

Mayor  
Cathy Carlat

Palo Verde  
District  
Michael Finn,  
Vice Mayor

Acacia  
District  
Vicki Hunt,  
Mayor Pro Tem

Ironwood  
District  
Bill Patena

Mesquite  
District  
Bridget  
Binsbacher

Pine  
District  
Carlo Leone

Willow  
District  
Jon Edwards

# City Council Meeting Notice & Agenda

Tuesday, September 4, 2018  
City Council Chamber  
8401 West Monroe Street  
Peoria, AZ 85345



## Study Session

5:00 P.M. Convene

### Roll Call

### Study Session Agenda

#### Subject(s) for Discussion Only

1. Proposed Ordinance Prohibiting Texting While Operating a Motor Vehicle
2. Follow Up Briefing on City Codes

### Adjournment

## Regular Meeting

7:00 P.M. Convene

### Pledge of Allegiance

### Roll Call

### Final Call to Submit Speaker Request Forms

### Presentation

3. Certificates of Appointment to Newly Appointed Board and Commission Members Appointed by Resolution at the August 14, 2018 City Council Meeting
  - Adam Hawkins, Design Review Board
  - Jerry Johnson, Parks and Recreation Board
  - George Johnson, Personnel Board
  - Heath Hirschi, Public Defender Contract Review Committee
4. National Library Card Month

## 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

#### 5 C. Minutes

Discussion and possible action to approve the June 5, 2018 City Council meeting minutes.

#### 6 C. Property Acquisition, Happy Valley Parkway and 100th Lane

Discussion and possible action to adopt **RES. 2018-92** authorizing the acceptance of land located south of Happy Valley Parkway at the 100th Lane alignment associated with the Happy Valley Parkway Improvement Project.

#### 7 C. Intergovernmental Agreement, Arizona Game and Fish Commission

Discussion and possible action to approve a new four-year Intergovernmental Agreement with the Arizona Game and Fish Commission to maintain Rio Vista and Pioneer Lakes as facilities taking part in the Community Fishing Program.

#### 8 C. Contract Amendment, MGC Contractors Inc., Ventana Well Booster Rehabilitation

Discussion and possible action to approve a contract amendment with MGC Contractors, Inc for a guaranteed maximum price of \$197,742 to complete construction of the Ventana Well Site 2C Rehabilitation Capital Improvement project.

#### 9 C. Grant Acceptance, Multiple Fire Departments and Fire Districts, Regional Grant, Virtual Incident Command Center

Discussion and possible action to: (a) accept a grant from the City of Maricopa through a regional grant application, in the amount of \$59,406, allowing the Fire-Medical Department to participate in command officer training at the Virtual Incident Command Center; and (b) approve a budget amendment in the amount of \$59,406 from the Proposed Grants Contingency account to the Fire Training Local Training account, thus providing expenditure authority.

#### 10 C. Resolution Supporting State Land Annexations

Discussion and possible action to adopt **RES. 2018-95** supporting the proposed annexation of specified lands owned by the Arizona State Land Department (ASLD).



11 C. **Conveyance of Land Rights, City Hall Complex, Southwest Gas**

Discussion and possible action to adopt **RES. 2018-96** authorizing the City Manager to execute an easement to Southwest Gas Corporation for the relocation and maintenance of a natural gas pipeline that provides service to the City Hall Complex.

12 C. **Maintenance Improvement District No. 1220, 71 Oaks, 71st Avenue and Thunderbird Road**

Discussion and possible action to approve the Petition for Formation, adopt **RES. 2018-86** Intention and ordering the formation of proposed Maintenance Improvement District No. 1220, 71 Oaks, located at 71st Avenue and Thunderbird Road; and adopt **RES. 2018-87** ordering the improvements within the proposed Maintenance Improvement District and declaring an emergency.

13 C. **Maintenance Improvement District No. 1222, Trenton Park, 99th Avenue and Olive Avenue**

Discussion and possible action to approve the Petition for Formation, adopt **RES. 2018-88** Intention and ordering the formation of proposed Maintenance Improvement District No. 1222, Trenton Park, located at 99th Avenue & Olive Avenue; and adopt **RES. 2018-89** ordering the improvements within the proposed Maintenance Improvement District and declaring an emergency.

14 C. **Street Light Improvement District No. 1133, Trenton Park, 99th Avenue and Olive Avenue**

Discussion and possible action to approve the Petition for Formation and adopt **RES. 2018-90** intention and ordering the formation of proposed Street Light Improvement District No. 1133, Trenton Park, located at 99th Avenue and Olive Avenue; and adopt **RES. 2018-91** ordering the improvements within the proposed Street Light Improvement District and declaring an emergency.

15 C. **Amend Street Light Improvement District No. 73, Fletcher Heights Phase 1A**

Discussion and possible action to adopt **RES. 2018-97** approving the amendment to the Street Light Improvement District Assessment Diagram No. 73 - Fletcher Heights 1A.

16 C. **Abandonment of City Interest, Sewer Line Easement, 83 Marketplace**

Discussion and possible action to adopt **RES. 2018-98** abandoning the City's interest in a portion of a Sewer Line Easement per the 83 Marketplace Plat as Recorded in Book 1388 Page 5, in the vicinity of 83rd Avenue and Happy Valley Road.

17 C. **Easement Agreements and Budget Transfer, Blooming Spire, Lake Pleasant Parkway and Happy Valley Road**

Discussion and possible action to: (a) adopt **RES. 2018-99** authorizing the City Manager to execute a Public Art Easement Agreement and Public Utility Easement for the Blooming Spire at the northeast corner of Happy Valley Road and Lake

Pleasant Parkway; and (b) approve a budget transfer in the amount of \$97,600 from the Percent for the Arts Fund Contingency account to the Percent for the Arts Fund Improvements other than Land/Buildings account, for construction and installation at the site.

18 C. **Final Plat, Dollar Self Storage 18, Lake Pleasant Parkway and Pinnacle Peak Road**

Discussion and possible action to approve a Final Plat of Dollar Self Storage 18, located on Lake Pleasant Parkway and Pinnacle Peak Road, subject to stipulations.

19 C. **Final Plat, Wasserstrom Industries, Grand Avenue and Olive Avenue**

Discussion and possible action to approve a Final Plat of Wasserstrom Industries, located on Grand Avenue and Olive Avenue, subject to stipulations.

20 C. **Replat, Avanti Peoria, Lake Pleasant Parkway and Jomax Road**

Discussion and possible action to approve a Replat of Avanti Peoria, located on Lake Pleasant Parkway and Jomax Road, subject to stipulations.

21 C. **PUBLIC HEARING - Liquor License, Coops Bar & Grill, 8455 West Peoria Avenue**

Discussion and possible action to recommend approval to the State Liquor Board for a Person Transfer for an On-Sale All Liquor License (Series 06) for Coops Bar & Grill, located at 8455 West Peoria Avenue, Jason E. Rappaport, Applicant, LL#20020319.

## **Regular Agenda**

### **New Business**

22 R. **Council Confirmation of Police Chief Appointment**

Discussion and possible action to confirm the City Manager appointment of Arthur Miller as the new Police Chief for the City of Peoria Police Department, effective September 5, 2018.

### **SWEARING IN OF NEW POLICE CHIEF, ARTHUR MILLER**

23 R. **Public Hearing - Minor General Plan Amendment, Avilla Lago, Lake Pleasant Road and Beardsley Road**

**PUBLIC HEARING:** RE: A request to amend the General Plan Land Use Map for approximately 11.09 acres located west of the northwest corner of Lake Pleasant Road (99th Ave) and Beardsley Road, re-designating the site from Low Density Residential (2-5 du/ac) to Medium-High Density Residential (8-15 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. 2018-93**, approving an amendment to the General Plan Land Use Map re-designating an 11.09 acre site located near Lake Pleasant Road (99th Ave) and Beardsley Road from *Low Density Residential* (2-5 du/ac, target of 3.0 du/ac) to *Medium-High Density Residential* (8-15 du/ac, target of 12.0 du/ac).

24 R. **Public Hearing: Rezoning, Avilla Lago, Lake Pleasant Road and Beardsley Road**

**PUBLIC HEARING:** RE: A request to rezone approximately 11.09 acres located west of the northwest corner of Lake Pleasant Road (99th Ave) and Beardsley Road from Intermediate Commercial (C-2) to Avilla Lago 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 recommendation to adopt **ORD. 2018-29** approving the rezoning of approximately 11.09 acres located west of the northwest corner of Lake Pleasant Road (99th Ave) and Beardsley Road, from Intermediate Commercial (C-2) to the Avilla Lago Planned Area Development (PAD).

25 R. **Contract, 103rd Avenue; Northern Avenue to Olive Avenue Street Improvements**

Discussion and possible action to approve a contract with Nesbitt Contracting Company in the amount of \$3,014,561 to construct the 103rd Avenue; Northern to Olive Avenue Street Improvements.

**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

### 26. Reports

#### A. Wellness Program Award

#### B. Upcoming City Events Video

## 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>

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### **City Manager**

Jeff Tyne

### **City Clerk**

Rhonda Geriminsky

**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 1.

Date Prepared: 8/23/2018

Council Meeting Date: 9/4/2018

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**TO:** Honorable Mayor and City Council

**FROM:** Vanessa P. Hickman, City Attorney

**SUBJECT:** Proposed Ordinance Prohibiting Texting While Operating a Motor Vehicle

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**Summary:**

In recent years, there have been a significant increase in distracted drivers and in 2016, according to the U.S. Department of Transportation, 3,450 people were killed in motor vehicle crashes involving distracted drivers and 562 of those fatalities were nonoccupants (pedestrians, bicyclists, and others). Of those crashes and fatalities, 14% involved drivers who were using cell phones while operating a motor vehicle.

According to the Governors Highway Safety Association, 47 states, D.C., Puerto Rico, Guam and the U.S. Virgin islands have banned texting while driving. Currently Arizona, Montana and Missouri are the only states that have not adopted statewide legislation that prohibits texting while driving. There have been 11 previous failed attempts by the Arizona State Legislature to pass a statewide distracted driving law, and many cities throughout the State have already adopted their own distracted driving ordinances.

In an effort to promote and protect public safety and health of City of Peoria citizens, the City Attorney's Office has drafted a proposed Ordinance for the Mayor and Council to consider, which would prohibit texting while operating a motor vehicle.

**Fiscal Analysis:**

This study session represents no direct fiscal impacts to the City.

**Contact Name and Number:**

Vanessa P. Hickman, City Attorney, (623) 773-7330

**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 2.

Date Prepared: 8/23/2018

Council Meeting Date: 9/4/2018

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**TO:** Jeff Tyne, City Manager  
**THROUGH:** Erik Strunk, Deputy City Manager  
**FROM:** Chris Hallett, Neighborhood and Human Services Director  
**SUBJECT:** Follow Up Briefing on City Codes

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**Summary:**

At the March 16, 2018 City Council Workshop Session, staff presented a comprehensive overview of existing Peoria city codes that pertain to residential property maintenance and overall community standards. Items discussed included the International Property Code and the City's ability to eliminate blighted property; the parking of vehicles (commercial and residential) in neighborhoods; the loading and storage of recreational vehicles, trailers, and commercial vehicles; illegal auto repair businesses; and property permitting for residential home rehabilitation projects. The discussion of this item also included conversation as to the City's efforts to ensure an appropriate balance between community education efforts and actual enforcement.

The workshop session ended with interest expressed by the Council in continuing a structured, public dialog on this subject. Since then, additional conversation has taken place and the opportunity now presents itself for further discussion by the City Council.

Staff will provide an update on the final FY18 Code Compliance statistics, seek Council direction on a series of potential revisions presented earlier this year, and look for additional feedback and perspective on any other elements of the City Code that may merit further review.

**Previous Actions/Background:**

This item was previously discussed at the March 16, 2018, City Council Workshop session.

**Options:**

Review and provide direction to staff regarding pursuing potential City Code revisions and identifying other modifications for future consideration.

**Staff Recommendation:**

This is a request for City Council guidance on discussing and reviewing further, areas of specific interest with regard to various City Codes.

**Fiscal Analysis:**

Although there is no immediate fiscal impact to the City, if so directed, staff will invest the time to prepare the requested for final City Council approval.

**Contact Name and Number:**

Chris Hallett, Neighborhood and Human Services Director, (623) 773-7955



**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 3.

Date Prepared: 6/13/2018

Council Meeting Date: 9/4/2018

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**TO:** Jeff Tyne, City Manager

**THROUGH:** Katie Gregory, Deputy City Manager

**FROM:** Rhonda Geriminsky, MMC, City Clerk

**SUBJECT:** Certificates of Appointment to Newly Appointed Board and Commission Members  
Appointed by Resolution at the August 14, 2018 City Council Meeting

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**Summary:**

The newly appointed board/commission members have been invited to attend a Regular City Council meeting to personally accept Certificates of Appointment from the Mayor and City Council.

**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.

On August 14, 2018, City Council adopted Resolution 2018-81 making membership appointments to various Boards and Commissions.

**Staff Recommendation:**

This is a request for the Mayor and City Council to present Certificates of Appointment to the newly appointed board/commission members as follows:

Design Review Board

- Adam Hawkins

Parks and Recreation Board

- Jerry Johnson

Personnel Board

- George Johnson

Public Defender Contract Review Committee

- Heath Hirschi

**Contact Name and Number:**

Rhonda Geriminsky, (623) 773-7340

**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 4.

Date Prepared: 8/15/2018

Council Meeting Date: 9/4/2018

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**TO:** Jeff Tyne, City Manager

**THROUGH:** Erik Strunk, Deputy City Manager

**FROM:** John R. Sefton, Jr., Parks, Recreation & Community Facilities Director

**SUBJECT:** National Library Card Month

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**Summary:**

September is **National Library Card Month** and with help from the Friends of the Peoria Public Library organization, we are promoting the value and importance of having a library card. Diane Jordan, the Friends president, will provide a presentation on the "Incredible Library Card". Our intent is to increase awareness about our city library resources, services, and programs.

**Contact Name and Number:**

Nathaniel Washburn, (623) 773-7557

**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 5C.

Date Prepared: 8/22/2018

Council Meeting Date: 9/4/2018

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**TO:** Jeff Tyne, City Manager  
**THROUGH:** Andy Granger, Deputy City Manager  
**FROM:** Rhonda Geriminsky, MMC, City Clerk  
**SUBJECT:** Minutes

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**Purpose:**

Discussion and possible action to approve the June 5, 2018 City Council meeting minutes.

**ATTACHMENTS:**

June 5, 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 5, 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 4:30 p.m.

**Members Present:** Mayor Cathy Carlat; Vice Mayor Michael Finn; Mayor Pro Tem Vicki Hunt; Councilmembers Bridget Binsbacher, Jon Edwards, Carlo Leone and Bill Patena.

**Members Absent:** None.

**Other Municipal Officials Present:** Jeff Tyne, City Manager; Andy Granger, Deputy City Manager; Erik Strunk, Deputy City Manager; Vanessa Hickman, City Attorney; Rhonda Geriminsky, City Clerk; and David Valenzuela, Interim Economic Development Services Director.

**Audience:** One member of the public was 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**

**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 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 Mayor Pro Tem Hunt, seconded by Councilmember Edwards, to approve the Consent Agenda. Upon vote, the motion carried unanimously 7 to 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) Advice, discussion, and instruction with legal counsel and staff regarding a potential acquisition of parcels totaling approximately 2.66 acres (Parcel No. 200-63-588) in the vicinity of 83rd Avenue and Country Gables Drive, pursuant to A.R.S. §§38-431.03.A.3 and 38-431.03.A.4 and 38-431.04.7.
- (b) Advice, discussion, and instruction with legal counsel and staff regarding a potential acquisition of parcels totaling approximately 4.85 acres (Parcel No. 200-63-596) in the vicinity of 83rd Avenue and Country Gables Drive, pursuant to A.R.S. §§38-431.03.A.3 and 38-431.03.A.4 and 38-431.04.7.

- (c) Legal issues pertaining to the lease with, and claims by the Peoria Historical Society, Inc., pursuant to A.R.S. §§ 38-431.03.A.3 and 38-431.03.A.4 and
- (d) Legal issues pertaining to the development agreement with Modern Round, 8320 West Mariners Way, pursuant to A.R.S. §§ 38-431.03.A.3 and 38-431.03.A.4

**ADJOURNMENT:**

Being no further business to come before the Council, the meeting was duly adjourned at 4:31 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) Advice, discussion, and instruction with legal counsel and staff regarding a potential acquisition of parcels totaling approximately 2.66 acres (Parcel No. 200-63-588) in the vicinity of 83rd Avenue and Country Gables Drive, pursuant to A.R.S. §§38-431.03.A.3 and 38-431.03.A.4 and 38-431.04.7.
  - (b) Advice, discussion, and instruction with legal counsel and staff regarding a potential acquisition of parcels totaling approximately 4.85 acres (Parcel No. 200-63-596) in the vicinity of 83rd Avenue and Country Gables Drive, pursuant to A.R.S. §§38-431.03.A.3 and 38-431.03.A.4 and 38-431.04.7.
  - (c) Legal issues pertaining to the lease with, and claims by the Peoria Historical Society, Inc., pursuant to A.R.S. §§ 38-431.03.A.3 and 38-431.03.A.4 and
  - (d) Legal issues pertaining to the development agreement with Modern Round, 8320 West Mariners Way, pursuant to A.R.S. §§ 38-431.03.A.3 and 38-431.03.A.4

**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 **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, Mayor Pro Tem Hunt led the Pledge of Allegiance.

**Members Present:** Mayor Cathy Carlat; Vice Mayor Michael Finn; Mayor Pro Tem Vicki Hunt; Councilmembers Bridget Binsbacher, Jon Edwards, Carlo Leone and Bill Patena.

**Members Absent:** None.

**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; Rhonda Geriminsky, 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; Laura Ingegneri, Human Resources Director; Adina Lund, Development and Engineering Director; Sonia Andrews, Finance Director; Bobby Ruiz, Fire Chief; John Sefton, Community Services Director; Jennifer Stein, Office of Communications Director; Dawn Prince, Assistant to the City Manager; and Linda Blas, Deputy City Clerk.

**Audience:** Approximately 45 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.

**Presentation:**

3. **Certificates of Completion for 2018 Peoria Leadership Institute Graduates**

Mayor Carlat and Vice Mayor Finn presented Certificates of Completion to the 2018 Peoria Leadership Institute graduates.

**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 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 a Public Hearing on liquor license applications for Safeway #991, located at 8240 West Deer Valley Road, and Safeway #1971, located at 8950 West Bell Road, and a bingo license application for Sun Air Estates Homeowners Association located at 9600 North 97<sup>th</sup> Avenue. 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. Having no requests from Council, motion was made by Vice Mayor Finn, seconded by Councilmember Binsbacher, to approve the Consent Agenda. Upon vote, the motion carried unanimously 7 to 0.

4C. **Minutes**

Approved the May 1, 2018 City Council Meeting minutes.

5C. **Board and Commission Appointments**

Approved the recommendations from the Council Boards and Commissions Subcommittee and adopted **RES. 2018-60** appointing members to various Boards and Commissions.

6C. **Council Youth Liaison Appointments**

Approved the recommendations from the Council Boards and Commissions Subcommittee and adopted **RES. 2018-61** appointing Frank Johnson and Leah Gilbertson as the 2018-19 Council Youth Liaisons for terms to expire May 30, 2019.

7C. **Code Amendment, Chapter 21, Pawn Definitions**

Adopted **ORD. 2018-12**, amending Chapter 21 of the Peoria City Code, by amending Section 21-202, pawn-related definitions to align with Arizona Revised Statutes.

8C. **2019 Art Grant Program Recommendations**

Approved the 2019 Art Grant requests, as recommended by the Arts Commission.

9C. **Contract, American Medical Response, Emergency Ambulance Service**

Approved an initial two-year contract with extensions of up to a maximum of 48 additional months, with American Medical Response to provide 911-ambulance service within the City of Peoria.

10C. **Grant, Governor's Office of Highway Safety, Click It or Ticket Enforcement Campaign**

- (a) Authorized the City Manager to accept \$7,500 from the Governor's Office of Highway Safety to be used by the Peoria Police Department for safety belt and child passenger law enforcement; and
- (b) Approved a budget adjustment of \$7,500 from the Proposed Grants Contingency account to the Governor's Office of Highway Safety Grant Overtime account.

11C. **Grant, Governor's Office of Highway Safety, 2018 Accident Investigation**

- (a) Authorized the City Manager to accept \$30,708.31 from the Governor's Office of Highway Safety to be used by the Peoria Police Department for the purchase of new accident investigation hardware, software, training, and maintenance support; and
- (b) Approved a budget adjustment of \$30,708.31 from the Proposed Grants Contingency account to the Governor's Office of Highway Safety Grant Fund.

12C. **Intergovernmental Agreement, City of Glendale, Law Enforcement and Security Services, University of Phoenix Stadium**

Authorized the City Manager to execute an Intergovernmental Agreement with the City of Glendale to continue providing law enforcement and security services at the University of Phoenix Stadium.

13C. **Intergovernmental Agreement, State of Arizona, Maintenance Responsibilities, Loop 101 Frontage Road and Beardsley Road**

Approved an Intergovernmental Agreement with the State of Arizona to remove certain maintenance obligations of the City on the Loop 101 Frontage Road and on Beardsley Road.

14C. **Canvass of Election, Public Safety Personnel Retirement System Local Board Elections**

Adopted **RES. 2018-62** ratifying the results of the Public Safety Personnel Retirement System local board elections.

15C. **Budget Appropriation - Employee Benefits**

Approved a transfer of budget appropriation from the Insurance Reserve fund contingency account to the Self-Insured Employee Benefits Trust fund and the Self-Insured Workers' Compensation fund providing authority to record additional claim expenditures that were not anticipated when the original Fiscal Year 2018 budget was developed.

16C. **Budget Transfer, Beardsley Water Reclamation Facility Expansion Study**

Approved a budget transfer in the amount of \$60,000 from the Trunk Sewer Rehabilitation project to the Beardsley Water Reclamation Facility (WRF) Equipment Upgrades project to perform a scoping and cost estimating study for future expansion of the Beardsley Water Reclamation Facility.

17C. **Residential Solid Waste Rate Adjustments**

Adopted **RES. 2018-63** adjusting the Residential Solid Waste rates effective July 1, 2018.

18C. **Commercial Solid Waste Rate Adjustments**

Adopted **RES. 2018-64** adjusting the Commercial Solid Waste rates effective July 1, 2018.

19C. **Fiscal Year 2019 Property Tax Levy**

Approved **RES. 2018-65** and **ORD. 2018-13** adopting the City of Peoria, Arizona Primary and Secondary Property Tax Levies for the Fiscal Year 2019 and declaring an emergency.

20C. **Fiscal Year 2019 SLID/MID Levies**

Adopted **ORD. 2018-14** and **ORD. 2018-15** approving the Street Light and Maintenance Improvement District Levies for Fiscal Year 2019 and declaring an emergency.

21C. **Deeds and Easements, Various Locations**

Adopted **RES. 2018-66** accepting Deeds and Easements for various Real Property interests acquired by the City.

22C. **Final Plat, Sonoran Place – Phase 2, Dixileta Parkway and Dysart Road**

Approved a Final Plat of Sonoran Place – Phase 2, located on Dixileta Parkway and Dysart Road, subject to stipulations.

23C. **PUBLIC HEARING - Liquor Licenses, Various Locations**

Recommended approval to the State Liquor Board for:

- (a) A Person Transfer for an Off-Sale All with Sampling (Series 09s) Liquor License for Safeway #991, located at 8240 West Deer Valley Road, Nicholas C. Guttilla, Applicant, LL#20019779; and
- (b) A Person Transfer for an Off-Sale All with Sampling (Series 09s) Liquor License for Safeway #1971, located at 8950 West Bell Road, Nicholas C. Guttilla, Applicant, LL#20019783.

24C **PUBLIC HEARING - Bingo License, Sun Air Estates HOA, 9600 North 97th Avenue**

Recommended approval to the Arizona Department of Revenue for a Class A (Small Game) Bingo License for Sun Air Estates HOA, located at 9600 North 97th Avenue, Patricia Zaragoza, Applicant, LL#20019751.

## **REGULAR AGENDA**

### **New Business:**

25R. **PUBLIC HEARING - Initial Zoning, Harvest Church, 8340 West Northern Avenue**

Chris Jacques, Planning and Community Development Director, presented regarding a request to establish initial zoning for approximately 10.49 acres of recently annexed property located at 8340 West Northern Avenue, from Maricopa County Rural Residential (RU-43) to Peoria Suburban Ranch (SR-43).

Information included:

- Annexation and initial zoning process
- Zoning map
- Public outreach
- Key findings

### **Public Hearing:**

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

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

### **Council Action:**

Motion was made by Mayor Pro Tem Hunt, seconded by Vice Mayor Finn, to adopt **ORD. 2018-16** approving initial zoning for approximately 10.49 acres of recently annexed property located at 8340 West Northern Avenue from Maricopa County Rural-43 (RU-43) to Peoria Suburban Ranch (SR-43).

Upon vote, the motion carried unanimously 7 to 0.

26R. **PUBLIC HEARING - Code Amendment, Chapter 21, Section 21-320 Site Plan Review**

Chris Jacques, Planning and Community Development Director, presented regarding a proposed amendment to the City Code pertaining to Site Plan Review.

Information included:

- Purpose of the amendment
- Outline of the development process
- Site plan review process
- Summary of proposed changes
- Who should be able to file an appeal
- When is the appeal valid and who makes the decision
- What is the deadline for filing an appeal
- Key findings

Discussion ensued regarding public input on the proposed changes.

**Public Hearing:**

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

Having no 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 adopt **ORD. 2018-17** amending Chapter 21 of the Peoria City Code, amending Section 21-320 pertaining to Site Plan Review.

Upon vote, the motion carried unanimously 7 to 0.

27R. **PUBLIC HEARING - Code Amendment, Chapter 21, Section 21-322 Temporary Use Permits**

Chris Jacques, Planning and Community Development Director, presented regarding a proposed amendment to the City Code pertaining to Temporary Use Permits.

Information included:

- Purpose of the amendment
- Background regarding the role of the Zoning Ordinance and temporary uses
- Temporary Use Permit process
- General temporary use performance criteria

- Temporary Use Permit criteria
- Temporary Use Permit limited activity area exemption
  - Proportionate size and intensity
  - Comparison of options
- Key findings

Discussion ensued regarding Temporary Use Permit exemptions within the Old Town Entertainment District.

### **Public Hearing:**

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

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

### **Council Action:**

Motion was made by Mayor Pro Tem Hunt, seconded by Councilmember Binsbacher, to adopt **ORD. 2018-18** amending Chapter 21 of the Peoria City Code, amending Section 21-322 pertaining to Temporary Use Permits.

Upon vote, the motion carried unanimously 7 to 0.

### **28R. Naming of Community Park III**

John Sefton, Community Services Department Director, outlined the process for naming parks, recreational facilities and special areas.

Mr. Sefton provided the following name choices for consideration as recommended by the Parks and Recreation Board:

- Wild Burro Community Park – inspired by the vast population of wild burros in the area
- Frog Tanks Community Park – inspired by the road that travels through the length of the park
- Dove Wings Community Park – inspired by the geographic features of East Wing and West Wing Mountains
- Paloma Community Park – inspired by “Dove”
- Paloma Vista Community Park – inspired by “Dove” and Rio Vista Community Park

Motion was made by Councilmember Binsbacher, seconded by Councilmember Edwards, to select Paloma Community Park as the official name for Peoria’s third community park, to be located east of Dixileta Road and Lake Pleasant Parkway.

Upon vote, the motion carried unanimously 7 to 0.

**Clerk's Note: Agenda Items 29R and 30R were presented together.**

**29R. Contract, Hunter Contracting Co., Northern Community Park Construction GMP, Lake Pleasant Parkway and Dixileta Drive**

Ed Striffler, Architectural Services Manager, presented regarding contracts associated with the construction of the Northern Community Park.

Information included:

- Construction market challenges
- Final park design
- Master plan with future phases
- Total investment in Phase I
- Path forward to park opening

Discussion ensued regarding:

- Cost to build Pioneer Community Park
- Infrastructure
- Funding and construction of Northern Community Park Phase II

Motion was made by Councilmember Binsbacher, seconded by Vice Mayor Finn, to approve a contract with Hunter Contracting Co. for an amount not to exceed \$34,390,000 for the Guaranteed Maximum Price (GMP) contract for construction of the Northern Community Park located in the vicinity of Lake Pleasant Parkway and Dixileta Drive.

Upon vote, the motion carried unanimously 7 to 0.

**30R. Contract Amendment, Hunter Contracting Co., Northern Community Park Construction Administration, Lake Pleasant Parkway and Dixileta Drive**

Motion was made by Councilmember Binsbacher, seconded by Councilmember Edwards, to approve a contract amendment with Hunter Contracting Co. in the amount of \$306,607 for construction administration professional services for the Northern Community Park located in the vicinity of Lake Pleasant Parkway and Dixileta Drive.

Upon vote, the motion carried unanimously 7 to 0.

**Call To The Public (Non-Agenda Items)**

Cassidy Gatrost, Youth Advisory Board member, presented a woodcarving of the City seal to the Council as a thank you gift for allowing her to serve as Council Youth Liaison during the past year.



**Reports from City Manager:**

**31. Council Calendar**

**32. Reports**

**A. Insurance Services Office (ISO) Rating Change for Peoria**

Bobby Ruiz, Fire Chief, reported that the City has been recognized by ISO, through its Public Protection Classification system, as a Class 1 jurisdiction. Chief Ruiz announced that Peoria is only the second jurisdiction in Arizona to receive this distinction.

**B. Upcoming City Events Video**

A video presentation showcasing upcoming City events was displayed.

**Reports from City Council:**

Councilmember Patena reported on the various City of Peoria activities he attended, including Valley Metro's Annual Transit Wrap unveiling, the Surprise Area Interfaith Breakfast, a ribbon cutting for Pet Dental USA and the Westbrook Village Memorial Day dedication. Councilmember Patena congratulated the Fire-Medical Department on its improved ISO rating.

Councilmember Binsbacher recognized the Fire-Medical Department for its achievements. Councilmember Binsbacher congratulated the Peoria Leadership Institute graduates and thanked them for their time and dedication to learn more about the City. Councilmember Binsbacher expressed her gratitude to Ms. Gatrost for her civic engagement and the beautiful artwork she presented to the Council. Councilmember Binsbacher shared her excitement for Paloma Community Park.

Vice Mayor Finn echoed Councilmember Binsbacher's sentiments.

Councilmember Edwards reported on his attendance at Valley Metro's Annual Transit Wrap unveiling. Councilmember Edwards congratulated Peoria High School student Lyndzi Ramos for her winning entry in the wrap contest. Councilmember Edwards reported that he was honored to serve City staff at the Employee Appreciation Breakfast. Councilmember Edwards reported that he was the keynote speaker at the Westbrook Village Memorial Day dedication and attended a ribbon cutting for the Meadows Community Center.

Mayor Pro Tem Hunt congratulated Lyndzi Ramos for her award-winning design. Mayor Pro Tem Hunt reported on her participation in Mayor Carlat's summer reading program. Mayor Pro Tem Hunt welcomed Solid Rock Missionary Baptist Church to the community. Mayor Pro Tem Hunt reported on her attendance at a ribbon cutting for Uptown Jungle Fun Park, the Employee Appreciation Lunch and the West Valley Women's Luncheon.

Councilmember Leone extended his congratulations to the Peoria Leadership Institute graduates.

**Reports from the Mayor:**

None.

**ADJOURNMENT:**

Being no further business to come before the Council, the meeting was duly adjourned at 8:38 p.m.

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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 5<sup>th</sup> day of June, 2018. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 4<sup>th</sup> day of September, 2018.

(Seal)

---

Rhonda Geriminsky, City Clerk

**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 6C.

Date Prepared: 8/22/2018

Council Meeting Date: 9/4/2018

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**TO:** Jeff Tyne, City Manager  
**THROUGH:** Katie Gregory, Deputy City Manager  
**FROM:** Adina Lund, P. E., Development and Engineering Director  
**SUBJECT:** Property Acquisition, Happy Valley Parkway and 100th Lane

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**Purpose:**

Discussion and possible action to adopt **RES. 2018-92** authorizing the acceptance of land located south of Happy Valley Parkway at the 100th Lane alignment associated with the Happy Valley Parkway Improvement Project.

**Summary:**

The extension of 100th Lane south of Happy Valley Parkway adjacent to the Lake Pleasant Pavilion shopping center will be constructed as part of the Happy Valley Parkway Improvements - Lake Pleasant Parkway to Loop 303. During the design process it was identified that additional right of way is needed to accommodate this extension of roadway. Staff approached Maricopa County with a request to purchase a portion of the County owned land; Maricopa County is agreeable to the sale of the portion of the parcel needed for the City's improvements.

**Previous Actions/Background:**

10/18/16 – Council approved the Design Engineering Contract with T.Y. Lin International for the Happy Valley Parkway improvements.

2/21/17 – Council approved an Intergovernmental Agreement with Maricopa County for the improvements and annexation of Happy Valley Parkway from Lake Pleasant Parkway to Loop 303. This item also included design contract and budget amendments.

**Options:**

**A:** Approve the adoption of a Resolution authorizing the acquisition of real property from Maricopa County to allow for the construction of roadway improvements.

**B:** Deny adoption of the Resolution authorizing the acquisition of real property which may result in this extension of 100th Lane being removed from the project.

**Staff Recommendation:**

Staff recommends City Council approve the adoption of the attached Resolution authorizing the City Manager to execute the documents necessary to acquire the real property and allow for the acceptance of the real property into the City's system.

**Fiscal Analysis:**

Upon the City's request to purchase the land, Maricopa County requested approval from their Board of Supervisors to have the land declared surplus. The County has had the land appraised and the cost for the City to acquire the land is \$33,000 plus customary closing costs. Funding for the land right needed for the project is available in the FY2019 Capital Improvement Program. Payment will be made from GO Bonds 2015 Fund Land and Improvements Account 4251-4251-540000-CIPST-EN00463.

**ATTACHMENTS:**

Vicinity Map

Location Map

Resolution

Resolution - Attachment

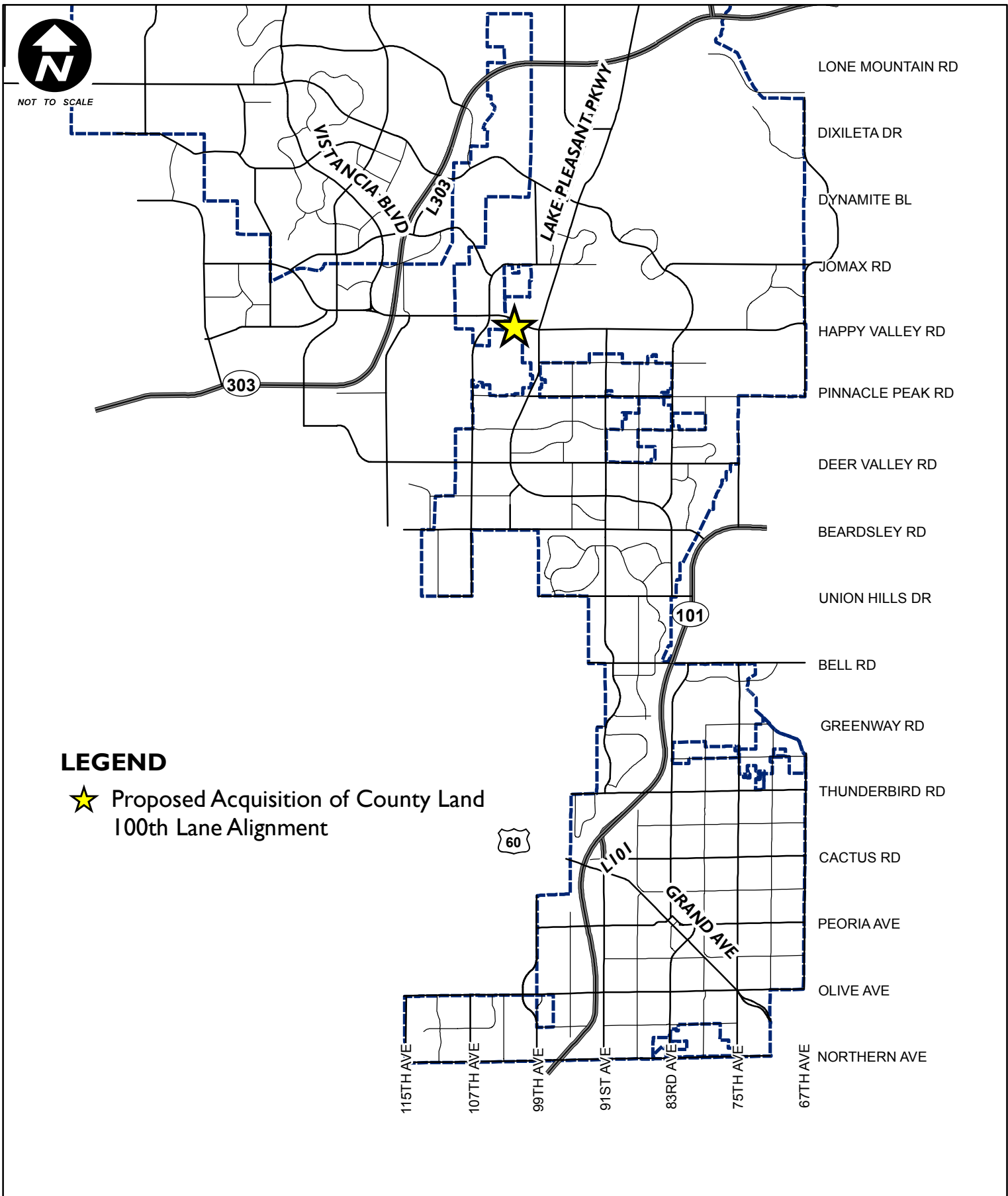
**Contact Name and Number:**

Adina Lund, (623) 773-7249



**City of Peoria**  
**DEVELOPMENT AND ENGINEERING**

**Happy Valley Parkway Improvements**  
**Acquisition of County Land**  
**100th Lane Alignment**  
**Vicinity Map**







**City of Peoria**  
**DEVELOPMENT & ENGINEERING**

Happy Valley Parkway Improvements  
Acquisition of County Land  
100th Lane Alignment  
**Location Map**



NOT TO SCALE



**LEGEND**



Acquisition of County Land



**NOTE**

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

RESOLUTION NO. 2018-92

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, AUTHORIZING THE ACCEPTANCE OF LAND LOCATED IN THE VICINITY OF HAPPY VALLEY PARKWAY AND 100<sup>TH</sup> LANE.

WHEREAS, Maricopa County has agreed to convey land to the City of Peoria south of Happy Valley Parkway at the 100<sup>th</sup> Lane alignment; and

WHEREAS, The City is desirous of accepting these land rights which will allow for greater development potential.

WHEREAS, Pursuant to Article I, Section III of the Peoria City Charter, the City Council may acquire property within or without its corporate limits for any city purposes in fee simple or lesser interest or estate by purchase, gift, devise, lease or condemnation; and

WHEREAS, Pursuant to the Peoria City Charter and in accordance with the findings set forth above, the Mayor and Council of the City of Peoria consent to the acceptance of the land rights identified in "Exhibit A", and authorize the City Manager to execute any and all the documents necessary to accept the land rights; and

THEREFORE, BE IT RESOLVED that the Mayor and Council of the City of Peoria, Arizona authorize the acceptance of the land rights identified in "Exhibit A", and authorize the City Manager to execute the documents necessary to finalize the land transfer.



Resolution No. 2018-92  
Happy Valley Parkway & 100<sup>th</sup> Lane  
September 4, 2018  
Page 2

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria,  
Arizona this 4<sup>th</sup> day of September, 2018.

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Cathy Carlat, Mayor

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Date Signed

ATTEST:

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Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

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Vanessa P. Hickman, City Attorney

ATTACHMENT:

A. Special Warranty Deed

August 6, 2018

When recorded, Interoffice Mail to:  
Maricopa County  
Real Estate Department  
2801 W. Durango St.  
Phoenix, AZ 85009 (DF)

**EXEMPT ARS § 11-1134, A3**

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**C-64-07-280-0-00**

**SPECIAL WARRANTY DEED**

Project: 68840/Estrella Roadway, Phase II  
MCDOT Item #: X-0261-EX  
Assessor's Parcel No.: ptn 201-17-002T

**Maricopa County, a political subdivision of the State of Arizona, GRANTOR**, for the sum of **Thirty-Three Thousand and 00/100 Dollars (\$33,000.00)**, and other valuable consideration, receipt and sufficiency of which are hereby acknowledged, paid by **City of Peoria, a municipal corporation of the State of Arizona, GRANTEE**, by this Deed does grant, sell, and convey unto the said **GRANTEE** all that certain real property situated in the County of Maricopa, State of Arizona, described as follows:

See Attached Exhibit "A"

Attached hereto and incorporated herein

The **GRANTOR** hereby conveys unto **GRANTEE** all warranties of title for its acts and not the acts of others, of any nature whatsoever.

This property conveyance is subject to: assessments, reservations, easements, rights-of-way, and deed restrictions as may appear on record.

**ACCEPTANCE**

Project: 68840/Estrella  
Roadway, Phase II  
MCDOT Item #: X-0261-EX  
Assessor's Parcel No.: ptn: 201-17-002T

**GRANTEE ACCEPTANCE AND APPROVAL:**

IN WITNESS WHEREOF, CITY OF PEORIA, an Arizona municipal corporation, has caused its name to be executed by its duly authorized representatives, this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

CITY OF PEORIA, an Arizona municipal corporation

By: \_\_\_\_\_  
Jeff Tyne, City Manager

ATTEST: \_\_\_\_\_  
Rhonda Geriminsky, City Clerk

STATE OF ARIZONA     )  
                                      ) ss  
COUNTY OF MARICOPA)

This instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2018 by Jeff Tyne, City Manager, and Rhonda Geriminsky, City Clerk, respectively, of the City of Peoria, a municipal corporation, they being thereunto duly authorized.

My Commission Expires:

\_\_\_\_\_  
Notary Public

APPROVED AS TO FORM

\_\_\_\_\_  
Vanessa P. Hickman, City Attorney

Project: 68840/Estrella Roadway, Phase II  
MCDOT Item #: X-0261-EX  
Assessor's Parcel No.: ptn 201-17-002T

**GRANTOR:**

**RECOMMENDED FOR APPROVAL:**

\_\_\_\_\_  
Michelle Colby  
Director, Real Estate Department

\_\_\_\_\_  
Jennifer Toth, P.E.  
Director, Maricopa County Department  
of Transportation

**ACCEPTED AND APPROVED**

**MARICOPA COUNTY BOARD OF SUPERVISORS**

By \_\_\_\_\_  
Chairman of the Board

Before me, \_\_\_\_\_, Notary Public in and for said County, State  
of Arizona, on this day acknowledges \_\_\_\_\_,  
known to me to be the person whose name is subscribed to the foregoing instrument as the  
Chairman of the Board of the Political Subdivision described in the foregoing instrument.

Given under my hand and seal of the office this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
Notary Public (signature)

Approved as to form and within the powers  
and authority of the Board of Supervisors

Approved as to form \_\_\_\_\_  
Deputy Maricopa County Attorney



# EXHIBIT A

## LEGAL DESCRIPTION

A portion of the Southeast quarter of Section 5, Township 4 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows:

**BEGINNING** at a point on the South line of said Section 5, point also being the Southeast corner of the Parcel shown in Book 985, Page 38, records of Maricopa County, thence South 89°48'32" West, along the South line of said Parcel, a distance of 91.56 feet;

Thence departing said South line, North 00°11'28" West, a distance of 299.01 feet to a point on the North line of said Parcel, point also being on the South right of way line of Happy Valley Road;

Thence South 62°57'20" East, along said North line, a distance of 59.46 feet to the Northeast corner of said parcel;

Thence South 27°02'37" West, along the East property line of said parcel, a distance of 80.10 feet;

Thence South 62°57'23" East, continuing along said East property line, a distance of 84.29 feet;

Thence South 00°19'58" East along said East property line, a distance of 162.00 feet to the **POINT OF BEGINNING**.

Containing 20,050.61 square feet or 0.46 acres more or less.

Page 1 of 1

Title: Happy Valley Road  
APN 201-17-002T  
Right-of-Way Acquisition

Preparing Firm: TRACE Consulting, LLC

Address: 1201 E. Jefferson St., Suite 3, Phoenix, AZ 85034

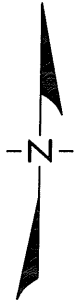
Phone: (602) 680-8264



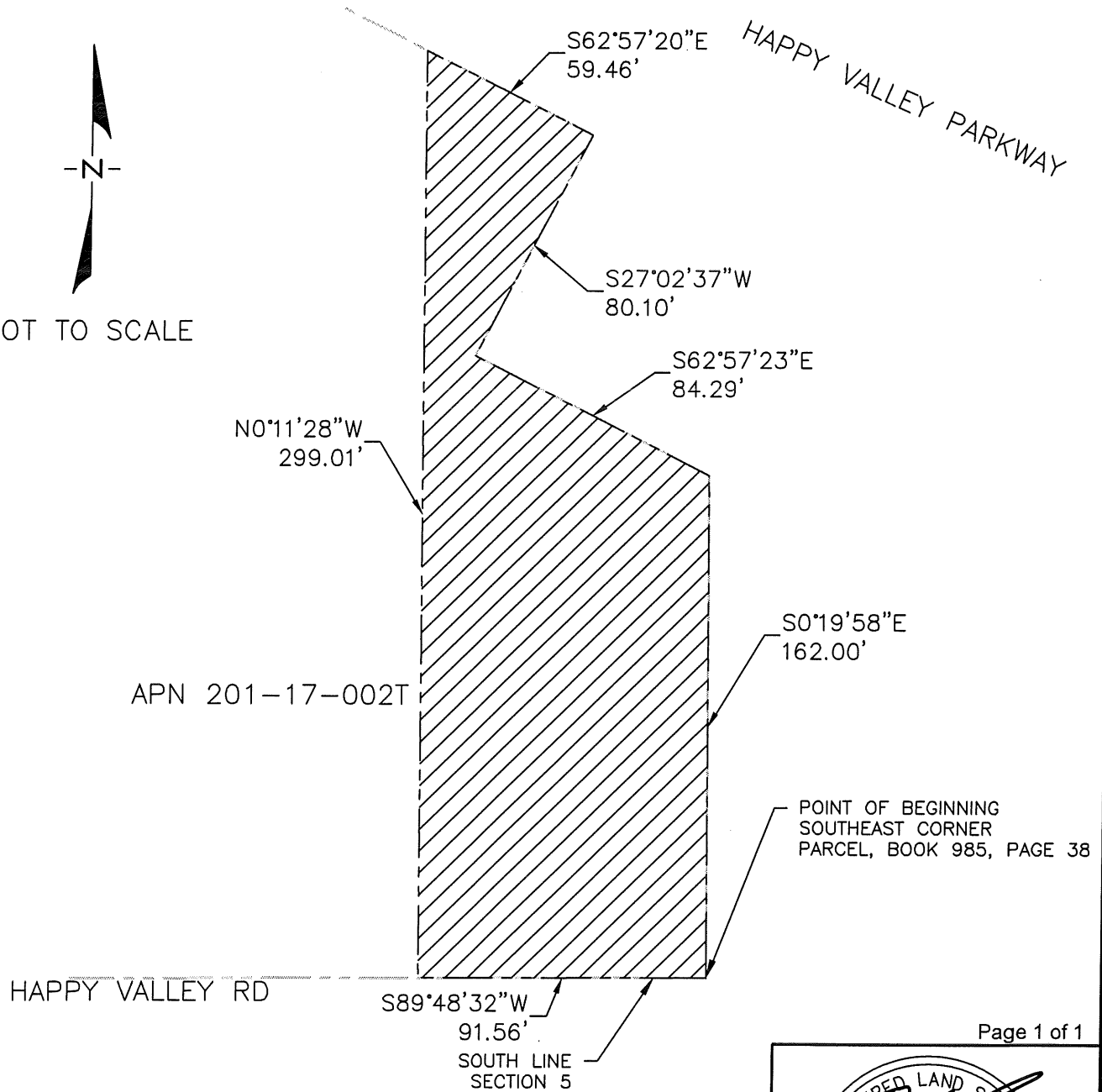
EXPIRES 12-31-19

# EXHIBIT A

## SKETCH



NOT TO SCALE



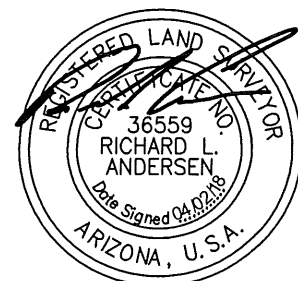
Page 1 of 1

**Title:** Happy Valley Road  
**APN** 201-17-002T  
**Right-of-Way Acquisition**

**Preparing Firm:** TRACE Consulting, LLC

**Address:** 1201 E. Jefferson St., Suite 3, Phoenix, AZ 85034

**Phone:** (602) 680-8264



EXPIRES 12-31-19

**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 7C.

Date Prepared: 7/31/2018

Council Meeting Date: 9/4/2018

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**TO:** Jeff Tyne, City Manager  
**THROUGH:** Erik Strunk, Deputy City Manager  
**FROM:** John R. Sefton, Jr., Parks, Recreation & Community Facilities Director  
**SUBJECT:** Intergovernmental Agreement, Arizona Game and Fish Commission

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**Purpose:**

Discussion and possible action to approve a new four-year Intergovernmental Agreement with the Arizona Game and Fish Commission to maintain Rio Vista and Pioneer Lakes as facilities taking part in the Community Fishing Program.

**Summary:**

The City of Peoria has had a partnership with the Arizona Game and Fish Commission since Rio Vista Community Park was opened in 2004. This partnership allows the Community Park to participate in the Community Fishing Program. Upon completion of the Lake at Pioneer Park, the Pioneer Park location was added to the Community Fishing Program.

Through the Community Fishing Program, the Arizona Game and Fish Commission promotes and stocks both the lake at Rio Vista and the lake at Pioneer Park, provides administrative services, enforces urban fishing rules and regulations and monitors water quality. In addition, regular fishing clinics are held at the lakes at Rio Vista and Pioneer Park.

Rio Vista and Pioneer Lakes are stocked with catchable rainbow trout from November through March, every two weeks, and channel catfish from March through November. During the period from approximately June 15 through September 15, catfish stocking ceases due to heat stress factors. At least once per year, sunfish will also be stocked into both Rio Vista and Pioneer Lakes. As needed, the Arizona Game and Fish Commission adjusts the stocking plan with other species to maintain a balanced fishery and improve angler success rates. Since the stocking schedule has been successful over the years at Rio Vista Lake and more recently at Pioneer Lake, this stocking schedule will continue with the new IGA.

Costs for the Community Fishing Program are \$1,015 per lake surface acre for FY2015 and FY2016 and thereafter \$1,030 per lake surface acre for the remainder of the term of this IGA. The chart below outlines the cost of the program relative to Rio Vista and Pioneer Lakes.

<b>Water</b>	<b>Stocking Strategy</b>	<b>FY19 Cost</b>	<b>FY20 Cost</b>	<b>FY21 Cost</b>	<b>FY22 Cost</b>	<b>FY23 Cost</b>	<b>Total Costs</b>
Pioneer	Traditional	\$4,120	\$5,146	\$5,146	\$5,146	\$5,146	\$24,702
Rio Vista	Traditional	\$2,781	\$3,158	\$3,158	\$3,158	\$3,158	\$15,411
	<b>Totals</b>	<b>\$6,901</b>	<b>\$8,303</b>	<b>\$8,303</b>	<b>\$8,303</b>	<b>\$8,303</b>	<b>\$40,113</b>

A public information program will also be conducted by the city in partnership with the Arizona Game and Fish Commission. This includes public information kiosks at both lakes for posting of Community Fishing Program information for the public. Lake assessment reports are provided to the City by the Arizona Game and Fish Commission as well.

### **Previous Actions/Background:**

Previous IGA's with the Arizona Game and Fish Commission (LCON08210) was entered into on June 25, 2010, (LCON04214) was entered into on July 25, 2014. The City Attorney's Office has reviewed the new IGA.

### **Options:**

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

**A:** Authorize the approval of the IGA with the Arizona Game and Fish Commission to continue the Community Fishing Program at both Rio Vista and Pioneer Lakes.

**B :** Deny the IGA with the Arizona Game and Fish Commission and cease the Community Fishing Program in the City of Peoria.

### **Staff Recommendation:**

Staff recommends that City Council approve the IGA with the Arizona Game and Fish Commission to continue the Community Fishing Program with all included benefits for patrons of both Rio Vista and Pioneer Community Parks.

### **Fiscal Analysis:**

The IGA with the Arizona Game and Fish Commission includes payments for the Community Fishing Program. Costs have been budgeted in both Community Parks operating budgets.

### **ATTACHMENTS:**

IGA\_Game&FishCommission

### **Contact Name and Number:**

Jake Eason, 623-773-8605



**INTERGOVERNMENTAL AGREEMENT  
BETWEEN THE  
ARIZONA GAME AND FISH COMMISSION  
AND  
THE CITY OF PEORIA, AZ**

Pursuant to A.R.S. § 11-952 *et. seq.*, this Intergovernmental Agreement is made this 22 day of June, 2018, by and through the Arizona Game and Fish Commission ("Commission"), and the City of Peoria ("City"). The terms "Department" and "Director" in this Agreement hereinafter refer to the Arizona Game and Fish Department and its Director, acting as administrative agent for the Commission.

**WHEREAS**, the Commission has statewide responsibility for the management of wildlife, including fish, and the City owns certain park lands, including artificial lakes which it maintains for public use as recreation areas; and,

**WHEREAS**, both entities desire to provide sport fishing recreational opportunities to the extent such a program is found practical; and,

**WHEREAS**, the Commission has authority under A.R.S. § 17-231(B)(7) to make agreements with other entities for the operation of wildlife facilities and the conduct of related management studies, and the City has authority under A.R.S. § 9 *et seq.* and 11-931, *et seq.* to provide recreation through a Community Services Department; and,

**WHEREAS**, the Department acts under the authority of the Commission;

**NOW THEREFORE**, the Parties agree to conduct a Community Fishing Program, as follows:

**AGREEMENT:**

**The Commission agrees that the Department Shall:**

1. Inform the public of the purpose and intent of the Community Fishing Program. This may include coverage in various Department publications, websites, and other outlets as well as the media (radio, television, newspapers) to ensure broad coverage.
2. Make recommendations to the Commission pertaining to license requirements and bag and possession limits specific to the designated Community Fishing waters herein.
3. Issue Fishing Licenses and other applicable licenses to individuals and Department-authorized license dealers in the local area and statewide. Licenses will also be available from Department offices and online.

4. Under the Department's "Traditional" Strategy, stock participating waters (Pioneer and Rio Vista) with catchable rainbow trout approximately every two weeks from mid-November to mid-March, and catchable channel catfish approximately every two weeks from mid-March to June and from mid-September to mid-November. Fish stocking will cease from approximately June through mid-September due to heat stress factors.

Stock sunfish (usually bluegill or redear) at least once annually into all participating waters. Other approved fish species may be stocked as necessary to: 1) establish a resident fish population, 2) augment existing fish populations, 3) maintain a balanced fishery, 4) improve angler success rates, or 5) provide feature species for anglers.

Adjustments to these stocking schedules and/or species may be required due to climatic and/or weather conditions, fish availability and condition, logistics of fish delivery from vendors, or lake water quality conditions.

5. Monitor basic water quality and biological indicators as needed to determine if lake conditions are suitable for fish stockings. Provide periodic lake assessment reports to the park managers. Notify the appropriate City or park management staff of any public health or safety concerns found by the Department.
6. For each participating water, provide one or more Fishing Information Stations (kiosks with bulletin board) so that current Community Fishing Program information may be posted for the public. Design and provide Community Fishing Program information and regulation signs, and replacements as needed, for all primary access points, or mutually agreed-upon locations around each participating lake.
7. Conduct periodic angler surveys to ascertain angler effort and harvest, angler satisfaction, and performance success of the program. This information will be shared with the City when analyses are complete.
8. Enforce Commission rules and regulations and Arizona Revised Statutes, Title 17 (Game and Fish laws). Cooperate and coordinate with local law enforcement officials, justice courts, and park staff to ensure angler compliance.
9. Provide advice, technical assistance, and guidelines on lake/pond and/or fishery management to the City.
10. Work with the City to design and install suitable fish habitats as needed to provide adequate cover from predators and spawning habitats.
11. Establish an account to utilize funds paid to the Department by the City for operation of this program.

**The City Shall:**

1. Inform park users of the sport fishing opportunity and allow “Open to the Public” Sport Fishing Education programs at the included water(s).
2. Install the Department-provided signage frame(s) at mutually agreed-upon locations, and maintain the signage as needed by removing graffiti, and notifying the Department of damage to the frames, attached signage, and kiosks.
3. Make information about opportunities to go fishing within the City available to the public at park facilities, on the City website, and other outlets.
4. Provide the Department any necessary keys to locks and/or gates so Department staff can gain access to the water(s) for stocking, monitoring water quality, or conducting creel surveys.
5. Pay a Partnership Fee to the Department for waters stocked under this agreement. Annual rates shall be in accordance with the following fee schedule:

Water	Stocking Strategy	FY19 Cost	FY20 Cost	FY21 Cost	FY22 Cost	FY23 Cost	Total Costs
Pioneer	Traditional	\$4,120	\$5,146	\$5,146	\$5,146	\$5,146	\$24,702
Rio Vista	Traditional	\$2,781	\$3,158	\$3,158	\$3,158	\$3,158	\$15,411
	Totals	\$6,901	\$8,303	\$8,303	\$8,303	\$8,303	\$40,113

These funds shall be used to defray the cost of program operations, including costs for fish required hereunder; Payments made to the Department may be leveraged to obtain federal grant funding or other grant funding opportunities. If this opportunity arises, the City will be notified in writing by the Department, and it will be necessary to verify that all or a portion of the municipal fees do not originate from federal sources.

6. Promptly notify the Department of anticipated and emergency maintenance or management measures that may affect the Community Fishing Program. This may include lake and landscape repairs or construction, water supply or aeration disruptions, and other activities or occurrences that may affect public health, safety, and access to fishing and stocking activities.

7. With assistance from the Department, develop and implement lake management plans for each water that include general operation and maintenance of the lake and associated facilities to support a sport fishery. This may include plans for optimal timing for lake drawdown and filling, operation strategies and timing for lake aeration and mixing systems, knowing when and whom to call for algae or aquatic plant treatments, knowing how to spot unusual fish behaviors that may indicate problems, and knowing who to call in the event of a fish kill.
8. Maintain water quality in a manner consistent with all other requirements and regulations upon the City. Regularly remove trash and debris from the lakes. Remove and dispose of dead fish in a timely manner and notify the Department Community Fishing Program Manager if there is an unusual amount of dead or dying fish. Actively control excessive aquatic vegetation and algae blooms, and report any aquatic invasive species to the Community Fishing Program Manager.
9. Discourage feeding of domestic waterfowl by the public, and harass or remove excess waterfowl as necessary. Discourage populations of fish-eating aquatic birds (i.e., cormorants and herons) through park landscape management and other permissible techniques. Allow the Department to conduct Migratory bird research or depredation activities as permitted by the U.S. Fish and Wildlife Service.
10. For lakes with aeration systems, maintain a fully operational system to support good water quality. Ensure that aeration systems or other lake management systems are not limiting angler access or use, unless necessary to conduct maintenance or repairs. Manage and integrate landscape activities to be compatible with the maintenance of good lake water quality.
11. To the extent possible, assist in the enforcement of State, City and Park codes, rules, regulations and laws (including ARS Title 12 and Title 17 Game and Fish Laws), as applicable. Assist the Department in the enforcement by reporting violations or suspected violations to the Department Operation Game Thief hotline (1-800-352-0700), by verbal warnings, and by citations as necessary to achieve compliance goals. City may adopt Title 17 Rules into Municipal Code to facilitate enforcement.
12. Provide and maintain angler access to shoreline areas at each water. To the extent possible, provide suitable accommodations along the shoreline such as picnic tables, benches, and shade structures for angler use.
13. Provide access to the waters and associated park facilities such as shade structures so that Sport Fishing Education contractors, Department personnel, and volunteer instructors may conduct Sport Fishing Education programs at no charge to the Department. This may include conducting and/or supporting Sport Fishing Education programs (fishing clinics) for the general public in cooperation with the City. Specific scheduling information about Department-sanctioned programs will be provided to the City as far in advance as possible.

14. Provide suitable park and lake access to allow for stocking of fish using trucks and trailers by the Department and their fish contractors at the waters.

**The Parties Mutually Agree To:**

1. Work in harmony for the common purpose of managing a Community Fishing Program. Encourage a united and professional approach by personnel of both Parties in seeking solutions to problems and challenges that may arise in fish and angler management programs.
2. Department and City staff shall meet annually or as needed to discuss issues, operations and maintenance, planning, budgeting, and other activities relating to park management and the Community Fishing Program, to review accomplishments and to develop and prioritize activities for the coming year.
3. Cooperate and exchange biological, management, and other information useful in the effective operation of a Community Fishing Program.
4. Seek to obtain funding opportunities for projects that: 1) create, enhance, or restore fish habitat, water quality, or angler access; or 2) increase or enhance recreational angling opportunity. These funds may be transferred directly, or through reimbursement, to the City. Funding availability through the Department is uncertain, but may include support through the Sport Fish Restoration Federal Assistance Program, State Wildlife Grant Program, Arizona Heritage Fund, or other sources. To provide for the future transfer of special funds, the Parties agree to enter into mutually acceptable collection agreements. Future agreements will be developed within the framework of this Intergovernmental Agreement, and applicable grant and agreement requirements are to be approved by agency directors.

**General Provisions:**

1. Effective Date and Duration. This Agreement shall not be in effect until signed by all Parties hereto. Unless terminated earlier by operation of the terms of this Agreement, or by agreement of the Parties in writing, this five (5) year Agreement will terminate on June 30, 2023.

2. Termination Generally. Either Party may terminate this Agreement upon sixty (60) days' written notice to the other Party. Upon termination, all work performed pursuant to this Agreement will cease, and all unencumbered monies deposited for use by the Department will be returned to the City.
3. Notices. All written notices concerning this Agreement shall be delivered in person or sent by certified mail, return receipt requested, or first class mail, postage prepaid, to the Parties as follows:
  - A. To the City:  
Christopher Bolender, Sports Facilities Maintenance Coordinator  
Pioneer and Rio Vista Community Parks  
8755 N. 83<sup>rd</sup> Ave  
Peoria, AZ 85345
  - B. To the Department:  
Mr. Chris Cantrell  
Arizona Game and Fish Department  
5000 West Carefree Highway  
Phoenix, Arizona 85086
4. Non-discrimination. In carrying out the terms of this Agreement, the Parties agree to comply with Executive Order 99-4 prohibiting discrimination in employment, the provisions of which are incorporated herein by reference.
5. Audit. Pursuant to A.R.S. § 35-214 all books, accounts, reports, files, electronic data, and other records relating to this Agreement shall be subject at all reasonable times to inspection and audit by the State of Arizona for five (5) years after completion of this Agreement.
6. Arbitration. To the extent required pursuant to A.R.S. § 12-1518, and any successor statutes, the Parties agree to use arbitration, after exhausting all applicable administrative remedies, to resolve any dispute arising under this Agreement, where not in conflict with Federal Law, with each Party to bear its own attorney's fees and costs.
7. Termination for Conflict of Interest. This Agreement is subject to termination pursuant to A.R.S. § 38-511.

8. Termination for Non-Availability of Funds. Every obligation of the Parties under this Agreement is conditioned upon the availability of funds appropriated or allocated for the payment of such obligation. If funds for the continuance of this Agreement are not allocated or are not available, this Agreement shall terminate automatically on the date of expiration of funding. In the event of such termination, the Parties shall incur no further obligation or liability under this Agreement other than for payment of services rendered prior to the expiration of funding.
9. Other Agreements. This Agreement in no way restricts either Party from participating in similar activities with other public or private agencies, organizations, or individuals.
10. Compliance with Applicable Law. All work performed pursuant to this Agreement shall be in compliance with all applicable state and federal laws and regulations.
11. Severability. In the event that any provision of this Agreement or portion thereof is held invalid, illegal, or unenforceable, such provision or portion thereof shall be severed from this Agreement and shall have no effect on the remaining provisions of this Agreement, which shall remain in full force and effect.
12. Illegal Immigration. The Parties agree to comply with Executive Order 2005-30, "Ensuring Compliance with Federal Immigration Laws by State Employers and Contractors," the provisions of which are hereby incorporated by reference.
13. Employer-Employee Relationship. It is not intended by this Agreement to, and nothing contained in this Agreement shall be construed to, create any partnership, joint venture or employment relationship between the Parties or create any employer-employee relationship between City and any State employee, or between State and any City employee. Neither Party shall be liable for any debts, accounts, obligations or other liabilities whatsoever of the other, including (without limitation) the other Party's obligation to withhold Social Security and income taxes for any of its employees.
14. Indemnity. Each Party (as "indemnitor") agrees to indemnify, defend, and hold harmless the other Party (as "indemnitee") from and against any and all claims, losses, liability, costs, or expenses (including reasonable attorney's fees, hereinafter collectively referred to as 'claims') arising out of bodily injury of any person (including death) or property damage, but only to the extent that such claims which result in vicarious/derivative liability to the indemnitee, are caused by the act, omission, negligence, misconduct, or other fault of the indemnitor, its officers, officials, agents, employees, or volunteers.

15. Records Retention. In accordance with A.R.S. § 41-151.12 (GS 1018), all books, accounts, reports, files, electronic data, and other records relating to this Agreement shall be retained for a period of six (6) years after Agreement is fulfilled, expired, canceled or revoked.
16. This Agreement constitutes the entire agreement between the Parties pertaining to the subject matter hereof and correctly sets forth the rights, duties and obligations of each to the other as of its date. All prior or contemporaneous agreements and understandings, oral or written, are hereby superseded and merged herein. The provisions hereof may be abrogated, modified, rescinded, or amended in whole or in part only by mutual written consent executed by the Parties.

**CITY OF PEORIA**

By: \_\_\_\_\_  
City Mayor Date

ATTEST: \_\_\_\_\_  
City Clerk

**APPROVAL OF THE CITY ATTORNEY:**

I have reviewed the above-referenced Intergovernmental Agreement between the City and the Arizona Game and Fish Commission and declare this Agreement to be in proper form and within the power and authority granted to the City of Peoria under the laws of the State of Arizona.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2018 \_\_\_\_\_  
City Attorney

**ARIZONA GAME AND FISH COMMISSION**

By: \_\_\_\_\_  
Ty Gray  
Secretary to the Commission and  
Director, Arizona Game and Fish Department

\_\_\_\_\_ 6.22.18  
Date



APPROVAL OF THE ARIZONA GAME AND FISH COMMISSION ATTORNEY:

I have reviewed the above-referenced Intergovernmental Agreement between the City of Peoria, Arizona and the Arizona Game and Fish Commission and declare this Agreement to be in proper form and within the power and authority granted to the Arizona Game and Fish Commission under the laws of the State of Arizona.

Dated this 28 day of JUNE, 2018



\_\_\_\_\_  
Attorney  
Arizona Game and Fish Commission

**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 8C.

Date Prepared: 8/22/2018

Council Meeting Date: 9/4/2018

---

**TO:** Jeff Tyne, City Manager  
**THROUGH:** Katie Gregory, Deputy City Manager  
**FROM:** Adina Lund, Development and Engineering Director  
**SUBJECT:** Contract Amendment, MGC Contractors Inc., Ventana Well Booster Rehabilitation

---

**Purpose:**

Discussion and possible action to approve a contract amendment with MGC Contractors, Inc for a guaranteed maximum price of \$197,742 to complete construction of the Ventana Well Site 2C Rehabilitation Capital Improvement project.

**Summary:**

The City's FY2019-FY2028 Capital Improvement Program includes the Ventana Well Booster Rehabilitation project that provides funding for the full rehabilitation of the existing Ventana Well Sites 1 and 2C.

Ventana Well Site 2C rehabilitation is the second phase of a project, that includes the full rehabilitation of aging components and equipment within the existing Ventana Well Sites 1 and 2C. The rehabilitation of Site 1 was completed in June of 2018 and Site 2C is currently under construction. Construction of Site 2C started in September of 2017, during construction the wall design needed to be modified due to a grading issue, a waterline was found to be outside of the easement and within the limits of the planned subdivision, and the radio connection was changed to a fiber connection to eliminate a 20 foot radio tower planned at the site.

Completion of this project will bring the site up to current City standards while providing increased operational efficiency and water system redundancy in the Ventana Lakes area. Construction of this project is expected to be completed by the end of October 2018.

**Options:**

**A:** Approve the Ventana Well Site 2C Rehabilitation construction contract amendment with MGC Contractors, Inc.

**B:** Deny approval of the Ventana Well Site 2C Rehabilitation construction contract amendment.

This will result in partial rehabilitation of the well site.

**Staff Recommendation:**

Staff recommends approval of the contract amendment with MGC Contractors, Inc.

**Fiscal Analysis:**

There is funding available in the FY2019 Capital Improvement Program for construction of the Ventana Well Site 2C Rehabilitation improvements. Payment will be made from the Water Fund, Water System Account 2050-2140-CIPWR-543002-UT00394 in the amount of \$197,742.

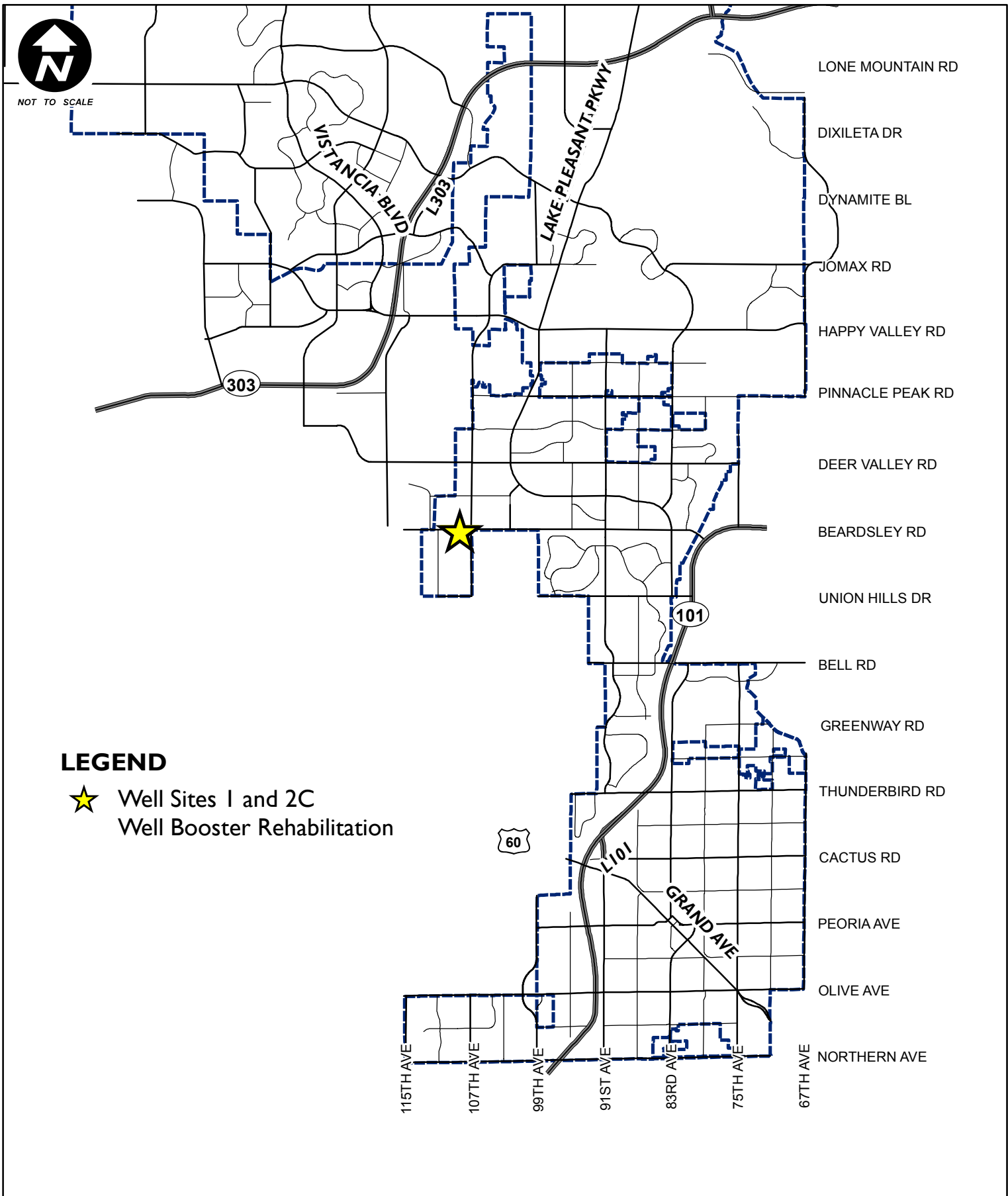
**ATTACHMENTS:**

Vicinity Map

Location Map

**Contact Name and Number:**

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







**LEGEND**



Site 1 Well Booster  
Rehabilitation



Site 2C Well  
Rehabilitation



**NOTE**  
Map based on imprecise source  
information, subject to change and  
FOR GENERAL REFERENCE ONLY.

**CITY OF PEORIA, ARIZONA  
VISTANCIA COMMUNITY FACILITIES  
DISTRICT COMMUNICATION**

Agenda Item: 9C.

Date Prepared: 8/20/2018

Council Meeting Date: 9/4/2018

---

**TO:** Jeff Tyne, City Manager  
**THROUGH:** Andy Granger, Deputy City Manager  
**FROM:** Bobby Ruiz, Fire Chief  
**SUBJECT:** Grant Acceptance, Multiple Fire Departments and Fire Districts, Regional Grant, Virtual Incident Command Center

---

**Purpose:**

Discussion and possible action to: (a) accept a grant from the City of Maricopa through a regional grant application, in the amount of \$59,406, allowing the Fire-Medical Department to participate in command officer training at the Virtual Incident Command Center; and (b) approve a budget amendment in the amount of \$59,406 from the Proposed Grants Contingency account to the Fire Training Local Training account, thus providing expenditure authority.

**Summary:**

As part of a regional grant application for training of Command Officers at the VICC, the Peoria Fire-Medical Department applied for \$69,890 worth class registration fees, overtime reimbursement dollars and overtime backfill dollars. There is a 15% match for this grant that will come out of existing overtime training dollars. At the April 3, 2018 City Council meeting the Fire-Medical Department sought approval to join an Memorandum of Understanding with multiple other agencies to apply for the federal grant, which was approved by Mayor and Council.

The particulars are as follows:

The City of Maricopa shall serve as the primary grant recipient and administrative agent for the grant. The City of Scottsdale, The City of Maricopa, The City of Mesa, The Gilbert Fire & Rescue Department, The Peoria Fire & Medical Department, The Sun City Fire and Medical District, The Chandler Fire, Health & Medical Department, The Salt River Pima-Maricopa Fire Department, Gila River Fire Department, Rio Verde Fire District, and the Arizona Fire and Medical Authority will be the participating entities and sub-recipients in the grant.

All Parties shall train command officers as specified in the grant through the Mesa Community College Virtual Incident Command Center ("VICC") located at 145 N. Centennial Way, Mesa, AZ 85201. This training shall consist of quarterly training for a period of one year.

The Parties shall adhere to the 15% cost sharing requirements as contained in the grant and all



other grant requirements.

This grant is reimbursable with funding through July 2019.

### **Previous Actions/Background:**

In May of 2016, City Council accepted the 2015 FEMA Assistance to Firefighter Grant (AFG) regional grant funds for the Fire-Medical department to send its members to training at the VICC. In April of 2018, City Council approved entering into a Memorandum of Understanding with eleven other fire departments/districts to apply for the 2017 FEMA AFG grant to send additional members to training at the VICC.

### **Options:**

**A:** Approved the request as proposed.

**B:** Reject the request and provide further guidance to staff.

### **Staff Recommendation:**

Staff's recommendation is to accept a grant with the City of Maricopa through a regional grant application, in the amount of \$59,406, allowing the Fire-Medical Department to participate in command officer training at the Virtual Incident Command Center and approve a budget amendment in the amount of \$59,406 from the Proposed Grants Contingency account to the Fire Training Local Training account, thus providing expenditure authority.

### **Fiscal Analysis:**

The total grant of \$69,890 will cover class tuition and backfill overtime, 15% of the total (\$10,483) is a match by the city. The Peoria Fire-Medical department requests a budget adjustment of \$59,406 from the Proposed Grants Contingency account (7990-7990-570000) to 1240 Fire Training local training \$7,716 and overtime \$51,690 thus providing expenditure authority. The 15% match will come out of existing Fire-Medical Department allotted training dollars located in 1000-1240-510208 & 520511, so no additional dollars will be needed by the Fire-Medical Department.

Training Registration Fees -	\$ 9,078	(1000-1240-520511)
Overtime Reimbursement -	\$33,224	(1000-1240-510208)
Overtime Backfill Reimbursement -	<u>\$27,588</u>	(1000-1240-510208)
	\$69,890	
15% Match By Peoria Fire-Medical -	(\$10,483)	(1000-1240-510208 & 520511)
Total Grant Amount -	<b>\$59,406</b>	

### **Contact Name and Number:**

Bobby Ruiz, (623) 773-7380

**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 10C.

Date Prepared: 8/23/2018

Council Meeting Date: 9/4/2018

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**TO:** Jeff Tyne, City Manager  
**THROUGH:** Katie Gregory, Deputy District Manager  
**FROM:** Chris Jacques, AICP, Planning Director  
**SUBJECT:** Resolution Supporting State Land Annexations

---

**Purpose:**

Discussion and possible action to adopt **RES. 2018-95** supporting the proposed annexation of specified lands owned by the Arizona State Land Department (ASLD).

**Summary:**

Several years ago, the City of Peoria embarked on a bid to annex specified lands owned by the Arizona State Land Department (ASLD). These lands were either adjacent to growth areas within the City and/or located along the strategic Loop 303 corridor. It was important that these lands be positioned to develop under the City's design standards and economic development priorities. Unfortunately, prior to the annexations moving forward to the State Selection Board, ASLD received a *Letter of Objection* from Sun City West Fire Department (now North County Fire and Medical District). The letter effectively suspended consideration of the annexation pending resolution by the two entities.

That resolution occurred in late 2017 when the North County Fire and Medical District and the City of Peoria entered into an Intergovernmental Agreement (IGA). One of the deliverables from that IGA included the formal withdrawal of objection to the annexations pursued by the City.

Henceforth, the City approached the Arizona State Land Department seeking a reconsideration of the annexations. ASLD has agreed to work with the City to move the annexations forward pending the scheduling of a State Selection Board meeting. Under A.R.S. 37-202, the State Selection Board consists of the Governor, Attorney General and the Treasurer. Until recently, a State Selection Board meeting had not occurred in several years. The City is hopeful that a State Selection Board meeting can be scheduled later this year.

The annexation of State Land is statutorily different from the annexation of private property. The Arizona Revised Statutes requires approval from the State Land Commissioner and authorization from the State Selection Board prior to the municipality proceeding forward through its normal annexation process. A Resolution from the municipality demonstrating support for the annexation is part of the package that the City prepares for ASLD consideration.



**Previous Actions/Background:**

None.

**Options:**

**A:** Approve the Resolution supporting the proposed annexations.

**B:** Do not approve the Resolution supporting the proposed annexations.

**Staff Recommendation:**

APPROVE the Resolution supporting the proposed annexation of specified State Lands.

**Fiscal Analysis:**

None. Approval of the Resolution indicates support to move forward with the proposed annexations. The Resolution would be part of the materials forwarded to the State Selection Board for consideration.

**ATTACHMENTS:**

Resolution 2018-95

Exhibit A of Resolution

**Contact Name and Number:**

Chris Jacques, AICP, Planning Director (623) 773-7609

RESOLUTION NO. 2018-95

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA SUPPORTING THE ANNEXATION OF SPECIFIED ARIZONA STATE LAND DEPARTMENT PARCELS INTO THE CITY OF PEORIA; AND PROVIDING FOR SEPARABILITY AND AN EFFECTIVE DATE.

WHEREAS, the General Plan heretofore adopted by the City of Peoria and ratified by its electorate is the fundamental policy document guiding future growth and development in the City and its Planning Area; and

WHEREAS, pursuant to A.R.S. 9-461.05(A), the City of Peoria in the preparation of its General Plan, is required to cooperate with the State Land Department in integrating its land use plans into the Peoria General Plan. Hence, the future disposition and development of property within the City of Peoria and its Planning Area is vitally important to the strategic and economic health of the City and the State Land Trust; and

WHEREAS, the City of Peoria recognizes the importance of strategically positioned land within its Planning Area be located within the municipal limits so that it advances economic development priorities and develops in a manner consistent with its adopted plans, codes and infrastructure network to further the public interest and facilitate good planning; and

WHEREAS, pursuant to A.R.S. 9-471(A)(1), State Land cannot be annexed into a municipality unless written approval is first obtained by the State Land Commissioner and action is subsequently taken by the State Selection Board authorizing the action thereto; and

WHEREAS, after due and proper consideration, the Mayor and City Council of the City of Peoria, Arizona have found that annexation of areas as depicted on Exhibit A will properly aid in the orderly growth and development of the City of Peoria, Arizona; and

WHEREAS, in preparation for consideration by the State Land Commissioner and the State Selection Board, the Mayor and City Council of the City of Peoria, Arizona expressly offers its support for the annexation of specified State Land areas as depicted in Exhibit A.

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

SECTION 1. Annexation of Arizona State Land Department areas

1. The City Council of the City of Peoria, Arizona, does hereby support the cooperative annexation of specified Arizona State Land Department (ASLD) parcels for the areas depicted in Exhibit A.

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;

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 4<sup>th</sup> day of September, 2018.

---

Cathy Carlat, Mayor

---

Date signed

ATTEST:

---

Rhonda Geriminsky, City Clerk

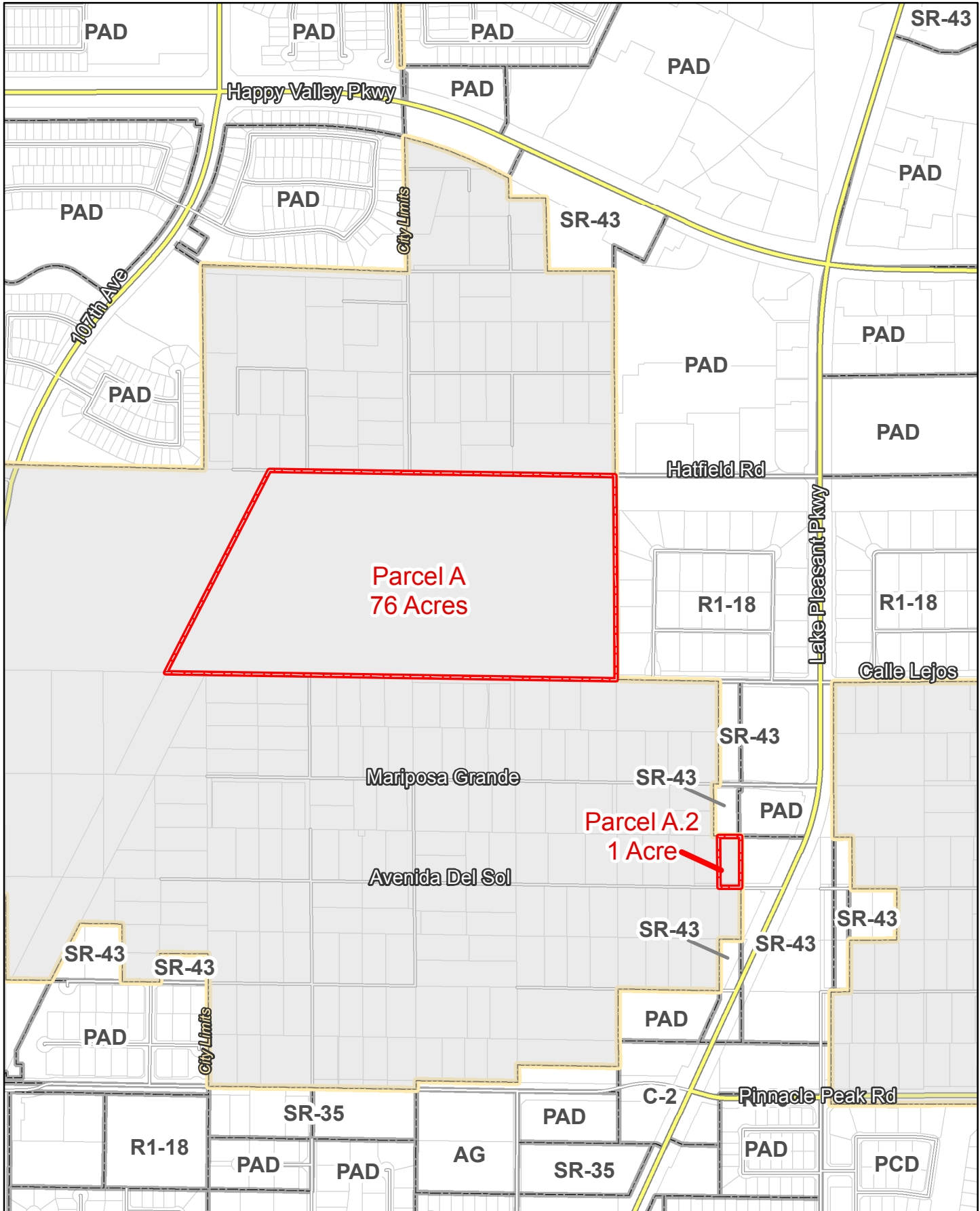
APPROVED AS TO FORM:

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Vanessa P. Hickman, City Attorney

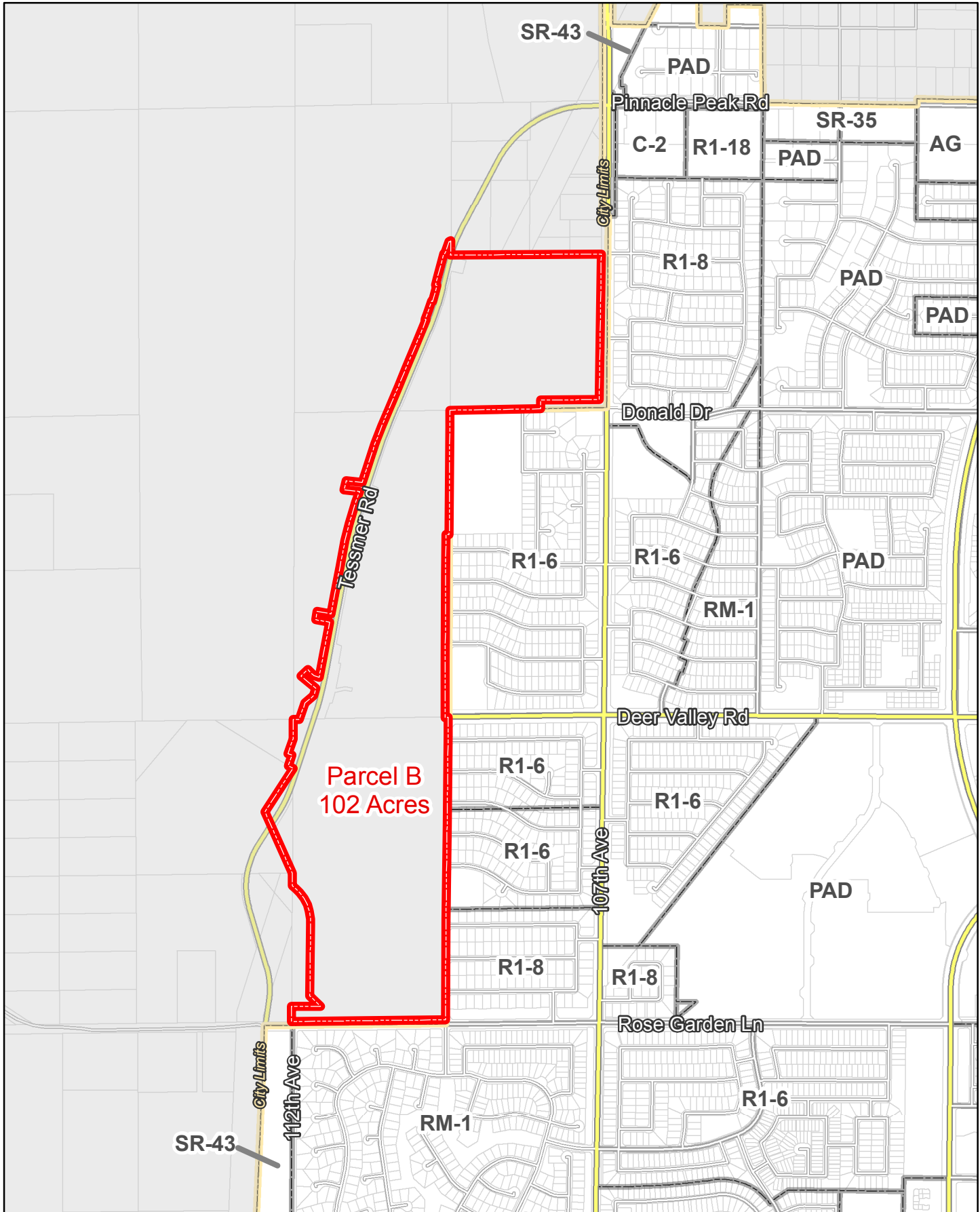
## **Exhibit A**

### **Proposed Annexation Areas (Parcels A-D)**



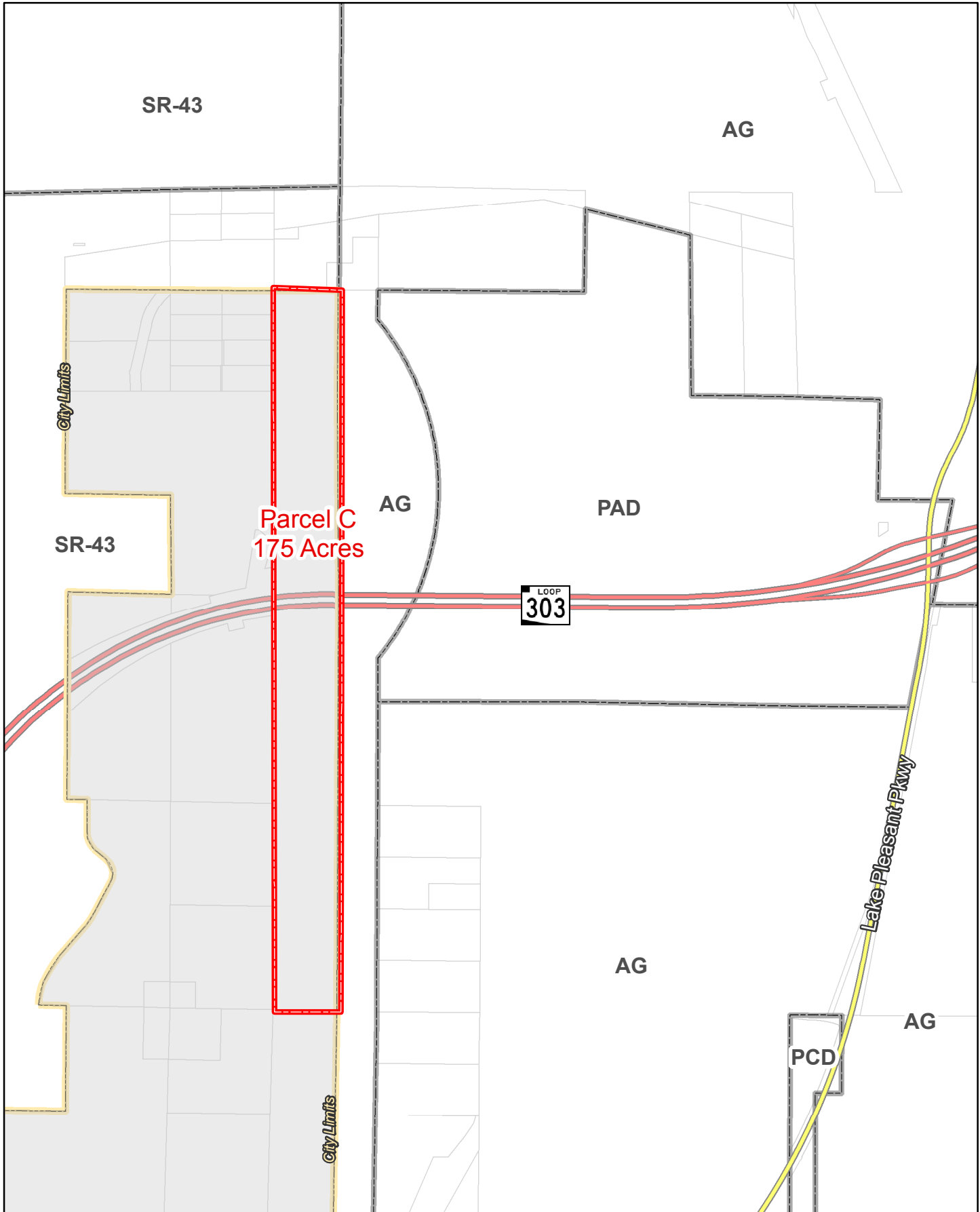
## Area A | Zoning Map





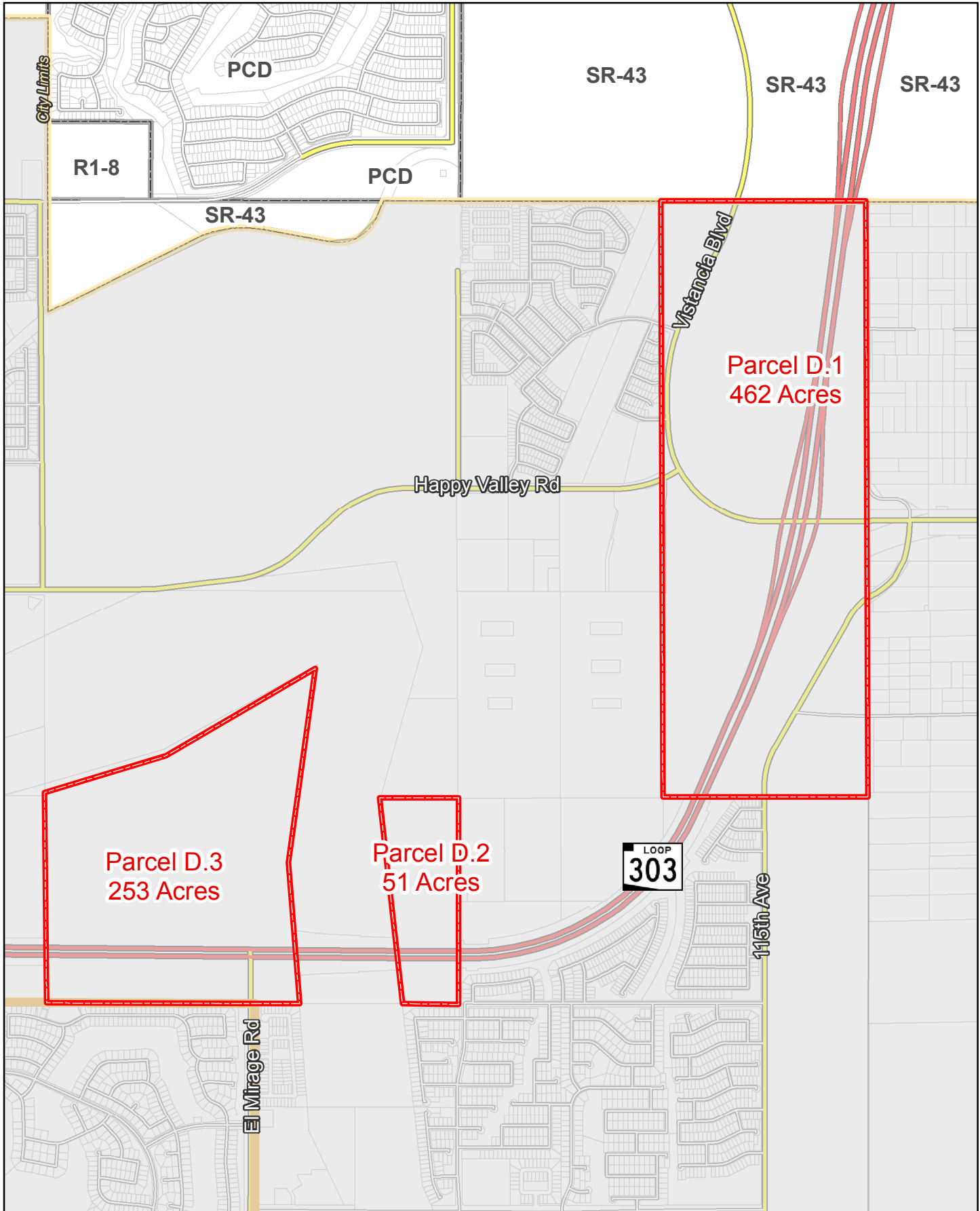
## Area B | Zoning Map





## Area C | Zoning Map





## Area D | Zoning Map





**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 11C.

Date Prepared: 8/22/2018

Council Meeting Date: 9/4/2018

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**TO:** Jeff Tyne, City Manager  
**THROUGH:** Katie Gregory, Deputy City Manager  
**FROM:** Adina Lund, P.E., Development and Engineering Director  
**SUBJECT:** Conveyance of Land Rights, City Hall Complex, Southwest Gas

---

**Purpose:**

Discussion and possible action to adopt **RES. 2018-96** authorizing the City Manager to execute an easement to Southwest Gas Corporation for the relocation and maintenance of a natural gas pipeline that provides service to the City Hall Complex.

**Summary:**

In 2016, Southwest Gas approached the City regarding the relocation of the service line to the City Hall Complex that needed to take place as a result of upgrades to their transmission line within 83rd Avenue. Staff worked with Southwest Gas to allow the relocation to take place with the understanding that the easement would be granted after the work was complete.

**Previous Actions/Background:**

No previous Council action has taken place for this request.

**Options:**

**A:** City Council authorizes the execution and recordation of the Southwest Gas easement.

**B:** City Council chooses not to authorize the easement resulting in no public record of the existence or location of the natural gas line.

**Staff Recommendation:**

Staff recommends that City Council approve the adoption of the attached Resolution authorizing the execution of the easement to Southwest Gas.

**Fiscal Analysis:**

There is no fiscal impact to the City associated with the granting of this land right.

**ATTACHMENTS:**

Vicinity Map

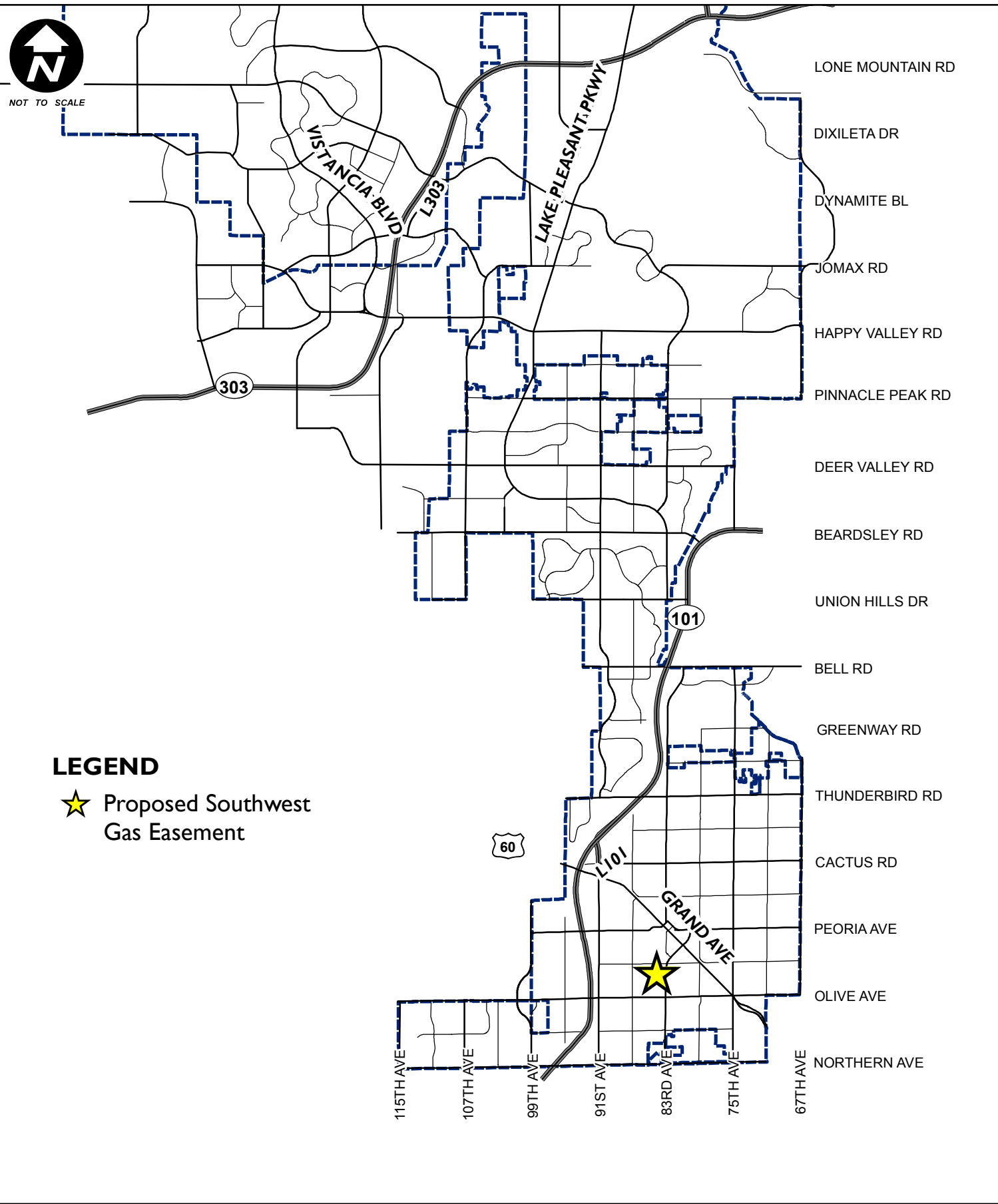
Location Map

Resolution

Resolution - Attachment

**Contact Name and Number:**

Adina Lund, (623) 773-7249







**City of Peoria**  
**DEVELOPMENT & ENGINEERING**

Southwest Gas Easement  
City Hall Campus


**Location Map**



NOT TO SCALE



**LEGEND**

 Southwest Gas Easement



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

RESOLUTION NO. 2018-96

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, AUTHORIZING THE GRANTING OF LAND RIGHTS RELATED TO THE RELOCATION OF A NATURAL GAS SERVICE LINE FOR THE CITY HALL CAMPUS.

WHEREAS, the City of Peoria allowed Southwest Gas to relocate a natural gas line that services the City Hall Campus and the recording of an easement will provide public notice of the existence and location of the natural gas line.

WHEREAS, Pursuant to Article I, Section III of the Peoria City Charter, the City Council may convey any right, title or interest in any real property in such terms as the City Council determines to be appropriate and necessary; and

WHEREAS, Pursuant to the Peoria City Charter and in accordance with the findings set forth above, the Mayor and Council of the City of Peoria consent to the granting of a Southwest Gas Easement and authorize the City Manager to execute the document; and

THEREFORE, BE IT RESOLVED that the Mayor and Council of the City of Peoria, Arizona authorize the granting of the attached Southwest Gas Easement and authorize the City Manager to execute the document.

Resolution No. 2018-96  
SW Gas Easement – City Hall Campus  
September 4, 2018  
Page 2 of 2

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria,  
Arizona this 4<sup>th</sup> day of September, 2018.

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Cathy Carlat, Mayor

---

Date Signed

ATTEST:

---

Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

---

Vanessa P. Hickman, City Attorney

Attachment:

1. Southwest Gas Easement



APN # 142-36-002A, 002B

Recording Requested By/Return To:  
Southwest Gas Corporation  
9 South 43rd Avenue  
Mail Code 42O-588 kas3  
Phoenix, Arizona 85009



**SOUTHWEST GAS CORPORATION**  
**GRANT OF EASEMENT**

*This form is used to acquire land rights for installation of pipeline(s) and appurtenances.*

Prepared By	<u>kas3</u>	Reviewed By	<u></u>
Sec.	<u>27</u> T <u>3N</u> R <u>1E</u>	Meridian	<u>G&amp;SRM</u>
County	<u>Maricopa</u>	State	<u>Arizona</u>
WR No.	<u>3111897</u>	LRS No.	<u>3123</u>

I (We) City of Peoria, an Arizona municipal corporation

For and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, receipt of which is hereby acknowledged, the undersigned, hereinafter referred to as Grantor(s), does hereby grant, convey, quitclaim and release unto **SOUTHWEST GAS CORPORATION**, a California Corporation, its successors, assigns, licensees, and invitees as reasonably necessary to effect the purpose of the easement, hereinafter referred to as Grantee, a perpetual easement for the installation and maintenance of a natural gas pipeline or pipelines and appurtenances, across, over, under and through the following described property, to wit:

SEE ATTACHED EXHIBIT(s) "A" and "B"

together with the right of ingress and egress to and from the said easement and the right to use existing roads for the purpose of constructing, inspecting, repairing, and maintaining said pipeline or pipelines and appurtenances and the removal or replacement of same, in whole or in part, at will.

Grantor agrees that no buildings, structures, fences or trees shall be placed upon, over or under said parcel of land, except for street, road or driveway purposes, which Grantor agrees shall not interfere with Grantee's exercise of the rights herein granted. Grantee agrees to work with due care in the exercise of its rights on the property and to restore it to reasonably the same condition which existed before the work was performed.

Except as provided above, Grantee agrees to pay all direct damages which are caused by the Grantee's exercise of the rights herein granted.

W.R. No. 3111897

LRS No. 3123

**The undersigned hereby affirms that there is no Social Security Number contained in this document submitted for recording.**

**TO HAVE AND TO HOLD** said easement unto Grantee, its successors, assigns, licensees, and invitees, together with all rights granted hereby.

**IN WITNESS WHEREOF**, the duly authorized representative of the undersigned has executed this Grant of Easement this

\_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

City of Peoria, an Arizona municipal corporation

Grantor \_\_\_\_\_

Signature

\_\_\_\_\_  
Printed Name and Title

**ACKNOWLEDGMENT**

STATE OF \_\_\_\_\_ )

)

COUNTY OF \_\_\_\_\_ )

On \_\_\_\_\_, before me, \_\_\_\_\_,  
(here insert name of the officer)

a notary public, personally appeared \_\_\_\_\_

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of \_\_\_\_\_  
that the foregoing paragraph is true and correct.

**WITNESS** my hand and official seal.

Signature \_\_\_\_\_ (Seal)



**EXHIBIT "A"**  
**SOUTHWEST GAS CORPORATION**

WR# 3111897

THAT PORTION OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 27 AND THE NORTHWEST QUARTER (NW 1/4) OF SECTION 26, TOWNSHIP 3 NORTH, RANGE 1 EAST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

A STRIP OF LAND 8.00 FEET IN WIDTH, BEING 4.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE;

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 27, MARKED BY A CITY OF PEORIA BRASS CAP FLUSH, FROM WHICH THE NORTHEAST CORNER OF SAID SECTION 27, MARKED BY A BRASS CAP IN HAND HOLE, BEARS NORTH 00°09'55" EAST (BASIS OF BEARING), A DISTANCE OF 2637.19 FEET;

THENCE NORTH 02°31'47" EAST, A DISTANCE OF 718.21 FEET, TO THE "POINT OF BEGINNING" OF THIS DESCRIBED LINE;

THENCE SOUTH 80°27'26" WEST, A DISTANCE OF 5.15 FEET;

THENCE SOUTH 67°00'55" WEST, A DISTANCE OF 21.50 FEET;

THENCE SOUTH 61°48'24" WEST, A DISTANCE OF 45.67 FEET;

THENCE SOUTH 62°11'34" WEST, A DISTANCE OF 50.11 FEET;

THENCE SOUTH 68°39'22" WEST, A DISTANCE OF 61.08 FEET, TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT, CONCAVE NORTHWESTERLY, THE CENTER OF SAID CURVE BEARING NORTH 20°51'41" WEST AND HAVING A RADIUS OF 296.56 FEET;

THENCE, ALONG THE ARC OF SAID CURVE, A DISTANCE OF 83.37 FEET, TO A POINT OF NON-TANGENCY;

THENCE SOUTH 89°24'11" WEST, A DISTANCE OF 144.08 FEET;

THENCE SOUTH 88°25'02" WEST, A DISTANCE OF 53.95 FEET;

THENCE SOUTH 86°37'30" WEST, A DISTANCE OF 4.37 FEET;

THENCE NORTH 03°09'26" WEST, A DISTANCE OF 6.32 FEET, TO THE "TERMINUS" OF THIS DESCRIBED LINE.

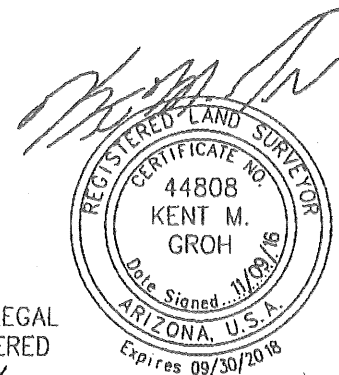
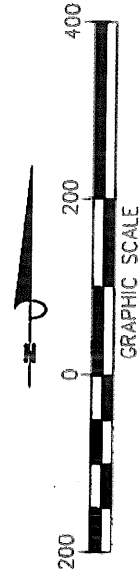
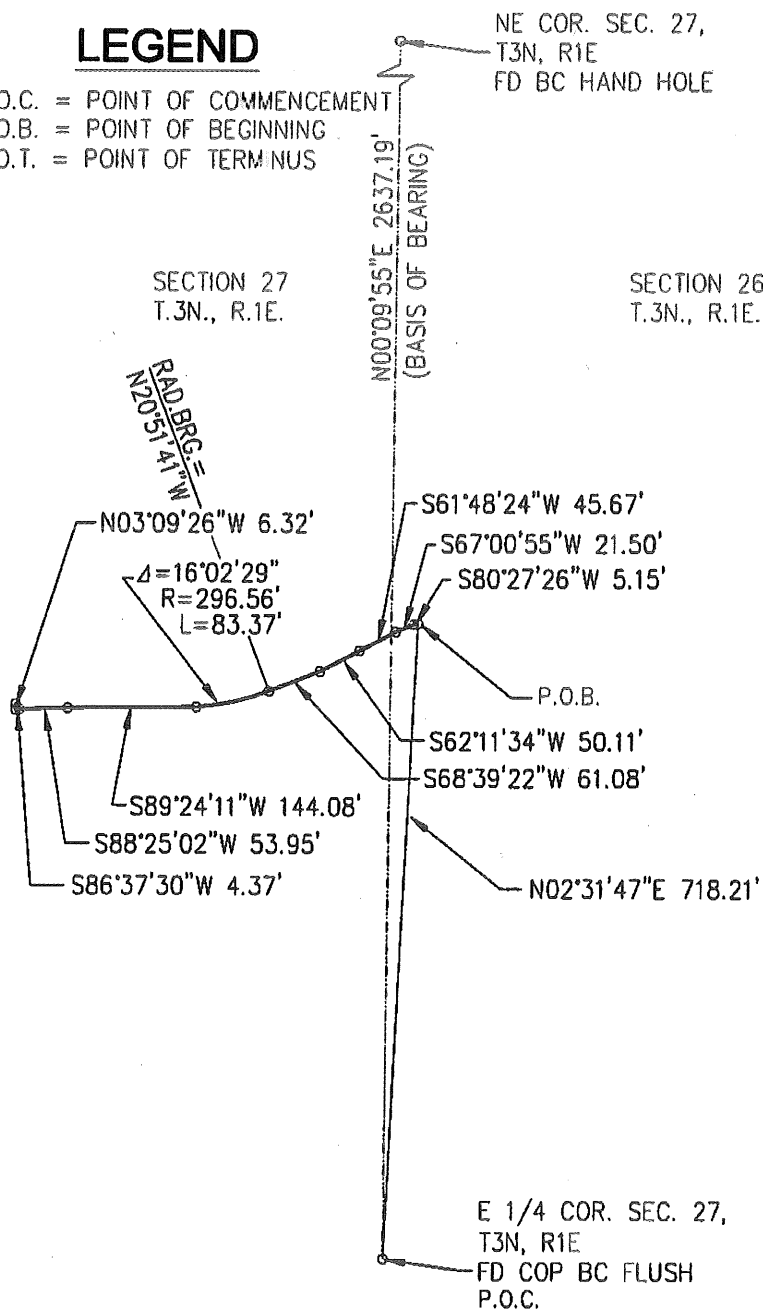
NOTE: THE SIDELINE BOUNDARIES OF SAID STRIP ARE TO BE SHORTENED OR LENGTHENED SO AS TO INTERSECT AT ALL ANGLE POINTS.

SAID STRIP CONTAINS 3,805 SQUARE FEET OR 0.0873 ACRES, MORE OR LESS.



## LEGEND

P.O.C. = POINT OF COMMENCEMENT  
P.O.B. = POINT OF BEGINNING  
P.O.T. = POINT OF TERMINUS



NOTE: THIS EXHIBIT IS MEANT SOLELY AS A REFERENCE TO THE LEGAL DESCRIPTION TO WHICH IT IS ATTACHED. IT IS NOT TO BE CONSIDERED A STAND ALONE DOCUMENT, NOR THE RESULT OF A FIELD SURVEY.

BOWMAN CG	<b>SOUTHWEST GAS CORPORATION</b> CITY OF PEORIA SECTIONS 27 T.3N., R.1E., G.&S.R.M., MARICOPA COUNTY, ARIZONA	EXHIBIT "B"
SOUTHWEST GAS		WR# 3111897
EASEMENT #1		DATE: 11/09/16
JOB 9558-01-003		DRAWN BY: MJS
TASK 185		CHECKED BY: KG

SHEET 1

**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 12C.

Date Prepared: 8/20/2018

Council Meeting Date: 9/4/2018

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**TO:** Jeff Tyne, City Manager  
**THROUGH:** Katie Gregory, Deputy City Manager  
**FROM:** Adina Lund, P.E., Development and Engineering Director  
**SUBJECT:** Maintenance Improvement District No. 1220, 71 Oaks, 71st Avenue and Thunderbird Road

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**Purpose:**

Discussion and possible action to approve the Petition for Formation, adopt **RES. 2018-86** Intention and ordering the formation of proposed Maintenance Improvement District No. 1220, 71 Oaks, located at 71st Avenue and Thunderbird Road; and adopt **RES. 2018-87** 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. 1220, 71 Oaks, located at 71st Avenue & Thunderbird Road. 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 71 Oaks was approved by the City on August 14, 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. 1220, 71 Oaks, located at 71st Avenue & Thunderbird Road 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**

[ 1220 ]  
MID#

[ 71 OAKS ]  
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. Area of District. 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 12.5 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. Purpose. 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. Public Convenience and Necessity. 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. Waiver and Consent. 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.

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  
\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_.

<u>Courtland Communities</u> Print Property Owner Name <u>Brian Mings</u> Print Name  Signature	Date: <u>6/19/18</u>	Property (Tax Parcel Numbers) <u>200-68-003A</u> <u>200-68-063</u> <u>200-68-064</u> <u>200-68-065</u>
_____ Print Property Owner Name _____ Print Name _____ Address _____ Signature	Date: _____	Property (Tax Parcel Numbers) _____

Accepted and approved by:

CITY OF PEORIA, ARIZONA, an  
ARIZONA MUNICIPAL CORPORATION

ATTEST:

By \_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

RESOLUTION NO. 2018-86

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PEORIA, ARIZONA, DECLARING ITS INTENTION TO CREATE AN IMPROVEMENT DISTRICT TO MAINTAIN LANDSCAPING INCLUDED WITHIN, NEAR AND ADJACENT TO A PARKWAY AND RELATED FACILITIES TOGETHER WITH APPURTENANT STRUCTURES AS SHOWN ON THE PLANS, FOR MAINTENANCE WITHIN AN AREA IN THE CITY OF PEORIA AS DESCRIBED HEREIN; ADOPTING PLANS FOR CITY OF PEORIA MAINTENANCE IMPROVEMENT DISTRICT NO. 1220, 71 OAKS, 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 PERFORMED UNDER ARIZONA 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



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.

"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. 1220 filed with the Clerk prior to the adoption of this Resolution.

"Superintendent of Streets" shall mean the City Engineer.

**Section 2. Declaration of Intention to Order an 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. 1220

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. 1220.

**Section 3. Determination of Need.**

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. Preparation of Assessment Diagrams.**

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. Statutory Authority.**

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.

**Section 9. Delegation of Authority.**

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 4<sup>th</sup> day of September, 2018.

**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: \_\_\_\_\_

#### 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. 2018-86 duly passed by the Mayor and Council of the City of Peoria, Arizona at a regular meeting held on September 4, 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

**MID DESCRIPTION  
71 OAKS**

A PARCEL OF LAND BEING SITUATED WITHIN THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 3 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND 3 INCH CITY OF PEORIA BRASS CAP IN HAND HOLE ACCEPTED AS THE SOUTH QUARTER CORNER OF SAID SECTION 12 FROM WHICH A FOUND 3 INCH CITY OF PEORIA BRASS CAP IN HAND HOLE ACCEPTED AS THE SOUTHWEST CORNER THEREOF BEARS NORTH 89°27'19" WEST, 2657.83 FEET;

THENCE NORTH 89°27'19" WEST, 664.46 FEET ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER;

THENCE LEAVING SAID SOUTH LINE, NORTH 01°50'22" EAST, 817.79 FEET ALONG THE WEST LINE OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SAID SOUTHWEST QUARTER;

THENCE LEAVING SAID WEST LINE, SOUTH 89°24'21" EAST, 127.51 FEET;

THENCE NORTH 48°22'33" EAST, 6.43 FEET;

THENCE SOUTH 89°24'10" EAST, 532.53 FEET ALONG THE SOUTH LINE OF THE AMENDED FINAL PLAT FOR REDFIELD ESTATES, AS RECORDED IN BOOK 328, PAGE 40, MARICOPA COUNTY RECORDS, ARIZONA;

THENCE LEAVING SAID SOUTH LINE, SOUTH 01°51'29" WEST, 821.51 FEET ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS A COMPUTED AREA OF 545,467 SQ. FT. (12.5222 ACRES) MORE OR LESS AND BEING SUBJECT TO ANY EASEMENTS, RESTRICTIONS, RIGHTS-OF-WAY OF RECORD OR OTHERWISE.

THE DESCRIPTION SHOWN HEREON IS NOT TO BE USED TO VIOLATE ANY SUBDIVISION REGULATION OF THE STATE, COUNTY AND/OR MUNICIPALITY OR ANY LAND DIVISION RESTRICTIONS.

PREPARED BY: HILGARTWILSON, LLC  
2141 E. HIGHLAND AVENUE, SUITE 250  
PHOENIX, AZ 85016  
PROJECT NO. 1726  
DATE: JANUARY 2018



EXHIBIT "B"

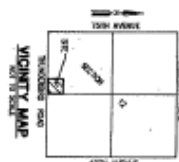
IS ON FILE IN THE

CITY OF PEORIA  
CITY CLERK'S OFFICE  
8401 W. MONROE STREET  
PEORIA, AZ 85345



ASSESSMENT DIAGRAM  
MAINTENANCE IMPROVEMENT DISTRICT #1220  
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



### LEGAL DESCRIPTION

[illegible]

## NOTES

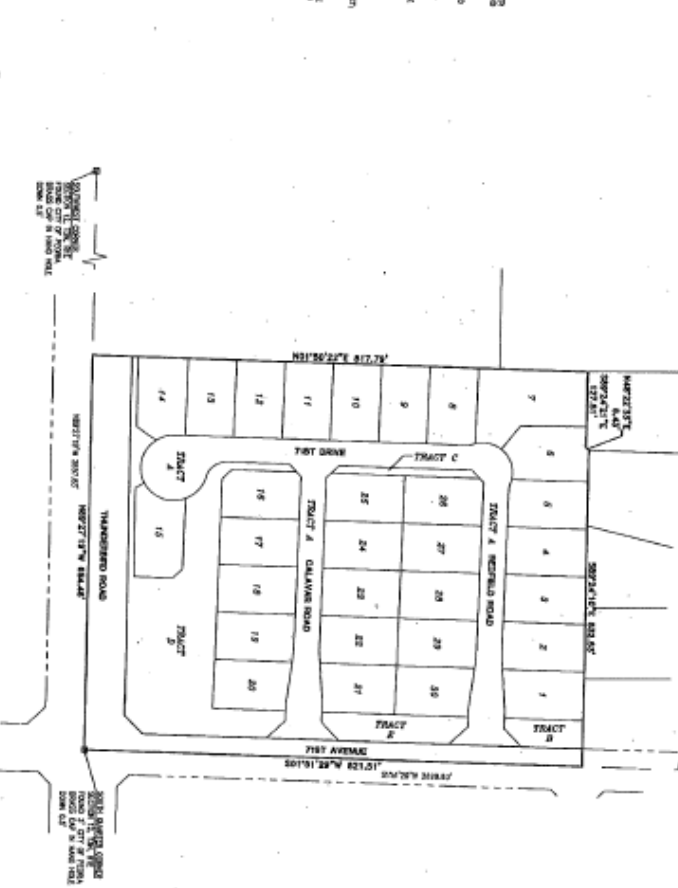
[illegible]

OWNER:

STANLEY & COMPANY, LTD.  
1000 N. 7TH AVENUE, STE. 10  
P.O. BOX 10000, MILWAUKEE  
WISCONSIN 53210-1000  
PHONE: (414) 779-7000 EXT. 10  
CABLE: STANBY WIS

**ENGINEER:**

THAT E. MORGAN AVE  
SUITE 1150  
PHOENIX, ARIZONA 85016  
P61 (602) 990-0911  
FAX (602) 386-2438  
CONTACT: JACOB HILCHERT



1994-95	1995-96	1996-97	1997-98	1998-99	1999-00	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
1994-95	1995-96	1996-97	1997-98	1998-99	1999-00	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
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1994-95	1995-96	1996-97	1997-98	1998-99	1999-00	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
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1994-95	1995-96	1996-97	1997-98	1998-99	1999-00	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
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1994-95	1995-96	1996-97	1997-98	1998-99	1999-00	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
1994-95	1995-96	1996-97	1997-98	1998-99	1999-00	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
1994-95	1995-96	1996-97	1997-98	1998-99	1999-00	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
1994-95	1995-96	1996-97	1997-98	1998-99	1999-00	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
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1994-95	1995-96	1996-97	1997-98	1998-99	1999-00	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
1994-95	1995-96	1996-97	1997-98	1998-99	1999-00	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
1994-95	1995-96	1996-97	1997-98	1998-99	1999-00	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
1994-95	1995-96	1996-97	1997-98	1998-99	1999-00	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
1994-95	1995-96	1996-97	1997-98	1998-99	1999-00	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
1994-95	1995-96	1996-97	1997-98	1998-99	1999-00	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
1994-95	1995-96	1996-97	1997-98	1998-99	1999-00	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
1994-95	1995-96	1996-97	1997-98	1998-99	1999-00	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
1994-95	1995-96	1996-97	1997-98	1998-99	1999-00	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
1994-95	1995-96	1996-97	1997-98	1998-99	1999-00	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
1994-95	1995-96	1996-97	1997-98	1998-99	1999-00	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
1994-95	1995-96	1996-97	1997-98	1998-99	1999-00	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
1994-95	1995-96	1996-97	1997-98	1998-99	1999-00	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
1994-95	1995-96	1996-97	1997-98	1998-99	1999-00	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
1994-95	1995-96	1996-97	1997-98	1998-99	1999-00	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
1994-95	1995-96	1996-97	1997-98	1998-99	1999-00	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
1994-95	1995-96	1996-97	1997-98	1998-99	1999-00	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
1994-95	1995-96	1996-97	1997-98	1998-99	1999-00	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
1994-95	1995-96	1996-97	1997-98	1998-99	1999-00	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
1994-95	1995-96	1996-97	1997-98	1998-99	1999-00	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
1994-95	1995-96	1996-97	1997-98	1998-99	1999-00	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
1994-95	1995-96	1996-97	1997-98	1998-99	1999-00	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16
1994-95	1995-96	1996-97	1997-98	19																	

## CERTIFICATION

APPLICANT ORGANIZATION NAME: \_\_\_\_\_ DAY OF THE MONTH: \_\_\_\_\_  
 CITY: \_\_\_\_\_ DISTRICT: \_\_\_\_\_

### LEGEND

44 LOT NUMBER

## MAINTENANCE IMPROVEMENT DISTRICT #1220

CITY OF PEORIA, ENGINEERING DEPT. 5057 N. 65TH AVE. PEORIA, IL 61605	DATE: JUL 2008	SCALE: 1" = 40'	SHEET 1 OF 1
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**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. 1220, 71 OAKS.

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 4<sup>th</sup> day of September, 2018 the Mayor and Council of the City of Peoria adopted Resolution No. 2018-87; 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. 1220, 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. 1220 may be obtained by contacting Ms. Adina Lund, Engineering Director, City of Peoria, Arizona, 8401 West Monroe, Peoria, Arizona 85345, (623) 773-7691.

DATED AND SIGNED this \_\_\_\_ day of \_\_\_\_\_, 2018.

---

Adina Lund, P.E.  
Superintendent of Streets  
City of Peoria, Arizona

RESOLUTION NO. 2018-87

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. 1220, 71 OAKS; 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. 1220.

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 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. 1220 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. 1220 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. 1220 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. 1220.

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. 1220 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.

SECTION 5. Any Resolutions or parts of Resolutions in conflict with the provisions of this Resolution are hereby repealed.

SECTION 6. 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 City of Peoria, Arizona as required by law and is exempt from the referendum

Resolution No. 2018-87  
MID 1220, 71 Oaks  
September 4, 2018  
Page 3 of 6 Pages

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 4<sup>th</sup> day of September, 2018.

**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: \_\_\_\_\_

**MID DESCRIPTION  
71 OAKS**

A PARCEL OF LAND BEING SITUATED WITHIN THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 3 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND 3 INCH CITY OF PEORIA BRASS CAP IN HAND HOLE ACCEPTED AS THE SOUTH QUARTER CORNER OF SAID SECTION 12 FROM WHICH A FOUND 3 INCH CITY OF PEORIA BRASS CAP IN HAND HOLE ACCEPTED AS THE SOUTHWEST CORNER THEREOF BEARS NORTH 89°27'19" WEST, 2657.83 FEET;

THENCE NORTH 89°27'19" WEST, 664.46 FEET ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER;

THENCE LEAVING SAID SOUTH LINE, NORTH 01°50'22" EAST, 817.79 FEET ALONG THE WEST LINE OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SAID SOUTHWEST QUARTER;

THENCE LEAVING SAID WEST LINE, SOUTH 89°24'21" EAST, 127.51 FEET;

THENCE NORTH 48°22'33" EAST, 6.43 FEET;

THENCE SOUTH 89°24'10" EAST, 532.53 FEET ALONG THE SOUTH LINE OF THE AMENDED FINAL PLAT FOR REDFIELD ESTATES, AS RECORDED IN BOOK 328, PAGE 40, MARICOPA COUNTY RECORDS, ARIZONA;

THENCE LEAVING SAID SOUTH LINE, SOUTH 01°51'29" WEST, 821.51 FEET ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS A COMPUTED AREA OF 545,467 SQ. FT. (12.5222 ACRES) MORE OR LESS AND BEING SUBJECT TO ANY EASEMENTS, RESTRICTIONS, RIGHTS-OF-WAY OF RECORD OR OTHERWISE.

THE DESCRIPTION SHOWN HEREON IS NOT TO BE USED TO VIOLATE ANY SUBDIVISION REGULATION OF THE STATE, COUNTY AND/OR MUNICIPALITY OR ANY LAND DIVISION RESTRICTIONS.

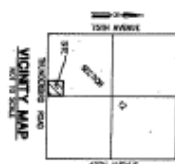
PREPARED BY: HILGARTWILSON, LLC  
2141 E. HIGHLAND AVENUE, SUITE 250  
PHOENIX, AZ 85016  
PROJECT NO. 1726  
DATE: JANUARY 2018



EXHIBIT "B"

IS ON FILE IN THE

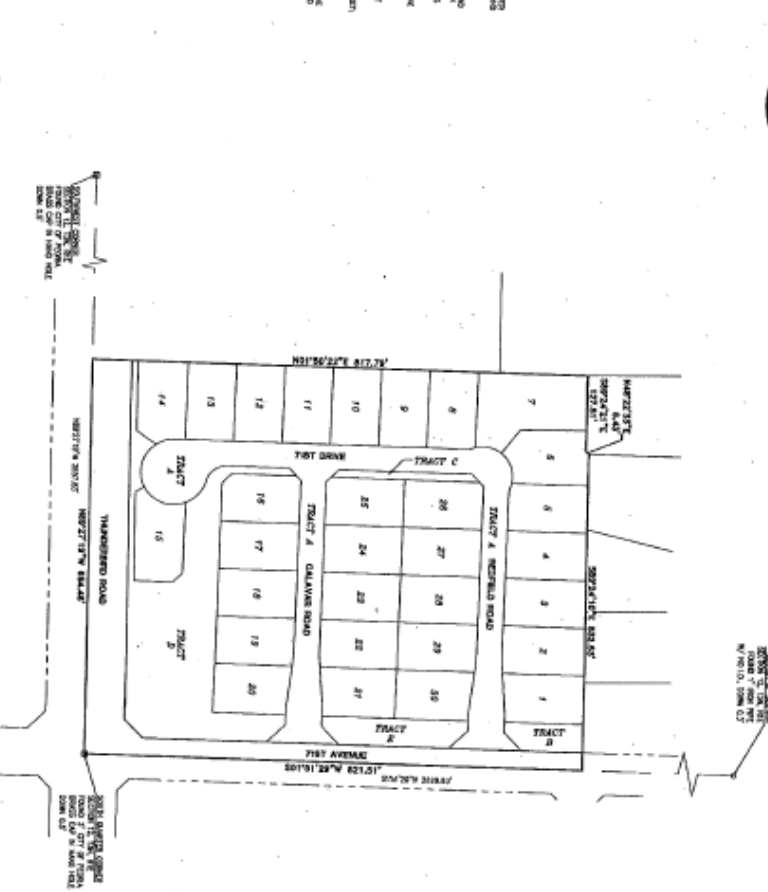
CITY OF PEORIA  
CITY CLERK'S OFFICE  
8401 W. MONROE STREET  
PEORIA, AZ 85345

[illegible]

THE APPOINTED OFFICER IS FOR THE EXPIRED PERIOD IF HE/SHE IS NOT REAPPOINTED OR EXTENDED BY THE APPOINTING AGENCY. IT IS ALSO THE POLICE DEPARTMENT'S POLICY TO REAPPOINT THE EXPIRED AND REELECTED OFFICER TO THE NEXT TERM OF THE EXPIRED PERIOD. THE APPOINTING AGENCY SHALL BE ADVISED OF THE EXPIRED PERIOD OF THE APPOINTED OFFICER. THE APPOINTING AGENCY SHALL BE ADVISED OF THE EXPIRED PERIOD OF THE APPOINTED OFFICER. THE APPOINTING AGENCY SHALL BE ADVISED OF THE EXPIRED PERIOD OF THE APPOINTED OFFICER.

STANLEY & COMPANY, LTD.  
100 N. 7TH AVENUE, 5TH FLOOR  
CHICAGO, ILLINOIS 60602  
PHONE: (312) 786-7200 EXT. 10  
CABLE: STANLEY

7700 WILSON BLVD  
THIRD FLOOR  
SUITE 400  
PHOENIX, ARIZONA 85018  
PH (602) 960-0800  
FAX (602) 960-0808  
CONTACT: JASON WILSON



Model	Model description	2013-14 N/A=0	2014-15 N/A=0	2015-16 N/A=0
Model A	CONCRETE CONCRETE	5.07	5.29	5.29
Model B	CONCRETE CONCRETE	5.07	5.29	5.29
Model C	CONCRETE CONCRETE	5.07	5.29	5.29
Model D	CONCRETE CONCRETE	5.07	5.29	5.29
Model E	CONCRETE CONCRETE	5.07	5.29	5.29
Model F	CONCRETE CONCRETE	5.07	5.29	5.29
Model G	CONCRETE CONCRETE	5.07	5.29	5.29
Model H	CONCRETE CONCRETE	5.07	5.29	5.29
Model I	CONCRETE CONCRETE	5.07	5.29	5.29
Model J	CONCRETE CONCRETE	5.07	5.29	5.29
Model K	CONCRETE CONCRETE	5.07	5.29	5.29
Model L	CONCRETE CONCRETE	5.07	5.29	5.29
Model M	CONCRETE CONCRETE	5.07	5.29	5.29
Model N	CONCRETE CONCRETE	5.07	5.29	5.29
Model O	CONCRETE CONCRETE	5.07	5.29	5.29
Model P	CONCRETE CONCRETE	5.07	5.29	5.29
Model Q	CONCRETE CONCRETE	5.07	5.29	5.29
Model R	CONCRETE CONCRETE	5.07	5.29	5.29
Model S	CONCRETE CONCRETE	5.07	5.29	5.29
Model T	CONCRETE CONCRETE	5.07	5.29	5.29
Model U	CONCRETE CONCRETE	5.07	5.29	5.29
Model V	CONCRETE CONCRETE	5.07	5.29	5.29
Model W	CONCRETE CONCRETE	5.07	5.29	5.29
Model X	CONCRETE CONCRETE	5.07	5.29	5.29
Model Y	CONCRETE CONCRETE	5.07	5.29	5.29
Model Z	CONCRETE CONCRETE	5.07	5.29	5.29

[illegible]

44 LOT NUMBER

CITY OF PEORIA, ENGINEERING DEPT. 5057 N. 65TH AVE. PEORIA, AZ 85903	NO. 6647122.000	08 SEP 2008	520000.0° = 00°	301.1 0°
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**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 13C.

Date Prepared: 8/21/2018

Council Meeting Date: 9/4/2018

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**TO:** Jeff Tyne, City Manager

**THROUGH:** Katie Gregory, Deputy City Manager

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

**SUBJECT:** Maintenance Improvement District No. 1222, Trenton Park, 99th Avenue and Olive Avenue

---

**Purpose:**

Discussion and possible action to approve the Petition for Formation, adopt **RES. 2018-88** Intention and ordering the formation of proposed Maintenance Improvement District No. 1222, Trenton Park, located at 99th Avenue & Olive Avenue; and adopt **RES. 2018-89** 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. 1222, Trenton Park, located at 99th Avenue & Olive Avenue. 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 Trenton Park was approved by the City on August 14, 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. 1222, Trenton Park, located at 99th Avenue & Olive Avenue 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**

[ 1222 ]  
MID#

[ Trenton Park ]  
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. Area of District. 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 9.58 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. Purpose. 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. Public Convenience and Necessity. 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. Waiver and Consent. 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.

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  
\_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

<u>GWH Ticonder Park, LLC</u> Print Property Owner Name  <u>Rick Teyrien</u> Print Name 	Date:  <u>5-29-2018</u>	Property (Tax Parcel Numbers)  <u>142-54-006L</u>
  _____ Print Property Owner Name  _____ Print Name  _____ Address  _____ Signature	Date:  _____	Property (Tax Parcel Numbers)  _____

Accepted and approved by:

CITY OF PEORIA, ARIZONA, an  
ARIZONA MUNICIPAL CORPORATION

ATTEST:

By \_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

RESOLUTION NO. 2018-88

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PEORIA, ARIZONA, DECLARING ITS INTENTION TO CREATE AN IMPROVEMENT DISTRICT TO MAINTAIN LANDSCAPING INCLUDED WITHIN, NEAR AND ADJACENT TO A PARKWAY AND RELATED FACILITIES TOGETHER WITH APPURTENANT STRUCTURES AS SHOWN ON THE PLANS, FOR MAINTENANCE WITHIN AN AREA IN THE CITY OF PEORIA AS DESCRIBED HEREIN; ADOPTING PLANS FOR CITY OF PEORIA MAINTENANCE IMPROVEMENT DISTRICT NO. 1222, TRENTON PARK, 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 PERFORMED UNDER ARIZONA 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

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.

"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. 1222 filed with the Clerk prior to the adoption of this Resolution.

"Superintendent of Streets" shall mean the City Engineer.

**Section 2. Declaration of Intention to Order an 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. 1222

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. 1222.

**Section 3. Determination of Need.**

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. Preparation of Assessment Diagrams.**

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. Statutory Authority.**

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.



**Section 9. Delegation of Authority.**

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 4<sup>th</sup> day of September, 2018.

**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: \_\_\_\_\_

#### 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. 2018-88 duly passed by the Mayor and Council of the City of Peoria, Arizona at a regular meeting held on September 4, 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



PAGE 1 OF 1



May 24, 2018  
PROJECT # 050405-01-001

#### LEGAL DESCRIPTION

#### TRENTON PARK MAINTENANCE IMPROVEMENT DISTRICT #1222

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 3 NORTH, RANGE 1 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY ARIZONA, DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE SOUTHWEST CORNER OF SAID SECTION 28, BEING MARKED BY A BRASS CAP IN HAND HOLE, FROM WHICH POINT THE SOUTH QUARTER CORNER OF SAID SECTION 28, BEING MARKED BY A BRASS CAP IN HAND HOLE, BEARS NORTH 88°04'33" EAST, A DISTANCE OF 2646.85 FEET;

THENCE NORTH 88°04'33" EAST, ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 265.00 FEET TO THE **POINT OF BEGINNING**;

THENCE DEPARTING SAID SOUTH LINE, NORTH 01°51'39" WEST, A DISTANCE OF 367.05 FEET;

THENCE NORTH 37°03'29" EAST, A DISTANCE OF 690.63 FEET;

THENCE NORTH 00°41'05" EAST, A DISTANCE OF 118.42 FEET;

THENCE NORTH 88°22'03" EAST, A DISTANCE OF 150.62 FEET;

THENCE SOUTH 00°03'33" WEST, A DISTANCE OF 1022.04 FEET TO THE SOUTH LINE OF SAID SOUTHWEST QUARTER;

THENCE SOUTH 88°04'33" WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 555.50 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 417,196 SQ.FT. OR 9.5775 ACRES, MORE OR LESS.

EXHIBIT "B"

IS ON FILE IN THE

CITY OF PEORIA  
CITY CLERK'S OFFICE  
8401 W. MONROE STREET  
PEORIA, AZ 85345



**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. 1222,  
TRENTON PARK.

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 4<sup>th</sup> day of September, 2018 the Mayor and Council of the City of Peoria adopted Resolution No. 2018-89; 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. 1222, 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. 1222 may be obtained by contacting Ms. Adina Lund, Engineering Director, City of Peoria, Arizona, 8401 West Monroe, Peoria, Arizona 85345, (623) 773-7691.

DATED AND SIGNED this \_\_\_\_ day of \_\_\_\_\_, 2018.

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Adina Lund, P.E.  
Superintendent of Streets  
City of Peoria, Arizona

RESOLUTION NO. 2018-89

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. 1222, TRENTON PARK; 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. 1222.

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

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. 1222 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. 1222 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. 1222 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. 1222.

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. 1222 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.

SECTION 5. Any Resolutions or parts of Resolutions in conflict with the provisions of this Resolution are hereby repealed.

SECTION 6. 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. 2018-89  
MID 1222, Trenton Park  
September 4, 2018  
Page 3 of 6 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 4<sup>th</sup> day of September, 2018.

**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: \_\_\_\_\_



PAGE 1 OF 1



May 24, 2018  
PROJECT # 050405-01-001

#### LEGAL DESCRIPTION

#### TRENTON PARK MAINTENANCE IMPROVEMENT DISTRICT #1222

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 3 NORTH, RANGE 1 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY ARIZONA, DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE SOUTHWEST CORNER OF SAID SECTION 28, BEING MARKED BY A BRASS CAP IN HAND HOLE, FROM WHICH POINT THE SOUTH QUARTER CORNER OF SAID SECTION 28, BEING MARKED BY A BRASS CAP IN HAND HOLE, BEARS NORTH 88°04'33" EAST, A DISTANCE OF 2646.85 FEET;

THENCE NORTH 88°04'33" EAST, ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 265.00 FEET TO THE **POINT OF BEGINNING**;

THENCE DEPARTING SAID SOUTH LINE, NORTH 01°51'39" WEST, A DISTANCE OF 367.05 FEET;

THENCE NORTH 37°03'29" EAST, A DISTANCE OF 690.63 FEET;

THENCE NORTH 00°41'05" EAST, A DISTANCE OF 118.42 FEET;

THENCE NORTH 88°22'03" EAST, A DISTANCE OF 150.62 FEET;

THENCE SOUTH 00°03'33" WEST, A DISTANCE OF 1022.04 FEET TO THE SOUTH LINE OF SAID SOUTHWEST QUARTER;

THENCE SOUTH 88°04'33" WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 555.50 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 417,196 SQ.FT. OR 9.5775 ACRES, MORE OR LESS.

**EXHIBIT "B"**

**IS ON FILE IN THE**

**CITY OF PEORIA**  
**CITY CLERK'S OFFICE**  
**8401 W. MONROE STREET**  
**PEORIA, AZ 85345**



**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 14C.

Date Prepared: 8/21/2018

Council Meeting Date: 9/4/2018

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**TO:** Jeff Tyne, City Manager

**THROUGH:** Katie Gregory, Deputy City Manager

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

**SUBJECT:** Street Light Improvement District No. 1133, Trenton Park, 99th Avenue and Olive Avenue

---

**Purpose:**

Discussion and possible action to approve the Petition for Formation and adopt **RES. 2018-90** intention and ordering the formation of proposed Street Light Improvement District No. 1133, Trenton Park, located at 99th Avenue and Olive Avenue; and adopt **RES. 2018-91** ordering the improvements within the proposed Street Light Improvement District and declaring an emergency.

**Summary:**

The purpose of the Streetlight Improvement District is for the purchase of electricity for lighting the streets and public parks within the proposed district.

Pursuant to the provisions of A.R.S. §48-616, et seq., Mayor and Council are empowered to adopt a resolution ordering the formation of a Street Light Improvement District. A Petition, Resolution of Intention and Resolution Ordering the Improvements are attached for formation of City of Peoria Street Light Improvement District No. 1133, Trenton Park, located at 99th Avenue and Olive Avenue. 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 immediately adopt a Resolution Ordering the improvements once the Resolution of Intention is first adopted. The Resolution ordering the improvements finalizes the formation of the Street Light Improvement District process.

Under Arizona State law, commencing in October 2019, the residents will receive, on their property tax bill, an additional charge for operation of the street light system. 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 Trenton Park was approved by the Council on September 4, 2018.

**Options:**

**A:** The Street Light Improvement District has been approved through the Development and Engineering Department. An option would be to not accept the proposed Street Light Improvement District. It should be noted that not approving the Street Light Improvement District will prevent the purchase of electricity for lighting the streets and public parks within the proposed district from being assessed on the property tax bill.

**B:** The other option would be to formally approve the Street Light Improvement District to allow for the taxing district to be recorded and fees assessed to the property tax bills.

**Staff Recommendation:**

Staff recommends for City Council to approve the Petition for Formation and adopt the Resolution of Intention and Resolution Ordering the Improvements for the proposed Street Light Improvement District No. 1133, Trenton Park, located at 99th Avenue and Olive Avenue, and authorize the City Clerk to record the Street Light Improvement District with the Maricopa County Recorder's Office subject to the following stipulations:

1. All civil and street light plans must be approved by the City of Peoria (City) prior to recordation of the Street Light 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 Street Light Improvement District.
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 Street Light Improvement District. However, the City would incur the cost associated with the purchase of electricity for lighting the streets and public parks within the proposed district should the taxing district not be approved and recorded.

**ATTACHMENTS:**

Exhibit 1: Petition for Formation

Exhibit 2: Proposed Resolution of Intention to Create

Exhibit 3: Proposed Resolution Ordering the Improvements

**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**

[ 1133 ]  
SLID#  
[ Trenton Park ]  
Subdivision Name

To: Honorable Mayor and Council  
City of Peoria, Arizona

Pursuant to Arizona Revised Statutes, Section 48-617, the undersigned property owner respectfully petitions the City Council of the City of Peoria, Arizona (City Council) to order the formation of a Municipal Street Light Improvement District under Arizona Revised Statutes, Title 48, Chapter 4, Article 2. In support of this petition, the undersigned agree to waive certain rights under the Arizona Improvement District Law and to consent to the formation and completion of the District.

1. Area of District. The proposed district is described by a map and by a legal description on Exhibit "A", which is attached hereto and incorporated herein by reference. The proposed district consists of 9.58 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. Purpose. The district is proposed to be formed for the purpose of the purchase of electricity for lighting the streets and public parks within the proposed district.
4. Public Convenience and Necessity. The necessity for the proposed district is the purchase of electricity for lighting the streets and public parks within the proposed district by the levying of special assessments in the proposed district.
5. Waiver and Consent. 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;
  - (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.

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 \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

<u>GWH Trenton Park, LLC</u> Print Property Owner Name <hr/> Print Name <u>Rick Tavrien</u> <hr/> Address  <hr/> Signature  <hr/>	Date: <u>5-29-2018</u> <hr/>	Property (Tax Parcel Numbers)  <u>142-54-006L</u> <hr/>
<hr/> Print Property Owner Name <hr/> Print Name <hr/> Address <hr/> Signature <hr/>	Date: <hr/>	Property (Tax Parcel Numbers) <hr/>

Accepted and approved by:

CITY OF PEORIA, ARIZONA, an  
ARIZONA MUNICIPAL CORPORATION

ATTEST:

By \_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney



RESOLUTION NO. 2018-90

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA DECLARING ITS INTENTION TO ORDER THE PURCHASE OF ELECTRICITY FOR LIGHTING THE STREETS AND PUBLIC PARKS WITHIN THE PROPOSED DISTRICT AND THAT THE COST OF THE PURCHASE OF ELECTRICITY FOR LIGHTING THE STREETS AND PUBLIC PARKS, BE ASSESSED UPON A CERTAIN IMPROVEMENT DISTRICT TO BE KNOWN AS CITY OF PEORIA STREETLIGHT IMPROVEMENT DISTRICT NO. 1133, TRENTON PARK; PROVIDING THAT THE COST OF THE ELECTRICITY REQUIRED TO OPERATE THE SYSTEM 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 purchase of electricity for lighting the streets and public parks within the proposed district.

The estimate of the cost and expenses for the purchase of electricity for the operation of the streetlights 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 streetlights and the electricity, 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 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 purchase of electricity be chargeable upon a district to be known and designated as the City of Peoria

Streetlight Improvement District No. 1133 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 purchase of electricity for streetlights 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 purchase of electricity for streetlights 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 Streetlight Improvement District No. 1133 and if a portion of the costs and expenses for the purchase of electricity for streetlights is for the general public benefit, the City shall assess the boundaries of the City of Peoria Streetlight Improvement District No. 1133 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 Streetlight Improvement District No. 1133.

SECTION 3. The costs and expense for the purchase of electricity for streetlights 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 Streetlight Improvement District No. 1133 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 Streetlight 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 Statutes.

SECTION 5. Any Resolutions or parts of Resolutions in conflict with the provisions of this Resolution are hereby repealed.

SECTION 6. 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 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.

Resolution No. 2018-90  
SLID 1133, Trenton Park  
September 4, 2018  
Page 3 of 6 Pages

PASSED AND ADOPTED by the Mayor and Council of the City of  
Peoria, Arizona, this 4<sup>th</sup> day of September, 2018.

**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: \_\_\_\_\_



PAGE 1 OF 1

May 24, 2018  
PROJECT # 050405-01-001



#### LEGAL DESCRIPTION

#### TRENTON PARK STREET LIGHT IMPROVEMENT DISTRICT #1133

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 3 NORTH, RANGE 1 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY ARIZONA, DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE SOUTHWEST CORNER OF SAID SECTION 28, BEING MARKED BY A BRASS CAP IN HAND HOLE, FROM WHICH POINT THE SOUTH QUARTER CORNER OF SAID SECTION 28, BEING MARKED BY A BRASS CAP IN HAND HOLE, BEARS NORTH 88°04'33" EAST, A DISTANCE OF 2646.85 FEET;

THENCE NORTH 88°04'33" EAST, ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 265.00 FEET TO THE **POINT OF BEGINNING**;

THENCE DEPARTING SAID SOUTH LINE, NORTH 01°51'39" WEST, A DISTANCE OF 367.05 FEET;

THENCE NORTH 37°03'29" EAST, A DISTANCE OF 690.63 FEET;

THENCE NORTH 00°41'05" EAST, A DISTANCE OF 118.42 FEET;

THENCE NORTH 88°22'03" EAST, A DISTANCE OF 150.62 FEET;

THENCE SOUTH 00°03'33" WEST, A DISTANCE OF 1022.04 FEET TO THE SOUTH LINE OF SAID SOUTHWEST QUARTER;

THENCE SOUTH 88°04'33" WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 555.50 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 417,196 SQ.FT. OR 9.5775 ACRES, MORE OR LESS.

**EXHIBIT "B"**

**IS ON FILE IN THE**

**CITY OF PEORIA**  
**CITY CLERK'S OFFICE**  
**8401 W. MONROE STREET**  
**PEORIA, AZ 85345**



## RESOLUTION NO. 2018-91

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA ORDERING THE IMPROVEMENTS OF CERTAIN STREETS AND RIGHTS-OF-WAY WITHIN THE CORPORATE LIMITS OF THE TOWN AND CREATING AN IMPROVEMENT DISTRICT KNOWN AS THE CITY OF PEORIA STREETLIGHT IMPROVEMENT DISTRICT NO. 1133, TRENTON PARK PURSUANT TO TITLE 48, CHAPTER 4, ARIZONA REVISED STATUTES AND AMENDMENTS THERETO FOR THE PURPOSE OF PURCHASING ELECTRICITY, WHICH INCLUDES A CHARGE FOR THE USE OF LIGHTING FACILITIES AND OTHER RELATED ITEMS TOGETHER WITH ALL APPURTENANT STRUCTURES AS SHOWN ON THE PLANS, AND DECLARING AN EMERGENCY.

WHEREAS on the 4<sup>th</sup> day of September, 2018, the Mayor and Council of the City of Peoria, Arizona, passed and adopted Resolution No. 2018-90, declaring its intention to order the purchase of electricity for lighting the streets and public parks within the proposed district and that the cost of the purchase of electricity for lighting the streets and public parks be assessed upon a certain improvement district, to be known as City of Peoria Streetlight Improvement District No. 1133; providing that the cost of the electricity required to operate the system be assessed under the provisions of Title 48, Chapter 4, Article 2, Arizona Revised Statutes, as amended; and declaring an emergency; and

WHEREAS, a copy of Resolution No. 2018-90 has been published in the Peoria Times, a newspaper published and generally circulated in the City, as required by law or alternatively a petition has been filed with the City Clerk having been signed by all the owners of the real property; and

WHEREAS, the Superintendent of Streets of the City caused to be posted along the streets of the District, no more than three hundred (300) feet apart, notices of the passage of Resolution No. 2018-90, said notices being headed "Notice of Proposed Improvement", each heading in letters at least one (1) inch in height. Said notices stated the fact of the passage of said Resolution of

Intention No. 2018-90 or alternatively a petition has been filed with the City Clerk having been signed by all the owners of the real property; and

WHEREAS, more than fifteen (15) days have elapsed since the date of the last publication of said Resolution of Intention No. 2018-90 and since the completion of the posting of said notices or alternatively a petition has been filed with the City Clerk having been signed by all the owners of the real property; and

WHEREAS, no protests against the proposed improvement and no objections to the extent of the District were filed with the Clerk of the City during the time prescribed by law; and

WHEREAS, the Mayor and Council of the City having acquired jurisdiction to order the improvements as described in Resolution No. 2018-90; and

WHEREAS, the City Engineer acting as District Engineer has prepared and presented to the Mayor and Council of the City duplicate diagrams of the property contained within the District ("the Diagram") and legal description copies of which are attached and incorporated as Exhibits A and B.

NOW THEREFORE IT IS RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, as follows:

Section 1. By virtue of the authority vested in the Mayor and Council of the City by Title 48, Chapter 4, Article 2, Arizona Revised Statutes and all amendments thereto, the Mayor and Council of the City orders the work or improvement done as described in Resolution No. 2018-90 and in accordance with the Plans and Specifications approved and adopted by the Mayor and Council of the City of Peoria, Arizona.

Section 2. The Superintendent of Streets of the City is authorized and directed to prepare and execute the notice of the passage of this Resolution, which is attached as Exhibit B. Such notice shall be posted and published as provided by law.

Section 3. That the Diagram, as prepared and presented to the Mayor and Council of the City is approved by the Mayor and Council of the City.

Section 4. That the Clerk of the City is authorized and directed to certify that the Diagram was approved by the Mayor and Council of the City on the 4<sup>th</sup> day of September, 2018 and after such certification, the Clerk of the City is authorized and directed to deliver the Diagram to the Superintendent of Streets of the City.



PASSED AND ADOPTED by the Mayor and Council of the City of  
Peoria, Arizona, this 4<sup>th</sup> day of September, 2018.

**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: \_\_\_\_\_



PAGE 1 OF 1

May 24, 2018  
PROJECT # 050405-01-001



**LEGAL DESCRIPTION**

**TRENTON PARK  
STREET LIGHT IMPROVEMENT DISTRICT #1133**

THAT PORTION OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 3 NORTH, RANGE 1 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY ARIZONA, DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE SOUTHWEST CORNER OF SAID SECTION 28, BEING MARKED BY A BRASS CAP IN HAND HOLE, FROM WHICH POINT THE SOUTH QUARTER CORNER OF SAID SECTION 28, BEING MARKED BY A BRASS CAP IN HAND HOLE, BEARS NORTH 88°04'33" EAST, A DISTANCE OF 2646.85 FEET;

THENCE NORTH 88°04'33" EAST, ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 265.00 FEET TO THE **POINT OF BEGINNING**;

THENCE DEPARTING SAID SOUTH LINE, NORTH 01°51'39" WEST, A DISTANCE OF 367.05 FEET;

THENCE NORTH 37°03'29" EAST, A DISTANCE OF 690.63 FEET;

THENCE NORTH 00°41'05" EAST, A DISTANCE OF 118.42 FEET;

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CONTAINING 417,196 SQ.FT. OR 9.5775 ACRES, MORE OR LESS.

**EXHIBIT "B"**

**IS ON FILE IN THE**

**CITY OF PEORIA**  
**CITY CLERK'S OFFICE**  
**8401 W. MONROE STREET**  
**PEORIA, AZ 85345**



**CITY OF PEORIA, ARIZONA  
NOTICE**

OF THE PASSAGE OF A RESOLUTION ORDERING  
THE IMPROVEMENT CONSISTING OF  
AUTHORIZING THE PURCHASE OF ELECTRICITY  
FOR LIGHTING THE STREETS AND PUBLIC PARKS  
FOR THE IMPROVEMENT DISTRICT KNOWN AS  
CITY OF PEORIA STREETLIGHT IMPROVEMENT  
DISTRICT NO. 1133, TRENTON PARK.

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 4<sup>th</sup> day of September, 2018, the Mayor and Council of the City of Peoria adopted Resolution No. 2018-91; ordering the improvements of certain streets and rights-of-way within the corporate limits of the town and creating an Improvement District known as the City of Peoria Streetlight Improvement District No. 1133, pursuant to Title 48, Chapter 4, Arizona Revised Statutes; and amendments thereto for the purpose of purchasing electricity, which includes a charge for the use of lighting facilities 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 Streetlight Improvement District No. 1133 may be obtained by contacting Mrs. Adina Lund, Engineering Director, City of Peoria, Arizona, 8401 West Monroe, Peoria, Arizona 85345, (623) 773-7691.

DATED AND SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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Adina Lund, P.E.  
Superintendent of Streets  
City of Peoria, Arizona

**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 15C.

Date Prepared: 8/22/2018

Council Meeting Date: 9/4/2018

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**TO:** Jeff Tyne, City Manager

**THROUGH:** Katie Gregory, Deputy City Manager

**FROM:** Adina Lund, Development and Engineering Director

**SUBJECT:** Amend Street Light Improvement District No. 73, Fletcher Heights Phase 1A

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**Purpose:**

Discussion and possible action to adopt **RES. 2018-97** approving the amendment to the Street Light Improvement District Assessment Diagram No. 73 - Fletcher Heights 1A.

**Summary:**

Maricopa County has brought to the City's attention that the City has two Streetlight Improvement Districts ("SLID"), which overlap each other and request that the City adjust the boundary of one of them to correct the overlapping SLID. Due to the error, residents are currently being charged for both SLID areas.

Pursuant to Arizona Revised Statute, Section 48-594, as amended and good cause appearing therefore, it is ordered that the ten (10) parcels as depicted on the attached **Exhibit A1 and A2**, are removed/excluded from Peoria Streetlight Improvement District No. 73 Fletcher Heights Phase 1A (MCR 1990-0174728). These parcels will continue to be included in SLID No. 1002, Fletcher Farms.

**Previous Actions/Background:**

- SLID No. 73 - Fletcher Heights Phase 1A in 1999
- SLID No. 1002 - Fletcher Farms was approved by Council in 2005

**Options:**

**A:** The Amended Assessment Diagram for Street Light Improvement District No. 73 has been approved through the Development and Engineering Department. An option would be to not accept the proposed Street Light Improvement District, which will result in the parcels continuing to be charged on their bill for both Streetlight Improvement Districts.

**B:** The other option would be to formally approve the Amended Assessment Diagram for Street Light Improvement District No. 73 to allow for the taxing district to be corrected.

**Fiscal Analysis:**

No fiscal impact.

**ATTACHMENTS:**

Resolution

Certifications, Modification of Assessment, SLID No. 73

**Contact Name and Number:**

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

RESOLUTION NO. 2018-97

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE  
CITY OF PEORIA, MARICOPA COUNTY, ARIZONA  
APPROVING MODIFICATION OF ASSESSMENT OF  
PEORIA STREETLIGHT IMPROVEMENT DISTRICT NO.  
73 FLETCHER HEIGHTS PHASE 1A, PEORIA, ARIZONA

WHEREAS, Maricopa County has brought it to the City's attention that the City has two Streetlight Improvement Districts ("SLID"), which overlap each other and request that the City adjust the boundary of one of them to correct the overlapping SLID; and

WHEREAS, the Council has considered the matter and has relied on the advice of its Superintendent of Streets (City Engineer) with respect to the need to correct the overlap between Peoria SLID No. 1002 Fletcher Farms - MCR 2005-0573654 and Peoria SLID No. 73 Fletcher Heights Phase 1A- MCR 1999-0174728.

NOW THEREFORE, be it resolved by the Mayor and Council of the City of Peoria, Maricopa County, Arizona as follows:

SECTION 1. Pursuant to Arizona Revised Statute, Section 48-594, as amended and good cause appearing therefore, it is ordered that the following ten (10) parcels as depicted on the attached Exhibit A, are removed/excluded from Peoria Streetlight Improvement District No. 73 Fletcher Heights Phase 1A (MCR 1999-0174728)

- (1) 200-19-0718
- (2) 200-19-0728
- (3) 200-19-0738
- (4) 200-19-0748
- (5) 200-19-0758

- (6) 200-19-0768
- (7) 200-19-0778
- (8) 200-19-0788
- (9) 200-19-0798
- (10) 200-19-0808



RES. 2018-97  
Modification of Assessment of Peoria SLID No. 73  
Fletcher Heights Phase 1A, Peoria, Arizona  
September 4, 2018  
Page 2

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria,  
Arizona, this 4<sup>th</sup> day of September, 2018.

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Cathy Carlat, Mayor

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Date Signed

ATTEST:

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Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

---

Vanessa P. Hickman, City Attorney

## CERTIFICATIONS REGARDING MODIFICATION OF ASSESSMENT

I hereby certify that I have checked the need to correct the overlap between Peoria SLID No. 1002 Fletcher Farms – MCR 2005-0573654 and Peoria SLID No. 73 Fletcher Heights Phase 1A – MCR 1999-0174728 and that remove/exclusion of the parcels from Peoria Streetlight Improvement District No. 73 Fletcher Heights Phase 1A - MCR 1999-0174728 is acceptable to me.

City of Peoria

\_\_\_\_\_  
Superintendent of Streets/City Engineer

The above and foregoing modification of assessments are approved, and it is hereby certified that the modified reduced assessments are correct based on the attached legal descriptions provided by the City of Peoria requesting the modification to correct the overlap between Peoria SLID No. 1002 Fletcher Farms – MCR 2005-0573654 and Peoria SLID No. 73 Fletcher Heights Phase 1A – MCR 1999-0174728 and that the modifications as set forth based on the attached legal descriptions is acceptable.

Engineer

\_\_\_\_\_  
Printed Name: \_\_\_\_\_

[Seal]



## EXHIBIT A1

### LEGAL DESCRIPTION

Commencing at the Northwest corner of Section 23, Township 4 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona said corner also being the intersection of 83rd Avenue and Deer Valley Road.

Thence along the North line of Section 23 North 89 degrees 34 minutes 06 seconds East, 2,344.77 feet to a point that bears South 89 degrees 34 minutes 06 seconds West 318.02 feet from the North Quarter corner of said Section 23;

Thence departing said North section line, South 00 degrees 07 minutes 51 seconds West, 264.54 feet to the POINT OF BEGINNING;

Thence continuing South 00 degrees 07 minutes 51 seconds West, 697.85 feet;

Thence South 22 degrees 22 minutes 09 seconds East, 28.09 feet;

Thence South 89 degrees 40 minutes 54 seconds West 34.75 feet;

Thence North 00 degrees 07 minutes 51 seconds East, 724.08 feet;

Thence South 89 degrees 52 minutes 09 seconds East, 24.00 feet to the POINT OF BEGINNING;

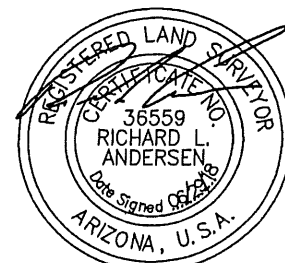
Page 1 of 4

**Title: SLID #73**  
**Fletcher Heights Phase 1A Subdivision**  
**Assessment Boundary Adjustment**

**Preparing Firm: TRACE Consulting, LLC**

**Address: 1201 E. Jefferson St., Suite 3, Phoenix, AZ 85034**

**Phone: (602) 680-8264**

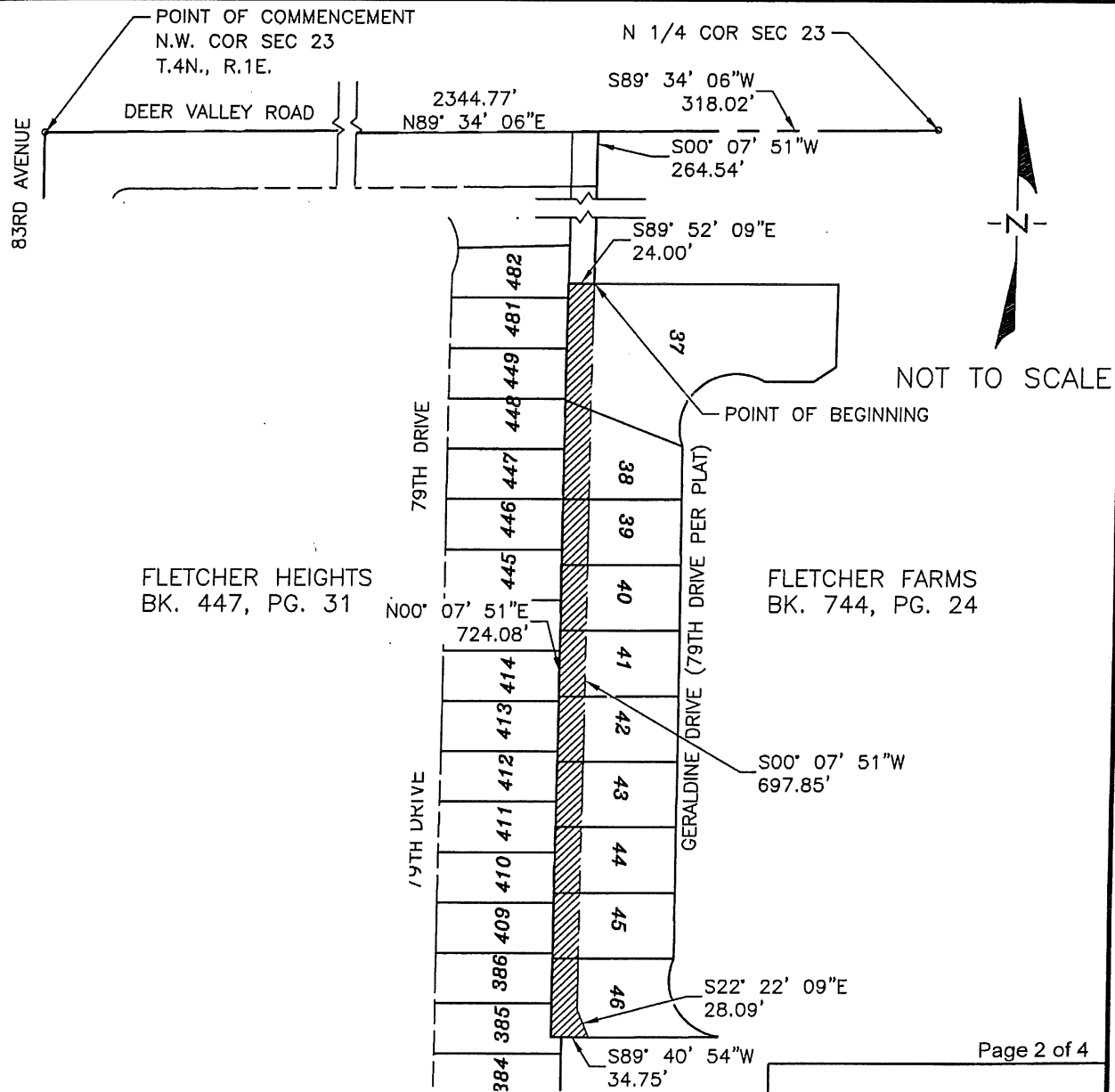


EXPIRES 12-31-19



# EXHIBIT A2

## SKETCH



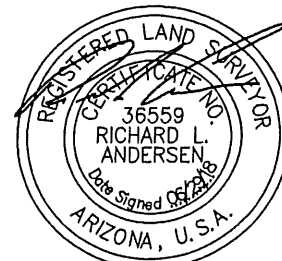
Page 2 of 4

Title: SLID #73  
Fletcher Heights Phase 1A Subdivision  
Assessment Boundary Adjustment

Preparing Firm: TRACE Consulting, LLC

Address: 1201 E. Jefferson St., Suite 3, Phoenix, AZ 85034

Phone: (602) 680-8264



EXPIRES 12-31-19



## EXHIBIT A3

### ASSESSMENT NUMBERS

**Assessor's Parcel #**

200-19-071B  
200-19-072B  
200-19-073B  
200-19-074B  
200-19-075B  
200-19-076B  
200-19-077B  
200-19-078B  
200-19-079B  
200-19-080B

**Assessment #**

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Title: SLID #73  
Fletcher Heights Phase 1A Subdivision  
Assessment Boundary Adjustment

Page 3 of 4

Prepared By: City of Peoria  
Address: 8401 W Monroe St, Peoria, AZ 85345  
Phone: 623-773-6227 Fax: 623-773-7211



## EXHIBIT A4

### ASSESSMENT ADJUSTMENT

<u>Assessor's Parcel #</u>	<u>Current Assessments</u>	<u>Assessment Reduction</u>
200-19-071B	\$1.50 (SLID 1002)	
	\$1.68 (SLID 73)	\$1.68
200-19-072B	\$1.90 (SLID 1002)	
	\$2.12 (SLID 73)	\$2.12
200-19-073B	\$1.56 (SLID 1002)	
	\$1.74 (SLID 73)	\$1.74
200-19-074B	\$1.14 (SLID 1002)	
	\$1.28 (SLID 73)	\$1.28
200-19-075B	\$1.60 (SLID 1002)	
	\$1.78 (SLID 73)	\$1.78
200-19-076B	\$1.18 (SLID 1002)	
	\$1.32 (SLID 73)	\$1.32
200-19-077B	\$1.60 (SLID 1002)	
	\$1.78 (SLID 73)	\$1.78
200-19-078B	\$1.30 (SLID 1002)	
	\$1.46 (SLID 73)	\$1.46
200-19-079B	\$1.20 (SLID 1002)	
	\$1.34 (SLID 73)	\$1.34
200-19-080B	\$1.28 (SLID 1002)	
	\$1.42 (SLID 73)	\$1.42

Title: SLID #73

Fletcher Heights Phase 1A Subdivision  
Assessment Boundary Adjustment

Page 4 of 4

Prepared By: City of Peoria  
Address: 8401 W Monroe St, Peoria, AZ 85345  
Phone: 623-773-6227 Fax: 623-773-7211

1. THE APPROXIMATE AREA IN SQUARE FEET OF ANY PARCEL WITHIN THE IMPROVED DISTRICT MAY BE OBTAINED BY MULTIPLYING THE AVERAGE WIDTH OF THE PARCEL BY THE AVERAGE LENGTH OF THE PARCEL.
2. THIS IMPROVED DISTRICT IS FOR THE EXPRESS PURPOSE OF PURCHASING ELECTRIC POWER AND ENERGY, AND FOR THE USE OF THE LUMING FACILITIES, SPECIFIC AUTHORIZATION IS INCLUDED IN SECTIONS 48-572 AND 48-616 OF THE ARIZONA REVISED STATUTES.

[illegible]

## N.W. 1/4 SECTION 23, T.4N, R.1E

The map shows a grid of streets. The vertical streets from left to right are: BEAR CLAW ROAD, HILLS OF HOME ROAD, HONDA BOW ROAD, DESERT HILLS ROAD, CLOUD ROAD, DOVE VALLEY ROAD, DIXIELETA DRIVE, JOMAX ROAD, BEARDSLEY ROAD, THUNDERBIRD ROAD, PEDRA AVENUE, and NORTHERN AVENUE. The horizontal streets from bottom to top are: REAR CLAW ROAD, MINGUS ROAD, HILLS OF HOME ROAD, HONDA BOW ROAD, CLOUD ROAD, DOVE VALLEY ROAD, DIXIELETA DRIVE, JOMAX ROAD, BEARDSLEY ROAD, THUNDERBIRD ROAD, PEDRA AVENUE, and NORTHERN AVENUE. A scale bar at the top indicates distances in feet: 0, 100, 200, 300, 400, 500, 600, 700, 800, 900, 1000, 1100, 1200, 1300, 1400, 1500, 1600, 1700, 1800, 1900, 2000, 2100, 2200, 2300, 2400, 2500, 2600, 2700, 2800, 2900, 3000, 3100, 3200, 3300, 3400, 3500, 3600, 3700, 3800, 3900, 4000, 4100, 4200, 4300, 4400, 4500, 4600, 4700, 4800, 4900, 5000, 5100, 5200, 5300, 5400, 5500, 5600, 5700, 5800, 5900, 6000, 6100, 6200, 6300, 6400, 6500, 6600, 6700, 6800, 6900, 7000, 7100, 7200, 7300, 7400, 7500, 7600, 7700, 7800, 7900, 8000, 8100, 8200, 8300, 8400, 8500, 8600, 8700, 8800, 8900, 9000, 9100, 9200, 9300, 9400, 9500, 9600, 9700, 9800, 9900, 10000. A scale bar at the bottom indicates distances in feet: 0, 100, 200, 300, 400, 500, 600, 700, 800, 900, 1000, 1100, 1200, 1300, 1400, 1500, 1600, 1700, 1800, 1900, 2000, 2100, 2200, 2300, 2400, 2500, 2600, 2700, 2800, 2900, 3000, 3100, 3200, 3300, 3400, 3500, 3600, 3700, 3800, 3900, 4000, 4100, 4200, 4300, 4400, 4500, 4600, 4700, 4800, 4900, 5000, 5100, 5200, 5300, 5400, 5500, 5600, 5700, 5800, 5900, 6000, 6100, 6200, 6300, 6400, 6500, 6600, 6700, 6800, 6900, 7000, 7100, 7200, 7300, 7400, 7500, 7600, 7700, 7800, 7900, 8000, 8100, 8200, 8300, 8400, 8500, 8600, 8700, 8800, 8900, 9000, 9100, 9200, 9300, 9400, 9500, 9600, 9700, 9800, 9900, 10000. A scale bar at the bottom indicates distances in feet: 0, 100, 200, 300, 400, 500, 600, 700, 800, 900, 1000, 1100, 1200, 1300, 1400, 1500, 1600, 1700, 1800, 1900, 2000, 2100, 2200, 2300, 2400, 2500, 2600, 2700, 2800, 2900, 3000, 3100, 3200, 3300, 3400, 3500, 3600, 3700, 3800, 3900, 4000, 4100, 4200, 4300, 4400, 4500, 4600, 4700, 4800, 4900, 5000, 5100, 5200, 5300, 5400, 5500, 5600, 5700, 5800, 5900, 6000, 6100, 6200, 6300, 6400, 6500, 6600, 6700, 6800, 6900, 7000, 7100, 7200, 7300, 7400, 7500, 7600, 7700, 7800, 7900, 8000, 8100, 8200, 8300, 8400, 8500, 8600, 8700, 8800, 8900, 9000, 9100, 9200, 9300, 9400, 9500, 9600, 9700, 9800, 9900, 10000.



POINT OF BEGINNING

ASSIGNMENT: DIAGRAM SUBMITTED THIS                      DAY OF                      .                      2018

BY: DEVELOPMENT & ENGINEERING DEPARTMENT DIRECTOR

— - BOUNDARY

44 - LOT NUMBER

STREET LIGHT I.D. #73

TRACE CONSULTING, LLC | 1201 E. JEFFERSON ST. SUITE 3, PHOENIX AZ 850

**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 16C.

Date Prepared: 8/22/2018

Council Meeting Date: 9/4/2018

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**TO:** Jeff Tyne, City Manager  
**THROUGH:** Katie Gregory, Deputy City Manager  
**FROM:** Adina Lund, P. E., Development and Engineering Director  
**SUBJECT:** Abandonment of City Interest, Sewer Line Easement, 83 Marketplace

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**Purpose:**

Discussion and possible action to adopt **RES. 2018-98** abandoning the City's interest in a portion of a Sewer Line Easement per the 83 Marketplace Plat as Recorded in Book 1388 Page 5, in the vicinity of 83rd Avenue and Happy Valley Road.

**Summary:**

The City approved the 83 Marketplace Final Plat which included the dedication of a 20 foot wide Sewer Line Easement. Development activities have triggered the abandonment of a portion of the sewer line easement as the proposed development will install the sewer line in a different location on the site and will dedicate an easement for the new location.

**Previous Actions/Background:**

4/17/18 – Council approved the Final Plat of 83 Marketplace.

**Options:**

**A:** City Council authorizes the abandonment, removing this restriction from the property.

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

**Staff Recommendation:**

Staff recommends that City Council approve the adoption of the attached Resolution authorizing the abandonment of a portion of the sewer line easement within 83 Marketplace.

**Fiscal Analysis:**



There is no fiscal impact to the City associated with the release of a portion of the sewer line easement.

**ATTACHMENTS:**

Vicinity Map

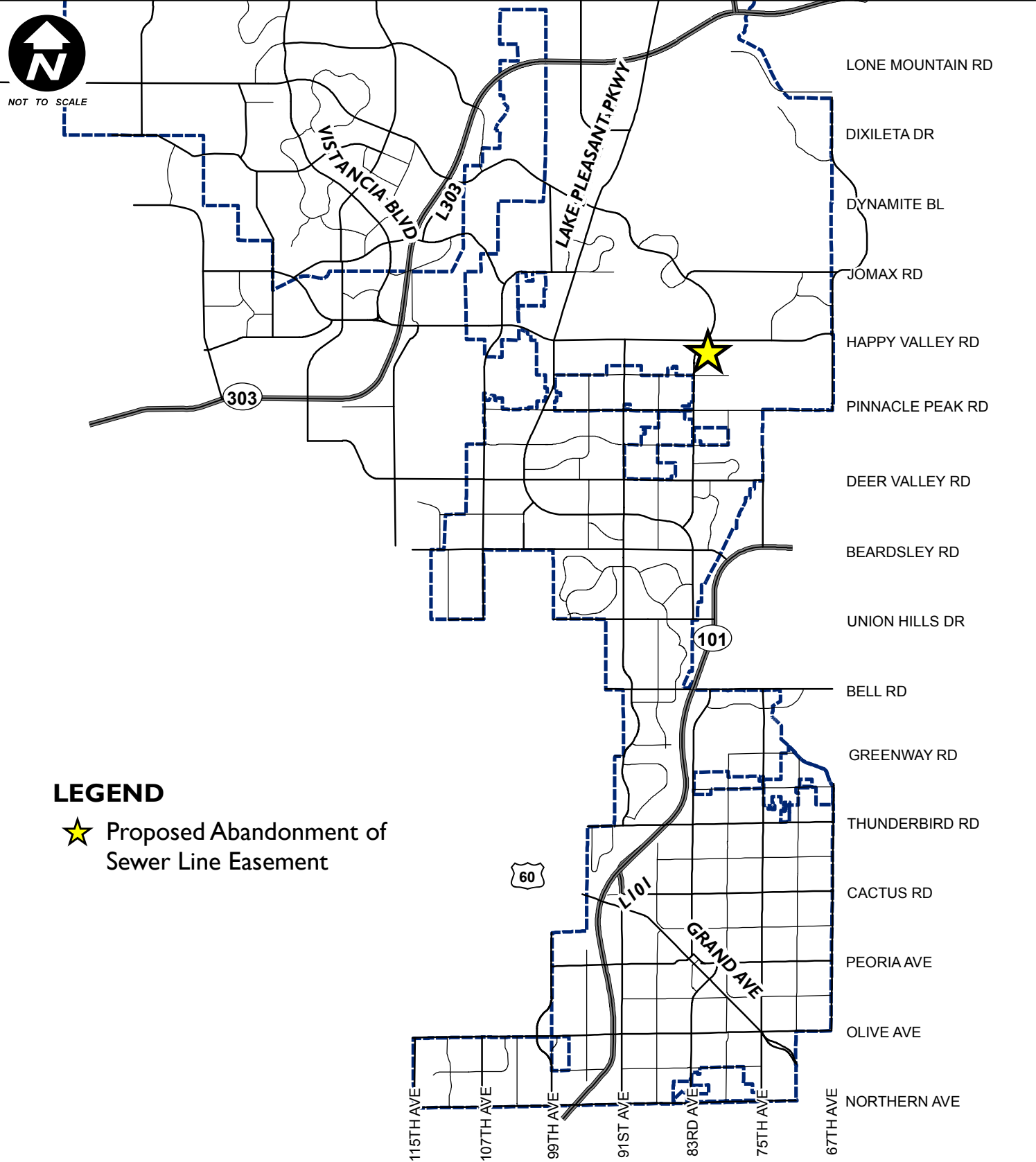
Location Map

Resolution

Resolution - Attachment

**Contact Name and Number:**

Adina Lund, (623) 773-7249







**LEGEND**



Proposed Abandonment of  
Sewer Line Easement



**NOTE**  
Map based on imprecise source  
information, subject to change and  
FOR GENERAL REFERENCE ONLY.

RESOLUTION NO. 2018-98

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA FINDING THAT A PORTION OF A CERTAIN EASEMENT FOR PUBLIC SEWER LINE TO BE UNNECESSARY TO CITY PURPOSES AND NO LONGER REQUIRED TO BE RETAINED BY THE CITY AND DIRECTING THAT SUCH UNNECESSARY EASEMENT FOR PUBLIC SEWER LINE 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. 9-402, the City Council of the City of Peoria is vested with the power to determine and find that certain public easement may no longer be necessary to the City; and

WHEREAS, pursuant to A.R.S. 9-402, the City Council of the City of Peoria 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 Sewer Line Easement located in the City of Peoria, Maricopa County, Arizona, east of 83<sup>rd</sup> Avenue south of Happy Valley Road, and more specifically described in the Legal Description (Exhibit A) attached to this Resolution is no longer needed by the City for sewer line purposes.

THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. That Mayor and Council find and determine that a portion of the Sewer Line Easement per the 83 Marketplace Plat as recorded in Maricopa County Recorder Book 1388 Page 5 and more specifically set forth on Exhibit "A" attached to this Resolution be and is hereby declared abandoned as provided by Chapter 4, Article 1, Title 9 of the Arizona 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.

SECTION 4. 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 the City of Peoria, Arizona this 4<sup>th</sup> day of September, 2018.

---

Cathy Carlat, Mayor

---

Date Signed

ATTEST:

---

Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

---

Vanessa P. Hickman, City Attorney

ATTACHMENT:

1. Exhibit A – Legal Description





## EXHIBIT A LEGAL DESCRIPTION

### Sewer Line Easement

Situated in the Northwest Quarter of the Northwest Quarter of Section 11, Township 4 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

### Subject Parcels

Lots 1 and 2 of that certain subdivision known as "83 MARKETPLACE", as recorded on May 15, 2018 at Document Number 20180369378, Book 1388, Page 5, in the Official Records of Maricopa County, Arizona (the "Final Plat").

### Description of Easement Abandoned Herein

Being a portion of that certain existing sewer line easement created by said Final Plat and described as follows:

Commence at the Southeast corner of said Lot 1, and also being the Southwest corner to said Lot 2;

Thence, North 8°26'29" West a distance of 175.98 feet to a point, said point being the common end points of lines L75 and L76 as shown on Sheet 3 of said Final Plat, and being the **Point of Beginning**;

Thence North 4°07'01" West a distance of 20.05 feet to a point marking the common corner to lines L71 and L70 of said plat;

Thence, along said Line L70, North 63°08'52" East a distance of 39.64 feet to a point;

Thence South 89°56'22" East a distance of 433.12 feet to a point;

Page 1 of 3

Title: Sewer Line Easement Abandonment

Preparing Firm: DAC Consulting, Inc.

Address: 13001 N 49th Place, Scottsdale, AZ 85254

Phone: (602) 828-2246 Fax: (888) 458-7687



Expires 06/30/2019



## EXHIBIT A LEGAL DESCRIPTION

Continued from Page 1

Thence South 77°27'57" East a distance of 55.70 feet to a point on the Eastern boundary of said Lot 2, said point being located South 0°34'43" West a distance of 184.51 feet from the Northeast corner of said Lot 2;

Thence, along said Eastern boundary, South 0°34'43" West a distance of 20.44 feet to a point;

Thence, leaving said Eastern boundary and along the South line of said sewer line easement in a Westerly direction, North 77°27'57" West a distance of 57.75 feet to a point;

Thence, North 89°56'22" West a distance of 429.48 feet to a point, said point being the Easternmost end point of said Line L76 of said final plat;

Thence, along said Line L76, South 63°08'52" West a distance of 39.64 feet to the **Point of Beginning**.

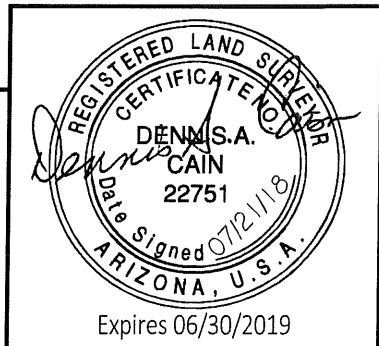
Page 2 of 3

Title: Sewer Line Easement Abandonment

Preparing Firm: DAC Consulting, Inc.

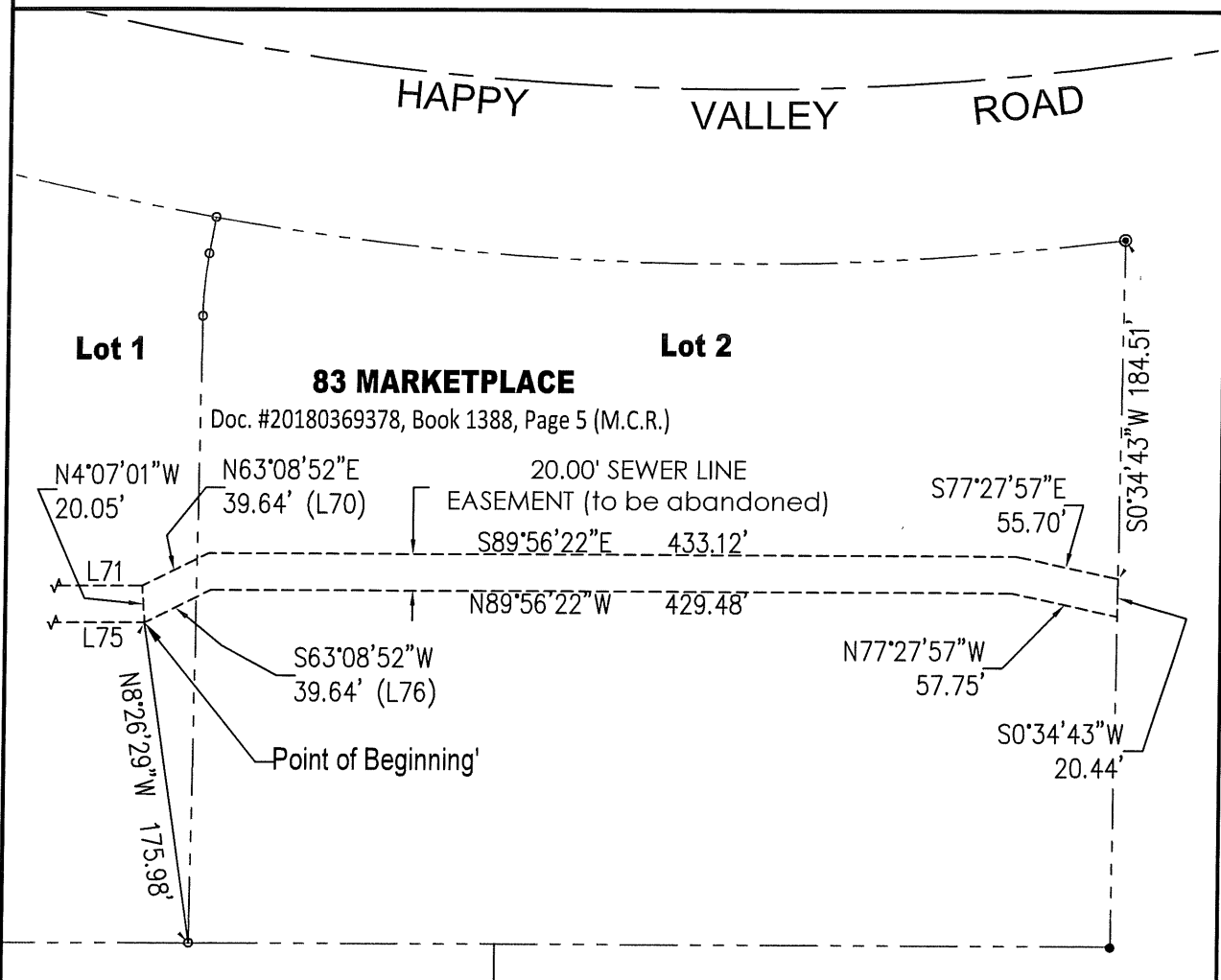
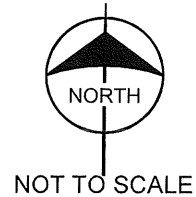
Address: 13001 N 49th Place, Scottsdale, AZ 85254

Phone: (602) 828-2246 Fax: (888) 458-7687





# EXHIBIT A SKETCH



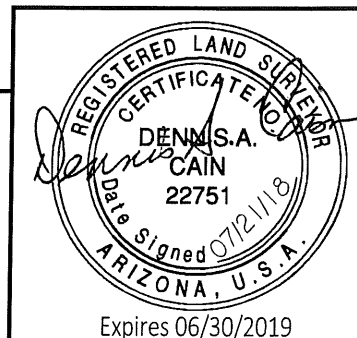
Page 3 of 3

Title: Sewer Line Easement Abandonment

Preparing Firm: DAC Consulting, Inc.

Address: 13001 N 49th Place, Scottsdale, AZ 85254

Phone: (602) 828-2246 Fax: (888) 458-7687





**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 17C.

Date Prepared: 8/22/2018

Council Meeting Date: 9/4/2018

---

**TO:** Jeff Tyne, City Manager  
**THROUGH:** Katie Gregory, Deputy City Manager  
**FROM:** Adina Lund, P. E., Development and Engineering Director  
**SUBJECT:** Easement Agreements and Budget Transfer, Blooming Spire, Lake Pleasant Parkway and Happy Valley Road

---

**Purpose:**

Discussion and possible action to: (a) adopt **RES. 2018-99** authorizing the City Manager to execute a Public Art Easement Agreement and Public Utility Easement for the Blooming Spire at the northeast corner of Happy Valley Road and Lake Pleasant Parkway; and (b) approve a budget transfer in the amount of \$97,600 from the Percent for the Arts Fund Contingency account to the Percent for the Arts Fund Improvements other than Land/Buildings account, for construction and installation at the site.

**Summary:**

In April 2017, City Council authorized the acceptance of a Public Art Easement Agreement from Cypress Equities for the placement of public art within a portion of the property they owned at the northeast corner of Happy Valley Road and Lake Pleasant Parkway. Since that authorization, selection of the artist/public art was made and approved by Council in December 2017. A contract was executed with the artist for the approved sculpture and estimates for installing that sculpture were obtained. It was also determined that the existing easement area was not adequate for the art selected. During discussions with the property owner, land ownership changed hands and staff began discussions with the new owner for approval of a larger easement area along with modifications to the terms of the agreement and a public utility easement to be more suited for the art that will be installed at this location.

Below are the estimated costs for the construction and installation of the sculpture.

Construction (Valley Rain)	\$75,836
Review & Permits	\$ 1,447
Easements	\$ 300
Contingency (20%)	<u>\$20,017</u>
Total	\$97,600

### **Previous Actions/Background:**

4/18/17 – Council approved the acceptance of a Public Art Easement Agreement with Cypress Equities.

12/12/17 – Council approved the award of a contract to artist Jeff Zischke to create “Blooming Spire”.

### **Options:**

**A:** City Council authorizes the execution, acceptance and recordation of the Public Art Easement Agreement and a Public Utility Easement with HMRT/CSIM-Lake Pleasant LLC for the northeast corner of Happy Valley Road and Lake Pleasant Parkway and approves a budget transfer from the Percent for the Arts Fund in the amount of \$97,600 for the construction and installation of the art piece at the site.

**B:** City Council chooses not to authorize the easements and budget transfer resulting in staff searching for an alternate location for the public art.

### **Staff Recommendation:**

Staff recommends that City Council approve the adoption of the attached Resolution authorizing the execution of the easements and approve a budget transfer in the amount of \$97,600 from Percent for the Arts Fund Contingency Account 1111-0120-570000 to Percent for the Arts Fund Improvements other than Land/Buildings Account 1111-0120-541003.

### **Fiscal Analysis:**

The Peoria City Code requires that 1 percent of the cost of capital projects be deposited in a separate fund designated for support of public art. This fund currently has a fund balance of approximately \$3 million. If approved, the installation costs for this sculpture will be paid from the balance in this fund.

### **ATTACHMENTS:**

Vicinity Map

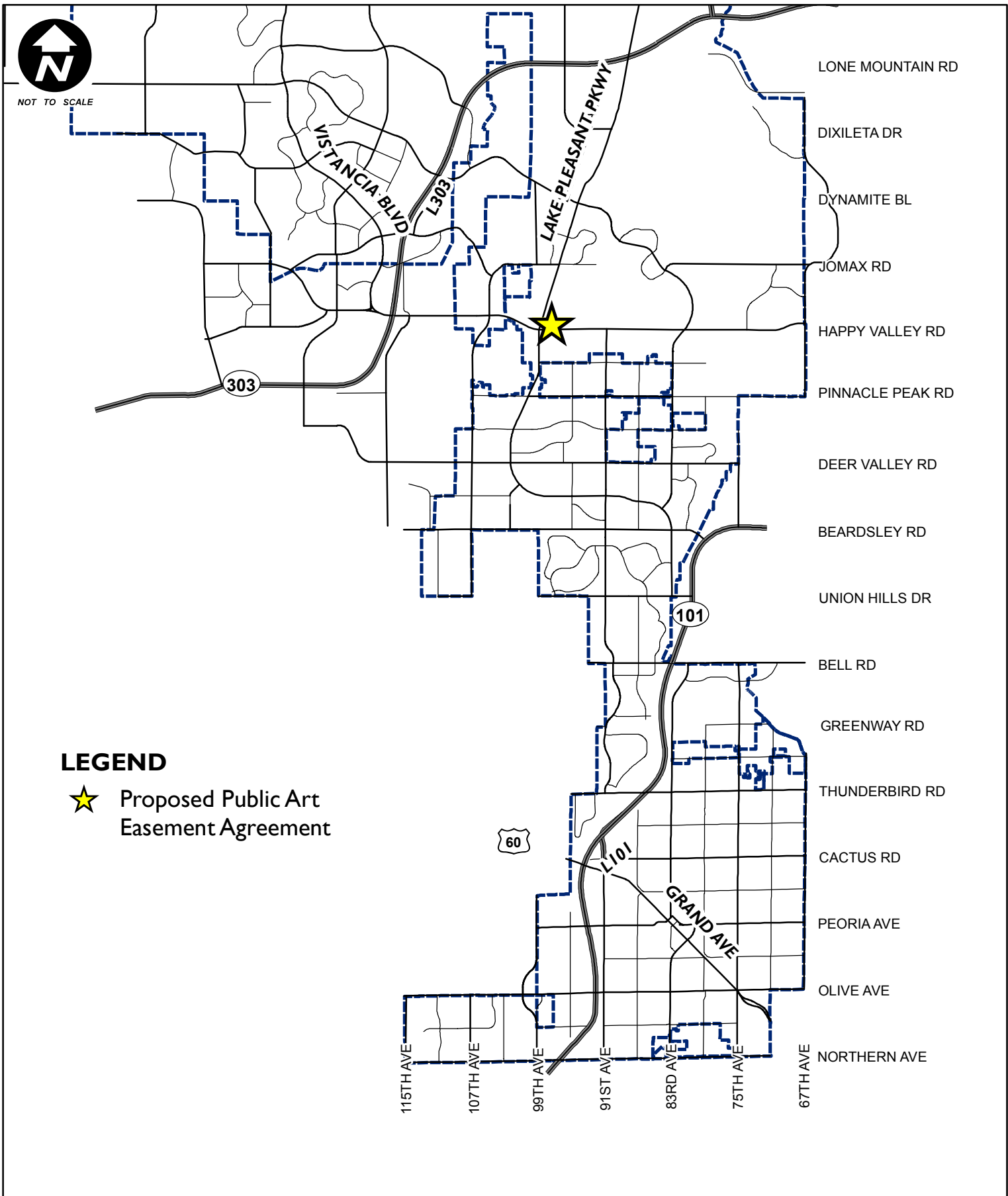
Resolution

Resolution- Exhibit A

Resolution - Exhibit B

### **Contact Name and Number:**

Adina Lund, (623) 773-7249



RESOLUTION NO. 2018-99

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, AUTHORIZING THE ACCEPTANCE OF LAND RIGHTS LOCATED IN THE VICINITY OF HAPPY VALLEY ROAD AND LAKE PLEASANT PARKWAY.

WHEREAS, HMRT/CSIM-LAKE PLEASANT LLC has agreed to dedicate easements for the installation of public art to the City of Peoria at the northeast corner of Happy Valley Road and Lake Pleasant Parkway; and

WHEREAS, The City is desirous of accepting these land rights which will allow for greater development potential.

WHEREAS, Pursuant to Article I, Section III of the Peoria City Charter, the City Council may acquire property within or without its corporate limits for any city purposes in fee simple or lesser interest or estate by purchase, gift, devise, lease or condemnation; and

WHEREAS, Pursuant to the Peoria City Charter and in accordance with the findings set forth above, the Mayor and Council of the City of Peoria consent to the acceptance of the land rights identified in "Exhibits A & B", and authorize the City Manager to execute any and all the documents necessary to accept the land rights; and

THEREFORE, BE IT RESOLVED that the Mayor and Council of the City of Peoria, Arizona authorize the acceptance of the land rights identified in "Exhibits A & B", and authorize the City Manager to execute the documents necessary to finalize the land transfer.

Resolution No. 2018-99  
Happy Valley Road & Lake Pleasant Parkway  
September 4, 2018  
Page 2

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria,  
Arizona this 4<sup>th</sup> day of September, 2018.

---

Cathy Carlat, Mayor

---

Date Signed

ATTEST:

---

Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

---

Vanessa P. Hickman, City Attorney

ATTACHMENTS:

- A. Public Art Easement Agreement
- B. Public Utility Easement

When recorded, please return to:

City of Peoria  
Attn: City Clerk  
8401 W Monroe Street  
Peoria, Arizona 85345

## PUBLIC ART EASEMENT AGREEMENT

This Public Art Easement Agreement ("Agreement") is made and entered into as of the \_\_\_\_\_ day of \_\_\_\_\_, 2018, by and between **HMRT/CSIM-LAKE PLEASANT LLC**, a Delaware limited liability company (the "Owner") and the **City of Peoria**, an Arizona municipal corporation organized and existing under the laws of the State of Arizona ("City"). The Owner and the City are collectively referred to as the "Parties."

### RECITALS

A. The Owner covenants that it owns the property located at the northeast corner of Happy Valley Road and Lake Pleasant Parkway depicted on Exhibit A (the "Property").

B. The City desires, and the Owner agrees, to cause to be placed on part of the Property near the intersection of Happy Valley Road and Lake Pleasant Parkway a public sculpture (the "Public Art") to be created by an artist to be chosen and paid by the City. This Public Art will be placed within the easement area legally described on Exhibit B ("Sculpture Easement"). The City and the Owner also desire to permit the City, selected artist, and necessary City personnel to be able to freely access and enter upon the Sculpture Easement for purposes of maintaining the sculpture.

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, it is agreed as follows:

1. Grant of Easement. The Owner hereby grants to the City, its successors, assigns, selected artist, and employees the non-exclusive, non-delegable right for the Term of this Agreement to access and enter upon the Sculpture Easement for purposes of placing Public Art in the form of a sculpture on the Property, and access for construction, creation, maintenance, and replacements associated therewith. This Grant of Easement is subject to the following:

a. The Owner hereby covenants that it is lawfully seized and possessed of all rights necessary to enter into this Agreement.

b. The improvements to the Sculpture Easement, including the Public Art shall be subject to the Owner's prior written consent. The Owner's consent to the size, content and nature of the public art located upon the Sculpture Easement may be withheld in its sole and absolute discretion. The Owner's consent to any other improvements located upon the Sculpture Easement shall not be unreasonably withheld.

c. The Owner agrees that it will not cause any modifications, changes, or additions to be made to the Sculpture Easement without first obtaining the written consent of the City, not to be unreasonably withheld.

Public Art Easement Agreement  
Page 2 of 5

d. The Owner also agrees that it will advise the City promptly upon discovery of any damage to the Sculpture Easement. The City agrees that it will promptly repair, at its sole cost and expense, any damage caused to the Sculpture Easement, except any damage caused by the Owner, the Owner's employees, agents, contractors, or subcontractors.

e. The City agrees that if it or any of its agents, employees or contractor causes damage to the Property during the placement or maintenance of the Public Art and/or the Sculpture Easement that it will promptly reimburse the Owner for the cost of making necessary repairs or replacements upon receiving written notice of same from the Owner.

f. Any changes to, removal, or replacement of the Public Art and/or the improvements on the Sculpture Easement may only be effected upon mutual agreement of the parties, except for any removal that should occur within the ninety (90) days preceding the termination of this Agreement.

g. Subject to the Owner's written consent, the City may install non-illuminated signage within the Sculpture Easement identifying the artist and title of the Public Art along with any other related information deemed necessary or desirable by the City, so long as such signage does not interfere with the visibility of the buildings or improvements located in the Property and does not diminish the amount of signage to which the Property is otherwise entitled.

h. The City shall have no responsibility to maintain any portion of the Property except for the Sculpture Easement and the Public Art.

i. The electricity for the light fixtures that will illuminate the Public Art will be paid by the City by way of a separate meter installed by the City. The City will be responsible for any changes to the color scheme that illuminates the Public Art, provided such changes are first approved by Owner. Upon request by the Owner the City will modify the color scheme to fall in line with an event or holiday season.

2. Term and Termination. The initial term of this Agreement shall be for twenty-five (25) years from the date of execution, and it may not be terminated during this initial term except upon mutual written agreement of the parties. This Agreement may be renewed under the same terms and conditions thereafter for additional terms of ten (10) years each upon mutual written agreement of the parties fully executed at least ninety (90) days before expiration of the initial term or any subsequent renewal term. Either party may, during any renewal period, provide the other with ninety (90) days written notice of its desire to terminate this Agreement, provided the notice is given at least ninety (90) days in advance of the otherwise scheduled termination date. As soon as practicable after termination of this Agreement, the City shall remove the Public Art from the Sculpture Easement and any related signage and restore the Sculpture Easement area to its original condition as reasonably as possible.

3. Runs with the Land. This Agreement shall run with the land and shall be binding upon the City, the Owner, and their respective heirs, successors and assigns. This agreement is subject to all matters of record.

4. Insurance. The City shall at all times during the term of this Agreement maintain in full force and effect a commercial general liability insurance policy with a financially

Public Art Easement Agreement  
Page 3 of 5

responsible insurance company or companies doing business in Arizona covering the Sculpture Easement and any improvements located thereon. Such insurance shall have a combined single limit of not less than One Million and No/100 Dollars (\$1,000,000.00). Such policy shall: (i) name the Owner as an additional insured; and (ii) extend coverage for all contractual liability undertaken by the City pursuant to this Agreement. The parties acknowledge that the City is self-insured pursuant to statutory authority and agree that the general liability coverage afforded by the self-insurance programs is sufficient to meet the purposes of this Agreement. To the fullest extent permitted by law, City and its agents, employees, contractors, patrons, invitees and representatives waive any right of recovery against Owner for any and all claims, liability, loss, damage, costs or expense, including attorneys' fees, arising out of or connected to the City's use of the Sculpture Easement and/or the Property, including, without limitation, use of the adjoining rights of way.

5. Indemnification. The City agrees that following any placement, maintenance and/or removal of the Public Art and/or the Sculpture Easement, the affected area will be restored by the City to as close to original condition as is reasonably practicable, at the expense of the City; and that the City shall indemnify Owner for any loss, cost or damage incurred by Owner as a result of any negligent installation, placement, maintenance, removal or other work performed by the City within the Sculpture Easement.

6. No Liens. City shall pay when due all costs for work performed and materials supplied in connection with the placement, maintenance and/or removal of the Public Art and the Sculpture Easement, including without limitation, amounts payable to the artist and suppliers designing, placing and/or removing the Public Art, lighting, and all other improvements to the Sculpture Easement. The City shall keep the Property and any improvements thereon, free from all liens, stop notices and violation notices relating to the activities contemplated by this Agreement and the City shall protect, indemnify, hold harmless and defend Owner from any and all loss, cost, damage, liability and expense, including attorneys' fees, arising out of or related to any such liens or notices. The provisions of this Section 6 shall survive the expiration or termination of this Agreement.

7. Severability; No Waiver; Time of Essence. In the event that any provision of this Agreement is held to be invalid or unenforceable, such holding shall not affect the validity or enforceability of any other provision hereof. No amendment to this Agreement and no waiver of any right hereunder shall be binding upon a party unless such amendment or waiver is in writing and signed by the party against whom enforcement thereof is sought. No failure of a party to exercise any power or right granted hereunder or to insist upon strict compliance with any obligation specified herein, and no custom or practice of variance with the terms hereof, shall constitute a waiver of said right or power, or of the right of a party to demand exact compliance with the terms hereof. Time is of the essence of this Agreement.

8. Miscellaneous. This Agreement (a) may be executed in one or more counterparts, each of which shall be deemed to be an original, but all of which together shall constitute one and the same instrument, and (b) shall be governed by and construed in accordance with the laws of the State of Arizona. Notices shall be sent by U.S. Mail to the following addresses or such other address as the parties may designate in writing. If to the City: City of Peoria, AZ, Attn: Communications and Public Affairs Department, 8401 West Monroe St, Peoria, AZ 85345. If to the Owner: HMRT/CSIM-Lake Pleasant LLC, 630 West Germantown Pike, Suite 300, Plymouth Meeting, Pennsylvania 19462, Attn: Mark B. Greco.



# Public Art Easement Agreement

Page 4 of 5

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

## Owner

**HMRT/CSIM-LAKE PLEASANT LLC**, a Delaware limited liability company

By Mark B. Greco Date \_\_\_\_\_  
Vice President

## ACKNOWLEDGEMENT

COMMONWEALTH OF PENNSYLVANIA     )  
   ) ss.  
County of Montgomery                 )

On this date, before me, a Notary Public, personally appeared Mark B. Greco, known to me or satisfactorily proven to be the person whose name is subscribed to this instrument and acknowledged that he executed the same. If this person's name is subscribed in a representative capacity, it is for the principal named and in the capacity indicated.

My Commission Expires:

Notary Public

City

**CITY OF PEORIA**, an Arizona charter municipality

By Jeff Tyne Date \_\_\_\_\_  
City Manager

ATTEST:

Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

Vanessa P. Hickman, City Attorney

## ACKNOWLEDGEMENT

STATE OF ARIZONA )

County of ) ss.  
)

On this date, before me, a Notary Public, personally appeared \_\_\_\_\_ known to me or satisfactorily proven to be the person whose name is subscribed to this instrument and acknowledged that he executed the same. If this person's name is subscribed in a representative capacity, it is for the principal named and in the capacity indicated.

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_, 2018, by \_\_\_\_\_

Notary Public

My Commission Expires:

---



# EXHIBIT A

## LEGAL DESCRIPTION

A portion of the Southwest quarter of Section 4, Township 4 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 Northwest corner of Parcel 14 of the Plat "Lake Pleasant Crossing" as recorded in book 996, page 49, Records of Maricopa County, Arizona, thence South 81°34'47" East along the North line of said Parcel 14, a distance of 75.61 feet;

Thence departing said North line, South 08°50'50" West, a distance of 200.09 feet to the **POINT OF BEGINNING**;

Thence South 42°37'57" East, a distance of 28.50 feet;

Thence South 26°04'38" West, a distance of 35.00 feet;

Thence South 85°34'21" West, a distance of 21.50 feet;

Thence North 45°05'24" West, a distance of 19.00 feet;

Thence North 01°37'13" West, a distance of 22.25 feet;

Thence North 59°46'44" East, a distance of 36.57 feet to the **POINT OF BEGINNING**.

Containing 1,868.1 sf. more or less.

Page 1 of 1

Title: Happy Valley Road and Lake Pleasant Parkway  
APN: 201-08-193 Art Easement

Preparing Firm: TRACE Consulting, LLC

Address: 1201 E. Jefferson St., Suite 3, Phoenix, AZ 85034

Phone: (602) 680-8264

Fax:

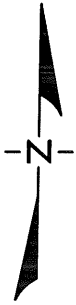


EXPIRES 12-31-19



# EXHIBIT B

## SKETCH



NOT TO SCALE

LAKE PLEASANT PARKWAY

POINT OF COMMENCEMENT AND  
THE NORTHWEST CORNER OF  
PARCEL 14, SECTION 4, T.4N.,  
R.1E., G.S.R.B.&M.

S81°34'47"E  
75.61'

200.09'  
S08°50'50"W

PARCEL 14  
BK. 996, PG. 49 M.C.R.

APN 201-08-193  
CYPRESS LAKE PLEASANT  
CENTER LLC

POINT OF  
BEGINNING

N59°46'44"E  
36.57'

S42°37'57"E  
28.50'

N01°37'13"W  
22.25'

S26°04'38"W  
35.00'

N45°05'24"W  
19.00'

S85°34'21"W  
21.50'

Page 1 of 1

HAPPY VALLEY ROAD

Title: Happy Valley Road and Lake Pleasant Parkway  
APN: 201-08-193 Art Easement

Preparing Firm: TRACE Consulting, LLC

Address: 1201 E. Jefferson St., Suite 3, Phoenix, AZ 85034

Phone: (602) 680-8264

Fax:



EXPIRES 12-31-19

When Recorded/Executed Mail to:

City Clerk  
City of Peoria  
8401 West Monroe  
Peoria, Arizona 85345

---

### **EASEMENT FOR PUBLIC UTILITIES**

HMRT/CSIM-LAKE PLEASANT LLC, a Delaware limited liability company, Grantor, for and in consideration of the sum of One Dollar and other valuable consideration, receipt of which is hereby acknowledged, do hereby grant to the City of Peoria, an Arizona municipal corporation, in Maricopa County, Arizona, its successors, and assigns, a permanent and perpetual easement for the following purposes, namely: The right to enter upon for construction, maintenance, operation and replacement of all public utilities over, under, and across the following described (the "Easement Premises") property situated in the County of Maricopa, State of Arizona, described as follows:

(See attached description, Exhibit A)

To have and hold the 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 permit the construction, operation, maintenance, and replacement of all public utilities and storm drain facilities.

And the Grantor hereby covenants that it is lawfully seized and possessed on this aforementioned tract or parcel of land.

The easement includes the right to cut back and trim such portion of the branches and tops of the trees now growing or that may hereafter grow upon the above described premises, as may extend over said easement, so as to prevent the same from interfering with the efficient maintenance and operation of said public utilities and storm drains.

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.

## Page 2 OF 3

The City of Peoria agrees that following any installation, excavation, maintenance, repair, or other work by the City of Peoria within the Easement Premises, the affected area will be restored by the City of Peoria to as close to original condition as is reasonably practicable, at the expense of the City of Peoria; and that the City of Peoria shall indemnify Grantor for any loss, cost or damage incurred by Grantor as a result of any negligent installation, excavation, maintenance, repair or other work performed by the City of Peoria within the Easement Premises.

The City of Peoria will make reasonable efforts to promptly restore asphalt or concrete pavement surfaces.

Date: \_\_\_\_\_

**Grantor:**

HMRT/CSIM LAKE PLEASANT HOLDING LLC,  
a Delaware limited liability company

By: Mark B. Greco, Vice President

## ACKNOWLEDGEMENT

COMMONWEALTH OF PENNSYLVANIA)

) ss.

County of Montgomery

On this date, before me, a Notary Public, personally appeared Mark B. Greco, known to me or satisfactorily proven to be the person whose name is subscribed to this instrument and acknowledged that he executed the same. If this person's name is subscribed in a representative capacity, it is for the principal named and in the capacity indicated.

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2018, by \_\_\_\_\_

Notary Public

My Commission Expires:

I:\Land\Public Art\Easement for Public Utilities\_LPP and Happy Valley\_rev.doc  
Rev: 08/2016

Easement for Public Utilities  
Page 3 OF 3

Date: \_\_\_\_\_

CITY OF PEORIA,  
an Arizona municipal corporation

By: \_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

Its: \_\_\_\_\_

**ACKNOWLEDGEMENT**

STATE OF ARIZONA       )  
  ) ss.  
County of                       )

On this date, before me, a Notary Public, personally appeared \_\_\_\_\_ known to me or satisfactorily proven to be the person whose name is subscribed to this instrument and acknowledged that he executed the same. If this person's name is subscribed in a representative capacity, it is for the principal named and in the capacity indicated.

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2018, by \_\_\_\_\_

\_\_\_\_\_  
Notary Public

My Commission Expires:

\_\_\_\_\_



## EXHIBIT A

### LEGAL DESCRIPTION

A portion of the Southwest quarter of Section 4, Township 4 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 Northwest corner of Parcel 14 of the Plat "Lake Pleasant Crossing" as recorded in book 996, page 49, Records of Maricopa County, Arizona, thence South 81°34'47" East along the North line of said Parcel 14, a distance of 75.61 feet to the **POINT OF BEGINNING**;

Thence continuing along said North line, South 81°34'47" East, a distance of 28.67 feet

Thence departing said North line, South 85°56'39" West, a distance of 64.42 feet;

Thence South 08°19'06" West, a distance of 97.50 feet;

Thence South 01°08'40" West, a distance of 55.50 feet;

Thence South 11°42'24" East, a distance of 44.51 feet;

Thence South 59°46'44" West, a distance of 6.33 feet;

Thence North 11°43'02" West, a distance of 47.40 feet;

Thence North 01°09'18" East, a distance of 57.00 feet;

Thence North 08°23'32" East, a distance of 102.00 feet;

Thence North 85°35'24" East, a distance of 41.26 feet to a point on the said North line of Parcel 14 and the **POINT OF BEGINNING**.

Containing 1,543.4 sf. more or less.

Page 1 of 1

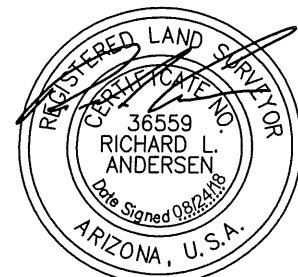
Title: Happy Valley Road and Lake Pleasant Parkway  
APN: 201-08-193 Power Easement

Preparing Firm: TRACE Consulting, LLC

Address: 1201 E. Jefferson St., Suite 3, Phoenix, AZ 85034

Phone: (602) 680-8264

Fax:



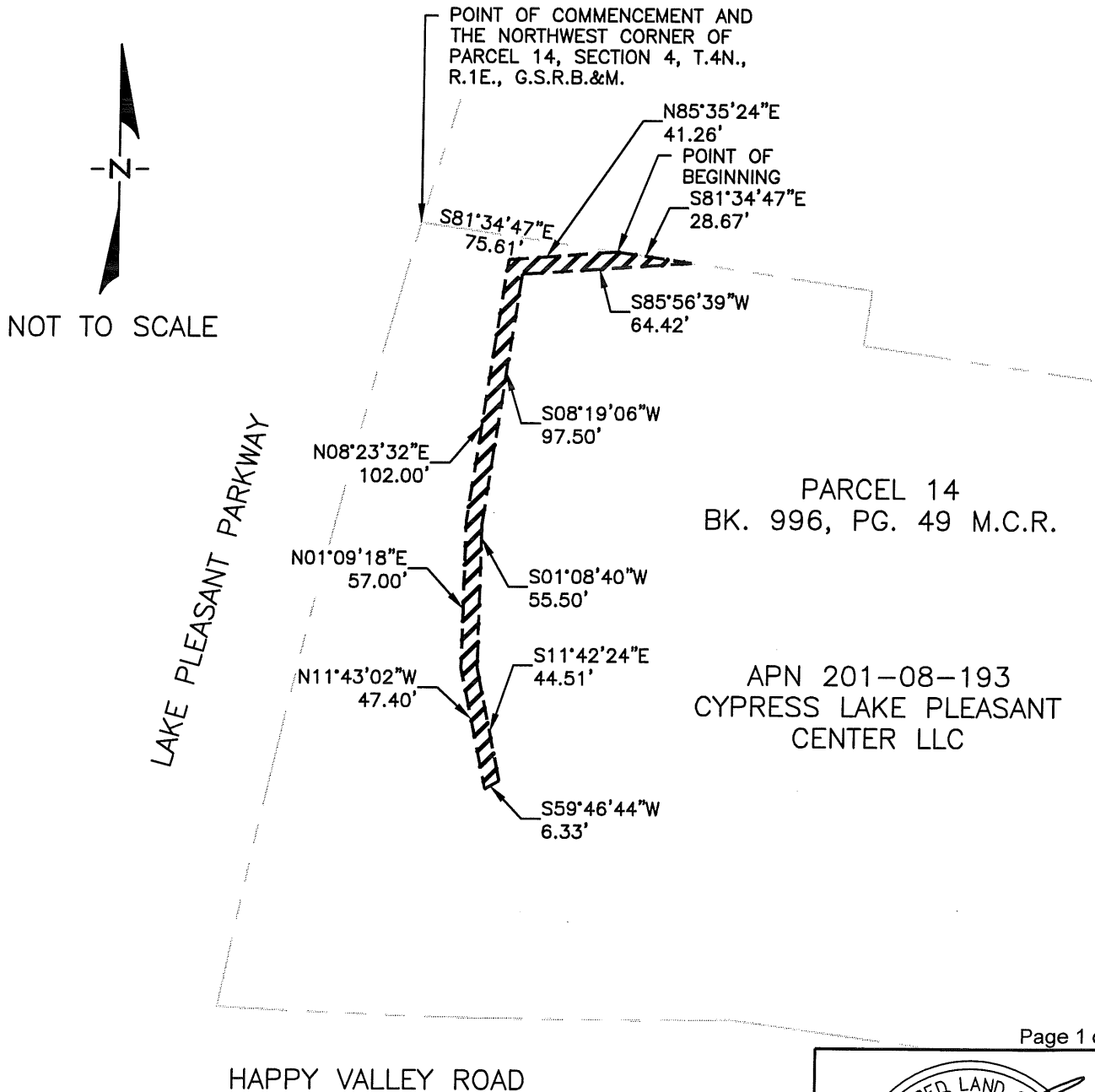
EXPIRES 12-31-19





## EXHIBIT B

### SKETCH



Page 1 of 1

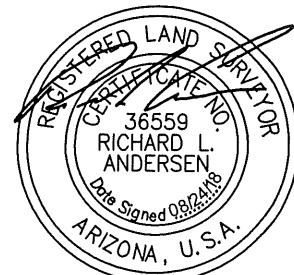
Title: Happy Valley Road and Lake Pleasant Parkway  
APN: 201-08-193 Power Easement

Preparing Firm: TRACE Consulting, LLC

Address: 1201 E. Jefferson St., Suite 3, Phoenix, AZ 85034

Phone: (602) 680-8264

Fax:



EXPIRES 12-31-19

**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 18C.

Date Prepared: 8/7/2018

Council Meeting Date: 9/4/2018

---

**TO:** Jeff Tyne, City Manager  
**THROUGH:** Andy Granger, Deputy City Manager  
**FROM:** Adina Lund, P.E., Development and Engineering Director  
**SUBJECT:** Final Plat, Dollar Self Storage 18, Lake Pleasant Parkway and Pinnacle Peak Road

---

**Purpose:**

Discussion and possible action to approve a Final Plat of Dollar Self Storage 18, located on Lake Pleasant Parkway and Pinnacle Peak Road, subject to stipulations.

**Summary:**

The purpose of the Final Plat is to dedicate all necessary rights-of-way and easements over a commercial lot. This development is within the City's water/sewer service area.

**Previous Actions/Background:**

There has been no previous action.

**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.
2. An approval of design from the Development and 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 Final Plat.

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:**

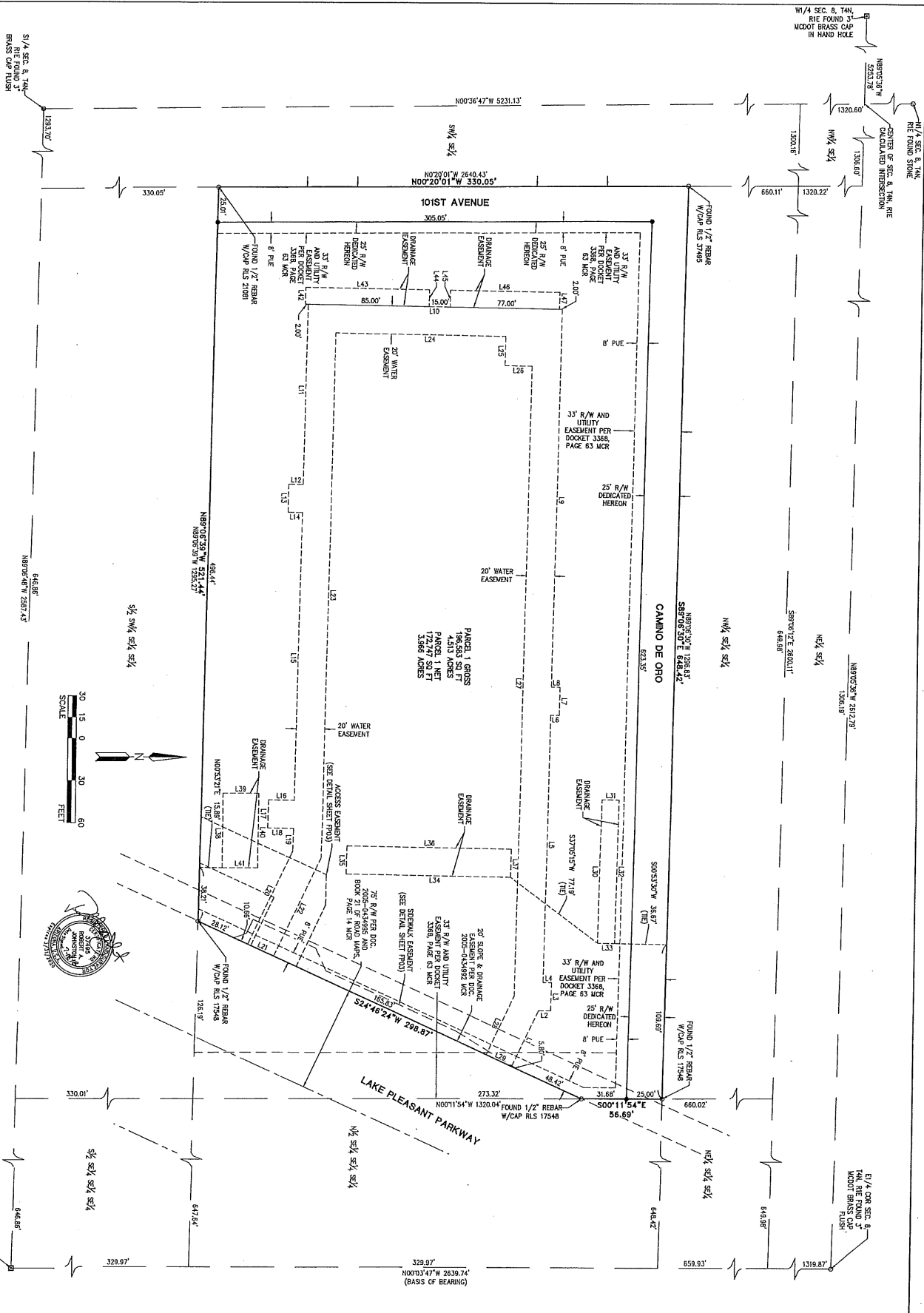
Exhibit 1: Final Plat

Exhibit 2: Vicinity Map

**Contact Name and Number:**

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





Copyright, HILGARTWILSON 2018 - This document is the sole property of HILGARTWILSON.		<b>DOLLAR SELF STORAGE 18</b> PINNACLE PEAK ROAD & LAKE PLEASANT PARKWAY CITY OF PEORIA, ARIZONA		<b>HILGARTWILSON</b> ENGINEER   PLANNING   SURVEY   MANAGEMENT 2141 E. HIGHLAND AVE., STE. 250   P: 602.490.0535 / F: 602.368.2436 PHOENIX, AZ 85016   www.hilgartwilson.com	
PROJ. NO.: 1675 DATE: JULY 2018 SCALE: AS SHOWN DRAWN: DSP APPROVED: RAJ	STATUS: MUNICIPAL TRACKING NO.:	<b>FINAL PLAT</b>			

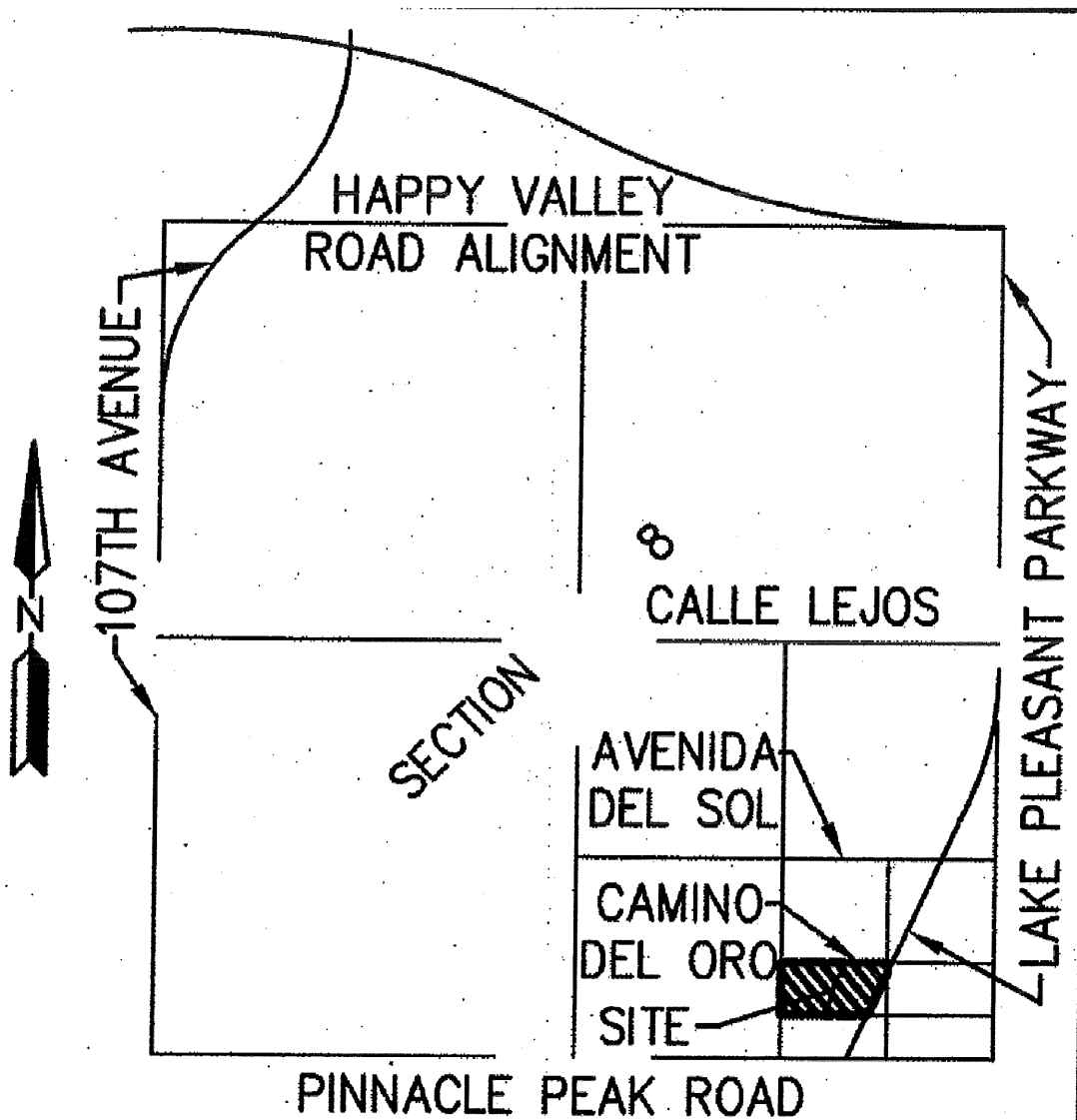
LAND BEING SHOWN WITHIN A PORTION OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 4 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH BRASS CORNER AND HAND HERE ACCEPTED AS THE  
 POINT OF BEGINNING, THE COURSE RUNS IN THE FOLLOWING ORDER, TO WIT:  
 THE FIRST COURSE BEING AS THE EAST QUARTER CORNER OF SAID  
 QUARTER 8, BEARS BEARS NORTH 00°15' E. DIST. 26.574 FEET; THENCE  
 NORTH 00°15' E. DIST. 66.824 FEET ALONG THE EAST LINE OF  
 SAID QUARTER 8 TO THE NORTHEAST CORNER OF SAID  
 QUARTER 8 AND SECTION 8 TO THE NORTHEAST CORNER OF  
 QUARTER 8 AND SECTION 8 OF THE SOUTHEAST QUARTER OF THE SOUTHEAST  
 QUARTER OF SAID SECTION 8 TO THE POINT OF BEGINNING.  
 THENCE LEAVING SAID NORTH LINE, NORTH BRASS CORNER, EAST LINE, EAST  
 QUARTER OF SAID SECTION 8, AND THE NORTHEAST CORNER OF SAID  
 QUARTER 8 OF THE SOUTHEAST QUARTER OF SAID SECTION 8 TO THE  
 QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 8 TO THE  
 QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 8 TO THE  
 POINT OF BEGINNING.  
 THENCE LEAVING SAID NORTH LINE, SOUTH 00°15' E. DIST. 66.861 FEET  
 TO THE SOUTHEAST CORNER OF SAID QUARTER 8 OF THE SOUTHEAST  
 QUARTER OF SAID SECTION 8, AND THE SOUTHEAST CORNER OF SAID  
 QUARTER 8 OF THE SOUTHEAST QUARTER OF SAID SECTION 8 TO A POINT ON  
 THE WEST 90°15' W. LINE OF LAKE HESLON, PARCEL 2.  
 THENCE LEAVING SAID WEST LINE, SOUTH 24°42' E. DIST. 26.818 FEET  
 TO THE SOUTHEAST CORNER OF SAID QUARTER 8 OF THE SOUTHEAST  
 QUARTER OF SAID SECTION 8, AND THE SOUTHEAST CORNER OF SAID  
 QUARTER 8 OF THE SOUTHEAST QUARTER OF SAID SECTION 8 TO THE  
 SOUTHEAST QUARTER OF SAID SECTION 8.  
 THENCE LEAVING SAID WEST POINT OF LAKE HESLON, WEST 52°04' E.  
 DIST. 100.000 FEET TO THE SOUTHEAST CORNER OF SAID QUARTER 8 OF  
 THE SOUTHEAST QUARTER OF SAID SECTION 8, AND THE SOUTHEAST  
 QUARTER OF SAID SECTION 8.  
 THENCE LEAVING SAID SOUTH LINE, NORTH 02°02' W. DIST. 50.005 FEET  
 TO THE SOUTHEAST CORNER OF SAID QUARTER 8 OF THE SOUTHEAST  
 QUARTER OF SAID SECTION 8, AND THE SOUTHEAST CORNER OF SAID  
 QUARTER 8 OF SAID SECTION 8.  
 THENCE LEAVING SAID WEST LINE, SOUTH 69°57' E. DIST. 64.442 FEET  
 TO THE SOUTHEAST CORNER OF SAID QUARTER 8 OF THE SOUTHEAST  
 QUARTER OF SAID SECTION 8, AND THE SOUTHEAST CORNER OF SAID  
 QUARTER 8 OF THE SOUTHEAST QUARTER OF SAID SECTION 8 TO THE  
 POINT OF BEGINNING.



**HILGARTWILSON**  
ENGINEER | PLAN | SURVEY | MANAGE  
2141 E. HIGHLAND AVE., STE. 250 | P: 602.490.0535 / F: 602.368.2431  
PHOENIX, AZ 85016 [www.hilgartwilson.com](http://www.hilgartwilson.com)

DWG. NO. <b>FP03</b> SHT. 3 OF 3	PROJ. NO.: 1675
	DATE: JULY 2018
	SCALE: NTS
	DRAWN: DSP
	APPROVED: RAJ



## VICINITY MAP

**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 19C.

Date Prepared: 7/30/2018

Council Meeting Date: 9/4/2018

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**TO:** Jeff Tyne, City Manager  
**THROUGH:** Andy Granger, Deputy City Manager  
**FROM:** Adina Lund, P.E., Development and Engineering Director  
**SUBJECT:** Final Plat, Wasserstrom Industries, Grand Avenue and Olive Avenue

---

**Purpose:**

Discussion and possible action to approve a Final Plat of Wasserstrom Industries, located on Grand Avenue and Olive Avenue, subject to stipulations.

**Summary:**

The purpose of the Final Plat is to combine multiple lots into one for commercial usage, and to dedicate all necessary easements. This development is within the City's water/sewer service area.

**Previous Actions/Background:**

There has been no previous action.

**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 further developing this land.

**B:** The other option would be to formally approve the Final Plat and allow this parcel to be further 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.
2. An approval of design from the Development and 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 Final Plat.

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:**

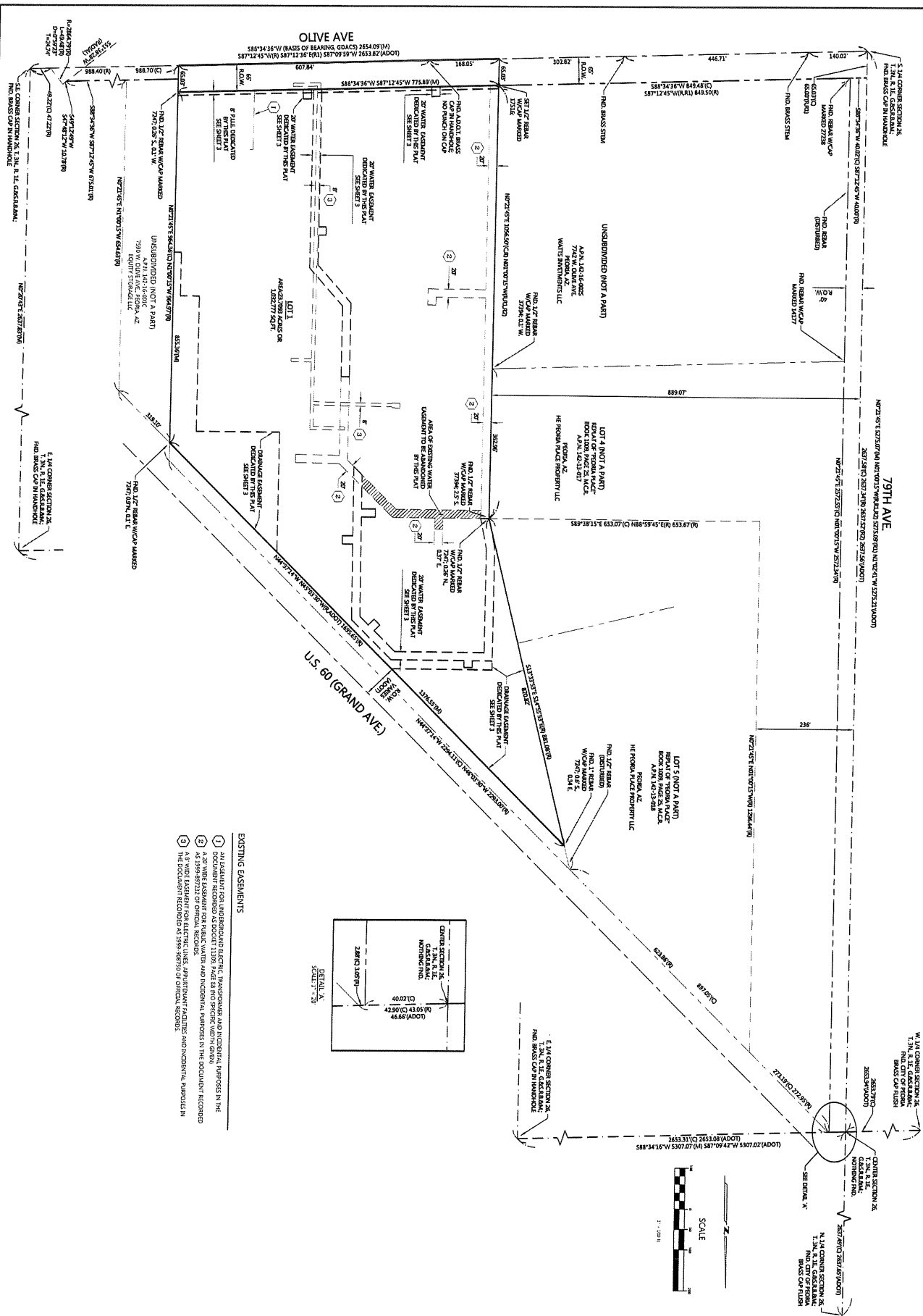
Exhibit 1: Final Plat

Exhibit 2: Vicinity Map

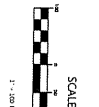
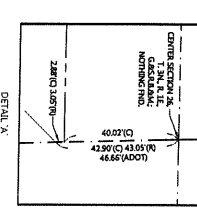
**Contact Name and Number:**

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



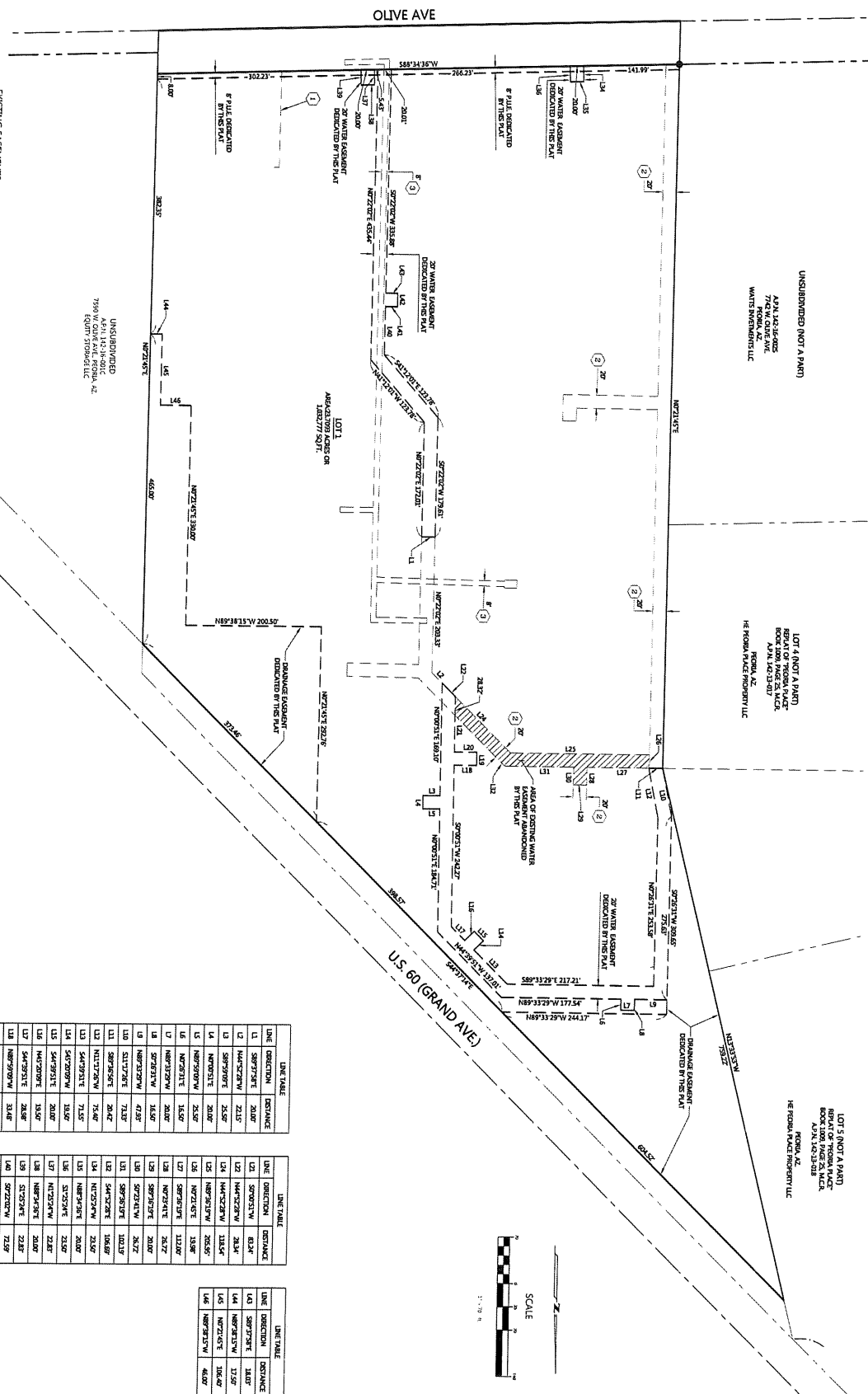


- EXISTING EASEMENTS**
- 1. AN EASEMENT FOR UNDERGROUND ELECTRIC, TRANSMISSION, AND INCIDENTAL PURPOSES IN THE DOCUMENT RECORDED AS DOCKET 1109, PAGE 88 AND SPECIFIC WIDTH GIVEN.
  - 2. A 20' WATER EASEMENT FOR PUBLIC WATER AND INCIDENTAL PURPOSES IN THE DOCUMENT RECORDED AS DOCKET 1109, PAGE 88 AND SPECIFIC WIDTH GIVEN.
  - 3. A 20' WATER EASEMENT FOR PUBLIC WATER AND INCIDENTAL PURPOSES IN THE DOCUMENT RECORDED AS DOCKET 1109, PAGE 88 AND SPECIFIC WIDTH GIVEN.
  - 4. A 20' WATER EASEMENT FOR PUBLIC WATER AND INCIDENTAL PURPOSES IN THE DOCUMENT RECORDED AS DOCKET 1109, PAGE 88 AND SPECIFIC WIDTH GIVEN.
  - 5. A 20' WATER EASEMENT FOR PUBLIC WATER AND INCIDENTAL PURPOSES IN THE DOCUMENT RECORDED AS DOCKET 1109, PAGE 88 AND SPECIFIC WIDTH GIVEN.
  - 6. A 20' WATER EASEMENT FOR PUBLIC WATER AND INCIDENTAL PURPOSES IN THE DOCUMENT RECORDED AS DOCKET 1109, PAGE 88 AND SPECIFIC WIDTH GIVEN.
  - 7. A 20' WATER EASEMENT FOR PUBLIC WATER AND INCIDENTAL PURPOSES IN THE DOCUMENT RECORDED AS DOCKET 1109, PAGE 88 AND SPECIFIC WIDTH GIVEN.
  - 8. A 20' WATER EASEMENT FOR PUBLIC WATER AND INCIDENTAL PURPOSES IN THE DOCUMENT RECORDED AS DOCKET 1109, PAGE 88 AND SPECIFIC WIDTH GIVEN.
  - 9. A 20' WATER EASEMENT FOR PUBLIC WATER AND INCIDENTAL PURPOSES IN THE DOCUMENT RECORDED AS DOCKET 1109, PAGE 88 AND SPECIFIC WIDTH GIVEN.
  - 10. A 20' WATER EASEMENT FOR PUBLIC WATER AND INCIDENTAL PURPOSES IN THE DOCUMENT RECORDED AS DOCKET 1109, PAGE 88 AND SPECIFIC WIDTH GIVEN.
  - 11. A 20' WATER EASEMENT FOR PUBLIC WATER AND INCIDENTAL PURPOSES IN THE DOCUMENT RECORDED AS DOCKET 1109, PAGE 88 AND SPECIFIC WIDTH GIVEN.
  - 12. A 20' WATER EASEMENT FOR PUBLIC WATER AND INCIDENTAL PURPOSES IN THE DOCUMENT RECORDED AS DOCKET 1109, PAGE 88 AND SPECIFIC WIDTH GIVEN.
  - 13. A 20' WATER EASEMENT FOR PUBLIC WATER AND INCIDENTAL PURPOSES IN THE DOCUMENT RECORDED AS DOCKET 1109, PAGE 88 AND SPECIFIC WIDTH GIVEN.
  - 14. A 20' WATER EASEMENT FOR PUBLIC WATER AND INCIDENTAL PURPOSES IN THE DOCUMENT RECORDED AS DOCKET 1109, PAGE 88 AND SPECIFIC WIDTH GIVEN.
  - 15. A 20' WATER EASEMENT FOR PUBLIC WATER AND INCIDENTAL PURPOSES IN THE DOCUMENT RECORDED AS DOCKET 1109, PAGE 88 AND SPECIFIC WIDTH GIVEN.
  - 16. A 20' WATER EASEMENT FOR PUBLIC WATER AND INCIDENTAL PURPOSES IN THE DOCUMENT RECORDED AS DOCKET 1109, PAGE 88 AND SPECIFIC WIDTH GIVEN.
  - 17. A 20' WATER EASEMENT FOR PUBLIC WATER AND INCIDENTAL PURPOSES IN THE DOCUMENT RECORDED AS DOCKET 1109, PAGE 88 AND SPECIFIC WIDTH GIVEN.
  - 18. A 20' WATER EASEMENT FOR PUBLIC WATER AND INCIDENTAL PURPOSES IN THE DOCUMENT RECORDED AS DOCKET 1109, PAGE 88 AND SPECIFIC WIDTH GIVEN.
  - 19. A 20' WATER EASEMENT FOR PUBLIC WATER AND INCIDENTAL PURPOSES IN THE DOCUMENT RECORDED AS DOCKET 1109, PAGE 88 AND SPECIFIC WIDTH GIVEN.
  - 20. A 20' WATER EASEMENT FOR PUBLIC WATER AND INCIDENTAL PURPOSES IN THE DOCUMENT RECORDED AS DOCKET 1109, PAGE 88 AND SPECIFIC WIDTH GIVEN.



R170026

<p>PROJECT NO. 1881</p> <p>SCALE 1" = 20'</p> <p>DATE 10-14-2017</p>	<p><b>PLAT MAP</b></p> <p><b>WASSERSTROM INDUSTRIES</b></p> <p>7600 &amp; 7620 W. OLIVE AVENUE</p> <p>PEORIA, ARIZONA 85345</p>	<p><b>Site Consultants, Inc.</b></p> <p>Engineers • Surveyors • Consultants</p> <p>a division of <b>Westwood</b></p> <p>6909 East Greenway Parkway, Suite 250, Scottsdale, AZ 85254</p> <p>westwoodps.com (888) 937-5150</p>	<p><b>Westwood</b></p> <p>Westwood Professional Services, Inc.</p> <p>6909 East Greenway Parkway, Suite 250</p> <p>Scottsdale, AZ 85254</p> <p>Phone (480) 747-6555</p> <p>Fax (480) 976-8055</p> <p>www.westwoodps.com</p>
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LINE TABLE	
LINE	DISTANCE
L1	589737.987
L2	589738.2097
L3	589738.9097
L4	589739.0131
L5	589739.0874
L6	589739.1547
L7	589739.2294
L8	589739.3116
L9	589739.3794
L10	581717.267
L11	581717.767
L12	581718.267
L13	581718.767
L14	581719.267
L15	581719.767
L16	581720.267
L17	581720.767
L18	581721.267
L19	581721.767
L20	581722.267

LINE DATA		
LINE	DIRECTION	DISTANCE
U1	S70°25'31"W	63.24'
U2	N44°52'28"E	28.34'
U3	N44°52'28"E	118.54'
U4	N89°19'13"W	205.95'
U5	N02°45'32"E	15.96'
U6	S71°59'16"E	112.00'
U7	S28°29'41"E	35.72'
U8	S89°19'13"E	20.87'
U9	S70°25'41"W	35.72'
U10	S89°16'58"E	106.69'
U11	N44°52'28"E	118.54'
U12	N1°25'34"E	23.95'
U13	N89°19'13"E	21.00'
U14	S1°25'34"E	23.95'
U15	N1°25'34"E	21.00'
U16	N89°19'13"E	22.85'
U17	S1°25'34"E	22.85'
U18	S70°25'41"W	72.69'
U19	N89°19'13"W	118.55'
U20	S70°25'41"W	20.87'

LINE TABLE		
LINE	DIRECTION	DISTANCE
143	S89°37.58'E	18.03
144	N89°38.15'W	17.50
145	N07°21.45'E	106.40
146	N89°38.15'W	46.00

### EXISTING EASEMENTS

- 1 AN ASSESSMENT FOR UNDERGROUND ELECTRIC TRANSMISSION AND INCIDENTAL PURPOSES IN THE DOCUMENT RECORDED AS DOCKET 11505, PAGE 58 (10 SPECIFIC WIDTH GRID)
- 2 A 20' WIDE ASSESSMENT FOR PUBLIC WATER AND INCIDENTAL PURPOSES IN THE DOCUMENT RECORDED AS 1999-08732 OF OFFICIAL RECORDS.
- 3 A 8' WIDE ASSESSMENT FOR ELECTRIC LINES, APPLIANCE/FACILITIES AND INCIDENTAL PURPOSES IN THE DOCUMENT RECORDED AS 1999-08875 OF OFFICIAL RECORDS.

UNSUBDIVIDED (NOT A PART)

7742 W. OLIVE AVE.  
PEORIA, AZ.  
WATTS INVESTMENTS LLC

LOT 4 (NOT A PART)  
REPLAY OF "PEORIA PLACE"  
BOOK 1009, PAGE 25, M.C.R.  
A.P.N. 142-13-017

LOT 5 (NOT A PART)  
REPLAT OF "PEORIA PLACE"  
BOOK 1009, PAGE 25, M.C.R.  
A.P.N. 142-13-018

OLIVE AVE

U.S. 60 (GRAND AVE.)

R170026

EASEMENT MAP

WASSERSTROM INDUSTRIES  
7600 & 7620 W. OLIVE AVENUE  
PEORIA, ARIZONA 85345

Site Consultants, Inc.

Engineers • Surveyors • Consultants  
a division of **Westwood**  
6909 East Greenway Parkway, Suite 250, Scottsdale, AZ 85254  
westwoodps.com (888) 937-5150

## Westwood

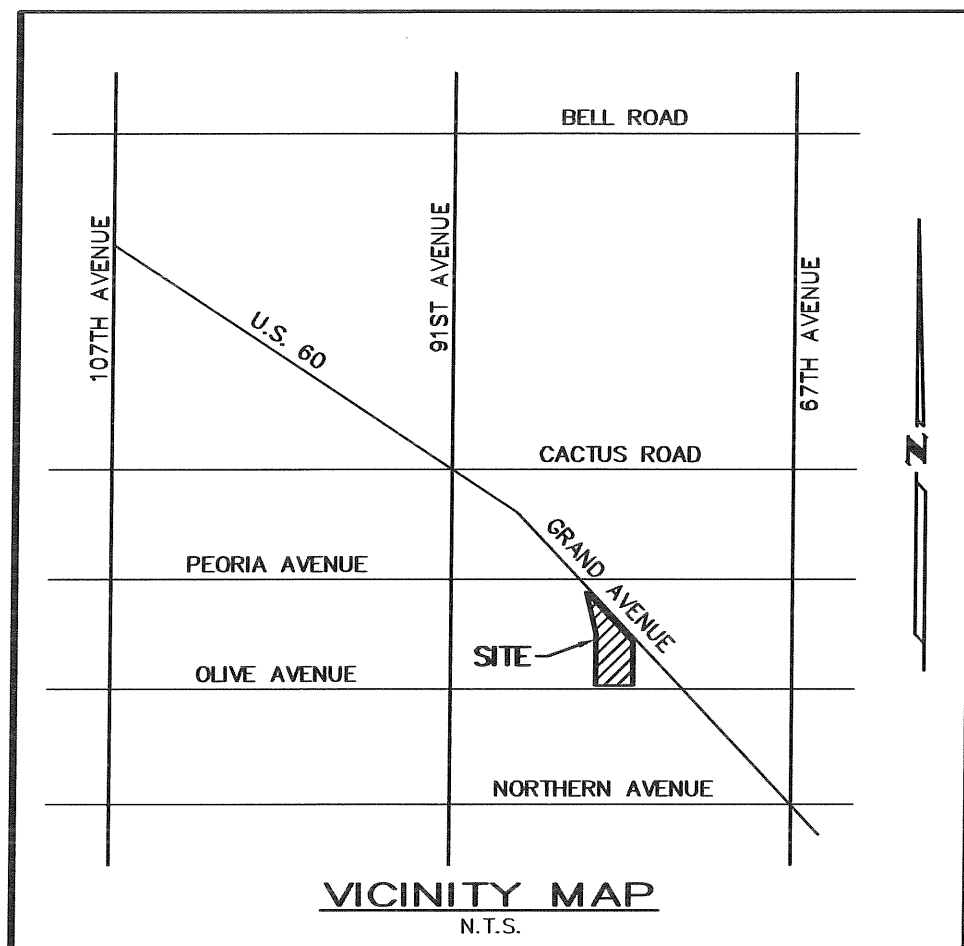
**Westwood Professional Services, Inc.**  
6909 East Greenway Parkway, Suite 250  
Scottsdale, AZ 85254  
Phone (480) 747-6558  
Fax (480) 376-8025  
[westwoodps.com](http://westwoodps.com)

PROJECT NO.	1811
SCALE	1" = 70' HORIZONTAL
SCALE	1" = 20' VERTICAL
DRAWN BY	MGD
CHECKED BY	GLS
DWG 1811-V-1P	
DATE	10-18-2002



10/10/2013

R170026



**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 20C.

Date Prepared: 8/7/2018

Council Meeting Date: 9/4/2018

---

**TO:** Jeff Tyne, City Manager  
**THROUGH:** Andy Granger, Deputy City Manager  
**FROM:** Adina Lund, P.E., Development and Engineering Director  
**SUBJECT:** Replat, Avanti Peoria, Lake Pleasant Parkway and Jomax Road

---

**Purpose:**

Discussion and possible action to approve a Replat of Avanti Peoria, located on Lake Pleasant Parkway and Jomax Road, subject to stipulations.

**Summary:**

The purpose of the Replat is to modify the property lines within a commercial subdivision and dedicate all necessary easements. This development is within the City's water/sewer service area.

**Previous Actions/Background:**

The Final Plat for Lake Pleasant Promenade Commerce Park Lot 2 was recorded in Book 1008 Page 30. This replat amends lots 2A, 2B, 2C, and 2G.

**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 and 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

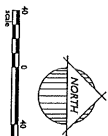
Exhibit 2: Vicinity Map

**Contact Name and Number:**

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



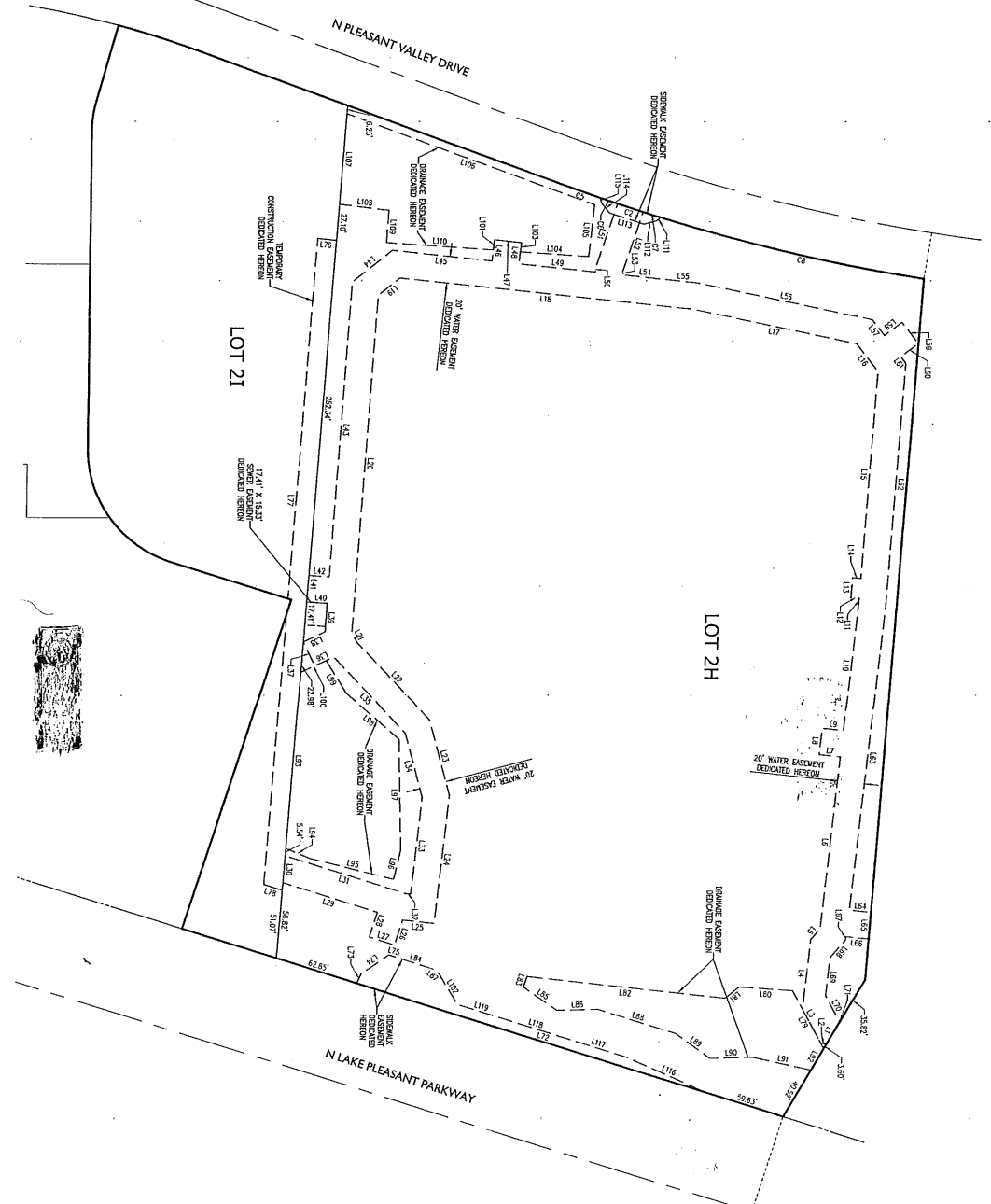




CHORD LENGTH	BEARING	CHORD BEARING	CHORD BEARING
C1 22.41'	86.00'	11.00'	22.30'
C2 20.00'	143.00'	04.00'	20.00'
C3 62.00'	72.00'	09.00'	61.73'
C4 114.17'	80.00'	27.00'	113.75'
C5 28.51'	143.00'	10.00'	28.51'
C6 13.91'	143.00'	03.00'	13.91'
C7 13.91'	143.00'	03.00'	13.91'
C8 20.00'	143.00'	03.00'	20.00'

CURVE TABLE

LINE BEARING	LENGTH	LINE BEARING	LENGTH	LINE BEARING	LENGTH
L1 S89°59'E	20.00'	L41 N88°03'W	20.00'	L81 S89°59'E	13.91'
L2 S89°59'E	4.35'	L42 N89°41'E	13.54'	L82 S89°59'E	14.64'
L3 S89°59'E	20.00'	L43 N89°59'E	22.33'	L83 S89°59'E	6.31'
L4 N89°59'E	30.00'	L44 N89°41'E	30.00'	L84 S89°59'E	29.30'
L5 N89°59'E	129.88'	L45 N89°59'E	74.62'	L85 N89°59'E	30.46'
L6 N89°59'E	16.00'	L46 N89°41'E	15.89'	L86 N89°59'E	30.46'
L7 S89°59'E	20.00'	L47 N89°59'E	20.00'	L87 S89°59'E	6.00'
L8 N89°59'E	16.00'	L48 S89°59'E	15.89'	L88 N89°59'E	6.00'
L9 N89°59'E	16.00'	L49 S89°59'E	15.89'	L89 N89°59'E	31.54'
L10 N89°59'E	30.00'	L50 N89°41'E	30.00'	L90 N89°59'E	31.54'
L11 N89°59'E	31.54'	L51 N89°59'E	44.62'	L91 N89°59'E	44.62'
L12 S89°59'E	6.31'	L52 S72°02'E	47.74'	L92 S89°59'E	18.53'
L13 N89°59'E	16.00'	L53 S89°41'E	17.73'	L93 S89°59'E	18.53'
L14 N89°59'E	6.31'	L54 N89°59'E	22.33'	L94 N89°59'E	18.17'
L15 N89°59'E	15.89'	L55 N89°59'E	22.33'	L95 N89°59'E	18.17'
L16 S89°59'E	20.00'	L56 N89°59'E	15.89'	L96 N89°59'E	22.45'
L17 S89°59'E	15.89'	L57 N89°59'E	15.89'	L97 S89°59'E	22.45'
L18 S89°59'E	20.00'	L58 N89°59'E	15.89'	L98 S89°59'E	22.45'
L19 S89°59'E	20.00'	L59 N89°59'E	15.89'	L99 S89°59'E	22.45'
L20 S89°59'E	20.00'	L60 N89°59'E	15.89'	L100 S89°59'E	22.45'
L21 N89°59'E	8.00'	L61 N89°59'E	15.89'	L101 S89°59'E	22.45'
L22 N89°59'E	8.00'	L62 S89°59'E	15.89'	L102 S89°59'E	22.45'
L23 N89°59'E	8.00'	L63 S89°59'E	15.89'	L103 S89°59'E	22.45'
L24 S89°59'E	8.00'	L64 S89°59'E	15.89'	L104 S89°59'E	22.45'
L25 S89°59'E	8.00'	L65 S89°59'E	15.89'	L105 S89°59'E	22.45'
L26 S89°59'E	8.00'	L66 S89°59'E	15.89'	L106 S89°59'E	22.45'
L27 S89°59'E	8.00'	L67 S89°59'E	15.89'	L107 S89°59'E	22.45'
L28 S89°59'E	8.00'	L68 S89°59'E	15.89'	L108 S89°59'E	22.45'
L29 S89°59'E	8.00'	L69 S89°59'E	15.89'	L109 S89°59'E	22.45'
L30 S89°59'E	8.00'	L70 S89°59'E	15.89'	L110 S89°59'E	22.45'
L31 S89°59'E	8.00'	L71 S89°59'E	15.89'	L111 S89°59'E	22.45'
L32 S89°59'E	8.00'	L72 S89°59'E	15.89'	L112 S89°59'E	22.45'
L33 S89°59'E	8.00'	L73 S89°59'E	15.89'	L113 S89°59'E	22.45'
L34 S89°59'E	8.00'	L74 S89°59'E	15.89'	L114 S89°59'E	22.45'
L35 S89°59'E	8.00'	L75 S89°59'E	15.89'	L115 S89°59'E	22.45'
L36 S89°59'E	8.00'	L76 S89°59'E	15.89'	L116 S89°59'E	22.45'
L37 S89°59'E	8.00'	L77 S89°59'E	15.89'	L117 S89°59'E	22.45'
L38 S89°59'E	8.00'	L78 S89°59'E	15.89'	L118 S89°59'E	22.45'
L39 S89°59'E	8.00'	L79 S89°59'E	15.89'	L119 S89°59'E	22.45'
L40 S89°59'E	8.00'	L80 S89°59'E	15.89'	L120 S89°59'E	22.45'



NEW EASEMENTS

#R170084

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Sheet No. 17-128

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"AVANTI PEORIA"

PEORIA, ARIZONA

RE-PLAT



2045 S. Vineyard Ave, Suite 101  
Mesa, AZ 85210  
T:480.503.2250 | F:480.503.2258  
www.epsgroupinc.com

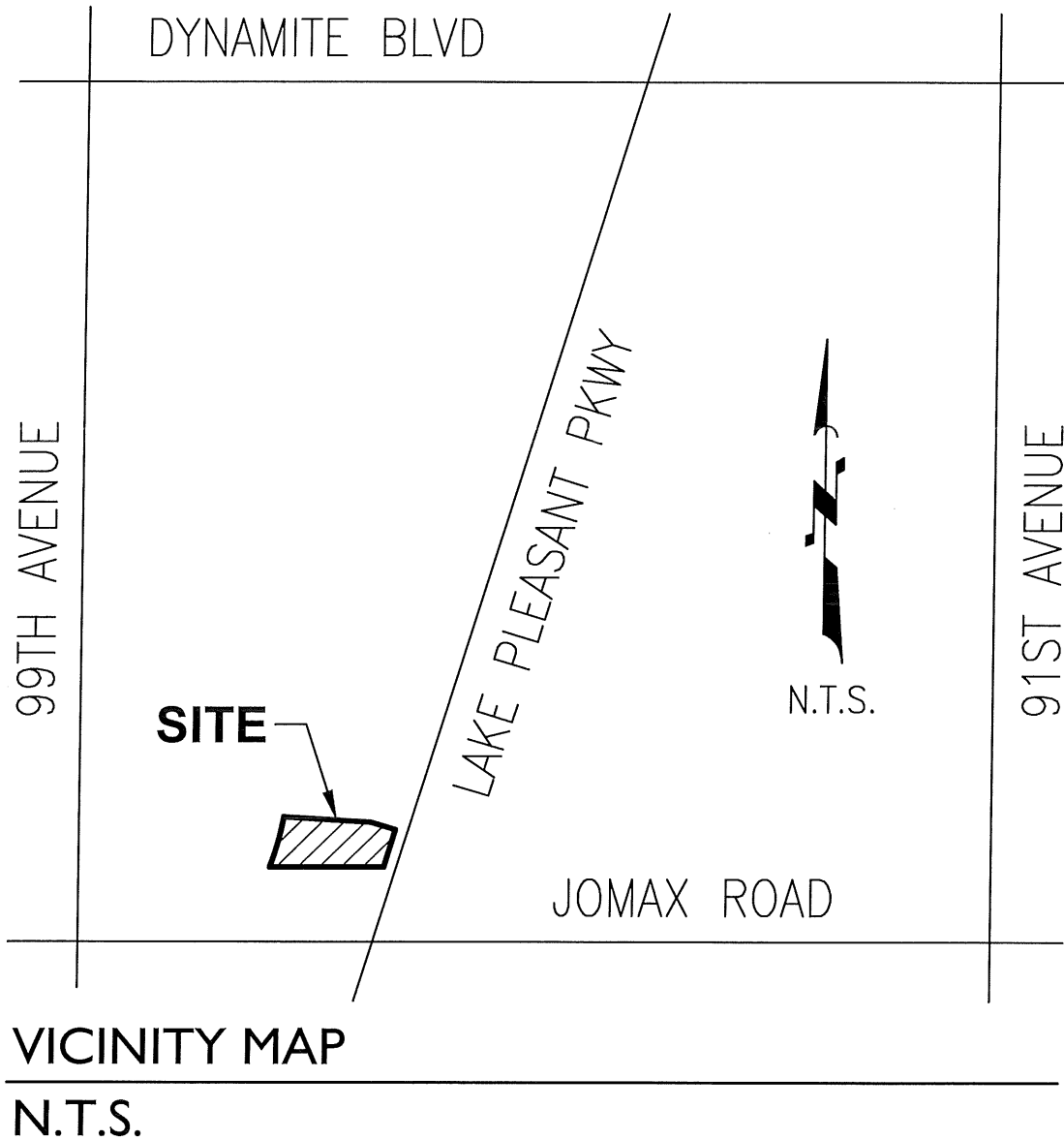
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AVANTI PEORIA  
PEORIA, AZ

VICINITY MAP



2045 S. Vineyard Ave.  
Ste. 101 Mesa, AZ 85210  
T:480.503.2250 | F:480.503.2258  
www.epsgroupinc.com



**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 21C.

Date Prepared: 8/22/2018

Council Meeting Date: 9/4/2018

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**TO:** Jeff Tyne, City Manager  
**THROUGH:** Andy Granger, Deputy City Manager  
**FROM:** Sonia Andrews, Finance Director  
**SUBJECT:** PUBLIC HEARING - Liquor License, Coops Bar & Grill, 8455 West Peoria Avenue

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**Purpose:**

Discussion and possible action to recommend approval to the State Liquor Board for a Person Transfer for an On-Sale All Liquor License (Series 06) for Coops Bar & Grill, located at 8455 West Peoria Avenue, Jason E. Rappaport, Applicant, LL#20020319.

**Summary:**

Coops Bar & Grill, is an existing bar, located at 8455 W. Peoria Avenue. The new owners have applied for a Series 06 Person Transfer On-Sale All Liquor License. The application agent is Jason E. Rappaport.

Series 06—permits a bar retailer to sell and serve spirituous liquors, primarily by individual portions, to be consumed on the premises and in the original container for consumption on or off the premises.

Some of the businesses around Coops Bar & Grill are Mikes Market, Peoria Cafe and Brothers. There are no staff concerns with Coops Bar & Grill. The public hearing notice was posted for at least 20 days, and no comments were received during the posting period. The license application was reviewed according to State law and all Departments gave approvals.

**Previous Actions/Background:**

In September 2011, the Mayor and Council recommended approval to the Arizona State Liquor Board for Coops Bar & Grill for a Person Transfer for an On-Sale All Liquor License (Series 06), located at 8455 W. Peoria Avenue.

**Options:**

**A:** Recommend approval to the Arizona State Liquor Board for a Person Transfer for an On-Sale All Liquor License (Series 06) for Coops Bar & Grill, located at 8455 W. Peoria Avenue, Jason E. Rappaport, Applicant, LL#20020319.

**B:** Recommend denial to the Arizona State Liquor Board for a Person Transfer for an On-Sale All Liquor License (Series 06) for Coops Bar & Grill, located at 8455 W. Peoria Avenue, Jason E. Rappaport, Applicant, LL#20020319.

**Staff Recommendation:**

Pursuant to Arizona Law the City must make a recommendation to the State Liquor Board regarding the approval of applications to sell alcoholic beverages in the City. The Standard for the City's recommendation is whether the best interest of the community will be served by the issuance of these licenses and whether the public convenience is served.

**Fiscal Analysis:**

No fiscal impact.

**ATTACHMENTS:**

Coops App

**Contact Name and Number:**

Samuel Brown (623) 773-7658



Arizona Department of Liquor Licenses and Control  
800 W Washington 5th Floor  
Phoenix, AZ 85007-2934  
www.azliquor.gov  
(602) 542-5141

DLLC USE ONLY

License #	25451
Date Accepted:	7-10-18
CSR:	AP

IP: 25453

Application for Liquor License  
Type or Print with Black Ink

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

A service fee of \$25 will be charged for all dishonored checks (A.R.S. § 44-6852)

SECTION 1 Type of License

- ☒ Interim Permit  
☐ New License  
☒ Person Transfer (series 6, 7 and 9)  
☐ Location Transfer (series 6, 7 and 9)  
☐ Probate/ Will Assignment/ Divorce Decree (No Fees)  
☐ Seasonal

SECTION 2 Type of Ownership

- ☐ J.T.W.R.O.S.  
☐ Individual  
☐ Partnership  
☐ Corporation  
☒ Limited Liability Co  
☐ Club  
☐ Government  
☐ Trust  
☐ Tribe  
☐ Other (Explain)

- SECTION 3 Type of Privilege ☐ Add Sampling Privilege for Series 9 and 10 only (Complete Sampling Privilege application)  
A.R.S. § 4-206.01 (G), (H), (I) & (L)  
☐ Add Growler privileges (restaurant, series 12, license only. 300-foot restriction applies)  
A.R.S. § 4-207 (A) & (B)

1. Type of License (Series of license): 6-Bar

2. LICENSE # 06070649/25451

SECTION 4 Applicants

1. Agent's Name: Rappaport, Jason, Elliot  
Last First Middle
2. Individual/Owner Name: Fahrenheit 24, LLC  
(Ownership name for type of ownership checked in section 2)
3. Business Name (Doing Business As-DBA): COOPS Bar & Grill AZ 85345
4. Business Location Address: 8455 West Peoria Avenue, Peoria, Maricopa  
(Do not use PO Box) Street City State Zip Code County
5. Mailing Address: 8455 West Peoria Avenue, Peoria, AZ 85345  
(All correspondence will be mailed to this address) Street City State Zip Code County
6. Business Phone: 623 878 4250 Daytime Contact Phone: [REDACTED]
7. Email Address: [REDACTED]@com
8. Is the Business located within the incorporated limits of the above city or town? ☒ Yes ☐ No  
If you checked no, in what City, Town, County or Tribal/Indian Community is this business located? Peoria
9. Total Price paid for Series 6 Bar, Series 7 Beer & Wine Bar or Series 9 Liquor Store (license only) \$ 160000

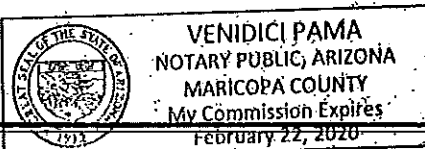
Fees:	100	100	Department Use Only	35	\$ 235.00
	Application	Interim Permit	Site Inspection	Finger Prints	Total of All Fees

### SECTION 5 Interim Permit

If you intend to operate business while the application is pending, you will need an interim permit pursuant to A.R.S. §4-203.01. For approval of an interim permit:

- There must be a valid license of the same series issued to the current location you are applying for, OR
- A Hotel/Motel license is being replaced with a restaurant license pursuant to A.R.S. §4-203.01(A)

1. Enter license number currently at the location: 06070649
2. Is the license currently in use? ☒ Yes ☐ No If no, how long has it been out of use? \_\_\_\_\_

NOTARY	
I (Print Full Name) <u>JOHN RICHARD COOPER J.R.</u> hereby declare that I am the Agent, Current Owner, or Controlling Person on the stated license and location.	
Signature <u>[Redacted]</u>	State of <u>ARIZONA</u> County of <u>MARICOPA</u>
The foregoing instrument was acknowledged before me this <u>9th</u> Day of <u>July</u> , <u>2018</u>	
My Commission Expires on: _____	Day _____ Month _____ Year _____
Signature of Notary <u>[Redacted]</u>	
	

### SECTION 6 Background Check

EACH PERSON LISTED MUST SUBMIT A QUESTIONNAIRE, FINGERPRINT CARD, AND \$22 PROCESSING FEE PER CARD.

1. If the applicant is an entity, and not an individual, answer questions 1a-b.

- a) Date Incorporated/Organized: 5/30/18 State where Incorporated/Organized: AZ
- b) AZ Corporation or AZ L.L.C. File No: 1865265 Date authorized to do business in AZ: 6/7/18

2. List any individual or entity that owns a beneficial interest of 10% or more and/or controls the applicant or licensee. If the applicant is owned by another entity, attach an organizational chart showing the ownership structure. Attach additional sheets as needed. Disclose all controlling persons and members, shareholders or general partners who own a beneficial interest of 10% or more of the applicant or licensee.

Last	First	Middle	Title	%Owned	Mailing Address	City	State	Zip
Rappaport	Jason	Elliot	mgr	100	[Redacted]	[Redacted]	[Redacted]	[Redacted]

(Attach additional sheet if necessary)

### SECTION 7 Probate, Receiver, Bankruptcy Trustee, Assignment, or Divorce Decree of an existing liquor license A.R.S. §4-204

EACH PERSON LISTED MUST SUBMIT A QUESTIONNAIRE, FINGERPRINT CARD, AND \$22 PROCESSING FEE PER CARD.

1. Current Licensee's Name: \_\_\_\_\_  
(Exactly as it appears on the license) Last First Middle
2. Assignee's Name: \_\_\_\_\_  
Last First Middle
3. License Number: \_\_\_\_\_

ATTACH A COPY OF THE DOCUMENT THAT SPECIFICALLY ASSIGNS THE LIQUOR LICENSE TO THE ASSIGNEE.

SECTION 8 Government (for Cities, Towns or Counties only)

1. Government Entity: \_\_\_\_\_

2. Person/Designee: \_\_\_\_\_

Last                                      First                                      Middle                                      Daytime Contact Phone #

SECTION 9 Person to Person Transfer ARS§4-203(C), (D), (G)  
(Bar and Liquor Stores only – Series 06, 07, and 09)

1. License #: \_\_\_\_\_

2. Individual Owner/Agent Name: Cooper, John, Richard, Jr.

Last                                      First                                      Middle

3. Ownership Name: \_\_\_\_\_  
(Exactly as it appears on the license)

4. Current Business Name: \_\_\_\_\_  
(Exactly as it appears on the license)

5. Business Location Address: \_\_\_\_\_

Street                                      City                                      State                                      County                                      Zip

6. Current Daytime Phone: \_\_\_\_\_ Primary Email Address: \_\_\_\_\_

7. Does current licensee intend to operate the business while this application is pending? ☐ Yes ☐ No

8. I, (Signature): \_\_\_\_\_ authorize the transfer of this license to the applicant.

NOTARY

I (Print Full Name) \_\_\_\_\_ hereby declare that I am the Individual Agent, Owner,  
Or Controlling Person on the stated license and location.

Signature: \_\_\_\_\_ State of \_\_\_\_\_ County of \_\_\_\_\_  
The foregoing instrument was acknowledged before me this

My Commission Expires on: \_\_\_\_\_ Date \_\_\_\_\_ Day of \_\_\_\_\_ Month \_\_\_\_\_ Year \_\_\_\_\_

\_\_\_\_\_  
Signature of Notary

SECTION 10 Location Transfer– Current Licensee Information ARS§4-203(C), (D), (G)  
(Bar and Liquor Stores only – Series 06, 07, and 09)

1. Current Business: Name: \_\_\_\_\_

Address: \_\_\_\_\_  
(exactly as it appears on license)

2. New Business: Name: \_\_\_\_\_

Address: \_\_\_\_\_



SECTION 8 Government (for Cities, Towns or Counties only)

1. Government Entity: \_\_\_\_\_
2. Person/Designee: \_\_\_\_\_  
Last First Middle Daytime Contact Phone #

SECTION 9 Person to Person Transfer ARS§4-203(C), (D), (G)  
(Bar and Liquor Stores only - Series 06, 07, and 09)

1. License #: 06070649
2. Individual Owner/Agent Name: Rappaport, Jason, Elliott  
Last First Middle
3. Ownership Name: Jon Richard Cooper, Jr, LLC  
(Exactly as it appears on the license)
4. Current Business Name: COOPS & Bar & Grill  
(Exactly as it appears on the license)
5. Business Location Address: 8455 West Pioria Avenue, Pioria, AZ 85345  
Street City State County Zip
6. Current Daytime Phone [REDACTED] Primary Email Address [REDACTED]
7. Does current licensee intend to operate the business while this application is pending? ☒ Yes ☐ No
8. I, (Signature) [REDACTED] authorize the transfer of this license to the applicant.

NOTARY

I (Print Full Name) Jon RICHARD COOPER, Jr hereby declare that I am the Individual Agent, Owner, Or Controlling Person on the stated license and location.

Signature [REDACTED] State of Arizona County of Maricopa  
The foregoing instrument was acknowledged before me this 9th Day of July, 2018  
Day Month Year

My Commission Expires on:



VENIDICT PAMA  
NOTARY PUBLIC, ARIZONA  
MARICOPA COUNTY  
My Commission Expires  
February 22, 2020

Signature of Notary

SECTION 10 Location Transfer- Current Licensee Information ARS§4-203(C), (D), (G)  
(Bar and Liquor Stores only - Series 06, 07, and 09)

1. Current Business: Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
(exactly as it appears on license)
2. New Business: Name: \_\_\_\_\_  
Address: \_\_\_\_\_

**SECTION 11 Proximity to Church or School - Questions to be completed by 6, 7, 9, 10 and 12G applicants.**

A.R.S. §4-207, (A) and (B) state that no retailer's license shall be issued for any premises which are at the time the license application is received by the director, within three hundred (300) horizontal feet of a church, within three hundred (300) horizontal feet of a public or private school building with kindergarten programs or grades one (1) through (12), or within three hundred (300) horizontal feet of a fenced recreational area adjacent to such school building.

The above paragraph DOES NOT apply to:

- a) Restaurants that do not sell growlers (A.R.S. §4-205.02) Series 12
- b) Hotel/motel license (A.R.S. §4-205.01) Series 11
- c) Microbrewery (A.R.S. §4-205.08) Series 03
- d) Craft Distillery (A.R.S. §4-205.10) Series 18

- e) Government license (A.R.S. §4-205.03) Series 05
- f) Playing area of a golf course (A.R.S. §4-207 (B)(5))
- g) Wholesaler/Distributor Series 04
- h) Farm Winery Series 13
- i) Producer Series 01

1. Distance to nearest School: 1/2 Mile (e)  
(If less than one (1) mile, note footage)

Name of School: Peoria High School

Address: 11200 N. 83rd Avenue, Peoria, AZ 85345

2. Distance to nearest Church: 1/4 Mile (e)  
(If less than one (1) mile, note footage)

Name of Church: Valley Community Church

Address: 8412 W. Washington Street, Peoria, AZ 85345

**SECTION 12 Business Financials A.R.S. §4-202(F)**

1. I am the:

- ☐ Tenant: a person who holds the lease of a property; a lessee.
- ☐ Sub-tenant: a person who holds a lease which was given to another person (tenant) for all or part of a property.
- ☐ Owner
- ☐ Purchaser
- ☐ Management Company

2. If the premises is leased give lessors:

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
Street City State Zip

3. What is the penalty if the lease is not fulfilled? \$ \_\_\_\_\_ or Other: \_\_\_\_\_

4. Total money borrowed for the Business, not including lease? \$ \_\_\_\_\_

Please List Lenders/People you owe money to for business.

Last	First	Middle	Amount Owed	Mailing Address	City	State	Zip

(Attach additional sheet if necessary)

5. Has a license or a transfer license for the premises on this application been denied by the state within the past year?

☐ Yes ☐ No

If yes, attach explanation.

6. Does any spirituous liquor manufacturer, wholesaler, or employee have an interest in your business?

☐ Yes ☐ No

If yes, attach explanation.

**AMENDMENT**

#25451  
Coops Bar & Grill  
Rampart, Jason, Elliot

**SECTION 13** Diagram of Premises

Check ALL boxes that apply to your business:

☐ Walk-up or drive-through windows

☒ Patio: Contiguous

☐ Patio: Non-Contiguous within 30 feet

1. Is your licensed premises now closed due to construction, renovation or redesign or rebuild?

☐ Yes ☒ No If yes, what is your estimated completion date?           

2. What type of business will this license be used for? (be Specific) Bar + Grill

3. Please attach a diagram of the premises which clearly shows only the areas where spirituous liquor will be sold, served, consumed, dispensed, possessed or stored. Include entrances, exits, interior walls, bar areas, dining areas, dance floor, stage, game room and kitchen.

## DO NOT INCLUDE

Parking lots, living quarters or areas where business is not conducted under this liquor license. Please identify which orientation is North on the diagram.

4. Provide the square footage or outside dimensions of the licensed premises. Please do not include non-licensed areas such as parking lots, living quarters, etc.

# ATTACH DIAGRAM

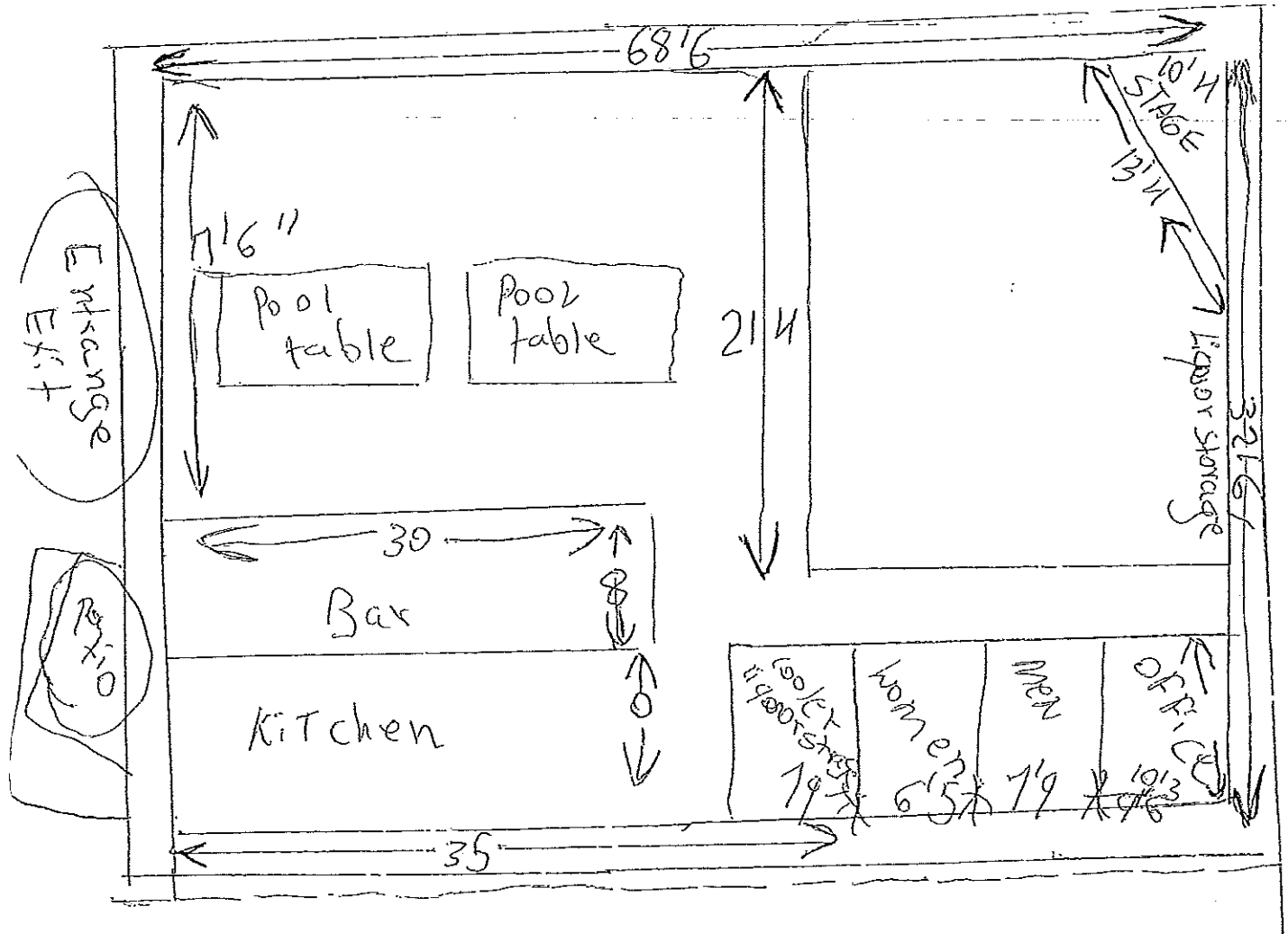
**IMPORTANT NOTE:** As stated in A.R.S. §4-207.01 (B), it is the licensee's responsibility to notify the Department of Liquor Licenses and Control when there are changes to the service areas or the square footage of the licensed premises, either by increase or decrease.

**RESTAURANTS AND HOTELS/MOTELS ONLY**

(IMPORTANT NOTE: A site inspection must be conducted prior to activation of the license. A \$50.00 fee for the inspection will be due and payable upon submitting this application.)

5a. Provide a detailed drawing of the kitchen and dining areas, including the locations of all kitchen equipment and dining furniture. These are required as part of the diagram. A.R.S. §4-205.02(C)

5b. Provide a restaurant operation plan.



**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 22R.

Date Prepared: 8/20/2018

Council Meeting Date: 9/4/2018

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**TO:** Honorable Mayor and City Council  
**THROUGH:** Jeff Tyne, City Manager  
**FROM:** Laura Ingegneri, Human Resources Director  
**SUBJECT:** Council Confirmation of Police Chief Appointment

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**Purpose:**

Discussion and possible action to confirm the City Manager appointment of Arthur Miller as the new Police Chief for the City of Peoria Police Department, effective September 5, 2018.

**SWEARING IN OF NEW POLICE CHIEF, ARTHUR MILLER**

**Summary:**

The Police Chief position recently became vacant due to the retirement of Chief Roy Minter. At the conclusion of an external recruitment process resulting in 55 applicants, Arthur Miller has been selected as the next Police Chief.

Prior to joining the City of Peoria, Arthur was the Chief of Police for the City of South Pasadena, California and brings an extensive law enforcement background that includes over 20 years of experience in upper level management and supervisory law enforcement. Arthur is a graduate of the FBI National Academy and the U.S. Army West Point Leadership Program.

Arthur holds an undergraduate degree in Business Administration from the University of Phoenix, and a Master's degree in Organizational Leadership from Woodbury University.

His starting salary will be \$172,000 annually.

A copy of Arthur's professional resume is attached.

**Options:**

**A:** Confirm the City Manager appointment of Arthur Miller as Police Chief, effective September 5, 2018.

**B:** Do not confirm the City Manager appointment of Arthur Miller as Police Chief, effective

September 5, 2018.

**Staff Recommendation:**

This is a request for Mayor and City Council to confirm the City Manager appointment of Arthur Miller as the Peoria Police Chief, effective September 5, 2018.

**Fiscal Analysis:**

N/A

**ATTACHMENTS:**

A Miller Resume

**Contact Name and Number:**

Laura Ingegneri, (623) 773-7103

## **RESUME**

***Arthur J. Miller***

---

### **EMPLOYMENT:**

City of South Pasadena – Chief of Police 2/2013 to Present  
1422 Mission Street  
South Pasadena, California 91030

Los Angeles Police Department - 4/1978 to 3/2012  
100 North 1<sup>st</sup> Street  
Los Angeles, California 90028

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### **PROFESSIONAL EXPERIENCE:**

I have many years of law enforcement experience including 20 years of upper level management and supervisory experience as a Chief of Police, Police Captain, Police Lieutenant and Police Sergeant in both a large and small police agency. I possess extensive experience with detective, patrol and tactical operations in addition to a wide variety of expertise in Community Policing, Emergency Operations Management, Personnel Management, Internal Affairs, Conflict Resolution, Predictive Policing, Narcotics Enforcement, homeless issues, creating relationships with the business community and establishing partnerships with the schools. I currently work collaboratively with our City council, City Manager and Mayor. I am responsive to the community and have implemented programs that support community policing and crime reduction. I have extensive expertise on many levels of policing and have taught numerous law enforcement courses locally and on a national level.

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### **EDUCATIONAL BACKGROUND:**

Master's Degree in Organizational Leadership – Woodbury University  
Undergraduate Degree in Business Administration – University of Phoenix

### **Specialized Education and Training**

Graduate of FBI National Academy, Class 214  
Graduate of United States Army, West Point Leadership Program  
Graduate and former instructor of California POST Supervisory Leadership Institute  
Graduate of Emergency Response to Critical Incident, College Station, Texas  
Graduate of California POST Executive Development School

**PROFESSIONAL SIGNIFICANT ACCOMPLISHMENTS**

- Implementation of the LAPD Ombudsman Program
  - Design and Implementation of the Police Lateral Program
  - Design and Implementation of the LAPD Interview Specialist Program
  - Design and Implementation of the POST certified Background Investigation Course curriculum
- 

**PROFESSIONAL ASSOCIATIONS:**

- International Association of Chiefs of Police
  - California Chiefs of Police Association
  - Los Angeles County Police Chiefs Association
  - San Gabriel Valley Chief of Police Association
  - FBI National Academy Associates
- 

**OUTSIDE INTERESTS:**

- Running
  - Swimming
  - Hiking
  - Golf
- 

**SPECIFIC RECENT ASSIGNMENTS**

**Chief of Police, South Pasadena 2/2013 to present**

Implemented the Department's Community Relations program, which complements the Neighborhood Watch program; established a bicycle patrol unit; utilized the Predictive Policing concept, which reduced Part-1 crimes by 40%; five consecutive years of crime reduction; worked closely with the school district to establish a School Resource Officer program to address the concerns of parents, students and school staff; established a homeless outreach program; created partnerships with our community's homeless shelter; partnered with our City's Fire Department to establish a CERT program; maintained oversight of the Animal Commission. I am responsible for the overall effective operation of the police department including personnel management, police reserves, response to the community, traffic control, crowd management, budget and other day to day operations.

**Commanding Officer, Metropolitan Division, LAPD, 10/2010 – 3/2012**

Command responsibility of over 300 members of LAPD's specialized units including, SWAT, K-9, Horse Mounted Unit, Under Water Dive Unit, Crime Suppression Platoons, Administrative Operations, Security Details for the Chief of Police, Mayor and City Attorney; responsible for responding to all SWAT call-outs to guide and direct the operations of SWAT personnel; monitored crime trends on a citywide basis and then



deployed resources assigned to Metropolitan Division; provided uniform and plainclothes support for dignitary protection and motorcades; provide oversight and managed beach crowd control for Los Angeles beaches; managed crowd control for major events, protests, and civil disturbance events.

**Commanding Officer, Southwest Area, LAPD, 5/2009 – 10/2010**

Proactively increased productivity levels of the 300 personnel assigned to the Area, which resulted in a reduction of Violent Crime by 23%, reduced Part 1 crime by 16% and Property Crimes by 13%; emphasized increased traffic awareness and enforcement efforts, which lead to a reduction of fatal collisions by 60% and increased traffic citations by 17%; managed and monitored the Area's efforts in meeting the Federal Consent Decree requirements, and received written recognition for compliance; created and provided oversight of the Criminal Homeless Detail to address the 10% Offender and numerous community complaints; worked closely with various private security companies as well as event promoters at the Los Angeles Coliseum and Sports Arena to ensure the safety of event attendees with crowd sizes in excess of 100,000 people.

**Commanding Officer, Hollywood Area, LAPD, 10/ 2008 – 5/ 2009**

Commanding Officer of a 19-square-mile sector of the city with a diverse population of 300,000 people; assisted in the command of 336 sworn officers and 29 civilian support; was responsible for leading crime reduction efforts and providing direction to the various units/sections within the Area command such as Vice, Detectives, Gang Detail, Patrol, Training Unit, Community Relations Unit, Police Athletic League, Explorer Program (youth development), Community Mobilization efforts, Neighborhood Watch programs, the Community Police Advisory Board, and Neighborhood Councils; applied principles to the division's Crime Analysis Unit as well as directed patrol operations; increased the Bicycle Unit deployment to provide optimum territorial coverage and increase targeted crime suppression efforts; created a liaison and relationship with the Lesbian, Gay, Bi-sexual and Transgender community (LGBT) to ensure their issues were addressed in a timely manner.

**Officer in Charge, Internal Affairs Division, LAPD, 6/2007- 10/2008**

Oversight of the Department's internal affairs group as it related to the intake, assignment, investigation and review of personnel complaints; responded to callouts of employees involved in criminal activity or serious misconduct and provided oversight and direction; presented results of completed investigations to the Chief of Police for final review and adjudication.

**Officer in Charge, Reserve Coordination Section, LAPD, 5/2003 – 6/2007**

Managed and supervised the section responsible for managing the LAPD's 700 reserve officers, including recruitment, selection and training.

**Officer in Charge, Recruitment Section, LAPD, 7/2005 – 5/2006**

Supervised the section responsible for recruitment of police officer candidates and provided oversight to ensure recruitment efforts included outreach to all diverse members of the community.

**Officer in Charge, Public Information Office, LAPD, 4/2003 – 7/2005**

Department spokesperson during media events and press/media conferences for television, radio and print media.

**Officer in Charge, Ombudsman, LAPD, 3/2001-4/2003**

Managed the LAPD Alternative Dispute Resolution program which provides mediation and conciliation services to 13,000 employees. The objective of the Ombuds office is to resolve conflicts in the workplace between employees to avoid lawsuits and personnel complaints.

**Officer in Charge, Detective Headquarters Division, LAPD, 8/2000 – 3/2001**

Managed and directed investigations for several specialized investigative sections, including Missing Persons, Gun Unit, Threat Management Section, Mental Evaluation Section. Directed investigations.

**Watch Commander, Southwest Area, LAPD, 3/1999 – 8/2000**

Uniform Lieutenant Watch Commander in one of the most active divisions located in South Los Angeles; responsible for deployment of personnel to respond to calls for service and crimes in progress.

**PROFESSIONAL CERTIFICATES**

California Commission on Peace Officer Standards and Training (POST)

- Executive Certificate
- Management Certificate
- Intermediate Certificate
- Advanced Certificate

**STRENGTHS**

Leadership  
Managerial Expertise  
Affirmative Action  
Expertise in Mediations  
Public Speaking

Bilingual – Fluent Spanish Speaker  
Unusual Occurrence Control/Management  
Policy Development  
Community Relations  
Training/Developing Human Resources

**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 23R.

Date Prepared: 8/21/2018

Council Meeting Date: 9/4/2018

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**TO:** Jeff Tyne, City Manager  
**THROUGH:** Katie Gregory, Deputy District Manager  
**FROM:** Chris M. Jacques, AICP, Planning Director  
**SUBJECT:** Public Hearing - Minor General Plan Amendment, Avilla Lago, Lake Pleasant Road and Beardsley Road

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**Purpose:**

Discussion and possible action to concur with the Planning and Zoning Commission's recommendation to adopt **RES. 2018-93**, approving an amendment to the General Plan Land Use Map re-designating an 11.09 acre site located near Lake Pleasant Road (99th Ave) and Beardsley Road from *Low Density Residential* (2-5 du/ac, target of 3.0 du/ac) to *Medium-High Density Residential* (8-15 du/ac, target of 12.0 du/ac).

**Summary:**

*Introduction:*

The applicant, Burch & Cracchiolo, representing NexMetro Development, is requesting to amend the General Plan Land Use Map for a site comprising approximately 11.09 acres located west of the northwest corner of Lake Pleasant Road (99th Avenue) and Beardsley Road from Low-Density Residential (2-5 du/ac) to Medium-High Density Residential (8-15 du/ac). The Minor GPA was requested in conjunction with a request to rezone the property. If approved, the amendment would facilitate the construction of a casita-style rental community called Avilla Lago. The Avilla Lago conceptual development plan proposes 120 single-story units (82 single-unit, rest are duplex) on 11.09 gross acres. The proposal would result in a gross density of 10.8 dwelling units per acre (du/ac). All proposed building elevations will be required to meet the *Peoria Design Principles and Guidelines* and have the required variation in exterior color and materials, pitched rooflines and meet other stated requirements. No building is to exceed 25-feet in height.

The purpose of the request is to provide an appropriate land use designation to accommodate this companion rezoning request to a Planned Area Development (PAD).

*Adjacent Uses:*

Surrounding the subject properties are a variety of uses as shown on the Context Map within the Planning & Zoning Commission staff report (Exhibit 2). Directly east and west of the subject area are commercially zoned properties that have been developed. Along the majority of the western boundary, of the subject area, is an existing mini-storage business known as *Extra Space*

*Storage.* The remainder of the western boundary (northwest) and directly north of the site are existing single-family homes within the *Ventana Lakes* residential community. To the northeast is a multi-family community known as *Lake Pleasant Village Apartments*. Directly east are various medical or dental offices. Directly south across Beardsley Road is the unincorporated area of Sun City.

*General Plan:*

The subject property is designated *Low Density Residential* on the General Plan Land Use Map (Exhibit 4) of Exhibit 2. The Low Density Residential category denotes an area intended for single-family residences, which range in density is between 2.0 – 5.0 dwelling units per acre (du/ac), with a target of 3.0 du/ac. As designed, the Avilla Lago community would allow both attached and detached residential housing product, which results in a proposed density that exceeds the maximum allowed density under the existing land use category. Consequently, the applicant is requesting to modify the current land use category to Medium-High Density Residential which has a density range between 8.0 – 15.0 du/ac, with a target of 12.0 du/ac. This category is intended to provide for areas of attached single-family homes, apartments, condominiums, and townhouses.

*Analysis of Request:*

Given this parcel is surrounded by existing development on all sides, this site is considered an “infill” area. Its irregular shape and limited street access have contributed to the site remaining vacant. In addition, there is a diverse range of uses surrounding the site, which range from commercial/employment to single-family residential homes. Consequently, any proposed amendment to the General Plan would need to demonstrate the proposed use or uses are compatible with the character of the area and would create an appropriate “transition” between the surrounding businesses and homes.

The subject area is adjacent to a mini-storage business and a single-family residential community on the west. Although the mini-storage is a considered a commercial use, it is often considered lower in intensity, because of its operational characteristics versus traditional commercial or retail uses. Consequently, the uses along the western boundary of the site are considered to be lower in intensity to the more intense commercial/office uses bordering on the east. Because of their differences in character, design and operational requirements, a more transitional use is seen as compatible at this location.

Generally speaking, a low-density residential land use category is not a preferred transitional use between non-residential (or commercial) uses, given the substantial differences in intensity and character mentioned above. In these situations, a significant buffer would be required or a substantive level of mitigation would be appropriate, as a means to minimize the potential impacts on existing residents. Conversely, a moderate to higher density residential product is considered more appropriate in this situation, because the type of product is often able to implement certain mitigation measures to address any potential impacts identified, unlike the single-family product. Thus, the design flexibility allows the moderate to higher density product to retain a residential element to the property, and still achieve greater compatibility with a single-family neighbor, and with a commercial business.

The proposed residential density for Avilla Lago is 10.8 du/ac, which is consistent with the General Plan's Medium-High Density Residential range. The applicant has included additional design measures and amenities to help fill this transitional use role. Site development elements such as landscaping, architecture, screening, height, and access have been designed in a manner to mitigate potential impacts and to create a development that is more compatible with the adjacent single-family neighborhood. In summary, this proposal is considered more



compatible with the surrounding uses, and the proposed mitigation measures ensures the project provides an appropriate transition between the single-family homes and the existing commercial/office uses.

Additionally, staff believes the proposal meets or exceeds the following General Plan goals, policies and objectives:

- Smart Growth - Objective 1.A.1: Promote planned developments where resources and infrastructure are in place to facilitate orderly and efficient growth.
- Infill Development - Objective 1.H: Encourage the development or redevelopment of vacant or underutilized infill sites within the City.
- Residential Communities - Policy 1.N.4: Require adequate provision of open space or direct access to open space in housing developments and, in particular, medium- and high-density multiple-family housing developments.
- Residential Communities - Objective 1.O: Support well designed, high-quality multifamily residential developments in appropriate areas, which maintains compatibility between adjacent developments.

*Public Involvement:*

Pursuant to Section 21-315 of the Peoria Zoning Ordinance, the application was properly noticed to all property owners within 600-feet of the site, and registered HOA's within one-mile. Additionally, a sign was posted on site, and an ad was placed in the Peoria Times at least 15-days prior to the public hearing. A neighborhood meeting was held on March 29, 2018 at 3 p.m. at the Ventana Lakes Yacht Club. Approximately 75 persons attended, along with Councilperson Edwards and city staff. At the meeting, the development team presented the details of the project and answered resident's questions. A summary of the comments along with the applicant's responses are enclosed within Citizen Participation Plan (Exhibit 14) of Exhibit 2. Since the general topics of concern were more related to the Rezoning case, further detail of those topics are included with the accompanying Rezoning summary.

**Previous Actions/Background:**

- On August 16, 2018, the Planning and Zoning Commission held a public hearing on this case. The Commission recommended approval of this request with a 5-0 vote. There was a single speaker that spoke for a group in attendance from the Ventana Lakes community. The individual expressed concern over the northwest access easement being used for full access to 103rd Drive in the future.

**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 budgetary impacts to the City.

**ATTACHMENTS:**

Exhibit 1 - Location Map

Exhibit 2 - P&Z Commission Report

Exhibit 3 - Draft Resolution

**Contact Name and Number:**

Sean Allen, Senior Planner, (623) 773-7337

**Exhibit 1**  
Location Map



# GPA18-01 and Z18-02 Avilla Lago

West of the NWC of Lake Pleasant Road (99th Ave) and Beardsley Road





**Exhibit 2**

August 16, 2018

Planning and Zoning Commission

Staff Report with Exhibits



## **PLANNING AND ZONING COMMISSION REPORT**

**Meeting Date:** August 16, 2018

**Agenda Item:** 3R

**Case Name:** Avilla Lago: Minor General Plan Amendment (GPA18-01) and Rezoning (Z18-02)

**Case Number(s):** GPA18-01 and Z18-02

### **General Application Information**

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*Proposal:*

The applicant is proposing Avilla Lago, a new multi-family community located to the west of the northwest corner of Lake Pleasant Road (99th Avenue) and Beardsley Road. The proposed development would consist of 120 single-story casita style units (10.8 dwelling units per acre) with a range of amenities.

*Location:*

West of the northwest corner of Lake Pleasant Road (99th Avenue) and Beardsley Road.

*Project Acreage:*

Approximately 11.09 acres (gross)

*Applicant:*

Burch and Cracchiolo P.A.

### **Recommendations:**

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Staff recommends that the Planning and Zoning Commission take the following action(s):

1. Recommend approval of Case GPA18-01, to the City Council; and
2. Recommend approval of Case Z18-02, to the City Council subject to the attached Conditions of Approval.

### **ATTACHMENTS:**

Description

Staff Report

Exhibit 1 - Conditions of Approval

Exhibit 2 - Vicinity Map

Exhibit 3 - Context Map

Exhibit 4 - General Plan Map

Exhibit 5 - Zoning Map

Exhibit 6 - Rezoning Justification

Exhibit 7 - Avilla Lago PAD Standards & Guidelines Report

Exhibit 8 - Development Concept Plan

Exhibit 9 - Colored Landscape Plan

Exhibit 10 - Building Elevations

Exhibit 11 - Guest Parking

Exhibit 12 - Amenities

Exhibit 13 - Wall Elevations & Plan

Exhibit 14 - Citizen Participation Summary

Exhibit 15 - Letters of Support-Opposition

Exhibit 16 - PUSD Communication



# PLANNING AND ZONING COMMISSION

## STAFF REPORT

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**Date** August 16, 2018

**To** Planning and Zoning Commission

**From** Sean Allen  
Senior Planner

**Subject** **Avilla Lago General Plan Amendment and Rezoning**  
Proposed gated, multi-family residential development, consisting of 120 single-story casita style homes with community amenities.

### PROPOSAL

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The applicant is seeking to amend the General Plan land use designation and rezone the subject property to accommodate the development of a multi-family residential community called Avilla Lago.

### APPLICATION INFORMATION

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**Case Numbers** General Plan Amendment (GPA18-01) and Rezoning Application (Z18-02)

**Applicant** Brennan Ray of Burch and Cracchiolo, P.A.

**Request(s)**

1. Amend approximately 11.09 acres of the General Plan from Low Density Residential (2.0 – 5.0 du/ac, target 3.0 du/ac) to Medium-High Density Residential (8.0 – 15.0 du/ac, target 12.0 du/ac); and
2. Rezone 11.09 acres from Intermediate Commercial (C-2) to a Planned Area Development (PAD) zone.

### LOCATION AND CONTEXT

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#### **SUBJECT SITE**

West of the northwest corner of Lake Pleasant Road (99th Ave) and Beardsley Road, as shown in Exhibit 2.

#### **CONTEXT**

Surrounding the subject properties are a variety of uses as shown in Exhibits 2 and 3. Directly east and west of the subject area are commercially zoned properties that have been developed. Along the majority of the western boundary of the subject area is an existing mini-storage business known as *Extra Space Storage*. The remainder of the western boundary (northwest) and directly north of the site are existing single-family homes within the Ventana Lakes residential community. To the northeast is a multi-family community known as *Lake Pleasant Village Apartments*. Directly east are various medical or dental offices. Directly south is the

existing residential community known as *Sun City 49 Subdivision*.

### **APPLICANT'S PROPOSAL**

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The applicant is proposing a gated multi-family residential community known as Avilla Lago. The conceptual layout of the community is shown in Exhibits 8 and 9, which includes 120 single-story casita-style homes with various recreational amenities. As stated in the applicant's Rezoning Justification, the intent is to create a "single family" feel throughout the community that is compatible with the neighboring residential community, and that provides a high quality and unique housing alternative for the City. (Exhibit 6) Accordingly, the proposed Avilla Lago Planned Area Development (PAD) Standards and Guidelines Report (Exhibit 7) identifies site-specific development standards, which are custom to the development as a means to appropriately respond to the unique conditions of the site, along with identifying the desired character of the community.

The proposed site is accessed from an existing driveway off Beardsley Road. The applicant proposes to modify the existing traffic median on Beardsley Road to allow for greater left turn capacity for vehicles traveling east. Additionally, the existing driveway would be modified to allow shared access with the existing *Extra Space Storage* business, which is located directly west of the site. To provide a greater sense of arrival, the applicant proposes a decorative main entry sign facing Beardsley Road that is attached to an enhanced sound wall with raised planter beds that extends east along the Beardsley Road frontage. Avilla Lago will have decorative pavers and optional parking at the main entry, and have the same decorative theme walls with planter beds leading up to the gate. (See Exhibits 9 and 13) Emergency access is being proposed at the northwest portion of the project as further described in Traffic Section of the report.

Avilla Lago is proposed with the following residential unit breakdown: 38 1-bedroom units, 46 2-bedroom units, and 36 3-bedroom units. The one-bedroom structures will be attached units, while the two and three-bedroom unit dwellings are detached. This results in approximately 68% of the residences being a detached product. The residences will range in square footage between approximately 625 square feet and 1,250 square feet. Residents will have assigned parking spaces. There are 10 garage structures with each structure containing four single-car spaces. There are a number of guest parking spaces throughout the community as well, as shown in Exhibit 11.

Conceptual building elevations have been provided to illustrate the proposed architectural vocabulary and character of the Avilla Lago community. (Exhibit 10) The proposed theme incorporates earth-tone colors of ledge-stone, stucco, and tile roof materials on all structures within the development. The height proposed for all units is a one-story (maximum 25-feet) with pitched rooflines.

There are two distinctive amenity areas, which are linked by the north to south meandering sidewalk/trail, which extends from the leasing office/pool area to the fenced dog park in the northern portion of the site. The applicant is proposing the following amenities as summarized

below, and as shown in Exhibits 9 and 12:

- Large Pool
- Lounge Areas
- Large Spa
- Putting green
- Bag Toss
- Fire Pit
- Community BBQ's
- Shaded Trellis with picnic tables
- A north to south meandering sidewalk/trail corridor with benches
- Gated Dog Park with water fountain and separate dog wash
- Additional Shaded Seating

The development proposes a variety in their perimeter fencing/screening, as illustrated on the second page of Exhibit 13. The applicant has indicated the proposed design aims to be decorative and create a balance between privacy and visibility. View fencing is proposed around the perimeter of the dog park and along the south side of the putting green area. Partial-view walls are proposed along the entire east boundary within the rear yards of the units as a method to provide privacy for residents while maintaining natural security of the adjacent landscaped area. Another section of partial view fencing is proposed within the small area that borders the pool, which is located to the west of the main gate. Walls between the units will be six (6) feet solid CMU block painted to match. The remaining fences will be six (6) feet tall decorative theme walls with planter beds, except for along Beardsley Road, which will be a minimum eight (8) or taller to comply with noise attenuation requirements. All the existing walls facing the vacant site shall be painted to match the Avilla Lago design theme.

### **DEVELOPMENT INFORMATION**

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<u>Existing Use:</u>	Vacant/undeveloped
<u>Proposed Use</u>	120 attached and detached units
<u>Property Size:</u>	11.09 gross acres 10.49 net acres
<u>Existing General Plan Land Use Category:</u>	Low Density Residential 2.0 - 5.0 dwelling units per acre (du/ac), target of 3.0 du/ac
<u>Proposed General Plan Land Use Category:</u>	Medium-High Density Residential 8.0 – 15.0 du/ac, target of 12.0 du/ac
<u>Density Proposed:</u>	10.8 du/ac
<u>Building Height:</u>	
Allowed:	30 Feet*
Proposed:	25 Feet

### Landscape:

Required: 2.09 Acres (20.0%)  
Provided: 4.85 Acres (46.0%)

### Common Open Space:

Required: 35,700 Square Feet or 0.82 Acres  
Provided: 45,000 Square Feet or 1.03 acres (9.8%)

### Private Open Space:

Required: 17,280 sq. feet or 0.39 acres (3.7%)  
Provided: 34,800 sq. feet or 0.79 acres (7.5%)

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*Refer to Table 1 within this report for the proposed development standards.*

\*30 feet is the maximum allowed height when the subject property is within 30 feet of a residential district. Height may be increased by one (1) foot for every three (3) feet of additional setback, up to a maximum of 48 feet, in the existing C-2 zoning district.

## STAFF ANALYSIS

### GENERAL PLAN

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The subject property is designated *Low Density Residential* as shown on the General Plan Land Use Map, Exhibit 4. The Low Density Residential category denotes an area intended for single-family residences, which range in density is between 2.0 – 5.0 dwelling units per acre (du/ac), with a target of 3.0 du/ac. As designed, the Avilla Lago community would allow both attached and detached residential housing product, which results in a proposed density that exceeds the maximum allowed density under the existing land use category. Consequently, the applicant is requesting to modify the current land use category to Medium-High Density Residential which has a density range between 8.0 – 15.0 du/ac, with a target of 12.0 du/ac. This category is intended to provide for areas of attached single-family homes, apartments, condominiums, and townhouses.

### ANALYSIS

Given this parcel is surrounded by existing development on all sides, this site is considered an “infill” area. Its unique shape and limited street access have contributed to the site remaining vacant until now. In addition, there is diverse range of uses surrounding the site, which range from commercial/employment to single-family residential homes results. Consequently, any proposed amendment to the General Plan would need to demonstrate the proposed use or uses are compatible with the character of the area and would create an appropriate “transition” between the surrounding businesses and homes.

The subject area is adjacent to a mini-storage business and a single-family residential community on the west. Although the mini-storage is considered a commercial use, it is often considered lower in intensity, because of its operational characteristics versus traditional commercial or retail uses. Consequently, the uses along the western boundary of the site are considered to be lower in intensity to the more intense commercial/office uses bordering on the east. Because of their differences in character, design and operational requirements, a more transitional use could be seen as compatible at this location.

Generally speaking, a low-density residential land use category is not a preferred transitional use between non-residential (or commercial) uses, given the substantial differences in intensity and character mentioned above. In these situations, a significant buffer would be required or a substantive level of mitigation would be appropriate, as a means to minimize the potential impacts on existing residents. Conversely, a moderate to higher density residential product is considered more appropriate in this situation, because the type of product is often able to implement certain mitigation measures to address any potential impacts identified, unlike the single-family product. Thus, the design flexibility allows the moderate to higher density product to achieve greater compatibility with a single-family neighbor, and with a commercial business.

The proposed residential density for Avilla Lago is 10.8 du/ac, which is consistent with the General Plan's Medium-High Density Residential range. The applicant has included additional design measures and amenities to help fill this transitional use role. Site development elements such as landscaping, architecture, screening, height, and access have been designed in a manner to mitigate potential impacts and to create a development that is more compatible with the adjacent single-family neighborhood. These mitigation measures are discussed in detail within the Zoning Analysis Section below. In summary, this proposal is considered more compatible with the surrounding uses, and the proposed mitigation measures ensures the project provides an appropriate transition between the single-family homes and the existing commercial/office uses.

In addition, staff believes the proposal meets or exceeds the following General Plan goals, policies and objectives:

- Smart Growth - Objective 1.A.1: Promote planned developments where resources and infrastructure are in place to facilitate orderly and efficient growth.
- Infill Development - Objective 1.H: Encourage the development or redevelopment of vacant or underutilized infill sites within the City.
- Infill Development - Policy 1.H.3: Encourage infill development that takes advantage of existing municipal services, utilities, transportation facilities, schools, and shopping areas.
- Residential Communities - Policy 1.N.4: Require adequate provision of open space or direct access to open space in housing developments and, in particular, medium- and high-density multiple-family housing developments.
- Residential Communities - Objective 1.O: Support well designed, high-quality multifamily residential developments in appropriate areas, which maintains compatibility between adjacent developments.

### **KEY FINDINGS**

1. The proposal provides for a land use category that facilitates development of an infill site, and the proposed use provides an appropriate transition to the existing diverse uses.
2. The amendment will better reflect the development needs of the area while accounting for the existing built environment.
3. The amendment is in conformance with the Goals, Objectives, and Policies of the City of Peoria General Plan.
4. The amendment will not adversely impact the surrounding community as a whole or a portion thereof by:
  - Significantly altering existing land use patterns,
  - 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, and/or the health and safety of the residents.

### **ZONING**

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The site is currently zoned Intermediate Commercial (C-2) as shown in Exhibit 5. Multi-family residential uses are not permitted within this zoning district. Accordingly, the Applicant is proposing to rezone the site to Planned Area Development (PAD).

### **ANALYSIS**

#### **LAND USE AND ZONING HISTORY**

The site has retained its current zoning of Intermediate Commercial (C-2) since 1986 when City Council adopted ORD. 86-44. This same approval also adjusted the zoning designation to C-2 on the adjacent commercial properties to the east and west as shown in Exhibit 5. All of the surrounding commercially zoned properties have developed except for the subject area.

#### **PROPOSED PAD STANDARDS ANALYSIS**

The Avilla Lago Planned Area Development (PAD) proposes amended development standards compared to the standard multi-family zoning district (e.g. RM-1) found within the Zoning Ordinance. The PAD designation allows deviation from the existing development standards in order to allow developments to better respond to topographical conditions, contextual circumstances in the area, and/or otherwise promote a creative and efficient approach to land development.

The proposed development standards for Avilla Lago (Exhibit 7) are most similar to the City's RM-1 zoning district with some variations specific to this project. A comparison of the proposal and RM-1 is outlined in the table below):



**Table 1 – Proposed Development Standards**

Standards	RM-1	Avilla Lago (proposed)
<b>Maximum Density</b>	10.0 du/ac with additional open space required*	10.8 du/ac with excess open space
<b>Maximum Lot Coverage</b>	60%	50%
<b>Maximum Building Height</b>	30 Feet	25 Feet / 1-Story
<b>Front Setback (to Beardsley Road)</b>	10 Feet	30 Feet
<b>Side Setback (location)</b>	5 Feet /10 Feet total	35 Feet (east) 10 Feet (west/storage) 15 Feet (west/residential)
<b>Rear Setback</b>	15 Feet	15 Feet (north/residential) 10 Feet (north/other areas)
<b>Landscape Buffer (single-family residential district)</b>	20 Feet	15 Feet (north/residential) 10 Feet (north/other areas)
<b>Private Yard / Balcony Open Space</b>	17,280 Square Feet	34,800 Square Feet
<b>Common Useable Open Space</b>	35,700 Square Feet	45,000 Square Feet
<b>Parking Ratios</b>	1 Bedroom = 1.5 spaces 2 & 3 Bedroom = 2.0 spaces Visitors = 1 space every 10 units	1 Bedroom = 1.5 spaces 2 & 3 Bedroom = 2.0 spaces Visitors = 1 space every 10 units

\*Densities in the RM-1 zone are based on the type of multi-family structure and amount of open space amenities and enhancements. The density given for comparison is for attached single-family buildings. Multi-family buildings with 2-4 family dwellings may go as high as 12 du/ac, and buildings with five (5) or more dwellings may go as high as 25 du/ac.

As foot-noted above, the RM-1 zone has a broad range of densities that are governed by the number of families (dwellings) in one building. At 10.8 du/ac, the proposed Avilla Lago density falls between the single-family attached (10 du/ac) and 2-4 family building (12 du/ac). Avilla Lago exceeds the minimum open space and amenity requirements, described below, helping to support a development of higher density. It should also be noted that even though this is a multi-family development, it will look and feel more like a single-family development, because all the casita style homes are limited to one story in height.

## CONSTRAINTS

The property comes with certain encumbrances. The *Extra Space Storage* facility (to the west) and the subject parcel were part of one ownership at the time of the facility's construction. Consequently, there are 13 existing parking spaces on the subject site that will need to be maintained and available for use by the storage facility. The applicant has included those thirteen parking stalls into the design at the main entry area of the site. Additionally, there is an

existing 30-foot wide drainage easement along the east boundary that will be maintained as a landscape area, and a 20-foot wide water easement that extends through the center of the site.

### PROPOSED SITE IMPROVEMENTS

The development proposes a variety in their perimeter fencing/screening, as illustrated on the second page of Exhibit 13. The design aims to be decorative and create a balance between privacy and visibility. Full-height view fencing is proposed around the perimeter of the dog park and along the south side of the putting green area. Partial-view walls (4'-solid / 2'-view) are proposed along rear yards of the units on the east side of the project that border the 30-foot drainage easement. The intent here is to help keep an open feel and provide eyes on this future landscaped area. Another section of partial view fencing is to be installed in a small area that borders the pool, on west side of the main gate. Walls between yards will be 6' tall "builder walls." The remaining fences are 6' tall sight-obscuring decorative theme walls with planter beds, except for the wall along Beardsley Road, which will be a minimum 8' or taller sound wall to comply with noise attenuation requirements. All the existing walls facing the vacant site shall be painted to match the Avilla Lago design theme.

Parking has been designed to comply with the City's standard requirement for multi-family developments. Visitors to the site may use any of the "open-guest parking spaces" that are distributed throughout the site, as represented in Exhibit 11.

Lighting throughout the development will be no taller than 16-feet, and shielded to prevent light spillage onto neighboring properties. The proposal will comply with the City's Dark Sky Ordinance.

Utility panels/boxes and equipment will be screened from view within the community, and the regulation of this site element is included within the PAD.

### AMENITIES

The leasing office and main pool/recreation area are proposed near the main entry as illustrated in Exhibit 9. Based on the number of total residential units, the Peoria Design Review Manual requires at least four (4) amenities within the community. The applicant is proposing 11 amenities as summarized below, and as shown in Exhibits 9 and 12:

- Large Pool
- Lounge Areas
- Large Spa
- Putting green
- Bag Toss
- Fire Pit
- Community BBQ's
- Shaded Trellis with picnic tables
- A north to south meandering sidewalk/trail corridor with benches
- Gated Dog Park with water fountain and separate dog wash
- Additional Shaded Seating



## PLANNING AND ZONING COMMISSION STAFF REPORT

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There are two distinctive amenity areas, which are linked by the north to south meandering sidewalk/trail, which extends from the leasing office/pool area to the fenced dog park in the northern portion of the site. The applicant intends to install the southern portion of amenities with Phase 1 construction, including the beginning of the meandering sidewalk/trail. This represents the bulk of the amenities that are in the larger area illustrated in Exhibit 12. The remaining amenities, including the dog park, will be completed with the final phasing construction that is to be determined with the final Site Plan review.

### OPEN SPACE / TRAILS

Multi-family development proposals are required to meet or exceed two different open space requirements: 1) common/useable open space, and 2) private open space. Each of these requirements are described in more detail below.

The common/useable open space requirement is based on the number of bedrooms. Based on the proposed number of bedrooms, Avilla Lago is required to provide 35,700 square feet of common or usable open space. As designed, the proposal has 45,000 square feet of usable open space, which includes the eleven (11) community amenities noted above. Further, this common useable open space component should be well balanced and accessible to all future residents. The Avilla Lago concept achieves this balance and accessibility showing a distribution of amenities on the north and south ends of the project, with an internal accessible sidewalk/trail system that provides connectivity to all common areas (Exhibits 9 and 12).

The Zoning Ordinance requires the proposal to provide private open space, which is typically satisfied by providing balconies for elevated units and patios for ground level units. Since the units in the Avilla Lago development are all ground level, the applicant is required to provide a minimum of 17,280 square feet of ground level patios. The Avilla Lago concept has proposed a private yard area for each unit, which calculates to a total of 34,800 square feet, more than doubling the minimum requirement for a standard multi-family project.

In addition to exceeding open space requirements, the applicant has designed the residential community to have a good internal pedestrian connectivity, which is anchored by a central sidewalk/trail that traverses north from the main entry. This sidewalk/trail connects the north and south portions of the community, thus minimizing the impact of a site that is shaped long from top to bottom with a singular access at the south end. This pedestrian access is to be accented with bench seating and will be accessible. Residents will also be able to exit the community through a pedestrian gate near the main entry, which will provide access to the sidewalk along Beardsley Road, allowing pedestrian access to the commercial businesses in the vicinity.

### TRAFFIC

Primary access into the project will be from Beardsley Road. As identified above, the applicant proposes to modify the existing traffic median on Beardsley Road to allow for greater left turn capacity for vehicles traveling east. Additionally, the existing driveway would be modified to allow shared access with the existing *Extra Space Storage* business, which is located directly west of the site. Based on the estimated number of vehicular trips into and out of the site, a dedicated secondary means of access is not required at this time. The City's Traffic Engineering Division has reviewed and approved the applicant's traffic study in accordance with city standards.

A 20-foot wide existing access easement runs adjacent to the north boundary of the mini-storage site, and connects the subject property to the Ventana Lakes Community at 103rd Drive. This access easement is to remain; however, the applicant has agreed to limit the northwest access to an emergency access only, in response to comments received from Ventana Lakes residents at the Neighborhood Meeting (Exhibit 14). Accordingly, an emergency access will be provided to 103<sup>rd</sup> Drive.

City staff recognizes the applicant's efforts to obtain vehicular access to the east through the existing commercial business to reduce concerns with the possible access into the Ventana Lakes community. Even though those negotiations to date were unsuccessful, staff is recommending the applicant continue to pursue another access easement to the east property line. The suggested location would be near where unit 1036 is located on the conceptual development plan, which aligns with the existing drive on the commercial property. Securing this access easement would address the possible future need of a vehicular connection point to the east, by having the easement in place if need for the access was warranted. Staff is not requiring the access be constructed at this time; rather, the connection be triggered by the identified traffic demands within a traffic study, or as warranted to mitigate a health, safety and welfare concern(s) specifically related to not having a functioning connection.

### WATER/SEWER

Water and sewer facilities exist adjacent to the site and have available capacity to serve the property.

### PUBLIC SAFETY

There are no anticipated impacts to public safety due to this proposal.

### COMMUNITY INVOLVEMENT

#### *Public Noticing*

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 of a sign on the site, and placing an ad in the Peoria Times at least 15-days prior to the Public Hearing.

### *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. The applicant notified all property owners within a 600-foot radius of the site and all registered Homeowners' Associations within one (1) mile for the required neighborhood meeting.

The neighborhood meeting was held on March 29, 2018 at 3 p.m. at the Ventana Lakes Yacht Club. Over 75 persons attended, along with Councilman Edwards and city staff. At the meeting, the development team presented the details of the project and answered resident's questions. A summary of the comments along with the applicant's responses are enclosed within Citizen Participation Plan. (Exhibit 14) The general topics of concern were:

- Direct vehicular access to the Ventana Lakes community via the northwest access easement;
- Possible extension of access to the east through the existing commercial properties;
- Concern regarding the proposed density; and
- Shielding of lights near the homes on the north end of the proposal.

Vehicular Access to Ventana Lakes - The applicant has agreed to restrict vehicular access to 103<sup>rd</sup> Drive to emergency access only, as noted within Exhibit 1, Conditions of Approval.

Extension of access to commercial properties – As discussed previously, the applicant has approached the commercial property owner regarding obtaining an access easement between this project and the commercial businesses. City staff understands the negotiations to date have been unsuccessful; however, continue to recommend the applicant pursue this as a possible future connection should it be warranted.

Proposed density – The proposed Avilla Lago project is not a typical multi-family project, as it has been designed to be low in scale, and consistent in character with the surrounding residential community.

Shielding of Lights - The height of overhead pole lighting will be limited to sixteen (16) feet and fully shielded to prevent glare and light spillage onto neighboring properties as identified within the Avilla Lago PAD.

### *Support / Opposition*

At the time of this writing, Staff has received two (2) emails in support and two (2) emails in opposition of the proposal from notified property owners as shown in Exhibit 15. Each of the emails were received subsequent to the neighborhood meeting. For the two (2) emails in support of the proposal, the support was based on the following:

- Pitched rooflines and overall appearance seemed better than what has been done for a similar development in the valley;

- Having a greater diversity of housing options (something other than 55+ restricted); having a lock and leave community; and
- Additional customer base to support the nearby commercial centers.

The first letter/email of opposition expressed opposition to the increase in density. The second letter/email of opposition was opposed to a high-density residential project, and had concerns related to impact on quality of life, home resale values, taxes, schools, and increased traffic.

The input received by City staff since the neighborhood meeting mirrored some of the concerns expressed at the neighborhood meeting. Those concerns that were different are summarized below, with staff's response is provided in italics.

- Concerns about children entering the Ventana Lakes community and falling into the lakes.

*The Avilla Lago proposal has no direct access to the Ventana Lakes Community, except for an emergency access gate that will remain closed. Avilla Lago is gated with the only vehicular and pedestrian access being from Beardsley Road.*

- Concerns about the home designs looking like an army barracks as was discovered in another city.

*City staff requested the housing units have pitched rooflines and have decorative front facades that are consistent with the City's design standards. The applicant has complied with pitched tile rooflines on all structures, including the proposed garage buildings. The applicant has also increased the rear yard spaces for perimeter units bordering the Ventana Lakes community to further increase consistency with the look and feel of single-family neighborhood.*

- Concerns about rezoning to "high-density" housing and the following impacts that arise from such developments: reducing quality of life, low-income residents, impact on the school system, increased traffic, and increased taxes.

*The Avilla Lago proposal is not a high-density project, and they are not seeking a high-density residential designation. The applicant is seeking a "Medium-High Density Residential land use designation as explained throughout the report. The proposal calculates out to a density of 10.8 du/ac, which is well under the Target density of 12.0 du/ac permitted by the proposed land use designation. The applicant has further tempered their development proposal by is limiting their dwelling units to one-story casita-style homes, and they have designed a community that is more compatible to the existing single-family homes than the standard apartment buildings one would expect in a multi-family project. Pertaining to quality of life, instead of the property remaining a vacant dust bowl with limited frontage & visibility for commercial development, the adjacent community should benefit from a residential development to fill these vacant parcels, and one that is designed to be compatible. The applicant is targeting a higher income base to lease their product to, as their PAD narrative states. The Avilla Lago product would improve the overall quality of the area, and an increase in residents will further support the existing commercial in the vicinity. The City's Traffic/Engineering Division has recommended an approval of the project, having addressed any traffic concerns. This development alone will not be the catalyst for increased taxes to support Peoria schools. Increased taxes would result from legislation that would address the issue from a broader spectrum. As will all projects, the City informs the school district of*

*developments as they come in. City staff has received communication from a representative of the school district who has indicated that they have been in contact with the applicant, seeking financial assistance from the applicant in the form of a Developer Assistance Agreement (DAA). Reportedly, the applicant has indicated that they are willing to participate; however, the City is not aware of a formal agreement being executed yet.*

- Concerns with future lights installed at the north end of the proposal, and potential light spillage onto the existing residential lots.

*Lighting will be fully shielded to ensure no light spillage occurs onto adjacent properties, and will be in compliance with the City's Dark Sky Ordinance.*

### **KEY FINDINGS**

1. The proposed PAD zone is in conformance with the goals and objectives set forth in the City of Peoria General Plan;
2. The change in zone will support an infill development that will better reflect the development needs of the area, while accounting for the existing built environment; and
3. This rezoning request will result in a residential development that is more compatible with the adjacent residential neighborhood than would be expected with commercial uses that are more intense, and provides an appropriate transition from the existing neighborhood (north and west) to the existing commercial uses east of the subject area;
4. The proposal has exceeded the required open space requirements for common and private open space areas, and minimum number of community amenities; and
5. The applicant/owner has submitted a signed and notarized a Proposition 207 waiver, which will be recorded with the conditions outlined in Exhibit 1.

### **SCHOOL DISTRICT INFORMATION**

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This property is within the Peoria Unified School District (PUSD) boundary. PUSD has been in communication with the applicant regarding the proposal and school facilities in the area. The City has received a letter from PUSD indicating the school district has no comment at this time, and is still waiting for a response from the applicant. (Exhibit 16)

### **PROPOSITION 207**

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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.



***RECOMMENDATION***

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Staff recommends that the Planning and Zoning Commission take the following action:

- 1) Recommend approval of GPA18-01 to the City Council; and
- 2) Recommend approval of Case Z18-02 to the City Council, subject to the attached conditions of approval.

***STAFF CONTACT***

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Sean Allen  
Senior Planner  
623-773-7337  
[sean.allen@peoriaaz.gov](mailto:sean.allen@peoriaaz.gov)



## Z18-02: Avilla Lago

West of the NWC of Lake Pleasant Road (99th Ave) and Beardsley Rd



The amendment to the zoning district(s) for the above mentioned property is subject to the following Conditions of Approval in order to protect the public health, safety, welfare, and the City of Peoria:

### Governance

1. The development shall substantially conform to the Avilla Lago Planned Area Development Standards and Guidelines Report, and Development Concepts dated 6/20/18, except as modified herein.
2. The access gate and easement in the northwest corner of the site shall be used for emergency access only.
3. The Development shall comply with all City of Peoria engineering design standards, policies and requirements at the time of development and final engineering submittal.

### Site Design

4. All buildings constructed in Avilla Lago shall have pitched rooflines, including the garages and leasing office, and shall provide at least three (3) distinctive color and material palette schemes for each residential unit type, with the subsequent Site Plan review.
5. Minimum 24" box trees shall be planted within the landscaped areas along the north property line.
6. The developer shall complete installation of all amenities surrounding the pool area and meandering sidewalk/trail north to the boundary of Phase 1 construction. The remainder of the trail and project amenities shall be completed as conditioned with final Site Plan approval.

### Infrastructure and Dedications

7. The Development shall provide a Traffic Impact Study/Analysis at time of development and final engineering submittal.



# GPA18-01 and Z18-02 Avilla Lago

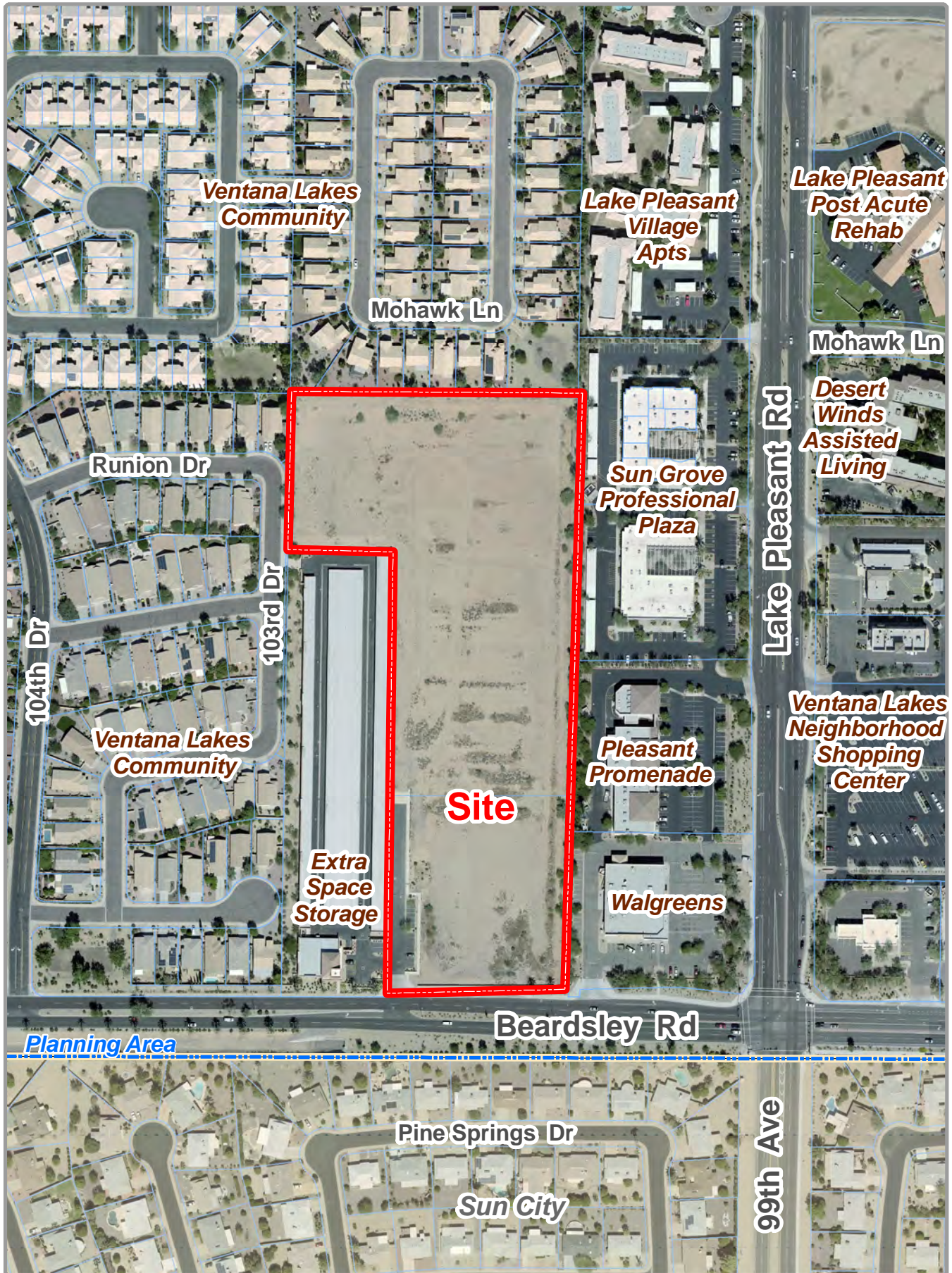
West of the NWC of Lake Pleasant Road (99th Ave) and Beardsley Road





# GPA18-01 and Z18-02 Avilla Lago

West of the NWC of Lake Pleasant Road (99th Ave) and Beardsley Road





# GPA18-01 and Z18-02 Avilla Lago

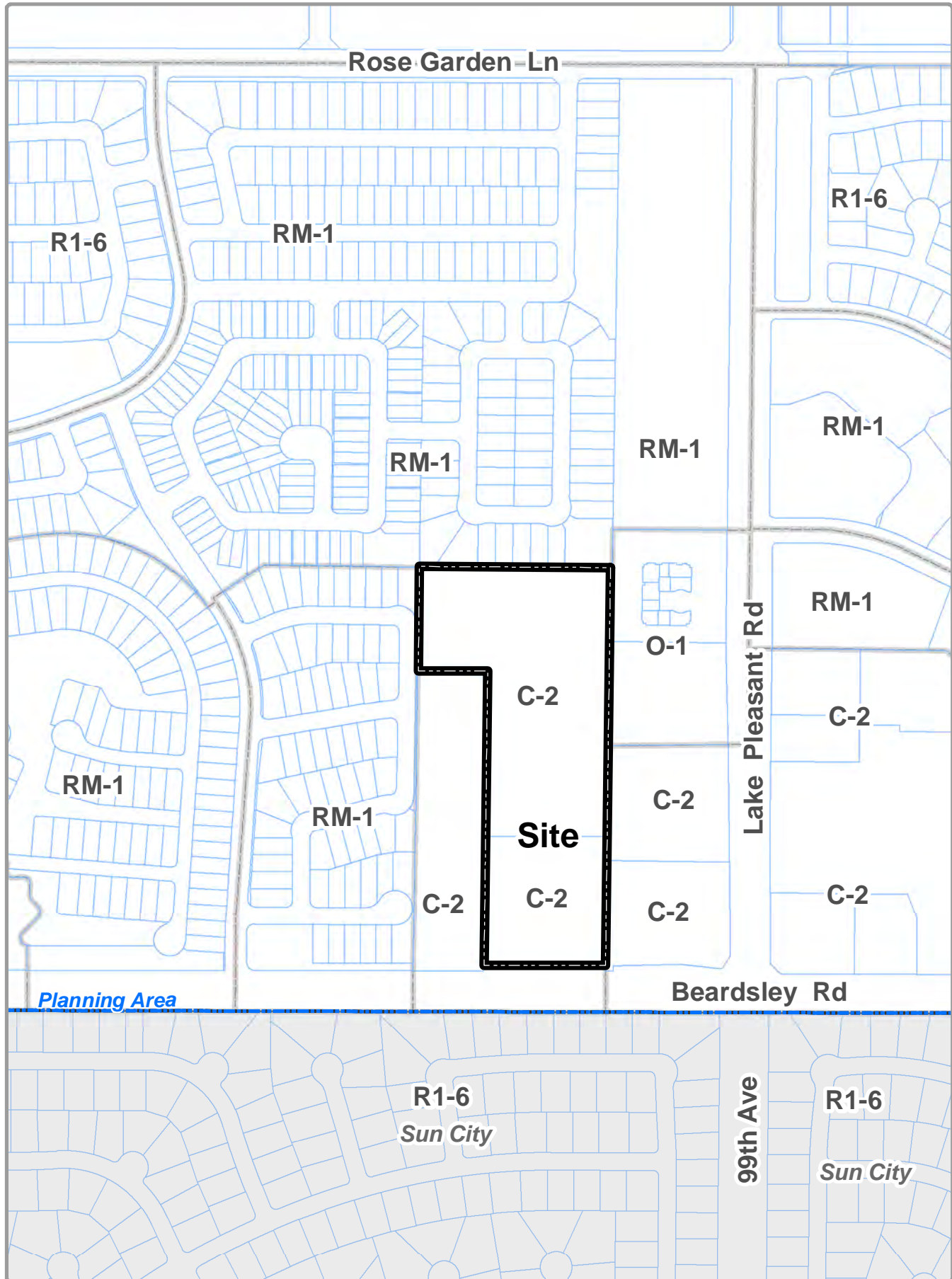
West of the NWC of Lake Pleasant Road (99th Ave) and Beardsley Road



# GPA18-01 and Z18-02 Avilla Lago



West of the northwest corner of Lake Pleasant Rd (99th Ave) and Beardsley Rd



## **REZONING- NARRATIVE STATEMENT/PROJECT JUSTIFICATION**

### **1. What type of development and uses are proposed by the rezoning request?**

The 11± gross acre Site is located west of the northwest corner of Beardsley Road and Lake Pleasant Road. The Site is designated on the City's General Plan as Low Density Residential (2-5 d/ac) and is zoned Intermediate Commercial (C-2). Despite the designation (residential) and zoning (commercial) this challenging, infill site has failed to develop. The Site's long, north/south shape with a shared entrance on Beardsley Road with a self-storage facility further impact the Site's development consistent with the present designation/zoning. The proposed Rezoning request from C-2 to multi-family Planned Area Development (PAD) zone (accompanying a separately filed minor General Plan Amendment) is to allow for the development of a high-quality, highly amenitized, one-story multi-family community known as Avilla Lago. Avilla Lago will provide a viable and sustainable solution on this challenging Site.

### **2. State how your proposal is consistent with the Land Use Plan and other goals, policies and objectives (list each goal, policy and objective and how they are met) of the Peoria General Plan.**

A Minor General Plan Amendment application is being submitted to accompany the Rezoning application. The current Land Use Plan designation of the General Plan is Low Density Residential (2-5 du/ac) A Minor GPA to change the land use to Medium/High Density Residential (8-15 du/ac with a target of 12.0 du/ac) is being proposed. This Rezoning request meets many of the goals, policies and objectives of the Peoria General Plan:

Land Use Element - Goal 1: Provide a balance of land uses that will preserve and enhance neighborhoods, promote economic development, and encourage redevelopment at appropriate locations.

Objective 1.A: Manage and control development to facilitate orderly growth and an efficient urban form.

Policy 1.A.1: Promote planned developments where resources and infrastructure are in place to facilitate orderly and efficient growth.

Residential Communities - Objective 1.M: Provide a diversity of housing types to meet the needs of persons of all income levels and ages.

Policy 1.M.1. Accommodate an adequate supply and mix of developable residential land to accommodate future housing needs.

Objective 1.N: Support healthy residential environments that provide for safe and convenient access, open space and recreational opportunities, access to public schools and services and protection from incompatible land uses.

Policy 1.N.1: Require adequate buffering to protect residential neighborhoods from intrusion by incompatible land uses.

Policy 1.O: Support well-designed, high-quality multifamily residential development in appropriate areas which maintains compatibility between adjacent developments.

Revitalization and Redevelopment Element – Goal 1: Create an attractive, vibrant and sustainable community within mature areas of the City.

Housing Element – Goal 1 – Provide for sufficient availability and a variety of opportunities for safe, quality and affordable housing.

Objective 1.A: Promote quality residential development through diversity in housing type.

Policy 1.A.2: Evaluate zoning incentives and regulations that encourage the development of diverse housing types including attached single-family units, townhomes, condominiums, multi-family units, smaller, affordable detached single-family units.

**3. Discuss your proposal's compatibility with the surrounding land use and zoning patterns. Include a list of surrounding zoning designations, land uses and conditions.**

This PAD complements and provides alternative housing options to residents and is compatible with the surrounding area. The surrounding area has medium density single-family, retail, service, office and assisted living facility developments. The proposed multi-family development will reduce the length and number of vehicle trips and provide support to the commercial and employment developments.

The area surrounding the Site is a true mix of commercial and residential, with the Site falling between these two differing uses. The Table below summarizes the zoning designations surrounding the Site.

Table 1 -- Surrounding Area		
From Site	Adjacent Land Use	Zoning
North	Residential	RM-1
East	Drug Store, Bank, Retail and Offices	C-2 and O-1
West	Storage Facility and Residential	C-2 and RM-1
South	Residential	R1-6 (County)

**4. Indicate why the current zoning is not appropriate given the surrounding land use, zoning, and factors which have changed since the current zoning was established.**

The Site's current zoning is not appropriate because of its infill nature, with developments existing to the east (commercial/office developments), north (single-family residential community), and west (self-storage facility and single-family community). Consistent with good planning principles, the proposed Avilla Lago development is a good transitional use between the more intense commercial/offices uses east of the Site and the less intense single-family residential uses west and north of the Site. Additional commercial uses on the Site could have a greater impact on the existing residential uses than a single-story, multi-family community would have.

**5. Describe any proposed unique design considerations, beyond Zoning Ordinance requirements, which create compatibility between the proposed use and adjoining developments.**

NexMetro proposes to develop this challenging, infill Site with a unique, innovative, and high-quality residential community. The proposed Rezoning (and accompanying minor General Plan Amendment) will provide a sustainable solution on the Site and, consistent with good planning principles, provide a transition from more intense uses (commercial/employment) to less intense uses (single-family residential). Additionally, Avilla Lago represents a lifestyle choice, presenting future residents a unique living experience and an alternative housing choice to the traditional options of single-family residences or apartment complexes. Avilla Lago combines the best elements of residential single-family living with multi-family-like lease terms and

management. The combination of these elements create a desirable residential option with upscale features and spacious indoor/outdoor living areas maintained by a professional management company, without the mortgage payment or HOA fees of a typical single-family development. The casita-style residences are one story in height, with the majority of them containing no more than 1 du/building, creating a “single family subdivision” feel throughout the neighborhood. This gated community is designed with move-up market finishes and features in an efficient setting. Avilla Lago will be compatible with the neighboring developments and will provide high quality, unique, and additional housing opportunities within the City of Peoria

**6. Provide general site information and describe unusual physical features or characteristics of the site which present opportunities or constraints for development.**

Location—mid-block location with a shared access point onto Beardsley Road with the self-storage facility; no access to Lake Pleasant Road

Shape—a “flag lot” with a long north/south orientation with limited frontage visibility along Beardsley Road and the “flag” at the north end of the Site (wrapping around the self-storage facility)

**7. Other than the requested rezoning approval, what other approval processes are required to accomplish the development proposal, i.e., variances, site plans, subdivision plats, conditional use permits, comprehensive master plan amendments, State or County licensing or permits, etc.?**

A minor General Plan Amendment is being processed concurrently with this Rezoning request. A Site Plan application will also be submitted. Improvement plans, building plans, final signage and plat approvals will be required prior to permitting and constructing the proposed development.



# **Planned Area Development Standards and Guidelines Report**

for



**West of the Northwest Corner of  
Lake Pleasant Road and Beardsley Road**

by:

**NexMetro Development, LLC**

Case Nos.: Z18-02

1<sup>st</sup> submittal: January 18, 2018

2nd submittal: May 1, 2018

Final Update: June 20, 2018

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Exhibit No.	Description
1	Aerial Map
2	Legal Description
3	Conceptual Development Plan
4	Preliminary Landscape Plan
5	Preliminary Typical Unit Pod Layout
6	Preliminary Wall Plan
7	Conceptual Wall Elevations
8	Preliminary Amenities Enlargements
9	Preliminary Pedestrian Circulation Plan
10	Preliminary Grading and Drainage Plan

## Development Team

Developer:

NexMetro Development, LLC  
Attn: Brian Rosenbaum  
Jared Geisler



Civil Engineer:

Terrascope Consulting  
Attn: David Soltysik  
Pim Van Der Giessen



Landscape:

The McGough Group  
Attn: Tim McGough  
Nick Adamson



Architect:

Felten Group, Inc.  
Attn: Jaime Gomez



Zoning & Entitlements:

Burch & Cracchiolo, P.A.  
Attn: Brennan Ray



# **AVILLA LAGO**

## **I. INTRODUCTION**

NexMetro Development, LLC (“NexMetro”) has built a reputation for developing high quality and successful single story, detached, rental casitas in Chandler, Gilbert, Phoenix, Goodyear, Queen Creek, Mesa, and other parts of the country. Building on their experiences, NexMetro is the proposed developer of approximately 11.09 gross (10.49± net) acres west of the northwest corner of Lake Pleasant Road and Beardsley Road (the “Site”). NexMetro is in escrow to acquire this challenging, infill Site and redevelop it with a unique, innovative, and high-quality, residential community known as “Avilla Lago.” Avilla Lago will contain 120, single-story, predominately detached residences that will be an attractive presence in the area and provide an appropriate transition between the existing commercial and office developments east of the Site to the existing residential development west and north of the Site.

Avilla Lago represents a lifestyle choice, presenting future residents a unique living experience and an alternative housing choice to the traditional options of single-family residences or apartment complexes. Avilla Lago combines the best elements of residential single-family living with multi-family-like lease terms and management. The combination of these elements creates a desirable residential option with upscale features and spacious indoor/outdoor living areas maintained by a professional management company, without the mortgage payment or HOA fees of a typical single-family development. The casita-style residences are one story in height, with the majority of them containing no more than 1 du/building, creating a “single family subdivision” feel throughout the neighborhood. This gated community is designed with move-up market finishes and features in an efficient setting. Avilla Lago will be compatible with the neighboring developments and will provide high quality, unique, and additional housing opportunities within the City of Peoria (the “City”).

To achieve this, NexMetro requests the Site be rezoned from Intermediate Commercial (C-2) to multi-family Planned Area Development (PAD). Simultaneous with this request, NexMetro has filed an application for a minor amendment to the City’s General Plan (changing the General Plan designation from Low Density Residential (2-5 du/ac) to Medium/High Density Residential (8-15 du/ac, with a target density of 12 du/ac).

## **II. LEGAL DESCRIPTION**

An aerial of the Site is attached as **Exhibit 1**. A legal description of the Site is attached as **Exhibit 2**.

## **III. CONCEPTUAL DEVELOPMENT PLAN**

NexMetro’s proposed development plans for an upscale, unique, medium-high density community is an appropriate land use on this challenging, infill Site because it provides an appropriate transition from the existing commercial/office uses (more intense land use) to the existing residential (less intense land use). Rezoning the Site from commercial to residential makes sense given the Site’s inability to develop thus far as a commercial development. Challenges to developing the Site under its current zoning are its location, infill nature, and size.

As is depicted on the **Conceptual Development Plan** attached as **Exhibit 3**, careful consideration has gone into planning the Avilla Lago proposal. NexMetro has created a community that is attractively designed, aesthetically landscaped, and provides an appropriate use of the Site. See **Exhibit 4, Preliminary Landscape Plan**. Avilla Lago is a gated community that will consist of approximately 120 residences at a density of approximately 10.80 gross (11.44 net) du/ac. The residences are grouped around pedestrian courtyards to create a sense of arrival and place within the greater context of the community and greater connection within the community. See **Exhibit 5, Preliminary Typical Unit Pod Layout**.

The residences are a mix of one, two, and three bedrooms, with approximately 68% of the residences being detached and the one-bedroom residences being attached in a duplex style. Unlike traditional apartment complexes where the majority of the units are 1 and 2 bedrooms (typically 50-60% 1 bedrooms, 30-40% 2 bedrooms, and less than 10% 3 bedrooms), Avilla Lago has more 2 and 3-bedroom residences (32% 1 bedrooms, 38% 2 bedrooms, and 30% 3 bedrooms). The 1-story residences will range in square footage between approximately 625 sq. ft. and 1,250 sq. ft. Additionally, the residences will have pitched roofs. See **Exhibits 6, Building Elevations and 7, Floor Plans**. All homes and garages will be fire sprinkled, allowing a reduced building separation that enhances the impact of the courtyard design. Every residence includes a private masonry wall enclosing the rear yard that is nearly as wide as the residence itself.

Avilla Lago has been planned with quality neighborhood scale amenities consistent with NexMetro's desire to create an upscale, suburban community where residents will be able to play, relax, or socialize in a pleasing environment. See **Exhibit 8, Preliminary Amenities Enlargements**. Avilla Lago will contain a main amenity area and dog park, providing active and passive open space for residents, guests, and their pets to enjoy. Pedestrian paths are provided throughout the Site, connecting the residences to the amenities. See **Exhibit 9, Preliminary Pedestrian Circulation Plan**. NexMetro's neighborhoods have traditionally attracted singles, young couples, and seniors, with a very limited number of school aged children. For this reason, the amenities provided focus on recreation and socialization of adult residents.

#### **IV. USES**

Uses for Avilla Lago shall include 1-story dwellings, along with any accessory uses customarily found in the multi-family residential (RM-1) zoning district, including but not limited to detached garages, leasing office, parking canopies, pavilions, community bar-b-ques and pools, hot tub/jacuzzies, ramadas, dog park, and putting greens.

#### **V. PHASING PLAN**

It is anticipated that Avilla Lago will be built-out with multiple construction sequences. The necessary off-site infrastructure will be completed before or concurrently with the completion of the on-site infrastructure for the Site (including all drainage, water, sewer, primary and secondary electrical, concrete, and paving improvements). A model and leasing office phase will consist of vertical construction of the leasing office and model homes along with the pool and amenity area located adjacent to the pool. Additionally, the landscaping and perimeter walls adjacent to the street frontage, marketing entry, and amenity area will be completed with the leasing and model homes. The leasing office and model homes will be opened prior to tenant occupancy.

NexMetro anticipates that all remaining units will start vertical construction (delivery of combustibles) once adequate fire protection is established for the whole site. These remaining units will be grouped and constructed in sequence, finalized, and occupied starting in the southern portion of the site and working north. Prior to occupancy of any unit in the group, all adjacent landscaping, amenities, common sidewalk, carports, and garage structures will be finalized. As such, amenities will be delivered once the adjacent unit group is completed. Modifications of the Phasing Plan are permitted with City Staff approval.

## VI. DEVELOPMENT STANDARDS

Given the unique nature of Avilla Lago, NexMetro is proposing the following development standards:

Regulation	Proposed Development Standard
<b>Lot Standards</b>	
Max. Lot Coverage (by all structures)	50%
Min. Lot Width	n/a
Max. Gross Density (du/ac.)	11.0
<b>Open Space</b>	
Min. Landscape Area	20% of net area
Common Usable Open Space	35,700 sq. ft.
Min. Private Yard Space per Unit	195 sq. ft.
<b>Building Standards</b>	
Max. Height (ft.)	25 ft./1-story
<b>Min. Building Setbacks<sup>3</sup></b>	
Front (Beardsley Rd.)	30 ft.
Side (east)	35 ft.
Side (west)	10 ft. adjacent to the self-storage facility 15 ft. adjacent to the single-family residences
Rear (north)	15 ft. for buildings adjacent to single-family residences 10 ft. for all other areas
Min. Buildings Separation (1-story)	6 ft. <sup>1</sup>
<b>Wall/Fence Standards</b>	
<b>Perimeter Walls</b>	
Front (Beardsley Rd.)	8 ft. solid wall
Side (east)	6 ft. partial view/solid wall behind the residences
Side (west)	8 ft. solid wall (existing to be painted to match)
Rear (north)	6 ft. solid wall (existing to be painted to match)
<b>Interior Walls/Fences</b>	
Private Backyards	6 ft. solid wall
Pool Fence (See Wall Plan)	6 ft. decorative iron view fence (northwest half) 6 ft. solid theme wall (east) 6 ft. partial view wall (facing south)
<b>Parking Requirements</b>	
1 Bedroom Unit	1.5

Regulation	Proposed Development Standard
2 Bedroom Unit	2.0
3 Bedroom Unit	2.0
Guest Parking	1 per 10 units
Parking Stall Sizes <sup>2</sup>	
Standard Stall	9 ft. x 20 ft.
Handicap Stall	16 ft. x 20 ft.

1. All internal building separation is subject to allowances within the Building Codes and Fire Codes adopted by the City.
2. The front of the parking space may overhang up to two (2) feet into a landscape area or pedestrian walkway; however, any parking space protruding over a pedestrian walkway shall maintain at least a four (4) foot wide clearance for pedestrian access.
3. Walls and fences are permitted to encroach into the required setbacks.

## VII. LANDSCAPE STANDARDS

Unless modified by the below table, all landscaping within Avilla Lago shall conform to Section 21-815 *et. al.* of the City's Zoning Ordinance:

Regulation	Proposed Landscape Standard
Landscape Buffers	
Min. Landscape Setbacks <sup>2</sup>	
Front (Beardsley Rd.) <sup>1</sup>	15 ft.
Side (east)	30 ft., subject to City Engineering approval
Side (west)	10 ft. along the east side of the self-storage facility; 0 ft along the north side of the self-storage facility
Rear (north)	15 ft. adjacent to buildings 10 ft. for all other areas
On-Site Landscape Areas	
Trees	
- Private Backyards (not located in buffer)	- 1 tree per backyard (100 yards not in buffer)
- Common Landscape Area	- 1 tree per 800 sq. ft.
Shrubs	
- Private Backyards	- None required
- Common Landscape Area	- 12 shrubs per 800 sq. ft.
Street Frontage Buffer Plantings	
Trees	1 per 25 ln. ft.
Shrubs	5 per 25 ln. ft.
Land Use Buffer Plantings	
Trees	3 per 1,000 sq. ft. (24 in. box min.)
Shrubs	5 per 1,000 sq. ft. (5 gal. min.) (No shrubs required in private backyards)

1. A landscape area along Beardsley Road shall be established and maintained between the street right-of-way and any building, on-site parking area, or perimeter screen wall.

2. Walls and fences are permitted to encroach into the required setbacks.

## **VIII. USEABLE OPEN SPACE**

Open space requirements for multi-family residential developments are a result of the lack of private usable space typically associated with standard two and three-story multi-family communities. The minimum requirement for common usable open space is 35,700 square feet. The minimum requirement for private space is a 12-foot diameter circle or an approximate square footage of 144 square feet, which results in an overall private usable open space requirement for the Site of approximately 17,280 square feet. Avilla Lago will contain approximately 45,000 square feet of common usable open space and approximately 34,800 square feet of private usable open space (enclosed rear yard spaces, which far exceed the minimum private space requirement), for a total amount of usable open space area (common and private) of approximately 79,800 square feet. The common usable open space occurs in convenient locations throughout the Site for residents to use and enjoy. Pedestrian paths are prominent throughout the Site, with a strong north/south path connecting the amenities and various areas of the Site together. Additional pedestrian connections are provided throughout the north part of the Site to encourage movement and interaction. Amenities that residents will be able to enjoy include, but are not limited to:

- Pool
- Putting green
- Spa
- Community BBQ
- Dog park
- Bag toss/game area

The private open space is located within the rear yards of the residences for each resident's own personal use and enjoyment, which is more typical of a single-family development than a traditional multi-family community. The use and amounts of common and private usable open space continues to demonstrate the innovative design of Avilla Lago.

## **IX. DESIGN PRINCIPLES AND GUIDELINES**

Unless modified by the below, villa Lago shall conform to Chapter 4: Multi-Family Residential of the City's Design Principles and Guidelines (the "Design Guidelines"). NexMetro requests the following deviations from the Design Guidelines:

- Section II.A.1.b. – This section requires that building placement and orientation along the street line should be staggered, angled, or curved to provide modulation and interest. This requirement (and accompanying illustrations) contemplate multi-story buildings adjacent/visible from streets. NexMetro requests a deviation from this requirement. As is described above, the proposed residences for Avilla Lago are all 1-story with alternative roof lines. The residences along Beardsley Road are setback approximately 30 feet and are separated by a community wall and a considerable amount of landscaping.
- Section II.A.2.b – This section requires pedestrian access be provided to adjacent non-residential areas. The Site is bordered by a non-residential use to the west, a self-storage facility. This Site has a shared access with the self-storage facility and per a private agreement is required to provide parking spaces on the Site for the self-storage facility. Pedestrian access is provided to the self-storage facility. Pedestrian access is also provided



on the Site to the public sidewalks along Beardsley Road, connecting residents to the broader pedestrian network. Additional non-residential uses are located east of the Site, separated by an existing 30-foot drainage channel (that benefits the existing Ventana Lakes community to the north). East of the drainage channel is the back of the non-residential uses, which include parking lots, truck docks, refuse containers, etc. as these businesses are oriented toward Lake Pleasant Road. Providing pedestrian access in to these non-residential uses is not appropriate and not safe for the pedestrians or the non-residential users.

- Section II.A.6.b-e – These sections address various aspects of amenities, common usable open space, private balconies, and location of the amenities/usable open space. Please see the discussion in Section VIII above addressing these items.
- Section II.A.9.b – This section requires walls adjacent to retention areas incorporate regular undulation or variation in materials. NexMetro is proposing a combination view/solid walls (behind the residences) and full view fencing (in between the residences) adjacent to the 30-foot drainage channel on the Site's eastern side. Accordingly, the variation in materials satisfies this requirement.

Additionally, NexMetro requests a deviation to Chapter 5: Supplementary Standards of the City's Design Guidelines. Specifically, NexMetro requests to allow the Planning Manager or designee to have the administrative authority to work with NexMetro and the utility company in determining the appropriate screening.

## **X. ENTRY DESIGN**

NexMetro has taken great care in designing the entrance to Avilla Lago. The entry into Avilla Lago is designed to create a sense of arrival as residents and guests will pass an appropriately designed monument sign and decorative screen wall. Enhanced vehicular and pedestrian paving treatments, together with a landscaped center median are provided at the entrance to the community. Additional features such as landscape planters, decorative entrance gates, landscaping, and accent lighting will also be provided to further enhance the entry. Note: A private agreement encumbering the Site requires NexMetro to provide 13 parking spaces for the existing self-storage facility west of the Site.

## **XI. SIGNAGE STANDARDS**

All signage within Avilla Lago shall conform to the City's signage standards for a multi-family development.

## **XII. INFRASTRUCTURE/UTILITIES**

### **A. *Grading/Drainage/Retention***

The City requires that all new developments provide onsite stormwater retention for the 100-year 2-hour storm event. The site grading design will strategically place stormwater inlets to direct runoff to underground CMP retention pipes in select areas. In order to dissipate underground retention by ground infiltration within 36 hours, drywells will be used. The design of the onsite grading & drainage improvements will not adversely affect offsite flows including the flows within the existing channel along the east property line. The current site plan proposes to keep the existing

30-foot drainage easement clear of units, unit yards, drive aisles, etc. and maintain the existing channel. See **Exhibit 10, Preliminary Grading and Drainage Plan.**

***B. Water/Wastewater***

The City owns and operates public water mains within and abutting the Site at Beardsley Road and 103<sup>rd</sup> Drive. Two existing 8-inch waterline stubs to the Site are provided from Beardsley Road and 103<sup>rd</sup> Drive within existing public waterline easements. Since the Site proposes utility alignment rerouting, the existing waterline will be salvaged as much as possible with a new waterline provided in a public looped 20-foot wide waterline easement through the proposed development. The waterline connections to Extra Space Storage will not be modified and maintain service as it currently has. The public waterline provides water to public fire hydrants and a source for the private water service line for the units and leasing office. The new on-site water distribution and fire system will be privately owned and operated.

The City of Peoria also owns and operates sanitary sewer collection and distribution mains adjacent to the Site. An 8-inch sewer main was installed onsite at the southwest corner for Extra Space Storage and an existing sewer stub for the Site. An existing portion of sewerline and accompanying easement will be removed that conflicts with the proposed development. The existing sewer stub will not be utilized; however, an alternate sewer connection for the Site is proposed to the existing line.

***C. Electric Power/Natural Gas/Telephone Service***

All necessary supporting dry utilities exist adjacent to the Site. Within the Beardsley Road right-of-way, APS provides electric infrastructure, Southwest Gas provides a 4-inch Polyethylene (PE) gas main, and TLR Fiber Optic provides a fiber optic line. A public utility easement at the Site's south boundary contains the Cox Communication cable television line.

***D. Lighting***

All pole lighting within Avilla Lago will be shielded to prevent light spillage onto neighboring properties, with increased sensitivity given to those areas in the vicinity of residential lots.

**XIII. CONCLUSION**

Avilla Lago's casita-style community is an exciting and unique housing choice that makes good use of this challenging, infill Site. The proposed Rezoning request (and proposed minor General Plan Amendment) is supported by the City's General Plan and are compatible with the surrounding area. Avilla Lago creates a sustainable solution for this Site and an attractive presence in the area. We request your approval.

**NexMetro Development, LLC**





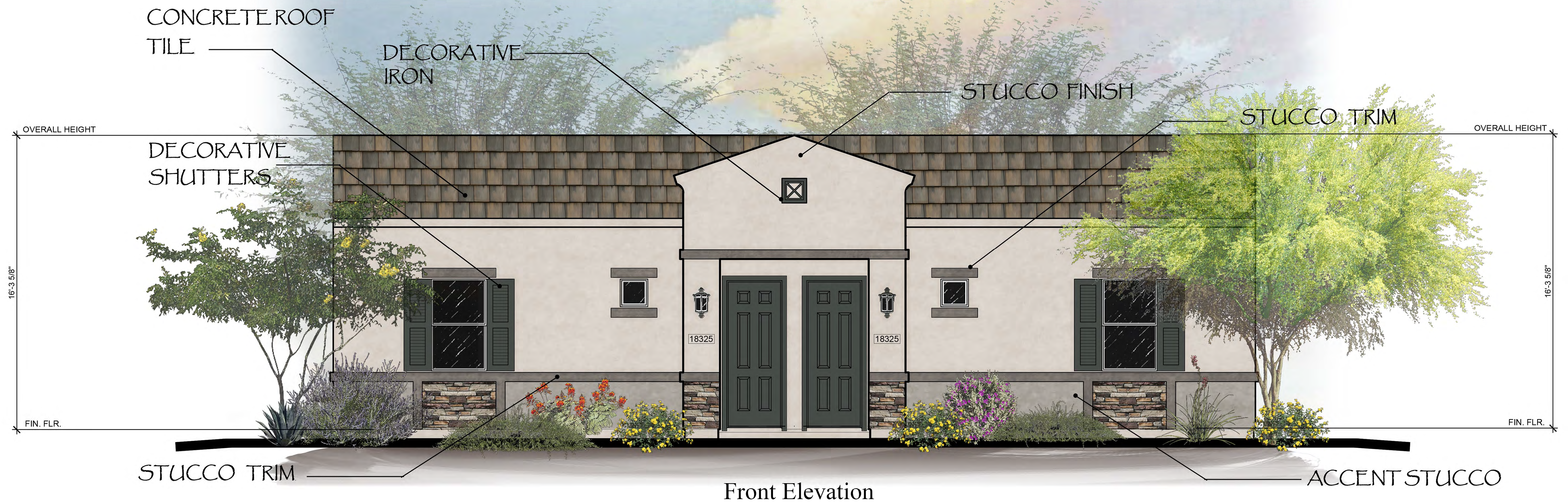
LANDSCAPE AREAS	REQUIRED	PROVIDED
<b>A. ON-SITE LANDSCAPE AREAS</b>		
1. OVERALL ON-SITE (MULTI-FAMILY 20% OF NET SITE AREA).	96,645 SQ.FT	155,575 SQ.FT
A. LANDSCAPE AREA IN PRIVATE BACKYARDS.	-	42,428 SQ.FT
B. COMMON LANDSCAPE AREA.	-	113,147 SQ.FT
<b>B. STREET FRONTAGE BUFFER</b>		
1. MULTI-FAMILY: 15' WIDE STRIP ALONG FRONTAGE (293 LN.FT)	4,395 SQ.FT	4,395 SQ.FT
<b>C. LAND USE BUFFER</b>		
1. TOTAL LAND-USE BUFFER AREA	51,360 SQ.FT	51,360 SQ.FT
A. RESIDENTIAL (15' BUFFER - 484 LN.FT)	-	7,260 SQ.FT
B. COMMERCIAL (10' BUFFER - 1,080 LN.FT)	-	10,800 SQ.FT
C. EASTERN DRAINAGE EASEMENT (30' - 1,110 LN. FT)	-	33,300 SQ.FT
PLANT QUANTITIES	REQUIRED	PROVIDED
<b>ON-SITE LANDSCAPE AREAS (MULTI-FAMILY)</b>		
<b>D. TREES</b>		
1. PRIVATE BACKYARDS (NOT LOCATED IN BUFFER):	111	111
(1) TREE PER BACKYARD (100 YARDS NOT IN BUFFER)		
2. COMMON LANDSCAPE AREA: 1 TREE PER 800 SQ.FT	141	163
<b>E. SHRUBS</b>		
1. PRIVATE BACKYARDS: NO SHRUBS REQUIRED	00	00
2. COMMON LANDSCAPE AREA: 12 SHRUBS PER 800 SQ.FT	1,692	1,728
<b>STREET FRONTAGE BUFFER PLANTINGS (MULTI-FAMILY)</b>		
F. TREES: 1 PER 25 LN.FT OF STREET FRONTAGE	12	13
G. SHRUBS: 5 PER 25 LN.FT OF STREET FRONTAGE	60	65
<b>LAND USE BUFFER PLANTINGS (MULTI-FAMILY)</b>		
H. TREES: 3 PER 1,000 SQ.FT OF BUFFER AREA (24" BOX MIN.)	99	102
I. SHRUBS: 5 PER 1,000 SQ.FT OF BUFFER AREA (5 GAL. MIN.)	385	405
(NO SHRUBS REQUIRED IN PRIVATE BACKYARDS)		
<b>TOTALS</b>		
TOTAL LANDSCAPE AREAS (A + B + C)	-	211,330
TOTAL TREES (D + F + H)	351	389
TOTAL 24" BOX TREES (50% OF TOTAL REQUIRED)	176	195
TOTAL SHRUBS (E + G + I)	2,137	2,198

NOTES:

1. DUE TO PLANT MATERIAL AVAILABILITY, SUBSTITUTIONS FOR PLANT MATERIAL LISTED ABOVE MAY BE USED. ANY ALTERNATES OR SUBSTITUTIONS MUST BE ON THE ADWR LOW WATER USE PLANT LIST, AND SHALL NOT BE ON THE CITY OF PEORIA PROHIBITED PLANT LIST ON 14-22B-5.
2. SUB-SPECIES OR HYBRIDS OF PLANT MATERIAL LISTED ABOVE MAY BE USED AS ALTERNATES/SUBSTITUTIONS.
3. ADDITIONAL PLANT MATERIAL MAY BE ADDED TO THE LIST ABOVE DUE TO UTILITY COMPANY OR H.O.A. REQUESTS AND/OR PLANTING RESTRICTIONS WITHIN UTILITY EASEMENTS.
4. NO TREES TO BE LOCATED WITHIN THE P.U.E. OR ANY OTHER NOTED EASEMENTS.







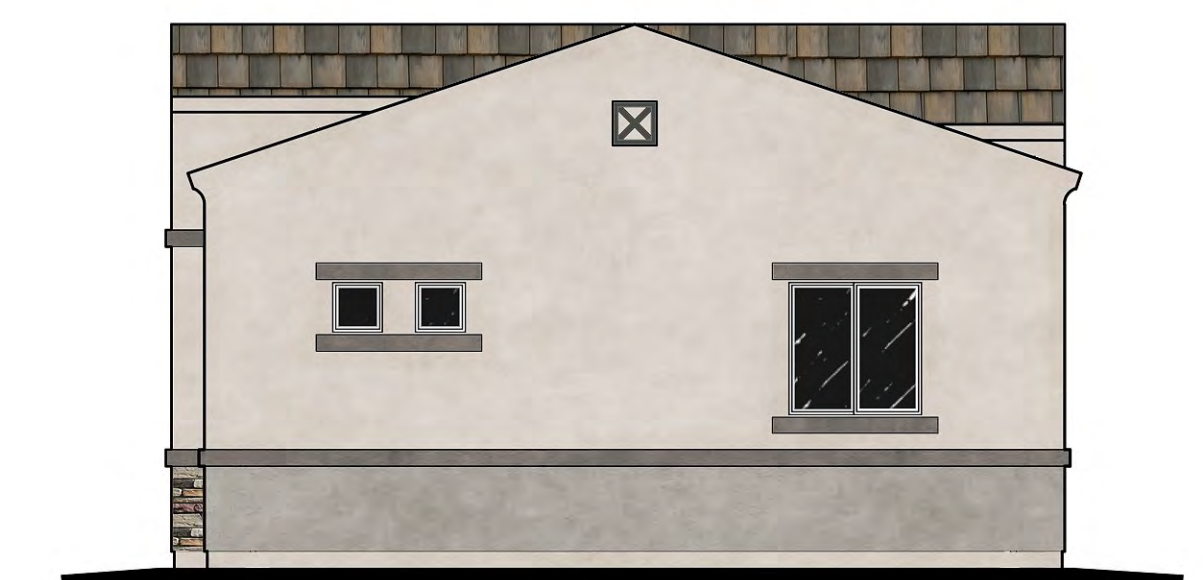
Front Elevation



Left Elevation



Rear Elevation

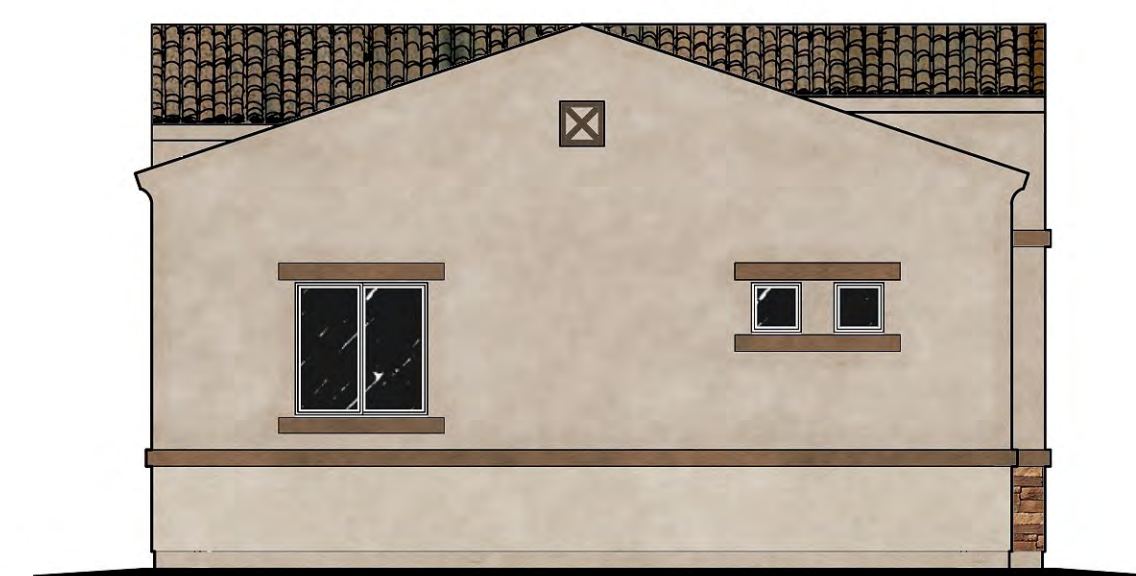


Right Elevation





Front Elevation



Left Elevation



Rear Elevation



Right Elevation

Plan 1 One Bedroom - Scheme 3 | Avilla Lago | Peoria, Arizona

Exhibit 10

04-25-2018

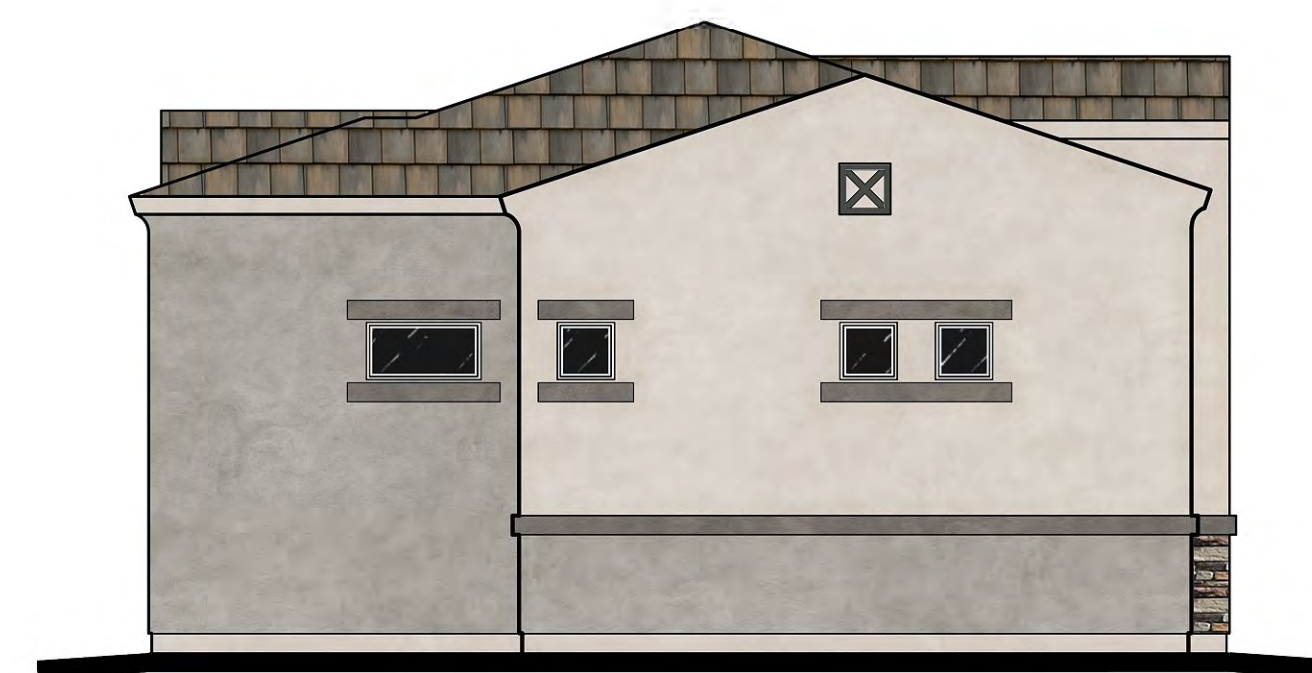
**NEXmetro**  
Communities

**FELTENG**GROUP

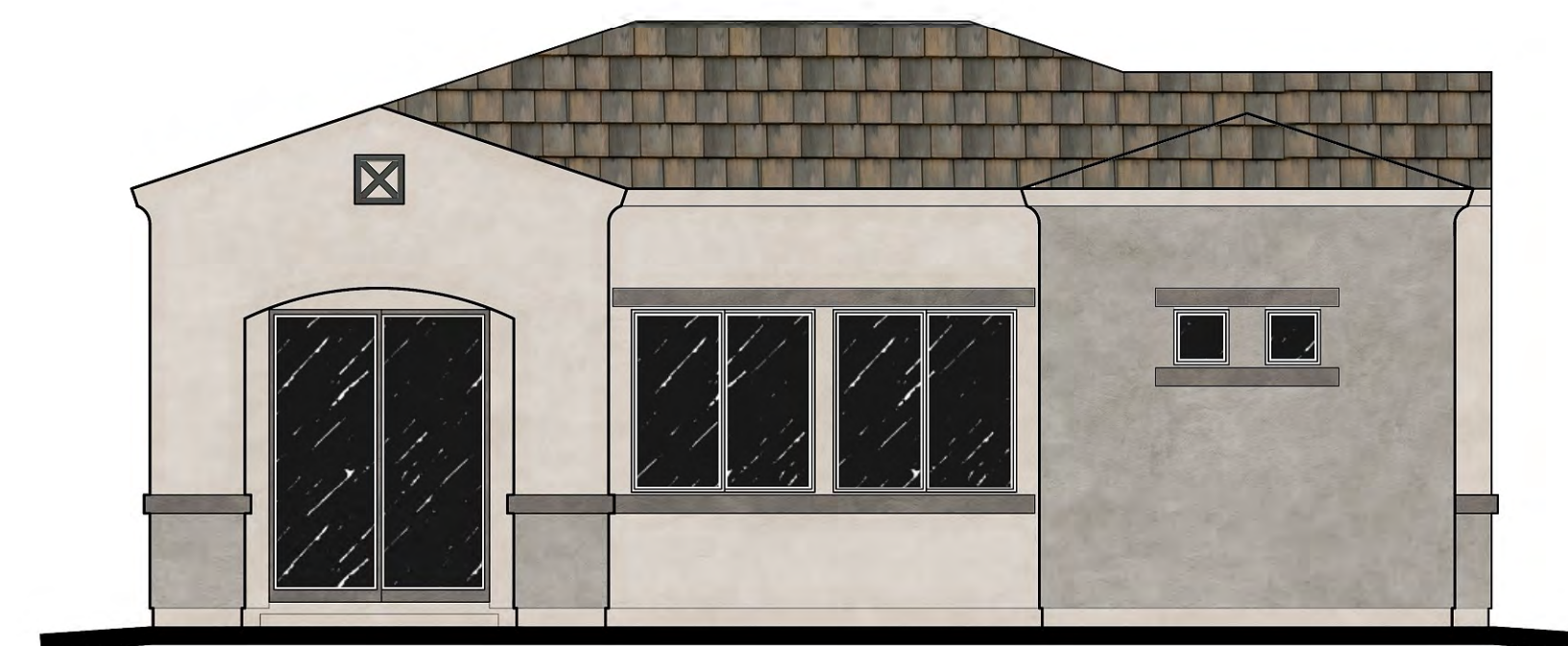




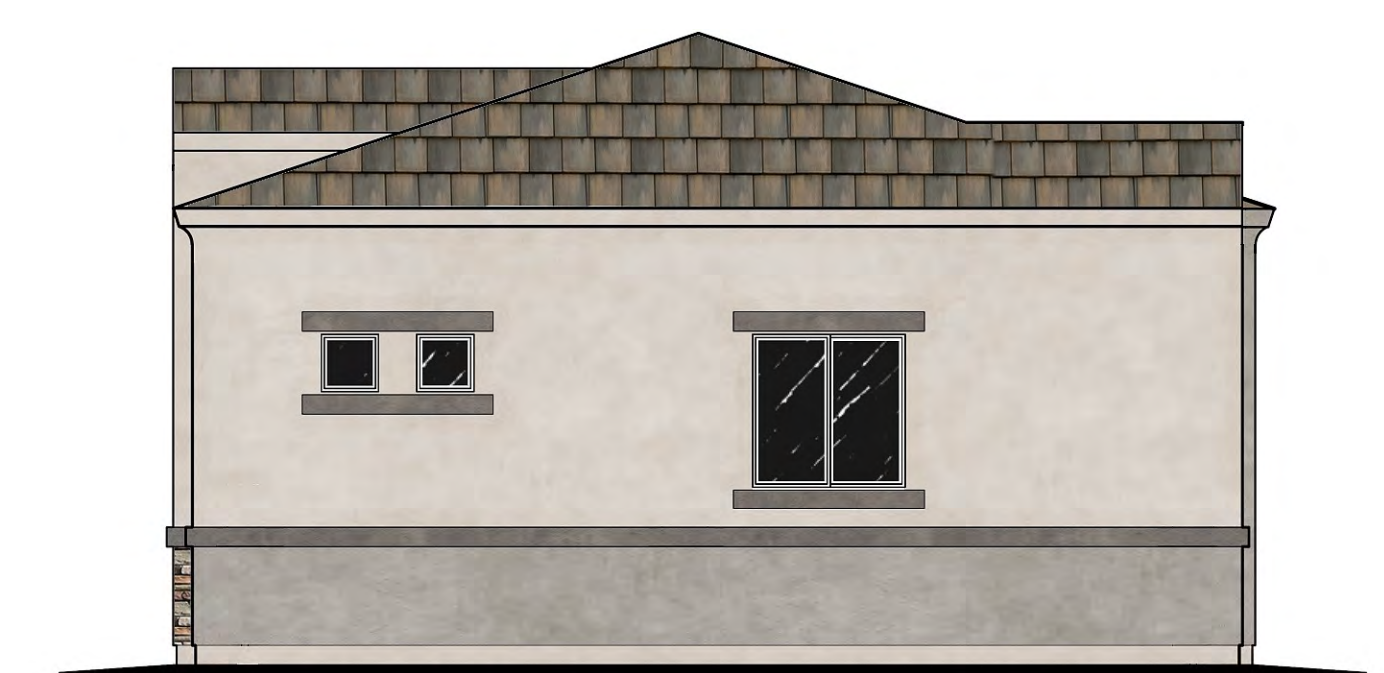
Front Elevation



Left Elevation



Rear Elevation



Right Elevation

Plan 2 Two Bedroom - Scheme 2 | Avilla Lago | Peoria, Arizona

Exhibit 10

**NEXmetro**  
Communities

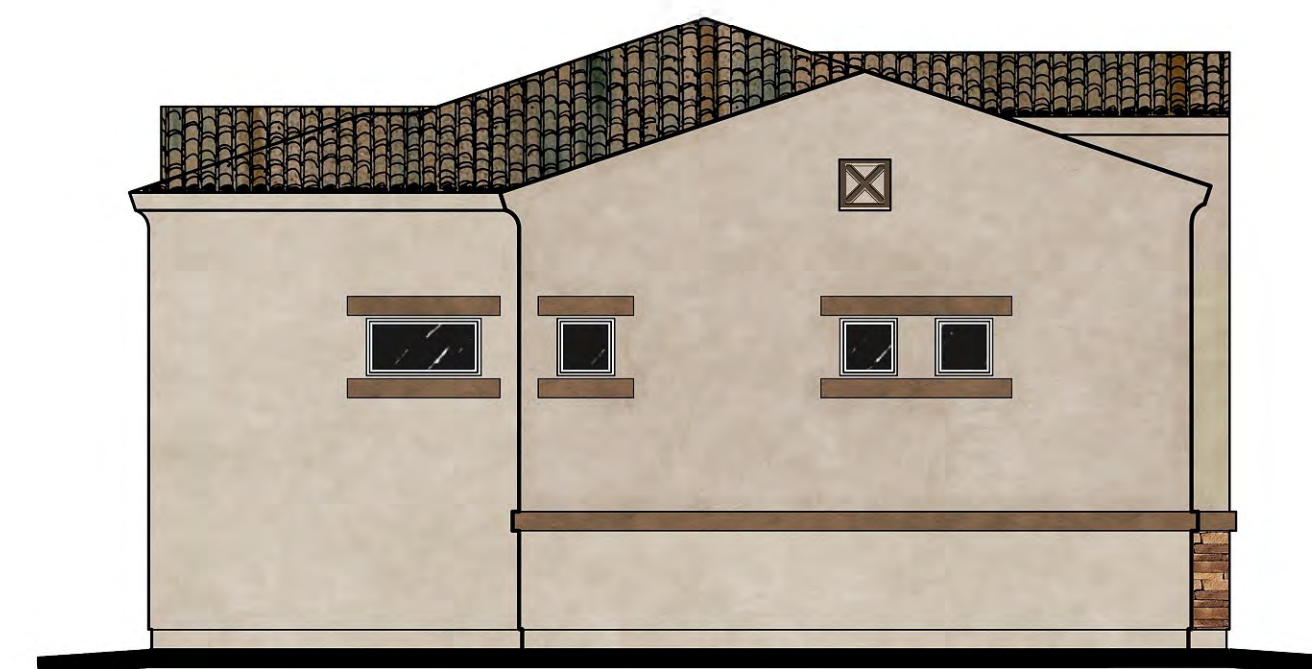
**FELTENGROU**

04-25-2018





Front Elevation



Left Elevation



Rear Elevation



Right Elevation

Plan 2 Two Bedroom - Scheme 3 | Avilla Lago | Peoria, Arizona

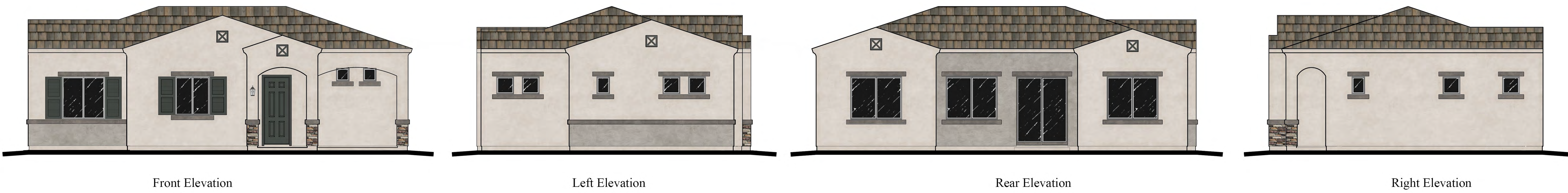
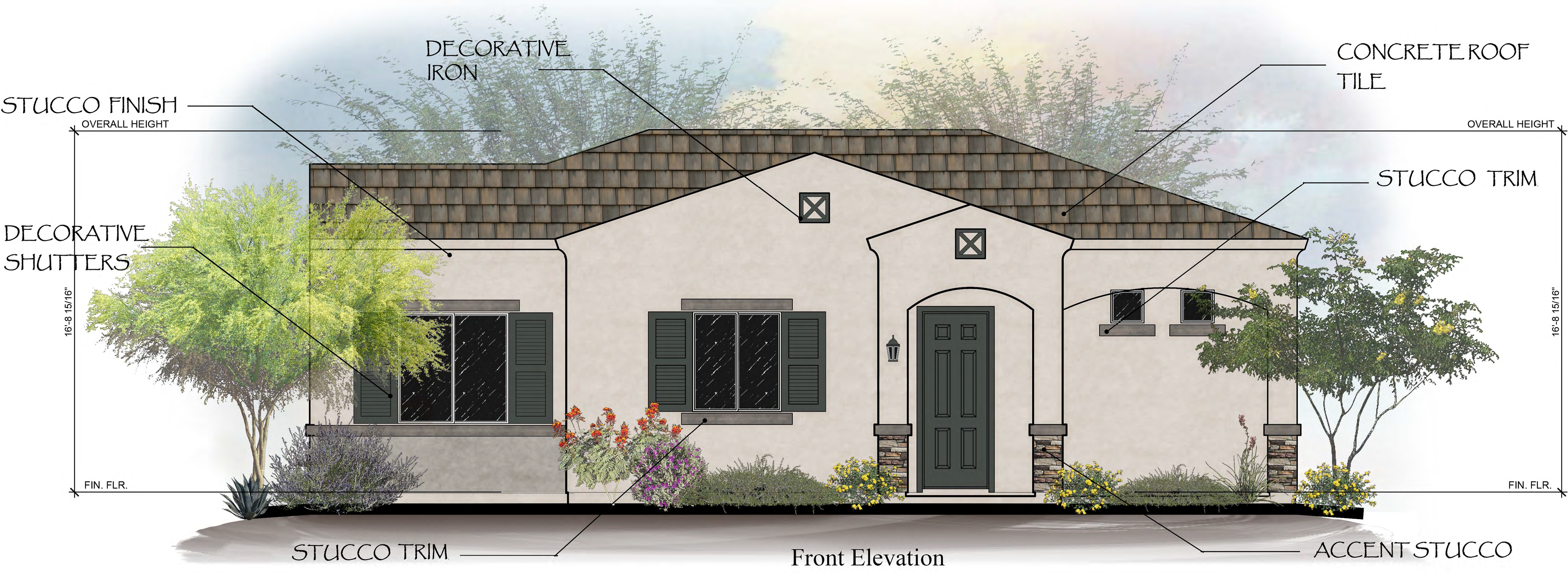
Exhibit 10

**NEXmetro**  
Communities

**FELTENGROUP**

04-25-2018



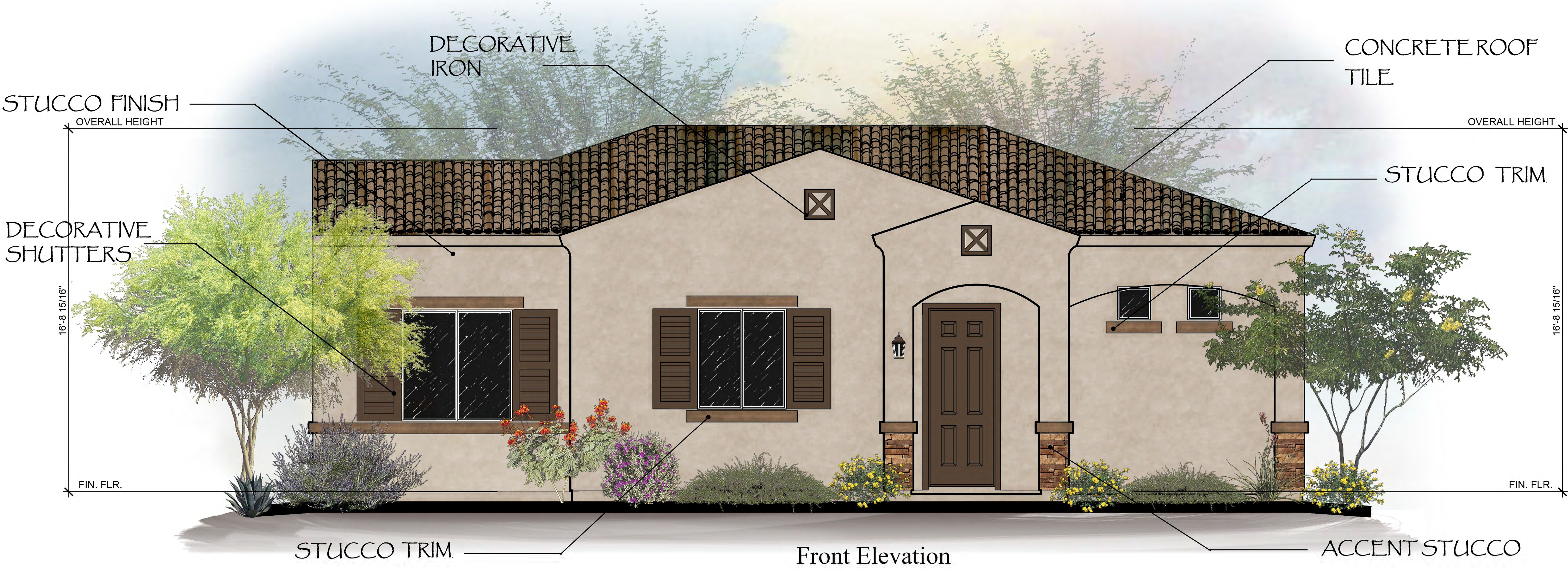


# Exhibit 10

Plan 3 Three Bedroom - Scheme 2 | Avilla Lago | Peoria, Arizona

04-25-2018





Plan 3 Three Bedroom - Scheme 3 | Avilla Lago | Peoria, Arizona

Exhibit 10

04-25-2018





Front Elevation



Front Elevation

Left Elevation

Rear Elevation

Right Elevation

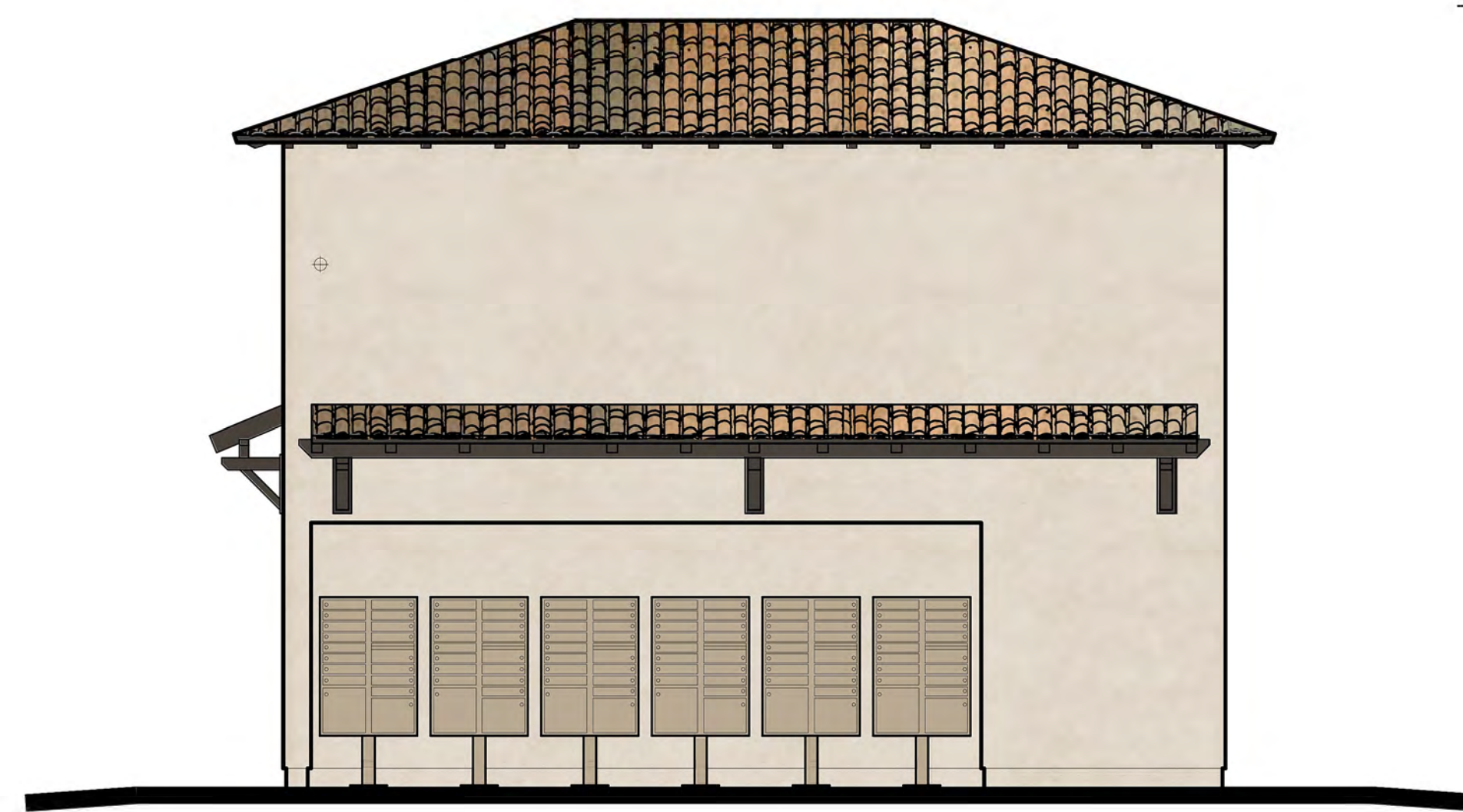
Garage - Scheme 1 | Avilla Lago| Peoria, Arizona

Exhibit 10





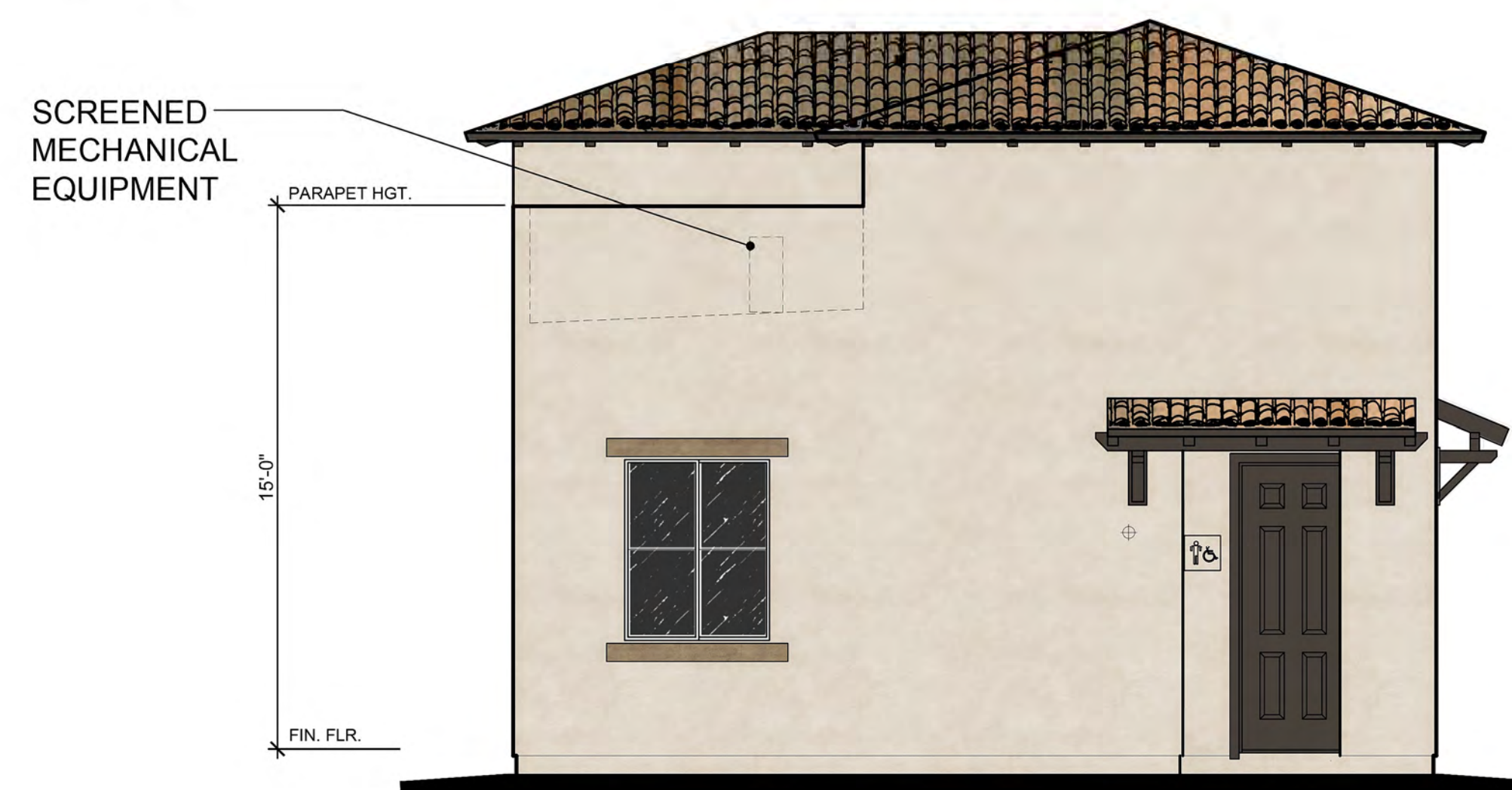
Front Elevation  
1/4" = 1'-0"



Left Elevation  
1/4" = 1'-0"



Right Elevation  
1/4" = 1'-0"



Rear Elevation  
1/4" = 1'-0"



## SCHEME #1

Rev. 4.17.18



### Body Color 1

Manufacturer: Sherwin Williams SW7567

LRV 64%

Natural Tan

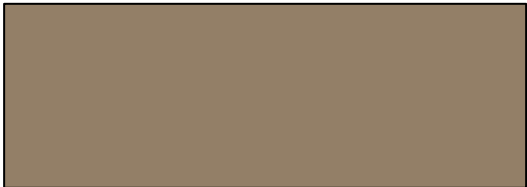


### Body Color 2

Manufacturer: Sherwin Williams SW6150

LRV 42%

Universal Khaki



### Accent Color 1

Manufacturer: Sherwin Williams SW2841

LRV 23%

Weathered Shingle



### Accent Color 2

Manufacturer: Sherwin Williams SW7675

LRV 6%

Sealskin



Eagle Roof – 3773 / Walnut Creek Blend



Stone Works: Mountain LedgeStone / Northwoods

Date: February 22, 2018

## SCHEME #2



### Body Color 1

Manufacturer: Sherwin Williams SW6071

LRV 61%

Popular Gray

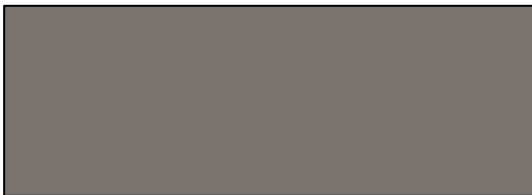


### Body Color 2

Manufacturer: Sherwin Williams SW9170

LRV 32%

Acier

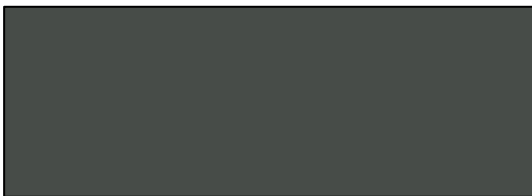


### Accent Color 1

Manufacturer: Sherwin Williams SW7019

LRV 17%

Gauntlet Grey



### Accent Color 2

Manufacturer: Sherwin Williams SW7062

LRV 7%

Rock Bottom



Eagle Roof – 4602 / Concord Blend



Stone Works: Tuscan Ledge / Absaroka

Date: February 22, 2018

## SCHEME #3



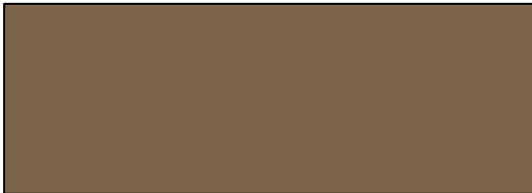
### Body Color 1

Manufacturer: Sherwin Williams SW7037  
Balanced Beige



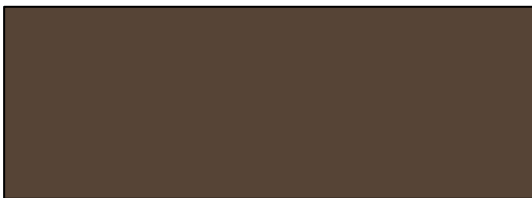
### Body Color 2

Manufacturer: Sherwin Williams SW9173  
Shitake



### Accent Color 1

Manufacturer: Sherwin Williams SW6103  
Tea Chest



### Accent Color 2

Manufacturer: Sherwin Williams SW7027  
Well-Bred Brown



Eagle Roof – 3581 / Arcadia Canyon Brown



Stone Works: Mountain Ledge / Buckskin

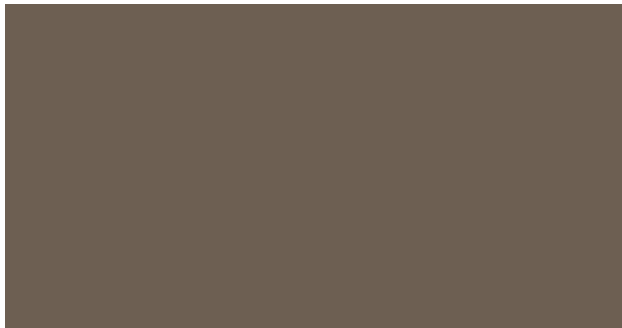
Date: February 22, 2018

## WALL & GATE PAINT SPECIFICATIONS



**Perimeter Walls – Color #1**

Manufacturer: Sherwin Williams SW7507 / LRV38%  
Stone Lion



**Perimeter Walls – Color #2**

Manufacturer: Sherwin Williams SW7515 / LRV12%  
Homestead Brown



**Pool Fencing**

Manufacturer: Sherwin Williams SW7020 / LRV 8%  
Black Fox



CONTACT: BRENNAN RAY

CIVIL ENGINEER

TERRASCAPE CONSULTING

CONTACT: DAVE SOLTYSIK, PE

LANDSCAPE ARCHITECT

THE MCGOUGH GROUP

CONTACT: TIM MCGOUGH

EMAIL:

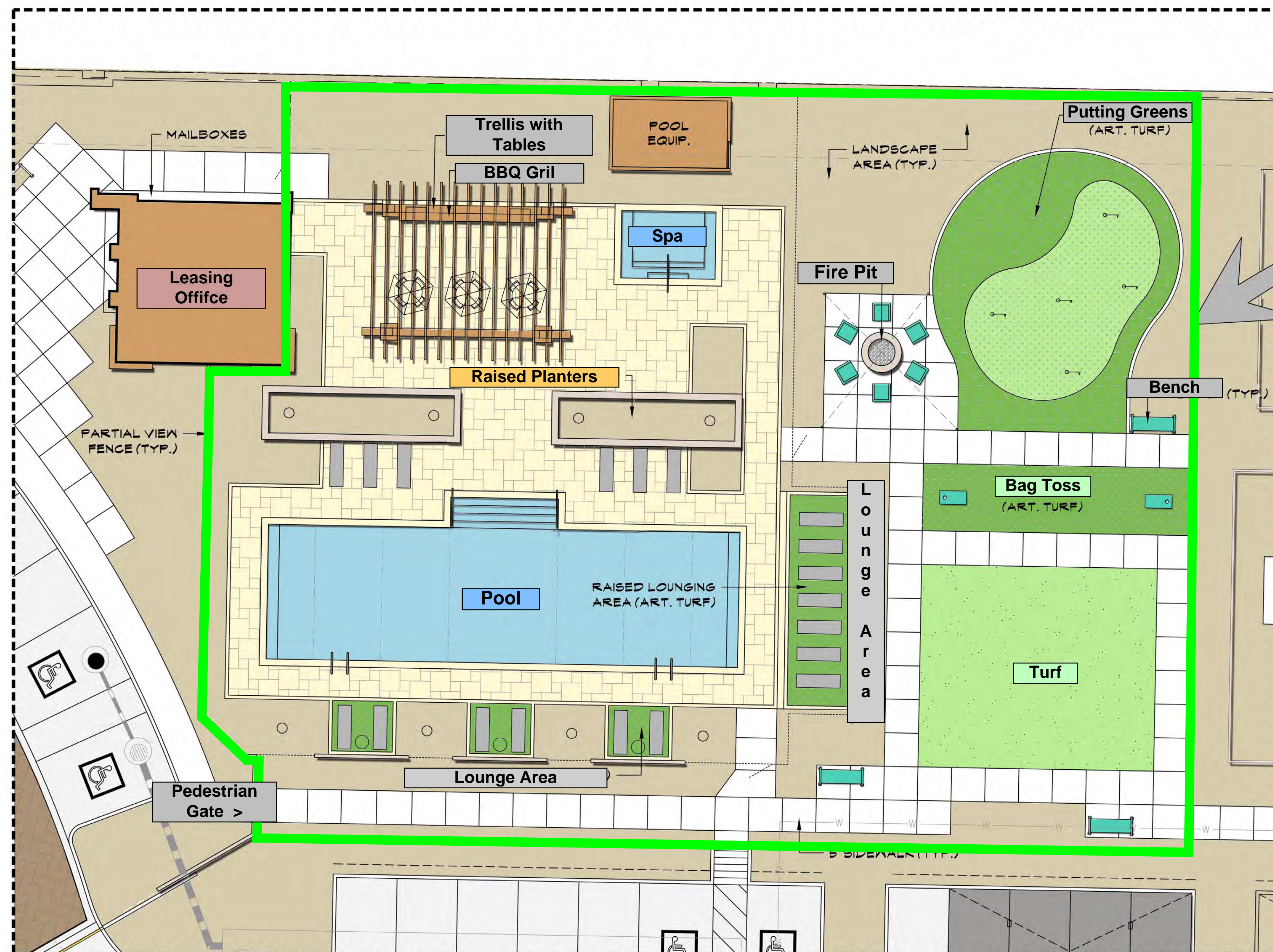
Legend

\* - Open/Guest Parking

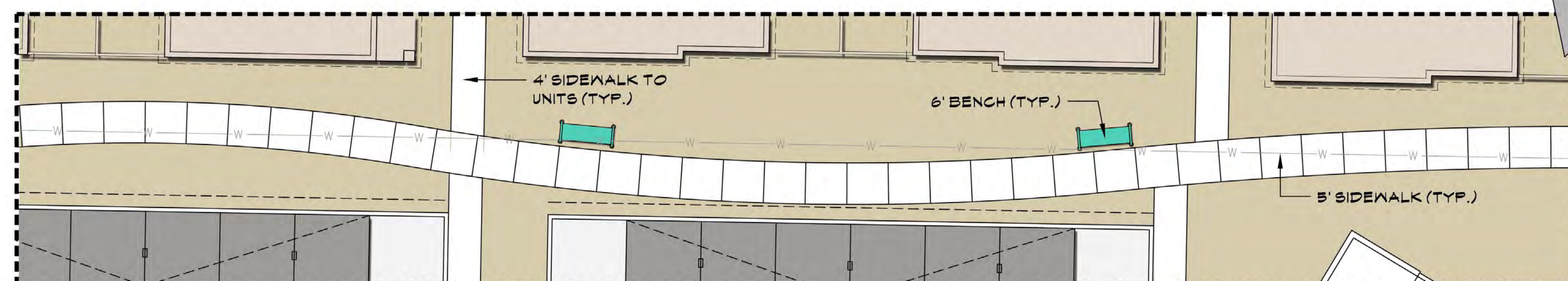
Parking Count

86 Total Open/Guest Parking Stalls

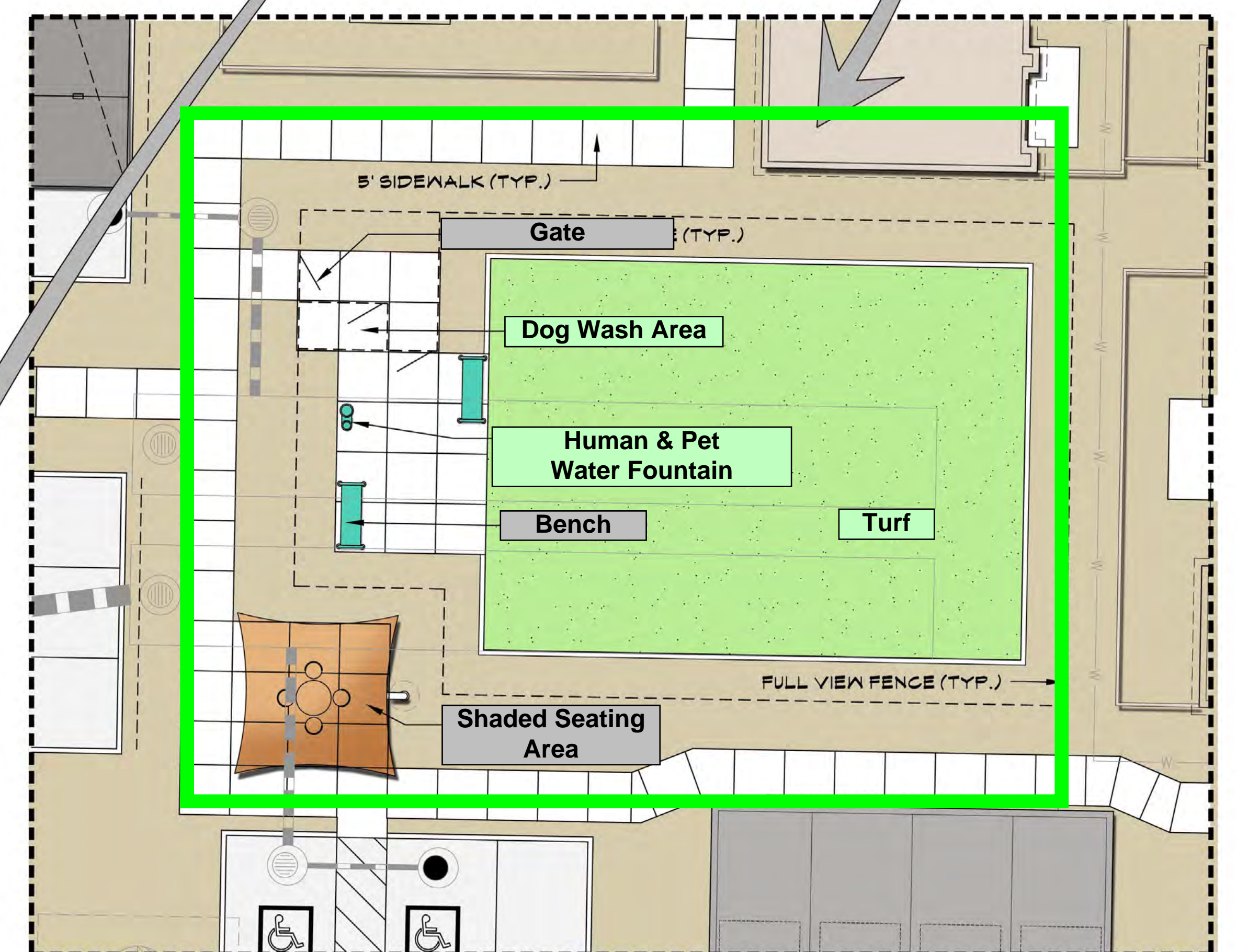
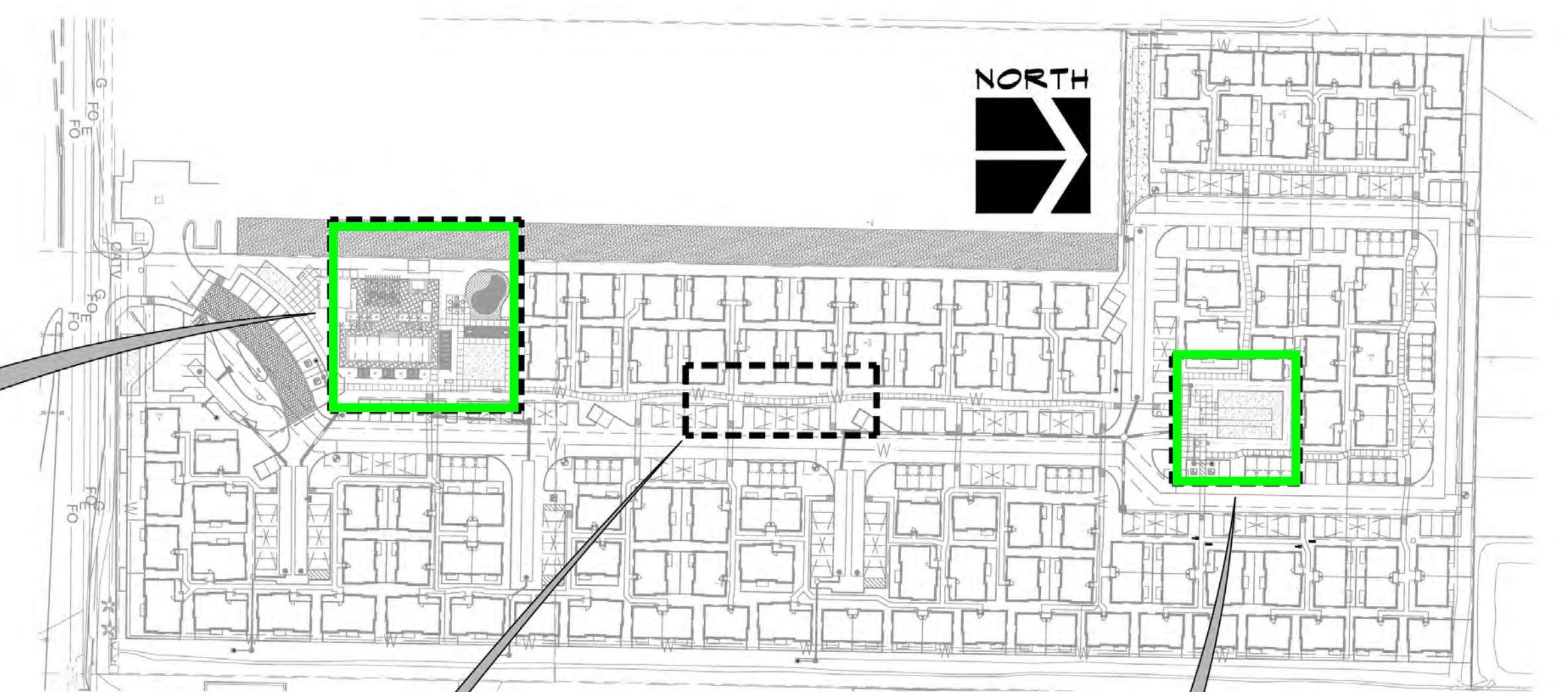




**A POOL AREA ENLARGEMENT**

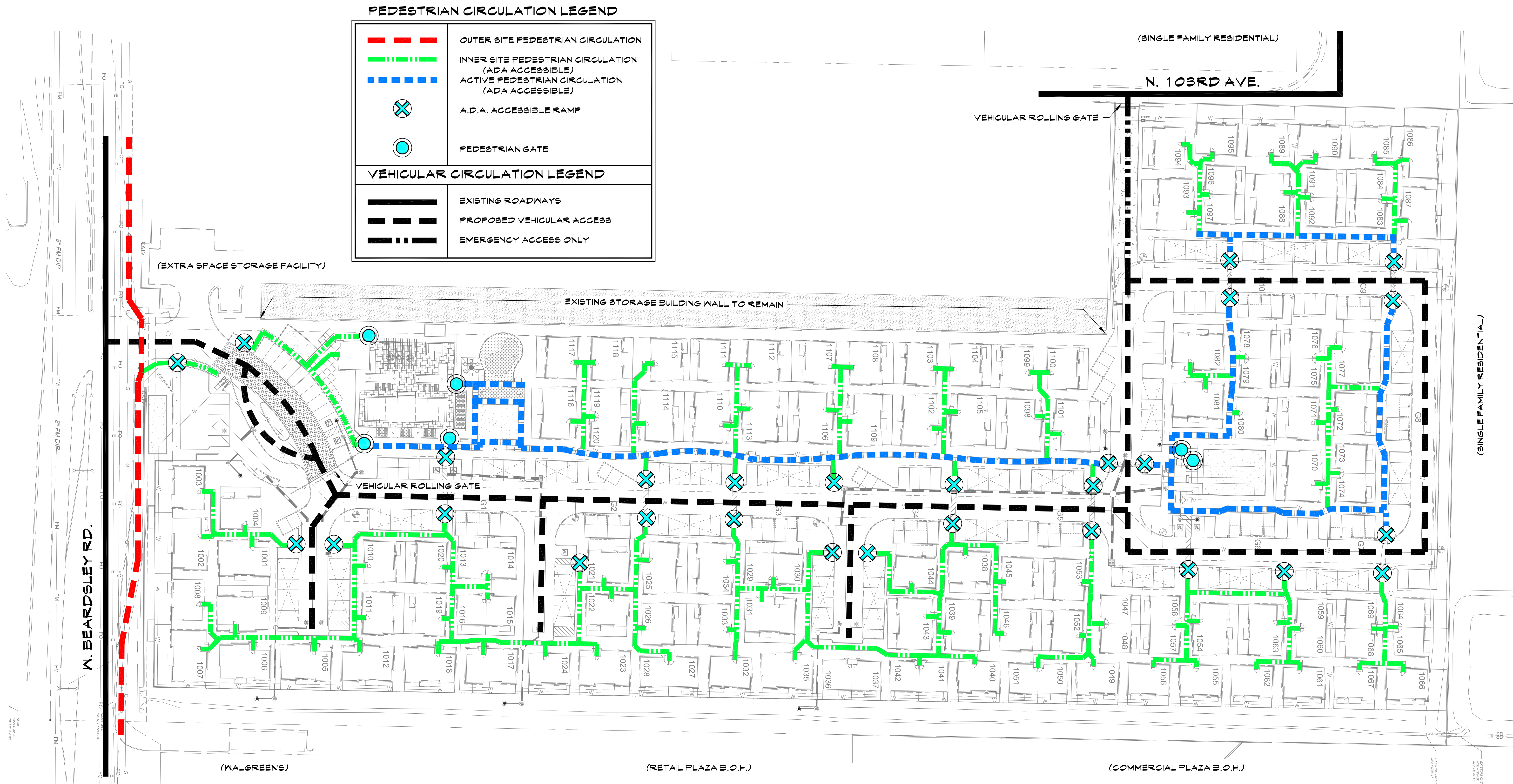


**B MEANDERING SIDEWALK CONNECTION AND BENCHES**



**C DOG PARK ENLARGEMENT**

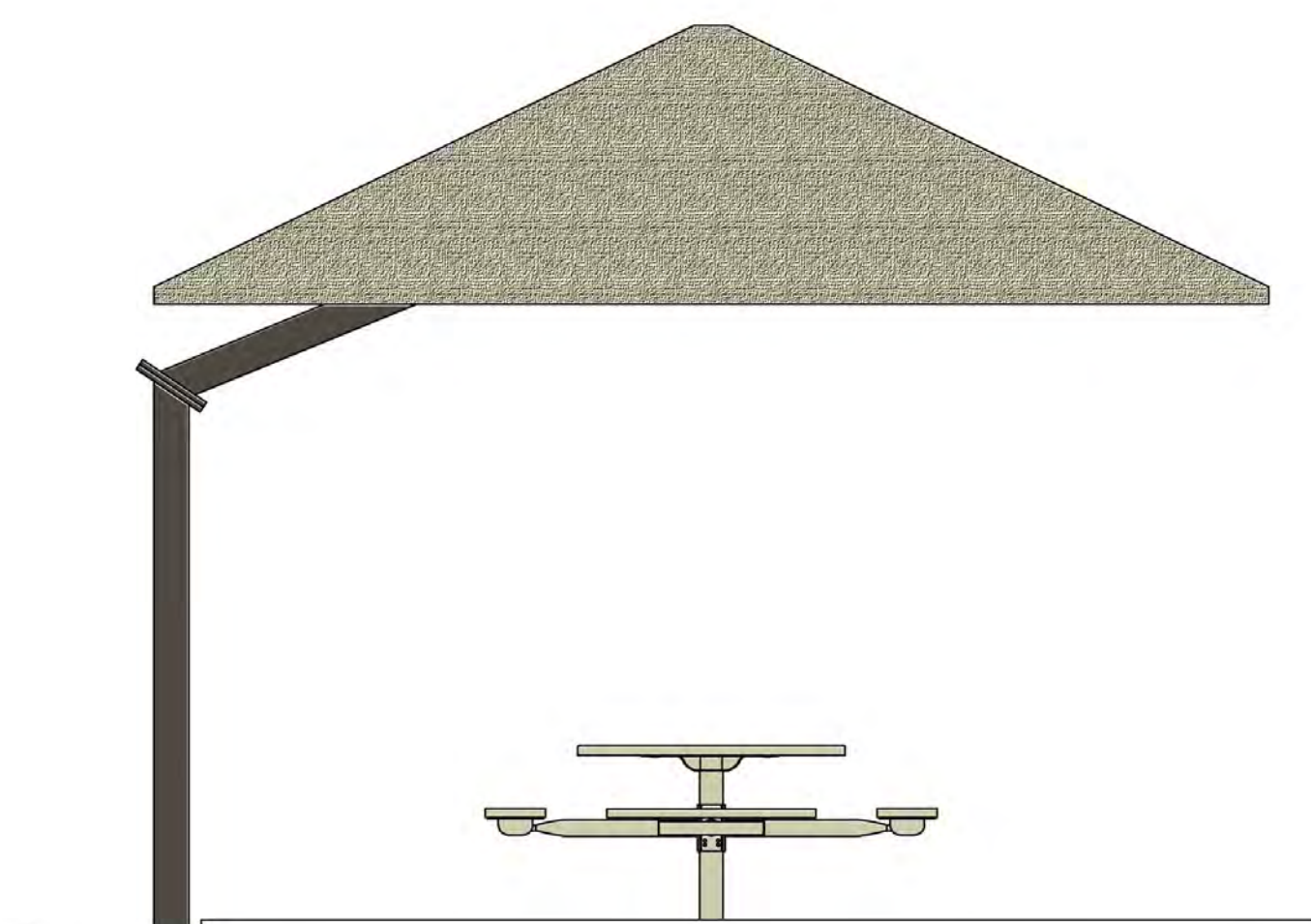








PRIMARY THEME WALL WITH RAISED PLANTER ELEVATION



DOG PARK SEATING AREA

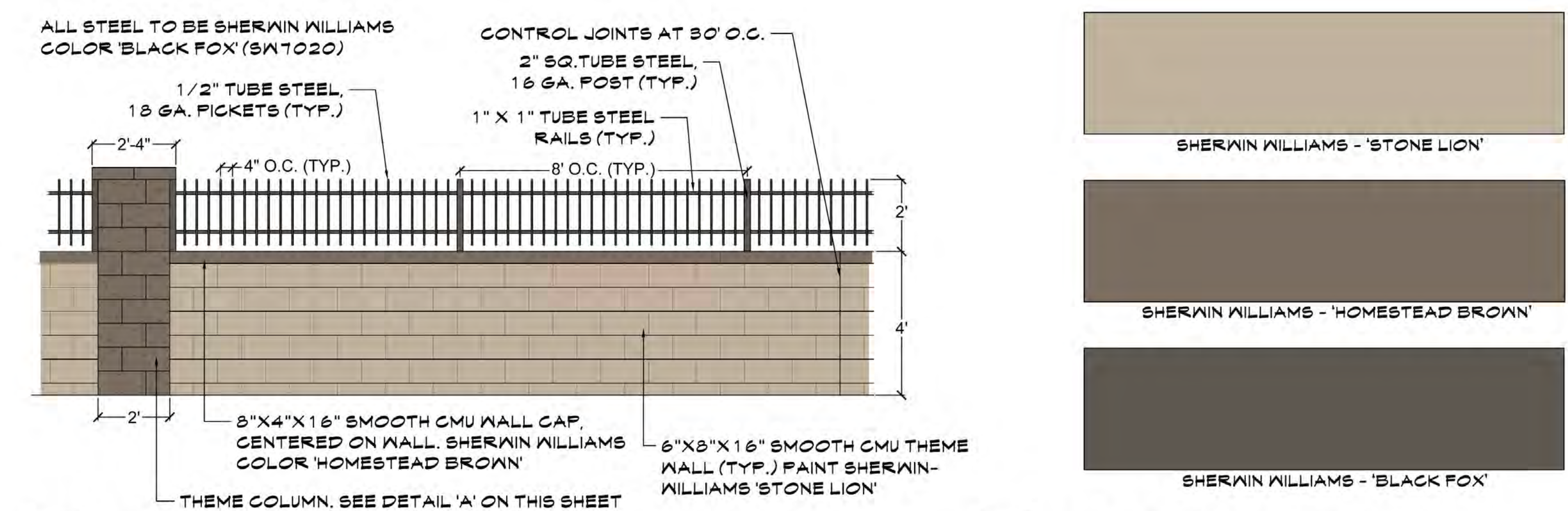
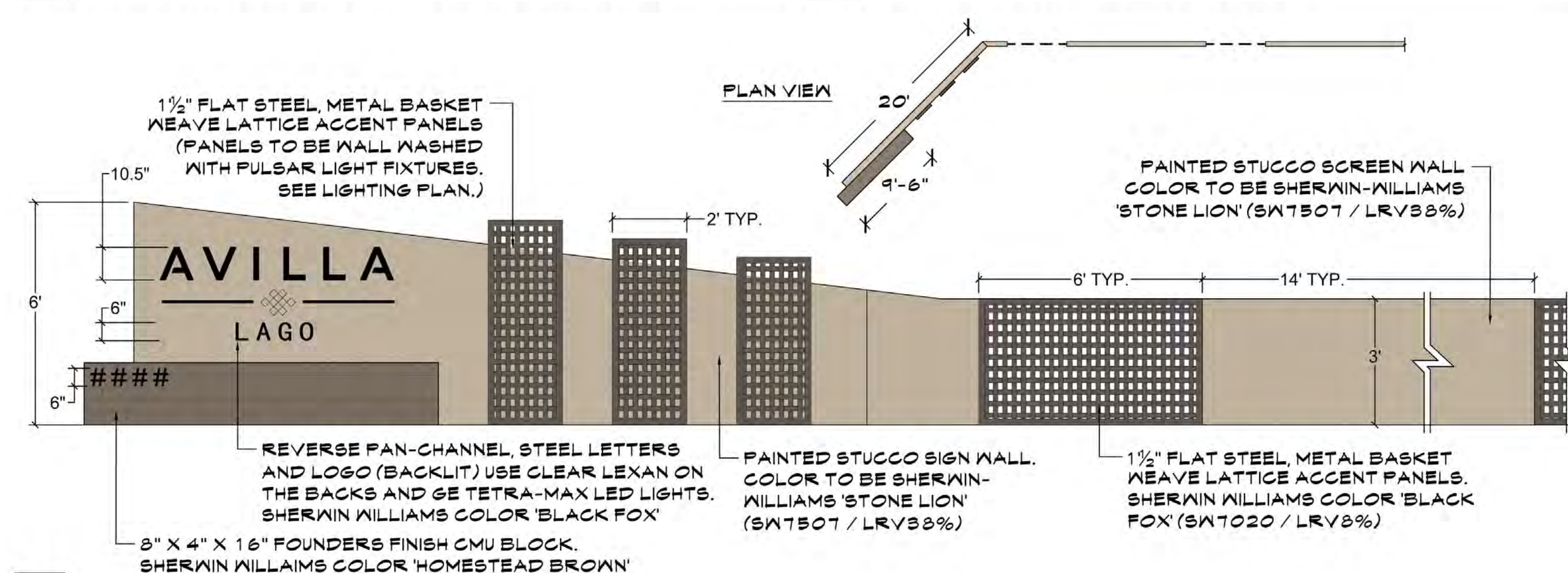
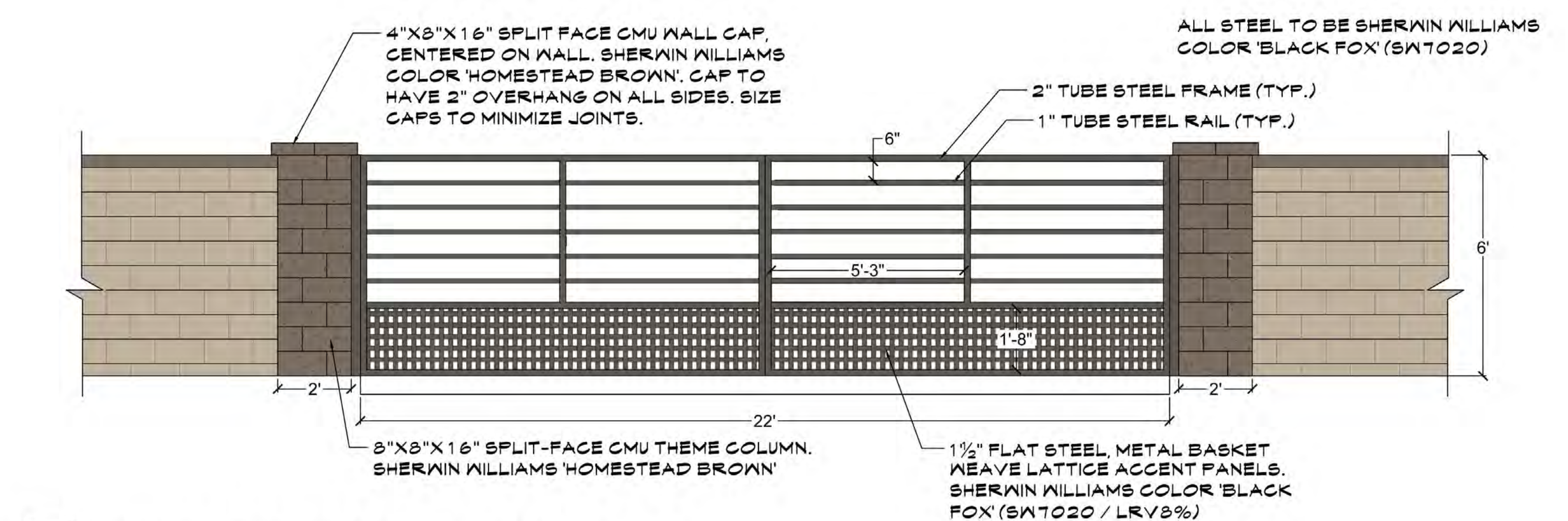
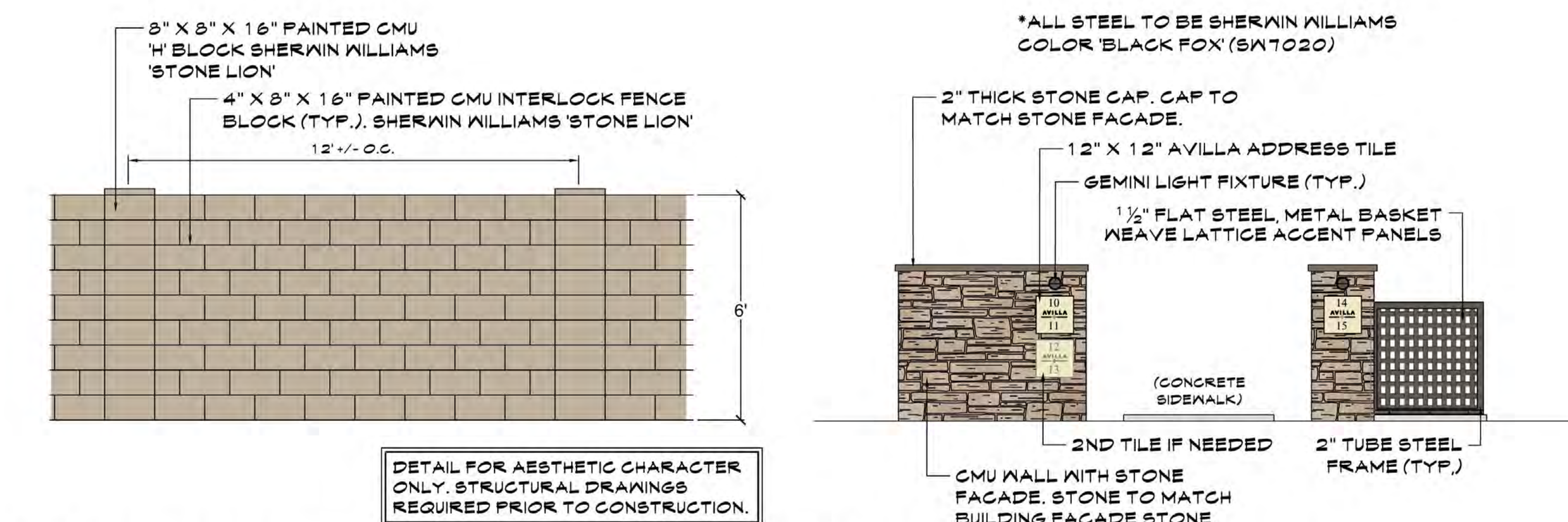
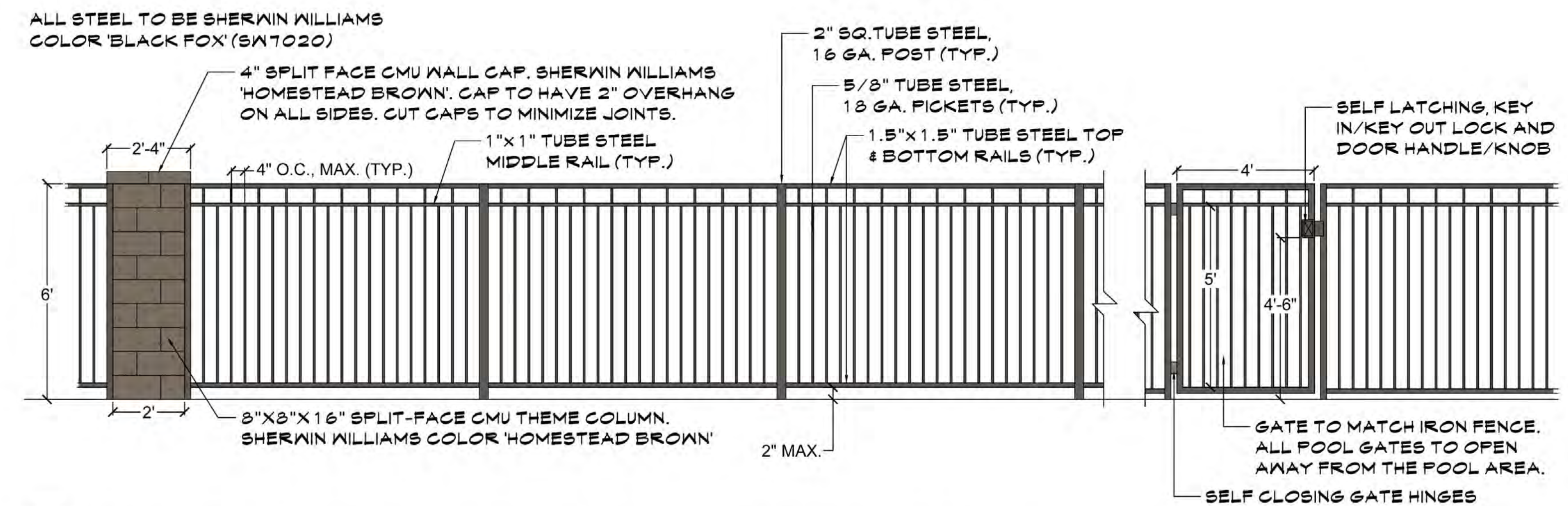
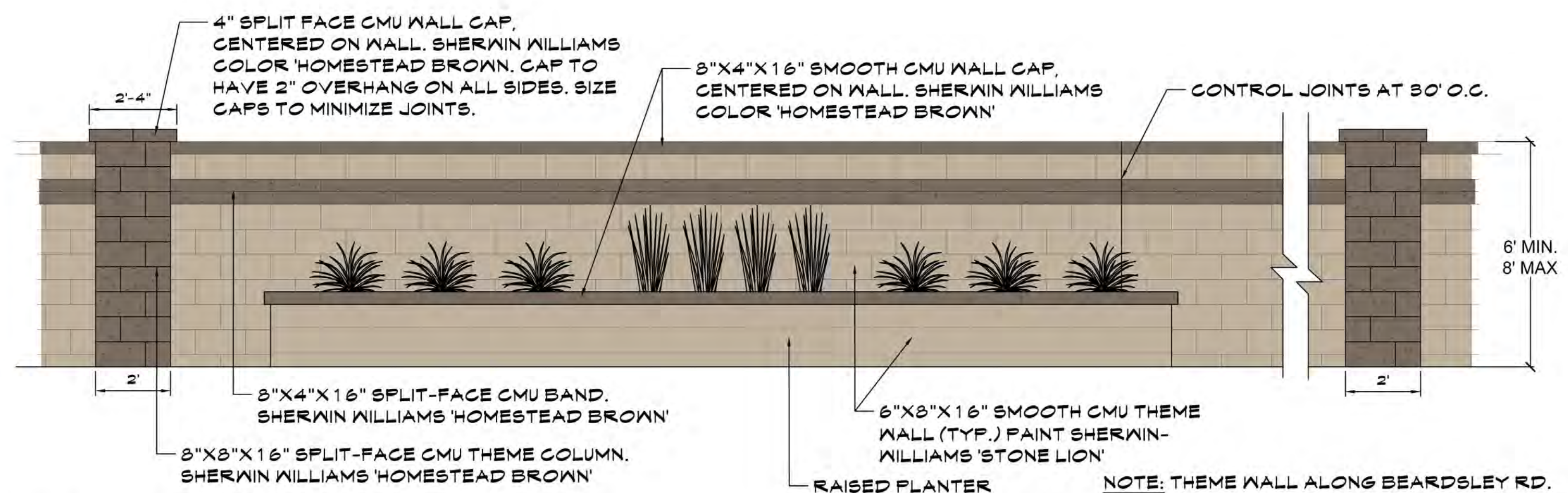


POOL AREA BBQ & SHADE STRUCTURE



ENTRANCE MONUMENT ELEVATION





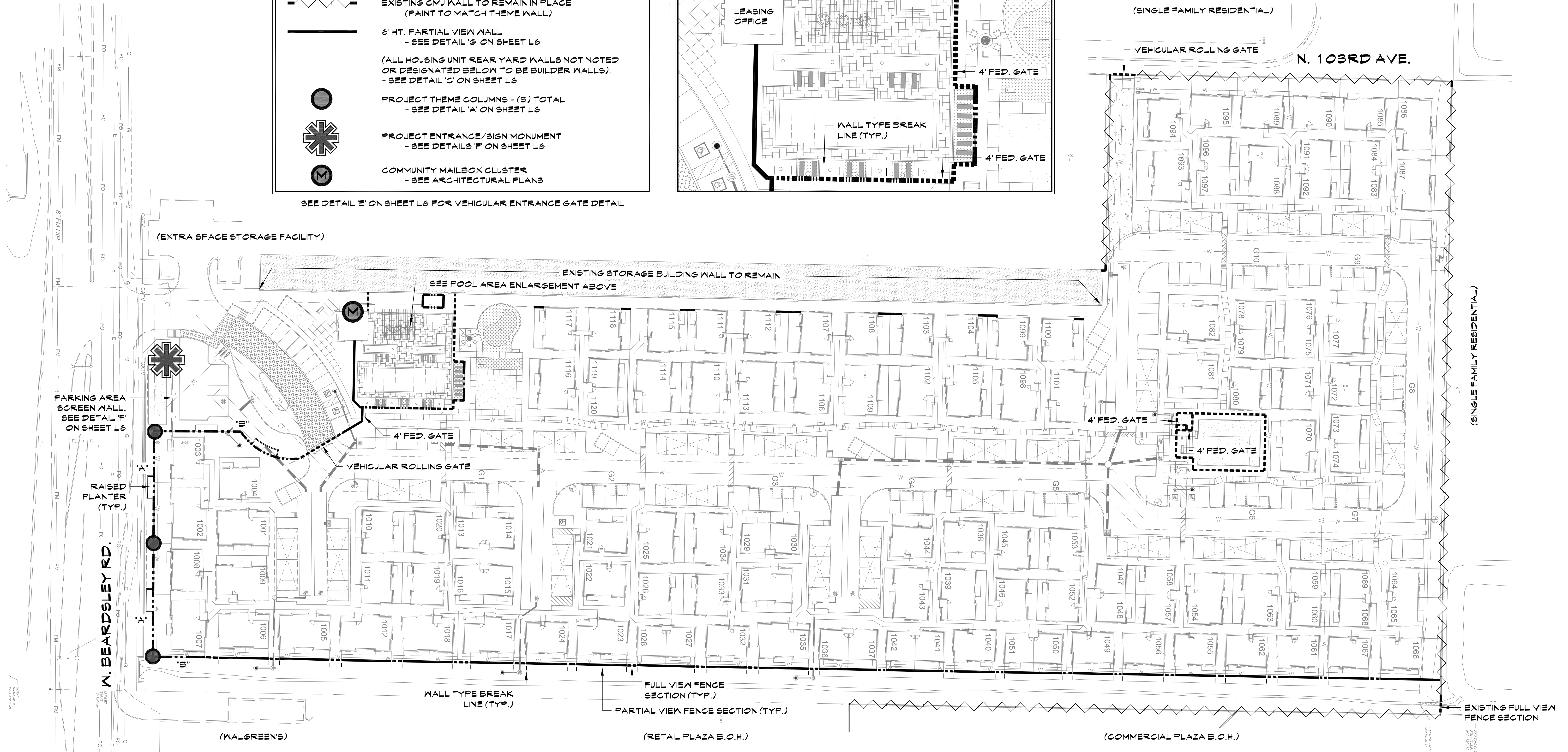
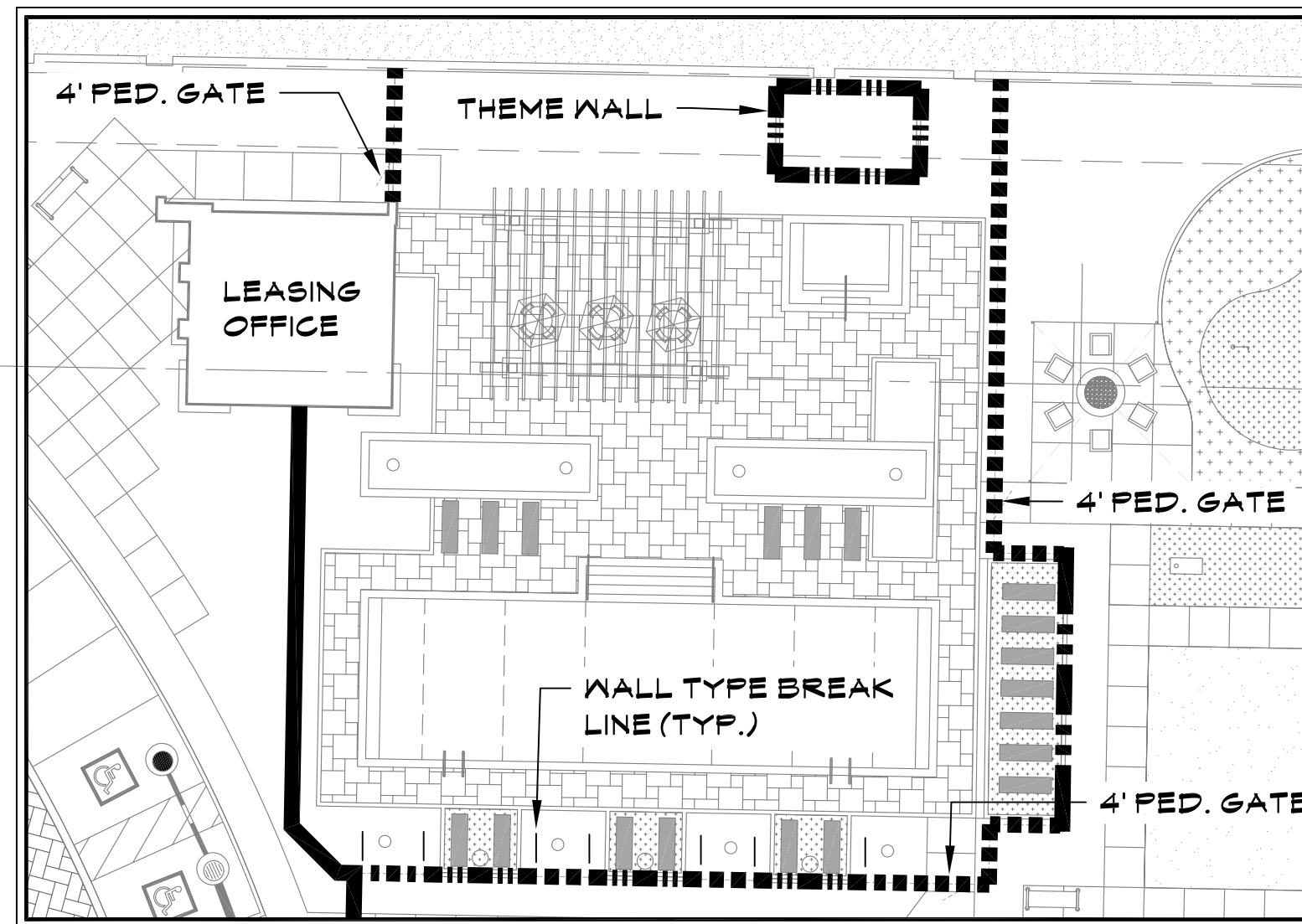


# WALL PLAN LEGEND

- PRIMARY THEME WALL  
"A" = 8' HT. SOUND WALL - "B" = 6' HT. THEME WALL  
- SEE DETAIL 'A' ON SHEET L6
- 6' HT. FULL VIEW FENCE  
- SEE DETAIL 'B' ON SHEET L6
- EXISTING CMU WALL TO REMAIN IN PLACE  
(PAINT TO MATCH THEME WALL)
- 6' HT. PARTIAL VIEW WALL  
- SEE DETAIL 'C' ON SHEET L6
- (ALL HOUSING UNIT REAR YARD WALLS NOT NOTED  
OR DESIGNATED BELOW TO BE BUILDER WALLS).  
- SEE DETAIL 'C' ON SHEET L6
- PROJECT THEME COLUMNS - (3) TOTAL  
- SEE DETAIL 'A' ON SHEET L6
- ✱ PROJECT ENTRANCE/SIGN MONUMENT  
- SEE DETAILS 'F' ON SHEET L6
- Ⓜ COMMUNITY MAILBOX CLUSTER  
- SEE ARCHITECTURAL PLANS

SEE DETAIL 'E' ON SHEET L6 FOR VEHICULAR ENTRANCE GATE DETAIL

## POOL AREA ENLARGEMENT (1" = 20')





## **3/29/2018 OPEN HOUSE**

### **NEXMETRO'S AVILLA AT BEARDSLEY & LAKE PLEASANT ROADS**

#### **Attendees**

Brian Rosenbaum, NexMetro  
Jared Geisler, NexMetro  
Dave Soltysik, Terrascope Consulting  
Tom Bilsten, Bilsten Consulting  
Brennan Ray, Burch & Cracchiolo  
Ricki Horowitz, Burch & Cracchiolo  
Councilmember Jon Edwards  
Sean Allen, Peoria Senior Planner  
75 +/- neighbors (see sign-in sheets)

#### **Comments**

The 3-hour open house-style meeting included three separate stations where a variety of topics were discussed, including, but not limited to: site location, site planning, architectural/ design standards, access, traffic, NexMetro bio, etc. Below are some of the comments the neighbors mentioned at the Open House:

- Liked the concept of single story, detached rental homes, no 2 stories.
- Understands NexMetro is a high-end multi-family developer.
- Heard it was going to be Section 8, low rent housing.

*RESPONSE: The proposed development will be a high-quality community and not be Section 8, low rent housing. Avilla Lago is a lifestyle choice for people seeking alternative housing choices to traditional single-family homes and apartments. Typical residents have the income to purchase a single-family residence but chose not to.*

- Do not want children in the community. Moved to an age restricted community to get away from children.

*RESPONSE: The proposed type of housing product typically does not have many children. Based on NexMetro's experience with other communities they have developed in the Phoenix Metro area, they expect there will be two children for every ten units. With 120 residences, NexMetro anticipates there will be approximately 24 children in the development.*

- Likes that there is no playground, no athletic courts.
- Garages are a nice feature.
- Impressed with the interior – stainless steel appliances.
- Not like a typical apartment complex.
- Will create too much traffic on Beardsley Road.

*RESPONSE: NexMetro has worked with the City's Traffic Engineering Department to make sure there is safe access to/from the Site, submitting a Traffic Impact Analysis that looked at the single point of access along Beardsley Road. The City's Traffic Engineer has reviewed and approved the TIA with the Beardsley Road access, with the condition that NexMetro make some relatively minor improvements to Beardsley Road. Specifically, the City's Traffic Engineer has requested and NexMetro has agreed, to (1) make a slight modification to the east-bound left turn lane into the Site to increase the storage length and (2) modify the Beardsley Road median to allow for vehicles leaving the Site and heading east-bound an acceleration lane to allow vehicles to better merge into Beardsley Road.*

- Do not want the Avilla community to be part of their HOA (it will not be).

*RESPONSE: Avilla Lago will not be part of the HOA. The Site is not subject to the Ventana Lakes CC&Rs.*

- Do not want the Avilla community connecting to the Ventana Lakes' streets (explained it was only emergency access similar to the Extra Space Storage access)

*RESPONSE: Avilla Lago has been designed with an emergency only access point along the northwest property line that connects to a public street within Ventana Lakes. This access point will not be used for general ingress/egress by the Avilla Lago residents and will only be used by emergency services personnel in the event of an emergency and if the primary access point (off of Beardsley Road) cannot be used.*

- Likes the idea of no pedestrian access to Ventana Lakes.
- Will be difficult getting in and out of the community with only one access.

*RESPONSE: NexMetro has worked with the City's Traffic Engineering Department to make sure there is safe access to/from the Site, submitting a Traffic Impact Analysis that looked at the single point of access along Beardsley Road. The City's Traffic Engineer has reviewed and approved the TIA with the Beardsley Road access, with the condition that NexMetro make some relatively minor improvements to Beardsley Road. Specifically, the City's Traffic Engineer has requested and NexMetro has agreed, to (1) make a slight modification to the east-bound left turn lane into the Site to increase the storage length and (2) modify the Beardsley Road median to allow for vehicles leaving the Site and heading east-bound an acceleration lane to allow vehicles to better merge into Beardsley Road.*

- Too many units proposed.
- Okay with density because of being only single-story.
- Raise wall from 6' to 8' on northern property line.
- There is plenty of on-site parking and likes the idea that the renters can park in front of their units.
- Likes a gated community.
- Likes on-site property management so there is "eyes" and "ears" on site.
- Councilman Edwards wants to see another access point through the commercial to the east.

*RESPONSE: NexMetro has reached out to the owner of the office parcel east of the Site on two separate occasions. Both times the owner refused to grant access.*



**Letters of  
Support / Opposition**

## Sean Allen

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**From:** John Comer [REDACTED]  
**Sent:** Tuesday, July 3, 2018 6:52 AM  
**To:** Sean Allen  
**Subject:** GPA18-01

Sean: You are the contact person regarding the proposed change GPA18-01 from low density to medium-high density. I own the property at [REDACTED]. Such a change will, I believe, add to an already congested area. I wish to register my objection to such a change. Thank you.

Sent from John Comer

## Sean Allen

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**From:** Christian M. Williams [REDACTED]  
**Sent:** Thursday, July 19, 2018 9:20 AM  
**To:** Sean Allen  
**Cc:** Jon Edwards  
**Subject:** Avilla Lago

Good Morning Mr. Allen and Council member Edwards,

I would like to register my support for the General Plan Amendment and development of Avilla Lago. I believe this development will add housing and product diversity to the greater area. Peoria has a large supply of single family homes and there is an overabundance of 55+ restricted housing in this specific area. While there is nothing wrong with active adult or senior housing, it does not always benefit large commercial centers, as is evident at the Ventana Village shopping center at Lake Pleasant Road and Beardsley Road. Adding new customers and demographics to the area should be welcomed.

I think Avilla does a top-notch job, as is evident in their other communities such as Palm Valley in Goodyear. Also, there is a demand for a lock and leave product which has amenities on site.

I ask you to support this in-fill project,

Christian M. Williams  
Willow District Resident

## Sean Allen

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**From:** [REDACTED]  
**Sent:** Thursday, June 28, 2018 10:03 AM  
**To:** Sean Allen  
**Subject:** Re: Where can I download info on Z18-02?

Again, thank you for the quick response and the details that help us understand the project. We had concerns that the appearances would be similar to this product that is opening on Pinnacle Peak Rd just west of I-17. We don't find the elevations there very attractive and the ones you attached with the pitched roof lines are much better.

Have a great day.

Best regards,

Marv Spatz

On 6/27/2018 2:10 PM, Sean Allen wrote:

Marv,

This project was assigned to me, so I will give you the rundown. Staff had some concerns in the beginning, as we customarily do with all projects. Nothing major, just some subtle things we thought would make a difference. Those subtleties are as follows:

- All home are to have pitched rooflines;
- Larger back yards for units bordering the north and east property lines;
- Screen all utility boxes and equipment;
- Decorative entry with a screen wall to the community pool;
- Better internal pedestrian connectivity.

The first attachment is the proposed zoning document that introduces the proposal (Narrative) and pertinent information that you want to know. The other attachments are of the development concepts they have associated with that proposed zone. Due to it's file size, I will have to send the Elevation concepts to you in a separate email.

They have been scheduled for the July 19, 2018 Planning and Zoning Commission public hearing. It starts at 6:30pm at the City's Council Chambers and you are certainly welcome to attend. City staff is recommending an approval for the land use to allow a Med-High density residential development that shall not exceed 11.0 dwelling units to the acre, and for a Rezoning from the existing commercial zone to a custom residential PAD zone, to accommodate the proposed development. Feel free to contact me if you have any further questions; however, I will be out of the office beginning tomorrow and for all of next week.

**SEAN G. ALLEN**  
Senior Planner  
Planning and Community Development  
City of Peoria

## Sean Allen

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**From:** bjcurran [REDACTED]  
**Sent:** Thursday, June 28, 2018 11:20 AM  
**To:** Sean Allen  
**Subject:** Avilla Lago rezoning

Dear Mr. Allen,

Since I will be away and unable to attend the hearings concerning Avilla Lago, I thought I should share some of my concerns.

I am a resident of Ventana Lakes and have experienced first hand some of problems that can arise from high density zoning. I live behind The Lake Pleasant apartments. So my concerns deal primarily on the impact this type of development has on our quality of life. For instance, will this be more low income housing. What will be the impact on our schools? Taxes are already climbing and a senior citizen on a fixed income I am worried about being forced out of my home. I'm also concerned about increased traffic in the area.

All of this will surely have an impact on the resale values of our homes.

I hope these issues will be addressed at the meetings. As it stands now, I am not in favor of rezoning to high density.

Thank you for your time,

Betty Curran  
20613 N102nd lane  
Peoria 85382

Sent from my iPad

[REDACTED]  
Betty Curran  
[REDACTED]

**Sean Allen**

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**From:** Mike Maas [REDACTED]@psd [REDACTED]  
**Sent:** Wednesday, July 25, 2018 4:05 PM  
**To:** Sean Allen  
**Subject:** RE: Avilla Lago project

Sean,

We are hoping to reach out the developer again and get some response to our partnership proposal. We are going to have no comment on this project and will keep you informed of our future contacts with the developer.

Thanks

Mike Maas

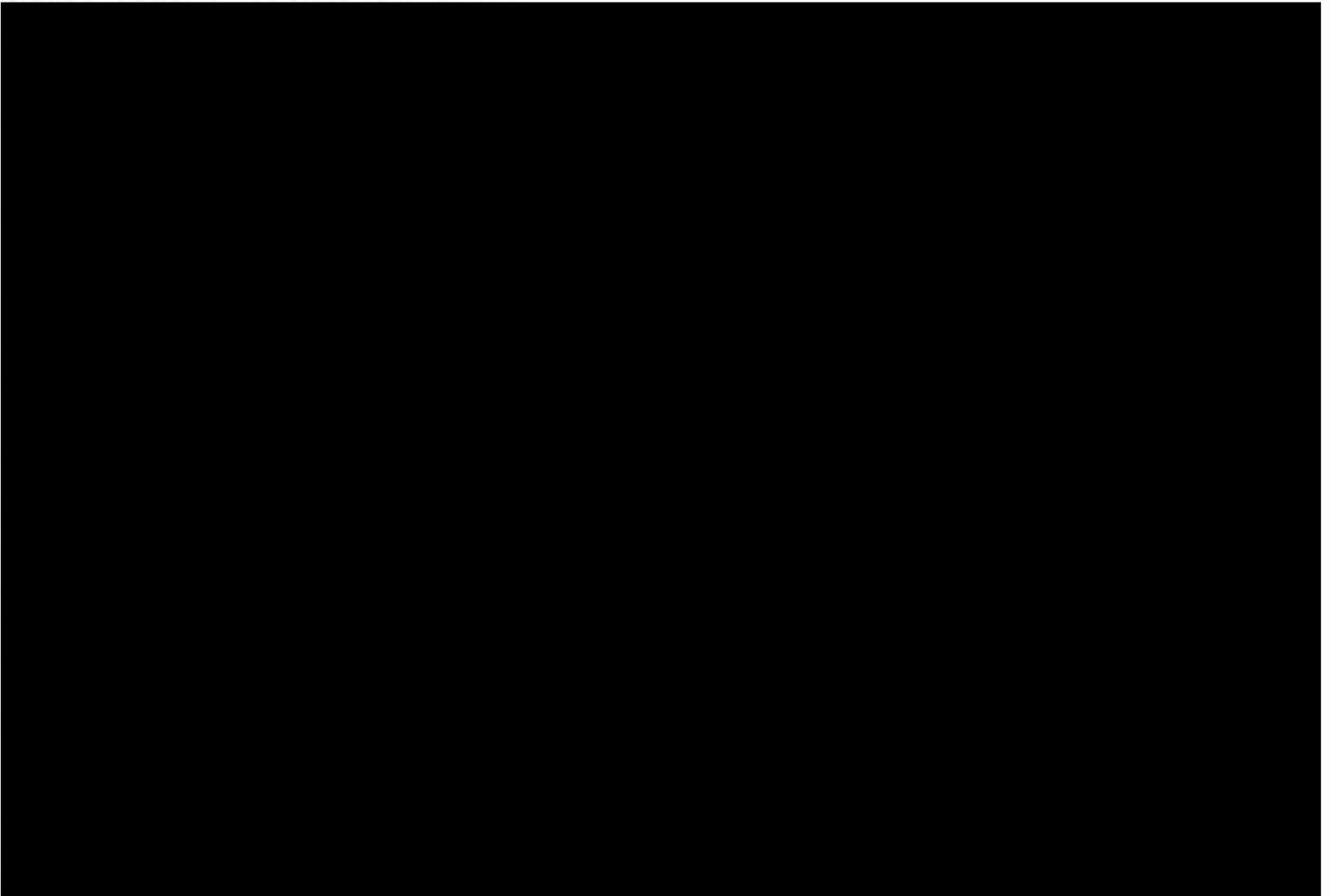


Exhibit 16

**Exhibit 3**  
Draft Resolution

RESOLUTION NO. 2018 - 93

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA AMENDING THE LAND USE MAP OF THE PEORIA GENERAL PLAN FOR 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 amendment number GPA18-01, on August 3, 2018; and

WHEREAS, after such public hearing and consideration of GPA18-01, the Peoria Planning and Zoning Commission recommended adoption of GPA18-01 on August 16, 2018, a copy of which recommendation is on file with the City Clerk of the City of Peoria, Arizona, and which said case number GPA18-01 was transmitted to the Mayor and Council of the City of Peoria prior to the meeting of September 4, 2018; and

WHEREAS, after due and proper consideration of such case GPA18-01, the Mayor and Council of the City of Peoria, Arizona have found that GPA18-01 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 GPA18-01, amending the Land Use Map of the Peoria General Plan, for the area described in Table 1 and shown in Exhibits A & B.



**Table 1**

<b>Parcels</b>	<b>Existing General Plan Land Use</b>	<b>Proposed General Plan Land Use</b>
200-14-974, 200-14-976	Low Density Residential	<b><i>Medium-High Density Residential</i></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;

**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 4<sup>th</sup> day of September, 2018.

\_\_\_\_\_  
Cathy Carlat, Mayor

\_\_\_\_\_  
Date Signed

ATTEST:

\_\_\_\_\_  
Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Vanessa P. Hickman, City Attorney

## **EXHIBIT A**

### **LEGAL DESCRIPTION**

#### **For Avilla Lago**

Located in the Southwest Quarter of Section 20, Township 4 North, Range 1 West, Gila and Salt River Meridian, Maricopa County, Arizona, described as follows:

Beginning at the South Quarter corner of said Section 8, from which the Southwest corner of said Section bears North 89°40'29" West, a distance of 2657.21 feet;

Thence North 01°02'57" East, along the East line of said Southwest Quarter, a distance of 1207.01 feet;

Thence departing said East line, North 88°57'44" West, a distance of 550.01 feet;

Thence South 01°02'57" West, a distance of 300.00 feet;

Thence South 88°57'44" East, a distance of 200.00 feet;

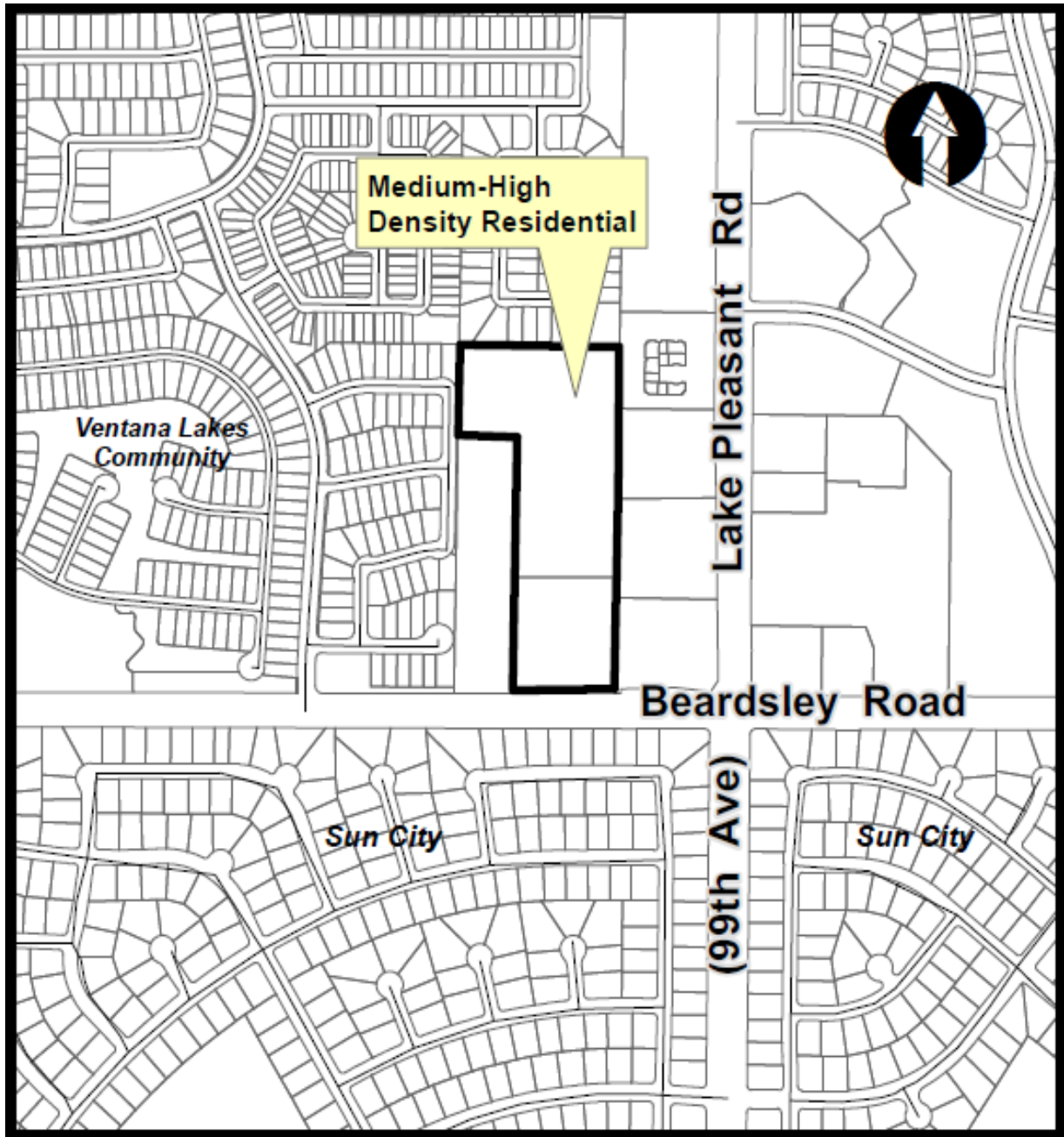
Thence South 01°02'57" West, a distance of 911.36 feet to the South line of said Southwest Quarter;

Thence South 89°40'29" East, along said South line, a distance of 350.04 feet, to the Point of Beginning.

Contains 483,224.53 square feet or 11.09 acres, more or less.

## EXHIBIT B

### Map



**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 24R.

Date Prepared: 8/21/2018

Council Meeting Date: 9/4/2018

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**TO:** Jeff Tyne, City Manager  
**THROUGH:** Katie Gregory, Deputy City Manager  
**FROM:** Chris M. Jacques, AICP, Planning Director  
**SUBJECT:** Public Hearing: Rezoning, Avilla Lago, Lake Pleasant Road and Beardsley Road

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**Purpose:**

Discussion and possible action, to concur with the Planning and Zoning Commission's recommendation to adopt **ORD. 2018-29** approving the rezoning of approximately 11.09 acres located west of the northwest corner of Lake Pleasant Road (99th Ave) and Beardsley Road, from Intermediate Commercial (C-2) to the Avilla Lago Planned Area Development (PAD).

**Summary:**

*Introduction:*

The applicant, Burch & Cracchiolo, representing NexMetro Development, is requesting to rezone an infill site of approximately 11.09 acres located west of the northwest corner of Lake Pleasant Road (99th Avenue) and Beardsley Road, to a Planned Area Development (PAD). The request, if approved, would facilitate the development of a 120-unit, casita-style multi-family residential community called Avilla Lago. This rezone request was submitted in conjunction with a request for a Minor General Plan Amendment.

The Avilla Lago conceptual development plan proposes 120 single-story units (82 single unit, 38 duplex) with a gross density of 10.8 dwelling units per acre (du/ac). This proposed density falls within the target density (12.0 du/ac) of the proposed *Medium-High Density Residential* land use designation that accompanies this Rezoning request. The PAD and conceptual development plan addresses all site elements such as parking, lighting, open space, screening of utilities, fencing, and a preliminary design theme that includes color and material variations and pitched rooflines for all proposed structures.

*Adjacent Uses:*

Surrounding the subject properties are a variety of uses shown in the Context Map (Exhibit 2). Directly east and west of the subject area are commercially zoned properties that have been developed. Along the majority of the western boundary, of the subject area, is an existing mini-storage business known as *Extra Space Storage*. The remainder of the western boundary (northwest) and directly north of the site are existing single-family homes within the *Ventana Lakes* residential community. To the northeast is a multi-family community known as *Lake Pleasant Village Apartments*. Directly east are various medical or dental offices. Directly south is the existing residential community known as *Sun City 49 Subdivision*.

### *General Plan Conformance:*

The property is designated on the Peoria 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 3.0 du/ac. A Minor General Plan Amendment was submitted concurrently with the Avilla Lago PAD that subsequently proposes to re-designate the land use designation to *Medium-High Density Residential*. This new designation has a density range of 8-15 du/ac, and a target of 12.0 du/ac. At a density of 10.8 du/ac, the Avilla Lago proposal falls into compliance with the proposed land use designation.

As provided in the report to the Planning and Zoning Commission, the site is irregular in shape and has been zoned commercial since 1986. The shape and limited frontage make the site an unlikely candidate for commercial development and careful consideration must be given to the existing built environment that surrounds it. A higher density residential proposal can provide an infill development that is designed to be more compatible in intensity to its residential neighbor while providing an appropriate transition to its other commercial neighbors. The proposal also retains a residential element to the property that was never changed with the General Plan Land Use Map, even though the current zoning is commercial.

### *Analysis of Request:*

The proposed residential density for Avilla Lago is 10.8 du/ac, which is consistent with the General Plan's Medium-High Density Residential range. The applicant has included additional design measures and amenities to help fill this transitional use role. Site development elements such as landscaping, architecture, screening, height, and access have been designed in a manner to mitigate potential impacts and to create a development that is more compatible with the adjacent single-family neighborhood. For example, the maximum height allowed for any structure in the Avilla Lago development is 25-feet and private and common open space requirements have been exceeded to give this more of a single-family feel while being managed as a multi-family development.

### *Open Space*

Multi-family development proposals are required to meet or exceed two different open space requirements: 1) common/useable open space, and 2) private open space. Each of these requirements are described in more detail below.

Based on the proposed number of bedrooms, Avilla Lago is required to provide 35,700 square feet of common or usable open space. The proposal has 45,000 square feet of usable open space, which includes the eleven (11) community amenities noted above. Further, this common useable open space component should be well balanced and accessible to all future residents. The Avilla Lago concept achieves this balance and accessibility showing a distribution of amenities on the north and south ends of the project, with an internal accessible sidewalk/trail system that provides connectivity to all common areas (Exhibit 2).

There are two distinctive amenity areas, which are linked by a north to south meandering sidewalk, which extends from the leasing office/pool area to the fenced dog park in the northern portion of the site. Based on the number of total residential units, the Peoria Design Review Manual requires at least four (4) amenities within the community. The applicant has proposed 11 amenities as summarized below, and as shown in (Exhibit 2).

- Large Pool
- Lounge Areas
- Large Spa

- Putting green
- Bag Toss
- Fire Pit
- Community BBQ's
- Shaded Trellis with picnic tables
- Gated Dog Park with water fountain and separate dog wash
- Additional Shaded Seating;
- Central meandering sidewalk/trail with benches

The applicant intends to install the southern portion of amenities with Phase 1 construction, including the beginning of the meandering sidewalk/trail.

The standard Zoning Ordinance requires a multi-family proposal to provide private open space, which is typically satisfied by providing balconies for elevated units and patios for ground level units. Since the units in the Avilla Lago development are all ground level, the applicant has provided a minimum of 17,280 square feet of ground level patios. The Avilla Lago concept has proposed a private yard area for each unit, which calculates to a total of 34,800 square feet, more than doubling the minimum requirement for a standard multi-family project.

#### Access/Traffic

Primary access into the project will be from Beardsley Road. The applicant proposes to modify the existing traffic median on Beardsley Road to allow for greater left turn capacity for vehicles traveling east. Additionally, the existing driveway would be modified to allow shared access with the existing *Extra Space Storage* business, which is located directly west of the site. Based on the estimated number of vehicular trips into and out of the site, a dedicated secondary means of access is not required at this time. The City's Traffic Engineering Division has reviewed and approved the applicant's traffic study in accordance with city standards.

A 20-foot wide existing access easement runs adjacent to the north boundary of the mini-storage site, and connects the subject property to the Ventana Lakes Community at 103rd Drive. This access easement is to remain; however, the applicant has agreed to limit the northwest access to an emergency access only, in response to comments received from Ventana Lakes residents at the Neighborhood Meeting (Exhibit 2) of Exhibit 2. Accordingly, an emergency access will be provided to 103<sup>rd</sup> Drive.

#### Summary/Findings

Staff supports the rezoning request based on the following:

1. The proposed PAD zone is in conformance with the goals and objectives set forth in the City of Peoria General Plan;
2. The change in zone will support an infill development that will better reflect the development needs of the area, while accounting for the existing built environment;
3. This rezoning request will result in a residential development that is more compatible with the adjacent residential neighborhood than would be expected with commercial uses that

are more intense, and provides an appropriate transition from the existing neighborhood to the existing commercial uses east of the subject area;

4. The proposal has exceeded the required open space requirements for common and private open space, and minimum number of community amenities; and
5. The applicant/owner has submitted a signed and notarized a Proposition 207 waiver, which will be recorded with the conditions of approval.

#### *Public Involvement:*

Pursuant to Section 21-315 of the Peoria Zoning Ordinance, the application was properly noticed to all property owners within 600-feet of the site, and registered HOA's within one-mile. Additionally, a sign was posted on site, and an ad was placed in the Peoria Times at least 15-days prior to the public hearing.

A neighborhood meeting was held on March 29, 2018 at 3 p.m. at the Ventana Lakes Yacht Club. Over 75 persons attended, along with Councilperson Edwards and city staff. At the meeting, the development team presented the details of the project and answered resident's questions. A summary of the comments along with the applicant's responses are enclosed within Citizen Participation Plan (Exhibit 2). The general topics are listed below:

- Direct vehicular access to the Ventana Lakes community via the northwest access easement;
- Possible extension of access to the east through the existing commercial properties;
- Concern regarding the proposed density; and
- Shielding of lights near the homes on the north end of the proposal.

Extension of access to commercial properties – The applicant has approached the commercial property owner regarding obtaining an access easement between this project and the commercial businesses. City staff understands the negotiations to date have been unsuccessful; however, continue to recommend the applicant pursue this as a possible future connection should it be warranted.

Proposed density – The proposed Avilla Lago project is not a typical multi-family project as it has been designed to be low in scale and consistent in character with the surrounding residential community.

Shielding of Lights - The height of overhead pole lighting will be limited to sixteen (16) feet and fully shielded to prevent glare and light spillage onto neighboring properties as identified within the Avilla Lago PAD.

#### *Support/Opposition*

*Two (2) emails in support and two (2) emails in opposition of the proposal were received by staff prior to the Planning and Zoning Commission hearing. The two (2) emails in support were based on the following:*

- Pitched rooflines and overall appearance seemed better than what has been done for a similar development in the valley;
- Having a greater diversity of housing options (something other than 55+ restricted); having a lock and leave community; and
- Additional customer base to support the nearby commercial centers.

Those in opposition were concerned with a general increase in density, high-density residential project, and concerns related to impact on quality of life, home resale values, taxes, schools, and increased traffic.

**Previous Actions/Background:**

- On August 16, 2018, the Planning and Zoning Commission held a public hearing on this case. The Commission recommended approval of this request with a 5-0 vote. There was a single speaker that spoke for a group in attendance from the Ventana Lakes community. The individual expressed concern over the northwest access easement being used for full access to 103rd Drive in the future.

**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 budgetary impacts to the City.

**ATTACHMENTS:**

Exhibit 1 - Location Map  
Exhibit 2 - P&Z Commission Report  
Exhibit 3 - Draft Ordinance

**Contact Name and Number:**

Sean Allen, Senior Planner, (623) 773-7337

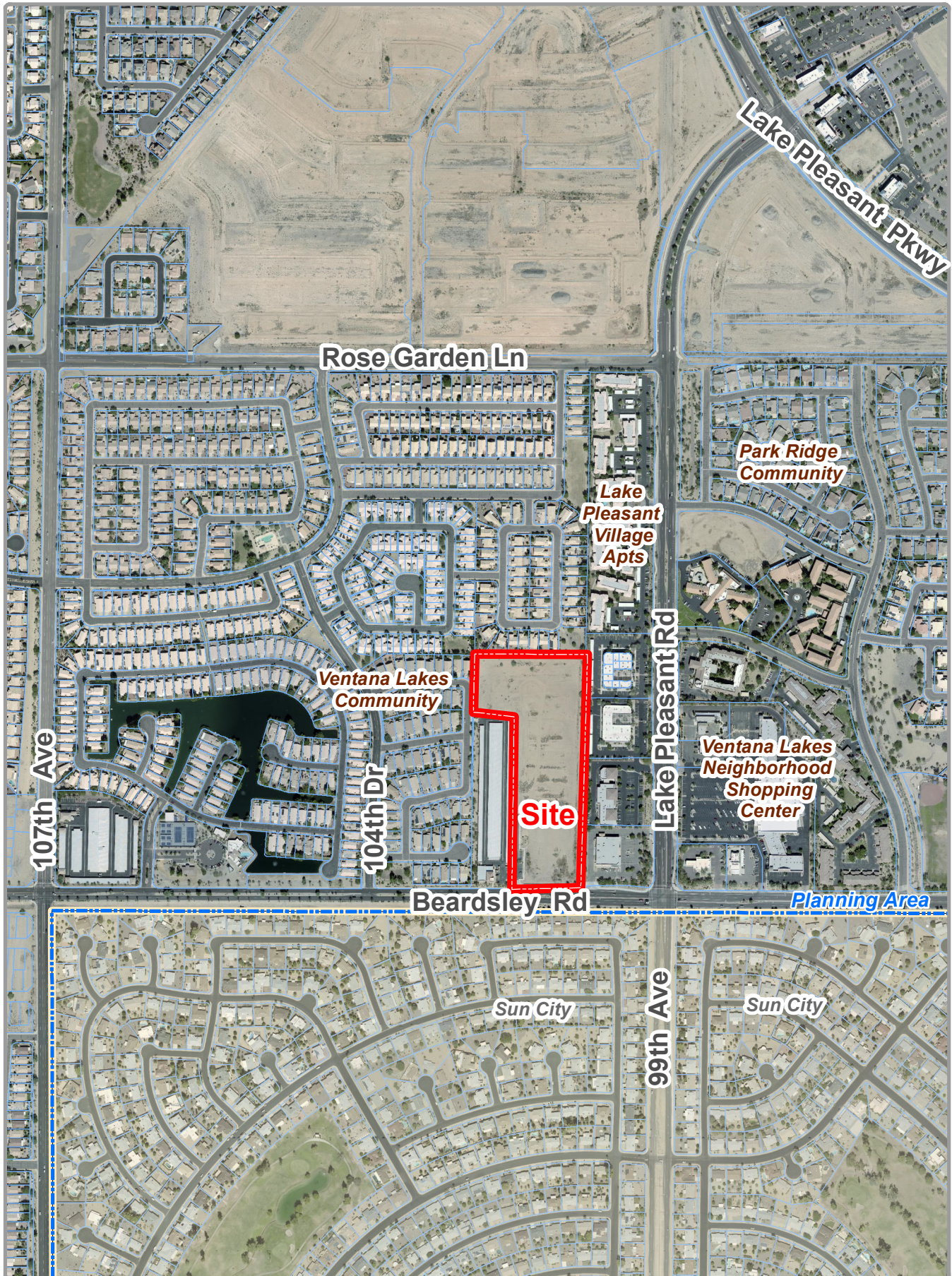


**Exhibit 1**  
Location Map



# GPA18-01 and Z18-02 Avilla Lago

West of the NWC of Lake Pleasant Road (99th Ave) and Beardsley Road





**Exhibit 2**

August 16, 2018

Planning and Zoning Commission

Staff Report with Exhibits



## **PLANNING AND ZONING COMMISSION REPORT**

**Meeting Date:** August 16, 2018

**Agenda Item:** 3R

**Case Name:** Avilla Lago: Minor General Plan Amendment (GPA18-01) and Rezoning (Z18-02)

**Case Number(s):** GPA18-01 and Z18-02

### **General Application Information**

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*Proposal:*

The applicant is proposing Avilla Lago, a new multi-family community located to the west of the northwest corner of Lake Pleasant Road (99th Avenue) and Beardsley Road. The proposed development would consist of 120 single-story casita style units (10.8 dwelling units per acre) with a range of amenities.

*Location:*

West of the northwest corner of Lake Pleasant Road (99th Avenue) and Beardsley Road.

*Project Acreage:*

Approximately 11.09 acres (gross)

*Applicant:*

Burch and Cracchiolo P.A.

### **Recommendations:**

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Staff recommends that the Planning and Zoning Commission take the following action(s):

1. Recommend approval of Case GPA18-01, to the City Council; and
2. Recommend approval of Case Z18-02, to the City Council subject to the attached Conditions of Approval.

### **ATTACHMENTS:**

Description

Staff Report

Exhibit 1 - Conditions of Approval

Exhibit 2 - Vicinity Map

Exhibit 3 - Context Map

Exhibit 4 - General Plan Map

Exhibit 5 - Zoning Map

Exhibit 6 - Rezoning Justification

Exhibit 7 - Avilla Lago PAD Standards & Guidelines Report

Exhibit 8 - Development Concept Plan

Exhibit 9 - Colored Landscape Plan

Exhibit 10 - Building Elevations

Exhibit 11 - Guest Parking

Exhibit 12 - Amenities

Exhibit 13 - Wall Elevations & Plan

Exhibit 14 - Citizen Participation Summary

Exhibit 15 - Letters of Support-Opposition

Exhibit 16 - PUSD Communication



# PLANNING AND ZONING COMMISSION

## STAFF REPORT

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**Date** August 16, 2018

**To** Planning and Zoning Commission

**From** Sean Allen  
Senior Planner

**Subject** **Avilla Lago General Plan Amendment and Rezoning**  
Proposed gated, multi-family residential development, consisting of 120 single-story casita style homes with community amenities.

### PROPOSAL

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The applicant is seeking to amend the General Plan land use designation and rezone the subject property to accommodate the development of a multi-family residential community called Avilla Lago.

### APPLICATION INFORMATION

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**Case Numbers** General Plan Amendment (GPA18-01) and Rezoning Application (Z18-02)

**Applicant** Brennan Ray of Burch and Cracchiolo, P.A.

**Request(s)**

1. Amend approximately 11.09 acres of the General Plan from Low Density Residential (2.0 – 5.0 du/ac, target 3.0 du/ac) to Medium-High Density Residential (8.0 – 15.0 du/ac, target 12.0 du/ac); and
2. Rezone 11.09 acres from Intermediate Commercial (C-2) to a Planned Area Development (PAD) zone.

### LOCATION AND CONTEXT

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#### **SUBJECT SITE**

West of the northwest corner of Lake Pleasant Road (99th Ave) and Beardsley Road, as shown in Exhibit 2.

#### **CONTEXT**

Surrounding the subject properties are a variety of uses as shown in Exhibits 2 and 3. Directly east and west of the subject area are commercially zoned properties that have been developed. Along the majority of the western boundary of the subject area is an existing mini-storage business known as *Extra Space Storage*. The remainder of the western boundary (northwest) and directly north of the site are existing single-family homes within the Ventana Lakes residential community. To the northeast is a multi-family community known as *Lake Pleasant Village Apartments*. Directly east are various medical or dental offices. Directly south is the

existing residential community known as *Sun City 49 Subdivision*.

### **APPLICANT'S PROPOSAL**

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The applicant is proposing a gated multi-family residential community known as Avilla Lago. The conceptual layout of the community is shown in Exhibits 8 and 9, which includes 120 single-story casita-style homes with various recreational amenities. As stated in the applicant's Rezoning Justification, the intent is to create a "single family" feel throughout the community that is compatible with the neighboring residential community, and that provides a high quality and unique housing alternative for the City. (Exhibit 6) Accordingly, the proposed Avilla Lago Planned Area Development (PAD) Standards and Guidelines Report (Exhibit 7) identifies site-specific development standards, which are custom to the development as a means to appropriately respond to the unique conditions of the site, along with identifying the desired character of the community.

The proposed site is accessed from an existing driveway off Beardsley Road. The applicant proposes to modify the existing traffic median on Beardsley Road to allow for greater left turn capacity for vehicles traveling east. Additionally, the existing driveway would be modified to allow shared access with the existing *Extra Space Storage* business, which is located directly west of the site. To provide a greater sense of arrival, the applicant proposes a decorative main entry sign facing Beardsley Road that is attached to an enhanced sound wall with raised planter beds that extends east along the Beardsley Road frontage. Avilla Lago will have decorative pavers and optional parking at the main entry, and have the same decorative theme walls with planter beds leading up to the gate. (See Exhibits 9 and 13) Emergency access is being proposed at the northwest portion of the project as further described in Traffic Section of the report.

Avilla Lago is proposed with the following residential unit breakdown: 38 1-bedroom units, 46 2-bedroom units, and 36 3-bedroom units. The one-bedroom structures will be attached units, while the two and three-bedroom unit dwellings are detached. This results in approximately 68% of the residences being a detached product. The residences will range in square footage between approximately 625 square feet and 1,250 square feet. Residents will have assigned parking spaces. There are 10 garage structures with each structure containing four single-car spaces. There are a number of guest parking spaces throughout the community as well, as shown in Exhibit 11.

Conceptual building elevations have been provided to illustrate the proposed architectural vocabulary and character of the Avilla Lago community. (Exhibit 10) The proposed theme incorporates earth-tone colors of ledge-stone, stucco, and tile roof materials on all structures within the development. The height proposed for all units is a one-story (maximum 25-feet) with pitched rooflines.

There are two distinctive amenity areas, which are linked by the north to south meandering sidewalk/trail, which extends from the leasing office/pool area to the fenced dog park in the northern portion of the site. The applicant is proposing the following amenities as summarized

below, and as shown in Exhibits 9 and 12:

- Large Pool
- Lounge Areas
- Large Spa
- Putting green
- Bag Toss
- Fire Pit
- Community BBQ's
- Shaded Trellis with picnic tables
- A north to south meandering sidewalk/trail corridor with benches
- Gated Dog Park with water fountain and separate dog wash
- Additional Shaded Seating

The development proposes a variety in their perimeter fencing/screening, as illustrated on the second page of Exhibit 13. The applicant has indicated the proposed design aims to be decorative and create a balance between privacy and visibility. View fencing is proposed around the perimeter of the dog park and along the south side of the putting green area. Partial-view walls are proposed along the entire east boundary within the rear yards of the units as a method to provide privacy for residents while maintaining natural security of the adjacent landscaped area. Another section of partial view fencing is proposed within the small area that borders the pool, which is located to the west of the main gate. Walls between the units will be six (6) feet solid CMU block painted to match. The remaining fences will be six (6) feet tall decorative theme walls with planter beds, except for along Beardsley Road, which will be a minimum eight (8) or taller to comply with noise attenuation requirements. All the existing walls facing the vacant site shall be painted to match the Avilla Lago design theme.

### **DEVELOPMENT INFORMATION**

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<u>Existing Use:</u>	Vacant/undeveloped
<u>Proposed Use</u>	120 attached and detached units
<u>Property Size:</u>	11.09 gross acres 10.49 net acres
<u>Existing General Plan Land Use Category:</u>	Low Density Residential 2.0 - 5.0 dwelling units per acre (du/ac), target of 3.0 du/ac
<u>Proposed General Plan Land Use Category:</u>	Medium-High Density Residential 8.0 – 15.0 du/ac, target of 12.0 du/ac
<u>Density Proposed:</u>	10.8 du/ac
<u>Building Height:</u>	
Allowed:	30 Feet*
Proposed:	25 Feet

### Landscape:

Required: 2.09 Acres (20.0%)  
Provided: 4.85 Acres (46.0%)

### Common Open Space:

Required: 35,700 Square Feet or 0.82 Acres  
Provided: 45,000 Square Feet or 1.03 acres (9.8%)

### Private Open Space:

Required: 17,280 sq. feet or 0.39 acres (3.7%)  
Provided: 34,800 sq. feet or 0.79 acres (7.5%)

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*Refer to Table 1 within this report for the proposed development standards.*

\*30 feet is the maximum allowed height when the subject property is within 30 feet of a residential district. Height may be increased by one (1) foot for every three (3) feet of additional setback, up to a maximum of 48 feet, in the existing C-2 zoning district.

## STAFF ANALYSIS

### GENERAL PLAN

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The subject property is designated *Low Density Residential* as shown on the General Plan Land Use Map, Exhibit 4. The Low Density Residential category denotes an area intended for single-family residences, which range in density is between 2.0 – 5.0 dwelling units per acre (du/ac), with a target of 3.0 du/ac. As designed, the Avilla Lago community would allow both attached and detached residential housing product, which results in a proposed density that exceeds the maximum allowed density under the existing land use category. Consequently, the applicant is requesting to modify the current land use category to Medium-High Density Residential which has a density range between 8.0 – 15.0 du/ac, with a target of 12.0 du/ac. This category is intended to provide for areas of attached single-family homes, apartments, condominiums, and townhouses.

### ANALYSIS

Given this parcel is surrounded by existing development on all sides, this site is considered an “infill” area. Its unique shape and limited street access have contributed to the site remaining vacant until now. In addition, there is diverse range of uses surrounding the site, which range from commercial/employment to single-family residential homes results. Consequently, any proposed amendment to the General Plan would need to demonstrate the proposed use or uses are compatible with the character of the area and would create an appropriate “transition” between the surrounding businesses and homes.



The subject area is adjacent to a mini-storage business and a single-family residential community on the west. Although the mini-storage is a considered a commercial use, it is often considered lower in intensity, because of its operational characteristics versus traditional commercial or retail uses. Consequently, the uses along the western boundary of the site are considered to be lower in intensity to the more intense commercial/office uses bordering on the east. Because of their differences in character, design and operational requirements, a more transitional use could be seen as compatible at this location.

Generally speaking, a low-density residential land use category is not a preferred transitional use between non-residential (or commercial) uses, given the substantial differences in intensity and character mentioned above. In these situations, a significant buffer would be required or a substantive level of mitigation would be appropriate, as a means to minimize the potential impacts on existing residents. Conversely, a moderate to higher density residential product is considered more appropriate in this situation, because the type of product is often able to implement certain mitigation measures to address any potential impacts identified, unlike the single-family product.. Thus, the design flexibility allows the moderate to higher density product to achieve greater compatibility with a single-family neighbor, and with a commercial business.

The proposed residential density for Avilla Lago is 10.8 du/ac, which is consistent with the General Plan's Medium-High Density Residential range. The applicant has included additional design measures and amenities to help fill this transitional use role. Site development elements such as landscaping, architecture, screening, height, and access have been designed in a manner to mitigate potential impacts and to create a development that is more compatible with the adjacent single-family neighborhood. These mitigation measures are discussed in detail within the Zoning Analysis Section below. In summary, this proposal is considered more compatible with the surrounding uses, and the proposed mitigation measures ensures the project provides an appropriate transition between the single-family homes and the existing commercial/office uses.

In addition, staff believes the proposal meets or exceeds the following General Plan goals, policies and objectives:

- Smart Growth - Objective 1.A.1: Promote planned developments where resources and infrastructure are in place to facilitate orderly and efficient growth.
- Infill Development - Objective 1.H: Encourage the development or redevelopment of vacant or underutilized infill sites within the City.
- Infill Development - Policy 1.H.3: Encourage infill development that takes advantage of existing municipal services, utilities, transportation facilities, schools, and shopping areas.
- Residential Communities - Policy 1.N.4: Require adequate provision of open space or direct access to open space in housing developments and, in particular, medium- and high-density multiple-family housing developments.
- Residential Communities - Objective 1.O: Support well designed, high-quality multifamily residential developments in appropriate areas, which maintains compatibility between adjacent developments.

### **KEY FINDINGS**

1. The proposal provides for a land use category that facilitates development of an infill site, and the proposed use provides an appropriate transition to the existing diverse uses.
2. The amendment will better reflect the development needs of the area while accounting for the existing built environment.
3. The amendment is in conformance with the Goals, Objectives, and Policies of the City of Peoria General Plan.
4. The amendment will not adversely impact the surrounding community as a whole or a portion thereof by:
  - Significantly altering existing land use patterns,
  - 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, and/or the health and safety of the residents.

### **ZONING**

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The site is currently zoned Intermediate Commercial (C-2) as shown in Exhibit 5. Multi-family residential uses are not permitted within this zoning district. Accordingly, the Applicant is proposing to rezone the site to Planned Area Development (PAD).

### **ANALYSIS**

#### **LAND USE AND ZONING HISTORY**

The site has retained its current zoning of Intermediate Commercial (C-2) since 1986 when City Council adopted ORD. 86-44. This same approval also adjusted the zoning designation to C-2 on the adjacent commercial properties to the east and west as shown in Exhibit 5. All of the surrounding commercially zoned properties have developed except for the subject area.

#### **PROPOSED PAD STANDARDS ANALYSIS**

The Avilla Lago Planned Area Development (PAD) proposes amended development standards compared to the standard multi-family zoning district (e.g. RM-1) found within the Zoning Ordinance. The PAD designation allows deviation from the existing development standards in order to allow developments to better respond to topographical conditions, contextual circumstances in the area, and/or otherwise promote a creative and efficient approach to land development.

The proposed development standards for Avilla Lago (Exhibit 7) are most similar to the City's RM-1 zoning district with some variations specific to this project. A comparison of the proposal and RM-1 is outlined in the table below):

**Table 1 – Proposed Development Standards**

Standards	RM-1	Avilla Lago (proposed)
<b>Maximum Density</b>	10.0 du/ac with additional open space required*	10.8 du/ac with excess open space
<b>Maximum Lot Coverage</b>	60%	50%
<b>Maximum Building Height</b>	30 Feet	25 Feet / 1-Story
<b>Front Setback (to Beardsley Road)</b>	10 Feet	30 Feet
<b>Side Setback (location)</b>	5 Feet /10 Feet total	35 Feet (east) 10 Feet (west/storage) 15 Feet (west/residential)
<b>Rear Setback</b>	15 Feet	15 Feet (north/residential) 10 Feet (north/other areas)
<b>Landscape Buffer (single-family residential district)</b>	20 Feet	15 Feet (north/residential) 10 Feet (north/other areas)
<b>Private Yard / Balcony Open Space</b>	17,280 Square Feet	34,800 Square Feet
<b>Common Useable Open Space</b>	35,700 Square Feet	45,000 Square Feet
<b>Parking Ratios</b>	1 Bedroom = 1.5 spaces 2 & 3 Bedroom = 2.0 spaces Visitors = 1 space every 10 units	1 Bedroom = 1.5 spaces 2 & 3 Bedroom = 2.0 spaces Visitors = 1 space every 10 units

\*Densities in the RM-1 zone are based on the type of multi-family structure and amount of open space amenities and enhancements. The density given for comparison is for attached single-family buildings. Multi-family buildings with 2-4 family dwellings may go as high as 12 du/ac, and buildings with five (5) or more dwellings may go as high as 25 du/ac.

As foot-noted above, the RM-1 zone has a broad range of densities that are governed by the number of families (dwellings) in one building. At 10.8 du/ac, the proposed Avilla Lago density falls between the single-family attached (10 du/ac) and 2-4 family building (12 du/ac). Avilla Lago exceeds the minimum open space and amenity requirements, described below, helping to support a development of higher density. It should also be noted that even though this is a multi-family development, it will look and feel more like a single-family development, because all the casita style homes are limited to one story in height.

## CONSTRAINTS

The property comes with certain encumbrances. The *Extra Space Storage* facility (to the west) and the subject parcel were part of one ownership at the time of the facility's construction. Consequently, there are 13 existing parking spaces on the subject site that will need to be maintained and available for use by the storage facility. The applicant has included those thirteen parking stalls into the design at the main entry area of the site. Additionally, there is an



existing 30-foot wide drainage easement along the east boundary that will be maintained as a landscape area, and a 20-foot wide water easement that extends through the center of the site.

### PROPOSED SITE IMPROVEMENTS

The development proposes a variety in their perimeter fencing/screening, as illustrated on the second page of Exhibit 13. The design aims to be decorative and create a balance between privacy and visibility. Full-height view fencing is proposed around the perimeter of the dog park and along the south side of the putting green area. Partial-view walls (4'-solid / 2'-view) are proposed along rear yards of the units on the east side of the project that border the 30-foot drainage easement. The intent here is to help keep an open feel and provide eyes on this future landscaped area. Another section of partial view fencing is to be installed in a small area that borders the pool, on west side of the main gate. Walls between yards will be 6' tall "builder walls." The remaining fences are 6' tall sight-obscuring decorative theme walls with planter beds, except for the wall along Beardsley Road, which will be a minimum 8' or taller sound wall to comply with noise attenuation requirements. All the existing walls facing the vacant site shall be painted to match the Avilla Lago design theme.

Parking has been designed to comply with the City's standard requirement for multi-family developments. Visitors to the site may use any of the "open-guest parking spaces" that are distributed throughout the site, as represented in Exhibit 11.

Lighting throughout the development will be no taller than 16-feet, and shielded to prevent light spillage onto neighboring properties. The proposal will comply with the City's Dark Sky Ordinance.

Utility panels/boxes and equipment will be screened from view within the community, and the regulation of this site element is included within the PAD.

### AMENITIES

The leasing office and main pool/recreation area are proposed near the main entry as illustrated in Exhibit 9. Based on the number of total residential units, the Peoria Design Review Manual requires at least four (4) amenities within the community. The applicant is proposing 11 amenities as summarized below, and as shown in Exhibits 9 and 12:

- Large Pool
- Lounge Areas
- Large Spa
- Putting green
- Bag Toss
- Fire Pit
- Community BBQ's
- Shaded Trellis with picnic tables
- A north to south meandering sidewalk/trail corridor with benches
- Gated Dog Park with water fountain and separate dog wash
- Additional Shaded Seating



## PLANNING AND ZONING COMMISSION STAFF REPORT

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There are two distinctive amenity areas, which are linked by the north to south meandering sidewalk/trail, which extends from the leasing office/pool area to the fenced dog park in the northern portion of the site. The applicant intends to install the southern portion of amenities with Phase 1 construction, including the beginning of the meandering sidewalk/trail. This represents the bulk of the amenities that are in the larger area illustrated in Exhibit 12. The remaining amenities, including the dog park, will be completed with the final phasing construction that is to be determined with the final Site Plan review.

### OPEN SPACE / TRAILS

Multi-family development proposals are required to meet or exceed two different open space requirements: 1) common/useable open space, and 2) private open space. Each of these requirements are described in more detail below.

The common/useable open space requirement is based on the number of bedrooms. Based on the proposed number of bedrooms, Avilla Lago is required to provide 35,700 square feet of common or usable open space. As designed, the proposal has 45,000 square feet of usable open space, which includes the eleven (11) community amenities noted above. Further, this common useable open space component should be well balanced and accessible to all future residents. The Avilla Lago concept achieves this balance and accessibility showing a distribution of amenities on the north and south ends of the project, with an internal accessible sidewalk/trail system that provides connectivity to all common areas (Exhibits 9 and 12).

The Zoning Ordinance requires the proposal to provide private open space, which is typically satisfied by providing balconies for elevated units and patios for ground level units. Since the units in the Avilla Lago development are all ground level, the applicant is required to provide a minimum of 17,280 square feet of ground level patios. The Avilla Lago concept has proposed a private yard area for each unit, which calculates to a total of 34,800 square feet, more than doubling the minimum requirement for a standard multi-family project.

In addition to exceeding open space requirements, the applicant has designed the residential community to have a good internal pedestrian connectivity, which is anchored by a central sidewalk/trail that traverses north from the main entry. This sidewalk/trail connects the north and south portions of the community, thus minimizing the impact of a site that is shaped long from top to bottom with a singular access at the south end. This pedestrian access is to be accented with bench seating and will be accessible. Residents will also be able to exit the community through a pedestrian gate near the main entry, which will provide access to the sidewalk along Beardsley Road, allowing pedestrian access to the commercial businesses in the vicinity.

### TRAFFIC

Primary access into the project will be from Beardsley Road. As identified above, the applicant proposes to modify the existing traffic median on Beardsley Road to allow for greater left turn capacity for vehicles traveling east. Additionally, the existing driveway would be modified to allow shared access with the existing *Extra Space Storage* business, which is located directly west of the site. Based on the estimated number of vehicular trips into and out of the site, a dedicated secondary means of access is not required at this time. The City's Traffic Engineering Division has reviewed and approved the applicant's traffic study in accordance with city standards.

A 20-foot wide existing access easement runs adjacent to the north boundary of the mini-storage site, and connects the subject property to the Ventana Lakes Community at 103rd Drive. This access easement is to remain; however, the applicant has agreed to limit the northwest access to an emergency access only, in response to comments received from Ventana Lakes residents at the Neighborhood Meeting (Exhibit 14). Accordingly, an emergency access will be provided to 103<sup>rd</sup> Drive.

City staff recognizes the applicant's efforts to obtain vehicular access to the east through the existing commercial business to reduce concerns with the possible access into the Ventana Lakes community. Even though those negotiations to date were unsuccessful, staff is recommending the applicant continue to pursue another access easement to the east property line. The suggested location would be near where unit 1036 is located on the conceptual development plan, which aligns with the existing drive on the commercial property. Securing this access easement would address the possible future need of a vehicular connection point to the east, by having the easement in place if need for the access was warranted. Staff is not requiring the access be constructed at this time; rather, the connection be triggered by the identified traffic demands within a traffic study, or as warranted to mitigate a health, safety and welfare concern(s) specifically related to not having a functioning connection.

### WATER/SEWER

Water and sewer facilities exist adjacent to the site and have available capacity to serve the property.

### PUBLIC SAFETY

There are no anticipated impacts to public safety due to this proposal.

### COMMUNITY INVOLVEMENT

#### *Public Noticing*

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 of a sign on the site, and placing an ad in the Peoria Times at least 15-days prior to the Public Hearing.



### *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. The applicant notified all property owners within a 600-foot radius of the site and all registered Homeowners' Associations within one (1) mile for the required neighborhood meeting.

The neighborhood meeting was held on March 29, 2018 at 3 p.m. at the Ventana Lakes Yacht Club. Over 75 persons attended, along with Councilman Edwards and city staff. At the meeting, the development team presented the details of the project and answered resident's questions. A summary of the comments along with the applicant's responses are enclosed within Citizen Participation Plan. (Exhibit 14) The general topics of concern were:

- Direct vehicular access to the Ventana Lakes community via the northwest access easement;
- Possible extension of access to the east through the existing commercial properties;
- Concern regarding the proposed density; and
- Shielding of lights near the homes on the north end of the proposal.

Vehicular Access to Ventana Lakes - The applicant has agreed to restrict vehicular access to 103<sup>rd</sup> Drive to emergency access only, as noted within Exhibit 1, Conditions of Approval.

Extension of access to commercial properties – As discussed previously, the applicant has approached the commercial property owner regarding obtaining an access easement between this project and the commercial businesses. City staff understands the negotiations to date have been unsuccessful; however, continue to recommend the applicant pursue this as a possible future connection should it be warranted.

Proposed density – The proposed Avilla Lago project is not a typical multi-family project, as it has been designed to be low in scale, and consistent in character with the surrounding residential community.

Shielding of Lights - The height of overhead pole lighting will be limited to sixteen (16) feet and fully shielded to prevent glare and light spillage onto neighboring properties as identified within the Avilla Lago PAD.

### *Support / Opposition*

At the time of this writing, Staff has received two (2) emails in support and two (2) emails in opposition of the proposal from notified property owners as shown in Exhibit 15. Each of the emails were received subsequent to the neighborhood meeting. For the two (2) emails in support of the proposal, the support was based on the following:

- Pitched rooflines and overall appearance seemed better than what has been done for a similar development in the valley;

- Having a greater diversity of housing options (something other than 55+ restricted); having a lock and leave community; and
- Additional customer base to support the nearby commercial centers.

The first letter/email of opposition expressed opposition to the increase in density. The second letter/email of opposition was opposed to a high-density residential project, and had concerns related to impact on quality of life, home resale values, taxes, schools, and increased traffic.

The input received by City staff since the neighborhood meeting mirrored some of the concerns expressed at the neighborhood meeting. Those concerns that were different are summarized below, with staff's response is provided in italics.

- Concerns about children entering the Ventana Lakes community and falling into the lakes.

*The Avilla Lago proposal has no direct access to the Ventana Lakes Community, except for an emergency access gate that will remain closed. Avilla Lago is gated with the only vehicular and pedestrian access being from Beardsley Road.*

- Concerns about the home designs looking like an army barracks as was discovered in another city.

*City staff requested the housing units have pitched rooflines and have decorative front facades that are consistent with the City's design standards. The applicant has complied with pitched tile rooflines on all structures, including the proposed garage buildings. The applicant has also increased the rear yard spaces for perimeter units bordering the Ventana Lakes community to further increase consistency with the look and feel of single-family neighborhood.*

- Concerns about rezoning to "high-density" housing and the following impacts that arise from such developments: reducing quality of life, low-income residents, impact on the school system, increased traffic, and increased taxes.

*The Avilla Lago proposal is not a high-density project, and they are not seeking a high-density residential designation. The applicant is seeking a "Medium-High Density Residential land use designation as explained throughout the report. The proposal calculates out to a density of 10.8 du/ac, which is well under the Target density of 12.0 du/ac permitted by the proposed land use designation. The applicant has further tempered their development proposal by is limiting their dwelling units to one-story casita-style homes, and they have designed a community that is more compatible to the existing single-family homes than the standard apartment buildings one would expect in a multi-family project. Pertaining to quality of life, instead of the property remaining a vacant dust bowl with limited frontage & visibility for commercial development, the adjacent community should benefit from a residential development to fill these vacant parcels, and one that is designed to be compatible. The applicant is targeting a higher income base to lease their product to, as their PAD narrative states. The Avilla Lago product would improve the overall quality of the area, and an increase in residents will further support the existing commercial in the vicinity. The City's Traffic/Engineering Division has recommended an approval of the project, having addressed any traffic concerns. This development alone will not be the catalyst for increased taxes to support Peoria schools. Increased taxes would result from legislation that would address the issue from a broader spectrum. As will all projects, the City informs the school district of*

*developments as they come in. City staff has received communication from a representative of the school district who has indicated that they have been in contact with the applicant, seeking financial assistance from the applicant in the form of a Developer Assistance Agreement (DAA). Reportedly, the applicant has indicated that they are willing to participate; however, the City is not aware of a formal agreement being executed yet.*

- Concerns with future lights installed at the north end of the proposal, and potential light spillage onto the existing residential lots.

*Lighting will be fully shielded to ensure no light spillage occurs onto adjacent properties, and will be in compliance with the City's Dark Sky Ordinance.*

### **KEY FINDINGS**

1. The proposed PAD zone is in conformance with the goals and objectives set forth in the City of Peoria General Plan;
2. The change in zone will support an infill development that will better reflect the development needs of the area, while accounting for the existing built environment; and
3. This rezoning request will result in a residential development that is more compatible with the adjacent residential neighborhood than would be expected with commercial uses that are more intense, and provides an appropriate transition from the existing neighborhood (north and west) to the existing commercial uses east of the subject area;
4. The proposal has exceeded the required open space requirements for common and private open space areas, and minimum number of community amenities; and
5. The applicant/owner has submitted a signed and notarized a Proposition 207 waiver, which will be recorded with the conditions outlined in Exhibit 1.

### **SCHOOL DISTRICT INFORMATION**

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This property is within the Peoria Unified School District (PUSD) boundary. PUSD has been in communication with the applicant regarding the proposal and school facilities in the area. The City has received a letter from PUSD indicating the school district has no comment at this time, and is still waiting for a response from the applicant. (Exhibit 16)

### **PROPOSITION 207**

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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.



***RECOMMENDATION***

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Staff recommends that the Planning and Zoning Commission take the following action:

- 1) Recommend approval of GPA18-01 to the City Council; and
- 2) Recommend approval of Case Z18-02 to the City Council, subject to the attached conditions of approval.

***STAFF CONTACT***

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Sean Allen  
Senior Planner  
623-773-7337  
[sean.allen@peoriaaz.gov](mailto:sean.allen@peoriaaz.gov)

## Z18-02: Avilla Lago

West of the NWC of Lake Pleasant Road (99th Ave) and Beardsley Rd



The amendment to the zoning district(s) for the above mentioned property is subject to the following Conditions of Approval in order to protect the public health, safety, welfare, and the City of Peoria:

### Governance

1. The development shall substantially conform to the Avilla Lago Planned Area Development Standards and Guidelines Report, and Development Concepts dated 6/20/18, except as modified herein.
2. The access gate and easement in the northwest corner of the site shall be used for emergency access only.
3. The Development shall comply with all City of Peoria engineering design standards, policies and requirements at the time of development and final engineering submittal.

### Site Design

4. All buildings constructed in Avilla Lago shall have pitched rooflines, including the garages and leasing office, and shall provide at least three (3) distinctive color and material palette schemes for each residential unit type, with the subsequent Site Plan review.
5. Minimum 24" box trees shall be planted within the landscaped areas along the north property line.
6. The developer shall complete installation of all amenities surrounding the pool area and meandering sidewalk/trail north to the boundary of Phase 1 construction. The remainder of the trail and project amenities shall be completed as conditioned with final Site Plan approval.

### Infrastructure and Dedications

7. The Development shall provide a Traffic Impact Study/Analysis at time of development and final engineering submittal.



# GPA18-01 and Z18-02 Avilla Lago

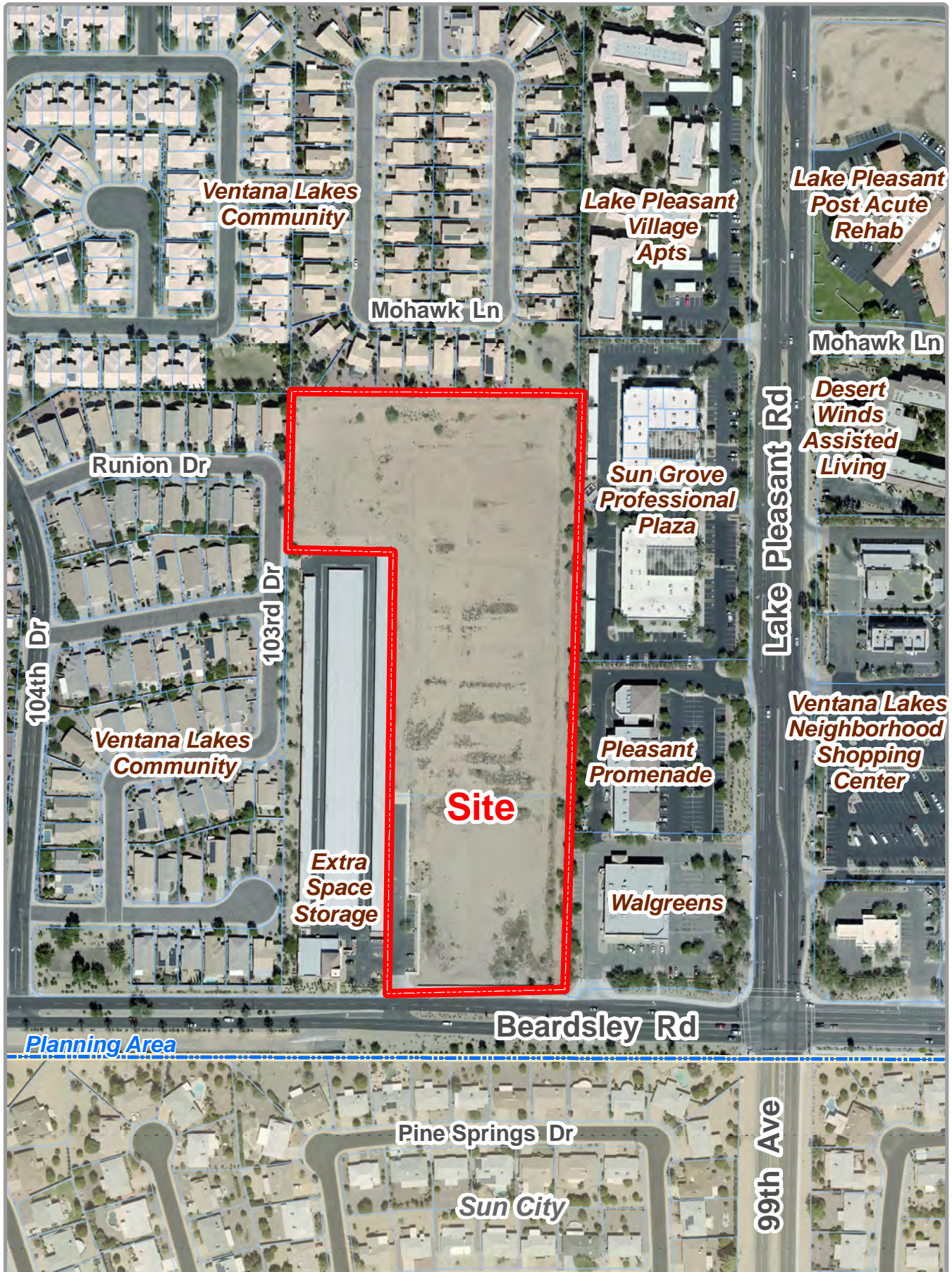
West of the NWC of Lake Pleasant Road (99th Ave) and Beardsley Road





# GPA18-01 and Z18-02 Avilla Lago

West of the NWC of Lake Pleasant Road (99th Ave) and Beardsley Road





# GPA18-01 and Z18-02 Avilla Lago

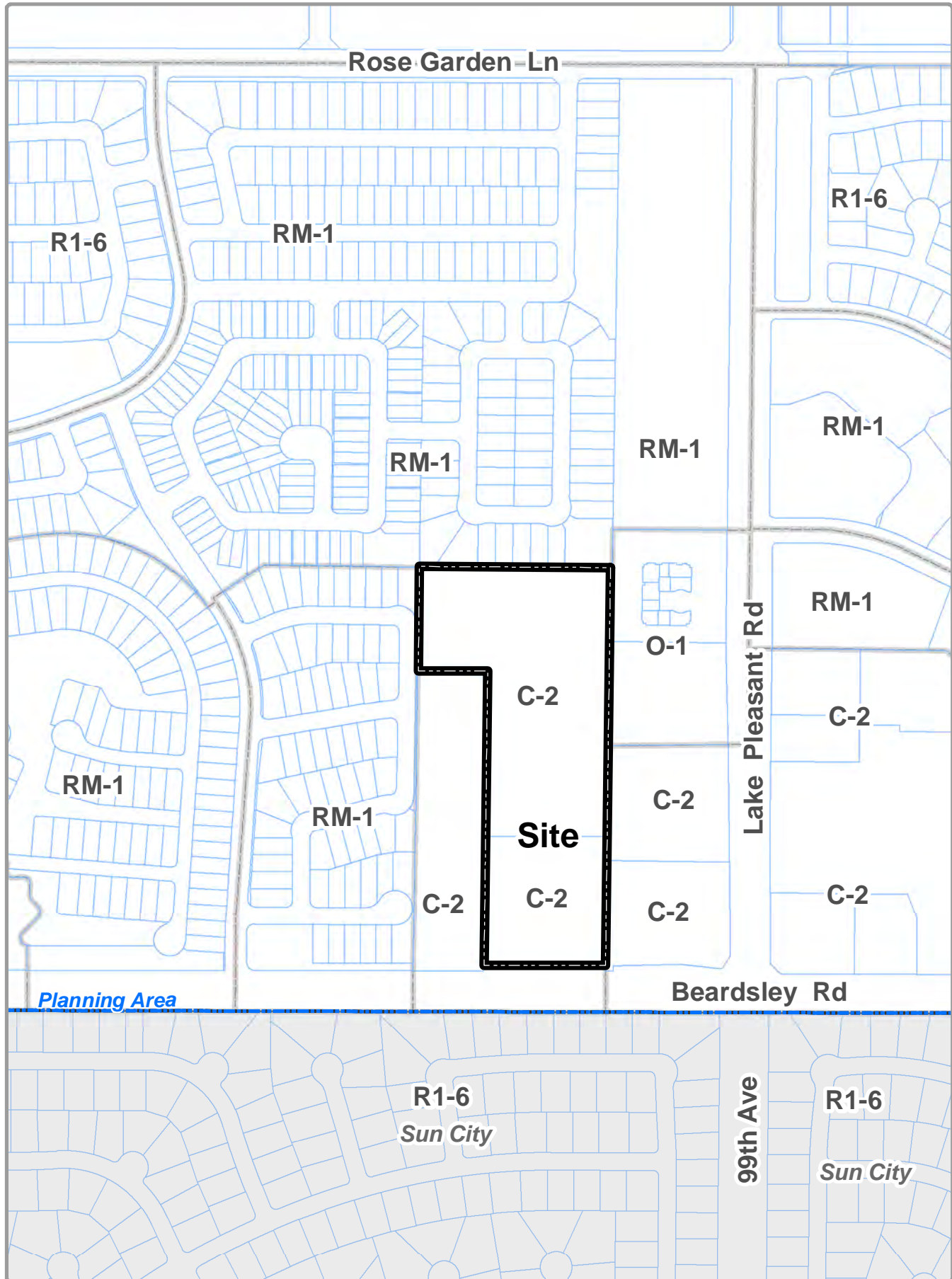
West of the NWC of Lake Pleasant Road (99th Ave) and Beardsley Road



# GPA18-01 and Z18-02 Avilla Lago



West of the northwest corner of Lake Pleasant Rd (99th Ave) and Beardsley Rd



## **REZONING- NARRATIVE STATEMENT/PROJECT JUSTIFICATION**

### **1. What type of development and uses are proposed by the rezoning request?**

The 11± gross acre Site is located west of the northwest corner of Beardsley Road and Lake Pleasant Road. The Site is designated on the City's General Plan as Low Density Residential (2-5 d/ac) and is zoned Intermediate Commercial (C-2). Despite the designation (residential) and zoning (commercial) this challenging, infill site has failed to develop. The Site's long, north/south shape with a shared entrance on Beardsley Road with a self-storage facility further impact the Site's development consistent with the present designation/zoning. The proposed Rezoning request from C-2 to multi-family Planned Area Development (PAD) zone (accompanying a separately filed minor General Plan Amendment) is to allow for the development of a high-quality, highly amenitized, one-story multi-family community known as Avilla Lago. Avilla Lago will provide a viable and sustainable solution on this challenging Site.

### **2. State how your proposal is consistent with the Land Use Plan and other goals, policies and objectives (list each goal, policy and objective and how they are met) of the Peoria General Plan.**

A Minor General Plan Amendment application is being submitted to accompany the Rezoning application. The current Land Use Plan designation of the General Plan is Low Density Residential (2-5 du/ac) A Minor GPA to change the land use to Medium/High Density Residential (8-15 du/ac with a target of 12.0 du/ac) is being proposed. This Rezoning request meets many of the goals, policies and objectives of the Peoria General Plan:

Land Use Element - Goal 1: Provide a balance of land uses that will preserve and enhance neighborhoods, promote economic development, and encourage redevelopment at appropriate locations.

Objective 1.A: Manage and control development to facilitate orderly growth and an efficient urban form.

Policy 1.A.1: Promote planned developments where resources and infrastructure are in place to facilitate orderly and efficient growth.

Residential Communities - Objective 1.M: Provide a diversity of housing types to meet the needs of persons of all income levels and ages.

Policy 1.M.1. Accommodate an adequate supply and mix of developable residential land to accommodate future housing needs.

Objective 1.N: Support healthy residential environments that provide for safe and convenient access, open space and recreational opportunities, access to public schools and services and protection from incompatible land uses.

Policy 1.N.1: Require adequate buffering to protect residential neighborhoods from intrusion by incompatible land uses.

Policy 1.O: Support well-designed, high-quality multifamily residential development in appropriate areas which maintains compatibility between adjacent developments.

Revitalization and Redevelopment Element – Goal 1: Create an attractive, vibrant and sustainable community within mature areas of the City.

Housing Element – Goal 1 – Provide for sufficient availability and a variety of opportunities for safe, quality and affordable housing.



Objective 1.A: Promote quality residential development through diversity in housing type.

Policy 1.A.2: Evaluate zoning incentives and regulations that encourage the development of diverse housing types including attached single-family units, townhomes, condominiums, multi-family units, smaller, affordable detached single-family units.

**3. Discuss your proposal's compatibility with the surrounding land use and zoning patterns. Include a list of surrounding zoning designations, land uses and conditions.**

This PAD complements and provides alternative housing options to residents and is compatible with the surrounding area. The surrounding area has medium density single-family, retail, service, office and assisted living facility developments. The proposed multi-family development will reduce the length and number of vehicle trips and provide support to the commercial and employment developments.

The area surrounding the Site is a true mix of commercial and residential, with the Site falling between these two differing uses. The Table below summarizes the zoning designations surrounding the Site.

Table 1 -- Surrounding Area		
From Site	Adjacent Land Use	Zoning
North	Residential	RM-1
East	Drug Store, Bank, Retail and Offices	C-2 and O-1
West	Storage Facility and Residential	C-2 and RM-1
South	Residential	R1-6 (County)

**4. Indicate why the current zoning is not appropriate given the surrounding land use, zoning, and factors which have changed since the current zoning was established.**

The Site's current zoning is not appropriate because of its infill nature, with developments existing to the east (commercial/office developments), north (single-family residential community), and west (self-storage facility and single-family community). Consistent with good planning principles, the proposed Avilla Lago development is a good transitional use between the more intense commercial/offices uses east of the Site and the less intense single-family residential uses west and north of the Site. Additional commercial uses on the Site could have a greater impact on the existing residential uses than a single-story, multi-family community would have.

**5. Describe any proposed unique design considerations, beyond Zoning Ordinance requirements, which create compatibility between the proposed use and adjoining developments.**

NexMetro proposes to develop this challenging, infill Site with a unique, innovative, and high-quality residential community. The proposed Rezoning (and accompanying minor General Plan Amendment) will provide a sustainable solution on the Site and, consistent with good planning principles, provide a transition from more intense uses (commercial/employment) to less intense uses (single-family residential). Additionally, Avilla Lago represents a lifestyle choice, presenting future residents a unique living experience and an alternative housing choice to the traditional options of single-family residences or apartment complexes. Avilla Lago combines the best elements of residential single-family living with multi-family-like lease terms and

management. The combination of these elements create a desirable residential option with upscale features and spacious indoor/outdoor living areas maintained by a professional management company, without the mortgage payment or HOA fees of a typical single-family development. The casita-style residences are one story in height, with the majority of them containing no more than 1 du/building, creating a “single family subdivision” feel throughout the neighborhood. This gated community is designed with move-up market finishes and features in an efficient setting. Avilla Lago will be compatible with the neighboring developments and will provide high quality, unique, and additional housing opportunities within the City of Peoria

**6. Provide general site information and describe unusual physical features or characteristics of the site which present opportunities or constraints for development.**

Location—mid-block location with a shared access point onto Beardsley Road with the self-storage facility; no access to Lake Pleasant Road

Shape—a “flag lot” with a long north/south orientation with limited frontage visibility along Beardsley Road and the “flag” at the north end of the Site (wrapping around the self-storage facility)

**7. Other than the requested rezoning approval, what other approval processes are required to accomplish the development proposal, i.e., variances, site plans, subdivision plats, conditional use permits, comprehensive master plan amendments, State or County licensing or permits, etc.?**

A minor General Plan Amendment is being processed concurrently with this Rezoning request. A Site Plan application will also be submitted. Improvement plans, building plans, final signage and plat approvals will be required prior to permitting and constructing the proposed development.

# **Planned Area Development Standards and Guidelines Report**

for



**West of the Northwest Corner of  
Lake Pleasant Road and Beardsley Road**

by:

**NexMetro Development, LLC**

Case Nos.: Z18-02

1<sup>st</sup> submittal: January 18, 2018

2nd submittal: May 1, 2018

Final Update: June 20, 2018



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Exhibit No.	Description
1	Aerial Map
2	Legal Description
3	Conceptual Development Plan
4	Preliminary Landscape Plan
5	Preliminary Typical Unit Pod Layout
6	Preliminary Wall Plan
7	Conceptual Wall Elevations
8	Preliminary Amenities Enlargements
9	Preliminary Pedestrian Circulation Plan
10	Preliminary Grading and Drainage Plan

## Development Team

Developer:

NexMetro Development, LLC  
Attn: Brian Rosenbaum  
Jared Geisler



Civil Engineer:

Terrascope Consulting  
Attn: David Soltysik  
Pim Van Der Giessen



Landscape:

The McGough Group  
Attn: Tim McGough  
Nick Adamson



Architect:

Felten Group, Inc.  
Attn: Jaime Gomez



Zoning & Entitlements:

Burch & Cracchiolo, P.A.  
Attn: Brennan Ray



# **AVILLA LAGO**

## **I. INTRODUCTION**

NexMetro Development, LLC (“NexMetro”) has built a reputation for developing high quality and successful single story, detached, rental casitas in Chandler, Gilbert, Phoenix, Goodyear, Queen Creek, Mesa, and other parts of the country. Building on their experiences, NexMetro is the proposed developer of approximately 11.09 gross (10.49± net) acres west of the northwest corner of Lake Pleasant Road and Beardsley Road (the “Site”). NexMetro is in escrow to acquire this challenging, infill Site and redevelop it with a unique, innovative, and high-quality, residential community known as “Avilla Lago.” Avilla Lago will contain 120, single-story, predominately detached residences that will be an attractive presence in the area and provide an appropriate transition between the existing commercial and office developments east of the Site to the existing residential development west and north of the Site.

Avilla Lago represents a lifestyle choice, presenting future residents a unique living experience and an alternative housing choice to the traditional options of single-family residences or apartment complexes. Avilla Lago combines the best elements of residential single-family living with multi-family-like lease terms and management. The combination of these elements creates a desirable residential option with upscale features and spacious indoor/outdoor living areas maintained by a professional management company, without the mortgage payment or HOA fees of a typical single-family development. The casita-style residences are one story in height, with the majority of them containing no more than 1 du/building, creating a “single family subdivision” feel throughout the neighborhood. This gated community is designed with move-up market finishes and features in an efficient setting. Avilla Lago will be compatible with the neighboring developments and will provide high quality, unique, and additional housing opportunities within the City of Peoria (the “City”).

To achieve this, NexMetro requests the Site be rezoned from Intermediate Commercial (C-2) to multi-family Planned Area Development (PAD). Simultaneous with this request, NexMetro has filed an application for a minor amendment to the City’s General Plan (changing the General Plan designation from Low Density Residential (2-5 du/ac) to Medium/High Density Residential (8-15 du/ac, with a target density of 12 du/ac).

## **II. LEGAL DESCRIPTION**

An aerial of the Site is attached as **Exhibit 1**. A legal description of the Site is attached as **Exhibit 2**.

## **III. CONCEPTUAL DEVELOPMENT PLAN**

NexMetro’s proposed development plans for an upscale, unique, medium-high density community is an appropriate land use on this challenging, infill Site because it provides an appropriate transition from the existing commercial/office uses (more intense land use) to the existing residential (less intense land use). Rezoning the Site from commercial to residential makes sense given the Site’s inability to develop thus far as a commercial development. Challenges to developing the Site under its current zoning are its location, infill nature, and size.



As is depicted on the **Conceptual Development Plan** attached as **Exhibit 3**, careful consideration has gone into planning the Avilla Lago proposal. NexMetro has created a community that is attractively designed, aesthetically landscaped, and provides an appropriate use of the Site. See **Exhibit 4, Preliminary Landscape Plan**. Avilla Lago is a gated community that will consist of approximately 120 residences at a density of approximately 10.80 gross (11.44 net) du/ac. The residences are grouped around pedestrian courtyards to create a sense of arrival and place within the greater context of the community and greater connection within the community. See **Exhibit 5, Preliminary Typical Unit Pod Layout**.

The residences are a mix of one, two, and three bedrooms, with approximately 68% of the residences being detached and the one-bedroom residences being attached in a duplex style. Unlike traditional apartment complexes where the majority of the units are 1 and 2 bedrooms (typically 50-60% 1 bedrooms, 30-40% 2 bedrooms, and less than 10% 3 bedrooms), Avilla Lago has more 2 and 3-bedroom residences (32% 1 bedrooms, 38% 2 bedrooms, and 30% 3 bedrooms). The 1-story residences will range in square footage between approximately 625 sq. ft. and 1,250 sq. ft. Additionally, the residences will have pitched roofs. See **Exhibits 6, Building Elevations and 7, Floor Plans**. All homes and garages will be fire sprinkled, allowing a reduced building separation that enhances the impact of the courtyard design. Every residence includes a private masonry wall enclosing the rear yard that is nearly as wide as the residence itself.

Avilla Lago has been planned with quality neighborhood scale amenities consistent with NexMetro's desire to create an upscale, suburban community where residents will be able to play, relax, or socialize in a pleasing environment. See **Exhibit 8, Preliminary Amenities Enlargements**. Avilla Lago will contain a main amenity area and dog park, providing active and passive open space for residents, guests, and their pets to enjoy. Pedestrian paths are provided throughout the Site, connecting the residences to the amenities. See **Exhibit 9, Preliminary Pedestrian Circulation Plan**. NexMetro's neighborhoods have traditionally attracted singles, young couples, and seniors, with a very limited number of school aged children. For this reason, the amenities provided focus on recreation and socialization of adult residents.

#### **IV. USES**

Uses for Avilla Lago shall include 1-story dwellings, along with any accessory uses customarily found in the multi-family residential (RM-1) zoning district, including but not limited to detached garages, leasing office, parking canopies, pavilions, community bar-b-ques and pools, hot tub/jacuzzies, ramadas, dog park, and putting greens.

#### **V. PHASING PLAN**

It is anticipated that Avilla Lago will be built-out with multiple construction sequences. The necessary off-site infrastructure will be completed before or concurrently with the completion of the on-site infrastructure for the Site (including all drainage, water, sewer, primary and secondary electrical, concrete, and paving improvements). A model and leasing office phase will consist of vertical construction of the leasing office and model homes along with the pool and amenity area located adjacent to the pool. Additionally, the landscaping and perimeter walls adjacent to the street frontage, marketing entry, and amenity area will be completed with the leasing and model homes. The leasing office and model homes will be opened prior to tenant occupancy.

NexMetro anticipates that all remaining units will start vertical construction (delivery of combustibles) once adequate fire protection is established for the whole site. These remaining units will be grouped and constructed in sequence, finalized, and occupied starting in the southern portion of the site and working north. Prior to occupancy of any unit in the group, all adjacent landscaping, amenities, common sidewalk, carports, and garage structures will be finalized. As such, amenities will be delivered once the adjacent unit group is completed. Modifications of the Phasing Plan are permitted with City Staff approval.

## VI. DEVELOPMENT STANDARDS

Given the unique nature of Avilla Lago, NexMetro is proposing the following development standards:

Regulation	Proposed Development Standard
<b>Lot Standards</b>	
Max. Lot Coverage (by all structures)	50%
Min. Lot Width	n/a
Max. Gross Density (du/ac.)	11.0
<b>Open Space</b>	
Min. Landscape Area	20% of net area
Common Usable Open Space	35,700 sq. ft.
Min. Private Yard Space per Unit	195 sq. ft.
<b>Building Standards</b>	
Max. Height (ft.)	25 ft./1-story
<b>Min. Building Setbacks<sup>3</sup></b>	
Front (Beardsley Rd.)	30 ft.
Side (east)	35 ft.
Side (west)	10 ft. adjacent to the self-storage facility 15 ft. adjacent to the single-family residences
Rear (north)	15 ft. for buildings adjacent to single-family residences 10 ft. for all other areas
Min. Buildings Separation (1-story)	6 ft. <sup>1</sup>
<b>Wall/Fence Standards</b>	
<b>Perimeter Walls</b>	
Front (Beardsley Rd.)	8 ft. solid wall
Side (east)	6 ft. partial view/solid wall behind the residences
Side (west)	8 ft. solid wall (existing to be painted to match)
Rear (north)	6 ft. solid wall (existing to be painted to match)
<b>Interior Walls/Fences</b>	
Private Backyards	6 ft. solid wall
Pool Fence (See Wall Plan)	6 ft. decorative iron view fence (northwest half) 6 ft. solid theme wall (east) 6 ft. partial view wall (facing south)
<b>Parking Requirements</b>	
1 Bedroom Unit	1.5

Regulation	Proposed Development Standard
2 Bedroom Unit	2.0
3 Bedroom Unit	2.0
Guest Parking	1 per 10 units
Parking Stall Sizes <sup>2</sup>	
Standard Stall	9 ft. x 20 ft.
Handicap Stall	16 ft. x 20 ft.

1. All internal building separation is subject to allowances within the Building Codes and Fire Codes adopted by the City.
2. The front of the parking space may overhang up to two (2) feet into a landscape area or pedestrian walkway; however, any parking space protruding over a pedestrian walkway shall maintain at least a four (4) foot wide clearance for pedestrian access.
3. Walls and fences are permitted to encroach into the required setbacks.

## VII. LANDSCAPE STANDARDS

Unless modified by the below table, all landscaping within Avilla Lago shall conform to Section 21-815 *et. al.* of the City's Zoning Ordinance:

Regulation	Proposed Landscape Standard
Landscape Buffers	
Min. Landscape Setbacks <sup>2</sup>	
Front (Beardsley Rd.) <sup>1</sup>	15 ft.
Side (east)	30 ft., subject to City Engineering approval
Side (west)	10 ft. along the east side of the self-storage facility; 0 ft along the north side of the self-storage facility
Rear (north)	15 ft. adjacent to buildings 10 ft. for all other areas
On-Site Landscape Areas	
Trees	
- Private Backyards (not located in buffer)	- 1 tree per backyard (100 yards not in buffer)
- Common Landscape Area	- 1 tree per 800 sq. ft.
Shrubs	
- Private Backyards	- None required
- Common Landscape Area	- 12 shrubs per 800 sq. ft.
Street Frontage Buffer Plantings	
Trees	1 per 25 ln. ft.
Shrubs	5 per 25 ln. ft.
Land Use Buffer Plantings	
Trees	3 per 1,000 sq. ft. (24 in. box min.)
Shrubs	5 per 1,000 sq. ft. (5 gal. min.) (No shrubs required in private backyards)

1. A landscape area along Beardsley Road shall be established and maintained between the street right-of-way and any building, on-site parking area, or perimeter screen wall.

2. Walls and fences are permitted to encroach into the required setbacks.

## **VIII. USEABLE OPEN SPACE**

Open space requirements for multi-family residential developments are a result of the lack of private usable space typically associated with standard two and three-story multi-family communities. The minimum requirement for common usable open space is 35,700 square feet. The minimum requirement for private space is a 12-foot diameter circle or an approximate square footage of 144 square feet, which results in an overall private usable open space requirement for the Site of approximately 17,280 square feet. Avilla Lago will contain approximately 45,000 square feet of common usable open space and approximately 34,800 square feet of private usable open space (enclosed rear yard spaces, which far exceed the minimum private space requirement), for a total amount of usable open space area (common and private) of approximately 79,800 square feet. The common usable open space occurs in convenient locations throughout the Site for residents to use and enjoy. Pedestrian paths are prominent throughout the Site, with a strong north/south path connecting the amenities and various areas of the Site together. Additional pedestrian connections are provided throughout the north part of the Site to encourage movement and interaction. Amenities that residents will be able to enjoy include, but are not limited to:

- Pool
- Putting green
- Spa
- Community BBQ
- Dog park
- Bag toss/game area

The private open space is located within the rear yards of the residences for each resident's own personal use and enjoyment, which is more typical of a single-family development than a traditional multi-family community. The use and amounts of common and private usable open space continues to demonstrate the innovative design of Avilla Lago.

## **IX. DESIGN PRINCIPLES AND GUIDELINES**

Unless modified by the below, villa Lago shall conform to Chapter 4: Multi-Family Residential of the City's Design Principles and Guidelines (the "Design Guidelines"). NexMetro requests the following deviations from the Design Guidelines:

- Section II.A.1.b. – This section requires that building placement and orientation along the street line should be staggered, angled, or curved to provide modulation and interest. This requirement (and accompanying illustrations) contemplate multi-story buildings adjacent/visible from streets. NexMetro requests a deviation from this requirement. As is described above, the proposed residences for Avilla Lago are all 1-story with alternative roof lines. The residences along Beardsley Road are setback approximately 30 feet and are separated by a community wall and a considerable amount of landscaping.
- Section II.A.2.b – This section requires pedestrian access be provided to adjacent non-residential areas. The Site is bordered by a non-residential use to the west, a self-storage facility. This Site has a shared access with the self-storage facility and per a private agreement is required to provide parking spaces on the Site for the self-storage facility. Pedestrian access is provided to the self-storage facility. Pedestrian access is also provided



on the Site to the public sidewalks along Beardsley Road, connecting residents to the broader pedestrian network. Additional non-residential uses are located east of the Site, separated by an existing 30-foot drainage channel (that benefits the existing Ventana Lakes community to the north). East of the drainage channel is the back of the non-residential uses, which include parking lots, truck docks, refuse containers, etc. as these businesses are oriented toward Lake Pleasant Road. Providing pedestrian access in to these non-residential uses is not appropriate and not safe for the pedestrians or the non-residential users.

- Section II.A.6.b-e – These sections address various aspects of amenities, common usable open space, private balconies, and location of the amenities/usable open space. Please see the discussion in Section VIII above addressing these items.
- Section II.A.9.b – This section requires walls adjacent to retention areas incorporate regular undulation or variation in materials. NexMetro is proposing a combination view/solid walls (behind the residences) and full view fencing (in between the residences) adjacent to the 30-foot drainage channel on the Site's eastern side. Accordingly, the variation in materials satisfies this requirement.

Additionally, NexMetro requests a deviation to Chapter 5: Supplementary Standards of the City's Design Guidelines. Specifically, NexMetro requests to allow the Planning Manager or designee to have the administrative authority to work with NexMetro and the utility company in determining the appropriate screening.

## **X. ENTRY DESIGN**

NexMetro has taken great care in designing the entrance to Avilla Lago. The entry into Avilla Lago is designed to create a sense of arrival as residents and guests will pass an appropriately designed monument sign and decorative screen wall. Enhanced vehicular and pedestrian paving treatments, together with a landscaped center median are provided at the entrance to the community. Additional features such as landscape planters, decorative entrance gates, landscaping, and accent lighting will also be provided to further enhance the entry. Note: A private agreement encumbering the Site requires NexMetro to provide 13 parking spaces for the existing self-storage facility west of the Site.

## **XI. SIGNAGE STANDARDS**

All signage within Avilla Lago shall conform to the City's signage standards for a multi-family development.

## **XII. INFRASTRUCTURE/UTILITIES**

### **A. *Grading/Drainage/Retention***

The City requires that all new developments provide onsite stormwater retention for the 100-year 2-hour storm event. The site grading design will strategically place stormwater inlets to direct runoff to underground CMP retention pipes in select areas. In order to dissipate underground retention by ground infiltration within 36 hours, drywells will be used. The design of the onsite grading & drainage improvements will not adversely affect offsite flows including the flows within the existing channel along the east property line. The current site plan proposes to keep the existing

30-foot drainage easement clear of units, unit yards, drive aisles, etc. and maintain the existing channel. See **Exhibit 10, Preliminary Grading and Drainage Plan.**

***B. Water/Wastewater***

The City owns and operates public water mains within and abutting the Site at Beardsley Road and 103<sup>rd</sup> Drive. Two existing 8-inch waterline stubs to the Site are provided from Beardsley Road and 103<sup>rd</sup> Drive within existing public waterline easements. Since the Site proposes utility alignment rerouting, the existing waterline will be salvaged as much as possible with a new waterline provided in a public looped 20-foot wide waterline easement through the proposed development. The waterline connections to Extra Space Storage will not be modified and maintain service as it currently has. The public waterline provides water to public fire hydrants and a source for the private water service line for the units and leasing office. The new on-site water distribution and fire system will be privately owned and operated.

The City of Peoria also owns and operates sanitary sewer collection and distribution mains adjacent to the Site. An 8-inch sewer main was installed onsite at the southwest corner for Extra Space Storage and an existing sewer stub for the Site. An existing portion of sewerline and accompanying easement will be removed that conflicts with the proposed development. The existing sewer stub will not be utilized; however, an alternate sewer connection for the Site is proposed to the existing line.

***C. Electric Power/Natural Gas/Telephone Service***

All necessary supporting dry utilities exist adjacent to the Site. Within the Beardsley Road right-of-way, APS provides electric infrastructure, Southwest Gas provides a 4-inch Polyethylene (PE) gas main, and TLR Fiber Optic provides a fiber optic line. A public utility easement at the Site's south boundary contains the Cox Communication cable television line.

***D. Lighting***

All pole lighting within Avilla Lago will be shielded to prevent light spillage onto neighboring properties, with increased sensitivity given to those areas in the vicinity of residential lots.

**XIII. CONCLUSION**

Avilla Lago's casita-style community is an exciting and unique housing choice that makes good use of this challenging, infill Site. The proposed Rezoning request (and proposed minor General Plan Amendment) is supported by the City's General Plan and are compatible with the surrounding area. Avilla Lago creates a sustainable solution for this Site and an attractive presence in the area. We request your approval.

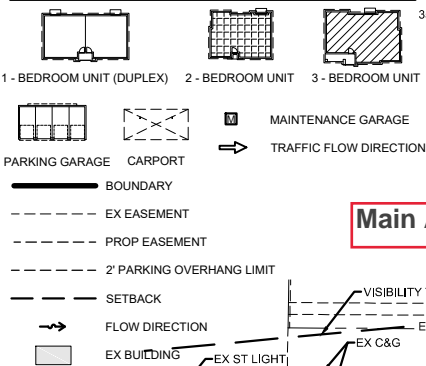
**NexMetro Development, LLC**

THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 4 NORTH, RANGE 1 EAST OF THE  
GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA

## Emergency Access

- | KEY NOTES |  | EX WALL |
|-----------|--|---------|
| 1         | PROJECT MONUMENT SIGN.   |         |
| 2         | 6' HIGH CMU PERIMETER AND INTERIOR WALLS.  |         |
| 3         | RECESSED TRASHED RECEPTACLE WITH 5' HIGH BLOCK WALL ENCLOSURE AND GATE.  |         |
| 4         | ENTRY CALL BOX AND CAMPUS PLAN.  |         |
| 5         | LIGHTING   |         |
| 6         | LEASING OFFICE WITH EXTERIOR MAIL BOXES INTEGRATED INTO THE STRUCTURE AND ARCHITECTURE. ACCESSIBLE RESTROOMS TO BE WITHIN THE LEASING OFFICE FOOTPRINT, AND ATTACHED RAMADA. |         |
| 7         | WB50 TURNING RADIUS  |         |
| 8         | VEHICLE ACCESS ROLL GATE   |         |
| 9         | ADA PARKING  |         |
| 10        | PEDESTRIAN ACCESS GATE   |         |
| 11        | PARKING STALLS ARE TO BE 9' IN WIDTH AND 18' IN LENGTH.  |         |
| 12        | POOL   |         |
| 13        | PUTTING GREEN  |         |
| 14        | SPA  |         |
| 15        | COMMUNITY BBQ  |         |
| 16        | DOG PARK   |         |
| 17        | BAG TOSS/GAME AREA   |         |
| 18        | INTERIOR TRAIL CORRIDOR  |         |
| 19        | ALL WEATHER DG ROAD FOR EMERGENCY VEHICLES   |         |
| 20        | PEDESTRIAN RAMP  |         |
| 21        | DECORATIVE PAVEMENT SIDEWALK CROSSING  |         |
| 22        | STRIPED SIDEWALK CROSSING  |         |
| 23        | DECORATIVE PAVEMENT  |         |
| 24        | RELOCATE EXISTING MAILBOX TO STORAGE FACILITY.   |         |
| 25        | RELOCATE EXISTING STREET LIGHT   |         |
| 27        | 6' THEME WALL (8' ALONG BEARDSLEY)   |         |
| 28        | VIEW FENCE   |         |
| 29        | REMOVE EXISTING WALL   |         |
| 30        | VALLEY GUTTER  |         |
| 31        | FIRE HYDRANT   |         |
| 32        | MOUNTABLE CURB   |         |
| 33        | PARTIAL VIEW FENCE (4' BLOCK - 2' VIEW)  |         |
| 34        | RAISED PLANTER   |         |

### LEGEND





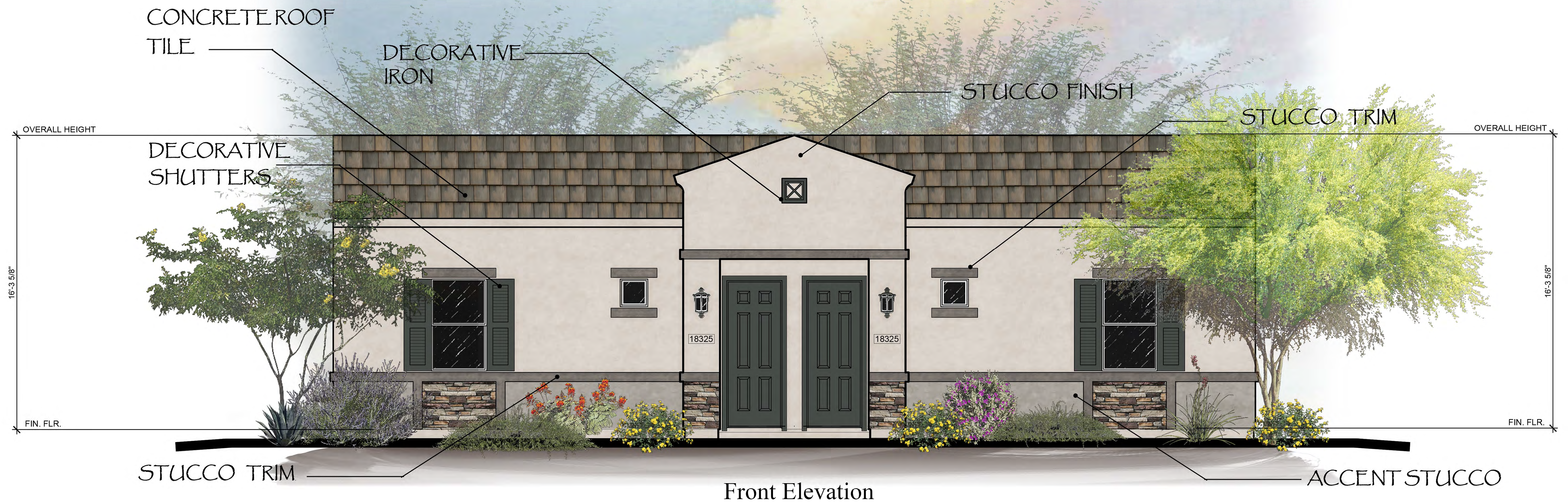
LANDSCAPE AREAS	REQUIRED	PROVIDED
<b>A. ON-SITE LANDSCAPE AREAS</b>		
1. OVERALL ON-SITE (MULTI-FAMILY 20% OF NET SITE AREA).	96,645 SQ.FT	155,575 SQ.FT
A. LANDSCAPE AREA IN PRIVATE BACKYARDS.	-	42,428 SQ.FT
B. COMMON LANDSCAPE AREA.	-	113,147 SQ.FT
<b>B. STREET FRONTAGE BUFFER</b>		
1. MULTI-FAMILY: 15' WIDE STRIP ALONG FRONTAGE (293 LN.FT)	4,395 SQ.FT	4,395 SQ.FT
<b>C. LAND USE BUFFER</b>		
1. TOTAL LAND-USE BUFFER AREA	51,360 SQ.FT	51,360 SQ.FT
A. RESIDENTIAL (15' BUFFER - 484 LN.FT)	-	7,260 SQ.FT
B. COMMERCIAL (10' BUFFER - 1,080 LN.FT)	-	10,800 SQ.FT
C. EASTERN DRAINAGE EASEMENT (30' - 1,110 LN. FT)	-	33,300 SQ.FT
PLANT QUANTITIES	REQUIRED	PROVIDED
<b>ON-SITE LANDSCAPE AREAS (MULTI-FAMILY)</b>		
<b>D. TREES</b>		
1. PRIVATE BACKYARDS (NOT LOCATED IN BUFFER):	111	111
(1) TREE PER BACKYARD (100 YARDS NOT IN BUFFER)		
2. COMMON LANDSCAPE AREA: 1 TREE PER 800 SQ.FT	141	163
<b>E. SHRUBS</b>		
1. PRIVATE BACKYARDS: NO SHRUBS REQUIRED	00	00
2. COMMON LANDSCAPE AREA: 12 SHRUBS PER 800 SQ.FT	1,692	1,728
<b>STREET FRONTAGE BUFFER PLANTINGS (MULTI-FAMILY)</b>		
F. TREES: 1 PER 25 LN.FT OF STREET FRONTAGE	12	13
G. SHRUBS: 5 PER 25 LN.FT OF STREET FRONTAGE	60	65
<b>LAND USE BUFFER PLANTINGS (MULTI-FAMILY)</b>		
H. TREES: 3 PER 1,000 SQ.FT OF BUFFER AREA (24" BOX MIN.)	99	102
I. SHRUBS: 5 PER 1,000 SQ.FT OF BUFFER AREA (5 GAL. MIN.)	385	405
(NO SHRUBS REQUIRED IN PRIVATE BACKYARDS)		
<b>TOTALS</b>		
TOTAL LANDSCAPE AREAS (A + B + C)	-	211,330
TOTAL TREES (D + F + H)	351	389
TOTAL 24" BOX TREES (50% OF TOTAL REQUIRED)	176	195
TOTAL SHRUBS (E + G + I)	2,137	2,198

NOTES:

1. DUE TO PLANT MATERIAL AVAILABILITY, SUBSTITUTIONS FOR PLANT MATERIAL LISTED ABOVE MAY BE USED. ANY ALTERNATES OR SUBSTITUTIONS MUST BE ON THE ADNR LOW WATER USE PLANT LIST, AND SHALL NOT BE ON THE CITY OF PEORIA PROHIBITED PLANT LIST ON 14-22B-5.
2. SUB-SPECIES OR HYBRIDS OF PLANT MATERIAL LISTED ABOVE MAY BE USED AS ALTERNATES/SUBSTITUTIONS.
3. ADDITIONAL PLANT MATERIAL MAY BE ADDED TO THE LIST ABOVE DUE TO UTILITY COMPANY OR H.O.A. REQUESTS AND/OR PLANTING RESTRICTIONS WITHIN UTILITY EASEMENTS.
4. NO TREES TO BE LOCATED WITHIN THE P.U.E. OR ANY OTHER NOTED EASEMENTS.







Plan 1 One Bedroom - Scheme 2 | Avilla Lago | Peoria, Arizona

Exhibit 10

04-25-2018

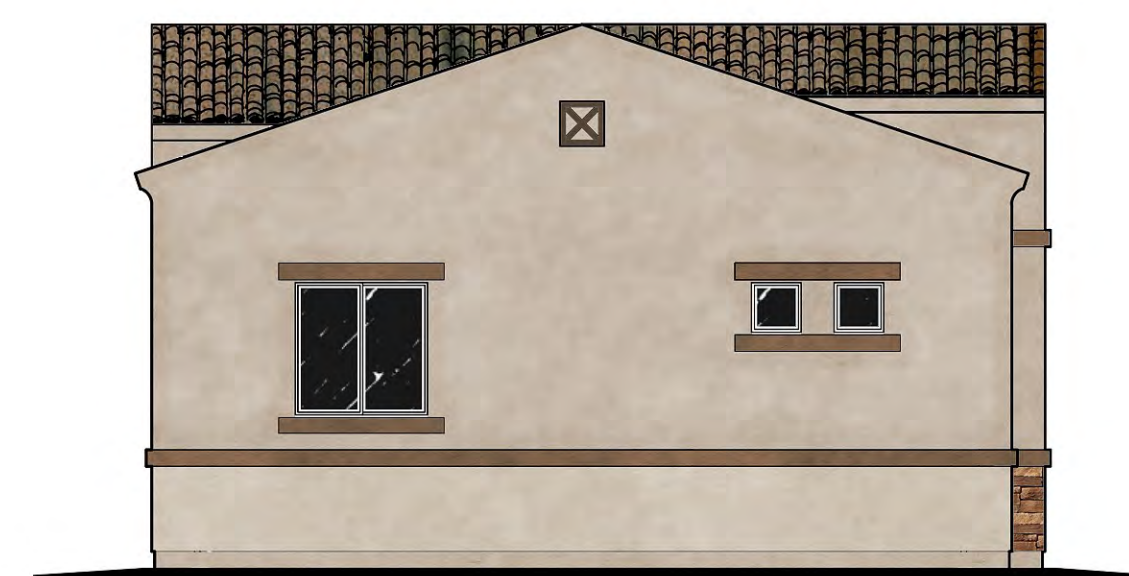
**NEXmetro**  
Communities

**FELTENG**GROUP





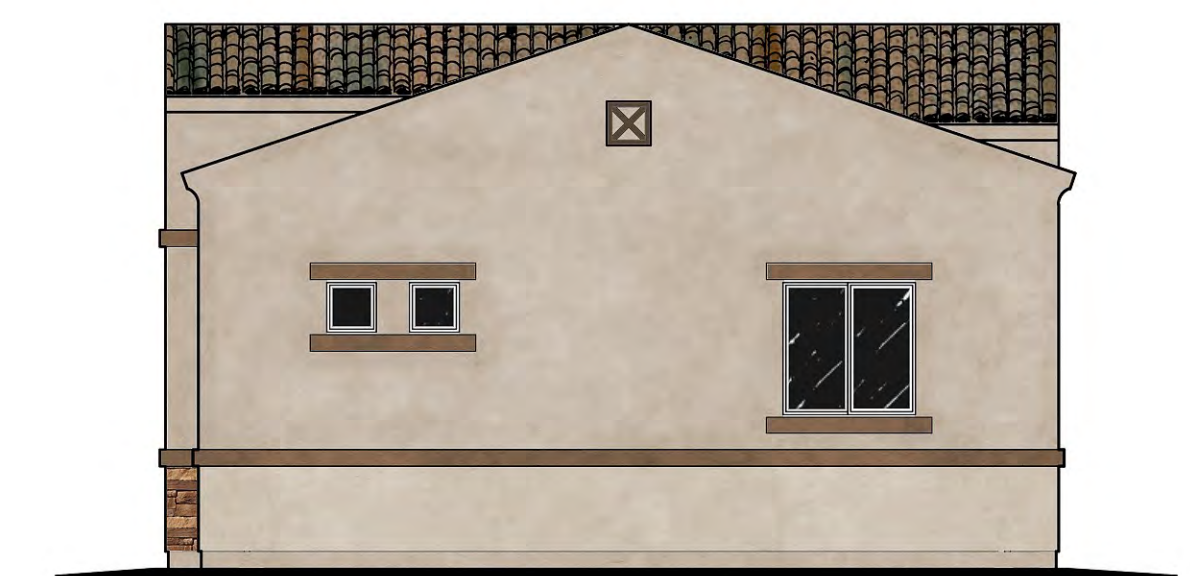
Front Elevation



Left Elevation



Rear Elevation



Right Elevation

Plan 1 One Bedroom - Scheme 3 | Avilla Lago | Peoria, Arizona

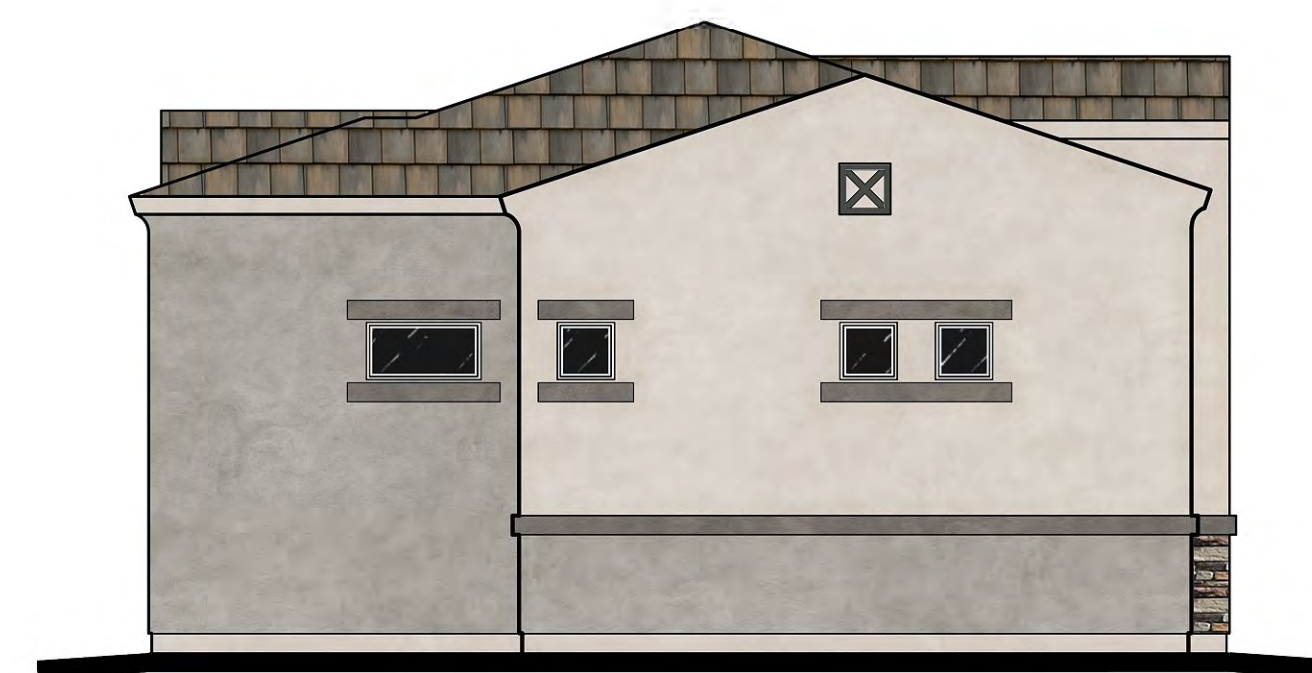
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04-25-2018

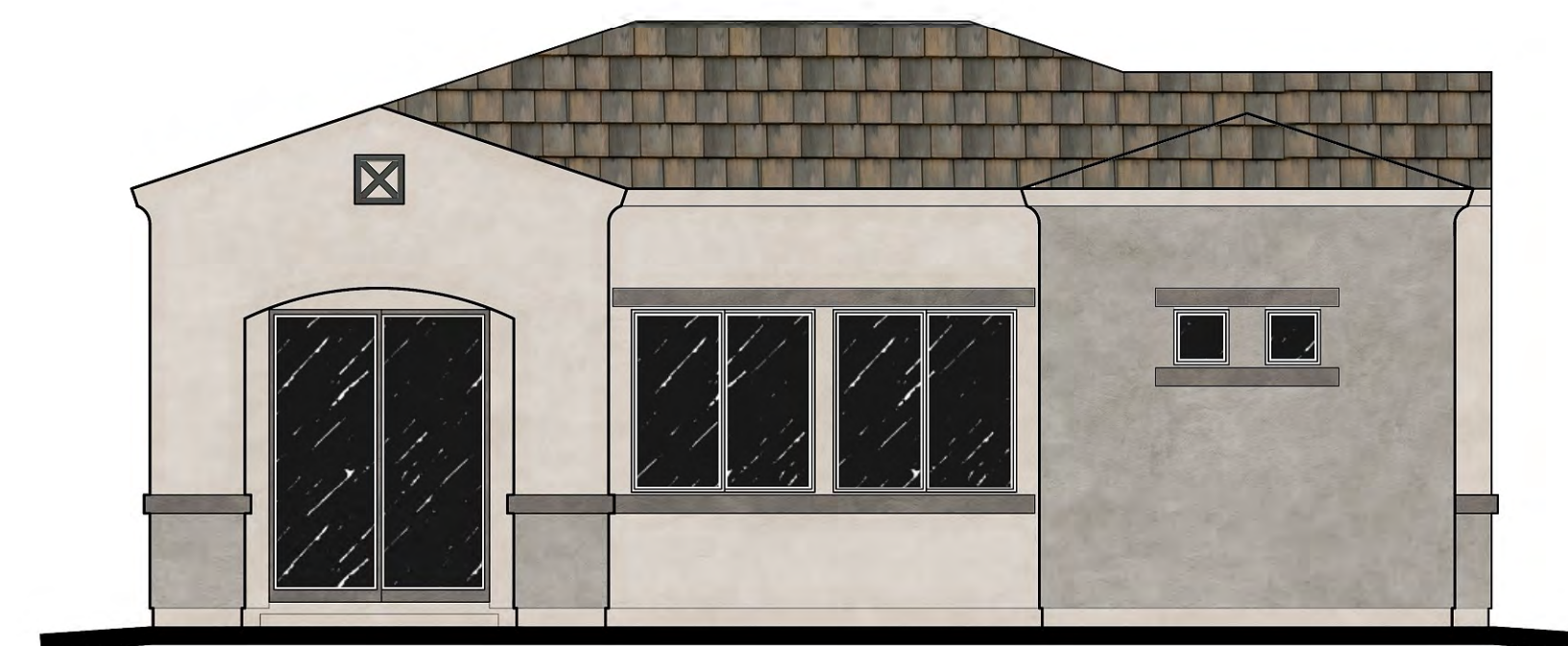




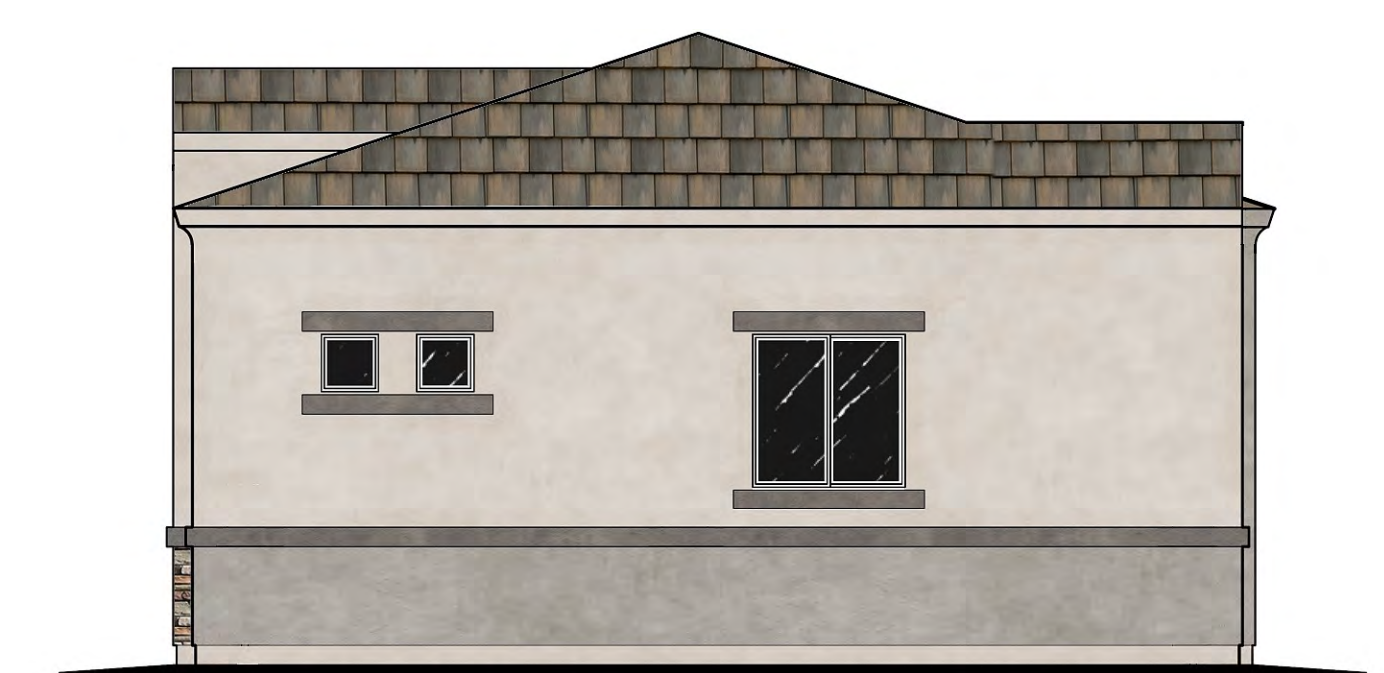
Front Elevation



Left Elevation



Rear Elevation



Right Elevation

Plan 2 Two Bedroom - Scheme 2 | Avilla Lago | Peoria, Arizona

Exhibit 10

**NEXmetro**  
Communities

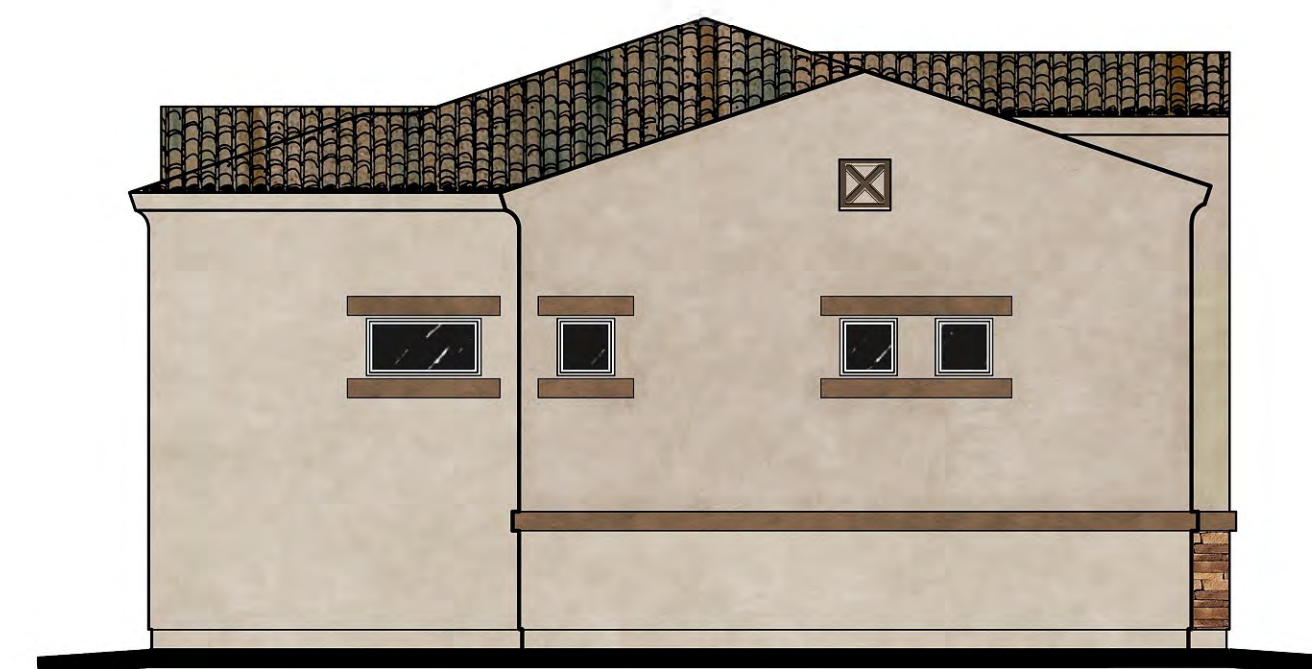
**FELTENGROU**

04-25-2018





Front Elevation



Left Elevation



Rear Elevation



Right Elevation

Plan 2 Two Bedroom - Scheme 3 | Avilla Lago | Peoria, Arizona

Exhibit 10

**NEXmetro**  
Communities

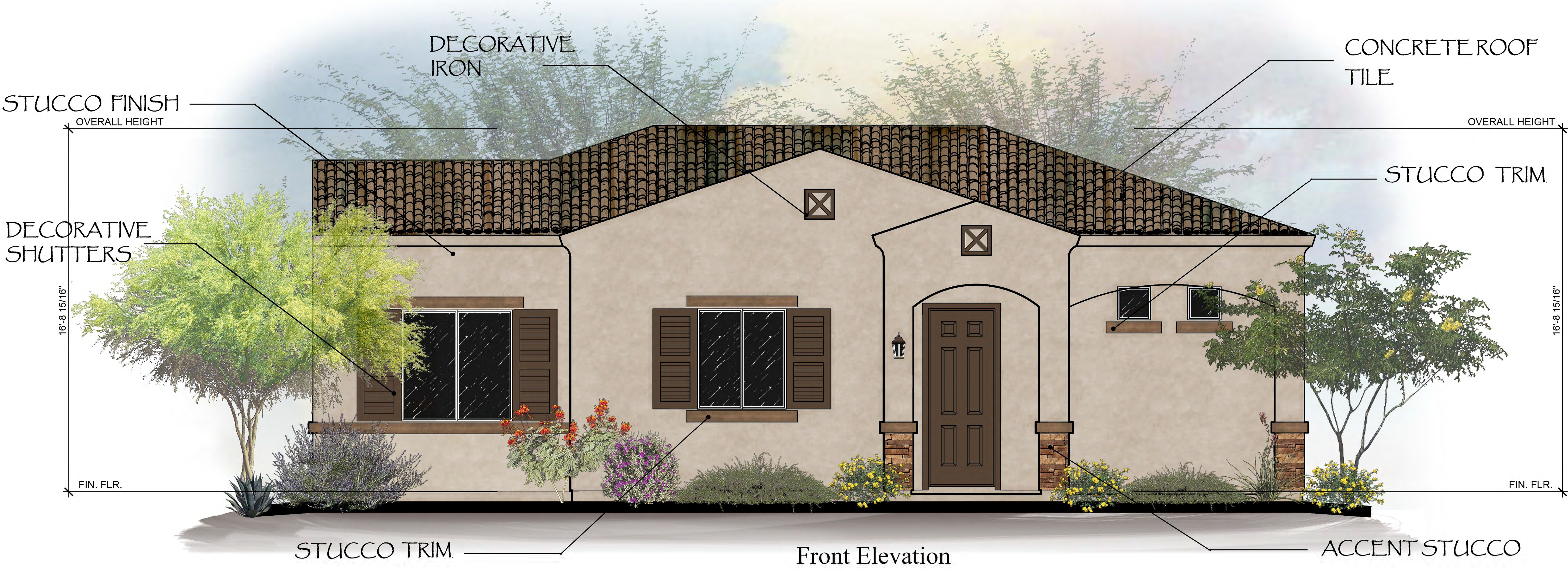
**FELTENG**GROUP

04-25-2018









Plan 3 Three Bedroom - Scheme 3 | Avilla Lago | Peoria, Arizona

Exhibit 10

04-25-2018





Front Elevation



Garage - Scheme 1 | Avilla Lago| Peoria, Arizona

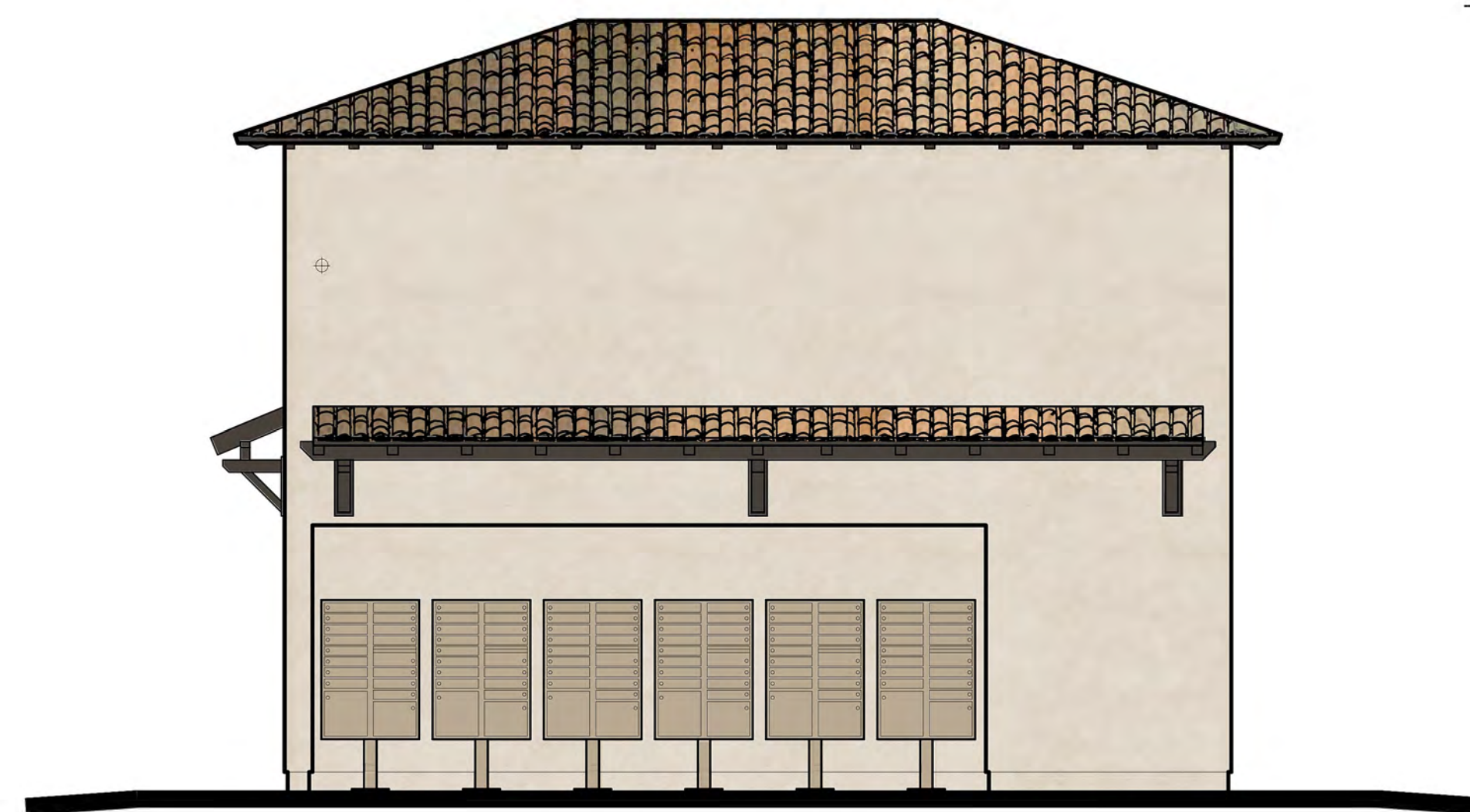
Exhibit 10

04-25-2018





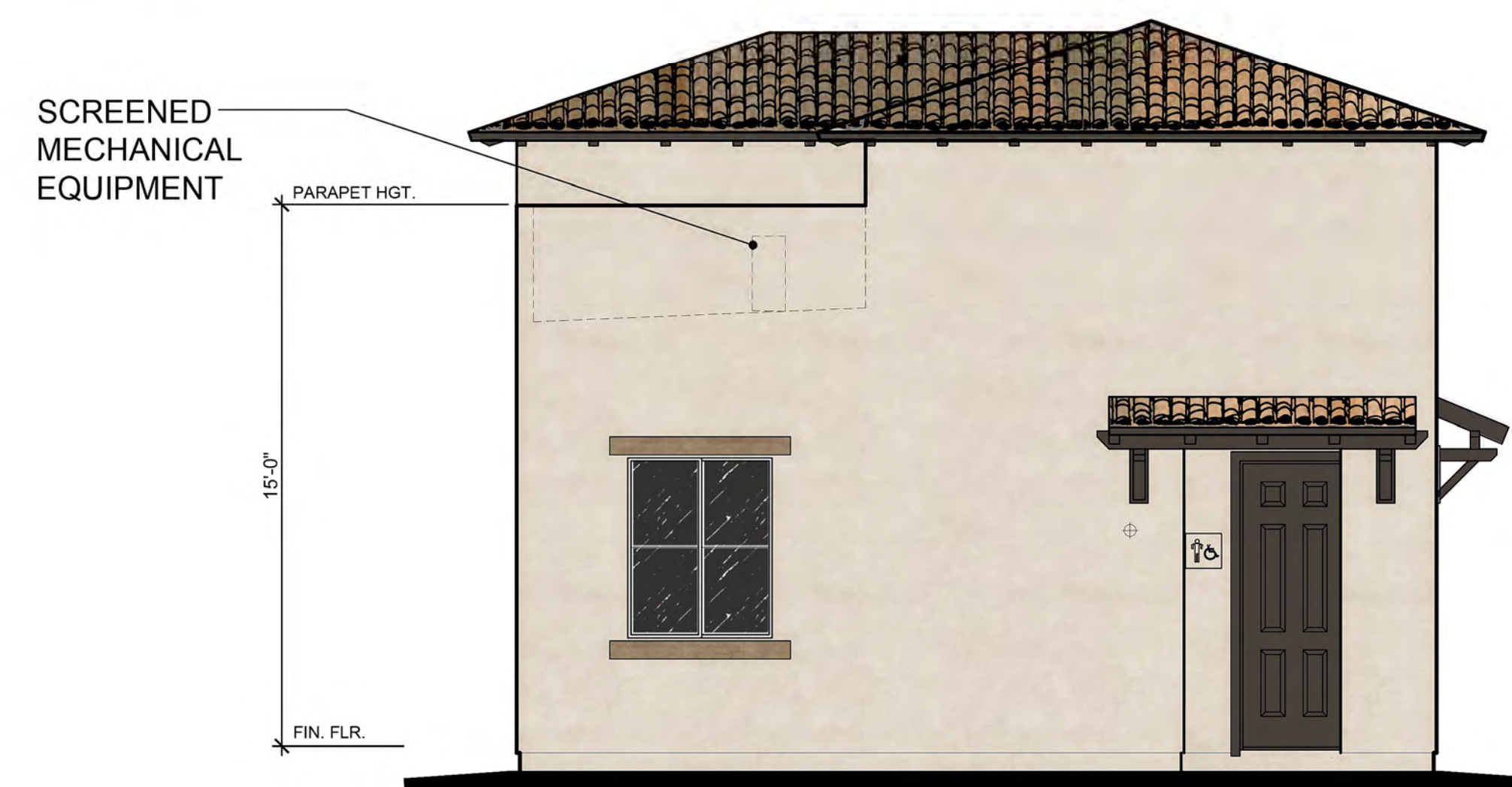
Front Elevation  
1/4" = 1'-0"



Left Elevation  
1/4" = 1'-0"



Right Elevation  
1/4" = 1'-0"



Rear Elevation  
1/4" = 1'-0"



## SCHEME #1

Rev. 4.17.18



### Body Color 1

Manufacturer: Sherwin Williams SW7567

LRV 64%

Natural Tan

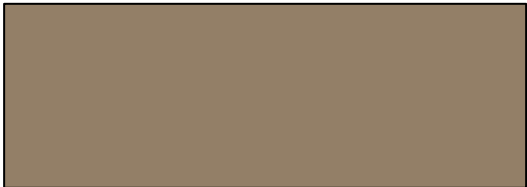


### Body Color 2

Manufacturer: Sherwin Williams SW6150

LRV 42%

Universal Khaki



### Accent Color 1

Manufacturer: Sherwin Williams SW2841

LRV 23%

Weathered Shingle



### Accent Color 2

Manufacturer: Sherwin Williams SW7675

LRV 6%

Sealskin



Eagle Roof – 3773 / Walnut Creek Blend



Stone Works: Mountain LedgeStone / Northwoods

Date: February 22, 2018



## SCHEME #2



### Body Color 1

Manufacturer: Sherwin Williams SW6071

LRV 61%

Popular Gray

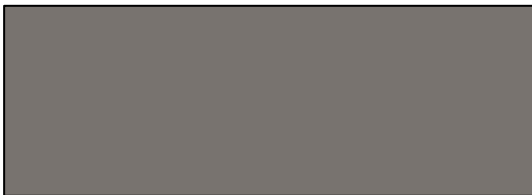


### Body Color 2

Manufacturer: Sherwin Williams SW9170

LRV 32%

Acier

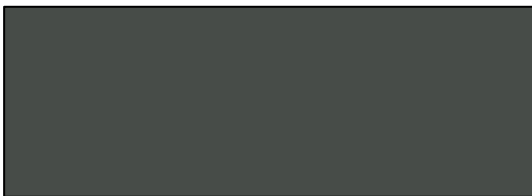


### Accent Color 1

Manufacturer: Sherwin Williams SW7019

LRV 17%

Gauntlet Grey



### Accent Color 2

Manufacturer: Sherwin Williams SW7062

LRV 7%

Rock Bottom



Eagle Roof – 4602 / Concord Blend



Stone Works: Tuscan Ledge / Absaroka

Date: February 22, 2018

## SCHEME #3



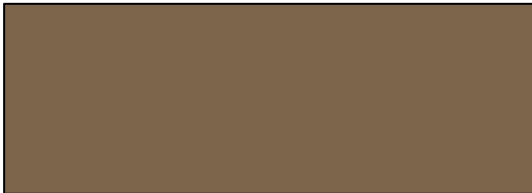
### Body Color 1

Manufacturer: Sherwin Williams SW7037  
Balanced Beige



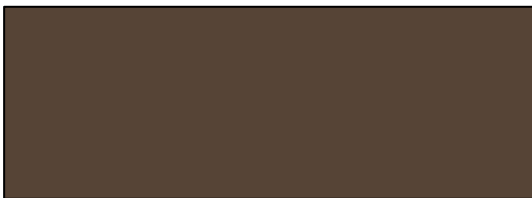
### Body Color 2

Manufacturer: Sherwin Williams SW9173  
Shitake



### Accent Color 1

Manufacturer: Sherwin Williams SW6103  
Tea Chest



### Accent Color 2

Manufacturer: Sherwin Williams SW7027  
Well-Bred Brown



Eagle Roof – 3581 / Arcadia Canyon Brown



Stone Works: Mountain Ledge / Buckskin

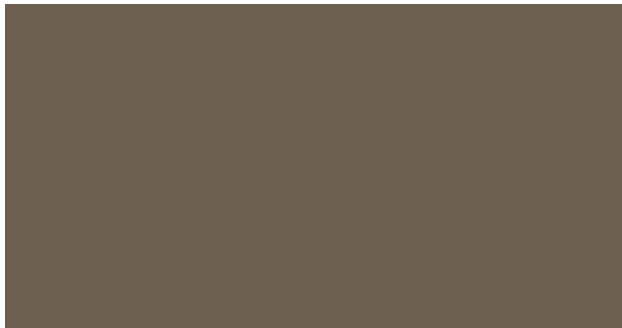
Date: February 22, 2018

## WALL & GATE PAINT SPECIFICATIONS



**Perimeter Walls – Color #1**

Manufacturer: Sherwin Williams SW7507 / LRV38%  
Stone Lion



**Perimeter Walls – Color #2**

Manufacturer: Sherwin Williams SW7515 / LRV12%  
Homestead Brown



**Pool Fencing**

Manufacturer: Sherwin Williams SW7020 / LRV 8%  
Black Fox



CONTACT: BRENNAN RAY

CIVIL ENGINEER

TERRASCAPE CONSULTING

CONTACT: DAVE SOLTYSIK, PE

LANDSCAPE ARCHITECT

THE MCGOUGH GROUP

CONTACT: TIM MCGOUGH

EMAIL:

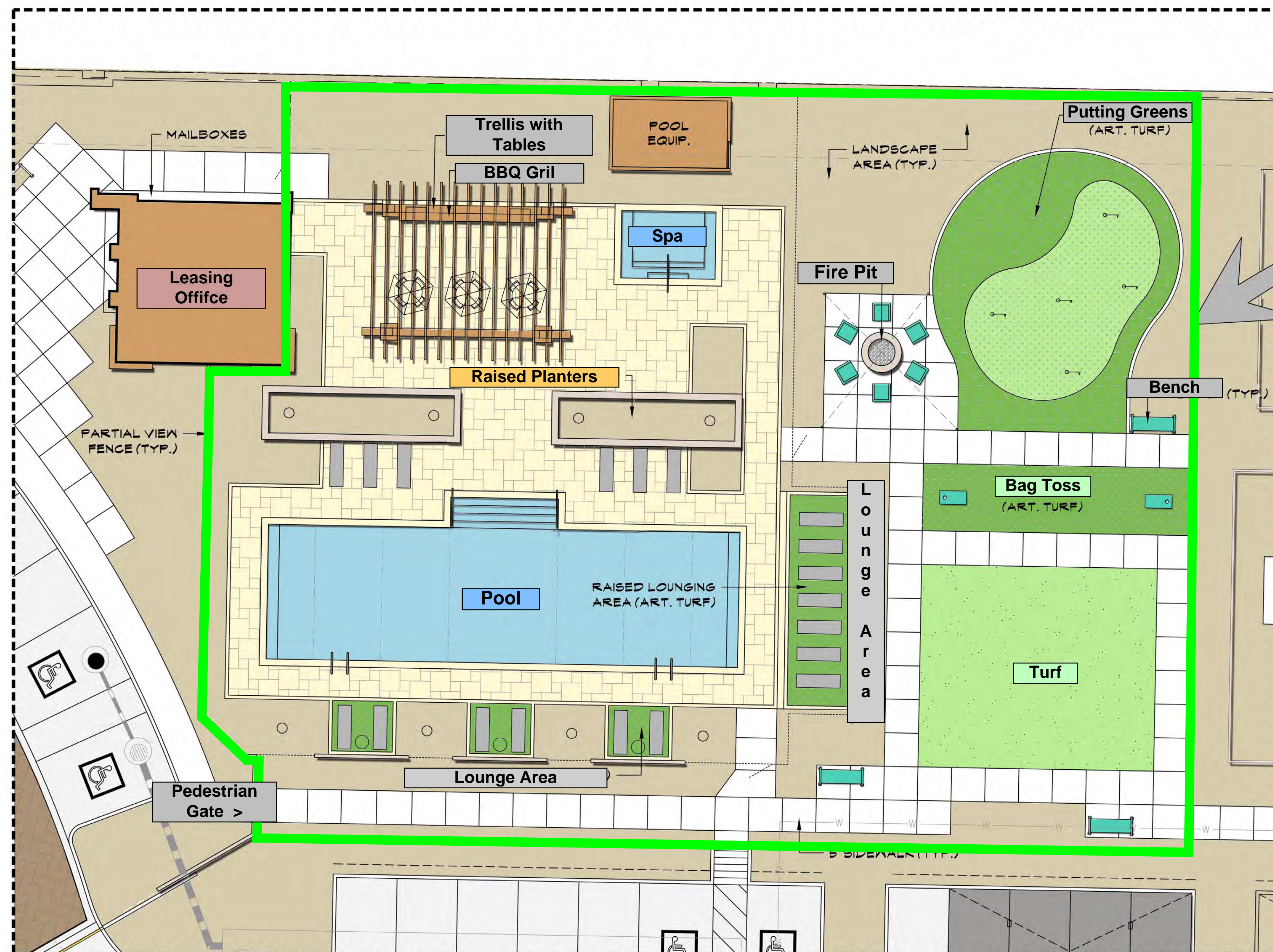
Legend

\* - Open/Guest Parking

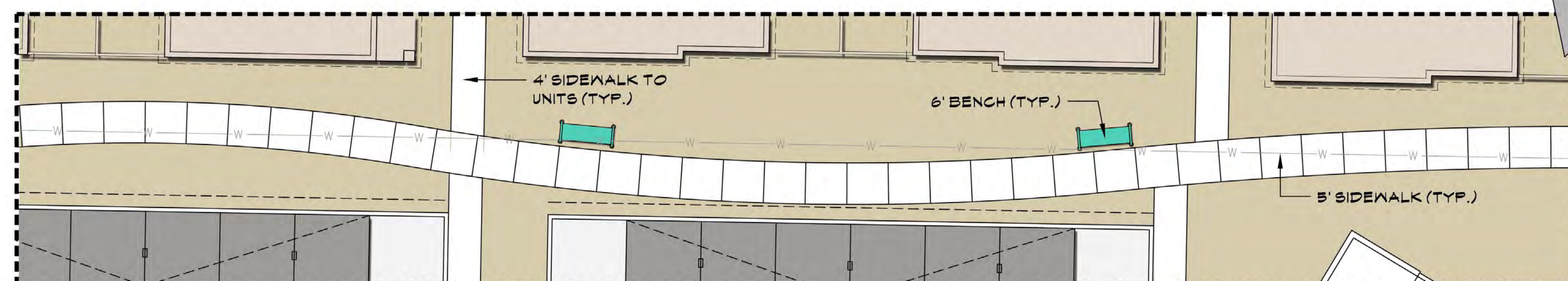
Parking Count

86 Total Open/Guest Parking Stalls

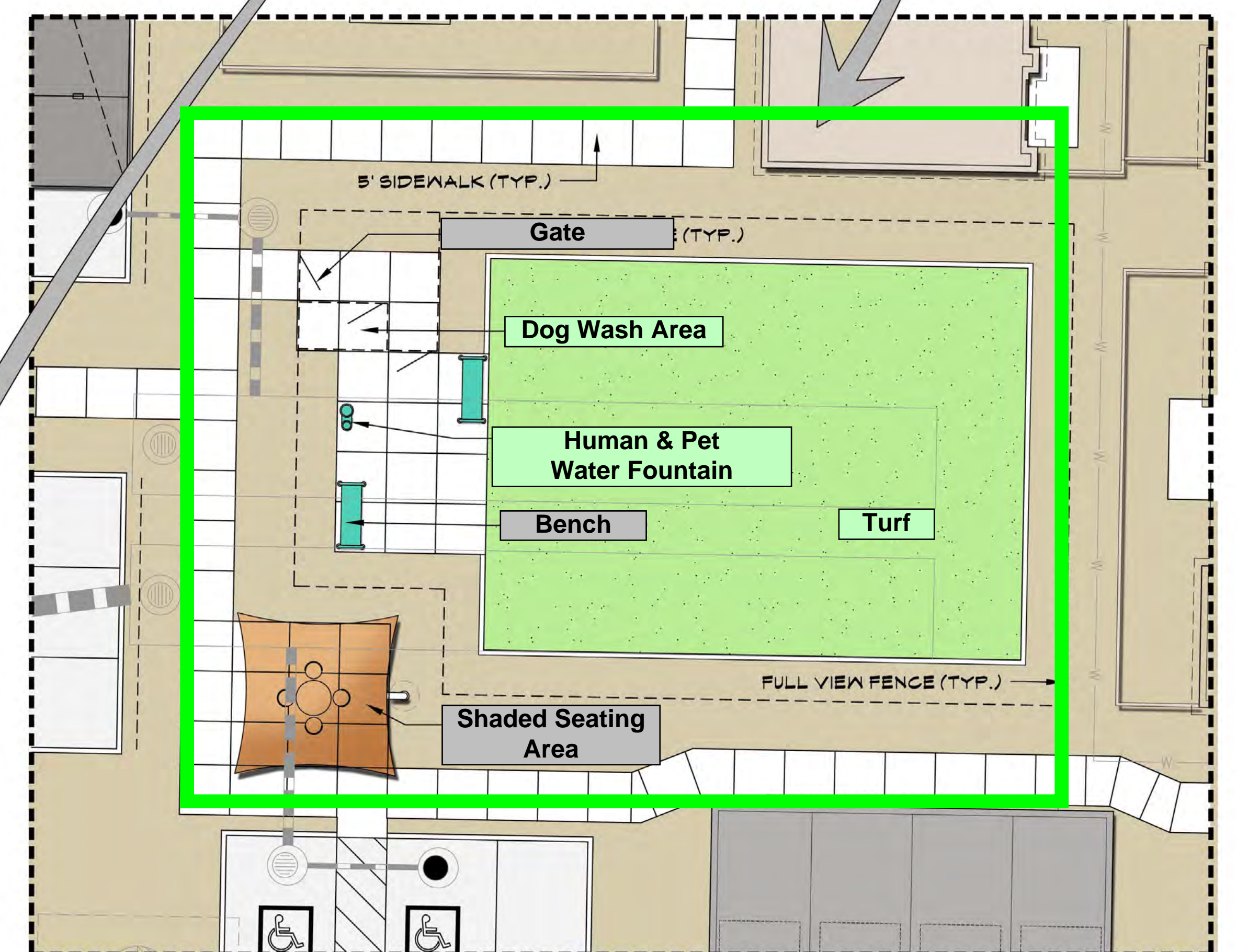
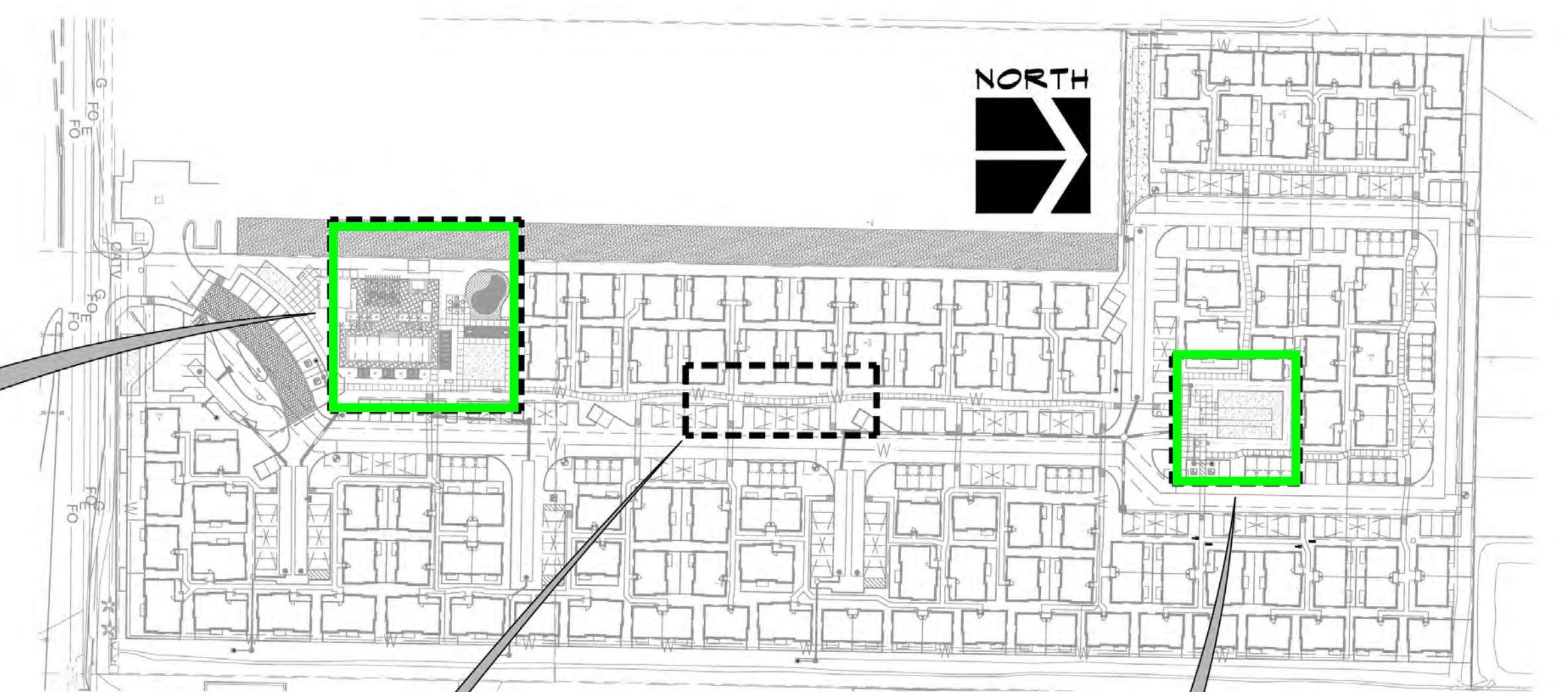




**A POOL AREA ENLARGEMENT**

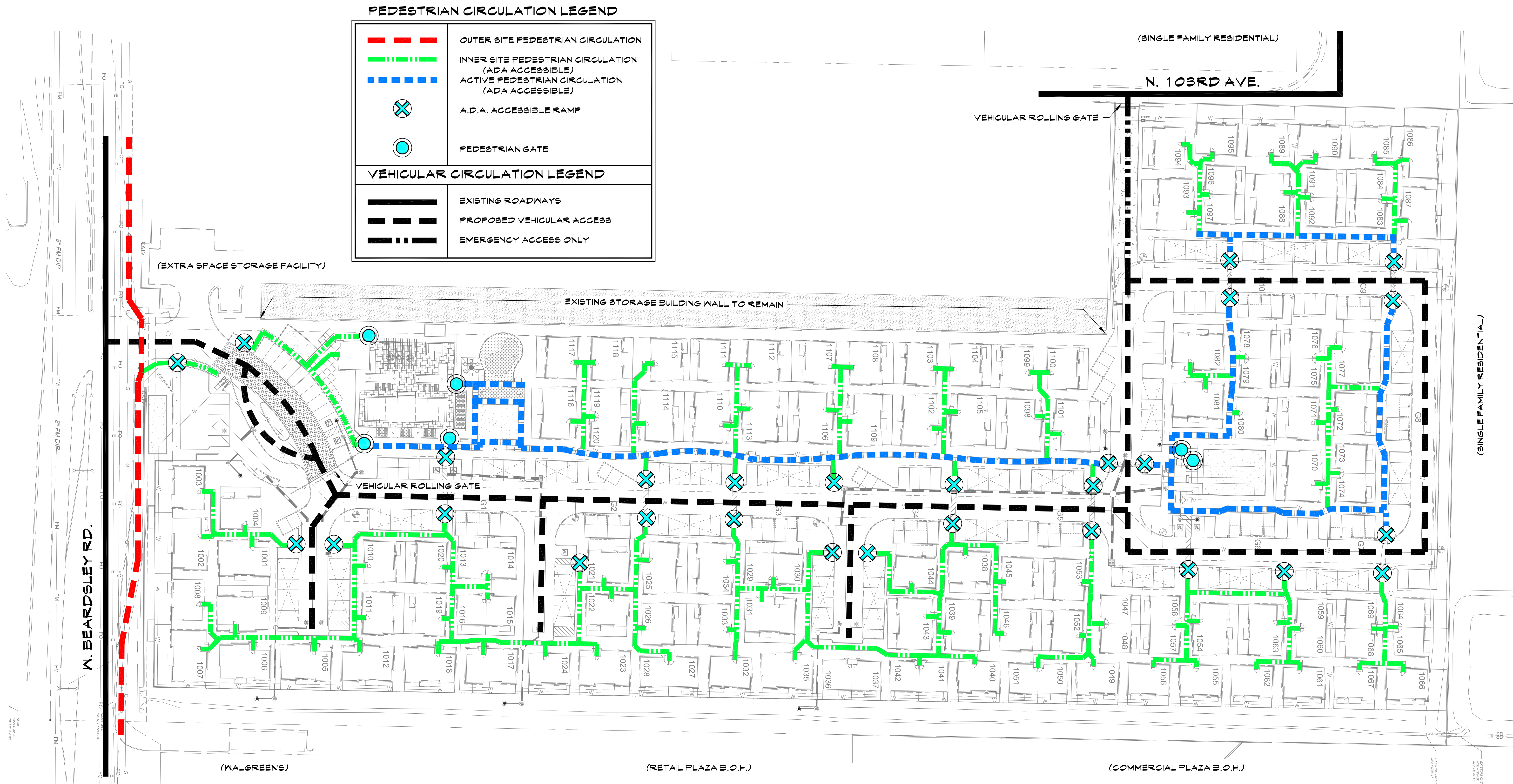


**B MEANDERING SIDEWALK CONNECTION AND BENCHES**



**C DOG PARK ENLARGEMENT**

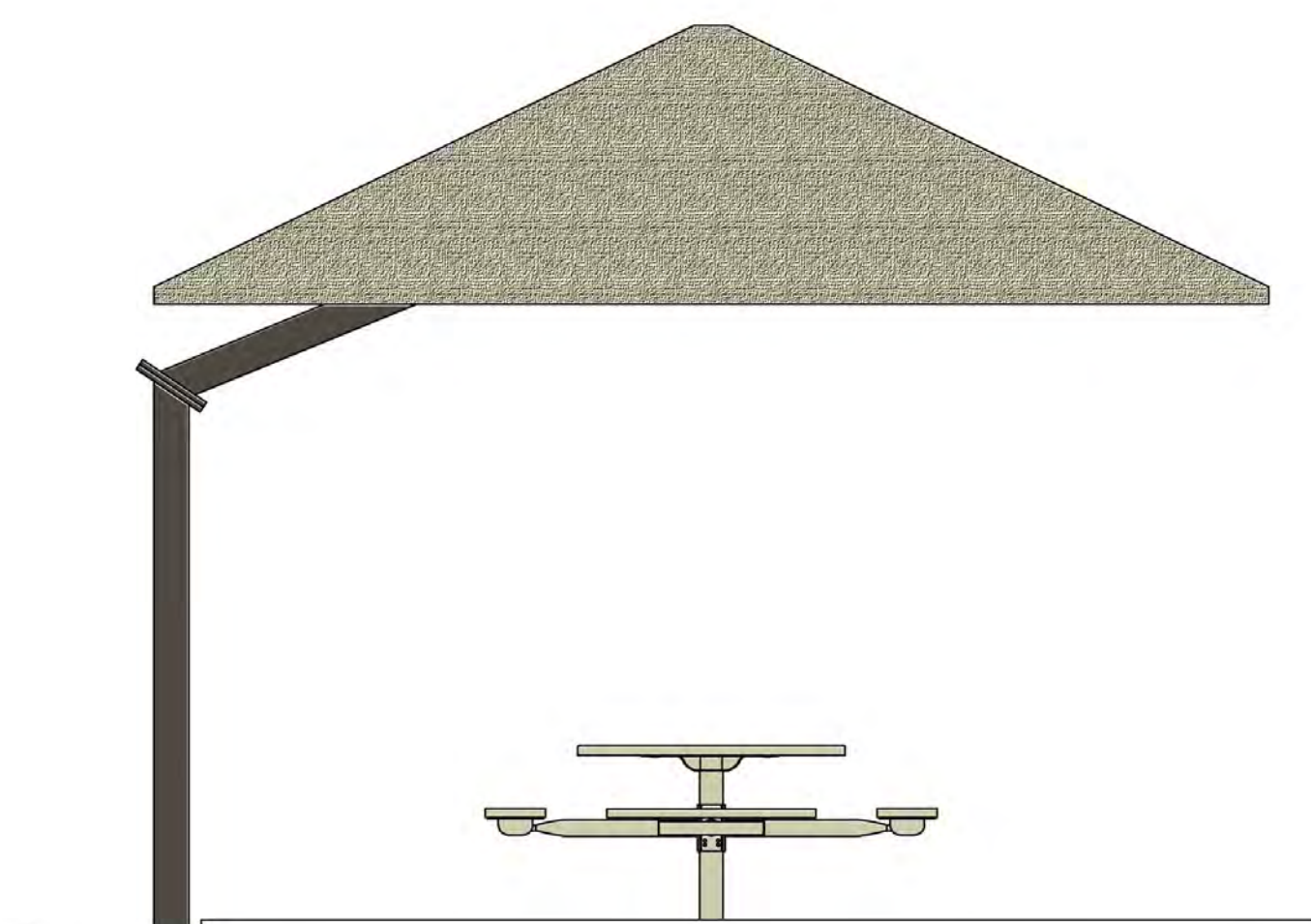








PRIMARY THEME WALL WITH RAISED PLANTER ELEVATION



DOG PARK SEATING AREA

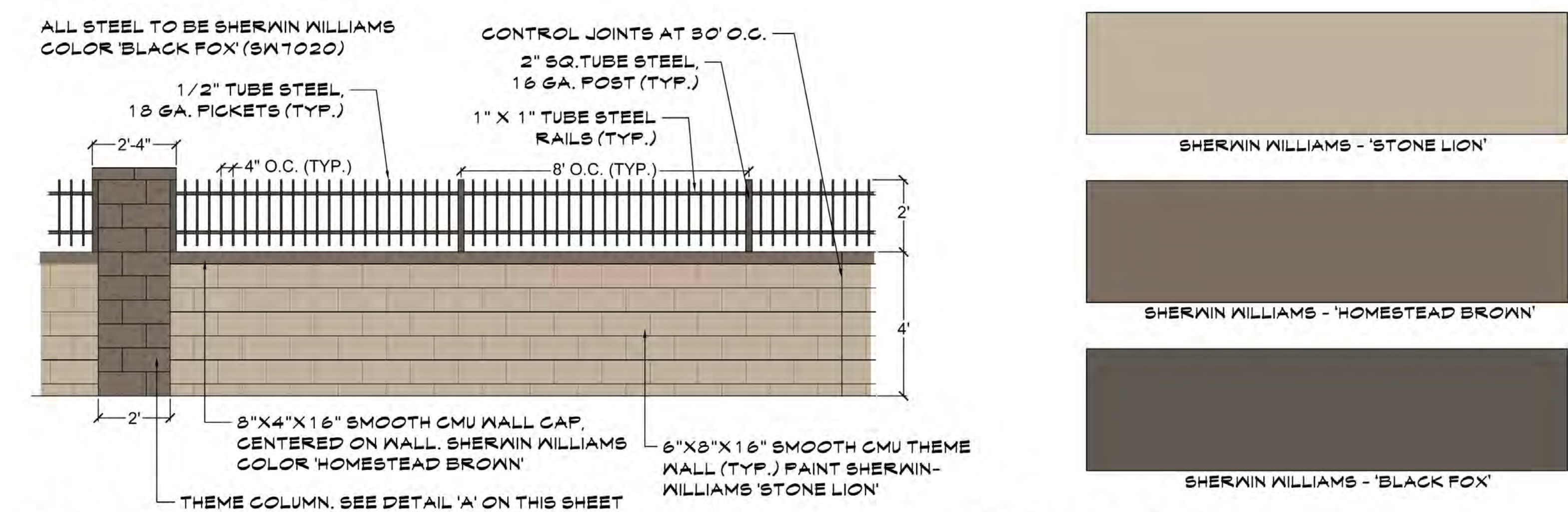
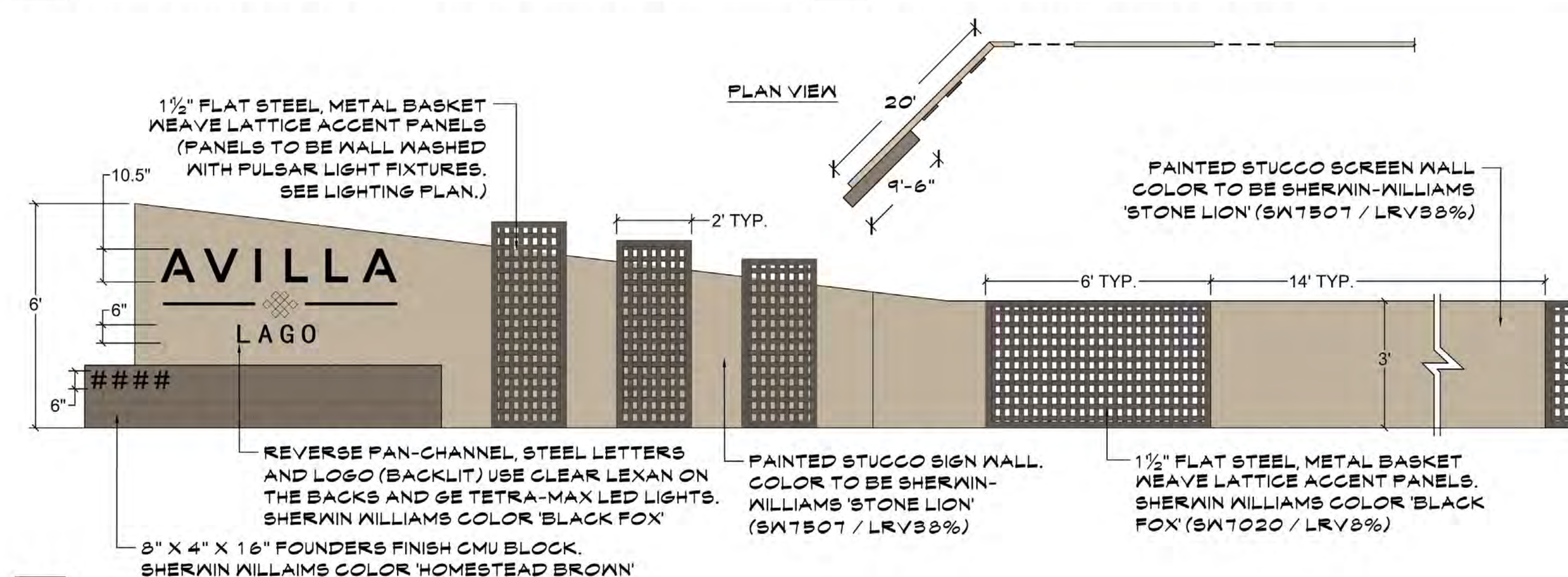
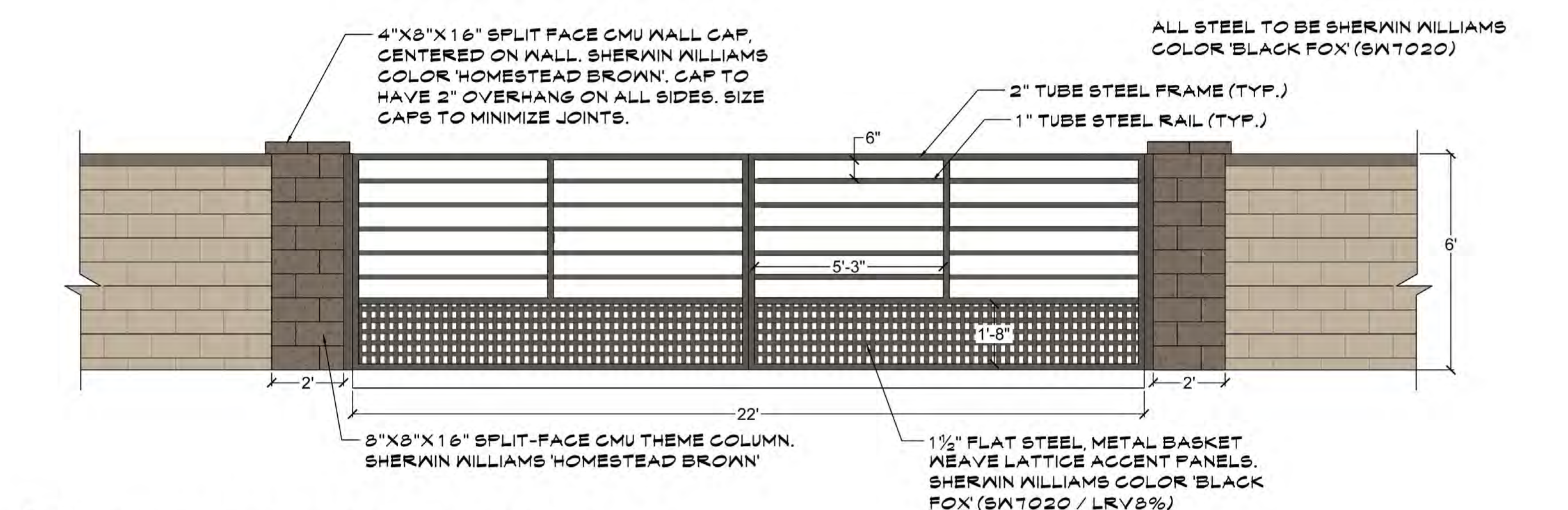
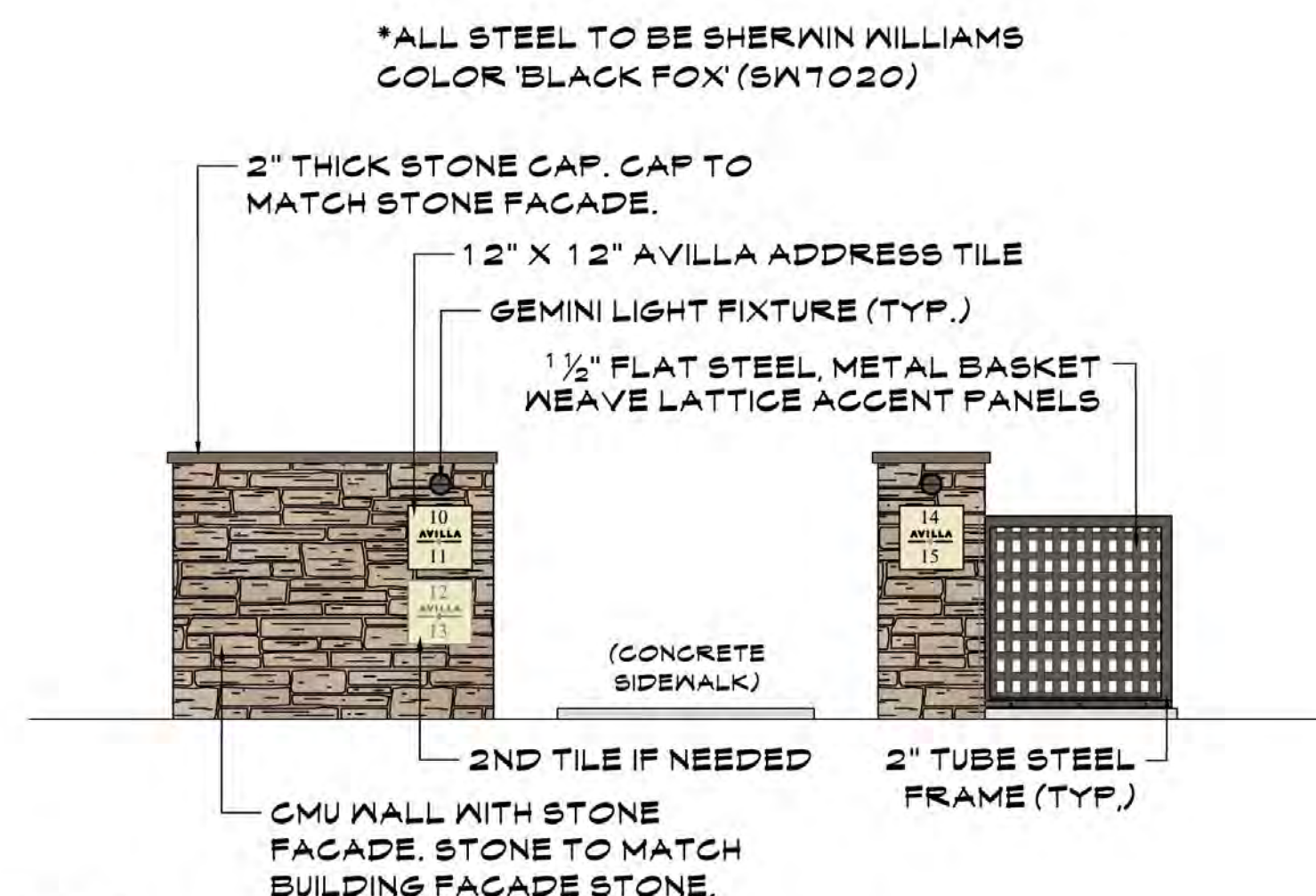
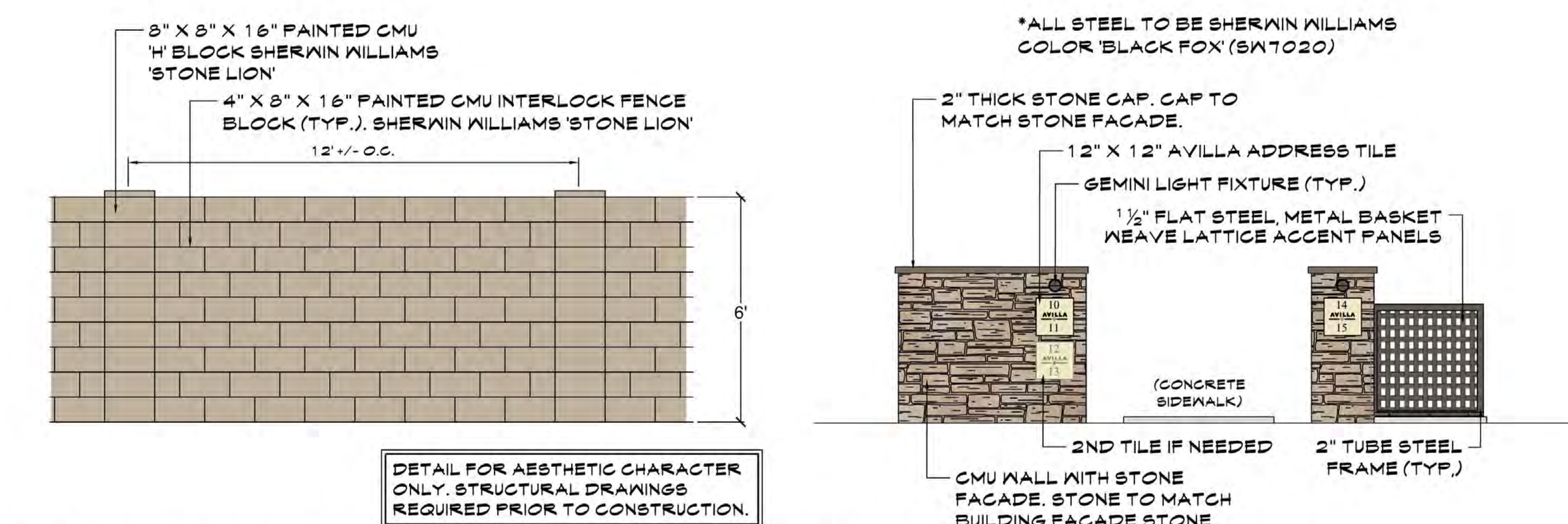
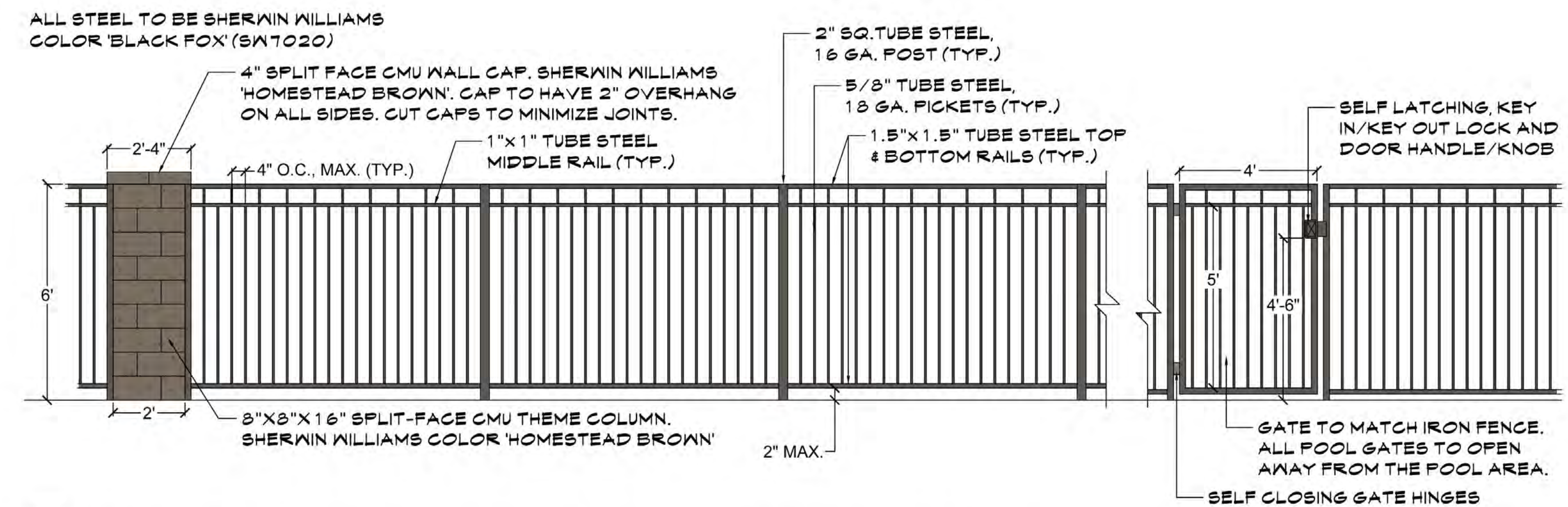
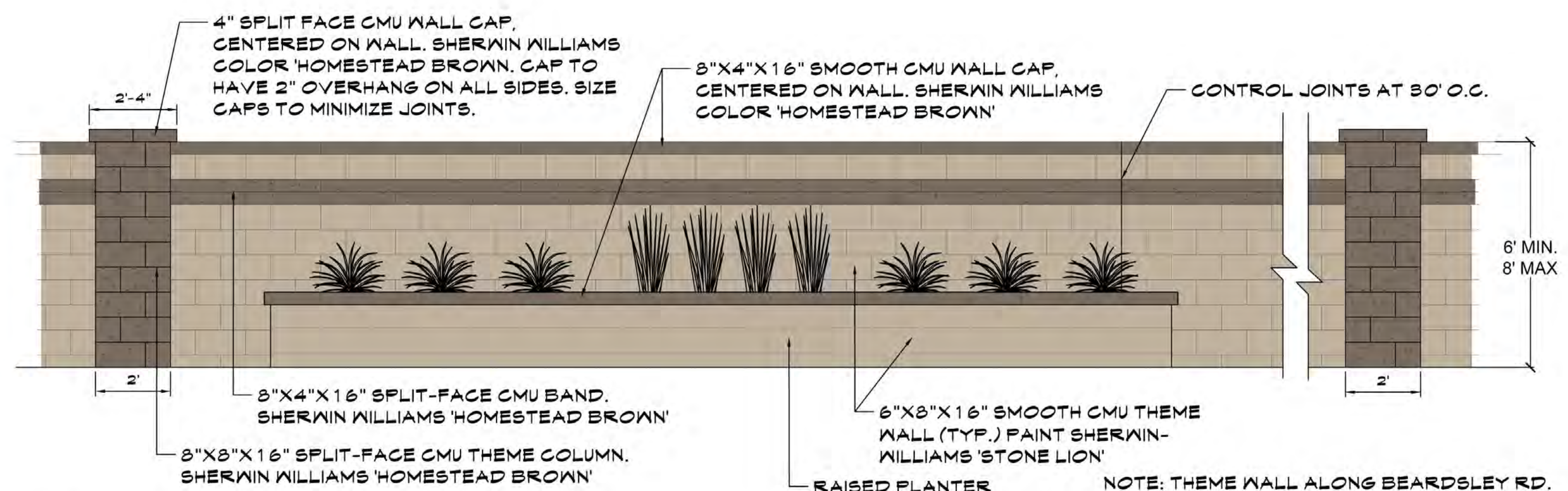


POOL AREA BBQ & SHADE STRUCTURE



ENTRANCE MONUMENT ELEVATION





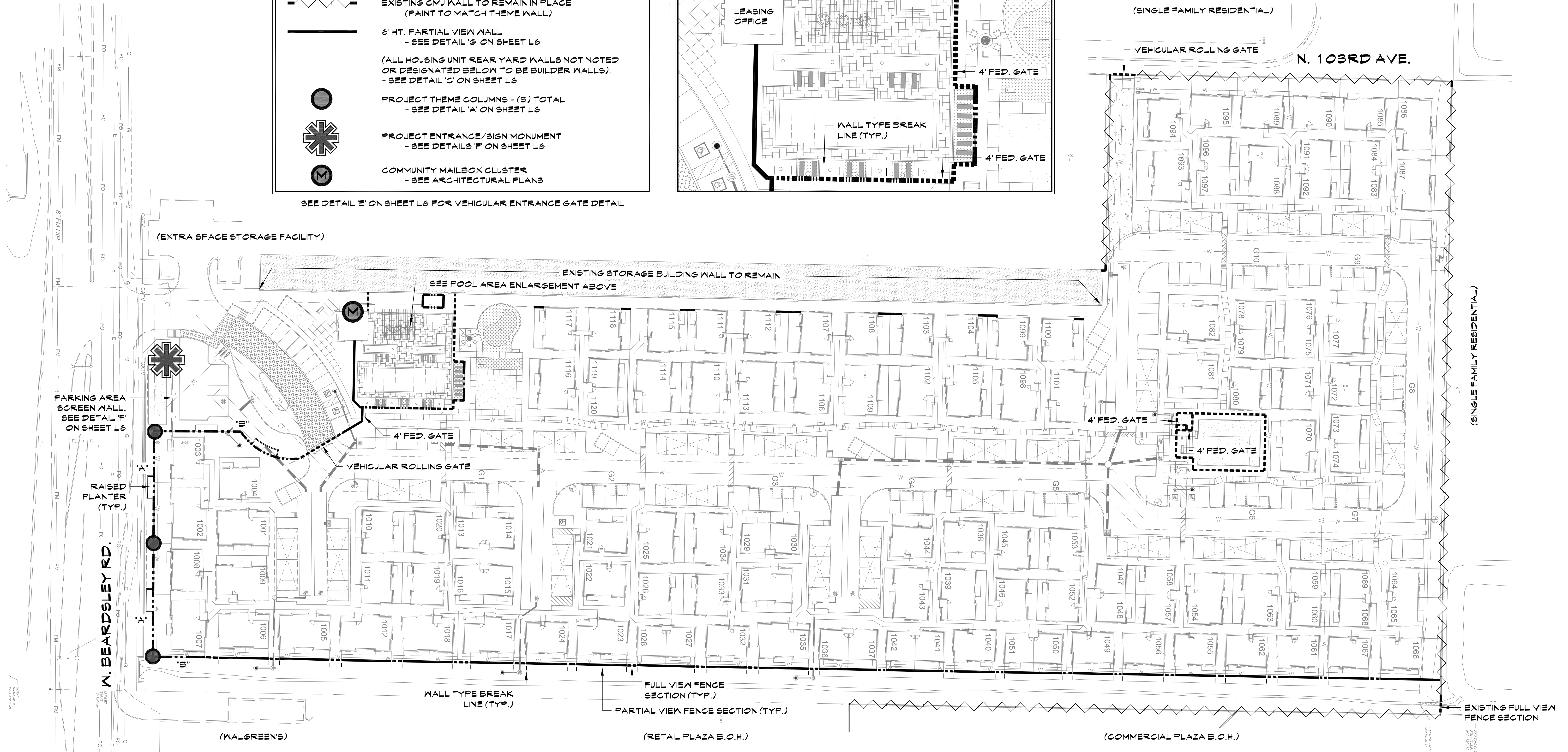
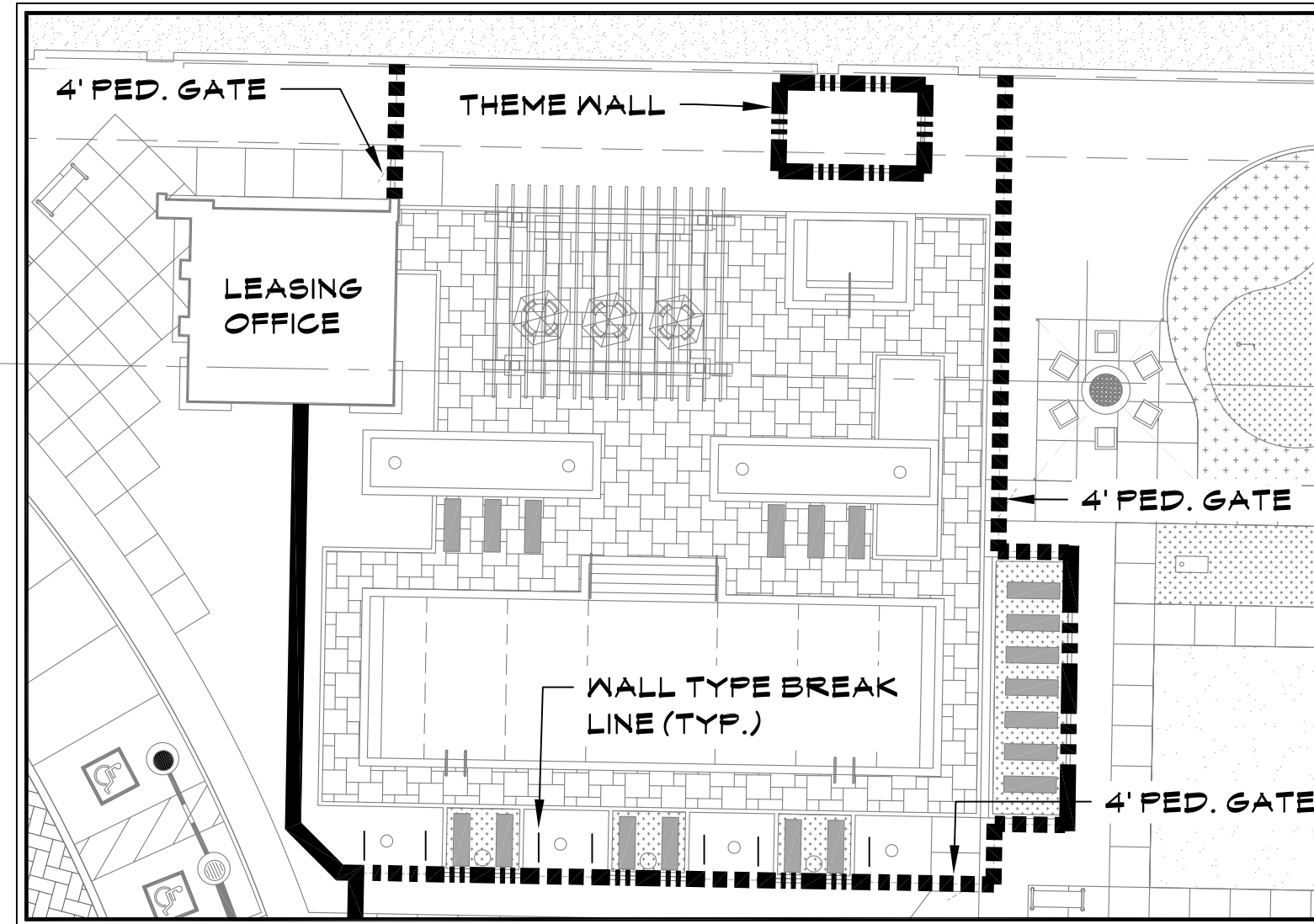


# WALL PLAN LEGEND

- PRIMARY THEME WALL  
"A" = 8' HT. SOUND WALL - "B" = 6' HT. THEME WALL  
- SEE DETAIL 'A' ON SHEET L6
- 6' HT. FULL VIEW FENCE  
- SEE DETAIL 'B' ON SHEET L6
- EXISTING CMU WALL TO REMAIN IN PLACE  
(PAINT TO MATCH THEME WALL)
- 6' HT. PARTIAL VIEW WALL  
- SEE DETAIL 'C' ON SHEET L6
- (ALL HOUSING UNIT REAR YARD WALLS NOT NOTED  
OR DESIGNATED BELOW TO BE BUILDER WALLS).  
- SEE DETAIL 'C' ON SHEET L6
- PROJECT THEME COLUMNS - (3) TOTAL  
- SEE DETAIL 'A' ON SHEET L6
- PROJECT ENTRANCE/SIGN MONUMENT  
- SEE DETAILS 'F' ON SHEET L6
- COMMUNITY MAILBOX CLUSTER  
- SEE ARCHITECTURAL PLANS

SEE DETAIL 'E' ON SHEET L6 FOR VEHICULAR ENTRANCE GATE DETAIL

# POOL AREA ENLARGEMENT (1" = 20')





## **3/29/2018 OPEN HOUSE**

### **NEXMETRO'S AVILLA AT BEARDSLEY & LAKE PLEASANT ROADS**

#### **Attendees**

Brian Rosenbaum, NexMetro  
Jared Geisler, NexMetro  
Dave Soltysik, Terrascope Consulting  
Tom Bilsten, Bilsten Consulting  
Brennan Ray, Burch & Cracchiolo  
Ricki Horowitz, Burch & Cracchiolo  
Councilmember Jon Edwards  
Sean Allen, Peoria Senior Planner  
75 +/- neighbors (see sign-in sheets)

#### **Comments**

The 3-hour open house-style meeting included three separate stations where a variety of topics were discussed, including, but not limited to: site location, site planning, architectural/ design standards, access, traffic, NexMetro bio, etc. Below are some of the comments the neighbors mentioned at the Open House:

- Liked the concept of single story, detached rental homes, no 2 stories.
- Understands NexMetro is a high-end multi-family developer.
- Heard it was going to be Section 8, low rent housing.

*RESPONSE: The proposed development will be a high-quality community and not be Section 8, low rent housing. Avilla Lago is a lifestyle choice for people seeking alternative housing choices to traditional single-family homes and apartments. Typical residents have the income to purchase a single-family residence but chose not to.*

- Do not want children in the community. Moved to an age restricted community to get away from children.

*RESPONSE: The proposed type of housing product typically does not have many children. Based on NexMetro's experience with other communities they have developed in the Phoenix Metro area, they expect there will be two children for every ten units. With 120 residences, NexMetro anticipates there will be approximately 24 children in the development.*

- Likes that there is no playground, no athletic courts.
- Garages are a nice feature.
- Impressed with the interior – stainless steel appliances.
- Not like a typical apartment complex.
- Will create too much traffic on Beardsley Road.

*RESPONSE: NexMetro has worked with the City's Traffic Engineering Department to make sure there is safe access to/from the Site, submitting a Traffic Impact Analysis that looked at the single point of access along Beardsley Road. The City's Traffic Engineer has reviewed and approved the TIA with the Beardsley Road access, with the condition that NexMetro make some relatively minor improvements to Beardsley Road. Specifically, the City's Traffic Engineer has requested and NexMetro has agreed, to (1) make a slight modification to the east-bound left turn lane into the Site to increase the storage length and (2) modify the Beardsley Road median to allow for vehicles leaving the Site and heading east-bound an acceleration lane to allow vehicles to better merge into Beardsley Road.*

- Do not want the Avilla community to be part of their HOA (it will not be).

*RESPONSE: Avilla Lago will not be part of the HOA. The Site is not subject to the Ventana Lakes CC&Rs.*

- Do not want the Avilla community connecting to the Ventana Lakes' streets (explained it was only emergency access similar to the Extra Space Storage access)

*RESPONSE: Avilla Lago has been designed with an emergency only access point along the northwest property line that connects to a public street within Ventana Lakes. This access point will not be used for general ingress/egress by the Avilla Lago residents and will only be used by emergency services personnel in the event of an emergency and if the primary access point (off of Beardsley Road) cannot be used.*

- Likes the idea of no pedestrian access to Ventana Lakes.
- Will be difficult getting in and out of the community with only one access.

*RESPONSE: NexMetro has worked with the City's Traffic Engineering Department to make sure there is safe access to/from the Site, submitting a Traffic Impact Analysis that looked at the single point of access along Beardsley Road. The City's Traffic Engineer has reviewed and approved the TIA with the Beardsley Road access, with the condition that NexMetro make some relatively minor improvements to Beardsley Road. Specifically, the City's Traffic Engineer has requested and NexMetro has agreed, to (1) make a slight modification to the east-bound left turn lane into the Site to increase the storage length and (2) modify the Beardsley Road median to allow for vehicles leaving the Site and heading east-bound an acceleration lane to allow vehicles to better merge into Beardsley Road.*

- Too many units proposed.
- Okay with density because of being only single-story.
- Raise wall from 6' to 8' on northern property line.
- There is plenty of on-site parking and likes the idea that the renters can park in front of their units.
- Likes a gated community.
- Likes on-site property management so there is "eyes" and "ears" on site.
- Councilman Edwards wants to see another access point through the commercial to the east.

*RESPONSE: NexMetro has reached out to the owner of the office parcel east of the Site on two separate occasions. Both times the owner refused to grant access.*



**Letters of  
Support / Opposition**

## Sean Allen

---

**From:** John Comer [REDACTED]  
**Sent:** Tuesday, July 3, 2018 6:52 AM  
**To:** Sean Allen  
**Subject:** GPA18-01

Sean: You are the contact person regarding the proposed change GPA18-01 from low density to medium-high density. I own the property at [REDACTED]. Such a change will, I believe, add to an already congested area. I wish to register my objection to such a change. Thank you.

Sent from John Comer



## Sean Allen

---

**From:** Christian M. Williams [REDACTED]  
**Sent:** Thursday, July 19, 2018 9:20 AM  
**To:** Sean Allen  
**Cc:** Jon Edwards  
**Subject:** Avilla Lago

Good Morning Mr. Allen and Council member Edwards,

I would like to register my support for the General Plan Amendment and development of Avilla Lago. I believe this development will add housing and product diversity to the greater area. Peoria has a large supply of single family homes and there is an overabundance of 55+ restricted housing in this specific area. While there is nothing wrong with active adult or senior housing, it does not always benefit large commercial centers, as is evident at the Ventana Village shopping center at Lake Pleasant Road and Beardsley Road. Adding new customers and demographics to the area should be welcomed.

I think Avilla does a top-notch job, as is evident in their other communities such as Palm Valley in Goodyear. Also, there is a demand for a lock and leave product which has amenities on site.

I ask you to support this in-fill project,

Christian M. Williams  
Willow District Resident

## Sean Allen

---

**From:** [REDACTED]  
**Sent:** Thursday, June 28, 2018 10:03 AM  
**To:** Sean Allen  
**Subject:** Re: Where can I download info on Z18-02?

Again, thank you for the quick response and the details that help us understand the project. We had concerns that the appearances would be similar to this product that is opening on Pinnacle Peak Rd just west of I-17. We don't find the elevations there very attractive and the ones you attached with the pitched roof lines are much better.

Have a great day.

Best regards,

Marv Spatz

On 6/27/2018 2:10 PM, Sean Allen wrote:

Marv,

This project was assigned to me, so I will give you the rundown. Staff had some concerns in the beginning, as we customarily do with all projects. Nothing major, just some subtle things we thought would make a difference. Those subtleties are as follows:

- All home are to have pitched rooflines;
- Larger back yards for units bordering the north and east property lines;
- Screen all utility boxes and equipment;
- Decorative entry with a screen wall to the community pool;
- Better internal pedestrian connectivity.

The first attachment is the proposed zoning document that introduces the proposal (Narrative) and pertinent information that you want to know. The other attachments are of the development concepts they have associated with that proposed zone. Due to it's file size, I will have to send the Elevation concepts to you in a separate email.

They have been scheduled for the July 19, 2018 Planning and Zoning Commission public hearing. It starts at 6:30pm at the City's Council Chambers and you are certainly welcome to attend. City staff is recommending an approval for the land use to allow a Med-High density residential development that shall not exceed 11.0 dwelling units to the acre, and for a Rezoning from the existing commercial zone to a custom residential PAD zone, to accommodate the proposed development. Feel free to contact me if you have any further questions; however, I will be out of the office beginning tomorrow and for all of next week.

**SEAN G. ALLEN**  
Senior Planner  
Planning and Community Development  
City of Peoria



## Sean Allen

---

**From:** bjcurran [REDACTED]  
**Sent:** Thursday, June 28, 2018 11:20 AM  
**To:** Sean Allen  
**Subject:** Avilla Lago rezoning

Dear Mr. Allen,

Since I will be away and unable to attend the hearings concerning Avilla Lago, I thought I should share some of my concerns.

I am a resident of Ventana Lakes and have experienced first hand some of problems that can arise from high density zoning. I live behind The Lake Pleasant apartments. So my concerns deal primarily on the impact this type of development has on our quality of life. For instance, will this be more low income housing. What will be the impact on our schools? Taxes are already climbing and a senior citizen on a fixed income I am worried about being forced out of my home. I'm also concerned about increased traffic in the area.

All of this will surely have an impact on the resale values of our homes.

I hope these issues will be addressed at the meetings. As it stands now, I am not in favor of rezoning to high density.

Thank you for your time,

Betty Curran  
20613 N102nd lane  
Peoria 85382

Sent from my iPad

[REDACTED]  
Betty Curran  
[REDACTED]

**Sean Allen**

---

**From:** Mike Maas [REDACTED]@psd [REDACTED]  
**Sent:** Wednesday, July 25, 2018 4:05 PM  
**To:** Sean Allen  
**Subject:** RE: Avilla Lago project

Sean,

We are hoping to reach out the developer again and get some response to our partnership proposal. We are going to have no comment on this project and will keep you informed of our future contacts with the developer.

Thanks

Mike Maas

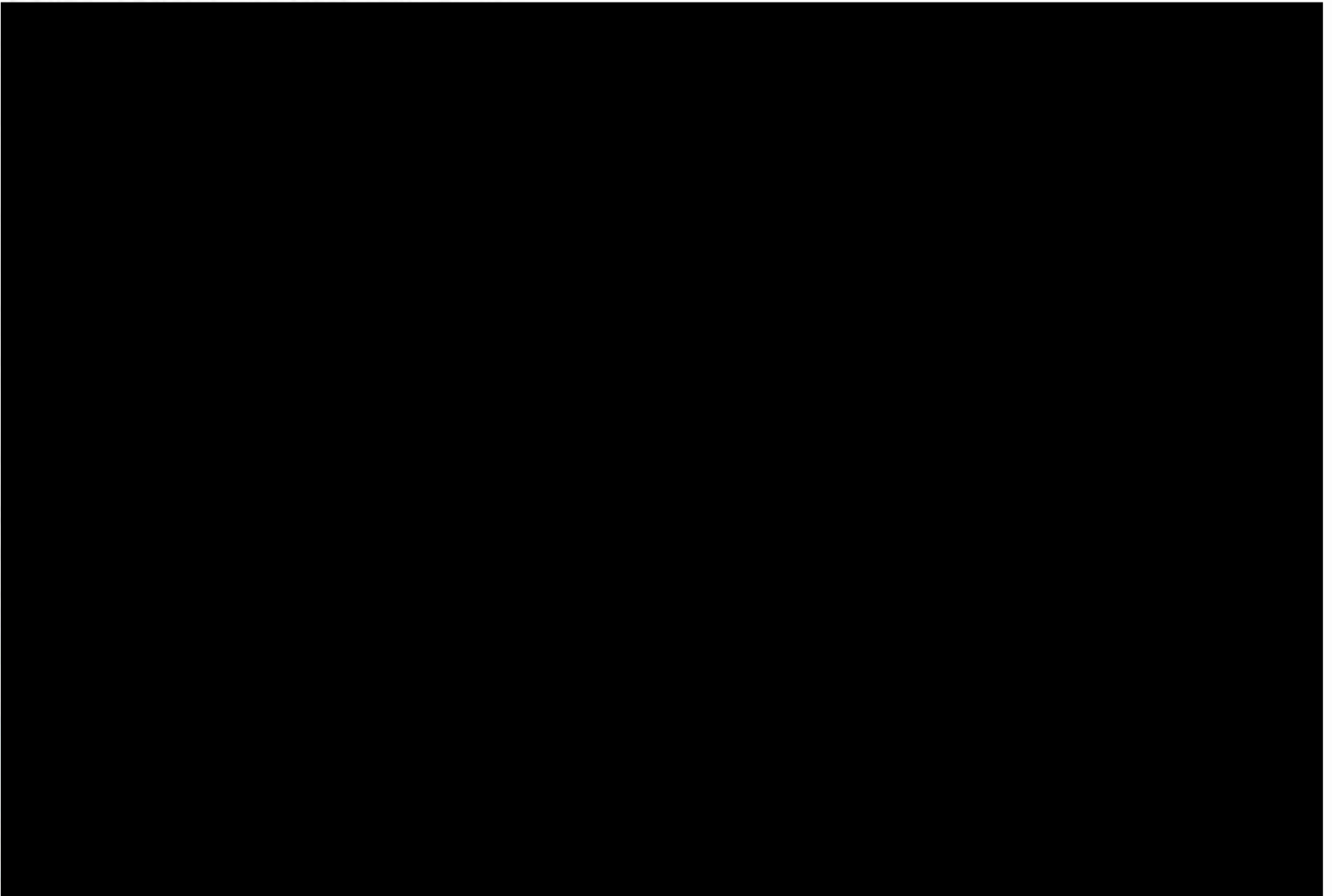


Exhibit 16



**Exhibit 3**  
Draft Ordinance

## ORDINANCE NO 2018-29

AN ORDINANCE OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, REZONING SPECIFIED PROPERTY FROM INTERMEDIATE COMMERCIAL (C-2) TO THE AVILLA LAGO PLANNED AREA DEVELOPMENT (PAD) ZONING DISTRICT FOR A DEVELOPMENT KNOWN AS AVILLA LAGO; 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 16, 2018 in zoning case Z18-02 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 Intermediate Commercial (C-2) to the Avilla Lago 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:

SECTION 1. 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 Intermediate Commercial (C-2) to the Avilla Lago Planned Area Development (PAD) zoning district.

SECTION 2. The amendment to the zoning herein provided is conditioned and subject to the following stipulations:

1. The Development shall substantially conform to the Avilla Lago Planned Area Development Standards and Guidelines Report and Development Concepts dated 6/20/18, except as modified herein.
2. The access gate and easement in the northwest corner of the site shall be used for emergency access only.



3. The Development shall comply with all City of Peoria engineering design standards, policies and requirements at the time of development and final engineering submittal.
4. All buildings constructed in Avilla Lago shall have pitched rooflines, including the garages and leasing office, and shall provide at least three (3) distinctive color and material palette schemes for each residential unit type with the subsequent Site Plan review.
5. Minimum 24" box trees shall be planted within the landscaped areas along the north property line.
6. The Developer shall complete installation of all amenities surrounding the pool area and meandering sidewalk/trail north to the boundary of Phase 1 construction. The remainder of the trail and project amenities shall be completed as conditioned with final Site Plan approval.
7. The Development 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 Descriptions as represented in Exhibit A, and the corresponding parcel map as shown as Exhibit B.

SECTION 4: Effective Date. 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 4<sup>th</sup> day of September, 2018.

---

Cathy Carlat, Mayor

---

Date signed

Ordinance No. 2018-29

Page 3 of 5

ATTEST:

\_\_\_\_\_  
Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Vanessa P. Hickman, City Attorney

Published in: Peoria Times

Publication Date: \_\_\_\_\_

Effective Date: \_\_\_\_\_



## **EXHIBIT A**

### **Legal Description For Avilla Lago – Peoria**

Located in the Southwest Quarter of Section 20, Township 4 North, Range 1 West, Gila and Salt River Meridian, Maricopa County, Arizona, described as follows:

Beginning at the South Quarter corner of said Section 8, from which the Southwest corner of said Section bears North 89°40'29" West, a distance of 2657.21 feet;

Thence North 01°02'57" East, along the East line of said Southwest Quarter, a distance of 1207.01 feet;

Thence departing said East line, North 88°57'44" West, a distance of 550.01 feet;

Thence South 01°02'57" West, a distance of 300.00 feet;

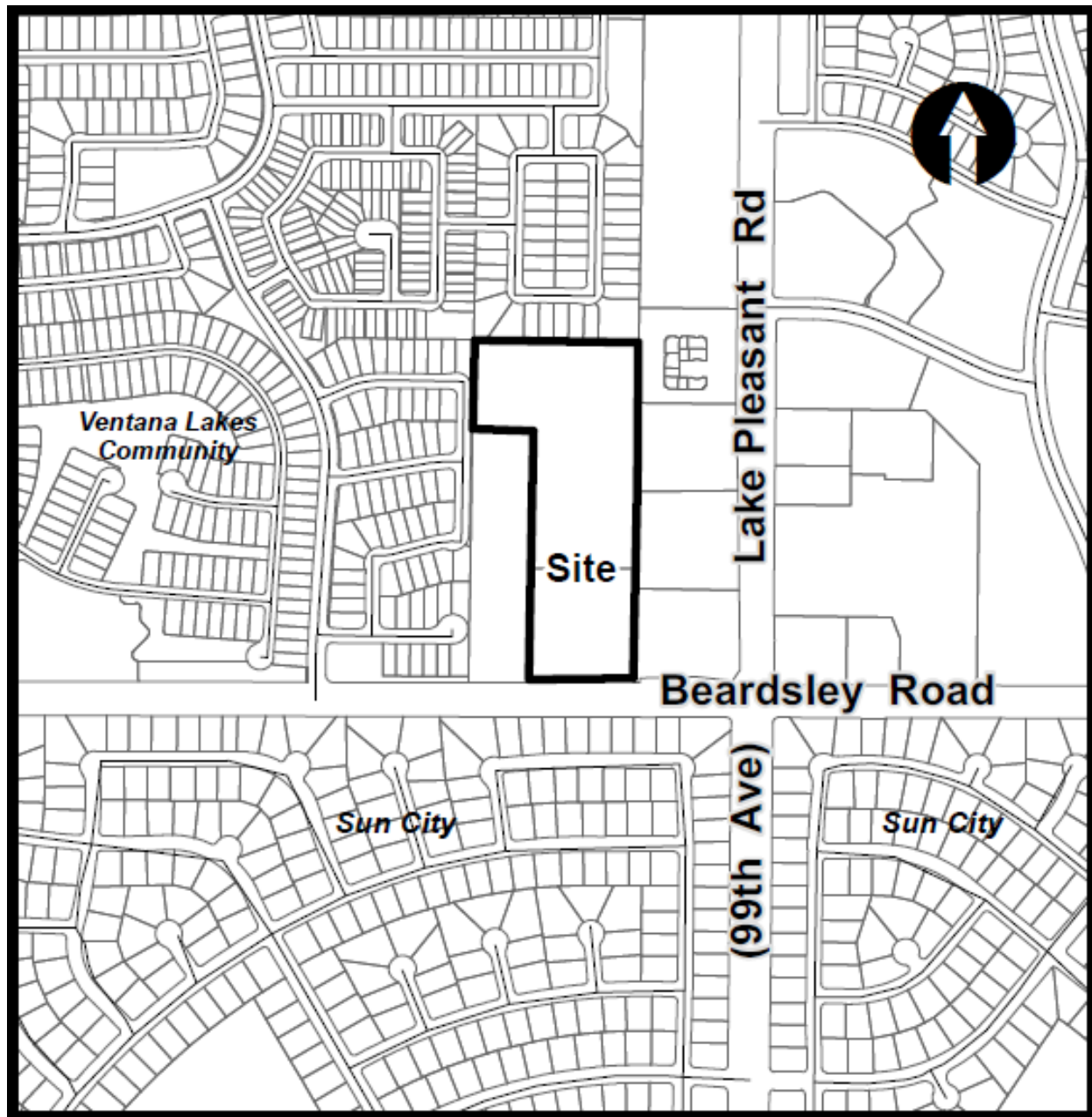
Thence South 88°57'44" East, a distance of 200.00 feet;

Thence South 01°02'57" West, a distance of 911.36 feet to the South line of said Southwest Quarter;

Thence South 89°40'29" East, along said South line, a distance of 350.04 feet, to the Point of Beginning.

Contains 483,224.53 square feet or 11.09 acres, more or less.

## EXHIBIT B Map





**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 25R.

Date Prepared: 8/22/2018

Council Meeting Date: 9/4/2018

---

**TO:** Jeff Tyne, City Manager

**THROUGH:** Katie Gregory, Deputy City Manager

**FROM:** Adina Lund, Development and Engineering Director

**SUBJECT:** Contract, 103rd Avenue; Northern Avenue to Olive Avenue Street Improvements

---

**Purpose:**

Discussion and possible action to approve a contract with Nesbitt Contracting Company in the amount of \$3,014,561 to construct the 103rd Avenue; Northern to Olive Avenue Street Improvements.

**Summary:**

The City's FY2019-FY2028 Capital Improvement Program includes the 103rd Avenue; Northern to Olive Avenue Street Improvements.

Recently, the city has received a number of complaints regarding the failure of the existing pavement on 103rd Avenue south of Olive Avenue, poor drainage conditions, differential settlement, and vandalism to the chain link fence surrounding the old City of Glendale landfill. Staff recommended reconstruction and construction for full street improvements on 103rd Avenue.

These improvements will provide additional traffic capacity, provide pedestrian facilities, repair the section of roadway that is failing, improve drainage, and secure the old City of Glendale Landfill.

A summary of the proposed improvements to 103rd Avenue include:

- Storm Drain Pipes and Drainage Basins
- 5' Wide Concrete Sidewalks on both sides
- ADA Ramps
- Aesthetic Landscaping Improvements within a Raised Median
- Pavement and Subgrade Reconstruction
- Removal of Landfill Material

The City recently solicited for bids on the construction of the project. Nesbitt Contracting

Company was the low bidder with a price of \$3,014,561.

Construction is expected to begin in fall of 2018 and be completed by summer of 2019.

**Previous Actions/Background:**

The City Attorney's Office, Materials Management Division, and the Engineering Department administratively approved all previous contractual items.

**Options:**

**A:** Approve the 103rd Avenue; Northern to Olive Street Improvements construction contract with Nesbitt Contracting Company.

**B:** Deny approval of the 103rd Avenue; Northern to Olive Street Improvements construction contract. This will result in cancellation of the project.

**Staff Recommendation:**

Staff recommends approval of the Contract with Nesbitt Contracting Company.

**Fiscal Analysis:**

Funding for this contract is available in the fiscal year 2019 budget. The project is being paid for by a combination of transportation sales tax and general obligation bonds.

**ATTACHMENTS:**

Vicinity Map  
Location Map

**Contact Name and Number:**

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

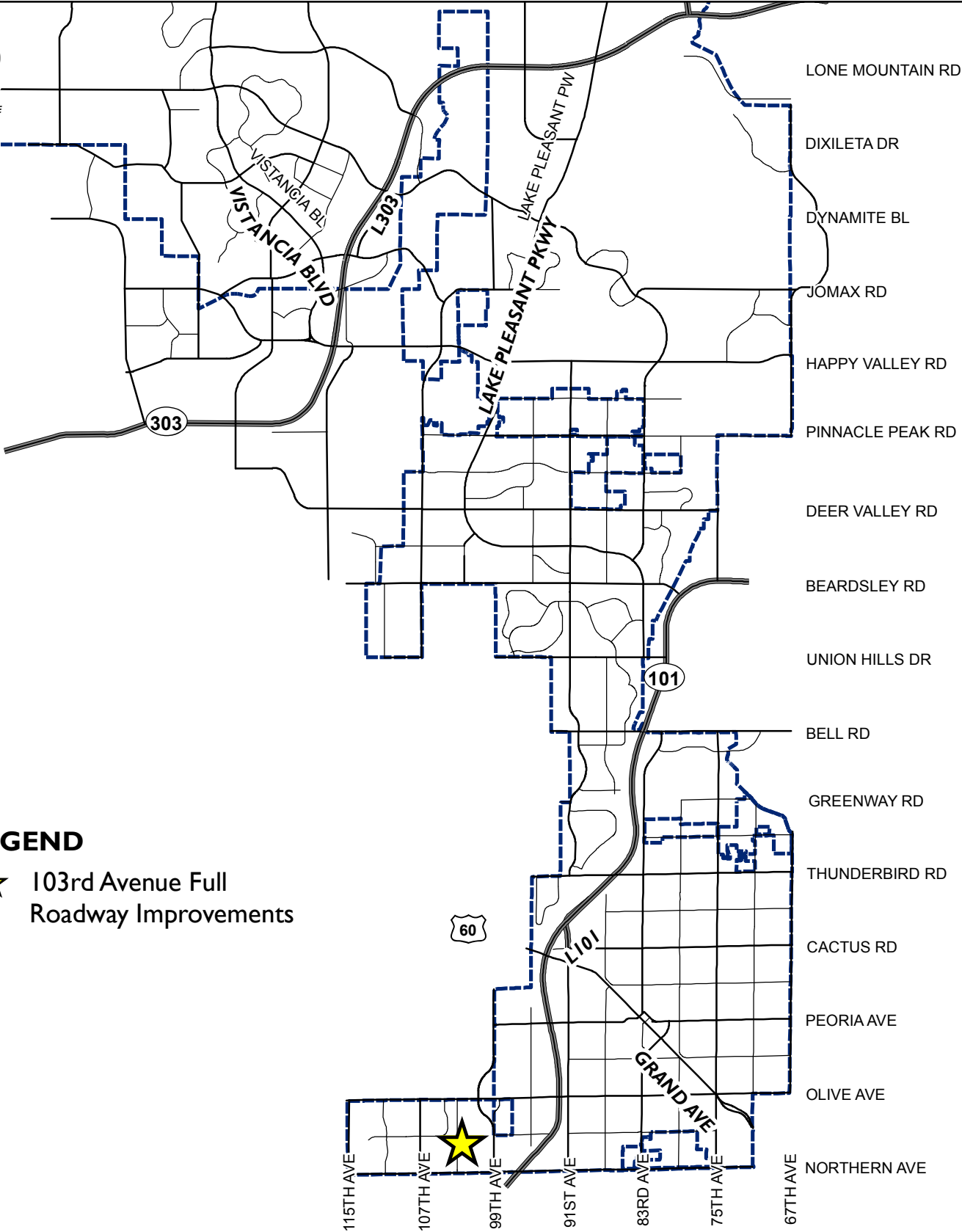




NOT TO SCALE

**LEGEND**

- ★ 103rd Avenue Full Roadway Improvements

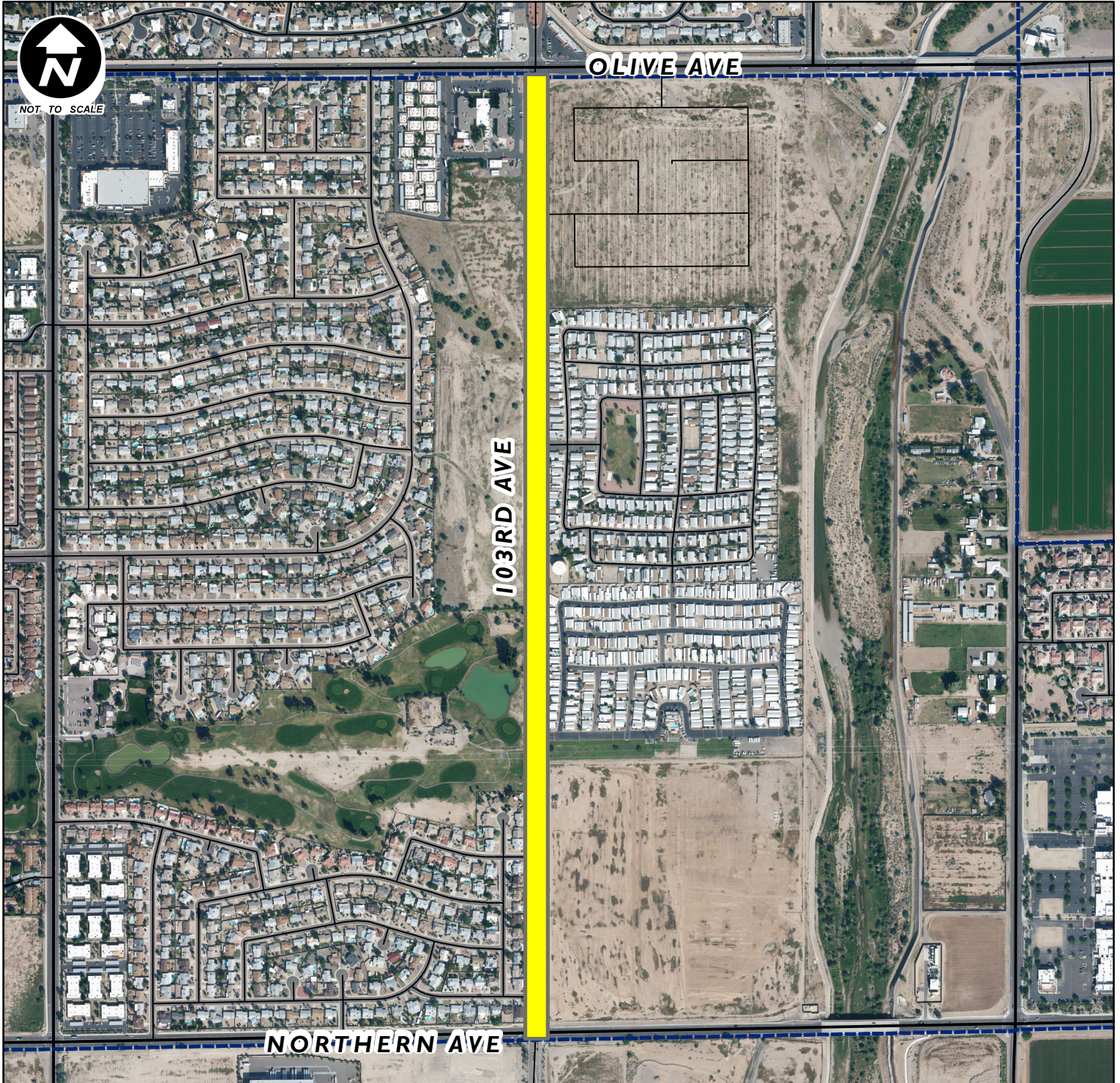






**City of Peoria**  
**DEVELOPMENT & ENGINEERING**

EN00422 Roadway Improvements  
103rd Ave between Olive and Northern  
Full Street  
**Location Map**



**LEGEND**



Full Street Improvement Area



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



**CITY OF PEORIA, ARIZONA  
COUNCIL COMMUNICATION**

Agenda Item: 26.A.

Date Prepared: 8/22/2018

Council Meeting Date: 9/4/2018

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**TO:** Jeff Tyne, City Manager  
**FROM:** Laura Ingegneri, Human Resources Director  
**SUBJECT:** Wellness Program Award

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**Summary:**

For the third year in a row, the City of Peoria has been recognized by the Arizona Department of Public Health as a Healthy Arizona Worksite award winner. This is the second year we have been recognized at the Platinum level, up from Gold level the first year.

The City of Peoria is one of 133 organizations state-wide receiving the award and one of only 27 receiving the Platinum level award along with two other municipalities, the City of Mesa and the City of Yuma. Platinum designation is the highest level and recognizes that the City of Peoria has an active and comprehensive wellness program.

The list below demonstrated key events and initiatives that have increased wellness presence in the organization over the past 12 months.

- Biometric Screenings and Health Risk Assessments
- On-site flu vaccinations
- Continuation of Mobile On-Site Mammography (MOM) and Prostate On-Site Project (POP) cancer screenings
- Women's Health Month seminars and activities
- Men's Health Month seminars and activities
- On-site skin cancer screenings
- Heart health screening
- Various health and wellness presentations on topics such as nutrition, meditation, dementia, hearing conservation, melanoma awareness, and more
- Maintain Don't Gain, Thin it to Win it, and Healthy Holiday wellness challenges

**Previous Actions/Background:**

The Healthy Arizona Worksites Program recognizes organizations that are making efforts to positively affect the health and well-being of their employees, their families, and their community through evidence-based worksite health initiatives and promising programs. Platinum level is awarded to businesses making an impact both within and beyond their walls addressing one or more of the many health challenges impacting communities across the state. The City of Peoria

has demonstrated collaborations or partnerships improving the health and well-being of their community.

**Staff Recommendation:**

The Wellness Committee is proud of these awards and, with your leadership, looks forward to continuing a culture of wellness in the City of Peoria.

**Contact Name and Number:**

Laura Ingegneri, Human Resources Director, (623) 773-7103