Mayor
Cathy Carlat

Palo Verde
<u>District</u>
Michael Finn,
Vice Mayor

Acacia
District
Vicki Hunt,
Mayor Pro Tem

Ironwood
District
Bill Patena

Mesquite
District
Bridget
Binsbacher

Pine
<u>District</u>
Carlo Leone

Willow
District
Jon Edwards

City Council Meeting Notice & Agenda

Tuesday, August 14, 2018 City Council Chamber 8401 West Monroe Street Peoria, AZ 85345



Study Session

6:00 P.M. Convene

Roll Call

Study Session Agenda

Subject(s) for Discussion Only

1. Community Assistance Resource Center Update

Adjournment

Regular Meeting

7:00 P.M. Convene

Pledge of Allegiance

Roll Call Final Call to Submit Speaker Request Forms

SWEARING IN BY PRESIDING MUNICIPAL JUDGE GEORGE ANAGNOST AND SEATING OF NEW COUNCIL YOUTH LIAISONS LEAH GILBERTSON AND FRANK JOHNSON.

RECESS (approximately 5 minutes)
RECONVENE
Roll Call

Presentation

2. Proclamation Recognizing Liberty High School State Champion Baseball Team

Consent Agenda

CONSENT AGENDA: All items listed on the Consent Agenda are considered to be routine or have been previously reviewed by the City Council, and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember so requests; in which event the item will be removed from the General Order of Business, and considered in its normal sequence on the Agenda.

Consent

3 C. Disposition of Absence

Discussion and possible action to approve the absence of Mayor Pro Tem Vicki Hunt from the Regular City Council meeting held on June 19, 2018.

4 C. Minutes

Discussion and possible action to approve the June 19, 2018 City Council meeting minutes.

5 C. Board and Commission Appointments

Discussion and possible action to approve the recommendations from the Council Boards and Commissions Subcommittee and adopt **RES. 2018-81** appointing members to various Boards and Commissions.

6 C. Code Amendment, Chapter 5, Municipal Court

Discussion and possible action to adopt **ORD**. **2018-28** amending Chapter 5 (Municipal Court) of the Peoria City Code by amending Section 5-13 pertaining to civil hearings; citation; service.

7 C. Intergovernmental Agreement, City of Scottsdale, Maricopa County Critical Incident Stress Management Team

Discussion and possible action to authorize the City Manager to execute an intergovernmental agreement to join the Maricopa County Critical Incident Stress Management Team for Dispatchers.

8 C. Intergovernmental Agreement, City of Surprise, Radio Subscriber Support Services

Discussion and possible action to authorize the City Manager to execute an Intergovernmental Agreement with the City of Surprise for Peoria to provide radio subscriber support services.

9 C. Intergovernmental Agreement Amendment, Regional Public Transportation Authority, Bus Stop Improvements

Discussion and possible action to: (a) approve an Intergovernmental Agreement (IGA) Amendment with the Regional Public Transportation Authority (RPTA) for funding bus stop accessibility improvements; and (b) approve a budget amendment in the amount of \$56,000 from the 83rd Avenue Bus Shelter Project account to the Peoria Avenue Bus Stop Improvements Project account and \$160,403 from the Transportation Sales Tax Fund contingency account to the Peoria Avenue Bus Stop Improvements Project account to supplement funding for the Peoria Avenue Bus Shelter Project PW11190.

10 C. <u>Intergovernmental Agreement Amendment, Regional Wireless Cooperative</u> Amended and Restated Governance Document

Discussion and possible action to authorize the City Manager to execute the amended and restated Intergovernmental Agreement and Governance document with the Regional Wireless Cooperative for Operations and Maintenance of the regional radio network.

11 C. Contract Amendment, City Manager

Discussion and possible action to approve the Amendment to the Terms and Conditions of the Employment Agreement with the City Manager.

12 C. Contract Amendment, TALIS Corporation, 83rd Avenue Bus Shelters

Discussion and possible action to approve a contract amendment with TALIS Corporation in the amount of \$91,902 to complete the construction of the 83rd Avenue Bus Shelters project.

13 C. Budget Amendment, Resort Feasibility Study

Discussion and possible action to approve a budget adjustment in the amount of \$40,000 from the Half-Cent Sales Tax Fund contingency account to the Half-Cent Sales Tax Fund other professional services account to move forward with a market analysis and feasibility study.

14 C. Investment Report, Quarter Ending June 30, 2018

Discussion and possible action to review and accept the Investment Report as presented.

15 C. Authorize Expenditures, Pavement Management and Repair Services

Discussion and possible action to approve expenditures from the Capital Improvement Project for Pavement Management Program – Rehabilitation funds in the total amount of \$1,502,907.11 to contractor, Via Sun Corporation, pursuant to Job Order Contract, ACON01617 - Pavement Management and Repair Services.

16 C. <u>Abandonment of City Interest, Federal Patent Easement, 70th Avenue and Mariposa Grande</u>

Discussion and possible action to adopt **RES. 2018-82** to abandon City interest in a portion of a Federal Patent Easement in the vicinity of the northeast corner of 70th

Avenue and Mariposa Grande and declaring an emergency.

17 C. <u>Abandonment of City Interest, Federal Patent Easement, Yearling Road</u> between 92nd and 93rd Avenues

Discussion and possible action to adopt **RES. 2018-83** to abandon City interest in a portion of a Federal Patent Easement located along the Yearling Road alignment between 92nd and 93rd Avenues and declaring an emergency.

18 C. <u>Maintenance Improvement District No. 1221, Blackstone at Vistancia, Parcel</u> B11, Lone Mountain Road and Blackstone Drive

Discussion and possible action to approve the Petition for Formation, adopt **RES. 2018-67** Intention and ordering the formation of proposed Maintenance Improvement District No. 1221, Blackstone at Vistancia, Parcel B11, located at Lone Mountain Road and Blackstone Drive; and adopt **RES. 2018-68** ordering the improvements within the proposed Maintenance Improvement District and declaring an emergency.

19 C. Deeds and Easements, Various Locations

Discussion and possible action to adopt **RES. 2018-84** accepting Deeds and Easements for various Real Property interests acquired by the City.

20 C. Final Plat, 71 Oaks, Thunderbird Road and 71st Avenue

Discussion and possible action to approve a Final Plat of 71 Oaks, located on Thunderbird Road and 71st Avenue, subject to stipulations.

21 C. Final Plat, Trenton Park, Olive Avenue and 99th Avenue

Discussion and possible action to approve a Final Plat of Trenton Park, located on Olive Avenue and 99th Avenue, subject to stipulations.

22 C. Replat, CCV/Terrazza Center Lot 5, 67th Avenue and Happy Valley Road

Discussion and possible action to approve a Replat of CCV/Terrazza Center Lot 5, located on 67th Avenue and Happy Valley Road, subject to stipulations.

23 C. Replat, The Meadows Parcels 7 and 8 – Phase 1A, 95th Avenue and Pinnacle Peak Road

Discussion and possible action to approve a Replat of The Meadows Parcels 7 and 8 – Phase 1A, located on 95th Avenue and Pinnacle Peak Road, subject to stipulations.

24 C. <u>PUBLIC HEARING - New Off-Track Wagering License</u>, <u>Turf Paradise</u>, <u>8378</u> West Thunderbird Road

Discussion and possible action to recommend approval to the Arizona Racing Commission for a New Off-Track Wagering License for Turf Paradise to telecast at Legends Sports Club, located at 8378 West Thunderbird Road.

Regular Agenda

Unfinished Business

25 R. <u>PUBLIC HEARING - Rezoning, Trellis at Roundtree Ranch, 83rd Avenue and Olive Avenue (Item 36R, June 19, 2018)</u>

<u>PUBLIC HEARING:</u> RE: A request to rezone approximately 18.5 acres of property, generally located at the northeast corner of 83rd Avenue and Olive Avenue to amend the existing Planned Area Development (PAD) to the Trellis at Roundtree Ranch Planned Area Development (PAD) District (Case Z17-33).

Staff Report:

Open Public Hearing:

Public Comment:

Close Public Hearing:

COUNCIL ACTION:

Discussion and possible action to concur with the Planning and Zoning Commission's unanimous recommendation to adopt **ORD**. **2018-24A** approving the rezoning of approximately 18.5 acres of property, located at the northeast corner of 83rd Avenue and Olive Avenue by rezoning the existing Planned Area Development (PAD) to the Trellis at Roundtree Ranch Planned Area Development (PAD) zoning to facilitate a mixed-use development containing both multi-family and commercial uses.

New Business

26 R. <u>PUBLIC HEARING - Minor General Plan Amendment, Bella Brisa, 75th Avenue and Running Horse Lane</u>

<u>PUBLIC HEARING:</u> RE: A request to amend the General Plan Land Use Map for approximately 6.55 acres located north and south of the east side of the intersection at 75th Avenue and Running Horse Lane, from the current land use designation of Low Density Residential (2-5 du/ac, target of 3 du/ac) to Medium Density Residential (5-8 du/ac, target of 6 du/ac).

Staff Report:

Open Public Hearing:

Public Comment:

Close Public Hearing:

COUNCIL ACTION:

Discussion and possible action to concur with the Planning and Zoning Commission's recommendation to adopt **RES. 2018-85** approving an amendment to the General Plan Land Use Map for approximately 6.55 acres, located north and south of the east side of the intersection at 75th Avenue and Running Horse Lane, from Low Density

Residential (2-5 du/ac, target of 3 du/ac) to Medium Density Residential (5-8 du/ac, target of 6 du/ac).

27 R. <u>PUBLIC HEARING - Rezoning, Bella Brisa, 75th Avenue and Running Horse</u> <u>Lane</u>

<u>PUBLIC HEARING:</u> RE: A request to rezone approximately 6.55 acres, located north and south of the east side of the intersection at 75th Avenue and Running Horse Lane, from Central Commercial (C-3) to Planned Area Development (PAD), which would facilitate the Bella Brisa development of up to 32 homes at a density of 4.88 units per acre.

Staff Report:

Open Public Hearing:

Public Comment:

Close Public Hearing:

COUNCIL ACTION:

Discussion and possible action to concur with the Planning and Zoning Commission's recommendation to adopt **ORD. 2018-26** approving the rezoning of approximately 6.55 acres, located north and south of the east side of the intersection at 75th Avenue and Running Horse Lane, from Central Commercial (C-3) to Planned Area Development (PAD).

28 R. <u>PUBLIC HEARING - Rezoning, Haciendas at White Peak, East of the Northeast Corner of 139th Avenue and Ridgeline Road</u>

<u>PUBLIC HEARING:</u> RE: A request to rezone approximately 60 acres, located east of the northeast corner of 139th Avenue and Ridgeline Road from Suburban Ranch (SR-43) to Haciendas at White Peak Planned Area Development (PAD).

Staff Report:

Open Public Hearing:

Public Comment:

Close Public Hearing:

COUNCIL ACTION:

Discussion and possible action to concur with the Planning and Zoning Commission's unanimous recommendation and adopt **ORD**. **2018-27** approving the rezoning of approximately 60 acres located east of the northeast corner of 139th Avenue and Ridgeline Road from Suburban Ranch (SR-43) to Haciendas at White Peak Planned Area Development.

Vistancia West Community Facilities District Board Meeting

VWCFD Consent Agenda

CONSENT AGENDA: All items listed on the Consent Agenda are considered to be routine or have been previously reviewed by the City Council, and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember so requests; in which event the item will be removed from the General Order of Business, and considered in its normal sequence on the Agenda.

Consent

29 C. Minutes

Discussion and possible action to approve the May 15, 2018 Vistancia West Community Facilities District Meeting minutes.

30 C. Investment Report, Quarter Ending June 30, 2018

Discussion and possible action to review and accept the Investment Report as presented.

Call To The Public (Non-Agenda Items)

If you wish to address the City Council, please complete a Speaker Request Form and return it to the clerk before the call to order for this meeting. The City Council is not authorized by state law to discuss or take action on any issue raised by public comment until a later meeting.

Reports from City Manager

31. Reports

- A. Special Olympics USA Games
- B. Recognition of Employee Excellence
- C. Police Department Gold Standard Accreditation
- D. Recognition of Outgoing Police Chief, Roy Minter

Reports from City Council

Reports from the Mayor

Adjournment

NOTE: Documentation (if any) for items listed on the Agenda is available for public inspection, a minimum of 24 hours prior to the Council Meeting, at any time during regular business hours in the Office of the City Clerk, 8401 W. Monroe Street, Room 150, Peoria, AZ 85345.

Accommodations for Individuals with Disabilities. Alternative format materials, sign language interpretation and assistive listening devices are available upon 72 hours advance notice through the Office of the City Clerk, 8401 West Monroe Street, Peoria, Arizona 85345 - Phone: (623) 773-7340 or FAX (623) 773-7304. To the extent possible, additional reasonable accommodations will be made available within the time constraints of the request. The City has a TDD line where accommodations may be requested at: (623) 773-7221.

Public Notice

In addition to the City Council members noted above, one or more members of the City of Peoria Boards and Commissions may be present to observe the City Council meeting as noticed on this agenda.

City Council Meetings can be viewed live on Channel 11 (Cox Cable) and are available for viewing on demand at https://www.peoriaaz.gov/government/mayor-and-city-council/city-council-videos

City Manager
Jeff Tyne

<u>City Clerk</u> Rhonda Geriminsky

CITY OF PEORIA, ARIZONA COUNCIL COMMUNICATION

Agenda Item: 1.

Date Prepared: 8/8/2018 Council Meeting Date: 8/14/2018

TO: Jeff Tyne, City Manager

THROUGH: Erik Strunk, Deputy City Manager

FROM: Chris Hallett, Neighborhood and Human Services Director

SUBJECT: Community Assistance Resource Center Update

Summary:

During the Council Retreat on November 3, 2017, desire was expressed for staff to evaluate the possibility of expanding the Community Assistance Division's services to include the operation of a Resource Center. In this Center, city staff and selected non-profits would provide direct services to residents, closing the gap on various identified community needs.

On February 20, 2018, Community Assistance staff provided an update to City Council regarding multiple decision points, including items such as:

- Timing
- Location
- Service model type
- Funding

During the Study Session, consensus was provided to staff on the above items, including a potential location. At that time, consideration was given to relocating several aged modular units to the city hall campus on the vacant lot across from the Public Safety Administration Building (PSAB). Through the FY19 budget process, the City established a \$1.017 million budget to accomplish this.

After intensive review and further consideration, staff identified an opportunity to locate the new Resource Center at a permanent location within the existing Community Center located at 8335 W. Jefferson Street. The site is ideal in that it is situated along the new 83rd Avenue fixed route bus service; social and human services are currently offered at the location and would complement additional social service programs (i.e. – congregate meals, food distribution, Maricopa County Community Action Programs); the facility is already a valued neighborhood and community asset that serves all residents; it is fully compliant with all American with Disabilities Act rules and regulations; has sufficient parking; and can be structurally modified to accommodate the additional office space for new community non-profit service providers to serve Peoria residents – without impacting the established operations, programs, and services

of the Community Center.

As a result of this assessment, the new Neighborhood and Human Services Department, Engineering Department, and Community Center staff collaboratively worked to identify the use of existing space to accommodate the City Council's vision of a singular Community Assistance Resource Center concept. Preliminary design work indicates that the vision can be accomplished with no impact on existing service levels currently offered at the Community.

The purpose of this study session item is to provide City Council with an update on progress made towards the implementation of a Resource Center, including a recap of progress on the key decision point items listed above.

Options:

Staff is seeking City Council review and consideration and is prepared to begin the necessary tenant improvements at the Community Center during the January – June 2019 time frame.

Fiscal Analysis:

This study session represents no fiscal impact to the city.

Contact Name and Number:

Carin Imig, Community Assistance Manager, (623) 773-7381

CITY OF PEORIA, ARIZONA COUNCIL COMMUNICATION

Agenda Item: 2.

Date Prepared: 8/2/2018 Council Meeting Date: 8/14/2018

TO: Council Members

FROM: Mayor Cathy Carlat

SUBJECT: Proclamation Recognizing Liberty High School State Champion Baseball Team

Summary:

On May 15, 2018 Liberty High School defeated Buckeye Verrado High School to capture the the 5A State baseball title. Tonight we recognize the players and coaches of that state championship team who displayed outstanding commitment, teamwork, and sportsmanship.

Staff Recommendation:

To recognize the 2018 Liberty High School Baseball Team for their outstanding dedication and effort to become the 5A State Baseball Champions.

ATTACHMENTS:

Proclamation

Contact Name and Number:

Cathy Carlat, (623) 773-5133

Proclamation

Whereas, the Mayor and Council of the City of Peoria recognize the 2018 Liberty High School Baseball Team for their outstanding dedication and effort in becoming the 5A State Football Champions; and

Whereas, Coach Chris Raymond lead the program to its second state title in 10 years; and

Whereas, Coach Raymond and the Liberty Lions have competed in the high school state championship four times in the past 10 years; and

Whereas, the Liberty Lions baseball team competed with great character, intensity and pride throughout the season and playoffs; and

Whereas, High school sports teaches players about commitment, teamwork, sportsmanship, and leadership – skills that prepare students for a future beyond high school; and

Whereas, the City of Peoria and the entire community are proud of the Liberty Lions Baseball Program and their achievements.

Now, Therefore, I, Cathy Carlat, Mayor of the City of Peoria, in the State of Arizona, do hereby proclaim August 14, 2018 as

"Peoria Liberty Lions State Baseball Champion Day"

In Witness Thereof, I have set my hand and caused the Seal of the City of Peoria, Arizona to be affixed this 14th day of August, 2018.

CITY OF PEORIA, ARIZONA COUNCIL COMMUNICATION

Agenda Item: 3C.

Date Prepared: 6/27/2018 Council Meeting Date: 8/14/2018

TO: Jeff Tyne, City Manager

THROUGH: Katie Gregory, Deputy City Manager

FROM: Rhonda Geriminsky, MMC, City Clerk

SUBJECT: Disposition of Absence

Purpose:

Discussion and possible action to approve the absence of Mayor Pro Tem Vicki Hunt from the Regular City Council meeting held on June 19, 2018.

Contact Name and Number:

Rhonda Geriminsky, (623) 773-7340

CITY OF PEORIA, ARIZONA COUNCIL COMMUNICATION

Agenda Item: 4C.

Date Prepared: 8/1/2018 Council Meeting Date: 8/14/2018

TO: Jeff Tyne, City Manager

THROUGH: Katie Gregory, Deputy City Manager

FROM: Rhonda Geriminsky, MMC, City Clerk

SUBJECT: Minutes

Purpose:

Discussion and possible action to approve the June 19, 2018 City Council meeting minutes.

ATTACHMENTS:

June 19, 2018 Minutes

Contact Name and Number:

Rhonda Geriminsky, (623) 773-7340

MINUTES OF THE PEORIA CITY COUNCIL

CITY OF PEORIA, ARIZONA CITY COUNCIL CHAMBER June 19, 2018

A **Special Meeting** of the City Council of the City of Peoria, Arizona was convened at 8401 West Monroe Street in open and public session at 5:00 p.m.

<u>Members Present:</u> Mayor Cathy Carlat; Vice Mayor Michael Finn; Councilmembers Bridget Binsbacher, Jon Edwards, Carlo Leone and Bill Patena.

Members Absent: Mayor Pro Tem Vicki Hunt.

Other Municipal Officials Present: Jeff Tyne, City Manager; Andy Granger, Deputy City Manager; Katie Gregory, Deputy City Manager; Erik Strunk, Deputy City Manager; Vanessa Hickman, City Attorney; Linda Blas, Deputy City Clerk; Chris Jacques, Planning and Community Development Director; and Adina Lund, Development and Engineering Director.

<u>Audience</u>: No members of the public were present.

Note: The order in which items appear in the minutes is not necessarily the order in which they were discussed in the meeting.

CONSENT AGENDA

<u>CONSENT AGENDA:</u> All items listed with a "C" are considered to be routine or have been previously reviewed by the City Council, and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember so requests; in which event the item will be removed from the General Order of Business, and considered in its normal sequence on the Agenda.

Motion was made by Councilmember Edwards, seconded by Councilmember Binsbacher, to approve the Consent Agenda. Upon vote, the motion carried unanimously $\underline{6}$ to $\underline{0}$.

1 C. Authorization to Hold an Executive Session

Authorized the holding of an Executive Session for the purpose of discussions or consultations with designated representatives of the public body and/or legal counsel in order to consider its position and instruct its representatives regarding:

(a) Update and discussion with legal counsel and staff regarding the existing development agreement and lease, approved June 13, 2017 with NOVO Development regarding 15814 North 83rd Avenue, pursuant to A.R.S. §§38-431.03.A.3 and 38-431.03.A.4 and 38-431.04.7.

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 5:01 p.m.

EXECUTIVE SESSION AGENDA

- 2. An Executive Session was convened immediately following the 5:00 p.m. Special Meeting for the purpose of discussions and consultations with designated representatives of the public body and/or legal counsel in order to consider its position and instruct its representatives regarding:
 - (a) Update and discussion with legal counsel and staff regarding the existing development agreement and lease, approved June 13, 2017 with NOVO Development regarding 15814 North 83rd Avenue, pursuant to A.R.S. §§38- 431.03.A.3 and 38-431.03.A.4 and 38-431.04.7.

Clerk's Note: In accordance with A.R.S. § 38-431.03(B), minutes of executive sessions must be kept confidential except as outlined in statute.

A **Study Session Meeting** of the City Council of the City of Peoria, Arizona was convened at 8401 West Monroe Street in open and public session at 5:48 p.m.

<u>Members Present:</u> Mayor Cathy Carlat; Vice Mayor Michael Finn; Councilmembers Bridget Binsbacher, Jon Edwards, Carlo Leone and Bill Patena.

Members Absent: Mayor Pro Tem Vicki Hunt.

Other Municipal Officials Present: Jeff Tyne, City Manager; Andy Granger, Deputy City Manager; Katie Gregory, Deputy City Manager; Erik Strunk, Deputy City Manager; Vanessa Hickman, City Attorney; Linda Blas, Deputy City Clerk; Chris Jacques, Planning and Community Development Director; Stuart Kent, Public Works/Utilities Director; Adina Lund, Development and Engineering Director; John Sefton, Parks, Recreation and Community Facilities Director; Dawn Prince, Assistant to the City Manager; and Natalie Gilstrap, Management Analyst.

Audience: Approximately three members of the public were present.

STUDY SESSION AGENDA

Subject(s) for Discussion Only

3. Recalibration of Development Standards

Jeff Tyne, City Manager, introduced the Recalibration of Development Standards Study Session item.

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Chris Jacques, Planning and Community Development Director, provided an overview of the project agenda which included:

- Reimagining Development
- Planning Department Work Plan
 - o General Plan
 - Zoning Ordinance
 - Design Review Principles
- Other Department Efforts
 - Update of Engineering Infrastructure Guidelines
 - Specialty Restaurant, Retail and Entertainment Attraction Strategy (ED)
- Introduction and purpose
- Development process tiers
 - General Plan
 - Foundation and framework of all planning tools
 - Vision statement and broad policy guidelines
 - Zoning and Corridor Plans
 - Site Plan
 - o Building Plan
 - Certificate of Occupancy
- How the General Plan and Zoning Tie in
- General Plan Update approved by voters every 10 years
 - Modify land use categories
 - Re-designate property with new categories and update Land Use Map
 - Update General Plan policies

Discussion ensued regarding tiered growth and impact fee zones.

Mr. Jacquez continued presenting regarding:

- Zoning Ordinance Changes
 - o Revisit the definition of Large Scale Retail (LSR) (aka Big Box)
 - Update Zoning Districts for LSR and Use Matrix
- Design Principles and Guidelines
 - Identify role for new Design Review Board (DRB)
 - Update Design Review Principles and Standards

Discussion ensued regarding the definition of Large Scale Retail (Big Box), the Land Use Matrix, timing for current and new projects while undergoing the Design Review Principles and Standards update, timing as it relates to the General Plan Election, streamlining the overall design review process, and public outreach.

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 6:30 p.m.

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A **Regular Meeting** of the City Council of the City of Peoria, Arizona was convened at 8401 West Monroe Street in open and public session at 7:01 p.m.

Following a moment of silent reflection, Councilmember Leone led the Pledge of Allegiance.

<u>Members Present:</u> Mayor Cathy Carlat; Vice Mayor Michael Finn; Councilmembers Bridget Binsbacher, Jon Edwards, Carlo Leone and Bill Patena.

Members Absent: Mayor Pro Tem Vicki Hunt.

Other Municipal Officials Present: Jeff Tyne, City Manager; Andy Granger, Deputy City Manager; Katie Gregory, Deputy City Manager; Erik Strunk, Deputy City Manager; Vanessa Hickman, City Attorney; Linda Blas, Deputy City Clerk; Thomas Adkins, Intergovernmental Affairs Director; John Imig, Information Technology Director; Chris Jacques, Planning and Community Development Director; Stuart Kent, Public Works/Utilities Director; Christine Nickel, Human Resources Deputy Director; Adina Lund, Development and Engineering Director; Sonia Andrews, Finance Director; Marcel Spaulding, Deputy Police Chief; Gary Bernard, Deputy Fire Chief; John Sefton, Parks, Recreation and Community Facilities Director; Jennifer Stein, Office of Communications Director; David Valenzuela, Interim Economic Development Services Director; Dawn Prince, Assistant to the City Manager; and Natalie Gilstrap, Management Analyst.

Audience: Approximately 50 members of the public were present.

Note: The order in which items appear in the minutes is not necessarily the order in which they were discussed in the meeting.

Presentations:

Mayor Carlat and Council presented Steve Burg, retiring City Attorney, with an award in recognition of his 19 years of service to the City of Peoria.

A short recess was called at 7:06 p.m. for a brief reception for Mr. Burg. The Regular City Council meeting was reconvened at 7:15 p.m.

4. Fighter Country Partnership Update

Jeff Tyne, City Manager, introduced the Fighter Country Partnership presentation item.

Thomas Adkins, Intergovernmental Affairs Director, introduced Ron Sites, Executive Director of the Fighter Country Partnership, who provided an update of the Fighter Country Partnership (FCP) and the Fighter Country Foundation (FCF).

Information included:

City Council Meeting Minutes June 19, 2018 Page 5 of 18

- Structure of the FCP and FCF
- Mission To Support the Men, Women, Families and Mission of the Luke Air Force Base
- FCP and FCF Funding Benefits
- 2016 FCP and FCF Independent Audit Results
- Campaign Members
- Events and Programs
 - Deployed Family Programs
 - Back to School Bash
 - FCP Financial Saves Expo
 - Dorm Dweller Holiday Program
 - Youth Summer Camps

5. <u>Certificates of Election to the Newly Elected Public Safety Personnel</u> Retirement System Local Board Members

Michael Pool, Public Safety Personnel Retirement System – Local Fire Board, and Michael Faith, Public Safety Personnel Retirement System – Local Police Board, were not present to receive their Certificates of Election.

6. <u>Certificates of Appointment to Newly Appointed Board and Commission</u> <u>Members Appointed by Resolution at the June 5, 2018 City Council Meeting</u>

Mayor Carlat and Vice Mayor Finn presented Certificates of Appointment to the following Board and Commission members who were appointed by Resolution at the June 5, 2018 City Council meeting:

- Les Marquart, Board of Adjustment
- David Gordon, Design Review Board and Volunteer Firefighter Pension Board
- Dennis Koch, Economic Development Advisory Board
- Ralph Jedda, Economic Development Advisory Board
- Fredrick Burk. Employee Benefits Trust Board
- Mary Lou McNeill, Historic Preservation Commission
- Yvette Reid, Public Defender Contract Review Committee
- Nikhila Basana, Youth Advisory Board
- Shaan Patel, Youth Advisory Board
- Katie Fazio, Youth Advisory Board

Clerk's Note: Ralph Jedda, Mary Lou McNeill and Yvette Reid were not present to receive their Certificates of Appointment.

CONSENT AGENDA: All items listed with a "C" are considered to be routine or have been previously reviewed by the City Council, and will be enacted by one motion. There will be no separate discussion of these items unless a Councilmember so

City Council Meeting Minutes June 19, 2018 Page 6 of 18

requests; in which event the item will be removed from the General Order of Business, and considered in its normal sequence on the Agenda.

Mayor Carlat announced that the Consent Agenda included Public Hearings on:

- (a) An Off-Track Wagering License renewal for Turf Paradise located at 8955 Northwest Grand Avenue, and Peoria Pines Golf and Restaurant located at 8411 North 107th Avenue;
- (b) A New Wine and Beer (Series 10) Liquor License for Quiktrip #484, located at 9541 West Olive Avenue, Perry C. Huellmantel, Applicant, LL#20019761;
- (c) A New Wine and Beer (Series 10) Liquor License for Circle K Store #2741631, located at 8270 West Cactus Road, Kim K. Kwiatkowski, Applicant, LL#20019859;
- (d) A New Wine and Beer (Series 10) Liquor License for Circle K Store #2741683, located at 28460 North Vistancia Boulevard, Kim K. Kwiatkowski, Applicant, LL#20019858; and
- (e) A Person and Location Transfer for an On-Sale Beer and Wine (Series 07) Liquor License for Ambassador Fine Cigars, located at 7545 West Bell Road #101, Vartan N. Seferian, Applicant, LL#20019670.

There were no requests from those present to address these agenda items.

Mayor Carlat asked if any Councilmember wished to have an item removed from the Consent Agenda.

Mayor Carlat requested that Agenda Item 8C be removed for separate discussion.

Motion was made by Councilmember Binsbacher, seconded by Vice Mayor Finn, to approve the Consent Agenda with the exception of Agenda Item 8C. Upon vote, the motion carried unanimously $\underline{6}$ to $\underline{0}$.

7C. Minutes

Approved the May 15, 2018 City Council meeting minutes.

8C. <u>Code Amendment, Chapter 27, Community Services Department Fees and Charges Fiscal Year 2019</u>

John Sefton, Parks, Recreation and Community Facilities Director, discussed the proposed fee changes as previously outlined in the budget process.

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Discussion ensued regarding the pyramid pricing model and fee policies.

Motion was made by Vice Mayor Finn, seconded by Councilmember Binsbacher to adopt **ORD. 2018-22**, amending Table 27-5 of Chapter 27 in the City Code, with changes to the Community Services Department Fee Table for Fiscal Year 2019. Upon vote, the motion carried unanimously 6 to 0.

9C. <u>Grant, Library Services and Technology Act, Library Grant - Collections and Programming Seed Library</u>

- (a) Accepted a Collections and Programming (CAP) grant for \$4,000 from the Library Services and Technology Act (LSTA) administered by the Arizona State Library, Archives and Public Records for establishment of two seed libraries at both branches of the Peoria Public Library System; and
- (b) Approved a budget amendment in the amount of \$4,000 from the Proposed Grant Contingency account to the Recreational Supplies account, Office Equipment and Furniture account, and Library Materials Collection account.

10C. <u>Grant, Library Services and Technology Act, Library Grant - Explore-to-Go</u> Learning Kits

- (a) Accepted a subgrant for \$11,430 from the Library Services and Technology Act (LSTA) administered by the Arizona State Library, Archives and Public Records for Explore-to-Go Learning Kits; and
- (b) Approved a budget amendment in the amount of \$11,430 from the Proposed Grant Contingency account to the Office Equipment and Furniture account, the Advertising account, and the Library's Materials Collection account.

11C. <u>Grant, Library Services and Technology Act, Library Grant – Summer STEAM Rocks</u>

- (a) Accepted a subgrant for \$3,000 from Library Services and Technology Act (LSTA) administered by the Arizona State Library, Archives and Public Records for support of STEAM (Science, Technology, Engineering, Arts, and Math) programming at the Library entitled, Summer STEAM Rock!; and
- (b) Approved a budget amendment in the amount of \$3,000 from the Proposed Grant Contingency account to the Library's Materials Collection account and the Library's Advertising account.

12C. <u>Intergovernmental Agreement, City of Phoenix, Reimbursement of ADA Complimentary Paratransit, Dial-a-Ride Replacement Vehicle</u>

Approved an Intergovernmental Agreement with the City of Phoenix, to provide \$23,516 in ADA Complimentary Paratransit funds and \$88,800 for one replacement Dial-a-Ride vehicle from the Federal Transit Authority (FTA) by way of pass through grant from the City of Phoenix.

13C. <u>Intergovernmental Agreement, Sun City Fire and Medical Department,</u> Radio Subscriber Support Services

Authorized the City Manager to execute an Intergovernmental Agreement with Sun City Fire and Medical for Peoria to provide radio subscriber support services.

14C. <u>Intergovernmental Agreement Amendment, The Regional Public Transportation Authority, Transit Services Agreement</u>

Approved an Intergovernmental Agreement Amendment with the Regional Public Transportation Authority for transit services.

15C. <u>Contract, Standard Construction Company, Inc., Lake Pleasant Parkway</u> Sidewalk, Williams Road to Jomax Road

- (a) Approved a contract with Standard Construction Company, Inc., in an amount not to exceed \$1,286,985 for the construction of the Lake Pleasant Parkway Sidewalk; Williams Road to Jomax Road Capital Improvement Project; and
- (b) Approved a 15 percent contingency (\$195,000) to cover possible contract amendments related to unforeseen conditions or owner-requested changes.

16C. <u>Contract Amendment, Achen-Gardner Construction, LLC, Thunderbird</u> Road 16-inch Watermain Replacement

Approved a contract amendment with Achen-Gardner Construction, LLC for a guaranteed maximum price (GMP) of \$654,583 to complete construction of the Thunderbird Road 16-inch Watermain Replacement project.

17C. <u>Contract Amendment, Motorola, Construction of Northeast Peoria (Pyramid Peak) Communications Site</u>

(a) Approved a contract amendment with Motorola in the amount of \$74,729.49 to complete construction of the Northeast Peoria (Pyramid Peak) communications site;

- (b) Approved expenditures in the amount of \$64,000 for construction of a new Northeast Peoria (Pyramid Peak) Communications Site; and
- (c) Approved a budget adjustment in the amount of \$64,000 from the Radio Systems Operations Telecommunications R and M account to the Radio Systems Operations Improvements other than Land and Buildings account.

18C. Contract Amendment, Greater Phoenix Economic Council Services

- (a) Authorized the City Manager to renew the service contract with the Greater Phoenix Economic Council for Fiscal Year 2019 and;
- (b) Authorized the use of funds in the amount of \$79,737 from the Half-Cent Fund City Participation Outside Programs account.

19C. Memorandum of Agreement, Lone Mountain Waterline

Authorized the City Manager to execute a Memorandum of Agreement with the Bureau of Land Management, Arizona State Historic Preservation Office, Arizona State Land Department, Maricopa Water District and local Native American Tribes to establish a Historic Properties Treatment Plan for the Lone Mountain Waterline Project.

20C. <u>Waiver, Advance Notice for Right-of-Way Abandonment, Arizona Department of Transportation</u>

Adopted **RES. 2018-80** authorizing the City Manager to execute a Waiver for the Four-Year Advance Notice of Abandonment and Pavement Quality Report to the Arizona Department of Transportation for the Thunderbird Road right-of-way east and west of the Loop 101.

21C. <u>Termination</u>, <u>Agreement for Use of City Property for Wireless</u> Telecommunication Equipment in the Right-of-Way, Verizon Wireless

Approved the termination of the previously executed Antenna Site Right-of-Way Location Agreement for Wireless Telecommunication Equipment in the Right-of-Way with Verizon Wireless.

22C. Award of General Liability Insurance Package Fiscal Year 2019

Awarded the Fiscal Year 2019 General Liability Insurance Package as recommended by the City Attorney's Office and the City's Public Entity Services Broker.

23C. <u>Appropriation, Space Improvements to Accommodate Organizational</u> Changes

Approved a budget adjustment in the amount of \$150,000 from the General Fund contingency account to the Buildings & Improvements account for space improvements to accommodate organizational changes.

24C. <u>Maintenance Improvement District No. 1218, Sonoran Place Phase 1, Dixileta Parkway and Dysart Road</u>

Approved the Petition for Formation, adopted **RES. 2018-69** Intention to Create, and adopted **RES. 2018-70** Declaring Intention to Order, for proposed Maintenance Improvement District No. 1218, Sonoran Place Phase 1, Dixileta Parkway and Dysart Road and declaring an emergency.

25C. <u>Maintenance Improvement District No. 1219, Sonoran Place Phase 2, Dixileta Parkway and Dysart Road</u>

Approved the Petition for Formation, adopted **RES. 2018-73** Intention to Create, and adopted **RES. 2018-74** Declaring Intention to Order, for proposed Maintenance Improvement District No. 1219, Sonoran Place Phase 2, Dixileta Parkway and Dysart Road and declaring an emergency.

26C. Street Light Improvement District No. 1131, Sonoran Place Phase 1, Dixileta Parkway and Dysart Road

Approved the Petition for Formation, adopted **RES. 2018-71** Intention to Create, and adopted **RES. 2018-72** Declaring Intention to Order for proposed Street Light Improvement District No. 1131, Sonoran Place Phase 1, located at Dixileta Parkway and Dysart Road and declaring an emergency.

27C. <u>Street Light Improvement District No. 1132, Sonoran Place Phase 2, Dixileta Parkway and Dysart Road</u>

Approved the Petition for Formation, adopted **RES. 2018-75** Intention to Create, and adopted **RES. 2018-76** Declaring Intention to Order for proposed Street Light Improvement District No. 1132, Sonoran Place Phase 2, located at Dixileta Parkway and Dysart Road and declaring an emergency.

28C. <u>Deeds and Easements, Various Locations</u>

Adopted **RES. 2018-78** accepting Deeds and Easements for various Real Property interests acquired by the City.

29C. <u>Final Plat, Blackstone at Vistancia, Parcel B11, Lone Mountain Road and</u> Blackstone Drive

Approved a Final Plat of Blackstone at Vistancia, Parcel B11, located on Lone Mountain Road and Blackstone Drive, subject to stipulations.

30C. Replat, T83 Apartments, 83rd Avenue and Thunderbird Road

Approved a Replat of T83 Apartments, located on 83rd Avenue and Thunderbird Road, subject to stipulations.

31C. <u>PUBLIC HEARING - Off-Track Wagering License Renewals, Turf Paradise, Various Locations</u>

Recommended approval to the Arizona Racing Commission for an Off-Track Wagering License Renewal for Turf Paradise to telecast at The Days Hotel, located at 8955 Northwest Grand Avenue and Peoria Pines Golf and Restaurant, located at 8411 North 107th Avenue.

32C. PUBLIC HEARING - Liquor Licenses, Various Locations

Recommended approval to the State Liquor Board for:

- (a) A New Wine and Beer (Series 10) Liquor License for Quiktrip #484, located at 9541 West Olive Avenue, Perry C. Huellmantel, Applicant, LL#20019761;
- (b) A New Wine and Beer (Series 10) Liquor License for Circle K Store #2741631, located at 8270 West Cactus Road, Kim K. Kwiatkowski, Applicant, LL#20019859;
- (c) A New Wine and Beer (Series 10) Liquor License for Circle K Store #2741683, located at 28460 North Vistancia Boulevard, Kim K. Kwiatkowski, Applicant, LL#20019858; and
- (d) A Person and Location Transfer for an On-Sale Beer and Wine (Series 07) Liquor License for Ambassador Fine Cigars, located at 7545 West Bell Road #101, Vartan N. Seferian, Applicant, LL#20019670.

REGULAR AGENDA

New Business:

Clerk's Note: Agenda Items 33R and 34R were presented together.

33R. <u>PUBLIC HEARING - Minor General Plan Amendment, Sunrise Plaza, Southeast of Lake Pleasant and Happy Valley Road</u>

Chris Jacques, Planning and Community Development Director, provided an overview of the request for a minor amendment to the General Plan Land Use Map and a rezoning for approximately 18.6 gross acres, generally located south of the southeast corner of Lake Pleasant Parkway and Happy Valley Road, from Estate Density Residential (0-2 du/ac) to Mixed Use (MU).

Information included:

- Site and area context
- Project overview
- Conceptual development plan
- Amenities, entries, gathering space, and elevations
- General Plan existing and proposed maps
- Residential, commercial and mixed-use analysis
- Existing and proposed General Plan land use and zoning maps
- Public outreach
- General Plan and Zoning key findings

Discussion ensued regarding current and future pedestrian, public and emergency access points.

Public Hearing:

Mayor Carlat opened the Public Hearing and asked if any Councilmember or citizen wished to comment on the proposed Minor General Plan amendment.

Having no requests from those present to address this item, Mayor Carlat declared the Public Hearing closed.

Council Action:

Motion was made by Councilmember Binsbacher, seconded by Councilmember Edwards, to concur with the Planning and Zoning Commission's unanimous recommendation and adopt **RES. 2018-79** approving an amendment to the General Plan Land Use Map by re-designating approximately 18.6 gross acres, generally located south of the southeast corner of Lake Pleasant Parkway and Happy Valley Road, from Estate Density Residential (0-2 du/ac) to Mixed Use (MU).

Upon vote, the motion carried unanimously 6 to 0.

34R. <u>PUBLIC HEARING - Rezoning, Sunrise Plaza, Southeast of Lake Pleasant</u> Parkway and Happy Valley Road

Public Hearing:

Mayor Carlat opened the Public Hearing and asked if any Councilmember or citizen wished to comment on the proposed rezoning.

Having no requests from those present to address this item, Mayor Carlat declared the Public Hearing closed.

Council Action:

Motion was made by Councilmember Binsbacher, seconded by Councilmember Edwards, to concur with the Planning and Zoning Commission's unanimous recommendation and adopt **ORD. 2018-25** approving the rezoning of approximately 18.6 located south of the southeast corner of Lake Pleasant Parkway and Happy Valley Road intersection from Suburban Ranch (SR-43) to the Sunrise Plaza Planned Area Development (PAD) District.

Upon vote, the motion carried unanimously $\underline{6}$ to $\underline{0}$.

35R. <u>PUBLIC HEARING - Rezoning, Paradise @ P83, 75th Avenue and Paradise</u> Lane

Chris Jacques, Planning and Community Development Director, presented regarding a request to rezone approximately 16.1 acres of property, generally located east of the 75th Avenue and Paradise Lane intersection from Planned Light Industrial (PI-1) and General Agricultural (AG) to the Paradise @ P83 Planned Area Development (PAD) District (Case Z18-01).

Information included:

- Site and area context
- Conceptual development plan
- Amenities, entries, signage, and elevations
- Regional Trail connections
- Existing General Plan land use and zoning maps
- Peoria Sports Complex Urban Design Plan
- General Plan, zoning and traffic analysis
- Public outreach
- Key findings

Discussion ensued regarding project height, setbacks, buffers and outreach to the City of Glendale.

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Public Hearing:

Mayor Carlat opened the Public Hearing and asked if any Councilmember or citizen wished to comment on the proposed rezoning.

<u>Derek Pearce</u>, a Peoria resident, addressed the Council expressing concerns regarding the project height related to the nearby residential neighborhood.

Adam Baugh, representing the applicant, made a brief statement in favor of the project and commending the City for setting the groundwork and planning to create an Urban Design Plan with included features such as mixed-use, vibrancy-in-destination and pedestrian connections.

Having no additional requests from those present to address this item, Mayor Carlat declared the Public Hearing closed.

Council Action:

Motion was made by Vice Mayor Finn, seconded by Councilmember Edwards, to concur with the Planning and Zoning Commission's recommendation and adopt **ORD. 2018-23** approving the rezoning of approximately 16.1 acres located east of the 75th Avenue and Paradise Lane intersection from Planned Light Industrial (PI-1) and General Agricultural to the Paradise @ P83 Planned Area Development District.

Upon vote, the motion carried unanimously 6 to 0.

36R. <u>PUBLIC HEARING - Rezoning, Trellis at Roundtree Ranch, 83rd Avenue and Olive Avenue</u>

Cody Gleason, Senior Planner, presented regarding a request to rezone approximately 18.5 acres of property, generally located at the northeast corner of 83rd Avenue and Olive Avenue to amend the existing Planned Area Development to the Trellis at Roundtree Ranch Planned Area Development District (Case Z17-33).

Information included:

- Site and area context
- Old Town Specific Area Plan (SAP)
- Conceptual development plan
- Proximity and access
- Analysis and compliance with SAP
- Public outreach
- Oppositional concerns
- Key findings

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Discussion ensued regarding the one "out-parcel" located adjacent to the northwest corner of the property.

Public Hearing:

Mayor Carlat opened the Public Hearing and asked if any Councilmember or citizen wished to comment on the proposed rezoning.

<u>Jon Vontesmar</u>, a Peoria resident residing in the "out-parcel", addressed Council in opposition to the proposed rezoning and expressed concerns regarding the proposed structure height, setback, lighting and parking spaces that would be near the property.

<u>Larinda Brown</u>, Peoria resident, spoke on behalf of the "out-parcel" property owners, Robert and Doris Gosney. Ms. Brown addressed Council in opposition to the proposed rezoning and expressed concerns related to communications regarding the purchase of the "out-parcel" property.

<u>Bill Allison</u>, with Withey Morris, PLC and representing the applicant, addressed Council in favor of the proposed rezoning.

Discussion between City Council and Mr. Allison continued regarding the "out-parcel" located adjacent to the northwest corner of the subject property.

Having no additional requests from those present to address this item, Mayor Carlat declared the Public Hearing closed.

Council Action:

Motion was made by Councilmember Edwards, seconded by Vice Mayor Finn, to continue this agenda item to the August 14, 2018 City Council meeting.

Upon vote, the motion carried <u>5</u> to <u>1</u> with Councilmember Leone voting "no".

37R. **VOID**

38R. Contract Agreement, Theater Works

John Sefton, Parks, Recreation and Community Facilities Director, introduced the agenda item for the proposed lease and operating agreements with Theater Works.

Mary Lou Stephens, Arts and Theater Manager, presented regarding the current agreement and partnership with Theater Works, the Peoria Center for the Performing Arts and the types of programming offered throughout the year.

 Mr. Sefton continued regarding differences between the current and proposed lease agreements City Council Meeting Minutes June 19, 2018 Page 16 of 18

Ms. Stephens continued presenting information on the key points of the Operating Agreement including:

- City Arts and Theater Manager to provide oversight and collaboration
- Shared decision-making on programming calendar
- City to have priority for up to six dates per year
- No limit to additional City events, provided dates are available
- Management services fee plus reimbursement paid to Theater Works as the managing tenant

Mr. Sefton concluded by reporting that the City would monitor operating and maintenance expenses to ensure that Theater Works was operating within their budget and that Theater Works would submit an Annual Report beginning in June 2019 and each year thereafter.

<u>Mary Farrington-Lorch</u>, addressed Council in support of the proposed lease and operating agreements with Theater Works.

Motion was made by Councilmember Edwards, seconded by Councilmember Binsbacher, to approve the new lease and operating agreements with Theater Works and the Peoria Center for the Performing Arts.

Upon vote, the motion carried unanimously 6 to 0.

Clerk's Note: Agenda Items 39R and 40R were presented together.

39R. Property Acquisition, 83rd Avenue and Skunk Creek, APN 200-63-588

Scott Whyte, Real Estate Development Officer, provided information on the acquisition of 2.66 acres of property located between 83rd Avenue and the Loop 101 Freeway, north of the alignment of Banff Lane and of 4.85 acres of property located between 83rd Avenue and the Loop 101 Freeway, at the alignment of Country Gables Drive. Mr. Whyte provided details of the acquisition costs of each parcel and purpose of the acquisitions.

Discussion ensued regarding the location and other purchase offers on the subject property.

Motion was made by Councilmember Edwards, seconded by Councilmember Binsbacher, to:

(a) Authorize the acquisition of 2.66 acres of property located between 83rd Avenue and the Loop 101 Freeway, north of the alignment of Banff Lane - APN 200-63-588; and

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(b) Approve a budget adjustment in the amount of \$904,955 from the General Fund Contingency account to the 101 and Country Gables Land Acquisition Project account.

Upon vote, the motion carried unanimously 6 to 0.

40R. Property Acquisition, 83rd Avenue and Skunk Creek, APN 200-63-596

Motion was made by Councilmember Edwards, seconded by Vice Mayor Finn, to:

- (a) Authorize the acquisition of 4.85 acres of property located between 83rd Avenue and the Loop 101 Freeway, at the alignment of Country Gables Drive APN 200-63-596; and
- (b) Approve a budget adjustment in the amount of \$1,825,680 from the General Fund Contingency account to the 101 and Country Gables Land Acquisition Project account.

Upon vote, the motion carried unanimously 6 to 0.

Call To The Public (Non-Agenda Items)

None.

Reports from City Manager:

41. Council Calendar

42. **Reports**

A. <u>Proposed Residential Sanitation Service Day Changes</u>

Stuart Kent, Public Works/Utilities Director, provided information on the proposed changes to the residential sanitation service schedule and boundaries. Mr. Kent outlined the communication plan designed to ensure that residents are aware of the upcoming changes.

Jeff Tyne, City Manager, congratulated Steve Burg, former City Attorney, on his upcoming retirement and thanked him for his public service to the City of Peoria.

Reports from City Council:

Councilmember Patena reported on the June 6, 2018 Ironwood District tour he conducted for Vanessa Hickman, City Attorney, and the Firefighter Country Partnership luncheon held on June 14, 2018. Councilmember Patena wished Steve Burg, retiring

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City Attorney, and Stuart Kent, Public Works/Utilities Director, good luck on their upcoming retirement and thanked them for their service to the City of Peoria.

Councilmember Binsbacher expressed her best wishes to Steve Burg, former City Attorney, and Stuart Kent, Public Works/Utilities Director, on their upcoming retirement.

Vice Mayor Finn wished Steve Burg, former City Attorney, and Stuart Kent, Public Works/Utilities Director, good luck on their upcoming retirement.

Councilmember Edwards wished Steve Burg, retiring City Attorney, good luck on his retirement. Councilmember Edwards also congratulated and welcomed the recent graduating class of Police Department cadets and wished everyone a happy Fourth of July.

Councilmember Leone reported on the Youth Citizen Policy Academy graduation ceremony held on June 14, 2018.

Reports from the Mayor:

Mayor Carlat thanked Steve Burg, retiring City Attorney, for his 19 years of service and congratulated Jeff Tyne, City Manager, on celebrating his 20th anniversary with the City of Peoria.

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 9:48 p.m.

Cathy Carlat, Mayor

CERTIFICATION AND ATTESTATION

I hereby certify that the foregoing minutes are a true and correct summary of the proceedings of the City Council Meetings of the City Council of Peoria, Arizona held on the 19th day of June, 2018. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 14 th day of August, 2018.	
(Seal)	
Rhonda Geriminsky, City Clerk	

CITY OF PEORIA, ARIZONA COUNCIL COMMUNICATION

Date Prepared: 6/13/2018 Council Meeting Date: 8/14/2018

TO: Jeff Tyne, City Manager

THROUGH: Katie Gregory, Deputy City Manager

FROM: Rhonda Geriminsky, MMC, City Clerk

SUBJECT: Board and Commission Appointments

Purpose:

Discussion and possible action to approve the recommendations from the Council Boards and Commissions Subcommittee and adopt **RES. 2018-81** appointing members to various Boards and Commissions.

Summary:

The Council Boards and Commissions Subcommittee makes recommendations for board and commission membership based on term expirations, vacancies from resignations, or changes to member eligibility status.

Previous Actions/Background:

On June 12, 2018 the Council Boards and Commissions Subcommittee made appointment recommendations to various Boards and Commissions.

On June 14, 2018, a memorandum was submitted to Mayor and Council, outlining the appointment recommendations from the June 12, 2018 Subcommittee meeting, asking for concerns to be submitted in writing to the Mayor. No comments were received.

Options:

A: Appoint recommended board and commission members.

B: Continue recruitment efforts to fill the board and commission vacancies.

Staff Recommendation:

This is a request for City Council to appoint board and commission members as recommended by the Council Boards and Commissions Subcommittee as follows:

Design Review Board

Appoint Adam Hawkins as a regular member for a term to expire December 2021.

Parks and Recreation Board

Appoint Jerry Johnson as a regular member for a term to expire June 2022.

Personnel Board

Appoint George Johnson as an alternate member for a term to expire June 2022.

Public Defender Contract Review Committee

Appoint Heath Hirschi as a regular member for term to expire June 2022.

Fiscal Analysis:

There is no fiscal impact regarding this item.

ATTACHMENTS:

Resolution 2018-81

Contact Name and Number:

Rhonda Geriminsky, (623) 773-7340

RESOLUTION 2018-81

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, APPOINTING/REAPPOINTING MEMBERS TO VARIOUS BOARDS AND COMMISSIONS AND ESTABLISHING THE TERMS OF OFFICE.

WHEREAS, there are four Board/Commission vacancies as shown below; and

Board or Commission Name	Member Name	Current Term Expiration
Design Review Board	Vacant	New Term
Parks and Recreation Board	Brian Derrick	06/30/2018
Personnel Board	Diane Alfonso	06/30/2018
Public Defender Contract Review Committee	Zachary Mushkatel	06/30/2018

WHEREAS, the following applicants desire to be appointed to the Boards/ Commissions for terms as shown; and

Board or Commission Name	Applicant Name	New Term Start Date	New Term Expiration Date	Member Status
Design Review Board	Adams Hawkins	8/15/2018	12/30/2021	Regular
Parks and Recreation Board	Jerry Johnson	8/15/2018	06/30/2022	Regular
Personnel Board	George Johnson	8/15/2018	06/30/2022	Alternate
Public Defender Contract Review Committee	Heath Hirschi	8/15/2018	06/30/2022	Regular

WHEREAS, pursuant to Chapter 3 of the Peoria City Code (Boards and Commissions) and City Council Policy 1-5 (Appointments to Boards and Commissions) the Council Boards and Commissions Subcommittee discussed the qualifications of the members/applicants and recommend that they be appointed; and

WHEREAS, the Mayor and City Council of the City of Peoria desire to confirm the Subcommittee's recommendations for Board and Commission appointments.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Peoria that the recommended applicants are appointed for terms as shown in the table above.

PASSED AND ADOPTED by the Mayor and City Council of the City of Peoria, Arizona this 14th day of August, 2018.

Resolution No. 2018-81 Page 2 of 2

	CITY OF PEORIA , an Arizona municipal corporation	
	Cathy Carlat, Mayor	
	Date Signed	
ATTEST:		
Rhonda Geriminsky, City Clerk		
Approved as to Form:		
Vanessa P. Hickman, City Attorney		
Effective Date:		

CITY OF PEORIA, ARIZONA COUNCIL COMMUNICATION

Date Prepared: 8/6/2018 Council Meeting Date: 8/14/2018

TO: Honorable Mayor and City Council

FROM: Vanessa P. Hickman, City Attorney

SUBJECT: Code Amendment, Chapter 5, Municipal Court

Purpose:

Discussion and possible action to adopt **ORD. 2018-28** amending Chapter 5 (Municipal Court) of the Peoria City Code by amending Section 5-13 pertaining to civil hearings; citation; service.

Summary:

In a 1992 Court of Appeals case (Tonner v. Paradise Valley Magistrate's Court, 171 Ariz. 449, 831 P.2d 448), the Court held that service of civil traffic complaints had to comply with the Rules of Civil Procedure. However, the State Legislature subsequently passed A.R.S. §28-1591 regarding service of complaints for standing and parking violations. This statute specifically exempts standing and parking citations from the normal service requirements. Instead, when the responsible person does not appear after the initial notice of the violation, the Court may send a summons and complaint by regular mail to the address the responsible person provided to the Department of Transportation. Service is complete on mailing, so if the responsible person still does not appear, the Court may proceed with default.

Pursuant to P.C.C. §14-100, for violations of City Code standing and parking ordinances, the registered owners of the illegally parked vehicles are responsible for the violations. The same is true for select A.R.S. standing and parking violations. Therefore, for these violations, PD frequently issues citations to the registered owners by leaving the citations on the windshield as the initial notice of the violation.

This proposed amendment aligns the City Code's summons service requirements for standing and parking ordinance violations with A.R.S. §28-1591. It will allow the Court to issue a summons and complaint by regular mail to the registered owner if they do not respond to the citation left on their windshield. If the registered owner still does not appear, the Court may proceed with default.

Previous Actions/Background:

August 15, 2017 – City Council approved Ordinance No. 2017-07, amending chapters 5 and 15 of the City Code by renumbering and amending various sections of Chapter 15 into a new Chapter 5 pertaining to Municipal Court.

Options:

A: Approve the adoption of the Ordinance amending Chapter 5 of the Peoria City Code, Municipal Court by amending Section 5-13 pertaining to civil hearings; citation; service.

B: Do not approve the adoption of the Ordinance amending Chapter 5 of the Peoria City Code, Municipal Court by amending Section 5-13 pertaining to civil hearings; citation; service.

Staff Recommendation:

Staff recommends the adoption of an ordinance amending Section 5-13 pertaining to civil hearings; citation; service. Adoption of this ordinance will align City Code with State Statute, and allow the Court to hold registered owners responsible for parking violations involving their vehicles.

Fiscal Analysis:

There are no direct fiscal impacts of this item.

ATTACHMENTS:

Ordinance

Contact Name and Number:

Vanessa P. Hickman, (623) 773-7330

ORDINANCE NO. 2018-28

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA AMENDING CHAPTER 5 OF THE PEORIA CITY CODE (1992) BY AMENDING SECTION 5-13 PERTAINING TO MUNICIPAL COURT AND PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

THEREFORE, it is ordained by the Mayor and Council of the City of Peoria as follows:

<u>SECTION 1</u>. Chapter 5 of the Peoria City Code (1992) is amended by amending Section 5-13 pertaining to Civil hearings; citation; service, which shall read as follows:

Sec. 5-13. Civil hearings; citation; service.

- (a) The city manager or his designee is authorized to investigate any complaints of violation of those chapters of the code providing for enforcement by civil sanctions.
- (b) The city manager or his designee, upon a reasonable belief that a violation exists, may issue a citation stating generally the nature of the violation to the respondent. The citation shall be in a format similar to that of the Arizona Uniform Traffic Ticket and Complaint and shall be issued in the manner provided in A.R.S. § 13-3903. The citation shall reasonably describe the nature of the violation to the respondent. The citation shall notify the respondent that in the event of a failure to appear or schedule a hearing on or before the date specified in the complaint, a judgment by default will be entered against them, and the Court shall impose a civil sanction not to exceed five hundred dollars (\$500.00), plus any charge for service of process.
- (c) As an alternative to the issuance of a citation pursuant to subsection (b), the City Attorney may commence an action by filing a complaint in Municipal Court.
- (d) Service of the citation may be accomplished and will be deemed proper and complete by any of the following methods:

- (1) By having the respondent sign the citation with the promise to appear in Court or schedule a hearing within ten days of the issuance of the citation.
- (2) By hand delivering a copy of the citation to the respondent.
- (3) By receiving an acknowledgement of the receipt of the citation by firstclass mail executed by the respondent within fifteen calendar days of the date of mailing the citation.
- (4) In the event that service cannot be accomplished as set forth in paragraphs (1), (2) or (3) of this subsection, the City may serve the respondent by any means allowed by the Arizona Rules of Civil Procedure for the Superior Court. In the event that the City is required to use a process server to serve the Respondent after providing the respondent the opportunity to acknowledge receipt of the citation previously mailed to respondent, the hearing officer shall include an amount set forth in this code to reimburse the City for the cost of process service of the citation.
- (e) This section does not require that either the initial notification or a subsequent summons and complaint for a parking or standing violation of the Peoria City Code be issued or served as required by subsection (d). If it is necessary to issue a summons and complaint because there is not a satisfactory response to the initial notice of a parking or standing violation, the Court may send a summons and complaint by regular mail to the address provided to the Department of Transportation by the individual made responsible for the alleged violation by the applicable City Code chapter and/or section. Service of the summons and complaint is complete on mailing.
- (\underline{ef}) Each and every day during which the violation occurs is a separate violation.

State Law reference— A.R.S. §28-1591, Traffic violations; civil matters; service.

<u>SECTION 2</u>. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 3. This Ordinance shall become effective in the manner provided by law.

Ordinance No. 2018-28 Page 3 of 3

PASSED AND ADOPTED by the Mayor and Council for the City of Peoria, Arizona this 14^{th} day of August, 2018.

	Cathy Carlat, Mayor	
	Data Cinnad	
	Date Signed	
ATTEST:		
Rhonda Geriminsky, City Clerk		
APPROVED AS TO FORM:		
Vanessa P. Hickman, City Attorney		
Published in Peoria Times Publication Dates: August 24, 2018 Effective Date:		

CITY OF PEORIA, ARIZONA COUNCIL COMMUNICATION

Date Prepared: 6/14/2018 Council Meeting Date: 8/14/2018

TO: Jeff Tyne, City Manager

THROUGH: Andy Granger, Deputy City Manager

FROM: Roy W. Minter, Jr., Chief of Police

SUBJECT: Intergovernmental Agreement, City of Scottsdale, Maricopa County Critical

Incident Stress Management Team

Purpose:

Discussion and possible action to authorize the City Manager to execute an intergovernmental agreement to join the Maricopa County Critical Incident Stress Management Team for Dispatchers.

Summary:

The Critical Incident Stress Management (CISM) Team will support the needs of public safety dispatchers and other public safety communications personnel. Dispatchers needs in times of crisis are different from those of police officers, fire fighters and emergency medical system personnel. This team will provide a support system for dispatchers by other dispatchers. Participating agencies may request assistance or provide assistance to other participating agencies relating to the aftermath of critical incidents that may negatively impact members of public safety communications centers.

CISM team members must be public safety communications personnel who have received CISM training and have received approval from their home agency. Each agency will make at least one member of their Communications Center available for participation in the CISM team.

If approved, the proposed agreement will be in effect until July 1, 2026.

Previous Actions/Background:

There is no previous action on this item.

Options:

A: Authorize the City Manager to execute an agreement to join the Critical Incident Stress Management Team to receive and extend mutual aid in aftermath of critical incidents that may negatively impact public safety dispatch personnel.

B: Choose not to participate in this agreement.

Staff Recommendation:

Staff recommends that the Council authorizes the City Manager to enter into an Intergovernmental Agreement for the participation of the Peoria Police Department in the Maricopa County Critical Incident Stress Management Team.

Fiscal Analysis:

There is no additional cost to the City to participate in this program.

ATTACHMENTS:

IGA

Contact Name and Number:

Roy W. Minter, Jr., Chief of Police, (623) 773-7059

INTERGOVERNMENTAL AGREEMENT REGARDING THE CREATION AND PARTICIPATION IN THE MARICOPA COUNTY CRITICAL INCIDENT STRESS MANAGEMENT TEAM FOR DISPATCHERS

This Agreement is entered into pursuant to A.R.S. §§11-951 *et seq.* among the Arizona Department of Public Safety, City of Chandler, City of Glendale, City of Goodyear, City of Mesa, Town of Paradise Valley, City of Peoria, City of Phoenix, City of Scottsdale, City of Surprise and City of Tempe. The aforementioned agencies shall herein after be known collectively as the Maricopa County Agencies (MCA) and any other public agencies, as that term is defined in A.R.S. § 11-951, which after written invitation by the Critical Incident Stress Management Team Co-Chairpersons (Co-Chairs) in concurrence with the MCA chiefs, comply with the provisions of A.R.S. §§11-951 *et seq.* and provides a copy of the authorizing document to the City of Scottsdale Chief of Police. A public agency shall become a Party to this Agreement as of the date that agency provides a copy of the authorizing document with the City of Scottsdale Chief of Police. All members to this Agreement shall be collectively known as the Parties.

I. PURPOSE

The purpose of this Agreement is to create a Critical Incident Stress Management (CISM) Team designed to support the needs of public safety dispatchers and other public safety communications personnel. In times of crisis, the needs of dispatchers are unique from those of police officers, fire fighters, or emergency medical system personnel.

The primary goal of the Maricopa County Critical Incident Stress Management Team for Dispatchers is to provide a support system for dispatchers by other dispatchers. The Parties to this Agreement may request assistance from or provide assistance to the other Parties as it relates to the aftermath of critical incidents that may negatively impact members of their respective Public Safety Communications Centers.

II. AUTHORITY

The Parties are authorized and empowered to enter into this Agreement pursuant to A.R.S. §§11-951 *et seq.* and the respective provisions of their City Charters or other governing statute or authority.

III. CHAIRPERSONS, ASSIGNMENT OF TEAM MEMBERS AND PROCEDURES

A. Two Co-Chairpersons will be selected by the chief law enforcement officers and the City of Phoenix fire chief (chiefs) of the MCA member agencies on a rotating basis for a term of one year, which shall correspond with the effective date of the Agreement. The Co-Chairs of the CISM team must be public safety communications personnel of Parties to this Agreement. In

the event that a Co-Chair is unable to complete his or her term due to resignation from his or her agency or for any other reason, the MCA chiefs shall appoint a replacement.

- B. The Co-Chairs will be responsible for the promulgation of policy and oversight for the conduct of the CISM Team. The Co-Chairs shall be responsible for the conduct and agenda of any CISM Team meetings, trainings or critical incident debriefings. The Co-Chairs may decide between themselves whether both or only one of them need be present at any particular meeting, training or debriefing. The Co-Chairs will keep updated contact records and training records for CISM Team members and ensure that at least one planned training is conducted each year.
- C. The Co-Chairs may appoint any number of members to the CISM Team as needed. Such members must be public safety communications personnel, who have received CISM training and who have received prior approval from their home agency. All CISM Team members shall serve at the pleasure of the Co-Chairs and shall receive refresher training at least once every three years.
- D. Any Party to the Agreement may request activation of the CISM Team. It shall be the responsibility of the Party requesting activation to page members of the CISM Team. The Co-Chairs shall be responsible for providing current contact information for CISM Team members to each Party.
- E. CISM Team Members may not respond to their own agency except with the concurrence of the two Co-Chairs.
- F. Communications supervisors and managers may participate on the CISM Team but shall serve in a non-supervisory capacity unless serving as a Co-Chair.
- E. Each Party shall to the best of its ability make at least one member of their Communications Center available for participation in the CISM Team. Each Party shall immediately inform the CISM Co-Chairs when personnel changes are made impacting the CISM Team.
- F. Each Party shall have the sole discretion to determine how many or how long any of its personnel or resources shall be assigned in support of any CISM Team activity.

IV. COSTS AND ANY REIMBURSEMENT

The Parties will be responsible for any associated costs incurred by their respective agencies. If any Party receives grant funds designated for the CISM Team, some or all of these expenses may be reimbursed to the Parties. In no event shall any Party charge other Parties for any administrative fees for any work performed pursuant to this Agreement.

V. NONDISCRIMINATION

The Parties to this Agreement shall comply with all applicable provisions of state and federal non-discrimination laws and regulations including, but not limited to Executive Order 75-5, as modified by Executive Order 99-4, which mandates that all persons, regardless of race, religion, sex, age, national origin or political affiliation shall have equal access to employment opportunities and all other federal and state employment and educational opportunity laws, rules and regulations, including the Americans with Disabilities Act; provided however, an Indian Community is subject to 25 U.S.C. § 450e(c). No Party shall engage in any form of illegal discrimination.

VI. INDEMNIFICATION

To the extent permitted by law, each Party does hereby covenant and agree to indemnify, defend, and hold harmless the other Party, their elected officials, appointees, officers, employees, contractees, volunteers and agents from and against any and all suits, actions, legal or administrative proceedings, claims, demands or damages of any kind or nature relating to this Agreement which, are the result of any act or omission of the Party, its officers, employees, contractees, volunteers, agents, and anyone acting under its direction or control, whether intentional or negligent, in connection with or incident to this Agreement. Failure of a Party to comply with the terms of this Agreement shall not provide the basis of any third party action against any of the Parties.

VII. GOVERNING LAW

The laws of the State of Arizona shall govern this Agreement. Venue will be in the Maricopa County Superior Court.

VIII. DURATION AND CANCELLATION OF AGREEMENT

A. This Agreement shall become effective upon execution by the Parties hereto and filing with the City of Scottsdale Chief of Police and shall remain in effect until July 1, 2026, unless otherwise terminated by the terms of this Agreement or operation of law. Failure by one or more Parties to execute the Agreement shall not invalidate the Agreement as to those Parties who did so. Any Party may withdraw from this Agreement with or without cause by giving thirty calendar days written notice to a Co-Chair and other Parties to the Agreement.

B. This Agreement may be administratively extended by each Party at the direction of the chief law enforcement officer for each Party on or before the Termination date for a period of an additional five years by notifying the City of Scottsdale Chief of Police in writing. Any Party which fails to do so by the termination date listed above shall no longer be a Party to the Agreement.

IX. CANCELLATION PROVISIONS PURSUANT TO A.R.S §38-511

The Parties reserve all rights that each may have to cancel this Agreement for possible conflicts of interest under A.R.S. § 38-511, as amended.

X. MULTIPLE COUNTERPARTS

This Agreement may be executed in multiple counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. Neither a signature for every Party nor a signature line shall be required in each counterpart except that on a counterpart being brought forward by a Party to its legislative body or equivalent for approval, that particular counterpart shall have to be signed and executed in accordance with that Party's practice. The signature pages from one or more counterparts may be removed from such counterparts and such signature pages all attached to a single instrument so that the signatures of all Parties may be physically attached to a single document.

XI. WORKER'S COMPENSATION

Pursuant to A.R.S. §23-1022(D), for the purposes of worker's compensation coverage, all employees of each Party covered by this Agreement shall be deemed to be an employee of all Parties. The parent agency shall be solely liable for payment of worker's compensation benefits.

XII. OTHER PROVISIONS

- A. In the event that any provision of this Agreement shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not affect the validity or enforceability of any other provision hereof.
- B. This Agreement contains the entire understanding between the Parties with respect to the subjects hereof and supersedes all prior negotiations and agreements. This Agreement may be amended only by an instrument in writing and signed by all the participating Parties. The waiver of any breach of this Agreement shall not be deemed to amend this Agreement and shall not constitute waiver of any other subsequent breach. Headings are for convenience and shall not affect interpretation.
- C. Upon approval, a copy of this Agreement shall be forwarded to each Party.

XIV COMPLIANCE WITH E-VERIFY PROGRAM

- A. To the extent provisions of A.R.S. §41-4401 are applicable, all Parties warrant to each Party that they will comply with all Federal Immigration laws and regulations that relate to their employees and that each now complies with the E-Verify Program under A.R.S. §23-214(A).
- B. A breach of this warranty will be considered a material breach of this Agreement and may subject the breaching party to penalties up to and including termination of this Agreement.

- C. All of the Parties retain the legal right to inspect the papers of any employee who works pursuant to this Agreement or any related subcontract to ensure compliance with the warranty given above.
- D. Any Party may conduct a random verification of the employment records of any other Party to ensure compliance with this warranty.
- E. A Party will not be considered in material breach of this Agreement if it establishes that it has complied with the employment verification provisions prescribed by 8 USCA §1324(a) and (b) of the Federal Immigration and Nationality Act and the E-Verify requirements prescribed by A.R.S. §23-214(A).
- F. The provisions of this Article must be included in any contract either Party enters into with any and all of its contractors or subcontractors who provide services under this Agreement.

XV. NOTICES

Any notice required to be given under this Agreement will be provided to the current Co-Chairs with a copy to all Parties to this Agreement. The Co-Chairs or designees shall compile a list of each Party's address, phone number and contact person and distribute said list to each member to this Agreement.

IN WITNESS WHEREOF, the I	Party named below has executed this Agreement on
	CITY OF SCOTTSDALE, an Arizona municipal corporation
ATTEGT	By: W.J. "Jim" Lane Mayor
ATTEST:	
Carolyn Jagger City Clerk	

APPROVED AS TO FORM:

Bruce Washburn City Attorney

By: Luis E. Santaella

Senior Assistant City Attorney

INTERGOVERNMENTAL AGREEMENT DETERMINATION

In accordance with A.R.S. §11-952, this Agreement has been reviewed by the undersigned who determined that this Agreement is in appropriate form and is within the powers and authority of the respective parties.

City of Scottsdale	
By:	
Bruce Washburn	
City Attorney	
By: Luis E. Santaella	
Senior Assistant City Attorney	
Date:	

	CITY OF PEORIA, an Arizona municipal corporation
ATTEST:	By: Jeff Tyne City Manager
Rhonda Geriminsky City Clerk	

APPROVED AS TO FORM:
Vanessa P. Hickman
City Attorney

INTERGOVERNMENTAL AGREEMENT DETERMINATION

In accordance with A.R.S. §11-952, this Agreement has been reviewed by the undersigned who determined that this Agreement is in appropriate form and is within the powers and authority of the respective parties.

City of Peoria		
By:	_	
Vanessa P. Hickman	_	
City Attorney		
_		
Date:	 _	

CITY OF PEORIA, ARIZONA COUNCIL COMMUNICATION

Date Prepared: 8/2/2018 Council Meeting Date: 8/14/2018

TO: Jeff Tyne, City Manager

THROUGH: Katie Gregory, Deputy City Manager

FROM: John Imig, IT Director/Chief Technology Officer

SUBJECT: Intergovernmental Agreement, City of Surprise, Radio Subscriber Support

Services

Purpose:

Discussion and possible action to authorize the City Manager to execute an Intergovernmental Agreement with the City of Surprise for Peoria to provide radio subscriber support services.

Summary:

The City of Peoria and City of Surprise are both members of the Regional Wireless Cooperative Radio System (RWC). Members of the RWC are each responsible for the programming, updates and maintenance required on their radio subscriber equipment (i.e. mobile, portable and base-station (console) radios). Peoria has the equipment and staff expertise required to provide limited subscriber maintenance services such as programming, encryption key loading and template development. City of Surprise does not currently have staffing, equipment and training to perform these services in house.

As a key member of the RWC and in its role as a regional partner, Peoria has provided operational radio services support to the Cities of Surprise, El Mirage, Buckeye, Tolleson, Avondale, and Sun City Fire and Medical after Council approved similar IGAs in 2010, 2014, 2016, 2017, and 2018 with those communities. This IGA establishes formal processes, costs and invoicing methods to provide charged services on an hourly basis.

Previous Actions/Background:

In November, 2010, Council approved similar IGAs with the Cities of Surprise and El Mirage. Subsequently, Council approved similar IGAs with the City of Buckeye in 2014, the City of Tolleson in 2016 and 2018, the City of Avondale in 2017, and Sun City Fire and Medical in 2018. The previous IGA with the City of Surprise has expired.

Options:

A: The Council could approve entering into this IGA.

B: The Council could decline to approve this IGA.

Staff Recommendation:

Staff recommends that the Council authorizes the City Manager to enter into this IGA with City of Surprise because this would allow Surprise to receive limited radio maintenance services and allow Peoria to bill for services provided.

Fiscal Analysis:

Any costs associated with providing radio services to City of Surprise will be recuperated through billing on an hourly basis. Some revenue may be generated from this IGA, but IT is unable to make any projections as to how much because services will be rendered as necessary and requested by City of Surprise.

ATTACHMENTS:

IGA Surprise Radio Subscriber Support Services

Contact Name and Number:

John Imig, (623) 773-7253

INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF SURPRISE AND THE CITY OF PEORIA FOR RADIO SUBSCRIBER SERVICES

THIS INTERGOVERNMENTAL AGREEMENT (this "Agreement") is entered into as of June 19, 2018 (the "Effective Date"), between the City of Surprise, an Arizona municipal corporation ("Surprise") and the City of Peoria, an Arizona municipal corporation ("Peoria"). Surprise and Peoria are referred to herein individually as a "Party" and collectively as the "Parties."

RECITALS

- A. Surprise desires to have Peoria provide radio subscriber support services.
- B. Peoria has the necessary equipment and expertise to provide radio subscriber services to Surprise.
- C. Surprise and Peoria each have funding available in their budgets to provide for the costs associated with this Agreement.
- D. Surprise and Peoria are authorized to enter into this Agreement pursuant to Ariz. Rev. Stat. § 11-952.
- E. The Parties desire to enter into this Agreement to establish the rights and responsibilities with respect to Peoria providing Surprise with radio subscriber services as set forth in Section 2 below.

AGREEMENT

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

1. <u>Term.</u> This Agreement shall remain in full force and effect from the Effective Date until June 30, 2021 (the "Initial Term"), unless terminated as otherwise provided pursuant to the terms and conditions of this Agreement. After the expiration of the Initial Term, this Agreement may be renewed for up to three successive three-year terms (each, a "Renewal Term") if (i) Surprise deems the Agreement to be in the best interests of Surprise, subject to availability

and appropriation of funds for renewal in each subsequent year, (ii) at least 30 days prior to the end of the then-current term of the Agreement, Surprise requests, in writing, to extend the Agreement for an additional three-year term and (iii) Peoria approves the additional three-year term in writing (including any cost adjustments approved as part of this Agreement), as evidenced by the signature thereon of the City Manager, which approval may be withheld for any reason. Surprise's failure to seek a renewal of this Agreement shall cause the Agreement to terminate at the end of the then-current term of this Agreement; provided, however, that Surprise may, at its discretion and with the agreement of Peoria, elect to waive this requirement and renew this Agreement. The Initial Term and any Renewal Term(s) are collectively referred to herein as the "Term." Upon renewal, the terms and conditions of this Agreement shall remain in full force and effect.

- 2. <u>Services</u>. Peoria shall provide Surprise with routine services on subscriber equipment, including programming, troubleshooting, maintenance and repair on an as needed basis, Monday through Thursday between the hours of 7:00 a.m. and 6:00 p.m. (the "Routine Services"). In addition to the Routine Services, Peoria may be available to provide critical services outside of normal business hours on a per-case basis.
 - 3. <u>Compensation</u>. Surprise shall pay Peoria for the Services as follows:
 - 3.1 \$75.00 per hour (one-hour minimum required).
 - 3.2 After the first hour, rates for the Services will be calculated in quarter-hour increments (at \$18.75 per every 15 minutes).
 - 3.3 For on-site service, there will be an additional trip charge of \$75.00, plus mileage at the current federal mileage reimbursement rate.
 - 3.4 For the Initial Term and for each subsequent Renewal Term, if any, Surprise shall pay Peoria an annual aggregate amount not to exceed \$10,000 for the Services at the unit rates as set for in this Section 3. The maximum aggregate amount for this Agreement shall not exceed \$50,000.
- 4. <u>Payments</u>. Surprise shall pay Peoria on a quarterly (three month) basis, based upon work performed to date and upon submission and approval of invoices.
- 5. <u>Capital and Operating Expenditures</u> Nothing in this Agreement shall be construed as committing Surprise to incur capital expenditures for equipment, facilities, or otherwise, or to incur expenses not expressly set forth in this Agreement.
- 6. <u>Oversight; Acceptance</u>. All Services shall be subject to oversight and acceptance by Surprise at reasonable times during Peoria's performance.

- 7. <u>Materials</u>. Surprise has no obligation to provide tools, equipment or materials to Peoria for the performance of the Services. Each Party shall be solely responsible for the costs of repair of damage to equipment, materials or tools caused by such Party.
- 8. <u>Performance Warranty</u>. Peoria warrants that the Services rendered will conform to the requirements of this Agreement and to the highest professional standards in the field.
- 9. Liability and Indemnification. Each Party agrees that it will be responsible for any liability or loss that may be incurred as a result of any claim, demand, cost or judgment made against that Party to the extent arising from any negligent, reckless or intentional act or omission by any of that Party's employees, agents or servants in connection with work or services performed pursuant to this Agreement. To the extent permitted by law, each Party shall indemnify, defend and hold harmless the other Party and each council member, officer, employee or agent thereof (the Party being indemnified and any such person referred to herein as an "Indemnified Party") for from and against any and losses, claims, damages, liabilities, costs and expenses (including, but not limited to, reasonable attorneys' fees, court costs and the costs of appellate proceedings) to which any such Indemnified Party may become subject, under any theory of liability whatsoever ("Claims"), insofar as such Claims (or actions in respect thereof) relate to, arise out of, or are cause by or based upon the negligent acts, intentional misconduct, errors, mistakes or omissions in connection with the work or services of the other Party, its officers, employees, agents, or any tier of subcontractor in the performance of this Agreement. The amount and type of insurance coverage secured by the indemnifying Party will in no way be construed as limiting the scope of the indemnity in this Section.
- 10. <u>Insurance</u>. The Parties agree to secure and maintain insurance coverage for any and all risk that may arise out of the terms, obligations, operations and actions as set forth in this Agreement, including but not limited to public entity insurance. The acquisition of insurance or the maintenance and operation of a self-insurance program may fulfill this insurance requirement.

11. Termination; Cancellation.

- 11.1 <u>For Convenience</u>. This Agreement may be terminated by either Party with or without cause upon 60 days' written notice to the other Party.
- 11.2 <u>Conflict of Interest.</u> This Agreement may be canceled by either Party for conflict of interest pursuant to ARIZ. REV. STAT. § 38-511.
- 11.3 Agreement Subject to Appropriation. Each Party is obligated only to pay its obligations set forth in this Agreement as may lawfully be made from funds appropriated and budgeted for that purpose during the Party's then current fiscal year. Each Party's obligations under this Agreement are current expenses subject to the "budget law" and the unfettered legislative decision of the Party concerning budgeted purposes and appropriation of funds. Should a Party elect not to appropriate and budget funds to pay its obligations under this Agreement, this Agreement shall be deemed terminated at the end of the then current fiscal year

term for which such funds were appropriated and budgeted for such purpose and the Party shall be relieved of any subsequent obligation under this Agreement. The Parties agree that each Party has no obligation or duty of good faith to budget or appropriate the payment of a Party's obligations set forth in this Agreement in any fiscal year other than the fiscal year in which this Agreement is executed and delivered. Each Party shall be the sole judge and authority in determining the availability of funds for its obligation under this Agreement. The obligation to make any payment pursuant to this Agreement is not a general obligation or indebtedness of the Parties. Each Party hereby waives any and all rights to bring any action against the other Party from or relating in any way to such Party's termination of this Agreement pursuant to this subsection 11.3.

12. Miscellaneous.

- 12.1 <u>Independent Contractor</u>. Peoria acknowledges and agrees that the Services provided under this Agreement are being provided as an independent contractor, not as an employee or agent of Surprise, except as provided in Section 12.13 below. Peoria, its employees and subcontractors are not entitled to workers' compensation benefits from Surprise. Surprise does not have the authority to supervise or control the actual work of Peoria, its employees or subcontractors. Peoria, and not Surprise, shall determine the time of its performance of the services provided under this Agreement so long as Peoria meets the requirements set forth herein. The Parties do not intend to nor will they combine business operations under this Agreement. Peoria is advised that taxes or Social Security payments will not be withheld from any Surprise payment issued hereunder and Peoria agrees to be fully and solely responsible for the payment of such taxes and any other taxes applicable to this Agreement.
- 12.2 <u>Applicable Law; Venue</u>. This Agreement shall be governed by the laws of the State of Arizona and suit pertaining to this Agreement may be brought only in courts in Maricopa County, Arizona.
- 12.3 <u>Laws and Regulations</u>. Both Parties shall keep fully informed and shall at all times during the performance of its duties under this Agreement ensure that it and any person for whom the Parties are responsible for abides by, and remains in compliance with, all rules, regulations, ordinances, statutes or laws affecting the Services, including, but not limited to, the following: (A) existing and future local and county ordinances and regulations, (B) existing and future state and federal laws and (C) existing and future Occupational Safety and Health Administration standards.
- 12.4 <u>Amendments</u>. This Agreement may be modified only by a written amendment approved by the Parties' respective City Councils and signed by persons duly authorized to enter into contracts on behalf of Surprise and Peoria. Any attempt at oral modification of this Agreement shall be void and of no effect.

- 12.5 <u>Provisions Required by Law</u>. Each and every provision of law and any clause required by law to be in this Agreement will be read and enforced as though it were included herein and, if through mistake or otherwise any such provision is not inserted, or is not correctly inserted, then upon the application of either Party, this Agreement will promptly be physically amended to make such insertion or correction.
- 12.6 Entire Agreement; Interpretation; Parol Evidence. This Agreement represents the entire agreement of the Parties with respect to its subject matter, and all previous agreements, whether oral or written, entered into prior to this Agreement are hereby revoked and superseded by this Agreement. No representations, warranties, inducements or oral agreements have been made by any of the Parties except as expressly set forth herein, or in any other contemporaneous written agreement executed for the purposes of carrying out the provisions of this Agreement. This Agreement shall be construed and interpreted according to its plain meaning, and no presumption shall be deemed to apply in favor of, or against the Party drafting the Agreement. The Parties acknowledge and agree that each has had the opportunity to seek and utilize legal counsel in the drafting of, review of, and entry into this Agreement.
- 12.7 <u>Assignment; Delegation</u>. No right or interest in this Agreement shall be assigned by a Party to this Agreement without prior, written permission of the other Party signed by the City Manager, or authorized <u>designee</u>, and no delegation of any duty of any Party shall be made without prior, written permission of the other Party signed by the City Manager, or authorized designee. Any attempted assignment or delegation by either Party in violation of this provision shall be a breach of this Agreement.
- 12.8 <u>Subcontracts</u>. Peoria shall not enter into any subcontract with any other party to furnish any of the Services specified herein without the prior written approval of Surprise.
- 12.9 Rights and Remedies. No provision in this Agreement shall be construed, expressly or by implication, as waiver by Surprise of any existing or future right and/or remedy available by law in the event of any claim of default or breach of this Agreement. The failure of Surprise to insist upon the strict performance of any term or condition of this Agreement or to exercise or delay the exercise of any right or remedy provided in this Agreement, or by law, or Surprise's acceptance of and payment for Services, shall not release Peoria from any responsibilities or obligations imposed by this Agreement or by law, and shall not be deemed a waiver of any right of Surprise to insist upon the strict performance of this Agreement.

- 12.10 Attorneys' Fees. In the event either Party brings any action for any relief, declaratory or otherwise, arising out of this Agreement or on account of any breach or default hereof, the prevailing Party shall be entitled to receive from the other Party reasonable attorneys' fees and reasonable costs and expenses, determined by the court sitting without a jury, which shall be deemed to have accrued on the commencement of such action and shall be enforced whether or not such action is prosecuted through judgment.
- 12.11 Notices and Requests. Any notice or other communication required or permitted to be given under this Agreement shall be in writing and shall be deemed to have been duly given if (A) delivered to the Party at the address set forth below, (B) deposited in the U.S. Mail, registered or certified, return receipt requested, to the address set forth below or (C) given to a recognized and reputable overnight delivery service, to the address set forth below:

If to Surprise: City of Surprise

16000 N Civic Center Drive Surprise, Arizona. 85374

Attn: Bob Wingenroth, City Manager

City of Surprise Police Department 14250 W Statler Plaza Suite 103

Surprise, Arizona 85374

Attn: Public Safety Communications

Manager

If to Peoria: City of Peoria

8401 West Monroe Street Peoria, Arizona 85345

Attn: Jeff Tyne, City Manager

or at such other address, and to the attention of such other person or officer, as any Party may designate in writing by notice duly given pursuant to this Section. Notices shall be deemed received (A) when delivered to the Party, (B) three business days after being placed in the U.S. Mail, properly addressed, with sufficient postage or (B) the following business day after being given to a recognized overnight delivery service, with the Party giving the notice paying all required charges and instructing the delivery service to deliver on the following business day. If a copy of a notice is also given to a Party's counsel or other recipient, the provisions above governing the date on which a notice is deemed to have been received by a Party shall mean and refer to the date on which the Party,

and not its counsel or other recipient to which a copy of the notice may be sent, is deemed to have received the notice.

- 12.12 <u>Severability</u>. The provisions of this Agreement are severable to the extent that any provision or application held to be invalid or unenforceable by a court of competent jurisdiction shall not affect any other provision or application of the Agreement, which may remain in effect without the invalid provision or application.
- 12.13 Worker's Compensation. An employee of either Party shall be deemed to be an "employee" of both public agencies while performing pursuant to this Agreement solely for purposes of ARIZ. REV. STAT. § 23-1022 and the Arizona Workers' Compensation laws. The primary employer shall be solely liable for any workers' compensation benefits, which may accrue. Each Party shall post a notice pursuant to the provisions of ARIZ. REV. STAT. § 23-1022 in substantially the following form:
 - "All employees are hereby further notified that they may be required to work under the jurisdiction or control or within the jurisdictional boundaries of another public agency pursuant to an intergovernmental agreement or contract, and under such circumstances they are deemed by the laws of Arizona to be employees of both public agencies for the purposes of worker's compensation."
- 12.14 <u>Counterparts</u>. This Agreement may be executed in any number of counterparts, all such counterparts shall be deemed to constitute one and the same instrument, and each of said counterparts shall be deemed original hereof.
- 12.15 <u>Captions</u>. Captions and section headings used herein are for convenience only and are not a part of this Agreement and shall not be deemed to limit or alter any provisions hereof and shall not be deemed relevant to construing this Agreement.
- 12.16 <u>Disposition of Property Upon Termination</u>. The Parties do not anticipate having to dispose of any property upon partial or complete termination of this Agreement. However, to the extent that such disposition is necessary, property shall be returned to its original owner.
- 12.17 <u>No Israel Boycott</u>. In accordance with ARIZ. REV. STAT. § 35-393.01, by entering into this Agreement, each Party certifies that it is not currently engaged in, and agrees that for the duration of this Agreement to not engage in a boycott of Israel.

13. <u>E-verify, Records and Audits</u>. To the extent applicable under ARIZ. REV. STAT. § 41-4401, each Party and their respective subcontractors warrant compliance with all federal immigration laws and regulations that relate to their employees and compliance with the E-verify requirements under ARIZ. REV. STAT. § 23-214(A). Each Party has the right to inspect the papers of the other Party or its subcontractors participating in this Agreement to ensure compliance with this paragraph. A Party's or its subcontractor's breach of the above-mentioned warranty shall be deemed a material breach of this Agreement and may result in the termination of this Agreement by a non-breaching Party under the terms of this Agreement.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the Effective Date.

"Surprise"	"Peoria"
CITY OF SURPRISE, an Arizona municipal corporation	CITY OF PEORIA, an Arizona municipal corporation
Bob Wingenroth, City Manager	Jeff Tyne, City Manager
ATTEST:	ATTEST:
Sherry Aguilar, City Clerk	Rhonda Geriminsky, City Clerk
Attorneys acknowledge that (i) they have respective clients and (ii) as to their respecti	RIZ. REV. STAT. § 11-952(D), the undersigned City reviewed the above agreement on behalf of their ive clients only, each attorney has determined that this he powers and authority granted under the laws of the
Robert Wingo, City Attorney	Vanessa P. Hickman City Attorney

CITY OF PEORIA, ARIZONA COUNCIL COMMUNICATION

Date Prepared: 8/6/2018 Council Meeting Date: 8/14/2018

TO: Jeff Tyne, City Manager

THROUGH: Erik Strunk, Deputy City Manager

FROM: Kevin Burke, Public Works Director

SUBJECT: Intergovernmental Agreement Amendment, Regional Public Transportation

Authority, Bus Stop Improvements

Purpose:

Discussion and possible action to: (a) approve an Intergovernmental Agreement (IGA) Amendment with the Regional Public Transportation Authority (RPTA) for funding bus stop accessibility improvements; and (b) approve a budget amendment in the amount of \$56,000 from the 83rd Avenue Bus Shelter Project account to the Peoria Avenue Bus Stop Improvements Project account and \$160,403 from the Transportation Sales Tax Fund contingency account to the Peoria Avenue Bus Stop Improvements Project account to supplement funding for the Peoria Avenue Bus Shelter Project PW11190.

Summary:

As one of the City's efforts to provide accessible and aesthetically pleasing bus shelters for Peoria residents, the City of Peoria Transit Division has been working to program and plan construction funds for twenty-four existing bus stops on Peoria Avenue. The estimated cost for this project is approximately \$680,000.

To help secure funding for this project, the City applied for and received grant funding from the Achieving Transportation Accessibility Now (ATAN) program. The ATAN program provides funds to improve accessibility at transit stops and is disbursed through the RPTA. If approved, this agreement identifies ATAN funding through RPTA to Peoria for \$380,268. The ATAN grant requires the application of local match funds of \$95,067, of which \$83,329 is currently programmed.

To satisfy the local match requirement and the remaining shortfall needed to successfully complete the project, an additional \$216,403 is needed. Of this amount, funds will be used from the bus shelter project along the 83rd Avenue route (project EN00582) - which is nearing completion and will have a remaining balance of \$56,000 once completed; and \$160,403 will be used from the Transportation Sales Tax contingency.

Previous Actions/Background:

The last agreement between RPTA and the City of Peoria was approved by City Council on June 19, 2018 for Transit Services. Council approved an agreement between the RPTA and the City of Peoria for bus stop improvements along 83rd Avenue on August 15, 2017.

Options:

A: City Council could approve the IGA Contract Amendment to complete the installation of bus shelters as recommended.

B: City Council could decline to approve the IGA Contract Amendment for bus stop improvements and the supporting budget amendments, which would increase the city's funding obligations complete the project as planned, and/or result in a reduced scope of bus shelter improvements.

Staff Recommendation:

Staff recommends acceptance of the IGA Amendment with the Regional Public Transportation Authority (RPTA) for funding for bus stop modifications in the amount of \$380,268 and approving two budget amendments: 1)\$56,000 from the 83rd Avenue Bus Shelter Project (4810-4810-543001-CIPST-EN00582CO) to the Peoria Avenue Bus Stop Improvements Project (4810-4810-543001-CIPST-PW11190CO); and, 2)\$160,403 from the Transportation Sales Tax Fund contingency account (7010-7075-570000) to the Peoria Avenue Bus Stop Improvements Project (4810-4810-543001-CIPST-PW11190CO).

Fiscal Analysis:

Funding for the ATAN Grant award was provided for in the FY2019 approved Capital Improvement Program. The additional funding requirements of \$160,403 can be absorbed by the Transportation Sales Tax Fund on a one-time-basis without negatively effecting other projects.

ATTACHMENTS:

IGA Amendment RPTA Bus Stop Improvements

Contact Name and Number:

Kevin Burke, Public Works Director (623) 773-7395

TRANSIT SERVICES AMENDMENT

BETWEEN

THE CITY OF PEORIA

AND

THE REGIONAL PUBLIC TRANSPORTATION AUTHORITY CONTRACT # 151-75-2019-01

THIS AMENDMENT dated this 11th day of July, 2018, amends the following items of the Transit Service Agreement Contract # 151-75-2019 entered into between the City of Peoria and the Regional Public Transportation Authority, dated the 1st day of July 2013 as amended July 1, 2014, July 1, 2015, July 1, 2016, July 1, 2017, July 20, 2017 and July 1, 2018.

The following Sections of the Agreement dated July 1, 2013 are hereby amended to include:

SECTION 2. SCOPE OF AGREEMENT

During the term of this agreement RPTA shall provide the following services:

2. <u>ATAN Bus Stop Improvements (Schedule I)</u> The Achieving Transportation Accessibility Now (ATAN) program in administered by Maricopa Association of Governments (MAG) and is for the design and construction of twenty four bus stop improvements between July 1, 2018 and August 23, 2019 in the City of Peoria to further comply with the American with Disabilities Act (ADA) design standards. Financial management of the ATAN is coordinated between MAG and RPTA. The RPTA shall reimburse the City for partial and final reimbursement requests upon authorization for payment received by RPTA from MAG.

SECTION 3. RPTA'S OBLIGATIONS:

- 3.1 With respect to the services provided hereunder, RPTA, shall:
 - p. Reimburse the City with regional funds for eligible project expenses for ATAN bus stop improvements as described in Schedule I, 2.

SECTION 4. Member's OBLIGATIONS:

- 4.1 With respect to the services provided hereunder, Member, shall:
 - j. Complete the bus stop locations as identified in the MAG ATAN project approval.

SECTION 31. INCORPORATION OF SCHEDULES

For each year during the term of this Agreement and in coordination with RPTA's adopted fiscal year budget process, Schedules hereto shall be revised and incorporated into this Agreement and made a part hereof as though fully set forth herein.

Schedule "I" 2. ATAN Bus Stop Improvements

All other terms of the Parties Transit Services Agreement dated July 1, 2013 remain unchanged and in full force and effect.

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

REGIONAL PUBLIC TRANSPORTATION AUTHORITY (RPTA)

By:	
	Scott W. Smith, Chief Executive Officer
API	PROVED AS TO FORM:
D.,,	
Dy.	Michael J. Minnaugh, General Counsel
	City of Peoria
Ву:	Jeff Tyne, City Manager
By:	Phondo Coriminales, City Clark
	Rhonda Geriminsky, City Clerk
API	PROVED AS TO FORM:
By:	
	Vanessa P. Hickman, Member Attorney

SCHEDULE "I"

2. ACHIEVING TRASNPORTATION ACCESSIBILITY NOW (ATAN) BUS STOP IMPROVEMENT PROJECT

- 1. The ATAN program is administered by MAG. Applications, project awards, and project oversight are the responsibility of MAG. To facilitate financial management of the program MAG and RPTA have developed a process to pay for ATAN improvements with public transportation fund (PTF) revenues.
- 2. RPTA shall reimburse the City up to \$380,268 in regional funds for eligible ATAN project expenses. Reimbursements will be made to the City upon MAG's review and approval of project development and expenditures.
- 3. At each bus stop location where improvements are being constructed, Peoria will identify temporary bus stop locations acceptable to RPTA operations and provide acceptable convenience and safety for the rider.
- 4. Temporary bus stop signs will be provided by Peoria or the contractor.

CITY OF PEORIA, ARIZONA COUNCIL COMMUNICATION

Agenda Item: 10C.

Date Prepared: 7/24/2018 Council Meeting Date: 8/14/2018

TO: Jeff Tyne, City Manager

THROUGH: Katie Gregory, Deputy City Manager

FROM: John Imig, Information Technology Director

SUBJECT: Intergovernmental Agreement Amendment, Regional Wireless Cooperative

Amended and Restated Governance Document

Purpose:

Discussion and possible action to authorize the City Manager to execute the amended and restated Intergovernmental Agreement and Governance document with the Regional Wireless Cooperative for Operations and Maintenance of the regional radio network.

Summary:

The RWC is a large public safety radio network serving the frontline needs of police, fire, first responders, and other governmental support personnel. The network operates in the 700 MHz frequency band and consists of over 80 strategically placed communication sites, providing seamless, wide area radio coverage across 11,000 square miles of the Phoenix metropolitan region. The City of Phoenix is the administrative managing member of the RWC.

The RWC's Governance Document (Governance) was adopted and signed by all nineteen members' governing bodies. The Governance provides written direction and guidance -- setting forth term definitions, management processes, and financial, accounting and network management of the RWC. The Governance is the administrative and managerial "rule book" used by the Board of Directors, Executive Director, and operational and technical support personnel for managing the RWC.

In 2012, the RWC Board of Directors established a Governance Working Group ("GWG") tasked with undertaking a full, detailed review of the Governance Document in order to ensure that it was effectively meeting the needs for managing the RWC.

Since its inception the GWG has met regularly, held discussions with and gained input from the RWC Board of Directors, fire and police chiefs, public safety committees, accounting staff, City of Phoenix Finance and Budget & Research departments, labor organizations, public safety and radio communications, technical and information technology subject matter experts. In addition, as draft Governance documents were developed, legal staffs from all RWC Members were consulted and solicited for review and input.

The result of the process is a much-improved Governance Document. Since the review focused primarily on structure and clarity, few major changes to the core goals of the document were necessary. The information contained in the updated Governance Document includes many of the same processes, concepts and goals that were in the original document, but these were refined and clarified in many cases. Additionally, there were a number of items in the original document that were found to be superfluous. These items were removed while others were streamlined for readability and clarification. The new Governance will become effective January 1, 2019.

Previous Actions/Background:

The original IGA and Governance documents between the City of Peoria and the RWC were executed in April, 2009. The amended and restated IGA and Governance documents were executed in August, 2009.

Options:

A: The Council could approve amending this IGA and Governance documents.

B: The Council could decline to approve amending this IGA and Governance documents.

Staff Recommendation:

This is a request for City Council to authorize the City Manager to execute the Amended and Restated Intergovernmental Agreement (IGA) and Governance document (LCON02909A) between the City of Peoria and the Regional Wireless Cooperative (RWC) for Operations and Maintenance (O&M) of the regional radio network.

Fiscal Analysis:

No fiscal changes related to the IGA Amendment.

ATTACHMENTS:

First Amendment to RWC IGA & Governance RWC Adoption of New Governance Document

Contact Name and Number:

John Imig, (623) 773-7253

FIRST AMENDMENT TO AMENDED AND RESTATED INTERGOVERNMENTAL AGREEMENT TO PLAN, DESIGN, CONSTRUCT, OPERATE, MAINTAIN AND FINANCE THE REGIONAL WIRELESS COOPERATIVE NETWORK

This First Amendment to the Amended and Restated Intergovernmental Agreement to Plan, Design, Construct, Operate, Maintain and Finance the Regional Wireless Cooperative Network (the "First Amendment") is made and entered into effective **January 1, 2019**, by and between the signatories hereto. Unless indicated otherwise herein, all capitalized terms used herein shall have the meaning ascribed to them in the Agreement.

RECITALS

- A. WHEREAS, the Parties wish to amend the rules and policies governing the regulation and management of the RWC's internal affairs, which rules are presently set forth in Exhibit A to the Agreement, by replacing said Exhibit A with the document attached as Exhibit A hereto; and
- B. WHEREAS the Parties deem it appropriate to make several additional revisions to the body of the Agreement in order to accommodate the revision of Exhibit A;

AGREEMENT

NOW, THEREFORE, the Parties agree as follows:

1. REPLACEMENT OF GOVERNANCE DOCUMENT: Exhibit A to the Agreement is hereby deleted and replaced with the Regional Wireless Cooperative Governance Document attached as Exhibit A hereto.

2. ADDITIONAL REVISIONS TO THE AGREEMENT:

- a. The first sentence within the second paragraph of Section 4.4 of the Agreement is hereby deleted and replaced with the following: "The Parties agree that all damages, costs and expenses not specifically provided for in this Agreement shall be shared by the Parties in proportion to each Party's share of the total number of Subscriber Units at the time the claim or lawsuit is first served on any Party or the unforeseen costs or expenses were incurred (whichever occurs first)."
- b. The fourth sentence within Section 4.8 of the Agreement is hereby deleted and replaced with the following: "The cost of any insurance and/or self-insurance provided under this section shall be shared by the Parties pursuant to Section 3.3.2 of Exhibit A."
- 3. SURVIVAL OF AGREEMENT: The Agreement shall remain in force and effect pursuant to its terms, except as modified by this First Amendment.

[signature pages follow]

	For:
	Date:
	By:
	Name of Signor:
ATTEST:	
ATTEST.	
Clerk	
APPROVED AS TO FORM and within the	
powers and authority granted under the	
laws of the State of Arizona:	
City/Town Attorney	

IN WITNESS WHEREOF, the Parties hereto have executed this First Amendment effective as of the date set forth above.

EXHIBIT A

(see following page)

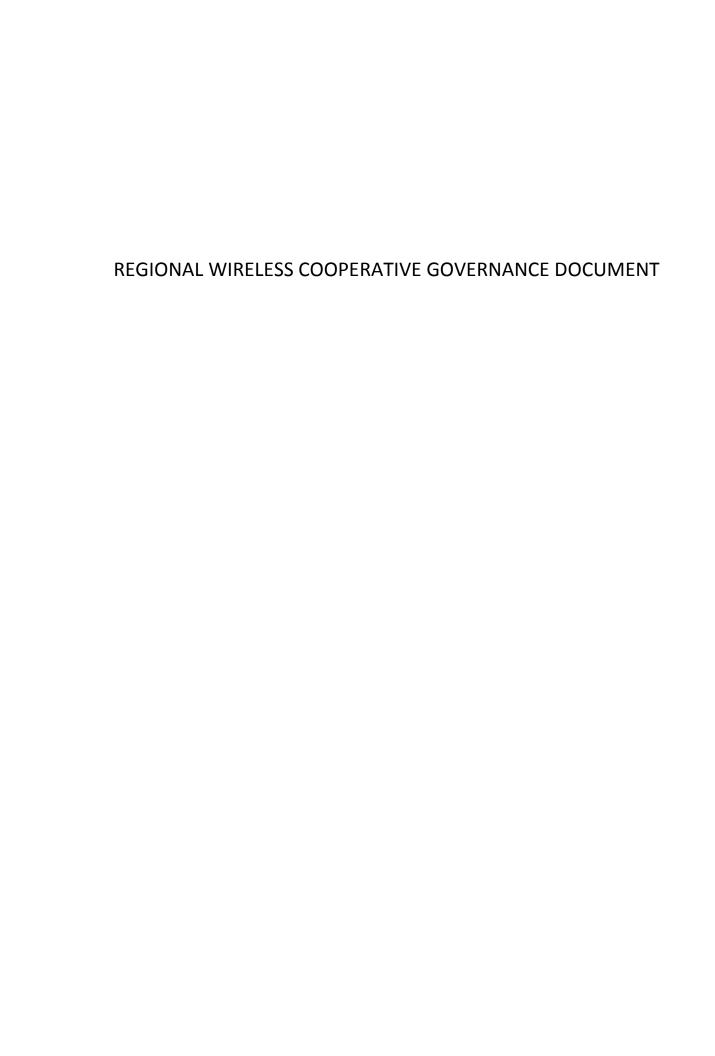


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RECITALS

- A. This Agreement establishes (1) an organizational and management structure for ongoing Network administration, planning, operation, and maintenance; and (2) a budgeting and accounting process to allocate costs among Members, Conditional Participants, Interoperability Participants, and Associates for the Network's operation and maintenance.
- B. The Members further desire to provide a process for admitting other Public Safety Agencies and General Government Service Entities to join and participate in the RWC pursuant to terms and conditions of this Agreement.

AGREEMENT

1. DEFINITIONS

The following terms when used herein shall have the meaning ascribed to them below. Words and terms used in the singular shall include the plural, and the plural shall include the singular, as the context may require.

<u>Term</u>	<u>Definition</u>
Administrative Manager	The Member selected by the Board pursuant to Subsection 2.2 of this Agreement that is responsible for the RWC administration, day-to-day operations and financial management whose powers and duties are more specifically set forth in Subsection 2.3.1 of this Agreement.
Agreement	This governance document.
Alternate Representative	One or more persons who have been designated by a Member to serve as their substitute representative and as having the authority to act on the Member's behalf for RWC matters as more specifically set forth in Subsection 2.2.1 of this Agreement.
Applicable Law	Applicable federal, state, and local law and regulation (including but not limited to, for a Member, that Member's Charter and City Code).
Associate	A non-Member entity that is authorized by the Board to use the Network to support an existing Member pursuant to Subsection 2.1.1 of this Agreement.

Board of Directors ("Board")	The governing body of the RWC whose duties are more specifically set forth in Subsection 2.2.
Capital Project Fund(s)	One or more funds established for infrastructure replacements and enhancements pursuant to and as more specifically set forth in Subsection 3.3.2.3.
Claims	Claims and lawsuits, including claims, demands, losses, liability, damages, payments, judgments, costs, expenses (including but not limited to reasonable attorney's fees incurred through all appeals).
Conditional Participants	A non-Member entity authorized by the Board or the Executive Director to use the Network for special events, tactical situations, emergency circumstances, or for other purposes subject to the terms and conditions more specifically set forth in Subsection 2.1.3.
Encryption Services Manager	As authorized by the Board, an entity responsible for the management of encryption keys and process whose powers and duties are more specifically set forth in Subsection 2.3.4 of this Agreement.
Encryption Services Operator	As authorized by the Board, an entity responsible for executing the activities of the encryption management services over a specific area as more specifically set forth in Subsection 2.3.5.
Executive Committee	The RWC committee responsible for producing and/or evaluating RWC proposals and recommendations as necessary, prior to submission to the Board and the other responsibilities as more specifically set forth in Subsection 2.2.13.
Executive Director	The chief executive officer responsible for oversight of RWC and Network activities at the direction of the Board as more specifically set forth in Subsection 2.3.6.1.
Final Budget	The Final Budget adopted by the Board for each fiscal year as more specifically set forth in Subsection 3.2.
Fiscal Year	The twelve (12) month accounting period for budgeting and expenditure reporting that commences on the first day of July and ends on the

thirtieth day of June, unless otherwise agreed to by the Board.

General Government Service Entities	All public sector entities or departments whose primary responsibility is providing residents with services other than Public Safety services.
General Government Personnel	All employees, contractors or other individuals that provide work for General Government Service Entities.
Good Standing	The status of a Member who is in full compliance with the terms and conditions of this Agreement.
IGA	That certain Amended and Restated Intergovernmental Agreement to Plan, Design, Construct, Operate, Maintain, and Finance the Regional Wireless Cooperative Network (City of Phoenix Contract No. 124822-001), including all amendments thereto
Impact Assessment	Evaluation of impacts to the Network and RWC Members resulting from additional or expanded use of the Network.
Interoperability	The ability of emergency responders to communicate among jurisdictions, disciplines, and levels of government, as needed and as authorized.
Interoperability Participant	A non-Member entity authorized by the Board to use the Network for the purpose of participating in intermittent interoperable situations or circumstances as more specifically set forth in Subsection 2.1.2.
Member	Any entity that executes and becomes a Party to this Agreement to plan, design, construct, operate, maintain, and finance the RWC Network as more specifically set forth in Subsection 2.1.
Member's Equity	The Member's proportionate share of RWC Capital Equity as more specifically set forth in Subsection 3.4.
Member Personal Property	A Member Personal Property including, without limitation, all frequency licenses, equipment, hardware, and software that the Member owns.
Member Real Property	A Member's real property, and fixtures thereto, including without limitation real estate, buildings, structures, towers, generators, HVAC, fire detection, and suppression systems that the Member owns.
Member Retained Property	The Member's Real Property and Member Personal Property that will continue to be owned by individual Members and not be included as part of the Member's Equity.

Network

The Public Safety and general government communications system that is planned, designed, constructed, operated, maintained, and financed by the RWC and its Members, including all real estate, real property, and personal property that is purchased, leased or licensed by the RWC or owned or licensed by a Member and which such Member allows the RWC to use.

Network Administrator

As authorized by the Board, the entity that is responsible for the technical operations of the Network and whose powers and duties are more specifically set forth in Subsection 2.3.2 of this Agreement.

Network Manager

As authorized by the Board, an entity responsible for providing operations and maintenance for a defined portion of the Network whose powers and duties are more specifically set forth in Subsection 2.3.3 of this Agreement.

Network Partner

Other governmental or other regional communication systems that have entered into a written agreement with the RWC but are not parties to this Agreement.

Network Resource Plan

A plan document that describes available network resources users can access to carry out their communications. This plan will be used to allocate and manage resources on the network, and in the development of radio programming templates.

Network Resource Priorities The priorities assigned to Network resources pursuant to Section 7.4.4.1, (see Network Resource Plan) such as talkgroups or physical radio frequency channels to ensure the most urgent communications receive the highest priority in the network.

Network Services

Services provided by the RWC related to Talkgroups, feature sets, encryption usage, priorities, roaming, and any other services.

Network System

The collection of devices, software, hardware, technologies, facilities, towers or other devices or structures that provide RWC voice and data communications capability for the Network.

New Member Special Assessment The special assessment a new RWC Member may be required to pay upon joining the RWC pursuant to Subsection 3.3.5.1.

Operating Fund Contingency Balance	A reserve of money set aside to cover unforeseen future expenses as set forth in Subsection 3.3.2.2.
Parties	Collective reference to all entities that are signatories to this Agreement.
Party	Any individual entity that is a signatory to this Agreement.
Public Safety	Public Safety refers to the welfare and protection of the general public typically performed by Public Safety Agencies.
Public Safety Agencies	All local, county, state, tribal community, and federal law enforcement agencies, fire and medical services, emergency management and disaster preparedness agencies whose purpose and function at least in part is to enhance or maintain Public Safety.
Regional Wireless Cooperative ("RWC")	The cooperative that was formed by the Parties to jointly plan, design, construct, operate, maintain, and finance the Network; the operations of which cooperative are governed by the IGA and this Agreement.
Representative	The person designated by a Member to act on behalf of the Member on all matters concerning the RWC as more specifically set forth in Subsection 2.2.1 of this Agreement.
RWC Assets	The real and personal property that the RWC owns, leases or licenses; except for Member Retained Property.
RWC Capital Equity	(1) The amount paid for RWC capital additions, upgrades or replacements including real estate, real property, and other property purchased by the RWC; and
	(2) Capital contributed by Members to the RWC. It does not include Member Retained Property or fees paid by Members that are a Member's share of operation and maintenance costs.
RWC Net Position	The total RWC Assets, minus RWC liabilities as reported in the RWC financial statements.
RWC Policies and Procedures	The policies and procedures that have been adopted by the Board.
Special Assessment	Fee assessed by the Board to pay the cost of projects, or unforeseen expenses as more specifically set forth in Subsection 3.3.3. Each Special Assessment may use a unique cost distribution method.
Subscriber Unit	Any device authorized for use on the Network.

Super-Majority A vote of no less than eighty percent (80%) of the Board Members

present as more specifically set forth in Subsection 2.2.11

Talkgroup A defined organizational grouping of radio users who need to

communicate with one another.

Technical Working Group
A working group consisting of Member technical and operational

practitioners who meet to address Network Services, operation and maintenance issues, performance issues, Impact Assessments, and other Network technical matters as established by the Board pursuant to

Subsection 2.2.12.

User Working Group As established by the Board pursuant to Subsection 2.2.12, a group (such

as fire fighters, police officers or General Government Personnel) that meets to: (1) discuss or provide operational or field input regarding RWC Network use and performance; (2) share knowledge and experience; (3) receive input from RWC department delegates, industry providers or RWC management (or RWC management designee); and (4) conduct

other related activities.

Working Day A calendar day other than Saturday, Sunday or a United States federal

holiday.

2. RWC STRUCTURE

2.1. Members

The RWC shall be comprised of its Members. Each Member shall have one voting Representative on the Board.

2.1.1. Associates

An entity may become an Associate if the entity: (1) is under contract to or supports an existing Member that uses the Network to provide Public Safety or general government services and is authorized by the Board to use the Network; and (2) is compliant with the conditions as set forth by the Board, this Agreement, and any other applicable agreements. Associates have no RWC voting rights or representation on the Board or the Executive Committee, but may have a delegate on other RWC committees as authorized by the Board. The Administrative Manager may assess fees and costs, including "in kind" non-monetary compensation, to an Associate in an amount determined by the Board.

2.1.2. Interoperability Participants

An Interoperability Participant may use the Network for intermittent interoperable situations, if authorized by the Board, and subject to: (1) the conditions imposed by the Board; (2) this Agreement; and (3) any other applicable agreements. Interoperability Participants shall have no RWC voting rights or representation on the Board or any RWC committees. The Administrative Manager, subject to the Board's approval, may assess fees and costs (including "in kind" compensation) against an Interoperability Participant in an amount determined by the Board.

2.1.3. Conditional Participants

As a Conditional Participant, a non-Member entity may use the Network for (1) special events; (2) tactical situations; (3) emergency circumstances; or (4) any other circumstances as authorized by the Board. Conditional Participants have no RWC voting rights or Representative to the Board, or any RWC committees. The Conditional Participant's use of the Network is subject to any conditions imposed by the Executive Director or the RWC Board, and such conditions may include, without limitation, assessment of fees and costs (including "in kind" non-monetary compensation) in an amount determined by the Board. Notwithstanding anything to the contrary in this Subsection 2.1.3, the Executive Director may authorize the addition of a Conditional Participant without first obtaining Board approval, but continuation of the Conditional Participant's Network use and any conditions imposed by the Executive Director must be approved or disapproved by the Board at their next meeting. The Conditional Participant's right to use the Network may be terminated by the Board at any time.

2.1.4. Network Partner

Subject to Board approval, the RWC may enter into individualized agreements with Network Partners to share infrastructure, expand coverage, manage costs, or for other purposes which advance the interests of Public Safety.

2.1.5. Member Admission and Approval

Any entity in the Network service and expansion area, as defined by the Board, may apply for RWC membership. The Board, at its sole and absolute discretion, may admit an applicant as a Member upon completion of all the following and by majority vote of the Members:

- The Applicant's written request for RWC Membership.
- The Applicant's executing an agreement with the RWC that specifies the fees and costs the applicant must pay the RWC pursuant to Subsection 2.1.5.1 of this Agreement.
- The Applicant meeting all conditions imposed by the Board and this Agreement.
- The Applicant executing and becoming a Party to this Agreement.

2.1.5.1. Evaluation Factors

The Board has the sole and absolute discretion to either summarily deny or consider applicants for Membership status. If the Board elects to consider an application, an Impact Assessment must be completed. The applicant will be responsible for any costs associated with the Impact Assessment unless the Board directs otherwise, whether or not the applicant becomes a Member.

After completion of the Impact Assessment, the Executive Director will forward the assessment to the Board for approval with a written recommendation that includes financial and Network operational impact statements.

The RWC will evaluate requests for new Membership using the Impact Assessment factors as referenced in the Board approved policies and procedures.

2.2. Board of Directors

The Board governs the RWC subject to this Agreement and the IGA. The Board establishes RWC policy, develops and maintains a long-range capital budget, develops and adopts an annual budget, establishes funding, assesses fees,

approves Membership, and exercises any other authorized powers and duties. The Board may exercise such other powers and duties as authorized under this Agreement. The Board must act only in accordance with this Agreement and all applicable laws.

The Administrative Manager will be as defined in a RWC Board resolution in conjunction with this Agreement. The Board must select an Administrative Manager, which will have powers and duties as listed under 2.3.1. Except as otherwise determined by the Board, the Administrative Manager will serve a four-year term unless the Administrative Manager resigns or is removed by the Board pursuant to a Super-Majority Board vote prior to expiration of such term. Upon resignation, removal or no later than six months prior to expiration of the Administrative Manager's term, an ad hoc group of three to five Board members appointed by the Board Chair will review and recommend one or more Administrative Manager candidates for consideration by the Board. Unless otherwise determined by the Board, the Administrative Manager must give at least twelve months' prior written notice to the RWC Board before resigning as Administrative Manager. The Administrative Manager may serve any number of successive terms and must be elected by a Super-Majority vote. Except as limited by this Agreement, the Board may delegate additional powers and duties to the Administrative Manager as necessary to assure cost effective and efficient delivery of services.

The initial Network Administrator will be as defined in a Board resolution in conjunction with this Agreement. The Board must select a Network Administrator, which shall have powers and duties as listed under 2.3.2. The same entity may serve as Administrative Manager and Network Administrator. Except as otherwise determined by the Board, the Network Administrator will serve a four-year term unless the Network Administrator resigns or is removed by the Board pursuant to a Super-Majority vote prior to expiration of such term. Upon resignation, termination or no later than six months prior to expiration of the Network Administrator's Term, an ad-hoc group of three to five Board members appointed by the Board Chair must review and recommend one or more Network Administrator candidates for consideration by the Board. Unless otherwise determined by the Board, the Network Administrator will give at least twelve months' prior written notice to the RWC Board before resigning as Network Administrator. The Network Administrator may serve any number of successive terms and must be elected by a Super-Majority vote.

2.2.1. Representatives

The Board will consist of Representatives of the Members (or their respective Alternate Representative(s), as set forth below). There will be one (1) Representative for each Member. The Board Representatives must be police chiefs, fire chiefs, chief information officers (CIO), chief financial officers (CFO), city managers, county managers, town managers, State of Arizona department directors, regional agency directors, or other positions with executive level decision-making authority. A Member must be in Good Standing before that Member's Representative may exercise a vote on any matter at a Board Meeting.

The following procedures and rules govern the appointment and service of a Member's Representative:

- A Member is entitled to appoint one person that meets the above criteria to serve as that Member's Representative.
- A Member may also appoint one or more persons that meet the above criteria to serve as an Alternate Representative.
- At least two business days before the first Board meeting following joining the RWC, each Member must have notified the Executive Director in writing of the person or persons who are authorized to serve as the Member's Representative or Alternate Representatives. Notwithstanding Section 9.9.1of this Agreement, such notification may be made via email.

- The appointment of a Member's Representative or Alternate Representative becomes effective when the Executive Director receives the written notice and will continue thereafter until the Executive Director receives any contrary written instruction regarding the Member's Representative or Alternate Representatives.
- The Member must rank the Alternate Representatives in the order that they shall serve when the Representative is absent.
- If the Member's Representative is not present at a meeting, then the Member's Alternate Representative will act in place of and exercise all powers of the Representative.
- Each Member shall be bound by the acts of its Representative, and the RWC is authorized to rely on the act of a Representative the same as if such act were done by the governing body of the Member.
- The Representative or Alternate Representative must be vested with the authority to lawfully act on the Member's behalf with respect to the RWC.
- The Executive Director must maintain a list of the names and addresses of all Board Member Representatives and Alternate Representatives.

2.2.1.1. Removal or Replacement

A Member may replace or remove its Representative or Alternate Representative at any time by giving written notice to the Executive Director. The removal or replacement of a Representative or Alternate Representative is effective when the Executive Director receives the written notice of such removal or replacement.

2.2.2. Chair and Vice Chair

The Board must elect one of its Members as Chair. The Chair will be the presiding officer of the Board, must serve a two-year term, and remains a full voting Representative. The Chair cannot serve more than two consecutive terms.

The Board must elect one of its Representatives as Vice-Chair. The Vice-Chair must execute the duties of the Chair during the absence or disability of the Chair.

During the absence or disability of the Chair and Vice-Chair, the Board must elect a temporary presiding officer from the attending Board Members.

2.2.3. Meetings

The Board will meet quarterly except to the extent that the Board determines to meet more or less frequently.

2.2.4. Special Meetings

A Representative with approval of the Chair may call a special meeting of the Board upon a minimum of five (5) Working Days' notice to the Board. In the event of an emergency, a meeting may be scheduled and noticed with less than five (5) Working days' notice provided notice is given to the public and Representatives in compliance with Arizona Open Meetings Law.

2.2.5. Notice and Agenda

The Executive Director will prepare the notice, agenda and minutes of Board meetings. Notwithstanding anything to the contrary in this Agreement, a Member's representative may add an item to be considered by the Board to the agenda by providing written notice to the Chair and the Executive Director one-hundred twenty (120) hours before the meeting. In emergency situations items may be added no later than twenty-four (24) hours before the applicable

meeting, so as to ensure compliance with the Arizona Open Meetings law. The Executive Director must provide a Board meeting notice and agenda to each Member with at least as much notice as is required to the public under Arizona law. For any agenda item requiring Super-Majority approval, the Executive Director must specifically reference that such agenda item requires Super-Majority approval.

2.2.6. Quorum

A quorum is required to conduct Board business. To constitute a quorum, a majority of the total number of the Members' Representatives must be present.

2.2.7. Attendance

Unless the Board Chair otherwise directs upon prior notice, a Member Representative or Alternate Representative may attend and participate in a meeting in person, by teleconference or video-conference, if the possibility of such method of attendance is noted in the meeting notice.

2.2.8. Rules

The Board must establish rules for its proceedings. An item not specifically covered by the rules established by the Board or by law shall be decided by the meeting's presiding officer using the latest standard edition of Robert's Rules of Order.

2.2.9. Voting Methodology

Except as otherwise provided in this Subsection, each Member attending a meeting of the Board must vote on all matters to be decided by the Board at that meeting, unless the Representative has a good-faith reason to abstain from voting and has explained their reasoning to the Board. A Representative's voting rights will be suspended anytime the Member is not in Good Standing.

2.2.10. Voting

All matters will be decided by a vote of one vote per Member, per action item. The Board Chair and Vice Chair are voting members on all items. A vote must pass by the affirmative vote of a majority of the Representatives in attendance, except those matters requiring Super-Majority approval. In case of a tie in votes on any motion, the motion then fails.

2.2.11. Super-Majority Voting

The following items will require Super-Majority voting:

- Termination or withdrawal of a Member;
- Adjustments to the amount a Member pays as its proportionate share of Network operations and maintenance cost pursuant to Section 3.3.2 of this Agreement;
- Annual Budget Adoption;
- Approving capital projects;
- Awarding a contract in excess of 10% of the RWC's overall budget;

- Selecting or removing the Administrative Manager;
- Selecting or removing the Network Administrator;
- Selecting or removing the Executive Director; and
- Dissolving the RWC.

The Board may revise the foregoing list by a Super-Majority vote.

2.2.12. Advisory Committees

The Board will establish, and the Executive Director will facilitate, the following: the Executive Committee, the User Working Group(s), and the Technical Working Group. The Board or the Executive Director may establish additional advisory or ad hoc committees as needed. Unless otherwise determined by the Board, each advisory committee will choose a chairperson and vice-chairperson and will establish key performance indicators and rules for conducting meetings and representation. The Executive Director or designee must be a participant on each committee. The committees will coordinate all activities through the Executive Committee and, unless otherwise directed by the Board or the Executive Director, must meet at least quarterly and provide status reports based on key performance indicators and other committee activities to the Board at least annually.

2.2.13. Executive Committee

The Executive Committee's purpose is to: (1) provide the RWC high level expertise in communications and operations; (2) advise the Board; (3) help direct the Executive Director's efforts; and (4) provide the RWC intermediate strategic direction. Prior to submittal to the Board, the Executive Committee must review and approve proposals and recommendations, budget and financial reports, audits, Network performance reports, and Board meeting agendas. The Executive Committee will have the authority to return proposals and recommendations back to the originator for review and revision.

2.2.13.1. Representation

The Executive Committee will consist of no less than five (5) delegates nominated by any Member and appointed by the Executive Director. The Executive Director is an Executive Committee non-voting member. Delegates, selected from the RWC Membership, will be comprised of at least: one (1) Police Department executive; one (1) Fire Department executive; one (1) General Government Service Entity executive; one (1) Chief Information Officer (or equivalent); and one (1) executive from a Network Administrator. The Executive Committee must not have a majority of delegates from one Member unless otherwise determined by vote of the Board.

2.2.13.2. Chair and Vice Chair

The Executive Committee will elect one of the Representatives as Chair. The Chair will be the presiding officer of the Executive Committee and shall serve a two-year term. The Chair will not serve more than two consecutive terms.

The Executive Committee must elect one of the Representatives as Vice-Chair. The Vice-Chair will execute the duties of the Chair during the absence or disability of the Chair.

During the absence or disability of the Chair and Vice-Chair, the Executive Committee will elect a temporary presiding officer from the attending Executive Committee Representatives.

2.2.13.3. Meetings

The Executive Committee will meet quarterly except to the extent that the Executive Committee determines to meet more or less frequently.

2.2.13.4. Special Meetings

A Committee Member with approval of the Chair may call a special meeting of the Executive Committee upon a minimum of five (5) Working days' notice to the other Committee Members. In the event of an emergency, a meeting may be scheduled and noticed with less than five (5) Working Days' notice provided notice is given to the Committee Members and the public in compliance with Arizona Open Meetings Law and a quorum is present.

2.2.13.5. Quorum

A quorum is required to conduct business. To constitute a quorum, a majority of the total number of the Executive Committee's Representatives must be present.

2.2.13.6. Attendance

Unless the Board Chair otherwise directs upon prior notice, an Executive Committee Representative may attend and participate in a meeting in person, by teleconference, or by video-conference, if the possibility of such method of attendance is set forth in the meeting notice.

2.3. Administrative Management

2.3.1. Administrative Manager

The Administrative Manager is responsible for day-to-day RWC administrative responsibilities that include, but are not limited to: (1) procuring resources, materials, and services; (2) establishing functions such as accounting, budgeting, contracting, purchasing, and inventory; (3) providing reports; and (4) performing other duties as assigned, and identified in the Board-approved RWC Policies and Procedures. The Administrative Manager will be reimbursed by the Members for all costs incurred as a result of performing its responsibilities.

2.3.2. Network Administrator

The Network Administrator is responsible for network operations, planning, monitoring, optimization, management, coordination, technical implementation and other duties as assigned, and identified in the Board-approved RWC Policies and Procedures.

2.3.3. Network Manager(s)

A Network Manager is responsible for: (1) the day-to-day operations and maintenance of an assigned portion of the RWC Network to comply with policies, procedures, and performance standards; and (2) performing other duties as assigned, and identified in the Board-approved RWC Policies and Procedures.

2.3.4. Encryption Services Manager

The Encryption Services Manager is responsible for managing encryption keys and process, and performing other duties as assigned by the Board or as identified in the Board-approved RWC Policies and Procedures.

2.3.5. Encryption Services Operator(s)

The Encryption Services Operator is responsible for performing encryption management services as delegated by the Encryption Services Manager and performing other duties as assigned by the Board, or as identified in the Boardapproved RWC Policies and Procedures.

2.3.6. Executive Director

2.3.6.1. Responsibilities

The Executive Director will report to the Board and serve as a non-voting member of the Executive Committee. The Executive Director has day-to-day RWC administrative responsibilities that include, but are not limited to: (1) coordinating efforts of the Board, Executive Committee and advisory group delegates; (2) preparing and maintaining meeting notices, agendas and minutes; (3) managing the overall RWC administrative organizational structure and staffing; (4) maintaining the RWC Policies and Procedures in coordination with the Executive Committee and Board; (5) providing reports; and (6) performing other duties as assigned and identified in the Board-approved RWC Policies and Procedures.

2.3.6.2. Executive Director Selection

The Board Chair will appoint a committee of at least three Members with the assistance of the Administrative Manager, to recommend an Executive Director to perform RWC administrative duties. The Board shall vote to either approve or not approve such Executive Director recommendation. The Executive Director will serve until he or she resigns or is removed by the Board.

3. FINANCIAL MANAGEMENT

3.1. General

The Administrative Manager, acting through the Executive Director, is responsible for all RWC financial management responsibilities including, but not limited to, fund management, budget development, rates and fees, Member billing, vendor invoicing, procurement, financial reporting, grant management, and financial audits.

The Administrative Manager is responsible for the preparation and fair presentation of the RWC financial statements in accordance with generally accepted accounting principles ("GAAP") in the United States of America as applied to governmental units; this includes the design, implementation, and maintenance of budgets, accounting records, and internal controls.

The Board of Directors must develop a fee structure to ensure adequate resources are available to support operations and maintenance and any needed capital improvements. The Board of Directors will annually review the fee structure as part of its annual budget adoption and at any other times that the Board deems necessary.

Each year, the Board of Directors must approve an annual budget. The budget will consist of the following accounts; (1) operations and maintenance; (2) capital; and (3) any other accounts determined by the Board.

3.2. Budget and Financial Planning and Reporting

No later than November 30th of each year, unless the Board of Directors directs a different date, the Executive Director in cooperation with the Administrative Manager must prepare and present to the Executive Committee, a (1)

preliminary budget for the subsequent Fiscal Year, (2) a five-year financial forecast ("FYFF"), and (3) fund balance reports ("FBR"). Unless the Board of Directors otherwise directs a different approval date by Super-Majority Vote, no later than December 31st of each year, the Board must approve, (1) the Final Budget for the subsequent Fiscal Year; (2) a FYFF; and (3) FBR. The Final Budget must include all funding sources, operational and maintenance costs, as well as planned capital costs for the upcoming year. The FYFF must include operational and maintenance costs, capital costs, and fund balance for the five (5) years following the Final Budget period. The FYFF will be used to prepare annual budgets for future years. After presentation to the Executive Committee, the proposed Final Budget, FYFF, FBR, and presentation of significant issues and financial assumptions shall be forwarded to the Board for approval. The budget approved by the Board must be the basis for developing the Member Fee (defined in Section 3.3.2 below). A copy of the adopted budget must be made available (1) for access by the public and (2) to each Member.

After the end of each Fiscal Year, the Executive Director must submit to the Executive Committee and Board a summary of financial activity, including a comparison of budgeted expenditures to actual expenditures.

3.3. Funding

3.3.1. General.

The Members will fund the RWC through annual fees, Special Assessments, and grants, as determined by the Board Members will advance funds to the Administrative Manager on a quarterly basis upon receipt of an invoice. Payment of all invoices is due forty-five (45) days from the invoice date. A late payment charge on the current unpaid amount and any past due late fees will be assessed at the rate of one percent (1%) per month. Interest collected will be deposited into the appropriate RWC fund to be used to offset operating, maintenance or project costs.

In the event a Member disputes a billed amount, it must do so in writing to the Executive Director and must specify the reason upon which the protest is based within forty-five (45) days after service of an invoice or receipt of fiscal year-end reconciliation. The Member must pay the disputed amount, but may do so under protest. After the protest has been filed and the disputed amount has been paid, the dispute must be handled in accordance with the dispute resolution terms and conditions outlined in Section 9.3. of this agreement.

If a Member withdraws from the Network, that Member will be responsible for all unpaid fees and entitled to any fee refunds applicable for time of the Member's Membership.

It shall be the responsibility of each Member to bill and collect from its individual departments and divisions all charges as are required in the payment of the amounts due under this Agreement.

It will be the responsibility of each Party to this Agreement to take the appropriate steps in conformity with state or local laws to ensure that it appropriates sufficient funds to cover the obligations it assumes under this Agreement. Each Party recognizes that the performance by the Parties under this Agreement may be dependent upon the appropriation of funds to or by that Party. Should any Party fail to appropriate the necessary funds, or default on payments to the RWC, the Board may require that party to immediately withdraw from this Agreement on the last day of the fiscal period for which funds are legally available. Notwithstanding Section 9.4 or anything to the contrary in this Agreement, subject to Board approval, the RWC shall retain use of such portion of the Member's Real Property and Member Personal Property as the Board determines is necessary to the continued functioning of the network; however, the Board must endeavor to procure a satisfactory replacement for such property. Each Party agrees to give notice to the other Parties as soon as reasonably possible after the unavailability of funds comes to the Party's attention. Except as otherwise provided in this Section 3.3.1, the ownership of personal property and real property that is used in the Network shall be governed by Section 4 of this Agreement.

3.3.2. Member Fees, Payments, Allocations

Each Member agrees to pay fees assessed on a quarterly basis unless otherwise directed by the Board. Invoices are sent by the Administrative Manager in the months of July, October, January, and April of each year ("Member Fee") to cover the cost of RWC administrative services ("RWC Administrative Services") including allocated insurance premiums, self-insurance costs, costs of Claims, contingencies, Network operations and maintenance services, and capital projects, and other appropriate fees as set forth in the annual budget adopted by the Board. The Administrative Manager will deposit each Member's Member Fee into an account as designated by the Board that must only be used for RWC purposes. The Administrative Manager will draw down the actual costs incurred and report to the Members at least quarterly regarding withdrawals from such account. The Administrative Manager may change the method of payment for the Member Fee subject to the Board's approval. The Member Fee is intended to fund the Board approved operations and maintenance budget for the current Fiscal Year in addition to the amount approved by the Board for the subsequent year's infrastructure replacement and enhancement projects.

The prorated portion of the Member Fee that is intended to fund capital projects shall increase RWC Capital Equity, as established under Subsection 3.4, only to the extent that funds are deposited in the Capital Project Fund(s) as described in Subsection 3.3.2.3.

Notwithstanding the provisions of this Subsection 3.3.2 and Subsection 3.3.2.3, the Board upon Super-Majority Vote may adjust the amount a Member pays as its Member Fee. The Member Fee for such Member may be adjusted if the Board reasonably finds factors or circumstances are such that the formula used to determine the amount such Member pays for its Member Fee results in an unfair or inequitable assessment to that Member or to the other Members.

3.3.2.1. RWC Operating Fund

The portion of the Member Fee assessed by the Board and collected by the Administrative Manager to cover the cost of RWC Administrative Services, operations and maintenance, and contingency, will be deposited in the RWC Operating Fund.

3.3.2.2. Operating Fund Contingency Balance

The Board will establish and maintain an operating Fund Contingency Balance. The Board will maintain an Operating Fund Contingency Balance equal to twelve and one half percent (12.5%) of yearly budgeted total operation and maintenance costs or as otherwise determined by the Board. The Operating Fund Contingency Balance initially will be established semi-annually in the first year and maintained annually thereafter. The Board will establish the method for determining each Member's financial obligation to the Operating Fund Contingency Balance. The use of the Operating Fund Contingency Balance must be approved by the Board.

3.3.2.2.1. Operating Fund Settlement

After the end of each Fiscal Year, the Executive Director must prepare the RWC Operating Fund settlement statement by comparing fees assessed to actual expenditures paid. Each year, the Board must approve the distribution method for year-end reconciliation.

3.3.2.3. Capital Project Fund(s)

The Administrative Manager will deposit into the Capital Project Fund(s) the portion of the Member Fee assessed and collected to cover Board approved infrastructure replacements and enhancements and to maintain the minimum

Capital Project Fund(s) balance. Subsidiary records for each Member will be maintained. Interest or interest expense will be applied monthly to each subsidiary account based on the average daily balance during the month. The interest rate applied will be the rate earned in the Administrative Manager's pooled cash account.

3.3.2.3.1. Minimum Balance

The Board may establish a minimum balance for the Capital Project Fund(s) contingency for the following fiscal year by September 30th of each year. Should the Board not establish a new minimum balance for the following fiscal year by September 30th, the then-current minimum balance shall remain in effect for the following fiscal year.

3.3.2.3.2. Approved Uses

The Capital Project Fund(s) must be used only for infrastructure replacements and enhancements approved by the Board except in the event of a major failure, disaster or force majeure event that necessitates immediate action to restore the Network to operating condition. In such cases, the Executive Director is authorized to expend funds without first obtaining Board approval. The Executive Director will report to the Board at the next Board meeting the funds that were expended for ratification of the expenditure and Special Assessment, if necessary. The Administrative Manager will not expend funds that will cause the Capital Project Fund(s) to be in a deficit position at any time.

3.3.3. Special Assessments

The Board may assess other fees on an as needed basis to: (1) pay the costs of unplanned projects such as disaster recovery, certain extraordinary claims or lawsuits; (2) pay the costs for uninsured casualty losses, regulatory fines or insurance deductibles; (3) pay for the use of the Network by an Interoperability Participant, Conditional Participant, Network Partner or Associate; or (4) pay the costs of special projects or system changes, replacements and/or expansions not previously included in the budget. Such changes may not benefit all Members in a proportionate manner. The Board may assess fees proportionately or individually and such fees need not be equal among Members. The Administrative Manager will deposit such fees collected as a Special Assessment into a special revenue fund.

3.3.4. Project Settlements

On an annual basis and also after the project is completed, the Administrative Manager will prepare the project's subsidiary account reconciliation statement by comparing fees assessed and paid to actual expenditures paid. If such reconciliation shows actual expenditures exceeded fees assessed and paid, the Administrative Manager will bill the applicable Member(s) for an amount sufficient to cover the shortage. After project completion, if the reconciliation shows expenditures are less than the fees assessed and paid, the Administrative Manager must either refund the unused fees or apply a credit to the appropriate Member(s) account(s). When more than one Member is funding a project, the Administrative Manager will transmit to each Member billings and refunds in accordance with the Board approved funding plan for the project.

3.3.5. Applicant Impact Assessment Fee

The RWC may require an Applicant to pay an Impact Assessment Fee to cover the cost of developing an Impact Assessment that addresses the Applicant's request for RWC membership and the Applicant's potential effect on the existing RWC infrastructure and the Members.

3.3.5.1. New Member Special Assessment

The Board may require a new Member to pay a one-time Special Assessment in an amount up to the full cost associated with providing services to the new Member. The New Member Special Assessment may include the cost to

provide service to the new Member's Subscriber Units, Network infrastructure investment necessary to increase Network capacity, and other costs deemed necessary to ensure existing Members receive the same services and benefits they received before the new Member joined the Network. The New Member Special Assessment shall be paid in accordance with the terms and conditions established by the Board.

3.3.5.2. Existing Member Capacity and Coverage Upgrade

If any existing Member(s) make a request for a capacity, coverage and/or performance change or upgrade that is expected to impact the Network coverage, capacity and/or performance of other Members, the Board may require such existing Member(s) to pay a Special Assessment to cover the cost of an Impact Assessment. The Technical Working Group will provide an analysis and recommendation regarding the existing Member's request for a capacity, coverage and/or performance upgrade and forward the information to the Executive Committee for review and recommendation to the Board for final approval.

3.3.6. Grants

The Administrative Manager may proceed to obtain grant funding on behalf of the RWC with approval of the Board. Any matching funds required by a grant towards a Network wide project will be assessed to the Members based on an appropriate allocation method determined by the Board.

3.4. RWC Capital Equity

RWC Capital Equity and each Member's Equity will be recalculated when: (1) A Member contributes assets to the RWC; or (2) an enhancement, expansion or replacement is completed by the RWC.

At Fiscal Year-end after each Member's payments into the Capital Project Fund(s) are applied, actual expenditures are allocated against each Member's account, and interest is applied to each Member's cash balance.

If a Member brings assets to the RWC and the Board accepts the assets on behalf of the RWC, the Member's Equity will increase based on the value of the assets at the time of transfer to the RWC, as agreed upon by the contributing Member and the Administrative Managing Member. Assets that are individually owned, as permitted in Section 4 of this Agreement, will not be counted as part of the RWC Net Position, and the Member(s) owning those assets shall not receive credit towards equity in the Network until those assets become part of the RWC as described in Section 4.3 of this Agreement.

3.5. Annual Audit

RWC financial records will be independently audited annually. The Board will determine the scope of work for the independent annual financial audit.

4. RWC ASSETS, MAINTENANCE, AND OWNERSHIP

4.1. Member's Retention of Assets.

4.1.1. Real Property

Each Member shall retain (as Member Retained Property) any and all right, title and interest in the Member Real Property that the Member authorizes or allows the RWC to use as part of the Network unless such Member Real Property is transferred to the RWC as provided in Section 4.3 below, which real property after such transfer shall become RWC Capital Equity and shall be credited to the Member's Equity. Such Member Retained (Real) Property may

be disposed of by the Member only if such disposal does not adversely affect the Network, and provided such disposal is approved by the Board as set forth in Section 4.4 below. The RWC may replace any Member Real Property that was used by, but not transferred to, the RWC, upon Board approval and notice to the contributing Member, and such Member Real Property shall no longer be encumbered by this Agreement.

4.1.2. Personal Property

Each Member will retain any and all right, title and interest in its Member Personal Property that is used by the RWC in connection with the Network, where desired by such Member. Such Member Retained (Personal) Property may be disposed of by the Member only if such disposal does not adversely affect the Network, and provided such disposal is approved by the Board as set forth in Section 4.4 below. The RWC may replace personal property that was solely owned by a Member and used by the RWC, but not transferred to the RWC, upon Board approval and notice to the contributing Member, and such Member Personal Property shall no longer be encumbered by this Agreement.

4.2. RWC's Maintenance of Member Real Property and Member Personal Property

The Member and the RWC must enter into an agreement regarding the conditions concerning the Network's use and maintenance of the Member's Real Property and Member Personal Property. Otherwise, each Member is responsible for the cost of maintaining its Member Real Property (including fixtures thereto) and Member Personal Property that are made part of the Network, to the extent necessary to maintain the operational integrity and capacity necessary to operate the Network. Each Member agrees that it will make all reasonable arrangements necessary to allow the Administrative Manager, Network Administrator, or Network Manager reasonable access to that Member's Real Property and Member Personal Property that are part of the Network for the purposes of inspecting, operating, and maintaining the Network. Unless otherwise provided by agreement, prior to exercising the right of inspection provided by this section, the Administrative Manager, Network Administrator, or Network Manager must give the Member whose property is to be inspected reasonable notice under the circumstances then existing.

4.3. RWC Acquired Real and Personal Property

All real and personal property purchased by and on behalf of the RWC will be included in the RWC Capital Equity. The Board must approve any transfer of real or personal property by a Member to the RWC. Any real or personal property purchased by or on behalf of the RWC shall be considered RWC Assets and shall be held for the benefit of the Members. The future maintenance, upgrade, replacement or incurred expenses of any transferred real or personal property become the sole responsibility of the RWC. Each Member's equitable ownership interest in the RWC Assets will be proportionate to the amount of its Member's Equity. The Members agree that any real or personal property jointly purchased for the RWC's benefit or transferred to the RWC by a Member will be titled and held in the name of the Administrative Manager, even though all financially contributing Members to the purchase of such property shall actually own a percentage share in such real or personal property, as set forth above.

4.4. Sale or Removal of Real and Personal Property Owned by or Used by the RWC in Connection with the Network

Unless delegated by the Board to the Administrative Manager, the Board will determine whether to approve the sale or disposal of any RWC owned Network real or personal property. In the event of a sale, the Members shall share in the proceeds, considerations or benefits, if any, from the sale in proportion to Members' Equity at the time of sale. If the Board elects to dispose of RWC Assets that formerly were Member Real Property or Member Personal Property,

such disposal shall not occur until the contributing Member is given a reasonable opportunity to pay the fair market value, or make other Board-approved arrangement, to re-acquire the property.

4.5. Liens on Real or Personal Property Used in connection with the Network

If any obligations of a Member issued to finance any real or personal property made a part of the Network are secured by any right, title, interest or lien in or upon such property (a "Finance Lien"), the rights of the RWC and the Members in and to such property, including the rights to use such property as part of the Network, will at all times be subordinate and subject to such Finance Lien and the rights of the holder or holders of such Finance Lien. If such financing was obtained after the RWC was given the right to use the Member's Real Property or Member Personal Property, then the terms and conditions of such financing shall provide RWC the reasonable opportunity to cure any default or non-appropriation to allow the RWC and its Members continued Network use of such Member Real Property or Member Personal Property.

4.6. Actions Must Preserve Tax Exempt Status of Obligations.

Neither the RWC nor any Member will take or fail to take any action with respect to the use and operation of the Network that would adversely affect the tax-exempt or tax-advantaged status of any obligations issued by any Member to finance any real or personal property that is part of the Network. Without limiting the foregoing, neither the RWC nor any Member will permit any private business use of the Network where such private business use would cause any Member's obligations to lose tax exempt or tax advantaged status under the Internal Revenue Code, as amended.

5. INSURANCE

5.1. Real Property

Each Member is responsible to insure at appropriate and sufficient coverage levels its Member's Real Property, including fixtures thereto. Each Member that has licensed real property, including fixtures thereto, to be used in connection with the RWC Network is responsible to insure such property according to the terms of the license agreement and at appropriate and sufficient coverage levels.

The Administrative Manager is responsible to insure real property cooperatively purchased or licensed for the benefit of the RWC as directed and at coverage levels approved by the Board. The Administrative Manager also is responsible for insuring, as directed and at coverage levels approved by the Board, all real property used in connection with the Network and that a Member has transferred ownership of to the RWC under this Agreement. Neither the Board nor the Administrative Manager shall be responsible for a loss involving Member Real Property.

5.2. Personal Property

Each Member is responsible to insure at appropriate and sufficient coverage levels its Member Personal Property titled in its own name. Each Member that has leased or licensed personal property to be used in connection with the RWC Network is responsible to insure the leased or licensed personal property according to the terms of the lease or license and at appropriate and sufficient coverage levels.

The Administrative Manager is responsible to insure personal property cooperatively purchased or leased for the benefit of the RWC as directed and at coverage levels approved by the Board. The Administrative Manager is

responsible for insuring, as directed and at coverage levels approved by the Board, all personal property used in connection with the Network and that a Member has transferred ownership to the RWC under this Agreement. Notwithstanding the foregoing, however, any and all personal property that is purchased or owned exclusively by a Member and brought into the Network by that Member must be insured by such Member at appropriate and sufficient coverage levels. Neither the Board nor the Administrative Manager shall be responsible for a loss involving Member Personal Property.

5.3. Liability Insurance; Indemnification

Each Party understands and acknowledges that any Claim may be filed for damages resulting from acts or omissions in connection with planning, designing, constructing, operating, maintaining, and financing the Network or that other unforeseen costs and expenses may be incurred in connection with the planning, designing, constructing, operating, maintaining and financing the Network. The Parties agree that except to the extent this Agreement provides otherwise, a Claim will be shared by the Parties in proportion to each Party's share of the total number of Subscriber Units at the time the Claim is first served on the RWC or any Party. Each Party must promptly notify the Board and the Administrative Manager upon receipt of any Claim relating to the Network. The Administrative Manager will take the lead role on behalf of the RWC in coordinating the investigation and defense of any Claim made in connection with planning, designing, constructing, operating, maintaining or financing the Network; provided, however, that the Members must reimburse the Administrative Manager for all damages, costs and expenses of whatever kind (including but not limited to attorneys' fees and litigation expenses) incurred by the Administrative Manager as a result of such obligation. Nothing in this section will preclude any Party, at its expense, from providing its own legal counsel in connection with any Claim made in connection with planning, designing, constructing, operating, maintaining or financing the Network. Each Member is responsible to insure its liability relating to its RWC membership or liability that is not assumed by the RWC under this Agreement. With regard to any Claim arising out of or relating to the ownership or maintenance of Member Retained Property, such Member (as "Indemnitor") agrees to indemnify, defend, and hold harmless the other Members (as "Indemnitees") for, from, and against any Claim, but only to the extent that such Claim results in vicarious/derivative liability to the Indemnitees and are caused by the act, omission, negligence, misconduct, or other fault of the Indemnitor, its officers, officials, agents, employees, or volunteers. The RWC, Board, Executive Director, Administrative Manager, Network Administrator, Network Manager, and Encryption Manager will not be liable for any Claim arising out of, based upon or attributable to any other Member's failure or omission in effecting or maintaining adequate insurance on its Member Retained Property.

The Board will authorize appropriate RWC insurance coverage to protect RWC from risks and potential liability under this Agreement and in connection with planning, designing, constructing, operating, maintaining or financing the Network The Board will direct the Administrative Manager to obtain such insurance on behalf of the RWC. In deciding what insurance coverage and indemnities are appropriate, the Board may elect to self-insure for all or a portion of the risks.

5.4. Insurance Programs

The RWC, Board, individual Members and the Administrative Manager may use any combination of insurance, excess insurance or self-insurance to satisfy the terms of Section 5.

6. OPERATIONAL CONTROL AND DUTIES (PROGRAMMING AND CAPABILITIES)

6.1. Network Systems

The Network Administrator will program, maintain, and manage all Network systems in a manner consistent with maximizing the operational performance and minimizing the loss or corruption of data. The Network Administrator is responsible for RWC Network systems' programming, maintenance, backup and archiving.

6.2. Policies and Procedures

Unless otherwise specified by the Board, the Executive Director will develop and maintain the RWC Policies and Procedures in coordination with the Executive Committee. At a minimum, the Executive Director must review all RWC Policies and Procedures every two years. Revisions to the RWC Policies and Procedures must be approved by the Board. The Executive Director may consider specific revisions at any time upon request by any Representative or Alternate Representative, and may set such requests as a future agenda item for consideration and approval by the Board.

7. SERVICES

7.1. Network Use, Programming and Reprogramming, Encryption

When using the Network each Member, Associate, Interoperability Participant, and Conditional Participant will abide by all policies, procedures and guidelines established by the RWC and the terms and conditions of all applicable agreements including, without limitation, this Agreement.

7.2. Interoperability

The RWC will support interoperability among all Members, Associates, Conditional and Interoperability Participants. The RWC will follow the National Incident Management System (NIMS) protocols for interoperable communications.

7.3. Training

Each Member, Associate, Conditional and Interoperability Participant must ensure that its users are properly trained on the Network capabilities, policies and procedures.

7.4. Requests for Service

7.4.1. Routine Service

The Technical Working Group, subject to Board approval, will establish policies and procedures relating to Network Services.

7.4.2. Expanded Service

Members requiring or desiring expanded Network Services that may impact the Network must submit these requests in writing to the Executive Director. Examples of such expanded services include, without limitation, requests to: (1) add sites to the Network; (2) to increase system performance or coverage; or (3) to implement a Network upgrade in order to receive a new feature. Criteria for expanded services will be evaluated by the process set forth in 2.1.5.1. Such services shall be approved, if at all, by the Board.

7.4.3. Emergency Service

The policies and procedures for Network Services must address emergency situations, tactical response to such emergencies, and the decision making authority for such emergencies. The policies and procedures must include

notification requirements. Notwithstanding anything to the contrary in this Section 7.4.3, the Executive Director at all times has the authority to provide access to the Network in emergency situations.

7.4.4. Network Resources

Unless otherwise directed by the Board, the Network Administrator in coordination with the Technical Working Group establishes and approves all Network Resource Plans. These plans are used to develop the radio programming files.

7.4.4.1. Network Resource Priorities

Unless otherwise directed by the Board, the User Working Groups must establish priority levels for the individual Network Resource Priorities. In general, Network Resource Priorities are assigned highest to lowest as follows: (1) emergency calls; (2) Public Safety calls; and (3) General Government Service Entities' calls.

8. MAINTENANCE

8.1. Subscriber Unit Maintenance and Repair Responsibility

Each Member, Associate, Interoperability Participant, and Conditional Participant is solely responsible for the maintenance and repair of its Subscriber Units.

9. GENERAL PROVISIONS

9.1. Limitations

No RWC Board Member will be liable to the RWC for monetary damages for any action taken or any failure to take action as a Board Member. To the extent permitted by Applicable Law, the RWC will indemnify any director, officer, Executive Director, Administrative Manager, Network Administrator, Network Manager, Encryption Manager, Encryption Service Operator, Member, Representative, or Alternate Representative (each an "Indemnified Party", and collectively the "Indemnified Parties") from any liability or expense sought or imposed because such person is made party to a proceeding because he/she is a director, officer, Executive Director, Administrative Manager, Member, Representative, or Alternate Representative of the RWC. No Indemnified Party will be personally liable to the RWC or its Members for monetary damages for breach of fiduciary duty as a director, officer, Executive Director, Administrative Manager, Representative, or Alternate Representative. The limitation of liability provided herein will continue after the Indemnified Party has ceased to occupy such position as to acts or omissions occurring during such director's term or terms of office, and no amendment or repeal of this Section 9.1will apply to or have any effect on the liability or alleged liability of any Indemnified Party for or with respect to any acts or omissions of such Indemnified Party occurring prior to such amendment or repeal. Notwithstanding the foregoing, the provisions of this Section 9.1are expressly subject to, and shall not be interpreted in a manner that would conflict with or cause violation of, Applicable Law.

9.2. Dissolution

If the Board determines that it is not feasible or desirable to continue the RWC activities, then, after complying with applicable federal or state dissolution procedures, assets of the RWC will be returned to the Members in proportion to their RWC Capital Equity.

9.3. Conflict Resolution

9.3.1. Mediation

If a complaint, dispute or controversy (hereinafter complaint) arises between any of the Parties to this Agreement, it is hereby agreed that the complaint will be brought to the Board for non-binding conflict resolution. The Board will have the authority to establish appropriate and reasonably prompt procedures to govern the processing of all complaints and an internal conflict resolution process.

The Parties agree that, at any point in the conflict resolution process, the Board may adopt and impose an interim emergency remedy to ensure the continuation of essential communication services until the matter is resolved.

9.3.2. Injunctive Relief

Nothing in this Agreement will prohibit any Party from seeking injunctive relief for the preservation of property. In the event any of the conflict resolution procedures are ruled unlawful or made unlawful by statute, the other terms of this Agreement are declared separate and severable and will remain in full force and effect.

9.3.3. Arbitration

In the event a dispute is not resolved pursuant to Section 9.3.1 of this Agreement, the Parties agree to use arbitration if arbitration is required by A.R.S. § 12-133 or A.R.S. § 12-1518.

9.3.4. Cooperation

9.3.4.1. Generally

The Parties agree to make, sign and deliver all documents and to perform all acts that are necessary to fully carry out the terms of this Agreement. Each of the Parties will fully cooperate with and assist one another in obtaining all licenses, permits, authorizations, approvals, and consents required in the performance of this Agreement. Nothing in this Agreement will be construed or interpreted to require the RWC to be responsible for dispatching or otherwise causing its Members to respond to an event within another Member's jurisdiction.

9.3.4.2. Specific Performance

RWC may elect and will have the right to seek specific performance by any Party of any or all of the obligations set forth in this Agreement. The Parties agree that RWC may seek specific performance by way of special action filed in superior court seeking an injunction ordering the Party to perform its obligations under this Agreement. The Parties agree not to raise as a defense the position that there is an "adequate remedy at law." If RWC seeks specific performance, the Parties hereby stipulate and consent to the jurisdiction of the superior court in any such special action.

9.4. Termination or Withdrawal

Subject to Section 3.3.1 above, any Member may voluntarily terminate its participation in the RWC (i) by providing twenty-four (24) months written notice to the Board or (ii) by providing prompt notice in the event the Member's governing body fails to appropriate sufficient funds for the Member to continue its RWC membership; in either case provided that the terminating Member: (a) relinquishes all Network equipment purchased or partially purchased by the RWC; (b) transfers or relinquishes any unexpended RWC accounts which have been collected for the replacement

or expansion of equipment or infrastructure; (c) pays all fees and charges owed to the RWC up to and through the effective date of termination; (d) agrees to pay for all costs to effect the withdrawal of the Member, including costs to reconfigure the Network for the remaining Members, and (e) agrees to such additional or alternative terms and conditions as may be unanimously established by all Parties, including the terminating Member.

9.5. Amendments to the Agreement

Any Member may propose an amendment or an addendum to this Agreement to the Executive Director. The Executive Director will make a recommendation to the Board. The Board must vote on any amendments or addendums brought to it by the Executive Director. This Agreement may be recommended for amendment to the Parties' respective governing bodies only by a written document approved and executed after a Super-Majority vote of the Members. Upon a Super-Majority vote of the Members, each Member will take appropriate steps in conformity with state and local law to authorize and approve the proposed amendment or addendum. Each Member must file a copy of the appropriate resolution, ordinance or other recorded action by which its legislative or governing body approved the amendment with the Executive Director of the RWC. No such amendment shall be effective until approved by the governing bodies of the Parties to this Agreement.

9.6. Entire Agreement

This Agreement, together with the IGA, contains the entire agreement and understanding among the Parties concerning the subject hereof and supersedes and replaces all prior negotiations, agreements and proposed agreements, written or oral, relating thereto. Each of the Parties hereto acknowledges that no other Party, nor any agent or attorney of any Party, has made any promise, representation, or warranty whatsoever, expressed or implied, not contained herein concerning the subject matter hereof, to induce it to execute this Agreement and acknowledges that this Agreement has not been executed in reliance on any promise, representation or warranty not contained herein.

9.7. Existing and Future Agreements.

9.7.1. Incorporation in Future Agreements

The Parties agree that the provisions of this Agreement will be incorporated in any future subcontracts between the RWC, the Parties and any other person, political subdivision or public agency that contracts with RWC or any Party to make use of the Network.

9.7.2. No Subcontracts for Network Use without Board Approval

The Parties agree that they will not enter into subcontracts for the use of the Network without the prior approval of the Board, which will have the authority to review the subcontracts for conformity with the rights and obligations set forth in this Agreement.

9.7.3. Modification of Existing Network Contracts between any of the Parties

The Parties agree that this Agreement is a modification of all existing governance agreements between the Parties in regard to the Network. In the event of any conflict, inconsistency, or incongruity between the provisions of this Agreement and any of the provisions of any previous agreement between the Parties, the provisions of this Agreement shall in all respects govern and control.

9.7.4. Interpretation

Nothing in this Agreement shall be construed or interpreted:

- **9.7.4.1.1.** To supersede any non-network-related contracts such as existing mutual aid agreements or radio support agreements between or among the Parties.
- **9.7.4.1.2.** To prohibit a Party from entering into separate agreements after the Effective Date of this Agreement concerning Member Real Property and Member Personal Property that the Party authorizes and allows the RWC to use as part of the Network, provided the separate agreements are consistent with this Agreement and compatible with the RWC's use of the property for the Network.
- **9.7.4.1.3.** To supersede prior existing agreements concerning a Member Real Property or Member Personal Property that the Party authorizes and allows the RWC to use as part of the Network.

9.7.5. No Third Party Beneficiary

This Agreement is entered into for the sole and exclusive benefit of the Parties, and no other person shall claim any implied right, benefit or interest in this Agreement. The Parties do not intend to create rights in or remedies to any third party as a beneficiary of this Agreement or of any duty, obligation, or undertaking established under this Agreement.

9.8. Records; Confidentiality

9.8.1. RWC Records

The RWC will make its financial records regarding the planning, designing, constructing, operating, maintaining and financing the Network available to any Party to this Agreement. Such request for inspection must not be made more frequently than once a month.

9.8.2. Party's Network Records

Each Party to this Agreement agrees to make available to the RWC its financial records related to planning, designing, constructing, operating, maintaining, and financing the Network. Such request for inspection may not be made more frequently than once a month.

9.8.3. Confidentiality of Network Information

To the extent permitted by Applicable Law, the Parties must treat Network information as proprietary and confidential. Network information includes, but is not limited to, technical data, engineering details, construction documents, equipment lists, programming configurations, and operational procedures. Any Party who receives a request for information or a public records request concerning Network information must promptly forward the request to the Executive Director for review and response, who shall have a reasonable amount of time to consider whether to object to or seek to enjoin disclosure of the requested information or any portion of it before the Party who received the request may disclose it. Notwithstanding the foregoing, nothing in this subsection shall prohibit any Member from producing non-confidential or non-proprietary documents or information pursuant to a public records request.

9.9. Notices

9.9.1. Notice Form and Service

Any notice, consent or other communications ("Notice") required or permitted under this Agreement must be in writing and either delivered in person, or, deposited in the United States mail, postage prepaid, registered, or certified mail, return receipt requested, or deposited with any commercial air courier or express service addressed with confirmed receipt to the addresses of each Member that are on file with the Executive Director.

9.9.2. Effective Service Date

If mailed as provided in Section 9.9.1 of this Agreement, notice will be deemed received five (5) days after the Notice is deposited in the U.S. mail as provided above. If delivered as provided in Section 9.9.1 of this Agreement, a notice will be deemed received at the time it is personally served, or on the day received as confirmed by any commercial air courier or express services. Any time period stated in a Notice shall be computed from the time the Notice is deemed received.

9.9.3. Change in Address

A Party may change its mailing address or the person to receive Notice by notifying the Executive Director and the other Parties as provided in Section 9.9.1.

9.10. Performance and Uncontrollable Events

9.10.1. Performance of Party Obligation

Unless provided otherwise in this Agreement, all terms and conditions that are to be performed by the Parties or any of the Parties will be performed at the sole expense of the Party so obligated, and if the RWC (or any other Party) pays any sum of money or does any act that requires the payment of money by reason of the failure, neglect or refusal of the obligated Party to perform such term or condition, the sum of money paid by the RWC (or the other Party) shall upon notice as required by Section 9.9.1 be payable to the RWC (or other Party) by the Party obligated to perform.

9.10.2. Uncontrollable Event

No Party will be considered to be in default in the performance of any obligations under this Agreement (other than obligations of a Party to pay costs and expenses) if failure of performance is due to an uncontrollable event. The term "uncontrollable event" means any cause beyond the control of the Party affected; including but not limited to flood, earthquake, storm, fire, epidemic, war, riot, civil disturbance or disobedience, labor dispute, action or non-action by (or failure to obtain the necessary authorizations or approvals from) any governmental agency or authority or the electorate, labor or material shortage, sabotage, and restraint by court order or public authority; that by exercise of due diligence and foresight the Party reasonably could not have been expected to avoid and that by exercise of due diligence it will be unable to overcome. A Party that is rendered unable to fulfill any obligation by reason of an uncontrollable event will exercise due diligence to remove such inability with all reasonable dispatch. Unavailability of funds shall not be deemed an uncontrollable event.

9.10.3. Burden of Proof regarding Uncontrollable Event

If any Party claims that its failure to perform was due to an uncontrollable event, the Party will bear the burden of proof that such activity was within the meaning and intent of this section, if such claim is disputed by any Party to this Agreement.

9.11. Governing Law

This Agreement will be governed by and construed in accordance with the laws of the State of Arizona applicable to contracts executed and intended to be performed entirely within the State of Arizona by residents of the State of Arizona. Any action at law, suit in equity or judicial proceeding for the enforcement of this Agreement or any provision therefore shall be instituted only in the courts of Maricopa County, Arizona.

9.12. Headings

Article and section headings are inserted herein solely for convenience and the same will not by themselves alter, modify, limit, expand or otherwise affect the meaning of any provision of this Agreement.

9.13. Assignment and Binding Effect

This Agreement will be binding upon and shall inure to the benefit of the Parties hereto and their respective successors and assigns; provided, however, that nothing herein will relieve any Party of any obligation under this Agreement, except upon the express written consent of the RWC.

Regional Wireless Cooperative (RWC) Adoption of New Governance Document June 2018

Background

The RWC is a large public safety radio network serving the frontline needs of police, fire, first responders, and other governmental support personnel. The network operates in the 700 MHz frequency band and consists of over 80 strategically placed communication sites, providing seamless, wide area radio coverage across 11,000 square miles of the Phoenix metropolitan region.

Some of the benefits of this multi-agency radio system include wide area coverage beyond what individual agencies could achieve; seamless *interoperability* (the ability for diverse public safety agencies to communicate directly, in real-time, as the need requires); shared resources, such as staffing, equipment and tower sites. All funding and financial responsibilities are shared by all RWC Members based on the Member's relative size.

Formed in 2008, the RWC is a cooperative body formed under an Intergovernmental Agreement (IGA) with membership open to all local, county, state, and federal governmental and tribal entities. The RWC includes most of the cities, towns, and fire districts located within the Phoenix metropolitan region. The RWC Board of Directors consists of one executive representative from each Member. The nineteen Member Board directs the operation, maintenance, planning, design, implementation, and financing of the RWC. The City of Phoenix serves as the "Administrative Managing Member" responsible for the administration and financial management of the RWC.

Governance

The RWC's <u>Governance Document</u> (<u>Governance</u>) is identified as "Exhibit A" to the RWC IGA which was adopted and signed by all nineteen Member's governing bodies. The <u>Governance</u> provides written direction and guidance -- setting forth term definitions, management processes; and financial, accounting and network management of the RWC. The <u>Governance</u> is the administrative and managerial "rule book" used by the Board of Directors, Executive Director, and operational and technical support personnel for managing the RWC.

Updated Governance Document

In 2012, the RWC Board of Directors established a "Governance Working Group" (GWG) tasked with undertaking a full, detailed review of the <u>Governance</u> to ensure it was effectively meeting the needs for managing the RWC.

The GWG conducted over 80 meetings which included discussions and input with the RWC Board of Directors, fire and police chiefs, public safety committees, accounting staff, City of Phoenix Finance and Budget Departments, labor organizations, public safety and radio communications, technical and information technology subject matter experts. Also, as draft <u>Governance</u> documents were developed, legal staffs from every RWC Member were consulted and solicited for review and input.

Action and Next Steps

On Thursday, May 24, 2018, the RWC Board of Directors voted to approve the attached <u>"Regional Wireless Cooperative Governance Document"</u>. The Board of Directors also directed each RWC Member to amend the RWC IGA via each Member's appropriate governing body. The amendment to the RWC IGA is required to replace the current <u>Governance Document</u> with the newly revised <u>Governance Document</u>.

Overview of Changes

As mentioned above, the GWG engaged in a very detailed and deliberate process of analysis, discussions, rewrites, and legal review. The result of the process is a much improved <u>Governance Document</u>. This process resulted in a significant structural reorganization of the <u>Governance Document</u> with modified language that clarified many sections. Since the review focused primarily on structure and clarity, few substantive changes were necessary.

A "redline" version, depicting every change to the Governance Document, would not be practical for review purposes. However, the following highlights are provided to focus on the most significant modifications:

New Recitals

Emphasis and clarity of RWC purpose and vision

Definitions:

- Encryption Services Manager
- Encryption Services Operator
- General Government Services Entities
- Network Administrator
- Network Manager
- RWC Net Position
- Super Majority
- User Working Group
- Working Day

Member Categories:

- Associates
- Interoperability Participants
- Conditional Participants
- Network Partners

Board of Directors:

- Chair & Vice-chair clarification
- Representative vs Delegate clarification
- Voting Methodology
- Super-Majority Voting

Administrative Management:

Administrative Manager

- Network Manager
- Encryption Services Manager
- Encryption Services Operator
- Executive Director

Advisory Committees:

- Executive Committee
- User Working Group
- Technical Working Group

Financial Management:

- Budget and Financial Planning and Reporting
- Simplify Fund Definitions
 - Operating
 - Capital
 - Reserves
- RWC Capital Equity
- Annual Audit Process

RWC Assets and Ownership:

- Clarification of Real vs Personal Property
- Clarification of Administrative Managing Member Responsibilities

Insurance:

• Clarification of Roles - Member versus Administrative Managing Member

Questions should be directed to:

David Felix, Executive Director Regional Wireless Cooperative (602) 495-2426

CITY OF PEORIA, ARIZONA COUNCIL COMMUNICATION

Agenda Item: 11C.

Date Prepared: 7/24/2018 Council Meeting Date: 8/14/2018

TO: Council Members

FROM: Cathy Carlat, Mayor

SUBJECT: Contract Amendment, City Manager

Purpose:

Discussion and possible action to approve the Amendment to the Terms and Conditions of the Employment Agreement with the City Manager.

Summary:

Recently, the Mayor and City Council completed their appraisal of the City Manager. Pursuant to that appraisal, the attached amendment to the Terms and Conditions of the Employment with the City Manager has been prepared. The proposed amendment provides for a 5% merit increase for a new annual base salary of \$222,600.

Options:

A: Approve an amendment to the Terms and Conditions of Employment Agreement with the City Manager.

B: Do not approve the amendment to the Terms and Conditions of Employment Agreement with City Manager.

Staff Recommendation:

This is a request for the Mayor and City Council to adopt the proposed Amendment to the Terms and Conditions of Employment Agreement with City Manager.

ATTACHMENTS:

Contract Amendment

Contact Name and Number:

Laura Ingegneri, (623) 773-7103

AMENDMENT TO TERMS AND CONDITIONS OF EMPLOYMENT AGREEMENT

This Contract Amendment is made on this fourteenth day of August, 2018, between the City of Peoria ("City") and Jeff Tyne ("City Manager").

RECITALS

WHEREAS, the Mayor and Council of the City have entered into a Terms and Conditions of Employment Agreement with the City Manager dated July 6, 2017 (hereinafter "Agreement") for the provision of those duties and functions of the City Manager, as provided under the Peoria City Charter and Code and in accordance with Arizona Revised Statutes, Section 9-271: and

WHEREAS, the City and City Manager desire to amend the Agreement.

Therefore, the parties in consideration of the covenants and conditions to be performed by the City Manager set forth in the Agreement dated July 6, 2017, the Parties agree to amend the Agreement as follows:

Section 4. Amendment to Section 4.

Section 4 ("Salary") shall be amended to read as follows:

City agrees to pay Employee for his services rendered pursuant hereto as City Manager an annual base salary of \$222,600 payable in installments at the same time as other employees of the City of Peoria, Arizona are paid.

Section 14. Amendment to Paragraph 14.C

Section 14.C ("General Provisions") shall be amended to read as follows:

C. City and City Manager agree that the items covered by this Contract Amendment shall become effective June 30, 2018, following City Council approval of this Contract Amendment.

City and City Manager agree that except solely as modified above, changed and amended, the terms, conditions, and provisions of the Agreement and subsequent amendments thereto, shall continue in full forth and effect and shall apply to, and shall govern, this amendment of the Agreement.

It WITNESS THEREOF, the parties execute this Contract Amendment on the date set forth above.

CITY OF PEORIA	CITY MANAGER
By: Cathy Carlat, Mayor	By: Jeff Tyne, City Manager
ATTEST:	APPROVED AS TO FORM:
Rhonda Geriminsky, City Clerk	Vanessa P. Hickman, City Attorney

CITY OF PEORIA, ARIZONA COUNCIL COMMUNICATION

Agenda Item: 12C.

Date Prepared: 7/31/2018 Council Meeting Date: 8/14/2018

TO: Jeff Tyne, City Manager

THROUGH: Andy Granger, Deputy City Manager

FROM: Adina Lund, P.E., Development and Engineering Director

SUBJECT: Contract Amendment, TALIS Corporation, 83rd Avenue Bus Shelters

Purpose:

Discussion and possible action to approve a contract amendment with TALIS Corporation in the amount of \$91,902 to complete the construction of the 83rd Avenue Bus Shelters project.

Summary:

The City's FY2019-FY2028 Capital Improvement Program (CIP) includes the 83rd Avenue Bus Shelters project that provides funding for the installation of 43 bus shelters along the 83rd Avenue corridor from Butler Road to Bell Road.

As part of the design, the Peoria flag was an additional component to enhance the aesthetic of the bus shelter as well as the P83 stencil. However, this design request occurred after the original contract with TALIS Corporation was executed. Therefore, the contract amendment intends to cover the cost of the additional fabrication of the customized perforated flag and P83 stencil.

Previous Actions/Background:

There are no previous actions on this project. The City Attorney's Office, Materials Management Division, and the Development and Engineering Department administratively approved all previous contractual items.

Options:

A: Approve the contract amendment with TALIS Corporation for \$91,902.

B: Deny approval of the contract amendment with TALIS Corporation for \$91,902. This will result in cancellation of the remaining work for the project.

Staff Recommendation:

Staff recommends approval of the contract amendment with TALIS Corporation for \$91,902.

Fiscal Analysis:

This project is 100 percent funded by regional transit funds from the Regional Public Transportation Authority (RPTA) and, as such, this action will have no fiscal impact on the city. Expenditure authority for this contract amendment is available in the FY2019 budget in the 83rd Avenue Bus Shelters project (EN00582). The city will seek reimbursement from RPTA as funds are expended on this contract.

Contact Name and Number:

Adina Lund, P.E., Development and Engineering Director, (623) 773-7249

CITY OF PEORIA, ARIZONA COUNCIL COMMUNICATION

Agenda Item: 13C.

Date Prepared: 7/10/2018 Council Meeting Date: 8/14/2018

TO: Jeff Tyne, City Manager

THROUGH: Katie Gregory, Deputy City Manager

FROM: Jennifer Stein, Director of Communications

SUBJECT: Budget Amendment, Resort Feasibility Study

Purpose:

Discussion and possible action to approve a budget adjustment in the amount of \$40,000 from the Half-Cent Sales Tax Fund contingency account to the Half-Cent Sales Tax Fund other professional services account to move forward with a market analysis and feasibility study.

Summary:

The Office of Communications Strategic Plan outlines a three-phase tourism plan to increase Peoria's presence and desirability as a place to visit. One of these key components involves tourism development. Economic development has also been an ongoing goal of the City Council, and the development of a resort style hotel would spur significant economic development for the area, resulting in new jobs, additional bed tax, and more visitors to Peoria.

The goal of this market analysis is to look at the feasibility of a resort development at one of five identified areas throughout the city. The study aims to look at a number of items associated with the successful development of a project this scale. These items include:

- Local Area Market Analysis
- Supply and Demand Analysis
- Site Analysis and Recommendations
- Projection of Occupancy and Average Rate
- Projection of Income and Expenses
- Feasibility Analysis
- Identify Potential Developers and Operators
- Industry Trend Analysis

Upon completion, the consultant would assist the city in identifying and contacting 10 to 20 potential developers and/or hotel operators, as well as coordinate introductions and set up meetings to share the findings/data from the marketability study.

The requested adjustment of \$40,000 will allow the study to be designed and implemented with

results presented to staff in Fall 2018. The next step would entail finding the right developer and hotel operator, immediately following the completion of the survey.

Options:

The following options are possible for the City Council to recommend:

A: The Council can approve the budget amendment and use of reserves at \$40,000 from the Half Cent Sales Tax fund for the Hotel/Resort study.

B: The Council not approve the budget amendment and provide further direction to staff.

Staff Recommendation:

Staff recommends the use of reserves and budget amendment at \$40,000 from the Half Cent Sales Tax fund for the Hotel/Resort study.

Fiscal Analysis:

Staff requests a budget adjustment and use of reserves in the amount of \$40,000 from the Half Cent Sales Tax contingency account 1210-0350-570000 to the Half Cent Sales Tax fund - Other Professional Services account 1210-0350-520099.

Contact Name and Number:

Jennifer Stein (623) 773-7338

CITY OF PEORIA, ARIZONA COUNCIL COMMUNICATION

Agenda Item: 14C.

Date Prepared: 7/30/2018 Council Meeting Date: 8/14/2018

TO: Jeff Tyne, City Manager

THROUGH: Katie Gregory, Deputy City Manager

FROM: Sonia Andrews, Chief Financial Officer

SUBJECT: Investment Report, Quarter Ending June 30, 2018

Purpose:

Discussion and possible action to review and accept the Investment Report as presented.

Summary:

Effective cash management includes investment of available or idle funds. The City of Peoria invests all available funds of the City, taking into consideration anticipated cash flow requirements and the safety and risk of investments. Investments are made in accordance with the City's Investment Policy, and Arizona Revised Statues Title 35-321 through 35-329. The primary objective of the City's investments, in order of priority, is:

- 1. Safety Investments shall be undertaken in a manner that seeks to insure the preservation of capital in the portfolio.
- 2. Liquidity The investment portfolio will remain sufficiently liquid to enable the City to meet all operating requirements which might be reasonably anticipated.
- 3. Yield The investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the City's very strict risk constraints. Public funds may only be invested in authorized and suitable investments such as US Treasury Obligations, US Agency Obligations, Certificates of Deposits, Commercial Paper rated A-1/P-1, Corporate Notes rated AA or better, Money Market Funds and the Arizona State Investment Pool. Investment in stocks, mutual funds, hedge funds, real estate, foreign investments or other risky or alternative investments are strictly prohibited.

The Investment Policy imposes a 3 year maximum weighted average maturity on the overall investment portfolio with specific maximum maturities for each type of investment.

The City utilizes PFM Asset Management LLC, an investment advisory firm, to provide advice and assist with managing its investments. All securities are held by a third party custodian in the City's name.

Quarterly investment reports are provided to the City Council to report the investment portfolio holdings, maturity distribution, investment performance and compliance with the Investment Policy.

Previous Actions/Background:

There are no previous actions for this item.

Options:

A: Accept the Quarterly Investment Report as presented.

B: Not accept the Quarterly Investment Report and request additional information from staff.

Staff Recommendation:

This is a request for the City Council to review and accept the Investment Report for the quarter ended June 30, 2018.

Fiscal Analysis:

At 6/30/18, all of the City's investments were in compliance with the City's Investment Policy. Book value of the investment portfolio at 6/30/18 was \$319.8 million and investment income for the quarter (4/1/18 to 6/30/18) totaled \$1,488,203.

The portfolio's weighted average yield to maturity was 1.87% for the quarter ended 6/30/18.

The attached Investment Report prepared by PFM Asset Management includes the following detail information on the City's investments:

Contents of Investment Report

- 1. Snapshot of investment portfolio
- 2. Investment policy compliance
- 3. Current market trends and portfolio strategy

ATTACHMENTS:

Investment Report

Contact Name and Number:

Sonia Andrews, (623) 773-5206





City of Peoria

Investment Portfolio SummaryQuarter Ending June 30, 2018

Paulina Woo, Director

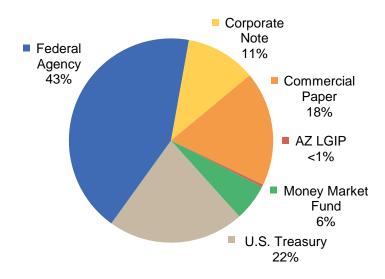


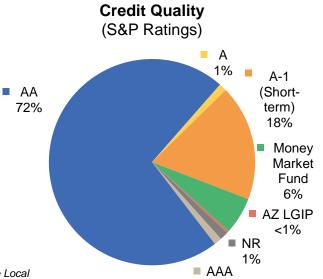
Executive Summary^{1,2}

Account Summary	Beginning Values as of 3/31/18	Ending Values as of 6/30/18
Market Value	\$361,421,846	\$317,510,572
Book Value	\$363,594,816	\$319,837,824
Unrealized Gain/(Loss)	(\$2,172,970)	(\$2,327,252)
Weighted Avg. YTM	1.64%	1.87%
Weighted Avg. YTW	2.41%	2.47%

Maturity Distribution \$100 **Weighted Average** 26.6% 26.1% Maturity: 445 days \$80 21.4% \$60 Willions \$40 15.2% 6.2% \$20 4.5% \$0 Overnight 0-6 6-12 1-2 Years 2-3 Years Over 3 Months Months Years Core ■ Short-Term ■ Employee Benefit Trust ■ Workers' Comp ■2015 GO Bonds ■ State LGIP

Allocation by Security Type





1%

- These balances include \$1,149,008 invested with the State Local Government Investment Pool 7 at 6/30/18.
- Weighted average maturity includes all liquid and LGIP balances.



Security Type and Issuer Compliance^{1,2}

Security Type	Book Value	% of Portfolio	Permitted by Policy	Compliance
U.S. Treasury	\$69,108,222	21.6%	80%	✓
Federal Agency	\$137,124,153	42.9%	80%	✓
Corporate Note	\$35,721,642	11.2%	35%	✓
Commercial Paper	\$58,072,040	18.2%	35%	✓
AZ LGIP	\$1,149,008	0.4%	35%	✓
Money Market Fund_	\$18,662,759	5.8%	35%	✓
Total Book Value	\$319,837,824	100%		

Issuer	Book Value	% of Portfolio	Permitted by Policy	Compliance
U.S. Treasury	\$69,108,222	21.6%	80%	✓
FHLB	\$46,510,578	14.5%	40%	✓
FFCB	\$44,970,057	14.1%	40%	✓
FNMA	\$24,982,981	7.8%	40%	✓
Money Market Fund	\$18,662,759	5.8%	35%	✓
FHLMC	\$16,492,622	5.2%	40%	✓
JP Morgan	\$10,571,781	3.3%	10%	✓
Bank of Montreal Chicago	\$9,394,427	2.9%	10%	✓
Dexia Credit NY	\$8,918,404	2.8%	10%	✓
BNP Paribas NY	\$8,665,632	2.7%	10%	✓
Credit Agricole	\$6,740,808	2.1%	10%	✓
Bank of Tokyo Mitsubishi, U.S.	\$5,346,192	1.7%	10%	✓
Toyota Motor Corp	\$4,554,124	1.4%	5%	✓
Chevron Corp.	\$4,352,574	1.4%	5%	✓
Exxon Mobil	\$4,333,679	1.4%	5%	✓
Private Export Funding	\$4,167,915	1.3%	40%	✓
Walmart Stores Inc	\$3,975,324	1.2%	5%	✓
Microsoft	\$3,972,019	1.2%	5%	✓
Bank of New York Mellon	\$3,904,947	1.2%	5%	✓
MUFG Bank LTD NY	\$3,889,045	1.2%	10%	✓
Oracle	\$3,393,893	1.1%	5%	✓
Toyota Motor Credit	\$3,309,031	1.0%	10%	✓
Cisco Systems Inc	\$3,067,712	1.0%	5%	✓
Procter & Gamble	\$2,087,498	0.7%	5%	✓
Apple Inc	\$2,079,870	0.7%	5%	✓
AZ LGIP	\$1,149,008	0.4%	35%	✓
ING (US) Funding LLC	\$989,200	0.3%	10%	✓
Rabobank USA	\$247,519	0.1%	10%	✓
Total Book Value	\$319,837,824	100.0%		

Maturity	Book Value	% of Portfolio	Permitted by Policy	Compliance
Overnight	\$19,811,767	6.2%	No Limit	
0-6 Months	\$85,068,970	26.6%	No Limit	
6-12 Months	\$68,311,725	21.4%	No Limit	
1-2 Years	\$83,566,186	26.1%	No Limit	
2-3 Years	\$48,627,702	15.2%	No Limit	
Over 3 Years_	\$14,451,473	4.5%	20%	✓
Total Book Value	\$319,837,824	100%		

Other Policy Tests	Compliance
Policy requires at least 35% of portfolio to mature in less than one year. Current portfolio maturing is less than one year = 54%	√
Policy sets a maximum weighted average maturity of 3 years (1095 days). Current portfolio weighted average maturity = 445	✓

Accrual Basis Earnings	4/1/18 through 6/30/18
Estimated Earnings	\$1,488,203
,Total Estimated Earnings	\$1,488,203

^{1.} These balances include \$1,149,008 invested with the State Local Government Investment Pool 7 at 6/30/18.

^{2.} Weighted average maturity includes all liquid and LGIP balances.



Economic Update

Current Market Themes

- Strong labor market
- Solid corporate profits driven in part by savings from tax cuts
- Optimistic business outlook
- Inflation growth, reaching the Fed's longterm 2% target
- Initiation of trade war in June
- Continued geopolitical concerns
- Gradually increasing interest rates with two
 Fed rate hikes executed in 2018 and
 another 2 increases expected this year

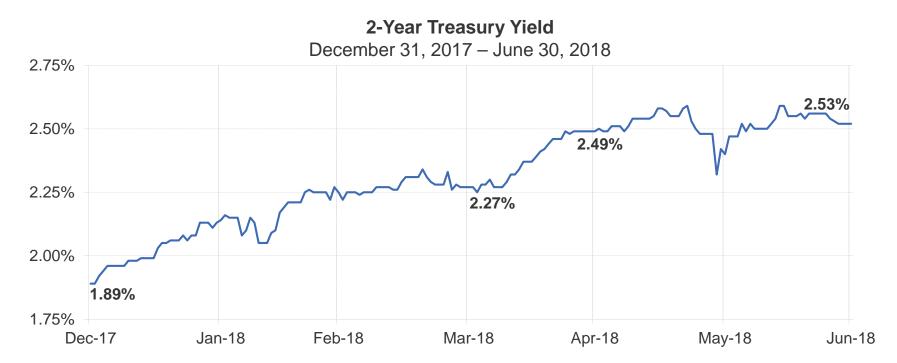
Portfolio Strategy

- Returns driven by economic landscape and Fed policy.
- Rising rates highlight the importance of duration management
- Importance of value among different maturity ranges of the yield curve
- Sector allocation requires broad diversification.
- Continue to emphasize use of credit instruments.



Second Quarter Interest Rates

- The second quarter marked the eighth straight quarterly rise in the 2-year yield as the U.S. economy remained strong and the Federal Reserve continued on its path of quantitative tightening, raising the federal funds target rate by 25 basis points at its June meeting.
- The 2-year Treasury increased by 26 basis points to 2.53% in the second quarter. However, the majority of the yield increase came in April, as market uncertainty dampened the pace yield increase during the last two months of the quarter.





Disclosures

PFM is the marketing name for a group of affiliated companies providing a range of services. Investment advisory services are provided by PFM Asset Management LLC which is registered with the Securities and Exchange Commission under the Investment Advisers Act of 1940. Additional applicable regulatory information is available upon request.

The views expressed within this material constitute the perspective and judgment of PFM Asset Management LLC at the time of distribution and are subject to change. Any forecast, projection, or prediction of the market, the economy, economic trends, and equity or fixed-income markets are based upon current opinion as of the date of issue, and are also subject to change. Opinions and data presented are not necessarily indicative of future events or expected performance. Information contained herein is based on data obtained from recognized statistical services, issuer reports or communications, or other sources believed to be reliable. No representation is made as to its accuracy or completeness. This material is intended for informational purposes only and should not be relied upon to make an investment decision, as it was prepared without regard to any specific objectives or financial circumstances. It should not be construed as an offer to purchase/sell any investment. References to particular issuers are for illustrative purposes only, and are not intended to be recommendations or advice regarding such issuers.

It is not possible to invest directly in an index. The index returns shown throughout this material do not represent the results of actual trading of investor assets. Third-party providers maintain the indices shown and calculate the index levels and performance shown or discussed. Index returns do not reflect payment of any sales charges or fees an investor would pay to purchase the securities they represent. The imposition of these fees and charges would cause investment performance to be lower than the performance shown.

PFM Asset Management LLC has exercised reasonable professional care in the preparation of this performance report. However, information in this report on market indices and security characteristics, as well as information incorporated in the Market Commentary section, is received from sources external to PFM Asset Management LLC.

PFM Asset Management LLC relies on the client's custodian for security holdings and market values. Transaction dates reported by the custodian may differ from money manager statements. While efforts are made to ensure the data contained herein is accurate and complete, we disclaim all responsibility for any errors that may occur.

For more information regarding PFM's services or entities, please visit www.pfm.com.

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CITY OF PEORIA, ARIZONA COUNCIL COMMUNICATION

Date Prepared: 8/1/2018 Council Meeting Date: 8/14/2018

TO: Jeff Tyne, City Manager

THROUGH: Erik Strunk, Deputy City Manager

FROM: Kevin Burke, Public Works Director

SUBJECT: Authorize Expenditures, Pavement Management and Repair Services

Purpose:

Discussion and possible action to approve expenditures from the Capital Improvement Project for Pavement Management Program – Rehabilitation funds in the total amount of \$1,502,907.11 to contractor, Via Sun Corporation, pursuant to Job Order Contract, ACON01617 - Pavement Management and Repair Services.

Summary:

As a part of the City's Pavement Management Program reviewed by the City Council earlier this calendar year, the City of Peoria Public Works Department, Streets Division, has completed an evaluation and determined that 91st Avenue from Peoria Avenue, north to Grand Avenue is a priority for rehabilitation in accordance with the City's Capital Improvement Program (CIP PW013000CO), Pavement Management Program - Rehabilitation.

The Streets Division is recommending significant rehabilitation for this section of roadway to include the milling of damaged surfaces to a depth of 3" and replacing it with new, asphalt concrete. This "mill and overlay" will eliminate distresses and provide a smoother riding surface, reduce ongoing maintenance costs and increase the pavement lifecycle.

City of Peoria contractor Via Sun Corporation will perform the work associated with this project in accordance with Job Order Contract, ACON01617-Pavement Management & Repair Services.

The total amount for this street maintenance project is \$1,502,907.11. Funding for the project is available in the FY2019 Capital Budget.

Previous Actions/Background:

There are no previous actions relative to this project.

Options:

A: Council could act to approve expenditures in an amount not to exceed \$1,502,907.11 for payment to contractor, Via Sun Corporation.

B: Council could decline approval of the expenditure and the project will be cancelled.

Staff Recommendation:

Staff recommends City Council approval to rehabilitate the roadway pavement on 91st Avenue from Peoria to Grand Avenues by utilizing the services of contractor, Via Sun Corporation, and authorizing expenditures totaling \$1,502,907.11. This project supports the City's Pavement Management Program.

Fiscal Analysis:

Staff requests the use of Capital Improvement Project for Pavement Management Program – Rehabilitation funds 7000/7050/543001CO CIPST PW013000CO in the total amount of \$1,502,907.11.

Contact Name and Number:

Kevin Burke, Public Works Director (623) 773-7395

CITY OF PEORIA, ARIZONA COUNCIL COMMUNICATION

Date Prepared: 7/30/2018 Council Meeting Date: 8/14/2018

TO: Jeff Tyne, City Manager

THROUGH: Andy Granger, Deputy City Manager

FROM: Adina Lund, P.E., Development and Engineering Director

SUBJECT: Abandonment of City Interest, Federal Patent Easement, 70th Avenue and

Mariposa Grande

Purpose:

Discussion and possible action to adopt **RES. 2018-82** to abandon City interest in a portion of a Federal Patent Easement in the vicinity of the northeast corner of 70th Avenue and Mariposa Grande and declaring an emergency.

Summary:

This request comes from the Moreno-Corrales Family who own the parcel east of the northeast corner of 70th Avenue and Mariposa Grande. Their parcel identified as Assessor Parcel Number 201-13-045B is currently encumbered by a 33-foot wide Easement for roadway and utilities along the western, eastern and southern boundaries. The property owners have requested the abandonment of the eastern and western portions of the Easement within their parcel to allow greater development potential.

Previous Actions/Background:

Staff reviewed this request and has determined that the Easement that runs along the eastern and western boundary of the parcel is no longer necessary for roadway and utility purposes. Letters from the existing utility companies giving their consent to the abandonment have also been received by staff.

Options:

A: City Council authorizes the abandonment, removing the Easement encumbrance from the eastern and western boundary of the property.

B: City Council denies the abandonment maintaining the current Easement encumbrance on the property.

Staff Recommendation:

Staff recommends City Council approve the adoption of the attached Resolution authorizing the abandonment of City interest in a portion of a Federal Patent Easement for Roadway and Public Utilities as recorded in Docket 1436 Page 588 located east of the northeast corner of 70th Avenue and Mariposa Grande.

Fiscal Analysis:

There is no fiscal impact to the City associated with this abandonment request.

ATTACHMENTS:

Vicinity Map Location Map Resolution Resolution Exhibit A

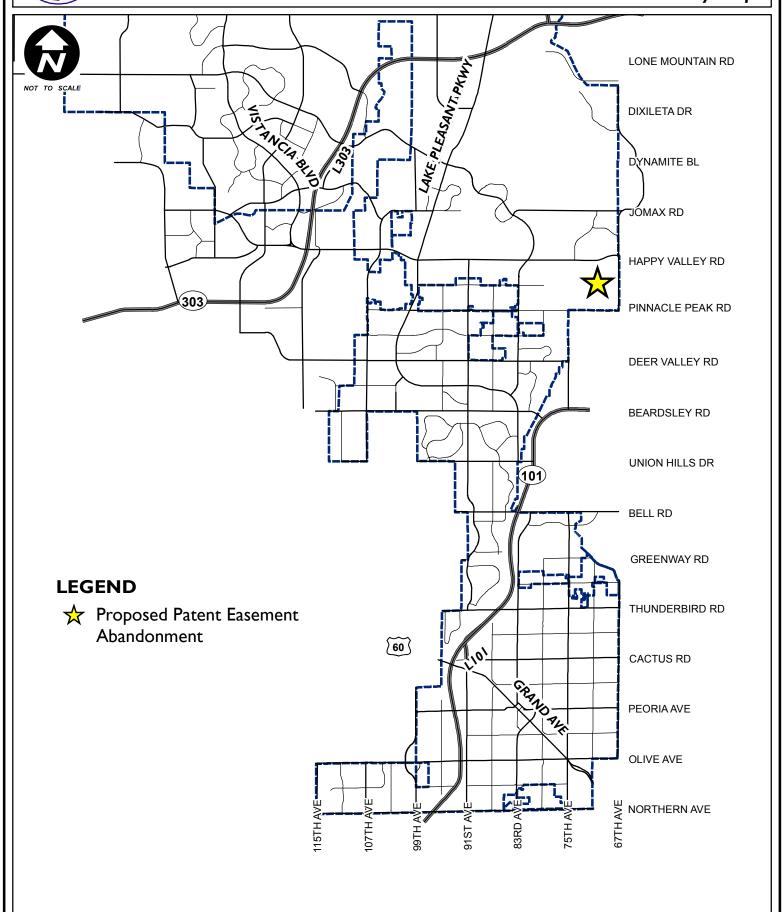
Contact Name and Number:

Adina Lund, P.E., Development and Engineering Director, (623) 773-7249



Patent Easement Abandonment APN 201-13-045B East and West 33 feet

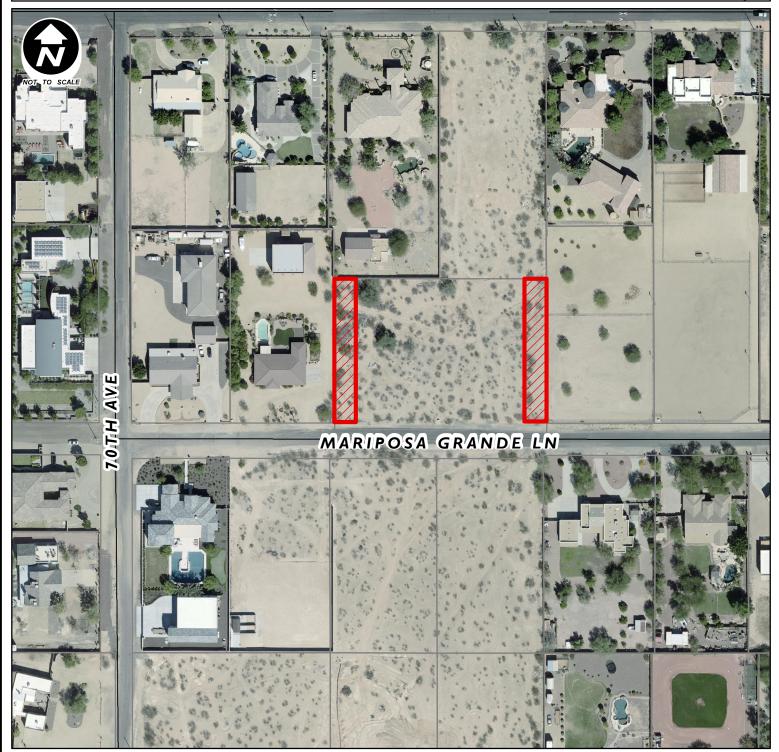
Vicinity Map





Patent Easement Abandonment APN 201-13-045B East and West 33 feet

Location Map



LEGEND



Proposed Patent Easement Abandonments



Map based on imprecise source Information, subject to change and FOR GENERAL REFERENCE ONLY.

RESOLUTION NO. 2018-82

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA FINDING THAT CERTAIN PUBLIC RIGHTS-OF-WAY RESERVED FOR THE PUBLIC BY THE UNITED STATES OF AMERICA FOR ROADWAY AND PUBLIC UTILITIES TO BE UNNECESSARY TO CITY PURPOSES AND NO LONGER REQUIRED TO BE RETAINED BY THE CITY AND DIRECTING THAT SUCH UNNECESSARY PUBLIC RIGHTS-OF-WAY BE DISPOSED OF IN THE MANNER PROVIDED BY LAW AND DECLARING AN EMERGENCY.

THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Peoria as follows:

WHEREAS, pursuant to A.R.S. 9-500.24, the City Council of the City of Peoria is vested with the power to determine and find that a certain federal patent easement dedicated by the United States of America to public use may no longer be necessary to the City; and

WHEREAS, pursuant to A.R.S. 9-500.24, the City is vested with the power to vacate such easement by transferring title to adjacent property owners and others; and

WHEREAS, the Mayor and Council find and determine that a portion of a certain Federal Patent Easement located in the City of Peoria, Maricopa County, Arizona, located east of 70th Avenue north of Mariposa Grande, and more specifically described on the Legal Description (Exhibit A) attached to this Resolution is no longer needed by the City for Public Access and Public Utility purposes.

THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. That Mayor and Council find and determine that a portion of the eastern and western boundaries of a Federal Patent Easement dedicated by the United States of America for public access and public utilities as recorded in Docket 1436 Page 588 and more specifically set forth on Exhibit "A" attached to this Resolution be and are hereby declared abandoned as provided by Chapter 4, Article 8, Title 9 of the Arizona Revised Statutes.

Resolution No. 2018-82
Patent Easement Abandonment
East of NEC 70th & Mariposa Grande
August 14, 2018
2 of 2

SECTION 2. That the City Engineer is directed to prepare and provide descriptions for the retention of such easements for public utilities, if any, as may be deemed appropriate across the described property.

SECTION 3. That the City Clerk shall record the original of this Resolution with the Maricopa County Recorder's Office.

WHEREAS, the immediate operation of the provisions of this Resolution are necessary for the preservation of the public peace, health and safety of the City of Peoria, an EMERGENCY is hereby declared to exist and this Resolution shall be in full force and effect from and after its passage, adoption and approval by the Mayor and Council of the City of Peoria, and it is hereby exempt from the referendum provision of the Constitution and laws of the State of Arizona.

PASSED AND ADOPTED by the Mayor and Council of City of Peoria, Arizona this 14th day of August, 2018.

	Cathy Carlat, Mayor
	Date Signed
ATTEST:	
Rhonda Geriminsky, City Clerk	
APPROVED AS TO FORM:	
Vanessa P. Hickman, City Attorney	

1. Exhibit A – Legal Description

ATTACHMENT:



EXHIBIT A

LEGAL DESCRIPTION

AREA 1

THE WEST 33 FEET OF THE EAST HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION TWELVE (12), TOWNSHIP FOUR (4) NORTH, RANGE ONE (1) EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT THE NORTH 412. 36 FEET THEREOF; EXCEPT THE SOUTH 33 FEET THEREOF

AREA 2

THE EAST 33 FEET OF THE EAST HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION TWELVE (12), TOWNSHIP FOUR (4) NORTH, RANGE ONE (1) EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT THE NORTH 412. 36 FEET THEREOF; EXCEPT THE SOUTH 33 FEET THEREOF

VESTING DEED DESCRIPTION

THE EAST HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION TWELVE (12), TOWNSHIP FOUR (4) NORTH, RANGE ONE (1) EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT THE NORTH 412. 36 FEET THEREOF

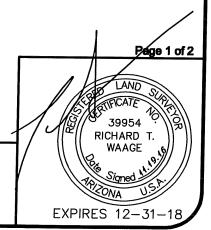
Title: EASEMENT ABANDONMENT

Preparing Firm: WAAGE SURVEYING, INC.

Address: 3657 N KATMAI, MESA AZ 85215

Phone: 480-830-9443

Fax: 480-830-9443



CITY OF PEORIA, ARIZONA COUNCIL COMMUNICATION

Date Prepared: 7/30/2018 Council Meeting Date: 8/14/2018

TO: Jeff Tyne, City Manager

THROUGH: Andy Granger, Deputy City Manager

FROM: Adina Lund, P. E., Development and Engineering Director

SUBJECT: Abandonment of City Interest, Federal Patent Easement, Yearling Road between

92nd and 93rd Avenues

Purpose:

Discussion and possible action to adopt **RES. 2018-83** to abandon City interest in a portion of a Federal Patent Easement located along the Yearling Road alignment between 92nd and 93rd Avenues and declaring an emergency.

Summary:

This request comes from the Brazell and Garrett Families who own the parcels north of Yearling Road between 92nd and 93rd Avenues. Their parcels are identified as Assessor Parcel Numbers 201-06-073G & H and 201-08-197; these parcels are currently encumbered by a 33-foot wide Easement for roadway and utilities along their southern boundary. The property owners have requested the abandonment of the Easement from the southern boundary of their parcels to allow greater development potential.

Previous Actions/Background:

Staff reviewed this request and has determined that the Easement that runs along the southern boundary of the parcels is no longer necessary for roadway and utility purposes. Letters from the existing utility companies giving their consent to the abandonment have also been received by staff.

Options:

A: City Council authorizes the abandonment, removing the Easement encumbrance from the southern boundary of the properties.

B: City Council denies the abandonment maintaining the current Easement encumbrance on the properties.

Staff Recommendation:

Staff recommends City Council approve the adoption of the attached Resolution authorizing the abandonment of City interest in a portion of a Federal Patent Easement for Roadway and Public Utilities as recorded in Docket 2992 Page 563 located at Yearling Road between 92nd and 93rd Avenues.

Fiscal Analysis:

There is no fiscal impact to the City associated with this abandonment request.

ATTACHMENTS:

Vicinity Map Location Map Resolution

Contact Name and Number:

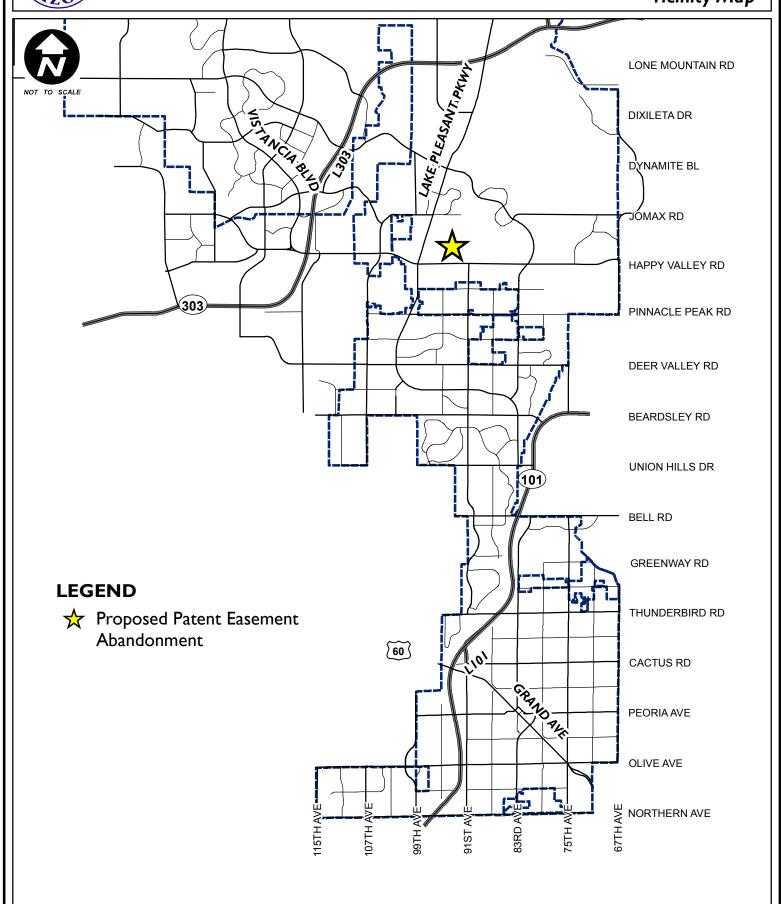
Adina Lund, P.E., Development and Engineering Director, (623) 773-7249



City of Peoria DEVELOPMENT AND ENGINEERING

Patent Easement Abandonment
APNs 201-08-197, 201-06-073 G & H
NGINEERING South 33 feet

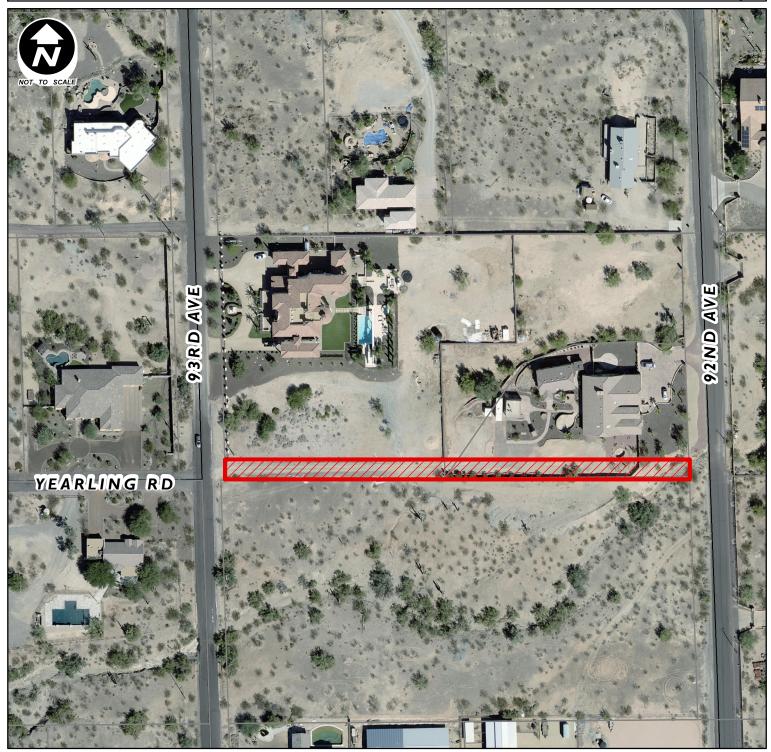
Vicinity Map





Patent Easement Abandonment APNs 201-08-197, 201-06-073 G & H South 33 feet

Location Map



LEGEND



Proposed Patent Easement Abandonments



Map based on imprecise source Information, subject to change and FOR GENERAL REFERENCE ONLY.

RESOLUTION NO. 2018-83

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA FINDING THAT CERTAIN PUBLIC RIGHTS-OF-WAY RESERVED FOR THE PUBLIC BY THE UNITED STATES OF AMERICA FOR ROADWAY AND PUBLIC UTILITIES TO BE UNNECESSARY TO CITY PURPOSES AND NO LONGER REQUIRED TO BE RETAINED BY THE CITY AND DIRECTING THAT SUCH UNNECESSARY PUBLIC RIGHTS-OF-WAY BE DISPOSED OF IN THE MANNER PROVIDED BY LAW AND DECLARING AN EMERGENCY.

THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Peoria as follows:

WHEREAS, pursuant to A.R.S. 9-500.24, the City Council of the City of Peoria is vested with the power to determine and find that a certain federal patent easement dedicated by the United States of America to public use may no longer be necessary to the City; and

WHEREAS, pursuant to A.R.S. 9-500.24, the City is vested with the power to vacate such easement by transferring title to adjacent property owners and others; and

WHEREAS, the Mayor and Council find and determine that a portion of a certain Federal Patent Easement located in the City of Peoria, Maricopa County, Arizona, located between 92nd and 93rd Avenue on the north side of the Yearling Road alignment, and more specifically described on the Legal Description (Exhibit A) attached to this Resolution is no longer needed by the City for Public Access and Public Utility purposes.

THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. That Mayor and Council find and determine that the southern boundary portion of a Federal Patent Easement dedicated by the United States of America for public access and public utilities as recorded in Docket 2992 Page 563 and more specifically set forth on Exhibit "A" attached to this Resolution be and are hereby declared abandoned as provided by Chapter 4, Article 8, Title 9 of the Arizona

Resolution No. 2018-83
Patent Easement Abandonment
Yearling Road between 92nd & 93rd
August 14, 2018
Page: 2 of 3

Page: 2 of 3

Revised Statutes.

SECTION 2. That the City Engineer is directed to prepare and provide descriptions for the retention of such easements for public utilities, if any, as may be deemed appropriate across the described property.

SECTION 3. That the City Clerk shall record the original of this Resolution with the Maricopa County Recorder's Office.

WHEREAS, the immediate operation of the provisions of this Resolution are necessary for the preservation of the public peace, health and safety of the City of Peoria, an EMERGENCY is hereby declared to exist and this Resolution shall be in full force and effect from and after its passage, adoption and approval by the Mayor and Council of the City of Peoria, and it is hereby exempt from the referendum provision of the Constitution and laws of the State of Arizona.

PASSED AND ADOPTED by the Mayor and Council of City of Peoria, Arizona this 14th day of August, 2018.

	Cathy Carlat, Mayor
	Date Signed
ATTEST:	
Rhonda Geriminsky, City Clerk	
APPROVED AS TO FORM:	
Vanessa P. Hickman, City Attorney	

Resolution No. 2018-83
Patent Easement Abandonment
Yearling Road between 92nd & 93rd
August 14, 2018
Page: 3 of 3

ATTACHMENT:

Exhibit A – Legal Description
 Exhibit "A" – Legal Description

A portion of that certain federal patent easement as reserved in the United States of America recorded in Maricopa County Recorder Docket 2992 Page 563, Patent Number 1198233, and more specifically described as:

The South 33 feet of the South Half of the Southwest Quarter of the Southeast Quarter of the Northeast Quarter of Section 4, Township 4 North, Range 1 East of the Gila and Salt River Median, Maricopa County, Arizona.

CITY OF PEORIA, ARIZONA COUNCIL COMMUNICATION

Date Prepared: 6/25/2018 Council Meeting Date: 8/14/2018

TO: Jeff Tyne, City Manager

THROUGH: Andy Granger, Deputy City Manager

FROM: Adina Lund, P.E., Development and Engineering Director

SUBJECT: Maintenance Improvement District No. 1221, Blackstone at Vistancia, Parcel

B11, Lone Mountain Road and Blackstone Drive

Purpose:

Discussion and possible action to approve the Petition for Formation, adopt **RES. 2018-67** Intention and ordering the formation of proposed Maintenance Improvement District No. 1221, Blackstone at Vistancia, Parcel B11, located at Lone Mountain Road and Blackstone Drive; and adopt **RES. 2018-68** ordering the improvements within the proposed Maintenance Improvement District and declaring an emergency.

Summary:

The purpose of the Maintenance Improvement District is for the operations, maintenance, repair and improvements to landscaping adjacent to designated public roadways and parkways within the proposed district, as well as drainage and retention within each proposed district. Until such time as the Homeowner's Association fails, and the Council directs City staff to assume maintenance responsibility, a line item of \$0.00 will display on the homeowners' property tax bills.

Pursuant to the provision of A.R.S. 48-574, et. seq., the Mayor and Council are empowered to adopt a Resolution ordering the formation of a Maintenance Improvement District. A Petition and Resolution of Intention are attached for formation of City of Peoria Maintenance Improvement District No. 1221, Blackstone at Vistancia, Parcel B11, located at Lone Mountain Road and Blackstone Drive. In the case in which all of the property owners have presented a petition for formation, the ordinary publication and protest period are not required by law; the Council may then adopt a Resolution ordering the improvements when necessary once the Resolution of Intention is first adopted. The Resolution Ordering the improvements finalizes the formation of the Maintenance Improvement District process.

Under Arizona State law, commencing in October 2019, the residents will have a line item of \$0.00 on their property tax bill for maintenance of the landscape, irrigation and drainage improvements, located adjacent to and within the public rights-of-way and tracts until such time the Homeowner's Association fails. In accordance with state statute, an assessment diagram and map, listing each parcel of property within the district has been prepared.

Previous Actions/Background:

The final plat for Blackstone at Vistancia, Parcel B11 was approved by the City on June 19, 2018 and recorded with the County.

Options:

A: The Maintenance Improvement District has been approved through the Development and Engineering Department. An option would be to not accept the proposed Maintenance Improvement District. It should be noted that not approving the Maintenance Improvement District will prevent any charges from being assessed on the property tax bills for those properties located within the District, and any and all fees incurred by the City of Peoria as a result of assuming the maintenance responsibility would be paid using City of Peoria funds.

B: The other option would be to formally approve the Maintenance Improvement District to allow for the taxing district to be recorded and in place in the event the Homeowner's Association fails.

Staff Recommendation:

Staff recommends the approval of the Petition for Formation, adopt the Resolution of Intention, and Resolution Ordering the Improvements for a proposed Maintenance Improvement District No. 1221 Blackstone at Vistancia, Parcel B11, located at Lone Mountain Road and Blackstone Drive as well as authorize the City Clerk to record the Maintenance Improvement District with the Maricopa County Recorder's Office subject to the following stipulations:

- 1. All civil and landscape/irrigation plans must be approved by the City of Peoria (City) prior to recordation of the Maintenance Improvement District;
- 2. The final plat for the subdivision must be approved by City Council and recorded with the Maricopa County Recorder's Office prior to recordation of the Maintenance Improvement District; and
- 3. The developer must provide a fully executed Petition, Waiver and Consent to Formation of a Municipal Improvement District.

Fiscal Analysis:

There is no direct fiscal impact to the City to approve the Maintenance Improvement District. However, the City would incur the additional charges associated with the maintenance responsibilities should the taxing district not be approved and recorded, and the Homeowner's Association fails.

ATTACHMENTS:

Exhibit 1: Petition for Formation

Exhibit 2: Proposed Resolution of Intention to Create

Exhibit 3: Proposed Resolution Declaring Intention to Order

Contact Name and Number:

Adina Lund, Development and Engineering Director, (623) 773-7249

PETITION, WAIVER AND CONSENT TO FORMATION OF A MUNICIPAL IMPROVEMENT DISTRICT BY THE CITY OF PEORIA

L 1221 J MID#

BLACKSTONE AT VISTANCIA, PARCEL B11

Subdivision Name

To: Honorable Mayor and Council City of Peoria, Arizona

Pursuant to Arizona Revised Statutes, Sections 48-574 and 48-575, the undersigned property owner respectfully petitions the City Council of the City of Peoria, Arizona (City Council) to order the formation of a Municipal Improvement District under Arizona Revised Statutes, Title 48, Chapter 4, Article 2. In support of this petition, the undersigned agrees to waive certain rights under the Arizona Improvement District Law and to consent to the formation and completion of the District.

- 1. <u>Area of District</u>. The proposed district is described by a map and by a legal description on Exhibit "A" that is attached hereto and incorporated herein by reference. The proposed district consists of 21.041 acres and is entirely within the corporate boundaries of the City of Peoria.
- 2. Ownership. The undersigned (is) (are) the sole owner(s) of the real property within the proposed district.
- 3. <u>Purpose</u>. The district is proposed to be formed for the purpose of the operation, maintenance, repair and improvements for landscape maintenance adjacent to designated public roadways and parkways within the proposed district and drainage and retention within each proposed district.
- 4. <u>Public Convenience and Necessity</u>. The necessity for the proposed district is for the operation, maintenance, repair and improvements for landscape maintenance adjacent to designated streets and parkways within the proposed district by the levying of special assessments in the proposed district.
- 5. <u>Waiver and Consent</u>. The petitioners with full knowledge of their rights being waived hereunder, hereby expressly waive:
 - (a) Any and all irregularities, illegalities or deficiencies which may exist in the acts or proceedings resulting in the adoption of the Resolution of Intention and the Resolution Ordering the Work;
 - (b) Any necessity for publication and posting of the Resolution of Intention and the Notice of Proposed Improvements pursuant to A.R.S. §48-578;
 - (c) All protest rights whatsoever under A.R.S. §48-579(A) and (B), which provide for protests against the work; and
 - (d) All objections to the filing of and adoption by the City of the plans and specifications, the Engineer's estimate and the Assessment Diagram, all of which provide for the completion of the District.

In Witness whereof the parties have executed this Petition and Waiver Agreement as of the day of _____ 20___. Date: Property (Tax Parcel Vistancia South, LLC, a Delaware Numbers) limited liability company Print Proporty Owner Name 510-09-917 Signature *√* Date: Property (Tax Parcel Blackstone Country Club, an Arizona Numbers) non-profit corporation Rrint Property Owner Name 510-09-915 510-09-916 Signature Accepted and approved by: CITY OF PEORIA, ARIZONA, an ARIZONA MUNICIPAL CORPORATION ATTEST: Mayor City Clerk APPROVED AS TO FORM: Stephen M. Kemp, City Attorney

Further, the improvements described above are of more than local or ordinary public benefit.

In Witness whereof the parties have executed this Petition and Waiver Agreement as of the Property (Tax Parcel Date: Blackstone at Vistancia Community Association, Numbers) an Arizona non-profit corporation 510-09-340 510-09-300 510-09-326 510-09-317 510-09-357 510-09-318 510-09-338 510-09-333 510-09-337 Date: Property (Tax Parcel Numbers) Print Property Owner Name Print Name Address Signature Accepted and approved by: CITY OF PEORIA, ARIZONA, an ARIZONA MUNICIPAL CORPORATION ATTEST: Mayor City Clerk APPROVED AS TO FORM: Stephen M. Kemp, City Attorney

Further, the improvements described above are of more than local or ordinary public benefit.

VISTANCIA SOUTH, LLC,

a Delaware limited liability company

By: SLF III – VPMM, LLC,

a Texas limited liability company,

its Managing Member

By: SLF III – Vistancia, LLC,

a Texas limited liability company, its Sole and Managing Member

By: Stratford Land Fund III, L.P.,

a Delaware limited partnership, its Sole and Managing Member

By: Stratford Fund III GP, LLC,

a Texas limited liability company,

its General Partner

By:_

Name: Mark westerourg

Title: Vice President

RESOLUTION NO. 2018-67

A RESOLUTION OF THE CITY COUNCIL OF THE PEORIA, ARIZONA, CITY OF DECLARING ITS INTENTION TO CREATE ΑN **IMPROVEMENT** DISTRICT TO MAINTAIN LANDSCAPING INCLUDED WITHIN, NEAR AND ADJACENT TO A PARKWAY AND **RELATED FACILITIES TOGETHER** APPURTENANT STRUCTURES AS SHOWN ON THE PLANS, FOR MAINTENANCE WITHIN AN AREA IN THE CITY OF PEORIA AS DESCRIBED HEREIN: **ADOPTING PLANS** FOR OF CITY **PEORIA** MAINTENANCE IMPROVEMENT DISTRICT NO. 1221. BLACKSTONE AT VISTANCIA, PARCEL B11, AS MORE PARTICULARLY DESCRIBED HEREIN. AND DECLARING THE WORK OR IMPROVEMENT TO BE OF MORE THAN LOCAL OR ORDINARY PUBLIC BENEFIT, AND THAT THE COST OF SAID WORK OR IMPROVEMENT SHALL BE ASSESSED UPON A CERTAIN DISTRICT, AND PROVIDING THAT THE PROPOSED WORK OR IMPROVEMENT SHALL BE **ARIZONA** PERFORMED UNDER REVISED STATUTES TITLE 48, CHAPTER 4, ARTICLE 2, AND AMENDMENTS THERETO AND DECLARING AN EMERGENCY.

WHEREAS, the Mayor and Council of the City of Peoria, Arizona, declare that the Maintenance of the landscaping included within, near and adjacent to a parkway and related facilities in the District to be of more than local or ordinary public benefit, and further that the cost of said maintenance shall be assessed on a certain District; and

WHEREAS, the Mayor and Council of the City of Peoria, Arizona, declare that the maintenance of landscaping included within, near, and adjacent to a parkway and related facilities in the District is incidental to the maintenance and preservation of the parkway and related facilities, has aesthetic value, and maintains and increases the value of property within the District; and

Resolution No. 2018-67 MID 1221, Blackstone at Vistancia, Parcel B11 August 14, 2018 Page 2 of 11 Pages

WHEREAS, the City Council declares that the maintenance of landscaping included within and adjacent to a parkway and related facilities preserves and promotes the health, safety, and welfare of those citizens of the City of Peoria living within the District as well as preservation of the streets and parkways which may be adversely impacted by drainage and other water formations; and

WHEREAS, the City of Peoria declares that the maintenance of a landscaped buffer between a parkway and the adjacent developments reduces the visual and other impact of light, air and noise pollution and tends to increase personal and vehicular safety on the parkway and decreases the likelihood vehicular accidents will harm adjacent developments in furtherance of the health, safety and welfare of those citizens of the City living within the District; and

WHEREAS, the City Council declares that maintenance of landscaped drainage and other water control facilities and features within, near or adjacent to a parkway and related facilities tends to preserve the structural integrity of the parkway and mitigates flooding of adjacent areas and the structural integrity of the parkway and mitigates flooding of adjacent areas and the parkway by draining water to and from the parkway in furtherance of the health, safety and welfare of those citizens of the City of Peoria living within the District:

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF PEORIA AS FOLLOWS:

Section 1. Definitions.

In this Resolution, the following terms shall have the following meanings:

"Assessment Diagrams" shall mean those duplicate diagrams of the property contained in the Assessment District is to be filed with the Clerk and approved by the Mayor and Council.

"Assessment District" shall mean the lots, pieces or parcels of land lying within the boundaries described on Exhibit B attached hereto and as shown on the map on file with the City Engineer.

"City" shall mean the City of Peoria, Arizona.

"City Council" or "Council" shall mean the Mayor and Council of the City.

"Clerk" shall mean the City Clerk.

"Engineer" shall mean City Engineer.

Resolution No. 2018-67 MID 1221, Blackstone at Vistancia, Parcel B11 August 14, 2018 Page 3 of 11 Pages

"Lots" shall mean all lots, pieces or parcels of land lying within the Assessment District.

"Parkways" shall mean those streets and rights-of-way which are designated in Exhibit B as "Parkways," and specifically those portions of Pedestrian Facilities, Parks, Retention, Detention and Storm Water Management Facilities included within or adjacent to the Assessment District.

"Plans and Specifications" shall mean the engineer's estimate for the Maintenance Improvement District No. 1221 filed with the Clerk prior to the adoption of this Resolution.

"Superintendent of Streets" shall mean the City Engineer.

Section 2. <u>Declaration of Intention to Order an</u> Improvement.

The public interest or convenience requires, and it is the intention of the Mayor and Council of the City of Peoria, Arizona, to order the following work, hereinafter "Work," to be performed, to wit:

The maintenance of all landscaping, including replacement of landscape materials, in the area generally described as follows:

SEE EXHIBIT "A", LEGAL DESCRIPTION OF CITY OF PEORIA MAINTENANCE IMPROVEMENT DISTRICT NO. 1221

The Mayor and Council of the City of Peoria, Arizona designate as parkways, those areas set forth on Exhibit "B" Assessment Diagram in accordance with Title 48, Chapter 4, Article 2, Arizona Revised Statutes. The public interest and convenience require, and it is the intention of the City Council to order the Work adjacent to the designated parkways to be performed as stated herein. All items of the Work shall be performed as prescribed by the Plans and Specifications hereby approved and adopted by the Council and on file in the Office of the City Engineer and no assessment for any lot shall exceed its proportion of the Estimate. The estimate of the cost and expenses of the work or improvements on file in the offices of the Superintendent of Streets and the Clerk of the City are hereby approved and adopted by the Mayor and Council of the City. In addition to the requirements of law. the procedures set forth in the City Code will be followed regarding acceptance of bids and setting tax levies. For purposes of this Resolution and of all resolutions, ordinances and notices pertaining to this Resolution, the improvement as herein described is hereby designated City of Peoria Maintenance Improvement District No. 1221.

Resolution No. 2018-67 MID 1221, Blackstone at Vistancia, Parcel B11 August 14, 2018 Page 4 of 11 Pages

Section 3. <u>Determination of Need</u>.

In the opinion of the City Council, the Work is of more than local or ordinary public benefit. The City Council hereby orders that all amounts due or to become due with respect to the Work shall be chargeable upon the respective lots, pieces and parcels of land within the Assessment District.

Section 4. <u>Preparation of Assessment Diagrams</u>.

The City Engineer is hereby authorized and directed to prepare duplicate diagrams (Assessment Diagrams) of the property contained within the Assessment District. The diagrams shall show each separate lot, numbered consecutively, the approximate area in square feet of each lot, and the location of the lot in relation to the work proposed to be done.

Section 5. Exclusion of Certain Property.

Any public street or alley within the boundaries of the Assessment District is hereby omitted from the assessment hereafter to be made. Any lot belonging to the United States, the State, a county, city, school district or any political subdivision or institution of the State or county, which is included within the Assessment District shall be omitted from the assessment hereafter made.

Section 6. Officers Not Liable.

In no event will the City of Peoria or any officer thereof be liable for any portion of the cost of said Improvement District nor for any delinquency of persons or property assessed.

Section 7. Annual Statement.

The City Council shall make annual statements and estimates of the expenses of the District which shall be provided for by the levy and collection of ad valorem taxes upon the assessed value of all real and personal property in the District as provided in A.R.S. § 48-574 and amendments thereto.

Section 8. <u>Statutory Authority</u>.

The Work and all proceedings pertaining thereto shall be performed under the provisions of Title 48, Article 2, specifically Section 48-574, and all amendments thereto and pursuant to Article I, Section 3, (8) of the Peoria City Charter.

Resolution No. 2018-67 MID 1221, Blackstone at Vistancia, Parcel B11 August 14, 2018 Page 5 of 11 Pages

Section 9. <u>Delegation of Authority</u>.

The City Engineer is hereby authorized to fill in any blanks and to make any minor corrections necessary to complete the Plans and Specifications and the Contract Documents.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Arizona, this 14th day of August, 2018.

	CITY OF PEORIA, a municipal corporation	an Arizona
	Cathy Carlat, Mayor	
	Date Signed	<u>-</u>
ATTEST:		
Rhonda Geriminsky, City Clerk		
APPROVED AS TO FORM:		
Vanessa P. Hickman, City Attorney		
Effective Date:		

Resolution No. 2018-67 MID 1221, Blackstone at Vistancia, Parcel B11 August 14, 2018 Page 6 of 11 Pages

CERTIFICATION OF CITY ENGINEER

I hereby certify that I have read the description set out under the definition "Assessment District" and approve the same. I further certify that I have read the description set out under the definition "Work" and approve the same.
Adina Lund, Engineering Director
CERTIFICATION OF CITY CLERK
I hereby certify that the above and foregoing Resolution No. 2018-67 duly passed by the Mayor and Council of the City of Peoria, Arizona at a regular meeting held on August 14, 2018 and that a quorum was present there and that the vote thereon was ayes and nays were no vote or absent.
City Clerk, City of Peoria

Resolution No. 2018-67 MID 1221, Blackstone at Vistancia, Parcel B11 August 14, 2018 Page 7 of 11 Pages

EXHIBIT LEGAL DESCRIPTION FOR BLACKSTONE AT VISTANCIA, PARCEL B11 MAINTENANCE IMPROVEMENT DISTRICT NO. 1221

All that certain lot, tract, or parcel of land, situated in a portion of the North Half of Section 24, Township 5 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, and being more completely described as follows, to-wit:

BEGINNING at a found 2" Maricopa County Aluminum cap stamped "T5N, R1W, 13, 14, 23, 24, Dated 1922 for the North Quarter corner of said Section 24, from which a found GLO monument on a 2" pipe stamped "T5N, R1W, 13, 14, 23, 24, Dated 1922" for the Northwest corner of said Section 24 bears North 89 deg. 38 min. 12 sec. West (Basis of Bearings) - 2637.18 feet;

THENCE South 00 deg. 12 min. 38 sec. West along the mid-section line of said Section 24, a distance of 141.26 feet to a Point of Curvature of a non-tangent circular curve to the right, having a radius of 412.50 feet, a central angle of 50 deg. 16 min. 11 sec., and being subtended by a chord which bears South 17 deg. 43 min. 01 sec. East - 350.42 feet;

THENCE in a southeasterly direction along said curve to the right and departing said mid-section line, a distance of 361.92 feet;

THENCE South 38 deg. 45 min. 18 sec. East non-tangent to said curve, a distance of 19.01 feet;

THENCE South 05 deg. 10 min. 05 sec. West, a distance of 34.50 feet;

THENCE North 84 deg. 49 min. 55 sec. West, a distance of 11.33 feet;

THENCE South 05 deg. 10 min. 05 sec. West, a distance of 34.50 feet;

THENCE South 56 deg. 50 min. 26 sec. West, a distance of 21.25 feet;

THENCE North 76 deg. 28 min. 32 sec. West, a distance of 64.45 feet;

THENCE South 15 deg. 31 min. 53 sec. West, a distance of 172.25 feet to a Point of Curvature of a circular curve to the right, having a radius of 399.50 feet, a central angle of 0 deg. 24 min. 47 sec., and being subtended by a chord which bears South 15 deg. 44 min. 16 sec. West - 2.88 feet;

THENCE in a southerly direction along said curve to the right, a distance of 2.88 feet;

THENCE North 71 deg. 28 min. 12 sec. West non-tangent to said curve, a distance of 55.07 feet;

THENCE North 69 deg. 55 min. 18 sec. West, a distance of 177.27 feet;

Resolution No. 2018-67 MID 1221, Blackstone at Vistancia, Parcel B11 August 14, 2018 Page 8 of 11 Pages

THENCE North 84 deg. 29 min. 44 sec. West, a distance of 289.32 feet;

THENCE South 05 deg. 30 min. 16 sec. West, a distance of 185.03 feet;

THENCE North 65 deg. 02 min. 38 sec. West, a distance of 135.77 feet; THENCE North 83 deg. 55 min. 27 sec. West, a distance of 117.18 feet;

THENCE North 59 deg. 05 min. 35 sec. West, a distance of 477.10 feet;

THENCE North 45 deg. 48 min. 12 sec. West, a distance of 315.14 feet to a Point of Curvature of a non-tangent circular curve to the right, having a radius of 100.00 feet, a central angle of 129 deg. 50 min. 41 sec., and being subtended by a chord which bears North 19 deg. 12 min. 00 sec. East - 181.15 feet;

THENCE in a northwesterly direction along said curve to the right, a distance of 226.62 feet;

THENCE North 01 deg. 10 min. 10 sec. East, a distance of 104.10 feet to the North line of the Northwest Quarter of said Section 24;

THENCE South 89 deg. 38 min. 12 sec. East along said North line, a distance of 1364.52 feet to the POINT OF BEGINNING, containing 916,563 square feet or 21.041 acres of land, more or less.



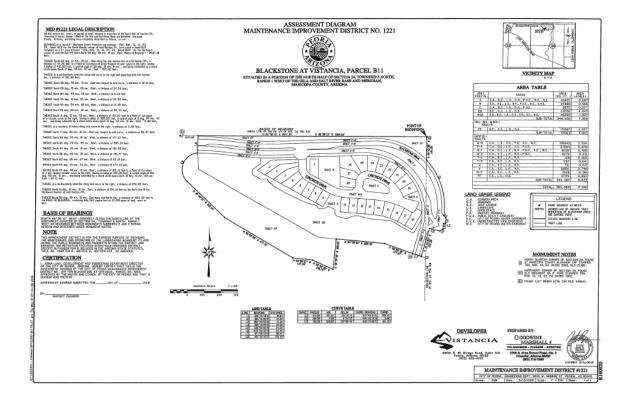
Resolution No. 2018-67 MID 1221, Blackstone at Vistancia, Parcel B11 August 14, 2018 Page 9 of 11 Pages

Resolution No. 2018-67

EXHIBIT "B"

IS ON FILE IN THE

CITY OF PEORIA CITY CLERK'S OFFICE 8401 W. MONROE STREET PEORIA, AZ 85345



Resolution No. 2018-67 MID 1221, Blackstone at Vistancia, Parcel B11 August 14, 2018 Page 11 of 11 Pages

CITY OF PEORIA, ARIZONA NOTICE

OF THE PASSAGE OF A RESOLUTION ORDERING THE IMPROVEMENT CONSISTING OF AUTHORIZING THE MAINTENANCE OF LANDSCAPING INCLUDED WITHIN, NEAR, AND ADJACENT TO A PARKWAY AND RELATED FACILITIES TOGETHER WITHIN APPURTENANT STRUCTURES AS SHOWN ON THE PLANS FOR THE IMPROVEMENT DISTRICT KNOWN AS CITY OF PEORIA MAINTENANCE IMPROVEMENT DISTRICT NO. 1221, BLACKSTONE AT VISTANCIA, PARCEL B11.

This notice is given pursuant to the provisions of Title 48, Chapter 4, Article 2, Sections 48-571 to 48-619, both inclusive, Arizona Revised Statutes, as amended.

On the 14th day of August, 2018 the Mayor and Council of the City of Peoria adopted Resolution No. 2018-68; ordering the improvements of maintaining landscaping included within, near, and adjacent to a parkway and related facilities together within appurtenant structures shown on the plans, within the corporate limits of the City and creating an Improvement District known as the City of Peoria Maintenance Improvement District No. 1221, pursuant to Title 48, Chapter 4, Arizona Revised Statutes; and amendments thereto for the purpose of maintaining landscaping included within, near, and adjacent to a parkway and related facilities together within appurtenant structures, which includes a charge for the maintenance of landscaping and other related items, together with all appurtenant structures as shown on the plans; and directing that this notice been given.

Any owner, or any other person having an interest in any lot, piece or parcel of land situated within the above-described assessment district, who claims that any of the provisions, acts or proceedings relative to the above described improvements are irregular, defective, illegal, erroneous or faulty, may file with the City Clerk, Room 150, 8401 West Monroe Street, Peoria, Arizona 85345, within 15 days from the date of the first publication of this notice, a written notice specifying in what way said acts or proceedings are irregular, defective, illegal, erroneous or faulty.

Further information concerning City of Peoria Maintenance Improvement District No. 1221 may be obtained by contacting Ms. Adina Lund, Engineering Director, City of Peoria, Arizona, 8401 West Monroe, Peoria, Arizona 85345, (623) 773-7249.

DATED AND SIGNED this	ay of, 2018.
	Adina Lund, P.E.
	Superintendent of Streets
	City of Peoria, Arizona

RESOLUTION NO. 2018-68

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA DECLARING ITS INTENTION TO ORDER THE IMPROVEMENTS OF A CERTAIN AREA WITHIN THE CORPORATE LIMITS OF THE CITY AND CREATING AN IMPROVEMENT DISTRICT KNOWN AS THE CITY OF PEORIA MAINTENANCE IMPROVEMENT DISTRICT NO. 1221, BLACKSTONE AT VISTANCIA, PARCEL B11; PROVIDING THAT THE COST OF THE MAINTENANCE OF THE LANDSCAPING INCLUDED WITHIN, NEAR, AND ADJACENT TO A PARKWAY AND RELATED FACILITIES TOGETHER WITH APPURTENANT STRUCTURES AS SHOWN ON THE PLANS, SHALL BE ASSESSED UNDER THE PROVISIONS OF TITLE 48, CHAPTER 4, ARTICLE 2, ARIZONA REVISED STATUTES, AS AMENDED; AND DECLARING AN EMERGENCY.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, THAT:

SECTION 1. The public interest or convenience require and it is the intention of the Mayor and Council of the City of Peoria, Arizona to order the maintenance of landscaping within the proposed district and that the cost of maintaining landscaping included within, near, and adjacent to a parkway and related facilities together with appurtenant structures be assessed upon a certain improvement district to be known as Peoria Maintenance Improvement District No. 1221.

The estimate of the cost and expenses for the maintenance of the landscaping on file with the Superintendent of Streets and the City Clerk is approved and adopted by the Mayor and Council of the City.

SECTION 2. The maintenance of the landscaping, therefore, in the opinion of the Mayor and Council of the City, are of more than local or ordinary public benefit, and are of special benefit to the respective lots, pieces and parcels

Resolution No. 2018-68 MID 1221, Blackstone at Vistancia, Parcel B11 August 14, 2018 Page 2 of 7 Pages

of land within the real property described herein. The Mayor and Council of the City make and order that the cost and expense for the maintenance of the landscaping included within, near, and adjacent to a parkway and related facilities together with appurtenant structures be chargeable upon a district to be known and designated as the City of Peoria Maintenance Improvement District No. 1221 and as described and bounded as set forth on Exhibits A and B attached, and declare that the district in the City benefited by the maintenance of landscaping included within, near, and adjacent to a parkway and related facilities together with appurtenant structures to be assessed, to pay the costs and expenses thereof in proportion to the benefits derived therefrom.

The City shall not assess the costs and expenses for the maintenance of landscaping included within, near, and adjacent to a parkway and related facilities together with appurtenant structures, which are for the general public benefit against the respective lots, pieces and parcels of land located within the boundaries of the City of Peoria Maintenance Improvement District No. 1221 and if a portion of the costs and expenses for the maintenance of landscaping is for the general public benefit, the City shall assess the boundaries of the City of Peoria Maintenance Improvement District No. 1221 only that portion of such costs and expenses which benefits the lots, pieces and parcels of land located within the boundaries of the City of Peoria Maintenance Improvement District No. 1221.

SECTION 3. The costs and expense for the maintenance of landscaping shall be made and all proceedings therein taken; that the Superintendent of Streets of the City shall post or cause to be posted notices thereof; that the City Clerk shall certify to the passage of this Resolution of Intention; that the Engineer shall prepare duplicate diagrams of the City of Peoria Maintenance Improvement District No. 1221 described in Section 2 of this Resolution to be assessed to pay the costs and expenses thereof, under and in accordance with the provisions of Title 48, Chapter 4, Article 2, Arizona Revised Statutes, as amended.

SECTION 4. The majority of owners of all of the real property within the proposed district have executed a Petition for formation of a Maintenance Improvement District and the City Council has verified the ownership of the property. Publication and posting of the notice of the passage of the Resolution of Intention will be completed as prescribed by the State Statues.

<u>SECTION 5</u>. Any Resolutions or parts of Resolutions in conflict with the provisions of this Resolution are hereby repealed.

<u>SECTION 6</u>. The immediate operation of the provisions of this Resolution is necessary for the preservation of the public peace, health and safety and an emergency is declared to exist, and this Resolution will be in full force and effect from and after its passage and approval by the Mayor and Council of the

Resolution No. 2018-68 MID 1221, Blackstone at Vistancia, Parcel B11 August 14, 2018 Page 3 of 7 Pages

City of Peoria, Arizona as required by law and is exempt from the referendum provisions of the Constitution and laws of the State of Arizona.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Arizona, this 14th day of August, 2018.

	CITY OF PEORIA, an municipal corporation	Arizona
	Cathy Carlat, Mayor	
ATTEST:	Date Signed	
Rhonda Geriminsky, City Clerk		
APPROVED AS TO FORM:		
Vanessa P. Hickman, City Attorney		
Effective Date:		

Resolution No. 2018-68 MID 1221, Blackstone at Vistancia, Parcel B11 August 14, 2018 Page 4 of 7 Pages

EXHIBIT LEGAL DESCRIPTION FOR BLACKSTONE AT VISTANCIA, PARCEL B11 MAINTENANCE IMPROVEMENT DISTRICT NO. 1221

All that certain lot, tract, or parcel of land, situated in a portion of the North Half of Section 24, Township 5 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, and being more completely described as follows, to-wit:

BEGINNING at a found 2" Maricopa County Aluminum cap stamped "T5N, R1W, 13, 14, 23, 24, Dated 1922 for the North Quarter corner of said Section 24, from which a found GLO monument on a 2" pipe stamped "T5N, R1W, 13, 14, 23, 24, Dated 1922" for the Northwest corner of said Section 24 bears North 89 deg. 38 min. 12 sec. West (Basis of Bearings) - 2637.18 feet:

THENCE South 00 deg. 12 min. 38 sec. West along the mid-section line of said Section 24, a distance of 141.26 feet to a Point of Curvature of a non-tangent circular curve to the right, having a radius of 412.50 feet, a central angle of 50 deg. 16 min. 11 sec., and being subtended by a chord which bears South 17 deg. 43 min. 01 sec. East - 350.42 feet;

THENCE in a southeasterly direction along said curve to the right and departing said mid-section line, a distance of 361.92 feet;

THENCE South 38 deg. 45 min. 18 sec. East non-tangent to said curve, a distance of 19.01 feet;

THENCE South 05 deg. 10 min. 05 sec. West, a distance of 34.50 feet;

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Page 1 of 2

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Resolution No. 2018-68 MID 1221, Blackstone at Vistancia, Parcel B11 August 14, 2018 Page 5 of 7 Pages

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THENCE in a northwesterly direction along said curve to the right, a distance of 226.62 feet;

THENCE North 01 deg. 10 min. 10 sec. East, a distance of 104.10 feet to the North line of the Northwest Quarter of said Section 24;

THENCE South 89 deg. 38 min. 12 sec. East along said North line, a distance of 1364.52 feet to the POINT OF BEGINNING, containing 916,563 square feet or 21.041 acres of land, more or less.



Resolution No. 2018-68 MID 1221, Blackstone at Vistancia, Parcel B11 August 14, 2018 Page 6 of 7 Pages

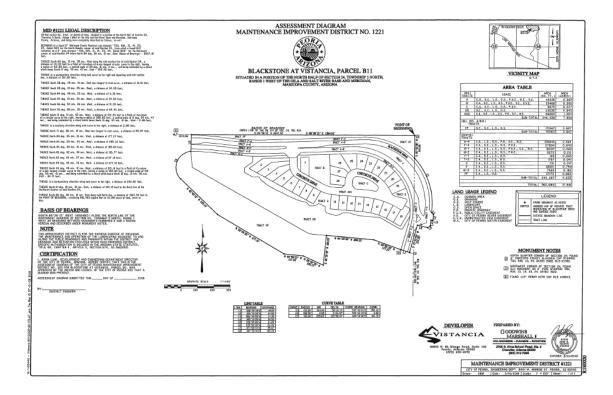
Resolution No. 2018-68

EXHIBIT "B"

IS ON FILE IN THE

CITY OF PEORIA CITY CLERK'S OFFICE 8401 W. MONROE STREET PEORIA, AZ 85345

Resolution No. 2018-68 MID 1221, Blackstone at Vistancia, Parcel B11 August 14, 2018 Page 7 of 7 Pages



Agenda Item: 19C.

CITY OF PEORIA, ARIZONA COUNCIL COMMUNICATION

Date Prepared: 8/2/2018 Council Meeting Date: 8/14/2018

TO: Jeff Tyne, City Manager

THROUGH: Andy Granger, Deputy City Manager

FROM: Adina Lund, P.E., Development and Engineering Director

SUBJECT: Deeds and Easements, Various Locations

Purpose:

Discussion and possible action to adopt **RES. 2018-84** accepting Deeds and Easements for various Real Property interests acquired by the City.

Summary:

The City of Peoria periodically acquires a number of property interests including deeds, roadway dedications and various types of easements. All documents are reviewed for accuracy and recorded. A Resolution to accept these documents has been prepared, which lists each document by recording number and provides information related to each so the property interest to be accepted can be identified.

Previous Actions/Background:

This is an ongoing process which occurs when we have acquired a number of real property interests.

Options:

A: Approve the adoption of the Resolution accepting Deeds and Easements into our system.

B: Deny adoption of the Resolution that formally accepts the Deeds and Easements into our system, resulting in the City not having an official record of what has been transferred to the City through recordation in the Maricopa County Recorder's office.

Staff Recommendation:

Staff recommends the adoption of a Resolution accepting Deeds and Easements for various Real Property interests acquired by the City and previously recorded by the Maricopa County Recorder's Office to ensure completeness of the process.

Fiscal Analysis:

No fiscal impact.

ATTACHMENTS:

Exhibit 1: Resolution

Contact Name and Number:

Adina Lund, Development and Engineering Director, (623) 773-7249

RESOLUTION NO. 2018-84

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA ADOPTING A RESOLUTION FORMALLY ACCEPTING DEEDS AND EASEMENTS FOR PROPERTY RIGHTS CONVEYED TO THE CITY OF PEORIA.

WHEREAS, the real estate interests hereinafter referenced have been conveyed to the City of Peoria;

WHEREAS, it is to the advantage of the City of Peoria to accept said real property interests; and

WHEREAS, the City has determined that acquisition of these property interests is in the interest of the public health, safety and welfare.

NOW THEREFORE, be it resolved by the Mayor and Council of the City of Peoria, Maricopa County, Arizona as follows:

SECTION 1. That the following real property interests are hereby accepted by the City of Peoria and referenced by the recording number issued by the Maricopa County Recorder's Office.

Express Car Wash 83 Thunderbird, LLC EASEMENT FOR STORMWATER DRAINAGE Maricopa County Recording No. 20180548679 (Project No. R180018 / Deed No. 18-011)

NEC 83rd Ave. & Thunderbird Rd.

NEC 83rd Ave. & Thunderbird Rd.

Express Car Wash 83 Thunderbird, LLC EASEMENT FOR STORMWATER DRAINAGE Maricopa County Recording No. 20180548680 (Project No. R180018 / Deed No. 18-012)

NEC 83rd Ave. & Thunderbird Rd.

Express Car Wash 83 Thunderbird, LLC EASEMENT FOR PUBLIC WATER LINE Maricopa County Recording No. 20180548681 (Project No. R180018 / Deed No. 18-013) Resolution No. 2018-84 Acceptance of Deeds and Easements August 14, 2018 Page 2

Arrowhead Honda Kenneth Ellegard – Peoria Inc. EASEMENT FOR PUBLIC WATER LINE Maricopa County Recording No. 20180548683 (Project No. R180028 / Deed No. 18-014) 8380 W. Bell Road.

Trenton Park
Peoria New River Ranch HOA
EASEMENT FOR PUBLIC WATER LINE
Maricopa County Recording No. 20180548696
(Project No. R180019 / Deed No. 18-015)

99th Ave. & Olive

SECTION 2. Public Easement and Land Rights

That the Mayor and Council accept the deeds and public easements transferred to the City of Peoria as described herein.

SECTION 3. Recording Authorized

That the City Clerk shall record the original of this Resolution with the Maricopa County Recorder's Office.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Arizona, this 14th day of August, 2018.

	Cathy Carlat, Mayor	
ATTEST:	Date Signed	
Rhonda Geriminsky, City Clerk		
APPROVED AS TO FORM:		
Vanessa P. Hickman, City Attorney		
Effective Date:		

CITY OF PEORIA, ARIZONA COUNCIL COMMUNICATION

Agenda Item: 20C.

Date Prepared: 7/25/2018 Council Meeting Date: 8/14/2018

TO: Jeff Tyne, City Manager

THROUGH: Andy Granger, Deputy City Manager

FROM: Adina Lund, P.E., Development and Engineering Director

SUBJECT: Final Plat, 71 Oaks, Thunderbird Road and 71st Avenue

Purpose:

Discussion and possible action to approve a Final Plat of 71 Oaks, located on Thunderbird Road and 71st Avenue, subject to stipulations.

Summary:

The purpose of the Final Plat is to plat a subdivision for residential use. This development is within the City's water/sewer service area. This final plat creates a total of 30 new lots. All internal roadways are private and will be maintained by the HOA.

Previous Actions/Background:

The preliminary plat was reviewed by the City and completed in January 2018 and no changes were made to the proposed Final Plat.

Options:

A: The Final Plat has been approved through the Development and Engineering Department. An option would be to not accept the proposed Final Plat; although it should be noted that not approving the Final Plat will prevent the Developer from developing this land.

B: The other option would be to formally approve the Final Plat and allow this parcel to be developed.

Staff Recommendation:

Staff recommends the approval and subsequent recordation of the attached Final Plat subject to the following stipulations:

- 1. All civil plans must be approved by the City of Peoria (City) prior to recordation of the Final Plat.
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- 3. The developer must provide a financial assurance in the amount agreed upon by the City Engineer and an Agreement to Install for construction of the infrastructure improvements in accordance with the City Subdivision Regulations, prior to recordation of the Final Plat.
- 4. In the event that the Final Plat is not recorded within 60 days of Council approval, the Final Plat will become void. The developer may request re-approval from the City, with the understanding that the City has the option of imposing additional requirements or stipulations.

Fiscal Analysis:

No fiscal impact.

ATTACHMENTS:

Exhibit 1: Final Plat Exhibit 2: Vicinity Map

Contact Name and Number:

Adina Lund, Development and Engineering Director, (623) 773-7249

a slope and drainage easelent is hereby dedicated over the morth. 5 to 8 feet of lots 1 through 5 as shown on this final Plat, the lot owner cannot modify the gamding within there lot without a grading plan approved by the city of pecraja. tracts "8", and "e" shall be owned and maintained by the Homeowners association for the purpose of common area, retention and public utility eassabit. TRACT "C" SHALL BE DIMNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION FOR THE PURPOSE OF COMMON AREA AND PUE tract "d" shall be owned and maintained by the homeowners association for the purpose of common area, retention, water, sener and public utility easembnt. tract a includes landscape and controled entry medians within tract a, said medians are considered coming areas to be Dyned and manifaired by the hoa, HIGH AT LE RESENT MODICINE DI AND ANNO RESE EN EL MONTRANCES ESCOULTION (ROLL FOR THE PROPERT SHORT) FORTING THE THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY OF THE PROPERTY AND SHORT THE COURSE ARE THE COURSE ARE THE PROPERTY OF THE PROPERTY AND SHORT THE COURSE ARE THE PROPERTY OF TH and the grandr heren consmits that it is limently sezen and possessed on the appreciationed tract or parcel of Liady. 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THE CITY OF PEORIA WILL MAKE REASONABLE EFFORTS TO PROMPTLY RESTORE ASPHALTIC CONCRETE PAYEMENT SURFACES. THE OTTY OF PEORIA SHALL NOT BE RESPONSIBLE FOR REPLACING ANY LANDSCAPING OR ANY IMPROVEMENT PLACED IN THE EAST-BLAT BY CRAFTER OR ITS SUCCESSORS OR ASSIGNS, EXCEPT AS NOTED HEREIN. THE SAID LASSIBAT TO INCLUDE THE RIGHT TO DUT BACK AND TRIM SIDCH PROTICIN OF THE REPOSED TO TOPS OF THE TREES NOW AGRINNED OR THAT HEREFURD AND HEAVEN EXCENDED PROLECTS US MAY EXTRED ORDER SAID EASIBATI, SO AS TO PREVENT THE SAME FROM INTERFERING WITH THE ETPICIBNT MAINTEMANCE AND OPERATION OF SAID SCHIET LINES. WATER: SENER: BLEC. OAS TELEHIGME CABLE TV. POLICE FIRE ELEMENTARY SCHOOL DISTRICT HIGH SCHOOL DISTRICT COUNTY OF MARICOPA SS UTILITY COMPANIES A PARCEL OF LAND BEING STUATED WITHIN THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 3 NORTH, RANGE ELST OF THE GLA AND SALT RIVER MERIONAL MARCIOPA COUNTY, ARIZINA, MORE PARTICULARLY DESCRIBED AS FOLLOWS. 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FINAL PLAT "71 OAKS"

'A PORTION OF THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 3 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA

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COUNTY OF MARICOPA)
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DEDICATION

SURVEYOR HILGARTWILSON, LLC	

2141 E. HIGHLAND AVENUE, SUITE 250 PHOENIX, KATZONA 85016 PH: 602-490-0535 FAX: 602-368-2436 CONTACT: KIRK J. PANGUS, RLS

FP02-FP03 SHEET INDEX COVER SHEET, LEGAL DESCRIPTION, SITE SUMMARY FINAL PLAT



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VICINITY MAP

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THE CITY OF	
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THIS DAY

(SF.)

(AC.)

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ATTESTED BY : _	APPROVED BY :
CLERK	MAYOR
_ DATE:	DATE

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DATE



KIRK I, PANGUS"
RICAJ 19344
HIGARTMISON, ILC
2141 E. HIGHLAND AKE, STE 250
FRICENIX, ARIZONA, 85016
P: 602.490.0555
kpungustfinigertwissen.com

TYPICAL INTERSECTION
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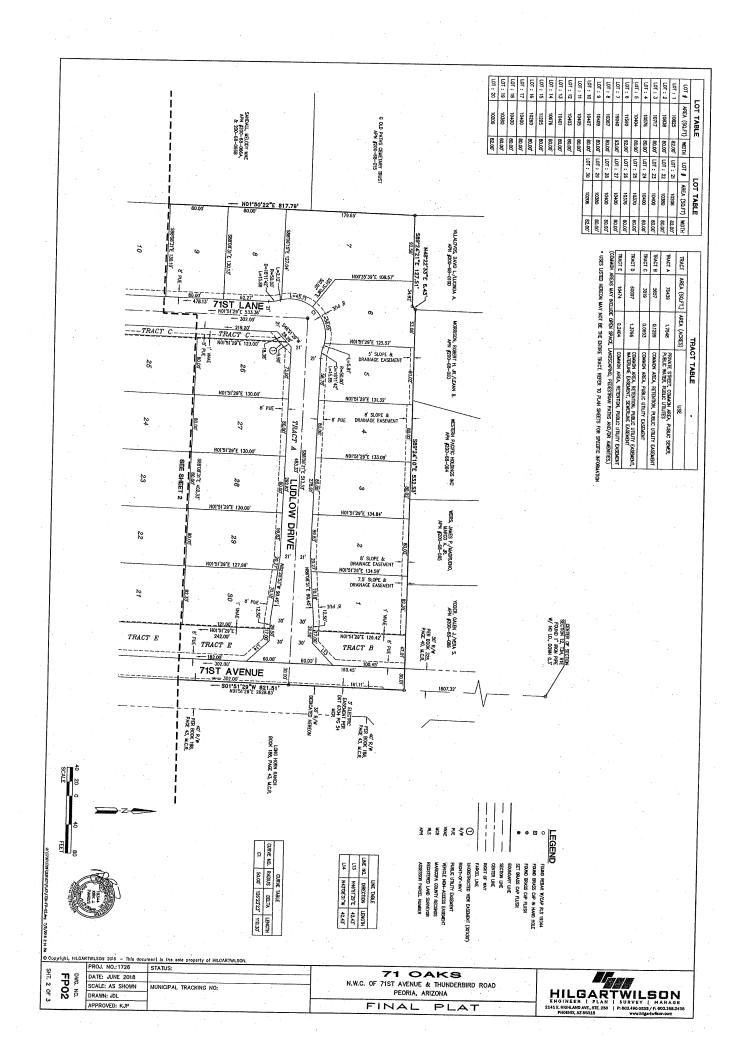
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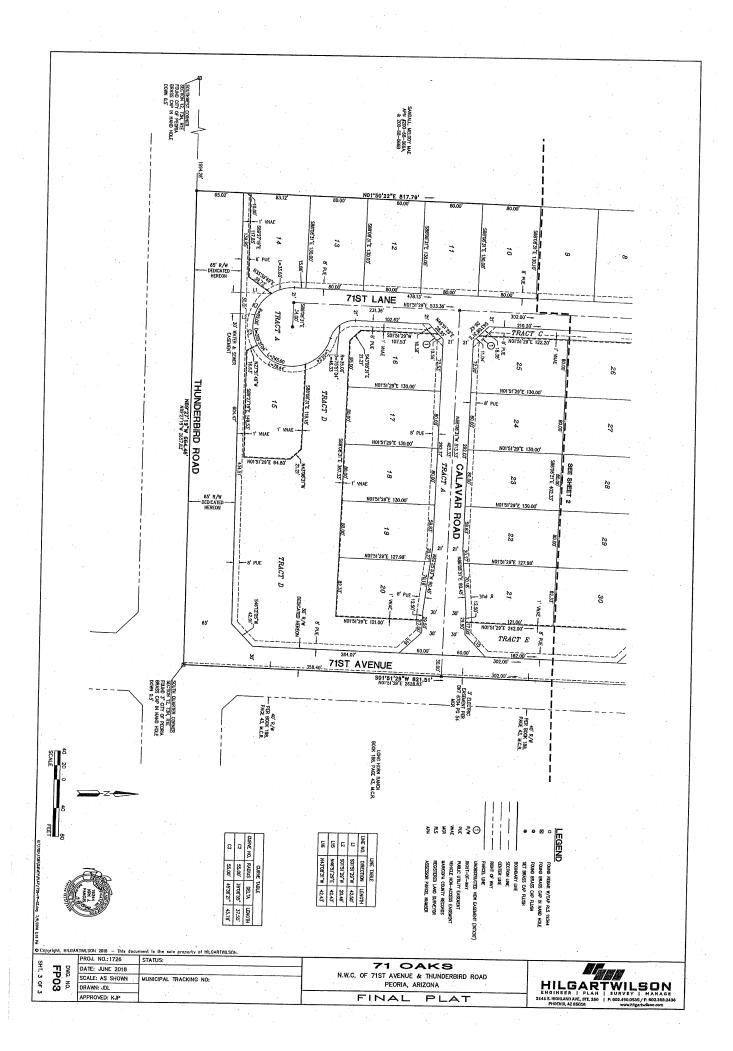
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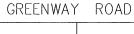
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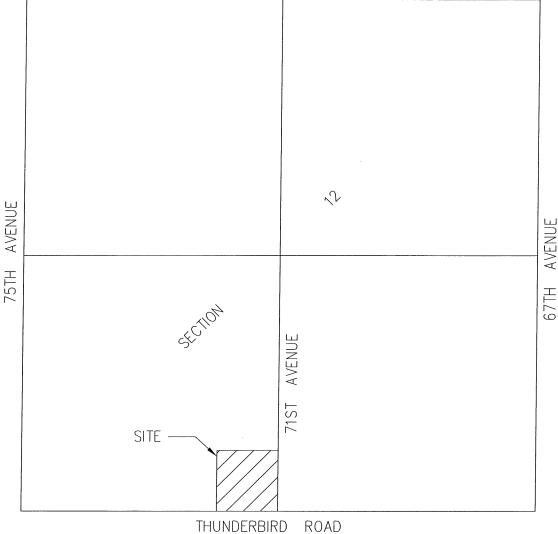
N.W.C. OF 71ST AVENUE & THUNDERBIRD ROAD PEORIA, ARIZONA

HILGARTWILSON ENGINEER [PLAN | SURVEY | MANAGE











71 OAKS PROJ.NO.: 1726 DATE: JULY 2018 VICINITY MAP SCALE: NTS PEORIA, ARIZONA DRAWN BY: HW

EXHIBIT



P: 602.490.0535 / F: 602.368.2436
U:\1700\1726\SURVEY\DOCS\1726 VICINITY MAP.dwg 7/13/2018 1:06 PM

CHECKED BY: HW © COPR 2018, HILGARTWILSON, LLC

Agenda Item: 21C.

CITY OF PEORIA, ARIZONA COUNCIL COMMUNICATION

Date Prepared: 7/25/2018 Council Meeting Date: 8/14/2018

TO: Jeff Tyne, City Manager

THROUGH: Andy Granger, Deputy City Manager

FROM: Adina Lund, P.E., Development and Engineering Director

SUBJECT: Final Plat, Trenton Park, Olive Avenue and 99th Avenue

Purpose:

Discussion and possible action to approve a Final Plat of Trenton Park, located on Olive Avenue and 99th Avenue, subject to stipulations.

Summary:

The purpose of the Final Plat is to plat a subdivision for residential use. This development is within the City's water/sewer service area. This final plat creates a total of 38 new lots. All internal roadways are public and will be maintained by the City.

Previous Actions/Background:

The preliminary plat was reviewed by the City and completed in January 2018 and no changes were made to the proposed Final Plat.

Options:

A: The Final Plat has been approved through the Development and Engineering Department. An option would be to not accept the proposed Final Plat; although it should be noted that not approving the Final Plat will prevent the Developer from developing this land.

B: The other option would be to formally approve the Final Plat and allow this parcel to be developed.

Staff Recommendation:

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Fiscal Analysis:

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ATTACHMENTS:

Exhibit 1: Final Plat Exhibit 2: Vicinity Map

Contact Name and Number:

Adina Lund, Development and Engineering Director, (623) 773-7249

ITS: AUTHORIZED AGENT	OLIVE ROW
ACKNOWLEDGMENT	NET AREA 381,018
STATE OF ARIZONA \$3.5.	
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SUBSCRIBED TO THE INSTRUMENT WITHIN, AND WHO EXECUTED THE FORECOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED.	
IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND OFFICIAL SEAL.	
NOTARY PUBLIC DATE	
MY COMMISSION EXPRES:	
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"TRENTON PARK" A FINAL PLAT OF

DEDICATION
STATE OF ARIZONA

COUNTY OF MARICOPA

~;;

TOWNSHIP 3 NORTH, RANGE 1 EAST, OF THE GILA AND SALT RIVER LOCATED IN THE SOUTHWEST QUARTER OF SECTION 28, BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

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BY: DRM HOLDINGS, LLC, AN ARZONA LIMITED LIABILITY COMPANY ITS: MANAGER

IKENION PAKK, LLC, AN ARIZONA LIMITED LIABILITY COMPANY

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FLOOD ZONE INFORMATION

- THE SUBDIVISION IS SUBJECT TO MAINTENANCE IMPROVEMENT DISTRICT (MD) #1222 AND STREET LICHT IMPROVEMENT DISTRICT (SUD) #133.
- ALL NEW AND CLISTING UTLITY, CLICTRICAL FACULIES LIESS THAM 59 KWA, CABLE TW, TRECOMMUNICATIONS FIRER OPTICS, CELILLAR, GAS, ETC SHALL BE INSTALLED UNDERSIGNING AS PART OF THE STREET AMPROPACATIS.

- ALL LOT CORNERS SHALL BE MONUMENTED WITH ½" REBAR AND CAPPED OR TACCED BEARING THE REGISTRATION NUMBER OF THE SURVEYOR RESPONSIBLE FOR THEIR PLACEMENT.
- F. SONG, FINCES, WALLS, UTLITY BODES, STRUCTURES, SHARIS, HOTES OR OHER PAUNS, BUT CALLINGO FITCE OWER 20 MONES IN MOTOR THE OWER FORWATTE WHIN WE RECEIVED STRUCTURE OF OWER COLLINGS. NOTICES IN COLUMN FOR THE CHARIST. NO LIMBS, LEVES, NETTLES OR OTHER TOLLICE, AND C. S. MONES IN HIGHER OF MEDITO AND FERRAL FEBRUATION THESE ORE TO BE TAXABLED SO AS NOT TO DESTRUCT 2006 OF THE NISBOUTY WHEN COMERGES WITH OWNER GESTRUCTIONS.
- THIS SUBDIVISION IS LOCATED WITHIN THE VICINITY OF A MILITARY AMPORT
- AN ASSECUATION, INCLUDING ALL PHOPEPIT OWNERS IN THE DETECLIPIENT, WILL BE FORHED AND HAVE THE RESPONSIBILITY FOR LAWITAINING ALL COMINDS AREAS TO BE HOTED AS "TRACTS" OR EXECUTIVES (INCLUDING L'AIDSCAFED AREAS AND DRAHNAE FACUTES) IN ACCORDINACE WITH APPROVED PLANS.

DOUGLAS TOKEY

RECISTERD LAMS SURCYOR NO. 55030

BOMAN CONSULTING
1235 W. WASHINGTON STREET, SUITE 108

TEMPE, ARZOMA 85281

PHONE #. (480)-629-8830

APPROVALS:

APPROVED BY THE MAYOR & COUNCY, OF THE CITY OF PECRAL, ARZONA THES.

2018.

ATTEST

DATE DATE DATE

TASK NUM: 001

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1 or 4

(SEE SHEET 2)

ACCIONANG ID HE FLUOU INSURANCE BAIR WAY FAMILYCINSCH, LIAED OCIDISER 16, 2013, IHIS PROPERTY IS LOCATED IN FLOOD ZONE 75, AREAS OF 0.2% ANAILL, CHANCE FLOOD, AREAS OF 17, AREAS OF 0.2% ANAILL, CHANCE FLOOD MITH AREASE LEPINGS OF EEST HAWN I FOOD OR MITH DEMANDE, LARISE LEPING IN LENGTS FROM 17, ANAILL, CHANCE FLOOD.

THAN I SOUME WIE, AND AFEAS PROTECTED BY LENEES FROM 17, ANAILL, CHANCE FLOOD.

- MANTEHANGE OF SUFFACE AND UNDERGROUND DRAINAGE FACILITIES WITHIN ALL TRACTS, EASEAUTS AND RICHIS-UF-WAY SHALL BE THE RESPONSBILLTY OF THE HONEDWIERS ASSODATION.

- . THIS SUBDIVISION IS LOCATED WITHIN THE CITY OF PEORIA SEWER SERVICE AREA

SURVEYOR'S CERTIFICATION:

THIS IS TO CERTIF THAT THIS PLAT IS CORRECT MID ACCURATE AND THE MUMBERS TO SHE MUST BE MUS

BASIS OF BEARINGS

WHITE ST SECONS ESTADON THE SUPH UNIT OF THE SUPHMENT MORTHS BE CORRES ON HUNTERS TO SECONS ESTADON, THE GLA AND SAT BASE AND MARKET SECONS SECTION 28, THORSE SHOULD MAKE AND SAT BASE AND METHOD AND ADD

ON THIS DAY OF 2018, BEFORE HE THE UNDERSIONED, DEFINANCIALLY APPEARD WHO ACKNOWLEDGE HER SUBSCRIBED TO HE INSTRUMENT HAIR, AND WHO EXCLUTED THE FOREIGNING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED.

COUNTY OF MARICOPA ACKNOWLEDGMENT

IN WINESS WHEREOF,) HAVE HEREUNIO SET MY HAND AND OFFICIAL SEAL.

DATE

- THIS SUBDIVISION IS LOCATED WITHIN THE CITY OF PEURIA WATER SERVICE AREA AND HAS BEEN BESIGNATED AS HAWNIC A TOU-YEAR ASSUMED WATER SUPPLY.

NY COMMISSION EXPIRES:

- THIS SUBMINSION IS LOCATED IN THE NEWLYY OF A DESIGNATED TRUCK ROUTE, OLIVE AVENUE IS DESCRIATED AS A TRUCK ROUTE BY THE CITY OF PEORIA.
- NO STRUCTURE OF ANY KNO BE CONSTRUCTED OR ANY KERTATION BE PLANTED NOR BE ALLONED TO GROW WITHIN THE DRAWAGE EASSMENT OR TRACT WHICH WOULD WAPEDE THE FLOW OF WATER OVER, UNDER, DR. IHHOUGH THE EASSMENT OR HAZ!

ENGINEER BOWAN CONSULTING 14100 NORTH 85RD AVENUE SUITE 230 PEONA, AZ 45351 PHONE: (623) 229-8381 CONTACT: JOSEPH E. CABLE

OWNER

GM TRENTON PARK, LLC
1836 W PARKSDE LANE
SUITE ZOO
PHURNE, AZ 85027
PHORE: (480) 507-6580
CONTACT: RICK TAYRIEN

HOMEOWNERS ASSOCIATION RATIFICATION
BY HES KAFICATION
BUY ELECTED SECRETARY OF
THE TREATON PARK HOMEOWERS ASSOCIATION, ACMONEDICES THE RESPONSBUIRES
DEVITED HEREDX.

TRENTON PARK HOWEOWHERS ASSOCIATION, AN ARIZONA NON-PROFIT CORPORATION

SECRETARY

SOUGHAN BE

SHEET INDEX

1 COPER, NOTES, DEDICATION, STE DATA,
assis of beanno, certifications
2 Least December, Boundary overnew
3-4 final plan flam

SITE DATA
ZONING
ZONING CASE /
NUMBER OF LOTS
GPOSS AREA
NET APEA

PAD 217--18 38 11.5489 ACRES 8.7470 ACRES

VICINITY MAP

Bowman
C O N Style Copt. Ltd.
ROWAL GOOD Style Copt. Copt.
ROWAL GOOD Style COPT.
ROWAL GOO

99TH AVENUE

SITE

PEORIA, ARIZONA

A FINAL PLAT OF
"TRENTON PARK"
DEODIA ADIZONA

WEST QUARTER CORNER SECTION 28, T3N, RTE FOUND BRASS CAP IN HAND HOLE P.O.B. PARCEL NO. 7 (R1) P.O.B. PARCEL NO. 5 (RI) 209.10 (C) 208.88 (R1) N4"53"16"E 200.72"(R1) PARCEL P.O.B. PARCEL NO. 6 N00'03'33'E 526.CO'(R1) 488'04'33'E 263.66'(M) 263.59'(R1) 163.98°(C) NO. 4 (R1) P O.B. PARCEL NO. 4 (R1) "TRENTON PARK" OLIVE AVENUE 52971114"E 274.86'(C) 274.81'(R1) S13'36'14'E 324.48'(C) 324.42'(R1) 324.64'(R1) 05°E 118.42'(M) -N50"14"D6"W 5.80"(R1&C) 5.73"(R1) 22'03"E 150.62'(M) 150.63'(R1) N1474'44"W 24475'(0) 244.72'(H1) 244.77'(H1) 200.04"(C) 200.00"(R1) 666.46'(C) 666.80'(R1) SHE'D4'33" W 2646.85'(M) (BASIS OF BEARINGS) PARCEL NO. 3 (RI) PARCEL NO. 1 (R1) -S0072'07'E 22.01'(R1&W) REED CALCULATED DIMENSION
MEASURED DIMENSION
DIMENSION PER DOC. 2002-0787031, M.C.R.
DIMENSION PER BOOK 418 OF MAPS, PAGE 7, M.C.R. SC0'03'33'W 2643 72'(M) CENTER OF SECTION 28

- FOUND BRASS CAP FLUSH
P.O.B. PARCEL NO. 1 (KI) P.O.B. PARCEL NO. 3 (R1) P.O.B. PARCEL NO. 2 (R1) THENCE SOUTH DOUGHOUT WEST, ALDING SAID EAST LINE, A DISTANCE OF 33.02 FEET TO THE POINT OF BECOMBING.

BEGINNING AT A BRASS CAP IN HAND HOLE MARKING THE SOUTH QUARTER CORNER OF SAID SECTION 28;

HENCE SOUTH 885433" WEST, ALDNG THE SOUTH LINE OF SAID SOUTHMEST QUARTER, A DISTANCE OF 2648.85 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 28; THENCE NORTH 88704"XX" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 263.66 FEET, PRINCE NASH 0072739 "KEST, ALDMC THE WEST UNE OF SAID SOLTHWEST CUARTER, A DISTANCE OF 55.02 FEST TO THE NORTH UNE OF THE SOUTH 55 FEET OF SAID SOUTHWEST CUARTER:

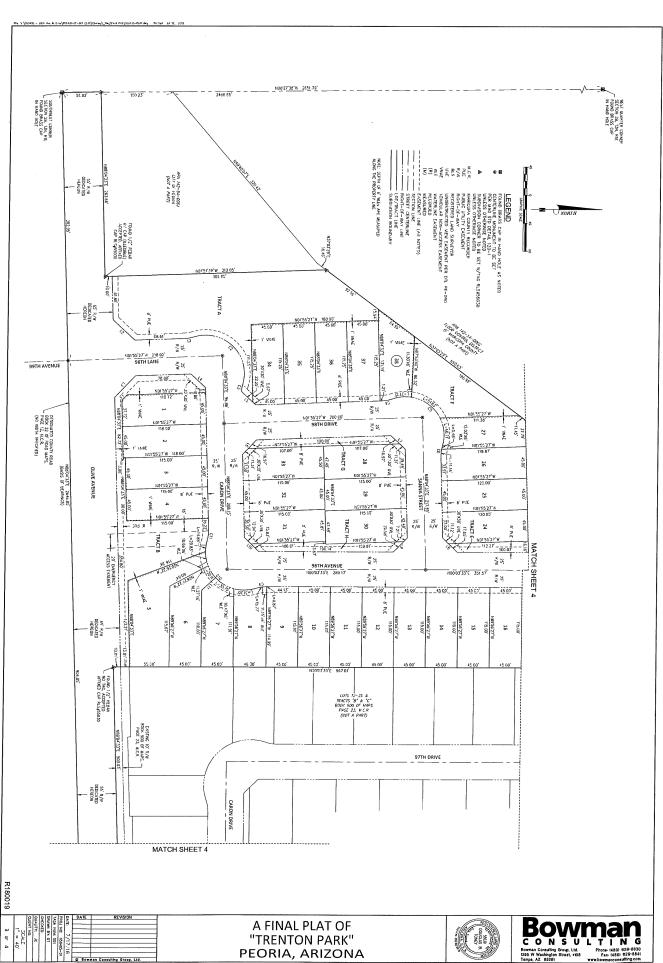
THENCE NORTH ODINI'05" EAST, ALONG SAID EASTERLY RIGHT-OF-WAY, A DISTANCE OF 116.42 FEET TO THE SOUTH LINE OF NEW FOVER PANCH, ACCOPDING TO BOOK 444 OF MAPS, PAGE 14, MARICOPN COUNTY RECORDS; IHCHCE NORTH 57'03'29" EAST, ALONG SAID EASTERLY RIGHT-OT-WAY, A DISTANCE OF 690 83 FEET: THÉNGE DEPARTING SAID NORTH LINE, NORTH 01'S1'39" WEST, A DISTANCE OF 312.05 FEET TO THE LEASTERLY RIGHT-01"-WAY OF THE NEW RIVER FLORD CHANNEL,

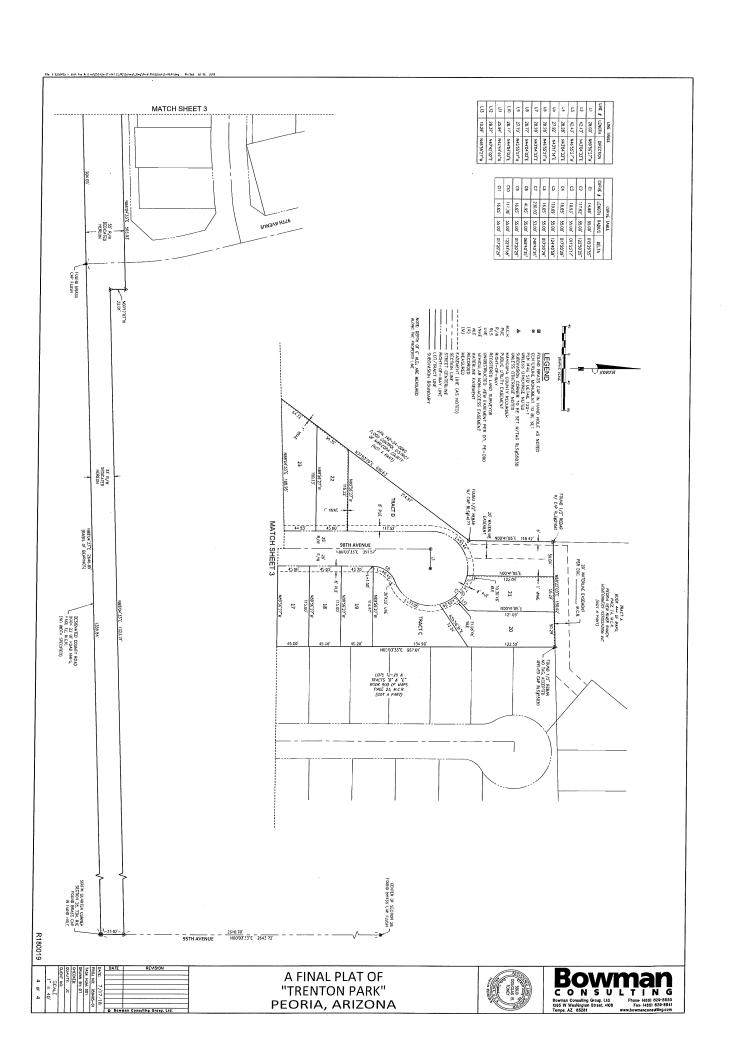
THENCE NORTH $8870^{\circ}33^{\circ}$ east, along sud north line, a distance of 1323.21 feet to the east line of sud southwest quarter, THENCE DEPARTMO SAID MORTH LINE, SOUTH 0012/07" EAST, A DISTANCE OF 22.01 FEET TO THE NORTH LINE OF THE SOUTH 33 FEET OF SAID SOUTHWEST QUARTER, HENCE NORTH BOTO \$33" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 503.03 FEET; THEREE SOUTH GOOD'S WEST, ALONG SAID WEST LINE, A DISTANCE OF 967.01 FEET TO THE NORTH LINE OF THE SOUTH 55 FEET OF SAID SOUTHWEST QUARTER; THENCE MORTH 8872/03" EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 150.62 FEET TO THE DEST LINE OF RIO ESTATES, ACCORDING TO BOOK 900 OF MAPS, PAGE 23, MARICIPA COUNTY RECORDS: METES & BOUNDS LEGAL DESCRIPTION
THAT PRITING OF THE SOUTHEST CHAFTER OF SCRIDE 28, TOWASH) IN MOTH, PANICE
LEAT, OF THE CIA, AND SALT BIVER BASE AND MEROMA, MARICOPA COUNTY, ARZOMA
DESCRIBED AS FOLLOWS.

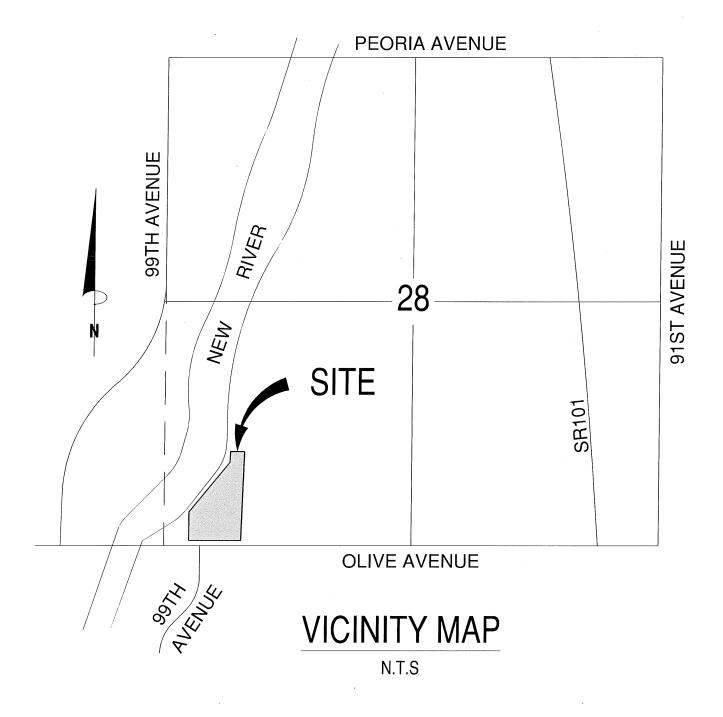
C SAME BY TONEY B.

R180019

A FINAL PLAT OF "TRENTON PARK" PEORIA, ARIZONA







CITY OF PEORIA, ARIZONA COUNCIL COMMUNICATION

Date Prepared: 6/25/2018 Council Meeting Date: 8/14/2018

TO: Jeff Tyne, City Manager

THROUGH: Andy Granger, Deputy City Manager

FROM: Adina Lund, P.E., Development and Engineering Director

SUBJECT: Replat, CCV/Terrazza Center Lot 5, 67th Avenue and Happy Valley Road

Purpose:

Discussion and possible action to approve a Replat of CCV/Terrazza Center Lot 5, located on 67th Avenue and Happy Valley Road, subject to stipulations.

Summary:

The purpose of the Replat is to dedicate all of the easements necessary to develop one lot within a commercial subdivision. This development is within the City's water/sewer service area.

Previous Actions/Background:

The final plat was approved by the City Council in September 2016.

Options:

A: The Replat has been approved through the Development and Engineering Department. An option would be to not accept the proposed Replat; although it should be noted that not approving the Replat will prevent the Developer from developing this land.

B: The other option would be to formally approve the Replat and allow this parcel to be developed.

Staff Recommendation:

Staff recommends the approval and subsequent recordation of the attached Replat subject to the following stipulation:

In the event that the Replat is not recorded within 60 days of Council approval, the Replat will become void. The developer may request re-approval from the City, with the understanding that the City has the option of imposing additional requirements or stipulations.

Fiscal Analysis:

No fiscal impact.

ATTACHMENTS:

Exhibit 1: Replat

Exhibit 2: Vicinity Map

Contact Name and Number:

Adina Lund, Development and Engineering Director, (623) 773-7249

DEDICATION STATE OF ARIZONA) 55 COUNTY OF MARICOPA KNOW ALL MEN THESE PRESENTS

THAT ESSEX COMPANIES, LLC AN ARIZONA LIMITED LIABILITY COMPANY, AS OWNER, DOES HEREBY PUBLISH THIS RE-PLAT TO COVIERRAZZA CENTER LOT 5', BEING A RE-PLAT OF LOT 5 OF "CCV/TERRAZZA CENTER" RECORDED IN BOOK 1296, PAGE 5, M.C.R., BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 4 NORTH, RANGE LEAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, AS SHOWN AND PLATTED HEREON AND HEREBY PUBLISHES THIS RE-PLAT AS, AND FOR, THE RE-PLAT OF SAID CCV/TERRAZZA CENTER LOT 5' AND HEREBY DECLARES THAT SAID RE-PLAT SAID RE-PLAT OF SAID VESTICATION OF THE LOT AND CASEMENTS OF THE LOT AND CASEMENTS.

ALL NOTATIONS AND DEDICATIONS STATED ON OR WITHIN THE RECORDED PLAT OF "CCV/TERRAZZA CENTER AMENDED" BOOK 1296, PAGE 5, M.C.R. SHALL REMAIN IN FULL FORCE AND EFFECT WITH THE RECORDATION OF THIS RE-PLAT UNLESS OTHERWISE NOTEO NO PLAT.

THE ESSEX COMPANIES, LLC AN ARIZONA LIMITED LIABILITY COMPANY, AS OWNER, HEREBY GRANT TO THE CITY OF IFE ESSEN COMPANIES, LLC AN ANLOWA LIMITED TRABILITY COMPANY. AS OWNER, HERBY GRANT 10 THE CITY OF FACILITIES WITHIN THIS OCCUPANCY OF REFLECTED ON THE STRENGY GROWER, HERBY GRANT 10 THE CITY OF FACILITIES WITHIN THIS OCCUPANCY OF REFLECTED ON THE STRENGY GROWER OF THE PROPERTY OWNER OR EASCULATION RESPONSIBLE FOR THE MAINTENANCE OF SUCH FACILITIES FAILS TO PROVIDE THE REQUIRED MAINTENANCE AND OPERATION AND THE CITY MAS DETERMINED THAT THE LACK OF SUCH MAINTENANCE AND OPERATION CONSTITUTES A NUISANCE OR MPACT PUBLIC LEATH AND SAFETY. AS LONG AS THE PROPERTY OWNER OR ASSOCIATION IS IN EXISTENCE, IT WILL BE RESPONSIBLE FOR PROVIDING ALL REQUIRED MAINTENANCE OF SUCH FACILITIES REGARDLESS OF THE DEDICATION OF THE EASEMENT.

THE ESSEX COMPANIES, LLC AN ARIZONA LIMITED LIABILITY COMPANY, AS OWNER, HEREBY GRANT AND CONVEY TO THE PUBLIC, A NON-EXCLUSIVE PERMANENT AND PERFETUAL CROSS ACCESS EASEMENT FOR VEHICULAR AND PEDESTRIAN INGRESS AND EGGESS (BUT NO PARKING) UPON ON A CROSS WHICH EASEMENTS ARE BEING EDICATED BY THIS RE-PLAT, AND A BLANKET DRAINAGE EASEMENT UPON LOT 5 ALLOWING STORM WATER OVERFLOW FROM LOTS 4 AND 5 TO BE CONVEYED ACROSS LOTS. THE CROSS ACCESS EASEMENT SHALL RUN WITH THE LAND AND SHALL BE BINDING UPON THE OWNER, AND THEIR SUCCESSORS AND ASSIGNS.

THE ESSEX COMPANIES, LLC AN ARIZONA LIMITED LIABILITY COMPANY, AS OWNER, HEREBY DEDICATE TO THE CITY OF PEORIA, AN ARIZONA MUNICIPAL CORPORATION, IN MARICOPA COUNTY, ARIZONA, ITS SUCCESSORS, AND ASSIGNS, A PERMANENT AND PERPETUAL ASSEMENT FOR THE FOLLOWING PURPOSES, THE RIGHT TO ENTER UPON FOR CONSTRUCTION, MAINTENANCE, OPERATION, AND REPLACEMENT OF A WATER AND/OR SEWER LINE OVER, UNDER, AND ACROSS LOT S SITUATED IN HIC COUNTY OF MARICOPA, STATE OF ARIZONA.

TO HAVE AND TO HOLD THE SAID EASEMENT UNTO CITY OF PEORIA, A MUNICIPAL CORPORATION OF MARICOPA COUNTY, ARIZONA AND UNTO ITS SUCCESSORS AND ASSIGNS, FOREVER TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS TO FERMIT THE CONSTRUCTION, OPERATION, MAINTENANCE, AND REPLACEMENT OF PUBLIC WATER/SEWER LINE, SUBJECT TO NOTES 1, 2, 3 AND 4.

AND THE GRANTOR HEREBY COVENANTS THAT IT IS LAWFULLY SEIZED AND POSSESSED ON THIS AFOREMENTIONED TRACT OR PARCEL OF LAND; THAT IT HAS GOOD AND LAWFUL RIGHT TO SELL AND CONVEY IT; AND THAT THEY WILL WARRANT THE TITLE AND QUIET POSSESSION THERETO AGAINST THE LAWFUL CLAIM OF ALL PERSONS.

NOTES:

- THE SAID EASEMENT TO INCLUDE THE RIGHT TO CUT BACK AND TRIM SUCH PORTION OF THE BRANCHES AND TOPS OF THE THESE NOW GROWING OR THAT MAY HEREAFTER GROW UPON THE ABOVE DESCRIBED PREMISES, AS MAY EXTEND OVER SAID ASSEMENT, SO AS TO PREVENT THE SAME FROM INTERFERING WITH THE EFFICIENT MAINTENANCE AND OPERATION OF SAID SEWER LINES.
- THE CITY OF PEORIA SHALL NOT BE RESPONSIBLE FOR REPLACING ANY LANDSCAPING OR ANY IMPROVEMENT PLACED IN THE EASEMENT BY GRANTOR, OR ITS SUCCESSORS AND ASSIGNS, EXCEPT AS NOTED HEREIN.
- THE CITY OF PEORIA WILL MAKE REASONABLE EFFORTS TO PROMPTLY RESTORE ASPHALT CONCRETE PAVEMENT SURFACES.
- 4. GRANTOR, ITS SUCCESSORS OR ASSIGNS AT ITS SOLE COST, SHALL BE RESPONSIBLE FOR PROMPTLY REPLACING ANY LANDSCAPING OR IMPROVEMENTS PLACED IN THE EASEMENT BY GRANTOR OR ITS SUCCESSORS OR

THE TEMPORARY CONSTRUCTION EASEMENTS DEDICATED HEREON SHALL RUN FOR A PERIOD OF 6 MONTHS OR UNTIL THE DRAINAGE FACILITIES UPON LOT 5 ARE FULLY CONSTRUCTED AND THE ON-SITE IMPROVEMENTS ARE ACCEPTED BY THE CITY OF PEORIA. WHICHEVER OCCURS FIRST.

IN THE EVENT THE RIGHT, PRIVILEGE AND EASEMENT HEREIN GRANTED SHALL BE ABANDONED AND PERMANENTLY CEASE. TO BE USED FOR THE PURPOSES HEREIN GRANTED, ALL RIGHTS HEREIN GRANTED SHALL CEASE AND REVERT TO THE GRANTORS, THEIR HEIRS OR ASSIGNS.

IN WITNESS WHEREOF, OWNER HAS HEREUNTO CAUSED ITS NAME TO BE AFFIXED AND THE SAME TO BE ATTESTED BY ITS DULY AUTHORIZED SIGNATORY

THE ESSEX COMPANIES LLC. AN ARIZONA LIMITED LIABILITY COMPANY

RE-PLAT

"CCV / TERRAZZA CENTER LOT 5"

A RE-PLAT OF LOT 5 OF "CCV / TERRAZZA CENTER" RECORDED IN BOOK 1296, PAGE 5, MARICOPA COUNTY RECORDS AND A PORTION OF THE SOUTHEAST QUARTER OF SECTION 1 AND THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 4 NORTH, RANGE 1 EAST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA.

OWNER

THE ESSEX COMPANIES, LLC AN ARIZONA LIMITED LIABILITY COMPANY 5430 WEST CREEDANCE BOULEVARD GLENDALE, ARIZONA 85310

CONTACT: PHILIP DENARO JR PHONE: 602-989-1588

SHEET INDEX

- 1. COVER SHEET
- 2. LEGAL DESCRIPTION & KEY MAP 3. LOT 5 ABANDONMENT DETAILS
- 4. LOT 5 NEW EASEMENT DETAILS
- 5. LOT 5 NEW EASEMENT DETAILS

BASIS OF BEARINGS

THE HORIZONTAL DATUM FOR THIS SURVEY IS BASED ON INFORMATION OBTAINED FROM THE MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION (MCDOT) GEODETIC DENSIFICATION AND CADASTRAL SURVEY (BODACS) WEBSITE WWW.MCDOT.MARICOPA.GOV, UNDER THE SURVEY INFORMATION LINK ON SEPTEMBER 27, 2010.

PROJECTION: ARIZONA CENTRAL ZONE, NAD 83, (EPOCH 2007) DATUM: GRS-80
UNITS: U.S. SURVEY FEET
GEOID MODEL: GEOID 09

CONTROL POINT: 11C1

PID: AJ3869 LATITUDE: 33° 43' 30.62778° N LONGITUDE: 112° 12' 12,40857" W ELLIPSOID HEIGHT: 403,290 METERS DESCRIPTION: METAL ROD DRIVEN INTO GROUND

MODIFIED TO GROUND AT THE NORTHEAST CORNER OF SECTION 12, TOWNSHIP 4 NORTH, RANGE 1 EAST, A BRASS CAP FLUSH STAMPED "MARICOPA COUNTY T4N R1E RZE SI S12 LS 33307 2004" AT(GRID) N: 986277.291, E: 612887.987, USING A SCALE FACTOR OF 1.0001523809.

HORIZONTAL ADJUSTMENT: NONE HORIZONTAL ROTATION: NONE

THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 12. HAVING A BEARING OF NORTH 89°55'55' WEST

ACKNOWLEDGEMENT

STATE OF ARIZONA)			
COUNTY OF MARICOPA) ss.)			
THIS DOCUMENT WAS ACK	KNOWLEDGED BEI	FORE ME THIS _	DAY OF	, 2018 B
, THE _		_ OF		
NOTARY PUBLIC				
MY COMMISSION EXPIRES	i:			

FLOOD ZONE INFORMATION

THIS PROPERTY LIES WITHIN THE FLOOD ZONE DESIGNATION SHADED ZONE "X" AS SHOWN ON FLOOD INSURANCE RATE MAP NUMBER 04013C1255L DATED OCTOBER 16, 2013.

SHADED ZONE 'X' IS DEFINED AS:

AREAS OF 0.2% ANNUAL CHANCE FLOOD: AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD.



NOTES

- NO CONSTRUCTION OF ANY KIND SHALL BE CONSTRUCTED OR PLACED WITHIN THE UTILITY EASEMENTS, EXCEPT UTILITIES, WOOD, WIRE, OR REMOVABLE SECTION TYPE FENCING, AND/OR PAVING, NOR ANY PLANTING EXCEPT GRASS. IT SHALL BE FURTHER UNDERSTOOD THAT THE CITY OF PEORIA SHALL NOT BE REQUIRED TO, REPLACE ANY OBSTRUCTION OR PLANTING THAT MUST BE REMOVED DURING THE COURSE OF MAINTENANCE, CONSTRUCTION
- 2. ALL NEW AND EXISTING UTILITY, ELECTRICAL FACILITIES LESS THAN 69 KVA, CABLE T.V., TELECOMMUNICATIONS FIBER OPTICS, CELLULAR, GAS, ETC SHALL BE INSTALLED UNDERGROUND AS PART OF THE STREET IMPROVEMENTS.
- 3. MAINTENANCE OF SURFACE AND UNDERGROUND DRAINAGE FACILITIES WITHIN ALL TRACTS, EASEMENTS AND RIGHTS-OF-WAY SHALL BE THE RESPONSIBILITY OF THE PROPERTY
- ALL LOT CORNERS SHALL BE MONUMENTED WITH A 1/2' REBAR AND CAPPED OR TAGGED BEARING THE REGISTRATION NUMBER OF THE SURVEYOR RESPONSIBLE FOR THEIR PLACEMENT.
- 5. SIGNS, FENCES, WALLS, UTILITY BOXES, STRUCTURES, SHRUBS, HEDGES OR OTHER PLANTS, BUT EXCLUDING TREES OVER 30 INCHES IN HEIGHT SHALL NOT BE PERMITTED WITHIN YEW FASEMENTS OR THE SIGHT DISTANCE TRIANGLES. NO LIMBS, LEAVES, NEEDLES OR OTHER FOLIAGE ABOVE 30 INCHES IN HEIGHT OR BELOW 84 INCHES ARE PERMITTED. TREES ARE TO BE PLANTED SO AS NOT TO OBSTRUCT 20% OF THE VISIBILITY WHEN COMBINED WITH OTHER OBSTRUCTIONS.
- THIS SUBDIVISION IS LOCATED WITHIN THE CITY OF PEORIA WATER SERVICE AREA AND HAS BEEN DESIGNATED AS HAVING A 100-YEAR ASSURED WATER SUPPLY.
- 7. THIS SUBDIVISION IS LOCATED WITHIN THE CITY OF PEORIA SEWER SERVICE AREA
- 8. NO STRUCTURE OF ANY KIND BE CONSTRUCTED OR ANY VEGETATION BE PLANTED NOR BE ALLOWED TO GROW WITHIN THE DRAINAGE EASEMENT OR TRACT WHICH WOULD IMPEDE THE FLOW OF WATER OVER, WIDBER, OR THROUGH THE EASEMENT OR TRACT
- 9. ALL LOTS TO PROVIDE RETENTION FOR THE 100 YEAR 2 HOUR STORM EVENT

APPROVAL

DAY OF, 2018.	
BY:	DATE:
ATTEST:	DATE:
APPROVED BY: FOR CITY ENGINEER	DATE:

APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, ARIZONA ON THE

CERTIFICATION

I, RICHARD JONES, HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE I, NICHARD JONES, HENERY CERTIFY HAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF ANY RECORD FOUR (4) SHETS REPRESENTS A SURVEY PERFORMED DURING THE MONTH OF AUGUST 2017, THAT I THIS SURVEY WAS MADE UNDER MY DIRECTION AND MEETS THE "MINIMUM STANDARDS FOR ARIZONA LAND BOUNDARY SURVEYS", AND IS TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE AND BELLEF; THAT THE BOUNDARY MONUMENTS SHOWN ACTUALLY EXIST AND THEIR POSTITIONS ARE CORRECTLY SHOWN AND ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

RICHARD JONES REGISTERED LAND SURVEYOR #27742



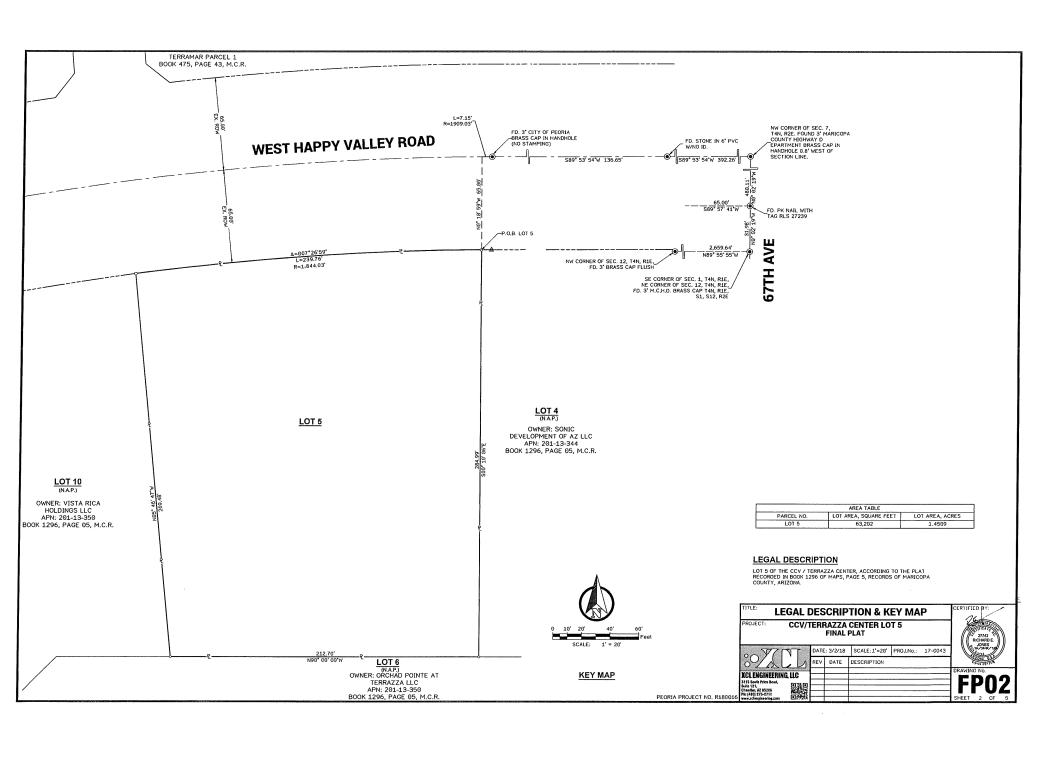
PEORIA PROJECT NO. R180016 TOTAL NUMBER OF LOTS = 1 NET ACREAGE = 1.45 ACRES

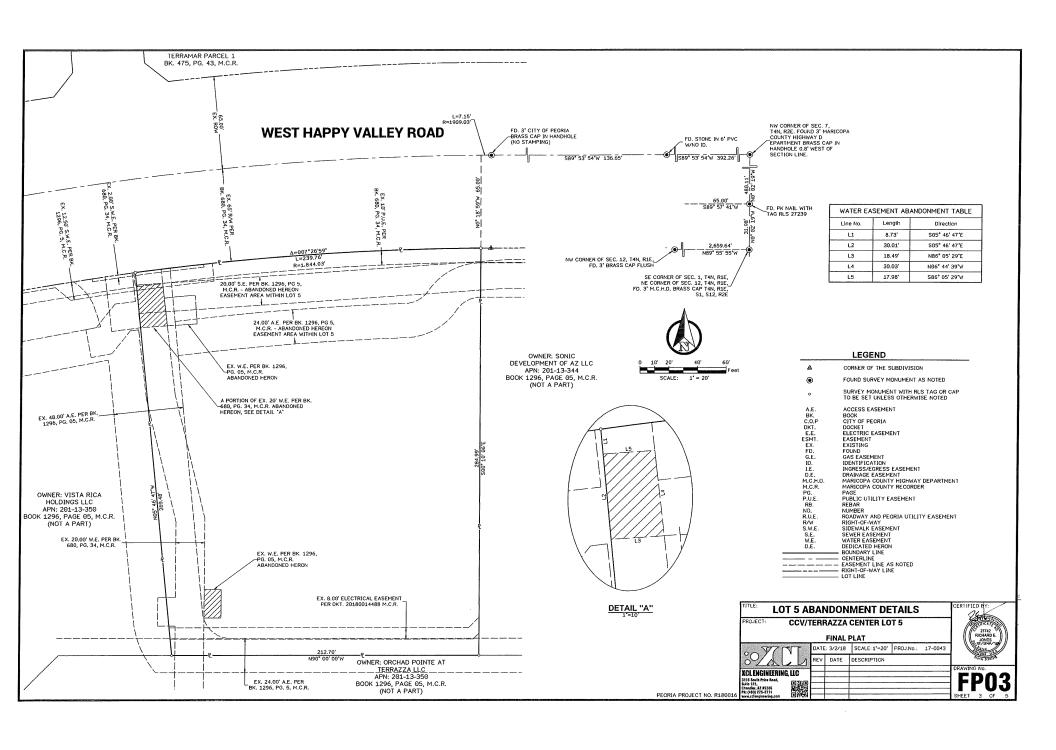
XCL ENGINEERING, LLC
1460 South Karen Drive, Chandler, AZ 85286
Ph: (480) 275-2711

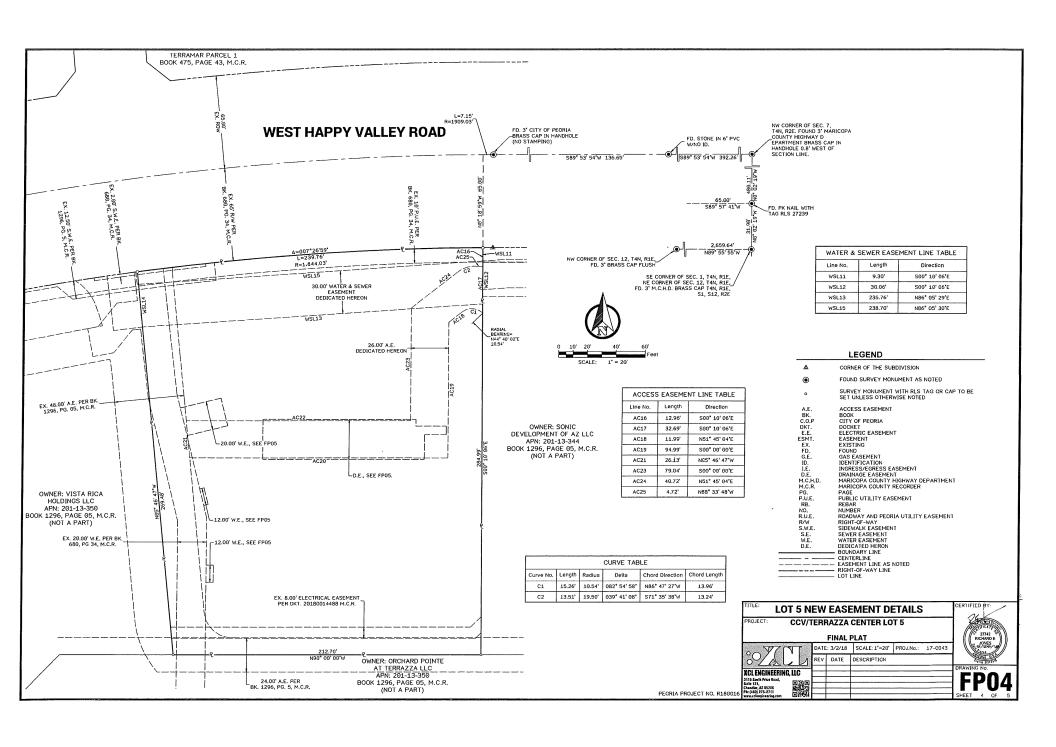
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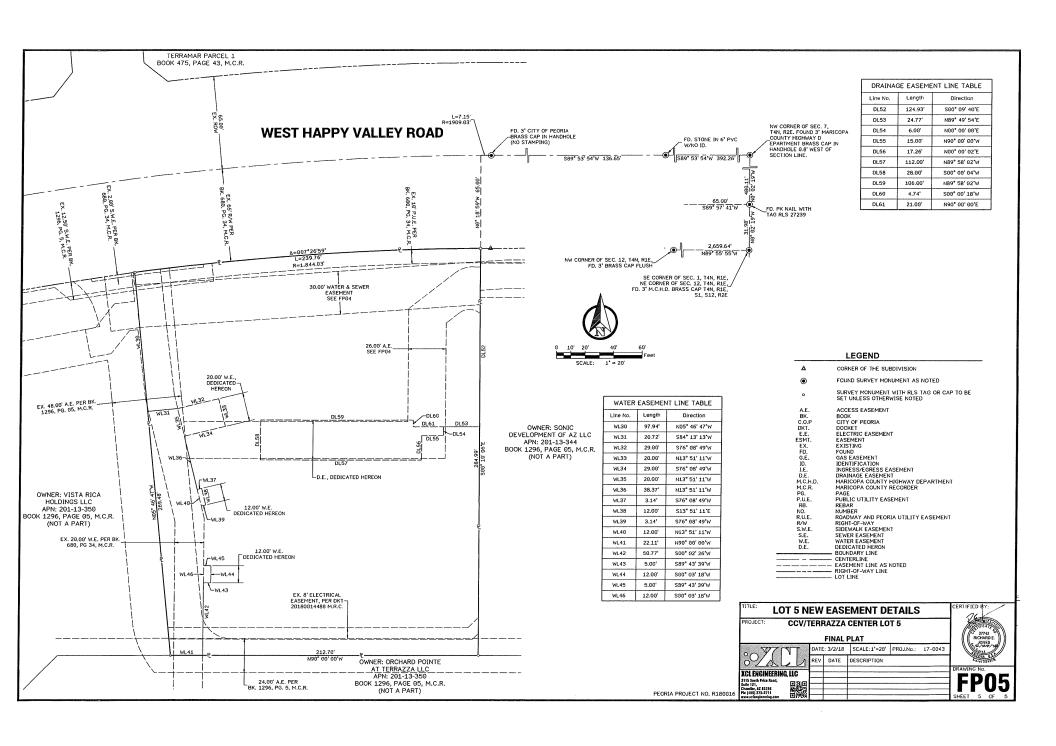
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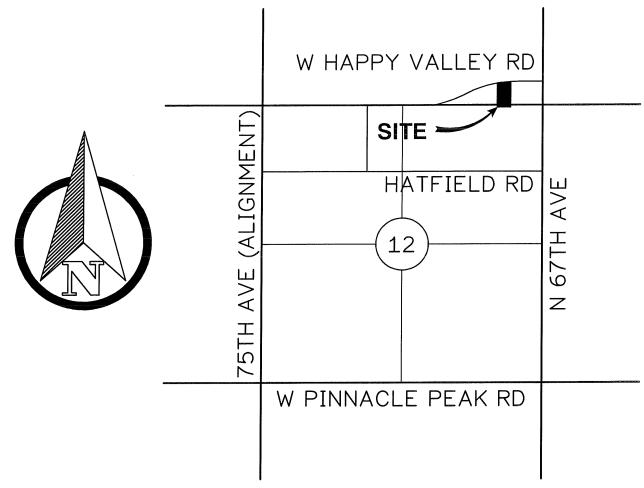
0 CENTER SHEE CV/TERRAZZA COVER











VICINITY MAP

SECTION12, T4N, R1E NOT TO SCALE

CITY OF PEORIA, ARIZONA COUNCIL COMMUNICATION

Date Prepared: 7/10/2018 Council Meeting Date: 8/14/2018

TO: Jeff Tyne, City Manager

THROUGH: Andy Granger, Deputy City Manager

FROM: Adina Lund, P.E., Development and Engineering Director

SUBJECT: Replat, The Meadows Parcels 7 and 8 – Phase 1A, 95th Avenue and Pinnacle

Peak Road

Purpose:

Discussion and possible action to approve a Replat of The Meadows Parcels 7 and 8 – Phase 1A, located on 95th Avenue and Pinnacle Peak Road, subject to stipulations.

Summary:

The purpose of the Replat is to separate the recently platted Final Plat for phase 1 into three different phases with slight adjustments of lots. This development is within the City's water/sewer service area. This Replat reduces the total lots from 192 to 190 within the Meadows community. The reduction takes place in Phase 1A only. Phase 1A will be developed first for the model homes. All internal roadways are public and will be maintained by the City.

Previous Actions/Background:

The preliminary plat for The Meadows Parcels 7 and 8 was reviewed by the City and completed in August 2016. The preliminary plat was then broken into two phases. Phase 1 and 2. This Replat will divide phase 1 into three separate phases (phase 1A,1B and 1C). Phase 2 is not affected.

Options:

A: The Replat has been approved through the Development and Engineering Department. An option would be to not accept the proposed Replat; although it should be noted that not approving the Replat will prevent the Developer from developing this land.

B: The other option would be to formally approve the Replat and allow this parcel to be developed.

Staff Recommendation:

Staff recommends the approval and subsequent recordation of the attached Replat subject to the following stipulations:

- 1. All civil plans must be approved by the City of Peoria (City) prior to recordation of the Replat.
- 2. An approval of design from the Development & Engineering Department for the necessary improvements in accordance with the City Subdivision Regulations, as determined by the City Engineer, must be obtained prior to recording the Replat.
- 3. The developer must provide a financial assurance in the amount agreed upon by the City Engineer and an Agreement to Install for construction of the infrastructure improvements in accordance with the City Subdivision Regulations, prior to recordation of the Replat.
- 4. In the event that the Replat is not recorded within 60 days of Council approval, the Replat will become void. The developer may request re-approval from the City, with the understanding that the City has the option of imposing additional requirements or stipulations.

Fiscal Analysis:

No fiscal impact.

ATTACHMENTS:

Exhibit 1: Replat

Exhibit 2: Vicinity Map

Contact Name and Number:

Adina Lund, Development and Engineering Director, (623) 773-7249

REPLAT

"The Meadows Parcels 7 & 8 - PHASE ₫ ... | | |

A Replat of Lots 1-13, 33-37 and Tracts "B" and "C" of "The Meadows Parcels 7 & 8 - PHASE 1" recorded in Book 1390, Page 50, Records of Maricopa County, Arizona, located in a portion of the Northwest Quarter of Section 16, Township 4 North, Range 1 East, of the Gila and Salt River Meridian, Maricopa County, Arizona

	TRACTS 'B' AND 'C' ARE HEREBY DECLARED FOR OPEN SPACE AND PUBLIC UTILITY EASEMENT FOR USE BY ALL MENBERS OF THE MEADOWS COMMUNITY MASTER ASSOCIATION.	thence departing soid centerline, S65'52'41"W, a distance of 35.00 feet to the north Final Plat: thence along said northern line NS8'40'44"W a distance of 35.50 feet to the north thence along said northern line NS8'40'44"W
DO. EXECUTED THE FOREGOING AND		Thence departing soid northerly line, along the westerly line of soid fract "A", 522's left.
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NS WE SE ON

∑sit• Pinnacle Peak Deer Valley Road 91st Avenue A

<u>Legal Description</u>.
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STATE OF ARIZONA

COUNTY OF MARICOPA

- 33

COMMERCING of brass cap flush at the West quarter corner of said Section 16, from which a brass cap in a hand nice of the Northead Section 16 bers NORD/2007 or distance of 283,11 feet; there along the set of the Section 16 bers NORD/2007 or distance of 183,11 feet; the Section of 1

OF BEGINNING:

40'37"E, a distance of 118.78

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urve, concave northerly, whose of Wizard Lane as an arc distance of 70.24 feet concave easterly, whose radius

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THIS DAY, THE

_ DAY OF

, DATED OCTOBER IS WITHIN FLOOD R 16, 2013 & ZONE

FLOOD WITH AVERAGE DEPTHS

8.

Blasse d'Berdrig The West Line of the Morthwest Quarter of Section 16, Tonnship 4 North, Range, 1 East, Holding A BECARNO OF MOOTREGY, AS SHOWN ON THE TAKEDOWN MAP OF BERELDHENT MASTER PLAN FOR THE MEADONS' BECARDED IN BOOK 105%, AACE 38.

Sheet Index
1 Cover Sheet
2 Plan Sheet

Vicinity Map

Owner/Developer
TOLL BROTHERS AZ CONSTRUCTION CO
8767 E. NA DE VENTURA, STE. 380
SCOTTSDALE, AZ 88258
PH.: 602.586.707
CONTACT: MR. JEFF NIELSEN

SURVEYOR

MICHAEL BAKER, INTERNATIONAL
2929 N. CENTRAL, AKE., SUITE 800
PHOENIX, AZ 85012
PH.: 602.279-1234
CONTACT: SCOTT NELSON, RLS #21782

- Modes
 A. THE CARDINSON IS SUBJECT TO MAINTENANCE IMPROVEMENT DISTRICT (MID) \$1211, AND STREET
 LIGHT IMPROVEMENT DISTRICT (SUD) \$1/27.
- B NO CONSTRUCTION OF ANY KNO SMALL BE CONSTRUCTED OR PLACED WITHIN THE UTILITY EASTERNIST, EXCEPT UTILITIES, WOOD, MHEE OR REMOVING ESCIPION TYPE EROMON, AND/OR PAYNIC, AND ANY PLANNING PACEPT (BASS IT SMALLES ESCIPION MORESTROOT SMALL THE CITY OF PEROM, SMALL NOT BE REQUIRED ON REPUECE, WAY OBSTRUCTION ON RECONSTRUCTION AND SMALL SMA
- D. MANTENANCE OF SURFACE AND UNDERGROUND DRAINAGE FACILITES WITHIN ALL TRACTS, EASEMENTS AND RIGHTS-OF-WAY SHALL BE THE RESPONSIBILITY OF THE HOMEOWNERS ASSOCIATION. CALL NEW AND EXISTING UTILITY, SLECTRICAL FACILITIES LESS THAN 69 KVA, CABLE T.V.,
 CRECOMMUNICATIONS FIBER OPTICS, CELLULAR, CAS, ETC SHALL BE INSTALLED UNDERGROUND
 AS PART OF THE STREET IMPROVEMENTS.
- ALL LOT CORNERS SHALL BE MONUMENTED WITH ½" REBAR AND CAPPED OR TAGGED BEARING THE REGISTRATION NUMBER OF THE SURVEYOR RESPONSIBLE FOR THEIR PLACEMENT.
- F. SOMS, FROCES, MULES, UITUT BOXES, STRUCTURES, SHRIBS, HEDGES ON OTHER DUNITS, BUT EXCLUDING TREES OWER DO INCHES MY HEGAT SHALL MOT BE FEMALITED WITHIN WER CASELVENTS OR THE SHAT DISTANCE TRANCICS. NO UIBS, LEVES, NEEDLES OR OTHER FOLUCE, ABOVES IN HOCKES IN PEDIATE OR BELOW BE MOKES ARE FORED AND SOME THE WISHINTY MICH COMBINED WITH OTHER CASTRUCTIONS.
- H. THIS SUBDIVISION IS LOCATED WITHIN THE CITY OF PEORIA SEWER SERVICE AREA. o, this subdivision is located within the city of peoria water service area and has been designated as having a 100—year assured water supply.
- THIS SUBDIVISION IS LOCATED WITHIN THE VICINITY OF A MILITARY AIRPORT.
- THIS SUBDIVISION IS LOCATED IN THE VICINITY OF A DESIGNATED TRUCK ROUTE, LAKE PLEASANT PARKWAY IS DESIGNATED AS A TRUCK ROUTE BY THE CITY OF PEORIA.
- K. THIS SUBDIVISION IS LOCATED IN THE VICINITY OF A ROCK QUARRY (GRAVEL OPERATION).
- NO STRUCTURE OF ANY KIND SHALL BE CONSTRUCTED OR ANY DESERTATION BE PLANTED BE ALLOWED TO GROWN WITHIN THE DERWINGE LASSIBLYT OR TRACT MICH WICH WOULD IMPEDE FLOW OF WATER OVER, UNDER, OR THROUGH THE EASSBERT OR TRACTS. 걸
- I. AM ASSOCIATION, INCLUDING ALL PROPERTY OWNERS IN THE DIFELOPMENT, WAS BEEN CRAUDE AND IAHS THE RESPONSEILLY FOR MAINTAINING ALL COMMON AREAST TO BE NOTED, IN ACCORDINGE OF BASIC OF BEAUTY OR EXEMPTS (INCLUDING LANDSCAPED AREAS AND DRAINAGE FACILITIES) IN ACCORDINGE WITH APPROPCED PLANS.

SCOTT A. NELSON, RLS MICHAEL BAKER INTERNATIONAL 2929 N. CENTRAL AVE., SUITE 800 PHOENIX, AZ 85012 1. SOOTH RELEGON, OF WICHAEL BAKER INTERNATIONAL, HERBEY CERTIFY HAIT I AM A REGISTERS LAND SHEPPINGTON HIT BESTATE OF ARGOVER. THAT HIS REPLAK CONSCRIBENCE OF THE OLIVER THE REPLAKE OF THE OLIVER OF THE OLIVER HER THAN HONDALD, DIRING THE MAINTH OF AUGUST OF SORRECT AND ACCURATE. THAT THE BOUNDAY OF MOMENTATION SHOWN ACTUALLY EXIST AS SHOWN AND ARE SUFFICIENT TO EMABLE THE SURVINCY TO BE RETRACED.

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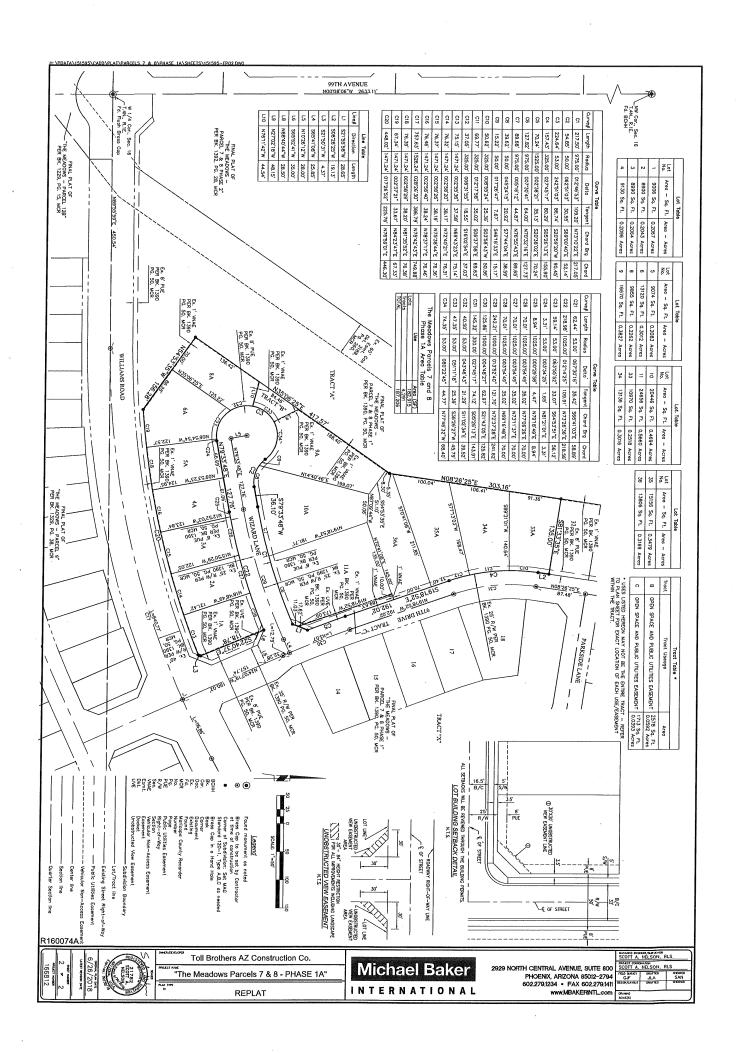
SCOTT A. NELSON,

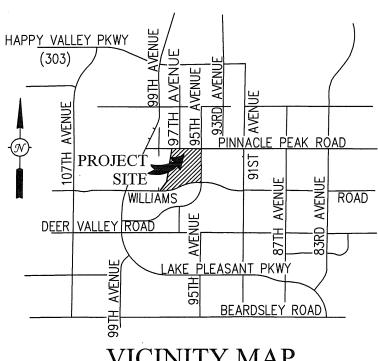
Toll Brothers AZ Construction Co.

"The Meadows Parcels 7 & 8 - PHASE 1A" REPLAT

Michael Baker INTERNATIONAL 2929 NORTH CENTRAL AVENUE, SUITE 800 PHOENIX, ARIZONA 85012-2794 602.279.1234 = FAX 602.279.1411 www.MBAKERINTL.com

SCOTT A. NELSON, RLS





VICINITY MAP

Agenda Item: 24C.

CITY OF PEORIA, ARIZONA COUNCIL COMMUNICATION

Date Prepared: 8/2/2018 Council Meeting Date: 8/14/2018

TO: Jeff Tyne, City Manager

THROUGH: Katie Gregory, Deputy City Manager

FROM: Sonia Andrews, Finance Director

SUBJECT: PUBLIC HEARING - New Off-Track Wagering License, Turf Paradise, 8378

West Thunderbird Road

Purpose:

Discussion and possible action to recommend approval to the Arizona Racing Commission for a New Off-Track Wagering License for Turf Paradise to telecast at Legends Sports Club, located at 8378 West Thunderbird Road.

Summary:

Turf Paradise, has applied for a New Off-Track Wagering License for Turf Paradise to telecast at Legends Sports Club, located at 8378 W. Thunderbird Road. The application agent is Vincent A. Francia.

Off-Track Wagering is sanctioned gambling on horse racing or dog racing outside a race track. Off-Track Wagering allows for live and simulcast races. Turf Paradise simulcasts races from Arizona and out of State races.

There are no staff concerns with Turf Paradise to telecast at Legends Sports Club. The public hearing notice was posted for at least 10 days, and no comments were received during the posting period.

Previous Actions/Background:

There has never been an Off-Track Wagering License at, 8378 W. Thunderbird Road.

Options:

A: Recommend approval to the Arizona Racing Commission for a New Off-Track Wagering License for Turf Paradise to telecast at Legends Sports Club, located at 8378 W. Thunderbird Road.

B: Recommend denial to the Arizona Racing Commission for a New Off-Track Wagering License for Turf Paradise to telecast at Legends Sports Club, located at 8378 W. Thunderbird Road.

Staff Recommendation:

That the Mayor and Council recommend approval to the Arizona Racing Commission for a New Off-Track Wagering License for Turf Paradise to telecast at Legends Sports Club.

Fiscal Analysis:

The item has no financial implications.

ATTACHMENTS:

TP Legends App

Contact Name and Number:

Samuel Brown (623) 773-7658



CITY OF PEORIA OFF-TRACK WAGERING INDIVIDUAL PERMIT APPLICATION

CHECK ONE: CHECK ONE:											
~ Owner of Principle Wagering Establishment ~ Initial Application											
~ Managing Agent of Principle Wagering Establishment											
	~ Owner of Off-Track Site Facility ~ Renewal ~ Managing Agent of Off-Track Site Facility										
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Francia				Vincent				Arci			
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BUSINESS NA	ME:					,		BUSINESS PHONE:			
Turf Para								(602) 942-1101			
BUSINESS ADDRESS: Street			City				State	te Zip Code		ode	
					Phoenix			AZ	85023		
				TING OFF-TRACK W	'AG	ERING)	- 1	BUSINESS PHONE:			
ITSA, LLC			ls Sports C					(623) 487-1271			
			City				State Zip Code				
8378 W. Thunderbird Rd Peoria							AZ		853	81	
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HAVE YOU EVER BEEN DENIED, ARRESTED, INDICTED, CONVICTED, OR SUMMONED INTO COURT FOR VIOLATION OF ANY											
CRIMINAL LAW OR ORDINANCE (EXCLUDING MINOR TRAFFIC VIOLATIONS)?											
~ YES ~ NO If yes, attach full explanation.											
HAVE YOU EVER POSTED BOND, BEEN ORDERED TO DEPOSIT BAIL, BEEN FINED, IMPRISONED, PLACED ON PROBATION OR											
FAILED TO AP	PEAR FOR A	OIV YNA	LATION OF A	NY LAW OR ORDINA!	NCE	C?					
~ YES ~ NO)If yes, attach full explanation.											

HAVE YOU EVER HAD ANY BUSINESS LICENSE DENIED, REVOKED, SUSPENDED, OR FINED IN THIS OR ANY OTHER STATE?

~ YES ~ (NO) If yes, attach full explanation.

INDICATE YOUR EMPLOYMENT, OR BUSINESS ENGAGED IN FOR PAST FIVE YEARS BEGINNING WITH MOST CURRENT

CURRENT EMPLOYER:	PHONE#:	POSITION:	FROM:	ТО
Turf Paradise	602-942-1101	General Manager	07/2010	Present
STREET ADDRESS		CITY	STATE	ZIP CODE
_1501 W. Bell Rd.		Phoenix	$ _{\mathrm{AZ}}$	85023
PREVIOUS EMPLOYER:	PHONE #:	POSITION:	FROM:	TO:
Turf Paradise	602-942-1101	Director Marketing	01/1994	07/2010
STREET ADDRESS		CITY	STATE	ZIP CODE
REVIOUS EMPLOYER:	PHONE #:	POSITION:	FROM:	TO:
STREET ADDRESS	_ ···	CITY	STATE	ZIP CODE
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PREVIOUS EMPLOYER:	PHONE #:	POSITION:	FROM:	TO:
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TABITOOD BAH LOTER.	PHONE #:	POSITION:	FROM:	TO:
SREET ADDRESS		CITY	STATE	ZIP CODE

I CERTIFY THAT THE STATEMENTS MADE IN THIS APPLICATION ARE TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE, INTENTIONAL OMISSION OR FALSIFICATION OF INFORMATION IS SUFFICIENT GROUNDS FOR DENIAL OF THE APPLICATION OR LATER REVOCATION AND SUBJECT TO PENALTY BY LAW. CHANGES MUST BE SUBMITTED AS REQUIRED BY ORDINANCE. INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED. PLEASE INCLUDE A COPY OF THE FLOOR PLAN FOR PREMISES.

SIGNATUKK OF APPLICANT

DATE 6/14/2018

FOR OFFICE USE ONLY.		·
DATE RECEIVED:		
~ ATTACHMENTS:	COUNCIL MEETING DATE:	
~ DEPARTMENTAL REVIEW	CC#:	
APPROVED: ~ YES ~ NO	BUS, LICENSE/SALES TAX #:	

CITY OF PEORIA, ARIZONA COUNCIL COMMUNICATION

Date Prepared: 7/17/2018 Council Meeting Date: 8/14/2018

TO: Jeff Tyne, City Manager

THROUGH: Andy Granger, Deputy City Manager

FROM: Chris M. Jacques, AICP, Planning Director

SUBJECT: PUBLIC HEARING - Rezoning, Trellis at Roundtree Ranch, 83rd Avenue and

Olive Avenue (Item 36R, June 19, 2018)

Purpose:

Discussion and possible action to concur with the Planning and Zoning Commission's unanimous recommendation to adopt **ORD. 2018-24A** approving the rezoning of approximately 18.5 acres of property, located at the northeast corner of 83rd Avenue and Olive Avenue by rezoning the existing Planned Area Development (PAD) to the Trellis at Roundtree Ranch Planned Area Development (PAD) zoning to facilitate a mixed-use development containing both multi-family and commercial uses.

Summary:

Introduction:

The applicant is requesting to rezone the property from the existing Planned Area Development to the Trellis at Roundtree Ranch Planned Area Development. This rezoning would facilitate a horizontal mixed-use development that will consist of a 275 unit multi-family complex as well as a future commercial component. The commercial portion of the development will occupy the northeast corner of the 83rd Avenue and Olive Avenue intersection, and extend along the Olive Avenue frontage. The remainder of the development which extends north would be occupied by the multi-family complex.

Directly to the north of the property is the existing Pinecrest residential subdivision. The eastern boundary of the proposed development is occupied by the Roundtree Ranch Subdivision and the City-owned Roundtree Ranch Park. South of the subject site is the Circle K gas station and the Bungalows multi-family development. Just beyond the Bungalows is the City's regional park (Pioneer Park). Across 83rd Avenue to the west, at the hard-corner, is the Diamond Shamrock gas station and the surrounding vacant area which is entitled for multi-family Planned Area Development.

The northern extent of the subject property contains a unique boundary condition with a parcel that is surrounded by the subject property. This adjacent property fronts on 83rd Avenue and is termed the 'out-parcel' in the exhibits of the May 17, 2018 Planning and Zoning Commission staff report. The 'out-parcel' is zoned Office Commercial (O-1); however the 'out-parcel' houses an existing legal non-conforming single-family residence.

The PAD Standards and Guidelines Report identifies site-specific development standards, which are customized to appropriately respond to the context of the surrounding area. There are specific development standard enhancements which include requirements for architectural coordination between the multi-family and commercial portions of the development, themed entry points, shared access points to emphasize walkability between the developments and additional façade articulation.

Analysis of Request:

The proposed mixed-use development conforms to the current land use designation of Old Town Commercial Mixed-Use within the Old Town Specific Area Plan. The Old Town Commercial Mixed-Use designation allows for multi-family (up to 25 dwelling units per acre) uses in addition to the commercial designation. In this case, the development will not only integrate the architecture, but also access and themed entry points for vehicles and pedestrians between the commercial and multi-family uses (horizontal integration). The proposed density of 15 dwelling units per acre for the multi-family component is well below the maximum of 25 dwelling units per acre allowed under the Old Town Commercial Mixed-Use designation.

On May 17, 2018, the Planning & Zoning Commission voted 5-0 to recommend approval of this request. There was one speaker in opposition to the case. The speaker was the same individual that provided the letter of opposition.

Out-Parcel Concerns:

The individuals who spoke in opposition to the subject case live at the property termed the 'out parcel'. The concerns identified referenced the context with the proposed development. The stated concerns were regarding noise and light transmission from the proposed development to the 'out parcel', and the feel of being located within the parking lot of the multi-family development. The opposition also indicated that no substantial discussion took place regarding the purchase of the 'out-parcel' to prevent the identified impacts.

On June 19, 2018, the City Council continued the subject case to provide time for the applicant to coordinate with the 'out-parcel' in an effort to resolve items of contention identified by the 'out-parcel'.

Resolution:

At the time of this report, a meeting was scheduled between the applicant for the subject development as well as the individuals in opposition who reside at the out parcel. Discussions as requested by City Council will occur prior to the August 14, 2018 City Council meeting; the results of which will be discussed at the meeting.

If the property ownership for the 'out parcel' and the applicant reach an agreement on the purchase of the 'out parcel' the property could be incorporated into the proposed development by stipulation of the City Council.

If the property ownership for the 'out parcel' and the applicant do not reach an agreement on the sale of the 'out parcel', staff will be proposing a new stipulation addressing the boundary condition adjacent to the 'out-parcel.' The condition will be identified at the City Council meetings and is anticipated to include the elimination of parking stalls and parking canopies immediately surrounding the 'out parcel' to the south and east in favor of a landscape buffer width increase to 25 feet immediately surrounding the 'out parcel'.

Previous Actions/Background:

- On May 17, 2018, the Planning & Zoning Commission held a public hearing on this case.
 The Commission unanimously recommended approval of this request. There was one
 speaker present on this case. Information regarding the speakers comments is discussed
 within the Summary section of this memo.
- On June 19, 2018 the City Council held a public hearing on this case. There were two speakers present from the same household in opposition to this request. After deliberation, the City Council voted 5-1 to carry this case over to the August 14, 2018 City Council meeting.

Options:

- A: Approve as recommended by the Planning & Zoning Commission; or
- **B:** Approve with modifications; or
- C: Deny; or
- D: Continue action to a date certain or indefinitely; or
- **E:** Remand to the Planning & Zoning Commission for further consideration.

Staff Recommendation:

APPROVE as recommended by Staff and the Planning & Zoning Commission.

or

APPROVE as recommended by Staff and the Planning & Zoning Commission except as modified by stipulation at the City Council Meeting to allow for modification of the PAD as stipulated.

This is a request for City Council to adopt an Ordinance rezoning 18.5 acres of land located at the northeast corner of 83rd Avenue and Olive Avenue by rezoning the existing Planned Area Development (PAD)

entitlement to the Trellis at Roundtree Ranch Planned Area Development (PAD) District.

Fiscal Analysis:

There is no direct fiscal impact associated with this request.

ATTACHMENTS:

Exhibit 1 - Vicinity Map

Exhibit 2 - 6/19/18 City Council Communication

Exhibit 3 - 5/17/18 Planning and Zoning Commission Staff Report

Exhibit 4 - Draft Ordinance

Contact Name and Number:

Chris M. Jacques, AICP, Planning Director (623) 773-7609 Cody Gleason, Senior Planner (623) 773-7645

Vicinity Map



Z17-33 Trellis at Roundtree Ranch

Applicant: Withey Morris on behalf of Evergreen Development

Request: Rezone the subject site from the existing 83rd Avenue and Olive Mixed-Use Development PAD to the Trellis at Roundtree Ranch PAD. The new PAD would allow for commercial at the arterial corner and a 275 unit apartment complex on the remainder of the site.

Location: Northeast corner of 83rd Avenue and Olive Avenue.

Exhibit 1



CITY OF PEORIA, ARIZONA COUNCIL COMMUNICATION

Date Prepared: 5/22/2018 Council Meeting Date: 6/19/2018

TO: Jeff Tyne, City Manager

THROUGH: Andy Granger, Deputy City Manager

FROM: Chris M. Jacques, AICP, Planning Director

SUBJECT: PUBLIC HEARING - Rezoning, Trellis at Roundtree Ranch, 83rd Avenue and Olive Avenue

Purpose:

Discussion and possible action to concur with the Planning and Zoning Commission's unanimous recommendation to adopt **ORD. 2018-24** approving the rezoning of approximately 18.5 acres of property, located at the northeast corner of 83rd Avenue and Olive Avenue by rezoning the existing Planned Area Development (PAD) to the Trellis at Roundtree Ranch Planned Area Development (PAD) zoning to facilitate a mixed-use development containing both multi-family and commercial uses.

Summary:

Introduction:

The applicant is requesting to rezone the property from the existing Planned Area Development to the Trellis at Roundtree Ranch Planned Area Development. This rezoning would facilitate a horizontal mixed-use development that will consist of a 275 unit multifamily complex as well as a future commercial component. The commercial portion of the development will occupy the northeast corner of the 83rd Avenue and Olive Avenue intersection, and extend along the Olive Avenue frontage. The remainder of the development which extends north would be occupied by the multi-family complex.

Directly to the north of the property is the existing Pinecrest residential subdivision. The eastern boundary of the proposed development is occupied by the Roundtree Ranch Subdivision and the City owned Roundtree Ranch Park. South of the subject site is the Circle K gas station and the Bungalows multi-family development. Just beyond the Bungalows is the City's regional park (Pioneer Park). Across 83rd Avenue to the west, at the hard-corner, is the Diamond Shamrock gas station and the surrounding vacant area which is entitled for multi-family Planned Area Development.

The northern extent of the subject property contains a unique boundary condition with a parcel that is surrounded by the subject property. This adjacent property fronts on 83rd Avenue and is termed the "out-parcel" in the exhibits of the 5/17/18 Planning and Zoning Commission staff report. The out-parcel is zoned Office Commercial (O-1); however the out-parcel houses an existing legal non-conforming single-residence.

The PAD Standards and Guidelines Report identifies site-specific development standards, which are customized to appropriately respond to the context of the surrounding area. There are specific development standard enhancements which include requirements for architectural coordination between the multi-family and commercial portions of the development, themed entry points, shared access points to emphasize walkability between the developments and additional façade articulation.

Related History:

The current zoning for the site was established in 2006 as the 83rd Avenue and Olive Avenue Mixed-Use Planned Area Development (PAD) Zoning District. The existing Planned Area Development was intended to facilitate a vertically-integrated office / retail, and multi-family mixed-use development. There was a wide variety of uses contemplated at the time of the current entitlement. As a result the proposed development requires rezoning to a new PAD rather than an amendment of the existing PAD. The proposed PAD would allow for horizontally-integrated mixed-use.

General Plan Conformance:

The subject property is located within the Old Town Specific Area Plan ("Old Town SAP"). Like the Peoria General Plan, the purpose of a Specific Area Plan (or SAP) is to act as a strategic long-range planning tool. More specifically, the SAP allows additional refinement to the otherwise broad-based policies and General Plan land use designations for a defined area. For example, the Peoria General Plan land use designations can be further defined within the SAP through the use of narrowing the allowed density/intensity ranges for a particular area in order to achieve the desired character, or better respond to specific environmental conditions

Within the Old Town SAP, the subject site is designated as Old Town Commercial Mixed-Use. The purpose of the Old Town Commercial Mixed Use category is to allow the development of office, business, and retail uses that attract vehicular, public transit, and pedestrian users along with integrated medium to high-density residential uses. Residential uses (densities of up to 25 units per acre) are permitted by right when vertically or horizontally integrated with commercial uses. Horizontally integrated residential uses should be located away from the street frontage, primarily as buffers for adjacent lower density residential development. In accordance with the SAP, buildings should not exceed 48 feet (4 stories) in height.

Analysis of Request:

The proposed mixed-use development conforms to the current land use designation of Old Town Commercial Mixed-Use within the Old Town Specific Area Plan. The Old Town Commercial Mixed-Use designation allows for multi-family (up to 25 dwelling units per acre) uses in addition to the commercial designation. In this case, the development will not only integrate the architecture, but also access and themed entry points for vehicles and pedestrians between the commercial and multi-family uses (horizontal integration). The proposed density of 15 dwelling units per acre for the multi-family component is well below the maximum of 25 dwelling units per acre allowed under the Old Town Commercial Mixed-Use designation.

The enhancements and standards for the proposed PAD provide context appropriate enhancements to various elements of the proposed development. These enhancements are focused on ensuring compatibility with the surrounding environment and incorporating elements that convey the intent of the Old Town land use designation.

In an effort to draw the development towards the street to reflect the design intent of the Old Town Commercial Mixed-Use land use category, the development would reduce the required street frontage landscaping area from 15 feet in width to 10 feet. Additionally, architectural requirements provide for the buildings to step back three story elements. This allows the closer proximity buildings along the street to accommodate a more pedestrian scaled architectural vocabulary.

To prevent concerns regarding possible sight lines or larger structures imposing on the surrounding single-family homes, the proposed standards increase the required setback between single-family and multi-family from 20 feet to 50 feet. The 2 story carriage units that are positioned near the boundaries of the development require clerestory windows (windows that allow light, but prevent vantage points from the interior) for the facades facing or containing vantage points that are directed towards single-family residential.

Special care was taken to address the unique boundary condition that exists adjacent to the area termed the "out-parcel" (Exhibit A). This "out-parcel" is zoned Office Commercial (O-1), which would allow uses in compliance with the O-1 Zoning District; however, the property currently contains a legal non-conforming single-family residential home. As a result of the unique property division and use of the area termed the "out-parcel", the PAD was tailored to enhance screening around this property. This additional screening requires a minimum 36-inch box tree adjacent to this parcel to aid with screening and preventing site lines.

The proposed PAD provides a surplus of amenities to accommodate future residents. Multi-family developments of this size would be required to contain 6 amenities, and a second pool. The proposed PAD calls for 11 community amenities that are in addition to the outdoor courtyards located throughout the multi-family portion of the development. These amenities include items such as a pool and Jacuzzi, ramadas, outdoor kitchens with barbeques, an outdoor living room with a gas fireplace, fitness room, a dog park, a social room, an indoor pet wash, a pedestrian connection to the future retail stores, and a pedestrian connection to the adjacent park.

A key component of the proposed development is the relationship between the multi-family portion of the development and the commercial portion. As a result, the PAD provides for a meaningful vehicular and pedestrian connection between the two components. This connection is required with the first phase of the development (multi-family) to ensure that the accessibility between the two uses is established from the beginning.

Public Participation:

As a requirement of the Rezoning application processes, the applicant conducted a neighborhood meeting and provided a Citizen Participation Report detailing the results of the meeting (Exhibit E of the 5/17/18 Planning and Zoning Commission Staff Report).

The applicant notified all property owners within a 600 foot radius of the site and all registered Homeowner's Associations within one (1) mile for the required neighborhood meeting. The meeting was held on February 13, 2018 at 6:00 p.m. at the Peoria Chamber of Commerce.

There were seven (7) neighbors in attendance at the neighborhood meeting in addition to the development team for the multi-family component, and the council assistant for the subject council district.

At the meeting, the applicant presented the details of the proposed project to the attendees. Many of the attendees made general inquiries about the development, including the ownership and management of the community after it is developed, the placement of 2 and 3 story portions of the multi-family, the connection points between the multi-family and commercial portions of the development,

and circulation into and out of the site. One attendee voiced opposition to the project at the meeting.

Staff has received two (2) emails from adjacent property owners (see Exhibit F of the 5/17/18 Planning and Zoning Commission Staff Report). The first letter was received prior to the neighborhood meeting. In the letter, the individual requests more information to address potential concerns regarding the layout of the buildings and improvements adjacent to their property. City staff responded to the individual's inquiry and no further communication was received. A second letter was received subsequent to the neighborhood meeting, and the concerns expressed in the letter were consistent with those expressed at the neighborhood meeting by the same opposing party. Those concerns related to proximity / viewpoints, noise and light pollution, and increased traffic. The concerns and staff evaluation of the concerns are further enumerated within the 5/17/18 Planning and Zoning Commission Staff Report. All concerns identified by the opposition either meet City requirements or will be addressed through the Site Plan review of the subject development.

On May 17, 2018, the Planning & Zoning Commission voted 5-0 to recommend approval of this request. There was one speaker in opposition to the case. The speaker was the same individual that provided the letter of opposition.

Previous Actions/Background:

• On May 17, 2018, the Planning & Zoning Commission held a public hearing on this case. The Commission unanimously recommended approval of this request. There was one speaker present on this case. Information regarding the speakers comments is discussed within the Summary section of this memo.

Options:

- A: Approve as recommended by the Planning & Zoning Commission; or
- B: Approve with modifications; or
- C: Deny; or
- D: Continue action to a date certain or indefinitely; or
- **E:** Remand to the Planning & Zoning Commission for further consideration.

Staff Recommendation:

APPROVE as recommended by Staff and the Planning & Zoning Commission.

This is a request for City Council to adopt an Ordinance rezoning 18.5 acres of land located at the northeast corner of 83rd Avenue and Olive Avenue by rezoning the existing Planned Area Development (PAD) entitlement to the Trellis at Roundtree Ranch Planned Area Development (PAD) District.

Fiscal Analysis:

There is no direct fiscal impact associated with this request. Should the development proceed forward and be constructed, the City would provide infrastructure and operational support.

ATTACHMENTS:

Exhibit 1 - Vicinity Map

Exhibit 2 - 5/17/18 Planning and Zoning Commission Staff Report

Exhibit 3 - Draft Ordinance

Contact Name and Number:

Chris M. Jacques, AICP, Planning Director (623) 773-7609 Cody Gleason, Senior Planner (623) 773-7645



Meeting Date: May 17, 2018

Agenda Item: 5R

Case Name: Z17-33: Trellis at Roundtree Ranch

Case Number(s): Z17-33

General Application Information

Proposal:

A request to rezone the subject site from the existing 83rd Avenue and Olive Mixed-Use Planned Area Development (PAD) zoning district to the proposed Trellis at Roundtree Ranch PAD zoning district.

Location

Northeast corner of 83rd Avenue and Olive Avenue.

Project Acreage:

Approximately 18.5 acres

Applicant:

Withey Morris on behalf of Evergreen Development

Project Description

The applicant is requesting to rezone the property from the existing Planned Area Development to the Trellis at Roundtree Ranch Planned Area Development. This rezoning would facilitate a mixed-use development that will consist of a 275 unit multi-family complex as well as a future commercial component. The commercial portion of the development will occupy the northeast corner of the 83rd Avenue and Olive Avenue intersection and extend along the Olive Avenue frontage. The remainder of the development would be occupied by the multi-family complex.

If approved, the PAD Standards and Guidelines Report provides site-specific development standards that are customized in a manner to better respond to the context of the surrounding area. Specific enhancements to the project include requirements for architectural coordination between the multi-family and commercial portions of the development, themed entry points, shared access points to emphasize walkability between the uses, and additional façade articulation. The proposed multi-family amenity package has been enhanced above typical levels to better serve future citizens rather than relying on existing public facilities in the surrounding area.

Recommendations:

Recommend APPROVAL of Case Z17-33 to the City of Peoria City Council, subject to the conditions identified in the staff report.

ATTACHMENTS:

Description

Staff Report

Exhibit A - Vicinity Map

Exhibit B - Land Use Map

Exhibit C - Zoning Map

Exhibit D - Trellis at Roundtree Ranch PAD Standards and Guidelines Report

Exhibit E - Citizen Participation Report

Exhibit F - Letters of Inquiry / Opposition

BACKGROUND

Context

The subject property consists of a vacant site of approximately 18.5 acres, which is generally located at the northeast corner of 83rd Avenue and Olive Avenue (Exhibit A). The site is located south of the Pinecrest subdivision and immediately west of the Roundtree Ranch subdivision and the Roundtree Ranch neighborhood park (city park). The property is bounded on the west and south sides by 83rd Avenue and Olive Avenue respectively. Directly to the south of the property has seen recent significant investment along Olive Avenue with the completion of Pioneer Community Park, Circle K, and the Bungalows multi-family development.

General Plan

The subject property is located within the Old Town Specific Area Plan ("Old Town SAP"). Like the Peoria General Plan, the purpose of a specific area plan (or SAP) is to be a strategic long-range planning tool. More specifically, the SAP allows additional refinement in implementing the otherwise broad-based policies and General Plan land use designations for a defined area. For example, the Peoria General Plan land use designations can be further defined within the SAP through the use of narrowing the allowed density/intensity ranges for a particular area in order to achieve the desired character, or alternatively to better respond to specific environmental conditions.

Within the Old Town SAP, the subject site is designated as Old Town Commercial Mixed-Use. The purpose of the Old Town Commercial Mixed Use category is to allow the development of office, business, and retail uses that attract vehicular, public transit, and pedestrian users along with integrated medium to high-density residential uses. In this instance, residential uses (densities of up to 25 units per acre) are permitted by right when vertically or horizontally integrated with commercial uses. Horizontally integrated residential uses should be located away from the street frontage, primarily as buffers for adjacent lower density residential development. Residential uses should not exceed 50 percent of the ground floor building space per lot or parcel. Architecturally enhanced parking structures that incorporate street level office, business, or community uses are encouraged. Old Town Commercial Mixed-Use areas located at the intersections of collector or local streets should consist of uses designed to serve the local neighborhood. Buildings should not exceed 48 feet (4 stories) in height.

Zoning

The current zoning for the site was established in 2006 and consists of a Planned Area Development that envisioned a vertically integrated mixed-use with both multi-family residential, and non-residential uses. The proposed development contained a mixture of office and retail uses on the ground floor and residential units for the upper floors. The PAD also contemplated residential condominiums around the boundaries of the development. The format intended by the existing Planned Area Development displays a concept that has shown a lack of ability to develop over the last 10+ years (Exhibit C).

Adjacent Uses and Zoning

Tables 1 and 2 summarize the existing land use, general plan and zoning designations for the surrounding areas, which are also illustrated in Exhibits B and C.

Table 1 – Existing Land Use and Adjacent Ownership Table

	Existing Land Use	Development Project / Agency
North	Single-Family residential	Pinecrest Subdivision
South	Multi-Family Residential and Gas Station/Convenience Store	The Bungalows Multi-Family and Circle K
East	Single-Family Residential	Roundtree Ranch Subdivision
West	Vacant Land	Colonial 83 rd & Olive (Multifamily Development)

Table 2 - General Plan Land Use and Zoning

	General Plan Designation	Zoning
North	Old Town SAP Medium Density Residential (5-18 du/ac)	Madison Estates Planned Area Development (PAD)
South	Business Park Industrial & Medium- High Density Residential (8-15 du/ac)	Intermediate Commercial (C-2) and The Bungalow at Olive Planned Area Development (PAD)
East	Old Town SAP Medium Density Residential (5-18 du/ac) and Old Town SAP Park/Open Space	Roundtree Ranch Planned Area Development (PAD)
West	Old Town SAP Medium-High Density Residential (18-25) and Old Town SAP Commercial Mixed Use	Intermediate Commercial (C-2) Colonial 83rd & Olive Planned Area Development (PAD)

Land Use and Zoning History

On October 17, 2006, the Mayor and City Council adopted *Ordinance 06-38* rezoning the approximately 18.5 acres that comprise the subject site. The rezoning request changed the zoning from Office Commercial (O-1) and Intermediate Commercial (C-2), to the existing 83rd Avenue and Olive Mixed-Use Planned Area Development (PAD).

APPLICANT'S PROPOSAL

Goal/Purpose of Request

The applicant is requesting to rezone the property from the existing Planned Area Development to the Trellis at Roundtree Ranch Planned Area Development. This rezoning would facilitate a mixed-use development that will consist of a 275 unit multi-family component as well as a commercial component. The commercial portion of the development is proposed to occupy the northeast corner of the 83rd Avenue and Olive arterial intersection and extend along the Olive Avenue frontage. The remainder of the development would be occupied by the multi-family component. The layout demonstrates the intended congruency of uses stated within the Old Town Specific Area Plan for the Old Town Commercial Mixed-Use designation.

The PAD Standards and Guidelines Report identifies site-specific development standards, which are customized to appropriately respond to the context of the surrounding area. There are specific development standard enhancements which include requirements for architectural coordination between the multi-family and commercial portions of the development, themed

PLANNING COMMISSION REPORT | TRELLIS AT ROUNDTREE RANCH (Z17-33)

entry points, shared access points to emphasize walkability between the developments and additional façade articulation.

Development Information

Existing Use: Vacant

Proposed Use Mixed-Use (Multi-Family & Commercial)

Property Size: Approximately 18.5 acres

DISCUSSION AND ANALYSIS

General Plan Land Use

The proposed mixed-use development conforms to the current land use designation of Old Town Commercial Mixed-Use within the Old Town Specific Area Plan. As mentioned previously, the Old Town Specific Area Plan functions as refinement of the General Plan for the Old Town area, which includes the subject site. The Old Town Commercial Mixed-Use designation allows for multi-family uses in addition to the commercial designation. Multi-family densities within this designation are permitted to extend up to 25 dwelling units per acre, when vertically or horizontally integrated with commercial uses. In this case, the development will not only integrate the architecture, but also access and themed entry points for vehicles and pedestrians between the commercial and multi-family uses (horizontal integration).

PAD Standards Analysis

The standards for the proposed PAD identify context appropriate enhancements to the landscaping and border conditions for the proposed development. These enhancements are focused on ensuring compatibility with the surrounding environment.

In an effort to draw the development towards the street to reflect the design intent of the Old Town Commercial Mixed-Use land use category, the development has reduced the required street frontage landscaping area from 15 feet in width to 10 feet. This serves to draw the development towards the pedestrian rather than providing a large buffer that deters pedestrian activity and interaction. Additionally, there are architectural requirements that provide for the buildings to step back the three story elements, which allow the closer proximity buildings along the street to accommodate a more pedestrian scaled architectural vocabulary.

The proposed PAD identifies a reduction in the landscape buffer width between the subject site and the adjacent developments from 20 feet to 7 feet. To accommodate this reduction in width, the proposed standards require an approximately 66% increase in the number of trees per 1,000 square feet. Additionally, to prevent concerns regarding possible sight lines or larger structures imposing on the surrounding single-family homes, the proposed standards increase the required setback between single-family and multi-family from 20 feet to 50 feet. The 2 story carriage units that are positioned near the boundaries of the development require clerestory windows (windows that allow light, but prevent vantage points from the interior) for the facades facing or containing vantage points that are directed towards single-family residential.

There is a unique boundary condition that exists with the area termed the "out parcel" (Exhibit A). This "out parcel" is zoned Office Commercial (O-1), which would allow uses in compliance with the O-1 Zoning District; however, the property currently contains a legal non-conforming

single-family residential home. As a result of the unique property division and use of the area termed the "out parcel", the PAD was tailored to enhance screening around this property. This additional screening requires a minimum 36-inch box tree adjacent to this parcel to aid with screening and preventing site lines.

Typical Design Review Manual requirements call for a multi-family development of this size to contain 6 amenities, and a second pool. The proposed PAD calls for 11 community amenities that are in addition to the outdoor courtyards located throughout the multi-family portion of the development. These amenities include items such as a pool and Jacuzzi, ramadas, outdoor kitchens with barbeques, an outdoor living room with a gas fireplace, fitness room, a dog park, a social room, an indoor pet wash, a pedestrian connection to the future retail stores, and a pedestrian connection to the adjacent park.

A key component of the proposed development is the relationship between the multi-family portion of the development and the commercial portion. As a result, the PAD provides for a meaningful vehicular and pedestrian connection between the two components. This connection is required with the first phase of the development (multi-family) to ensure that the accessibility between the two uses is established from the beginning.

The PAD identifies uses in accordance with the Multi-Family Residential (RM-1) and Intermediate Commercial (C-2) Zoning Districts as delineated in Exhibit C of the PAD Standards and Guidelines Report.

Zoning Findings

It is staff's assessment that the proposed PAD creates a development form that is appropriate for the context of the area and is consistent with the current land use designation of the site. As proposed, the mixed-use development should complement the existing development and character of the area, while the elevated design standards will enhance the aesthetics of the area. Further, the proposed development would initiate a logical development pattern and transition from the existing environment.

Traffic

The degree and intensity of permitted driveway accesses to and from the site with respect to Olive and 83rd Avenues will be in line with the conceptual site plan and phasing plan contained within the PAD. Minor modifications may be approved by the Traffic Engineering Division during the Site Plan review process to determine appropriate traffic movements and access points. Based upon the information provided, the site is anticipated to allow the following movements:

Full Access

- The easternmost driveway on Olive Avenue. This driveway will provide access to the commercial site as well as the multi-family site.
- The only driveway in to the multi-family portion of the development from 83rd Avenue.

• Right-In, Right-Out

 The westernmost driveway on Olive Avenue in to the commercial portion of the development. o The only driveway in to the commercial portion of the development from 83rd Avenue.

Water/Sewer

Water and sewer facilities exist adjacent to the site and have available capacity to serve the proposed commercial use on the property. Accordingly, the site will be required to tie into the adjacent water and sewer services.

Public Safety

There are no anticipated impacts to public safety as a result of this proposal.

Peoria Unified School District

The City of Peoria has received a letter from the Peoria Unified School District which states that the developer of the subject site, and the school district are diligently working together to finalize the Developer Assistance Agreement between the two parties.

Proposition 207

The applicant has furnished a signed and notarized Proposition 207 Waiver for recordation pending the outcome of the City Council action.

COMMUNITY INVOLVEMENT

Outreach Requirements

As a requirement of the rezoning application processes, the applicant conducted a neighborhood meeting and provided a Citizen Participation Report detailing the results of the meeting (Exhibit E).

The applicant notified all property owners within a 600-foot radius of the site and all registered Homeowner's Associations within one (1) mile for the required neighborhood meeting. The meeting was held on February 13, 2018 at 6:00pm at the Peoria Community Center. There were seven (7) neighbors in attendance in addition to the developer for the multi-family portion of the site, and the council assistant for the subject district as well.

At the meeting, the applicant presented the details of the proposed project to the attendees. Many of the attendees made general inquiries about the development, including the ownership and management of the community after it is developed, the placement of 2 and 3 story portions of the multi-family, the connection points between the multi-family and commercial portions of the development, and circulation into and out of the site. One attendee voiced opposition to the project at the meeting. That individual then provided a written letter of concern to staff, which has been attached to this report (see Exhibit F) and is described in further detail below.

Public Noticing

Public notice was provided in the manner prescribed under Section 21-315 of the City of Peoria City Code. Posting of the site was completed within the prescribed number of days prior to the Public Hearing.

Support / Opposition

At the time of this writing, Staff has received two (2) emails from adjacent property owners (see Exhibit F). The first letter was received prior to the neighborhood meeting. In the letter, the individual requests more information to address concerns regarding the layout of the buildings and improvements adjacent to their property. City staff responded to the individual's inquiry and no further communication was received.

A second letter was received subsequent to the neighborhood meeting, and the concerns expressed in the letter were consistent with those expressed at the neighborhood meeting by the opposing party. Those concerns are summarized below, and staff's response is provided in italics.

- Proximity of the 2nd and 3rd story buildings adjacent to the out parcel, and viewpoints from those buildings into their property.
 - As mentioned previously, the sightlines from the proposed buildings into the out parcel have been obscured through the use of mature landscaping. More specifically, 36-inch box trees are proposed along the common boundary between the two parcels. Additionally, the applicant is proposing a minimum building setback of 50 feet instead of the typical 30 feet to address the property owner's concerns regarding building proximity to the "out parcel".
- Noise and light pollution from the adjacent parking areas.
 - The "out parcel" is currently being used as a single-family residence, which is considered a legal non-conforming use. Moreover, the "out parcel" has been zoned and anticipated to be used for office space since 1985. Based on the existing zoning standards, the parking areas for both properties would typically be located in close proximity to their respective property lines, so long as the projects meet or exceed the city's landscape and screening requirements. As discussed previously, the landscape screening has been significantly increased in the area of concern. Likewise, lighting will be fully-shield to ensure no light trespass onto the "out parcel" will occur. Lastly, all projects are required to maintain compliance with the noise regulations within the City Code.
- Concerns with increased traffic.

The City's Traffic Engineering Division has reviewed the application for consistency with the City's policies and traffic management requirements. Minor adjustments to the property's access ways made be required as the project continues to move through the development process and additional engineering occurs. While minor adjustments may be required, the existing PAD zoning for the property contemplated the construction of a mixed-use community at the subject location, and the proposed development is similar in nature.

STAFF RECOMMENDATION

Based on the following findings:

- The proposed rezoning request is in conformance with the goals and objectives set forth in the City of Peoria General Plan and the Old Town Specific Area Plan, which designates the land use for the subject site as Old Town Commercial Mixed-Use; and
- The rezoning request will better reflect the development needs of the area while accounting for the existing built environment.

Staff recommends that the Planning and Zoning Commission make the following recommendation to City Council:

Approval of Case Z17-33 to the City Council, subject to the stipulations contained below:

- 1. The development shall conform in all material respects to the *Trellis at Roundtree Ranch Planned Area Development Standards and Guidelines Report*, (case Z17-33) dated 5/3/18.
- 2. All site layout and specifics contained within the Planned Area Development Standards and Guidelines Report, aside from specified development standards, are only conceptual and intended to represent potential development on the site in accordance with the prescribed standards.
- 3. To the extent possible with any necessary approval from the Pinecrest Home Owners Association (north of the subject site), the Developer shall provide a chain preventing vehicular access between the subject site and the Pinecrest subdivision to the north. Any such chain or lock shall be in accordance with Fire Department, and Public Works Department access requirements to provide necessary emergency and or maintenance access through the area.
- 4. The development shall comply with all applicable City of Peoria Infrastructure Design Guidelines and City Codes at the time of development.
- 5. The project shall connect to reclaimed water for all landscaping.
- 6. The Developer will be responsible to underground any overhead utilities rated less than 69 kV, which are adjacent to the site.
- 7. The commercial portion of the development shall be limited to a maximum of two driveways on Olive Avenue. Access may be restricted at each driveway.
- 8. The Developer shall dedicate 75' ROW along the frontage of the project on Olive Avenue and 83rd Avenue within 500' of the intersection. After 500', the Developer shall dedicate 65' of ROW.
- 9. The Developer shall dedicate an 8' PUE outside of the required ROW. No walls, trees, or retention shall be allowed within the PUE.
- 10. The Developer shall dedicate a 30-foot-by-30-foot ROW chamfer at all arterial intersections.
- 11. The Developer shall construct the right turn deceleration lanes at all of the project's Olive Avenue and 83rd Avenue driveways, and at the intersection of Olive Avenue and 83rd Avenue along with the associated signal improvements. The improvements will be required before any phase of the project opens (multifamily or commercial).
- 12. The Developer shall relocate the bus stop and bus shelter on 83rd Avenue and construct the associated improvements. The location shall be coordinated with

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the Engineering and Public Works departments. The improvements will be required before any phase of the project opens (multi-family or commercial).

- 13. The Developer shall construct the third westbound lane along the project's Olive Avenue frontage. The third westbound lane will be required with the commercial phase of the project.
- 14. The final number of fire hydrants and their spacing is determined by the largest building size and the type of construction. All fire hydrants shall be in accordance with Fire Department requirements at the time of Site Plan and Building Permit review.

REPORT PREPARED BY

Cody Gleason Senior Planner 623-773-7645 Cody.Gleason@peoriaaz.gov

Exhibit A – Vicinity Map

Exhibit B - Land Use Map

Exhibit C – Zoning Map

Exhibit D - Trellis at Roundtree Ranch PAD Standards and Guidelines Report

Exhibit E – Citizen Participation Report

Exhibit F – Letters of Inquiry / Opposition

Vicinity Map



Z17-33 Trellis at Roundtree Ranch

Applicant: Withey Morris on behalf of Evergreen Development

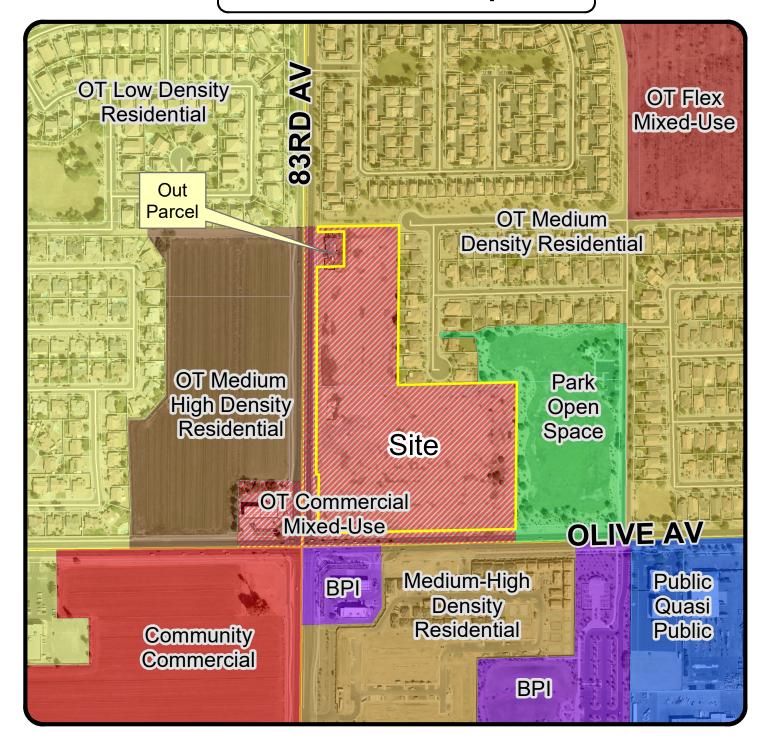
Request: Rezone the subject site from the existing 83rd Avenue and Olive Mixed-Use Development PAD to the Trellis at Roundtree Ranch PAD. The new PAD would allow for commercial at the arterial corner and a 275 unit apartment complex on the remainder of the site.

Location: Northeast corner of 83rd Avenue and Olive Avenue.

Exhibit A



Land Use Map



Z17-33 Trellis at Roundtree Ranch

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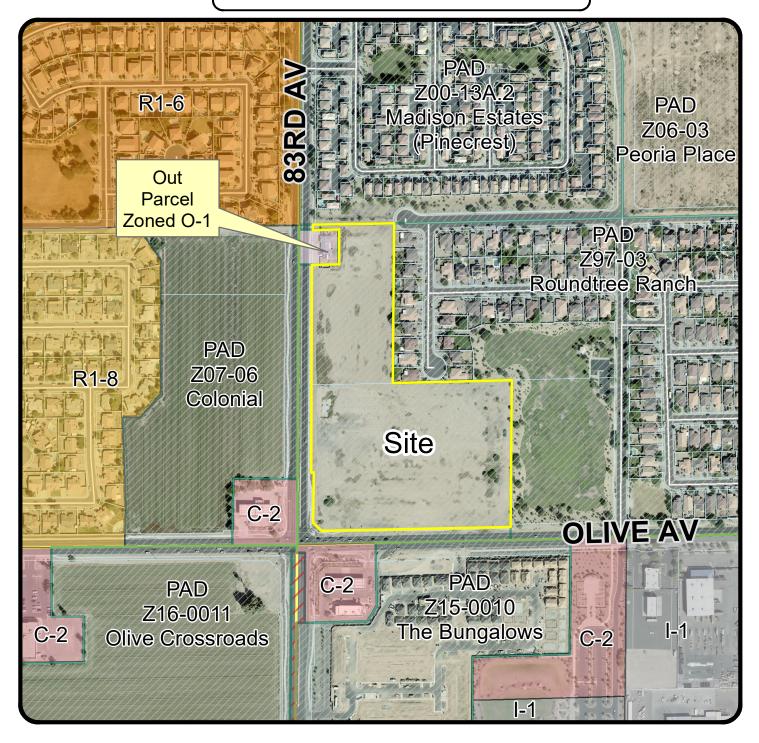
Request: Rezone the subject site from the existing 83rd Avenue and Olive Mixed-Use Development PAD to the Trellis at Roundtree Ranch PAD. The new PAD would allow for commercial at the arterial corner and a 275 unit apartment complex on the remainder of the site.

Location: Northeast corner of 83rd Avenue and Olive Avenue.

Exhibit B



Zoning Map



Z17-33 Trellis at Roundtree Ranch

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Request: Rezone the subject site from the existing 83rd Avenue and Olive Mixed-Use Development PAD to the Trellis at Roundtree Ranch PAD. The new PAD would allow for commercial at the arterial corner and a 275 unit apartment complex on the remainder of the site.

Location: Northeast corner of 83rd Avenue and Olive Avenue.

Exhibit C



TRELLIS AT ROUNDTREE RANCH

Planned Area Development Standards and Guidelines Report for the Northeast corner of 83rd Avenue and Olive Avenue



Prepared by Withey Morris, PLC

1st Submittal: December 21, 2017 2nd Submittal: March 15, 2018 3rd Submittal: April 11, 2018

Zoning Case No. Z17-33

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Building Setback Exhibit	Exhibit F
Landscape Plan	Exhibit G
Phasing Plan	Exhibit H



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A. PURPOSE AND INTENT

The Trellis at Roundtree Ranch PAD zoning request is for a total 18.51 gross/15.37 net-acre site ("Property) located at the northeast corner of 83rd Avenue and Olive Avenue. This PAD will enable this long-standing vacant property to be developed with a mix of uses including luxury apartment residences, which will add to the diversity of attractive housing options that are available in the area given the Property's close proximity to major arterials and the US 60 and Loop 101 Freeway corridor. The commercial retail on the balance of the Property will also attract those who want to work in close proximity to a wide variety of housing choices and services. Those who live here will have convenient access to public amenities including community open spaces/parks, schools, local/regional shopping areas and public transportation.

This Planned Area Development ("PAD") request is an amendment to the current PAD zoning overlay that the City of Peoria ("City") approved in late 2006 for a similar type of mixed-use development, which included integrated commercial uses and condominium residences. This request also seeks to refine the approved PAD zoning designation with consistent architectural design elements and development regulations for the project's future commercial retail users and a 275-unit luxury apartment home community. The entire project will be designed in a pedestrian-friendly manner with careful consideration given to landscaped streetscapes with mature trees, strategic building orientation, engaging open spaces/amenities and thoughtful connections that create a permeable boundary between the commercial and residential portions of the project.

B. SITE CONDITIONS AND ZONING

The vacant 'L-shaped' Property is comprised of two (2) vacant parcels (APN: 142-15-002C and 142-15-003E) at the northeast corner of 83rd Avenue and Olive Avenue. This is a mixed use development that accommodates a 6.37 gross/4.52 net acre retail parcel along Olive Avenue and a 12.14 gross/10.85 net acre residential project that is located north of the retail area, just south of the Hatcher Road alignment. See **Exhibit A**, Aerial Map; **Exhibit B**, Legal Descriptions for the Property.

C. LAND USES

The permitted principal, conditional and accessory uses shall be as designated by **Exhibit C**, the Parcel Use Map. Parcel 1 (Multi-family) allows for uses in accordance with the RM-1 Zoning District within the City of Peoria Zoning Ordinance. Parcel 2 (Commercial) allows for uses in accordance with the C-2 Zoning District within the City of Peoria Zoning Ordinance.



D. DESIGN CONCEPT

Overall Design Concept

The intent of the mixed-use development is to provide convenient retail services to the residents in the neighborhood; bring employment and new commercial opportunities to the immediate area and provide additional housing choices for the area. It is the desire of this mixed-use development to encourage interaction of the uses and design between the retail and residential components of the project by utilizing common architecture, landscape elements, and pedestrian linkage between the uses. The development shall comply with all applicable City of Peoria Zoning Ordinance and Design Review Manual standards except as modified within this document. See Exhibit D, Conceptual Site Plan.

Commercial

The non-residential portion of the subject development located at the northeast corner of 83rd Avenue and Olive Avenue shall have a desert appropriate architectural character. Since the major land use of this community is residential, the non-residential development shall be in scale and compatible with the residential use. The non-residential portion of the development shall create a lively and exciting space; welcoming the connected residents to the north as well as from the surrounding neighborhood. The commercial architecture shall have the following elements:

- 1. The buildings shall be designed to have four sided architecture to ensure that the architectural concept is articulated on all sides of the buildings.
- 2. Design emphasis shall be placed on the sides of the buildings facing the streets.
- 3. The walls of the buildings shall have articulation both vertically and/or at minimum every 50-feet horizontally to avoid any monotony and to create architectural interest. This shall include variation in roof lines and form, use of covered areas, use of protected / covered or recessed entries to the building.
- 4. The building elevations facing the street shall include elements like windows, canopies, awnings, trellis, arcade or towers.
- 5. Roofs shall have sloped elements in combination with a flat roof or, part of the elevation shall include sloping roof elements at the entrance and corners of the buildings or over the patios.
- 6. The building materials shall include (a combination of at least two materials): painted or stained concrete blocks, stucco, stone facing or cladding.
- 7. The color palette shall be in general conformance with the multi-family portion of this development to the north and only a portion of elevation walls facing the streets shall have a color or material scheme as per the brand or corporate requirement of the user, the extent of which shall be determined by the City during the design review process.
- 8. The parking area along the streets shall be screened with a screen wall. The height of the screen wall shall be per the city standard and shall have an undulation of minimum 2 feet in depth or a minimum 10 feet break with 4 feet over lapping wall minimum 8 inch apart at every 100 feet interval maximum.
- 9. All the buildings in the non residential development shall be subject to the City of Peoria's design review approval. More detailed information, including elevations and floor plans will be provided at the time of site plan review for each commercial end user or parcel.



Residential

Multi-family development shall comply with the Multi-Family section of the City of Peoria Design Review Manual (except where noted below).

SITE DESIGN

Site Layout

The multi-family homes will be organized into buildings that feature staggered facades and offsets to provide visual interest along 83rd Avenue. The buildings are significantly setback from the adjacent Roundtree Ranch Subdivision by locating parking along the east and north property lines. See **Exhibit E**, Line of Sight Exhibits.

Access & Circulation

Pedestrian access from the multi-family residential shall be provided to the existing Roundtree Ranch Park to the east, and the future commercial development to the south, through gates in the perimeter site wall. These access points shall incorporate architectural theming from the development. The project provides for a pedestrian network connecting each building together and to public sidewalks, common areas and adjacent sites when compatible. Further, vehicular access between the residential and commercial shall be provided in the location shown in the conceptual site plan. The development shall provide pedestrian and vehicular access points between the two portions of the development to ensure enhanced interaction between the two portions of the development.

Vehicle circulation and parking are internalized within the multi-family development. Decorative paving materials delineate walk paths when they cross asphalt paved areas. Convenient access to alternative modes of transportation is provided due to the proximity to the intersection and bus stop located at 83rd Avenue and Olive Avenue.

Parking Areas

Carports shall be designed to be compatible with the architectural character of the apartment home buildings.

Project Entry and Character

The primary entry to the residential portion of the project is off 83rd Avenue and is distinguished with a landscape median. The location of the resident clubhouse at the main entry provides an opportunity to showcase a unique architectural feature and set the primary design theme for the development. The main entry will feature decorative site walls, columns and fencing flanking the vehicular entry. Decorative pavers shall be provided at each entrance to the development.

Crime Prevention through Environmental Design

Security will be enhanced through the use of walls, gates and fences, adequate site lighting, and avoidance of blind spots and hiding areas.

Open Space

A variety of active and passive recreational areas and resident amenities will create a close sense of community by bringing residents together. All of these amenities will be designed to engage residents and visitors to share in a variety of recreational activities year-round. The multi-family portion of the development will be a gated community enhanced with several areas for active recreation, and may include (but not be limited to) centralized family amenity areas with outdoor living room and fireplace, tables, bench seating areas and gas BBQ grills, a 5,800+ square-foot clubhouse, with recreational opportunities within the clubhouse (e.g.pool table, ping pong, shuffleboard, etc.) The development will contain a



resort inspired pool and spa and covered Ramada's to encourage residents and families to gather and enjoy the outdoors together.

Passive and active open space is provided to residents in the form of courtyards distributed across the site, as well as the primary pool area at the Clubhouse. BBQ's, benches and shade shall be provided at these courtyards in order to provide a pleasant and comfortable experience.

In lieu of providing a second pool for the multi-family use, the common open space and resident amenities package for the project shall include the following:

- 1. Central pool with deck and covered patio space near the clubhouse
- 2. Jacuzzi spa with ramada and seating areas
- 3. Outdoor kitchens with barbeque grills (total of three)
- 4. Open-space with an acceptable amount of turf
- 5. Outdoor living room with seating areas and gas fire place
- 6. Fitness room
- 7. Dog park
- 8. Social room that will include various indoor recreational opportunities (e.g. a pool table, ping pong, shuffleboard and/or foosball games, or similar activities).
- 9. Indoor pet wash
- 10. Pedestrian connections to the adjacent community park via a pathway and gate
- 11. Pedestrian connection to the future retail stores to the south

Landscaping

Landscaping shall be provided at the base of the buildings to soften the transition between paved areas on the ground plane and vertical building elements. Potted plants, ornamental landscaping and architectural features shall be incorporated to enhance the courtyard and pool area spaces. Flowering trees and shrubs shall be used to define the project entry, and entrances to the courtyard spaces. Project entry points shall include increased and cohesive plant massing's and themed plant species. Each entrance to the development will contain a minumim (2) 20' C.T.H. Palms, (4) 24" Box Tree and (10) 5 Gallon Shrubs.

Lighting

Lighting shall be provided within outdoor spaces to provide visual interest and enhanced security. Decorative accent lighting shall be used to define pedestrian circulation paths and be compatible with the overall architectural design character of the development.

Walls and Fences

Entry wall features and perimeter walls shall be consistent with the overall design theme of the development with specific design enhancements at both pedestrian and vehicular ingress/egress points into the development. Perimeter walls adjacent the community park shall incorporate changes in material to provide visual interest.

Refuse Enclosures

The design of the refuse enclosures shall be compatible with the overall design theme of the development and placed in convenient locations for the residents and ease of service.



Utility and Mechanical Equipment

All utility and mechanical equipment shall be screened from view.

ARCHITECTURAL FORM

Building Mass

The three story buildings feature steps and setbacks in the building massing to minimize the bulk of the buildings. Building design shall incorporate features that enhance the pedestrian experience through the use of ground floor patios and modulation of the building facades. Horizontal facades longer than 30 feet shall be articulated using balconies, patios, and building projections. The façade of the 2-story carriage units along the northern/eastern portion of the Property shall have clerestory windows for facades facing or containing vantage points directed to nearby single family residential.

Fenestration

Unifying architectural elements such as the use of multiple colors, composite siding and metal awnings shall be used to strengthen the fenestration/window pattern across the facades. The window mullions have been designed to enhance the building massing.

Color and Materials

Materials, colors and textures shall be applied to provide variety to the building massing and visually break the elevations into smaller elements. Composite siding shall be used as an accent material and used to define massing elements. Decorative steel balcony railings, gates and fences are used to further articulate the architectural forms of the buildings. Parking canopies shall incorporate the colors of the adjacent buildings and reflect the roof pitch and edge details of the buildings' rooflines..

E. DEVELOPMENT STANDARDS

Development of the Property shall comply with the provisions governed by the Zoning Ordinance (RM-1 standards for the residential portions of the project; C-2 standards for the commercial portions of the project) or other applicable City regulation, unless specifically listed below and in the Development Standards Table. If there are conflicts between specific provisions of this PAD and the applicable City regulation, the terms of this PAD shall apply.



<u>Non-Residential</u>					
Development Standards	PAD Standards				
Maximum Building Height	48 Feet				
Minimum Building Setbacks: Front Setback (83rd Avenue)	Setbacks to match Exhibit F -Setback Exhibit				
Side Setback (Olive Avenue)	Setbacks to match Exhibit F -Setback Exhibit				
Rear Setback	Setbacks to match Exhibit F -Setback Exhibit				
Abutting Multi-Family	0 Feet				
Minimum Landscape Setback and Buffer Width:					
West Street side (83rd Avenue)	10 Feet				
South Street Side (Olive Avenue)	10 Feet				
North Side along Multi-Family Residential Property Line.	0 Feet				
East Side along Park Property Line	20 Feet				

Note: Loading zoning to be 30-feet from Residential property line.



Multi-Family Residential Development Standards PAD Standards Maximum Units Allowed 275 units 15 dwelling units per acre Maximum Density per Gross Acre Maximum Building Height 40 feet Maximum Lot Coverage 50% 83rd Avenue Setbacks to match Exhibit F -Setback Exhibit Setback Minimum Interior **Building Setbacks/** Setbacks to match Exhibit F -Setback Exhibit **Build to Property** Side Yard Setback Lines Setbacks to match **Exhibit F** - Setback Exhibit Rear Yard Setback Stall Dimensions: 8 1/2 ' x 18' 1 Bedroom ratio: 1.5 spaces/unit 2 Bedroom ratio: 2 spaces/unit Minimum Parking 3 Bedroom ratio: 2 spaces/unit Guest Parking: 1 visitor space/10 units Minimum Open Space 150 square-feet per unit Minimum Private Outdoor Space Minimum of 54 square-feet per unit **Bicycle Parking** One bicycle rack per 65 units Minimum Landscape Standards Perimeter Landscape Setback (adjacent 10 -feet to a street) Perimeter Landscape Setback (adjacent 7-feet to a single-family residential use) 5 Trees per 1,000 square-feet of setback **Tree Quantities** Tree Quantity/Size Adjacent to 5 Trees per 1,000 square feet of setback; minimum "Out Parcel" size: 36" Box **Shrub Quantities** Minimum (5) 5-gallon shrubs per required tree



Landscape Palette

Shade trees shall be provided are limited to those specified in the Permitted Shade Tree Table and as shown by **Exhibit G**, Landscape Plan. However, additional types of trees may be approved by City staff. Proposals for additional plant materials may also be reviewed and administratively approved by City staff.

PERMITTED SHADE TREE TABLE (1)					
Botanical Name	Common Name	Minimum Height (Feet)	Minimum Spread (Feet)		
Acacia salicina	Willow Acacia	6' (15 Gal.) 8' (24" Box)	2' (15 Gal.) 4' (24" Box)		
Chitalpa tashkentensis	Chitalpa	6' (15 Gal.) 7' (24" Box)	2' (15 Gal.) 4' (24" Box)		
Fraxinus 'Fan West'	Fan West Ash	7' (15 Gal.) 9' (24" Box)	2' (15 Gal.) 4' (24" Box)		
Pistacia 'Red Push'	Red Push Pistache	7' (15 Gal.) 9' (24" Box)	2' (15 Gal.) 4' (24" Box)		
Quercus virginiana	Southern Live Oak	6' (15 Gal.) 9' (24" Box)	2' (15 Gal.) 4' (24" Box)		
Tabebuia heterophylla	Pink Trumpet Tree	6' (15 Gal.) 7' (24" Box)	2' (15 Gal.) 4' (24" Box)		
Ulmus parvifolia	Chinese Elm	7′ (15 Gal.) 8′ (24″ Box)	2' (15 Gal.) 3' (24" Box)		

^{(1) 50%} required shade trees to be minimum 24" Box.

F. INFRASTRUCTURE

Circulation Overview

The site will be constructed with any necessary off-site improvements and make additional dedications per the City's requirements. Two curbcuts are located along Olive Avenue and one along 83rd Avenue for the non-residential portion of the Development. The residential portion will have one curb cut along 83rd Avenue as depicted on the conceptual site plan. The primary driveway to the multi-family portion of the development is designed to provide a sense of arrival with an array of lush landscaping and hardscape elements that create a "boulevard-like" entrance into the development.

Pedestrian sidewalks shall be provided on either side of the primary entrance which further pedestrian movement from the public street into the interior of the Property. Further, a gated pedestrian and vehicular access point from the multifamily portion into the adjacent non-residential portion of the development shall be provided along the southern boundary



of the site to allow residents immediate access.

Grading and Drainage

The Property will need to be designed and constructed to manage the 100-year onsite runoff. In accordance with current City design guidelines, 100-year, 2-hour retention will be required. The ultimate outfalls for the Property shall be to the adjacent roadway right-of-way, which is consistent with historical drainage patterns. Since the Property will be designed with appropriate drainage controls and storm water retention, and the historic outfalls will be maintained, no adverse impact to downstream properties or infrastructure is expected because of the development.

Water Services

Water service will be provided by the City of Peoria. Since the Project is located on an infill lot, water infrastructure is present and available to serve the Project.

Wastewater Service

Wastewater service for the project will be provided by the City of Peoria. Existing wastewater infrastructure is located in the vicinity.

G. PHASING PLAN

The construction of the project is anticipated to be completed in a phased manner so that the residential community will be built prior to the future retail parcel. It shall also be permitted that the future commercial parcel may also be developed over multiple phases. See, **Exhibit H**, Phasing Plan.



TAB A

Aerial Map



TAB B



December 19, 2017 3 Engineering Job No. 1432

Legal Description For Multi Family Parcel

That portion of the Southwest quarter of the Southwest quarter of Section 26, Township 3 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows;

Commencing at the Southwest corner of said section 26 (brass cap in handhole) from which the West quarter corner of said Section 26 (brass cap flush) bears North 00 Degrees 00 Minutes 00 Seconds East (basis of bearing) a distance of 2638.25 feet;

Thence North 00 Degrees 00 Minutes 00 Seconds East along the West line of said Southwest quarter of the Southwest quarter a distance of 321.85 feet;

Thence North 90 Degrees 00 Minutes 00 Seconds East a distance of 75.00 feet to the POINT OF BEGINNING;

Thence North 00 Degrees 00 Minutes 00 Seconds East parallel with and 75.00 feet East of said West line a distance of 180.50 feet;

Thence North 90 Degrees 00 Minutes 00 Seconds West a distance of 10.00 feet;

Thence North 00 Degrees 00 Minutes 00 Seconds East parallel with and 65.00 feet East of said West line a distance of 653.72 feet;

Thence North 88 Degrees 12 Minutes 36 Seconds East parallel with and 165.00 feet South of the North line of said Southwest quarter of the Southwest quarter a distance of 101.30 feet:

Thence North 00 Degrees 00 Minutes 00 Seconds East parallel with and 166.25 feet East of said West line a distance of 145.07 feet;

Thence South 88 Degrees 12 Minutes 36 Seconds West parallel with and 20.00 feet South of last said North line a distance of 101.30 feet;

Thence North 00 Degrees 00 Minutes 00 Seconds East parallel with and 65.00 feet East of said West line a distance of 20.01 feet to a point on last said North line;

Thence North 88 Degrees 12 Minutes 36 Seconds East along last said North line a distance of 327.48 feet;

Thence South 00 Degrees 00 Minutes 00 Seconds West parallel with and 392.32 feet East of said West line a distance of 659.53 feet to a point on the North line of the South half of said Southwest quarter of the Southwest quarter;

Thence North 88 Degrees 12 Minutes 20 Seconds East along last said North line a distance of 476.38 feet;

Thence South 00 Degrees 00 Minutes 00 Seconds West parallel with and 868.47 feet East of said West line a distance of 340.00 feet to a point on the North line of the South 319.34 feet of said Southwest quarter of the Southwest quarter;

Thence South 88 Degrees 12 Minutes 04 Seconds West parallel with and 319.34 feet North of the South line of said Southwest quarter of the Southwest quarter a distance of 793.86 feet and the POINT OF BEGINNING.

The above described parcel contains 10.849 acres (472,593 sq. ft.)



January 3, 2018 3 Engineering Job No. 1432

Legal Description For Retail Parcel

That portion of the Southwest quarter of the Southwest quarter of Section 26, Township 3 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows;

Commencing at the Southwest corner of said section 26 (brass cap in handhole) from which the West quarter corner of said Section 26 (brass cap flush) bears North 00 Degrees 00 Minutes 00 Seconds East (basis of bearing) a distance of 2638.25 feet;

Thence North 00 Degrees 00 Minutes 00 Seconds East along the West line of said Southwest quarter of the Southwest quarter a distance of 321.85 feet;

Thence North 90 Degrees 00 Minutes 00 Seconds East a distance of 75.00 feet to the POINT OF BEGINNING;

Thence North 88 Degrees 12 Minutes 04 Seconds East parallel with and 319.34 feet North of the South line of said Southwest quarter of the Southwest quarter a distance of 793.86;

Thence South 0 Degrees 00 Minutes 00 Seconds West parallel with and 868.47 feet East of said West line a distance of 254.46 feet:

Thence South 88 Degrees 12 Minutes 04 Seconds West parallel with and 65.00 feet North of said South line a distance of 368.57 feet;

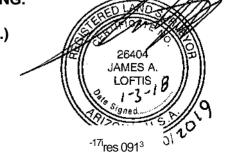
Thence North 1 Degrees 47 Minutes 56 Seconds West a distance of 10.00 feet;

Thence South 88 Degrees 12 Minutes 04 Seconds West parallel with and 75.00 feet North of said South line a distance of 389.97 feet;

Thence North 45 Degrees 53 Minutes 58 Seconds West a distance of 48.71 feet;

thence North 0 Degrees 00 Minutes 00 Seconds East parallel with and 75.00 feet East of said West line a distance of 209.46 feet to the POINT OF BEGINNING.

The above described parcel contains 4.52 acres (197043.20 sq. ft.)



TAB C









TAB D



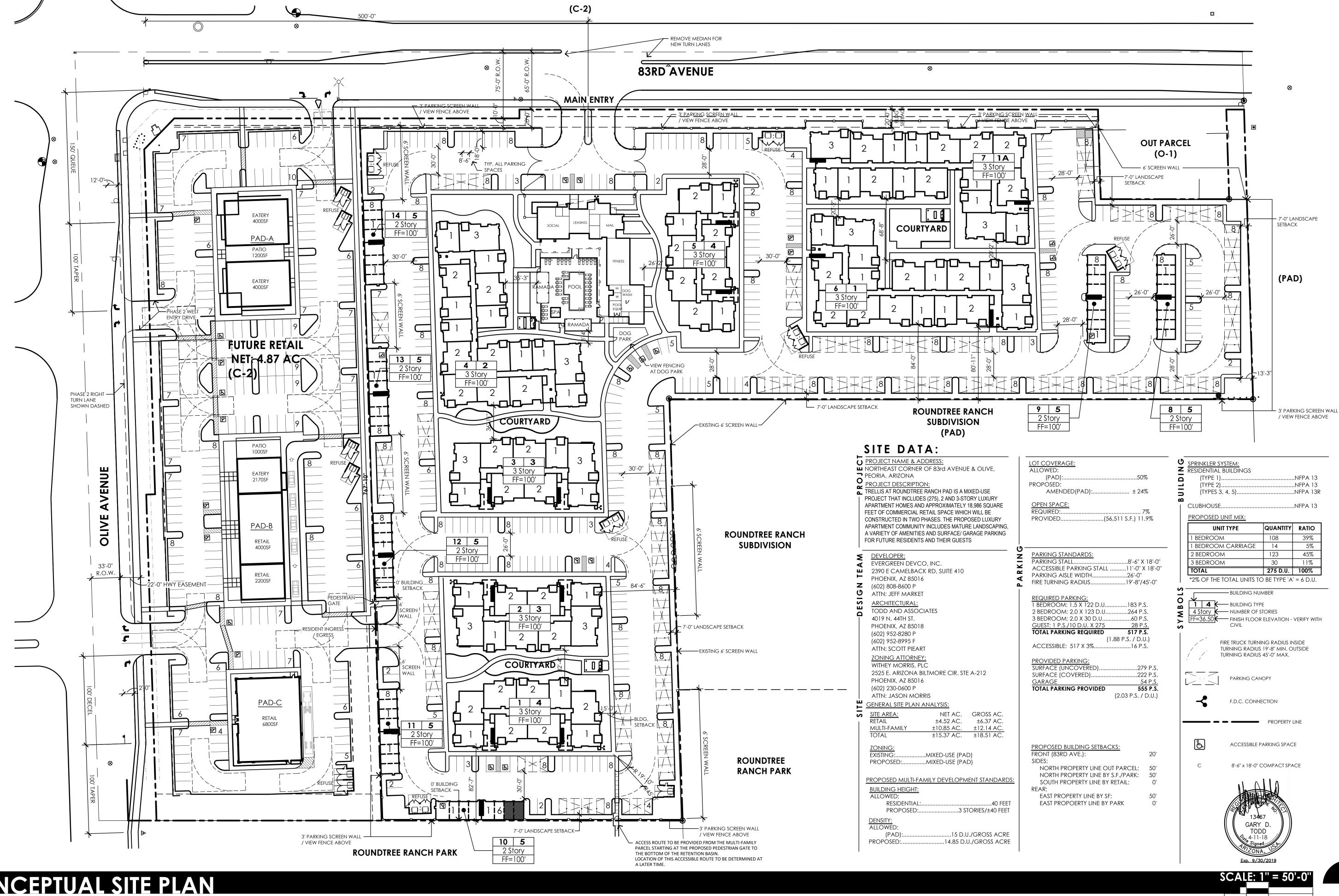
TRELLIS AT ROUNDTREE RANCH



PAD RESUBMITTAL

Project No. 17-2014-02 Date 3-15-18





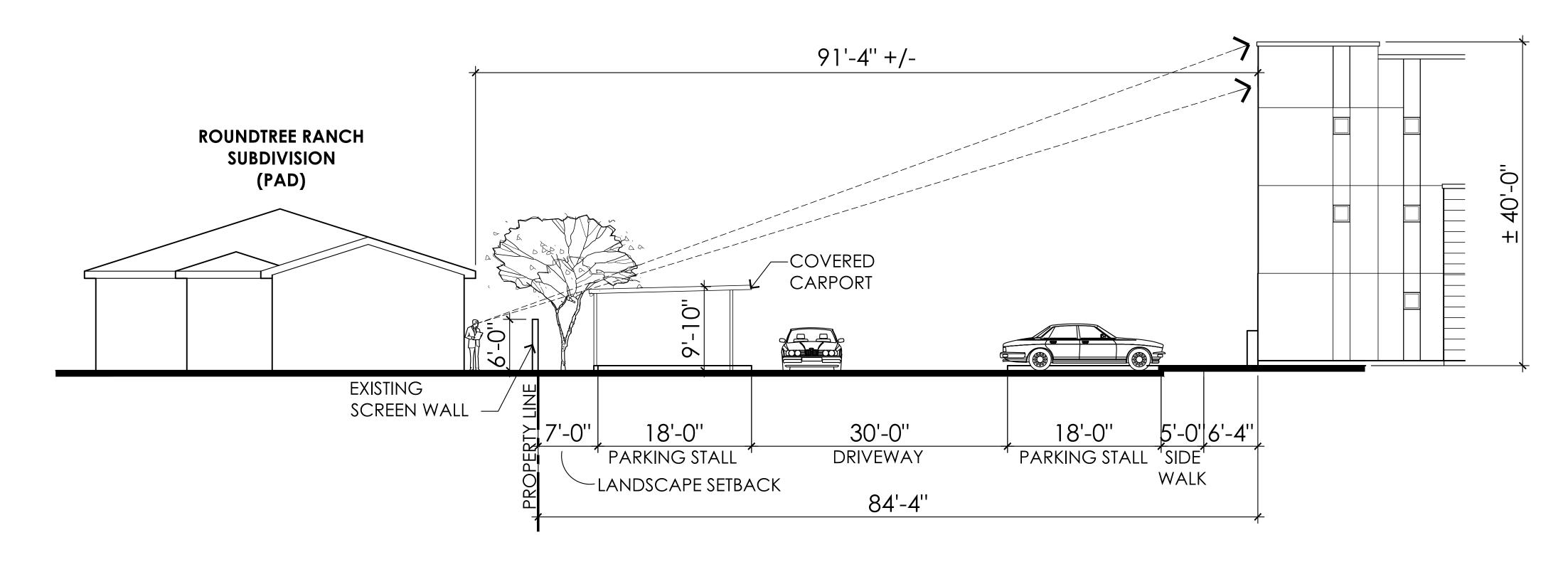
CONCEPTUAL SITE PLAN

TRELLIS AT ROUNDTREE RANCH

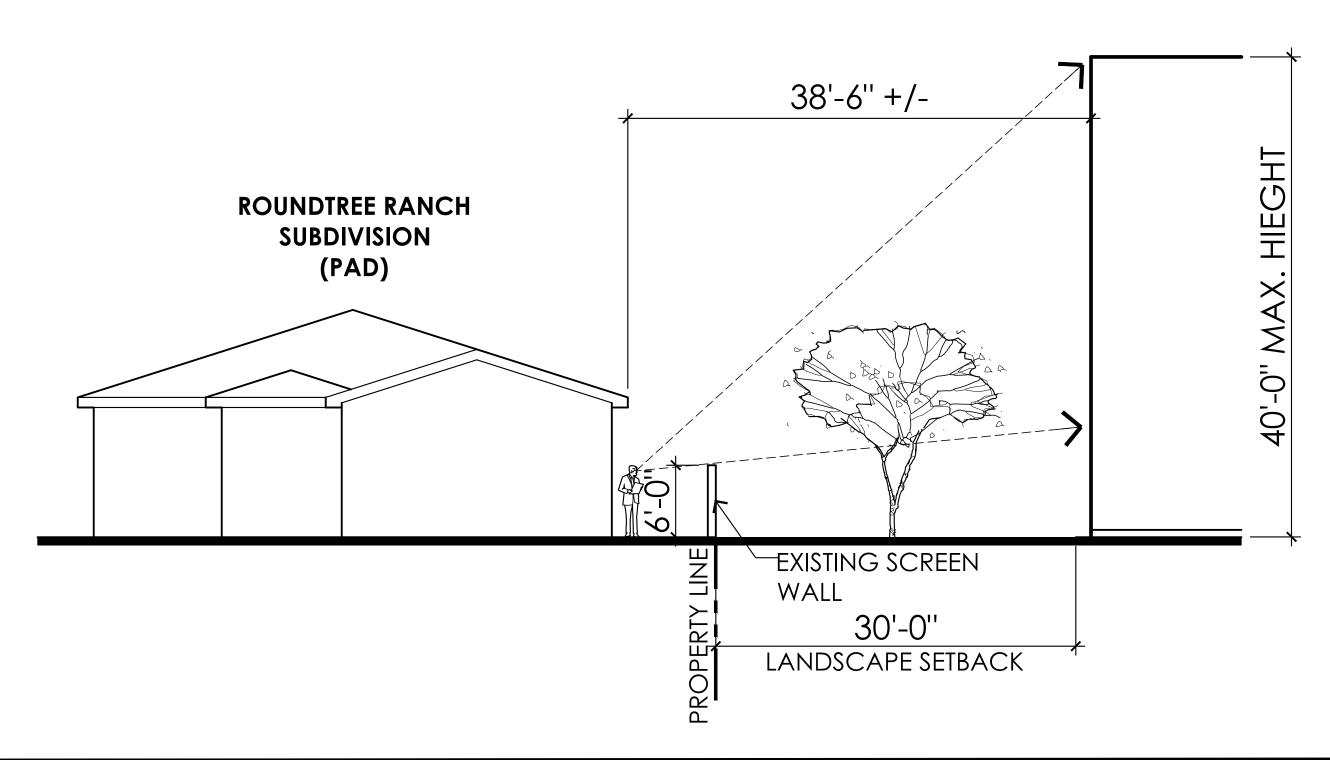


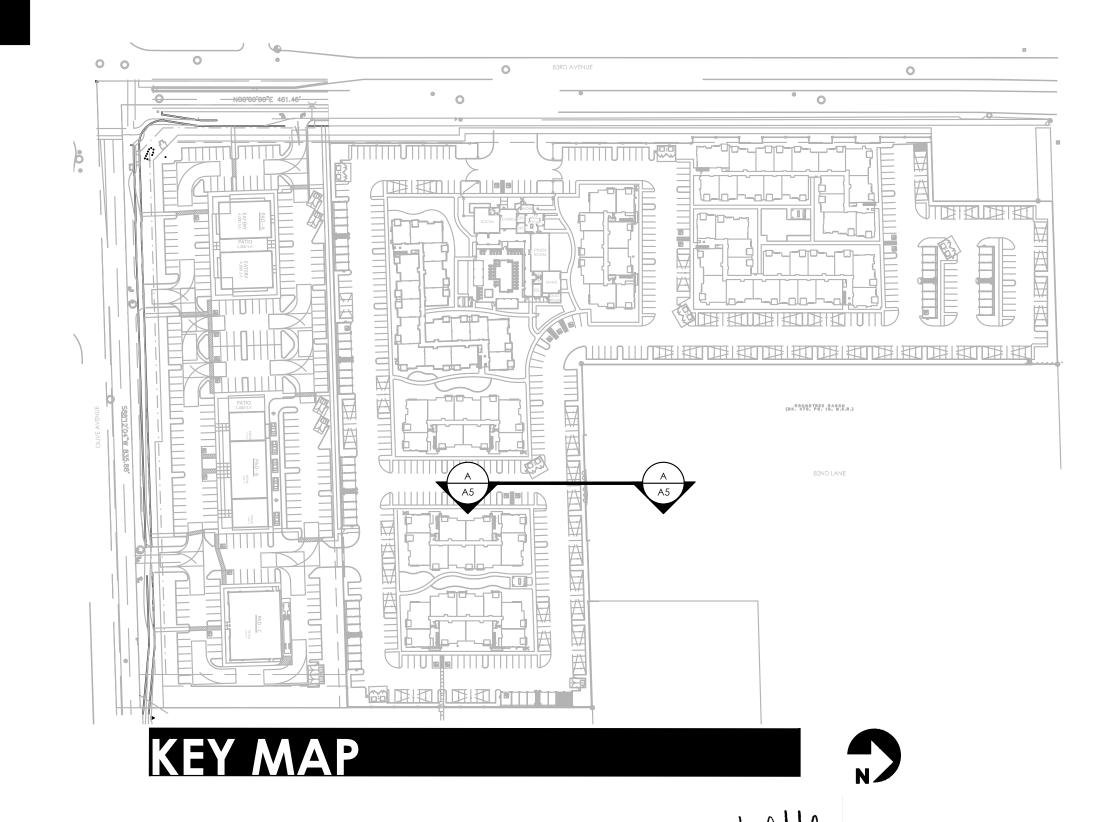


TAB E

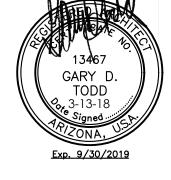


SITE SECTION FACING EAST PER PROPOSED PAD AMENDMENT





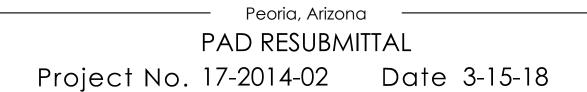
SITE SECTION FACING EAST w/ 30 FOOT LANDSCAPE BUFFER PER CURRENT PAD



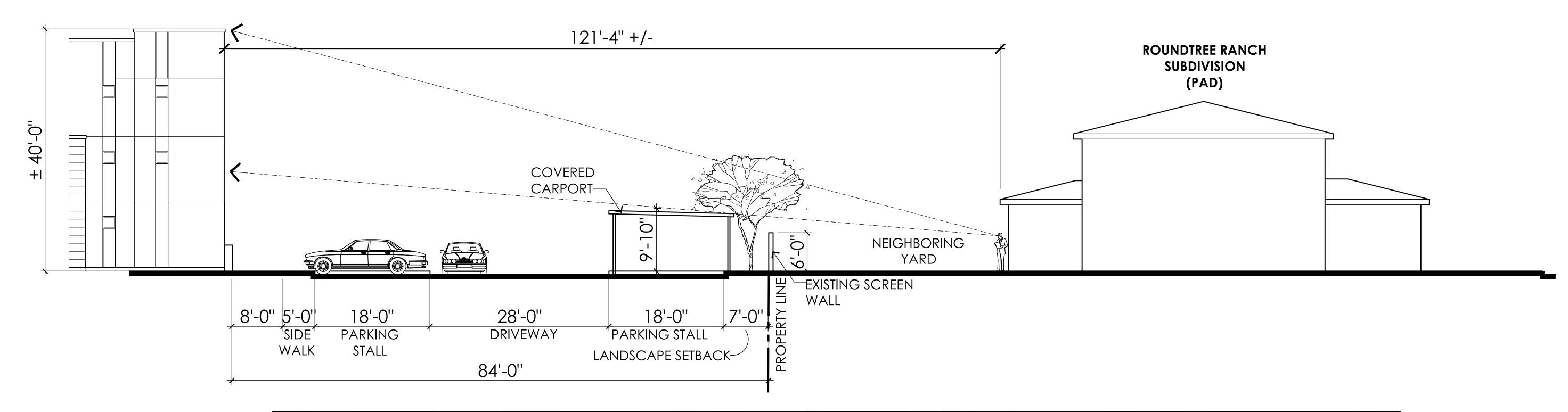
LINE-OF-SIGHT EXHIBITS

TRELLIS AT ROUNDTREE RANCH

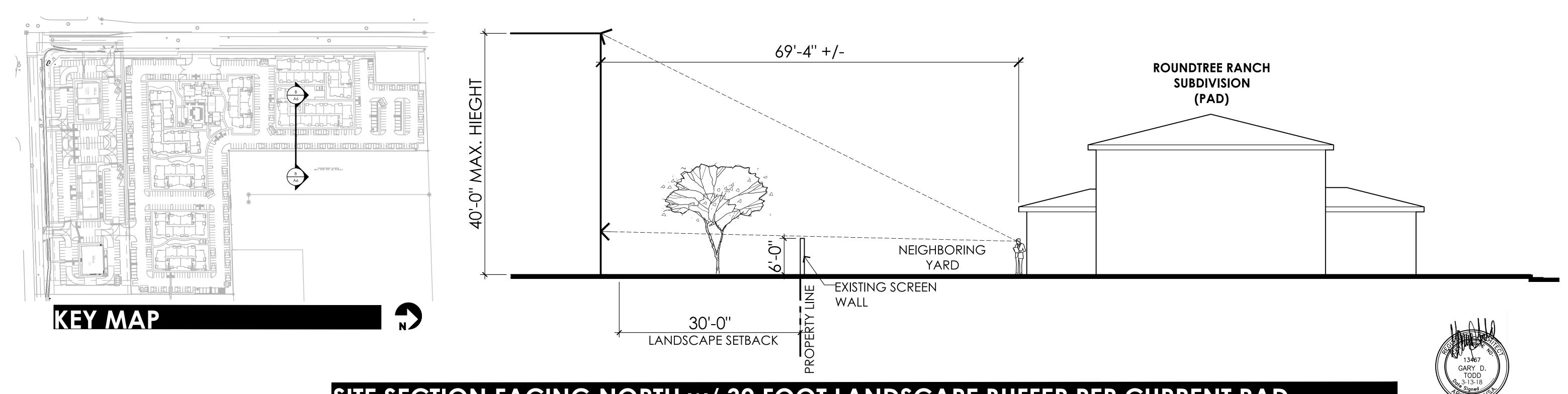








SITE SECTION FACING NORTH PER PROPOSED PAD AMENDMENT



SITE SECTION FACING NORTH w/ 30 FOOT LANDSCAPE BUFFER PER CURRENT PAD

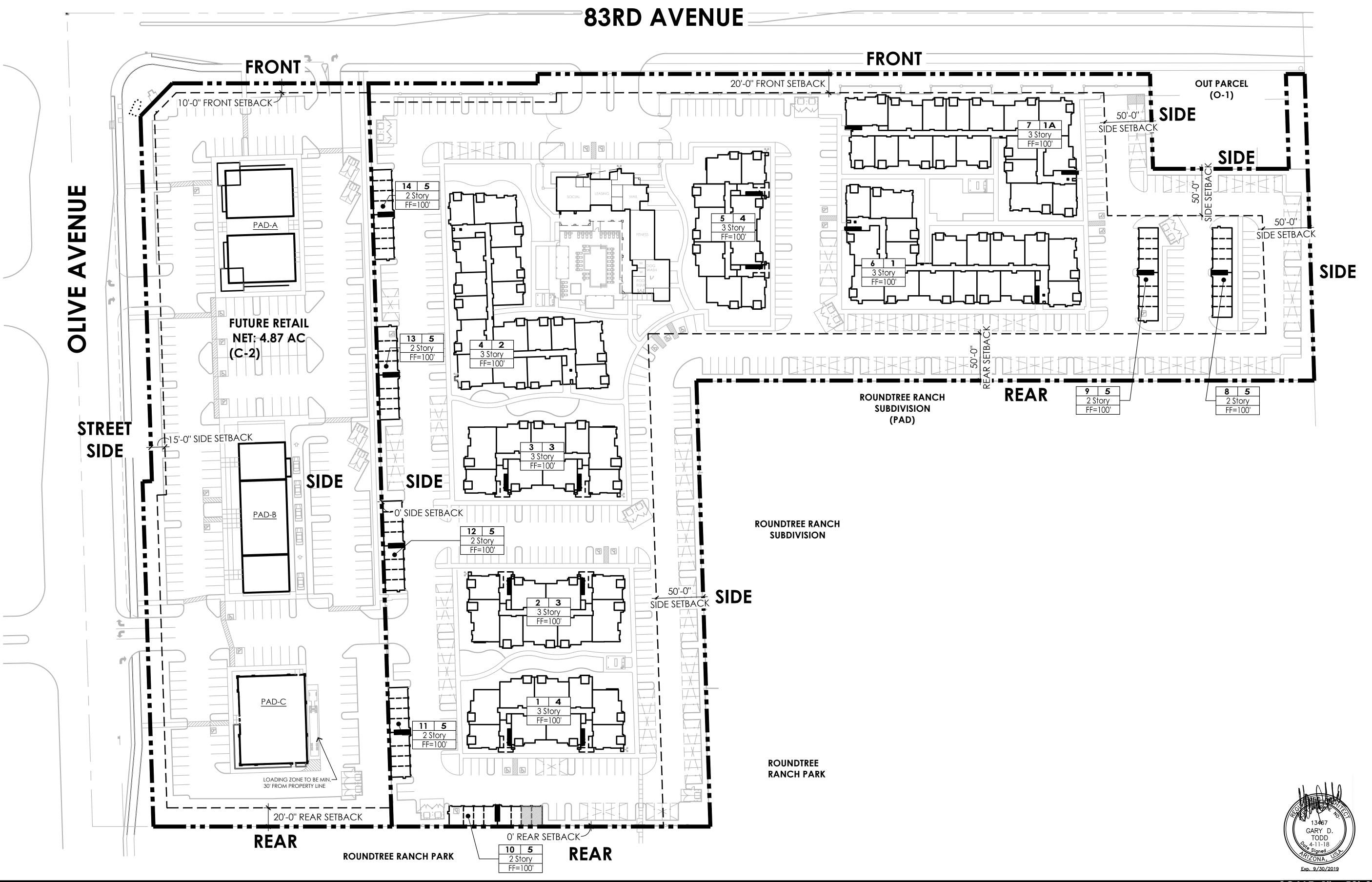
LINE-OF-SIGHT EXHIBITS

TRELLIS AT ROUNDTREE RANCH





TAB F



BUILDING SETBACK EXHIBIT

TRELLIS AT ROUNDTREE RANCH





TAB G

THE IRRIGATION SYSTEM WILL CONSIST OF DRIP EMITTERS

SIDEWALKS AND STRUCTURES... REFER TO CIVIL GRADING

DESIGN STUDIO COLLABORATIVE V DESIGN STUDIO INC. 7116 EAST 1ST AVE., SUITE 103 SCOTTSDALE, ARIZONA 85251 OFFICE: 480-347-0590 FAX: 480-656-6012

THE SITE WILL BE LANDSCAPE IN ACCORDANCE WITH THE CITY OF PEORIA STANDARDS. ALL REES AND SHRUBS ARE TO BE STAKED AND PLANTED IN ACCORDANCE WITH THE ARIZONA NURSERY ASSOCIATION PUBLISHED STANDARDS.

2. SIZE OF TREES AND SHRUBS WILL CORRESPOND WITH REQUIREMENTS SET BY THE CITY OF PEORIA. ALL PLANTING AREAS WILL RECIEVE A 2' DEPTH OF DECOMPOSED GRANITE ND SHALL BE TREATED WITH PREEMERGENT HERBICIDE.

IRRIGATION

As Per Plan

ND PRESSURE REGULATORS CONNECTED TO AUTOMATIC VALAVES ND WILL BE TIED INTO AUTOMATIC CONTROLLERS S REQUIRED. THE IRRIGATION SYSTEM SHALL PROVIDE 100% COVERAGE.

GRADING ND DRAINAGE

1. ALL EARTHWORK WILL BE DESIGNED TO DRAIN WAY FROM ND DRAINAGE FOR FINAL RETENTION BASIN LAYOUT.

	SEE 83RD AVENUE STREETSCAPE PLAN ENLARGEMENT ON SHEET CL6-2 FOR INTEGRATED WALL AND TREE LAYOUT	
s s - ≠ s 7 = 5	PROPERTY BOUNDARY, TYP. Fublic utility Easement, typ.	
-G -	50	
PUBLIC UTILITY EASEMENT, TYP. PROPERTY	PARCEL VEHICULAR GATE VEHICULAR GATE COVERED GRILLING STATION	
BOUNDARY, TYP.	S'-O" P.U.E. GATE COVERED GRILLING STATION REFUSE, TYP.	
PAD - A PAD - A PAD - A PAD - A	SOCIAL LEASING OFF MAIL OFF LAWN 11-0" LANDSCAPE SETBACK	
PATIO 1,200 S.F.	FITNESS ROOM (PAD)	
## EATERY 4,000 S.F.		
	SPA DOG NASH	
	OUTDOOR OUTDOOR PARK PARK	
PATIO 1,000 S.F.	ROUNDTREE RANCH SUBDIVISION (PAD) BOTANICAL NAME COMMON NAME COMMENTS	
	TREES/PALMS Acacia salicina Willow Acacia Standard Trunk, Dense Canopy Multi-Trunk GROUND COVERS PRELIMINARY LANDSCAPE NO PLANTING PLANTING PLANTING	'TES

Multi-Trunk, Dense Canopy Caesalpinia mexicana Mexican Bird of Paradise Multi-Trunk, Dense Canopy Chitalpa tashkentensis Chitalpa Standard Trunk, Fraxinus 'Fan West' 'Fan West' Ash Dense Canopy Diamond Cut Matching Form Phoenix dactylifera Date Palm Standard Trunk, 'Red Push' Pistache Pistacia 'Red Push' Dense Canopy Standard Trunk, Southern Live Oak Quercus virginiana Dense Canopy Multi-Trunk, Dense Canopy Tabebuia heterophylla Pink Trumpet Tree Cleaned/Skinned 'Filibusta' Fan Palm Washingtonia 'Filibusta' Matching Form ACCENTS & VINES Smooth Agave As Per Plan Agave desmettiana Aloe barbadensis Medicinal Aloe As Per Plan Mediterranean Fan Palm As Per Plan Chamaerops humilis 'Tangerine Beauty' Staked/Trained Bigonia 'Tangerine Beauty' Vine Bougainvillea Staked/Trained Bougainvillea 'Barbara Karst' Bougainvillea Alexandra Bougainvillea As Per Plan 'Alexandra' 'Blonde Ambition' Grama As Per Plan Bouteloua gracilis 'Blonde ambition' As Per Plan Dasylirion longissimum Toothless Spoon As Per Plan Dasylirion wheelieri Desert Spoon As Per Plan Butterfly Iris Dietes vegeta As Per Plan Hesperaloe funifera Giant Hesperaloe Hesperaloe parviflora Brakelights Red Yucca As Per Plan 'Perpa' As Per Plan Pedilanthus macrocarpus Lady Slipper Plant Pigmy Date Palm As Per Plan Phoenix roebelenii Podranea ricasoliana Pink Trumpet Vine Staked/Trained Staked/Trained Tecoma x Orange Jubilee Vine 'Orange Jubilee' SHRUBS As Per Plan Ambrosia deltoidea Bursage Red Fairy Duster As Per Plan Calliandra californica As Per Plan Dodonaea viscosa Hopseed Bush As Per Plan Purple Hopseed Bush Dodonaea viscosa 'Purpurea' Eremophila hygrophana Blue Bells As Per Plan As Per Plan Ericameria laricifolia Turpentine Bush As Per Plan Justicia californica Chuparosa As Per Plan Mexican Honeysuckle Justicia spicigera Larrea tridentata Creosote Bush As Per Plan As Per Plan Leucophyllum frutescens Green Cloud Sage 'Green Čloud' Leucophyllum langmaniae Rio Bravo Sage As Per Plan

Dwarf Myrtle

'Little Ollie'

Coral Bush

Jojoba

Sparky

Baja Ruellia

Yellow Bells Bells of Fire

Cape Plumbago

As Per Plan

'Río Bravo'

Myrtus communis

'Compacta'

Olea europaea

'Little Ol'lie'

Tecoma stans

Tecoma x 'Bells of Fire'

Tecoma x

'Sparky'

Plumbago capensis

Ruellia peninsularis

Simmondsia chinensis

Russelia equisetiformis

SHRUBS PER (35) LINREAR FEET OF STREET FRONTAGE. LAND USE BUFFER

MULTI-FAMILY DISTRICTS BUTTING SINGLE FAMILY DISTRICTS SHALL MAINTAIN 20' WIDE LANDSCAPE BUFFER LANDSCAPED WITH (3)) TREES (24"BOX MIN.) AND (5) SHRUBS (5 GALLON MIN.) PER 1,000 S.F.

Lantana 'Dallas Red' Dallas Red Lantana

Purple Lantana

Asiatic Jasmine

Purple Hearts

Wedelia

Mid-Iron Hybrid Sod - 13,285 S.F.

MULTI-FAMILY SHALL HAVE A MINIMUM OF 20% OF NET ITE

AREA LANDSCAPED. (1) TREE AND (5) SHRUBS PER 400 S.F.

MULTI-FAMILY SHALL HAVE A MINIMUM OF (1) TREE AND (5)

Purple Verbena

Seasonal Annuals

Decomposed Granite- Size and Color T.B.D.

2" depth in all planting areas - 101,105 S.F.

New Gold Lantana

Prostrate Germander

Lantana montevidensis

Lantana 'New Gold'

'Prostratum'

asiaticum

Trachelospermum

Teucrium chamaedrys

Tradescantia pallida

GENERAL NOTES

ON SITE LANDSCAPE AREA

STREET FRONTAGE BUFFER PLANTINGS

Verbena tenuisecta

Wedelia trilobata

Seasonal Annuals

MISCELLANEOUS

- 1. TURF (LAWN) IS LIMITED TO A MAXIMUM OF 20% OF THE SITE
- A DEVELOPMENT MAY SUBSTITUTE A 36" BOX OR LARGER TREE IN PLACE OF A 15 GALLON TREE AT A SUBSTITUTION RATE OF 1.5 TREES FOR EVERY REQUIRED (15) GALLON
- 3. ALL LANDSCAPED AREAS SHALL BE SUPPORTED BY AN AUTOMATIC IRRIGATION SYSTEM WHICH MAY BE SPRAY, FLOOD OR DRIP SYSTEM.
- 4. PLANT MATERIALS UTILIZED IN LANDSCAPED AREAS IN THE ROW MUST BE INCLUDED ON THE MOST RECENT EDITION OF THE PHOENIX ACTIVE MANAGEMENT AREA LOW WATER USE / DROUGHT TOLERANT PLANT LIST.
- 5. THE DEVELOPER SHALL BE RESPONSIBLE TO INSTALL/MAINTAIN ALL LANDSCAPING WITHIN THE
- RIGHT-OF-WAY. 6. A 3 FOOT CLEAR SPACE IS REQUIRED AROUND ALL FIRE SUPPRESSION EQUIPMENT. NO PLANTS MAY BE INSTALLED THAT WILL ENCROACH WHEN MATURE.
- 7. 50% OF TOTAL REQUIRED TREES TO BE 24" BOX (MINIMUM)

DESIGNED BY:

DRAWN BY:

CHECKED BY:

SH

DECEMBER 20, 2017

JANUARY 16, 2018

REVISIONS: SITE PLAN REVISION

SITE PLAN REVISION

MARCH 12, 2018

SITE PLAN SUBMITTAL

CLS-1 1 of 2

Exhibit D

PEDESTRIAN GATE TO

PROVIDE PARK ACCESS

Ø' BUILDING

SETBACK

ROUNDTREE RANCH

PARK

- SIDEWALK, TYP

7'-Ø" LANDSCAPE

SETBACK

O' BUILDING

CONCEPTUAL PLANTING PLAN

SCALE: 1"=50'-0"

RESIDENT EGRESS/INGRESS

ONLY AND EMERGENCY ACCESS SLIDING GATE

SETBACK

S



EXPIRES 06 / 30 / 2019 RANCH PEORIA, AZ

DESIGN STUDIO

Design Studio Inc. 7116 East 1st Ave., Suite 103 Scottsdale, Arizona 85251 office: 480-347-0590 fax 480-656-6012

LANDSCAPE IMPROVEMENTS ROUNDTREE AT TRELLIS

month FV/SH ON SHEET BY онин ру SITE PLAN REVISION
JANUARY 16, 2018
SITE PLAN REVISION
MARCH 12, 2018

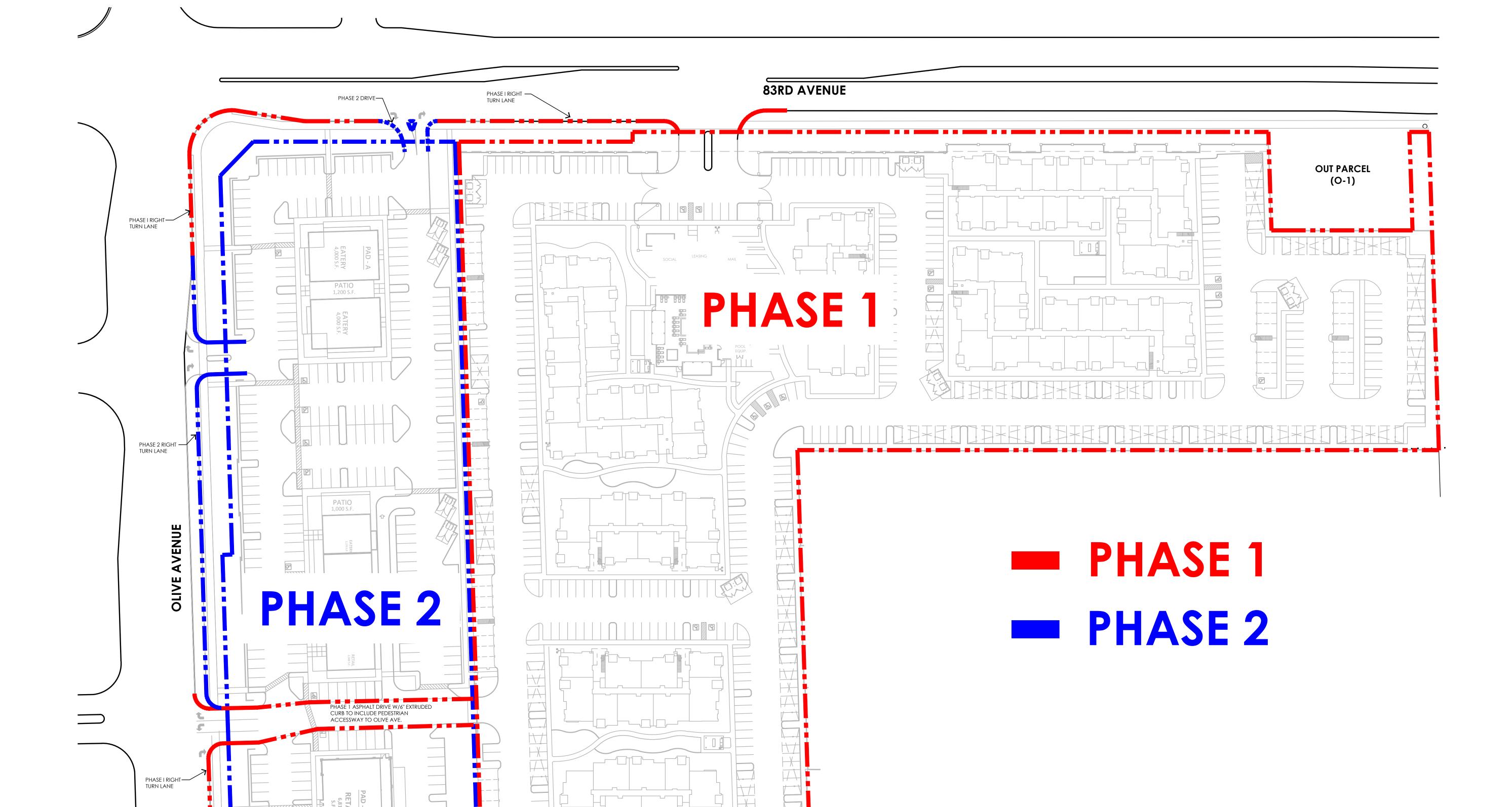
SITE PLAN SUBMITTAL

■ The state of th

CLS-2

1011 **Exhibit D**

TAB H

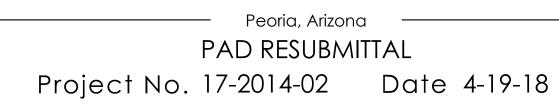




www.toddassoc.com









TRELLIS AT ROUNDTREE RANCH

Planned Area Development Standards and Guidelines Report for the Northeast corner of 83rd Avenue and Olive Avenue Zoning Case No. Z7-33

Neighborhood Meeting Minutes

Peoria Community Center, 8335 W. Jefferson Street, Peoria, AZ February 13, 2018 6:00 PM – 7:00 PM

On February 13, 2018, the applicant, Evergreen Devco, Inc. ("Evergreen"), and its development team held an Open House Neighborhood Meeting at the Peoria Community Center from 6:00 PM to 7:00 PM to allow the public the opportunity to review and comment on the proposed mixed-use (retail & luxury apartment) project proposed at the northeast corner of 83rd Avenue and Olive Avenue. A variety of presentation boards were stationed in the Calderwood Room with representatives from Withey Morris, PLC, and the architecture firm (Todd & Associates) available to discuss the development plans.

There were seven (7) attendees at the meeting who lived in close proximity to the site. The letter notice was sent to several individuals including property owners who are located within a 600-foot radius, homeowners' associations/city-registered groups within a one mile radius, the Peoria Unified School District, Salt River Project's headquarter office, and Cody Gleason with the City of Peoria. See **TAB A**, the sign-in sheet and notification letter dated February 2, 2018. The development team received a variety of comments, questions, and praises. The bulk of the discussion was focused on the proposed luxury apartment community. The main points are summarized as follows:

- The development team revised the complementary nature of this project to the surrounding area including building setbacks, restricted access to adjacent arterial roadways, architecture and the required landscape.
- Ingress/egress and site circulation were discussed to explain how the project would not result in cutthrough traffic or any alterations to the existing roadways of the adjacent single-family neighborhoods.
- The attendees were interested to know that the proposed development standards for this project are an improvement from the current Planned Area Development zoning entitlements. For example, the approved PAD zoning allows for multi-story townhome and mixed-use buildings to be located a minimum of 30-feet from the shared property line of the existing single-family neighborhood to the east. The current proposal limits the building setback along that perimeter to more than 121-feet.
- Many attendees were complimentary of the proposed architecture, the residential amenities and the strategic location of the 2 and 3-story buildings where additional landscaping is placed along the eastern perimeter of the property.
- Some attendees were also pleased to see pedestrian access being provided from the mult-family community to the local park along the eastern perimeter.

- Other attendees were interested to know that this Class-A residential community will be professionally managed and that residents must meet credit card background check standards.
- The development team explained that the proposed commercial/retail users would be determined in the future as part of the second phase of development, subject to the city's approval process.
- Additionally, the development team had separate meetings with Peoria Unified School District's Office representatives to share the proposed plans and discuss opportunities that might support the local schools. The development team and the District's office will continue the dialogue.

The development team will continue to communicate with the interested parties to provide updates about the request and the City's process by way of additional notification letters and other types of correspondence.

TAB A

SIGN-IN

NORTHEAST CORNER OF 83RD AVENUE AND OLIVE **NEIGHBORHOOD OPEN HOUSE MEETING EVERGREEN DEVO, INC**

FEBRUARY 13, 2018 - PEORIA COMMUNITY CENTER - 8335 W. JEFFERSON ST-6:00 PM

10.	9.	8.	7.	6.	Sprie of Janes of Gross gry		3 Sharlene (Sherrie)	3 mazilynn Mossoemey	1. HOHSELand	NAME (Please Print)
					en e					ADDRESS
										PHONE NO.
								y		E-MAIL ADDRESS
					Rand Tro	out powel	FINECIEST	Roughtree	fourthere Rench.	Homeowner Assoc Name

Exhibit E



February 2, 2018

Re: A Planned Area Development (PAD) Zoning Request for the Northeast corner of 83rd Avenue and Olive Avenue ("Trellis at Roundtree Ranch PAD"); Zoning Case No. Z17-33

Dear Property Owner or Association Representative:

This letter is to inform you of a neighborhood meeting for a proposed development. This firm represents the property owner and proposed developer, Evergreen Devco, Inc. ("Evergreen"), which is seeking to develop luxury apartment homes on the northern portion of the above-referenced +/- 18-acre property (the "Property") shown on the attached aerial map. The balance of the Property that is situated along Olive Avenue is being proposed for commercial uses. We filed this Planned Area Development ("PAD") request, Case No. Z17-33, to adjust the standards of the existing PAD zoning, which the City of Peoria ("City") approved in late 2006, for a similar type of mixed-use development of integrated commercial uses and condominium residences.

This proposed mixed-use project, now known as "Trellis at Roundtree Ranch," includes consistent architectural design elements and

Neighborhood Meeting Info:

Date: February 13, 2018

Time: Drop by between 6:00 -

7:00 p.m.

Location: Peoria Community Center – Calderwood Room

8335 West Jefferson Street, Peoria, 85345

development regulations for the project's proposed future commercial retail users and 275 luxury apartment units in a gated community. The community offers multiple building types with enhanced architectural elements and a blend of attractive open space areas throughout the development. The project is designed in a pedestrian-friendly manner with careful consideration given to landscaped streetscapes and modern home design with a variety of offerings, including, energy efficiency options, private patios (ground floor)/ balconies (upper floors), shaded outdoor gathering spaces and modern appliances. Careful consideration is being given to landscaping with mature trees, strategic building orientation, engaging open spaces/amenities and thoughtful connections that create a permeable boundary between the uses of the project.

Trellis at Roundtree Ranch continues many benefits that are similar to the City's 2006 PAD approval for the Property. This request also complies with the "Old Town Commercial Mixed Use" specific area plan land use designation for the Property. The conceptual plan is designed to bring positive benefits for the local community. Common design elements and architectural treatments will create a unified identity for the mixed-use project, including distinctive building elements/materials and colors, lush landscaping, a comprehensive wall/ gate theme, and more. The addition of a residential use with quality architecture, lush landscaping and amenities will support an inviting living environment. Evergreen's new 2 and 3-story, highly-stylized rental homes are clustered together and oriented towards the interior of the Property in order to provide generous perimeter building setbacks and to accommodate periphery surface and garage parking as an additional buffer to mitigate impacts on the area and to serve efficiently the project's residents/guests. The plan is strategically designed to improve the overall circulation and building layout on site with convenient access to the periphery of the community. Further, the luxury apartment homes will connect to the future retail commercial area along Olive Avenue. The Property's location at the intersection of arterial roadways that connect to the freeway system make it an ideal location for the proposed mix of uses. For all these reasons, Evergreen believes this request will benefit the surrounding community.

We have scheduled the open house for you to ask any questions, meet the development team, and learn more about the project. If you cannot attend for any reason, we would be happy to talk with your or meet with you or a small group of your neighbors separately, at your convenience. You may reach Kirste Kowalsky or me at 602.230.0600 or at bill@witheymorris.com or kirste@witheymorris.com. You may also contact the Peoria planner assigned to the case, Cody Gleason, at 623.773.7645 or cody.gleason@peoriaaz.gov.

Thank you for your courtesy and consideration.

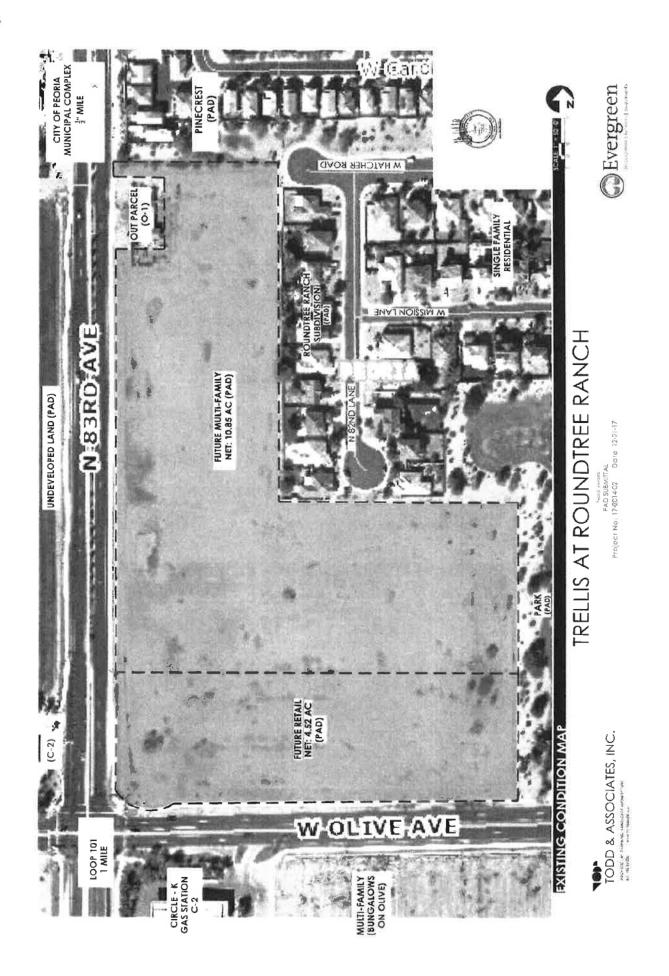
Very truly yours,

WITHEY MORRIS P.L.C.



cc: Cody Gleason, City of Peoria Planning and Development Department

Enclosure(s)



From: Cody Gleason

Subject:Project z17-33 Trellis at Roundtree RanchDate:Monday, January 22, 2018 5:08:06 PM

Hello,

My name is Cyndi Selim and my family and I live in Roundtree Ranch. Our home backs up to the proposed site of this new project. I am concerned about who is going to share our fence. We have three young children. Will the apartments that are up to three stories look directly into our backyard? Will it just be a parking lot on the other side of our fence? I am hoping that the project took our homes into consideration during development. I look forward to a response.

Thank you, Cyndi Selim From: Cody Gleason

Subject: Fwd: TRELLIS AT ROUNDTREE RANCH PROPOSED DEVELOPEMENT ON 83RD AVE.

Date: Monday, February 19, 2018 5:08:01 PM

Cody,

Please find the letter below of concerns. I would like to also thank you for your prompt response on the easement to the North of the property.

Sincerly,

Larinda Brown

----- Forwarded message -----

From: "Larinda Brown"
Date: Feb 19, 2018 4:51 PM

Subject: TRELLIS AT ROUNDTREE RANCH PROPOSED DEVELOPEMENT ON 83RD

AVE.

To: Cc:

TO WHOM IT MAY CONCERN:

I am to you about some of my concerns for the proposed development of TELLIS AT ROUNDTREE RANCH which is proposed to be located on the NORTH-EAST corner of 83rd and Olive Ave in Peoria, AZ.

My property is located at proposal development map as "out of parcel".

My concerns:

NOISE AND LIGHT POLLUTION:

- ·23 Car parking spaces, 8 to the south of my property and 15 to the east of my property. Which 23 engines and 23 car alarms creating unwanted and bothersome noises at all times day and night.
 - ·23 Sets of headlights lighting up my side yard to the south and my backyard to the east.
- ·23 lights (at minimum) from the carport will again add unwanted lighting to my side and backyard.
- ·Landscape, parking roadways, as well as building security lighting will add even more unwanted light pollution to my property.
- •The proposed 6 foot wall and landscape vegetation will still permit an unwanted and undesirable amount of light onto my property.

VISUAL:

- The estitics of street view of proposed apartment buildings (TRELLIS AT ROUNDTREE RANCH) to house () would be undesirable.
- · Height of proposed apartment buildings (TRELLIS AT ROUNDTREE RANCH) to

house () causes a concern of privacy, sense of security and serenity to all parties concerned. • Permiter wall height will also allow undesirable views of all parties concerned.
TRAFFIC:
•The north bound flow of traffic on 83rd Ave will undoubtedly increase greatly, causing entry and exiting of the property at traffic hazard to all parties concerned.
In closing I would like to add due to my concerns listed above, what effects it will have on the overall resale value of all parties concerned.
At this time I would like to thank you for your diligent consideration and further correspondence in this matter.
Sincerely,

Robert & Doris Gosney

ORDINANCE NO 2018-24A

AN ORDINANCE OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA ZONING PROPERTY FROM PLANNED AREA DEVELOPMENT (PAD) TO PLANNED AREA DEVELOPMENT (PAD) DISTRICT FOR A DEVELOPMENT KNOWN AS TRELLIS AT ROUNDTREE RANCH; AMENDING THE ZONING MAP AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Peoria Planning and Zoning Commission held a public hearing on May 17, 2018 in zoning case Z17-33 in the manner prescribed by law for the purpose of considering an amendment to the zoning district boundaries of property within the City of Peoria, Arizona to provide for rezoning of a parcel of land as described below from Planned Area Development (PAD) to a Planned Area Development (PAD) zoning district as provided in Section 21-317 of Chapter 21 of the Peoria City Code;

WHEREAS, due and proper notice of such Public Hearing was given in the time, form, substance and manner provided by law including publication of such notice in the Peoria Times Newspaper on April 27, 2018; and

WHEREAS, the City of Peoria Planning and Zoning Commission has recommended to the Mayor and the Council of the City of Peoria, Arizona, the zoning of property as aforesaid and the Mayor and the Council of the City of Peoria, Arizona desires to accept such recommendation and rezone the property as described below as aforesaid.

NOW, THEREFORE BE IT ORDAINED by the Mayor and Council of the City of Peoria, Arizona that:

<u>SECTION 1</u>. Two parcels of land in Peoria, Maricopa County, Arizona, which is more accurately described in Exhibits A, and B to this Ordinance, is hereby conditionally rezoned from Planned Area Development (PAD) to the Trellis at Roundtree Ranch Planned Area Development (PAD) zoning district.

<u>SECTION 2</u>. The amendment to the zoning herein provided be conditioned and subject to the following stipulations:

- 1. The development shall conform in all material respects to the Trellis at Roundtree Ranch Planned Area Development Standards and Guidelines Report, (case Z17-33) dated 5/17/18.
- 2. All site layout and specifics contained within the Planned Area Development Standards and Guidelines Report, aside from specified development standards, are only conceptual and intended to represent potential development on the site in accordance with the prescribed standards.

- 3. To the extent possible with any necessary approval from the Pinecrest Home Owners Association (north of the subject site), the Developer shall provide a chain preventing vehicular access between the subject site and the Pinecrest subdivision to the north. Any such chain or lock shall be in accordance with Fire Department, and Public Works Department access requirements to provide necessary emergency and or maintenance access through the area.
- 4. The development shall comply with all applicable City of Peoria Infrastructure Design Guidelines and City Codes at the time of development.
- 5. The project shall connect to reclaimed water for all landscaping.
- 6. The Developer will be responsible to underground any overhead utilities rated less than 69 kV, which are adjacent to the site.
- 7. The commercial portion of the development shall be limited to a maximum of two driveways on Olive Avenue. Access may be restricted at each driveway.
- 8. The Developer shall dedicate 75' ROW along the frontage of the project on Olive Avenue and 83rd Avenue within 500' of the intersection. After 500', the Developer shall dedicate 65' of ROW.
- 9. The Developer shall dedicate an 8' PUE outside of the required ROW. No walls, trees, or retention shall be allowed within the PUE.
- 10. The Developer shall dedicate a 30-foot-by-30-foot ROW chamfer at all arterial intersections.
- 11. The Developer shall construct the right-turn deceleration lanes at all of the project's 83rd Avenue driveways and the easternmost Olive Avenue driveway, as well as at the intersection of Olive Avenue and 83rd Avenue along with the associated signal improvements. The improvements will be required before any phase of the project opens (multifamily or commercial).
- 12. The Developer shall relocate the bus stop and bus shelter on 83rd Avenue and construct the associated improvements. The location shall be coordinated with the Engineering and Public Works departments. The improvements will be required before any phase of the project opens (multi-family or commercial).
- 13. The Developer shall construct the third westbound lane along the project's Olive Avenue frontage. The third westbound lane will be required with the commercial phase of the project.
- 14. The final number of fire hydrants and their spacing is determined by the largest building size and the type of construction. All fire hydrants shall be in accordance with Fire Department requirements at the time of Site Plan and Building Permit review.
- 15. The Developer shall provide a twenty-five foot (25') landscape buffer around the south and east sides abutting the 'out-parcel' as identified in Tab D of the adopted PAD Standards and Guidelines Report. The buffer shall consist of a masonry wall with a minimum height of eight (8) feet and five (5) trees and five (5) shrubs per 1,000 feet. All trees and shrubs within this buffer area shall be a minimum size at planting of 36" box and 5 gallon, respectively. The PAD Standards and Guidelines Report shall be updated and submitted to staff within 30 days of the effective date of the PAD. In the event that the out-parcel is

<u>acquired and incorporated into the development, this condition shall become</u> <u>null and void.</u>

SECTION 3. Amendment of Zoning Map. The City of Peoria zoning map is herewith amended to reflect the change in districts referred to in Section 1 above and as defined by the Legal Description as represented in Exhibit A and the corresponding parcel map as shown as Exhibit B.

<u>SECTION 4:</u> <u>Effective Date</u>. This Ordinance shall become effective at the time and in the manner prescribed by law.

PASSED AND ADOPTED by the Mayor and Council for the City of Peoria, Arizona this 14th day of August, 2018.

	Cathy Carlat, Mayor
	Date Signed
ATTEST:	
Rhonda Geriminsky, City Clerk	
APPROVED AS TO FORM:	
Vanessa P. Hickman, City Attorney	

Published in: <u>Peoria Times</u> Pub. Dates: <u>August 24, 2018</u>

Effective Date:

EXHIBIT ALegal Description

Multi-Family

That portion of the Southwest quarter of the Southwest quarter of Section 26, Township 3 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows;

Commencing at the Southwest corner of said section 26 (brass cap in handhole) from which the West quarter corner of said Section 26 (brass cap flush) bears North 00 Degrees 00 Minutes 00 Seconds East (basis of bearing) a distance of 2638.25 feet;

Thence North 00 Degrees 00 Minutes 00 Seconds East along the West line of said Southwest quarter of the Southwest quarter a distance of 321.85 feet;

Thence North 90 Degrees 00 Minutes 00 Seconds East a distance of 75.00 feet to the POINT OF BEGINNING:

Thence North 00 Degrees 00 Minutes 00 Seconds East parallel with and 75.00 feet East of said West line a distance of 180.50 feet;

Thence North 90 Degrees 00 Minutes 00 Seconds West a distance of 10.00 feet;

Thence North 00 Degrees 00 Minutes 00 Seconds East parallel with and 65.00 feet East of said West line a distance of 653.72 feet;

Thence North 88 Degrees 12 Minutes 36 Seconds East parallel with and 165.00 feet South of the North line of said Southwest quarter of the Southwest quarter a distance of 101.30 feet;

Thence North 00 Degrees 00 Minutes 00 Seconds East parallel with and 166.25 feet East of said West line a distance of 145.07 feet;

Thence South 88 Degrees 12 Minutes 36 Seconds West parallel with and 20.00 feet South of last said North line a distance of 101.30 feet;

Thence North 00 Degrees 00 Minutes 00 Seconds East parallel with and 65.00 feet East of said West line a distance of 20.01 feet to a point on last said North line;

Thence North 88 Degrees 12 Minutes 36 Seconds East along last said North line a distance of 327.48 feet;

Thence South 00 Degrees 00 Minutes 00 Seconds West parallel with and 392.32 feet East of said West line a distance of 659.53 feet to a point on the North line of the South half of said Southwest quarter of the Southwest quarter;

Ordinance 2018-24A Page 5 of 7

Thence North 88 Degrees 12 Minutes 20 Seconds East along last said North line a distance of 476.38 feet;

Thence South 00 Degrees 00 Minutes 00 Seconds West parallel with and 868.47 feet East of said West line a distance of 340.00 feet to a point on the North line of the South 319.34 feet of said Southwest quarter of the Southwest quarter;

Thence South 88 Degrees 12 Minutes 04 Seconds West parallel with and 319.34 feet North of the South line of said Southwest quarter of the Southwest quarter a distance of 793.86 feet and the POINT OF BEGINNING.

The above described parcel contains 10.849 acres (472,593 sq. ft.)

EXHIBIT ALegal Description (cont.)

Retail

That portion of the Southwest quarter of the Southwest quarter of Section 26, Township 3 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows;

Commencing at the Southwest corner of said section 26 (brass cap in handhole) from which the West quarter corner of said Section 26 (brass cap flush) bears North 00 Degrees 00 Minutes 00 Seconds East (basis of bearing) a distance of 2638.25 feet;

Thence North 00 Degrees 00 Minutes 00 Seconds East along the West line of said Southwest quarter of the Southwest quarter a distance of 321.85 feet;

Thence North 90 Degrees 00 Minutes 00 Seconds East a distance of 75.00 feet to the POINT OF BEGINNING;

Thence North 88 Degrees 12 Minutes 04 Seconds East parallel with and 319.34 feet North of the South line of said Southwest quarter of the Southwest quarter a distance of 793.86:

Thence South 0 Degrees 00 Minutes 00 Seconds West parallel with and 868.47 feet East of said West line a distance of 254.46 feet:

Thence South 88 Degrees 12 Minutes 04 Seconds West parallel with and 65.00 feet North of said South line a distance of 368.57 feet;

Thence North 1 Degrees 47 Minutes 56 Seconds West a distance of 10.00 feet;

Thence South 88 Degrees 12 Minutes 04 Seconds West parallel with and 75.00 feet North of said South line a distance of 389.97 feet;

Thence North 45 Degrees 53 Minutes 58 Seconds West a distance of 48.71 feet; thence North 0 Degrees 00 Minutes 00 Seconds East parallel with and 75.00 feet East of said West line a distance of 209.46 feet to the POINT OF BEGINNING.

The above described parcel contains 4.52 acres (197043.20 sq. ft.)

EXHIBIT B



CITY OF PEORIA, ARIZONA COUNCIL COMMUNICATION

Date Prepared: 7/16/2018 Council Meeting Date: 8/14/2018

TO: Jeff Tyne, City Manager

THROUGH: Andy Granger, Deputy City Manager

FROM: Chris M. Jacques, AICP, Planning Director

SUBJECT: PUBLIC HEARING - Minor General Plan Amendment, Bella Brisa, 75th Avenue

and Running Horse Lane

Purpose:

COUNCIL ACTION:

Discussion and possible action to concur with the Planning and Zoning Commission's recommendation to adopt **RES. 2018-85** approving an amendment to the General Plan Land Use Map for approximately 6.55 acres, located north and south of the east side of the intersection at 75th Avenue and Running Horse Lane, from Low Density Residential (2-5 du/ac, target of 3 du/ac) to Medium Density Residential (5-8 du/ac, target of 6 du/ac).

Summary:

The applicant, Pew & Lake, on behalf of Bela Flor Communities, is requesting to amend the General Plan Land Use Map for a 6.55 acre site located along the east side of 75th Avenue and Running Horse Lane, from the current land use designation of *Low Density Residential* (2-5 du/ac, target of 3 du/ac) to *Medium Density Residential* (5-8 du/ac, target of 6 du/ac).

The purpose of this request is to provide for an appropriate land use designation to accommodate the companion rezoning request to Planned Area Development (PAD). The proposed rezoning to PAD (Case Z17-20) would facilitate the development of the site into a detached single-family residential development of 32 lots called *Bella Brisa*, with each lot at approximately 3,500 square feet each, resulting in a gross density of 4.88 units per acre.

While the proposed density is within the existing General Plan land use category (2-5 du/ac), it is on the upper end of the range, and the desired product type is not consistent with the intent of the Low Density Residential land use category. As a result, the applicant has submitted the subject General Plan Amendment that would modify the existing designation to Medium Density Residential (5-8 du/ac, target of 6 du/ac), which is more appropriate for the smaller lot configuration proposed with the accompanying rezoning case.

The proposed amendment meets the intent of the General Plan by offering a more diverse range

of housing options within the City of Peoria, and more importantly it provides for a land use designation that is more contextually appropriate for the area. While the surrounding properties are currently designated Low Density Residential as well, it does not reflect the existing conditions within and around the area, such as:

- The property to the north, which is zoned Central Commercial (C-3), currently operates as an indoor recreation facility; and
- The property to the east, which is zoned Multi-Family Residential (RM-1), consists of single-family attached and detached residential homes, with a density of approximately 7 du/ac. As part of the City's on-going efforts to update the General Plan Land Use Map to better reflect existing conditions, this site would be under consideration to change the designation to MDR as proposed on this subject property; and
- The property to the northwest, which is zoned General Commercial (C-4), is an auto collision repair facility. As such, the existing LDR land use designation does not accurately reflect the business and area around it.

The subject property is currently zoned Central Commercial District (C-3), which allows for retail and service establishments. This zoning district is not consistent with the current Low Density Residential land use designation as mentioned above. In this situation, the C-3 zoning is far more intense than the proposed 32-lot residential development, and it does not provide for an appropriate transition to the Running Horse community to the east and the Tierra Buena development to the west. Staff believes modifying the land use designation to Medium Density Residential will allow the proposed residential development to provide an appropriate transition between these two communities.

The application was properly noticed and two neighborhood meetings were held with five (5) attendees from the community present. The City has not received any correspondence in opposition or support of this case. Three comment cards were submitted during the August 1, 2017 neighborhood meeting, and one email received by City staff on October 13, 2017.

The main concern cited within the correspondence relates to current parking issue within the Running Horse at Arrowhead subdivision. The demand for parking within the community often exceeds spaces available. Consequently, residents and their guests continually park along Running Horse Lane; however, Running Horse Lane is not striped or signed to allow parking at this time. The applicant has addressed the residents concern by proposing 16 guest parking spaces along Running Horse Lane, where eight of these spaces will be specifically dedicated for use by the residents of Running Horse at Arrowhead.

Previous Actions/Background:

On June 7, 2018, the Planning & Zoning Commission held a public hearing on this case. The Commission voted 6-1, recommending approval of this request. There was one (1) speaker present whom is a resident of Running Horse at Arrowhead, in opposition to the proposal. The main concern was parking along Running Horse Lane for Running Horse residents. The applicant addressed how the proposed development will provide 16 parking spaces along Running Horse Lane, with six (6) designated for Running Horse residents.

Options:

A: Approve as recommended by Staff and the Planning & Zoning Commission; or

B: Approve with modifications; or

C: Deny; or

D: Continue action to a date certain or indefinitely; or

E: Remand back to the Planning & Zoning Commission for further consideration.

Staff Recommendation:

APPROVE as recommended by Staff and the Planning and Zoning Commission.

Fiscal Analysis:

This request is not expected to have immediate budgetary impacts to the City.

ATTACHMENTS:

Exhibit 1 - Vicinity Map

Exhibit 2 - Planning and Zoning Commission Packet

Exhibit 3 - Draft Resolution

Contact Name and Number:

Chris M. Jacques, AICP, Planning Director, (623) 773-7609 Jennifer Fostino, Planner, (623) 773-7565

Vicinity Map



GPA17-02 Bella Brisa

Applicant: Pew & Lake, PLC

Request: The applicant is requesting to rezone approximately 6.55 acres from Central Commercial (C-3) to Planned Area Development (PAD).

Location: North and south of the east side of the intersection at 75th Avenue and Running Horse Lane.

Exhibit 1

Exhibit 2

June 7, 2018
Planning and Zoning Commission
Staff Report with Exhibits

BACKGROUND

Context

The applicant is requesting to amend the General Plan from the current land use designation of Low Density Residential (2-5 du/ac, target of 3 du/ac) to Medium Density Residential (5-8 du/ac, target of 6 du/ac). The purpose of this request is to provide for an appropriate land use designation to accommodate the companion rezoning request to Planned Area Development (PAD). The proposed rezoning would allow for a detached single-family residential development with 32 lots, approximately 3,500 square feet (sf) each, resulting in a gross density of 4.88 du/ac. The subject property is 6.55 gross acres located north and south of the east side of the intersection at 75th Avenue and Running Horse Lane (Exhibit A).

General Plan

The subject property has a land use designation on the General Plan as Low Density Residential (LDR), which as a density range of 2-5 dwelling units per acre (du/ac) with a target of 3 du/ac (Exhibit B). The LDR land use designation denotes areas where detached, moderately sized lot, single-family residential neighborhoods are desirable. These areas support a suburban lifestyle with areas of increased density while maintaining a detached single-family residential character. This General Plan Amendment seeks to change the land use designation to Medium Density Residential (MDR), which has a density range of 5-8 du/ac with a target of 6 du/ac (Exhibit C). The MDR land use designation denotes areas where single-family detached and attached residential homes are desirable. This density range is intended to provide areas suitable for single-family, town home, patio home, and multi-family type units.

Zoning

The site is zoned Central Commercial (C-3). The C-3 zoning district is intended to accommodate retail and service establishments in the original plat of Peoria, what is now called the 'Old Town' area. The subject General Plan Amendment would facilitate the requested companion rezoning case (Z17-20) to allow a planned area development for a detached single-family community of 32 homes on the 6.55 acre property.

Adjacent Uses and Zoning

Tables 1 and 2 summarize the existing land use, general plan and zoning designations for the surrounding areas.

Table 1 - Existing Land Use, General Plan Designation, Zoning

	EXISTING LAND USE	GENERAL PLAN	ZONING
Subject Property	Vacant Property	Low Density Residential (2-5 du/acre, Target = 3)	Central Commercial (C-3)
North	Peoria SportsPlex	Low Density Residential	Central Commercial (C-3)
South	Arizona Canal Lateral #20 / Tierra Norte V Subdivision	Low Density Residential	Single-Family Residential (R1-10)
East	Running Horse at Arrowhead	Low Density Residential	Multi-Family Residential (RM-1)

West	Service King Collision Repair / Tierra Buena Subdivision	Low Density Residential	General Commercial (C-4) Single-Family Residential (R1-6)
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Other Related Policies and Project History

The subject property consists of two parcels that were both annexed into the City of Peoria in 1980. Initial zoning of Central Commercial (C-3) was approved for both parcels in 1980 as well. The single-family development to the east, known as Running Horse, was approved in 2004 at which time a 90-foot easement across the subject property was dedicated to the City to allow for the only point of access to the neighborhood.

APPLICANT'S PROPOSAL

Goal/Purpose of Request

The applicant is requesting to amend the General Plan from the current land use designation of Low Density Residential (2-5 du/ac, target of 3 du/ac) to Medium Density Residential (5-8 du/ac, target of 6 du/ac). The purpose of this request is to provide for an appropriate land use designation to accommodate the companion rezoning request to Planned Area Development (PAD). The proposed rezoning would allow for a detached single-family residential development with 32 lots, approximately 3,500 square feet (sf) each, resulting in a gross density of 4.88 du/ac. Please see case Z17-20 for further discussion and analysis of the zoning case.

Development Information

Existing Use: Vacant

Proposed Use
 Detached single-family residential development

Property Size: ≈6.55 acres

DISCUSSION AND ANALYSIS

Land Use

The proposed residential development does not meet the intent of the current General Plan land use designation of Low Density Residential (2-5 du/ac, target of 3 du/ac). As a result, the applicant has submitted the subject General Plan Amendment that would modify the existing designation to Medium Density Residential (5-8 du/ac, target of 6 du/ac), which is more appropriate for the smaller lot configuration (32 lots, approx. 3,500 sf each) proposed with the accompanying rezoning case.

The proposed amendment meets the intent of the General Plan, which is to provide a land use designation that coincides with the proposed use (Z17-20) and is contextually appropriate. The surrounding properties are currently designated Low Density Residential as well, but do not reflect this land use designation, such as:

- The property to the north, which is zoned C-3, is built for nonresidential uses and currently operates as indoor recreation;
- The property to the east, which is zoned RM-1, is a multi-family development consisting of single-family attached and detached residential homes, with a density of

approximately 7 du/ac; and

• The property to the northwest, which is zoned C-4, is an auto collision repair facility.

The subject property is currently zoned Central Commercial District (C-3), which allows for retail and service establishments. This zoning district is not consistent with the current Low Density Residential land use designation. C-3 zoning is more intense than the proposed 32-lot residential development and does not provide the appropriate transition needed from the multifamily development to the east and the traditional single-family development to the west. Changing the land use designation to Medium Density Residential will allow the proposed residential development to provide an appropriate transition as a step down in density from the development to the east and a step up from the development to the west.

Relevant General Plan Policies and Objectives

Staff has identified goals and policies from the General Plan that support this request.

- <u>Land Use Goal 1</u>: Provide a balance of land uses that will preserve and enhance neighborhoods, promote economic development and encourage redevelopment at appropriate locations.
- <u>Land Use Policy 1.H.3</u>: Encourage infill residential development that takes advantage of existing municipal services, utilities, transportation facilities, schools, and shopping areas
- <u>Land Use Policy 1.M.1</u>: Accommodate an adequate supply and mix of developable residential land to accommodate future housing needs.

Land Use Findings

The amendment constitutes an overall improvement to the City's General Plan; and

- The proposal provides for a land use category that will allow for a development of contextually appropriate scale and intensity in comparison to the adjacent uses.
- The amendment will better reflect the development needs of the area while accounting for the existing built environment.
- The amendment is in conformance with the Goals, Objectives, and Policies of the City of Peoria General Plan.
- The amendment will not adversely impact the community as a whole or a portion of the community by:
 - Significantly altering acceptable existing land use patters,
 - Requiring larger and more expensive improvements to roads, sewer or water systems than are needed to support the prevailing land uses and which, therefore, may impact development of other lands.
 - Adversely impacting existing uses because of increased traffic on existing systems, or
 - Affecting the livability of the area or the health and safety of the residents.

Traffic

Access to the site will be through the existing easement area, which is the private street Running Horse Lane. The Running Horse development currently struggles with parking and uses this easement to park vehicles in the evening and at night. The applicant is proposing to redesign the street to include 16 guest parking spaces, half of which will be dedicated to the residents of Running Horse.

Water/Sewer

Water and sewer facilities exist adjacent to the site and have available capacity to serve the proposed commercial use on the property.

Public Safety

There are no anticipated impacts to public safety as a result of this proposal.

Proposition 207

The applicant has furnished a signed and notarized Proposition 207 Waiver for recordation pending the outcome of the City Council action.

COMMUNITY INVOLVEMENT

Outreach Requirements

The application was properly noticed pursuant to Section 21-315 of the Peoria Zoning Ordinance, which includes notification to all property owners within 600 feet of the site and registered HOAs within one (1) mile, posting a sign on the site, and placing an ad in the Peoria Times at least 15 days prior to the Public Hearing.

Support / Opposition

Two neighborhood meetings have been held by the applicant, the first on August 1, 2017, and the second on December 11, 2017 at 6 pm. Both meetings were held at Paseo Verde Christian Church. A total of eight people attended both meetings, five were citizens and not associated with the applicant or the City.

To date, one letter of concern was received by City staff on October 13, 2017. The citizen referenced the current parking problem within Running Horse at Arrowhead, which he resides. Residents of this neighborhood park along Running Horse Lane, but there are no striped parking spaces at this time. The applicant has addressed this concern by providing 16 guest parking spaces along Running Horse Lane and dedicating eight of these spaces to the residents of Running Horse at Arrowhead.

STAFF RECOMMENDATION

Based on the following findings:

1. The amendment constitutes an overall improvement to the City's General Plan;

PLANNING COMMISSION REPORT | BELLA BRISA (GPA17-02)

- 2. The proposal provides for a land use category that will allow for a development of compatible scale and intensity as the surrounding community;
- 3. The amendment will better reflect the development needs of the area while accounting for the existing built environment;
- 4. The amendment is in conformance with the Goals, Objectives, and Policies of the Peoria General Plan; and,
- 5. That the amendment will not adversely impact the community as a whole or a portion of the community.

Staff recommends that the Planning and Zoning Commission take the following action:

Recommend approval to the City Council for the applicant's request for General Plan Land Use Map Amendment under Case GPA17-02.

REPORT PREPARED BY

Jennifer Fostino
Planner
623-773-7565
jennifer.fostino@peoriaaz.gov

ATTACHMENTS:

Exhibit A: Vicinity Map

Exhibit B: Existing Land Use Map Exhibit C: Proposed Land Use Map

Exhibit D: Zoning Map
Exhibit E: Project Narrative

Vicinity Map



GPA17-02 Bella Brisa

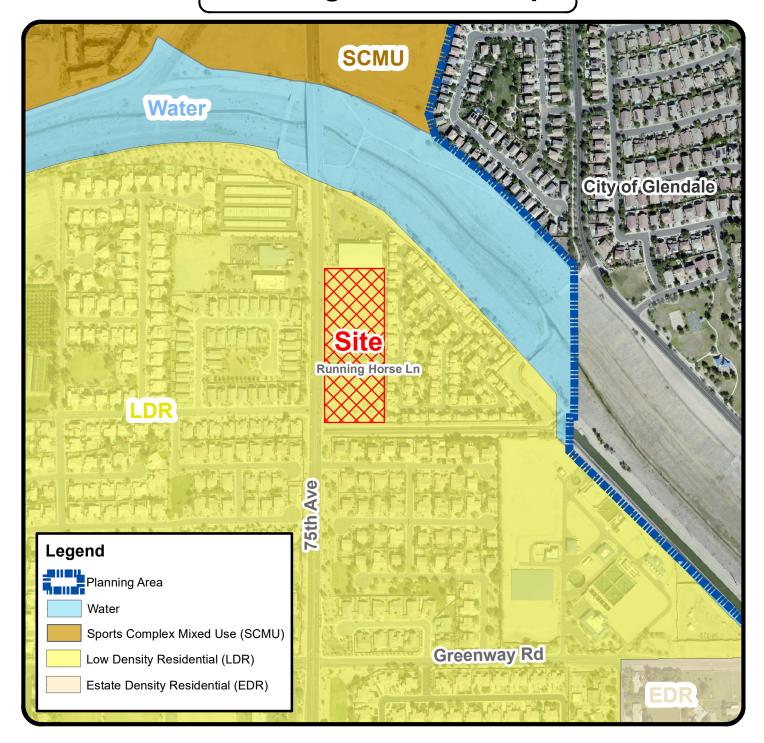
Applicant: Pew & Lake, PLC

Request: The applicant is requesting a General Plan Amendment to change the land use designation from Low Density Residential to Medium Density Residential.

Location: North and south of the east side of the intersection at 75th Avenue and Running Horse Lane.

Exhibit A

Existing Land Use Map



GPA17-02 Bella Brisa

Applicant: Pew & Lake, PLC

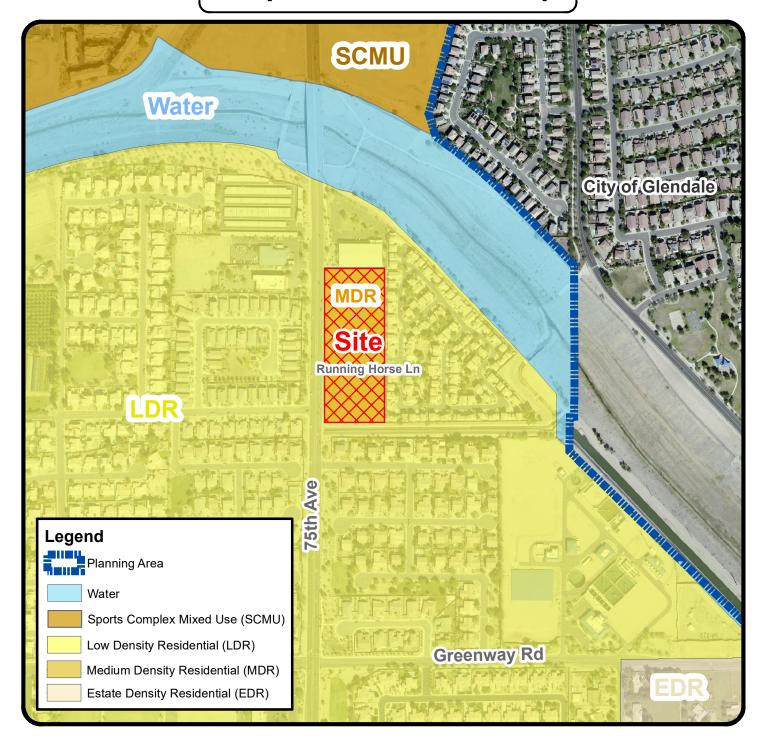
Request: The applicant is requesting a General Plan Amendment to change the land use designation from Low Density Residential to Medium Density Residential.

Location: North of the northeast corner of Greenway Rd & 75th Ave.

Exhibit B



Proposed Land Use Map



GPA17-02 Bella Brisa

Applicant: Pew & Lake, PLC

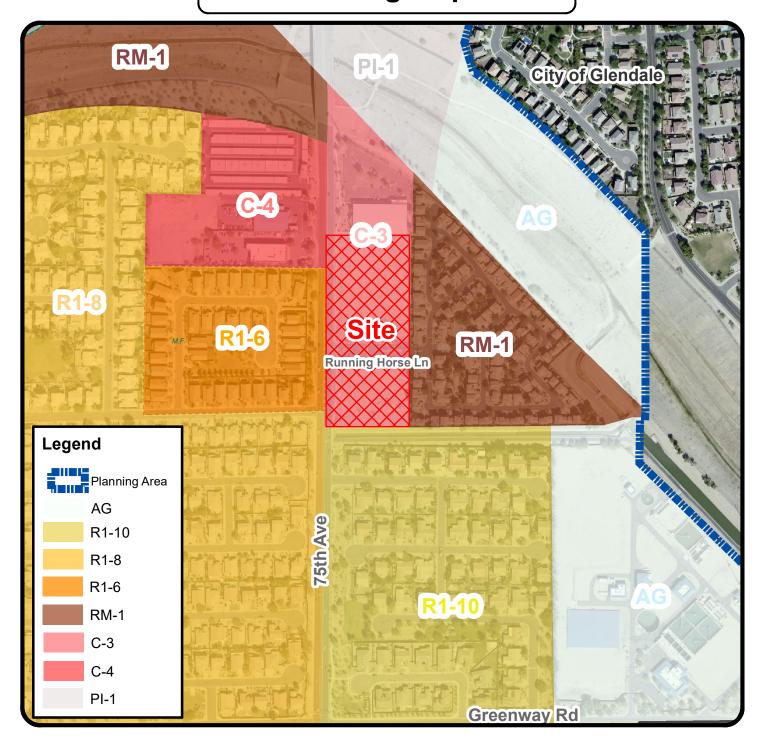
Request: The applicant is requesting a General Plan Amendment to change the land use designation from Low Density Residential to Medium Density Residential.

Location: North of the northeast corner of Greenway Rd & 75th Ave.

Exhibit C



Zoning Map



GPA17-02 Bella Brisa

Applicant: Pew & Lake, PLC

Request: The applicant is requesting a General Plan Amendment to change the land use designation from Low Density Residential to Medium Density Residential.

Location: North of the northeast corner of Greenway Rd & 75th Ave.

Exhibit D



Bella Brisa

a Bela Flor Community 75th Ave & Running Horse Lane

Case No. GPA17-02

Submitted by:



Reese L. Anderson 1744 S. Val Vista Drive, Suite 217 Mesa, AZ 85204

Phone: (480) 461-4670

Email: reese.anderson@pewandlake.com

On behalf of: Bela Flora Communities, LLC



May 14, 2018

Contents

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Site Background & Context	3
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Minor General Plan Amendment	4
Conclusion	

Introduction

Pew & Lake, PLC, on behalf of our client, Bela Flor Communities, LLC, is pleased to submit this Project Narrative in support of Bella Brisa, a subdivision consisting of thirty-two (32) single-family, detached homes at the northeast and southeast corners of 75th Avenue and Running Horse Lane in Peoria, Arizona. The site is shown below and is commonly known as Maricopa County Assessor Parcel Nos. 200-52-006D and 200-52-006E. The site is currently zoned C-3 and is 6.55 gross acres in size. The proposed development would result in a gross density of 4.88 dwelling units per gross acre.



Request

Our request to the City of Peoria is for the following:

A **General Plan Amendment** from Low Density Residential (LDR) to Medium Density Residential (MDR).

By separate application (Z17-20), we are also requesting approval of a rezone of the property from Central Commercial (C-3) to Planned Area Development (PAD), and approval of a Preliminary Plat (P17-14).

Site Background & Context

The subject site is vacant and has been zoned C-3 for several decades. Some of the physical development constraints that have made commercial development of this parcel unviable are: a) lack of access to a major arterial intersection, b) the small overall size and shallow depth of the property and c) the bisection of the property by Running Horse Lane. Additionally, the property is surrounded by predominantly residential uses.

Some of the more objectionable uses in the C-3 district such as motels, massage shops, tobacco/vape retailers, bars & taverns, laundromats, social services, gas stations, auto repair shops, bowling alleys, video arcades, dance halls, recreation and social clubs, bus terminals, tire shops, day care centers, public/private schools, employment agencies, palm readers, tanning salons, etc., would not be compatible with the adjacent residential uses. Additionally, the narrow depth of the site would prevent the design of any meaningful buffer from such uses to the residential neighborhood to the east. Finally, there is an abundance of retail uses directly to the north, around 75th Ave. and Bell Road, which consist of well- established retail, office and entertainment uses.

There is a a variety of housing options and good educational opportunities in the nearby area, which make this site ideally situated to accommodate the proposed project and even further diversify housing options in the area. The conversion of this property from vacant land to a residential use will complete the residential pattern established in the area and provide a prime location for a quality infill development.

The development team contacted the surrounding neighbors and held a neighborhood meeting on August 1, 2017 at the Paseo Verde Christian Church to understand the neighbor's interests or concerns about the development of a medium density, detached, single-family home subdivision. The meeting was attended by 4 residents who did not have any objections to the proposed project. The largest concern was parking, which is discussed in greater detail below.

Relationship to Surrounding Properties

The subject property is bound on the north by commercial uses, on the south by the Arizona Canal and then single-family (R1-10), on the east by an attached medium density (RM-1) residential community; and on the west, by 75th Avenue and then single-family detached homes (R1-6). The chart below details the general character of the surrounding area.

Direction	General Plan Character Area	Existing Zoning	Existing Use
North	Low Density Residential (LDR)	C-3	Peoria Sportsplex
East	Low Density Residential (LDR)	RM-1	Multi-family (Running Horse at Arrowhead)
South	Low Density Residential (LDR)	R1-10	Arizona Canal & Single Family Detached (Terra Norte Community)
West	Low Density Residential (LDR)	R1-6	75th Avenue & Single Family Detached (Terra Buena Community)
Project Site	Low Density Residential (LDR)	C-3	Vacant

Minor General Plan Amendment

As noted previously, the existing General Plan land use designation for the site is Low Density Residential (LDR). See Figure 5 below. The density range within the LDR category is 2.0-5.0 du/ac with a target density of 3.0 du/ac. Even though the density proposed in this application, 4.89 du/ac, is still within the density of the LDR, the City Staff are insistent that the Genal Plan needs to change because the overall character of the proposed development is more consistent with the character described in the Medium Density Residential (MDR) land use designation. Accordingly, the applicant has agreed to apply for the character desired and amend the land use designation from Low Residential Density (LDR) to Medium Density Residential (MDR).

The MDR land use designation has a density range of 5.0 - 8.0 du/ac with a target density of 6.0 du/ac. Given that the proposed gross density of the project is 4.89 du/ac, this project is well positioned and below the established target density for the MDR designation.

The MDR land use category is intended to fulfill the need for small lot or attached single-family, and multi-family residences which are compatible with abutting single-family residential districts. This category also supports a suburban lifestyle and provides an appropriate transition between less intense residential areas, more urban neighborhoods and non-residential uses. The requested amendment to the MDR land use designation accomplishes these stated goals. This proposed development provides the needed transition from LDR and MDR uses to the commercial uses and arterial street.

The following numbered questions/statements are found in the General Plan Amendment application. Immediately following each question/statement, is our response in **bold** text.

- 1. Provide a brief description and reason for the requested change. Provide supporting data.
 - This site should be considered a bypassed, infill property, that is not viable
 for commercial uses and given its small size (5.35 net acres) it is not viable
 or attractive for a traditional single-family neighborhood. It should be
 noted that the current zoning category (C-3) is inconsistent with the
 current general plan land use designation.
 - Rather, this site is well-positioned for a medium density residential development, of detached, single-family, homes, that will be a benefit to the surrounding community.
 - The density proposed by this development is actually lower than the density prescribed for the MDR land use designation.
- 2. If map amendment, indicate the existing and the proposed General Plan Land Use designation(s).
 - The existing land use designation is Low Density Residential (LDR).
 - The proposed land use designation is Medium Density Residential (MDR).
- 3. In what way does the existing plan inadequately provide suitable alternatives for this request?
 - Due to the limited size of the parcel (5.35 net acres), and the fact that it is bisected by Running Horse Lane (a private drive serving the neighborhood to the East), this is a very difficult property to develop as a traditional single-family neighborhood. Consequently, a project with slightly higher density is not only desired, but needed. As noted above, the proposed gross density is 4.89 du/ac, which is lower than what is allowed in MDR category.
 - This proposal is the result of balancing the need to have single-family detached homes in this area, and allowing for the highest and best use of this property. It is also worth noting that while the property to the east is designated as LDR in the General Plan, it is zoned RM-1 (multi-family).

- 4. How will this amendment affect property values and neighborhood stability? Provide supporting data and/or case studies.
 - The proposed project will positively affect property values and neighborhood stability.
 - First, the homes within Bella Brisa will start at \$290,000, which will provide a higher per-square-foot price than the other single-family homes in the immediate area and certainly be higher than those within the adjacent multi-family project (Running Horse at Arrowed).
 - Second, this project (Bella Brisa) will be bring stability and certainty as it removes the older and more intense C-3 zoning district, which allows some uses (as noted above), that most residents would not want to live next to.
 - Overall, we strongly believe that the quality of the proposed product and the overall design will enhance the area and bring a more balanced housing to the area.
- 5. How will this amendment contribute to compatible neighborhood patterns? Provide supporting data.
 - The conversion of this property from vacant land (zoned C-3) is consistent with the established neighborhood patterns and an excellent buffer/transition to the existing Running Horse at Arrowhead neighborhood to the East.
 - This residential use will complete the residential pattern established by the site to the east and provide the ideal location for a quality infill development.
- 6. How will this amendment contribute to an increased tax base, economic development, and employment opportunities? Provide supporting data.
 - The site is currently vacant and thus does not generate or contribute to an
 increased tax base, economic development nor provide employment
 opportunities. The proposed development will bring permit fees, home
 sales and tax revenue, sales tax, property tax and help increase the
 economic vitality to the area in bringing in more rooftops and purchasing
 power to support the retail, office and entertainment in the area and
 especially to the to the North.

- 7. How will this amendment contribute to the City's goal of achieving balanced housing, shopping, employment, and recreational opportunities?
 - The property is already designated as LDR in the General Plan. Thus, because the City is not actively seeking, nor desiring for this property to remain commercial, this question is essentially not applicable. In other words, this property is not part of the City's desired or needed inventory of commercial land. Rather, this slight change from LDR to MDR and the construction of this high-quality project, will help in achieving the City's desire for ownership-based housing and balanced housing needs as noted in Table 7-1 of the Peoria General Plan because it provides another housing choice in the vicinity.
- 8. How will this amendment affect existing infrastructure of the area, specifically, the water, wastewater and street systems?
 - This amendment will not negatively affect any existing infrastructure in the area. All water, wastewater and other utility systems are appropriately sized and have capacity for this 32-lot project.
 - Additionally, all right-of-way has previously been provided as well as the construction of a deceleration right turn lane into the project.
 - A traffic study has been conducted and the results have confirmed that 75th Avenue is adequately sized to handle the increased traffic from this project and confirmed that no new traffic signal is warranted at the intersection of 75th Avenue and Running Horse Lane.
- 9. How will this amendment affect the ability of the school district to accommodate children? Indicate the specific schools to be attended and provide attendance and other data reflecting impacts to the specified schools, and district comments.
 - We believe that the effects on the school district will be very minimal due to the fact that there are only 32 homes, and also, that the expected residents will be young professionals (who often don't have children) and empty nesters.
 - The site is within close proximity to Paseo Verde Elementary School, which is approximately 0.8 miles away, or a 15 min walk; and Centennial High School is approximately 1.5 miles away from the site.
 - There is a school bus stop located on Running Horse Lane, which accommodates children living in Running Horse at Arrowhead and will

- also very easily provide any children living within Bella Brisa with safe transportation to and from the schools.
- We have been in contact with Mike Maas, Director of Research and Planning, Planning and Assessment with he Peoria Unified School District, and are working towards an agreement that supports the school district.
- 10. Specifically, what Elements, Goals, Objectives, and Policies of the General Plan will be affected?
 - Goal 1: Provide a balance of land uses that will preserve and enhance neighborhoods, promote economic development and encourage redevelopment at appropriate locations.
 - Policy 1.H.3: Encourage infill residential development that takes advantage of existing municipal services, utilities, transportation facilities, schools and shopping areas.
 - Policy 1.M.1: Accommodate an adequate supply and mix of developable residential land to accommodate future housing needs.
- 11. How will this amendment support the overall intent and/or constitute an overall improvement to the General Plan?
 - This amendment will support the overall intent of the General Plan due to the growing smarter goal of introducing and supporting infill and bypassed opportunities within or near the central portion of the City.

Conclusion

This application for a Minor General Plan Amendment is consistent with the established land use patterns in the immediate area and is also compatible with the vision established by the City of Peoria General Plan. This well-designed subdivision will create an attractive streetscape while completing the pattern of residential development in this area. Additionally, the City of Peoria will benefit from the absorption of a vacant, remnant parcel. Given the foregoing, the applicant and developer look forward to working with the City of Peoria to implement our vision for this parcel of undeveloped land and kindly urge your support.

RESOLUTION NO. 2018-85

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA AMENDING THE LAND USE MAP OF THE PEORIA GENERAL PLAN FROM LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL FOR A 6.55 ACRE PROPERTY IN THE CITY OF PEORIA, ARIZONA; AND PROVIDING FOR SEPARABILITY AND AN EFFECTIVE DATE.

WHEREAS, the General Plan heretofore adopted by the City of Peoria, Arizona provides for periodic review and amendment;

WHEREAS, the City of Peoria is required to follow the procedures of A.R.S. 9-461.06 in adopting any amendments to the General Plan; and

WHEREAS, the Peoria Planning and Zoning Commission, after due and proper notice as required by law, held a public hearing regarding Case GPA17-02, on June 7, 2018; and

WHEREAS, after such public hearing and consideration of Case GPA17-02, the Peoria Planning and Zoning Commission recommended adoption of Case GPA17-02, a copy of which recommendation is on file with the City Clerk of the City of Peoria, Arizona, and which said Case GPA17-02 was transmitted to the Mayor and City Council of the City of Peoria prior to the meeting of August 14, 2018; and

WHEREAS, after due and proper consideration of Case GPA17-02, the Mayor and City Council of the City of Peoria, Arizona have found that Case GPA17-02 will properly aid in the orderly growth and development of the City of Peoria, Arizona.

NOW, THEREFORE BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA AS FOLLOWS:

SECTION 1. Amendment to the Peoria General Plan

1. The City Council of the City of Peoria, Arizona, does hereby accept and adopt amendment number GPA17-02, amending the Land Use Map of the Peoria General Plan, for the area described in Exhibits A and B.

SECTION 2. Separability.

In the event any part, portion or paragraph of this Resolution is found to be invalid by any court of competent jurisdiction, the invalidity of such part, portion, or paragraph shall not affect any other valid part, portion, or paragraph of this Resolution and effectiveness thereof;

Resolution No. 2018-85 Page 2 of 4

SECTION 3. This Resolution shall become effective in the manner provided by law.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Maricopa County, Arizona this 14th day of August, 2018.

	Cathy Carlat, Mayor	
	Date signed	
ATTEST:		
Rhonda Geriminsky, City Clerk		
APPROVED AS TO FORM:		
/anessa P. Hickman, City Attorney		
Effective Date		

Resolution No. 2018-85 Page 3 of 4

Exhibit A Legal Description

A PORTION OF THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 3 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, LYING NORTH OF THE RIGHT-OF-WAY FOR THE ARIZONA CANAL LATERAL #20, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE BRASS CAP IN HAND HOLE MARKING THE SOUTHWEST CORNER OF SAID SECTION 1, FROM WHICH A CHISELED "X" IN CONCRETE MARKING THE WEST QUARTER CORNER OF SECTION 1, BEARS NORTH 00 DEGREES 40 MINUTES 07 SECONDS EAST, 2632.57 FEET, SAID LINE BEING THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 1, AND THE BASIS OF THE BEARINGS IN THIS DESCRIPTION:

THENCE NORTH 00 DEGREES 40 MINUTES 07 SECONDS EAST ALONG SAID WEST LINE, 2056.44 FEET TO ITS INTERSECTION WITH THE WESTERLY PROLONGATION OF THE SOUTH LINE OF THE ROLLERPLEX ENTERTAINMENT PARCEL AS DESCRIBED IN RECORDING NO. 99-1060175, OF OFFICIAL RECORDS OF MARICOPA COUNTY RECORDER:

THENCE SOUTH 89 DEGREES-19 MINUTES 53 SECONDS EAST, ALONG SAID SOUTH LINE, 65.00 FEET TO THE EAST LINE OF THE WEST 65.00 FEET OF SAID SOUTHWEST QUARTER, AND THE POINT OF BEGINNING:

THENCE CONTINUING SOUTH 89 DEGREES 19 MINUTES 53 SECONDS EAST, ALONG SAID SOUTH LINE, 290.00 FEET TO THE EAST LINE OF THE WEST 355.00 FEET OF SAID SOUTHWEST QUARTER AND A POINT FROM WHICH THE SOUTHEAST CORNER OF SAID ROLLERPLEX ENTERTAINMENT PARCEL, BEARS SOUTH 89 DEGREES 19 MINUTES 53 SECONDS EAST 6.50 FEET;

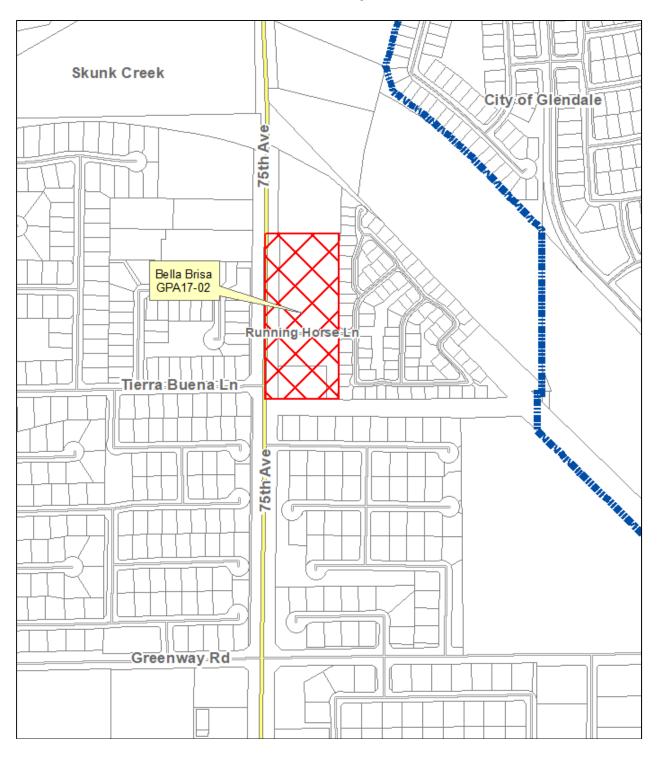
THENCE SOUTH 00 DEGREES 40 MINUTES 07 SECONDS WEST, ALONG SAID EAST LINE, 803.44 FEET TO THE NORTH RIGHT-OF-WAY LINE OF SAID ARIZONA CANAL LATERAL #20;

THENCE NORTH 89 DEGREES 19 MINUTES 53 SECONDS WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE, 290.00 FEET TO THE EAST LINE OF THE WEST 65.00 FEET OF SAID SOUTHWEST QUARTER;

THENCE NORTH 00 DEGREES 40 MINUTES 07 SECONDS EAST, ALONG SAID EAST LINE, 803.44 FEET TO THE POINT OF BEGINNING;

EXCEPTING AN UNDIVIDED ½ INTEREST IN AND TO ALL OIL, GAS, PETROLEUM, NAPHTHA AND OTHER HYDROCARBON SUBSTANCES AND MINERALS AS RESERVED IN DEED RECORDED IN BOOK 382 OF DEEDS, PAGE 305.

Exhibit B Parcel Map



CITY OF PEORIA, ARIZONA COUNCIL COMMUNICATION

Date Prepared: 7/16/2018 Council Meeting Date: 8/14/2018

TO: Jeff Tyne, City Manager

THROUGH: Andy Granger, Deputy City Manager

FROM: Chris M. Jacques, AICP, Planning Director

SUBJECT: PUBLIC HEARING - Rezoning, Bella Brisa, 75th Avenue and Running Horse

Lane

Purpose:

COUNCIL ACTION:

Discussion and possible action to concur with the Planning and Zoning Commission's recommendation to adopt **ORD**. **2018-26** approving the rezoning of approximately 6.55 acres, located north and south of the east side of the intersection at 75th Avenue and Running Horse Lane, from Central Commercial (C-3) to Planned Area Development (PAD).

Summary:

The applicant, Pew & Lake, on behalf of Bela Flor Communities, is requesting to rezone approximately 6.55 acres, located at 75th Avenue and Running Horse Lane, from Central Commercial (C-3) to Planned Area Development (PAD). The request, if approved, would facilitate the development of *Bella Brisa*, a 32-lot detached single-family residential community.

The site is located north and south of the east side of the intersection at 75th Avenue and Running Horse Lane. Surrounding the property is the Peoria SportsPlex to the north, a canal and Tierra Norte V subdivision to the south, Running Horse at Arrowhead multi-family development to the east, and Service King Collision repair, along with Tierra Buena subdivision to the west.

The Bella Brisa Planned Area Development (PAD) proposes a minimum lot size of 3,500 square feet (sf). Lots within the proposed development range from 3,500 sf - 5,276. The PAD would allow a maximum height of thirty (30) feet or one- and two-story homes, thereby aligning with the adjacent Running Horse development.

The subject property has a land use designation of Low Density Residential (LDR), which has a density range of 2-5 dwelling units per acre (du/ac) with a target of 3 du/ac. The gross density of the proposed development is 4.88 du/ac. The accompanying General Plan Amendment (GPA17-02) proposes to modify the land use designation to Medium Density Residential (MDR), which has a density range of 5-8 du/ac with a target of 6 du/ac. While the proposed density falls within

the existing General Plan land use category, it is on the upper end of the range, and the smaller lot configuration is not consistent with the intent of the Low Density Residential land use category.

The total project open space is approximately 6.42 acres. This includes 2.40 acres of usable open space, which consists of two large open turf areas located on either side of the entrance into the proposed development. Both the north and south turf areas will have a bike rack, ramada, picnic table, barbeque grill, and trash receptacle. The north turf area will also include a tetherball court and playground equipment. A pedestrian connection will be provided to the canal along the southern property line.

The primary entrance to the site will be from 75th Avenue onto Running Horse Lane. Improvements to the intersection are not warranted at this time due to the minimal impacts of the proposed 32-lot residential development. Currently Running Horse Lane has a stop sign with full access to 75th Avenue. There is adequate turn storage on 75th Avenue for left hand turns into the development, along with an existing right-turn deceleration lane. A secondary gated entrance for emergency access is provided at the northern property line abutting 75th Avenue.

This property is within the Peoria Unified School District (PUSD) boundary. PUSD has notified the city that they have been in communication with the applicant regarding the proposal's impact to the school facilities within the area, and their desire to partner with the developer regarding this matter. However, an agreement between the applicant and PUSD has not been reached. As such, the City has received a letter from PUSD indicating the school district's opposition to the proposed rezoning

The application was properly noticed and two neighborhood meetings were held with five (5) attendees from the community present. The City has not received any correspondence in opposition or support of this case. Three comment cards were submitted during the August 1, 2017 neighborhood meeting, and one email received by City staff on October 13, 2017.

The main concern cited within the correspondence relates to current parking issue within the Running Horse at Arrowhead subdivision. As noted earlier, the demand for parking within the community often exceeds spaces available. Consequently, residents and their guests continually park along Running Horse Lane; however, Running Horse Lane is not striped or signed to allow parking at this time. The applicant has addressed the residents concern by proposing 16 guest parking spaces along Running Horse Lane, where eight of these spaces will be specifically dedicated for use by the residents of Running Horse at Arrowhead.

Previous Actions/Background:

On June 7, 2018, the Planning & Zoning Commission held a public hearing on this case.
The Commission voted 6-1, recommending approval of this request. There was one (1)
speaker, whom is a resident of Running Horse at Arrowhead, in opposition of the proposal.
The main concern was parking along Running Horse Lane for Running Horse residents.
The applicant addressed how the proposed development will provide 16 parking spaces along Running Horse Lane, with six (6) designated for Running Horse residents.

Options:

A: Approve as recommended by Staff and the Planning & Zoning Commission; or

B: Approve the request with modifications; or

C: Deny the request; or

D: Continue the request to a date certain or indefinitely; or

E: Remand to the Planning & Zoning Commission for further consideration.

Staff Recommendation:

APPROVE as recommended by Staff and the Planning & Zoning Commission.

Fiscal Analysis:

This request is not expected to have immediate budgetary impacts to the City. Should the development move forward, the City would provide infrastructure and operational support.

ATTACHMENTS:

Exhibit 1 - Vicinity Map

Exhibit 2 - Planning and Zoning Commission Packet

Exhibit 3 - Draft Ordinance

Contact Name and Number:

Chris M. Jacques, AICP, Planning Director, (623) 773-7609 Jennifer Fostino, Planner, (623) 773-7565

Vicinity Map



Z17-20 Bella Brisa

Applicant: Pew & Lake, PLC

Request: The applicant is requesting to rezone approximately 6.55 acres from Central Commercial (C-3) to Planned Area Development (PAD).

Location: North and south of the east side of the intersection at 75th Avenue and Running Horse Lane.

Exhibit 1



Exhibit 2

June 7, 2018
Planning and Zoning Commission
Staff Report with Exhibits

BACKGROUND

Context

The applicant is requesting to rezone a 6.55 acre property from Central Commercial (C-3) to Planned Area Development (PAD), which will allow for a detached single-family residential development with 32 lots. The proposed lots are approximately 3,500 square feet in size, resulting in a gross density of 4.88 dwelling units per acre (du/ac). The applicant is also requesting a waiver from the minimum 10-acre size required for PAD zoning. The subject property is located north and south of the east side of the intersection at 75th Avenue and Running Horse Lane (Exhibit A).

General Plan

The subject property has a land use designation on the General Plan as Low Density Residential (LDR), which as a density range of 2-5 dwelling units per acre (du/ac) with a target of 3 du/ac. The LDR land use designation denotes areas where detached, moderately sized lot, single-family residential neighborhoods are desirable. These areas support a suburban lifestyle with areas of increased density while maintaining a detached single-family residential character.

The accompanying General Plan Amendment (GPA17-02) proposes to modify the land use designation to Medium Density Residential (MDR), which has a density range of 5-8 du/ac with a target of 6 du/ac. The MDR land use designation denotes areas where single-family detached and attached residential homes are desirable. This density range is intended to provide areas suitable for single-family, town home, patio home, and multi-family type units (Exhibit B). As discussed within Case GPA17-02, the amendment meets the intent of the General Plan by offering a more diverse range of housing options within the City of Peoria, and more importantly it provides for a land use designations that is more contextually appropriate for the area.

Zoning

The site is zoned Central Commercial (C-3) as shown in Exhibit C. The C-3 zoning district is intended to accommodate retail and service establishments in the original plat of Peoria, what is now called the 'Old Town' area (Exhibit C). More specifically, the C-3 District is intended to provide maximum shopping convenience and efficient use of off-street parking for primarily individually owned, small-lot business establishments. As the Peoria General Plan envisions residential homes within this area, the existing zoning district is not compatible with the existing land use designation.

Adjacent Uses and Zoning

Tables 1 summarizes the existing land use, general plan and zoning designations for the surrounding areas.

Table 1 - Existing Land Use, General Plan Designation, Zoning

	EXISTING LAND USE	GENERAL PLAN	ZONING	
Subject Property	Vacant Property	Low Density Residential (2-5 du/acre, Target = 3)	Central Commercial (C-3)	
North	Peoria SportsPlex	Low Density Residential	Central Commercial (C-3)	
South	Arizona Canal Lateral #20 / Tierra Norte V Subdivision	Low Density Residential	Single-Family Residential (R1-10)	
East	Running Horse at Arrowhead	Low Density Residential	Multi-Family Residential (RM-1)	
West	Service King Collision Repair, and Tierra Buena Subdivision	Low Density Residential	General Commercial (C-4), and Single-Family Residential (R1-6)	

Other Related Policies and Project History

The subject property consists of two parcels that were both annexed into the City of Peoria in 1980. Upon annexation, the City assigned initial zoning of Central Commercial (C-3) to both parcels.

The single-family development to the east, known as Running Horse, was approved in 2004 at which time a 90-foot easement across the subject property was dedicated to the City to allow for access into that neighborhood.

APPLICANT'S PROPOSAL

Goal/Purpose of Request

The applicant is requesting to rezone approximately 6.55 acres from Central Commercial (C-3) to Planned Area Development (PAD), along with a waiver request to allow PAD zoning on a development less than ten (10) acres. As discussed in the Bella Brisa Planned Area Development (PAD) Standards and Guidelines Report, the proposed development would consist of 32 single-family detached residential lots with approximately 1.59 acres of total open space.

Development Information

• Existing Use: Vacant

Proposed Use
 Detached single-family residential development

Property Size: 6.55 acresDensity Proposed: 4.88 du/ac

• Number of Dwelling Units: 32

Typical Lot Size: 3,500 sfCommercial Acreage: 0 ac

Total Open Space: 1.59 acres / 24%
Useable Open Space 0.60 acres / 9%

Proposed Development Standards

Bella Brisa Development Standards							
			Minimum Yard Setbacks				
	Min. Lot	Min Lot	Min Lot	Max Bldg.	Frant	Rear	Side
	Size	Width	Depth	Height	Front		
Lots 1-5 &	2 E00 o f	50'	70'	30'	8′	10'	5′
Lots 30-32	3,500 <u>s.f.</u>	50	70	30	0	10	J
Lots 6-29	3,500 s.f.	50'	70'	30'	5′	10'	5'

DISCUSSION AND ANALYSIS

General Plan Land Use Conformance

While the proposed density falls within the existing General Plan land use category, it is on the upper end of the range, and the desired product type is not consistent with the intent of the Low Density Residential land use category. As a result, the applicant has submitted the accompanying General Plan Amendment (GPA17-02) that would modify the existing designation to Medium Density Residential (5-8 du/ac, target of 6 du/ac), which is more appropriate for the smaller lot configuration (32 lots, approx. 3,500 sf each) proposed with this rezoning case.

Planned Area District Analysis

The PAD zoning district is intended to provide development standards that are customized to better respond to environmental or situational constraints as compared to conventional zoning. Thus rezoning to PAD is appropriate as a means to achieve these goals and objectives:

- Encourage innovations in residential, commercial, and industrial development so that greater opportunities for better housing, recreation, shipping and employment, may extend to all citizens and residents of Peoria;
- Encourage a more creative approach in the utilization of land in order to accomplish a
 more efficient, aesthetic, and desirable development which may be characterized by
 special features of the geography, topography, size or shape of a particular property;
 and
- Provide a compatible and stable developed environment, in harmony with that of the surrounding area.

10-Acre Minimum PAD Requirement Waiver

The City of Peoria Zoning Ordinance requires all properties being rezoned to PAD be between ten (10) and six-hundred (600) acres in size; however, the minimum acreage can be waived if it is in the public's best interest, and if specific conditions exist on the property. Staff believes that granting the waiver for this application is in the best interest of the public because it will enable the development of a constrained parcel in a manner that is more compatible with the surrounding area.

As noted above, the Zoning Ordinance allows a waiver of the minimum size requirement if specific conditions are found on the property. It goes on to further state that only one condition must exist in order to qualify for the waiver. In this situation, all of the criteria are applicable as noted below. Staff responses are shown in *italics*.

Zoning Ordinance Section 21-602.B.1.a,c:

a. Unusual physical features of the property itself or of the surrounding area are such that development under the standard provisions of this Ordinance would not be appropriate in order to conserve a physical or terrain feature of importance to the neighborhood or community.

The subject property is currently split in two uneven halves due to the existing roadway easement, which is the private street Running Horse Lane. The residential development to the east, Running Horse at Arrowhead, uses this road to access their gated community. Currently, this community struggles with parking within their subdivision and thus uses Running Horse Lane for additional parking.

Bella Brisa will be redesigning the private road to maximize the parking area and will be dedicating eight of the sixteen spaces to Running Horse homeowners. The proposed development is not only working within the confines of having an existing street running through the property, but is providing a solution to an existing issue. If the property were to development as Central Commercial (C-3), the parking problem would most likely not have been solved, but instead intensified.

Amenities

The useable open space consists of two large open turf areas located on either side of the entrance into the proposed development. Both the north and south turf areas will have a bike rack, ramada, picnic table, barbeque grill, and trash receptacle. The north turf area will also include a tetherball court and playground equipment. Additional landscaping will be added along Running Horse Lane, and will include the placement of benches. A pedestrian connection will be provided to the canal along the southern property line (Exhibit D).

Access

The primary entrance to the site will be from 75th Avenue onto Running Horse Lane. Improvements to the intersection are not warranted at this time due to the minimal impacts of the proposed 32 lot residential development. Currently Running Horse Lane has a stop sign with full access to 75th Avenue. There is adequate turn storage on 75th Avenue for left hand turns into the development, along with an existing right-turn deceleration lane. A secondary gated entrance for emergency access is provided at the northern property line abutting 75th Avenue.

Parking

Single-family homes require three (3) off-street parking spaces when on-street parking is not available, which the proposed development does not provide. With 32 lots, a minimum of 96 off-street parking spaces are required. Every floor plan will provide at least a two-car garage and a driveway that can accommodate at least one parking space. Some floor plans offer a two-car driveway which increases the overall parking spaces provided for the proposed development above the minimum. Additionally, there are also sixteen parking spaces provided along Running Horse Lane; half for the Bella Brisa community and half for Running Horse community (Exhibit E).

Solid Waste Pickup

Solid waste pickup areas have been designated along the east side of 74th Lane for the development. Each trash pickup area is located on a concrete pad that has been marked. Each lot will be designated a specific area to place their trash bins on trash day, which are accessible by a sidewalk. Parking is not permitted within these areas to ensure availability for trash bins on pickup days (Exhibit F).

Water/Sewer

Water and sewer facilities exist along Running Horse Lane and have available capacity to serve the proposed residential use on the property.

Public Safety

There are no anticipated impacts to public safety as a result of this proposal.

Peoria Unified School District

This property is within the Peoria Unified School District (PUSD) boundary. PUSD has notified the city that they have been in communication with the applicant regarding the proposal's impact to the school facilities within the area, and their desire to partner with the developer regarding this matter. However, an agreement between the applicant and PUSD has not been reached. As such, the City has received a letter from PUSD indicating the school district's opposition to the proposed rezoning (Exhibit G).

Proposition 207

The applicant has furnished a signed and notarized Proposition 207 Waiver for recordation pending the outcome of the City Council action.

COMMUNITY INVOLVEMENT

Outreach Requirements

The application was properly noticed pursuant to Section 21-315 of the Peoria Zoning Ordinance, which includes notification to all property owners within 600 feet of the site and registered HOAs within one (1) mile, posting a sign on the site, and placing an ad in the Peoria Times at least 15 days prior to the Public Hearing.

Support / Opposition

Two neighborhood meetings have been held by the applicant, the first on August 1, 2017, and the second on December 11, 2017 at 6 pm. Both meetings were held at Paseo Verde Christian Church. A total of eight people attended both meetings; five were citizens and not associated with the applicant or the City.

Three comment cards were submitted during the August 1, 2017 neighborhood meeting, and one email received by City staff on October 13, 2017. The main concern cited within the correspondence relates to current parking issue within the Running Horse at Arrowhead subdivision in which he resides. As noted earlier, the demand for parking within the community often exceeds spaces available. Consequently, residents and their guests continually park along Running Horse Lane; however, Running Horse Lane is not striped or signed to allow parking at this time. The applicant has addressed the residents concern by proposing 16 guest parking spaces along Running Horse Lane, where eight of these spaces will be specifically dedicated for use by the residents of Running Horse at Arrowhead (Exhibit H).

STAFF RECOMMENDATION

Based on the following findings:

- 1. The proposed zoning district is in conformance with the goals and objectives set forth in the Peoria General Plan:
- This rezoning request is consistent with intense the associated General Plan Amendment, which would designate the land use for the subject site as Medium Density Residential (5-8 du/ac, target of 6 du/ac);
- 3. The rezoning request will result in a residential development that is compatible with the surrounding development;

Staff recommends that the Planning and Zoning Commission take the following action:

Recommend approval to the City Council for the applicant's request for Rezoning under Case Z17-20, subject to the following conditions:

- 1. The development shall substantially conform to the Bella Brisa PAD Narrative and Standard and Guidelines Report (Exhibit I) as contained in the Staff report to the Planning and Zoning Commission dated June 7, 2018.
- 2. The developer shall meet the rules and regulations set forth in the City of Peoria Zoning Ordinance and Design Review Manual, unless otherwise specified within the Bella Brisa PAD. No provision in this document shall negate any applicable provision in the City of Peoria Infrastructure Guidelines, or any life safety code requirements as mandated by the Building Safety Manager and Fire Marshall.
- Engineering review of zoning cases are for conceptual site layout only, and does not represent final engineering design approval nor shall it entitle applicants to future designs that are not in conformance with City of Peoria Infrastructure Design Guidelines and City Codes.

REPORT PREPARED BY

Jennifer Fostino Planner 623-773-7565 jennifer.fostino@peoriaaz.gov

ATTACHMENTS:

Exhibit A: Vicinity Map
Exhibit B: Land Use Map
Exhibit C: Zoning Map
Exhibit D: Landscape Plan

Exhibit E: Parking

Exhibit F: Solid Waste Pickup

Exhibit G: PUSD Letter of Nonsupport Exhibit H: Citizen Participation Report

Exhibit I: Bella Brisa PAD Narrative and Standard and Guidelines Report

Vicinity Map



Z17-20 Bella Brisa

Applicant: Pew & Lake, PLC

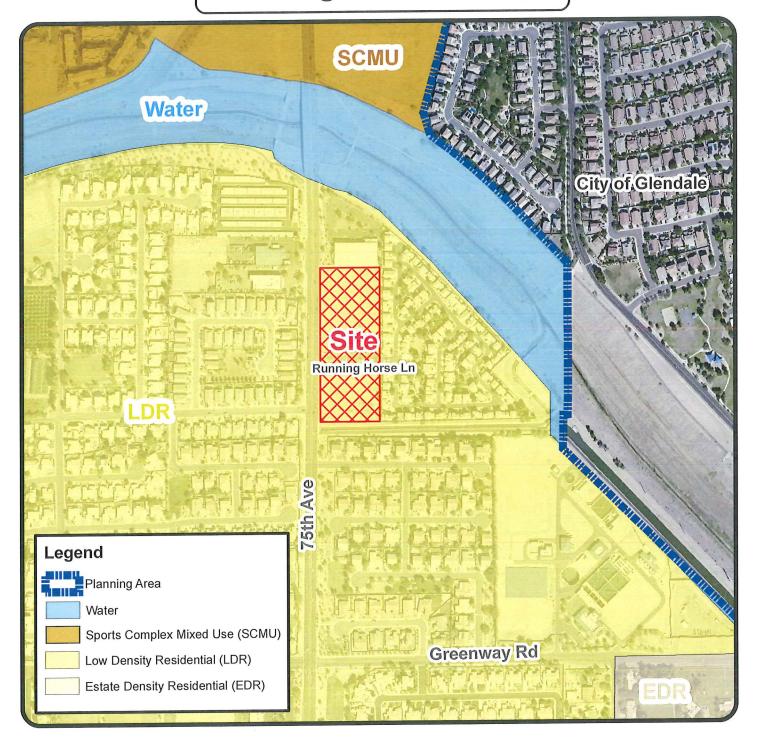
Request: The applicant is requesting to rezone approximately 6.55 acres from Central Commercial (C-3) to Planned Area Development (PAD).

Location: North and south of the east side of the intersection at 75th Avenue and Running Horse Lane.

Exhibit A



Existing Land Use Map



Z17-20 Bella Brisa

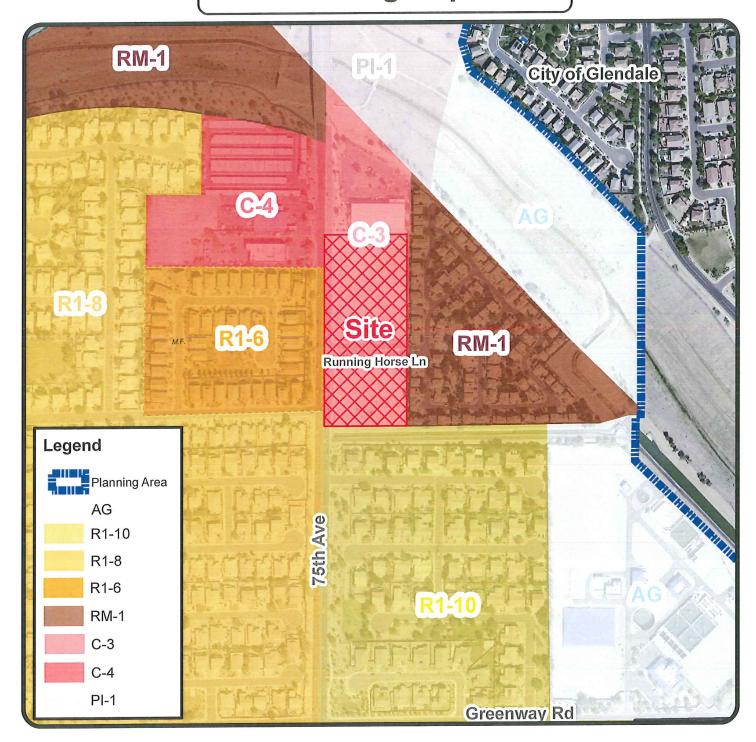
Applicant: Pew & Lake, PLC

Request: The applicant is requesting to rezone approximately 6.55 acres from Central Commercial (C-3) to Planned Area Development (PAD).

Location: North and south of the east side of the intersection at 75th

Exhibit B

Zoning Map



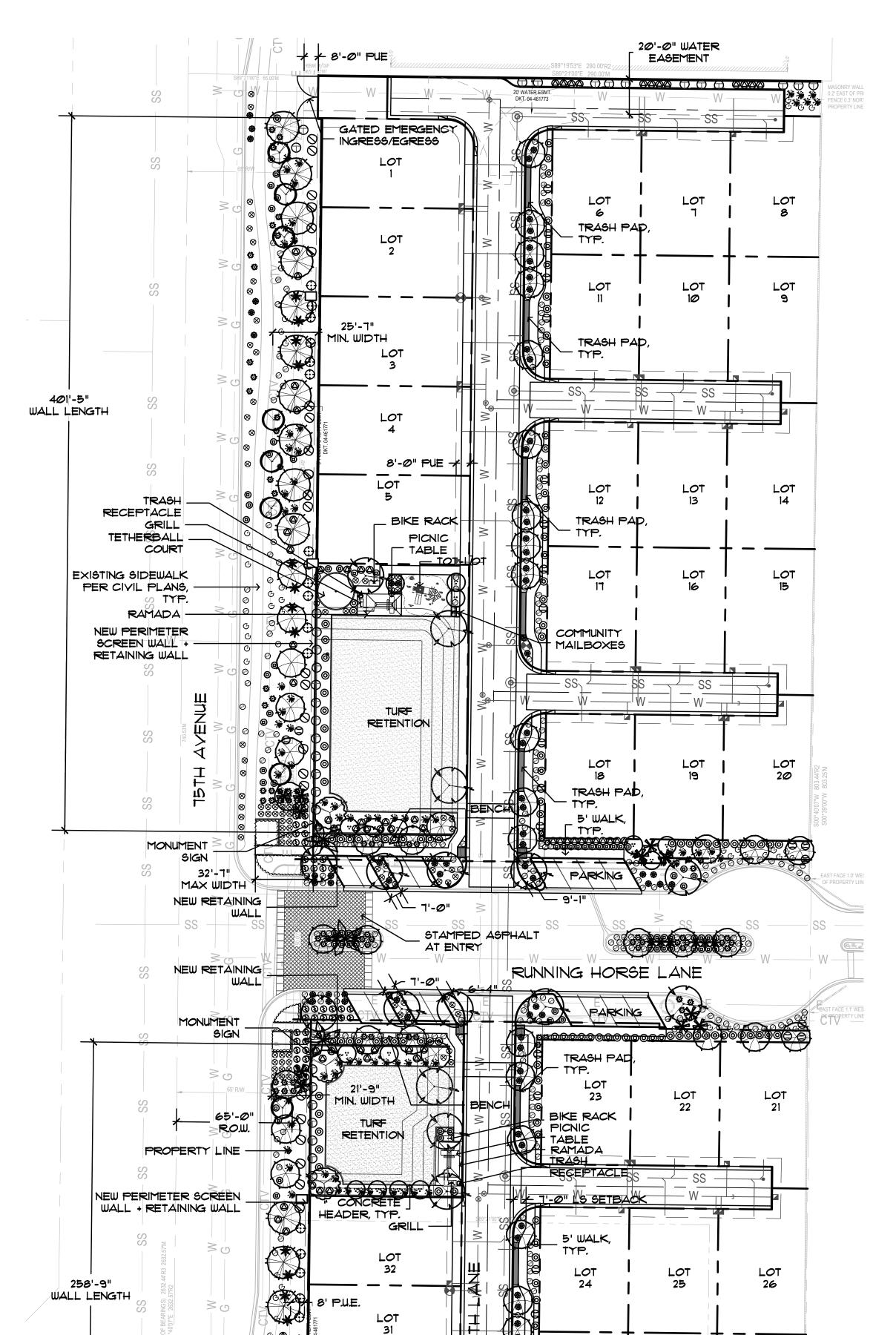
GPA17-02 Bella Brisa

Applicant: Pew & Lake, PLC

Request: The applicant is requesting to rezone approximately 6.55 acres from Central Commercial (C-3) to Planned Area Development (PAD).

Location: North and south of the east side of the intersection at 75th





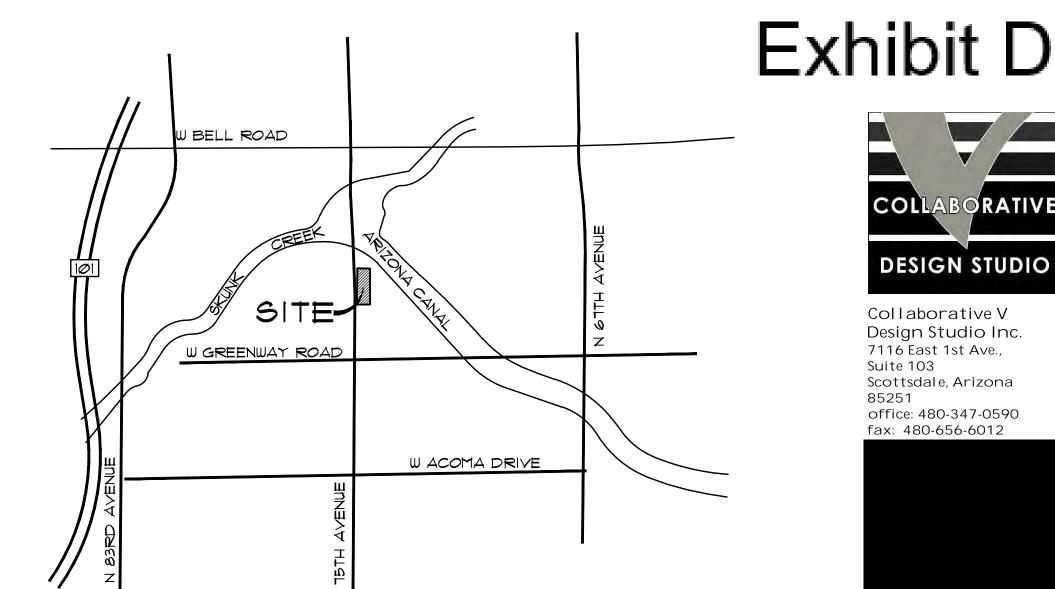
PLANT SCHEDULE SYMBOL BOTANICAL NAME SIZE/CALIPER QTY COMMENTS COMMON NAME TREES/PALMS 15 Gal./1" Cal. Multi Trunk Caesalpinia cacalaco Cascalote 10 Dense Canopy Chamaerops humilis Mediterranean Fan Palm 15 Gal. Standard Trunk Dense Canopy Dalbergia sissoo 15 Gal./1" Cal. Standard Trunk Sissoo Dense Canopy Standard Trunk 15 Gal./1" Cal. Fraxinus hybrid 'Fan West Fan West Ash Dense Canopy 24" Box/l.5" Cal. Phoenix dactylifera Date Palm 20' C.T.H Diamond Cut Matching 15 Gal./1" Cal. Nerium oleander Standard Tree Oleander Multi Trunk Dense Canopy 15 Gal./1" Cal. Multi Trunk Prosopis x 'Rio Salado' 'Rio Salado' Mesquite Dense Canopy Quercus virginiana Southern Live Oak 15 Gal./1" Cal. Standard Trunk Dense Canopy 24" Box/l.5" Cal. <u>ACCENTS</u> Hesperaloe funifera Giant Hesperaloe 5-Gal As Per Plan Hesperaloe parviflora 'Brakelights' As Per Plan Brakelights Red Yucca 5-Gal Muhlenbergia capillaris Pink Muhly Grass 'Regal Mist' 5-Gal As Per Plan Dodonaea viscosa 'Purpurea' Purple Hopseed Bush 5-Gal As Per Plan Eremophylla hygrophana 5-Gal As Per Plan Bluebells Leucophyllum frutescens 'Heavenly Cloud' Heavenly Cloud Sage 5-Gal As Per Plan As Per Plan Myrtus boetica Twisted Myrtle 15-Ga1 (3) Myrtus communis 'Compacta' Dwarf Myrtle 5-Gal As Per Plan Ruellia penninsularis Baja Ruellia 5-Gal As Per Plan Tecoma x 'Bells of Fire' Bells of Fire 5-Gal As Per Plan Tecoma stans Yellow Bells 5-Gal As Per Plan Bougainvillea hybrid Alexandra Bouqainvillea 5-Gal As Per Plan 'Alexandra' GROUND COVERS Outback Sunrise 230 As Per Plan Eremophila glabra 1-Gal 'Mingenew Gold' Red Lantana l-Gal As Per Plan Lantana hybrid 'Bandera' Purple Trailing Lantana I-Gal As Per Plan Lantana montevidensis Seasonal Annuals Seasonal Annuals 4" Pots 935 8" O.C. Per Plan MISCELLANEOUS

Decomposed Granite - <u>Size:</u> T.B.D. and Approved <u>Color:</u> T.B.D. and Approved 2" depth in all planting areas (Typ.) - ±48550 SQ. FT.

Hybrid Mid Iron Bermuda Sod - <u>±12,041 SQ. FT.</u> with Concrete Header - <u>±398 L.F.</u>

PRELIMINARY PLAT PLANTING DATA SHEET

	REQUIRED	PROVIDED
LANDSCAPE AREAS		
A. Street Frontage Areas (14-35-4.A.1)		
1. Adjacent to Arterial Streets (15 feet)	11,003 sq.ft	21,381 sq.ft
2. Adjacent to Local Streets (8 feet)	4,386 sq.ft	6,630 sq.ft
B. Required Drainage Retention/Detention Areas (14-35-4.A.6)	15,307 sq.ft	15,307 sq.ft
C. Useable Open Space Areas (Design Review Manual 20-70-12.C)	9%	9%
1. Lots less than 10,000 square feet (9% of gross project area)	25,670 sq.ft	25,831 sq.ft
PLANT QUANTITIES		
Street Frontage Landscape Areas (14-35-4.A.2)		
D. Trees: per 25 linear feet of street frontage (8' or 10' buffer + ROW)	52 trees	60 trees
E. Shrubs: 5 per 25 linear feet of street frontage (8' or 10' buffer + ROW)	260 shrubs	367 shrubs
Drainage Retention / Detention + Usable Open Space Areas (14-35-4.A.1)		
F. Trees: 1 per 1,000 square feet	41 trees	47 trees
G. Shrubs: 5 per 1,000 square feet	205 shrubs	285 shrubs
Note: Useable Open Space areas may occupy the same areas as drainage		
(i.e. improved basins). Does not include undisturbed Natural Open Space square footage in plant calculations.		
TOTALS		
Total Landscape Areas (A + (B + C))	56,389 sq. ft	69,149 sq. ft
Total Usable Ópen Space Percent	•	9% 107 trees
Total Trees (D' + F)	9% 93 tr ee s	
Total 24"+ Box Trees (50% of total required trees)	47 trees	
Total Shrubs (E + G)	465 shrubs	652 shrubs



N.T.S. GENERAL NOTES

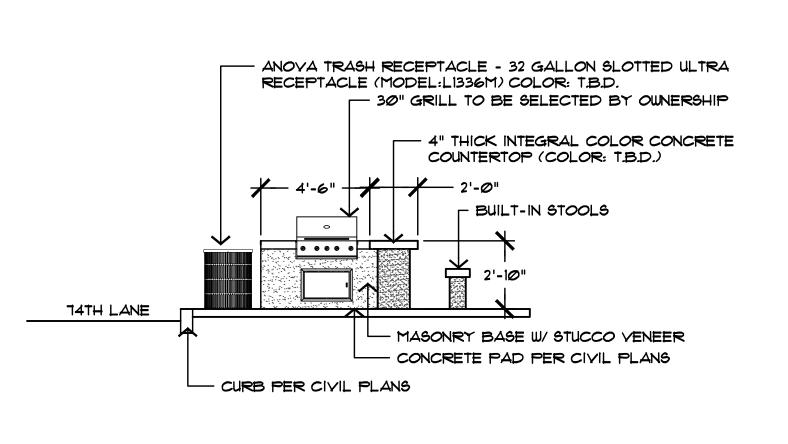
VICINITY MAP

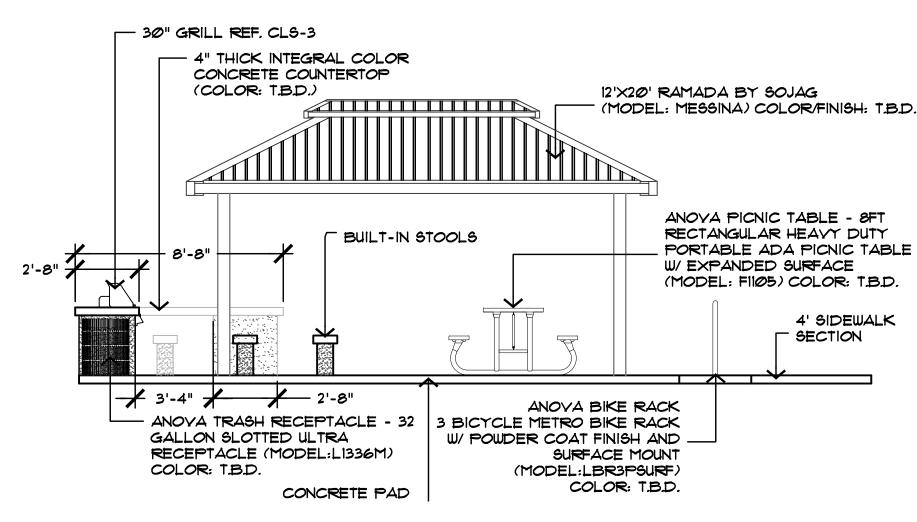
- 1. TURF (LAWN) IS LIMITED TO A MAXIMUM OF 20% OF THE SITE AREA.
- 2. A DEVELOPMENT MAY SUBSTITUTE A 36" BOX OR LARGER TREE IN PLACE OF A 15 GALLON TREE AT A SUBSTITUTION RATE OF 1.5 TREES FOR EVERY REQUIRED (15) GALLON TREE.
- 3. ALL LANDSCAPED AREAS SHALL BE SUPPORTED BY AN AUTOMATIC IRRIGATION SYSTEM WHICH MAY BE SPRAY, FLOOD OR DRIP SYSTEM.
- 4. PLANT MATERIALS UTILIZED IN LANDSCAPED AREAS IN THE ROW MUST BE INCLUDED ON THE MOST RECENT EDITION OF THE PHOENIX ACTIVE MANAGEMENT AREA LOW WATER USE / DROUGHT TOLERANT PLANT LIST.
- 5. THE PROPERTY OWNER AND/OR LESSEE SHALL BE RESPONSIBLE TO INSTALL/MAINTAIN ALL LANDSCAPING WITHIN THE RIGHT-OF-WAY (LANDSCAPING WITHIN ROW WILL COUNT TOWARDS STREET FRONTAGE BUFFER PLANTING REQUIREMENTS).
- 6. A 3 FOOT CLEAR SPACE IS REQUIRED AROUND ALL FIRE SUPPRESSION EQUIPMENT, NO PLANTS MAY BE INSTALLED THAT WILL ENCROACH WHEN MATURE.

NOTE: ALL ROW LANDSCAPING SHALL BE INSTALLED WITH PHASE I

CONCEPTUAL NOTES

- CONCEPTUAL LANDSCAPE PLAN IS SCHEMATIC IN NATURE. AT THE TIME OF LANDSCAPE CONSTRUCTION DRAWINGS ACTUAL LOCATIONS, QUANTITIES, SIZES, AND SPECIES SHALL BE
- 2. ALL TREES USED WITHIN THIS PROJECT SHALL BE NURSERY GROWN OR SALVAGED FROM ON SITE. EXACT LOCATIONS AND QUANTITIES SHALL BE DETERMINED ON LANDSCAPE CONSTRUCTION DRAWINGS. ALL EXISTING TREES SHALL BE PROTECTED DURING CONSTRUCTION.
- 3. ALL PLANT MATERIAL SHALL BE INSTALLED PER CITY REQUIREMENTS. PLANT MATERIAL INSTALLED WITHIN SIGHT DISTANCE TRIANGLES SHALL BE OF A SPECIES THAT DOES NOT GROW TO A HEIGHT OF MORE THAN 30" AND SHALL BE MAINTAINED PER CITY REQUIREMENTS.
- 4. ALL NON-TURF AREAS SHALL RECEIVE A 2" DEPTH OF DECOMPOSED GRANITE.
- 5. THE RETENTION SHOWN ON THE PLANS IS CONCEPTUAL IN NATURE. REFER TO THE ENGINEERING PLANS FOR ACTUAL GRADING AND DRAINAGE CONFIGURATIONS.
- 6. ALL EARTHWORK WILL BE DONE TO DRAIN AWAY FROM SIDEWALKS AND STRUCTURES.
- 1. FINAL LOT CONFIGURATION MAY VARY AT THE TIME OF FINAL PLAT APPROVAL.
- 8. ADDITIONAL PLANT MATERIAL MAY BE INTRODUCED AS DIFFERENT VARIETIES BECOME AVAILABLE THROUGH LOCAL NURSERIES AND IF THEY ARE CONSISTENT WITH THE OVERALL THEME OF THIS PROJECT.
- 9. SHRUBS AND GROUND COVER SHALL OCCUPY A MINIMUM OF 60% OF THE TOTAL STREET FRONTAGE LANDSCAPED AREA AT MATURITY.





CONCEPTUAL LANDSCAPE PLAN

CONCRETE

PAD FOR

REMOVAL,

ARIZONA CANAL LATERAL 20

TRASH

LOT 30

* # 8'-0" PUE

SCALE: 1"=40'-0"

MAX WIDTH

TYPICALHARDSCAPE ELEVATION

TYPICAL HARDSCAPE ELEVATION SCALE: 1"=40'-0"

COLLABORATIVE **DESIGN STUDIO** Collaborative V

Design Studio Inc 7116 East 1st Ave. Suite 103 Scottsdale, Arizona office: 480-347-0590 fax: 480-656-6012

NORTH

 \Box

"PV/SH "PV/MD

October 23, 2017 REVISIONS: March 7, 2018 Second Submittal

Thirď Submittal

BELLA BRISA PRELIMINARY PLAT

CLS-1

1 OF 3

COLUMN (REFERENCE DETAIL 3)

ARIZONA CANAL LATERAL 20

CONCEPTUAL WALL PLAN

SCALE: 1"=40'-0"

DESIGN STUDIO

Collaborative V Design Studio Inc 7116 East 1st Ave., Suite 103 Scottsdale, Arizona 85251

office: 480-347-0590 fax: 480-656-6012

EMENT D

SH/BS

PV/MD

REVISIONS: March 7, 2018

October 23, 2017

Second Submittal

Thirď Submittal

STRUCTURAL TO PROVIDE 12" PLANTING DEPTH OVER ALL COLUMN FOOTINGS & WALL FOOTINGS

CONTRACTOR TO PROVIDE SAMPLES OF MATERIALS AND CONCRETE FLATWORK TO BE APPROVED BY OWNER PRIOR TO

ALL WALLS AND FENCES ADJACENT TO RESIDENTIAL LOTS SHALL MEET ALL LOCAL AND COUNTY POOL CODE BARRIER REQUIREMENTS.

ALL MASONRY WALLS TO BE STRUCTURALLY ENGINEERED FOR PROPER STABILITY BY A CERTIFIED STRUCTURAL ENGINEER YERIFY ALL REBAR AND MATERIAL CALLOUTS

WALL CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS PRIOR TO CONSTRUCTION OF SIGNAGE WALLS.

SIGNAGE FACE AND LETTERING TO CONFORM TO CITY OF PEORIA SIGNAGE CODES AND SPECIFICATIONS.

CONCRETE FOOTING/STRUCTURAL DESIGN TO BE SUBMITTED WITH PERMIT REQUIREMENT BY MASONRY CONTRACTOR.

2 OF 3

BELLA BRISA

PRELIMINARY PLAT

TOP VIEW

☐ 7 BICYCLE METRO BIKE RACK LBR7PSURF

☐ 9 BICYCLE METRO BIKE RACK LBR9PSURF

☐ 5 BICYCLE METRO BIKE RACK LBR5PSURF

3 BICYCLE METRO BIKE RACK LBR3PSURF (SHOWN)

☐ ORANGE

☐ PURPLE

RED

☐ SAGE

☐ SILVER

☐ TEAL

☐ VANILLA

☐ WHITE

☐ YELLOW

☐ SELECT DESIRED MODEL

☐ SELECT DESIRED COLOR

□ BLACK

BLUE

J BRONZE

BROWN

☐ CAMEL

☐ GRAY

☐ NAVY

BURGENDY

☐ CHARCOAL

■ EVERGREEN

<u>ISOMETRIC</u>

9.63

FRONT VIEW

TOP VIEW

TOP VIEW

4 FT. CONTOUR ULTRA BENCH WITH SLOTTED SEAT,

☐ ORANGE

□ PURPLE

RED

☐ SAGE

☐ TEAL

☐ VANILLA

☐ WHITE

☐ YELLOW

☐ ORANGE

☐ PURPLE

☐ RED

☐ SAGE

☐ SILVER

☐ VANILLA

WHITE

☐ YELLOW

☐ TEAL

☐ SILVER

ROLLED EDGE AND PORTABLE / SURFACE MOUNT L1343 6 FT. CONTOUR ULTRA BENCH WITH SLOTTED SEAT, ROLLED

EDGE AND PORTABLE / SURFACE MOUNT L1337 (SHOWN)

☐ SELECT DESIRED FRAME COLOR

☐ SELECT DESIRED FRAME COLOR

□ BLACK

☐ BLUE

J BRONZE

BROWN

☐ CAMEL

☐ GRAY

□ NAVY

□ BLACK

BLUE

✓ BRONZE

BROWN

☐ CAMEL

☐ GRAY

BURGENDY

☐ CHARCOAL

☐ EVERGREEN

BURGENDY

☐ CHARCOAL

☐ EVERGREEN

☐ SELECT DESIRED SEAT COLOR

ISOMETRIC VIEW

Collaborative V Design Studio Inc 7116 East 1st Ave., Suite 103 Scottsdale, Arizona 85251

office: 480-347-0590

2.00" —— → 2.21" FRONT VIEW

— 60.51" ——

TOP VIEW

☐ NAVY FINISH: STEEL BENCH FEATURES A PATENTED TOPCOAT, HIGH-GLOSS FINISH. LEGS ARE POWDER COATED STEEL. MATERIAL: 12 GAUGE SLOTTED STEEL WITH A .44" GAP SLOTTED PATTERN SEAT IS FIRST PLASTISOL COATED WITH AVG. THICKNESS OF 125 MILS. (.125") AND FINISHED WITH A SECOND COAT OF SUPER DURABLE POLYESTER POWDER COATING. BENCH LEGS ARE 2.38" OD POWDER COATED STEEL PIPE. UNIT WEIGHT: 138 LBS

22.06" ---

SIDE VIEW

CAPACITY: 200 LBS PER LINEAR FOOT. MOUNTING OPTIONS: SURFACE MOUNT, PORTABLE. ASSEMBLY REQUIRED

7 YEAR SATISFACTION GUARANTEE INCLUDING COVERAGE FOR FADING, RUSTING, CHIPPING AND CRACKING

NOTES:

1. INSTALLATION TO BE COMPLETED IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS. 2. ALL DIMENSIONS ARE CONSIDERED TRUE AND REFLECT MANUFACTURER'S SPECIFICATIONS. 3. CONTRACTOR'S NOTE: FOR PRODUCT AND COMPANY INFORMATION VISIT www.CADdetails.com/info REFERENCE NUMBER 928-091.

> 6 FT. CONTOUR ULTRA BENCH WITH SLOTTED SEAT AND PORTABLE / SURFACE MOUNT MODEL: L1337

59.53" 27.06" 27.06" SELECT DESIRED MODEL **▼**8 FT. RECTANGULAR TABLES W/ EXTENDED TABLE TOP F1038 EXPANDED METAL. PORTABLE MOUNT 9 1/2" FT. RECTANGULAR TABLE W/ EXTENDED TABLE TOP F1105 EXPANDED METAL. PORTABLE MOUNT - (SHOWN) 72.25" FRONT VIEW

☐ SELECT DESIRED COLOR □BLACK PURPLE 64.25" □BLUE ■BRONZE RED SILVER BROWN TEAL BURGUNDY **□**VANILLA CAMEL WHITE □ EVERGREEN YELLOW GREY SAGE \square NAVY CHARCOAL ORANGE

FINISH: TOPCOAT® HIGH GLOSS MATERIAL: 3/4 #9 EXPANDED STEEL WITH A DIAMOND SHAPE PATTERN AND FEATURE A TRADITIONAL EDGE UNIT WEIGHT: 287 lbs MOUNTING OPTIONS: TWO-HOLE HOLD DOWN KIT

REFERENCE NUMBER 928-128

ASSEMBLY REQUIRED 7 YEAR SATISFACTION GUARANTEE INCLUDING COVERAGE FOR FADING, RUSTING, CHIPPING AND CRACKING

1. INSTALLATION TO BE COMPLETED IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS.

8 FT. RECTANGULAR HEAVY DUTY PORTABLE ADA PICNIC TABLE WITH EXPANDED SURFACE

2. ALL DIMENSIONS ARE CONSIDERED TRUE AND REFLECT MANUFACTURER'S SPECIFICATIONS.

3. CONTRACTOR'S NOTE: FOR PRODUCT AND COMPANY INFORMATION VISIT www.CADdetails.com/info

MODEL: F1105

MATERIAL: 2.38" OD x 10-GAUGE WALL STEEL TUBING. UNIT WEIGHT: 25 lbs MOUNTING OPTIONS: SURFACE MOUNT. ASSEMBLY REQUIRED 5 YEAR SATISFACTION GUARANTEE INCLUDING COVERAGE FOR FADING, RUSTING, CHIPPING AND CRACKING 1. INSTALLATION TO BE COMPLETED IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS. 2. ALL DIMENSIONS ARE CONSIDERED TRUE AND REFLECT MANUFACTURER'S SPECIFICATIONS.

FINISH: FUSIONGUARD® POWDER COAT

REFERENCE NUMBER 928-106.

1. INSTALLATION TO BE COMPLETED IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS. 2. ALL DIMENSIONS ARE CONSIDERED TRUE AND REFLECT MANUFACTURER'S SPECIFICATIONS. 3. CONTRACTOR'S NOTE: FOR PRODUCT AND COMPANY INFORMATION VISIT www.CADdetails.com/info REFERENCE NUMBER 928-271.

n 23.46"

SIDE VIEW

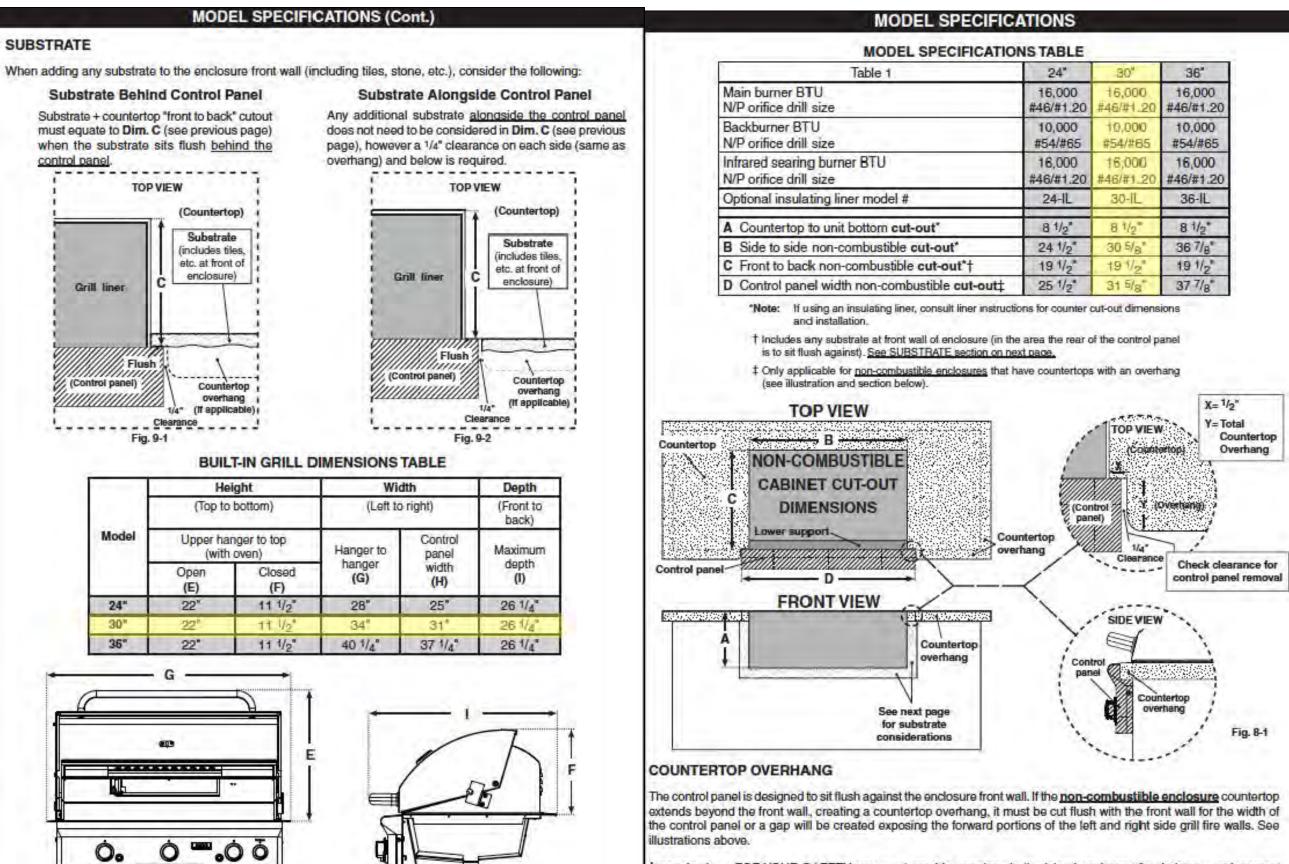
32 GALLON SLOTTED ULTRA RECEPTACLE MODEL: L1336M

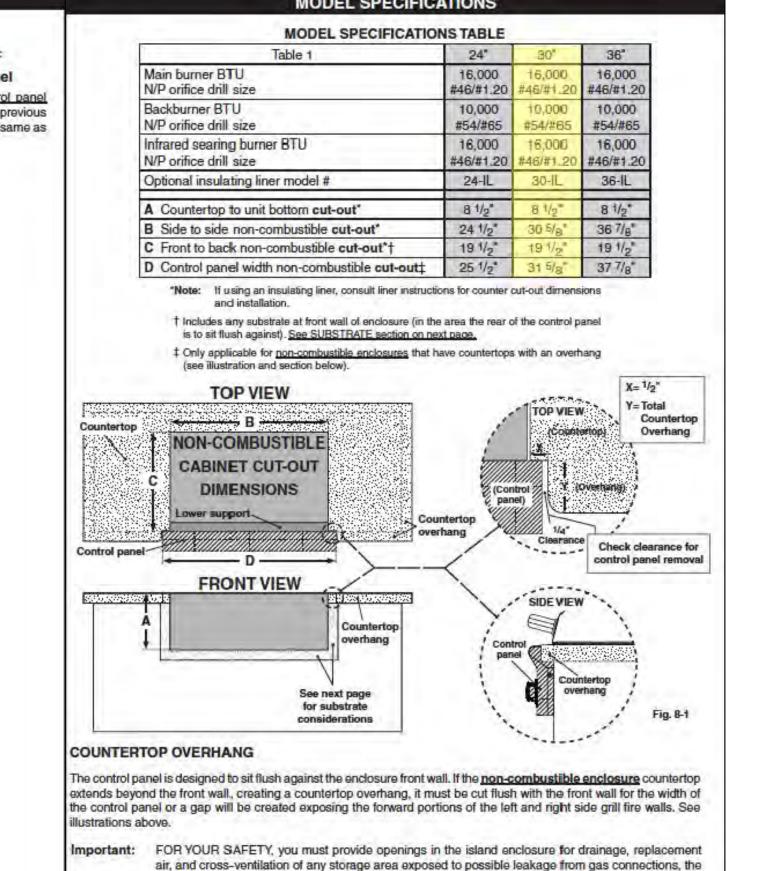
AOG 30 SERIES SLIDE-IN MODEL

SCALE: NTS

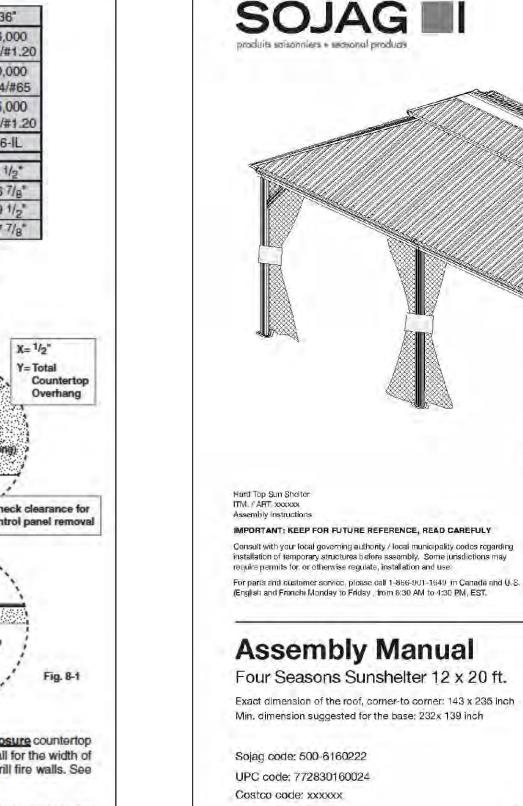
3 BICYCLE METRO BIKE RACK WITH POWDER COAT FINISH AND SURFACE MOUNT MODEL: LBR3PSURF

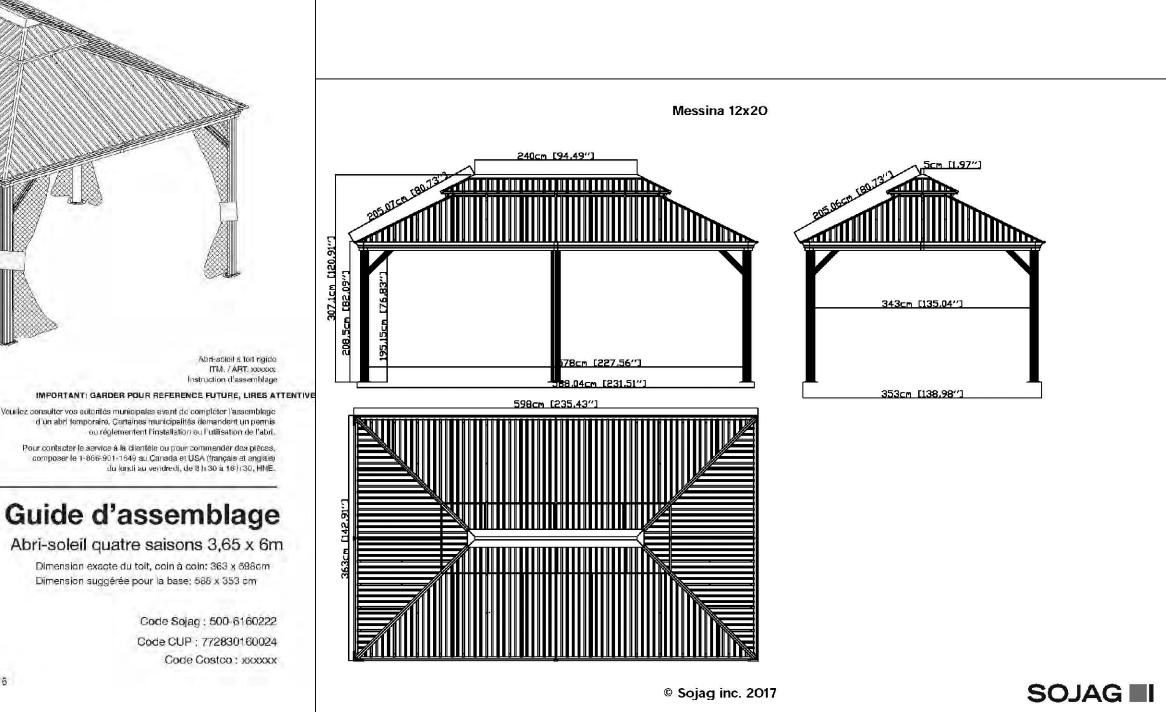
3. CONTRACTOR'S NOTE: FOR PRODUCT AND COMPANY INFORMATION VISIT www.CADdetails.com/info





unit, or propane bottles. See the ENCLOSURE REQUIREMENTS section for details.





SOJAG 12'x20' RAMADA SCALE: NTS

© Sojag inc. 2016

BELLA BRISA PRELIMINARY PLAT

3 OF 3

☐ 32 GALLON SLOTTED ULTRA RECEPTACLE L1336

32 GALLON SLOT RECEPTACLE WITH DOME LID AND LINER L1336D

☑32 GALLON SLOTTED ULTRA RECEPTACLE WITH CONTOUR LID L1336M (SHOWN)

SELECT DESIRED MODEL

☐SELECT DESIRED COLOR

□BLACK

□BLUE ■BRONZE

□BROWN

CAMEL

GREY

NAVY

ORANGE

__PURPLE

SILVER

□VANILLA

WHITE

☐YELLOW

☐ CHARCOAL

SLOTTED PATTERN

UNIT WEIGHT: 79 lbs

FINISH: TOPCOAT® HIGH GLOSS

MINOR ASSEMBLY REQUIRED

MATERIAL: 12 GAUGE SLOTTED STEEL WITH A .44" GAP

7 YEAR SATISFACTION GUARANTEE INCLUDING COVERAGE

FOR FADING, RUSTING, CHIPPING AND CRACKING

SAGE

TEAL

RED

BURGUNDY

□EVERGREEN

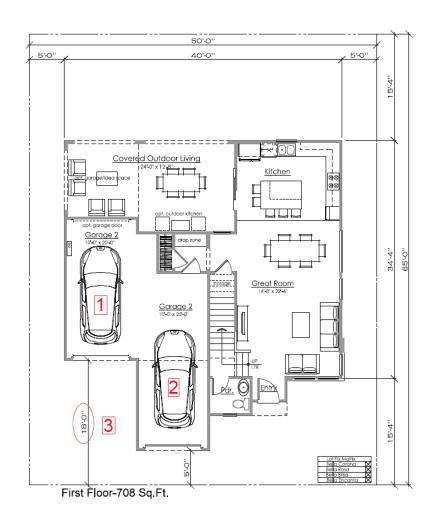
www.anovafurnishings.com

EMENTS

PV/MD October 23, 2017 REVISIONS: March 7, 2018 Second Submittal

May 11, 2018 Third Submittal

Exhibit E



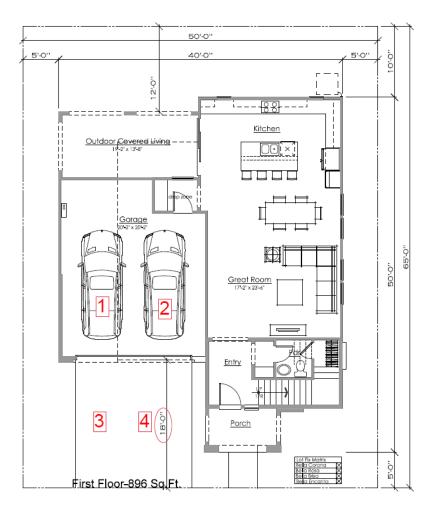
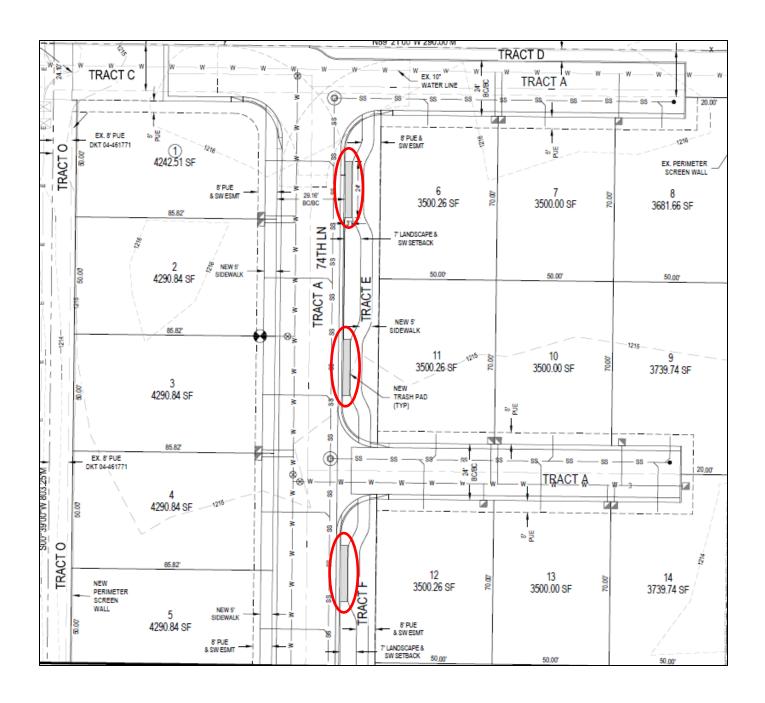
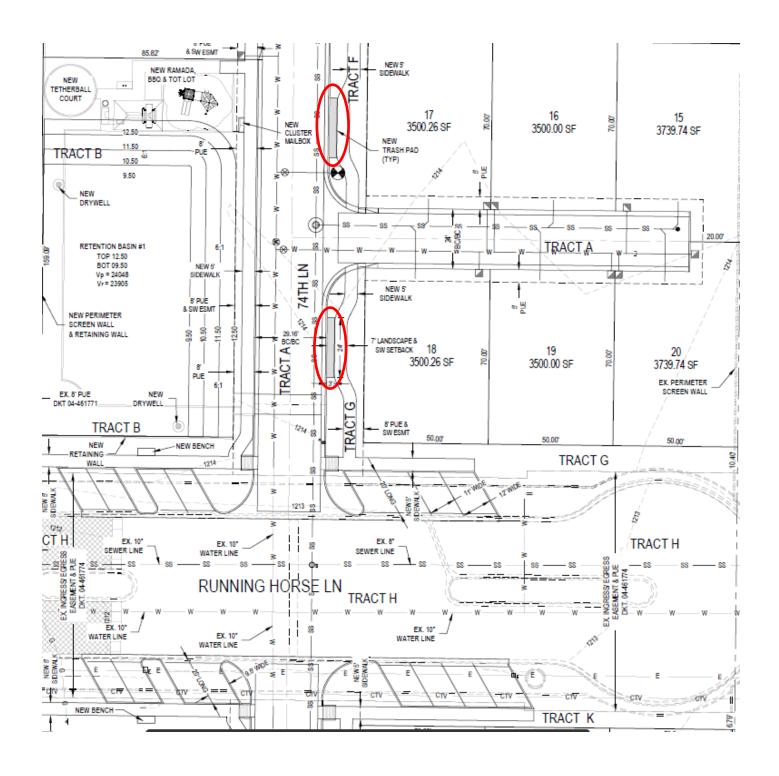
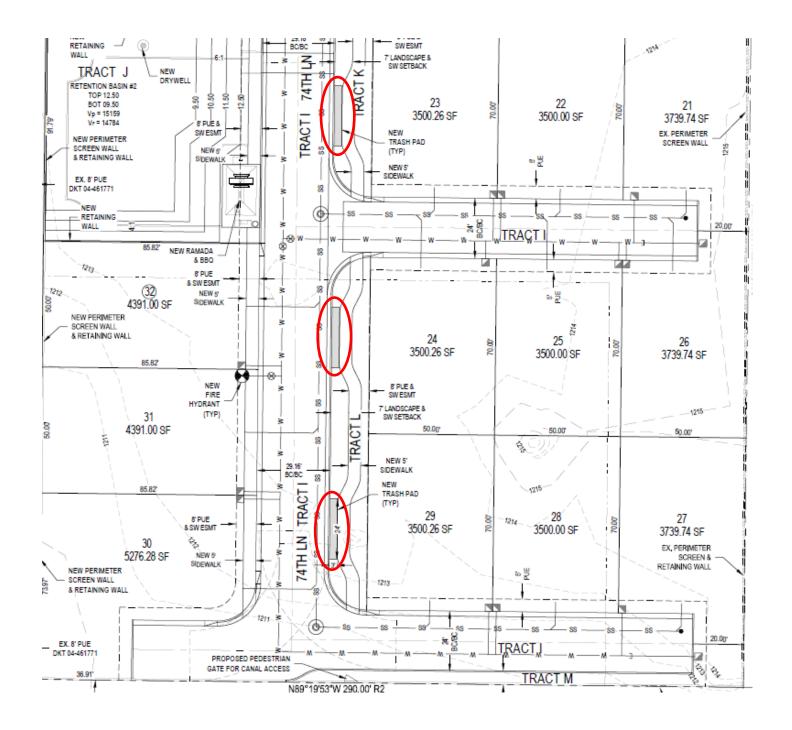


Exhibit F









November 1, 2017

Ms. Jennifer Fostino Senior Planner City of Peoria 9875 North 85th Ave. Peoria, AZ 85382

RE: Bella Brisa – Preliminary Plat (P17-14)

Dear Ms. Fostino,

This letter is intended to keep the City of Peoria informed of the communication between Peoria Unified School District (the "District") and Pew & Lake, PLC (the "Applicant") regarding the purposed development of Bella Brisa (the "project"). It also asserts the District's opposition of the preliminary plat for the project.

The District believes that the development of this project will contribute to the District's enrollment growth. The District has reached out to the Applicant to inform them of its need to partner with developers in order to continuously provide adequate public education. An agreement was unable to be reached between the District and the developer before the projects rezoning case (Z17-20) hearing; therefore, the District sent a letter opposing its approval on October 17, 2017. Despite the Districts opposition at the time, we still aimed to work with the Applicant and developer as our need to partner still existed. The Applicant hasn't responded to the District in over a month. The District would like to believe that some type of agreement could be made in the near future.

Although the District looks forward to working with the developer, because an agreement has yet to be reached, the District opposes the preliminary plat for Bella Brisa.

Respectfully,

Terrell J. Harris
Department of Research and Planning

Cc: Kenneth Hicks, Chief Financial Officer

Exhibit H

Citizen Participation Report

Bella Brisa
NEC and SEC of Running Horse Lane and 75th Avenue
Z17-20

April 4, 2018

PURPOSE

The purpose of this Citizen Participation Report is to provide the City of Peoria Planning staff with information regarding the efforts made by the Applicant to inform residents and property owners, neighborhood associations concerning the following development request:

- 1. To rezone the site from C-3 to PAD;
- 2. A minor General Plan Amendment from LDR to MDR; and
- 3. Preliminary Plat approval

By providing opportunities for citizen participation, the Applicant has ensured that those affected by this application have had an adequate opportunity to learn about and comment on the proposed plan.

CONTACT

Those coordinating the Citizen Participation activities are listed as follows:

Pew & Lake, PLC. 1744 S. Val Vista Drive, Suite 217 Mesa, AZ 85204 (480)461-4670 (office) (480)461-4676 (fax) Reese L. Anderson Reese.anderson@pewandlake.com

Vanessa MacDonald vanessa.macdonald@pewandlake.com

NEIGHBORHOOD MEETING

Over 190 notification letters regarding the neighborhood meeting were mailed to those individuals listed on the contact list, including all property owners within 600' of the subject property. Additionally, registered neighborhood contacts within 1-mile of the property were also be notified (the registered neighborhood contacts list was obtained from the City of Peoria Neighborhood Outreach Division). Two neighborhood meetings have been held regarding this project—one on August 1, 2017 and another on December 11, 2017. Both meetings were held at Paseo Verde

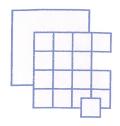
Christian Church. A total of eight (8) individuals attended both meetings. A copy of the notification letters, neighborhood meeting minutes, sign-in sheets and comment cards are attached.

COMMUNICATIONS

The Applicant will continue to keep the residents and business owners in the area involved in the process and the application proceeds to a public hearing at Planning Commission and City Council.

ATTACHED EXHIBITS

- 1) August 1, 2017 Neighborhood Meeting Materials
 - a. Notification letter
 - b. Meeting Summary
 - c. Meeting Sign-In Sheet
 - d. Comment Cards
- 2) December 11, 2017 Neighborhood Meeting Materials
 - a. Notification letter
 - b. Meeting Summary
 - c. Meeting Sign-In Sheet
- 3) Notification Map of surrounding property owners
- 4) List of property owners within 1000 feet of the subject property and registered neighborhood contacts within 1 mile of the property.



Pew & Lake, PL.C.

W. Ralph Pew **Certified Real Estate Specialist**

Sean B. Lake

July 20, 2017

Reese L. Anderson

NOTICE OF PRELIMINARY NEIGHBORHOOD MEETING

Dear Neighbor:

On behalf of our client, Bela Flor Communities, LLC, we are pleased to invite you to a neighborhood meeting regarding the potential development of a vacant piece of property located at the corner of 75th Avenue and Running Horse Lane in Peoria, Arizona. The property is approximately 5.35 acres and is identified on the Maricopa County Assessor's map as parcels 200-52-006D & 006E.

The property is currently zoned C-3 (Central Commercial) which allows uses such as Motels, Massage Shops, Tobacco/Vape Retailers, Bars & Taverns, Laundromats, Social Services, Gas Stations, Auto Repair Shops, Bowling Alleys, Video Arcades, Dance Halls, Recreation and Social Clubs, Bus Terminals, Tire Shops, Day Care Centers, Public/Private Schools, Employment Agencies, Palm Readers, Tanning Salons, etc. Our client is proposing a change in zoning which would eliminate these potential uses and restrict the property to single-family, detached homes.

The proposed development for the site is a subdivision with forty detached single family homes (see enclosed site plan & elevations) that are two-stories tall. This will require the property to be rezoned from C-3 to PAD (Planed Area Development). The PAD request will be similar to the existing RM-1 zoning designation for the Running Horse development adjacent and to the east of this property, with the key difference being that the proposed project is for detached, single-family homes. The enclosed elevations are illustrative of the proposed homes but please note that they are conceptual and representative in nature in this early part of the development process; and that as part of the development process, the architectural team will create additional elevations using various colors and materials to provide variety and interest in the homes.

A preliminary neighborhood meeting will be held at the time and place listed below to discuss the proposed project and answer any questions you may have. As part of making this a successful project, we value and look forward to your input and comments.

Date:

August 1, 2017

Paseo Verde Christian Church

7569 W. Greenway Rd Peoria, Arizona 85381

Time:

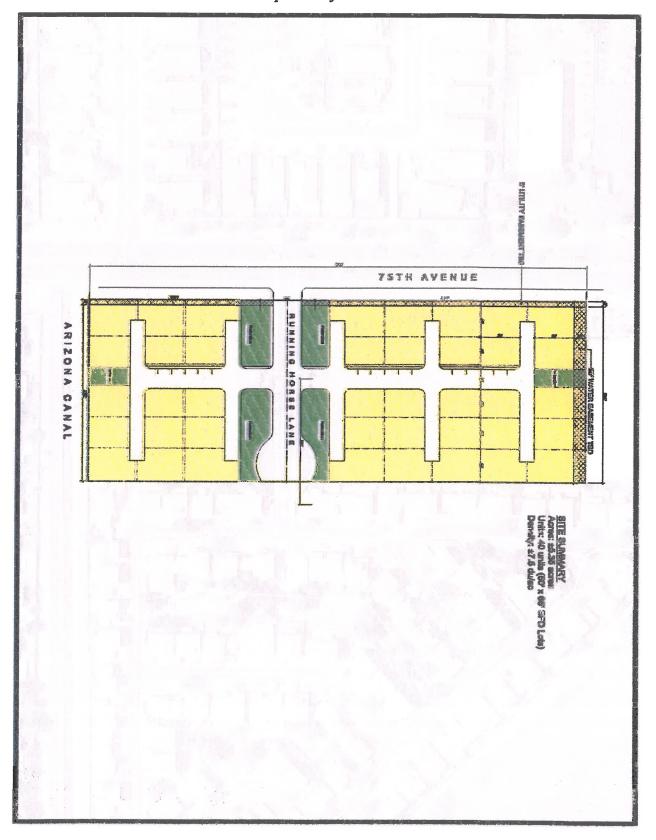
6:00 p.m.

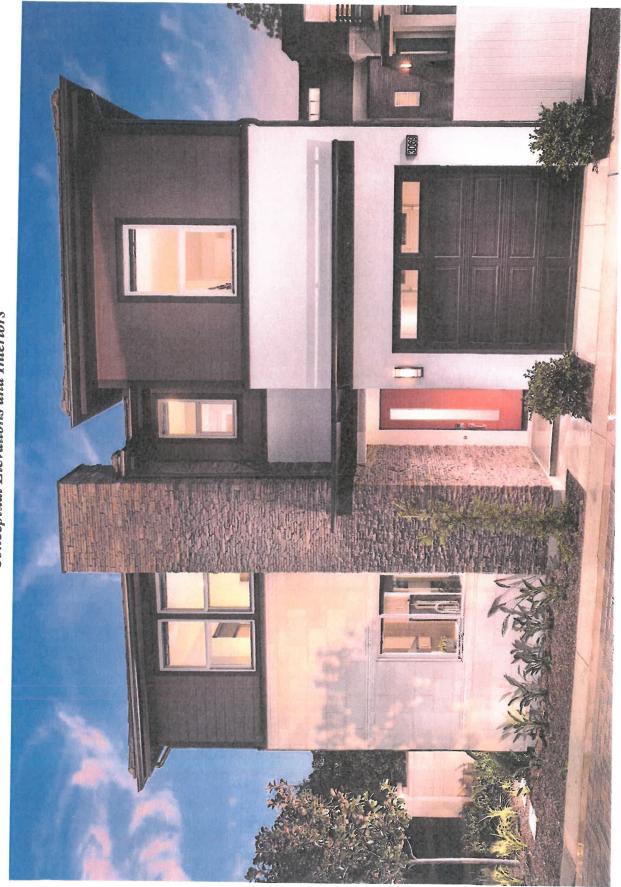
At this time, no public hearings before the City of Peoria Planning Commission or City Council have been scheduled. When those meeting dates are known, you will be notified.

If you have any questions regarding this matter prior to the neighborhood meeting, please contact myself, or Heath Reed, at our office at (480) 461-4670.

Sincerely,

PEW & LAKE, PLC





Conceptual Elevations and Interiors









Bela Flor Communities Neighborhood Meeting Minutes

Tuesday August 1, 2017 at 6:00 pm

Paseo Verde Christian Church 7569 W. Greenway Rd Peoria, Arizona 85381

Introductions were made by Mr. Anderson. A total of 4 adjacent residents were in attendance of the community meeting, along with the Vice Mayor Edwards and his staff assistant.

Due to the small number in attendance, Mr. Anderson invited the neighbors to the front of the room to look over the boards and to ask questions and make it a discussion and more informal.

The neighbors commented positively on how the proposed project renderings and site plan works for the site. A lady commented on concerns of parking along Running Horse Ln and

The meeting ended at 6:35pm.

Neighborhood Meeting Sign-In Sheet

Property Location:

Bela Flor Communities, LLC

Applicant:

(75TH AVE & RUNNING HORSE LANE)

Time:

6:00 PM

Date:

August 1, 2017

Case:

10 9 4 S 1 # ∞ 7 6 S Jon Sonswos Steven & Ashly the Dam Bethine Meeting Location:
Paseo Verde Christian Church
7569 W Greenway Road
Peoria, 85381 NAME **ADDRESS** ZIP Email PHONE

BELA FLOR COMMUNITIES, LLC (75TH AVE & RUNNING HORSE LANE) NEIGHBORHOOD MEETING 6:00PM- August 1st, 2017 COMMENT CARD

	7	Thanks Par liftenous.	elecas idulina. Also to Asetherics is A concern.	for our amest, so we was own who was /	And we have NO quent backing inside o	COMMENT: COISCERN OF AMOUNT OF TRAFFIC This will redd	ADDRESS		
			S 15 A CONOLAR.	ate have got the 1	side our community	The this will rede			

BELA FLOR COMMUNITIES, LLC (75TH AVE & RUNNING HORSE LANE) NEIGHBORHOOD MEETING 6:00PM- August 1st, 2017 COMMENT CARD

WIN PURMO JOHO WERE, OS	to realize tree denot resultate to believe it	DIAY AND TORRESTORIUS TORK FRANK	0000Ks 000 took of the 15 1001 tooks	PRICE OF GOSIGNS OF HOP ALLE JULISION	15	THO WITE SPECTS LONG IT COCKING POLICE	COMMENT: The proposed development for	ADDRESS	NAME PROIS LAIR	
3 8	4	C.		3	li .	E				

BELA FLOR COMMUNITIES, LLC (75TH AVE & RUNNING HORSE LANE) NEIGHBORHOOD MEETING 6:00PM- August 1st, 2017 COMMENT CARD

November 28, 2017

NOTICE OF NEIGHBORHOOD MEETING

Dear Neighbor:

On behalf of our client, Bela Flor Communities, LLC, we are pleased to invite you to a second neighborhood meeting regarding the potential development of a vacant piece of property located at the corner of 75th Avenue and Running Horse Lane in Peoria, Arizona. The property is approximately 5.35 acres and is identified on the Maricopa County Assessor's map as parcels 200-52-006D & 006E.

The property is currently zoned C-3 (Central Commercial) which allows uses such as Motels, Massage Shops, Tobacco/Vape Retailers, Bars & Taverns, Laundromats, Social Services, Gas Stations, Auto Repair Shops, Bowling Alleys, Video Arcades, Dance Halls, Recreation and Social Clubs, Bus Terminals, Tire Shops, Day Care Centers, Public/Private Schools, Employment Agencies, Palm Readers, Tanning Salons, etc. Our client is proposing a change in zoning which would eliminate these potential uses and restrict the property to single-family, detached homes.

The proposed development for the site is a subdivision with thirty-three detached single family homes (see enclosed site plan) that are two-stories tall. This will require an amendment to the General Plan from Low Density Residential (LDR) to Medium Density Residential (MDR) and to be rezoned from C-3 to PAD (Planed Area Development). The PAD request will be similar to the existing RM-1 zoning designation for the Running Horse community adjacent and to the east of this property, with the key difference being that the proposed project is for detached, single-family homes.

A second neighborhood meeting will be held at the time and place listed below to discuss the proposed project and answer any questions you may have. As part of making this a successful project, we value and look forward to your input and comments.

Place: Dec. 11th, 2017

Place: Paseo Verde Christian Church
7569 W. Greenway B. 3 Peoria, Arizona 85381

6:00 p.m.

At this time, no public hearings before the City of Peoria Planning Commission or City Council have been scheduled. When those meeting dates are known, you will be notified.

If you have any questions regarding this matter prior to the neighborhood meeting, please contact myself, or Heath Reed, in our office at (480) 461-4670.

Sincerely,

PEW & LAKE, PLC

Conceptual Project Site Plan



Rely Por Carrysanders

BELLA BRISA



CONCEPTUAL SITE PLAN

SITE SUMMARY
Acres: 20.35 asion
Units: 33 units (50 s 10 SFD Lots)
Gently: 25.2 dises:

Peoria Arrowhead-Bella Brisa <u>Neighborhood Meeting</u> Sign-In Sheet

Applicant:

Property Location:

Hassell-Peoria Arrowhead- Bella Brisa

(75th Avenue and Running Horse Lane)

Case:

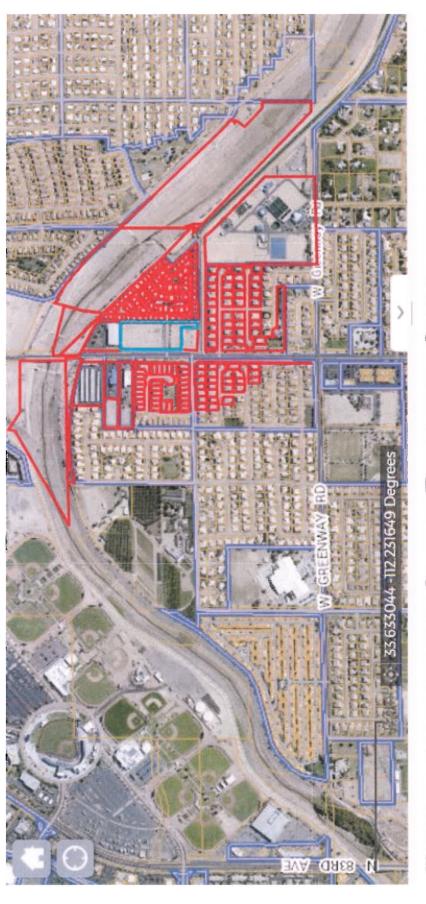
Time:

December 11, 2017

Meeting Location:
Passo Verde Christian Church
7569 W Greenway Road
Peoria, 85381

6:00 PM

PHONE											8	
Email					,							
ZIP												
ADDRESS												
NAME	Scharia Aglidea .	Michael Firm	Dunifer Fastino	Kistir Die								
#	1	2	3	4	5	9	7	∞	6	10	11	5



C Refresh O Zoom to Filter by Map Extent Options *

Search Results: Parcels X

APN Floor Parcel Number Owner Name

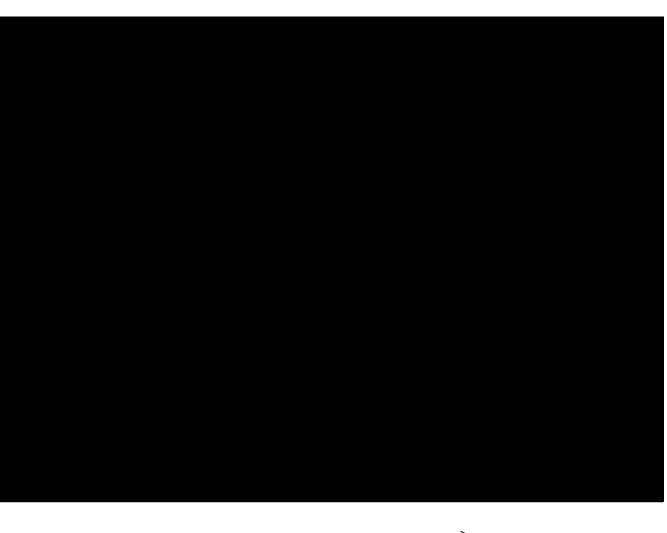
Mailing Address Mailing Addre City State

Mailing Address1

210 features 0 selected

Owner Name	Address1	City	State	Zip Code	
AKHTAR SALEEM					
AL BUNNIA MOHAMMED ABDULLATIF MAHMOUD					
AMH 2014-1 BORROWER LLC ARP 2014-1 BORROWER LLC					
ARROWHEAD SHADOWS HOMEOWNERS ASSOCIATION					
ARROWHEAD SHADOWS HOMEOWNERS ASSOCIATION					
AYALA JOSE ANTONIO					
AYEMOBA PATRICIA N/MATTHEW A					
BABA EDWARD/MARGARET					
BABA ROBERT/DIANN					
BAKER SCOT M/DENISE L					
BEEBE DENNIS W/TAMARA L/BROOKE L					
BEEBE SCOTT/JAMI					
BERRY MICHAEL/JACQUELINE					
BETHUNE ANN C					
BIDGOLI AND HOUSHMAND FAMILY 2006 TRUST					
BIRON COREY R/ASHLEY J					
BOONE JACKIE L SR/ANNIE L					
BORJA MARTIN/LINDSEY					
BRYAN M WASHKEWICZ REVOCABLE TRUST					
BUBBA TRUST					
BUNGER LOIS					
BURGERS JONATHAN					
CAH 2015-1 BORROWER LLC					
CARAN IUDITA					
CARNES TIMOTHY L					
CERQUA PEORIA AVENUE FRONTAGE LLC					
CERRETA JENNIFER/JEFF					
CERRETA JENNIFER/MICHAELA					
CHAN ALAN T/LINDA P					
CHAPMAN BRIAN W/JEANNIE M					
CHAVEZ BILLY/MARISSA					

FLOOD CONTROL DISTRICT OF MARICOPA COUNTY ELKINS TREY G/MCPHEETERS PRISCILLA C DASTRUP JUDY K/KINSEY MARILYN D **GRIFFIN MARQUIS D/ELIZABETH T** GODDARD ERIC C/ERVIN SHERRI J DAILY JERRY/WARGO MARIA FE **GERKIN RICHARD M/JANNESE T** COUNTRY CLUB VENTURES LLC **DYKSTRA GERARD L/LINDA S** DAVIDSON PROPERTIES LLC GRIGGS JEFFREY T/JANET E CHEN FUZHANG/WENG LU CHURCH DENNIS/VIRGINIA **GUTHRIE JAMES A/JUDY M DUKE EDWARD J/KAREN L** FARMER KAMON/BONNIE GONZOL JOSEPH A/LISA C **COURY JAMES J/SUSAN H CORLEY THOMAS/ROBIN** CHMIELEWSKI SUSAN R DEPUE DAVID/VIRGINIA EIKENBERY KIMBERLY A CROSLAND KIMBERLEE **DELGADO FREDDY J JR GUERRA STEPHANIE** FLECK JON CHARLES FRANDSEN PAUL W DALY JONATHAN P **ESTRELLA SILVERIO** DR HORTON INC **EYSHO AZRA W** COBB LOREN B **GANDARA KEN DIOP FATOU**



HAIA JOSEPH A/HOLLY L

HANSON ERIK RUSSELL

HARNEY VALLERI L

HAWKINS JOHN JR/VIRGINIA TR

HEGRENESS PAUL/CHRISTIN

HILL DENISE M

HIRALEZ RICHARD H/TINA M BLASER

HOANG JULIE THI

HOGAN FAMILY REVOCABLE TRUST

IRENE A ONEIL TRUST

ISRAEL ROZA/JOHN B

JACOB ALEYAMMA/SAMUEL JACOB PERUMPALATHU

JAZWINSKI WALTER A JR/KATHERINE W

JENSEN STEVEN M TR

JIMENEZ LETICIA

JOHNSON SHELBY

JONES FAMILY TRUST

JONES JESSE

JORDAN DEBORAH J/ORBIE J

JT SMITH PROPERTIES LLC

KIMTP LLC

KLINE CHRISTINE

KOHNER RONALD M

KOZEL JAMES P/SIMONE

KUMTAKAR SANDEEP M/KALBAG BABITA A

LAU KEVIN

LAW DAVID S/BETH L

LE TUNG V/TRUONG THUY

LEBLANC KENNETH J/DAWN N

LILLY REBECCAH CHRISTINE

LIM MICHAEL/VALINE

LIN QIN/QING

LINTS STEPHEN P/JENSEN LINDA K/LIMAS-BARELA B

LISI LLC/NG KAR LAI/CHAN ANNA JIN

LOTTES DONALD O II/ANNE M

LUSCHINSKI SHERRI

MACIAS ANGEL M/BERNICE

MACTOUGH GREGORY L/BILLIE J

MADDALONE RANDALL R/LENORA J

MANCINI MICHELLE LEA

MARAOUI CLAUDE

MARTINEZ DAVID A/PATRICIA O

MATEESCU MARINELA/URSACIUC VALERIA

MCLEOD VICTOR/MICHELLE

MENESES LISA/JANUARIO JR

MICHAEL AND KIM RINKE TRUST

MICICH REVOCABLE TRUST

MICWEN LLC

MILLER BRIAN

MITCHELL TODD ROBERT

MOLTZ JOHN L/SONIA J

MORALES JESSE M/TONI L

MUKHERJEE TANU/HIZON MARIA CORAZON S

MULCAHY MICHAEL T/KATHLEEN S

NAGY DEBORAH L

NAIDU VENKATA SIVA PRASAD

NAVARRO SERGIO/DE LOS ANGELES ROMAN ESTHER

NEVIN ROBERT

NGUYEN AN HONG

NGUYEN THUY

NIELSEN KELLY L

NSA PROPERTY HOLDINGS LLC

O BRIEN KEITH G/PATRICIA

OIEN TRUST

OLAFSON CHRIS/SHELLEY/MATT PAUL V/HAYNES P V

PABLOS REMBERTO/ANA CECILIA

PALM OLIVE RETIREMENT FUND PARTNERSHIP

PANKAJ POOJA/PREM



PATEL CHANDRAKANT H/CHANDRALATA C

PATNODE LIVING TRUST

PEORIA CITY OF

PETERSEN DONALD A/DARLING-PETERSEN DEBRA K

PINEGAR GEORGE/BRENDA

PINKERTON BRENDA M

PORTER RONALD L/NINA B

POST BONNIE KLOTZ/JONSON KEVIN L

QUINN LINDA

RAMOS BEVERLEY

RAWSON RON R/ELIZABETH ANN

RAYMOND F FLORES & GLORIA M FLORES TRUST

RICHARDSON ROGER R/REBECCA I.

ROGERS GARY A/NANCY E

ROLLINS PAUL F/JEWEL A

RUNNING HORSE AT ARROWHEAD HOMEOWNERS ASSOC

RUSSELL LYNDA C

RUSSELL PATRICK A

SAIKI SEAN H/ESMERALDA P

SCHNIEDER GERALD C SR/JENNIFER L

SCOTT MATTHEW

SCRIVERI FRANK J/ANNA I

SEDITA MICHAEL RICHARD

SHAUINGER BECKIE/COCHRAN BETH

SHERMAN DAVID A/VERONICA LTR

SIROCHMAN JOSEPH P

SMITH KRISTIN D

SMITHSON WAYNE W/HELEN TR

SPICER KEVIN L/BETH A TR

STERLING COLLISION CENTERS LLC STEWARD WARNER L/KIMBERLY Y

STOCKLEY MICHAEL RYAN

SUBRAMANIAM KUMAR/NARAYANNAN ANURADHA

THORN CRAIG M



WILLIAM E LANHAM REVOCABLE LIVING TRUST TIERRA NORTE V HOMEOWNERS ASSOCIATION TIERRA BUENA HOMEOWNERS ASSOCIATION WISENER CHRISTOPHER A/MERRILLYN A WINSTANLEY BRIAN F/LORRAINE E THORNBURG JAMES L/SHARON K WERMES BRANDON M/KARRIE A WILLIAMS MARISSA/ROBERT JR WILLETT WAYNE T/THERESA A TRUONG BAO Q/DANG CHI K VARGA GHEORGHE/ANA TR WAKELEY BETH FRANCES TRUONG LIVING TRUST WILLIAMS STEPHANI A **VALDENEGRO ALEXIS** VAUGHN PATRICK M WEN CHARLIE

WISENER JAY R/ELIZABETH M

ZESTRIJAN ELENA/NIKOLA

YOUNG GAVIN/MAREN



Jennifer Fostino

From:

Sent: Friday, October 13, 2017 3:53 PM

To: Jennifer Fostino

Subject: Case GPA17-02 and Z17-20

Follow Up Flag: Follow up Flag Status: Flagged

Hi Jennifer, my name is Remberto Pablos and i am homeowner of a house in running horse, the gated community behind the land discus in project name Bella Brisa, case number GPA17-02 and Z17-20.

I have a concern. The streets inside of running horse community are narrow and it is not allowed to park on the streets. Some of the people living in the community have either large cars or more than 2 cars and they park the cars on the street going into running horse.

If the land is change from central commercial to planned area development, the streets on this new community in this land must be wide enough so the cars can park on the streets because if not, it wont be enough space to park the cars of both communities in this short street. As it is right now, if you check at night, the street is full of park cars.

I can see this as a major problem.

Let me know please

Remberto Pablos Running horse community

Exhibit I

PAD Narrative and Standard and Guidelines Report for

Bella Brisa

75th Ave & Running Horse Lane

Case No. Z17-20

Submitted by:



Reese L. Anderson 1744 S. Val Vista Drive, Suite 217 Mesa, AZ 85204

Phone: (480) 461-4670

Email: reese.anderson@pewandlake.com

May 14, 2018

On behalf of: Bela Flora Communities, LLC



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Bella Brisa Planned Area Development (PAD) Narrative and Standards and Guidelines Report

Introduction

Pew & Lake, PLC, on behalf of our client, Bela Flor Communities, LLC, is pleased to submit this Project Narrative in support of Bella Brisa, a subdivision consisting of thirty-two (32) single-family, detached homes at the north east and southeast corners of 75th Avenue and Running Horse Lane in Peoria, Arizona. The site is shown below and is commonly known as Maricopa County Assessor Parcel Nos. 200-52-006D and 006E. The site is currently zoned C-3 and is 6.55 gross acres in size. The proposed development would result in a gross density of 4.89 dwelling units per gross acre.



Site and Surrounding Area

The subject site is vacant and has been zoned C-3 for several decades. Some of the physical development constraints that have made commercial development of this parcel unviable are: a) lack of access to a major arterial intersection, b) the small overall size and shallow depth of the property and c) the bisection of the property by Running Horse Lane. Additionally, the property is surrounded by predominantly residential uses.

Some of the more objectionable uses in the C-3 district such as Motels, Massage Shops, Tobacco/Vape Retailers, Bars & Taverns, Laundromats, Social Services, Gas Stations, Auto Repair Shops, Bowling Alleys, Video Arcades, Dance Halls, Recreation and Social Clubs, Bus Terminals, Tire Shops, Day Care Centers, Public/Private Schools, Employment Agencies, Palm Readers, Tanning Salons, etc., would not be compatible with the adjacent residential uses. The narrow depth of the site would prevent the design of any meaningful buffer from such uses to the residential neighborhood to the east. Additionally, there are an abundance of retail uses directly to the north, around 75th Ave. and Bell Road, which consist of well- established retail, office and entertainment uses.

Finally, there is a diverse housing stock and good educational options in the nearby area, which make this site ideally situated to accommodate the proposed project and even further diversify housing options in the area. The conversion of this property from vacant land to a residential use will complete the residential pattern established in the area and provide a prime location for a quality infill development.

Relationship to Surrounding Properties

The subject property is bound on the north by commercial uses; on the south by the Arizona Canal and then single-family residential (R1-10); on the east by an attached medium density (RM-1) residential community; and on the west by 75th Avenue and then single-family detached homes (R1-6). The chart below details the general character of the surrounding area.

Direction	General Plan Character Area	Existing Zoning	Existing Use
North	Low Density Residential (LDR)	C-3	Peoria Sportsplex
East	Low Density Residential (LDR)	RM-1	Multi-family (Running Horse at Arrowhead)
South	Low Density Residential (LDR)	R1-10	Arizona Canal & Single Family Detached (Terra Norte Community)
West	Low Density Residential (LDR)	R1-6	75th Avenue & Single Family Detached (Terra Buena Community)
Project Site	Low Density Residential (LDR)	C-3	Vacant

Consistency with General Plan

Currently, the proposed development does not comply with the existing General Plan designation. Accordingly, we are seeking a change in the Land Use Designation of this property from Low Density Residential (LDR), to Medium Density Residential (MDR). The density range within the LDR category is 2.0-5.0 du/ac with a target density of 3.0 du/ac. This proposed development, at 4.89 du/ac, is within the *allowed* density for LDR, but it is greater than the *target* density of 3.0 du/ac. Additionally, the overall character of the proposed development is more

consistent with the character described in the Medium Density Residential (MDR) land use designation. As such, the applicant has agreed to seek an amendment of the land use designation from Low Residential Density (LDR) to Medium Density Residential (MDR).

The MDR land use category is intended to fulfill the need for small lot or attached single-family, and multi-family residences which are compatible with abutting single-family residential districts. The category supports a suburban lifestyle and promotes appropriate transitions between less intense residential areas, more urban neighborhoods and non-residential uses. The desired amendment to the land use designation accomplishes these stated goals in that it will provide a needed transition from LDR and MDR uses to commercial uses and the arterial street.

A separate General Plan Amendment project narrative is included with the resubmittal for this project. In that Narrative and Justification statement, the approval criteria outlined in the Section 14.F of the Peoria General Plan will be discussed in detail.

Legal Description

The Legal Description for this 6.55-acre (gross) rezoning site is provided in the resubmittal package provided to the City.

Development Plan

Project Overview

The proposed Bella Brisa development is a single-family, detached, residential community. There will be thirty-two (32), single-family, detached, two-story homes that will range from 1,791 sq. ft. to 2,185 sq. ft. Each home will be two (2) stories in height and will have the ability to park two (2) cars in a garage. Based on the floor plan chosen by the initial owner, garages may be either of a standard, staggered or tandem design, as shown on the floor plans / parking plans included with this submittal.

Parking will be abundant in Bella Brisa. While 96 parking spaces are required, the project is providing a total of at 112 (minimum) up to 144 (maximum) parking spaces, depending on the floor plan of the home chosen. This results in a ratio of 3.56 (minimum) up to 4.5 (maximum) spaces per unit, and is therefore above the required 3.0 spaces per unit. This parking plan addresses and will help mitigate the parking concerns for the immediate area.

The project will not be gated but there will be two (2) private accessway entry points off Running Horse Lane, which are shown as 74th Lane on the site plan. Branching off of 74th Lane, there will be private alleyways that will consist of drive lanes for the cluster type homes. The private accessway (74th Lane) is proposed at approx. 29 feet in width (bc/bc) and the east-west alleyways

are 24 feet in width as shown on the plans. The request for these street widths has already been approved by transportation. Solid waste pickup areas have been designated on the preliminary plat and will be marked in the community. Each of the units on the East side of 74th Lane will have a designated trash barrel location marked on a concrete pad, which will be accessible by the sidewalk running north-south through the project.

The overall open space of the project is 69,149 s.f., or 24% of the gross site area. Useable open space is 25,831 sq. ft., which is 9% of the gross site area. The usable open space includes the retention basins and amenities areas. The larger open space areas will be located near the primary entrance on both sides of Running Horse Lane. Placing the open space at this location will help provide a strong sense of arrival into the community, and will facilitate logical locations for storm water retention. Gazebos, BBQ grills, a tetherball court, tables and benches for outdoor gatherings and a tot lot are also provided in these areas, as shown on Sheet 3 of the Landscape Plan-Landscape Improvements.

As previously stated, the developer's desire is to build a high quality, detached, single-family home, community at this location. The homes in this subdivision will be similar in material and finishes to the home shown below.

Architectural Imagery



PAD Applicability

As expressed in Section 21-601 of the City of Peoria Zoning Ordinance, the Planned Area Development District (P.A.D.) is intended to provide an alternative zoning district to the conventional zoning and development approaches and processes in the City of Peoria, Arizona so that developments designated PAD achieve the following goals:

- 1. To enhance the City's development growth in order that the public health, safety, and general welfare be enhanced as Peoria increasingly urbanizes;
- 2. To encourage innovations in residential, commercial, and industrial development so that greater opportunities for better housing, recreation, shopping and employment, may extend to all citizens and residents of Peoria;
- 3. To reflect changes in the technology of land development;
- 4. To encourage a more creative approach in the utilization of land in order to accomplish a more efficient, aesthetic, and desirable development which may be characterized by special features of the geography, topography, size or shape of a particular property; and,
- 5. To provide a compatible and stable developed environment, in harmony with that of the surrounding area.

PAD's may include any development having one or more principal uses or structures on a single parcel of ground or contiguous parcels. A PAD shall consist of a compatible selection of uses and groupings of buildings, parking areas, circulation and open spaces, and shall be designed as an integrated unit, in such manner as to constitute a safe, efficient, and convenient urban area development.

The City of Peoria Zoning Ordinance typically requires that all PAD's must be between 10 and 600 acres in size. However, this requirement may be waived when an applicant can show that the waiver of this size requirement would be in the public interest and that one (1) or more of the following conditions exist:

- a) Unusual physical features of the property itself or of the surrounding area such that development under the standard provisions of this Ordinance would not be appropriate in order to conserve a physical or terrain feature of importance to the neighborhood or community.
- b) The development is adjacent to or across the street or alley from property which has been developed under the provisions of this Section and will contribute to the amenities of the area.
- c) The use of the PAD concept will encourage the use of otherwise undevelopable property, particularly in the case of small, undeveloped parcels surrounded or partially surrounded by developed property.
- d) The property is located within the Infill Incentive District.

Bella Brisa's principal use is a single-family, detached residential subdivision. The subdivision has been designed as an integrated unit and planned to provide adequate parking and ample open space. Additionally, Bella Brisa has been carefully designed to take advantage of the unusual condition of Running Horse Lane bisecting the parcel. Where this condition may have been perceived as a design constraint in the past and posed an impediment to development, Bela Flor has seized upon the opportunity provided by Running Horse Lane and created an inviting entry to a quality subdivision, and designed the amenity areas around the street. This design not only creates an attractive sense of arrival, but contributes to the amenities in the area and satisfies conditions a, b and c from above. Accordingly, a PAD is an appropriate development tool (and likely the only development tool) for Bella Brisa. A request is being made to the Planning Manager for the waiver of the lot size requirement.

Principal, Conditional and Accessory Uses

The uses listed below mirror those found in Sections 21-416 through 21-418 of the City of Peoria Zoning Ordinance which outlines Permitted, Principal, Conditional and Accessory Uses in Residential Districts. Some of the uses listed below will be self-limiting by the overall development site size and small lot size. Additionally, some of these uses may be precluded by the CC&R's of the Bela Brisa Homeowner's Association, once formed.

Permitted Principal Uses

- A. One detached single-family dwelling per lot.
- B. Publicly-owned and operated parks and recreation areas and centers.
- C. Group Homes, in accordance with provisions of Section 21-812.A.
- D. Public/Charter Schools and Private Schools, provided that the facility shall have direct vehicular access to an arterial or collector street and that facilities for repair or storage of vehicles and equipment shall be prohibited.
- E. Churches, synagogues, temples, chapels, or similar places of worship, and related facilities, subject to review and approval of vehicular access by the City Engineer.
- F. Public utility buildings, uses, structures, equipment and storm water retention areas; provided that repair or storage facilities in connection therewith are expressly prohibited.

Permitted Conditional Uses

- A. Non-commercial recreational uses provided that all direct vehicular access is from an arterial or collector street.
- B. Day Care Group Homes with five (5) or more children, in accordance with provision of Section 21-812.B., and upon a finding by the Planning and Zoning Commission, that such homes will be operated in a manner that is compatible with and not detrimental to, adjacent properties or the neighborhood in general.
- C. Group Care Facility or Community Residential Setting Facility in accordance with provision of Section 21-812.C.

Permitted Accessory Uses

- A. Any accessory use customarily incidental to a permitted principal use.
- B. Off-street parking serving a permitted principal use, in accordance with Section 21-825.
- C. Private garage or carport for storage or parking of vehicles.
- D. Garden house, tool house, ramada, outdoor swimming pool and similar home recreational facilities; provided that such facilities are used solely by occupants of the premises and their guests.
- E. Storage or parking of recreational vehicles and utility trailers, in accordance with Chapter 14 Motor Vehicles and Traffic of the Peoria City Code (1992 Edition). (Ord. No. 98-18)
- F. Guest house or servant's quarters; subject to 21-423.B.
- G. Home occupation, in accordance with 21-808 of the City of Peoria Zoning Ordinance.
- H. Day care for four (4) or less children.

Project Phasing

Bella Brisa will consist of one final plat and be constructed in one phase, including the recreational amenities, parking and retention areas. Individual homes will be constructed as they are sold to future residents or as the developer constructs models.

Project Development Standards

Development Standards Table

Bella Brisa Development Standards									
					Minim	um Yard Se	tbacks		
	Min. Lot Size	Min Lot Width	Min Lot Depth	Max Bldg. Height	Front	Rear	Side		
Lots 1-5 & Lots 30-32	3,500 s.f.	50′	70′	30′	8′	10'	5′		
Lots 6-29	3,500 s.f.	50'	70′	30'	5'	10'	5'		

Open Space Requirements

The overall open space of the project is 69,149 sq. ft., which is 24% of the gross site area. The useable open space of the project is 25,831 sq. ft., which is 9% of the gross site area. Though not included in the useable open space calculation, the site will have landscape strips throughout the community to soften the "harder" materials through the project. The larger open space areas will be located near the primary entrance on both sides of Running Horse Lane. Placing the open space at this location will facilitate a logical location for storm water retention and will help soften

the project entrance as it will provide a more open feeling as residents enter both Bella Brisa and Running Horse at Arrowhead. Gazebos, BBQ grills, a tetherball court, tables benches for outdoor gatherings and a tot lot are also provided in these areas, as shown on Sheet 3 of the Landscape Plan-Landscape Improvements.

Lighting

Lighting proposed in Bella Brisa will be very minimal and is proposed only for the common amenity areas. A Photometric Plan has been provided in the submittal documents.

Screening Fencing and Walls

As shown on the Landscape/Wall Plan, there are proposed to be a combination of 6-foot solid theme walls, and view walls along 75th Avenue. The view fencing exists adjacent to both retention basins. Given the natural break in perimeter walls at the intersection of Running Horse Lane and 75th Avenue, the remaining length of the walls are 259 feet on the south side and 401 feet on the north side. On the south side, the view fencing is approx. 91 feet of the 259 total length; thus leaving a 168 feet solid wall section. On the north side of Running Horse, the view fencing comprises approx. 159 feet of the total 401 feet, which leaves a balance of 242 feet, which is further reduced by the 24 foot secondary fire access gate so that the total length of the solid wall on the north side is only 218 feet. While 18 feet is a de minimis amount above the 200 foot limit, project designers have added larger, decorative pilasters at strategic locations along the perimeter walls to help break up and provide architectural interest. To further facilitate the goal of a meandering wall, project designers are proposing to meander the sidewalk in front of the perimeter walls in the landscape area, which will also provide visual interest and movement along this frontage. This combination of view fencing, solid walls and a meandering sidewalk will provide visual interest and vary the depth of the area between the sidewalk and perimeter wall, which achieves the overall goal of a staggered wall and straight sidewalk. Additionally, as shown on the Landscape Plan, a gate has been provided along the south property line to provide pedestrian access to the canal.

Roadway Standards

This project will not be gated and will have two (2) private accessway entry points off Running Horse Lane, one to the north, and one to the south. These private accessways within the development are labeled as 74th Lane, and is the only north-south private accessway in the subdivision. Off of 74th Lane, there are five private alleyways for the cluster type homes that branch to the East. 74th Lane is proposed to be approx. 29 feet in width and the alleyways are approx. 24 feet in width.

Parking

Each home within the community will have a two-car garage. Based on the floor plan chosen by the home buyer, garages may be either of a standard (side-by-side), staggered, or tandem (front-

to-back) design. The configurations may be seen on the floor plans / parking plans included with this submittal.

Over all the site will accommodate: (a) 64 garaged parking spaces, (b) the potential for up to a maximum of 64 additional parking spaces on driveways based on the floor plan chosen, and 16 on-street guest parking spaces on Running Horse Lane. While 96 parking spaces are required (3.0 spaces per unit), the project is providing at least 112 and up to 144 parking spaces. In sum, Bella Brisa is proposing a range of minimum parking ratio of 3.5spaces per unit to 4.5 spaces per unit.

	Parking within Bella Brisa								
	Required	Provided							
Per Unit:	3.0	As shown below:							
	(96 spaces)								
Garage	64	64							
Driveway		32 (min)							
Driveway		64 (up to)							
On-Street	n/a	16							
Total	96 spaces (3.0 spaces per unit)	112 to 144 (3.5 to 3.5 spaces per unit)							

There is an existing 90 foot private easement upon which Running Horse Lane exists. Within the easement area, we are proposing 16 guest parking spaces. Some of these spaces will be available for the residents of Running Horse at Arrowhead, the community directly to the east of this proposed subdivision. This neighborhood has struggled in the past with being able to park within its own boundaries. It is quite common to find 4 to 6 cars from the existing neighborhood parked on Running Horse Lane each evening. By adding these extra 16 spaces, it will not only provide additional guest parking for Bella Brisa, but also Running Horse at Arrowhead. At any given time, it is anticipated that about 8 cars from the adjacent neighborhood will be parked in this area. Additionally, these parking spaces will improve the general aesthetics of the area as parking will be orderly and provided in stalls and separated by required landscape islands. To provide the required radius for a right turn onto from Running Horse Lane onto the southern portion of 74th Lane, the landscape island at this corner will be 6'-4" in width. All others will be the required 7'-0" width.

Enhanced Design Review Standards

This project will comply with the Enhanced Design Review Standards found in the City of Peoria Design Review Manual.

Project Signage Standards

Entry monuments will be installed at the main entry identifying the Bella Brisa project. Appropriate design and finishes will be selected for this new community in order to create a complementary entry for both Bella Brisa and Running Horse at Arrowhead.

Project Landscaping Standards

Landscaping for Bella Brisa will conform to the requirements set forth in Section 21-815 through 21-822 of the City of Peoria Zoning Ordinance as shown on the Landscape Plan.

Slope Analysis

Slope analysis is not applicable to this development site.

Infrastructure/Utilities

Grading/Drainage and Retention

A Preliminary Drainage Report has been included in the resubmittal for this project. Some of the drainage observations and proposed solutions are noted below:

- The existing conditions of the project area consist of generally flat, undeveloped land that currently drains to the southwest.
- There are no offsite flows that impact the project area.
- 75th Avenue bounds the site to the west and flows southerly. These flows will continue as they have historically since its construction..
- Running Horse Lane currently drains directly to 75th Avenue. These flows will continue as they have historically since its construction.
- Flows from Running Horse Lane and 75th Avenue right-of-way will continue to follow their historic paths and currently do not, nor will not, enter either drainage area.
- No modification to the current drainage pattern is proposed.
- This project has been divided into two (2) drainage areas (DA1 & DA2). Two retention basins have been designed to accept storm water flows from the 100-year 2-hour storm event. It is proposed that the two retention basins will only accept flows from the two drainage areas (DA1 & DA2) shown in Exhibit C of the Preliminary Drainage Report.
- On-site stormwater retention will be constructed to contain the 100 year 2-hour storm event, or 2.5 inches of precipitation that falls within the gross area of the site.

Water and Wastewater

The existing water main that run through the project is a 12" main on 75th Avenue that has two connections of 10" lines feeding an existing development east of the proposed development. One connection is at the north side of the project, just south of Peoria Sportsplex, with a 10" line that feeds the development to the east. The second 10" connection runs through Running Horse Lane that also feeds the development to the east and it also has 2-10" stub outs for future developments. The existing sewer infrastructure has a 10" sewer line that gets reduced to an 8" main at the manhole along Running Horse Lane and receives flows from the existing development to the east. The 10" sewer line connects to the 10" main that runs north to south on 75th Avenue. The Preliminary Water and Sewer Analysis provided in the first submittal shows the layout of the utility infrastructure. For the proposed development, no offsite infrastructure improvements will be required.

Based on the City of Peoria Capital Improvement Plan FY 2018-2027 book there are a few planned CIP improvement projects within the vicinity of the proposed development. 75th Avenue and Paradise Lane, 0.3 miles north of project site, plans for a lane widening sometime between 2018-2019. Additionally, there are several intersection improvements along 75th Avenue. Cactus Road and Peoria Avenue both have intersections improvements and 16" water mains are being added in 2018. The 16" waterline is also being added along 75th Avenue from Cholla Street to Thunderbird Road. Landscape improvements are proposed along 75th Avenue from Grand Avenue to Thunderbird Road being performed during 2018-2019 years.

According to the Decision and Order form No. 86-400679.0001 from the Arizona Department of Water Resources, any property that uses City of Peoria for their water resources already has the Certification of Assured Water provided to the city. E&A has requested Master Water and Sewer reports from the City of Peoria but have not received at the time of the analysis. Addendum to Master Water and Sewer reports may be prepared after receiving the master reports.

Electrical Power/Natural Gas/Telephone

Electric Service will be provided by Arizona Public Service. Southwest Gas provides natural gas service in the area. Telephone and Internet service will be available from Cox Cable.

Development Team

Owner Palm Olive Retirement Fund Partnership

10201 North 99th Avenue

Peoria, AZ

Developer Hudd Hassel

Bela Flor Communities

1635 N. Greenfield Road, Suite 115

Mesa, AZ 85205

Land Use Counsel Reese L. Anderson

Pew & Lake, PLC

1744 South Val Vista Drive, Suite 217

Mesa, AZ 85204 480-461-4670

Civil Engineer Wayne Estrada

Daniel Gonzalez, PE Matrix Design Group

2020 North Central Ave, Suite 1140

Phoenix, AZ 85004 602-288-8344

Landscape Architect Matt Drager

Paul Vecchia

Collaborative V design Studio 7116 East First Avenue, Suite 103

Scottsdale, AZ 85251

480-347-0590

Code Compliance

All requirements not specified herein shall meet the rules and regulations set forth in the City of Peoria Zoning Ordinance and Design Review Manual. No provision in this document shall negate any applicable provision in the City of Peoria Infrastructure Guidelines or any life safety code requirements as mandated by the Building Safety Manager and Fire Marshall.



November 1, 2017

Ms. Jennifer Fostino Senior Planner City of Peoria 9875 North 85th Ave. Peoria, AZ 85382

RE: Bella Brisa – Preliminary Plat (P17-14)

Dear Ms. Fostino,

This letter is intended to keep the City of Peoria informed of the communication between Peoria Unified School District (the "District") and Pew & Lake, PLC (the "Applicant") regarding the purposed development of Bella Brisa (the "project"). It also asserts the District's opposition of the preliminary plat for the project.

The District believes that the development of this project will contribute to the District's enrollment growth. The District has reached out to the Applicant to inform them of its need to partner with developers in order to continuously provide adequate public education. An agreement was unable to be reached between the District and the developer before the projects rezoning case (Z17-20) hearing; therefore, the District sent a letter opposing its approval on October 17, 2017. Despite the Districts opposition at the time, we still aimed to work with the Applicant and developer as our need to partner still existed. The Applicant hasn't responded to the District in over a month. The District would like to believe that some type of agreement could be made in the near future.

Although the District looks forward to working with the developer, because an agreement has yet to be reached, the District opposes the preliminary plat for Bella Brisa.

Respectfully,

Terrell J. Harris Department of Research and Planning

Cc: Kenneth Hicks, Chief Financial Officer

Exhibit 3
Draft Ordinance

ORDINANCE NO 2018-26

AN ORDINANCE OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, ZONING PROPERTY FROM CENTRAL COMMERCIAL (C-3) TO PLANNED AREA DEVELOPMENT (PAD) ZONING DISTRICT FOR DEVELOPMENT KNOWN AS BELLA BRISA; AMENDING THE ZONING MAP AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Peoria Planning and Zoning Commission held a public hearing on August 14, 2018 in zoning case Z17-20 in the manner prescribed by law for the purpose of considering an amendment to the zoning district boundaries of property within the City of Peoria, Arizona to provide for rezoning of a parcel of land as described below from Central Commercial (C-3) to Planned Area Development (PAD) zoning district as provided in Section 21-601 of the Peoria City Code;

WHEREAS, due and proper notice of such Public Hearing was given in the time, form, substance and manner provided by law including publication of such notice in the Peoria Times Newspaper on May 18, 2018; and

WHEREAS, the City of Peoria Planning and Zoning Commission has recommended to the Mayor and the Council of the City of Peoria, Arizona, the zoning of property as aforesaid and the Mayor and the Council of the City of Peoria, Arizona desires to accept such recommendation and rezone the property as described below as aforesaid.

NOW, THEREFORE BE IT ORDAINED by the Mayor and Council of the City of Peoria, Arizona that:

<u>SECTION 1</u>. A parcel of land in Peoria, Maricopa County, Arizona, which is more accurately described in Exhibits A, and B to this Ordinance is hereby rezoned from Central Commercial (C-3) to Planned Area Development (PAD) zoningdistrict.

<u>SECTION 2</u>. The amendment to the zoning herein provided is conditioned and subject to the following stipulations:

- 1. The development shall substantially conform to the Bella Brisa PAD Narrative and Standard and Guidelines Report (Exhibit I) as contained in the Staff report to the Planning and Zoning Commission dated June 7,2018.
- 2. The developer shall meet the rules and regulations set forth in the City of Peoria Zoning Ordinance and Design Review Manual, unless otherwise specified within the Bella Brisa PAD. No provision in this document shall negate any applicable provision in the City of Peoria Infrastructure Guidelines, or any life safety code requirements as mandated by the Building Safety Manager and Fire Marshall.

Published in: Peoria Times

Effective Date:

Publication Date: August 24, 2018

3. Engineering review of zoning cases are for conceptual site layout only, and does not represent final engineering design approval nor shall it entitle applicants to future designs that are not in conformance with City of Peoria Infrastructure Design Guidelines and City Codes.

SECTION 3. Amendment of Zoning Map. The City of Peoria zoning map is herewith amended to reflect the change in districts referred to in Section 1 above and as defined by the Legal Descriptions as represented in Exhibit A, and the corresponding parcel map as shown as Exhibit B.

<u>SECTION 4: Effective Date</u>. This Ordinance shall become effective at the time and in the manner prescribed by law.

PASSED AND ADOPTED by the Mayor and Council for the City of Peoria, Arizona this 14th day of August, 2018.

	Cathy Carlat, Mayor
	Date signed
ATTEST:	
Rhonda Geriminsky, City Clerk	
APPROVED AS TO FORM:	
/anessa P. Hickman, City Attorney	

Exhibit A Legal Description

A PORTION OF THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 3 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, LYING NORTH OF THE RIGHT-OF-WAY FOR THE ARIZONA CANAL LATERAL #20, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE BRASS CAP IN HAND HOLE MARKING THE SOUTHWEST CORNER OF SAID SECTION 1, FROM WHICH A CHISELED "X" IN CONCRETE MARKING THE WEST QUARTER CORNER OF SECTION 1, BEARS NORTH 00 DEGREES 40 MINUTES 07 SECONDS EAST, 2632.57 FEET, SAID LINE BEING THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 1, AND THE BASIS OF THE BEARINGS IN THIS DESCRIPTION:

THENCE NORTH 00 DEGREES 40 MINUTES 07 SECONDS EAST ALONG SAID WEST LINE, 2056.44 FEET TO ITS INTERSECTION WITH THE WESTERLY PROLONGATION OF THE SOUTH LINE OF THE ROLLERPLEX ENTERTAINMENT PARCEL AS DESCRIBED IN RECORDING NO. 99-1060175, OF OFFICIAL RECORDS OF MARICOPA COUNTY RECORDER;

THENCE SOUTH 89 DEGREES-19 MINUTES 53 SECONDS EAST, ALONG SAID SOUTH LINE, 65.00 FEET TO THE EAST LINE OF THE WEST 65.00 FEET OF SAID SOUTHWEST QUARTER, AND THE POINT OF BEGINNING:

THENCE CONTINUING SOUTH 89 DEGREES 19 MINUTES 53 SECONDS EAST, ALONG SAID SOUTH LINE, 290.00 FEET TO THE EAST LINE OF THE WEST 355.00 FEET OF SAID SOUTHWEST QUARTER AND A POINT FROM WHICH THE SOUTHEAST CORNER OF SAID ROLLERPLEX ENTERTAINMENT PARCEL, BEARS SOUTH 89 DEGREES 19 MINUTES 53 SECONDS EAST 6.50 FEET;

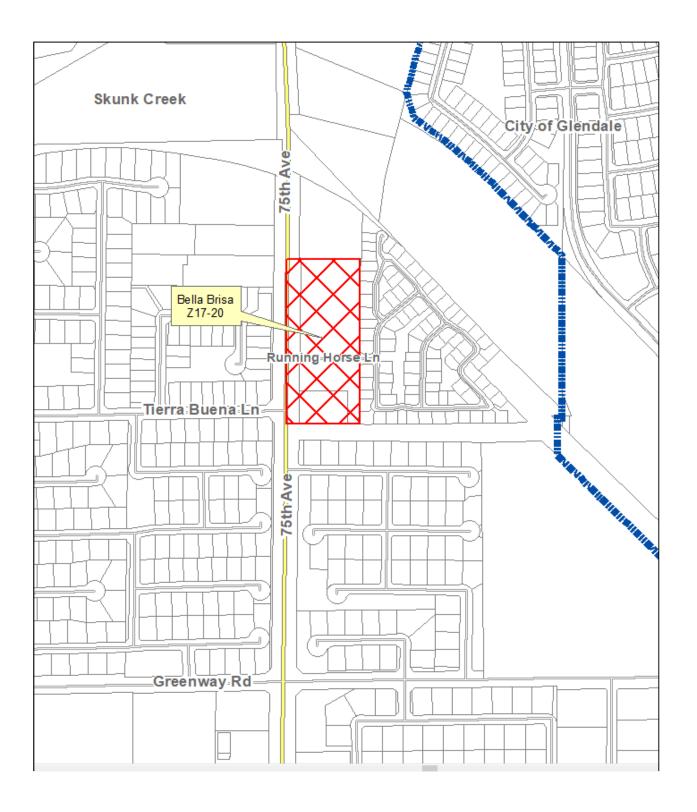
THENCE SOUTH 00 DEGREES 40 MINUTES 07 SECONDS WEST, ALONG SAID EAST LINE, 803.44 FEET TO THE NORTH RIGHT-OF-WAY LINE OF SAID ARIZONA CANAL LATERAL #20;

THENCE NORTH 89 DEGREES 19 MINUTES 53 SECONDS WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE, 290.00 FEET TO THE EAST LINE OF THE WEST 65.00 FEET OF SAID SOUTHWEST QUARTER;

THENCE NORTH 00 DEGREES 40 MINUTES 07 SECONDS EAST, ALONG SAID EAST LINE, 803.44 FEET TO THE POINT OF BEGINNING:

EXCEPTING AN UNDIVIDED ½ INTEREST IN AND TO ALL OIL, GAS, PETROLEUM, NAPHTHA AND OTHER HYDROCARBON SUBSTANCES AND MINERALS AS RESERVED IN DEED RECORDED IN BOOK 382 OF DEEDS, PAGE 305.

Exhibit B Map



Agenda Item: 28R.

Date Prepared: 7/17/2018 Council Meeting Date: 8/14/2018

TO: Jeff Tyne, City Manager

THROUGH: Andy Granger, Deputy City Manager

FROM: Chris M. Jacques, AICP, Planning Director

SUBJECT: PUBLIC HEARING - Rezoning, Haciendas at White Peak, East of the Northeast

Corner of 139th Avenue and Ridgeline Road

Purpose:

COUNCIL ACTION:

Discussion and possible action to concur with the Planning and Zoning Commission's unanimous recommendation and adopt **ORD**. **2018-27** approving the rezoning of approximately 60 acres located east of the northeast corner of 139th Avenue and Ridgeline Road from Suburban Ranch (SR-43) to Haciendas at White Peak Planned Area Development.

Summary:

Background

The subject site is a vacant, undeveloped property located east of the northeast corner of the 139th Avenue alignment and Ridgeline Road. The site was annexed into Peoria in 2010 as part of a larger area and provided with Suburban Ranch (SR-43) zoning. The site has remained vacant since annexation.

The applicant is requesting to rezone the property from Suburban Ranch (SR-43) to Haciendas at White Peak Planned Area Development (PAD) to develop a new single-family subdivision in northwest Peoria. As discussed in the Standards and Guidelines Report, the proposed development would consist of 152 single-family lots, variable lot sizes, entry features, natural and improved open space, recreational amenities and trail connections. The PAD standards are most closely aligned with the City's R1-6 and R1-8 zoning districts. The proposal would result in a gross density of 2.5 units per acre.

General Plan Conformance

The subject property is designated on the General Plan Land Use Map as Low Density Residential, which has a density range of 2 - 5 dwelling units per acre (du/ac), and a target of 3 du/ac. The target density is considered the maximum allowable density, unless the project and the applicant can demonstrate superior design and/or enhanced level of amenities.

The proposed density for Haciendas at White Peak is 2.5 du/ac, which is in conformance with

the density envisioned for this area by the General Plan.

Planned Area Development (PAD) Request

Through the PAD, the development will implement enhanced amenities and provide significantly more open space than is typically required to justify changes to the minimum development standards for the City standard R1-6 and R1-8 zoning districts.

- The project will provide over 23 acres of open space (38% gross site), significantly exceeding all open space requirements.
- The project will also include nine acres of useable open space, which at over 16% of the developed site area (excluding preserved wash) significantly exceeds the typical 9% useable open space requirement that would apply to projects with similar lot sizes.
- The project will provide a total of 13 acres of preserved Natural Open Space (17% undisturbed, 5% revegetated) significantly above the required 15% required through the Desert Lands Conservation Ordinance.
- The development will provide trail connections, both for future residents of the development, as well as for residents of the surrounding areas. Trails will be provided along the wash corridors within the project and will connect to future residential development to the north and south of the site.

Based on these enhancements, the requested modified development standards through the PAD are in conformance with the Planned Area Development request.

Analysis of Request

The proposed mix of lot sizes and substantial natural and usable open space preservation complements similar residential development in the area. The proposed density would be on the lower end of the range of densities in the surrounding vicinity. The proposal advances the City's General Plan Circulation Plan by configuring the former Dixileta Parkway (now Ridgeline Road alignment) and creating new development opportunities to the north and south of the site with the full-street improvements along the southern border and right-of-way dedication on the northern property line for the future Dixileta Drive. Additionally, the site will provide two internal street connections to the 10-acre property immediately east of the proposal and an additional point of access to each of the five-acre parcels west of the site, respectively.

The project meets the intent of the General Plan, and staff supports the proposed single-family residential Planned Area Development (PAD) Zoning designation for this site.

Public Participation

Public notice was provided in the manner prescribed under Section 21-315 of the Peoria Zoning Ordinance. Posting of the site was completed within the prescribed number of days prior to the Public Hearing.

Support / Opposition

As of the time of writing this report, staff has not received any support or opposition to the request.

As a requirement of the Rezoning application process, the applicant conducted a neighborhood meeting and provided a Citizen Participation Report detailing the results of the meeting. For both

meetings, the applicant notified all property owners within a 1,320-foot radius of the site and all registered Homeowner's Associations within 1 mile of the site. The meeting was held on June 4, 2018, at the Cross of Glory Lutheran Church at 6pm. The meeting was attended by the development team, City staff, Councilmember Binsbacher, and two (2) members of the public. At the meeting, the development team presented the details of the project and answered questions. The first attendee requested to view the specific model homes that would be offered on the site. This request could not be fulfilled because a specific homebuilder has not been identified for this project. The second attendee was a member of the Cross of Glory staff that had general questions about the project. Neither person expressed support or opposition to the proposed development.

Peoria Unified School District (PUSD)

This property is within the Peoria Unified School District (PUSD) boundary. PUSD has participated in the review of this project and has been in communication with the applicant regarding the proposal and school facilities in the area. Reportedly, the applicant has committed to the terms of a separate Developer Assistance Agreement (DAA) with the District.

Accordingly, the City has received a letter from the Peoria Unified School District indicating the school district's support for the proposed rezoning.

Previous Actions/Background:

On July 19, 2018, the Planning & Zoning Commission held a public hearing on this case. The Commission voted 3-1, recommending approval of this request. No members of the public spoke in favor or opposition to the case.

Options:

A: Approve as recommended by the Planning & Zoning Commission; or

B: Approve with modifications; or

C: Deny; or

D: Continue action to a date certain or indefinitely; or

E: Remand to the Planning & Zoning Commission for further consideration.

Staff Recommendation:

APPROVE as recommended by Staff and the Planning & Zoning Commission.

The rezone of the site was found to be in conformance with the Low Density Residential (2-5 du/ac) land use designation of the General Plan and compatible with adjoining properties.

Fiscal Analysis:

This request is not expected to have immediate budgetary impacts to the City.

ATTACHMENTS:

Exhibit 2 - Planning and Zoning Commission Packet Exhibit 3 - Draft Ordinance

Contact Name and Number:

Chris M. Jacques, AICP, Planning Director (623) 773-7609 Randy Proch, (623) 773-5164

Z17-32 Haciendas at White PeakEast of the northeast corner of 139th Avenue and Ridgeline Road



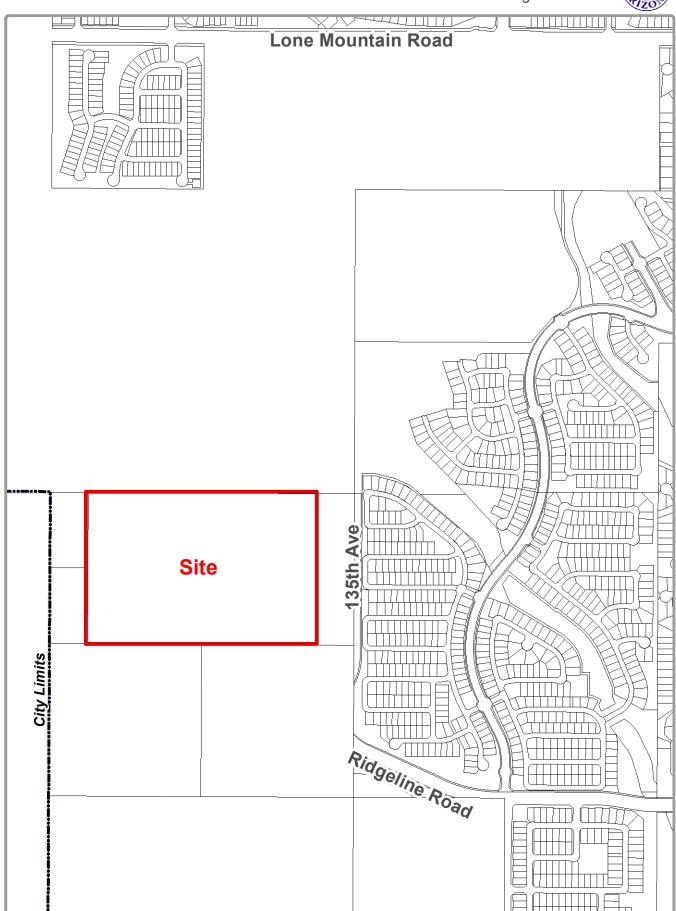


Exhibit 1 | Vicinity Map

BACKGROUND

Context

Withey Morris is proposing a single-family housing development of 152 homes on approximately 60 acres located east of the northeast corner of the 139th Avenue alignment and Ridgeline Road as shown in Exhibit A. There is a vacant 10 acre parcel located immediately east of the site which borders the future alignment of 135th Avenue. Trilogy West is located further to the east. To the south are two undeveloped 40-acre parcels. To the west of the site are two 5-acre parcels that are privately owned. To the north is Arizona State Trust Land, which is managed by the Arizona State Land Department. A more detailed view showing the subject site in relation to existing and known future development in the area is shown within Exhibit B.

General Plan

The subject property is designated Low Density Residential (2-5 du/ac, target of 3 du/ac) on the General Plan Land Use Map as shown in Exhibit C. This land use designation denotes areas where detached, single-family residential developments are desirable. The density range (2.0-5.0 du/ac), target density of 3.0 du/ac) is intended to provide for areas of low density while maintaining a detached single-family suburban residential character.

<u>Zoning</u>

The site is currently zoned Suburban Ranch (SR-43) which requires a minimum lot size of 43,560 square feet (or one acre). (Exhibit D). Withey Morris is proposing to rezone the site to Haciendas at White Peak Planned Area Development (PAD). (Exhibit D) A PAD is an alternative from the standard zoning district (e.g. R1-6, R1-8) wherein standards can be tailored to respond to site or topographical conditions, contextual circumstances in the area and/or otherwise promote a creative and efficient approach to land development (such as a tailored list of permitted uses or modified development/bulk standards).

Adjacent Uses and Zoning

Table 1 summarizes the existing land use, General Plan designation, and Zoning for the surrounding areas.

Table 1 - Existing Land Use, General Plan Designation, and Current Zoning

	EXISTING LAND USE	GENERAL PLAN	ZONING
Subject Property	Undeveloped land	Low Density Residential (2-5 du/ac, target 3 du/ac)	Suburban Ranch (SR-43)
North	Undeveloped land	Estate Density Residential (0-2 du/ac, target 1 du/ac)	Suburban Ranch (SR-43)
South	Undeveloped land	Low Density Residential (2-5 du/ac, target 3 du/ac)	Suburban Ranch (SR-43)

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East	Single-family homes	Low Density Residential (2-5 du/ac, target 3 du/ac)	Trilogy West Planned Area Development (PAD)
West	Undeveloped land	Low Density Residential (2-5 du/ac, target 3 du/ac)	Suburban Ranch (SR-43)

Other Related Policies and Project History

The property was annexed into the City of Peoria on June 8, 2010 through *Ordinance 2010-10* as part of a much larger area of land. As required per state law, a property is required to be assigned a city zoning district designation within six months of the annexation, and that designation cannot permit intensities and densities which exceed those allowed within the County. Consequently, the site was affixed with the initial zoning designation of Suburban Ranch (SR-43) as it was deemed as the most comparable zoning district to the prior Maricopa County Rural-43 (RU-43) designation. The property is currently vacant and the zoning designation has remained unchanged since its annexation into the city.

APPLICANT'S PROPOSAL

Goal/Purpose of Request

Withey Morris is requesting to rezone approximately 60 acres from Suburban Ranch 43 (SR-43) to Haciendas at White Peak Planned Area Development (PAD) to develop a new single-family subdivision in northwest Peoria. (Exhibit E) As discussed in the Standards and Guidelines Report (Exhibit F), the proposed development would consist of 152 single-family lots, variable lot sizes, entry features, natural and improved open space, recreational amenities and trail connections.

Development Information

Existing Use: Vacant/undeveloped

Proposed Use
 Single-family residences

Property Size: 60 acresDensity Proposed: 2.5 du/ac

• Number of Dwelling Units: 152

• Commercial Acreage: 0 ac

• Open Space Provided: 23 acres (38%)

Natural Open Space
 10 acres Undisturbed (17%)

Provided 3 acres Revegetated (5%)

Total = 22%

Useable Open Space
 9 acres (16%)

Development Standards

The development standards for Haciendas at White Peak are most similar to the City's R1-6 and R1-8 zoning districts with some variations specific to this project. A comparison of the proposal and the City's R1-6 and R1-8 is outlined in the table below (standard variations are in **bold**):

Standards	R1-6	Haciendas at White Peak	R1-8	Haciendas at White Peak
Minimum Lot Area (SF)	6,000	6,000	8,000	8,000
Minimum Lot Width (FT)	50	53	70	65
Minimum Lot Depth (FT)	100	115	100	115
Maximum Lot Coverage (percentage)	45%	50%	45%	50%
Maximum Building Height (FT)	30	30	30	30
Front Setback (FT) - Side-entry garage	10	10	10	10
Front Setback (FT) - Front-facing garage	20	20	20	20
Interior Setback (FT) - min/min/total	5/8/13	5/8/13	5/10/15	5/10/15
Rear Setback (FT)	15	15	15	15
Corner Setback (FT)	10	10	10	10

Amenities

The applicant is proposing to maintain the wash corridor in its natural state, and will provide pedestrian trails to intermingle with the natural landscape where possible. As noted in the table, approximately 17% of the site will be left in its natural state, which is also graphically represented in Exhibit G. The overall project will provide approximately 23 acres or 38% of the site as open space. Within the open space, a variety of active and passive recreational areas and amenities will be provided. These will include two amenity areas that include a tot lot, ramada, and turfed retention areas. Further specificity of the amenities will be determined and prescribed during the time of preliminary plat.

Access

Two entrances into the community will be provided from Ridgeline Road. These entries will include enhanced monument signs with landscaped medians and alternative pavement along the entry points.

The site will also provide four points of internal access to the adjacent properties, two to the west and two to the east for future residential development to be connected within the local street network. These additional entries into the community will be developed at a later time, and is discussed in more detail further in the report.

DISCUSSION AND ANALYSIS

General Plan Conformance

The subject property is designated on the General Plan Land Use Map as *Low Density Residential*, which has a density range of 2 - 5 dwelling units per acre (du/ac), and a target of 3 du/ac. The target density is considered the maximum allowable density, unless the project and the applicant can demonstrate superior design and/or enhanced level of amenities.

The proposed density for Haciendas at White Peak is 2.5 du/ac, which is in conformance with the density envisioned for this area by the General Plan. Because the requested density is below the target for this category, no additional design measures or enhancement of amenities is required. However, as part of their justification for the request, Withey Morris has cited two primary areas where the proposed design meets a superior level of design as noted below. Staff findings are provided in *italics*:

 Open Space: A sizeable percentage of area set aside as open space, above the minimum required; or - Minimum required open space with enhanced amenities must be provided on site; or - Meaningfully enhanced landscaping treatments for common areas

The total open space is 23 acres, or 38 percent. This includes 17 percent of undisturbed Natural Open Space, 5 percent of revegetated Natural Open Space, and 16 percent of useable open space from the two amenity areas and the trail network throughout the site. This is above the minimum of 15 percent Natural Open Space by 7 percent; and above the minimum of 9 percent Usable Open Space by 7 percent.

 A high level of interconnectivity throughout community: - Increased pedestrian and multi-modal connectivity by designing trails that connect open spaces. Trails are separated from roadways and enable bicyclists, horse riders and pedestrians to travel throughout the development; - Construction of identified pedestrian/bicycle paths and trails where there is a deficiency

Withey Morris will be providing a comprehensive trail network through the development along the two wash corridors that traverse the property.

PAD Standards Analysis

A PAD is an alternative from the standard zoning district (e.g. R1-6, R1-8) wherein standards can be tailored to respond to site or topographical conditions, contextual circumstances in the area and/or otherwise promote a creative and efficient approach to land development (such as a tailored list of permitted uses or modified development standards).

The proposed Standards and Guidelines Report (or PAD Report) outlines the concepts envisioned for the site, including enhanced entry features along Ridgeline Road and street layout more organic to the wash corridors traversing the site. (Exhibit F) The development will also provide additional open space and a mixture of lot sizes between

6,000 square feet and 8,000 square feet. Additionally, the wall layout and standards within the PAD have been modified to address the undulating terrain found on this property. The development standards would allow for taller wall heights in order to avoid large amounts of cuts and fills to the desert environment. Along with the preservation of the two wash corridors and the minimalization of scarring of desert land, staff believes the PAD Report sufficiently addresses the goals of the General Plan and Sonoran Preservation Program.

Circulation Analysis

The site is located beyond the existing roadway network and will be served by the future Ridgeline Road as shown in Exhibit A and more particularly within Exhibit B. Further to the west of the site is an approximately 200-foot tall mountain range that will impede any future roadway development along this roadway alignment. It is currently identified on the City of Peoria General Plan Circulation Plan as Dixileta Parkway; however, staff is pursuing the renaming this roadway segment to Ridgeline Road. The name change is due in part because the same naming is used for the existing roadway east of the intersection with Vistancia Boulevard, and thus easier for drivers and pedestrians to recognize.

The proposed development will dedicate the right-of-way for the future Dixileta Drive, which is the roadway alignment along the northern property line (Exhibit B). The alignment of Dixileta Drive has not been studied or designed at this time. Consequently, Dixileta Drive will not be constructed until additional design has occurred and future development occurs north of the site.

Due to the limited number of roadways available in this area, the developer is responsible for fully improving Ridgeline Road with two lanes in each direction and a raised-curb median. In case of an emergency, the roadway could remain open on one side to allow two-way traffic and not impede access into or out of the development.

Public Safety

There are no anticipated impacts to public safety because of this proposal.

Desert Lands Conservation Overlay District

The subject property is located north of Pinnacle Peak, and therefore subject to regulations within the Peoria Desert Lands Conservation Overlay District (DLCO). The purpose of the DLCO is to identify and protect the unique and environmentally sensitive Sonoran Desert lands in the City north of Pinnacle Peak Road and to conserve the distinctive desert character. The overlay establishes criteria for determining conservation priorities based on existing resources and conservation opportunities.

This site has been evaluated in accordance with the DLCO ordinance and the two washes traversing the property will remain in their natural state, with some trails connections along the embankment edge to activate the open space while maintaining the overall condition of the area. (Exhibit G)

Peoria Unified School District

This property is within the Peoria Unified School District (PUSD) boundary. PUSD has participated in the review of this project and has been in communication with the applicant regarding the proposal and school facilities in the area. Reportedly, the applicant has committed to the terms of a separate Developer Assistance Agreement with the District. Accordingly, the City has received a letter from the Peoria Unified School District indicating the school district's support for the proposed rezoning (Exhibit H).

Proposition 207 Waiver

The voters of Arizona approved Proposition 207, which among other things requires municipalities to compensate property owners for actions, which have the effect of diminishing the value of property. The City Attorney's Office has drafted an agreement, which waives the applicant's rights to future Proposition 207 claims against the City. Accordingly, the applicant has furnished a signed and notarized Proposition 207 Waiver.

COMMUNITY INVOLVEMENT

Outreach Requirements

The application was properly noticed pursuant to Section 21-315 of the Peoria Zoning Ordinance, which includes notification to all property owners within 600 feet of the site and registered HOAs within one (1) mile, posting a sign on the site, and placing an ad in the Peoria Times at least 15 days prior to the Public Hearing.

Support / Opposition

A neighborhood meeting was held on June 4, 2018, at the Cross of Glory Lutheran Church at 6pm. The meeting was attended by the development team, City staff, Councilmember Binsbacher, and two members of the public. At the meeting, the development team present the details of the project and answered questions. A summary of the comments heard at the meeting, along with the applicant's responses are enclosed within Citizen Participation Report (Exhibit I).

The first attendee requested to view the specific model homes that would be offered on the site. As noted in the applicant's response, this request could not be fulfilled because a specific homebuilder has not been identified for this project as of yet. The second attendee was a member of the Cross of Glory staff that had general questions about the project. Neither person expressed support or opposition to the proposed development.

As of the time of writing this report, staff has not received any support or opposition to the request.

STAFF RECOMMENDATION

Based on the following findings:

- 1. The proposed zoning district is in conformance with the goals and objectives set forth in the Peoria General Plan:
- 2. This rezoning request is consistent with the General Plan Low Density Residential (2-5 du/ac, target of 3 du/ac) land use designation;
- 3. This rezoning request will result in a residential development that is compatible with the surrounding area(s); and,
- 4. The applicant/owner has submitted a signed and notarized a Proposition 207 waiver, which will be recorded with the conditions outlined below.

Staff recommends that the Planning and Zoning Commission take the following action:

Recommend approval to the City Council for the applicant's request for Rezoning under Case Z17-32, subject to the following conditions:

- 1. The development shall substantially conform to the Haciendas at White Peak Standards and Guidelines Report (Exhibit E) as contained in the staff report to the Planning and Zoning Commission for July 19, 2017.
- 2. The development shall be limited to a maximum of one hundred fifty two (152) residential lots, and shall not exceed a gross density of 2.5 dwelling units to the acre.
- 3. The developer shall comply with all City of Peoria engineering design standards, policies and requirements at time of final engineering submittal and development.
- 4. The developer shall provide right-of-way (R/W) dedications for the following roadway(s):
 - a. 50' R/W for local streets (Full Street R/W Dedication)
 - b. 55' R/W for Dixileta Drive (Half Street R/W Dedication)
 - c. 90' R/W for Ridgeline Road (Full Street R/W Dedication)
- 5. The developer shall provide two points of access to an existing City Right-of-Way. This may be achieved by providing a four (4) lane median divided roadway from the farthest point of access to an existing City Right-of-Way, subject to the approval of the City Engineer.
- 6. The developer shall provide a Traffic Impact Study/Analysis at time of development and final engineering submittal.

REPORT PREPARED BY

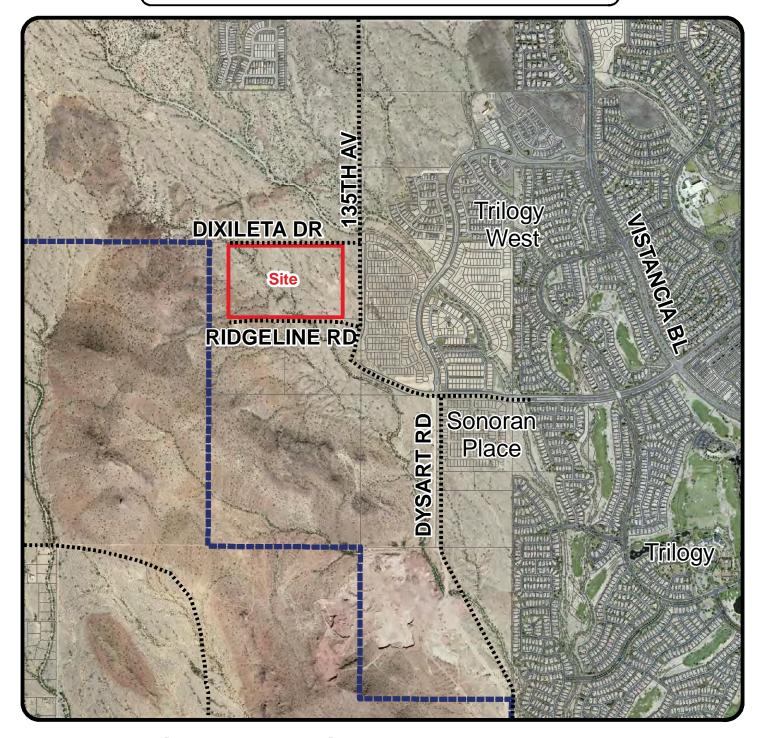
Randy Proch
Planner
623-773-5164
randy.proch@peoriaaz.gov

PLANNING & ZONING COMMISSION REPORT | HACIENDAS AT WHITE PEAK REZONING (Z17-32)

ATTACHMENTS:

Exhibit A	Vicinity Map
Exhibit B	Location Map
Exhibit C	General Plan Map
Exhibit D	Current Zoning Map
Exhibit E	Proposed Zoning Map
Exhibit F	Standards and Guidelines Report
Exhibit G	Natural Open Space
Exhibit H	PUSD Support Letter
Exhibit I	Citizen Participation Report

Vicinity Map



Z17-32 Haciendas at White Peak

Applicant: Withey Morris

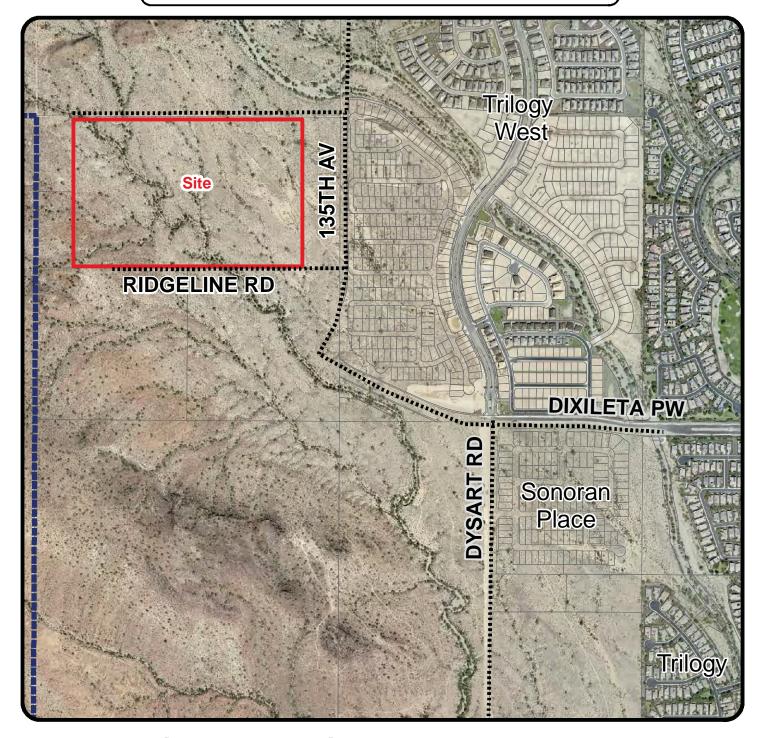
Request: The applicant is requesting to rezone approximately 60 acres from SR-43 to Haciendas at White Peak Planned Area Development (PAD).

Location: East of the northeast corner of 139th Avenue and Ridgeline Road.

Exhibit A



Location Map



Z17-32 Haciendas at White Peak

Applicant: Withey Morris

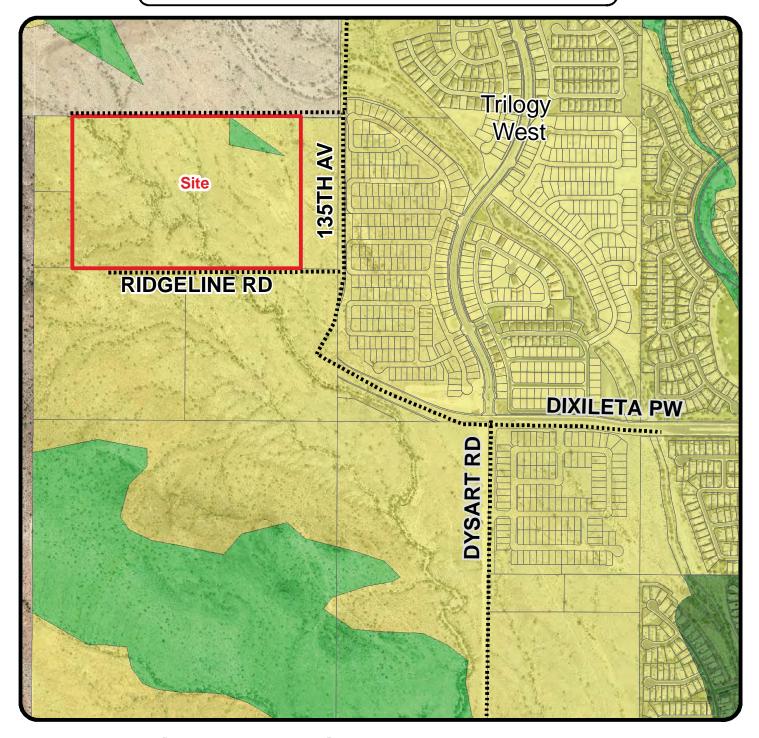
Request: The applicant is requesting to rezone approximately 60 acres from SR-43 to Haciendas at White Peak Planned Area Development (PAD).

Location: East of the northeast corner of 139th Avenue and Ridgeline Road.

Exhibit B



General Plan Map



Z17-32 Haciendas at White Peak

Applicant: Withey Morris

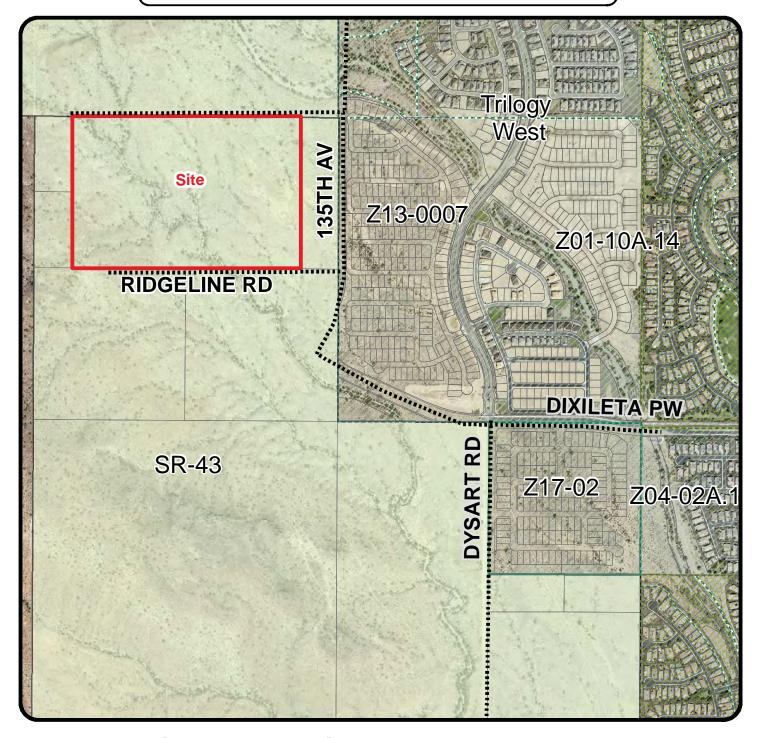
Request: The applicant is requesting to rezone approximately 60 acres from SR-43 to Haciendas at White Peak Planned Area Development (PAD).

Location: East of the northeast corner of 139th Avenue and Ridgeline Road.

Exhibit C



Current Zoning Map



Z17-32 Haciendas at White Peak

Applicant: Withey Morris

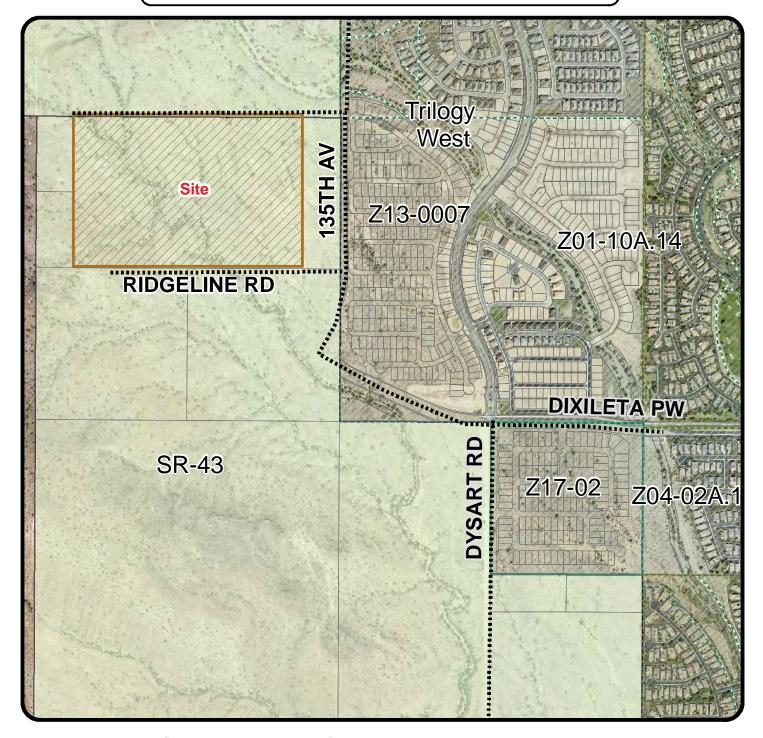
Request: The applicant is requesting to rezone approximately 60 acres from SR-43 to Haciendas at White Peak Planned Area Development (PAD).

Location: East of the northeast corner of 139th Avenue and Ridgeline Road.

Exhibit D



Proposed Zoning Map



Z17-32 Haciendas at White Peak

Applicant: Withey Morris

Request: The applicant is requesting to rezone approximately 60 acres from SR-43 to Haciendas at White Peak Planned Area Development (PAD).

Location: East of the northeast corner of 139th Avenue and Ridgeline Road.

Exhibit E



Haciendas at White Peak Planned Area Development

East of the Northeast corner of 139th
Avenue and Ridgeline Road

Prepared by Withey Morris, PLC

1st Submittal: December 21, 2017 2nd Submittal: June 4, 2018

Case No. Z17-32

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Haciendas at White Peak

Introduction

Haciendas at White Peak Planned Area Development ("Haciendas") is a single-family detached residential subdivision on the vacant 60 gross/55.9 net acre site ("Property") which is located east of the northeast corner of 139th Avenue and Dixileta Parkway. (See **Exhibit A**, Aerial Vicinity Map) The development proposal seeks to rezone the Property from Suburban Ranch (SR-43) to Planned Area Development (PAD) zoning for a total of 152 lots (2.5 du/ac gross density) with approximately 23 acres (or 38%) of total open space which will be developed by a future home builder as the market demands. This zoning request is consistent with the General Plan land use designation of Residential Low (2-5, target 3 dwelling units per acre).

The proposed land use is commensurate with the approved development patterns in the general vicinity, including the Trilogy at Vistancia and Trilogy West master planned communities and the recently approved Sonoran Place developments which are located just east of the Property. The conceptual zoning plan establishes the general residential framework that supports the evolving needs of the community. Due to the topography and special geography of the Property (including an existing wash that runs through the west portion of the site), Haciendas embraces the natural layout of the wash corridor by providing diversity of the proposed lot sizes and their configuration.

Lastly, the project upon final design will incorporate distinctive building elements, a comprehensive wall theme, and landscaped entry streets in order to create a unique identity for Haciendas at White Peak.

Legal Description and Parcel Number

The legal description for Haciendas at White Peak is attached at **Exhibit B**. The property is located east of the northeast corner of 139th Avenue and Dixileta Parkway, and more specifically described as Maricopa County Assessor's parcel number 503-52-038G.

Consistency with General Plan

The General Plan designates the Property as Residential Low (2-5 dwelling units per acre with a target density of 3 dwelling units per acre). The subject request seeks to provide a single-family community which adheres to the above-referenced General Plan land use designation and corresponds to the residential uses with similar development standards that have been approved in the immediate area. The development is proposing a compatible density of 2.5 dwelling units to the acre. This land use designation denotes areas where detached, single-family residential developments are desirable. The density range (2.0 – 5.0 du/ac, target density of 3.0 du/ac) is intended to provide for areas of low density while maintaining a detached single-family suburban residential character.

As way of background, the Property was annexed and approved for SR-43 zoning by the City of Peoria ("city") in 2010 as part of a larger 640-acre area. Ownership of the total 640-acre area has included several entities however, the long-time owner of this Property has decided to proceed forward by making a significant investment with a single-family development that will suit the needs of this area. Haciendas offers a creative approach to a traditional single-family living with respect to quality design standards, open space,

diversity of lot sizes and programmed areas with amenities that reflect the policies and recommendations of the PAD zoning district and the Single-family Residential design guidelines. In general, the project proposes the following concepts:

- Creation of two residential neighborhoods with varied lot sizes that are internally linked with local street, landscaping and open space corridors that complement the natural terrain and washes which traverse Haciendas.
- Two distinct lot sizes that range from approximately 6,000 sq.ft. (min. 53' wide lots) to 8,000 sq.ft. (min. 65' wide lots). These lot characteristics best correspond with the City's current R1-6 and R1-8 zoning districts.
- Improved site layout in order to create a more appealing streetscape with roadway design techniques that serve as traffic calming measures including the use of cul-de-sacs, curvilinear streets, short block length with limited straight streets and a "y"-intersection at the northeastern edge of Haciendas.
- Integration and protection of existing topography and natural desert features into the development plan which include natural decomposed granite trail systems, and preserved wash areas.
- Conservation of two natural open space wash corridors that traverse the site from north to south and from the western boundary to the north/south wash.
- Preservation and strategic placement of native plant species to further the native desert environment and character of the existing area.
- Two (2) defined main entryways from Ridgeline Road (alignment) that will include a thematic design, lush landscaping within the medians located between drive isles, stamped concrete/pavers, pedestrian connection and enhanced monument signage.
- Exceeds the minimum required useable open space by greater than 6% with over 9 aces of
 useable open space provided. This is in addition to a generous amount of natural open
 space retained throughout the entire development.
- Commitment to development standards that protect scenic views, preserving native vegetation and physical features present on-site.
- Vehicular and pedestrian future connections to the adjacent vacant properties along the western and eastern perimeter to create nodal residential neighborhood traffic patterns.

A new residential community of quality-built, detached single-family homes with a variety of open space areas will add to the attractive housing options that are available in the area and enhance employment attractiveness. The proposed PAD zoning is a suitable alternative from the standard zoning district (e.g. R1-6, R1-8) because this application is tailored to respond to existing environmental conditions and contextual roadway circumstances in the area. Haciendas promotes a creative and efficient approach to land development which is ideal at this location given the significant size of the Property, the existing local topography and the provision of two different neighborhoods which create diversity of lot sizes and open spaces. Haciendas features a centralized open space and amenity areas to engage residents, pedestrian-friendly pathways, efficient landscape techniques, and a common theme to complement the character of the community. This proposal also incorporates land use and design principles that blend well with future residential uses that are planned to the east and west of the Property as well as the native desert surroundings. Haciendas implements the City's goals by providing an enhanced living environment that offers a diverse home product within this well-appointed area.

General Site Information and Existing Site Conditions

Haciendas at White Peak is undeveloped, vegetated desert property which has moderately steep terrain with contours and ranging from 1,455 feet at the northwest corner to 1,430 feet at the southeast corner. Natural washes exist on the site which are considered to be potential Waters of the United States (WOTUS). A Preliminary Jurisdictional Determination is being processed with the Army Corps of Engineer to identify these washes and their potential disturbance. The combined WOTUS area is anticipated to be 0.60 acres, with disturbance being limited to less than 0.5 acres. As such, the site will be documented under a 404 Nationwide Permit. The WOTUS washes and drainage corridors are anticipated to be undisturbed where possible to complement the site design.

Surrounding Land Uses and Conditions

Immediately north of Haciendas at White Peak is vacant State Land property. There are also vacant 5 acre and 10 acre parcels that are zoned SR-43 which flank the Property's western and eastern perimeter just north of Dixileta Parkway. Additionally, immediately south of the Property and the future Dixileta Parkway (a major arterial roadway) is vacant SR-43 zoned property.

This PAD proposal is similar to both the approved and developed single-family residential properties in the general area. With regard to developed properties that are within close proximity to the Property, the Trilogy at Vistancia Community is located just east of the 135th Avenue alignment and includes a mixture of lot sizes that range between 5,000 sq.ft. and 12,000 sq.ft. Additionally, there is a 40-acre parcel located at the southeast corner of Dixileta Parkway and 131st Avenue alignment that was made part the overall Trilogy community which was approved in 2004 for (84) single-family lots (or 2.74 du/ac) with typical lot sizes that are between 5,300 sq.ft. to 6,670 sq.ft., including a minimum 48-feet lot width.

In September 2017, City Council unanimously approved the rezoning of a nearby 40 acre vacant site located at the southeast corner of Dysart Road and Dixileta Parkway from SR-43 to PAD (subject to conditions) for Sonoran Place. This development was approved for (122) single-family homes (or 3.08 du/ac) with typical lot sizes ranging between 6,600 sq.ft. and 8,400 sq.ft., including a minimum of 55-feet lot width. Haciendas furthers the area's expectations for quality-built homes as described in more detail below, and is commensurate with the natural desert environment, the underlying land use designation for the Property and the residential character of the general area.

Preliminary Development Plan

The property owner, White Peak, LLC, proposes to add value to the area's quality of living by rezoning the Property from SR-43 (Suburban Ranch District) to PAD (Planned Area Development) with the underlying R1-6 and R1-8 (Single-family Residential) zoning district in order to accommodate a detached, single-family residential subdivision (referred to as, "Haciendas at White Peak") which is comprised of 152 lots (approximately 2.5 du/ac of density). The proposal to develop this Property through the use of meaningful design principles and careful attention to open space/amenities will create a seamless transition between the native desert features and the character of homes that currently exist in close proximity to the area.

The plan also provides for approximately 9 acres (or approximately 16%) of dedicated, useable open space, coupled with approximately 13 acres of the community that will retained as Natural Open Space including the preservation of the existing wash corridor. The overall plan is in harmony with the City's Design Review Guidelines and the Desert Lands Conservation Overlay Master Plan. See **Exhibit C**, Conceptual Site Plan.

Brief Overview of Development Proposal:

Proposed Use: Detached, Single-family Residences (non-gated)

Property Size: 60 gross/ 55.9 net acres

Density Proposed: 2.5 du/ac Number of Lots: 152 lots

Total Open Space: Approximately 23 acres / 38%

Natural Open Space Approximately 10 acres (undisturbed) / 17%

Approximately 3 acres (revegetated) / 5%

Useable Open Space Approximate 9 acres (includes trail corridor NOS allowance) / 16%

Residential amenities such as a private park and/or recreation areas which may include a shaded ramada, picnic tables, barbeque grill, contemporary playground facilities and turf area for passive recreation activities may be incorporated in the project. Further, the landscape tracts and open space areas have been strategically placed throughout the site to activate the existing natural desert features of the land and maximize the community benefit. A robust pedestrian pathway will be interwoven throughout the natural open space linking all areas of the community together. These areas will be owned and maintained by a homeowners' association. Additionally, the proposal includes over 17 percent natural open space with walking trails throughout the open space portions of the site with a potential for future trail connections to neighboring parcels. See **Exhibit D**, Conceptual Landscape and Amenities Plan.

Permitted Principal, Conditional and Accessory Uses

All permitted principal, conditional, and accessory uses shall be maintained as described within Section 21-415 "Single Family Residential Districts" of the City's zoning ordinance for the proposed PAD district. Accessory buildings shall be subject to the limitations contained in Section 21-422 of the Peoria Zoning Ordinance and as otherwise set forth in the Peoria City Code.

<u>Project Phasing and Development Schedule</u>

While the Project may be constructed in a single phase, two phases are being provided to provide flexibility to meet market demand. The initial phase will include the R1-6 lots located on the eastern portion of the site plan. This phase will include extension of water, sewer, and roadway in Ridgeline Road (alignment) to provide access and utilities to the westernmost entrance. The second phase will include the R1-8 lots located on the western portion of the Project. This phase will include the continuation of water, sewer, and roadway from Ridgeline Road (alignment) to the western boundary of the Project.

Adequate School Facilities

The applicant will work closely with the Peoria Unified School District in order to ensure that there are adequate school facilities to accommodate future students that may be generated by future residents of this project.

Development Standards

Haciendas at White Peak development standards shall be as follows:

Table 1- Project Development Standards Summary

Development Standard	Project	Standard
Minimum Lot Area (sq.ft.)	6,000 (R1-6)	8,000 (R1-8)
Minimum Lot Width (ft.)	53' (R1-6)	65' (R1-8)
Minimum Lot Depth (ft.)	115′	115′
Maximum Lot Coverage (%)	50%	50%
Maximum Building Height (ft.)	30′	30'
Front Yard Setback (ft.) *	10′/20′	10′/20′
Interior Yard Setback (ft.) (min./total)	5' / 8', total 13'	5' / 10', total 15'
Rear Yard Setback (ft.)	15′	15′
Corner Yard Setback (ft.)	5' / total 10'	5' / total 10'
Maximum number of Flag lots	5%	5%

^{*} The front setback shall be 10 feet to the living space or side entry garage, and 20 feet to the face of a front-facing garage.

Lighting

Project lighting will be in accordance with the City of Peoria Subdivision Regulations and Design Review Manual (20-78-3.II.B.2)All lighting shall meet the Dark Sky Ordinance.

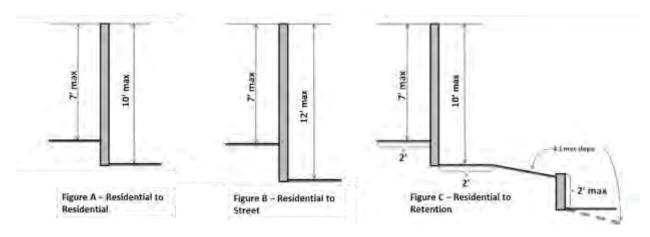
Screening, Fencing and Walls

The walls of Haciendas at White Peak will be in accordance with the City of Peoria Zoning Ordinance, Subdivision Regulations, and Design Review Manual (except as otherwise modified below). Development of the walls will be consistent with the attached **Exhibit D**, Conceptual Wall Plan. Generally, the walls will be solid decorative type, constructed of painted concrete masonry units (CMU's) accented with split face CMU banding and columns. Walls adjacent to arterial and collector streets will undulate every other lot a minimum of two (2) feet. All of the walls will be painted or integral color with a two-toned desert palette consistent with the surrounding development. There will also be enhanced monument entry signage and stamped asphalt at both vehicular entries which will be consistent with the thematic character of Haciendas at White Peak.

More specifically, perimeter walls of the Property will consist of solid masonry and partial view walls. The walls adjacent to arterial streets shall exceed the minimum requirements by providing color accents, wrought iron, decorative pilasters and masonry pillars with caps. Perimeter walls adjacent to local internal streets will exceed the minimum requirements by providing color accents, wrought iron, decorative pilasters and masonry pillars with caps. Walls adjacent to retention areas, trails, parks, and useable open space areas will incorporate various materials including wrought iron view fencing.

To limit the disturbance required of natural washes and desert within the Project and to design to the natural terrain, the maximum retained heights for the development shall not exceed the standards as illustrated in **Figures A-C** below. The following table illustrates how the walls will deviate from and exceed the City of Peoria standards:

	Haciendas at White Peak PAD	City of Peoria Zoning Ordinance
Minimum wall undulations every other lot along arterials and collectors	2 feet	3 feet
Walls along arterial streets shall include minimum enhancements	3	2
Walls along collector and local streets shall include minimum enhancements	2	1
Maximum retaining wall heights for abutting lots.	4 feet	2 feet



Roadway Standards

Access to the single-family subdivision will be provided via two entry roadways extending off Ridgeline Road which will connect to 135th Avenue. The 90-foot wide right-of-way dedication and construction of Ridgeline Road will be built with the first phase of development. These main project entries each have raised medians with landscaping. Internal roadways will be made as public streets subject to the City's local street cross-section. Further, there will be at least four interior local street stub-outs provided along the eastern (2) and western (2) edge of the project in order to connect Haciendas with future residential subdivisions. Haciendas will also dedicate an additional 55-feet along the northern property boundary (beginning at a point that is immediately east of the existing wash at the western edge of the Property) for future roadway purposes.

Driveway Design

The project will incorporate a diverse driveway design in front of the homes by proving either (1) a combination of concrete/decorative paver patterns or (2) total paver driveways in order to meet the intent of the Peoria Design Review Standards. In short, the streets and roadways will be in accordance with the City of Peoria Subdivision Regulations and Zoning Stipulations.

Open Space & Amenities

The central open space surrounding the natural wash corridor will remain undisturbed with pedestrian trails intermingling with the natural landscape where possible to provide residents with a unique natural amenity. Based upon the final layout of the subdivision, the specific techniques to be used in these areas will be determined during the preliminary and final plat review and approval process. A variety of active and passive recreational areas and resident amenities will create a close sense of community by bringing residents together. All of these amenities will be designed to engage residents and visitors to share in a variety of recreational activities year-round. A minimum of 460,668 square-feet of open space shall be provided for this residential community which may incorporate open space elements such as the following:

- Tree lined primary entrances into the community
- Open-space with strategically located areas of turf for play and retention
- Lush landscaping with earth mounding
- Ramadas and picnic tables in park settings
- Exercise stations
- Pedestrian furniture
- Dog run pathway
- A 5-foot wide multi-use pedestrian pathway woven throughout the community

Single-family Design Guidelines & Standards

It is the purpose and intent of the provisions defined within this PAD to promote the development of a dynamic single-family residential development. Development of the Property shall comply with the provisions governed by the Zoning Ordinance, unless specifically listed. If there are conflicts between specific provisions of this PAD and the Zoning Ordinance or design guidelines, the terms of this PAD shall apply. Haciendas at White Peak PAD shall also comply with the City's Design Review Manual. In addition, this subdivision will incorporate unique building design, high-quality materials and distinctive architectural features. The proposed building design, landscaping palette, entry wall monumentation, complementary wall/gate them and amenity space areas will provide a distinct living environment that creates a sense of place. Both the interior and exterior of the homes will incorporate a variety of up-scale finishes to provide a comfortable lifestyle and create a strong identity for the project which complements the surrounding properties.

Project Signage Standards

Subject to the City's approval including the height, placement, and area requirements as prescribed in Section 21-827 of the Zoning Ordinance, the project signage and gate design will be in conformance with the conceptual wall plan.

Landscaping Standards and Screening Techniques

Landscaping for the project shall be subject to the City's approval as prescribed in Section 21-815 of the Zoning Ordinance. Plant materials shall be selected from a final plant palette approved by the City. Accent materials shall be low-water use plants known for form, color and visual texture. Trees will be clustered where appropriate. The landscape plan will be designed in conjunction with the Master Drainage Plan for the Haciendas at White Peak in conformance with the conceptual landscape plan.

The landscape standards shall establish a minimum acceptable standard for the integration of the built environment into the natural landscape while providing a comfortable, accessible and aesthetically pleasing community. Shade trees shall be provided and are limited to those specified in the conceptual plans; however, additional types of trees may be approved by City staff. Proposals for additional plant materials may also be reviewed and administratively approved by City staff.

Desert Lands Conservation Ordinance (DLCO)

The Project's location is within an area of Peoria impacted by the Desert Lands Conservation Ordinance (DLCO). The DLCO establishes a special overlay zoning district, which applies to specific resources and environmental conditions north of Pinnacle Peak Road. The main conservation features throughout the Project are two primary washes. Generally, the washes begins/end, on-site, near the northwestern and southeastern Project boundaries. The site plan has been carefully designed with the intention of leaving the washes as undisturbed as possible. The wash provides natural drainage for the site, diverse vegetation, and overall aesthetic appeal to the Project. Allowing the washes to remain undisturbed also benefits animal life that is reliant upon the area for food, shelter, and passage. For additional details, please reference the Master Conservation Report, Desert Lands Conservation Report and the Desert Conservation Overlay (Exhibit F) included with this submittal.

Infrastructure / Utilities

(Please see attached documents)

- Grading / Drainage / Retention
- Water / Wastewater Analysis
- Traffic Study
- A.L.T.A.

Grading / Drainage / Retention

The area surrounding the Property is currently natural desert rangeland that generally drains to the southeast. No engineered stormwater controls currently exist to direct offsite runoff away from the site. According to FEMA Flood Insurance Rate Map 04013C1230L, revised October 16, 2013, the site is located entirely within shaded Zone X. FEMA defines shaded Zone X as areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.

The offsite flows impacting the Project are generated further upstream and conveyed predominately through the various washes traversing the mountainous terrain. Some of the offsite flow impacting the site is also conveyed via sheet flow. These flows reaching the northern and western boundaries of the site via sheet flow will be captured and conveyed in proposed channels that will follow the northern and western boundaries of the Property. Runoff in these channels will be conveyed around the site and will ultimately outfall into its existing drainage path downstream. The distinct washes traversing the site will remain predominantly undisturbed and will continue to convey offsite flows through the site.

The Haciendas at White Peak development plan will be prepared in compliance with applicable City of Peoria drainage design criteria and other required drainage laws. Since the Property will be designed with appropriate drainage controls and stormwater retention, and the historic outfall points will be maintained, no adverse impacts to downstream properties or infrastructure are anticipated as a result of development.

Water and Wastewater

Sewer Service

Sewer service will be provided by the City of Peoria. Based upon a total of 152 single-family residential units, the Project is anticipated to generate an average daily demand of approximately 16,000 gallons per day. A sewer line will be installed from Trilogy West to the point of need for this Project.

Water Service

Water service will be provided by the City of Peoria. Based upon a total of 152 single-family residential units, the Project is anticipated to generate an average daily flow of approximately 38,000 gallons per day. A waterline will be installed from the Project boundary to the existing lines in or adjacent to Trilogy West. This will ultimately connect to the existing 12-inch waterline in Upcountry Way. Based upon communication with the City, it is understood that water supply is currently not available for this Project until the completion of the Lone Mountain Waterline by the City. This is anticipated to be completed in the summer of 2019.

Utility Service Providers

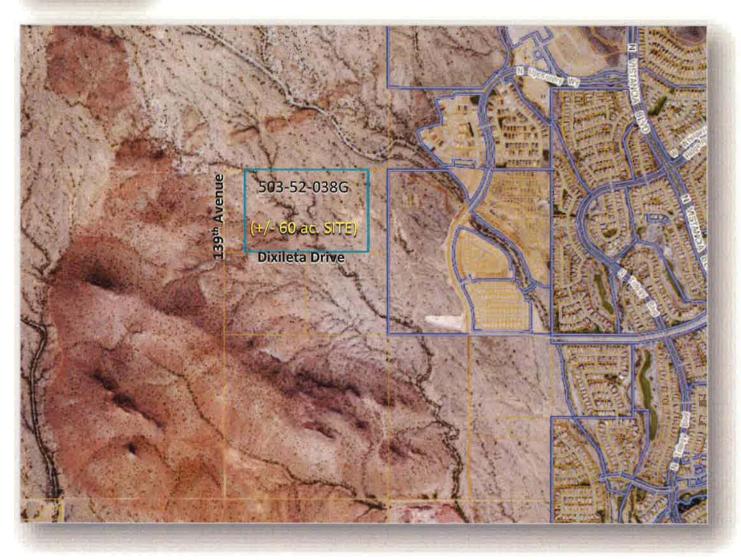
The following providers are anticipated to serve the needs of the community:

Electricity	Arizona Public Service
Natural gas	Southwest Gas
Telephone	Century Link
Cable	Cox/Zona Communications
Refuse	City of Peoria
Law Enforcement, Emergency, and Fire Protection	City of Peoria
Educational Facilities	District No. 11 of the Peoria Unified School District

Tab A

Property Site Map





Tab B

Property Legal Description



A parcel of land situated in the North half of the Northwest quarter of Section 27, Township 5 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

The North half of the Northwest quarter of said Section 27;

EXCEPT the East half of the East half of the North half of the Northwest quarter of said Section 27; and also

EXCEPT the Westerly 10 acres of the North half of the Northwest quarter of said section 27, described as follows:

The Point of Beginning being the Northwest corner of said section 27;

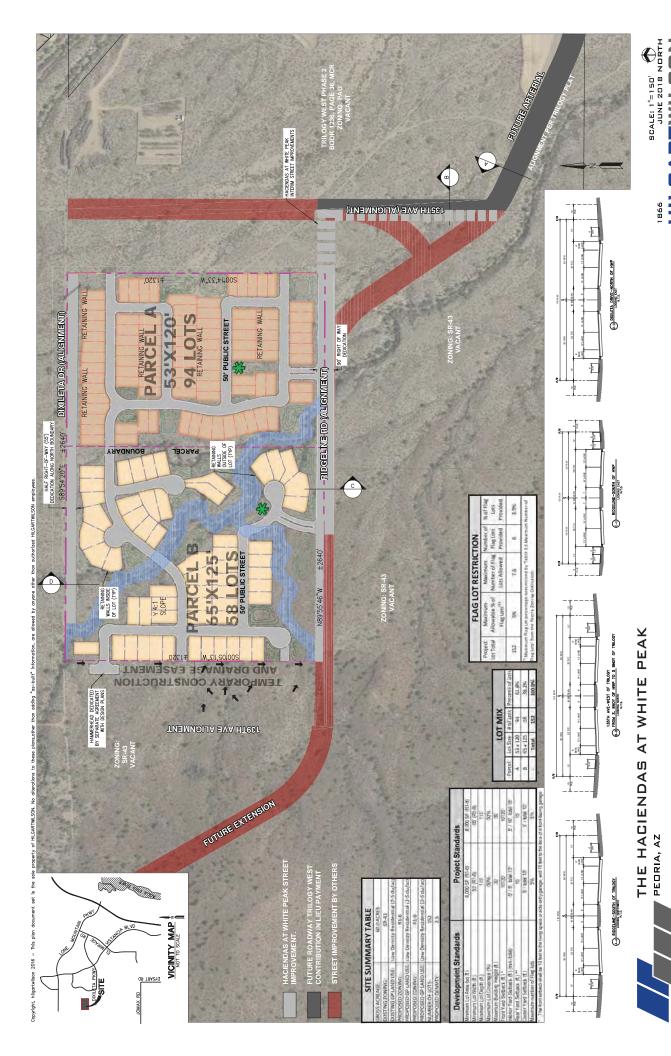
Thence South 89 degrees 54 minutes 20 seconds East, along the North line of said Section 27, 330.02 feet;

Thence South oo degrees o5 minutes 13 seconds West, parallel with the West line of said Section 27, 1319.84 feet to the South line of the North half of the Northwest quarter of said Section 27;

Thence North 89 degrees 55 minutes 46 seconds West, along the South line of the North half of the Northwest quarter of said section 27, 330.02 feet to the West line of said Section 27;

Thence North 00 degrees 05 minutes 13 seconds East, along the West line of said Section 27, 1,319.98 feet to the Point of Beginning.

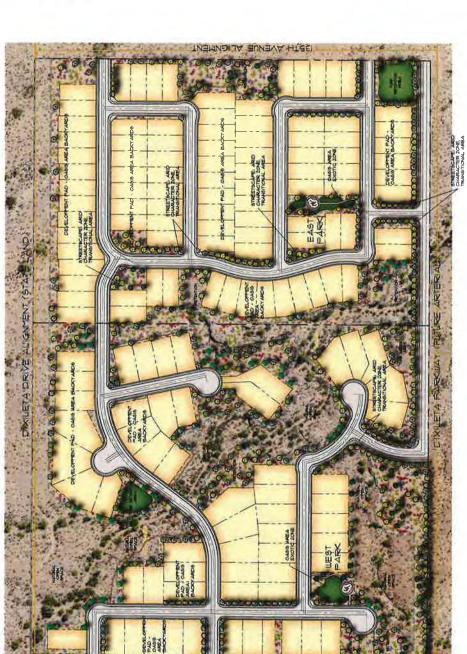
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- GENERAL NOTES

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Acacle anaura	Hulga	24" Box/15" Cal	951	Standard Trunk
Caesalpinia cacalaco	Cascalote	24" Box/15" Cal	64	Multi Trunk
Caciolim Abrid	Desert Museum	24" Box/10" Cal	8	Standard Trunk
Ebenopala ebano	Texas Ebony	24" Box/15" Cal	ď	Standard Trunk
Fraxina velutina	Arizona Ash	24" Box/15" Cal	<u>o</u>	Standard Trunk
Oheya tehota	Desert Ironwood	24" Box/15" Cal	4	Molto Trust
Prosopis x 'Rio Salado'	Rio Salado' Masquita	24" BON/15" Cal	<u>a</u>	Turk Troop
Quercus virginiana	Bourners Live Oak.	24" Box/15" Cal	29	Standard Trunk
Tipuana tipu	Tou Dee	24" Box/I5" Cal	36	Standard Trunk
Salvaged Tree	Verse	Várias	50	Standard Trunk Dense Canopy
Agave weber1	Weber Agave	IS-Ga	56	As Par Plan
Hasparalos parviflora	Glant Hesperaloe	5-Gal	8	5 Pad Min
Cámaglas giganas	Saguaro	Salvaged	129	No Scars or
Dasylition quadrangulatum	Taathless Spoon	5-601	ษ	As Per Plan
Dasylition whealeri	Desert Spoon	5-64	킨	As Per Plan
Echinocactus grusonii	Golden Barrel Cactus	B° D1a	52	As Per Plan
Farmaghia altitan	Playtook Barrel Cathon	94114960	45	Size Par Plan
Fouquieria Splendens	Occotillo	94\v4ged	26	12 Cana Min
Hesperaloe paralliors	Brakelighte Red Tucca	5-54	82	As Per Plan
Transported capitaria	Pink Muhiy Grass	5-601	او	As Per Plan
Calliandra callfornica	Baja Fairy Duster	5-68	ē	As Per Plan
Dodonasa viscosa	Purple Hopseed Bush	5-64	94	As Per Plan
Eremophylla hygrophana	Blueballs	5-64	25	4s Per Plan
Leucophyllum Frytascens	Hadvenly Cloud Sage	5-54	123	As Par Plan
Ruallia perninsularia	Baja Ruella	5-Gal	80	As Per Plan
Tacoma x 'Balla of Fira	Bells of Fire	5-68	36	As Per Plan
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WEST PARK

SIENDAS AT WHITE PEAK WHITE PEAK, LLC

EXHIBIT B





Decomposed Granice - <u>512a.</u> 4" Mnus <u>Color</u>. "Express Brown" or Approved Equal 2" depth in 811 planting areas (Typ.) - <u>3426,454 SQ. FT.</u>

Padastrian Path - Stabilized Decomposed Gravite -<u>Size, Iva''</u> Minus <u>Color:</u> Express Brown or Approved Equa 6" depth (Typ.) - <u>19296-90, FT.</u>

TURS: With Concrete Header - 1350 LE.

KRAINED PROVIDED	PLAI PLANING DAIA 9	6)
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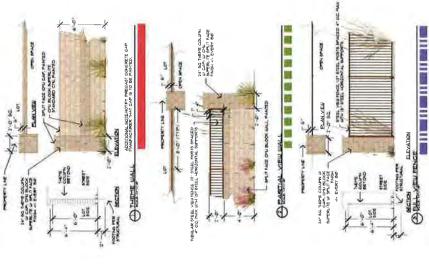
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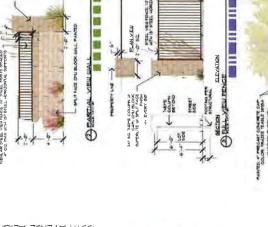
HACIENDAS AT WHITE PEAK

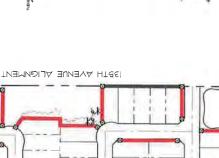
WHITE PEAK, LLC

Tab E



DIXILETA DRIVE ALIGNMENT (STATE LAND)







COLUBIOCOS SUFFRUITE
UV SPELIT FACE FNISH

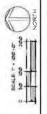
- ENTRY MONUMENT

DIXILETA PARKWAY (FUTURE ARTERIAL)

PROPOSED PARTIAL VIEW FENCE LOCATION (REFERENCE DETAIL 2)

WALL SCHEDULE STMBOL DESCRIPTION

PROPOSED FLLL VIEW FENCE LOCATION 'REFERENCE DETAIL 3) PROPOSED THEME WALL LOCATION (REFERENCE DETAIL I)



HACIENDAS AT WHITE PEAK

NOTE: ALL PROPOSED WALLS TO MEET MARICOPA COUNTY AND CITY OF PEORIA CODES

PROPOSED THEME COLUMN (REFERENCE DETAIL 1) PROPOSED STANDARD MASONRY WALL LOCATION

X

WHITE PEAK, LLC

NATURAL OPEN SPACE AREA NATIVE SONORAN CHARACTER ZONE (442,185 9F)

TRANGITIONAL AREA - ARID CHARACTER ZONE (351,539 9F) RE-VEGETATED NATURAL OPEN SPACE AREA NATIVE SONORAN CHARACTER ZONE (128,022 9F)

STREETSCAPE, ARID CHARACTER ZONE, TRANSITIONAL AREA

DEVELOPMENT PAD - OASIS AREA BACKYARDS

OPEN OPACE

DEVELOPMENT PAD - 04616 AREA BACKYARDS

NATURAL OPEN SPACE

DIXILETA ALIGNMENT



OASIS AREA - EXOTIC CHARACTER ZONE (54,034 SF)

NOTE: THE ENTIRE SITE 16 UNDER THE DESERT FLOOR LANDFORM TYPE UMBRELLA

SUMMARY $\lim_{\square} \omega$

PROPOSED ZONING DISTRICT OF PAD	SINGLE FAMILY RESIDENTIAL DISTRICT	DENTIAL DISTRICT
NUMBER LOTS	12	152
AREA (GRO66)	2,625,744 SF	60 AC
OPEN SPACE	∃6 Ø85,188	23 AC
OPEN SPACE %	3E	38%
USABLE OPEN SPACE	411,513 SF	9 AC
USABLE OPEN SPACE %	R %6) %91	16% (9% REQUIRED)
UNDISTURBED NATURAL OPEN SPACE	442,785 SF	10 AC
UNDISTURBED NATURAL OPEN SPACE %	N %(I) %(I	17% (15% REQUIRED)
RE-VEGETATED NATURAL OPEN SPACE	128,Ø22 SF	3 AC
RE-VEGETATED NATURAL OPEN SPACE %	4	4%
ARTERIAL ROAD ROW	83,3Ø2 SF	2 AC
EXISTING ZONING	5R-43	43
PROPOSED ZONING	QA9	0
DENSITY (GROSS)	2.5 DU/AC	J/AC
MIN LOT AREA	98'9	€,360 5F
53'x 2@' LOT6	6	94
65'X125' LOTS	115	58

YEVELLOPMENT PATA -

NATURAL OPEN SPACE

RETENTION

NATURAL OPEN SPACE

RIDGELINE ROAD ALIGNMENT

STREETSCAPE, ARID CHARACTER ZONE, TRANSITIONAL AREA

DEVELOPMENT PAD - OASIS AREA BACKYARDS

NATURAL OPEN SPACE

DEVELOPMENT PAD - 0A9IP AREA BACKYARD\$

DEVELOPMENT PAD - 0ASIS AREA BACKYARDS

RETENTION

NATURAL OPEN SPACE

OASIS AREA EXOTIC ZONE

STREETSCAPE: ARID CHARACTER ZONE, TRANSITIONAL AREA







EXHIBIT G

WHITE PEAK, LLC

HACIENDAS AT WHITE PEAK

DESERT CONSERVATION OVERLAY



June 27, 2018

Mr. Randy Proch Planner City of Peoria 9875 North 85th Ave. Peoria, AZ 85382

- (o) 623.773.5164
- (e) Randy.Proch@peoriaaz.gov

RE: Haciendas at White Peak –Case #Z17-32

Dear Mr. Proch,

This letter is intended to keep the City of Peoria informed of the communication between Peoria Unified School District (the "District") and White Peak, LLC regarding the proposed development Haciendas at White Peak. It also asserts the District's support of rezoning the property to allow 148 single family homes for this development.

The District and White Peak, LLC have worked diligently in the past few weeks to execute a Developer Assistance Agreement (DAA). At this time, Jack Jakub, Project Manager has agreed to the DAA on behalf of the Developer. The item will be completed and will appear in an upcoming Board Meeting for approval. Although the DAA has yet to be recorded with the County, White Peak, LLC has expressed their commitment to our agreement and their support to the students who will be living in Haciendas at White Peak development. The District expects the DAA to be executed within the next few months.

The District wishes to commend White Peak, LLC for their support of public education. We look forward to our new partnership in serving the future residents of the City. Please feel free to contact me if you have any questions or need additional information

Respectfully,

Michael Maas Director of Research, Planning and Assessment Peoria Unified School District

Cc: Michelle Myers, Chief Financial Officer

Haciendas at White Peak Planned Area Development
Planned Area Development Standards and Guidelines Report for the
East of the Northeast corner of 139th Avenue and Ridgeline Road (alignment)
Zoning Case No. Z17-32

Citizen Participation Report

Cross of Glory Lutheran Church: Sanctuary - 10111 W. Jomax Rd., Peoria, AZ 85383 June 4, 2018 6:00 PM - 7:00 PM

On June 4, 2018, the applicant and its development team held an Open House Neighborhood Meeting at the Cross of Glory Lutheran Church from 6:00 PM to 7:00 PM to allow the public the opportunity to review and comment on the single-family detached residential subdivision which is proposed on the vacant 60 gross/55.9 net acre site ("Property") located east of the northeast corner of 139th Avenue and Ridgeline Road (alignment). A variety of presentation boards were stationed in the Sanctuary room with representatives from Withey Morris, PLC, and the engineering firm (Hilgart Wilson) available to discuss the development plans.

The letter notice was sent to (33) individuals including property owners who are located within a 1,320-foot radius, homeowners' associations/city-registered groups within a one mile radius, the Peoria Unified School District, City of Surprise, Arizona State Land Department and Randy Proch with the City of Peoria. See **TAB A**, the sign-in sheet and notification letter dated June 4, 2018. An individual from the Cross of Glory Lutheran Church who also lived in proximity to the site attended the meeting. Another individual who misinterpreted the purpose of the open house meeting (i.e. thinking it was for a homebuilder's model homes with specific floor plans) left without providing his contact information on the sign-in sheet. The development team received some minor comments, questions, and praises. The main points are summarized as follows:

- The development team described the proposal for 152 lots (2.5 du/ac gross density) with approximately 23 acres (or 38%) of total open space which will be developed by a future home builder as the market demands. Further, the creation of two residential neighborhoods with varied lot sizes that are internally linked with local street, landscaping and open space corridors that complement the natural terrain and washes which traverse the project.
- It was explained that there are two distinct lot sizes proposed that range from approximately 6,000 sq.ft. (min. 53' wide lots) to 8,000 sq.ft. (min. 65' wide lots). These lot characteristics best correspond with the City's current R1-6 and R1-8 zoning districts.
- Ingress/egress and site circulation were discussed to explain how the project would access Ridgeline Road (alignment), a new roadway that would be built by the developer along the southern boundary of the Property which would ultimately connect to 135th Avenue.
- The representative from the church was interested to know if this property envisioned land for a future church. The team explained that at this time, the vision for the property is to provide a new community of homes which are similar to the planned/existing homes in the area.
- Additionally, the development team had separate meetings with Peoria Unified School District's Office representatives to share the proposed plans and discuss opportunities that might support the local schools. The development team and the District's office will continue the dialogue.

The development team will continue to communicate with the interested parties to provide updates about the request and the City's process by way of additional notification letters and other types of correspondence.

Tab A

SIGN-IN

JUNE 4TH, 2018 – CROSS OF GLORY LUTHERAN CHURCH – 10111 W. JOMAX RD. – 6:00 PM NORTHEAST CORNER OF 135TH AVENUE & DIXILETA NEIGHBORHOOD OPEN HOUSE MEETING HACIENDAS AT WHITE PEAK

NAME (Please Print)	ADDRESS	PHONE NO.	E-MAIL ADDRESS
1. Roll Roch	9875 N 85th Lue	623-773-5164	N 8th Lue 623-773-5164 randy-prochappeninazaou
2. Jene Charles	8401 W Monroest	533.773-7785	Jene. Charles Deorinazga
3. Bridget Binsbarher			
4. Poster John Ehlers		_	w w
5.			
6.			
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%			
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May 18, 2018

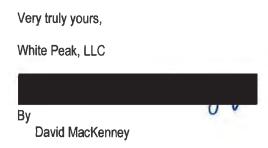
Re: A Planned Area Development (PAD) Zoning Request for the "Haciendas at White Peak" located East of the Northeast corner of 139th Avenue and Dixileta Parkway Planned Area Development"); Zoning Case No. Z17-32

Dear Property Owner or Association Representative:

This letter is to inform you of a neighborhood meeting for a proposed development. Our company owns the above-referenced +/- 60 acre vacant property (the "Property") as shown on the attached aerial map. We have filed an application with the City of Peoria to rezone the Property from Suburban Ranch (SR-43) to Planned Area Development (PAD) zoning in order to allow for 152 single-family lots (2.3 du/ac density). See Attached Conceptual Site Plan. The project, "Haciendas at White Peak" is a proposed single-family detached residential subdivision. The proposed residential density is on the lower end of the City's General Plan Residential Low (2-5, target 3 dwelling units per acre) land use designation for the Property. Lastly, the conceptual land plan demonstrates a variety of lot areas which are similar in size to the surrounding homes that are built or approved in the general area.

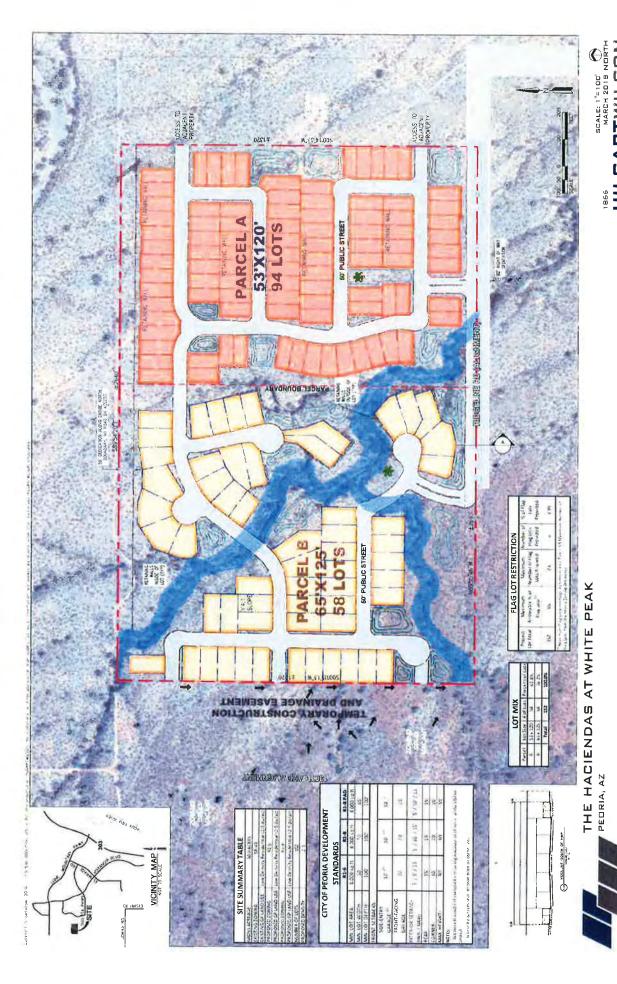
Haciendas at White Peak offers a creative approach to a traditional detached single-family living with respect to quality design standards, open space, diversity of lot sizes and programmed areas for common amenities. The conceptual zoning plan establishes the general residential framework for two residential neighborhoods with varied lot sizes that are internally linked with local streets and open space corridors that complement the natural terrain and washes that traverse the Property. Due to the topography and special geography (including an existing wash that runs through the site), the project's lot configuration and connectivity to generous open space and landscaping areas yield a unique neighborhood of homes that are suitable for this area. Integration and protection of existing topography and natural desert features are considered with the development plan which includes conservation of two wash corridors, decomposed granite trail systems, and internal shaded pedestrian pathways. Upon final design, the project will incorporate distinctive building elements, a thematic wall theme, and lush landscaped streetscapes including defined entryways that access the Property from Ridgeline Road (alignment). For these reasons, White Peak believes that a new community of quality-built, single-family detached homes with a variety of open space areas will add to the attractive housing options in this area.

We are holding an open house on June 4, 2018 at the Cross of Glory Lutheran Church (Sanctuary) located at 10111 W. Jomax Rd., in Peoria, AZ 85383. Stop by anytime between 6:00pm to 7:00pm to meet the development team and learn more about the project. If you cannot attend for any reason, we would be happy to talk with your or meet with you at your convenience. You may reach me at 602.573.7649 or via email at dmackenney@alphacommunications.net. You may also contact the Peoria planner assigned to the case, Ranch Proch, at 623.773.5164 or randy.proch@peoriaaz.gov.



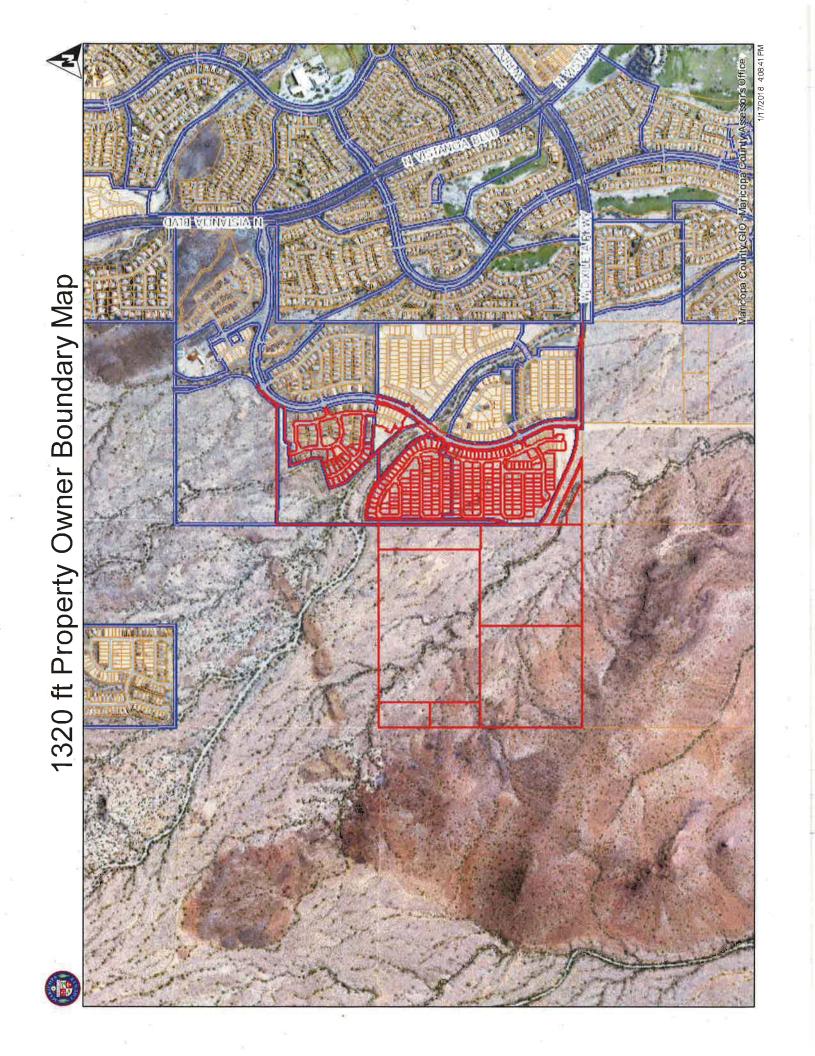
cc: Randy Proch, City of Peoria Planning and Development Department

Enclosure(s)



CONCEPTUAL SITE PLAN 09B

HILGARTWILSON
ENGINEER PLAN I SURVEY I MANAGE



ORDINANCE NO 2018-27

AN ORDINANCE OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA ZONING PROPERTY FROM SUBURBAN RANCH (SR-43) TO HACIENDAS AT WHITE PEAK PLANNED AREA DEVELOPMENT (PAD) DISTRICT FOR A DEVELOPMENT KNOWN AS HACIENDAS AT WHITE PEAK; AMENDING THE ZONING MAP AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Peoria Planning and Zoning Commission held a public hearing on July 19, 2018 in zoning case Z17-32 in the manner prescribed by law for the purpose of considering an amendment to the zoning district boundaries of property within the City of Peoria, Arizona to provide for rezoning of a parcel of land as described below from Planned Area Development (PAD) to a Planned Area Development (PAD) zoning district as provided in Section 21-317 of Chapter 21 of the Peoria City Code;

WHEREAS, due and proper notice of such Public Hearing was given in the time, form, substance and manner provided by law including publication of such notice in the Peoria Times Newspaper on June 29, 2018; and

WHEREAS, the City of Peoria Planning and Zoning Commission has recommended to the Mayor and the Council of the City of Peoria, Arizona, the zoning of property as aforesaid and the Mayor and the Council of the City of Peoria, Arizona desires to accept such recommendation and rezone the property as described below as aforesaid.

NOW, THEREFORE BE IT ORDAINED by the Mayor and Council of the City of Peoria, Arizona that:

<u>SECTION 1</u>. Two parcels of land in Peoria, Maricopa County, Arizona, which is more accurately described in Exhibits A, and B to this Ordinance, is hereby conditionally rezoned from Suburban Ranch (SR-43) to Haciendas at White Peak Planned Area Development (PAD) zoning district.

<u>SECTION 2</u>. The amendment to the zoning herein provided be conditioned and subject to the following stipulations:

- 1. The development shall substantially conform to the Haciendas at White Peak Standards and Guidelines Report (Exhibit F) as contained in the staff report to the Planning and Zoning Commission for July 19, 2017.
- 2. The development shall be limited to a maximum of one hundred fifty two (152) residential lots, and shall not exceed a gross density of 2.5 dwelling units to the acre.
- 3. The developer shall comply with all City of Peoria engineering design standards, policies and requirements at time of final engineering submittal and development.

- 4. The developer shall provide right-of-way (R/W) dedications for the following roadway(s) prior to the time of Final Plat approval:
 - a. 50' R/W for local streets (Full Street R/W Dedication)
 - b. 55' R/W for Dixileta Drive (Half Street R/W Dedication)
 - c. 90' R/W for Ridgeline Road (Full Street R/W Dedication)
- 5. The developer shall provide two points of access to an existing City Right-of-Way. This may be achieved by providing a four (4) lane median divided roadway from the farthest point of access to an existing City Right-of-Way, subject to the approval of the City Engineer.
- 6. The developer shall provide a Traffic Impact Study/Analysis at time of development and final engineering submittal.

SECTION 3. Amendment of Zoning Map. The City of Peoria zoning map is herewith amended to reflect the change in districts referred to in Section 1 above and as defined by the Legal Description as represented in Exhibit A and the corresponding parcel map as shown as Exhibit B.

<u>SECTION 4: Effective Date</u>. This Ordinance shall become effective at the time and in the manner prescribed by law.

PASSED AND ADOPTED by the Mayor and Council for the City of Peoria, Arizona this 14th day of August, 2018.

	Cathy Carlat, Mayor
ATTEST:	
Rhonda Geriminsky, City Clerk	
APPROVED AS TO FORM:	
Vanessa P. Hickman, City Attorney	

Published in: <u>Peoria Times</u> Pub. Dates: August 24, 2018

Effective Date:

EXHIBIT ALegal Description

A parcel of land being situated within a portion of the North Half of the Northwest Quarter of Section 27, Township 5 North, Range 1 West of the Gila and Salt River Meridian, Maricopa County, Arizona, being more particularly described as follows:

COMMENCING at a found aluminum cap accepted as the Northwest corner of said Section 27 from which a found GLO brass cap accepted as the North Quarter corner of said Section 27 thereof bears South 89°41'06" East, 2639.54 feet;

Thence South 89°41'06" East, 329.94 feet along the north line of the Northwest Quarter of said Section 27 to the POINT OF BEGINNING;

Thence continuing South 89°41'06" East, 1979.67 feet along said north line;

Thence leaving said north line, South 00°14'33" West, 1319.26 feet;

Thence North 89°42'08" West, 1981.19 feet;

Thence North 00°18'31" East, 1319.85 feet to the aforesaid north line to the POINT OF BEGINNING.

EXHIBIT B



CITY OF PEORIA, ARIZONA VISTANCIA WEST COMMUNITY FACILITIES DISTRICT COMMUNICATION

Agenda Item: 29C.

Date Prepared: 7/30/2018 Council Meeting Date: 8/14/2018

TO: Jeff Tyne, District Manager

THROUGH: Katie Gregory, Deputy District Manager

FROM: Rhonda Geriminsky, District Clerk

SUBJECT: Minutes

Purpose:

Discussion and possible action to approve the May 15, 2018 Vistancia West Community Facilities District Meeting minutes.

ATTACHMENTS:

May 15, 2018 Minutes

Contact Name and Number:

Rhonda Geriminsky, (623) 773-7340

MINUTES OF THE VISTANCIA WEST COMMUNITY FACILITIES DISTRICT BOARD

CITY OF PEORIA, ARIZONA COUNCIL CHAMBER May 15, 2018

The Vistancia West Community Facilities District Board met in open and public session at 8401 West Monroe Street immediately following the conclusion of the new business of the Vistancia Community Facilities District.

<u>Members Present</u>: Board Chairperson Cathy Carlat; Vice Chairperson Michael Finn; Board Members Bridget Binsbacher, Jon Edwards, Vicki Hunt, Carlo Leone and Bill Patena.

Board Youth Liaisons: Maylee Acosta and Cassidy Gatrost.

Members Absent: None.

Other Municipal Officials Present: Jeff Tyne, District Manager; Andy Granger, Deputy District Manager; Katie Gregory, Deputy District Manager; Erik Strunk; Deputy District Manager; Vanessa Hickman, District Counsel; Rhonda Geriminsky, District Clerk; Barry Houg, Interim Management and Budget Director; Chris Jacques, Planning and Community Development Director; Laura Ingegneri, Human Resources Director; Stuart Kent, Public Works/Utilities Director; Adina Lund, Development and Engineering Director; Sonia Andrews, Interim Chief Financial Officer; Benny Pina, Deputy Police Chief; Bobby Ruiz, Fire Chief; John Sefton, Community Services Director; Jennifer Stein, Office of Communications Director; Dawn Prince, Assistant to the District Manager; and Linda Blas, Deputy District Clerk.

<u>Audience</u>: Approximately 15 members of the public were present.

Note: The order in which items appear in the minutes is not necessarily the order in which they were discussed in the meeting.

CONSENT AGENDA: All items listed with a "C" are considered to be routine or have been previously reviewed by the District Board and will be enacted by one motion. There will be no separate discussion of these items unless a Board Member so requests; in which event the item will be removed from the General Order of Business and considered in its normal sequence on the Agenda.

Chairperson Carlat asked if any Board Member wished to have an item removed from the Consent Agenda.

Board Member Binsbacher requested that <u>Agenda Items 21C and 22C be removed</u> for separate discussion.

Motion was made by Board Member Binsbacher, seconded by Board Member Edwards, to approve the Consent Agenda with the <u>exception of Agenda Items 21C and 22C.</u> Upon vote, the motion carried unanimously $\underline{7}$ to $\underline{0}$.

CONSENT – New Business:

Clerk's Note: The agenda item numbers shown below reflect the items as they were numbered on the agenda.

20C. Minutes

Approved the May 1, 2018 Vistancia West Community Facilities District Meeting minutes.

Clerk's Note: Agenda Items 21C and 22C were presented together following approval of the Consent Agenda.

21C. PUBLIC HEARING - District Budget and Tax Levy for Fiscal Year 2019

Staff Report:

Sonia Andrews, Interim Chief Financial Officer, provided an overview of the Vistancia West Community Facilities District Budget and Tax Levy for Fiscal Year 2019. Ms. Andrews reported that the Fiscal Year 2019 Final Budget is \$3.7 million and maintains the current tax rate for the District of \$2.10 per \$100 of limited assessed value for debt service.

Public Hearing:

Chairperson Carlat opened the Public Hearing and asked if any Board Member or citizen wished to comment on the District Budget and Tax Levy for Fiscal Year 2019.

Having no requests from those present to address this item, Chairperson Carlat declared the Public Hearing closed.

Board Action:

No Board action required.

22C. <u>Final Vistancia West Community Facilities District Budget and Tax Levy for Fiscal Year 2019</u>

Motion was made by Board Member Binsbacher, seconded by Vice Chairperson Finn, to adopt **RES. VWCFD 2018-02** approving the final budget and tax levy estimates for Fiscal Year 2019 for the Vistancia West Community Facilities District; ordering that an Ad Valorem Tax be levied and assessed on the assessed value of all property within the District; and providing for certified copies of this Resolution to be delivered to the appropriate agencies.

Upon vote, the motion carried unanimously 7 to 0.

Vistancia West Community Facilities Dis May 15, 2018 Page 3 of 3	strict Board Meeting
Call To The Public (Non-Agenda Item	us)
None.	
	Cathy Carlat, Board Chairperson
CERTIFICATION AND ATTESTATION	
proceedings of the Vistancia West Com	inutes are a true and correct summary of the nmunity Facilities District Meeting held on the 15 th the meeting was duly called and held and that a
Dated this 14th day of August, 2018.	
(Seal)	
Rhonda Geriminsky, District Clerk	

CITY OF PEORIA, ARIZONA VISTANCIA WEST COMMUNITY FACILITIES DISTRICT COMMUNICATION

Agenda Item: 30C.

Date Prepared: 7/30/2018 Council Meeting Date: 8/14/2018

TO: Jeff Tyne, District Manager

THROUGH: Katie Gregory, Deputy District Manager

FROM: Sonia Andrews, Chief Financial Officer

SUBJECT: Investment Report, Quarter Ending June 30, 2018

Purpose:

Discussion and possible action to review and accept the Investment Report as presented.

Summary:

Effective cash management includes investment of available or idle funds. The City of Peoria invests all available funds of the Vistancia and Vistancia West CFDs, taking into consideration anticipated cash flow requirements and the safety and risk of investments. Investments are made in accordance with the City's Investment Policy, District bond documents and Arizona Revised Statues Title 35-321 through 35-329. The primary objective of the District's investments, in order of priority, is:

- 1. Safety Investments shall be undertaken in a manner that seeks to insure the preservation of capital in the portfolio.
- 2. Liquidity The investment portfolio will remain sufficiently liquid to enable the District to meet all operating requirements which might be reasonably anticipated.
- 3. Yield The investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the District's very strict risk constraints. Public funds may only be invested in authorized and suitable investments such as US Treasury Obligations, US Agency Obligations, Certificates of Deposits, Commercial Paper rated A-1/P-1, Corporate Notes rated AA or better, Money Market Funds and the Arizona State Investment Pool. Investment in stocks, mutual funds, hedge funds, real estate, foreign investments or other risky or alternative investments are strictly prohibited.

The Investment Policy imposes a 3 year maximum weighted average maturity on the overall investment portfolio with specific maximum maturities for each type of investment.

The District utilizes PFM Asset Management LLC, an investment advisory firm, to provide advice and assist with managing its investments. All securities are held by a third party custodian in the District's name.

Quarterly investment reports are provided to the Board to report the investment portfolio holdings, maturity distribution, investment performance and compliance with the Investment Policy

Previous Actions/Background:

There are no previous actions for this item.

Options:

A: Accept the Quarterly Investment Report as presented.

B: Not accept the Quarterly Investment Report and request additional information from staff.

Staff Recommendation:

This is a request for the Board to review and accept the Investment Report for the quarter ended June 30, 2018.

Fiscal Analysis:

At 6/30/18, there were no remaining Vistancia West CFD funds. Investment income for the quarter (4/1/18 to 6/30/18) totaled \$465.

The attached Investment Report prepared by PFM Asset Management includes the following detail information on the District's investments:

Contents of Investment Report

- 1. Snapshot of investment portfolio
- 3. Investment policy compliance
- 4. Current market trends and portfolio strategy

ATTACHMENTS:

Investment Report

Contact Name and Number:

Sonia Andrews, (623) 773-5206





Vistancia West CFD

Investment Portfolio SummaryQuarter Ending June 30, 2018

Paulina Woo, Director



Executive Summary

Account Summary	Beginning Values as of 3/31/18	Ending Values as of 6/30/18
Market Value	\$118,974	\$0
Book Value	\$118,974	\$0
Unrealized Gain/(Loss)	\$0	\$0
Weighted Avg. YTM	1.61%	-
Weighted Avg. YTW	1.61%	-



Security Type and Issuer Compliance

Security Type	Book Value	% of Portfolio	Permitted by Policy	Compliance
U.S. Treasury	=	0.0%	80%	✓
Federal Agency	-	0.0%	80%	✓
Corporate Note	-	0.0%	35%	✓
Commercial Paper	-	0.0%	35%	✓
Money Market Fund	-	0.0%	35%	✓
Total Book Value	\$0	0.0%		

Issuer	Book Value	% of Portfolio	Permitted by Policy	Compliance
Money Market Fund	\$0	0.0%	35%	✓
Total Book Value	\$0	0.0%		

Accrual Basis Earnings		4/1/18 through 6/30/18
	Earnings	\$465
	Total Earnings	\$465

Maturity	Book Value	% of Portfolio	Permitted by Policy	Compliance
Overnight	-	0.0%	No Limit	
0-6 Months	-	0.0%	No Limit	
6-12 Months	-	0.0%	No Limit	
1-2 Years	-	0.0%	No Limit	
2-3 Years	-	0.0%	No Limit	
Over 3 Years	-	0.0%	20%	✓
Total Book Value	\$0	0.0%		

Other Policy Tests	Compliance
Policy requires at least 35% of portfolio to mature in less than one year. Current portfolio maturing is less than one year = 0.0%	х
Policy sets a maximum weighted average maturity of 3 years (1095 days). Current portfolio weighted average maturity = 0	✓



Economic Update

Current Market Themes

- Strong labor market
- Solid corporate profits driven in part by savings from tax cuts
- Optimistic business outlook
- Inflation growth, reaching the Fed's longterm 2% target
- Initiation of trade war in June
- Continued geopolitical concerns
- Gradually increasing interest rates with two
 Fed rate hikes executed in 2018 and
 another 2 increases expected this year

Portfolio Strategy

- Returns driven by economic landscape and Fed policy.
- Rising rates highlight the importance of duration management
- Importance of value among different maturity ranges of the yield curve
- Sector allocation requires broad diversification.
- Continue to emphasize use of credit instruments.



Second Quarter Interest Rates

- The second quarter marked the eighth straight quarterly rise in the 2-year yield as the U.S. economy remained strong and the Federal Reserve continued on its path of quantitative tightening, raising the federal funds target rate by 25 basis points at its June meeting.
- The 2-year Treasury increased by 26 basis points to 2.53% in the second quarter. However, the majority of the
 yield increase came in April, as market uncertainty dampened the pace yield increase during the last two months
 of the quarter.





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CITY OF PEORIA, ARIZONA COUNCIL COMMUNICATION

Agenda Item: 31.A.

Date Prepared: 8/6/2018 Council Meeting Date: 8/14/2018

TO: Jeff Tyne, City Manager

THROUGH: Erik Strunk, Deputy City Manager

FROM: Chris Hallett, Neighborhood & Human Services Director

SUBJECT: Special Olympics USA Games

Summary:

On July 1-6, Seattle, WA hosted the 2018 Special Olympics USA Games. These games, held every four years, showcase the abilities of athletes with intellectual disabilities and the impact Special Olympics has through world-class competition, inspirational experiences, and modeling inclusion for all. The 120 athletes of Team AZ were selected through tryouts and athletic achievements at recent state level competitions.

The City of Peoria was privileged and fortunate to have 37 Special Olympics athletes, partners, and coaches selected to be part of Team AZ. Selected Peoria athletes compete locally on the Peoria Adaptive Recreation Program and Raymond S. Kellis Special Olympics teams and proudly represented their city at a national level of competition by successfully competing in soccer, volleyball, basketball, softball, bocce and track with grace and sportsmanship.

Contact Name and Number:

Paula Considine, (623) 773-7923

CITY OF PEORIA, ARIZONA COUNCIL COMMUNICATION

Agenda Item: 31.B.

Date Prepared: 8/8/2018 Council Meeting Date: 8/14/2018

TO: Honorable Mayor and City Council

FROM: Jeff Tyne, City Manager

SUBJECT: Recognition of Employee Excellence

Summary:

The City has approximately 1140 full and 37 part-time employees who work collectively to provide Peoria residents, business owners and visitors with excellent services and programs throughout the year. They do so seven days a week, 24 hours a day, 365 days a year, with courtesy and a strong customer service ethic. This dedication and passion for public service is driven by the City's core values, which define a culture of professionalism; ethical behavior; openness; responsiveness; innovation; and accountability. Collectively, these are designed to unify all City employees in a common mission to provide our residents with the highest possible quality of life and to ensure Peoria remains unique when compared to other communities.

Examples of employee excellence in Peoria are numerous and occur on a frequent basis. For example, over the past month, the City experienced several severe thunderstorms that caused damage to its rights-of-ways, parks and trails, and even certain facilities. In each instance, our first responders - whether from Public Safety, Public Works, Water Services, or Parks, Recreation and Community Facilities – responded by ensuring downed trees, light poles, and roadway debris were promptly removed; intersections without power were addressed; and needed repairs were made to our park amenities. Our employees did so without regard to time of day or location.

In addition to these large events, Peoria employees also regularly take the initiative to respond to many individual requests that are just as significant, but smaller in scale. For example, on July 2, 2018, a Peoria resident realized her wedding ring had accidently been tossed in the trash. It also happened to be the weekly trash collection day in her neighborhood. She immediately contacted the City of Peoria's customer service department in an attempt to locate the sanitation truck that serviced her refuse container. She and her husband also drove around the neighborhood in hopes of locating the driver of the vehicle. Their paths crossed and the resident flagged down the truck being driven by Peoria employee John Schowalter. After listening to her story, John immediately contacted his supervisor, Scott Reiser, who arranged for him to dump the load so that the resident could sift through it in hopes of finding the ring. After four hours of a rigorous search, no trace of the ring was found and the residents moved on.

Even so, at the end of the day, John returned to the transfer station to unload his truck. He was cleaning out the chute that compiles the trash throughout the day and to his disbelief, he found part of the missing ring. He contacted the residents to inform them of his finding and they were ecstatic. In the words of resident, "my sense of human kindness has been restored. I've never met so many individuals so willing to help a stranger find their prized possession".

While all Peoria employees deserve our gratitude for "a job well done", we would like to recognize John Schowalter for his dedication and outstanding customer service.

Contact Name and Number:

Brenda Urias, (623) 773-7739

CITY OF PEORIA, ARIZONA COUNCIL COMMUNICATION

Agenda Item: 31.C.

Date Prepared: 7/31/2018 Council Meeting Date: 8/14/2018

TO: Jeff Tyne, City Manager

THROUGH: Andy Granger, Deputy City Manager

FROM: Roy W. Minter, Jr., Chief of Police

SUBJECT: Police Department Gold Standard Accreditation

Summary:

On July 28th, the Peoria Police Department received the meritorious advanced with excellence re-accreditation award (Gold Standard), for successfully completing the eighth CALEA accreditation assessment. Peoria and Chandler are currently the only Arizona municipal police agencies to achieve Gold Standard accreditation with excellence.

In April 2018, a team of assessors from CALEA conducted an on-site assessment, examining all areas of the Peoria Police Department. This included an assessment of the department's policies, procedures, management, operations, and support services.

Although the Peoria Police Department has been accredited since 1997, this outside inspection was conducted under a newer process known as the "Gold Standard Assessment", which focuses primarily on processes and outcomes associated with accreditation standards, rather than a file-by-file review.

The assessors reported that the department was in full compliance with all CALEA standards. They also commented on how impressed they were with the department's recruitment plan, traffic safety programs, Early Intervention Program and community partnerships through the United Community Action Network (UCAN) program.

The CALEA on-site assessment is part of a voluntary process completed every three years to gain accreditation, a highly prized recognition of professional excellence in the field of law enforcement.

Contact Name and Number:

Roy W. Minter, Jr., Chief of Police, (623) 773-7059

CITY OF PEORIA, ARIZONA COUNCIL COMMUNICATION

Agenda Item: 31.D.

Date Prepared: 8/8/2018 Council Meeting Date: 8/14/2018

TO: Honorable Mayor and City Council

FROM: Jeff Tyne, City Manager

SUBJECT: Recognition of Outgoing Police Chief, Roy Minter

Summary:

After seven years of dedicated service, Police Chief Minter is leaving the City of Peoria. He has elevated the Peoria Police Department into a highly professional and community oriented agency.

Chief Minter was instrumental in achieving the Gold Standard Accreditation from CALEA, implementation of new technologies, such as the institution of a body worn camera program and new software, opening our Pinnacle Peak Public Safety Facility, and greatly enhancing the City's community policing programs and partnerships.

Among this long list of achievements, Roy stands out as a strong community leader. He has established numerous long-lasting relationships with area stakeholders and community leaders.

We thank Chief Minter for his years of service to the City and wish him all the best in his future endeavors.

Contact Name and Number:

Brenda Urias, (623) 773-7739