

City Council Meeting Notice & Agenda



Tuesday, April 01, 2014
City Council Chamber
8401 West Monroe Street
Peoria, AZ 85345

Study Session

5:00 P.M. Convene

Roll Call

Study Session Agenda

Subject(s) for Discussion Only

1. Dial-A-Ride Rate Review
2. Placement of Trash Receptacles
3. Resident Parking

Adjournment

Mayor
Bob Barrett

Palo Verde
District
Ron Aames,
Vice Mayor

Acacia
District
Tony Rivero

Ironwood
District
Bill Patena

Mesquite
District
Cathy Carlat

Pine
District
Carlo Leone

Willow
District
Jon Edwards

Regular Meeting

7:00 P.M. Convene

Pledge of Allegiance

Roll Call

Final Call To Submit Speaker Request Forms

Presentation

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.

Consent

4C. Minutes

Discussion and possible action to approve the following minutes:

- February 4, 2014 Meeting Minutes
- February 18, 2014 Meeting Minutes
- February 25, 2014 Special Study Session Minutes

5C. Authorize Expenditure, Professional Sports Catering Capital Grant, Sports Complex Phase 2 Stadium Projects

Discussion and possible action to authorize the expenditure of \$1,850,000 of appropriated grant funds utilizing existing City of Peoria agreements, cooperative purchase agreements, or amendments to existing agreements as needed to achieve the goals and time constraints of the various projects at the Peoria Sports Complex.

6C. Contract Amendment, Hunter Contracting Company, Camino a Lago Neighborhood Park, 98th Avenue and Lake Pleasant Parkway

Discussion and possible action to: (a) approve a Contract Amendment to Hunter Contracting Company in an amount not to exceed \$2,345,000 for construction of the Camino a Lago Neighborhood Park; and (b) approve a budget amendment in the amount of \$1,240,000 from the General Fund Contingency with \$998,745 allocated to the County Transportation Tax Capital Project Fund, Camino a Lago Neighborhood Park, Park Improvements account and \$241,255 allocated to the General Obligation 2010 Projects Fund, Camino a Lago Neighborhood Park, Park Improvements account.

7C. **Mandated Fingerprinting, Municipal Court**

Discussion and possible action to: (a) authorize the use of Peoria Court Enhancement Funds for installation of a laptop and printer for mandated fingerprinting with Livescan for the criminal history record of defendants; and (b) approve a budget amendment in the amount of \$44,066 from the Proposed Grants Fund Contingency account to the Peoria Municipal Court Enhancement Fund Computer Equipment Lease Rental account.

8C. **Maintenance Improvement District No. 1149, Peoria Village, 67th Avenue and Cactus Road**

Discussion and possible action to approve the Petition for Formation and adopt **RES. 2014-35** intention and ordering the formation of proposed Maintenance Improvement District No. 1149, Peoria Village, located at the northwest corner of 67th Avenue and Cactus Road; and adopt **RES. 2014-36** ordering the improvements within the proposed Maintenance Improvement District and declaring an emergency.

9C. **Maintenance Improvement District No. 1141, Tierra Del Rio Parcel 23, 99th Avenue and Jomax Road**

Discussion and possible action to approve the Petition for Formation and adopt **RES. 2014-29** intention and ordering the formation of proposed Maintenance Improvement District No. 1141, Tierra Del Rio Parcel 23, located at 99th Avenue, north of Jomax Road; and adopt **RES. 2014-30** ordering the improvements within the proposed Maintenance Improvement District and declaring an emergency.

10C. **Street Light Improvement District No. 1085, Peoria Village, 67th Avenue and Cactus Road**

Discussion and possible action to approve the Petition for Formation and adopt **RES. 2014-33** intention and ordering the formation of proposed Street Light Improvement District No. 1085, Peoria Village, located at the northwest corner of 67th Avenue and Cactus Road; and adopt **RES. 2014-34** ordering the improvements within the proposed Street Light Improvement District and declaring an emergency.

11C. **Street Light Improvement District No. 1080, Tierra Del Rio Parcel 23, 99th Avenue and Jomax Road**

Discussion and possible action to approve the Petition for Formation and adopt **RES. 2014-31** intention and ordering the formation of proposed Street Light Improvement District No. 1080, Tierra Del Rio Parcel 23, located at 99th Avenue, north of Jomax Road; and adopt **RES. 2014-32** ordering the improvements within the proposed Street Light Improvement District and declaring an emergency.

12C. **Easements, Southwest Gas Corporation, Deer Valley Road and 98th Avenue**

Discussion and possible action to adopt **RES. 2014-39** authorizing the execution of two Utility Easements to Southwest Gas Corporation for the relocation and maintenance of natural gas pipelines associated with the development of a residential community in the vicinity of Deer Valley Road and 98th Avenue.

13C. **Final Plat, Sunrise Vista, Happy Valley Road and 79th Lane**

Discussion and possible action to approve the Final Plat of Sunrise Vista, located at Happy Valley Road and 79th Lane, subject to stipulations.

Regular Agenda

New Business

14R. **PUBLIC HEARING - Liquor Licenses, Various locations**

PUBLIC HEARING: RE: (a) A Person and Location Transfer for an Off-Sale All Liquor License (Series 09) for CVS/Pharmacy #8952, located at 24865 North Lake Pleasant Parkway, Jason B. Morris, Applicant, LL#20009940; and (b) A New Restaurant Liquor License (Series 12) for Draft House, located at 15814 North 83rd Avenue, Randy D. Nations, Applicant, LL#20009941.

Staff Report:

Open Public Hearing:

Public Comment:

Close Public Hearing:

COUNCIL ACTION: Discussion and possible action to recommend approval to the State Liquor Board for: (a) A Person and Location Transfer for an Off-Sale All Liquor License (Series 09) for CVS/Pharmacy #8952, located at 24865 North Lake Pleasant Parkway, Jason B. Morris, Applicant, LL#20009940; and (b) A New Restaurant Liquor License (Series 12) for Draft House, located at 15814 North 83rd Avenue, Randy D. Nations, Applicant, LL#20009941.

15R. **PUBLIC HEARING - New Off-Track Wagering License, Turf Paradise, 15814 North 83rd Avenue**

PUBLIC HEARING: RE: A New Off-Track Wagering License for Turf Paradise to telecast at Draft House, 15814 North 83rd Avenue.

Staff Report:

Open Public Hearing:

Public Comment:

Close Public Hearing:

COUNCIL ACTION: Discussion and possible action to recommend approval to the Arizona Racing Commission for a New Off-Track Wagering License for Turf Paradise to telecast at Draft House, 15814 North 83rd Avenue.

16R. **PUBLIC HEARING - Development Impact Fees**

PUBLIC HEARING: RE: Review of proposed 2014 Development Impact Fee Ordinance.

Staff Report:

Open Public Hearing:

Public Comment:

Close Public Hearing:

COUNCIL ACTION: No Council action required.

17R. **PUBLIC HEARING - Rezoning, Happy Valley 40, 83rd Avenue and Happy Valley Road**

PUBLIC HEARING: RE: A request to rezone approximately 45.7 gross acres from Single Family Residential, R1-35 to the Happy Valley 40 Planned Area Development.(Case Z13-0006)

Staff Report:

Open Public Hearing:

Public Comment:

Close Public Hearing:

COUNCIL ACTION: Discussion and possible action to concur with the Planning and Zoning Commission's recommendation and adopt **ORD. 2014-13**, rezoning approximately 45.7 gross acres located west of the southwest corner of 83rd Avenue and Happy Valley Road from Single Family Residential, R1-35 to the Happy Valley 40 Planned Area Development. (Z13-0006)

18R. **Citizens Commission on Salaries for Elected City Officials**

Discussion and possible action to accept the recommendation of the Citizens Commission on Salaries for Elected City Officials.

19R. **Code Amendment, Chapter 19, Personnel**

Discussion and possible action to adopt **ORD. 2014-12** amending Chapter 19 of the Peoria City Code (1992 Edition) pertaining to Personnel.

Call To The Public (Non-Agenda Items)

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

Reports from City Manager

20. **Council Calendar**

21. **Reports**

- A. Council Subcommittee Update
- B. Peoria Arts & Cultural Festival
- C. 38th Annual Dolly Sanchez Memorial Easter Egg Hunts

**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 <http://www.peoriaaz.gov/content2.aspx?id=2151>.

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 1

Date Prepared: March 20, 2014

Council Meeting Date: April 1, 2014

TO: Carl Swenson, City Manager
FROM: William Mattingly, Public Works - Utilities Director
THROUGH: Jeff Tyne, Deputy City Manager
SUBJECT: Dial-A-Ride Rate Review

Purpose:

This is a request for City Council to review the current rates for the City's Dial-a-Ride Program. Based on Council discussion at a past Study Session, staff conducted a public information process to receive input from citizens on Dial-a-Ride rates. Staff will present the results of that outreach process.

Background/Summary:

The City of Peoria provides Dial-A-Ride services including Americans with Disabilities Act (ADA) service in full compliance with Federal Transportation Administration (FTA) requirements. The FTA requires Dial-a-Ride services to be provided within three quarters of a mile on either side of a bus route and match the hours of operation of that bus route.

The City of Peoria currently provides enhanced services which exceed the minimum FTA standards by offering Monday through Friday Dial-A-Ride services throughout the City. In addition, the City offers "Dial-A-Ride Plus" services to Peoria residents Monday through Friday. Dial-A-Ride Plus provides for trips to local medical centers, including Thunderbird, Arrowhead and Boswell hospitals which are located outside the City boundaries.

Dial-a-Ride rates were last adjusted in September, 1999. Staff will present public comments on proposed rate adjustments for information and discussion.

Previous Actions:

1. Council adjusted Dial-a-Ride Rates in June, 1991 (Ordinance No. 91-12).
2. Council adjusted Dial-a-Ride Rates in September, 1999 (Ordinance No. 99-94).

Options:

A: This item is for information and discussion. Council could direct staff to develop a final rate recommendation for adoption.

Contact Name and Number:

William Mattingly, Public Works – Utilities Director, extension 5151

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 2

Date Prepared: March 20, 2014

Council Meeting Date: April 1, 2014

TO: Carl Swenson, City Manager
FROM: William Mattingly, Public Works - Utilities Director
THROUGH: Jeff Tyne, Deputy City Manager
SUBJECT: Placement of Trash Receptacles

Purpose:

On November 06, 2013, the Council Subcommittee on Sustainable Development and Public Services met to discuss the placement of residential trash containers. The Subcommittee voted to forward this matter for Council consideration at a Study Session.

Background/Summary:

The Public Works-Utilities Department was asked to present the City's current polices for the placement of trash containers for collection. The specific item of interest was whether these should be placed in the street or whether these should be placed out of the street on the sidewalk. The Public Works-Utilities Department presented information and examples of where and how receptacles are currently placed, per the existing city code. Current city code permits flexibility for placement of containers to meet the needs of individual neighborhoods depending on local constraints and street configuration.

The Subcommittee recommended that the full Council consider a recommendation to amend the Peoria City Code to require placement of trash receptacles in the street, with consideration for locations where street placement would be problematic.

Staff will present information including the current City Code and provide comparisons to other cities in the valley.

Options:

This is an informational presentation only.

Contact Name and Number:

William Mattingly, Public Works – Utilities Director, extension 5151

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 3

Date Prepared: March 25, 2014

Council Meeting Date: April 1, 2014

TO: Honorable Mayor and City Council

FROM: Stephen M. Kemp, City Attorney

SUBJECT: Public Safety Subcommittee Recommendation Abandoned Vehicles and Residential Parking

Purpose:

This is a request for the Mayor and City Council to discuss the concept of granting authority to code compliance officers who are designated as police aides and traffic investigators under Arizona Law the ability enforce parallel city codes pertaining to abandoned vehicles and parking on roadways that are in conformance with Title 28 of the Arizona Revised Statutes.

Background/Summary:

A Community Culture and Public Safety Council Subcommittee Meeting was held on November 15, 2012 to discuss authorizing police assistants, traffic investigators and code compliance officers defined in State law to have the authority to cite and process abandoned vehicles in residential areas. Although not referenced in the discussion specifically, the recommendation of the subcommittee includes granting code compliance officers, designated as police aides and traffic investigators the authority to cite for these violations under city codes that are parallel to state statute.

City ordinances must generally conform in most respects to Title 28 of the Arizona Revised Statutes pertaining to the operation and parking of motor vehicles. In order to implement the Subcommittee recommendation, code amendments enacting multiple sections of state law applying to law enforcement officers pertaining to parking and abandoned vehicles will have to be enacted as city code provisions to be applicable to code compliance officers designated as police aides and traffic investigators under state law.

Options:

A: Direct the City Attorney to prepare code amendments granting authority to code compliance officers designated under state law as police assistants, traffic investigators to enforce provisions pertaining to abandoned vehicles and certain provisions pertaining to parking on roadways.

B: Do not move forward with any changes to the City Code.

Staff's Recommendation:

N/A

Fiscal Analysis:

N/A

Narrative:

N/A

Exhibits:

Contact Name and Number:

Stephen M. Kemp, City Attorney (623) 773-7321

MINUTES OF THE PEORIA CITY COUNCIL
CITY OF PEORIA, ARIZONA
CITY COUNCIL CHAMBER
February 4, 2014

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 5:00 p.m.

Members Present: Mayor Bob Barrett; Vice Mayor Ron Aames; Councilmembers Cathy Carlat, Jon Edwards, Carlo Leone, Bill Patena and Tony Rivero.

Council Youth Liaisons: Jacob Jelinek and Thomas Prior.

Members Absent: None

Other Municipal Officials Present: Carl Swenson, City Manager; Jeff Tyne, Deputy City Manager; Steve Kemp, City Attorney; Rhonda Geriminsky, City Clerk; Julie Ayers, Human Resources Director; Andy Granger, Engineering Director; Bo Larsen, Public Information Director; Bill Mattingly, Public Works Director; Brent Mattingly, Finance and Budget Director; Roy Minter, Police Chief; John Sefton, Community Services Director; and Corina Russo, Assistant to the City Manager.

Audience: Approximately five members of the public were present.

STUDY SESSION AGENDA

Subject(s) for Discussion Only

1. Development Impact Fee Update

Carl Swenson, City Manager, introduced the Study Session items.

Katie Gregory, Deputy Finance and Budget Department Director, provided an overview of the Development Impact fees, including:

- Implementation timeline
- Impact fee study
 - Land use assumptions
 - Infrastructure improvement plans
 - Growth projections by land use
 - Capital needs
 - Service area boundaries
 - Fee levels
- Key stakeholders
 - Real estate developers
 - Home builders
 - Arizona State Land Department

City Council Meeting Minutes

February 4, 2014

Page 2 of 11

- Home Builder Association
- Valley Partnership
- Multi-family Association

Discussion ensued regarding:

- Changes to land use assumptions and growth projections
- Non-residential park fees
- Restrictions on park sizes

Ms. Gregory continued the presentation regarding:

- Transportation service areas
- Water service areas
- Wastewater service areas
- Public safety service areas
- Parks service areas
- Non-residential park fees
- Fees for single-family detached home development in northern Peoria, central Peoria and southern Peoria
- Next steps
 - Adopt land use assumptions and infrastructure improvement plans
 - Finalize a fee ordinance

Discussion ensued regarding public safety fees.

2. Rules of Procedure for City Council Ethics Proceedings

Steve Kemp, City Attorney, outlined the Ethics Process including:

- Rules of procedure
- Changes in the City Attorney's Office regarding conflicts of interest
- Standard form for ethics matters
- Role of the Ethics Subcommittee
- Proposed formal Ethics Process
- Discipline

Discussion ensued regarding:

- Andrew Thomas case finalized in 2012
- Role of the Ethics Subcommittee
- Whether meetings of the Ethics Subcommittee will be open to the public or conducted in Executive Session
- When the Subcommittee is required to meet after an ethics complaint is filed
- Role of staff

City Council Meeting Minutes

February 4, 2014

Page 3 of 11

- Definitions in the Rules of Procedure
 - Formal and informal
 - Jurisdiction
- Possible disciplines
- Reasons for conducting a meeting in Executive Session
- Respondent's counsel and who is fiscally responsible
- Documentation provided to Council at the time of a recommended censure
- Timeframes to hold an Ethics Subcommittee meeting

It was the consensus of Council to incorporate all of the items discussed into a formal Rules of Procedure for Ethics Matters to be presented to Council for adoption at a future City Council meeting.

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 6:02 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 7:00 p.m.

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

Members Present: Mayor Bob Barrett; Vice Mayor Ron Aames; Councilmembers Cathy Carlat, Jon Edwards, Carlo Leone, Bill Patena and Tony Rivero.

Council Youth Liaisons: Jacob Jelinek and Thomas Prior.

Members Absent: None

Other Municipal Officials Present: Carl Swenson, City Manager; Jeff Tyne, Deputy City Manager; Steve Kemp, City Attorney; Rhonda Geriminsky, City Clerk; Andy Granger, Engineering Director; John Imig, Information Technology Director; Chris Jacques, Planning and Community Development Director; Bo Larsen, Public Information Director; Bill Mattingly, Public Works Director; Brent Mattingly, Finance and Budget Director; Roy Minter, Police Chief; Bobby Ruiz, Fire Chief; John Sefton, Community Services Director; Scott Whyte, Economic Development Services Director; Corina Russo, Assistant to the City Manager; and Linda Blas, Deputy City Clerk.

Audience: Approximately 20 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 Barrett asked if any Councilmember wished to have an item removed from the Consent Agenda. Having no requests from Council, motion was made by Councilmember Carlat, seconded by Councilmember Leone, to approve the Consent Agenda. Upon vote, the motion carried unanimously 7 to 0.

3C. **Disposition of Absence**

- (a) Approved the absence of Councilmember Jon Edwards from the City Council meetings held on January 21, 2014 and the Special Meeting held on January 28, 2014; and
- (b) Approved the absence of Council Youth Liaison Jacob Jelinek from the Special Meeting and Study Session held on January 28, 2014.

4C. **Replat, Westwing Mountain, Andrea Drive and 86th Lane**

Approved the Replat of Lots 33 and 34 Westwing Mountain Parcel 6, located at Andrea Drive west of 86th Lane, subject to stipulations.

REGULAR AGENDA

Unfinished Business:

5R. **PUBLIC HEARING - Liquor License, Quiktrip #490, Thunderbird Road and Rio Vista Boulevard**

Clerk’s Note: The agenda item was not heard as the applicant withdrew his liquor license application with the State Liquor Board.

PUBLIC HEARING: RE: A New Wine and Beer Liquor License (Series 10) for Quiktrip #490, located at the northeast corner of West Thunderbird Road and North Rio Vista Boulevard, Troy C. DeVos, Applicant, LL#20009381.

COUNCIL ACTION: No Council action.

New Business:

6R. **PUBLIC HEARING - Minor General Plan Amendment, Land Use Map, Querencia, Yearling Road and Lake Pleasant Parkway**

Clerk's Note: Agenda Items 6R and 7R were presented together.

Staff Report:

Rob Gubser, Principal Planner, provided an overview of the request for a minor General Plan Amendment to re-designate approximately 31 acres of a 44-acre site from Estate Residential to Low Density Residential and the request to rezone the Querencia Planned Area Development to increase the number of allowable lots from 54 to 72.

Public Hearing:

Mayor Barrett opened the Public Hearing and asked if any Councilmember or citizen wished to comment on a request for a minor amendment to the General Plan Land Use Map for approximately 31 acres (of a 44 acre total site) located at the northeast corner of Yearling Road and Lake Pleasant Parkway from Residential Estate (0-2 du/ac, target - 1 du/ac) to Residential Low (2-5 du/ac, target - 3 du/ac.)

Justin Davis, representing La Strada del Lago Homeowners Association, addressed Council to endorse the proposed development.

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

Council Action:

Motion was made by Vice Mayor Aames, seconded by Councilmember Carlat, to concur with the Planning and Zoning Commission's recommendation and adopt **RES. 2014-16** approving an amendment to the General Plan Land Use Map for approximately 31 acres (of a 44-acre total site) located at the northeast corner of Yearling Road and Lake Pleasant Parkway from Residential Estate (0-2 du/ac, target - 1 du/ac) to Residential Low (2-5 du/ac, target - 3 du/ac.) (GPA13-0007).

Upon vote, the motion carried unanimously 7 to 0.

7R. **PUBLIC HEARING - Rezoning, Querencia, Yearling Road and Lake Pleasant Parkway**

Public Hearing:

Mayor Barrett opened the Public Hearing and asked if any Councilmember or citizen wished to comment on a request to rezone the Querencia Planned Area Development

modifying the minimum lot sizes from 12,000 square feet to 9,000 square feet and increasing the total allowable single-family residential lots from 54 to 72.

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

Council Action:

Motion was made by Councilmember Carlat, seconded by Vice Mayor Aames, to concur with the Planning and Zoning Commission's recommendation and adopt **ORD. 2014-09** rezoning the Querencia Planned Area Development by modifying the minimum lot sizes from 12,000 square feet to 9,000 square feet and increasing the total allowable single-family residential lots from 54 to 72 as proposed under zoning case Z05-08A.1.

Upon vote, the motion carried unanimously 7 to 0.

8R. **Reimbursement Agreement, Terramar Cove, L.L.C., Access Road Improvements, 71st Avenue and Buckskin Trail**

Clerk's Note: Agenda Items 8R and 9R were presented together.

Chris Jacques, Planning and Community Development Director, summarized a request to approve a Reimbursement Agreement with Terramar Cove, L.L.C. for access road improvements associated with the proposed Terramar Cove residential development project and a request to rezone approximately 4.99 gross acres from Suburban Ranch to Planned Area Development to allow a detached single-family residential development of 16 lots.

Motion was made by Councilmember Carlat, seconded by Vice Mayor Aames, to:

- (a) Approve a Reimbursement Agreement with Terramar Cove, L.L.C. authorizing the City to financially participate with the construction of the 71st Avenue and Buckskin Trail roadway improvements in association with the proposed Terramar Cove residential development project; and
- (b) Approve a budget amendment in the amount of \$85,000 from the Transportation Sales Tax Contingency account to the Transportation Sales Tax Street Improvements account to support this project.

Upon vote, the motion carried unanimously 7 to 0.

9R. **PUBLIC HEARING - Rezoning, Terramar Cove, Happy Valley Parkway and 68th Lane**

Public Hearing:

Mayor Barrett opened the Public Hearing and asked if any Councilmember or citizen wished to comment on a request to rezone approximately 4.99 gross acres located

north of Happy Valley Parkway at the 68th Lane alignment, from Suburban Ranch (SR-43) to Planned Area Development (PAD) to allow for a 16-lot single-family residential development.

Randy Winland addressed Council in support of the rezoning. Mr. Winland expressed his appreciation to the developer regarding the revised access from Happy Valley Road via 71st Avenue.

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

Council Action:

Motion was made by Councilmember Carlat, seconded by Vice Mayor Aames, to concur with the Planning and Zoning Commission's recommendation and adopt **ORD. 2014-10** rezoning approximately 4.99 gross acres located north of Happy Valley Parkway at the 68th Lane alignment, from Suburban Ranch (SR-43) to Planned Area Development (PAD) to allow for a 16-lot single-family residential development. (Z13-0002)

Upon vote, the motion carried unanimously 7 to 0.

10R. **Amendment, Vistancia Land Holdings, LLC, Amended and Restated Vistancia Development Agreement**

Clerk's Note: Agenda Items 10R and 11R were presented together.

Scott Whyte, Economic Development Services Director, provided background on the Development Agreement with Vistancia Holdings, LLC. Mr. Whyte outlined the provisions included in the amendment to the existing agreement in order to:

- Build infrastructure to attract targeted industry user for the commercial core
- Clarify the type of user to attract and the quality of investment
- Establish performance timelines for constructing
- Clarify the Vistancia land donation process
- Clarify the security to the City for the land and El Mirage Road extension

Discussion ensued regarding:

- Quality of investment
 - Minimum of \$20 million in capital investment by the user
 - End user expected to create 100 jobs, including professional and management positions, within three years
- Vistancia to transfer 50 acres of land to the City once the targeted end-user provisions are met
- Reimbursement to Vistancia up to \$6.7 million for the El Mirage Road extension project only

- A public/private cost share of \$170,000 each to pursue the Vistancia Commercial Core Mixed-Use Project
- Contingency funding for Economic Development

Steve Kemp, City Attorney, advised that approval of the amendment to the existing development agreement would not commit the Council to the approval of Agenda Items 11R and 12R.

Motion was made by Councilmember Carlat, seconded by Councilmember Edwards, to authorize the City Manager to execute Amendment No. 1 to the Amended and Restated Development Agreement with Vistancia Land Holdings, LLC.

Upon vote, the motion carried unanimously 7 to 0.

11R. Budget Amendment, Vistancia Mixed-Use Project Pre-Development

Motion was made by Councilmember Carlat, seconded by Councilmember Patena, to approve a budget amendment in an amount not-to-exceed \$170,000 from the Economic Development Opportunity Fund Contingency account to the Economic Development Opportunity Fund account for pre-development consulting services needed to pursue the Vistancia Commercial Core Mixed-Use Project.

Upon vote, the motion carried 5 to 2 with Vice Mayor Aames and Councilmember Rivero voting “no”.

12R. Budget Amendment, City Attorney's Office, Civil Legal Services, Vistancia Commercial Core Project

Steve Kemp, City Attorney presented an overview of the request for a budget amendment to fund the cost for outside legal counsel related to the Vistancia Commercial Core Project.

Motion was made by Councilmember Carlat, seconded by Councilmember Patena, to approve a budget amendment in the amount of \$100,000 from the Half-Cent Sales Tax Fund account to the Civil Legal Services account for outside legal counsel pertaining to the Vistancia Commercial Core Project.

Upon vote, the motion carried 5 to 2 with Vice Mayor Aames and Councilmember Rivero voting “no”.

Call To The Public (Non-Agenda Items)

None.

Reports from City Manager

13. **Council Calendar**

14. **Reports**

Carl Swenson, City Manager, provided information to Council related to the following item:

A. Council Subcommittee Update

Shawn Kreuzwiesner, Engineering Planning Manager, reported on the following item:

B. APS Transmission Line - Status Update

Mr. Kreuzwiesner discussed:

- Scope of the overhead transmission line project
- Project timeline
- Record of Decision

Carl Swenson, City Manager, provided information to Council related to the following item:

C. City Hall Café Update

Mike Hyland, Sports Complex Operations Coordinator, provided information on:

D. Phoenix FC Wolves - Peoria Sports Complex

Mr. Hyland reported that the Phoenix FC professional soccer team has a one-year facility use agreement to play their 2014 season at the Peoria Sports Complex. The stadium field will be converted to a soccer field following the final Major League Baseball Spring Training game. The Sports Complex will host a 14-game regular season with the potential of three additional playoff games. The first soccer game will commence at 7:00 p.m. on April 12, 2014.

Reports from City Council:

Council Youth Liaison Prior reported on the first meeting of the Youth Partner Network held on January 23, 2014.

Councilmember Leone reported on the various City of Peoria activities he attended. Councilmember Leone reminded residents that FreshStart Church, located at 14185 North 83rd Avenue, distributes produce on the first Thursday of each month beginning at 8:00 a.m. Councilmember Leone reminded citizens to attend the Organic Market held each Saturday from 9:00 a.m. to 2:00 p.m. at Park West.

Councilmember Carlat reported on her attendance at a reception sponsored by BioAccel to celebrate entrepreneurs, investors, sponsors and other stakeholders. Councilmember Carlat invited citizens to attend the Lovin' Literacy event sponsored by the Friends of the Peoria Public Library to be held at the Sunrise Mountain Library on Thursday, February 6, 2014.

Councilmember Edwards reported on his attendance at the Future Freshman Night held recently at Liberty High School and Centennial High School. Councilmember Edwards announced that the Glendale Planning Commission will be conducting a public hearing on February 6, 2014 regarding static billboards. Councilmember Edwards encouraged constituents to voice their opposition to the billboards being proposed at the exit of the Loop 101 and Bell Road.

Council Youth Liaison Jelinek recognized Abel Cherian, a student from Marshall Ranch Elementary School, who was the winner of the Annual District Spelling Bee. Mr. Jelinek reported that Courtney Lowman, Peoria High School Choir Director, was the recipient of a \$1,000 donation awarded by 94.5 KOOL FM and Fulton Homes for the school's performance of the national anthem. Mr. Jelinek announced that the Peoria Unified School District will be conducting the 2014 Patriotic Speech Contest on February 27, 2014.

Vice Mayor Aames reported on his attendance at the reception sponsored by BioAccel.

Reports from the Mayor:

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 8:49 p.m.

Bob Barrett, Mayor

ATTEST:

Rhonda Geriminsky, City Clerk

CERTIFICATION

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 4th day of February, 2014. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 1st day of April, 2014.

(Seal)

Rhonda Geriminsky, City Clerk

MINUTES OF THE PEORIA CITY COUNCIL
CITY OF PEORIA, ARIZONA
CITY COUNCIL CHAMBER
February 18, 2014

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 5:00 p.m.

Members Present: Mayor Bob Barrett; Vice Mayor Ron Aames; Councilmembers Cathy Carlat, Jon Edwards, Carlo Leone, Bill Patena and Tony Rivero.

Council Youth Liaisons: Jacob Jelinek and Thomas Prior.

Members Absent: None

Other Municipal Officials Present: Carl Swenson, City Manager; Susan Daluddung, Deputy City Manager; Jeff Tyne, Deputy City Manager; Steve Burg, Chief Assistant City Attorney; Rhonda Geriminsky, City Clerk; Julie Ayers, Human Resources Director; Bo Larsen, Public Information Director; Roy Minter, Police Chief; John Sefton, Community Services Director; and Corina Russo, Assistant to the City Manager.

Audience: Approximately ten members of the public were present.

STUDY SESSION AGENDA

Subject(s) for Discussion Only

1. Council Policy, City Special Events

Carl Swenson, City Manager, introduced the Council Policy pertaining to Special Events and provided an overview regarding the issue.

Jeff Tyne, Deputy City Manager, provided background regarding the Council Policy on Special Events.

John Sefton, Community Services Director, reviewed a redlined version of the draft Council Policy including:

- Dignitary events
- Political activity at City events
- City support definition and clarification of normal wear and tear
- Special events standards
 - Private promoters involved with City-produced events
- Classification of special events
- Use of an elected official on an advisory committee for signature events

Discussion ensued regarding:

- The role of an elected official on an advisory committee for signature events
- Intent of the language to allow Councilmembers to provide input on signature events

It was the consensus of Council to include Councilmember Rivero's comments as outlined in the draft City Special Events Policy related to including an elected official on an advisory committee for signature events.

Mr. Swenson clarified that there are currently no advisory committees used to implement signature events.

It was the consensus of Council to change the language outlined in the draft City Special Events Policy from advisory committee to Special Events Planning Committee.

Mr. Sefton continued regarding:

- Reports for signature events
- Equitable process for signature events and outside events
- Standards for public safety for all events
- Community events in each district

Discussion ensued regarding:

- Budget priorities
- Private promoter events
- Standards for amplified music during specified hours
- End times for events

It was the consensus of Council that music for events should end at 10:30 p.m.

Discussion continued regarding:

- Financial statements of sponsors of affiliate events
- Requests for City funding support when event is outside the budget cycle
- Waiving fees for non-profit events
- Fees for Councilmember use of parks when the event is a not-for-profit event

Discussion ensued regarding:

- Whether not-for-profits currently pay for the use of the City's parks
- In-kind support
- Requests for affiliate event status and City support
- Insurance for special events
- Additional insurance coverage requests

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 6:26 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 7:00 p.m.

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

Members Present: Mayor Bob Barrett; Vice Mayor Ron Aames; Councilmembers Cathy Carlat, Jon Edwards, Carlo Leone, Bill Patena and Tony Rivero.

Council Youth Liaisons: Jacob Jelinek and Thomas Prior.

Members Absent: None

Other Municipal Officials Present: Carl Swenson, City Manager; Susan Daluddung, Deputy City Manager; Jeff Tyne, Deputy City Manager; Steve Burg, Chief Assistant City Attorney; Rhonda Geriminsky, City Clerk; Julie Ayers, Human Resources Director; Andy Granger, Engineering Director; John Imig, Information Technology Director; Stacy Irvine, Deputy Fire Chief; Chris Jacques, Planning and Community Development Director; Bo Larsen, Public Information Director; Bill Mattingly, Public Works Director; Brent Mattingly, Finance and Budget Director; Roy Minter, Police Chief; John Sefton, Community Services Director; Corina Russo, Assistant to the City Manager; and Linda Blas, Deputy City Clerk.

Audience: Approximately 30 members of the public were present.

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

Presentation:

2. Anthony Bates Foundation

Stacy Irvine, Deputy Fire Chief, introduced Sharon Bates, founder of the Anthony Bates Foundation.

Ms. Bates provided information on the non-profit organization she started after losing her son to an undetected heart ailment.

Ms. Bates reported that the Foundation, dedicated to saving young lives by promoting heart health and education, is partnering with the Peoria Fire Department and the Peoria Unified School District to offer affordable cardiac screenings to the community.

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

Councilmember Rivero requested that Agenda Item 12C be removed for separate discussion.

Motion was made by Councilmember Carlat, seconded by Councilmember Leone, to approve the Consent Agenda with the exception of Agenda Item 12C. Upon vote, the motion carried unanimously 7 to 0.

3C. Minutes

Approved the following minutes:

- December 6, 2013 Workshop Minutes
- December 10, 2013 Meeting Minutes
- December 17, 2013 Special Meeting Minutes

4C. Appointments, Boards and Commissions

Approved the recommendations from the Council Subcommittee on Policy and Appointments pertaining to the following appointments and reappointments, and adopt the Resolutions as presented:

- Adopted **RES. 2014-17** appointing Joan Evans, as a regular member, to the Citizens Commission on Salaries for Elected City Officials, and
- Adopted **RES. 2014-18** appointing Russ Lachance, as a regular member, to the Veterans Memorial Board.

5C. Annexation, Pinnacle Peak Road and 107th Avenue

Adopted **ORD. 2014-03** annexing approximately 31.76 acres of land located on the northeast corner of Pinnacle Peak Road and 107th Avenue as proposed under Annexation Case ANX13-0001.

6C. Initial Zoning, Sierra Ridge Estates, Pinnacle Peak Road and 107th Avenue

Concurred with the Planning and Zoning Commission's recommendation and adopted **ORD. 2014-04** establishing an initial zoning designation of Suburban Ranch (SR-43) on 31.76 acres of land generally located at the northeast corner of Pinnacle Peak Road and 107th Avenue as proposed under Zoning Case Z13-0012.

7C. **Grant, United States Department of Interior, Bureau of Reclamation, WaterSMART - Water and Energy Efficiency**

Adopted **RES. 2014-21** finalizing the City's grant application for funding in the amount of \$300,000 from the United States Department of Interior, Bureau of Reclamation for design and construction of three new vadose zone recharge wells to recharge A+ reclaimed water from the Butler Water Reclamation Facility.

8C. **Single-Source Request, Harris Computer Systems**

Approved a single-source procurement request with Harris Computer Systems for the upgrade to the Utility Billing System.

9C. **Fiscal Year 2014 Second Quarter Budget Amendments**

Approved the Fiscal Year 2014 Second Quarter budget amendments.

10C. **Investment Report, Quarter Ending December 31, 2013**

Reviewed and accepted the Investment Report for the Quarter Ending December 31, 2013.

11C. **Adoption of 2014 Development Impact Fee Studies**

Adopted the 2014 Development Impact Fee studies.

12C. **Fund Reallocation, Multicultural Music Festival**

Clerk's Note: This item was heard separately at the end of the Consent Agenda.

At the request of Councilmember Rivero, Agenda Item 12C was pulled from the Consent Agenda for separate discussion.

Councilmember Rivero summarized the request that funding in the amount of \$10,000 approved in the Fiscal Year 2014 budget for expenses related to the Cinco de Mayo event be reallocated to the Multicultural Music Festival.

Motion was made by Councilmember Rivero, seconded by Vice Mayor Aames, to increase the funding for the Multicultural Music Festival to \$20,000.

Jeff Tyne, Deputy City Manager, informed Council the additional \$10,000 would be available from General Fund Reserves.

Upon vote, the motion carried unanimously 7 to 0.

13C. **Transit Division, Budget Amendment**

Approved a budget amendment in the amount of \$50,000 from Public Transit Fund Transit Division contingency to Public Transit Fund Transit Division Other Professional Services account, allowing the continuation of services at the level of current demand.

14C. **Maintenance Improvement District No. 1147, Tierra Buena II, 75th Avenue and Greenway Road**

Approved the Petition for Formation and adopted **RES. 2014-02** intention and ordering the formation of proposed Maintenance Improvement District No. 1147, Tierra Buena II, located at 75th Avenue and Greenway Road; and adopted **RES. 2014-03** ordering the improvements within the proposed Maintenance Improvement District and declaring an emergency.

15C. **Street Light Improvement District No. 1083, Tierra Buena II, 75th Avenue and Greenway Road**

Approved the Petition for Formation and adopted **RES. 2014-04** intention and ordering the formation of proposed Street Light Improvement District No. 1083, Tierra Buena II, located at 75th Avenue and Greenway Road; and adopted **RES. 2014-05** ordering the improvements within the proposed Street Light Improvement District and declaring an emergency.

16C. **Deeds and Easements, Various Locations**

Adopted **RES. 2014-19** accepting Deeds and Easements for various Real Property interests acquired by the City.

17C. **Right-of-Way Acquisition, Old Carefree Highway and Beardsley Canal**

- (a) Adopted **RES. 2014-20** authorizing the acquisition of property on the Old Carefree Highway at the Beardsley Canal (approximately the 99th Avenue alignment) to accommodate the construction of a bridge over the Beardsley Canal by outright purchase or the power of eminent domain; and
- (b) Approved a budget amendment in the amount of \$30,000 from the Transportation Sales Tax Fund Contingency account to the Transportation Sales Tax Fund Land account.

REGULAR AGENDA

New Business:

18R. **PUBLIC HEARING - Liquor Licenses, Various Locations**

Brent Mattingly, Finance and Budget Director, reported on staff's recommendation to recommend approval to the State Liquor Board for:

- (a) A New Conveyance Liquor License (Series 08) for Lake Pleasant Cruises, located at 8708 West Harbor Boulevard Dock D-1, David J. Smith, Applicant, LL#20009735;
- (b) A New Restaurant Liquor License (Series 12) for Applebee's Neighborhood Grill & Bar, located at 8001 West Bell Road, Andrea Lewkowitz, Applicant, LL#20009734; and
- (c) A New Restaurant Liquor License (Series 12) for Applebee's Neighborhood Grill & Bar, located at 9330 West Northern Avenue, Andrea Lewkowitz, Applicant, LL#20009736.

Mr. Mattingly advised that the properties were posted in accordance with Arizona law, all fees were paid, all reviewing Departments recommended approval and no comments were received from the public.

Public Hearing:

Mayor Barrett opened the Public Hearing and asked if any Councilmember or citizen wished to comment on the requests for:

- (a) A New Conveyance Liquor License (Series 08) for Lake Pleasant Cruises, located at 8708 West Harbor Boulevard Dock D-1, David J. Smith, Applicant, LL#20009735;
- (b) A New Restaurant Liquor License (Series 12) for Applebee's Neighborhood Grill & Bar, located at 8001 West Bell Road, Andrea Lewkowitz, Applicant, LL#20009734; and
- (c) A New Restaurant Liquor License (Series 12) for Applebee's Neighborhood Grill & Bar, located at 9330 West Northern Avenue, Andrea Lewkowitz, Applicant, LL#20009736.

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

Council Action:

Motion was made by Councilmember Edwards, seconded by Vice Mayor Aames, to recommend approval to the State Liquor Board for:

- (a) A New Conveyance Liquor License (Series 08) for Lake Pleasant Cruises, located at 8708 West Harbor Boulevard Dock D-1, David J. Smith, Applicant, LL#20009735;
- (b) A New Restaurant Liquor License (Series 12) for Applebee's Neighborhood Grill & Bar, located at 8001 West Bell Road, Andrea Lewkowitz, Applicant, LL#20009734; and
- (c) A New Restaurant Liquor License (Series 12) for Applebee's Neighborhood Grill & Bar, located at 9330 West Northern Avenue, Andrea Lewkowitz, Applicant, LL#20009736.

Upon vote, the motion carried unanimously 7 to 0.

19R. **PUBLIC HEARING - General Plan Amendment, Land Use Map, Riverwalk, Pinnacle Peak Road and 77th Avenue**

Clerk's Note: Agenda Items 19R and 20R were presented together.

Staff Report:

Chris Jacques, Planning and Community Development Director, provided an overview of the request for a minor amendment to the General Plan Land Use Map to re-designate the southern 40 acres of a 68.5-acre development site from Estate Residential to Low Density Residential and to amend the zoning of the site from Single-Family Residential and Suburban Ranch to the Riverwalk Planned Area Development.

In response to questions from Council, Mr. Jacques reported on:

- Traffic impact resulting from the proposed development
- East Pinnacle Peak Corridor Plan

Public Hearing:

Mayor Barrett opened the Public Hearing and asked if any Councilmember or citizen wished to comment on the request for a minor amendment to the General Plan Land Use Map to change the designation of approximately 40 acres of land located south of the Pinnacle Peak Road alignment, between the 77th and 75th Avenue alignments from Residential Estate (0-2 du/ac) to Residential Low (2-5 du/ac).

Steve Campbell addressed Council in opposition to the General Plan Amendment citing his concerns regarding increased density and traffic.

Joseph Giangarra spoke in opposition to the proposed development due to the smaller lot sizes and increased traffic.

Wendy Davy, representing the Peoria Unified School District, addressed Council to extend the District's support of the proposed development.

Ed Bull, representing the applicant, summarized the history of the project and provided an overview of the modifications to the project that were incorporated based on public input.

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

Discussion ensued regarding:

- The impact on traffic from the proposed development
- Trail system along New River
- R1-35 zoning approved by Council in 2004

Council Action:

Motion was made by Councilmember Edwards, seconded by Councilmember Carlat, to concur with the Planning and Zoning Commission's recommendation and adopt **RES. 2014-14** approving a minor amendment to the General Plan Land Use Map to change the Land Use designation of approximately 40 acres of land located south of the Pinnacle Peak Road alignment, between the 77th and 75th Avenue alignments from Residential Estate (0-2 du/ac) to Residential Low (2-5 du/ac) (Case GPA12-0001).

Upon vote, the motion carried 4 to 3, with Vice Mayor Aames, Councilmember Leone and Councilmember Rivero voting "no".

20R. **PUBLIC HEARING - Rezoning, Riverwalk, Pinnacle Peak Road, 75th to 77th Avenue**

Public Hearing:

Mayor Barrett opened the Public Hearing and asked if any Councilmember or citizen wished to comment on a request to rezone approximately 68.5 acres of land located north and south of the Pinnacle Peak Road alignment, between the 75th and 77th Avenue alignments from Single Family Residential, R1-35 and Suburban Ranch, SR-43 to the Riverwalk Planned Area Development (PAD).

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

Council Action:

Motion was made by Councilmember Edwards, seconded by Councilmember Patena, to concur with the Planning and Zoning Commission's recommendation and adopt **ORD. 2014-08**, rezoning approximately 68.5 acres located north and south of the Pinnacle Peak Road alignment, between the 75th and 77th Avenue alignments from Single Family Residential, R1-35 and Suburban Ranch, SR-43 to the Riverwalk Planned Area Development (PAD) (Z12-0001).

Upon vote, the motion carried 4 to 3, with Vice Mayor Aames, Councilmember Leone and Councilmember Rivero voting "no".

21R. **PUBLIC HEARING - Rezoning, Sierra Ridge Estates, 107th Avenue and Pinnacle Peak Road**

Staff Report:

Chris Jacques, Planning and Community Development Director, provided an overview of a request to rezone approximately 17.5 acres of land from Suburban Ranch (SR-43) to the Sierra Ridge Planned Area Development (PAD) for a 24-lot single-family residential subdivision located at the northeast corner of 107th Avenue and Pinnacle Peak Road.

Public Hearing:

Mayor Barrett opened the Public Hearing and asked if any Councilmember or citizen wished to comment on the request to rezone approximately 17.5 acres of land located at the northeast corner of 107th Avenue and Pinnacle Peak Road from Suburban Ranch (SR-43) to the Sierra Ridge Planned Area Development (PAD).

Zeke Rios spoke in support of the project. Mr. Rios informed Council that cut-through traffic, a safety concern to area residents, will be alleviated or stopped entirely by the proposed subdivision.

Guy Culp spoke in opposition of the proposed rezoning, citing his concerns regarding increased traffic, dust and the size of the proposed lots.

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

Council Action:

Motion was made by Councilmember Edwards, seconded by Councilmember Patena to concur with the Planning and Zoning Commission's recommendation and adopt **ORD. 2014-07**, rezoning approximately 17.5 acres of land located at the northeast corner of 107th Avenue and Pinnacle Peak Road from Suburban Ranch (SR-43) to the Sierra Ridge Planned Area Development (PAD) (Z13-0001).

Upon vote, the motion carried 5 to 2, with Councilmember Leone and Councilmember Rivero voting “no”.

22R. **Contract, Professional Sports Catering LLC, Concessionaire Services for Peoria Sports Complex**

Chris Calcaterra, Sports Facilities Manager, reported on the request to award a contract for concessionaire services at the Peoria Sports Complex.

Mr. Calcaterra provided an overview of the procurement selection process and outlined the provisions of the contract.

Discussion ensued regarding:

- Selection of the proposed vendor
- Term of the contract
- \$1.85 million Capital Grant
- \$650,000 investment for equipment and enhancements
- Sales commission rates
- Assessment of vendor performance
- Concession sales and commission rates

Motion was made by Vice Mayor Aames, seconded by Councilmember Carlat, to:

- (a) Award a contract to Professional Sports Catering LLC to provide concessionaire services at the Peoria Sports Complex; and
- (b) Authorize the appropriation of \$1.85 million in funds provided by Professional Sports Catering LLC for the capital grant provision of the contract to be used for stadium improvement project.

Upon vote, the motion carried unanimously 7 to 0.

Call To The Public (Non-Agenda Items)

None.

Reports from City Manager:

23. **Council Calendar**

24. **Reports**

- A. Citizen Online Reporting System

John Imig, Information Technology Director, provided an overview of the web-based online citizen crime reporting program, “COPLOGIC”, launched on January 27, 2014.

Roy Minter, Police Chief, reviewed the types of crimes that can be reported electronically and outlined the benefits of the system to the citizens and the Police Department.

B. Community Policing - Nextdoor.com

Roy Minter, Police Chief, introduced Justine Fenwick, Senior City Strategist with Nextdoor.com, a social media platform that connects neighborhoods by allowing residents to connect online.

Ms. Fenwick gave a brief presentation on how the site operates and how it will assist the Police Department in continuing to build partnerships within the community.

C. Peoria Sports Complex Phase I Clubhouse Improvements

Ed Striffler, Design and Construction Manager, gave a brief presentation on the Sports Complex Clubhouse Improvements Project.

Mr. Striffler discussed the following end-of-project highlights:

- A total of 9 months and 23 days from demolition to occupancy
- Seattle Mariners Clubhouse projected to be under budget
- San Diego Padres Clubhouse projected at budget
- Sustainable design and construction achievements
- Stronger partnerships with the Mariners and Padres
- Over \$200,000 in energy efficiency rebates will be forthcoming

Kathy Sponsel, Construction Project Coordinator, provided a pictorial tour of the new facilities.

Reports from City Council:

Council Youth Liaison Prior reported on his attendance at the Arizona City/County Management Association's 2014 Winter Conference.

Councilmember Leone reported on the various City of Peoria activities he attended. Councilmember Leone commended staff on the clubhouse improvements at the Peoria Sports Complex.

Councilmember Carlat reported on the various City of Peoria activities she attended. Councilmember Carlat expressed her gratitude to all of the citizens who volunteer their time to the City of Peoria.

Council Youth Liaison Jelinek reported on his attendance at the Arizona City/County Management Association's 2014 Winter Conference. Mr. Jelinek recognized Camrae McManaman who was named 2014 Youth of the Year by the Boys and Girls Clubs of Metro Phoenix. Mr. Jelinek extended his congratulations to the students from Zuni Hills Elementary and Peoria Traditional School who competed in the Honeywell Fiesta Bowl

Aerospace Challenge. Mr. Jelinek thanked the members of the Youth Advisory Board who volunteered to chaperone the Adaptive Recreation Sweetheart Dance held at the Community Center on February 14, 2014.

Councilmember Patena reported on the various City of Peoria activities he attended.

Vice Mayor Aames reported on the various City of Peoria activities he attended.

Reports from the Mayor:

None.

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 9:36 p.m.

Bob Barrett, Mayor

ATTEST:

Rhonda Geriminsky, City Clerk

CERTIFICATION

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 18th day of February, 2014. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 1st day of April, 2014.

(Seal)

Rhonda Geriminsky, City Clerk

MINUTES OF THE PEORIA CITY COUNCIL
CITY OF PEORIA, ARIZONA
CITY COUNCIL CHAMBER
February 25, 2014

A **Special Study Session** 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 Bob Barrett; Vice Mayor Ron Aames; Councilmembers Cathy Carlat, Jon Edwards, Bill Patena, and Tony Rivero.

Council Youth Liaisons: Jacob Jelinek.

Members Absent: Councilmember Carlo Leone.

Other Municipal Officials Present: Carl Swenson, City Manager; Susan Daluddung, Deputy City Manager; Jeff Tyne, Deputy City Manager; Steve Kemp, City Attorney; Rhonda Geriminsky, City Clerk; Julie Ayers, Human Resources Director; Bo Larsen, Public Information Director; Bill Mattingly, Public Works Director; Brent Mattingly, Finance and Budget Director; Roy Minter, Police Chief; Bobby Ruiz, Fire Chief; John Sefton, Community Services Director and Linda Blas, Deputy City Clerk.

Audience: Approximately 25 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.

STUDY SESSION AGENDA

Subject(s) for Discussion Only

1. Labor Taskforce Update

Carl Swenson, City Manager, introduced the Labor Taskforce Update item and provided background regarding the Labor Taskforce.

Julie Ayers, Human Resources Director, discussed:

- The Labor Taskforce goals
- The process used to carry out the goals
- Labor Taskforce findings and recommendations, which include:
 - Issue #1: Access to the City Council during negotiations

Discussion ensued regarding:

- Reasons why the labor unions desired access to the City Council
- How the labor unions will present their desires to Council

- Issue #2: The negotiation process

Discussion ensued regarding:

- Facilitation for the negotiations paid by the City
- Selection of facilitators
- Staggering contract terms for the four labor unions

Ms. Ayers outlined the proposed labor negotiation workflow to Council.

Discussion ensued regarding the proposed timeline for contracts.

- Issue #3: Makeup of City Negotiation Teams

Discussion ensued regarding the authority for decision-making during the negotiating process.

- Issue #4: Mediation Process
- Issue #5: Concerns regarding employees being represented by a labor group

Consensus of the Council was to lower the signature requirement from 50 percent to 25 percent.

- Issue #6: Accountability for unfair labor practices and the process
- Issue #7: Role ambiguity among participants in the meet and confer process
- Issue #8: Inadequate communication with employees during the negotiation process

Discussion ensued regarding:

- Whether negotiations are open to the public
- Communicating via a website regarding the timelines and where each negotiation is in the process
- Labor union participation in the Labor Taskforce findings and recommendations
- Role of the City Council when issues are unresolved
- Next steps
- Communication regarding Council direction
- Joint presentations to Council and whether they will be done in a public session

2. Community Facilities District (CFD) Policy

Carl Swenson, City Manager, introduced the item regarding the CFD policy.

Brent Mattingly, Finance and Budget Director, introduced guest presenters:

Michael Cafiso, City's Bond Counsel, from Greenberg Traurig, LLC;

Tom Hocking, President and City Financial Advisor, from TLHocking and Associates, LLC; and

Mark Reader, Managing Director, CFD Underwriter, from Stifel, Nicolaus and Co., Inc.

Mr. Mattingly discussed the following:

- History of CFDs
 - Where CFDs came from
 - Characteristics of CFDs

Discussion ensued regarding the CFD application process.

Mr. Mattingly continued presenting regarding:

- Legally permissible CFD infrastructure
- Types of CFD Bonds issues
 - CFD General Obligation Bonds
 - CFD Special Assessment Bonds

Discussion ensued regarding:

- Structure of assessment bonds
- Planning infrastructure needs in advance
 - How the assessment method can guarantee the tax amount
 - The difference between General Obligation Bonds and Special Assessment Bonds

Mr. Reader discussed the different types of bonds and how and when they would be used.

Discussion ensued regarding the effects on taxpayers when a CFD is utilized.

Mr. Mattingly continued regarding:

- Why developers like CFDs
- Why a city would consider creating a CFD
- Areas of concern with CFDs

Discussion ensued regarding the different ways in which developers use CFD monies including building additional amenities.

Mr. Mattingly outlined the following:

- The history of CFD applicants in the City of Peoria
- Why Council approved the Vistancia CFD
- Examples of new development in the City
- Key tenets of the Peoria CFD Policy

Mr. Mattingly requested policy guidance regarding the following:

- Whether the Council wishes to consider the use of a CFD for large regional infrastructure.
- Whether the Council wishes to consider the use of a CFD for subdivision and local improvements.
- Whether the Council wishes to consider the use of a CFD in order to ensure equivalency between projects.
- Whether the Council wishes to consider the use of a CFD for economic development projects.

Discussion ensued regarding using CFDs for specific areas within the City.

Consensus of the Council was to use CFDs as a tool for funding large regional infrastructure associated with major development projects.

Discussion ensued regarding:

- Whether the City's ability to use funding tools is limited by not allowing the use of CFDs to fund subdivision and local improvements
- Effect on impact fees
- Effect on taxpayers

Consensus of Council was to not allow CFDs for subdivision and local improvements.

Discussion ensued regarding:

- Using CFDs to provide equivalency between projects
- Developer use of CFD money

Consensus of the Council was that each application for a CFD should be evaluated on its own merits.

Discussion ensued regarding whether CFD funding should be used to fund major economic development projects.

Consensus of the Council was to consider the use of CFD funds for facilitating major economic development projects.

3. Board & Commission Youth Liaison Proposal

John Sefton, Community Services Director, addressed the issue of appointing Youth Advisory Board members as liaisons to some of the City's Boards and Commissions.

Mr. Sefton outlined the history involved in the Youth Master Plan recommendation to have Youth Advisory Board members be liaisons for certain Boards and Commissions.

Mr. Sefton outlined:

- The Youth Advisory Board members' recommendation to allow youth outside of the Youth Advisory Board to be liaisons to some of the City's Boards and Commissions
- The requirement that liaisons report back to the Youth Advisory Board
- The application process
- Program eligibility requirements
- Guiding principles

Jacob Jelinek, Council Youth Liaison, provided an overview of the Youth Advisory Board discussion of the subject.

Discussion ensued regarding:

- Selection process
- Youth attendance
- Staff capacity to expand the scope
- Alternate positions
- Minimum Grade Point Average requirements

Consensus of the Council was to move forward with the Youth Board and Commission Liaison program.

ADJOURNMENT:

Being no further business to come before the Council, the meeting was duly adjourned at 7:25 p.m.

Bob Barrett, Mayor

ATTEST:

Rhonda Geriminsky, City Clerk

CERTIFICATION

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 25th day of February, 2014. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 1st day of April, 2014.

(Seal)

Rhonda Geriminsky, City Clerk

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 5C

Date Prepared: March 18, 2014

Council Meeting Date: April 1, 2014

TO: Carl Swenson, City Manager

FROM: Andrew Granger, P.E., Engineering Director

THROUGH: Susan J. Daluddung, Deputy City Manager

SUBJECT: Expenditure Authority, Professional Sports Catering Capital Grant, Sports Complex Phase 2 Stadium Projects

Purpose:

This is a request for the City Council to authorize the expenditure of the \$1,850,000 of appropriated grant funds utilizing existing City of Peoria agreements, cooperative purchase agreements, or amendments to existing agreements as needed to achieve the goals and time constraints of the various projects at the Peoria Sports Complex. Without such authority, the expenditure of the grant funds may require additional City Council approvals.

Background/Summary:

On January 7, 2014, the City Council approved item 11C, Job Order Contracts to Jokake Construction for capital improvements to the Peoria Sports Complex stadium. The action entailed the award of two individual job order contracts for \$2,265,704 and \$1,188,361. If capital funding is available, each of the job orders is amendable up to a maximum limit of \$3,000,000 each per City of Peoria policy and as allowed by ARS Title 34. City procurement policy requires staff to seek City Council approval for any amended value in excess of ten percent of the agreement's base value.

On November 5, 2013, the City Council approved item 24R, Job Order Contract to Valley Rain Construction for capital improvements to the Peoria Sports Complex stadium. The action entailed the award of a single job order contract up to a maximum dollar value of \$3,000,000. The council communication was written in anticipation of a lower actual award amount, ensuring that the requested Council approval covered the maximum permissible job order limit.

On February 18, 2014, The City Council approved item 22R, Contract with Professional Sports Catering LLC. The Council action included the appropriation of \$1,850,000 of capital grant dollars for use on the Sports Complex phase 2 stadium projects. The council communication clarified the intent for the funds, but did not identify staff's intentions to amend one or more of the Valley Rain and/or Jokake job order contracts. This request will clarify the City Council's

authorization for staff to amend any of the prior awarded job order contracts up to each job order's maximum limit of \$3,000,000. ***In no case, would the combined total of the amended agreements exceed the City's available capital funding inclusive of the recently appropriated capital project funds.***

Future Actions:

If granted, this authority will provide staff the flexibility to amend existing agreements or utilize existing City of Peoria and/or cooperative purchase agreements without requiring additional City Council approvals. ***This council action is solely for this project and does not modify current policies for any other capital projects.***

Options:

- A:** Authorize the expenditure of the \$1,850,000 of appropriated Professional Sports Catering LLC capital grant funds utilizing existing City of Peoria agreements, cooperative purchase agreements, or amendments to existing agreements as needed to achieve the goals and time constraints of the various projects at the Peoria Sports Complex.
- B:** Do not authorize the expenditure of appropriated grant funds. The timing of future City Council approvals will limit a fast track construction schedule that requires the completion of construction in time for Spring Training 2015.

Staff's Recommendation:

Staff recommends that Council authorize the expenditure of the \$1,850,000 of appropriated Professional Sports Catering LLC capital grant funds utilizing existing City of Peoria agreements, cooperative purchase agreements, or amendments to existing agreements as needed to achieve the goals and time constraints of the various projects at the Peoria Sports Complex.

Fiscal Analysis:

There is no fiscal impact to currently approved capital funding.

Narrative:

This Job Order Amendment has been reviewed by the Engineering Department, Community Services, and the Finance Department, Materials Management Division.

Exhibits:

1. Council Agenda Items - 24R - Valley Rain, 11C – Jokake, 22R – Professional Sports

Contact Name and Number:

Edward Striffler, Design & Construction Manager, 623-773-7721

9C. **Annexation, Maricopa County Right-of-Way, 83rd Avenue and Pinnacle Peak Road Retention Basin**

Discussion and possible action to adopt ORD. 2014-01 annexing Maricopa County right-of-way regarding the 83rd Avenue and Pinnacle Peak Road retention basin.

10C. **Grant, Arizona Department of Homeland Security, Fiscal Year 2011 Reallocated Funds, Fire Department**

Discussion and possible action to: (a) accept a grant award in the amount of \$8,557 from the Arizona Department of Homeland Security for reallocated Fiscal Year 2011 funds for chemical, biological, radiological, nuclear, explosive weapon detection, response and decontamination capabilities; and (b) approve a budget amendment in the amount of \$8,557 from the Proposed Grants Contingency account to the Homeland Security Grant Fund.

11C. **Job Order Contracts, Jokake Construction, Peoria Sports Complex Improvements**

Discussion and possible action to: a) approve two individual job orders to Jokake Construction in amounts not to exceed \$2,265,704 and \$1,188,361 for design and construction services for a portion of the stadium improvements at the Peoria Sports Complex; b) approve a budget amendment in the amount of \$317,000 from the General Fund Contingency to the Sports Complex Improvements Reserve Fund Buildings & Improvements account; and c) authorize the City Manager to execute any applicable agreement documents related thereto.

12C. **Agreements, Healthy Planet Partners, Seattle Mariners, Arizona Public Service, 83rd Avenue and Mariners Way**

Discussion and possible action to: a) approve four solar energy Power Purchase Agreements with Healthy Planet Partners, Seattle Mariners and Arizona Public Service for a photovoltaic solar panel system at the Peoria Sports Complex; and b) authorize the City Manager to execute the applicable agreement documents related thereto.

13C. **Contract Amendment, Presiding Municipal Judge**

Discussion and possible action to approve an amendment to the Terms and Conditions of Employment Agreement with the Presiding Municipal Judge.

14C. **Contract Amendment, City Attorney**

Discussion and possible action to approve an amendment to the Terms and Conditions of Employment Agreement with the City Attorney.

15C. **Amendment, Peoria Bus Stop Improvements, Peoria Avenue and Thunderbird Road**

Discussion and possible action to approve an amendment to the project scope for the Peoria Avenue Bus Stop Improvements as described in the Fiscal Year 2014 Capital Improvement Program to include both Peoria Avenue and Thunderbird Road.

22R. **Public Hearing - Rezoning, Stonebridge Ranch, Jomax Road and Lake Pleasant Parkway**

PUBLIC HEARING: RE: A request for a Major Amendment to the Stonebridge Ranch Planned Area Development modifying the minimum lot sizes from 30,000 square feet to 8,400 square feet.

Staff Report:
Open Public Hearing:
Public Comment:
Close Public Hearing:

COUNCIL ACTION: Discussion and possible action to concur with the Planning and Zoning Commission's recommendation to adopt **ORD. 2013-22** amending the Stonebridge Ranch Planned Area Development modifying the minimum lot sizes from 30,000 square feet to 8,400 square feet as proposed under zoning case Z02-28A.1

23R. **Grant, United States Department of Justice, Community Oriented Policing Services Hiring Program**

Discussion and possible action to: (a) authorize the City Manager to execute the Community Oriented Policing Services Hiring Program Grant application to hire three police officers; (b) approve a budget amendment not to exceed \$285,615 from the General Fund Contingency to various Police Department General Fund accounts; (c) authorize expenditure authority in various Police Asset Forfeiture accounts for one-time funds in the amount of \$12,990; and (d) increase the authorized strength of the department by three police officers.

24R. **Job Order Contract, Valley Rain Construction, Peoria Sports Complex Improvements**

Discussion and possible action to: (a) approve an individual job order to Valley Rain Construction in an amount not to exceed \$3,000,000 for design and construction services for a portion of the stadium improvements at the Peoria Sports Complex; and (b) authorize the City Manager to execute any applicable agreement documents related thereto.

Call To The Public (Non-Agenda Items)

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

Reports from City Manager

25. **Council Calendar**

26. **Reports with Presentation**

A. 3rd Annual Career and Opportunity Job Fair

B. Neighborhood Pride Report

21R. **PUBLIC HEARING - Rezoning, Sierra Ridge Estates, 107th Avenue and Pinnacle Peak Road**

PUBLIC HEARING: RE: A request to rezone approximately 17.5 acres of land located at the northeast corner of 107th Avenue and Pinnacle Peak Road from Suburban Ranch (SR-43) to the Sierra Ridge Planned Area Development (PAD). (Z13-0001)

Staff Report:
Open Public Hearing:
Public Comment:
Close Public Hearing:

COUNCIL ACTION: Discussion and possible action to concur with the Planning and Zoning Commission's recommendation and adopt **ORD. 2014-07**, rezoning approximately 17.5 acres of land located at the northeast corner of 107th Avenue and Pinnacle Peak Road from Suburban Ranch (SR-43) to the Sierra Ridge Planned Area Development(PAD). (Z13-0001)

22R. **Contract, Professional Sports Catering LLC, Concessionaire Services for Peoria Sports Complex**

Discussion and possible action to (a) award a contract to Professional Sports Catering LLC to provide concessionaire services at the Peoria Sports Complex; and (b) authorize the appropriation of \$1.85 million in funds provided by Professional Sports Catering LLC for the capital grant provision of the contract to be used for stadium improvement project.

Call To The Public (Non-Agenda Items)

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

Reports from City Manager

23. **Council Calendar**

24. **Reports**

- A. Citizen Online Reporting System
- B. Community Policing - Nextdoor.com
- C. Peoria Sports Complex Phase I Clubhouse Improvements

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 6C

Date Prepared: March 18, 2014

Council Meeting Date: April 1, 2014

TO: Carl Swenson, City Manager

FROM: Andrew Granger, P.E., Engineering Director

THROUGH: Susan J. Daluddung, Deputy City Manager

SUBJECT: Job Order Contract Amendment, Hunter Contracting Company, Camino a Lago Neighborhood Park, 98th Avenue & Lake Pleasant Pkwy (Solicitation No. P13-0063(B), Project No. CS00054, ACON#44513)

Purpose:

This is a request for the City Council to a) approve a Job Order Contract (JOC) Amendment to Hunter Contracting Company in an amount not to exceed \$2,345,000 for construction of the Camino a Lago Neighborhood Park, and b) approve a budget adjustment to support this amendment. This individual job order approval will utilize the City of Peoria Park, Trail, and Landscape Construction JOC.

Background/Summary:

Plans to construct a neighborhood park in the Camino a Lago subdivision began in 2005 when the City negotiated with the developer to set aside a large parcel of land that would become Camino a Lago Neighborhood Park and the home of the relocated Sunrise Mountain Library. The library construction coincided with the completion of the Lake Pleasant Parkway extension and much of the adjacent residential and commercial development, ultimately opening to the public in Spring 2009. The developer also set aside land for the Peoria Unified School District (PUSD) to construct a new K-8 school immediately north of the park / library site.

Changing demographics and the economic downturn led PUSD to mothball plans for their school. With such news, the City proceeded forward with the design of the park. Public meetings were conducted to assess the desires of the local residents, ultimately leading to a program of park amenities and a completed design. During the final stages of the City's permitting efforts, PUSD announced plans to construct the school, forcing the City to retreat from its permitting efforts and redesign elements of the park that needed to functionally relate and/or connect to the adjacent school amenities. The Intergovernmental Agreement (IGA) between the City and PUSD allows for the City to conduct programming on the school's multi-use fields which triggered a need to add additional parking and to shuffle some of the amenity locations and sidewalk connections.

The types of amenities that will be constructed in the park include:

- Large irrigated turf lawns, which also serve as storm water retention basins;
- Expansion of the Sunrise Mountain Library parking lot, including an additional drive entry / exit along 98th Avenue;
- Park restroom;
- Shaded picnic and playground structures;
- Lighted Tennis and Basketball Courts;
- Misting Pad water feature;
- Butterfly themed plant garden;
- Walking trail connections to/from the Library and the homes to the east.

Total capital project expenditures for the Camino a Lago Neighborhood Park project include:

Professional Services	\$ 173,530	
City Paid Development Costs / Fees	\$ 90,443	<i>Payments to City of Peoria, APS, Cox, and Century Link</i>
Sunrise Mountain Library Parking Lot Construction	\$ 648,160	<i>Incurred in 2007 for site improvement contribution to the SML construction</i>
Job Order Hunter Contracting	\$ 21,976	<i>Administratively awarded preconstruction professional services</i>
Job Order Amendment Hunter Contracting	\$ 2,345,000	<i>Park Construction Job Order</i>
City of Peoria Procured Playground Equipment & Shade Structures	\$ 130,000	<i>Utilizing Cooperative Purchase Contracts</i>
Construction Contingency & Signage	\$ 42,301	<i>Utilizing Cooperative Purchase Contracts and/or Small Dollar Procurements</i>
<hr/>		
Total Projected Budget	\$ 3,451,410	
Available Capital Budget	\$ 2,211,410	
Budget Adjustment	\$ 1,240,000	<i>General Obligation Bond Fund</i>

The total capital expenditure inclusive of design, construction, fees, and owner procured park equipments exceeds the approved capital project funding by \$1,240,000.

The JOC method of project delivery is well suited for smaller project awards up to \$3 Million. The JOC form of delivery offers the benefit of engaging a qualified general contractor with specific expertise in this construction type. The contractor's personnel and equipment costs, overhead, and fee are negotiated in advance. The work is still competitively bid to qualified subcontractors with relevant experience and project risks are vetted in advance of construction. Hunter Contracting Company is one of two awardees of the City of Peoria Park, Trail, and Landscape Construction JOC and has constructed Peoria Park & Ride Lots, West Wing Park, and Centennial Plaza.

Validated by geotechnical and seismic investigations, physical grading challenges on the Sun Rise Mountain Library and PUSD school sites, and test excavations by two different contractors on the park site, this project will experience hard dig conditions which adversely impact the bid costs of all trades with a subsurface excavation component (utilities, grading, landscape, electrical trenching, and foundations). In addition, the soils are caliche laden and do not support the growth of healthy turf, necessitating the import of topsoil in all turf basins. The PUSD has experienced the same geotechnical conditions and has also had to import topsoil for their multi-use fields.

Previous Actions:

There are no previous actions pertaining to the use of Hunter Construction Company for the construction of Camino a Lago Neighborhood Park. Staff administratively awarded a preconstruction services Job Order, under which Hunter provided constructability reviews, estimating services, and competitive bidding / GMP development professional services.

Future Actions:

There are no future actions required of the City Council.

Options:

- A:** Approve a Job Order Contract Amendment to Hunter Contracting Company in an amount not to exceed \$2,345,000 for construction of the Camino a Lago Neighborhood Park, and approve a budget adjustment to support this amendment.

B: Deny the award to Hunter Contracting Company. The project will then be reevaluated to determine basic amenities that could be provided within the existing budget.

Staff's Recommendation:

Staff recommends that Council approve a JOC Amendment to Hunter Contracting Company in an amount not to exceed \$2,345,000 for construction of the Camino a Lago Neighborhood Park. Staff also recommends the approval of a budget adjustment to allow the construction to commence. If approved, neighborhood connections will be completed by August for the school opening, with the balance of the park completed in September-October.

Fiscal Analysis:

Funding up to \$1,360,820 for this award and the related city paid project expenses is available in the 2014 Capital Improvement Program in the Neighborhood Park Zone 1 Impact Fee fund, Park Improvements account (7901-7901-543005-CIPPK-CS00054).

Additionally, staff requests a \$1,240,000 budget adjustment from the General Fund Contingency (1000-0300-570000) with \$998,745 going to the County Transportation Tax Capital Project Fund, Camino a Lago Neighborhood Park, Park Improvements account (4550-4550-543005-CIPPK-CS00054) and \$241,255 to the General Obligation 2010 Projects Fund, Camino a Lago Neighborhood Park, Park Improvements account (4240-4240-543005-CIPPK-CS00054).

Narrative:

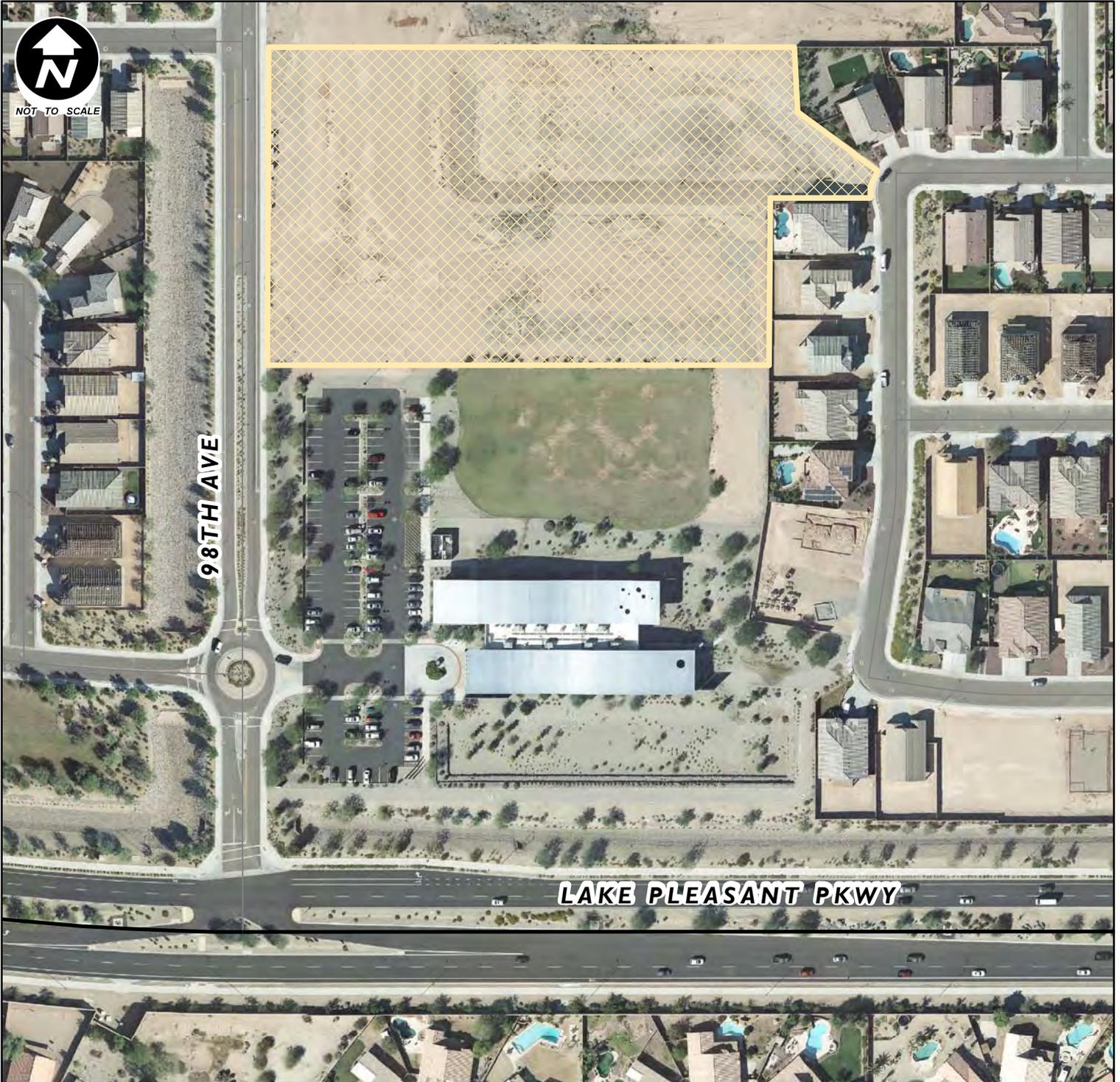
This JOC Amendment has been reviewed by the Engineering Department, Finance Department, Materials Management Division, and the City Attorney's office.

Exhibits:

Exhibit 1: Location Map

Exhibit 2: Vicinity Map

Contact Name and Number: Edward Striffler, Design & Construction Manager, 623-773-7721



LEGEND



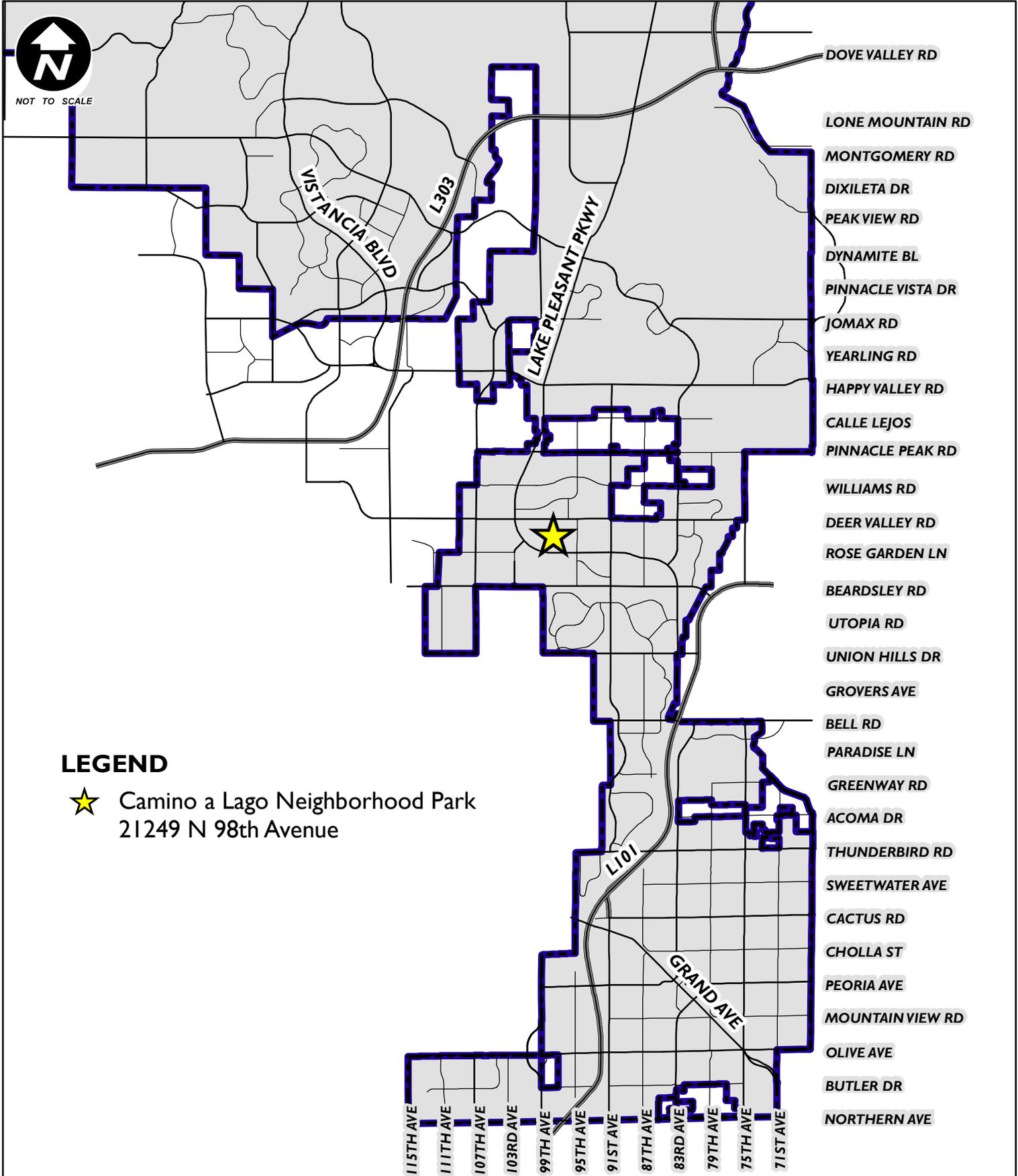
Proposed Neighborhood Park



NOTE:
This Map is based on imprecise
source data, subject to change and
FOR GENERAL REFERENCE ONLY.



NOT TO SCALE



LEGEND

★ Camino a Lago Neighborhood Park
21249 N 98th Avenue

- DOVE VALLEY RD
- LONE MOUNTAIN RD
- MONTGOMERY RD
- DIXILETA DR
- PEAK VIEW RD
- DYNAMITE BL
- PINNACLE VISTA DR
- JOMAX RD
- YEARLING RD
- HAPPY VALLEY RD
- CALLE LEJOS
- PINNACLE PEAK RD
- WILLIAMS RD
- DEER VALLEY RD
- ROSE GARDEN LN
- BEARDSLEY RD
- UTOPIA RD
- UNION HILLS DR
- GROVERS AVE
- BELL RD
- PARADISE LN
- GREENWAY RD
- ACOMA DR
- THUNDERBIRD RD
- SWEETWATER AVE
- CACTUS RD
- CHOLLA ST
- PEORIA AVE
- MOUNTAIN VIEW RD
- OLIVE AVE
- BUTLER DR
- NORTHERN AVE

- 115TH AVE
- 111TH AVE
- 107TH AVE
- 103RD AVE
- 99TH AVE
- 95TH AVE
- 91ST AVE
- 87TH AVE
- 83RD AVE
- 79TH AVE
- 75TH AVE
- 71ST AVE

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 7C

Date Prepared: March 12, 2014

Council Meeting Date: April 1, 2014

TO: Carl Swenson, City Manager

FROM: George Anagnost, Presiding Judge

THROUGH: Brenda Jordan, Court Administrator

SUBJECT: Fingerprinting with Livescan

Purpose:

This is a request for City Council to authorize the expenditure of Peoria Municipal Court Enhancement Funds for installation of a laptop and printer for mandated fingerprinting and electronic submission to AZDPS for the criminal history record of defendants with the Arizona Department of Public Safety Livescan and approve a budget transfer to provide appropriation for these expenditures.

Background/Summary:

The Department of Public Safety Livescan laptop booking workstation and printer will be installed by the MorphoTrak, Inc. with State Contract #SS-11-010-001 at the court building to generate a mandated fingerprint record of a defendant's criminal history records.

The Court is requesting Council to authorize the use of the Peoria Municipal Court Enhancement Funds install a laptop and printer for a Livescan booking workstation for palms and rolled fingerprints for mandated fingerprinting of defendants for their criminal history record.

This equipment will be used in the court building by Municipal Security Guards to complete fingerprints for mandated offenses while the defendant is at the scheduled court date eliminating the need to schedule the defendants to appear at the Peoria Police Department for fingerprinting on another date. The Peoria Police Department has limited time available for the court to schedule defendants for fingerprinting.

Options:

A: Council could authorize the use of the Peoria Court Enhancement Funds for installation of a laptop and printer for mandated fingerprinting of defendants on the date of their court appearance.

B: Council could decline to authorize a budget transfer and the court would continue to schedule or reschedule defendants for fingerprinting at the Peoria Police Department with limited availability.

Staff's Recommendation:

Discussion and possible action to: a) Authorize the use of the Peoria Court Enhancement Funds (PCEF) for installation of a laptop and printer for mandated fingerprinting with Livescan for the criminal history record of defendants; b) Approve a budget transfer in the amount of \$44,066 from Proposed Grants Fund Contingency Account (7990-7990-570000) to the Peoria Municipal Court Enhancement Fund Computer Equipment Lease Rental Account (8062-8062-524507).

Fiscal Analysis:

This transfer is for expenditure authority only; fund reserves are available to support this request.

Narrative:

It is necessary to add 1 laptop computer and 1 printer to create the criminal fingerprint card:

- Livescan booking workstation, palms and rolled fingerprints, portable 500ppi (\$25,808)
- 1 Duplex printing option, 2 Trays(criminal and applicant fingerprint cards) (\$2,116)
- AZAFIS, OPPIS Remote site; Option 1: PC, OPPIS SW license & printer (\$14,141)
- Year 2 Advantage maintenance services (Livescan, portable) (\$3871)
- Year 2 Advantage maintenance services (Duplex printer) (\$303)
- Annual maintenance: PC, OPPIS SW license & printer (\$990)
- Training: first 4 students (\$1,010)

Total estimated cost for equipment, software, training and annual Maintenance is \$44,066. Total ongoing costs for the maintenance services will be \$5,164 annually starting year 2, \$3,871 for Livescan, \$303 for the Duplex printer, \$990 for the AZAFIS, OPPIS remote site. This additional ongoing amount of \$5,164 will be requested during the budget process next year from Court Enhancement funds. Connectivity to the AZDPS is required for electronic submission and is available at the Peoria City Court.

Exhibit 1: MorphoTrak, Inc. Proposal

Contact Name and Number: "Procure AZ" ADSPO13-038750, State Contract #SS-11-010-001



1250 North Tustin Avenue
 Anaheim, CA 92807
 Tel: (714) 238-2000
 Fax: (714) 238-2049

*In the MorphoTrak
 2012 Customer
 Satisfaction survey,
 93% of our
 customers rated
 themselves
 "Satisfied" or
 "Very Satisfied"*

March 12, 2014

Ms. Brenda Jordan
 Peoria City Court
 8401 W. Monroe Street
 Peoria, AZ 85345
 Phone: 623-773-7401
 Email: brenda.jordan@peoriaaz.gov

Reference No. MTAZ-L081613-01B
 (This proposal replaces previous version MTAZ-L081613-01A)

Dear Ms. Jordan:

MorphoTrak is pleased to provide Peoria City Court the following offer as described in the State Contract #SS-11-010-001 ("Procure AZ" ref. ADSP013-038750) executed between the State of Arizona, Division of Purchase and Property and MorphoTrak.

Item #	Description	Price Per Unit
LSAZ-TJM53E-01	Livescan booking workstation, palms and rolled fingerprints, portable , 500ppi	\$25,808.08
ESLC-TJM53E-1M	Optional, Year 2 <i>Advantage</i> maintenance services (Livescan, portable)	\$3,871.21
Livescan Options		
ESLO-PLMDHT-00	Duplex printing option, 2 Trays (criminal and applicant fingerprint cards)	\$2,116.20
ESLO-PMLDCT-0M	Optional, Year 2 <i>Advantage</i> maintenance services (Duplex printer)	\$303.03
SLIV-TRAIN0-1	Training: First 4 students	\$1,010.10
OPPIS Options		
SMME-OPISL1-0	AZAFIS, OPPIS Remote Site; Option 1: PC, OPPIS SW license & printer	\$14,141.41
SMME-OPISL1-M	Annual Maintenance for Option 1: PC, OPPIS SW license & printer	\$989.82

- The above listed Livescan pricing includes:
- ❖ On-site installation by a trained technician
 - ❖ Product Documentation
 - ❖ All Hardware and Software Licenses
 - ❖ Freight

Connectivity to the AZDPS is required for electronic submission and is the responsibility of Peoria City Court.

A 1 Year warranty is included on all MorphoTrak products. The maintenance prices shown above reflect Year 2 only. Ongoing maintenance pricing may escalate 5% per year beginning in year three. All pricing in this proposal is effective for 90 days from the date of this letter.

Delivery can normally be scheduled within 60-90 days upon receipt of a Purchase Order. Specifics for installation can be scheduled by mutual agreement; any additional functionality or interface requirements can be evaluated for pricing.

Attachment A

Terms

Additional engineering effort by MorphoTrak beyond the scope of the standard product will be quoted at a firm fixed price based on then current service rates in effect at the time of the change, plus any related travel or administrative expenses. Assistance with training and questions for Peoria City Court database or any programming, scripting, or review of programs beyond work quoted above are excluded from this offer. MorphoTrak assumes that organizations requesting these utilities have advanced programming expertise and will assume all responsibility for the deployment and support of the final application.

MorphoTrak reserves the right to substitute hardware of equal value with equal or better capability, based upon market availability. If, however, such equipment is unavailable, MorphoTrak will make its best effort to provide a suitable replacement.

Prior to the expiration of the warranty, MorphoTrak's Customer Support Organization will contact Peoria City Court to review continued maintenance and support options available. This support will be created to meet Peoria City Court support needs and will be renewable annually thereafter in accordance with MorphoTrak's Maintenance and Support Agreement.

Purchase orders should reference the Arizona State Contract Number SS-11-010-001 and be sent to MorphoTrak by facsimile or United States mail. Please direct all order correspondence, including Purchase Order, to:

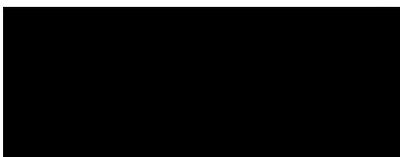
Terry Spalding
MorphoTrak
1250 North Tustin Avenue
Anaheim, California 92807
Tel: (714) 238-2033
Fax: (714) 238-2049
Email: Terry.Spalding@morpho.com

Product purchase will be governed by the State Contract # SS-11-010-001. Firm delivery schedules will be provided and development will commence after Peoria City Court and MorphoTrak have signed the finalized Requirements Document. Prices are exclusive of any and all state, or local taxes, or other fees or levies. No subsequent Purchase Order can override such terms. Nothing additional shall be binding upon MorphoTrak unless a subsequent agreement is signed by both parties. Payment terms are 100% of the purchase price due at delivery.

MorphoTrak appreciates the opportunity to extend this to Peoria City Court. Please contact Terry Spalding, telephone (714) 238-2033 / Email: Terry.Spalding@morpho.com with any questions.

We look forward to working with you.

Sincerely,



Barry Fisher
Senior Sales Director
MorphoTrak, LLC.

CC: Michele Johnson (MJohnson@azdps.gov)

By signing this signature block below, Peoria City Court agrees to the terms and pricing stated in this proposal for the product and services as referenced above. My signature below constitutes the acceptance of this order and authorizes MorphoTrak, LLC to ship and provide these product and services:

Signature Authorization for Order:

Signature

Name

Date

Total Purchase Price (including any Options): _____

Please provide Billing Address:

Check if Billing Address is same as Shipping Address:

Please provide Shipping Address (if different from Billing Address):

PLEASE PROVIDE A COPY OF YOUR CURRENT TAX EXEMPTION CERTIFICATE (if applicable).

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 8C

Date Prepared: March 4, 2014

Council Meeting Date: April 1, 2014

TO: Carl Swenson, City Manager

FROM: Scott Whyte, Economic Development Services Director

THROUGH: Susan J. Daluddung, Deputy City Manager

SUBJECT: Maintenance Improvement District No. 1149, Peoria Village, 67th Avenue and Cactus Road, North West Corner

Purpose:

This is a request for City Council to approve a Petition for Formation, adopt the Resolution of Intention, and Resolution Ordering the Improvements for a proposed Maintenance Improvement District No. 1149, Peoria Village, 67th Avenue and Cactus Road, North West Corner, as well as authorize the City Clerk to record the Maintenance Improvement District with the Maricopa County Recorder's Office subject to the following stipulations:

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

Background/Summary:

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

Pursuant to the provision of A.R.S. 48-574, et. seq., the Mayor and Council are empowered to adopt a Resolution ordering the formation of a Maintenance Improvement District. A Petition

and Resolution of Intention are attached for formation of City of Peoria Maintenance Improvement District No. 1149, Peoria Village, located at 67th Avenue and Cactus Road, North West Corner. In this special situation, in which all of the property owners have presented a petition for formation, the ordinary publication and protest period are not required by law, and the Council may then adopt a Resolution ordering the improvements when necessary once the Resolution of Intention is first adopted. The Resolution Ordering the improvements finalizes the formation of the Maintenance Improvement District process.

Under Arizona State law, commencing in October 2015, the residents will receive an additional charge on their property tax bill for maintenance of the landscape, irrigation and drainage improvements, located adjacent to and within the public rights-of-way and tracts. However, until such time as the Homeowner's Association fails, and the Council directs City staff to assume maintenance responsibility, the additional charge to the residents will be \$0.00. In accordance with State statute, an assessment diagram and map, listing each parcel of property within the district has been prepared.

Previous Actions:

The final plat for Peoria Village was approved by the City on February 4, 2014 and recorded with the County.

Options:

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

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

Staff's Recommendation:

Staff recommends the approval and subsequent recordation of the attached Petition for Formation, Resolution of Intention to Create, and Resolution Declaring Intention to Order.

Fiscal Analysis:

There is no direct budgetary impact to the City to approve the Maintenance Improvement District. However, the City would incur the additional charges associated with the maintenance

responsibilities should the taxing district not be approved and recorded, and the Homeowner's Association fail.

Narrative:

The acceptance of this Maintenance Improvement District will allow any additional charges associated with the maintenance responsibilities should the Homeowner's Association fail, to be assessed on the property tax bill for the properties located within the District.

Exhibit(s):

Exhibit 1: Petition for Formation

Exhibit 2: Proposed Resolution of Intention to Create

Exhibit 3: Proposed Resolution Declaring Intention to Order

Contact Name and Number: Traci Varland, Associate Engineer, x7612

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

MID # 1149

PEORIA VILLAGE

To: Honorable Mayor and Council
City of Peoria, Arizona

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

1. Area of District. The proposed district is described by a map and by a legal description on Exhibit "A" that is attached hereto and incorporated herein by reference. The proposed district consists of 19.3068 acres and is entirely within the corporate boundaries of the City of Peoria.
2. Ownership. The undersigned (is)(are) the sole owner(s) of the real property within the proposed district.
3. Purpose. The district is proposed to be formed for the purpose of the operation, maintenance, repair and improvements for landscape maintenance adjacent to designated public roadways and parkways within the proposed district and drainage and retention within each proposed district.
4. Public Convenience and Necessity. The necessity for the proposed district is for the operation, maintenance, repair and improvements for landscape maintenance adjacent to designated streets and parkways within the proposed district by the levying of special assessments in the proposed district.
5. Waiver and Consent. The petitioners with full knowledge of their rights being waived hereunder, hereby expressly waive:
 - (a) Any and all irregularities, illegalities or deficiencies which may exist in the acts or proceedings resulting in the adoption of the Resolution of Intention and the Resolution Ordering the Work;
 - (b) Any necessity for publication and posting of the Resolution of Intention and the Notice of Proposed Improvements pursuant to A.R.S. §48-578;
 - (c) All protest rights whatsoever under A.R.S. §48-579(A) and (B), which provide for protests against the work; and
 - (d) All objections to the filing of and adoption by the City of the plans and specifications, the Engineer's estimate and the Assessment Diagram, all of which provide for the completion of the District.

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

In Witness whereof the parties have executed this Petition and Waiver Agreement as of the _____ day of _____ 20____.

<p><u>GWR-PV83, LLC</u> Print Property Owner Name <u>JAKE WALKER</u> Print Name <u>1599 E. ORANGEWOOD AVE. S-150</u> Address <input checked="" type="checkbox"/>  Signature</p>	<p>Date: _____</p>	<p>Property (Tax Parcel Numbers) <u>200-77-009J</u></p>
<p>_____ Print Property Owner Name _____ Print Name _____ Address _____ Signature</p>	<p>Date: _____</p>	<p>Property (Tax Parcel Numbers) _____</p>

Accepted and approved by:

CITY OF PEORIA, ARIZONA, an
ARIZONA MUNICIPAL CORPORATION

ATTEST:

By _____
Mayor

City Clerk

APPROVED AS TO FORM:

City Attorney

RESOLUTION NO. 2014-35

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PEORIA, ARIZONA, DECLARING ITS INTENTION TO CREATE AN IMPROVEMENT DISTRICT TO MAINTAIN LANDSCAPING INCLUDED WITHIN, NEAR AND ADJACENT TO A PARKWAY AND RELATED FACILITIES TOGETHER WITH APPURTENANT STRUCTURES AS SHOWN ON THE PLANS, FOR MAINTENANCE WITHIN AN AREA IN THE CITY OF PEORIA AS DESCRIBED HEREIN; ADOPTING PLANS FOR CITY OF PEORIA MAINTENANCE IMPROVEMENT DISTRICT NO. 1149, PEORIA VILLAGE, AS MORE PARTICULARLY DESCRIBED HEREIN, AND DECLARING THE WORK OR IMPROVEMENT TO BE OF MORE THAN LOCAL OR ORDINARY PUBLIC BENEFIT, AND THAT THE COST OF SAID WORK OR IMPROVEMENT SHALL BE ASSESSED UPON A CERTAIN DISTRICT, AND PROVIDING THAT THE PROPOSED WORK OR IMPROVEMENT SHALL BE PERFORMED UNDER ARIZONA REVISED STATUTES TITLE 48, CHAPTER 4, ARTICLE 2, AND AMENDMENTS THERETO AND DECLARING AN EMERGENCY.

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

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

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

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

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

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

Section 1. Definitions.

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

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

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

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

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

"Clerk" shall mean the City Clerk.

"Engineer" shall mean City Engineer.

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

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

"Plans and Specifications" shall mean the engineer's estimate for the Maintenance Improvement District No. 1149 filed with the Clerk prior to the adoption of this Resolution.

"Superintendent of Streets" shall mean the City Engineer.

Section 2. Declaration of Intention to Order an Improvement.

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

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

SEE EXHIBIT "A", LEGAL DESCRIPTION OF CITY OF PEORIA MAINTENANCE IMPROVEMENT DISTRICT No. 1149

The Mayor and Council of the City of Peoria, Arizona designate as parkways, those areas set forth on Exhibit "B" Assessment Diagram in accordance with Title 48, Chapter 4, Article 2, Arizona Revised Statutes. The public interest and convenience require, and it is the intention of the City Council to order the Work adjacent to the designated parkways to be performed as stated herein. All items of the Work shall be performed as prescribed by the Plans and Specifications hereby approved and adopted by the Council and on file in the Office of the City Engineer and no assessment for any lot shall exceed its proportion of the Estimate. The estimate of the cost and expenses of the work or improvements on file in the offices of the Superintendent of Streets and the Clerk of the City are hereby approved and adopted by the Mayor and Council of the City. In addition to the requirements of law, the procedures set forth in the City Code will be followed regarding acceptance of bids and setting tax levies. For purposes of this Resolution and of all resolutions, ordinances and notices pertaining to this Resolution, the improvement as herein described is hereby designated City of Peoria Maintenance Improvement District No. 1149.

Section 3. Determination of Need.

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

Section 4. Preparation of Assessment Diagrams.

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

Section 5. Exclusion of Certain Property.

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

Section 6. Officers Not Liable.

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

Section 7. Annual Statement.

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

Section 8. Statutory Authority.

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

Section 9. Delegation of Authority.

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

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Arizona, this 1st day of April, 2014.

Bob Barrett, Mayor

ATTEST:

Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

Resolution No. 2014-35
MID 1149 – Peoria Village
April 1, 2014
Page 6 of 11

CERTIFICATION OF CITY ENGINEER

I hereby certify that I have read the description set out under the definition "Assessment District" and approve the same. I further certify that I have read the description set out under the definition "Work" and approve the same.

Andrew Granger, Engineering Director

CERTIFICATION OF CITY CLERK

I hereby certify that the above and foregoing Resolution No. 2014-35 duly passed by the Mayor and Council of the City of Peoria, Arizona at a regular meeting held on _____ April 1____, 2014 and that a quorum was present there and that the vote thereon was _____ ayes and _____ nays. _____ were no vote or absent.

City Clerk, City of Peoria



EXHIBIT A

LEGAL DESCRIPTION

Legal Description for Peoria Village

A portion of the Southeast quarter of Section 13, Township 3 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at the Southeast corner of said Section 13, being marked by a brass cap in hand hole;

Thence South 88 degrees 13 minutes 32 seconds West (Basis of Bearing) along the South line of the Southeast quarter of said Section 13 a distance of 275.13 feet to the **Point of Beginning**;

Thence continuing South 88 degrees 13 minutes 32 seconds West a distance of 1059.64 feet to the Southwest corner of the Southeast quarter of said Southeast quarter of Section 13 and from which the South quarter corner of said Section 13 bears South 88 degrees 13 minutes 32 seconds West a distance of 1334.77 feet;

Thence North 00 degrees 04 minutes 12 seconds East a distance of 685.25 feet to a point on the South line of "Promenade", a subdivision, as recorded in Book 342 of Maps, Page 27, records of Maricopa County, Arizona;

Thence along said South line North 88 degrees 13 minutes 32 seconds East a distance of 1334.01 feet to a point on the East line of said Southeast quarter of Section 13 and from which the East quarter corner bears North 00 degrees 00 minutes 22 seconds East a distance of 1929.51 feet;

Preparing Firm: *CLOUSE ENGINEERING INC.*

Address: *1042 E. ORANGEWOOD AVE*



EXHIBIT A

LEGAL DESCRIPTION

Thence along said East line South 00 degrees 00 minutes 22 seconds West a distance of 420.10 feet to a point on the North line of the South 265.00 feet of said Southeast quarter of Section 13;

Thence along said North line South 88 degrees 13 minutes 32 seconds West a distance of 275.13 feet to a point on the West line of the East 275.00 feet of said Southeast quarter of Section 13;

Thence along said West line South 00 degrees 00 minutes 22 seconds West a distance of 265.13 feet to the **Point of Beginning**.

Note: The above described parcel contains 841,005 square feet or 19.3068 acres, more or less.



Preparing Firm: *CLOUSE ENGINEERING INC.*

Address: *1042 E. ORANGEWOOD AVE*

EXHIBIT “B”

IS ON FILE IN THE

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

CITY OF PEORIA, ARIZONA

NOTICE

OF THE PASSAGE OF A RESOLUTION ORDERING THE IMPROVEMENT CONSISTING OF AUTHORIZING THE MAINTENANCE OF LANDSCAPING INCLUDED WITHIN, NEAR, AND ADJACENT TO A PARKWAY FOR THE IMPROVEMENT DISTRICT KNOWN AS CITY OF PEORIA MAINTENANCE IMPROVEMENT DISTRICT NO. 1149, PEORIA VILLAGE.

This notice is given pursuant to the provisions of Title 48, Chapter 4, Article 2, Sections 48-571 to 48-619, both inclusive, Arizona Revised Statutes, as amended.

On the 1st day of April 2014, the Mayor and Council of the City of Peoria adopted Resolution No. 2014-36; ordering the improvements of a certain area within the corporate limits of the city and creating an Improvement District known as the City of Peoria Maintenance Improvement District No. 1149, pursuant to Title 48, Chapter 4, Arizona Revised Statutes; and amendments thereto for the purpose of maintenance of landscaping within the district and including a charge for the work necessary to maintain the landscaping and other related items, together with all appurtenant structures as shown on the plans; and directing that this notice been given.

Any owner, or any other person having an interest in any lot, piece or parcel of land situated within the above-described assessment district, who claims that any of the provisions, acts or proceedings relative to the above described improvements are irregular, defective, illegal, erroneous or faulty, may file with the City Clerk, Room 150, 8401 West Monroe Street, Peoria, Arizona 85345, within 15 days from the date of the first publication of this notice, a written notice specifying in what way said acts or proceedings are irregular, defective, illegal, erroneous or faulty.

Further information concerning City of Peoria Maintenance Improvement District No. 1149 may be obtained by contacting Mr. Andrew Granger, Engineering Director, City of Peoria, 8401 West Monroe, Peoria, Arizona 85345, (623) 773-7367.

DATED AND SIGNED this _____ day of _____ 2014.

Andrew Granger, P.E.
Superintendent of Streets
City of Peoria, Arizona

RESOLUTION NO. 2014-36

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA DECLARING ITS INTENTION TO ORDER THE IMPROVEMENTS OF A CERTAIN AREA WITHIN THE CORPORATE LIMITS OF THE CITY AND CREATING AN IMPROVEMENT DISTRICT KNOWN AS THE CITY OF PEORIA MAINTENANCE IMPROVEMENT DISTRICT NO. 1149, PEORIA VILLAGE; PROVIDING THAT THE COST OF THE MAINTENANCE OF THE LANDSCAPING INCLUDED WITHIN, NEAR, AND ADJACENT TO A PARKWAY AND RELATED FACILITIES TOGETHER WITH APPURTENANT STRUCTURES AS SHOWN ON THE PLANS, SHALL BE ASSESSED UNDER THE PROVISIONS OF TITLE 48, CHAPTER 4, ARTICLE 2, ARIZONA REVISED STATUTES, AS AMENDED; AND DECLARING AN EMERGENCY.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, THAT:

SECTION 1. The public interest or convenience require and it is the intention of the Mayor and Council of the City of Peoria, Arizona to order the maintenance of landscaping within the proposed district and that the cost of maintaining landscaping included within, near, and adjacent to a parkway and related facilities together with appurtenant structures be assessed upon a certain improvement district to be known as Peoria Maintenance Improvement District No. 1149.

The estimate of the cost and expenses for the maintenance of the landscaping on file with the Superintendent of Streets and the City Clerk is approved and adopted by the Mayor and Council of the City.

SECTION 2. The maintenance of the landscaping, therefore, in the opinion of the Mayor and Council of the City, are of more than local or ordinary public benefit, and are of special benefit to the respective lots, pieces and parcels of land within the real property described herein. The Mayor and Council of the City make and order that the cost and expense for the maintenance of the landscaping included within, near, and adjacent to a parkway and related facilities together with appurtenant structures be chargeable upon a district to be known and designated as the City of

Peoria Maintenance Improvement District No. 1149 and as described and bounded as set forth on Exhibits A and B attached, and declare that the district in the City benefited by the maintenance of landscaping included within, near, and adjacent to a parkway and related facilities together with appurtenant structures to be assessed, to pay the costs and expenses thereof in proportion to the benefits derived therefrom.

The City shall not assess the costs and expenses for the maintenance of landscaping included within, near, and adjacent to a parkway and related facilities together with appurtenant structures, which are for the general public benefit against the respective lots, pieces and parcels of land located within the boundaries of the City of Peoria Maintenance Improvement District No. 1149 and if a portion of the costs and expenses for the maintenance of landscaping is for the general public benefit, the City shall assess the boundaries of the City of Peoria Maintenance Improvement District No. 1149 only that portion of such costs and expenses which benefits the lots, pieces and parcels of land located within the boundaries of the City of Peoria Maintenance Improvement District No. 1149.

SECTION 3. The costs and expense for the maintenance of landscaping shall be made and all proceedings therein taken; that the Superintendent of Streets of the City shall post or cause to be posted notices thereof; that the City Clerk shall certify to the passage of this Resolution of Intention; that the Engineer shall prepare duplicate diagrams of the City of Peoria Maintenance Improvement District No. 1149 described in Section 2 of this Resolution to be assessed to pay the costs and expenses thereof, under and in accordance with the provisions of Title 48, Chapter 4, Article 2, Arizona Revised Statutes, as amended.

SECTION 4. The majority of owners of all of the real property within the proposed district have executed a Petition for formation of a Maintenance Improvement District and the City Council has verified the ownership of the property. Publication and posting of the notice of the passage of the Resolution of Intention will be completed as prescribed by the State Statues.

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

SECTION 6. The immediate operation of the provisions of this Resolution is necessary for the preservation of the public peace, health and safety and an emergency is declared to exist, and this Resolution will be in full force and effect from and after its passage and approval by the Mayor and Council of the City of Peoria, Arizona as required by law and is exempt from the referendum provisions of the Constitution and laws of the State of Arizona.

Resolution No. 2014- 36
MID 1149 – Peoria Village
April 1, 2014
Page 3 of 6

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the
City of Peoria, Arizona, this 1st day of April, 2014.

Bob Barrett, Mayor

Date Signed: _____

ATTEST:

Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney



EXHIBIT A LEGAL DESCRIPTION

Legal Description for Peoria Village

A portion of the Southeast quarter of Section 13, Township 3 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at the Southeast corner of said Section 13, being marked by a brass cap in hand hole;

Thence South 88 degrees 13 minutes 32 seconds West (Basis of Bearing) along the South line of the Southeast quarter of said Section 13 a distance of 275.13 feet to the **Point of Beginning**;

Thence continuing South 88 degrees 13 minutes 32 seconds West a distance of 1059.64 feet to the Southwest corner of the Southeast quarter of said Southeast quarter of Section 13 and from which the South quarter corner of said Section 13 bears South 88 degrees 13 minutes 32 seconds West a distance of 1334.77 feet;

Thence North 00 degrees 04 minutes 12 seconds East a distance of 685.25 feet to a point on the South line of "Promenade", a subdivision, as recorded in Book 342 of Maps, Page 27, records of Maricopa County, Arizona;

Thence along said South line North 88 degrees 13 minutes 32 seconds East a distance of 1334.01 feet to a point on the East line of said Southeast quarter of Section 13 and from which the East quarter corner bears North 00 degrees 00 minutes 22 seconds East a distance of 1929.51 feet;



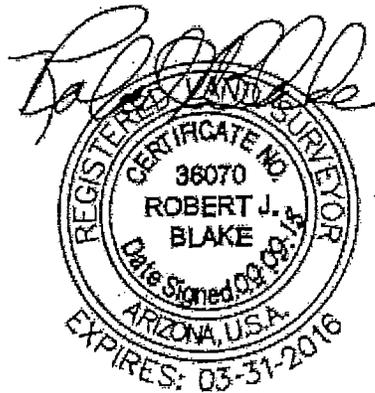
EXHIBIT A LEGAL DESCRIPTION

Thence along said East line South 00 degrees 00 minutes 22 seconds West a distance of 420.10 feet to a point on the North line of the South 265.00 feet of said Southeast quarter of Section 13;

Thence along said North line South 88 degrees 13 minutes 32 seconds West a distance of 275.13 feet to a point on the West line of the East 275.00 feet of said Southeast quarter of Section 13;

Thence along said West line South 00 degrees 00 minutes 22 seconds West a distance of 265.13 feet to the **Point of Beginning**.

Note: The above described parcel contains 841,005 square feet or 19.3068 acres, more or less.



Preparing Firm: *CLOUSE ENGINEERING INC.*

Address: *1642 E. ORANGEWOOD AVE*

607-295-9310

EXHIBIT “B”

IS ON FILE IN THE

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

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 9C

Date Prepared: March 3, 2014

Council Meeting Date: April 1, 2014

TO: Carl Swenson, City Manager

FROM: Scott Whyte, Economic Development Services Director

THROUGH: Susan J. Daluddung, Deputy City Manager

SUBJECT: Maintenance Improvement District No. 1141, Tierra Del Rio Parcel 23, 99th Avenue and Jomax Road

Purpose:

This is a request for City Council to approve a Petition for Formation, adopt the Resolution of Intention, and Resolution Ordering the Improvements for a proposed Maintenance Improvement District No. 1141, Tierra Del Rio, located at 99th Avenue and Jomax Road, as well as authorize the City Clerk to record the Maintenance Improvement District with the Maricopa County Recorder's Office subject to the following stipulations:

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

Background/Summary:

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

Pursuant to the provision of A.R.S. 48-574, et. seq., the Mayor and Council are empowered to adopt a Resolution ordering the formation of a Maintenance Improvement District. A Petition

and Resolution of Intention are attached for formation of City of Peoria Maintenance Improvement District No. 1141, Tierra Del Rio Parcel 23, located at 99th Avenue and Jomax Road. In this special situation, in which all of the property owners have presented a petition for formation, the ordinary publication and protest period are not required by law, and the Council may then adopt a Resolution ordering the improvements when necessary once the Resolution of Intention is first adopted. The Resolution Ordering the improvements finalizes the formation of the Maintenance Improvement District process.

Under Arizona State law, commencing in October 2015, the residents will receive an additional charge on their property tax bill for maintenance of the landscape, irrigation and drainage improvements, located adjacent to and within the public rights-of-way and tracts. However, until such time as the Homeowner's Association fails, and the Council directs City staff to assume maintenance responsibility, the additional charge to the residents will be \$0.00. In accordance with State statute, an assessment diagram and map, listing each parcel of property within the district has been prepared.

Previous Actions:

The final plat for Tierra Del Rio was approved by the City on July 8, 2013 and recorded with the County.

Options:

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

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

Staff's Recommendation:

Staff recommends the approval and subsequent recordation of the attached Petition for Formation, Resolution of Intention to Create, and Resolution Declaring Intention to Order.

Fiscal Analysis:

There is no direct budgetary impact to the City to approve the Maintenance Improvement District. However, the City would incur the additional charges associated with the maintenance

responsibilities should the taxing district not be approved and recorded, and the Homeowner's Association fail.

Narrative:

The acceptance of this Maintenance Improvement District will allow any additional charges associated with the maintenance responsibilities should the Homeowner's Association fail, to be assessed on the property tax bill for the properties located within the District.

Exhibit(s):

Exhibit 1: Petition for Formation

Exhibit 2: Proposed Resolution of Intention to Create

Exhibit 3: Proposed Resolution Declaring Intention to Order

Contact Name and Number: Traci Varland, Associate Engineer, x7612

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

[1141]
MID#

[Tierra Del Rio Parcel 23]
Subdivision Name

To: Honorable Mayor and Council
City of Peoria, Arizona

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

1. Area of District. The proposed district is described by a map and by a legal description on Exhibit "A" that is attached hereto and incorporated herein by reference. The proposed district consists of 93.425 acres and is entirely within the corporate boundaries of the City of Peoria.
2. Ownership. The undersigned (is) (are) the sole owner(s) of the real property within the proposed district.
3. Purpose. The district is proposed to be formed for the purpose of the operation, maintenance, repair and improvements for landscape maintenance adjacent to designated public roadways and parkways within the proposed district and drainage and retention within each proposed district.
4. Public Convenience and Necessity. The necessity for the proposed district is for the operation, maintenance, repair and improvements for landscape maintenance adjacent to designated streets and parkways within the proposed district by the levying of special assessments in the proposed district.
5. Waiver and Consent. The petitioners with full knowledge of their rights being waived hereunder, hereby expressly waive:
 - (a) Any and all irregularities, illegalities or deficiencies which may exist in the acts or proceedings resulting in the adoption of the Resolution of Intention and the Resolution Ordering the Work;
 - (b) Any necessity for publication and posting of the Resolution of Intention and the Notice of Proposed Improvements pursuant to A.R.S. §48-578;
 - (c) All protest rights whatsoever under A.R.S. §48-579(A) and (B), which provide for protests against the work; and
 - (d) All objections to the filing of and adoption by the City of the plans and specifications, the Engineer's estimate and the Assessment Diagram, all of which provide for the completion of the District.

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

In Witness whereof the parties have executed this Petition and Waiver Agreement as of the _____ day of _____ 20____.

<p>Taylor Morrison/Arizona, Inc. an Arizona Corporation _____ Print Property Owner Name <u>Phillip R Cross</u> _____ Print Name <u>4000 E. Pima Center Parkway, Suite 350, Scottsdale, AZ 85218</u> _____ Address _____ Signature</p>	<p>Date: <u>2/3/14</u></p>	<p>Property (Tax Parcel Numbers) <u>See Exhibit A</u></p>
<p>_____ Print Property Owner Name _____ Print Name _____ Address _____ Signature</p>	<p>Date: _____</p>	<p>Property (Tax Parcel Numbers) _____</p>

Accepted and approved by:

CITY OF PEORIA, ARIZONA, an
ARIZONA MUNICIPAL CORPORATION

ATTEST:

By _____
Mayor

City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

RESOLUTION NO. 2014-29

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PEORIA, ARIZONA, DECLARING ITS INTENTION TO CREATE AN IMPROVEMENT DISTRICT TO MAINTAIN LANDSCAPING INCLUDED WITHIN, NEAR AND ADJACENT TO A PARKWAY AND RELATED FACILITIES TOGETHER WITH APPURTENANT STRUCTURES AS SHOWN ON THE PLANS, FOR MAINTENANCE WITHIN AN AREA IN THE CITY OF PEORIA AS DESCRIBED HEREIN; ADOPTING PLANS FOR CITY OF PEORIA MAINTENANCE IMPROVEMENT DISTRICT NO. 1141, THE TIERRA DEL RIO PARCEL 23, AS MORE PARTICULARLY DESCRIBED HEREIN, AND DECLARING THE WORK OR IMPROVEMENT TO BE OF MORE THAN LOCAL OR ORDINARY PUBLIC BENEFIT, AND THAT THE COST OF SAID WORK OR IMPROVEMENT SHALL BE ASSESSED UPON A CERTAIN DISTRICT, AND PROVIDING THAT THE PROPOSED WORK OR IMPROVEMENT SHALL BE PERFORMED UNDER ARIZONA REVISED STATUTES TITLE 48, CHAPTER 4, ARTICLE 2, AND AMENDMENTS THERETO AND DECLARING AN EMERGENCY.

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

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

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

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

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

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

Section 1. Definitions.

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

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

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

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

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

"Clerk" shall mean the City Clerk.

"Engineer" shall mean City Engineer.

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

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

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

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

"Plans and Specifications" shall mean the engineer's estimate for the Maintenance Improvement District No. 1141 filed with the Clerk prior to the adoption of this Resolution.

"Superintendent of Streets" shall mean the City Engineer.

Section 2. Declaration of Intention to Order an Improvement.

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

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

SEE EXHIBIT "A", LEGAL DESCRIPTION OF CITY OF PEORIA MAINTENANCE IMPROVEMENT DISTRICT NO. 1141

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

ordinances and notices pertaining to this Resolution, the improvement as herein described is hereby designated City of Peoria Maintenance Improvement District No. 1141.

Section 3. Determination of Need.

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

Section 4. Preparation of Assessment Diagrams.

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

Section 5. Exclusion of Certain Property.

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

Section 6. Existing Maintenance Improvement District.

This proposed Maintenance Improvement District for Tierra Del Rio Parcel 23 is subject to the existing Tierra Del Rio Development Master Maintenance Improvement District #1061.

Section 7. Officers Not Liable.

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

Section 8. Annual Statement.

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

Section 9. Statutory Authority.

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

Section 10. Delegation of Authority.

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

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Arizona, this 1st day of April, 2014.

Bob Barrett, Mayor

ATTEST:

Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

CERTIFICATION OF CITY ENGINEER

I hereby certify that I have read the description set out under the definition "Assessment District" and approve the same. I further certify that I have read the description set out under the definition "Work" and approve the same.

Andrew Granger, Engineering Director

CERTIFICATION OF CITY CLERK

I hereby certify that the above and foregoing Resolution No. 2014-29 duly passed by the Mayor and Council of the City of Peoria, Arizona at a regular meeting held on _____ April 1 _____, 2014 and that a quorum was present there and that the vote thereon was _____ ayes and _____ nays. _____ were no vote or absent.

City Clerk, City of Peoria

EXHIBIT
TIERRA DEL RIO PARCEL 23
MAINTENANCE IMPROVEMENT DISTRICT NO. 1141
LEGAL DESCRIPTION

All that certain lot, tract, or parcel of land, situated in East Half of Section 32, Township 5 North, Range 1 East of the Gila and Salt River Meridian, Maricopa County, Arizona, and being more completely described as follows, to-wit:

COMMENCING at a found City of Peoria brass cap flush for the Southeast Corner of said Section 32, from which a found City of Peoria brass cap in handhole for the East Quarter corner of said Section 32 bears North 00 deg. 00 min. 05 sec. West (BASIS OF BEARINGS) - 2636.17 feet;

THENCE North 00 deg. 00 min. 05 sec. West along the East line of the Southeast Quarter of said Section 32, a distance of 2136.11 feet to the TRUE POINT OF BEGINNING;

THENCE South 89 deg. 59 min. 55 sec. West departing said Section line, a distance of 314.53 feet;

THENCE North 02 deg. 37 min. 38 sec. East, a distance of 143.78 feet;

THENCE North 87 deg. 22 min. 22 sec. West, a distance of 201.33 feet;

THENCE North 23 deg. 48 min. 30 sec. West, a distance of 681.19 feet;

THENCE North 57 deg. 46 min. 07 sec. West, a distance of 623.02 feet;

THENCE North 64 deg. 09 min. 30 sec. West, a distance of 549.90 feet to a Point of Curvature of a non-tangent circular curve to the right, having a radius of 145.00 feet, a central angle of 2 deg. 52 min. 08 sec., and being subtended by a chord which bears North 51 deg. 08 min. 21 sec. East - 7.26 feet;

THENCE in a northeasterly direction along said curve to the right, a distance of 7.26 feet to a Point of Curvature of a reverse circular curve to the left, having a radius of 188.00 feet, a central angle of 61 deg. 58 min. 23 sec., and being subtended by a chord which bears North 21 deg. 35 min. 13 sec. East - 193.58 feet;

THENCE in a northerly direction along said curve to the left, a distance of 203.35 feet;

THENCE North 13 deg. 05 min. 14 sec. East non-tangent to said curve, a distance of 397.96 feet;

THENCE North 23 deg. 07 min. 27 sec. East, a distance of 148.35 feet;

THENCE North 02 deg. 36 min. 17 sec. West, a distance of 78.78 feet;

THENCE North 26 deg. 17 min. 25 sec. East, a distance of 122.88 feet to a Point of Curvature of a non-tangent circular curve to the left, having a radius of 444.18 feet, a central angle of 32 deg. 56 min. 14 sec., and being subtended by a chord which bears North 19 deg. 56 min. 46 sec. East - 251.84 feet;

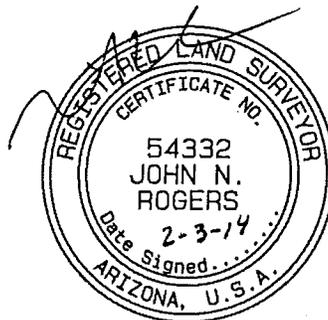
THENCE in a northerly direction along said curve to the left, a distance of 255.34 feet;

THENCE North 02 deg. 11 min. 15 sec. East non-tangent to said curve, a distance of 763.79 feet to the North line of the Northeast Quarter of said Section 32, from which a found Maricopa County aluminum cap on bar for the North Quarter corner of said Section 32 bears North 87 deg. 52 min. 47 sec. West - 1206.27 feet;

THENCE South 87 deg. 52 min. 47 sec. East along the North line of the Northeast Quarter of said Section 32, a distance of 1417.90 feet to the Northeast corner of said Section 32;

THENCE South 00 deg. 02 min. 43 sec. West along the East line of the Northeast Quarter of said Section 32, a distance of 2692.98 feet to said East Quarter corner of Section 32;

THENCE South 00 deg. 00 min. 05 sec. East along the East line of the Southeast Quarter of said Section 32, a distance of 500.06 feet to the POINT OF BEGINNING, containing 4,069,582 square feet or 93.425 acres of land.



EXPIRES 3/31/2016

EXHIBIT “B”

IS ON FILE IN THE

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

**CITY OF PEORIA, ARIZONA
NOTICE**

OF THE PASSAGE OF A RESOLUTION ORDERING THE IMPROVEMENT CONSISTING OF AUTHORIZING THE MAINTENANCE OF LANDSCAPING INCLUDED WITHIN, NEAR, AND ADJACENT TO A PARKWAY AND RELATED FACILITIES TOGETHER WITHIN APPURTENANT STRUCTURES AS SHOWN ON THE PLANS FOR THE IMPROVEMENT DISTRICT KNOWN AS CITY OF PEORIA MAINTENANCE IMPROVEMENT DISTRICT NO. 1141, TIERRA DEL RIO 23.

This notice is given pursuant to the provisions of Title 48, Chapter 4, Article 2, Sections 48-571 to 48-619, both inclusive, Arizona Revised Statutes, as amended.

On the 1st day of April, 2014 the Mayor and Council of the City of Peoria adopted Resolution No. 2014-29; ordering the improvements of maintaining landscaping included within, near, and adjacent to a parkway and related facilities together within appurtenant structures shown on the plans, within the corporate limits of the City and creating an Improvement District known as the City of Peoria Maintenance Improvement District No. 1141, pursuant to Title 48, Chapter 4, Arizona Revised Statutes; and amendments thereto for the purpose of maintaining landscaping included within, near, and adjacent to a parkway and related facilities together within appurtenant structures, which includes a charge for the maintenance of landscaping and other related items, together with all appurtenant structures as shown on the plans; and directing that this notice been given.

Any owner, or any other person having an interest in any lot, piece or parcel of land situated within the above-described assessment district, who claims that any of the provisions, acts or proceedings relative to the above described improvements are irregular, defective, illegal, erroneous or faulty, may file with the City Clerk, Room 150, 8401 West Monroe Street, Peoria, Arizona 85345, within 15 days from the date of the first publication of this notice, a written notice specifying in what way said acts or proceedings are irregular, defective, illegal, erroneous or faulty.

Further information concerning City of Peoria Maintenance Improvement District No. 1141 may be obtained by contacting Mr. Andrew Granger, Engineering Director, City of Peoria, Arizona, 8401 West Monroe, Peoria, Arizona 85345, (623) 773-7367.

DATED AND SIGNED this _____ day of _____, 2014.

Andrew Granger, P.E.
Superintendent of Streets
City of Peoria, Arizona

RESOLUTION NO. 2014-30

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA DECLARING ITS INTENTION TO ORDER THE IMPROVEMENTS OF A CERTAIN AREA WITHIN THE CORPORATE LIMITS OF THE CITY AND CREATING AN IMPROVEMENT DISTRICT KNOWN AS THE CITY OF PEORIA MAINTENANCE IMPROVEMENT DISTRICT NO. 1141, TIERRA DEL RIO PARCEL 23; PROVIDING THAT THE COST OF THE MAINTENANCE OF THE LANDSCAPING INCLUDED WITHIN, NEAR, AND ADJACENT TO A PARKWAY AND RELATED FACILITIES TOGETHER WITH APPURTENANT STRUCTURES AS SHOWN ON THE PLANS, SHALL BE ASSESSED UNDER THE PROVISIONS OF TITLE 48, CHAPTER 4, ARTICLE 2, ARIZONA REVISED STATUTES, AS AMENDED; AND DECLARING AN EMERGENCY.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, THAT:

SECTION 1. The public interest or convenience require and it is the intention of the Mayor and Council of the City of Peoria, Arizona to order the maintenance of landscaping within the proposed district and that the cost of maintaining landscaping included within, near, and adjacent to a parkway and related facilities together with appurtenant structures be assessed upon a certain improvement district to be known as Peoria Maintenance Improvement District No. 1141.

The estimate of the cost and expenses for the maintenance of the landscaping on file with the Superintendent of Streets and the City Clerk is approved and adopted by the Mayor and Council of the City.

SECTION 2. The maintenance of the landscaping, therefore, in the opinion of the Mayor and Council of the City, are of more than local or ordinary public benefit, and are of special benefit to the respective lots, pieces and parcels of land within the real property described herein. The Mayor and Council of the City make and order that the cost and expense for the maintenance of the landscaping included within, near, and adjacent to a parkway and related facilities together with appurtenant structures be chargeable upon a district to be known and designated as the City of

Resolution No. 2014- 30
MID 1141 – Tierra Del Rio Parcel 23
April 1, 2014
Page 2 of 6

Peoria Maintenance Improvement District No. 1141 and as described and bounded as set forth on Exhibits A and B attached, and declare that the district in the City benefited by the maintenance of landscaping included within, near, and adjacent to a parkway and related facilities together with appurtenant structures to be assessed, to pay the costs and expenses thereof in proportion to the benefits derived therefrom.

The City shall not assess the costs and expenses for the maintenance of landscaping included within, near, and adjacent to a parkway and related facilities together with appurtenant structures, which are for the general public benefit against the respective lots, pieces and parcels of land located within the boundaries of the City of Peoria Maintenance Improvement District No. 1141 and if a portion of the costs and expenses for the maintenance of landscaping is for the general public benefit, the City shall assess the boundaries of the City of Peoria Maintenance Improvement District No. 1141 only that portion of such costs and expenses which benefits the lots, pieces and parcels of land located within the boundaries of the City of Peoria Maintenance Improvement District No. 1141.

SECTION 3. The costs and expense for the maintenance of landscaping shall be made and all proceedings therein taken; that the Superintendent of Streets of the City shall post or cause to be posted notices thereof; that the City Clerk shall certify to the passage of this Resolution of Intention; that the Engineer shall prepare duplicate diagrams of the City of Peoria Maintenance Improvement District No. 1141 described in Section 2 of this Resolution to be assessed to pay the costs and expenses thereof, under and in accordance with the provisions of Title 48, Chapter 4, Article 2, Arizona Revised Statutes, as amended.

SECTION 4. The majority of owners of all of the real property within the proposed district have executed a Petition for formation of a Maintenance Improvement District and the City Council has verified the ownership of the property. Publication and posting of the notice of the passage of the Resolution of Intention will be completed as prescribed by the State Statues.

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

SECTION 6. The immediate operation of the provisions of this Resolution is necessary for the preservation of the public peace, health and safety and an emergency is declared to exist, and this Resolution will be in full force and effect from and after its passage and approval by the Mayor and Council of the City of Peoria, Arizona as required by law and is exempt from the referendum provisions of the Constitution and laws of the State of Arizona.

Resolution No. 2014- 30
MID 1141 – Tierra Del Rio Parcel 23
April 1, 2014
Page 3 of 6

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the
City of Peoria, Arizona, this 1st day of April, 2014.

Bob Barrett, Mayor

Date Signed: _____

ATTEST:

Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

EXHIBIT
TIERRA DEL REO PARCEL 23
MAINTENANCE IMPROVEMENT DISTRICT NO. 1141
LEGAL DESCRIPTION

All that certain lot, tract, or parcel of land, situated in East Half of Section 32, Township 5 North, Range 1 East of the Gila and Salt River Meridian, Maricopa County, Arizona, and being more completely described as follows, to-wit:

COMMENCING at a found City of Peoria brass cap flush for the Southeast Corner of said Section 32, from which a found City of Peoria brass cap in handhole for the East Quarter corner of said Section 32 bears North 00 deg. 00 min. 05 sec. West (BASIS OF BEARINGS) - 2636.17 feet;

THENCE North 00 deg. 00 min. 05 sec. West along the East line of the Southeast Quarter of said Section 32, a distance of 2136.11 feet to the TRUE POINT OF BEGINNING;

THENCE South 89 deg. 59 min. 55 sec. West departing said Section line, a distance of 314.53 feet;

THENCE North 02 deg. 37 min. 38 sec. East, a distance of 143.78 feet;

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THENCE North 64 deg. 09 min. 30 sec. West, a distance of 549.90 feet to a Point of Curvature of a non-tangent circular curve to the right, having a radius of 145.00 feet, a central angle of 2 deg. 52 min. 08 sec., and being subtended by a chord which bears North 51 deg. 08 min. 21 sec. East - 7.26 feet;

THENCE in a northeasterly direction along said curve to the right, a distance of 7.26 feet to a Point of Curvature of a reverse circular curve to the left, having a radius of 188.00 feet, a central angle of 61 deg. 58 min. 23 sec., and being subtended by a chord which bears North 21 deg. 35 min. 13 sec. East - 193.58 feet;

THENCE in a northerly direction along said curve to the left, a distance of 203.35 feet;

THENCE North 13 deg. 05 min. 14 sec. East non-tangent to said curve, a distance of 397.96 feet;

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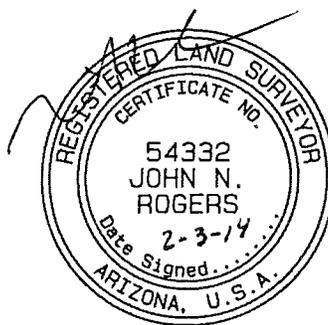
THENCE in a northerly direction along said curve to the left, a distance of 255.34 feet;

THENCE North 02 deg. 11 min. 15 sec. East non-tangent to said curve, a distance of 763.79 feet to the North line of the Northeast Quarter of said Section 32, from which a found Maricopa County aluminum cap on bar for the North Quarter corner of said Section 32 bears North 87 deg. 52 min. 47 sec. West - 1206.27 feet;

THENCE South 87 deg. 52 min. 47 sec. East along the North line of the Northeast Quarter of said Section 32, a distance of 1417.90 feet to the Northeast corner of said Section 32;

THENCE South 00 deg. 02 min. 43 sec. West along the East line of the Northeast Quarter of said Section 32, a distance of 2692.98 feet to said East Quarter corner of Section 32;

THENCE South 00 deg. 00 min. 05 sec. East along the East line of the Southeast Quarter of said Section 32, a distance of 500.06 feet to the POINT OF BEGINNING, containing 4,069,582 square feet or 93.425 acres of land.



EXPIRES 3/31/2016

Resolution No. 2014- 30
MID 1141 – Tierra Del Rio Parcel 23
April 1, 2014
Page 6 of 6

EXHIBIT “B”

IS ON FILE IN THE

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

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 10C

Date Prepared: March 4, 2014

Council Meeting Date: April 1, 2014

TO: Carl Swenson, City Manager

FROM: Scott Whyte, Economic Development Services Director

THROUGH: Susan J. Daluddung, Deputy City Manager

SUBJECT: Street Light Improvement District No. 1085 Peoria Village, 67th Avenue and Cactus Road, North West Corner

Purpose:

This is a request for City Council to approve the Petition for Formation and adopt the Resolution of Intention and Resolution Ordering the Improvements for the proposed Street Light Improvement District No. 1085, Peoria Village, 67th Avenue and Cactus Road, North West Corner, and authorize the City Clerk to record the Street Light Improvement District with the Maricopa County Recorder's Office subject to the following stipulations:

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

Background/Summary:

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

Pursuant to the provisions of A.R.S. §48-616, et seq., Mayor and Council are empowered to adopt a resolution ordering the formation of a Street Light Improvement District. A Petition, Resolution of Intention and Resolution Ordering the Improvements are attached for formation of City of Peoria Street Light Improvement District No. 1085, Peoria Village, located at 67th Avenue and Cactus Road, North West Corner. In this special situation, in which all of the property owners have presented a petition for formation, the ordinary publication and protest period are not required by law, and the Council may then immediately adopt a Resolution

Ordering the improvements once the Resolution of Intention is first adopted. The Resolution ordering the improvements finalizes the formation of the Street Light Improvement District process.

Under Arizona State law, commencing in October 2015, the residents will receive, on their property tax bill, an additional charge for operation of the street light system. In accordance with state statute, an assessment diagram and map listing each parcel of property within the district has been prepared.

Previous Actions:

The final replat for Peoria Village was approved by the Council on February 4, 2014.

Options:

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

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

Staff's Recommendation:

Staff recommends the approval and subsequent recordation of the attached Petition for Formation, Resolution of Intention, and Resolution Ordering the Improvements.

Fiscal Analysis:

There is no direct budgetary impact to the City to approve the Street Light Improvement District. However, the City would incur the cost associated with the purchase of electricity for lighting the streets and public parks within the proposed district should the taxing district not be approved and recorded.

Narrative:

The acceptance of this Street Light Improvement District will allow the purchase of electricity for lighting the streets and public parks within the proposed district to be assessed on the property tax bill for the properties located within the District.

Exhibit(s):

Exhibit 1: Petition for Formation

Exhibit 2: Proposed Resolution of Intention

Exhibit 3: Proposed Resolution Ordering the Improvements

Contact Name and Number: Traci Varland, Associate Engineer x7612

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

SLID# 1085

PEORIA VILLAGE

To: Honorable Mayor and Council
City of Peoria, Arizona

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

1. Area of District. The proposed district is described by a map and by a legal description on Exhibit "A", which is attached hereto and incorporated herein by reference. The proposed district consists of 19.3068 acres and is entirely within the corporate boundaries of the City of Peoria.
2. Ownership. The undersigned (is)(are) the sole owner(s) of the real property within the proposed district.
3. Purpose. The district is proposed to be formed for the purpose of the purchase of electricity for lighting the streets and public parks within the proposed district.
4. Public Convenience and Necessity. The necessity for the proposed district is the purchase of electricity for lighting the streets and public parks within the proposed district by the levying of special assessments in the proposed district.
5. Waiver and Consent. The petitioners with full knowledge of their rights being waived hereunder, hereby expressly waive:
 - (a) Any and all irregularities, illegalities or deficiencies which may exist in the acts or proceedings resulting in the adoption of the Resolution of Intention and the Resolution Ordering the Work;
 - (b) Any necessity for publication and posting of the Resolution of Intention and the Notice of Proposed Improvements pursuant to A.R.S. §48-578;

- (c) All protest rights whatsoever under A.R.S. §48-579(A) and (B), which provide for protests against the work;
- (d) All objections to the filing of and adoption by the City of the plans and specifications, the Engineer's estimate and the Assessment Diagram, all of which provide for the completion of the District.

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

In Witness whereof the parties have executed this Petition and waiver agreement as of the _____ day of _____ 20____.

<p><u>GWR-FV83, LLC</u> Print Property Owner Name <u>JAKE WALKER</u> Print Name <u>1599 E. ORANGEWOOD AVE S-150</u> Address x  Signature</p>	<p>Date: _____</p>	<p>Property (Tax Parcel Numbers) <u>200-77-009J</u></p>
<p>_____ Print Property Owner Name _____ Print Name _____ Address _____ Signature</p>	<p>Date: _____</p>	<p>Property (Tax Parcel Numbers) _____</p>

Accepted and approved by:

CITY OF PEORIA, ARIZONA, an
 ARIZONA MUNICIPAL CORPORATION

ATTEST:

By _____
 Mayor

 City Clerk

APPROVED AS TO FORM:

 City Attorney

RESOLUTION NO. 2014-33

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA DECLARING ITS INTENTION TO ORDER THE PURCHASE OF ELECTRICITY FOR LIGHTING THE STREETS AND PUBLIC PARKS WITHIN THE PROPOSED DISTRICT AND THAT THE COST OF THE PURCHASE OF ELECTRICITY FOR LIGHTING THE STREETS AND PUBLIC PARKS, BE ASSESSED UPON A CERTAIN IMPROVEMENT DISTRICT TO BE KNOWN AS CITY OF PEORIA STREETLIGHT IMPROVEMENT DISTRICT NO. 1085, PEORIA VILLAGE; PROVIDING THAT THE COST OF THE ELECTRICITY REQUIRED TO OPERATE THE SYSTEM BE ASSESSED UNDER THE PROVISIONS OF TITLE 48, CHAPTER 4, ARTICLE 2, ARIZONA REVISED STATUTES, AS AMENDED; AND DECLARING AN EMERGENCY.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, THAT:

SECTION 1. The public interest or convenience require and it is the intention of the Mayor and Council of the City of Peoria, Arizona to order the purchase of electricity for lighting the streets and public parks within the proposed district.

The estimate of the cost and expenses for the purchase of electricity for the operation of the streetlights on file with the Superintendent of Streets and the City Clerk is approved and adopted by the Mayor and Council of the City.

SECTION 2. The streetlights and the electricity, therefore, in the opinion of the Mayor and Council of the City, are of more than local or ordinary public benefit, and are of special benefit to the respective lots, pieces and parcels of land within the real property described herein. The Mayor and Council of the City make and order that the cost and expense for the purchase of electricity be chargeable upon a district to be known and designated as the City of Peoria

Streetlight Improvement District No. 1085 and as described and bounded as set forth on Exhibits A and B attached, and declare that the district in the City benefited by the purchase of electricity for streetlights to be assessed, to pay the costs and expenses thereof in proportion to the benefits derived therefrom.

The City shall not assess the costs and expenses for the purchase of electricity for streetlights which are for the general public benefit against the respective lots, pieces and parcels of land located within the boundaries of the City of Peoria Streetlight Improvement District No. 1085 and if a portion of the costs and expenses for the purchase of electricity for streetlights is for the general public benefit, the City shall assess the boundaries of the City of Peoria Streetlight Improvement District No. 1085 only that portion of such costs and expenses which benefits the lots, pieces and parcels of land located within the boundaries of the City of Peoria Streetlight Improvement District No. 1085.

SECTION 3. The costs and expense for the purchase of electricity for streetlights shall be made and all proceedings therein taken; that the Superintendent of Streets of the City shall post or cause to be posted notices thereof; that the City Clerk shall certify to the passage of this Resolution of Intention; that the Engineer shall prepare duplicate diagrams of the City of Peoria Streetlight Improvement District No. 1085 described in Section 2 of this Resolution to be assessed to pay the costs and expenses thereof, under and in accordance with the provisions of Title 48, Chapter 4, Article 2, Arizona Revised Statutes, as amended.

SECTION 4. The majority of owners of all of the real property within the proposed district have executed a Petition for formation of a Streetlight Improvement District and the City Council has verified the ownership of the property. Publication and posting of the notice of the passage of the Resolution of Intention will be completed as prescribed by the State Statutes.

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

SECTION 6. The immediate operation of the provisions of this Resolution is necessary for the preservation of the public peace, health and safety and an emergency is declared to exist, and this Resolution will be in full force and effect from and after its passage and approval by the Mayor and Council of the City of Peoria, Arizona as required by law and is exempt from the referendum provisions of the Constitution and laws of the State of Arizona.

Resolution No. 2014-33
SLID 1085, Peoria Village
April 1, 2014
Page 3 of 6 Pages

PASSED AND ADOPTED by the Mayor and Council of the City of
Peoria, Arizona, this 1st day of April, 2014.

Bob Barrett, Mayor

ATTEST:

Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney



EXHIBIT A LEGAL DESCRIPTION

Legal Description for Peoria Village

A portion of the Southeast quarter of Section 13, Township 3 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at the Southeast corner of said Section 13, being marked by a brass cap in hand hole;

Thence South 88 degrees 13 minutes 32 seconds West (Basis of Bearing) along the South line of the Southeast quarter of said Section 13 a distance of 275.13 feet to the **Point of Beginning**;

Thence continuing South 88 degrees 13 minutes 32 seconds West a distance of 1059.64 feet to the Southwest corner of the Southeast quarter of said Southeast quarter of Section 13 and from which the South quarter corner of said Section 13 bears South 88 degrees 13 minutes 32 seconds West a distance of 1334.77 feet;

Thence North 00 degrees 04 minutes 12 seconds East a distance of 685.25 feet to a point on the South line of "Promenade", a subdivision, as recorded in Book 342 of Maps, Page 27, records of Maricopa County, Arizona;

Thence along said South line North 88 degrees 13 minutes 32 seconds East a distance of 1334.01 feet to a point on the East line of said Southeast quarter of Section 13 and from which the East quarter corner bears North 00 degrees 00 minutes 22 seconds East a distance of 1929.51 feet;



EXHIBIT A

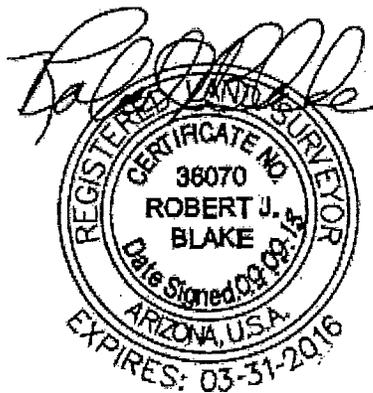
LEGAL DESCRIPTION

Thence along said East line South 00 degrees 00 minutes 22 seconds West a distance of 420.10 feet to a point on the North line of the South 265.00 feet of said Southeast quarter of Section 13;

Thence along said North line South 88 degrees 13 minutes 32 seconds West a distance of 275.13 feet to a point on the West line of the East 275.00 feet of said Southeast quarter of Section 13;

Thence along said West line South 00 degrees 00 minutes 22 seconds West a distance of 265.13 feet to the **Point of Beginning**.

Note: The above described parcel contains 841,005 square feet or 19.3068 acres, more or less.



Preparing Firm: *CLOUSE ENGINEERING INC.*

Address: *1642 E. ORANGEWOOD AVE*

EXHIBIT "B"

IS ON FILE IN THE

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

RESOLUTION NO. 2014-34

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA ORDERING THE IMPROVEMENTS OF CERTAIN STREETS AND RIGHTS-OF-WAY WITHIN THE CORPORATE LIMITS OF THE TOWN AND CREATING AN IMPROVEMENT DISTRICT KNOWN AS THE CITY OF PEORIA STREETLIGHT IMPROVEMENT DISTRICT NO. 1085, PEORIA VILLAGE; PURSUANT TO TITLE 48, CHAPTER 4, ARIZONA REVISED STATUTES AND AMENDMENTS THERETO FOR THE PURPOSE OF PURCHASING ELECTRICITY, WHICH INCLUDES A CHARGE FOR THE USE OF LIGHTING FACILITIES AND OTHER RELATED ITEMS TOGETHER WITH ALL APPURTENANT STRUCTURES AS SHOWN ON THE PLANS, AND DECLARING AN EMERGENCY.

WHEREAS on the 1st day of April, 2014, the Mayor and Council of the City of Peoria, Arizona, passed and adopted Resolution No. 2014-34, declaring its intention to order the purchase of electricity for lighting the streets and public parks within the proposed district and that the cost of the purchase of electricity for lighting the streets and public parks be assessed upon a certain improvement district, to be known as City of Peoria Streetlight Improvement District No. 1085; providing that the cost of the electricity required to operate the system be assessed under the provisions of Title 48, Chapter 4, Article 2, Arizona Revised Statutes, as amended; and declaring an emergency; and

WHEREAS, a copy of Resolution No. 2014-34 has been published in the Peoria Times, a newspaper published and generally circulated in the City, as required by law or alternatively a petition has been filed with the City Clerk having been signed by all the owners of the real property; and

WHEREAS, the Superintendent of Streets of the City caused to be posted along the streets of the District, no more than three hundred (300) feet apart, notices of the passage of Resolution No. 2014-34, said notices being headed "Notice of Proposed Improvement", each heading in letters at least one (1) inch in height. Said notices stated the fact of the passage of said Resolution of Intention No. 2014-34 or alternatively a petition has been filed with the City Clerk

having been signed by all the owners of the real property; and

WHEREAS, more than fifteen (15) days have elapsed since the date of the last publication of said Resolution of Intention No. 2014-34 and since the completion of the posting of said notices or alternatively a petition has been filed with the City Clerk having been signed by all the owners of the real property; and

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

WHEREAS, the Mayor and Council of the City having acquired jurisdiction to order the improvements as described in Resolution No. 2014-34; and

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

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

Section 1. By virtue of the authority vested in the Mayor and Council of the City by Title 48, Chapter 4, Article 2, Arizona Revised Statutes and all amendments thereto, the Mayor and Council of the City orders the work or improvement done as described in Resolution No. 2014-34 and in accordance with the Plans and Specifications approved and adopted by the Mayor and Council of the City of Peoria, Arizona.

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

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

Section 4. That the Clerk of the City is authorized and directed to certify that the Diagram was approved by the Mayor and Council of the City on the 1st day of April, 2014, and after such certification, the Clerk of the City is authorized and directed to deliver the Diagram to the Superintendent of Streets of the City.

Resolution No. 2014-34
SLID 1085, Peoria Village
April 1, 2014
Page 3 of 8 Pages

PASSED AND ADOPTED by the Mayor and Council of the City of
Peoria, Arizona, this 1st day of April, 2014.

Bob Barrett, Mayor

ATTEST:

Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

EXHIBIT "B"

IS ON FILE IN THE

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



EXHIBIT A

LEGAL DESCRIPTION

Legal Description for Peoria Village

A portion of the Southeast quarter of Section 13, Township 3 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at the Southeast corner of said Section 13, being marked by a brass cap in hand hole;

Thence South 88 degrees 13 minutes 32 seconds West (Basis of Bearing) along the South line of the Southeast quarter of said Section 13 a distance of 275.13 feet to the **Point of Beginning**;

Thence continuing South 88 degrees 13 minutes 32 seconds West a distance of 1059.64 feet to the Southwest corner of the Southeast quarter of said Southeast quarter of Section 13 and from which the South quarter corner of said Section 13 bears South 88 degrees 13 minutes 32 seconds West a distance of 1334.77 feet;

Thence North 00 degrees 04 minutes 12 seconds East a distance of 685.25 feet to a point on the South line of "Promenade", a subdivision, as recorded in Book 342 of Maps, Page 27, records of Maricopa County, Arizona;

Thence along said South line North 88 degrees 13 minutes 32 seconds East a distance of 1334.01 feet to a point on the East line of said Southeast quarter of Section 13 and from which the East quarter corner bears North 00 degrees 00 minutes 22 seconds East a distance of 1929.51 feet;

Preparing Firm: *CLOUSE ENGINEERING INC.*

Address: *1642 E. ORANGWOOD AVE*



EXHIBIT A

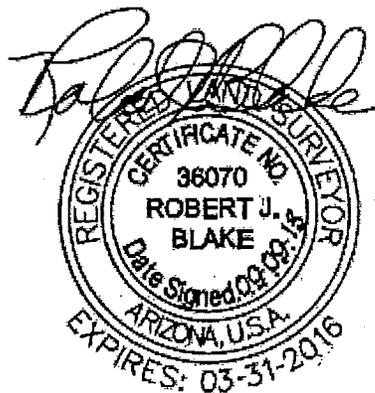
LEGAL DESCRIPTION

Thence along said East line South 00 degrees 00 minutes 22 seconds West a distance of 420.10 feet to a point on the North line of the South 265.00 feet of said Southeast quarter of Section 13;

Thence along said North line South 88 degrees 13 minutes 32 seconds West a distance of 275.13 feet to a point on the West line of the East 275.00 feet of said Southeast quarter of Section 13;

Thence along said West line South 00 degrees 00 minutes 22 seconds West a distance of 265.13 feet to the **Point of Beginning**.

Note: The above described parcel contains 841,005 square feet or 19.3068 acres, more or less.



Preparing Firm: *CLOUSE ENGINEERING INC.*
Address: *1642 E. ORANGWOOD AVE*

**CITY OF PEORIA, ARIZONA
NOTICE**

OF THE PASSAGE OF A RESOLUTION ORDERING
THE IMPROVEMENT CONSISTING OF
AUTHORIZING THE PURCHASE OF ELECTRICITY
FOR LIGHTING THE STREETS AND PUBLIC PARKS
FOR THE IMPROVEMENT DISTRICT KNOWN AS
CITY OF PEORIA STREETLIGHT IMPROVEMENT
DISTRICT NO. 1085, PEORIA VILLAGE.

This notice is given pursuant to the provisions of Title 48, Chapter 4, Article 2, Sections 48-571 to 48-619, both inclusive, Arizona Revised Statutes, as amended.

On the 1st day of April, 2014, the Mayor and Council of the City of Peoria adopted Resolution No. 2014-34; ordering the improvements of certain streets and rights-of-way within the corporate limits of the town and creating an Improvement District known as the City of Peoria Streetlight Improvement District No. 1085, pursuant to Title 48, Chapter 4, Arizona Revised Statutes; and amendments thereto for the purpose of purchasing electricity, which includes a charge for the use of lighting facilities and other related items, together with all appurtenant structures as shown on the plans; and directing that this notice been given.

Any owner, or any other person having an interest in any lot, piece or parcel of land situated within the above-described assessment district, who claims that any of the provisions, acts or proceedings relative to the above described improvements are irregular, defective, illegal, erroneous or faulty, may file with the City Clerk, Room 150, 8401 West Monroe Street, Peoria, Arizona 85345, within 15 days from the date of the first publication of this notice, a written notice specifying in what way said acts or proceedings are irregular, defective, illegal, erroneous or faulty.

Further information concerning City of Peoria Streetlight Improvement District No. 1085 may be obtained by contacting Mr. Andrew Granger, Engineering Director, City of Peoria, Arizona, 8401 West Monroe, Peoria, Arizona 85345, (623) 773-7367.

DATED AND SIGNED this _____ day of _____, 2014.

Andrew Granger, P.E.
Superintendent of Streets
City of Peoria, Arizona

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 11C

Date Prepared: March 4, 2014

Council Meeting Date: April 1, 2014

TO: Carl Swenson, City Manager

FROM: Scott Whyte, Economic Development Services Director

THROUGH: Susan J. Daluddung, Deputy City Manager

SUBJECT: Street Light Improvement District No. 1080 Tierra Del Rio, Parcel 23, 99th Avenue and Jomax

Purpose:

This is a request for City Council to approve the Petition for Formation and adopt the Resolution of Intention and Resolution Ordering the Improvements for the proposed Street Light Improvement District No. 1080, Tierra Del Rio, Parcel 23, 99th Avenue and Jomax, and authorize the City Clerk to record the Street Light Improvement District with the Maricopa County Recorder's Office subject to the following stipulations:

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

Background/Summary:

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

Pursuant to the provisions of A.R.S. §48-616, et seq., Mayor and Council are empowered to adopt a resolution ordering the formation of a Street Light Improvement District. A Petition, Resolution of Intention and Resolution Ordering the Improvements are attached for formation of City of Peoria Street Light Improvement District No. 1080, Tierra Del Rio, Parcel 23, located at 99th Avenue and Jomax. In this special situation, in which all of the property owners have presented a petition for formation, the ordinary publication and protest period are not required by law, and the Council may then immediately adopt a Resolution Ordering the improvements

once the Resolution of Intention is first adopted. The Resolution ordering the improvements finalizes the formation of the Street Light Improvement District process.

Under Arizona State law, commencing in October 2015, the residents will receive, on their property tax bill, an additional charge for operation of the street light system. In accordance with state statute, an assessment diagram and map listing each parcel of property within the district has been prepared.

Previous Actions:

The final replat for Tierra Del Rio Parcel 23 was approved by the Council on July 8, 2013.

Options:

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

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

Staff's Recommendation:

Staff recommends the approval and subsequent recordation of the attached Petition for Formation, Resolution of Intention, and Resolution Ordering the Improvements.

Fiscal Analysis:

There is no direct budgetary impact to the City to approve the Street Light Improvement District. However, the City would incur the cost associated with the purchase of electricity for lighting the streets and public parks within the proposed district should the taxing district not be approved and recorded.

Narrative:

The acceptance of this Street Light Improvement District will allow the purchase of electricity for lighting the streets and public parks within the proposed district to be assessed on the property tax bill for the properties located within the District.

Exhibit(s):

Exhibit 1: Petition for Formation

Exhibit 2: Proposed Resolution of Intention

Exhibit 3: Proposed Resolution Ordering the Improvements

Contact Name and Number: Traci Varland, Associate Engineer x7612

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

[1080]
SLID#
[Tierra Del Rio Parcel 23]
Subdivision Name

To: Honorable Mayor and Council
City of Peoria, Arizona

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

1. Area of District. The proposed district is described by a map and by a legal description on Exhibit "A", which is attached hereto and incorporated herein by reference. The proposed district consists of 93.425 acres and is entirely within the corporate boundaries of the City of Peoria.
2. Ownership. The undersigned (is) (are) the sole owner(s) of the real property within the proposed district.
3. Purpose. The district is proposed to be formed for the purpose of the purchase of electricity for lighting the streets and public parks within the proposed district.
4. Public Convenience and Necessity. The necessity for the proposed district is the purchase of electricity for lighting the streets and public parks within the proposed district by the levying of special assessments in the proposed district.
5. Waiver and Consent. The petitioners with full knowledge of their rights being waived hereunder, hereby expressly waive:
 - (a) Any and all irregularities, illegalities or deficiencies which may exist in the acts or proceedings resulting in the adoption of the Resolution of Intention and the Resolution Ordering the Work;
 - (b) Any necessity for publication and posting of the Resolution of Intention and the Notice of Proposed Improvements pursuant to A.R.S. §48-578;
 - (c) All protest rights whatsoever under A.R.S. §48-579(A) and (B), which provide for protests against the work;
 - (d) All objections to the filing of and adoption by the City of the plans and specifications, the Engineer's estimate and the Assessment Diagram, all of which provide for the completion of the District.

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

In Witness whereof the parties have executed this Petition and Waiver Agreement as of the _____
day of _____ 20____.

<p>Taylor Morrison/Arizona, Inc. an Arizona Corporation</p> <p>Print Property Owner Name <u>Phillip R. Cross</u></p> <p>Print Name <u>7000 E. Peoria Center Pkwy, Ste 350, Scottsdale, AZ 85258</u></p> <p>Address <u>[REDACTED]</u></p> <p>Signature <u>[REDACTED]</u></p>	<p>Date: <u>2/3/14</u></p>	<p>Property (Tax Parcel Numbers) <u>See Exhibit A</u></p>
<p>Print Property Owner Name _____</p> <p>Print Name _____</p> <p>Address _____</p> <p>Signature _____</p>	<p>Date: _____</p>	<p>Property (Tax Parcel Numbers) _____</p>

Accepted and approved by:

CITY OF PEORIA, ARIZONA, an
ARIZONA MUNICIPAL CORPORATION

ATTEST:

By _____
Mayor

City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

RESOLUTION NO. 2014-31

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA DECLARING ITS INTENTION TO ORDER THE PURCHASE OF ELECTRICITY FOR LIGHTING THE STREETS AND PUBLIC PARKS WITHIN THE PROPOSED DISTRICT AND THAT THE COST OF THE PURCHASE OF ELECTRICITY FOR LIGHTING THE STREETS AND PUBLIC PARKS, BE ASSESSED UPON A CERTAIN IMPROVEMENT DISTRICT TO BE KNOWN AS CITY OF PEORIA STREETLIGHT IMPROVEMENT DISTRICT NO. 1080, TIERRA DEL RIO PARCEL 23; PROVIDING THAT THE COST OF THE ELECTRICITY REQUIRED TO OPERATE THE SYSTEM BE ASSESSED UNDER THE PROVISIONS OF TITLE 48, CHAPTER 4, ARTICLE 2, ARIZONA REVISED STATUTES, AS AMENDED; AND DECLARING AN EMERGENCY.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, THAT:

SECTION 1. The public interest or convenience require and it is the intention of the Mayor and Council of the City of Peoria, Arizona to order the purchase of electricity for lighting the streets and public parks within the proposed district.

The estimate of the cost and expenses for the purchase of electricity for the operation of the streetlights on file with the Superintendent of Streets and the City Clerk is approved and adopted by the Mayor and Council of the City.

SECTION 2. The streetlights and the electricity, therefore, in the opinion of the Mayor and Council of the City, are of more than local or ordinary public benefit, and are of special benefit to the respective lots, pieces and parcels of land within the real property described herein. The Mayor and Council of the City make and order that the cost and expense for the purchase of electricity be

chargeable upon a district to be known and designated as the City of Peoria Streetlight Improvement District No. 1080 and as described and bounded as set forth on Exhibits A and B attached, and declare that the district in the City benefited by the purchase of electricity for streetlights to be assessed, to pay the costs and expenses thereof in proportion to the benefits derived therefrom.

The City shall not assess the costs and expenses for the purchase of electricity for streetlights which are for the general public benefit against the respective lots, pieces and parcels of land located within the boundaries of the City of Peoria Streetlight Improvement District No. 1080 and if a portion of the costs and expenses for the purchase of electricity for streetlights is for the general public benefit, the City shall assess the boundaries of the City of Peoria Streetlight Improvement District No. 1080 only that portion of such costs and expenses which benefits the lots, pieces and parcels of land located within the boundaries of the City of Peoria Streetlight Improvement District No. 1080.

SECTION 3. The costs and expense for the purchase of electricity for streetlights shall be made and all proceedings therein taken; that the Superintendent of Streets of the City shall post or cause to be posted notices thereof; that the City Clerk shall certify to the passage of this Resolution of Intention; that the Engineer shall prepare duplicate diagrams of the City of Peoria Streetlight Improvement District No. 1080 described in Section 2 of this Resolution to be assessed to pay the costs and expenses thereof, under and in accordance with the provisions of Title 48, Chapter 4, Article 2, Arizona Revised Statutes, as amended.

SECTION 4. The majority of owners of all of the real property within the proposed district have executed a Petition for formation of a Streetlight Improvement District and the City Council has verified the ownership of the property. Publication and posting of the notice of the passage of the Resolution of Intention will be completed as prescribed by the State Statutes.

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

SECTION 6. The immediate operation of the provisions of this Resolution is necessary for the preservation of the public peace, health and safety and an emergency is declared to exist, and this Resolution will be in full force and effect from and after its passage and approval by the Mayor and Council of the City of Peoria, Arizona as required by law and is exempt from the referendum provisions of the Constitution and laws of the State of Arizona.

Resolution No. 2014-31
SLID 1080, Tierra Del Rio Parcel 23
April 1, 2014
Page 3 of 6 Pages

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Arizona, this 1st day of April, 2014.

Bob Barrett, Mayor

ATTEST:

Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

EXHIBIT
TIERRA DEL RIO PARCEL 23
STREET LIGHT IMPROVEMENT DISTRICT NO. 1080
LEGAL DESCRIPTION

All that certain lot, tract, or parcel of land, situated in East Half of Section 32, Township 5 North, Range 1 East of the Gila and Salt River Meridian, Maricopa County, Arizona, and being more completely described as follows, to-wit:

COMMENCING at a found City of Peoria brass cap flush for the Southeast Corner of said Section 32, from which a found City of Peoria brass cap in handhole for the East Quarter corner of said Section 32 bears North 00 deg. 00 min. 05 sec. West (BASIS OF BEARINGS) - 2636.17 feet;

THENCE North 00 deg. 00 min. 05 sec. West along the East line of the Southeast Quarter of said Section 32, a distance of 2136.11 feet to the TRUE POINT OF BEGINNING;

THENCE South 89 deg. 59 min. 55 sec. West departing said Section line, a distance of 314.53 feet;

THENCE North 02 deg. 37 min. 38 sec. East, a distance of 143.78 feet;

THENCE North 87 deg. 22 min. 22 sec. West, a distance of 201.33 feet;

THENCE North 23 deg. 48 min. 30 sec. West, a distance of 681.19 feet;

THENCE North 57 deg. 46 min. 07 sec. West, a distance of 623.02 feet;

THENCE North 64 deg. 09 min. 30 sec. West, a distance of 549.90 feet to a Point of Curvature of a non-tangent circular curve to the right, having a radius of 145.00 feet, a central angle of 2 deg. 52 min. 08 sec., and being subtended by a chord which bears North 51 deg. 08 min. 21 sec. East - 7.26 feet;

THENCE in a northeasterly direction along said curve to the right, a distance of 7.26 feet to a Point of Curvature of a reverse circular curve to the left, having a radius of 188.00 feet, a central angle of 61 deg. 58 min. 23 sec., and being subtended by a chord which bears North 21 deg. 35 min. 13 sec. East - 193.58 feet;

THENCE in a northerly direction along said curve to the left, a distance of 203.35 feet;

THENCE North 13 deg. 05 min. 14 sec. East non-tangent to said curve, a distance of 397.96 feet;

THENCE North 23 deg. 07 min. 27 sec. East, a distance of 148.35 feet;

THENCE North 02 deg. 36 min. 17 sec. West, a distance of 78.78 feet;

THENCE North 26 deg. 17 min. 25 sec. East, a distance of 122.88 feet to a Point of Curvature of a non-tangent circular curve to the left, having a radius of 444.18 feet, a central angle of 32 deg. 56 min. 14 sec., and being subtended by a chord which bears North 19 deg. 56 min. 46 sec. East - 251.84 feet;

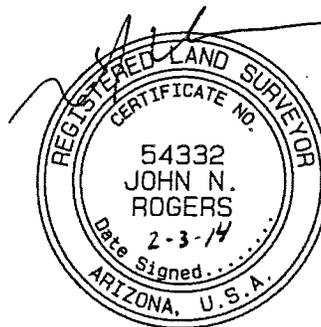
THENCE in a northerly direction along said curve to the left, a distance of 255.34 feet;

THENCE North 02 deg. 11 min. 15 sec. East non-tangent to said curve, a distance of 763.79 feet to the North line of the Northeast Quarter of said Section 32, from which a found Maricopa County aluminum cap on bar for the North Quarter corner of said Section 32 bears North 87 deg. 52 min. 47 sec. West - 1206.27 feet;

THENCE South 87 deg. 52 min. 47 sec. East along the North line of the Northeast Quarter of said Section 32, a distance of 1417.90 feet to the Northeast corner of said Section 32;

THENCE South 00 deg. 02 min. 43 sec. West along the East line of the Northeast Quarter of said Section 32, a distance of 2692.98 feet to said East Quarter corner of Section 32;

THENCE South 00 deg. 00 min. 05 sec. East along the East line of the Southeast Quarter of said Section 32, a distance of 500.06 feet to the POINT OF BEGINNING, containing 4,069,582 square feet or 93.425 acres of land.



EXPIRES 3/31/2016

EXHIBIT "B"

IS ON FILE IN THE

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

RESOLUTION NO. 2014-32

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA ORDERING THE IMPROVEMENTS OF CERTAIN STREETS AND RIGHTS-OF-WAY WITHIN THE CORPORATE LIMITS OF THE TOWN AND CREATING AN IMPROVEMENT DISTRICT KNOWN AS THE CITY OF PEORIA STREETLIGHT IMPROVEMENT DISTRICT NO. 1080, TIERRA DEL RIO PARCEL 23 PURSUANT TO TITLE 48, CHAPTER 4, ARIZONA REVISED STATUTES AND AMENDMENTS THERETO FOR THE PURPOSE OF PURCHASING ELECTRICITY, WHICH INCLUDES A CHARGE FOR THE USE OF LIGHTING FACILITIES AND OTHER RELATED ITEMS TOGETHER WITH ALL APPURTENANT STRUCTURES AS SHOWN ON THE PLANS, AND DECLARING AN EMERGENCY.

WHEREAS on the 1st day of April, 2014, the Mayor and Council of the City of Peoria, Arizona, passed and adopted Resolution No. 2014-32, declaring its intention to order the purchase of electricity for lighting the streets and public parks within the proposed district and that the cost of the purchase of electricity for lighting the streets and public parks be assessed upon a certain improvement district, to be known as City of Peoria Streetlight Improvement District No. 1080; providing that the cost of the electricity required to operate the system be assessed under the provisions of Title 48, Chapter 4, Article 2, Arizona Revised Statutes, as amended; and declaring an emergency; and

WHEREAS, a copy of Resolution No. 2014-32 has been published in the Peoria Times, a newspaper published and generally circulated in the City, as required by law or alternatively a petition has been filed with the City Clerk having been signed by all the owners of the real property; and

WHEREAS, the Superintendent of Streets of the City caused to be posted along the streets of the District, no more than three hundred (300) feet apart, notices of the passage of Resolution No. 2014-32, said notices being headed "Notice of Proposed Improvement", each heading in letters at least one (1) inch in height. Said notices stated the fact of the passage of said Resolution of Intention No. 2014-32 or alternatively a petition has been filed with the City Clerk

having been signed by all the owners of the real property; and

WHEREAS, more than fifteen (15) days have elapsed since the date of the last publication of said Resolution of Intention No. 2014-32 and since the completion of the posting of said notices or alternatively a petition has been filed with the City Clerk having been signed by all the owners of the real property; and

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

WHEREAS, the Mayor and Council of the City having acquired jurisdiction to order the improvements as described in Resolution No. 2014-32; and

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

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

Section 1. By virtue of the authority vested in the Mayor and Council of the City by Title 48, Chapter 4, Article 2, Arizona Revised Statutes and all amendments thereto, the Mayor and Council of the City orders the work or improvement done as described in Resolution No. 2014-32 and in accordance with the Plans and Specifications approved and adopted by the Mayor and Council of the City of Peoria, Arizona.

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

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

Section 4. That the Clerk of the City is authorized and directed to certify that the Diagram was approved by the Mayor and Council of the City on the 1st day of April, 2014, and after such certification, the Clerk of the City is authorized and directed to deliver the Diagram to the Superintendent of Streets of the City.

Resolution No. 2014-32
SLID 1080, Tierra Del Rio Parcel 23
April 1, 2014
Page 3 of 8 Pages

PASSED AND ADOPTED by the Mayor and Council of the City of
Peoria, Arizona, this 1st day of April, 2014.

Bob Barrett, Mayor

ATTEST:

Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

EXHIBIT "B"

IS ON FILE IN THE

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

EXHIBIT
TIERRA DEL REO PARCEL 23
STREET LIGHT IMPROVEMENT DISTRICT NO. 1080
LEGAL DESCRIPTION

All that certain lot, tract, or parcel of land, situated in East Half of Section 32, Township 5 North, Range 1 East of the Gila and Salt River Meridian, Maricopa County, Arizona, and being more completely described as follows, to-wit:

COMMENCING at a found City of Peoria brass cap flush for the Southeast Corner of said Section 32, from which a found City of Peoria brass cap in handhole for the East Quarter corner of said Section 32 bears North 00 deg. 00 min. 05 sec. West (BASIS OF BEARINGS) - 2636.17 feet;

THENCE North 00 deg. 00 min. 05 sec. West along the East line of the Southeast Quarter of said Section 32, a distance of 2136.11 feet to the TRUE POINT OF BEGINNING;

THENCE South 89 deg. 59 min. 55 sec. West departing said Section line, a distance of 314.53 feet;

THENCE North 02 deg. 37 min. 38 sec. East, a distance of 143.78 feet;

THENCE North 87 deg. 22 min. 22 sec. West, a distance of 201.33 feet;

THENCE North 23 deg. 48 min. 30 sec. West, a distance of 681.19 feet;

THENCE North 57 deg. 46 min. 07 sec. West, a distance of 623.02 feet;

THENCE North 64 deg. 09 min. 30 sec. West, a distance of 549.90 feet to a Point of Curvature of a non-tangent circular curve to the right, having a radius of 145.00 feet, a central angle of 2 deg. 52 min. 08 sec., and being subtended by a chord which bears North 51 deg. 08 min. 21 sec. East - 7.26 feet;

THENCE in a northeasterly direction along said curve to the right, a distance of 7.26 feet to a Point of Curvature of a reverse circular curve to the left, having a radius of 188.00 feet, a central angle of 61 deg. 58 min. 23 sec., and being subtended by a chord which bears North 21 deg. 35 min. 13 sec. East - 193.58 feet;

THENCE in a northerly direction along said curve to the left, a distance of 203.35 feet;

THENCE North 13 deg. 05 min. 14 sec. East non-tangent to said curve, a distance of 397.96 feet;

THENCE North 23 deg. 07 min. 27 sec. East, a distance of 148.35 feet;

THENCE North 02 deg. 36 min. 17 sec. West, a distance of 78.78 feet;

THENCE North 26 deg. 17 min. 25 sec. East, a distance of 122.88 feet to a Point of Curvature of a non-tangent circular curve to the left, having a radius of 444.18 feet, a central angle of 32 deg. 56 min. 14 sec., and being subtended by a chord which bears North 19 deg. 56 min. 46 sec. East - 251.84 feet;

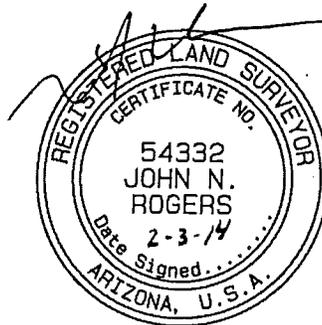
THENCE in a northerly direction along said curve to the left, a distance of 255.34 feet;

THENCE North 02 deg. 11 min. 15 sec. East non-tangent to said curve, a distance of 763.79 feet to the North line of the Northeast Quarter of said Section 32, from which a found Maricopa County aluminum cap on bar for the North Quarter corner of said Section 32 bears North 87 deg. 52 min. 47 sec. West - 1206.27 feet;

THENCE South 87 deg. 52 min. 47 sec. East along the North line of the Northeast Quarter of said Section 32, a distance of 1417.90 feet to the Northeast corner of said Section 32;

THENCE South 00 deg. 02 min. 43 sec. West along the East line of the Northeast Quarter of said Section 32, a distance of 2692.98 feet to said East Quarter corner of Section 32;

THENCE South 00 deg. 00 min. 05 sec. East along the East line of the Southeast Quarter of said Section 32, a distance of 500.06 feet to the POINT OF BEGINNING, containing 4,069,582 square feet or 93.425 acres of land.



EXPIRES 3/31/2016

**CITY OF PEORIA, ARIZONA
NOTICE**

**OF THE PASSAGE OF A RESOLUTION ORDERING
THE IMPROVEMENT CONSISTING OF
AUTHORIZING THE PURCHASE OF ELECTRICITY
FOR LIGHTING THE STREETS AND PUBLIC PARKS
FOR THE IMPROVEMENT DISTRICT KNOWN AS
CITY OF PEORIA STREETLIGHT IMPROVEMENT
DISTRICT NO. 1080, TIERRA DEL RIO PARCEL 23**

This notice is given pursuant to the provisions of Title 48, Chapter 4, Article 2, Sections 48-571 to 48-619, both inclusive, Arizona Revised Statutes, as amended.

On the 1st day of April, 2014, the Mayor and Council of the City of Peoria adopted Resolution No. 2014-32; ordering the improvements of certain streets and rights-of-way within the corporate limits of the town and creating an Improvement District known as the City of Peoria Streetlight Improvement District No. 1080, pursuant to Title 48, Chapter 4, Arizona Revised Statutes; and amendments thereto for the purpose of purchasing electricity, which includes a charge for the use of lighting facilities and other related items, together with all appurtenant structures as shown on the plans; and directing that this notice been given.

Any owner, or any other person having an interest in any lot, piece or parcel of land situated within the above-described assessment district, who claims that any of the provisions, acts or proceedings relative to the above described improvements are irregular, defective, illegal, erroneous or faulty, may file with the City Clerk, Room 150, 8401 West Monroe Street, Peoria, Arizona 85345, within 15 days from the date of the first publication of this notice, a written notice specifying in what way said acts or proceedings are irregular, defective, illegal, erroneous or faulty.

Further information concerning City of Peoria Streetlight Improvement District No. 1080 may be obtained by contacting Mr. Andrew Granger, Engineering Director, City of Peoria, Arizona, 8401 West Monroe, Peoria, Arizona 85345, (623) 773-7367.

DATED AND SIGNED this _____ day of _____, 2014.

Andrew Granger, P.E.
Superintendent of Streets
City of Peoria, Arizona

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 12C

Date Prepared: March 5, 2014

Council Meeting Date: April 1, 2014

TO: Carl Swenson, City Manager
FROM: Andy Granger, P.E., Engineering Director
THROUGH: Susan J. Daluddung, Deputy City Manager
SUBJECT: Easements, Southwest Gas Corporation, Deer Valley Road and 98th Avenue

Purpose:

This is a request for City Council to authorize the execution of two Utility Easements to Southwest Gas Corporation (SWG) for the relocation and maintenance of natural gas pipelines associated with the development of a residential community located in the vicinity of Deer Valley Road and 98th Avenue.

Background/Summary:

Development of a portion of the Meadows subdivision in the vicinity of Deer Valley Road and 98th Avenue prompted the relocation of the existing natural gas pipelines.

Previous Actions:

SWG agreed to release the job for construction with the assurance that City staff would present this request to the City Council with a recommendation for approval of the easements associated with the natural gas pipelines.

Options:

- A:** City Council authorizes the execution and recordation of the Easements.
- B:** City Council chooses not to authorize the easement resulting in no public record of the existence or location of the reclaimed water line.

Staff's Recommendation:

Staff recommends the adoption of a Resolution authorizing the City Manager to execute the Utility Easements.

Fiscal Analysis:

There is no fiscal impact to the City associated with granting these easements.

Narrative:

Recordation of these easements will provide a public record of the existence and location of SWG's pipelines.

Exhibit(s):

Exhibit 1: Vicinity Map

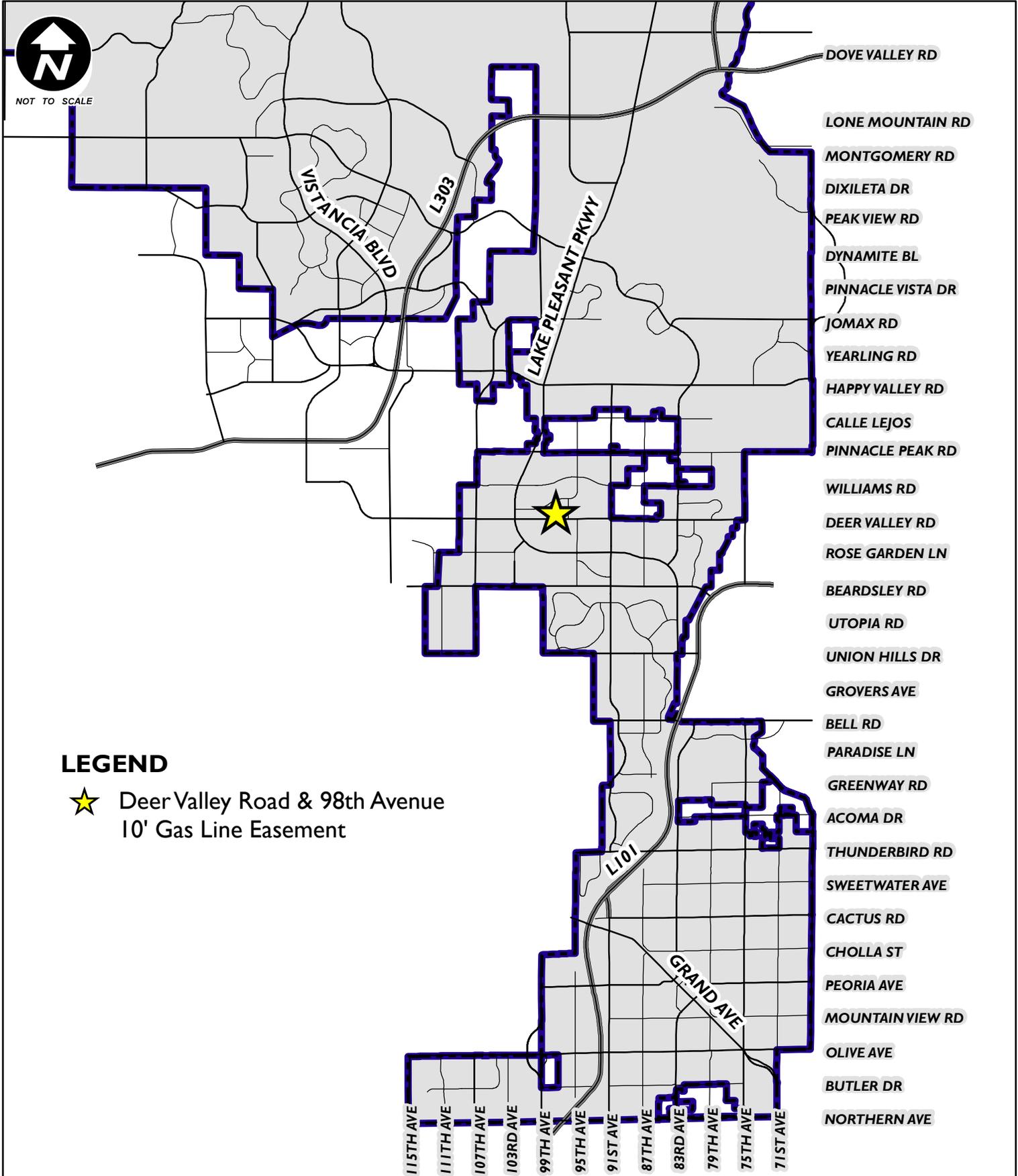
Exhibit 2: Location Map

Exhibit 3: Resolution

Contact Name and Number: Kris Luna, Sr Real Property Administrator, (623) 773-7199



NOT TO SCALE



- DOVE VALLEY RD
- LONE MOUNTAIN RD
- MONTGOMERY RD
- DIXILETA DR
- PEAK VIEW RD
- DYNAMITE BL
- PINNACLE VISTA DR
- JOMAX RD
- YEARLING RD
- HAPPY VALLEY RD
- CALLE LEJOS
- PINNACLE PEAK RD
- WILLIAMS RD
- DEER VALLEY RD
- ROSE GARDEN LN
- BEARDSLEY RD
- UTOPIA RD
- UNION HILLS DR
- GROVERS AVE
- BELL RD
- PARADISE LN
- GREENWAY RD
- ACOMA DR
- THUNDERBIRD RD
- SWEETWATER AVE
- CACTUS RD
- CHOLLA ST
- PEORIA AVE
- MOUNTAIN VIEW RD
- OLIVE AVE
- BUTLER DR
- NORTHERN AVE

LEGEND

- Deer Valley Road & 98th Avenue
10' Gas Line Easement

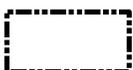


NOT TO SCALE



LEGEND

 10' Gas Line Easement

 Parcels



NOTE:
This Map is based on imprecise source data, subject to change and FOR GENERAL REFERENCE ONLY.

RESOLUTION NO. 2014-39

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, AUTHORIZING THE GRANTING OF TWO UTILITY EASEMENTS TO SOUTHWEST GAS CORPORATION FOR NATURAL GAS PIPELINES.

WHEREAS, Southwest Gas Corporation, a California corporation, has requested that the City of Peoria grant two Utility Easements for the installation and maintenance of natural gas pipelines in the vicinity of Deer Valley Road and 98th Avenue.

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 these Easements to Southwest Gas Corporation 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 Easements to Southwest Gas Corporation, and authorize the City Manager to execute the Easements.

Resolution No. 2014-39
Utility Easements – Southwest Gas
April 1, 2014
Page 2 of 2

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria,
Arizona this 1st day of April, 2014.

Bob Barrett, Mayor

ATTEST:

Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

Attachment:

1. Utility Easements

When Recorded/Executed Mail to:

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

UTILITY EASEMENT

The City of Peoria, an Arizona municipal corporation, in Maricopa County, Arizona, Grantor, for and in consideration of the sum of One Dollar and other valuable consideration, receipt of which is hereby acknowledged, does hereby grant to Southwest Gas Corporation, a California corporation, its successors and assigns, Grantee, in Maricopa County, Arizona, a permanent and perpetual easement for the following purposes, namely: The right to enter upon for construction, maintenance, operation and replacement of a natural gas pipeline(s) and appurtenances 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"

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; and that no other rights granted to any other person or party shall be allowed to interfere with Grantee's facilities or rights hereunder.

The easement includes the right of Grantee to cut back and trim landscaping 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 Grantee's facilities.

For the purpose of determining Grantee's prior rights with respect to any other grantee or persons permitted with the subject easement area; Grantee's rights shall relate back to and be considered accrued as of October 9, 1967.

If Grantee determines that the easement is no longer needed for its natural gas distribution system, this easement shall terminate after Grantor requests and Grantee executes and records a written release of the easement

Exhibit 'A'
SOUTHWEST GAS CORPORATION
GRANT OF EASEMENT

Right-of-Way within The Meadows – Parcel 11 Subdivision,
Right-of-Way within The Meadows Parcel 12A Subdivision:

That portion of the southwest quarter of Section 16, Township 4 North, Range 1 East, of the Gila and Salt River Meridian, Maricopa County, Arizona, being more particularly described as follows:

A strip of land 10.00 feet in width, being 5.00 feet on each side of the following described centerline:

Commencing at a found brass cap at the centerline intersection of Deer Valley Road and 98th Avenue, from which a found brass cap at the centerline intersection of Deer Valley Road and 97th Avenue bears North 89°58'36" East, 658.27 feet (Basis of Bearing)(North 89°58'25" East, 658.37 feet as shown on the Final Plat of The Meadows – Parcel 11, Book 1156, Page 30 Official Records of Maricopa County, herein referred to as R1);

Thence along said centerline North 89°58'36" East, 41.35 feet;

Thence leaving said centerline North 0°00'22" East, 74.00 feet to the **TRUE POINT OF BEGINNING**;

Thence North 00°01'35" West, 208.80 feet;

Thence South 89°56'05" West, 2.50 feet to the beginning of a non-tangent curve concave to the west, from which the radius point bears South 89°57'41" West, 1141.52 feet;

Thence northerly along said curve 100.44 feet, through a central angle of 5°02'28";

Thence North 84°55'44" East, 2.52 feet to the beginning of a non-tangent curve concave to the southwest, from which the radius point bears South 84°55'48" West, 1141.00 feet;

Thence northerly and northwesterly along said curve 738.21 feet through a central angle of 37°04'11";

Thence North 42°09'03" West, 218.98 feet to the beginning of a non-tangent curve concave to the southeast, from which the radius point bears South 40°56'05" East, 1618.64 feet;

Thence northeasterly along said curve, 221.88 feet through a central angle of 7°51'15";

Thence North 31°26'02" West, 107.14 feet to a point on the northerly Right-of-Way line of Speckled Gecko Dr. as shown on R1, said point being in common with the northerly boundary of said Parcel 11 Subdivision and the southerly boundary of The Meadows – Parcel 12A Subdivision per Book 1156, Page 29 Official Records of Maricopa County, herein referred to as R2;

Thence North 31°26'02" West, 59.18 feet to the beginning of a tangent curve concave to the northeast having a radius of 538.00 feet;

Thence northwesterly along said curve, 122.63 feet through a central angle of 13°03'33",

Thence South $75^{\circ}44'11''$ West, 48.39 feet to the beginning of a tangent curve concave to the north and having a radius of 303.95 feet;

Thence westerly along said curve, 87.87 feet through a central angle of $16^{\circ}33'49''$;

Thence North $89^{\circ}51'54''$ West, 119.68 feet;

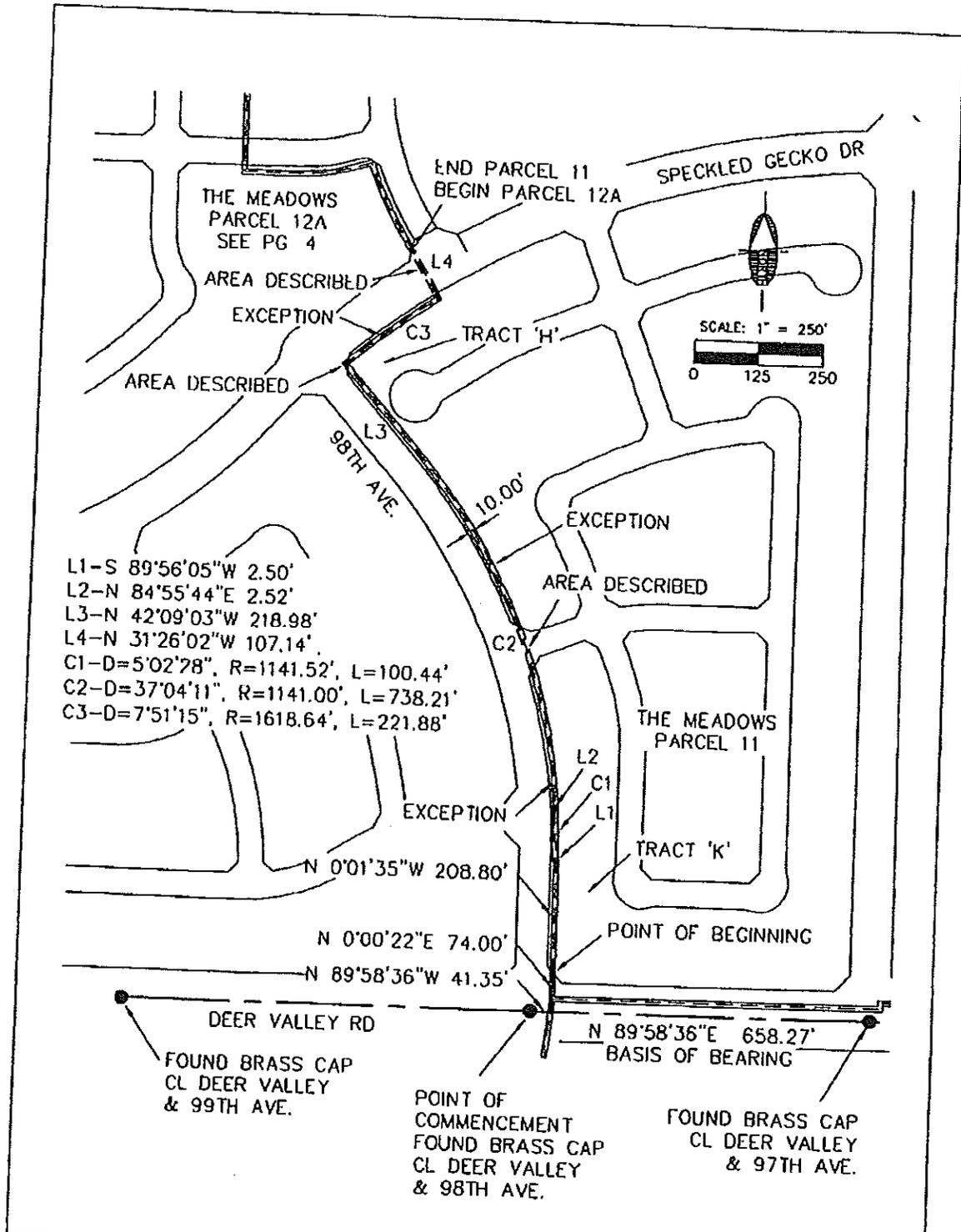
Thence North $00^{\circ}09'18''$ East, a distance of 944.01 feet to a point on the northerly boundary of said Parcel 12A Subdivision, said point being the **POINT OF TERMINUS**;

Excepting any portion of the above-described centerline lying within Tracts "K" and "H" per The Meadows – Parcel 11 Subdivision, and Tracts "C", "D", "E", and "F" per The Meadows – Parcel 12A Subdivision as shown on R1 and R2.

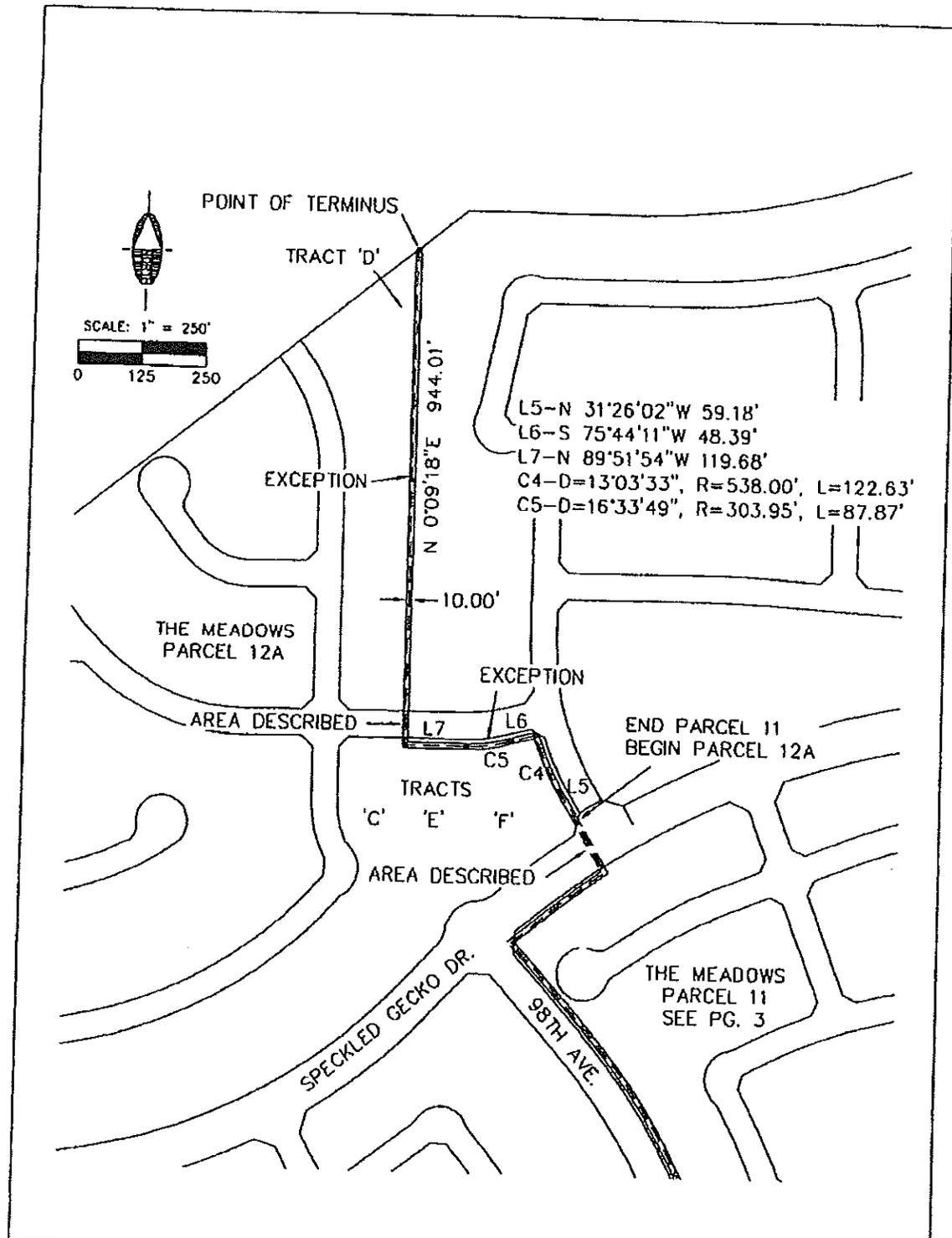
The sidelines of the above described easement are to be lengthened or shortened accordingly to intersect at all angle points, property lines and Right-of-Way lines of the subject properties.

Containing 2,499 square feet, or 0.06 acres, more or less.

See Exhibit 'B' attached hereto and made a part hereof.



SOUTHWEST GAS CORPORATION SECTION 16, T. 4 N., R 1 E., G.S.R.M. MARICOPA COUNTY, ARIZONA	WR # 1684506	PEORIA, ARIZONA	SHEET 3 OF 4
	DATE: 10/31/2013		
	SCALE: 1"=250'		
	DRAWN: ADB		
	DESIGN: ADB		
CHECKED: GJC	EXHIBIT 'B' MEADOWS R.O.W. GRANT OF EASEMENT		



SOUTHWEST GAS CORPORATION SECTION 16, T. 4 N., R 1 E., G.S.R.M. MARICOPA COUNTY, ARIZONA	MRI # 1684506	PEORIA, ARIZONA	SHEET 4
	DATE: 10/31/2013		EXHIBIT 'B' MEADOWS R.O.W. GRANT OF EASEMENT
	SCALE: 1"=250'	of 4	
	DRAWN: ADG		
	DESIGNED:		
CHECKED: GJC			

When Recorded/Executed Mail to:

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

UTILITY EASEMENT

The City of Peoria, an Arizona municipal corporation, in Maricopa County, Arizona, Grantor, for and in consideration of the sum of One Dollar and other valuable consideration, receipt of which is hereby acknowledged, does hereby grant to Southwest Gas Corporation, a California corporation, its successors and assigns, Grantee, in Maricopa County, Arizona, a permanent and perpetual easement for the following purposes, namely: The right to enter upon for construction, maintenance, operation and replacement of a natural gas pipeline(s) and appurtenances 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"

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; and that no other rights granted to any other person or party shall be allowed to interfere with Grantee's facilities or rights hereunder.

The easement includes the right of Grantee to cut back and trim landscaping 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 Grantee's facilities.

For the purpose of determining Grantee's prior rights with respect to any other grantee or persons permitted with the subject easement area; Grantee's rights shall relate back to and be considered accrued as of October 9, 1967.

If Grantee determines that the easement is no longer needed for its natural gas distribution system, this easement shall terminate after Grantor requests and Grantee executes and records a written release of the easement

Dated this _____ day of _____, 2014.

**GRANTOR: CITY OF PEORIA, an Arizona
municipal corporation**

By: _____
Carl Swenson
City Manager

ATTEST:

Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

Stephen M. Kemp, City Attorney

ACKNOWLEDGEMENT

STATE OF ARIZONA)
) ss.
County of Maricopa)

On this date, before me, a Notary Public, personally appeared Carl Swenson 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'
SOUTHWEST GAS CORPORATION
GRANT OF EASEMENT

Deer Valley Rd.

That portion of the southwest quarter of Section 16, Township 4 North, Range 1 East, of the Gila and Salt River Meridian, Maricopa County, Arizona, being more particularly described as follows:

A strip of land 10.00 feet in width, being 5.00 feet on each side of the following described centerline:

Centerline '1':

Commencing at a found brass cap at the centerline intersection of Deer Valley Road and 97th Avenue, from which the south quarter corner of Section 16, a found brass cap at the centerline intersection of Deer Valley Road and 95th Avenue, bears North 89°58'34" East, 1350.66 feet (Basis of Bearing), (North 89°58'25" East, 1350.00 feet as shown on the Final Plat of The Meadows – Parcel 11, Book 1156, Page 30 Official Records of Maricopa County, herein referred to as R1);

Thence leaving said centerline, North 0°01'35" West, 24.03 feet to the **TRUE POINT OF BEGINNING**;

Thence South 89°58'25" West, 616.90 feet to **POINT 'A'**;

Thence North 0°00'22" East, 50.00 feet to a point on the northerly Right-of-Way line of Deer Valley Road as shown on R1, said point being the **POINT OF TERMINUS**;

Centerline '2':

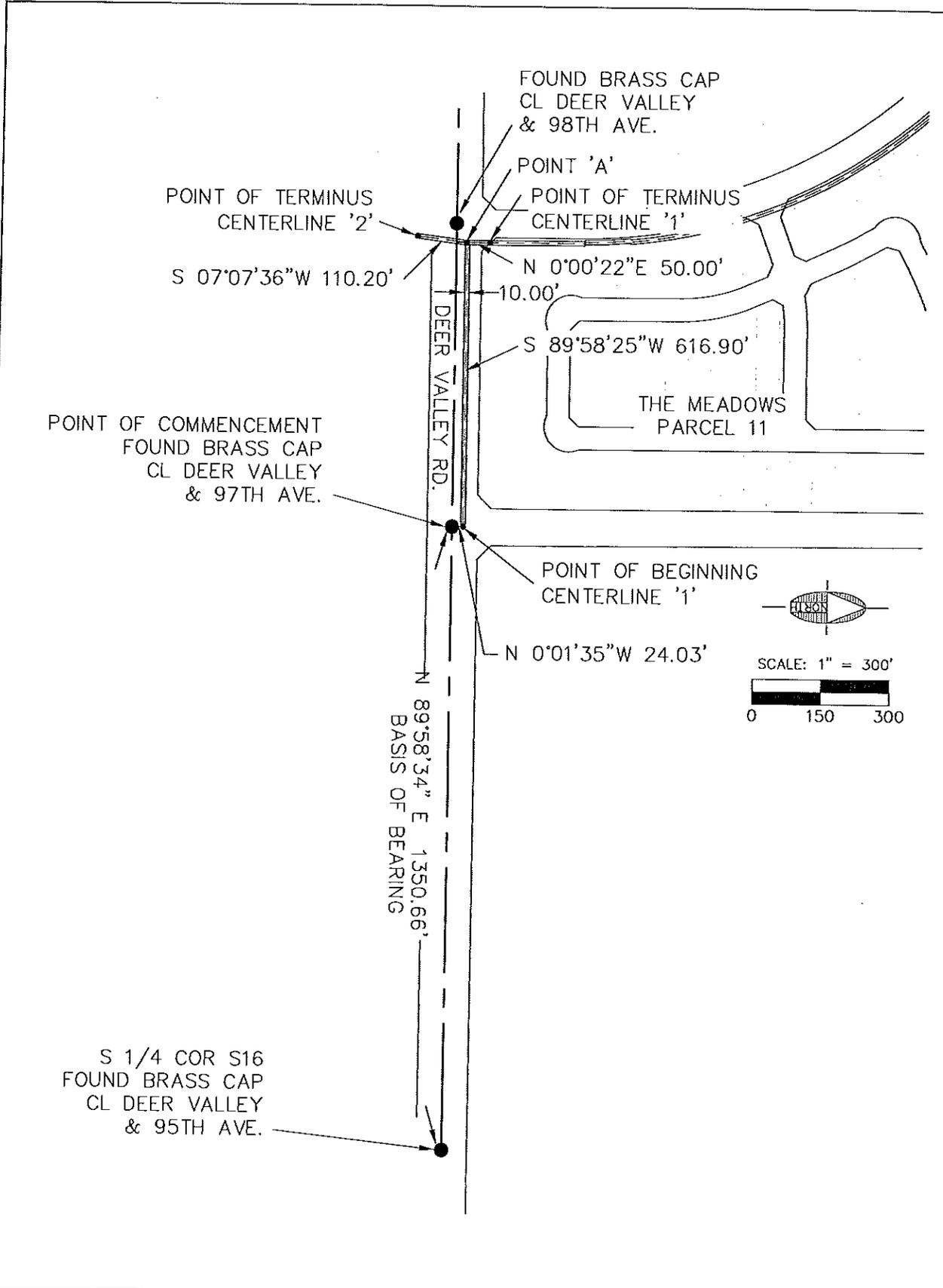
Beginning at said **POINT 'A'**;

Thence South 07°07'36" West, 110.20 feet to the **POINT OF TERMINUS**;

The sidelines of the above described easement are to be lengthened or shortened accordingly to terminate at right angles, to intersect at all angle points and the northerly Right-of-Way line of the subject property.

Containing 7,725 square feet, or 0.18 acres, more or less.

See Exhibit 'B' attached hereto and made a part hereof.



SOUTHWEST GAS CORPORATION SECTION 16, T. 4 N., R 1 E., G.S.R.M. MARICOPA COUNTY, ARIZONA	VR #: 1684606	PEORIA, ARIZONA	SHEET 2 OF 2
	DATE: 2/13/2014		
	SCALE: 1"=300'		
	DRAWN: ADB		
	DESIGN:		
CHECKED: GLC	EXHIBIT 'B' DEER VALLEY RD. GRANT OF EASEMENT		

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 13C

Date Prepared: March 3, 2014

Council Meeting Date: April 1, 2014

TO: Carl Swenson, City Manager

FROM: Scott Whyte, Economic Development Services Director

THROUGH: Susan J. Daluddung, Deputy City Manager

SUBJECT: Final Plat, Sunrise Vista, Happy Valley Road and 79th Lane (Project No. R130045)

Purpose:

This is a request for City Council to approve a Final Plat of Sunrise Vista, located on Happy Valley Road and 79th Avenue, and authorize the Mayor and City Clerk to sign and record the Final Plat with the Maricopa County Recorder's Office 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 City 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.

Background/Summary:

The purpose of the Final Plat is to plat a subdivision for residential use. This development is within the City's sewer service area, and within the Sunrise Water Company service area. This

final plat creates a total of 27 new lots. All internal roadways are public and will be maintained by the City.

Previous Actions:

The preliminary plat was reviewed by the City and completed in October 2013 and no changes were made to the proposed Final Plat.

Options:

A: The Final Plat has been approved through the Economic Development Services 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's Recommendation:

Staff recommends the approval and subsequent recordation of the attached Final Plat.

Fiscal Analysis:

There is no direct budgetary impact to the City to approve the Final Plat.

Narrative:

The acceptance of this Final Plat by City Council will allow the developer to move forward in developing this property.

Exhibit(s):

Exhibit 1: Final Plat

Exhibit 2: Vicinity Map

Contact Name and Number:

Jodi Breyfogle, PE: 623-773-7577

LEGEND

Property Corner - Set 1/2" Radius W/ Cop L.S. 31020
(Unless otherwise noted - See Monument Table)

Property Line

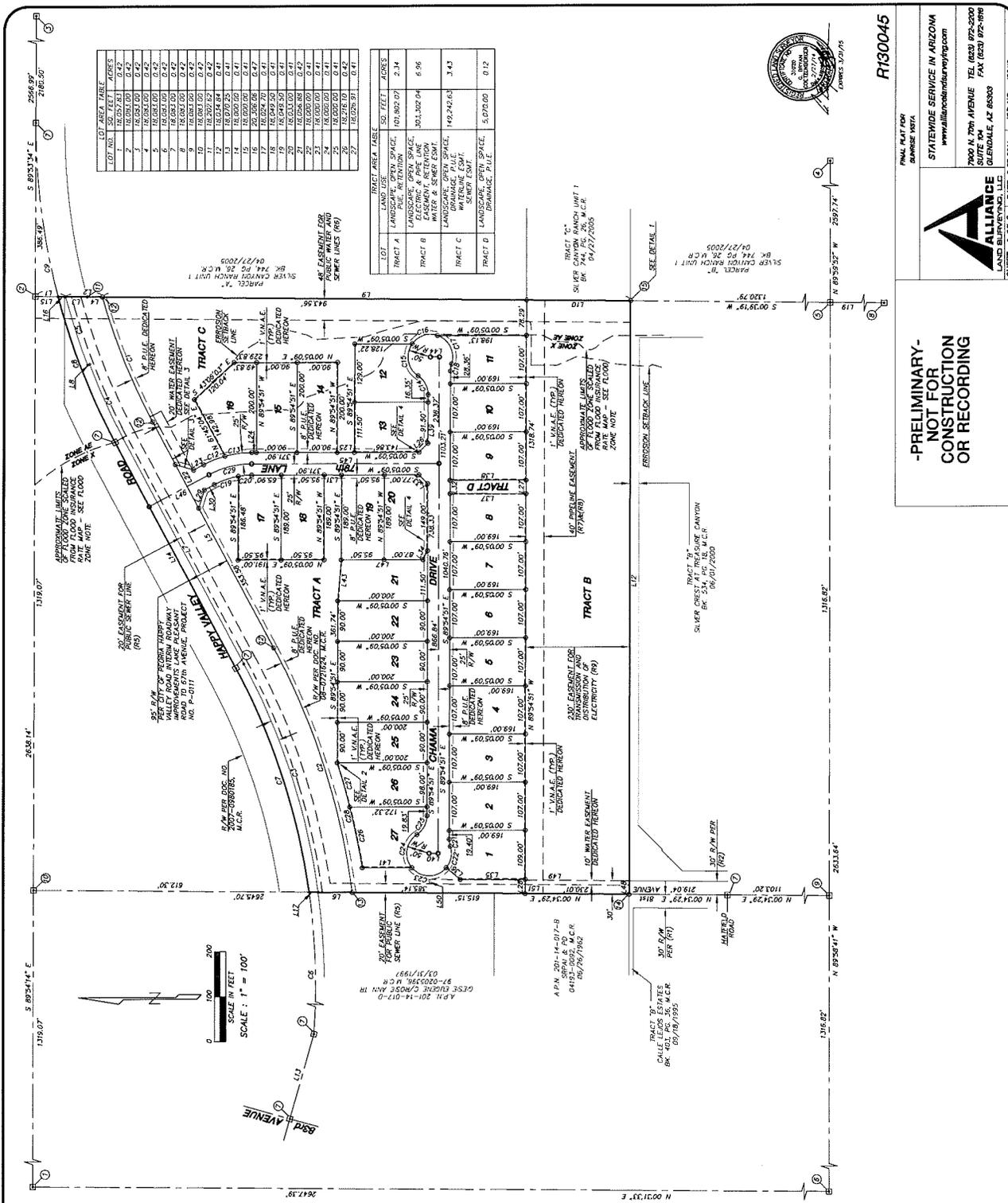
Subdivision Boundary

- Find Survey Monument (See Monument Table)
- Brass Cap To Be Set Per Schedule "B"
- Brass Cap To Be Set Per Schedule "B"
- Public Utility Easement
- Vegetation Non-Invasive Easement
- Unobstructed View Easement
- W.C.

MONUMENT TABLE
1. NW COR. SEC. 11 - FND ALUMINUM CAP L.S. 33307
2. NW COR. SEC. 11 - FND BRASS CAP FLUSH
3. NE COR. SEC. 11 - FND BRASS CAP FLUSH
4. W. 1/4 COR. SEC. 11 - FND ALUMINUM CAP L.S. 33307
5. W. 1/4 COR. SEC. 11 - FND 1/2" REBAR NO. 10 0.25' BELOW SURFACE - ALSO FND BRASS CAP FLUSH E. 2311'
6. W. 1/4 COR. SEC. 11 - FND BRASS CAP IN HANDHOLE
7. FND BRASS CAP FLUSH
8. SW COR. SE. 1/4, NW 1/4, SEC. 11 - FND BRASS CAP FLUSH
9. NW COR. SEC. 11 - FND BRASS CAP FLUSH
10. W. 1/4 COR. SEC. 11 - FND 1/2" REBAR NO. 10 0.25' BELOW SURFACE - ALSO FND 1/2" REBAR NO. 10, N. 2811.50' W. 0.46'
11. FND CONCRETE WALK W/ TIG L.S. 34399 PER BK. 744, PG. 2
12. SET 1/2" REBAR W/ CAP L.S. 31020
13. SET BK WALK & WALKER L.S. 31020, 100' BELOW SURFACE
14. SE COR. NE. 1/4, NW 1/4, SEC. 11 - FND 1/2" REBAR W/ CAP L.S. 34399 PER BK. 744, PG. 28, M.C.R. POSITION
15. FND 1/2" REBAR W/ CAP L.S. 34399 PER BK. 744, PG. 28, M.C.R. POSITION
16. SET 1/2" REBAR W/ CAP L.S. 34399 PER BK. 744, PG. 28, M.C.R. POSITION
17. SET 1/2" REBAR W/ CAP L.S. 34399 PER BK. 744, PG. 28, M.C.R. POSITION
18. SET 1/2" REBAR W/ CAP L.S. 34399 PER BK. 744, PG. 28, M.C.R. POSITION
19. SET 1/2" REBAR W/ CAP L.S. 34399 PER BK. 744, PG. 28, M.C.R. POSITION
20. SET 1/2" REBAR W/ CAP L.S. 34399 PER BK. 744, PG. 28, M.C.R. POSITION
21. SET 1/2" REBAR W/ CAP L.S. 34399 PER BK. 744, PG. 28, M.C.R. POSITION
22. SET 1/2" REBAR W/ CAP L.S. 34399 PER BK. 744, PG. 28, M.C.R. POSITION
23. SET 1/2" REBAR W/ CAP L.S. 34399 PER BK. 744, PG. 28, M.C.R. POSITION
24. SET 1/2" REBAR W/ CAP L.S. 34399 PER BK. 744, PG. 28, M.C.R. POSITION
25. SET 1/2" REBAR W/ CAP L.S. 34399 PER BK. 744, PG. 28, M.C.R. POSITION
26. SET 1/2" REBAR W/ CAP L.S. 34399 PER BK. 744, PG. 28, M.C.R. POSITION
27. SET 1/2" REBAR W/ CAP L.S. 34399 PER BK. 744, PG. 28, M.C.R. POSITION
28. SET 1/2" REBAR W/ CAP L.S. 34399 PER BK. 744, PG. 28, M.C.R. POSITION
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REFERENCE DOCUMENTS

- (71) PLAT PER BOOK 401, PAGE 38, M.C.R.
- (72) PLAT PER BOOK 401, PAGE 38, M.C.R.
- (73) PLAT PER BOOK 401, PAGE 38, M.C.R.
- (74) PLAT PER BOOK 401, PAGE 38, M.C.R.
- (75) PLAT PER BOOK 401, PAGE 38, M.C.R.
- (76) PLAT PER BOOK 401, PAGE 38, M.C.R.
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- (89) PLAT PER BOOK 401, PAGE 38, M.C.R.
- (90) PLAT PER BOOK 401, PAGE 38, M.C.R.



LOT NO.	AREA	ACRES
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3	16,037.41	0.47
4	16,037.41	0.47
5	16,037.41	0.47
6	16,037.41	0.47
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26	16,037.41	0.47
27	16,037.41	0.47

LOT	LAND USE	SQ. FEET	ACRES
TRACT A	LANDSCAPE, OPEN SPACE, CASUALTY RETENTION, WATER & SEWER EMT.	101,800.07	2.34
TRACT B	LANDSCAPE, OPEN SPACE, CASUALTY RETENTION, WATER & SEWER EMT.	301,300.04	6.96
TRACT C	LANDSCAPE, OPEN SPACE, CASUALTY RETENTION, WATER & SEWER EMT.	140,242.63	3.23
TRACT D	LANDSCAPE, OPEN SPACE, CASUALTY RETENTION, WATER & SEWER EMT.	5,070.00	0.12



R130045

FINAL PLAT FOR
GARIBAY WEST

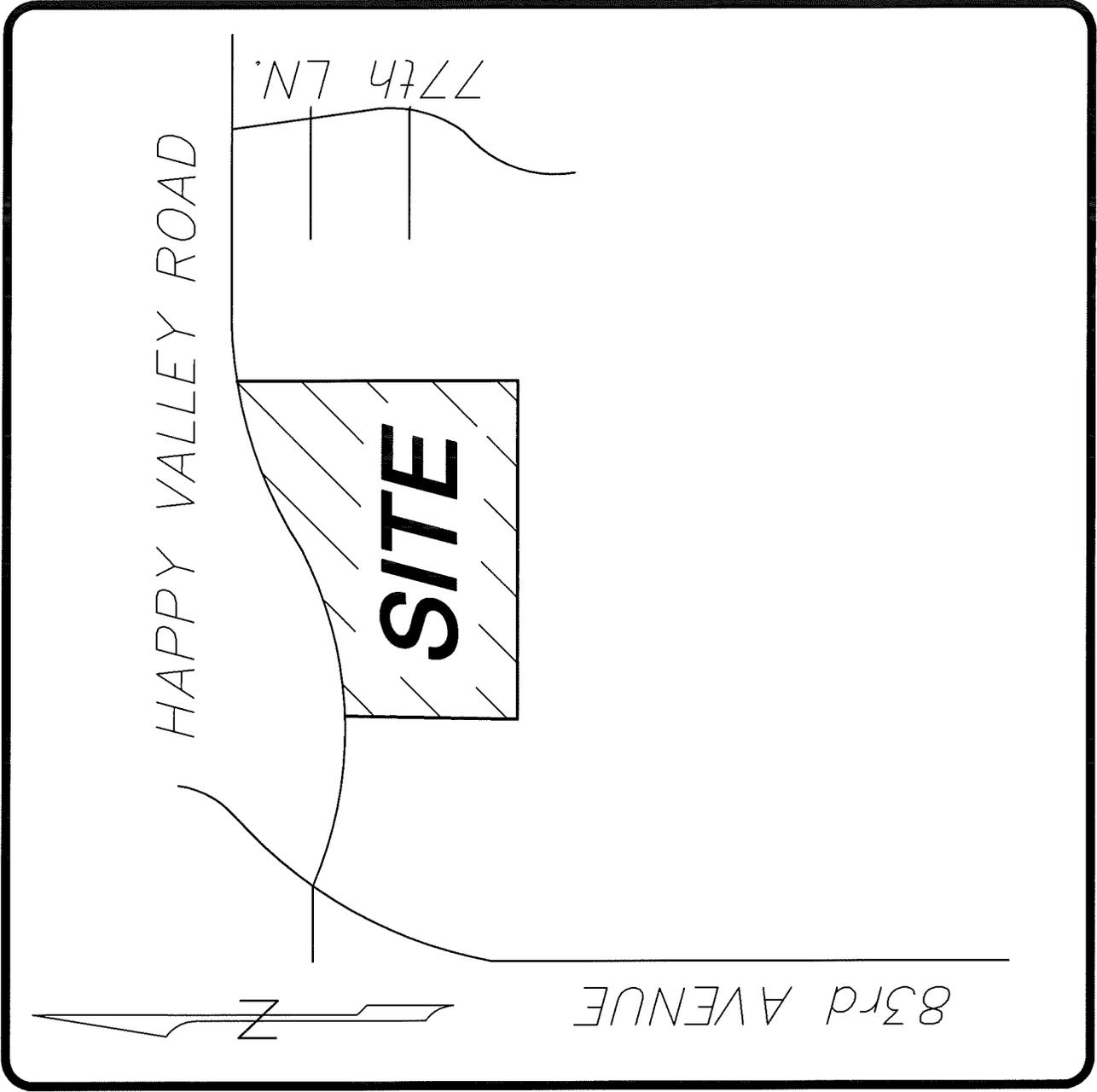
STATEWIDE SERVICE IN ARIZONA
www.alliancesurveying.com

7000 N. 70th AVENUE TEL: (602) 872-2200
SUITE 204 FAX: (602) 872-1696
GLENDALE, AZ 85309

ALLIANCE
SURVEYING & ENGINEERING

SHEET: 2 OF 3 DATE: 2-22-2024 JOB NO.: 13070

**-PRELIMINARY-
NOT FOR
CONSTRUCTION
OR RECORDING**



VICINITY MAP

NOT TO SCALE

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 14R

Date Prepared: March 18, 2014

Council Meeting Date: April 1, 2014

TO: Carl Swenson, City Manager

FROM: Brent Mattingly, Finance Director

THROUGH: Jeff Tyne, Deputy City Manager

SUBJECT: Public Hearing: Proposed Recommendations by the City to the Arizona State Liquor Board for Various Liquor Licenses.

Purpose:

Pursuant to Arizona Law the City must recommend to the State Liquor Board for approval, applications to sell alcoholic beverages in the City. The Standard for the 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.

Background/Summary:

Jason B. Morris, Agent for CVS/Pharmacy #8952, has applied for a Person and Location Transfer for an Off-Sale All Liquor License (Series 09) located at 24865 N. Lake Pleasant Parkway.

Randy D. Nations, Agent for Draft House, has applied for a New Restaurant Liquor License (Series 12) located at 15814 N. 83rd Avenue.

The public hearing notices were posted for at least 20 days, and no comments were received during the posting period. The license applications were reviewed according to State law and all Departments gave approvals.

Previous Actions:

There has never been a Liquor License at 24865 N. Lake Pleasant Parkway. This is a new location.

In June 2011, the Mayor and Council recommended approval to the Arizona State Liquor Board for 3rd Place Neighborhood Grill for a New Restaurant Liquor License (Series 12) located at 15814 N. 83rd Avenue.

Options:

A: Recommend approval to the Arizona State Liquor Board for a Person and Location Transfer for an Off-Sale All Liquor License (Series 09) for CVS/Pharmacy #8952, located at 24865 N. Lake Pleasant Parkway, Jason B. Morris, Applicant, LL#20009940.

Recommend approval to the Arizona State Liquor Board for a New Restaurant Liquor License (Series 12) for Draft House, located at 15814 N. 83rd Avenue, Randy D. Nations, Applicant, LL#20009941.

B: Recommend denial to the Arizona State Liquor Board for Person and Location Transfer for an Off-Sale All Liquor License (Series 09) for CVS/Pharmacy #8952, located at 24865 N. Lake Pleasant Parkway, Jason B. Morris, Applicant, LL#20009941.

Recommend denial to the Arizona State Liquor Board for a New Restaurant Liquor License (Series 12) for Draft House, located at 15814 N. 83rd Avenue, Randy D. Nations, Applicant, LL#20009941.

Staff's Recommendation:

That the Mayor and Council recommend approval to the Arizona State Liquor Board for a Person and Location Transfer for an Off-Sale All Liquor License (Series 09) for CVS/Pharmacy #8952, located at 24865 N. Lake Pleasant Parkway, Jason B. Morris, Applicant, LL#20009941.

That the Mayor and Council recommend approval to the Arizona State Liquor Board for a New Restaurant Liquor License (Series 12) for Draft House, located at 15814 N. 83rd Avenue, Randy D. Nations, Applicant, LL#20009941.

Fiscal Analysis:

The item has no financial implications.

Narrative:

The appropriate fees have been paid and the applicants have been advised that a representative needs to be present at the meeting to answer any questions that the Council or public may have.

Exhibit 1: New Liquor License Application.

Arizona Department of Liquor Licenses and Control
 800 West Washington, 5th Floor
 Phoenix, Arizona 85007
 www.azliquor.gov
 602-542-5141

14 FEB 3 Lyr. Lic. PM 1 52

APPLICATION FOR LIQUOR LICENSE
 TYPE OR PRINT WITH BLACK INK

Notice: Effective Nov. 1, 1997, All Owners, Agents, Partners, Stockholders, Officers, or Managers actively involved in the day to day operations of the business must attend a Department approved liquor law training course or provide proof of attendance within the last five years. See page 5 of the Liquor Licensing requirements.

SECTION 1 This application is for a:

- MORE THAN ONE LICENSE
- INTERIM PERMIT *Complete Section 5*
- NEW LICENSE *Complete Sections 2, 3, 4, 13, 14, 15, 16*
- PERSON TRANSFER (Bars & Liquor Stores ONLY)
Complete Sections 2, 3, 4, 11, 13, 15, 16
- LOCATION TRANSFER (Bars and Liquor Stores ONLY)
Complete Sections 2, 3, 4, 12, 13, 15, 16
- PROBATE/WILL ASSIGNMENT/DIVORCE DECREE
Complete Sections 2, 3, 4, 9, 13, 16 (fee not required)
- GOVERNMENT *Complete Sections 2, 3, 4, 10, 13, 15, 16*

SECTION 2 Type of ownership:

- J.T.W.R.O.S. *Complete Section 6*
- INDIVIDUAL *Complete Section 6*
- PARTNERSHIP *Complete Section 6*
- CORPORATION *Complete Section 7*
- LIMITED LIABILITY CO. *Complete Section 7*
- CLUB *Complete Section 8*
- GOVERNMENT *Complete Section 10*
- TRUST *Complete Section 6*
- OTHER (Explain) _____

SECTION 3 Type of license and fees LICENSE #(s): 09070485

1. Type of License(s): Series 9

2. Total fees attached:

\$ 200 Department Use Only

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

The fees allowed under A.R.S. 44-6852 will be charged for all dishonored checks.

SECTION 4 Applicant

1. Owner/Agent's Name: Mr. Morris Jason Barclay
 (Insert one name ONLY to appear on license) Last First Middle
2. Corp./Partnership/L.L.C.: German Dobson CVS, LLC B1032870
 (Exactly as it appears on Articles of Inc. or Articles of Org.)
3. Business Name: CVS/pharmacy #8952 B1051703
 (Exactly as it appears on the exterior of premises)
4. Principal Street Location 24865 N. Lake Pleasant Parkway Peoria Maricopa 85383
 (Do not use PO Box Number) City County Zip
5. Business Phone: pending Daytime Phone: [REDACTED] Email: adam@withey Morris.com
6. Is the business located within the incorporated limits of the above city or town? YES NO
7. Mailing Address: 2525 E Arizona Biltmore Cr. A-212, Phoenix AZ 85016
 City State Zip
8. Price paid for license only bar, beer and wine, or liquor store: Type \$ Type \$

DEPARTMENT USE ONLY

Fees: 200 Application Interim Permit Site Inspection Finger Prints \$ 200
TOTAL OF ALL FEES

Is Arizona Statement of Citizenship & Alien Status For State Benefits complete? YES NO

Accepted by: 86 Date: 2/3/14 Lic. # 09070485

SECTION 5 Interim Permit:

14 FEB 5 1997 LIC. # 132

1. If you intend to operate business when your application is pending you will need an Interim Permit pursuant to A.R.S. 4-203.01.
2. There **MUST** be a valid license of the same type you are applying for currently issued to the location.
3. Enter the license number currently at the location. _____
4. Is the license currently in use? YES NO If no, how long has it been out of use? _____

ATTACH THE LICENSE CURRENTLY ISSUED AT THE LOCATION TO THIS APPLICATION.

I, _____, declare that I am the CURRENT OWNER, AGENT, CLUB MEMBER, PARTNER, MEMBER, STOCKHOLDER, OR LICENSEE (circle the title which applies) of the stated license and location.

(Print full name)

State of _____ County of _____

X _____
(Signature)

The foregoing instrument was acknowledged before me this

My commission expires on: _____

_____ day of _____, _____
Day Month Year

(Signature of NOTARY PUBLIC)

SECTION 6 Individual or Partnership Owners:

EACH PERSON LISTED MUST SUBMIT A COMPLETED QUESTIONNAIRE (FORM LIC0104), AN "APPLICANT" TYPE FINGERPRINT CARD, AND \$22 PROCESSING FEE FOR EACH CARD.

1. Individual:

Last	First	Middle	% Owned	Mailing Address	City State Zip

Partnership Name: (Only the first partner listed will appear on license) _____

General-Limited	Last	First	Middle	% Owned	Mailing Address	City State Zip
<input type="checkbox"/> <input type="checkbox"/>						
<input type="checkbox"/> <input type="checkbox"/>						
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) Y R A S S E C E N F I T

2. Is any person, other than the above, going to share in the profits/losses of the business? YES NO
If Yes, give name, current address and telephone number of the person(s). Use additional sheets if necessary.

Last	First	Middle	Mailing Address	City, State, Zip	Telephone#

SECTION 7 Corporation/Limited Liability Co.:

EACH PERSON LISTED MUST SUBMIT A COMPLETED QUESTIONNAIRE (FORM LIC0101), AN "APPLICANT" TYPE FINGERPRINT CARD, AND \$22 PROCESSING FEE FOR EACH CARD.

- CORPORATION Complete questions 1, 2, 3, 5, 6, 7, and 8.
 L.L.C. Complete 1, 2, 4, 5, 6, 7, and 8.

14 FEB 3 11:17 AM '12

1. Name of Corporation/L.L.C.: German Dobson CVS, LLC
 (Exactly as it appears on Articles of Incorporation or Articles of Organization)
2. Date Incorporated/Organized: 10/02/2011 State where Incorporated/Organized: AZ
3. AZ Corporation Commission File No.: _____ Date authorized to do business in AZ: _____
4. AZ L.L.C. File No: L-10044614 Date authorized to do business in AZ: 10/02/2011
5. Is Corp./L.L.C. Non-profit? YES NO
6. List all directors, officers and members in Corporation/L.L.C.:

Last	First	Middle	Title	Mailing Address	City State Zip
			member	One CVS Drive, Woonsocket, RI 02895	

(ATTACH ADDITIONAL SHEET IF NECESSARY)

7. List stockholders who are controlling persons or who own 10% or more:

Last	First	Middle	% Owned	Mailing Address	City State Zip
			100	One CVS Drive, Woonsocket, RI 02895	
				see attached list	

(ATTACH ADDITIONAL SHEET IF NECESSARY)

8. If the corporation/L.L.C. is owned by another entity, attach a percentage of ownership chart, and a director/officer/member disclosure for the parent entity. Attach additional sheets as needed in order to disclose personal identities of all owners.

SECTION 8 Club Applicants:

EACH PERSON LISTED MUST SUBMIT A COMPLETED QUESTIONNAIRE (FORM LIC0101), AN "APPLICANT" TYPE FINGERPRINT CARD, AND \$22 PROCESSING FEE FOR EACH CARD.

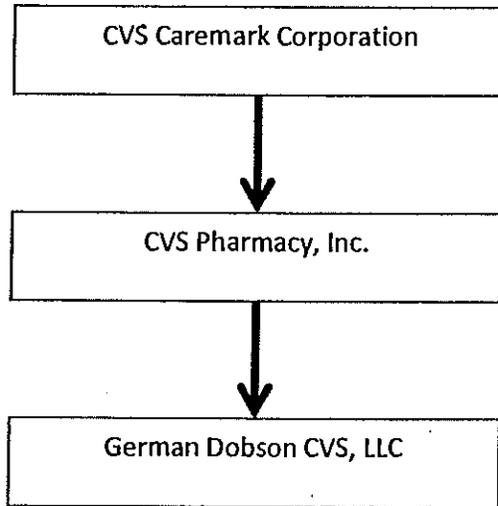
1. Name of Club: _____ Date Chartered: _____
 (Exactly as it appears on Club Charter or Bylaws) (Attach a copy of Club Charter or Bylaws)
2. Is club non-profit? YES NO
3. List officer and directors:

Last	First	Middle	Title	Mailing Address	City State Zip

(ATTACH ADDITIONAL SHEET IF NECESSARY)

No one person or entity owns 10% or more of CVS Caremark Corporation.

14 FEB 3 11:41 AM '15



ENTITY NAME: CVS Pharmacy, Inc.

NAME	ADDRESS	PHONE
Mark S. Cosby	President	
Carol A. DeNale	Senior Vice President/Treasurer	One CVS Drive, Woonsocket, RI 02895 401-765-1500
Thomas S. Moffatt	Vice President/ Secretary	One CVS Drive, Woonsocket, RI 02895 401-765-1500
Madeline M. Cimbron	Assistant Secretary	One CVS Drive, Woonsocket, RI 02895 401-765-1500
Janet K. Luker	Assistant Secretary	One CVS Drive, Woonsocket, RI 02895 401-765-1500
Fred E. Clark	Assistant Treasurer	One CVS Drive, Woonsocket, RI 02895 401-765-1500
Donald Desrochers	Assistant Treasurer	One CVS Drive, Woonsocket, RI 02895 401-765-1500

'14 FEB 3 Ltr. Lic. #1152

ENTITY NAME: German Dobson CVS, LLC
 0% Ownership for all Officers

Personnel Name	Management Title	Business Address	DOB	Phone
Thomas S. Moffatt	President	One CVS Drive, Woonsocket, RI 02895	[REDACTED]	401-765-1500
Carol A. DeNale	Senior Vice President/Treasurer	One CVS Drive, Woonsocket, RI 02895	[REDACTED]	401-765-1500
Delanie K. Luker	Secretary	One CVS Drive, Woonsocket, RI 02895	[REDACTED]	401-765-1500
Anda M. Cimbron	Assistant Secretary	One CVS Drive, Woonsocket, RI 02895	[REDACTED]	401-765-1500
Frey E. Clark	Assistant Treasurer	One CVS Drive, Woonsocket, RI 02895	[REDACTED]	401-765-1500
Leon D. Desrochers	Assistant Treasurer	One CVS Drive, Woonsocket, RI 02895	[REDACTED]	401-765-1500

14 FEB 3 1994 Lic. Lic. # 152

Bill of Sale

*14 FEB 3 Lic. Lic. #1152

IN CONSIDERATION OF THE SUM OF:

*** Two Hundred Twenty-Five Thousand Dollars And No Cents ***lawful currency of the United States of America, and other valuable consideration, receipt of which is hereby acknowledged, the SELLER:

Srinath, LLC, an Arizona Limited Liability Company

hereby grants, bargains, sells and transfers unto the BUYER:

German Dobson CVS, L.L.C., an Arizona Limited Liability Company

and his, her or their heirs, personal representatives, or assigns, to have and to hold forever, the following described personal property, goods or chattels:

That certain State of Arizona Liquor License #09070485

FURTHERMORE, Seller warrants that he, she or they are the lawful owner of said goods and hereby certifies, under oath, that he, she or they have good right to sell the same as aforesaid, and that the above described property is free and clear of all claims, liens and other encumbrances whatsoever, EXCEPT, as specified herein. Seller further agrees to warrant and defend same against the lawful claims and demands of all persons whomsoever.

DATED: December 21, 2012

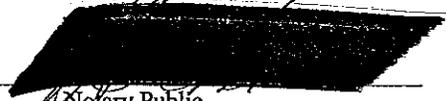
Srinath, LLC, an Arizona Limited Liability Company

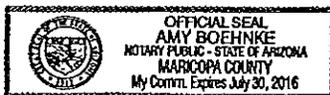

Harishkumar Solanky, Member

State of ARIZONA }ss:
County of Maricopa

On December 21, 2012, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Harishkumar Solanky, Member personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.


Notary Public



Escrow No.: 00122268

STATE OF ARIZONA

DEPARTMENT OF LIQUOR LICENSES
AND CONTROL
ALCOHOLIC BEVERAGE LICENSE

License 09070485

Issue Date: 2/16/2011

Expiration Date: 12/31/2013

Issued To:
LAUREN KAY MERRETT, Agent
SRINATH LLC, Owner

Location:
FRIENDLY LIQUOR MARKET
9333 E APACHE TRL STE 30
MESA, AZ 85207

Liquor Store

Mailing Address:

LAUREN KAY MERRETT
SRINATH LLC
FRIENDLY LIQUOR MARKET
9333 E APACHE TRL STE 30
MESA, AZ 85207



POST THIS LICENSE IN A CONSPICUOUS PLACE

SECTION 12 Location to Location Transfer: (Bars and Liquor Stores ONLY)

APPLICANTS CANNOT OPERATE UNDER A LOCATION TRANSFER UNTIL IT IS APPROVED BY THE STATE

1. Current Business: Name Friendly Liquor Market *14 FEB 3 Lic. Lic. #1152
 (Exactly as it appears on license) Address 9333 E. Apache Trall., Ste 303, Mesa, AZ 85207
2. New Business: Name CVS/pharmacy #8952
 (Physical Street Location) Address 24865 N. Lake Pleasant Pkwy, Peoria, AZ 85383
3. License Type: Series 9 License Number: 09070485
4. If more than one license to be transferred: License Type: _____ License Number: _____
5. What date do you plan to move? 2014 What date do you plan to open? 2014

SECTION 13 Questions for all in-state applicants excluding those applying for government, hotel/motel, and restaurant licenses (series 5, 11, and 12):

A.R.S. § 4-207 (A) and (B) state that no retailer's license shall be issued for any premises which are at the time the license application is received by the director, within three hundred (300) horizontal feet of a church, within three hundred (300) horizontal feet of a public or private school building with kindergarten programs or grades one (1) through (12) or within three hundred (300) horizontal feet of a fenced recreational area adjacent to such school building. The above paragraph DOES NOT apply to:

- a) Restaurant license (§ 4-205.02)
- b) Hotel/motel license (§ 4-205.01)
- c) Government license (§ 4-205.03)
- d) Fenced playing area of a golf course (§ 4-207 (B)(5))

1. Distance to nearest school: 1.87 miles ft. Name of school Zuni Hills Elementary School
 Address 10851 W. Williams Rd, Sun City AZ 85373
 City, State, Zip
2. Distance to nearest church: 3017 ft. Name of church Discovery Pointe Church
 Address 9812 W. Yearling Rd, Peoria AZ 85383
 City, State, Zip
3. I am the: Lessee Sublessee Owner Purchaser (of premises)
4. If the premises is leased give lessors: Name _____
 Address _____
 City, State, Zip
- 4a. Monthly rental/lease rate \$ _____ What is the remaining length of the lease ___ yrs. ___ mos.
- 4b. What is the penalty if the lease is not fulfilled? \$ _____ or other _____
 (give details - attach additional sheet if necessary)
5. What is the total business indebtedness for this license/location excluding the lease? \$ pending escrow
 Please list lenders you owe money to.

Last	First	Middle	Amount Owed	Mailing Address	City State	Zip

(ATTACH ADDITIONAL SHEET IF NECESSARY)

6. What type of business will this license be used for (be specific)? retail pharmacy

SECTION 13 - continued

7. Has a license or a transfer license for the premises on this application been denied by the state within the past one (1) year?
 YES NO If yes, attach explanation. 14 FEB 3 Lic. Lic. # 152
8. Does any spirituous liquor manufacturer, wholesaler, or employee have any interest in your business? YES NO
9. Is the premises currently licensed with a liquor license? YES NO If yes, give license number and licensee's name:
License # _____ (exactly as it appears on license) Name _____

SECTION 14 Restaurant or hotel/motel license applicants:

1. Is there an existing restaurant or hotel/motel liquor license at the proposed location? YES NO
If yes, give the name of licensee, Agent or a company name:
_____ and license #: _____
Last First Middle
2. If the answer to Question 1 is YES, you may qualify for an Interim Permit to operate while your application is pending; consult A.R.S. § 4-203.01; and complete SECTION 5 of this application.
3. All restaurant and hotel/motel applicants must complete a Restaurant Operation Plan (Form LIC0114) provided by the Department of Liquor Licenses and Control.
4. As stated in A.R.S. § 4-205.02.G.2, a restaurant is an establishment which derives at least 40 percent of its gross revenue from the sale of food. Gross revenue is the revenue derived from all sales of food and spirituous liquor on the licensed premises. By applying for this hotel/motel restaurant license, I certify that I understand that I must maintain a minimum of 40 percent food sales based on these definitions and have included the Restaurant Hotel/Motel Records Required for Audit (form LIC 1013) with this application.

applicant's signature

As stated in A.R.S § 4-205.02 (B), I understand it is my responsibility to contact the Department of Liquor Licenses and Control to schedule an inspection when all tables and chairs are on site, kitchen equipment, and, if applicable, patio barriers are in place on the licensed premises. With the exception of the patio barriers, these items are not required to be properly installed for this inspection. Failure to schedule an inspection will delay issuance of the license. If you are not ready for your inspection 90 days after filing your application, please request an extension in writing, specify why the extension is necessary, and the new inspection date you are requesting. To schedule your site inspection visit www.azliquor.gov and click on the "Information" tab.

applicants initials

SECTION 15 Diagram of Premises: (Blueprints not accepted, diagram must be on this form)

1. Check ALL boxes that apply to your business:
 Entrances/Exits Liquor storage areas Patio: Contiguous
 Service windows Drive-in windows Non Contiguous
2. Is your licensed premises currently closed due to construction, renovation, or redesign? YES NO
If yes, what is your estimated opening date? 2014 _____
month/day/year
3. Restaurants and hotel/motel applicants are required to draw a detailed floor plan of the kitchen and dining areas including the locations of all kitchen equipment and dining furniture. Diagram paper is provided on page 7.
4. The diagram (a detailed floor plan) you provide is required to disclose only the area(s) where spiritous liquor is to be sold, served, consumed, dispensed, possessed, or stored on the premises unless it is a restaurant (see #3 above).
5. Provide the square footage or outside dimensions of the licensed premises. Please do not include non-licensed premises, such as parking lots, living quarters, etc.

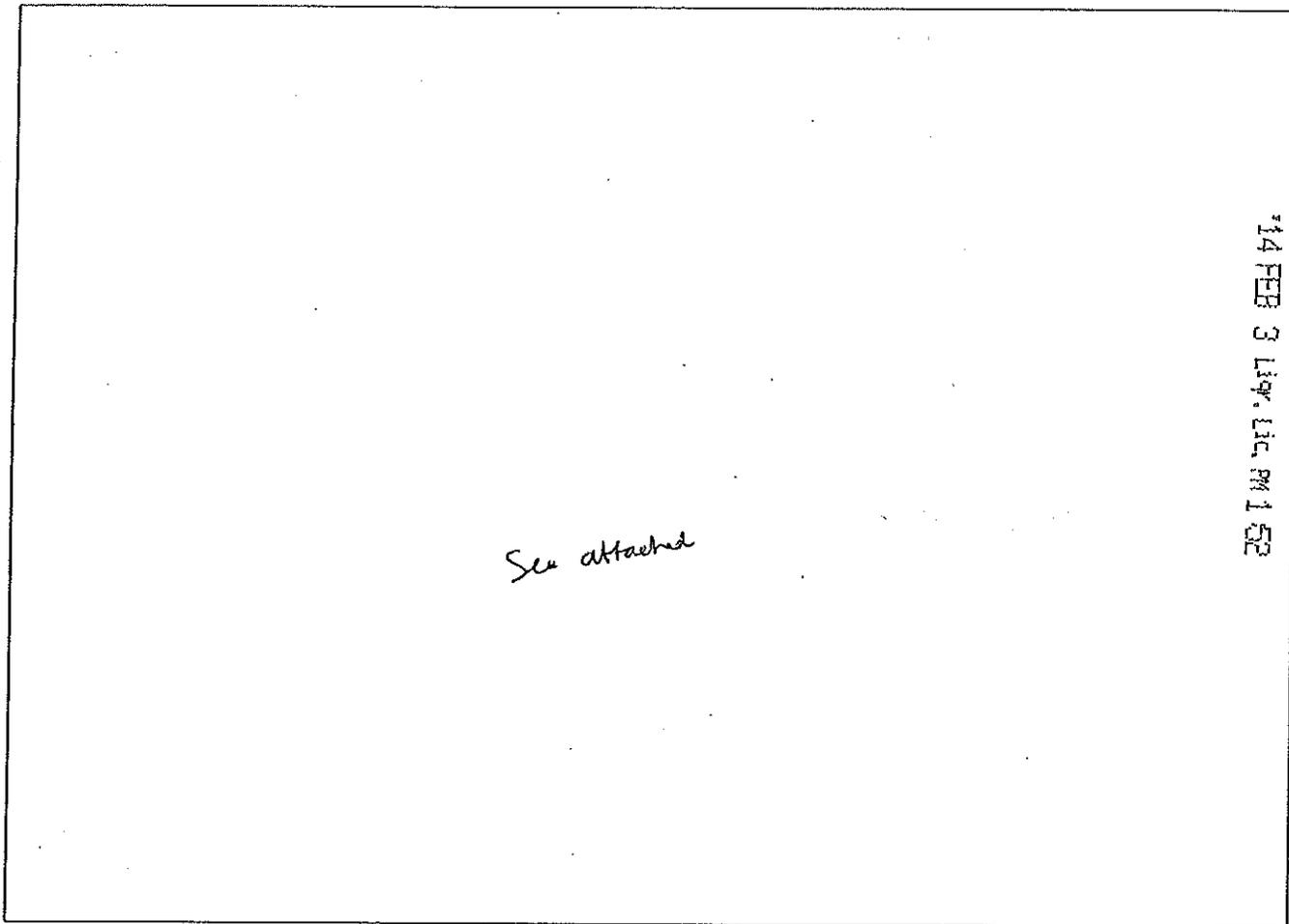
As stated in A.R.S. § 4-207.01(B), I understand it is my responsibility to notify the Department of Liquor Licenses and Control when there are changes to boundaries, entrances, exits, added or deleted doors, windows or service windows, or increase or decrease to the square footage after submitting this initial drawing.

applicants initials

SECTION 15 Diagram of Premises

4. In this diagram please show only the area where spirituous liquor is to be sold, served, consumed, dispensed, possessed or stored. It must show all entrances, exits, interior walls, bars, bar stools, hi-top tables, dining tables, dining chairs, the kitchen, dance floor, stage, and game room. Do not include parking lots, living quarters, etc. When completing diagram, North is up ↑.

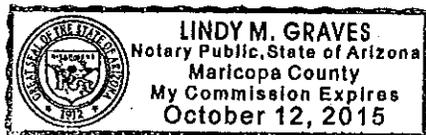
If a legible copy of a rendering or drawing of your diagram of premises is attached to this application, please write the words "diagram attached" in box provided below.



SECTION 16 Signature Block

I, Jason Barclay Morris, hereby declare that I am the OWNER/AGENT filing this application as stated in Section 4, Question 1. I have read this application and verify all statements to be true, correct and complete.

X [Redacted Signature]



State of AZ County of Maricopa

The foregoing instrument was acknowledged before me this 14 of Jan, 2014

Day 14 Year 2014
[Redacted Signature]
Signature of NOTARY PUBLIC

My commission expires on: 12 Oct 15
Day Month Year

Arizona Department of Liquor Licenses and Control
 800 West Washington, 5th Floor
 Phoenix, Arizona 85007
 www.azliquor.gov
 602-542-5141

APPLICATION FOR LIQUOR LICENSE
 TYPE OR PRINT WITH BLACK INK

Notice: Effective Nov. 1, 1997, All Owners, Agents, Partners, Stockholders, Officers, or Managers actively involved in the day to day operations of the business must attend a Department approved liquor law training course or provide proof of attendance within the last five years. See page 5 of the Liquor Licensing requirements.

SECTION 1 This application is for a:

- MORE THAN ONE LICENSE
- INTERIM PERMIT *Complete Section 5*
- NEW LICENSE *Complete Sections 2, 3, 4, 13, 14, 15, 16*
- PERSON TRANSFER (Bars & Liquor Stores ONLY)
Complete Sections 2, 3, 4, 11, 13, 15, 16
- LOCATION TRANSFER (Bars and Liquor Stores ONLY)
Complete Sections 2, 3, 4, 12, 13, 15, 16
- PROBATE/WILL ASSIGNMENT/DIVORCE DECREE
Complete Sections 2, 3, 4, 9, 13, 16 (fee not required)
- GOVERNMENT *Complete Sections 2, 3, 4, 10, 13, 15, 16*

SECTION 2 Type of ownership:

- J.T.W.R.O.S. *Complete Section 6*
- INDIVIDUAL *Complete Section 6*
- PARTNERSHIP *Complete Section 6*
- CORPORATION *Complete Section 7*
- LIMITED LIABILITY CO. *Complete Section 7*
- CLUB *Complete Section 8*
- GOVERNMENT *Complete Section 10*
- TRUST *Complete Section 6*
- OTHER (Explain) _____

SECTION 3 Type of license and fees

LICENSE #(s): 12079796

1. Type of License(s): Series 12

2. Total fees attached: \$

Department Use Only

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

The fees allowed under A.R.S. 44-6852 will be charged for all dishonored checks.

SECTION 4 Applicant

1. Owner/Agent's Name: Mr. Nations Randy D.
(Insert one name ONLY to appear on license) Last First Middle
2. Corp./Partnership/L.L.C.: Union Group LLC
(Exactly as it appears on Articles of Inc. or Articles of Org.)
3. Business Name: Draft House
(Exactly as it appears on the exterior of premises)
4. Principal Street Location: 15814 N 83rd Ave Peoria Maricopa 85382
(Do not use PO Box Number) City County Zip
5. Business Phone: 602-753-7191 Daytime Phone: [REDACTED] Email: rhonda@azllc.com
6. Is the business located within the incorporated limits of the above city or town? YES NO
7. Mailing Address: P O Box 2502 Chandler AZ 85382
City State Zip
8. Price paid for license only bar, beer and wine, or liquor store: Type _____ \$ _____ Type _____ \$ _____

DEPARTMENT USE ONLY

Fees: 100.00 Application 100.00 Interim Permit 50.00 Site Inspection _____ Finger Prints \$ 250.00
 TOTAL OF ALL FEES

Is Arizona Statement of Citizenship & Alien Status For State Benefits complete? YES NO
 Accepted by: [REDACTED] Date: 1/31/14 Lic. # 12079796

SECTION 5 Interim Permit:

1. If you intend to operate business when your application is pending you will need an Interim Permit pursuant to A.R.S. 4-203.01.
2. There **MUST** be a valid license of the same type you are applying for currently issued to the location.
3. Enter the license number currently at the location. 12078726
4. Is the license currently in use? YES NO If no, how long has it been out of use? _____

ATTACH THE LICENSE CURRENTLY ISSUED AT THE LOCATION TO THIS APPLICATION.

I, See Attached Lease, declare that I am the CURRENT OWNER, AGENT, CLUB MEMBER, PARTNER, MEMBER, STOCKHOLDER, OR LICENSEE (circle the title which applies) of the stated license and location.

X _____ State of _____ County of _____
 (Signature) The foregoing instrument was acknowledged before me this
 My commission expires on: _____ Day _____ of _____ Month _____ Year

 (Signature of NOTARY PUBLIC)

SECTION 6 Individual or Partnership Owners:

EACH PERSON LISTED MUST SUBMIT A COMPLETED QUESTIONNAIRE (FORM LIC0101), AN "APPLICANT" TYPE FINGERPRINT CARD, AND \$22 PROCESSING FEE FOR EACH CARD.

1. Individual:

Last	First	Middle	% Owned	Mailing Address	City State Zip

Partnership Name: (Only the first partner listed will appear on license) _____

General-Limited	Last	First	Middle	% Owned	Mailing Address	City State Zip
<input type="checkbox"/> <input type="checkbox"/>						
<input type="checkbox"/> <input type="checkbox"/>						
<input type="checkbox"/> <input type="checkbox"/>						
<input type="checkbox"/> <input type="checkbox"/>						

) Y R A S S E C E N F I T

2. Is any person, other than the above, going to share in the profits/losses of the business? YES NO
 If Yes, give name, current address and telephone number of the person(s). Use additional sheets if necessary.

Last	First	Middle	Mailing Address	City, State, Zip	Telephone#

SECTION 7 Corporation/Limited Liability Co.:

EACH PERSON LISTED MUST SUBMIT A COMPLETED QUESTIONNAIRE (FORM LIC0101), AN "APPLICANT" TYPE FINGERPRINT CARD, AND \$22 PROCESSING FEE FOR EACH CARD.

- CORPORATION Complete questions 1, 2, 3, 5, 6, 7, and 8.
 L.L.C. Complete 1, 2, 4, 5, 6, 7, and 8.

1. Name of Corporation/L.L.C.: Union Group LLC
 (Exactly as it appears on Articles of Incorporation or Articles of Organization)
2. Date Incorporated/Organized: 12/18/2012 State where Incorporated/Organized: AZ
3. AZ Corporation Commission File No.: _____ Date authorized to do business in AZ: _____
4. AZ L.L.C. File No: L-1811064-3 Date authorized to do business in AZ: 1/3/2013
5. Is Corp./L.L.C. Non-profit? YES NO

6. List all directors, officers and members in Corporation/L.L.C.:

Last	First	Middle	Title	Mailing Address	City State Zip
Levine	Benjamin	Aaron	Mng. Mem	[REDACTED]	[REDACTED]
Havens	Lars	S	Mng. Mem	[REDACTED]	[REDACTED]
Michell	Kristopher	Aaron	Mng. Mem	[REDACTED]	[REDACTED]

(ATTACH ADDITIONAL SHEET IF NECESSARY)

7. List stockholders who are controlling persons or who own 10% or more:

Last	First	Middle	% Owned	Mailing Address	City State Zip
Levine	Benjamin	Aaron	45	[REDACTED]	[REDACTED]
Havens	Lars	S	45	[REDACTED]	[REDACTED]
Michell	Kristopher	Aaron	10	[REDACTED]	[REDACTED]

(ATTACH ADDITIONAL SHEET IF NECESSARY)

8. If the corporation/L.L.C. is owned by another entity, attach a percentage of ownership chart, and a director/officer/member disclosure for the parent entity. Attach additional sheets as needed in order to disclose personal identities of all owners.

SECTION 8 Club Applicants:

EACH PERSON LISTED MUST SUBMIT A COMPLETED QUESTIONNAIRE (FORM LIC0101), AN "APPLICANT" TYPE FINGERPRINT CARD, AND \$22 PROCESSING FEE FOR EACH CARD.

1. Name of Club: _____ Date Chartered: _____
 (Exactly as it appears on Club Charter or Bylaws) (Attach a copy of Club Charter or Bylaws)

2. Is club non-profit? YES NO

3. List officer and directors:

Last	First	Middle	Title	Mailing Address	City State Zip

(ATTACH ADDITIONAL SHEET IF NECESSARY)

SECTION 9 Probate, Will Assignment or Divorce Decree of an existing Bar or Liquor Store License:

1. Current Licensee's Name: _____
(Exactly as it appears on license) Last First Middle
2. Assignee's Name: _____
Last First Middle
3. License Type: _____ License Number: _____ Date of Last Renewal: _____
4. ATTACH TO THIS APPLICATION A CERTIFIED COPY OF THE WILL, PROBATE DISTRIBUTION INSTRUMENT, OR DIVORCE DECREE THAT SPECIFICALLY DISTRIBUTES THE LIQUOR LICENSE TO THE ASSIGNEE TO THIS APPLICATION.

SECTION 10 Government: (for cities, towns, or counties only)

1. Governmental Entity: _____
2. Person/designee: _____
Last First Middle Contact Phone Number

A SEPARATE LICENSE MUST BE OBTAINED FOR EACH PREMISES FROM WHICH SPIRITUOUS LIQUOR IS SERVED.

SECTION 11 Person to Person Transfer:

Questions to be completed by CURRENT LICENSEE (Bars and Liquor Stores ONLY-Series 06,07, and 09).

1. Current Licensee's Name: _____ Entity: _____
(Exactly as it appears on license) Last First Middle (Indiv., Agent, etc.)
2. Corporation/L.L.C. Name: _____
(Exactly as it appears on license)
3. Current Business Name: _____
(Exactly as it appears on license)
4. Physical Street Location of Business: Street _____
City, State, Zip _____
5. License Type: _____ License Number: _____
6. If more than one license to be transferred: License Type: _____ License Number: _____
7. Current Mailing Address: Street _____
(Other than business) City, State, Zip _____

JAN 31 12:00 PM '01

8. Have all creditors, lien holders, interest holders, etc. been notified of this transfer? YES NO
9. Does the applicant intend to operate the business while this application is pending? YES NO If yes, complete Section 5 of this application, attach fee, and current license to this application.

10. I, _____, hereby authorize the department to process this application to transfer the
(print full name)
privilege of the license to the applicant, provided that all terms and conditions of sale are met. Based on the fulfillment of these conditions, I certify that the applicant now owns or will own the property rights of the license by the date of issue.

I, _____, declare that I am the CURRENT OWNER, AGENT, MEMBER, PARTNER
(print full name)
STOCKHOLDER, or LICENSEE of the stated license. I have read the above Section 11 and confirm that all statements are true, correct, and complete.

(Signature of CURRENT LICENSEE)

State of _____ County of _____
The foregoing instrument was acknowledged before me this

Day Month Year

My commission expires on: _____

(Signature of NOTARY PUBLIC)

SECTION 12 Location to Location Transfer: (Bars and Liquor Stores ONLY)

APPLICANTS CANNOT OPERATE UNDER A LOCATION TRANSFER UNTIL IT IS APPROVED BY THE STATE

1. Current Business: Name _____
(Exactly as it appears on license) Address _____
2. New Business: Name _____
(Physical Street Location) Address _____
3. License Type: _____ License Number: _____
4. If more than one license to be transferred: License Type: _____ License Number: _____
5. What date do you plan to move? _____ What date do you plan to open? _____

SECTION 13 Questions for all in-state applicants excluding those applying for government, hotel/motel, and restaurant licenses (series 5, 11, and 12):

A.R.S. § 4-207 (A) and (B) state that no retailer's license shall be issued for any premises which are at the time the license application is received by the director, within three hundred (300) horizontal feet of a church, within three hundred (300) horizontal feet of a public or private school building with kindergarten programs or grades one (1) through (12) or within three hundred (300) horizontal feet of a fenced recreational area adjacent to such school building. The above paragraph DOES NOT apply to:

- a) Restaurant license (§ 4-205.02)
- b) Hotel/motel license (§ 4-205.01)
- c) Government license (§ 4-205.03)
- d) Fenced playing area of a golf course (§ 4-207 (B)(5))

1. Distance to nearest school: _____ ft. Name of school _____
Address _____
City, State, Zip _____

2. Distance to nearest church: _____ ft. Name of church _____
Address _____
City, State, Zip _____

3. I am the: Lessee Sublessee Owner Purchaser (of premises)

4. If the premises is leased give lessors: Name AZ T 15814 N 83rd LLC C/O Tideland Inc
Address P O Box 140303393 Sioux Falls SD 57186-0001
City, State, Zip _____

4a. Monthly rental/lease rate \$ 17,500.⁰⁰ What is the remaining length of the lease 7 yrs. _____ mos.

4b. What is the penalty if the lease is not fulfilled? \$ _____ or other Personal Guarantee
(give details - attach additional sheet if necessary)

5. What is the total business indebtedness for this license/location excluding the lease? \$ 0
Please list lenders you owe money to.

Last	First	Middle	Amount Owed	Mailing Address	City State	Zip

(ATTACH ADDITIONAL SHEET IF NECESSARY)

6. What type of business will this license be used for (be specific)? Restaurant

SECTION 13 - continued

- 7. Has a license or a transfer license for the premises on this application been denied by the state within the past one (1) year?
 YES NO If yes, attach explanation.
- 8. Does any spirituous liquor manufacturer, wholesaler, or employee have any interest in your business? YES NO
- 9. Is the premises currently licensed with a liquor license? YES NO If yes, give license number and licensee's name:

License # 12078726 (exactly as it appears on license) Name Paul Russell Wilson

SECTION 14 Restaurant or hotel/motel license applicants:

- 1. Is there an existing restaurant or hotel/motel liquor license at the proposed location? YES NO
 If yes, give the name of licensee, Agent or a company name:

Wilson Paul Russel and license #: 12078726
Last First Middle

- 2. If the answer to Question 1 is YES, you may qualify for an Interim Permit to operate while your application is pending; consult A.R.S. § 4-203.01; and complete SECTION 5 of this application.
- 3. All restaurant and hotel/motel applicants must complete a Restaurant Operation Plan (Form LIC0114) provided by the Department of Liquor Licenses and Control.
- 4. As stated in A.R.S. § 4-205.02.G.2, a restaurant is an establishment which derives at least 40 percent of its gross revenue from the sale of food. Gross revenue is the revenue derived from all sales of food and spirituous liquor on the licensed premises. By applying for this hotel/motel restaurant license, I certify that I understand that I must maintain a minimum of 40 percent food sales based on these definitions and have included the Restaurant Hotel/Motel Records Required for Audit (form LIC 1013) with this application.

As stated in A.R.S § 4-205.02 (B), I understand it is my responsibility to contact the Department of Liquor Licenses and Control to schedule an inspection when all tables and chairs are on site, kitchen equipment, and, if applicable, patio barriers are in place on the licensed premises. With the exception of the patio barriers, these items are not required to be properly installed for this inspection. Failure to schedule an inspection will delay issuance of the license. If you are not ready for your inspection 90 days after filing your application, please request an extension in writing, specify why the extension is necessary, and the new inspection date you are requesting. To schedule your site inspection, click on the "Information" tab.

applicants initials

SECTION 15 Diagram of Premises: (Blueprints not accepted, diagram must be on this form)

- 1. Check ALL boxes that apply to your business:
 Entrances/Exits Liquor storage areas Patio: Contiguous
 Service windows Drive-in windows Non Contiguous
- 2. Is your licensed premises currently closed due to construction, renovation, or redesign? YES NO
 If yes, what is your estimated opening date? _____
month/day/year
- 3. Restaurants and hotel/motel applicants are required to draw a detailed floor plan of the kitchen and dining areas including the locations of all kitchen equipment and dining furniture. Diagram paper is provided on page 7.
- 4. The diagram (a detailed floor plan) you provide is required to disclose only the area(s) where spirituous liquor is to be sold, served, consumed, dispensed, possessed, or stored on the premises unless it is a restaurant (see #3 above).
- 5. Provide the square footage or outside dimensions of the licensed premises. Please do not include non-licensed premises, such as parking lots, living quarters, etc.

As stated in A.R.S. § 4-207.01(B), I understand it is my responsibility to notify the Department of Liquor Licenses and Control when there are changes to boundaries, entrances, exits, added or deleted doors, windows or service windows, or increase or decrease to the square footage after submitting this initial drawing.

applicants initials

SECTION 15 Diagram of Premises

4. In this diagram please show only the area where spirituous liquor is to be sold, served, consumed, dispensed, possessed or stored. It must show all entrances, exits, interior walls, bars, bar stools, hi-top tables, dining tables, dining chairs, the kitchen, dance floor, stage, and game room. Do not include parking lots, living quarters, etc. When completing diagram, North is up ↑.

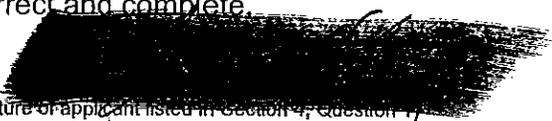
If a legible copy of a rendering or drawing of your diagram of premises is attached to this application, please write the words "diagram attached" in box provided below.

See Attached

14 JAN 31 11:49:11 AM '14

SECTION 16 Signature Block

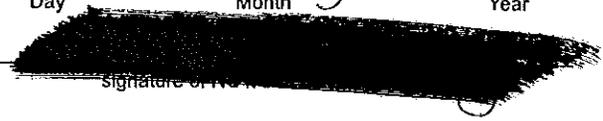
I, Randy D. Natfons, hereby declare that I am the OWNER/AGENT filing this application as stated in Section 4, Question 1. I have read this application and verify all statements to be true, correct and complete.

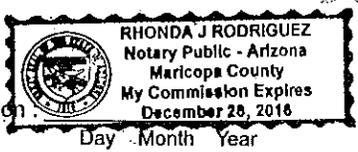
X 
(signature of applicant listed in Section 4, Question 1)

State of Arizona County of Maricopa

The foregoing Instrument was acknowledged before me this

31 of January, 2014
Day Month Year


Signature of Notary



My commission expires on

Day Month Year

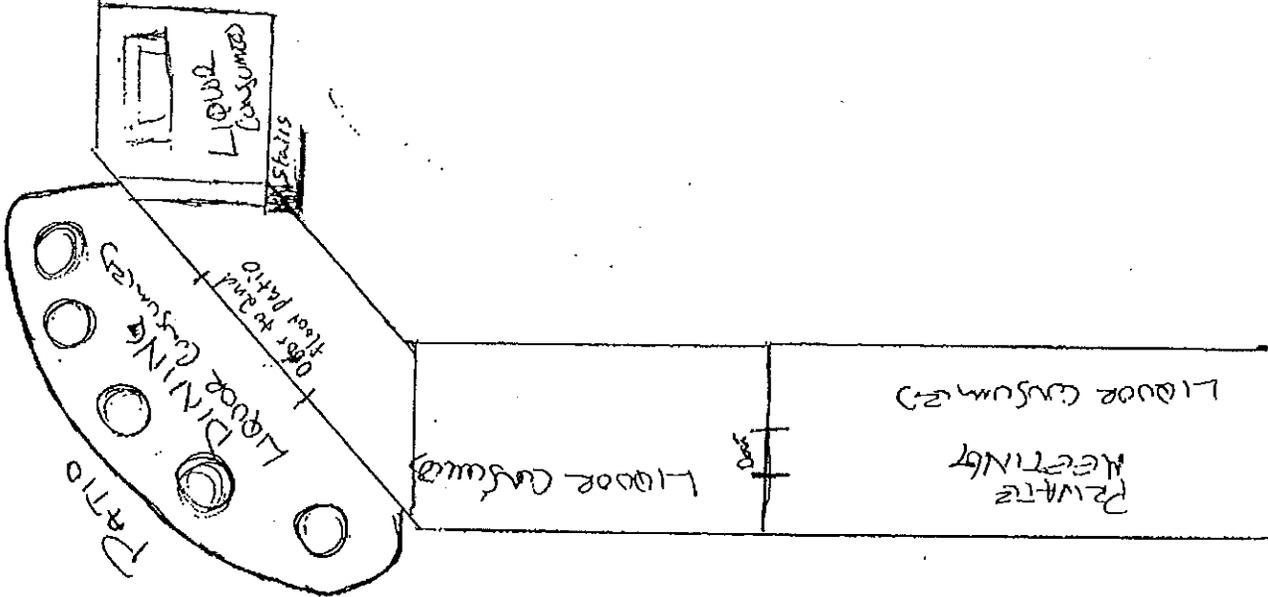
2nd Floor

OPEN TO BENEATH

*11 APR 11 LIQ. LIC. PG 1 42

*14 JAN 31 LIQ. LIC. PG 4 24

NORTH



**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 15R

Date Prepared: March 18, 2014

Council Meeting Date: April 1, 2014

TO: Carl Swenson, City Manager
FROM: Brent Mattingly, Finance Director
THROUGH: Jeff Tyne, Deputy City Manager
SUBJECT: Public hearing: A New Off-Track Wagering License – Turf Paradise.

Purpose:

The Mayor and Council are required to hold a public hearing regarding a New Off-Track Wagering License for Turf Paradise to telecast at Draft House.

Background/Summary:

Vincent Francia, Agent for Turf Paradise, has applied for a Off-Track Wagering License Renewal for Draft House, 15814 N. 83rd Avenue. The public hearing notice was posted for at least ten days, and no comments were received during the posting period. The license application was reviewed according to State law and all Departments gave approvals.

City Code Section 11-178 provides for the granting of a one-year license, commencing on April 2, 2014 and ending on April 01, 2015.

Previous Actions:

In August 2010, the Mayor and Council recommended approval to the Arizona Racing Commission for the Off-Track Wagering License Renewal for Turf Paradise to telecast at McDuffy's.

Options:

A: Recommend approval to the Arizona Racing Commission for a New Off-Track Wagering License for Turf Paradise to telecast at Draft House.

B: Recommend denial to the Arizona Racing Commission for a New Off-Track Wagering License for Turf Paradise to telecast at Draft House.

Staff's Recommendation:

That the Mayor and Council recommend approval to the Arizona Racing Commission for a New Off-Track Wagering License for Turf Paradise to telecast at Draft House.

Fiscal Analysis:

The item has no financial implications.

Narrative:

The appropriate fees have been paid and the applicant has been advised that a representative needs to be present at the meeting to answer any questions that the Council or public may have.

Exhibit 1: Off-Track Wagering License Application.



CITY OF PEORIA OFF-TRACK WAGERING INDIVIDUAL PERMIT APPLICATION

CHECK ONE:
 Owner of Principle Wagering Establishment
 Managing Agent of Principle Wagering Establishment
 Owner of Off-Track Site Facility
 Managing Agent of Off-Track Site Facility

CHECK ONE:
 Initial Application **XX**
 Renewal

NAME OF APPLICANT: Last Name: FRANCIA First Name: VINCENT Middle: ARCI

OTHER NAMES USED: (Maiden) _____ **HOME PHONE:** _____

SOCIAL SECURITY NUMBER: _____ **DRIVER LICENSE NUMBER:** _____ **STATE:** _____ **EXPIRATION DATE:** _____

HEIGHT: _____ **WEIGHT:** _____ **HAIR:** _____ **EYES:** _____ **DATE OF BIRTH:** _____ **BIRTHPLACE:** _____

HOME ADDRESS: Street: _____ City: _____ State: _____ Zip Code: _____

BUSINESS NAME: TP RACING L.L.P. DBA TURF PARADISE **BUSINESS PHONE:** 602-942-1101

BUSINESS ADDRESS: Street: 1501 W. BELL ROAD City: PHOENIX State: AZ Zip Code: 85023

BUSINESS NAME: (PREMISES WHERE CONDUCTING OFF-TRACK WAGERING) THE DRAFT HOUSE **BUSINESS PHONE:** _____

PREMISES ADDRESS: Street: 15814 N. 83RD AVE City: PEORIA State: AZ Zip Code: 85345

INDICATE WHERE YOU HAVE RESIDED FOR THE PAST FIVE YEARS EXCLUDING PRESENT ADDRESS

FROM:	TO:	Street	City	State	Zip Code
1990	PRESENT	_____	_____	_____	_____
FROM:	TO:	Street	City	State	Zip Code
FROM:	TO:	Street	City	State	Zip Code
FROM:	TO:	Street	City	State	Zip Code
FROM:	TO:	Street	City	State	Zip Code

HAVE YOU EVER BEEN DENIED, ARRESTED, INDICTED, CONVICTED, OR SUMMONED INTO COURT FOR VIOLATION OF ANY CRIMINAL LAW OR ORDINANCE (EXCLUDING MINOR TRAFFIC VIOLATIONS)?
 YES NO If yes, attach full explanation.

HAVE YOU EVER POSTED BOND, BEEN ORDERED TO DEPOSIT BAIL, BEEN FINED, IMPRISONED, PLACED ON PROBATION OR FAILED TO APPEAR FOR ANY VIOLATION OF ANY LAW OR ORDINANCE?

~ YES ~ NO If yes, attach full explanation.

HAVE YOU EVER HAD ANY BUSINESS LICENSE DENIED, REVOKED, SUSPENDED, OR FINED IN THIS OR ANY OTHER STATE?
 ~ YES ~ NO If yes, attach full explanation.

INDICATE YOUR EMPLOYMENT OR BUSINESS ENGAGED IN FOR PAST FIVE YEARS BEGINNING WITH MOST CURRENT

CURRENT EMPLOYER: TURF PARADISE	PHONE #: 602-942-1101	POSITION: GENERAL MANAGER	FROM: 07-2010	TO: PRESENT
STREET ADDRESS 1501 W. BELL		CITY PHOENIX	STATE AZ	ZIP CODE 85023
PREVIOUS EMPLOYER: TURF PARADISE	PHONE #: 602-942-1101	POSITION: DIRECTOR MARKETING	FROM: 01-1994	TO: 07-2010
STREET ADDRESS 1501 W. BELL		CITY PHOENIX	STATE AZ	ZIP CODE 85023
PREVIOUS EMPLOYER:	PHONE #:	POSITION:	FROM:	TO:
STREET ADDRESS		CITY	STATE	ZIP CODE
PREVIOUS EMPLOYER:	PHONE #:	POSITION:	FROM:	TO:
STREET ADDRESS		CITY	STATE	ZIP CODE
PREVIOUS EMPLOYER:	PHONE #:	POSITION:	FROM:	TO:
STREET ADDRESS		CITY	STATE	ZIP CODE

I CERTIFY THAT THE STATEMENTS MADE IN THIS APPLICATION ARE TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE, INTENTIONAL OMISSION OR FALSIFICATION OF INFORMATION IS SUFFICIENT GROUNDS FOR DENIAL OF THE APPLICATION OR LATER REVOCATION AND SUBJECT TO PENALTY BY LAW. CHANGES MUST BE SUBMITTED AS REQUIRED BY ORDINANCE. INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED. PLEASE INCLUDE A COPY OF THE FLOOR PLAN FOR PREMISES.



SIGNATURE OF APPLICANT

DATE FEB 10, 2014

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 16R

Date Prepared: March 21, 2014

Council Meeting Date: April 1, 2014

TO: Carl Swenson, City Manager

FROM: Katie Gregory, Deputy Finance and Budget Director

THROUGH: Brent Mattingly, Finance and Budget Director

SUBJECT: 2013-14 Impact Fee Ordinance Public Hearing

Purpose:

Under new adoption procedures outlined in the Development Impact Fee Statute, the City is required to hold a Public Hearing on the proposed 2014 Development Impact Fee Ordinance. In addition to establishing the updated impact fees, this ordinance sets the standards and procedures for creating and assessing development impact fees, and administering the city's development impact fee program including mandatory offsets, credits and refunds.

The City Council approved the Utility and Non-Utility Impact Fee studies on February 18, 2014. These studies along with the adopted infrastructure Improvement plans, growth projections and defined service areas are used to calculate updated fees.

The purpose of this Hearing is to provide an opportunity for the public to comment on recommendations related to the proposed development impact fee ordinance. Notice for this public hearing was published in the Peoria Times on February 28 and March 14, 2014. No council action is required at the Public Hearing.

The final fee ordinance is scheduled to be brought forward to Council for formal adoption on May 6, 2014. Once adopted, the approved impact fee ordinance and updated fees will become effective on August 1, 2014.

Background/Summary:

Development Impact Fees are assessed by the City of Peoria to help pay for the one-time capital infrastructure costs resulting from new developments in the City. These fees are assessed at the time of building permit and are currently collected for the following categories:

Non-Utility Fees

- Libraries
- Parks
- Transportation
- Police
- Fire

Utility Fees

- Water
- Wastewater
- Water Resources

CITY OF PEORIA, ARIZONA

COUNCIL COMMUNICATION

Date Prepared: March 21, 2014

Council Meeting Date: April 1, 2014

The City has been working with two firms, Duncan Associates and Raftelis Financial Consultants to update the city's General Government and Utility impact fee studies. During this time, City staff has put forth efforts to keep the Council and the development stakeholders involved with the review of the impact fee studies and the updated fees.

Model Impact Fee Ordinance

Following the signing of SB 1525, the League of Arizona Cities and Towns along with a number of Arizona cities and development partners drafted a model impact fee ordinance. This ordinance is intended to clarify certain aspects of the new law and ensure consistent application of impact fees among cities. Staff will provide an overview of the significant provisions proposed in the updated ordinance.

Summary:

New adoption procedures, outlined in the Development Impact Fee Statute, require the city to hold a public hearing on the proposed impact fee ordinance which ordinance sets the standards and procedures for creating and assessing development impact fees, and administering the city's development impact fee program including mandatory offsets, credits and refunds. Staff is requesting that council review and provide input on the proposed ordinance. The updated ordinance and impact fee levels will be brought to council for formal adoption on May 6, 2014.

Previous Actions:

February 18 2014 – Council adopted the updated Impact Fee studies which included the infrastructure improvement plans, growth projections and service area recommendations.

February 4, 2014 – Council held a study session to review service areas and proposed fee levels.

January 7, 2014 - Public Hearing on the proposed Land Use Assumptions (growth projections) and Infrastructure Improvement Plans

December 3, 2013 – Council Study Session on “Financing Growth in the New Impact Fee Era”. Staff presented an overview of the impact fee legislation, financing options for paying for growth and an impact fee study update.

October 16, 2013 to November 20, 2013 – Multiple meetings with Development stakeholders to review and update development plans and growth projections, service areas and capital projects and project estimates.

October 15, 2013 – Council Study session to review legal requirements, fee methodologies and service area considerations.

October 10, 2013 - Draft reports were made available on the City's Impact Fee webpage.

February 26, 2013 – Developer Stakeholder Meeting to review planned methodologies and policy recommendations.

October 23, 2012 - Staff provided an update to Council on some of the early policy decisions regarding the impact fees.

August 21, 2012 - City Council approved two consultant contracts for the 2014 Impact Fee Update.

Options:

1. No council action is required as this is a Public Hearing

Staff's Recommendation:

Staff recommends that Council review and provide input on the proposed ordinance.

Fiscal Analysis:

NA

Exhibit(s):

A: Proposed Impact Fee Ordinance

Contact Name and Number: Katie Gregory, 623-773-7364

ORDINANCE NO. 2014-____

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA AMENDING CHAPTER 20 OF THE PEORIA CITY CODE (1992) BY REPEALING SECTION 20-29 PERTAINING TO DEVELOPMENT FEES; INFILL INCENTIVE DISTRICTS; INCENTIVES AND BY REPEALING SECTION 20-50 PERTAINING TO DEVELOPMENT FEES; LEGISLATIVE INTENT AND PURPOSE AND BY REPEALING SECTION 20-51 PERTAINING TO DEVELOPMENT FEES; DEFINITIONS AND BY REPEALING SECTION 20-52 PERTAINING TO DEVELOPMENT FEES; ACCOUNTING AND BY REPEALING SECTION 20-53 PERTAINING TO DEVELOPMENT FEES; ADMINISTRATION OF DEVELOPMENT FEES AND BY REPEALING SECTION 20-54 PERTAINING TO DEVELOPMENT FEES; CREDITS AND OFFSETS AND BY REPEALING SECTION 20-55 PERTAINING TO DEVELOPMENT FEES RECREATIONAL FACILITIES AND BY REPEALING SECTION 20-56 PERTAINING TO DEVELOPMENT FEES; EXPENDITURE OF AND BY REPEALING SECTION 20-57 DEVELOPMENT FEES; APPEALS AND BY REPEALING SECTION 20-58, PERTAINING TO DEVELOPMENT FEES; LAND USE CHANGES AND BY REPEALING SECTION 20-59 PERTAINING TO DEVELOPMENT FEES; TRANSPORTATION AND RESERVING SECTION 20-29 AND ENACTING SECTION 20-30 PERTAINING TO DEVELOPMENT FEES; LEGISLATIVE INTENT AND PURPOSE AND ENACTING SECTION 20-31 PERTAINING TO DEVELOPMENT FEES; DEFINITIONS AND ENACTING SECTION 20-32 PERTAINING TO DEVELOPMENT FEES APPLICABILITY AND ENACTING SECTION 20-33 PERTAINING TO AUTHORITY AND REQUIREMENTS AND ENACTING SECTION 20-34 PERTAINING TO DEVELOPMENT FEES; ADMINISTRATION AND ENACTING SECTION 20-35 PERTAINING TO DEVELOPMENT FEES; LAND USE ASSUMPTIONS AND ENACTING SECTION 20-36 PERTAINING TO DEVELOPMENT FEES; INFRASTRUCTURE IMPROVEMENT PLANS AND ENACTING SECTION 20-37 PERTAINING TO DEVELOPMENT FEES; ADOPTING INFRASTRUCTURE IMPROVEMENTS PLAN; ADOPTING FEES; PROCEDURES AND ENACTING SECTION 20-38 PERTAINING TO DEVELOPMENT FEES; UPDATES; SCHEDULES AND ENACTING SECTION 20-39 PERTAINING TO DEVELOPMENT FEES; COLLECTION AND ENACTING SECTION 20-40 PERTAINING TO DEVELOPMENT FEES; CREDITS AND ENACTING SECTION 20-41 PERTAINING TO

DEVELOPMENT FEES; APPEALS AND ENACTING SECTION 20-42 PERTAINING TO DEVELOPMENT FEES; REFUNDS AND ENACTING SECTION 20-43 PERTAINING TO DEVELOPMENT FEES; PROGRAM OVERSIGHT AND AMENDING CHAPTER 2 OF THE PEORIA CITY CODE (1992) BY AMENDING TABLE 2-2-219 PERTAINING TO FEES CHARGED BY THE FINANCE DEPARTMENT AND AMENDING CHAPTER 2 OF THE PEORIA CITY CODE (1992) PERTAINING TO DEVELOPMENT FEES SCHEDULES FOR WATER, WASTEWATER, WATER RESOURCES, FIRE, LAW ENFORCEMENT, PARKS AND STREETS BY ADOPTIONS TABLES 20-37(a), 20-37(b), 20-37(c), 20-37(d), 20-37(e), 20-37(f), 20-37(g), 20-37(h) AND AMENDING CHAPTER 20 OF THE PEORIA CITY CODE (1992) BY REPEALING TABLES 20-53(a); 20-53(b) and 20-53(c) AND RESERVING SECTIONS 20-44 THROUGH 20-59 AND BY REPEALING SECTION 25-31 PERTAINING TO DEVELOPMENT FEES; WATER; SYSTEM DEVELOPMENT FEE AND BY REPEALING TABLE 25-31 PERTAINING TO DEVELOPMENT FEES; WATER SYSTEM DEVELOPMENT FEE AND BY REPEALING SECTION 25-32 PERTAINING TO DEVELOPMENT FEES; WATER; RESOURCE DEVELOPMENT FEE AND BY REPEALING TABLE 25-32 PERTAINING TO DEVELOPMENT FEES; WATER RESOURCE DEVELOPMENT FEE AND BY REPEALING SECTION 25-96 PERTAINING TO DEVELOPMENT FEES; WASTEWATER; SEWER DEVELOPMENT FEE AND BY REPEALING TABLE 25-96.1 PERTAINING TO DEVELOPMENT FEES; WASTEWATER DEVELOPMENT FEE AND BY REPEALING TABLE 25-96.1(B) AND PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. Chapter of the Peoria City Code (1992) is amended by repealing Section 20-29 pertaining to Development Fees; infill incentive districts; incentives and which shall read as follows:

Sec. 20-29. Development Fees; Infill Incentive Districts; Incentives.

~~(a) The City Council may designate an Infill Incentive District in an area in the City that meets at least three of the following requirements.~~

~~(1) There is a large number of vacant older or dilapidated buildings.~~

~~(2) There is a number of vacant or underused parcels of property.~~

~~(3) There is a large number of buildings or other places where nuisances exist or occur.~~

~~(4) There is an absence of development and investment activity compared to other areas of the City.~~

~~(5) There is a high occurrence of crime.~~

~~(6) There is a continuing decline in population.~~

~~(b) The City Council shall by resolution adopt an Infill Incentive Plan and Map identifying Infill Incentive Districts, procedures and regulations to encourage infill development and redevelopment in the zone pursuant to A.R.S. § 9-499.10.~~

~~(c) The Infill Incentive Plan may include the following incentives.~~

~~(1) Expedited zoning or rezoning procedures.~~

~~(2) Expedited processing of plans and proposals.~~

~~(3) Waivers of selected municipal fees for development activities as long as the waivers are not funded by development fees from other projects.~~

~~(4) Relief from certain or selected development standards.~~

~~(d) The Community Development Department shall shall promulgate rules and processes to implement the Infill Incentive Plan.~~

SECTION 2. Chapter of the Peoria City Code (1992) is amended by repealing Section 20-50 pertaining to Development Fees; legislative intent and purpose; incentives and which shall read as follows:

Sec. 20-50. Development fees; legislative intent and purpose.

~~These provisions are adopted for the purpose of promoting the health, safety and general welfare of the residents of the city by:~~

~~(a) Implementing the City of Peoria general plan and each of its required elements in conjunction with the use of specific plans authorized under A.R.S. §9-461.08, and capital facilities plans, for the preparation of the capital improvement program, and~~

~~(b) Requires new development to pay its reasonably related share of the costs to the municipality associated with providing necessary public services to the development as shown on the City's adopted capital improvements program.~~

~~(c) Setting forth standards and procedures for assessing development fees and administering the development fee program~~

SECTION 3. Chapter of the Peoria City Code (1992) is amended by repealing Section 20-51 pertaining to Development Fees; definitions and which shall read as follows:

Sec. 20-51. Development fees; definitions.

~~(a) "Capital Facilities" means necessary public services that are permanent addition to the city's assets which include design, construction, or purchase of land, buildings and facilities. This includes in particular capital facilities related to libraries, parks, law enforcement and fire and emergency services, general government and transportation. Capital facilities and infrastructure are terms that may be used interchangeably.~~

~~(b) "Capital Facility Category" means a classification of capital facilities as set out in section 20-53 of this code.~~

~~(c) "Development" means the issuance of building permits for the construction of residential, commercial or industrial buildings and structures.~~

~~(d) "Person" means an individual, firm, corporation, partnership, joint venture, association, estate, trust or other group or combination acting as a unit in the plural as well as the singular number.~~

~~(e) "Planning Area" means a geographic area designated for specific capital improvements.~~

~~(f) "Residential Uses" means the following uses which are primarily for use as a residence and not as a non residential use.~~

SECTION 4. Chapter of the Peoria City Code (1992) is amended by repealing Section 20-52 pertaining to Development Fees; accounting and which shall read as follows:

Sec. 20-52. Development fees; accounting.

~~(a) All funds collected by the city pursuant to this chapter shall be placed in a separate account. The monies shall be accounted for separately and shall be used only for the purposes authorized by this chapter. The Finance Director may establish such~~

~~funds as necessary in accordance with governmental accounting standards and generally accepted accounting principles to account for the expenditure of these funds.~~

~~(b) Accounts and funds created pursuant to this section shall be interest bearing with the interest credited to each distinct fund or account.~~

SECTION 5. Chapter of the Peoria City Code (1992) is amended by repealing Section 20-53 pertaining to Development Fees; administration of development fees and which shall read as follows:

Sec. 20-53. Development fees; administration of development fees.

~~(a) The development fee program shall be administered by the Community Development Department.~~

~~(b) The development fee shall be paid at the time of issuance of the building permit. At the time of application for a building permit, a copy of the application shall be transmitted to the Community Development Department for calculation of the fee. The Community Development Department shall calculate the fee. No building permit shall be issued until any applicable development fee has been paid in full.~~

~~(c) The Community Development Department shall calculate the fee based on the following table:~~

~~See Table 20-53.~~

SECTION 6. Chapter of the Peoria City Code (1992) is amended by repealing Section 20-54 pertaining to Development Fees; credits and offsets and which shall read as follows:

Sec. 20-54 Development Fees; credits and offsets.

~~(a) Any applicant for annexation, rezoning, subdivision or site plan approval by the City of Peoria who may be eligible for offsets against the development fees otherwise assessable to each parcel in the development, may receive a fee determination as to the extent of credit or offsets from the Community Development Department.~~

~~(b) Any applicant for annexation, rezoning, subdivision or site plan approval by the City of Peoria may enter into a development agreement with the City of Peoria to donate real property to the city in exchange for a full or partial offset of the fees provided for in this chapter. The development agreement shall provide at a minimum:~~

~~(1) The parcel to be donated is in such a size and shape as to permit the remainder of the land area of the parcel within which the donated parcel is located to develop in an orderly and efficient manner.~~

~~(2) The parcel to be donated meets the minimum size and dimension requirements for a parcel on which a capital facility may be located.~~

~~(3) The fair market value of the parcel to be donated, as established by an appraisal or some other commercially reasonable method. The amount of an offset or credit shall not exceed the fair market value of the parcel to be donated.~~

~~(4) That the parcel to be donated shall be conveyed to the city free of all liens and encumbrances no later than the date at which the first development fee is due and payable.~~

~~(5) That the credits and offsets shall be transferable only to a successor in interest to the party which donated the parcel to the city.~~

~~(c) Credits and offsets for donations of real property shall apply only to development in the remainder of the parcel from which a donation of real property is made and shall not be transferable by the party donating real property to other developments from which no donation of real property is made.~~

~~(d) In the event the fair market value of the real property donated exceeds the total amount of development fees which will be due and payable from the applicant for the development, the applicant may negotiate a credit for the difference between the fair market value of the real property donated and the amount of development fees paid. The credit shall be payable to the developer in accordance with the terms of the agreement for acquisition of the property.~~

~~(e) The City Manager or his designee may promulgate administrative procedures necessary for the effective administration and operation of the provisions of this chapter in accordance with the provisions of this code.~~

SECTION 7. Chapter of the Peoria City Code (1992) is amended by repealing Section 20-55 pertaining to Development Fees; recreation facilities and which shall read as follows:

Sec. 20-55. Development Fees; recreation facilities.

~~The city council determines that new capital facilities related to recreation, including neighborhood parks, community parks, regional parks, community recreational facilities, aquatics facilities and the preservation of open space as set forth in the adopted parks master plan and desert spaces conservation plans will benefit primarily certain districts~~

~~and that the burden of developing capital facilities related to parks and recreation by the city bears a reasonable relationship to the development.~~

SECTION 8. Chapter of the Peoria City Code (1992) is amended by repealing Section 20-54 pertaining to Development Fees; expenditure of and which shall read as follows:

Sec. 20-56. Development Fees; expenditure of.

~~Development fees and any interest thereon collected pursuant to this chapter shall be spent for improvements that provide a beneficial use to the development including but not limited to debt service costs that relate to such improvements.~~

SECTION 9. Chapter of the Peoria City Code (1992) is amended by repealing Section 20-54 pertaining to Development Fees; credits and offsets and which shall read as follows:

Sec. 20-57. Development fees; appeals.

~~A final fee determination may be appealed in accordance with the following procedures:~~

~~(a) Appeals shall be limited to disputes regarding the calculation of the development fees.~~

~~(b) Appeals shall be initiated on such written form as the Community Development Department prescribes within seven (7) days of the department's fee determination.~~

~~(c) Building permits may be issued during the pendency of an appeal if the applicant pays the fee, as determined by the Community Development Department, at the time the appeal is filed. Upon final determination, the fee shall be charged in accordance with the decision and a refund paid, if applicable.~~

~~(d) The appeal shall be heard by the City Manager or his designee. The appeal of a fee determination shall be final.~~

SECTION 10. Chapter of the Peoria City Code (1992) is amended by repealing Section 20-58 pertaining to Development Fees; land use changes and which shall read as follows:

Sec. 20-58. Development fees; land use changes.

~~(a) When considering applications for rezoning of land, the city council shall take into consideration the effect of the proposed rezoning on capital facility needs.~~

~~(b) When approving subdivisions of land, the consistency of the proposed~~

~~improvements with any applicable infrastructure guidelines, rules regulations and codes shall be taken into consideration in the approval by the city council.~~

SECTION 11. Chapter of the Peoria City Code (1992) is amended by repealing Section 20-59 pertaining to Development Fees; transportation and which shall read as follows:

Sec. 20-59. Development fees; transportation.

~~The City Council determines that new capital facilities related to transportation as set forth in the adopted Capital Improvements Plan will benefit primarily new development and that the burden of developing capital facilities related to transportation bears a reasonable relationship to the development that which will occur within each district. Further that in the South and Central Districts existing development receives a greater degree of benefit than in the North District and such receipt of benefit shall be taken into account in establishing the reasonable relationship for the fee. Therefore the following transportation districts are established and the fees charged as set forth on Table 20-53:~~

~~(a) South District which shall consist of that portion of the city south of the east-west half section line of Sections 34 and 35, T.4N, R.1E.~~

~~(b) Central District which shall consist of that portion of the city north of the eastwest half section line of Sections 34 and 35, T.4N, R.1E together with Sections or portions of sections of the City described as follows: Sections 1-5, 8-12, 14-23, 26-28 and 30, all within T.4n, R.1E and together with Sections or portions of sections of the City described as follows: Sections 32-36 T.5N, R.1E.~~

~~(c) North District consists of all portions of the City of Peoria except those portions described in subsections (a) and (b) of this section.~~

SECTION 12. Chapter 20 of the Peoria City Code is amended by providing that Section 20-29 shall be reserved.

SECTION 13. Chapter 20 of the Peoria City Code (1992) is amended by enacting Section 20-30 pertaining to Development fees; legislative intent and purpose and which shall read as follows:

Sec. 20-30. Development fees; legislative intent and purpose.

Sections 20-30 through 20-50 of this chapter are adopted for the purpose of promoting the health, safety and general welfare of the residents of Peoria by:

(a) _____ Requiring new development to pay its proportionate share of the costs incurred by the City that are associated with providing Necessary Public Services to new development;

(b) Setting forth standards and procedures for creating and assessing development fees consistent with the requirements of Arizona Revised Statutes ("A.R.S.") § 9-463.05, including requirements pursuant to A.R.S. § 9-463.05, Subsection K, that on or before August 1, 2014, the City replace its development fees that were adopted prior to January 1, 2012 with development fees adopted pursuant to the requirements of A.R.S. § 9-463.05 as amended by the state legislature in SB 1525, Fiftieth Legislature, First Regular Session;

(c) Setting forth procedures for administering the development fee program, including Offsets, Credits, and refunds of development fees. All development fee assessments, Offsets, Credits, or refunds must be administered in accordance with the provisions of this Chapter.

This Chapter shall not affect the City's zoning authority or its authority to adopt or amend its General Plan, provided that planning and zoning activities by the City may require amendments to development fees as provided in Section 20-35 of this Code.

SECTION 14. Chapter 20 of the Peoria City Code (1992) is amended by enacting Section 20-31 pertaining to Development fees; definitions and which shall read as follows

Sec. 20-31. Development fees; definitions.

When used in this Chapter, the terms listed below shall have the following meanings unless the context requires otherwise. Singular terms shall include their plural.

Applicant: A person who applies to the City for a Building Permit or a Credit.

Appurtenance: Any fixed machinery or equipment, structure or other fixture, including integrated hardware, software or other components, associated with a Capital Facility that is necessary or convenient to the operation, use, or maintenance of a Capital Facility.

Aquatic Center: A facility primarily designed to host non-recreational competitive functions generally occurring within water, including, but not limited to, water polo games, swimming meets and diving events. Such facility may be indoors, outdoors, or any combination thereof, and includes all necessary supporting amenities, including but not limited to, locker rooms, offices, snack bars, bleacher seating and shade structures.

Building Permit: The permit required for construction as determined pursuant to Chapter 5 of the Peoria City Code (1992). For purposes of this chapter only, the term "building permit" shall include but not be limited to the approval of the site plan for a multi-family use, the purchase of a new water meter, or the purchase of a larger water meter to replace an existing water meter.

Capital Facility: An asset having a Useful Life of three or more years that is a component of one or more Categories of Necessary Public Service provided by the City. A Capital Facility may include any associated purchase of real property, architectural and engineering services leading to the design and construction of buildings and facilities, improvements to existing facilities, improvements to or expansions of existing facilities and associated financing and professional services.

Category of Necessary Public Service: A specific type of Necessary Public Services for which the City is authorized to assess development fees pursuant to A.R.S. § 9-463.05.T.5.

Category of Development: A specific type of residential, commercial, or industrial development against which a development fee is calculated and assessed. The City assesses development fees against the following types of development within each of the three broader categories of development: (i) for residential development, Single-Family Detached, Multi-Family and Mobile Home Park; (ii) for commercial development, Retail/Commercial, Hotel/Motel, Office and Public/Institutional; and (iii) for industrial, Industrial and Warehouse.

City: The City of Peoria, Arizona.

Cost per Service Unit: The total future capital costs identified in the Infrastructure Improvements Plan for a Category of Necessary Public Services as attributable to new development over a specified time period divided by the total new Service Units projected in a particular Service Area for that Category of Necessary Public Services over the same time period, less the Offset per Service Unit.

Credit: A reduction in an assessed development fee resulting from Developer contributions to, payments for, construction of, or dedications for Capital Facilities included in an Infrastructure Improvements Plan pursuant to Section 20-40 of this Chapter (or as otherwise permitted by this Chapter).

Credit Allocation Agreement: A written agreement between the City and the Developer(s) of a Subject Development that allocates Credits to the Subject Development pursuant to Section 20-40 of this Chapter.

Credit Allocation: A term used to describe when Credits are distributed to a particular development or parcel of land after execution of a Credit Allocation Agreement, but are not yet issued.

Credit Issuance: A term used to describe when the amount of an assessed development fee attributable to a particular development or parcel of land is reduced by applying a Credit allocation.

Developer: An individual, group of individuals, partnership, corporation, limited liability company, association, municipal corporation, state agency, or other person or entity undertaking land development activity, and their respective successors and assigns.

Direct Benefit: A benefit to a development resulting from a Capital Facility that: (a) addresses the need for a Necessary Public Service created in whole or in part by the development; and that (b) meets either of the following criteria: (i) the Capital Facility is located in the immediate area of the development and is needed in the immediate area of the development to maintain the Level of Service; or (ii) the Capital Facility substitutes for, or eliminates the need for a Capital Facility that would have otherwise have been needed in the immediate area of the development to maintain the City's Level of Service.

Dwelling Unit: A building or portion thereof, designed as a unit for occupancy by one family for cooking, living and sleeping purposes.

Equipment: Machinery, tools, materials, and other supplies, not including vehicles, that are needed by a Capital Facility to provide the applicable service.

Excluded Park Facility: Park and recreational improvements for which development fees may not be charged pursuant to A.R.S. § 9-463.05.T.7.(g), including amusement parks, aquariums, Aquatic Centers, auditoriums, arenas, arts and cultural facilities, bandstand and orchestra facilities, bathhouses, boathouses, clubhouses, community centers greater than 3,000 square feet in floor area, environmental education centers, equestrian facilities, golf course facilities, greenhouses, lakes, museums, theme parks, water reclamation or riparian areas, wetlands, or zoo facilities.

Financing or Debt: Any debt, bond, note, loan, interfund loan, fund transfer, or other debt service obligation used to finance the development or expansion of a Capital Facility or associated Appurtenances, Vehicles or Equipment.

Fire Facilities: A Category of Necessary Public Services that includes fire stations, fire Equipment, fire Vehicles and all Appurtenances for fire stations. Fire Facilities do not include Vehicles or Equipment used to provide administrative services, or helicopters or airplanes. Fire Facilities do not include any facility that is used for training firefighters from more than one station or substation.

General Plan: Refers to the overall land-use plan for the City establishing areas of the City for different purposes, zones and activities adopted by the City as may be amended from time to time.

Gross Floor Area: The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a

wall separating two buildings, but not including interior parking spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six (6) feet. Any ground-level area or part thereof, attached to the principal outside faces of the exterior walls that is not enclosed, but is used to determine occupancy loads, is considered part of the overall square footage of the building (i.e. patio dining areas).

Gross Development Fee: The total development fee to be assessed on a per unit basis, prior to subtraction of any Credits.

Hotel/Motel: A building or group of buildings used primarily for accommodation of transient guests in rooms or suites.

Industrial: Establishments primarily engaged in the fabrication, assembly or processing of goods.

Infrastructure Improvements Plan: A document or series of documents that meet the requirements set forth in A.R.S. § 9-463.05, including those adopted pursuant to Section 20-37 of this Chapter to cover any Category or combination of Categories of Necessary Public Services.

Interim Fee Schedule: Any development fee schedule established prior to January 1, 2012 in accordance with then-applicable law, and which shall expire not later than August 1, 2014 pursuant to Section 20-39 of this Chapter.

Land Use Assumptions: Projections of changes in land uses, densities, intensities and population for a Service Area over a period of at least ten years as specified in Section 20-35 of this Chapter.

Level of Service: A quantitative and/or qualitative measure of a Necessary Public Service that is to be provided by the City to development in a particular Service Area, defined in terms of the relationship between service capacity and service demand, accessibility, response times, comfort or convenience of use, or other similar measures or combinations of measures. Level of Service may be measured differently for different Categories of Necessary Public Services, as identified in the applicable Infrastructure Improvements Plan.

Lot: A place or parcel of land separated from every other piece or parcel by description, as in a subdivision or on a recorded survey map, or by metes and bounds, for purpose of sale or separate use.

Mobile Home Park: A lot, parcel or tract of land having as its principal use the rental of space for occupancy by two or more mobile homes, including any accessory buildings, structures or uses customarily incidental thereto.

Multi-Family: A building or buildings containing multiple dwelling units.

Necessary Public Services: Shall have the meaning prescribed in A.R.S. § 9-463.05, Subsection T, Paragraph 7.

Non-Residential: All land uses, except Single-Family Detached, Multi-Family and Mobile Home Park.

Office: A building not located in a shopping center and exclusively containing establishments providing executive, management, administrative or professional services. An office use may include ancillary services for office workers, such as a restaurant, coffee shop, newspaper or candy stand, or child care facilities. Ground floor retail uses may also be included, but that space shall be assessed at the retail/commercial rate. Typical uses include real estate, insurance, property management, investment, employment, travel, advertising, secretarial, data processing, telephone answering, telephone marketing, music, radio and television recording and broadcasting studios; banks excluding drive-through only facilities; professional or consulting services in the fields of law, architecture, design, engineering, accounting and similar professions; interior decorating consulting services; medical and dental offices and clinics, including veterinarian clinics and kennels; and business offices of private companies, utility companies, trade associations, unions and nonprofit organizations.

Offset: An amount that is subtracted from the overall costs of providing Necessary Public Services to account for those Capital Facilities or associated debt that will be paid for by a development through taxes, fees (except for development fees), and other revenue sources, as determined by the City pursuant to Section 13-6 of this Chapter.

Park Facilities: A Category of Necessary Public Services including but not limited to parks, Swimming Pools and related facilities and Equipment located on real property not larger than 30 acres in area, as well as park facilities larger than 30 acres where such facilities provide a Direct Benefit. Park Facilities do not include Excluded Park Facilities, although Park Facilities may contain, provide access to, or otherwise support an Excluded Park Facility.

Police Facilities: A Category of Necessary Public Services, including Vehicles and Equipment, that are used by law enforcement agencies to preserve the public peace, prevent crime, detect and arrest criminal offenders, protect the rights of persons and property, regulate and control motorized and pedestrian traffic, train sworn personnel, and/or provide and maintain police records, vehicles, equipment and communications systems. Police Facilities do not include Vehicles and Equipment used to provide administrative services, or helicopters or airplanes. Police Facilities do not include any facility that is used for training officers from more than one station or substation.

Public/Institutional: A governmental or institutional use, or a non-profit recreational use, not located in a shopping center. Typical uses include elementary, secondary or higher educational establishments, day care centers, hospitals, mental

institutions, nursing homes, assisted living facilities, group homes, adult care homes, fire stations, city halls, county court houses, post offices, jails, libraries, museums, places of religious worship, military bases, airports, bus stations, fraternal lodges, parks and playgrounds.

Public School: ~~An institution of learning which receives public funding and offers tuition free education for all children.~~ **An educational institution organized under Title 15, Arizona Revised Statutes** including some or all of the grades from kindergarten through 12th grade. The site may contain athletic, dining, assembly and recreation facilities.

Qualified Professional: Any one of the following: (a) a professional engineer, surveyor, financial analyst or planner, or other licensed professional providing services within the scope of that person's education or experience related to city planning, zoning, or development fees and holding a license issued by an agency or political subdivision of the State of Arizona; (b) a financial analyst, planner, or other non-licensed professional who is providing services within the scope of the person's education or experience related to city planning, zoning, or development fees; or (c) any other person operating under the supervision of one or more of the above.

Residential Land Use: A Single-Family Detached, Multi-Family or Mobile Home Park development.

Retail/Commercial: An establishment engaged in the selling or rental of goods, services or entertainment to the general public. Such uses include, but are not limited to, shopping centers, discount stores, supermarkets, home improvement stores, pharmacies, restaurants, bars, nightclubs, automobile sales and service, drive-through banks, movie theaters, amusement arcades, bowling alleys, barber shops, laundromats, funeral homes, private vocational or technical schools, dance studios, health clubs and banquet halls.

Service Area: Any specified area within the boundaries of the City within which: (a) the City will provide a Category of Necessary Public Services to development at a planned Level of Service; and (b) within which (i) a Substantial Nexus exists between the Capital Facilities to be provided and the development to be served, or (ii) in the case of a Park Facility larger than 30 acres, a Direct Benefit exists between the Park Facilities and the development to be served, each as prescribed in the Infrastructure Improvements Plan. Some or all of the Capital Facilities providing service to a Service Area may be physically located outside of that Service Area provided that the required Substantial Nexus or Direct Benefit is demonstrated to exist.

Service Unit: A unit of demand within a particular Category of Necessary Public Services, defined in terms of a standardized measure of the demand that a unit of development in a Category of Development generates for Necessary Public Services.

Single-Family Detached: A building containing one dwelling unit on one lot, without attachment to any other dwelling and surrounded by open space or yards.

Subject Development: A contiguous land area linked by a unified plan of development, in furtherance of which the developer has made a capital improvement or other contribution for which credit is requested.

Substantial Nexus: A substantial nexus exists where the demand for Necessary Public Services that will be generated by a development can be reasonably quantified in terms of the burden it will impose on the available capacity of existing Capital Facilities, the need it will create for new or expanded Capital Facilities, and/or the benefit to the development from those Capital Facilities.

Swimming Pool: A public facility primarily designed and/or utilized for recreational non-competitive functions generally occurring within water, including, but not limited to, swimming classes, open public swimming sessions and recreational league swimming/diving events. The facility may be indoors, outdoors, or any combination thereof, and includes all necessary supporting amenities.

Transportation Facilities: A Category of Necessary Public Services consisting of City-owned arterial streets; and also includes traffic signals and improvements thereon; culverts, irrigation tiling, and storm drains serving such streets.

Useful Life: The period of time in which an asset can reasonably be expected to be used under normal conditions, whether or not the asset will continue to be owned and operated by the City over the entirety of such period.

Vehicle: Any device, structure, or conveyance utilized for transportation in the course of providing a particular Category of Necessary Public Services, excluding helicopters and other aircraft.

Warehouse: Establishments primarily engaged in the display, storage and sale of goods to other firms for resale; activities involving movement and storage of products or equipment; or an enclosed storage facility containing independent, fully enclosed bays that are leased to persons for storage of their household goods or personal property.

Wastewater Facilities: A Category of Necessary Public Services including but not limited to sanitary sewer lines, lift stations, reclamation plants, wastewater treatment plants, and all other facilities for the collection, interception, transportation, treatment and disposal of wastewater, as well as for the distribution of reclaimed water, and any appurtenances for those facilities.

Water Facilities: A Category of Necessary Public Services including but not limited to those facilities necessary to provide for water services to development.

including the acquisition, supply, transportation, treatment, purification and distribution of water, and any appurtenances to those facilities.

Water Resources: A Category of Necessary Public Services including but not limited to those agreements and contracts the city executes to acquire and control current and future surface water rights and allocations.

SECTION 15. Chapter 20 of the Peoria City Code (1992) is amended by enacting Section 20-32 pertaining to Development fees; applicability and which shall read as follows:

Sec. 20-32: Development fees; applicability.

(a) The provisions of Sections 20-30 – 20-45 shall apply to the territory within the corporate limits of the City, as those may be amended from time to time, as follows:

(1) Development fees for Fire and Police Facilities shall be assessed on all new development within the City's corporate limits.

(2) Development fees for Transportation shall be assessed within the following two Service Areas:

a. The Central Service Area, defined as the area of the city north of Deer Valley Road and east of the Agua Fria River; and

b. The North Service Area, defined as the area of the city west of the Agua Fria River.

(3) Development fees for Parks shall be assessed in the following three Service Areas:

a. The Zone 1 Service Area, defined as the area of the city north of a line parallel to and one-half mile north of the centerline of Bell Road and south of Pinnacle Peak Road.

b. The Zone 2 Service area, defined as the area of the city north of Pinnacle Peak Road and east of the Agua Fria River.

c. The Zone 3 Area, defined as the area of the city west of the Agua Fria River.

(4) Development fees for Water shall be assessed in the following three Service Areas:

- a. _____ The Zone 1 Service Area, defined as the area of the city south of Bell Road to the southern city municipal boundary.
 - b. _____ The Zone 2 Service area, defined as the area of the city north of Bell Road to the northern municipal boundary, exclusive of Zone 3.
 - c. _____ The Zone 3 Area, defined as the area comprised of the Vistancia Community Facilities District.
- (5) Development fees for Wastewater shall be assessed in the following three Service Areas:
- a. _____ The Zone 1 Service Area, defined as the area of the city east of the Agua Fria River.
 - b. _____ The Zone 2 Service area, defined as the area of the city west of the Agua Fria River, exclusive of Zone 3.
 - c. _____ The Zone 3 Area, defined as the area comprised by the Vistancia Community Facilities District.
- (6) Development fees for Water Resources shall be assessed in the following Service Area:
- a. _____ The Off-Project Service Area, defined as the area of the city not served by the Salt River Valley Water Users' Association. Generally this area is north and east of the boundary created by the New River up to the terminus of the Salt River Project Arizona Canal.

(b) The Finance and Budget Department is authorized to make determinations regarding the application, administration and enforcement of the provisions of this Chapter.

SECTION 16. Chapter 20 of the Peoria City Code (1992) is amended by enacting Section 20-33 pertaining to Development fees; authority and requirements and which shall read as follows

Sec. 20-33. Development fees; authority and requirements.

(a) Authority. The City ~~may~~shall assess and collect a development fee per ARS 9-463.05, for costs of Necessary Public Services, including all professional services required for the preparation or revision of an Infrastructure Improvements Plan, development fee, and required reports or audits conducted pursuant to this Chapter.

(b) Requirements. Development fees shall be subject to the following requirements:

(1) The City shall develop and adopt a written report of the Land Use Assumptions and Infrastructure Improvements Plan that analyzes and defines the development fees that may be charged in each Service Area for each Category of Necessary Public Service.

(2) Development fees shall be assessed against all new commercial, residential, and industrial developments, provided that the City may assess different amounts of development fees against specific Categories of Development based on the actual burdens and costs that are associated with providing Necessary Public Services to that Category of Development. ~~No development fee shall exceed the Plan-Based Cost per Service Unit for any Category of Development.~~

(3) No development fees shall be charged, or Credits issued, for any Capital Facility that does not fall within one of the Categories of Necessary Public Services for which development fees may be assessed as identified in Section 20-6.A.1 of this Chapter.

(4) Costs for Necessary Public Services made necessary by new development shall be based on the same Level of Service provided to existing development in the same Service Area. Development fees may not be used to provide a higher Level of Service to existing development or to meet stricter safety, efficiency, environmental, or other regulatory standards to the extent that these are applied to existing Capital Facilities that are serving existing development.

(5) Development fees may not be used to pay the City's administrative, maintenance, or other operating costs.

(6) Projected interest charges and financing costs can only be included in development fees to the extent they represent principal and/or interest on the portion of any Financing or Debt used to finance the construction or expansion of a Capital Facility identified in the Infrastructure Improvements Plan.

(7) Except for any fees included on Interim Fee Schedules, all development fees charged by the City must be included in a "Fee Schedule" prepared and adopted pursuant to this Chapter.

(8) All development fees shall meet the requirements of A.R.S. § 9-463.05.

(9) If the City agrees to waive any development fees assessed on a development, the City shall reimburse the appropriate development fee account for the amount that was waived.

(10) The actual development fees to be assessed shall be disclosed and adopted in the form of development fee schedules in Tables 20-33 to this Chapter.

SECTION 17. Chapter 20 of the Peoria City Code (1992) is amended by enacting Section 20-34 pertaining to Development fees; administration and which shall read as follows:

Sec. 20-34. Development Fees; administration.

(a) *Separate Accounts.* Development fees collected pursuant to this Chapter shall be placed in separate, interest-bearing accounts for each Category of Necessary Public Services within each Service Area.

(b) *Limitations on Use of Fees.* Development fees and any interest thereon collected pursuant to this Chapter shall be spent to provide Capital Facilities associated with the same Category of Necessary Public Services in the same Service Area for which they were collected, including costs of Financing or Debt used by the City to finance such Capital Facilities and other costs authorized by this Chapter that are included in the Infrastructure Improvements Plan.

(c) *Time Limit.* Development fees collected after July 31, 2014 shall be used within ten (10) years of the date upon which they were collected for all Categories of Necessary Public Services except for Water and Wastewater Facilities. Development fees for Water and Wastewater Facilities collected after July 31, 2014 shall be used within fifteen (15) years of the date upon which they were collected.

SECTION 18. Chapter 20 of the Peoria City Code (1992) is amended by enacting Section 20-35 pertaining to Development fees; land use assumptions and which shall read as follows

Sec. 20-35. Development fees; land use assumptions.

The Infrastructure Improvements Plan shall be consistent with the City's current Land Use Assumptions for each Service Area and each Category of Necessary Public Services as adopted by the City pursuant to A.R.S. §9-463.05.

(a) *Reviewing the Land Use Assumptions.* Prior to the adoption or amendment of an Infrastructure Improvements Plan, the City shall review and evaluate the Land Use Assumptions on which the Infrastructure Improvements Plan is to be based to ensure that the Land Use Assumptions within each Service Area conform to the General Plan.

(b) *Evaluating Necessary Changes.* If the Land Use Assumptions upon which an Infrastructure Improvements Plan is based have not been updated within the last five (5) years, the City shall evaluate the Land Use Assumptions to determine whether changes are necessary. If, after general evaluation, the City determines that the Land

Use Assumptions are still valid, the City shall issue the notice required in Section 20-41 of this Chapter.

(c) *Required Modifications to Land Use Assumptions.* If the City determines that changes to the Land Use Assumptions are necessary in order to adopt or amend an Infrastructure Improvements Plan, it shall make such changes as necessary to the Land Use Assumptions prior to or in conjunction with the review and approval of the Infrastructure Improvements Plan pursuant to Section 20-37 of this Chapter.

SECTION 19. Chapter 20 of the Peoria City Code (1992) is amended by enacting Section 20-36 pertaining to Development fees; infrastructure improvements plan administration and which shall read as follows

Sec. 20-36. Development fees; Infrastructure Improvements Plan

(a) *Infrastructure Improvements Plan Contents.* The Infrastructure Improvements Plan shall be developed by Qualified Professionals and may be based upon or incorporated within the City's Capital Improvements Plan. The Infrastructure Improvements Plan shall:

(1) Specify the Categories of Necessary Public Services for which the City will impose a development fee.

(2) Define and provide a map of one or more Service Areas within which the City will provide each Category of Necessary Public Services for which development fees will be charged. Each Service Area must be defined in a manner that demonstrates a Substantial Nexus between the Capital Facilities to be provided in the Service Area and the Service Units to be served by those Capital Facilities. For Libraries and for Parks larger than 30 acres, each Service Area must be defined in a manner that demonstrates a Direct Benefit between the Capital Facilities and the Service Units to be served by those Capital Facilities. The City may cover more than one category of Capital Facilities in the same Service Area provided that there is an independent Substantial Nexus or Direct Benefit, as applicable, between each Category of Necessary Public Services and the Service Units to be served.

(3) Identify and describe the Land Use Assumptions upon which the Infrastructure Improvements Plan is based in each Service Area.

(4) Analyze and identify the existing Level of Service provided by the City to existing Service Units for each Category of Necessary Public Services in each Service Area.

(5) Identify the Level of Service to be provided by the City for each Category of Necessary Public Services in each Service Area based on the relevant Land Use

Assumptions and any established City standards or policies related to required Levels of Service. If the City provides the same Category of Necessary Public Services in more than one Service Area, the Infrastructure Improvements Plan shall include a comparison of the Levels of Service to be provided in each Service Area.

(6) For each Category of Necessary Public Services, analyze and identify the existing capacity of the Capital Facilities in each Service Area, the utilization of those Capital Facilities by existing Service Units and the available excess capacity of those Capital Facilities to serve new Service Units including any existing or planned commitments or agreements for the usage of such capacity.

(7) Estimate the total number of existing and future Service Units within each Service Area based on the City's Land Use Assumptions.

(8) Based on the analysis in subsections 3-6 above, provide a summary table or tables describing the Level of Service for each Category of Necessary Public Services by relating the required Capital Facilities to Service Units in each Service Area, and identifying the applicable Service Unit factor associated with each Category of Development.

(9) For each Category of Necessary Public Services, analyze and identify the projected utilization of any available excess capacity in existing Capital Facilities, and all new or expanded Capital Facilities that will be required to provide and maintain the planned Level of Service in each Service Area as a result of the new projected Service Units in that Service Area, for a period not to exceed ten (10) years. Nothing in this Subsection shall prohibit the City from additionally including in its Infrastructure Improvements Plan projected utilization of, or needs for, Capital Facilities for a period longer than ten (10) years, provided that the costs of such Capital Facilities are excluded from the calculation of the Plan-Based Cost per Service Unit.

(10) For each Category of Necessary Public Services, estimate the total cost of any available excess capacity and/or new or expanded Capital Facilities that will be required to serve new Service Units, including costs of land acquisition, improvements, engineering and architectural services, studies leading to design, design, construction, financing, and administrative costs. Such total costs shall not include costs for ongoing operation and maintenance of Capital Facilities, nor for replacement of Capital Facilities to the extent that such replacement is necessary to serve existing Service Units. If the Infrastructure Improvements Plan includes changes or upgrades to existing Capital Facilities that will be needed to achieve or maintain the planned Level of Service to existing Service Units, or to meet new regulatory requirements for services provided to existing Service Units, such costs shall be identified and distinguished in the Infrastructure Improvements Plan.

(11) Forecast the revenues from taxes, fees, assessments or other sources that will be available to fund the new or expanded Capital Facilities identified in the Infrastructure Improvements Plan, which shall include estimated state-shared revenue, highway users revenue, federal revenue, ad valorem property taxes, construction contracting or similar excise taxes and the capital recovery portion of utility fees attributable to development based on the approved Land Use Assumptions.

(12) Calculate required Offsets as follows:

a. Identify those sources of revenue that: (i) are attributable to new development, and (ii) will contribute to paying for the capital costs of Necessary Public Services.

b. For each source of revenue identified pursuant to paragraph a of this Subsection, calculate the relative contribution of new development paying for the capital costs of Necessary Public Services in each Service Area.

c. Based on the relative contributions identified pursuant to paragraph b of this Subsection, for each Category of Necessary Public Services, calculate the total Offset per Service Unit to be provided in each Service Area.

d. Beginning August 1, 2014, for purposes of calculating the required Offset, if the City imposes a construction, contracting, or similar excise tax rate in excess of the percentage amount of the transaction privilege tax rate that is imposed on the majority of other transaction privilege tax classifications in the City, the entire excess portion of the construction, contracting, or similar excise tax shall be treated as a contribution to the capital costs of Necessary Public Services provided to new development unless the excess portion is already utilized for such purpose pursuant to this Section.

14. Calculate the Cost per Service Unit by:

a. Dividing the total projected costs to provide Capital Facilities to new Service Units for each Category of Necessary Public Services in each Service Area as determined pursuant to Subsections 1 through 11 of this Section by the total number of new Service Units projected for that Service Area over a period not to exceed ten (10) years for each Category of Necessary Public Services.

b. Subtracting the required Offset per Service Unit calculated pursuant to Subsection 12 of this Section.

(b) Multiple Plans. An Infrastructure Improvements Plan adopted pursuant to this Subsection may address one or more of the City's Categories of Necessary Public Services in any or all of the City's Service Areas. Each Capital Facility shall be subject to no more than one Infrastructure Improvements Plan at any given time.

(c) Reserved Capacity. The City may reserve capacity in an Infrastructure Improvements Plan to serve one or more planned future developments. All reservations of existing capacity must be identified in the Infrastructure Improvements Plan at the time it is adopted.

SECTION 20. Chapter 20 of the Peoria City Code (1992) is amended by enacting Section 20-37 pertaining to Development fees; adopting infrastructure improvements plan; adopting fees; procedures and which shall read as follows:

Sec. 20-37 Development fees; adopting infrastructure improvements plan; adopting fees; procedures.

(a) Adopting or Amending the Infrastructure Improvements Plan. The Infrastructure Improvements Plan shall be adopted or amended subject to the following procedures:

(1) Major Amendments to the Infrastructure Improvements Plan. Except as provided in paragraph 2 of this Subsection, the adoption or amendment of an Infrastructure Improvements Plan shall occur at one or more public hearings according to the following schedule, and may occur concurrently with the adoption of an update of the City's Land Use Assumptions as provided in Section 20-35 of this Chapter:

a. Sixty days before the first public hearing regarding a new or updated Infrastructure Improvements Plan, the City shall provide public notice of the hearing and post the Infrastructure Improvements Plan and the underlying Land Use Assumptions on its website; the City shall additionally make available to the public the documents used to prepare the Infrastructure Improvements Plan and underlying Land Use Assumptions and the amount of any proposed changes to the Cost per Service Unit.

b. The City shall conduct a public hearing on the Infrastructure Improvements Plan and underlying Land Use Assumptions.

c. The City shall approve or disapprove the Infrastructure Improvements Plan within 60 days, but no sooner than 30 days, after the public hearing. If the document was amended as a result of the public hearing, the revised Infrastructure Improvements Plan shall be posted on the City's public website at least 15 days prior to the meeting.

(2) Minor Amendments to the Infrastructure Improvements Plan. Notwithstanding the other requirements of this Section, the City may update the Infrastructure Improvements Plan and/or its underlying Land Use Assumptions without a public hearing if all of the following apply:

a. The changes in the Infrastructure Improvements Plan and/or the underlying Land Use Assumptions will not add any new Category of Necessary Public Services to any Service Area.

b. The changes in the Infrastructure Improvements Plan and/or the underlying Land Use Assumptions will not increase the Level of Service to be provided in any Service Area.

c. Based on a written analysis, the changes in the Infrastructure Improvements Plan and/or the underlying Land Use Assumptions would not, individually or cumulatively with other amendments undertaken pursuant to this Subsection, have caused a development fee in any Service Area to have been increased by more than five (5) per cent above the development fee that is provided in the current development fee schedule.

d. At least 30 days prior to the date that any amendment pursuant to this Section is adopted, the City shall post the proposed amendments on the City website.

(b) Adopting or Amending the Fees. Any adoption or amendment of a development fee schedule shall occur at one or more public hearings according to the following schedule:

(1) The first public hearing on the fee schedule must be held at least 30 days after the adoption or approval of the Infrastructure Improvements Plan as provided in Subsection A of this Section. The City must give at least 30 days' notice prior to the hearing, provided that this notice may be given on the same day as the approval or disapproval of the Infrastructure Improvements Plan.

(2) The City shall make the fee schedule available to the public on the City's website 30 days prior to the public hearing described in Paragraph 1 of this Subsection.

(3) The fee schedule may be adopted by the City no sooner than 30 days, and no later than 60 days, after the hearing described in Paragraph 1 of this Subsection. If the fee schedule was amended as a result of the public hearing, the revised fee schedule shall be posted on the City's public website at least 15 days prior to the meeting.

(4) The development fee schedule adopted pursuant to this Subsection shall become effective no earlier than 75 days after adoption of the fee schedule by the City.

SECTION 21. Chapter 20 of the Peoria City Code (1992) is amended by enacting Section 20-38 pertaining to Development fees; updates; schedules and which shall read as follows:

Sec. 20-38. Development fees; updates; schedules.

(a) Updating the Infrastructure Improvements Plan. Except as provided in Subsection B of this Section, not later than every five (5) years the City shall update the applicable Infrastructure Improvements Plan related to each Category of Necessary Public Services pursuant to Section 20-37 of this Chapter. Such five-year period shall be calculated from the date of the adoption of the Infrastructure Improvements Plan.

(b) Determination of No Changes. Notwithstanding Subsection A of this Section, if the City determines that no changes to an Infrastructure Improvements Plan, underlying Land Use Assumptions, or fee schedules are needed, the City may elect to continue the existing Infrastructure Improvements Plan without amendment by providing notice as follows:

(1) Notice of the determination shall be published at least 180 days prior to the end of the five-year period described in Subsection A of this Section.

(2) The notice shall identify the Infrastructure Improvements Plan and fee schedule that shall continue in force without amendment.

(3) The notice shall provide a map and description of the Service Area(s) covered by such Infrastructure Improvements Plan and fee schedule.

(4) The notice shall identify an address to which any resident of the City may submit, within 60 days, a written request that the City update the Infrastructure Improvements Plan, underlying Land Use Assumptions, and/or fee schedule and the reasons and basis for the request.

(c) Response to Comments. The City shall consider and respond within 30 days to any timely requests submitted pursuant to Paragraph 4 of Subsection (b) of this Section.

SECTION 22. Chapter 20 of the Peoria City Code (1992) is amended by enacting Section 20-39 pertaining to Development fees; collection and which shall read as follows:

Sec. 20-39. Development fees; collection.

(a) Collection. Development fees, together with any administrative charges assessed to defray the costs of administering Sections 20-30 – 20-45, shall be calculated and collected at issuance of permission to commence development; specifically:

(1) Development fees shall be paid at the time of issuance of a Building Permit according to the current development fee schedule for the applicable Service Area(s) as adopted pursuant to this code, or according to any other applicable development fee schedule as authorized in this Chapter.

a. The City shall determine the amount of each required development fee through the use of the applicable fee schedule.

b. The City shall determine the Category of Development for each development based on overall, long-term impact of the development. In general, impact fees shall be assessed based on the principal use of a building or lot. For example, a warehouse that contains an administrative office would be assessed at the warehouse rate for all of the square footage. Shopping centers shall be assessed at the retail/commercial rate, regardless of the type of tenants. For a true mixed-use development, such as one that includes both residential and nonresidential development, the fee shall be determined by adding up the fees that would be payable for each use as if it was a free-standing land use type pursuant to the fee schedule. For uses that cannot readily be designated under a particular Category of Development, the City Manager or his designee shall determine the category the particular use will be assigned based on which category has a daily trip generation rate most similar to the proposed use. Determinations of the Category of Development may be appealed to the City Manager or his/her designee.

c. The City shall determine the water meter size for each lot based on the actual meter size installed on each lot. If the exact meter size is not listed in a table, then the City shall use the next largest meter size in such table. If a lot consists of two (2) or more separate areas with separate meters in each separate area, then the development fee shall be determined by adding up all the fees that would be applicable for each meter size in each separate area.

d. In assessing the development fees for Non-Residential land use types, square footage shall be measured in terms of Gross Floor Area, and any determination of square footage shall be in whole units, with any fractions thereof being rounded up to the next square foot.

e. Development fees for development projects involving an addition to or remodeling of an existing facility, change of use, change of housing type, change of meter size or other modification or redevelopment of a previously developed lot or building with a valid certificate of occupancy shall be calculated as follows: the applicable development fees for the proposed development as set forth in the current development fee schedules minus the applicable development fees for the previous development as set forth in the current development fee schedules. In the event that the difference is negative, no refund of previously paid development fees shall be made.

(2) If a Building Permit is not required for the development, but water connections are required, any and all development fees due shall be paid at the time the water service connection is purchased. If no Building Permit or water connection is required, all development fees shall be paid prior to development approval.

(3) In determining the amount of fees required for land included in a community facilities district established under A.R.S. Title 48, Chapter 4, Article 6, the City shall take into account any Capital Facilities provided by the district that are included in the Infrastructure Improvements Plan ("Included Capital Facilities") and the capital costs paid by the district for such Included Capital Facilities, and shall reduce development fees assessed within the community facilities district proportionally.

(4) No Building Permit, water or sewer connection, or certificate of occupancy shall be issued if a development fee is not paid as directed in the previous paragraphs.

5. If the Building Permit is for a change in the type of building use, an increase in square footage, a change to land use, or an additional or upgraded point of demand to the water system, the development fee shall be assessed on the additional service units resulting from the expansion or change, and following the development fee schedule applicable to any new use type.

6. For issued permits that expire or are voided, development fees and administrative charges shall be as follows:

a. If the original permittee is seeking to renew an expired or voided permit, and the development fees paid for such development have not been refunded, then the permittee shall pay the difference between any development fees paid at the time the permit was issued and those in the fee schedule at the time the permit is reissued or renewed.

b. If a new or renewed permit for the same development is being sought by someone other than the original permittee, the new permit

Applicant shall pay the full development fees specified in the fee schedule in effect at the time that the permits are reissued or renewed. If the original permittee has assigned its rights under the permits to the new permit Applicant in writing, the new permit Applicant shall pay development fees as if it were the original permittee upon presentation of such written assignment to the City.

(b) *Exceptions.* Development fees shall not be owed under any of the following conditions.

(1) Development fees have been paid for the development and the permit(s) which triggered the collection of the development fees have not expired or been voided.

(2) The approval(s) that trigger the collection of development fees involve modifications to existing development that do not: (a) add new Service Units, (b) increase the impact of existing Service Units on existing or future Capital Facilities, or (c) change the land-use type of the existing development to a different Category of Development for which a higher development fee would have been due. To the extent that any modification does not meet the requirements of this paragraph, the development fee due shall be the difference between the development fee that was or would have been due on the existing development and the development fee that is due on the development as modified.

3. Public schools and charter schools shall be exempt from payment of Fire and Police development fees to the extent provided by law.

(4) Temporary structures for which an administrative use permit is secured for use as a sales office and not for residential or other purposes and intended to be removed within the two-year period granted under the use permit shall be exempt from development fees. This exemption shall not apply where the temporary building is erected on a parcel of land upon which a permanent building with permanent facilities is to be constructed.

(c) *Temporary Exemptions from Development Fee Schedules.* New developments in the City shall be temporarily exempt from increases in development fees that result from the adoption of new or modified development fee schedules as follows:

(1) *Single-Family Uses.* On or after the day that the first building permit is issued for a Single-Family Detached subdivision development, the City shall, at the permittee's request, provide the permittee with an applicable development fee schedule that shall be in force for a period of 24 months beginning on the day that the first building permit is issued for the subdivision, and which shall

expire at the end of the first business day of the 25th month thereafter. During the effective period of the applicable development fee schedule, any building permit issued for the same Single-Family subdivision development shall not be subject to any new or modified development fee schedule, provided that if the City reduces the amount of an applicable development fee during the period that a grandfathered development fee schedule is in force, the City shall assess the lower development fee.

(2) *Non-Residential and Multi-Family Uses.* On or after the day that the final approval is issued for a Non-Residential or Multi-Family development, the City shall provide an applicable development fee schedule that shall be in force for a period of 24 months beginning on the day that final development approval of a site plan and/or final **commercial** subdivision plat is given, which ever is earlier, and which shall expire at the end of the first business day of the 25th month thereafter. For the purpose of this paragraph, final approval shall mean the approval of a site plan or, if no site plan is required to be submitted for the development, the approval of a final subdivision plat. If no site plan or final subdivision plat is required, final approval shall mean the issuance of the first building permit on the property. During the effective period of the applicable development fee schedule, any building permit issued for the same development shall not be subject to any new or modified development fee schedule, provided that if the City reduces the amount of an applicable development fee during the period that a grandfathered development fee schedule is in force, the City shall assess the lower development fee.

3. *Other Development.* Any development not covered under paragraphs (1) and (2) of this Subsection shall pay development fees according to the fee schedule that is current at the time of collection as specified in Subsection A of this Section.

4. *Changes to Site Plans and Subdivision Plats.* Notwithstanding the other requirements of this Subsection, if changes are made to a development's final site plan or subdivision plat that will increase the number of service units after the issuance of a grandfathered development fee schedule, the City may assess any new or modified development fees against the additional service units.

SECTION 23. Chapter 20 of the Peoria City Code (1992) is amended by enacting Section 20-40 pertaining to Development fees; credits and which shall read as follows:

Sec. 20-40. Development fees; credits.

(a) *Eligibility of Capital Facility.* All development fee Credits must meet the following requirements:

1. *One of the following is true:*

a. _____ The Capital Facility or the financial contribution toward a Capital Facility that will be provided by the Developer and for which a Credit will be issued must be identified in an adopted Infrastructure Improvements Plan as a Capital Facility for which a development fee was assessed; or

b. _____ The Applicant must demonstrate to the satisfaction of the City that, given the class and type of improvement, the subject Capital Facility should have been included in the Infrastructure Improvements Plan in lieu of a different Capital Facility that was included in the Infrastructure Improvements Plan and for which a development fee was assessed. If the subject Capital Facility is determined to be eligible for a Credit in this manner, the City shall amend the Infrastructure Improvements Plan to (i) include the subject replacement facility and (ii) delete the facility that will be replaced. The decision of the City on such determinations is final and not subject to any appeal under this code.

2. _____ Credits shall not be available for any Capital Facility provided by a Developer if the cost of such Capital Facility will be repaid to the Developer by the City through another agreement or mechanism. To the extent that the Developer will be paid or reimbursed by the City for any contribution, payment, construction, or dedication from any City funding source, any Credits claimed by the Developer shall be: (a) deducted from any amounts to be paid or reimbursed by the City; or (b) reduced by the amount of such payment or reimbursement.

(b) _____ Eligibility of Subject Development. To be eligible for a Credit, the Subject Development must be located within the Service Area of the eligible Capital Facility.

(c) _____ Calculation of Credits. Credits will be based on that portion of the costs for an eligible Capital Facility identified in the adopted Infrastructure Improvements Plan for which a development fee was assessed. If the Gross Development Fee for a particular Category of Necessary Public Service is adopted at an amount lower than the ~~Plan-Based~~ Cost per Service Unit, the amount of any Credit shall be reduced in proportion to the difference between the ~~Plan-Based~~ Cost per Service Unit and the Gross Development Fee adopted. A Credit shall not exceed the actual costs the Applicant incurred in providing the eligible Capital Facility, nor shall it exceed the amount of the applicable development fee for the Subject Development.

(d). _____ Allocation of Credits. Before any Credit can be issued to a Subject Development (or portion thereof), the Credit must be allocated to that development as follows:

(1) _____ The Developer and the City must execute a Credit Allocation Agreement including all of the following:

a. _____ The total amount of the Credits resulting from provision of an eligible Capital Facility.

b. _____ The estimated number of Service Units to be served within the Subject Development.

c. _____ The method by which the Credit values will be allocated within the Subject Development.

(2) _____ It is the sole obligation of the Developer to request allocation of development fee Credits by the City through an application for a Credit Allocation Agreement.

(3) _____ If a building permit is issued or a water connection is purchased, and a development fee is paid prior to execution of a Credit Allocation Agreement for the Subject Development, no Credits may be allocated retroactively to that permit or connection. Credits may be allocated to any remaining permits for the Subject Development in accordance with this Chapter.

(4) _____ If the entity that provides an eligible Capital Facility sells or relinquishes a development (or portion thereof) that it owns or controls prior to execution of a Credit Allocation Agreement, Credits will only be allocated to the development if the entity legally assigns such rights and responsibilities to its successor(s) in interest for the Subject Development, together with an agreement for the assignment of and assumption of all duties between entity and the City pursuant to any agreements between the entity and City.

(5) _____ If multiple entities jointly provide an eligible Capital Facility, all entities must enter into a single Credit Allocation Agreement with the City, and any request for the allocation of Credit within the Subject Development(s) must be made jointly by the entities that provided the eligible Capital Facility. Failure by any entity to enter into a Credit Allocation Agreement with the City shall be deemed a waiver of any rights to receive credits under this Chapter.

(6) _____ No assignment or assumption of any Credit Allocation Agreement shall be recognized by the City unless such written assignment or assumption of the Credit Allocation Agreement is filed with the City Clerk of the City.

(e) _____ Credit Agreement. Credits shall only be issued pursuant to a Credit Allocation Agreement executed in accordance with Subsection (d) of this Section. The City Council may authorize the City Manager to enter into a Credit Allocation Agreement as part of the approval of zoning and/or development agreements with the controlling entity of a Subject Development, subject to the following:

(1) _____ The Developer requesting the Credit Agreement shall provide all information requested by the City to allow it to determine the value of the Credit to be applied.

2. An application for a Credit Allocation Agreement shall be submitted to the City by the Developer not later than the one year anniversary of the date that the City accepted completion of and assumed ownership and/or control of the Capital Facility. Failure to submit an application for a Credit Allocation Agreement to the City shall be deemed a waiver of any rights to receive credits under this Chapter.

3. The City shall promulgate a form Credit Allocation Agreement that has been approved by the City Attorney pursuant to Article VIII, Section 1 of the Peoria City Charter. The Developer shall review and submit all of the information set forth in this paragraph (3) for review by the City. The Credit Allocation Agreement shall include, at a minimum, all of the following information and supporting documentation:

a. A legal description and map depicting the location of the Subject Development for which Credit is being applied. The map shall depict the location of the Capital Facilities that have been or will be provided.

b. An estimate of the total Service Units that will be developed within the Subject Development depicted on the map and described in the legal description.

c. A list of the Capital Facilities, associated physical attributes and the related costs as stated in the Infrastructure Improvements Plan.

d. Documentation showing the date(s) and letters of acceptance by the City, if the Capital Facilities have already been provided.

e. The total amount of Credit to be applied within the Subject Development and the calculations leading to the total amount of Credit.

f. The Credit amount to be applied to each Service Unit within the Subject Development for each Category of Necessary Public Services.

(4) The applicant shall pay the cost incurred by the City in making the determination as set forth in Chapter 2 of this Code. The City as a condition of proceeding with the application will require a deposit of the reasonably estimated cost. The City's determination of the Credit to be allocated is final and not subject to any further review.

(5) Upon execution of the Credit Allocation Agreement by the City and the Applicant, Credits shall be deemed allocated to the Subject Development and applied to development fee charges as incurred. No Credit Allocation Agreement shall give rise to any other financial obligation by the City other than the provision of credits against Development Fees in accordance with the terms of the Credit Allocation Agreement.

(6) _____ Any amendment to a previously approved Credit Allocation Agreement must be initiated within two (2) years of the City's final acceptance of the eligible Capital Facility for which the amendment is requested or such right to request an amendment is deemed irrevocably waived.

7. _____ Development credits must be used within ten (10) years from the date of the Credit Allocation Agreement or are deemed irrevocably forfeited.

(f) _____ Issuance of Credits. Credits allocated pursuant to Subsection (d) of this Section may be issued and applied toward the Gross Development Fees due from a development, subject to the following conditions:

(1) _____ Credits issued for an eligible Capital Facility may only be applied to the development fee due for the applicable Category of Necessary Public Services, and may not be applied to any fee due for another Category of Necessary Public Services.

(2) _____ Credits shall only be issued when the eligible Capital Facility from which the Credits were derived has been accepted by the City. **or acceptable forms of assurance are approved in writing by the City.**

3. _____ Where Credits have been issued pursuant to paragraph (2) of this Subsection, a development fee due at the time a building permit is issued shall be reduced by the Credit amount stated in or calculated from the executed Credit Agreement. Where Credits have not yet been issued, the Gross Development Fee shall be paid in full.

4. _____ Credits, once issued, may not be rescinded or reallocated to another permit or parcel, except that Credits may be released for reuse on the same Subject Development if a building permit for which the Credits were issued has expired or been voided and is otherwise eligible for a refund under Section 20-32.(a)(2)(a) of this Chapter.

SECTION 24. Chapter 20 of the Peoria City Code (1992) is amended by enacting Section 20-41 pertaining to Development fees; appeals and which shall read as follows:

Sec. 20-41. Development fees; appeals.

A development fee determination by City staff may be appealed in accordance with the following procedures:

(a) _____ Limited Scope. An appeal shall be limited only to disputes regarding the calculation of the development fees for a specific development and/or permit and calculation of Service Units for the development. No other administrative actions of the City pursuant to Sections 20-30 – 20-43 of this code shall be subject to appeal.

(b) Form of Appeal. An appeal shall be initiated on such written form as the City may prescribe and submitted to the Finance Director. The Applicant shall submit a written notice of appeal with a full statement of the grounds and an appeal fee as provided in Chapter 2 of this Code.

(c) Action by Hearing Officer. The City shall assign the matter to a hearing officer, who shall consider the applicant's statement of the grounds and the City's response which shall be filed within ten calendar days following the applicant's appeal. The Hearing Officer shall act upon the appeal within 10 calendar days following the filing of the City's response. Failure to file a response shall be deemed a waiver of the right to respond. Continuances may only be granted by the hearing officer for good cause and all parties shall be notified of the decision in writing.

(d) Final Decision. The Hearing Officer's decision regarding the appeal is final.

(e) Fees During Pendency. Building permits may be issued during the pendency of an appeal if the Applicant (1) pays the full development fee calculated by the City at the time the appeal is filed or (2) provides the City with financial assurances in the form acceptable to the City Manager or authorized designee equal to the full amount of the development fee. Upon final disposition of an appeal, the fee shall be adjusted in accordance with the decision rendered, and a refund paid if warranted. If the appeal is denied by the Hearing Officer, and the Applicant has provided the City with financial assurances as set forth in clause (2) above, the Applicant shall deliver the full amount of the development fee to the City within ten days of the Hearing Officer's final decision on the appeal. If the Applicant fails to deliver the full amount of the development fees when required by this Subsection, the City may draw upon such financial assurance instrument(s) as necessary to recover the full amount of the development fees due from the Applicant.

SECTION 25. Chapter 20 of the Peoria City Code (1992) is amended by enacting Section 20-42 pertaining to Development fees; refunds and which shall read as follows:

Sec. 20-42. Development fees; refunds.

(a) Refunds. A refund (or partial refund) will be paid to any current owner of property within the City who submits a written request to the City and demonstrates that:

1. The permit(s) that triggered the collection of the development fee have expired or been voided prior to the commencement of the development for which the permits were issued and the development fees collected have not been expended, encumbered, or Pledged for the repayment of Financing or Debt; or

2. The owner of the subject real property or its predecessor in interest paid a development fee for the applicable Category of Necessary Public Services on or after August 1, 2014, and one of the following conditions exists:

a. The Capital Facility designed to serve the subject real property has been constructed, has the capacity to serve the subject real property and any development for which there is reserved capacity and the service which was to be provided by that Capital Facility has not been provided to the subject real property from that Capital Facility or from any other Capital Facility.

b. After collecting the fee to construct a Capital Facility, the City fails to complete construction of the Capital Facility within the time period identified in the Infrastructure Improvements Plan, as it may be amended, and the corresponding service is otherwise unavailable to the subject real property from that Capital Facility or any other Capital Facility.

c. For a Category of Necessary Public Services other than Water Facilities, any part of a development fee is not spent within ten (10) years of the City's receipt of the development fee.

d. Any part of a development fee for Water Facilities is not spent within fifteen (15) years of the City's receipt of the development fee.

e. The development fee was calculated and collected for the construction cost to provide all or a portion of a specific Capital Facility serving the subject real property and the actual construction costs as certified by the City Manager or his designee for the Capital Facility are less than the construction costs projected in the Infrastructure Improvements Plan by a factor of 10% or more. In such event, the current owner of the subject real property shall, upon request as set forth in this Section A, be entitled to a refund for the difference between the amounts of the development fee charged for and attributable to such construction cost and the amount the development fee would have been calculated to be if the actual construction cost had been included in the Infrastructure Improvements Plan. In performing the recalculation, the City may take into consideration actual construction costs for other improvements serving the subject real property that were included in the Infrastructure Improvements Plan for the same Category of Necessary Public Facilities. The refund contemplated by this Subsection shall relate only to the costs specific to the construction of the applicable Capital Facility and shall not include any related design, administrative, or other

costs not directly incurred for construction of the Capital Facility that are included in the development fee as permitted by A.R.S. § 9-463.05.

(b) *Earned Interest.* A refund of a development fee shall include any interest actually earned on the refunded portion of the development fee by the City from the date of collection to the date of refund. All refunds shall be made to the record owner of the property at the time the refund is paid.

(c) *Refund to Government.* If a development fee was paid by a governmental entity, any refund shall be paid to that governmental entity.

(d) *Correction of Errors.* The City Manager or his designee is hereby authorized and directed to correct any error in the assessment and collection of development fees detected within twenty-four (24) months of the date of the payment of the development fees, including assessing additional development fee amounts or issuing a refund from the appropriate development fee fund(s), to the extent of their authority to do so. If such refund exceeds the authority of the City Manager, it shall be submitted to the City Council for a determination.

(e) *No Refund for Change of Development.* After a development fee has been paid pursuant to this Chapter, no refund of any part of such development fee shall be made if the development for which the development fee was paid is later demolished, destroyed, or is altered, reconstructed, or reconfigured so as to reduce the size of the development, the number of units in the development, or the number of Service Units.

SECTION 26. Chapter 20 of the Peoria City Code (1992) is amended by enacting Section 20-43 pertaining to Development fees; program oversight and which shall read as follows:

Sec. 20-43. Development fees; program oversight

(a) *Annual Report.* Within 90 days of the end of each fiscal year, the City shall file with the City Clerk an unaudited annual report accounting for the collection and use of the fees for each service area and shall post the report on its website in accordance with A.R.S. § 9-463.05, Subsections N and O, as amended.

(b) *Biennial Audit.* In addition to the Annual Report described in Subsection (a) of this Section, the City shall provide for a biennial, certified audit of the City's Land Use Assumptions, Infrastructure Improvements Plan and development fees.

1. An audit pursuant to this Subsection shall be conducted by one or more Qualified Professionals who are not employees or officials of the City and who did not prepare the Infrastructure Improvements Plan. The Audit may be done

in conjunction with the preparation of the City's Audit and Consolidated Annual Financial Report.

2. The audit shall review the collection and expenditures of development fees for each project in the plan and provide written comments describing the amount of development fees assessed, collected and spent on capital facilities.

(3) The audit shall describe the Level of Service in each Service Area and evaluate any inequities in implementing the Infrastructure Improvements Plan or imposing the development fee.

(4) The City shall post the findings of the audit on the City's website and shall conduct a public hearing on the audit within 60 days of the release of the audit to the public.

(5) For purposes of this Section a certified audit shall mean any audit authenticated by one or more of the Qualified Professionals conducting the audit pursuant to paragraph 1 of this Subsection.

SECTION 27. Chapter 2 of the Peoria City Code (1992) is amended by amending Table 2-219 pertaining to fees charged by the Finance Department and which shall read as provided on the attached table.

TABLE 2-219
Section 2-219 (a)
FINANCE DEPARTMENT;
REVENUE AND COLLECTIONS DIVISION

Item	Date Effective May 4, 2004
Fingerprinting, Processing with Criminal History**	35.00
Peddlers License*	75.00
Second Hand Sales License*	40.00
Auction House License*	40.00
Scrap Metal Dealer License*	40.00
Privilege Sales Tax License Fee, effective January 1, 2002	30.00
Privilege Sales Tax License Fee, effective January 1, 2003	50.00
Special Event Business License	25.00
Business License Class A Application *	55.00
Business License Class B Application *	55.00
Business License Class C Application *	75.00
Business License Class D Application *	180.00
Business License Class E Application *	55.00
Business License Transfer	20.00
<u>Development Fee Appeal to Hearing Officer</u>	<u>200.00</u>
<u>Credit Allocation Agreement Administration</u>	<u>3% of total credit amount</u>
Assessment Delinquency Advertising [parcel]	5.00
Assessment Delinquency Title Search **[Actual cost of Title Search plus ten percent processing fee]	**
Early Assessment Payoff Processing Fee	25.00

*All fees other than the Special Event Business License will be charged on a full year basis commencing on the beginning of the calendar year. For calendar year 2004, those occupational licenses in Classes A – E expiring from January 1, 2004 – June 30, 2004 will be charged the total fee. Those licenses expiring from July 1 – December 31, 2004 will be charged 50% of the total fee. Commencing on January 1, 2005, each license will be valid for a full one year period upon issuance.

** Applications for City Licenses requiring both fingerprint processing (\$9.00) and criminal history processing (\$24.00)

SECTION 28. Chapter 20 of the Peoria City Code (1992) is amended by enacting Tables 20-37(a), (b), (c), (d), (e), (f), (g), and (h) providing for a schedule of applicable development fees for water, wastewater, water resources, parks, fire , law enforcement and streets and which shall read as set forth in the Tables attached to this Ordinance.

Table 20-37(a)

Transportation, Parks, Fire and Police Development Fees								
<u>Land Use Type</u>	<u>Unit</u>	<u>Transportation</u>		<u>Parks</u>			<u>Fire</u>	<u>Police</u>
		<u>Central</u>	<u>North</u>	<u>Zone 1</u>	<u>Zone 2</u>	<u>Zone 3</u>		
<u>Single-Family Det.</u>	<u>Dwelling</u>	<u>\$5,649</u>	<u>\$8,567</u>	<u>\$738</u>	<u>\$959</u>	<u>\$1,405</u>	<u>\$417</u>	<u>\$503</u>
<u>Multi-Family</u>	<u>Dwelling</u>	<u>\$3,495</u>	<u>\$5,301</u>	<u>\$435</u>	<u>\$566</u>	<u>\$829</u>	<u>\$248</u>	<u>\$299</u>
<u>Mobile Home Park</u>	<u>Space</u>	<u>\$2,624</u>	<u>\$3,980</u>	<u>\$502</u>	<u>\$652</u>	<u>\$955</u>	<u>\$283</u>	<u>\$342</u>
<u>Hotel/Motel</u>	<u>Room</u>	<u>\$5,027</u>	<u>\$7,624</u>	<u>\$44</u>	<u>\$58</u>	<u>\$84</u>	<u>\$219</u>	<u>\$264</u>
<u>Retail/Commercial</u>	<u>1,000 sq. ft.</u>	<u>\$6,833</u>	<u>\$10,362</u>	<u>\$44</u>	<u>\$58</u>	<u>\$84</u>	<u>\$458</u>	<u>\$553</u>
<u>Office</u>	<u>1,000 sq. ft.</u>	<u>\$5,164</u>	<u>\$7,832</u>	<u>\$37</u>	<u>\$48</u>	<u>\$70</u>	<u>\$142</u>	<u>\$171</u>
<u>Industrial</u>	<u>1,000 sq. ft.</u>	<u>\$2,782</u>	<u>\$4,220</u>	<u>\$15</u>	<u>\$19</u>	<u>\$28</u>	<u>\$48</u>	<u>\$58</u>
<u>Warehouse</u>	<u>1,000 sq. ft.</u>	<u>\$1,820</u>	<u>\$2,760</u>	<u>\$15</u>	<u>\$19</u>	<u>\$28</u>	<u>\$42</u>	<u>\$50</u>
<u>Public/Institutional</u>	<u>1,000 sq. ft.</u>	<u>\$3,910</u>	<u>\$5,930</u>	<u>\$7</u>	<u>\$10</u>	<u>\$14</u>	<u>\$81</u>	<u>\$98</u>

Table 20-37(b)

Water Development Fees			
Zone 1 - South of Bell Road			
<u>Meter Size</u>	<u>Capacity Charge</u>	<u>Customer Charge</u>	<u>Total Fee</u>
<u>¾ in.</u>	<u>\$2,057</u>	<u>\$115</u>	<u>\$2,172</u>
<u>1 in.</u>	<u>\$3,429</u>	<u>\$115</u>	<u>\$3,544</u>
<u>1 ½ in.</u>	<u>\$6,858</u>	<u>\$115</u>	<u>\$6,973</u>
<u>2 in.</u>	<u>\$10,973</u>	<u>\$115</u>	<u>\$11,088</u>
<u>3 in. Compound</u>	<u>\$20,575</u>	<u>\$115</u>	<u>\$20,690</u>
<u>3 in. Turbo</u>	<u>\$24,005</u>	<u>\$115</u>	<u>\$24,120</u>
<u>4 in. Compound</u>	<u>\$34,292</u>	<u>\$115</u>	<u>\$34,407</u>
<u>4 in. Turbo</u>	<u>\$41,140</u>	<u>\$115</u>	<u>\$41,255</u>
<u>6 in. Compound</u>	<u>\$68,583</u>	<u>\$115</u>	<u>\$68,698</u>
<u>6 in. Turbo</u>	<u>\$85,715</u>	<u>\$115</u>	<u>\$85,830</u>
<u>8 in. Compound</u>	<u>\$137,166</u>	<u>\$115</u>	<u>\$137,281</u>
<u>8 in. Turbo</u>	<u>\$154,275</u>	<u>\$115</u>	<u>\$154,390</u>

Table 20-37(c)

<u>Water Development Fees</u>			
<u>Zone 2 - North of Bell Road</u>			
<u>Meter Size</u>	<u>Capacity Charge</u>	<u>Customer Charge</u>	<u>Total Fee</u>
<u>¾ in.</u>	<u>\$3,698</u>	<u>\$118</u>	<u>\$3,816</u>
<u>1 in.</u>	<u>\$6,163</u>	<u>\$118</u>	<u>\$6,281</u>
<u>1 ½ in.</u>	<u>\$12,326</u>	<u>\$118</u>	<u>\$12,444</u>
<u>2 in.</u>	<u>\$19,722</u>	<u>\$118</u>	<u>\$19,840</u>
<u>3 in. Compound</u>	<u>\$36,979</u>	<u>\$118</u>	<u>\$37,097</u>
<u>3 in. Turbo</u>	<u>\$43,156</u>	<u>\$118</u>	<u>\$43,274</u>
<u>4 in. Compound</u>	<u>\$61,632</u>	<u>\$118</u>	<u>\$61,750</u>
<u>4 in. Turbo</u>	<u>\$73,960</u>	<u>\$118</u>	<u>\$74,078</u>
<u>6 in. Compound</u>	<u>\$123,263</u>	<u>\$118</u>	<u>\$123,381</u>
<u>6 in. Turbo</u>	<u>\$154,096</u>	<u>\$118</u>	<u>\$154,214</u>
<u>8 in. Compound</u>	<u>\$246,527</u>	<u>\$118</u>	<u>\$246,645</u>
<u>8 in. Turbo</u>	<u>\$277,350</u>	<u>\$118</u>	<u>\$277,468</u>

Table 20-37(d)

<u>Water Development Fees</u>			
<u>Zone 3 - Vistancia Community Facilities District</u>			
<u>Meter Size</u>	<u>Capacity Charge</u>	<u>Customer Charge</u>	<u>Total Fee</u>
<u>¾ in.</u>	<u>\$0</u>	<u>\$118</u>	<u>\$118</u>
<u>1 in.</u>	<u>\$0</u>	<u>\$118</u>	<u>\$118</u>
<u>1 ½ in.</u>	<u>\$0</u>	<u>\$118</u>	<u>\$118</u>
<u>2 in.</u>	<u>\$0</u>	<u>\$118</u>	<u>\$118</u>
<u>3 in. Compound</u>	<u>\$0</u>	<u>\$118</u>	<u>\$118</u>
<u>3 in. Turbo</u>	<u>\$0</u>	<u>\$118</u>	<u>\$118</u>
<u>4 in. Compound</u>	<u>\$0</u>	<u>\$118</u>	<u>\$118</u>
<u>4 in. Turbo</u>	<u>\$0</u>	<u>\$118</u>	<u>\$118</u>
<u>6 in. Compound</u>	<u>\$0</u>	<u>\$118</u>	<u>\$118</u>
<u>6 in. Turbo</u>	<u>\$0</u>	<u>\$118</u>	<u>\$118</u>
<u>8 in. Compound</u>	<u>\$0</u>	<u>\$118</u>	<u>\$118</u>
<u>8 in. Turbo</u>	<u>\$0</u>	<u>\$118</u>	<u>\$118</u>

Table 20-37(e)

<u>Wastewater Development Fee</u>			
<u>Zone 1 - East of Agua Fria River</u>			
<u>Meter Size</u>	<u>Capacity Charge</u>	<u>Customer Charge</u>	<u>Total Fee</u>
<u>¾ in.</u>	<u>\$990</u>	<u>\$88</u>	<u>\$1,078</u>
<u>1 in.</u>	<u>\$1,650</u>	<u>\$88</u>	<u>\$1,738</u>
<u>1 ½ in.</u>	<u>\$3,301</u>	<u>\$88</u>	<u>\$3,389</u>
<u>2 in.</u>	<u>\$5,281</u>	<u>\$88</u>	<u>\$5,369</u>
<u>3 in. Compound</u>	<u>\$9,903</u>	<u>\$88</u>	<u>\$9,991</u>
<u>3 in. Turbo</u>	<u>\$11,553</u>	<u>\$88</u>	<u>\$11,641</u>
<u>4 in. Compound</u>	<u>\$16,505</u>	<u>\$88</u>	<u>\$16,593</u>
<u>4 in. Turbo</u>	<u>\$19,800</u>	<u>\$88</u>	<u>\$19,888</u>
<u>6 in. Compound</u>	<u>\$33,009</u>	<u>\$88</u>	<u>\$33,097</u>
<u>6 in. Turbo</u>	<u>\$41,253</u>	<u>\$88</u>	<u>\$41,341</u>
<u>8 in. Compound</u>	<u>\$66,019</u>	<u>\$88</u>	<u>\$66,107</u>
<u>8 in. Turbo</u>	<u>\$74,250</u>	<u>\$88</u>	<u>\$74,338</u>

Table 20-37(f)

<u>Wastewater Development Fee</u>			
<u>Zone 2 - West of Agua Fria River</u>			
<u>Meter Size</u>	<u>Capacity Charge</u>	<u>Customer Charge</u>	<u>Total Fee</u>
<u>¾ in.</u>	<u>\$2,131</u>	<u>\$108</u>	<u>\$2,239</u>
<u>1 in.</u>	<u>\$3,552</u>	<u>\$108</u>	<u>\$3,660</u>
<u>1 ½ in.</u>	<u>\$7,104</u>	<u>\$108</u>	<u>\$7,212</u>
<u>2 in.</u>	<u>\$11,366</u>	<u>\$108</u>	<u>\$11,474</u>
<u>3 in. Compound</u>	<u>\$21,311</u>	<u>\$108</u>	<u>\$21,419</u>
<u>3 in. Turbo</u>	<u>\$24,869</u>	<u>\$108</u>	<u>\$24,977</u>
<u>4 in. Compound</u>	<u>\$35,519</u>	<u>\$108</u>	<u>\$35,627</u>
<u>4 in. Turbo</u>	<u>\$42,620</u>	<u>\$108</u>	<u>\$42,728</u>
<u>6 in. Compound</u>	<u>\$71,038</u>	<u>\$108</u>	<u>\$71,146</u>
<u>6 in. Turbo</u>	<u>\$88,799</u>	<u>\$108</u>	<u>\$88,907</u>
<u>8 in. Compound</u>	<u>\$142,076</u>	<u>\$108</u>	<u>\$142,184</u>
<u>8 in. Turbo</u>	<u>\$159,825</u>	<u>\$108</u>	<u>\$159,933</u>

Table 20-37(g)

<u>Wastewater Development Fee</u>			
<u>Zone 3 - Vistancia Community Facilities District</u>			
<u>Meter Size</u>	<u>Capacity Charge</u>	<u>Customer Charge</u>	<u>Total Fee</u>
<u>¾ in.</u>	<u>\$0</u>	<u>\$108</u>	<u>\$108</u>
<u>1 in.</u>	<u>\$0</u>	<u>\$108</u>	<u>\$108</u>
<u>1 ½ in.</u>	<u>\$0</u>	<u>\$108</u>	<u>\$108</u>
<u>2 in.</u>	<u>\$0</u>	<u>\$108</u>	<u>\$108</u>
<u>3 in. Compound</u>	<u>\$0</u>	<u>\$108</u>	<u>\$108</u>
<u>3 in. Turbo</u>	<u>\$0</u>	<u>\$108</u>	<u>\$108</u>
<u>4 in. Compound</u>	<u>\$0</u>	<u>\$108</u>	<u>\$108</u>
<u>4 in. Turbo</u>	<u>\$0</u>	<u>\$108</u>	<u>\$108</u>
<u>6 in. Compound</u>	<u>\$0</u>	<u>\$108</u>	<u>\$108</u>
<u>6 in. Turbo</u>	<u>\$0</u>	<u>\$108</u>	<u>\$108</u>
<u>8 in. Compound</u>	<u>\$0</u>	<u>\$108</u>	<u>\$108</u>
<u>8 in. Turbo</u>	<u>\$0</u>	<u>\$108</u>	<u>\$108</u>

Table 20-37(h)

<u>Water Resource Development Fees</u>			
<u>Zone 1 - Off SRP Project Service Area</u>			
<u>Meter Size</u>	<u>Capacity Charge</u>	<u>Customer Charge</u>	<u>Total Fee</u>
<u>¾ in.</u>	<u>\$1,074</u>	<u>\$0</u>	<u>\$1,074</u>
<u>1 in.</u>	<u>\$1,789</u>	<u>\$0</u>	<u>\$1,789</u>
<u>1 ½ in.</u>	<u>\$3,579</u>	<u>\$0</u>	<u>\$3,579</u>
<u>2 in.</u>	<u>\$5,726</u>	<u>\$0</u>	<u>\$5,726</u>
<u>3 in. Compound</u>	<u>\$10,736</u>	<u>\$0</u>	<u>\$10,736</u>
<u>3 in. Turbo</u>	<u>\$12,534</u>	<u>\$0</u>	<u>\$12,534</u>
<u>4 in. Compound</u>	<u>\$17,894</u>	<u>\$0</u>	<u>\$17,894</u>
<u>4 in. Turbo</u>	<u>\$21,480</u>	<u>\$0</u>	<u>\$21,480</u>
<u>6 in. Compound</u>	<u>\$35,788</u>	<u>\$0</u>	<u>\$35,788</u>
<u>6 in. Turbo</u>	<u>\$44,754</u>	<u>\$0</u>	<u>\$44,754</u>
<u>8 in. Compound</u>	<u>\$71,575</u>	<u>\$0</u>	<u>\$71,575</u>
<u>8 in. Turbo</u>	<u>\$80,550</u>	<u>\$0</u>	<u>\$80,550</u>

SECTION 29. Chapter 20 of the Peoria City Code(1992) is amended by repealing Tables 20-53(a); 20-53(b) and 20-53(c) in their entirety.

SECTION 30. Chapter 20 of the Peoria City Code (1992) is amended to provide that Sections 20-44 – 20-59 shall be reserved.

SECTION 31. Chapter 25 of the Peoria City Code(1992) is amended by repealing Section 25-31 in its entirety.

SECTION 32. Chapter 25 of the Peoria City Code(1992) is amended by repealing Table 25-31 in its entirety.

SECTION 33. Chapter 25 of the Peoria City Code(1992) is amended by repealing Section 25-32 in its entirety.

SECTION 34. Chapter 25 of the Peoria City Code(1992) is amended by repealing Table 25-32 in its entirety.

SECTION 35. Chapter 25 of the Peoria City Code(1992) is amended by repealing Section 25-96 in its entirety.

SECTION 36. Chapter 25 of the Peoria City Code(1992) is amended by repealing Tables 25-96.1, and 25-96.1(B) in their entirety.

SECTION 37. 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 38. This Ordinance shall become effective in the manner provided by law. All Development Fees imposed under this Ordinance shall become effective on July 31, 2014.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Arizona, this _____ day of _____,2014.

Dated: _____

Bob Barrett, Mayor

ATTEST:

Rhonda Geminsky, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

Ordinance No 2014-_____

Page 44 of 44

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**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 17R

Date Prepared: March 10, 2014

Council Meeting Date: April 1, 2014

TO: Carl Swenson, City Manager

FROM: Chris M. Jacques, AICP, Planning and Community Development Director

THROUGH: Susan J. Daluddung, AICP, Deputy City Manager

SUBJECT: Case Z13-0006 – Happy Valley 40 Rezone

Purpose:

This is a request for City Council to hold a Public Hearing to consider a request for the Rezoning of an approximately 45.7 gross-acre site from Single-Family Residential (R1-35) to the Happy Valley 40 Planned Area Development (PAD) in order to allow the development of a single-family residential community of up to 62 homes.

Background/Summary:

The subject site is a 45.7 gross-acre undeveloped property located west of the southwest corner of 83rd Avenue and Happy Valley Road. The unusual shape of the property is derived from its history as the Banden Mine 1 & 2 claims, associated with the larger Sunrise Relief gold mine located to the north, across Happy Valley Road. The site is enveloped on three sides by a 100-acre parcel owned by the Arizona State Land Department. Moreover, a 230' wide SRP overhead powerline corridor situated on the State Land parcel provides further separation from existing residential neighborhoods to the south.

The property was annexed into the City of Peoria in 1989 and was provided with initial City zoning of General Agricultural (AG). In 2002, the Mayor and City Council adopted *Ordinance 02-94*, approving a request to rezone the property to Single-Family Residential (R1-35). A Preliminary Plat was filed in 2006 for 40 lots but was abandoned after one review and not pursued thereafter.

The applicant, Happy Valley Land Partners, LLC, is proposing to rezone the property from R1-35 to the Happy Valley 40 Planned Area Development (PAD) for a gated, single-family residential development of up to 62 homes for a corresponding gross density of 1.36 units per acre.

The PAD is an alternative to a standard zoning district (e.g. such as R1-35, R1-18, etc.) wherein development standards can be tailored to respond to site or topographical conditions, local context/character, or otherwise promote a creative and efficient approach to land

development (such as a mix of lot sizes). The Happy Valley 40 PAD would include a mix of lot sizes, with at least 50% of the lots larger than 18,000 SF and the remainder between 12,000 SF - 18,000 SF. Approximately 10.8 acres of the 39.3 net acre site (over 27%) will be maintained as open space, including at least 5.9 acres of Natural Open Space (NOS). The developer will also enhance the Happy Valley Road corridor by landscaping and maintaining a 2.1 acre strip of land within the Happy Valley Road right-of-way along the project's frontage.

General Plan Discussion

There are sometimes misconceptions surrounding the General Plan, how it is implemented and how development proposals are analyzed for conformance with it. The General Plan is a dynamic visioning document with broadly applied designations, unlike a zoning map which is highly precise and parcel-specific.

The General Plan land use designation for this property is Estate/Residential (0-2 dwelling units/acre, Target: 1 dwelling unit per acre). While the target density is 1 dwelling unit per acre, the General Plan allows projects to exceed target density if they exhibit superior quality and design or provide amenities, dedications, and improvements above and beyond minimum City standards. The proposed density for Happy Valley 40 is 1.36 du/ac, and through the PAD the developer has provided enhancements commensurate with this increase over target density including enhanced design, enhanced architectural standards, substantial variation in lot sizes, as well as the dedication of significant land for Happy Valley Road right-of-way (constructed and currently used under a temporary easement).

The appropriateness of the land use was also evaluated with consideration of the area's current and planned future conditions, some of which were not present at the time of the existing 2002 zoning approval, including:

- Happy Valley Road was constructed into a six-lane divided limited access parkway in 2008. The parkway and its alignment was unknown/incomplete in 2002 when the site was rezoned; and
- Happy Valley Road is now a regionally significant roadway providing access to the I-17 employment corridor and the emerging Loop 303 corridor. The usage and significance of this corridor is expected to rise considerably as development occurs; and
- The recent completion of the Loop 303 and the completion/widening of Lake Pleasant Parkway and Deer Valley Road crossing has improved accessibility in the area, enabling development; and
- The Phoenix Metropolitan Area in general and Peoria in particular have continued its rapid growth rate, continually among the highest in the nation. Over the last decade, the growth belt of Peoria has been within the Deer Valley to Jomax Road area. Several new developments have come on-line in the area near the project site including the 1.7 million square foot commercial core at Happy Valley and Lake Pleasant Parkway; and

- The 230' SRP overhead power corridor provides a physical boundary between the property and the larger lots to the south, while the property itself creates a buffer between those residences and the heavily-traveled Happy Valley Road corridor; and
- The site is enveloped by 100 acres of State Land on the east, south, and west that will also be developed in the future. There are no existing residences immediately adjacent to the site (nearest residence is over 300 feet away); and
- The proposal will enable a high-quality, gated development, with a mix of lot sizes/product types, with a predominance of 18,000 SF lots; the preserved natural open space along the Happy Valley corridor will retain and promote its desired, "open" parkway character.

As with all Rezones, a citizen participation component is required. The applicant held an initial neighborhood meeting on May 16, 2013 with approximately 25 members of the public in attendance. Primary concerns expressed pertained to the decreased lot size/increased density, adequate water resources, and increased traffic/traffic safety. During the review process, staff received one letter of support and two letters of opposition (both from the same party). Through the Rezoning review process, the project was then significantly revised through a reduction in the number of lots; an increase in the number of lots larger than 18,000 SF; and an increase to the amount of open space.

The final PAD provides a development plan with the following features:

- Number of lots reduced from 83 to 62
- Density reduced from 1.81 du/acre to 1.36 du/acre
- More than 50% of the lots larger than 18,000 s.f. (initial lots all 12,000 s.f. minimum)
- Over ¼ of the site devoted to open space (10.8 acres, 27.5% net site area)

In the week prior to the Planning and Zoning Commission hearing, staff received written opposition from approximately 10 additional property owners, as well as support from two property owners.

There were approximately 50 individuals in attendance at the March 6, 2014 Planning and Zoning Commission public hearing. That evening, 16 members of the public spoke in opposition to the case, and stated concerns including the following:

- The development is too dense and the lot sizes are too small.
- The development would increase traffic on Happy Valley Road and 83rd Avenue and create traffic safety issues.
- The smaller lot sizes would devalue surrounding property values.
- Well water could be contaminated due to fertilizer.
- Residents desire to keep dark nighttime skies.

One of the speakers opposing the case presented the Commission with a petition in opposition to the case signed by 54 neighbors.

One member of the public spoke in favor of the case. He state support for the case for reasons including the following:

- Additional residents in the area will bring additional needed services such as restaurants, shops and hospitals.

It is staff's assessment that the proposed PAD creates an appropriate development form that is responsive to existing site conditions. The property is isolated from existing residences in the vicinity. It is surrounded by undeveloped Arizona State Trust Lands and the nearest existing residence is located over 300 feet to the south across a 230 foot powerline corridor. The high-quality, gated development will provide a variety of housing options with a mix of lot sizes, while preserving Natural Open Space along the Happy Valley corridor to promote the desired "open" parkway character.

Previous Actions:

This amendment has been subject to the City's rezoning process. A public hearing was held for this item at the March 6, 2014 Planning & Zoning Commission Meeting. The Planning & Zoning Commission unanimously recommended approval of this request.

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 to the Planning & Zoning Commission for further consideration.

Staff's Recommendation:

Staff recommends the City Council concur with the Planning & Zoning Commission's March 6, 2014 recommendation (5-0) to approve Case Z13-0006.

Fiscal Analysis:

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

Narrative:

If the City Council takes action to approve this case, the applicant may move forward with the development process through Preliminary Plat review and approval.

Exhibit(s):

Exhibit 1: Vicinity Map

Exhibit 2: March 6, 2014 Planning and Zoning Commission Staff Report with Exhibits

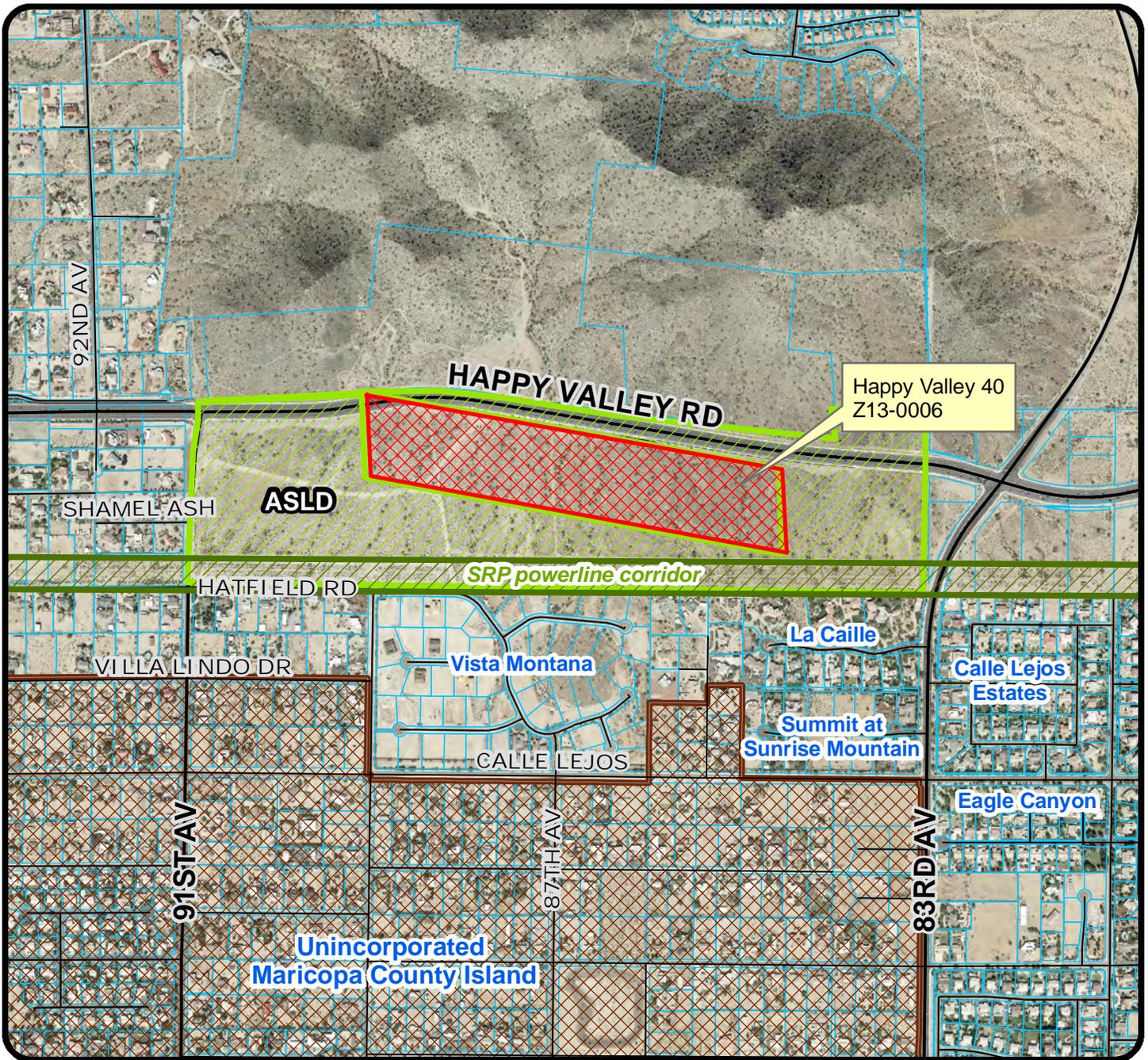
Exhibit 3: Additional public comments

Exhibit 4: Draft Ordinance

Exhibit 5: Happy Valley 40 PAD Standards & Guidelines Report

Contact Name and Number: Melissa Sigmund, AICP, Senior Planner, x7603

Vicinity/Location Map



Z13-0006 Happy Valley 40

Applicant: Happy Valley Land Partners, LLC

Request: Rezone approximately 45.7 gross acres from R1-35 to PAD to allow a single family residential development with up to 62 lots.

Location: West of the southwest corner of 83rd Avenue and Happy Valley Road



Not to Scale

Exhibit 2

Planning and Zoning Commission Staff Report with
Exhibits

March 6, 2014



REZONING

REPORT TO THE PLANNING AND ZONING COMMISSION

CASE NUMBER: Z13-0006
DATE: March 6, 2014
AGENDA ITEM: 5R

Applicant: Happy Valley Land Partners, LLC

Request: Rezone approximately 45.7 gross acres from Single-Family Residential (R1-35) to a residential Planned Area Development (PAD).

Proposed Development: *Happy Valley 40*: a gated detached single-family residential development consisting of up to 62 lots (lot mix 12,000 SF+ and 18,000 SF+) on 45.7 gross acres (1.36 units/acre).

Location: The property is located west of the southwest corner of 83rd Avenue and Happy Valley Road (Exhibits A1/A2)

Site Acreage 45.7 gross acres

Support / Opposition: Staff has received one call and one letter in support of the proposal and two letters (same party) in opposition (Exhibits G-H).

Recommendation: Recommend **approval** of Case Z13-0006 to the City Council, subject to conditions 1-29.

AREA CONTEXT

Table 1: Existing Land Use, Current Zoning, Future Land Use (Exhibits A-C)

	LAND USE	GENERAL PLAN	ZONING
Subject Property	Vacant, undeveloped	Residential/Estate (0-2 du/ac, Target: 1 du/ac)	Single-Family Residential (R1-35)
North	Happy Valley Road, then vacant, undeveloped (Sunrise Canyon)	Residential/Estate (0-2 du/ac, target: 1 du/ac) and Park/Open Space (0-1 du/ac)	General Agricultural (AG), and Single-Family PAD (Planned Area Development)
South	Vacant, undeveloped (ASLD)	Residential/Estate (0-2 du/ac, Target: 1 du/ac)	General Agricultural (AG)
East	Vacant, undeveloped (ASLD)	Residential/Estate (0-2 du/ac, Target: 1 du/ac)	General Agricultural (AG)
West	Vacant, undeveloped (ASLD)	Residential/Estate (0-2 du/ac, Target: 1 du/ac)	General Agricultural (AG)

Project Site

1. The project site is a 45.7 acre undeveloped parcel located on the south side of Happy Valley Road – approximately 1,500 feet west of the Happy Valley/83rd Avenue intersection and 1,200 feet east of the of the Happy Valley/91st Avenue intersection. The site has 80 feet of slope from north to south from Happy Valley Road.
2. The unusual parallelogram shape of the parcel is a result of its history as the Banden Mine 1 & 2 claims, associated with the larger Sunrise Relief gold mine that is located to the north across Happy Valley Road.
3. The site is bounded by Happy Valley Road along the northern edge. Happy Valley Road was completed in 2008 as a divided, six-lane limited-access parkway. This important regional roadway connects the I-17 employment corridor in Phoenix to the emerging Loop 303 corridor in Peoria. While the roadway today carries approximately 19,100 ADT's (average daily trips), that number is expected to rise considerably as the Loop 303 moves from infancy to development as a major economic development corridor.
4. The site is enveloped on three sides by a 100-acre parcel owned by the Arizona State Land Department (ASLD). A 230' wide SRP overhead power transmission corridor is situated on the ASLD parcel to the south and provides further separation from the existing *Vista Montana* and *La Caille* residential neighborhoods to the south. The nearest existing residential unit is approximately 300 feet from the Happy Valley 40 site and south of the SRP transmission corridor.

Land Use Background

5. In 1989, the Mayor and City Council adopted *Ordinance 89-34* thereby annexing the subject property and surrounding areas. As required under State Law, initial City zoning was provided on the newly annexed property as General Agricultural (AG) through Case Z90-10 (*Ordinance 90-25*).
6. On November 21, 2002, the Mayor and City Council adopted *Ordinance 02-94* approving a request to rezone the property from AG to Single-Family Residential (R1-35) under Case Z01-06. A Preliminary Plat was filed in 2006 for 40 lots but was abandoned after one review and not pursued thereafter.

PROJECT DESCRIPTION

Site and Project Details

7. The applicant is requesting to rezone the property from its current Single-Family Residential (R1-35) zoning (minimum 35,000 SF lots) to a new residential Planned Area Development (PAD). A PAD is an alternative from the standard zoning district (e.g. R1-35, R1-18) wherein standards can be tailored to respond to site or topographical conditions, contextual circumstances in the area and/or

- otherwise promote a creative and efficient approach to land development (such as a mix of lot sizes).
8. Happy Valley 40 is proposed as a gated, single-family residential development consisting of up to 62 lots resulting in a corresponding gross density of 1.36 units per acre. The gated entry will include decorative walls and gates, landscaped median, decorative paving and monumentation to provide for a sense of arrival. The inbound entry will 'T' at a centralized HOA-maintained park. Additionally, lighting throughout the project will be upgraded from the standard detail to decorative fixtures.
 9. Lot sizes within the development will vary from a minimum of 12,000 square feet to over 18,000 square feet. (Exhibit D). At least 50% of the lots will be a minimum of 18,000 square feet (~ ½ acre) in area. The applicant anticipates that the development will have one or two builders within the project, allowing for a mix of product types and price points. Architectural guidelines would be imposed to ensure design continuity within the development (Exhibit E).
 10. The development will be accessed from Happy Valley Road, where a median break will provide full access. The median break is located halfway between 83rd Avenue and 91st Avenue. The currently entitled Sunrise Canyon project to the north would be required to align the entry driveway with Happy Valley 40. No secondary access (emergency) will be provided and as a result, automatic sprinkler systems will be required in all dwellings, in accordance with the City's adopted Fire Ordinance.
 11. Approximately 10.8 acres of the 39.3 net acre site (27.5%) will be maintained as open space, and of this, at least 5.9 acres (15%) will be Natural Open Space (NOS). In addition, a 2.1 acre strip of land located in the right-of-way between the road and the property boundary will be landscaped and maintained by this development.

DISCUSSION AND ANALYSIS

Conformance with the General Plan

12. The underlying General Plan land use designation for the property is Residential/Estate (0-2 du/acre) with a target density of 1 du/ac. This designation is intended to provide areas where large-lot single-family residential development is desirable and open spaces are maximized. This land use designation also provides transitional areas between natural open spaces and residential development.
13. There are often misconceptions surrounding the General Plan. Although the Land Use Map and Element is often the focus, the fact is that it comprises one of 14 elements in the General Plan. Each element contains its own set of Goals, Policies and Objectives, which in totality represents the General Plan.

14. Additionally, unlike a zoning map (wherein boundaries are attached through a legal description), General Plan designations are broadly applied and can be imprecise, especially along “edges.” These edges are analyzed and refined through Specific Area Plans or development cases wherein topographic, environmental, contextual and other factors are weighed in arriving at appropriate transitions in land use.
15. Finally, while the Estate/Residential land use designation has a corresponding target density of 1 du/ac, this does not necessarily imply a minimum lot size of 1-acre. Staff evaluates each project at its gross density (General Plan 2-13). There may be a variety of lot sizes and product types that implement the desired character expressed within each land use designation, subject to context. While Estate/Residential is typically expressed through lots above 18,000 square feet, there is no lot size “floor” within the General Plan for each land use designation. The Zoning Correlation table within the General Plan (Table 2-1) simply aligns the *anticipated* standard zoning district with the land use designation based on a simple yield. For example, based on a 1-acre unit (43,560 SF), the City’s R1-6 District (6,000 SF) would yield approximately 7.2 du/ac (less dedications and common areas) generally correlating to the Residential/Medium designation (5-8 du/ac). A PAD may be used to implement any of the land use designations.
16. The proposed gross density for this project is 1.36 du/ac, which falls within the prescribed density range for the Residential/Estate land use designation (0-2 du/ac), but is 0.36 du/ac above the target. The General Plan allows the Target Density for the land use designation to be exceeded for those projects which exhibit superior quality and design and/or those which provide amenities, dedications, or improvements above and beyond the minimum City standards, as described in Section 2.c. of the General Plan.
17. Through the PAD, the development will implement enhanced design and architectural standards, open spaces will be designed with water conservation measures, considerable native vegetation will be preserved, and substantial variation in lot sizes will be achieved. In addition, due to the design of Happy Valley Road, the development will dedicate significantly more land area to the City than is typically required for right-of-way. Based on these enhanced features, commensurate with the proposed density of 0.36 du/ac above the target density of 1 du/ac, the PAD density is considered to be in conformance with the General Plan.
18. Moreover, a number of factors were considered in evaluating an appropriate transition in land use:
 - Happy Valley Road was constructed into a six-lane divided limited access parkway in 2008. The parkway and its alignment was unknown/incomplete in 2002 when the site was rezoned;

- Happy Valley Road is now a regionally significant roadway providing access to the I-17 employment corridor and the emerging Loop 303 corridor. The usage and significance of this corridor is expected to rise considerably as development occurs; and
 - The recent completion of the Loop 303 and the completion/widening of Lake Pleasant Parkway and Deer Valley Road crossing has improved accessibility in the area, enabling development; and
 - The Phoenix Metropolitan Area in general and Peoria in particular have continued its rapid growth rate, continually among the highest in the nation. Over the last decade, the growth belt of Peoria has been within the Deer Valley to Jomax Road area. Several new developments have come on-line in the area near the project site including the 1.7 million square foot commercial core at Happy Valley and Lake Pleasant Parkway, Camino A Lago, The Meadows, Tierra del Rio, Sonoran Mountain Ranch, Sunset Ranch and others; and
 - The 230' SRP overhead power corridor provides a physical boundary between property along the heavily-travelled Happy Valley corridor and larger lots to the south. Additionally, the project site is fully enveloped by 100 acres of State Land (which will also be developed some day); and
 - The site has not developed since its R1-35 rezoning in 2002, perhaps pointing to market demand factors; and
 - The proposal will enable a high-quality, gated development, with a mix of lot sizes/product types, with a predominance of 18,000 SF lots; the preserved NOS along the Happy Valley corridor will retain and promote its desired, "open" parkway character.
19. As a point of clarification, the General Plan Land Use Designation to the north of the site is Park/Open Space. The southern boundary of that land use designation is intended be Happy Valley Road. Along this section, Happy Valley Road, bows slightly to the north to accommodate the sloping topography, creating a minor deviation between the intended boundary of the General Plan land use designations and those shown on the General Plan Map provided as Exhibit C. Due to the imprecise, *general* nature of the General Plan, land use designations may not be defined to the same level of detail as a parcel boundary.

Happy Valley 40 PAD Development Standards (Exhibit E)

20. The project is located north of Pinnacle Peak Road, and is therefore subject to the requirements of the Desert Lands Conservation Overlay (DLCO) district, which includes requirements for Natural Open Space (NOS). The DLCO requires a minimum of 15% of the site be maintained as NOS. The PAD prescribes at least 5.9 acres (15% of the site) to be maintained as NOS. The applicant has designed the conceptual development plan (Concept Plan) for the site, provided as Exhibit D, to preserve a hill formation and wash corridor running through the site. The existing conditions of the site have been greatly impacted by the construction of Happy Valley Road, which created multiple drainage outfalls on the property and interrupted the natural slopes that originally connected the site to Sunrise Mountain. As result, grading and drainage will be

designed in accordance with the plans included in the PAD report and some washes resulting from previous development will not be preserved.

21. The PAD allows the development framework for the property to be tailored to address the site constraints due to factors such as topography and the construction of Happy Valley Road, while retaining a large proportion (approximately 27.5%) of the site as open space. The PAD standards incorporate a mix of lot sizes, while maintaining the predominance of lots larger than 18,000 square feet. A private park located in the center of the development will provide a focal point upon entry into the community and will include recreational amenities, as well as pedestrian paths alongside preserved natural open spaces. Enhanced design standards will ensure high quality elements such as entry features and site lighting are incorporated into the project. The key development standards are represented in the table that follows:

Proposed Development Standards

Minimum Lot Size	Max Building Height	Front – side entry garage ¹	Front – Front Facing Garage	Sides		Rear	Corner	Max Lot Coverage
				Minimum	Total Sides			
<ul style="list-style-type: none"> • 12,000 SF • At least 50% of lots 18,000 SF 	30'	10ft*	20ft**	5ft	15ft	15ft	10ft	50%

* Not more than 60% of the total front-facing elevation shall occur at the 10 foot setback.

** Where front-facing garages are present, a 10 foot front setback shall apply to the livable portion of the home provided that not more than 60% of the total front-facing elevation occurs at the 10 foot setback.

¹ Side-entry garages shall be prohibited on corner lots.

Citizen Participation Plan - Neighborhood Meeting

22. As a requirement of the Rezoning application processes, the applicant conducted a neighborhood meeting and provided a Citizen Participation Plan report detailing the results of the meeting. The applicant notified all property owners within 1,320 feet and registered Homeowner’s Associations within 1 mile of the subject site for the required neighborhood meeting, which was held on May 16, 2013 at Sunrise Mountain Library at 5:00 pm. Approximately 25 individuals attended the meeting. The applicant described the details of the proposed project and meeting attendees provided several comments/concerns regarding the proposed project. Comments/questions are summarized in the Citizen Participation Plan attached as Exhibit F.

23. Staff members from various disciplines, including the Fire Department, Engineering Site Development, Traffic Engineering, Capital Improvements Engineering, and Planning have reviewed the case for compliance with the City’s development regulations. Proper fire access and/or sprinklers will be provided,

and the developer must provide adequate ingress/egress to the site, allowing for fire/emergency needs to be met for residents of the proposed development. The development will be required to provide evidence of a sufficient water supply. Sunrise Water Company, the water provider for this project, must approve the water plans for this project prior to City approval.

24. Staff received one letter of opposition in September, after the applicant submitted amended application materials for second review. The letter has been included as Exhibit H. It should be noted that this feedback was received prior to the latest iteration of the plan, which was subsequently significantly revised. Thus, the letter is included in this report to illustrate the concerns raised during the course of the rezoning review process, although they may no longer apply to the current proposal.
25. The applicant has revised the application significantly from the initial proposal. The proposed density of the project has been reduced from an initial 1.81 du/ac down to 1.36 du/ac and the number of lots has been reduced from 83 down to a maximum of 62 lots, while open space has been increased to over 27% of the net site area.

Land Use Compatibility

26. It is staff's assessment that the proposed PAD creates an appropriate development form that is responsive to existing site conditions. The site is surrounded by undeveloped Arizona State Trust Lands. The nearest existing residence is located over 300 feet to the south across a 230 foot power line easement. In addition, the property is directly adjacent to Happy Valley Road, a six-lane divided limited-access parkway that connects the I-17 highway and the Loop 303 freeway. Over 19,000 average daily trips occur on Happy Valley Road in the vicinity of this project; a number that is expected to grow considerably.
27. As previously noted, a number of existing site constraints impact the development possibilities of this property. The proposed PAD will allow the organized development of the property, while maintaining a considerable portion of the site (5.9 acres/15%) as Natural Open Space for the use and benefit of the entire neighborhood. Under the existing R1-35 zoning, the Natural Open Space could be incorporated into private home lots, inaccessible to the rest of the neighborhood.

City Review

28. As previously discussed, this request has been reviewed and commented on through the City's standard rezoning application review process. Recommended conditions of approval have been provided by the Planning, Site Development / Engineering, and Fire Safety Division as provided in the *Conditions of Approval* portion this report.

Peoria Unified School District (PUSD)

29. This case has been reviewed by the Peoria Unified School District (PUSD). The applicant has cooperatively worked with PUSD in executing and recording a Developer Assistance Agreement. As such, PUSD has formally offered its support of the project (Exhibit G)

Public Notice

30. Public notice was provided in the manner prescribed under Section 14-39-6. Additionally, the site was posted with a sign meeting the size and content requirements prescribed by the Planning Division. One letter stating opposition to the case, focusing on the second submittal documents was received (Exhibit H).

Proposition 207

31. The applicant has furnished a signed and notarized Proposition 207 Waiver for recordation pending the outcome of the City Council action.

FINDINGS AND RECOMMENDATION

32. Based on the following findings:

- The proposed zoning district is in conformance with the goals and objectives set forth in the Peoria General Plan; and
- The proposal will advance the City's goals and objectives by providing a variety of housing options; and
- The PAD benefits the public interest by promoting an organized development form that provides a transitional land use between the highly traveled Happy Valley Road corridor and the semi-rural, large-lot developments in areas to the south of the site; while addressing existing site conditions.

It is recommended that the Planning and Zoning Commission take the following action:

Recommend to the City Council approval of Case Z13-0006 subject to the following conditions:

1. The development shall conform in all material respects to the "Happy Valley 40" Planned Area Development Standards and Guidelines Report; (Case Z13-0006) stamp dated December 10, 2013.
2. The Developer shall adhere to the recommendations of the Cultural Resources Inventory included in the Desert Lands Conservation Report for this case.
3. The Developer shall provide an ALTA Survey reflecting existing boundary and recorded easements on the site.
4. A Final Drainage Report shall be submitted with the Civil Improvement Plans.
 - Note that the City of Peoria has adopted the Maricopa County Uniform Drainage Design Standards, Policies and Procedures and Drainage Design Manual for Maricopa County for drainage criteria. Retention must be provided for the 100-year, 2-hour storm.

- Provide a drainage report addressing onsite & offsite flows. The drainage report shall take into effect the adjacent drainage ways.
 - If utilized, all Drywells must be registered with the Arizona Department of Environmental Quality and drilling logs shall be provided to the City. The percolation rate shall be tested and the results provided to the City before the drywell is accepted.
 - On-site basins shall be provided to retain/detain 100% of the 100-year, 2-hour storm event for the sub-basin it serves. The volume shall be calculated based on the gross square footage of the site (including half-street areas). A drainage easement shall be recorded over each retention/detention area within the project for both “public” and “private” basins.
5. This development shall provide all necessary infrastructure to serve this site.
 6. A Final Traffic Impact Analysis (TIA) shall be approved prior to Preliminary Plat approval.
 7. This development is located within the Sunrise Water Company service area. Sunrise Water Company must approve the water plans prior to City approval, and must sign off on the Final Plat for all waterline easements.
 8. A final water network analysis and final sewer report will be required for final design.
 9. In order for the City to issue a “Will Serve Letter” the Developer shall submit the water and sewer reports and the Approval to Construct (ATC) form with an original signature by the owner. The current ATC forms are available at <http://www.maricopa.gov/EnvSvc/WaterWaste/Subdivisions/Downloads.aspx>
 10. The Developer is responsible for obtaining all necessary easements and permits from the Arizona State Land Department. It is the developer’s responsibility to review and comply with the State Land agreement for Happy Valley Road, recording number 2006-1346775. If a meeting with ASLD is necessary, the Developer shall contact the City’s property manager to coordinate such a meeting.
 11. Streetlights shall be installed by the Developer. The streetlight plan shall be submitted with the second submittal of the Civil Improvement Plans. The streetlights shall also be indicated on the paving or grading plan.
 12. The Developer will be responsible to underground any overhead utilities rated less than 69 kV, which are adjacent to the subdivision.
 13. A Phase 1 Environmental Clearance will be required for all right-of-way to be dedicated to the City.
 14. The Developer shall provide an Agreement to Install Improvement for the public improvements required by the development with an accompanying financial assurance for subdivision improvements in accordance with City’s requirements.
 15. The Developer will be responsible to form a Maintenance Improvement District (MID) for this subdivision. The MID submittal shall be made with the second submittal of the improvement plans.
 16. The preservative seal required for the new streets shall be applied 1-year after completion of the streets. A fee to cover this cost will be required at the time of the paving permit. The City will determine the amount at the time of permit issuance.

17. Pavement sections shall be verified by the project soils report.
18. The Developer will be responsible to verify visibility and sight distance triangles for intersections, driveways, and grade separations.
19. The Development shall comply with the Phase 2 AZPDES Storm Water Pollution Prevention criteria. This should include runoff control, erosion control, and sediment control. A Storm Water Pollution Prevention Plan (SWPPP) shall be submitted with the improvement plans in accordance with the SWPPP checklist.
20. The Developer shall submit a noise mitigation study in accordance with ADOT Noise Abatement Policy to address the anticipated traffic on Happy Valley Road. All walls shall be designed in accordance with the recommendations of the noise study.
21. The Developer shall dedicate the necessary ROW along Happy Valley Road as determined by the City Engineer. During the preliminary plat process, the Developer shall submit an exhibit showing the limits of the Right of Entry for Happy Valley Road, along the western portion of the site.
22. The Developer shall dedicate an 8' PUE outside of the internal private roadway Tract. No walls or retention shall be allowed within the PUE.
23. The Developer shall dedicate a PUE along Happy Valley Road ROW.
24. The size and location of the Happy Valley Road PUE, sound wall, and slopes shall be permitted as follows, beginning on the western end of the site:
 - For the first approximately 500', an 8' PUE shall be located under the existing 8' sidewalk. The sound wall shall be located on the inside edge of the ROW. Following a 2' level bench, a maximum of a 2:1 slope is permitted from the sound wall to the drainage swale outside of the property perimeter wall. The property perimeter wall is to be located on the property line.
 - For the next 863' (to the center of the Happy Valley Road access point), a 6' PUE shall be located after the 65' half street ROW, with a maximum of a 6:1 slope. The sound wall shall be located on the outside of the PUE. Following a 2' level bench, a maximum of a 2:1 slope is permitted from the sound wall to the drainage swale outside of the property perimeter wall. The property perimeter wall is to be located on the property line.
 - For the next 710' (from the center of the Happy Valley Road access point), a 6' PUE shall be located after the 65' half street ROW, with a maximum of a 6:1 slope. The sound wall shall be located on outside of the PUE. Following a 2' level bench, a maximum of a 2:1 slope is permitted from the sound wall to the drainage swale outside of the property perimeter wall. The property perimeter wall is to be located on the property line.
 - For the remainder of the project frontage, an 8' PUE shall be located under the existing 8' sidewalk. The sound wall shall be located on the inside edge of the 65' ROW. Following a 2' level bench, a maximum of a 2:1 slope is permitted from the sound wall to the drainage swale outside of the property perimeter wall. The property perimeter wall is to be located on the property line.
25. The Developer shall dedicate a 30-foot by 30-foot ROW chamfer at all intersections with collectors or arterials. The Developer shall dedicate a 20-foot by 20-foot ROW/tract chamfer at all local/local roadway intersections.

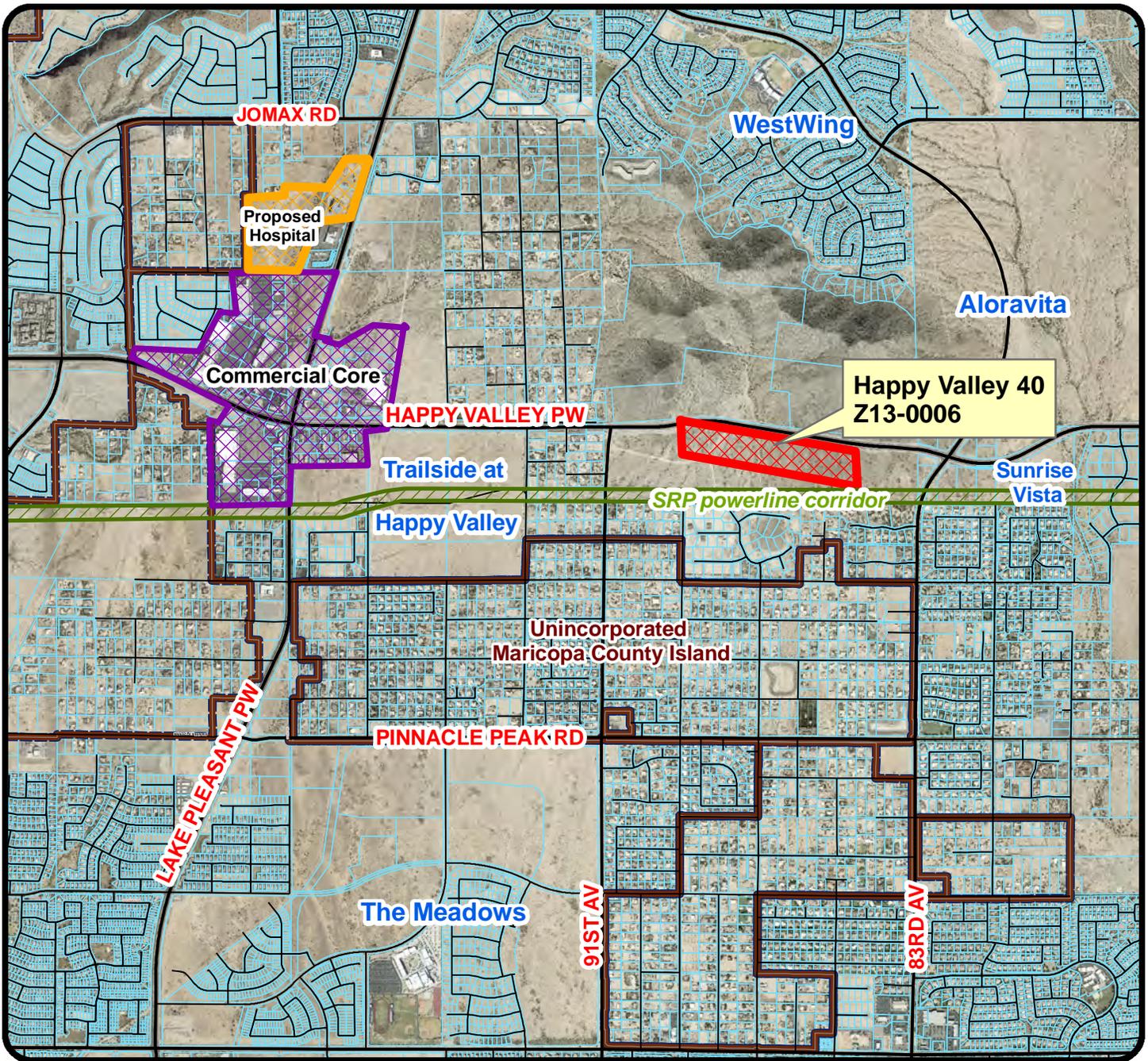
26. All driveways shall be in accordance with the requirements of Peoria Detail PE-251. Any deviations from this detail shall be addressed in a Traffic Impact Analysis.
27. A local street signing plan shall be submitted with the Civil Improvement Plans.
28. A signing and striping plan for off-site improvements is required for this project and must be submitted with the first submittal of the improvement plans.
29. Prior to Final Plat recordation, the applicant shall obtain approval of final grading, drainage, utilities, and paving plans in conjunction with a Final Drainage Report and Final TIA. These final plans and reports shall be in conformance with the approved preliminary plans and report. The Final Plat shall be submitted with the first submittal of the Civil Improvement Plans. The Final Plat shall be approved prior to permits being issued for the site.

ATTACHMENTS

Exhibit A1-A2	Vicinity/Location Map
Exhibit B	Zoning Map
Exhibit C	General Plan Land Use Map
Exhibit D	Conceptual Development Plan
Exhibit E	PAD Standards and Guidelines Report
Exhibit F	Citizen Participation Report
Exhibit G	PUSD letter of support
Exhibit H1-H2	Letter of Opposition

Prepared by: Melissa Sigmund, AICP
Senior Planner

Vicinity/Location Map



Z13-0006 Happy Valley 40

Applicant: Happy Valley Land Partners, LLC

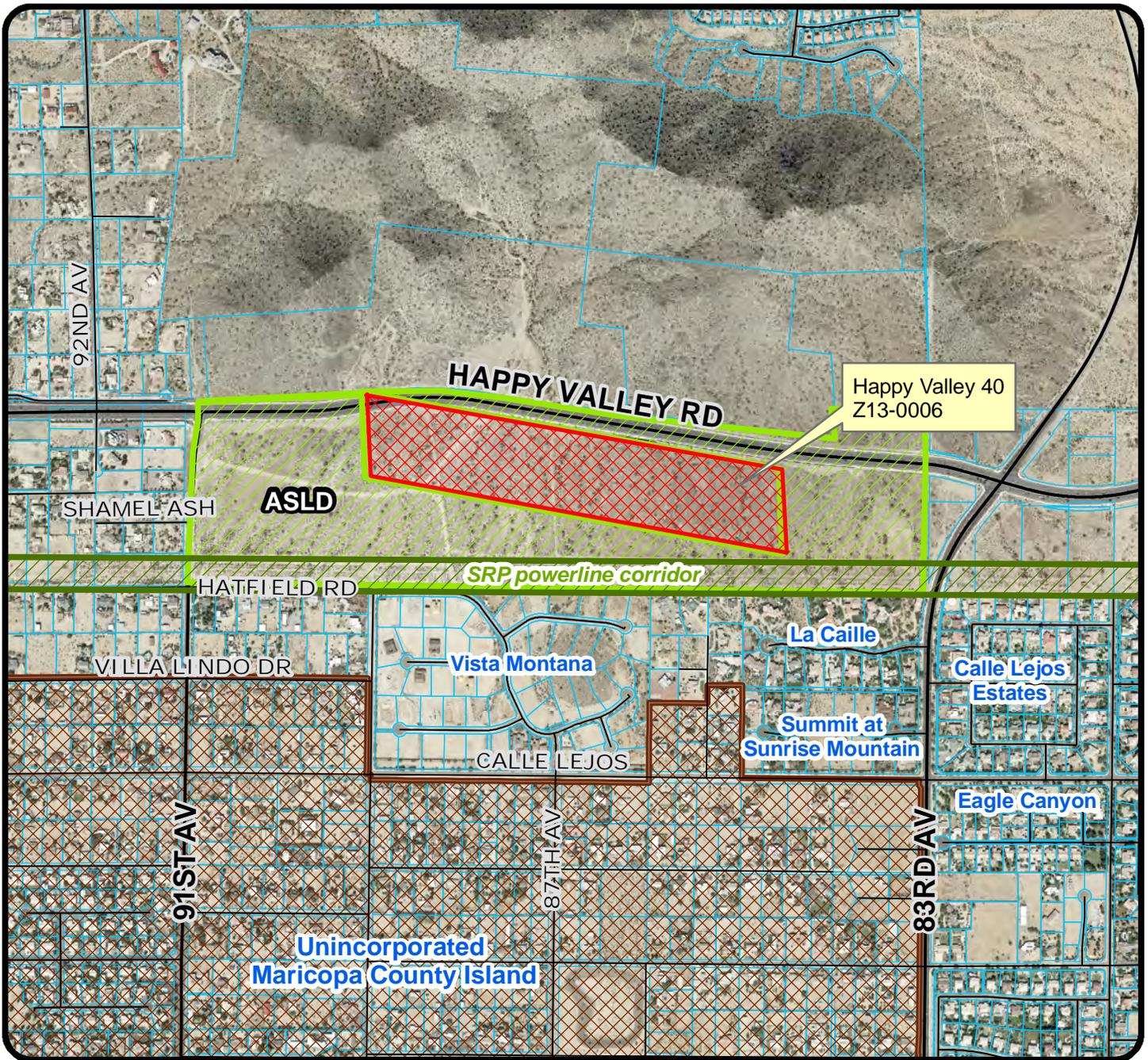
Request: Rezone approximately 45.7 gross acres from R1-35 to PAD to allow a single family residential development with up to 62 lots.

Location: West of the southwest corner of 83rd Avenue and Happy Valley Road



Not to Scale

Vicinity/Location Map



Z13-0006 Happy Valley 40

Applicant: Happy Valley Land Partners, LLC

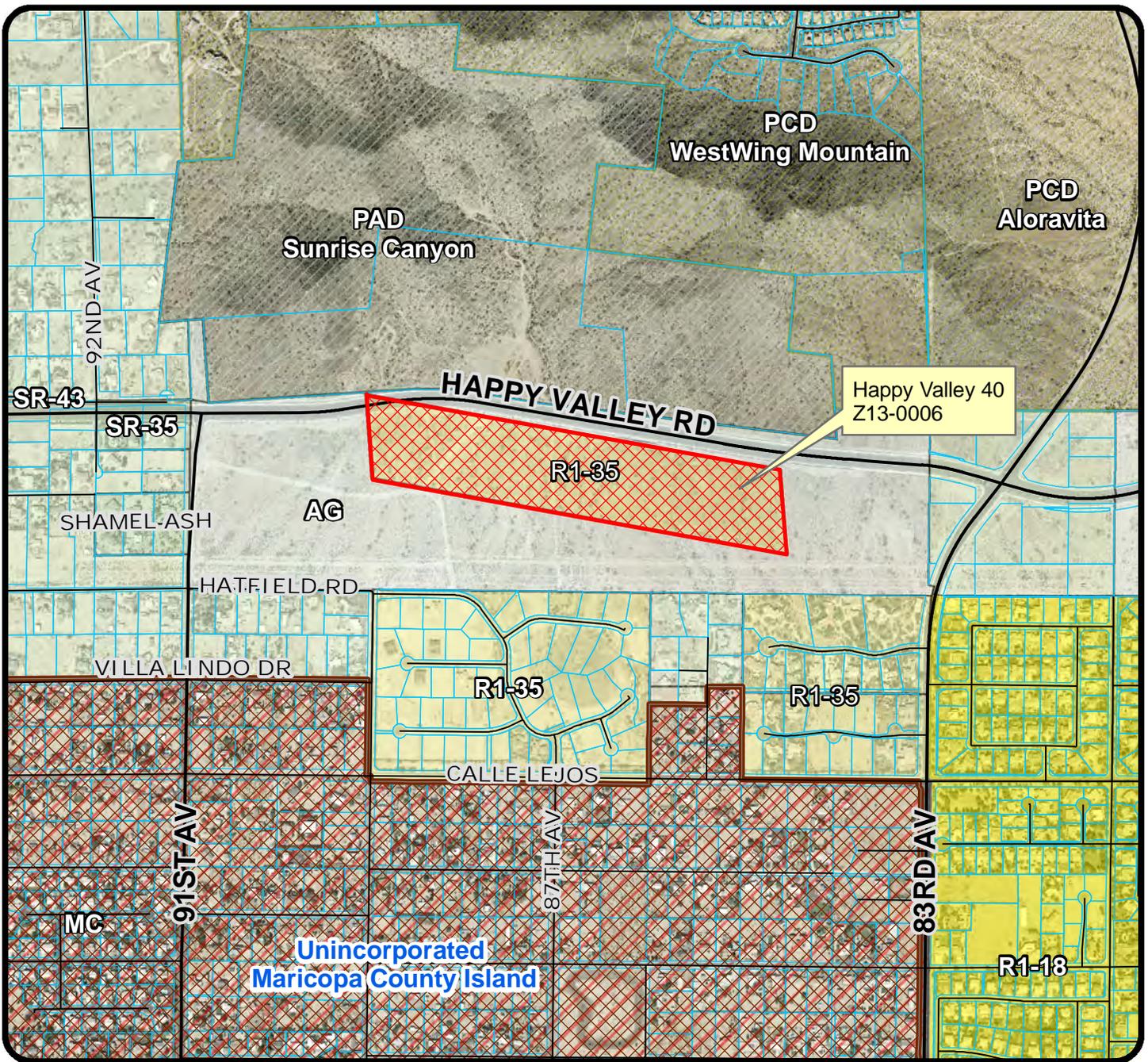
Request: Rezone approximately 45.7 gross acres from R1-35 to PAD to allow a single family residential development with up to 62 lots.

Location: West of the southwest corner of 83rd Avenue and Happy Valley Road



Not to Scale

Zoning Map



Z13-0006 Happy Valley 40

Applicant: Happy Valley Land Partners, LLC

Request: Rezone approximately 45.7 gross acres from R1-35 to PAD to allow a single family residential development with up to 62 lots.

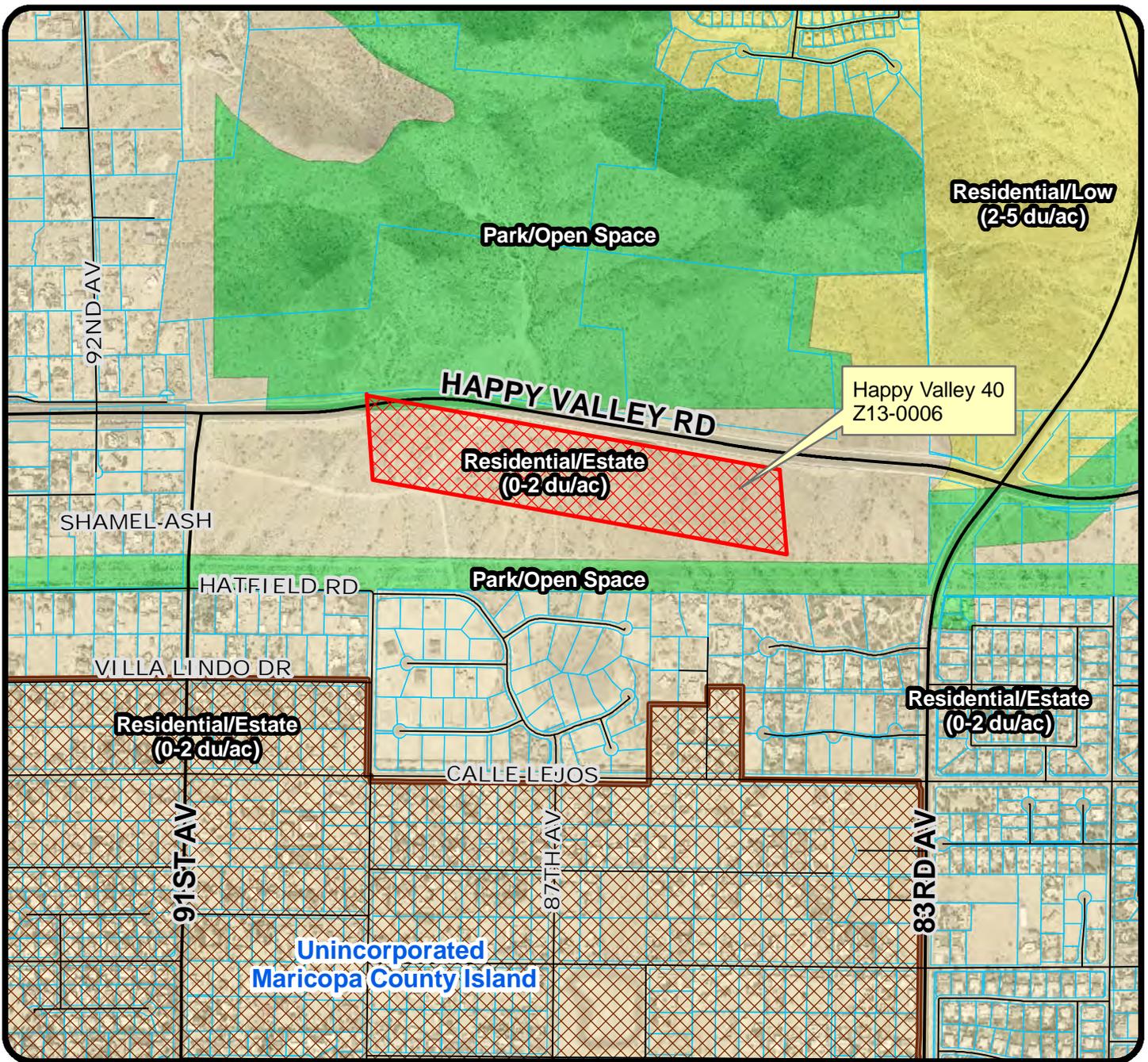
Location: West of the southwest corner of 83rd Avenue and Happy Valley Road



Not to Scale

EXHIBIT B

General Plan Land Use Map



Z13-0006 Happy Valley 40

Applicant: Happy Valley Land Partners, LLC

Request: Rezone approximately 45.7 gross acres from R1-35 to PAD to allow a single family residential development with up to 62 lots.

Location: West of the southwest corner of 83rd Avenue and Happy Valley Road



Not to Scale

EXHIBIT C



- Property Gross: 45.7 Ac. Property Net: 39.3 Ac.
- 2.8 Ac. of Useable Open Space Provided (7%)
- 2.1 Ac. of other HOA maintained Open Space (5%)
- 5.9 Ac. of Natural Open Space Provided. 5.9 Ac. Required (15%)
- 10.8 Total Ac. Open Space (27.5%)

Trails/Sidewalks

Happy Valley 40 Conceptual Development Plan

Happy Valley 40

A Single Family Residential Planned Area Development

Zoning Case Z13-0006

Owner

Happy Valley Funding LLC
4350 E Camelback Rd, Suite E240
Phoenix, AZ 85018

Applicant

Happy Valley Land Partners LLC
4222 E Camelback Rd, Suite H100
Phoenix, AZ 85018

3rd Submittal

Table of Contents

Development Team	1
Planned Area Development Overview	2
Project Development Standards	5
Grading, Drainage and Retention	9
Water and Wastewater	10
<u>Exhibit A</u> (Legal Description)	13
<u>Exhibit B</u> (Concept Plan)	14
<u>Exhibit C</u> (Parks and Open Space Map)	16
<u>Exhibit D</u> (Street Lighting)	18
<u>Exhibit E</u> (Signage)	19
<u>Exhibit F</u> (Entry Concept)	20
<u>Exhibit G</u> (Roadway Sections)	21
<u>Exhibit H</u> (Slope Analysis)	24
<u>Appendices</u>	

Development Team

Developer

M3 Companies, LLC

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Phoenix, AZ 85018

602-386-1308

Land Planning and Landscape Design

Greey/Pickett

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Scottsdale, AZ 85251

480-609-0009

Engineering

Slater Hanifan Group

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Phoenix, AZ 85028

602-687-9664

Happy Valley Land Partners LLC, an Arizona limited liability company, whose manager is M3 Builders, LLC (“**HVLP**”) is submitting a request for the rezoning of 45.7 gross acres from R1-35 to Planned Area Development (“**PAD**”). The 45.7 gross acres is located on the south side of Happy Valley Road west of 83rd Avenue and east of 91st Avenue (the “**Property**”).

The PAD would allow for up to 62 single family home lots (1.36 du/acre) in a well-planned cohesive subdivision with 27.5% of open space (the “**Project**”). The Property has 80 feet of slope from north to south from Happy Valley Road and is an isolated parcel surrounded by approximately 100 acres of State Trust Lands.

The general market area surrounding the Property has grown substantially over the past few years and is transitioning to a more suburban market, specifically to the west and north of the Property. Happy Valley Road borders the northern portion of the Property and is a six-lane major arterial street; it was completed in 2008. The current traffic count is 19,100 vehicle trips per day and will substantially increase in traffic with the continued development of commercial and higher density residential at the intersection of Happy Valley Road and Lake Pleasant Parkway, and further to the west in Vistancia and along the 303 corridor. A mix of residential densities has been developed in the area immediately surrounding the Property; State Trust Lands zoned Agricultural surround the Property; R1-18 (on the east side of 83rd Avenue from Hatfield Road south to Deer Valley Road) to SR-43 to the south, west and east of the State Lands; a PAD is planned immediately to the north of Happy Valley Road (PAD Z97-13A2) and West Wing, a Planned Community Development (PCD Z98-09A9) is located to the north of PAD Z97-13A2.

The Project site plan is based upon single family residential home lots with an overall density of 1.36 dwelling units per acre. The actual width, depth and size of each lot within the Project will vary based on changing terrain and development constraints to provide a more fluent and desirable community. It is anticipated that there will be one or two builders within the Project, with architectural design guidelines being imposed by the developer to maintain continuity within the Project. The size of lots will vary with a minimum of 12,000 square feet to greater than 18,000 square feet, thus allowing for a mix of different product types and price points. The majority of lots within the community will be 18,000 square feet or greater. The Project design incorporates natural open spaces throughout the community, walking trail and sidewalk throughout the community, increased landscaping as well as a central landscaped park, and a sound wall along Happy Valley Road.

The PAD, as submitted, meets the City of Peoria submittal requirements for planned area developments. Several meetings have been held with the staff to discuss the design constraints, solutions to these constraints and site planning options. The result of these meetings is set forth in this application which includes planning documents, standards and guidelines for the build out of the Project. The use of a PAD will allow the Project to establish a unique character, inclusive of open space, which is otherwise unattainable under the Property's current zoning of R1-35.



Relationship to Surrounding Properties

The Project is approximately 1,500 feet from the intersection of Happy Valley Road and 83rd Avenue and 1,200 feet west of the intersection of Happy Valley Road and 91st Avenue. To the north of the Property across Happy Valley Road is the planned Sunrise Canyon PAD, a 209 acre community planned for single family residential lots, ranging from .5 acre to over 1 acre lots. Due to the terrain and hillside conditions of Sunrise Canyon, higher density residential was not feasible.

To the south, east and west of the Property are State Trust Lands zoned AG, General Agricultural. Running on the southern border of the State Trust Lands are a 230 foot wide SRP

easement for high power lines and a 60 foot wide El Paso Gas easement. The gas and electric easements provide a 230 foot buffer to the R1-35 and SR-43 single family residential to the south. The distance from the southeastern corner of the Property to the closest single family residential property line is approximately 300 feet located in R1-35 (Z94-28).

Two small parcels of vacant land are located along the west side of 83rd Avenue approximately 1,000 feet to the east of the Property between the State Trust Lands and 83rd Avenue (created by the re-alignment of 83rd Avenue), zoned SR-43. To the west of the State Trust Lands, approximately 1,350 feet from the Property on the west side of 91st Avenue are single family lots ranging in size from SR-35 to SR-43.

General Plan

The Property is designated as “**Residential/Estate**” with a density of 0-2 du/ac on the City of Peoria’s General Plan Land Use Map. This PAD application is consistent with the current General Plan designation with an average density of 1.36 dwelling units per acre; however, it exceeds the “Target Density” designation outlined in the General Plan. The “Target Density” allocation for “Residential/Estate” land designation is 1 dwelling unit per acre. The average planned density for the Project is 1.36 density units per gross acre. In accordance with Section 2.c of the General Plan, which outlines allowances for exceeding Target Density, the project will implement enhanced design and architectural standards; the Property open spaces will be planted with water conservation and preservation of native vegetation in mind, community design to allow variation in lot sizing; and additional open space above what is required by the City of Peoria.

Explanation of Rezoning Request

The Project has many design constraints, such as a six-lane arterial roadway along its northern border, sloping topographical conditions with 80 foot of fall from north to south across the site, multiple drainages created as a result of the construction of Happy Valley Road and the drainage being disbursed onto the Property, and an irregular shape as a result of a larger than typical dedication of right of way for Happy Valley Road to the City of Peoria, all of which have been overcome in the design concepts for the Project. The use of a PAD will accommodate these design constraints while remaining consistent with the General Plan. The PAD limits the overall density to 62 density units or 1.36 units per gross acre.

This PAD report includes conceptual designs of the Project’s entrance, walls, landscaping, lotting pattern and sizes, community parks, and natural open space. The primary entrance into the Project will be located on the south side of Happy Valley Road approximately 3,100 feet west of 83rd Avenue. The interior streets will be privately owned and maintained, but designed and constructed to the City of Peoria street standards. Improvements to Happy Valley Road will be in accordance with approved traffic plans,

Useable open space is provided within the Project via a large centralized community park, as well as a smaller pocket park which will be connected through sidewalks and pathways within the Project. Retention areas surrounding these park areas will also be landscaped to enlarge the useable park area. The Project provides approximately 10.8 acres or 27.5% of total open space within the Property. The landscaped area within the right-of-way between Happy Valley Road and the north property line will also be maintained by the community.

The slope is within the City right of way, but due to the elevation changes and the requirement for an 8' foot tall sound wall along Happy Valley Road, this 2.1 acre parcel of City right of way will be best served if it is maintained and landscaped as part of the Project.

Permitted Principle, Conditional and Accessory Uses

Permitted Principle Uses

- a. One detached single-family dwelling unit per lot.
- b. All permitted uses in accordance with the City of Peoria Zoning Ordinance 14-5-2.

Permitted Conditional Uses

- a. Conditional uses permitted by the City of Peoria Zoning Ordinance 14-5-3

Permitted Accessory Uses

- a. Permitted Accessory uses shall comply with the City of Peoria Zoning Ordinance Article 14-5-4

Project Phasing

Development of the Project will occur in one or two phases and the houses will be constructed by one or two merchant home builders to be completed in multiple phases.

Project Development Standards

- a. Lot Coverage: 50% Maximum
- b. Setbacks:
 - Front Setback (ft) - Side Entry Garage¹ (10')*
 - Front Setback (ft) - Front Facing Garage (20')**
 - Interior Setback (min/total ft) - (5'/15')
 - Rear Setback (ft) - (15')
 - Corner Setback (ft) - (10')

- * Not more than 60% of the total front-facing elevation shall occur at the 10 foot setback.
- ** Where front-facing garages are present, a 10 foot front setback shall apply to the livable portion of the home provided that not more than 60% of the total front-facing elevation occurs at the 10 foot setback.
- ¹. Side-entry garages shall be prohibited on corner lots.

c. Minimum Lot Size(s):

- All lots: 12,000 square feet or greater
- Minimum 50% of lots 18,000 square feet or greater
Maximum 62 lots total

d. Building Heights: Maximum of 30'

e. Accessory Use Standards: Accessory uses shall comply with the City of Peoria Zoning Ordinance Article 14-5-8

f. Open Space Requirements: The Project will contain a total of 10.8 acres of open space comprised of 2.8 acres of useable open space, 2.1 acres of HOA maintained open space, and 5.9 acres of natural open space. 5.89 acres of Natural Open Space is required per the Desert Lands Conservation Overlay, the Project meets this requirement. Community parks, trails, retention areas and other open spaces will be improved with plant material that will conform to the low water use plant requirements of the Arizona Department of Water Resources. Multi-Use trails wind around the community park with connectivity to all adjacent residential streets. The community park will also provide amenities including a useable turf area and additional amenities such as sport court, play structure, shade structure, bench seating, gathering node, and barbeque area.

g. Lighting: Lighting shall conform to Article 14-3-2F of the City of Peoria Zoning Ordinance governing exterior lighting for residential development. Lighting within the Project will be upgraded from standard fixtures in order to enhance the appeal of the community. Specific fixtures have not been selected yet; examples, however, are provided with this application.

h. Roadway Standards: The entrance into the Project will be gated and is located on Happy Valley Road, approximately 3,100 feet west of the 83rd Avenue intersection. This entry provides long range views of the valley to the south and the neighborhood park, then winds east and west before each branches off into several short streets culminating in cul-de-sacs. The entry provides a 70 foot minimum right-of-way, divided roadway section with one inbound and one outbound lane, a center landscaped median, a call box/gate control and a turn-around in compliance with the City of Peoria standards. The interior streets meet the City of Peoria standards and are planned within a 50 foot tract width utilizing two street standards: (1) a double loaded street (lots on both sides) having a 32 foot face of curb to face of curb pavement section, a five foot detached sidewalk on each side of the street, and a three

and one-half foot landscape buffer separating the back of curb from the detached sidewalk; and (2) a single loaded street (lots on only one side) having a 26 foot face of curb to face of curb pavement section, a five foot detached sidewalk on each side of the street, and a six and one-half foot landscape buffer separating the back of curb from the detached sidewalk.

- i. Parking: Parking shall be in conformance with Article 14-23 of the City of Peoria Zoning Ordinance. The double-loaded streets with the 32 foot pavement section will permit parking on both sides of the street while the narrower single-loaded streets with the 26 foot pavement section will only allow parking on one side of the street.
- j. Screening, Fencing and Walls: The standards for fencing and walls shall be in conformance with Article 14-3-5 of the City of Peoria Zoning Ordinance. Screening shall be in conformance with the standards set forth in Article 14-3-4 of the City of Peoria Zoning Ordinance. Thematic wall design will complement the Project's identity established at the community entry monument at Happy Valley Road. Thematic walls will be provided along Happy Valley Road and within the Project along property boundaries with the exception of view walls/fencing which will be located adjacent to open space. The Project's theme will be emphasized by a consistent use of enhanced materials and detailing throughout the community
- k. Enhanced Design Review Standards: The Project will be developed in accordance with Chapter 3 (Single Family Residential) of the City of Peoria's Design Review Manual. The Project will include safe and efficient roadway design which will minimize potential vehicular and pedestrian conflict within the community. A centrally located community park will be the visual terminus and focal element when entering the Project. The gated entry will provide a unique design including decorative walls, gates and paving material, an enhanced landscape median and vehicle turn around. Single family residential architectural features will include diverse housing floor plans, elevations, material and colors. All houses within the Project will include enhanced design elements.
- l. Enhanced Architectural Design Elements:
 - Four-sided architecture. Rear and side elevations shall have architectural treatments consistent with the front elevation.
 - Enhanced building articulation and materials including porches and front entries. Shade elements will be thoughtfully integrated to provide protection from the desert sun.
 - Residential architecture will provide well-articulated public spaces including porches and patios, meaningful front door design, feature window, and thoughtful design and material selection for garage doors.
 - Changes in volume, building plane, sloping roofs and porches will be used to reduce the perceived scale of the structure.

- Basic architectural shapes and volumes, and uncluttered architectural details are encouraged.
 - Variety in buildings materials and colors is encouraged within a neighborhood, but should also compliment the natural desert environment.
- A simple and harmonious application of materials is encouraged. Materials changes will occur when there is a change in volume or plane, or other logical change.
- Residential streets will contain a variety of floor plans and building elevations to create a diverse streetscape. A minimum separation of at least three lots will be maintained for any model with similar elevation, colors and materials.
- A mix of materials, colors and façade treatments will be employed.

Project Signage Standards

Signage shall conform to the standards in Article 14-34 of the City of Peoria Zoning Ordinance. A permanent subdivision identification sign will be located at the Project entry at Happy Valley Road. The entry monument signage shall conform to Article 14-34-28 of the City of Peoria Zoning Ordinance.

Project Landscape Standards

Landscaping for the Project shall conform to the requirements set forth in Article 14-35 of the City of Peoria Zoning Ordinance, except in the immediate area adjacent to the Happy Valley Road right of way. In the area adjacent to the Happy Valley Road right of way, landscape areas are to be allowed on both sides of the sound wall which shall be constructed in similar fashion to the existing sound wall along Happy Valley Road adjacent to the Property. The grading of the slope which is south of the sound wall and north of the wall located on the residential lot line shall accommodate a landscaped bench area adjacent to the sound wall which will vary in width based upon the height of the slope and the amount of area between the sound wall and the lot line. The intent of the bench area is to support plant materials which when planted will have a canopy higher than the top of the sound wall. The slope between the sound wall and the residential lot wall will be graded at no less than a 2.5 to 1 and be no less than 10' in width when measured from the face of the wall on the lot line to the face of the sound wall. The slope area within the city of Peoria right of way along Happy Valley Road (approximately 2.1 acres) will be graded and landscaped by the Developer at its expense. The Developer shall work with the City in making application to the state of Arizona for modification to its existing easement within the right of way to accommodate the aforementioned improvements.

Throughout the community landscaping will be designed to be ecologically smart, and with water preservation in mind. The community will be landscaped with native desert landscaping that requires minimal amounts of water. Other water preservation for non-native materials will

include water-sensing irrigation valves, as well drip irrigation to replace spray irrigation for appropriate applications.

Slope Analysis

The existing topography for the Project slopes generally from north to south with the majority of slope ranging from 0%-10%. The site is approximately 0.4 miles downstream of the Peoria Sunrise Mountain Preserve. There is a rock outcropping that has been sheared off on the north side by construction of Happy Valley Road improvements which rises 15 feet above the existing road surface and is located 0.5 mile northwest of the intersection of 83rd Avenue and Happy Valley Road. The minor hill formation is a remnant of the construction of Happy Valley Road constructed by the City of Peoria and does not provide any scenic value or natural hillside characteristics. The formation slopes from North to South, with the North portion of the formation rising vertically 15 feet from the crest to Happy Valley Road right of way before it slopes south within the project boundaries. This natural formation will remain in place as natural open space while retaining its natural hillside characteristics. The site elevation ranges from a high of 1,438 feet above mean sea level atop the hill to 1,358 at the southeast corner of the site. A slope analysis map has been prepared in accordance with the City of Peoria requirements as set forth in Article 14-22A-3.E.2. The existing outcropping will be removed as a part of the mass grading program to effectively and efficiently develop the site.

Grading, Drainage and Retention

The Project is a proposed residential development comprised of 62 single-family residential lots, interior circulating streets, retaining and perimeter walls, drainage channels and structures, storm water retention basins, and open space amenities.

The existing topography for the Project slopes generally from north to south with slopes ranging from 5-10%. The site is approximately 0.4 miles downstream of the Peoria Sunrise Mountain Preserve. The site is primarily undisturbed Sonoran desert land with typical vegetation, including native cactus, bushes and grasses with several trails and dirt roadways crisscrossing it.

All grading will conform to City of Peoria requirements. Debris, vegetation, and other deleterious material will be stripped/removed from areas proposed for structural fill placement prior to construction. Site development will consist of typical cut and fill earthwork to attain the desired graded construction of one- to two-story detached single family residential structures using conventional construction equipment. Final site grade will be within 10 feet of existing site elevations with no basements or below grade structures proposed.

Two options for lot grading will be utilized due to underlying bedrock conditions on site. The first option includes providing up to a three foot fill blanket of moisture conditioned and compacted soil for uniform support of structures at building pads where over excavation would encounter bedrock. The second option involves excavating the proposed building pads to grade then over excavating the building pad. The foundation soil for the second option shall consist of moisture conditioned and compacted soil or bedrock.

Street grading involves over excavation and then a minimum 12-inch moisture conditioned and compacted soil sub grade base will be placed. The finish floor elevations will be set at a minimum of 14 inches above the expected 100-year water surface elevation of the drainage channels, basins and low outfall elevation of the site.

Offsite flows from drainage areas north of Happy Valley Road and from Happy Valley Road improvements are concentrated in existing storm drain culverts constructed under Happy Valley Road. These concentrated flows then outlet at the north boundary of the site via concrete structures in the roadway embankment then are conveyed into ephemeral washes south through the site. The seasonal washes traverse the site from north to south. These offsite flows will be conveyed in underground storm pipes or via earthen channels from north to south across the site within dedicated drainage easements before discharging to their historic flow path on the parcel's southern boundary. When necessary, off-site runoff will be detained within on-site retention basins before discharging at their historic outfall locations. The on-site retention basins will be constructed with weir outlets to maintain flow rates and velocities equal to or less than pre-development levels.

Drainage for the proposed storm water management system onsite is proposed to sheet flow runoff to the paved roadway section where it will be captured and conveyed within 6" vertical curb. Flows will then be conveyed along the streets to catch basins and scuppers located at low points. From these inlets, storm water runoff will be conveyed via underground storm drain pipes or graded swales to retention basins located in landscaped open space throughout the site. The retention basins will be appropriately sized to retain the on-site 100-year, 2-hour storm event runoff volume generated by the post-development condition. Bleed-off systems will be constructed for the retention basins to outlet into the natural washes to meet the required 36-hour dry up time.

Wash Preservation

Washes within the Property will be preserved according to the drainage plan for the Property, as well as the Army Corps of Engineers Section 404 requirements. During the course of construction, washes that are to be mitigated will be fenced in order to maintain the integrity of the wash. Washes that have been created by artificial conditions from the construction and

placement of Happy Valley Road will not be maintained to this standard, as they are not naturally occurring.

Water and Wastewater

The Project is located within the Sunrise Water Company service area and will connect to the Sunrise Water Company system. A watermain extension for a looped onsite water system is anticipated. In order to provide reliable water service in conformance with the adopted pressure standards of Sunrise Water Company, a looped distribution system has been proposed to provide adequate flow conditions when modeled for the Average Day, Peak Hour and the Maximum Day plus Fire Flow as required. The looped water system is planned to have a point of connection on two separate waterlines which will provide redundancy in the onsite system.

Southwest of the Project site, an existing waterline (currently 6") runs from 91st Avenue to 89th Avenue in Hatfield Road, then south in 89th Avenue. An existing waterline (currently 8") runs north from Calle Lejos in 83rd Avenue and terminates at West Via Lindo southeast of the site. Conceptually, these two waterlines are the proposed points of connection in order to serve the proposed development. Dedicated utility easements across adjacent State Trust Lands will be obtained prior to connection and construction of the watermain extensions to the project site.

The onsite water system facilities shall include the appurtenances necessary for the proper conveyance and service of water within the system and to conform to the applicable Maricopa Association of Governments Uniform Standard Details and Specifications for Public Works Construction. The water distribution and service lines will be appropriately sized to assure they are adequate to satisfy fire flow and pressure requirements. Proposed water pipes will be sized for the total design flow of the Maximum Day Demand plus the Fire-Flow at 20 psi, minimum. Onsite the water distribution lines will be constructed within the dedicated private roadway tract and/or dedicated utility tracts in standard locations conforming to the City of Peoria Infrastructure Design Guidelines.

The Project will be served by the City of Peoria for wastewater. The proposed onsite sewer mains (8" anticipated) will be constructed within the 50' private roadway tracts or within dedicated utility tracts. Due to the natural topography of the site, two sewer outfalls maybe required. Two existing sewer mains have been identified for potential mainline extensions (8" anticipated) and connection to serve the project. The first is an existing manhole in 83rd Avenue and West Via Lindo. An existing 30' utility easement has already been dedicated across the State Trust Lands to accommodate this connection. A second point is an existing offsite sewer main in 89th Avenue, north of Calle Lejos. Additional utility easement dedications across State Trust Lands will be required and obtained.

Calculations demonstrate an 8" pipe will provide 389 gpm capacity flowing full at the City of Peoria minimum allowable 0.0050 ft/ft slope. Based on the preliminary calculations (See Water and Wastewater Analysis in Appendix), it is anticipated that 8" onsite sewer mains throughout the Project will provide sufficient capacity to serve the demands of the Project.

Electrical Power, Natural Gas and Telephone

All dry utilities will be undergrounded within the 8' PUE on either side of the 50 foot private street/utility tract. Electric service will be provided by Arizona Public Service, telephone service will be provided by CenturyLink and the cable service provider will be Cox Communications. The closest natural gas facilities are approximately one half mile from the Property. Should the developer choose to extend the main gas line to provide service to the Project, Southwest Gas Corporation would provide gas service.

Exhibit A

Legal Description

The land referred to herein below is situated in the County of Maricopa, State of Arizona and is described as follows:

Banden Mine and Banden Mine No. 2, located in Sections 3 and 10, Township 4 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona; as more fully described in survey #2597 of the Arizona Land District.

Exhibit B
Concept Plan



32: > 18,000 sf Lots

30: 12,000 - 18,000 sf Lots

62 Total

Happy Valley 40 Concept Plan

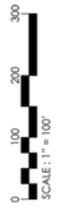


Exhibit C

Parks and Open Space Map

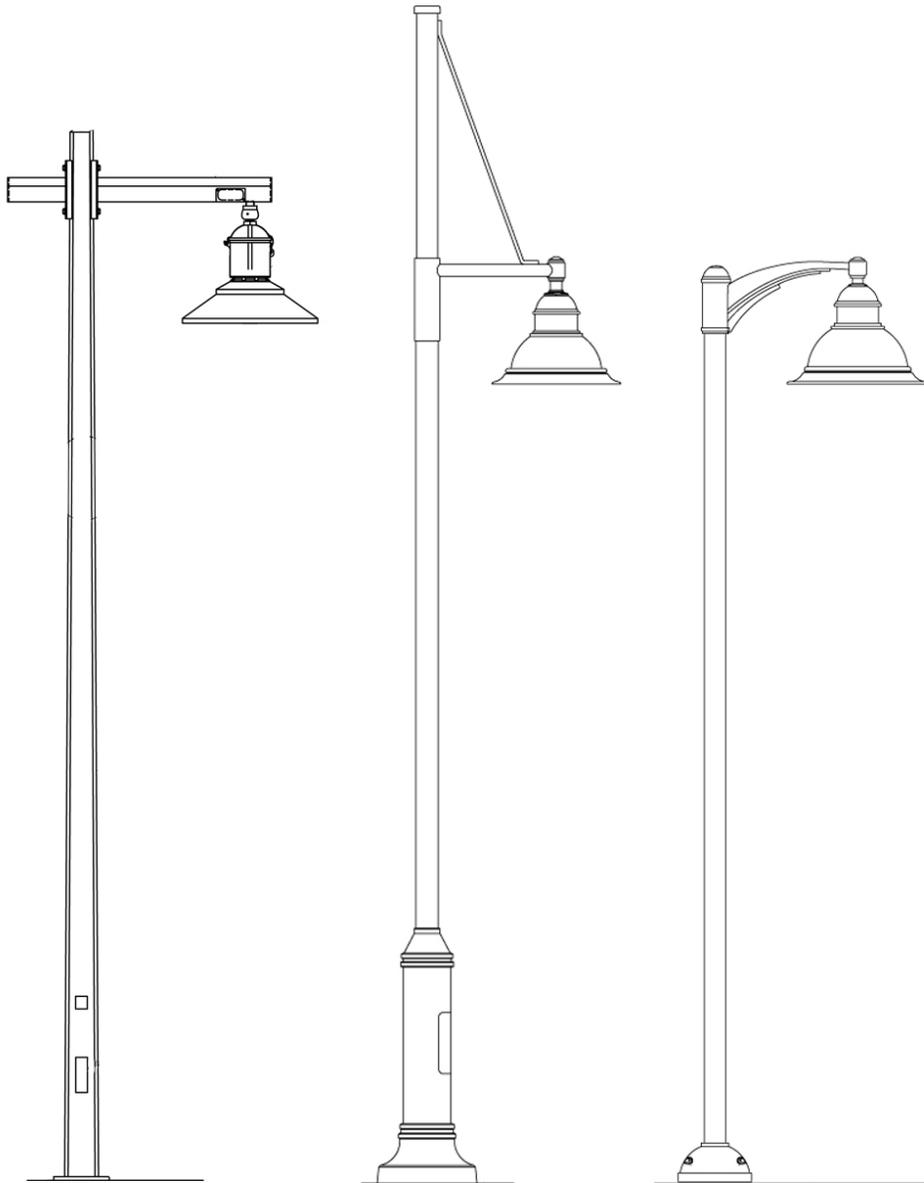


- Property Gross: 45.7 Ac. Property Net: 39.3 Ac.
- 2.8 Ac. of Useable Open Space Provided (7%)
- 2.1 Ac. of other HOA maintained Open Space (5%)
- 5.9 Ac. of Natural Open Space Provided. 5.9 Ac. Required (15%)
- 10.8 Total Ac. Open Space (27.5%)

Trails/Sidewalks

Parks, Open Space & Trails Plan

Exhibit D
Street Lighting



Potential Street Lighting Examples

Exhibit E
Signage



Subdivision
Signage Examples

Exhibit F

Community Entry Concept

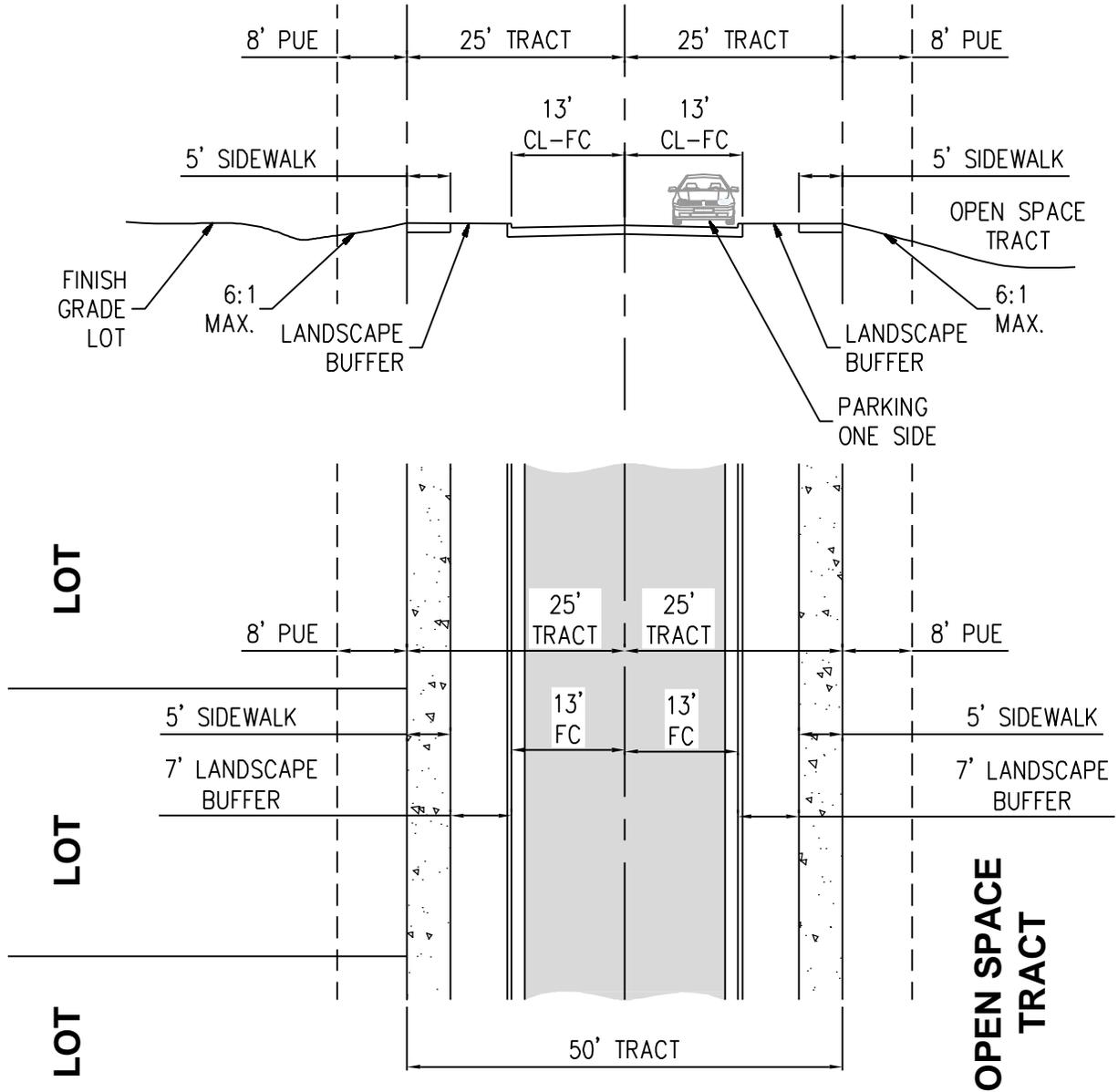


Community Entry Concept

Exhibit G

Roadway Sections

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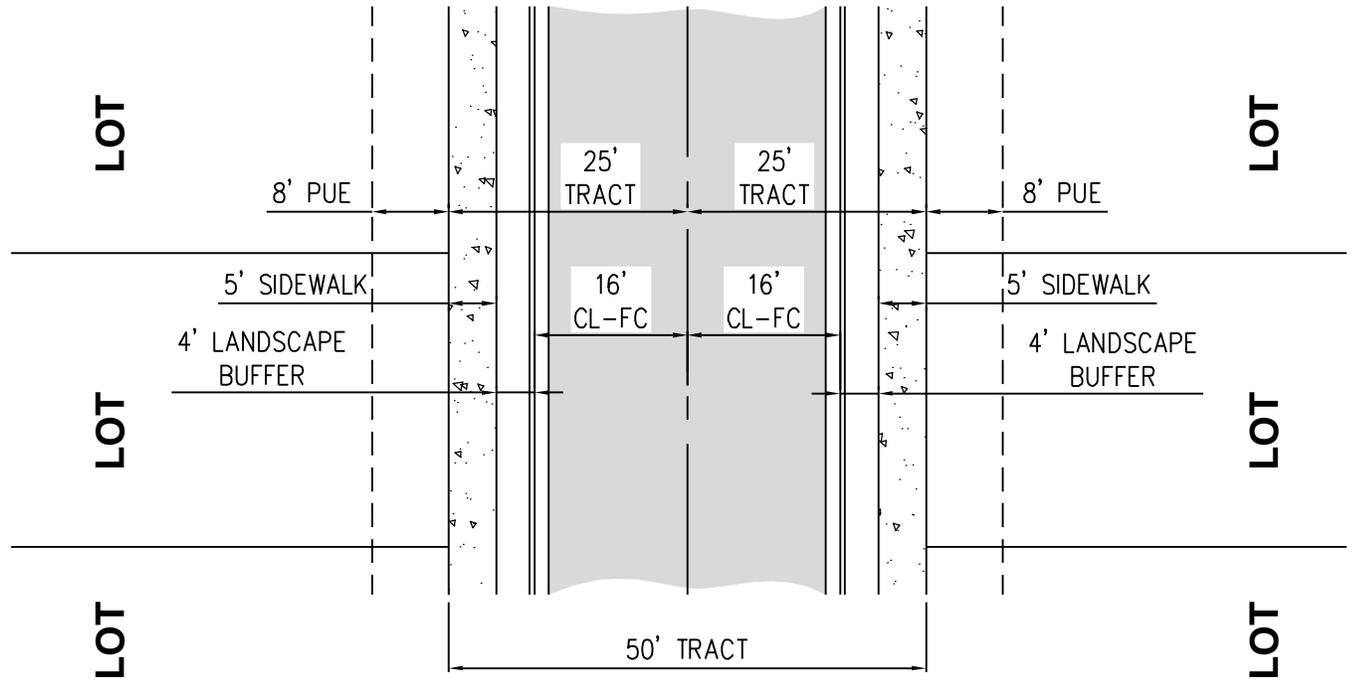
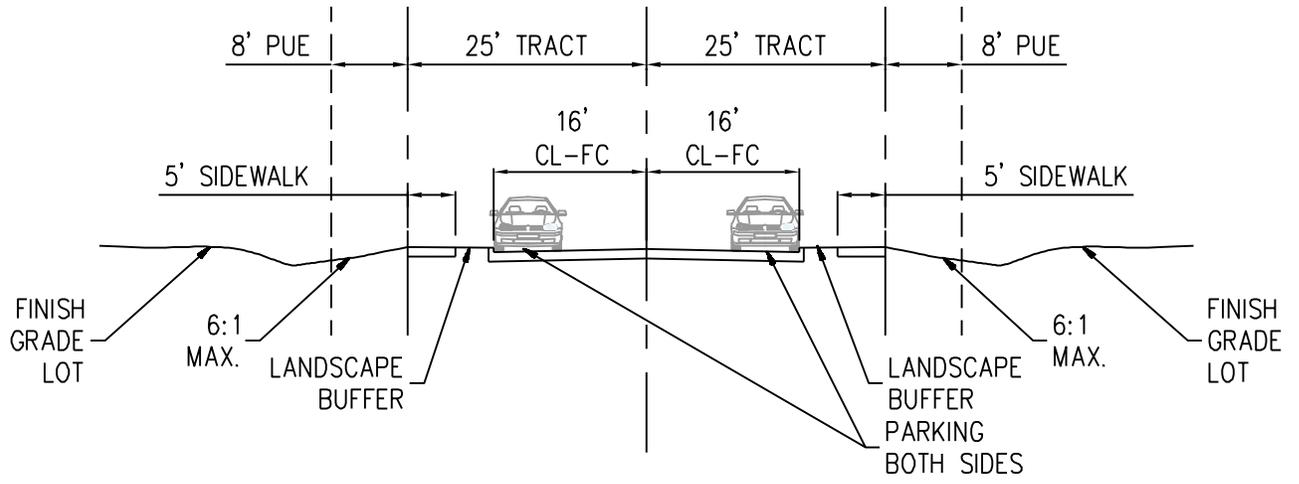
CITY OF PEORIA
 STANDARD DETAIL PE-010-6
 PRIVATE STREET
 26' PAVEMENT PROVIDES PARKING ONE SIDE

S-I-G
SLATER HANIFAN GROUP
 CONSULTING ENGINEERS & PLANNERS
 11801 N. TATUM BOULEVARD #123, PHOENIX, AZ 85208
 PHONE (602) 687-9664

HAPPY VALLEY 40
TYPICAL 26' FC-FC
PRIVATE STREET DETAIL

DATE: 04-02-2013	PROJECT NO. M3C1201
DRAFTER: DJC	
DESIGNER:	
CHECKED: TLO	SHEET 1 OF 3

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CITY OF PEORIA
 STANDARD DETAIL PE-010-6
 PRIVATE STREET
 32' PAVEMENT PROVIDES PARKING BOTH SIDES

S-I-G
SLATER HANIFAN GROUP
 CONSULTING ENGINEERS & PLANNERS
 11801 N. TATUM BOULEVARD #123, PHOENIX, AZ 85208
 PHONE (602) 687-9664

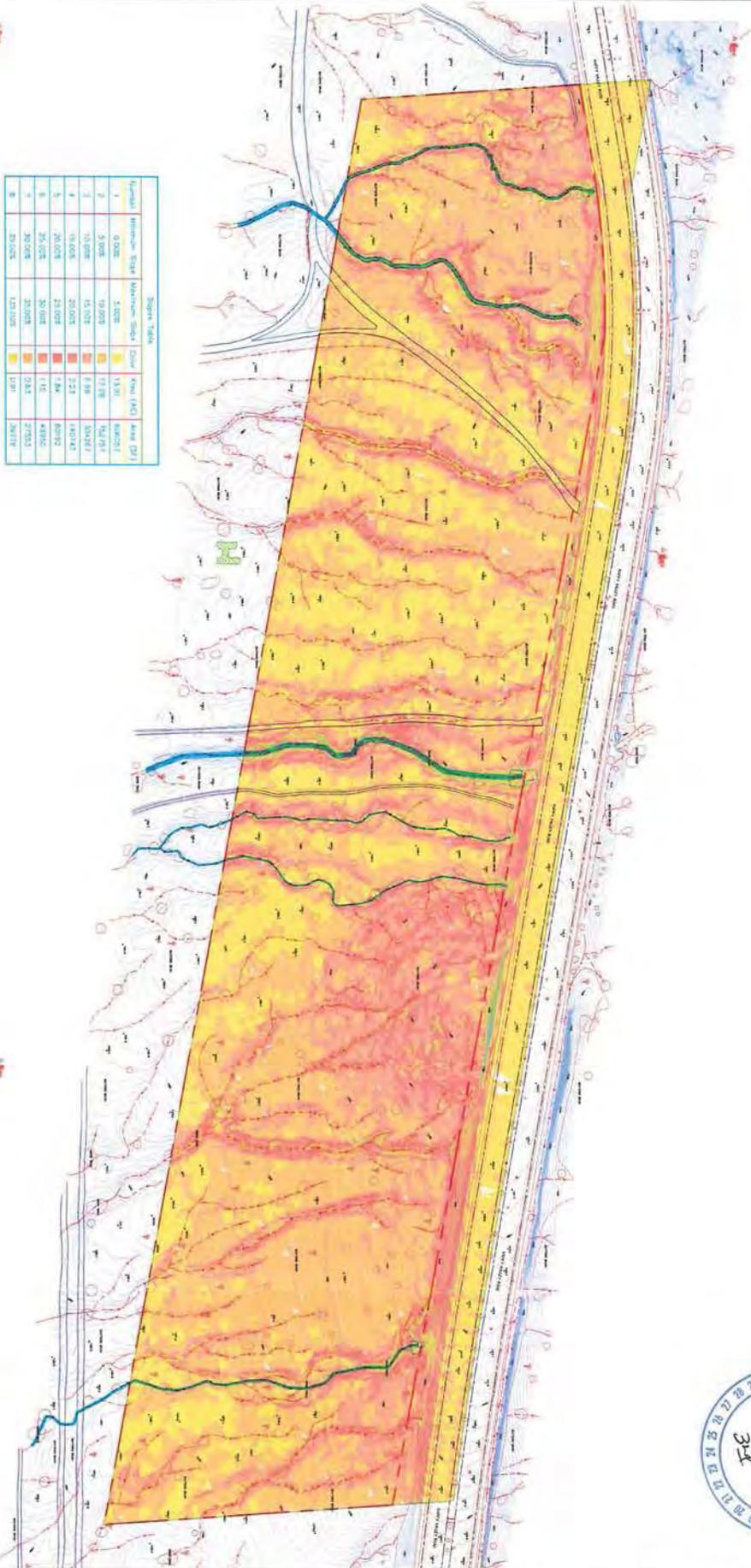
HAPPY VALLEY 40
TYPICAL 32' FC-FC
PRIVATE STREET DETAIL

DATE: 04-02-2013	PROJECT NO. M3C1201
DRAFTER: DJC	
DESIGNER:	
CHECKED: TLO	SHEET 2 OF 3

Exhibit H

Slope Analysis

Hydroal	Minimum Slope	Maximum Slope	Color	Area (Ac)	Area (Sq Ft)
1	0.00%	5.00%	Yellow	1,170	50,021
2	5.00%	10.00%	Light Orange	12,78	547,74
3	10.00%	15.00%	Orange	8,49	367,41
4	15.00%	20.00%	Red-Orange	7,73	331,42
5	20.00%	25.00%	Red	7,94	337,92
6	25.00%	30.00%	Dark Red	1,16	48,94
7	30.00%	35.00%	Dark Red	2,83	117,53
8	35.00%	40.00%	Dark Red	1,91	78,19



DATE: 04/04/2013
 DRAWN BY: CJ
 CHECKED BY: CJ
 PROJECT NO: M31201-001

HAPPY VALLEY 40
PRELIMINARY SLOPE MAP
PEORIA, ARIZONA

NO	DESCRIPTION	DATE	BY	APP	DATE

S-I-G SLATER HANIFAN GROUP
 CONSULTING ENGINEERS & PLANNERS
 11891 N. TATUM BOULEVARD #123, PHOENIX, AZ 85028
 PHONE (602) 687-9664

SA-1
 SHEET 1 OF 1

APPENDICES

Appendix 1 – Traffic Study

Appendix 2 – A.L.T.A.

Appendix 3 – Preliminary Grading Plan

Appendix 4 – Preliminary Utility Plan

Appendix 5 – Preliminary Drainage Plan

Appendix 1 – Traffic Study



1904 East Medlock Drive • Phoenix • AZ • 85016

Phone: 602 • 277 • 4224 Fax: 602 • 277 • 4228 e-mail: task@taskeng.net

November 25, 2013

Ms. Tara O'Connor
Slater Hanifan Group
11801 N. Tatum Blvd. #123
Phoenix, AZ 85028

E-mail: toconnor@shg-inc.com



RE: Traffic Statement for Happy Valley 40 Residential Development on Happy Valley Road, Peoria, AZ

Dear Ms. O'Connor:

This traffic statement examines traffic issues and impacts of a proposed 62 lot gated residential development in northern Peoria, Arizona. This development is located south of Happy Valley Road between 83rd Avenue and 91st Avenue. It is connected to Happy Valley Road by a divided, local entrance. The units are planned as single-family residential dwellings.

This revised report incorporates comments from the City of Peoria dated April 3, 2013 and October 30, 2013. These comments and a memorandum describing how each is incorporated into the revised report are found in Attachment 3.

Happy Valley Road is a six lane divided roadway classified as an arterial. It has a 16 foot wide median and a 65 foot wide half street right of way adjacent to the site, which are consistent with a standard major arterial cross section.

There is a proposed median break on Happy Valley Road at this location. Current traffic volume on Happy Valley Road is 19,100 ADT, according to traffic counts taken in September, 2012 (See Attachment 1).

SITE CONDITIONS

The attached Exhibit 1 shows the new proposed lotting plan for the site. There are 62 single family residential lots. There is one divided entry access point onto Happy Valley Road, located $\pm 3,050$ feet west of 83rd Avenue, and $\pm 2,450$ feet east of 91st Avenue, measured from near curb to near curb. 83rd Avenue is the nearest intersection to the east and 91st Avenue is the nearest intersection to the west.

TRIP GENERATION

The next step in estimating traffic from the proposed development is to calculate the total estimated vehicle trips to and from the site on an average weekday after the site has been completely built out. This is called trip generation. Vehicle trips are estimated for a total average weekday and for AM and PM peak hours. *Trip Generation, Ninth Edition*, published by the Institute of Transportation Engineers (ITE) in 2012 was the source for the trip rates used in this study. All trip rates for the area are calculated from the ITE equations for weekday and peak hour of the generator.

Table 1 presents the resulting trip generation. The proposed lotting plan is expected to generate 676 total calculated trip ends per average weekday, with 53 morning peak hour and 68 evening peak hour trips. There are 40 outbound trips in the morning peak hour, and 43 inbound trips in the evening peak hour.

Table 1
Trip Generation
Happy Valley 40 Traffic Statement

	Proposed
LUC	210
Units	DUs
Amount	62
Trip Rates:*	
Daily	10.91
AM Peak Hour	0.86
PM Peak Hour	1.10
% Inbound:	
AM Peak Hour	25%
PM Peak Hour	63%
Trips:	
Weekday	676
AM Peak Hour Inbound	13
AM Peak Hour Outbound	40
Total AM Peak Hour	53
PM Peak Hour Inbound	43
PM Peak Hour Outbound	25
Total PM Peak Hour	68

* Equations used to calculate rate

The terms on Table 1 are explained below.

LUC is the Institute of Transportation Engineers (ITE) Land Use Code. It refers to the section of the ITE manual from which the trip rates were obtained.

Units specify the type of land used for generating trips. In this case, the number of dwellings units was used to estimate the generated trips from the site.

Amount is the number of dwellings units expected in the Parcels after full build out conditions.

Rates present the number of daily, AM peak hour, and PM peak hour vehicle trips to and from the subject land use per unit.

Percent Inbound is the percentage of AM and PM vehicle trips arriving inbound at the land use. The remaining percent of trips are leaving outbound. For daily trips, it is assumed that 50 percent are inbound trips and 50 percent are outbound trips.

Trips are the calculated number of trips. They are calculated as the amount times the rate times the percent inbound or outbound.

TRAFFIC DESIGN ISSUES

Exhibit 2 shows existing traffic and expected 2015 traffic on Happy Valley Road. It also shows total 2015 traffic and expected level of service. A 3.2 percent growth factor is applied to 2013 traffic, and a 3 percent seasonal adjustment is made to obtain estimated 2015 background traffic. Site traffic is expected to split with 70 percent traveling east and 30 percent traveling west, proportional to the amount of employment within 10 miles of the site. Exhibit 2C shows the resulting site traffic.

The resulting level of service is shown on Exhibit 2E. The worst case movement is the northbound left turn, which is LOS D in the morning peak hour and LOS C in the evening peak hour (See Capacity Summaries in Attachment 2). Separate right and left outbound lanes are recommended to avoid delay to right turns. There is a ±100 foot queue space between Happy Valley Road and the gate.

Right Turn Lane: City of Peoria criteria for a right turn lane are contained in a March 31, 2003 Engineering Department memorandum. A right turn lane is warranted if a minimum of three of the following criteria are met:

1. At least 5,000 vehicles per day are using or expected in the near future to be using the adjacent street.
2. The 85th percentile speed limit is greater than 35 mph or the posted speed limit is 35 mph or greater.
3. At least 1,000 vehicles per day are using or are expected to use the driveway for the development.
4. At least 30 vehicles are expected to make right-turns into the driveway for a one-hour period.

The development entrance onto Happy Valley Road meets the first two of these criteria, but not the last two. The expected total traffic per day on the entrance-way is 835, which is less than the 1,000 vehicle daily volume criterion. The maximum number of right turns in a peak hour will be 16, which is less than the 30 vehicle peak hour criterion. The site does not meet the warrant for a right turn lane.

The City memorandum of March 31, 2003 also states that right turn lanes “are required at all street intersections of Parkways, and Major Arterials.” The entrance to the Happy Valley 40 development is an intersection of a 6 lane divided arterial and a residential entrance road, so it does not meet this warrant.

From an engineering judgment viewpoint, the eastbound traffic on Happy Valley Road has three lanes and is traveling uphill with good sight distance. Bike traffic can be expected in the eastbound bike lane. With the small number of expected right turns it does not appear that a deceleration lane would be needed here. Considering this, it is a safer condition for bicyclists for right turning vehicles to be turning across the bike lane at slow speed at the corner, rather than at high speed at the entrance to a deceleration lane. Consequently it is recommended that an eastbound right turn deceleration lane not be built on Happy Valley Road at the project entrance.

Median Break and Left Turn Lane: A median break and a westbound left turn lane are recommended to provide access into the site. To provide adequate deceleration distance, a 100 foot taper and 100 foot straight section are recommended for the left turn lane. There is more than ¼ mile spacing between the proposed median break and median breaks to the east or west.

Site Access Driveway: The site access driveway is located along a straight section of Happy Valley Road with a curve to the west and a crest to the east. This location is fixed by the existing rough topography, an adjacent 404 wash, and at a location to maximize available sight distance along Happy Valley Road.

Sight distance for right and left turns is estimated based on roadway elevation plans. Table 2 compares estimated sight distance with needed sight distance according to Chapter 9 of *A Policy on Geometric Design of Highways and Streets, 6th Edition* (2011, American Society of State Highway and Transportation Officials).

Table 1
Sight Distances
Happy Valley 40 Traffic Statement

	Need	Have
Right Turn	530'	560'
Left Turn	727'	660'
Left Turn – 2 Stage		
Stage 1	610	647
Stage 2	610	655

Needed sight distance is intersection sight distance based on a design speed of 55 mph. Needed sight distance is increased due to the width of Happy Valley Road. These sight distance estimates are also based on the assumption that drivers waiting on the Access Driveway to turn onto Happy Valley Road are on a level section of road. There is adequate sight distance for a right turn and for a left turn based on the assumption that drivers will pause in the median to check for oncoming westbound traffic. Due to the expected volumes on Happy Valley Road, the 2-stage turn assumptions are reasonable in this case.

This location appears to be acceptable for an access to the land on the north side of Happy Valley Road. When development occurs north of Happy Valley Road, consideration should be given to locating an access at this location.

CONCLUSIONS

Traffic to and from the proposed site for 62 single-family, gated residential development can be met by the existing roadway network.

- The proposed site will have less than 100 peak hour trips.
- The existing 65 feet of right of way on Happy Valley Road is adequate.
- An eastbound right turn lane into the site is not warranted or recommended.
- A median break is recommended on Happy Valley Road at the site access point.
- The recommended left turn bay into the site is recommended to have ± 100 feet of straight section and ± 100 feet of taper.
- The site entrance approach to Happy Valley Road should be level with the roadway for at least one car length (25') at its junction with the main roadway.
- The site entrance location is set by topography, adjacent 404 wash and sight distance along Happy Valley Road. When development occurs north of Happy Valley Road, consideration should be given to locating an access at the location of the Happy Valley 40 access.

Happy Valley 40 Residential Development
11/25/2013
Page 6

I hope this analysis addresses the traffic questions regarding traffic access to the proposed site. If you have any questions or comments, or if I can be of any further help, please contact me at khowell@taskeng.net, or 602-277-4224. Thank you.

Sincerely,



Ken Howell, PE
Traffic Engineer

- | | |
|-------------|--|
| Exhibits: | 1. Happy Valley 40 Conceptual Plan |
| | 2. Traffic and Recommendations |
| Attachments | 1. Traffic Count |
| | 2. Capacity Summaries |
| | 3. City of Peoria Comments and Response Memo |

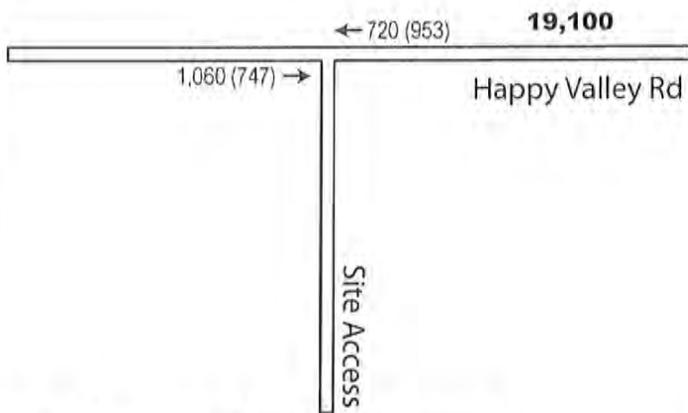
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- 32: > 18,000 sf Lots
- 30: 12,000 - 18,000 sf Lots
- 62 Total, 1.36 du/ac
- Property Gross: 45.7 Ac. Property Net: 39.3 Ac.
- 2.0 Ac. of Useable Open Space Provided/Required (5%)
- 6.0 Ac. of Natural Open Space Provided. (15%)

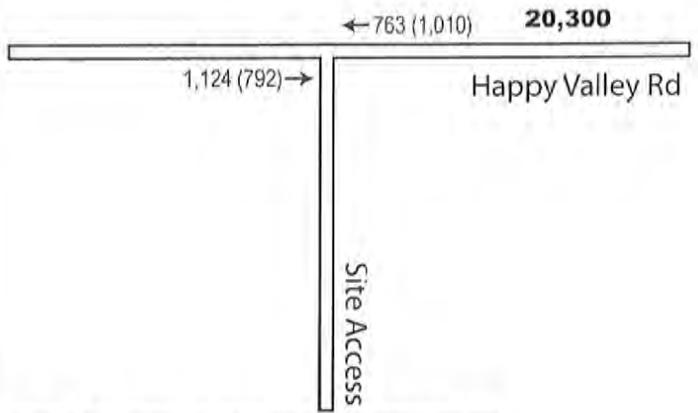
Happy Valley 40 Concept Plan "P"

A: Existing Traffic (Year 2013)



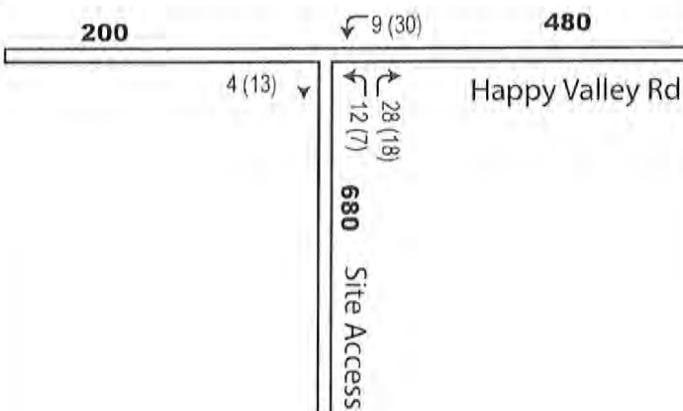
X(Y): AM (PM) Peak Hour Traffic
Z : Average Daily Traffic (in bold font)

B: Background Traffic (Year 2015)



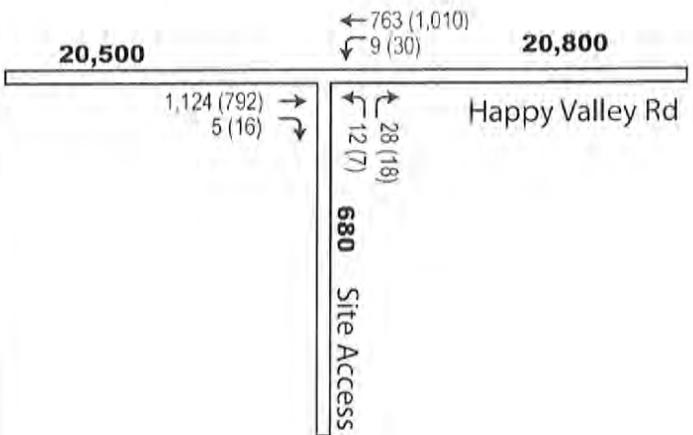
X(Y): AM (PM) Peak Hour Traffic
Z : Average Daily Traffic (in bold font)

C: Site Traffic



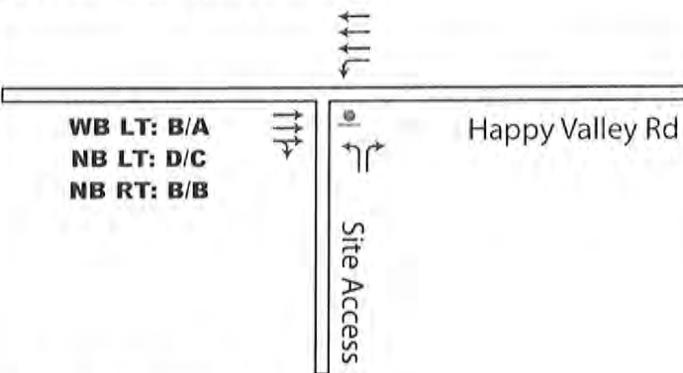
X(Y): AM (PM) Peak Hour Traffic
Z : Average Daily Traffic (in bold font)

D: Total Traffic (Year 2015)



X(Y): AM (PM) Peak Hour Traffic
Z : Average Daily Traffic (in bold font)

E: Level of Service (Year 2015)



X/Y: AM/PM Level of Service (LOS)
 ■ : Stop Control (LOS for the most difficult movement shown)
 ⇄ : Turn Lanes



ATTACHMENT 1

TRAFFIC COUNT

United Civil Group
 2803 N. 7th Avenue
 Phoenix, AZ 85007

Street : Happy Valley Road
 Location : E. of 91st Avenue

1/9/2013
 Wednesday

24 Hour Volume (Volume factor 0.500)

Interval Start	Interval Start			Interval Start			Combined	Volume Totals	EB	WB	Combined
	EB	WB	Combined	EB	WB	Combined					
14:00	130	572	113	582	243	1154	4	15	6	13	28
14:15	140	140	132	272	5	7	5	2	2	7	5
14:30	140	140	146	286	3	5	3	3	3	6	6
14:45	162	191	162	353	3	5	3	3	3	6	6
15:00	130	615	159	754	289	1369	1	14	3	18	4
15:15	160	198	198	358	4	8	4	4	4	8	8
15:30	156	181	181	337	3	5	3	5	5	8	8
15:45	169	216	216	385	6	12	6	6	6	12	12
16:00	176	692	228	900	404	1592	10	79	1	40	11
16:15	162	199	199	361	9	25	9	9	9	25	25
16:30	164	258	258	422	15	40	15	15	15	40	40
16:45	190	215	215	405	28	43	28	28	15	43	43
17:00	168	747	229	938	397	1685	28	318	18	88	46
17:15	211	251	251	462	18	88	18	18	18	88	88
17:30	176	246	246	422	104	128	104	24	24	128	128
17:45	192	212	212	404	116	144	116	28	28	144	144
18:00	158	573	218	837	376	1410	116	631	39	245	155
18:15	154	218	218	372	44	183	39	44	44	183	183
18:30	139	209	209	348	61	249	139	61	61	249	249
18:45	122	192	192	314	188	289	188	101	101	289	289
19:00	120	409	139	518	259	927	188	101	101	289	289
19:15	103	134	134	237	154	438	248	1060	123	645	371
19:30	102	126	126	228	154	438	284	154	154	438	438
19:45	84	119	119	203	283	433	283	150	150	433	433
20:00	86	304	88	338	174	642	245	218	218	643	643
20:15	70	105	105	175	205	767	205	767	198	592	403
20:30	76	78	78	154	134	350	216	134	134	350	350
20:45	72	67	67	139	198	322	198	124	124	322	322
21:00	58	216	72	262	130	478	148	136	136	284	284
21:15	58	78	78	136	136	310	135	567	106	443	241
21:30	52	68	68	120	111	267	132	118	118	250	250
21:45	48	44	44	92	156	267	156	111	111	267	267
22:00	34	133	52	151	86	284	144	108	108	252	252
22:15	42	44	44	86	86	172	136	98	98	234	234
22:30	38	26	26	64	64	128	120	99	99	219	219
22:45	19	29	29	48	48	96	128	102	102	230	230
23:00	21	72	28	95	49	167	128	91	91	223	223
23:15	26	30	30	56	56	112	124	117	117	421	241
23:30	16	12	12	28	28	56	142	114	114	256	256
23:45	9	25	25	34	34	68	130	98	98	222	222
1/10/2013 00:00	6	22	10	40	16	62	130	92	92	222	222
00:15	6	10	10	16	16	32	116	120	120	463	236
00:30	6	12	12	18	18	36	110	107	107	217	217
00:45	4	8	8	12	12	24	110	112	112	232	232
01:00	4	18	7	22	11	40	140	124	124	264	264
01:15	5	5	5	10	10	20	122	120	120	474	242
01:30	5	4	4	9	9	18	139	106	106	245	245
01:45	4	4	4	10	10	20	128	116	116	244	244
							130	132	132	262	262

00:00 - 12:00
 4527 (60.5%) 2957 (39.5%)
 12:00 - 00:00
 5338 (45.8%) 6312 (54.2%)
 24 Hours
 9865 (51.6%) 9269 (48.4%)

Peak Hours

00:00 - 12:00
 EB WB Combined
 07:00 07:15 07:15 07:15
 1060 720 1737

Started
 Volume
 Factor
 0.93 0.83 0.94

12:00 - 00:00
 EB WB Combined
 17:00 16:30 16:30
 747 953 1686
 Started
 Volume
 Factor
 0.89 0.92 0.91

ATTACHMENT 2

CAPACITY SUMMARIES

TWO-WAY STOP CONTROL SUMMARY							
General Information				Site Information			
Analyst	kmh			Intersection	Happy Valley Rd/Site Entrance		
Agency/Co.	TASK			Jurisdiction	Peoria		
Date Performed	11/21/2013			Analysis Year	2015		
Analysis Time Period	AM Pk Hr						
Project Description Happy Valley Rd and Entrance to Site 2015 AM Pk Hr							
East/West Street: Happy Valley Rd				North/South Street: Site Entrance			
Intersection Orientation: East-West				Study Period (hrs): 0.25			
Vehicle Volumes and Adjustments							
Major Street	Eastbound			Westbound			
Movement	1	2	3	4	5	6	
	L	T	R	L	T	R	
Volume (veh/h)		1124	4	11	763		
Peak-Hour Factor, PHF	1.00	0.92	0.92	0.92	0.92	1.00	
Hourly Flow Rate, HFR (veh/h)	0	1221	4	11	829	0	
Percent Heavy Vehicles	0	--	--	3	--	--	
Median Type	Raised curb						
RT Channelized			0			0	
Lanes	0	2	0	1	2	0	
Configuration		T	TR	L	T		
Upstream Signal		0			0		
Minor Street	Northbound			Southbound			
Movement	7	8	9	10	11	12	
	L	T	R	L	T	R	
Volume (veh/h)	12		28				
Peak-Hour Factor, PHF	0.92	1.00	0.92	1.00	1.00	1.00	
Hourly Flow Rate, HFR (veh/h)	13	0	30	0	0	0	
Percent Heavy Vehicles	3	0	3	0	0	0	
Percent Grade (%)		0			0		
Flared Approach		N			N		
Storage		0			0		
RT Channelized			0			0	
Lanes	1	0	1	0	0	0	
Configuration	L		R				
Delay, Queue Length, and Level of Service							
Approach	Eastbound	Westbound	Northbound			Southbound	
Movement	1	4	7	8	9	10	11
Lane Configuration		L	L		R		
v (veh/h)		11	13		30		
C (m) (veh/h)		559	186		488		
v/c		0.02	0.07		0.06		
95% queue length		0.06	0.22		0.20		
Control Delay (s/veh)		11.6	25.8		12.9		
LOS		B	D		B		
Approach Delay (s/veh)	--	--	16.8				
Approach LOS	--	--	C				

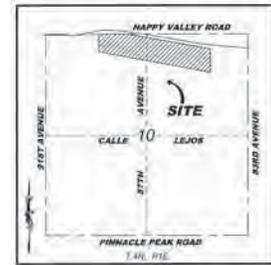
TWO-WAY STOP CONTROL SUMMARY								
General Information				Site Information				
Analyst	<i>kmh</i>			Intersection	<i>Happy Valley Rd/Site Entrance</i>			
Agency/Co.	<i>TASK</i>			Jurisdiction	<i>Peoria</i>			
Date Performed	<i>11/20/2013</i>			Analysis Year	<i>2015</i>			
Analysis Time Period	<i>AM Pk Hr</i>							
Project Description <i>Happy Valley Rd and Entrance to Site 2015 PM Pk Hr</i>								
East/West Street: <i>Happy Valley Rd</i>				North/South Street: <i>Site Entrance</i>				
Intersection Orientation: <i>East-West</i>				Study Period (hrs): <i>0.25</i>				
Vehicle Volumes and Adjustments								
Major Street	Eastbound			Westbound				
Movement	1	2	3	4	5	6		
	L	T	R	L	T	R		
Volume (veh/h)		792	13	32	1010			
Peak-Hour Factor, PHF	1.00	0.92	0.92	0.92	0.92	1.00		
Hourly Flow Rate, HFR (veh/h)	0	860	14	34	1097	0		
Percent Heavy Vehicles	0	--	--	3	--	--		
Median Type	<i>Raised curb</i>							
RT Channelized			0				0	
Lanes	0	2	0	1	2		0	
Configuration		T	TR	L	T			
Upstream Signal		0			0			
Minor Street	Northbound			Southbound				
Movement	7	8	9	10	11	12		
	L	T	R	L	T	R		
Volume (veh/h)	7		18					
Peak-Hour Factor, PHF	0.92	1.00	0.92	1.00	1.00	1.00		
Hourly Flow Rate, HFR (veh/h)	7	0	19	0	0	0		
Percent Heavy Vehicles	3	0	3	0	0	0		
Percent Grade (%)		0			0			
Flared Approach		N			N			
Storage		0			0			
RT Channelized			0				0	
Lanes	1	0	1	0	0		0	
Configuration	L		R					
Delay, Queue Length, and Level of Service								
Approach	Eastbound	Westbound	Northbound			Southbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration		L	L		R			
v (veh/h)		34	7		19			
C (m) (veh/h)		761	239		615			
v/c		0.04	0.03		0.03			
95% queue length		0.14	0.09		0.10			
Control Delay (s/veh)		10.0	20.5		11.0			
LOS		A	C		B			
Approach Delay (s/veh)	--	--	13.6					
Approach LOS	--	--	B					

ATTACHMENT 3
RESPONSE MEMORANDUM

Appendix 2 – A.L.T.A.

ALTA / ACSM LAND TITLE SURVEY HAPPY VALLEY 40

A PORTION OF THE SOUTH HALF OF SECTION 3 & NORTH HALF OF SECTION 10, TOWNSHIP 4 NORTH,
RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.



VICINITY MAP
N.T.S.

NOTES

1. THE SURVEYOR'S REVIEW OF DOCUMENTS REFERENCED IN THE TITLE REPORT AS SCHEDULE "A" ITEMS IS LIMITED TO THE SURVEYOR'S SCOPE-OF-SERVICES AS DEFINED IN THE CERTIFICATION HEREON. ADDITIONALLY THE SURVEYOR'S SCOPE-OF-SERVICES IS LIMITED TO PROVIDING SERVICES IN A MANNER CONSISTENT WITH THE DEGREE OF CARE AND SHALL ORDINARILY EXERCISED BY A MEMBER OF THE SAME PROFESSION CURRENTLY PRACTICING UNDER SIMILAR CONDITIONS. SCHEDULE "A" ITEM DOCUMENTS MAY CONTAIN ENCUMBRANCES WHICH AFFECT THE SUBJECT PROPERTY WHICH THE SURVEYOR IS NOT JUDICIALED TO INTERPRET AND/OR ARE NOT WITHIN THE SURVEYOR'S SCOPE-OF-SERVICES (SEE CERTIFICATION). IT IS RECOMMENDED THAT INTERESTED AND AFFECTED PARTIES OBTAIN CONSULTATION WITH QUALIFIED LEGAL COUNSEL RELATIVE TO THE INTERPRETATION OF ALL SCHEDULE "B" DOCUMENTS REFERENCED IN THE TITLE REPORT.
2. PURSUANT TO TABLE "A" ITEM 6 OF TABLE A ITEMS OF THE MINIMUM STANDARD DETAIL REQUIREMENTS AND CLASSIFICATIONS FOR ALTA/ACSM LAND TITLE SURVEYS AS ADOPTED BY ALTA AND NPS IN 2011, THE SURVEYOR HAS SHOWN THE ZONING CLASSIFICATION AS SET FORTH BY THE LOCAL AGENCY OF JURISDICTION. RESTRICTIONS RELATIVE TO THE EXISTING ZONING MAY INCLUDE, BUT ARE NOT LIMITED TO: SETBACKS, SITE HEIGHT RESTRICTIONS AND SIDE YARD RESTRICTIONS. INTERESTED AND AFFECTED PARTIES SHOULD SEEK CONSULTATION FROM AN ATTORNEY OR DESIGN PROFESSIONAL QUALIFIED TO INTERPRET AND IDENTIFY SUCH OTHER BUILDING CODE OR ZONING RESTRICTIONS.
3. PURSUANT TO TABLE "A" ITEM 7, THE BUILDING LINES AND DIMENSIONS SHOWN DEMONSTRATE THE EXTERIOR BUILDING FOOTPRINT AT GROUND OR NEAR GROUND LEVEL BASED ON FIELD MEASUREMENTS. THIS INFORMATION IS INTENDED TO REFLECT THE GENERAL CONFIGURATION OF THE BUILDING AT GROUND LEVEL, AND MAY OR MAY NOT BE THE EXACT DIMENSIONS OF THE BUILDING FOUNDATION. THE BUILDING SQUARE FOOTAGE SHOWN IS BASED ON THE EXTERIOR BUILDING FOOTPRINT AND IS NOT INTENDED TO REFLECT THE INTERIOR OR LEASE AREA OF ANY BUILDING.

4. PURSUANT TO TABLE "A" ITEM 10, AND TO THE BEST OF MY KNOWLEDGE, THE SURVEYOR HAS NOT OBSERVED EVIDENCE OF LATENT MINING WORK OR THE CONSTRUCTION UNDERWAY OR RECENTLY COMPLETED (EXCEPT AS SHOWN HEREON) OF THE SURVEYOR AND FIELD PERSONNEL UNDER THE SURVEYOR'S DIRECTION ARE NOT TRAINED OR QUALIFIED CONTRACTORS AND CANNOT ACCURATELY IDENTIFY RECENT CONSTRUCTION INTERESTED AND AFFECTED PARTIES SHOULD SEEK CONSULTATION FROM A REGISTERED CONTRACTOR OR OTHER QUALIFIED PARTY.

5. PURSUANT TO TABLE "A" ITEM 17, THE SURVEYOR HAS NOT BEEN INFORMED OF ANY CHANGES IN THE PROPOSED RIGHTS OF WAY BY TITLE INFORMATION OR CLIENT KNOWLEDGE ON WHICH THIS SURVEY IS BASED. ADDITIONALLY, ANY CHANGES IN RIGHTS OF WAY, WHICH HAVE ALREADY OCCURRED, SHOULD BE VERIFIED BY ADDITIONAL TITLE SEARCH TO THE BEST OF MY KNOWLEDGE. THE SURVEYOR HAS NOT OBSERVED ANY RECENT STAKED OR BENCHMARK CONSTRUCTION OF THE SURVEYOR AND FIELD PERSONNEL UNDER THE SURVEYOR'S DIRECTION ARE NOT TRAINED OR QUALIFIED CONTRACTORS AND CANNOT ACCURATELY IDENTIFY RECENT CONSTRUCTION. INTERESTED AND AFFECTED PARTIES SHOULD SEEK CONSULTATION FROM A REGISTERED CONTRACTOR OR OTHER QUALIFIED PARTY.

6. PURSUANT TO TABLE "A" ITEM 18, THE SURVEYOR AND FIELD PERSONNEL UNDER THE SURVEYOR'S DIRECTION ARE NOT TRAINED OR QUALIFIED TO IDENTIFY CHANGES WHICH WOULD INDICATE ADVERSE ENVIRONMENTAL CONDITIONS OF THE INTERESTED OR AFFECTED PARTIES SHOULD SEEK CONSULTATION BY AN ENVIRONMENTAL ENGINEERING CONSULTANT OR OTHER QUALIFIED PROFESSIONAL.

7. THE SURVEYOR HAS RELIED SOLELY ON INFORMATION SUPPLIED TO THE SURVEYOR FROM EITHER THE CLIENT OR THE TITLE COMPANY AND HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR GASTROIDS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER MATTERS THAT MAY AFFECT THE SUBJECT PROPERTY.

8. THIS SURVEY IS BASED ON COMMENT FOR TITLE INSURANCE ISSUED BY CHARDON TITLE INSURANCE COMPANY NO. 014510604-01000000, NO POLICY DATE.

9. FIELD WORK WAS COMPLETED DECEMBER 27, 2012.

10. THERE ARE NO BUILDINGS ON SUBJECT PROPERTY.

LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF MARICOPA, STATE OF ARIZONA, AND IS DESCRIBED AS FOLLOWS:

BANKEN MARICOPA AND BANKEN MARICOPA NO. 2, LOCATED IN SECTIONS 3 AND 10, TOWNSHIP 4 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

AS MORE FULLY DESCRIBED IN SURVEY #2567 OF THE ARIZONA LAND RECORDS

FLOOD ZONE

ACCORDING TO THE FLOOD INSURANCE RATE MAP #16030C010A (D) DATED SEPTEMBER 01, 2005, THIS PROPERTY IS LOCATED IN FLOOD ZONE "X" (AREAS OF 0.2% ANNUAL CHANCE FLOOD, AREAS OF 1% ANNUAL CHANCE FLOOD WITH HAZARDOUS CONTENTS, AND AREAS WITH SPECIAL HAZARDOUS AREAS LESS THAN 1 SQUARE MILE, AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD).

SCHEDULE "B" ITEMS

1. PROPERTY TAXES, INCLUDING ANY PERSONAL PROPERTY TAXES AND ANY ASSESSMENTS COLLECTED WITH TAXES FOR THE SECOND INSTALLMENT OF 2012 TAXES AND NOT A SURVEY MATTER, NOT GRAPHICALLY PLOTTED HEREON.
2. LIABILITIES AND ENCUMBRANCES IMPOSED UPON SAID LAND BY ITS INCLUSION WITHIN ANY DISTRICT FORMED PURSUANT TO TITLE 48, ARIZONA REVISED STATUTES. *BLANKET IN NATURE, NOT GRAPHICALLY PLOTTED HEREON.
3. OBSERVATIONS, EXCEPTIONS AND PROVISIONS CONTAINED IN THE STATUTE AND IN THE ACTS AUTHORIZING THE ISSUANCE THEREOF. *BLANKET IN NATURE, NOT GRAPHICALLY PLOTTED HEREON.
4. WATER RIGHTS, CLAIMS OR TITLE TO WATER, WHETHER OR NOT DISCLOSED BY THE PUBLIC RECORDS. *BLANKET IN NATURE, NOT GRAPHICALLY PLOTTED HEREON.
5. RESTRICTIONS, OBSERVATIONS AND CONDITIONS CONTAINED IN DOCUMENT RECORDED IN BOOK 104 OF (GILG) PAGE 70. *AFFECTS PROPERTY, BLANKET IN NATURE, NOT GRAPHICALLY PLOTTED HEREON.
6. COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS (BUT OMITTING ANY COVENANTS OR RESTRICTIONS, IF ANY, INCLUDING BUT NOT LIMITED TO THOSE BASED UPON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, FAMILIAL STATUS, MARITAL STATUS, DISABILITY, NATIONAL ORIGIN, ANCESTRY, SOURCE OF INCOME, GENDER, GENITOR IDENTITY, GENDER EXPRESSION, MEDICAL CONDITION OR GENETIC INFORMATION, AS SET FORTH IN APPLICABLE STATE OR FEDERAL LAWS, EXCEPT TO THE EXTENT THAT SAID COVENANT OR RESTRICTION IS PERMITTED BY APPLICABLE LAW, AS SET FORTH IN THE DOCUMENT).

RECORDING NO. 2004-1004235
RECORDED IN 2004-0107959
*HAS BEEN TERMINATED PER DOC NO. 2008-1049130

7. MATTERS CONTAINED IN THAT CERTAIN DOCUMENT ENTITLED: REPAYMENT JOINT FOR HAPPY VALLEY ROAD. RECORDING DATE: JUNE 29, 2004. FLOORING NO. 2006-852298.

REFERENCE IS HEREBY MADE TO SAID DOCUMENT FOR FULL PARTICULARS. *AFFECTS PROPERTY, BLANKET IN NATURE, NOT GRAPHICALLY PLOTTED HEREON.

8. MATTERS CONTAINED IN THAT CERTAIN DOCUMENT ENTITLED: RESOLUTION NO. 07-104. RECORDING DATE: NOVEMBER 15, 2007. FLOORING NO. 2007-1225074.

REFERENCE IS HEREBY MADE TO SAID DOCUMENT FOR FULL PARTICULARS. *AFFECTS PROPERTY, BLANKET IN NATURE, NOT GRAPHICALLY PLOTTED HEREON.

9. MATTERS CONTAINED IN THAT CERTAIN DOCUMENT ENTITLED: RESOLUTION NO. 07-104. RECORDING DATE: NOVEMBER 15, 2007. FLOORING NO. 2007-1225074.

REFERENCE IS HEREBY MADE TO SAID DOCUMENT FOR FULL PARTICULARS. *AFFECTS PROPERTY, BLANKET IN NATURE, NOT GRAPHICALLY PLOTTED HEREON.

10. MATTERS CONTAINED IN THAT CERTAIN DOCUMENT ENTITLED: RESOLUTION NO. 07-104. RECORDING DATE: NOVEMBER 15, 2007. FLOORING NO. 2007-1225074.

REFERENCE IS HEREBY MADE TO SAID DOCUMENT FOR FULL PARTICULARS. *AFFECTS PROPERTY, BLANKET IN NATURE, NOT GRAPHICALLY PLOTTED HEREON.

11. EASEMENT(S) FROM THE SURVEY(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT.

PURPOSE: TEMPORARY RIGHT OF ENTRY AND TEMPORARY CONSTRUCTION EASEMENT AGREEMENT. RECORDING DATE: OCTOBER 30, 2008.

REFERENCE IS HEREBY MADE TO SAID DOCUMENT FOR FULL PARTICULARS. *AFFECTS PROPERTY, GRAPHICALLY PLOTTED HEREON.

12. MATTERS CONTAINED IN THAT CERTAIN DOCUMENT ENTITLED: STATE OF ARIZONA RIGHT OF WAY. RECORDING DATE: JULY 24, 2008. RECORDING NO. 2008-1047024.

REFERENCE IS HEREBY MADE TO SAID DOCUMENT FOR FULL PARTICULARS. *AFFECTS PROPERTY, NOT AFFECT PROPERTY, NOT GRAPHICALLY PLOTTED HEREON.

13. MATTERS CONTAINED IN THAT CERTAIN DOCUMENT ENTITLED: RESOLUTION NO. 09-107 ACCEPTING DEEDS AND EASEMENTS. RECORDING DATE: SEPTEMBER 1, 2009.

REFERENCE IS HEREBY MADE TO SAID DOCUMENT FOR FULL PARTICULARS. *AFFECTS PROPERTY, BLANKET IN NATURE, NOT GRAPHICALLY PLOTTED HEREON.

14. ANY RIGHTS OF THE PARTIES IN POSSESSION OF A PORTION OF OR ALL OF ANY SAID LAND, WHICH RIGHTS ARE NOT DISCLOSED BY THE PUBLIC RECORDS.

THE COMPANY WILL REQUIRE, FOR REVIEW, A FULL AND COMPLETE COPY OF ANY UNRECORDED AGREEMENT, CONTRACT, LICENSE AND/OR LEASE, TOGETHER WITH ALL SUPPLEMENTS, ASSIGNMENTS AND AMENDMENTS THERETO, BEFORE ISSUING ANY COPY OF TITLE INSURANCE, WITHOUT EXCEPTING THIS ITEM FROM COVERAGE.

THE COMPANY RESERVES THE RIGHT TO EXCEPT ADDITIONAL ITEMS AND/OR MAKE ADDITIONAL REQUIREMENTS AFTER REVIEWING SAID DOCUMENTS. *BLANKET IN NATURE, NOT GRAPHICALLY PLOTTED HEREON.

15. MATTERS WHICH MAY BE DISCLOSED BY AN INSPECTION AND/OR BY A CORRECT ALTA/ACSM LAND TITLE SURVEY OF SAID LAND THAT IS SATISFACTORY TO THE COMPANY, AND/OR BY INQUIRY OF THE PARTIES IN POSSESSION THEREOF. *BLANKET IN NATURE, NOT GRAPHICALLY PLOTTED HEREON.

AREA

BANKEN MARICOPA CONTAINS 108,160 SQUARE FEET OR 15.241 ACRES NET. BANKEN MARICOPA NO. 2 CONTAINS 374,333 SQUARE FEET OR 50.070 ACRES NET.

TOTAL = 472,493 SQ.FT. 65.311 ACRES NET.

BENCHMARK

FOUND 5/8" REBAR NO. 10 0.470M, ATTACHED TO REBAR WITH 2" MARICOPA COUNTY AC 0.5 OIL STAMPED "AN R1E 54 53 30 810 15 2307 2005". POINT NAME #70515-141 BEING THE NORTHEAST CORNER OF SECTION 9, TOWNSHIP 4 NORTH, RANGE 1 EAST.

ELEVATION = 1584.98 (NAVD 83)

ADDRESS

38.3 ACRES
SE HAPPY VALLEY BETWEEN BORD &
31ST AVENUE PEORIA, ARIZONA
APN: 201-10-015

BASIS OF BEARING

THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 4 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, SAID LINE BEARS NORTH 68 DEGREES 31 MINUTES 57 SECONDS EAST.

PARKING

NO PARKING DESIGNATION ON SUBJECT PROPERTY.

ZONING

CITY OF PEORIA ZONE R1-30
OBTAINED FROM MARICOPA COUNTY ASSESSOR'S WEB SITE.

PER 2011 ALTA MINIMUM STANDARD DETAIL REQUIREMENTS, EQUIPMENT ZONING CLASSIFICATION, BUILDING SETBACK REQUIREMENTS AND HEIGHT AND FLOOR SPACE AREA RESTRICTIONS ARE TO BE PROVIDED TO THE CLIENT BY THE INSURER. THE CLASSIFICATION, REQUIREMENTS AND RESTRICTIONS HAVE NOT BEEN PROVIDED AT THE TIME OF THIS SURVEY. THE ZONING CLASSIFICATIONS SHOWN ARE FOR REFERENCE ONLY.

CERTIFICATION

I, HARRY VALLEY FUNDING, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, CHICAGO TITLE INSURANCE COMPANY.

THIS IS TO CERTIFY THAT THIS MAP AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, FORMALLY ESTABLISHED AND ADOPTED BY ALTA AND NPS IN 2011, AND INCLUDES ITEMS 1, 2, 3, 4, 6, 8(A), 7(A), 8, 9, 11(A), 16, 17 AND 18 OF TABLE A HEREON, PURSUANT TO THE ACCURACY STANDARDS AS ADOPTED BY ALTA AND NPS AND IN EFFECT ON THE DATE OF THIS CERTIFICATION, UNDESIGNED FURTHER SURVEYS THAT IN MY PROFESSIONAL OPINION, AS A LAND SURVEYOR REGISTERED IN THE STATE OF ARIZONA, THE RELATIVE POSITIONAL ACCURACY OF THIS SURVEY DOES NOT EXCEED THAT WHICH IS SPECIFIED THEREON.

DATE: [Redacted] 2012

1801 EAST EVANS ROAD
PEORIA, ARIZONA 85601
PHONE (480) 932-0781
FAX (480) 932-0781
WWW.SIGSURVEYAZ.COM



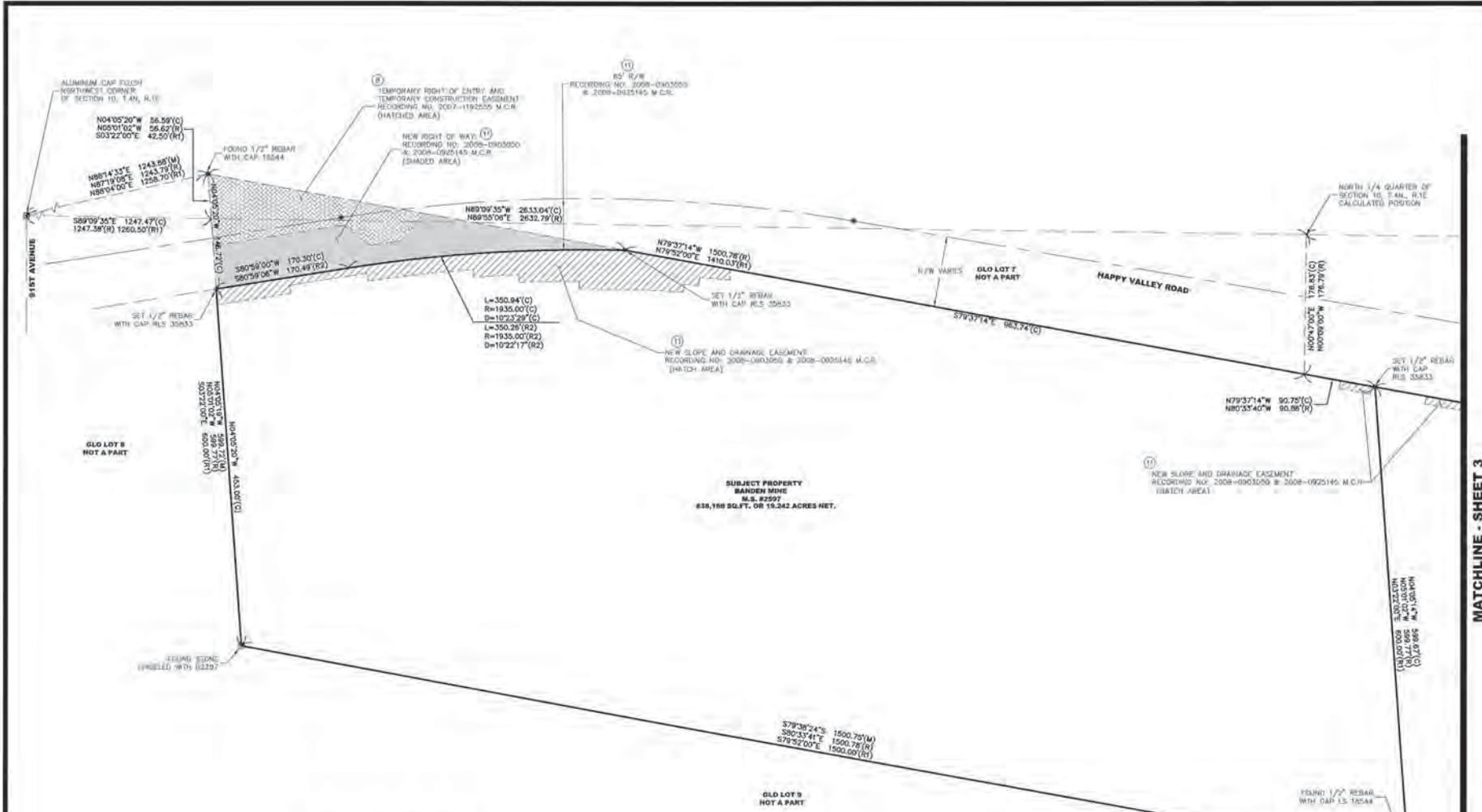
SIG
SURVEY INNOVATION
GROUP, INC.
Land Surveying Services

ALTA/ACSM LAND TITLE SURVEY
HAPPY VALLEY 40
PEORIA, ARIZONA



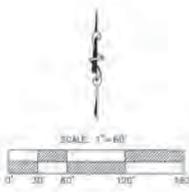
REVISED:
1. 2008-01-01
2. 2011-10-11

DRAWING NAME:
2012-189 ALTA
JOB NO. 2012-199
DRAWN BY:
CHECKED BY: RMH
DATE: 01-02-2012
SCALE: NTS
SHEET 1 OF 5



REFERENCED DOCUMENTS

- (R) RECORD DATE PER RESULTS OF A BOUNDARY SURVEY OF BANDEM MINE & BANDEM MINE TRG. 2, BOOK 580, PAGE 44 M.C.R.
- (U) BOUNDARY DATA FROM SURVEY #7593, ARIZONA LAND DISTRICT
- (U7) NEW RIGHT OF WAY PER RECORDING NO. 2007-1192555 M.C.R.



MATCHLINE - SHEET 3

7801 EAST EVANS ROAD
 PEORIA, ARIZONA 85301
 PHONE (480) 832-0780
 FAX (480) 832-0781
 WWW.SIGSURVEY.COM



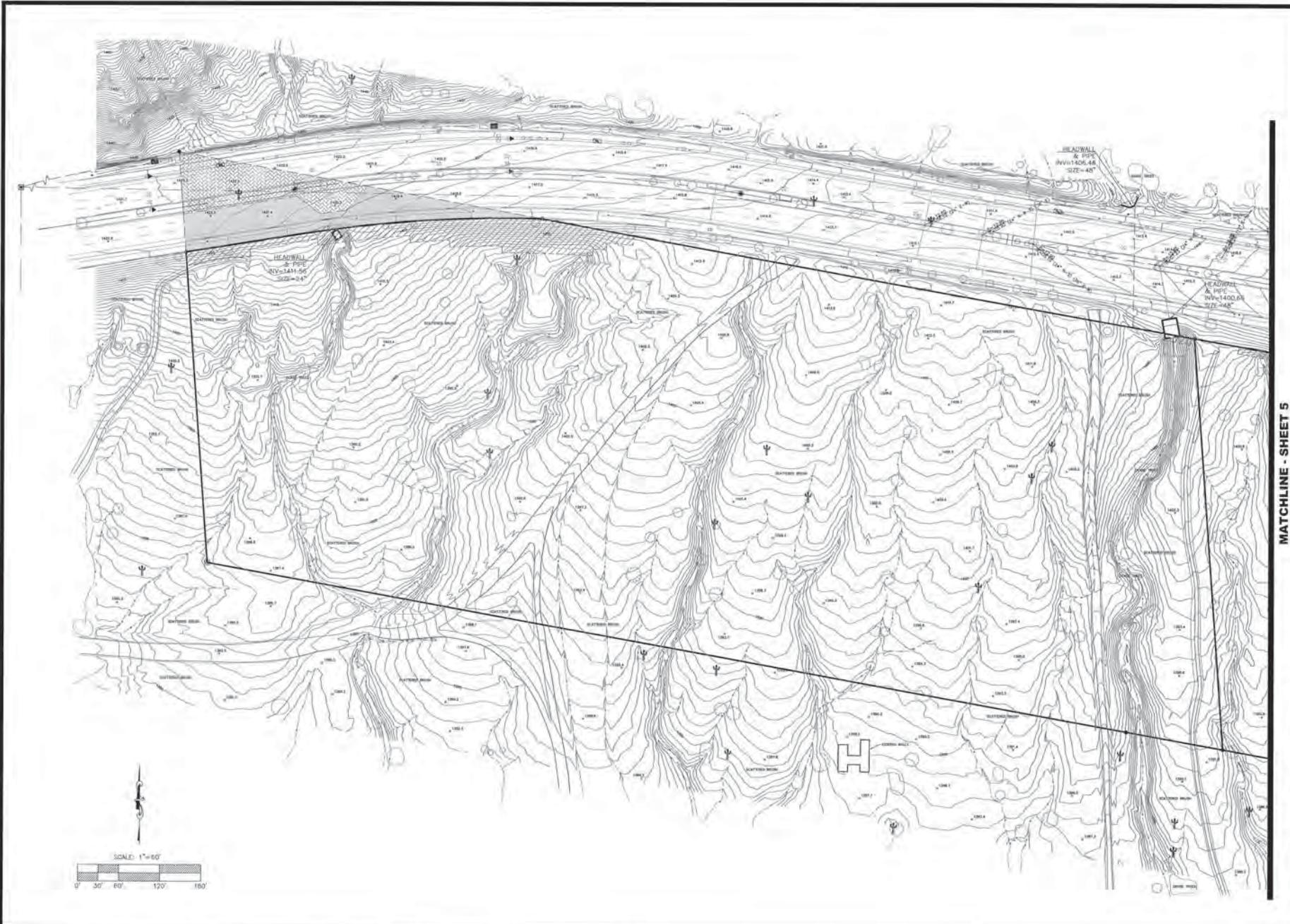
SIG
 SURVEY INNOVATION
 GROUP, INC.
 Land Surveying Services

ALTA/ACSM LAND TITLE SURVEY
HAPPY VALLEY 40
PEORIA, ARIZONA



REVISIONS:
 1 SYMBOL # PL
 2 DIMENSION 1-8-12

DRAWING NAME:
 2012-188 ALTA
 JOB NO. 2012-199
 DRAWN: RNT
 CHECKED: RMH
 DATE: 01-02-2012
 SCALE: 1"=60'
 SHEET: 2 OF 5



7501 EAST EVANS ROAD
SCOTTSDALE, AZ 85250
PHONE (480) 932-0750
FAX (480) 932-0781
WWW.SIGSURVEYAL.COM



SIG
SURVEY INNOVATION
GROUP, INC.
Land Surveying Services

**ALTA/ACSM LAND TITLE SURVEY
HAPPY VALLEY 40
PEORIA, ARIZONA**

MATCHLINE - SHEET 5

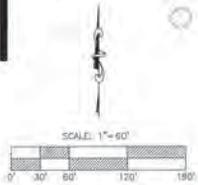
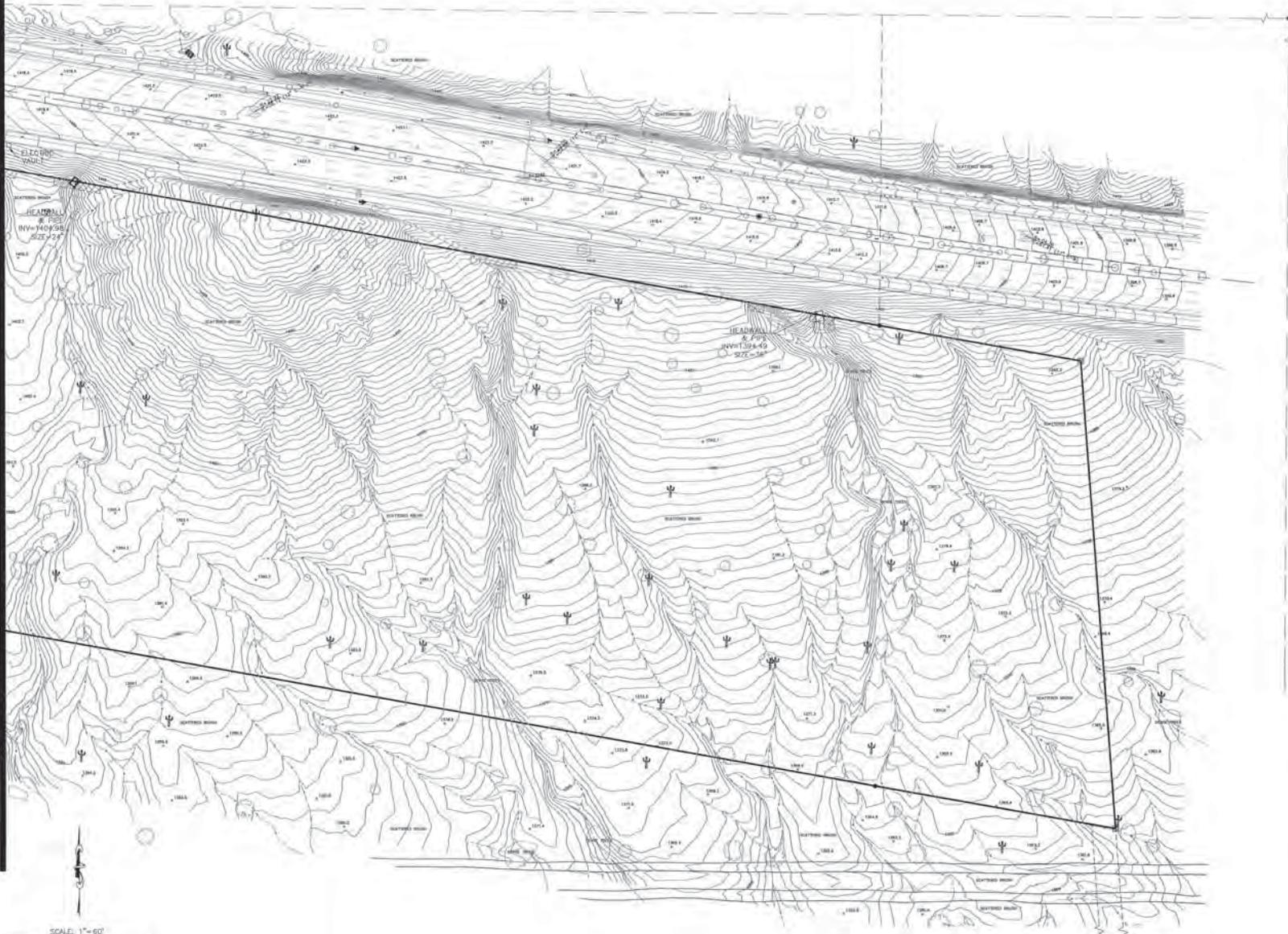


REVISIONS:

△	COND. & #1
△	TERMINATION 1-8-12
△	
△	

DRAWING NAME:
2012-193 ALTA
JOB NO. 2012-199
DRAWN: RMT
CHECKED: RMH
DATE: 01-02-2012
SCALE: 1"=60'
SHEET: 4 OF 5

MATCHLINE - SHEET 4



7301 EAST EVANS ROAD
PEORIA, ARIZONA 85301
PHONE (602) 922-0780
FAX (602) 922-0781
WWW.SIGSURVEYAZ.COM



SIG
SURVEY INNOVATION
GROUP, INC.
Land Surveying Services

**ALTA/ACSM LAND TITLE SURVEY
HAPPY VALLEY 40
PEORIA, ARIZONA**

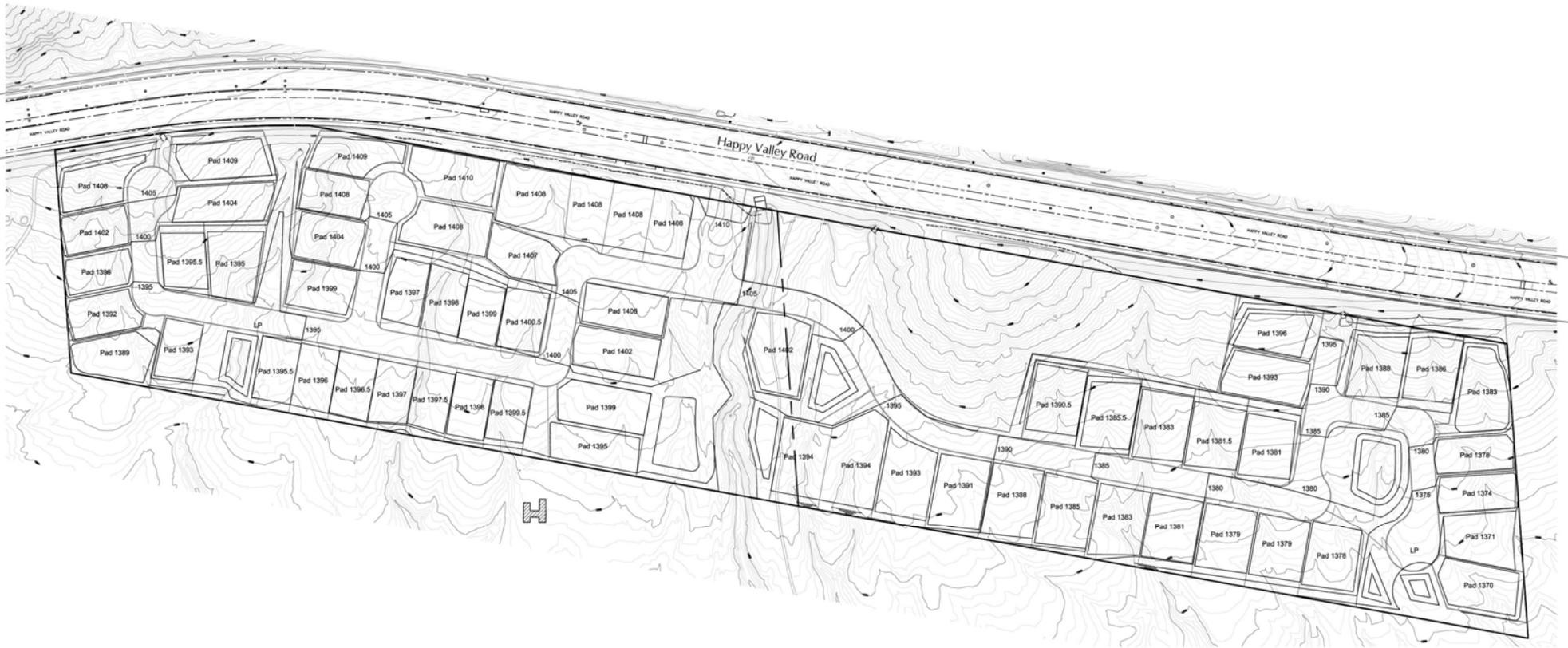


REVISIONS:

Δ	SCHEM # 06
Δ	TERMINATION 11-8-13
Δ	
Δ	

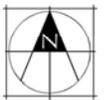
DRAWING NAME:
2012-199 ALTA
JOB NO. 2012-199
DRAWN: RNT
CHECKED: RMT
DATE: 01-02-2012
SCALE: 1"=60'
SHEET: 5 OF 5

Appendix 3 – Preliminary Grading Plan

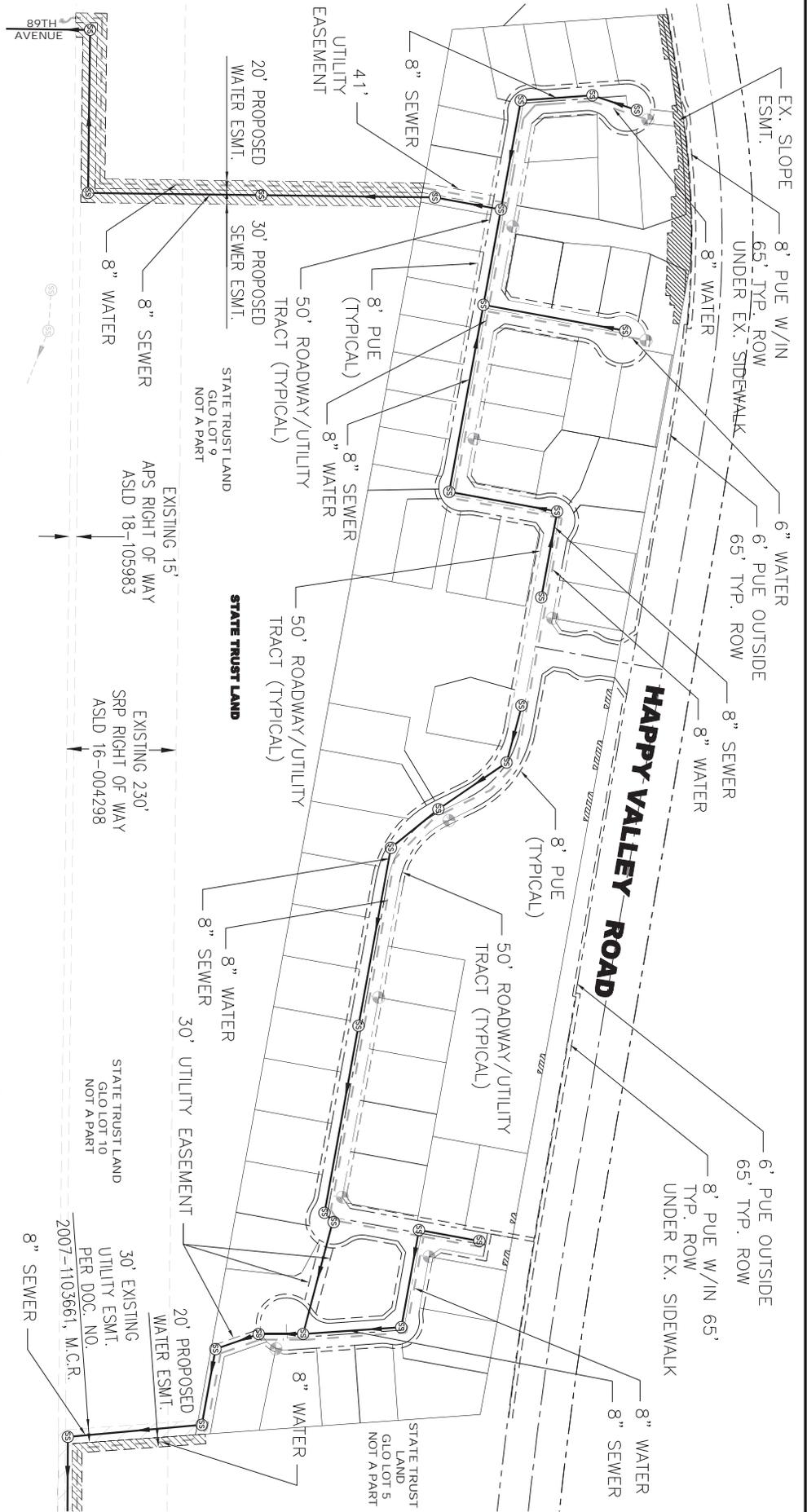


Happy Valley 40 Concept Grading Plan

November 19, 2013



Appendix 4 – Preliminary Utility Plan



LEGEND

- PROPOSED WATER
- PROPOSED SEWER
- RIGHT-OF-WAY
- PROPOSED LOT LINE
- EXISTING UTILITY EASEMENT
- PROPOSED UTILITY EASEMENT

LEGEND

- PROPOSED FIRE HYDRANT
- PROPOSED SEWER MANHOLE
- EXISTING SEWER MANHOLE
- EXISTING UTILITY EASEMENT
- EXISTING SLOPE EASEMENT
- PROPOSED UTILITY EASEMENT THROUGH STATE LANDS



U-SHEET 1

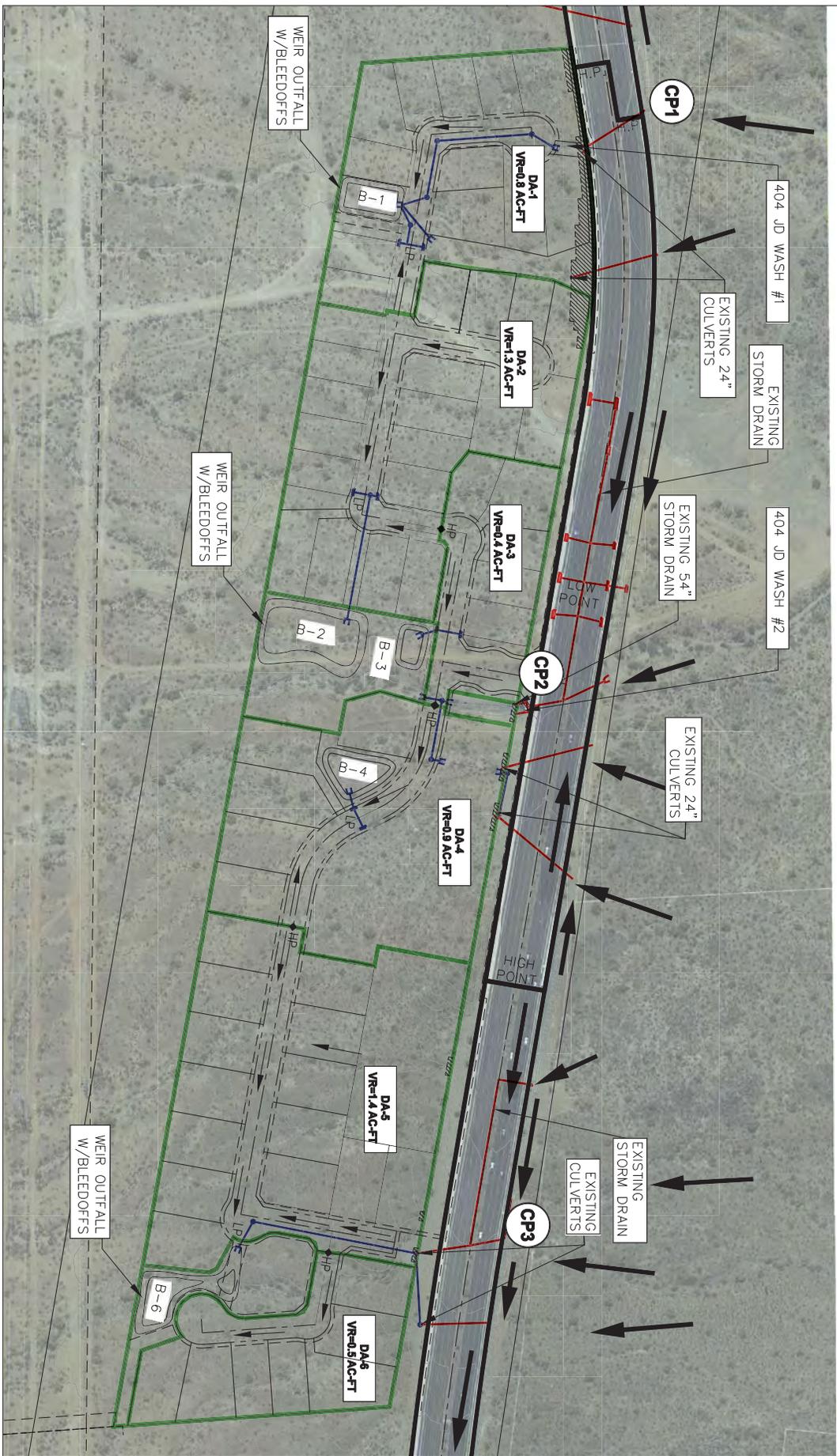
DATE: 12/7/10
 DRAWN BY: T.O.
 CHECKED BY: M.C.
 PROJECT NO: M3C120

CONCEPTUAL UTILITY PLAN
HAPPY VALLEY 40

NO.	DESCRIPTION	DATE	BY	APP. DATE	APP.



Appendix 5 – Preliminary Drainage Plan



REFER TO FIGURE 3 OFFSITE DRAINAGE EXHIBIT

LEGEND

- DA DRAINAGE AREA LABEL
- VR RETENTION VOLUME REQUIRED FOR 100-YR, 2 HOUR STORM EVENT
- PROPOSED STORM DRAIN CATCH BASIN, UNDERGROUND PIPE & HEADWALL
- GRADE BREAK AT PROPOSED HIGH POINT
- DRAINAGE ZONE BOUNDARY
- EXISTING STORM DRAIN SYSTEM
- PROPOSED UNDERGROUND STORM DRAIN PIPE, MANHOLE & HEADWALL
- RUNOFF FLOW ARROW

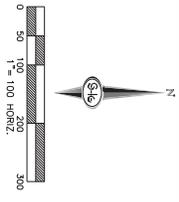


Exhibit F

Citizen Participation Report

EARL, CURLEY & LAGARDE, P.C.
ATTORNEYS AT LAW

Telephone (602) 265-0094
Fax (602) 265-2195
www.ecllaw.com

3101 North Central Avenue
Suite 1000
Phoenix, Arizona 85012

August 6, 2013

Citizen Participation Plan
Request for Planned Area Development Zoning
Happy Valley Road (between 83rd Ave. and 91st Ave.)

“Happy Valley 40”
Zoning Case No. Z13-0006
Happy Valley Land Partners, LLC
c/o M3 Companies

The following is a summary of the public outreach efforts and results of the neighborhood meeting held on May 16, 2013 (5:00pm) at the Sunrise Mountain Library located at 21109 N. 98th Avenue regarding the above-referenced request in accord with Article 14-39-6(E) of the Zoning Ordinance which addresses the requirements for the Citizen Participation Plan for a Planned Area Development request.

Public Participation

- *The identification of those property owners and other citizens that would be affected or have an interest in the project;*

On behalf of Happy Valley Land Partners, LLC, M3 Companies sent written notice by first class mail on April 29th, 2013 to the required recorded property owners within 600-feet and City-registered neighborhood associations and interested parties within 1-mile the subject +/- 46 acre property to inform them of the subject request. The attached letter provided a brief description of the zoning proposal, the applicant’s contact information and included details of a community meeting that was scheduled for May 16, 2013 in order to address any comments/questions regarding the residential project. The contact information for these property owners and stakeholders was obtained through the Maricopa County Assessor’s records by the City of Peoria.

- *Identify the process for meeting with these persons;*

Upon submittal, a meeting time and location was established. The notification letters mentioned above were mailed out approximately 18 days prior to the meeting date. Additional notification of public hearings will be consistent with the regulations found in Article 14-39 of the Zoning Ordinance.

- *Identify how comments will be collected and evaluated. The contents of a report to the City detailing the efforts to meet with and notify interested persons, the comments received, changes, mitigations or other actions taken in proposed in response to the comments and subsequent recommendations regarding the project, if any.*

Comments and questions (as enumerated below) were gathered at the neighborhood meeting held on May 16th and contact information was obtained for the (25) individuals who attended the meeting (*See, Attached Sign-In Sheet*). A summary of the responses that our office provided to these individuals is also provided in detail below. It is our intent to maintain an open line of communication throughout the City's review process in order to provide feedback to interested parties.

Results of Neighborhood Meeting

A neighborhood meeting was held on May 16, 2013 at the above-referenced location regarding a Planned Area Development ("PAD") request to allow for a gated, single-family development (overall 1.81 dwelling unit/acre) on the south side of Happy Valley Road, between 83rd Avenue and 91st Avenue. Approximately, twenty-five individuals from the residential neighborhood and general area attended the meeting. Following a brief PowerPoint presentation describing the details of the request, we answered the few questions the neighbors' had which are noted below. A summary of the neighbors' comments and questions are provided in greater detail below. (*See, Neighborhood Meeting Sign-In Sheet & PowerPoint Presentation Exhibits*).

Summary of Comments/Questions

1. *Resident:* *If the site is already zoned for "mid-market" 35,000 sq.ft. homes, why rezone the property?*

 ECL: The proposed development complies with the General Plan designation of 0-2 du/acre and seeks to allow a diverse housing product that ranges in size between 2,600 and 4,800 square-feet.

2. *Resident:* *All of these new developments need water but there is concern that there is not adequate water supply?*

 ECL: The developer is required to provide adequate water supply and if needed will make modifications and/or improvements to the infrastructure.

3. *Resident:* *Prefers that designation not change to allow for smaller size lots.*

 ECL: The project seeks to provide a high-quality residential gated subdivision at a density level commensurate with the City's designation for this property. Additionally, the request is consistent with the types of residential uses in the area. The development proposal is appropriate in this area given that the property is adjacent to Happy Valley Road, surrounded by State Land and separated from existing residential neighborhoods to the south by a 230-foot power corridor and intervening State Land areas.

4. *Resident:* *Is in opposition to the proposed density and has hired legal counsel to represent him and/or his community. Bought property with the understanding that this area would have large (+/- 35,000 sq.ft.) lots which would afford up-scale communities.*

ECL: Circumstances change as the area's development pattern has evolved. The City continues to reassess their land use designations in step with market conditions. The project provides large lots which are in common with the area's existing lot sizes. Additionally, the market dictates whether or not a custom home builder would build 35,000 square-foot lots along a major arterial roadway near a power corridor.

5. *Resident:* *Was told that no egress would be provided from 99th Avenue (south of site) and has concern with construction trucks and roads deteriorating over time from additional traffic from residential community.*

ECL: The applicant might entertain the possibility of a stipulation affixed to the zoning case to address the concern however due to the existing state land owned property to the south, access is not available.

6. *Resident:* *Concerned that if there is no traffic light provided with the development that accidents will occur. Also, what type of access will be provided for the development along Happy Valley Road?*

ECL: The applicant will provide a signal if the City requires one. Further, the development proposes a full movement turn lane (west bound) and if the City deems, a decel lane (east bound) will be provided.

7. *Resident:* *Are the homes going to be built by a custom home builder?*

ECL: The intent at this time is to have one builder develop the subdivision and that they will be semi-custom homes.

8. *Resident:* *What is the proposed building height for the homes?*

ECL: The homes will be 1 and 2 story.

9. *Resident:* *As vehicles travel eastbound on Happy Valley Road, it is difficult to see cars coming around the curve and wonders if that is of concern to the applicant?*

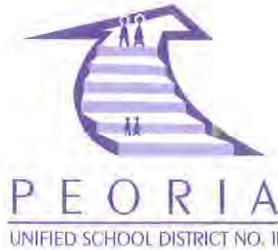
ECL: The applicant will continue to meet with Staff to discuss this however site distances were analyzed.

August 28, 2013

Page 4

10. *Resident: If the site is approximately 300-feet from the closest neighbor, what is proposed within the powerline corridor?*

ECL: The corridor will likely stay in its current condition however that may change if the City wants to improve the area for recreation.



June 3rd, 2013

Melissa Sigmund,
Planner
City of Peoria
9875 N. 85th Avenue
Peoria, AZ 85345

RE: Z13-0006 Happy Valley 40

Dear Melissa Sigmund,

This letter is intended to keep you informed about the Peoria Unified School District's communication with Happy Valley Land Partners, concerning Happy Valley 40. We would like to express the District's support for this project.

Representatives of Happy Valley Land Partners and staff at the Peoria Unified School District have worked diligently in the past month to execute a Developer Assistance Agreement. At this time, Happy Valley Funding has signed the agreement, the item was approved by the PUSD Governing Board, and the agreement was recorded with the Recorder's Office. Happy Valley Land Partners has expressed their commitment to our Developer Assistance Agreement and their support to the students who will be living in the Happy Valley 40 project. With this promise of collaboration, the District fully supports Happy Valley Land Partners' progression through the zoning process.

We commend the Developer's commitment to public education and for helping us to provide an outstanding education to students in the Peoria Unified School District. Please feel free to contact me if you have any questions or need additional information.

Sincerely,


Christian M. Williams,
Department of Research and Planning

Cc: Michael E. Finn, Chief Financial Officer

BEUS GILBERT

PLLC

ATTORNEYS AT LAW

701 NORTH 44TH STREET
PHOENIX, ARIZONA 85008-6504
(480) 429-3000
FAX (480) 429-3100

58127-0001

September 27, 2013

VIA EMAIL and US MAIL

Chris Jacques and Melissa Sigmund
Planning & Community Development Dept.
City of Peoria
9875 N. 85th Ave.
Peoria, AZ 85345

Re: Opposition to Happy Valley 40 Rezoning – 2nd Review Comments

Dear Chris and Melissa:

Thank you again for forwarding us the revised submittal for the Happy Valley 40 Planned Area Development. On the behalf of our client, La Caille Community Association, we continue to express opposition to the rezoning request for the reasons outlined as follows:

General Plan Non-Conformance

As noted in Staff's first review comments, the subject property has a General Plan Land Use designation of "Residential Estate" with a corresponding density range of 0-2 du/ac with a target density of 1 du/ac. The target densities listed within the Peoria General Plan set the maximum allowable density for a property meeting minimum City standards. Increases are allowed within the density range for projects that exhibit "superior quality and design and/or which provide amenities, dedications, or improvements above and beyond the minimum city standards." As you know, the General Plan goes on to list some specific items a project can provide in order to justify a density increase. In their revised narrative, the Happy Valley 40 applicants suggest that they will be providing the following: (1) enhanced architectural standards (listed on page 9); (2) water conservation in the open spaces with preservation of native vegetation; (3) variation in lot sizing; and (4) additional open space beyond what is required. They submit that these four items validate nearly doubling of the target density of 1 du/ac to the requested 1.71 du/ac proposed density. We, however, respectfully disagree. The project as proposed submits (1) no enhanced architectural standards beyond those required within the City's Design Guidelines; (2) no details on how water conservation will be implemented and the preservation of native vegetation where they are required to do so; (3) lot sizes ranging from only 12,000 sq. ft. minimums to 18,000 sq. ft.

minimums, which are too small for the area regardless; and (4) 8.62 acres of open space when it appears more than that number is actually required. We submit that there is no “superior quality and design and/or which provide amenities, dedications, or improvements above and beyond the minimum city standards” exhibited within the Happy Valley 40 Planned Area Development. There is clearly nothing proposed that would justify any increase in density.

As noted in the first submittal review comments from staff and in furtherance of the non-conformance with the City’s General Plan, Table 2-1 identifies correlative zoning districts to the various General Plan Land Use designations. The smallest zoning district allowed within the Residential Estate designation is R1-18, and as staff points out, “lots less than 18,000 sq. ft. are not in alignment with this designation.” Staff goes on to state that “While PADs allow flexibility to have variable lot sizes, lots less than 18,000 square feet are inconsistent with the intent of the Residential Estate category.” Therefore, any PAD rezoning of the property that includes lots smaller than 18,000 sq. ft must be processed concurrently with a General Plan Amendment.

Zoning Non-Conformance

As noted above, the Happy Valley 40 PAD proposed includes 78 total residential lots of varying lot sizes ranging from 12,000 sq. ft. minimum up to 18,000 sq. ft. minimum of which 69% of the requested lots fall under the 18,000 sq. ft. size. Lots this small are substantially out of character with the immediate area which has SR-43 and R1-35 developed properties to the immediate south of the power lines and State Trust Land. Development of lots smaller than 35,000 sq. ft. in size should not be supported.

The Happy Valley 40 property is subject to the Desert Lands Conservation Overlay (DLCO). Pursuant to this section of the Zoning Ordinance, a minimum of 15% of the site must be maintained as Natural Open Space (NOS), which amounts to 6.855 acres of NOS within the overall 45.7 acre property. The Ordinance defines NOS as areas that contain “naturally occurring conservations features and accreted Sonoran Desert that have not been altered...”. As staff points out in the first review comments, “NOS is not synonymous with usable open space.” Pursuant to their own narrative (page 7), they are providing 4.96 acres of NOS, not the required 6.855 acres.

Design Guidelines Non-Conformance

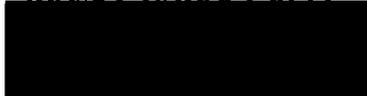
The Peoria Design Guidelines require that projects with lot sizes ranging between 10,000 to 18,000 sq. ft. provide 7% of the gross project area as Usable Open Space. On the 45.7 acre property, this amounts to 3.199 acres and on page 7 of the report; they claim to be providing 3.66 acres of usable open space. The narrative states that there will be

6.52 acres of HOA owned and maintained parks and open spaces along with 2.1 acres of landscaped area within the City right-of-way. As noted above, the Happy Valley 40 submittal claims to provide 4.96 acres of NOS and we assume that any open space within a right-of way could not qualify as Usable Open Space or NOS. It does not appear that sufficient lands are provided to conform to the requirements of Usable Open Space. In order to exhibit compliance with the Design Guidelines as well as the DCLO, Happy Valley 40 must provide an exhibit showing the various open space areas and their designation.

Based on the forgoing, the Happy Valley 40 PAD cannot be recommended for approval by staff as submitted. We appreciate this opportunity to review the project and would respectfully request a copy of the City's second review comments when they are provided to the applicant.

Very truly yours,

BEIS GILBERT PLLC



Andy Jochums, AICP
Planning Consultant

cc: Paul Gilbert (via interoffice)

BEUS GILBERT

PLLC

ATTORNEYS AT LAW

701 NORTH 44TH STREET
PHOENIX, ARIZONA 85008-6504
(480) 429-3000
FAX (480) 429-3100

PAUL E. GILBERT
DIRECT: (480) 429-3002

EMAIL: PGILBERT@BEUSGILBERT.COM

58127-0001

February 5, 2014

VIA EMAIL

Peoria Planning and Zoning Commission

Chair Nancy Golden

Vice Chair Leigh Strickman

Secretary Leonard Spraker

Member Greg Loper

Member Shawn Hutchinson

Member Bill Louis

Member Charles Mar

c/o Planning & Community Development Dept.
9875 N. 85th Ave.
Peoria, AZ 85345

Re: Opposition to Z13-0006 - Happy Valley 40 PAD Rezoning

Dear Chair Golden and Commission Members:

Within your agenda packet for the above-referenced rezoning case, you were provided a copy of the September 27, 2013 letter of opposition that this office submitted to the Planning Department. As noted in paragraph 13 of the staff report, the letter was submitted during the 2nd review of the zoning case, "prior to the latest iteration of the plan, which was subsequently significantly revised." We would agree that the applicant did, in fact, revise its application. However, they have not adequately satisfied all our objections; therefore, on behalf of our client, we still oppose the granting of the requested rezoning. We ask that you recommend denial of the Happy Valley 40 PAD rezoning as the application continues to remain out of conformance with the City of Peoria General Plan.

The subject property is designated "Residential Estate" within the General Plan. This designation "denotes areas where large-lot single-family residential development is desirable or areas of maximized open space sought." The designation allows for a density range of 0-2 DU/AC with a target of 1 DU/AC. The rezoning for the Happy Valley 40 PAD allows for lot sizes that are out of correlation with the intent of the Residential Estate designation, and the requested density of 1.36 DU/AC is above the target density without sufficient justification. These non-conformities are detailed as follows:

Zoning Correlation

Table 2-1 of the General Plan indicates zoning districts that are correlative to the General Plan designations. Pursuant to this table, R1-18 is the smallest Zoning District allowed in the Residential Estate designation. While the PAD Zoning District may be used to implement any of the land use designations, in this case the Happy Valley 40 PAD includes lots as small as 12,000 square feet. If the R1-12 Zoning District and its 12,000 square foot lots would not be allowed in the Residential Estate land use designation, then a PAD that allows for 12,000 square foot lots should also not be allowed within the Residential Estate designation. 48% of the proposed 62 lots fall under 18,000 square feet and; therefore, are out of conformance with the General Plan land use designation.

Target Density

Table 2-2 of the General Plan indicates the density range and target density for each land use designation. This table states that the Residential Estate designation allows a density range of 0-2 DU/AC with a target density of 1 DU/AC. The target density may only be exceeded *“for those projects that exhibit superior quality and design and/or which provide amenities, dedications or improvements above and beyond minimum city standards.”* The General Plan further states *“The granting of development approval for projects exceeding the target density should be commensurate to the overall public benefit provided by the following:*

- *Efficient and appropriate utilization of the development site (i.e. mixed-use, ‘town centers’/‘main street development’, transit-oriented development);*
- *Significant and measurable water conservation measures, and/or additional renewable water resources in a quantity sufficient to offset demand above the target density;*
- *Substantial variation in product types and lot sizes;*
- *Incorporation of open space and/or amenities above required minimum standards;*
- *Integration of plans to retain, replace or salvage native desert vegetation;*
and
- *Dedication to the City of park sites, hillside areas or other desired open space areas.*
- *Guaranteed improvements to existing City parks or open spaces unrelated to development site in lieu of providing additional open space area or amenities on site. Minimum required open space with enhanced amenities must be provided on site.*

Happy Valley 40 is requesting a gross density of 1.36 DU/AC, exceeding the target density of 1 DU/AC. They are essentially asking for an additional 17 lots or an increase of 38% above the target. According to their PAD narrative, they justify this increase by indicating that *“the project will implement enhanced design and architectural standards; the Property open spaces will be planted with water conservation and preservation in mind, community design will allow variation in lot sizing; and additional open space above what is required of Peoria.”*

In analyzing each of the stated “enhancements” we offer the following:

“enhanced design and architectural standards”

On Page 7 of the PAD narrative, they detail out the enhanced design and architectural standards. These enhancement standards do not read any different than the standards already required pursuant to the City’s Design Review Manual and enforced by the City on other residential developments. There are no exhibits in the PAD such as building elevations, which demonstrate how these enhancements will provide the “superior quality and design required” by the General Plan to exceed the target density of 1 DU/AC.

“water conservation and preservation”

The General Plan states “significant and measurable water conservation measures, and/or additional renewable water resources in a quantity sufficient to offset demand above the target density”. Nowhere in their PAD do they quantify, or even elaborate on, the water conservation measures to be implemented; therefore, there can be no “quantity sufficient to offset demand above the target density” as required in the General Plan to exceed the target density.

“variation in lot sizing”

In justifying an increase above the target density, the General Plan states “Substantial variation in product types and lot sizes” is required. Happy Valley 40 provides lots ranging from 12,000 sq. ft. minimum to “greater than 18,000 sq. ft.” There is no detailed breakdown of the actual lot sizes in the PAD, but 30 lots are between 12,000 sq. ft. to 18,000 sq. ft and 32 are larger than 18,000 sq. ft. There is no variation in product types and only a relatively small variation in lot sizes, not the required “substantial variation” needed for a density increase above the target density of 1 DU/AC.

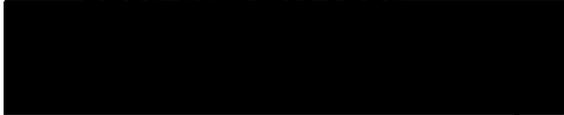
“additional open space”

To qualify for a density increase the General Plan requires open space in excess of the minimum standards. Happy Valley 40 provides a total of 10.8 acres of open space. 5.9 acres is Natural Area Open Space (NAOS) meeting the bare minimum required by the Desert Lands Conservation Ordinance. 2.8 acres is Usable Open Space, meeting the bare minimum required by the Design Guidelines. Therefore, 2.1 acres of HOA maintained open space, or 4% of the overall gross area is being provided in excess of the minimums. This excess open space consists of retention basins, drainage channels, and the entry feature. An increase in target density based on this excess open space should be minimal at best. Commensurately, there is only a minimal increase in the overall public benefit, which is the required test within the General Plan for an increase above the target density.

As detailed above, the Happy Valley 40 PAD zoning request does not conform with the General Plan. Of the proposed lots, 48% are too small to be allowed within the Residential Estate designation and the proposed density exceeds the target density without justifying that increase through “superior quality and design” or “improvements above and beyond the minimum city standards.” The existing R1-35 zoning district is in conformance with the General Plan and existing development of the surrounding areas. For all the above stated reasons, we respectfully ask that the Commission recommend denial of the Happy Valley 40 PAD until such time that it provides for lot sizes and a density in keeping with the existing Residential Estate land use designation.

Very truly yours,

BEUS GILBERT PLLC



Paul E. Gilbert

PEG/arj

cc: Chris Jacques (via email)
Melissa Sigmund (via email)

Exhibit 3

Additional Public Comments

Provided to Planning & Zoning Commission at March 6, 2014 hearing

Melissa Sigmund

From: Web Master
Sent: Tuesday, March 04, 2014 9:01 AM
To: InetIronwood
Cc: Bill Mims
Subject: Suggestion from website user regarding Councilmember Bill Patena - Ironwood District

Follow Up Flag: Follow up
Flag Status: Completed

Request Submitted: Tuesday, March 04, 2014

Submitter's Name: Dale and Ann Ainsworth

Submitter's Email: [REDACTED]

Submitter's Address: [REDACTED]

Apt #:

City: Peoria

State: AZ

Zip: 85383

Submitter's Phone: [REDACTED]

Suggestion Regarding: Councilmember Bill Patena - Ironwood District

Suggestion: About five months ago, we relocated from Colorado to this beautiful neighborhood thinking this would be a wonderful place to retire to, a place holding its values. We are very opposed to the proposed Happy Valley 40--From what we have surmised, that the real estate values took a terrible dive in 2008 and have somewhat come ba ck. This type of dense subdivision would adversely affect our property values and would create many more people and traffic issues! Please help us protect our neighborhood and the values of all of our properties.

Contact Submitter VIA: Email

Melissa Sigmund

From: Web Master
Sent: Tuesday, March 04, 2014 9:54 AM
To: InetPlanning
Cc: Bill Mims; [REDACTED]
Subject: Suggestion from website user regarding Planning & Zoning

Request Submitted: Tuesday, March 04, 2014

Submitter's Name: Ed Janulis

Submitter's Email: [REDACTED]

Suggestion Regarding: Planning & Zoning

Suggestion: As a resident in Peoria at Happy Valley & 83rd Ave for 10 years I oppose the rezoning attempt of the Happy Valley 40 rezoning plan. When I bought my home in 2004, a major plus was the fact that the surrounding area was large lots and low density. Since then the WestWing development has added to traffic up 83rd Ave with hardly anyone obeying the 40 MPH speed limit. I ABSOLUTELY DON'T want more traffic in the area to add to the noise of existing traffic. My backyard backs up to 83rd Ave & Villa Lindo and has become a greater concern as the city has continued to force smaller densities for increased revenue. Vote NO on this rezoning attempt and keep the density of the area the same, as it has already been too busy for the area.

Contact Submitter VIA: Email

From: [Web Master](#)
To: [InetIronwood](#)
Cc: [Bill Mims](#)
Subject: Question from website user regarding Councilmember Bill Patena - Ironwood District
Date: Tuesday, March 04, 2014 8:53:08 PM

Request Submitted: Tuesday, March 04, 2014

Submitter's Name: william Chambers

Submitter's Email: [REDACTED]

Submitter's Address: [REDACTED]

Apt #:

City: Peoria

State: Arizona

Zip: 85383

Submitter's Phone: [REDACTED]

Question Regarding: Councilmember Bill Patena - Ironwood District

Question: Bill, Just a note to ask for your help, please reject the new proposal for the Happy Valley 40 Rezoning at 83rd Ave and Happy Valley. Bill I bought a home here, [REDACTED] and have worked hard to make the payments and for thirteen years have thought this was a great investment and a place I would like to retire, if this new proposal goes through I might as well stay on 71ave and Peoria with a small lot, small home and not much room for improvement, we sold that home thirteen years ago after owning it for fifteen years and made a minimum profit. If this new proposal goes through our second shot at owning a home here in Peoria will without a doubt cripple what we have worked so hard for thirteen years only to see a contractor to line his pockets at our risk. Bill please give my Wife Cindy and myself your help and reject this proposal, the contractor can build to the original agreement and make a good profit without hurting the ones that have built this community. Gil & Cindy

Contact Submitter VIA: Email

From: [Briana Decker](#)
To: [Chris Jacques](#); [Melissa Sigmund](#)
Subject: HV 40 Support
Date: Thursday, March 06, 2014 2:58:29 PM

Chris/Melissa,

This afternoon I received a message from Ms. Michelle Roe (whose property is near 83rd Ave. just south of this development project). She would like to note her support of the HV 40 development project.

Thank you,

Briana Decker-Cortinas

Council Assistant

Intergovernmental and Council Affairs

City of Peoria, 8401 W. Monroe St. Peoria, AZ. 85345

Phone: 623.773.5133 / Fax: 623.773.7384

Briana.Decker@peoriaaz.gov

Work hours: 7:00 a.m. - 6:00 p.m. (Monday-Thursday)

 Please consider the environment before printing this email.

[Click here to register for the Mesquite District updates!](#)

[Click here to register for the Ironwood District updates!](#)

From: [REDACTED]
To: [Briana Decker](#); [InetMesquite](#)
Subject: OPPOSING THE HAPPY VALLEY 40 REZONING
Date: Tuesday, March 04, 2014 4:13:14 PM

Dear Cathy Carlat and Bill Patena and Briana Decker,

Please vote NO to the Happy Valley 40 Rezoning. I am a resident in the surrounding area and strongly urge you to vote NO. This proposal is not consistent with the nearby area.

Thank you for your consideration,

Monnie Ryder
[REDACTED]

From: [Web Master](#)
To: [InetPlanning](#)
Cc: [Bill Mims](#)
Subject: Suggestion from website user regarding Planning & Zoning
Date: Thursday, March 06, 2014 12:11:16 AM

Request Submitted: Thursday, March 06, 2014

Submitter's Name: Parag Rami, MD

Submitter's Email: [REDACTED]

Suggestion Regarding: Planning & Zoning

Suggestion: Dear City Council Members, We are writing you regarding our opposition to the rezoning of Happy Valley 40. We vehemently disagree with the developers request to rezone the area to a higher density housing development. As you are aware, a higher density development will adversely affect property values, as the surrounding neighborhoods are R35 with most homes being custom homes with high value. As proud citizens of the City of Peoria, we are deeply concerned of the negative impact a rezoning will have on our community and surrounding neighborhoods. The housing economy has started to rebound from the real estate crash of 2007, and approving this rezoning request will only cause values to plummet again. This is unacceptable. As owners of premium homes and lots, we make significant contributions, as a whole, to the development of the City Peoria, it's schools and public works through our higher property taxes. Higher property values equal higher revenues for the City of Peoria. We purchased our property last year for a premium price in hopes of retaining these high values, and as an investment for our children and our future. We purposefully bought a home in this area because of the quiet neighborhoods and stable property values. Furthermore, higher density developments will disturb the tranquility and natural beauty of this area by increasing traffic, noise and pollution as well as creating a burden upon local utility providers, ultimately leading to increased costs for these services. It is our hope that the city council members understand the immense negative impact rezoning will have on our individual properties and the community as a whole. Thank you for your time and the opportunity to voice our concerns. Sincerely, Parag M Rami, MD Deborah S Rami La Caille Development

Contact Submitter VIA: Email

March 4, 2014

Melissa Sigmund, AICP, LEED Green Associate
Senior Planner
Planning & Community Development Dept.
City of Peoria

To whom it may concern:

I write this letter in regards to the proposed Happy Valley 40 rezoning on March 6, 2014. I have been a City of Peoria resident for 12 years and have witnessed its positive growth and wish to see more. I fully support the rezoning of this parcel and welcome future developments. I realize that Lennar Homes was granted a high density zoning on several nearby acres that will evolve into 500+ homes.

The City of Peoria needs several new developments like these to help our community create tax revenues to finish our local infrastructure. In addition, we need more commercial businesses, e.g. retail stores, restaurants, shopping, hospitals. We currently have very under-developed commercial areas at Lake Pleasant and Happy Valley and these will never progress without "roof tops". There is a direct correlation with these "roof tops" and commercial development and if new homes are restricted then these areas will be restricted as well. In addition, if anyone uses these commercial shopping centers they will attest to the major restrictions of ingress/egress. It is extremely tough to enter and exit all of the current shopping centers due to access points. Now, there are several future access points available but, once again these will never be developed and useable until additional commercial retailers develop the vacant pads.

I strongly support the Happy Valley 40 rezoning and all others. I do NOT support Tom Jones and his bully tactics to fight any and all future growth. This particular site is northwest of his home and has zero effect on access to his property. In addition, it will not block his views of the northern mountains and will help buffer future road noise to the west of his subdivision.

Sincerely,

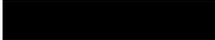
Tim Hammer

Melissa Sigmund

From: [REDACTED]
Sent: Tuesday, March 04, 2014 8:25 AM
To: Briana Decker
Subject: (no subject)

Council members Carlat and Patena: I am writing to voice my opposition to the proposed rezoning on the Happy Valley 40 project that is coming before the Planning commission this week. It is my understanding that staff is recommending this density increase so I am making you aware in the case that it is passed for your consideration. The La Caille community was counting on that zoning protection that has been in existence and are very disappointed that the density may be reduced to 12,000 square foot lots from the current 35,000 square foot requirement. Thank you for your consideration. Tom

Thomas G. Jones
Jones Auto Centers



Melissa Sigmund

From: Web Master
Sent: Monday, March 03, 2014 8:13 PM
To: InetPlanning
Cc: Bill Mims; [REDACTED]
Subject: Suggestion from website user regarding Planning & Zoning

Request Submitted: Monday, March 03, 2014

Submitter's Name: Travis and Susan Bell

Submitter's Email: [REDACTED]

Suggestion Regarding: Planning & Zoning

Suggestion: We are very opposed to the HAPPY VALLEY 40 rezoning. We have lived in the Calle Lejos Estates neighborhood for 15 years and cannot believe what the City of Peoria is even considering for that area. This was supposed to be the West Valley's answer to "Scottsdale" for the North Peoria area with the beautiful mountains and low density communities. It's a sad thing to see that the residents of the greater North area, many who have lived their longer than us, could quite possibly be done in by the greed of the developers. PLEASE don't let our dreams for our communities be pushed aside.

Contact Submitter VIA: Email

-----Original Message-----

From: valerie eastman [REDACTED]

Sent: Tuesday, March 04, 2014 6:54 PM

To: Terri Smith; Anthony Alejandro; Briana Decker

Subject: Rezoning of Happy Valley 40 - please distribute to all city council members

To all Peoria City Council members:

My husband and I are against the rezoning of Happy Valley 40. We do not want more density in this area. Everyone in the surrounding area purchased their homes not knowing the density would increase so much in this area. Please stick to the original zoning for Happy Valley 40, and all other neighborhoods along Happy Valley.

Thank you,

Valerie & Deryl Eastman
[REDACTED]

Peoria

Calle Lejos Estates

From: [Web Master](#)
To: [InetPlanning](#)
Cc: [Bill Mims](#)
Subject: Suggestion from website user regarding Planning & Zoning
Date: Wednesday, March 05, 2014 12:23:51 PM

Request Submitted: Wednesday, March 05, 2014

Submitter's Name: Vicky Moore

Submitter's Email: [REDACTED]

Suggestion Regarding: Planning & Zoning

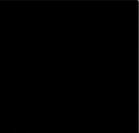
Suggestion: Please do not approve the zoning change proposal for Happy Valley 40 scheduled for hearing on March 6. The current R-35 zoning will ensure the peace and quiet of the area. There is no need for higher density lots which will negatively impact the area and add to the congested traffic on 83rd Avenue and Happy Valley Road. The recent decision to rezone the Riverwalk area at 77th Avenue & Pinnacle Peak will already add to traffic on 83rd Avenue. Thank you for your consideration.

Contact Submitter VIA: Email

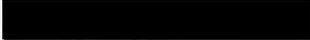
Change.org

Sign this petition

with 54 supporters



valerie eastman



Peoria, AZ

Petitioning neighbors

Oppose rezoning of Happy Valley 40 to smaller lots

Petition by Calle
Lejos Estates

As a property owner or resident near the area of Happy Valley Road between 83rd and 91st Avenues, I am opposed to the granting of a Rezoning to allow the creation of the proposed residential project to be known as Happy Valley 40. This proposal includes lots as small as 12,000 sf and a density of nearly 2 units per acre. The subject property should be developed in accordance with its current R1-35 zoning, and in accordance with the General Plan Land Use designation target density of 1 unit per acre. Happy Valley 40 as proposed is too intense for the area, given the surrounding low-density development.

Name	City	State	Zip Code	Country	Signed On
Jon Mutka	Peoria	Arizona	85383	United States	10/21/13
Gary Tew	Peoria	Arizona	85383	United States	10/21/13
Glenn Moe	Peoria	Arizona	85383	United States	10/21/13
Anga Allen	Peoria	Arizona	85383	United States	10/21/13
Matthew Bennett	Peoria	Arizona	85383	United States	10/21/13
Monnie Ryder	Peoria	Arizona	85383	United States	10/21/13
Susan Bertram	Peoria	Arizona	85383	United States	10/21/13
Laura Ciolek	Peoria	Arizona	85383	United States	10/21/13
Ronald Skehan	Peoria	Arizona	85383	United States	10/21/13
Vicky Moore	Peoria	Arizona	85383	United States	10/21/13
Ron and Judy soety	peoria	Arizona	85383	United States	10/21/13
Deryl Eastman	Peoria	Arizona	85383	United States	10/21/13
Dale Smith	Peoria	Arizona	85383	United States	10/21/13
Jeff Casetta	Peoria	Arizona	85383	United States	10/22/13
steve parten	Peroria	Arizona	85383	United States	10/22/13
Greg Stultz	Peoria	Arizona	85383	United States	10/22/13
Dennis Roccaforte	Peoria	Arizona	85383	United States	10/22/13
Jim BALIAN	Peoria	Arizona	85383	United States	10/22/13
Thomas Jones	Peoria	Arizona	85383	United States	10/22/13
Parag Rami	Peoria	Arizona	85383	United States	10/22/13
Yvonne Smith	Peoria	Arizona	85383	United States	10/23/13
Melodie Bumguardner	Peoria	Arizona	85383	United States	10/23/13
Deborah Rami	Peoria	Arizona	85383	United States	10/23/13
Deborah Fait	Peoria	Arizona	85383	United States	10/23/13
Dennis Wahl	Peoria	Arizona	85383	United States	10/23/13
Shelley Strachan	Peoria	Arizona	85383	United States	10/23/13
Heidi Rommeswinkel	Peoria	Arizona	85383	United States	10/24/13
Brigitta Rommeswinkel	Peoria	Arizona	85382	United States	10/24/13
robert strachan	peoria	Arizona	85383	United States	10/24/13
Barb harden	peoria	Arizona	85383	United States	10/24/13
ROBERT SCHOLZ	PEORIA	Arizona	85383	United States	10/24/13
Julie Kerber	Peoria	Arizona	85383	United States	10/28/13
sandra whelan	Peoria	Arizona	85383	United States	11/4/13
Susan Bell	Peoria	Arizona	85383	United States	11/13/13
Sharon Scholz	Peoria	Arizona	85383	United States	11/20/13
Tina Kluemper	Peoria	Arizona	85383	United States	1/20/14
Angela Parker	Peoria	Arizona	85383	United States	1/20/14
Chad Kluemper	Peoria	Arizona	85384	United States	1/20/14
Henry Dale Ainsworth	Peoria	Arizona	85383	United States	1/20/14

Travis and Susan Bell	Peoria	Arizona	85383	United States	1/21/14
Bonnie Wilson	Peoria	Arizona	85383	United States	1/21/14
Gregory Whelan	Peoria	Arizona	85383	United States	1/21/14
Edward Janulis	Peoria	Arizona	85383	United States	1/21/14
Janelle Dobash	Peoria	Arizona	85383	United States	1/21/14
Virginia Miller	Peoria	Arizona	85383	United States	1/21/14
William Chambers	Peoria	Arizona	85383	United States	1/22/14
Francis Miller	Peoria	Arizona	85383	United States	1/22/14
Melody Highlen	Peoria	Arizona	85383	United States	1/26/14
Victor Carlson	Peoria	Arizona	85383	United States	2/3/14
Mark Flamm	Peoria	Arizona	85383	United States	2/3/14
Vicki Ashton	Peoria	Arizona	85383	United States	2/4/14
Richard Stocking	peoria	Arizona	85383	United States	2/4/14
Kent Ashton	Peoria	Arizona	85383	United States	2/4/14
Tim Weber	Peoria	Arizona	85383	United States	2/7/14

Supporters

Reasons for signing

Richard Stocking PEORIA, AZ 8 days ago Liked 0 Because I am a home owner and do not want our property value to decrease because a builder wants to increase his revenue per acre

Vicki Ashton PEORIA, AZ 9 days ago Liked 0 To maintain property value of existing homes in surrounding area.

Francis Miller PEORIA, AZ 21 days ago Liked 0 12000 sq. ft. lots are not in keeping with the area.

Gil Chambers PEORIA, AZ 22 days ago Liked 0 Smaller lots bring more traffic and push the price of my home down, I didn't agree to having smaller lots when I bought my home and I haven't changed my opinion.

Bonnie Wilson PEORIA, AZ 23 days ago Liked 0 The traffic issues and beauty of the area.

Henry Dale Ainsworth PEORIA, AZ 23 days ago Liked 0 As a Retired Realtor I believe this could negatively affect property values in our area.

Angela Parker PEORIA, AZ 23 days ago Liked 0 I am a proerty owner near the area of Happy Valley Road between 83rd and 91st Avenue. This land and current residential areas is intended for larger lots and not for dense communities.

Julie Kerber PEORIA, AZ 4 months ago Liked 0 The developer purchased the land with set requirements. They should be required to build according those requirements. Now they are looking to add to their bottom dollar; which will de-value the houses in the surrounding neighborhoods. This should not be allowed.

ROBERT SCHOLZ PEORIA, AZ 4 months ago Liked 0 PROPERTY VALUES

Barbara Harden PEORIA, AZ 4 months ago Liked 0 It will decrease existing home values.

Dennis Wahl PEORIA, AZ 4 months ago Liked 0 Our property values will decline.

Deborah Fait PEORIA, AZ 4 months ago Liked 0 This change would devalue our homes and open the door for houses that would fall below the market trends in our area.

Deborah Rami PEORIA, UNITED STATES 4 months ago Liked 0 real estate value, traffic, congestion

Melodie Bumguardner PEORIA, AZ 4 months ago Liked 0 This residential property should be developed in accordance with its current R1-35 zoning and in accordance with the General Plan Land Use designation target density of 1 unit per acre. This will stay in accordance with the surrounding neighborhoods and keep the congestion down in this area.

Yvonne Smith PEORIA, AZ 4 months ago Liked 0 With all the new developments being created around our area, this level of density is unacceptable and unfair to the current property owners.

Thomas Jones PEORIA, AZ 4 months ago Liked 0 They need to build in accordance with the zoning that is in effect and we were counting on to know the type and quality of community that we were joining when we invested in our property.

Dennis Roccaforte PEORIA, AZ 4 months ago Liked 0 I live directly south of the property and purchased this land because there would NOT be small lots around our home. The change would directly impact the value of our home.

Greg Stultz PEORIA, AZ 4 months ago Liked 0 Any new development needs to reflect the surrounding density. This development is attempting to double that.

Jeff Casetta PEORIA, AZ 4 months ago Liked 0 Will keep the

neighborhood consistent with the area that's already build

Ron Soety PEORIA, AZ 4 months ago Liked 0 this property should be developed as currently zoned period....

Ronald Skehan PEORIA, AZ 4 months ago Liked 0 Keeping our neighborhood consistent in scope and value

Susan Bertram PEORIA, AR 4 months ago Liked 0 This could impact the value of my home

Monnie Ryder PEORIA, AZ 4 months ago Liked 0 Property values and maintaining the original General Plan Land Use.

Diane Moe PEORIA, AZ 4 months ago Liked 0 I live in the area and want to maintain the current low density environment.

ORDINANCE NO 2014-13

AN ORDINANCE OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA REZONING CERTAIN PROPERTY FROM SINGLE FAMILY RESIDENTIAL (R1-35) TO THE HAPPY VALLEY 40 PLANNED AREA DEVELOPMENT (PAD) ZONING DISTRICT; AMENDING THE ZONING MAP AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Peoria Planning and Zoning Commission held a public hearing on March 6, 2014 in zoning case Z13-0006 in the manner prescribed by law for the purpose of considering an amendment to the district boundaries of property within the City of Peoria, Arizona to provide for rezoning of the subject parcel as described below from the Single Family R1-35 zoning district to the Happy Valley 40 Planned Area Development (PAD) zoning district as provided in Section 14-39 of Chapter 14 of the Peoria City Code (1977 edition);

WHEREAS, due and proper notice of such Public Hearing was given in the time, form, substance and manner provided by law including publication of such notice in the Peoria Times Newspaper on February 14, 2014; and

WHEREAS, the City of Peoria Planning and Zoning Commission has recommended to the Mayor and the Council of the City of Peoria, Arizona, the zoning of property as aforesaid and the Mayor and the Council of the City of Peoria, Arizona desires to accept such recommendation and rezone the property as described below as aforesaid.

NOW, THEREFORE BE IT ORDAINED by the Mayor and Council of the City of Peoria, Arizona that:

SECTION 1. A parcel of land in Peoria, Maricopa County, Arizona, which is more accurately described in Exhibits A and B to this Ordinance, is hereby rezoned from Single Family Residential R1-35 zoning district to the Happy Valley 40 Planned Area Development (PAD) zoning district.

SECTION 2. The amendment to the zoning herein provided be conditioned and subject to the following stipulations:

1. The development shall conform in all material respects to the "Happy Valley 40" Planned Area Development Standards and Guidelines Report; (Case Z13-0006) stamp dated December 10, 2013.

2. The Developer shall adhere to the recommendations of the Cultural Resources Inventory included in the Desert Lands Conservation Report for this case.
3. The Developer shall provide an ALTA Survey reflecting existing boundary and recorded easements on the site.
4. A Final Drainage Report shall be submitted with the Civil Improvement Plans.
 - Note that the City of Peoria has adopted the Maricopa County Uniform Drainage Design Standards, Policies and Procedures and Drainage Design Manual for Maricopa County for drainage criteria. Retention must be provided for the 100-year, 2-hour storm.
 - Provide a drainage report addressing onsite & offsite flows. The drainage report shall take into effect the adjacent drainage ways.
 - If utilized, all Drywells must be registered with the Arizona Department of Environmental Quality and drilling logs shall be provided to the City. The percolation rate shall be tested and the results provided to the City before the drywell is accepted.
 - On-site basins shall be provided to retain/detain 100% of the 100-year, 2-hour storm event for the sub-basin it serves. The volume shall be calculated based on the gross square footage of the site (including half-street areas). A drainage easement shall be recorded over each retention/detention area within the project for both “public” and “private” basins.
5. This development shall provide all necessary infrastructure to serve this site.
6. A Final Traffic Impact Analysis (TIA) shall be approved prior to Preliminary Plat approval.
7. This development is located within the Sunrise Water Company service area. Sunrise Water Company must approve the water plans prior to City approval, and must sign off on the Final Plat for all waterline easements.
8. A final water network analysis and final sewer report will be required for final design.
9. In order for the City to issue a “Will Serve Letter” the Developer shall submit the water and sewer reports and the Approval to Construct (ATC) form with an original signature by the owner. The current ATC forms are available at <http://www.maricopa.gov/EnvSvc/WaterWaste/Subdivisions/Downloads.aspx>
10. The Developer is responsible for obtaining all necessary easements and permits from the Arizona State Land Department. It is the developer’s responsibility to review and comply with the State Land agreement for Happy Valley Road, recording number 2006-1346775. If a meeting with ASLD is necessary, the Developer shall contact the City’s property manager to coordinate such a meeting.
11. Streetlights shall be installed by the Developer. The streetlight plan shall be submitted with the second submittal of the Civil Improvement Plans. The streetlights shall also be indicated on the paving or grading plan.
12. The Developer will be responsible to underground any overhead utilities rated less than 69 kV, which are adjacent to the subdivision.
13. A Phase 1 Environmental Clearance will be required for all right-of-way to be dedicated to the City.

14. The Developer shall provide an Agreement to Install Improvement for the public improvements required by the development with an accompanying financial assurance for subdivision improvements in accordance with City's requirements.
15. The Developer will be responsible to form a Maintenance Improvement District (MID) for this subdivision. The MID submittal shall be made with the second submittal of the improvement plans.
16. The preservative seal required for the new streets shall be applied 1-year after completion of the streets. A fee to cover this cost will be required at the time of the paving permit. The City will determine the amount at the time of permit issuance.
17. Pavement sections shall be verified by the project soils report.
18. The Developer will be responsible to verify visibility and sight distance triangles for intersections, driveways, and grade separations.
19. The Development shall comply with the Phase 2 AZPDES Storm Water Pollution Prevention criteria. This should include runoff control, erosion control, and sediment control. A Storm Water Pollution Prevention Plan (SWPPP) shall be submitted with the improvement plans in accordance with the SWPPP checklist.
20. The Developer shall submit a noise mitigation study in accordance with ADOT Noise Abatement Policy to address the anticipated traffic on Happy Valley Road. All walls shall be designed in accordance with the recommendations of the noise study.
21. The Developer shall dedicate the necessary ROW along Happy Valley Road as determined by the City Engineer. During the preliminary plat process, the Developer shall submit an exhibit showing the limits of the Right of Entry for Happy Valley Road, along the western portion of the site.
22. The Developer shall dedicate an 8' PUE outside of the internal private roadway Tract. No walls or retention shall be allowed within the PUE.
23. The Developer shall dedicate a PUE along Happy Valley Road ROW.
24. The size and location of the Happy Valley Road PUE, sound wall, and slopes shall be permitted as follows, beginning on the western end of the site:
 - For the first approximately 500', an 8' PUE shall be located under the existing 8' sidewalk. The sound wall shall be located on the inside edge of the ROW. Following a 2' level bench, a maximum of a 2:1 slope is permitted from the sound wall to the drainage swale outside of the property perimeter wall. The property perimeter wall is to be located on the property line.
 - For the next 863' (to the center of the Happy Valley Road access point), a 6' PUE shall be located after the 65' half street ROW, with a maximum of a 6:1 slope. The sound wall shall be located on the outside of the PUE. Following a 2' level bench, a maximum of a 2:1 slope is permitted from the sound wall to the drainage swale outside of the property perimeter wall. The property perimeter wall is to be located on the property line.
 - For the next 710' (from the center of the Happy Valley Road access point), a 6' PUE shall be located after the 65' half street ROW, with a maximum of a 6:1 slope. The sound wall shall be located on outside of the PUE. Following a 2' level bench, a maximum of a 2:1 slope is permitted from the sound wall to

- the drainage swale outside of the property perimeter wall. The property perimeter wall is to be located on the property line.
- For the remainder of the project frontage, an 8' PUE shall be located under the existing 8' sidewalk. The sound wall shall be located on the inside edge of the 65' ROW. Following a 2' level bench, a maximum of a 2:1 slope is permitted from the sound wall to the drainage swale outside of the property perimeter wall. The property perimeter wall is to be located on the property line.
25. The Developer shall dedicate a 30-foot by 30-foot ROW chamfer at all intersections with collectors or arterials. The Developer shall dedicate a 20-foot by 20-foot ROW/tract chamfer at all local/local roadway intersections.
 26. All driveways shall be in accordance with the requirements of Peoria Detail PE-251. Any deviations from this detail shall be addressed in a Traffic Impact Analysis.
 27. A local street signing plan shall be submitted with the Civil Improvement Plans.
 28. A signing and striping plan for off-site improvements is required for this project and must be submitted with the first submittal of the improvement plans.
 29. Prior to Final Plat recordation, the applicant shall obtain approval of final grading, drainage, utilities, and paving plans in conjunction with a Final Drainage Report and Final TIA. These final plans and reports shall be in conformance with the approved preliminary plans and report. The Final Plat shall be submitted with the first submittal of the Civil Improvement Plans. The Final Plat shall be approved prior to permits being issued for the site.

SECTION 3. Amendment of Zoning Map. The City of Peoria zoning map is herewith amended to reflect the change in districts referred to in Section 1 above and as defined by the Legal Description as represented in Exhibit A and the corresponding parcel map as shown as Exhibit B.

SECTION 4: Effective Date. This Ordinance shall become effective at the time and in the manner prescribed by law.

PASSED AND ADOPTED by the Mayor and Council for the City of Peoria, Arizona this 1st day of April, 2014.

Bob Barrett, Mayor

Date Signed

ATTEST:

Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

Published in: Peoria Times
Pub. Dates: April 11 and 18, 2014

Effective Date:

EXHIBIT A

LEGAL DESCRIPTION

Banden Mine and Banden Mine No. 2, located in Sections 3 and 10, Township 4 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona; as more fully described in survey #2597 of the Arizona Land District.

EXHIBIT B
Map

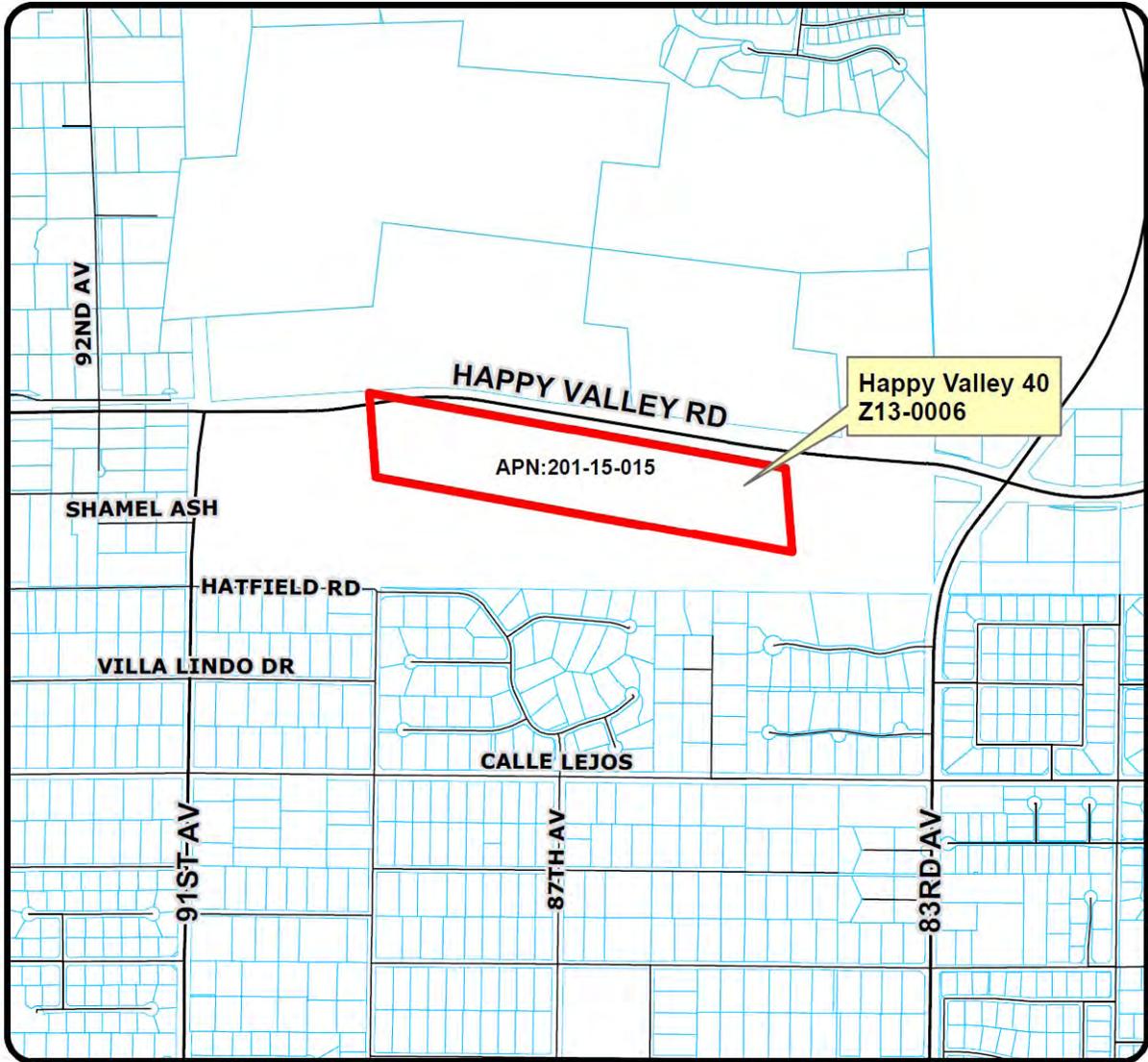


Exhibit 5

Happy Valley 40 Planned Area Development
Standards and Guidelines Report

March 6, 2014

Happy Valley 40

A Single Family Residential Planned Area Development

Zoning Case Z13-0006

Owner

Happy Valley Funding LLC
4350 E Camelback Rd, Suite E240
Phoenix, AZ 85018

Applicant

Happy Valley Land Partners LLC
4222 E Camelback Rd, Suite H100
Phoenix, AZ 85018

3rd Submittal

Table of Contents

Development Team	1
Planned Area Development Overview	2
Project Development Standards	5
Grading, Drainage and Retention	9
Water and Wastewater	10
<u>Exhibit A</u> (Legal Description)	13
<u>Exhibit B</u> (Concept Plan)	14
<u>Exhibit C</u> (Parks and Open Space Map)	16
<u>Exhibit D</u> (Street Lighting)	18
<u>Exhibit E</u> (Signage)	19
<u>Exhibit F</u> (Entry Concept)	20
<u>Exhibit G</u> (Roadway Sections)	21
<u>Exhibit H</u> (Slope Analysis)	24
<u>Appendices</u>	

Development Team

Developer

M3 Companies, LLC

Contact: Bill Brownlee

4222 E Camelback Rd, Suite H100

Phoenix, AZ 85018

602-386-1308

Land Planning and Landscape Design

Greey/Pickett

Contact: Wendell Pickett

7051 E 5th Avenue Suite 200

Scottsdale, AZ 85251

480-609-0009

Engineering

Slater Hanifan Group

Contact: Tara O'Connor

11801 N. Tatum Blvd, Suite 123

Phoenix, AZ 85028

602-687-9664

Happy Valley Land Partners LLC, an Arizona limited liability company, whose manager is M3 Builders, LLC (“**HVLP**”) is submitting a request for the rezoning of 45.7 gross acres from R1-35 to Planned Area Development (“**PAD**”). The 45.7 gross acres is located on the south side of Happy Valley Road west of 83rd Avenue and east of 91st Avenue (the “**Property**”).

The PAD would allow for up to 62 single family home lots (1.36 du/acre) in a well-planned cohesive subdivision with 27.5% of open space (the “**Project**”). The Property has 80 feet of slope from north to south from Happy Valley Road and is an isolated parcel surrounded by approximately 100 acres of State Trust Lands.

The general market area surrounding the Property has grown substantially over the past few years and is transitioning to a more suburban market, specifically to the west and north of the Property. Happy Valley Road borders the northern portion of the Property and is a six-lane major arterial street; it was completed in 2008. The current traffic count is 19,100 vehicle trips per day and will substantially increase in traffic with the continued development of commercial and higher density residential at the intersection of Happy Valley Road and Lake Pleasant Parkway, and further to the west in Vistancia and along the 303 corridor. A mix of residential densities has been developed in the area immediately surrounding the Property; State Trust Lands zoned Agricultural surround the Property; R1-18 (on the east side of 83rd Avenue from Hatfield Road south to Deer Valley Road) to SR-43 to the south, west and east of the State Lands; a PAD is planned immediately to the north of Happy Valley Road (PAD Z97-13A2) and West Wing, a Planned Community Development (PCD Z98-09A9) is located to the north of PAD Z97-13A2.

The Project site plan is based upon single family residential home lots with an overall density of 1.36 dwelling units per acre. The actual width, depth and size of each lot within the Project will vary based on changing terrain and development constraints to provide a more fluent and desirable community. It is anticipated that there will be one or two builders within the Project, with architectural design guidelines being imposed by the developer to maintain continuity within the Project. The size of lots will vary with a minimum of 12,000 square feet to greater than 18,000 square feet, thus allowing for a mix of different product types and price points. The majority of lots within the community will be 18,000 square feet or greater. The Project design incorporates natural open spaces throughout the community, walking trail and sidewalk throughout the community, increased landscaping as well as a central landscaped park, and a sound wall along Happy Valley Road.

The PAD, as submitted, meets the City of Peoria submittal requirements for planned area developments. Several meetings have been held with the staff to discuss the design constraints, solutions to these constraints and site planning options. The result of these meetings is set forth in this application which includes planning documents, standards and guidelines for the build out of the Project. The use of a PAD will allow the Project to establish a unique character, inclusive of open space, which is otherwise unattainable under the Property's current zoning of R1-35.



Relationship to Surrounding Properties

The Project is approximately 1,500 feet from the intersection of Happy Valley Road and 83rd Avenue and 1,200 feet west of the intersection of Happy Valley Road and 91st Avenue. To the north of the Property across Happy Valley Road is the planned Sunrise Canyon PAD, a 209 acre community planned for single family residential lots, ranging from .5 acre to over 1 acre lots. Due to the terrain and hillside conditions of Sunrise Canyon, higher density residential was not feasible.

To the south, east and west of the Property are State Trust Lands zoned AG, General Agricultural. Running on the southern border of the State Trust Lands are a 230 foot wide SRP

easement for high power lines and a 60 foot wide El Paso Gas easement. The gas and electric easements provide a 230 foot buffer to the R1-35 and SR-43 single family residential to the south. The distance from the southeastern corner of the Property to the closest single family residential property line is approximately 300 feet located in R1-35 (Z94-28).

Two small parcels of vacant land are located along the west side of 83rd Avenue approximately 1,000 feet to the east of the Property between the State Trust Lands and 83rd Avenue (created by the re-alignment of 83rd Avenue), zoned SR-43. To the west of the State Trust Lands, approximately 1,350 feet from the Property on the west side of 91st Avenue are single family lots ranging in size from SR-35 to SR-43.

General Plan

The Property is designated as “**Residential/Estate**” with a density of 0-2 du/ac on the City of Peoria’s General Plan Land Use Map. This PAD application is consistent with the current General Plan designation with an average density of 1.36 dwelling units per acre; however, it exceeds the “Target Density” designation outlined in the General Plan. The “Target Density” allocation for “Residential/Estate” land designation is 1 dwelling unit per acre. The average planned density for the Project is 1.36 density units per gross acre. In accordance with Section 2.c of the General Plan, which outlines allowances for exceeding Target Density, the project will implement enhanced design and architectural standards; the Property open spaces will be planted with water conservation and preservation of native vegetation in mind, community design to allow variation in lot sizing; and additional open space above what is required by the City of Peoria.

Explanation of Rezoning Request

The Project has many design constraints, such as a six-lane arterial roadway along its northern border, sloping topographical conditions with 80 foot of fall from north to south across the site, multiple drainages created as a result of the construction of Happy Valley Road and the drainage being disbursed onto the Property, and an irregular shape as a result of a larger than typical dedication of right of way for Happy Valley Road to the City of Peoria, all of which have been overcome in the design concepts for the Project. The use of a PAD will accommodate these design constraints while remaining consistent with the General Plan. The PAD limits the overall density to 62 density units or 1.36 units per gross acre.

This PAD report includes conceptual designs of the Project’s entrance, walls, landscaping, lotting pattern and sizes, community parks, and natural open space. The primary entrance into the Project will be located on the south side of Happy Valley Road approximately 3,100 feet west of 83rd Avenue. The interior streets will be privately owned and maintained, but designed and constructed to the City of Peoria street standards. Improvements to Happy Valley Road will be in accordance with approved traffic plans,

Useable open space is provided within the Project via a large centralized community park, as well as a smaller pocket park which will be connected through sidewalks and pathways within the Project. Retention areas surrounding these park areas will also be landscaped to enlarge the useable park area. The Project provides approximately 10.8 acres or 27.5% of total open space within the Property. The landscaped area within the right-of-way between Happy Valley Road and the north property line will also be maintained by the community.

Permitted Principle, Conditional and Accessory Uses

Permitted Principle Uses

- a. One detached single-family dwelling unit per lot.
- b. All permitted uses in accordance with the City of Peoria Zoning Ordinance 14-5-2.

Permitted Conditional Uses

- a. Conditional uses permitted by the City of Peoria Zoning Ordinance 14-5-3

Permitted Accessory Uses

- a. Permitted Accessory uses shall comply with the City of Peoria Zoning Ordinance Article 14-5-4

Project Phasing

Development of the Project will occur in one or two phases and the houses will be constructed by one or two merchant home builders to be completed in multiple phases.

Project Development Standards

- a. Lot Coverage: 50% Maximum
- b. Setbacks:
 - Front Setback (ft) - Side Entry Garage¹ (10')*
 - Front Setback (ft) - Front Facing Garage (20')**
 - Interior Setback (min/total ft) - (5'/15')
 - Rear Setback (ft) - (15')
 - Corner Setback (ft) - (10')

* Not more than 60% of the total front-facing elevation shall occur at the 10 foot setback.

** Where front-facing garages are present, a 10 foot front setback shall apply to the livable portion of the home provided that not more than 60% of the total front-facing elevation occurs at the 10 foot setback.

¹. Side-entry garages shall be prohibited on corner lots.

c. Minimum Lot Size(s):

- All lots: 12,000 square feet or greater
- Minimum 50% of lots 18,000 square feet or greater
Maximum 62 lots total

d. Building Heights: Maximum of 30'

e. Accessory Use Standards: Accessory uses shall comply with the City of Peoria Zoning Ordinance Article 14-5-8

f. Open Space Requirements: The Project will contain a total of 10.8 acres of open space comprised of 2.8 acres of useable open space, 2.1 acres of HOA maintained open space, and 5.9 acres of natural open space. 5.89 acres of Natural Open Space is required per the Desert Lands Conservation Overlay, the Project meets this requirement. Community parks, trails, retention areas and other open spaces will be improved with plant material that will conform to the low water use plant requirements of the Arizona Department of Water Resources. Multi-Use trails wind around the community park with connectivity to all adjacent residential streets. The community park will also provide amenities including a useable turf area and additional amenities such as sport court, play structure, shade structure, bench seating, gathering node, and barbeque area.

g. Lighting: Lighting shall conform to Article 14-3-2F of the City of Peoria Zoning Ordinance governing exterior lighting for residential development. Lighting within the Project will be upgraded from standard fixtures in order to enhance the appeal of the community. Specific fixtures have not been selected yet; examples, however, are provided with this application.

h. Roadway Standards: The entrance into the Project will be gated and is located on Happy Valley Road, approximately 3,100 feet west of the 83rd Avenue intersection. This entry provides long range views of the valley to the south and the neighborhood park, then winds east and west before each branches off into several short streets culminating in cul-de-sacs. The entry provides a 70 foot minimum right-of-way, divided roadway section with one inbound and one outbound lane, a center landscaped median, a call box/gate control and a turn-around in compliance with the City of Peoria standards. The interior streets meet the City of Peoria standards and are planned within a 50 foot tract width utilizing two street standards: (1) a double loaded street (lots on both sides) having a 32 foot face of curb to face of curb pavement section, a five foot detached sidewalk on each side of the street, and a three and one-half foot landscape buffer separating the back of curb from the detached sidewalk; and (2) a single loaded street (lots on only one side) having a 26 foot face of curb to face of curb pavement section, a five foot detached sidewalk on each side of the street, and a six and one-half foot landscape buffer separating the back of curb from the detached sidewalk.

- i. Parking: Parking shall be in conformance with Article 14-23 of the City of Peoria Zoning Ordinance. The double-loaded streets with the 32 foot pavement section will permit parking on both sides of the street while the narrower single-loaded streets with the 26 foot pavement section will only allow parking on one side of the street.
- j. Screening, Fencing and Walls: The standards for fencing and walls shall be in conformance with Article 14-3-5 of the City of Peoria Zoning Ordinance. Screening shall be in conformance with the standards set forth in Article 14-3-4 of the City of Peoria Zoning Ordinance. Thematic wall design will complement the Project's identity established at the community entry monument at Happy Valley Road. Thematic walls will be provided along Happy Valley Road and within the Project along property boundaries with the exception of view walls/fencing which will be located adjacent to open space. The Project's theme will be emphasized by a consistent use of enhanced materials and detailing throughout the community
- k. Enhanced Design Review Standards: The Project will be developed in accordance with Chapter 3 (Single Family Residential) of the City of Peoria's Design Review Manual. The Project will include safe and efficient roadway design which will minimize potential vehicular and pedestrian conflict within the community. A centrally located community park will be the visual terminus and focal element when entering the Project. The gated entry will provide a unique design including decorative walls, gates and paving material, an enhanced landscape median and vehicle turn around. Single family residential architectural features will include diverse housing floor plans, elevations, material and colors. All houses within the Project will include enhanced design elements.
- l. Enhanced Architectural Design Elements:
 - Four-sided architecture. Rear and side elevations shall have architectural treatments consistent with the front elevation.
 - Enhanced building articulation and materials including porches and front entries. Shade elements will be thoughtfully integrated to provide protection from the desert sun.
 - Residential architecture will provide well-articulated public spaces including porches and patios, meaningful front door design, feature window, and thoughtful design and material selection for garage doors.
 - Changes in volume, building plane, sloping roofs and porches will be used to reduce the perceived scale of the structure.
 - Basic architectural shapes and volumes, and uncluttered architectural details are encouraged.
 - Variety in buildings materials and colors is encouraged within a neighborhood, but should also compliment the natural desert environment.

- A simple and harmonious application of materials is encouraged. Materials changes will occur when there is a change in volume or plane, or other logical change.
- Residential streets will contain a variety of floor plans and building elevations to create a diverse streetscape. A minimum separation of at least three lots will be maintained for any model with similar elevation, colors and materials.
- A mix of materials, colors and façade treatments will be employed.

Project Signage Standards

Signage shall conform to the standards in Article 14-34 of the City of Peoria Zoning Ordinance. A permanent subdivision identification sign will be located at the Project entry at Happy Valley Road. The entry monument signage shall conform to Article 14-34-28 of the City of Peoria Zoning Ordinance.

Project Landscape Standards

Landscaping for the Project shall conform to the requirements set forth in Article 14-35 of the City of Peoria Zoning Ordinance, except in the immediate area adjacent to the Happy Valley Road right of way. In the area adjacent to the Happy Valley Road right of way, landscape areas are to be allowed on both sides of the sound wall which shall be constructed in similar fashion to the existing sound wall along Happy Valley Road adjacent to the Property. The grading of the slope which is south of the sound wall and north of the wall located on the residential lot line shall accommodate a landscaped bench area adjacent to the sound wall which will vary in width based upon the height of the slope and the amount of area between the sound wall and the lot line. The intent of the bench area is to support plant materials which when planted will have a canopy higher than the top of the sound wall. The slope between the sound wall and the residential lot wall will be graded at no less than a 2.5 to 1 and be no less than 10' in width when measured from the face of the wall on the lot line to the face of the sound wall. The slope area within the city of Peoria right of way along Happy Valley Road (approximately 2.1 acres) will be graded and landscaped by the Developer at its expense. The Developer shall work with the City in making application to the state of Arizona for modification to its existing easement within the right of way to accommodate the aforementioned improvements.

Throughout the community landscaping will be designed to be ecologically smart, and with water preservation in mind. The community will be landscaped with native desert landscaping that requires minimal amounts of water. Other water preservation for non-native materials will include water-sensing irrigation valves, as well drip irrigation to replace spray irrigation for appropriate applications.

Slope Analysis

The existing topography for the Project slopes generally from north to south with the majority of slope ranging from 0%-10%. The site is approximately 0.4 miles downstream of the Peoria Sunrise Mountain Preserve. There is a rock outcropping that has been sheared off on the north side by construction of Happy Valley Road improvements which rises 15 feet above the existing road surface and is located 0.5 mile northwest of the intersection of 83rd Avenue and Happy Valley Road. The minor hill formation is a remnant of the construction of Happy Valley Road constructed by the City of Peoria and does not provide any scenic value or natural hillside characteristics. The formation slopes from North to South, with the North portion of the formation rising vertically 15 feet from the crest to Happy Valley Road right of way before it slopes south within the project boundaries. This natural formation will remain in place as natural open space while retaining its natural hillside characteristics. The site elevation ranges from a high of 1,438 feet above mean sea level atop the hill to 1,358 at the southeast corner of the site. A slope analysis map has been prepared in accordance with the City of Peoria requirements as set forth in Article 14-22A-3.E.2. The existing outcropping will be removed as a part of the mass grading program to effectively and efficiently develop the site.

Grading, Drainage and Retention

The Project is a proposed residential development comprised of 62 single-family residential lots, interior circulating streets, retaining and perimeter walls, drainage channels and structures, storm water retention basins, and open space amenities.

The existing topography for the Project slopes generally from north to south with slopes ranging from 5-10%. The site is approximately 0.4 miles downstream of the Peoria Sunrise Mountain Preserve. The site is primarily undisturbed Sonoran desert land with typical vegetation, including native cactus, bushes and grasses with several trails and dirt roadways crisscrossing it.

All grading will conform to City of Peoria requirements. Debris, vegetation, and other deleterious material will be stripped/removed from areas proposed for structural fill placement prior to construction. Site development will consist of typical cut and fill earthwork to attain the desired graded construction of one- to two-story detached single family residential structures using conventional construction equipment. Final site grade will be within 10 feet of existing site elevations with no basements or below grade structures proposed.

Two options for lot grading will be utilized due to underlying bedrock conditions on site. The first option includes providing up to a three foot fill blanket of moisture conditioned and compacted soil for uniform support of structures at building pads where over excavation would encounter bedrock. The second option involves excavating the proposed building pads to grade then over excavating the building pad. The foundation soil for the second option shall consist of moisture conditioned and compacted soil or bedrock.

Street grading involves over excavation and then a minimum 12-inch moisture conditioned and compacted soil sub grade base will be placed. The finish floor elevations will be set at a minimum of 14 inches above the expected 100-year water surface elevation of the drainage channels, basins and low outfall elevation of the site.

Offsite flows from drainage areas north of Happy Valley Road and from Happy Valley Road improvements are concentrated in existing storm drain culverts constructed under Happy Valley Road. These concentrated flows then outlet at the north boundary of the site via concrete structures in the roadway embankment then are conveyed into ephemeral washes south through the site. The seasonal washes traverse the site from north to south. These offsite flows will be conveyed in underground storm pipes or via earthen channels from north to south across the site within dedicated drainage easements before discharging to their historic flow path on the parcel's southern boundary. When necessary, off-site runoff will be detained within on-site retention basins before discharging at their historic outfall locations. The on-site retention basins will be constructed with weir outlets to maintain flow rates and velocities equal to or less than pre-development levels.

Drainage for the proposed storm water management system onsite is proposed to sheet flow runoff to the paved roadway section where it will be captured and conveyed within 6" vertical curb. Flows will then be conveyed along the streets to catch basins and scuppers located at low points. From these inlets, storm water runoff will be conveyed via underground storm drain pipes or graded swales to retention basins located in landscaped open space throughout the site. The retention basins will be appropriately sized to retain the on-site 100-year, 2-hour storm event runoff volume generated by the post-development condition. Bleed-off systems will be constructed for the retention basins to outlet into the natural washes to meet the required 36-hour dry up time.

Wash Preservation

Washes within the Property will be preserved according to the drainage plan for the Property, as well as the Army Corps of Engineers Section 404 requirements. During the course of construction, washes that are to be mitigated will be fenced in order to maintain the integrity of the wash. Washes that have been created by artificial conditions from the construction and placement of Happy Valley Road will not be maintained to this standard, as they are not naturally occurring.

Water and Wastewater

The Project is located within the Sunrise Water Company service area and will connect to the Sunrise Water Company system. A watermain extension for a looped onsite water system is anticipated. In order to provide reliable water service in conformance with the adopted pressure standards of Sunrise Water Company, a looped distribution system has been proposed to provide adequate flow conditions when modeled for the Average Day, Peak Hour and the Maximum Day plus Fire Flow as required. The looped water system is planned to have a point of connection on two separate waterlines which will provide redundancy in the onsite system.

Southwest of the Project site, an existing waterline (currently 6") runs from 91st Avenue to 89th Avenue in Hatfield Road, then south in 89th Avenue. An existing waterline (currently 8") runs north from Calle Lejos in 83rd Avenue and terminates at West Via Lindo southeast of the site. Conceptually, these two waterlines are the proposed points of connection in order to serve the proposed development. Dedicated utility easements across adjacent State Trust Lands will be obtained prior to connection and construction of the watermain extensions to the project site.

The onsite water system facilities shall include the appurtenances necessary for the proper conveyance and service of water within the system and to conform to the applicable Maricopa Association of Governments Uniform Standard Details and Specifications for Public Works Construction. The water distribution and service lines will be appropriately sized to assure they are adequate to satisfy fire flow and pressure requirements. Proposed water pipes will be sized for the total design flow of the Maximum Day Demand plus the Fire-Flow at 20 psi, minimum. Onsite the water distribution lines will be constructed within the dedicated private roadway tract and/or dedicated utility tracts in standard locations conforming to the City of Peoria Infrastructure Design Guidelines.

The Project will be served by the City of Peoria for wastewater. The proposed onsite sewer mains (8" anticipated) will be constructed within the 50' private roadway tracts or within dedicated utility tracts. Due to the natural topography of the site, two sewer outfalls maybe required. Two existing sewer mains have been identified for potential mainline extensions (8" anticipated) and connection to serve the project. The first is an existing manhole in 83rd Avenue and West Via Lindo. An existing 30' utility easement has already been dedicated across the State Trust Lands to accommodate this connection. A second point is an existing offsite sewer main in 89th Avenue, north of Calle Lejos. Additional utility easement dedications across State Trust Lands will be required and obtained.

Calculations demonstrate an 8" pipe will provide 389 gpm capacity flowing full at the City of Peoria minimum allowable 0.0050 ft/ft slope. Based on the preliminary calculations (See Water and Wastewater Analysis in Appendix), it is anticipated that 8" onsite sewer mains throughout the Project will provide sufficient capacity to serve the demands of the Project.

Electrical Power, Natural Gas and Telephone

All dry utilities will be undergrounded within the 8' PUE on either side of the 50 foot private street/utility tract. Electric service will be provided by Arizona Public Service, telephone service will be provided by CenturyLink and the cable service provider will be Cox Communications. The closest natural gas facilities are approximately one half mile from the Property. Should the developer choose to extend the main gas line to provide service to the Project, Southwest Gas Corporation would provide gas service.

Exhibit A

Legal Description

The land referred to herein below is situated in the County of Maricopa, State of Arizona and is described as follows:

Banden Mine and Banden Mine No. 2, located in Sections 3 and 10, Township 4 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona; as more fully described in survey #2597 of the Arizona Land District.

Exhibit B
Concept Plan



- 32: > 18,000 sf Lots
 - 30: 12,000 - 18,000 sf Lots
- 62 Total



Happy Valley 40 Concept Plan

Exhibit C

Parks and Open Space Map



Property Gross: 45.7 Ac. Property Net: 39.3 Ac.

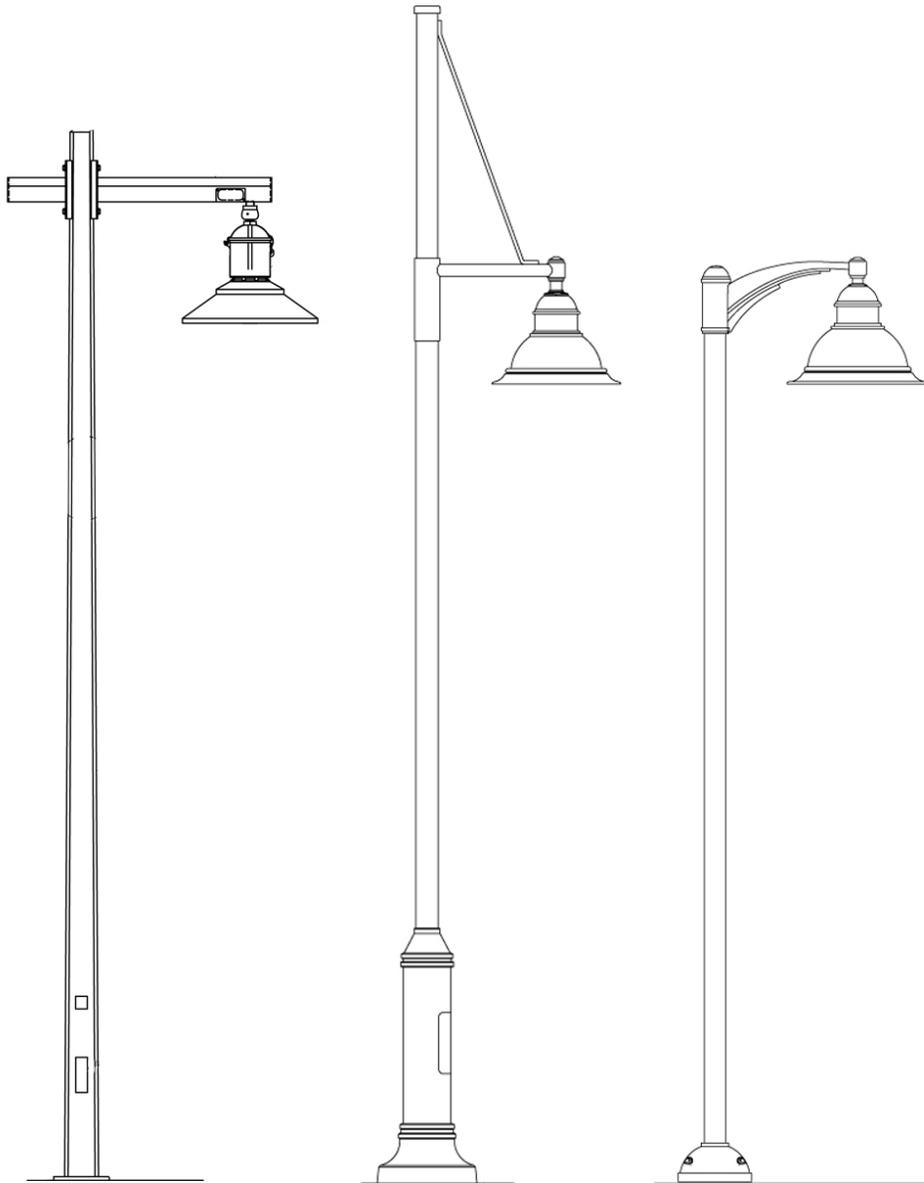
- 2.8 Ac. of Useable Open Space Provided (7%)
 - 2.1 Ac. of other HOA maintained Open Space (5%)
 - 5.9 Ac. of Natural Open Space Provided. 5.9 Ac. Required (15%)
- 10.8 Total Ac. Open Space (27.5%)

Trails/Sidewalks

Parks, Open Space & Trails Plan



Exhibit D
Street Lighting



Potential Street Lighting Examples

Exhibit E
Signage



Subdivision
Signage Examples

Exhibit F

Community Entry Concept

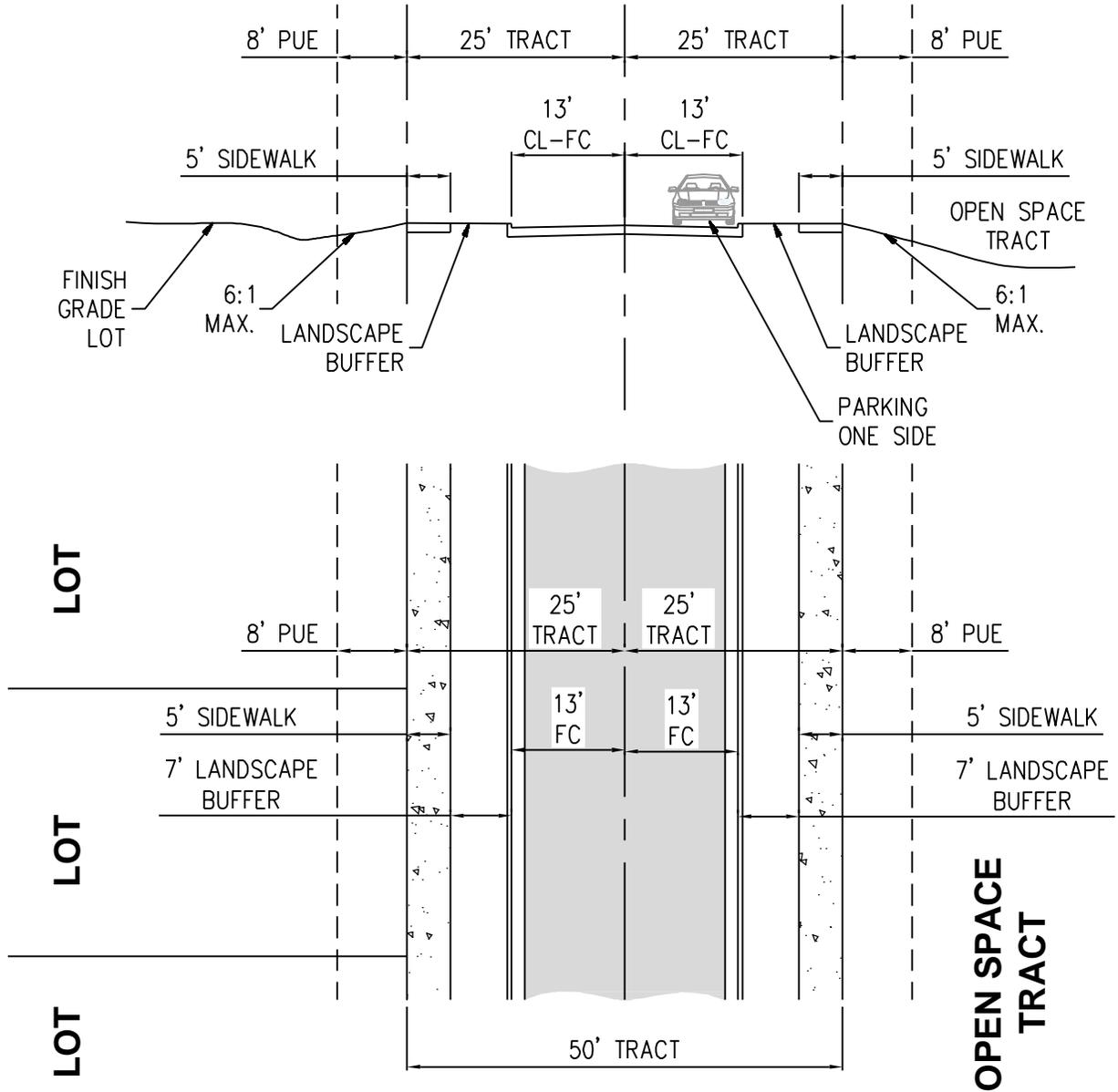


Community Entry Concept

Exhibit G

Roadway Sections

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CITY OF PEORIA
 STANDARD DETAIL PE-010-6
 PRIVATE STREET
 26' PAVEMENT PROVIDES PARKING ONE SIDE

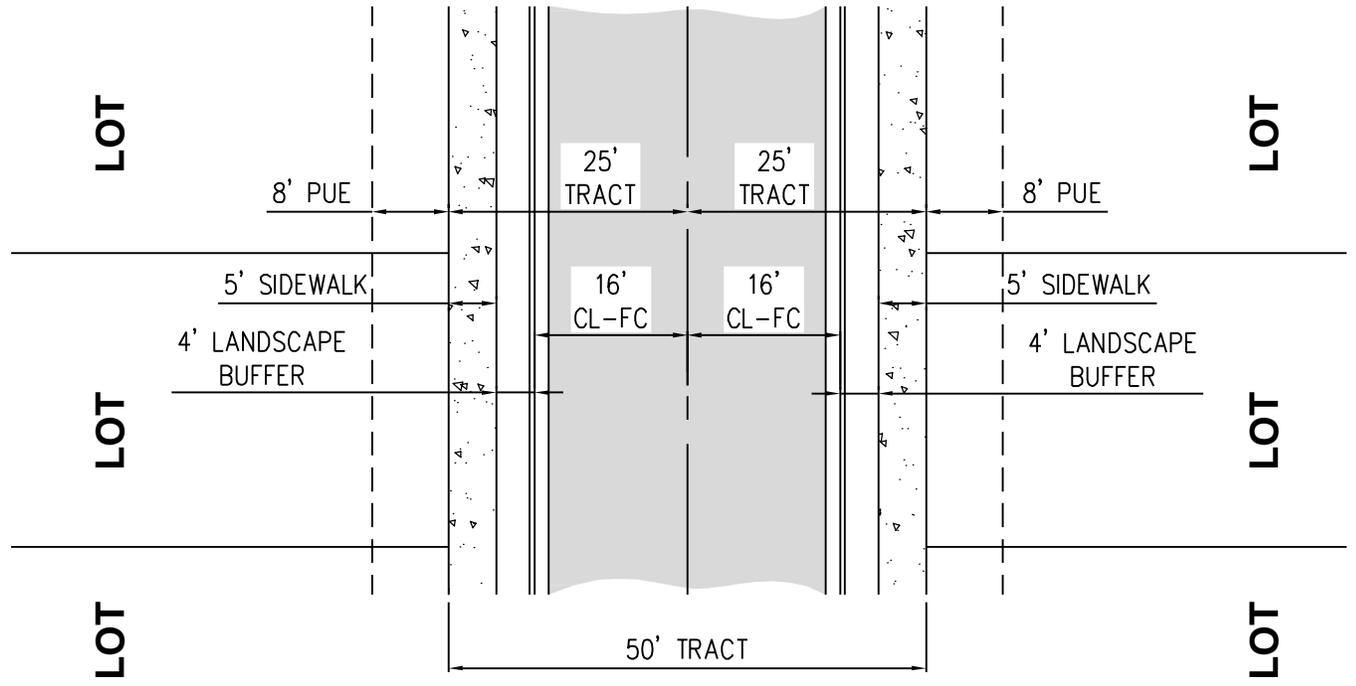
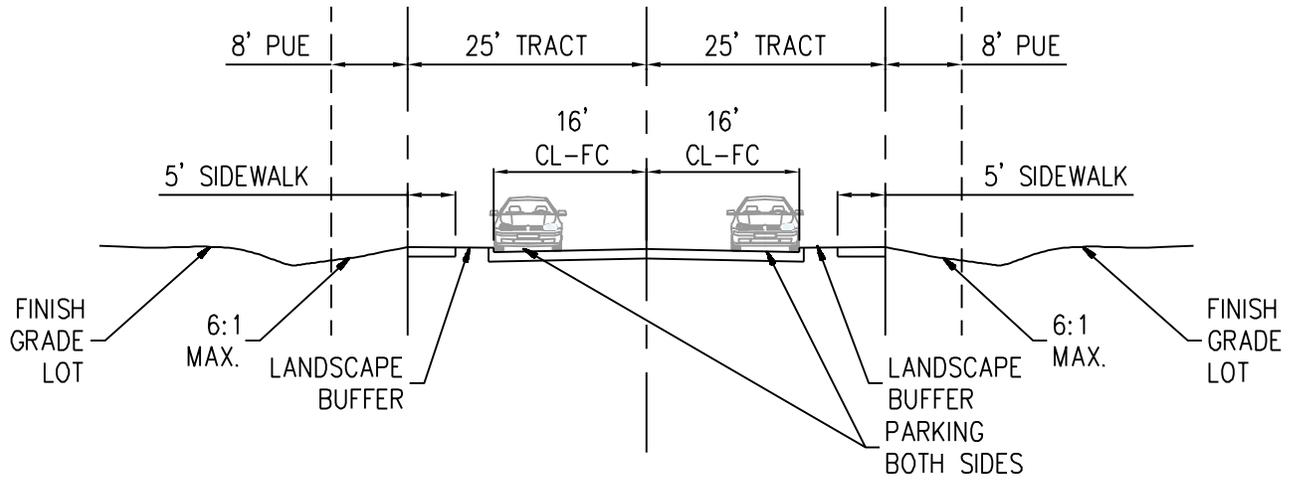
S-I-G
SLATER HANIFAN GROUP
 CONSULTING ENGINEERS & PLANNERS
 11801 N. TATUM BOULEVARD #123, PHOENIX, AZ 85208
 PHONE (602) 687-9664

HAPPY VALLEY 40
TYPICAL 26' FC-FC
PRIVATE STREET DETAIL

DATE: 04-02-2013
DRAFTER: DJC
DESIGNER:
CHECKED: TLO

PROJECT NO. M3C1201
SHEET 1 OF 3

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CITY OF PEORIA
 STANDARD DETAIL PE-010-6
 PRIVATE STREET
 32' PAVEMENT PROVIDES PARKING BOTH SIDES

S-I-G
SLATER HANIFAN GROUP
 CONSULTING ENGINEERS & PLANNERS
 11801 N. TATUM BOULEVARD #123, PHOENIX, AZ 85208
 PHONE (602) 687-9664

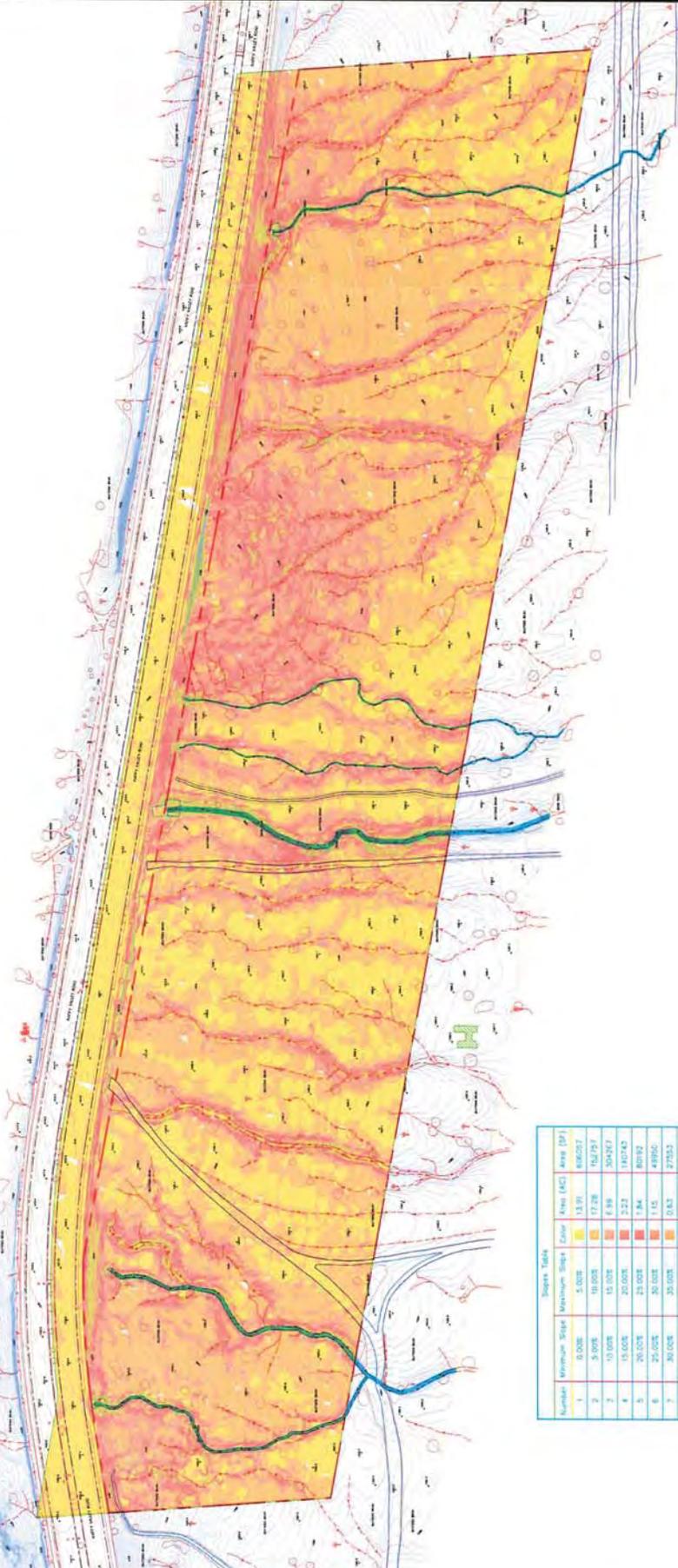
HAPPY VALLEY 40
TYPICAL 32' FC-FC
PRIVATE STREET DETAIL

DATE: 04-02-2013	PROJECT NO. M3C1201
DRAFTER: DJC	
DESIGNER:	
CHECKED: TLO	SHEET 2 OF 3

Exhibit H

Slope Analysis

NO.	DESCRIPTION	DATE	BY	CHECKED	APP. M.P.



SCALE: 1"=100'
 0' 50' 100' 200' 300'

Slope Table

Number	Minimum Slope	Maximum Slope	Color	Area (AC)	Area (SF)
1	0.00%	5.00%	Yellow	13.01	416,027
2	5.00%	10.00%	Light Orange	17.28	542,917
3	10.00%	15.00%	Orange	8.89	274,267
4	15.00%	20.00%	Dark Orange	2.23	68,743
5	20.00%	25.00%	Red-Orange	1.84	56,797
6	25.00%	30.00%	Red	11.5	349,950
7	30.00%	35.00%	Dark Red	0.43	1,313
8	35.00%	40.00%	Dark Red	0.01	267



APPENDICES

Appendix 1 – Traffic Study

Appendix 2 – A.L.T.A.

Appendix 3 – Preliminary Grading Plan

Appendix 4 – Preliminary Utility Plan

Appendix 5 – Preliminary Drainage Plan

Appendix 1 – Traffic Study



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Phone: 602 • 277 • 4224 Fax: 602 • 277 • 4228 e-mail: task@taskeng.net

November 25, 2013

Ms. Tara O'Connor
Slater Hanifan Group
11801 N. Tatum Blvd. #123
Phoenix, AZ 85028

E-mail: toconnor@shg-inc.com



RE: Traffic Statement for Happy Valley 40 Residential Development on Happy Valley Road, Peoria, AZ

Dear Ms. O'Connor:

This traffic statement examines traffic issues and impacts of a proposed 62 lot gated residential development in northern Peoria, Arizona. This development is located south of Happy Valley Road between 83rd Avenue and 91st Avenue. It is connected to Happy Valley Road by a divided, local entrance. The units are planned as single-family residential dwellings.

This revised report incorporates comments from the City of Peoria dated April 3, 2013 and October 30, 2013. These comments and a memorandum describing how each is incorporated into the revised report are found in Attachment 3.

Happy Valley Road is a six lane divided roadway classified as an arterial. It has a 16 foot wide median and a 65 foot wide half street right of way adjacent to the site, which are consistent with a standard major arterial cross section.

There is a proposed median break on Happy Valley Road at this location. Current traffic volume on Happy Valley Road is 19,100 ADT, according to traffic counts taken in September, 2012 (See Attachment 1).

SITE CONDITIONS

The attached Exhibit 1 shows the new proposed lotting plan for the site. There are 62 single family residential lots. There is one divided entry access point onto Happy Valley Road, located $\pm 3,050$ feet west of 83rd Avenue, and $\pm 2,450$ feet east of 91st Avenue, measured from near curb to near curb. 83rd Avenue is the nearest intersection to the east and 91st Avenue is the nearest intersection to the west.

TRIP GENERATION

The next step in estimating traffic from the proposed development is to calculate the total estimated vehicle trips to and from the site on an average weekday after the site has been completely built out. This is called trip generation. Vehicle trips are estimated for a total average weekday and for AM and PM peak hours. *Trip Generation, Ninth Edition*, published by the Institute of Transportation Engineers (ITE) in 2012 was the source for the trip rates used in this study. All trip rates for the area are calculated from the ITE equations for weekday and peak hour of the generator.

Table 1 presents the resulting trip generation. The proposed lotting plan is expected to generate 676 total calculated trip ends per average weekday, with 53 morning peak hour and 68 evening peak hour trips. There are 40 outbound trips in the morning peak hour, and 43 inbound trips in the evening peak hour.

Table 1
Trip Generation
Happy Valley 40 Traffic Statement

	Proposed
LUC	210
Units	DUs
Amount	62
Trip Rates:*	
Daily	10.91
AM Peak Hour	0.86
PM Peak Hour	1.10
% Inbound:	
AM Peak Hour	25%
PM Peak Hour	63%
Trips:	
Weekday	676
AM Peak Hour Inbound	13
AM Peak Hour Outbound	40
Total AM Peak Hour	53
PM Peak Hour Inbound	43
PM Peak Hour Outbound	25
Total PM Peak Hour	68

* Equations used to calculate rate

The terms on Table 1 are explained below.

LUC is the Institute of Transportation Engineers (ITE) Land Use Code. It refers to the section of the ITE manual from which the trip rates were obtained.

Units specify the type of land used for generating trips. In this case, the number of dwellings units was used to estimate the generated trips from the site.

Amount is the number of dwellings units expected in the Parcels after full build out conditions.

Rates present the number of daily, AM peak hour, and PM peak hour vehicle trips to and from the subject land use per unit.

Percent Inbound is the percentage of AM and PM vehicle trips arriving inbound at the land use. The remaining percent of trips are leaving outbound. For daily trips, it is assumed that 50 percent are inbound trips and 50 percent are outbound trips.

Trips are the calculated number of trips. They are calculated as the amount times the rate times the percent inbound or outbound.

TRAFFIC DESIGN ISSUES

Exhibit 2 shows existing traffic and expected 2015 traffic on Happy Valley Road. It also shows total 2015 traffic and expected level of service. A 3.2 percent growth factor is applied to 2013 traffic, and a 3 percent seasonal adjustment is made to obtain estimated 2015 background traffic. Site traffic is expected to split with 70 percent traveling east and 30 percent traveling west, proportional to the amount of employment within 10 miles of the site. Exhibit 2C shows the resulting site traffic.

The resulting level of service is shown on Exhibit 2E. The worst case movement is the northbound left turn, which is LOS D in the morning peak hour and LOS C in the evening peak hour (See Capacity Summaries in Attachment 2). Separate right and left outbound lanes are recommended to avoid delay to right turns. There is a ±100 foot queue space between Happy Valley Road and the gate.

Right Turn Lane: City of Peoria criteria for a right turn lane are contained in a March 31, 2003 Engineering Department memorandum. A right turn lane is warranted if a minimum of three of the following criteria are met:

1. At least 5,000 vehicles per day are using or expected in the near future to be using the adjacent street.
2. The 85th percentile speed limit is greater than 35 mph or the posted speed limit is 35 mph or greater.
3. At least 1,000 vehicles per day are using or are expected to use the driveway for the development.
4. At least 30 vehicles are expected to make right-turns into the driveway for a one-hour period.

The development entrance onto Happy Valley Road meets the first two of these criteria, but not the last two. The expected total traffic per day on the entrance-way is 835, which is less than the 1,000 vehicle daily volume criterion. The maximum number of right turns in a peak hour will be 16, which is less than the 30 vehicle peak hour criterion. The site does not meet the warrant for a right turn lane.

The City memorandum of March 31, 2003 also states that right turn lanes “are required at all street intersections of Parkways, and Major Arterials.” The entrance to the Happy Valley 40 development is an intersection of a 6 lane divided arterial and a residential entrance road, so it does not meet this warrant.

From an engineering judgment viewpoint, the eastbound traffic on Happy Valley Road has three lanes and is traveling uphill with good sight distance. Bike traffic can be expected in the eastbound bike lane. With the small number of expected right turns it does not appear that a deceleration lane would be needed here. Considering this, it is a safer condition for bicyclists for right turning vehicles to be turning across the bike lane at slow speed at the corner, rather than at high speed at the entrance to a deceleration lane. Consequently it is recommended that an eastbound right turn deceleration lane not be built on Happy Valley Road at the project entrance.

Median Break and Left Turn Lane: A median break and a westbound left turn lane are recommended to provide access into the site. To provide adequate deceleration distance, a 100 foot taper and 100 foot straight section are recommended for the left turn lane. There is more than ¼ mile spacing between the proposed median break and median breaks to the east or west.

Site Access Driveway: The site access driveway is located along a straight section of Happy Valley Road with a curve to the west and a crest to the east. This location is fixed by the existing rough topography, an adjacent 404 wash, and at a location to maximize available sight distance along Happy Valley Road.

Sight distance for right and left turns is estimated based on roadway elevation plans. Table 2 compares estimated sight distance with needed sight distance according to Chapter 9 of *A Policy on Geometric Design of Highways and Streets, 6th Edition* (2011, American Society of State Highway and Transportation Officials).

Table 1
Sight Distances
Happy Valley 40 Traffic Statement

	Need	Have
Right Turn	530'	560'
Left Turn	727'	660'
Left Turn – 2 Stage		
Stage 1	610	647
Stage 2	610	655

Needed sight distance is intersection sight distance based on a design speed of 55 mph. Needed sight distance is increased due to the width of Happy Valley Road. These sight distance estimates are also based on the assumption that drivers waiting on the Access Driveway to turn onto Happy Valley Road are on a level section of road. There is adequate sight distance for a right turn and for a left turn based on the assumption that drivers will pause in the median to check for oncoming westbound traffic. Due to the expected volumes on Happy Valley Road, the 2-stage turn assumptions are reasonable in this case.

This location appears to be acceptable for an access to the land on the north side of Happy Valley Road. When development occurs north of Happy Valley Road, consideration should be given to locating an access at this location.

CONCLUSIONS

Traffic to and from the proposed site for 62 single-family, gated residential development can be met by the existing roadway network.

- The proposed site will have less than 100 peak hour trips.
- The existing 65 feet of right of way on Happy Valley Road is adequate.
- An eastbound right turn lane into the site is not warranted or recommended.
- A median break is recommended on Happy Valley Road at the site access point.
- The recommended left turn bay into the site is recommended to have ± 100 feet of straight section and ± 100 feet of taper.
- The site entrance approach to Happy Valley Road should be level with the roadway for at least one car length (25') at its junction with the main roadway.
- The site entrance location is set by topography, adjacent 404 wash and sight distance along Happy Valley Road. When development occurs north of Happy Valley Road, consideration should be given to locating an access at the location of the Happy Valley 40 access.

Happy Valley 40 Residential Development
11/25/2013
Page 6

I hope this analysis addresses the traffic questions regarding traffic access to the proposed site. If you have any questions or comments, or if I can be of any further help, please contact me at khowell@taskeng.net, or 602-277-4224. Thank you.

Sincerely,



Ken Howell, PE
Traffic Engineer

- | | |
|-------------|--|
| Exhibits: | 1. Happy Valley 40 Conceptual Plan |
| | 2. Traffic and Recommendations |
| Attachments | 1. Traffic Count |
| | 2. Capacity Summaries |
| | 3. City of Peoria Comments and Response Memo |

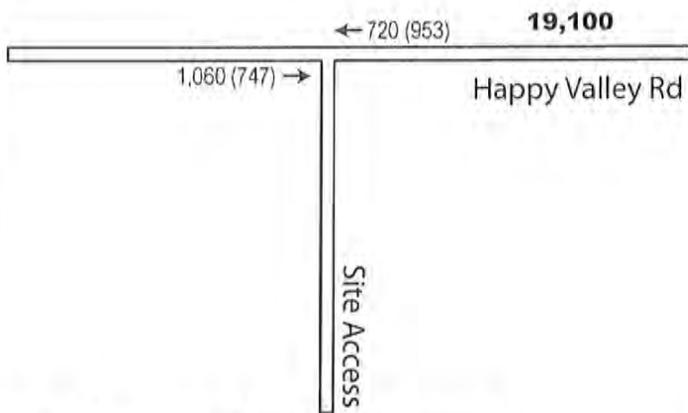
X:\JobFiles\2562.01\2562.01B\Final 2562.01B.doc



- 32: > 18,000 sf Lots
- 30: 12,000 - 18,000 sf Lots
- 62 Total, 1.36 du/ac
- Property Gross: 45.7 Ac. Property Net: 39.3 Ac.
- 2.0 Ac. of Useable Open Space Provided/Required (5%)
- 6.0 Ac. of Natural Open Space Provided. (15%)

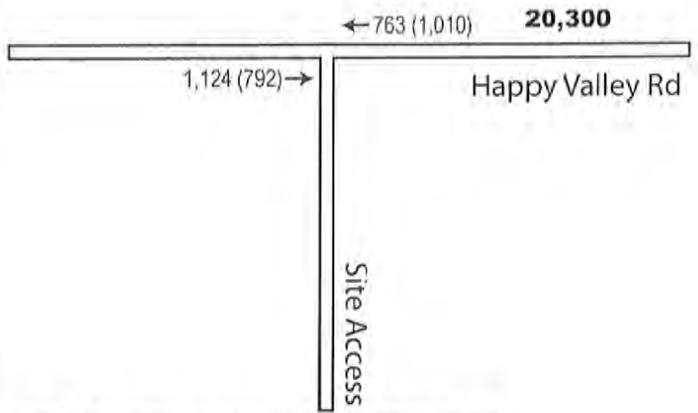
Happy Valley 40 Concept Plan "P"

A: Existing Traffic (Year 2013)



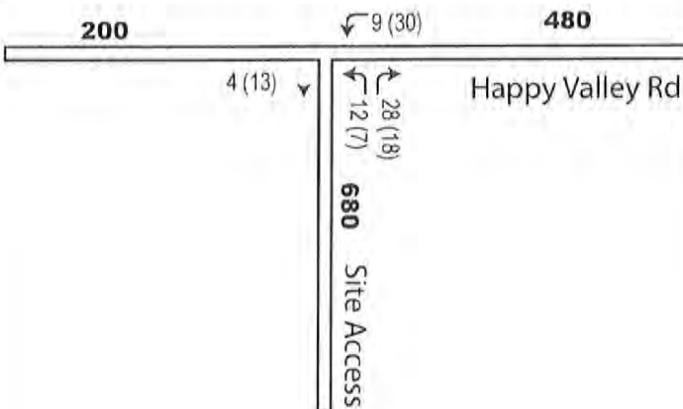
X(Y): AM (PM) Peak Hour Traffic
Z : Average Daily Traffic (in bold font)

B: Background Traffic (Year 2015)



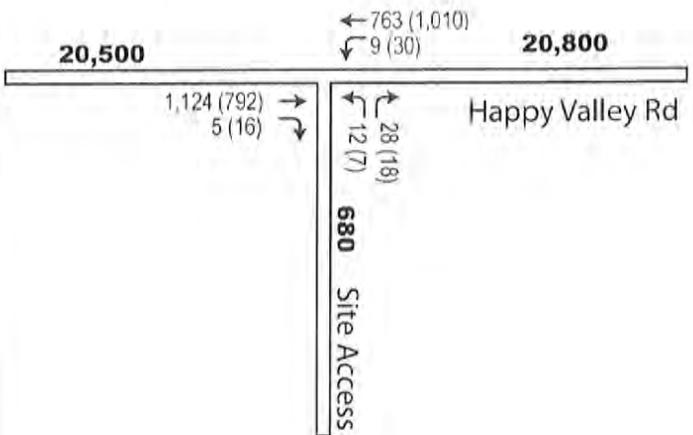
X(Y): AM (PM) Peak Hour Traffic
Z : Average Daily Traffic (in bold font)

C: Site Traffic



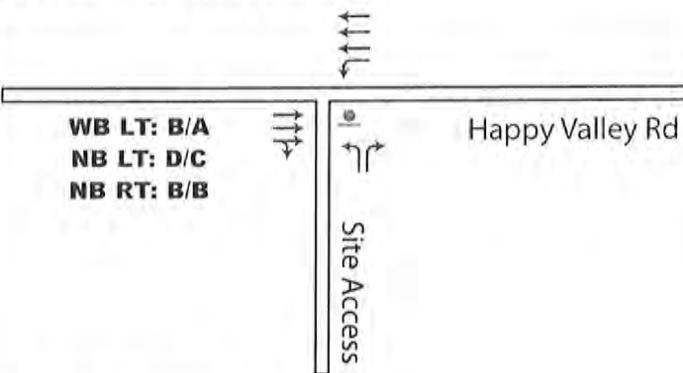
X(Y): AM (PM) Peak Hour Traffic
Z : Average Daily Traffic (in bold font)

D: Total Traffic (Year 2015)



X(Y): AM (PM) Peak Hour Traffic
Z : Average Daily Traffic (in bold font)

E: Level of Service (Year 2015)



X/Y: AM/PM Level of Service (LOS)
 ■ : Stop Control (LOS for the most difficult movement shown)
 ⇄ : Turn Lanes



ATTACHMENT 1

TRAFFIC COUNT

United Civil Group
 2803 N. 7th Avenue
 Phoenix, AZ 85007

Street : Happy Valley Road
 Location : E. of 91st Avenue

1/9/2013
 Wednesday

24 Hour Volume (Volume factor 0.500)

Interval Start	Interval Start			Interval Start			Combined	Volume Totals	EB	WB	Combined				
	EB	WB	Combined	EB	WB	Combined									
14:00	130	572	113	582	243	1154	4	15	6	13	10	28			
14:15	140	140	132	272	272		5	2	2	7	5				
14:30	140	140	146	286	286		3	2	2	5	5				
14:45	162	191	162	353	353		3	3	3	6	6				
15:00	130	615	159	754	289	1369	1	14	3	18	4	32			
15:15	160	198	198	358	358		4	4	4	8	8				
15:30	156	181	181	337	337		3	5	5	8	8				
15:45	169	216	216	385	385		6	6	6	12	12				
16:00	176	692	228	900	404	1592	10	79	1	40	11	119			
16:15	162	199	199	361	361		16	9	9	25	25				
16:30	164	258	258	422	422		25	15	15	40	40				
16:45	190	215	215	405	405		28	15	15	43	43				
17:00	168	747	229	938	397	1685	28	318	18	88	46	406			
17:15	211	251	251	462	462		70	18	18	88	88				
17:30	176	246	246	422	422		104	24	24	128	128				
17:45	192	212	212	404	404		116	28	28	144	144				
18:00	158	573	218	837	376	1410	116	631	39	245	155	876			
18:15	154	218	218	372	372		139	44	44	183	183				
18:30	139	209	209	348	348		188	61	61	249	249				
18:45	122	192	192	314	314		188	101	101	289	289				
19:00	120	409	139	518	259	927	248	1060	123	645	371	1705			
19:15	103	134	134	237	237		284	154	154	438	438				
19:30	102	126	126	228	228		283	150	150	433	433				
19:45	84	119	119	203	203		245	218	218	463	463				
20:00	86	304	88	338	174	642	205	767	198	592	403	1359			
20:15	70	105	105	175	175		216	134	134	350	350				
20:30	76	78	78	154	154		198	124	124	322	322				
20:45	72	67	67	139	139		148	136	136	284	284				
21:00	58	216	72	262	130	478	135	567	106	443	241	1010			
21:15	58	78	78	136	136		132	118	118	250	250				
21:30	52	68	68	120	120		156	111	111	267	267				
21:45	48	44	44	92	92		144	108	108	252	252				
22:00	34	133	52	151	86	284	136	516	98	390	234	906			
22:15	42	44	44	86	86		120	99	99	219	219				
22:30	38	26	26	64	64		128	102	102	230	230				
22:45	19	29	29	48	48		144	91	91	223	223				
23:00	21	72	28	95	49	167	124	520	117	421	241	941			
23:15	26	30	30	56	56		142	114	114	256	256				
23:30	16	12	12	28	28		124	98	98	222	222				
23:45	9	25	25	34	34		130	92	92	222	222				
1/10/2013 00:00	6	22	10	40	16	62	116	486	120	463	236	949			
00:15	6	10	10	16	16		110	107	107	217	217				
00:30	6	12	12	18	18		110	112	112	232	232				
00:45	4	8	8	12	12		140	124	124	264	264				
01:00	4	18	7	22	11	40	122	519	120	474	242	993			
01:15	5	5	5	10	10		139	106	106	245	245				
01:30	5	4	4	9	9		128	116	116	244	244				
01:45	4	4	4	10	10		130	132	132	262	262				

00:00 - 12:00
 4527 (60.5%) 2957 (39.5%)
 12:00 - 00:00
 5338 (45.8%) 6312 (54.2%)
 24 Hours
 9865 (51.6%) 9269 (48.4%)

Peak Hours

00:00 - 12:00
 EB WB Combined
 Started 07:00 07:15 07:15
 Volume 1060 720 1737
 Factor 0.93 0.83 0.94

12:00 - 00:00
 EB WB Combined
 Started 17:00 16:30 16:30
 Volume 747 953 1686
 Factor 0.89 0.92 0.91

ATTACHMENT 2

CAPACITY SUMMARIES

TWO-WAY STOP CONTROL SUMMARY								
General Information				Site Information				
Analyst	<i>kmh</i>			Intersection	<i>Happy Valley Rd/Site Entrance</i>			
Agency/Co.	<i>TASK</i>			Jurisdiction	<i>Peoria</i>			
Date Performed	<i>11/21/2013</i>			Analysis Year	<i>2015</i>			
Analysis Time Period	<i>AM Pk Hr</i>							
Project Description <i>Happy Valley Rd and Entrance to Site 2015 AM Pk Hr</i>								
East/West Street: <i>Happy Valley Rd</i>				North/South Street: <i>Site Entrance</i>				
Intersection Orientation: <i>East-West</i>				Study Period (hrs): <i>0.25</i>				
Vehicle Volumes and Adjustments								
Major Street	Eastbound			Westbound				
Movement	1	2	3	4	5	6		
	L	T	R	L	T	R		
Volume (veh/h)		1124	4	11	763			
Peak-Hour Factor, PHF	1.00	0.92	0.92	0.92	0.92	1.00		
Hourly Flow Rate, HFR (veh/h)	0	1221	4	11	829	0		
Percent Heavy Vehicles	0	--	--	3	--	--		
Median Type	<i>Raised curb</i>							
RT Channelized			0			0		
Lanes	0	2	0	1	2	0		
Configuration		T	TR	L	T			
Upstream Signal		0			0			
Minor Street	Northbound			Southbound				
Movement	7	8	9	10	11	12		
	L	T	R	L	T	R		
Volume (veh/h)	12		28					
Peak-Hour Factor, PHF	0.92	1.00	0.92	1.00	1.00	1.00		
Hourly Flow Rate, HFR (veh/h)	13	0	30	0	0	0		
Percent Heavy Vehicles	3	0	3	0	0	0		
Percent Grade (%)		0			0			
Flared Approach		N			N			
Storage		0			0			
RT Channelized			0			0		
Lanes	1	0	1	0	0	0		
Configuration	L		R					
Delay, Queue Length, and Level of Service								
Approach	Eastbound	Westbound	Northbound			Southbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration		L	L		R			
v (veh/h)		11	13		30			
C (m) (veh/h)		559	186		488			
v/c		0.02	0.07		0.06			
95% queue length		0.06	0.22		0.20			
Control Delay (s/veh)		11.6	25.8		12.9			
LOS		B	D		B			
Approach Delay (s/veh)	--	--	16.8					
Approach LOS	--	--	C					

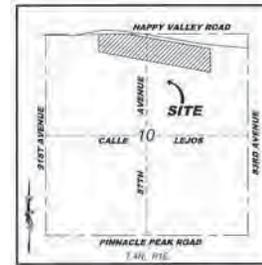
TWO-WAY STOP CONTROL SUMMARY								
General Information				Site Information				
Analyst	kmh			Intersection	Happy Valley Rd/Site Entrance			
Agency/Co.	TASK			Jurisdiction	Peoria			
Date Performed	11/20/2013			Analysis Year	2015			
Analysis Time Period	AM Pk Hr							
Project Description Happy Valley Rd and Entrance to Site 2015 PM Pk Hr								
East/West Street: Happy Valley Rd				North/South Street: Site Entrance				
Intersection Orientation: East-West				Study Period (hrs): 0.25				
Vehicle Volumes and Adjustments								
Major Street	Eastbound			Westbound				
Movement	1	2	3	4	5	6		
	L	T	R	L	T	R		
Volume (veh/h)		792	13	32	1010			
Peak-Hour Factor, PHF	1.00	0.92	0.92	0.92	0.92	1.00		
Hourly Flow Rate, HFR (veh/h)	0	860	14	34	1097	0		
Percent Heavy Vehicles	0	--	--	3	--	--		
Median Type	Raised curb							
RT Channelized			0			0		
Lanes	0	2	0	1	2	0		
Configuration		T	TR	L	T			
Upstream Signal		0			0			
Minor Street	Northbound			Southbound				
Movement	7	8	9	10	11	12		
	L	T	R	L	T	R		
Volume (veh/h)	7		18					
Peak-Hour Factor, PHF	0.92	1.00	0.92	1.00	1.00	1.00		
Hourly Flow Rate, HFR (veh/h)	7	0	19	0	0	0		
Percent Heavy Vehicles	3	0	3	0	0	0		
Percent Grade (%)		0			0			
Flared Approach		N			N			
Storage		0			0			
RT Channelized			0			0		
Lanes	1	0	1	0	0	0		
Configuration	L		R					
Delay, Queue Length, and Level of Service								
Approach	Eastbound	Westbound	Northbound			Southbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration		L	L		R			
v (veh/h)		34	7		19			
C (m) (veh/h)		761	239		615			
v/c		0.04	0.03		0.03			
95% queue length		0.14	0.09		0.10			
Control Delay (s/veh)		10.0	20.5		11.0			
LOS		A	C		B			
Approach Delay (s/veh)	--	--	13.6					
Approach LOS	--	--	B					

ATTACHMENT 3
RESPONSE MEMORANDUM

Appendix 2 – A.L.T.A.

ALTA / ACSM LAND TITLE SURVEY HAPPY VALLEY 40

A PORTION OF THE SOUTH HALF OF SECTION 3 & NORTH HALF OF SECTION 10, TOWNSHIP 4 NORTH,
RANGE 1 EAST OF THE GLA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.



VICINITY MAP
N.T.S.

NOTES

1. THE SURVEYOR'S REVIEW OF DOCUMENTS REFERENCED IN THE TITLE REPORT AS SCHEDULE "A" ITEMS IS LIMITED TO THE SURVEYOR'S SCOPE-OF-SERVICES AS DEFINED IN THE CERTIFICATION HEREON. ADDITIONALLY THE SURVEYOR'S SCOPE-OF-SERVICES IS LIMITED TO PROVIDING SERVICES IN A MANNER CONSISTENT WITH THE DEGREE OF CARE AND SHALL ORDINARILY EXERCISED BY A MEMBER OF THE SAME PROFESSION CURRENTLY PRACTICING UNDER SIMILAR CONDITIONS. SCHEDULE "A" ITEM DOCUMENTS MAY CONTAIN ENCUMBRANCES WHICH AFFECT THE SUBJECT PROPERTY WHICH THE SURVEYOR IS NOT JUDICIALED TO INTERPRET AND/OR ARE NOT WITHIN THE SURVEYOR'S SCOPE-OF-SERVICES (SEE CERTIFICATION). IT IS RECOMMENDED THAT INTERESTED AND AFFECTED PARTIES OBTAIN CONSULTATION WITH QUALIFIED LEGAL COUNSEL RELATIVE TO THE INTERPRETATION OF ALL SCHEDULE "B" DOCUMENTS REFERENCED IN THE TITLE REPORT.
2. PURSUANT TO TABLE "A" ITEM 6 OF TABLE A ITEMS OF THE MINIMUM STANDARD DETAIL REQUIREMENTS AND CLASSIFICATIONS FOR ALTA/ACSM LAND TITLE SURVEYS AS ADOPTED BY ALTA AND NSPS IN 2011, THE SURVEYOR HAS SHOWN THE ZONING CLASSIFICATION AS SET FORTH BY THE LOCAL AGENCY OF JURISDICTION. RESTRICTIONS RELATIVE TO THE EXISTING ZONING MAY INCLUDE, BUT ARE NOT LIMITED TO: SETBACKS, SITE HEIGHT RESTRICTIONS AND SIDE YARD RESTRICTIONS. INTERESTED AND AFFECTED PARTIES SHOULD SEEK CONSULTATION FROM AN ATTORNEY OR DESIGN PROFESSIONAL QUALIFIED TO INTERPRET AND IDENTIFY SUCH OTHER BUILDING CODE OR ZONING RESTRICTIONS.
3. THE SURVEYOR TO TABLE "A" ITEM 7, THE BUILDING LINES AND DIMENSIONS SHOWN DEMONSTRATE THE EXTERIOR BUILDING FOOTPRINT AT GROUND OR NEAR GROUND LEVEL BASED ON FIELD MEASUREMENTS. THIS INFORMATION IS INTENDED TO REFLECT THE GENERAL CONFIGURATION OF THE BUILDING AT GROUND LEVEL, AND MAY OR MAY NOT BE THE EXACT DIMENSIONS OF THE BUILDING FOUNDATION. THE BUILDING SQUARE FOOTAGE SHOWN IS BASED ON THE EXTERIOR BUILDING FOOTPRINT AND IS NOT INTENDED TO REFLECT THE INTERIOR OR LEASE AREA OF ANY BUILDING.

4. PURSUANT TO TABLE "A" ITEM 10, AND TO THE BEST OF MY KNOWLEDGE, THE SURVEYOR HAS NOT OBSERVED EVIDENCE OF LATENT MINING WORK OR SITE CONSTRUCTION UNDERWAY OR RECENTLY COMPLETED (EXCEPT AS SHOWN HEREON). THE SURVEYOR AND FIELD PERSONNEL UNDER THE SURVEYOR'S DIRECTION ARE NOT TRAINED OR QUALIFIED CONTRACTORS AND CANNOT ACCURATELY IDENTIFY RECENT CONSTRUCTION INTERESTED AND AFFECTED PARTIES SHOULD SEEK CONSULTATION FROM A REGISTERED CONTRACTOR OR OTHER QUALIFIED PARTY.

5. PURSUANT TO TABLE "A" ITEM 17, THE SURVEYOR HAS NOT BEEN INFORMED OF ANY CHANGES IN THE PROPOSED RIGHTS OF WAY BY TITLE INFORMATION OR CLIENT KNOWLEDGE ON WHICH THIS SURVEY IS BASED. ADDITIONALLY, ANY CHANGES IN RIGHTS OF WAY, WHICH HAVE ALREADY OCCURRED, SHOULD BE VERIFIED BY ADDITIONAL TITLE SEARCH TO THE BEST OF MY KNOWLEDGE. THE SURVEYOR HAS NOT OBSERVED ANY RECENT STREETS OR SIDEWALK CONSTRUCTION THE SURVEYOR AND FIELD PERSONNEL UNDER THE SURVEYOR'S DIRECTION ARE NOT TRAINED OR QUALIFIED CONTRACTORS AND CANNOT ACCURATELY IDENTIFY RECENT CONSTRUCTION. INTERESTED AND AFFECTED PARTIES SHOULD SEEK CONSULTATION FROM A REGISTERED CONTRACTOR OR OTHER QUALIFIED PARTY.

6. PURSUANT TO TABLE "A" ITEM 18, THE SURVEYOR AND FIELD PERSONNEL UNDER THE SURVEYOR'S DIRECTION ARE NOT TRAINED OR QUALIFIED TO IDENTIFY CHANGES WHICH WOULD INDICATE ADVERSE ENVIRONMENTAL CONDITIONS OF SITE INTERESTED OR AFFECTED PARTIES SHOULD SEEK CONSULTATION BY AN ENVIRONMENTAL ENGINEERING CONSULTANT OR OTHER QUALIFIED PROFESSIONAL.

7. THE SURVEYOR HAS RELIED SOLELY ON INFORMATION SUPPLIED TO THE SURVEYOR FROM EITHER THE CLIENT OR THE TITLE COMPANY AND HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR GASOLINES OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER MATTERS THAT MAY AFFECT THE SUBJECT PROPERTY.

8. THIS SURVEY IS BASED ON COMMENT FOR TITLE INSURANCE ISSUED BY CHARDON TITLE INSURANCE COMPANY NO. 014510684-0100000A, NO POLICY DATE.

9. FIELD WORK WAS COMPLETED DECEMBER 27, 2011.

10. THERE ARE NO BUILDINGS ON SUBJECT PROPERTY.

LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF MARICOPA, STATE OF ARIZONA, AND IS DESCRIBED AS FOLLOWS:

BANKEN MARICOPA AND BANKEN MARICOPA NO. 2, LOCATED AT SECTIONS 3 AND 10, TOWNSHIP 4 NORTH, RANGE 1 EAST OF THE GLA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

AS MORE FULLY DESCRIBED IN SURVEY #2567 OF THE ARIZONA LAND RECORDS

FLOOD ZONE

ACCORDING TO THE FLOOD INSURANCE RATE MAP #16010C0410, DATED SEPTEMBER 01, 2005, THIS PROPERTY IS LOCATED IN FLOOD ZONE "X" (AREA OF 0.25 ANNUAL CHANCE FLOOD, AREAS OF 0.5 ANNUAL CHANCE FLOOD WITH HAZARDOUS CONTENTS, AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD).

SCHEDULE "B" ITEMS

1. PROPERTY TAXES, INCLUDING ANY PERSONAL PROPERTY TAXES AND ANY ASSESSMENTS COLLECTED WITH TAXES, FOR THE SECOND INSTALLMENT OF 2012 TAXES AND A SURVEY MAP, NOT GRAPHICALLY PLOTTED HEREON.
2. LIABILITIES AND OBLIGATIONS IMPOSED UPON SAID LAND BY ITS INCLUSION WITHIN ANY DISTRICT FORMED PURSUANT TO TITLE 48, ARIZONA REVISED STATUTES. *BLANKET IN NATURE, NOT GRAPHICALLY PLOTTED HEREON.
3. OBSERVATIONS, EXCEPTIONS AND PROVISIONS CONTAINED IN THE STATUTE AND IN THE ACTS AUTHORIZING THE ISSUANCE THEREOF. *BLANKET IN NATURE, NOT GRAPHICALLY PLOTTED HEREON.
4. WATER RIGHTS, CLAIMS OR TITLE TO WATER, WHETHER OR NOT DISCLOSED BY THE PUBLIC RECORDS. *BLANKET IN NATURE, NOT GRAPHICALLY PLOTTED HEREON.
5. RESTRICTIONS, OBSERVATIONS AND CONDITIONS CONTAINED IN DOCUMENT RECORDED IN BOOK 104 OF (LARGE) PAGE 70. *AFFECTS PROPERTY, BLANKET IN NATURE, NOT GRAPHICALLY PLOTTED HEREON.
6. COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS (BUT OMITTING ANY COVENANTS OR RESTRICTIONS, IF ANY, INCLUDING BUT NOT LIMITED TO THOSE BASED UPON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, FAMILIAL STATUS, MARITAL STATUS, DISABILITY, HANICAP, NATIONAL ORIGIN, ANCESTRY, SOURCE OF INCOME, GENDER, GENETIC IDENTIFY, GENDER EXPRESSION, MEDICAL CONDITION OR GENETIC INFORMATION, AS SET FORTH IN APPLICABLE STATE OR FEDERAL LAWS, EXCEPT TO THE EXTENT THAT SAID COVENANT OR RESTRICTION IS PERMITTED BY APPLICABLE LAW, AS SET FORTH IN THE DOCUMENT).

RECORDING NO. 2004-1304335
RECORDED IN 2004-01079590
*HAS BEEN TERMINATED PER DOC NO. 2008-1049130

7. MATTERS CONTAINED IN THAT CERTAIN DOCUMENT ENTITLED: REPAYMENT JOKE FOR HAPPY VALLEY ROAD
RECORDING DATE: JUNE 29, 2004
RECORDING NO. 2004-852298

REFERENCE IS HEREBY MADE TO SAID DOCUMENT FOR FULL PARTICULARS
*AFFECTS PROPERTY, BLANKET IN NATURE, NOT GRAPHICALLY PLOTTED HEREON.

8. MATTERS CONTAINED IN THAT CERTAIN DOCUMENT ENTITLED: RESOLUTION NO. 07-104
RECORDING DATE: NOVEMBER 15, 2007
RECORDING NO. 2007-1225074

REFERENCE IS HEREBY MADE TO SAID DOCUMENT FOR FULL PARTICULARS
*AFFECTS PROPERTY, BLANKET IN NATURE, NOT GRAPHICALLY PLOTTED HEREON.

9. MATTERS CONTAINED IN THAT CERTAIN DOCUMENT ENTITLED: RESOLUTION NO. 09-107
RECORDING DATE: SEPTEMBER 1, 2009
RECORDING NO. 2009-0081284

REFERENCE IS HEREBY MADE TO SAID DOCUMENT FOR FULL PARTICULARS
*AFFECTS PROPERTY, BLANKET IN NATURE, NOT GRAPHICALLY PLOTTED HEREON.

10. MATTERS CONTAINED IN THAT CERTAIN DOCUMENT ENTITLED: RESOLUTION NO. 07-154
RECORDING DATE: NOVEMBER 15, 2007
RECORDING NO. 2007-1225074

REFERENCE IS HEREBY MADE TO SAID DOCUMENT FOR FULL PARTICULARS
*AFFECTS PROPERTY, BLANKET IN NATURE, NOT GRAPHICALLY PLOTTED HEREON.

11. EASEMENT(S) FROM THE SURVEY(S) SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT.

PURPOSE: TEMPORARY RIGHT OF ENTRY AND TEMPORARY CONSTRUCTION EASEMENT AGREEMENT
RECORDING DATE: OCTOBER 30, 2008
RECORDING NO. 2008-0100100

REFERENCE IS HEREBY MADE TO SAID DOCUMENT FOR FULL PARTICULARS
*AFFECTS PROPERTY, GRAPHICALLY PLOTTED HEREON.

12. MATTERS CONTAINED IN THAT CERTAIN DOCUMENT ENTITLED: STATE OF ARIZONA RIGHT OF WAY
RECORDING DATE: JULY 04, 2007
RECORDING NO. 2007-1047024

REFERENCE IS HEREBY MADE TO SAID DOCUMENT FOR FULL PARTICULARS
*AFFECTS PROPERTY, NOT AFFECTED PROPERTY, NOT GRAPHICALLY PLOTTED HEREON.

13. MATTERS CONTAINED IN THAT CERTAIN DOCUMENT ENTITLED: RESOLUTION NO. 09-107 ACCEPTING DEEDS AND EASEMENTS
RECORDING DATE: SEPTEMBER 1, 2009
RECORDING NO. 2009-0081284

REFERENCE IS HEREBY MADE TO SAID DOCUMENT FOR FULL PARTICULARS
*AFFECTS PROPERTY, BLANKET IN NATURE, NOT GRAPHICALLY PLOTTED HEREON.

14. ANY RIGHTS OF THE PARTIES IN POSSESSION OF A PORTION OF OR ALL OF SAID LAND, WHICH RIGHTS ARE NOT DISCLOSED BY THE PUBLIC RECORDS.

THE COMPANY WILL REQUIRE, FOR REVIEW, A FULL AND COMPLETE COPY OF ANY UNRECORDED AGREEMENT, CONTRACT LICENSE AND/OR LEASE, TOGETHER WITH ALL SUPPLEMENTS, ASSIGNMENTS AND AMENDMENTS THERETO, BEFORE ISSUING ANY COPY OF TITLE INSURANCE, WITHOUT EXCEPTING THIS ITEM FROM COVERAGE.

THE COMPANY RESERVES THE RIGHT TO EXCEPT ADDITIONAL ITEMS AND/OR MAKE ADDITIONAL REQUIREMENTS AFTER REVIEWING SAID DOCUMENTS.
*BLANKET IN NATURE, NOT GRAPHICALLY PLOTTED HEREON.

15. MATTERS WHICH MAY BE DISCLOSED BY AN INSPECTION AND/OR BY A CORRECT ALTA/ACSM LAND TITLE SURVEY OF SAID LAND THAT IS SATISFACTORY TO THE COMPANY, AND/OR BY INQUIRY OF THE PARTIES IN POSSESSION THEREOF.
*BLANKET IN NATURE, NOT GRAPHICALLY PLOTTED HEREON.

AREA

BANKEN MARICOPA CONTAINS 108,160 SQUARE FEET OR 15.241 ACRES NET. BANKEN MARICOPA NO. 2 CONTAINS 374,333 SQUARE FEET OR 5007.6 ACRES NET.

TOTAL = 482,523 SQ.FT. 2833.2 ACRES NET.

BENCHMARK

FOUND 5/8" REBAR NO. 10 0.4700M, ATTACHED TO REBAR WITH 2" MARICOPA COUNTY AC 0.5 OIL STAMPED "AN R1E 54 53 30 810 15 2307 2005". POINT NAME #70515-141 BEING THE NORTHEAST CORNER OF SECTION 9, TOWNSHIP 4 NORTH, RANGE 1 EAST.

ELEVATION = 1584.98 (NAVD 83)

ADDRESS

38.3 ACRES
SE HAPPY VALLEY BETWEEN BORD &
31ST AVENUE PEORIA, ARIZONA
APN 201-10-015

BASIS OF BEARING

THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 4 NORTH, RANGE 1 EAST OF THE GLA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, SAID LINE BEARS NORTH 68 DEGREES 31 MINUTES 57 SECONDS EAST.

PARKING

NO PARKING DESIGNATION ON SUBJECT PROPERTY.

ZONING

CITY OF PEORIA ZONE R1-30
OBTAINED FROM MARICOPA COUNTY ASSESSOR'S WEB SITE.
PER 2011 ALTA MINIMUM STANDARD DETAIL REQUIREMENTS, EQUIPMENT ZONING CLASSIFICATION, BUILDING SETBACK REQUIREMENTS AND HEIGHT AND FLOOR SPACE AREA RESTRICTIONS ARE TO BE PROVIDED TO THE CLIENT BY THE INSURER. THE CLASSIFICATION, REQUIREMENTS AND RESTRICTIONS HAVE NOT BEEN PROVIDED AT THE TIME OF THIS SURVEY. THE ZONING CLASSIFICATIONS SHOWN ARE FOR REFERENCE ONLY.

CERTIFICATION

I, HARRY VALLEY FUNDING, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, CHICAGO TITLE INSURANCE COMPANY.

THIS IS TO CERTIFY THAT THIS MAP AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, FORMALLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS IN 2011, AND INCLUDES ITEMS 1, 2, 3, 4, 6, 8(A), 7(A), 8, 9, 11(A), 16, 17 AND 18 OF TABLE A THEREOF, PURSUANT TO THE ACCURACY STANDARDS AS ADOPTED BY ALTA AND NSPS AND IN EFFECT ON THE DATE OF THIS CERTIFICATION, UNEXCEPTED FURTHER CERTIFICATE THAT IN MY PROFESSIONAL OPINION, AS A LAND SURVEYOR REGISTERED IN THE STATE OF ARIZONA, THE RELATIVE POSITIONAL ACCURACY OF THIS SURVEY DOES NOT EXCEED THAT WHICH IS SPECIFIED THEREON.

DATE: 1/11/12

DATE: 1/11/12

1801 EAST EVANS ROAD
PEORIA, ARIZONA 85301
PHONE (480) 932-0781
FAX (480) 932-0781
WWW.SIGSURVEYAZ.COM



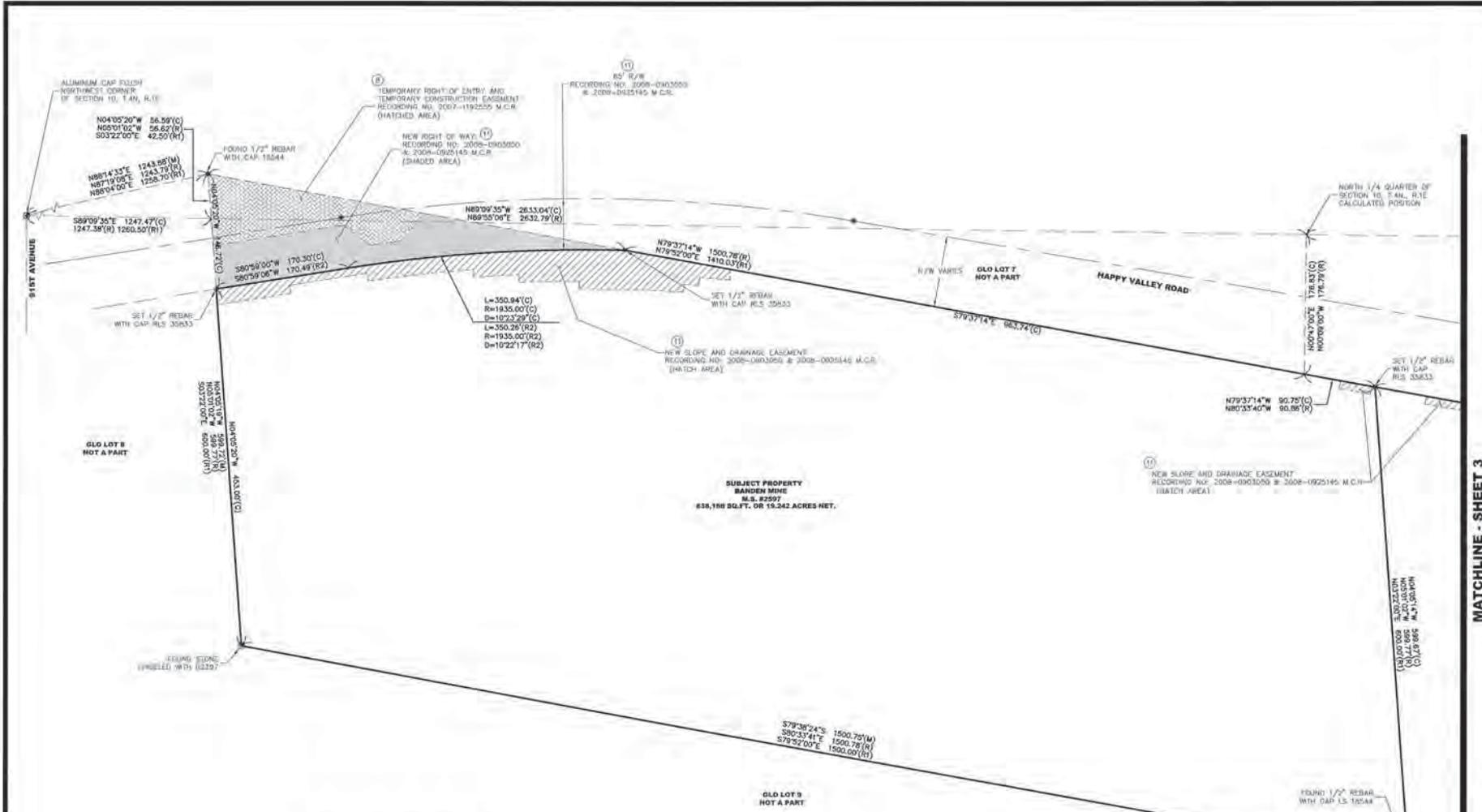
SIG
SURVEY INNOVATION
GROUP, INC.
Land Surveying Services

ALTA/ACSM LAND TITLE SURVEY
HAPPY VALLEY 40
PEORIA, ARIZONA



REVISIONS:
1. 2012-189 ALTA
2. 2012-189 ALTA

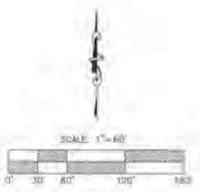
DRAWING NAME:
2012-189 ALTA
JOB NO. 2012-189
DRAWN BY:
CHECKED BY: RMH
DATE: 01-09-2012
SCALE: NTS
SHEET 1 OF 5



SUBJECT PROPERTY
RANDEM MINE
 M.S. 82997
 638,198 SQ.FT. OR 15.242 ACRES NET.

REFERENCED DOCUMENTS

- (R) RECORD DATE PER RESULTS OF A BOUNDARY SURVEY OF RANDEM MINE & RANDEM MINE TRG. 2, BOOK 580, PAGE 44 M.C.R.
- (U) RECORD DATE PER SURVEY #7593, ARIZONA LAND DISTRICT
- (U2) NEW RIGHT OF WAY PER RECORDING NO. 2007-1192555 M.C.R.



MATCHLINE - SHEET 3

ALTA/ACSM LAND TITLE SURVEY
HAPPY VALLEY 40
PEORIA, ARIZONA

7801 EAST EVANS ROAD
 PEORIA, ARIZONA 85304-0780
 PHONE (480) 832-0780
 FAX (480) 832-0781
 WWW.SIGSURVEY.COM



SIG
 SURVEY INNOVATION
 GROUP, INC.
 Land Surveying Services

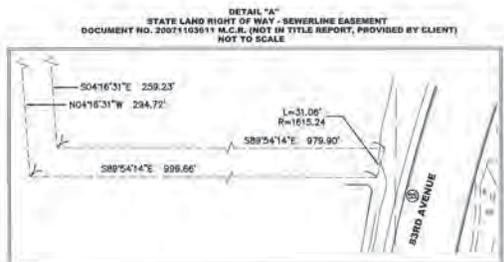
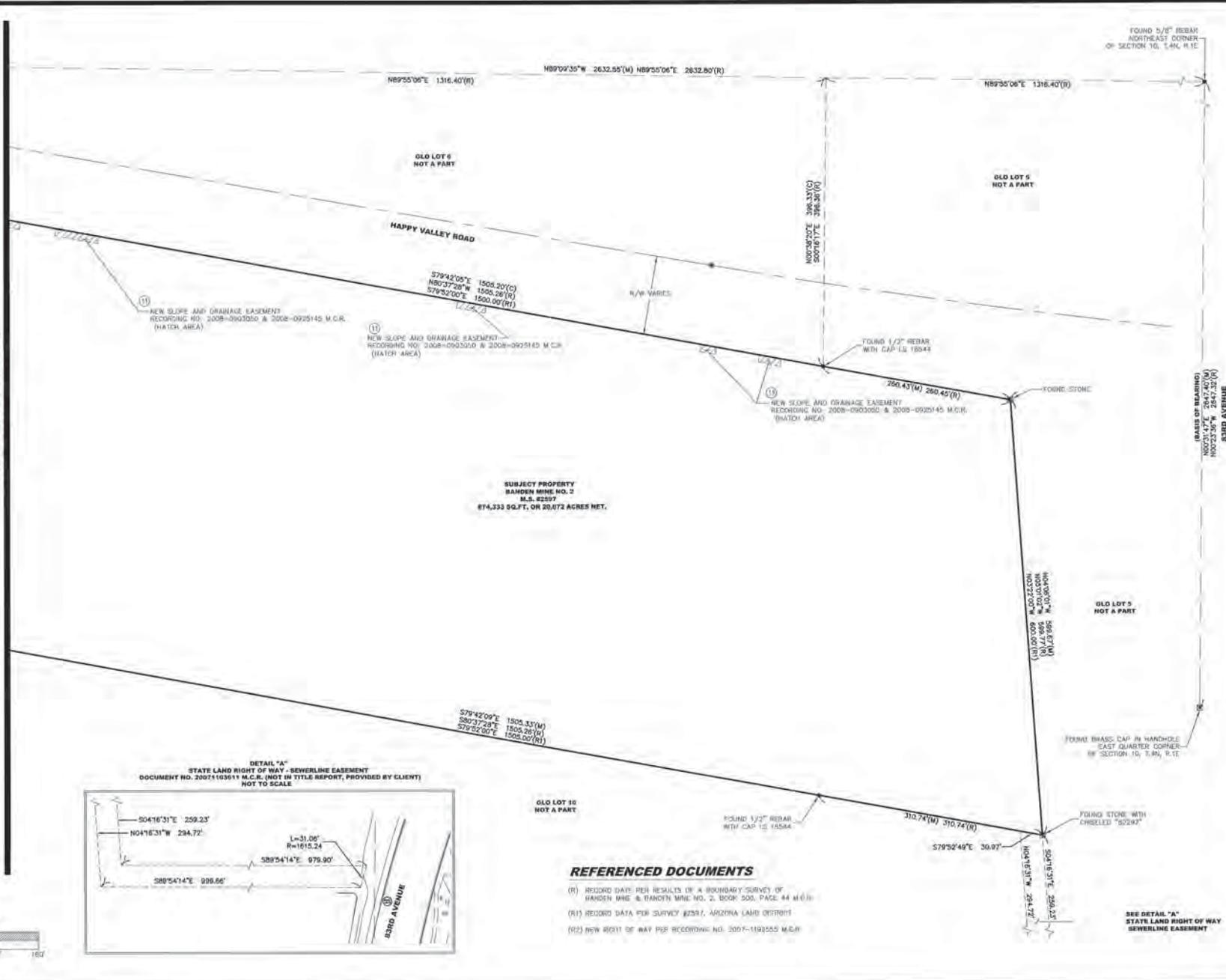


REVISIONS:

1	ISSUED	8	PL
2	CONSTRUCTION	1-8-12	

DRAWING NAME:
 2012-188 ALTA
 JOB NO. 2012-199
 DRAWN: RNT
 CHECKED: RMH
 DATE: 01-02-2012
 SCALE: 1"=60'
 SHEET: 2 OF 5

MATCHLINE - SHEET 2



- REFERENCED DOCUMENTS**
- (R) RECORD DATA PER RESULTS OF A BOUNDARY SURVEY OF BANDEN MINE & BANDEN MINE NO. 2, BOOK 500, PAGE 44 M.C.R.
 - (R1) RECORD DATA FOR SURVEY #2597, ARIZONA LAND DISTRICT
 - (R2) R/W RIGHT OF WAY PER RECORDING NO. 2007-1102555 M.C.R.

SEE DETAIL "A"
STATE LAND RIGHT OF WAY
SEWERLINE EASEMENT

7301 EAST EVANS ROAD
PEORIA, ARIZONA 85301
PHONE (800) 922-0786
FAX (800) 922-0781
WWW.SIGSURVEYAZ.COM

SIG
SURVEY INNOVATION
GROUP, INC.
Land Surveying Services

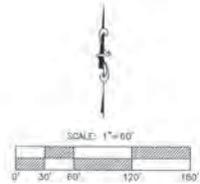
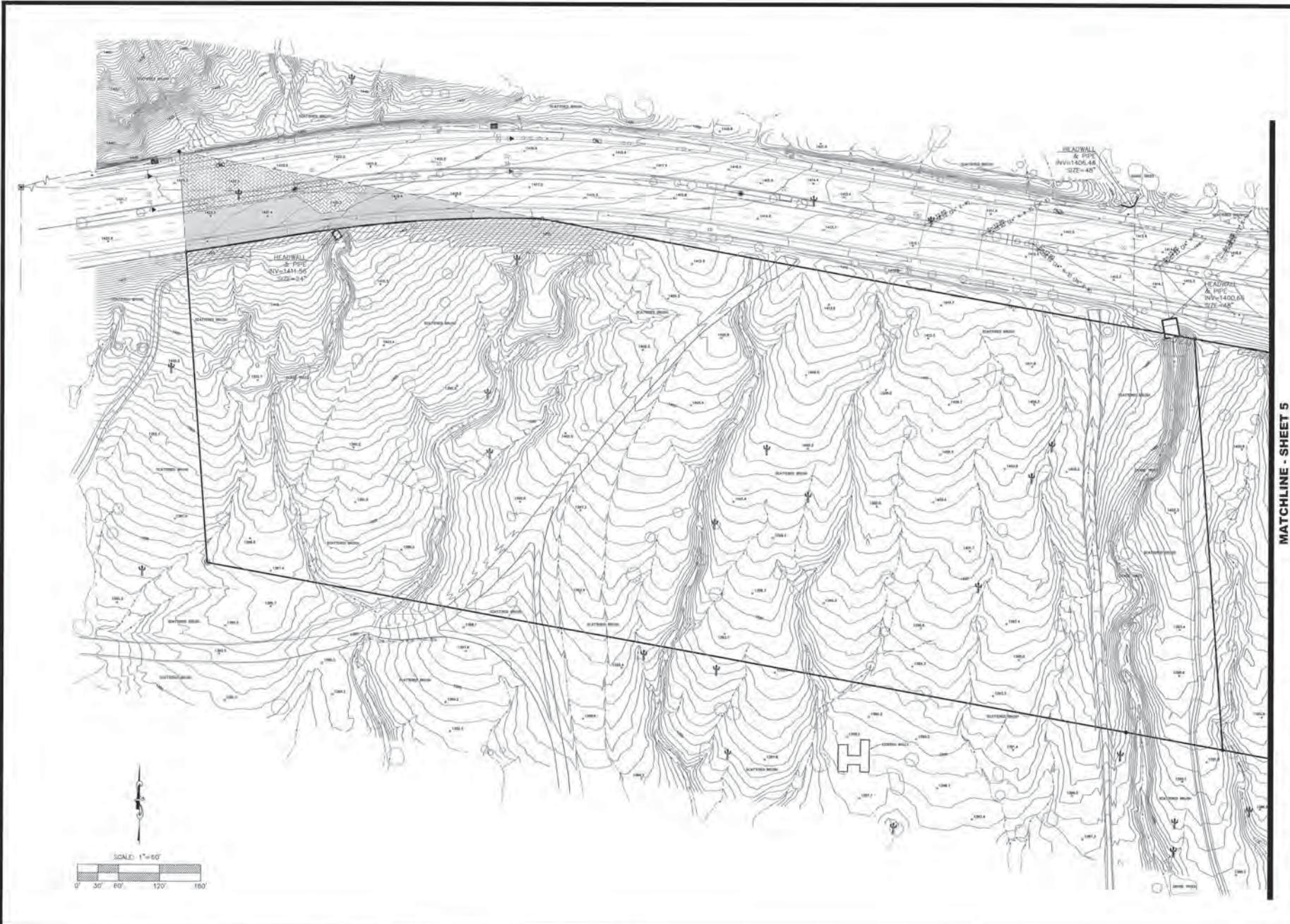
**ALTA/ACSM LAND TITLE SURVEY
HAPPY VALLEY 40
PEORIA, ARIZONA**



REVISIONS:

1	ISSUE # 00
2	TERMINATION 1-8-13

DRAWING NAME:
2012-199 ALTA
JOB NO 2012-199
DRAWN: RST
CHECKED: RMB
DATE: 01-02-2012
SCALE: 1"=60'
SHEET: 3 OF 5



MATCHLINE - SHEET 5

**ALTA/ACSM LAND TITLE SURVEY
HAPPY VALLEY 40
PEORIA, ARIZONA**



REVISIONS:

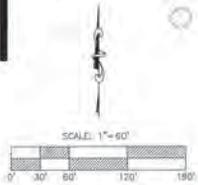
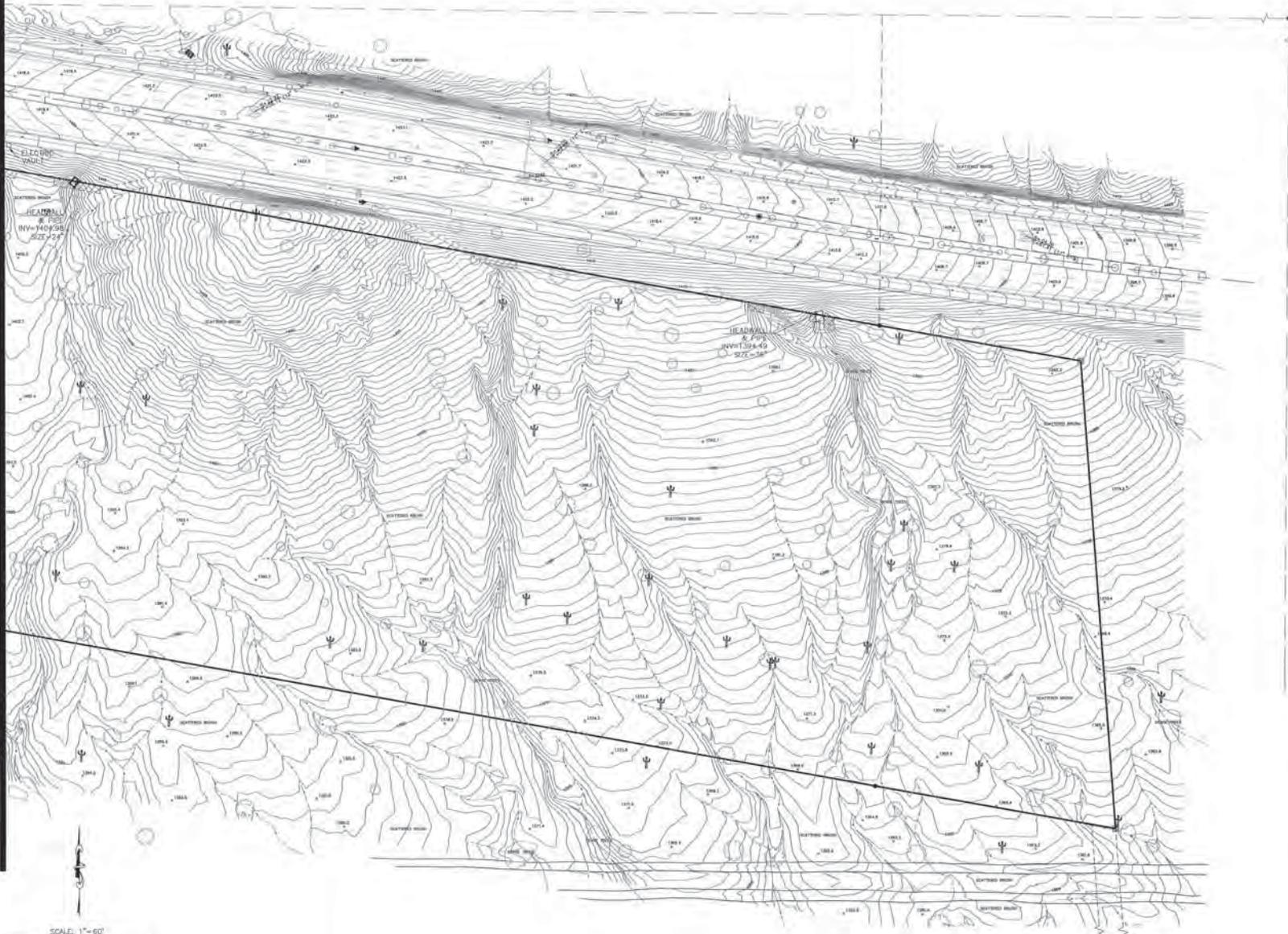
△	COND. & #1
△	TERMINATION 1-8-13
△	
△	

DRAWING NAME:
2012-193 ALTA
JOB NO. 2012-199
DRAWN: RNT
CHECKED: RMH
DATE: 01-02-2012
SCALE: 1"=60'
SHEET: 4 OF 5

SIG
SURVEY INNOVATION
GROUP, INC.
Land Surveying Services

7501 EAST EVANS ROAD
SCOTTSDALE, AZ 85250
PHONE (480) 932-0750
FAX (480) 932-0781
WWW.SIGSURVEYAL.COM

MATCHLINE - SHEET 4



7301 EAST EVANS ROAD
PEORIA, ARIZONA 85301
PHONE (602) 922-0780
FAX (602) 922-0781
WWW.SIGSURVEYAZ.COM



SIG
SURVEY INNOVATION
GROUP, INC.
Land Surveying Services

**ALTA/ACSM LAND TITLE SURVEY
HAPPY VALLEY 40
PEORIA, ARIZONA**

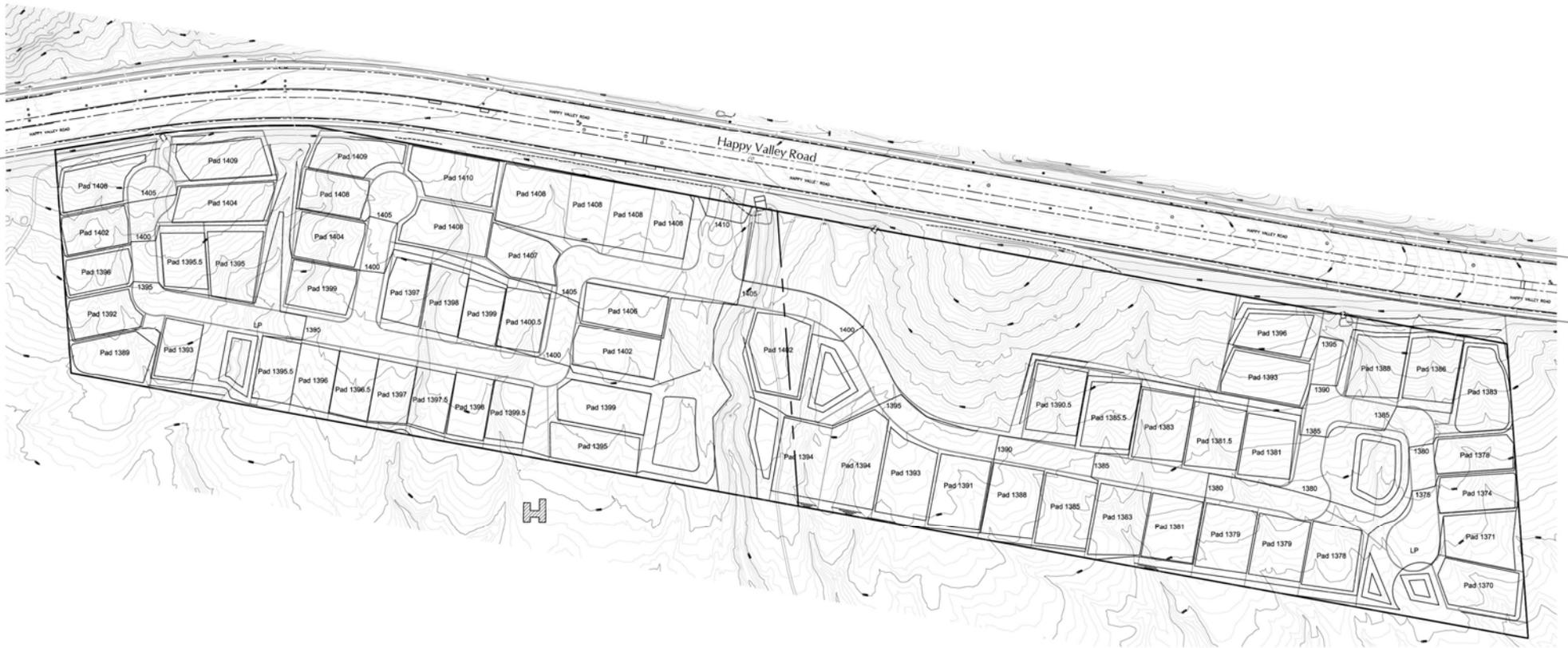


REVISIONS:

△	SCHEM # 00
△	TERMINATION 1-18-13
△	
△	

DRAWING NAME:
2012-199 ALTA
JOB NO. 2012-199
DRAWN: RNT
CHECKED: RMT
DATE: 01-02-2012
SCALE: 1"=60'
SHEET: 5 OF 5

Appendix 3 – Preliminary Grading Plan

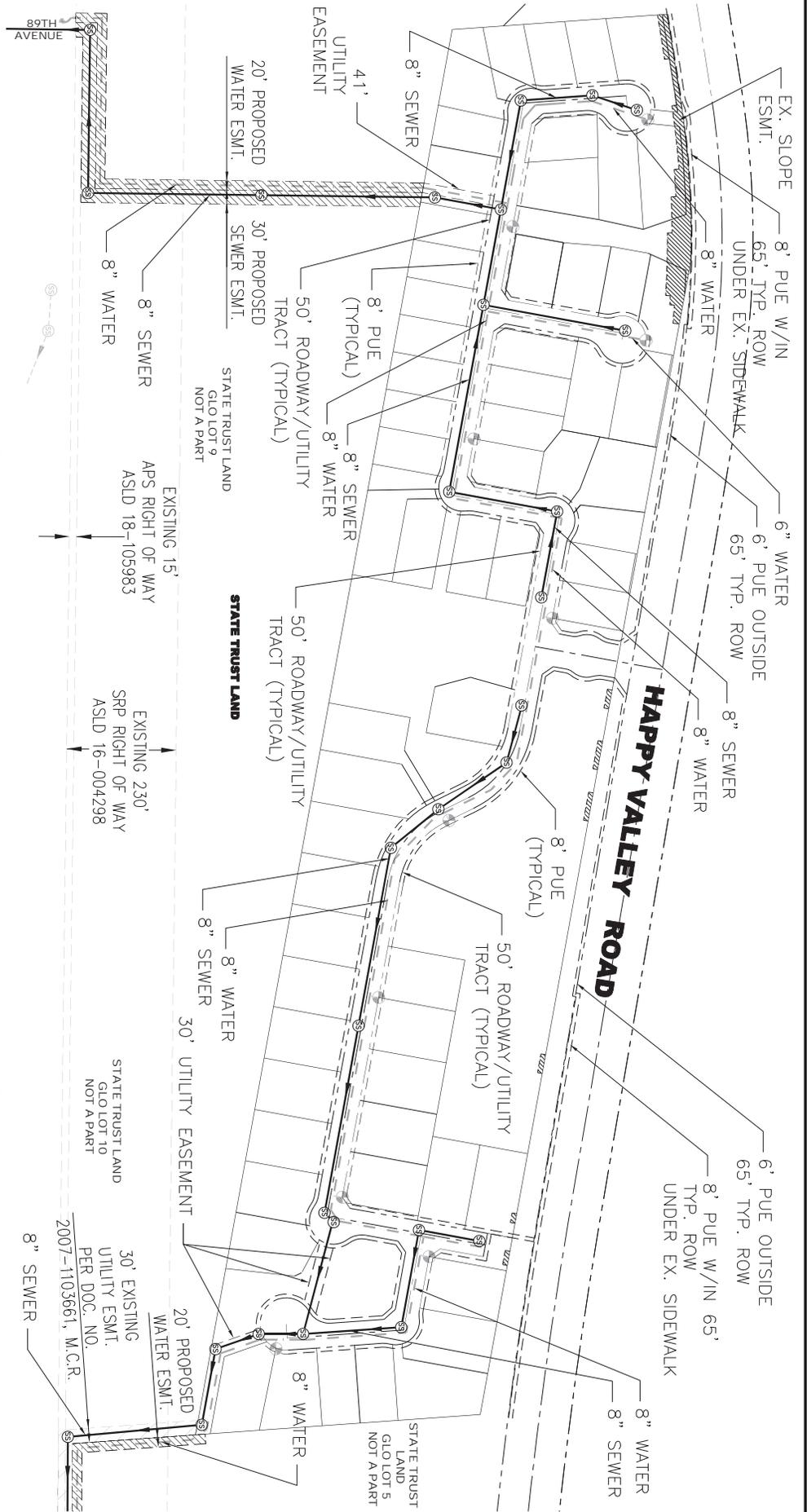


Happy Valley 40 Concept Grading Plan

November 19, 2013



Appendix 4 – Preliminary Utility Plan



LEGEND

- PROPOSED WATER
- PROPOSED SEWER
- RIGHT-OF-WAY
- PROPOSED LOT LINE
- EXISTING UTILITY EASEMENT
- PROPOSED UTILITY EASEMENT

LEGEND

- PROPOSED FIRE HYDRANT
- PROPOSED SEWER MANHOLE
- EXISTING SEWER MANHOLE
- EXISTING UTILITY EASEMENT
- EXISTING SLOPE EASEMENT
- PROPOSED UTILITY EASEMENT THROUGH STATE LANDS



U-SHEET 1

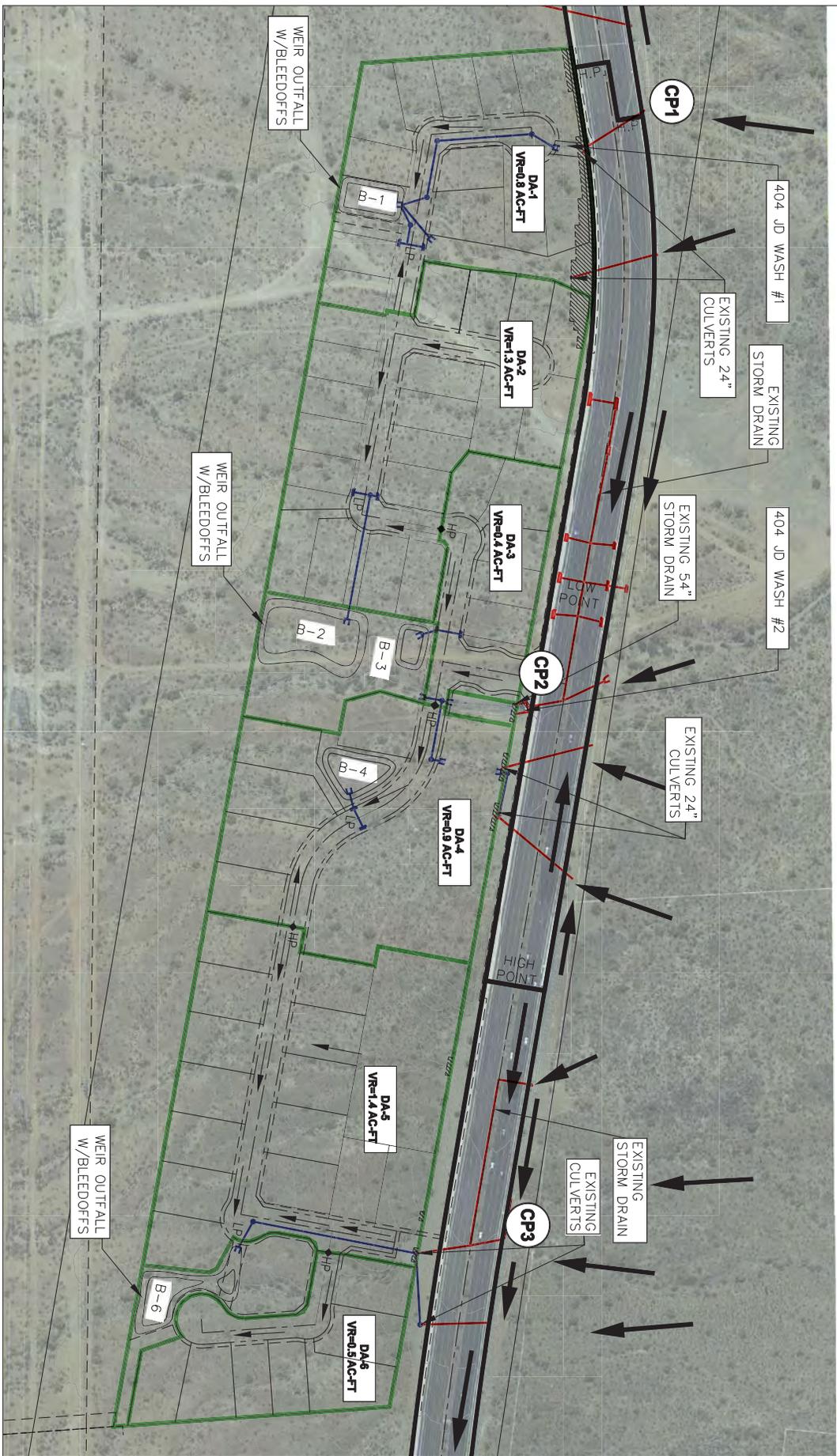
DATE: 12/7/10
 DRAWN BY: T.O.
 CHECKED BY: M.C.
 PROJECT NO: M3C120

CONCEPTUAL UTILITY PLAN
HAPPY VALLEY 40

NO.	DESCRIPTION	DATE	BY	APP. DATE	APP.



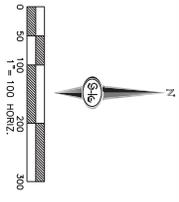
Appendix 5 – Preliminary Drainage Plan



REFER TO FIGURE 3 OFFSITE DRAINAGE EXHIBIT

LEGEND

- DA DRAINAGE AREA LABEL
- VR RETENTION VOLUME REQUIRED FOR 100-YR, 2 HOUR STORM EVENT
- PROPOSED UNDERGROUND STORM DRAIN PIPE, MANHOLE & HEADWALL
- PROPOSED STORM DRAIN CATCH BASIN, UNDERGROUND PIPE & HEADWALL
- GRADE BREAK AT PROPOSED HIGH POINT
- DRAINAGE ZONE BOUNDARY
- EXISTING STORM DRAIN SYSTEM
- RUNOFF FLOW ARROW
- WEIR OUTFALL W/ BLEEDOFFS



**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 18R

Date Prepared: March 18, 2014

Council Meeting Date: April 1, 2014

TO: Carl Swenson, City Manager

FROM: Julie Ayers, Human Resources Director

SUBJECT: Citizens Commission on Salaries for Elected City Officials Report and Recommendation

Purpose:

This is a request for City Council to accept or reject the recommendation made by the Citizens Commission on Salaries for Elected City Officials to increase the Mayor and Council salaries by three and one-half percent (3.5%).

Background/Summary:

The Citizens Commission on Salaries for Elected City Officials (“Commission”) was established by a City Charter change approved by the voters at the Primary Election held in March 1997. The Commission’s responsibilities are to meet, review data, and then make recommendations to the City Council of any possible changes to the voter-approved salary for the Mayor and City Council. The Commission is required to make their recommendations every two years. The City Council, by Charter, must either accept or reject the Commission’s recommendations.

The Commission may make recommendations to the City Council as follows:

1. To recommend a 5.1 percent or less increase or decrease to existing salaries for Mayor and Council, which City Council may accept or reject by majority vote.
2. To recommend exceeding a 5.1 percent increase or decrease to existing salaries for Mayor and Council, which, if accepted by City Council, would require a resolution to be prepared to refer the matter to the voters.

Previous Actions:

On March 11, 2014, the Commission met to review and discuss possible adjustments to Mayor and Council salaries. The Commission made a recommendation to increase Mayor and Council salaries by three and one-half percent (3.5%).

Options:

A: Accept the Commission’s recommendation to increase Mayor and Council salaries by three and one-half percent (3.5%).

B: Reject the Commission’s recommendation to increase Mayor and Council salaries by three and one-half percent (3.5%). If rejected by City Council, the Commission’s recommendation process does not occur again for two years.

Staff’s Recommendation:

The Commission has recommended increasing the Mayor and Council salaries by three and one-half percent (3.5%).

Fiscal Analysis:

Accepting the recommendation of the Citizens Commission on Salaries for Elected City Officials would increase the FY 15 and FY 16 Mayor and Council Personnel Services budget.

Annual Salaries	Current	3.5% Increase
Mayor	\$30,277	\$31,337
Council	\$20,185	\$20,891

Narrative:

If the recommendation of the Citizens Commission on Salaries for Elected City Officials is accepted, salary increases for Mayor and Council would be effective for calendar years 2015 and 2016.

Exhibit(s): Citizens Commission on Salaries for Elected City Officials Report and Recommendation

Contact Name and Number: Julie Ayers, Human Resources Director, x7580

REPORT AND RECOMMENDATIONS
TO THE MAYOR AND CITY COUNCIL
CITY OF PEORIA, AZ

Submitted by
CITIZENS COMMISSION ON SALARIES
FOR ELECTED CITY OFFICIALS

March 11, 2014

SUMMARY OF COMMISSION DISCUSSION AND REPORT:

The Citizens Commission on Salaries for Elected City Officials ("Commission") met on March 11, 2014. The Commission reviewed documents prepared by City Staff including Salary Survey Benchmark Comparisons for Valley cities and towns, employee pay increases/decreases, and historical Commission Recommendations. The Peoria City Charter prescribes that salary recommendations be presented to the City Council every two years.

The Citizens Commission on Salaries for Elected City Officials, therefore, as required by the Charter of the City of Peoria, Arizona, hereby submits this Report and Recommendation for the salaries for Mayor and City Council of the City of Peoria, Arizona to the Office of the City Clerk.

The Citizens Commission on Salaries for Elected City Officials further requests that the City Clerk herewith comply with the requirements of said Charter, and submit the Report and Recommendations to the City Council for discussion and possible action.

RECOMMENDATION:

The Citizens Commission on Salaries for Elected City Officials reports to the City Council a recommendation of three and one-half percent (3.5%) increase for Mayor and Council for 2015 through 2016.

BACKGROUND:

In 1997, the Electors of the City of Peoria approved an amendment to the Charter of the City of Peoria that mandated the establishment of a five-member Citizens Commission on Salaries for Elected City Officials.

The current commission members are:

Phil Hanson, Chairman
David Eberhart, Reed Webber, George Johnson and Joan Evans

BACKGROUND: (continued)

By Charter, the Commission is required to provide recommendations to the City Council every two years for any possible changes to the salary of the Mayor and City Council. The City Clerk is required to place the Commission's recommendations on a City Council agenda, and the City Council is required by the Charter to either accept or reject the Commission's recommendations.

The Charter sets forth very specific requirements that the Commission must follow regarding their responsibilities and recommendations. One of the requirements is that the Commission's recommendations for any salary adjustment must be filed with the City Clerk a minimum of 150 days prior to the Primary Election.

The Commission on Salaries for Elected City Officials makes recommendations in regards to salaries for the Mayor and City Council:

1. To increase or decrease the existing salary of the Mayor and City Council by an amount less than 5.1 percent.

* The Council, by majority vote, may accept or reject the Commission's recommendations of an amount less than 5.1 percent without having the salary adjustment recommendation placed on the City's August 26, 2014 Primary Election Ballot.

2. To increase or decrease the existing salary for the Mayor and City Council by an amount of 5.1 percent or greater.

* The Council, by majority vote, may accept or reject the Commission's recommendation to exceed 5.1 percent by the approval or denial and by resolution directing that the City Clerk place the issue on the August 26, 2014 Primary Election Ballot.

If the City Council, by majority vote, rejects the recommendations of the Commissions, the salary of the Mayor and Council remains the same, and the Commission's recommendation process does not occur again for two years.

Respectfully submitted this 19th day March, 2014.


Phil Hanson, Chairman
Citizens Commission on Salaries for Elected City Officials

Attachments: 2014 Elected Officials Salary Survey Benchmark Comparisons
Employee Pay Increases/Decreases Handout
Historical Recommendations

All Benchmark Organizations

City	Population	Mayor Actual Annual Salary	Vehicle Annual Allowance for Mayor	Communication Annual Allowance for Mayor	Compensation including Salary, Vehicle and Communication Allowance	Vice Mayor Actual Annual Salary	Vehicle Annual Allowance for Vice Mayor	Communication Annual Allowance for Vice Mayor	Compensation including Salary, Vehicle and Communication Allowance	Council Actual Annual Salary	Vehicle Annual Allowance for Council	Communication Annual Allowance for Council	Compensation including Salary, Vehicle and Communication Allowance
Avondale	81,000	\$ 17,000	\$ -	\$ 1,800	\$ 18,800	\$ 12,750	\$ -	\$ 1,200	\$ 13,950	\$ 8,500	\$ -	\$ 1,200	\$ 9,700
Chandler	243,559	\$ 38,202	\$ -	\$ -	\$ 38,202	\$ 20,450	\$ -	\$ -	\$ 20,450	\$ 20,450	\$ -	\$ -	\$ 20,450
Gilbert	227,598	\$ 37,822	\$ 4,068	\$ 1,200	\$ 43,090	\$ 21,012	\$ -	\$ 1,200	\$ 22,212	\$ 21,012	\$ -	\$ 1,200	\$ 22,212
Glendale	226,721	\$ 48,000	\$ -	\$ -	\$ 48,000	\$ 34,000	\$ -	\$ -	\$ 34,000	\$ 34,000	\$ -	\$ -	\$ 34,000
Goodyear	71,700	\$ 23,000	\$ -	\$ -	\$ 23,000	\$ 12,500	\$ -	\$ -	\$ 12,500	\$ 9,200	\$ -	\$ -	\$ 9,200
Litchfield Park*	5,476	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Mesa	448,098	\$ 38,002	\$ 6,600	\$ 960	\$ 45,562	\$ 19,032	\$ 4,200	\$ 960	\$ 24,192	\$ 19,032	\$ 4,200	\$ 960	\$ 24,192
Phoenix	1,602,704	\$ 88,000	\$ 5,220	\$ 1,200	\$ 94,420	\$ 61,600	\$ 5,220	\$ 1,200	\$ 68,020	\$ 61,600	\$ 5,220	\$ 1,200	\$ 68,020
Scottsdale	217,385	\$ 36,000	\$ 300	\$ -	\$ 36,300	\$ 18,000	\$ -	\$ -	\$ 18,000	\$ 18,000	\$ 2,700	\$ 570	\$ 21,270
Surprise	117,000	\$ 34,017	\$ -	\$ 1,260	\$ 35,277	\$ 20,242	\$ -	\$ 1,260	\$ 21,502	\$ 20,242	\$ -	\$ 1,260	\$ 21,502
Tempe	161,719	\$ 56,064	\$ -	varies	\$ 56,064	\$ 23,032	\$ -	varies	\$ 23,032	\$ 23,032	\$ -	varies	\$ 23,032
Peoria	160,000	\$ 30,277	\$ 3,300	\$ 3,000	\$ 36,577	\$ 20,185	\$ 3,300	\$ 1,920	\$ 25,405	\$ 20,185	\$ 3,300	\$ 1,920	\$ 25,405
Average:		\$ 43,872	\$ -	\$ -	\$ 43,872	Average:	\$ 25,786	Average:	\$ 25,786	Average:	\$ 25,358	Average:	\$ 25,358
City of Peoria		\$ 36,577	\$ -	\$ -	\$ 36,577	City of Peoria	\$ 25,405	City of Peoria	\$ 25,405	City of Peoria	\$ 25,405	City of Peoria	\$ 25,405
Average Difference:		\$ (7,295)	\$ -	\$ -	\$ (7,295)	Average Difference:	\$ (381)	Average Difference:	\$ (381)	Average Difference:	\$ 47	Average Difference:	\$ 47
Average % Difference:		-16.6%	\$ -	\$ -	-16.6%	Average % Difference:	-1.5%	Average % Difference:	-1.5%	Average % Difference:	0.2%	Average % Difference:	0.2%

*Litchfield Park's Mayor and City Council are volunteers.

West Valley Benchmark Organizations

City	Population	Mayor Actual Annual Salary	Vehicle Annual Allowance for Mayor	Communication Annual Allowance for Mayor	Compensation including Salary, Vehicle and Communication Allowance	Vice Mayor Actual Annual Salary	Vehicle Annual Allowance for Vice Mayor	Communication Annual Allowance for Vice Mayor	Compensation including Salary, Vehicle and Communication Allowance	Council Actual Annual Salary	Vehicle Annual Allowance for Council	Communication Annual Allowance for Council	Compensation including Salary, Vehicle and Communication Allowance
Avondale	81,000	\$ 17,000	\$ -	\$ 1,800	\$ 18,800	\$ 12,750	\$ -	\$ 1,200	\$ 13,950	\$ 8,500	\$ -	\$ 1,200	\$ 9,700
Glendale	226,721	\$ 48,000	\$ -	\$ -	\$ 48,000	\$ 34,000	\$ -	\$ -	\$ 34,000	\$ 34,000	\$ -	\$ -	\$ 34,000
Goodyear	71,700	\$ 23,000	\$ -	\$ -	\$ 23,000	\$ 12,500	\$ -	\$ -	\$ 12,500	\$ 9,200	\$ -	\$ -	\$ 9,200
Litchfield Park*	5,476	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Surprise	117,000	\$ 34,017	\$ -	\$ 1,260	\$ 35,277	\$ 20,242	\$ -	\$ 1,260	\$ 21,502	\$ 20,242	\$ -	\$ 1,260	\$ 21,502
Peoria	160,000	\$ 30,277	\$ 3,300	\$ 3,000	\$ 36,577	\$ 20,185	\$ 3,300	\$ 1,920	\$ 25,405	\$ 20,185	\$ 3,300	\$ 1,920	\$ 25,405
Average:				\$ 31,269		Average:		\$ 20,488		Average:		\$ 18,601	
City of Peoria				\$ 36,577		City of Peoria		\$ 25,405		City of Peoria		\$ 25,405	
Average Difference:				\$ 5,308		Average Difference:		\$ 4,917		Average Difference:		\$ 6,805	
Average % Difference:				17.0%		Average % Difference:		24.0%		Average % Difference:		36.6%	

*Litchfield Park's Mayor and City Council are volunteers.

Benchmarks with Similar Population

City	Population	Mayor Actual Annual Salary	Vehicle Annual Allowance for Mayor	Communication Annual Allowance for Mayor	Compensation (including Salary, Vehicle and Communication Allowance)	Vice Mayor Actual Annual Salary	Vehicle Annual Allowance for Vice Mayor	Communication Annual Allowance for Vice Mayor	Compensation (including Salary, Vehicle and Communication Allowance)	Council Actual Annual Salary	Vehicle Annual Allowance for Council	Communication Annual Allowance for Council	Compensation (including Salary, Vehicle and Communication Allowance)
Chandler	243,559	\$ 38,202	\$ -	\$ -	\$ 38,202	\$ 20,450	\$ -	\$ -	\$ 20,450	\$ 20,450	\$ -	\$ -	\$ 20,450
Gilbert	227,598	\$ 37,822	\$ 4,068	\$ 1,200	\$ 43,090	\$ 21,012	\$ -	\$ 1,200	\$ 22,212	\$ 21,012	\$ -	\$ 1,200	\$ 22,212
Glendale	226,721	\$ 48,000	\$ -	\$ -	\$ 48,000	\$ 34,000	\$ -	\$ -	\$ 34,000	\$ 34,000	\$ -	\$ -	\$ 34,000
Scottsdale	217,385	\$ 36,000	\$ 300	\$ -	\$ 36,300	\$ 18,000	\$ -	\$ -	\$ 18,000	\$ 18,000	\$ 2,700	\$ -	\$ 21,270
Surprise	117,000	\$ 34,017	\$ -	\$ 1,260	\$ 35,277	\$ 20,242	\$ -	\$ 1,260	\$ 21,502	\$ 20,242	\$ -	\$ 1,260	\$ 21,502
Tempe	161,719	\$ 56,064	\$ -	varies	\$ 56,064	\$ 23,032	\$ -	varies	\$ 23,032	\$ 23,032	\$ -	varies	\$ 23,032
Peoria	160,000	\$ 30,277	\$ 3,300	\$ 3,000	\$ 36,577	\$ 20,185	\$ 3,300	\$ 1,920	\$ 25,405	\$ 20,185	\$ 3,300	\$ 1,920	\$ 25,405
Average:		\$ 42,822	\$	\$	\$ 42,822	Average:	\$	\$	\$ 23,199	Average:	\$	\$	\$ 23,744
City of Peoria		\$ 36,577	\$	\$	\$ 36,577	City of Peoria		\$	\$ 25,405	City of Peoria		\$	\$ 25,405
Average Difference:		\$ (6,245)			\$ (6,245)	Average Difference:		\$	\$ 2,206	Average Difference:		\$	\$ 1,661
Average % Difference:		-14.6%			-14.6%	Average % Difference:			9.5%	Average % Difference:			7.0%

*Litchfield Park's Mayor and City Council are volunteers.

**Employee Pay Increases/Decreases
Fiscal Year 2014
July 2013 – June 2014**

1. Any pay increases/decreases to employees' salaries for Fiscal Year 2014:

GROUP	Increase Amount	Requirements	Decrease Amount to employee's take-home pay due to change in benefits or retirement/pension contribution rates
AFSCME & Non-Represented Employees (including Management)	3.5% Merit Increase Or \$850 lump sum payment	For eligibility, must have satisfactory performance. Employee's that meet eligibility, and are 3.5% or more from the maximum of the pay range, will receive a 3.5% upon employee's anniversary date. For employees less than 3.5% from the maximum of the pay grade, an increase up to the maximum of the pay grade. If the total annual amount is less than \$850, a lump sum in the amount of the difference between the percentage increase and \$850.	Medical Insurance: 4.3% Dental Insurance: 0% ASRS: 0.4%
COPPS (Police Sergeants)	Merit Increase (Varying percents due to the pay plan having different percents between the steps, but the average increase is 3.5%)	Requires satisfactory performance and would receive increase at the employee's anniversary date. Employees at the maximum of the pay grade with acceptable performance are eligible for either the equivalent lump sum payment of 40 hours at their hourly rate or one week off with pay.	Medical Insurance: 4.3% Dental Insurance: 0% PSPRS: 0.8%
PPOA (Police Officers)	No Merit Increases. One time \$850 Retention Payment	Retention payment for all PPOA employees provided on employee's anniversary date.	Medical Insurance: 4.3% Dental Insurance: 0% PSPRS: 0.8%
PFFA (Fire Fighters, Fire Engineers, Fire Captains)	2.5% Market Adjustment And 2.5% Merit/5step Increase	All PFFA employees received a 2.5% market adjustment effective 7/20/13. Additionally, employee's with satisfactory performance that are not at the maximum of the pay grade, receive a 2.5% merit/step increase on their anniversary date.	Medical Insurance: 4.3% Dental Insurance: 0% PSPRS: 0.8%
Elected Officials	No Increase		Medical Insurance: 4.3% Dental Insurance: 0% PSPRS: 1.5%

2. Historical impacts on employees' salaries:

GROUP	Fiscal Year 2011 July 1, 2010 – June 30, 2011	Fiscal Year 2012 July 1, 2011 – June 30, 2012	Fiscal Year 2013 July 1, 2012 – June 30, 2013
AFSCME	Suspension of step/merit, COLA and market increases	Suspension of step/merit, COLA and market increases Employees with satisfactory performance and that were <i>topped out</i> in their pay plan, received \$850 lump sum payment on their anniversary. Received 3 floating holidays for the AFSCME non-topped out employees.	Employees with satisfactory performance received up to a 5% step increase depending on where they were at in the range, and employees at the top of the range received an \$850 lump sum payment the first pay period in July (7/7/12).
COPPS (Police Sergeants)	Were non represented during this FY	Suspension of step/merit, COLA and market increases Employees with satisfactory performance received \$850 lump sum.	A new pay plan with a step system went into effect and all Sergeants were moved to the next closest step on 7/1/12. Employees with satisfactory moved an additional step if they were not topped out. Percentages of steps vary.
PPOA (Police Officers)	Suspension of step/merit, COLA and market increases	Suspension of step/merit, COLA and market increases Employees with satisfactory performance <i>that were not topped out</i> received \$860.98.	Employees with satisfactory performance received up to a 5% step increase depending on where they were at in the range the first pay period in July (7/7/12).
PFFA (Fire Fighters, Fire Engineers, Fire Captains)	Suspension of step/merit, COLA and market increases	Suspension of step/merit, COLA and market increases All PFFA employees (that were hired as of 7/1/11) received \$850 lump sum.	Employees with satisfactory performance received up to a 5% step increase depending on where they were at in the range the first pay period in July (7/7/12).
Non Represented (including Management)	Suspension of step/merit, COLA and market increases	Suspension of step/merit, COLA and market increases Received 3 floating holidays.	Employees with satisfactory performance received up to a 5% step increase depending on where they were at in the range, and employees at the top of the range received an \$850 lump sum payment the first pay period in July (7/7/12).
Elected Officials	No Increases	No Increases	No Increases

**Citizens Commission on Salaries for Elected Officials -
Historical Recommendations and Approvals**

	What Commission Recommended	What was Approved
2012	Commission recommended a 5% increase for Mayor & Council and motion carried unanimously	Mayor & Council rejected the 5% increase in salaries to Mayor and City Council. Approved no increase - 0%.
2010	Commission recommended a 0% increase for Mayor & Council and motion carried unanimously	Mayor & Council approved the 0% increase in salaries to Mayor and City Council
2008	Commission recommended a 5% increase for Mayor & Council and motion carried unanimously	Mayor & Council approved the 5% increase in salaries to Mayor and City Council - In effect Jan. 6, 2009
2006	Commission recommended a 5% increase for Mayor & Council and motion carried unanimously	Mayor & Council approved the 5% increase in salaries to Mayor and City Council - In effect Jan. 2, 2007
2004	Commission recommended just under a 9% increase	Above a 5.1%, required being placed on the Primary Election Ballot for Citizen Vote 150 days prior to the next regular election. The 8.9% increase was approved - effective Jan. 4, 2005.

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 19R

Date Prepared: March 18, 2014

Council Meeting Date: April 1, 2014

TO: Carl Swenson, City Manager
FROM: Julie Ayers, Human Resources Director
SUBJECT: Ordinance amending Chapter 19 of the City Code (Labor)

Purpose:

The Labor Task Force presented its findings and recommendations to Peoria City Council on February 25, 2014. The Task Force received direction from Council to move forward with the recommendations with two changes:

- (1) an amendment to Issue #5 – Concern over Representation, and
- (2) to add a new recommendation Issue #9 – Staggered Terms.

The attached Ordinance incorporates these recommendations as changes to the City Code for Council consideration. Also attached is a matrix that summarizes the Issue identified, a summary of the Recommendation and the Draft Code Section that addresses that specific issue.

Background/Summary:

The City Manager appointed a Labor Task Force in November 2013 to debrief the 2013 labor negotiations, research meet and confer best practices, and review the City Code with the goal seeking process improvement. The Labor Task Force consists of Human Resources Director Julie Ayers (lead), Police Chief Roy Minter, Fire Chief Bobby Ruiz, Public Works-Utilities Director Bill Mattingly, and Community Services Director John Sefton. Other City staff has played a supporting role in the work of the Task Force including Chief Assistant City Attorney Steve Burg, Workforce Administrator Dawn Prince and Budget Coordinator Peter Christensen. The labor groups also provided invaluable input and their participation is greatly appreciated.

Previous Actions: None

Options:

- A. Approve the proposed Ordinance that makes changes to Chapter 19 of the City Code;
- B. Modify the proposed Ordinance that makes changes to Chapter 19 of the City Code;
- C. Reject the proposed Ordinance and provide direction to the Labor Task Force.

Fiscal Analysis: N/A

Narrative: None

Exhibit(s): Proposed Ordinance
Matrix Summary

Contact Name and Number: Julie Ayers, Human Resources Director 623-773-7580

ORDINANCE NO. 2014-12

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA AMENDING CHAPTER 19 OF THE PEORIA CITY CODE (1992) BY AMENDING SECTION 19-16, EMPLOYEE ORGANIZATION; MEET AND CONFER PROCESS; DEFINITIONS; AMENDING SECTION 19-17, EMPLOYEE ORGANIZATIONS; CITY MANAGEMENT RIGHTS; SECTION 19-18, EMPLOYEE ORGANIZATIONS; PUBLIC EMPLOYEES' RIGHTS; AMENDING SECTION 19-19, EMPLOYEE ORGANIZATION; UNFAIR LABOR RELATIONS PRACTICES; AMENDING SECTION 19-20, EMPLOYEE ORGANIZATION; DECERTIFICATION; AMENDING SECTION 19-21, MEMORANDUM OF UNDERSTANDING; SCOPE; TERM; RATIFICATION; SUBMISSION TO CITY; AMENDING SECTION 19-23, EMPLOYEE ORGANIZATION; MEET AND CONFER PROCESS; DATES; AMENDING SECTION 19-24, EMPLOYEE ORGANIZATION; MEET AND CONFER PROCESS; RESOLUTION PROCEDURES; CITY COUNCIL DETERMINATION; AMENDING SECTION 19-25, EMPLOYEE ORGANIZATION; UNFAIR LABOR PRACTICE RESOLUTION PROCEDURES; CITY COUNCIL DETERMINATION; PROVIDING FOR SEPARABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

THEREFORE, IT IS ORDAINED by the Mayor and Council of the City of Peoria, Maricopa County, Arizona as follows:

SECTION 1. Chapter 19 of the Peoria City Code (1992) is amended by amending Section 19-16 pertaining to Employee Organization; meet and confer process; definitions and which shall read as follows:

Sec. 19-16. Employee Organization; meet and confer process; definitions.

The following terms shall have the following definitions for this code ~~and related ordinances, included but not limited to Ordinances 87-57, 88-13 and 88-14~~ as amended.

~~(a) Authorized Representative means an employee organization recognized by the city pursuant to Ordinances 87-57, 88-13 and 88-14 as representing a group of public employees and which is authorized to participate in the meet and confer process for the purpose of meeting and conferring on wages, hours and working conditions.~~

(b) Confidential Employee means any employee as designated by the City Manager who has access to information regarding relations between the City and its recognized employee organizations including but not limited to information affecting negotiations with the organizations or resolution of complaints or grievances relating to City Employment relations issues.

~~(c) Employee Organization means an organization recognized by the City Council by Ordinance or Resolution as authorized to represent a group of employees in the meet and confer process as described in this chapter and other ordinances of the city for the purpose of meeting and conferring on wages, hours and working conditions.~~

~~(d) Managerial Employee means any employee of the Public Employer involved in formulating, determining or effectuating City policies on behalf of the Public Employer or any employee having a major role in employer-employee relations on behalf of the Public Employer, or any employee providing direct assistance in the foregoing functions.~~

~~(e) Mediation means the resolution procedure provided for in this Chapter in the event the parties reach an impasse.~~

(e) Meet and Confer means negotiations pursuant to this Chapter between an Employee Organization and the Public Employer regarding wages, hours, and working conditions applicable to all Public Employees who are eligible to be members of such Employee Organization.

(f) Memorandum of Understanding means a written agreement between the City of Peoria and an Employee Organization regarding wages, hours, and working conditions, as described more fully in Section 19-21 of this Code.

(g) Public Employee means a City employee who is eligible to be represented by an Employee Organization.

(h) Public Employer means the City of Peoria as an employer of Public Employees. Unless the context indicates otherwise, "Public Employer" and "City" shall be synonymous in this Chapter.

(i) Tentative Agreement means each individual item agreed to by the parties in the Meet and Confer process.

(j) Unfair Labor Practice means a violation of Section 19-19 of this Code.

SECTION 2. Chapter 19 of the Peoria City Code (1992) is amended by amending Section 19-17 pertaining to Employee Organizations; City Management Rights and which shall read as follows:

Sec. 19-17. Employee Organizations; City Management Rights.

(a) City Council. The Mayor and City Council are recognized as the policy making body of the City of Peoria. None of their actions or decisions shall serve as a basis for, or be evidence of, any unfair labor practice or other violation of ~~the Meet and Confer Ordinances or this Chapter.~~ The City Council designates the City Manager to serve as the Public Employer's representative in any Meet and Confer process. The City Manager shall seek direction from the City Council (which may occur in Executive Session) during any Meet and Confer process until the process is completed. The City Manager may designate one or more individuals to represent the Public Employer in a Meet and Confer process.

(b) It is the right of the City to determine the purpose of each of its departments, set standards of service to be offered to the public and exercise control and discretion over its organization and operations. It is also the right of the City to direct its employees, take disciplinary action for proper cause, suspend or relieve its employees from duty because of lack of work or for other legitimate reasons, determine whether goods or services shall be made, purchased or contracted for, and determine the methods, means and personnel by which the employer's operations are to be conducted. The Mayor and City Council may, at their option and sole discretion direct the City Manager to consult with the City's employees, or representatives of their Authorized Representatives Employee Organization, about the direct consequences that decisions on matters within the City Management Rights set forth herein may have on wages, hours and working conditions.

(c) The City, its City Manager and his designees retain, whether exercised or not, solely and exclusively, all express and inherent rights and authority pursuant to law with respect to determining the level of and the manner in which the City's governmental and proprietary activities are conducted, managed, and administered. The City retains the exclusive right to establish and maintain departmental rules and procedures for the administration of its departments in accordance with its codes and charter provided that such rules and procedures do not violate any of the specific express provisions of this Chapter or Ordinances No. 87-57, 88-13 and 88-14.

(d) The City and its Department Directors and designees have the exclusive right and authority to schedule work and/or overtime work as required in the manner most advantageous to the City.

(e) It is understood by the parties that every incidental duty connected with operations enumerated in job descriptions and specifications are not always specifically described: nevertheless, it is intended all such duties shall be performed by the employee.

(f) The City through its City Manager or his or her designees reserve the right to discipline or discharge employees for cause, pursuant to applicable rules and regulations. The City reserves the right to layoff personnel in its departments.

(g) The City shall determine assignments, and establish methods and processes by which assignments are performed.

(h) The City shall have the right to transfer employees of the City in a manner most advantageous to the City.

(i) Except as otherwise specifically provided in Ordinances 87-57, 88-13, 88-14 and in the City's Charter and code, the City and its City Manager and designees retain unqualifiedly authority to which by law they are entitled.

(j) The City shall have the authority without prior meeting and conferring to effect reorganizations of its departments, agencies and functions, but shall inform the employee organization of such reorganizations.

(k) It is the exclusive right of the City to exercise its Charter rights and obligations in contracting for matters relating to municipal operations.

(l) Any and all rights concerning the management organization, and direction of the City and its Departments, ~~including those set forth in the Ordinance~~, shall be exclusively the right of City, and its City Manager and its designees ~~unless otherwise provided by the express terms of this Ordinance as permitted by law~~.

(j) The enumeration of the above rights is illustrative only and is not to be construed as being all inclusive.

SECTION 3. Chapter 19 of the Peoria City Code (1992) is amended by amending Section 19-18 pertaining to Employee organizations; public employees' rights and which shall read as follows:

Sec. 19-18. Employee organizations; public employees' rights.

(a) Public eEmployees shall have the right to join and participate in an Employee Organization that is designated as the representative of their positions, or to refrain from joining or participating in same. A Public eEmployee shall not hold any elective or appointive office in any Employee Organization until such employee shall have successfully completed the probationary period following their initial employment.

(b) The City Council affirms its policy that in matters not expressly covered by an approved Memorandum of Understanding, decision-making authority shall rest with the City Manager unless otherwise provided by the Charter and Code of the City of Peoria as they may from time to time exist.

(c) Public Employees shall have the right to be represented by an the Employee Organization to meet and confer ~~through the Authorized Representative~~ with their Public Employer in the determination of wages, hours and working conditions, and to be represented in the determination of grievances arising thereunder.

(d) This ~~ordinance~~Chapter does not prevent any Public eEmployees from discussing any matters of wages, hours and working conditions as long as the intent of this ~~ordinance~~Chapter is not violated, irrespective of the recognition of a representative; from presenting his or her own grievance, in person or by legal counsel to the Public Employer and having such grievance adjusted without the assistance of the Employee Organization, if such an adjustment is not inconsistent with the terms of a current Memorandum of Understanding.

(e) The Employee Organization shall have its periodic membership dues deducted and collected by the Public Employer from the salaries of those employees who present signed cards in a form satisfactory to the Public Employer, authorizing the deduction of such dues. Such authorization cards may be presented to the employer in person, by mail, or through a representative. Such dues shall be transmitted to the designated representative employee organization of the employee on a monthly basis. Dues deductions may be revoked by the employee upon written notice of such revocation to the Employee Organization, only in the first two weeks of January and the first two weeks of July in any year and a copy shall be filed with the City by the employee organization.

(f) Supervisory, Professional, Managerial, Confidential, Temporary and Part time employees shall not be represented by any Employee Organization, nor shall such employees take an active role in the policy making activities of the Employee Organization, nor shall such employees participate directly or indirectly in the meet and confer process except as representatives or assistants to the Public Employer. An employee may only be represented by the designated employee organization for their position.

(g) An employee organization acting as the designated representative of an employee group may change its local, state or national affiliations without resulting in any change in status as a designated representative.

SECTION 4. Chapter 19 of the Peoria City Code (1992) is amended by amending Section 19-19 pertaining to Employee Organization; Unfair Labor Relations ~~Practices~~ and which shall read as follows:

Sec. 19-19. Employee Organization; Unfair Labor ~~Relations~~-Practices

(a) The Public Employer is prohibited from:

1. Interference with employee rights under this ~~ordinance~~Chapter.

2. Domination of Employee Organizations.
 3. Discrimination against employees for membership in the Employee Organization or for engaging in concerted activities permitted by this ordinance Chapter or by applicable law.
 4. Retaliation against employees for invoking their rights under this ordinance Chapter.
 5. Refusing to meet and confer with the Employee Organization or otherwise violating any of the meet and confer requirements contained in Section 19-23 of this Code; provided it shall not be a violation of this subsection for the Public Employer to refuse to meet and confer about economic items after the date set by law for tentative adoption of the annual budget.
- (b) Any Employee Organization is prohibited from:
1. Restraining or coercing employees in the exercise of their rights under this ordinance Chapter.
 2. Causing an employer to unlawfully discriminate against any employee.
 3. Refusing to meet and confer with the employer or otherwise violating any of the meet and confer requirements contained in Section 19-23 of this Code.
 4. Threatening, coercing, or restraining any person for the objects of forcing the employer to recognize a union, forcing any person to stop doing business with the employer, forcing the employer to meet and confer with an Employee Organization not authorized as the designated representative of a group, or forcing the employer to assign work to a particular Employee Organization, trade or craft.
 5. Causing the employer to pay for services not to be performed.
 6. Nothing herein shall prohibit an Employee Organization from determining and maintaining its own rules for obtaining or retaining membership rights in said organization so long as said rules do not bear upon any rights to employment with the Public Employer.
 7. ~~Discussing~~ Commencing or engaging in the discussion of any matters in the meet and confer process with members of the City Council from the time the Employee Organization submits ~~their~~ its request for meeting and conferring as provided in Section 19-27 of this code and extending up to the presentation of a Memorandum of Understanding or the Mediator's

Report to the Mayor and City Council as provided for in Section 19-28 of this Code.

8. There shall be no lockout by the City unless required to protect and preserve the public peace, health, or safety of the City and its residents or required by the City to enforce any violation of this Code, Ordinances 87-57, 88-13 and 88-14, any Memorandum of Understanding, or any applicable laws.

(c) The expression of any views, arguments, or opinions, or the dissemination thereof whether in written, printed, graphic or visual form, shall not constitute or be evidence of any violation of any provisions of this code or any ordinance, if such expression contains no threat of reprisal or force or promise of benefit.

(d) Written claims of violations of this section shall be filed with ~~Human Resources~~the City Clerk Department as an Unfair Labor Practice and shall be ~~submitted to a mediator as provided for in Sections 19-29 and 19-20~~adjudicated in the manner provided in Section 19-25 of this code.

(e) The following additional practices are prohibited.

1. Solicitation of members, dues and other internal Employee Organization business shall be conducted only during non-duty hours and shall not interfere with the work process. This shall not prohibit employees from discussing employee organization business, other than soliciting members or dues when on standby time.
2. It shall be a prohibited practice for any employee organization acting as the designated representative of a group of employees or other eligible representative to make any contribution to Peoria municipal candidates.
3. It shall be a prohibited practice to refuse to render emergency services, such as public safety to the community. For such services to be withheld, interrupted or discontinued would endanger the health, safety and welfare of the citizens of the City of Peoria.
- ~~4. Written claims of violations of this section shall be filed with the Human Resources Department as an unfair labor practice and shall be submitted to a mediator as provided for in Sections 19-29 and 19-20 of this Code.~~

(f) The following additional practices are prohibited as unfair labor practices for any employee organization serving as the designated representative of any sworn employees in the police or fire departments:

1. The ~~Association~~Employee Organization or any employee shall not for any reason authorize, institute, aid, condone or engage in a ~~S~~slowdown, work

stoppage, strike, or any other interference with the work and statutory functions and obligations of the City or the Department.

2. The City nor its agents for any reason shall authorize, institute, aid or promote any lockout of members of an employee organization.
3. Should any member of an employee organization breach the obligations of this section. The City Manager or his or her designee shall immediately notify the Employee Organization that represents the employee that a prohibited action is in progress.
4. After notification by the City Manager pursuant to subsection (f) 3 of this section, for an employee organization to fail or refuse to through its executive officers and other authorized representatives, disavow said strike or other prohibited action, and shall notify in writing all Employee Organization Officers and Employee Organization Members of their obligation and responsibility for maintaining compliance with this section, including their responsibility to remain at work during any interruption which may be caused or initiated by others. Copies of such notification shall be delivered to the office of the City Manager.
5. For an Employee Organization the to fail to order all its members violating this section to immediately return to work and cease the strike both orally and in writing to all members violating this section with copies of the written order to be delivered to the office of the City Manager.
6. Penalties or sanctions the City may assess against employees who violate this section shall include, but not be limited to:
 - a. Discipline up to and including discharge.
 - b. Loss of all compensation and benefits, including seniority, during the period of such prohibited activity.
7. Should an employee organization breach its obligations under this section it is agreed that all penalties set forth herein shall be imposed on the employee organization in addition to any other legal and administrative remedies available to the City that in its discretion it may elect to pursue.
8. Nothing contained herein shall preclude the City from obtaining judicial restraint or from seeking damages from the Association in the event of a violation of this ~~Article~~Chapter.
- ~~9. Written claims of violations of this section shall be with the Human Resources Department as an unfair labor practice and shall be submitted to a mediator as provided for in Sections 19-29 and 19-20 of this code.~~

SECTION 5. Chapter 19 of the Peoria City Code (1992) is amended by amending Section 19-20 pertaining to Employee Organization; Decertification and which shall read as follows:

Sec. 19-20. Employee Organization; Decertification.

(a) The initial or any subsequent Employee Organization shall be decertified as the Employee Organization in the event of either:

1. Its failure to have included in its membership an employee of the City of Peoria in a position eligible to be a member of the unit represented by the employee organization, or
2. Decertification as a result of an election of the employees in a designated group held in the manner hereafter described.

(b) In the event a petition to decertify the employee organization is filed with the Human Resources Department containing the signatures of more than 50~~25~~ percent of the number of City employees in a group eligible to have a Memorandum of Understanding with the City, the City through its City Manager and the Employee Organization shall each select a resident of the City of Peoria who is not an employee, officer, or Councilmember of the City of Peoria or interested in any capacity as a representative of the City of Peoria or a member of the Employee Organization, an employee or agent of the Employee Organization or a member, Employee or agent of any parent, subsidiary or affiliate thereof to serve on an Election Board. If either party fails to select a member to serve on the election board within twenty days following the filing of the petition, the Office of the Federal Mediation and Conciliation Service of the U.S. Department of Labor shall select the member.

(c) The two appointees shall then select a third member to serve on the Election Board and whom shall have the same qualifications or eligibilities for Appointment to the Election Board as the two initial appointees. The third member shall be selected within 20 days after the appointment of the first two members. In the event the two members are unable to select a third member, the Office of the Federal Mediation and Conciliation service of the U.S. Department of Labor shall select the third member. The Election Board shall then adopt rules and regulations applicable to the election contemplated to be held hereunder and shall proceed with conducting such election forthwith.

(d) The election to be held hereunder may submit to the appropriate group one or more of the following questions:

“Should the [name of existing Employee Organization] be retained as the designated representative of the group of employees under this code”, and/or,

“Should another [name of Employee Organization] be designated to serve as the designated representative of the group of employees under this code”, or

“Should any [name of Employee Organization] be designated to represent the group of employees”, and/or “Should there be any change in the bargaining unit which an existing employee organization serves as the designated representative.”

A majority vote of those employees of the City in positions that the bargaining unit is authorized to act as their designated representative. Voting in said election shall be determinative of the issues herein and in the event there is no majority vote on any proposition submitted at said election, the then acting Employee Organization shall continue to act as such designated representative of the group until such time as any further election decides otherwise.

(e) It is the intent that said election shall be conducted in a fair and equitable manner ensuring all employees of group for which the election is being held have a fair and appropriate forum in which they may express their vote. The City shall not dominate any such election and any activities of any organization or group seeking the right to be designated an Employee Organization or seeking a determination of no representation shall be carried out after normal working hours of the employees and off the premises of the City except for public streets and right of ways and areas designated as first amendment forum areas.

(f) In each calendar year, no election shall be held to determine the issues provided for in this Section until the approval of a Memorandum of Understanding by the Employee Organization and the City Council or the adoption of the City's tentative budget, whichever occurs first.

SECTION 6. Chapter 19 of the Peoria City Code (1992) is amended by amending Section 19-21 pertaining to Memorandum of Understanding; scope; term; ratification; submission to City and which shall read as follows:

Sec. 19-21. Memorandum of Understanding; scope; term; ratification; submission to City

(a) A Memorandum of Understanding may extend to matters regarding wages, hours and working conditions subject to the following:

- (1) Federal and State Laws.
- (2) City Charter and City Code of the City of Peoria.

(b) A Memorandum of Understanding may be executed for a period not to exceed four (4) years.

(c) Upon reaching ~~Tentative Agreement~~ between the Public Employer and the Employee Organization on the issues discussed in the Meet and Confer Process, the ~~†Tentative a~~Agreements shall be reduced to writing in a ~~Written~~ proposed Memorandum of Understanding to be submitted by the Employee Organization to its members.

- (1) If the members of the Employee Organization ratify the proposed Memorandum of Understanding, then the ~~P~~proposed Memorandum of Understanding shall be sent to the City Council for discussion and action. Should the City Council fail to approve the proposed Memorandum of Understanding in total, the City Council may direct:
 - a. Those portions of the proposed Memorandum of Understanding which the Council approves shall be implemented and the remaining provisions sent back to the Employee Organization and the Public Employer for re-negotiation or
 - b. The proposed Memorandum of Understanding in whole may be sent back by the City Council to the Employee Organization and City the Public Employer for re-negotiation or
 - c. The Council may take such action as it deems appropriate in the public interest, including but not limited to extending the existing Memorandum of Understanding between the Employee Organization and the Public Employer.

- (2) If the Employee Organization fails to accept any part of the ~~P~~proposed Memorandum of Understanding, then the Employee Organization may request the City to consider action on those parts of the ~~P~~proposed Memorandum of Understanding which are acceptable to the Employee Organization and continue negotiation on the remainder or in the alternative refer the remainder to Mediation in accordance with this Chapter. Alternatively, upon a failure of the Employee Organization to accept any part of the ~~P~~proposed Memorandum of Understanding, the City may:
 - a. Send back the Proposed Memorandum of Understanding for renegotiation between the Employee Organization and the Public Employer; or
 - b. The City Council may elect to continue the prior Memorandum of Understanding in place for a period not to exceed the length of the original term of the Memorandum of Understanding;
 - c. The City Council may take such other action as it deems appropriate in the public interest.

- d. A Memorandum of Understanding shall be signed by the President and Secretary of the Employee Organization and by the City Manager on behalf of the Public Employer. Such Memorandum of Understanding shall become effective upon approval by the City Council of the City of Peoria.

(d) In the case of any Employee Organization recognized as the designated representative of a group of employees on or after December 31, 2009, the initial Memorandum of Understanding shall not become effective until December 31 of the same year in which the Employee Organization is recognized. The City and the Employee Organization in such cases shall not commence the meet and confer process until July 1, of the same year.

(e) Three or more Memoranda of Understanding shall not have terms which expire within the same calendar year unless the City Council expressly authorizes it upon a finding of good cause.

SECTION 7. Chapter 19 of the Peoria City Code (1992) is amended by amending Section 19-23 pertaining to Employee Organization; Meet and Confer Process; dates and which shall read as follows:

Sec. 19-23. Employee Organization; Meet and Confer Process; dates.

(a) The City recognizes and affirms the unilateral right of each of the Employee Organizations involved in the Meet and Confer process to select and appoint representatives who participate on their behalf in Meet and Confer discussions, in related consultations, and in informal meetings regarding Meet and Confer subject matters. The City Manager or such persons as he or she designates or any combination thereof shall serve as the City's representatives in the Meet and Confer process. The City Manager or such persons as he or she designates or any combinations thereof, shall meet and confer solely with the duly designated representatives of the Employee Organizations. Similarly, representative(s) of the Employee Organizations shall meet and confer solely with the City Manager or such persons as he or she designates or any combinations thereof. Any deviation from this procedure shall constitute an unfair employment relations practice. In formal Meet and Confer discussions, both the Employee Organization and the Public Employer shall designate no more than four individuals to represent each party and attend meetings. Either party may designate additional individuals who have special knowledge concerning a particular issue to attend a meeting to discuss that issue on behalf of the party.

(b) The Public Employer and the Employee Organization shall have the duty through appropriate officials or representatives to meet and confer in good faith with respect to wages, hours and working conditions in accordance with the provisions of Ordinances No. 87-57, No. 88-13 and 88-14. ~~The Employee Organization shall not discuss any matters contained in their initial proposal for meeting and conferring with~~

~~the Mayor and members of the City Council from the date of its presentation to the Public Employer of the Employee Organization's written proposal for meeting and conferring until the date and time set for hearing before the City Council on the mediator's recommendations for resolution of an impasse.~~

(c) ~~Not less than five (5) months later than September 1 of the year prior to the expiration of year when the current Memorandum of Understanding will expire, the Employee Organization shall present in writing its Meet and Confer proposal to the Public Employer City Clerk, who will transmit it to the City Council.~~

(d) No later than September 15, the Public Employer shall present in writing its Meet and Confer proposal, including a response to the Employee Organization's proposal, to the City Clerk, who will transmit it to the City Council.

(e) At the first regularly scheduled City Council meeting in October, both the Employee Organization and Public Employer will present their Meet and Confer proposals to the City Council.

~~(d) Upon receipt of the Meet and Confer proposal from the Employee Organization Following the City Council presentation prescribed in Subsection (e), the City Employee Organization and Public Employer shall begin negotiations within thirty (30) ten calendar days following or in no event later than March 1, unless the Employee Organization and the Public Employer have extended the time period in accordance with subsection (e). In the event the Employee Organization has failed to present in writing its meet and confer proposal to the Public Employer, in which such case, the Public Employer may elect not to begin negotiations until thirty days following submission of the Employee Organization Meet and Confer proposal.~~

(g) Meet and confer negotiations shall close no later than December 15. If Tentative Agreements resulting in a proposed Memorandum of Understanding consistent with Section 19-21(c) have not been entered into by that date, either the Employee Organization or the Public Employer may initiate a request to the other party to engage in mediation pursuant to Section 19-24.

(h) If a Memorandum of Understanding has not been entered into by February 7 of the year when the current Memorandum of Understanding will expire, any items discussed in Meet and Confer which did not result in Tentative Agreements will be brought to the City Council pursuant to Section 19-24.

(e) Any time period under this section or any related ordinance on the Meet and Confer process may be extended by mutual written agreement of the City's duly appointed representative and the Employee Organization Authorized Representative without any further approvals.

(j) Meet and Confer negotiations shall include only those items identified by the Employee Organization or Public Employer pursuant to Subsections (c) and (d), unless otherwise mutually agreed by both parties.

(k) As part of the Meet and Confer negotiations, it is expected that the Employee Organization will seek direction from its members as necessary and the Public Employer, through the City Manager, will seek direction from the City Council as necessary (which may include discussions between the City Council and the City Manager and his or her designees held in Executive Session pursuant to the Arizona Open Meeting Law, A.R.S. §§ 38-431 et seq.).

SECTION 8. Chapter 19 of the Peoria City Code (1992) is amended by amending Section 19-24 pertaining to Employee Organization; meet and confer process; resolution procedures; city council determination and which shall read as follows:

Sec. 19-24. Employee Organization; meet and confer process; resolution procedures; city council determination.

~~(a) If, after meeting and conferring over the terms of a Memorandum of Understanding for a reasonable period of time, an agreement is not reached and the possibilities of settlement through direct discussions between the parties is remote, either the City or the Employee Organization may initiate a request to the other party in writing to commence the mediation process. The mediation process shall be voluntary and non binding. It is a structured process and designed to resolve problems using the assistance of a neutral third person or persons to assist the parties to reach a voluntary agreement to resolve the dispute. Any party may withdraw at any time by notifying the Mediator and the other party in writing of its intent to withdraw. If either party refuses to participate or withdraws from the mediation process, the matter shall be addressed in accordance with paragraph (f). While participating in Mediation, the parties agree to make a good faith attempt to resolve the matter through mediation, to cooperate with the Mediator and to be open, candid and complete in their efforts to resolve the dispute. The Mediator facilitates the meet and confer process, but not impose his or her views of what the agreement should be.~~

(b) The Mediator shall be selected by mutual agreement of the parties. The cost for the services of the mediator, including per diem expenses, if any, and actual and necessary travel and subsistence expenses, shall be borne equally by the ~~City~~Public Employer and the Employee Organization.

(c) Each party will submit to the Mediator the Tentative Agreements and any material information as it deems necessary to familiarize the Mediator with the dispute. Submissions may be made in writing or orally. The Mediator may request any party to provide clarification and additional information. The Mediator may request each party separately or at a joint meeting to present its case informally to the Mediator. The mediation process will be confidential. The parties and the Mediator will not disclose to

third parties any information regarding the process, settlement terms, or the reasons for the impasse.

(d) The Mediator will control the procedural aspects of the mediation. There will be no direct communication between the parties without the concurrence of the Mediator. The Mediator will be free to meet and communicate separately or jointly with each party. The mediation will continue until: (1) a settlement is reached; (2) one of the parties withdraws from the process; or (3) the Mediator concludes and informs the parties that further attempts at resolution will not be useful.

(e) If the parties fail to develop mutually acceptable settlement terms, the Mediator may, before terminating the procedure, submit to the parties a recommended settlement proposal. The parties agree in good faith to consider such proposal and discuss the same. In the event the settlement recommendations of the Mediator are not acceptable to both parties, the issues in dispute shall be submitted to the City Council.

(f) If a Memorandum of Understanding has not been entered into as the result of mediation by February 7 of the year when the current Memorandum of Understanding will expire, the Employee Organization and Public Employer shall provide in writing to the City Clerk, who will transmit to the City Council, a list of Tentative Agreements and a list of those items where agreement was not reached.

(g) No later than February 28, the City Council shall conduct a meeting to address those items provided by the Employee Organization and Public Employer pursuant to Subsection (f) where agreement was not reached. At that meeting the City Council will provide an opportunity for the Employee Organization and Public Employer to present their positions on those items. Following the presentations, the City Council shall provide direction concerning the items in dispute. The City Council's directions on the disputed items, together with the Tentative Agreements, shall serve as a proposed Memorandum of Understanding ("Proposed MOU").

(h) Following a City Council meeting described in Subsection (g), the Public Employer shall provide the Proposed MOU to the Employee Organization for consideration consistent with Section 19-21. If the Employee Organization ratifies the Proposed MOU, the Proposed MOU will be presented to the City Council for consideration at the next regularly scheduled City Council meeting. If the Employee Organization does not ratify the Proposed MOU, tThe City Council shall take such action as it deems in the public interest, including the interest of the employees involved. Such City Council action may include adopting a Resolution prescribing work rules, compensation, and other Meet and Confer items. If a mediator has submitted recommendations to the City Council pursuant to Subsection (e), tThe City Council may reject, accept or modify any recommendations of the Mediator.

SECTION 9. Chapter 19 of the Peoria City Code (1992) is amended by amending Section 19-25 pertaining to Employee Organization; unfair labor practice resolution procedures; City Council determination and which shall read as follows:

Sec. 19-25. Employee Organization; unfair labor practice resolution procedures; City Council determination.

(a) Upon a claim filing of an Unfair Labor Practice ~~in writing~~ by either the Employee Organization or the Public Employer, the parties shall informally meet and discuss over the Unfair Labor Practice. In the event that an agreement is not reached ~~and the possibilities of settlement through direct discussions between the parties is remote~~, either the City or the Employee Organization may initiate a request to the other party in writing to commence the administrative process provided for in this Section~~commence the mediation process. The mediation process shall be handled in the same manner as provided for resolution of impasse under Section 19-24 of this Code.~~

(b) An Employee Organization or the City may charge that the other or a person affiliated with the other has engaged in or is engaging in any Unfair Labor Practice by filing a complaint in writing with the City Clerk identifying the organizations and persons that are charged with engaging in the Unfair Labor Practice, the basis for the charge and the relief requested. Upon filing, the complaint shall be served upon the President of the Employee Organization, or in the case of the City upon the City Manager, in any manner calculated to give notice. The party named in the complaint shall have ten (10) working days to answer the charge in writing.

(1) Upon filing the complaint the City Clerk shall assign the case to one of the administrative hearing officers appointed by the City Council for personnel or labor relations matters.

(2) A party named in the complaint may request dismissal of the complaint on the basis that the charge, even if found to be true, would not constitute an Unfair Labor Practice under this Chapter because the matter in question is not within the scope of Section 19-19. If a party requests dismissal, the administrative hearing officer shall review the filings and issue a written ruling, determining either: (i) the complaint is dismissed because the matter is not within the scope of Section 19-19, or (ii) the matter is within the scope of Section 19-19 and the complaint should proceed to a hearing.

(3) Within five (5) working days of receipt of an answer or making a determination pursuant to Subsection (2) that the complaint should

proceed to a hearing, the administrative hearing officer shall hold a pre-hearing conference to establish deadlines for exchanging information, the date for the hearing, processes and procedures for discovery of information from the opposing party, dates by which pre-hearing statements are due and any other actions necessary for the prompt adjudication of the matter.

(4) If injunctive relief has been requested as part of the filing of the charge, the administrative hearing officer may rule upon such request or may set the request for a hearing.

(5) Any request for change of hearing officer shall be filed prior to or at the initial pre-hearing conference, in which case the City Clerk shall reassign the matter to a new administrative hearing officer. A party may have only one (1) request for change of hearing officers.

(c) In any such proceeding, the rules of evidence prevailing in courts of law or equity shall be followed but shall not be controlling. The proceedings before the administrative hearing officer shall be conducted in a reasonably prompt manner. Continuances shall be granted only for good cause. The parties may be represented by counsel.

(d) Testimony shall be taken at the hearing. The administrative hearing officer may hear argument upon all the testimony taken.

(e) The administrative hearing officer shall determine if any person or organization named in the complaint has engaged in or is engaging in any Unfair Labor Practice. If such a determination is made, the administrative hearing officer shall state his or her findings of fact, and issue and cause to be served on such person an order requiring such person to cease and desist from such Unfair Labor Practice. Such order may further require such person to make reasonable reports, from time to time, showing the extent to which the order has been complied with. The administrative hearing officer retains jurisdiction to impose a civil penalty of not more than five hundred (\$500) dollars for a continuing failure to comply with an order to cease and desist. The decision of the administrative hearing officer shall be final.

(f) If, upon all the testimony, the administrative hearing officer shall be of the opinion that the person or persons named in the complaint has not engaged in or is not engaging in any such Unfair Labor Practice, then the administrative hearing officer shall make his or her findings of fact and shall issue an order dismissing the complaint. A

copy of such findings of fact, conclusions of law, and order shall be mailed to all parties to the proceedings. The decision of the administrative hearing officer shall be final.

(g) The administrative hearing officer assigned to hear the Unfair Labor Practice is empowered, as provided by this Section, to prevent any person from engaging in any unfair practice listed in this Chapter. This power shall be exclusive and shall not be affected by any other means of adjustment or prevention that have been or may be established by agreement, law, or otherwise.

SECTION 10. Providing for Separability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision; and such shall not effect the validity of the remaining portions hereof.

SECTION 11. Providing an Effective Date. This ordinance shall become effective in the manner provided by law.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Arizona this 1st day of April, 2014.

Bob Barrett, Mayor

Date Signed

ATTEST:

Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

Published in Peoria Times:
Publication Dates: April 11 and 18, 2014
Effective Date: _____

Issue Summary	Recommendation Summary	Draft Code Section
1. Access to the City Council during the negotiation process	<ul style="list-style-type: none"> • 2 points of access to Council for the Unions. • One at the onset of the process and one after the process is complete for unresolved issues at that point. 	<ul style="list-style-type: none"> • Section 19-23e • Section 19-23h • Section 19-24g
2. The negotiation process was long, consumed a significant amount of City resources, and complicated the budget process.	<ul style="list-style-type: none"> • Specific deadlines for key phases of the meet and confer process. • Only issues identified in the initial proposals will be discussed during the meet and confer process. • Council would only consider unresolved issues. • Maximum of 4 negotiators on each side; to include Subject Matter experts as needed. 	<ul style="list-style-type: none"> • Section 19-23c-h • Section 19-23j • Section 19-24g • Section 19-23a
3. City Negotiations teams	<ul style="list-style-type: none"> • Labor Relations specialist from HR would lead negotiations on behalf of the City. 	This is a process recommendation; not a code recommendation.
4. Mediation process	<ul style="list-style-type: none"> • Mediator will consider unresolved issues and TA's agreed to at the table will be subject to mediation. 	<ul style="list-style-type: none"> • Section 19-24c
5. Concern over representation by the Union.	<ul style="list-style-type: none"> • No recommendation by the Labor Task Force. • Council recommended change on percentage at the Study Session from the current 50% to 25%. 	<ul style="list-style-type: none"> • Section 19.20b
6. Lack of Accountability for Unfair Labor Practices.	<ul style="list-style-type: none"> • Process for adjudicating allegations of City Code Violations under Chapter 19 by Labor or Management. 	<ul style="list-style-type: none"> • Section 19-25
7. Role Ambiguity among participants	<ul style="list-style-type: none"> • Clarify Roles of various participants in the meet and confer process. 	<ul style="list-style-type: none"> • Section 19-17a • Section 19-23k
8. Inadequate communication with employees during negotiations	<ul style="list-style-type: none"> • Human Resources to create a Labor Relations section on its website and post periodic updates. 	This is a process recommendation; not a code recommendation
9. Council desire for staggered Labor Contract terms.	<ul style="list-style-type: none"> • Language included to encourage staggered Labor Contract terms. 	<ul style="list-style-type: none"> • Section 19-21(2)(e)



City Council Calendar

Color Key:
City Council

< March	April 2014					May >
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		<u>1</u> <u>Regular City Council Meeting</u> <u>Special Meeting & Study Session</u>	2	3	4	5
6	7	8	<u>9</u> <u>City Council Subcommittee on General Government</u>	10	11	12
13	14	15	16	17	18	19
20	21	<u>22</u> <u>Regular City Council Meeting</u>	<u>23</u> <u>Council Subcommittee on Policy and Appointments Meeting</u>	24	25	26
27	<u>28</u> <u>City Council Subcommittee on Community Culture & Public Safety</u>	29	30			



City Council Calendar

Color Key:
City Council

< April	May 2014					June >
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1	2	3
4	5	6 Regular City Council Meeting Special Meeting & Study Session	7	8	9	10
11	12	13 Council Subcommittee on Policy and Appointments Meeting	14	15	16	17
18	19	20 Regular City Council Meeting Special Meeting & Study Session	21	22	23	24
25	26 City Council Subcommittee on Community Culture & Public Safety	27	28	29	30	31

**CITY OF PEORIA, ARIZONA
CITY MANAGER REPORT**

Agenda Item: RCM 21A

Date Prepared: 18 March 2014

Council Meeting Date: 1 April 2014

TO: Carl Swenson, City Manager

FROM: Tamara Shreeve, Council Office and Grant Program Manager

THROUGH: John Schell, Director, Governmental Affairs and Council Office

SUBJECT: Council Subcommittee Update

Summary:

The purpose of this report is to update the Mayor and Council on the Council Subcommittee activities. The attached spreadsheet lists the Council Subcommittees and the agenda item topics that have been assigned to each Council Subcommittee. If the item has been reviewed at a subcommittee meeting, the outcome of that discussion is also listed.

Exhibit 1: Council Subcommittee assigned agenda items

Contact Name and Number: Tamara Shreeve, x5143

**Peoria Council Subcommittees
Updated 18 March 2014**

**Community Culture
and Public Safety
Subcommittee**

Submitter	Subject	Sub- committee agenda date	Action	Study Session
Jeff Tyne / Susan D	Trail System Lighting	1/30/2012	Forward item to study session. Completed	7/3/2012
Jeff Tyne / Susan D	Field Rental Policy	1/30/2012	Forward item to study session. Completed	7/3/2012
Jeff Tyne / Susan D	Recreation Fees Policy	11/14/2011	Forward item to study session. Completed	3/20/2012
Jeff Tyne / Susan D	Veterans Discount Program	2/27/2012	Discussed item. Taken directly to Regular Council meeting. Completed	Regular Council Meeting 5/15/12
Jeff Tyne / Susan D	Establish "Peoria Friends of the Arts"	2/27/2012	Forward item to study session. Completed	12/4/2012
Jeff Tyne / Susan D	Youth Master Plan	4/9/2012	Forward item to study session. Completed	9/4/2012
Jeff Tyne / Susan D	Veterans Memorial Board Sponsorship	1/30/2012	Discussed item. Taken directly to Regular Council meeting. Completed	Regular Council Meeting 5/15/12
Claudia Lujan	Structure of the Sister Cities Board	6/25/2012	Item was discussed. Forward item to Council Study Session (6/25/12). Completed	
Roy Minter	False Alarm Ordinance	11/7/2011	Forward to study session (11/7/2011). Completed	4/17/2012
Dave Pearson	Recreational Vehicle Ordinance	1/11/2012	Forward to study session with full recommendation (1/11/12). Completed	6/5/2012
Tony Rivero	Recreational Vehicles City Code Section 14-110	1/11/2012	Forward to study session with full recommendation (1/11/12). Completed	6/5/2012

**Peoria Council Subcommittees
Updated 18 March 2014**

Carlo Leone	Traffic calming agenda item	4/11/2012	Forward to study session. Completed	Regular Council Meeting 6/19/12
Carlo Leone	Traffic management agenda item	4/11/2012	Item discussed. Informational only.	NA
Roy Minter	Park Ranger Staffing Study	12/14/2011	Informational item.	NA
Carlo Leone	Feral Cat Control	9/10/2012	Discussion only. Completed	NA
Carlo Leone	Residential Parking	11/15/2012	Item discussed. Forward to Council Study Session.	
Carlo Leone	Dirt Ordinance	11/15/2012	Discussion only. Completed	NA
Jamal Rahimi/Andy Grainger	Neighborhood Traffic Management Program (NTMP) Policy Change	4/11/2012	Item discussed. Informational only. Completed	NA
Tamara Shreeve/Susan Thorpe	Community/Outside Agency Funding & Assistance Policy	6/25/2012	Item was discussed. Forward item to Council Study Session (6/25/12). Completed	11/13/2012
Ron Aames	Roadside Memorials	11/15/2012	Discussion only. Completed	NA
Carlo Leone	Feeding Nuisance Animals	9/10/2012	Item was discussed. Staff will draft ordinance to present at a Council Study Session. (9/10/12)	
Ron Aames	Permissible Number of Animals per Residence	9/10/2012	Discussion only. Completed	NA
Carlo Leone	Policy of Swine in Peoria	1/28/2014	Item was discussed. Forward item to Council Study Session. Completed.	

**Peoria Council Subcommittees
Updated 18 March 2014**

**General Government
Subcommittee**

Submitter	Subject	Sub- committee agenda date	Action	Study Session
Brent Mattingly	Utility bill format	11/14/2011	Forward the item for full Council Study Session discussion of solid waste service options and rates. Completed	2/7/2012
Tony Rivero	Residential Development Impact Fees	11/14/2011	Consensus of the subcommittee members was to wait for the full Impact Fee Study to address policy issues identified by Council.	7/3/2012 10/23/2012
Dave Pearson	Itemizing Utility Bill	12/19/2011	Forward the item for full Council Study Session discussion of solid waste service options and rates. Completed	2/7/2012
Steve Kemp	Adoption of Resolution supporting designating certain areas of the City with Peoria addresses and zip codes	2/13/2012	Will be placed as a regular agenda item.	Regular Agenda 7/3/12
Katie Gregory	Development Service User Fees	2/13/2012	Forward to Council Study Session. Completed	7/3/2012
Ron Aames	Taxes	9/18/2013	Item was discussed. Forward to Council Study Session. Completed	12/6/2013
Ron Aames	City Financing Program	9/18/2013	Item was discussed. Forward to Council Study Session. Completed	12/6/2013

**Peoria Council Subcommittees
Updated 18 March 2014**

Policy and Appointments Subcommittee		Sub-committee agenda date	Action	Study Session
Dave Pearson	Volunteer Appreciation	11/7/2011 1/10/2012	No further Action. Completed (11/7/11). Revisited item on 1/10/12. No further action. Completed	NA
Dave Pearson	B&C Appointment Process	11/7/2011 12/13/2011 1/10/2012	Bring back to Subcommittee for further discussion (11/7/11). Administrative action - Use the new application form. Interviews and Resumes will be at the discretion of the SC. (12/13/11). Completed. Revisited item on 1/10/12. Completed	NA
Rhonda Geriminsky	Board and Commission Appointments & Reappointments	Ongoing	Appointments and reappointments reviewed and recommended by subcommittee. Ongoing topic.	NA
Dave Pearson	Charter Amendments	12/13/2011 1/10/12 1/24/2012	Bring back to Subcommittee for further discussion (12/13/11). Discussed seven proposed charter amendments. Forward 6 of those to Study Session. One proposed amendment was withdrawn (1/10/12). Reviewed remainder charter amendments. Forward charter amendments to study session. (1/24/2012) Completed	2/21/2012

Peoria Council Subcommittees

Updated 18 March 2014

Dave Pearson	Council Ethics Committee	11/7/2011 12/13/2011 1/10/2012	Bring back to Subcommittee for further discussion (11/7/11). Bring back to Subcommittee. Include a process flow chart (12/13/11). Forward to study session with consensus recommendation (1/10/12). Completed	2/7/2012
Dave Pearson	CP1-5 Appointments to Boards and Commission	11/7/2011 12/13/11	Bring back to Subcommittee for further discussion (11/7/11). Consensus recommendation to forward to study session (12/13/11). Completed	5/15/2012
Dave Pearson	CP 1-2 review. Edit Council Meeting Procedures to reflect Subcommittee Structure	12/13/2011	Bring back to subcommittee for further discussion (12/13/11). Subcommittee procedures are addressed in CP 1-6. Completed	NA
Dave Pearson	Council Role in review and approval of director appointments	12/13/2011	Consensus to move forward to regular council agenda/through a City Manager's report. Completed	Regular Council Meeting 1/3/2012

Peoria Council Subcommittees

Updated 18 March 2014

Susan Thorpe	Council Code of Ethics	2/14/2012 3/15/2012 4/10/12 5/8/12 9/11/12	Discussed item - continue discussion at the next meeting (2/14/2012). Discussed Item - continue discussion at the next meeting (3/15/2012). Discussed item - will continue discussion at the next meeting (4/10/12). Discussed item-continue discussion at the next meeting (5/8/12). Consensus to forward draft policy to Study Session (9/11/2012). Completed.	
Dave Pearson	Code of Ethics for Elected Officials and Citizen Advisory Committees	2/14/2012 3/15/2012 4/10/12 5/8/12 9/11/12	Discussed item - continue discussion at the next meeting (2/14/2012). Discussed Item - continue discussion at the next meeting (3/15/2012). Discussed item - will continue discussion at the next meeting (4/10/12). Discussed item-continue discussion at the next meeting (5/8/12). Consensus to forward draft policy to Study Session (9/11/2012). Completed	
Rhonda Geriminsky	Youth Master Plan Initiative	3/20/2013 6/11/2013	Item was discussed. City Attorney will draft some ideas on how youth can be involved in committees (3/20/2013). Item was discussed and forward to study session (6/11/2013). Completed	2/25/2014
Rhonda Geriminsky	2013 Board and Commission Recognition Event	3/20/2013	Item was discussed. Staff will identify potential dates for the event (3/20/2013). Completed	NA

**Peoria Council Subcommittees
Updated 18 March 2014**

Rhonda Geriminsky	2013 and 2014 Board and Commission Recognition Events	8/13/2013	Item was discussed. Staff will continue to gather options for holding the next recognition event. (8/13/2013)	NA
John Sefton	Youth Advisory Board Council Liaison Interviews	9/10/2013	Interviews were conducted. Recommendations will be forwarded to the Council for the Council Youth Liaison and the Council Youth Liaison Alternate.	10/1/2013
Steve Kemp	Proposed Charter Amendment to allow council members to place agenda items on regular city council meetings and special meetings	2/11/2014	Item was discussed. Forward to Council Study Session. Completed	3/25/2014
Steve Kemp	Proposed Charter Amendment as to Council Assistants	2/11/2014	Item was discussed. Forward to Council Study Session. Completed	3/25/2014
Steve Kemp	Proposed City Charter Amendment as to a City Treasurer Position	2/11/2014	Item was discussed. Forward to Council Study Session. Completed	3/25/2014

**Peoria Council Subcommittees
Updated 18 March 2014**

**Sustainable
Development and
Public Services
Subcommittee**

Submitter	Subject	Sub- committee agenda date	Action	Study Session
Chris Jacques	Political Signs Zoning Ordinance	11/2/2011	Forward item to Council Study Session. Completed	11/15/2011
Chris Jacques/ Susan D.	Open Space Preservation Program and Decision Support Model	2/1/2012	Start community outreach activities and forward item to Council Study Session. Completed	8/21/2012
Chris/Scott and Susan D.	Digital Billboards - Civic Engagement	11/7/2011	Forward Item to Study Session. Completed	11/15/2011
Dave Pearson	Council Not-For-Profit and Housing Subcommittee	11/8/2011 6/6/12	Bring back to subcommittee for further discussion upon completion of research and alternative identification (11/8/11). Item was discussed. Forward item to study session (6/6/12). Completed	
Cathy Carlat	Not for Profit Committee	11/8/2011 6/6/12	Bring back to subcommittee for further discussion upon completion of research and alternative identification (11/8/11). Item was discussed. Forward Item to study session (6/6/12). Completed	
Scott Whyte/ Chris Jacques/ Susan D.	Old Town Entertainment District Designation	12/7/2011 1/4/2012	Bring back to subcommittee for further discussion (12/7/11). Forward to Regular Council Meeting (1/14/2012). Completed	Regular Council Meeting 1/17/2012
Bill Mattingly	Dial-a-Ride rates	11/17/2011	Forward item to Council Study Session. Completed	4/17/2012

**Peoria Council Subcommittees
Updated 18 March 2014**

Ron Aames	Transit Jurisdictional Equity Position	11/17/2011	Informational item. Forward information, through a City Manager's report, to the Council on a Regular Council Agenda. Completed	Regular Council mtg. 1/3/2012
Susan Thorpe	Solid Waste Services	12/1/2011	Forward Item to Council Study Session. Completed	2/7/2012
Bill Mattingly/ Susan Thorpe	Commercial Solid Waste Services	12/15/2011	Forward Item to Council Study Session. Completed	2/7/2012
Dave Pearson	Change in City Ordinance regarding multi-family solid waste service	1/5/2012	Item was discussed, then withdrawn by Councilman Pearson. Completed	NA
Scott Whyte	Old Town Indicators	6/6/2012	Item was discussed. Forward item to Study Session (6/6/2012). Completed	8/21/2012
Chris Jacques	Senate Bill 1598-Aggregate Mining	6/6/2012	Item was discussed. Forward item to Study Session (6/6/2012). Completed	8/21/2012
Carlo Leone	Street Maintenance	11/7/2012	Item was discussed. No further action needed. Completed	NA
Ron Aames	Maintaining Traffic During Construction of Street Projects	5/8/2013	Item was discussed. No further action needed. Completed	NA
Carlo Leone	Code Amendment - Placement of Trash Receptacles	11/6/2013	Item was discussed. Forward item to Study Session. Completed	

**CITY OF PEORIA, ARIZONA
CITY MANAGER REPORT**

Agenda Item: RCM 21B

Date Prepared: March 13, 2014

Council Meeting Date: April 1, 2014

TO: Carl Swenson, City Manager
FROM: John R. Sefton, Jr., Community Services Director
THROUGH: Jeff Tyne, Deputy City Manger
SUBJECT: Peoria Arts & Cultural Festival

Summary:

The City of Peoria and the Peoria Unified School District have teamed up to honor the community's past and celebrate the future through the second annual **Peoria Arts & Cultural Festival** on **Saturday, April 5 from 8am to 5pm**. The event will be located at 83rd and Grand avenues in the following venues: Osuna Park, Peoria's Center for Performing Arts, Peoria Historical Museums, Community Center and surrounding streets. Admission is free thanks to the sponsorship from Larry H. Miller dealerships in Peoria, Arizona.

Students from the Peoria Unified School District will exhibit their artwork, perform dance routines, theater acts, as well as choir and band performances on six stages throughout the event. There will be a community stage featuring non-PUSD groups performing in other disciplines such as martial arts and cheerleading. Attendees can watch pottery being made, participate in a 5K run, family bike ride, wagon rides and a kid's zone. Some activities require a nominal fee.

The Pioneer VIP Breakfast, featuring Peoria's Historical Society honorees, will be in the Woman's Club. Special invitations will be delivered separately.

Exhibit(s): Flyer

Contact Name and Number: Matt Kalcevich, 623-773-7133

PEORIA

Arts & Cultural

FESTIVAL

Honoring the Pioneer Spirit

Saturday, April 5th 2014

8am. - 5pm.

Old Town Peoria at 83rd and Grand Avenues



Student Artwork



Music and Dance Workshops



Childrens art activities



Performances

Free Admission!

- Live music & food trucks
- Bounce play area
- Childrens art activities
- Pottery Demonstrations
- Family Bike Ride

(Some activities require a nominal fee)



Live music

Celebrate the history and culture of Peoria along with displays of the student's art work and all forms of art performances from band, jazz, steel drums, vocal and strings.



For more information,



Peoria Ave

Grand Ave

Theater Works

Ceramics

Live Music

Choir & Drama Performances

Crafters

Washington St.

Kids Zone

Community Performances & Demos

Kids Zone sponsored by



Food Concessions

Peoria Police Art Show

Live Music

Radio Disney

Jefferson St.

Community Center

Art & Music Demonstrations

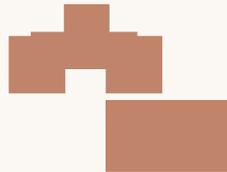
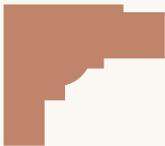
Madison St.



Sponsored by



Monroe St.



Cinnabar Ave

Cinnabar Ave



**CITY OF PEORIA, ARIZONA
CITY MANAGER REPORT**

Agenda Item: RCM 21C

Date Prepared: March 13, 2014

Council Meeting Date: April 1, 2014

TO: Carl Swenson, City Manager
FROM: John R. Sefton, Jr., Community Services Director
THROUGH: Jeff Tyne, Deputy City Manger
SUBJECT: 38th Annual Dolly Sanchez Memorial Easter Egg Hunts

SUMMARY:

The City of Peoria invites the community to enjoy the 38th Annual Dolly Sanchez Memorial Easter Egg Hunts on Saturday, April 19, 2014 from 8:00 a.m. to Noon.

The Easter Egg Hunts were initiated in 1976 by Dolly Sanchez, who was a member of the Peoria Community Action Program and Parks and Recreation Board. The Sanchez family continues to be an integral part of the Easter Egg Hunts and the Peoria community.

Cottontail Lane will be open for children to participate in carnival games and arts & crafts activities. Children can visit the animals at the petting zoo, take a train ride, and jump on the inflatables. Family can participate in the Scavenger Hunt from 8:00 a.m. - 11:00 a.m.

Mr. and Mrs. Bunny will be on-hand to start the candy hunts and take pictures. Candy hunt times are:

Age 1 - 8:20 a.m.	Age 5 - 9:50 a.m.
Age 2 - 8:45 a.m.	Age 6 - 10:10 a.m.
Age 3 - 9:10 a.m.	Age 7&8 - 10:25 a.m.
Age 4 - 9:30 a.m.	Age 9&10 - 10:40 a.m.

Individuals with disabilities (all ages) – 11:00am

Gates open at 8am at Peoria Sports Complex, located at 16101 N. 83rd Ave just south of Bell Rd. Parking and admission is free with a donation of canned food to benefit St. Mary's Westside Food Bank Alliance. Food and beverage concessions will be available for purchase. For more information call 623-773-7137 or visit us on the web at www.peoriaaz.gov/specialevents.

Exhibit(s): Easter Flyer

Contact Name and Number: Matt Kalcevich, 623-773-7133

Dolly Sanchez

38TH MEMORIAL

Easter Egg Hunt

April 19th • 8am-12pm

Peoria Sports Complex, 16101 N. 83rd Ave, Peoria 85382

**Pony & Train Rides
Carnival Games
and more FUN!**

**FREE
Admission
& Parking**

CANDY HUNT TIMES

Age 1 - 8:20 a.m.

Age 2 - 8:45 a.m.

Age 3 - 9:10 a.m.

Age 4 - 9:30 a.m.

Age 5 - 9:50 a.m.

Age 6 - 10:10 a.m.

Age 7 & 8 - 10:25 a.m.

Age 9 & 10 - 10:40 a.m.

Individuals with Disabilities -
11:00 a.m.



Please bring canned food to benefit
St. Mary's Food Bank Alliance, Westside

n NATIONWIDE
VISION

