Mayor	Palo Verde District	Acacia District	Ironwood District	Mesquite District	Pine District	Willow District
Cathy Carlat	Michael Finn, Vice Mayor	Vicki Hunt, Mayor Pro Tem	Bill Patena	Bridget Binsbacher	Carlo Leone	Jon Edwards

Amendment #2 December 3, 2018

City Council Meeting Notice & Agenda

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

A reception for the 2018 Peoria Youth Artists will be held beginning at 6:00P.M. in the lobby of City Hall. The Peoria City Council will be in attendance at the reception; no City business will be conducted.

Regular Meeting

7:00 P.M. Convene

Pledge of Allegiance

Roll Call
Final Call to Submit Speaker Request Forms

Presentation

1. **Mayor and Council's Young Artists Program**

2. **AFSCME Annual Update and Day of Giving**

3. **Certificates of Appointment to Newly Appointed Board and Commission Members**

   - Kathaleen Patterson, Board of Adjustment
   - Monika Masciangelo, Citizen Commissions on Salaries for Elected City Officials
   - Eryn Streeter, Citizen Commissions on Salaries for Elected City Officials
   - Denette Dunn, Planning and Zoning Commission
   - Brenda Rehnke, Volunteer Firefighter Pension Board
   - Christopher Weddingen, Youth Advisory Board
   - Saanvi Tiwary, Youth Advisory Board
   - Ritika Ravindran, Youth Advisory Board

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

4 C. **Minutes**

Discussion and possible action to approve the November 13, 2018 City Council Meeting minutes.

5 C. **Grant-in-Aid Agreement, Tohono O'odham Nation, Portable Community Stage**

Discussion and possible action to: (a) approve a Grant-In-Aid Agreement with the Tohono O'odham Nation; and (b) approve a budget amendment in the amount of $96,836 from the Proposed Grant Contingency Fund to the Tohono O'odham Grant Fund; and (c) approve a budget amendment in the amount of $50,000 from the General Fund Contingency to the Special Events Operational Supplies and Equipment account for the use of reserve funds to fund the required grant match and increased costs for the community stage.

6 C. **Agreements, Rose Valley Water Company, Temporary Water Supply Connection, Data Sharing and Water Turnoff**

Discussion and possible action to: (a) approve the agreement with the Rose Valley Water Company for connection for temporary water supply, data sharing and water turnoff; and (b) approve the agreement for water service termination and sharing of information regarding water consumption with Rose Valley Water Company.

7 C. **Exemption Request, Requirement to Post Security for Self Insured Workers' Compensation Claims**

Discussion and possible action to authorize the execution of documents necessary to certify the City of Peoria exemption from the Industrial Commission of Arizona requirements to post security for self-insured Workers' Compensation claims.

8 C. **Declare Surplus Land, Beardsley Road and 109th Avenue**

Discussion and possible action to adopt **RES. 2018-122** declaring a small well site parcel, located south of Beardsley Road, east of 109th Avenue, as surplus per the Council adopted Disposal of Surplus Land Policy and allow staff to dispose of it based on that policy.

9 C. **Conveyance of Land Rights to Salt River Project, Weedville Well Site, 73rd Avenue and Redfield Road**

Discussion and possible action to adopt **RES. 2018-123** authorizing the City Manager to execute an Exclusive Well Site Easement and Temporary Construction Easement to Salt River Project for the drilling and installation of a new well east of

their existing well located at southeast corner of 73rd Avenue and Redfield Road.

10 C. **Dedication of Public Utility Easement, Northern Avenue and 85th Avenue**

Discussion and possible action to adopt **RES. 2018-124** authorizing the City Manager to execute a Public Utility Easement along Northern Avenue west of 85th Avenue adjacent to the retention basin at the northwest corner of Northern and 85th Avenues.

11 C. **Final Plat, Sumera Kayani, 67th Avenue and Pinnacle Peak**

Discussion and possible action to approve a Final Plat of Sumera Kayani, located on 67th Avenue north of Pinnacle Peak, subject to stipulations.

12 C. **Final Plat, Paradise @ P83, 75th Avenue and Paradise Lane**

Discussion and possible action to approve a Final Plat of Paradise @ P83, located on 75th Avenue and Paradise lane, subject to stipulations.

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

Discussion and possible action to recommend approval to the State Liquor Board for: (a) a Person Transfer for an Off-Sale All (Series 09) Liquor License for Mikes Market, located at 8520 West Peoria Avenue, Samuel S. Pataq, Applicant, LL#20020868; (b) a New Restaurant (Series 12) Liquor License for Kawaii Cuisine, located at 8385 West Deer Valley Road #114, Lisa M. Selamat, Applicant, LL#20020869; (c) a New Restaurant (Series 12) Liquor License for PT Sea Food Restaurant, located at 9284 West Northern Avenue #11, Nga Quynh Thi Pham, Applicant, LL#20020341; (d) a New Restaurant (Series 12) Liquor License for Social on 83rd, located at 8350 West Paradise Lane, Joseph P. Lucidi, Applicant, LL#20020865; (e) a New Restaurant (Series 12) Liquor License for Cold Beers & Cheeseburgers, located at 9828 West Northern Avenue #E600, Amy S. Nations, Applicant, LL#20020864.

Regular Agenda

New Business

14 R. **Intergovernmental Agreement, City of Phoenix, Recycling Services**

Discussion and possible action to: (a) approve an Intergovernmental Agreement (IGA) with the City of Phoenix to extend recycling processing services, effective January 1, 2019; and (b) approve a budget transfer in the amount of $1,000,000 from the General Fund Contingency account to the Solid Waste Expansion Fund account to fund an investment in the Phoenix Material Recycling Facility (MRF).

15 R. **Major General Plan Amendments, Updates to Circulation Plan, Land Use Map, and Chapters 2 and 14 of the Peoria General Plan**

Discussion and possible action to concur with the Planning and Zoning Commission's recommendation and adopt **RES. 2018-126, RES. 2018-127**, and **RES. 2018-128** approving three amendments to the General Plan to Figure 3.1 Circulation Plan,

Figure 2.1 Land Use Map, and text modifications to Chapter 2: Land Use Element and Chapter 14: Plan Administration section respectively.

16 R. **Temporary Ordinance, Establishing a 120-day Pilot Program for Stand-up Electric Scooter Sharing Systems**

Discussion and possible action to adopt Temporary **ORD. 2018-36** amending reserved Section 14-150 establishing a Temporary 120-Day Pilot Program for a Stand-up Electric Scooter Sharing System.

17 R. **Temporary Operating Agreement with Bird Rides, Inc. for Participation in the Pilot Program for a Stand-up Electric Scooter Sharing System**

Discussion and possible action to approve the Temporary Operating Agreement with Bird Rides, Inc. for Participation during the first 90-day period of the 120-Day Pilot Program for a Stand-up Electric Scooter Sharing System.

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.

18. **Reports**

A. **Special Awards and Recognition**

B. **New Council Boundaries**

C. **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

City Manager
Jeff Tyne

City Clerk
Rhonda Geriminsky

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 1.

Date Prepared: 11/21/2018

Council Meeting Date: 12/4/2018

TO: Council Members

FROM: Mayor Cathy Carlat

SUBJECT: Mayor and Council's Young Artists Program

Summary:

I strongly believe that a city is not complete without a strong sense of the arts. Public art displays, performances, and our access to them is one of the many attributes that gives us our outstanding quality of life in Peoria and draws people to our great city. In addition, it's a characteristic that we are able to boast to business leaders who are looking for a new community to open or expand their company. The purpose of this program is to engage Peoria students interested in the arts and incorporate this art into Peoria City Hall. The entries were collected by Peoria Unified School District teachers, who then selected their top entries for submittal to the City of Peoria. We will be recognizing these students tonight for their outstanding submissions.

Staff Recommendation:

Recognize and acknowledge students whose artwork was selected for the Mayor and Council's Young Artists Program to be on display in the Peoria City Hall Pine room from November 1 - December 4, 2018.

Contact Name and Number:
Anthony Alejandro, 623-773-5133

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 3.

Date Prepared: 6/13/2018

Council Meeting Date: 12/4/2018

TO: Jeff Tyne, City Manager

THROUGH: Andy Granger, Deputy City Manager

FROM: Rhonda Geriminsky, MMC, City Clerk

SUBJECT: Certificates of Appointment to Newly Appointed Board and Commission Members

Summary:

The newly appointed board and 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 September 12, 2018 and October 9, 2018 the Council Boards and Commissions Subcommittee made appointment recommendations to various Boards and Commissions.

On November 13, 2018, City Council adopted a Resolution 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:

Board of Adjustment
- Kathaleen Patterson

Citizen Commissions on Salaries for Elected City Officials
- Monika Masciangelo
- Eryn Streeter

Planning and Zoning Commission
- Denette Dunn

Volunteer Firefighter Pension Board
- Brenda Rehnke

Youth Advisory Board

- Christopher Weddingen
- Saanvi Tiwary
- Ritika Ravindran

Contact Name and Number:
Rhonda Geriminsky, (623) 773-7340

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 4C.

Date Prepared: 10/22/2018

Council Meeting Date: 12/4/2018

TO: Jeff Tyne, City Manager

THROUGH: Andy Granger, Deputy City Manager

FROM: Rhonda Geriminsky, MMC, City Clerk

SUBJECT: Minutes

Purpose:

Discussion and possible action to approve the November 13, 2018 City Council Meeting minutes.

ATTACHMENTS:

Minutes

Contact Name and Number:
Rhonda Geriminsky, (623) 773-7340

MINUTES OF THE PEORIA CITY COUNCIL
CITY OF PEORIA, ARIZONA
CITY COUNCIL CHAMBER
November 13, 2018

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

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; and Rick Buss, Economic Development Services Director.

Audience: No members of the public were present.

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

CONSENT AGENDA

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.

1C. Authorization to Hold an Executive Session

Motion was made by Councilmember Patena, seconded by Mayor Pro Tem Hunt, to authorize 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) Legal issues pertaining pending litigation case - Kathleen Taylor v. City of Peoria, et al., pursuant to A.R.S. § 38-431.03.A.4.; and

(b) Contract(s) for Project Tall that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation pursuant to A.R.S. 38-431.03.A.4.

Upon vote, the motion passed unanimously 7 to 0.

ADJOURNMENT:

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

EXECUTIVE SESSION AGENDA

2. An Executive Session was convened immediately following the 5:00 p.m. Special Meeting for the purpose of discussions and consultations with designated representatives of the public body and/or legal counsel in order to consider its position and instruct its representatives regarding:

(a) Legal issues pertaining pending litigation case - Kathleen Taylor v. City of Peoria, et al., pursuant to A.R.S. § 38-431.03.A.4.; and

(b) Contract(s) for Project Tall that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation pursuant to A.R.S. 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 **Study Session Meeting** of the City Council of the City of Peoria, Arizona was convened at 8401 West Monroe Street in open and public session at 5:58 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.

Council Youth Liaisons: Leah Gilbertson and Frank Johnson.

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; Sonia Andrews, Finance Director; Kevin Burke, Public Works Director; Rick Buss, Economic Development Services Director; Chris Hallett, Neighborhood and Human Services Department Director; Chris Jacques, Planning and Community Development Director; Laura Ingegneri, Human Resources Director; Adina Lund, Development and Engineering Director; Art Miller, Police Chief; Stacy Irvine, Deputy Fire Chief; John Sefton, Parks, Recreation, and Community Facilities Director; David Burks, Water Services Deputy Director; Jennifer Stein, Office of Communications Director; and Natalie Gilstrap, Management Analyst.

Audience: Approximately five members of the public were present.

STUDY SESSION AGENDA

Subject(s) for Discussion Only

3. Update on State Land Annexations

Jeff Tyne, City Manager, introduced the State Land Annexations Study Session item.

Chris Jacques, Planning and Community Development Director, presented regarding State Land annexations and major land ownerships in the northern portion of the City.

Vanessa Hickman, City Attorney, presented regarding the Arizona State Land Department including:

- Duties and mission
- Selection Board composition
- Annexation philosophy
- Initial zoning

Mr. Jacques, presented regarding:

- Peoria auctions and statuses
    - Camino A Lago South
    - The Meadows
    - Aloravita
- Background regarding prior annexation attempt, reconsideration and current status
- Annexation areas

Discussion ensued regarding why Peoria is not consolidating multiple annexations to present to the Selection Board at one time.

Ms. Hickman outlined the next steps for the City including:

- Pre-annexation agreement
- Zoning and final annexation

Mr. Jacques continued regarding zoning and final annexations that allow for flexibility.

Discussion ensued regarding:

- Land-banking considerations in the General Plan
- Master Plan zoning

- Auctioning of parcels
- Market and demands
- Auctioning land in smaller increments

Rick Buss, Economic Development Services Director, presented regarding the City's partnership with the Arizona State Land Department and the potential for economic development in the City.

4. <u>Shared Personal Transportation Devices</u>

Jeff Tyne, City Manager, introduced the Shared Personal Transportation Devices Study Session agenda item.

Jay Davies, Strategic Support Officer, presented regarding shared personal transportation devices including:

- Overview of the shared personal transportation device concept
- Considerations
    - Business operations
    - Initial approach
    - Potential injuries
- Communications with vendor

Vanessa Hickman, City Attorney, presented information regarding the proposed pilot program.

Discussion ensued regarding the pilot program baseline data including:

- Trip duration
- Start/Stop times
- Frequency of use
- Nesting locations
- Complaints
- User demographics

Ms. Hickman continued presenting regarding the elements of the pilot program agreement including:

- Temporary and exclusive pilot program
- Deployment parameters
- Allow for use on sidewalks
- Speed limits
- Posting of user requirements
- Maintenance

- Data collection and reporting
- Fees
- Indemnification and insurance
- Subject to termination

Mr. Davies presented information on the Pilot Program details including:

- Nesting locations
- Prohibitions
- Deployment/Redeployment Issues
- Rules of the Road

Discussion ensued regarding:

- Legality of using scooter devices
- Social media outreach
- Bird's business approach with the City
- Benefits of the personal transportation devices
- Enforcement of rules regarding scooter ridership
- Impounding scooters
- Blight associated with the scooters and limiting the number of scooters
- Geo-fencing to limit the location of the scooter usage
- City resources used to clean up the scooters
- Deployment hours
- Pilot program effective date
- Shared personal transportation devices – wave of the future
- Safety and enforcement concerns
- Education program
- User age requirements and enforcement
- Use of credit cards
- Using scooters on the sidewalks
- Returning the scooters
- Cost of using the scooters
- City's revenue from use of the scooters
- Need to regulate the concept
- Public outreach efforts to learn what the public wants

It was the consensus of City Council to move forward with the proposed pilot program and gather data related to the use of the personal transportation devices.

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 6:58 p.m.

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 7:02 p.m.

Following a moment of silent reflection, Vice Mayor Finn 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.

Council Youth Liaisons: Leah Gilbertson and Frank Johnson.

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; Sonia Andrews, Finance Director; Kevin Burke, Public Works Director; Rick Buss, Economic Development Services Director; Chris Hallett, Neighborhood and Human Services Department Director; John Imig, Information Technology Director; Chris Jacques, Planning and Community Development Director; Laura Ingegneri, Human Resources Director; Adina Lund, Development and Engineering Director; Art Miller, Police Chief; Stacy Irvine, Deputy Fire Chief; John Sefton, Parks, Recreation, and Community Facilities Director; David Burks, Water Services Deputy Director; Jennifer Stein, Office of Communications Director; and Natalie Gilstrap, Management Analyst.

Audience: Approximately fifteen members of the public were present.

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

CONSENT AGENDA: All items listed with a "C" are considered to be routine or have been previously reviewed by the 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 Public Hearings on liquor license applications for:

(a) Biscuits Café located at 24812 North 6th Avenue;
(b) Greek Palace located at 10006 West Happy Valley Parkway, Suite #1201;
(c) Valero located at 7473 West Thunderbird Road; and
(d) Cactus Taproom located at 20429 North Lake Pleasant Road, Suite #4.

There were no requests from those present to address these agendas item.

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 Councilmember Edwards, seconded by Mayor Pro Tem Hunt, to approve the Consent Agenda. Upon vote, the motion carried unanimously 7 to 0.

5C. Minutes

Approved the following minutes:

- October 2, 2018 City Council meeting minutes
- October 16, 2018 City Council meeting minutes

6C. Board and Commission Appointments

Approved recommendations from the Council Boards and Commissions Subcommittee and adopted **RES. 2018-118** appointing members to various Boards and Commissions as follows:

- Appointed Les Marquart as a regular member and Kathaleen Patterson as an alternate member of the Board of Adjustment;
- Reappointed David Demmer as a regular member of the Building Board of Appeals;
- Appointed Monika Masciangelo and Eryn Streeter as regular members of the Citizens Commission on Salaries for Elected City Officials;
- Reappointed Will Briggs as a regular member of the Employee Benefits Trust Board;
- Reappointed Karen Garbe and Mike Heath as regular members of the Historic Preservation Commission;
- Appointed George Johnson as a regular member of the Personnel Board;
- Reappointed Linda Grice and Jay Otlewski as regular members and Denette Dunn as an alternate member of the Planning and Zoning Commission;
- Reappointed Terry Brezina and Milan (Luke) Lukich as regular members of the Veterans Memorial Board;
- Appointed Brenda Rehnke as a regular member of the Volunteer Firefighter Pension Board; and
- Appointed Christopher Weddigen as a regular member and Saanvi Tiwary as an alternate member of the Youth Advisory Board.

7C. Development Agreement, Math and Science Success Academy, Inc., New School Construction, 79th Avenue and Peoria Avenue

Approved a Development Agreement with the Math and Science Success Academy, Inc. (MASSA) for the construction of approximately 18,000 square feet of classroom buildings and associated offsite improvements.

8C. Grants, State of Arizona Department of Homeland Security, Various Fire Department Programs

(a) Authorized the Fire-Medical Department to accept two grant awards in the total amount of $68,690 from the Arizona Department of Homeland Security to be used to strengthen chemical, biological, radiological, nuclear or explosive detection, response and decontamination capabilities; and sustain and enhance the Terrorism Liaison Officer program; and

(b) Approved a budget amendment in the amount of $68,690 from the Proposed Grants Contingency account to various Homeland Security Grant Fund accounts.

9C. Intergovernmental Agreement, City of Phoenix, Firefighter Physicals, Phoenix Fire Department Health Center

Approved an Intergovernmental Agreement with the City of Phoenix for annual firefighter physicals at the Phoenix Fire Department Health Center.

10C. Joint Use Agreement, Flood Control District of Maricopa County, Recreational Use of the New River Dam for Paloma Community Park, Lake Pleasant Parkway and Dixileta Drive

Authorized the City Manager to execute a Joint Use Agreement with the Flood Control District of Maricopa County for the recreational use of approximately 450 acres behind the New River Dam for Paloma Community Park, passive recreation, and hiking-biking trails.

11C. Contract Amendment, Felix Construction Company, Butler Well Rehabilitation

Approved a contract amendment for a guaranteed maximum price (GMP) of $280,202 to complete the rehabilitation of the Butler Well project.

12C. Fiscal Year 2018 Year-End and Fiscal Year 2019 First Quarter Budget Amendments

Approved the Fiscal Year 2018 Final and Fiscal Year 2019 First Quarter Budget Amendments and Carryovers.

13C. Citizens Commission on Salaries for Elected City Officials Report and Recommendation

Accepted the recommendation made by the Citizens Commission on Salaries for Elected City Officials to increase the Mayor and Council salaries by five percent, effective January 1, 2019.

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

Accepted the Investment Report as presented.

15C. Rezoning, Banner Physical Rehabilitation Hospital, 94th Drive and Plaza Del Rio Boulevard

Concurred with the Planning and Zoning Commission's unanimous recommendation and adopted **ORD. 2018-34** approving the rezoning of approximately 6.84 acres of property, located south of 94th Drive and Plaza Del Rio Boulevard by rezoning the existing site from Multi-Family Residential (RM-1) to Banner Physical Rehabilitation Hospital Planned Area Development (PAD) Zoning District.

16C. Maintenance Improvement District No. 1211, The Meadows Parcels 7 and 8 Phase I, 95th Avenue and Pinnacle Peak Road

Approved the Petition for Formation and adopted **RES. 2018-110** Intention and ordering the formation of proposed Maintenance Improvement District No. 1211, The Meadows Parcels 7 and 8 Phase I, located at 95th Avenue and Pinnacle Peak Road; and adopted **RES. 2018-111** ordering the improvements within the proposed Maintenance Improvement District and declaring an emergency.

17C. Maintenance Improvement District No. 1215, The Meadows Parcels 7 and 8 Phase 2, 99th Avenue and Pinnacle Peak Road

Approved the Petition for Formation and adopted **RES. 2018-112** Intention and ordering the formation of proposed Maintenance Improvement District No. 1215, The Meadows Parcels 7 and 8 Phase 2, located at 99th Avenue and Pinnacle Peak Road; and adopted **RES. 2018-113** ordering the improvements within the proposed Maintenance Improvement District and declaring an emergency.

18C. Street Light Improvement District No. 1127, The Meadows Parcels 7 and 8 Phase I, 95th Avenue and Pinnacle Peak Road

Approved the Petition for Formation and adopted **RES. 2018-114** intention and ordering the formation of proposed Street Light Improvement District No. 1127, The Meadows Parcels 7 and 8 Phase I, located at 95th Avenue and Pinnacle Peak Road; and adopted **RES. 2018-115** ordering the improvements within the proposed Street Light Improvement District and declaring an emergency.

19C. Street Light Improvement District No. 1128, The Meadows Parcels 7 and 8 Phase 2, 99th Avenue and Pinnacle Peak Road

Approved the Petition for Formation and adopted **RES. 2018-116** intention and ordering the formation of proposed Street Light Improvement District No. 1128, The Meadows Parcels 7 and 8 Phase 2, located at 99th Avenue and Pinnacle Peak Road; and

adopted **RES. 2018-117** ordering the improvements within the proposed Street Light Improvement District and declaring an emergency.

20C. Deeds and Easements, Various Locations

Adopted **RES. 2018-119** accepting Deeds and Easements for various Real Property interests acquired by the City.

21C. Designate Roadways, Establish Rights-of-Way, Various Locations

Adopted **RES. 2018-120** designating various Real Properties to be used as City roadways and authorized the establishment of Public Rights of Way to be opened and maintained by the City as a Public Street.

22C. Final Plat, 99th Avenue Estates, 99th Avenue and Jomax

Approved a Final Plat of 99th Avenue Estates, located on 99th Avenue and Jomax Road, subject to stipulations.

23C. PUBLIC HEARING - Liquor Licenses, Various Locations

Recommended approval to the State Liquor Board for:

(a) A New Restaurant (Series 12) Liquor License for Biscuits Cafe, located at 24812 North 67th Avenue, Kyle E. Preston, Applicant, LL#20020793;

(b) A New Restaurant (Series 12) Liquor License for Greek Palace, located at 10006 West Happy Valley Parkway #1201, Benjamin N. Esho, Applicant, LL#20020714;

(c) A New Wine and Beer (Series 10) Liquor License for Valero, located at 7473 West Thunderbird Road, Yasin Safdary, Applicant, LL#20020794; and

(d) A Person and Location Transfer for an On-Sale Beer and Wine (Series 07) Liquor License for Cactus Taproom, located at 20429 North Lake Pleasant Road #4, Andrea D. Lewkowitz, Applicant, LL#20020789.

REGULAR AGENDA

New Business:

24R PUBLIC HEARING - Code Amendment, Chapter 21, Outdoor Dining Patios and Seating Areas

Chris Jacques, Planning and Community Development Director, provided an overview of the proposed amendments to City Code, Section 21-505.B.3 ("Limitations on Uses") pertaining to outdoor dining patios and seating areas. Information included:

- Current requirements for a Conditional Use Permit
- Zoning Code amendment and purpose
- Background that lead to the initial Conditional Use Permit requirements adopted in 2006
- Existing standards for outdoor dining and seating patios and proposed amendments to the existing standards
- Planning and Zoning Commission public hearing findings

Public Hearing:

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

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

Council Action:

Motion was made by Councilmember Binsbacher, seconded by Councilmember Edwards, to adopt **ORD. 2018-35** amending Chapter 21 of the Peoria City Code, pertaining to Outdoor Dining Patios and Seating Areas.

Upon vote, the motion carried unanimously 7 to 0.

25R. Contract Amendment, J.R. Filanc Construction Company, Inc., Agua Fria Booster Station

Daniel Kiel, Engineering Supervisor, provided an overview of the proposed contract amendment with J.R. Filanc Construction Company, Inc. to cover cost increases to the Agua Fria Booster Station project, including escalations in water industry and a revision to the project's original scope. Information included:

- Project background
- Planned improvements

- Project delivery and bid process
- Construction schedule

Discussion ensued regarding:

- Primary driver of cost increases attributed to labor and materials
- Savings from another project

Motion was made by Vice Mayor Finn, seconded by Mayor Pro Tem Hunt, to:

(a) Approve a contract amendment with J.R. Filanc Construction Company, Inc. for a guaranteed maximum price of $5,065,000 to construct the Agua Fria Booster Station project; and

(b) Approve a budget transfer in the amount of $914,000 from the Thunderbird Road Watermain Replacement project to the Agua Fria Booster Station/PRV project.

Upon vote, the motion carried unanimously 7 to 0.

Call To The Public (Non-Agenda Items)

Audrina Rosales, a Peoria resident, addressed City Council regarding her Girl Scout Bronze Award flag project.

Reports from City Manager:

26. **Reports**

A. 2019 Council Meeting Calendar

B. Upcoming City Events Video

Jeff Tyne, City Manager, introduced a video showcasing the City's recent homeless outreach event and a video highlighting upcoming City events.

Reports from City Council:

Council Youth Liaison Frank Johnson reported on his attendance at the National League of Cities "City Summit" Conference held in Los Angeles, California from November 7, 2018 through November 10, 2018.

Councilmember Patena reported on the numerous events he attended since the last City Council meeting. Councilmember Patena congratulated Audrina Rosales on her efforts to attain her Bronze Girl Scout Award and commended the City for addressing the homeless population.

Councilmember Binsbacher thanked the City's veterans for their military service and expressed her appreciation of the City's Veterans Celebration event and homeless outreach efforts. Councilmember Binsbacher expressed how proud she is of the Trilogy Veteran's Club and reported on her meeting with the Vistancia Pack 129 Webelos who are trying to attain the Build a Better World Cub Scout badge. Councilmember Binsbacher congratulated Audrina Rosales on her presentation to City Council and her efforts to attain the Bronze Girl Scout Award.

Vice Mayor Finn expressed how proud he was of Audrina Rosales and her presentation to City Council and conveyed his willingness to support her mission. Vice Mayor Finn thanked the veterans for their service and City staff for the outstanding Veterans Day Celebration event.

Councilmember Edwards congratulated Audrina Rosales on her presentation to City Council and conveyed his willingness to support her mission. Councilmember Edwards reported on events he attended including: Coffee with the Mayor, Lunch with a Councilmember at Centennial High School, Desert Harbor Flag Dedication, National League of Cities "City Summit" Conference in Los Angeles, California and the Veterans Day Celebration at Rio Vista Recreation Center.

Mayor Pro Tem Hunt recognized that voting turnout increased for the General Election and thanked everyone for voting. Mayor Pro Tem Hunt thanked Chris Hallett, Neighborhood and Human Services Director, for assisting with the wall painting on 69th Avenue and encouraged residents to attend the various upcoming events to be held in Old Town including Music on the Plaza and Axiom Church's free Thanksgiving dinner. Mayor Pro Tem Hunt reported on events she attended including Roundtree Ranch ParkFest! and the car show and golf tournament sponsored by the Peoria Firefighter Charities held in support of breast cancer awareness. Mayor Pro Tem Hunt conveyed her support of Audrina Rosales' mission.

Councilmember Leone reported on the events he attended since the last City Council meeting including the grand opening of The Mission at Agua Fria, Peoria Film Fest, a Shred event held at Country Meadows, the Fall Festival held at the Community Center, the Halloween Monster Bash held at the Peoria Sports Complex, the Oktoberfest Luncheon, 100th Anniversary celebration for Peoria Nazareth Church, Veterans Day Celebration event held at Rio Vista Recreation Center and the Marine Corp 253 Birthday Ball.

Council Youth Liaison Gilbertson reported on her attendance at the National League of Cities "City Summit" Conference held in Los Angeles, California and thanked the City for the opportunity to attend.

Reports from the Mayor:

Mayor Carlat expressed her appreciation for the Veterans Day Celebration event held at the Rio Vista Recreation Center and praised Veterans Memorial Board Chairman Tad Snidecor's speech about his ancestors serving in the military dating back to the Revolutionary War.

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 7:51 p.m.

_____
Cathy Carlat, Mayor

CERTIFICATION AND ATTESTATION

I hereby certify that the foregoing minutes are a true and correct summary of the proceedings of the City Council Meetings of the City Council of Peoria, Arizona held on the 13th day of November, 2018. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 4th day of December, 2018.

(Seal)

_____
Rhonda Geriminsky, City Clerk

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 5C.

Date Prepared: 11/15/2018

Council Meeting Date: 12/4/2018

TO: Jeff Tyne, City Manager

THROUGH: Erik Strunk, Deputy City Manager

FROM: Chris Hallett, Neighborhood & Human Services Director

SUBJECT: Grant-in-Aid Agreement, Tohono O'odham Nation, Portable Community Stage

Purpose:

Discussion and possible action to: (a) approve a Grant-In-Aid Agreement with the Tohono O'odham Nation; and (b) approve a budget amendment in the amount of $96,836 from the Proposed Grant Contingency Fund to the Tohono O'odham Grant Fund; and (c) approve a budget amendment in the amount of $50,000 from the General Fund Contingency to the Special Events Operational Supplies and Equipment account for the use of reserve funds to fund the required grant match and increased costs for the community stage.

Summary:

In November 2002, the voters of Arizona approved Proposition 202 that initiated new gaming compacts between the State of Arizona and the Native American communities. As a one of many Native American communities, the Tohono O'odham Nation is governed by this compact.

An important provision of Proposition 202 is the sharing of gaming revenues with the State. Under this requirement, the Tohono O'odham Nation pays 88% of the assessment into a State managed fund and retains 12% of the assessment for distribution as grants. The 12% set-aide is then made available to Arizona cities, towns, and counties for public safety, mitigation of the negative impacts of gaming, and promotion of commerce and economic development.

The same law also stipulates that local non-profits can submit applications to tribal entities if the non-profit's application is "sponsored" by an appropriate municipality. When this occurs, cities such as Peoria will receive the Proposition 202 funds from the tribal community and in turn, issue a check payment to the non-profit agency for the same amount.

This specific Grant-in-Aid Agreement with the Tohono O'odham Nation awards $61,900 in grant funds to the City of Peoria. Additionally, this Grant-in-Aid-Agreement designates the City of Peoria as a conduit for the distribution of grant funds awarded to two non-profit organizations: Arizona Broadway Theatre and Western Maricopa Education Center (WESTMEC).

The detail is as follows:

- $61,900 will be used to help purchase a new City of Peoria, portable community stage. The basic configuration of the portable stage includes a roof structure, rigging, hydraulics, stage, and a trailer. It will have a stage floor of approximately 24x20 feet. It is the intent of the Neighborhood and Human Services Department to use the new portable stage at entertainment, neighborhood and education events throughout the City. It will provide a strong physical presence and unique opportunity to engage the public at each event. In addition to the use of $37,100 from existing funds within the department, an additional $50,000 in budgeted city matching funds will be also be used for the purchase of the new stage, which will total approximately $149,000.

- Arizona Broadway Theater was awarded $25,000 to assist with the costs of main stage productions.

- The Western Maricopa Education Center will receive $9,936 for students testing for industrial-recognized certifications.

In total, acceptance of grant amounts to $96,836 from the Tohono O'odham nation.

Previous Actions/Background:

The City of Peoria last approved Proposition 202 funding requests in 2017.

Options:

A: Approve the Grant-in-Aid Agreement in total, including the distribution of the grant funds as a pass through agent, between the Tohono O'odham Nation and the City of Peoria.

B: Not approve the Grant-in-Aid Agreement between the Tohono O'odham Nation and the City of Peoria.

Staff Recommendation:

It is recommended that the Mayor and Council accept the funding from the Tohono O'odham Nation and approve a budget amendment of $96,836 from the Proposed Grant Contingency Fund (7990-7990-570000) to the Tohono O'odham Grant Fund (7537-7779-530019).

In addition, it is recommended that the Mayor and Council provide funding for the city match requirement associated with the agreement and increased costs for the stage, and approve a budget amendment of $50,000 from the General Fund Contingency (1000-0300-570000) to the Special Events Operational Supplies & Equipment Account (1000-1510-530019).

There is no fiscal impact to the City as the pass through agent for grant funds provided to the non-profit organizations.

Fiscal Analysis:

Accepting the grant will require a city contribution of $87,100. The funds will come from General Fund Contingency ($50,000) and from funds currently available within the department ($37,100).

ATTACHMENTS:

Award Email
Grant-in Aid Agreement

Contact Name and Number:
Chris Hallett, (623) 773-7955

Maria Calcaterra

From: Wendell R. Matt [redacted]
Sent: Monday, November 12, 2018 7:37 PM
To: Tammy Shreeve
Cc: Matt Smith
Subject: Re: Grant from the Tohono O'odham Nation
Attachments: Tohono O'odham Nation Grant-in-Aid Agreement with CITY OF PEORIA 11072018.docx

Hello,

I attach the form agreement for the city to accept the Tohono O'odham Nation's revenue sharing awards. The agreement is in a slightly different form from last year in that all awards are provided in a single agreement (instead of separate agreements for each award).

Please fill out the highlighted sections as applicable before having the agreement signed. Please let me know if you have any questions, and ?I look forward to hearing back from you soon.

?Thank you,

Wendell R. Matt
Executive Counsel

Office of the Chairman and Vice-Chairman
Tohono O'odham Nation
P.O. Box 837
Sells, Arizona 85634
P: (520) 383-2028 | C: [redacted]

_____
From: Matt Smith [redacted]
Sent: Thursday, October 18, 2018 1:26 PM
To: tammy.shreeve@peoriaaz.gov
Cc: Wendell R. Matt
Subject: Grant from the Tohono O'odham Nation

Tamara,

Congratulations on your grant awards from the Tohono O'odham Nation (see below). You now need to finalize the agreement with the Nation in order for payment to be made. I've included the attorney for the Nation's Executive office, Wendell Matt, on this email and he will be working with you to make sure this gets accomplished. Congratulations again,
Matt

Organization

Project

Amount Requested

Amount Awarded

Arizona Broadway Theatre

Mainstage Productions

$25,000

$25,000

City of Peoria, Community Services Department

Portable Community Stage

$61,900

$61,900

Western Maricopa Education Center

Student Credentials

$117,038

$9,936

Matt Smith
SIMG
1661 N. Swan, Ste 116
Tucson, AZ 85712
(520) 321-1111
[redacted] Cell

GRANT-IN-AID AGREEMENT
BETWEEN
THE TOHONO O'ODHAM NATION
AND
CITY OF PEORIA

THIS GRANT-IN-AID AGREEMENT ("Agreement") is between the Tohono O'odham Nation, a federally recognized Indian tribe (the "Nation"), and the CITY OF PEORIA, a political subdivision of the State of Arizona ("Recipient").

RECITALS

The Nation desires to convey to Recipient a portion of its annual 12% local revenue-sharing contribution ("Contribution") to be paid to local governments for governmental services that benefit the general public.

The Constitution of the Tohono O'odham Nation, Article VI, Section 1(f) provides that the Tohono O'odham Legislative Council is authorized to negotiate and conclude agreements on behalf of the Nation with Federal, State, and local governments.

The Constitution of the Tohono O'odham Nation Article VII, Section 2(f) provides that the Chairman of the Nation is the official representative of the Nation; and as such, upon passage of a Resolution by the Legislative Council approving of any agreement with Federal, State, and local governments, the Chairman is authorized to sign such agreements on behalf of the Nation.

Under A.R.S. § 5-601.02(H)(4), Recipient may receive monies from the Nation for services identified by the Nation that benefit the general public, including public safety, mitigation of gaming impacts, and promotion of commerce and economic development.

The Recipient is authorized by A.R.S. § 11-951 through § 11-954 to enter into agreements for joint or cooperative actions with public agencies.

Now, therefore, in consideration of the mutual promises contained herein, the parties hereby agree as follows:

AGREEMENT

1. **Purpose**. The purpose of this Agreement is to set forth the rights and responsibilities of the parties with respect to the payment and distribution of the Contribution, as hereinafter defined. The Recipient may enter into a separate agreement with any subrecipient identified herein.

2. **Contribution**. On execution of this Agreement, the Nation will issue payment to the Recipient in the amount described in Schedule A (the "Contribution") for the purpose(s) detailed in Schedule A.

3. **Disbursement of Contribution**.
    a. **Disbursing Contribution and Recordkeeping.** The Recipient is responsible for disbursing the Contribution consistent with this Agreement. Within a reasonable time following receipt of the Contribution from the Nation, the Recipient shall distribute the Contribution per Recipient policies and procedures governing the disbursement of these funds. The Recipient shall keep and maintain records relating to the disbursements and this Agreement.
    b. **Post-Disbursement Responsibilities**. When applicable, the parties agree that the Recipient may be acting as a conduit for distribution of the Contribution to a non-Recipient entity. Upon distribution of the Contribution to a non-Recipient entity as identified in Section 2 of this Agreement, the Recipient shall have no further responsibility to the Nation with respect to such funds or the use thereof by the non-Recipient entity. Therefore, upon the Recipient's disbursement of the Contribution to a non-Recipient entity as provided in Section 2, the Nation shall release the Recipient from any and all claims, demands, debts, liabilities, or obligations that may arise in the event that a non-Recipient entity fails to expend the Contribution in accord with Section 2. The Nation further agrees that the Recipient shall have no obligation to reimburse the Nation the amount of the Contribution after the Recipient disburses the Contribution to a non-Recipient entity and that the Nation shall look solely to the non-Recipient entity for repayment of the Contribution if the Contribution is not used for the intended purposes.

4. **Term and Termination.**
    a. **Effective Date.** This Agreement shall become effective when all parties have signed. The date this Agreement is signed by the last party, as indicated by the date associated with the party's signature, shall be deemed the Effective Date.
    b. **Term.** This Agreement shall commence upon the Effective Date and will continue for twelve (12) months unless terminated earlier ("End Date"). The Nation, in its discretion, may approve in writing any request by Recipient for a no-cost extension, including amending the End Date and adjusting any affected reporting requirements.
    c. **Termination by Nation**. The Nation may terminate this Agreement with or without cause at any time by providing the Recipient fifteen (15) days advance notice in writing. If the Nation terminates this Agreement after the Recipient receives the Contribution but before the Recipient disbursed the Contribution in accord with Section 2, the Nation shall include in the notice of termination specific instructions regarding disposition of the Contribution.
    d. **Termination by Recipient.** All parties acknowledge that this Agreement may be subject to cancellation by the Recipient per A.R.S. § 38-511.

5. **Money Unclaimed**. If the Recipient fails to accept the Contribution on or before December 15, 2018, this Agreement will be deemed to have been terminated by the Recipient and the Nation will award the Agreement Contribution to another applicant.

6. **Monitoring, Review, and Audit.** The Nation may monitor and review Recipient's use of the Contribution, performance of the project funded thereunder, and compliance with this Agreement, which may include onsite visits to assess Recipient's governance, management and operations, to discuss Recipient's program and finances, and review relevant financial and other records and materials. In addition, the Nation may conduct audits, including onsite audits, at any time during the term of this Agreement, and within three years after the Contribution has been fully spent. Any onsite visit or audit shall be conducted at the Nation's expense, following prior written notice, during normal business hours, and no more than once during any twelve (12) month period.

7. **Dispute Resolution**. The parties mutually agree that any disputes arising pursuant to this Agreement shall be resolved through informal dispute resolution. For all disputes arising under this Agreement the Nation and the Recipient shall first attempt to negotiate a resolution. Unless prohibited by Arizona law, all disputes that cannot be resolved through informal dispute resolution shall be resolved in the Courts of the Nation, subject to the laws of the Nation.

8. **Reports**: If applicable, the Recipient will submit a final report to the Nation within 30 days of the End Date of this Agreement explaining how and when the funds provided under this Agreement were used. This report may be in the form of an affidavit signed by an officer of the Recipient and may be accompanied by supporting documentation. The report must address: (i) changes in the scope of the project or purchase funded under this Agreement, (ii) the total expenses under the project or purchase funded by the Agreement, (iii) a brief description of who has benefited from this Agreement, and (iv) the Recipient's next steps with regard to the project or purchase made under this Agreement.

9. **Notices**. Any notice, consent or other communication required or permitted under this Agreement shall be in writing and shall be deemed received at the time it is personally delivered, on the day it is sent by facsimile transmission, on the second day after its deposit with any commercial air courier or express service or if mailed, three (3) days after the notice is deposited in the United States mail addressed as follows:

If to the Nation:

Edward D. Manuel, Chairman
Tohono O'odham Nation
P.O. Box 837
Sells, Arizona 85634
Fax: 520-383-3379

and

Executive Counsel
Tohono O'odham Nation
P.O. Box 837

Sells, Arizona 85634
Fax: 520-383-3379

If to the Recipient:

Name: Chris Hallett, Director, Neighborhood and Human Services Dept.
Address: 8401 W. Monroe
City, State, Zip: Peoria, AZ 85345
Email: Chris.Hallett@Peoriaaz.gov
Phone: 623-773-7955

and

Name: Vanessa Hickman, City Attorney
Address: 8401 W. Monroe
City, State, Zip: Peoria, AZ 85345
Email: Vanessa Hickman@Peoriaaz.gov
Phone: 623.773.7331

Any time period stated in a notice shall be computed from the time the notice is deemed received. Either party may change its mailing address or the person to receive notice by notifying the other party as provided in this paragraph.

10. **Entire Agreement, and Amendments**. This Agreement constitutes the entire understanding and agreement of the parties. This Agreement integrates all of the terms and conditions mentioned herein or incident hereto and supersedes all negotiations or previous agreements between the parties with respect to all or any part of the subject matter hereof.

11. **Relationship.** The relationship of the parties to this Agreement is determined solely by the provisions of this Agreement. The parties do not intend to create any agency, partnership, joint venture, trust, fiduciary or other relationship which would impose liability upon one party for the act or failure to act of the other party.

12. **No Waiver.** Except as otherwise expressly provided in this Agreement, any failure or delay by any party in asserting any of its rights or remedies as to any default, shall not operate as a waiver of any default, or of any such rights or remedies, or deprive any such party of its right to institute and maintain any actions or proceedings which it may deem necessary to protect, assert or enforce any such rights or remedies.

13. **Severability**. If any provision of this Agreement shall be found invalid or unenforceable, the remaining provisions of this Agreement shall not be affected thereby and shall be valid and enforceable to the fullest extent permitted by law.

14. **Counterparts and Electronic Signatures.** This Agreement is executed in three (3) duplicate originals. Except as may be prohibited by applicable law or regulation, this

Agreement and any amendment may be signed in counterparts, by facsimile, PDF, or other electronic means, each of which will be deemed an original and all of which when taken together will constitute one agreement. Facsimile and electronic signatures will be binding for all purposes.

15. **Sovereign Immunity**. Nothing in this Agreement shall be deemed a waiver of either party's sovereign immunity in any forum or jurisdiction.

This Agreement is signed on behalf of the parties:

TOHONO O'ODHAM NATION

_____ _____

Edward D. Manuel, Chairman Date

CITY OF PEORIA

_____

Cathy Carlat, Mayor
City of Peoria

Dated_____

Attest
Approved as to form found to be within the power and authority of the City of Peoria under the laws of the State of Arizona

Additional Signature Required

_____ _____

Vanessa P. Hickman, City Attorney
City of Peoria

Rhonda Geriminsky, City Clerk
City of Peoria

Schedule A

Program	Project	Contribution
City of Peoria, Community Services Department	Portable Community Stage	$61,900
Arizona Broadway Theatre	Mainstage Productions	$25,000
Western Maricopa Education Center	Student Credentials	$9,936
	Total	**$96,836**

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 6C.

Date Prepared: 11/19/2018

Council Meeting Date: 12/4/2018

TO: Jeff Tyne, City Manager

THROUGH: Andy Granger, Deputy City Manager

FROM: Sonia Andrews, Chief Financial Officer

SUBJECT: Agreements, Rose Valley Water Company, Temporary Water Supply Connection, Data Sharing and Water Turnoff

Purpose:

Discussion and possible action to: (a) approve the agreement with the Rose Valley Water Company for connection for temporary water supply, data sharing and water turnoff; and (b) approve the agreement for water service termination and sharing of information regarding water consumption with Rose Valley Water Company.

Summary:

Rose Valley Water Company (Rose Valley) provides water services to approximately 2,295 Peoria residents. Rose Valley is interested in having a connection to the City's water system in the event of a well shut down. The City is interested in having Rose Valley provide certain customer data for billing of sewer and other nonwater charges and also to assist the City with collection of delinquent sewer and solid waste accounts.

City staff, working with Rose Valley, have drafted two proposed agreements to accomplish these interests as follows:

<u>Agreement For Connection For Temporary Water Supply, Data Sharing and Water Turnoff:</u>

Under this proposed agreement, the City will assist Rose Valley in ensuring adequate water pressure to its customers by allowing Rose Valley to connect to the City's water system to provide temporary potable water in the event of a well shut down. Wells may be shut down for routine maintenance or repair or unexpected events. This connection ensures uninterrupted service and adequate water pressure to Rose Valley customers. Rose Valley will pay the City for any water delivered to Rose Valley based on the City's commercial rate schedule in effect. No charges will be assessed if water is not delivered.

If approved, this agreement will be effective upon execution. The term of the agreement is 5 years with automatic annual renewals unless terminated by either party.

Agreement for Water Service Termination and Sharing of Information Regarding Water Consumption:

A separate agreement was developed as an attachment to the first agreement above to address the specific process and procedures for data sharing and water turnoffs. The provisions under this separate proposed agreement are:

1. Rose Valley will provide the City with water consumption data and customer information for City's billing of sewer service to Rose Valley's customers. The City will pay Rose Valley $0.50 per customer annually and $0.25 per customer address for new services.

2. Rose Valley will assist the City in collection of delinquent sewer, solid waste and other non-water accounts by terminating water service to customers who are delinquent in payment of the City's utility bills. The proposed agreement details specific processes and procedures for accomplishing the water service turn-offs and turn-ons. The City will pay Rose Valley $80 for each water service turn-off/turn-on.

Rose Valley is a public service corporation governed by the Arizona Corporate Commission (ACC). Rose Valley will submit this separate agreement for water turnoffs and data sharing to the ACC for approval before it can be effective. If approved and executed, this agreement will be in effect until terminated by either party.

Previous Actions/Background:

There are no previous actions on this item. Additional background information are as follows:

Connection for Temporary Water Supply

Rose Valley has already constructed a connection to the City's water system and the City has installed a meter at the connection point to measure water delivery. Under the proposed agreement, Rose Valley's use of City water is strictly limited to use by their customers within the company's Certificate of Convenience and Necessity defined by the ACC.

Sharing of Customer Data and Assistance with Delinquent Customer Accounts

The City has similar agreements in place with Epcor and Sunrise Water Company (and also with New River Water Co. prior to New River being acquired by the City) whereby the private water companies provide the City with water usage data and customer information to aid the City in billing of sewer, solid waste and stormwater charges and also assist the City in collection of delinquent accounts through water service terminations.

Options:

A: Authorize City Manager to execute the following agreements as proposed with Rose Valley Water Company:

- Agreement for Connection for Temporary Water Supply, Data Sharing and Water Turnoff; and
- Agreement for Water Service Termination and Sharing of Information Regarding Water

Consumption.

B: Choose to not approve the agreements as proposed and provide further direction to staff.

Staff Recommendation:

Staff recommends that the Council authorize the City Manager to enter into the proposed agreements with Rose Valley Water Company

Fiscal Analysis:

Annual revenues to the City from Rose Valley's temporary connection is not expected to be significant.

Annual costs to the City for data sharing and water shutoffs will be $.50 per customer for water consumption data; $0.25 per customer address for new services and $80 per water turnoff. Total costs are not expected to exceed $3,000 per year. These costs will be considered operating costs of the utility funds. No budget adjustment is necessary.

ATTACHMENTS:

Agreement For Connection For Temporary Water Supply, Data Sharing and Water Turnoff (attached as Appendix B- Agreement For Water Service Termination and Sharing of Information Regarding Water Consumption)

Contact Name and Number:
Sonia Andrews, (623) 773-5206

AGREEMENT BETWEEN THE CITY OF PEORIA AND ROSE VALLEY WATER CO. FOR CONNECTION FOR TEMPORARY WATER SUPPLY, DATA SHARING AND WATER TURNOFF

THIS AGREEMENT ("Agreement") is made this_____day of _____ 2018, between the City of Peoria, a municipal corporation of the State of Arizona ("Peoria"), and Rose Valley Water Co., an Arizona corporation ("Company"), for the purposes and considerations set forth hereinafter.

RECITALS:

A. Company is a public service corporation engaged in furnishing water utility services pursuant to authority granted by the Arizona Corporation Commission ("ACC"). Company's certificated service area is located within Peoria.

B. Company may at times need to shut down one of its existing wells for maintenance or replacement. While the well is shut down, certain Company customers could receive low water pressure.

C. Peoria desires the Company to provide water use data and relevant customer information to aid in Peoria's billing for sewer service provided by Peoria.

D. For the purposes of this Agreement, a Company water service customer who is also a customer for Peoria sewer, solid waste, stormwater and other non-water services is referred to as a "Shared Customer".

E. Peoria desires the Company to assist in the collection of delinquent sewer, solid waste, stormwater and other non-water utility (collectively, non-water utility) bills or charges, when requested to do so by Peoria, by terminating water utility service to Shared Customers who are delinquent in the payment of Peoria's non-water utility bills.

F. In order to assist in the Company's efforts to provide adequate water pressure in the event of a well shut down, Peoria has allowed Company to construct, at Company's sole expense, a connection to Peoria's water system to be used by Company on a temporary basis, as may be deemed necessary by the Company from time to time, to obtain potable water from Peoria.

G. Subject to the conditions set forth in this Agreement, Peoria is willing to allow the Company's connection to Peoria's water system. The parties acknowledge that the Company has already constructed the connection at the Company's sole cost and the City previously approved that connection and installed a meter to measure any water delivered to Company. The water connection provided by Peoria to Company shall be limited in scope and duration as further provided in this Agreement.

H. Company and Peoria further desire to enter into a separate agreement for water use data sharing and termination of water service of Company's water customer for non-payment by a Shared Customer of anon-water utility bill.

NOW, THEREFORE, in consideration of the respective rights, privileges and obligations of the parties hereinafter set forth, it is agreed as follows:

AGREEMENTS:

1. Agreement to Furnish Water Connection

Peoria agrees to provide water via an existing connection located at 9500 W. Dove Valley Ranch Dr. to Company's system as shown in Appendix "A" ("Connection Point") during emergencies or water shortages within the Company's system. Such emergencies or water shortages may include, but are not limited to, well and water pumping facility failures and water quality issues resulting in loss of source of supply. Peoria makes no representations or warranties regarding the quality of the water delivered to Company other than the representation that the quality of water delivered to Company at the Connection Point will be of the same general quality of water that Peoria transports and distributes to customers within its municipal water system.

2. Payment for Delivered Water

Peoria has installed a meter ("Meter") at the Connection Point to measure the quantity of any water delivered to Company pursuant to this Agreement. Peoria shall render to Company a bill for water delivered during any applicable billing period. Company agrees to pay Peoria for all water delivered to Company at the Connection Point. The amount paid by Company shall be based on Peoria's rate schedule in effect at the time of water delivery. For the purpose of determining the applicable rate, Company shall be classified as a commercial rate customer. There shall be no commodity charges, base monthly meter charges, taxes or other surcharges to Company during any billing period in which Peoria delivers no water to Company. Company will remit full payment of the amount billed within twenty-one (21) days of the bill date.

3. Limitation on Service

The water deliveries provided by Peoria to Company hereunder shall be strictly limited to use by the customers of Company situated within the Company's Certificate of Convenience and Necessity ("CC&N") as such is defined by the ACC. Company shall not extend service to other customers or otherwise utilize water delivered by Peoria to Company hereunder for the purpose of providing water utility service to locations outside of the Company's CC&N.

4. Construction of Connection

Company has paid all costs associated with connecting its water distribution system to Peoria's water distribution system at the Connection Point. Company has installed the

necessary valves and fittings to allow the connection to be securely closed when not in use.

5. Engineering Review; Inspection of Construction

Prior to the commencement of construction of any future connection to Peoria's Water Distribution System, Company shall submit engineering plans and specifications for the connection to Peoria for review and approval. Peoria's representative shall have the right to inspect the construction and installation of said facilities and require conformance with the engineering plans and specifications and shall approve said facilities prior to the commencement of water deliveries to Company under this Agreement. Said inspection and approval, however, is not intended nor understood to be nor constitutes more than a determination that the specifications set forth herein have been complied with and is not an approval or ratification by Peoria of the quality or fitness of the construction of the connection.

Company shall also ensure it receives all regulatory required approvals from Maricopa County and the State of Arizona for new construction before water deliveries are made. This includes Approval to Construct and Approval of Construction, if required.

6. Company's Distribution System

Peoria's obligations to Company under this Agreement shall terminate at the Connection Point. Company shall be responsible for the construction, operation and maintenance of all water distribution mains and related facilities and improvements necessary to transport and deliver water from the Connection Point to customers within the Company's CC&N. Peoria shall have no right, title, or interest in such water distribution mains and related facilities and improvements.

7. Sharing of Water Use Data and Termination of Water Service

Within 90 days following the date of this Agreement as set forth above, Company agrees to:1) enter into a separate agreement, attached as Appendix B, with Peoria requiring the Company to: a) provide to Peoria water use data and relevant information for Shared Customers; and b) assist Peoria in its efforts to receive payment for delinquent non-water utility bills by terminating Company's water service to Shared Customers who are delinquent in the payment of their non-water utility bills to Peoria (the "Water Use Data Sharing and Water Service Termination Agreement"); and 2) file with the ACC for approval of the Water Use Data Sharing and Water Service Termination Agreement and for a tariff(s) related to the provisions of the Water Use Data Sharing and Water Service Termination Agreement.

Peoria acknowledges and agrees that the Water Use Data Sharing and Water Service Termination Agreement must be submitted to and approved by the ACC before it is effective.

If the Company fails to file with the ACC the Water Use Data Sharing and Water Service

Termination Agreement and associated tariff for any reason, then this Agreement shall be considered null and void and of no force. Further, if the Water Use Data Sharing and Water Service Termination Agreement and the associated tariff(s) are not approved by the ACC within three months after filing, then Peoria may cancel this Agreement with written notice to the Company. At Peoria's sole discretion, the ACC approval date may be extended.

Peoria agrees to reimburse Company for its actual costs in preparing the Water Use Data Sharing and Water Service Termination Agreement and the associated tariff, as well as its actual costs of obtaining ACC approval of the agreement and tariff, up to the amount of $5,000. In the event that Company's actual costs are anticipated to exceed $5,000, then Peoria may opt to increase its cost participation under this Section up to a maximum amount of $10,000 following written notice and documentation from the Company that its actual costs will exceed $5,000.

8. Term of Agreement

The Agreement shall be effective on the date on which it has been approved and executed by both parties, as reflected on the signature page below. The Agreement shall thereafter have a term of five (5) years. At the end of the five (5) year period, the Agreement will automatically renew on an annual basis unless either Peoria or the Company provides to the other party a notice of intent to terminate this Agreement. The notice shall be in writing and be provided in accordance with Section 9 to the non-noticing party at least six (6) months before the effective date of such termination.

9. Notices

All notices, claims, requests and demands hereunder shall be in writing and served in person or via certified (return receipt requested) mail, postage prepaid, addressed as follows:

If to Peoria:	City of Peoria 8401 W. Monroe Street Peoria, Arizona 85345 Attn: Public Works – Utilities Director
If to Company:	Rose Valley Water Company P.O. Box 1444 Green Valley, Arizona 85622 Attn: Gary P. Brasher, President

10. Conflict of Interest

This Agreement is subject to cancellation by Peoria pursuant to the provisions of Section 38-511, Arizona Revised Statutes, which provides, in general, that a contract may be canceled within three years after its execution if any person significantly involved in

initiating, negotiating, securing, drafting or creating a contract on behalf of Peoria becomes an employee or agent of, or consultant to, the other party to the contract.

11. Indemnification

Each party shall indemnify and agrees to pay, defend and hold harmless the other party from any liability, obligation, action, suit, judgment, fine, award, loss, claim, demand or expense (including reasonable attorneys' fees) arising from any act or omission of the indemnifying party relating to this Agreement.

12. Entire Agreement

This Agreement sets forth the entire agreement between the parties with respect to the subject matter hereof and supersedes and replaces all prior agreements between the parties, written or otherwise. Any amendment or modification of this Agreement shall be in writing and shall be effective when executed by a duly authorized representative of both parties hereto.

13. Waiver

The failure of a party at any time to require performance by the other party of any term, condition or provision herein shall not affect the parties' subsequent rights and obligations under such provision. Waiver by either party of a breach of any term, condition herein shall not constitute a waiver of any subsequent breach of such provision or a waiver of such provision itself.

14. Successors and Assigns

This Agreement shall be binding upon and inure to benefit of the successors and assigns of the parties. However, neither party may assign its rights or obligations under this Agreement without the prior written consent of the other party, which consent shall not be unreasonably withheld.

15. Counterparts

This Agreement may be simultaneously executed in any number of counterparts, each of which when so executed shall be deemed to be an original, but all together shall constitute but one and the same Agreement.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized officers and agents on the day and year first written above.

CITY OF PEORIA,
an Arizona municipal corporation

By_____
Jeff Tyne, City Manager

Date:_____, 2018

ROSE VALLEY WATER COMPANY,
an Arizona corporation

By_____
Gary Brasher, President

Date:_____, 2018

ATTEST:

_____
Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

_____
Vanessa P. Hickman, City Attorney

Appendix A

City of Peoria & Rose Valley Water Company
Connection Point

Location: 9500 W. Dove Valley Ranch Drive, Peoria, AZ

APPENDIX B

AGREEMENT FOR WATER SERVICE TERMINATION AND SHARING OF INFORMATION REGARDING WATER CONSUMPTION

This AGREEMENT FOR WATER SERVICE TERMINATION AND SHARING OF INFORMATION REGARDING WATER CONSUMPTION (this "Agreement") is made and entered into as of the day of_____2018, by and between ROSE VALLEY WATER CO., an Arizona corporation ("Rose Valley "), and THE CITY OF PEORIA, an Arizona municipal corporation duly organized and existing under the laws of the state of Arizona (the "City"). Rose Valley and the City are sometimes referred to collectively as the "Parties" in this Agreement.

RECITALS:

A. Rose Valley provides water utility service to certain residents of the City (collectively, the "Rose Valley Water Customers") under a Certificate of Convenience and Necessity issued by the Arizona Corporation Commission ("Commission"), and the City provides sewer, solid waste, stormwater and other non-water utility services (collectively non-water utility services) to certain residents within its borders, some of whom are also Rose Valley Water Customers.

B. For purposes of this Agreement, a Rose Valley Water Customer who is also a customer of the City for non-water utility services is referred to as a "Shared Customer."

C. The City has requested Rose Valley to assist in the City's collection of delinquent non-water utility bills or charges when requested to do so, by terminating water utility service to Shared Customers who are then delinquent in the payment of the City's non-water utility bills.

D. The City has requested that Rose Valley provide information to the City regarding water consumption by the Rose Valley Water Customers in order to assist the City in billing for sewer utility service to those customers.

E. Rose Valley and the City desire to enter into this Agreement specifically setting forth the respective duties, obligations, responsibilities, and liabilities of the Parties and recognizing that the effectiveness of this Agreement is subject to Commission approval.

NOW, THEREFORE, in consideration of the mutual covenants and promises set forth in this Agreement, Rose Valley and the City, each intending to be legally bound by this Agreement, hereby agree as follows:

1. Water Service Termination

1.1. The City, by written notice to Rose Valley (a "Termination Request"), may request that Rose Valley terminate water service to a Shared Customer who is then liable to the City for overdue non-water utility charges ("Delinquent Shared Customer"). Each Termination Request will constitute the City's representation and warranty to Rose Valley that the applicable Shared Customer is then a Delinquent Shared Customer and has been provided the notice contemplated in subparagraph 1.2.A, below. The City will send Termination Requests to Rose Valley on the last Monday of each calendar month. If the last Monday of a calendar month is a holiday or other non-business day, then the City will send the Termination Requests to Rose Valley on the next business day. Rose Valley will complete its service termination process on Tuesday of the following week in compliance with the terms of this Agreement and any requirements impose upon Rose Valley by the Commission. If Tuesday of the following week is a holiday or other non-business day, the Rose Valley will complete its service termination process on Wednesday. In no event should termination of service be carried out on a Thursday or Friday. If Rose Valley is not able to meet the above-mentioned time requirements, Rose Valley must promptly notify the City via email no later than 1pm on the day Rose Valley receives the Termination Requests. The City will then work with Rose Valley to determine an acceptable timeline to complete the termination process.

The City will perform its own collection process for overdue non-water utility service charges, and will not request termination of water utility service by Rose Valley unless and until the City could have terminated water service to that Shared Customer if that Shared Customer was a water service customer of the City. If a Shared Customer on the Termination Request list makes a payment to the City and the city notifies Rose Valley via email prior to 1pm Rose Valley will restore service on the same day. If notification is received after 1pm, services will be restored on the following day. If the following day is a Friday or non-business holiday, services will be restored on the next business day.

1.2. In order for Rose Valley to shut off water service to a Delinquent Shared Customer, the City will:

A. Notify the applicable Delinquent Shared Customer, in writing and by posting notice in the form set forth in Exhibit B (the “Delinquency Notice”) at the premise where the applicable Delinquent Shared Customer receives water service from Rose Valley and non-water utility service from the City (the "Shut-off Premises") that water service by Rose Valley will be terminated ten (10) days after the date of the Delinquency Notice as a result of that Delinquent Shared Customer's delinquent non-water bill with the City; and

B. Notify Rose Valley by Termination Request, which shall be delivered by e-mail not sooner than ten (10) days after the City has posted the Delinquency Notice described in subparagraph 1.2.A above to terminate the water service of Delinquent Shared Customer in accordance with procedures in paragraph 1.3.

1.3. The City will pay a Disconnect Fee in accordance with Exhibit A for each Termination Request delivered to Rose Valley, which Disconnect Fee will be consideration for Rose Valley taking the necessary steps to terminate its water utility service to the applicable Delinquent Shared Customer, unless the City withdraws its Termination Request prior to actual disconnection in accordance with paragraph 1.1, above. Rose Valley will not charge the Shared Customer a disconnect or any other fee for terminating water utility service in accordance with this Agreement unless the Delinquent Shared Customer is also delinquent in the payment of its water bill to Rose Valley at the time that Rose Valley receives a Termination Notice from the City. If the Delinquent Shared Customer is delinquent in the payment of its bill to Rose Valley at the time that Rose Valley receives a Termination Notice from the City, then Rose Valley shall not charge the City a Disconnect Fee for termination of water service to the Delinquent Shared Customer. On a monthly basis, Rose Valley shall invoice the City for Disconnect Fees incurred during the preceding calendar month. The City shall process invoices and pay Rose Valley promptly in accordance with the City's customary business practices without unreasonable delay. The City will not pay interest on unpaid invoices.

Upon Rose Valley's receipt of a Termination Notice and in accordance with paragraph 1.1, Rose Valley shall:

A. shut off the water source to the Shut-off Premises;

B. notifies the City by e-mail of the date water service shut-off to the Premises;

C. keep a separate record detailing all of the Termination Requests under this Agreement; and

D. Resume water utility service to the Shut-off Premises in accordance with Rose Valley's turn-on procedures after being notified by the City,

in writing delivered by e-mail that the delinquent non-water bill has been paid or that payment arrangements have been made.

The City expressly acknowledges and agrees that Rose Valley shall have no other obligations or responsibilities under this Agreement with respect to the shut-off water utility service to Delinquent Shared Customers other than those expressly set forth above in paragraphs 1.1 and 1.3.

2. Sharing of Information Regarding Water Consumption

2.1. Upon request by the City, Rose Valley will provide water consumption information for the Shared Customers (the "Consumption Information") in Excel format for the City's use in billing the Shared Customers for sewer utility services. The City shall provide Rose Valley with a map of the City's sewer utility service area located within Rose Valley's water service area. The City acknowledges and agrees that it is authorized to use the Consumption Information only for purposes of its own sewer utility services billing, and that the City is not authorized to use any of the Consumption Information for any other purpose or to disclose any of the Consumption Information to any other party except as may be required by law or the order of a court of competent jurisdiction.

2.2. The City will pay Rose Valley an annual administrative fee of $0.50 per Shared Customer for providing water consumption information. No later than the last business day of March, Rose Valley will provide the City with water consumption reports for each Shared Customer showing water usage for the months of December of the previous year and January and February of the current year. Additionally, Rose Valley will notify the City on a quarterly basis (April, July, October and January) via e-mail of the name, address and the established and end dates of service within its service area. The City shall pay Rose Valley an administrative fee of $0.25 per customer address provided. Rose Valley will bill the City annually for these administrative fees.

3. Regulatory Matters

3.1. City understands, acknowledges and agrees that:

A. Rose Valley is an Arizona public service corporation (as such, term is defined in the Arizona Constitution) and, as such, is subject to the applicable Commission rules, regulations, and orders, including, but not limited to, A.A.C. R14-2-410.A.2;

B. pursuant to A.A.C. R14-2-410.A.2, Rose Valley is precluded from disconnecting its water utility service as the result of the failure of the customer to pay for services or equipment, which are not regulated by the Commission;

C. the City's non-water utility services is not regulated by the Commission, therefore requiring Rose Valley to obtain from the Commission a variance from the restrictions under A.A.C. R14-2-410.A.2 in order to proceed as contemplated in this Agreement;

D. Rose Valley must submit for the approval of the Commission a tariff, which sets forth the obligations of Rose Valley under this Agreement;

E. Rose Valley will account for the applicable and reasonable costs incurred for preparing and submitting an application and a tariff to the Commission for approval, including the costs of any required public or customer notices. Within 30 days after the Commission approves the tariff, Rose Valley will bill the City for the total costs incurred by Rose Valley for the required application, notice and tariff, and such billing will include documentation such as receipts, time sheets or staff hourly rates, to substantiate amounts billed to City. The City shall process invoices and pay Rose Valley promptly in accordance with the City's customary business practices without unreasonable delay. The City will not pay interest on unpaid invoices; and

F. upon Rose Valley's submission of an application and tariff, the Commission may stay effectiveness of the tariff until such time, if ever, as the Commission issues a written order approving any agreement by Rose Valley to share customer information.

3.2. Promptly upon the execution of this Agreement by the Parties, Rose Valley will (i) request from the Commission a variance under A.A.C. R14-2-410.A.2 to allow Rose Valley to fulfill its customer shut off obligations under this Agreement, and (ii) submit notice to the Commission and request from the Commission a tariff to allow Rose Valley to fulfill its obligations under this Agreement to deliver the Consumption Information to the City. The City will reasonably cooperate and assist Rose Valley, at no cost to Rose Valley, in connection with obtaining the approvals of the Commission enabling Rose Valley to fulfill its obligations under this Agreement.

3.3. Based upon the foregoing, the City agrees that Rose Valley will have no obligations under this Agreement to deliver any of the Consumption Information or to shut off water utility service to any Delinquent Shared Customer unless and until the Commission grants the requested variance or tariff, as the case may be, contemplated under paragraphs 3.1 and 3.2, above. The provisions of this paragraph 3.3 supersede any other provision of this Agreement.

4. Miscellaneous Provisions

4.1. City will indemnify, defend, and hold Rose Valley harmless from and against all claims, losses, liability, costs, or expenses, including reasonable attorney's fees, (collectively, "claims") arising out of the termination of water utility service to Delinquent Shared Customers or City's use of the Consumption Information provided to City by Rose Valley under this Agreement, except to the extent any claims arise out of the negligence of Rose Valley, its employees or representatives, including damages to meters and meter parts caused by Rose Valley employees and representatives. If meter damages are caused by a customer as a result of water shut-off request solely from the City, the City will absorb the cost of the repair and/or replacement of the meter not to exceed a total cost of three hundred and fifty dollars ($350). The city will not be held liable or absorb the cost of the repair and/or replacement for meter damages caused by a customer where shut-off is the result of a delinquent water account.

4.2. Notwithstanding anything in this Agreement to the contrary, Rose Valley will have no obligation under this Agreement to shut off water utility service to any multi-unit structure sharing a common service line.

4.3. This Agreement will remain in effect indefinitely (subject always to the provisions of paragraph 3.3, above); provided, however, that either party may terminate this Agreement at any time and for any or no reason upon sixty days' prior written notice to the other Party.

4.4. Neither the City nor Rose Valley will be liable for any loss or damage due to failure or delay in rendering any service or performing any obligation required under this Agreement resulting from any cause beyond their reasonable control including, but not limited to: acts of God; acts or omissions of civil or military authority; acts or omissions of contractors or suppliers; fires; floods; epidemics; quarantine restrictions; severe weather; strikes; embargoes; wars; political strife; riots; delays in transportation; or fuel, power, materials or labor shortages. In addition, Rose Valley will in no event be liable to the City for any lost non-water utility service

revenue claimed by the City as the result of Rose Valley's failure to shut off water utility service to any Delinquent Shared Customer or as the result of any delay in Rose Valley's shutting off such water utility service, unless failure or prolonged delay in shutting off such water service is a result of negligence of Rose Valley, its employees or representatives.

4.5. The failure of either Party to enforce the provisions of this Agreement at any time will not constitute a waiver of such provisions in any way and will not limit the right of the City or Rose Valley to avail themselves of such remedies as either may have for any breach or breaches of such provisions. The waiver of any specific provisions or requirements of this Agreement will not constitute a waiver of any other provision or requirement. Any waiver of any specific provision or requirement of this Agreement will be written and signed by the Party to be bound by such waiver.

4.6. This Agreement contains the entire agreement between Rose Valley and the City with respect to its subject matter. This Agreement supersedes all previous written and verbal agreements regarding such subject matter. Any amendment, revision, modification, termination or rescission of this Agreement, to be effective, must be in writing and signed by both Parties.

4.7. This Agreement will be binding upon and inure to the benefit of the Parties and their respective successors and assigns.

4.8. Any provision of this Agreement that is determined to be prohibited or unenforceable in any jurisdiction will, as to such jurisdiction, be ineffective to the extent of such prohibition or unenforceability without invalidating the remaining provisions hereof or affecting the validity or enforceability of such provision in any other jurisdiction.

4.9. This Agreement may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

4.10. This Agreement will be construed and enforced in accordance with the laws of the State of Arizona, without giving effect to its conflicts of laws provisions.

4.11. Any notice, written request, or communication given pursuant to the provisions of this Agreement will be deemed to be delivered on the date of mailing if mailed by certified or overnight mail addressed as follows:

If to the City:	City of Peoria Attn: Chief Financial Officer 8401 W. Monroe Street Peoria, AZ 85345
If to Rose Valley:	Rose Valley Water Co. Attn: Gary P. Brasher, President P.O. Box 1444 Green Valley, Arizona 85622

or to such other addresses as the affected Party may, from time to time, specify by notice in writing in accordance with the terms of this paragraph.

4.12. This Agreement is subject to the provisions of A.R.S. §38-511.

IN WITNESS WHEREOF, this Agreement has been duly executed by the Parties as of the date first written above.

THE CITY OF PEORIA

By: _____
Jeff Tyne, City Manager

ATTEST:

_____
Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

_____
Vanessa P. Hickman, City Attorney

ROSE VALLEY WATER CO.

By: _____
Gary P. Brasher, President

State of Arizona)
)
County of_____)

On this_____day of_____, 2018, before me personally appeared _____, whose identity was proven to me on the basis of satisfactory evidence to be the person who he or she claims to be, and acknowledged that he or she signed the above/attached document.

_____
Notary Public

EXHIBIT A

FEE SCHEDULE

Disconnect Fee (Turn-off and Turn-on service included)	$80.00

Exhibit B

Urgent Notice

ADDRESS

ACCOUNT NO._____

The City of Peoria provides sewer, solid waste and/or recycling services to your home or business. Epcor, Sunrise, and Rose Valley water companies have existing agreements to assist the City of Peoria with the collection of delinquent bills by disconnecting the water utility service when our shared customer is delinquent in paying their City of Peoria bill. These agreements have been approved by the Arizona Corporation Commission.

You are receiving this notice because your City of Peoria account is delinquent. The overdue balance must be paid by _____. If not paid, water service will be disconnected by your water service provider and you will be required to pay the full account balance including additional fees.

Contact the City of Peoria at:

(623) 773-7160
Mon. - Thurs, 7:00a.m. to 6:00p.m.

8401 W. Monroe Street, 2nd Floor
Peoria, Arizona 85345

customerservice@peoriaaz.gov

Urgent Notice

ADDRESS

ACCOUNT NO._____

The City of Peoria provides sewer, solid waste and/or recycling services to your home or business. Epcor, Sunrise, and Rose Valley water companies have existing agreements to assist the City of Peoria with the collection of delinquent bills by disconnecting the water utility service when our shared customer is delinquent in paying their City of Peoria bill. These agreements have been approved by the Arizona Corporation Commission.

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8401 W. Monroe Street, 2nd Floor
Peoria, Arizona 85345

customerservice@peoriaaz.gov

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 7C.

Date Prepared: 11/5/2018

Council Meeting Date: 12/4/2018

TO: Jeff Tyne, City Manager

FROM: Laura Ingegneri, Human Resources Director

SUBJECT: Exemption Request, Requirement to Post Security for Self Insured Workers' Compensation Claims

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Purpose:

Discussion and possible action to authorize the execution of documents necessary to certify the City of Peoria exemption from the Industrial Commission of Arizona requirements to post security for self-insured Workers' Compensation claims.

Summary:

The Industrial Commission of Arizona (ICA) exempts public entities from posting financial security for claims liability provided the governing body provides a statement to the ICA at the beginning of each year certifying the availability of adequate funds to pay for workers' compensation claims. By providing a certified statement, the City of Peoria will meet the requirements imposed by the ICA as it relates to establishing a self-insured workers' compensation plan.

Once City Council approves the certification that the City of Peoria, a chartered Arizona Municipality and duly qualified Workers' Compensation self-insurer, requests exemption from the Industrial Commission of Arizona's (ICA) requirement to post security for pending self-insurance claims and necessary signatures are obtained, these documents will be returned to the Human Resources Department and routed through the City Clerk. The final approved documents will be submitted to the ICA.

Previous Actions/Background:

Previous requests for exemption were also processed on 7/1/2009, 7/1/2010, 1/1/2011, 1/1/2013, 12/10/2013, 1/20/2015, 1/19/2016, 1/24/2017 and 12/12/2017.

Options:

A: The Mayor and City Council sign the attached letter certifying the City of Peoria, a chartered Arizona Municipality and duly qualified Arizona Workers' Compensation self-insurer, requests the Industrial Commission of Arizona (ICA) Exemption from the requirements to post security for

pending self insured workers' compensation claims.

B: If this request is not approved and signed, the City will have to purchase a bond (cost of bond is unknown).

Staff Recommendation:

This is a request for City Council to review and approve certification that the City of Peoria, a chartered Arizona Municipality and duly qualified Workers' Compensation self-insurer, is exempt from the Industrial Commission of Arizona's (ICA) requirement to post security for pending self-insurance claims.

Fiscal Analysis:

N/A

ATTACHMENTS:

Signature Form

Contact Name and Number:
Laura Ingegneri, (623) 773-7103

Request for Exemption from Requirement to Post Statutory Deposit

Pursuant to the Arizona Administrative Code subsection R20-5-1114 (A & B), this document constitutes a certified statement from the City of Peoria, a chartered Arizona municipality, duly qualified and authorized Arizona Workers Compensation self-insurer.

The City of Peoria hereby requests the Industrial Commission of Arizona (ICA) approve an alternate (exemption) from the posting of a statutory deposit, of which the current approved types are as follows: Letter of credit; a surety bond; U.S. Treasury notes or establishing a local government investment pool (LGIP) account. This request is made in accordance with A.A.C § R20-5-1114 and shall cover the City of Peoria's unpaid Workers Compensation claims liability, as outlined in the foregoing statement.

The City of Peoria, Arizona States:

1) The City of Peoria has established a self insurance trust pursuant to A.R.S. § 11-981 (A-F) and the A.A.C.R20-5-1114.
2) The City of Peoria shall conduct an actuary report on an annual basis. The confidence level shall be no less than fifty-five percent. The discount for investments shall be no more than 3.0% annually.
3) The risk management fund and/or workers compensation trust is sufficient to cover actuarial liabilities for workers compensation' as determined by the self insurer in accordance with Government Accounting Standards Board Statement #10 (replaced by GASB No. 30); and
4) The City of Peoria provides funding to the risk management fund and/or trust established pursuant to A.R.S. § 11-981 (A-F) each year. The amount in the internal service fund held for workers' compensation purposes within the trust is sufficient to cover actuarial liabilities for workers compensation claims as determined by the self-insurer's actuary in accordance with Government Accounting Standards Board Statement #10 (replaced by GASB No. 30), as well as workers' compensation reserves multiplied by 125% pursuant to the A.A.C.
5) The City of Peoria's governing body, or designate, shall immediately notify the ICA and provide security as provided by and in this Article, if the governing body, or designate, learns that the risk management internal service fund and/or trust has insufficient funds to cover all workers compensation liabilities of the City of Peoria.
6) Pursuant to items 1 through 4, the City of Peoria meets the conditions required under A.R.S. § 11-981 (A-F) and the Arizona Administrative Code, subsection R20-5-1114 (A&B).
7) The signatures below represent a majority of the governing body (Council/Board) members.

Signed _____ Date_____

Signed _____ Date_____

Signed _____ Date_____

Signed _____ Date_____

Signed _____ Date_____

Signed _____ Date_____

Signed _____ Date_____

ATTEST:

_____
Rhonda Geriminsky, City Clerk

APPROVED AS TO FROM:

_____
Vanessa P. Hickman, City Attorney

CITY OF PEORIA)
ss
COUNTY OF MARICOPA)

I, Rhonda Geriminsky, City Clerk of the City of Peoria, County of Maricopa, within the State of Arizona, do hereby and attest that the attached is the original Request for Exemption from Requirement to Post Statutory Deposit for the City of Peoria Self-Insured Workers' Compensation in accordance with the Arizona Administrative Code and for its Self-Insured Workers Compensation program, has been duly approved and signed by the Peoria Mayor and City Council on December ___, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the City of Peoria to be affixed hereunto this _____ day of December, 2018.

_____
Rhonda Geriminsky, City Clerk

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 8C.

Date Prepared: 11/19/2018

Council Meeting Date: 12/4/2018

TO: Jeff Tyne, City Manager

THROUGH: Katie Gregory, Deputy City Manager

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

SUBJECT: Declare Surplus Land, Beardsley Road and 109th Avenue

Purpose:

Discussion and possible action to adopt **RES. 2018-122** declaring a small well site parcel, located south of Beardsley Road, east of 109th Avenue, as surplus per the Council adopted Disposal of Surplus Land Policy and allow staff to dispose of it based on that policy.

Summary:

The City currently owns a small parcel of land located adjacent to the Ventana Lakes Yacht Club in the vicinity of Beardsley Road and 109th Avenue. This land was conveyed to the City in 1989 by the developer of the Ventana Lakes community for a second well site in this area. An alternate location was utilized for the second well site and due to the size of this parcel (less than 80 square feet) it does not serve any functional purpose for the City; the parcel is surrounded by Ventana Lakes Property Owners Association land and is not connected to City right of way.

Previous Actions/Background:

No previous Council action has taken place for this request.

Options:

A: Approve the adoption of the attached Resolution declaring the remnant parcel as excess land and disposing of it in the manner outlined in the Disposal of Surplus Land Policy.

B: Deny the adoption of the Resolution resulting in the City retaining ownership of the parcel and ongoing maintenance responsibilities.

Staff Recommendation:

Staff recommends that City Council approve the adoption of the attached Resolution declaring the remnant parcel as surplus and authorizing the disposal per the approved council policy.

Fiscal Analysis:

There will be no fiscal impact as a result of the disposal of these land rights.

ATTACHMENTS:

Vicinity Map
Location Map
Resolution
Resolution - Exhibit A

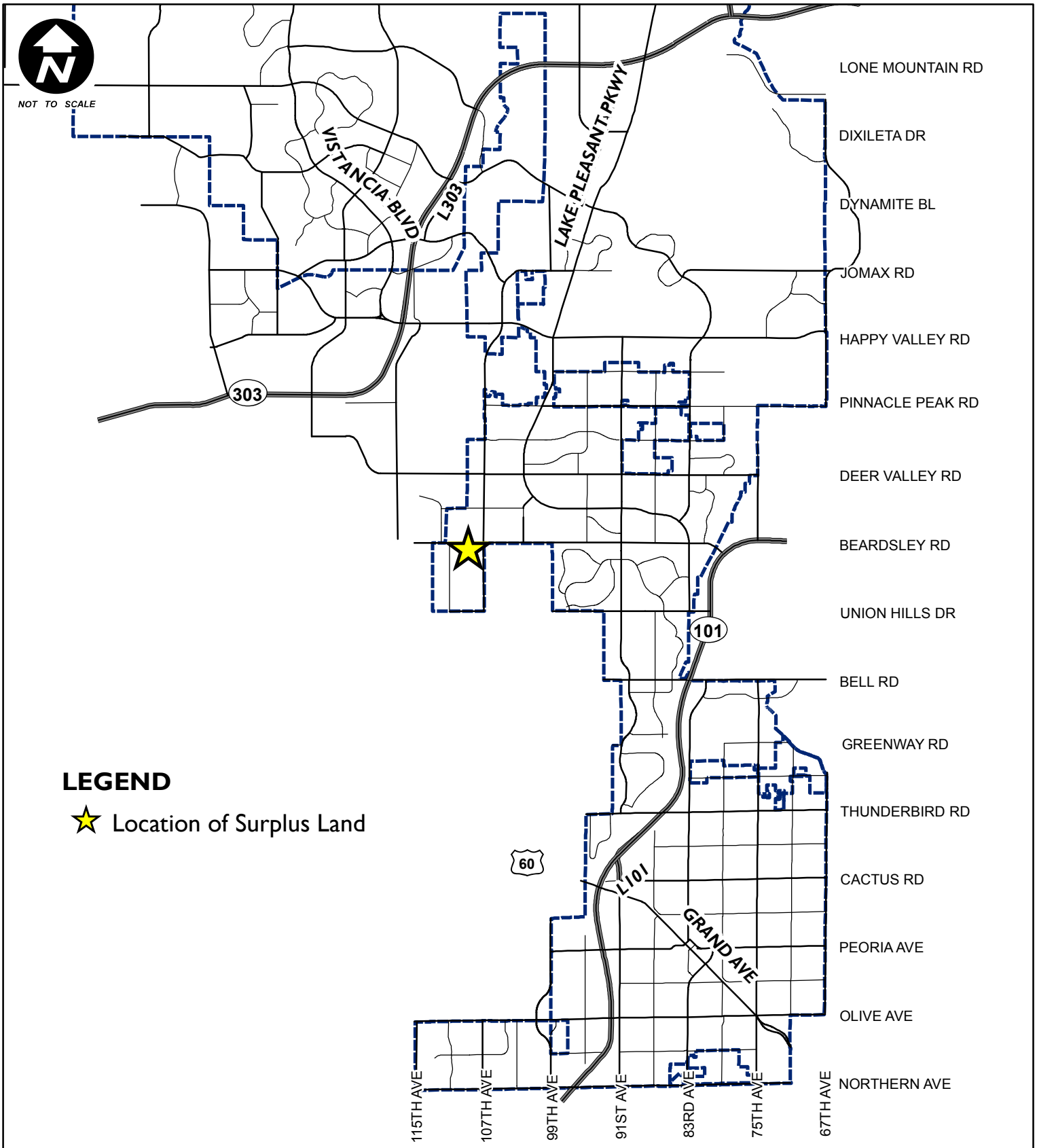
Contact Name and Number:
Adina Lund, Development and Engineering Director, (623) 773-7249

City of Peoria

DEVELOPMENT AND ENGINEERING

Declare Surplus Land
APN 200-35-239B
Beardsley Rd & 109th Ave

Vicinity Map



City of Peoria
DEVELOPMENT & ENGINEERING

Declare Surplus Land
APN 200-35-239B
Beardsley Rd & 109th Ave

Location Map

LEGEND

Surplus Land

GIS
GEOGRAPHIC INFORMATION SYSTEMS
City of Peoria
Arizona

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

RESOLUTION NO. 2018-122

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, FINDING CERTAIN CITY PROPERTY LOCATED SOUTH OF BEARDSLEY ROAD EAST OF 109TH AVENUE TO BE UNNECCESSARY TO CITY PURPOSES AND NO LONGER REQUIRED TO BE RETAINED AS SUCH, DIRECTING THAT SUCH PROPERTY BE CONSIDERED EXCESS CITY PROPERTY, AND AUTHORIZING THE CITY MANAGER OR DESIGNEE TO DISPOSE OF SUCH EXCESS CITY PROPERTY.

WHEREAS, the City of Peoria owns fee simple interest in a small tract of land, located south of Beardsley Road east of 109th Avenue and as more specifically set forth on the legal description attached as Exhibit A to this Resolution ("Property"); and

WHEREAS, Pursuant to Article I, Section 3(1) of the Peoria City Charter, the City may dispose of real or personal property owned by the City in the manner, for such consideration, and upon such conditions as may be determined by the City Council; and

WHEREAS, Pursuant to Section 2-65(a)(9) of the Peoria City Code, the City Manager has the power to exercise general provision over all public property under the control and jurisdiction of the City Council; and

WHEREAS, the Mayor and Council find and determine that the Property is no longer needed or used by the City for public purposes and is hereby considered to be excess property; and

WHEREAS, the Mayor and Council direct the City Manager to dispose of the property in a manner that is in the best interest of the City.

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

SECTION 1. The Mayor and Council find and determine that certain City property as more specifically set forth on the legal description attached as Exhibit A to this Resolution ("Property") is no longer needed or used by the City for public purposes and is hereby considered to be excess property.

SECTION 2. The Mayor and Council authorize the City Manager or designee to dispose of such Property in a manner that is in the best interest of the City. In making this determination, the City Manager or designee shall give preference rights to interested property owners abutting the Property.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Arizona this 4th day of December, 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”

Being a portion of the Northeast quarter of Section 30, Township 4 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at the Northeast corner of said Section 30, thence, South 89 degrees 37 minutes 55 seconds West, along the North line of said Northeast quarter 778.23 feet, thence, departing said North line South 00 degrees 22 minutes 05 seconds East, 86.53 feet to the POINT OF BEGINNING; thence, South 08 degrees 05 minutes 03 seconds East, 10.14 feet; thence, North 88 degrees 34 minutes 05 seconds West, 8.68 feet; thence, North 01 degrees 25 minutes 55 seconds East, 10.00 feet; thence, South 88 degrees 34 minutes 05 seconds East, 7.00 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM, an undivided ½ interest in all the gas, oil and mineral rights as reserved in instruments recorded October 24, 1960 in Docket 3463, Page 160, and in Docket 3463, Page 162, records of Maricopa County, Arizona.

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 9C.

Date Prepared: 11/19/2018

Council Meeting Date: 12/4/2018

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 to Salt River Project, Weedville Well Site, 73rd Avenue and Redfield Road

---

Purpose:

Discussion and possible action to adopt **RES. 2018-123** authorizing the City Manager to execute an Exclusive Well Site Easement and Temporary Construction Easement to Salt River Project for the drilling and installation of a new well east of their existing well located at southeast corner of 73rd Avenue and Redfield Road.

Summary:

SRP has an existing well within an easement located on City owned property at the southeast corner of 73rd Avenue and Redfield Road. This infrastructure has been in operation for over 40 years and due to the age of the facilities; SRP has requested an easement to allow them to drill a new well east of their existing facilities. The City has an agreement with SRP that allows the City to utilize water from the existing well and those rights will be transferred to the new well. The new well will allow for improved water quality as well as an additional system supply and redundancy for the area during annual dry-up periods.

Previous Actions/Background:

No previous Council action has taken place for this request.

Options:

A: City Council authorizes the execution and recordation of the easements to SRP.

B: City Council chooses not to authorize the easements resulting in SRP seeking another location for the installation of a new well.

Staff Recommendation:

Staff recommends that City Council approve the adoption of the attached Resolution authorizing the execution of the easements to SRP.

Fiscal Analysis:

The City will cost share the drilling and installation of the new well. Funds are available within the current fiscal year's Capital Improvement Program Weedville Well Site Rehabilitation Water Expansion Fund 2162-2222-543002-UT000441CO.

ATTACHMENTS:

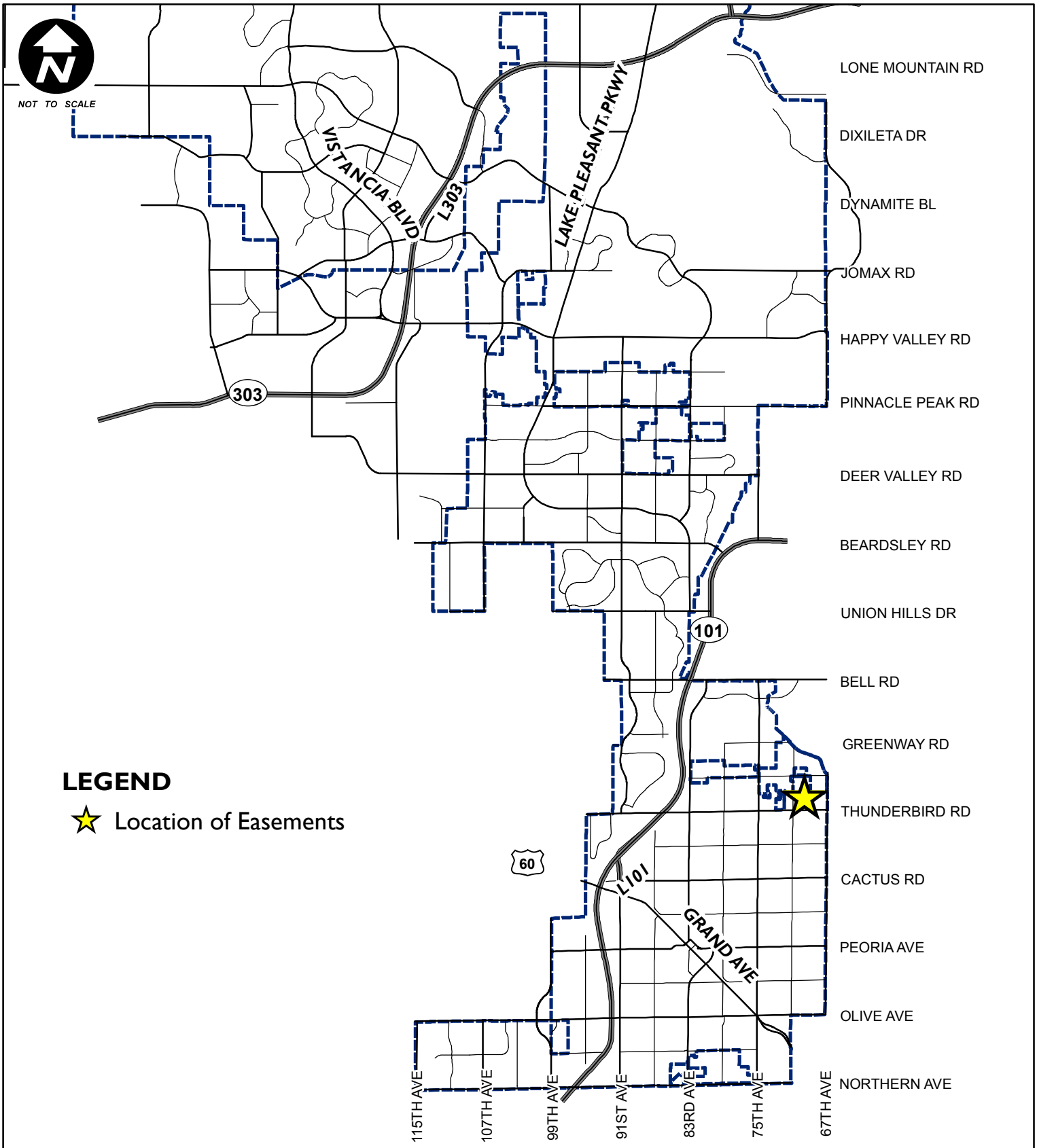
Vicinity Map
Location Map
Resolution
Exclusive Well Site Easement
Draft Temporary Construction Easement

Contact Name and Number:
Adina Lund, Development and Engineering Director, (623) 773-7249

City of Peoria
DEVELOPMENT AND ENGINEERING

Grant of Easements to SRP
Wellsite & Temporary Construction Easements
73rd Ave & Redfield Rd

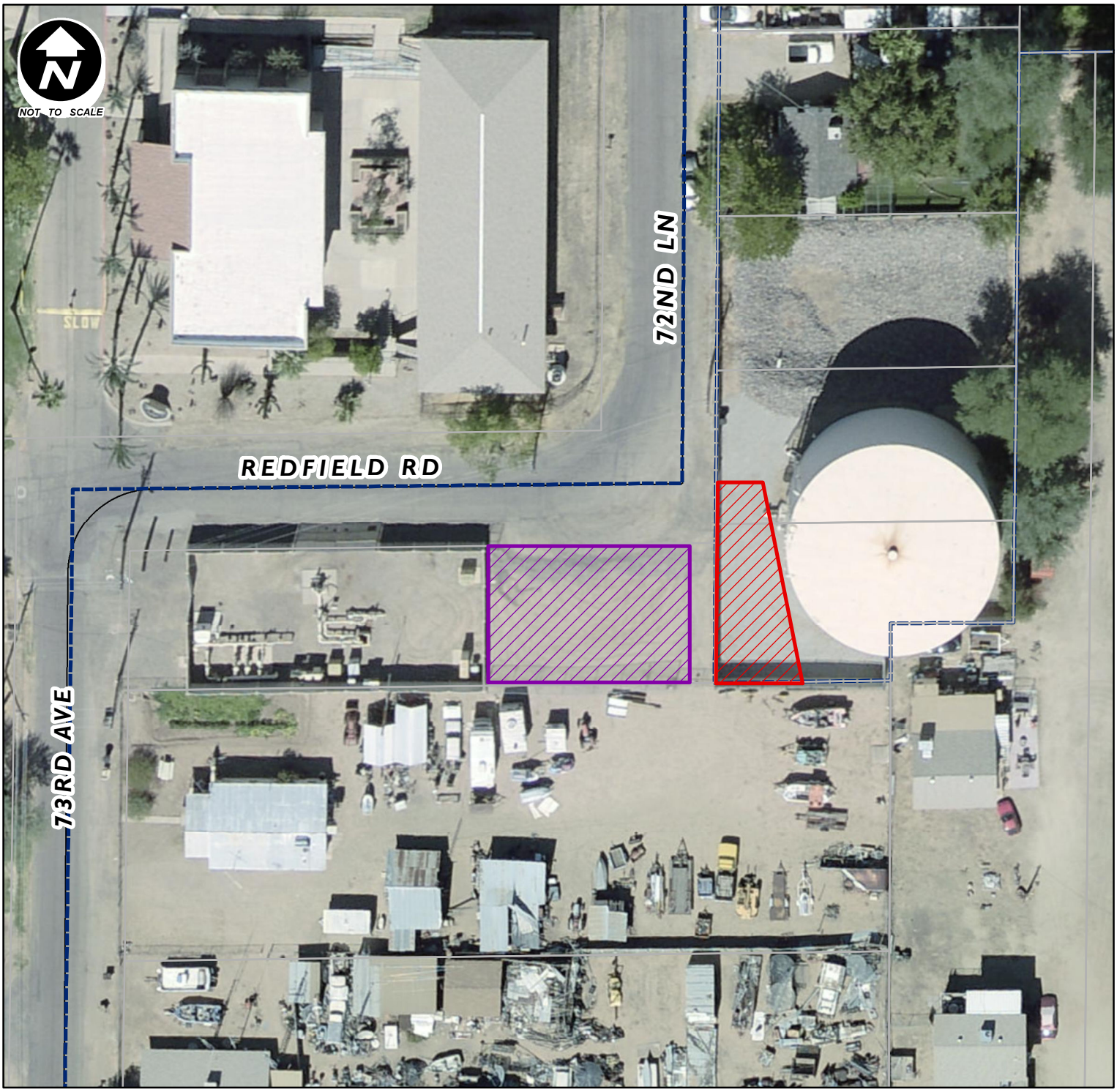
Vicinity Map



City of Peoria
DEVELOPMENT & ENGINEERING

Grant of Easements to SRP
Wellsite & Temporary Construction Easements
73rd Ave & Redfield Rd

Location Map



LEGEND

Temporary Easement

Wellsite Easement

GIS
GEOGRAPHIC INFORMATION SYSTEMS
City of Peoria Arizona

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

RESOLUTION NO. 2018-123

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, AUTHORIZING THE GRANTING OF LAND RIGHTS TO SALT RIVER PROJECT RELATED TO THE WEEDVILLE WELL SITE AT 73RD AVENUE AND REDFIELD ROAD.

WHEREAS, Salt River Project Agricultural Improvement and Power District, a Political Division of the State of Arizona, has requested that the City of Peoria grant an Exclusive Well Site Easement and Temporary Construction Easement for the installation, maintenance and operation of a well at the southeast corner of 73rd Avenue and Redfield Road.

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 an Exclusive Well Site Easement and Temporary Construction Easement and authorize the City Manager to execute the documents; and

THEREFORE, BE IT RESOLVED that the Mayor and Council of the City of Peoria, Arizona authorize the granting of the attached Exclusive Well Site Easement and Temporary Construction Easement and authorize the City Manager to execute the documents.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Arizona this 4th day of December, 2018.

_____
Cathy Carlat, Mayor

_____
Date Signed

ATTEST:

_____
Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

_____
Vanessa P. Hickman, City Attorney

Attachments:

1. Exclusive Well Site Easement
2. Temporary Construction Easement

WHEN RECORDED MAIL TO:

SALT RIVER PROJECT
Land Department/PAB350
P. O. Box 52025
Phoenix, Arizona 85072-2025

AFFIDAVIT EXEMPT PURSUANT TO
A.R.S. §§ 11-1134(A)(2) and (A)(3)

EXCLUSIVE WELLSITE EASEMENT

Maricopa County
Parcel # 200-68-019A
S12; T3N; R1E

R/W# 2109 Agt.
Job # LJ72004
W _____ C _____

CITY OF PEORIA, an Arizona Municipal Corporation

hereinafter called Grantor, for and in consideration of the sum of Ten Dollars, and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby grant and convey to **SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT**, an agricultural improvement district organized and existing under the laws of the State of Arizona, hereinafter called Grantee, and Grantee's employees, contractors, licensees, invitees, successors and assigns, for itself and on behalf of the United States of America and as manager of the federal Salt River Reclamation Project, an exclusive easement to construct, install, reconstruct, replace, remove, repair, operate and maintain (i) one or more wells and/or water or irrigation pumping stations, pipes, canals, turnout structures, and all other appliances, appurtenances, and fixtures for the pumping, transmission or distribution of water ("Wellsite Purpose") (ii) buildings, structures, fences, walls or other improvements for use in connection with the Wellsite Purpose, (iii) underground electrical conduits and conductors, pipes, cables, switching equipment, transformers, pad-mounted equipment, and all other appliances, appurtenances and fixtures for the transmission and distribution of electricity, communication signals and data and all other purposes connected with the Wellsite Purpose, and for the purposes set forth in items (i) and (ii) above, in, upon, over, under, across, through and along the Easement Property (defined below) as Grantee may now or hereafter deem convenient or necessary from time to time, together with the right of access to, from, over, across, and through the Easement Property for the purpose of exercising the rights granted to Grantee hereunder (collectively, the "Easement"). The facilities described in items (i), (ii), and (iii) above shall be collectively referred to herein as the "Facilities").

The lands in, upon, over, under, across, through and along which the Easement is granted are situated in the County of Maricopa, State of Arizona, and are more particularly described as:

Easement Property:

See **Exhibit "A"** attached hereto and incorporated herein by this reference

The Easement is governed by the following terms and conditions:

1. Exclusive Easement. Grantee's rights to use the Easement are exclusive. Grantor shall not use or grant any right to use the Easement Property, including without limitation granting licenses or additional easements, for any purpose without the prior written consent of Grantee, which may granted or denied through the exercise of Grantee's sole discretion, and any use or grant of rights in violation of this requirement is void. To request any such prior written consent, with such consent in each instance to be granted or denied through the exercise of Grantee's sole discretion: (i) Grantor shall provide Grantee with plans describing the proposed use, which shall include without limitation all construction and other development plans showing all improvements and activities to be located within the Easement Property, and any alterations thereto; and (ii) provided Grantee approves such use, Grantor shall execute Grantee's standard form license agreement, authorizing the use of the Easement Property.

2. Additional Grantee Rights. Grantee shall have the right (but not the obligation) to do any and all of the following:

a. Trim, cut and clear away trees, brush or other vegetation on, or which encroaches into, the Easement Property, whenever in its judgment the same shall be necessary for the convenient and safe exercise of the rights herein granted.

b. Install, place and maintain on the Easement Property warning or safety signs regarding the Facilities and safety or security devices to protect the Facilities.

c. Enclose the Easement Property or any portion thereof by fences, walls or other structures and to take other steps to prevent access thereto by unauthorized persons.

3. Grantee Maintenance of Easement Property. Grantee is responsible for all maintenance of the Easement Property, including without limitation the landscaping thereon. Grantee shall maintain the Easement Property in a good and workmanlike manner, and shall remove any litter or other debris which is or may become located on the Easement Property.

4. Multiple Locking Device. Grantee shall utilize a multiple locking device, accessible by both Grantor and Grantee, on the main entrance gate to the Easement Property. Grantor shall notify Grantee, in a timely manner, if Grantor accesses the Easement Property and the reason for such access. Notwithstanding the provisions of paragraph 3, Grantor shall be responsible for any damage caused to the Easement Property and/or the Facilities as a result of Grantor's activities within the Easement Property.

5. Perpetual Nature of Easement. The Easement, and Grantee's rights hereunder, shall be perpetual, and shall not terminate until, and unless abandoned through the recordation of a document formally abandoning the Easement, which references this instrument and is executed and acknowledged by Grantee. Upon such recordation, all Grantee's rights hereunder shall cease, except the right to remove any and all property placed upon the Easement Property within a reasonable time subsequent to such abandonment.

6. Successors and Assigns. The benefits and burdens, and the covenants and agreements herein set forth shall run with and burden the land and shall extend and inure in favor and to the benefit of, and shall be binding on Grantor and Grantee and their successors and assigns.

7. Ratification of Water Delivery and Use Agreement. Nothing herein amends or modifies the Water Delivery and Use Agreement between the Salt River Valley Water Users' Association and City of Peoria, Arizona, dated December 20, 1990 ("Water Delivery and Use Agreement"), including without limitation the provisions of Exhibit 12.1 thereto, and such Water Delivery and Use Agreement is hereby ratified and affirmed by Grantor and Grantee. In the event of a conflict between the terms and conditions set forth in this instrument, and the Water Delivery and Use Agreement, the Water Delivery and Use Agreement shall control.

8. Rights and Remedies Cumulative. The rights and remedies hereunder are cumulative, and the exercise of any one or more of such rights or remedies shall not preclude the exercise, at the same or different times, of any other right or remedy available.

9. Warranty of Title. Grantor represents and warrants that: (i) fee simple title to the Grantor's Property and Easement Property is vested in Grantor, and (ii) Grantor has full power and authority to grant the Easement and to perform its obligations under this document.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, Grantor has executed this Easement as of the date set forth in its acknowledgement below.

GRANTOR:

CITY OF PEORIA,
an Arizona Municipal Corporation

By: _____

Its: _____

STATE OF ARIZONA)
) ss
COUNTY OF MARICOPA)

The foregoing instrument was acknowledged before me this _____ day of _____, 2018, by _____, as _____ of _the City of Peoria, an Arizona municipal corporation, on behalf of the corporation.

_____
Notary Public

Attest:

_____
City Clerk

Approved as to Form

_____
City Attorney

EXHIBIT A

EASEMENT PROPERTY

[See attached legal description and depiction thereof comprising two (2) pages]

EXHIBIT "A"

LEGAL DESCRIPTION
SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT

TYPE: WELL SITE EASEMENT
APN: 200-68-019A
LOCATION: SW ¼, SECTION 12, T3N, R1E
DATE: NOVEMBER 9, 2018

SRP JOB NO.: W1390355
SRP JOB NAME: ADDITIONAL WELL SITE EASEMENT 5.3E 16.2N

AN EASEMENT ACROSS A PARCEL OF LAND IN THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 3 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

DOCKET 3943, PAGE 249, MARICOPA COUNTY RECORDS, ARIZONA;

EXCEPT THE WEST 130.00 FEET THEREOF; AND

EXCEPT THE EAST 15.00 FEET THEREOF AS DESCRIBED IN DOCKET 13606 PAGE 162, MARICOPA COUNTY RECORDS, ARIZONA;

SAID EASEMENT CONTAINS 3,211 SQUARE FEET MORE OR LESS.

END OF DESCRIPTION

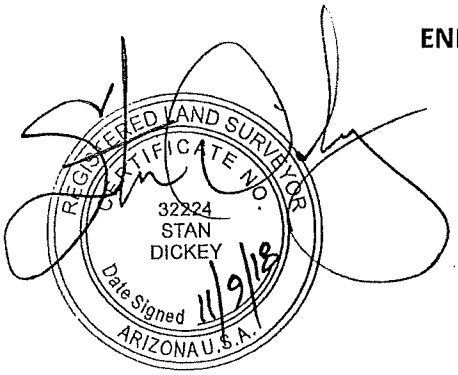
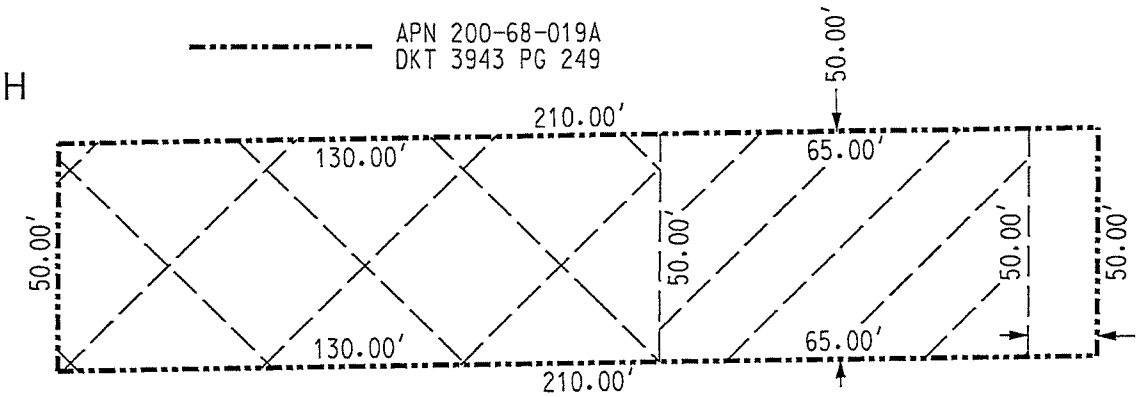


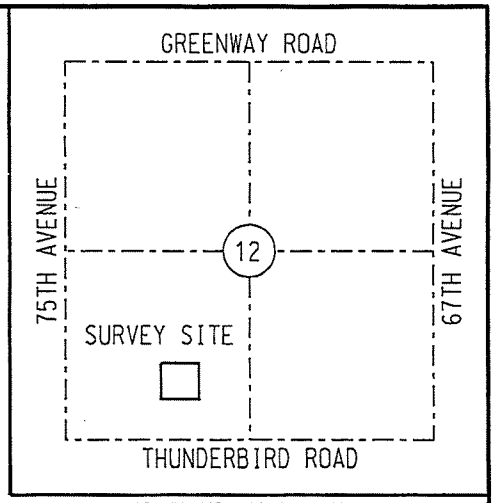
EXHIBIT "A"

NORTH

LEGEND

- WELL SITE EASEMENT
- EXISTING WELL SITE EASEMENT DKT 7348 PG 983 MCR
- APN 200-68-019A DKT 3943 PG 249





VICINITY MAP (NTS)
T3N R1E
G&SRM

CAUTION

THE EASEMENT LOCATION AS HEREON DELINEATED MAY CONTAIN HIGH VOLTAGE ELECTRICAL EQUIPMENT, NOTICE IS HEREBY GIVEN THAT THE LOCATION OF UNDERGROUND ELECTRICAL CONDUCTORS OR FACILITIES MUST BE VERIFIED AS REQUIRED BY ARIZONA REVISED STATUTES, SECTION 40-380.21, ET. SEQ., ARIZONA BLUE STAKE LAW, PRIOR TO ANY EXCAVATION.

ABBREVIATION TABLE

MCR	MARICOPA COUNTY RECORDER
RLS	REGISTERED LAND SURVEYOR
DKT	DOCKET
PG	PAGE
NTS	NOT TO SCALE
ESMT	EASEMENT

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
32224
STAN
DICKEY
Date Signed 11/9/18
ARIZONA U.S.A.

NOTES

THIS EXHIBIT IS INTENDED TO ACCOMPANY AN EASEMENT. ALL PARCELS SHOWN WERE PLOTTED FROM RECORD INFORMATION, AND NO ATTEMPT HAS BEEN MADE TO VERIFY THE LOCATION OF ANY BOUNDARIES SHOWN. THIS IS NOT AN ARIZONA BOUNDARY SURVEY.

SALT RIVER PROJECT
AGRICULTURAL IMPROVEMENT & POWER DISTRICT

SRP JOB NUMBER: W1390355	SCALE: NOT TO SCALE
AMP W/O NUMBER:	SHEET: 1 OF 1
AGENT: YASSINE	SHEET SIZE: 8.5"x11"
DRAWN: GRIER	REVISION: 1
CHECKED BY:	CREW CHIEF:
DATE: 11-9-18	FIELD DATE: N/A

SRP SURVEY DIVISION
LAND DEPARTMENT

WELL SITE ESMT
SW 1/4, SECTION 12
T.3 N., R.1 E
5.3 EAST - 16.2 NORTH

This attachment is not the final version. The final version will be uploaded once the revised legal description is received from Salt River Project.

WHEN RECORDED MAIL TO:

SALT RIVER PROJECT
Land Department/PAB350
PO Box 52025
Phoenix, Arizona 85072-2025

EXEMPT PURSUANT TO
A.R.S. §§ 11-1134(A)(2) and (A)(3)

TEMPORARY CONSTRUCTION EASEMENT AGREEMENT

Maricopa County	R/W #	Agt. GY
Parcel # 200-68-019A	Job # LJ72649	
Well Site: 5.3E-16.2N	W_____	C _____

CITY OF PEORIA, an Arizona Municipal Corporation

hereinafter called Grantor, for and in consideration of the sum of Ten Dollars, and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby grant and convey to **SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT**, an agricultural improvement district organized and existing under the laws of the State of Arizona, hereinafter called Grantee, and Grantee's employees, contractors, licensees, invitees, successors and assigns, a temporary exclusive easement on, over, upon, through and under the following described property (the "Easement Parcel") for construction purposes, together with the temporary right, easement and privilege of full and free vehicular and pedestrian ingress and egress over, across and upon the Easement Parcel, and all real property of Grantor adjacent thereto as may be reasonably necessary to provide access to and from the Easement Parcel (collectively, the "Easement").

Easement Parcel:

See **Exhibit "A"** attached hereto and incorporated herein by this reference

The Easement is governed by the following terms and conditions:

1. Term, Termination.

(a) Term. The Easement and all rights and obligations provided herein shall be and remain in effect from the date this Easement is recorded until 5:00 p.m. (MST) on 7/23/2020, unless the parties mutually agree to extend the term on a month-to-month basis, or unless cancelled sooner with 10 day written notice by Grantee during said term at Grantee's sole discretion (the "Term").

(b) Recordation of Evidence of Termination. Within 5 business days after expiration of the Term, or termination, in whole or in part, in accordance with Section 1(a), Grantor and Grantee shall execute, have acknowledged and recorded, an instrument terminating the Easement and all rights and obligations herein, with respect to the Easement Parcel.

2. Exclusive Easement. Grantee's rights to use the Easement are exclusive. Grantor shall not use, nor grant any licenses, additional easements, or any other rights to use the Easement Parcel, without the prior written consent of Grantee, which may granted or denied through the exercise of Grantee's sole discretion. Grantor shall have no responsibility for maintenance of the Easement Parcel during the term of this Easement.

3. Compliance with Applicable Laws. Grantee's use of the Easement Parcel shall be in compliance with all applicable laws.

4. Liens. Grantee shall pay or cause to be paid all costs for work done by Grantee or caused to be done by Grantee on the Easement Parcel, and Grantee shall keep the Easement Parcel free and clear of all mechanics' liens and materialmen's liens, professional service liens and other liens on account of work done or materials supplied to Grantee or to the Easement Parcel at the request of Grantee or any other person or entity acting on Grantee's behalf.

5. Completion of Construction Activities. Upon completion of all construction activities, Grantee shall restore the real property described above to as close to its original condition as is reasonably possible at the expense of the Grantee.

6. Successors and Assigns. The benefits and burdens, and the covenants and agreements herein set forth shall run with and burden the land and shall extend and inure in favor and to the benefit of, and shall be binding on Grantor and Grantee and their successors and assigns.

(Signature page and notary block follow on next page)

IN WITNESS WHEREOF, Grantor has executed this Easement as of the date set forth in its acknowledgement below.

GRANTOR:

CITY OF PEORIA,
an Arizona Municipal Corporation

By: _____

Its: _____

STATE OF ARIZONA)

) ss

COUNTY OF MARICOPA)

The foregoing instrument was acknowledged before me this _____ day of _____, 2018, by _____, as _____ of the City of Peoria, an Arizona municipal corporation, on behalf of the corporation.

_____
Notary Public

Attest:

_____
City Clerk

Approved as to Form_____

City Attorney

EXHIBIT "A"

DRAFT

LEGAL DESCRIPTION
SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT

TYPE: TEMPORARY CONSTRUCTION EASEMENT
APN: 200-68-019B, 200-68-21, & REDFIELD ROAD
LOCATION: SW ¼, SECTION 12, T3N, R1E

DATE: NOVEMBER 9, 2018
SRP JOB NO.: W1390355
SRP JOB NAME: ADDITIONAL WELL SITE EASEMENT 5.3E 16.2N

AN EASEMENT LOCATED IN THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 3 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 380.00 FEET SOUTH AND 20.00 FEET EAST OF THE CENTER OF SAID SOUTHWEST QUARTER;

THENCE SOUTH 20.00 FEET;

THENCE EAST 210.00 FEET ALONG THE NORTH LINE OF DOCKET 3943, PAGE 249, MARICOPA COUNTY RECORDS, ARIZONA;

THENCE NORTH 20.00 FEET ALONG THE WEST LINE OF DOCKET 16113, PAGE 605, MARICOPA COUNTY RECORDS, ARIZONA;

THENCE WEST 210.00 TO THE POINT OF BEGINNING;

TOGETHER WITH THE FOLLOWING;

BEGINNING AT A POINT 380.00 FEET SOUTH AND 210.00 FEET EAST OF THE CENTER OF SAID SOUTHWEST QUARTER;

THENCE EAST 15.00 FEET;

THENCE SOUTHEASTERLY TO A POINT ON THE SOUTH LINE OF DOCKET 16113, PAGE 605, MARICOPA COUNTY RECORDS, ARIZONA, 40.00 FEET EAST OF THE SOUTHWEST CORNER THEREOF;

THENCE 40.00 FEET WEST TO THE SAID SOUTHWEST CORNER;

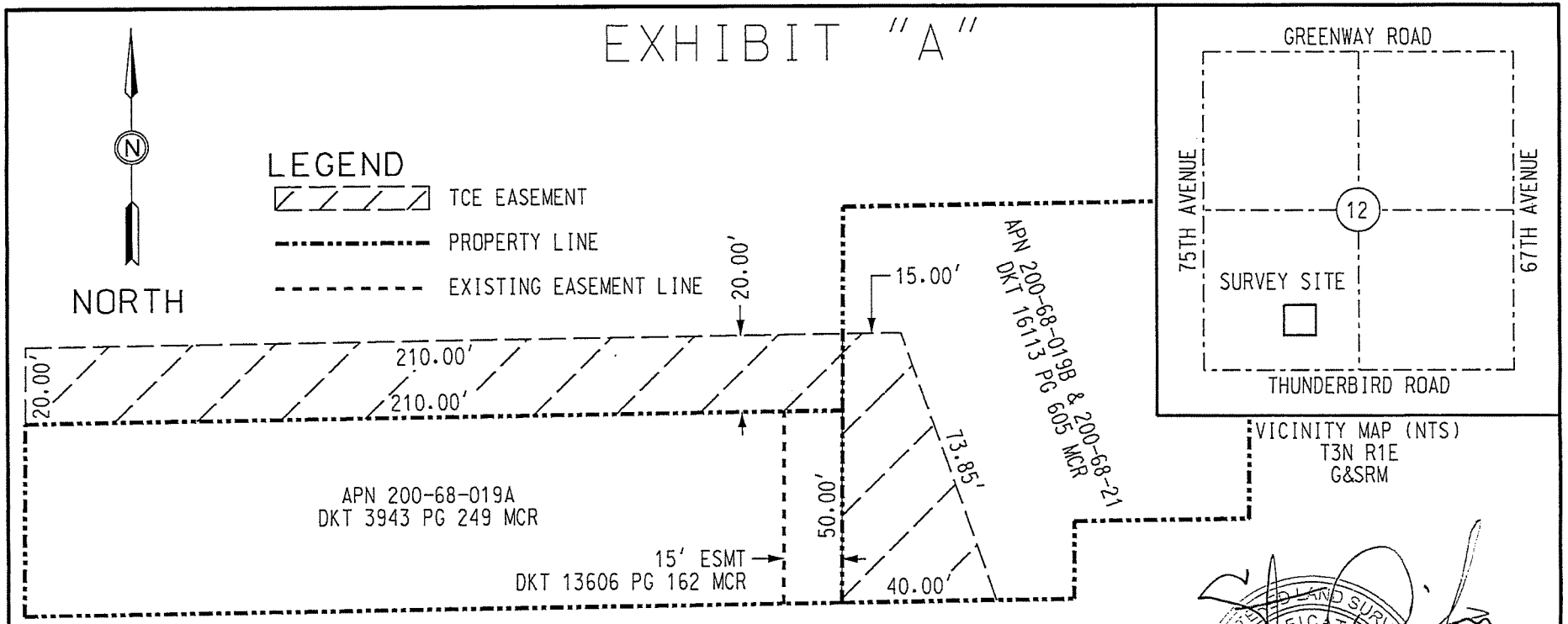
THENCE NORTH ALONG THE EAST LINE OF DOCKET 3943 PG 249, MARICOPA COUNTY RECORDS, ARIZONA, TO THE POINT OF BEGINNING;

SAID EASEMENT CONTAINS 6,126.00 SQUARE FEET MORE OR LESS.

END OF DESCRIPTION

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
32224
STAN
DICKEY
Date Signed 11/9/18
ARIZONA U.S.A.

EXHIBIT "A"



CAUTION

THE EASEMENT LOCATION AS HEREON DELINEATED MAY CONTAIN HIGH VOLTAGE ELECTRICAL EQUIPMENT, NOTICE IS HEREBY GIVEN THAT THE LOCATION OF UNDERGROUND ELECTRICAL CONDUCTORS OR FACILITIES MUST BE VERIFIED AS REQUIRED BY ARIZONA REVISED STATUTES, SECTION 40-380.21, ET. SEQ., ARIZONA BLUE STAKE LAW, PRIOR TO ANY EXCAVATION.

ABBREVIATION TABLE

TCE	TEMPORARY CONSTRUCTION EASEMENT
ESMT	EASEMENT
MCR	MARICOPA COUNTY RECORDER
RLS	REGISTERED LAND SURVEYOR
DKT	DOCKET
PG	PAGE
NTS	NOT TO SCALE

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
32224
STAN
DICKEY
Date Signed 11/9/18
ARIZONA U.S.A.

NOTES

THIS EXHIBIT IS INTENDED TO ACCOMPANY AN EASEMENT. ALL PARCELS SHOWN WERE PLOTTED FROM RECORD INFORMATION, AND NO ATTEMPT HAS BEEN MADE TO VERIFY THE LOCATION OF ANY BOUNDARIES SHOWN. THIS IS NOT AN ARIZONA BOUNDARY SURVEY.

SALT RIVER PROJECT
AGRICULTURAL IMPROVEMENT & POWER DISTRICT

SRP JOB NUMBER: W1390355	SCALE: NOT TO SCALE
AMP W/O NUMBER:	SHEET: 1 OF 1
AGENT: YASSINE	SHEET SIZE: 8.5"x11"
DRAWN: GRIER	REVISION:
CHECKED BY:	CREW CHIEF:
DATE: 11-9-18	FIELD DATE: N/A

SRP SURVEY DIVISION
LAND DEPARTMENT

TCE ESMT
SW 1/4, SECTION 12
T.3 N., R.1 E
5.3 EAST - 16.2 NORTH

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 10C.

Date Prepared: 11/19/2018

Council Meeting Date: 12/4/2018

TO: Jeff Tyne, City Manager

THROUGH: Katie Gregory, Deputy City Manager

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

SUBJECT: Dedication of Public Utility Easement, Northern Avenue and 85th Avenue

Purpose:

Discussion and possible action to adopt **RES. 2018-124** authorizing the City Manager to execute a Public Utility Easement along Northern Avenue west of 85th Avenue adjacent to the retention basin at the northwest corner of Northern and 85th Avenues.

Summary:

Development of the vacant land to the north and west of the City owned retention basin has triggered the installation of new and relocation of existing public utilities along the Northern Avenue frontage. Rather than dedicate individual easements to each of the affected utility companies the City will grant a public utility easement to ensure that the utilities are all within a designated area.

Previous Actions/Background:

7/19/17 – Council approved the Dedication of Public Roadway for Northern Avenue right of way.

2/21/17 – Council approved a Minor General Plan Amendment and Rezoning for the development of the parcels to the north and west of the City owned retention basin.

Options:

A: City Council authorizes the execution and recordation of the Public Utility Easement.

B: City Council chooses not to authorize the easement resulting in each individual utility company requesting an easement from the City owned retention basin.

Staff Recommendation:

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

Fiscal Analysis:

There is no fiscal impact to the City associated with the granting of these land rights.

ATTACHMENTS:

Vicinity Map
Location Map
Resolution
Resolution Attachment

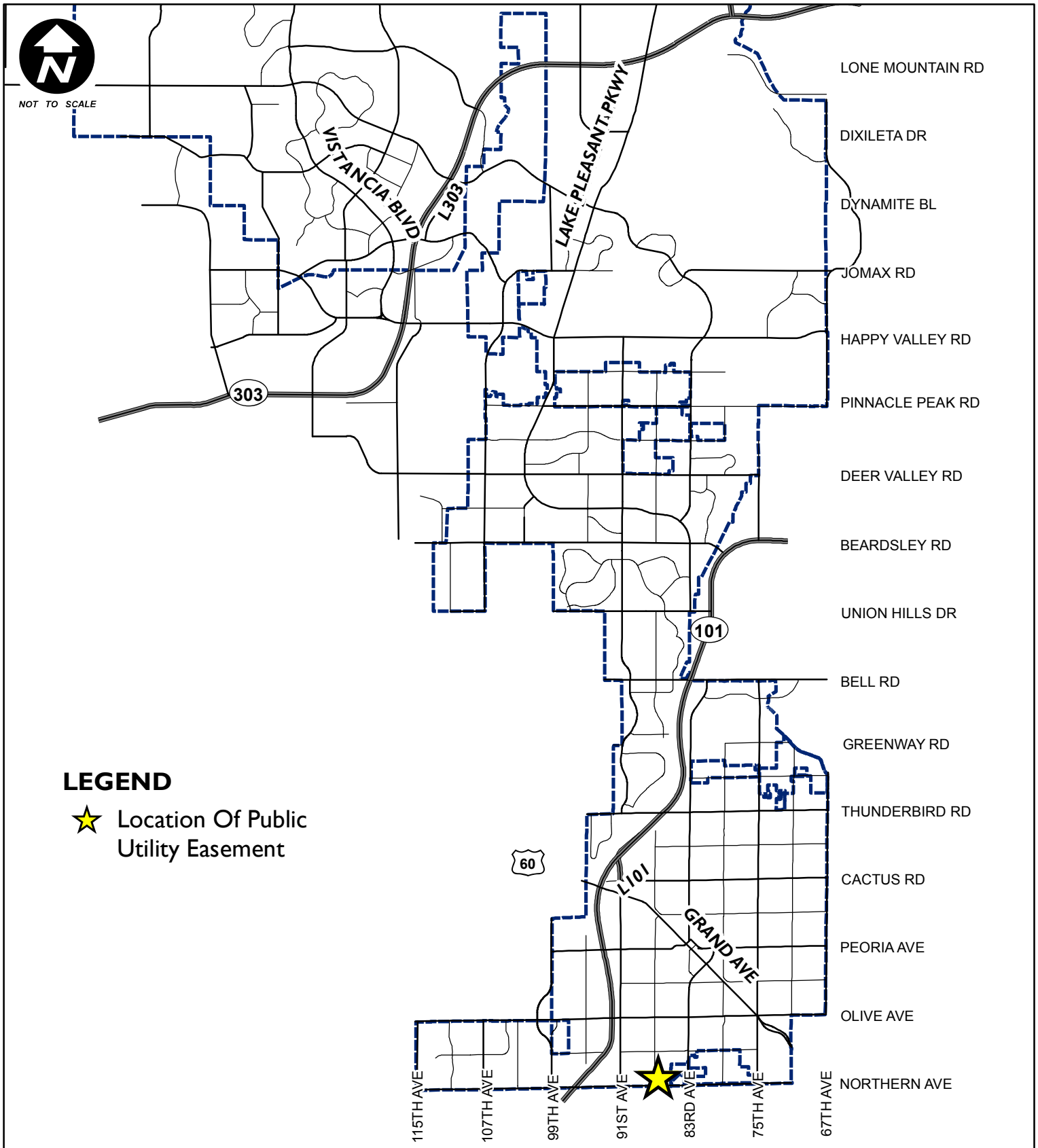
Contact Name and Number:
Adina Lund, Development and Engineering Director, (623) 773-7249

City of Peoria

DEVELOPMENT AND ENGINEERING

Dedication of Public Utility Easement
NWC 85th Ave & Northern Ave

Vicinity Map



City of Peoria
DEVELOPMENT & ENGINEERING

Dedication of Public
Utility Easement
NWC 85th Ave & Northern Ave

Location Map

LEGEND

Public Utility Easement

GIS
GEOGRAPHIC INFORMATION SYSTEMS
City of Peoria
Arizona

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

RESOLUTION NO. 2018-124

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, AUTHORIZING THE GRANTING OF A PUBLIC UTILITY EASEMENT TO THE PUBLIC RELATED TO DEVELOPMENT ADJACENT TO THE NORTHERN AVENUE RETENTION BASIN.

WHEREAS, development of land adjacent to the City owned retention basin that the northwest corner of Northern and 85th Avenues requires the dedication of land rights for public utilities.

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 Public Utility 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 Public Utility Easement to the public, and authorize the City Manager to execute the document.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Arizona this 4th day of December, 2018.

_____
Cathy Carlat, Mayor

_____
Date Signed

ATTEST:

_____
Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

_____
Vanessa P. Hickman, City Attorney

Attachment:

1. Public Utility Easement

When Recorded/Executed Mail to:

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

EASEMENT FOR PUBLIC UTILITIES

CITY OF PEORIA, an Arizona municipal corporation, Grantor(s), 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 public, 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 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 the Grantor hereby covenants that it is lawfully seized and possessed on this aforementioned tract or parcel of land; that it has a good and lawful right to sell and convey it; and that they will warrant the title and quiet possession thereto against the lawful claim of all persons.

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.

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.

The City of Peoria shall not be responsible for replacing any landscaping or any improvement placed in the easement by grantee or its successors or assigns, except as noted herein.

Date: _____

Grantor: CITY OF PEORIA, an Arizona municipal corporation

By: _____
Jeff Tyne, City Manager

ACKNOWLEDGEMENT

STATE OF ARIZONA)
) ss.
County of Maricopa)

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.

_____
Notary Public

My Commission Expires:

_____

EXHIBIT A

LEGAL

THAT PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 34, TOWNSHIP 3 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS;

BEGINNING AT THE SOUTH QUARTER OF SECTION 34;

THENCE N 89° 37' 13" E A DISTANCE OF 478.94 FEET ALONG THE SOUTH LINE OF SAID SECTION 34 AND THE MONUMENT LINE OF NORTHERN AVENUE;

THENCE N 00° 04' 51" E A DISTANCE OF 65.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF SAID NORTHERN AVENUE AND THE SOUTHWEST CORNER OF PARCEL 142-33-137A AS RECORDED IN THE OFFICE OF THE MARICOPA COUNTY RECORDERS, MARICOPA COUNTY, ARIZONA, WHICH IS THE TRUE POINT OF BEGINNING;

THENCE N 00° 04' 51" E A DISTANCE OF 8.00 FEET ALONG THE WEST LINE OF SAID PARCEL;

THENCE N 89° 37' 13" E A DISTANCE OF 784.21 FEET TO A POINT ON THE EAST LINE OF SAID PARCEL;

THENCE S 00° 18' 02" W A DISTANCE OF 8 FEET ALONG THE EAST LINE OF SAID PARCEL TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF SAID NORTHERN AVENUE

THENCE S 89° 37' 13" W A DISTANCE OF 784.18 FEET ALONG THE SOUTH LINE OF SAID PARCEL AND THE NORTH-RIGHT-OF WAY LINE OF SAID NORTHERN AVENUE, WHICH IS THE TRUE POINT OF BEGINNING;

SAID EASEMENT CONTAINS 6273.53 SF OR 0.1110 A.C. MORE OR LESS

Title: PUBLIC UTILITY EASEMENT

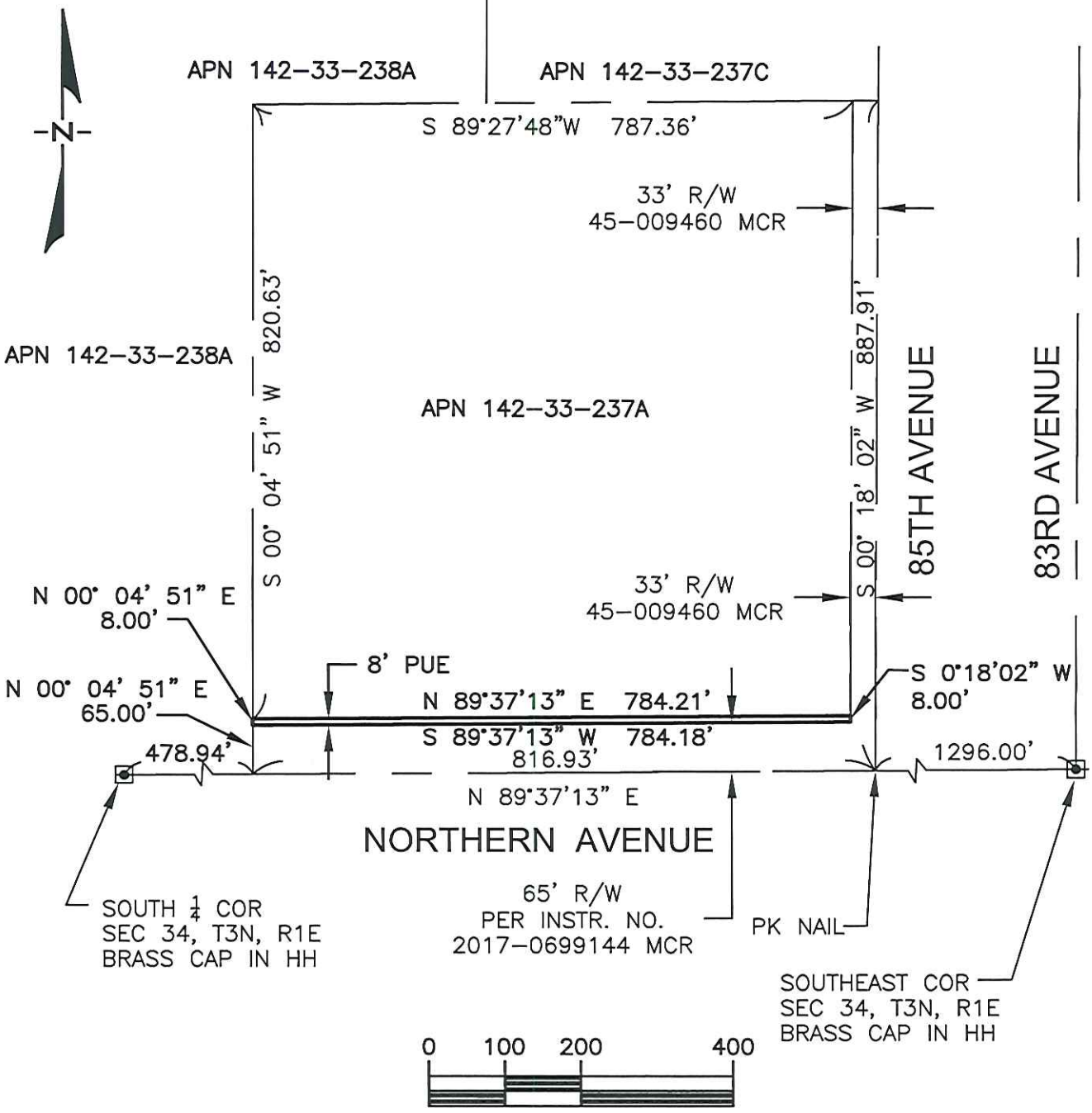
Preparing Firm: CITY OF PEORIA

Address: 9875 N 85TH AVENUE

Phone: 623-773-7210 **Fax: 623-773-7211**

EXHIBIT A

SKETCH



Title: PUBLIC UTILITY EASEMENT SCALE: 1" = 200'

Preparing Firm: CITY OF PEORIA

Address: 9875 N 85TH AVENUE

Phone: 623-773-7210 **Fax: 623-773-7211**

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 11C.

Date Prepared: 11/15/2018

Council Meeting Date: 12/4/2018

TO: Jeff Tyne, City Manager

THROUGH: Katie Gregory, Deputy City Manager

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

SUBJECT: Final Plat, Sumera Kayani, 67th Avenue and Pinnacle Peak

Purpose:

Discussion and possible action to approve a Final Plat of Sumera Kayani, located on 67th Avenue north of Pinnacle Peak, subject to stipulations.

Summary:

The purpose of the Final Plat is to divide one parcel into three for residential use. This development is within the City's water/sewer service area. This final plat creates a total of 3 new lots.

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 owners from developing this land.

B : The other option would be to formally approve the Final Plat and allow this land to be developed.

Staff Recommendation:

Staff recommends the approval and subsequent recordation of the attached Final Plat subject to the following stipulation:

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

FINAL PLAT FOR

"SUMERA KAYANI"

LOCATED WITHIN THE SOUTHEAST QUARTER OF SECTION 12, T4N, R1E, G.& S.R.B.M, MARICOPA COUNTY, ARIZONA

DEDICATION

STATE OF ARIZONA)
)ss
COUNTY OF MARICOPA)

Know All Men By These Presents:

That William Isaac and Rosa Isaac, husband and wife, Sumera Kayani, and Anthony James Eyrich and Suzanne Eyrich, husband and wife, as Owners shown hereon, hereby publishes this Final Plat for "Sumera Kayani" over a portion of the Southeast quarter of Section 12, T4N, R1E and hereby publishes this plat as, and for, the plat of said Final Plat for "Sumera Kayani" declares that said Plat sets forth the location and gives the dimensions of the lots, streets and easements constituting same, and that each lot and street shall be known by the number or name given each respectively on said plat and dedicates to the City of Peoria for use as such, the streets as shown on said plat and included in the above described premises. Easements are dedicated for the purposes shown. The Owners, hereby dedicate to the City 67th Avenue rights-of-way and Avenida Del Sol rights-of-way as shown hereon, for the use as (A) public streets, and (B) all public sewer, water,gas electric and any other utility services. Landscaping within the right-of-way shall be maintained by the fronting property Owners. The Owners, hereby warrants to the City the title to said right of way as shown hereon, against the claims of all persons whomsoever. Public Utility Easements (PUE) are dedicated to the City of Peoria for use as such.

ACKNOWLEDGMENT

In witness whereof:

William Isaac and Rosa Isaac as legal Owners, has hereunto affixed their signature

By: _____ Date: _____

By: _____ Date: _____

STATE OF ARIZONA)
)ss
COUNTY OF MARICOPA)

On this, the _____day of_____, 2018, before me the undersigned, William Isaac, appeared and acknowledged himself to be the Owner and executed the foregoing instrument for the purposes therein contained by signing his name.

In witness whereof:

I hereunto set my hand and official seal.

Notary Public

My Commission Expires

STATE OF ARIZONA)
)ss
COUNTY OF MARICOPA)

On this, the_____day of_____, 2018, before me the undersigned, Rosa Isaac, appeared and acknowledged herself to be the Owner and executed the foregoing instrument for the purposes therein contained by signing her name.

In witness whereof:

I hereunto set my hand and official seal

Notary Public

My Commission Expires

ACKNOWLEDGMENT

Anthony James Eyrich and Suzanne Eyrich as legal Owners, has hereunto affixed their signature

By:_____ Date:_____

By:_____ Date:_____

STATE OF ARIZONA)
)ss
COUNTY OF MARICOPA)

On this, the_____day of_____, 2018, before me the undersigned, Anthony James Eyrich, appeared and acknowledged himself to be the Owner and executed the foregoing instrument for the purposes therein contained by signing his name.

In witness whereof:

I hereunto set my hand and official seal.

Notary Public

My Commission Expires

STATE OF ARIZONA)
)ss
COUNTY OF MARICOPA)

On this, the_____day of_____, 2018, before me the undersigned, Suzanne Eyrich, appeared and acknowledged herself to be the Owner and executed the foregoing instrument for the purposes therein contained by signing her name.

In witness whereof:

I hereunto set my hand and official seal.

Notary Public

My Commission Expires

ACKNOWLEDGMENT

In witness whereof:

Sumera Kayani as legal Owner, has hereunto affixed her signature

By: _____ Date: _____

STATE OF ARIZONA)
)ss
COUNTY OF MARICOPA)

On this, the_____day of_____, 2018, before me the undersigned, Sumera Kayani, appeared and acknowledged herself to be the Owner and executed the foregoing instrument for the purposes therein contained by signing her name.

In witness whereof:

I hereunto set my hand and official seal.

Notary Public

My Commission Expires

LIEN HOLDER RATIFICATION

Know All Men By These Presents:

That LM2 Investment Group, LLC, as beneficiary of that certain Deed of Trust recorded in Document No. 2014-717522, records of Maricopa County, Arizona, hereby ratifies, affirms and approves this plat and each and every dedication contained herein.

ACKNOWLEDGMENT

In witness whereof:

Mike Swerlyk, Jr., as Treasurer for 24 Holdings, Inc., as Manager for LM2 Investment Goup, LLC, has hereunto affixed his signature

By:_____ Date:_____

STATE OF ARIZONA)
)ss
COUNTY OF MARICOPA)

On this, the_____day of_____, 2018, before me the undersigned, Mike Swerlyk, Jr., appeared and acknowledged himself to be the Treasurer and executed the foregoing instrument for the purposes therein contained by signing his name.

In witness whereof:

I hereunto set my hand and official seal.

Notary Public

My Commission Expires

APPROVAL

Approved by the Mayor and City council of the City of Peoria, Arizona on the_____ day of_____, 2018.

By:_____
Mayor Date

Attest By: _____
City Clerk Date

Approved By: _____
For City Engineer Date

LOT AREAS

LOT NO. 1 62,975 S.F.

LOT NO. 2 62,975 S.F.

LOT NO. 3 55,343 S.F.

NOTES

1. No construction of any kind shall be constructed or placed within the utility easements, except utilities, wood, wire, or removable section type fencing, and/or paving, nor any planting except grass. It shall be further understood that the City of Peoria shall not be required to, replace any obstruction or planting that must be removed during the course of maintenance, construction or reconstruction.
2. All new and existing utility, electrical facilities less than 69 KVA, cable T.V., telecommunications fiber optics, cellular, gas, etc shall be installed underground as part of the street improvements.
3. Maintenance of surface and underground drainage facilities within all tracts, easements and rights-of-way shall be the responsibility of the Property Owner.
4. All lot corners shall be monumented with 1/2" rebar and capped or tagged bearing the registration number of the surveyor responsible for their placement.
5. Signs, fences, walls, utility boxes, structures, shrubs, hedges or other plants, but excluding trees over 30 inches in height shall not be permitted within view easements or the sight distance triangles. No limbs, leaves, needles or other foliage above 30 inches in height or below 84 inches are permitted. Trees are to be planted so as not to obstruct 20% of the visibility when combined with other obstructions.
6. This subdivision is located within the City of Peoria Water Service Area and has been designated as having a 100-year assured water supply.
7. This subdivision is located within the City of Peoria Sewer Service Area.

BASIS OF BEARINGS

The Basis of Bearings shown hereon is the East line of the Southeast quarter of Section 12, T4N, R1E, being South 00° 00' 00" East as taken from the legal description.

ZONING

This property is zoned SR-43 by the City of Peoria.

FLOOD ZONE

This property lies in Flood Zone X-Shaded according to FIRM No. 04013C1255L as published by FEMA on December 16, 2013.

CERTIFICATION

I, Thomas L. Rope, hereby certify that the plat as shown hereon was prepared under my direct supervision during the month of June, 2018; That the the survey is true and complete as shown; That the survey is mathematically correct; That all monuments shown actually exist or will be set no shown within one year of recordation; That their positions are correctly shown and that said monuments are sufficient to enable the survey to be retraced.

OWNERS

Lot No. 1: Isaac and Rosa William
7385 W. Honeysuckle Dr.
Peoria, AZ 85383

Lot No. 2: Sumera Kayani
4935 W. Tehler Trail
Phoenix, AZ 85083

Lot No. 3: Anthony and Suzanne Eyrich
22477 N. 76th Drive
Peoria, AZ 85383

LIEN HOLDER

(For Lot No. 2 Only)

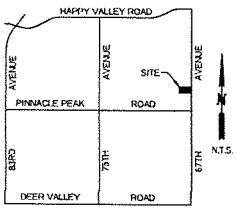
LM2 Investment Group, LLC
24 Holdings, Inc., as Manager
9160 E. Bahia Drive #105
Scottsdale, AZ 85260

LEGAL DESCRIPTION

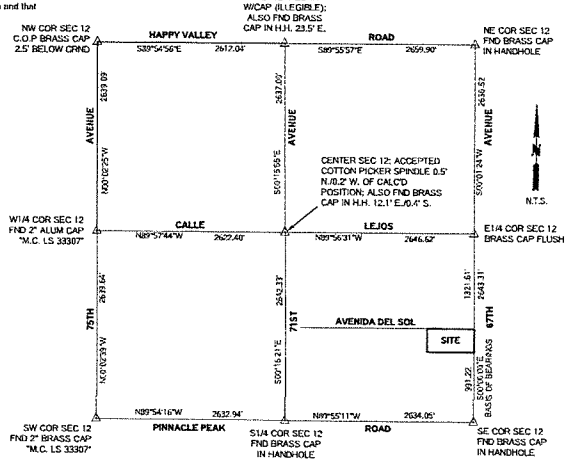
The North half of the Northeast quarter of the Southeast quarter of the Southeast quarter of Section 12, Township 4 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at the East quarter corner of said Section 12;
Thence South 00° 00' 00" East (Basis of Bearings) along the East line of the Southeast quarter of Section 12 a distance of 1321.61 feet to the Northeast corner of said North half of the Northeast quarter of the Southeast quarter of the Southeast quarter of Section 12 and the POINT OF BEGINNING;
Thence continuing South 00° 00' 00" East along said east line a distance of 330.48 feet to the Southeast corner of said North half of the Northeast quarter of the Southeast quarter of the Southeast quarter of Section 12;
Thence North 89° 56' 00" West along the South line thereof a distance of 658.52 feet to the Southwest corner of said North half of the Northeast quarter of the Southeast quarter of the Southeast quarter of Section 12;
Thence North 00° 00' 22" West along the West line thereof a distance of 330.41 feet to the Northwest corner of said North half of the Northeast quarter of the Southeast quarter of the Southeast quarter of Section 12;
Thence South 89° 56' 21" East along the North line thereof a distance of 658.55 feet to the POINT OF BEGINNING.

VICINITY MAP



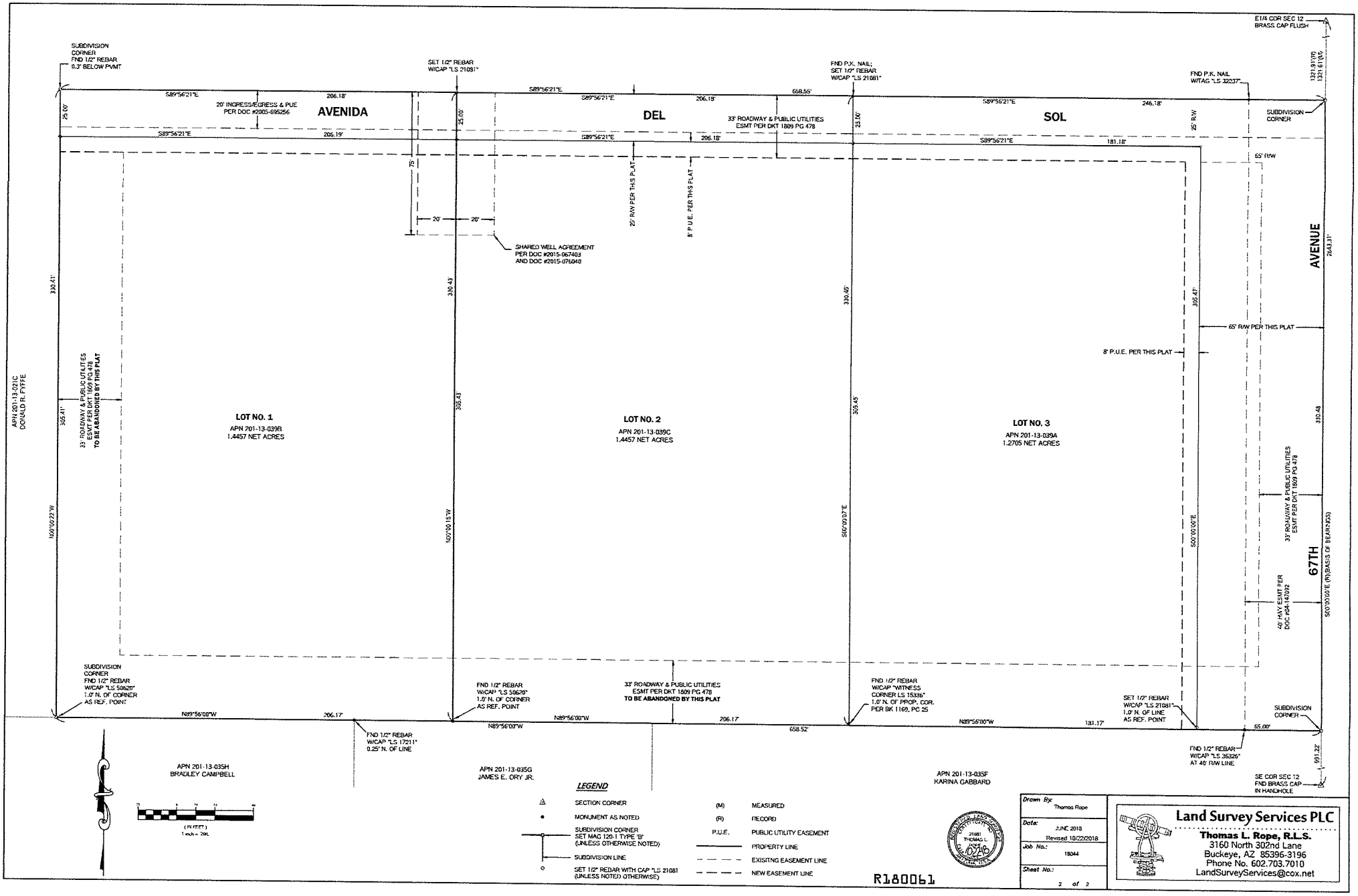
SECTION 12, T4N, R1E



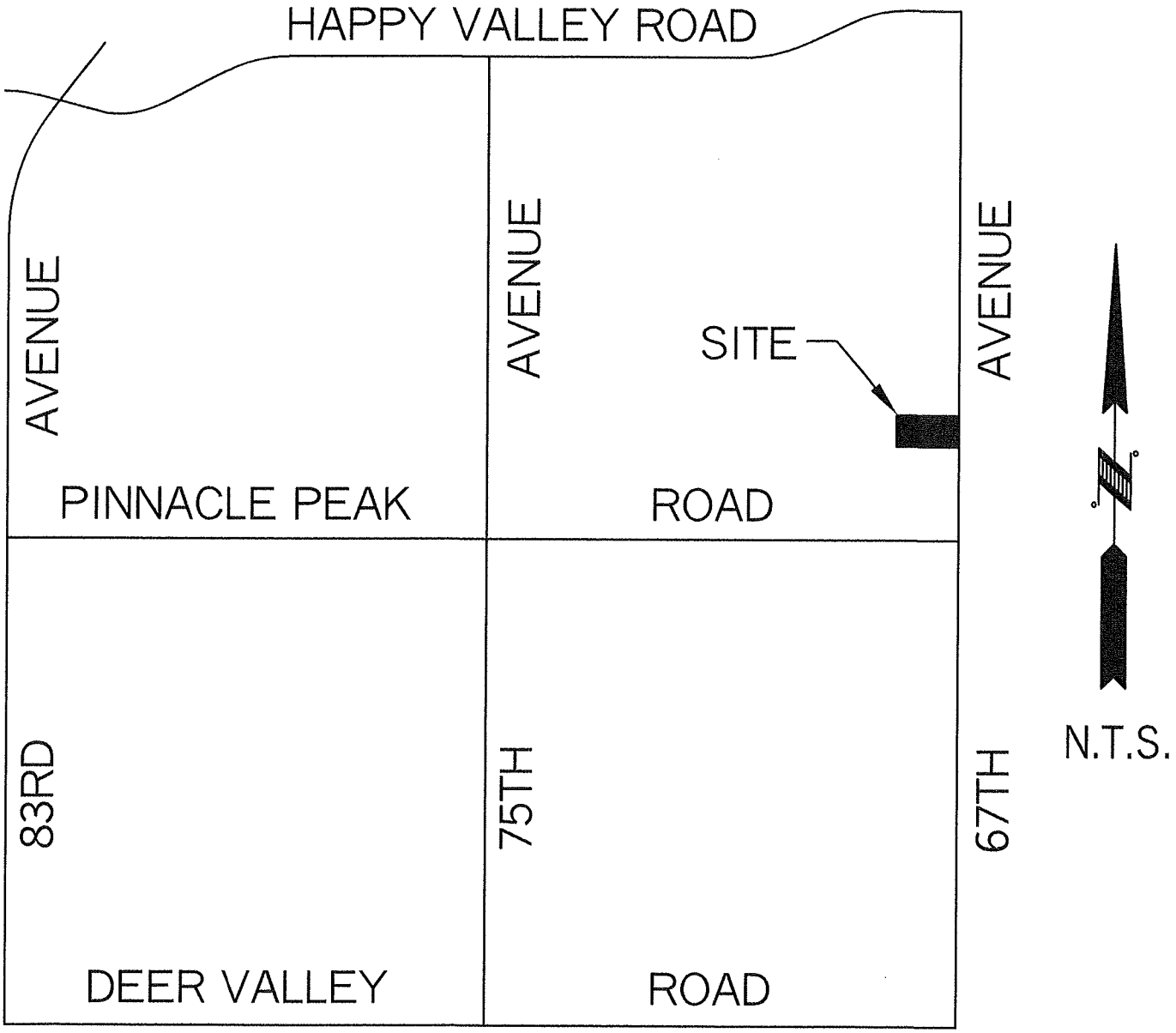
R180061

Drawn By:	Thomas Rope
Date:	JUNE 2018 Revised 10/22/2018
Job No.:	18044
Sheet No.:	1 of 2

Land Survey Services PLC
Thomas L. Rope, R.L.S.
3160 North 302nd Lane
Buckeye, AZ 85396-3196
Phone No. 602.703.7010
LandSurveyServices@cox.net


SUBDIVISION CORNER FND 1/2" REBAR 0.3' BELOW PVMT
SET 1/2" REBAR W/CAP "LS 21081"
FND P.K. NAIL; SET 1/2" REBAR W/CAP "LS 21081"
FND P.K. NAIL W/TAG "LS 32237"
E1/4 COR SEC 12 BRASS CAP FLUSH
SUBDIVISION CORNER
S89°56'21"E
206.18'
658.55'
246.18'
181.18'
206.19'
20' INGRESS/EGRESS & PUE PER DOC #2005-695256
AVENIDA
DEL
SOL
33' ROADWAY & PUBLIC UTILITIES ESMT PER DKT 1809 PG 478
25' R/W
25.00'
65' R/W
25' R/W PER THIS PLAT
8' P.U.E. PER THIS PLAT
20'
SHARED WELL AGREEMENT PER DOC #2015-067403 AND DOC #2015-076040
330.41'
330.43'
330.45'
395.47'
65' R/W PER THIS PLAT
8' P.U.E. PER THIS PLAT
395.41'
395.43'
395.45'
330.48'
33' ROADWAY & PUBLIC UTILITIES ESMT PER DKT 1809 PG 478 TO BE ABANDONED BY THIS PLAT
N00°00'22"W
N00°00'15"W
S00°00'07"E
S00°00'05"E
LOT NO. 1
APN 201-13-039B
1.4457 NET ACRES
LOT NO. 2
APN 201-13-039C
1.4457 NET ACRES
LOT NO. 3
APN 201-13-039A
1.2705 NET ACRES
APN 201-13-021C DONALD R. FYFFE
AVENUE
67TH
2643.31'
S00°03'00"E (R)(BASIS OF BEARINGS)
33' ROADWAY & PUBLIC UTILITIES ESMT PER DKT 1809 PG 478
40' HWY ESMT PER DOC #24-147092
SUBDIVISION CORNER FND 1/2" REBAR W/CAP "LS 50620" 1.0' N. OF CORNER AS REF. POINT
FND 1/2" REBAR W/CAP "LS 50620" 1.0' N. OF CORNER AS REF. POINT
33' ROADWAY & PUBLIC UTILITIES ESMT PER DKT 1809 PG 478 TO BE ABANDONED BY THIS PLAT
FND 1/2" REBAR W/CAP "WITNESS CORNER LS 15336" 1.0' N. OF PROP. COR. PER BK 1169, PC 25
SET 1/2" REBAR W/CAP "LS 21081" 1.0' N. OF LINE AS REF. POINT
SUBDIVISION CORNER
N89°56'00"W
206.17'
658.52'
181.17'
65.00'
FND 1/2" REBAR W/CAP "LS 17211" 0.25' N. OF LINE
FND 1/2" REBAR W/CAP "LS 36326" AT 40' R/W LINE
591.22'
SE COR SEC 12 FND BRASS CAP IN HANDHOLE
APN 201-13-035H BRADLEY CAMPBELL
APN 201-13-035G JAMES E. ORY JR.
APN 201-13-035F KARINA GABBARD
(IN FEET)
1 inch = 20ft
LEGEND
SECTION CORNER
MONUMENT AS NOTED
SUBDIVISION CORNER SET MAG 120-1 TYPE 'B' (UNLESS OTHERWISE NOTED)
SUBDIVISION LINE
SET 1/2" REBAR WITH CAP "LS 21081" (UNLESS NOTED OTHERWISE)
(M) MEASURED
(R) RECORD
P.U.E. PUBLIC UTILITY EASEMENT
PROPERTY LINE
EXISITNG EASEMENT LINE
NEW EASEMENT LINE
R180061
Drawn By: Thomas Rope
Date: JUNE 2018 Revised 10/22/2018
Job No.: 18044
Sheet No.: 2 of 2
Land Survey Services PLC
Thomas L. Rope, R.L.S.
3160 North 302nd Lane
Buckeye, AZ 85396-3196
Phone No. 602.703.7010
LandSurveyServices@cox.net

VICINITY MAP



CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 12C.

Date Prepared: 11/15/2018

Council Meeting Date: 12/4/2018

TO: Jeff Tyne, City Manager

THROUGH: Katie Gregory, Deputy City Manager

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

SUBJECT: Final Plat, Paradise @ P83, 75th Avenue and Paradise Lane

Purpose:

Discussion and possible action to approve a Final Plat of Paradise @ P83, located on 75th Avenue and Paradise lane, subject to stipulations.

Summary:

The purpose of the Final Plat is to combine several lots into one for commercial use. This development is within the City's water/sewer service area. All necessary rights-of-way and easements are being dedicated with the Final Plat.

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

FINAL PLAT
FOR
"PARADISE @ P83"
A PORTION OF THE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 3 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA

DEDICATION

STATE OF ARIZONA }
COUNTY OF MARICOPA } SS

KNOW ALL MEN BY THESE PRESENTS:
THAT PEORIA PARADISE P83, LLC, A DELAWARE LIMITED LIABILITY COMPANY, AS OWNERS, HAVE SUBDIVIDED UNDER THE NAME "PARADISE @ P83", BEING A PORTION OF THE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 3 NORTH, RANGE 1 EAST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, AS SHOWN AND PLATTED HEREON AND HEREBY PUBLISHES THIS PLAT AS AND FOR THE PLAT OF SAID "PARADISE @ P83" AND HEREBY DECLARES THAT SAID PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF THE LOTS AND EASEMENTS CONSTITUTING SAME AND THAT EACH LOT AND EASEMENT SHALL BE KNOWN BY THE NAME, NUMBER OR LETTER GIVEN TO EACH RESPECTIVELY ON SAID PLAT.

PEORIA PARADISE P83, LLC, A DELAWARE LIMITED LIABILITY COMPANY, AS OWNER, HEREBY DEDICATE TO THE CITY THE 75TH AVENUE RIGHT-OF-WAY AS SHOWN HEREON, FOR THE USE AS (A) PUBLIC STREETS, AND (B) ANY AND ALL PUBLIC SEWER, WATER, GAS, ELECTRIC AND ANY OTHER UTILITY SERVICES. LANDSCAPING WITHIN THE 75TH AVENUE RIGHT-OF-WAY SHALL BE MAINTAINED BY THE FRONTING PROPERTY OWNER. PEORIA PARADISE P83, LLC, A DELAWARE LIMITED LIABILITY COMPANY, HEREBY WARRANTS TO THE CITY THE TITLE TO SAID RIGHT OF WAY AS SHOWN HEREON, AGAINST THE CLAIMS OF ALL PERSONS WHOMSOEVER.

PUBLIC UTILITY EASEMENTS (PUE) ARE DEDICATED TO THE CITY OF PEORIA FOR USE AS SUCH. THE MAINTENANCE OF LANDSCAPING WITHIN THE RIGHTS-OF-WAY SHALL BE THE RESPONSIBILITY OF THE FRONTING PROPERTY OWNER.

WATER EASEMENTS:
PEORIA PARADISE P83, LLC, A DELAWARE LIMITED LIABILITY COMPANY, HEREBY GRANTS 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 A WATER LINE OVER, UNDER, AND ACROSS THE LOTS SITUATED IN THE COUNTY OF MARICOPA, STATE OF ARIZONA, TO HAVE AND TO HOLD THE SAID EASEMENT UNTO CITY OF PEORIA, A MUNICIPAL CORPORATION OF MARICOPA COUNTY, ARIZONA AND UNTO ITS SUCCESSORS AND ASSIGNS FOREVER, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS TO PERMIT THE CONSTRUCTION, OPERATION, MAINTENANCE, AND REPLACEMENT OF PUBLIC WATER LINE. SUBJECT TO NOTES 1, 2, 3 AND 4 BELOW.

AND THE GRANTOR HEREBY COVENANTS THAT IT IS LAWFULLY SEIZED AND POSSESSED ON THIS AFOREMENTIONED TRACT OR PARCEL OF LAND; THAT IT HAS A GOOD AND LAWFUL RIGHT TO SELL AND/OR CONVEY IT; AND THAT IT WILL WARRANT THE TITLE AND QUIET POSSESSION THERETO AGAINST THE LAWFUL CLAIM OF ALL PERSONS.

1. THE SAID EASEMENT TO INCLUDE 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 WATER LINES.
2. THE CITY OF PEORIA SHALL NOT BE RESPONSIBLE FOR REPLACING ANY LANDSCAPING OR ANY IMPROVEMENT PLACED IN THE EASEMENT BY GRANTOR OR ITS SUCCESSORS OR ASSIGNS, EXCEPT AS NOTED HEREIN.
3. THE CITY OF PEORIA WILL MAKE REASONABLE EFFORTS TO PROMPTLY RESTORE ASPHALTIC CONCRETE PAVEMENT SURFACES.
4. GRANTOR, ITS SUCCESSORS OR ASSIGNS AT ITS SOLE COST, SHALL BE RESPONSIBLE FOR PROMPTLY REPLACING ANY ASPHALT, LANDSCAPING OR ANY IMPROVEMENT PLACED IN THE EASEMENT BY GRANTOR OR ITS SUCCESSORS OR ASSIGNS.

THE OWNER DOES HEREBY GRANT TO THE CITY OF PEORIA, AS EASEMENT FOR MAINTENANCE OF ON-SITE RETENTION BASINS(S), PIPE STORAGE SYSTEM(S), OR ANY DRAINAGE FACILITY(IES) WITHIN THIS DEVELOPMENT AS REFLECTED ON THE APPROVED GRADING AND DRAINAGE PLAN. THIS EASEMENT MAY BE EXERCISED BY THE CITY OF PEORIA ONLY AT SUCH TIME THAT THE PROPERTY/CENTER OWNER OR ASSOCIATION RESPONSIBLE FOR THE MAINTENANCE OF SUCH FACILITIES FAILS TO PROVIDE THE REQUIRED MAINTENANCE AND OPERATION AND THE CITY HAS DETERMINED THAT LACK OF SUCH MAINTENANCE AND OPERATION CONSTITUTES A NUISANCE OR IMPACTS PUBLIC HEALTH AND SAFETY. AS LONG AS THE PROPERTY/CENTER OWNER OR ASSOCIATION IS IN EXISTENCE, IT WILL BE RESPONSIBLE FOR PROVIDING ALL REQUIRED MAINTENANCE OF SUCH FACILITIES REGARDLESS OF THE DEDICATION OF THE EASEMENT.

GRANTOR(S), DOES HEREBY GRANT TO THE CITY OF PEORIA, AN ARIZONA MUNICIPAL CORPORATION, IN MARICOPA COUNTY, ARIZONA, ITS SUCCESSORS, AND ASSIGNS, A PERPETUAL MAINTENANCE EASEMENT FOR MAINTENANCE OF ANY TRAFFIC CONTROL, SIGNS, OR STRIPING CONTIGUOUS TO A TRAFFIC CONTROL DEVICE AT THE INGRESS AND EGRESS OF THE DEVELOPMENT THEREWITH OVER, UNDER, AND ACROSS THE EASEMENT AS SHOWN ON THE PLAT.

THIS EASEMENT MAY BE EXERCISED BY THE CITY OF PEORIA ONLY AT SUCH TIME THAT THE PROPERTY OWNER OR ASSOCIATION RESPONSIBLE FOR THE MAINTENANCE OF SUCH TRAFFIC CONTROL SIGNS OR STRIPING FAILS TO PROVIDE THE REQUIRED MAINTENANCE AND OPERATION; ADDITIONALLY, IF THE CITY, IN ITS SOLE DISCRETION, DETERMINES THAT THE LACK OF SUCH MAINTENANCE AND OPERATION CONSTITUTES A NUISANCE OR IMPACTS PUBLIC HEALTH AND SAFETY. AS LONG AS THE PROPERTY OWNER OR ASSOCIATION IS IN EXISTENCE, IT WILL BE RESPONSIBLE FOR PROVIDING ALL REQUIRED MAINTENANCE OF SUCH TRAFFIC CONTROL SIGNS OR STRIPING REGARDLESS OF THE DEDICATION OF THE EASEMENT. THE GRANT OF THIS TRAFFIC CONTROL MAINTENANCE EASEMENT DOES NOT OBLIGATE THE CITY TO ANY SUCH MAINTENANCE RESPONSIBILITIES.

IN WITNESS WHEREOF;

PEORIA PARADISE P83, LLC, A DELAWARE LIMITED LIABILITY COMPANY, AS OWNER, HAS HERSUNTO CAUSED ITS NAME TO BE AFFIXED AND THE SAME TO BE ATTESTED TO BY THE SIGNATURES BELOW AUTHORIZED THIS ____ DAY OF _____, 2018.

BY: PEPF PARADISE REIT, LLC,
A DELAWARE LIMITED LIABILITY COMPANY, ITS MEMBER

BY: PRINCIPAL ENHANCED PROPERTY FUND, L.P., A DELAWARE LIMITED PARTNERSHIP,
ITS MANAGER

BY: PRINCIPAL ENHANCED PROPERTY FUND GP, LLC, A DELAWARE LIMITED
LIABILITY COMPANY, ITS GENERAL PARTNER

BY: PRINCIPAL REAL ESTATE INVESTORS, LLC, A DELAWARE LIMITED
LIABILITY COMPANY, ITS SOLE MEMBER

BY: _____
NAME:
TITLE:

BY: _____
NAME:
TITLE:

BY: OPUS DEVELOPMENT COMPANY, L.L.C., A DELAWARE LIMITED LIABILITY COMPANY,
ITS MANAGING MEMBER

BY: _____
NAME:
TITLE:

OWNER/DEVELOPER
PEORIA PARADISE P83, LLC
C/O OPUS DEVELOPMENT COMPANY, L.L.C.
2425 E. CAMELBACK ROAD, SUITE 220
PHOENIX, AZ 85016
CONTACT: MR. BRETT L. HOPPER
PHONE: 602-648-5074

SURVEYOR
HILGARTWILSON, LLC
2141 E. HIGHLAND AVE., STE. 250
PHOENIX, ARIZONA 85016
PHONE: (602) 490-0535
CONTACT: KIRK J. PANGUS, RLS

ZONING CASE
Z18-01

BASIS OF BEARING
BASIS OF BEARING IS N89°57'09"E ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 3 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER MERIDIAN, AS SHOWN ON THE RECORD OF SURVEY, AS RECORDED IN BOOK 1398, PAGE 11, MARICOPA COUNTY RECORDS.

FLOOD ZONE DESIGNATION
A PORTION OF THE SUBJECT PROPERTY LIES WITHIN SHADED ZONE "X" WITH A DEFINITION OF: AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE: AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD. DESIGNATION DETERMINED BY FEMA FLOOD ZONE MAP 04013C1265L. PANEL NUMBER 1265 OF 4425, EFFECTIVE DATE OCTOBER 16, 2013.

ACKNOWLEDGMENT:

STATE OF ARIZONA }
COUNTY OF MARICOPA } SS

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____, 2018, BY _____ THE _____ OF OPUS DEVELOPMENT COMPANY, L.L.C., A DELAWARE LIMITED LIABILITY COMPANY, THE MANAGING MEMBER OF PEORIA PARADISE P83, L.L.C., A DELAWARE LIMITED LIABILITY COMPANY, ON BEHALF OF SAID LIMITED LIABILITY COMPANY.

_____
NOTARY PUBLIC

_____
PRINTED OR TYPED NAME

MY COMMISSION EXPIRES: _____

ACKNOWLEDGMENT:

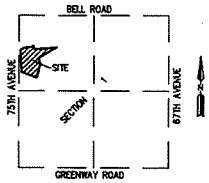
STATE OF IOWA }
COUNTY OF POLK }

ON THIS ____ DAY OF _____ 20____, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE SAID STATE, PERSONALLY APPEARED _____ AND _____ TO ME PERSONALLY KNOWN TO BE THE IDENTICAL PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING INSTRUMENT, WHO BEING BY ME DULY SWORN, DID SAY THAT THEY ARE THE _____ AND _____ RESPECTIVELY, OF PRINCIPAL REAL ESTATE INVESTORS, LLC, A DELAWARE LIMITED LIABILITY COMPANY, THE SOLE MEMBER OF PRINCIPAL ENHANCED PROPERTY FUND GP, LLC, A DELAWARE LIMITED LIABILITY COMPANY, GENERAL PARTNER OF PRINCIPAL ENHANCED PROPERTY FUND, L.P., A DELAWARE LIMITED PARTNERSHIP, THE MANAGER OF PEPF PARADISE REIT, LLC, A DELAWARE LIMITED LIABILITY COMPANY, MEMBER OF PEORIA PARADISE P83, LLC, A DELAWARE LIMITED LIABILITY COMPANY, AND THAT THE INSTRUMENT WAS SIGNED ON BEHALF OF THE COMPANY BY PRINCIPAL REAL ESTATE INVESTORS, LLC, AND THAT THE AFORESAID INDIVIDUALS EACH ACKNOWLEDGED THE EXECUTION OF THE FOREGOING INSTRUMENT TO BE THE VOLUNTARY ACT AND DEED OF PRINCIPAL REAL ESTATE INVESTORS, LLC, BY IT AND BY THEM VOLUNTARILY EXECUTED.

_____
NOTARY PUBLIC IN AND FOR SAID STATE
MY COMMISSION EXPIRES:

SHEET INDEX

FP01	COVER SHEET INDEX MAP
FP02	LEGAL DESCRIPTION & LINE TABLE
FP03-FP05	FINAL PLAT



VICINITY MAP
NOT TO SCALE

NOTES
1. NO CONSTRUCTION OF ANY KIND SHALL BE CONSTRUCTED OR PLACED WITHIN THE PUBLIC UTILITY EASEMENTS, EXCEPT UTILITIES, WOOD, WIRE OR REMOVABLE SECTION TYPE FENCING AND/OR PAVING NOR ANY PLANTING EXCEPT GRASS. IT SHALL BE FURTHER UNDERSTOOD THAT THE CITY OF PEORIA SHALL NOT BE REQUIRED TO REPLACE ANY OBSTRUCTIONS OR PLANTING THAT MUST BE REMOVED DURING THE COURSE OF MAINTENANCE, CONSTRUCTION OR RECONSTRUCTION.
2. ALL NEW AND EXISTING UTILITY, ELECTRICAL FACILITIES LESS THAN 69 KVA, CABLE TV, TELECOMMUNICATIONS FIBER OPTICS, CELLULAR, GAS, ETC. SHALL BE INSTALLED UNDERGROUND AS PART OF THE STREET IMPROVEMENTS.
3. MAINTENANCE OF SURFACE AND UNDERGROUND DRAINAGE FACILITIES WITHIN ALL TRACTS, EASEMENTS AND RIGHTS-OF-WAY SHALL BE THE RESPONSIBILITY OF THE OWNER.
4. ALL LOT CORNERS SHALL BE MONUMENTED WITH ½" REBAR AND CAPPED OR TAGGED BEARING THE REGISTRATION NUMBER OF THE SURVEYOR RESPONSIBLE FOR THEIR PLACEMENT.
5. SIGNS, FENCES, WALLS, UTILITY BOXES, STRUCTURES, SHRUBS, HEDGES OR OTHER PLANTS EXCLUDING TREES OVER 30 INCHES IN HEIGHT SHALL NOT BE PERMITTED WITHIN VIEW EASEMENTS OR THE SIGHT DISTANCE TRIANGLES. NO LIMBS, LEAVES, NEEDLES OR OTHER FOLIAGE BETWEEN 30 INCHES IN HEIGHT AND 84 INCHES IN HEIGHT ARE PERMITTED. TREES ARE TO BE PLANTED SO AS NOT TO OBSTRUCT 20% OF THE VISIBILITY WHEN COMBINED WITH OTHER OBSTRUCTIONS.
6. THIS SUBDIVISION IS LOCATED WITHIN THE CITY OF PEORIA WATER SERVICE AREA AND HAS BEEN DESIGNATED AS HAVING A 100-YEAR ASSURED WATER SUPPLY.
7. THIS SUBDIVISION IS LOCATED WITHIN THE CITY OF PEORIA SEWER SERVICE AREA.
8. THIS SUBDIVISION IS LOCATED WITHIN THE VICINITY OF A MILITARY AIRPORT.
9. NO STRUCTURE OF ANY KIND SHALL BE CONSTRUCTED OR ANY VEGETATION BE PLANTED NOR BE ALLOWED TO GROW WITHIN THE DRAINAGE EASEMENT OR TRACT WHICH WOULD IMPEDE THE FLOW OF WATER OVER, UNDER, OR THROUGH THE EASEMENT OR TRACT.

APPROVALS
APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA,

THIS DAY _____ OF _____, 2018

APPROVED BY : _____ DATE: _____
MAYOR

ATTESTED BY : _____ DATE: _____
CLERK

APPROVED BY : _____ DATE: _____
FOR CITY ENGINEER

LAND SURVEYOR CERTIFICATION
I, KIRK J. PANGUS, HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF ARIZONA; THAT THIS PLAT CORRECTLY REPRESENTS A SURVEY MADE UNDER MY DIRECTION DURING THE MONTH OF MAY 2017; THAT THE SURVEY IS TRUE AND CORRECT AS SHOWN; THAT ALL MONUMENTS ACTUALLY EXIST AS SHOWN; THAT SAID MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

KIRK J. PANGUS
RLS# 19344
HILGARTWILSON, LLC
2141 E. HIGHLAND AVE., STE. 250
PHOENIX, ARIZONA 85016
P: 602.490.0535
kpangus@hilgartwilson.com

NOTE:
A.R.S. 32-151 STATES THAT THE USE OF THE WORD "CERTIFY" OR "CERTIFICATION" BY A PERSON OR FIRM THAT IS REGISTERED OR CERTIFIED BY THE BOARD IS AN EXPRESSION OF PROFESSIONAL OPINION REGARDING FACTS OR FINDINGS THAT ARE SUBJECT OF THE CERTIFICATION AND DOES NOT CONSTITUTE AN EXPRESS OR IMPLIED WARRANTY OR GUARANTEE.

R180065

U:\1800\1848\SURVEY\PLAT\1848-FP01.dwg 11/15/2018 9:23 AM

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PROJ. NO.: 1848
DATE: NOV 2018
SCALE: NONE
DRAWN: CS
APPROVED: KJP
STATUS:
MUNICIPAL TRACKING NO:

HILGARTWILSON
ENGINEERS | PLANNERS | SURVEYORS | MANAGERS
2141 E. HIGHLAND AVE., STE. 250 | P: 602.490.0535 | F: 602.368.2436
PHOENIX, AZ 85016
www.hilgartwilson.com

PARADISE @ P83
75TH AVENUE & PARADISE LANE
PEORIA, ARIZONA
FINAL PLAT

DWG. NO.
FP01
SHT. 1 OF 5

LEGAL DESCRIPTION

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

COMMENCING AT A FOUND 3" CITY OF GLENDALE BRASS CAP IN HAND HOLE ACCEPTED AS THE NORTHWEST CORNER OF SAID SECTION 1 FROM WHICH A FOUND 3" MARICOPA COUNTY HIGHWAY DEPARTMENT BRASS CAP IN HAND HOLE ACCEPTED AS THE NORTH QUARTER CORNER THEREOF BEARS NORTH 89°57'09" EAST, 2642.29 FEET;

THENCE SOUTH 02°37'26" EAST, 1028.52 FEET ALONG THE WEST LINE OF SAID SECTION 1 TO THE POINT OF BEGINNING;

THENCE NORTH 87°22'34" EAST, 55.00 FEET;

THENCE NORTH 62°12'49" EAST, 100.91 FEET ALONG THE SOUTH LINE OF THE AMENDED FINAL ORDER OF CONDEMNATION AS RECORDED IN DOCUMENT NO. 2001-1841880, RECORDS OF MARICOPA COUNTY, ARIZONA, TO THE BEGINNING OF A TANGENT CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 415.00 FEET;

THENCE ALONG SAID SOUTH LINE AND NORTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 23°31'19", AN ARC LENGTH OF 170.37 FEET TO A TANGENT LINE;

THENCE CONTINUING ALONG SAID SOUTH LINE, NORTH 85°44'08" EAST, 185.46 FEET;

THENCE LEAVING SAID SOUTH LINE, NORTH 04°15'59" WEST, 39.32 FEET ALONG THE EAST LINE THEREOF;

THENCE LEAVING SAID EAST LINE, SOUTH 27°25'56" EAST, 132.74 FEET ALONG THE WEST LINE OF THE FINAL ORDER OF CONDEMNATION AS RECORDED IN DOCUMENT NO. 1984-206233, RECORDS OF MARICOPA COUNTY, ARIZONA, TO THE SOUTH LINE THEREOF;

THENCE NORTH 88°02'33" EAST, 439.04 FEET ALONG SAID SOUTH LINE;

THENCE CONTINUING ALONG SAID SOUTH LINE, NORTH 83°51'58" EAST, 338.05 FEET;

THENCE LEAVING SAID SOUTH LINE, SOUTH 59°30'50" WEST, 716.81 FEET ALONG THE NORTHERLY LINE OF THE QUIT CLAIM DEED RECORDED IN DOCUMENT NO. 13-0929459, RECORDS OF MARICOPA COUNTY, ARIZONA TO THE NORTHWEST CORNER THEREOF;

THENCE SOUTH 10°28'58" EAST, 255.30 FEET ALONG THE WEST LINE OF SAID QUIT CLAIM DEED AND THE WEST LINE OF THE FINAL PLAT FOR CABRILLO POINT AS RECORDED IN BOOK 918, PAGE 38, RECORDS OF MARICOPA COUNTY, ARIZONA;

THENCE CONTINUING ALONG THE WEST LINE OF SAID FINAL PLAT, SOUTH 14°31'02" WEST, 468.17 FEET;

THENCE LEAVING SAID WEST LINE, NORTH 68°55'33" WEST, 573.79 FEET ALONG THE NORTHERLY LINE OF THE STIPULATION FOR ENTRY OF ORDER OF IMMEDIATE POSSESSION AND ORDER AS RECORDED IN DOCUMENT NO. 1985-0316625, RECORDS OF MARICOPA COUNTY, ARIZONA;

THENCE LEAVING SAID NORTHERLY LINE, SOUTH 87°22'34" WEST, 55.00 FEET;

THENCE ALONG THE WEST LINE OF SAID SECTION 1, NORTH 02°37'26" WEST, 783.99 FEET TO THE POINT OF BEGINNING.

CURVE TABLE			
CURVE NO.	RADIUS	DELTA	LENGTH
C1	984.00'	1°46'34"	29.88'
C2	10.00'	91°31'34"	15.97'
C3	11115.00'	0°06'57"	28.94'
C4	10.00'	38°30'34"	6.72'
C5	9514.00'	0°06'57"	24.77'
C6	10.00'	51°29'26"	8.99'
C7	7070.00'	0°06'57"	18.41'
C8	10.00'	94°22'51"	16.47'
C9	10.00'	85°16'16"	14.88'
C10	6.00'	51°29'26"	5.39'
C11	20.00'	35°51'02"	12.51'
C12	10.00'	102°25'48"	17.88'
C13	5.00'	150°52'14"	13.17'
C14	5.00'	158°29'29"	13.83'
C15	5.00'	109°36'18"	9.56'
C16	60.00'	15°31'28"	16.26'
C17	5.00'	141°13'13"	12.32'
C18	10.00'	27°34'42"	4.81'

LINE TABLE		
LINE NO.	DIRECTION	LENGTH
L1	S03°03'42"E	10.62'
L2	N86°56'18"E	12.00'
L3	N03°03'42"W	10.37'
L4	N88°09'28"E	14.16'
L5	N87°22'34"E	32.49'
L6	S02°37'26"E	31.83'
L7	N87°22'34"E	12.00'
L8	N02°37'26"W	23.56'
L9	N86°56'18"E	15.04'
L10	N03°03'42"W	8.15'
L11	N87°22'34"E	15.74'
L12	N46°45'18"W	12.94'
L13	S88°14'42"W	9.13'
L14	N88°14'42"E	0.54'
L15	S46°45'18"E	13.12'
L16	S02°37'26"E	48.00'
L17	S87°22'34"W	21.75'
L18	S02°37'26"E	12.00'
L19	N87°22'34"E	21.75'
L20	N87°24'38"E	12.00'

LINE TABLE		
LINE NO.	DIRECTION	LENGTH
L21	N02°35'24"W	33.22'
L22	N87°22'34"E	38.98'
L23	S02°37'26"E	14.26'
L24	N87°24'36"E	29.59'
L25	S02°35'24"E	15.40'
L26	N87°24'36"E	12.00'
L27	N02°35'24"W	15.40'
L28	N87°24'36"E	23.92'
L29	S20°35'02"W	14.05'
L30	N69°24'58"W	12.20'
L31	S20°35'02"W	34.32'
L32	S69°24'58"E	12.00'
L33	N20°35'02"E	14.32'
L34	N69°30'08"E	23.67'
L35	N75°09'42"W	29.26'
L36	N47°37'26"W	12.71'
L37	N87°24'36"E	5.84'
L38	S02°35'24"E	20.07'
L39	N87°24'36"E	12.00'
L40	N02°35'24"W	20.07'

LINE TABLE		
LINE NO.	DIRECTION	LENGTH
L41	N87°24'36"E	44.08'
L42	N64°54'36"E	32.36'
L43	N87°22'34"E	18.15'
L44	N41°02'33"E	17.32'
L45	N03°57'47"W	15.51'
L46	S86°02'13"W	12.00'
L47	S03°57'47"E	15.51'
L48	S02°37'26"E	27.98'
L49	S87°22'34"W	14.87'
L50	S02°37'26"E	12.00'
L51	N87°22'34"E	14.87'
L52	N87°22'34"E	12.00'
L53	S02°37'26"E	19.00'
L54	N87°22'34"E	11.86'
L55	S02°37'26"E	12.36'
L56	N87°22'34"E	13.21'
L57	N30°24'12"W	11.04'
L58	N59°35'48"E	12.00'
L59	S30°24'12"E	11.04'
L60	N41°02'33"E	5.77'

LINE TABLE		
LINE NO.	DIRECTION	LENGTH
L61	S86°02'33"W	10.16'
L62	N03°57'27"W	12.00'
L63	N86°02'33"E	10.16'
L64	N03°57'27"W	9.46'
L65	S87°22'34"W	35.59'
L66	N02°37'26"W	21.35'
L67	S87°22'34"W	12.00'
L68	S02°37'26"E	21.35'
L69	S87°22'34"W	32.56'
L70	N02°37'26"W	27.62'
L71	S87°22'34"W	12.00'
L72	S02°37'26"E	27.62'
L73	N02°37'26"W	23.88'
L74	S87°22'34"W	12.00'
L75	S02°37'26"E	23.88'
L76	S87°22'34"W	6.15'
L77	N42°22'34"E	25.00'
L78	N47°37'26"W	12.00'
L79	S42°22'34"W	41.29'
L80	S87°22'34"W	18.00'

LINE TABLE		
LINE NO.	DIRECTION	LENGTH
L81	S02°37'26"E	21.35'
L82	N87°22'34"E	31.00'
L83	S02°37'26"E	12.00'
L84	S87°22'34"W	31.00'
L85	S02°37'26"E	12.00'
L86	S02°37'26"E	12.00'
L87	N87°22'34"E	31.00'
L88	S02°37'26"E	12.00'
L89	S87°22'34"W	31.00'
L90	N84°54'36"E	20.10'
L91	N81°20'24"W	10.80'
L92	N08°39'36"E	12.00'
L93	S81°20'24"E	10.80'
L94	N08°39'36"E	10.08'
L95	S79°31'02"W	15.50'
L96	N10°28'58"W	12.00'
L97	N79°31'02"E	15.50'
L98	N10°28'58"W	46.93'
L99	N02°37'26"W	15.01'
L100	S87°24'31"W	12.37'

LINE TABLE		
LINE NO.	DIRECTION	LENGTH
L101	S02°35'24"E	19.01'
L102	N87°24'36"E	12.00'
L103	N02°35'24"W	19.01'
L104	S02°36'27"E	16.84'
L105	N87°23'33"E	12.00'
L106	N02°36'27"W	16.83'
L107	N87°25'28"E	8.37'
L108	S47°37'26"E	25.89'
L109	S75°09'42"E	14.16'
L110	N14°50'18"E	13.54'
L111	S75°09'42"E	9.39'
L112	N14°50'18"E	12.00'
L113	N75°09'42"W	9.39'
L114	N69°30'08"E	5.84'
L115	S20°35'02"W	9.26'
L116	S69°24'58"E	12.00'
L117	N20°35'02"E	9.26'
L118	S20°35'02"W	18.16'
L119	S02°37'26"E	16.50'
L120	N59°57'26"W	12.30'

LINE TABLE		
LINE NO.	DIRECTION	LENGTH
L121	N52°05'09"E	20.00'
L122	S04°15'52"E	20.00'
L123	N01°38'03"W	48.23'
L124	N34°33'07"E	31.96'
L125	N88°02'33"E	24.19'
L126	N03°57'27"W	32.59'
L127	S81°31'39"E	16.80'
L128	N86°02'13"E	51.71'
L129	S59°27'25"W	152.77'
L131	S53°45'30"E	15.91'
L132	S46°20'18"E	10.67'
L133	N11°33'08"E	19.78'
L134	N16°01'34"W	4.81'
L135	S30°29'10"E	10.55'
L136	S02°37'38"E	75.00'

ARIZONA LAND SURVEYOR
CERTIFICATE NO.
18344
KIRK J.
PANOUS
ARIZONA, U.S.A.

R180065

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PROJ. NO.: 1848
DATE: NOV 2018
SCALE: AS SHOWN
DRAWN: GS
APPROVED: KJP

STATUS:

MUNICIPAL TRACKING NO:

DWG. NO.
FP02
SHT. 2 OF 5

HILGARTWILSON
ENGINEER | PLAN | SURVEY | MANAGE
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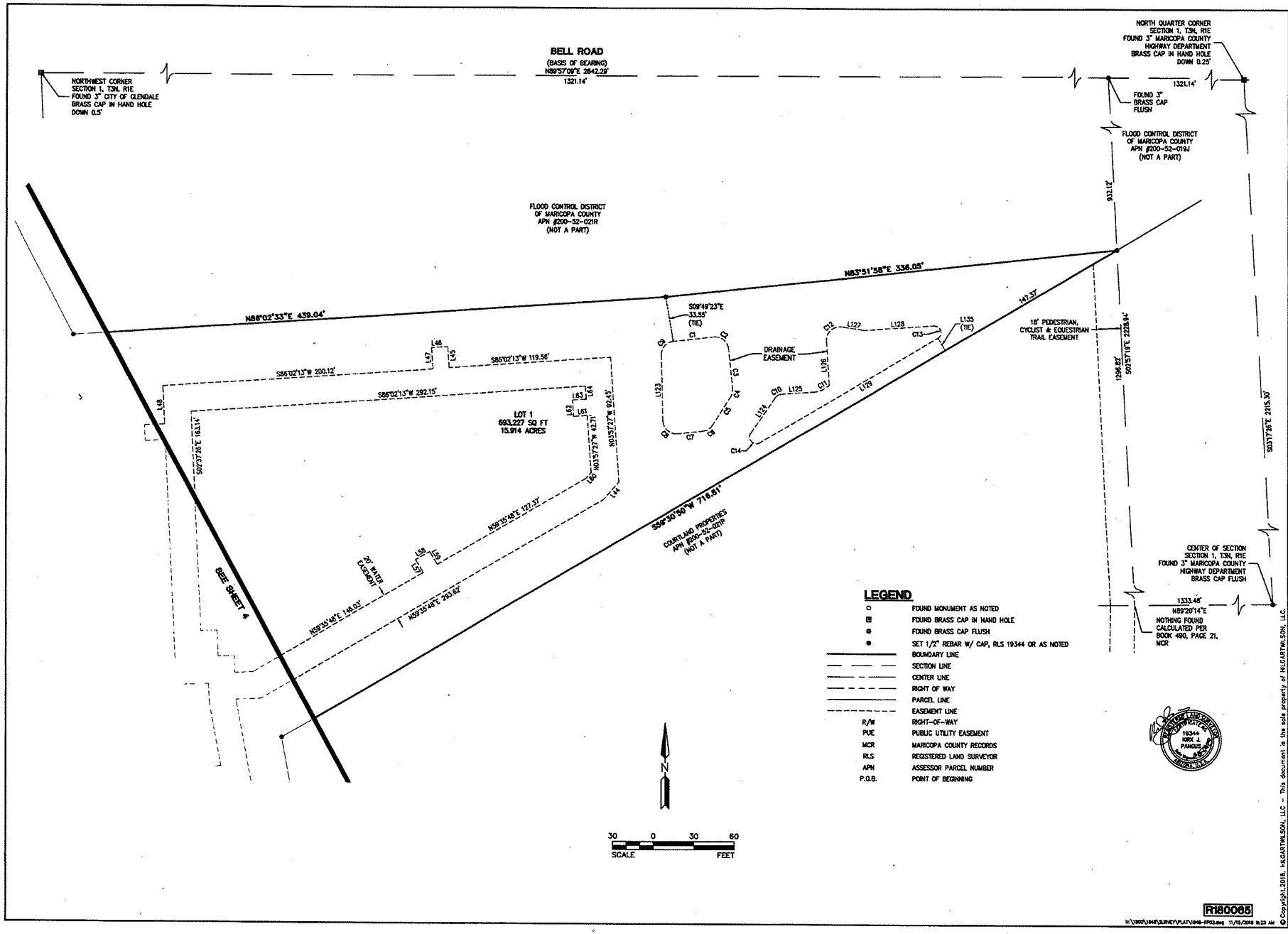
PHOENIX, AZ 85016
www.hilgartwilson.com

PARADISE @ P83

75TH AVENUE & PARADISE LANE
PEORIA, ARIZONA

FINAL PLAT



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PEORIA, ARIZONA

FINAL PLAT

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PROJ. NO.: 1848
DATE: NOV 2018
SCALE: AS SHOWN
DRAWN: GS
APPROVED: KJP
STATUS:
MUNICIPAL TRACKING NO:

DWG. NO.
FP03
SHT. 3 OF 5

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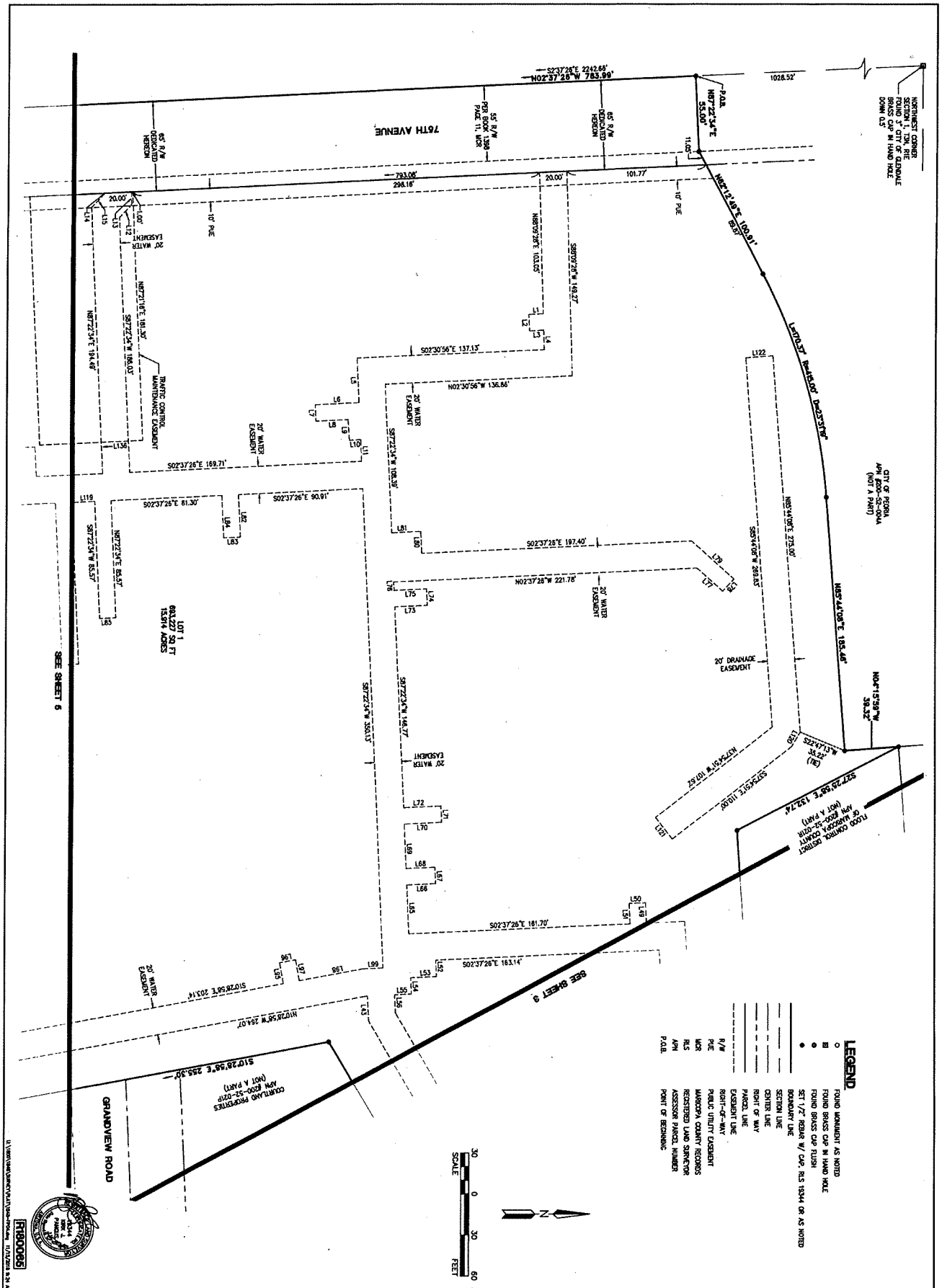

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PROJ. NO.:1848	STATUS:	
DATE: NOV 2018		
SCALE: AS SHOWN	MUNICIPAL TRACKING NO:	
DRAWN: GS		
APPROVED: KJP		

DWG. NO. FP04

SHT. 4 OF 5

PARADISE @ P83

75TH AVENUE & PARADISE LANE

PEORIA, ARIZONA

FINAL PLAT

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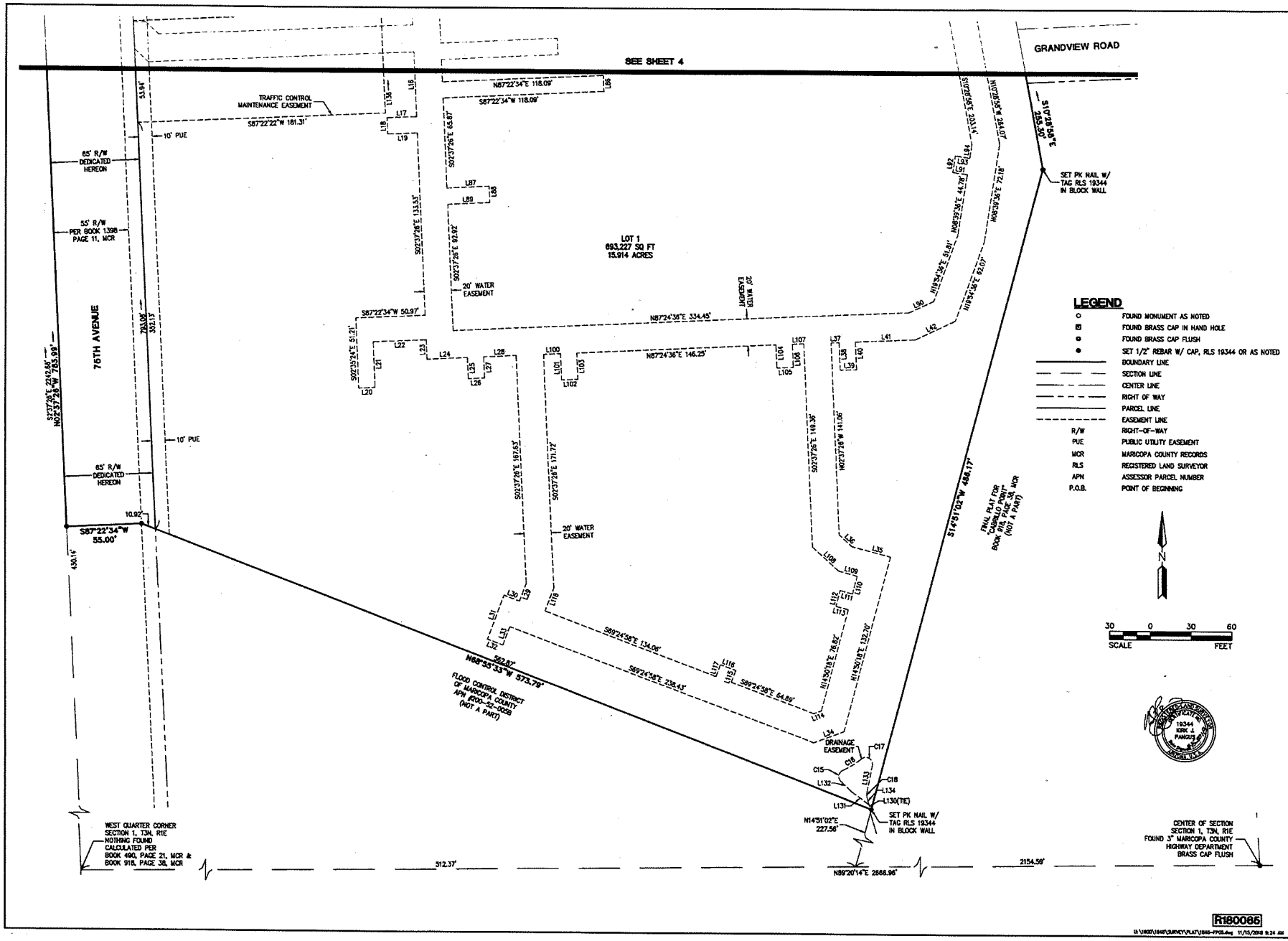

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PARADISE @ P83

75TH AVENUE & PARADISE LANE
PEORIA, ARIZONA

FINAL PLAT

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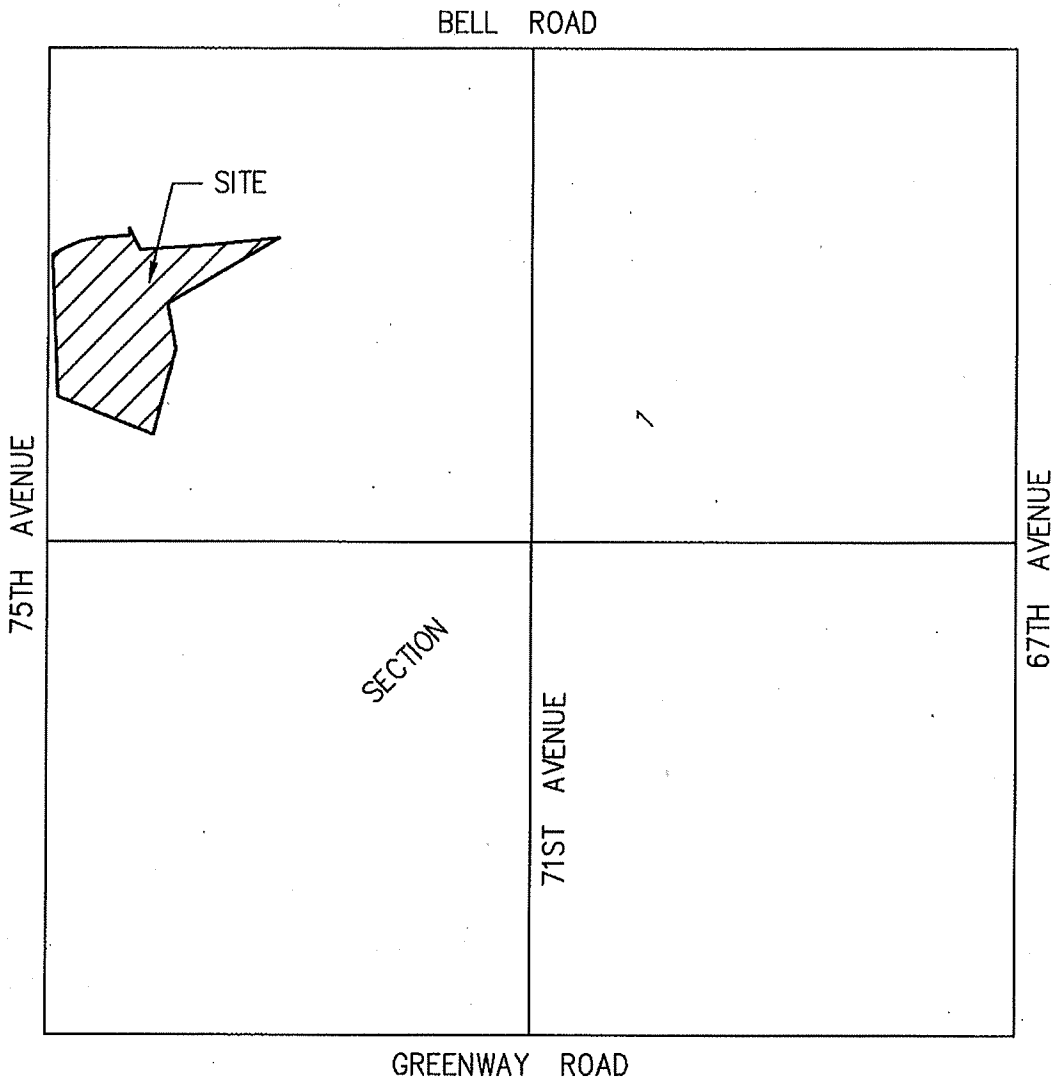
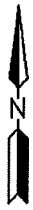
PROJ. NO.: 1848
DATE: NOV 2018
SCALE: AS SHOWN
DRAWN: GS
APPROVED: KJP

STATUS:

MUNICIPAL TRACKING NO:

DWG. NO.
FP05
SHT. 5 OF 5





PROJ.NO.: 1848	PARADISE @ P83 VICINITY MAP PEORIA, ARIZONA	HILGARTWILSON 2141 E. HIGHLAND AVE., STE. 250 PHOENIX, AZ 85016 P: 602.490.0535 / F: 602.368.2436
DATE: NOV 2018		
SCALE: NTS		
DRAWN BY: HW	EXHIBIT	
CHECKED BY: HW		

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CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 13C.

Date Prepared: 11/20/2018

Council Meeting Date: 12/4/2018

TO: Jeff Tyne, City Manager

THROUGH: Andy Granger, Deputy City Manager

FROM: Sonia Andrews, Finance Director

SUBJECT: PUBLIC HEARING - Liquor Licenses, Various Locations

Purpose:

Discussion and possible action to recommend approval to the State Liquor Board for: (a) a Person Transfer for an Off-Sale All (Series 09) Liquor License for Mikes Market, located at 8520 West Peoria Avenue, Samuel S. Pataq, Applicant, LL#20020868; (b) a New Restaurant (Series 12) Liquor License for Kawaii Cuisine, located at 8385 West Deer Valley Road #114, Lisa M. Selamat, Applicant, LL#20020869; (c) a New Restaurant (Series 12) Liquor License for PT Sea Food Restaurant, located at 9284 West Northern Avenue #11, Nga Quynh Thi Pham, Applicant, LL#20020341; (d) a New Restaurant (Series 12) Liquor License for Social on 83rd, located at 8350 West Paradise Lane, Joseph P. Lucidi, Applicant, LL#20020865; (e) a New Restaurant (Series 12) Liquor License for Cold Beers & Cheeseburgers, located at 9828 West Northern Avenue #E600, Amy S. Nations, Applicant, LL#20020864.

Summary:

Mikes Market, is an existing liquor store. The new owner has applied for a Person Transfer for an Off-Sale All (Series 09) Liquor License. The application agent is Samuel S. Pataq.

A Series 09 liquor store license is a "quota" license available only through the Liquor License Lottery or through purchase on the open market. Once issued, this type of liquor license is transferable from person to person and/or location to location within the same county. It allows for a spirituous liquor store retailer to sell all types of spirituous liquors, only in the original unbroken package, to be taken away from the premises of the retailer and consumed off the premises.

Some of the businesses around Mikes Market are Brothers Family Restaurant, Coop's Bar and Grill and United States Postal Service. There are no staff concerns with Mikes Market. 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.

Kawaii Cuisine, is an existing restaurant located at 8385 W. Deer Valley Road #114. The new

owners have applied for a New Restaurant (Series 12) Liquor License. The application agent is Lisa M. Selamat.

A Series 12 Restaurant license is a non-transferable license that allows for the restaurant to sell and serve all types of spirituous liquor solely for consumption on the premises. A Restaurant license requires that at least forty percent (40%) of the restaurant's gross revenue comes from the sale of food. Failure to meet the 40% food requirement may result in revocation of the license.

Some of the businesses around Kawaii Cuisine are Fry's Food and Drug, Ray's Pizza and Circle K. There are no staff concerns with Kawaii Cuisine. 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.

PT Sea Food Restaurant, is a new restaurant located at 9284 W. Northern Avenue #11. This location is currently unoccupied. The owners have applied for a New Restaurant (Series 12) Liquor License. The application agent is Nga Quynh Thi Pham.

A Series 12 Restaurant license is a non-transferable license that allows for the restaurant to sell and serve all types of spirituous liquor solely for consumption on the premises. A Restaurant license requires that at least forty percent (40%) of the restaurant's gross revenue comes from the sale of food. Failure to meet the 40% food requirement may result in revocation of the license.

Some of the businesses around PT Sea Food Restaurant are Target, Applebees and Game Stop. There are no staff concerns with PT Sea Food Restaurant. 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.

Social on 83rd, is a new restaurant located at 8350 W. Paradise Lane. This location is currently unoccupied. The owners have applied for a New Restaurant (Series 12) Liquor License. The application agent is Joseph P. Lucidi.

A Series 12 Restaurant license is a non-transferable license that allows for the restaurant to sell and serve all types of spirituous liquor solely for consumption on the premises. A Restaurant license requires that at least forty percent (40%) of the restaurant's gross revenue comes from the sale of food. Failure to meet the 40% food requirement may result in revocation of the license.

Some of the businesses around Social on 83rd are Moon Saloon, P.F. Chang's and Giodano's. There are no staff concerns with Social on 83rd. 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.

Cold Beers & Cheeseburgers, is a new restaurant located at 9828 W. Northern Avenue #E600. This location is currently unoccupied. The owners have applied for a New Restaurant (Series 12) Liquor License. The application agent is Amy S. Nations.

A Series 12 Restaurant license is a non-transferable license that allows for the restaurant to sell and serve all types of spirituous liquor solely for consumption on the premises. A Restaurant license requires that at least forty percent (40%) of the restaurant's gross revenue comes from the sale of food. Failure to meet the 40% food requirement may result in revocation of the license.

Some of the businesses around Cold Beers & Cheeseburgers are Harkins Theatres Park West 14, Grimaldi's Pizzeria and Vans. There are no staff concerns with Cold Beers & Cheeseburgers. 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 October 2005, the Mayor and Council recommended approval to the Arizona State Liquor Board for Mikes Market for a Person Transfer for an Off-Sale All (Series 09) Liquor License located at 8520 W. Peoria Avenue.

In April 2013, the Mayor and Council recommended approval to the Arizona State Liquor Board for Dao Kitchen for a New Restaurant (Series 12) Liquor License located at 8385 W. Deer Valley Road #114.

There has never been a liquor license at 9284 W. Northern Avenue #11.

In April 2016, the Mayor and Council recommended approval to the Arizona State Liquor Board for Slicks Garage for a New Restaurant (Series 12) Liquor License located at 8350 W. Paradise Lane.

In June 2017, the Mayor and Council recommended approval to the Arizona State Liquor Board for Tru Burger Co. for a New Restaurant (Series 12) Liquor License located at 9828 W. Northern Avenue #E600.

Options:

A: Recommend approval to the Arizona State Liquor Board for a Person Transfer for an Off-Sale All (Series 09) Liquor License for Mikes Market, located at 8520 W. Peoria Avenue, Samuel S. Pataq, Applicant, LL#20020868.
B: Recommend denial to the Arizona State Liquor Board for a Person Transfer for an Off-Sale All (Series 09) Liquor License for Mikes Market, located at 8520 W. Peoria Avenue, Samuel S. Pataq, Applicant, LL#20020868.
A: Recommend approval to the Arizona State Liquor Board for a New Restaurant (Series 12) Liquor License for Kawaii Cuisine, located at 8385 W. Deer Valley Road #114, Lisa M. Selamat, Applicant, LL#20020869.
B: Recommend denial to the Arizona State Liquor Board for a New Restaurant (Series 12) Liquor License for Kawaii Cuisine, located at 8385 W. Deer Valley Road #114, Lisa M. Selamat, Applicant, LL#20020869.

A : Recommend approval to the Arizona State Liquor Board for a New Restaurant (Series 12) Liquor License for PT Sea Food Restaurant, located at 9284 W. Northern Avenue #11, Nga Quynh Thi Pham, Applicant, LL#20020341.
B : Recommend denial to the Arizona State Liquor Board for a New Restaurant (Series 12) Liquor License for PT Sea Food Restaurant, located at 9284 W. Northern Avenue #11, Nga Quynh Thi Pham, Applicant, LL#20020341.
A : Recommend approval to the Arizona State Liquor Board for a New Restaurant (Series 12) Liquor License for Social on 83rd, located at 8350 W. Paradise Lane, Joseph P. Lucidi, Applicant, LL#20020865.
B : Recommend denial to the Arizona State Liquor Board for a New Restaurant (Series 12) Liquor License for Social on 83rd, located at 8350 W. Paradise Lane, Joseph P. Lucidi, Applicant, LL#20020865.

A : Recommend approval to the Arizona State Liquor Board for a New Restaurant (Series 12) Liquor License for Cold Beers & Cheeseburgers, located at 9828 W. Northern Avenue #E600, Amy S. Nations, Applicant, LL#20020864.
B : Recommend denial to the Arizona State Liquor Board for a New Restaurant (Series 12) Liquor License for Cold Beers & Cheeseburgers, located at 9828 W. Northern Avenue #E600, Amy S. Nations, Applicant, LL#20020864.

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:

Mikes Market App
Kawaii Cuisine App
PT Sea Food Restaurant App
Social on 83rd App
Cold Beers & Cheeseburgers App

Contact Name and Number:
Samuel Brown (623) 773-7658

State of Arizona
Department of Liquor Licenses and Control

Created 10/22/2018 @ 01:46:43 PM

Local Governing Body Report

LICENSE

Number:	09070604	Type:	009 LIQUOR STORE
Name:	MIKES MARKET		
State:	Pending		
Issue Date:		Expiration Date:	12/31/2018
Original Issue Date:	02/27/1985		
Location:	8520 W PEORIA AVENUE PEORIA, AZ 85345 USA		
Mailing Address:	8520 W PEORIA AVENUE PEORIA, AZ 85345 USA		
Phone:	[redacted]		
Alt. Phone:			
Email:			

Currently, this license has pending applications.

AGENT

Name:	SAMUEL SEMAN PATAQ
Gender:	Male
Correspondence Address:	8520 W PEORIA AVENUE PEORIA, AZ 85345 USA
Phone:	[redacted]
Alt. Phone:	
Email:	

OWNER

Name:	PATAQ GROUP LLC		
Contact Name:	SAMUEL SEMAN PATAQ		
Type:	LIMITED LIABILITY COMPANY		
AZ CC File Number:	L19994260	State of Incorporation:	AZ
Incorporation Date:	04/21/2015		
Correspondence Address:	8520 W PEORIA AVENUE PEORIA, AZ 85345 USA		
Phone:	[redacted]		
Alt. Phone:			
Email:			

Officers / Stockholders

Name:	Title:	% Interest:

SAMUEL SEMAN PATAQ	MEMBER	100.00

PATAQ GROUP LLC - MEMBER

Name:	SAMUEL SEMAN PATAQ
Gender:	Male
Correspondence Address:	8520 W PEORIA AVENUE PEORIA, AZ 85345 USA
Phone:	[redacted]
Alt. Phone:	
Email:	

APPLICATION INFORMATION

Application Number:	35665
Application Type:	Owner Transfer
Created Date:	10/22/2018

QUESTIONS & ANSWERS

009 Liquor Store

1) If you intend to operate business while your application is pending you will need an interim permit pursuant to A.R.S.§4-203.01. Would you like to apply for an Interim Permit?
   No
4) Have you submitted a questionnaire? Each person listed must submit a questionnaire and mail in a fingerprint card along with a $22. processing fee per card.
   Yes
5) Is the Business located within the incorporated limits of the city or town of which it is located?
   Yes
6) Does the Business location address have a street address for a City or Town but is actually in the boundaries of another City, Town or Tribal Reservation?
   No
17) Please provide name, address, and Distance of nearest school.
   PEORIA ACCELERATED HIGH SCHOOL 8885 W PEORIA AVE PEORIA, AZ 85345 2,640 FT
18) Please provide name, address, and distance of nearest church.
   VALLEY COMMUNITY CHURCH 8412 W WASHINGTON ST PEORIA, AZ 85345 1,056 FT
19) Are you a tenant? (A person who holds the lease of a property; a lessee)
   Yes
20) Is there a penalty if lease is not fulfilled?
   Yes
   What is the penalty?
   LATE FEE 10% OF MONTHLY RENT
21) Are you a sub-tenant? (A person who holds a lease which was given to another person (tenant) for all or part of a property)
   No
22) Are you the owner?
   No
23) Are you a purchaser?
   No

24) Are you a management company?

No

25) What is the total money borrowed for the business not including the lease?
Please list lenders/people owed money for the business.

$400,000

26) Is there a drive through window on the premises?

Yes

27) Have you provided a diagram of your premises?

Yes

28) If there is a patio please indicate contiguous or non-contiguous within 30 feet

NONE

29) Is your licensed premises now closed due to construction, renovation or redesign or rebuild?

No

State of Arizona
Department of Liquor Licenses and Control

Created 10/02/2018 @ 03:32:38 PM

Local Governing Body Report

LICENSE

Number:		Type:	012 RESTAURANT
Name:	KAWAII CUISINE		
State:	Pending		
Issue Date:		Expiration Date:	
Original Issue Date:			
Location:	8385 W DEER VALLEY ROAD #114 PEORIA, AZ 85382 USA		
Mailing Address:	6201 N 35TH AVENUE STE B3 PHOENIX, AZ 85017 USA		
Phone:	[redacted]		
Alt. Phone:			
Email:			

AGENT

Name:	LISA MEIYU SELAMAT
Gender:	Female
Correspondence Address:	6201 N 35TH AVENUE STE B3 PHOENIX, AZ 85017 USA
Phone:	[redacted]
Alt. Phone:	
Email:	

OWNER

Name:	KAWAII CUISINE
Contact Name:	LISA MEIYU SELAMAT
Type:	LIMITED LIABILITY COMPANY
AZ CC File Number:	1901529
State of Incorporation:	AZ
Incorporation Date:	09/26/2018
Correspondence Address:	6201 N 35TH AVENUE STE B3 PHOENIX, AZ 85017 USA
Phone:	[redacted]
Alt. Phone:	
Email:	

Officers / Stockholders

Name:	Title:	% Interest:
LAI KUEN YU	MEMBER	50.00
LISA MEIYU SELAMAT	MEMBER	50.00

KAWAII CUISINE - MEMBER

Name:	LISA MEIYU SELAMAT
Gender:	Female
Correspondence Address:	6201 N 35TH AVENUE STE B3 PHOENIX, AZ 85017 USA
Phone:	[redacted]
Alt. Phone:	
Email:	

KAWAII CUISINE - MEMBER

Name:	LAI KUEN YU
Gender:	Female
Correspondence Address:	6201 N 35TH AVENUE STE B3 PHOENIX, AZ 85017 USA
Phone:	[redacted]
Alt. Phone:	
Email:	

APPLICATION INFORMATION

Application Number: 33448
Application Type: New Application
Created Date: 10/02/2018

QUESTIONS & ANSWERS

012 Restaurant

1) If you intend to operate the business while your application is pending you will need an interim permit pursuant to A.R.S.§4-203.01. Would you like to apply for an Interim Permit?
If yes, after completing this application, please go back to your Licensing screen, under New License Application choose "Interim Permit" from the drop-down window.
   Yes
2) Have you submitted a questionnaire? Each person listed must submit a questionnaire and mail in a fingerprint card along with a $22. processing fee per card.
   Yes
5) Are you a tenant? (A person who holds the lease of a property; a lessee)
   Yes
   A Document of type LEASE is required.
6) Is there a penalty if lease is not fulfilled?
   No
7) Are you a sub-tenant? (A person who holds a lease which was given to another person (tenant) for all or part of a property)
   No
8) Are you the owner?
   No
9) Are you a purchaser?
   No
10) Are you a management company?
   No
11) Is the Business located within the incorporated limits of the city or town of which it is located?
   Yes
12) What is the total money borrowed for the business not including the lease?
Please list lenders/people owed money for the business.
   0.00
13) Have you provided a diagram of your premises?
   Yes
14) Is there a drive through window on the premises?
   No
15) If there is a patio please indicate contiguous or non-contiguous within 30 feet.
   NONE
16) Is your licensed premises now closed due to construction, renovation or redesign or rebuild?
   No
17) Have you provided a Restaurant Operation Plan form?
   Yes
18) Have you provided a Records Required for Audit form?
   Yes

State of Arizona
Department of Liquor Licenses and Control

Created 10/02/2018 @ 03:55:54 PM

Local Governing Body Report

LICENSE

Number:	INP070002944	Type:	INP INTERIM PERMIT
Name:	KAWAII CUISINE		
State:	Active		
Issue Date:	10/02/2018	Expiration Date:	01/15/2019
Original Issue Date:	10/02/2018		
Location:	8385 W DEER VALLEY ROAD #114 PEORIA, AZ 85382 USA		
Mailing Address:	6201 N 35TH AVENUE STE B3 PHOENIX, AZ 85017 USA		
Phone:	[redacted]		
Alt. Phone:			
Email:			

AGENT

Name:	LISA MEIYU SELAMAT
Gender:	Female
Correspondence Address:	6201 N 35TH AVENUE STE B3 PHOENIX, AZ 85017 USA
Phone:	[redacted]
Alt. Phone:	
Email:	

OWNER

Name:	KAWAII CUISINE LLC
Contact Name:	LISA MEIYU SELAMAT
Type:	LIMITED LIABILITY COMPANY
AZ CC File Number:	1901529
State of Incorporation:	AZ
Incorporation Date:	09/26/2018
Correspondence Address:	6201 N 35TH AVENUE STE B3 PHOENIX, AZ 85017 USA
Phone:	[redacted]
Alt. Phone:	
Email:	

Officers / Stockholders

Name:	Title:	% Interest:
LAI KUEN YU	MEMBER	50.00
LISA MEIYU SELAMAT	MEMBER	50.00

KAWAII CUISINE LLC - MEMBER

Name:	LISA MEIYU SELAMAT
Gender:	Female
Correspondence Address:	6201 N 35TH AVENUE STE B3 PHOENIX, AZ 85017 USA
Phone:	[redacted]
Alt. Phone:	
Email:	

KAWAII CUISINE LLC - MEMBER

Name:	LAI KUEN YU
Gender:	Female
Correspondence Address:	6201 N 35TH AVENUE STE B3 PHOENIX, AZ 85017 USA
Phone:	[redacted]
Alt. Phone:	
Email:	

APPLICATION INFORMATION

Application Number:	33454
Application Type:	New Application
Created Date:	10/02/2018

QUESTIONS & ANSWERS

INP Interim Permit

10) Enter License Number currently at location
    12079410
20) Is the license currently in use?
    Yes

State of Arizona
Department of Liquor Licenses and Control

Created 11/01/2018 @ 03:45:11 PM

Local Governing Body Report

LICENSE

Number:		Type:	012 RESTAURANT
Name:	PT SEA FOOD RESTAURANT		
State:	Pending		
Issue Date:		Expiration Date:	
Original Issue Date:			
Location:	9284 W NORTHERN AVENUE #11 PEORIA , AZ 85345 USA		
Mailing Address:	1050 N FAIRWAY DRIVE STE H102 AVONDALE, AZ 85323 USA		
Phone:	[redacted]		
Alt. Phone:			
Email:			

AGENT

Name:	NGA QUYNH THI PHAM
Gender:	Female
Correspondence Address:	1050 N FAIRWAY DRIVE STE H102 AVONDALE, AZ 85323 USA
Phone:	[redacted]
Alt. Phone:	
Email:	

OWNER

Name:	PT NOODLES V LLC
Contact Name:	NGA QUYNH THI PHAM
Type:	LIMITED LIABILITY COMPANY
AZ CC File Number:	L22621737 State of Incorporation: AZ
Incorporation Date:	04/13/2018
Correspondence Address:	1050 N FAIRWAY DRIVE STE H102 AVONDALE, AZ 85323 USA
Phone:	[redacted]
Alt. Phone:	
Email:	

Officers / Stockholders

Name:	Title:	% Interest:
TIEN THANH NGUYEN	MANAGER-LLC	100.00

PT NOODLES V LLC - MANAGER-LLC

Name:	TIEN THANH NGUYEN
Gender:	Male
Correspondence Address:	1050 N FAIRWAY DRIVE STE H102 AVONDALE, AZ 85323 USA
Phone:	[redacted]
Alt. Phone:	
Email:	

MANAGERS

Name:	TIEN THANH NGUYEN
Gender:	Male
Correspondence Address:	1050 N FAIRWAY DRIVE STE H102 AVONDALE, AZ 85323 USA
Phone:	[redacted]
Alt. Phone:	
Email:	

APPLICATION INFORMATION

Application Number:	27508
Application Type:	New Application
Created Date:	08/04/2018

QUESTIONS & ANSWERS

012 Restaurant

1) If you intend to operate the business while your application is pending you will need an interim permit pursuant to A.R.S.§4-203.01. Would you like to apply for an Interim Permit?
If yes, after completing this application, please go back to your Licensing screen, under New License Application choose "Interim Permit" from the drop-down window.
   No
2) Have you submitted a questionnaire? Each person listed must submit a questionnaire and mail in a fingerprint card along with a $22. processing fee per card.
   Yes
5) Are you a tenant? (A person who holds the lease of a property; a lessee)
   Yes
   A Document of type LEASE is required.
6) Is there a penalty if lease is not fulfilled?
   No
7) Are you a sub-tenant? (A person who holds a lease which was given to another person (tenant) for all or part of a property)
   No
8) Are you the owner?
   No
9) Are you a purchaser?
   No
10) Are you a management company?
   No
11) Is the Business located within the incorporated limits of the city or town of which it is located?
   Yes
12) What is the total money borrowed for the business not including the lease?
Please list lenders/people owed money for the business.
   NONE
13) Have you provided a diagram of your premises?
   No
   A Document of type DIAGRAM/FLOOR PLAN is required.
14) Is there a drive through window on the premises?
   No
15) If there is a patio please indicate contiguous or non-contiguous within 30 feet.
   THERE IS NO PATIO
16) Is your licensed premises now closed due to construction, renovation or redesign or rebuild?
   No
17) Have you provided a Restaurant Operation Plan form?
   No
   A Document of type RESTAURANT OPERATION PLAN is required.
18) Have you provided a Records Required for Audit form?
   No
   A Document of type RECORDS REQUIRED FOR AUDIT is required.

DOCUMENTS

DOCUMENT TYPE	FILE NAME	UPLOADED DATE
DIAGRAM/FLOOR PLAN	PT SEAFOOD PROGRESS K-1.pdf	08/08/2018
LEASE	PT Noodles Peoria Crossing Lease 7 6 18 Tenant Comments.pdf	08/08/2018
QUESTIONNAIRE	Liquor License.pdf	08/08/2018
RESTAURANT OPERATION PLAN	PT SEAFOOD PROGRESS A-2[1].pdf	08/08/2018

MENU	Screen Shot 2018-08-08 at 5.31.59 PM.png	08/08/2018
MENU	Screen Shot 2018-08-08 at 5.32.11 PM.png	08/08/2018
MENU	Screen Shot 2018-08-08 at 5.39.05 PM.png	08/08/2018
RECORDS REQUIRED FOR AUDIT	Screen Shot 2018-08-08 at 5.38.54 PM.png	08/08/2018
	GetFilingDocuments (1).pdf	10/01/2018
	A-1 PT SEAFOOD PERMIT.pdf	10/01/2018
	Menu.pdf	10/01/2018
	Basic On Sale Certificate.pdf	10/01/2018
	Management On Sale Certificate.pdf	10/01/2018
	Drawing for PT Noodles V.pdf	10/11/2018
	Questionnarie - PT V - Da.pdf	10/11/2018
	Questionnarie - PT V - Tien.pdf	10/11/2018
	Liquour License - Da.pdf	10/11/2018
	Records required for Audit.pdf	10/11/2018
	PT V - Restaurant Operation Plan.pdf	10/11/2018
	1.pdf	10/16/2018
	2.pdf	10/16/2018
	3.pdf	10/16/2018
	Management liquor - Tien.pdf	10/16/2018
	Da questionnairs.pdf	10/23/2018
	Operation Plan - PT V.pdf	10/23/2018
	Tien questionnairs.pdf	10/23/2018

State of Arizona
Department of Liquor Licenses and Control

Created 10/25/2018 @ 03:23:16 PM

Local Governing Body Report

LICENSE

Number:		Type:	012 RESTAURANT
Name:	SOCIAL ON 83RD		
State:	Pending		
Issue Date:		Expiration Date:	
Original Issue Date:			
Location:	8350 W PARADISE LANE PEORIA, AZ 85382 USA		
Mailing Address:	31087 N 138TH AVENUE PEORIA, AZ 85383 USA		
Phone:	[redacted]		
Alt. Phone:			
Email:			

AGENT

Name:	JOSEPH PAUL LUCIDI
Gender:	Male
Correspondence Address:	31087 N 138TH AVENUE PEORIA, AZ 85383 USA
Phone:	[redacted]
Alt. Phone:	
Email:	

OWNER

Name:	JJB COLLINS LLC		
Contact Name:	JOSEPH PAUL LUCIDI		
Type:	LIMITED LIABILITY COMPANY		
AZ CC File Number:	1885337	State of Incorporation:	AZ
Incorporation Date:	09/18/2018		
Correspondence Address:	31087 N 138TH AVENUE PEORIA, AZ 85383 USA		
Phone:	[redacted]		
Alt. Phone:			
Email:			

Officers / Stockholders

Name:	Title:	% Interest:

GIO FAMILY TRUST	MANAGING MEMBER	70.00
PATEL FAMILY TRUST UTA 1/12/18	MEMBER	30.00

GIO FAMILY TRUST - Trustee

Name: JOSEPH PAUL LUCIDI
Gender: Male
Correspondence Address: 31087 N 138TH AVENUE
PEORIA, AZ 85383
USA
Phone:
Alt. Phone:
Email:

JJB COLLINS LLC - MANAGING MEMBER

Name: GIO FAMILY TRUST
Contact Name: JOSEPH PAUL LUCIDI
Type: TRUST
AZ CC File Number: State of Incorporation:
Incorporation Date:
Correspondence Address: 12013 W EAGLE RIDGE LANE
PEORIA, AZ 85383
USA
Phone:
Alt. Phone:
Email:

PATEL FAMILY TRUST UTA 1/12/18 - TRUSTEE

Name: JAINESH PATEL
Gender: Male
Correspondence Address: 31087 N 138TH AVENUE
PEORIA, AZ 85383
USA
Phone:
Alt. Phone:
Email:

JJB COLLINS LLC - MEMBER

Name: PATEL FAMILY TRUST UTA 1/12/18
Contact Name: JOSEPH PAUL LUCIDI
Type: TRUST
AZ CC File Number: State of Incorporation:
Incorporation Date:
Correspondence Address: 31087 N 138TH AVENUE
PEORIA, AZ 85383
USA
Phone:
Alt. Phone:
Email:

APPLICATION INFORMATION

Application Number: 35933
Application Type: New Application
Created Date: 10/25/2018

QUESTIONS & ANSWERS

012 Restaurant

1) If you intend to operate the business while your application is pending you will need an interim permit pursuant to A.R.S.§4-203.01. Would you like to apply for an Interim Permit?
If yes, after completing this application, please go back to your Licensing screen, under New License Application choose "Interim Permit" from the drop-down window.
   Yes
2) Have you submitted a questionnaire? Each person listed must submit a questionnaire and mail in a fingerprint card along with a $22. processing fee per card.
   Yes
5) Are you a tenant? (A person who holds the lease of a property; a lessee)
   Yes
   A Document of type LEASE is required.
6) Is there a penalty if lease is not fulfilled?
   Yes
   What is the penalty?
   TENANT RENT UNTIL RE-LEASED
7) Are you a sub-tenant? (A person who holds a lease which was given to another person (tenant) for all or part of a property)
   No
8) Are you the owner?
   No
9) Are you a purchaser?
   No
10) Are you a management company?
   No
11) Is the Business located within the incorporated limits of the city or town of which it is located?
   Yes
12) What is the total money borrowed for the business not including the lease?
Please list lenders/people owed money for the business.
   0.00
13) Have you provided a diagram of your premises?
   Yes
14) Is there a drive through window on the premises?
   No
15) If there is a patio please indicate contiguous or non-contiguous within 30 feet.
   CONTIGUOUS
16) Is your licensed premises now closed due to construction, renovation or redesign or rebuild?
   Yes
   If yes, what is your estimated completion date?
   11/29/2018
17) Have you provided a Restaurant Operation Plan form?
   Yes
18) Have you provided a Records Required for Audit form?
   Yes

State of Arizona
Department of Liquor Licenses and Control

Created 10/25/2018 @ 03:25:56 PM

Local Governing Body Report

LICENSE

Number:	INP070003376	Type:	INP INTERIM PERMIT
Name:	SOCIAL ON 83RD		
State:	Active		
Issue Date:	10/25/2018	Expiration Date:	02/07/2019
Original Issue Date:	10/25/2018		
Location:	8350 W PARADISE LANE PEORIA, AZ 85382 USA		
Mailing Address:	31087 N 138TH AVENUE PEORIA, AZ 85383 USA		
Phone:	[redacted]		
Alt. Phone:			
Email:			

AGENT

Name:	JOSEPH PAUL LUCIDI
Gender:	Male
Correspondence Address:	31087 N 138TH AVENUE PEORIA, AZ 85383 USA
Phone:	[redacted]
Alt. Phone:	
Email:	

OWNER

Name:	JJB COLLINS LLC		
Contact Name:	JOSEPH PAUL LUCIDI		
Type:	LIMITED LIABILITY COMPANY		
AZ CC File Number:	1885337	State of Incorporation:	AZ
Incorporation Date:	09/18/2018		
Correspondence Address:	31087 N 138TH AVENUE PEORIA, AZ 85383 USA		
Phone:	[redacted]		
Alt. Phone:			
Email:			

Officers / Stockholders

Name:	Title:	% Interest:

GIO FAMILY TRUST	MANAGING MEMBER	70.00
PATEL FAMILY TRUST UTA 1/12/18	MEMBER	30.00

GIO FAMILY TRUST - Trustee

Name: JOSEPH PAUL LUCIDI
Gender: Male
Correspondence Address: 31087 N 138TH AVENUE
PEORIA, AZ 85383
USA
Phone:
Alt. Phone:
Email:

JJB COLLINS LLC - MANAGING MEMBER

Name: GIO FAMILY TRUST
Contact Name: JOSEPH PAUL LUCIDI
Type: TRUST
AZ CC File Number: State of Incorporation:
Incorporation Date:
Correspondence Address: 12013 W EAGLE RIDGE LANE
PEORIA, AZ 85383
USA
Phone:
Alt. Phone:
Email:

PATEL FAMILY TRUST UTA 1/12/18 - TRUSTEE

Name: JAINESH PATEL
Gender: Male
Correspondence Address: 31087 N 138TH AVENUE
PEORIA, AZ 85383
USA
Phone:
Alt. Phone:
Email:

JJB COLLINS LLC - MEMBER

Name: PATEL FAMILY TRUST UTA 1/12/18
Contact Name: JOSEPH PAUL LUCIDI
Type: TRUST
AZ CC File Number: State of Incorporation:
Incorporation Date:
Correspondence Address: 31087 N 138TH AVENUE
PEORIA, AZ 85383
USA
Phone:
Alt. Phone:
Email:

APPLICATION INFORMATION

Application Number:	35935
Application Type:	New Application
Created Date:	10/25/2018

QUESTIONS & ANSWERS

INP Interim Permit

10) Enter License Number currently at location
    1207A391
20) Is the license currently in use?
    Yes

State of Arizona
Department of Liquor Licenses and Control

Created 10/12/2018 @ 10:17:58 AM

Local Governing Body Report

LICENSE

Number:		Type:	012 RESTAURANT
Name:	COLD BEERS & CHEESEBURGERS		
State:	Pending		
Issue Date:		Expiration Date:	
Original Issue Date:			
Location:	9828 W NORTHERN AVENUE #E600 PEORIA , AZ 85345 USA		
Mailing Address:	PO BOX 2502 CHANDLER, AZ 85244 USA		
Phone:	[redacted]		
Alt. Phone:			
Email:			

AGENT

Name:	AMY S NATIONS
Gender:	Female
Correspondence Address:	PO BOX 2502 CHANDLER, AZ 85244 USA
Phone:	[redacted]
Alt. Phone:	
Email:	

OWNER

Name:	CB&CB PARK WEST LLC		
Contact Name:	AMY NATIONS		
Type:	LIMITED LIABILITY COMPANY		
AZ CC File Number:	L22590735	State of Incorporation:	AZ
Incorporation Date:	02/16/2018		
Correspondence Address:	PO BOX 2502 CHANDLER, AZ 85244 USA		
Phone:	[redacted]		
Alt. Phone:			
Email:			

Officers / Stockholders

Name:	Title:	% Interest:
SQUARE ONE CONCEPTS INC	Managing Member, Stockholder	55.00
CBCB SHEA LLC	Member, Stockholder	45.00

KENDALL SPENCE TRUST - Trustee
MASON SPENCE TRUST - Trustee
PAIGE NAGY TRUST - Trustee
RACHEL SPENCE TRUST - Trustee
SPENCE GRANDCHILDREN TRUST - Trustee
WENDELL SPENCE TRUST - Trustee

Name: PAIGE CANDACE NAGY
Gender: Female
Correspondence Address: PO BOX 2502
CHANDLER, AZ 85244
USA
Phone: [redacted]
Alt. Phone:
Email:

CBCB SHEA LLC - Member, Stockholder

Name: SPENCE HOLDING LLC
Contact Name: AMY NATIONS
Type: LIMITED LIABILITY COMPANY
AZ CC File Number: State of Incorporation:
Incorporation Date:
Correspondence Address: PO BOX 2502
CHANDLER, AZ 85244
USA
Phone: [redacted]
Alt. Phone:
Email:

SPENCE HOLDING LLC - Stockholder

Name: PAIGE NAGY TRUST
Contact Name: AMY NATIONS
Type: TRUST
AZ CC File Number: State of Incorporation:
Incorporation Date:
Correspondence Address: PO BOX 2502
CHANDLER, AZ 85244
USA
Phone: [redacted]
Alt. Phone:
Email:

SPENCE HOLDING LLC - Stockholder

Name: WENDELL SPENCE TRUST
Contact Name: AMY NATIONS
Type: TRUST
AZ CC File Number: State of Incorporation:
Incorporation Date:
Correspondence Address: PO BOX 2502
CHANDLER, AZ 85244
USA
Phone: [redacted]
Alt. Phone:
Email:

SPENCE HOLDING LLC - Stockholder

Name: RACHEL SPENCE TRUST
Contact Name: AMY NATIONS
Type: TRUST
AZ CC File Number: State of Incorporation:
Incorporation Date:
Correspondence Address: PO BOX 2502
CHANDLER, AZ 85244
USA
Phone: [redacted]
Alt. Phone:
Email:

SPENCE HOLDING LLC - Stockholder

Name: MASON SPENCE TRUST
Contact Name: AMY NATIONS
Type: TRUST
AZ CC File Number: State of Incorporation:
Incorporation Date:
Correspondence Address: PO BOX 2502
CHANDLER, AZ 85244
USA
Phone: [redacted]
Alt. Phone:
Email:

SPENCE HOLDING LLC - Stockholder

Name: KENDALL SPENCE TRUST
Contact Name: AMY NATIONS
Type: TRUST
AZ CC File Number: State of Incorporation:
Incorporation Date:
Correspondence Address: PO BOX 2502
CHANDLER, AZ 85244
USA
Phone: [redacted]
Alt. Phone:
Email:

SPENCE HOLDING LLC - Stockholder

Name: SPENCE GRANDCHILDREN TRUST
Contact Name: AMY NATIONS
Type: TRUST
AZ CC File Number: State of Incorporation:
Incorporation Date:
Correspondence Address: PO BOX 2502
CHANDLER, AZ 85244
USA
Phone: [redacted]
Alt. Phone:
Email:

CB&CB PARK WEST LLC - Managing Member, Stockholder

Name: SQUARE ONE CONCEPTS INC
Contact Name: AMY NATIONS
Type: CORPORATION
AZ CC File Number: State of Incorporation:
Incorporation Date:
Correspondence Address: PO BOX 2502
CHANDLER, AZ 85244
USA
Phone: [redacted]
Alt. Phone:
Email:

CB&CB PARK WEST LLC - Member, Stockholder

Name: CBCB SHEA LLC
Contact Name: AMY NATIONS
Type: LIMITED LIABILITY COMPANY
AZ CC File Number: State of Incorporation:
Incorporation Date:
Correspondence Address: PO BOX 2502
CHANDLER, AZ 85244
USA
Phone: [redacted]
Alt. Phone:
Email:

SQUARE ONE CONCEPTS INC - Pres,Stockholder

Name: STEVEN BARRETT RINZLER
Gender: Male
Correspondence Address: PO BOX 2502
CHANDLER, AZ 85244
USA
Phone: [redacted]
Alt. Phone:
Email:

APPLICATION INFORMATION

Application Number: 34832
Application Type: New Application
Created Date: 10/12/2018

QUESTIONS & ANSWERS

012 Restaurant

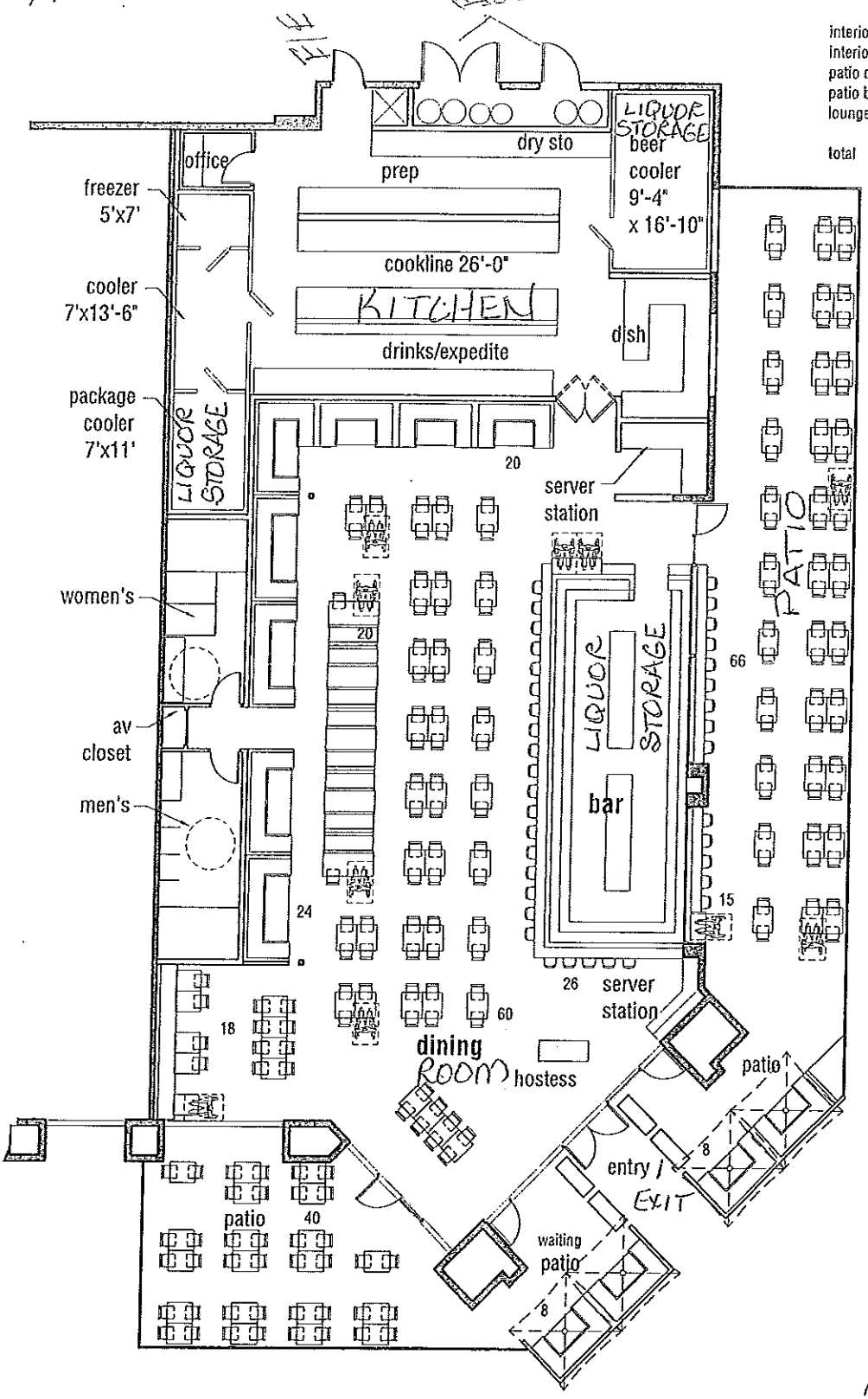
1) If you intend to operate the business while your application is pending you will need an interim permit pursuant to A.R.S.§4-203.01. Would you like to apply for an Interim Permit?
If yes, after completing this application, please go back to your Licensing screen, under New License Application choose "Interim Permit" from the drop-down window.
   No
2) Have you submitted a questionnaire? Each person listed must submit a questionnaire and mail in a fingerprint card along with a $22. processing fee per card.
   Yes
5) Are you a tenant? (A person who holds the lease of a property; a lessee)
   Yes
   A Document of type LEASE is required.
6) Is there a penalty if lease is not fulfilled?
   Yes
   What is the penalty?
   STILL OWE LEASE TERM
7) Are you a sub-tenant? (A person who holds a lease which was given to another person (tenant) for all or part of a property)
   No
8) Are you the owner?
   No
9) Are you a purchaser?
   No
10) Are you a management company?
   No
11) Is the Business located within the incorporated limits of the city or town of which it is located?
   Yes
12) What is the total money borrowed for the business not including the lease?
Please list lenders/people owed money for the business.
   0
13) Have you provided a diagram of your premises?
   Yes
14) Is there a drive through window on the premises?
   No
15) If there is a patio please indicate contiguous or non-contiguous within 30 feet.
   CONTIGUOUS
16) Is your licensed premises now closed due to construction, renovation or redesign or rebuild?
   Yes
   If yes, what is your estimated completion date?
   12/31/2018
17) Have you provided a Restaurant Operation Plan form?
   Yes
18) Have you provided a Records Required for Audit form?
   Yes

floor plan pe-08

5,489 SF

'18 OCT 12 Liq. Lic. #10048

interior dining	142
interior bar	23 +2 ada
patio dining	106
patio bar	14 +1 ada
lounge	16
total	304



north

cold beers and cheeseburgers

parkwest, peoria, arizona

date: april 5, 2018

scale: 1/4" = 1'-0"

7 N. East Main Street #20
Scottsdale, AZ 85251
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CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 14R.

Date Prepared: 11/20/2018

Council Meeting Date: 12/4/2018

TO: Jeff Tyne, City Manager

THROUGH: Erik Strunk, Deputy City Manager

FROM: Kevin Burke, Public Works Director

SUBJECT: Intergovernmental Agreement, City of Phoenix, Recycling Services

Purpose:

Discussion and possible action to: (a) approve an Intergovernmental Agreement (IGA) with the City of Phoenix to extend recycling processing services, effective January 1, 2019; and (b) approve a budget transfer in the amount of $1,000,000 from the General Fund Contingency account to the Solid Waste Expansion Fund account to fund an investment in the Phoenix Material Recycling Facility (MRF).

Summary:

This action resolves two pressing City of Peoria challenges. First, the recycling industry has drastically changed due to China trade practices regarding recycled materials. Until recently, China was the largest purchaser of recycled materials in the world. In January 2018, China stopped purchasing certain recycled commodities and required less contamination of the recycled products they did purchase. This has transformed Peoria's recycle business model from one in which it recovered approximately $300,000 a year for recycled goods to where it will now have to pay approximately $200,000 per year for the recycled products to be received.

The City of Phoenix is proposing a refurbishment of the equipment that processes recycled material in order to better sort the contaminants. This would noticeably reduce the cost of processing recycled material and may even reverse the model back into the positive. This refurbishment will cost approximately $4 million.

Second, in the 2011 Legislative Session, a law was passed that prohibited Solid Waste Development Impact Fees. This was a fee collected on each new household or commercial structure to offset the sunk cost of expanding the solid waste business. Municipalities have until January 1, 2020 to spend any impact fees collected prior to that change in the law. The City of Peoria has approximately $3.2 million in unallocated fees that may only be expended for Solid Waste related expenses.

Staff proposes investing $1 million of the Solid Waste Development Impact Fees in the refurbishment for the Phoenix Materials Recovery Facility (MRF). This would facilitate Peoria

producing less contaminated recycle product and therefore finding more markets to sell the product and sell it for a higher price. Further, Phoenix is willing to credit Peoria an equal $1 million toward the net cost of disposing of recycled material at this facility. In other words, if it costs Peoria $20 a ton to process recycled material, Peoria will receive a $20 credit per ton up until the full $1 million is recovered. There are further monetary incentives for reducing the contamination in the curbside barrel.

The City of Phoenix had proposed a similar Recycling IGA with Peoria to update the terms of its recycling processing services that would have become effective January 1, 2019. Phoenix's previously proposed IGA did not include the investment and special credit provisions requested by Peoria. Without these added provisions, Peoria would experience a significant increase in the costs it must pay to process recycling materials with the City of Phoenix.

Previous Actions/Background:

This IGA was last updated by Council February 1, 2017.

Options:

A: Approve the new Recycling IGA with the City of Phoenix and approve the budget transfer of $1,000,000 from General Fund Contingency (1000-0300-570000) to the Solid Waste Expansion Fund (2650-2860-520099) to enable Peoria to fund its investment in the Phoenix MRF upgrade.

B: Choose not to approve the new Recycling IGA with the City of Phoenix and not approve the budget transfer of $1,000,000 from General Fund Contingency (1000-0300-570000) to the Solid Waste Expansion Fund (2650-2860-520099) to enable Peoria to fund its investment in the Phoenix MRF upgrade. This would require the submittal of an IGA with Phoenix that does not include terms favorable to the City of Peoria and would increase its costs for the processing of recyclables.

Staff Recommendation:

Staff recommends that Council approve the new Recycling IGA with the City of Phoenix and approve the budget transfer of $1,000,000 from General Fund Contingency account (1000-0300-570000) to the Solid Waste Expansion Fund account (2650-2860-520099) to enable Peoria to fund its investment in the Phoenix MRF upgrade.

Fiscal Analysis:

The Solid Waste Expansion Fund has available fund balance to accommodate the $1,000,000 investment in Phoenix's MRF to secure the special incentives for Peoria. Approving the new Recycling IGA with the City of Phoenix will enable the City to avoid processing costs of at least $1,000,000 over the term of the IGA that it otherwise would have been required to pay the City of Phoenix.

Contact Name and Number:
Kevin Burke, Public Works Director, (623) 773-7395.

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 15R.

Date Prepared: 11/19/2018

Council Meeting Date: 12/4/2018

TO: Jeff Tyne, City Manager

THROUGH: Katie Gregory, Deputy City Manager

FROM: Chris M. Jacques, AICP, Planning Director

SUBJECT: Major General Plan Amendments, Updates to Circulation Plan, Land Use Map, and Chapters 2 and 14 of the Peoria General Plan

Purpose:

Discussion and possible action to concur with the Planning and Zoning Commission's recommendation and adopt **RES. 2018-126, RES. 2018-127**, and **RES. 2018-128** approving three amendments to the General Plan to Figure 3.1 Circulation Plan, Figure 2.1 Land Use Map, and text modifications to Chapter 2: Land Use Element and Chapter 14: Plan Administration section respectively.

Summary:

Introduction

The Peoria General Plan ("General Plan" or "Plan") is essentially the City's blueprint for policy and land development. The purpose of the Plan is to guide the City Council, Planning and Zoning Commission, staff, developers and residents through the development process by encapsulating city goals, objectives and strategies by which land is designed, developed and used within the City and its Planning Area. As the General Plan is not a static document, staff continually reexamines the Plan and makes recommendations for changes to allow the Plan to better respond to the changing dynamics, trends and associated growth within the City.

In late 2016, City staff began the task of comprehensively updating the General Plan, which is known as *PlanPeoria2040.* To make the new plan more responsive to the community's needs, City staff has reached out to residents and business leaders to share their thoughts. Due to the significant level of public comment received, the city's renewed focus on placemaking and healthy community design, and the substantial level of effort needed to update maps to reflect existing conditions, the decision was made to separate the project into multiple years. At this time, the comprehensive rewrite and restructuring of the entire General Plan is tentatively scheduled to be completed as part of the 2019 Major General Plan Amendment cycle. As part of the 2018 list of activities, staff and the City's consultant Matrix Design Group began the effort of updating critical maps and text to better reflect existing conditions. To have those changes the updates become effective, they are required to go through the major general plan amendment process and follow specific state mandated requirements before they can be considered by

Planning and Zoning Commission, and ultimately by City Council.

Based on the results of ongoing efforts, City staff is proposing three amendments within the 2018 Major General Plan Cycle in order to better recognize and address existing conditions. The specific amendments proposed during the 2018 Major General Plan Cycle include city-wide adjustments to *Figure 3.1 Circulation Plan* and *Figure 2.1 Land Use Map*, and text modifications to *Chapter 2: Land Use Element* and *Chapter 14: Plan Administration*. Staff believes these changes would then better position the General Plan for the longer task of restructuring the document to be more user-friendly and responsive to the City's future needs. Each of these cases are described in more detail below.

Amendment #1 - GPA18-02: Circulation Plan Update

Chapter 3: Circulation Element within the General Plan outlines the necessary transportation system components to serve the future needs of residents and visitors of the City and its planning area. The element utilizes the policy framework along with the Circulation Plan to depict and identify implementation measures to realize this system. The Circulation Plan (Figure 3-1), is a planning tool used to portray and define the envisioned roadway transportation network. This network represents the system of streets to provide transportation mobility and access to existing and future residential, recreation, and economic uses throughout the City. The City also maintains a Street Classification Map, which identifies specific functional classification of roadways along with the number of lanes, future right-of-way needs, and intersection configurations for major roadways in the city. The Circulation Plan and Street Classification Map Work together to identify the future roadway capacity needed to maintain an acceptable level of mobility in the City.

The last update to Figure 3-1 Circulation Plan occurred in 2012. Since that time, a significant number of private-development projects have continued through the development process or have been updated. Additionally, there are a number of private-development projects currently in the design phase or undergoing an entitlement change that have known impacts to the street network. Moreover, there are a number of City Capital Improvement Program projects that are completed every year that have not been recognized and incorporated into the existing Circulation Plan. City staff recognized the accumulation of these incremental changes resulted in a roadway network map that would benefit from an adjustment to bring it current with existing conditions.

Proposed changes within this amendment include road classifications changes (e.g. from collector to arterial roadway), road additions and subtractions, and alignment adjustments to better reflect the existing conditions and future needs of the city. The requested changes have been a collaborative effort between various city departments, developers, and key federal and state agencies. Exhibit 1 within the Planning and Zoning staff report shows where the proposed changes to the Circulation Plan occur, and the associated table identifies the specific modification proposed. Exhibit 2 encapsulates those refinements into the proposed Figure 3-1 Circulation Plan.

Amendment #2 - GPA-03: Land Use Map Update

Chapter 2: Land Use Element within the General Plan establishes the primary framework for shaping the City's development pattern. Each property is then assigned one or more land use

categories within the City's Municipal Planning Area (MPA). Each of those categories are described in more detail within Chapter 2, including what the appropriate target density or intensity are in each category, along with the anticipated types of uses and overall character of the development. The land use categories are then spatially depicted in Figure 2-1, Land Use Plan, or otherwise known as the "Land Use Map". There are a number of instances where the Land Use Map does not accurately reflect the existing land uses occurring on the property.

Proposed changes within this amendment are intended to update the line work on the map to better reflect existing conditions. Additionally, there were two property owner requests to change the associated land use categories on their respective properties as a means to better position for development going forward. Overall, the changes represent a significant increase in accuracy and specificity of existing conditions and provide a better framework in which to base the comprehensive update on.

Based on staff's assessment during the initial stages of the *PlanPeoria2040* project, a substantial clean-up effort was needed in order to have a reliable map to make future land use decisions from. This lack of specificity stemmed in part from an earlier adopted provision within the General Plan that eliminated the requirement to amend the Land Use Map unless certain criteria were met. Thus, the Land Use Map was not updated in any meaningful manner or on a regular basis to keep pace with the sustained level of growth that has occurred. Additionally, when the line work was originally developed for each of the land use categories, it was created without the assistance of the precision tools now available such as aerial imagery, topography, and the use of Geographic Information System (GIS) software, etc. These additional mapping tools, along with the significant increase in the amount of environmental data now available allows city staff to bring an unmatched level of sophistication and precision to the Land Use Map unlike previous efforts before.

With the assistance of the City's Information Technology Department and the *PlanPeoriaAZ* consultant Matrix Design Group, staff analyzed all property within the Municipal Planning Area to determine what changes were needed on the map to reflect existing conditions. The modifications were limited in scope and did not address vacant parcels, with the exception of two instances, which were requested specifically by property owner after consultation with city staff. This was a time-intensive effort and so it was determined to update the information using the existing map style and format.

Exhibit 3 within the Planning and Zoning Report illustrates the extent of the changes proposed, while Exhibit 4 identifies the resulting Figure 2.1 Land Use Map with these changes incorporated. A summary of the acreages within each of the General Plan land use categories is shown below in Table 1 within the Commission report. These numbers are shown in relation to areas for each land use category from 2012, which was the City's last set of published maps. The differences reflect the cumulative number of minor and major amendments since 2012, along with the refinements to the line work associated with this amendment as discussed further in the Commission staff report.

Amendment #3 - GPA18-04: Chapter 2 - Land Use Element and Chapter 14 – Plan Administration

The General Plan is a comprehensive document consisting not only of maps, but supporting text

as well. For example, the document contains the vision statement and the associated goals and policies related to making that vision a reality. Per state law requirements, there are at least seventeen topics that need to be addressed in the document, such as but not limited to, Land Use, Circulation, Cost of Development, Public Safety, and so forth. The proposed 2018 amendment consists of refinements to Chapter 2: Land Use Element and Chapter 14: Plan Administration within the General Plan. More specifically, they are:

- Chapter 2 Land Use Element - Refinements of certain land use category descriptions to better position the General Plan for the larger comprehensive update occurring in 2019. Additionally, language is being added within the descriptions of the Estate Density Residential and Low Density Residential categories, in conjunction with a modifications to Table 2-2 to further clarify the desired character and corresponding lot sizes expected in these areas.

- Chapter 14 Plan Administration Element - Refinements are intended to further define and clarify the major/minor amendment criteria within Section 14.G. Classifying General Plan Amendments.

Chapter 2
Figure 2-1 Land Use Map recognizes various waterways within the City of Peoria; however, water is not a defined category within Chapter 2 Land Use Element. This amendment proposes to formally recognize those waterways as a separate land use category, which allows better recognition and preservation of these areas. Additionally, staff is recommending the removal of the percentage breakdown within the Mixed Use category.

Developments within the Mixed Use category are required to contain both residential and non-residential uses; however, the suggested percentages have been overly prescriptive and restrictive in some instances. By removing the strict percentages, the goal is to allow for mature areas within the city to consider a wider range of uses when contemplating redevelopment. Along with the potential for revitalizing existing areas, it encourages more sustainable types of infill development on remnant parcels of land. As such, staff believes this is a beneficial first step in moving toward developing “main street” types of development within the city.

Over the past several years, there has been an increase in the number of smaller lot developments proposed throughout the city. While these types of homes are in great demand by the market, they are often located within Estate and Low Density Residential categories, and do not necessarily result in a community that fully meets the desired character identified within the General Plan. Because of this, staff is proposing refinements to the Estate and Low Density Residential category descriptions, along with Table 2-2 are proposed to suggest a majority of lot sizes within a proposed project need to correlate with the appropriate zoning district in Table 2-2. In those instances where the majority of the lots sizes are associated with a more intense land use category (e.g. R1- 6 is considered Medium Density versus Low Density), the applicant may continue to proceed with the application. However, an amendment of the land use map may be required, along with enhanced justification and possible mitigation measures may be requested to ensure the proposed community is compatible with the surrounding area as a means to ensure compliance with the City’s vision and adopted goals and policies. The proposed changes are considered an interim measure of ensuring compatibility with existing neighborhoods until the

comprehensive re-write process is completed in 2019.

Chapter 14
Proposed refinements in Table 14.2 and exception iii) on page 14-7 to clarify what is considered a major and minor amendment of the circulation system. Secondly, staff is recommending removal of the exception ii) on the same page in order to require a minor general plan amendment when the proposed housing product and/or proposed lot sizes differ in character than what is contemplated on the Land Use Map. In these situations, staff still preforms an analysis to determine whether or not the proposal is compatible with the surrounding area, and appropriate at the subject location. However, with the change, the applicant would be required to file a formal request to change the land use map and provide written justification for the decrease in density. As the City continues to mature, there are less areas to provide diverse housing options for the city's workforce. This refinement simply provides a higher level check and balance to the system for these limited number of situations.

Public Involvement
Major amendments to a city's general plan are subject to the process outlined by Arizona Revised State Statute, and as such are required to be considered by the municipality during the same year in which they were submitted. This year, the only amendments submitted where city-initiated as noted below. Each of these amendments followed the same process and public hearing schedule, as discussed more within the Community Involvement Section of the Commission staff report.

60-Day Review
Pursuant to ARS §9-461.06, the proposed amendments were transmitted to various adjacent agencies for review at least 60 days prior to providing notice for the public hearings. The package of information was transmitted on August 8, 2018 to the list of agencies as shown in Exhibit 7 of the Commission report. Comments from those agencies were due by October 8, 2018, and staff received two letters as shown in Exhibit 8.

School District Notification
Peoria Unified and Deer Valley School Districts received written notification of this amendment for the 60-day review period. No comments were received.

Public Comments
During the 60-Day Review period, the same package of material transmitted to the various agencies was made available for public review and comment as well. Individuals were able to download the information from the website or view hardcopies at the public libraries or at the Planning Counter during this time. All comments were compiled into an Errata Sheet, along with staff's response to each item. (Exhibit 9)

City staff and the consultant also held two open house meetings in late August to allow the public to view the materials in person and ask questions. A total of nine people attended those meetings and a copy of the sign-in sheets are shown in Exhibit 10. Questions during the meetings primarily focused on the location and timing of upcoming community park #3, and future development adjacent to the resident's houses or place of business.

Planning and Zoning Commission
The Planning and Zoning Commission held the first of two hearings for the annual Major General Plan Amendment process on November 1st of this year. This hearing was an opportunity for staff to present each amendment and for the Commission and the public to give testimony. The meeting and resulting change to the Figure 3-1 Circulation Plan map are noted within the Community Involvement section of the Commission report.

Previous Actions/Background:

On November 15, 2018, the Planning and Zoning Commission held a public hearing regarding the 2018 Major General Plan Amendments. For each of the three request, the Planning & Zoning Commission recommended approval with a 6-0 vote. There were no speakers in favor or in opposition to the proposals.

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.

Per ARS 9-461.06.H, the adoption of a major amendment to the general plan requires the affirmative vote of at least two-thirds of the City Council.

Staff Recommendation:

1. APPROVE GPA18-02 as recommended by Staff and the Planning and Zoning Commission;
2. APPROVE GPA18-03 as recommended by Staff and the Planning and Zoning Commission and
3. APPROVE GPA18-04 as recommended by Staff and the Planning and Zoning Commission.

Fiscal Analysis:

This request is not expected to have immediate budgetary impacts to the City.

ATTACHMENTS:

Exhibit 1 - November 15, 2018 Planning & Zoning Commission Staff Report with Exhibits
Exhibit 2 - Draft Resolution for GPA18-02
Exhibit 3 - Draft Resolution for GPA18-03
Exhibit 4 - Draft Resolution for GPA18-04

Contact Name and Number:
Chris M. Jacques, AICP, Planning Director (623) 773-7609

Lorie Dever, Principal Planner, (623) 773-5168

PLANNING AND ZONING COMMISSION REPORT

Meeting Date: November 15, 2018

Agenda Item: 3

Case Name: 2018 Major General Plan Amendments (GPA18-02, GPA18-03, and GPA18-04)

General Application Information

Proposal:
City staff is proposing three major amendments to the Peoria General Plan to better reflect existing conditions and future needs of Peoria. The specific amendments include city-wide adjustments to Figure 3.1 Circulation Map and Figure 2.1 Land Use Map, and text modifications to Chapter 2: Land Use Element and Chapter 14: Plan Administration.

Location:
City-wide

Project Acreage:
N/A

Applicant:
City of Peoria

Recommendations:

Staff recommends that the Planning and Zoning Commission take the following action(s):

1. Recommend approval of Case GPA18-02, to the City Council;
2. Recommend approval of Case GPA18-03, to the City Council; and
3. Recommend approval of Case GPA18-04, to the City Council.

ATTACHMENTS:

Description

Staff Report

Exhibit 1 – Proposed Changes to Figure 3-1 Circulation Plan

Exhibit 2 – Proposed Final Draft of Figure 3-1 Circulation Plan

Exhibit 3 – Proposed Changes to Figure 2-1 Land Use Map

Exhibit 4 – Proposed Final Draft of Figure 2-1 Land Use Map

Exhibit 5 – Proposed Text Changes to Chapter 2: Land Use Element

Exhibit 6 – Proposed Text Changes to Chapter 14: Plan Administration
Exhibit 7 – 60-Day Review Notification List
Exhibit 8 – Federal, State and Local Agency Comments
Exhibit 9 – Errata Sheet of Comments
Exhibit 10 – Open House Sign In Sheets

PLANNING AND ZONING COMMISSION STAFF REPORT

Date	**November 15, 2018**
To	**Planning and Zoning Commission**
From	**Lorie Dever** Principal Planner **Cody Gleason** Senior Planner
Subject	**2018 Major General Plan Amendments** Three city-initiated major amendments to the Peoria General Plan to better reflect existing conditions and future needs of Peoria.

* Changes to this report since the November 1, 2018 Planning and Zoning Commission Hearing are noted in **bold text.**

PROPOSAL

City staff is proposing three major amendments to the Peoria General Plan to better reflect existing conditions and future needs of Peoria. The specific amendments include city-wide adjustments to *Figure 3.1 Circulation Plan* and *Figure 2.1 Land Use Map*, and text modifications to Chapter 2: Land Use Element and Chapter 14: Plan Administration.

APPLICATION INFORMATION

Case Numbers	GPA18-02: Circulation Plan Update; GPA18-03: Land Use Map Update; and GPA18-04: Land Use Element and Plan Administration Text Updates
Applicant	City of Peoria
Request(s)	1. Amend *Figure 3.1 Circulation Plan* within Chapter 3: Circulation Element of the General Plan as shown in Exhibit 2. 2. Amend *Figure 2.1 Land Use Map* within Chapter 2: Land Use Element of the General Plan as shown in Exhibit 4. 3. Amend Chapter 2: Land Use Element and Chapter 14: Plan Administration as shown in Exhibits 5 and 6.

BACKGROUND

The Peoria General Plan ("General Plan" or "Plan") is essentially the City's blueprint for policy and land development. The purpose of the Plan is to guide the City Council, Planning and

Zoning Commission, staff, developers and residents through the development process by encapsulating city goals, objectives and strategies by which land is designed, developed and used within the City and its Planning Area. It is the primary tool used in evaluating proposed developments, providing recommendations, revising development regulations and identifying capital improvements needed to meet the objectives of the plan. For example, the General Plan is referred to when reviewing and implementing zoning requests, for economic development decisions, and when designing roadways, parks, and public facilities.

The City's current General Plan was adopted in 2009 and ratified in 2010. As the General Plan is not a static document, the staff continually reexamines the Plan and makes recommendations for changes to allow the Plan to better respond to the changing dynamics, trends and associated growth within the City. Significant changes in these conditions can trigger the need to recommend a major amendment to the Peoria General Plan. Additionally, per Arizona State Law, on or before the ten year anniversary of the plan's ratification, the municipality is required to either readopt the existing plan or adopt a new plan. Accordingly, the existing Peoria General Plan is set to expire by 2020.

Since the last substantive general plan update in 2009, Peoria has experienced an evolving economic landscape, along with meaningful growth and development. As such, the City determined it was necessary to develop a new General Plan that is visionary and responsive to the next twenty year planning horizon and through to buildout. In late 2016, City staff began the task of comprehensively updating the General Plan, which is known as *PlanPeoria2040.* To make the new plan more responsive to the community's needs, City staff has reached out to residents and business leaders to share their thoughts. Due to the significant level of public comment received, the city's renewed focus on placemaking and healthy community design, and the substantial level of effort needed to update maps to reflect existing conditions, the decision was made to separate the project into multiple years. At this time, the comprehensive rewrite and restructuring of the entire General Plan is tentatively scheduled to be completed as part of the 2019 Major General Plan Amendment cycle.

As part of the 2018 list of activities, staff and the City's consultant Matrix Design Group began the effort of updating critical maps and text to better reflect existing conditions. To have those changes the updates become effective, they are required to go through the major general plan amendment process and follow specific state mandated requirements before they can be considered by Planning and Zoning Commission, and ultimately by City Council. Based on the results of ongoing efforts, City staff is proposing three amendments within the 2018 Major General Plan Cycle in order to better recognize and address existing conditions. Each of these amendments is discussed in more detail below.

PROPOSED MAJOR AMENDMENTS AND STAFF ANALYSIS

The specific amendments proposed during the 2018 Major General Plan Cycle include city-wide adjustments to *Figure 3.1 Circulation Plan* and *Figure 2.1 Land Use Map*, and text modifications

to *Chapter 2: Land Use Element* and *Chapter 14: Plan Administration*. Staff believes these changes would then better position the Plan for the longer task of restructuring the document to be more user-friendly and responsive to the City's future needs.

AMENDMENT #1 - GPA18-02: CIRCULATION PLAN UPDATE

Chapter 3: Circulation Element within the General Plan outlines the necessary transportation system components to serve the future needs of residents and visitors of the City and its planning area. The element utilizes the policy framework along with the Circulation Plan to depict and identify implementation measures to realize this system. The Circulation Plan (Figure 3-1), is a planning tool used to portray and define the envisioned roadway transportation network. This network represents the system of streets to provide transportation mobility and access to existing and future residential, recreation, and economic uses throughout the City. The City also maintains a Street Classification Map, which identifies specific functional classification of roadways along with the number of lanes, future right-of-way needs, and intersection configurations for major roadways in the city. The Circulation Plan and Street Classification Map Work together to identify the future roadway capacity needed to maintain an acceptable level of mobility in the City.

Proposed changes within this amendment include road classifications changes (e.g. from collector to arterial roadway), road additions and subtractions, and alignment adjustments to better reflect the existing conditions and future needs of the city.

STAFF ANALYSIS

The last update to Figure 3-1 Circulation Plan occurred in 2012. Since that time, a significant number of private-development projects have continued through the development process or have been updated. Additionally, there are a number of private-development projects currently in the design phase or undergoing an entitlement change that have known impacts to the street network. Moreover, there are a number of City Capital Improvement Program projects that are completed every year that have not been recognized and incorporated into the existing Circulation Plan. City staff recognized the accumulation of these incremental changes resulted in a roadway network map that would benefit from an adjustment to bring it current with existing conditions.

Exhibit 1 shows where the proposed changes to the Circulation Plan occur, and the associated table identifies the specific modification proposed. The requested changes have been a collaborative effort between various city departments, private developers, and key federal and state agencies. For example, a "Proposed Figure 3-1 Circulation Plan" was submitted for public comment during what is known as the "60-Day Review", as outlined within the Community Involvement Section. Based on the on-going dialog, it was determined that additional analysis was needed prior to proceeding with certain roadway modifications. In these limited situations, staff proposed to revert the roadway segments back to their existing condition (as approved by City Council in 2012). Overall, these proposed changes would significantly refresh the

Circulation Plan; however, future refinements may be proposed as part of the larger comprehensive update process.

AMENDMENT #2 - GPA18-03: LAND USE MAP UPDATE

Chapter 2: Land Use Element within the General Plan establishes the primary framework for shaping the City's development pattern. Each property is then assigned one or more land use categories within the City's Municipal Planning Area (MPA). Each of those categories are described in more detail within Chapter 2, including what the appropriate target density or intensity are in each category, along with the anticipated types of uses and overall character of the development. The land use categories are then spatially depicted in Figure 2-1, Land Use Plan, or otherwise known as the "Land Use Map". There are a number of instances where the Land Use Map does not accurately reflect the existing land uses occurring on the property. For example, the City's Pioneer Park is designated as Business Park / Industrial (BP/I) instead of the most analogous land use category of Park / Open Space (P/OS).

Proposed changes within this amendment are intended to update the line work on the map to better reflect existing conditions. Additionally, there were two property owner requests to change the associated land use categories on their respective properties as a means to better position for development going forward.

STAFF ANALYSIS

Based on staff's assessment during the initial stages of the *PlanPeoria2040* project, a substantial clean-up effort was needed in order to have a reliable map to make future land use decisions from. This lack of specificity stemmed in part from an earlier adopted provision within the General Plan that eliminated the requirement to amend the Land Use Map unless certain criteria were met. While this provision was in effect, the city experienced a significant level of growth that took advantage of the exception. Thus, the Land Use Map was not updated in any meaningful manner or on a regular basis to keep pace with the sustained level of growth that has occurred. Additionally, when the line work was originally developed for each of the land use categories, it was created without the assistance of the precision tools now available such as aerial imagery, topography, and the use of Geographic Information System (GIS) software, etc. These additional mapping tools, along with the significant increase in the amount of environmental data now available allows city staff to bring an unmatched level of sophistication and precision to the Land Use Map unlike previous efforts before.

With the assistance of the City's Information Technology Department and the *PlanPeoriaAZ* consultant Matrix Design Group, staff analyzed all property within the Municipal Planning Area to determine what changes were needed on the map to reflect existing conditions. The modifications were limited in scope and did not address vacant parcels, with the exception of two instances, which were requested specifically by property owner after consultation with city staff. This was a time-intensive effort and so it was determined to update the information using the existing map style and format.

The proposed changes along with the "Proposed Figure 2-1 Land Use Map" was submitted for public comment during the "60-Day Review". Refer to Exhibit 3 for a comprehensive map of the proposed areas of change, and Exhibit 4 for the Proposed Final Draft of Figure 2.1. A summary of the acreages within each of the General Plan land use categories is shown below in Table 1. These numbers are shown in relation to areas for each land use category from 2012, which was the City's last set of published maps. The differences in acreages and percentages reflect the cumulative number of minor and major amendments since 2012, along with the refinements to the line work associated with this amendment.

TABLE 1: LAND USE MAP ANALYSIS

LAND USE CATEGORIES	2012 ACREAGE	% OF TOTAL AREA	2018 ACREAGE	% OF TOTAL AREA	% DIFFERENCE
Park / Open Space	67,106.2	44.86%	63,177.5	41.67%	- 3.19%
Water	12,497.2	8.35%	14,002.1	9.36%	+1.01%
Estate Density Residential	17,361.9	11.61%	20,863.4	13.95%	+2.34%
Low Density Residential	29,705.3	19.86%	29,457.3	19.69%	-0.16%
Medium Density Residential	7,791.1	5.21%	7,414.5	4.96%	-0.25%
Medium High Density Residential	1,300.9	0.87%	1,219.1	0.81%	-0.05%
High Density Residential	953.3	0.64%	1,037.2	0.69%	+0.06%
Office	247.3	0.17%	115.8	0.08%	-0.09%
Neighborhood Commercial	647.4	0.43%	111.9	0.07%	-0.36%
Community Commercial	1,607.2	1.07%	2,077.3	1.39%	+0.31%
Regional Commercial	918.6	0.61%	1,286.3	0.86%	+0.25%
Business Park	2,669.6	1.78%	2,478.3	1.66%	-0.13%
Business Park/Industrial	1,270.6	0.85%	1,625.1	1.09%	+0.24%
Industrial	426.8	0.29%	440.5	0.29%	+0.01%
Mixed Use	1375.5	0.92%	1116.6	0.75%	-0.17%
Neighborhood Mixed Use	72.7	0.05%	117.0	0.08%	+0.03%
Community Commercial Mixed Use	190.3	0.13%	175.7	0.12%	-0.01%
Regional Commercial Mixed Use	281.4	0.19%	532.2	0.36%	+0.17%
Business Park Mixed Use	466.4	0.31%	509.6	0.34%	+0.03%
Sports Complex Mixed Use	478.8	0.32%	491.4	0.33%	+0.01%
Public / Quasi-Public	2,222.1	1.49%	1,332.9	0.89%	-0.59%

The largest percentage of change occurred in the Park / Open Space, Water, and Estate Density Residential land use categories. In the instance of the Park / Open Space category, the majority of the decrease in acreage should not be attributed to development of vacant property; rather, better recognition of existing conditions. For example, city staff and the consultant revised Park / Open Space areas in conjunction with the Water category to recognize updated Federal Emergency Management Agency (FEMA) floodway designations. Additionally,

transmission line corridors are designated as open space on the Land Use Map. As a part of this year's refinements, staff readjusted the previous corridor information to the most accurate alignment and width information. This resulted in a reduction in some areas, and an increase in others. Lastly, the line work for Park / Open Space areas and residential designations throughout the city were realigned to match up with recorded plats and existing subdivision extents.

Overall, the proposed changes to the Figure 2-1 Land Use Map represent a significant increase in accuracy and specificity of existing conditions, and provide a better framework in which to base the comprehensive update on.

AMENDMENT #3 - GPA18-04: CHAPTER 2 - LAND USE ELEMENT AND CHAPTER 14 - PLAN ADMINISTRATION

The General Plan is a comprehensive document consisting not only of maps, but supporting text as well. For example, the document contains the vision statement and the associated goals and policies related to making that vision a reality. Per state law requirements, there are at least seventeen topics that need to be addressed in the document, such as but not limited to, Land Use, Circulation, Cost of Development, Public Safety, and so forth.

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- Chapter 2 Land Use Element - Refinements of certain land use category descriptions to better position the General Plan for the larger comprehensive update occurring in 2019. Additionally, language is being added within the descriptions of the Estate Density Residential and Low Density Residential categories, in conjunction with a modifications to Table 2-2 to further clarify the desired character and corresponding lot sizes expected in these areas.

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STAFF ANALYSIS

Chapter 2

Figure 2-1 Land Use Map recognizes various waterways within the City of Peoria; however, water is not a defined category within Chapter 2 Land Use Element. This amendment proposes to formally recognize those waterways as a separate land use category, which allows better recognition and preservation of these areas. Additionally, staff is recommending the removal of the percentage breakdown within the Mixed Use category.

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areas within the city to consider a wider range of uses when contemplating redevelopment. Along with the potential for revitalizing existing areas, it encourages more sustainable types of infill development on remnant parcels of land. As such, staff believes this is a beneficial first step in moving toward developing “main street” types of development within the city.

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Chapter 14

Proposed refinements in Table 14.2 and exception iii) on page 14-7 to clarify what is considered a major and minor amendment of the circulation system. Secondly, staff is recommending removal of the exception ii) on the same page in order to require a minor general plan amendment when the proposed housing product and/or proposed lot sizes differ in character than what is contemplated on the Land Use Map. In these situations, staff still preforms an analysis to determine whether or not the proposal is compatible with the surrounding area, and appropriate at the subject location. However, with the change, the applicant would be required to file a formal request to change the land use map and provide written justification for the decrease in density. As the City continues to mature, there are less areas to provide diverse housing options for the city’s workforce. This refinement simply provides a higher level check and balance to the system for these limited number of situations.

COMMUNITY INVOLVEMENT

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60-Day Review

Pursuant to ARS §9-461.06, the proposed amendments were transmitted to various adjacent agencies for review at least 60 days prior to providing notice for the public hearings. The package of information was transmitted on August 8, 2018 to the list of agencies as shown in Exhibit 7. Comments from those agencies were due by October 8, 2018.

At the time writing this report, staff received two letters as shown in Exhibit 8. The first was from Luke Air Force Base (or Luke AFB) noting that the proposed Peoria General Plan Amendments will not negatively impact the flying operations at Luke AFB. The second letter was from the City of Phoenix Planning and Development Department identifying a potential point of conflict between Phoenix and Peoria land uses in the general area of the Loop 303 and the New River Wash. As part of the 2018 Major General Plan Amendment Cycle, no changes to the Land Use Map are being proposed within the area identified in the letter, with the exception of updating the Water category line work to reflect improved FEMA floodway delineations. As such, the land uses shown in the area in question have remained unchanged since 2005. More particularly, the parcels are designated as Arizona State Trust Land and managed by the Arizona State Land Department. Accordingly, any land use changes to these parcels would need to be made in collaboration with ASLD staff. At this time, Peoria City staff is not recommending changes to the area in question at this time.

The City of Phoenix also provided comment on the proposed changes to the Land Use Map. Phoenix Planning staff identified one potential area of conflict in the area of the Loop 303 and New River Wash. During a follow-up conversation between staff, it was identified the reduction in open space and subsequent increase in Business Park area was due to the updated delineation of the floodway corridor and recognition of the Loop 303 alignment. No substantive increase in business park area is being proposed; rather, staff is recommending adjustment of the line work to meet the original intent of the area. There remains a significant open space buffer between the two jurisdictions. As this area is managed by ASLD, City of Peoria staff is committed to work with ASLD and the City of Phoenix to ensure an appropriate transition.

School District Notification

Peoria Unified and Deer Valley School Districts received written notification of this amendment for the 60-day review period. No comments were received.

Public Comments

During the 60-Day Review period, the same package of material transmitted to the various agencies was made available for public review and comment as well. Individuals were able to download the information from the website or view hardcopies at the public libraries or at the Planning Counter during this time. At the time of this report, staff received four emails with comments, suggestions or questions. Those were compiled into an Errata Sheet, along with staff's response to each item. (Exhibit 9) As a result, a scriber's error regarding the Camino a Lago Specific Area Plan boundary was identified and corrected on the Figure 2-1 Land Use Map as part of this amendment.

City staff and the consultant also held two open house meetings in late August to allow the public to view the materials in person and ask questions. A total of nine people attended those meetings and a copy of the sign-in sheets are shown in Exhibit 10. Questions during the meetings primarily focused on the location and timing of upcoming community park #3, and future development adjacent to the resident's houses or place of business.

Planning and Zoning Commission Discussion from the November 1, 2018 Hearing

1. **The Planning and Zoning Commission held the first of two hearings for the annual Major General Plan Amendment process on November 1st of this year. This hearing was an opportunity for staff to present each amendment and for the Commission and the public to give testimony.**

2. **The Commission asked staff about the status of State Route 74 (SR74), and in particular, why it is shown as "Future" on Figure 3-1 when the road, to some extent, already exists.**

   In this particular situation, SR74 currently exists as a 1 to 2 lane road that operates at a significantly lower capacity than envisioned in the future. Subsequent to the Commission meeting, staff reviewed the symbology utilized within the map for similarly situated roadway segments. Based on staff's findings, the map has typically illustrated these types of roadways as "future" because it is not built to its final (or "ultimate") condition. The dashed line is used as a visual identifier to the reader and more importantly to potential developers that additional dedication of right-of-way (ROW) would be required as development occurs adjacent to the road in question.

   To maintain consistency while providing additional clarity to the reader, staff is recommending a note be added to Figure 3-1 (below the legend) as shown in Exhibit 2. No additional changes to the figures or associated text are proposed.

KEY FINDINGS

1. The amendments constitute an overall improvement to the City's General Plan and are not solely for the good or benefit or a particular landowner or owners at a particular point in time;
2. The amendments are in conformance with the Goals, Objectives, and Policies of the Peoria General Plan.
3. The individual amendments improve the usability of the General Plan by:
   a. Updating the Figure 3-1 Circulation Plan to better recognize existing conditions and future needs of the City's street network;
   b. Provides an increased level of precision and accuracy to the Figure 2-1 Land Use Map;
   c. Strengthen the correlation between Estate and Low Density Residential categories to their correlating zoning districts;
   d. Updating and refining various land use categories to match with those shown in the Land Use Map, along with provide more flexibility regarding mixed use

percentages to increase sustainability within newer and mature commercial centers; and

e. Overall, creating a better framework in which to base land use decisions on.

RECOMMENDATION

Staff recommends that the Planning and Zoning Commission take the following action:

1. **Recommend approval of Case GPA18-02 to City Council,**
2. **Recommend approval of GPA18-03 to City Council, and**
3. **Recommend approval of GPA18-04 to City Council.**

STAFF CONTACT

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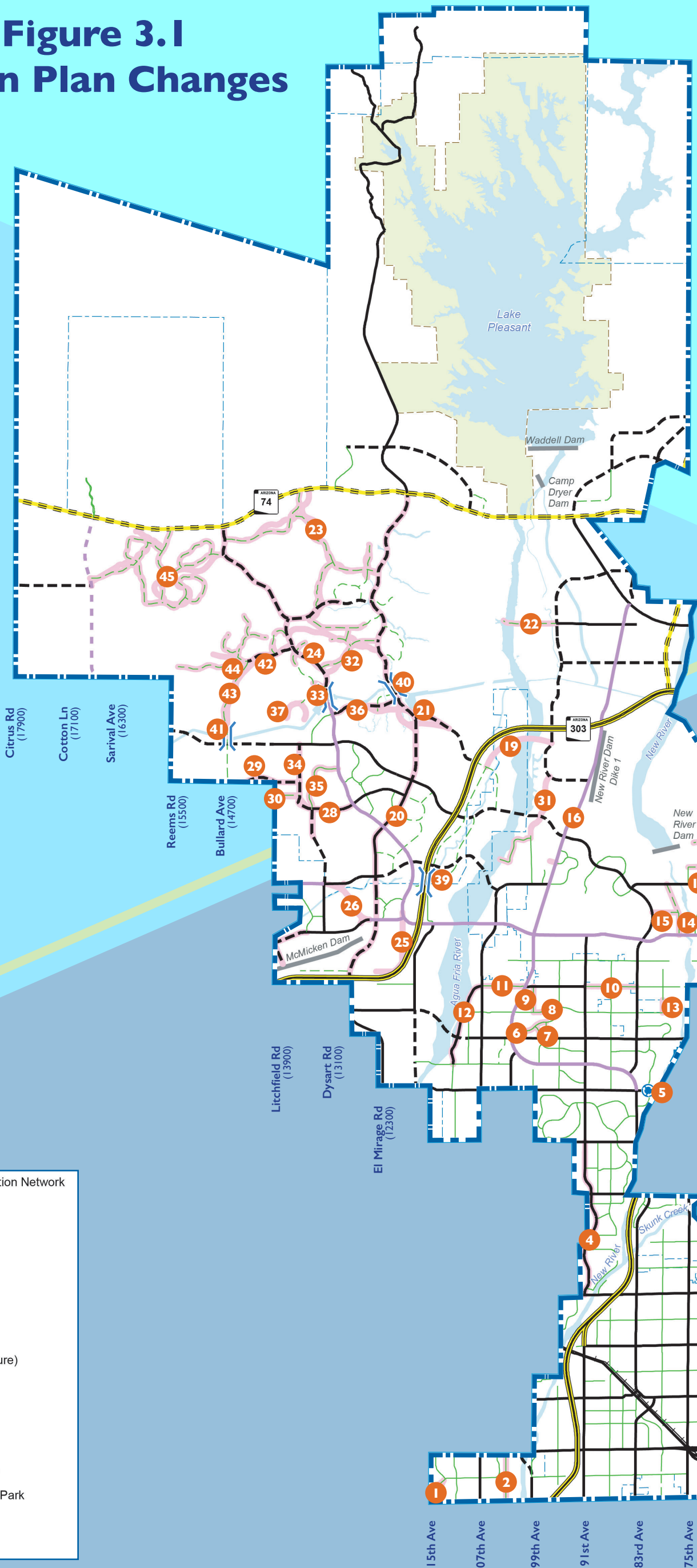
PLAN PEORIA AZ
General Plan 2040

Proposed Figure 3.1
Circulation Plan Changes



Legend

- Changes To The Circulation Network
- Bridge
- Roundabout

Circulation

- Freeway / Highway
- Parkway
- Arterial
- Collector
- Freeway / Highway (Future)
- Parkway (Future)
- Arterial (Future)
- Collector (Future)
- Peoria City Limit
- Planning Area Boundary
- Lake Pleasant Regional Park
- Railroad
- Water / Waterway

Exhibit 1

PLAN PEORIA AZ
General Plan 2040

List of Proposed Circulation Changes

#	Road	Beginning Extent	Ending Extent	Modification
1	**115th Avenue**	Northern Avenue	Butler Drive	*Realign to address topography*
2	**103rd Avenue**	Northern Avenue	Olive Avenue	*Change from existing minor arterial to existing major collector*
3	**69th Avenue**	Mountain View	Peoria Avenue	*Change from existing local to existing minor collector*
4	**91st Avenue**	Thunderbird Road	Union Hills Drive	*Change from existing major arterial to existing minor arterial*
5	**Beardsley Road**	Loop 101	81st Avenue	*Change from existing major arterial to existing minor arterial and show roundabout*
6	**Speckled Gecko Drive**	Lake Pleasant Parkway	98th Avenue	*Change from future minor collector to existing minor collector*
7	**98th Avenue**	Deer Valley Road	Speckled Gecko Drive	*Change from existing local to existing minor collector*
8	**Williams Road**	99th Avenue	95th Avenue	*Change from future minor collector to existing minor collector*
9	**99th Avenue**	Williams Road	Pinnacle Peak Road	*Change from existing local to existing minor collector*
10	**Pinnacle Peak Road**	91st Avenue	83rd Avenue	*Change from existing major arterial to existing major collector*
11	**Pinnacle Peak Road**	107th Avenue	Lake Pleasant Parkway	*Change from future minor arterial to future major collector*
12	**Tessmer Road**	Rose Garden Lane	107th Avenue	*Change from future minor arterial to existing minor arterial*
13	**79th Avenue**	Williams Road	Patrick Lane	*Remove future minor collector*
14	**77th Avenue**	Happy Valley Road	Jomax Road	*Add future minor collector*
15	**Yearling Road**	83rd Avenue	77th Avenue	*Add future minor collector*
16	**Buckhorn Trail**	96th Drive	Lake Pleasant Parkway	*Change from existing minor collector to local*
17	**Aloravita Boulevard**	Jomax Road	Dynamite Boulevard	*Add future minor collector*
18	**Terramar Boulevard / 69th Avenue alignment**	Jomax Road	Pinnacle Vista Drive	*Add future minor collector*
~~19~~	~~**Loop 303 Frontage Road**~~	~~Westland Road~~	~~96th Avenue~~	~~*Add future major collector*~~
20	**El Mirage Road**	Vistancia Boulevard	Lone Mountain Parkway	*Change from future major arterial to existing major arterial*
21	**Westland Road**	El Mirage Road	115th Avenue	*Change future major arterial into two separate segments*
22	**Carefree Highway**	Agua Fria River	96th Avenue	*Add future minor collector*
~~23~~	~~**136th Drive (Approximate)**~~	~~Carefree Highway Alignment~~	~~Saddleback Heights (Arterial between Cloud and Carefree Highway alignment)~~	~~*Add future major arterial and change from future major collector to future major arterial*~~
24	**Vistancia Boulevard**	North of CAP Canal	Saddleback Heights (Arterial)	*Change alignment and add future arterial from Canyon Ranch Boulevard to Galvin Boulevard*
25	**119th Avenue**	Vistancia Boulevard	Happy Valley Road	*Remove future arterial*
26	**Jomax/Happy Valley Connector**	Happy Valley Road	Jomax Road	*Remove future limited access parkway*
27	**Westland Drive**	Loop 303	Dynamite Boulevard	*Rename from Westland Drive to Litchfield Road*
28	**Ridgeline Road**	Upcountry Way	135th Avenue Alignment	*Rename from Dixileta Parkway to Ridgeline Road and classify as future minor arterial. Change alignment of Ridgeline Road to turn north towards 135th Avenue.*
29	**Dixileta Drive**	135th Avenue	West out to municipal planning boundary	*Add future major arterial on alignment starting at 135th Ave. Alignment will deviate north at mountain and continue to planning boundary.*
30	**Morning Vista Lane**	135th Avenue	138th Avenue Alignment	*Change from future arterial to future major collector*
31	**99th Avenue/96th Avenue**	Dynamite Boulevard	Dixileta Drive	*Remove future collector and arterial portions*
32	**Twin Buttes Road**	Vistancia Boulevard	El Mirage Road	*Change from future minor arterial to major collector and revise alignment*
~~33~~	~~**Sonoran View Drive**~~	~~Vistancia Boulevard~~	~~White Peak Road~~	~~*Change from future minor collector to future minor arterial*~~
34	**135th Avenue**	Ridgeline Road	Lone Mountain Road	*Change from future major arterial to future minor arterial*
35	**Upcountry Way**	Ridgeline Road	Vistancia Boulevard	*Add minor collector*
36	**Westland Road**	El Mirage Road	Vistancia Boulevard	*Change from future major arterial to future minor arterial*
37	**White Peak Drive**	134th Drive	Mountain Just North of CAP	*Change from future collector to local road*
38	**El Mirage Road**	Pinnacle Peak Road	State Route 74	*Change from existing and future parkway to existing and future arterial*
39	**Loop 303**	Beardsley Canal	Beardsley Canal	*Show bridge over the Beardsley Canal*
40	**El Mirage Road**	CAP Canal	CAP Canal	*Show bridge over the CAP Canal*
41	**Bullard Avenue**	CAP Canal	CAP Canal	*Show bridge over the CAP Canal*
42	**Canyon Ranch**	Vistancia Boulevard	Bullard Avenue	*Change from future major arterial to future minor arterial*
43	**Canyon Ranch**	Bullard Avenue	CAP Canal	*Change from future minor arterial to future major collector*
44	**Canyon Ranch**	Bullard Avenue	145th Avenue (Approximate)	*Change from future major arterial to future major collector*
45	**Saddleback Heights System**	See Map	See Map	*Change alignment to reflect existing entitlement*

Proposed Figure 3.1
Circulation Plan

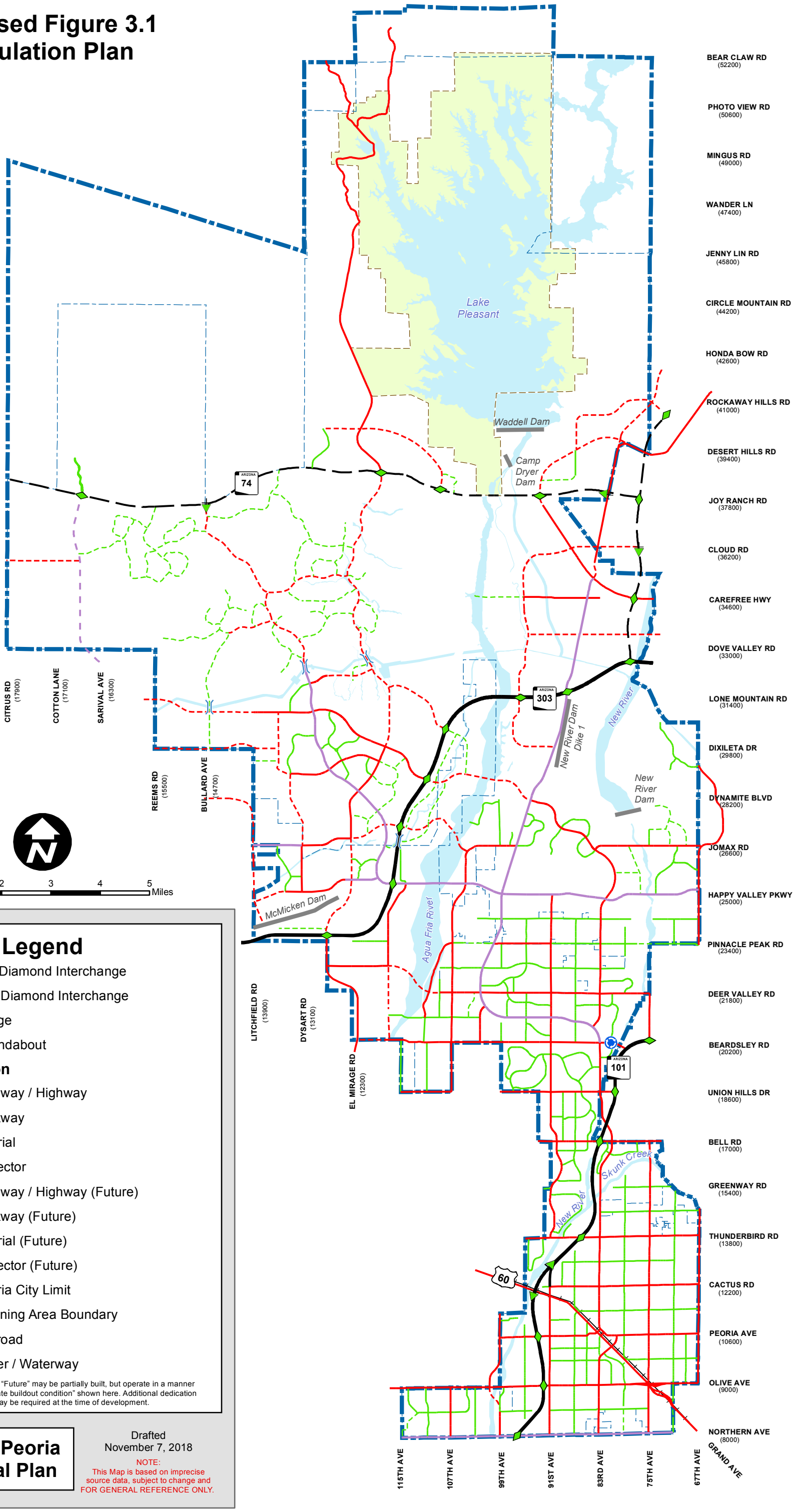


Exhibit 2

Proposed Figure 2.1
Land Use Plan Changes

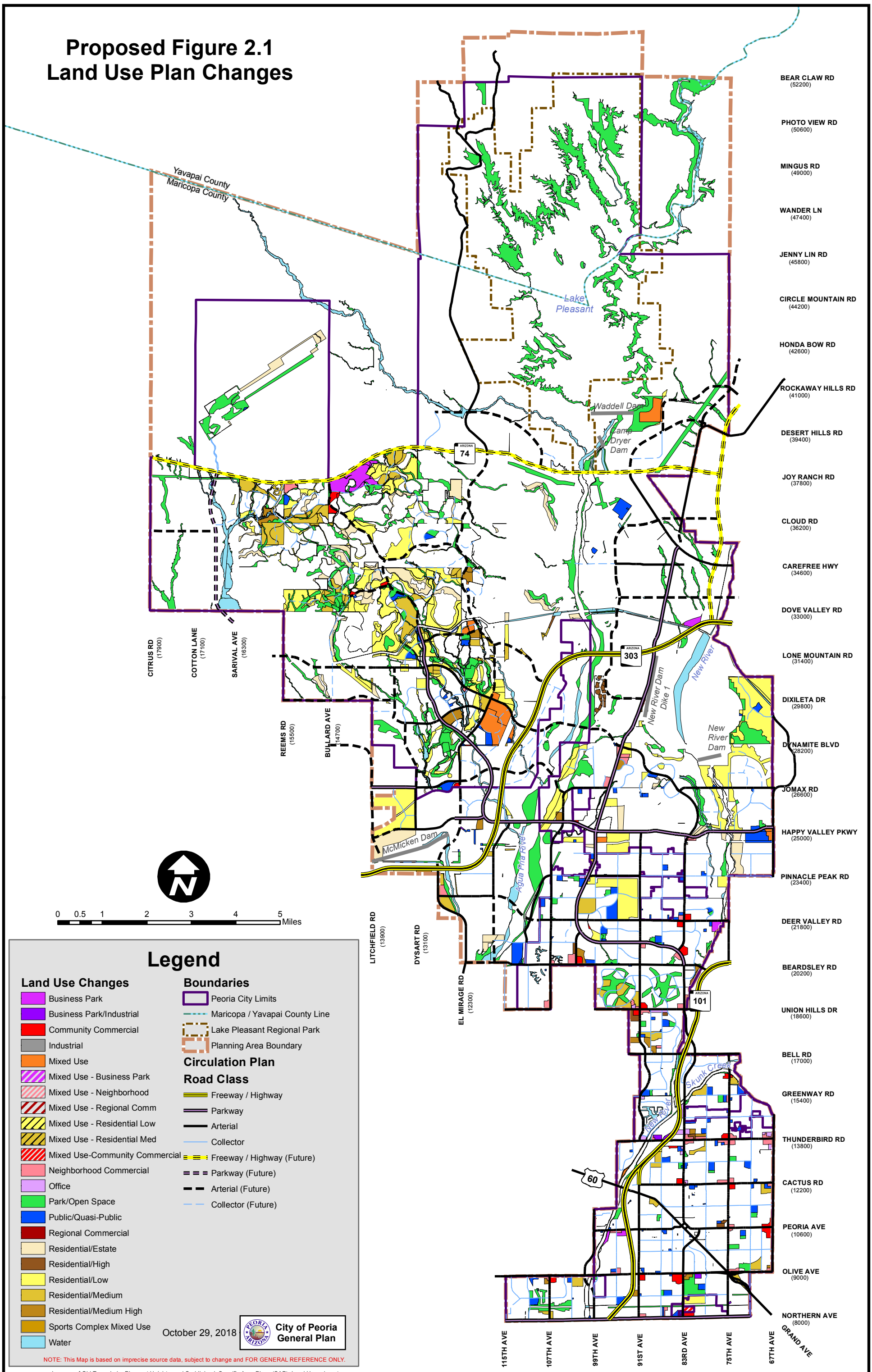


Exhibit 3

Proposed Figure 2.1
Land Use Plan

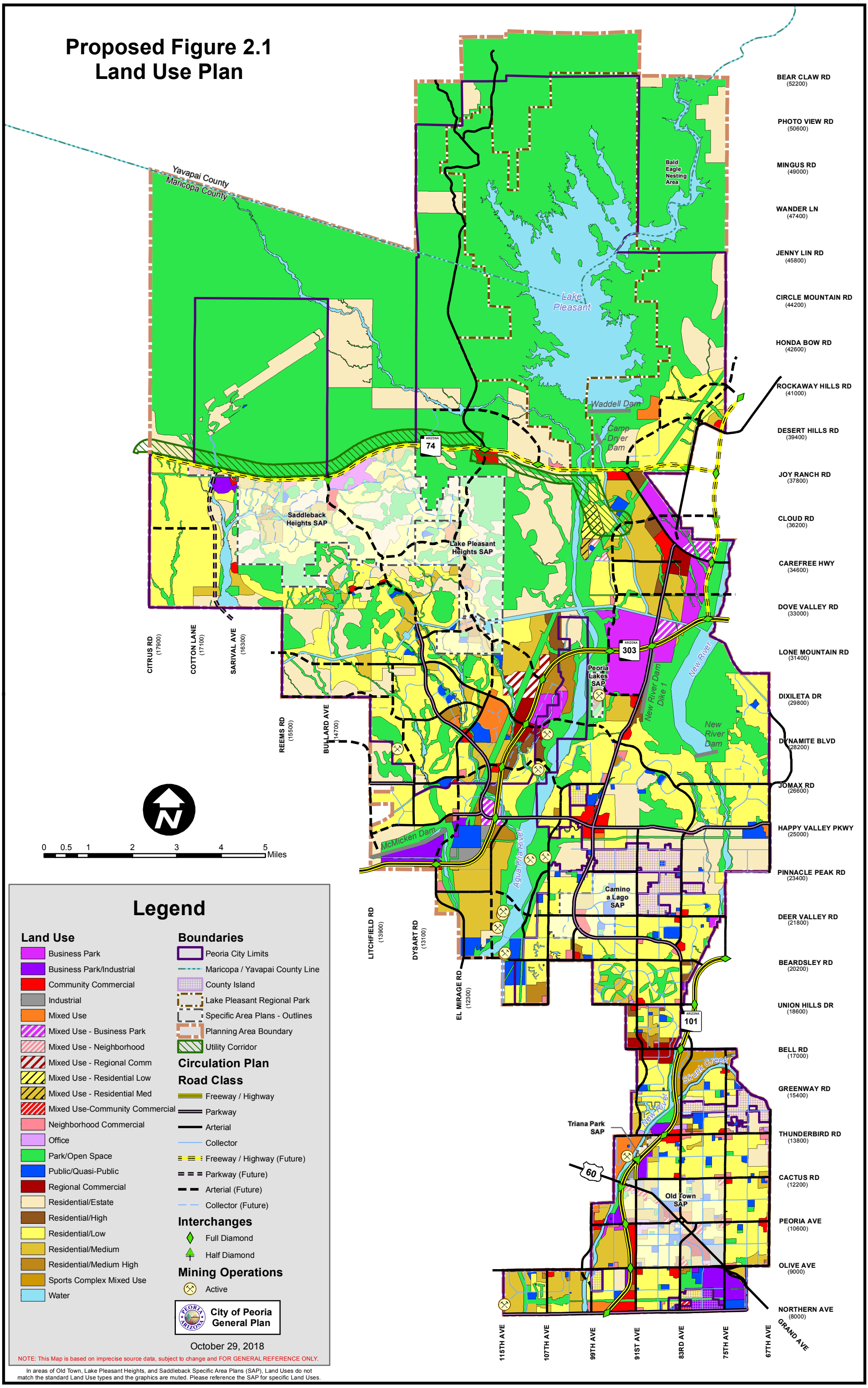


Exhibit 4

2. LAND USE ELEMENT

The Land Use Element establishes the primary framework for shaping the City's development pattern. Because it directly affects every aspect of the City's form and function, it is paramount to clearly define and communicate each of the goals and strategies of the Land Use Element and present them as they relate to the past, present, and future of Peoria. The Land Use Element is the long-range planning tool used in conjunction with the other General Plan elements to guide future growth, revitalization, and preservation efforts in the City. The Land Use Element also illustrates how the City of Peoria anticipates addressing future population and employment growth while promoting a development pattern that promotes a pedestrian-friendly environment and integrates natural and manmade features in a manner consistent with the vision for the City of Peoria.

The Land Use Element is organized in the following manner:

2.a Introduction
2.b. Goals, Objectives and Policies
2.c Land Use Plan
2.d Publicly Held Lands and State Trust Lands
2.e Specific Study Areas, Land Use Overlays, and Approved Master Plans

2.A INTRODUCTION

Explosive population growth over the last 40 years has transitioned a former small agricultural city of approximately 2,500 in 1970 to a large city currently exceeding 155,000. High sustained growth rates during this relatively short time span produce many challenges including traffic volumes, type and intensity of development, the protection of natural resources and the provision of essential public services. Fortunately, to aid in its efforts to address the quantitative and qualitative impacts associated with rapid, sustained growth, the City has adopted several new tools and plans. These efforts are summarized below.

LAKE PLEASANT AREA PLANNING EFFORTS

In 1996 and 1999, the City extended its municipal boundary to include Lake Pleasant Regional Park and the surrounding public and private lands. These lands, which contain dramatic scenery as well as a wealth of natural and cultural resources, were annexed allowing the City to exercise its land use authority around Lake Pleasant Regional Park for the long-range benefit of its citizens and the Park's visitors. Additionally, the Lake Pleasant/North Peoria Area Plan outlines specific implementation policies to preserve and protect the natural beauty of the northern part of the City around Lake Pleasant.

UPDATED IMPACT FEES

In 2008 the City adopted an updated impact fee schedule through the acceptance of the *Red Oak Impact Fee Study* requiring developers to pay their share of costs to provide the utilities, infrastructure, and City services necessary to support new development. These updated impact fees are intended to encourage growth near available infrastructure.

LOOP 303 SPECIFIC AREA PLAN

Recognizing the enormous potential of the emerging Loop 303 corridor as a center for employment and community activity, the City adopted *The Loop 303 Specific Area Plan*. *The Loop 303 Specific Area Plan*

identifies land uses and circulation objectives for the Loop 303 corridor, the Lake Pleasant Parkway corridor, Carefree Highway and SR 74 south of Lake Pleasant.

OPEN SPACE, CONSERVATION AND RECREATION

In 1999, the City adopted three major open space plans - the *Peoria Desert Lands Conservation Master Plan* and the *Peoria Rivers* and *Peoria Trails Master Plans*. *The Peoria Desert Lands Conservation Master Plan* identifies sensitive lands and native plant communities in the northern reaches of the City. Additionally, it provides policy guidance for the acquisition, preservation and administration of open space areas. Elements of the plan were incorporated into the General Plan to establish the proper relationship needed between the Master Plan and General Plan.

The Rivers and Trails Master Plans are separate complementary documents that identify a comprehensive system of trails throughout Peoria. *The Rivers Master Plan* provides guidance and recommendations for development along Peoria's three river corridors and identifies them as the "recreational spines" of the City since they contain the potential to provide trail access and recreational opportunities.

In 2006, the City adopted the *Parks, Recreation, Open Space and Trails (PROST) Master Plan* which essentially consolidated the efforts of the Peoria Desert Lands Conservation Master Plan, Rivers Master Plan and Trails Master Plan into a single document. All four master plans provide direction as to where and how the City's open space resources shall be used. The PROST Master Plan establishes in greater detail the types of amenities to be located in each form of open space and describes the connections and crossings between open spaces. The *Community Services Master Plan* (or CSMP, was an update of the 2006 Parks, Recreation, Open Space, and Trails Master Plan) and serves as the General Plan element specific to planning, development and provisioning of facilities for parks, recreation, open space, and trails. Collectively, the CSMP presents an analysis of forecasted needs and active (i.e., programmed) recreational resources within a context of an integrated regional system and works in concert with the Sonoran Preservation Program.

In 2015, the City adopted the *Sonoran Preservation Program* which provides the tools for identifying and protecting open space areas that merit conservation, along with outlining the resources needed to acquire these unique areas. In this manner, it is considered an implementation tool of the Peoria General Plan's goals, objectives and policies within the document. Preservation of open space is important because it contributes significantly to the general public health, safety, and welfare. Open space preservation provides educational opportunities; preserves local and regional heritage; and provides economic benefits through tourism and varied recreational opportunities. Open space preservation also protects the habitat for threatened and endangered wildlife and sustains wildlife corridors and linkages. In recent years, the general public has become more aware of this consequence and there is a growing trend to identify development options that encourage sensitive, sustainable development that protects critical landscapes and habitat.

The General Plan also respects federal lands and other publicly-owned lands such as Maricopa County's Lake Pleasant Regional Park. Large federal land holdings of the Bureau of Land Management (BLM) and Bureau of Reclamation (BOR) are shown as Park/Open Space. While Growing Smarter Plus legislation guarantees a development right of one dwelling unit per acre for Park/Open Space designated lands, it is the desire of the federal agencies and the City to limit development on these lands.

OLD TOWN REVITALIZATION

Peoria has also taken steps to enhance development in its city center by adopting the *Downtown Peoria Redevelopment Plan* in 1997, then the *Central Peoria Revitalization Plan* in 2000 and most recently the *Old Town Revitalization Plan* in 2009. These plans provide specific action plans for future development of the historic core area that supports new and existing businesses and economic growth; pedestrian-friendly urban design; integrating new residential development while preserving existing residential neighborhoods.

PEORIA SPORTS COMPLEX AREA

In 2010, the City developed adopted a multi-dimensional plan and implementation program for the 570-acre area around the Peoria Sports Complex. Although the area has been largely successful, the purpose of the Plan is to identify the conditions, regulatory framework and implementation strategies to enhance the area as a cohesive, pedestrian-friendly mixed-use destination and position the area for a successful evolution.

COMMUNITY APPEARANCE

The City adopted its first *Design Review Manual* in 1997 that set forth standards for improving the quality of development in the City. A major overhaul of this document was completed early in 2008 in response to input from our residents, the development community and recognized changes in building design in the decade since the original Manual was adopted.

INTEGRATION INTO THE GENERAL PLAN

The combined effect of these planning efforts has been to establish an extensive body of community development, resource management and land use planning policies and programs. This General Plan recognizes, supports, and incorporates the key features of the recently adopted plans and policies that have given direction to the development of the City in recent years and provides direction for future informed planning and development decision-making.

While the City's recent planning efforts have provided excellent guidance for specific areas of the City, resolving key issues, the City still must address several challenges. Within the unincorporated General Plan Study Area, development projects approved by Maricopa County affect Peoria's land use pattern and transportation system. By addressing currently unincorporated land in this General Plan, the City intends to coordinate its planning efforts with those of the County.

COMMERCE AND EMPLOYMENT-GENERATING DEVELOPMENT

The nature of commercial development has changed dramatically in the last 30 years. In many instances, services vacated the traditional core for more lucrative locations along major transportation corridors with better access and visibility. Traditional family-oriented businesses have been replaced with "big box" retail establishments promoting economies-of-scale.

Peoria is recapturing the experiences associated with a thriving and vibrant, pedestrian-scale City through downtown revitalization efforts and promoting new commercial nodes that employ progressive development strategies. These actions, along with limiting strip-style development and promoting mixed-use developments with office and housing components, will provide more dynamic and successful centers of commerce which will move Peoria towards its long-term goal of reaching equilibrium between housing and employment.

TRANSPORTATION LINKAGES

The General Plan addresses the relationship between land use and transportation. It incorporates the future arterial roadway network identified in the Northwest Valley Transportation Study (Maricopa County Department of Transportation, 2000), including Loop 303. Existing major transportation corridors such as Loop 101, Lake Pleasant Parkway, State Route 74, Grand Avenue, and Bell Road are also key elements of the General Plan because of the connections and continuity they provide through the Northwest Valley and the Phoenix Metropolitan Area. Loop 101 provides direct access to commercial centers, industrial parks and high-density residential development. Lake Pleasant Parkway / State Route 74 provides access to key commercial nodes and recreation amenities. Land use designations along Grand Avenue reflect those adopted in the *Old Town Peoria Revitalization Plan*. These include plans for future mixed-use centers, cluster housing, a transit center and an attractive warehouse center. Bell Road continues to serve the regional commercial shopping district, including the Peoria Sports Complex and supporting business community.

The inventory and analysis of existing conditions, historic development pattern and input from community involvement efforts have helped guide the development of an overall vision and supporting goals, objectives, and policies that will ensure that future City of Peoria decision-making is consistent with the interests of the community.

INTENT OF THE LAND USE ELEMENT

The Land Use Element, guided by its supportive goals, objectives, and policies, describes the desired land uses and development densities and intensities for future development in Peoria. The Land Use Element is the guide for implementation of the Zoning Ordinance and Official Zoning Map, two legal planning tools used to enforce the General Plan. The Land Use Element does not change or alter the existing zoning or approved development rights, although Growing Smarter Plus requires that future zoning changes conform to the General Plan Land Use designations.

The adopted land use policies, land use plan, and implementation measures will assist the Peoria Planning and Zoning Commission and City Council in their review and consideration of development proposals and rezoning requests. The Land Use Element also assists in programming public facilities and utilities needed by the dynamic growing and changing City.

2.B. GOALS, OBJECTIVES AND POLICIES

The following goals, objectives and policies are developed to define the essential components of the Land Use Element. They are listed under the following categories: Smart Growth, Residential Communities, Employment Related Development, Mixed-Use Development, Infill Development, Resort Development, and Amendments to the General Plan.

GOAL1:	PROVIDE A BALANCE OF LAND USES THAT WILL PRESERVE AND ENHANCE NEIGHBORHOODS, PROMOTE ECONOMIC DEVELOPMENT AND ENCOURAGE REDEVELOPMENT AT APPROPRIATE LOCATIONS.

SMART GROWTH

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.

Policy 1.A.2:
Establish and monitor an orderly plan to phase the extension of public utilities and streets within the City limits.

Policy 1.A.3:
Encourage development to occur as master planned communities with an appropriate mix of land use types in areas where infrastructure is or will be planned.

Policy 1.A.4:
Partner with Maricopa County to ensure that development and infrastructure located within Peoria's planning area is compatible with the City of Peoria's development and utility standards.

Policy 1.A.5:
Consider only those areas that are consistent with the criteria contained within the adopted Annexation Policy as suitable for annexation.

Objective 1.B:
Maintain a supportive relationship between established commercial proprietors and the City's business retention and expansion efforts.

Policy 1.B.1:
Work to enhance commercial activity by attracting, retaining, and expanding those developments, which improve economic conditions in Peoria.

Objective 1.C:
Encourage sustainable business practices through the rehabilitation and repurposing of existing and / or underutilized development.

Policy 1.C.1:
Promote the revitalization of underutilized buildings through site rehabilitation and / or adaptive reuse.

Policy 1.C.2:
Provide assistance to promote private and public-sector improvement programs for underutilized employment centers.

Policy 1.C.3:
Utilize performance standards and site design elements to reduce compatibility conflicts with adjacent uses.

Objective 1.D:
Foster commercial, industrial and business park employment centers that are compatible with Peoria's economic needs.

Policy 1.D.1:
Maintain and market an employment zone profile listing that includes a summary of parcels, location, existing zoning, infrastructure, and site characteristics.

Objective 1.E:
Support the preservation of Luke Air Force Base.

Policy 1.E.1:
Support state and regional organizations which are established to protect the military mission of Luke Air Force Base and are compatible with City policies.

Policy 1.E.2:
Support the formation of a preservation zone around the Luke Air Force Base perimeter.

Policy 1.E.3:
Monitor and coordinate airport feasibility efforts with Luke Air Force Base officials.

Policy 1.E.4:
Observe Luke Air Force base AICUZ and JLUS maps and departure and approach routes when considering developments that could potentially interfere with the Luke Air Force Base mission.

Policy 1.E.5:
Attend pertinent planning coordination meetings regarding Luke Air Force Base activities and missions.

MIXED-USE DEVELOPMENT

Objective 1.F:
Promote sustainable developments that elevate community identity and convenience, reduce vehicular trips, minimize infrastructure needs, improve air quality and provide a diversity of uses.

Policy 1.F.1:
Develop a mixed-use zoning district consistent with the land use designation framework.

Policy 1.F.2:
Develop guidelines that establish criteria to determine optimal locations for mixed-use and / or infill development.

Policy 1.F.3:
Develop a residential density bonus program for mixed-use projects that includes specific performance criteria.

Policy 1.F.4:
Encourage compact mixed-use developments using vertical orientation with connections to multi-modal transportation centers.

Policy 1.F.5:
Maximize compatibility between mixed use developments and existing neighborhoods through building orientation, buffering, outdoor activity concentration and site access.

Objective 1.G:
Promote mixed-use development templates to advance the City's sustainability efforts.

Policy 1.G.1:
Identify opportunities for mixed-use and neighborhood-centric core areas throughout the City.

Policy 1.G.2

Integrate 'place making' design principles such as streetscape and building orientation, public spaces, multi-modal transportation options, walkability and overall community appearance in all mixed-use developments.

Policy 1.G.3

Adjust the Zoning Ordinance as necessary to allow opportunities for mixed-use development at varying levels of intensities.

INFILL DEVELOPMENT

Objective 1.H

Encourage the development or redevelopment of vacant or underutilized infill sites within the City.

Policy 1.H.1

Develop infill strategies to promote reinvestment in the community.

Policy 1.H.2

Identify open space and recreational opportunities in infill areas

Policy 1.H.3:

Encourage infill residential development that takes advantage of existing municipal services, utilities, transportation facilities, schools, and shopping areas.

RESORT DEVELOPMENT

Objective 1.I:

Promote resort development that provides tourism opportunities within the City.

Policy 1.I.1:

Identify and designate resort development sites that have direct access to significant recreational corridors and open space areas.

Policy 1.I.2:

Identify recreational corridors with future access points to resort areas and visitor access that encourage tourism and visitor activity.

Objective 1.J:

Promote the provision of convenient housing and support infrastructure for resort development service employees.

Policy 1.J.1:

Promote the development of affordable housing options for service employees near major resort and commercial areas.

Policy 1.J.2:

Require adequate road, transit, utility, and water service infrastructure in conjunction with resort development.

Objective 1.K:

Establish incentives to attract appropriately-scaled resort developments integrating a mix of land uses.

Policy 1.K.1:

Develop a marketing and incentive program to attract large resort developments in appropriate locations.

Objective 1.L:
Utilize mixed-use development templates to create specialty resort commercial developments including residential and employment components.

Policy 1.L.1:
Encourage mixed-use developments in coordination with resort developments to attract specialty retail consumers and increased tax revenues for the City.

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.N.2:
Ensure that high-density residential developments have direct access to arterial streets without traversing existing or proposed lower density residential areas.

Policy 1.N.3:
Locate housing developments in areas that can be adequately served by police, fire and ambulance services.

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.

Policy 1.N.5:
Require new residential developments to provide pedestrian linkages to parks, schools and other appropriate public facilities.

Policy 1.N.6:
Encourage the development of master planned communities where large land holdings can be designed to provide a wealth of amenities to City residents.

Policy 1.N.8:
Support and facilitate convenient access to schools.

Policy 1.N.9:
Partner with local school districts to coordinate the timely development schools and neighborhoods.

Objective 1.O:
Support well-designed, high-quality multifamily residential development in appropriate areas which maintains compatibility between adjacent developments.

Policy 1.O.1:
Support alternate forms of housing, such as attached and detached townhouses and condominiums in appropriate locations.

Policy 1.O.3:
Encourage multi-family housing units adjacent to community level parks and public open space areas.

Policy 1.O.4:
Regularly assess the effectiveness of the Design Review Principles and Guidelines to ensure the highest level of design quality.

Policy 1.O.5:
Focus the development of multifamily housing proximate to current and planned transit facilities, employment centers and activity hubs.

Policy 1.O.6:
Maximize active community open space and recreation amenities throughout multifamily developments.

EMPLOYMENT RELATED DEVELOPMENT

Objective 1.P:
Support appropriate commercial, business park, industrial, and mixed-use employment centers within large-scale master planned areas.

Policy 1.P.1:
Encourage adequate and proximate commercial and employment opportunities within large scale development master plans.

AMENDMENTS TO THE GENERAL PLAN

Objective 1.Q:
Consider periodic amendments to the General Plan Land Use Map to ensure relevancy.

Policy 1.Q.1:
Evaluate and adopt General Plan text and map amendments on an annual basis.

Policy 1.Q.2:
Periodically re-evaluate land-use designations to ensure consistency and coordination between the land use and transportation elements.

GOAL 2:	ENCOURAGE TRANSIT ORIENTED DEVELOPMENT (TOD) APPROPRIATE TO THE SCALE AND INTENSITY OF THE SURROUNDING COMMUNITY.

Objective 2.A:
Reduce dependence on the automobile for daily trips and activities by promoting mixed-use development types within Old Town and the Sports Complex District

Policy 2.A.1:
Develop land use and design regulations governing land close to transit centers and light rail stations, to maximize the potential for ridership.

Policy 2.A.2:
Promote compact, mixed uses, and pedestrian-oriented land development adjacent to transit stations.

Policy 2.A.3:
Promote development standards that encourage pedestrian environments and activity.

GOAL 3:	PROTECT AND PRESERVE THE SONORAN DESERT IN ITS NATURAL STATE

Objective 3.A:
Develop programs that encourage the clustering of development in exchange for preserved natural open space area.

Policy 3.A.1:
Open space preservation and planning is equally as important to the City as all other components of development review when considering the appropriateness of development proposals.

Policy 3.A.2:
Encourage creative development patterns to ensure preservation of open spaces.

GOAL 4:	PROMOTE COMPATIBLE LAND USES IN AREAS OF CLOSE PROXIMITY TO EXISTING OR PLANNED AGGREGATE / MINERAL MINING LOCATIONS

Objective 4.A:
Provide equal protection for residential development and aggregate mining operations.

Policy 4.A.1:
Discourage new residential development where future residences would be adjacent to an existing or planned aggregate / mineral mining operation.

Policy 4.A.2:
Discourage new mining operations adjacent to or in close proximity to existing residential development, schools, or existing or planned City recreation areas.

Policy 4.A.3:
Promote non-residential development such as business park and industrial uses adjacent to existing mining operations.

2.C LAND USE PLAN

The Land Use Plan assigns land within the Municipal Planning Area (MPA) or Study Area in accordance with a diverse arrangement of land use designations. These designations are spatially depicted in Figure 2-1, Land Use Plan, and described below. Each descriptor includes an indication of targeted density or intensity, as well as the types of uses anticipated under the designation. For residential uses, the level of intensity is expressed as a residential density range using the quantifiable measurement of dwelling units (or housing units) per acre and abbreviated as DU/AC.

DESCRIPTIONS OF LAND USE DESIGNATIONS

ESTATE DENSITY RESIDENTIAL (EDR)

0-2.0 DU/AC, TARGET DENSITY = 1.0 DU/AC

Denotes areas where low-density and large lot single-family neighborhoods are desirable. These areas support a semi-rural character that may include agricultural related activities or low-density resort uses. Residences are typically large, detached estate or executive-type homes which are one or two stories. In the hillside development area, emphasis is placed on preservation of open space and vistas, conservation of vegetation in common areas or individual lots is encouraged, and minimization of development impacts through clustering, preserving washes and natural drainage corridors, and low-profile structures. Density is usually one house per one or more acres of land. Other compatible uses may include places of worship, parks, equestrian and pedestrian trails, open spaces, working farms, and public facilities. The majority of lots within a project area are typically above 18,000 square feet in area.

LOW DENSITY RESIDENTIAL (LDR)

2.0-5.0 DU/AC, TARGET DENSITY = 3.0 DU/AC

Denotes areas where detached, moderately-sized lot, single-family residential neighborhoods are desirable. These areas support a suburban lifestyle with areas of increased density while maintaining a detached single family residential character. Low Density Residential parcels should be located either adjacent to, or in close proximity to neighborhood amenities such as joint-use schools/parks, trails, open space, or recreational facilities. Places of worship, parks, trails, open spaces, and public facilities are also compatible with this category. The majority of lots within a project area are typically above 8,000 square feet in area.

MEDIUM DENSITY RESIDENTIAL (MDR)

5.0-8.0 DU/AC, TARGET DENSITY = 6.0 DU/AC

Denotes areas intended to fulfill the need for small lot or attached single-family, and multi-family residences which are compatible with abutting single-family residential districts. This category supports a suburban lifestyle and provides an appropriate transition between less intense residential areas, more urban neighborhoods and non-residential uses. Significant open space for recreational amenities is encouraged to promote resident interaction. Parcels with this category should have adequate circulation and have relatively flat or gently sloping terrain to accommodate this density.

MEDIUM-HIGH DENSITY RESIDENTIAL (MHDR)

8.0-15.0 DU/AC, TARGET DENSITY = 12.0 DU/AC

Denotes areas where densely attached single-family residential and multi-family residential development is desirable. This category is appropriate for residential and other compatible uses on

parcels which have a high level of access, are located near services or employment centers, or have other characteristics that make a medium-high density suitable. In general, residences may have limited private outdoor space and rely on shared or common open space for visual relief, and recreational amenities to serve the residents. Parcels with this designation may be part of a mixed-use development or master planned community, and have direct access to open space, transit or other multi-modal amenities.

HIGH DENSITY RESIDENTIAL (HDR)

15.0+ DU/AC, TARGET DENSITY = 18.0 DU/AC

Denotes areas where the highest multi-family residential density development is appropriate either as a stand alone development or as part of a mixed-use project. The density range is intended to provide for multi-story apartments, condominiums, and townhouses close to employment and service areas. This category is traditionally located along transportation corridors, rivers, and serves to buffer lower density residential areas from non-residential areas. Substantial common open space, recreational amenities and on-site support facilities serve the residents.

RESORT DEVELOPMENT GUIDELINES (RD)

Resort developments are projects that integrate a combination of destination hotels, casitas, timeshares, active or passive recreational amenities and ancillary commercial opportunities in areas of exceptional scenic and environmental quality.

All resort proposals shall substantially exhibit or demonstrate the following characteristics:

- The proposal is compatible with the scale and character of surrounding land uses; and
- The proposal will not result in excessive traffic volumes on the surrounding circulation system; and
- The proposal provides for adequate infrastructure needs; and
- The proposal adequately includes measures to protect the natural and scenic qualities of the area.

OFFICE (O)

The designation of Office supports low-intensity commercial development consisting of a variety of office uses that provide services directly to residential neighborhoods in residentially scaled buildings. Developments in this Land Use Designation are intended to be small to moderate in scale with an emphasis on creating a pedestrian environment. Buildings are compatible with adjacent residential areas with respect to architectural style and proximity of buildings. Office buildings have a more proximate relationship to the street, presenting a pedestrian environment adjacent to street right-of-way. Small lot or small-scale business sites may be located in areas with this designation.

Areas given the land use designation of Office are intended for low-intensity non-residential development that is compatible with nearby residential areas. Areas designated for office are often located in areas unsuited for more intense development due to the potential for negative impacts on adjacent residential uses. As the least intense non-residential designation, these areas often serve as buffers between residential land uses and other more intense uses, while providing employment opportunities and services for the neighborhood.

NEIGHBORHOOD COMMERCIAL (NC)

Neighborhood Commercial areas consist of offices and commercial centers which provide services and goods that support the day-to-day needs of the surrounding neighborhood. Retail centers are significantly smaller in scale and scope than those found in areas designated Community Commercial or Regional Commercial. Buildings and uses generally relate to adjacent residential neighborhoods with respect to architectural style and scale. Uses are contained within buildings. This designation also denotes areas where small lot or small-scale business sites may be located. In an effort to create quality neighborhoods in Peoria, retail and service commercial and office uses will be permitted as part of the neighborhood form. Neighborhood Commercial areas typically consist of limited, convenience-oriented establishments that serve the immediate neighborhood. Developments in Neighborhood Commercial areas are to be designed in a manner, particularly in terms of their size and scale, which will not detrimentally affect adjacent residential neighborhoods.

COMMUNITY COMMERCIAL (CC)

Denotes areas where commercial development that is more intense than that of neighborhood commercial areas may take place in the form of large-scale retail buildings and shopping centers that serve a market radius of generally 3 - 5 miles. Community Commercial areas rely on larger trade areas and typically have a wider variety of goods and services than neighborhood shopping areas and should be located with adequate controlled access to arterial streets. Community Commercial centers should coincide with adequate affordable housing accessible to the center to supply housing for employees.

REGIONAL COMMERCIAL (RC)

Denotes areas where the most intense retail and office activity takes place. Typical Regional Commercial developments have uses with a market radius of more than 5 miles and are located adjacent to, and have access to major roadways. Uses include anchor stores, regional malls, power centers and automobile dealerships. Regional Commercial areas should be integrated by site and architectural design with internal or adjacent high density residential housing development. Residential uses are encouraged to develop in conjunction with Regional Commercial uses subject to the Residential High Density (15+ du/ac) or the Transit Oriented Development / Transit Corridor (18+ du/ac) category provisions.

BUSINESS PARK (BP)

Denotes areas where major employment centers and uses may be located. Business Park areas generally consist of uses such as professional offices, research and development, and light manufacturing within wholly enclosed buildings and ancillary eating and retail establishments. In particular, Business Park areas shall be designed such that the least intense uses (i.e., back office, business park) shall be located along arterial streets, where visibility to the public is likely. Adherence to landscape standards, setbacks, and adequate transition of intense uses ensures compatibility with adjacent properties and enhances the visual quality of the community.

BUSINESS PARK / INDUSTRIAL (BP/I)

Denotes areas where major employment centers and uses may take place. Business Park/Industrial areas generally consist of uses such as professional offices, research and development, wholesale and storage warehouses, utility centers, the manufacturing, processing, repairing and packaging of goods and ancillary eating and retail establishments. In particular, Business Park/Industrial areas shall be designed such that the least intense uses (i.e. back office, business park) shall be located along arterial streets, where visibility to the public is likely. Adherence to landscape standards, setbacks, and

adequate transition of intense uses ensures compatibility with adjacent properties and enhances the visual quality of the community.

INDUSTRIAL (IND)

Denotes areas where general industrial business activity takes place, including warehouse uses, and manufacturing, processing, repairing and packaging of goods and ancillary eating and retail establishments. Manufacturing uses are capital intensive and occur within enclosed or partially enclosed buildings. Industrial uses shall be designed such that landscaped areas and least intense uses shall be located adjacent to arterial and collector streets, where visibility to the public is likely. Industrial developments shall be designed to buffer adjacent residential uses from impacts associated with industrial activity.

MIXED USE (MU)

Denotes areas where a horizontally or vertically integrated mixture of land use types is promoted. Such developments exhibit functional, physical and thematic integration in the context of a pedestrian-oriented streetscape. The mixed-use designation is intended to minimize the impacts traditionally associated with growth by providing housing, shopping and employment opportunities together in the same area.

Mixed-use developments are more compact than conventional developments and can therefore accommodate efficient future growth by using less land and facilitating complementary activities such as shared parking, access and multi-modal facilities to manage overall impacts to the community. Mixed-use developments can also serve as key points of orientation for designing the transportation system, including transit services.

The functional, physical and thematic integration of uses within a pedestrian-oriented development template distinguishes mixed-use development from other more conventional projects. Such developments occur in both vertical (floor area-intensive) and horizontally (land area-intensive) integrated formats. The guidelines should balance necessary structure to facilitate such developments while allowing the flexibility to achieve a successful synergistic composition.

To this end, all mixed-use developments shall substantially demonstrate or exhibit the following characteristics:

- ~~The residential component shall be limited to a range of approximately 30-60% of the overall gross floor area (GFA) or total net site area, whichever is greater; and~~
- There shall be a residential component within the project, and it should be sized in a manner so it is conmensurate with the intended scale and intensity of the overall project.
- Functional, physical and spatial integration of land uses and project components; and
- Pedestrian-oriented scale and design with a full range of amenities to promote and support pedestrian and multi-modal activity; and
- Architectural and thematic integration of project components.

NEIGHBORHOOD COMMERCIAL MIXED USE (NCMU)

Denotes areas suitable for a mixture of commercial and residential uses near the intersection of two arterial streets. Residential uses may be vertically and/or horizontally integrated. Vertical integration of residential uses over commercial and pedestrian office uses is encouraged in a contextual urban form. Residential uses shall not exceed 12 du/ac.

COMMUNITY COMMERCIAL MIXED USE (CCMU)
Denotes areas suitable for a mixture of commercial and residential uses proximate to a community-scale commercial center. Residential uses may be vertically and/or horizontally integrated where horizontally-integrated residential uses occupy visual locations that are secondary to commercial uses. Non-residential uses occupy the majority of the development area. Residential uses shall not exceed 18 du/ac.

REGIONAL COMMERCIAL MIXED USE (RCMU)
Denotes areas suitable for a mixture of regional-scale commercial and residential uses located near major transportation corridors. Residential uses may be vertically and/or horizontally integrated where horizontally-integrated residential uses occupy visual locations that are secondary to commercial uses. Non-residential uses occupy the majority of the development area. Residential uses shall not exceed 25 du/ac.

BUSINESS PARK MIXED USE (BPMU)
Denotes areas suitable for a mixture of employment center, ancillary commercial services and supporting residential uses located in appropriate locations on or near major transportation corridors. Residential uses may be vertically and/or horizontally integrated where horizontally-integrated residential uses occupy visual locations that are secondary to non-residential uses. Non-residential uses occupy the majority of the development area. Residential uses shall not exceed 25 du/ac.

SPORTS COMPLEX MIXED USE (SCMU)
Denotes areas suitable for a mixture of pedestrian-oriented employment, commercial/retail services, recreational/tourism uses and residential uses within the designated Peoria Sports Complex Area. Residential uses are encouraged to be vertically integrated and support a pedestrian oriented mixed use environment. Horizontally-integrated residential uses shall occupy visual locations that are secondary to non-residential uses and occur sparingly. All uses should provide clear pedestrian links and facilitate the development of a mixed use urban village. The characteristics of this designation are more specifically described within the *Peoria Sports Complex Area Urban Design Plan.*

TRANSIT ORIENTED DEVELOPMENT (TOD)
18-35 DU/AC, TARGET DENSITY = 30 DU/AC
This category has been established by the City to further reduce household driving, lower regional congestion, expand mobility choices that reduce dependence on the automobile, and accommodate more healthy and active lifestyles. Denotes areas along designated major transportation corridors such as Grand Avenue, Bell Road, Loop 101, Loop 303, Northern Avenue, and along Commercial Core. This category accommodates a full range of urban development that includes a mixture of housing, office, retail and/or other amenities that are integrated into a walkable neighborhood and located within close proximity to quality public transportation. Developments are required to provide a retail and / or office component in proportion to the entire project and dedicate enhanced pedestrian access to adjacent paths, trails, open space and commercial development. Projects shall be reasonable scale to the surrounding neighborhood, proportionate ratios for each use, and encouragement of alternative modes of transportation (such as bicycling or walking) and a well-conceived plan with access to and integration of transit facilities.

PARK / OPEN SPACE (P/OS)
The Park/Open Space category accommodates the full range of public, private and semi-private passive and/or active park/open space and recreational opportunities. There are generally ~~four~~ two types of

Park/Open Space l~~L~~and u~~U~~ses: Developed Open Space and~~,~~ Natural Open Space~~, ~~. ~~Water and State Land.~~

Developed Open Space includes public or private recreation areas including, but not limited to, parks, playfields, paths, plazas, retention basins and golf courses. Developed Open Space areas should be integrated into the community and are intended to provide connectivity between neighborhoods and employment centers. Recreational amenities within this type of Park/Open Space serve both residents and visitors and enhance the community's quality of life and overall public health.

Natural Open Space applies to locations set aside to preserve natural, scenic and/or significant environmental or cultural sites. It is intended that lands within this category remain as permanent open space and often are the result of rezoning actions where developers have agreed to conserve part of a property in return for placing an agreed-upon intensity in a less environmentally sensitive area. Low-impact recreational activities, such as hiking, equestrian riding, or mountain bicycling trails may be suitable for these sensitive areas.

~~Water areas identified on the land use map as Park/Open Space include water that can be used for outdoor recreation, events, preservations of natural resources, or for quality of life and public health. This category includes private and public lakes and canals, the Agua Fria River and New River.~~

State Trust Lands (and privately held lands identified as Park / Open Space) may be developed at a maximum density of one dwelling unit per acre per state legislative requirements.

PUBLIC / QUASI-PUBLIC (P/QP)
Denotes areas primarily utilized for civic use, and educational uses. The two types are generally described below.

Civic Use is land primarily related to conducting civic business, providing municipal services, or advancing recreational or cultural activities. The buildings may be city owned, or operated by quasi-public or non-profit entities. Civic business includes City government facilities, and police and fire stations. Municipal services include, but are not limited to, water, wastewater and reclamation facilities, well sites, substations, and other public facilities. Recreational uses include both recreational and cultural uses. Specifically, land is primarily used for active or passive recreation or cultural activities; however, it does not necessarily qualify as open space due to significant site infrastructure. For example, this would include the libraries, the Center for the Performing Arts, museums and similar uses. This category is reflective of the land uses and not determined on the basis of land ownership, as there may be instances where government-owned properties are utilized for recreation or residences, and likewise, government services provided from leased private property.

Educational Uses includes lands utilized for primary, secondary or graduate education, including public and private facilities and their associated uses, such as playgrounds, ball-fields, gymnasiums, etc.

WATER
Water areas identified on the land use map ~~as Park/Open Space include water that~~ can be used for outdoor recreation, events, preservation~~s~~ of natural resources, or for quality of life and public health. This category includes private and public lakes and canals, floodways, the Agua Fria River and New River.

RESIDENTIAL TARGET DENSITIES

The City of Peoria has established a residential density range and target densities for each of the land use designations shown below in Table 2-1. The proposed target density within each range is generally considered the maximum allowable density for those projects meeting the minimum City requirements. Projects may be permitted to exceed the target, up to the maximum density specified below. Refer to Conformity Determination for additional information.

TABLE 2-1 -- Land Use Designations and Target Density

Land Use Designation	Density Range	Target Density
Estate Density Residential	0.0 - 2.0 du/ac	1 du/ac
Low Density Residential	2.0 - 5.0 du/ac	3 du/ac
Medium Density Residential	5.0 - 8.0 du/ac	6 du/ac
Medium-High Density Residential	8.0-15.0 du/ac	12 du/ac
High Density Residential	15+ du/ac	18 du/ac
Transit Oriented Development	18 - 35 du/ac	30 du/ac
Residential Components of Mixed Use Areas		
Neighborhood Commercial Mixed Use	N/A	12 du/ac
Community Commercial Mixed Use	N/A	18 du/ac
Regional Commercial Mixed Use	N/A	25 du/ac
Business Park Mixed Use	N/A	25 du/ac
Sports Complex Mixed Use	N/A	N/A

LAND USE DESIGNATION AND ZONING DISTRICT CORRELATION

Table 2-2 illustrates the correlation between zoning districts and the General Plan Land Use Designations. The City uses this correlation table as a ~~general~~ guide when determining the consistency and fit of a rezoning proposal with the Land Use Plan. Other factors such as conformity to the community character, land use compatibility, availability and capacity of public services and facilities, and preservation of environmental features may also be considered in determining if a zoning district is appropriate, which is discussed in more detail later in this Chapter.

TABLE 2-2 -- General Plan Land Use Designations/ Zoning Correlation

General Plan Land Use Designation	Density (du/ac)	Zoning Districts *(See Note 1)*
Estate Density Residential	0-2	AG, SR-43/35, R1-43, R1-35, R1-18
Low Density Residential	2-5	R1-12, R1-10, R1-8
Medium Density Residential	5-8	R1-6, RM-1
Medium High Density Residential	8-15	RM-1
High Density Residential	15+	RM-1
Office	N/A	O-1, C-1
Neighborhood Commercial	N/A	PC-1, C-1, C-2
Community Commercial	N/A	PC-2, C-2, C-3, C-4
Regional Commercial	15+	C-4, C-5
Business Park	N/A	BPI
Business Park / Industrial	N/A	BPI, PI-1, I-1
Industrial	N/A	PI-1, I-1, I-2

General Plan Land Use Designation	Density (du/ac)	Zoning Districts *(See Note 1)*
Park / Open Space *(See Note 2)*	0-1	SR-43/35, R1-43, R1-35
Transit Oriented Development	18-35	Planned Area Development
Mixed Use *(See Note 3)*	Variable	CCM, CRM, Planned Area Development
Neighborhood Commercial Mixed Use*(See Note 3)*	12	Planned Area Development
Community Commercial Mixed Use*(See Note 3)*	18	Planned Area Development
Regional Commercial Mixed Use*(See Note 3)*	25	Planned Area Development
Business Park Mixed Use*(See Note 3)*	25	Planned Area Development
Sports Complex Mixed Use*(See Note 4)*	N/A	Planned Area Development
Public / Quasi-Public*(See Note 3)*	N/A	All Zones

Notes:

1 While ~~A~~ a PAD (10-600 acres) or PCD (600+ acres) may be used to implement any of the land use designations identified above, the City will evaluate the consistency and fit of residential projects in conjunction with the correlating zoning districts within a land use designation. For Estate Density Residential (0-2 du/ac). a majority of the lots within a project area shall be at least 18,000 square feet in area. For Low Density Residential (2-5 du/ac), a majority of the lots within a project area shall be at least 8,000 square feet in area.

2 Parks and other open space may be located in any zoning district.

3 Refer to the relevant sections in the Loop 303 Specific Area Plan, Old Town Revitalization Plan or General Plan Mixed-Use Guidelines (Land Use Element) for the density prescriptions.

4 Refer to the relevant section in the Peoria Sports Complex Urban Design Study for the housing and density concepts.

CONFORMITY DETERMINATION

The land use designations identified and described previously are meant to clarify the City's intent and location where those types of uses may be located, while Tables 2-1 and 2-2 establish the target densities and corresponding zoning districts to further define where those types of uses are recommended. The City strongly supports the target density for each residential designation and the corresponding zoning districts, and utilizes them as the benchmark in determining the appropriateness of a development proposal. Development proposals that exceed the target density, or propose another zoning designation, may be considered appropriate if they further Peoria's desired character and vision, and are comensurate to the overall public benefit.

In such cases where another zoning designation is proposed or target density exceeded, the development proposal should exhibit a superior quality and design and/or which provide amenities, dedications or improvements above and beyond the minimum City standards. These may include, but are not limited to:

- Community character and sense of place:
  - Enhanced entry/gateway monumentation and overall community theming; or
  - Capitalization on a location's assets to creation destinations within a project;
- Promotion of development diversity by providing substantial variation in product elevations, types or lot sizes;
- Open Space:
  - A sizeable percentage of area set aside as open space, above the minimum required; or
  - Minimum required open space with enhanced amenities must be provided on site; or

- Meaningfully enhanced landscaping treatments for common areas.

- Preservation and retention of environmentally sensitive areas, such as:
  - Utilization of clustering, flag lots and other design methods to create compact development to reduce overall impact of development to sensitive areas;
  - Dedication and preservation of unique environmental features, including but not limited to hillside peaks, wildlife habitat, and signficant wash corridors;
  - Significant preservation and integration of salvaged native desert vegetation into the site design;
  - Restoration of "wildcat" trails and scarred areas back to natural conditions.
- Reduced demand on new or existing infrastructure facilities:
  - Incorporation of significant and measurable water conservation measures, and/or additional renewable water resources in a quantity sufficient to offset demand above the target density;
  - Infilling of vacant areas and/or redevelopment of underdeveloped property;
- Community and Public Facilities (Schools, Public Facilities, Trails and Active Parks):
  - Dedication of land and/or improvements for municipal facilities such as fire or police stations, libraries and City parks;
  - Dedication of land for educational facilities; or
  - Dedicated and improvement of additional trail segments above City requirements;
  - Installation of a community-wide recreational feature or series of upgraded neighborhood amenities.
- A high level of interconnectivity throughout community:
  - Increased pedestrian and multi-modal connectivity by designing trails that connect open spaces. Trails are separated from roadways and enable bicyclists, horse riders and pedestrians to travel throughout the development;
  - Construction of identified pedestrian/bicycle paths and trails where there is a deficiency.

Density increases exceeding the target density may also be granted for development projects located in designated infill areas according to the formula below:

Projects less than 10 acres in total size:

- An increase of up to one (1) dwelling unit per acre above the target for the category.

Projects more than or equal to ten (10) acres in size:

- An increase up to two (2) dwelling units per acre above the target for the category.

City staff will review and provide a recommendation to the Planning and Zoning Commission and City Council. The City Council will make the final determination of appropriate zoning designation and residential density based on the merits of the proposed development.

CALCULATION OF DWELLING UNITS AND POPULATION DENSITIES

Residential land use categories and target densities are critical factors in assessing future population capacity. The density ranges and target densities provide the City with the tools to ensure future

residential communities are appropriate to the natural and manmade landscape and available infrastructure. The City's density formula gives credit to and accounts for fully dedicated school sites.

The following formula is used to determine a project's density:

D = du/A-(c+i+n)

D = Residential Density
du = Total Number of Dwelling Units in a Project
A = Total Site Area (gross acres, including dedicated school sites*
c = Total Commercial Land Area
i = Total Industrial Land Area
n = Non-Dedicated School Sites
* = dedicated school sites included in A

Table 2-3, *Population Density,* provides a general overview of the population densities that relate to the identified target densities. Target densities are used for analysis because they represent the development intensity most desired under the land use designation and serve as an approximate average for analysis purposes. In order to encourage sustainable development that would preserve ecologically sensitive areas, historical sites, open space and other unique characteristics of the land being subdivided, sensitive site design such as cluster development that might reduce the average lot sizes and increase community open space without changing the target density would be encouraged.

For example, a 50-acre piece of land might be subdivided into 50 one-acre parcels, each with a residential dwelling. Under a cluster design, the plan would still call for 50 dwellings, but this time each would be located on half-acre parcels, "clustered" together in groups. This would only use 25 acres of land for residences and would leave 25 acres of open space. Table 2-3 serves as an analytical tool showing population density under traditional layout.

TABLE 2-3 -- Population Density

Designation	Target Density	Anticipated Units Per Square Mile	People Per Square Mile**
Estate Density Residential	1 du/ac	512	1,331
Low Density Residential	3 du/ac	1536	3,994
Medium Density Residential	6 du/ac	3072	7,987
Medium-High Density Residential	12 du/ac	6144	11,674
High Density Residential	18 du/ac	9216	17,510

** The population density (household size) for Estate Density Residential (0-2 du/ac) through Medium Density Residential (5-8du/ac) is 2.66 persons per unit. The population density (household size) for Medium-High Density Residential (8-15 du/ac) and High Density Residential (15+ du/ac) is 1.9 persons per unit.

Because of the large amount of mountainous areas and pristine Sonoran desert within the City, the predominant residential category by geographic area in the Land Use Plan is Low 2-5. The Low Density Residential 2-5 category also produces the greatest number of dwelling units with over 85,000 units. Also shown in Table 2-4, Net Acreage, Dwelling Units and Population of Residential Lands, is the number of dwelling units and population generated by each category. The mixed-use category requires the integration of a residential component into the development plan. For analysis purposes it is projected that residential densities would likely occur in the high density range as part of an integrated proposal.

TABLE 2-4 -- Net Acreage, Dwelling Units and Population of Residential Lands

Land Use Category	Net Acreage	Dwelling Units	Population
Estate Density Residential	23,068	23,068	47,982
Low Density Residential	28,380	85,140	177,092
Medium Density Residential	7,169	43,014	89,475
Medium-High Density Residential	1,311	15,732	23,918
High Density Residential	1,252	22,536	34,247
Mixed-Use*	2,328	11,164	53,177
TOTAL	63,509	200,654	425,891

* Acreage based on assumed 50% commercial and 50% residential land use distribution within each category.

2.D PUBLICLY HELD LANDS AND STATE TRUST LANDS:

Throughout the City, there are large areas of publicly held properties (Figure 2.2) that have specified land use designations upon them which are clearly defined by the General Plan. These properties are generally owned and managed by the Arizona State Land Department (ASLD), the Bureau of Land Management (BLM) or the Bureau of Reclamation (BOR). It is important to note that although it is the City's goal to protect these lands for desired development or preservation in their natural state, the potential does exist for such uses as mineral extraction and sand and gravel operations. For State Constitutional reasons, the City has very limited authority over such uses; however, the City has maintained and will continue to maintain solid relationships with these public entities to promote reasonable operational procedures and site restoration through intergovernmental agreements (IGA) and / or memorandums of understanding (MOU). A brief synopsis, including Mission and Vision Statements for the ASLD, BLM and BOR is provided below.

ARIZONA STATE LAND DEPARTMENT ~~(ASLD)~~

The Arizona State Land Department (ASLD) was created in 1912 concurrent with the establishment of Arizona statehood, when the Federal government granted Arizona public lands for various state purposes.

Mission Statement:

To manage State Trust lands and resources to enhance value and optimize economic return for the Trust beneficiaries, consistent with sound stewardship, conservation, and business management principles supporting socioeconomic goals for citizens here today and generations to come. To manage and provide support for resource conservation programs for the well-being of the public and the State's natural environment.

All uses of the land must benefit the Trust, a fact that distinguishes it from the way other public land may be used, such as the BLM or BOR. While public use of Trust land is not prohibited, it is regulated to ensure protection of the land and compensation to the beneficiaries for its use. Beneficiaries of the Trust include public schools, correctional facilities, and other publicly funded services. The schools (K-12) are the largest beneficiary, owning approximately 87% of the land and receiving close to 90% of the revenue. Importantly, State Land parcels may eventually transfer to private interests through sale or lease for residential, commercial, or employment development, or for agricultural or natural resource extraction uses.

Therefore, for planning purposes State Land property should be viewed as developable property, in much the same way as private land. However, State Land parcels with high scenic value or habitat attributes may be designated or otherwise preserved for conservation, pursuant to applicable State laws. Currently, ASLD manages approximately 43.7 square miles (close to 28,000 acres) of land in Peoria. The City of Peoria actively pursues the planning of State Trust Lands located within the planning area and will continue to work closely with the ASLD.

~~The revenue received through State Land transactions is directed to 13 public Trustees, including public schools, correctional facilities and other publicly funded services. The Common Schools (K-12) are the largest beneficiary owning approximately 87% of the land and receiving close to 90% of the revenue.~~

BUREAU OF LAND MANAGEMENT ~~(BLM)~~

The Bureau of Land Management (BLM) is a federal agency that provides for a wide variety of users without compromising the long-term health and diversity of the land. BLM also focuses on preserving the natural, cultural and historical resource values. They are committed to using the best scientific information to make decisions, in collaboration with other agencies, states, tribal governments and the public. They work to understand the needs of rural and urban publics, and are committed to recovering a fair return for the use of publicly owned resources for the American taxpayers. The BLM owns approximately 26 square miles (over 16,500 acres) of land in the Peoria MPA, the majority of which is located in northern Peoria above State Route 74.

Mission Statement:

The BLM is responsible for managing the nation's public lands and resources in a combination of ways which best serve the needs of the American people. The BLM balances recreational, commercial, scientific and cultural interests and strives for long-term protection of renewable and nonrenewable resources, including range, timber, minerals, recreation, watershed, fish and wildlife, wilderness and natural, scenic, scientific and cultural values. It is the mission of the BLM to sustain the health, diversity and productivity of the public lands for the use and enjoyment of present and future generations.

Vision Statement:

The BLM provides for a wide variety of users without compromising the long-term health and diversity of the land and without sacrificing natural, cultural and historical resource values. We are committed to using the best scientific information to make decisions, in collaboration with other agencies, states, tribal governments and the public. We work to understand the needs of rural and urban publics, and we are committed to recovering a fair return for the use of publicly owned resources for the American taxpayers.

~~BLM in Arizona:~~

~~BLM Arizona administers 12.2 million surface acres of public lands, along with another 17.5 million subsurface acres within the state. Field Offices throughout the state provide on-the-ground field management: Arizona Strip, Hassayampa, Kingman, Lake Havasu, Lower Sonoran, Safford, Tucson and Yuma. Arizona BLM management, coordination and direction come from the Arizona State Office, which is guided by State Director Jim Kenna.~~

BUREAU OF RECLAMATION ~~(BOR)~~

The Bureau of Reclamation (BOR) is a Federal agency whose mission is to "manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the

American public." The BOR property manages approximately 21.9 square miles (over 14,000 acres) of land in Peoria, primarily located around Lake Pleasant.

~~Mission Statement:~~

~~The mission of the Bureau of Reclamation is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public.~~

Vision Statement:
Through leadership, use of technical expertise, efficient operations, responsive customer service and the creativity of people, Reclamation will seek to protect local economies and preserve natural resources and ecosystems through the effective use of water.

The Commissioner's plan for how Reclamation will attain its vision:

- Directing our leadership and technical expertise in water resources development and in the efficient use of water through initiatives including conservation, reuse, and research.
- Protecting the public and the environment through the adequate maintenance and appropriate operation of Reclamation's facilities.
- Managing Reclamation's facilities to fulfill water user contracts and protect and/or enhance conditions for fish, wildlife, land, and cultural resources.
- Working with Reclamation's customers and stakeholders to achieve mutual objectives.
- Assisting the Secretary in fulfilling Indian Trust responsibilities.
- Implementing innovative, sound business practices with timely and cost-effective, measurable results.
- Promoting a culturally diverse workforce which encourages excellence, creativity, and achievement.

Understanding and striving to attain our vision are critical to effectively implement the Government Performance and Results Act. GPRA was enacted in 1993 to improve public confidence in Federal agency performance by holding agencies accountable for achieving program results; and to improve congressional decision making by clarifying and stating program performance goals, measures, and costs "up front." Basic GPRA requirements include:

- 6-year Strategic Plan
- Annual Performance Plans
- Annual Performance Reports

2.E SPECIFIC STUDY AREAS, LAND USE OVERLAYS, AND APPROVED MASTER PLANS

As the City plans for the future and continually faces new development challenges, specific areas are identified that relate to a desired development opportunity requiring further research. The Aviation Study Area identified in the northeast region of the Land Use Plan delineates an area that may be a potential site for the development of a general aviation airport. Until further studies and funding can substantiate this possibility, the study area serves as a notation to potential developers and residents.

The City has developed several approved specific areas planning overlays that identify goals and implementation measures addressing key issues in defined areas. Five such overlays are delineated on the Land Use Plan. They are as follows:

- Loop 303 Specific Area Plan
- North Peoria Redevelopment Area
- Downtown Peoria Redevelopment Area
- Old Town Specific Area Plan
- Triana Park Specific Area Plan

The Land Use Plan also identifies six approved development plans and their approved uses. They are as follows:

- Camino A Lago Specific Area Plan
- Vistancia North Planned Community
- Lake Pleasant Heights Planned Community
- Saddleback Heights Planned Community
- West Wing Mountain Planned Community
- Vistancia South Planned Community

As future development occurs and as the City develops specific area plan overlays, the Land Use Plan will be updated to reflect these changes. Future studies may address areas for resorts, master planned communities, college or community college sites, health care campuses, transportation corridors, or transit-oriented development areas.

LAKE PLEASANT PARKWAY CORRIDOR

Lake Pleasant Parkway is a special roadway that serves Sonoran Desert areas of northeastern Peoria. It is planned as the only north/south arterial street that connects Deer Valley Road and SR-74. In 2000 the City adopted the Lake Pleasant Parkway Corridor Specific Area Plan (LPPCSAP) to establish written policy regarding the corridor. The purposes of the plan were to:

- Identify the significant resources in the area of the corridor,
- Identify current and future trends affecting the corridor, and
- Provide planning policies and guidelines to best maximize the Parkway Corridor's environmental and economic potential.

Protection policies for the north Peoria desert areas were originally outlined in the Desert Lands Conservation Master Plan. Policies that should be utilized to guide the formation of development regulations are listed below.

- Provide development standards to protect the scenic views from the roadway and provide a uniform appearance for developments fronting on the corridor,
- Provide planning for the corridor that would limit the development of retail projects to identified nodes and in so doing control strip commercial development and open view corridors,
- Protect the traffic capacity of the parkway by limiting development that would need direct access to an arterial street,
- Protect residential neighborhoods from commercial traffic and encourage cluster or nodal neighborhood development,
- Plan for regional trails, pedestrian and bicycle linkages,
- Protect against noise pollution through sound studies and wall design / placement,

- Protect native plants and conservation features within the corridor, and
- Control outdoor lighting.

These policies and controls have been gradually included in this and other planning documents. Updates to this element, adoption of the Loop 303 Specific Area Plan and regular updates to the Peoria Zoning Ordinance provide much of the protection that the purposes and goals were designed to accomplish. The City has created expanded residential and commercial General Plan categories that are effective in conveying City policy in the location of nodal and cluster type uses. The City of Peoria has also adopted a Desert Lands Conservation Ordinance, a Parks, Recreation and Open Spaces Master Plan and updated the Landscape Ordinance to codify protection policy included in the plan.

In 2005 the City adopted the Loop 303 Corridor Specific Area Plan that makes available planning policy for the Lake Pleasant Parkway from Dixileta Drive to Old Carefree Highway, and for Old Carefree Highway and SR-74 from Lake Pleasant Parkway to the Agua Fria River bridge. This plan superseded the land use and transportation planning of the LPPCSAP for these parts of Lake Pleasant Parkway, the Carefree Highway and SR-74.

LAND USE PLANNING FOR THE LAKE PLEASANT PARKWAY CORRIDOR

Land Use planning for the parkway corridor is designed to be unique. Overall planning is included in this element and the Loop 303 Specific Area Plan. Policies for the corridor encourage nodal and cluster type development to allow for open spaces between developments to open view corridors where these spaces occur. Small office areas providing essential services to neighborhoods should be located away from major nodal development or as a transition to less intensive uses and near access points to the Lake Pleasant Parkway. Office areas along the corridor are may be supported in the locations shown below.

Intersection	Compatibility Criteria	Uses Allowed
Yearling Road	1. Scale and Architecture 2. Height	Office Only
Pinnacle Peak Road		

Commercial nodes are planned to be located at various intersections along Lake Pleasant Parkway, Old Carefree Highway and SR-74 with a regional employment center located north of Dynamite Boulevard. Planning for these “nodes” is as shown in the table below.

Intersection	LPPCSAP	Peoria General Plan	LOOP 303 SAP
Deer Valley Road	Community Node	Community Commercial	
Happy Valley Road	Community Node	Community Commercial	
Dynamite Boulevard	Community Node		Community Commercial
SR-74	Regional Node		Community Commercial
El Mirage/Castle Hot Springs Rd	Community Node	Community Commercial	
Sarival Avenue	Community Node	Community Commercial	
North of Dynamite Boulevard	Employment Center		Employment Center

Buffer policies first established in the LPPCSAP are effective in changing perceptions of the roadway to evoke a more scenic desert driving experience. Buffers are supplemental distances between the roadway and development that enhance view corridors for observation of additional amenities on the horizon and afford richer desert experiences with Sonoran Desert plants along the roadway. Buffers should continue to be used as shown in the table below.

Urban Section (Rose Garden Ln to Happy Valley Rd)	Suburban Section (Happy Valley Rd to Dynamite Blvd)	Rural Section (North of Dynamite Blvd)
Buffer - 15 feet	Buffer - 30 feet	Buffer - 50 feet

CIRCULATION

Circulation policies for Lake Pleasant Parkway are now shown in the Loop 303 SAP and the Circulation Element of the Peoria General Plan. These policies are designed to preserve a desert driving experience along the parkway and internalize circulation occurring in residential neighborhoods. Access to the parkway is limited to mile and half-mile street intersections.

RESIDENTIAL NEIGHBORHOODS

Residential development is encouraged adjacent to the parkway. Development guidelines for neighborhoods and individual housing projects are found in the City's Zoning Ordinance and Design Review Guidelines. Circulation policies should guide subdivision design to limit access to the parkway and intrusion of external traffic into the neighborhood.

Essential to the concept of sustainable neighborhoods is the proximity of shopping and services. Where possible, neighborhoods should be walkable with services, parks, schools, and shopping within reasonable walking distances. Community and regional commercial nodes are limited to designated intersections.

TRAILS

Pedestrian, bicycle and multi-use trail policies for this part of Peoria are now contained in this General Plan and the Parks, Recreation, Open Space and Trails Master Plan published by the Community Services Department.

ENVIRONMENTAL PROTECTION

Protection of native plants, conservation features, noise pollution and dark skies are currently being implemented through various sections of the City's Zoning Ordinance. Preservation and use of native plants, archaeological sites, washes, rock outcroppings and other unique desert features is the primary function of the Desert Lands Conservation Overlay district. Limitation of artificial lighting in desert areas is also addressed in the Peoria Zoning Ordinance.

FIGURE 2-1
LAND USE PLAN / MAP

FIGURE 2-2
PUBLIC LAND OWNERSHIP MAP

14. PLAN ADMINISTRATION

The successful preparation of the Peoria General Plan was a prodigious effort requiring months of extensive community involvement, the engagement of all levels of government, the coordinated efforts of numerous City departments, the review and support of adjacent communities, the State Department of Commerce and the local business community. However, much work remains to be done. More specifically, an outstanding plan will do the community little good if relegated to "sitting on the shelf." To obtain the most out of the Peoria General Plan, a major focus needs to be placed on plan administration.

The Plan Administration section is organized in the following manner:

14.a. General Plan Implementation
14.b. General Plan Update
14.c. General Plan Amendments
14.d. Notification Requirements
14.e. Public Participation Process
14.f. Adoption
14.g. Classifying General Plan Amendments
14.h. Implementation Program

The purpose of this section is to examine each of these components in detail and to provide guidelines for ensuring that the Peoria General Plan is implemented, amended when necessary and regularly updated. Although each of these components is unique, they have at least one common denominator. To be successful, they must be comprehensive or inclusive in scope. At the local government level, this means that all City departments should understand the plan and use it as a foundation for making decisions. At another level, other units of government should be cognizant of the goals and objectives of the Peoria General Plan and coordinate their efforts to complement the Plan. Finally, the general public and the local business community should understand and support the Plan. When all of these entities are working in concert to achieve the common goals and objectives articulated in the Plan, significant progress can be made and all aspects of the Plan administration will be successful.

14.A. GENERAL PLAN IMPLEMENTATION

Although every community's implementation program should be unique and based upon specific goals, objectives and resources, state legislation provides a common starting point for plan implementation. Recognizing the importance of plan implementation, the Arizona legislature has mandated municipal planning agencies to undertake the following actions to effectuate the plan:

- Investigate and make recommendations to the legislative body upon reasonable and practical means for putting into effect the General Plan in order that it will serve as a pattern and guide for the orderly growth and development of the municipality and as a basis for the efficient expenditure of its funds relating to the subjects of the General Plan. The recommended measures may include plans, regulations, financial reports and capital budgets.
- Render an annual report to the legislative body on the status of the plan and progress in its application.

- Endeavor to promote public interest in and understanding of the General Plan and regulations relating to it.
- Consult and advise with the general public, public officials and agencies, public utility companies, civic, educational, and other organizations to advance the vision and goals of the General Plan.
- Upon adoption of a General Plan, every governmental, judicial and quasi-judicial agency or commission should provide a list of proposed plans for capital improvements or construction within or partially within the City of Peoria. The agency shall list and classify all such recommendations and shall prepare a coordinated program of proposed public works for the ensuing fiscal year. Such coordinated program shall be submitted to the municipal planning agency for review and report to such agency as to conformity with the adopted General Plan.
- All acquisitions and dispositions of real property shall be reported to the Community Development Department to ensure conformity with the General Plan and supporting Specific Area Plans. The planning agency shall render its report as to conformity with such adopted General Plan within forty days after submittal.

Therefore, when preparing Peoria's implementation program, the foundation of the plan should acknowledge these mandates and insert them into the implementation program as essential starting points.

In many ways, the most important element of the entire planning process is plan implementation. If the planning process is successful, one of the major benefits of preparing a General Plan is engaging and energizing the entire community. If community involvement was comprehensive, and political support from the Mayor, Council and Plan Commission is enthusiastic, the foundation has been laid to successfully implement the goals and objectives of the Peoria General Plan. To accomplish this, an implementation plan or action plan is necessary.

Each Element of the General Plan includes an Implementation Program that includes:

Implementation Measure	Lists the action necessary to carry out each element of the General Plan.
Lead Department/Agency	Identifies the responsible City department for accomplishing that particular measure.
Projected Timeframe	Identifies and prioritizes the timeframe for the measure to be initiated.
Potential Funding Sources	Lists the potential funding, City staff, volunteer or other community resource necessary to carry out the implementation action.

14.B. GENERAL PLAN UPDATE

In accordance with Arizona State Statutes (A.R.S. 9-461.06), the General Plan is effective for a period of ten years, at which time the governing body shall either adopt a new General Plan or re-adopt the existing General Plan. In the interim, the Planning and Zoning Commission, the Community Development Department, and other City departments should review, monitor, and provide recommendations for amendments on an annual basis to ensure that goals, objectives, and policies continue to meet the changing needs of the community, that data is up-to-date, and that the implementation program is functioning properly.

14.C. GENERAL PLAN AMENDMENTS

RATIONALE FOR AMENDING THE GENERAL PLAN

The planning process leading up to the adoption of a General Plan is a rigorous process involving many formal and informal public meetings and public hearings over a considerable period of time. These meetings were supplemented with individual interviews, written surveys, and other methods that were used to determine the community's goals and objectives regarding the development of the City of Peoria. To make changes to the Plan might invalidate the entire process and undermine community confidence. Additionally, a typical amendment to a General Plan usually entails less public scrutiny and is less comprehensive in scope.

Nonetheless, the City must continually reexamine the Plan to respond to the changing social, economic, and other demographic trends associated with dynamic growth within the City and region. Development pressures directly impact land use, traffic patterns, socio-economic conditions, provision of City services, and a host of other factors which must be addressed so that the General Plan remains effective and relevant. Significant changes in any of these factors can trigger a need to amend the Peoria General Plan. Because the General Plan is, by its very nature, general, an in-depth examination of a specific property or area within the community may reveal characteristics that are inconsistent with the policies and details of the Plan. This in no way, however, negates the intent or guidance set forth in the Plan to provide for orderly growth and development within the City or adequate service provision for residents.

The most prudent policy when considering Plan amendments is to carefully evaluate the benefits to the community and consistency with the Plan's guidance and overall intent, and by maintaining a balance between inflexible adherence to the Plan (resulting in few or no amendments) and an over-elastic flexibility (resulting in indiscriminate changes).

STATUTORY REQUIREMENTS FOR AMENDING THE GENERAL PLAN

The manner of amending the General Plan is set forth in Arizona Revised Statutes, specifically, A.R.S. 9-461.06. The City, public or private agencies, and private individuals may initiate a proposal for a General Plan Amendment. Major Amendments are subject to an annual process whereby all Major Amendment proposals are considered during the same time frame as scheduled by the local government. Major Amendment proposals must be considered for approval during the same calendar year in which they were initiated, and are subject to enhanced requirements for the notification, participation, and adoption processes.

If the City determines that severe hardship could be created for the City, the City Council may direct the initiation of the Plan Amendment process. However, amendments to the Peoria General Plan cannot be enacted as emergency measures and are subject to public referendum.

Local governments must adopt written procedures to provide structured, predictable, and continuous public participation in the development and consideration of amendments to the General Plans from all geographic, ethnic, and economic areas of the City of Peoria. These procedures should provide for the following:

- The broad dissemination of proposals and alternatives.
- The opportunity for written comments.
- Public hearings after effective notice.
- Open discussions, communications programs, and information services.

- Consideration of public comments.
- Consulting with and advising public officials and agencies, the County, school districts, associations of governments, public land management agencies, other appropriate government jurisdictions, public utility companies, civic, educational, professional and other organizations, property owners and citizens to secure maximum coordination of plans and to indicate properly located sites for all public purposes on the General Plan.

The City of Peoria meets and exceeds statutory requirements in an effort to provide a wide dissemination of information related to plan amendments, encourage and support constructive discussion in the community, and ensure that changes to the Plan are supported by the community. Peoria provides notice to the public, public agencies, property owners, and other entities through Official Public Notice and also through a Public Participation Process as outlined below.

14.D. NOTIFICATION REQUIREMENTS

PRIVATELY-INITATED AMENDMENTS:
Owner/applicant(s) shall notice privately-initiated amendments in the same manner as a rezoning request, as outlined within Article 14-39 of the Zoning Ordinance. In addition to the applicant's notice, city staff will mail a notice of application and notice of hearing to each neighborhood association and home owners associations registered with the City and affiliated with a neighborhood located within one (1) mile of the subject property, along with publish a newspaper ad, in accordance with Article 14-39 of the Zoning Ordinance.

CITY-INITIATED AMENDMENTS:
City-initiated amendments are initiated by staff and often impact a substantial portion of the City, more so than typically associated with privately-initiated applications. In some instances, the amendment encompasses the entire City. Consequently, the notification procedures listed below allow the City to incorporate an array of communication methods intended to reach a larger audience.

- At a minimum, city staff shall notice each real property owner within the impacted area at least once by one of the methods: postcard, water bill inserts, direct mailing or drop flyer.
- Staff may supplement notification by utilizing methods such as, but not limited to, social media, websites, posting of notices at recreational or community centers, and Peoria Channel 11.

14.E. PUBLIC PARTICIPATION PROCESS

60-DAY REVIEW
To ensure adequate scrutiny of proposals for Major Amendments to the General Plan, State Statutes mandate that local governments provide notice of the proposal a minimum of sixty (60) days prior to providing notice of public hearing. Staff will transmit the proposal to the Planning and Zoning Commission and City Council and provide review copies to the following entities:

- The planning agency of the county in which the municipality is located.
- Each county or municipality that is contiguous to the corporate limits of the municipality or its area of extraterritorial jurisdiction.
- The regional planning agency within which the municipality is located.

- The department of commerce or any other state agency that is subsequently designated as the General Planning agency for this state.
- The Arizona Department of Water Resources
- Any person or entity that requests in writing to receive a copy of the proposal.

All recipients will have the opportunity to submit written comments that will then be transmitted to the Planning and Zoning Commission and the City Council in advance of any briefing, public meeting, or hearing.

NEIGHBORHOOD MEETING

For all Major and Minor Amendments to the General Plan, applicants shall provide a Citizen Participation Process report. The purpose of the Public Participation Process is to ensure that the community is informed of proposed changes to the General Plan and provide a forum for public involvement and resolution of concerns prior to the public hearing process. In accordance with State Statutes, the City must adopt written procedures to provide effective, early, and continuous public participation in the development and amendments of general plans. The Statutes call for the broad dissemination of information and an opportunity for public discussion and comment. Peoria's Public Participation Plan exceeds statutory requirements.

Within forty five (45) days of filing a Minor General Plan Amendment with the Peoria Planning Division, the applicant shall hold a meeting with affected residents as defined in Article 14-39-6F of the Zoning Ordinance. Following the meeting, the applicant shall provide a written report to the Planning Division setting forth points discussed, an attendance list with attendee addresses and any modifications to the proposed plan. In the event that substantial revisions are made to the proposed plan, planning staff may, at its discretion, require that the applicant hold additional meetings with the affected residents and provide the respective reports. In the event that a rezoning application is filed concurrently with the General Plan Amendment application, a single Participation Plan meeting all required criteria shall suffice.

14.F. ADOPTION

Major Amendments are subject to more stringent requirements for adoption than are Minor Amendments. Major Amendments to the General Plan require a minimum of two public hearings, at distinct locations, before the Planning and Zoning Commission, and a third public hearing before the City Council. Minor Amendments require a minimum of one public hearing before the Planning and Zoning Commission. Approval of a Major Amendment requires the affirmative vote of at least two-thirds of the members of the Peoria City Council.

For both Major and Minor Amendments to the General Plan, the City shall find that the proposal substantially demonstrates or exhibits conformance with the following evaluative criteria. Approval of General Plan Amendments is based on the five criteria shown below, with the fifth criterion being applicable only to Major Amendments, which shall be considered in concert to determine the merit of the project in meeting the intent of the General Plan.

i) The development pattern contained in the Land Use Plan inadequately provides appropriate optional sites for the use or change proposed in the amendment.
ii) The amendment constitutes an overall improvement to the General Plan and is not solely for the good or benefit of a particular landowner or owners at a particular point in time.

iii) The amendment will not adversely impact the community as a whole or a portion of the community by:
- Significantly altering acceptable existing land use patterns,
- Requiring larger and more expensive improvements to roads, sewer or water delivery systems than are needed to support the prevailing land uses and which, therefore, may impact developments in other areas,
- Adversely impacting existing uses because of increased traffic on existing systems, or
- Affecting the livability of the area or the health and safety of the residents.

iv) That the amendment is consistent with the overall intent of the General Plan and other adopted plans, codes and ordinances.

For Major Amendments to the General Plan, the City shall consider the following evaluative criterion together with the above criteria:

v) Provides a positive benefit to the community without unduly impacting the City's water supplies as demonstrated through the application of the economic value per gallon of water measure contained within the City's adopted Principles of Sound Water Management.

14.G. CLASSIFYING GENERAL PLAN AMENDMENTS

A major amendment is triggered when a development proposal submitted for consideration by the City results in a change to the land use plan that would substantially alter the City's planned mixture or balance of land uses. Proposals that do not meet the substantiality test are either (a) Minor General Plan Amendments; or (b) do not require any General Plan Amendment. The City has identified the following variables to determine whether a development proposal necessitates an amendment and to delineate the type, if applicable.

MAJOR GENERAL PLAN AMENDMENTS

TABLE 14.2 -- Major General Plan Amendments

Number	Major Amendment Criteria
1.	A change in residential land use designation exceeding 80 acres AND: • Two-step change in residential land use category OR • Change to a non-residential or mixed-use land use designation except Park/Open Space and Public/Quasi Public. • Park/Open Space land use designation changes to land use designations other than Residential 0-2 dwelling units per acre or Public/Quasi-Public land use designations. • Changes to Specific Area Plans or other Area Plans that increase the total number of dwelling units or non-residential intensity (GFA or FAR) by more than 10%.
2.	A change in non-residential or mixed-use land use designation exceeding 80 acres.
3.	Any material alteration, deletion or change to the functional classification of any roadway identified on the Circulation Plan, except in the following situations which shall be deemed as a minor amendment to the General Plan: ~~that a~~ • Downgrade of a functional classification of a roadway not identified within the City's Infrastructure Improvement Plans (IIP); or • Minor shifts in alignment as determined by City Traffic Engineer; or • Amendments to the Circulation Plan resulting from an amended Specific Area Plan ~~shall be deemed a minor amendment to the General Plan~~.

4.	Any proposal that in aggregate includes changes in land use designations exceeding 320 acres.
5.	Planning Area Boundary changes.
6.	Text changes to the General Plan that conflict with or alter the intent of any goal, objective or policy as determined by the Community Development Director or designee.

MINOR GENERAL PLAN AMENDMENTS

i) All other changes not expressly classified as a Major General Plan Amendment and/or exempt ("No General Plan Amendment required").

NO GENERAL PLAN AMENDMENT REQUIRED

i) No amendment is required if the zoning change results in a correlative district within the underlying land use category as described in more detail within Section 2 Land Use Element, and results in a project density that is within the range illustrated in Table 14.3 (General Plan / Zoning Correlation); and

For example, if a proposal seeks to rezone a site from R1-35 to R1-18, no amendment would be required. Both zoning districts result in a density and character that advances the Residential Estate designation as described in the Land Use Element. Secondarily, it should be noted that the Plan encourages a diversity of housing types to meet the needs of all income and age segments.

~~ii) Projects requesting a change of land use density from Residential Medium (5-8 du/ac) to Residential Low (2-5 du/ac) or Residential Low (2-5 du/ac) to Residential Estate (0-2 du/ac) may be processed without the requirement for a General Plan amendment and shall be deemed compliant with the Land Use Element of the General Plan; and~~

~~iii) Any minor shift in alignment to any roadway without change in functional classification, as determined by the Engineering Director.~~

TABLE 14.3 -- General Plan Land Use Designations / Density Correlation

General Plan Land Use Designation	Density (du/ac)
Estate Density Residential	0.0 - 2.0 du/ac
Low Density Residential	2.0 - 5.0 du/ac
Medium Density Residential	5.0 - 8.0 du/ac
Medium-High Density Residential	8.0-15.0 du/ac
High Density Residential	15+ du/ac
Office Commercial	n/a
Neighborhood Commercial	n/a
Community Commercial	n/a
Regional Commercial	15+
Business Park	n/a
Business Park / Industrial	n/a
Industrial	n/a
Park / Open Space[2]	0-1
Public / Quasi-Public	n/a
Mixed-Use Designations	See Below[3]

Notes:

1 A PAD (10-600 acres) or PCD (600+ acres) may be used to implement any of the land use designations identified above.

2 Parks and other open space may be located in any zoning district.

3 Refer to the relevant sections in the Loop 303 Specific Area Plan, Central Peoria Revitalization Plan or General Plan Mixed-Use Guidelines (Land Use Element) for the density prescriptions.

14.H. IMPLEMENTATION PROGRAM

The Implementation Program for the City of Peoria General Plan establishes specific measures that will lead to plan achievement. The intent of the Implementation Program is to organize the listing of near-term implementation activities derived from the Goals, Objectives and Policies within each Element and prioritize them for timely completion. The following table contains a series of implementation tasks have been organized in 'On-going', 'Short', 'Mid' and 'Long' term priorities. Short-term tasks are intended to be implemented within 1-3 years; Mid-term tasks in 3-6 years; and Long-term tasks in 6-10 years. On-going tasks generally refer to items requiring routine maintenance such as the upkeep of lists or existing programs. Also included in the table is information pertaining to the respective departments responsible for each task.

TABLE 14.4 -- Implementation Tasks

Task Number	Task Description	Key Department(s)	Priority
1a	Evaluate the General Plan annually to ensure its effectiveness and provide regular updates to the Plan that further the City's Economic Development strategies.	PCD / EDS	On-going
1b	Evaluate the General Plan annually to ensure conformance with changes to State Law	PCD	On-going
2	Enhance and maintain a sustainability website.	PCD / EDS	On-going
3	Identify existing and future high volume intersections for additional pedestrian refuge areas and safety amenities.	ENG	On-going
4	Identify funding for transportation improvements in identified Growth Areas.	ENG / PW-UT	On-going
5	Implement the recommendations from the Old Town Revitalization and Peoria Sports Complex District Plans	PCD / EDS	On-going
6	Identify and coordinate transportation and infrastructure projects within the 10-year CIP.	PCD / EDS / PW-UT/ CS	On-going
7	Develop a strategic plan and funding strategy to identify and Improve ROW landscaping, lighting, and amenities within mature neighborhoods.	CS / ENG / PW-UT	On-going
8	Continue to update the requirements within the Zoning Ordinance for compliance with special needs housing (i.e. recent legislation, dispersal requirements).	PCD	On-going
9	Establish Northern Peoria Public School Joint Use /	CS	On-going

	Compact (i.e. through Memorandum of Understanding).		
10	Participate in APS/SRP Major Facility Siting Studies.	ENG / PW-UT / PCD / EDS	On-going
11	Update Glendale/ Peoria Area Drainage Master Plan (ADMP)	ENG / PW-UT / City of Glendale / MCFCD / Consultants	On-going
12	Update North Peoria's Area Drainage Master Plan (ADMP)	ENG / PW-UT / MCFCD / Consultants	On-going
13	Identify costs of expansion of City operations and facilities	Finance / Budget	On-going
14	Continuously evaluate and update (as necessary) the Impact Fee Structure	Finance / Budget	On-going
15	Develop a system for monitoring indicators of growth and changes in land use ratios	Finance / Consultant	On-going
16	Incorporate CPTED principles into the Zoning Ordinance and Design Review Manual	PCD / Police Department	On-going
17	Adopt an Old Town Peoria Revitalization Plan	PCD	Short
18	Adopt the Peoria Sports Complex District Specific Area Plan	PCD	Short
19	Identify incentive strategies (i.e. density/FAR bonus, zoning flexibility) for providing "Smart Growth" components (i.e. affordable housing, underground parking, streetscape, pedestrian orientation, open space linkages and preservation).	PCD / EDS	Short
20	Develop a mixed-use development program that addresses regulatory and infrastructure constraints.	PCD / EDS/ Fire Dept / ENG / PW-UT	Short
21	Develop appropriate strategies to encourage sustainable developments such as transit-oriented development (TOD)	PCD / ENG/ EDS	Short
22	Develop a long-range Traffic Management Plan incorporating ITS.	ENG / PW-UT	Short
23	Develop roadway design features that enhance bicycle & pedestrian use & access.	CS / ENG / PCD	Short
24	Develop transit and pedestrian-oriented site design guidelines.	PCD / ENG	Short
25	Develop an Infill Incentive Plan and Delineate Infill Areas / Criteria.	PCD / EDS	Short
26	Prepare an Old Town Transit Station Design Concept	CS / ENG	Short

Exhibit 6

	Report.		
27	Produce development and design guidelines for the Old Town District as defined by the Old Town Peoria Revitalization Plan	PCD	Short
28	Update the requirements within the Zoning Ordinance to reflect housing-type preference changes and to increase housing-type diversity.	PCD	Short
29	Update the Integrated Utility Infrastructure Master Plan	PCD / PW-UT	Short
30	Develop a conservation strategy to promote sustainability principles	Citywide	Short
31	Develop an Open Space Acquisition and Conservation Plan	PCD	Short
32	Evaluate and implement programs to improve data collection and reporting on water production and water delivered and billed to customers.	PW-UT	Short
33	Continue to develop water conservation programs to achieve permanent reductions in water demands.	PW-UT	Short
34	Permit service area water supply wells as recovery wells.	PW-UT	Short
35	Incorporate new development fee structure for wastewater, potable water and solid waste facilities	Finance / Consultant	Short
36	Update the Emergency Evacuation Plan	Fire Department	Short
37	Update designated truck routes	ENG / PW-UT	Short
38	Develop a Multi-Modal Transportation Plan for the purposes of expanding transit opportunities	ENG / PCD / CS / PW-UT	Short
39	Develop incentives promoting private development in Growth Areas.	PCD / EDS	Mid
40	Identify funding resources for the expansion of bicycle facilities and transit related improvements	ENG	Mid
41	Develop an adaptive reuse strategy to revitalize vacant and underutilized buildings.	PCD / EDS	Mid
42	Update and expand the Historic Resources Survey.	PCD	Mid
43	Develop a Zoning District that promotes Transit Oriented Development (TOD)	PCD	Mid
44	Develop a rehabilitation and revitalization plan for mature neighborhoods.	PCD / CS / ENG / PW-UT	Mid

45	Update City Integrated Utility Infrastructure Master Plan	PW-UT	Mid
46	Evaluate the Zoning Ordinance for techniques promoting housing affordability (i.e. reduce on-site parking requirements, incentives to increase family size units).	PCD	Long
47	Continue the groundwater quantity and quality monitoring program initiated in the earlier strategy.	PW-UT	Long
48	If they become available, evaluate the feasibility or purchase of low priority CAP supplies.	PW-UT	Long
49	Evaluate participation in Arizona Water Banking Authority (AWBA) and CAP groundwater recovery programs.	PW-UT	Long
50	Assess whether the CAP-SRP interconnect capacity (10 cfs) is necessary to meet City water supply goals.	PW-UT	Long
51	Develop infrastructure that is compatible with the available water resources and location of water demands.	PW-UT	Long
52	Continue evaluation of the need for WTPs to serve the needs of the northern areas of the City that lack groundwater availability.	PW-UT	Long
53	Use groundwater credits for recovery pumping, in lieu of CAGRD replenishment obligation to meet Designation of Assured Water Supply requirements	PW-UT	Extended
54	Develop the recharge capacity and reuse opportunities for the reclaimed water that are produced from the Butler, Beardsley, and Jomax Water Reclamation Plants.	PW-UT	Extended
55	Evaluate need for imported water.	PW-UT	Extended
56	Continue evaluation of need for WTPs to serve the northern areas of the City that lack groundwater availability.	PW-UT	Extended
57	Participate in development and implementation of CAP wheeling policies.	PW-UT	Extended
58	Participate in the development of additional groundwater management rules and regulations.	PW-UT	Extended
59	Continue the groundwater quantity and quality monitoring program initiated in the earlier strategy.	PW-UT	Extended
60	Continue the groundwater quantity and quality monitoring program.	PW-UT	Extended

61	Recharge CAP water at the Agua Fria and Hieroglyphic Mountain recharge facilities in order to maintain a reserve of groundwater credits.	PW-UT	Extended
62	Continue to recharge and directly use effluent to develop groundwater credits and extend usefulness of other water supplies.	PW-UT	Extended

PCD – Planning & Community Development Department

EDS – Economic Development Services Department

ENG – Engineering Department

PW-UT – Public Works / Utilities Department

CS – Community Services Department

MCFCD – Maricopa County Flood Control District

City of Peoria
Planning & Community Development
9875 N. 85th Avenue, Peoria, Arizona 85345

Amendments to the Peoria General Plan
2018 Annual Amendment Cycle

Please be advised that the annual Peoria General Plan Major Amendment 60-day review period is now underway. Public hearings are anticipated to be held before the Planning & Zoning Commission on November 1, 2018 and November 15, 2018 and before the City Council on December 4, 2018.

In an effort to conserve resources, the Planning & Community Development Department has elected to transmit the information electronically. The information is also available for viewing online at:

https://www.peoriaaz.gov/government/departments/planning-and-community-development

Hard copies are available for viewing at the City of Peoria Public Libraries and at the Planning Counter at the addresses provided below. If a printed copy is needed, please contact staff so one can be provided.

Main Library	**Sunrise Mountain Library**	**Peoria Planning Counter**
8463 W. Monroe Street	21109 N. 98th Avenue	9875 N. 85th Avenue
Peoria, AZ 85345	Peoria, AZ 85382	Peoria, AZ 85345

2018 Major General Plan Proposed Amendments

Below is a brief description of each amendment. Please provide all comments to the designated staff contact below no later than **October 8, 2018.**

GPA 18-0002 Circulation Map Update **-** *A City-initiated amendment.*

This request is an amendment to Chapter 3: Circulation Element within the General Plan, which includes the Circulation Plan Map. Proposed changes include road classifications changes (e.g. from collector to arterial roadway), road additions and deletions, and alignment adjustments to better reflect the existing conditions and future needs of the city, and to maintain a document that is current with local and regional planning efforts.

GPA 18-0003 Land Use Map Update **-** *A City-initiated amendment.*

This request is an amendment to Chapter 2: Land Use Element within the General Plan, which includes the Land Use Map. For this amendment, the City is proposing city-wide land use map amendments. There are a number of instances where the Land Use Map does not accurately reflect the existing land uses occurring on the property. The proposed changes to the Land Use Map will better reflect existing conditions and appropriate future designations. Additionally, there are two property owner requests to change associated land use categories on their respective properties, which are generally in the vicinity of the Vistancia master planned community and near 83rd Avenue and Butler Drive.

GPA 18-0004 Land Use Element and Plan Administration Text Updates - *A City-initiated amendment.* This request consists of text amendments to Chapter 2: Land Use Element and Chapter 14: Plan Administration within the General Plan.

1) Modifications to the Land Use Element include refinement of certain land use category descriptions to better position the General Plan for the larger comprehensive update occurring in 2019. For example, this amendment proposes to formally recognize waterways as a separate land use category, which allows better recognition and preservation of these areas.

2) Modifications to the Plan Administration Element are intended to further define and clarify the major/minor amendment criteria within *Section 14.G. Classifying General Plan Amendments*.

Thank you in advance for your participation in our 2018 Major General Plan Amendment process.

Sincerely,

[redacted]

Lorie Dever
Principal Planner

Please Direct Comments To:
Lorie Dever
Phone: 623-773-5168
Lorie.Dever@peoriaaz.gov

60 Day Review Notification List

Agency	Position	Individual	Address	Email
Arizona Commerce Authority	Senior Vice President of Marketing and Communicatio	Susan Marie	333 N. Central Ave. Suite #1900 Phoenix, AZ 85004	[redacted]
Arizona Department of Water Resources	Director	Thomas Buschatzke	3550 N. Central Ave. #2 Phoenix, AZ 85012	[redacted]
Arizona Public Service	Arizona Economic Development Manager	David Bentler	P.O. Box 53999 M.S. 8010 Phoenix, AZ 85072-3999	[redacted]
Arizona State Land Department	Planning and Engineering Section Manager	Mark Edelman	1616 W. Adams Street Phoenix, AZ 85007	[redacted]
Arizona State Land Department	Project Manager	Micah Horowitz	1616 W. Adams Street Phoenix, AZ 85007	[redacted]
Arizona State Land Department	Deputy Commissioner	Wesley Mehl	1616 W. Adams Street Phoenix, AZ 85007	[redacted]
Arizona State Land Department	Commissioner	Lisa Atkins	1616 W. Adams Street Phoenix, AZ 85007	[redacted]
Arizona Department of Transportation	Director	John Halikowski	206 S. 17th Ave. M.D. 100A Phoenix, AZ 85007	[redacted]
Arizona Department of Transportation	Transportation Engineer	Tony Abbo	206 S. 17th Ave. M.D. 100A Phoenix, AZ 85007	[redacted]
Arizona Department of Transportation	Right of Way Administrator	Paula Gibson	205 S. 17th Ave. M.D. 612E Phoenix, AZ 85007	[redacted]
Bureau of Land Management	District Manager	Leon Thomas	21605 N. 7th Ave. Phoenix, AZ 85027	[redacted]
Bureau of Land Management	State Director	Raymond Suazo	1 N. Central Ave. Suite #800 Phoenix, AZ 85004-4427	[redacted]
Bureau of Reclamation	Lower Colorado Region - Phoenix Manager	Leslie Meyers	6150 W. Thunderbird Rd. Glendale, AZ 85306-4001	[redacted]
City of Glendale	City Manager	Kevin Phelps	5850 W. Glendale Ave. Glendale, AZ 85301	[redacted]
City of Glendale	Planning Director	David Williams	5850 W. Glendale Ave. Glendale, AZ 85301	[redacted]
City of Glendale	Mayor	Jerry Weiers	5850 W. Glendale Ave. Glendale, AZ 85301	[redacted]
City of Peoria	Mayor and Council	Various	8401 W. Monroe St. Peoria, AZ 85345	[redacted]
City of Peoria	City Manager	Jeff Tyne	8401 W. Monroe St. Peoria, AZ 85345	[redacted]
City of Peoria	Deputy City Manager	Andy Granger	8401 W. Monroe St. Peoria, AZ 85345	[redacted]
City of Peoria	Deputy City Manager	Katie Gregory	8401 W. Monroe St. Peoria, AZ 85345	[redacted]
City of Peoria	Deputy City Manager	Erik Strunk	8401 W. Monroe St. Peoria, AZ 85345	[redacted]
City of Peoria	Planning and Zoning Commission	Various	8401 W. Monroe St. Peoria, AZ 85345	[redacted]
City of Peoria	Leadership Team	Various	8401 W. Monroe St. Peoria, AZ 85345	[redacted]
City of Phoenix	Assistant Director	Sandra Hoffman	200 W. Washington St. 3rd Floor Phoenix, AZ 85003-1611	[redacted]
City of Phoenix	Planning and Development Director	Alan Stephenson	200 W. Washington St. 2nd Floor Phoenix, AZ 85003-1611	[redacted]
City of Phoenix	Mayor	Thelda Williams	200 W. Washington St. Phoenix, AZ 85003	[redacted]
City of Surprise	City Manager	Bob Wingenroth	16000 N. Civic Center Dr. Surprise, AZ 85374	[redacted]
City of Surprise	Mayor	Sharon Wolcott	16000 N. Civic Center Dr. Surprise, AZ 85374	[redacted]
City of Surprise	Community Development Director	Eric Fitzer	16000 N. Civic Center Dr. Surprise, AZ 85374	[redacted]
Deer Valley Unified School District	Superintendent	Curtis Finch	20402 N. 15th Ave. Phoenix, AZ 85027	[redacted]
Deer Valley Unified School District	Data Analysis and Accountability Manager	Mary Beth Hyland	20402 N. 15th Ave. Phoenix, AZ 85027	[redacted]
Home Builders Association of Central Arizona	Vice President of Municipal Affairs	Jackson Moll	7740 N. 16th St. Suite 385 Phoenix, AZ 85020	[redacted]
Luke Air Force Base	Ops Specialist - Community Initiatives Team	Christopher Toale	14185 W. Falcon Street Luke AFB, AZ 85309-1629	[redacted]
Luke Air Force Base	Deputy Director of Community Initiatives Team	Barbara Plante	14185 W. Falcon Street Luke AFB, AZ 85309-1629	[redacted]
Maricopa Association of Governments	Senior Planning Project Manager	Scott Wilken	302 N. 1st Ave. Suite #300 Phoenix, AZ 85003	[redacted]
Maricopa County	Planning and Development Director	Jennifer Pokorski	501 N. 44th St. Suite #200 Phoenix, AZ 85008	[redacted]
Morristown	Superintendent	Gregory Sackos	P.O. Box 98 Morristown, AZ 85342	[redacted]
Nadaburg School District	Superintendent	Rick Stephen	32919 Center Street Wittman, AZ 85361	[redacted]
North County Fire District	Fire Chief	Robert Biscoe	18818 N. Spanish Garden Dr. Sun City West, AZ 85375	[redacted]
Peoria Chamber of Commerce	President/CEO	Guy Erickson	8385 W. Mariners Way Ste. 3 Peoria, AZ 85382	[redacted]
Peoria Unified School District	Office of Research and Planning	Mike Maas	6330 W. Thunderbird Rd. Peoria, AZ 85306	[redacted]
Peoria Unified School District	Superintendent	Linda Palles Thompson	6330 W. Thunderbird Rd. Peoria, AZ 85306	[redacted]
Salt River Project	Economic Development Sr. Project Manager	Gretchen Kitchel	P.O. Box 52025 M.S. ISB 685 Phoenix, AZ 85072	[redacted]
Southwest Gas	Distribution Engineer	Larry Holly	P.O. Box 52075 Phoenix, AZ 85072	[redacted]

Exhibit 7

60 Day Review Notification List

Agency	Position	Individual	Address	Email
Sun City Fire District	Fire Chief	Ron Deadman	18602 N. 99th Ave. Sun City, AZ 85373	[redacted]
Valley Metro	CEO	Scott Smith	101 N. 1st Ave. Suite #1300 Phoenix, AZ 85003	[redacted]
Yavapai County	Development Services Director	David Williams	1120 Commerce Dr. Prescott, AZ 86303	[redacted]

Exhibit 7

DEPARTMENT OF THE AIR FORCE
AIR EDUCATION AND TRAINING COMMAND

29 August 2018

Mr. James R. Mitchell
Director, Community Initiatives Team
56th Fighter Wing
14185 West Falcon Street
Luke AFB AZ 85309-1629

Ms. Lorie Dever
Principal Planner
City of Peoria
9875 N. 85th Ave.
Peoria AZ 85345

Re: Peoria Major General Plan Amendment Draft

Dear Ms. Dever

Thank you for the opportunity to provide comments for the 60-Day Review Draft of the Peoria General Plan Amendment. We applaud the city for its continued support of the Luke Air Force Base mission.

The proposed updates cover the Circulation Map, and Land Use Map Elements as well as text updates to the Land Use Element and Plan Administration. The Peoria Planning Area is located outside the Luke AFB 1988 JLUS 65 Ldn, "high noise or accident potential zone" as defined by A.R.S. § 28-8461 and largely outside the "territory in the vicinity of a military airport" also defined by A.R.S. § 28-8461.

As described, the Peoria General Plan Amendments will not negatively impact the flying operations at Luke AFB.

If you have any questions, please contact my Community Planner, Ms. Barbara Plante, at (623) 856-9981.

Sincerely

[redacted]

JAMES R. MITCHELL

cc:
Colonel Michael S. Richardson, Vice Commander, 56th Fighter Wing
Ms. Cindy L. Allen, GS-13, General and Environmental Law Attorney, 56th Fighter Wing

City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

October 5, 2018

Lorie Dever, Principal Planner
City of Peoria, Planning and Zoning
8401 West Monroe Street
Peoria, AZ 85345

RE: City of Peoria Major General Plan Update

Dear Ms. Dever:

Thank you for the opportunity to comment on the City of Peoria's Major General Plan Amendment. Through analyzation of the Phoenix 2015 Land Use Map and the proposed modifications for the Peoria Land Use Map, one point of potential conflict was identified.

In the general area of the Loop 303 and New River Wash, the proposed land use map depicts a land use classification of "Business Park". East of the New River Wash and within the City of Phoenix, the Phoenix 2015 Land Use Map identifies that area as "Residential, 2-5 dwelling units per acre".

The remainder of the proposed Land Use Map changes do not border the City of Phoenix boundary.

Please contact Kaelee Wilson at (602) 534-7696 if you require any additional information.

Sincerely,

[redacted]

Alan Stephenson
Planning & Development Director

cc: City of Peoria file
Samantha Keating

Exhibit 8

2018 Major General Plan Amendment Cycle - Public Comment Errata Sheet

Item	Figure or Section	Page No.	From	Comment	Response
1	Chapter 2: Land Use - 2.C Land Use Plan	2-10	Commission Jeff Nelson	Can we add a description for MPA, an acronym we use later in the document, i.e. "Peoria MPA" (Page 32)?	Description of Municipal Planning Area (MPA) added to Chapter 2.
2	Chapter 2: Land Use	2-21	Commission Jeff Nelson	ASLD: Extra space in text	Extra spaces removed.
3	Chapter 2: Land Use	2-22	Commission Jeff Nelson	BLM: Insert "...is a federal agency that..." Need to clarify this is a federal agency, not state agency.	Text revised to clarify BLM is federal agency.
4	Chapter 2: Land Use	2-22	Commission Jeff Nelson	BLM: Not sure why (Mission Statement) this is italicized?	The mission statements of the various agencies were italicized to distinguish them as sourced material compared with normal text.
5	Chapter 2: Land Use	2-22	Commission Jeff Nelson	BOR: Extra space	Extra space removed.
6	Chapter 2: Land Use	2-23	Commission Jeff Nelson	BOR: Curious why we pointed out how much land BOR manages but have removed acreage managed by BLM. Also, I'd add "currently manages" in this sentence as I assume it can change? "The BOR currently manages approximately...."	Text was added to say "BLM owns approximately 26 square miles (over 16,500 acres) of land in the Peoria MPA..."
7	Chapter 14: Plan Administration	14-7	Commission Jeff Nelson	Criteria: So general plan amendment will now be required if we "down zone" any residential property, correct?	Yes, a general plan amendment will now be required when the applicant is proposing a less dense product than what was envisioned.
8	General		Luke Air Force Base	See Letter - "As described, the Peoria General Plan Amendments will not negatively impact the flying operations at Luke AFB."	Thank you for the correspondence. This will be included within the staff reports going to Commission and Council for consideration.
9	General		Eric Rozzell	I have seen the Peoria Plan and wonder why infrastructure is not included in the list. I specifically would like to know about our streets, which are a significant part of any city and are in need of substantial improvement in many areas. Revitalizing streets needs to be a priority.	The General Plan identifies the City's policy framework for the existing and future circulation network. Conversly, each year the City of Peoria invests significant time and resources to design, construct and maintain the infrastructure and facilities needed to deliver municipal services to residents and businesses. Because of the high costs associated with these capital assets, the city must carefully balance the need for such assets with our requirements to sustain a strong financial position. This is accomplished through the Capital Improvement Program (CIP) which is a 10-year plan for addressing present and future infrastructure needs.
10	Figure 2-1: Land Use Map	Figure 2-1	Christian Williams	I noticed your boundary for Camino a Lago SAP is off. It should include Casa Del Rey and Desert Star. Proposed Land Figure 2.1	Scribner's error found. Camino a Lago SAP boundary adjusted.
11	Figure 2-1: Land Use Map	Figure 2-1	Christian Williams	The NE Corner of Lake Pleasant and Deer Valley is zoned Neighborhood Commercial. We have unfilled commercial south of Deer Valley and far too much zoning for commercial at Happy Valley and Lake Pleasant Parkway. Anyway to zone this mixed use-commercial, office, or mixed-use residential? This would create a more dynamic community and add diversity to the center of the Camino a Lago community.	The parcel is designated as Community Commercial on the map; however, SAP areas are shaded in a manner that gives the illusion the area is Neighborhood Commercial. The property is zoned AG, which acts as a placeholder until development occurs. City staff will reach out during the comprehensive re-write to ensure commercial centers are appropriately designated in a manner to best position the properties for the future. No changes are recommended at this time.
12	Chapter 3: Circulation Plan	Figure 3-1	Shawn Kreuzwiesner	Happy Valley to Jomax realignment between Dysart and El Mirage. The County completed a corridor study to set the primary east-west route, west of 303. The study shifts the alignment from Happy Valley to Jomax with between El Mirage and Dysart. The proposed change with eliminate the preferred route and force traffic around the perimeter of the section parcel, making it a less effective transportation corridor. Has this change been coordinated with the County?	Based upon on continued analysis of this area, City Traffic Division staff is recommending elimination of the previous route at this time. Staff has coordinated the requested change with all applicable agencies and no comments have been received on this item.
13	Chapter 3: Circulation Plan	Figure 3-1	Shawn Kreuzwiesner	Collector used (sic) Loop 303, west of the Agua Fria River. The Loop 303 bridge over the Beardsley Canal was widened to allow for a future Collector to cross under Loop 303 for circulation. This should be added to the map to ensure it isn't forgotten.	This comment will be evaluated as part of the comprehensive re-write effort.
14	Chapter 3: Circulation Plan	Figure 3-1	Shawn Kreuzwiesner	Why is the map only showing one bridge at Vistanca Blvd and the CAP Canal. For consistency removed this or show all existing/future bridges in the City.	Map has been updated to reflect existing/future bridges over the CAP.
15	Chapter 3: Circulation Plan	Figure 3-1	Shawn Kreuzwiesner	The Map is showing the removal of the Collector connection between 99th Ave and Lone Mountain Parkway. What is the justification for this removal? This would provide for another exit point for the north Tierra Del Rio and Pleasant Valley developments.	Staff is evaluating the circulation needs of this area in a collaborative effort between ASLD and the various property owners in the area. Based on existing entitlements, anticipated traffic within this area should sufficiently be handled by various local roads. As continued discussions occur in this area, additional changes to the Circulation Plan may be recommended as part of the comprehensive re-write process.
16	Chapter 3: Circulation Plan	Figure 3-1	Shawn Kreuzwiesner	The circulation plan is showing a collector just east of Loop 303 between Westland and Jomax Road. This road will require significate cut/full to complete and will impact to know archelogy areas. Has a transportation study been completed for this area to lay out the roadways?	Staff is working within with ASLD and various property owners within the area to determine an appropriate street alignment for the area given existing site conditions and proximity to the Loop 303. No changes are proposed at this time; however, refinements to this area are anticipated as part of the re-write effort.
17	Chapter 3: Circulation Plan	Figure 3-1	Shawn Kreuzwiesner	The light blue dashed line being used to denote the Peoria City Limits causes some confusing when reading the map. South of Skunk Creek it appears to be showing local streets.	Staff is working within the existing confines of the current map styles. All maps, including the Circulation Map will be comprehensively updated as part of the re-write effort.

Exhibit 9

2018 Major General Plan Amendment Cycle - Public Comment Errata Sheet

18	Chapter 2: Land Use	Figure 2-1	Shawn Kreuzwiesner	The added precision to the Land Use map is very good. It would still be useful to show the two different categories of Open Space as defined in the text on the Map. More Specifically, ther should be a way to distinguish between Natural Open Space and Improved Open Space. As displayed the map can be confusing as ther is still a development entitlement on Open Space still owned by State Land or Private Owners. Scottsdale is a good example of how to show these different type of Open Space on the Land Plan.	This comment will be evaluated as part of the comprehensive re-write effort.
19	Chapter 2: Land Use	Page 2-2	Shawn Kreuzwiesner	**Open Space, Conservation and Recreation Section (pg 2.2)** The section is missing a reference to the city's adopted Sonoran Presentation Master Plan. The plan incorporated the elements of the other listed documents and provided one cohesive view on how to focus the city's open space pervasion efforts. I heard that a lot of really smart people and one engineer worked on it for many years to craft the documents.	Text regarding the CSMP and the Sonoran Preservation Program has been added.
20	Chapter 2: Land Use	Page 2-14	Shawn Kreuzwiesner	**Mixed Use (MU) definition (pg 2.14)** Removing the reference to the percentage of residential units in the category will make is difficult to master plan these area as the water consumption, waster wastewater flows and traffic trips counts can vary widely. You kept the reference in the footnote to Table 2-4 to the percentages of residential to commercial – but this could be easily overlooked.	Elimination of the minimum residential percentage in this category allows a greater range of potenial land uses for possible consideration when contemplating revitalizing aging centers. Additionally, staff believes this is an interim step in creating "main street" centers within the community. During the comprehensive update anticipated next year, staff and the consultant will work on redefining the land use categories to provide more flexibility and specificity to meet the city's future needs.
21	Chapter 14: Plan Administration	Section 14.F	Shawn Kreuzwiesner	**Section 14.F Adoption** To strengthen Peoria's stated commitments to sustainability a planning for its finite Water Resources, consider making the evaluation of the water supplies (criteria) apply to all General Plan changes, not just Major Amendments.	This comment will be evaluated as part of the comprehensive re-write effort.
22	Chapter 14: Plan Administration	Section 14.H	Shawn Kreuzwiesner	Consider a full review of Table 14.4. Some of the listed items have been completed and new policies/master plans adopted by the City Council. It would make sense to add a "continue to update" priority to the definitions at the start of the section to reflect that items have been completed and staff will work to keep them current and in alignment with the Council's adopted goals and the overall goals outlined in the General Plan.	Staff antcipates updating this entire section of the General Plan document as part of the comprehensive re-rewrite effort.
23	Figure 2-1: Land Use Map	Figure 2-1	City of Phoenix	Potential area of conflict near Loop 303 and New River Wash. (See letter)	Thank you for the correspondence and follow-up conversation on this item. The enclosed letter and summary of conversation will be included within the staff reports going to Commission and Council for consideration.

Exhibit 9

PLAN PEORIA AZ
General Plan 2040

2018 MAJOR GENERAL PLAN AMENDMENT

DATE / TIME: Aug 28, 2018 **OPEN HOUSE #:** 1 **LOCATION:** COP Development Services POV Room

Name - Please Print	Join the eMail List	Have A Question? (Tell us how to contact you)	How did you hear about the meeting?
Linda Grice	[redacted]	No	☐ Email ☐ Facebook ☐ Friend/Family ☐ Flyer ☐ Twitter ☐ Other ☐ Webpage ☐ Nextdoor
Dawn Prince	[redacted]	No	☐ Email ☐ Facebook ☐ Friend/Family ☐ Flyer ☐ Twitter ☑ Other ☐ Webpage ☐ Nextdoor
			☐ Email ☐ Facebook ☐ Friend/Family ☐ Flyer ☐ Twitter ☐ Other ☐ Webpage ☐ Nextdoor
			☐ Email ☐ Facebook ☐ Friend/Family ☐ Flyer ☐ Twitter ☐ Other ☐ Webpage ☐ Nextdoor
			☐ Email ☐ Facebook ☐ Friend/Family ☐ Flyer ☐ Twitter ☐ Other ☐ Webpage ☐ Nextdoor
			☐ Email ☐ Facebook ☐ Friend/Family ☐ Flyer ☐ Twitter ☐ Other ☐ Webpage ☐ Nextdoor
			☐ Email ☐ Facebook ☐ Friend/Family ☐ Flyer ☐ Twitter ☐ Other ☐ Webpage ☐ Nextdoor

Exhibit 10

PLAN PEORIA AZ
General Plan 2040

2018 Major General Plan Amendment

Date / Time: 8/29/18 **Open House #:** 1 **Location:** Cibola Resort

Name - Please Print	Join the eMail List	Have A Question? (Tell us how to contact you)	How did you hear about the meeting?
DAVID GRENIER	[redacted]		☒ Email ☐ Facebook ☐ Friend/Family ☐ Flyer ☐ Twitter ☐ Other ☒ Webpage ☐ Nextdoor
Jo M Ryan	[redacted]		☒ Email ☐ Facebook ☐ Friend/Family ☐ Flyer ☐ Twitter ☐ Other ☒ Webpage ☐ Nextdoor
Chuck / Carolyn Clark	[redacted]		☒ Email ☐ Facebook ☐ Friend/Family ☐ Flyer ☐ Twitter ☐ Other ☐ Webpage ☐ Nextdoor
Jerry Johnson	[redacted]		☐ Email ☐ Facebook ☐ Friend/Family ☐ Flyer ☐ Twitter ☐ Other ☐ Webpage ☐ Nextdoor Newspaper
Rob Kultfuss	[redacted]		☐ Email ☐ Facebook ☐ Friend/Family ☐ Flyer ☐ Twitter ☐ Other ☒ Webpage ☐ Nextdoor
Brian Gleason	[redacted]		☒ Email ☐ Facebook ☐ Friend/Family ☐ Flyer ☐ Twitter ☐ Other ☐ Webpage ☐ Nextdoor
			☐ Email ☐ Facebook ☐ Friend/Family ☐ Flyer ☐ Twitter ☐ Other ☐ Webpage ☐ Nextdoor

Exhibit 10

Exhibit 2
Draft Resolution
For GPA18-02

RESOLUTION NO. 2018-126

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA AMENDING FIGURE 3-1 CIRCULATION PLAN WITHIN THE CIRCULATION ELEMENT SECTION 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 public hearings regarding amendment number GPA18-02, on November 1, 2018 and November 15, 2018; and

WHEREAS, after such public hearing and consideration of GPA18-02, the Peoria Planning and Zoning Commission recommended adoption of GPA18-02 on November 15, 2018, a copy of which recommendation is on file with the City Clerk of the City of Peoria, Arizona, and which said case number GPA18-02 was transmitted to the Mayor and Council of the City of Peoria prior to the meeting of December 4, 2018; and

WHEREAS, after notice in the manner and form provided by law, a public hearing regarding case number GPA18-02 was held by the City Council on December 4, 2018, as required by A.R.S. 9-461.06; and

WHEREAS, after due and proper consideration of such GPA18-02, the Mayor and Council of the City of Peoria, Arizona have found that GPA18-02 will properly aid in the orderly growth and development of the City of Peoria, Arizona.

NOW, THEREFORE, be it resolved by the mayor and council of the City of Peoria, Arizona as follows:

SECTION 1. Amendments to the Peoria General Plan

The City Council of the City of Peoria, Arizona, does hereby accept and adopt amendment number GPA18-02 amending text of the Land Use Element and Plan Administration section of the Peoria General Plan.

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 4th day of December, 2018.

_____
Cathy Carlat, Mayor

_____
Date Signed

ATTEST:

_____
Rhonda Germinsky, City Clerk

APPROVED AS TO FORM:

_____
Vanessa P. Hickman, City Attorney

Exhibit 3
Draft Resolution
For GPA18-03

RESOLUTION NO. 2018-127

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA AMENDING FIGURE 2-1 LAND USE MAP WITHIN THE LAND USE ELEMENT SECTION 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 public hearings regarding amendment number GPA18-03, on November 1, 2018 and November 15, 2018; and

WHEREAS, after such public hearing and consideration of GPA18-03, the Peoria Planning and Zoning Commission recommended adoption of GPA18-03 on November 15, 2018, a copy of which recommendation is on file with the City Clerk of the City of Peoria, Arizona, and which said case number GPA18-03 was transmitted to the Mayor and Council of the City of Peoria prior to the meeting of December 4, 2018; and

WHEREAS, after notice in the manner and form provided by law, a public hearing regarding case number GPA18-03 was held by the City Council on December 4, 2018, as required by A.R.S. 9-461.06; and

WHEREAS, after due and proper consideration of such GPA18-03, the Mayor and Council of the City of Peoria, Arizona have found that GPA18-03 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. Amendments to the Peoria General Plan

The City Council of the City of Peoria, Arizona, does hereby accept and adopt amendment number GPA18-03 amending text of the Land Use Element and Plan Administration section of the Peoria General Plan.

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 4th day of December, 2018.

_____
Cathy Carlat, Mayor

_____
Date Signed

ATTEST:

_____
Rhonda Germinsky, City Clerk

APPROVED AS TO FORM:

_____
Vanessa P. Hickman, City Attorney

Exhibit 4
Draft Resolution
for GPA18-04

RESOLUTION NO. 2018-128

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA AMENDING THE LAND USE ELEMENT AND PLAN ADMINISTRATION SECTION 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 public hearings regarding amendment number GPA18-04, on November 1, 2018 and November 15, 2018; and

WHEREAS, after such public hearing and consideration of GPA18-04, the Peoria Planning and Zoning Commission recommended adoption of GPA18-04 on November 15, 2018, a copy of which recommendation is on file with the City Clerk of the City of Peoria, Arizona, and which said case number GPA18-04 was transmitted to the Mayor and Council of the City of Peoria prior to the meeting of December 4, 2018; and

WHEREAS, after notice in the manner and form provided by law, a public hearing regarding case number GPA18-04 was held by the City Council on December 4, 2018, as required by A.R.S. 9-461.06; and

WHEREAS, after due and proper consideration of such GPA18-04, the Mayor and Council of the City of Peoria, Arizona have found that GPA18-04 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. Amendments to the Peoria General Plan

The City Council of the City of Peoria, Arizona, does hereby accept and adopt amendment number GPA18-04 amending text of the Land Use Element and Plan Administration section of the Peoria General Plan.

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 4th day of December, 2018.

_____
Cathy Carlat, Mayor

_____
Date Signed

ATTEST:

_____
Rhonda Germinsky, City Clerk

APPROVED AS TO FORM:

_____
Vanessa P. Hickman, City Attorney

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 16R.

Date Prepared: 11/19/2018

Council Meeting Date: 12/4/2018

TO: Honorable Mayor and City Council

FROM: Vanessa P. Hickman, City Attorney and Jay Davies, Strategic Support Officer

SUBJECT: Temporary Ordinance, Establishing a 120-day Pilot Program for Stand-up Electric Scooter Sharing Systems

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Purpose:

Discussion and possible action to adopt Temporary **ORD. 2018-36** amending reserved Section 14-150 establishing a Temporary 120-Day Pilot Program for a Stand-up Electric Scooter Sharing System.

Summary:

Peoria prioritizes livability standards such as transportation, economic competitiveness and superior public services. The City recognizes the ability to balance and harmonize these priorities will increase the City's strength, innovation and well-being. The recent introduction of commercial Stand-up Electric Scooter Sharing Systems and devices into the City has called that balance into question. The City's public rights-of-way have been impacted in recent months by the rapid introduction of unregulated commercial Stand-up Electric Scooter Sharing Systems and devices. Public health and safety concerns have been raised due to the number of Stand-up Electric Scooters in the City, the speed reached by the Stand-up Electric Scooters, possible conflict with pedestrians and other users of the City's public rights-of-way in addition to issues with scooters being improperly placed on City streets, sidewalks or other public rights-of-way.

However, a regulated and properly implemented Stand-up Electric Scooter Sharing System may provide a fast, easy, local, environmentally friendly short-distance transportation alternative for City residents, which has the potential to positively affect many residents, help achieve City livability goals, stimulate economic vitality and promote sustainability within the City.

In order to determine whether a City-wide Stand-up Electric Scooter Sharing System is in the best interest of the City and the general public, there must be time to study the use and operation of Stand-up Electric Scooters within an established framework setting forth clear regulations and policies for Stand-up Electric Scooter Operators and Riders.

Therefore, it is imperative to establish a Temporary Pilot Program and adopt interim regulations to manage the safe use and operation of Stand-up Electric Scooter Sharing Systems and devices to help protect the safety and well-being of pedestrians using the City's public rights-of-way. The 120-day Pilot Program by way of the proposed Temporary Ordinance will allow the City

to gather data and gain knowledge about how these systems and devices can be properly deployed; gauge citizen interest in Stand-up Electric Scooters opportunities in the City; and understand how Stand-up Electric Scooters may advance alternative public transportation, City livability goals, General Plan policies and the well-being of the general public.

Previous Actions/Background:

This item was previously discussed at the November 13, 2018 City Council Study Session.

Options:

A: Approve the adoption of the Temporary Ordinance establishing 120-Day Pilot Program for a Stand-up Electric Scooter Sharing System.

B: Approve the adoption of the Temporary Ordinance establishing 120-Day Pilot Program for a Stand-up Electric Scooter Sharing System with modifications.

C: Do not approve the adoption of the Temporary Ordinance establishing 120-Day Pilot Program for a Stand-up Electric Scooter Sharing System.

Staff Recommendation:

Staff recommends the adoption of Temporary Ordinance 2018-36 establishing 120-Day Pilot Program for a Stand-up Electric Scooter Sharing System. Adoption of this Ordinance will allow the City to learn and gain knowledge about Stand-up Electric Scooter Sharing Systems; to ensure that such mobility sharing systems are consistent with City objectives, livability goals, and the General Plan policies; account for the safety and well-being of bicyclists, pedestrians, business owners, and other users of the public rights-of-way within the City while allowing time to study, gather data and understand the proper use and safe deployment of Stand-up Electric Scooters in the City.

Fiscal Analysis:

During the 120-day Pilot Program, the City will realize revenues by way of fees charged to the Operator, which will offset the impact to City operations.

ATTACHMENTS:

Proposed Temporary Ordinance Establishing a Pilot Program for a Stand-up Electric Scooter Sharing System

Contact Name and Number:
Vanessa P. Hickman, City Attorney, (623) 773-7330

ORDINANCE NO. 2018-36

A TEMPORARY ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA AMENDING CHAPTER 14 OF THE PEORIA CITY CODE (1992) BY AMENDING RESERVED SECTION 14-150 PERTAINING TO A TEMPORARY PILOT PROGRAM FOR A STAND-UP ELECTRIC SCOOTER SHARING SYSTEM; AND PROVIDING FOR SEVERABILITY AND FOR AN EFFECTIVE DATE.

WHEREAS, in recent months the City's public rights-of-way have been impacted by new, unregulated commercial Stand-up Electric Scooter Sharing Systems and Devices; and

WHEREAS, the rapid introduction and unregulated implementation of such systems and devices can create serious public health and safety concerns for pedestrians, bicyclists and drivers; and

WHEREAS, a properly implemented Stand-up Electric Scooter Sharing System may contribute to the City both as a short-distance transportation device and as an activity that stimulates economic vitality and promotes sustainability within the City; and

WHEREAS, when Stand-up Electric Scooters are improperly placed or carelessly discarded on City streets, sidewalks, or other public right-of-ways, they pose a threat to public health and safety, and are considered a nuisance; and

WHEREAS, unregulated Stand-up Electric Scooters can cause safety hazards because they can reach speeds up to 15 mph; and

WHEREAS, without immediate regulatory action to manage the use and operation of Stand-up Electric Scooters, the safety and wellbeing of pedestrians and users of City Public Right of Ways will be at risk and serious accidents may occur; and

WHEREAS, it would be in the best interest of the City and the general public to study the use and operation of Stand-up Electric Scooters to determine how best to manage this new transportation system in the City of Peoria; and

WHEREAS, the City wishes to gather data and gain immediate knowledge about how Stand-up Electric Scooters may advance public transportation, City livability goals and general plan policies; and

WHEREAS, a one hundred twenty (120) day Pilot Program for a Stand-up Electric Scooter Sharing System (the "Pilot Program") will be utilized to study and understand the proper use and safe deployment of Stand-up Electric Scooters on the City streets and right-of-ways; and

WHEREAS, the Mayor and Council find it necessary to take emergency action to promote and protect public health and safety by enacting a temporary Ordinance that establishes interim regulations for a one hundred twenty (120) day Pilot Program for Stand-up Electric Scooter Sharing Systems.

WHEREAS, the Mayor and Council find it necessary for the one hundred twenty (120) day Pilot Program to expire one hundred twenty (120) days from the effective date of this Ordinance.

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

SECTION 1. Chapter 14 of the Peoria City Code (1992) is amended by amending reserved Section 14-150 pertaining to Temporary Stand-up Electric Scooter Sharing System Pilot Program and which shall read as follows:

Sec. 14-150. Temporary Stand-up Electric Scooter Sharing System Pilot Program.

A. Introduction.

The purpose of this Pilot Program is to permit and govern a temporary Pilot Program to test the deployment and use of a Stand-up Electric Scooter Sharing System within the City.

This Pilot Program will allow the City to learn and gain knowledge about Stand-up Electric Scooter Sharing Systems, to ensure that such mobility-sharing systems are consistent with the City's policies, objectives and the City's general plan goals; and account for the safety and well-being of bicyclists, pedestrians, business owners, and other users of the public right-of-way within the City.

The Pilot Program will allow the City to explore a new multi-modal transportation option and assess whether this new option helps achieve the City's livability goals.

B. Definitions.

1. Fleet: All of the Operator's Stand-up Electric Scooters in operation within the City's corporate boundaries at any one time.

2. Operator: The entity participating in the Pilot Program by entering into the Temporary Operating Agreement with the City, and owning the Stand-up Electric Scooter Sharing System, its agents and contractors (including independent contractors) and every person, agent, or entity retained or employed by the entity to maintain the entity's Stand-up Electric Scooter Sharing System.

3. Public Right of Way: Any area dedicated for public use as a public street, pedestrian way or other thoroughfare, including but not limited to a street, sidewalk, parkway, alley, public transportation path or easement.

4. Rider: Any person who operates or is in actual physical control of a Stand-up Electric Scooter.

5. Stand-up Electric Scooter: A device deployed as part of the Operator's Stand-up Electric Sharing System, in conjunction with this Pilot Program, that has no more than two ten-inch or smaller diameter wheels, that has handlebars, is designed to be stood upon, and is powered by an electric motor that is capable of propelling the device with or without human propulsion at a speed no more than twelve (12) miles per hour on a paved level surface.

6. Stand-up Electric Scooter Sharing System: Shall mean a dockless network or system of Stand-up Electric Scooters, placed in designated areas of the public right-of-way, and available for rent in short term increments.

C. Term.

The Term of the Pilot Program (the "Pilot Program"), shall commence on the Effective Date of this Ordinance and shall expire one hundred twenty (120) days thereafter. Notwithstanding the foregoing, this Pilot Program shall be terminated upon creation and adoption of a City ordinance governing the operation of Stand-up Electric Scooter Sharing Systems.

After the one hundred twenty (120) day Pilot Program, the City may, in its sole and absolute discretion, establish an ordinance governing the operation of Stand-up Electric Scooter Sharing Systems. This Pilot Program does not obligate the City, in any way, to allow use of Stand-up Electric Scooters or Stand-up Electric Scooter Sharing Systems within the City boundaries. If the City adopts an operating ordinance for Stand-up Electric Scooters, any Operator that is a participant in the Pilot Program shall be required to comply with the adopted ordinance.

D. Scope.

This Pilot Program applies to any and all proposed deployment(s) of Stand-up Electric Scooter Sharing Systems within the City's jurisdictional boundaries. Any Operator wishing to deploy Stand-up Electric Scooters in the City must participate in the Pilot Program and must sign a Temporary Operating Agreement that will allow the Operator to participate in the Pilot Program for a period of ninety (90) days. If an Operator has not entered into a Temporary Operating Agreement, the Operator shall not be permitted to deploy Stand-up Electric Scooters in the City.

The City reserves the right to terminate the Temporary Operating Agreement at any time and require the Operator to remove its entire Fleet from within the City's boundaries. If the City exercises its right to terminate a Temporary Operating Agreement the Operator will have 72 hours, after written notification from the City, to remove its entire fleet from the City.

E. Pilot Program Eligibility.

1. Stand-up Electric Scooters that integrate on-board technology allowing a Rider to check out a vehicle remotely from public right of way will be required to be registered as part of this Pilot Program.

2. Stand-up Electric Scooters that have been technically or mechanically restricted by the Operator to not exceed a speed of twelve (12) mph.

3. This Pilot Program applies to operations within the City's public right of way.

4. The City will offer one type of Temporary Operating Agreement for Stand-up Electric Scooters as part of the Pilot Program.

5. The Operator will be allowed to participate in the first ninety (90) days of the Pilot Program per the terms of the Temporary Operating Agreement.

6. A total of one (1) Operator will be permitted for the Pilot Program.

7. There shall be a total deployment cap of two hundred (200) Stand-Up Electric Scooters in the City.

8. Any Stand-Up Electric Scooter that is deployed on private property or property not owned by the City but within the corporate limits of the City will still count towards the Operator's total fleet number and total deployment cap under the Pilot Program.

9. Upon the expiration or termination of the Temporary Operating Agreement, the Operator shall immediately remove its entire fleet of Stand-up Electric Scooters from the City within 72 hours.

10. The Operator will provide the City with complete and accurate data as required by the Temporary Operating Agreement.

F. Deployment.

1. Pilot Program deployment of Stand-up Electric Scooters shall be restricted to bus stops, as described in Section 14-150(F)(4), along the major arterial routes in the City of Peoria, which are for purposes of the Pilot Program 83rd Avenue, Peoria Avenue, and Thunderbird Avenue (the "Pilot Program Area") as depicted in Figure 1, the Arterial Route Map.

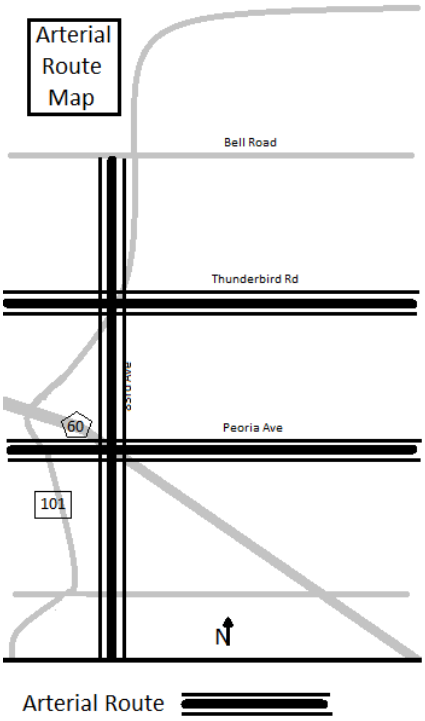

Figure 1 – Arterial Route Map

2. The Operator shall not deploy Stand-Up Electric Scooters in any other location in the City, such as other locations along the arterial routes or side streets off these arterial routes, without the express written consent of the City. This prohibition shall not apply to Stand-up Electric Scooters: Properly deployed adjacent to local streets, as depicted in Figure 2, the Neighborhood Deployment Area Illustration; and with the express written consent of the City; or as otherwise set forth in Section 14-150(F).

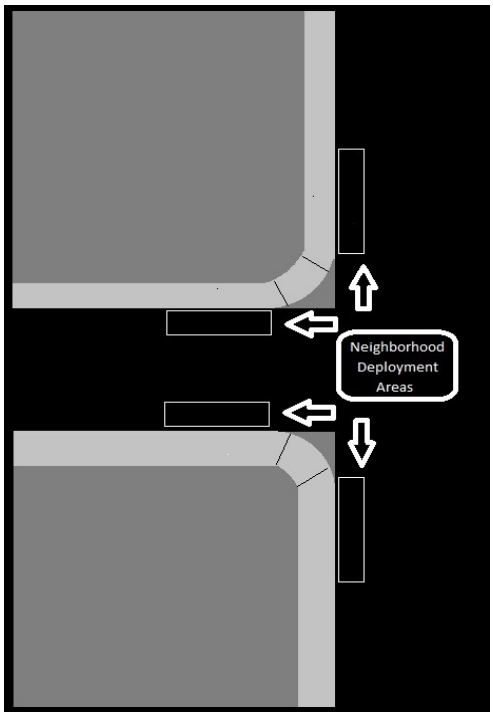

Figure 2 – Neighborhood Deployment Areas

3. Deployment of Stand-up Electric Scooters is strictly prohibited in front of single-family residential properties without the consent of the private property owner.

4. Stand-up Electric Scooters shall be deployed upright and only on hard surfaces at bus stops along the major arterial routes with the written consent of the City and as shown in Figure 3, the Arterial Deployment Area Illustration. If there is a bicycle rack or other area specifically designated for bicycle parking at the bus stop, Stand-up Electric Scooters may be deployed in these areas. Deployment of all Stand-up Electric Scooters shall be consistent with the American Disabilities Act, and other federal, state and local laws. Stand-up Electric Scooters shall not be deployed in any other location along the arterial routes.

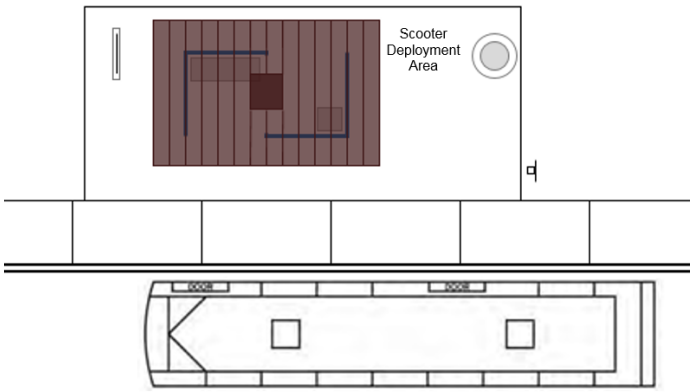

Figure 3 – Arterial Deployment Area Illustration

5. Stand-up Electric Scooters may be deployed at the corner of the intersection of two local streets in the areas identified in writing by the City. All Stand-up Electric Scooter deployment shall be consistent with the American Disabilities Act, and other federal, state and local laws.

6. No other deployment areas are permissible in the City during this Pilot Program except those set forth in this Ordinance or as otherwise referenced in Section 14-150(F).

7. Deployment of Stand-up Electric Scooters is limited to three (3) Stand-up Electric Scooters at any single location established by this Pilot Program. The Fleet shall consist of no more than two-hundred (200) Stand-up Electric Scooters during the term of the Pilot Program.

8. Stand-up Electric Scooters shall not be deployed in such a manner as to block the pedestrian traffic in any way, and shall be kept clear of any and all fire hydrants, call boxes, or other emergency facilities; bus benches; or utility poles or boxes. Stand-up Electric Scooters shall not be deployed within bus shelters, in front of, or next to bus seating and/or benches, and shall not, in any way impede or block accessible sidewalks designed for individuals with disabilities. Stand-up Electric Scooters shall not be placed or deployed in any manner that prevents or impedes bus operators from deploying the bus's lift or ramp.

9. Stand-up Electric Scooters shall not be deployed in such a manner as to impede or interfere with the reasonable use of any commercial window display or access to or from any building.

10. Stand-up Electric Scooters shall not be deployed in such a manner as to impede or interfere with the reasonable use of any bicycle rack or news rack.

11. Stand-up Electric Scooters shall not be deployed:

    a. In any area not specifically allowed by this Ordinance;

    b. In the landscaping or greenbelts adjacent to bus stops or bus shelters;

    c. On private property without the consent of the private property owner;

    d. Loading zones;

    e. Disabled parking zone;

    f. Curb ramps;

g. Entryways; and

h. Driveways.

12. Operator is required to pick up all Stand-up Electric Scooters every night, seven (7) days a week before 9pm and shall not deploy to areas designated by this Ordinance earlier than 6am.

13. Operator is required to pick up, immediately any and all Stand-up Electric Scooters that are not deployed pursuant to the terms and conditions of the Pilot Program. The City has the right and authority to pick up and impound any Stand-up Electric Scooter not deployed or parked according to the terms and conditions the Pilot Program.

14. Operator shall respond to requests for rebalancing, reports of incorrectly parked Stand-up Electric Scooters, or reports of unsafe/inoperable Stand-up Electric Scooters by relocating, re-parking, or removing the Stand-up Electric Scooters, as appropriate, within 2 hours of receiving notice. Should a Stand-up Electric Scooter be incorrectly parked, unsafe/inoperable or in another condition which poses a health and safety risk, the City may immediately impound the Stand-up Electric Scooter prior to the expiration of the 2-hour period.

15. Operator shall retrieve the Stand-up Electric Scooters impounded by the City within two (2) business days. If Company does not retrieve the Stand-up Electric Scooters within two (2) business days, the City shall dispose of Stand-up Electric Scooter at Operator's expense.

16. Operator shall only deploy Stand-up Electric Scooters that are technically or mechanically restricted by the Operator to have a maximum speed of 12 mph.

G. Rider Operation of Stand-up Electric Scooters.

1. When operated along arterial or collector streets, Stand-up Electric Scooters must be ridden on sidewalks.

2. Stand-up Electric Scooters are not permitted in motor vehicle lanes, in City bike lanes, in City bike paths, or in City river and wash trail networks, or any pedestrian or hiking trails.

3. Riders must dismount and walk the Stand-up Electric Scooter across public streets.

4. Riders must yield to pedestrians, and other non-motorized users on the City sidewalks.

5. Riders must be at least eighteen (18) years of age and have a valid driver's license to drive Stand-up Electric Scooters.

6. Stand-up Electric Scooters are restricted to one Rider at a time.

7. Riders must abide by all existing traffic/safety laws when picking up, riding and deploying the Stand-up Electric Scooter.

8. Stand-up Electric Scooters shall not be parked in such a manner prohibited by Chapter 14, Sections 14-103 through 14-114 of the City Code.

9. A Stand-up Electric Scooter left in front of the Rider's private property must be parked upright and parallel to the curb lane;

10. As set forth in Section 14-106 of the City Code, Riders may not ride or leave Stand-up Electric Scooters where prohibited by official signs or designations, or where the curb is painted red (fire) or yellow (restricted) within the right-of-way or in City owned or maintained parking lots.

11. Riders shall not exceed 12 mph and shall not operate Stand-up Electric Scooters at a speed greater than is reasonable and prudent under the circumstances, conditions and actual and potential hazards then existing.

12. It is unlawful for any Rider to operate a Stand-up Electric Scooter within the City while under the influence of an alcoholic beverage or any drug or under the combined influence of an alcoholic beverage or drug.

SECTION 2. Notwithstanding any provision in the City Code to the contrary, the requirements, conditions, and authorized activities of this Ordinance shall supersede the City Code for the duration of the Pilot Program.

SECTION 3. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4. This is an emergency measure, and is necessary for the immediate preservation of the peace, health or safety of the City. Without immediate regulatory action to manage the use and operation of Stand-up Electric Scooters, accidents may occur which could result in serious bodily injury. Immediate passage of this temporary Ordinance would be in the best interest of the City and the general public to study the use and operation of Stand-up Electric Scooters to determine how best to manage this new transportation system in the City of Peoria. If passed by the affirmative vote of three-fourths of the members of the city council, this Ordinance shall be effective immediately

and will expire, without any additional action, and of no further force and effect one hundred twenty (120) days from the Effective Date.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Arizona, this 4th day of December, 2018.

_____
Cathy Carlat, Mayor

_____
Date Signed

ATTEST:

_____
Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

_____
Vanessa P. Hickman, City Attorney

Published in: Peoria Times
Pub. Dates: December 14, 2018
Effective Date:

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 17R.

Date Prepared: 11/19/2018

Council Meeting Date: 12/4/2018

TO: Honorable Mayor and City Council

FROM: Vanessa P. Hickman, City Attorney and Jay Davies, Strategic Support Officer

SUBJECT: Temporary Operating Agreement with Bird Rides, Inc. for Participation in the Pilot Program for a Stand-up Electric Scooter Sharing System

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Purpose:

Discussion and possible action to approve the Temporary Operating Agreement with Bird Rides, Inc. for Participation during the first 90-day period of the 120-Day Pilot Program for a Stand-up Electric Scooter Sharing System.

Summary:

A proposed Temporary Ordinance has been brought before Council that establishes a 120-day Pilot Program for a Stand-up Electric Scooter Sharing System. The Pilot Program will allow the City to consider and balance livability standards with public health and safety concerns related to the rapid and unregulated introduction of Stand-up Electric Scooter Sharing System and devices in the City's public rights-of-way. The 120-day Pilot Program will also provide the City and opportunity to gather data and gain knowledge about how a Stand-up Electric Scooter Sharing System and devices can be properly deployed; gauge citizen interest in Stand-up Electric Scooter opportunities in the City; and understand how Stand-up Electric Scooters may advance alternative modes of public transportation, City livability goals and General Plan policies.

Bird Rides, Inc. will be allowed to participate during the first 90-day period of the Pilot Program by way of the proposed Temporary Operating Agreement that will serve to establish rules and regulations governing the temporary use and operation of a Stand-up Electric Scooter Sharing System owned by the Bird Rides, Inc. and launched within the City.

The Temporary Operating Agreement is necessary because it will also serve to indemnify the City from any liability associated with the deployment and operation of the Stand-up Electric Scooter Sharing System during Bird Rides, Inc.'s 90-day participation in the 120-day Pilot Program. The City's liability exposure will be addressed in the Temporary Operating Agreement by the inclusion of indemnification language and establishing minimum insurance requirements for Bird Rides, Inc. during the Pilot Program.

Previous Actions/Background:

This item was previously discussed at the November 13, 2018 City Council Study Session.

Options:

A: Approve the adoption of the Temporary Operating Agreement allowing Bird Rides, Inc. to participate during the first 90-day period of the 120-Day Pilot Program for a Stand-up Electric Scooter Sharing System.
B: Approve the adoption of the Temporary Operating Agreement allowing Bird Rides, Inc. to participate during the first 90-day period of the 120-Day Pilot Program for a Stand-up Electric Scooter Sharing System with modifications.

C: Do not approve the adoption of the Temporary Operating Agreement allowing Bird Rides, Inc. to participate during the first 90-day period of the 120-Day Pilot Program for a Stand-up Electric Scooter Sharing System.

Staff Recommendation:

Staff recommends the adoption of the Temporary Operating Agreement allowing Bird Rides, Inc. to participate during the first 90-day period of the 120-Day Pilot Program for a Stand-up Electric Scooter Sharing System. Adoption of this Temporary Operating Agreement will protect and indemnify the City from liability associated with the deployment and operation of a Stand-up Electric Scooter Sharing System during Bird Rides, Inc.'s 90-day participation in the 120-day Pilot Program. The Temporary Operating Agreement will also serve to establish a framework of rules and regulations governing the temporary use and operation of a Stand-up Electric Scooter Sharing System owned by the Bird Rides, Inc. and launched within the City.

Fiscal Analysis:

During the Bird Rides, Inc.'s 90-day participation in 120-day Pilot Program, the City will realize revenues by way of fees charged to the Operator, which will offset the impact to City operations.

ATTACHMENTS:

FINAL- Bird Temporary Operating Agreement

Contact Name and Number:
Vanessa P. Hickman, City Attorney, (623) 773-7330

TEMPORARY OPERATING AGREEMENT

This Temporary Operating Agreement (the "Agreement") is entered into by and between Bird Rides, Inc., located at 406 Broadway #369 Santa Monica, CA 90401 ("Company"), and the City of Peoria ("City") located at 8401 W. Monroe St. Peoria, AZ 85345 (the "City") which shall become effective on the effective date of the City's Ordinance No. 2018-36 (the "Effective Date"), and which shall remain in effect for a period of ninety (90) days.

1. Statement and Purpose

The purpose of this Agreement is to establish rules and regulations governing the temporary use and operation of Stand-up electric scooters sharing systems owned by the Company and launched within the City under a Stand-up Electric Scooter Sharing System Pilot Program (the "Pilot Program") and to ensure that such Stand-up Electric Scooter Sharing System is managed in a manner consistent with the safety and well-being of pedestrians, bicyclists, motorists, and other users of the City's right-of-way.

2. Term

This Agreement, unless earlier terminated as provided for herein, shall commence on the Effective Date of the City's Ordinance No. 2018-36 , which establishes the City's one hundred twenty (120) day Pilot Program and shall expire ninety (90) days thereafter. This Agreement may also be terminated as otherwise set forth in this Agreement or upon creation and adoption of a City operating ordinance or City operating license governing the operation of Stand-up electric scooter sharing systems and the Company shall be bound by the terms therein.

3. Scope

This Agreement applies to any and all proposed deployment(s) by the Company of Stand-up electric scooter sharing systems within the City's jurisdictional boundaries. The Company agrees to abide by the Pilot Program and its terms and conditions are incorporated herein by reference.

4. Procedures

a. Within 90 days after termination of this Agreement, the City may establish an operating ordinance or operating license governing the operation of Stand-up electric scooter sharing systems if the City determines in its sole and absolute discretion that the Temporary Pilot Program is successful. The Company shall be required to comply with the adopted ordinance and/or license, and shall be required to comply with this Agreement, as amended, or any subsequent agreements between the City and Company.

5. Operating Requirements of Stand-up Scooters

a. Pursuant to this Agreement, Stand-up electric scooters shall mean a device with no more than two ten-inch (10" inch) or smaller diameter wheels that has handlebars, is designed to be stood upon, and is powered by an electric motor that is capable of propelling the device with or without human propulsion at a speed no more than twelve (12) miles per hour on a paved level surface. This

definition may be modified in the approved operating ordinance or operating license at the discretion of the City.

b. The Company shall provide easily visible contact information, including a toll-free phone number and e-mail address for the Company on each Stand-up electric scooter for City employees and/or members of the public to make relocation requests or to report other issues with Stand-up electric scooters.

6. Deployment Requirements

Company acknowledges and agrees to the following requirements for deploying Stand-up electric scooters in the City during the term of this Agreement:

a. During the term of this Agreement, deployment of Stand-up electric scooters shall be restricted to bus stops, as described in Section 6(b), along the major arterial routes in the City of Peoria, which are for purposes of this Agreement, 83rd Avenue, Peoria Avenue, and Thunderbird Avenue (the "Pilot Program Area"). See the Arterial Route Map in Exhibit A of this Agreement. Company acknowledges and agrees that Stand-up electric scooters shall not be deployed in any other location in the City, such as other locations along the arterial routes or side streets off these arterial routes, without the express written consent of the City and an Amendment to this Agreement. The Company agrees and affirms the deployment of Stand-up electric scooters is strictly prohibited in front of single-family residential properties except as otherwise required by the Pilot Program and/or as set forth in this Agreement.

b. For Stand-up electric scooter sharing systems, devices shall be parked upright and only on hard surfaces at bus stops along the major arterial routes established in Section 6(a) of this Agreement and as further described in the Arterial Deployment Area Illustration, attached as Exhibit B. However, if there is a bicycle rack or other area specifically designated for bicycle parking at the bus stop, Stand-up scooters may be deployed in these areas so long as the Stand-up scooters' deployment is consistent with the ADA and other federal, state and local laws. With the express written consent of the City, Stand-up electric scooters may also be deployed at the corner of the intersection of two City-approved local streets in the areas identified in the Neighborhood Deployment Area Illustration attached as Exhibit C. No other deployment areas are permissible in the City except those as set forth in this Section and as shown on the Arterial Route Map in Exhibit A.

c. Company agrees to limit deployment of Stand-up electric scooters to 3 Stand-up electric scooters at any single location established by this Agreement and shall deploy no more than 200 Stand-up electric scooters throughout the Pilot Program Area during the term of this Agreement.

d. Stand-up electric scooters shall not be parked in such a manner as to block the pedestrian traffic in any way, and shall be kept clear of any and all fire hydrants, call boxes, or other emergency facilities; bus benches; or utility poles or boxes. Stand-up scooters shall not be deployed within bus shelters, in front of, or next to bus seating and/or benches, and shall not, in any way impede or block

accessible sidewalks designed for the elderly or individual with disabilities. Stand-up electric scooters shall not be placed or parked in any manner that prevents or impedes bus operators from deploying the bus's lift or ramp.

e. Stand-up electric scooters shall not be parked in such a manner as to impede or interfere with the reasonable use of any commercial window display or access to or from any building.

f. Stand-up electric scooters shall not be parked in such a manner as to impede or interfere with the reasonable use of any bicycle rack or news rack.

g. Stand-up electric scooters shall not be parked:

i. In any area not specifically allowed by this Agreement;
ii. In the landscaping or greenbelts adjacent to bus stops or bus shelters;
iii. In any bus stops, shelters, passenger waiting areas and bus layover and staging zones, except at existing bicycle racks and locations designated in the Arterial Deployment Area Illustration in Exhibit in Exhibit B;
iv. On private property without the consent of the private property owner.
v. Loading zones;
vi. Disabled parking zone;
vii. Curb ramps;
viii. Entryways; and
ix. Driveways.

h. Company agrees to pick up ALL Stand-up electric scooters every night, seven (7) days a week before 9pm and may deploy to areas designated by this Agreement no earlier than 6am.

i. Company agrees to pick up, immediately any and all Stand-up electric scooters that are not deployed pursuant to the terms and conditions of this Agreement. Company gives the City the right and authority to pick up and confiscate any Stand-up electric scooter not deployed or parked according to the terms and conditions of this Agreement.

7. Operations

a. Company shall maintain a 24-hour toll free customer service phone number for customers to report safety concerns, complaints, or to ask questions.

b. Company may implement a marketing and targeted community outreach plan at its own cost. The City may, at its own cost, promote the use of Stand-up electric scooter sharing citywide.

c. Company shall restrict the speeds reached by the Stand-up Electric Scooters to a maximum speed of twelve (12) mph by incorporating necessary technical and/or mechanical limitations to the Stand-up Electric Scooters and by integrating the twelve (12) mph speed restriction into the onboard software or hardware.

d. Company shall maintain its Stand-up electric scooters in a good working manner. In the event a safety or maintenance issue is reported for a specific device, it shall be the responsibility and duty of the Company to ensure that all Stand-up electric scooters with a safety or maintenance issue be made unavailable to users, and the Company shall remove such scooters immediately. Any inoperable or unsafe device shall be repaired before it is put back into service. The City shall not have any obligation with regard to maintenance of the Stand-up electric scooters.

e. Company shall respond to requests for rebalancing, reports of incorrectly parked Stand-up electric scooters, or reports of unsafe/inoperable Stand-up electric scooters by relocating, re-parking, or removing the Stand-up electric scooters, as appropriate, within 2 hours of receiving notice. Should a Stand-up electric scooter be incorrectly parked, unsafe/inoperable or in another condition which poses a health and safety risk, the City may immediately confiscate the Stand-up electric scooter prior to the expiration of the 2-hour period.

f. In the event a Stand-up electric scooter is not relocated, re-parked, or removed within the timeframe specified herein, or any Stand-up electric scooter is parked in one location for more than 24 hours without moving, such Stand-up electric scooters may be removed by the City crews and taken to the City Municipal Operations Center (the "MOC") located at 8850 N. 79th Avenue, Peoria Arizona 85345. The cost to transport and store these scooters shall be at the sole expense of the Company. In addition to any cost to transport and store the scooters, the Company shall pay the City a fee of $25.00 for relocation of each Stand-up electric scooter. In such instance, Company shall retrieve the Stand-up electric scooters from the City within two (2) business days. If Company does not retrieve the Stand-up electric scooters within two (2) business days, the City shall dispose of Stand-up electric scooter at Company's expense. The Company waives any claim for damage to the Stand-up electric scooter as a result of removal under this Agreement.

g. Company acknowledges Stand-up electric scooters that are operated along arterial or collector streets are to be ridden only on City sidewalks and are not permitted to be ridden in motor vehicle lanes, in City bike lanes, in City bike paths, or in City river and wash trail networks.

h. Company shall provide notice to all users through a mobile or web application that:

i. When operated along arterial or collector streets, Stand-up electric scooters are to be ridden on sidewalks, and are not permitted to be ridden in motor vehicle lanes, in City bike lanes, in City bike paths or in City river and wash trail networks;
ii. Riders must yield to pedestrians, and other non-motorized users of the City sidewalks;
iii. Riders must be at least eighteen (18) years of age and have a valid driver's license to drive Stand-up electric scooters;
iv. Helmets are encouraged for all users;
v. Stand-up electric scooters are restricted to one rider at a time;
vi. Riders must abide by all existing traffic and safety laws when picking up, riding and parking the Stand-up electric scooter;

vii. Parking must be done in the designated areas;

viii. If a Stand-up Electric Scooter is left in front of the rider's private property it must be parked upright and parallel to the curb lane;

ix. Riding responsibly is encouraged, those users who act irresponsibly, illegally, or ride scooters in violation of the Bird Terms of Service, the Bird User Rental Agreement, or this Agreement, that the Company shall lock the mobile or web application of that user, thereby prohibiting use of Bird Stand-up electric scooters; and

x. Riders may not ride or leave Stand-up electric scooters where prohibited by official signs or designations, or where the curb is painted red (fire) or yellow (restricted) within the right-of-way or in City owned or maintained parking lots.

i. Stand-up electric scooter riders are required to take a photo whenever they park their scooter at the end of a ride.

j. The Company shall put together a detailed Communication and Education Plan to be approved by the City. The Communication and Education Plan (the "Plan") shall set forth actions the Company will undertake to educate Stand-up electric scooter riders regarding this Agreement, the Pilot Program Area, the City's existing rules and regulations, safe and courteous riding, proper parking, and other information required by the City consistent with public health and safety concerns. The Plan will also include the Arterial Route Map, the Arterial Deployment Area Illustration and the Neighborhood Deployment Area Illustration.

k. The Company's fleet size shall not exceed 200 during the time of this Agreement. The City may require Company to reduce its fleet size on a monthly basis in the event Company's fleet provides on average less than one rider per Stand-up electric scooter per day. The Company shall share data with the City as provided in Paragraph 8 to determine and demonstrate the utilization rate of scooters in the Company fleet.

8. Data Collection and Reporting

a. Company shall provide City with current baseline data of all information required by Section 8(a) for the existing fleet in the City of Peoria from the first date of deployment in the City to the Effective Date of this Agreement within one (1) week from the Effective Date.

b. Company shall provide City with the Stand-up electric scooter identification numbers for the entire City fleet and shall notify the City on a weekly basis with updated Stand-up electric scooter identification numbers.

c. All GPS data shall come from the active GPS that is affixed to each Stand-up electric scooter and shall not be collected from users' mobile devices. The City is permitted to publish all non-identifiable data.

d. Company shall provide the City with a weekly report that includes the following anonymized data for each trip record to inform and support safe and effective management of the system, and for transportation planning efforts: Trip duration, trip distance, start date, start time, end date, end time, start location, end location, scooter identification number.

e. Company shall provide the City with a weekly report that includes the following device availability data for oversight of parking compliance and device distribution by minutes: GPS coordinate, availability duration, availability start, and availability end.

f. Company shall provide raw data to the City as required by the City in a format acceptable to the City.

g. Company shall provide the City with a weekly report that includes, but is not limited to the following data related to utilization of the Stand-up electric scooters:

i. Total number of rides for the previous month and total miles ridden;
ii. Total number of scooters in service for the previous month;
iii. Number of rides per scooter per day;
iv. Rider beginning and end location and performance of all Stand-up electronic scooters;
v. Real time anonymized trip data – GPS, date/time, duration;
vi. Number of scooters removed from service;
vii. Operatory staffing levels;
viii. Customer Services Cases, including all complaints registered;
ix. Vandalism Incidents;
x. Crash Reports (to include injury/fatalities);
xi. Aggregated reports on damaged or lost Stand-up electronic scooters; and
xii. Anonymized/De-identified demographic date – such as age and gender, general trip purpose, etc. Gender must be reported as male, female, and non-binary. Age must be reported using these age groups: under 5, 5-15, 16-17, 8-24, 25-34, 35-44, 45-54, 55-64, 65 and over.

h. Company shall provide the City with an Affidavit, in a form attached hereto as Exhibit D, that attests to the accuracy, validity and completeness of the data and reports submitted to the City. An Affidavit shall accompany every submission of data and reports to the City.

i. Company shall establish a privacy policy that safeguards Rider personal identifying information. In addition, the Company shall provide an electronic system that is compliant with the Payment Card Industry Data Security Standards (PCI DSS).

9. Application and Enforcement Fee

The Company shall pay the City a Temporary Operating Agreement Application Fee of $2,500, a monthly enforcement fee of $2.50 per month per Stand-up electric scooter deployed in the City and a $25.00 relocation fee for Stand-up electric scooters as provided for in Section 7(e) of this Agreement.

10. Termination

The City may terminate this Agreement with 24 hours-notice in its sole and absolute discretion. Upon expiration of this Agreement, or in the event the City terminates this Agreement, the Company shall remove its entire fleet of Stand-up electric scooters from the City within 72 hours. In the event the Stand-up electric Scooters are not removed within 72 hours as specified in this paragraph, City

crews shall pick up the Stand-up electric scooters and take them to the City MOC for storage. The Company will be responsible for the cost to transport and store the Stand-up electric scooters.

11. Indemnification

a. Company shall defend, indemnify and hold harmless the City, its officers, directors, employees, agents, servants, successors, assigns and subsidiaries (collectively "the Indemnified Parties"), from and against any and all losses and liabilities, penalties, fines, forfeitures, demands, claims, causes of action, suits, costs and expenses incidental thereto (including cost of defense and attorney's fees), which any of the Indemnified Parties may hereafter incur, be responsible for, or pay as a result of any and all legal liabilities associated with the use of the public right-of-way by Company's Stand-up electric scooters, provided that Company shall not be so obligated in the event that the claim or occurrence at issue arose out of the gross negligence or willful misconduct of the Indemnified Parties or any one of them.

b. Company also agrees to hold harmless the City and its officers and employees for any loss or damage to persons or property, arising out of or in any way related to the Company's use of the public space, public right-of-way, or public structures.

c. Company's contracts with every rider shall require such persons or entities to release the City and any of its agencies, officials, officers and employees to the same extent that Company is required by this section to defend, indemnify, and hold harmless City and any of its agencies, officials, officers and employees. Company shall provide to City a copy of the rider contract.

12. Indemnification for Professional Negligence

a. If Company hires any architect, engineer or service technician in connection with design, manufacture, repair or maintenance of its Stand-up electric scooters, then Company shall indemnify and hold harmless City and any of its agencies, officials, officers, or employees from and against all claims, damages, liability, losses, costs, and expenses, including reasonable attorneys' fees, but only to the extent caused by the negligent acts, efforts, or omissions of such employees, agents or others.

13. Insurance

a. At all times during the term of this Agreement and any use of the public right-of-way by Company pursuant to this Agreement, Company shall maintain the insurance coverage set forth below:

i. Commercial General Liability Insurance coverage of One Million Dollars ($1,000,000) per occurrence with the City as an additional insured;

ii. Workers' Compensation Insurance coverage for all employees involved in operations pertaining to this Agreement including Employer's Liability Insurance coverage of at least One Hundred Thousand Dollars ($100,000) per occurrence. Company agrees to comply at all times with the provisions of the Workers' Compensation laws of the State of Arizona; and

iii. Insurance policies shall be written with responsible companies licensed by the State of Arizona.

b. Company shall deliver to City, prior to the Effective Date of this Agreement, copies of the insurance policies required by this Section.

c. All policies of insurance required to be purchased and maintained by Company will contain waiver provisions. The certificates of insurance will also contain a provision stating that should any of the policies described in the certificate be cancelled before the expiration date thereof, notice will be delivered in accordance with the policy provisions.

d. If the coverage afforded is cancelled or changed or its renewal is refused, Company shall give at least thirty (30) days prior written notice to City. In the event Company fails to ensure that the required insurance is procured and maintained in effect, or that City is named as an additional insured, City may order that the Agreement immediately stop and may pursue its remedies for breach of this Agreement as provided for herein and by law.

14. Advertising

a. Company shall not advertise or publish the City of Peoria's participation in or endorsement of the program in Company's marketing or promotional materials without the City's prior written consent.

b. Company shall not utilize its Stand-up electric scooters for the sale or display of third-party advertising.

15. Inclement Weather

On days where inclement weather (heavy rain) is anticipated, Company will not deploy Stand-up electric scooters in the City.

16. Environment

Company shall embrace transparency in recycling efforts and recycle or otherwise dispose of Stand-up Electric Scooters and Stand-up Electric Scooter parts in an environmentally-friendly method at the end of the Stand-up Electric Scooter life cycle.

17. Notices

All notices required by this Agreement shall be in writing sent by regular U.S. mail, postage prepaid, or delivered by courier to the following:

CITY: City of Peoria
City Manager
8401 W. Monroe Street
Peoria, AZ 85345

With a Copy to: City of Peoria
City Attorney's Office
8401 W. Monroe Street
Peoria, AZ 85345
Email: city.attorney@peoriaaz.gov

COMPANY: _____
_____
_____
_____

All notices are effective on the date mailed or upon receipt if delivered by a courier. Either of the Parties may provide the other party a change of address in writing which change shall be effective ten (10) days after delivery.

18. Controlling Law

This Contract shall be construed and governed in accordance with the laws of the State of Arizona. City and Company: (1) shall submit to the jurisdiction of the state and federal courts located in Maricopa County, Arizona; (2) shall waive any and all objections to jurisdiction and venue; and (3) shall not raise forum non conveniens as an objection to the location of any litigation.

19. Compliance with Laws

Company its employees, agents and contractors, including independent contractors, shall comply with all federal, state and local laws, ordinances and regulations applicable to the maintenance of the devices.

20. Default and Remedies

If Company shall be in default or breach of any provision of this Agreement, City may terminate this Agreement, suspend City's performance and invoke any other legal or equitable remedy after giving Company notice and opportunity to correct such default or breach.

21. Waiver

No consent or waiver, express or implied, by any party to this Agreement or any breach or default by any other party in the performance of its obligations under this Agreement shall be deemed or construed to be a consent to or waiver of any other breach or default in the performance of the same or any other obligations hereunder. Failure on the part of any party to complain of any act or failure to act or to declare any of the other parties in default, irrespective of how long such failure continues, shall not constitute a waiver by such party of its rights under this Agreement. The parties reserve the right to waive any term, covenant, or condition of this Agreement; provided, however, such waiver shall be in writing and shall be deemed to constitute a waiver only as to the matter waived and the parties reserve the right to exercise any and all of their rights and remedies under this Agreement irrespective of any waiver granted.

22. Modification

This Agreement shall not be amended or modified without the written consent of the parties to this Agreement. This in no way prevents the City from terminating this Agreement as set forth in Section 10.

23. Headings; Construction of Agreement

The headings of each section of this Agreement are for reference only. Unless the context of this Agreement clearly requires otherwise, all terms and words used herein, regardless of the number and gender in which used, shall be construed to include any other number, singular or plural, or any other gender, masculine, feminine or neuter, the same as if such words had been fully and properly written in that number or gender.

24. Severability of Provisions

Except as specifically provided in this Agreement, all of the provisions of this Agreement shall be severable. In the event that any provision of this Agreement is found by a court of competent jurisdiction to be unconstitutional or unlawful, the remaining provisions of this Agreement shall be valid unless the court finds that the valid provisions of this Agreement are so essentially and inseparably connected with and so dependent upon the invalid provision(s) that it cannot be presumed that the parties to this Agreement could have included the valid provisions without the invalid provision(s); or unless the court finds that the valid provisions, standing alone, are incapable of being performed in accordance with the intentions of the parties.

25. Assignment

Company may not assign or transfer any part or all of their obligations or interests under this Agreement without City's prior written approval. Company shall notify City, in writing, at least (30) days prior to any proposed assignment or transfer and shall provide with that notice, the proposed assignee's or transferee's written acceptance of the terms and conditions of this Agreement. Company shall not be released from its obligations under this Agreement unless and until such time as it is released, in writing, by the Director of Public Works.

26. Conflicts of Interest

Pursuant to A.R.S. 38-511, no member, official, or employee of the City will have personal interest, direct or indirect, in this Agreement, nor will any such member, official, or employee participate in any decision relating to this Agreement which affects his or her personal interest or the interest of any corporation, partnership, or association in which he or she is, directly or indirectly, interested. This Agreement is subject to cancelation for conflicts of interest as provided by Arizona Revised Statutes Title 38, Article 8, Conflict of Interest of Officers and Employees.

27. No Partnership

It is expressly understood that the parties are not now, nor will they be, engaged in a joint venture, partnership or any other form of business relationship except as expressly set forth herein, and that

no party shall be responsible for the conduct, warranties, guarantees, acts, errors, omissions, debts, obligations or undertaking of any kind or nature of the other in performance of this Agreement.

28. Tax Compliance

Company shall be in compliance with the City's tax ordinances administered by the City's Tax Code. Company shall, upon request, furnish to City proof that it is in compliance with the City's tax ordinances administered by the City's Tax Code and not delinquent on any payment or other obligation imposed by such ordinances.

29. Further Acts

The parties agree to perform or cause to be performed any and all such further acts as may be reasonably necessary to fulfill the terms and conditions of this Agreement.

30. Cooperation

The parties shall cooperate in the implementation and performance of the acts, undertakings and obligations as set forth in this Agreement.

31. Binding Effect

This Agreement shall be binding upon the parties hereto and upon their assigns, transferees and successors in interest.

32. Representations

The parties certify that they have the power and authority to execute and deliver this Agreement and to perform this Agreement in accordance with its terms.

[Signature Pages Follow]

IN WITNESS WHEREOF, the Parties have executed this Agreement effective as of the Effective Date set forth above.

"CITY"

CITY OF PEORIA, ARIZONA,
An Arizona municipal corporation

By: _____
Cathy Carlat, Mayor

Attest:

_____
Rhonda Geriminsky, City Clerk

Approved as to form:

_____
Vanessa P. Hickman, City Attorney

IN WITNESS WHEREOF, the parties have entered this Agreement effective as of the Effective Date set forth above.

"COMPANY":
BIRD RIDES, INC., a Delaware Corporation
By:
Name: _____
Its: _____

State of _____)
) ss.
County of _____)

The foregoing instrument was acknowledged before me this ___ day of _____ 2018, by _____, the _____ of Bird Rides, Inc., a Delaware corporation.

(Seal and Expiration Date)

_____
Notary Public

Exhibit A – Arterial Route Map

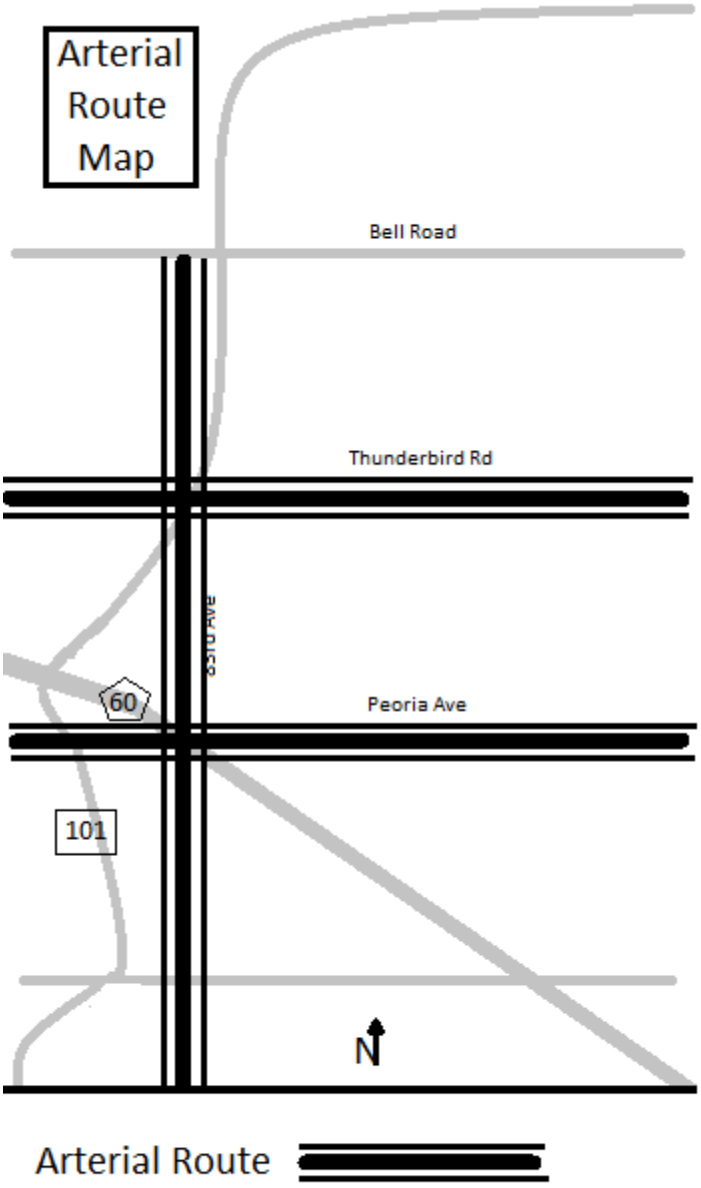

Exhibit B – Arterial Deployment Area Illustration

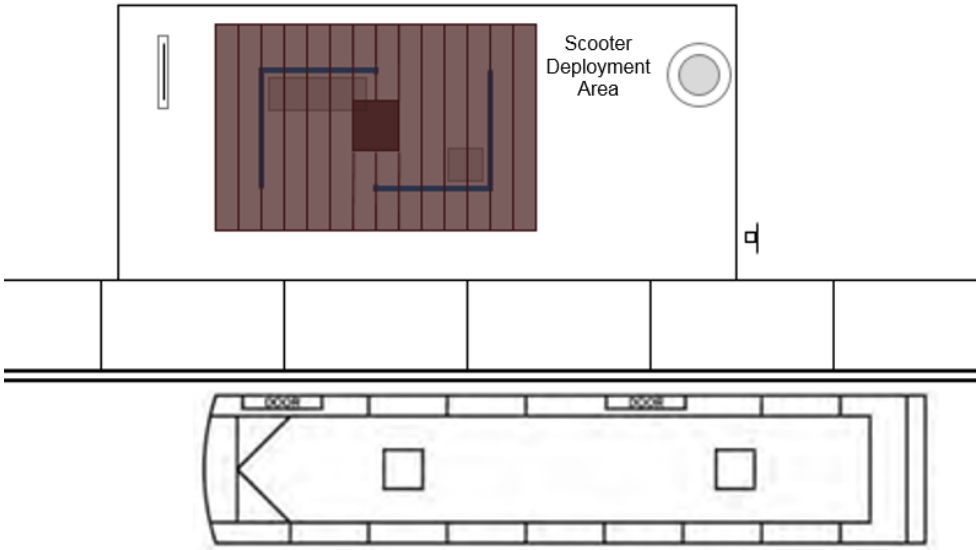

Exhibit C – Neighborhood Deployment Area Illustration

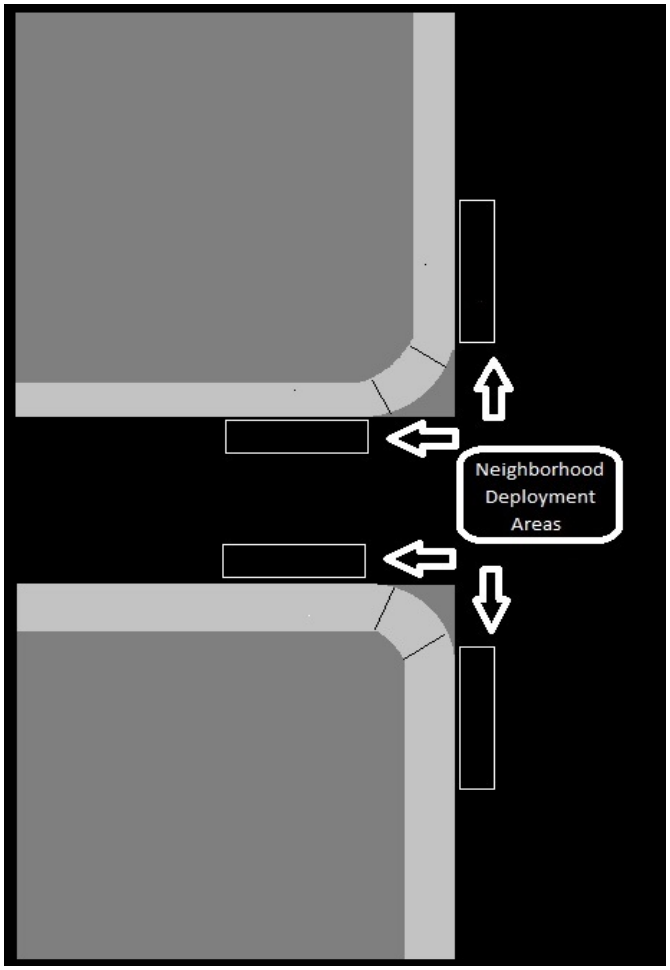

Exhibit D – AFFIDAVIT

AFFIDAVIT

STATE OF _____)
) ss.
County of _____)

I am the _____ for Bird Rides, Inc., a Delaware corporation.

1. I hereby certify that I am duly authorized and have authority to certify the data, reports and/or records submitted to the City of Peoria, Arizona pursuant to the terms of the Temporary Operating Agreement dated _____.

2. I hereby certify that the attached data, reports and/or records reflect the data required by Section 8 of the Temporary Operating Agreement dated _____, and are complete, true and accurate.

3. These records were prepared by me as _____ for the company, or persons acting under my direction, in the ordinary course of business at or near the time of the act, condition, or event.

DATED this ____ day of _____, 2019.

_____

SUBSCRIBED AND SWORN to before me this ___ of _____, 2019.

_____
Notary Public

My Commission expires:

_____

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 18.A.

Date Prepared: 11/19/2018

Council Meeting Date: 12/4/2018

TO: Jeff Tyne, City Manager

THROUGH: Erik Strunk, Deputy City Manager

FROM: Kevin Burke, Public Works Director

SUBJECT: Special Awards and Recognition

Summary:

Arizona Recycling Coalition is a membership based, non-profit organization dedicated to promoting waste reuse, reduction and recycling throughout Arizona and our southwestern region. Each year they award individuals that demonstrate high levels of dedication, professional leadership and successful implementation in waste reduction.

This year, our Environmental Coordinator, Rebecca “Beckie” Borquez, received the 2018 Recycling Educator of the Year award. A key factor for this award is Rebecca was not nominated by a board member, but someone from the public that appreciated her talents, dedication and positive attitude.

Rebecca received the award for her outstanding track record of education in both the public and private sectors. Rebecca has become a trusted advisor on how to educate and implement cost effective and revenue generating solutions. Her educational programs and curriculum have effectively taught the motto of Reduce, Reuse, Recycle to audiences ranging from elementary school aged children and their parents, to business owners and politicians in the city of Peoria. She has done this for close to two decades. Rebecca continues to make a big impact through her teaching and education on best practices for the recycling industry and sustainability.

Contact Name and Number:
Kevin Burke, Director Public Works (623)773-7395

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 18.B.

Date Prepared: 11/26/2018

Council Meeting Date: 12/4/2018

TO: Jeff Tyne, City Manager

FROM: Jennifer Stein, Director of Communications

SUBJECT: New Council Boundaries

Summary:

City of Peoria city council district boundaries will change beginning January 1, 2019. These changes are the result of a 2017 redistricting process. The new city council districts will go into effect with the swearing in of recently elected council members

Previous Actions/Background:

The city of Peoria council district boundaries were revised in 2017. This redistricting process is required following a mid-decade census count, pursuant to the city's charter. The mid-decade census counted 161,563 residents in Peoria, a 4.87 percent increase from the city's 2010 census population count. Thus after redistricting there will be six districts in Peoria with a population count of approximately 26,927 each. To comply with federal requirements, the new districts were required to have substantially equal population and comply with the Voting Rights Act. Districts must also be contiguous. The city held multiple public meetings and open houses along with online mapping technology where citizens were invited to draw suggested district maps. The council reviewed the public input and proposed maps before adopting a final map with new council district boundaries.