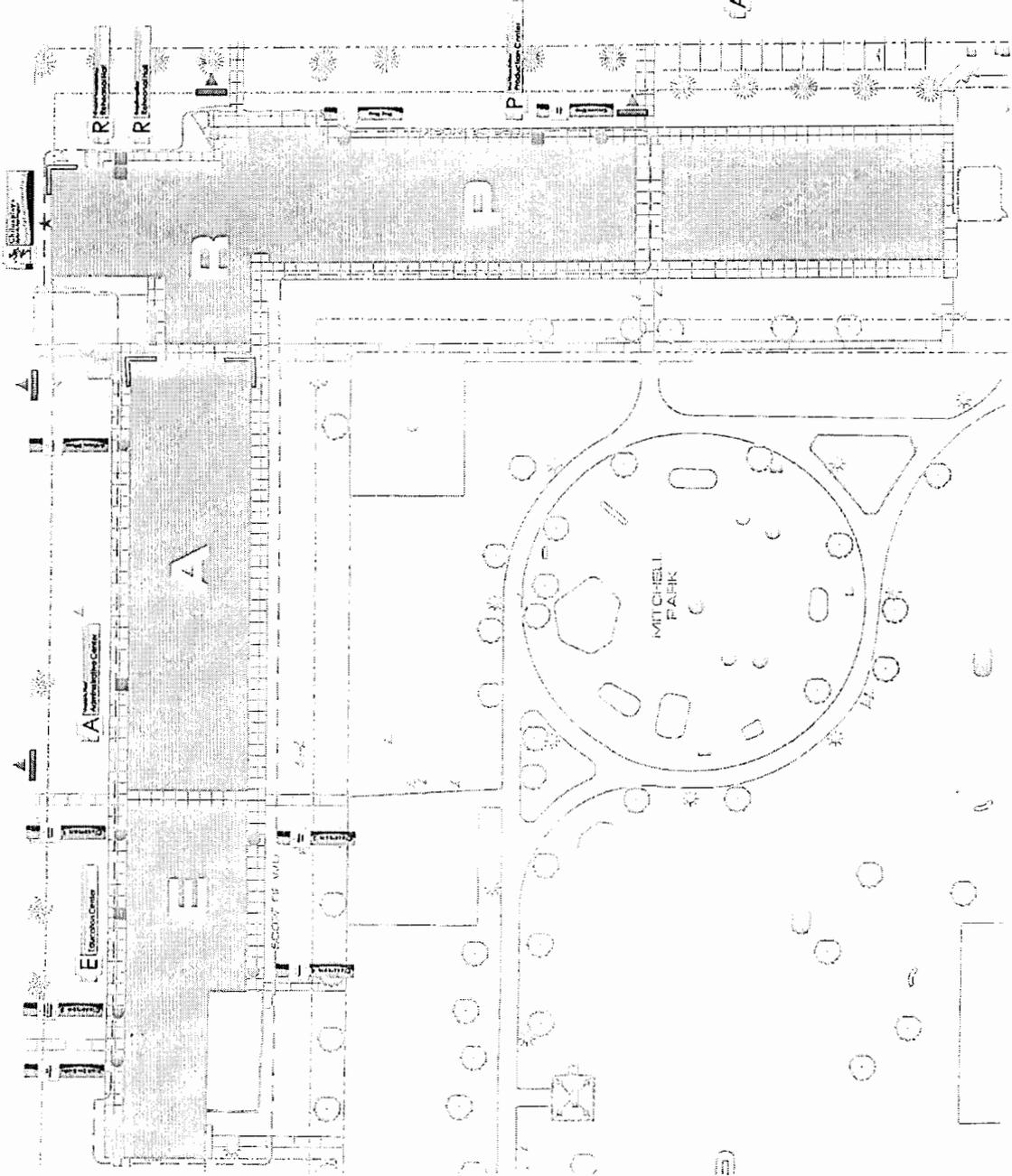


Notes: Campus sign locations.

Scale: Not To Scale

Revisions:

ALL RIGHTS RESERVED BY AIRPARK SIGNS & GRAPHICS. THIS DOCUMENT IS THE PROPERTY OF AIRPARK SIGNS & GRAPHICS. IT IS TO BE USED ONLY FOR THE PROJECT AND NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM. AIRPARK SIGNS & GRAPHICS ASSUMES NO LIABILITY FOR ANY DAMAGE TO PERSONS OR PROPERTY ARISING FROM THE USE OF THIS DOCUMENT. THE USER OF THIS DOCUMENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. AIRPARK SIGNS & GRAPHICS SHALL NOT BE HELD RESPONSIBLE FOR ANY DAMAGE TO PERSONS OR PROPERTY ARISING FROM THE USE OF THIS DOCUMENT.



Sign Type: A >
 Sign Type: B <
 Sign Type: C <
 Sign Type: D <
 Sign Type: E <



PLAN KEY
 N.T.B.



1765 North Miller Road
Tempe, Arizona 85281
480.966.6555
ap@airparkzoo.com

CDH JGC Date: 08-26-07

Childsplay
Main Campus ID

Temp: A

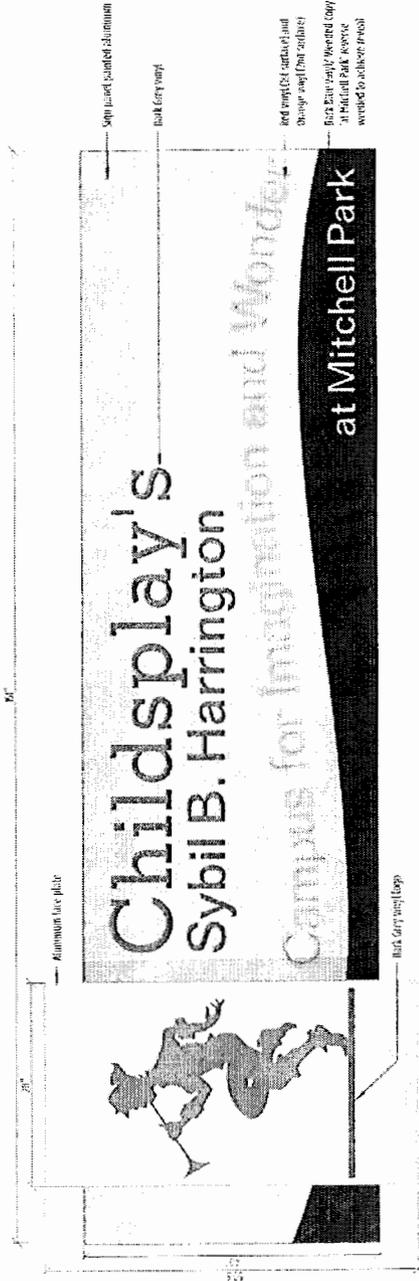


Notes:

Scale: N/A

Revisions: None

THIS PLAN IS THE PROPERTY OF AIRPARK ZOO & GARDENS. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. NO PART OF THIS PLAN IS TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM. ANY REPRODUCTION OR TRANSMISSION OF THIS PLAN WITHOUT THE WRITTEN PERMISSION OF AIRPARK ZOO & GARDENS IS STRICTLY PROHIBITED. AIRPARK ZOO & GARDENS ASSUMES NO LIABILITY FOR ANY DAMAGE OR INJURY TO PERSONS OR PROPERTY ARISING FROM THE USE OF THIS PLAN.



Sign Type: A ★



1705 North Rock Road
Tempe, Arizona 85281
480-966-6665
480-966-5999
signs@airpark.com

DM-JG-08-22-07

Childsplay
Donor Recognition/Door IDs

Tempe, AZ

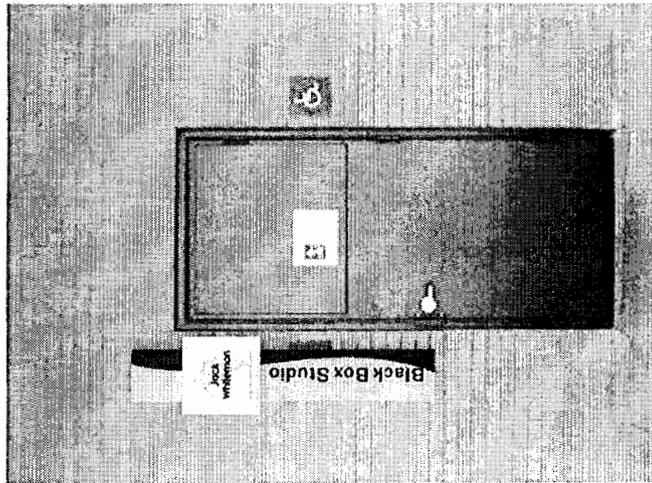
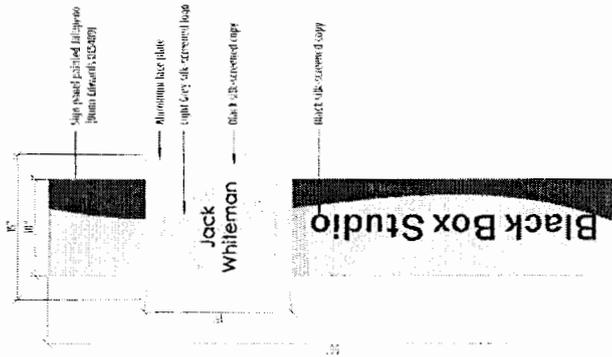


Notes:

Scale: 1:1

Revisions: none

THIS SIGN IS THE PROPERTY OF AIRPARK SIGN COMPANY. IT IS TO BE USED ONLY FOR THE PROJECT AND LOCATION SPECIFIED HEREON. IT IS TO BE RETURNED TO AIRPARK SIGN COMPANY AT THE END OF THE PROJECT. AIRPARK SIGN COMPANY IS NOT RESPONSIBLE FOR THE SIGN IF IT IS NOT RETURNED TO AIRPARK SIGN COMPANY. AIRPARK SIGN COMPANY IS NOT RESPONSIBLE FOR THE SIGN IF IT IS NOT RETURNED TO AIRPARK SIGN COMPANY. AIRPARK SIGN COMPANY IS NOT RESPONSIBLE FOR THE SIGN IF IT IS NOT RETURNED TO AIRPARK SIGN COMPANY.



Sign Type: B



1205 North Miller Road
Tempe, Arizona 85281
480.966.6165
480.966.6180
sign@airparksigns.com

DATE: 08-15-07

Client: Chitesplay
Administrative Center ID

Temp: AZ



NOTES:

SCALE: N.L.S.

REVISIONS: NONE

ALL RIGHTS RESERVED. THIS DOCUMENT IS THE PROPERTY OF AIRPARK SIGNS & GRAPHICS. NO PART OF THIS DOCUMENT MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF AIRPARK SIGNS & GRAPHICS. AIRPARK SIGNS & GRAPHICS IS NOT RESPONSIBLE FOR ANY DAMAGE TO PROPERTY OR PERSONS ARISING FROM THE USE OF THIS DOCUMENT. AIRPARK SIGNS & GRAPHICS IS NOT RESPONSIBLE FOR ANY DAMAGE TO PROPERTY OR PERSONS ARISING FROM THE USE OF THIS DOCUMENT.

Paint is to be applied
to the sign face only
Black vinyl copy
Sign face paint is
aluminum

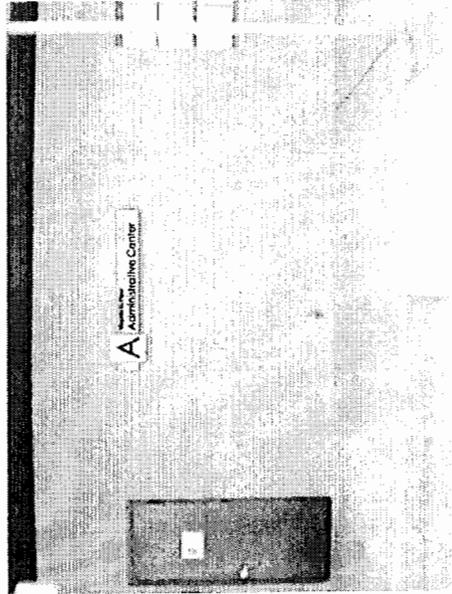
Virginia G. Piper
Administrative Center

Black vinyl letter

Aluminum face plate

A

Sign Type: C





1702 North Miller Road
 Tempe, Arizona 85281
 480.966.5565
 480.966.5685
 info@airparkaz.com

DATE: 08-15-07

CHILDREN'S
 FREESTANDING DIRECTIONAL

IMAGE: A2



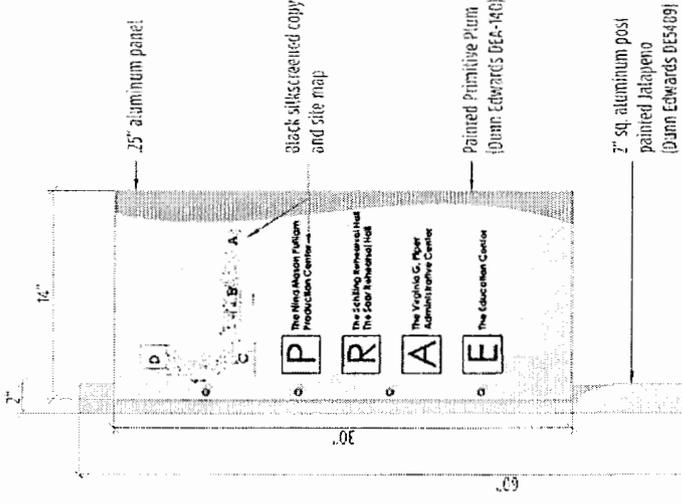
NOTES:

Scale: N.T.S.

REVISIONS: None

Sign Type: E ▲

16" x 30" x 67"



THE INFORMATION CONTAINED HEREIN IS THE PROPERTY OF AIRPARK AZ. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF AIRPARK AZ. AIRPARK AZ ASSUMES NO LIABILITY FOR ANY ERRORS OR OMISSIONS. AIRPARK AZ IS NOT RESPONSIBLE FOR ANY DAMAGE TO PERSONS OR PROPERTY, INCLUDING CONSEQUENTIAL DAMAGES, ARISING FROM THE USE OF THIS INFORMATION.