City Council Meeting
Notice & Agenda

Tuesday, June 17, 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. Capital Improvement Project Update

2. 2014 Peoria Leadership Institute Roundtable Discussion

Adjournment

Regular Meeting

7:00 P.M. Convene

Pledge of Allegiance
Roll Call
Final Call To Submit Speaker Request Forms

CEREMONIAL SWEARING IN AND SEATING OF BEN TOMA AS COUNCILMEMBER FOR MESQUITE DISTRICT

RECESS (approximately 15 minutes)

RECONVENE

ROLL CALL

Mayor	Palo Verde District	Acacia District	Ironwood District	Mesquite District	Pine District	Willow District
Bob Barrett	Ron Aames, Vice Mayor	Tony Rivero	Bill Patena	Ben Toma	Carlo Leone	Jon Edwards

Presentation

2a. Certificates of Completion for 2014 Peoria Leadership Institute Graduates

3. Outgoing Youth Council Liaisons Jacob Jelinek and Thomas Prior

4. Presentation of Yarnell Coins

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

5C. **Appointments, Boards and Commissions**

Discussion and possible action to approve the recommendations from the Council Subcommittee on Policy and Appointments pertaining to the following appointments, and adopt the Resolutions as presented:

- Adopt **RES. 2014-106** appointing Frank Hinds, as a regular member, to the Employee Benefits Trust Board, and
- Adopt **RES. 2014-107** appointing Hunter Sapp and Alejandro Sastre, as regular members, to the Youth Advisory Board.

6C. **Canvass of Election, Public Safety Retirement Personnel System Local Board Elections**

Discussion and possible action to adopt **RES. 2014-108** ratifying the election results of the Public Safety Retirement System Local Boards electing Anthony Neely to the Public Safety Personnel Retirement System Local Fire Board and Michael Faith to the Public Safety Personnel Retirement System Local Police Board.

7C. **Code Amendment, Chapter 14, Zoning**

Discussion and possible action to adopt **ORD. 2014-21** amending the Peoria Zoning Ordinance (1977 edition) by amending Chapter 14 pertaining to general provisions, hillside development, signs, landscape, and administrative procedures and providing for severability and an effective date.

8C. **Annexation, Pinnacle Peak Road and 83rd Avenue**

Discussion and possible action to adopt **ORD. 2014-22** annexing approximately 7.22 acres of land located on the northwest corner of Pinnacle Peak Road and 83rd Avenue as proposed under Annexation Case ANX13-0004.

9C. **Rezoning, West Pointe Estates, Olive Avenue and 71st Avenue**

Discussion and possible action to concur with the Planning and Zoning Commission's recommendation to adopt **ORD. 2014-23,** rezoning approximately 39 acres located at the southwest corner of 71st Avenue and Olive Avenue from C-2 (Intermediate Commercial) and C-4 (General Commercial) to the West Pointe Estates Planned Area Development. (Z13-0011)

10C. **Abandonment of City Interest, Federal Patent Easement, 70th Avenue and Mariposa Grande Lane**

Discussion and possible action to adopt **RES. 2014-109** authorizing the abandonment of City interest in a portion of a Federal Patent Easement for Roadway and Public Utilities located east of 70th Avenue south of Mariposa Grande Lane and declaring an emergency.

11C. **Code Amendment, Chapter 12, Tax Rate Reduction on Food for Home Consumption**

Discussion and possible action to adopt **ORD. 2014-24** amending Chapter 12 of the Peoria City Code (1992 Edition) pertaining to sales taxes to reduce the tax rate on retail food sales of food for home consumption from 1.8% to 1.6% with an effective date of July 1, 2014 and declaring an emergency.

12C. **Intergovernmental Agreement, Maricopa County Superior Court, Jury Services**

Discussion and possible action to approve an Intergovernmental Agreement for Jury Services with Superior Court of Arizona in Maricopa County effective July 1, 2014 and expiring June 30, 2016 with four additional two-year terms, to expire no later than June 30, 2024.

13C. **Memorandum of Understanding, Maricopa County, United States Department of Justice Edward Byrne Memorial Justice Assistance Grant**

Discussion and possible action to: (a) authorize the City Manager to enter into a Memorandum of Understanding with Maricopa County to accept the Edward Byrne Memorial Justice Assistance Grant from the United States Department of Justice in the amount of $20,976 for the funding of the Youth Citizen Police Academy and purchase of Biometric Identification Devices; and (b) approve a budget amendment in the amount of $20,976 from the Proposed Grants Contingency account to the Justice Assistance Grant Award account.

14C. **Grant, Governor's Office of Highway Safety, DUI Enforcement and Education**

Discussion and possible action to: (a) authorize the City Manager to accept $40,000 from the Governor's Office of Highway Safety for DUI Enforcement and Education efforts; and (b) approve a budget amendment in the amount of $40,000 from the Proposed Grants Contingency account to the Governor's Office of Highway Safety Grant account for overtime.

15C. **Grant, Arizona State Library, Library Services and Technology Act, Sunrise Mountain Library**

Discussion and possible action to: (a) accept a grant from the Library Services and Technology Act in the amount of $6,705; and (b) approve a budget amendment in the amount of $6,705 from the Proposed Grant Contingency account to the Office Equipment and Furniture Program account, Sunrise Mountain Library.

16C. **Grant, Arizona State Library, Library Services and Technology Act, Main Library**

Discussion and possible action to: (a) accept a grant from the Library Services and Technology Act in the amount of $10,000; and (b) approve a budget amendment in the amount of $10,000 from the Proposed Grant Contingency account to the Community Promotions Program account, Main Library.

17C. **Grant, United States Department of the Interior Bureau of Reclamation, City Parks Water Conservation Project**

Discussion and possible action to accept a grant in the amount of $25,000 from the United States Department of the Interior Bureau of Reclamation for City Parks Water Conservation Project grant agreement number R12AP32020 Mod 001.

18C. **Scoreboards, Purchase and Installation, Sports Complex Practice Fields**

Discussion and possible action to: (a) authorize an expenditure not to exceed $50,000 from the Sports Complex General Admission Surcharge Reserves Fund for the improvement of complex facilities; and (b) authorize a budget amendment in the amount of $50,000 from the General Fund Contingency account to the Sports Complex General Admission Surcharge Other Professional Services account to make the purchase.

19C. **Fixed-Term Judicial Assistant Position**

Discussion and possible action to: (a) authorize a fixed-term Judicial Assistant position in the Peoria Municipal Court to be funded from the Municipal Court Allocation Fund for Collections and Case Clean-up; and (b) approve a budget amendment in the amount of $55,209 from Proposed Grants Fund Contingency account to the Municipal Court Allocation Fund Personnel account.

20C. **Deeds and Easements, Various Locations**

Discussion and possible action to adopt **RES. 2014-110** accepting Deeds and Easements for various Real Property interests acquired by the City.

21C. **Final Plat, Caballos Del Rio, Happy Valley Road and 76th Drive**

Discussion and possible action to approve the Final Plat of Caballos Del Rio, located at Happy Valley Road and 76th Drive, subject to stipulations.

22C. **Final Plat, Candeo School, Calle Lejos and Lake Pleasant Parkway**

Discussion and possible action to approve the Final Plat of Candeo School, located at Calle Lejos and Lake Pleasant Parkway, subject to stipulations.

23C. **Final Plat, Vistancia Parcel F4 Phase 2, Vistancia Boulevard and Westland Road**

Discussion and possible action to approve the Final Plat of Vistancia Parcel F4 Phase 2, located at Vistancia Boulevard and Westland Road, subject to stipulations.

24C. **Final Plat, Vistancia Parcel F4 Phase 3, Vistancia Boulevard and Westland Road**

Discussion and possible action to approve the Final Plat of Vistancia Parcel F4 Phase 3, located at Vistancia Boulevard and Westland Road, subject to stipulations.

25C. **Final Plat, Vistancia Village H, Parcel H-15, White Peak Drive and 136th Avenue**

Discussion and possible action to approve the Final Plat of Vistancia Village H, Parcel H-15, located at White Peak Drive and 136th Avenue, subject to stipulations.

26C. **Final Plat, Vistancia Village H, Parcel H-17, White Peak Drive and Via Caballo Blanco**

Discussion and possible action to approve the Final Plat of Vistancia Village H, Parcel H-17, located at White Peak Drive and Via Caballo Blanco, subject to stipulations.

27C. **Final Plat, Vistancia Village H, Parcel H-18, White Peak Drive and Vistancia Boulevard**

Discussion and possible action to approve the Final Plat of Vistancia Village H, Parcel H-18, located south of White Peak Drive and west of Vistancia Boulevard, subject to stipulations.

28C. **Final Plat, Vistancia Village H, Parcel H-19, White Peak Drive and Vistancia Boulevard**

Discussion and possible action to approve the Final Plat of Vistancia Village H, Parcel H-19, located at White Peak Drive and Vistancia Boulevard, subject to stipulations.

29C. **Final Plat, Vistancia Village H, Parcel H-21, White Peak Drive and Vistancia Boulevard**

Discussion and possible action to approve the Final Plat of Vistancia Village H, Parcel H-21, located at White Peak Drive and Vistancia Boulevard, subject to stipulations.

30C. **Final Plat, Vistancia Village H, Parcel H-20, White Peak Drive and Vistancia Boulevard**

Discussion and possible action to approve the Final Plat of Vistancia Village H, Parcel H-20, located at White Peak Drive and Vistancia Boulevard, subject to stipulations.

31C. **Replat, Tierra Del Rio Parcel 22, 99th Avenue and Jomax Road**

Discussion and possible action to approve the Replat of Tierra Del Rio Parcel 22, located at 99th Avenue and Jomax Road, subject to stipulations.

32C. **Replat, Amended Unit F Condominium Plat of Arrowhead Ranch Business Park, 78th Avenue and Deer Valley Road**

Discussion and possible action to approve the Replat of Amended Unit F Condominium Plat of Arrowhead Ranch Business Park, located at 78th Avenue and Deer Valley Road, subject to stipulations.

33C. **Condominium Replat, a Portion of Building G of Stonegate Office Park Condominium, 83rd Avenue and Thunderbird Road**

Discussion and possible action to approve the Replat of a Portion of Building G of Stonegate Office Park Condominium, located at 83rd Avenue and Thunderbird Road, subject to stipulations.

Regular Agenda

New Business

34R. **PUBLIC HEARING - Liquor Licenses, Various Locations**

PUBLIC HEARING: RE: (a) A New Wine and Beer Liquor License (Series 10) for Quiktrip #490, located at 8888 West Thunderbird Road, Troy C. DeVos, Applicant, LL#20009381; (b) A New Domestic Farm Winery Liquor License (Series 13) for Winery 101, located at 9299 West Olive Avenue Suite 101, Gavin R. Gallifant, Applicant, LL#20010130; and (c) A New Wholesale Liquor License (Series 04) for Sabaca Beverage Group-Arizona, located at 8990 West Windsor Drive, Tammy D. New, Applicant, LL#20010532.

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 New Wine and Beer Liquor License (Series 10) for Quiktrip #490, located at 8888 West Thunderbird Road, Troy C. DeVos, Applicant, LL#20009381; (b) A New Domestic Farm Winery Liquor License (Series 13) for Winery 101, located at 9299 West Olive Avenue Suite 101, Gavin R. Gallifant, Applicant, LL#20010130; and (c) A New Wholesale Liquor License (Series 04) for Sabaca Beverage Group-Arizona, located at 8990 West Windsor Drive, Tammy D. New, Applicant, LL#20010532.

35R. **PUBLIC HEARING - Bingo License, Loyal Order of Moose Lodge #2243**

PUBLIC HEARING: RE: A Class A (Small Game) Bingo License for the Loyal Order of Moose Lodge #2243 located at 9550 West Peoria Avenue, Robert Turek, Applicant, #12464.

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

COUNCIL ACTION: Discussion and possible action to recommend approval to the Arizona Department of Revenue for a Class A (Small Game) Bingo License for the Loyal Order of Moose Lodge #2243, located at 9550 West Peoria Avenue, Robert Turek, Applicant, #12464.

36R. **PUBLIC HEARING - Rezoning, Rio Vista Boulevard and Thunderbird Road**

PUBLIC HEARING: RE: A request to rezone approximately 4.88 acres of land located on the northeast corner of Rio Vista Boulevard and Thunderbird Road from Intermediate Commercial (C-2) and Planned Area Development to a single Planned Area Development for the relocation of an existing Quik Trip as proposed under zoning case Z14-0001.

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

COUNCIL ACTION: Discussion and possible action to adopt **ORD. 2014-26** rezoning approximately 4.88 acres of land located on the northeast corner of Rio Vista Boulevard and Thunderbird Road from Intermediate Commercial (C-2) and Planned Area Development (PAD) to a single Planned Area Development (PAD) for the relocation of an existing Quik Trip as proposed under zoning case Z14-0001.

37R. **PUBLIC HEARING - Major Amendment to Saddleback Heights Planned Community District, State Route 74, 123rd Avenue and 171st Avenue**

PUBLIC HEARING: RE: A request for a major amendment to 5,296 acres of the 6,052 acre Saddleback Heights Planned Community District, modifying the overall project density, hillside development standards, use allowances, and project circulation (Zoning Case Z02-04A.1).

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. 2014-25,** approving a major amendment to 5,296 acres of the 6,052 acre Saddleback Heights Planned Community District, modifying the overall project density, hillside development standards, use allowances, and project circulation (Zoning Case Z02-04A.1).

38R. **Saddleback Heights, Amended and Restated Development Agreement**

Discussion and possible action to approve a Development Agreement with Diamond Ventures, Inc. and other specified beneficiaries pertaining to the proposed Major Amendment to the Saddleback Heights Planned Community District.

39R. **Code Amendment, Chapter 9, Fireworks**

Discussion and possible action to adopt **ORD. 2014-27** amending Chapter 9 of the Peoria City Code (1992) pertaining to fireworks and declaring an emergency.

40R. **Lease Agreement, Theater Works**

Discussion and possible action to approve the Second Amendment to the Improved Property Lease Agreement with Theater Works.

41R. **Fiscal Year 2015 General Liability Insurance Package**

Discussion and possible action to award a General Liability Insurance Package for Fiscal Year 2015 as recommended by Willis of Arizona, Public Entity Services to maintain the City's Self-Insured Retention level at $1,000,000 per claim occurrence and $4,000,000 for the aggregate of claims during the year, with layers of insurance above those amounts up to $40,000,000.

42R. **Fiscal Year 2015 Street Light and Maintenance Improvement District Levies**

Discussion and possible action to adopt **ORD. 2014-28** and **ORD. 2014-29** approving the Street Light and Maintenance Improvement District Levies for Fiscal Year 2015 and declaring an emergency.

43R. **Fiscal Year 2015 Property Tax Levy**

Discussion and possible action to adopt **RES. 2014-111** and **ORD. 2014-30** approving the City of Peoria, Arizona Primary and Secondary Property Tax Levies for Fiscal Year 2015 and declaring an emergency.

44R. **Council Policy, Rules of Procedure for Ethics Complaints Involving City Council Members**

Discussion and possible action to adopt Rules of Procedure for Ethics Complaints involving City Council Members.

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

45. **Council Calendar**

46. **Reports**

A. Council Subcommittee Update

B. 2014 Summer Splash Tour

C. Recognition of Accomplishments at Arizona Water Association State Conference

D. City of Peoria 60th Anniversary Activities

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.

Agenda Item: 1

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Date Prepared: May 21, 2014 **Council Meeting Date: June 17, 2014**

TO: Carl Swenson, City Manager

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

THROUGH: Susan J. Daluddung, Deputy City Manager

SUBJECT: Capital Improvement Program Update

Purpose:

The purpose of this item is to provide City Council with an update on some of the major Capital Improvement Program projects that have been recently completed, are under construction, or will be under construction within the next few months. Some of these projects include: Lake Pleasant Parkway roadway improvements, Agua Fria Truck Road Reliever project, 91st Avenue roadway improvements, Camino A Lago Park, P83 Entertainment District Improvements, and the Sports Complex Improvements. Engineering staff will also be asking for direction on some unfunded improvements as part of the Peoria Sports Complex Stadium Improvements project.

The stadium project is currently funded at $9.2 Million. Specific improvements that are scoped within the project include a new souvenir store, front façade improvements, outfield berm improvements, box office renovations, new field level seating, and replacement seating. The existing $9.2 million budget will not be able to fund all of the potential improvements important to the teams and the City. Improvements that are not currently funded include 3rd base seating bowl expansion, 3rd base social seating tenant improvements, a new kid's interactive zone, and remodeling of the visitor's clubhouse and press box area. Engineering staff will present the current status of the project and potential funding sources for Council consideration of unfunded stadium improvements.

Background/Summary:

N/A

Previous Actions:

N/A

Options: *(include as many as reasonable)*

A:

B:

Staff's Recommendation:

N/A

Fiscal Analysis:

N/A

Narrative:

N/A

Contact Name and Number: Ed Striffler, Design & Construction Manager, X7721

Agenda Item: 4

CITY OF PEORIA, ARIZONA
CITY MANAGER REPORT

Date Prepared: May 22, 2014 **Council Meeting Date:** June 17, 2014

TO: Mayor and City Council

FROM: Bobby Ruiz, Fire Chief

SUBJECT: Presentation of Yarnell Coins

Summary:

The Yarnell Hill Fire was a wildfire near Yarnell, Arizona, ignited by lightning on June 28, 2013. On June 30, it overran and killed 19 City of Prescott firefighters, members of the Granite Mountain Hotshots. The wildfire was fully contained by July 10, 2013.

Joe Manning, Peoria Firefighters Association (PFFA) President, would like to recognize the Mayor and Council, City Manager and the Fire Chief for the support of providing Peoria Fire Resources to Prescott during the week of memorial services for the 19 Granite Mountain Hotshots. Joe will present each member with a Yarnell Memorabilia Challenge Coin. These coins were given to Joe by the Prescott Fire Department to recognize the people who had a positive impact on the events following their lost. Members of the Peoria Fire Department who participated in fighting the Yarnell Hill Fire, the memorial services and other events were also recognized with the presentation of a coin.

Exhibit(s): N/A

Contact Name and Number: Bobby Ruiz, Fire Chief; 623-773-7380

Agenda Item: 5C

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Date Prepared: May 20, 2014 **Council Meeting Date: June 17, 2014**

TO: Carl Swenson, City Manager

FROM: Rhonda Geriminsky, CMC, City Clerk

THROUGH: Susan Daluddung, Deputy City Manager

SUBJECT: Board and Commission Reappointments

Purpose:

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

Appointments

Board/Commission	Name	Term Expiration
Employee Benefits Trust Board	Frank Hinds	December 2014
Youth Advisory Board	Hunter Sapp	June 2016
	Alejandro Sastre	June 2015

Background/Summary:

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

Previous Actions:

On April 23, 2014, the Council Subcommittee on Policy and Appointments recommended appointments to various boards and commissions.

On April 28, 2014, a memorandum was submitted to Mayor and Council, outlining the appointment recommendations from the April 23, 2014 Subcommittee meeting, asking for concerns to be submitted in writing to the Mayor. No comments were received.

Options:

A. Appoint recommended board and commission members.

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

Staff's Recommendation:

This is a request for City Council to discuss and approve the recommendations from the Council Subcommittee on Policy and Appointments pertaining to the following appointments and adopt the Resolutions as presented:

Adopt RES. 2014-106 appointing Frank Hinds, to the Employee Benefits Trust Board, as a regular member, to a term to expire December 2014, and

Adopt RES. 2014-107 appointing Hunter Sapp and Alejandro Sastre, to the Youth Advisory Board, as regular members, to terms to expire June 2016 and June 2015 respectively.

Fiscal Analysis:

There is no fiscal impact regarding this item.

Narrative:

If appointed, the newly appointed board and commission members will be invited to attend the July 1, 2014 City Council meeting to accept Certificates of Appointment.

Exhibit(s):

Exhibit 1: Resolution No. 2014-106
Exhibit 2: Resolution No. 2014-107

Contact Name and Number: Rhonda Geriminsky, CMC, City Clerk, 623-773-7340

RESOLUTION 2014-106

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, APPOINTING FRANK HINDS TO THE EMPLOYEE BENEFITS TRUST BOARD AND ESTABLISHING THE TERM OF OFFICE.

WHEREAS, Les Gin is being removed from the Employee Benefits Trust Board pursuant to Sections 2-154(d) and 2-158 of the Peoria City Code (1992), and there exists one vacancy; and

WHEREAS Frank Hinds desires to be a member and appointed to the Employee Benefits Trust Board; and

WHEREAS, the Mayor and City Council of the City of Peoria desires to confirm said appointment of Frank Hinds, as a regular member, to the City of Peoria Employee Benefits Trust Board.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Peoria that Frank Hinds is appointed, as a regular member, to the City of Peoria Employee Benefits Trust Board.

BE IT FURTHER RESOLVED that said appointment shall expire as follows:

Frank Hinds December 2014

PASSED AND ADOPTED by the Mayor and City Council of the City of Peoria, Arizona this 17th day of June 2014.

CITY OF PEORIA, an Arizona municipal corporation

_____
Bob Barrett, Mayor

ATTEST:

_____
Rhonda Geriminsky, City Clerk

Approved as to Form:

_____
Stephen M. Kemp, City Attorney

RESOLUTION 2014-107

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, APPOINTING HUNTER SAPP AND ALEJANDRO SASTRE TO THE YOUTH ADVISORY BOARD AND ESTABLISHING THE TERMS OF OFFICE.

WHEREAS, the term for Tyler Crump of the Youth Advisory Board expires in June 2014; and

WHEREAS, Jacob Jelinek of the Youth Advisory Board graduated in May 2013 and there exists two vacancies; and

WHEREAS Hunter Sapp and Alejandro Sastre desire to be members of and appointed to the Youth Advisory Board; and

WHEREAS, the Mayor and City Council of the City of Peoria desires to confirm said appointments of Hunter Sapp and Alejandro Sastre, as regular members, to the City of Peoria Youth Advisory Board.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Peoria that Hunter Sapp and Alejandro Sastre are appointed as regular members to the City of Peoria Youth Advisory Board.

BE IT FURTHER RESOLVED that said appointments shall expire as follows:

Hunter Sapp	June 2016
Alejandro Sastre	June 2015

PASSED AND ADOPTED by the Mayor and City Council of the City of Peoria, Arizona this 17th day of June 2014.

CITY OF PEORIA, an Arizona municipal corporation

_____

Bob Barrett, Mayor

ATTEST:

_____
Rhonda Geriminsky, City Clerk

Approved as to Form:

_____
Stephen M. Kemp, City Attorney

Agenda Item: 6C

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Date Prepared: June 5, 2014 **Council Meeting Date: June 17, 2014**

TO: **Carl Swenson, City Manager**

FROM: **Rhonda Geriminsky, City Clerk**

THROUGH: **Susan Daluddung, Deputy City Manager**

SUBJECT: **Public Safety Personnel Retirement System Local Board Elections**

Purpose:

This is a request for City Council to ratify the results of the Public Safety Personnel Retirement System local board elections for the Fire and Police Departments as follows:

Background/Summary:

Public Safety Personnel Retirement System local board elections are required pursuant to Arizona Revised Statutes §38-847 and are conducted in accordance with City Code Sections 19-43 and 19-44. The local boards are comprised of 5 members of which two are elected from the eligible members of the Public Safety Personnel Retirement Systems. Elected member terms are staggered and elections are held in even numbered years.

Previous Actions:

On March 28, 2014, the *Call and Notices of Election* for the Public Safety Personnel Retirement System local board elections were published in the Peoria Times. From March 28, 2014 through April 28, 2014, *Nomination Petitions* were accepted through the City Clerk's Office. On May 12, 2014, ballots were prepared and distributed to eligible members of the Public Safety Personnel Retirement System local boards. Completed ballots were due back to the City Clerk's Office on May 29, 2014. On June 3, 2014 ballot counts for each election were conducted and election results were tallied.

Option(s):

A: Ratify the Public Safety Personnel Retirement System local board election results as presented.

Staff's Recommendation:

That City Council adopt Resolution No. 2014-108 ratifying the results of the Public Safety Personnel Retirement System local board elections.

Fiscal Analysis:

There is no fiscal impact to the ratification of the Public Safety Personnel Retirement System local board elections.

Narrative:

Newly elected representatives of the Public Safety Personnel Retirement System local boards will be invited to the July 1, 2014 City Council meeting to accept a plaque and Certificate of Election.

Exhibit(s):

Exhibit 1: Resolution No. 2014-108

Contact Name and Number: Rhonda Geriminsky, City Clerk, 623-773-7341

RESOLUTION NO. 2014-108

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA, ARIZONA, RATIFYING THE RESULTS OF THE PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM LOCAL BOARD ELECTIONS.

WHEREAS, the City of Peoria, Maricopa County, Arizona, by its duly appointed and acting City Clerk did issue a Call and Notice for the Public Safety Personnel Retirement System local board elections on March 28, 2014; and did cause to be submitted to qualified electors of the Public Safety Personnel Retirement System local boards for the election of representatives on the local boards; and

WHEREAS, the City Clerk did cause notice of the Public Safety Personnel Retirement System local board elections, publishing notice thereof in the Peoria Times newspaper as provided by law, such newspaper published in and having general circulation within said City, that said notice as so published did specify the manner in which such election was to be held, and the issue to be voted upon, copy of said notice with affidavit of publication attached hereto – Exhibit "A" – Affidavit of Publication and Public Notice, being now on file and a part of the official records of the City of Peoria, and

WHEREAS, the election returns are presented to and hereby canvassed by the City Council.

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

SECTION 1. That the total number of ballots cast at said Public Safety Personnel Retirement System Local Board Elections, as shown by the final results as issued by the City Clerk's Office, is set forth on Exhibit "B" – Summary Report, attached and incorporated to this resolution.

SECTION 2. That the total number of rejected ballots by Local Board is set forth on Exhibit "B" – Summary Report, attached and incorporated to this resolution.

SECTION 3. That the total number of votes cast for the candidate and representative for the Public Safety Personnel Retirement System – Fire Local Board was as follows:

Representative	Name	Vote Total
	Matt Cottini	4
	Athony Neely	84

SECTION 4. That the total number of votes cast for the candidates and representatives for the Public Safety Personnel Retirement System – Police Local Board were as follows:

Representative	Name	Vote Total
	Michael Faith	54
	Justin Hobbs	16

SECTION 5. That it is hereby found, determined and declared of record, that the following candidates did receive more than one-half of the total number of valid votes cast and are hereby entitled to Certificates of Election:

Public Safety Personnel Retirement System – Fire	Anthony Neely
Public Safety Personnel Retirement System – Police	Michael Faith

SECTION 6. That all orders or resolutions in conflict be and the same are, to the extent of such conflict, hereby repealed, and that this resolution be in full force and effect on July 1, 2014.

PASSED AND ADOPTED, by the Mayor and Council of the City of Peoria, Arizona this 17th day of June, 2014.

_____
Bob Barrett, Mayor

ATTEST:

_____
Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

_____
Stephen M. Kemp, City Attorney

Exhibit A

AFFIDAVIT OF PUBLICATION

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

I, Carolyn Castillo of
PEORIA TIMES
A newspaper of general circulation published and printed in the city of Glendale, County of Maricopa, State of Arizona, do solemnly swear that a copy of the notice, in the matter of
Public Notice
Notice of Election Retirement System
Police Department
City of Peoria, Arizona

As per clipping attached, was published weekly in the regular and entire edition of the said newspaper, and not in any supplement hereof, for a period of 1 consecutive week(s), as follows, to-wit:
03/28/14

(s) [redacted]
Carolyn Castillo

04-01-14P02:34 RCVD

Subscribed and sworn to before me, this 28th day of March (year) 2014.

(s) [redacted]
Notary Public
My commission expires:

OFFICIAL SEAL
ROGER W. TOOPS
Notary Public - State of Arizona
MARICOPA COUNTY
My Comm. Expires Aug. 14, 2014

CITY NOTICE

Public Notices from the City of Peoria

PUBLIC NOTICE

NOTICE OF ELECTION
CITY OF PEORIA, ARIZONA
PUBLIC SAFETY RETIREMENT SYSTEM
LOCAL BOARD – FIRE DEPARTMENT

NOTICE is hereby given that a vacancy exists on the Public Safety Retirement System – Local Board for the City of Peoria, Arizona Fire Department for a term beginning July 1, 2014 and ending on June 30, 2018. The current member will continue to serve until the election is held. Any City of Peoria employee who is a covered member of the Public Safety Retirement System of Arizona – Fire may seek Election to this position.

Nomination for Election requires a petition signed by 10 City of Peoria Employees who are covered members of the Public Safety Retirement System of Arizona – Fire. Any member interested in being on the ballot must submit signed petitions. Petitions may be obtained from the Office of the City Clerk, 8401 W. Monroe Street, Room 150, Peoria, Arizona 85345. Please call 623-773-7340 if you have questions.

Petitions must be filed in the Office of the City Clerk, City of Peoria, Arizona at the above address within thirty (30) days following the date of this Notice. The deadline for filing nomination petitions is April 28, 2014 at 5:00 p.m.

DATED: March 28, 2014

FILED IN THE OFFICE OF THE CITY CLERK

POSTED IN THE FOLLOWING LOCATIONS AT THE FIRE DEPARTMENT:

Fire Station 191, Fire Station 192, Fire Station 193, Fire Station 194, Fire Station 195, Fire Station 196, Fire Station 197, Fire Station 199 and the Public Safety Administration Building.

Publish Peoria Times
March 28, 2014

PUBLIC NOTICE

NOTICE OF ELECTION
CITY OF PEORIA, ARIZONA
PUBLIC SAFETY RETIREMENT SYSTEM
LOCAL BOARD – POLICE DEPARTMENT

NOTICE is hereby given that a vacancy exists on the Public Safety Retirement System – Local Board for the City of Peoria, Arizona Police Department for a term beginning July 1, 2014 and ending on June 30, 2018. The current member will continue to serve until the election is held. Any City of Peoria employee who is a covered member of the Public Safety Retirement System of Arizona – Police may seek Election to this position.

Nomination for Election requires a petition signed by 10 City of Peoria Employees who are covered members of the Public Safety Retirement System of Arizona – Police. Any member interested in being on the ballot must submit signed petitions. Petitions may be obtained from the Office of the City Clerk, 8401 W. Monroe Street, Room 150, Peoria, Arizona 85345. Please call 623-773-7340 if you have questions.

Petitions must be filed in the Office of the City Clerk, City of Peoria, Arizona at the above address within thirty (30) days following the date of this Notice. The deadline for filing nominating petitions is April 28, 2014 at 5:00 p.m.

DATED: March 28, 2014

FILED IN THE OFFICE OF THE CITY CLERK

POSTED IN THE FOLLOWING LOCATIONS AT THE POLICE DEPARTMENT:

Patrol Services Bureau in the Public Safety Administration Building and the Pinnacle Peak Public Safety Facility.

Publish Peoria Times
March 28, 2014

Exhibit B

2014 Public Safety Personnel Retirement System (PSPRS) Local Board Elections
City of Peoria, Arizona
Summary Report

FINAL OFFICIAL RESULTS

Representative – PSPRS – Fire

Matt Cottini	4	4.55%
Anthony Neely	**84**	**95.45%**

Representative – PSPRS – Police

Michael Faith	**54**	**77.14%**
Justin Hobbs	16	22.86%

REJECTED BALLOTS

PSPRS Local Board	Reason	Number Rejected
Fire	Returned Late	2
Police	No Signature	1

Agenda Item: 7C

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Date Prepared: May 19, 2014 **Council Meeting Date: June 17, 2014**

TO: Carl Swenson, City Manager

FROM: Chris Jacques, AICP, Planning and Community Development Director

THROUGH: Susan J. Daluddung, AICP, Deputy City Manager

SUBJECT: TA13-0003, Zoning Ordinance Text Amendments

Purpose:

This is a request for City Council to adopt an Ordinance approving six (6) targeted text amendments to the Zoning Ordinance. The Amendment includes Articles 14-1 "Introduction", 14-3 "General Provisions", 14-22A "Hillside Development", 14-34 "Signs", 14-35 "Landscape", and 14-39 "Administrative Procedures" of the Zoning Ordinance. The amendments are intended to modify and refine existing language in the Ordinance in order to address items of concern as well as clarify content.

Background/Summary:

This is a City-initiated request to amend various regulations in order to resolve items of concern regarding interpretation and implementation, as well as address general housekeeping measures so the document is easily understood by all users. The supporting analysis and details of the proposed amendments are fully described in the attached staff report to the Planning and Zoning Commission. *Exhibits A through F* were provided to the Commission that clearly annotated new and deleted Ordinance language. In summary, the proposed amendments constitute an improvement to the Zoning Ordinance by:

1. Allowing Code Enforcement another tool to expedite obtaining compliance with Zoning Code signage regulations;
2. Aligning satellite dish screening provisions in the Zoning Ordinance with Federal Communication Commission regulations and with newer industry standards;
3. Defining what constitutes driveway area in Hillside designated areas;
4. Clarifying eligibility and limitations of enhanced building materials to reduce area calculated as disturbed;
5. Eliminating the sunset provision for Banner/Special Event Signage and Grand Opening Signage and retaining said language as permanent;
6. Modifying type of decomposed granite utilized in finishing landscape areas; and,
7. Aligning administrative procedures with legal counsel.

Planning staff solicited feedback from other departments who utilize the Zoning Ordinance on a regular basis. Departments included representatives from Police/Code Enforcement, Economic Development/Site and Building Development, Planning, and the City Attorney's Office. Feedback was incorporated into the proposed amendments as presented herein.

Public notice of the proposed amendments to the Zoning Ordinance was provided in the manner prescribed under Article 14-39. The time, date, and place of the hearing have been published at least once in a newspaper of general circulation in the City at least fifteen (15) days prior to the hearing.

Previous Actions:

On May 15, 2014, the Planning & Zoning Commission voted 5-0 in favor of recommending approval of the request to amend Sections 14-1, 14-3, 14-22A, 14-34, 14-35, and 14-39 of the Zoning Ordinance. No one spoke in support or opposition to the 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:

The Mayor and City Council concur with the Planning and Zoning Commission's recommendation to adopt the attached Ordinance amending Sections 14-1, 14-3, 14-22A, 14-34, 14-35 and 14-39 respectively.

Fiscal Analysis:

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

Exhibit(s):

Exhibit 1- 5/15/14 Planning and Zoning Commission Staff Report and Exhibits
Exhibit 2- Proposed Ordinance 2014-XX (deletions/additions shown as ~~strike~~/<u>underscore</u>)

Contact Name and Number: Lorie Dever, Planner, x5168

EXHIBIT 1

5/15/14 Planning and Zoning Commission Staff Report and Exhibits

ZONING ORDINANCE TEXT AMENDMENT

REPORT TO THE PLANNING AND ZONING COMMISSION

CASE NUMBER: TA 13-0003

DATE: May 15, 2014

AGENDA ITEM: 7R

Applicant:	City of Peoria
Request:	Amend Articles 14-01 "Introduction", 14-03 "General Provisions", 14-22A "Hillside Development", 14-34 "Signs", 14-35 "Landscape Requirements", and 14-39 "Administrative Procedures" of the Zoning Ordinance. The amendments are intended to modify and refine existing language in the Ordinance to improve its content.
Support / Opposition:	As of the date of this printing, Staff has not received any written or verbal support or opposition to this request.
Recommendation:	**Approve** as requested.

BACKGROUND

Section 14-01, Introduction

1. Currently zoning ordinance violations of the signage code must be resolved through Court action if voluntary compliance is not achieved. Code Enforcement and Planning Staff is seeking to resolve violations in an expedited manner by allowing for civil citations, such as being successfully utilized for violations of the Municipal Court and Nuisance regulations.

Section 14-03, General Provisions

2. Zoning regulations typically involve outlining required design standards along with establish screening requirements for uses and activities to minimize visual impact from public view and deterioration of property values.

3. In the case of satellite dishes, the Zoning Ordinance allows a maximum of one satellite dish on the premises of any single-family residential lot. If the dish measures twenty inches or less, it may be mounted on the roof or side of the residence or accessory building, or on the ground and is exempt from screening requirements. If it is greater than twenty inches, a conditional use permit is required and additional placement restrictions apply.

4. Federal Communication Commission ("FCC") regulations allow local governments to enforce restrictions that do not impair the installation, maintenance or use of the types of antennas (and satellite dishes), as well as restrictions needed for safety or historic preservation. The rule covers antennas and by extension satellite dishes, which are necessary to receive service. Therefore, a local government may not restrict the number of antennas (and satellite dishes) to one if more than one is necessary to receive the desired service.

5. Code Enforcement has received a number of complaints regarding large satellite dishes not meeting the Zoning Ordinance screening requirements. During an evaluation of several residential areas, Code Enforcement and Planning Staff have noticed a substantial increase in the number of residences installing internet ready and/or high-definition television satellite dishes, which are significantly larger in size than previous versions. Since these types of dishes have become the industry standard rather than the exception, revised language is needed to recognize the advance in technology.

Section 14-22A, Hillside Development Overlay

6. To reduce visual impact of development within area designated Hillside Development, the Zoning Ordinance provides an incentive to utilize enhanced building material for driveway construction. This incentive was modified in 2011; however, ambiguity remains in determining the incentive eligible area and calculations associated with disturbed area. This issue has aesthetic ramifications, including reducing visual impact of driveways in relation to the overall disturbance of the natural environment.

Section 14-34, Signs

7. The penalty classification listed within the Zoning Code signage regulations is outdated and incorrect.

8. Code Enforcement desires the ability to issue civil citations for violations of the signage zoning code regulations in lieu of sending the complaint to City Court, thus expediting the city's ability to obtain compliance.

9. Numerous business owners and applicants have utilized the modified standards within the Banner/Special Event and Grand Opening signage regulations. Multiple extensions of the sunset provision have been approved and the temporary regulations are due to expire without further action.

10. The use of neon and similar tube type of illumination within commercial and industrial project require design review, and there have been an increasing number of requests to utilize LED ("Light-emitting Diode") in the same manner.

Section 14-35, Landscape Requirements

11. As development occurs on a property, the applicant is required to finish landscaped

areas with a natural topping material from the list of suggested materials (e.g. turf, bark, shale, decomposed granite, etc) within the code. Staff is seeking clarification on the type of decomposed granite.

Section 14-39, Administrative Procedures

12. In November 2006, Arizona voters approved Proposition 207, which was ballot initiative entitled the Property Rights Protection Act of 2006 (the "Act") (A.R.S. §§ 12-1131 to 1138, as amended). The Act allows owners to make claims against the City for diminution in the value of real property resulting from land use laws adopted by the City.

13. In April 2007, the City adopted modification to the Administrative Procedures of the Zoning Ordinance to clarify who may make a claim, when a claim must be made, and in what ways City staff must consider the effect of the Act when reviewing land use applications.

14. In general, a person requesting a land use change that may create or apply a land use law should provide a waiver of that person's (and their successors') right to sue the City for a diminution in value resulting from that request, with other terms that the City Attorney's Office believes are necessary to protect the City. Previously applicants seeking site plan approval were asked to provide a "Waiver of Proposition 207" from the Owner(s); however, the City Attorney's office has advised the waiver is no longer necessary for this type of application.

DISCUSSION AND ANALYSIS

Proposed Changes

Section 14-1-8, Enforcement

15. Provides Code Enforcement with an additional tool to expedite the resolution of rezoning ordinance violations; however, it does not imply the Code Enforcement Officer may waive, relax or re-interpret zoning stipulations or ordinance provisions.

Section 14-3-7, Satellite Dishes

16. The restriction limiting the number of satellite dishes has been eliminated to be consistent with FCC regulations.

17. The minimum diameter to trigger additional screening for satellite dishes has been increased from twenty (20) inches to four (4) feet to address newer industry standards.

Section 14-22A-9, Driveways (within hillside lots)

18. Based on the slope characteristics of a hillside lot, Article 14-22A ("Hillside Development Overlay District") delineates the amount of disturbance that may occur.

This amendment adjusts the amount of disturbance applied to an enhanced driveway when figuring total lot disturbance. New language defines what constitutes driveway area, and more specifically, what is not, such as areas utilized for parking, turnabouts and entrance circles. Further, the proposed amendment clarifies if the driveway surface is enhanced (e.g. colored concrete, paving bricks, etc) to reduce visual impact, and then up to twenty-five percent of enhanced driveway area may be excluded from the disturbed area calculations.

Section 14-34-5, Requirement of Conformity

19. An outdated reference to violation classification has been eliminated and new language has been added to provide Code Enforcement the ability to obtain compliance either through Administrative or by Court Action.

Section 14-34-8, Sign Types and Requirements

20. Given the high utilization of temporary Banner/Special Event Signs and Grand Opening Signage provisions which are due to expire June 30, 2014, the sunset clause is being removed from each of these sign types and the provisions are becoming permanent.

21. Identification of the sign permit number and applicant's contact information are now required to be located on Special Event signage to expedite enforcement of applicable regulations.

Section 14-34-28, Permitted Lighting and Movements

22. Signage utilizing LED for illumination is required to be submitted for Design Review and obtain a sign permit.

Section 14-35-4.B.4, Ground Surface Treatment

23. The proposed type of decomposed granite (gravel) is modified to a variety that increases the ratio of larger diameter material utilized within the overall mix. This yields an overall greater coverage than the previous type.

Section 14-39-11, Site Plans

24. The Plans Review process is modified, eliminating obtaining a "Waiver of Proposition 207" from the Owner(s) as a consideration by the Planning Manager in approving or recommending approval of any Site Plan application.

Administrative Procedure

Noticing and Neighborhood Comment

25. Public notice of this proposed amendment to the Zoning Ordinance was provided in the manner prescribed under Article 14-39. The time, date, and place of the hearing have been published at least once in a newspaper of general circulation in the City at least fifteen (15) days prior to the hearing. As of the printing of this report, no support or opposition to this case has been received from the public.

Proposition 207

26. This is a City-initiated application. It has determined that a Proposition 207 waiver is not required.

FINDINGS AND RECOMMENDATION

27. Based on the following findings:

- The proposed amendments constitute an improvement to the Zoning Ordinance by:
  - I. Allowing Code Enforcement another tool to expedite obtaining compliance with Zoning Code signage regulations;
  - II. Aligning satellite dish screening provisions in the Zoning Ordinance with FCC regulations and newer industry standards;
  - III. Defining what constitutes driveway area in Hillside designated areas;
  - IV. Clarifying eligibility and limitations of enhanced building materials to reduce area calculated as disturbed;
  - V. Eliminating the sunset provision for Banner/Special Event Signage and Grand Opening Signage;
  - VI. Modifying type of decomposed granite utilized in finishing landscape areas; and,
  - VII. Aligning administrative procedures with current practice.

It is recommended that the Planning and Zoning Commission take the following action:

Recommend to the Mayor and City Council approval of Case TA 13-0003, a request to amend the Peoria Zoning Ordinance as contained in the Exhibits.

ATTACHMENTS

Exhibit A:	Proposed changes to Article 14-01 (deletions/additions shown as ~~strike~~/<u>underscore</u>)
Exhibit B:	Proposed changes to Article 14-03 (deletions/additions shown as ~~strike~~/<u>underscore</u>)
Exhibit C:	Proposed changes to Article 14-22A (deletions/additions shown as ~~strike~~/<u>underscore</u>)
Exhibit D:	Proposed changes to Article 14-34 (deletions/additions shown as ~~strike~~/<u>underscore</u>)

Exhibit E:	Proposed changes to Article 14-35 (deletions/additions shown as ~~strike~~/<u>underscore</u>)
Exhibit F:	Proposed changes to Article 14-39 (deletions/additions shown as ~~strike~~/<u>underscore</u>)

Prepared by: Robert Gubser, AICP
Principal Planner

Lorie Dever
Planner

Exhibit A
Proposed changes to
Article 14-01

ARTICLE 14-1
INTRODUCTION
(Excerpts)

(Amended by Ord. No. 2014-XX)

14-1-8 ENFORCEMENT

Responsibility for the enforcement of this chapter as hereinafter provided is hereby vested in the office of the Zoning Inspector, who shall be a city official appointed by the Council.

A. Unless expressly stated otherwise, violations of this chapter may be enforced alternatively by civil or criminal penalties; however, no person served with a notice charging a civil violation may be subject to criminal charge arising out of the same offense. However, prior civil determinations of responsibility for the same offense may be used to enhance penalties imposed upon a subsequent criminal conviction for an offense.

B. Civil violations of this chapter shall be enforced as provided in Chapter 15 and Chapter 17, Section 17-51 of the City Code.

C. Criminal violations of this chapter shall be enforced as provided in Chapter 15 and Chapter 17, Section 17-51 and pursuant to state statute.

D. In addition to other enforcement actions that may be taken pursuant to this code or ordinance, the City Manager or designee may issue an order of abatement pursuant to Chapter 17, Section 17-59 of the City Code.

E. Violations of this Ordinance are in addition to any other violation enumerated within the City ordinances or the City Code and in no way limits the penalties, actions or abatement procedures which may be taken by the City for any violation of this ordinance, which is also a violation of any other ordinance or Code provision of the City or statutes of the State.

Exhibit B
Proposed changes to
Article 14-03

ARTICLE 14-3
GENERAL PROVISIONS
(Excerpts)

(Amended by Ord. Nos. 2011-02, 2011-03, and 2014-XX)

14-3-7 SATELLITE DISH ANTENNAE

A. Intent

The intent of the regulations set forth in this Section, "Satellite Dish Antennae," is to protect and promote the health, safety, and welfare of the residents of the City of Peoria and the aesthetic quality of life as set forth in the goals, objectives, and policies of the Peoria General Plan, while at the same time not unduly restricting the placement of equipment and hence access to communications provided by Satellite Dish Antennae.

B. Definition

For purposes of this Section, a *Satellite Dish Antenna* shall mean a dish antenna that is usually a parabolic, spherical, conical, bowl, disc, or saucer –shaped accessory structure, which includes the main dish and covering, feedhorn, low noise amplifier, structural supports, and all other components thereof, for the purpose of transmitting and/or receiving communications via electromagnetic waves by line of sight with a geosynchronous orbiting satellite.

C. Applicability

These regulations shall apply to all satellite dish equipment situated in the City of Peoria except as may be otherwise provided in the Telecommunications Act of the Federal Communications Commission.

D. All Residential Zoning Districts (Ord. No. 03-174)

1. General

~~a. A maximum of one (1) satellite dish shall be permitted on the premises of any one single-family residential lot.~~

a~~b~~. The satellite dish shall only be utilized for the personal enjoyment of the occupants of the dwelling unit.

b~~c~~. The satellite dish shall not be utilized for any commercial purpose.

2. Satellite dishes measuring ~~twenty (20) inches~~ <u>four (4) feet</u> or less in diameter may be mounted on the roof or side of the residence or accessory building, or on the ground, and shall be exempt from screening requirements.

3. Satellite equipment measuring more than ~~twenty (20) inches~~ four (4) feet shall be subject to the following:

    a. Issuance of a Conditional Use Permit.

    b. Shall not be placed in front yards or corner side yards.

    c. Shall be placed in rear or side yards only and shall be set back from the lot line by a distance equal to or greater than the diameter of the dish.

    d. Shall be screened so as to not be visible from any public street or right-of-way, or from adjacent property.

E. Non-Residential Districts

Satellite dish equipment in non-residential zoning districts shall comply with the following requirements:

1. Satellite dish equipment in Non-Residential Districts shall be considered a permitted accessory use and subject to all provisions thereof, in accordance with Article 14-9, “Non-Residential Districts.”

2. Satellite dishes measuring ~~twenty (20) inches~~ four (4) feet or less in diameter may be mounted on the roof or side of a principal or accessory building or on the ground and shall be exempt from screening requirements.

3. Satellite dishes measuring ~~twenty (20) inches~~ four (4) feet or more shall be screened in a manner so as not to be visible from a public street, public right-of-way, or any adjacent property. All screening shall be consistent with provisions set forth in the City’s Design Review Manual.

Exhibit C
Proposed changes to
Article 14-22A

ARTICLE 14-22A
HILLSIDE DEVELOPMENT OVERLAY DISTRICT
(Excerpts)

(Amended by Ord. Nos. 04-201, 2011-08, and 2014-XX)

SECTION 14-22A-9 DRIVEWAYS

A. If any portion of a driveway grade is more than twenty percent (20%), the entire residence and all accessory buildings over one hundred twenty (120) square feet of roof area shall be protected with an approved fire sprinkling system.

B. Driveways with turning radii of less than forty (40) feet may be used provided all structures are protected with an approved fire sprinkling system.

C. To reduce the visual impact of driveways the following is intended to be an incentive to preserve the natural mountain views. Driveways surfaced with paving bricks, colored concrete or with exposed aggregate, colored to blend with existing native color of the site, shall only be included in disturbed area calculations at ~~twenty-five (25)~~ seventy-five (75) percent of ~~their total~~ the driveway area. For calculation purposes, driveway shall mean drive access, or area between edge of a street, or edge of the traveled portion of a street when no curb exits, permitting vehicular travel to the residence and accessory buildings on the property. Parking areas, turnabouts and entrance circles are excluded from the driveway area.

D. Any driveway cut greater than eight (8) feet in depth shall not have a length greater than one hundred (100) feet; and the maximum height of any cut or fill used to establish a driveway shall not exceed fifteen (15) feet.

Exhibit D
Proposed changes to
Article 14-34

ARTICLE 14-34
SIGNS
(Excerpts)

(Amended by Ord. Nos. 2011-01, 2012-06, 2012-17, and 2014-XX)

14-34-5 REQUIREMENT OF CONFORMITY

It shall be illegal for a sign to be placed or maintained in the City of Peoria except as provided in this Article 14-34 after the effective date of adoption of Ordinance 89-07 of the City of Peoria, Arizona.

A. All signs maintained contrary to the provisions of this Article 14-34 are declared to be nuisances, and such nuisances may be abated as provided by law.

B. Any person, firm or corporation violating any provisions of this Article 14-34, or failing to comply with any order or regulations made hereunder, shall be subject to the penalty provisions of Chapter 15 and Chapter 17, Section 15-71 of the City Code. ~~guilty of a Class 2 Misdemeanor as defined in Arizona Revised Statutes.~~

C. Placement and/or the location of all signs shall be in accordance with the sight distance requirements for arterial and collector streets as described in the City of Peoria Infrastructure Guidelines. (Ord. No. 00-30)

14-34-8 SIGN TYPES AND REQUIREMENTS

A. Permitted Signs. The following signs are permitted, subject to the criteria listed under each sign:

4. Banner/Special Event Sign. A temporary sign which is used for the promotion of goods, services, or events for a specified period of time. (Ord. No. 2011-01)

   a. Special Events. Sign used to promote a sale or special event.

      1) For the purpose of this regulation, special event signs shall include sign banners, balloons, flags, streamers, and pennants. Vehicle mounted signs, flashing lights, search lights and portable signs are prohibited, except as may otherwise be provided in this Ordinance. (Ord. No. 03-01)

      2) Banner signs shall be limited to a maximum total square footage of thirty-two (32) square feet.

      ~~3) Signs shall be allowed four (4) times per year for a maximum period of fourteen (14) consecutive days. A minimum of thirty (30) days shall pass between each such sale.~~

~~4) For a period extending no later than June 30th, 2014, the following allowances for special event signage shall apply:~~

3) ~~a)~~ Signs shall be allowed four (4) times per year within a one year period for a maximum ~~period~~ of thirty (30) consecutive days for each occurrence.

4) ~~b)~~ Advertising Flags
In addition to allowable banner, streamer, and pennant signage, establishments may have two (2) pole-mounted advertising flag signs, such as the types of signs commonly referred to as a “swooper flag”, “feather flag”, or “teardrop flag”. Each sign shall not exceed a total of fifteen (15) feet in height including mounting hardware, three (3) feet in width, nor thirty-two (32) square feet in sign area. All such signs shall be securely fastened to resist displacement by wind or similar disturbances and shall only be displayed during the hours the business / establishment is open. For establishments located in multi-tenant buildings or complexes, such signs may be placed at the perimeter of the complex with the property owner’s consent.

5) ~~c)~~ Portable A-frame signs
Establishments may also have one (1) portable “A-frame” (or similar) sign, provided that the sign shall not exceed thirty-six (36) inches in height nor a total of six (6) square feet in area. Such signs shall be weighted to resist displacement by wind or similar disturbances and shall only be displayed during the hours the business / establishment is open. For establishments located in multi-tenant buildings or complexes, such signs may be placed at the perimeter of the complex with the property owner’s consent.

6) ~~d)~~ All such signs shall be placed on private property and shall not impede pedestrian or vehicular visibility or traffic.

~~5~~7) All such signs shall include wind cuts as necessary to reduce sign billowing or sailing and shall be securely fastened to the building or other permanent structure attached to the building containing the subject establishment. Such signs and/or banners shall not be mounted to trees or other landscaping elements.

~~6~~8) Individual balloons and balloon arches/clusters shall be allowed provided they are securely fastened to permanent structures and setback from all streets and driveways a distance equal to the tether of the balloon. Individual balloons shall not exceed twenty-four (24) inches in diameter. Balloons and balloon arches / clusters shall be tethered at a height that does not exceed the height of the building containing the subject establishment. Balloons exceeding twenty-four (24) inches in diameter shall be considered inflatable structures and shall require a separate permit.

~~7~~9) Torn, faded, or soiled signs shall be prohibited.

~~8~~10) Sign permit required for each display period.

11) The sign permit number, and responsible party's/applicant's name and phone number shall be clearly written on the sign. If the permit numbers or contact information becomes defaced, illegible or outdated, they shall be immediately replaced.

b. Exterior Sales. A sign for the sale of merchandise where most of the business is conducted, or items are displayed, in an open exterior area in compliance with all City Codes. (Ord. No. 03-09)

1) Exterior sales promotions are allowed however shall be restricted to Friday, Saturday, and Sunday or Federally recognized holidays.

2) For the purpose of this regulation, exterior sales signs shall include sign banners, balloons, flags, streamers, pennants or merchandise. Vehicle mounted signs, flashing lights, search lights, and portable signs are prohibited.

3) Streamers, pennants and flags shall contain no written message, but may include a symbol, logo or replica of a flag on a pennant. (Ord. No. 03-09)

4) Inflatable structures are allowed by separate permit. Such structures shall be permitted only twice per year at three-day intervals. Inflatable structures shall not be roof-mounted and shall be securely fastened to permanent structures and/or proper ground staking. Inflatable structures shall be placed on private property and shall not impede pedestrian or vehicular visibility or traffic.

5) Individual balloons and balloon arches/clusters shall be allowed provided they are securely fastened to permanent structures and setback from all streets and driveways a distance equal to the tether of the balloon. Individual balloons shall not exceed twenty-four (24) inches in diameter. Balloons and balloon arches / clusters shall be tethered at a height that does not exceed the height of the building containing the subject establishment. Balloons exceeding twenty-four (24) inches in diameter shall be considered inflatable structures and shall require a separate permit.

6) All banner signs shall include wind cuts as necessary to reduce sign billowing or sailing and shall be securely fastened to a building, private light standard or other permanent structure. Such banners shall not be mounted to trees or other landscaping elements. The total allowable square footage of all banner signs shall not exceed one hundred fifty (150) square feet.

7) Uses eligible for exterior sales signs shall not be eligible for special event signs.

8) Torn, faded or soiled exterior sales signs shall be prohibited.

9) No permit required, except for inflatable structures.

c. Civic Events. Signs used to advertise, promote public entertainment uses including carnivals, circuses, street fairs, concerts, cultural events, home and garden shows, parades, community events and similar uses.

1) For the purpose of this regulation, civic event signs shall include sign banners, balloons, flags, streamers, and pennants. Vehicle mounted signs, flashing lights, search lights and portable signs are prohibited, except as may otherwise be provided in this Ordinance. (Ord. No. 03-01)

2) No off premise signs, strobe lights or search lights are permitted, except as may otherwise be provided in this Ordinance. (Ord. No. 03-01)

3) All banner signs shall include wind cuts as necessary to reduce sign billowing or sailing and shall be securely fastened to a building, private light standard or other permanent structure. Such banners shall not be mounted to trees or other landscaping elements.

4) Size and quantity of signs are not regulated, however signs shall not be displayed for more than seven (7) days prior to the event and shall be removed within forty-eight (48) hours after the event.

5) Inflatable structures are allowed by separate permit. Inflatable structures shall not be roof-mounted and shall be securely fastened to permanent structures and/or proper ground staking. Inflatable structures shall be placed on private property and shall not impede pedestrian or vehicular traffic or visibility.

6) Torn, faded, or soiled civic event signs shall be prohibited.

7) Light standard banner advertisement is allowed within one mile of the event as approved by the Public Works Director.

8) No permit required, except for inflatable structures.

17. Grand Opening Signs. A sign used for the introduction or promotion of a new business, store, shopping center, office or the announcement of an established business changing ownership. (Ord. No. 08-07)

~~a. All businesses shall be permitted to display Grand Opening Signs, on a one time basis, for a maximum of thirty (30) consecutive days;~~

~~1) For a period extending no later than June 30th, 2014, the following regulations for grand opening signage shall apply:~~

a.~~)~~ All businesses shall be permitted to display Grand Opening Signs on a one time basis for a maximum of sixty (60) consecutive days within the first six (6) months upon receipt of a valid business license.

b.~~)~~ Portable A-frame (or similar design) signs shall be permitted, provided that each sign shall be placed on private property, shall not impede pedestrian or vehicular traffic, and shall not exceed thirty-six (36) inches in height or a total of six (6) square feet in area.

c~~b~~. For the purposes of this regulation, Grand Opening Signs shall include sign banners, balloons, streamers, search lights, flags, pennants, inflatable structures, merchandise or other attention attracting media and devices. Vehicle mounted signs, flashing lights and portable signs are prohibited except as may otherwise be provided in this Ordinance.

d~~c~~. No sign permit required.

14-34-28 PERMITTED LIGHTING AND MOVEMENTS

A. Lighting.

Signs may be illuminated as provided by this Article 14-34 and specified by approved sign criteria, if applicable, in accordance with the following regulations:

1. Externally illuminated, building-mounted signage may be illuminated by either ground-mounted lights or building-mounted light bars. In either situation, the light source shall be totally screened from view.

2. Internally illuminated, building-mounted signage is permitted.

3. Externally illuminated, freestanding and freestanding detached wall signage shall be illuminated by ground-mounted lights, with the light source being totally screened from view.

4. Internally illuminated, freestanding and freestanding detached wall signage is permitted.

5. Open light bulbs shall be prohibited. Further, no flashing, blinking, or rotating lights shall be permitted for either permanent or temporary signs, except as otherwise may be provided in this Ordinance. (Ord. No. 03-01)

   a. All requests for the use of neon, LED, or other similar tube type of illumination shall be submitted as part of the Design Review Submittal package for all Commercial and Industrial projects; (Ord. 00-30)

   b. A sign permit is required for all neon, LED, or other similar tube type of illumination and shall count towards the total allowable sign area;

   c. All neon, LED, or other similar tube type of illumination shall be calculated at a rate of the width of the tube, no less than 6”, multiplied by the overall length.

   d. All sign lighting shall be in accordance with the City of Peoria Dark Sky Ordinance No. 98-114.

B. No sign shall be permitted which moves by any means except flags which are permitted in Section 14-34-8 and except as may otherwise be provided in this Ordinance. (Ord. No. 03-01)

Exhibit E
Proposed changes to
Article 14-35

ARTICLE 14-35
LANDSCAPE REQUIREMENTS
(Excerpts)

(Amended by Ord. No. 01-177, and 2014-XX)

14-35-4 GENERAL LANDSCAPE REQUIREMENTS

B. Design Standards

4. *Ground Surface Treatment*

All landscaped areas shall be finished with a natural topping material which may include, but not limited to, the following: turf (subject to Section 14-35-4-B.2), ground cover, planting, 3/4" ~~minus~~ screened decomposed granite (or as approved by plan review) at a 2" minimum depth, river rock, expanded shale, or bark. A pre-emergent herbicide shall be applied to the ground prior to and after the placement of natural surface materials (decomposed granite, river run rock, etc.) in any landscaped area to prevent weed growth. (Ord. No. 2014-XX)

Exhibit F
Proposed changes to
Article 14-39

ARTICLE 14-39
ADMINISTRATIVE PROCEDURES
(Excerpts)

(Amended by Ord. No. 2011-03, 2012-05, 2012-16, and 2014-XX)

14-39-11 SITE PLAN REVIEW

C. *Plans Review*. The City shall review Site Plan applications in accordance with the Process Guides. If the Department determines that the proposed Site Plan 1) is consistent with the health, safety, and welfare of the community; 2) is in harmony with the purposes and intent of this Ordinance, the General Plan, and the plan for the area; and 3) will not cause traffic congestion or seriously depreciate surrounding property values, then the Department may grant Site Plan Approval and may impose such conditions and safeguards as the Department deems necessary to satisfy the provisions in this Ordinance. The Department may determine that the conditions required for approval do not exist and, thereupon, deny Site Plan approval. ~~The Planning Manager shall not approve or recommend approval of any Site Plan unless the Planning Manager has received a Waiver of Proposition 207 from the Owner or Owners of the property that is the subject of the Site Plan or has determined that the absence of such a Waiver of Proposition 207 is consistent with the City's General Plan and Zoning goals and regulations and is consistent with the health, safety, and welfare of the community. (as required by element 1, above)~~ (Ord. No. 07-14, and 2014-XX)

EXHIBIT 2

Proposed Ordinance for Chapter 14

ORDINANCE NO. 2014-21

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA, AMENDING CHAPTER 14 OF THE PEORIA CITY CODE (1977 EDITION), BY AMENDING ARTICLES 14-01 "INTRODUCTION", 14-03 "GENERAL PROVISIONS", 14-22A "HILLSIDE DEVELOPMENT", 14-34 "SIGNS", 14-35 "LANDSCAPE REQUIREMENTS", AND 14-39 "ADMINISTRATIVE PROCEDURES" OF THE PEORIA ZONING ORDINANCE; PROVIDING FOR SEPARABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Peoria, Maricopa County, Arizona, held a public hearing on May 15, 2014 to consider a proposed amendment to the Peoria City Code, after notice in the manner provided by law; and

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 in the Peoria Times on May 16, 2014; and

WHEREAS, the Planning and Zoning Commission of the City of Peoria, Arizona at its regularly convened meeting of May 15, 2014 voted to recommend to the Mayor and Council of the City of Peoria, Arizona, that amendments be made to the Peoria City Code (1977 edition) and Chapter 14 of the Peoria City Code; and

WHEREAS, the Mayor and Council of the City of Peoria, Arizona, have considered the recommendation of the Planning and Zoning Commission of the City of Peoria, Arizona, and deem it to be in the best interest of the public health, safety and welfare of the residents of the City of Peoria, Arizona to amend Articles 14-01 "Introduction", 14-03 "General Provisions", 14-22A "Hillside Development", 14-34 "Signs", 14-35 "Landscape Requirements", and 14-39 "Administrative Procedures" of Chapter 14 of the Peoria City Code (1977 edition):

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

SECTION 1. of Chapter 14 of the Peoria City Code (1977 edition) shall be amended to read as indicated on Exhibit A.

SECTION 2. Effective Date. This Ordinance shall become effective on the date provided by law.

SECTION 3. 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 decision shall not affect the validity of the remaining portions of this Ordinance.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Maricopa County, Arizona this 17th day of June, 2014.

_____
Bob Barrett, Mayor

_____
Date Signed

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
Stephen M. Kemp, City Attorney

Published in: Peoria Times
Publication Dates: June 27, 2014
Effective Date: _____

EXHIBIT A

ARTICLE 14-1
INTRODUCTION
(Excerpts)

(Amended by Ord. No. 2014-XX)

14-1-8 ENFORCEMENT

Responsibility for the enforcement of this chapter as hereinafter provided is hereby vested in the office of the Zoning Inspector, who shall be a city official appointed by the Council.

A. Unless expressly stated otherwise, violations of this chapter may be enforced alternatively by civil or criminal penalties; however, no person served with a notice charging a civil violation may be subject to criminal charge arising out of the same offense. However, prior civil determinations of responsibility for the same offense may be used to enhance penalties imposed upon a subsequent criminal conviction for an offense.

B. Civil violations of this chapter shall be enforced as provided in Chapter 15 and Chapter 17, Section 17-51 of the City Code.

C. Criminal violations of this chapter shall be enforced as provided in Chapter 15 and Chapter 17, Section 17-51 and pursuant to state statute.

D. In addition to other enforcement actions that may be taken pursuant to this code or ordinance, the City Manager or designee may issue an order of abatement pursuant to Chapter 17, Section 17-59 of the City Code.

E. Violations of this Ordinance are in addition to any other violation enumerated within the City ordinances or the City Code and in no way limits the penalties, actions or abatement procedures which may be taken by the City for any violation of this ordinance, which is also a violation of any other ordinance or Code provision of the City or statutes of the State.

ARTICLE 14-3
GENERAL PROVISIONS
(Excerpts)

(Amended by Ord. Nos. 2011-02, 2011-03, and 2014-XX)

14-3-7 SATELLITE DISH ANTENNAE

A. Intent

The intent of the regulations set forth in this Section, "Satellite Dish Antennae," is to protect and promote the health, safety, and welfare of the residents of the City of Peoria and the aesthetic quality of life as set forth in the goals, objectives, and policies of the Peoria General Plan, while at the same time not unduly restricting the placement of equipment and hence access to communications provided by Satellite Dish Antennae.

B. Definition

For purposes of this Section, a *Satellite Dish Antenna* shall mean a dish antenna that is usually a parabolic, spherical, conical, bowl, disc, or saucer –shaped accessory structure, which includes the main dish and covering, feedhorn, low noise amplifier, structural supports, and all other components thereof, for the purpose of transmitting and/or receiving communications via electromagnetic waves by line of sight with a geosynchronous orbiting satellite.

C. Applicability

These regulations shall apply to all satellite dish equipment situated in the City of Peoria except as may be otherwise provided in the Telecommunications Act of the Federal Communications Commission.

D. All Residential Zoning Districts (Ord. No. 03-174)

1. General

~~a. A maximum of one (1) satellite dish shall be permitted on the premises of any one single-family residential lot.~~

a~~b~~. The satellite dish shall only be utilized for the personal enjoyment of the occupants of the dwelling unit.

b~~c~~. The satellite dish shall not be utilized for any commercial purpose.

2. Satellite dishes measuring ~~twenty (20) inches~~ <u>four (4) feet</u> or less in diameter may be mounted on the roof or side of the residence or accessory building, or on the ground, and shall be exempt from screening requirements.

3. Satellite equipment measuring more than ~~twenty (20) inches~~ four (4) feet shall be subject to the following:

   a. Issuance of a Conditional Use Permit.

   b. Shall not be placed in front yards or corner side yards.

   c. Shall be placed in rear or side yards only and shall be set back from the lot line by a distance equal to or greater than the diameter of the dish.

   d. Shall be screened so as to not be visible from any public street or right-of-way, or from adjacent property.

E. Non-Residential Districts

Satellite dish equipment in non-residential zoning districts shall comply with the following requirements:

1. Satellite dish equipment in Non-Residential Districts shall be considered a permitted accessory use and subject to all provisions thereof, in accordance with Article 14-9, "Non-Residential Districts."

2. Satellite dishes measuring ~~twenty (20) inches~~ four (4) feet or less in diameter may be mounted on the roof or side of a principal or accessory building or on the ground and shall be exempt from screening requirements.

3. Satellite dishes measuring ~~twenty (20) inches~~ four (4) feet or more shall be screened in a manner so as not to be visible from a public street, public right-of-way, or any adjacent property. All screening shall be consistent with provisions set forth in the City's Design Review Manual.

ARTICLE 14-22A
HILLSIDE DEVELOPMENT OVERLAY DISTRICT
(Excerpts)

(Amended by Ord. Nos. 04-201, 2011-08, and 2014-XX)

SECTION 14-22A-9 DRIVEWAYS

A. If any portion of a driveway grade is more than twenty percent (20%), the entire residence and all accessory buildings over one hundred twenty (120) square feet of roof area shall be protected with an approved fire sprinkling system.

B. Driveways with turning radii of less than forty (40) feet may be used provided all structures are protected with an approved fire sprinkling system.

C. To reduce the visual impact of driveways the following is intended to be an incentive to preserve the natural mountain views. Driveways surfaced with paving bricks, colored concrete or with exposed aggregate, colored to blend with existing native color of the site, shall only be included in disturbed area calculations at ~~twenty-five (25)~~ seventy-five (75) percent of ~~their total~~ the driveway area. For calculation purposes, driveway shall mean drive access, or area between edge of a street, or edge of the traveled portion of a street when no curb exits, permitting vehicular travel to the residence and accessory buildings on the property. Parking areas, turnabouts and entrance circles are excluded from the driveway area.

Any driveway cut greater than eight (8) feet in depth shall not have a length greater than one hundred (100) feet; and the maximum height of any cut or fill used to establish a driveway shall not exceed fifteen (15) feet.

ARTICLE 14-34
SIGNS
(Excerpts)

(Amended by Ord. Nos. 2011-01, 2012-06, 2012-17, and 2014-XX)

14-34-5 REQUIREMENT OF CONFORMITY

It shall be illegal for a sign to be placed or maintained in the City of Peoria except as provided in this Article 14-34 after the effective date of adoption of Ordinance 89-07 of the City of Peoria, Arizona.

A. All signs maintained contrary to the provisions of this Article 14-34 are declared to be nuisances, and such nuisances may be abated as provided by law.

B. Any person, firm or corporation violating any provisions of this Article 14-34, or failing to comply with any order or regulations made hereunder, shall be subject to the penalty provisions of Chapter 15 and Chapter 17, Section 15-71 of the City Code. ~~guilty of a Class 2 Misdemeanor as defined in Arizona Revised Statutes.~~

C. Placement and/or the location of all signs shall be in accordance with the sight distance requirements for arterial and collector streets as described in the City of Peoria Infrastructure Guidelines. (Ord. No. 00-30)

14-34-8 SIGN TYPES AND REQUIREMENTS

A. Permitted Signs. The following signs are permitted, subject to the criteria listed under each sign:

4. Banner/Special Event Sign. A temporary sign which is used for the promotion of goods, services, or events for a specified period of time. (Ord. No. 2011-01)

   a. Special Events. Sign used to promote a sale or special event.

      1) For the purpose of this regulation, special event signs shall include sign banners, balloons, flags, streamers, and pennants. Vehicle mounted signs, flashing lights, search lights and portable signs are prohibited, except as may otherwise be provided in this Ordinance. (Ord. No. 03-01)

      2) Banner signs shall be limited to a maximum total square footage of thirty-two (32) square feet.

      ~~3) Signs shall be allowed four (4) times per year for a maximum period of fourteen (14) consecutive days. A minimum of thirty (30) days shall pass between each such sale.~~

      ~~4) For a period extending no later than June 30th, 2014, the following allowances for special event signage shall apply:~~

      3) ~~a)~~ Signs shall be allowed four (4) times per year within a one year period for a maximum ~~period~~ of thirty (30) consecutive days for each occurrence.

      4) ~~b)~~ Advertising Flags
      In addition to allowable banner, streamer, and pennant signage, establishments may have two (2) pole-mounted advertising flag signs, such as the types of signs commonly referred to as a “swooper flag”, “feather flag”, or “teardrop flag”. Each sign shall not exceed a total of fifteen (15) feet in height including mounting hardware, three (3) feet in width, nor thirty-two (32) square feet in sign area. All such signs shall be securely fastened to resist displacement by wind or similar disturbances and shall only be displayed during the hours the business / establishment is open. For establishments located in multi-tenant buildings or complexes, such signs may be placed at the perimeter of the complex with the property owner’s consent.

      5) ~~c)~~ Portable A-frame signs
      Establishments may also have one (1) portable “A-frame” (or similar) sign, provided that the sign shall not exceed thirty-six (36) inches in height nor a total of six (6) square feet in area. Such signs shall be weighted to resist displacement by wind or similar disturbances and shall only be displayed during the hours the business / establishment is open. For establishments located in multi-tenant buildings or complexes, such signs may be placed at the perimeter of the complex with the property owner’s consent.

      6) ~~d)~~ All such signs shall be placed on private property and shall not impede pedestrian or vehicular visibility or traffic.

      ~~5~~7) All such signs shall include wind cuts as necessary to reduce sign billowing or sailing and shall be securely fastened to the building or other permanent

structure attached to the building containing the subject establishment. Such signs and/or banners shall not be mounted to trees or other landscaping elements.

~~6~~8) Individual balloons and balloon arches/clusters shall be allowed provided they are securely fastened to permanent structures and setback from all streets and driveways a distance equal to the tether of the balloon. Individual balloons shall not exceed twenty-four (24) inches in diameter. Balloons and balloon arches / clusters shall be tethered at a height that does not exceed the height of the building containing the subject establishment. Balloons exceeding twenty-four (24) inches in diameter shall be considered inflatable structures and shall require a separate permit.

~~7~~9) Torn, faded, or soiled signs shall be prohibited.

~~8~~10) Sign permit required for each display period.

11) The sign permit number, and responsible party's/applicant's name and phone number shall be clearly written on the sign. If the permit numbers or contact information becomes defaced, illegible or outdated, they shall be immediately replaced.

b. Exterior Sales. A sign for the sale of merchandise where most of the business is conducted, or items are displayed, in an open exterior area in compliance with all City Codes. (Ord. No. 03-09)

1) Exterior sales promotions are allowed however shall be restricted to Friday, Saturday, and Sunday or Federally recognized holidays.

2) For the purpose of this regulation, exterior sales signs shall include sign banners, balloons, flags, streamers, pennants or merchandise. Vehicle mounted signs, flashing lights, search lights, and portable signs are prohibited.

3) Streamers, pennants and flags shall contain no written message, but may include a symbol, logo or replica of a flag on a pennant. (Ord. No. 03-09)

4) Inflatable structures are allowed by separate permit. Such structures shall be permitted only twice per year at three-day intervals. Inflatable structures shall not be roof-mounted and shall be securely fastened to permanent structures and/or proper ground staking. Inflatable structures shall be placed on private property and shall not impede pedestrian or vehicular visibility or traffic.

5) Individual balloons and balloon arches/clusters shall be allowed provided they are securely fastened to permanent structures and setback from all streets and driveways a distance equal to the tether of the balloon. Individual balloons shall not exceed twenty-four (24) inches in diameter. Balloons and balloon arches / clusters shall be tethered at a height that does not exceed the height of the building containing the subject establishment. Balloons exceeding twenty-four (24) inches in diameter shall be considered inflatable structures and shall require a separate permit.

6) All banner signs shall include wind cuts as necessary to reduce sign billowing or sailing and shall be securely fastened to a building, private light standard or other permanent structure. Such banners shall not be mounted to trees or other landscaping elements. The total allowable square footage of all banner signs shall not exceed one hundred fifty (150) square feet.

7) Uses eligible for exterior sales signs shall not be eligible for special event signs.

8) Torn, faded or soiled exterior sales signs shall be prohibited.

9) No permit required, except for inflatable structures.

c. Civic Events. Signs used to advertise, promote public entertainment uses including carnivals, circuses, street fairs, concerts, cultural events, home and garden shows, parades, community events and similar uses.

1) For the purpose of this regulation, civic event signs shall include sign banners, balloons, flags, streamers, and pennants. Vehicle mounted signs, flashing lights, search lights and portable signs are prohibited, except as may otherwise be provided in this Ordinance. (Ord. No. 03-01)

2) No off premise signs, strobe lights or search lights are permitted, except as may otherwise be provided in this Ordinance. (Ord. No. 03-01)

3) All banner signs shall include wind cuts as necessary to reduce sign billowing or sailing and shall be securely fastened to a building, private light standard or other permanent structure. Such banners shall not be mounted to trees or other landscaping elements.

4) Size and quantity of signs are not regulated, however signs shall not be displayed for more than seven (7) days prior to the event and shall be removed within forty-eight (48) hours after the event.

5) Inflatable structures are allowed by separate permit. Inflatable structures shall not be roof-mounted and shall be securely fastened to permanent structures and/or proper ground staking. Inflatable structures shall be placed on private property and shall not impede pedestrian or vehicular traffic or visibility.

6) Torn, faded, or soiled civic event signs shall be prohibited.

7) Light standard banner advertisement is allowed within one mile of the event as approved by the Public Works Director.

8) No permit required, except for inflatable structures.

17. Grand Opening Signs. A sign used for the introduction or promotion of a new business, store, shopping center, office or the announcement of an established business changing ownership. (Ord. No. 08-07)

~~a. All businesses shall be permitted to display Grand Opening Signs, on a one time basis, for a maximum of thirty (30) consecutive days;~~

~~1) For a period extending no later than June 30th, 2014, the following regulations for grand opening signage shall apply:~~

a.~~)~~ All businesses shall be permitted to display Grand Opening Signs on a one time basis for a maximum of sixty (60) consecutive days within the first six (6) months upon receipt of a valid business license.

b.~~)~~ Portable A-frame (or similar design) signs shall be permitted, provided that each sign shall be placed on private property, shall not impede pedestrian or vehicular traffic, and shall not exceed thirty-six (36) inches in height or a total of six (6) square feet in area.

c~~b~~. For the purposes of this regulation, Grand Opening Signs shall include sign banners, balloons, streamers, search lights, flags, pennants, inflatable structures, merchandise or other attention attracting media and devices. Vehicle mounted signs, flashing lights and portable signs are prohibited except as may otherwise be provided in this Ordinance.

d~~c~~. No sign permit required.

14-34-28 PERMITTED LIGHTING AND MOVEMENTS

A. Lighting.

Signs may be illuminated as provided by this Article 14-34 and specified by approved sign criteria, if applicable, in accordance with the following regulations:

1. Externally illuminated, building-mounted signage may be illuminated by either ground-mounted lights or building-mounted light bars. In either situation, the light source shall be totally screened from view.

2. Internally illuminated, building-mounted signage is permitted.

3. Externally illuminated, freestanding and freestanding detached wall signage shall be illuminated by ground-mounted lights, with the light source being totally screened from view.

4. Internally illuminated, freestanding and freestanding detached wall signage is permitted.

5. Open light bulbs shall be prohibited. Further, no flashing, blinking, or rotating lights shall be permitted for either permanent or temporary signs, except as otherwise may be provided in this Ordinance. (Ord. No. 03-01)

a. All requests for the use of neon, LED, or other similar tube type of illumination shall be submitted as part of the Design Review Submittal package for all Commercial and Industrial projects; (Ord. 00-30)

b. A sign permit is required for all neon, LED, or other similar tube type of illumination and shall count towards the total allowable sign area;

c. All neon, LED, or other similar tube type of illumination shall be calculated at a rate of the width of the tube, no less than 6", multiplied by the overall length.

d. All sign lighting shall be in accordance with the City of Peoria Dark Sky Ordinance No. 98-114.

B. No sign shall be permitted which moves by any means except flags which are permitted in Section 14-34-8 and except as may otherwise be provided in this Ordinance. (Ord. No. 03-01)

ARTICLE 14-35
LANDSCAPE REQUIREMENTS
(Excerpts)

(Amended by Ord. No. 01-177, and 2014-XX)

14-35-4 GENERAL LANDSCAPE REQUIREMENTS

B. Design Standards

4. *Ground Surface Treatment*

All landscaped areas shall be finished with a natural topping material which may include, but not limited to, the following: turf (subject to Section 14-35-4-B.2), ground cover, planting, 3/4" ~~minus~~ screened decomposed granite (or as approved by plan review) at a 2" minimum depth, river rock, expanded shale, or bark. A pre-emergent herbicide shall be applied to the ground prior to and after the placement of natural surface materials (decomposed granite, river run rock, etc.) in any landscaped area to prevent weed growth. (Ord. No. 2014-XX)

ARTICLE 14-39
ADMINISTRATIVE PROCEDURES
(Excerpts)

(Amended by Ord. No. 2011-03, 2012-05, 2012-16, and 2014-XX)

14-39-11 SITE PLAN REVIEW

C. *Plans Review*. The City shall review Site Plan applications in accordance with the Process Guides. If the Department determines that the proposed Site Plan 1) is consistent with the health, safety, and welfare of the community; 2) is in harmony with the purposes and intent of this Ordinance, the General Plan, and the plan for the area; and 3) will not cause traffic congestion or seriously depreciate surrounding property values, then the Department may grant Site Plan Approval and may impose such conditions and safeguards as the Department deems necessary to satisfy the provisions in this Ordinance. The Department may determine that the conditions required for approval do not exist and, thereupon, deny Site Plan approval. ~~The Planning Manager shall not approve or recommend approval of any Site Plan unless the Planning Manager has received a Waiver of Proposition 207 from the Owner or Owners of the property that is the subject of the Site Plan or has determined that the absence of such a Waiver of Proposition 207 is consistent with the City's General Plan and Zoning goals and regulations and is consistent with the health, safety, and welfare of the community. (as required by element 1, above)~~ (Ord. No. 07-14, and 2014-XX)

Agenda Item: 8C

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Date Prepared: April 28, 2014 **Council Meeting Date: June 17, 2014**

TO: Carl Swenson, City Manager

FROM: Chris Jacques, AICP, Planning & Community Development Director

THROUGH: Susan J. Daluddung, AICP, Deputy City Manager

SUBJECT: ANX 13-0004 – City of Peoria Retention Basin Annexation

---

Purpose:

This is a request for the City Council to adopt an Ordinance approving the annexation of approximately 7.22 acres of City of Peoria owned property located at the northwest corner of Pinnacle Peak Road and 83rd Avenue.

Background/Summary:

This is a request to annex four (4) parcels of City of Peoria owned property totaling approximately 7.22 acres, located at the northwest corner of 83rd Avenue and Pinnacle Peak Road. In 2008, the four (4) parcels were constructed to contain a retention basin to meet the regional flood control needs for the area. The subject properties are more specifically depicted in the legal descriptions and map attached to this report (Exhibit 1). The property is contiguous to the City's jurisdictional boundaries, lies within the City's Planning Area (General Plan) and is in conformance with the adopted annexation policy.

The annexation process pursuant to A.R.S. §9-471 is briefly described below:

(a) Filing of blank petition with County Recorder by the City opens up a thirty (30) day waiting period to discuss the proposal – **COMPLETED**
(b) The City must then hold a public hearing (no action) to discuss the proposal within the waiting period – **COMPLETED: PUBLIC HEARING HELD ON 12/10/13**
(c) At the conclusion of the 30-day waiting period, the municipality has up to 1-year to collect signatures satisfying the annexation "test." – **COMPLETED**
(d) The City holds a final public hearing to consider and take action on the annexation request – **CITY COUNCIL (5/20/2014)**
(e) The annexation is effective 30 days upon adoption of the ordinance.

Under State Statute, a successful annexation requires the completion of a petition with (a) signatures of owners of one-half or more in value of the real and personal property; and (b) more than one-half of the persons owning real and personal property that would be subject to

taxation by the City in the event of annexation. This annexation case involves four (4) parcels all owned by the City of Peoria. The City's authorized representative has completed a signed petition, thereby satisfying the above requirements, covering 100% of the property that would be subject to taxation, which is also 100% of the assessed value of the property subject to taxation.

Previous Actions:

The initial public hearing was held by the City Council on December 10, 2013. Pursuant to A.R.S. §9-471, no action was taken. There were no speakers or council discussion on the item.

Options:

A: Adopt the Annexation Ordinance through the second of two City Council meetings.
B: Do not adopt the Annexation Ordinance and allow the subject property to remain in the County.

Staff's Recommendation:

Adopt the Annexation Ordinance approving the annexation of approximately 7.22 acres located at the northwest corner of 83rd Avenue and Pinnacle Peak Road.

Fiscal Analysis:

This request will not generate any direct budgetary impacts. However, as newly annexed territory, the City would assume operational costs associated with the provision and maintenance of services for public safety, transportation, recreation, and general governance and would be the beneficiary of new property tax revenues.

Narrative:

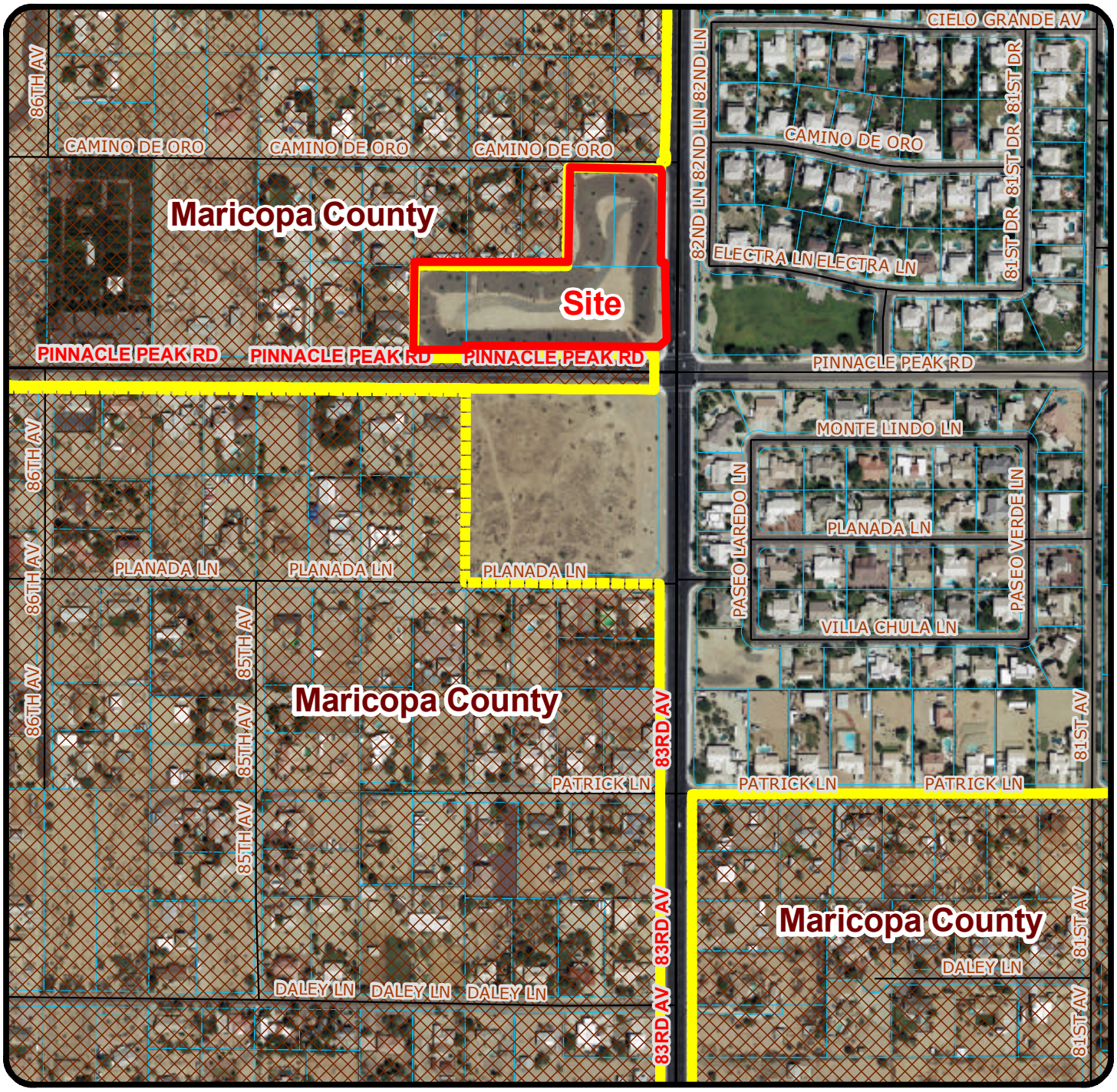
The subject property was developed in 2008 as a regional retention basin through an Intergovernmental Agreement between the City and Maricopa County Flood Control District. It is currently zoned Rural-43 in the County. The Peoria General Plan Land Use designation is Residential Estate (0-2 du/ac, target of 1 du/ac). It is anticipated that should the property be annexed into the City, the comparable City zoning designation of SR-43 (Suburban Ranch) would be applied to the property at the time of initial zoning. No other development of this property is proposed at this time.

Exhibit(s):

Exhibit 1: Location Map
Exhibit 2: Legal Description
Exhibit 3: Signed Petition
Exhibit 4: Draft Ordinance

Contact Name and Number: Robert Gubser, Principal Planner, x 7405

Location Map



ANX13-0004 City of Peoria Retention Basin

Proposed Annexation:
201-15-186 201-15-191B
201-15-187A 201-15-299

Total: 7.22 acres

N

Not to Scale

Exhibit 1

City of Peoria Retention Basin Legal Descriptions
ANX13-0004

201-15-186

The West 145.647 feet of the East 346.328 feet of the North half of the Southeast quarter of the Southeast quarter of the Southeast quarter of Section 10, Township 4 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

EXCEPT the North 20 feet.

201-15-187A

The East 200.681 feet of the North half of the Southeast quarter of the Southeast quarter of the Southeast quarter of Section 10, Township 4 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

EXCEPT the North 20 feet; and

EXCEPT the East 55 feet thereof.

201-15-299

A portion of the Southeast quarter of the Southeast quarter of the Southeast quarter of Section 10, Township 4 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, as recorded in that certain corrected Quitclaim Deed in instrument number 2002-0325168 in the office of the Maricopa County Recorders Office, Maricopa County, Arizona, being more particularly described as follows:

The South half of the Southeast quarter of the Southeast quarter of the Southeast quarter of Section 10, Township 4 North, Range 1 East of the Gila and Salt River Base and Meridian.

201-15-191B

The East half of the South half of the East half of the Southwest quarter of the Southeast quarter of the Southeast quarter of Section 10, Township 4 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

EXCEPT the South 40 feet, said parcel being more particularly described as follows:

Commencing at the Southeast corner of said Section 10:

Thence North 89 degrees 37 minutes 41 seconds West, along the South line of said Section 10, a distance of 662.82 feet to a point which lies 1988.47 feet easterly of the South quarter corner of said Section 10;

Thence North 00 degrees 33 minutes 52 seconds East, a distance of 40.00 feet to the POINT OF BEGINNING;

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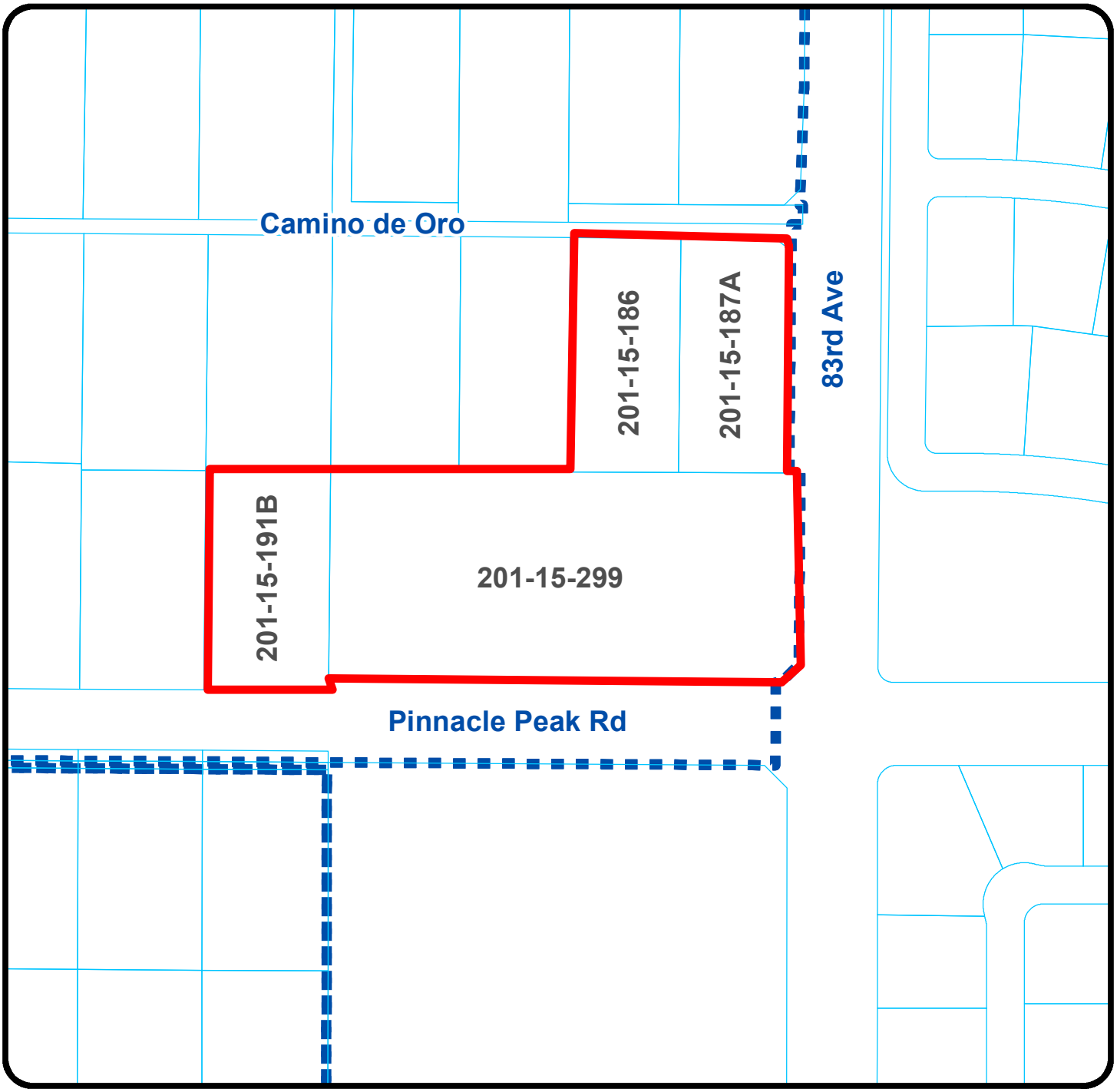
Exhibit Map


Camino de Oro
201-15-186
201-15-187A
83rd Ave
201-15-191B
201-15-299
Pinnacle Peak Rd

BEFORE THE PEORIA CITY COUNCIL

PETITION FOR ANNEXATION
ANX 13-0004

TO THE HONORABLE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA:

I (We) the undersigned are the owner(s) or authorized representative of one-half (½) or more in value of the real and personal property and more than one-half (½) of the person(s) or entity owning real and personal property that would be subject to taxation by the City of Peoria in the event of annexation within the territory proposed to be annexed. The exterior boundaries of the territory to be annexed, being contiguous to the corporate limits of the City of Peoria, are identified in the legal description and map attached hereto and marked as Exhibit "A" and Exhibit "B" and made a part hereof. I (We), the undersigned, request that the City of Peoria annex the following described territory, provided that the requirements of ARS Section 9-471, Arizona Revised Statutes, and amendments thereto, are fully observed.

The description of the territory proposed to be annexed that is not already within the present limits of the City of Peoria and is located in Maricopa County, Arizona is as follow:

See Exhibit "A" and Exhibit "B"

PARCEL NUMBER(S): 201-15-186, 201-15-187A, 201-15-191B, and 201-15-299

(Please provide us with your parcel number, it is the same number as the Tax Parcel ID)

MAILING ADDRESS:

City of Peoria
8401 W. Monroe
Peoria, AZ 85345

SUSAN J. DALUDDUNG DCM
NAME (PLEASE PRINT)

Susan J. Daluddung for CARL SWENSON, CM
SIGNATURE

May 14, 2014
DATE

City of Peoria Retention Basin Legal Descriptions
ANX13-0004

201-15-186

The West 145.647 feet of the East 346.328 feet of the North half of the Southeast quarter of the Southeast quarter of the Southeast quarter of Section 10, Township 4 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

EXCEPT the North 20 feet.

201-15-187A

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201-15-191B

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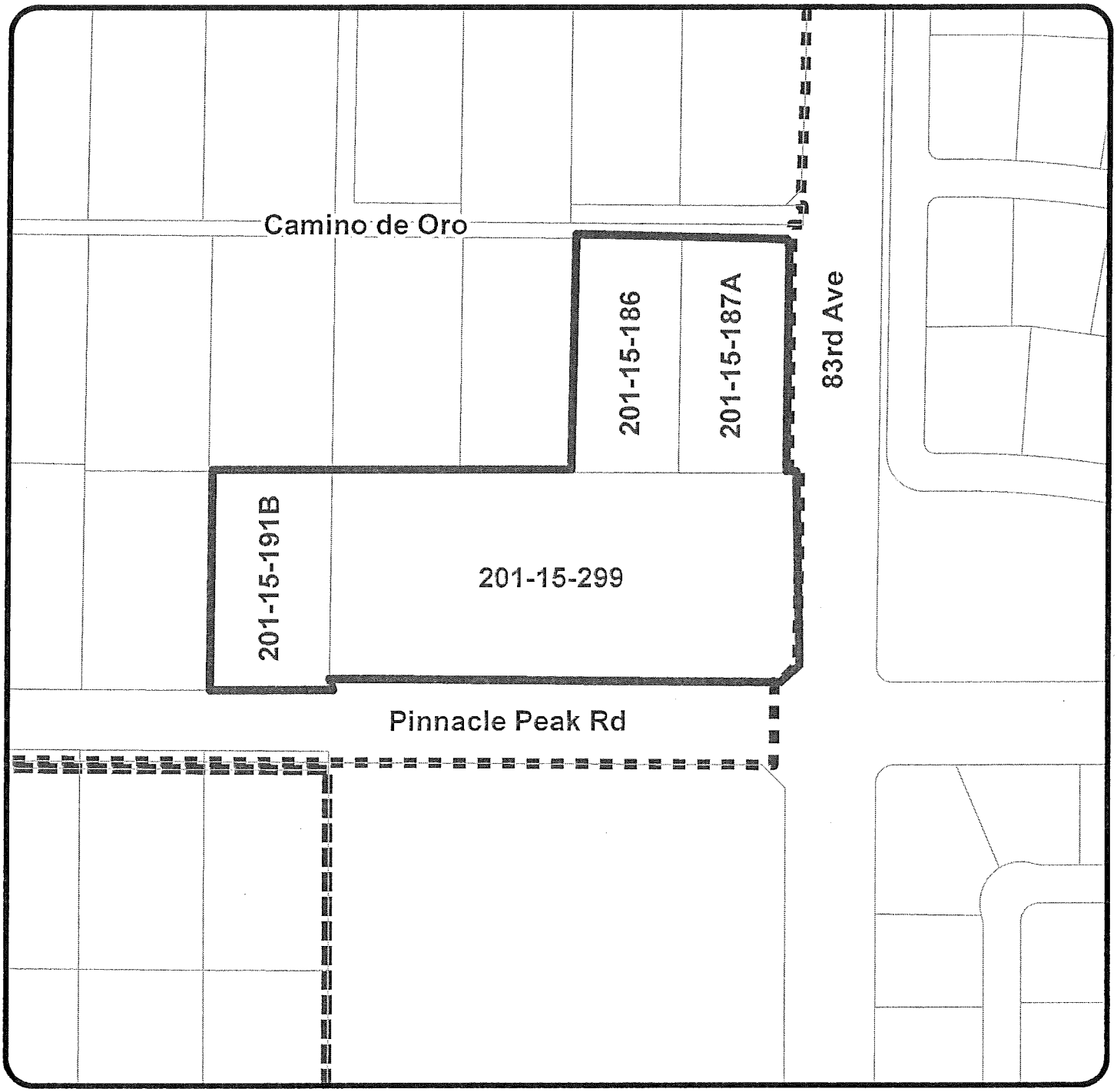

Exhibit B

ORDINANCE NO. 2014-22

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA EXTENDING AND INCREASING THE CORPORATE LIMITS OF THE CITY OF PEORIA OF MARICOPA COUNTY, STATE OF ARIZONA, PURSUANT TO THE PROVISIONS OF TITLE 9, CHAPTER 4, ARTICLE 7, ARIZONA REVISED STATUTES AND AMENDMENTS THERETO, BY ANNEXING THERETO CERTAIN TERRITORY CONTIGUOUS TO THE EXISTING CITY LIMITS OF THE CITY OF PEORIA, AND PROVIDING FOR SEVERABILITY.

WHEREAS, a petition in writing, accompanied by a map or plot of said real property, having been filed and presented to the Mayor and Council of the City of Peoria, Arizona, signed by the owners of more than one-half in value of the real and personal property and more than one-half of the persons owning real and personal property as would be subject to taxation by the City of Peoria in the event of annexation within the territory and land hereinafter described as shown by the last assessment of said property, which said territory is contiguous to the City of Peoria, and not now embraced within its limits, asking that the property more particularly hereinafter described be annexed to the City of Peoria, and to extend and increase the corporate limits of the City of Peoria so as to embrace the same; and

WHEREAS, the Mayor and Council of the City of Peoria, Arizona, are desirous of complying with said petition and extending and increasing the corporate limits of the City of Peoria to include said territory; and

WHEREAS, the said petition sets forth a true and correct description of all the exterior boundaries of the entire area proposed to be annexed to the City of Peoria, and had attached thereto at all times an accurate map to the territory desired to be annexed; and

WHEREAS, no alterations increasing or reducing the territory sought to be annexed have been made after the said petition had been signed by any owner of real and personal property in such territory; and

WHEREAS, none of the land in the area proposed to be annexed consists of Arizona State Trust Land and therefore no approval of the State Land Commissioner and State Selection Board is required; and

WHEREAS, the provisions of Sections 9-471, Arizona Revised Statutes, and amendments thereto, have been fully observed; and

WHEREAS, proper and sufficient certification and proof of the foregoing facts are now on file in the office of the City Clerk of the City of Peoria, Arizona, together with a true and correct copy of the original petition referred to herein, which is on file in the office of the county recorder; and

WHEREAS, the City of Peoria may elect to provide regular fire department services to a newly annexed area under A.R.S. § 48.813(A).

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

SECTION 1. That the following described territory be, and the same hereby is, annexed to the City of Peoria, and that the present corporate limits be, and the same hereby are, extended and increased to include the following described territory contiguous to the present City limits, to wit:

See EXHIBIT "A" to this Ordinance

SECTION 2. Upon Annexation, the property shall be placed in the Willow District for purposes of Council Elections.

SECTION 3. Pursuant to A.R.S. § 48.813(A), the property described in Exhibit A is hereby placed under the City's fire, emergency medical, and police protection generally provided to other residents within the city. The services shall take effect on the date on which this annexation becomes final as set forth in Section 5 below, without further action by the City Council.

SECTION 4. That a copy of this ordinance, together with an accurate maps of the territory hereby annexed to the City of Peoria, certified by the Mayor of said city and attached as EXHIBIT "A, Page 2" to this Ordinance, be forthwith filed and recorded in the office of the County Recorder of Maricopa County, Arizona.

SECTION 5. 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 20th day of May, 2014.

_____
Bob Barrett, Mayor

_____
Date Signed

ATTEST:

_____
Rhonda Germinsky, City Clerk

APPROVED AS TO FORM:

_____
Stephen M. Kemp, City Attorney

Published in: Peoria Times
Publication Dates: June 27, 2014
Effective Date:

EXHIBIT A
Legal Description

201-15-186
The West 145.647 feet of the East 346.328 feet of the North half of the Southeast quarter of the Southeast quarter of the Southeast quarter of Section 10, Township 4 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

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201-15-187A
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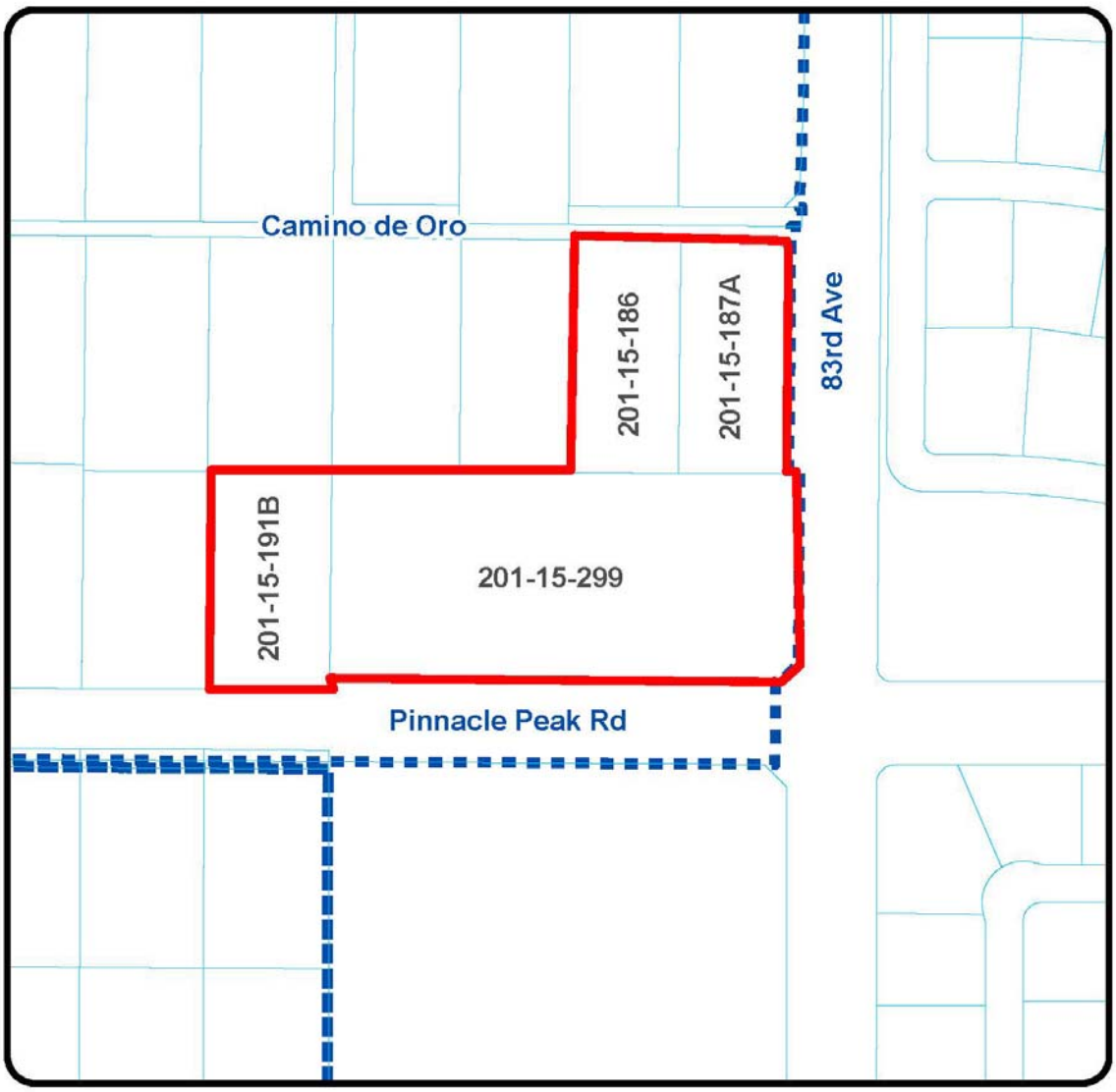
EXHIBIT A, Page 2



CERTIFICATION OF MAP

SEE ATTACHED EXHIBIT "A", Page 2

I, Bob Barrett, Mayor of the City of Peoria, Arizona, do hereby certify that the foregoing map is a true and correct map of the territory annexed under any by virtue of the petition of the real and personal property owners in the said territory and by Ordinance No. 2014-22, annexing the territory described in Ordinance No. 2014-22 and as shown on said map as a part of the territory to be included within the corporate limits of the City of Peoria, Arizona.

_____
Bob Barrett, Mayor

ATTEST:

_____
Rhonda Germinsky, City Clerk

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 9C

Date Prepared: May 19, 2014 **Council Meeting Date: June 17, 2014**

TO: Carl Swenson, City Manager

FROM: Chris Jacques, AICP, Planning and Community Development Director

THROUGH: Susan J. Daluddung, AICP, Deputy City Manager

SUBJECT: Z13-0011 – West Pointe Estates
(SWC Olive Avenue and 71st Avenue)

Purpose:

This is a request for City Council to adopt an Ordinance to rezone approximately 39 gross acres of land from its current zoning district of C-2 (Intermediate Commercial) and C-4(General Commercial) to a Planned Area Development (PAD) in order to facilitate the development of up to 172 detached single-family residential lots and a future neighborhood commercial corner.

Background/Summary:

The subject property is located at the southwest corner of Olive Avenue and 71st Avenue and consists of 39 gross acres. It is located at the border of Peoria and Glendale, with Peoria to the north, south and west and Glendale to the east. The property is bounded by Grand Avenue right-of-way that also includes the Burlington Northern-Santa Fe Railroad (BNSF) line, Olive Avenue, and 71st Avenue (see Exhibit 1). The site, originally planned for commercial uses, was redesignated in 2005 through a General Plan Amendment to a Residential/Medium (5-8 du/ac) land use with the exclusion of the corner parcel, which maintained its Community Commercial land use. The entire parcel remains agricultural in nature and utilized for forage crops.

The specific request is to rezone the property from C-2 (Intermediate Commercial) and C-4 (General Commercial) to a Planned Area Development (PAD) to permit a development of up to 172 detached single-family residential lots on 36.61 acres, with the remaining 2.57 acres retaining the existing C-2 development standards. The West Pointe Estates PAD would consist primarily of small residential lots along with a generous useable open space component for the use and benefit of the proposed and surrounding neighborhoods. The remaining commercial corner would provide for limited neighborhood-serving goods and services. The site is constrained by vehicular access and utility limitations, but the applicant has coordinated with the relevant agencies in order to resolve these challenges. The majority of lot sizes within the West Pointe Estates PAD will be just under 5,000 square feet. Through the accompanying Preliminary Plat application P13-0018, lots range from 4,789 square feet to 11,234 square feet,

which is comparable to nearby surrounding single-family residential developments. Required open space and landscaping amenities significantly exceed what is prescribed in the Zoning Ordinance and the Design Review Manual. 9% open space for lots this size is required; the proposal plans for 15.9% with amenities such as shaded seating, tree-lined pedestrian connections, and a community playground.

The underlying General Plan land use designation for the property is Residential/Medium (5-8 du/ac) with a target of 6 du/ac. The designation is intended to provide areas suitable for single-family, town home, patio home and multi-family type units. This land use designation is predicated on, among other things, existing and future land use patterns. The proposed density for this project is 4.39 du/ac, below the allowable density range for this category. The General Plan allows the density for the land use designation to be less than the required range.

It is staff's assessment that the proposed PAD creates an appropriate development form that is responsive to surrounding site conditions and uses. The proposal is in conformance with the General Plan land use designation of Residential/Medium, which is intended to provide areas suitable for single-family, town home, patio home and multi-family type units. While this proposal is under the target and density range, it is compatible with other residential developments in the area. This request presents the City with a unique opportunity to add residential density on an infill site in a manner that maximizes compatibility with existing residential neighborhoods, non-residential uses, and transportation corridors. It is also compatible with other planned and existing developments in the area.

The City has not received any phone calls or correspondence in support or opposition to this proposal. Additionally, there were no attendees (other than staff and Councilmember Rivero) to the December 18, 2013 neighborhood meeting.

Previous Actions:

This amendment has been subject to the City's Rezoning process according to Section 14-39-8 of the Peoria Zoning Ordinance. A public hearing was held for this item at the May 15, 2014 Planning & Zoning Commission Meeting. There were no speakers from the general public. The Planning & Zoning Commission unanimously recommended approval of this request with a **5-0** vote.

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 May 15, 2014 unanimous recommendation to approve Case Z13-0011 with PAD Zoning.

Fiscal Analysis:

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

Exhibit(s):

Exhibit 1: Vicinity Map
Exhibit 2: November 21, 2013 Planning and Zoning Commission Staff Report with Exhibits
Exhibit 3: Draft Ordinance

Contact Name and Number: Stacey Bridge-Denzak RLA, Planner, x7645

Z13-0011 Vicinity Map

Z13-0011 West Pointe Estates Rezoning

Applicant: Law Office of David Cisiewski, PLCC

Request: Rezone approximately 39 gross acres from C-2 (Intermediate Commercial) and C-4 (General Commercial) to a Planned Area Development (PAD) to permit a development of up to 172 single-family residential lots on 36.61 acres, with the remaining 2.57 acres retaining the existing C-2 development standards.

Location: Southwest corner of 71st Avenue & Olive Avenue

N

Not to Scale

EXHIBIT 1

EXHIBIT 2

Planning and Zoning Commission Staff Report with Exhibits

May 15, 2014

REZONING

REPORT TO THE PLANNING AND ZONING COMMISSION

CASE NUMBER: Z13-0011

DATE: May 15, 2014

AGENDA ITEM: 5R

Applicant: Law Office of David Cisiewski, PLCC, on behalf of Northwest Holdings, LLC.

Request: Rezone approximately 39 gross acres from C-2, Intermediate Commercial and C-4, General Commercial to a Planned Area Development (PAD) to permit a development of up to 172 single-family residential lots on 36.61 acres, with the remaining 2.57 acres retaining the existing C-2 development standards.

Proposed Development: West Pointe Estates, a proposed detached single-family residential development consisting of up to 172 homes and a corner commercial parcel on approximately 39 gross acres.

Location: The property is generally located at the southwest corner of 71st Avenue & Olive Avenue.

Site Acreage 39.18 gross acres

Support / Opposition: Staff has received no support or opposition to the application.

Recommendation: Recommend **approval** of case Z13-0011 to the City Council, subject to conditions.

AREA CONTEXT

Table 1: *Existing Land Use, Future Land Use, Current Zoning. (Exhibits A, B, and C)*

	LAND USE	GENERAL PLAN	ZONING
Subject Property	**Vacant**	**Residential/Medium (5-8 du/ac, Target: 6 du/ac) and Community Commercial (approx. 2.5 acres)**	**C-2, Intermediate Commercial and C-4, General Commercial**
North	Olive Avenue, then Sunnyslope Park and Existing Single-Family Residentialph	Residential/Medium (5-8 du/ac, Target: 6 du/ac) and Residential/Low (2-5 du/ac, Target: 3 du/ac)	C-2, Intermediate Commercial O-1, Office R1-6, Single-Family Residential R1-8, Single-Family Residential RM-1, Multi-Family Residential
East	Vacant	Glendale Residential Medium High (5-8 du/ac)	PAD-Residential (West Point Village)
South and West	Grand Avenue, then Vacant	Community Commercial and Business Park/Industrial	I-1, Light Industrial

Land Use Background

1. In February of 1969, the Mayor and City Council adopted *Ordinance 77* thereby annexing the subject property and surrounding areas. At a point in time prior to 1984, the property was rezoned to Light Industrial (I-1).

2. On February 14, 1984, the Mayor and City Council approved a request to rezone the property from I-1 to Planned Community Commercial (PC-2) to allow for a large commercial center under case Z83-41 (*Ordinance 84-11*).

3. On September 4, 1992, the Mayor and City Council approved another request to rezone the property from PC-2 to Intermediate Commercial (C-2) to allow for a phased commercial development comprised of general retail, hotel, and personal services. Following the zoning approval, a site plan was submitted that has since expired.

4. On October 18, 2005, the Mayor and City Council approved a Minor amendment to the General Plan from Community Commercial to Residential/Medium (5-8 du/ac) (*Resolution 05-188*). A subsequent zoning application to rezone the property from C-2 and C-4 to a Residential PAD was submitted, however, the applicant withdrew the application on October 31, 2005. Consequently, the map amendment is in conflict with the 1992 zoning.

5. To date, the property remains agricultural in nature with harvesting occurring on an annual basis.

PROJECT DESCRIPTION

Site and Project Details

6. The project site is a 39 gross acre undeveloped parcel located at the southwest corner of Olive Avenue and 71st Avenue. It is located at the border of Peoria and Glendale, with Peoria to the north, south and west and Glendale to the east. The property is bounded by Grand Avenue right-of-way, Olive Avenue, and 71st Avenue. In addition, the Burlington Northern-Santa Fe Railroad (BNSF) traverses the Grand Avenue right-of-way (see Exhibit A).

7. The site, originally planned for commercial uses since the first Peoria General Plan was adopted, was redesignated with a Residential/Medium land use in 2005 with the exclusion of the corner parcel. The corner remained Community Commercial, with the possibility of a use to support the future neighborhood. Surrounding uses in the area include (see Exhibits B and C):

   North: Existing single-family subdivision called "Olive Park" zoned R1-8; existing condominium development called "Olive Square" zoned RM-1; Sunnyslope Park; existing, single-family subdivision called “Park View West” zoned R1-8; vacant

land zoned R1-6; the "La Hacienda Reception Center" zoned O-1; and an existing retail center zoned C-2. The General Plan designations are Residential/Low and Residential/Medium.

East: Vacant land under the jurisdiction of the City of Glendale, which has been approved for PAD zoning to accommodate single-family land uses; and, existing mobile home subdivision under the jurisdiction of the City of Glendale, called "Paradise Groves".

South and West: Grand Avenue right-of-way (Arizona Department of Transportation) zoned I-1; and further to the west is developed and undeveloped land zoned I-1. The General Plan designations are Community Commercial and Business Park/Industrial.

8. The request is to rezone the property from C-2, Intermediate Commercial and C-4, General Commercial to West Pointe Estates Planned Area Development (PAD) for a single family residential development with a small commercial corner. The PAD would allow the development of up to 172 single-family homes. The majority of lot sizes within the West Pointe Estates PAD will be just under 5,000 square feet (45' x 110'), however, range from 4,789 square feet to 11,234 square feet (Exhibit D). The gross density of the PAD is 4.39 du/acre.

9. The property will only be accessed from 71st Avenue at two locations. No access to the site will be permitted from Olive Avenue due to the site distance constraints and grading implications created by the Olive Avenue overpass. Since 71st Avenue is located in the City of Glendale, it will need to be improved according to City of Glendale standards. Access will be limited at the commercial corner.

10. Approximately 5.77 acres of the residential 36.30 net acre site (15.90%) will be maintained as useable open space; the Design Review Manual prescribes 9% of the gross project area be useable open space for developments with lots less than 10,000 square feet. In addition, frontage landscaping will be provided at all 3 main roadways that border the property (Grand, Olive, and 71st). The remaining commercial site will be evaluated at the time a specific proposal is put forward.

DISCUSSION AND ANALYSIS

Conformance with the General Plan

11. The underlying General Plan land use designation for the property is Residential/Medium (5-8 du/ac) with a target of 6 du/ac. The designation is intended to provide areas suitable for single-family, town home, patio home and multi-family type units. This land use designation is predicated on, among other things, existing and future land use patterns. The proposed density for this

project is 4.39 du/ac, below the allowable density range for this category. The General Plan allows the density for the land use designation to be less than the required range.

12. The General Plan is also predicated on goals, objectives, and policies as essential components of growth. West Pointe Estates is designed to meet the following objectives and policies under Goal 1 of the Land Use Element:

    Goal 1: Provide a balance of land uses that will preserve and enhance neighborhoods, promote economic development and encourage redevelopment at appropriate locations.

    Objective 1A: Manage and control development to facilitate orderly growth and an efficient urban form.

    Policy 1.A.1.: Promote planned developments where resources and infrastructure are in place to facilitate orderly and efficient growth.

    Objective 1M: Provide a diversity of housing types to meet the needs of persons of all income levels and ages.

    Policy 1.M.1: Accommodate an adequate supply and mix of developable residential land to accommodate future housing needs.

    Objective 1.N: Support healthy residential environments that provide for safe and convenient access, open space and recreation opportunities, access to public schools and services, and protection from incompatible land uses.

13. Based on the application, the market dictates that this type of community is desirable in this location. Through the PAD, the development will provide a quality housing product with sufficient open space and amenities to afford residents an enjoyable environment in close proximity to transportation corridors and non-residential uses.

West Pointe Estates PAD Development Standards (Exhibit E)

14. The PAD allows the development framework for the property to be tailored to address the site constraints due to factors such as access and utilities, while retaining quality site development standards. The development provides for a residential density compatible with the area while providing useable open space for the community. This open space not only provides aesthetic quality within the development, but also affords connectivity through the overall West Pointe Estates to community areas. It also reaches out to the newly completed trail system along Grand Avenue, a City amenity. The key development standards are represented in the table that follows:

Proposed Development Standards

DEVELOPMENT STANDARDS	Single-Family	Commercial
Minimum Lot Area (SF)	4,780	n/a
Minimum Lot Width	45’	n/a
Minimum Lot Depth	110’	n/a
Building Setback: Front	20’	20’
Building Setback: Rear	15’	25’
Building Setback: Side	5’ (1)	25’
Building Setback: Street Side	10’	20’
Maximum Building Height	30’	35’
Maximum Lot Coverage (%)	45%	n/a

(1) The 5 foot side setback is in additional to an 8 foot PUE provided along all streets within the development

15. The proposed development standards were crafted to respond to small lot development. The smallest lot under the Peoria Zoning Ordinance is 6,000 square feet. The following is a table comparing R1-6 standards with the proposed PAD standards:

DEVELOPMENT STANDARDS	R1-6	West Pointe PAD
Minimum Lot Area (SF)	6,000	4,780
Minimum Lot Width	50’	45’
Minimum Lot Depth	100’	110’
Building Setback: Front	20’	20’
Building Setback: Rear	15	15’
Building Setback: Side	5/8/13’	5’ (1)
Building Setback: Street Side	10’	10’
Maximum Building Height	30	30’
Maximum Lot Coverage (%)	45%	45%

In order to maintain a reduced density and unique neighborhood, modified development standards were necessary to create workable housing products on smaller lots. By comparison, the standards do not vary greatly. The side yard setback requirements were decreased, but on only one side. Furthermore, West Pointe Estates plans for over 15% useable open space, approximately 6% more than the Design Manual prescribes. It is staff’s assessment that the additional amount of open space provided along with the connectivity throughout the neighborhood compensates for reduced measurement.

While there has been in recent years a variety of housing product designs which have been put forth in the metro area, many of these developments have failed as they are simply not desirable relative to the larger housing market in the metropolitan area. The residential lots are of a size that provides ample space for young growing families as well as more established family units. The proposed plan and residential concept encourages the development of stable, sustainable homeownership in the community and greater housing opportunities for all citizens of Peoria.

16. Staff members from various disciplines, including the Fire Department and Engineering Site Development and Traffic Engineering Department 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.

17. The applicant has coordinated the project with the City of Glendale, and received their consent for access onto 71st Avenue from the residential development. Furthermore, they will improve 71st Avenue according to Glendale's right-of-way standards as required.

18. Due to shallow slopes across the site, tying into the City's existing sewer system is challenging. To avoid a lift station at the property, the applicant has coordinated with the Arizona Department of Transportation and BNSF Railroad to install the sewer main under Grand Avenue and the railroad. Written approval of the concept must be provided to the City prior to preliminary plat approval.

Citizen Participation Plan - Neighborhood Meeting

19. 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 600 feet and registered Homeowner's Associations within 1 mile of the subject site for the required neighborhood meeting, which was held on December 18, 2013 at 6:00 pm at the Peoria Public Library Main Branch. Councilmember Tony Rivero attended the meeting; however, there were no other attendees. The applicant described the details of the proposed project to Mr. Rivero. Comments/questions are summarized in the Citizen Participation Plan attached as Exhibit F.

20. Staff has received no letters or phone calls of support or opposition to this proposal.

Land Use Compatibility

21. It is staff's assessment that the proposed PAD creates an appropriate development form that is responsive to surrounding site conditions and uses. The site is surrounded by a variety of land uses and zoning districts. The proposal is in conformance with the General Plan land use designation of Residential/Medium, which is intended to provide areas suitable for single-family,

town home, patio home and multi-family type units. While this proposal is under the target and density range, it is compatible with other residential developments in the area. This request presents the City with a unique opportunity to add residential density on an infill site in a manner that maximizes compatibility with existing residential neighborhoods, non-residential uses, and transportation corridors. It is also compatible with other planned and existing developments in the area. For example, northeast of the property across Olive Avenue is "Olive Park". While the development is zoned Multi-Family Residential (RM-1), it is comprised of detached units on 4,500 square foot lots. Also, West Pointe Estates is compatible with the recently approved West Pointe Village development in Glendale, which includes 89 single-family homes on small lots.

22. As previously noted, a number of existing site constraints impacts the development possibilities of this property. The proposed PAD will allow the organized development of the property, while providing a considerable portion of useable open space for the use and benefit of the proposed and surrounding neighborhoods. Furthermore, it would provide neighborhood stability to an area with older housing, mobile home housing to the east in Glendale, and underperforming commercial.

City Review

23. 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.

Public Notice

24. 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.

Proposition 207

25. The applicant has furnished a signed and notarized Proposition 207 Waiver for recordation pending the outcome of the City Council action.

FINDINGS AND RECOMMENDATION

26. 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 infill development form that provides a reasonable residential density to an area that is challenged by transportation corridors, dual governing bodies, and varied land uses 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 Z13-0011 subject to the following conditions:

1. The development shall conform in all material respects to the "West Pointe Estates" Planned Area Development Standards and Guidelines Report; (case Z13-0011) dated Revised February 24, 2014.
2. The developer shall provide an ALTA Survey to reflect existing boundary and recorded easements on the site.
3. 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.
4. A Final Traffic Impact Analysis (TIA) shall be submitted with the Preliminary Plat.
5. Streetlights are required to be installed by the Developer. The streetlight plan must be submitted with the second submittal of the Civil Improvement Plans. The streetlights shall also be indicated on the paving or grading plan.
6. The Developer will be responsible to underground any overhead utilities rated less than 69 kV, which are adjacent to the subdivision.
7. A Phase 1 Environmental Clearance will be required for all right-of-way to be dedicated to the City.
8. The Developer shall be responsible to 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.

9. The Developer will be responsible to form a Street Light Improvement District (SLID) for this subdivision. A SLID Submittal will be required with the second submittal of the improvement plans.
10. 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.
11. 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.
12. Pavement sections shall be verified by the project soils report.
13. The Developer will be responsible to verify visibility and sight distance triangles for intersections, driveways, and grade separations.
14. All flood plains must be shown on the final plat.
15. 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.
16. Submit a noise mitigation study in accordance with ADOT Noise Abatement Policy to address the anticipated truck traffic on Grand Avenue and Olive Avenue. All walls shall be designed in accordance with the recommendations of the noise study.
17. The Developer shall dedicate an 8' PUE outside of the required ROW. No walls or retention shall be allowed within the PUE.
18. The Developer shall construct an 8' sidewalk along Olive Avenue and a 6' sidewalk on 71st Avenue.
19. The developer shall construct 71st Avenue (entire full street pavement width, curb, gutter, sidewalk) along the frontage of this project, and intersection / signal modifications at 71st Avenue / Olive Avenue as per the TIA. The 71st Avenue cross section shall be per the City of Glendale standards.
20. If additional ROW to construct the full section for 71st Avenue is required, the Developer shall be responsible for obtaining this ROW or shifting 71st Ave to the west to accommodate the full section.
21. 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 chamfer at all local/local roadway intersections.
22. 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.
23. This development is permitted to construct portions of the sewer main with a 0.0033 ft/ft slope. A steeper slope must be provided at the end of each main.
24. The Developer shall obtain approval from ADOT and BNSF for installing a sewer main under Grand Avenue and the railroad. Written approval of the concept must be provided prior to preliminary plat approval. If approval cannot be obtained, the Developer shall evaluate another method of sewering this development.

25. The Developer shall obtain approval from ADOT for the proposed access onto Grand Avenue at the south end of this site.
26. The Developer shall obtain all necessary approvals from the City of Glendale in regard to access locations on 71st Avenue.
27. Any commercial access onto 71st Avenue must be permitted by the City of Glendale. If Glendale will not allow access onto 71st Ave, the City of Peoria will permit a right-in, right-out only access onto Olive, located at the far western end of the commercial site.
28. The Developer shall be responsible for relocating the SRP irrigation facility that runs through the property. It is the Developer's responsibility to coordinate with SRP if there will there need to be a fee exchange.
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.
30. In any new Group R, Division 3 occupancies located south of the Dixileta Road alignment and East of the Agua Fria River alignment, each builder, contractor or developer shall offer to each home buyer as an option, at the time of purchase, a residential fire sprinkler system.
31. The option shall include a competitive cost of installing an automatic fire sprinkler system equipped with residential fire sprinkler heads for the FIRE AREA of the structure. This option is to be included on the development list of options.
32. The builder, contractor or developer shall provide to each home buyer a copy of educational materials prepared by the City on residential fire sprinkler systems with each model price list.
33. A signed affidavit, using a form approved by the Peoria Fire Department, by the buyer indicating that this option was offered shall be retained by the developer at his home office, available for inspection by the City for a period of one (1) year from the time of closure of the residence.

Attachments:

Exhibit A	Narrative
Exhibit B	Vicinity/Location Map Zoning Map
Exhibit C	Zoning Map General Plan Land Use Map
Exhibit D	General Plan Land Use Map
Exhibit E	PAD Standards and Guidelines Report
Exhibit F	Citizen Participation Report

Prepared by: Stacey Bridge-Denzak, RLA
Planner

Z13-0011 Vicinity Map

Z13-0011 West Pointe Estates Rezoning

Applicant: Law Office of David Cisiewski, PLCC

Request: Rezone approximately 39 gross acres from C-2, Intermediate Commercial and C-4, General Commercial to a Planned Area Development (PAD) to permit a development of up to 172 single-family residential lots on 36.61 acres, with the remaining 2.67 acres retaining the existing C-2 development standards.

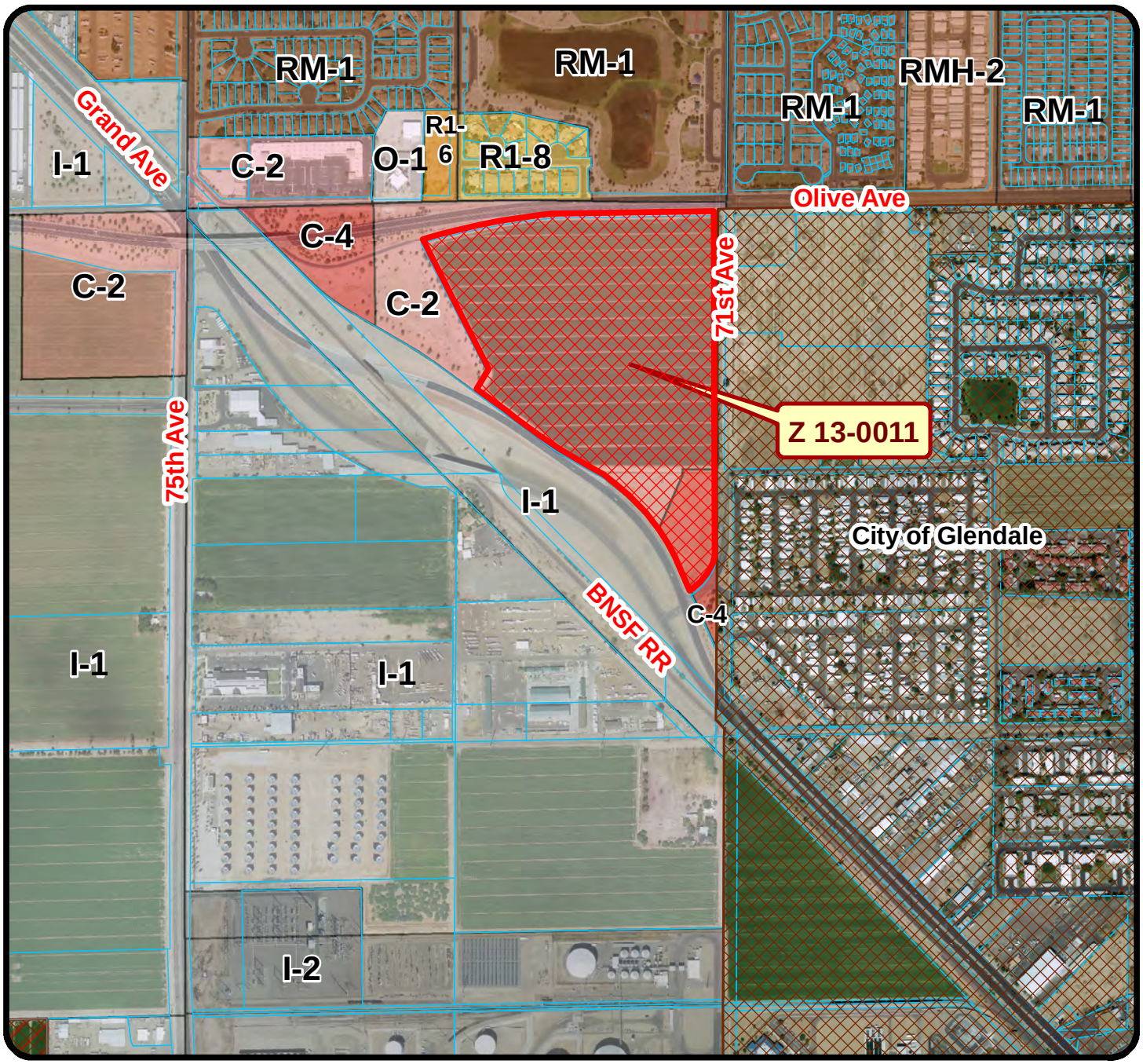
Location: Southwest corner of 71st Avenue & Olive Avenue

N

Not to Scale

EXHIBIT A

Z13-0011 Zoning Map



Z13-0011 West Pointe Estates Rezoning

Applicant: Law Office of David Cisiewski, PLCC

Request: Rezone approximately 39 gross acres from C-2, Intermediate Commercial and C-4, General Commercial to a Planned Area Development (PAD) to permit a development of up to 172 single-family residential lots on 36.61 acres, with the remaining 2.67 acres retaining the existing C-2 development standards.

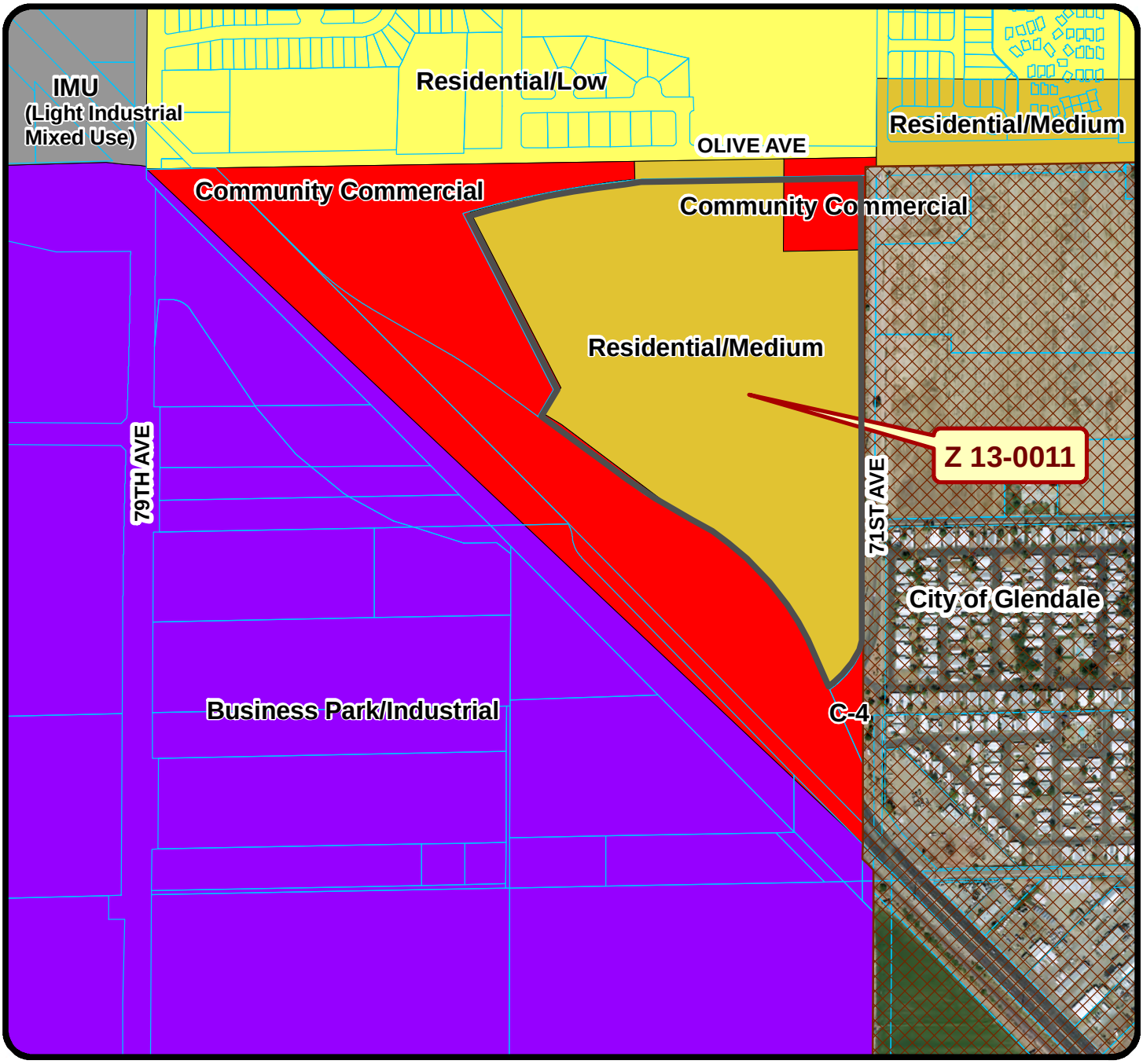
Location: Southwest corner of 71st Avenue & Olive Avenue

N

Not to Scale

EXHIBIT B

Z13-0011 Land Use



Z13-0011 West Pointe Estates Rezoning

Applicant: Law Office of David Cisiewski, PLCC

Request: Rezone approximately 39 gross acres from C-2, Intermediate Commercial and C-4, General Commercial to a Planned Area Development (PAD) to permit a development of up to 172 single-family residential lots on 36.61 acres, with the remaining 2.67 acres retaining the existing C-2 development standards.

N

Not to Scale

EXHIBIT C

Exhibit D

WEST POINTE ESTATES

NARRATIVE

Rezoning Application
for Planned Area Development

Southwest Corner of 71st Avenue and Olive Avenue
Peoria, Arizona

Case #Z13-0011

Revised: February 24, 2014

Prepared by:
Law Office of David Cisiewski, PLLC
11811 North Tatum Blvd.
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(602) 953-8729

Development Team:

Owner:

Northwest Holdings, LLC
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Suite 1051
Phoenix, AZ 85028

Zoning & Planning:

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Engineering:

Clouse Engineering, Inc.
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Landscape Architect:

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11110 North Tatum Blvd.
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Phoenix, Arizona 85028

Traffic Engineering:

CivTech
10605 North Hayden Road
Suite 140
Scottsdale, Arizona 85260

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5.0 Compliance with P.A.D. Zoning

ATTACHMENTS:

Attachment 1	Location Map
Attachment 2	Legal Description
Attachment 3	Surrounding Conditions
Attachment 4	Proposed Site Plan

1.0 Purpose

1.1 Property. The real property which is the subject of this application is located in Section 36, Township 3 North, Range 1 East of the Gila & Salt River Base & Meridian, Maricopa County, Arizona. The project consists of approximately 39.18 gross acres (36.3 net acres) bounded by 71st Avenue on the east, vacant land to the east, Olive Avenue on the north and Grand Avenue right-of-way on the south, as shown on the map included as Attachment "1" ("Property"). The legal description and boundary survey are included as Attachment "2".

1.2 Planning & Development History. At present the Property is zoned C-2, Intermediate Commercial and C-4, General Commercial. The General Plan designation of the Property is for Medium Density Residential (5-8 du /ac) and Community Commercial.

1.3 Purpose of PAD Zoning. So as to accommodate the unique development challenges of the Property, the Applicant is requesting a Planned Area Development (PAD) zoning designation. The proposed PAD will provide for the development of 172 residential lots for single family dwellings on 36.61 gross acres (34.49 net acres), with the remaining 2.57 gross acres (1.81 net acres, located at the immediate southwest corner of 71st Avenue & Olive being retained for its current land use of C-2, Intermediate Commercial. The proposed PAD zoning is intended to facilitate the Property being developed in response to current market conditions to provide for single family land uses which are compatible with the existing single family land uses to the north and east.

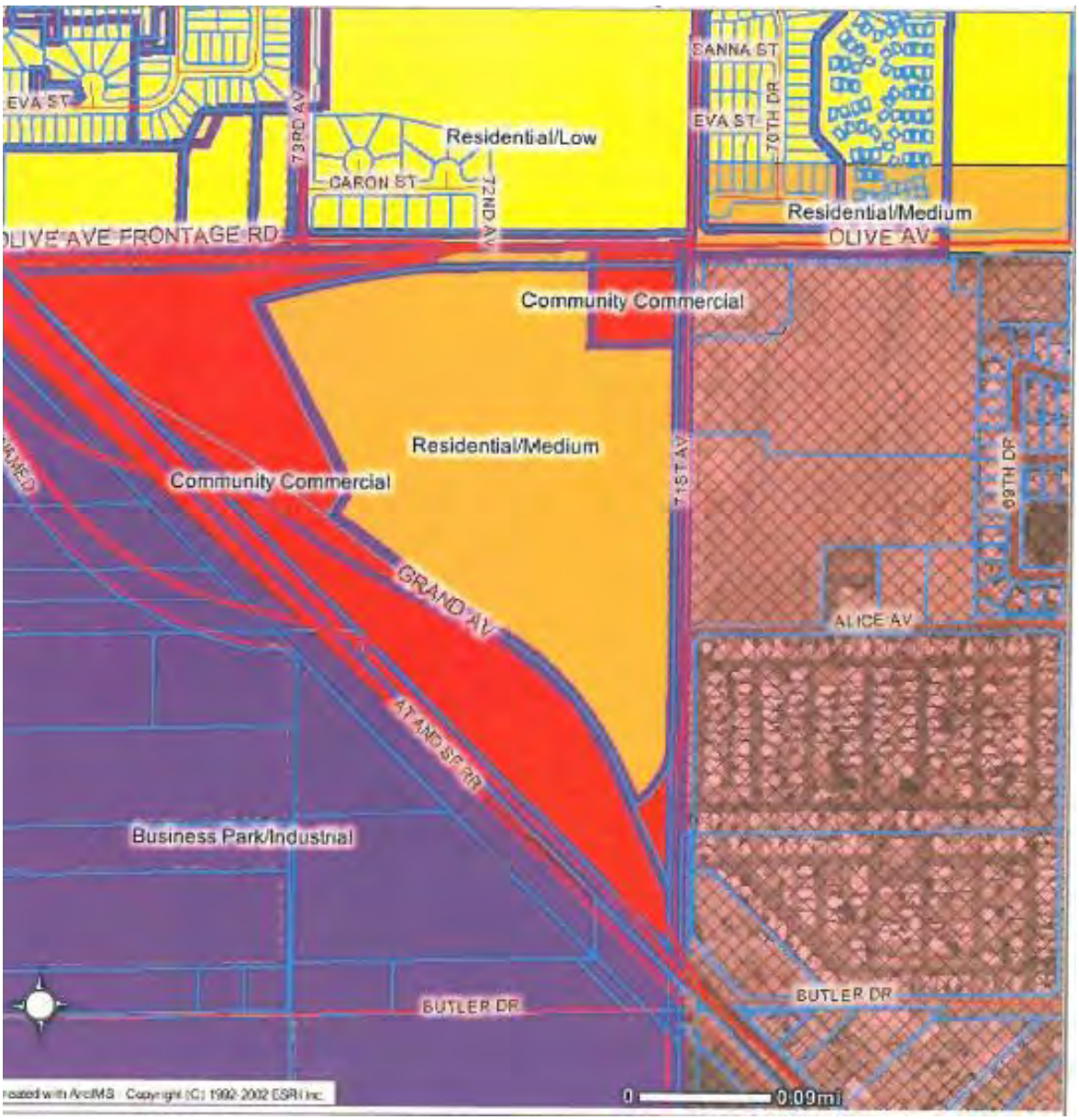
2.0 Site Conditions

2.1 Existing Conditions. As shown on the aerial photograph attached hereto as Attachment "1", the Property consists of fallow and de-vegetated soil. The Property is not located within a floodplain and will not be required to convey any offsite hydrologic flows through or past the site boundaries, as no offsite flows currently exist.

The roadways adjacent to the Property are:

- 71st Avenue - which is presently unpaved, but will be fully developed as part of the first phase of development of the proposed residential project for the southeast corner of 71st & Avenue & Olive in the City of Glendale;
- Olive Ave – which is located in the City of Peoria and is developed as a five lane arterial paved street with vertical curb on both north and south sides;
- Alice Avenue which is a half street paved without curb or gutter on either north or south side.
- Grand Avenue which is fully developed 6-lane, separated roadway. There is no access between the Property and Grand Avenue.

2.2 Existing General Plan Designation. The existing General Plan designation for the Property is Medium Density Residential (5-8 du /ac) with a small portion of the northeast quadrant of the larger tract being designated for Community Commercial (PC-2, C-3 & C-4). The General Plan designations of the Property and the surrounding area shown on the map provide below.



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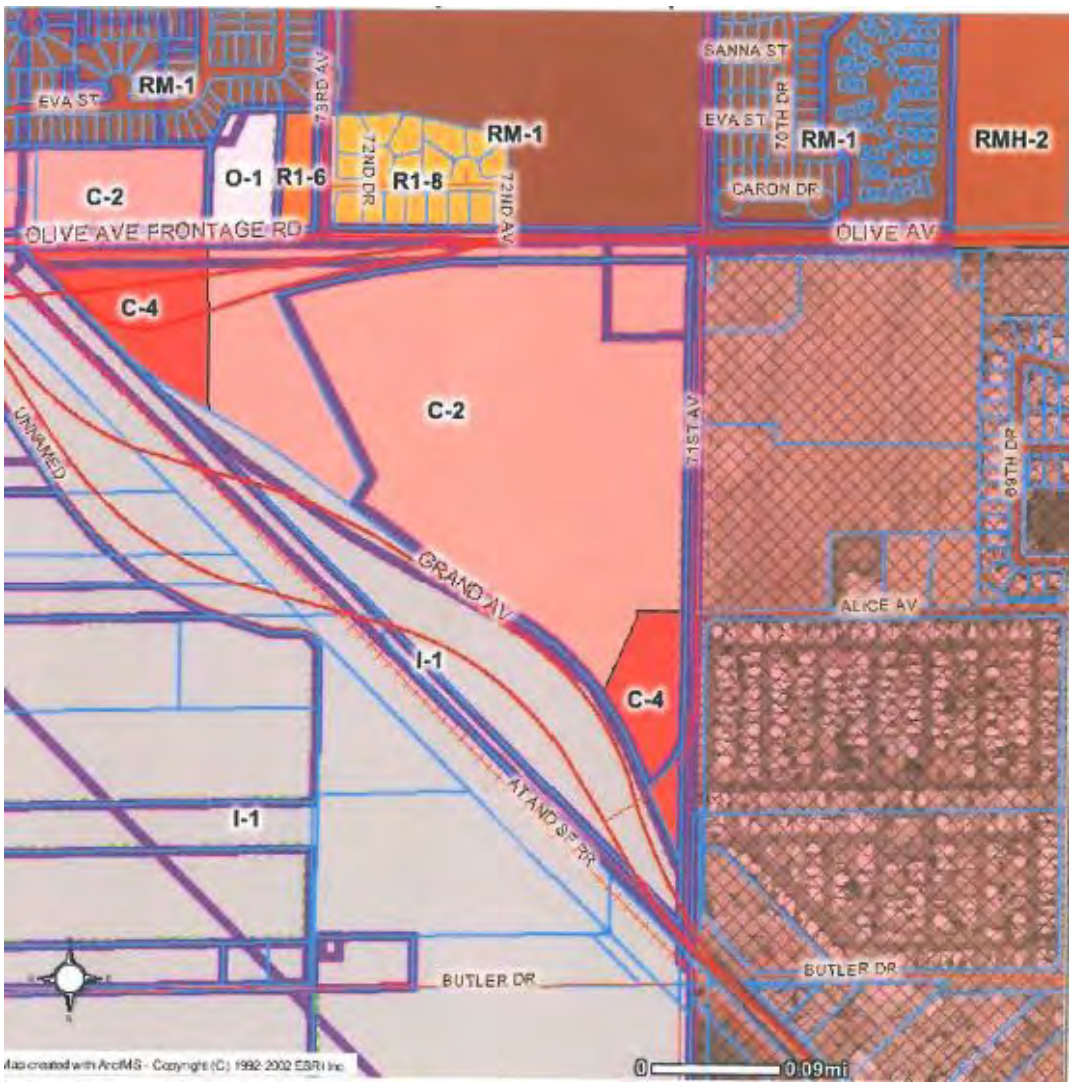
2.3 Existing Zoning. The existing zoning for the Property is C-2 Intermediate Commercial and C-4 General Commercial. The approved zoning of the Property and the surrounding area is shown on the map provided below.



2.4 Flood Designation As noted on the Preliminary Plat, the western portion of the site is located within Flood Zone "AH" with the balance of the Property being located within Flood Zone "X", as shown on Flood Insurance Rate Map (FIRM) No. 04013C1630H effective September 30, 2005. The general location of the separate Flood Zones are depicted on the Preliminary Grading Plan included as Attachment "4".

2.5 Location. West Pointe Estates is located in close proximity to major thoroughfares which supports the long-term sustainability of this development. The availability of essential utilities in the area has also added to the feasibility of developing the commercial and residential parcels within the Property. Proximity to a community college, numerous retail developments, and other aged residential developments nearby are all additional indicators of the

need and opportunity to provide a great community which meets the needs of Peoria residents.

2.6 Accessibility. West Pointe Estates is situated just northeast of Grand Avenue, a major northwest/southeast thoroughfare, and is bordered on the north by Olive Avenue, another major thoroughfare. The development can also be accessed from Alice Avenue on the south via 67th Avenue to the east.

3.0 Relationship to Surrounding Properties

3.1 Surrounding Conditions. An aerial photo of the Property and surrounding area is provide as Attachment "3" and the following descriptions include the zoning and General Plan designations for land adjacent to and surrounding Property:

NORTH of Olive Avenue is the City of Peoria. There is an existing single-family subdivision called "Olive Park", zoned R1-8, a condominium called "Olive Square", zoned RM-1, Sunnyslope Park, and the Peoria Mobile Estates, zoned RM-1. The General Plan designations are Residential/Low and Residential/Medium.

EAST of the Property there is vacant land under the jurisdiction of the City of Glendale which has been approved for PAD zoning to accommodate commercial, multi-family, and single family land uses.

SOUTH of the Property is the right-of-way of Grande Avenue and to the southeast of Alice Avenue there is an existing single-family subdivision under the jurisdiction of the City of Glendale, called "Paradise Groves". Its existing zoning is Glendale R-4.

WEST of the Property is the right-of-way of Grand Avenue and further to the west is undeveloped land zoned I-1 in the City of Peoria.

4.0 General Description of West Pointe Estates. The vision for the development is to create a community that is attractive to homeowners by offering nearby neighborhood retail conveniences in a setting proximate to desirable transportation corridors. The proposed plan of development for West Points Estates provides for 172 single family residential lots with each being generally 45 x 110 feet in area. Based upon the development of 36.61 gross acres (34.49 net acres) of the larger tract for this land use, the proposed development will provide for a density of 4.74 dwelling units per net acre. Additionally, the residential component of this PAD includes 5.52 net acres of useable open space which equates of 14.08% useable open space for the residential development.

The residential lots are intended to accommodate single-family, two-story, detached homes with side yards. The community will not be gated and pedestrian and vehicular access will be provided from Olive Avenue and 71st Avenue, as more clearly depicted on the Site Plan, attached hereto as Attachment "4". The proposed housing product will provide private side and rear yards as well as adequate front and rear building setbacks to ensure an aesthetically pleasing street and yard scape. However, because the Applicant has not secured a final builder for the single family development at this time, greater detail regarding the final design of the single family buildings will need to occur separately, and will be subject to the City's design review process.

The commercial portion of the Property is approximately 2.57 gross acres (1.81 net acres) and is planned to serve the residents of West Pointe Estates, the existing residents neighboring the development, as well as commuters frequently traveling along Olive Avenue. The architectural and design theme of the commercial parcel will be generally consistent with the single family parcel. However, because the Applicant has not secured a user(s) for the commercial parcel at this time, greater detail regarding the design of the commercial building will need to occur separately, and will be subject to the City's design review process.

5.0 Compliance with P.A.D. Zoning. As discussed herein, the Applicant is requesting Planned Area Development ("PAD") zoning for the property, pursuant to Article 14-33 of the Peoria Zoning Ordinance. The intent of PAD zoning, as stated in the ordinance, includes the following goals:

- To enhance the City's development growth in order that the public health, safety. and general welfare be enhanced as Peoria increasingly urbanizes;

- To encourage innovations in residential, commercial and industrial development so that greater opportunities for better housing, recreation, shopping, and employment may extend to all citizens and residents of Peoria;

- To reflect changes in the technology of land development;

- To encourage a more creative approach in the utilization of land in order to accomplish a more efficient, aesthetic, and desirable development which may be characterized by special features of geography, topography, size, or shape of a particular property; and

- To provide a compatible and stable developed environment in harmony with that of the surrounding area.

The proposed development includes both single family residential and commercial uses in support of the aforementioned goals. As noted in the various development, engineering and other related reports included as part of this submittal, the Property has unique challenges for development, including the natural grade of the Property, the lack of adequate public utilities in close proximity, and the limitations associated with the location of the Property to Grand Avenue. The proposed development plan provides for 172 single family homes and a small commercial parcel designed to overcome these development challenges and provide a quality, sustainable living environment to accommodate the growing residential needs of the City, as well as providing limited commercial land uses in support of the community. The proposed development is designed to provide a quality and sustainable housing product with sufficient open space and amenities to afford the residents a vibrant live and play environment, in close proximity to transportation corridors.

While there has been in recent years a variety of housing product designs which have been put forth in the metro area, including attached and detached products from other geographic areas of the country, many of these developments have failed as they are simple not desirable relative to larger housing market in the metropolitan area. The proposed housing for West Point Estates is of a nature

that has proven sustainability in the market. The residential lots are of a size that provides ample space for young growing families as well as more established family units. The proposed plan and residential concept encourages the development of stable, sustainable homeownership in the community in support of the PAD goal to provide greater opportunities for better housing to all citizens and residents of Peoria.

Additionally, West Pointe Estates provides for a residential density compatible with the current General Plan for the Property while providing nearly 50% increase in usable open space. This extensive open space provides for not only aesthetic quality within the development, but also affords connectivity through the larger development to the community areas. The community areas include playgrounds, shaded recreation/gathering areas and large turf areas. The design of the West Pointe Estates locates the community areas along the western boundary of the larger tract to provide additional buffer from Grand Avenue, but also provides connectivity through a lighted pathway between the distinct community areas for the use and enjoyment of the residents. The location and design of these community areas afford special features in support of a quality living environment, as well as provide a creative use of the land to buffer the residences from Grand Avenue.

Finally, the proposed design of the residential and commercial development will blend well with the existing developments surrounding the Property. The existing developments to the south are residential in character and the proposed development east of the Property is for single family homes, including the construction of 71st Avenue. The installation of this new roadway will provide increased ease of access for the residents of West Pointe Estates, as well as those residents to the south and east. The new roadway will provide connectivity within the community and alleviates the separation that now exists, which inhibits a cohesive community. Additionally, the limit character of the commercial development will afford commercial activities that are compatible and support to the adjoining residential areas without any adverse impacts.

Based upon the foregoing, the requested PAD zoning for the Property supports the goals and intent of the Peoria PAD zoning ordinance and allows for the development of a quality, sustainable residential development with limited commercial uses in support of the needs of the community.

ATTACHMENT "1"

Location Map

ATTACHMENT "2"

LEGAL DESCRITION

That part of the Northwest quarter of Section 36, Township 3 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

BEGINNING at a point 33 feet South and 287 feet East of the Northwest corner of Section 36, Township 3 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

THENCE East parallel to the North line of said Section, a distance of 3013 feet to a point;

THENCE South a distance of 1287 feet to a point;

THENCE West a distance of 660 feet to a point;

THENCE South a distance of 1136 feet to a point;

THENCE Northwesterly along the Northeasterly or Northerly boundary line of the right of way of Grand Avenue, a distance of 3377 feet to the POINT OF BEGINNING;

EXCEPT the East 660 feet of the North 1287 feet; and

EXCEPT the North 7 feet; and

EXCEPT that part lying Southwesterly of the following described line:

COMMENCING at the center quarter corner of said Section 36;

THENCE North 1 degree 10 minutes 56 seconds West along the North-South midsection line thereof, a distance of 154.48 feet;

THENCE from a Local Tangent Bearing of North 41 degrees 39 minutes 36 seconds West along the arc of a curve to the right having a radius of 2291.83 feet, a distance of 223.84 feet;

THENCE North 53 degrees 56 minutes 09 seconds East 117.96 feet to the Point of Beginning on the existing West right of way line of 71st Avenue;

THENCE North 23 degrees 55 minutes 05 seconds West 511.45 feet;

THENCE from a Local Tangent Beating of North 28 degrees 21 minutes 38 seconds West along the arc of a curve to the left having a radius of 1096.74 feet, a distance of 516.40 feet;

THENCE North 60 degrees 20 minutes 53 seconds West 282.04 feet;

THENCE North 59 degrees 51 minutes 42 seconds West 461.39 feet;

THENCE North 53 degrees 54 minutes 03 seconds West 293.07 feet;

THENCE along the arc of a curve to the left having a radius of 1180.92 feet, a distance of 123.67 feet;

THENCE North 59 degrees 54 minutes 03 seconds West 324.79 feet;

THENCE along the arc of a curve to the right having a radius of 1110.92 feet, a distance of 268.60 feet;

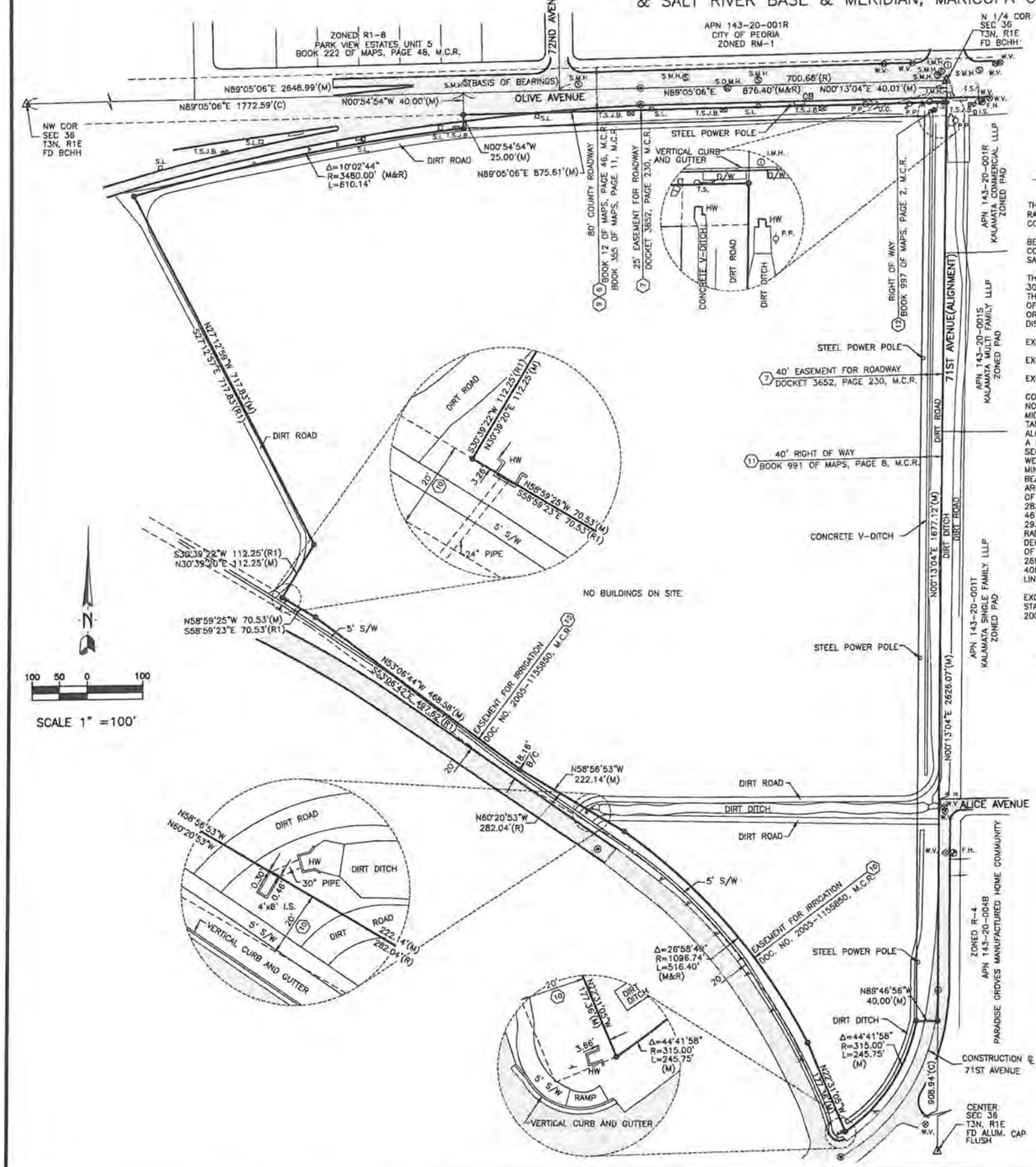
THENCE North 46 degrees 02 minutes 51 seconds West 409.95 feet to the POINT OF ENDING on the

existing South right of way line of Olive Avenue; and

EXCEPT that portion condemned in Final Order of Condemnation by the State of Arizona recorded March 5, 2004 in Document No. 2004- 0228034.

ALTA/ACSM LAND TITLE SURVEY

A PORTION OF THE NW 1/4, SECTION 36, T.3N., R.1E. OF THE GILA & SALT RIVER BASE & MERIDIAN, MARICOPA COUNTY, ARIZONA



DESCRIPTION

THAT PART OF THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 3 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 33 FEET SOUTH AND 287 FEET EAST OF THE NORTHWEST CORNER OF SECTION 36, TOWNSHIP 3 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

THENCE EAST PARALLEL TO THE NORTH LINE OF SAID SECTION, A DISTANCE OF 3013 FEET TO A POINT; THENCE SOUTH A DISTANCE OF 1287 FEET TO A POINT; THENCE WEST A DISTANCE OF 660 FEET TO A POINT; THENCE SOUTH A DISTANCE OF 1136 FEET TO A POINT; THENCE NORTHWESTERLY ALONG THE NORTHEASTERLY OR NORTHERLY BOUNDARY LINE OF THE RIGHT OF WAY OF GRAND AVENUE, A DISTANCE 0F 3377 FEET TO THE POINT OF BEGINNING;

EXCEPT THE EAST 660 FEET OF THE NORTH 1287 FEET; AND

EXCEPT THE NORTH 7 FEET; AND

EXCEPT THAT PART LYING SOUTHWESTERLY OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE CENTER QUARTER CORNER OF SAID SECTION 36; THENCE NORTH 1 DEGREE 10 MINUTES 56 SECONDS WEST ALONG THE NORTH-SOUTH MIDSECTION LINE THEREOF, A DISTANCE OF 154.48 FEET; THENCE FROM A LOCAL TANGENT BEARING OF NORTH 41 DEGREES 39 MINUTES 36 SECONDS WEST ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2291.83 FEET, A DISTANCE OF 223.84 FEET; THENCE NORTH 53 DEGREES 56 MINUTES 09 SECONDS EAST 117.96 FEET TO THE POINT OF BEGINNING ON THE EXISTING WEST RIGHT OF WAY LINE OF 71ST AVENUE; THENCE NORTH 23 DEGREES 55 MINUTES 05 SECONDS WEST 511.45 FEET; THENCE FROM A LOCAL TANGENT BEARING OF NORTH 28 DEGREES 21 MINUTES 38 SECONDS WEST ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 1096.74 FEET, A DISTANCE OF 516.40 FEET; THENCE NORTH 60 DEGREES 20 MINUTES 53 SECONDS WEST 282.04 FEET; THENCE NORTH 59 DEGREES 51 MINUTES 42 SECONDS WEST 461.39 FEET; THENCE NORTH 53 DEGREES 54 MINUTES 03 SECONDS WEST 293.07 FEET; THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 1180.92 FEET, A DISTANCE OF 123.67 FEET; THENCE NORTH 59 DEGREES 54 MINUTES 03 SECONDS WEST 324.79 FEET; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1110.92 FEET, A DISTANCE OF 268.60 FEET; THENCE NORTH 46 DEGREES 02 MINUTES 51 SECONDS WEST 408.95 FEET TO THE POINT OF ENDING ON THE EXISTING SOUTH RIGHT OF WAY LINE OF OLIVE AVENUE; AND

EXCEPT THAT PORTION CONDEMNED IN FINAL ORDER OF CONDEMNATION BY THE STATE OF ARIZONA RECORDED MARCH 5, 2004 IN DOCUMENT NO. 2004-0228034.

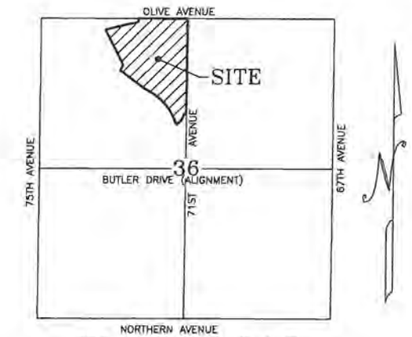
REFERENCE DOCUMENTS

R1 FINAL ORDER OF CONDEMNATION
DOC. NO. 2004-0228034, M.C.R.

R. WARRANTY DEED
DOC. NO.84-0495481, M.C.R.

LEGEND

(#)	SCHEDULE "B" ITEM
P.P.	POWER POLE
S.L.	STREET LIGHT
D.G.	DOWN GUY
I.S.	IRRIGATION STRUCTURE
C.B.	CATCH BASIN
W.V.	WATER VALVE
I.M.	IRRIGATION MANHOLE
F.H.	FIRE HYDRANT
T.S.J.B.	TRAFFIC SIGNAL JUNCTION BOX
D/W	DRIVEWAY
SMH	SEWER MANHOLE
HW	HEADWALL
B.C.	BRASS CAP
H.H.	HANDHOLE
T.S.	TRAFFIC SIGNAL
S/W	SIDEWALK
⊗	FOUND BRASS CAP IN HANDHOLE
(R)	RECORD DATA
(M)	MEASURED DATA
(C)	CALCULATED DATA
	TRAFFIC SIGN
	PAVEMENT
	INDICATES A CORNER OF SURVEY, SET A 1/2" BAR, UNLESS NOTED OTHERWISE



SEC 36, T 3 N, R 1 E
VICINITY MAP

N.T.S.

SCHEDULE "B" EXCEPTIONS

(6) ROADWAY AS SHOWN IN BOOK 12 OF MAPS, PAGE 46, M.C.R (PLOTTED)

(7) EASEMENT FOR ROADWAY AND INCIDENTAL PURPOSES DOCKET 3652, PAGE 230, M.C.R. (PLOTTED)

(8) TERMS, CONDITIONS, PROVISIONS AND EASEMENTS IN IRRIGATION AGREEMENT, DOCKET 15362, PAGE 302, M.C.R. (UNABLE TO DETERMINE LOCATION-NOT PLOTTED)

(9) ROADWAY AS SHOWN IN BOOK 355 OF MAPS, PAGE 11, M.C.R. (PLOTTED)

(10) AN EASEMENT FOR IRRIGATION AND INCIDENTAL PURPOSES DOC. NO. 2005-1155850, M.C.R. (PLOTTED)

(11) ALL MATTERS AS SET FORTH IN MAP OF DEDICATION BOOK 991 OF MAPS, PAGE 8, M.C.R. (PLOTTED)

(12) ALL MATTERS AS SET FORTH IN MAP OF DEDICATION BOOK 997 OF MAPS, PAGE 2, M.C.R. (PLOTTED)

NOTES

1) THIS SURVEY WAS PERFORMED BASED ON INFORMATION CONTAINED IN A COMMITMENT FOR TITLE INSURANCE PREPARED BY CLEAR TITLE AGENCY OF ARIZONA, ORDER NO. 10-505834, DATED OCTOBER 24, 2012.

2) THE BASIS OF BEARING IS THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 36, T3N, R1E, USING A BEARING OF NORTH 89 DEGREES 05 MINUTES 06 SECONDS EAST PER BOOK 863 OF MAPS, PAGE 7, M.C.R.

3) GROSS AREA IS 1,669,324 SQ. FT. OR 38.3224 ACRES.
NET AREA IS 1,581,371 SQ. FT. OR 36.3033 ACRES.
(NET AREA IS IS CALCULATED USING A 65' R/W ON OLIVE AVENUE AND 40' R/W ON 71ST AVENUE)

4) UNDERGROUND UTILITIES SHOWN ARE FROM OBSERVATION ONLY.

5) THE SUBJECT PROPERTY IS ZONED C-2 AND C-4 (COMMERCIAL).

6) ACCORDING TO FIRM FLOOD INSURANCE RATE MAP NO. 04013C1630H DATED SEPTEMBER 30, 2005, THE SUBJECT PROPERTY IS LOCATED IN ZONE X. "AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD."

7) ADJOINING OWNER INFORMATION IS PER MARICOPA COUNTY ASSESSOR

8) ANY DISTANCES, BEARINGS, DESCRIPTIONS, ETC., WHICH MAY VARY FROM THE PROVISIONS OF THE RECORD INFORMATION NOTED ABOVE REFLECT ACTUAL MEASURED DATA, OR THE BEST INTERPRETATION OF THE SURVEYOR.

CERTIFICATION

TO : NORTHWEST HOLDINGS, LLC, AN ARIZONA LIMITED LIABILITY COMPANY
EXETER REAL ESTATE INVESTORS IX, A LIMITED PARTNERSHIP
CLEAR TITLE AGENCY OF ARIZONA

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH 2011 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 8, 11(b), 16, 17, 20(a) AND 20(b) OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON NOVEMBER 15, 2012.

[redacted]

ROBERT J. BLAKE
REGISTERED LAND SURVEYOR NO. 36070
DATE OF PLAT OR MAP: NOVEMBER 16, 2012

ALTA.DWG

Clouse Engineering, Inc.
ENGINEERS • SURVEYORS
1842 E. Orangewood Ave. Phoenix, Arizona 85020
Tel 602-395-5300 Fax 602-395-9310

ALTA/ACSM LAND TITLE SURVEY
SW CORNER 71ST & OLIVE AVENUES
GILBERT ARIZONA

Revised
11/28/12

Date
11-11-12
As-Built

Job No.
121007

ATTACHMENT "3"

Surrounding Conditions

ATTACHMENT "4"

Proposed Site Plan/Preliminary Plat

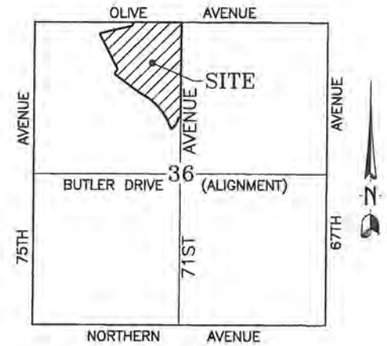
PRELIMINARY PLAT
FOR
WEST POINTE ESTATES

A PORTION OF THE NORTHWEST 1/4 OF SECTION 36
T.3N,R.1E. OF THE GILA AND SALT RIVER BASE
AND MERIDIAN, MARICOPA COUNTY, ARIZONA

LOT	SQ. FT.	LOT	SQ. FT.	LOT	SQ. FT.	LOT	SQ. FT.
LOT 1	7,330 S.F.	LOT 48	4,950 S.F.	LOT 95	6,202 S.F.	LOT 141	4,950 S.F.
LOT 2	7,415 S.F.	LOT 49	4,950 S.F.	LOT 96	5,879 S.F.	LOT 142	4,950 S.F.
LOT 3	6,831 S.F.	LOT 50	4,949 S.F.	LOT 97	5,349 S.F.	LOT 143	4,903 S.F.
LOT 4	6,358 S.F.	LOT 51	4,796 S.F.	LOT 98	5,366 S.F.	LOT 144	4,858 S.F.
LOT 5	6,008 S.F.	LOT 52	8,777 S.F.	LOT 99	5,957 S.F.	LOT 145	5,493 S.F.
LOT 6	5,775 S.F.	LOT 53	11,125 S.F.	LOT 100	6,030 S.F.	LOT 146	5,333 S.F.
LOT 7	5,656 S.F.	LOT 54	5,795 S.F.	LOT 101	5,347 S.F.	LOT 147	5,425 S.F.
LOT 8	6,067 S.F.	LOT 55	4,950 S.F.	LOT 102	4,950 S.F.	LOT 148	5,207 S.F.
LOT 9	5,075 S.F.	LOT 56	4,950 S.F.	LOT 103	4,950 S.F.	LOT 149	5,243 S.F.
LOT 10	4,950 S.F.	LOT 57	4,950 S.F.	LOT 104	4,950 S.F.	LOT 150	5,225 S.F.
LOT 11	4,950 S.F.	LOT 58	6,114 S.F.	LOT 105	4,950 S.F.	LOT 151	5,053 S.F.
LOT 12	4,950 S.F.	LOT 59	4,950 S.F.	LOT 106	4,950 S.F.	LOT 152	4,950 S.F.
LOT 13	4,950 S.F.	LOT 60	4,950 S.F.	LOT 107	4,950 S.F.	LOT 153	4,950 S.F.
LOT 14	4,828 S.F.	LOT 61	4,950 S.F.	LOT 108	4,950 S.F.	LOT 154	4,950 S.F.
LOT 15	4,950 S.F.	LOT 62	4,837 S.F.	LOT 109	4,950 S.F.	LOT 155	4,950 S.F.
LOT 16	4,950 S.F.	LOT 63	4,919 S.F.	LOT 110	4,950 S.F.	LOT 156	4,950 S.F.
LOT 17	4,950 S.F.	LOT 64	4,943 S.F.	LOT 111	4,950 S.F.	LOT 157	4,950 S.F.
LOT 18	4,950 S.F.	LOT 65	4,808 S.F.	LOT 112	4,950 S.F.	LOT 158	4,950 S.F.
LOT 19	4,837 S.F.	LOT 66	5,512 S.F.	LOT 113	4,997 S.F.	LOT 159	4,950 S.F.
LOT 20	6,472 S.F.	LOT 67	4,909 S.F.	LOT 114	5,237 S.F.	LOT 160	4,878 S.F.
LOT 21	5,328 S.F.	LOT 68	4,950 S.F.	LOT 115	4,950 S.F.	LOT 161	4,950 S.F.
LOT 22	5,400 S.F.	LOT 69	4,950 S.F.	LOT 116	4,950 S.F.	LOT 162	4,950 S.F.
LOT 23	6,062 S.F.	LOT 70	4,950 S.F.	LOT 117	4,950 S.F.	LOT 163	4,950 S.F.
LOT 24	11,234 S.F.	LOT 71	4,950 S.F.	LOT 118	4,950 S.F.	LOT 164	4,950 S.F.
LOT 25	9,649 S.F.	LOT 72	4,950 S.F.	LOT 119	4,950 S.F.	LOT 165	4,950 S.F.
LOT 26	5,244 S.F.	LOT 73	4,950 S.F.	LOT 120	4,950 S.F.	LOT 166	4,950 S.F.
LOT 27	4,951 S.F.	LOT 74	4,950 S.F.	LOT 121	4,950 S.F.	LOT 167	4,950 S.F.
LOT 28	4,951 S.F.	LOT 75	5,211 S.F.	LOT 122	4,950 S.F.	LOT 168	4,950 S.F.
LOT 29	4,951 S.F.	LOT 76	4,972 S.F.	LOT 123	4,950 S.F.	LOT 169	4,950 S.F.
LOT 30	4,789 S.F.	LOT 77	4,950 S.F.	LOT 124	4,950 S.F.	LOT 170	4,950 S.F.
LOT 31	6,120 S.F.	LOT 78	4,950 S.F.	LOT 125	4,950 S.F.	LOT 171	4,950 S.F.
LOT 32	4,950 S.F.	LOT 79	4,950 S.F.	LOT 126	5,357 S.F.	LOT 172	5,268 S.F.
LOT 33	4,950 S.F.	LOT 80	4,950 S.F.	LOT 127	5,912 S.F.		
LOT 34	4,950 S.F.	LOT 81	4,912 S.F.	LOT 128	5,930 S.F.		
LOT 35	4,950 S.F.	LOT 82	4,950 S.F.	LOT 129	6,412 S.F.		
LOT 36	4,950 S.F.	LOT 83	5,071 S.F.	LOT 130	5,365 S.F.		
LOT 37	4,950 S.F.	LOT 84	4,999 S.F.	LOT 131	5,269 S.F.		
LOT 38	4,950 S.F.	LOT 85	4,950 S.F.	LOT 132	4,950 S.F.		
LOT 39	4,950 S.F.	LOT 86	4,950 S.F.	LOT 133	4,950 S.F.		
LOT 40	4,950 S.F.	LOT 87	4,950 S.F.	LOT 134	4,950 S.F.		
LOT 41	4,950 S.F.	LOT 88	4,942 S.F.	LOT 135	4,950 S.F.		
LOT 42	4,878 S.F.	LOT 89	6,025 S.F.	LOT 136	4,950 S.F.		
LOT 43	4,878 S.F.	LOT 90	4,950 S.F.	LOT 137	4,950 S.F.		
LOT 44	4,950 S.F.	LOT 91	4,878 S.F.	LOT 138	4,950 S.F.		
LOT 45	4,950 S.F.	LOT 92	4,878 S.F.	LOT 139	4,950 S.F.		
LOT 46	4,950 S.F.	LOT 93	4,950 S.F.	LOT 140	4,950 S.F.		
LOT 47	4,950 S.F.	LOT 94	4,950 S.F.				

TRACT	SQ. FT.	ACRES	USE
TRACT "A"	35,574 S.F.	0.8167 AC.	OPEN SPACE, RETENTION, PUE, S/L EASEMENT & LANDSCAPING
TRACT "B"	184,357 S.F.	4.2323 AC.	OPEN SPACE, RETENTION, PUE, S/L EASEMENT & LANDSCAPING
TRACT "C"	6,728 S.F.	0.1545 AC.	OPEN SPACE, PUE & LANDSCAPING
TRACT "D"	14,850 S.F.	0.3409 AC.	OPEN SPACE, PUE, LANDSCAPING & AMENITY
TRACT "E"	3,069 S.F.	0.0705 AC.	PUE & LANDSCAPING
TRACT "F"	4,970 S.F.	0.1141 AC.	PUE & LANDSCAPING
TRACT "G"	1,584 S.F.	0.0364 AC.	PUE & LANDSCAPING
TRACT "H"	1,504 S.F.	0.0345 AC.	PUE & LANDSCAPING
TRACT "I"	2,196 S.F.	0.0504 AC.	PUE & LANDSCAPING
TRACT "J"	1,584 S.F.	0.0364 AC.	PUE & LANDSCAPING
TRACT "K"	1,504 S.F.	0.0345 AC.	PUE & LANDSCAPING
TRACT "L"	4,543 S.F.	0.1043 AC.	PUE & LANDSCAPING
TRACT "M"	1,504 S.F.	0.0345 AC.	PUE & LANDSCAPING
TRACT "N"	1,504 S.F.	0.0345 AC.	PUE & LANDSCAPING
TRACT "O"	752 S.F.	0.0173 AC.	PUE & LANDSCAPING
TRACT "P"	1,504 S.F.	0.0345 AC.	PUE & LANDSCAPING
TRACT "Q"	8,075 S.F.	0.1854 AC.	PUE & LANDSCAPING
TRACT "R"	9,900 S.F.	0.2273 AC.	OPEN SPACE, PUE & LANDSCAPING
TRACT "S"	14,571 S.F.	0.3345 AC.	OPEN SPACE & LANDSCAPING
TOTAL	300,273 S.F.	6.8935 AC.	

OPEN SPACE CALCULATION:
240,321 S.F. : 1,706,598 S.F. = 14.08%



VICINITY MAP
N.T.S.

ENGINEER

CLOUSE ENGINEERING INC.
1642 E. ORANGEWOOD AVENUE
PHOENIX, AZ. 85020
PHONE: (602) 395-9300
FAX: (602) 395-9310

OWNER/DEVELOPER

NORTHWEST HOLDINGS, LLC
11811 N. TATUM BLVD.
SUITE 1051
PHOENIX, ARIZONA 85028
PHONE: (602) 870-7495

SITE SUMMARY

GROSS ACRES: 39.1781 ACRES OR 1,706,598 S.F.
NET ACRES: 36.3033 ACRES OR 1,581,371 S.F.
TOTAL LOTS: 172
DENSITY: 4.39 D.U. PER ACRE NET DENSITY: 4.74
TYPICAL LOT SIZE: 45'X110'
EXISTING ZONING: C-2 & C-4
PROPOSED DEVELOPMENT OPTION: F.A.D.
OPEN SPACE/COMMON RETENTION 5.77 ACRES
(FOR TRACTS A, B, C, D & R)
APN# 143-21-004C
MINIMUM LOT SIZE: 4,789 S.F.
MAXIMUM LOT SIZE: 11,234 S.F.
ZONING CASE NUMBER: Z-13-0011

BENCH MARK – C.O.P. DATUM

3" ADOT BC IN HH .7' DOWN MARKING THE NORTHWEST CORNER OF SECTION 36, T. 3 N., R. 1 E. LOCATED AT THE INTERSECTION OF 75TH AVENUE AND OLIVE AVENUE NAVD88 ELEV=1138.13(C.O.P. DATUM)

LEGEND & NOTES

INDICATES A CORNER OF THIS SUBDIVISION. FOUND 1/2" REBAR UNLESS OTHERWISE NOTED.

8' P.U.E. — INDICATES PUBLIC UTILITY EASEMENT, AT ALL LOT FRONTAGE UNLESS NOTED OTHERWISE.

V.N.A.E. — INDICATES VEHICULAR NON-ACCESS EASEMENT.

B.S.L. — INDICATES MINIMUM BUILDING SETBACK LINES.

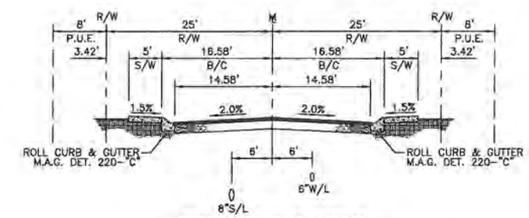
ALL HOMES WILL COMPLY WITH THE CITY OF PEORIA'S DESIGN REVIEW MANUAL.

ALL SIGNAGE WILL BE DEVELOPED IN ACCORDANCE TO ARTICLE 14-34 OF THE CITY OF PEORIA'S ZONING ORDINANCE.

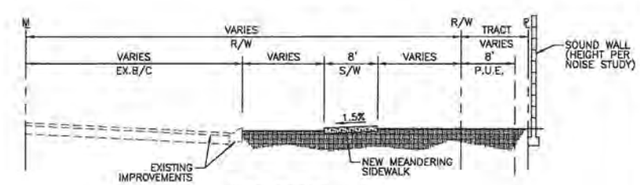
THE PROJECT WILL BE DEVELOPED IN ACCORDANCE TO ARTICLE 14-35 OF THE CITY OF PEORIA'S ZONING ORDINANCE.

UTILITIES

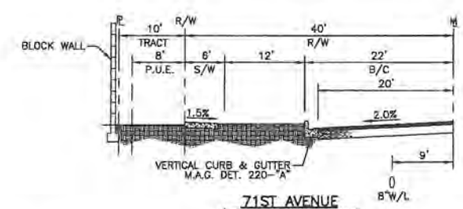
WATER AND SEWER BY CITY OF PEORIA
ELECTRIC SERVICE BY SALT RIVER PROJECT.
GAS SERVICE BY SOUTHWEST GAS CORPORATION.
TELEPHONE SERVICE BY CENTURYLINK
REFUSE COLLECTION BY CITY OF PEORIA
FIRE PROTECTION BY CITY OF PEORIA
CABLE SERVICE BY COX COMMUNICATIONS



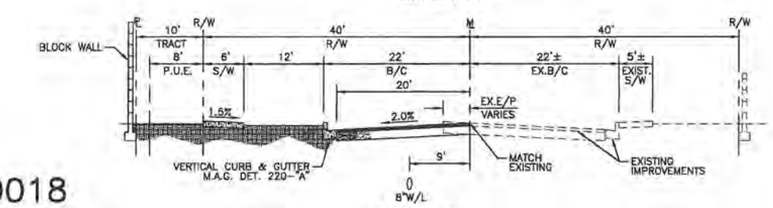
TYPICAL INTERIOR STREET
LOOKING NORTH



OLIVE AVENUE
LOOKING EAST



71ST AVENUE
(NORTH OF ALICE AVENUE)
LOOKING NORTH

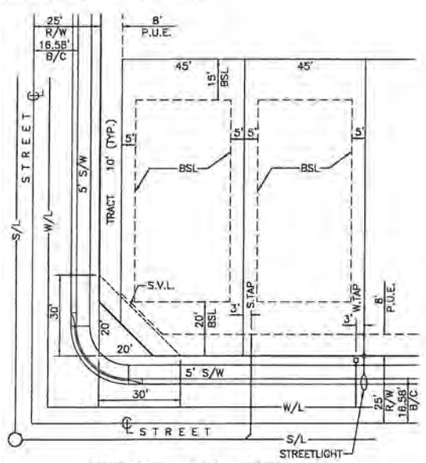


71ST AVENUE
(SOUTH OF ALICE AVENUE)
LOOKING NORTH

KEY MAP

(3) DENOTES SHEET NO.

(1) DENOTES BEGINNING & ENDING LOT NO.



TYPICAL LOT SETBACKS
MAXIMUM LOT COVERAGE IS 45%
MAXIMUM BUILDING HEIGHT IS 30 FEET

P-13-0018
Z-13-0011

PPDOV.DWG

Clouse Engineering, Inc.
ENGINEERS ▪ SURVEYORS
1642 E. Orangewood Ave. Phoenix, Arizona 85020
Tel 602-395-9300 Fax 602-395-9310

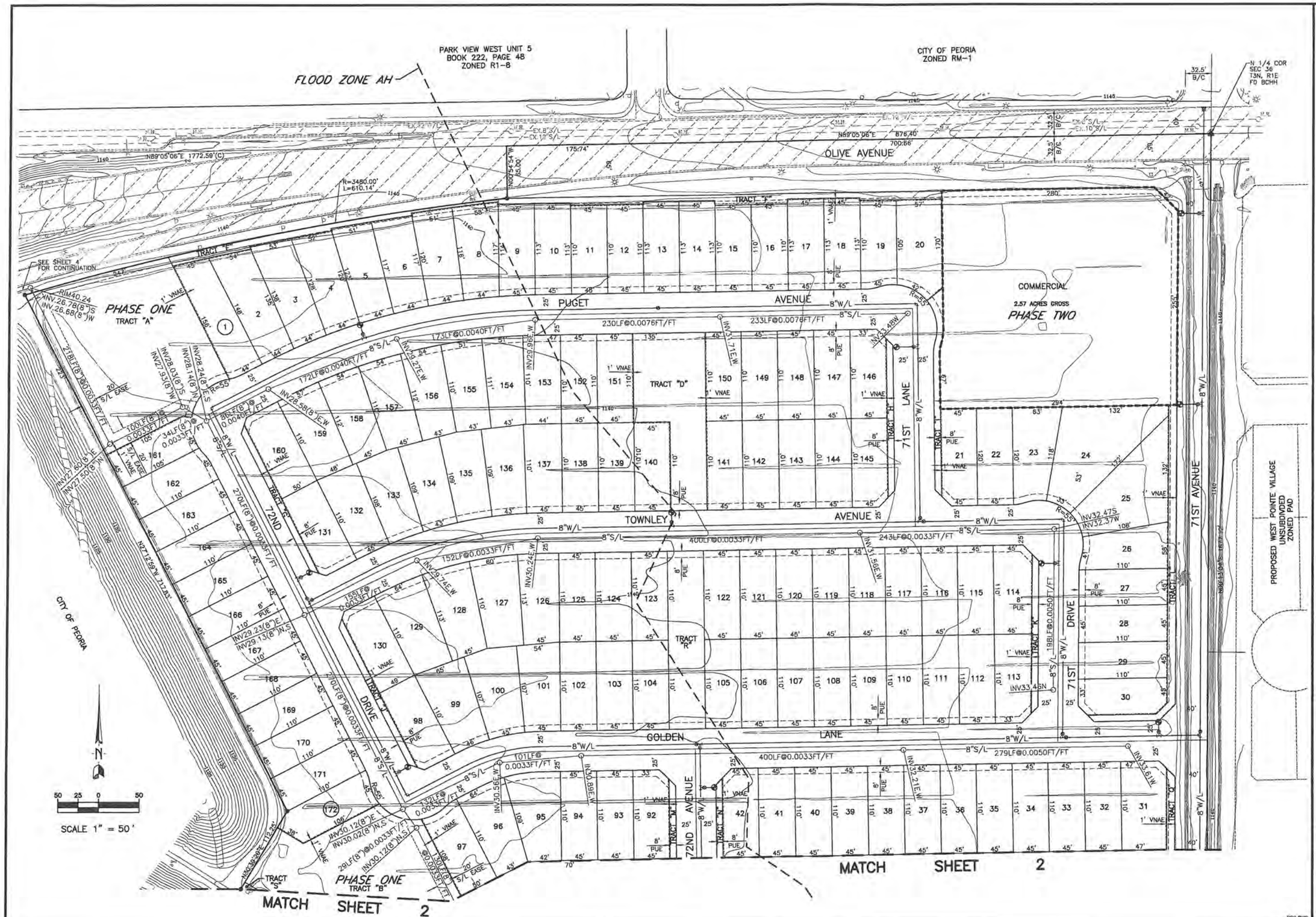
PRELIMINARY PLAT
WEST POINTE ESTATES
71ST AVENUE & OLIVE AVENUE

PEORIA ARIZONA

Revised
10-09-13
2-13-14

Date
6-13-13
As-Built

Job No.
121007



Clouse Engineering, Inc.
ENGINEERS • SURVEYORS
1642 E. Orangewood Ave. Phoenix, Arizona 85020
Tel 602-395-9300 Fax 602-395-9310

PRELIMINARY PLAT
WEST POINTE ESTATES
71ST AVENUE & OLIVE AVENUE

PEORIA ARIZONA

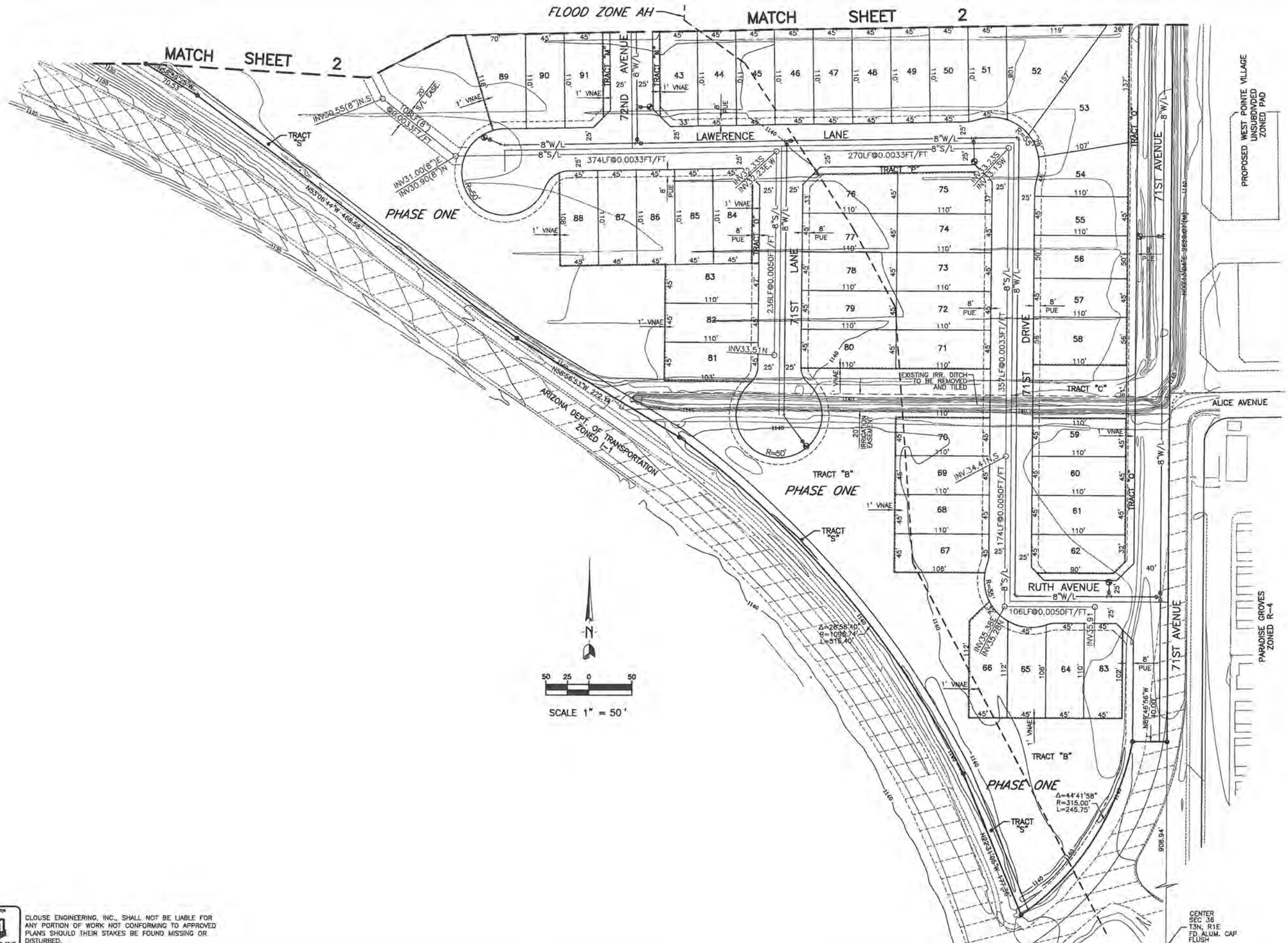
Revised
10-09-13
2-13-14

Date
6-13-13
As-Built

Job No.
121007

2 OF 4

PP2.DWG



Call at least two full working days before you begin excavation. ARIZONA 811 Arizona Blue Stake, Inc. Dial 8-1-1 or 1-800-STAKE-IT (782-5348) In Maricopa County: (602) 263-1100

CLOUSE ENGINEERING, INC., SHALL NOT BE LIABLE FOR ANY PORTION OF WORK NOT CONFORMING TO APPROVED PLANS SHOULD THEIR STAKES BE FOUND MISSING OR DISTURBED.

Clouse Engineering, Inc.
ENGINEERS • SURVEYORS
15442 E. Ocotillo Ave. Phoenix, Arizona 85020
Tel 602-395-8500 Fax 602-395-9310

PRELIMINARY PLAT
WEST POINTE ESTATES
71ST AVENUE & OLIVE AVENUE

PEORIA ARIZONA

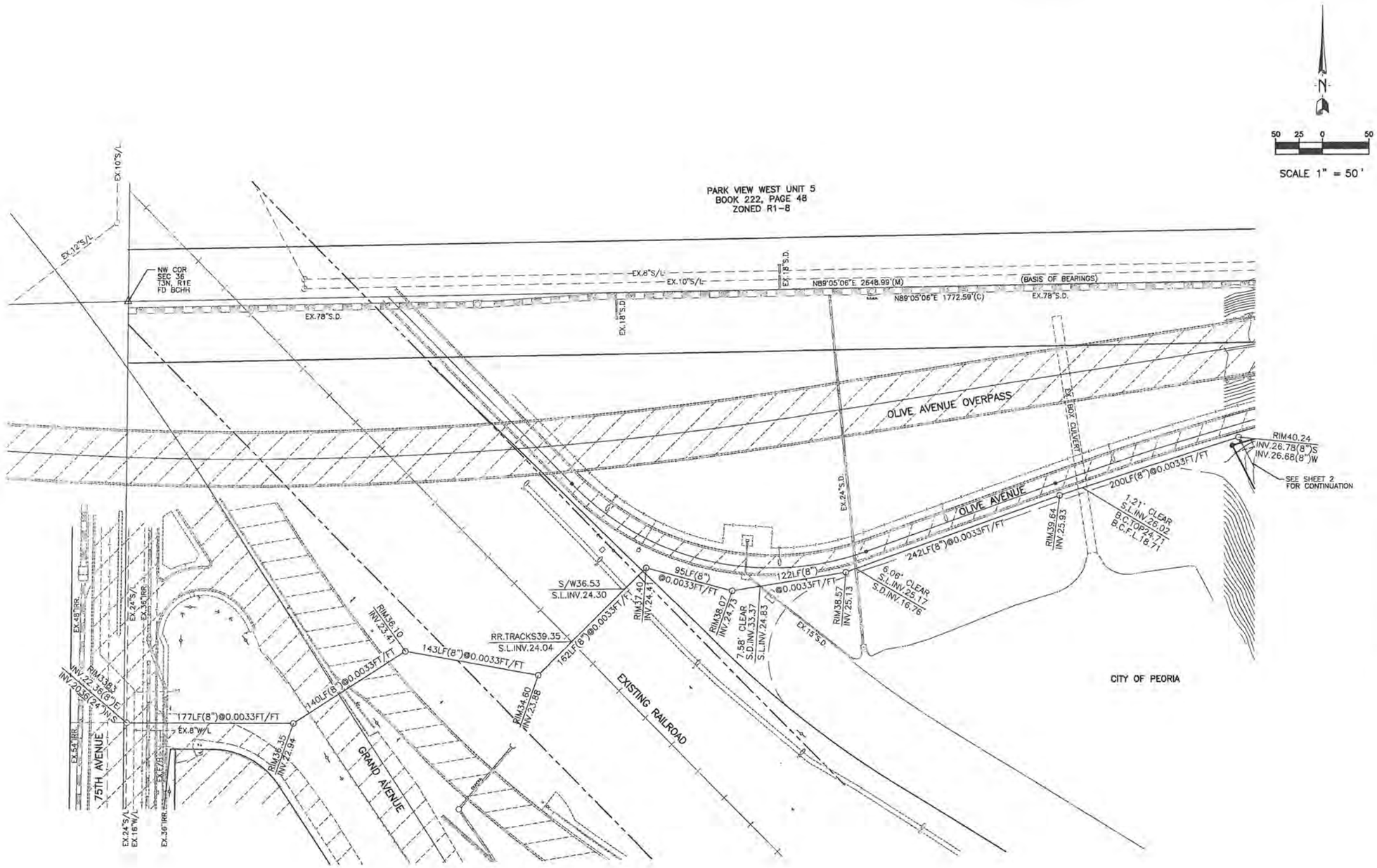
Revised
10-09-13
2-13-14

Date
6-13-13

As-Built

Job No.
121007

PP3.DWG



Clouse Engineering, Inc.
ENGINEERS ▪ SURVEYORS
1642 E. Orangewood Ave. Phoenix, Arizona 85020
Tel 602-395-9300 Fax 602-395-9310

PRELIMINARY PLAT
WEST POINTE ESTATES
71ST AVENUE & OLIVE AVENUE

PEORIA ARIZONA

Revised

Date
2-13-14

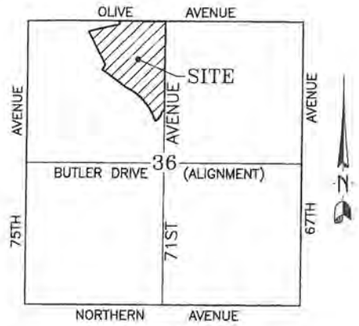
As-Built

Job No.
121007

PP4.DWG

PRELIMINARY GRADING AND DRAINAGE PLAN
FOR
WEST POINTE ESTATES

A PORTION OF THE NORTHWEST 1/4 OF SECTION 36
T.3N,R.1E. OF THE GILA AND SALT RIVER BASE
AND MERIDIAN, MARICOPA COUNTY, ARIZONA



VICINITY MAP
N.T.S.

SCALE 1" = 80'

ENGINEER
CLOUSE ENGINEERING INC.
1642 E. ORANGEWOOD AVENUE
PHOENIX, AZ. 85020
PHONE: (602) 395-9300
FAX: (602) 395-9310

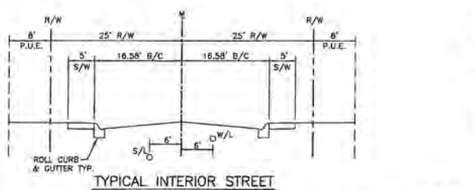
OWNER/DEVELOPER
NORTHWEST HOLDINGS, LLC
11811 N. TATUM BLVD.
SUITE 1051
PHOENIX, ARIZONA 85028
PHONE: (602) 870-7495

SITE SUMMARY

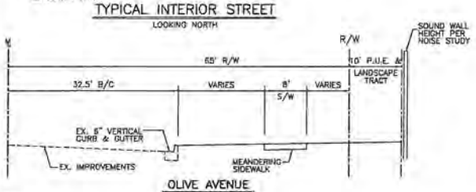
GROSS ACRES: 39.1781 ACRES OR 1,706,598 S.F.
NET ACRES: 36.3033 ACRES OR 1,581,371 S.F.
TOTAL LOTS: 172
DENSITY: 4.36 D.U. PER ACRE NET DENSITY: 4.71
TYPICAL LOT SIZE: 45'X110'
EXISTING ZONING: C-2 & C-4
PROPOSED DEVELOPMENT OPTION: P.A.D.
OPEN SPACE/COMMON RETENTION 6.11 ACRES
APN# 143-21-004C
MMIMUM LOT SIZE: 4,789 S.F.
MAXIMUM LOT SIZE: 11,234 S.F.
ZONING CASE NUMBER: Z-05-16

BENCH MARK – C.O.P. DATUM

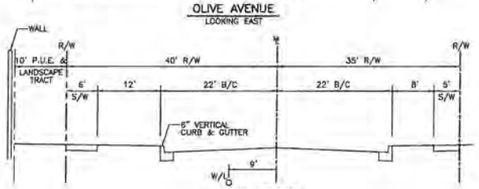
3" ADOT BC IN HH .7' DOWN MARKING THE NORTHWEST CORNER OF SECTION 36, T. 3 N., R. 1 E. LOCATED AT THE INTERSECTION OF 75TH AVENUE AND OLIVE AVENUE NAVD88 ELEV=1138.13(C.O.P. DATUM)



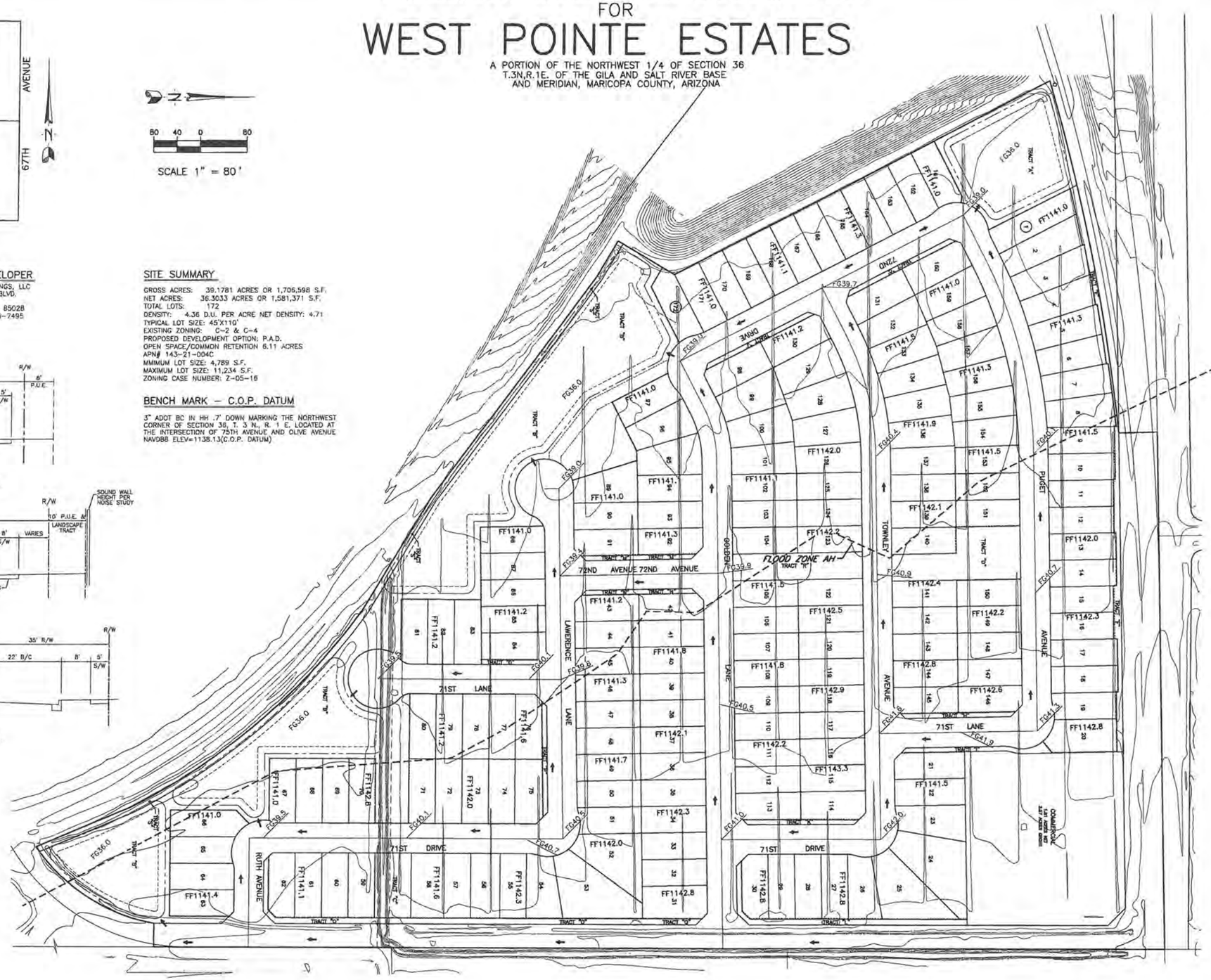
TYPICAL INTERIOR STREET
LOOKING NORTH



OLIVE AVENUE
LOOKING EAST



71st AVENUE
LOOKING NORTH



Clouse Engineering, Inc.
ENGINEERS • SURVEYORS
1642 E. Orangewood Ave. Phoenix, Arizona 85020
Tel 602-395-9300 Fax 602-395-9310

PRELIMINARY GRADING AND DRAINAGE PLAN
WEST POINTE ESTATES

PEORIA ARIZONA

[redacted]

Revised

Date
10-9-13
As-Built
.
Job No.
121007

1 OF 1

PRE_C&D.DWG

Exhibit E

WEST POINTE ESTATES

Planned Area Development

Standards and Guidelines Report

Southwest Corner of 71st Avenue and Olive Avenue
Peoria, Arizona

Case #Z13-0011

Revised: February 24, 2014

Prepared by:
Law Office of David Cisiewski, PLLC
11811 North Tatum Blvd.
Suite 1051
Phoenix, AZ 85028
(602) 953-8729

Development Team:

Owner:

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11811 North Tatum
Suite 1051
Phoenix, AZ 85028

Zoning & Planning:

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Phoenix, AZ 85028

Engineering:

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1642 East Orangewood Avenue
Phoenix, Arizona 85020

Landscape Architect:

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11110 North Tatum Blvd.
Suite 100
Phoenix, Arizona 85028

Traffic Engineering:

CivTech
10605 North Hayden Road
Suite 140
Scottsdale, Arizona 85260

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ATTACHMENTS

Attachment 1	**Location Map**
Attachment 2	**Legal Description**
Attachment 3	**Surrounding Conditions**
Attachment 4	**Proposed Site Plan/Preliminary Plat**
Attachment 5	**Landscape Plans**

1.0 Introduction.

The information contained in this Standards and Guidelines Report shall serve to establish the design standards and guidelines for the future development of West Pointe Estates. The proposed Planned Area Development (PAD) provides for a single family residential and community commercial development that is in accordance with the General Plan for the Property.

2.0 Purpose

2.1 Property. The real property which is the subject of this application is located in Section 36, Township 3 North, Range 1 East of the Gila & Salt River Base & Meridian, Maricopa County, Arizona. The project consists of approximately 39.18 gross acres (36.3 net acres) bounded by 71st Avenue on the east, vacant land to the east, Olive Avenue on the north and Grand Avenue right-of-way on the west & south, as shown on the map included as Attachment "1" ("Property"). The legal description and boundary survey are included as Attachment "2".

2.2 Planning & Development History. At present the Property is zoned C-2, Intermediate Commercial and C-4, General Commercial. The General Plan designation of the Property is for Medium Density Residential (5-8 du /ac) and Community Commercial.

2.3 Proposed PAD Zoning and Plat. So as to accommodate the unique development challenges of the Property, the Applicant is requesting a Planned Area Development (PAD) zoning designation and a Preliminary Plat for the Property. The proposed PAD will provide for the development of 172 residential lots for single family dwellings on 36.61 gross acres (34.49 net acres), with the remaining 2.57 gross acres (1.81 net acres), located at the immediate southwest corner of 71st Avenue & Olive, being retained for its current land use designation of C-2, Intermediate Commercial. The proposed PAD zoning is intended to facilitate the Property being developed in response to current market conditions to provide for a single family land use which are compatible with the existing single family land uses to the north and east and a small scale commercial land use that is compatible and complimentary to the local community.

3.0 Site Conditions

3.1 Existing Conditions. As shown on the aerial photograph attached hereto as Attachment "1", the Property consists of fallow and de-vegetated soil. The Property is not located within a floodplain and will not be required to convey any offsite hydrologic flows through or past the site boundaries, as no offsite flows currently exist.

The roadways adjacent to the Property are:

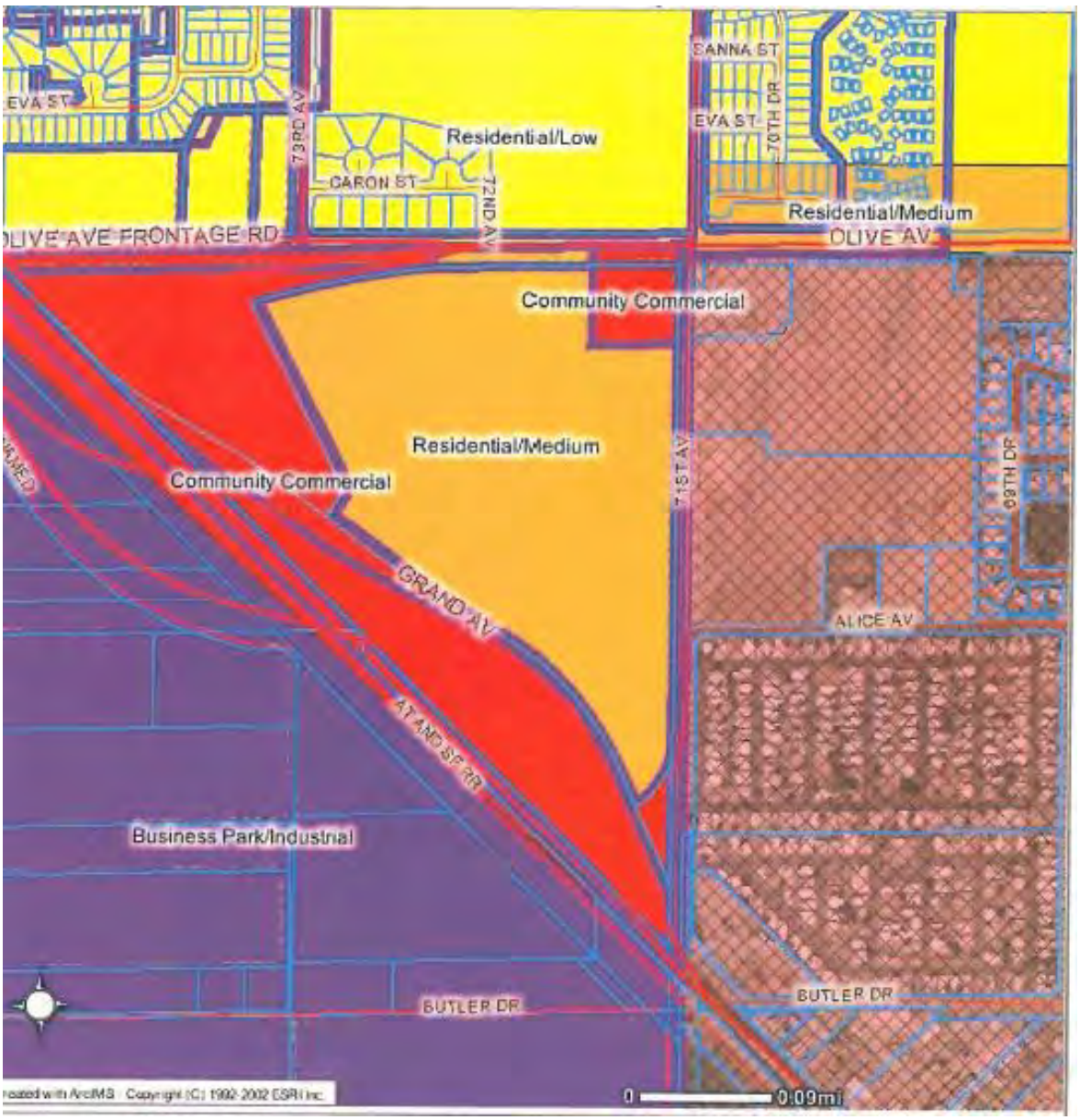
- 71st Avenue - which is presently unpaved, but will be fully developed as part of the first phase of development of the proposed residential project for the southeast corner of 71st & Avenue & Olive in the City of Glendale;

- Olive Ave – which is located in the City of Peoria and is developed as a five lane arterial paved street with vertical curb on both north and south sides;

- Alice Avenue which is a half street paved without curb or gutter on either north or south side.

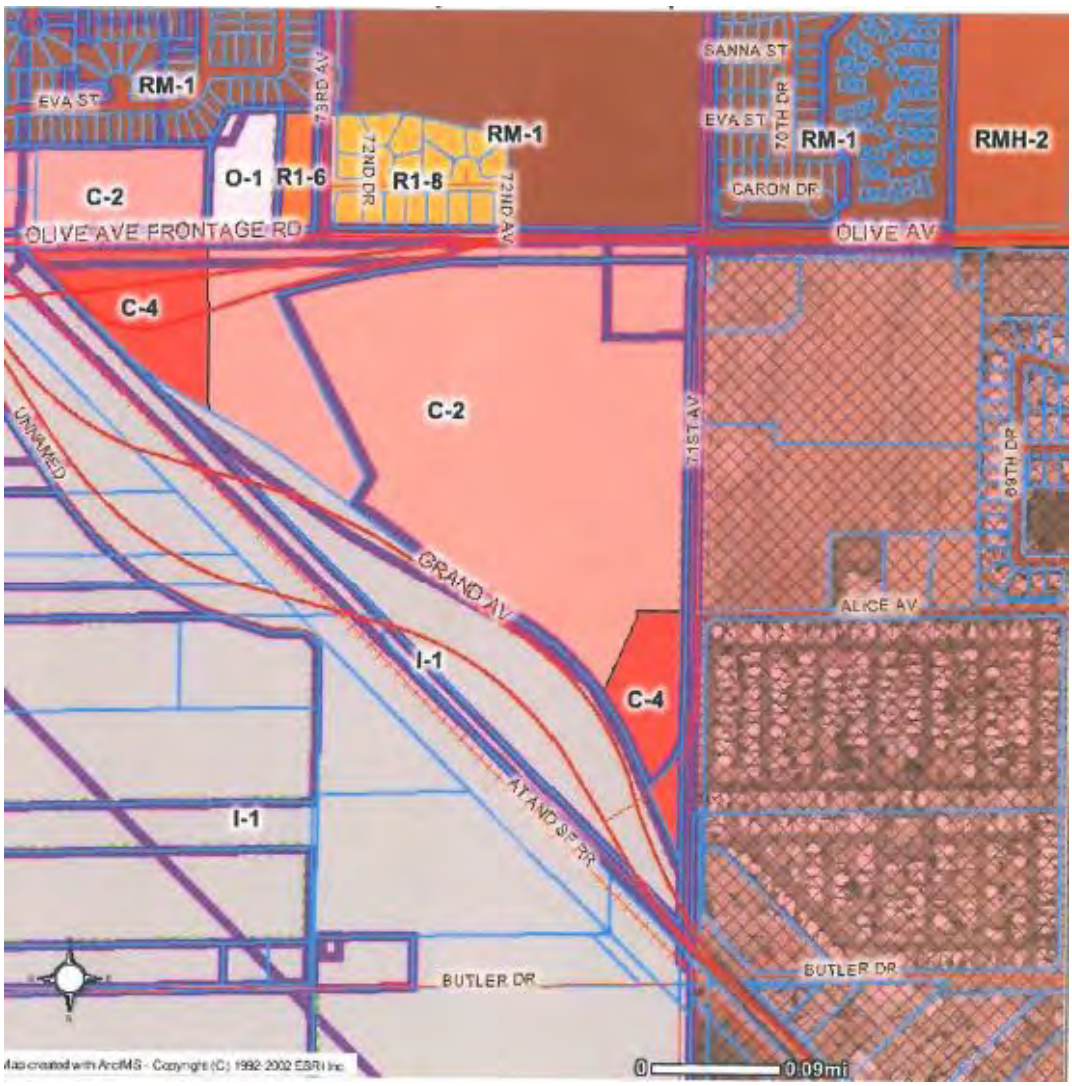
- Grand Avenue which is fully developed 6-lane, separated roadway. There is no access between the Property and Grand Avenue.

3.2 Existing General Plan Designation. The existing General Plan designation for the Property is Medium Density Residential (5-8 du /ac) with a small portion of the northeast quadrant of the larger tract being designated for Community Commercial. The General Plan designations of the Property and the surrounding area shown on the map provide below.



2-24-14

3.3 Existing Zoning. The existing zoning for the Property is C-2 Intermediate Commercial and C-4 General Commercial. The approved zoning of the Property and the surrounding area is shown on the map provided below.



3.4 Flood Designation As noted on the Preliminary Plat, the western portion of the site is located within Flood Zone "AH" with the balance of the Property being located within Flood Zone "X", as shown on Flood Insurance Rate Map (FIRM) No. 04013C1630H, effective September 30, 2005. The general delineation of the separate Flood Zones is depicted on the Preliminary Grading Plan included in Attachment "4".

3.5 Location. West Pointe Estates is located in close proximity to major thoroughfares which supports the long-term sustainability of this development. The availability of essential utilities in the area has also added to the feasibility of developing the commercial and residential parcels within the Property. Proximity to a community college, numerous retail developments, and other aged residential developments nearby are all additional indicators of the

need and opportunity to provide a great community which meets the needs of Peoria residents.

3.6 Accessibility. West Pointe Estates is situated just northeast of Grand Avenue, a major northwest/southeast thoroughfare, and is bordered on the north by Olive Avenue, another major thoroughfare. The development can also be accessed from Alice Avenue on the south via 67th Avenue to the east.

4.0 Relationship to Surrounding Properties

4.1 Surrounding Conditions. An aerial photo of the Property and surrounding area is provide as Attachment "3" and the following descriptions include the zoning and General Plan designations for land adjacent to and surrounding Property:

NORTH of Olive Avenue is the City of Peoria. There is an existing single-family subdivision called "Olive Park", zoned R1-8, a condominium called "Olive Square", zoned RM-1, Sunnyslope Park, and the Peoria Mobile Estates, zoned RM-1. The General Plan designations are Residential/Low and Residential/Medium.

EAST of the Property there is vacant land under the jurisdiction of the City of Glendale which has been approved for PAD zoning to accommodate commercial, multi-family, and single family land uses.

SOUTH of the Property is the right-of-way of Grande Avenue and to the southeast of Alice Avenue there is an existing single-family subdivision under the jurisdiction of the City of Glendale, called "Paradise Groves". Its existing zoning is Glendale R-4.

WEST of the Property is the right-of-way of Grand Avenue and further to the west is undeveloped land zoned I-1 in the City of Peoria.

5.0 General Description of West Pointe Estates.

The vision for the development is to create a community that is attractive to homeowners by offering nearby neighborhood retail conveniences in a setting proximate to desirable transportation corridors. The proposed plan of development for West Points Estates provides for 172 single family residential lots with each being generally 45 x 110 feet in area. Based upon the development of 36.61 gross acres (34.49 net acres) of the larger tract for this land use, the proposed development will provide for a density of 4.74 dwelling units per net acre. Additionally, the residential component of this PAD includes 5.52 net acres of useable open space which equates of 14.08% useable open space for the residential development.

The residential lots are intended to accommodate single-family, two-story, detached homes with side yards. The community will not be gated and pedestrian and vehicular access will be provided from Olive Avenue and 71st Avenue, as more clearly depicted on the Site Plan, attached hereto as Attachment "4". The proposed housing product will provide private side and rear yards as well as adequate front and rear building setbacks to ensure an aesthetically pleasing street and yard scape. However, because the Applicant has not secured a final builder for the single family development at this time, greater detail regarding the final design of the single family buildings will need to occur separately, and will be subject to the City's design review process.

The commercial portion of the Property is approximately 2.57 gross acres (1.81 net acres) and is planned to serve the residents of West Pointe Estates, the existing residents neighboring the development, as well as commuters frequently traveling along Olive Avenue. The architectural and design theme of the commercial parcel will be generally consistent with the single family parcel. However, because the Applicant has not secured a user(s) for the commercial parcel at this time, greater detail regarding the design of the commercial building will need to occur separately, and will be subject to the City's design review process.

6.0 Compliance with P.A.D. Zoning. As discussed herein, the Applicant is requesting Planned Area Development ("PAD") zoning for the property, pursuant to Article 14-33 of the Peoria Zoning Ordinance. The intent of PAD zoning, as stated in the ordinance, includes the following goals:

- To enhance the City's development growth in order that the public health, safety. and general welfare be enhanced as Peoria increasingly urbanizes;

- To encourage innovations in residential, commercial and industrial development so that greater opportunities for better housing, recreation, shopping, and employment may extend to all citizens and residents of Peoria;

- To reflect changes in the technology of land development;

- To encourage a more creative approach in the utilization of land in order to accomplish a more efficient, aesthetic, and desirable development which may be characterized by special features of geography, topography, size, or shape of a particular property; and

- To provide a compatible and stable developed environment in harmony with that of the surrounding area.

The proposed development includes both single family residential and commercial uses in support of the aforementioned goals. As noted in the various development, engineering and other related reports included as part of this submittal, the Property has unique challenges for development, including the natural grade of the Property, the lack of adequate public utilities in close proximity, and the limitations associated with the location of the Property to Grand Avenue. The proposed development plan provides for 172 single family homes and a small commercial parcel designed to overcome these development challenges and provide a quality, sustainable living environment to accommodate the growing residential needs of the City, as well as providing limited commercial land uses in support of the community. The proposed development is designed to provide a quality and sustainable housing product with sufficient open space and amenities to afford the residents a vibrant live and play environment, in close proximity to transportation corridors.

While there has been in recent years a variety of housing product designs which have been put forth in the metro area, including attached and detached products from other geographic areas of the country, many of these developments have failed as they are simple not desirable relative to larger housing market in the metropolitan area. The proposed housing for West Point Estates is of a nature that has proven sustainability in the market. The residential lots are of a size that provides ample

space for young growing families as well as more established family units. The proposed plan and residential concept encourages the development of stable, sustainable homeownership in the community in support of the PAD goal to provide greater opportunities for better housing to all citizens and residents of Peoria.

Additionally, West Pointe Estates provides for a residential density compatible with the current General Plan for the Property while providing nearly 50% increase in usable open space. This extensive open space provides for not only aesthetic quality within the development, but also affords connectivity through the larger development to the community areas. The community areas include playgrounds, shaded recreation/gathering areas and large turf areas. The design of the West Pointe Estates locates the community areas along the western boundary of the larger tract to provide additional buffer from Grand Avenue, but also provides connectivity through a lighted pathway between the distinct community areas for the use and enjoyment of the residents. The location and design of these community areas afford special features in support of a quality living environment, as well as provide a creative use of the land to buffer the residences from Grand Avenue.

Finally, the proposed design of the residential and commercial development will blend well with the existing developments surrounding the Property. The existing developments to the south are residential in character and the proposed development east of the Property is for single family homes, including the construction of 71st Avenue. The installation of this new roadway will provide increased ease of access for the residents of West Pointe Estates, as well as those residents to the south and east. The new roadway will provide connectivity within the community and alleviates the separation that now exists, which inhibits a cohesive community. Additionally, the limit character of the commercial development will afford commercial activities that are compatible and support to the adjoining residential areas without any adverse impacts.

Based upon the foregoing, the requested PAD zoning for the Property supports the goals and intent of the Peoria PAD zoning ordinance and allows for the development of a quality, sustainable residential development with limited commercial uses in support of the needs of the community.

7.0 Development Standards & Guidelines

7.1 Developments Standards. The following development standards and requirements shall be maintained or exceeded without deviation for the residential and commercial components of West Pointe Estates:

			Development Standards						
	Minimum Lot area	Minimum Width	Minimum Depth	Minimum Building Setbacks				Structure Height	% Lot Coverage
				Front	Rear	Side	Street Side		
Single Family	4,780	45'	110'	20'	15'	5'(1)	10'	30'	45%
Commercial	n/a	n/a	n/a	20'	25'	25'	20'	35'	n/a

(1) The 5 foot side setback is in additional to an 8 foot PUE provided along all streets within the development

7.1.1 Open Space. The open space proposed for West Pointe Estates is a significant component of what helps make a successful, sought out and attractive community. As depicted on the Site Plan, 14.08% of the total residential land area is allocated as useable open space for landscaping, retention, and community space, which will provide areas for private parks, dedicated recreation areas and retention basins. These areas are depicted on the attached Preliminary Plat included as Attachment "4" and the Landscape Plans included as Attachment "4".

7.1.2 Amenities. As illustrated on the Landscape Plans, included as Attachment "4", there are a number of amenities within West Pointe Estates, such as street–side landscape buffers, private recreation areas, a community playground, shaded seating areas, and significant open space. These amenities are meant to enhance the sense of place and livability of West Pointe Estates by providing a completely sustainable community that is integrated into the surrounding environment and overall region as a whole.

7.1.3 Signage. All signage within West Pointe Estates shall comply with Article 14-34 of the City of Peoria Zoning Ordinance, shall be subject to final design review approval, and shall be approved under a separate permit.

7.1.4 Lighting. The lighting scheme for West Pointe Estates shall comply with all provisions of Chapters 20-60 through 20-67 of the City of Peoria's Code and be subject to final design review. Any identification signs for West Point Estates may be externally illuminated in accordance with the Zoning Ordinance. Street lights shall be installed along all public streets in accordance with plans and specifications approved by the City of Peoria. Low level lighting shall be provided in recreation areas, community playgrounds, community seating areas and elsewhere within the development where people may congregate. All lighting provided within West Pointe Estates shall be in compliance with the requirements of the Dark Sky Ordinance.

7.1.5 Parking. Parking space dimensions will be a minimum nine & one-half feet (9.5) wide by twenty feet (20) long and all drive aisles shall be designed in accordance with City of Peoria Code. The minimum allocation of parking spaces provided at West Pointe Estates shall be as follows:

Single Family Residential	2 garage spaces per residence Street/Guest Parking – 1 space per 2 DU
Commercial	1 space per 250 s.f. of building area or as otherwise required by the City of Peoria Zoning Code

Within the single family portion of the development, each residence will contain a standard-size two (2) car garage. Additionally, temporary guest parking will be available on the street at a minimum ratio of one guest space per every two dwelling units.

All parking designs and configurations, including loading and delivery areas within West Pointe Estates, shall comply with City of Peoria Zoning Ordinance.

7.1.6 Structure Theming. The overall theme for West Pointe Estates will be determined by the final builder of the residential development and user(s) for the commercial component of the development, but in all instances the theme shall generally consist of muted earth tones and complemented by a thoughtful use of accent stone and decorative wrought iron. Greater detail regarding the final design of the separate residential and commercial developments will need to occur once a final builder has been secured for the separate developments, all of which being subject to the City's design review process. However, all potions of the development shall be developed in accordance with the provision of the City of Peoria Design Review Manual and include, at a minimum, the following:

a. 4-sided architecture;
b. Inclusion of similar architectural design and accent elements on all buildings;
c. Limiting the extent of single-plane elevations on buildings;
d. Avoiding solid-mass building design;
e. Incorporating a diversity of colors, materials and accent elements on all buildings;
f. All structures shall incorporate CPTED crime deterrent principals;
g. Perimeter walls consisting for decorative block and other accent designs;
h. Provide for architectural variation between contiguous buildings;
i. Avoid the use of highly reflective materials and surfaces on all buildings;
j. Inclusion of pedestrian amenities and public spaces;
k. Trash facilities on commercial developments shall be oriented away from arterial streets and/or fully screened from view;
l. Provide for façade articulation in commercial buildings; and
m. Provide for variable heights in roof planes

7.1.7 Landscape Theming. In an effort to promote water conservation practices in the desert environment, the "front yards" within the single family parcel will consist of Xeriscape landscaping. To further promote water conservancy, the plant palette for the entire project will consist of water conscious species of trees, shrubs, and groundcover that will provide a variety of size, color, and texture throughout the community.

The landscaping will also provide functional purposes such as architectural screening and shade. All landscape areas, excluding turf, will have a decorative decomposed granite cover measuring ¾-inch minus and shall be 2" deep. All landscape will be watered with a fully automatic irrigation system consisting of spray heads and/or rotor sprinklers for the lawn areas and drip emitters for the trees, shrubs, and ground cover.

7.1.8 Walls and Fencing. As a design aspect that is seen throughout the community, the walls and fences will be designed to enhance the overall visual aesthetics of the development by making use of materials and a color palette appropriate to the theming and environment. An example of the walls and fencing proposed throughout West Pointe Estates are illustrated on the Landscape Plan included as Attachment "5".

The perimeter theme wall will be installed along the exterior boundaries of the project, excluding those portions of the Property where existing masonry walls are present. The perimeter theme wall will be comprised of 6" CMU integral color block with a split-face CMU integral color block design pattern integrated into the wall. The wall between the single

family parcel and commercial parcel will be comprised of an eight foot (8') high, eight inch (8") thick decorative block wall along the southern and western boundaries of the commercial parcel.

In addition, the Project will be required to provide a noise buffering sound wall along the boundary with Grand Avenue and the Olive Avenue ramp. The final design and construction details for this noise wall shall be based upon a noise study to be completed by the project developer concurrent with the preparation of construction documents. The noise wall study and the design of the noise shall be subject to review and approval by the City of Peoria.

7.1.9 Architecture. The detailed architectural style will be determined by the residential builder and commercial user(s) at the time of and during the design review process for the single family homes. Once those standards have been established, the basic guidelines will be carried throughout the commercial portion of the development to ensure a common vision and complimentary design. The actual elevations, color palette and materials to be used will be subject to the City of Peoria final product design as established in the design review process.

7.1.10 Covenants, Conditions & Restrictions (CC&R's). The Applicant will establish covenants, conditions and restrictions ("CC&R's") for West Pointe Estates to set forth the rules and regulations which will govern single family homeowners' rights and responsibilities as they pertain to their real property, as well as limitations and restrictions upon the commercial component of the development. These CC&R's will list items that are allowed within the community as well as any restrictions and/or prohibitions as related to a homeowner's lot, dwelling unit, or amenities within the common areas.

7.1.11 Homeowners Association. A Homeowners Association will be formed, pursuant to the CC&R's and given the responsibility of maintaining open spaces under its control and enforcing the CC&R's of the community. The Homeowners' Association will be funded by dues from each homeowner within West Pointe Estates.

7.1.12 List of Permitted Uses. Subject to compliance with all the standards and requirements herein provided and further in compliance with the requirements of the City of Peoria Design Review Manuel, the following uses shall be permitted upon the Property:

7.1.12.1 RESIDENTIAL USES

7.1.12.1.1 Permitted Principal Uses:

a. One detached single-family dwelling per lot

b. Publicly-owned and operated parks and recreation areas and centers.

c. Group Homes, in accordance with provisions of Article 14-3, General Provisions Section 14-3-12, "Group Homes, Day Care Group Homes, Group Care Facilities and Community Residential Setting Facilities," Subsection 14-3-12(A) of the Peoria Zoning Ordinance.

d. Public/Charter Schools and Private Schools, provided that the facility shall have direct vehicular access to an arterial or collector street and that facilities for repair or storage of vehicles and equipment shall be prohibited.

e. Churches, synagogues, temples, chapels, or similar places of worship, and related facilities, subject to review and approval of vehicular access by the City Engineer.

f. Public utility buildings, uses, structures, equipment and storm water retention areas; provided that repair or storage facilities in connection therewith are expressly prohibited.

7.1.12.1.2 Permitted Conditional Uses. Any of the following uses may be permitted as principal uses subject to approval by the Commission of site development plans prepared in accordance with the applicable provisions of the City of Peoria Zoning Ordinance.

a. Public buildings providing cultural, educational, administrative, fire and police protection services to district residents; provided that all vehicular access shall be restricted to public streets.

b. Non-commercial recreational uses, provided that all direct vehicular access is from an arterial or collector street.

c. Day Care Group Homes with five (5) or more children, in accordance with all applicable provisions of City of Peoria Zoning Ordinance.

d. Group Care Facility or Community Residential Setting Facility in accordance with all applicable provisions of the City of Peoria Zoning Ordinance.

e. Preschool centers or day care centers in accordance with State Department of Health Care Services regulations and all applicable provision of the City of Peoria Zoning Ordinance and Code.

7.1.12.1.3 Permitted Accessory Uses

a. Any accessory use customarily incidental to a permitted principal use.

b. Off-street parking serving a permitted principal use, in accordance with all applicable provision of the City of Peoria Zoning Ordinance.

c. Private garage or carport for storage or parking of vehicles.

d. Garden house, tool house, ramada, outdoor swimming pool and similar home recreational facilities; provided that such facilities are used solely by occupants of the premises and their guests.

e. Storage or parking of recreational vehicles and utility trailers, in accordance with all provision of the City of Peoria Zoning Ordinance and Code.

f. Guest house or servant's quarters in accordance with all provision of the City of Peoria Zoning Ordinance and Code.

g. Home occupation, in accordance with in accordance with all provision of the City of Peoria Zoning Ordinance and Code.

h. Day care for four (4) or less children

7.1.12.2 COMMERCIAL USES. All those principally permitted uses, conditionally permitted uses, and accessory uses as are allowed under the provisions of the Article 14-9 of the City of Peoria Zoning Ordinance, as amended from time to time, and subject to all restrictions and limitations related thereto, for zoning districts known as Convenience Commercial (C-1) and Intermediate Commercial (C-2).

In addition all the foregoing standards and requirements, all portions of West Pointe Estates shall be developed in accordance with the City of Peoria's Design Review Manuel.

7.1.13 Grading/Drainage/Retention. The drainage and retention design are provided in the Preliminary Drainage Report for West Pointe Estates, dated October 9, 2013 included as part of this submittal. As detailed in the Preliminary Drainage Report, the Project shall provide for on-site retention of the 100-year, 2-hour storm event. The location and design of the various retention basins are depicted on the included plans.

8.0 Timing of Development/Project Phasing. The Applicant intends to begin the final engineering of the development expeditiously should the PAD Zoning and Preliminary Plat be approved. Timing for construction of the development will be based on numerous factors, such as market demand and absorption levels, as well as the ability of Applicant to find a suitable builder/developer for the parcels. As noted on the Preliminary Plat, included as Attachment "4" the Applicant intends that the residential component of the project be built as Phase I and the commercial component will be constructed as Phase II. However, it is not the intent of this Report to limit or mandate the completion of the residential phase prior to or as a condition of the commencement of the commercial phase.

9.0 Public Utilities & Services

9.1 Water. There is an existing 12" water line in Olive Avenue, along the northern boundary of the Property. Additionally, concurrent with the development and installation of 71st Avenue, a new 8-inch public water line will be installed in 71st Avenue from Olive Avenue to Alice Avenue. The water lines for the single family property will be looped with tie-ins on Olive Avenue and 71st Avenue. A more detailed discussion of the water service design is provided a separate Water Report for West Pointe Estates, which has been submitted concurrently with this Report. The preliminary Water Plans are depicted on the Preliminary Plat included as Attachment "3".

9.2 Sewer. To provide sanitary sewer to the project site, a sewer extension is proposed from the project site westward under Grand Avenue and the railroad right-of-way to its ultimate connection point in 75th Avenue. Based upon the location of the proposed sewer line, approvals from both ADOT and BNSF railroad will be required. At the present time, the Applicants engineer is engaged in discussions with both parties regarding the preliminary design and construction limitations related to the sewer. A more detailed discussion of the sewer design is provided a separate Wastewater Study for West Pointe Estates, which has been submitted concurrently with this Report. The preliminary Sewer Plans are included as Attachment "4".

9.3 Solid Waste. Solid waste removal service will be secured prior to final plat and is anticipated to be provide by the City of Peoria. The location of all refuse receptacles will be in conformance with the requirements of the City.

9.4 Electrical Service. Electric service will be provided by Salt River Project (SRP).

9.5 Natural Gas. Natural gas service will be provided by Southwest Gas.

9.6 Telephone. Telephone service will be provided by Century Link.

9.7 Law Enforcement. Law enforcement will be provided by City of Peoria Police Department.

9.8 Fire Protection. Fire Protection will be provided by City of Peoria.

9.9 Cable. Cable television and internet services will be provide by Cox.

10.0 Maintenance of Streets and Common Areas

10.1 Public Streets. All street improvements proposed as part of this development will be dedicated as public streets and will be designed and constructed in accordance with City of Peoria requirements. As designed, the streets within the single family development provide for a 50 foot right-of-way, as shown on the Site Plan. Public right-of-way will also be dedicated along Olive Avenue, as needed, and 71st Avenue. Improvements will be made to these streets in conformance with City of Peoria and the City of Glendale requirements, the designs provided for in the approved Traffic Impact Analysis and shall include any required modifications to the traffic signal at the intersection of 71st Avenue & Olive Avenue. Once these improvements have been accepted by the City, the City will be responsible for maintenance of the dedicated rights-of-way. Typical Street Sections are provide on the Preliminary Plat, included as Attachment "4".

10.2 71st Avenue Construction. The design and engineering plans, as well as a Traffic Impact Analysis for 71st Avenue, have been submitted to the City of Glendale for review and comment. These improvements include the relocation and construction of the existing SRP irrigation facilities, installation of new pavement for 71st Avenue from Olive Avenue to Alice Avenue and then continuing southward to Grand Avenue, and the installation of a new traffic signal at the intersection of 71st Avenue and Olive Avenue. All improvements to Olive Avenue will be coordinated and approved by the City of Peoria and improvements to 71st Avenue and Alice Avenue will coordinated and approved by the City of Glendale. These infrastructure improvements will provide significant benefit to the Property, the adjoining developments, and the nearby community. In the event 71st Avenue has not been completed prior to commencement of construction of West Point Estates, the developer of West Pointe Estates shall complete the construction of 71st Avenue concurrent with the development of the Property.

10.3 Common Areas. Common areas within the development will be comprised of open space, community recreation areas, and landscape tracts. All of these areas within the single family parcel will be owned and maintained by a Homeowners' Association and within the commercial parcel by the commercial property owner(s).

11.0 Conclusion.

The Applicant's proposed PAD Zoning and Preliminary Plat will create a community that is attractive to homebuyers while offering a desirable quality of life and sustainable community. The Applicant believes this development will be a welcome addition to the neighboring community and the City of Peoria at large.

ATTACHMENT "1"

Location Map

ATTACHMENT "2"

LEGAL DESCRITION

That part of the Northwest quarter of Section 36, Township 3 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

BEGINNING at a point 33 feet South and 287 feet East of the Northwest corner of Section 36, Township 3 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

THENCE East parallel to the North line of said Section, a distance of 3013 feet to a point;

THENCE South a distance of 1287 feet to a point;

THENCE West a distance of 660 feet to a point;

THENCE South a distance of 1136 feet to a point;

THENCE Northwesterly along the Northeasterly or Northerly boundary line of the right of way of Grand Avenue, a distance of 3377 feet to the POINT OF BEGINNING;

EXCEPT the East 660 feet of the North 1287 feet; and

EXCEPT the North 7 feet; and

EXCEPT that part lying Southwesterly of the following described line:

COMMENCING at the center quarter corner of said Section 36;

THENCE North 1 degree 10 minutes 56 seconds West along the North-South midsection line thereof, a distance of 154.48 feet;

THENCE from a Local Tangent Bearing of North 41 degrees 39 minutes 36 seconds West along the arc of a curve to the right having a radius of 2291.83 feet, a distance of 223.84 feet;

THENCE North 53 degrees 56 minutes 09 seconds East 117.96 feet to the Point of Beginning on the existing West right of way line of 71st Avenue;

THENCE North 23 degrees 55 minutes 05 seconds West 511.45 feet;

THENCE from a Local Tangent Beating of North 28 degrees 21 minutes 38 seconds West along the arc of a curve to the left having a radius of 1096.74 feet, a distance of 516.40 feet;

THENCE North 60 degrees 20 minutes 53 seconds West 282.04 feet;

THENCE North 59 degrees 51 minutes 42 seconds West 461.39 feet;

THENCE North 53 degrees 54 minutes 03 seconds West 293.07 feet;

THENCE along the arc of a curve to the left having a radius of 1180.92 feet, a distance of 123.67 feet;

THENCE North 59 degrees 54 minutes 03 seconds West 324.79 feet;

THENCE along the arc of a curve to the right having a radius of 1110.92 feet, a distance of 268.60 feet;

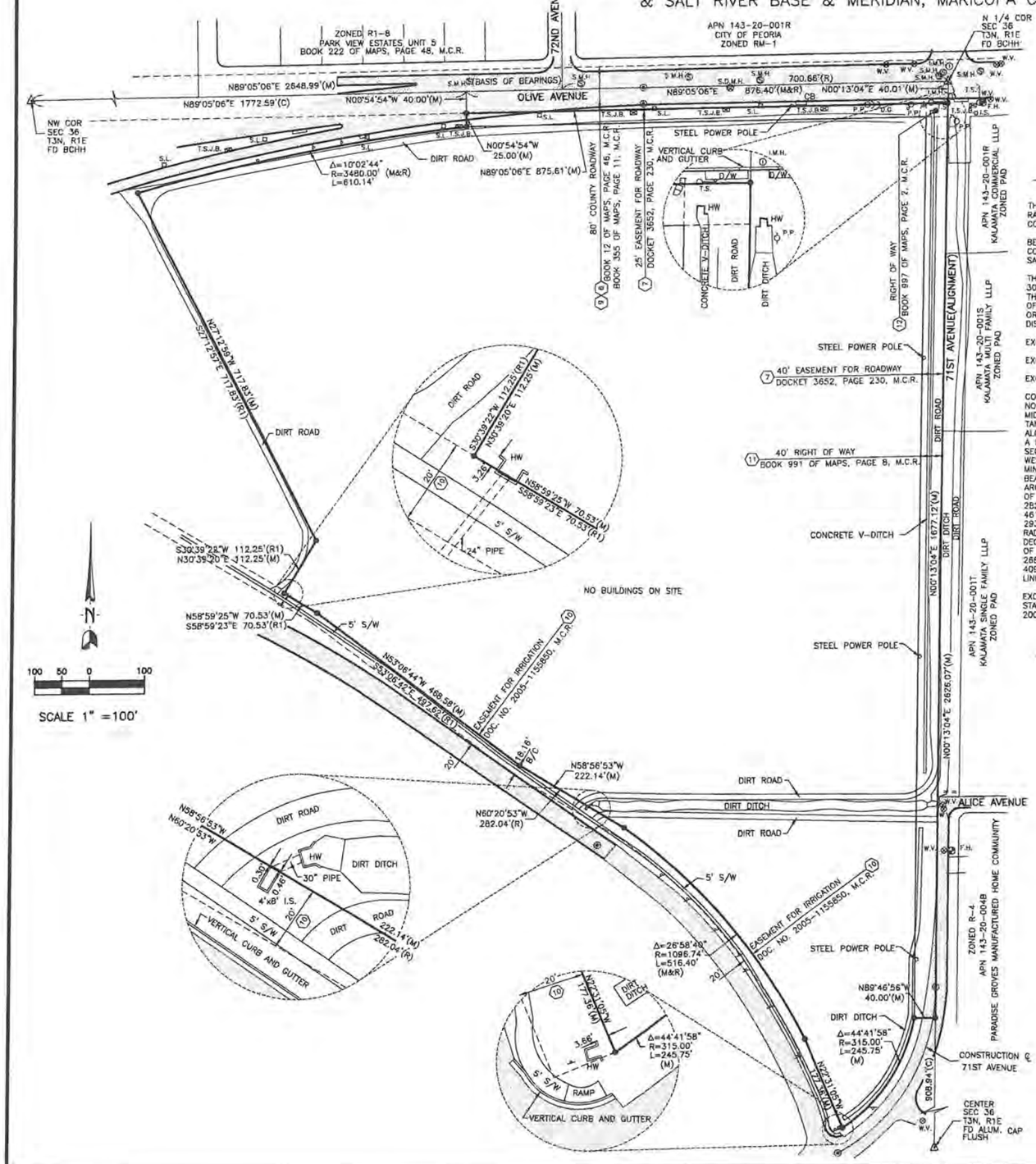
THENCE North 46 degrees 02 minutes 51 seconds West 409.95 feet to the POINT OF ENDING on the

existing South right of way line of Olive Avenue; and

EXCEPT that portion condemned in Final Order of Condemnation by the State of Arizona recorded March 5, 2004 in Document No. 2004- 0228034.

ALTA/ACSM LAND TITLE SURVEY

A PORTION OF THE NW 1/4, SECTION 36, T.3N., R.1E. OF THE GILA & SALT RIVER BASE & MERIDIAN, MARICOPA COUNTY, ARIZONA



DESCRIPTION

THAT PART OF THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 3 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 33 FEET SOUTH AND 287 FEET EAST OF THE NORTHWEST CORNER OF SECTION 36, TOWNSHIP 3 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

THENCE EAST PARALLEL TO THE NORTH LINE OF SAID SECTION, A DISTANCE OF 3013 FEET TO A POINT; THENCE SOUTH A DISTANCE OF 1287 FEET TO A POINT; THENCE WEST A DISTANCE OF 660 FEET TO A POINT; THENCE SOUTH A DISTANCE OF 1136 FEET TO A POINT; THENCE NORTHWESTERLY ALONG THE NORTHEASTERLY OR NORTHERLY BOUNDARY LINE OF THE RIGHT OF WAY OF GRAND AVENUE, A DISTANCE OF 3377 FEET TO THE POINT OF BEGINNING;

EXCEPT THE EAST 660 FEET OF THE NORTH 1287 FEET; AND

EXCEPT THE NORTH 7 FEET; AND

EXCEPT THAT PART LYING SOUTHWESTERLY OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE CENTER QUARTER CORNER OF SAID SECTION 36; THENCE NORTH 1 DEGREE 10 MINUTES 56 SECONDS WEST ALONG THE NORTH-SOUTH MIDSECTION LINE THEREOF, A DISTANCE OF 154.48 FEET; THENCE FROM A LOCAL TANGENT BEARING OF NORTH 41 DEGREES 39 MINUTES 36 SECONDS WEST ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2291.83 FEET, A DISTANCE OF 223.84 FEET; THENCE NORTH 53 DEGREES 56 MINUTES 09 SECONDS EAST 117.96 FEET TO THE POINT OF BEGINNING ON THE EXISTING WEST RIGHT OF WAY LINE OF 71ST AVENUE; THENCE NORTH 23 DEGREES 55 MINUTES 05 SECONDS WEST 511.45 FEET; THENCE FROM A LOCAL TANGENT BEARING OF NORTH 28 DEGREES 21 MINUTES 38 SECONDS WEST ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 1096.74 FEET, A DISTANCE OF 516.40 FEET; THENCE NORTH 60 DEGREES 20 MINUTES 53 SECONDS WEST 282.04 FEET; THENCE NORTH 59 DEGREES 51 MINUTES 42 SECONDS WEST 461.39 FEET; THENCE NORTH 53 DEGREES 54 MINUTES 03 SECONDS WEST 293.07 FEET; THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 1180.92 FEET, A DISTANCE OF 123.67 FEET; THENCE NORTH 59 DEGREES 54 MINUTES 03 SECONDS WEST 324.79 FEET; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1110.92 FEET, A DISTANCE OF 288.60 FEET; THENCE NORTH 46 DEGREES 02 MINUTES 51 SECONDS WEST 409.95 FEET TO THE POINT OF ENDING ON THE EXISTING SOUTH RIGHT OF WAY LINE OF OLIVE AVENUE; AND

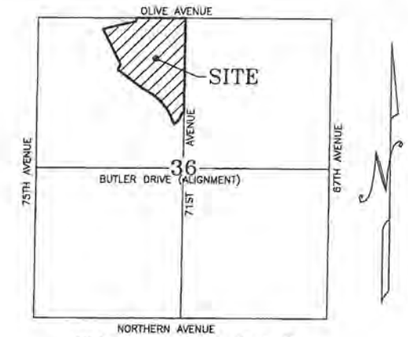
EXCEPT THAT PORTION CONDEMNED IN FINAL ORDER OF CONDEMNATION BY THE STATE OF ARIZONA RECORDED MARCH 5, 2004 IN DOCUMENT NO. 2004-0228034.

REFERENCE DOCUMENTS

R1	FINAL ORDER OF CONDEMNATION DOC. NO. 2004-0228034, M.C.R.
R	WARRANTY DEED DOC. NO.84-0495481, M.C.R.

LEGEND

(#)	SCHEDULE "B" ITEM
P.P.	POWER POLE
S.L.	STREET LIGHT
D.G.	DOWN GUY
I.S.	IRRIGATION STRUCTURE
C.B.	CATCH BASIN
W.V.	WATER VALVE
I.M.	IRRIGATION MANHOLE
F.H.	FIRE HYDRANT
T.S.J.B.	TRAFFIC SIGNAL JUNCTION BOX
D/W	DRIVEWAY
SMH	SEWER MANHOLE
HW	HEADWALL
B.C.	BRASS CAP
H.H.	HANDHOLE
T.S.	TRAFFIC SIGNAL
S/W	SIDEWALK
⊗	FOUND BRASS CAP IN HANDHOLE
(R)	RECORD DATA
(M)	MEASURED DATA
(C)	CALCULATED DATA
	TRAFFIC SIGN
	PAVEMENT
	INDICATES A CORNER OF SURVEY. SET A 1/2" BAR. UNLESS NOTED OTHERWISE



SEC 36, T 3 N, R 1 E

VICINITY MAP

N.T.S.

SCHEDULE "B" EXCEPTIONS

(5) ROADWAY AS SHOWN IN BOOK 12 OF MAPS, PAGE 46, M.C.R. (PLOTTED)

(7) EASEMENT FOR ROADWAY AND INCIDENTAL PURPOSES DOCKET 3652, PAGE 230, M.C.R. (PLOTTED)

(8) TERMS, CONDITIONS, PROVISIONS AND EASEMENTS IN IRRIGATION AGREEMENT, DOCKET 15362, PAGE 302; M.C.R. (UNABLE TO DETERMINE LOCATION-NOT PLOTTED)

(9) ROADWAY AS SHOWN IN BOOK 355 OF MAPS, PAGE 11, M.C.R. (PLOTTED)

(10) AN EASEMENT FOR IRRIGATION AND INCIDENTAL PURPOSES DOC. NO. 2005-1155850, M.C.R. (PLOTTED)

(11) ALL MATTERS AS SET FORTH IN MAP OF DEDICATION BOOK 991 OF MAPS, PAGE 8, M.C.R. (PLOTTED)

(12) ALL MATTERS AS SET FORTH IN MAP OF DEDICATION BOOK 997 OF MAPS, PAGE 2, M.C.R. (PLOTTED)

NOTES

1) THIS SURVEY WAS PERFORMED BASED ON INFORMATION CONTAINED IN A COMMITMENT FOR TITLE INSURANCE PREPARED BY CLEAR TITLE AGENCY OF ARIZONA, ORDER NO. 10-505834, DATED OCTOBER 24, 2012.

2) THE BASIS OF BEARING IS THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 36, T3N, R1E, USING A BEARING OF NORTH 89 DEGREES 05 MINUTES 06 SECONDS EAST PER BOOK 863 OF MAPS, PAGE 7, M.C.R.

3) GROSS AREA IS 1,669,324 SQ. FT. OR 38.3224 ACRES.
NET AREA IS 1,581,371 SQ. FT. OR 36.3033 ACRES.
(NET AREA IS IS CALCULATED USING A 65' R/W ON OLIVE AVENUE AND 40' R/W ON 71ST AVENUE)

4) UNDERGROUND UTILITIES SHOWN ARE FROM OBSERVATION ONLY.

5) THE SUBJECT PROPERTY IS ZONED C-2 AND C-4 (COMMERCIAL).

6) ACCORDING TO FIRM FLOOD INSURANCE RATE MAP NO. 04013C1630H DATED SEPTEMBER 30, 2005, THE SUBJECT PROPERTY IS LOCATED IN ZONE X, "AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD."

7) ADJOINING OWNER INFORMATION IS PER MARICOPA COUNTY ASSESSOR

8) ANY DISTANCES, BEARINGS, DESCRIPTIONS, ETC., WHICH MAY VARY FROM THE PROVISIONS OF THE RECORD INFORMATION NOTED ABOVE REFLECT ACTUAL MEASURED DATA, OR THE BEST INTERPRETATION OF THE SURVEYOR.

CERTIFICATION

TO : NORTHWEST HOLDINGS, LLC, AN ARIZONA LIMITED LIABILITY COMPANY
EXETER REAL ESTATE INVESTORS IX, A LIMITED PARTNERSHIP
CLEAR TITLE AGENCY OF ARIZONA

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH 2011 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 5, 11(b), 16, 17, 20(a) AND 20(b) OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON NOVEMBER 15, 2012.

[redacted]

ROBERT J. BLAKE
REGISTERED LAND SURVEYOR NO. 36070
DATE OF PLAT OR MAP: NOVEMBER 16, 2012

ALTA.DWG

Clouse Engineering, Inc.
ENGINEERS • SURVEYORS
1842 E. Orangewood Ave. Phoenix, Arizona 85020
Tel 602-395-9300 Fax 602-395-9310

ALTA/ACSM LAND TITLE SURVEY
SW CORNER 71ST & OLIVE AVENUES
ARIZONA

GILBERT

Revised
11/28/12

Date
11-11-12
As-Built
.
Job No.
121007

1 OF 1

<u>**ATTACHMENT “3”**</u>

Surrounding Conditions

ATTACHMENT "4"

Proposed Site Plan

PRELIMINARY PLAT
FOR
WEST POINTE ESTATES

A PORTION OF THE NORTHWEST 1/4 OF SECTION 36
T.3N,R.1E. OF THE GILA AND SALT RIVER BASE
AND MERIDIAN, MARICOPA COUNTY, ARIZONA

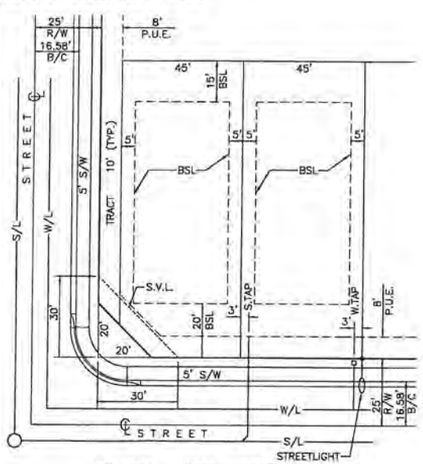
LOT TABLE

LOT	SQ. FT.	LOT	SQ. FT.	LOT	SQ. FT.	LOT	SQ. FT.
LOT 1	7,330 S.F.	LOT 48	4,950 S.F.	LOT 95	6,202 S.F.	LOT 141	4,950 S.F.
LOT 2	7,415 S.F.	LOT 49	4,950 S.F.	LOT 96	5,879 S.F.	LOT 142	4,950 S.F.
LOT 3	6,831 S.F.	LOT 50	4,949 S.F.	LOT 97	5,349 S.F.	LOT 143	4,903 S.F.
LOT 4	6,358 S.F.	LOT 51	4,796 S.F.	LOT 98	5,366 S.F.	LOT 144	4,858 S.F.
LOT 5	6,008 S.F.	LOT 52	5,777 S.F.	LOT 99	5,957 S.F.	LOT 145	5,493 S.F.
LOT 6	5,775 S.F.	LOT 53	11,125 S.F.	LOT 100	6,030 S.F.	LOT 146	5,333 S.F.
LOT 7	5,656 S.F.	LOT 54	5,795 S.F.	LOT 101	5,347 S.F.	LOT 147	5,425 S.F.
LOT 8	6,067 S.F.	LOT 55	4,950 S.F.	LOT 102	4,950 S.F.	LOT 148	5,207 S.F.
LOT 9	5,075 S.F.	LOT 56	4,950 S.F.	LOT 103	4,950 S.F.	LOT 149	5,243 S.F.
LOT 10	4,950 S.F.	LOT 57	4,950 S.F.	LOT 104	4,950 S.F.	LOT 150	5,225 S.F.
LOT 11	4,950 S.F.	LOT 58	6,114 S.F.	LOT 105	4,950 S.F.	LOT 151	5,053 S.F.
LOT 12	4,950 S.F.	LOT 59	4,950 S.F.	LOT 106	4,950 S.F.	LOT 152	4,950 S.F.
LOT 13	4,950 S.F.	LOT 60	4,950 S.F.	LOT 107	4,950 S.F.	LOT 153	4,950 S.F.
LOT 14	4,628 S.F.	LOT 61	4,950 S.F.	LOT 108	4,950 S.F.	LOT 154	4,950 S.F.
LOT 15	4,950 S.F.	LOT 62	4,837 S.F.	LOT 109	4,950 S.F.	LOT 155	4,950 S.F.
LOT 16	4,950 S.F.	LOT 63	4,919 S.F.	LOT 110	4,950 S.F.	LOT 156	4,950 S.F.
LOT 17	4,950 S.F.	LOT 64	4,943 S.F.	LOT 111	4,950 S.F.	LOT 157	4,950 S.F.
LOT 18	4,950 S.F.	LOT 65	4,808 S.F.	LOT 112	4,950 S.F.	LOT 158	4,950 S.F.
LOT 19	4,837 S.F.	LOT 66	5,512 S.F.	LOT 113	4,997 S.F.	LOT 159	4,950 S.F.
LOT 20	6,472 S.F.	LOT 67	4,909 S.F.	LOT 114	5,237 S.F.	LOT 160	4,878 S.F.
LOT 21	5,328 S.F.	LOT 68	4,950 S.F.	LOT 115	4,950 S.F.	LOT 161	4,950 S.F.
LOT 22	5,400 S.F.	LOT 69	4,950 S.F.	LOT 116	4,950 S.F.	LOT 162	4,950 S.F.
LOT 23	6,062 S.F.	LOT 70	4,950 S.F.	LOT 117	4,950 S.F.	LOT 163	4,950 S.F.
LOT 24	11,234 S.F.	LOT 71	4,950 S.F.	LOT 118	4,950 S.F.	LOT 164	4,950 S.F.
LOT 25	9,649 S.F.	LOT 72	4,950 S.F.	LOT 119	4,950 S.F.	LOT 165	4,950 S.F.
LOT 26	5,244 S.F.	LOT 73	4,950 S.F.	LOT 120	4,950 S.F.	LOT 166	4,950 S.F.
LOT 27	4,951 S.F.	LOT 74	4,950 S.F.	LOT 121	4,950 S.F.	LOT 167	4,950 S.F.
LOT 28	4,951 S.F.	LOT 75	5,211 S.F.	LOT 122	4,950 S.F.	LOT 168	4,950 S.F.
LOT 29	4,951 S.F.	LOT 76	4,972 S.F.	LOT 123	4,950 S.F.	LOT 169	4,950 S.F.
LOT 30	4,789 S.F.	LOT 77	4,950 S.F.	LOT 124	4,950 S.F.	LOT 170	4,950 S.F.
LOT 31	6,120 S.F.	LOT 78	4,950 S.F.	LOT 125	4,950 S.F.	LOT 171	4,950 S.F.
LOT 32	4,950 S.F.	LOT 79	4,950 S.F.	LOT 126	5,357 S.F.	LOT 172	5,268 S.F.
LOT 33	4,950 S.F.	LOT 80	4,950 S.F.	LOT 127	5,912 S.F.		
LOT 34	4,950 S.F.	LOT 81	4,912 S.F.	LOT 128	5,930 S.F.		
LOT 35	4,950 S.F.	LOT 82	4,950 S.F.	LOT 129	6,412 S.F.		
LOT 36	4,950 S.F.	LOT 83	5,071 S.F.	LOT 130	5,365 S.F.		
LOT 37	4,950 S.F.	LOT 84	4,999 S.F.	LOT 131	5,269 S.F.		
LOT 38	4,950 S.F.	LOT 85	4,950 S.F.	LOT 132	4,950 S.F.		
LOT 39	4,950 S.F.	LOT 86	4,950 S.F.	LOT 133	4,950 S.F.		
LOT 40	4,950 S.F.	LOT 87	4,950 S.F.	LOT 134	4,950 S.F.		
LOT 41	4,950 S.F.	LOT 88	4,942 S.F.	LOT 135	4,950 S.F.		
LOT 42	4,878 S.F.	LOT 89	6,025 S.F.	LOT 136	4,950 S.F.		
LOT 43	4,878 S.F.	LOT 90	4,950 S.F.	LOT 137	4,950 S.F.		
LOT 44	4,950 S.F.	LOT 91	4,878 S.F.	LOT 138	4,950 S.F.		
LOT 45	4,950 S.F.	LOT 92	4,878 S.F.	LOT 139	4,950 S.F.		
LOT 46	4,950 S.F.	LOT 93	4,950 S.F.	LOT 140	4,950 S.F.		
LOT 47	4,950 S.F.	LOT 94	4,950 S.F.				

TRACT TABLE

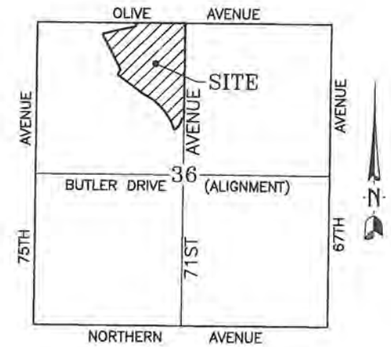
TRACT	SQ. FT.	ACRES	USE
TRACT "A"	35,574 S.F.	0.8167 AC.	OPEN SPACE, RETENTION, PUE, S/L EASEMENT & LANDSCAPING
TRACT "B"	184,357 S.F.	4.2323 AC.	OPEN SPACE, RETENTION, PUE, S/L EASEMENT & LANDSCAPING
TRACT "C"	6,728 S.F.	0.1545 AC.	OPEN SPACE, PUE & LANDSCAPING
TRACT "D"	14,850 S.F.	0.3409 AC.	OPEN SPACE, PUE, LANDSCAPING & AMENITY
TRACT "E"	3,069 S.F.	0.0705 AC.	PUE & LANDSCAPING
TRACT "F"	4,970 S.F.	0.1141 AC.	PUE & LANDSCAPING
TRACT "G"	1,584 S.F.	0.0364 AC.	PUE & LANDSCAPING
TRACT "H"	1,504 S.F.	0.0345 AC.	PUE & LANDSCAPING
TRACT "I"	2,196 S.F.	0.0504 AC.	PUE & LANDSCAPING
TRACT "J"	1,584 S.F.	0.0384 AC.	PUE & LANDSCAPING
TRACT "K"	1,504 S.F.	0.0345 AC.	PUE & LANDSCAPING
TRACT "L"	4,543 S.F.	0.1043 AC.	PUE & LANDSCAPING
TRACT "M"	1,504 S.F.	0.0345 AC.	PUE & LANDSCAPING
TRACT "N"	1,504 S.F.	0.0345 AC.	PUE & LANDSCAPING
TRACT "O"	752 S.F.	0.0173 AC.	PUE & LANDSCAPING
TRACT "P"	1,504 S.F.	0.0345 AC.	PUE & LANDSCAPING
TRACT "Q"	8,075 S.F.	0.1854 AC.	PUE & LANDSCAPING
TRACT "R"	9,900 S.F.	0.2273 AC.	OPEN SPACE, PUE & LANDSCAPING
TRACT "S"	14,571 S.F.	0.3345 AC.	OPEN SPACE & LANDSCAPING
TOTAL	300,273 S.F.	6.8935 AC.	

OPEN SPACE CALCULATION:
240,321 S.F. : 1,706,598 S.F. = 14.08%



TYPICAL LOT SETBACKS

MAXIMUM LOT COVERAGE IS 45%
MAXIMUM BUILDING HEIGHT IS 30 FEET



VICINITY MAP
N.T.S.

ENGINEER

CLOUSE ENGINEERING INC.
1642 E. ORANGEWOOD AVENUE
PHOENIX, AZ. 85020
PHONE: (602) 395-9300
FAX: (602) 395-9310

OWNER/DEVELOPER

NORTHWEST HOLDINGS, LLC
11811 N. TATUM BLVD.
SUITE 1051
PHOENIX, ARIZONA 85028
PHONE: (602) 870-7495

KEY MAP

3 DENOTES SHEET NO.

1 DENOTES BEGINNING & ENDING LOT NO.

P-13-0018
Z-13-0011

SITE SUMMARY

GROSS ACRES: 39.1781 ACRES OR 1,706,598 S.F.
NET ACRES: 36.3033 ACRES OR 1,581,371 S.F.
TOTAL LOTS: 172
DENSITY: 4.39 D.U. PER ACRE NET DENSITY: 4.74
TYPICAL LOT SIZE: 45'X110'
EXISTING ZONING: C-2 & C-4
PROPOSED DEVELOPMENT OPTION: P.A.D.
OPEN SPACE/COMMON RETENTION 5.77 ACRES
(FOR TRACTS A, B, C, D & R)
APN# 143-21-004C
MINIMUM LOT SIZE: 4,789 S.F.
MAXIMUM LOT SIZE: 11,234 S.F.
ZONING CASE NUMBER: Z-13-0011

BENCH MARK – C.O.P. DATUM

3" ADOT BC IN HH .7' DOWN MARKING THE NORTHWEST CORNER OF SECTION 36, T. 3 N., R. 1 E. LOCATED AT THE INTERSECTION OF 75TH AVENUE AND OLIVE AVENUE NAVD88 ELEV=1138.13(C.O.P. DATUM)

LEGEND & NOTES

INDICATES A CORNER OF THIS SUBDIVISION. FOUND 1/2" REBAR UNLESS OTHERWISE NOTED.

8' P.U.E. — INDICATES PUBLIC UTILITY EASEMENT, AT ALL LOT FRONTAGE UNLESS NOTED OTHERWISE.

V.N.A.E. — INDICATES VEHICULAR NON-ACCESS EASEMENT.

B.S.L. — INDICATES MINIMUM BUILDING SETBACK LINES.

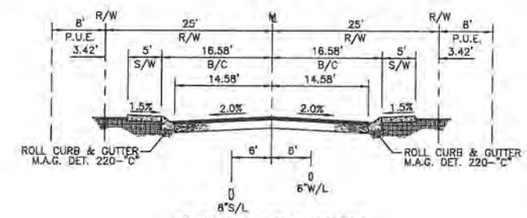
ALL HOMES WILL COMPLY WITH THE CITY OF PEORIA'S DESIGN REVIEW MANUAL.

ALL SIGNAGE WILL BE DEVELOPED IN ACCORDANCE TO ARTICLE 14-34 OF THE CITY OF PEORIA'S ZONING ORDINANCE.

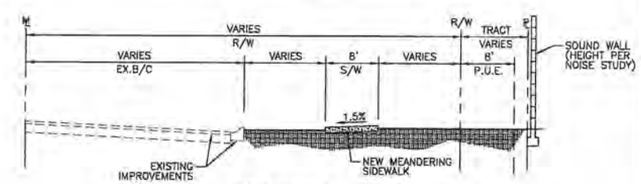
THE PROJECT WILL BE DEVELOPED IN ACCORDANCE TO ARTICLE 14-35 OF THE CITY OF PEORIA'S ZONING ORDINANCE.

UTILITIES

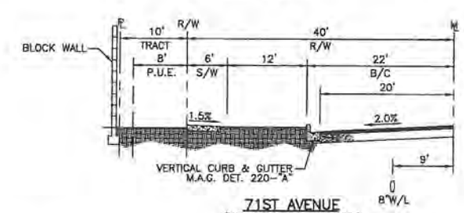
WATER AND SEWER BY CITY OF PEORIA
ELECTRIC SERVICE BY SALT RIVER PROJECT.
GAS SERVICE BY SOUTHWEST GAS CORPORATION.
TELEPHONE SERVICE BY CENTURYLINK
REFUSE COLLECTION BY CITY OF PEORIA
FIRE PROTECTION BY CITY OF PEORIA
CABLE SERVICE BY COX COMMUNICATIONS



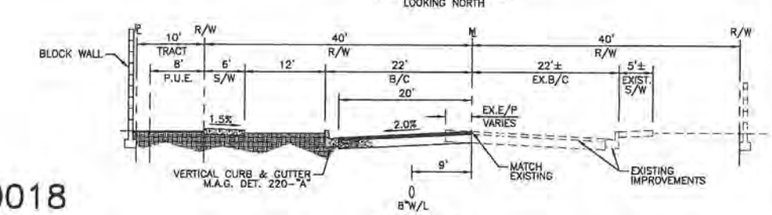
TYPICAL INTERIOR STREET
LOOKING NORTH



OLIVE AVENUE
LOOKING EAST



71ST AVENUE
(NORTH OF ALICE AVENUE)
LOOKING NORTH



71ST AVENUE
(SOUTH OF ALICE AVENUE)
LOOKING NORTH

PPCOV.DWG

Clouse Engineering, Inc.
ENGINEERS ▪ SURVEYORS
1642 E. Orangewood Ave. Phoenix, Arizona 85020
Tel: 602-395-9300 Fax: 602-395-9310

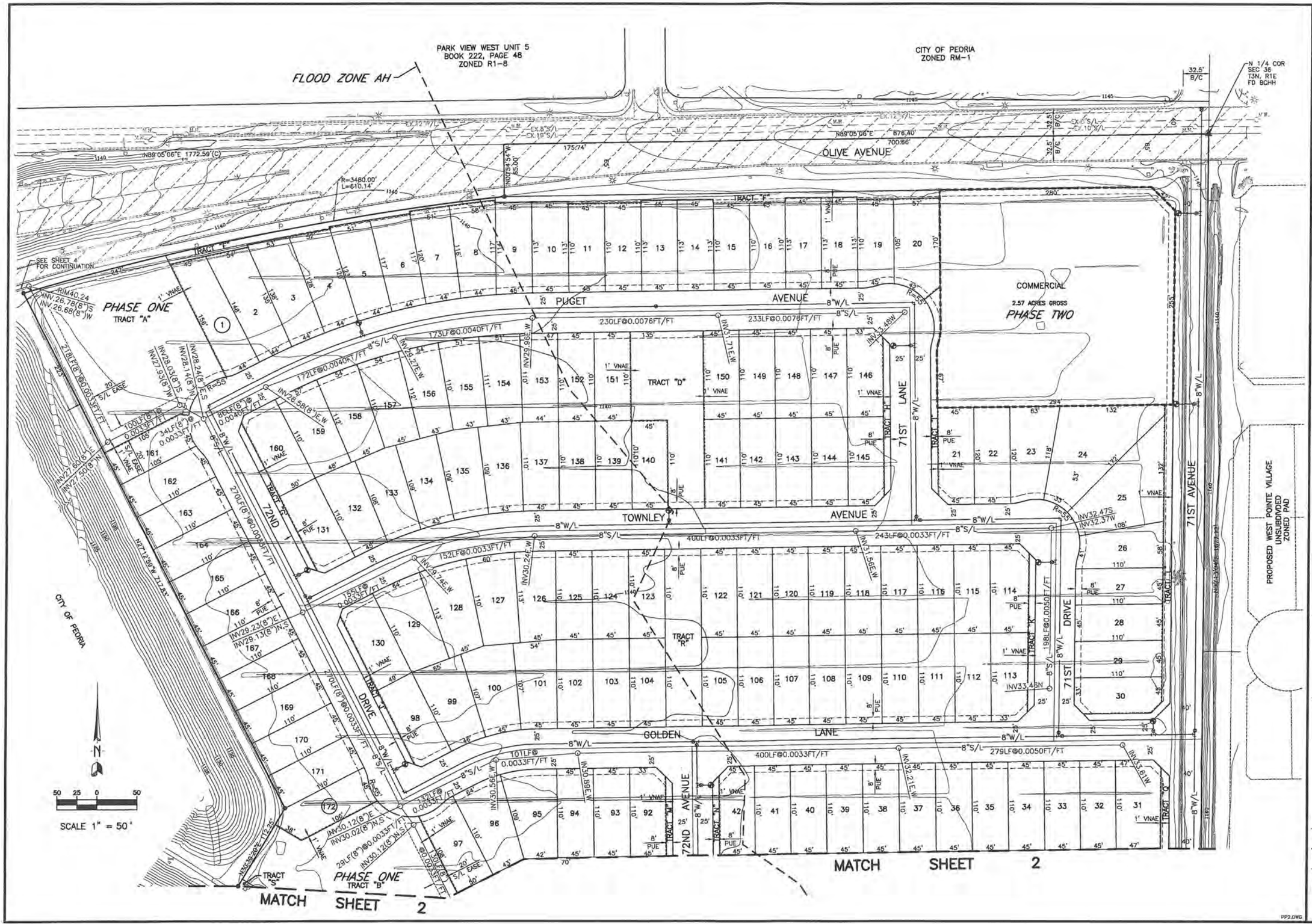
PRELIMINARY PLAT
WEST POINTE ESTATES
71ST AVENUE & OLIVE AVENUE

PEORIA ARIZONA

Revised
10-09-13
2-13-14

Date
6-13-13
As-Built

Job No.
121007



Clouse Engineering, Inc.
ENGINEERS • SURVEYORS
1642 E. Orangewood Ave. Phoenix, Arizona 85020
Tel 602-395-9300 Fax 602-395-0310

PRELIMINARY PLAT
WEST POINTE ESTATES
71ST AVENUE & OLIVE AVENUE

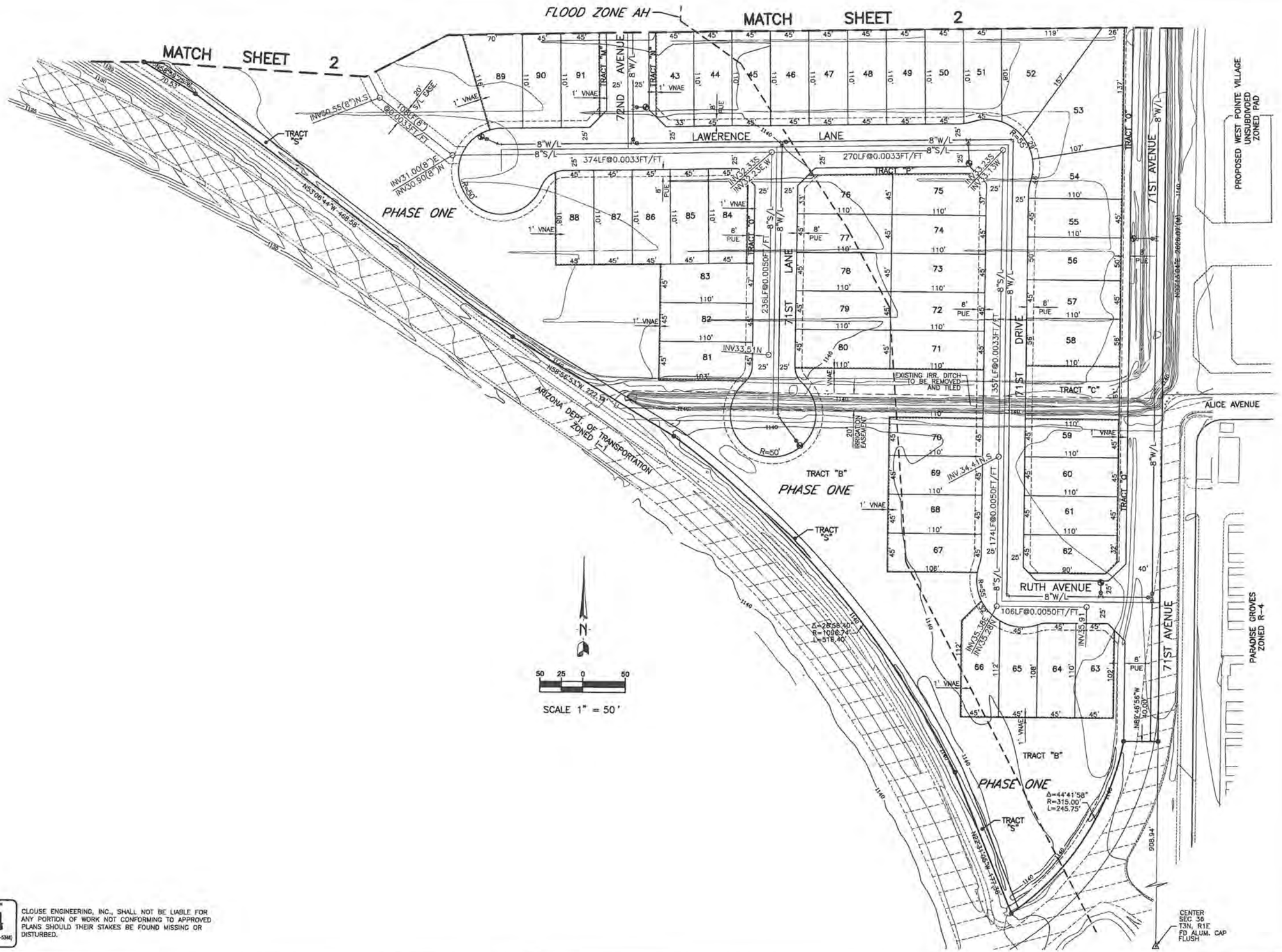
PEORIA ARIZONA

Revised
10-09-13
2-13-14

Date
6-13-13
As-Built

Job No.
121007

PP2.DWG



Call at least two full working days before you begin excavation.
ARIZONA 811
Arizona Blue Stake Inc.
Dial 8-1-1 or 1-800-STAKE-IT (782-5348)
In Maricopa County: (602) 263-1100

CLOUSE ENGINEERING, INC., SHALL NOT BE LIABLE FOR ANY PORTION OF WORK NOT CONFORMING TO APPROVED PLANS SHOULD THEIR STAKES BE FOUND MISSING OR DISTURBED.

Clouse Engineering, Inc.
ENGINEERS • SURVEYORS
1642 E. Orangewood Ave. Phoenix, Arizona 85020
Tel: 602-395-9300 Fax: 602-395-9310

PRELIMINARY PLAT
WEST POINTE ESTATES
71ST AVENUE & OLIVE AVENUE

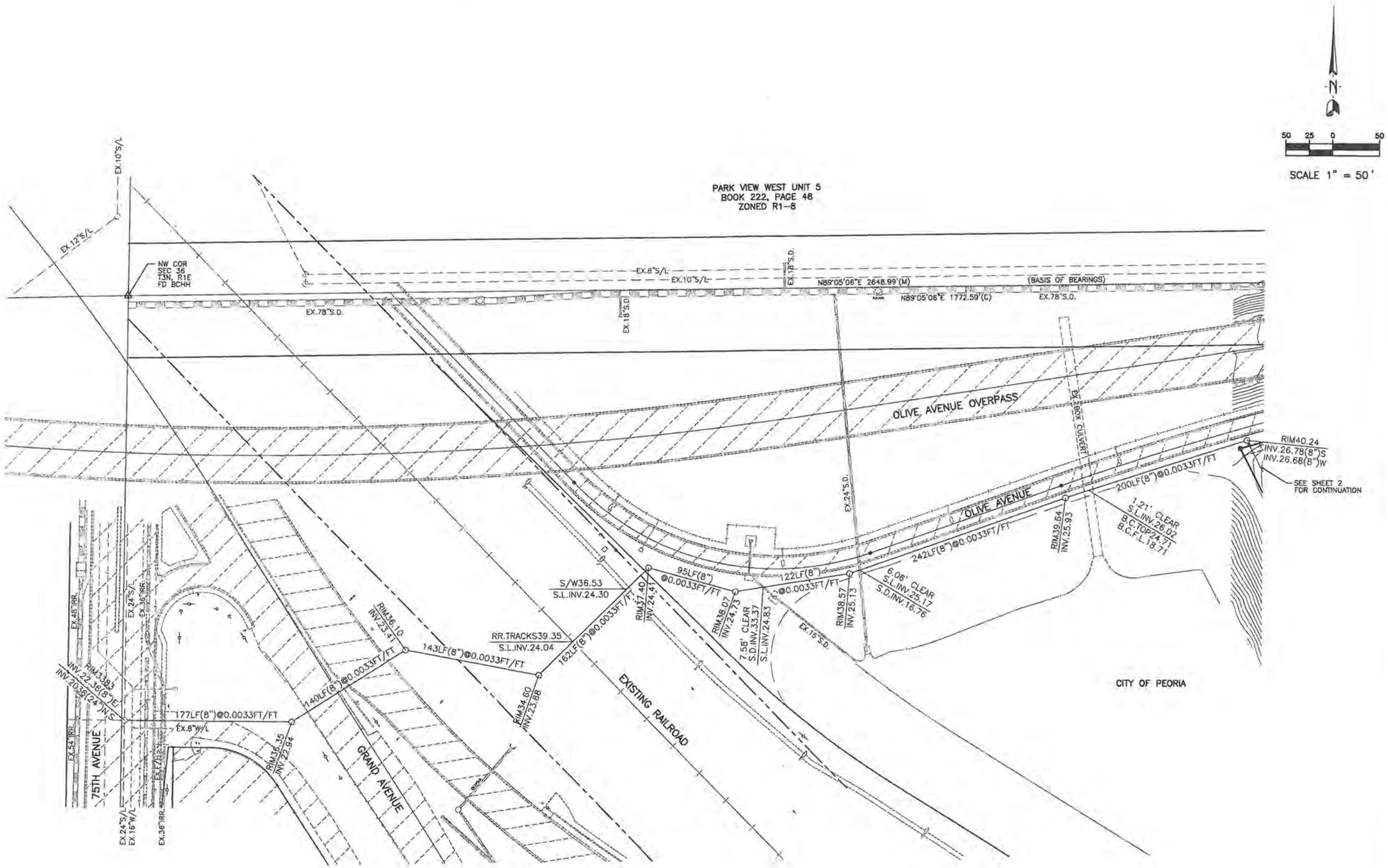
PEORIA ARIZONA

Revised
10-09-13
2-13-14

Date
6-13-13
As-Built

Job No.
121007

PP3.DWG



Clouse Engineering, Inc.
ENGINEERS • SURVEYORS
1642 E. Orangewood Ave. Phoenix, Arizona 85020
Tel 602-395-9300 Fax 602-393-9310

PRELIMINARY PLAT
WEST POINTE ESTATES
71ST AVENUE & OLIVE AVENUE

PEORIA ARIZONA

Revised

Date
2-13-14

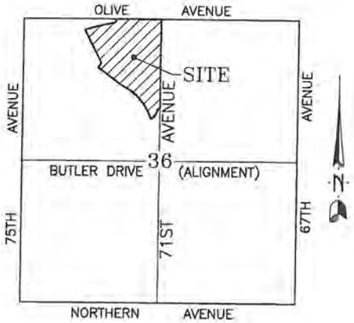
As-Built

Job No.
121007

PP4.DWG

PRELIMINARY GRADING AND DRAINAGE PLAN
FOR
WEST POINTE ESTATES

A PORTION OF THE NORTHWEST 1/4 OF SECTION 36
T.3N,R.1E. OF THE GILA AND SALT RIVER BASE
AND MERIDIAN, MARICOPA COUNTY, ARIZONA



VICINITY MAP
N.T.S.

SCALE 1" = 80'

ENGINEER
CLOUSE ENGINEERING INC.
1642 E. ORANGEWOOD AVENUE
PHOENIX, AZ. 85020
PHONE: (602) 395-9300
FAX: (602) 395-9310

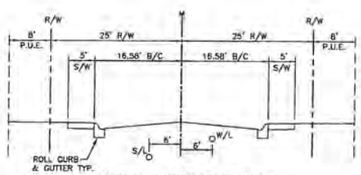
OWNER/DEVELOPER
NORTHWEST HOLDINGS, LLC
11811 N. TATUM BLVD.
SUITE 1051
PHOENIX, ARIZONA 85028
PHONE: (602) 870-7495

SITE SUMMARY

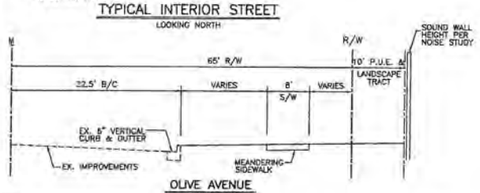
GROSS ACRES: 39.1781 ACRES OR 1,706,598 S.F.
NET ACRES: 36.3033 ACRES OR 1,581,371 S.F.
TOTAL LOTS: 172
DENSITY: 4.36 D.U. PER ACRE NET DENSITY: 4.71
TYPICAL LOT SIZE: 45'X110'
EXISTING ZONING: C-2 & C-4
PROPOSED DEVELOPMENT OPTION: P.A.D.
OPEN SPACE/COMMON RETENTION 6.11 ACRES
APN# 143-21-004C
MINIMUM LOT SIZE: 4,789 S.F.
MAXIMUM LOT SIZE: 11,234 S.F.
ZONING CASE NUMBER: Z-05-16

BENCH MARK – C.O.P. DATUM

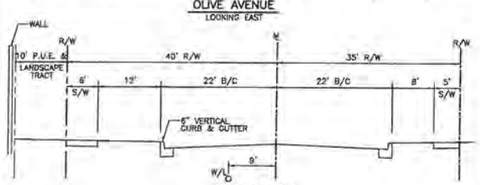
3" ADOT BC IN HH .7' DOWN MARKING THE NORTHWEST CORNER OF SECTION 36, T. 3 N., R. 1 E. LOCATED AT THE INTERSECTION OF 75TH AVENUE AND OLIVE AVENUE NAVD88 ELEV=1138.13(C.O.P. DATUM)



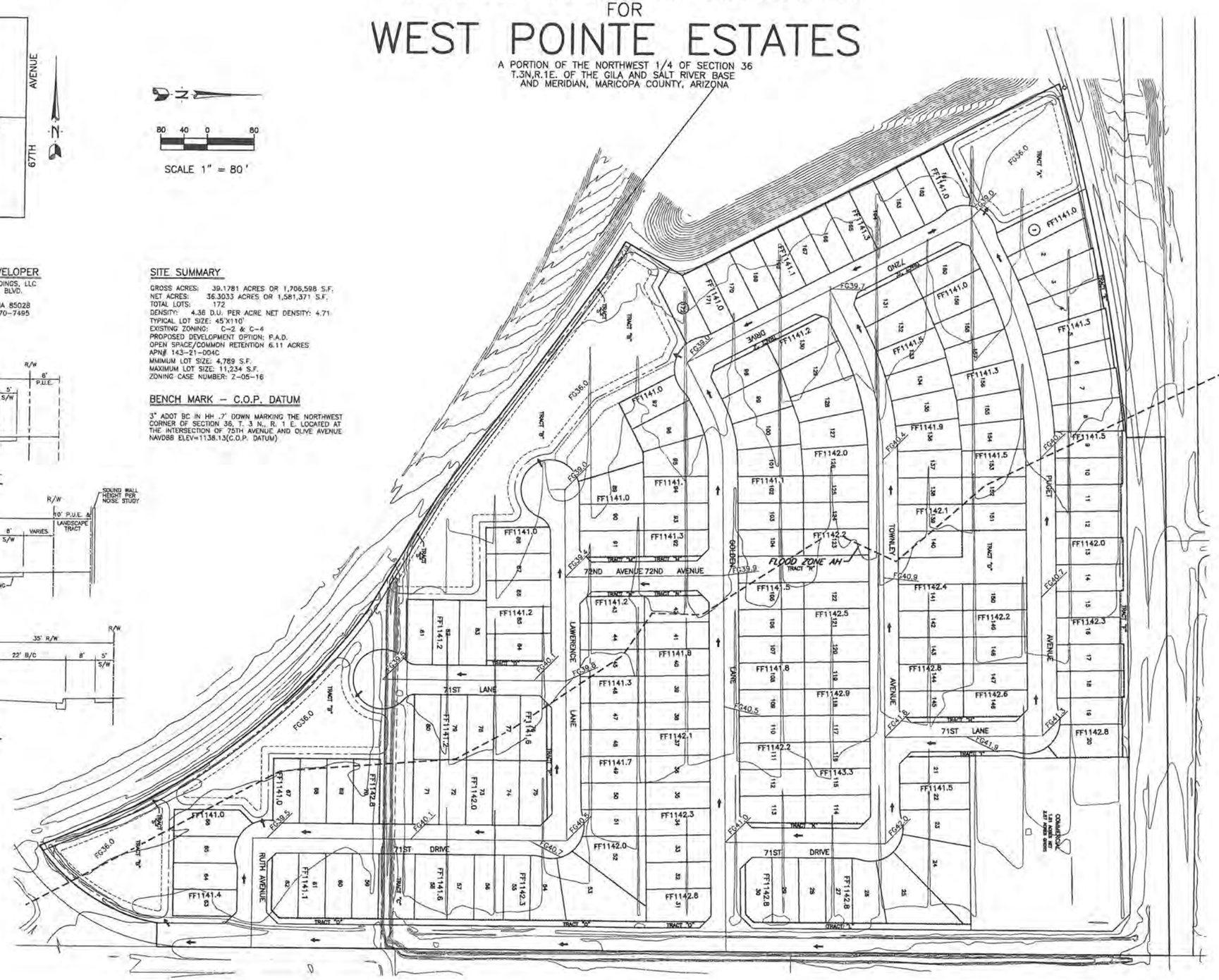
TYPICAL INTERIOR STREET
LOOKING NORTH



OLIVE AVENUE
LOOKING EAST



71st AVENUE
LOOKING NORTH



Clouse Engineering, Inc.
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Tel 602-395-9300 Fax 602-395-9310

PRELIMINARY GRADING AND DRAINAGE PLAN
WEST POINTE ESTATES

[redacted]

Revised

Date
10-9-13
As-Built

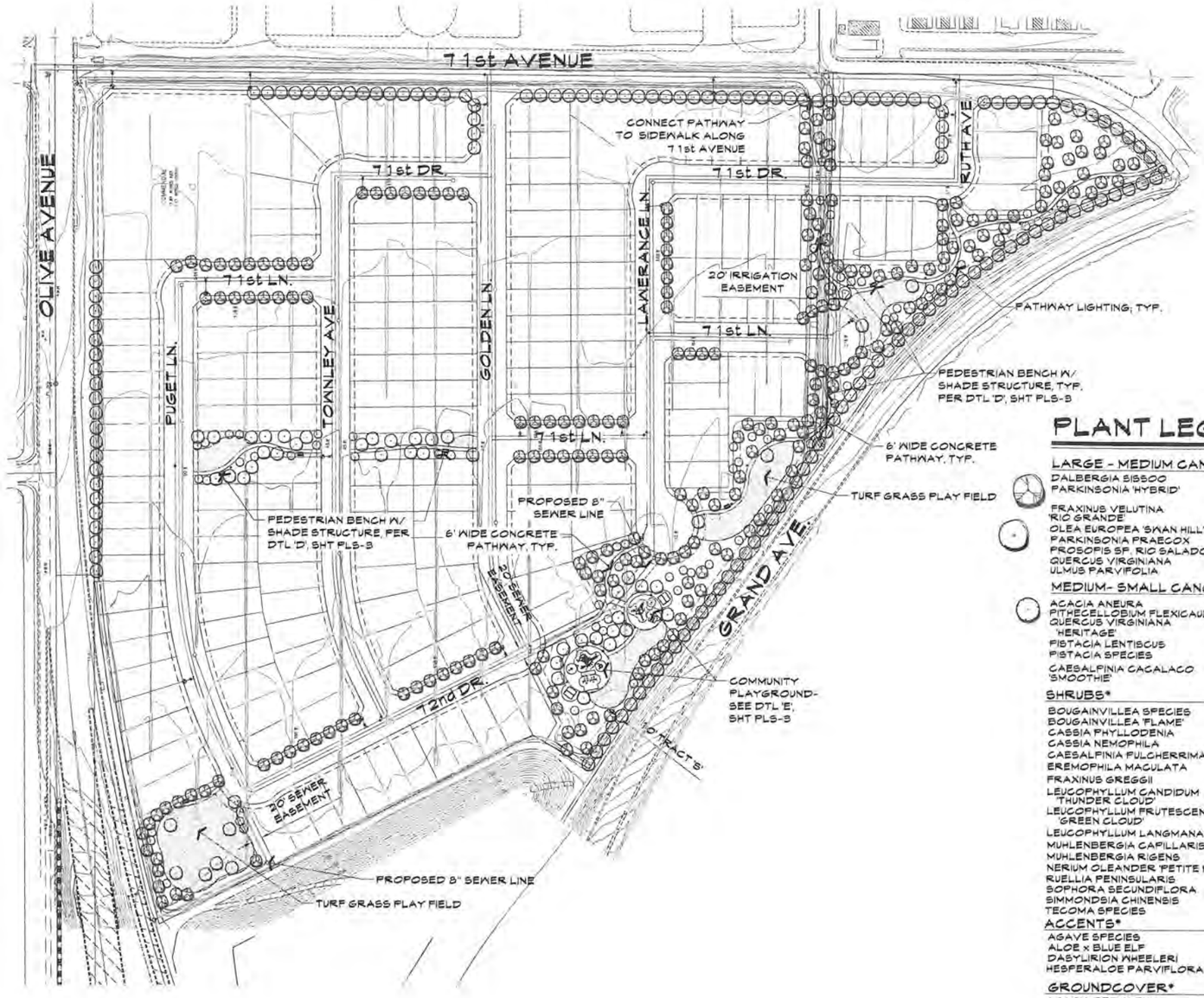
Job No.
121007

1 OF 1

PRE_G&D.DWG

ATTACHMENT "5"

Landscaping Plan



PLANT LEGEND

LARGE - MEDIUM CANOPY TREES*

DALBERGIA SISSOO	SISSOO TREE
PARKINSONIA 'HYBRID'	DESERT MUSEUM ('THORNLESS PALO VERDE)
FRAXINUS VELUTINA 'RIO GRANDE'	FAN-TEX ASH
OLEA EUROPEA 'SWAN HILL'	SWAN HILL FRUITLESS OLIVE
PARKINSONIA PRAECOX	PALO BREA
PROSOPIS SP. RIO SALADO	RIO SALADO MESQUITE
QUERCUS VIRGINIANA	LIVE OAK
ULMUS PARVIFOLIA	CHINESE EVERGREEN ELM

MEDIUM- SMALL CANOPY TREES*

ACACIA ANEURA	MULGA TREE
PITHECELLOBIUM FLEXICAULE	TEXAS EBONY
QUERCUS VIRGINIANA 'HERITAGE'	HERITAGE LIVE OAK
PISTACIA LENTISCUS	MASTIC TREE
PISTACIA SPECIES	RED PUSH PISTACHE
CAESALPINIA CACALACO 'SMOOTHIE'	THORNLESS CASCALOTE

SHRUBS*

BOUGAINVILLEA SPECIES	B. KARST BOUGAINVILLEA
BOUGAINVILLEA 'FLAME'	BUSH BOUGAINVILLEA
CASSIA PHYLLODENIA	SILVERY CASSIA
CASSIA NEMOPHILA	GREEN CASSIA
CAESALPINIA PULCHERRIMA	RED BIRD OF PARADISE
EREMOPHILA MACULATA	VALENTINE BUSH
FRAXINUS GREGGII	LITTLE LEAF ASH
LEUCOPHYLLUM CANDIDUM 'THUNDER CLOUD'	THUNDERCLOUD SAGE
LEUCOPHYLLUM FRUTESCENS 'GREEN CLOUD'	GREEN CLOUD SAGE
LEUCOPHYLLUM LANGMANAIE	RIO BRAVO TEXAS SAGE
MUHLENBERGIA CAPILLARIS	REGAL MIST DEER GRASS
MUHLENBERGIA RIGENS	DEER GRASS
NERIUM OLEANDER 'PETITE PINK'	DWARF OLEANDER
RUELLIA PENINSULARIS	BAJA RUELLIA
SOPHORA SECUNDIFLORA	TEXAS MOUNTAIN LAUREL
SIMMONDSIA CHINENSIS	JOJOBA
TECOMA SPECIES	"LYDIA"

ACCENTS*

AGAVE SPECIES	AGAVE
ALOE x BLUE ELF	BLUE ELF ALOE
DASYLIRION WHEELERI	DESERT SPOON
HESPERALOE PARVIFLORA	RED YUCCA

GROUNDCOVER*

ACACIA REDOLENS	DESERT CARPET
CALLISTEMON SPECIES	LITTLE JOHN BOTTLEBRUSH
EUPHORBIA RIGIDA	GOPHER PLANT
LANTANA CAMARA	NEW GOLD LANTANA
LANTANA CAMARA	NEW RED LANTANA
ROSMARINUS 'IRENE'	IRENE ROSEMARY

DECOMPOSED GRANITE - 3/4" SCREENED 2" DEPTH 'EXPRESS BROWN' COLOR

TURF 'MIDIRON' HYBRID BERMUDA SOD (OR HYDROSEED VAR. BLACKJACK): 57,175 SQ. FT.

CONCRETE MOW STRIP

* OR OTHER SELECTED SPECIES THAT ARE ON THE AMWUA LOW WATER USE PLANT LIST.

SINGLE-FAMILY PLANTING DATA

LANDSCAPE AREAS	REQUIRED	PROVIDED
A. STREET FRONTAGE AREAS		
1. ADJACENT TO ARTERIAL STREETS- (1,495 LF) (10 FEET)	14,950 SF	14,950 SF
2. ADJACENT TO COLLECTOR STREETS- (1,506 LF) (8 FEET)	12,048 SF	12,048 SF
3. ADJACENT TO LOCAL STREETS- (2,598 LF) (8 FEET)	20,784 SF	20,784 SF
*REQUIREMENT APPLIED ALONG LOT SIDE AN REAR FRONTAGE AREAS		
B. REQUIRED DRAINAGE RETENTION/DETENTION AREAS	7,172 SF	7,172 SF
C. USEABLE OPEN SPACE AREAS (DESIGN REVIEW MANUAL 20-70-12.C.(2)) LOTS		
1. LOTS LESS THAN 10,000 SQUARE FEET (4% GROSS PROJECT AREA)	142,310 SF	240,321 SF*
2. LOTS 10,000 - 18,000 SQUARE FEET (7% GROSS PROJECT AREA)	0 SF	0 SF
3. LOTS GREATER THAN 18,000 SQUARE FEET (5% GROSS PROJECT AREA)	0 SF	0 SF

NOTE: IF THE DEVELOPMENT INCLUDES A MIXTURE OF LOT SIZES BEYOND THE RANGES DESCRIBED ABOVE, THE PERCENTAGE OF USEABLE OPEN SPACE REQUIRED SHALL BE BASED ON THE PERCENTAGE OF LOTS IN EACH CATEGORY.

PLANT QUANTITIES	REQUIRED	PROVIDED
STREET FRONTAGE LANDSCAPE AREAS		
D. TREES: 1 PER 25 LINEAR FEET OF STREET FRONTAGE (5' OR 10' BUFFER + ROW)	244 TREES	244 TREES
E. SHRUBS: 5 PER 25 LINEAR FEET OF STREET FRONTAGE (5' OR 10' BUFFER + ROW)	1,220 SHRUBS	1,220 SHRUBS
DRAINAGE RETENTION/ DETENTION + USEABLE OPEN SPACE AREAS		
F. TREES: 1 PER 1,000 SQUARE FEET	240 TREES	245 TREES
G. SHRUBS: 5 PER 1,000 SQUARE FEET	1,200 SHRUBS	1,225 SHRUBS

NOTE: USEABLE OPEN SPACE AREAS MAY OCCUPY THE SAME AREAS AS DRAINAGE SPECIAL PLANTING REQUIREMENTS (FAD, ZONING, ETC.)

TOTALS	REQUIRED	PROVIDED
TOTAL LANDSCAPE AREAS (A+(B+C))	202,262 SF	300,273 SF
TOTAL USEABLE OPEN SPACE PERCENT	4.0%	14.08%
TOTAL TREES (D+F)	484 TREES	489 TREES
TOTAL 24" BOX TREES (50% OF TOTAL REQUIRED TREES)	242 TREES	245 TREES
TOTAL SHRUBS (E+G)	2,420 SHRUBS	2,445 SHRUBS

GENERAL NOTES

1. TURF (LAWN) IS LIMITED TO A MAXIMUM OF 20% OF THE SITE AREA.
2. A DEVELOPMENT MAY SUBSTITUTE A 36" BOX OR LARGER TREE IN PLACE OF A 15 GALLON TREE AT A SUBSTITUTION RATE OF 1.5 TREES FOR EVERY REQUIRED.
3. ALL LANDSCAPED AREAS SHALL BE SUPPORTED BY AN AUTOMATIC IRRIGATION SYSTEM WHICH MAY BE SPRAY, FLOOD OR DRIP SYSTEM.
4. PLANT MATERIALS UTILIZED IN LANDSCAPED AREAS IN THE ROW MUST BE INCLUDED ON THE MOST RECENT EDITION OF THE PHOENIX ACTIVE MANAGEMENT AREA LOW WATER USE/ DROUGHT TOLERANT PLANT LIST.
5. THE DEVELOPER SHALL BE RESPONSIBLE TO INSTALL/MAINTAIN ALL LANDSCAPING WITHIN THE RIGHT-OF-WAY.
6. A 3 FOOT CLEAR SPACE IS REQUIRED AROUND ALL FIRE SUPPRESSION EQUIPMENT. NO PLANTS MAY BE INSTALLED THAT WILL ENCROACH WHEN MATURE.

* THE USEABLE OPEN SPACE AREA QUANTITY DOES NOT MATCH USEABLE OPEN SPACE QUANTITY SHOWN ON THE PRELIMINARY PLAT BECAUSE THE STREET FRONTAGE AND BUFFER AREA (11,088 SF) HAS NOT BEEN INCLUDED IN THIS CALCULATION TO AVOID DOUBLE COUNTING OF USEABLE OPEN SPACE LANDSCAPE AREAS.

PROJECT SUMMARY

PROJECT DESCRIPTION:	PROPOSED RESIDENTIAL DEVELOPMENT
EXISTING ZONING OF SITE:	C-2 & C-4
GROSS SITE AREA:	59.16 ACRES
NET SITE AREA:	56.30 ACRES

NOTES:
1. MINIMUM 50% OF THE TREES TO BE 24" BOX.
2. ALL SHRUBS & ACCENTS TO BE 5 GALLON. ALL GROUNDCOVERS TO BE 3 GALLON.
3. 60% OF GROUND COVER TO BE VEGETATIVE.

[redacted]

The McGough Group

PRELIMINARY LANDSCAPE PLAN

WEST POINTE ESTATES

PLS-1

71st AVENUE & OLIVE - PEORIA, AZ

SCALE: 1"=100'-0"

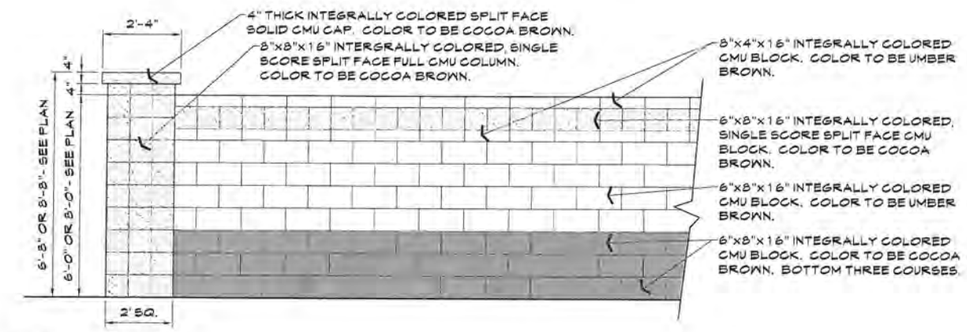
0' 50' 100' 200' 300'

NORTH

PROJECT WALL KEY

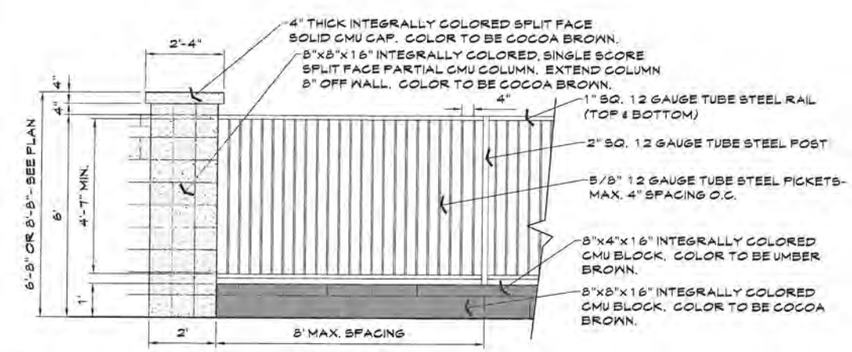
- 6' HIGH PROJECT THEME WALL (SEE ELEVATION 'A', SHEET PLS-2)
- 8' HIGH PROJECT THEME WALL (SEE ELEVATION 'A', SHEET PLS-2)
- PROJECT VIEW WALL (SEE ELEVATION 'B', SHEET PLS-2)
- PROJECT THEME COLUMN (FULL) (SEE ELEVATION 'A', SHEET PLS-2)
- PROJECT THEME COLUMN (HALF) (SEE ELEVATION 'B', SHEET PLS-2)
- PROJECT WALL SIGNAGE (SEE ELEVATION 'C', SHEET PLS-3)

NOTE:
ALL COLUMNS AND WALLS SHALL BE LOCATED OUT OF SIGHT VISIBILITY TRIANGLES AND P.U.E'S.



A THEME WALL & COLUMN ELEVATION

SCALE: 1/2"=1'-0"



B VIEW WALL & PARTIAL COLUMN ELEVATION

SCALE: 1/2"=1'-0"

[redacted]

The McGough Group

PRELIMINARY WALL PLAN

WEST POINTE ESTATES

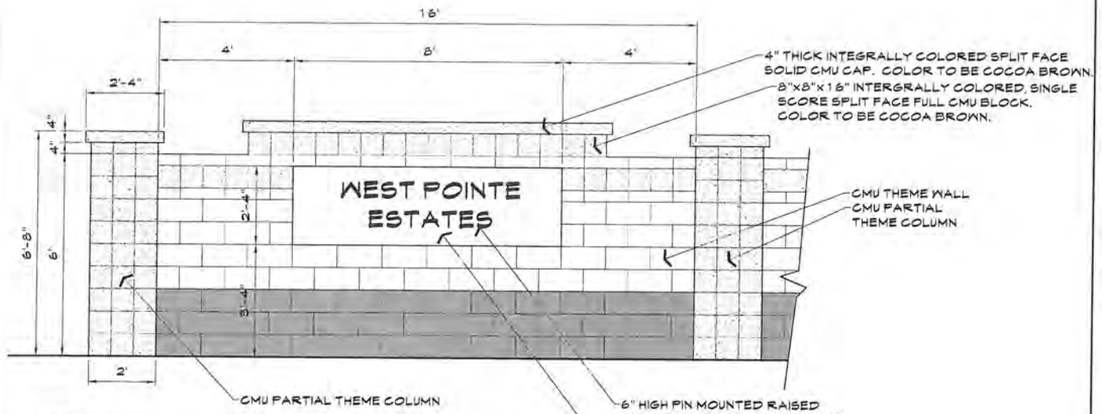
PLS-2

71st AVENUE & OLIVE - PEORIA, AZ

SCALE: 1"=100'-0"

0' 50' 100' 200' 300'

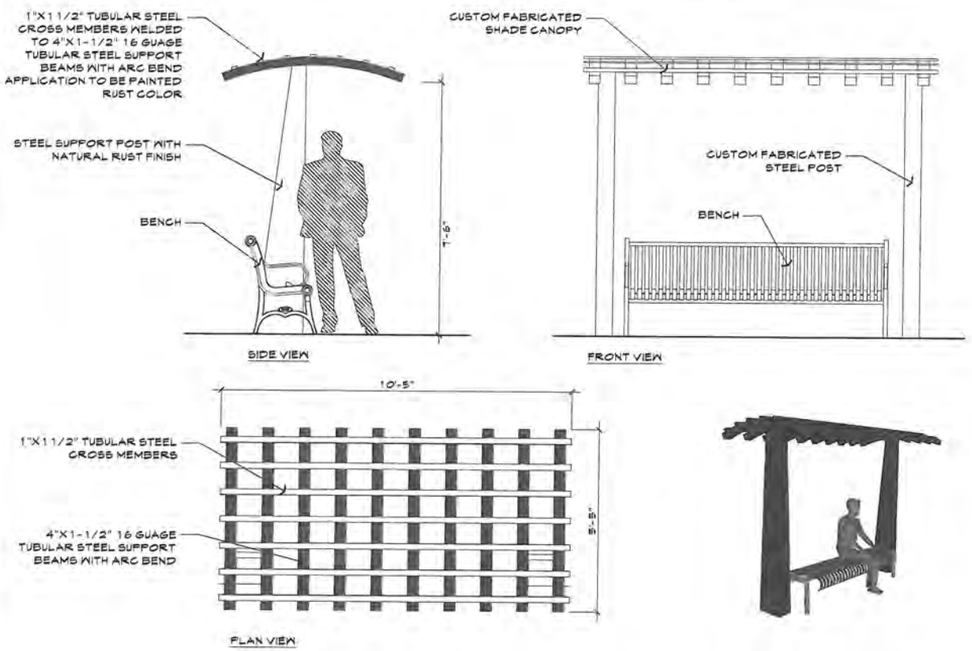
NORTH



NOTES:
1. SIGN TO BE LIT WITH GROUND MOUNTED LIGHTS.
2. SIGNAGE SHALL MEET SECTION 14-34 OF ZONING ORDINANCE AND SHALL BE APPROVED UNDER A SEPARATE PERMIT.

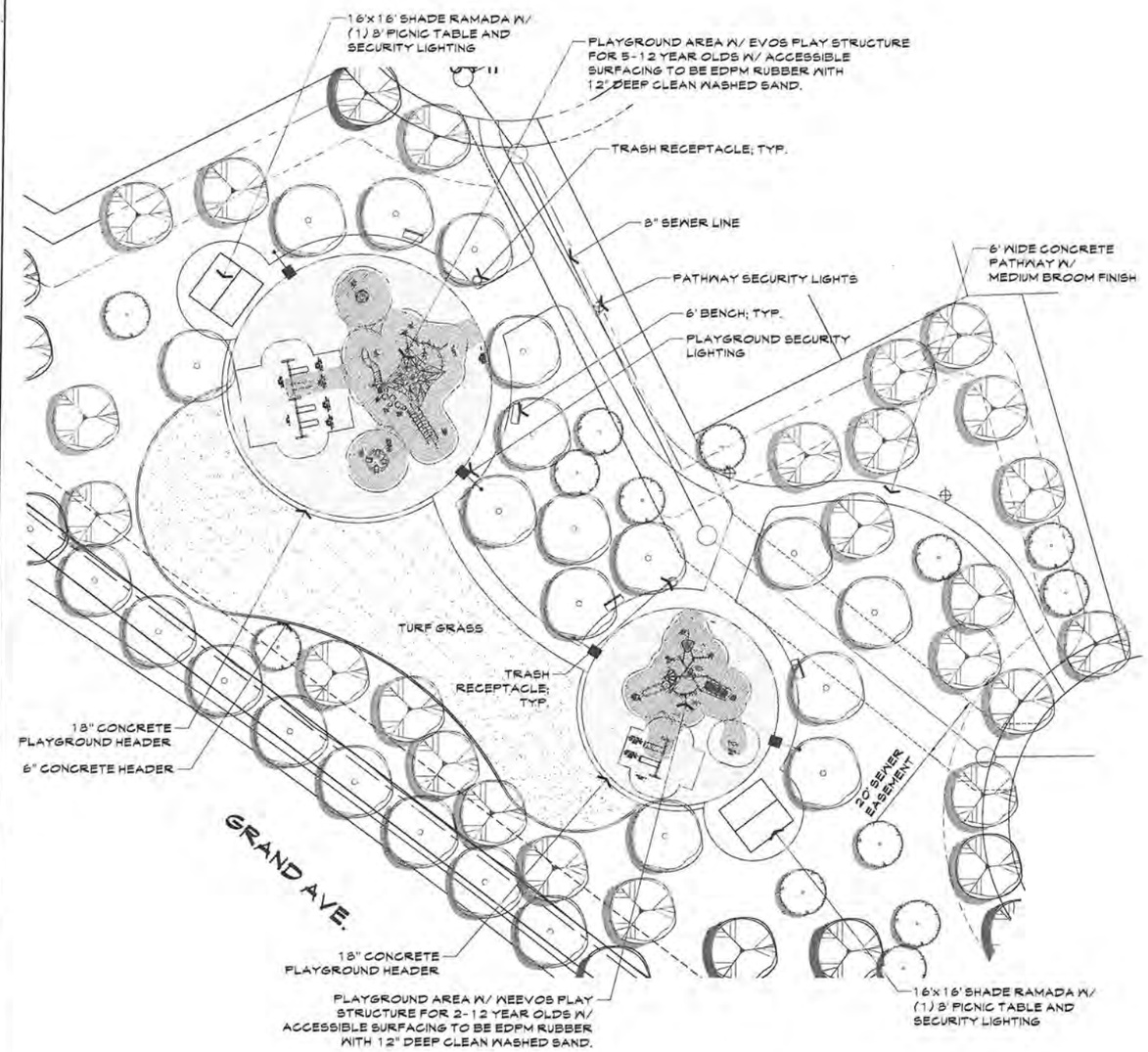
C THEME WALL & COLUMN ELEVATION

SCALE: 1/2"=1'-0"



D SEATING NODE W/ CUSTOM FABRICATED SHADE CANOPY

SCALE: 1/2"=1'-0"



SCALE: 1"=10'-0"

SCALE: 1"=10' 0' 5' 10' 20' 30'

NORTH

E RECREATION AREA

NOTE:
SEE PLS-4 MATERIALS & EQUIPMENT BOARD FOR MANUFACTURER AND COLOR INFORMATION FOR ALL SITE FURNISHING AND RECREATION EQUIPMENT.

The McGough Group

PRELIMINARY DETAILS & ENLARGEMENTS

WEST POINTE ESTATES

PLS-3

71st AVENUE & OLIVE - PEORIA, AZ

PROJECT MATERIALS

WALLS, FENCES & SIGNAGE

INTEGRALLY COLORED
CMU BLOCK
COLOR- UMBER BROWN

INTEGRALLY COLORED
SPLIT FACE CMU BLOCK
COLOR- COCOA BROWN

INTEGRALLY COLORED
CMU BLOCK
COLOR- COCOA BROWN

CONCRETE PATHWAY
COLOR- NATURAL GRAY

STEEL FENCE & SIGNAGE
BACKGROUND
COLOR- TEXTURED RUST

RAISED PIN MOUNTED LETTER
COLOR- BRUSHED ALUMINUM

LIGHTING

PATHWAY LIGHTING-
MAX 12' HT
COLOR- DARK
BRONZE

PLAYGROUND LIGHTING-
MAX 20' HT.
COLOR- DARK BRONZE

MONUMENT LIGHTING-
COLOR- WEATHERED
BRASS

RECREATION AMENITY EQUIPMENT

SITE FURNISHINGS

6' BENCH- ANOVA
HORIZON L1506
COLOR: NAVY

40 GAL.TRASH RECEPTACLE-
ANOVA HORIZON L1535
COLOR: NAVY

6' RECTANGULAR PICNIC TABLE-
ANOVA F2003
TABLE COLOR: NAVY
FRAME COLOR: BLACK

IN-GROUND BIKE RACK-
ANOVA METRO LBR5PVCING
COLOR: NAVY

SHADE RAMADA-
CLASSIC RECRATION SYSYEMS
16' SQ. MESA MODEL
ROOF COLOR: COOL REGAL BLUE
POST COLOR: CREAM

COOL REGAL BLUE CREAM

PLAYGROUND EQUIPMENT

LANDSCAPE STRUCTURES
WEEVOS PLAY STRUCTURE
AGES (2-5)
COLOR: PALETTE N

LANDSCAPE STRUCTURES
EVOS PLAY STRUCTURE
AGES (5-12)
COLOR: PALETTE N

COLOR PALETTE "N"

METALLIC SILVER
DENIM
TANGERINE

LANDSCAPE STRUCTURES
5" ARCH SWING WITH ADDITIONAL BAY
AND BELT SEATS
COLOR: PALETTE N

LANDSCAPE STRUCTURES
5" ARCH SWING (BUCKET SEATS)
COLOR: PALETTE N

LANDSCAPE STRUCTURES
FLYWHEEL SPINNER
COLOR: PALETTE N

LANDSCAPE STRUCTURES
TUFF RIDER (HORSE)
COLOR: AS SHOWN

LANDSCAPE STRUCTURES
OMNISPIN SPINNER
COLOR: DENIM

The McGough Group

MATERIALS & EQUIPMENT BOARD

WEST POINTE ESTATES

PLS-4

71ST AVENUE & OLIVE - PEORIA, AZ

OCTOBER 22, 2013

Exhibit F

LAW OFFICE OF DAVID CISIEWSKI, PLLC
11811 North Tatum Blvd, Suite 1051, Phoenix, AZ 85028
Telephone: 602.953.8729 Facsimile: 602.997.9807 Email: dave@dclawaz.com Web: www.dclawaz.com

January 13, 2014

Ms. Stacey Bridge-Denzak
City of Peoria
Planning and Community Development
9875 North 85th Ave.
Peoria, Arizona 85345

RE: **Citizens Participation Report**
West Pointe Estates
Z13-0011 & P13-0018

Dear Ms. Bridge-Denzak:

This letter is being forward as the Citizens Participation Report for the above referenced matter to summarize the citizen notice and comment procedures the applicant employed to inform nearby residents of the proposed zoning actions.

1. Attachments:

   Attached are the following as documentation of the neighborhood meeting for the above referenced project which was held on December 18, 2013 at the Peoria Library, Main Branch conference room:

   a. Attachment 1 - Neighborhood Notification Map
   b. Attachment 2 - Neighborhood Notice Letter
   c. Attachment 3 - Mailing Addresses for all those notified of the neighborhood meeting
   d. Attachment 4 - Meeting Attendance List

2. Project Description:

   a. Property. The real property which is the subject of this application is located in Section 36, Township 3 North, Range 1 East of the Gila & Salt River Base & Meridian, Maricopa County, Arizona. The project consists of approximately 39.18 gross acres (36.3 net acres) bounded by 71st Avenue on the east, vacant land to the east, Olive Avenue on the north and Grand Avenue right-of-way on the south.

   b. Planning & Development History. At present the Property is zoned C-2, Intermediate Commercial and C-4, General Commercial. The General Plan designation of the Property is for Medium Density Residential (5-8 du /ac) and Community Commercial.

   c. Purpose of PAD Zoning Request. So as to accommodate the unique development challenges of the Property, the Applicant is requesting a Planned Area Development (PAD) zoning designation. The proposed PAD will provide for the development of 172 residential lots for single family dwellings on 36.61 gross acres (34.49 net acres), with the remaining 2.57 gross acres (1.81 net acres, located at the immediate southwest corner of 71st Avenue & Olive being retained for its current land use of C-2, Intermediate Commercial. The proposed PAD zoning is intended to facilitate the Property being

developed in response to current market conditions to provide for single family land uses which are compatible with the existing single family land uses to the north and east.

d. Existing Conditions. As shown on the aerial photograph below, the Property consists of fallow and de-vegetated soil. The Property is not located within a floodplain and will not be required to convey any offsite hydrologic flows through or past the site boundaries, as no offsite flows currently exist.

The roadways adjacent to the Property are:

- 71st Avenue - which is presently unpaved, but will be fully developed as part of the first phase of development of the proposed residential project for the southeast corner of 71st & Avenue & Olive in the City of Glendale;

- Olive Ave – which is located in the City of Peoria and is developed as a five lane arterial paved street with vertical curb on both north and south sides;

- Alice Avenue which is a half street paved without curb or gutter on either north or south side.

- Grand Avenue which is fully developed 6-lane, separated roadway. There is no access between the Property and Grand Avenue.

3. Neighborhood Notification:

Notices of the neighborhood meeting were mailed to all property owners within 600 feet from the property boundaries, as well as those other interested parties provided by the City of Peoria. These notice letters were mailed December 6, 2013 providing the required advanced notice of the neighborhood meeting.

4. Meeting Summary:

The following is a summary of the neighborhood meeting held on December 18, 2013:

a. The meeting commenced at approximately 6:00 pm and ended at approximately 7:00 pm.

b. The meeting was attended by representatives of this firm, Northwest Holdings, LLC (Developer), and the City of Peoria. No other citizens attend the meeting.

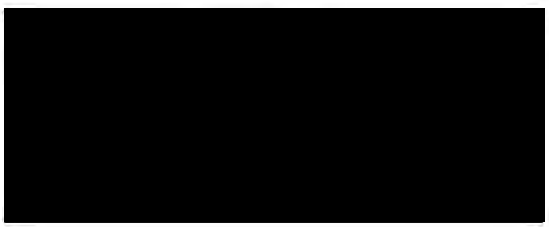
c. As no one from the general public was in attendance, the meeting consisted only of a brief discussion with Councilman Rivero regarding the general development plan for the project. Copies of the proposed site plan, landscaping plan and building/canopy elevations were available for review and discussion at the meeting.

5. Citizen Comments and Questions:

As no one from the general public was in attendance, there were no questions or comments regarding the proposed rezoning.

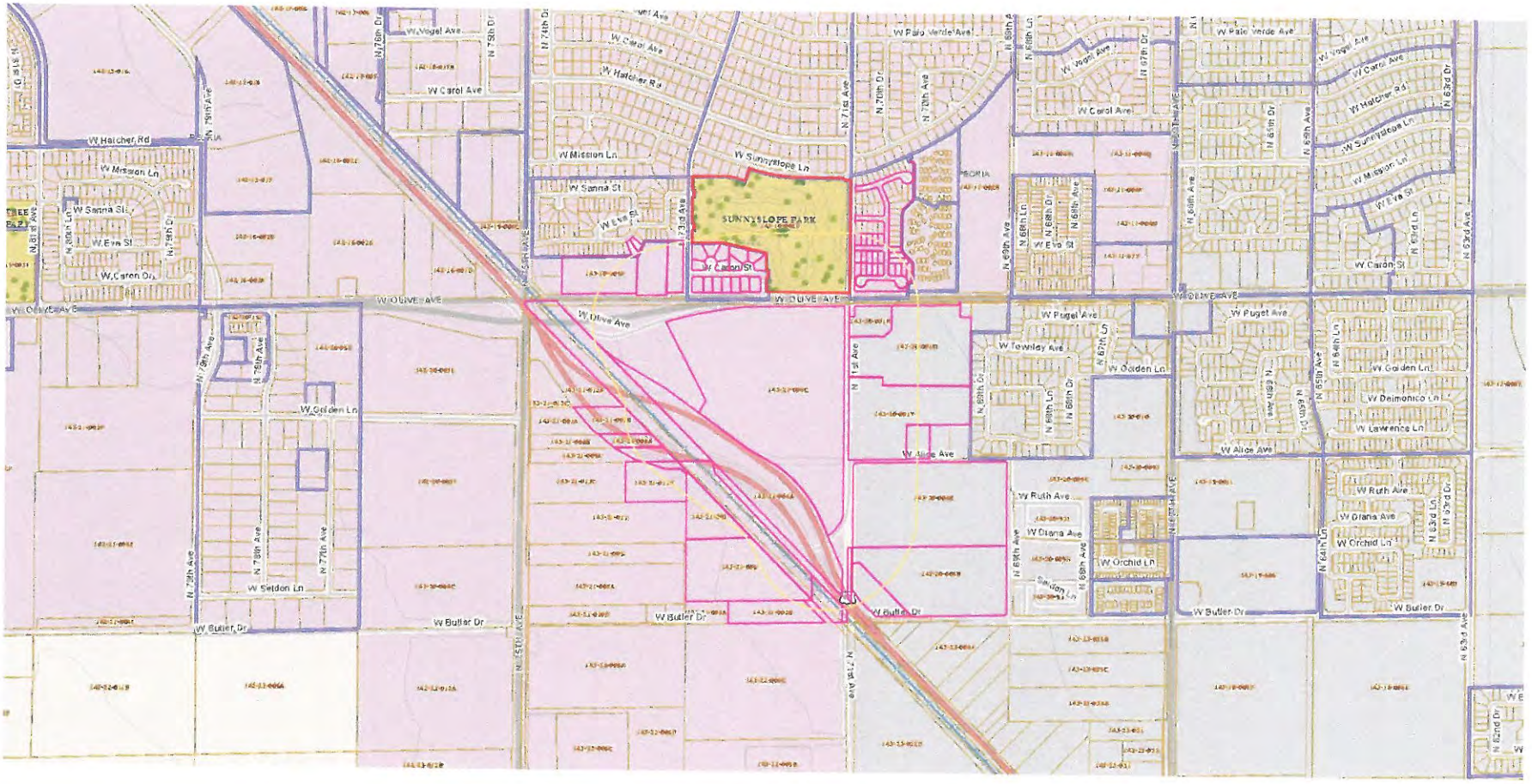
Should you have any questions or require any further information, please do not hesitate to contact my office.

Thank you.



Attachment 1

Neighborhood Notification Map


W Hatcher Rd
W Mission Ln
W Sanna St
W Eva St
W Caron Dr
W Olive Ave
W Golden Ln
W Selden Ln
W Butler Dr
W Vogel Ave
W Carol Ave
W Sunnyslope Ln
SUNNYSLOPE PARK
W Palo Verde Ave
W Puget Ave
W Towley Ave
W Alice Ave
W Ruth Ave
W Diana Ave
W Orchid Ln
W Delmonico Ln
W Lawrence Ln
N 75th Ave
N 73rd Ave
N 71st Ave
N 70th Ave
N 69th Ave
N 68th Ave
N 67th Ave
N 63rd Ave
N 62nd Dr
PEORIA

Attachment 2

Neighborhood Notice Letter

LAW OFFICE OF DAVID CISIEWSKI, PLLC
11811 North Tatum Blvd, Suite 1051, Phoenix, AZ 85028
Telephone: 602.953.8729 Facsimile: 602.997.9807 Email: dave@dclawaz.com Web: www.dclawaz.com

December 6, 2013

Notice of Neighborhood Meeting

Project: West Pointe Estates located at the southwest corner of Olive Avenue and 71st Avenue, Peoria, Arizona

Description: The owner of the property has filed an application for Planned Area Development (PAD) zoning and a Preliminary Plat to obtain approval for a proposed 172 lot single-family residential development on approximately 36.6 gross acres and an approximately 2.5 gross acre commercial parcel fronting on Olive Avenue.

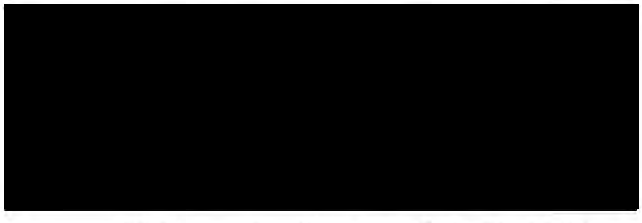
Request: Rezoning for Planned Area Development (PAD) under Case # Z13-0011 and Preliminary Plat under Case # P13-0018.

The purpose of this letter is to inform you of a neighborhood meeting regarding the above referenced project in compliance with Peoria's citizen participation process. This meeting is scheduled to inform interested parties about the design and land uses and to answer any questions regarding the project.

The neighborhood meeting information is as follows:

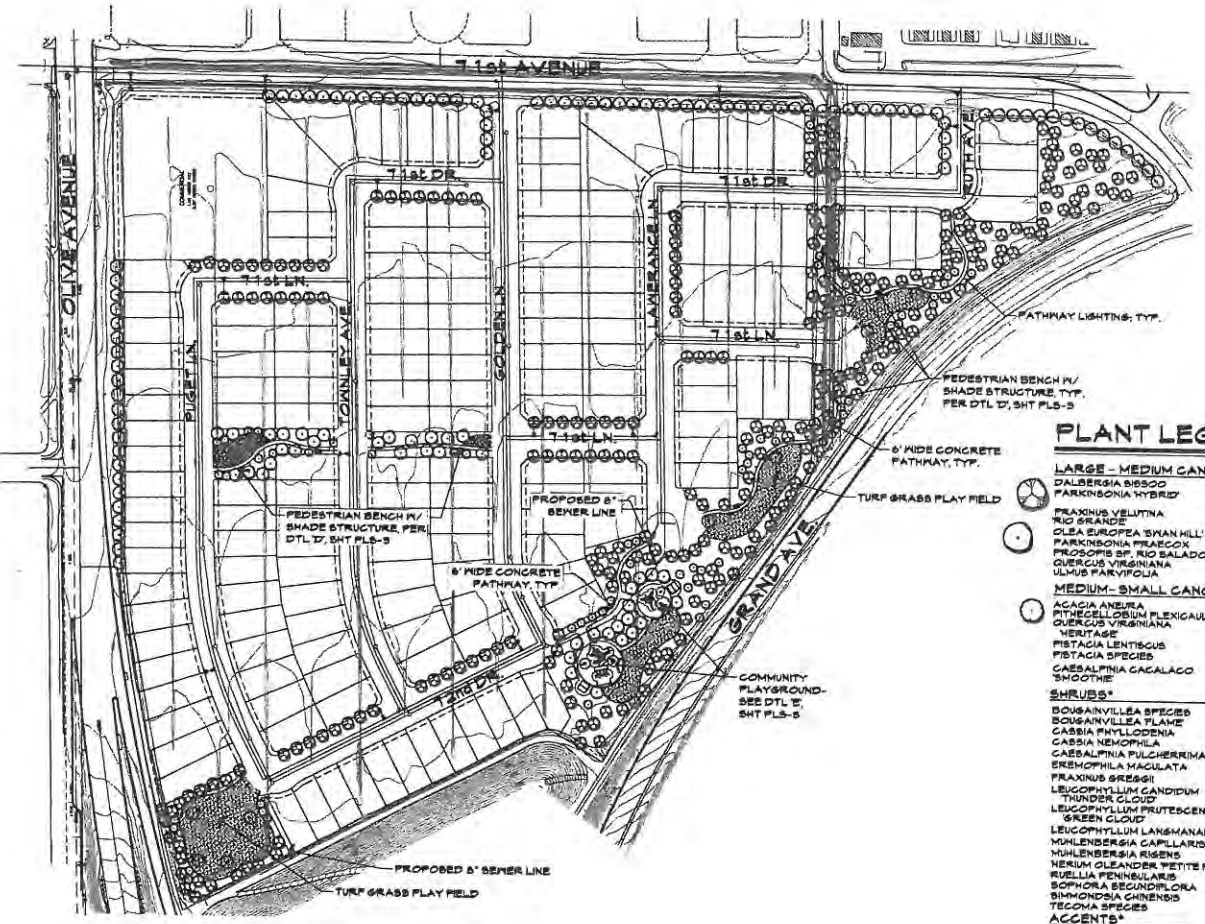
Date: **Wednesday, 12-18-13**
Time: **6:00 pm**
Location: **Peoria Public Library**
Main Branch
Willow Room
8463 West Monroe Street
Peoria, AZ 85345
(623) 773-7555

You are invited to attend this meeting to learn about this proposed development of the property and make your opinions known. In the event you are not able to attend the meeting but have questions or comments regarding the project, please contact me at the phone number or email address provided at the top of this letter. You may also contract Planner for the project, Stacey Bridge-Denzak at 623-773-7645 or Stacey.Bridge-Denzak@peoriaaz.gov



Attachments: Property Location Map
Proposed Plat/Site Plan

PROPERTY LOCATION MAP



PLANT LEGEND

LARGE - MEDIUM CANOPY TREES*

DALBERGIA SISSOO	SISSOO TREE
PARKINSONIA HYBRID'	DESERT MUSEUM (THORNLESS PALO VERDE)
FRAXINUS VELUTINA 'RIO GRANDE'	FAN-TEX ASH
OLEA EUROPEA 'SWAN HILL'	SWAN HILL FRUITLESS OLIVE
PARKINSONIA PRAECOX	PALO BREA
PROSOPIS SP. RIO SALADO	RIO SALADO MESQUITE
QUERCUS VIRGINIANA	LIVE OAK
ULMUS PARVIFOLIA	CHINESE EVERGREEN ELM

MEDIUM- SMALL CANOPY TREES*

ACACIA ANEURA	MULGA TREE
PITHECELLOBIUM FLEXICAULE	TEXAS EBONY
QUERCUS VIRGINIANA 'HERITAGE'	HERITAGE LIVE OAK
PISTACIA LENTISCUS	MASTIC TREE
PISTACIA SPECIES	RED PUSH PISTACHE
CAESALPINIA CACALACO 'SMOOTHIE'	THORNLESS CASCALOTE

SHRUBS*

BOUGAINVILLEA SPECIES	B. KARST BOUGAINVILLEA
BOUGAINVILLEA 'FLAME	BUSH BOUGAINVILLEA
CASSIA PHYLLODENIA	SILVERY CASSIA
CASSIA NEMOPHILA	GREEN CASSIA
CAESALPINIA PULCHERRIMA	RED BIRD OF PARADISE
EREMOPHILA MACULATA	VALENTINE BUSH
FRAXINUS GRESGII	LITTLE LEAF ASH
LEUCOPHYLLUM CANDIDUM 'THUNDER CLOUD'	THUNDERCLOUD SAGE
LEUCOPHYLLUM FRUTESCENS 'GREEN CLOUD'	GREEN CLOUD SAGE
LEUCOPHYLLUM LANGMANIAE	RIO BRAVO TEXAS SAGE
MUHLENBERGIA CAPILLARIS	REGAL MIST DEER GRASS
MUHLENBERGIA RIGENS	DEER GRASS
NERIUM OLEANDER 'PETITE PINK'	DWARF OLEANDER
RUELLIA PENINSULARIS	BAJA RUELLIA
SOPHORA SECUNDIFLORA	TEXAS MOUNTAIN LAUREL
SIMMONDSIA CHINENSIS	JOJOBA
TECOMA SPECIES	'LYDIA'

ACCENTS*

AGAVE SPECIES	AGAVE
ALOE x BLUE ELF	BLUE ELF ALOE
DASYLIRION WHEELERI	DESERT SPOON
HESPERALOE PARVIFLORA	RED YUCCA

GROUNDCOVER*

ACACIA REDOLENS	DESERT CARPET
CALLISTEMON SPECIES	LITTLE JOHN BOTTLEBRUSH
EUPHORBIA RIGIDA	GOPHER PLANT
LANTANA CAMARA	NEW GOLD LANTANA
LANTANA CAMARA	NEW RED LANTANA
ROSMARINUS 'IRENE'	IRENE ROSEMARY

DECOMPOSED GRANITE - 3/4" SCREENED
2" DEPTH 'EXPRESS BROWN' COLOR

TURF 'MIDIRON' HYBRID BERMUDA SOD (OR HYDROSEED VAR. BLACKJACK); 57,175 SQ. FT.

CONCRETE MOW STRIP

* OR OTHER SELECTED SPECIES THAT ARE ON THE AMWUA LOW WATER USE PLANT LIST.

SINGLE-FAMILY PLANTING DATA

LANDSCAPE AREAS	REQUIRED	PROVIDED
A. STREET FRONTAGE AREAS		
1. ADJACENT TO ARTERIAL STREETS- (640 LF) (10 FEET)	6,400 SF	6,400 SF
2. ADJACENT TO COLLECTOR STREETS- (1,806 LF) (6 FEET)	12,046 SF	12,046 SF
3. ADJACENT TO LOCAL STREETS- (2,918 LF) (6 FEET)	20,154 SF	20,154 SF
*REQUIREMENT APPLIED ALONG LOT SIDE AN REAR FRONTAGE AREAS		
B. REQUIRED DRAINAGE RETENTION/DETENTION AREAS	0 SF	0 SF
C. USEABLE OPEN SPACE AREAS (DESIGN REVIEW MANUAL 30-10-12.C) 150 LOTS		
1. LOTS LESS THAN 10,000 SQUARE FEET (4% GROSS PROJECT AREA)	38,131 SF	38,131 SQ. FT
2. LOTS 10,000 - 15,000 SQUARE FEET (7% GROSS PROJECT AREA)	0 SF	0 SF
3. LOTS GREATER THAN 15,000 SQUARE FEET: (9% GROSS PROJECT AREA)	0 SF	0 SF

NOTE: IF THE DEVELOPMENT INCLUDES A MIXTURE OF LOT SIZES BEYOND THE RANGES DESCRIBED ABOVE, THE PERCENTAGE OF USEABLE OPEN SPACE REQUIRED SHALL BE BASED ON THE PERCENTAGE OF LOTS IN EACH CATEGORY.

PLANT QUANTITIES	REQUIRED	PROVIDED
STREET FRONTAGE LANDSCAPE AREAS		
D. TREES: 1 PER 25 LINEAR FEET OF STREET FRONTAGE (5' OR 10' BUFFER + ROW)	156 TREES	166 TREES
E. SHRUBS: 5 PER 25 LINEAR FEET OF STREET FRONTAGE (5' OR 10' BUFFER + ROW)	650 SHRUBS	1,019 SHRUBS
DRAINAGE RETENTION/ DETENTION + USEABLE OPEN SPACE AREAS		
F. TREES: 1 PER 1,000 SQUARE FEET	262 TREES	215 TREES
G. SHRUBS: 5 PER 1,000 SQUARE FEET	1,310 SHRUBS	1,269 SHRUBS

NOTE: USEABLE OPEN SPACE AREAS MAY OCCUPY THE SAME AREAS AS DRAINAGE SPECIAL PLANTING REQUIREMENTS (FAD, ZONING, ETC.)

TOTALS	REQUIRED	PROVIDED
TOTAL LANDSCAPE AREAS (A+B+C)	38,544 SF	38,544 SF
TOTAL USEABLE OPEN SPACE PERCENT	15.0%	14.1%
TOTAL TREES (D+F)	458 TREES	412 TREES
TOTAL 24" BOX TREES (50% OF TOTAL REQUIRED TREES)	214 TREES	206 TREES
TOTAL SHRUBS (E+G)	2,140 SHRUBS	2,360 SHRUBS

GENERAL NOTES

1. TURF (LAWN) IS LIMITED TO A MAXIMUM OF 30% OF THE SITE AREA.
2. A DEVELOPMENT MAY SUBSTITUTE A 24" BOX OR LARGER TREE IN PLACE OF A 15 GALLON TREE AT A SUBSTITUTION RATE OF 1.5 TREES FOR EVERY REQUIRED.
3. ALL LANDSCAPED AREAS SHALL BE SUPPORTED BY AN AUTOMATIC IRRIGATION SYSTEM WHICH MAY BE SPRAY, FLOOD OR DRIP SYSTEM.
4. PLANT MATERIALS UTILIZED IN LANDSCAPED AREAS IN THE ROW MUST BE INCLUDED ON THE MOST RECENT EDITION OF THE PHOENIX ACTIVE MANAGEMENT AREA LOW WATER USE/ DROUGHT TOLERANT PLANT LIST.
5. THE DEVELOPER SHALL BE RESPONSIBLE TO INSTALL/MAINTAIN ALL LANDSCAPING WITHIN THE RIGHT-OF-WAY, INSTALLED THAT WILL ENCROACH WHEN MATURE.
6. A 3 FOOT CLEAR SPACE IS REQUIRED AROUND ALL FIRE SUPPRESSION EQUIPMENT. NO PLANTS MAY BE

PROJECT SUMMARY

PROJECT DESCRIPTION:	PROPOSED RESIDENTIAL DEVELOPMENT
EXISTING ZONING OF SITE:	C-3 / C-4
GROSS SITE AREA:	84.18 ACRES
NET SITE AREA:	82.80 ACRES

NOTES:

1. MINIMUM 50% OF THE TREES TO BE 24" BOX.
2. ALL SHRUBS & ACCENTS TO BE 5 GALLON. ALL GROUNDCOVERS TO BE 5 GALLON.
3. 60% OF GROUND COVER TO BE VEGETATIVE.

[redacted]

The McGough Group

PRELIMINARY LANDSCAPE PLAN

WEST POINTE ESTATES

71st AVENUE & OLIVE - PEORIA, AZ

PLS-1

SCALE: 1"=100'-0"

0' 50' 100' 200' 300'

NORTH

Attachment 3

Mailing Addresses for all those notified of the neighborhood meeting

7050 GRAND AVENUE LLC
[redacted]

A T & S F R/R
[redacted]

A T & S F RAILWAY CO
[redacted]

AARON PROPERTIES INC
[redacted]

AFK ARIZONA REAL ESTATE
[redacted]

ARIZONA EQUITY PROPERTIES
[redacted]

ARIZONA STATE DEPT OF TRANS1700
[redacted]

ARIZONA STATE DEPT OF TRANSPORTATION
[redacted]

ARRIETA JULIO V/DORA V
[redacted]

BALLINGER FAMILY TRUST
[redacted]

BOHN JENNIFER JANE
[redacted]

BROWN ANDREW L M/GLORY V
[redacted]

BUKOVNIK PAUL R/ELLEN M
[redacted]

CARLIN BLUFORD B & TERESITA C
[redacted]

CARON ST LLC
[redacted]

CASTRO TRINI JAY
[redacted]

COCKRIEL MARK A & DENISE A 9058 N
[redacted]

CORDERO NOEMI
[redacted]

DALEE MARIA
[redacted]

DEBERRY JACQUELYN
[redacted]

DODRILL RICHARD
[redacted]

EMRLAND LLLP
[redacted]

GALLEGO JESUS/OLIVIA NUNO
[redacted]

GARCIA PAULA T TR/VALENTINE7246
[redacted]

GOHLWAR CHARANJIT S
[redacted]

GONZALEZ GUADALUPE/GUITERREZ ESPERANZA
[redacted]

GOODWIN JESSICA L/BRIAN V
[redacted]

GRAND OLIVE PARTNERS LLC
[redacted]

GUFFY MICHAEL
[redacted]

GUTHRIE GRAMMER RITA F
[redacted]

GUTIERREZ LORI M

[redacted]

HACIENDAS DEL SOL HOA

[redacted]

HAMILTON DEBORAH S

[redacted]

HAWKE ENTERPRISES

[redacted]

HERRERA SANTITA MARILIS

[redacted]

HICKS ROBERT J

[redacted]

HODGES RICHARD A

[redacted]

IBEH OLIVER N

[redacted]

KALAMATA COMMERCIAL LLLP

[redacted]

KOLOMITZ BRIAN

[redacted]

LOPEZ OFELIA

[redacted]

MCFADDEN MICHAEL D/SHERRY L

[redacted]

MIRANDA JUAN RAFAEL/ANTONIA

[redacted]

MORENO INTY SUJAD/ARANA BAYARDO J

[redacted]

OLIVE PARK HOMEOWNERS ASSOCIATION

[redacted]

OLIVE SQUARE CONDO HOA

[redacted]

OSBORNE KAREN

[redacted]

PARADISE GROVES MANUFACTURED HOME COMMUNITY

[redacted]

PLASENCIO MIKEL

[redacted]

ROMO PATRICIA

[redacted]

ROUNDTREE RANCH HOA

[redacted]

SARTAIN MICHAEL R/DEBBIE L

[redacted]

SCHMITTHAMMER FREDERICK G III

[redacted]

SHERN LIVING TRUST

[redacted]

SIMS ELBERT JR

[redacted]

SIMS LANA Y

[redacted]

SUNNYSLOPE ESTATES LLC

[redacted]

WEISS DONALD H/NANCEE L TR

[redacted]

WELLER JAMES INC

[redacted]

WESTECH COMPONENTS INC

[redacted]

WILLIAMSON LINDA
[redacted]

Mr. Christian Williams
[redacted]

Anthony Alejandro
Council Assistant
[redacted]

Attachment 4

Neighborhood Meeting Attendance List

David Cisiewski – Law Office of David Cisiewski
James Wehmueller – Northwest Holdings, LLC
James Abraham – Clouse Engineering
Councilmember Rivero – City of Peoria
Stacey Bridge-Denzak – City of Peoria

EXHIBIT 3

Draft Ordinance

June 17, 2014

ORDINANCE NO 2014-23

AN ORDINANCE OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA REZONING CERTAIN PROPERTY FROM C-2, INTERMEDIATE COMMERCIAL AND C-4, GENERAL COMMERCIAL, TO THE WEST POINTE ESTATES 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 May 15, 2014 in zoning case Z13-0011 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 C-2, Intermediate Commercial and C-4, General Commercial, to the West Pointe Estates 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 April 25, 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 Exhibit A and Exhibit B to this Ordinance, is hereby rezoned from the C-2, Intermediate Commercial and the C-4, General Commercial, to the West Pointe Estates 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 “West Pointe Estates” Planned Area Development Standards and Guidelines Report; (case Z13-0011) dated Revised February 24, 2014.

2. The Developer shall provide an ALTA Survey reflecting existing boundary and recorded easements on the site.
3. 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.
4. A Final Traffic Impact Analysis (TIA) shall be submitted with the Preliminary Plat.
5. Streetlights are required to be installed by the Developer. The streetlight plan must be submitted with the second submittal of the Civil Improvement Plans. The streetlights shall also be indicated on the paving or grading plan.
6. The Developer will be responsible to underground any overhead utilities rated less than 69 kV, which are adjacent to the subdivision.
7. A Phase 1 Environmental Clearance will be required for all right-of-way to be dedicated to the City.
8. The Developer shall be responsible to 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.
9. The Developer will be responsible to form a Street Light Improvement District (SLID) for this subdivision. A SLID Submittal will be required with the second submittal of the improvement plans.
10. 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.
11. 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.
12. Pavement sections shall be verified by the project soils report.
13. The Developer will be responsible to verify visibility and sight distance triangles for intersections, driveways, and grade separations.
14. All flood plains must be shown on the final plat.

15. 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.
16. Submit a noise mitigation study in accordance with ADOT Noise Abatement Policy to address the anticipated truck traffic on Grand Avenue and Olive Avenue. All walls shall be designed in accordance with the recommendations of the noise study.
17. The Developer shall dedicate an 8' PUE outside of the required ROW. No walls or retention shall be allowed within the PUE.
18. The Developer shall construct an 8' sidewalk along Olive Avenue and a 6' sidewalk on 71st Avenue.
19. The developer shall construct 71st Avenue (entire full street pavement width, curb, gutter, sidewalk) along the frontage of this project, and intersection / signal modifications at 71st Avenue / Olive Avenue as per the TIA. The 71st Avenue cross section shall be per the City of Glendale standards.
20. If additional ROW to construct the full section for 71st Avenue is required, the Developer shall be responsible for obtaining this ROW or shifting 71st Ave to the west to accommodate the full section.
21. 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 chamfer at all local/local roadway intersections.
22. 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.
23. This development is permitted to construct portions of the sewer main with a 0.0033 ft/ft slope. A steeper slope must be provided at the end of each main.
24. The Developer shall obtain approval from ADOT and BNSF for installing a sewer main under Grand Avenue and the railroad. Written approval of the concept must be provided prior to preliminary plat approval. If approval cannot be obtained, the Developer shall evaluate another method of sewering this development.
25. The Developer shall obtain approval from ADOT for the proposed access onto Grand Avenue at the south end of this site.
26. The Developer shall obtain all necessary approvals from the City of Glendale in regard to access locations on 71st Avenue.
27. Any commercial access onto 71st Avenue must be permitted by the City of Glendale. If Glendale will not allow access onto 71st Ave, the City of Peoria will permit a right-in, right-out only access onto Olive, located at the far western end of the commercial site.
28. The Developer shall be responsible for relocating the SRP irrigation facility that runs through the property. It is the Developer's responsibility to coordinate with SRP if there will there need to be a fee exchange.
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.

30. In any new Group R, Division 3 occupancies located south of the Dixileta Road alignment and East of the Agua Fria River alignment, each builder, contractor or developer shall offer to each home buyer as an option, at the time of purchase, a residential fire sprinkler system.
31. The option shall include a competitive cost of installing an automatic fire sprinkler system equipped with residential fire sprinkler heads for the FIRE AREA of the structure. This option is to be included on the development list of options.
32. The builder, contractor or developer shall provide to each home buyer a copy of educational materials prepared by the City on residential fire sprinkler systems with each model price list.
33. A signed affidavit, using a form approved by the Peoria Fire Department, by the buyer indicating that this option was offered shall be retained by the developer at his home office, available for inspection by the City for a period of one (1) year from the time of closure of the residential sale.

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 and map as represented in Exhibit A.

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 17th day of June, 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: June 27, 2014

Effective Date:

EXHIBIT A
LEGAL DESCRIPTION

That part of the Northwest quarter of Section 36, Township 3 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

BEGINNING at a point 33 feet South and 287 feet East of the Northwest corner of Section 36, Township 3 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

THENCE East parallel to the North line of said Section, a distance of 3013 feet to a point;

THENCE South a distance of 1287 feet to a point;

THENCE West a distance of 660 feet to a point;

THENCE South a distance of 1136 feet to a point;

THENCE Northwesterly along the Northeasterly or Northerly boundary line of the right of way of Grand Avenue, a distance of 3377 feet to the POINT OF BEGINNING;

EXCEPT the East 660 feet of the North 1287 feet; and

EXCEPT the North 7 feet; and

EXCEPT that part lying Southwesterly of the following described line:

COMMENCING at the center quarter corner of said Section 36;

THENCE North 1 degree 10 minutes 56 seconds West along the North-South midsection line thereof, a distance of 154.48 feet;

THENCE from a Local Tangent Bearing of North 41 degrees 39 minutes 36 seconds West along the arc of a curve to the right having a radius of 2291.83 feet, a distance of 223.84 feet;

THENCE North 53 degrees 56 minutes 09 seconds East 117.96 feet to the Point of Beginning on the existing West right of way line of 71st Avenue;

THENCE North 23 degrees 55 minutes 05 seconds West 511.45 feet;

THENCE from a Local Tangent Beating of North 28 degrees 21 minutes 38 seconds West along the arc of a curve to the left having a radius of 1096.74 feet, a distance of 516.40 feet;

THENCE North 60 degrees 20 minutes 53 seconds West 282.04 feet;

THENCE North 59 degrees 51 minutes 42 seconds West 461.39 feet;

THENCE North 53 degrees 54 minutes 03 seconds West 293.07 feet;

THENCE along the arc of a curve to the left having a radius of 1180.92 feet, a distance of 123.67 feet;

THENCE North 59 degrees 54 minutes 03 seconds West 324.79 feet;

THENCE along the arc of a curve to the right having a radius of 1110.92 feet, a distance of 268.60 feet;

THENCE North 46 degrees 02 minutes 51 seconds West 409.95 feet to the POINT OF ENDING on the

existing South right of way line of Olive Avenue; and

EXCEPT that portion condemned in Final Order of Condemnation by the State of Arizona recorded March 5, 2004 in Document No. 2004- 0228034.

EXHIBIT B

MAP

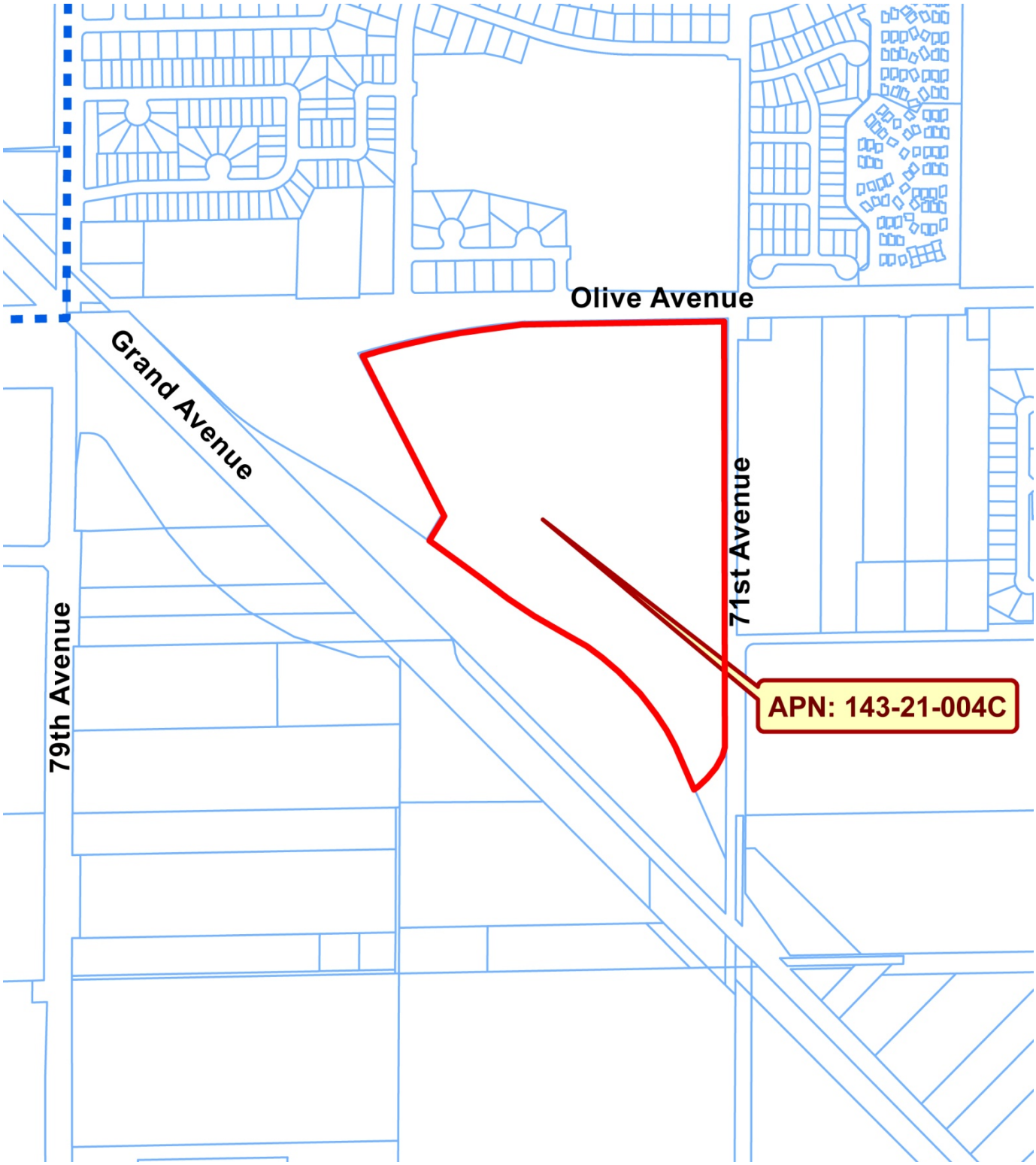


EXHIBIT 4

West Pointe Estates Planned Area Development

Standards and Guidelines Report

June 17, 2014

WEST POINTE ESTATES

Planned Area Development

Standards and Guidelines Report

Southwest Corner of 71st Avenue and Olive Avenue
Peoria, Arizona

Case #Z13-0011

Revised: February 24, 2014

Prepared by:
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ATTACHMENTS

Attachment 1	**Location Map**
Attachment 2	**Legal Description**
Attachment 3	**Surrounding Conditions**
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1.0 Introduction.

The information contained in this Standards and Guidelines Report shall serve to establish the design standards and guidelines for the future development of West Pointe Estates. The proposed Planned Area Development (PAD) provides for a single family residential and community commercial development that is in accordance with the General Plan for the Property.

2.0 Purpose

2.1 Property. The real property which is the subject of this application is located in Section 36, Township 3 North, Range 1 East of the Gila & Salt River Base & Meridian, Maricopa County, Arizona. The project consists of approximately 39.18 gross acres (36.3 net acres) bounded by 71st Avenue on the east, vacant land to the east, Olive Avenue on the north and Grand Avenue right-of-way on the west & south, as shown on the map included as Attachment "1" ("Property"). The legal description and boundary survey are included as Attachment "2".

2.2 Planning & Development History. At present the Property is zoned C-2, Intermediate Commercial and C-4, General Commercial. The General Plan designation of the Property is for Medium Density Residential (5-8 du /ac) and Community Commercial.

2.3 Proposed PAD Zoning and Plat. So as to accommodate the unique development challenges of the Property, the Applicant is requesting a Planned Area Development (PAD) zoning designation and a Preliminary Plat for the Property. The proposed PAD will provide for the development of 172 residential lots for single family dwellings on 36.61 gross acres (34.49 net acres), with the remaining 2.57 gross acres (1.81 net acres), located at the immediate southwest corner of 71st Avenue & Olive, being retained for its current land use designation of C-2, Intermediate Commercial. The proposed PAD zoning is intended to facilitate the Property being developed in response to current market conditions to provide for a single family land use which are compatible with the existing single family land uses to the north and east and a small scale commercial land use that is compatible and complimentary to the local community.

3.0 Site Conditions

3.1 Existing Conditions. As shown on the aerial photograph attached hereto as Attachment "1", the Property consists of fallow and de-vegetated soil. The Property is not located within a floodplain and will not be required to convey any offsite hydrologic flows through or past the site boundaries, as no offsite flows currently exist.

The roadways adjacent to the Property are:

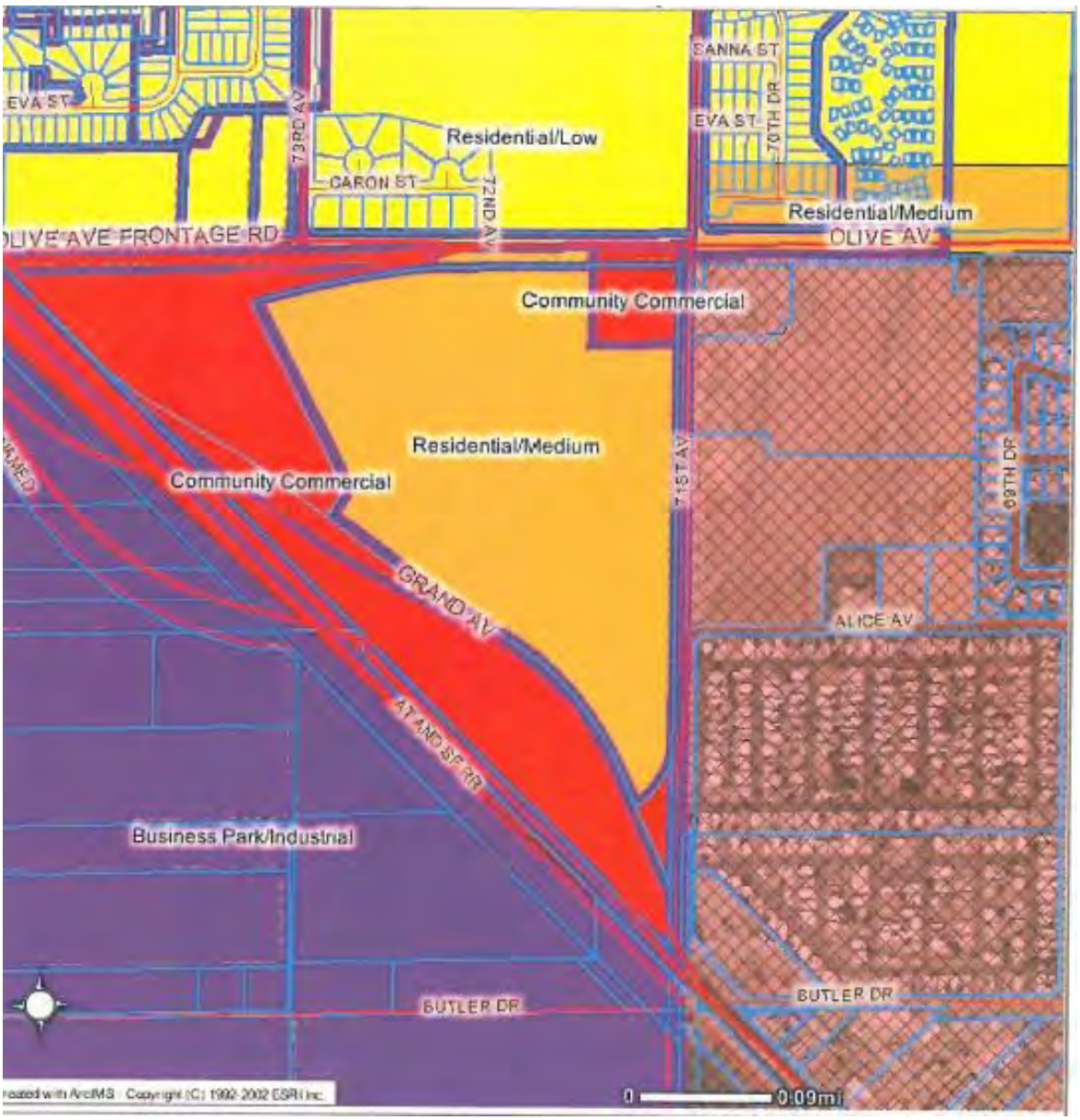
- 71st Avenue - which is presently unpaved, but will be fully developed as part of the first phase of development of the proposed residential project for the southeast corner of 71st & Avenue & Olive in the City of Glendale;

- Olive Ave – which is located in the City of Peoria and is developed as a five lane arterial paved street with vertical curb on both north and south sides;

- Alice Avenue which is a half street paved without curb or gutter on either north or south side.

- Grand Avenue which is fully developed 6-lane, separated roadway. There is no access between the Property and Grand Avenue.

3.2 Existing General Plan Designation. The existing General Plan designation for the Property is Medium Density Residential (5-8 du /ac) with a small portion of the northeast quadrant of the larger tract being designated for Community Commercial. The General Plan designations of the Property and the surrounding area shown on the map provide below.



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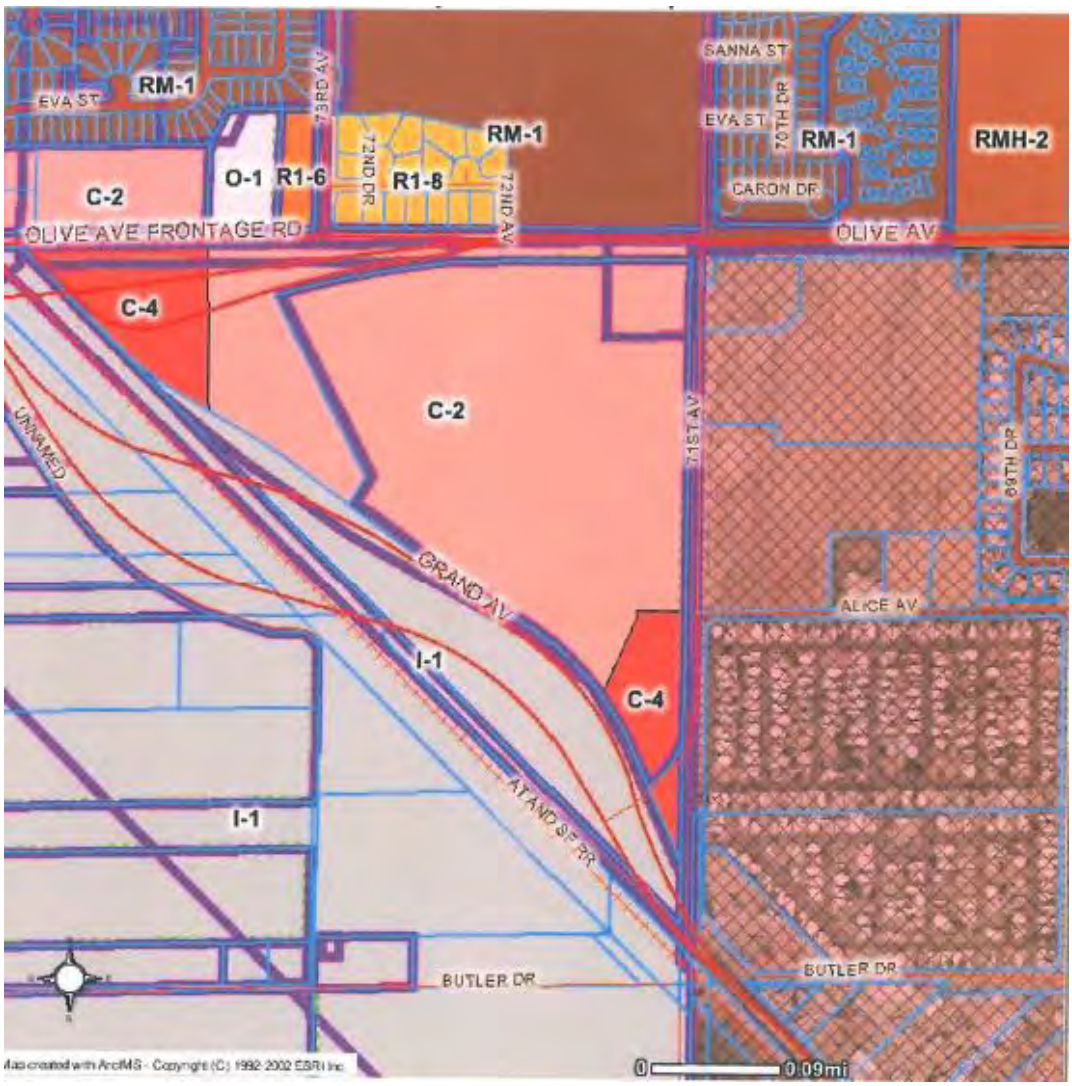
3.3 Existing Zoning. The existing zoning for the Property is C-2 Intermediate Commercial and C-4 General Commercial. The approved zoning of the Property and the surrounding area is shown on the map provided below.



3.4 Flood Designation As noted on the Preliminary Plat, the western portion of the site is located within Flood Zone "AH" with the balance of the Property being located within Flood Zone "X", as shown on Flood Insurance Rate Map (FIRM) No. 04013C1630H, effective September 30, 2005. The general delineation of the separate Flood Zones is depicted on the Preliminary Grading Plan included in Attachment "4".

3.5 Location. West Pointe Estates is located in close proximity to major thoroughfares which supports the long-term sustainability of this development. The availability of essential utilities in the area has also added to the feasibility of developing the commercial and residential parcels within the Property. Proximity to a community college, numerous retail developments, and other aged residential developments nearby are all additional indicators of the

need and opportunity to provide a great community which meets the needs of Peoria residents.

3.6 Accessibility. West Pointe Estates is situated just northeast of Grand Avenue, a major northwest/southeast thoroughfare, and is bordered on the north by Olive Avenue, another major thoroughfare. The development can also be accessed from Alice Avenue on the south via 67th Avenue to the east.

4.0 Relationship to Surrounding Properties

4.1 Surrounding Conditions. An aerial photo of the Property and surrounding area is provide as Attachment "3" and the following descriptions include the zoning and General Plan designations for land adjacent to and surrounding Property:

NORTH of Olive Avenue is the City of Peoria. There is an existing single-family subdivision called "Olive Park", zoned R1-8, a condominium called "Olive Square", zoned RM-1, Sunnyslope Park, and the Peoria Mobile Estates, zoned RM-1. The General Plan designations are Residential/Low and Residential/Medium.

EAST of the Property there is vacant land under the jurisdiction of the City of Glendale which has been approved for PAD zoning to accommodate commercial, multi-family, and single family land uses.

SOUTH of the Property is the right-of-way of Grande Avenue and to the southeast of Alice Avenue there is an existing single-family subdivision under the jurisdiction of the City of Glendale, called "Paradise Groves". Its existing zoning is Glendale R-4.

WEST of the Property is the right-of-way of Grand Avenue and further to the west is undeveloped land zoned I-1 in the City of Peoria.

5.0 General Description of West Pointe Estates.

The vision for the development is to create a community that is attractive to homeowners by offering nearby neighborhood retail conveniences in a setting proximate to desirable transportation corridors. The proposed plan of development for West Points Estates provides for 172 single family residential lots with each being generally 45 x 110 feet in area. Based upon the development of 36.61 gross acres (34.49 net acres) of the larger tract for this land use, the proposed development will provide for a density of 4.74 dwelling units per net acre. Additionally, the residential component of this PAD includes 5.52 net acres of useable open space which equates of 14.08% useable open space for the residential development.

The residential lots are intended to accommodate single-family, two-story, detached homes with side yards. The community will not be gated and pedestrian and vehicular access will be provided from Olive Avenue and 71st Avenue, as more clearly depicted on the Site Plan, attached hereto as Attachment "4". The proposed housing product will provide private side and rear yards as well as adequate front and rear building setbacks to ensure an aesthetically pleasing street and yard scape. However, because the Applicant has not secured a final builder for the single family development at this time, greater detail regarding the final design of the single family buildings will need to occur separately, and will be subject to the City's design review process.

The commercial portion of the Property is approximately 2.57 gross acres (1.81 net acres) and is planned to serve the residents of West Pointe Estates, the existing residents neighboring the development, as well as commuters frequently traveling along Olive Avenue. The architectural and design theme of the commercial parcel will be generally consistent with the single family parcel. However, because the Applicant has not secured a user(s) for the commercial parcel at this time, greater detail regarding the design of the commercial building will need to occur separately, and will be subject to the City's design review process.

6.0 Compliance with P.A.D. Zoning. As discussed herein, the Applicant is requesting Planned Area Development ("PAD") zoning for the property, pursuant to Article 14-33 of the Peoria Zoning Ordinance. The intent of PAD zoning, as stated in the ordinance, includes the following goals:

- To enhance the City's development growth in order that the public health, safety. and general welfare be enhanced as Peoria increasingly urbanizes;

- To encourage innovations in residential, commercial and industrial development so that greater opportunities for better housing, recreation, shopping, and employment may extend to all citizens and residents of Peoria;

- To reflect changes in the technology of land development;

- To encourage a more creative approach in the utilization of land in order to accomplish a more efficient, aesthetic, and desirable development which may be characterized by special features of geography, topography, size, or shape of a particular property; and

- To provide a compatible and stable developed environment in harmony with that of the surrounding area.

The proposed development includes both single family residential and commercial uses in support of the aforementioned goals. As noted in the various development, engineering and other related reports included as part of this submittal, the Property has unique challenges for development, including the natural grade of the Property, the lack of adequate public utilities in close proximity, and the limitations associated with the location of the Property to Grand Avenue. The proposed development plan provides for 172 single family homes and a small commercial parcel designed to overcome these development challenges and provide a quality, sustainable living environment to accommodate the growing residential needs of the City, as well as providing limited commercial land uses in support of the community. The proposed development is designed to provide a quality and sustainable housing product with sufficient open space and amenities to afford the residents a vibrant live and play environment, in close proximity to transportation corridors.

While there has been in recent years a variety of housing product designs which have been put forth in the metro area, including attached and detached products from other geographic areas of the country, many of these developments have failed as they are simple not desirable relative to larger housing market in the metropolitan area. The proposed housing for West Point Estates is of a nature that has proven sustainability in the market. The residential lots are of a size that provides ample

space for young growing families as well as more established family units. The proposed plan and residential concept encourages the development of stable, sustainable homeownership in the community in support of the PAD goal to provide greater opportunities for better housing to all citizens and residents of Peoria.

Additionally, West Pointe Estates provides for a residential density compatible with the current General Plan for the Property while providing nearly 50% increase in usable open space. This extensive open space provides for not only aesthetic quality within the development, but also affords connectivity through the larger development to the community areas. The community areas include playgrounds, shaded recreation/gathering areas and large turf areas. The design of the West Pointe Estates locates the community areas along the western boundary of the larger tract to provide additional buffer from Grand Avenue, but also provides connectivity through a lighted pathway between the distinct community areas for the use and enjoyment of the residents. The location and design of these community areas afford special features in support of a quality living environment, as well as provide a creative use of the land to buffer the residences from Grand Avenue.

Finally, the proposed design of the residential and commercial development will blend well with the existing developments surrounding the Property. The existing developments to the south are residential in character and the proposed development east of the Property is for single family homes, including the construction of 71st Avenue. The installation of this new roadway will provide increased ease of access for the residents of West Pointe Estates, as well as those residents to the south and east. The new roadway will provide connectivity within the community and alleviates the separation that now exists, which inhibits a cohesive community. Additionally, the limit character of the commercial development will afford commercial activities that are compatible and support to the adjoining residential areas without any adverse impacts.

Based upon the foregoing, the requested PAD zoning for the Property supports the goals and intent of the Peoria PAD zoning ordinance and allows for the development of a quality, sustainable residential development with limited commercial uses in support of the needs of the community.

7.0 Development Standards & Guidelines

7.1 Developments Standards. The following development standards and requirements shall be maintained or exceeded without deviation for the residential and commercial components of West Pointe Estates:

			Development Standards						
	Minimum Lot area	Minimum Width	Minimum Depth	Minimum Building Setbacks				Structure Height	% Lot Coverage
				Front	Rear	Side	Street Side		
Single Family	4,780	45'	110'	20'	15'	5'(1)	10'	30'	45%
Commercial	n/a	n/a	n/a	20'	25'	25'	20'	35'	n/a

(1) The 5 foot side setback is in additional to an 8 foot PUE provided along all streets within the development

7.1.1 Open Space. The open space proposed for West Pointe Estates is a significant component of what helps make a successful, sought out and attractive community. As depicted on the Site Plan, 14.08% of the total residential land area is allocated as useable open space for landscaping, retention, and community space, which will provide areas for private parks, dedicated recreation areas and retention basins. These areas are depicted on the attached Preliminary Plat included as Attachment "4" and the Landscape Plans included as Attachment "4".

7.1.2 Amenities. As illustrated on the Landscape Plans, included as Attachment "4", there are a number of amenities within West Pointe Estates, such as street–side landscape buffers, private recreation areas, a community playground, shaded seating areas, and significant open space. These amenities are meant to enhance the sense of place and livability of West Pointe Estates by providing a completely sustainable community that is integrated into the surrounding environment and overall region as a whole.

7.1.3 Signage. All signage within West Pointe Estates shall comply with Article 14-34 of the City of Peoria Zoning Ordinance, shall be subject to final design review approval, and shall be approved under a separate permit.

7.1.4 Lighting. The lighting scheme for West Pointe Estates shall comply with all provisions of Chapters 20-60 through 20-67 of the City of Peoria's Code and be subject to final design review. Any identification signs for West Point Estates may be externally illuminated in accordance with the Zoning Ordinance. Street lights shall be installed along all public streets in accordance with plans and specifications approved by the City of Peoria. Low level lighting shall be provided in recreation areas, community playgrounds, community seating areas and elsewhere within the development where people may congregate. All lighting provided within West Pointe Estates shall be in compliance with the requirements of the Dark Sky Ordinance.

7.1.5 Parking. Parking space dimensions will be a minimum nine & one-half feet (9.5) wide by twenty feet (20) long and all drive aisles shall be designed in accordance with City of Peoria Code. The minimum allocation of parking spaces provided at West Pointe Estates shall be as follows:

Single Family Residential	2 garage spaces per residence Street/Guest Parking – 1 space per 2 DU
Commercial	1 space per 250 s.f. of building area or as otherwise required by the City of Peoria Zoning Code

Within the single family portion of the development, each residence will contain a standard-size two (2) car garage. Additionally, temporary guest parking will be available on the street at a minimum ratio of one guest space per every two dwelling units.

All parking designs and configurations, including loading and delivery areas within West Pointe Estates, shall comply with City of Peoria Zoning Ordinance.

7.1.6 Structure Theming. The overall theme for West Pointe Estates will be determined by the final builder of the residential development and user(s) for the commercial component of the development, but in all instances the theme shall generally consist of muted earth tones and complemented by a thoughtful use of accent stone and decorative wrought iron. Greater detail regarding the final design of the separate residential and commercial developments will need to occur once a final builder has been secured for the separate developments, all of which being subject to the City's design review process. However, all potions of the development shall be developed in accordance with the provision of the City of Peoria Design Review Manual and include, at a minimum, the following:

a. 4-sided architecture;
b. Inclusion of similar architectural design and accent elements on all buildings;
c. Limiting the extent of single-plane elevations on buildings;
d. Avoiding solid-mass building design;
e. Incorporating a diversity of colors, materials and accent elements on all buildings;
f. All structures shall incorporate CPTED crime deterrent principals;
g. Perimeter walls consisting for decorative block and other accent designs;
h. Provide for architectural variation between contiguous buildings;
i. Avoid the use of highly reflective materials and surfaces on all buildings;
j. Inclusion of pedestrian amenities and public spaces;
k. Trash facilities on commercial developments shall be oriented away from arterial streets and/or fully screened from view;
l. Provide for façade articulation in commercial buildings; and
m. Provide for variable heights in roof planes

7.1.7 Landscape Theming. In an effort to promote water conservation practices in the desert environment, the "front yards" within the single family parcel will consist of Xeriscape landscaping. To further promote water conservancy, the plant palette for the entire project will consist of water conscious species of trees, shrubs, and groundcover that will provide a variety of size, color, and texture throughout the community.

The landscaping will also provide functional purposes such as architectural screening and shade. All landscape areas, excluding turf, will have a decorative decomposed granite cover measuring ¾-inch minus and shall be 2" deep. All landscape will be watered with a fully automatic irrigation system consisting of spray heads and/or rotor sprinklers for the lawn areas and drip emitters for the trees, shrubs, and ground cover.

7.1.8 Walls and Fencing. As a design aspect that is seen throughout the community, the walls and fences will be designed to enhance the overall visual aesthetics of the development by making use of materials and a color palette appropriate to the theming and environment. An example of the walls and fencing proposed throughout West Pointe Estates are illustrated on the Landscape Plan included as Attachment "5".

The perimeter theme wall will be installed along the exterior boundaries of the project, excluding those portions of the Property where existing masonry walls are present. The perimeter theme wall will be comprised of 6" CMU integral color block with a split-face CMU integral color block design pattern integrated into the wall. The wall between the single

family parcel and commercial parcel will be comprised of an eight foot (8') high, eight inch (8") thick decorative block wall along the southern and western boundaries of the commercial parcel.

In addition, the Project will be required to provide a noise buffering sound wall along the boundary with Grand Avenue and the Olive Avenue ramp. The final design and construction details for this noise wall shall be based upon a noise study to be completed by the project developer concurrent with the preparation of construction documents. The noise wall study and the design of the noise shall be subject to review and approval by the City of Peoria.

7.1.9 Architecture. The detailed architectural style will be determined by the residential builder and commercial user(s) at the time of and during the design review process for the single family homes. Once those standards have been established, the basic guidelines will be carried throughout the commercial portion of the development to ensure a common vision and complimentary design. The actual elevations, color palette and materials to be used will be subject to the City of Peoria final product design as established in the design review process.

7.1.10 Covenants, Conditions & Restrictions (CC&R's). The Applicant will establish covenants, conditions and restrictions ("CC&R's") for West Pointe Estates to set forth the rules and regulations which will govern single family homeowners' rights and responsibilities as they pertain to their real property, as well as limitations and restrictions upon the commercial component of the development. These CC&R's will list items that are allowed within the community as well as any restrictions and/or prohibitions as related to a homeowner's lot, dwelling unit, or amenities within the common areas.

7.1.11 Homeowners Association. A Homeowners Association will be formed, pursuant to the CC&R's and given the responsibility of maintaining open spaces under its control and enforcing the CC&R's of the community. The Homeowners' Association will be funded by dues from each homeowner within West Pointe Estates.

7.1.12 List of Permitted Uses. Subject to compliance with all the standards and requirements herein provided and further in compliance with the requirements of the City of Peoria Design Review Manuel, the following uses shall be permitted upon the Property:

7.1.12.1 RESIDENTIAL USES

7.1.12.1.1 Permitted Principal Uses:

a. One detached single-family dwelling per lot

b. Publicly-owned and operated parks and recreation areas and centers.

c. Group Homes, in accordance with provisions of Article 14-3, General Provisions Section 14-3-12, "Group Homes, Day Care Group Homes, Group Care Facilities and Community Residential Setting Facilities," Subsection 14-3-12(A) of the Peoria Zoning Ordinance.

d. Public/Charter Schools and Private Schools, provided that the facility shall have direct vehicular access to an arterial or collector street and that facilities for repair or storage of vehicles and equipment shall be prohibited.

e. Churches, synagogues, temples, chapels, or similar places of worship, and related facilities, subject to review and approval of vehicular access by the City Engineer.

f. Public utility buildings, uses, structures, equipment and storm water retention areas; provided that repair or storage facilities in connection therewith are expressly prohibited.

7.1.12.1.2 Permitted Conditional Uses. Any of the following uses may be permitted as principal uses subject to approval by the Commission of site development plans prepared in accordance with the applicable provisions of the City of Peoria Zoning Ordinance.

a. Public buildings providing cultural, educational, administrative, fire and police protection services to district residents; provided that all vehicular access shall be restricted to public streets.

b. Non-commercial recreational uses, provided that all direct vehicular access is from an arterial or collector street.

c. Day Care Group Homes with five (5) or more children, in accordance with all applicable provisions of City of Peoria Zoning Ordinance.

d. Group Care Facility or Community Residential Setting Facility in accordance with all applicable provisions of the City of Peoria Zoning Ordinance.

e. Preschool centers or day care centers in accordance with State Department of Health Care Services regulations and all applicable provision of the City of Peoria Zoning Ordinance and Code.

7.1.12.1.3 Permitted Accessory Uses

a. Any accessory use customarily incidental to a permitted principal use.

b. Off-street parking serving a permitted principal use, in accordance with all applicable provision of the City of Peoria Zoning Ordinance.

c. Private garage or carport for storage or parking of vehicles.

d. Garden house, tool house, ramada, outdoor swimming pool and similar home recreational facilities; provided that such facilities are used solely by occupants of the premises and their guests.

e. Storage or parking of recreational vehicles and utility trailers, in accordance with all provision of the City of Peoria Zoning Ordinance and Code.

f. Guest house or servant's quarters in accordance with all provision of the City of Peoria Zoning Ordinance and Code.

g. Home occupation, in accordance with in accordance with all provision of the City of Peoria Zoning Ordinance and Code.

h. Day care for four (4) or less children

7.1.12.2 COMMERCIAL USES. All those principally permitted uses, conditionally permitted uses, and accessory uses as are allowed under the provisions of the Article 14-9 of the City of Peoria Zoning Ordinance, as amended from time to time, and subject to all restrictions and limitations related thereto, for zoning districts known as Convenience Commercial (C-1) and Intermediate Commercial (C-2).

In addition all the foregoing standards and requirements, all portions of West Pointe Estates shall be developed in accordance with the City of Peoria's Design Review Manuel.

7.1.13 Grading/Drainage/Retention. The drainage and retention design are provided in the Preliminary Drainage Report for West Pointe Estates, dated October 9, 2013 included as part of this submittal. As detailed in the Preliminary Drainage Report, the Project shall provide for on-site retention of the 100-year, 2-hour storm event. The location and design of the various retention basins are depicted on the included plans.

8.0 Timing of Development/Project Phasing. The Applicant intends to begin the final engineering of the development expeditiously should the PAD Zoning and Preliminary Plat be approved. Timing for construction of the development will be based on numerous factors, such as market demand and absorption levels, as well as the ability of Applicant to find a suitable builder/developer for the parcels. As noted on the Preliminary Plat, included as Attachment "4" the Applicant intends that the residential component of the project be built as Phase I and the commercial component will be constructed as Phase II. However, it is not the intent of this Report to limit or mandate the completion of the residential phase prior to or as a condition of the commencement of the commercial phase.

9.0 Public Utilities & Services

9.1 Water. There is an existing 12" water line in Olive Avenue, along the northern boundary of the Property. Additionally, concurrent with the development and installation of 71st Avenue, a new 8-inch public water line will be installed in 71st Avenue from Olive Avenue to Alice Avenue. The water lines for the single family property will be looped with tie-ins on Olive Avenue and 71st Avenue. A more detailed discussion of the water service design is provided a separate Water Report for West Pointe Estates, which has been submitted concurrently with this Report. The preliminary Water Plans are depicted on the Preliminary Plat included as Attachment "3".

9.2 Sewer. To provide sanitary sewer to the project site, a sewer extension is proposed from the project site westward under Grand Avenue and the railroad right-of-way to its ultimate connection point in 75th Avenue. Based upon the location of the proposed sewer line, approvals from both ADOT and BNSF railroad will be required. At the present time, the Applicants engineer is engaged in discussions with both parties regarding the preliminary design and construction limitations related to the sewer. A more detailed discussion of the sewer design is provided a separate Wastewater Study for West Pointe Estates, which has been submitted concurrently with this Report. The preliminary Sewer Plans are included as Attachment "4".

9.3 Solid Waste. Solid waste removal service will be secured prior to final plat and is anticipated to be provide by the City of Peoria. The location of all refuse receptacles will be in conformance with the requirements of the City.

9.4 Electrical Service. Electric service will be provided by Salt River Project (SRP).

9.5 Natural Gas. Natural gas service will be provided by Southwest Gas.

9.6 Telephone. Telephone service will be provided by Century Link.

9.7 Law Enforcement. Law enforcement will be provided by City of Peoria Police Department.

9.8 Fire Protection. Fire Protection will be provided by City of Peoria.

9.9 Cable. Cable television and internet services will be provide by Cox.

10.0 Maintenance of Streets and Common Areas

10.1 Public Streets. All street improvements proposed as part of this development will be dedicated as public streets and will be designed and constructed in accordance with City of Peoria requirements. As designed, the streets within the single family development provide for a 50 foot right-of-way, as shown on the Site Plan. Public right-of-way will also be dedicated along Olive Avenue, as needed, and 71st Avenue. Improvements will be made to these streets in conformance with City of Peoria and the City of Glendale requirements, the designs provided for in the approved Traffic Impact Analysis and shall include any required modifications to the traffic signal at the intersection of 71st Avenue & Olive Avenue. Once these improvements have been accepted by the City, the City will be responsible for maintenance of the dedicated rights-of-way. Typical Street Sections are provide on the Preliminary Plat, included as Attachment "4".

10.2 71st Avenue Construction. The design and engineering plans, as well as a Traffic Impact Analysis for 71st Avenue, have been submitted to the City of Glendale for review and comment. These improvements include the relocation and construction of the existing SRP irrigation facilities, installation of new pavement for 71st Avenue from Olive Avenue to Alice Avenue and then continuing southward to Grand Avenue, and the installation of a new traffic signal at the intersection of 71st Avenue and Olive Avenue. All improvements to Olive Avenue will be coordinated and approved by the City of Peoria and improvements to 71st Avenue and Alice Avenue will coordinated and approved by the City of Glendale. These infrastructure improvements will provide significant benefit to the Property, the adjoining developments, and the nearby community. In the event 71st Avenue has not been completed prior to commencement of construction of West Point Estates, the developer of West Pointe Estates shall complete the construction of 71st Avenue concurrent with the development of the Property.

10.3 Common Areas. Common areas within the development will be comprised of open space, community recreation areas, and landscape tracts. All of these areas within the single family parcel will be owned and maintained by a Homeowners' Association and within the commercial parcel by the commercial property owner(s).

11.0 Conclusion.

The Applicant's proposed PAD Zoning and Preliminary Plat will create a community that is attractive to homebuyers while offering a desirable quality of life and sustainable community. The Applicant believes this development will be a welcome addition to the neighboring community and the City of Peoria at large.

ATTACHMENT "1"

Location Map

ATTACHMENT "2"

LEGAL DESCRITION

That part of the Northwest quarter of Section 36, Township 3 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

BEGINNING at a point 33 feet South and 287 feet East of the Northwest corner of Section 36, Township 3 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

THENCE East parallel to the North line of said Section, a distance of 3013 feet to a point;

THENCE South a distance of 1287 feet to a point;

THENCE West a distance of 660 feet to a point;

THENCE South a distance of 1136 feet to a point;

THENCE Northwesterly along the Northeasterly or Northerly boundary line of the right of way of Grand Avenue, a distance of 3377 feet to the POINT OF BEGINNING;

EXCEPT the East 660 feet of the North 1287 feet; and

EXCEPT the North 7 feet; and

EXCEPT that part lying Southwesterly of the following described line:

COMMENCING at the center quarter corner of said Section 36;

THENCE North 1 degree 10 minutes 56 seconds West along the North-South midsection line thereof, a distance of 154.48 feet;

THENCE from a Local Tangent Bearing of North 41 degrees 39 minutes 36 seconds West along the arc of a curve to the right having a radius of 2291.83 feet, a distance of 223.84 feet;

THENCE North 53 degrees 56 minutes 09 seconds East 117.96 feet to the Point of Beginning on the existing West right of way line of 71st Avenue;

THENCE North 23 degrees 55 minutes 05 seconds West 511.45 feet;

THENCE from a Local Tangent Beating of North 28 degrees 21 minutes 38 seconds West along the arc of a curve to the left having a radius of 1096.74 feet, a distance of 516.40 feet;

THENCE North 60 degrees 20 minutes 53 seconds West 282.04 feet;

THENCE North 59 degrees 51 minutes 42 seconds West 461.39 feet;

THENCE North 53 degrees 54 minutes 03 seconds West 293.07 feet;

THENCE along the arc of a curve to the left having a radius of 1180.92 feet, a distance of 123.67 feet;

THENCE North 59 degrees 54 minutes 03 seconds West 324.79 feet;

THENCE along the arc of a curve to the right having a radius of 1110.92 feet, a distance of 268.60 feet;

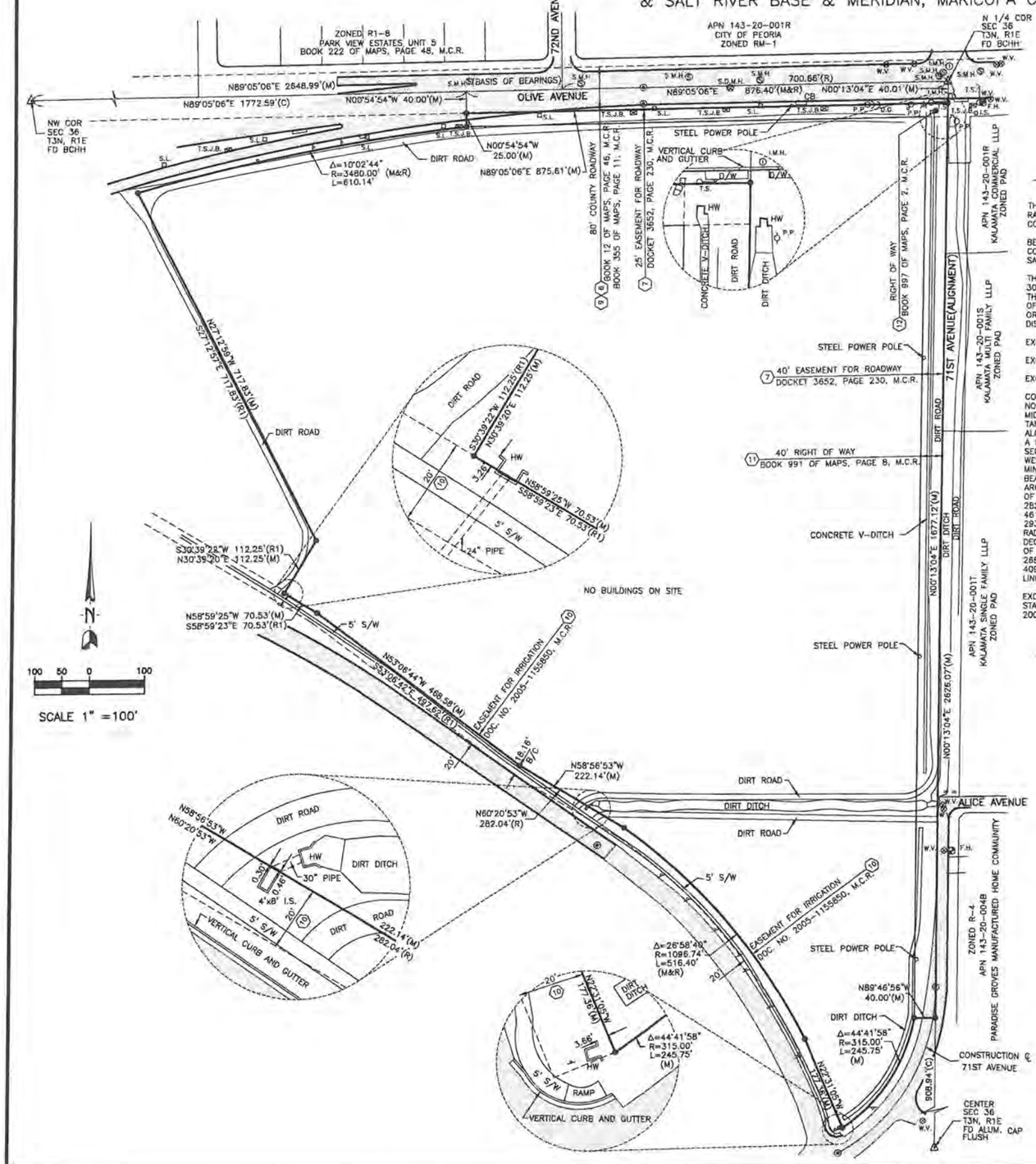
THENCE North 46 degrees 02 minutes 51 seconds West 409.95 feet to the POINT OF ENDING on the

existing South right of way line of Olive Avenue; and

EXCEPT that portion condemned in Final Order of Condemnation by the State of Arizona recorded March 5, 2004 in Document No. 2004- 0228034.

ALTA/ACSM LAND TITLE SURVEY

A PORTION OF THE NW 1/4, SECTION 36, T.3N., R.1E. OF THE GILA & SALT RIVER BASE & MERIDIAN, MARICOPA COUNTY, ARIZONA



DESCRIPTION

THAT PART OF THE NORTHWEST QUARTER OF SECTION 36, TOWNSHIP 3 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 33 FEET SOUTH AND 287 FEET EAST OF THE NORTHWEST CORNER OF SECTION 36, TOWNSHIP 3 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

THENCE EAST PARALLEL TO THE NORTH LINE OF SAID SECTION, A DISTANCE OF 3013 FEET TO A POINT; THENCE SOUTH A DISTANCE OF 1287 FEET TO A POINT; THENCE WEST A DISTANCE OF 660 FEET TO A POINT; THENCE SOUTH A DISTANCE OF 1136 FEET TO A POINT; THENCE NORTHWESTERLY ALONG THE NORTHEASTERLY OR NORTHERLY BOUNDARY LINE OF THE RIGHT OF WAY OF GRAND AVENUE, A DISTANCE OF 3377 FEET TO THE POINT OF BEGINNING;

EXCEPT THE EAST 660 FEET OF THE NORTH 1287 FEET; AND

EXCEPT THE NORTH 7 FEET; AND

EXCEPT THAT PART LYING SOUTHWESTERLY OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE CENTER QUARTER CORNER OF SAID SECTION 36; THENCE NORTH 1 DEGREE 10 MINUTES 56 SECONDS WEST ALONG THE NORTH-SOUTH MIDSECTION LINE THEREOF, A DISTANCE OF 154.48 FEET; THENCE FROM A LOCAL TANGENT BEARING OF NORTH 41 DEGREES 39 MINUTES 36 SECONDS WEST ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2291.83 FEET, A DISTANCE OF 223.84 FEET; THENCE NORTH 53 DEGREES 56 MINUTES 09 SECONDS EAST 117.96 FEET TO THE POINT OF BEGINNING ON THE EXISTING WEST RIGHT OF WAY LINE OF 71ST AVENUE; THENCE NORTH 23 DEGREES 55 MINUTES 05 SECONDS WEST 511.45 FEET; THENCE FROM A LOCAL TANGENT BEARING OF NORTH 28 DEGREES 21 MINUTES 38 SECONDS WEST ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 1096.74 FEET, A DISTANCE OF 516.40 FEET; THENCE NORTH 60 DEGREES 20 MINUTES 53 SECONDS WEST 282.04 FEET; THENCE NORTH 59 DEGREES 51 MINUTES 42 SECONDS WEST 461.39 FEET; THENCE NORTH 53 DEGREES 54 MINUTES 03 SECONDS WEST 293.07 FEET; THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 1180.92 FEET, A DISTANCE OF 123.67 FEET; THENCE NORTH 59 DEGREES 54 MINUTES 03 SECONDS WEST 324.79 FEET; THENCE ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1110.92 FEET, A DISTANCE OF 288.60 FEET; THENCE NORTH 46 DEGREES 02 MINUTES 51 SECONDS WEST 409.95 FEET TO THE POINT OF ENDING ON THE EXISTING SOUTH RIGHT OF WAY LINE OF OLIVE AVENUE; AND

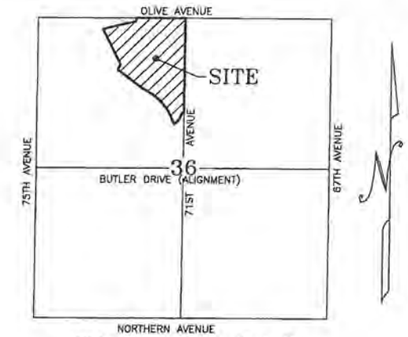
EXCEPT THAT PORTION CONDEMNED IN FINAL ORDER OF CONDEMNATION BY THE STATE OF ARIZONA RECORDED MARCH 5, 2004 IN DOCUMENT NO. 2004-0228034.

REFERENCE DOCUMENTS

R1	FINAL ORDER OF CONDEMNATION DOC. NO. 2004-0228034, M.C.R.
R	WARRANTY DEED DOC. NO.84-0495481, M.C.R.

LEGEND

(#)	SCHEDULE "B" ITEM
P.P.	POWER POLE
S.L.	STREET LIGHT
D.G.	DOWN GUY
I.S.	IRRIGATION STRUCTURE
C.B.	CATCH BASIN
W.V.	WATER VALVE
I.M.	IRRIGATION MANHOLE
F.H.	FIRE HYDRANT
T.S.J.B.	TRAFFIC SIGNAL JUNCTION BOX
D/W	DRIVEWAY
SMH	SEWER MANHOLE
HW	HEADWALL
B.C.	BRASS CAP
H.H.	HANDHOLE
T.S.	TRAFFIC SIGNAL
S/W	SIDEWALK
⊗	FOUND BRASS CAP IN HANDHOLE
(R)	RECORD DATA
(M)	MEASURED DATA
(C)	CALCULATED DATA
	TRAFFIC SIGN
	PAVEMENT
	INDICATES A CORNER OF SURVEY. SET A 1/2" BAR. UNLESS NOTED OTHERWISE



SEC 36, T 3 N, R 1 E

VICINITY MAP

N.T.S.

SCHEDULE "B" EXCEPTIONS

(5) ROADWAY AS SHOWN IN BOOK 12 OF MAPS, PAGE 46, M.C.R. (PLOTTED)

(7) EASEMENT FOR ROADWAY AND INCIDENTAL PURPOSES DOCKET 3652, PAGE 230, M.C.R. (PLOTTED)

(8) TERMS, CONDITIONS, PROVISIONS AND EASEMENTS IN IRRIGATION AGREEMENT, DOCKET 15362, PAGE 302; M.C.R. (UNABLE TO DETERMINE LOCATION-NOT PLOTTED)

(9) ROADWAY AS SHOWN IN BOOK 355 OF MAPS, PAGE 11, M.C.R. (PLOTTED)

(10) AN EASEMENT FOR IRRIGATION AND INCIDENTAL PURPOSES DOC. NO. 2005-1155850, M.C.R. (PLOTTED)

(11) ALL MATTERS AS SET FORTH IN MAP OF DEDICATION BOOK 991 OF MAPS, PAGE 8, M.C.R. (PLOTTED)

(12) ALL MATTERS AS SET FORTH IN MAP OF DEDICATION BOOK 997 OF MAPS, PAGE 2, M.C.R. (PLOTTED)

NOTES

1) THIS SURVEY WAS PERFORMED BASED ON INFORMATION CONTAINED IN A COMMITMENT FOR TITLE INSURANCE PREPARED BY CLEAR TITLE AGENCY OF ARIZONA, ORDER NO. 10-505834, DATED OCTOBER 24, 2012.

2) THE BASIS OF BEARING IS THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 36, T3N, R1E, USING A BEARING OF NORTH 89 DEGREES 05 MINUTES 06 SECONDS EAST PER BOOK 863 OF MAPS, PAGE 7, M.C.R.

3) GROSS AREA IS 1,669,324 SQ. FT. OR 38.3224 ACRES.
NET AREA IS 1,581,371 SQ. FT. OR 36.3033 ACRES.
(NET AREA IS IS CALCULATED USING A 65' R/W ON OLIVE AVENUE AND 40' R/W ON 71ST AVENUE)

4) UNDERGROUND UTILITIES SHOWN ARE FROM OBSERVATION ONLY.

5) THE SUBJECT PROPERTY IS ZONED C-2 AND C-4 (COMMERCIAL).

6) ACCORDING TO FIRM FLOOD INSURANCE RATE MAP NO. 04013C1630H DATED SEPTEMBER 30, 2005, THE SUBJECT PROPERTY IS LOCATED IN ZONE X, "AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD."

7) ADJOINING OWNER INFORMATION IS PER MARICOPA COUNTY ASSESSOR

8) ANY DISTANCES, BEARINGS, DESCRIPTIONS, ETC., WHICH MAY VARY FROM THE PROVISIONS OF THE RECORD INFORMATION NOTED ABOVE REFLECT ACTUAL MEASURED DATA, OR THE BEST INTERPRETATION OF THE SURVEYOR.

CERTIFICATION

TO : NORTHWEST HOLDINGS, LLC, AN ARIZONA LIMITED LIABILITY COMPANY
EXETER REAL ESTATE INVESTORS IX, A LIMITED PARTNERSHIP
CLEAR TITLE AGENCY OF ARIZONA

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH 2011 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 5, 11(b), 16, 17, 20(a) AND 20(b) OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON NOVEMBER 15, 2012.

[redacted]

ROBERT J. BLAKE
REGISTERED LAND SURVEYOR NO. 36070
DATE OF PLAT OR MAP: NOVEMBER 16, 2012

ALTA.DWG

Clouse Engineering, Inc.
ENGINEERS • SURVEYORS
1842 E. Orangewood Ave. Phoenix, Arizona 85020
Tel 602-395-9300 Fax 602-395-9310

ALTA/ACSM LAND TITLE SURVEY
SW CORNER 71ST & OLIVE AVENUES
ARIZONA

GILBERT

Revised
11/28/12

Date
11-11-12
As-Built
.
Job No.
121007

1 OF 1

<u>**ATTACHMENT “3”**</u>

Surrounding Conditions

ATTACHMENT "4"

Proposed Site Plan

PRELIMINARY PLAT
FOR
WEST POINTE ESTATES

A PORTION OF THE NORTHWEST 1/4 OF SECTION 36
T.3N,R.1E. OF THE GILA AND SALT RIVER BASE
AND MERIDIAN, MARICOPA COUNTY, ARIZONA

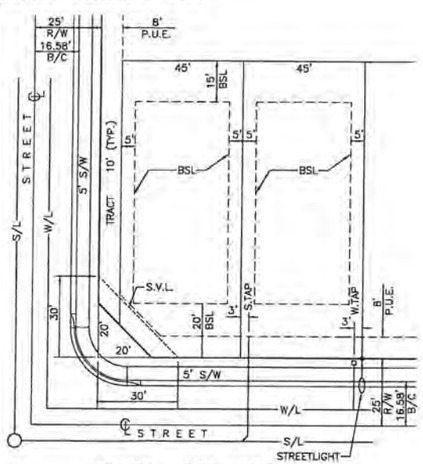
LOT TABLE

LOT	SQ. FT.	LOT	SQ. FT.	LOT	SQ. FT.	LOT	SQ. FT.
LOT 1	7,330 S.F.	LOT 48	4,950 S.F.	LOT 95	6,202 S.F.	LOT 141	4,950 S.F.
LOT 2	7,415 S.F.	LOT 49	4,950 S.F.	LOT 96	5,879 S.F.	LOT 142	4,950 S.F.
LOT 3	6,831 S.F.	LOT 50	4,949 S.F.	LOT 97	5,349 S.F.	LOT 143	4,903 S.F.
LOT 4	6,358 S.F.	LOT 51	4,796 S.F.	LOT 98	5,366 S.F.	LOT 144	4,858 S.F.
LOT 5	6,008 S.F.	LOT 52	5,777 S.F.	LOT 99	5,957 S.F.	LOT 145	5,493 S.F.
LOT 6	5,775 S.F.	LOT 53	11,125 S.F.	LOT 100	6,030 S.F.	LOT 146	5,333 S.F.
LOT 7	5,656 S.F.	LOT 54	5,795 S.F.	LOT 101	5,347 S.F.	LOT 147	5,425 S.F.
LOT 8	6,067 S.F.	LOT 55	4,950 S.F.	LOT 102	4,950 S.F.	LOT 148	5,207 S.F.
LOT 9	5,075 S.F.	LOT 56	4,950 S.F.	LOT 103	4,950 S.F.	LOT 149	5,243 S.F.
LOT 10	4,950 S.F.	LOT 57	4,950 S.F.	LOT 104	4,950 S.F.	LOT 150	5,225 S.F.
LOT 11	4,950 S.F.	LOT 58	6,114 S.F.	LOT 105	4,950 S.F.	LOT 151	5,053 S.F.
LOT 12	4,950 S.F.	LOT 59	4,950 S.F.	LOT 106	4,950 S.F.	LOT 152	4,950 S.F.
LOT 13	4,950 S.F.	LOT 60	4,950 S.F.	LOT 107	4,950 S.F.	LOT 153	4,950 S.F.
LOT 14	4,628 S.F.	LOT 61	4,950 S.F.	LOT 108	4,950 S.F.	LOT 154	4,950 S.F.
LOT 15	4,950 S.F.	LOT 62	4,837 S.F.	LOT 109	4,950 S.F.	LOT 155	4,950 S.F.
LOT 16	4,950 S.F.	LOT 63	4,919 S.F.	LOT 110	4,950 S.F.	LOT 156	4,950 S.F.
LOT 17	4,950 S.F.	LOT 64	4,943 S.F.	LOT 111	4,950 S.F.	LOT 157	4,950 S.F.
LOT 18	4,950 S.F.	LOT 65	4,808 S.F.	LOT 112	4,950 S.F.	LOT 158	4,950 S.F.
LOT 19	4,837 S.F.	LOT 66	5,512 S.F.	LOT 113	4,997 S.F.	LOT 159	4,950 S.F.
LOT 20	6,472 S.F.	LOT 67	4,909 S.F.	LOT 114	5,237 S.F.	LOT 160	4,878 S.F.
LOT 21	5,328 S.F.	LOT 68	4,950 S.F.	LOT 115	4,950 S.F.	LOT 161	4,950 S.F.
LOT 22	5,400 S.F.	LOT 69	4,950 S.F.	LOT 116	4,950 S.F.	LOT 162	4,950 S.F.
LOT 23	6,062 S.F.	LOT 70	4,950 S.F.	LOT 117	4,950 S.F.	LOT 163	4,950 S.F.
LOT 24	11,234 S.F.	LOT 71	4,950 S.F.	LOT 118	4,950 S.F.	LOT 164	4,950 S.F.
LOT 25	9,649 S.F.	LOT 72	4,950 S.F.	LOT 119	4,950 S.F.	LOT 165	4,950 S.F.
LOT 26	5,244 S.F.	LOT 73	4,950 S.F.	LOT 120	4,950 S.F.	LOT 166	4,950 S.F.
LOT 27	4,951 S.F.	LOT 74	4,950 S.F.	LOT 121	4,950 S.F.	LOT 167	4,950 S.F.
LOT 28	4,951 S.F.	LOT 75	5,211 S.F.	LOT 122	4,950 S.F.	LOT 168	4,950 S.F.
LOT 29	4,951 S.F.	LOT 76	4,972 S.F.	LOT 123	4,950 S.F.	LOT 169	4,950 S.F.
LOT 30	4,789 S.F.	LOT 77	4,950 S.F.	LOT 124	4,950 S.F.	LOT 170	4,950 S.F.
LOT 31	6,120 S.F.	LOT 78	4,950 S.F.	LOT 125	4,950 S.F.	LOT 171	4,950 S.F.
LOT 32	4,950 S.F.	LOT 79	4,950 S.F.	LOT 126	5,357 S.F.	LOT 172	5,268 S.F.
LOT 33	4,950 S.F.	LOT 80	4,950 S.F.	LOT 127	5,912 S.F.		
LOT 34	4,950 S.F.	LOT 81	4,912 S.F.	LOT 128	5,930 S.F.		
LOT 35	4,950 S.F.	LOT 82	4,950 S.F.	LOT 129	6,412 S.F.		
LOT 36	4,950 S.F.	LOT 83	5,071 S.F.	LOT 130	5,365 S.F.		
LOT 37	4,950 S.F.	LOT 84	4,999 S.F.	LOT 131	5,269 S.F.		
LOT 38	4,950 S.F.	LOT 85	4,950 S.F.	LOT 132	4,950 S.F.		
LOT 39	4,950 S.F.	LOT 86	4,950 S.F.	LOT 133	4,950 S.F.		
LOT 40	4,950 S.F.	LOT 87	4,950 S.F.	LOT 134	4,950 S.F.		
LOT 41	4,950 S.F.	LOT 88	4,942 S.F.	LOT 135	4,950 S.F.		
LOT 42	4,878 S.F.	LOT 89	6,025 S.F.	LOT 136	4,950 S.F.		
LOT 43	4,878 S.F.	LOT 90	4,950 S.F.	LOT 137	4,950 S.F.		
LOT 44	4,950 S.F.	LOT 91	4,878 S.F.	LOT 138	4,950 S.F.		
LOT 45	4,950 S.F.	LOT 92	4,878 S.F.	LOT 139	4,950 S.F.		
LOT 46	4,950 S.F.	LOT 93	4,950 S.F.	LOT 140	4,950 S.F.		
LOT 47	4,950 S.F.	LOT 94	4,950 S.F.				

TRACT TABLE

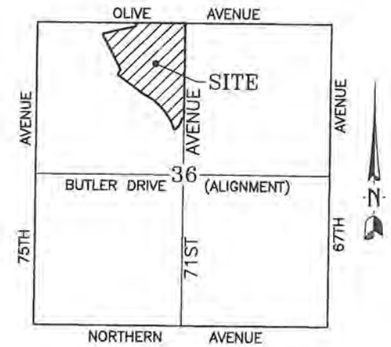
TRACT	SQ. FT.	ACRES	USE
TRACT "A"	35,574 S.F.	0.8167 AC.	OPEN SPACE, RETENTION, PUE, S/L EASEMENT & LANDSCAPING
TRACT "B"	184,357 S.F.	4.2323 AC.	OPEN SPACE, RETENTION, PUE, S/L EASEMENT & LANDSCAPING
TRACT "C"	6,728 S.F.	0.1545 AC.	OPEN SPACE, PUE & LANDSCAPING
TRACT "D"	14,850 S.F.	0.3409 AC.	OPEN SPACE, PUE, LANDSCAPING & AMENITY
TRACT "E"	3,069 S.F.	0.0705 AC.	PUE & LANDSCAPING
TRACT "F"	4,970 S.F.	0.1141 AC.	PUE & LANDSCAPING
TRACT "G"	1,584 S.F.	0.0364 AC.	PUE & LANDSCAPING
TRACT "H"	1,504 S.F.	0.0345 AC.	PUE & LANDSCAPING
TRACT "I"	2,196 S.F.	0.0504 AC.	PUE & LANDSCAPING
TRACT "J"	1,584 S.F.	0.0384 AC.	PUE & LANDSCAPING
TRACT "K"	1,504 S.F.	0.0345 AC.	PUE & LANDSCAPING
TRACT "L"	4,543 S.F.	0.1043 AC.	PUE & LANDSCAPING
TRACT "M"	1,504 S.F.	0.0345 AC.	PUE & LANDSCAPING
TRACT "N"	1,504 S.F.	0.0345 AC.	PUE & LANDSCAPING
TRACT "O"	752 S.F.	0.0173 AC.	PUE & LANDSCAPING
TRACT "P"	1,504 S.F.	0.0345 AC.	PUE & LANDSCAPING
TRACT "Q"	8,075 S.F.	0.1854 AC.	PUE & LANDSCAPING
TRACT "R"	9,900 S.F.	0.2273 AC.	OPEN SPACE, PUE & LANDSCAPING
TRACT "S"	14,571 S.F.	0.3345 AC.	OPEN SPACE & LANDSCAPING
TOTAL	300,273 S.F.	6.8935 AC.	

OPEN SPACE CALCULATION:
240,321 S.F. : 1,706,598 S.F. = 14.08%



TYPICAL LOT SETBACKS

MAXIMUM LOT COVERAGE IS 45%
MAXIMUM BUILDING HEIGHT IS 30 FEET



VICINITY MAP
N.T.S.

ENGINEER

CLOUSE ENGINEERING INC.
1642 E. ORANGEWOOD AVENUE
PHOENIX, AZ. 85020
PHONE: (602) 395-9300
FAX: (602) 395-9310

OWNER/DEVELOPER

NORTHWEST HOLDINGS, LLC
11811 N. TATUM BLVD.
SUITE 1051
PHOENIX, ARIZONA 85028
PHONE: (602) 870-7495

KEY MAP

3 DENOTES SHEET NO.

1 DENOTES BEGINNING & ENDING LOT NO.

P-13-0018
Z-13-0011

SITE SUMMARY

GROSS ACRES: 39.1781 ACRES OR 1,706,598 S.F.
NET ACRES: 36.3033 ACRES OR 1,581,371 S.F.
TOTAL LOTS: 172
DENSITY: 4.39 D.U. PER ACRE NET DENSITY: 4.74
TYPICAL LOT SIZE: 45'X110'
EXISTING ZONING: C-2 & C-4
PROPOSED DEVELOPMENT OPTION: P.A.D.
OPEN SPACE/COMMON RETENTION 5.77 ACRES
(FOR TRACTS A, B, C, D & R)
APN# 143-21-004C
MINIMUM LOT SIZE: 4,789 S.F.
MAXIMUM LOT SIZE: 11,234 S.F.
ZONING CASE NUMBER: Z-13-0011

BENCH MARK – C.O.P. DATUM

3" ADOT BC IN HH .7' DOWN MARKING THE NORTHWEST CORNER OF SECTION 36, T. 3 N., R. 1 E. LOCATED AT THE INTERSECTION OF 75TH AVENUE AND OLIVE AVENUE NAVD88 ELEV=1138.13(C.O.P. DATUM)

LEGEND & NOTES

INDICATES A CORNER OF THIS SUBDIVISION. FOUND 1/2" REBAR UNLESS OTHERWISE NOTED.

8' P.U.E. — INDICATES PUBLIC UTILITY EASEMENT, AT ALL LOT FRONTAGE UNLESS NOTED OTHERWISE.

V.N.A.E. — INDICATES VEHICULAR NON-ACCESS EASEMENT.

B.S.L. — INDICATES MINIMUM BUILDING SETBACK LINES.

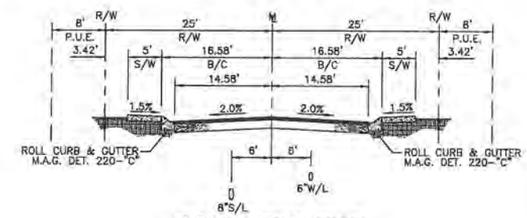
ALL HOMES WILL COMPLY WITH THE CITY OF PEORIA'S DESIGN REVIEW MANUAL.

ALL SIGNAGE WILL BE DEVELOPED IN ACCORDANCE TO ARTICLE 14-34 OF THE CITY OF PEORIA'S ZONING ORDINANCE.

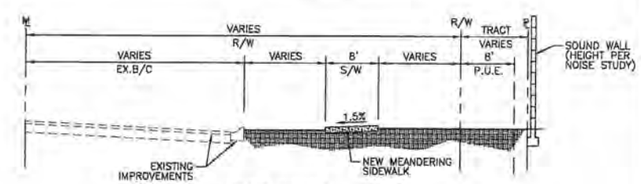
THE PROJECT WILL BE DEVELOPED IN ACCORDANCE TO ARTICLE 14-35 OF THE CITY OF PEORIA'S ZONING ORDINANCE.

UTILITIES

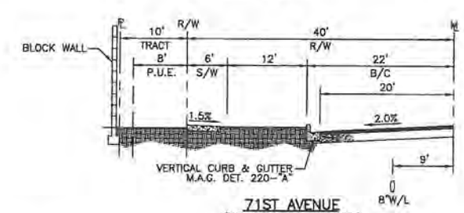
WATER AND SEWER BY CITY OF PEORIA
ELECTRIC SERVICE BY SALT RIVER PROJECT.
GAS SERVICE BY SOUTHWEST GAS CORPORATION.
TELEPHONE SERVICE BY CENTURYLINK
REFUSE COLLECTION BY CITY OF PEORIA
FIRE PROTECTION BY CITY OF PEORIA
CABLE SERVICE BY COX COMMUNICATIONS



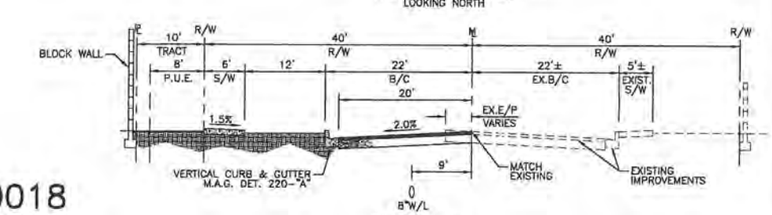
TYPICAL INTERIOR STREET
LOOKING NORTH



OLIVE AVENUE
LOOKING EAST



71ST AVENUE
(NORTH OF ALICE AVENUE)
LOOKING NORTH



71ST AVENUE
(SOUTH OF ALICE AVENUE)
LOOKING NORTH

PPCOV.DWG

Clouse Engineering, Inc.
ENGINEERS ▪ SURVEYORS
1642 E. Orangewood Ave. Phoenix, Arizona 85020
Tel: 602-395-9300 Fax: 602-395-9310

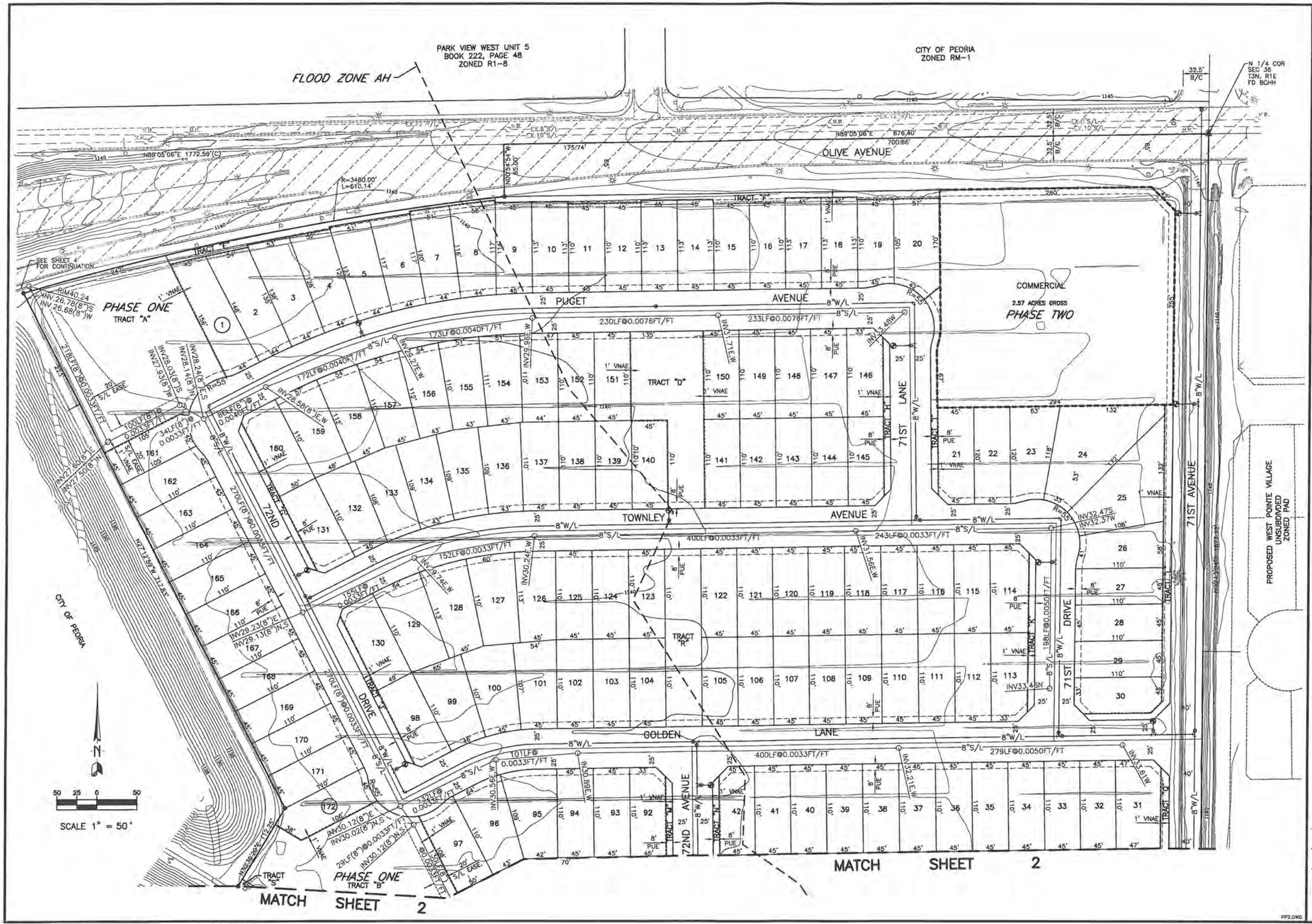
PRELIMINARY PLAT
WEST POINTE ESTATES
71ST AVENUE & OLIVE AVENUE

PEORIA ARIZONA

Revised
10-09-13
2-13-14

Date
6-13-13
As-Built

Job No.
121007



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PRELIMINARY PLAT
WEST POINTE ESTATES
71ST AVENUE & OLIVE AVENUE

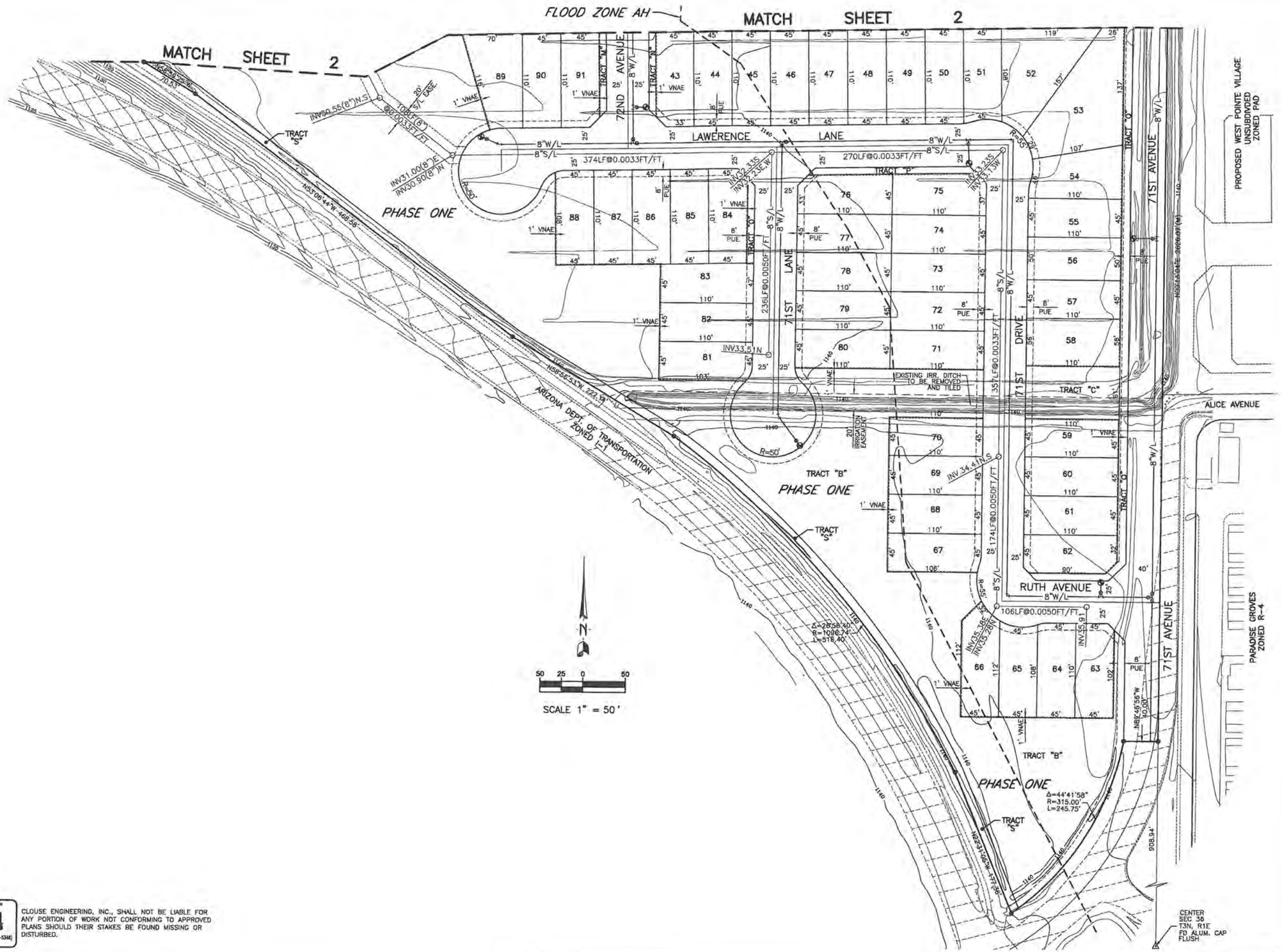
PEORIA ARIZONA

Revised
10-09-13
2-13-14

Date
6-13-13
As-Built

Job No.
121007

PP2.DWG



Call at least two full working days before you begin excavation.
ARIZONA 811
Arizona Blue Stake Inc.
Dial 8-1-1 or 1-800-STAKE-IT (782-5348)
In Maricopa County: (602) 263-1100

CLOUSE ENGINEERING, INC., SHALL NOT BE LIABLE FOR ANY PORTION OF WORK NOT CONFORMING TO APPROVED PLANS SHOULD THEIR STAKES BE FOUND MISSING OR DISTURBED.

Clouse Engineering, Inc.
ENGINEERS • SURVEYORS
1642 E. Orangewood Ave. Phoenix, Arizona 85020
Tel: 602-395-9300 Fax: 602-395-9310

PRELIMINARY PLAT
WEST POINTE ESTATES
71ST AVENUE & OLIVE AVENUE

PEORIA ARIZONA

Revised
10-09-13
2-13-14

Date
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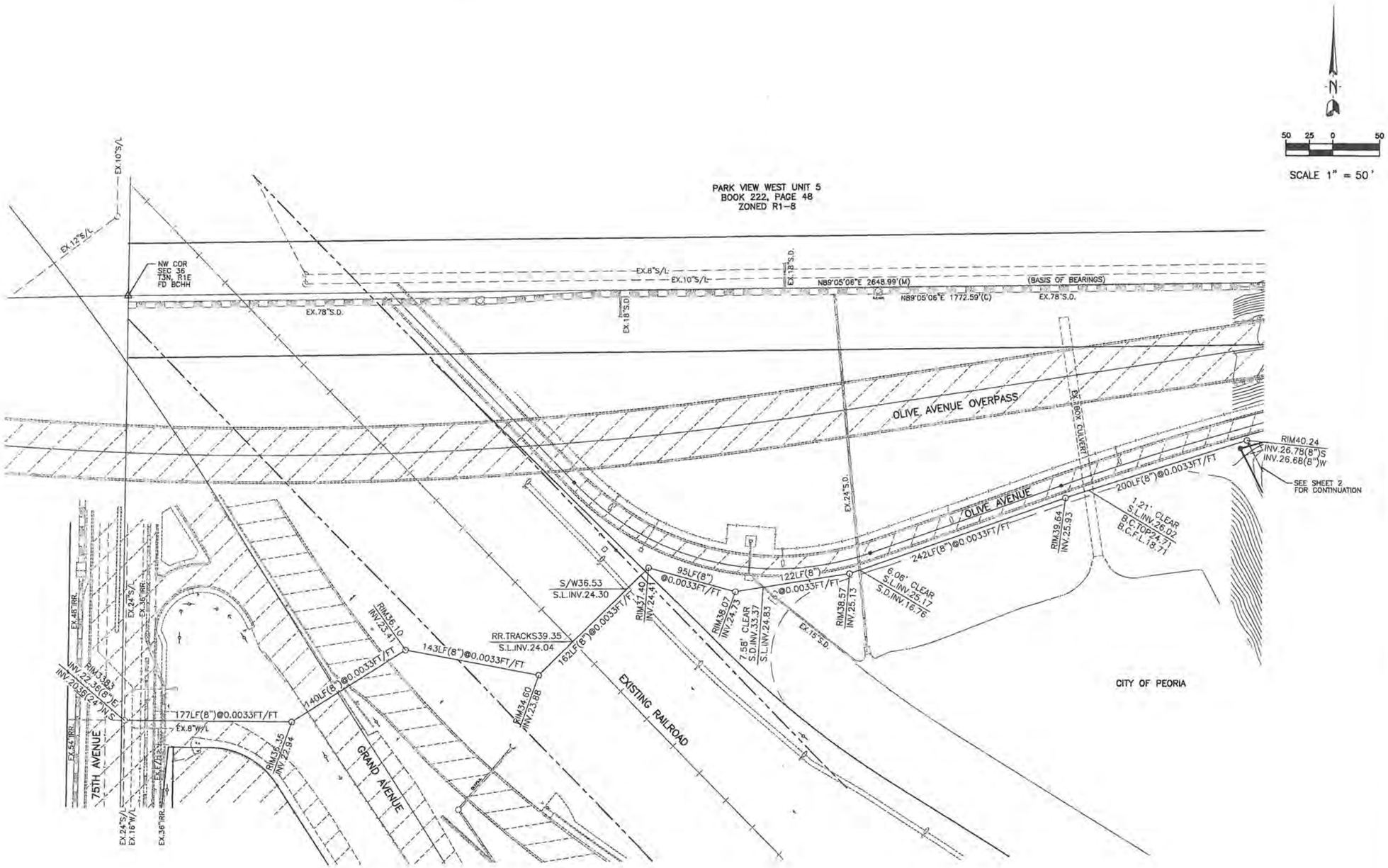
As-Built

Job No.
121007

PP3.DWG



Clouse Engineering, Inc.
ENGINEERS • SURVEYORS
1642 E. Orangewood Ave. Phoenix, Arizona 85020
Tel 602-395-9300 Fax 602-393-9310

PRELIMINARY PLAT
WEST POINTE ESTATES
71ST AVENUE & OLIVE AVENUE

PEORIA ARIZONA

Revised

Date
2-13-14

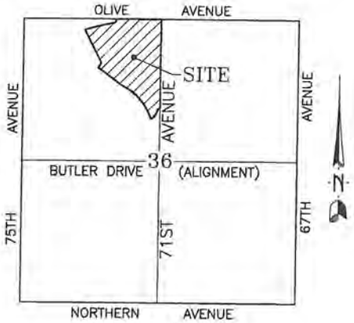
As-Built

Job No.
121007

PP4.DWG

PRELIMINARY GRADING AND DRAINAGE PLAN
FOR
WEST POINTE ESTATES

A PORTION OF THE NORTHWEST 1/4 OF SECTION 36
T.3N,R.1E. OF THE GILA AND SALT RIVER BASE
AND MERIDIAN, MARICOPA COUNTY, ARIZONA



VICINITY MAP
N.T.S.

SCALE 1" = 80'

ENGINEER
CLOUSE ENGINEERING INC.
1642 E. ORANGEWOOD AVENUE
PHOENIX, AZ. 85020
PHONE: (602) 395-9300
FAX: (602) 395-9310

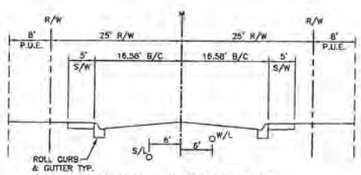
OWNER/DEVELOPER
NORTHWEST HOLDINGS, LLC
11811 N. TATUM BLVD.
SUITE 1051
PHOENIX, ARIZONA 85028
PHONE: (602) 870-7495

SITE SUMMARY

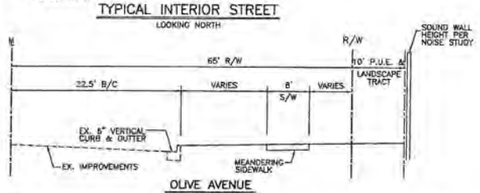
GROSS ACRES: 39.1781 ACRES OR 1,706,598 S.F.
NET ACRES: 36.3033 ACRES OR 1,581,371 S.F.
TOTAL LOTS: 172
DENSITY: 4.36 D.U. PER ACRE NET DENSITY: 4.71
TYPICAL LOT SIZE: 45'X110'
EXISTING ZONING: C-2 & C-4
PROPOSED DEVELOPMENT OPTION: P.A.D.
OPEN SPACE/COMMON RETENTION 6.11 ACRES
APN# 143-21-004C
MINIMUM LOT SIZE: 4,789 S.F.
MAXIMUM LOT SIZE: 11,234 S.F.
ZONING CASE NUMBER: Z-05-16

BENCH MARK – C.O.P. DATUM

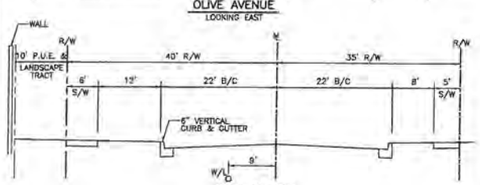
3" ADOT BC IN HH .7' DOWN MARKING THE NORTHWEST CORNER OF SECTION 36, T. 3 N., R. 1 E. LOCATED AT THE INTERSECTION OF 75TH AVENUE AND OLIVE AVENUE NAVD88 ELEV=1138.13(C.O.P. DATUM)



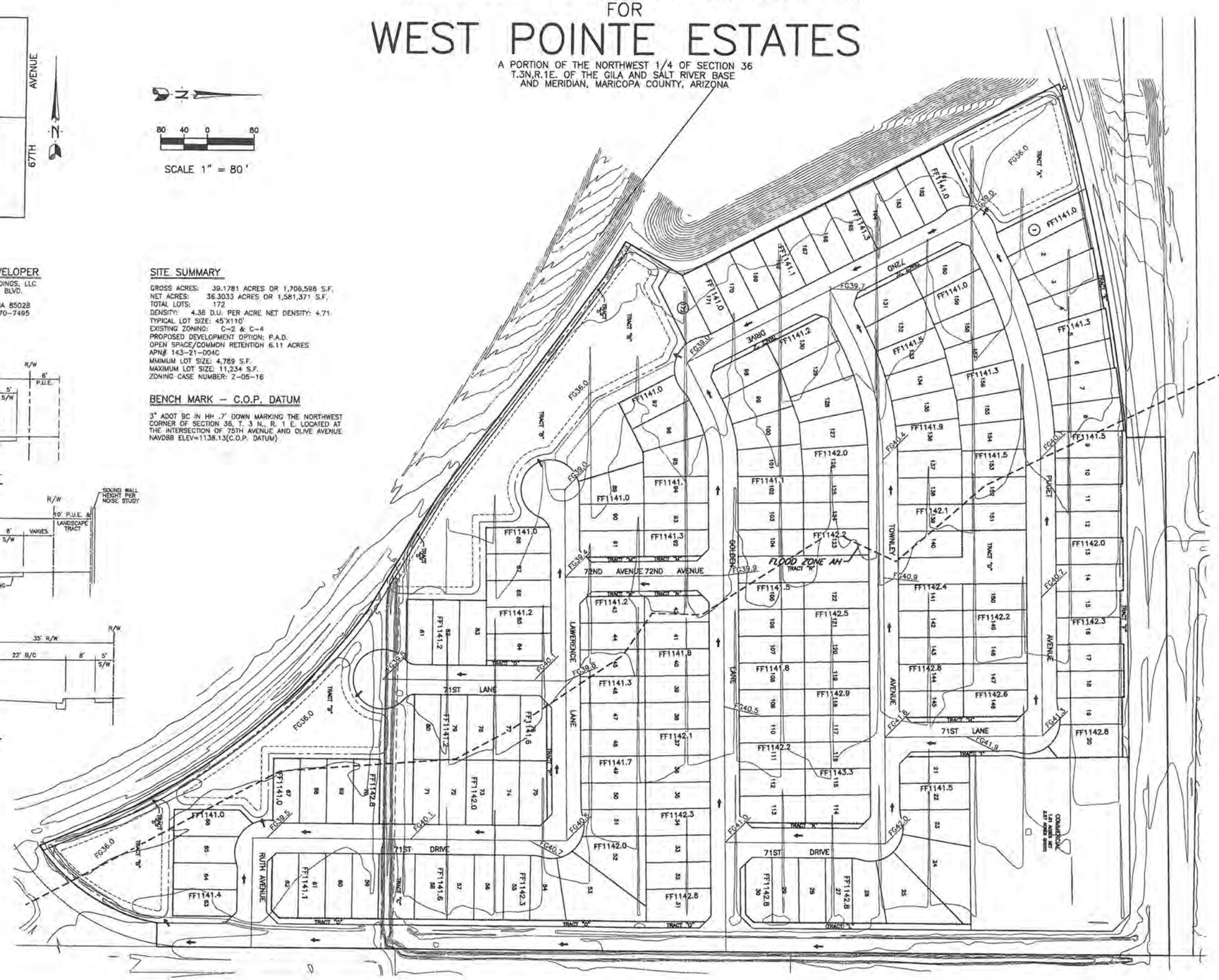
TYPICAL INTERIOR STREET
LOOKING NORTH



OLIVE AVENUE
LOOKING EAST



71st AVENUE
LOOKING NORTH



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1642 E. Orangewood Ave. Phoenix, Arizona 85020
Tel 602-395-9300 Fax 602-395-9310

PRELIMINARY GRADING AND DRAINAGE PLAN
WEST POINTE ESTATES

[redacted]

Revised

Date
10-9-13
As-Built

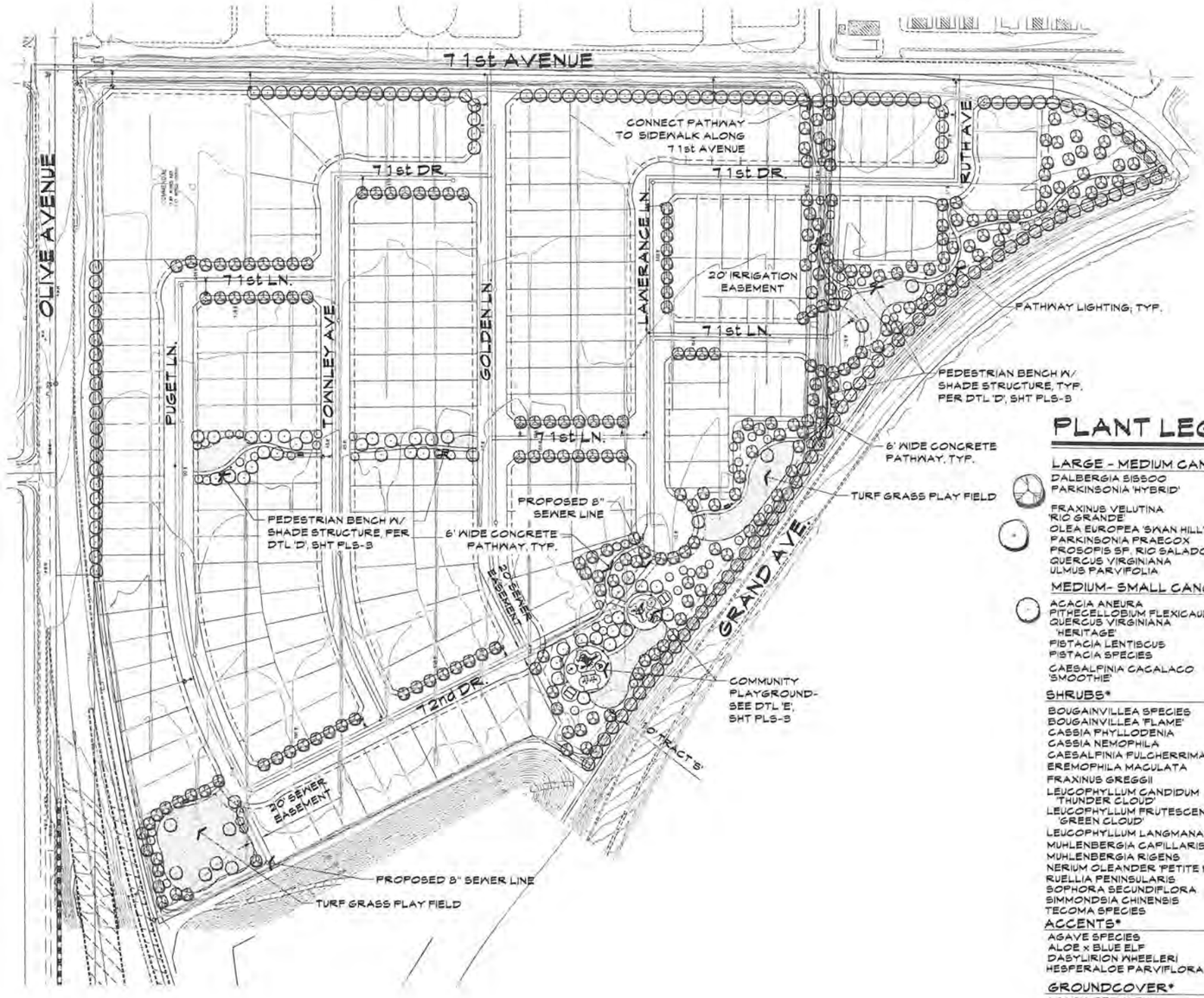
Job No.
121007

1 OF 1

PRE_G&D.DWG

ATTACHMENT "5"

Landscaping Plan



PLANT LEGEND

LARGE - MEDIUM CANOPY TREES*

DALBERGIA SISSOO	SISSOO TREE
PARKINSONIA 'HYBRID'	DESERT MUSEUM ('THORNLESS PALO VERDE)
FRAXINUS VELUTINA 'RIO GRANDE'	FAN-TEX ASH
OLEA EUROPEA 'SWAN HILL'	SWAN HILL FRUITLESS OLIVE
PARKINSONIA PRAECOX	PALO BREA
PROSOPIS SP. RIO SALADO	RIO SALADO MESQUITE
QUERCUS VIRGINIANA	LIVE OAK
ULMUS PARVIFOLIA	CHINESE EVERGREEN ELM

MEDIUM- SMALL CANOPY TREES*

ACACIA ANEURA	MULGA TREE
PITHECELLOBIUM FLEXICAULE	TEXAS EBONY
QUERCUS VIRGINIANA 'HERITAGE'	HERITAGE LIVE OAK
PISTACIA LENTISCUS	MASTIC TREE
PISTACIA SPECIES	RED PUSH PISTACHE
CAESALPINIA CACALACO 'SMOOTHIE'	THORNLESS CASCALOTE

SHRUBS*

BOUGAINVILLEA SPECIES	B. KARST BOUGAINVILLEA
BOUGAINVILLEA 'FLAME'	BUSH BOUGAINVILLEA
CASSIA PHYLLODENIA	SILVERY CASSIA
CASSIA NEMOPHILA	GREEN CASSIA
CAESALPINIA PULCHERRIMA	RED BIRD OF PARADISE
EREMOPHILA MACULATA	VALENTINE BUSH
FRAXINUS GREGGII	LITTLE LEAF ASH
LEUCOPHYLLUM CANDIDUM 'THUNDER CLOUD'	THUNDERCLOUD SAGE
LEUCOPHYLLUM FRUTESCENS 'GREEN CLOUD'	GREEN CLOUD SAGE
LEUCOPHYLLUM LANGMANAIE	RIO BRAVO TEXAS SAGE
MUHLENBERGIA CAPILLARIS	REGAL MIST DEER GRASS
MUHLENBERGIA RIGENS	DEER GRASS
NERIUM OLEANDER 'PETITE PINK'	DWARF OLEANDER
RUELLIA PENINSULARIS	BAJA RUELLIA
SOPHORA SECUNDIFLORA	TEXAS MOUNTAIN LAUREL
SIMMONDSIA CHINENSIS	JOJOBA
TECOMA SPECIES	"LYDIA"

ACCENTS*

AGAVE SPECIES	AGAVE
ALOE x BLUE ELF	BLUE ELF ALOE
DASYLIRION WHEELERI	DESERT SPOON
HESPERALOE PARVIFLORA	RED YUCCA

GROUNDCOVER*

ACACIA REDOLENS	DESERT CARPET
CALLISTEMON SPECIES	LITTLE JOHN BOTTLEBRUSH
EUPHORBIA RIGIDA	GOPHER PLANT
LANTANA CAMARA	NEW GOLD LANTANA
LANTANA CAMARA	NEW RED LANTANA
ROSMARINUS 'IRENE'	IRENE ROSEMARY

DECOMPOSED GRANITE - 3/4" SCREENED 2" DEPTH 'EXPRESS BROWN' COLOR

TURF 'MIDIRON' HYBRID BERMUDA SOD (OR HYDROSEED VAR. BLACKJACK): 57,175 SQ. FT.

CONCRETE MOW STRIP

* OR OTHER SELECTED SPECIES THAT ARE ON THE AMWUA LOW WATER USE PLANT LIST.

SINGLE-FAMILY PLANTING DATA

LANDSCAPE AREAS	REQUIRED	PROVIDED
A. STREET FRONTAGE AREAS		
1. ADJACENT TO ARTERIAL STREETS- (1,495 LF) (10 FEET)	14,950 SF	14,950 SF
2. ADJACENT TO COLLECTOR STREETS- (1,506 LF) (8 FEET)	12,048 SF	12,048 SF
3. ADJACENT TO LOCAL STREETS- (2,598 LF) (8 FEET)	20,784 SF	20,784 SF
*REQUIREMENT APPLIED ALONG LOT SIDE AN REAR FRONTAGE AREAS		
B. REQUIRED DRAINAGE RETENTION/DETENTION AREAS	7,172 SF	7,172 SF
C. USEABLE OPEN SPACE AREAS (DESIGN REVIEW MANUAL 20-70-12.C.(2)) LOTS		
1. LOTS LESS THAN 10,000 SQUARE FEET (4% GROSS PROJECT AREA)	142,310 SF	240,321 SF*
2. LOTS 10,000 - 18,000 SQUARE FEET (7% GROSS PROJECT AREA)	0 SF	0 SF
3. LOTS GREATER THAN 18,000 SQUARE FEET (5% GROSS PROJECT AREA)	0 SF	0 SF

NOTE: IF THE DEVELOPMENT INCLUDES A MIXTURE OF LOT SIZES BEYOND THE RANGES DESCRIBED ABOVE, THE PERCENTAGE OF USEABLE OPEN SPACE REQUIRED SHALL BE BASED ON THE PERCENTAGE OF LOTS IN EACH CATEGORY.

PLANT QUANTITIES	REQUIRED	PROVIDED
STREET FRONTAGE LANDSCAPE AREAS		
D. TREES: 1 PER 25 LINEAR FEET OF STREET FRONTAGE (5' OR 10' BUFFER + ROW)	244 TREES	244 TREES
E. SHRUBS: 5 PER 25 LINEAR FEET OF STREET FRONTAGE (5' OR 10' BUFFER + ROW)	1,220 SHRUBS	1,220 SHRUBS
DRAINAGE RETENTION/ DETENTION + USEABLE OPEN SPACE AREAS		
F. TREES: 1 PER 1,000 SQUARE FEET	240 TREES	245 TREES
G. SHRUBS: 5 PER 1,000 SQUARE FEET	1,200 SHRUBS	1,225 SHRUBS

NOTE: USEABLE OPEN SPACE AREAS MAY OCCUPY THE SAME AREAS AS DRAINAGE SPECIAL PLANTING REQUIREMENTS (FAD, ZONING, ETC.)

TOTALS	REQUIRED	PROVIDED
TOTAL LANDSCAPE AREAS (A+(B+C))	202,262 SF	300,273 SF
TOTAL USEABLE OPEN SPACE PERCENT	4.0%	14.08%
TOTAL TREES (D+F)	484 TREES	489 TREES
TOTAL 24" BOX TREES (50% OF TOTAL REQUIRED TREES)	242 TREES	245 TREES
TOTAL SHRUBS (E+G)	2,420 SHRUBS	2,445 SHRUBS

GENERAL NOTES

1. TURF (LAWN) IS LIMITED TO A MAXIMUM OF 20% OF THE SITE AREA.
2. A DEVELOPMENT MAY SUBSTITUTE A 36" BOX OR LARGER TREE IN PLACE OF A 15 GALLON TREE AT A SUBSTITUTION RATE OF 1.5 TREES FOR EVERY REQUIRED.
3. ALL LANDSCAPED AREAS SHALL BE SUPPORTED BY AN AUTOMATIC IRRIGATION SYSTEM WHICH MAY BE SPRAY, FLOOD OR DRIP SYSTEM.
4. PLANT MATERIALS UTILIZED IN LANDSCAPED AREAS IN THE ROW MUST BE INCLUDED ON THE MOST RECENT EDITION OF THE PHOENIX ACTIVE MANAGEMENT AREA LOW WATER USE/ DROUGHT TOLERANT PLANT LIST.
5. THE DEVELOPER SHALL BE RESPONSIBLE TO INSTALL/MAINTAIN ALL LANDSCAPING WITHIN THE RIGHT-OF-WAY.
6. A 3 FOOT CLEAR SPACE IS REQUIRED AROUND ALL FIRE SUPPRESSION EQUIPMENT. NO PLANTS MAY BE INSTALLED THAT WILL ENCROACH WHEN MATURE.

* THE USEABLE OPEN SPACE AREA QUANTITY DOES NOT MATCH USEABLE OPEN SPACE QUANTITY SHOWN ON THE PRELIMINARY PLAT BECAUSE THE STREET FRONTAGE AND BUFFER AREA (11,088 SF) HAS NOT BEEN INCLUDED IN THIS CALCULATION TO AVOID DOUBLE COUNTING OF USEABLE OPEN SPACE LANDSCAPE AREAS.

PROJECT SUMMARY

PROJECT DESCRIPTION:	PROPOSED RESIDENTIAL DEVELOPMENT
EXISTING ZONING OF SITE:	C-2 & C-4
GROSS SITE AREA:	59.16 ACRES
NET SITE AREA:	56.30 ACRES

NOTES:
1. MINIMUM 50% OF THE TREES TO BE 24" BOX.
2. ALL SHRUBS & ACCENTS TO BE 5 GALLON. ALL GROUNDCOVERS TO BE 3 GALLON.
3. 60% OF GROUND COVER TO BE VEGETATIVE.

[redacted]

The McGough Group

PRELIMINARY LANDSCAPE PLAN

WEST POINTE ESTATES

PLS-1

71st AVENUE & OLIVE - PEORIA, AZ

SCALE: 1"=100'-0"

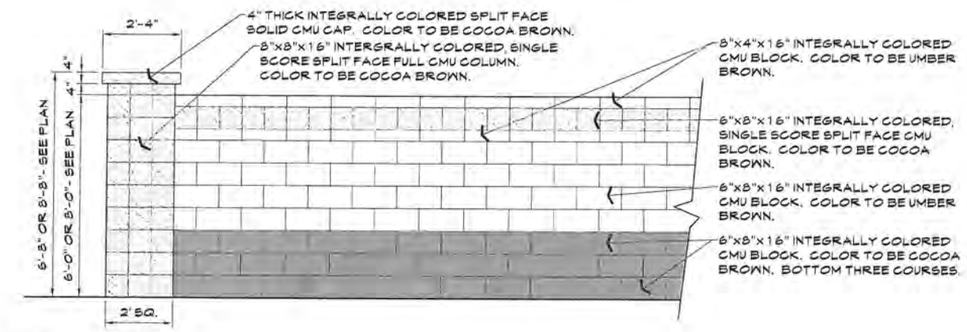
0' 50' 100' 200' 300'

NORTH

PROJECT WALL KEY

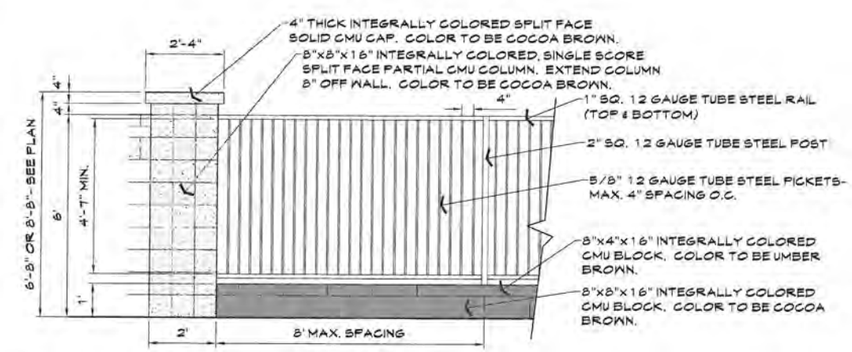
- 6' HIGH PROJECT THEME WALL (SEE ELEVATION 'A', SHEET PLS-2)
- 8' HIGH PROJECT THEME WALL (SEE ELEVATION 'A', SHEET PLS-2)
- PROJECT VIEW WALL (SEE ELEVATION 'B', SHEET PLS-2)
- PROJECT THEME COLUMN (FULL) (SEE ELEVATION 'A', SHEET PLS-2)
- PROJECT THEME COLUMN (HALF) (SEE ELEVATION 'B', SHEET PLS-2)
- PROJECT WALL SIGNAGE (SEE ELEVATION 'C', SHEET PLS-3)

NOTE:
ALL COLUMNS AND WALLS SHALL BE LOCATED OUT OF SIGHT VISIBILITY TRIANGLES AND P.U.E'S.



A THEME WALL & COLUMN ELEVATION

SCALE: 1/2"=1'-0"



B VIEW WALL & PARTIAL COLUMN ELEVATION

SCALE: 1/2"=1'-0"

[redacted]

The McGough Group

PRELIMINARY WALL PLAN

WEST POINTE ESTATES

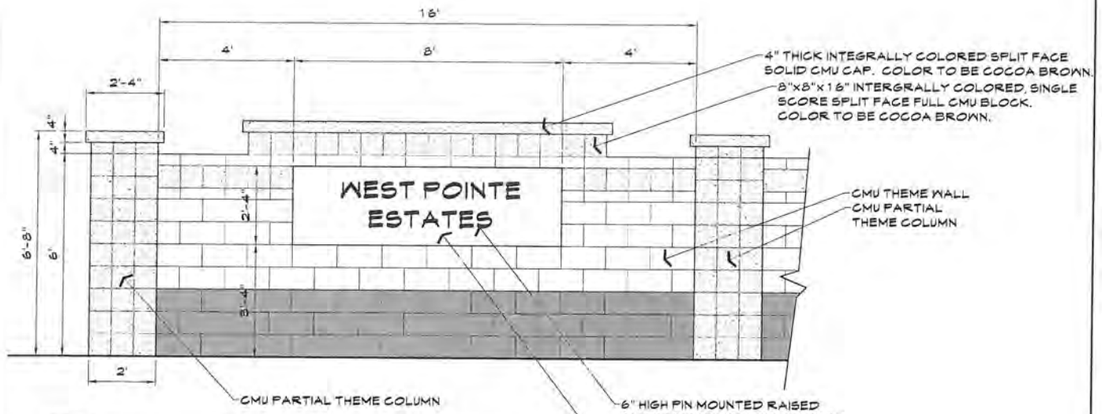
PLS-2

71st AVENUE & OLIVE - PEORIA, AZ

SCALE: 1"=100'-0"

0' 50' 100' 200' 300'

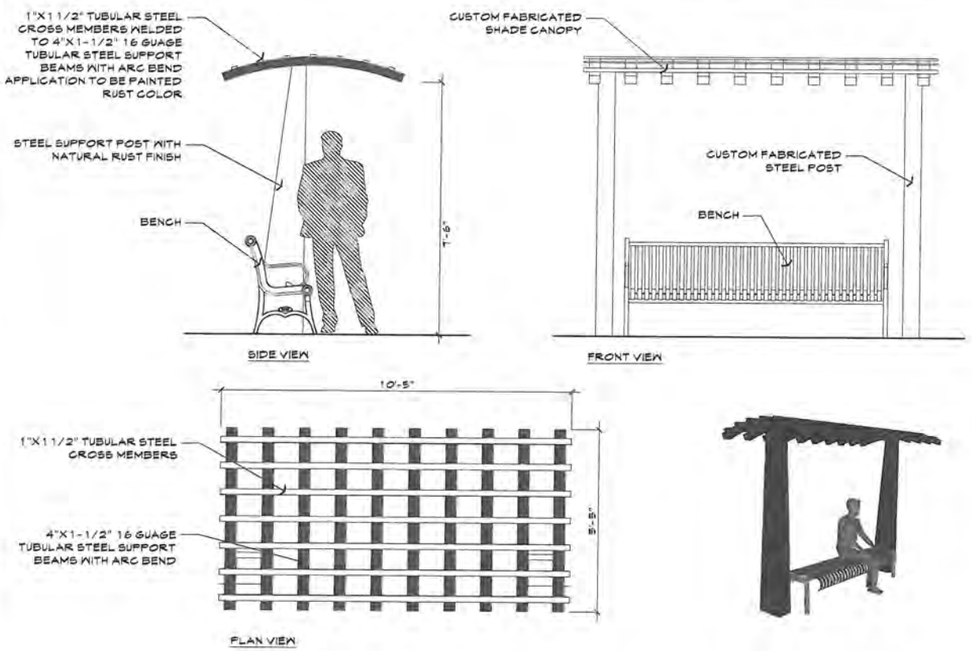
NORTH



NOTES:
1. SIGN TO BE LIT WITH GROUND MOUNTED LIGHTS.
2. SIGNAGE SHALL MEET SECTION 14-34 OF ZONING ORDINANCE AND SHALL BE APPROVED UNDER A SEPARATE PERMIT.

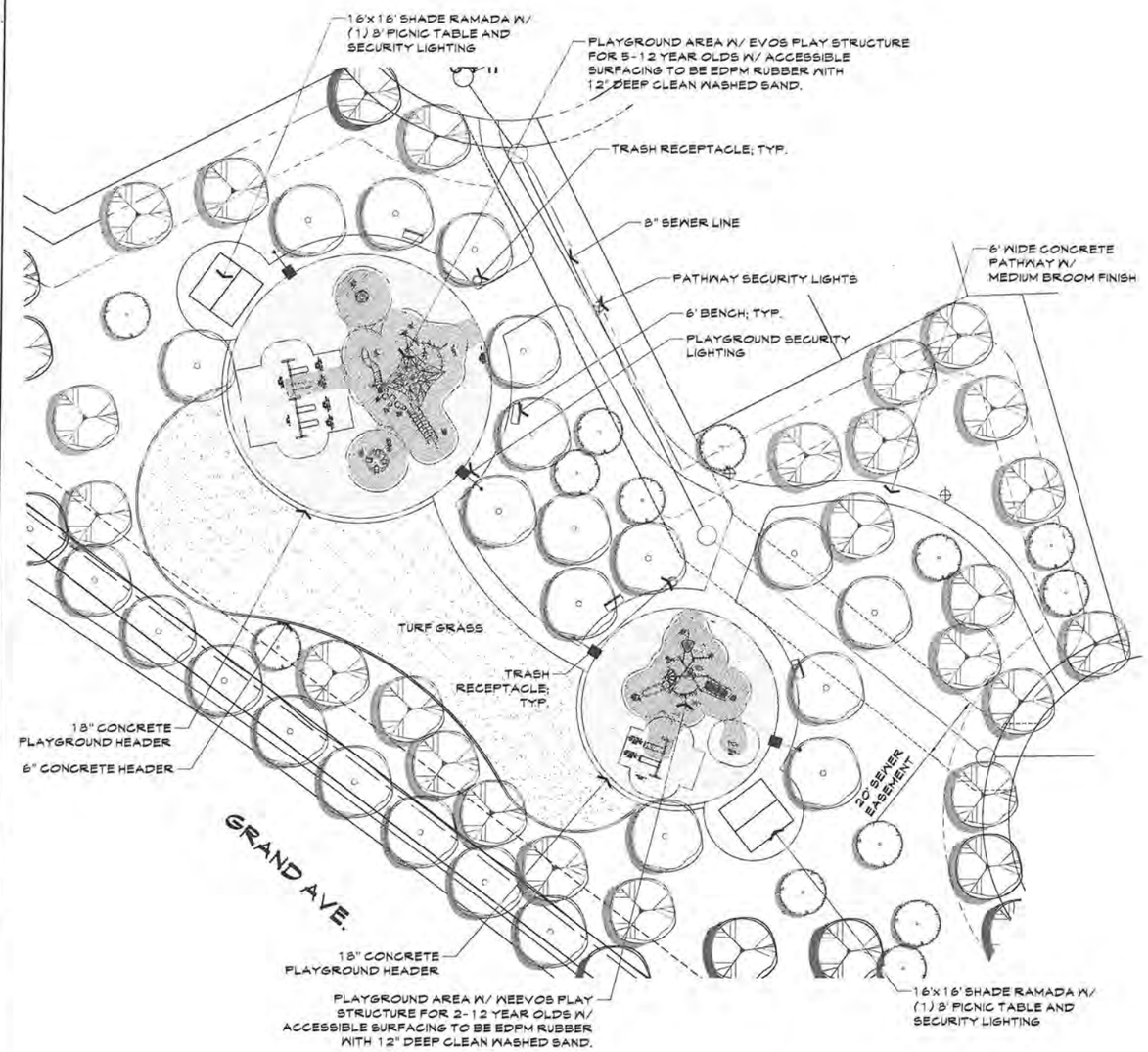
C THEME WALL & COLUMN ELEVATION

SCALE: 1/2"=1'-0"



D SEATING NODE W/ CUSTOM FABRICATED SHADE CANOPY

SCALE: 1/2"=1'-0"



SCALE: 1"=10'-0"

SCALE: 1"=10' 0' 5' 10' 20' 30'

NORTH

E RECREATION AREA

NOTE:
SEE PLS-4 MATERIALS & EQUIPMENT BOARD FOR MANUFACTURER AND COLOR INFORMATION FOR ALL SITE FURNISHING AND RECREATION EQUIPMENT.

The McGough Group

PRELIMINARY DETAILS & ENLARGEMENTS

WEST POINTE ESTATES

PLS-3

71st AVENUE & OLIVE - PEORIA, AZ

PROJECT MATERIALS

WALLS, FENCES & SIGNAGE

INTEGRALLY COLORED
CMU BLOCK
COLOR- UMBER BROWN

INTEGRALLY COLORED
SPLIT FACE CMU BLOCK
COLOR- COCOA BROWN

INTEGRALLY COLORED
CMU BLOCK
COLOR- COCOA BROWN

CONCRETE PATHWAY
COLOR- NATURAL GRAY

STEEL FENCE & SIGNAGE
BACKGROUND
COLOR- TEXTURED RUST

RAISED PIN MOUNTED LETTER
COLOR- BRUSHED ALUMINUM

LIGHTING

PATHWAY LIGHTING-
MAX 12' HT
COLOR- DARK
BRONZE

PLAYGROUND LIGHTING-
MAX 20' HT.
COLOR- DARK BRONZE

MONUMENT LIGHTING-
COLOR- WEATHERED
BRASS

RECREATION AMENITY EQUIPMENT

SITE FURNISHINGS

6' BENCH- ANOVA
HORIZON L1506
COLOR: NAVY

40 GAL.TRASH RECEPTACLE-
ANOVA HORIZON L1535
COLOR: NAVY

6' RECTANGULAR PICNIC TABLE-
ANOVA F2003
TABLE COLOR: NAVY
FRAME COLOR: BLACK

IN-GROUND BIKE RACK-
ANOVA METRO LBR5PVCING
COLOR: NAVY

SHADE RAMADA-
CLASSIC RECRATION SYSYEMS
16' SQ. MESA MODEL
ROOF COLOR: COOL REGAL BLUE
POST COLOR: CREAM

COOL REGAL BLUE CREAM

PLAYGROUND EQUIPMENT

LANDSCAPE STRUCTURES
WEEVOS PLAY STRUCTURE
AGES (2-5)
COLOR: PALETTE N

LANDSCAPE STRUCTURES
EVOS PLAY STRUCTURE
AGES (5-12)
COLOR: PALETTE N

COLOR PALETTE "N"

METALLIC SILVER
DENIM
TANGERINE

LANDSCAPE STRUCTURES
5" ARCH SWING WITH ADDITIONAL BAY
AND BELT SEATS
COLOR: PALETTE N

LANDSCAPE STRUCTURES
5" ARCH SWING (BUCKET SEATS)
COLOR: PALETTE N

LANDSCAPE STRUCTURES
FLYWHEEL SPINNER
COLOR: PALETTE N

LANDSCAPE STRUCTURES
TUFF RIDER (HORSE)
COLOR: AS SHOWN

LANDSCAPE STRUCTURES
OMNISPIN SPINNER
COLOR: DENIM

The McGough Group

MATERIALS & EQUIPMENT BOARD

WEST POINTE ESTATES

PLS-4

71ST AVENUE & OLIVE - PEORIA, AZ

OCTOBER 22, 2013

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 10C

Date Prepared: May 12, 2014 **Council Meeting Date:** June 17, 2014

TO: Carl Swenson, City Manager

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

THROUGH: Susan J. Daluddung, Deputy City Manager

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

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Purpose:

This is a request for City Council to authorize the abandonment of City interest in a portion of a Federal Patent Easement for Roadway and Public Utilities as recorded in Docket 1504 Page 537 located east of 70th Avenue south of Mariposa Grande Lane, and authorize the City Clerk to record the Resolution with the Maricopa County Recorder's Office.

Background/Summary:

This request comes from Monzer Ayoub who owns the parcel east of the southeast corner of 70th Avenue and Mariposa Grande Lane. The parcel is currently encumbered by a 33-foot wide patent easement for roadway and utilities that runs along the northern, western and eastern boundaries of the parcel. Mr. Ayoub has requested the abandonment of that portion of the easement that runs along the western and eastern edges of his parcel to allow greater development potential.

Previous Actions:

Staff reviewed this request and has determined that the western and eastern portions of the easement are no longer necessary for roadway and utilities purposes. Letters from the existing utility companies giving their consent to the abandonment have also been received by staff.

Options:

A: City Council authorizes the abandonment, removing this easement encumbrance from the property.

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

Staff's Recommendation:

Staff recommends the adoption of a Resolution declaring an emergency to abandon City interest in a portion of a federal patent easement as recorded in Maricopa County Recorder Docket Number 1504 Page 537 and authorize the City Clerk to record the Resolution.

Fiscal Analysis:

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

Narrative:

The abandonment will release this easement encumbrance from the property and allow more flexibility for future development.

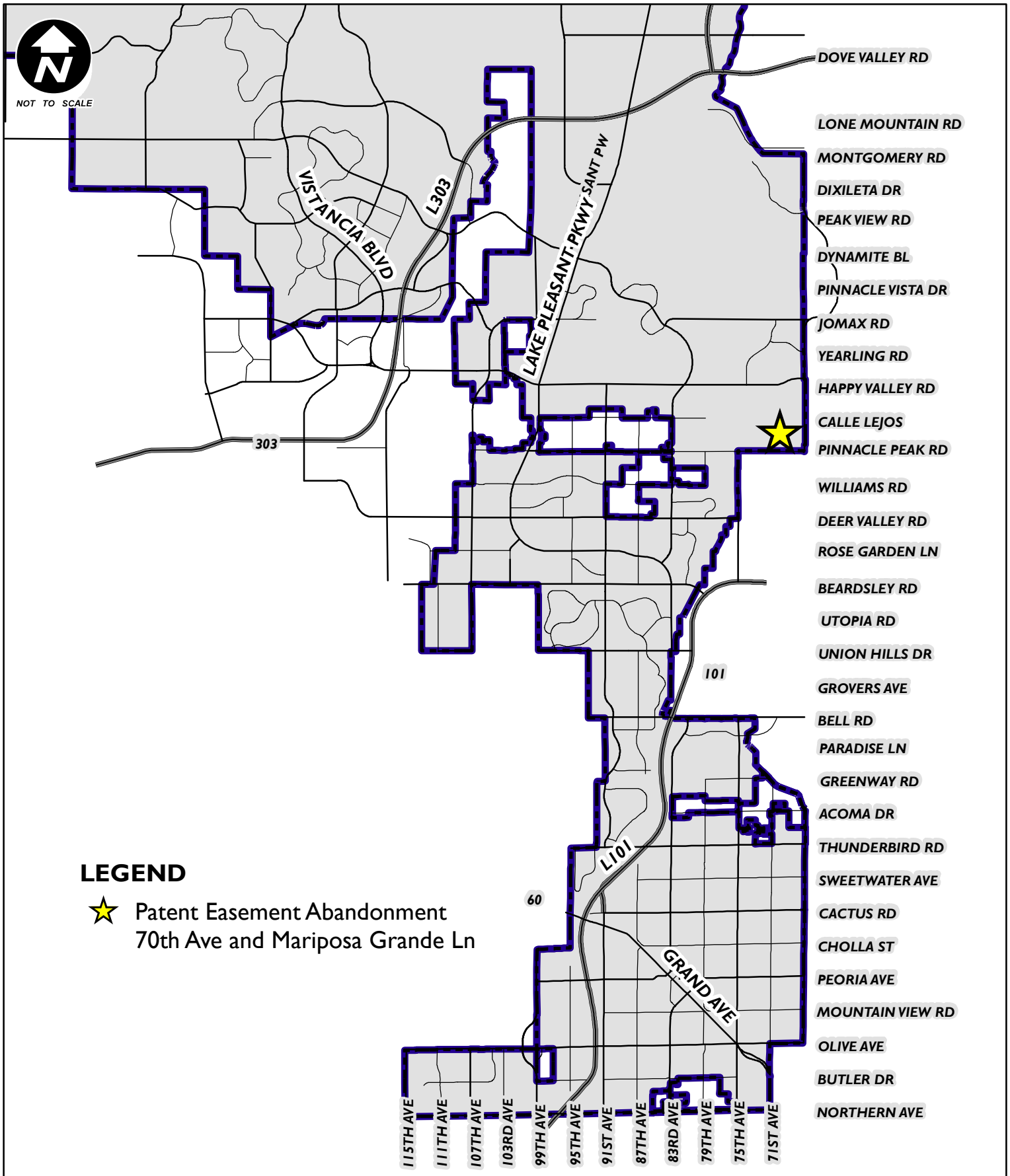
Exhibit(s):

Exhibit 1: Vicinity Map
Exhibit 2: Location Map
Exhibit 3: Resolution

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

City of Peoria
ENGINEERING

Patent Easement Abandonment
70th Ave and Mariposa Grande Ln
Vicinity Map



City of Peoria
ENGINEERING

Patent Easement Abandonment
70th Ave and Mariposa Grande Ln
Location Map

LEGEND

Patent Easement Abandonment

GIS
GEOGRAPHIC INFORMATION SYSTEMS
City of Peoria Arizona

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

RESOLUTION NO. 2014-109

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

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

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

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

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

THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. That Mayor and Council find and determine that the western and eastern portion of Patent Easement dedicated by the United States of America for public access and public utilities as recorded in Docket 1504 Page 537 and more specifically set forth on Exhibit “A” attached to this Resolution be and are hereby declared abandoned as provided by Chapter 4, Article 8, Title 9 of the Arizona Revised Statutes.

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

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

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

PASSED AND ADOPTED by the Mayor and Council of City of Peoria, Arizona this 17th day of June, 2014.

_____
Bob Barrett, Mayor

ATTEST:

_____
Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

_____
Stephen M. Kemp, City Attorney

ATTACHMENT:

1. Exhibit A – Legal Description

Exhibit A – Legal Description
Abandonment Area

A portion of that certain federal patent easement as reserved by the United States of America recorded in Docket 1504 Page 537, Patent Number 1146880, and more specifically described as:

The West 33 feet and the East 33 feet of the North half of the East half of the Southeast quarter of the Northwest quarter of the Southeast quarter of Section 12, Township 4 North, Range 1 East of the Gila and Salt River Meridian, Arizona.

Except the North 33 feet.

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 11C

Date Prepared: June 2, 2014 **Council Meeting Date: June 17, 2014**

TO: Honorable Mayor and City Council

FROM: Stephen M. Kemp, City Attorney

SUBJECT: City Code Amendment – Reduction in Tax Rate on Food for Home Consumption

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Purpose:

This is a request for City Council to adopt an ordinance amending Chapter 12 of the Peoria City Code pertaining to sales taxes to reduce the tax rate on retail food sales of food for home consumption from 1.8% to 1.6% with an effective date of July 1, 2014.

Background/Summary:

During the City Council's budget discussions related to the City's fiscal year 2015 budget, the City Council directed staff to prepare the budget with the assumption of a reduced tax rate on the retail sales of food for home consumption. The City Council also directed staff to bring back the necessary ordinance to make the tax rate reduction effective as of July 1, 2014. In order for the ordinance to become effective on July 1, 2014, the City Council would need to adopt the ordinance with an emergency clause. If the ordinance is adopted without an emergency clause, then the ordinance would become effective 30 days after signature.

Options:

A: Adopt an ordinance amending Chapter 12 of the Peoria City Code pertaining to sales taxes to reduce the "food for home consumption" tax rate from 1.8% to 1.6%.

B: Do not adopt an ordinance amending Chapter 12 of the Peoria City Code pertaining to sales taxes to keep the tax rate on "food for home consumption" at the current rate of 1.8%.

Staff's Recommendation:

Staff recommends that the City Council adopt an ordinance amending Chapter 12 of the Peoria City Code pertaining to sales taxes to reduce the "food for home consumption" tax rate from 1.8% to 1.6%, effective on July 1, 2014.

Fiscal Analysis:

The reduction in the tax rate on retail food for home consumption from the current 1.8% rate to a lower 1.6% rate is estimated to have an annual financial impact of reducing general fund revenues by approximately $500,000 and a $250,000 reduction to half-cent sales tax fund revenues.

Exhibit 1: Ordinance No. 2014-__: Proposed ordinance on Sales of Food for Home Consumption and declaring an emergency

Contact Name and Number:

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

ORDINANCE NO. 2014-24

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA RELATING TO THE PRIVILEGE LICENSE TAX, ADOPTING AN AMENDMENT TO THE TAX CODE OF THE CITY OF PEORIA AMENDING CHAPTER 12 OF THE PEORIA CITY CODE (1992) BY AMENDING SECTION 12-462 PERTAINING TO THE TRANSACTION PRIVILEGE TAX RATE IMPOSED BY THE CITY ON SALES OF FOOD FOR HOME CONSUMPTION AND DECLARING AN EMERGENCY

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

SECTION 1. Chapter 12 of the Peoria City Code (1992) is amended by amending Section 12-462 pertaining to Retail Sales: Food for Home Consumption

SEC. 12-462. RETAIL SALES: FOOD FOR HOME CONSUMPTION.

(a) The tax rate shall be at an amount equal to ~~one and eight tenths~~ ONE AND SIX TENTHS percent ~~(1.8%)~~ (1.6%) of the gross income from the business activity upon every person engaging or continuing in the business of selling food for home consumption at retail.

(b) For the purposes of this section only, the following definitions shall be applicable:

(1) "Eligible grocery business" means an establishment whose sales of food are such that it is eligible to participate in the food stamp program established by the food stamp act of 1977 (p.l. 95-113; 91 stat. 958.7 u.s.c. section 2011 et seq.), according to regulations in effect on January 1, 1979. An establishment is deemed eligible to participate in the food stamp program if it is authorized to

participate in the program by the united states department of agriculture food and nutrition service field office on the effective date of this section, or if, prior to a reporting period for which the return is filed, such retailer proves to the satisfaction of the tax collector that the establishment, based on the nature of the retailer's food sales, could be eligible to participate in the food stamp program established by the food stamp act of 1977 according to regulations in effect on January 1, 1979.

(2) "facilities for the consumption of food" means tables, chairs, benches, booths, stools, counters, and similar conveniences, trays, glasses, dishes, or other tableware and parking areas for the convenience of in-car consumption of food in or on the premises on which the retailer conducts business.

(3) "food for consumption on the premises" means any of the following:

(A) "hot prepared food" as defined below.

(B) Hot or cold sandwiches.

(C) Food served by an attendant to be eaten at tables, chairs, benches, booths, stools, counters, and similar conveniences and within parking areas for the convenience of in-car consumption of food.

(D) Food served with trays, glasses, dishes, or other tableware.

(E) Beverages sold in cups, glasses, or open containers.

(F) Food sold by caterers.

(G) Food sold within the premises of theatres, movies, operas, shows of any type or nature, exhibitions, concerts, carnivals, circuses, amusement parks, fairs, races, contests, games, athletic events, rodeos, billiard and pool parlors, bowling alleys, public dances, dance halls, boxing, wrestling and other matches, and any business which charges admission, entrance, or cover fees for exhibition, amusement, entertainment, or instruction.

(H) Any items contained in subsections (a)(3)(a) through (g) above even though they are sold on a "take-out" or "to go"

basis, and whether or not the item is packaged, wrapped, or is actually taken from the premises.

(4) "hot prepared food" means those products, items, or ingredients of food which are prepared and intended for consumption in a heated condition. "hot prepared food" includes a combination of hot and cold food items or ingredients if a single price has been established.

(5) "premises" means the total space and facilities in or on which a vendor conducts business and which are owned or controlled, in whole or in part, by a vendor or which are made available for the use of customers of the vendor or group of vendors, including any building or part of a building, parking lot, or grounds.

(6) "food for home consumption" means all food, except food for consumption on the premises, if sold by any of the following:

(A) An eligible grocery business.

(B) A person who conducts a business whose primary business is not the sale of food but who sells food which is displayed, packaged, and sold in a similar manner as an eligible grocery business.

(C) A person who sells food and does not provide or make available any facilities for the consumption of food on the premises.

(D) A person who conducts a delicatessen business either from a counter which is separate from the place and cash register where taxable sales are made or from a counter which has two cash registers and which are used to record taxable and tax exempt sales, or a retailer who conducts a delicatessen business who uses a cash register which has at least two tax computing keys which are used to record taxable and tax exempt sales.

(E) Vending machines and other types of automatic retailers.

(F) A person’s sales of food, drink and condiment for consumption within the premises of any prison, jail or other institution under the jurisdiction of the state department of corrections, the department of public safety, the department of juvenile corrections or a county sheriff.

(c) Income derived from the following sources is exempt from the tax imposed by this section:

(1) Sales of food for home consumption to a person regularly engaged in the business of selling such property.

(2) Out-of-city sales or out-of-state sales.

(3) Charges for delivery or other “direct customer services” as prescribed by regulation.

(4) Food purchased with food stamps provided through the food stamp program established by the food stamp act of 1977 (p.l. 95-113; 91 stat. 958.7 u.s.c. section 2011 et seq.) Or purchased with food instruments issued under section 17 of the child nutrition act (p.l. 95-627; 92 stat. 3603; and p.l. 99-669; section 4302; 42 united states code section 1786) but only to the extent that food stamps or food instruments were actually used to purchase such food.

(5) Sales of food products by producers as provided for by a.r.s. sections 3-561, 3-562 and 3-563.

(6) Sales of food, beverages, condiments and accessories to a public educational entity, pursuant to any of the provisions of title 15, arizona revised statutes, including a regularly organized private or parochial school that offers an educational program for grade twelve or under which may be attended in substitution for a public school pursuant to a.r.s. 15-802 ; to the extent such items are to be prepared or served to individuals for consumption on the premises of a public educational entity during school hours. For the purposes of this subsection, "accessories" means paper plates, plastic eating utensils, napkins, paper cups, drinking straws, paper sacks or other disposable containers, or other items which facilitate the consumption of the food.

(7) Sales of food, beverages, condiments and accessories to a nonprofit charitable organization that has qualified as an exempt organization under 26 u.s.c. section 501(c)(3) and regularly serves meals to the needy and indigent on a continuing basis at no cost. For the purposes of this subsection, "accessories" means paper plates, plastic eating utensils, napkins, paper cups, drinking straws, paper sacks or other disposable containers, or other items which facilitate the consumption of the food.

(d) Reporting. Such persons who sell food for home consumption shall, in conjunction with the return required pursuant to section -520, report to the tax collector in a manner prescribed by the tax collector all sales of food for home consumption exempted from taxes imposed by this chapter.

(e) Recordkeeping.

(1) Retailers shall maintain accurate, verifiable, and complete records of all purchases and sales of tangible personal property in order to verify exemptions from taxes imposed by this chapter. A retailer may use any method of reporting that properly reflects all purchases and sales of food for home consumption, as well as all purchases and sales of items subject to taxes imposed by this chapter, provided that such records are maintained in accordance with article iii, and regulations of the tax collector.

(2) any person who fails to maintain records as provided herein shall be deemed to have had no sales of food for home consumption, and if upon request by the tax collector, a person cannot demonstrate to the tax collector that such records and reports do properly reflect all sales of food for home consumption, the tax collector may recompute the amount of tax to be paid as provided in sections -370 and -545(b).

SECTION 2. WHEREAS, it is necessary for the preservation of the peace, health and safety of the City of Peoria, Arizona that this Ordinance become immediately effective, an emergency is declared to exist, and this Ordinance shall be effective immediately upon its passage and adoption.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Arizona this 17TH day of June 2014.

AYES:	NAYS:
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

_____
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:June 27 and July 4, 2014
Effective Date:

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 12C

Date Prepared: May 28, 2014 **Council Meeting Date: June 17, 2014**

TO: Carl Swenson, City Manager

FROM: George Anagnost, Presiding Judge

THROUGH: Brenda Jordan, Court Administrator

SUBJECT: Intergovernmental Agreement, Maricopa County Superior Court, Jury Services

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Purpose:

This is a request for City Council to approve the Intergovernmental Agreement for Jury Services between Superior Court of Arizona in Maricopa County and the City of Peoria effective July 1, 2014.

Background/Summary:

On March 6, 2006, the City of Peoria, Peoria Municipal Court and the Superior Court of Arizona in Maricopa County entered into an Intergovernmental Agreement to use the services of Maricopa County Superior Court to provide a list of potential jurors for Peoria Municipal Court through the creation of a source file of names taken from the General Election Voter Registration Lists and the Department of Transportation. The initial term of the agreement was through June 30, 2010, with five one-year renewals. The Peoria Municipal Court desires to continue to use the jury services offered by the Superior court.

Staff's Recommendation:

Discussion and possible action to approve the Intergovernmental Agreement for Jury Services with Superior Court of Arizona in Maricopa County effective July 1, 2014 and expires June 30, 2016 with four additional two-year terms, to expire no later than June 30, 2024.

Options:

A: It is a statutory mandate that the list of potential jurors is to be taken from the General Election Voter Registration Lists and the Department of Transportation and there are no other options.

Fiscal Analysis: No additional funds requested.

Exhibit(s):

Exhibit 1: Intergovernmental Agreement for Jury Services between Maricopa County Superior court and the City of Peoria.

Contact Name and Number:

INTERGOVERNMENTAL AGREEMENT

BETWEEN

THE SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

and

THE CITY OF PEORIA, ARIZONA

This Intergovernmental Agreement ("IGA"), is entered into between the Superior Court of Arizona, in and for the County of Maricopa ("Superior Court"), and the City of Peoria, Arizona on behalf of its municipal court ("Municipal Court"), for jury services.

1. RECITALS

WHEREAS, the Superior Court has historically offered certain jury services to certain municipal courts in Maricopa County; and

WHEREAS, Municipal Court desires to use the jury services offered by the Superior Court;

THEREFORE, in consideration of the mutual agreement expressed herein, the parties agree as follows:

2. PURPOSE

The purpose of this IGA is to provide jury services as specified herein.

3. AUTHORITY

The Superior Court has the duty and authority to summon jurors. A.R.S. § 21-101 et seq. The Municipal Court has the duty and authority to summon jurors. A.R.S. §§ 21-101 et. seq., 22-401 et. seq. The parties are authorized to enter into this IGA pursuant to A.R.S. § 11-952(J).

4. TERM AND RENEWAL; TERMINATION

A. This IGA shall be effective July 1, 2014 and shall expire June 30, 2016. The parties may renew this IGA in writing for four additional two-year terms, to expire no later than June 30, 2024. If the Municipal Court wishes to renew this IGA, it must notify the Superior Court at least 90 days in advance of its expiration. If City Council approval is required for this IGA, the renewal may be executed by the Municipal Presiding Judge or City Manager. The Municipal Court understands and agrees that the Superior Court may increase the cost per summons or cost per compact disc ("CD") at the time of renewal to reflect an increase in actual costs.

B. Either party may terminate this IGA for any reason upon 30 days' written notice. Either party may terminate this IGA immediately if the other party materially breaches the IGA. Either party may terminate this IGA due to non-availability of funds, as stated in paragraph 17. Upon termination, all property used in performance of this IGA shall be returned to the party owning the property or entitled to possession.

C. This IGA supersedes all prior agreements between the parties for jury services. Any amendments to this IGA must be in writing and signed by both parties.

5. DUTIES OF SUPERIOR COURT

A. If the Municipal Court in paragraph 6 below elects to have the Superior Court print and mail summons, the Superior Court shall do the following on behalf of the Municipal Court:

i. The Superior Court will print and mail a summons to potential jurors on behalf of Municipal Court. The potential jurors will be selected to receive a summons from a master jury list in accordance with state law. *See* A.R.S. § 21-301 et seq. In addition to printing and mailing the summons, the Superior Court will field phone calls about postponements, excuses, and disqualifications.

ii. The Superior Court shall include the phone number provided by the Municipal Court on the summons for potential jurors who receive summons to call and listen to a recording and/or inquire whether they must report at the date and time specified in the summons. The Superior Court is not responsible for maintaining or staffing this phone line or recording.

iii. The Superior Court shall process the payment of jury fees and mileage reimbursements.

iv. The Superior Court is not responsible for setting up the Remote Access Services ("RAS") account or providing maintenance or services related to the RAS account. The RAS accounts and related maintenance or services are provided through the Office of Enterprise Technology ("OET").

B. If the Municipal Court in paragraph 6 below elects to have the Superior Court provide a CD with the names and addresses of potential jurors to whom the Municipal Court may send its own summons, the Superior Court shall provide a CD within ten business days with 100 such names. If the Municipal Court elects to have Superior Court provide a CD, the CD is the only product or service provided by the Superior Court, and the Superior Court will not: print and mail the summons; field phone calls about postponements, excuses, disqualifications; or process payment of jury fees and mileage reimbursements.

C. The Superior Court shall submit bills to the Municipal Court on a quarterly basis, except the Superior Court may bill for the CDs and RAS accounts at the time they are provided.

6. DUTIES OF MUNICIPAL COURT

A. On or before the start of the term of this IGA and any renewal terms, the Municipal Court shall elect in writing to the Superior Court Jury Office whether the Municipal Court wants the Superior Court to print and mail summons, wants a RAS card, and/or wants a CD with the names and addresses of potential jurors to whom the Municipal Court may print and send its own summons. The Municipal Court shall contact the Superior Court Jury Office to coordinate services. The Municipal Court may make its election by checking one of the options below, or it may otherwise make this election in writing to the Superior Court Jury Office.

____ Print and Mail Summons ____ CD with Juror Names

B. The Municipal Court agrees to pay the following fees, depending on the elections made by the Municipal Court:

i. A fee of $2.09 for each summons printed and mailed by the Superior Court on behalf of the Municipal Court.

ii. The Municipal Court shall reimburse the Superior Court for the daily attendance fees and mileage reimbursements the Superior Court pays to jurors on behalf of the Municipal Court.

iii. A $50.00 activation fee and an $8.00 monthly subscriber fee for each RAS account. Each person who enters data or has access through a RAS account must have his/her own account. The Municipal Court must notify the Superior Court and OET when the Municipal Court changes RAS account users. If the Superior Court incurs additional fees or costs from OET related to RAS accounts for the Municipal Court, the Municipal Court shall reimburse the Superior Court for such fees or costs.

iv. A fee of $25.00 for each 100 potential jurors listed on the CD.

v. A fee of $150.00 if the Municipal Court fails to timely enter juror data, as set forth below.

C. If the Municipal Court elects to have the Superior Court print and mail summons on its behalf, the Municipal Court is responsible for the following:

i. By July 1 of each year, the Municipal Court shall provide the Superior Court with information on the number of jurors to be summoned and on which days they shall be summoned. The Municipal Court shall notify the Superior Court at least seven weeks in advance of any changes in the number of summonses needed and the dates for which summonses shall be sent. Each year, by the first Friday in November, the Municipal Court shall provide the Superior Court with blackout

dates for the next year. Blackout dates are days on which the Municipal Court knows at the beginning of the year it will not need jurors to appear for service during that year.

ii. The Municipal Court shall operate a phone line for jurors to call to inquire whether they must report on the date and time specified on their summons. The Municipal Court shall provide the Superior Court with the phone number and any changes to the phone number so the Superior Court can include it on the summons. The Municipal Court is solely responsible for the costs, maintenance and staffing associated with this phone line.

iii. Within three (3) business days of the first day a juror reports for jury service in the Municipal Court, the Municipal Court shall provide the Superior Court with information regarding individuals who report for jury service in response to a summons sent by the Superior Court pursuant to this IGA as follows:

a. The Municipal Court may use the Superior Court's form. The Municipal Court shall type the information in order to ensure accurate information is processed on the form as directed by the Maricopa County Superior Court; or

b. If the Municipal Court has elected to have RAS card access and paid the associated fees for such access, the Municipal Court may enter the data into the program the Superior Court uses for juror management (currently, AgileJury). The Superior Court may provide general direction regarding how to enter the data in AgileJury (or any other program the Superior Court later decides to use for juror management). However, the Municipal Court is responsible for all technical support of its computer system and training of its employees.

c. If the Municipal Court fails to enter the data within the three business days, the Superior Court will charge the Municipal Court a fee of $150.00 for each day for which juror information is not entered to cover additional costs for re-running billing data, analyzing billing data, and re-entry into billing spreadsheets.

D. If the Municipal Court elects to have the Superior Court provide a CD of names and addresses, the Municipal Court is responsible for all of its own jury services, including but not limited to printing and mailing the summons, fielding phone calls relating to jury service, and processing payment of jury fees and mileage reimbursements.

E. The Municipal Court is responsible for enforcement of any juror summons issued on behalf of its court, including contempt notices, hearings, proceedings, procedures, and/or other enforcement measures. The Superior Court is not obligated by this IGA to conduct any contempt or enforcement proceedings on behalf of the Municipal Court.

F. The Municipal Court is not authorized and shall not permanently excuse any jurors. The Municipal Court shall refer any jurors seeking to be permanently excused to the Superior Court, regardless of whether the Superior Court printed and mailed the summons or the Municipal Court printed and mailed the summons.

G. The identity of jurors or potential jurors is sensitive, confidential, and protected by statute and court rule. The Municipal Court agrees to restrict access to information provided under this agreement to individuals who are authorized to access such information for the completion of their official duties.

H. The Municipal Court shall comply with the Minimum Accounting Standards and Generally Accepted Accounting Principles related to financial transactions involving jurors.

I. The Municipal Court shall remit payment to the Superior Court within 30 calendar days of receiving a bill from the Superior Court.

7. INDEMINIFICATION

Each party (as "Indemnitor") agrees to indemnify, defend, and hold harmless the other party (as "Indemnitee") from and against any and all claims, losses, liability, costs, or expenses (including reasonable attorney's fees) (hereinafter collectively referred to as "Claims") arising out of bodily injury of any person (including death) or property damage, but only to the extent that such Claims which result in vicarious/derivative liability to the Indemnitee are caused by the act, omission, negligence, misconduct, or other fault of the Indemnitor, its officers, officials, agents, employees, or volunteers.

In addition, Municipal Court shall cause its contractor(s) and subcontractors, if any, to indemnify, defend, save and hold harmless the State of Arizona, any jurisdiction or agency issuing any permits for any work arising out of this Agreement, and their respective directors, officers, officials, agents, and employees (hereinafter referred to as "Indemnitee") from and against any and all claims, actions, liabilities, damages, losses, or expenses (including court costs, attorneys' fees, and costs of claim processing, investigation and litigation) (hereinafter referred to as "Claims") for bodily injury or personal injury (including death), or loss or damage to tangible or intangible property caused, or alleged to be caused, in whole or in part, by the negligent or willful acts or omissions of Municipal Court's contractor or any of the directors, officers, agents, or employees or subcontractors of such contractor. This indemnity includes any claim or amount arising out of or recovered under the Workers' Compensation Law or arising out of the failure of such contractor to conform to any federal, state or local law, statute, ordinance, rule, regulation or court decree. It is the specific intention of the parties that the Indemnitee shall, in all instances, except for Claims arising solely from the negligent or willful acts or omissions of the Indemnitee, be indemnified by such contractor from and against any and all claims. It is agreed that such contractor will be responsible for primary loss investigation, defense and judgment costs where this indemnification is applicable.

8. INSURANCE

Both parties are insured as governmental entities and therefore no insurance certificates are required by either party pursuant to this IGA. If the Municipal Court uses a contractor to perform services in relation to this Agreement, the below insurance requirements shall apply.

***Insurance Requirements* for Any Contractors Used by Municipal Court:**
The *insurance requirements* herein are minimum requirements and in no way limit the indemnity covenants contained in the Intergovernmental Agreement. The State of Arizona in no way warrants that the minimum limits contained herein are sufficient to protect the governmental entity or Contractor from liabilities that might arise out of the performance of the work under this Contract by the Contractor, his agents, representatives, employees or subcontractors, and Contractor and the governmental entity are free to purchase additional insurance.

A. **MINIMUM SCOPE AND LIMITS OF INSURANCE**: Contractor shall provide coverage with limits of liability not less than those stated below.

1. Commercial General Liability – Occurrence Form
   Policy shall include bodily injury, property damage, personal and advertising injury and broad form contractual liability.
   - General Aggregate $2,000,000
   - Products – Completed Operations Aggregate $1,000,000
   - Personal and Advertising Injury $1,000,000
   - Blanket Contractual Liability – Written and Oral $1,000,000
   - Damage to Rented Premises $ 50,000
   - Each Occurrence $1,000,000

     a. The policy shall be endorsed to include the following additional insured language: **"The State of Arizona, its departments, agencies, boards, commissions, universities and its officers, officials, agents, and employees shall be named as additional insureds with respect to liability arising out of the activities performed by or on behalf of the Contractor."** Such additional insured shall be covered to the full limits of liability purchased by the Contractor, even if those limits of liability are in excess of those required by this Contract.

     b. Policy shall contain a waiver of subrogation endorsement in favor of the State of Arizona, its departments, agencies, boards, commissions, universities and its officers, officials, agents, and employees for losses arising from work performed by or on behalf of the Contractor.

2. **Business Automobile Liability**
   Bodily Injury and Property Damage for any owned, hired, and/or non-owned vehicles used in the performance of this Contract.
   - Combined Single Limit (CSL) $1,000,000

a. The policy shall be endorsed to include the following additional insured language: **"The State of Arizona, its departments, agencies, boards, commissions, universities and its officers, officials, agents, and employees shall be named as additional insureds with respect to liability arising out of the activities performed by or on behalf of the Contractor, involving automobiles owned, leased, hired or borrowed by the Contractor"**. Such additional insured shall be covered to the full limits of liability purchased by the Contractor, even if those limits of liability are in excess of those required by this Contract.

b. Policy shall contain a waiver of subrogation endorsement in favor of the State of Arizona, its departments, agencies, boards, commissions, universities and its officers, officials, agents, and employees for losses arising from work performed by or on behalf of the Contractor.

c. Policy shall contain a severability of interest provision.

3. Worker's Compensation and Employers' Liability

• Workers' Compensation	Statutory
• Employers' Liability	
Each Accident	$ 500,000
Disease – Each Employee	$ 500,000
Disease – Policy Limit $1,000,000	

a. Policy shall contain a waiver of subrogation endorsement in favor of the State of Arizona, its departments, agencies, boards, commissions, universities and its officers, officials, agents, and employees for losses arising from work performed by or on behalf of the Contractor.

b. This requirement shall not apply to: Separately, EACH contractor or subcontractor exempt under A.R.S. § 23-901, AND when such contractor or subcontractor executes the appropriate waiver (Sole Proprietor/Independent Contractor) form.

B. **ADDITIONAL INSURANCE REQUIREMENTS**: The policies are to contain, or be endorsed to contain, the following provisions:

1. The Contractor's policies shall stipulate that the insurance afforded the Contractor shall be primary insurance and that any insurance carried by the Department, its agents, officials, employees or the State of Arizona shall be excess and not contributory insurance, as provided by A.R.S § 41-621 (E).
2. The Contractor's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability. Coverage provided by the Contractor shall not be limited to the liability assumed under the indemnification provisions of its Contract with the other governmental entity(ies) party to the IGA.

C. **NOTICE OF CANCELLATION**: With the exception of (10) day notice of cancellation for non-payment of premium, any changes material to compliance with this contract in the insurance policies above shall require (30) days written notice to the State of Arizona. Such notice shall be sent directly to the Department and shall be sent by certified mail, return receipt requested.

D. **ACCEPTABILITY OF INSURERS**: Contractors insurance shall be placed with companies duly licensed in the State of Arizona or hold approved non-admitted status on the Arizona Department of Insurance List of Qualified Unauthorized Insurers. Insurers shall have an "A.M. Best" rating of not less than A- VII or duly authorized to transact Workers' Compensation insurance in the State of Arizona. The State of Arizona in no way warrants that the above-required minimum insurer rating is sufficient to protect the Contractor from potential insurer insolvency.

E. **VERIFICATION OF COVERAGE**: Contractor shall furnish the State of Arizona with certificates of insurance (ACORD form or equivalent approved by the State of Arizona) as required by this Contract. The certificates for each insurance policy are to be signed by an authorized representative.

All certificates and endorsements are to be received and approved by the State of Arizona before work commences. Each insurance policy required by this Contract must be in effect at or prior to commencement of work under this Contract and remain in effect for the duration of the project. Failure to maintain the insurance policies as required by this Contract, or to provide evidence of renewal, is a material breach of contract.

All certificates required by this Contract shall be sent directly to the Department. The State of Arizona project/contract number and project description are to be noted on the certificate of insurance. The State of Arizona reserves the right to require complete, certified copies of all insurance policies required by this Contract at any time.

F. **SUBCONTRACTORS**: Contractor's certificate(s) shall include all subcontractors as insureds under its policies or Contractor shall furnish to the State of Arizona separate certificates for each subcontractor. All coverages for subcontractors shall be subject to the minimum requirements identified above.

G. **APPROVAL**: Any modification or variation from the *insurance requirements* in any Intergovernmental Agreement must have prior approval from the State of Arizona Department of Administration, Risk Management Division, whose decision shall be final. Such action will not require a formal contract amendment, but may be made by administrative action.

H. **EXCEPTIONS**: In the event the Contractor or sub-contractor(s) is/are a public entity, then the Insurance Requirements shall not apply. Such public entity shall provide a Certificate of Self-Insurance. If the contractor or sub-contractor(s) is/are a State of Arizona agency, board, commission, or university then none of the above shall apply.

9. AUDIT OF RECORDS

Pursuant to A.R.S. §§ 35-214 and 35-215, both parties shall retain all data, books and other records ("records") relating to this Agreement for a period of five years after completion of the Agreement. All records shall be subject to inspection and audit by the State of Arizona at reasonable times. Upon request, either party shall produce the original of any or all such records.

10. CANCELLATION FOR CONFLICT OF INTEREST

The requirements of A.R.S. § 38-511 apply to this Agreement. Either party may cancel this Agreement, without penalty or further obligation, if any person significantly involved in initiating, negotiating, securing, drafting or creating this Agreement on behalf of either party is, at any time while this Agreement or any extension is in effect, an employee or agent of the other party with respect to the subject matter of this Agreement.

11. NON-DISCRIMINATION

Both parties shall comply with Executive Order 2009-9, which mandates that all persons, regardless of race, color, religion, sex, age, national origin or political affiliation, shall have equal access to employment opportunities, and all other applicable state and Federal employment laws, rules, and regulations, including the Americans with Disabilities Act. Both parties shall take affirmative action to ensure that applicants for employment and employees are not discriminated against due to race, creed, color, religion, sex, national origin or disability.

12. COMPLIANCE REQUIREMENTS FOR A.R.S. § 41-4401—IMMIGRATION LAWS AND E-VERIFY REQUIREMENT

A. Both parties warrant compliance with all Federal immigration laws and regulations relating to employees and warrant its compliance with Section A.R.S. § 23-214, Subsection A, which reads: "After December 31, 2007, every employer, after hiring an employee, shall verify the employment eligibility of the employee through the E-Verify program."

B. A breach of a warranty regarding compliance with immigration laws and regulations shall be deemed a material breach of the contract and the other party may be subject to penalties up to and including termination of the Agreement.

C. Both parties retain the legal right to inspect the papers of any employee who works on the Agreement to ensure that the other party or any contractor or subcontractor is complying with the warranty under paragraph 12(a).

13. APPLICABLE LAW

This Agreement shall be construed in accordance the laws of the State of Arizona.

14. LEGAL OBLIGATIONS

This IGA does not relieve either party of any obligation or responsibility imposed upon it by law.

15. ARBITRATION

The parties to this Agreement agree to resolve all disputes arising out of or relating to this Agreement through arbitration, after exhausting applicable administrative review, to the extent required by A.R.S. § 12-1518 except as may be required by other applicable statutes.

16. WAIVER AND MODIFICATION

None of the provisions of the Agreement may be waived, changed or altered except in writing signed by both parties.

17. AVAILABILITY OF FUNDS

Every payment obligation of the parties under this Agreement is conditioned upon the availability of funds allocated for the payment of such obligation. If funds are not allocated and available for the continuance of this Agreement, this Agreement may be terminated by the parties or any other agency of the State of Arizona at the end of the period for which funds are available. No legal liability on the part of the parties or any other agency of the State of Arizona for any payment may arise under this Agreement until and only as long as funds are made available for performance of this Agreement. If the necessary funds are not made available, then that party shall provide written notice to the other party and may cancel this Agreement without further obligation. No liability shall accrue to the parties or any other agency of the State of Arizona in the event this provision is exercised, and neither the parties nor any other agency of the State of Arizona shall be obligated or liable for any future payments or for any damages as a result of termination under this paragraph, including payments or damages for purchases or subcontracts entered into in anticipation of funding.

18. NOTICES

All notices, claims, request, and demands under this IGA are to be in writing and served in person or via certified (return receipt requested) United States mail, postage prepaid, addressed as follows:

If to the Superior Court: Superior Court in Maricopa County
Jury Administrator
175 W. Madison St.
Phoenix, AZ. 85003-2243
Attn: Jury Manager

If to Municipal Court: Peoria Municipal Court
10100 N. 83rd Avenue
Peoria, Arizona 85345
Attn: Court Administrator

or at such other address as shall be indicated in writing by each party. Service by certified mail will be deemed to occur on the postmark date borne by the return receipt.

In witness whereof, the parties hereto have executed this IGA on the date written below:

_____	_____
Honorable Norman J. Davis Presiding Judge Superior Court of Arizona in Maricopa County	Honorable George Anagnost Presiding Judge Peoria Municipal Court
_____	5/28/14
Date	Date

ATTEST:

_____	_____
City Manager, City of Peoria, a Municipal Corporation	Date

IN ACCORDANCE WITH A.R.S. §11-952 THIS CONTRACT HAS BEEN REVIEWED BY THE UNDERSIGNED WHO HAVE DETERMINED THAT THIS CONTRACT IS IN APPROPRIATE FORM AND WITHIN THE POWERS AND AUTHORITY GRANTED TO EACH RESPECTIVE PUBLIC BODY.

ARIZONA ATTORNEY GENERAL'S OFFICE	CITY ATTORNEY
By: _____ Assistant Attorney General	By: _____ Peoria City Attorney
Date: _____	Date: _____

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 13C

Date Prepared: May 14, 2014 **Council Meeting Date:** June 17, 2014

TO: Carl Swenson, City Manager

FROM: Roy W. Minter, Chief of Police

THROUGH: Jeff Tyne, Deputy City Manager

SUBJECT: United States Department of Justice's Edward Byrne Memorial Justice Assistance Grant

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Purpose:

This is a request for the City Council to authorize the City Manager to enter into a Memorandum of Understanding between the City of Peoria and Maricopa County. Entering into this Memorandum of Understanding allows the Peoria Police Department to accept a pass-through grant award from the United States Department of Justice's Edward Byrne Memorial Justice Assistance Grant (JAG) in the amount of $20,976.

Background/Summary:

The FY2014 United States Department of Justice's Edward Byrne Memorial Justice Assistance Grant (JAG) has allocated $1,395,115 to Maricopa County. A total of $1,353,262 has been set aside for valley cities, and will be distributed based on each city's share of the total violent crime reported within the State of Arizona.

The JAG Program is the primary provider of federal criminal justice funding to state and local jurisdictions. JAG funds support all components of the criminal justice system, from multi-jurisdictional drug and gang task forces to crime prevention and domestic violence programs, courts, corrections, treatment, and justice information sharing initiatives.

The JAG program requires that operations financed with these funds be supplemental to normally funded police programs (not supplant normal police funding).

JAG funding for the City of Peoria totals $20,976 and will be used to fund the Youth Citizen Police Academy for two years and purchase law enforcement supplies.

The Peoria Police Department will conduct a Youth Citizen Police Academy for local teens which focuses on promoting the philosophy of Community Oriented Policing to educate our youth about various aspects of law enforcement, as well as good citizenship, leadership, and emerging

social issues that impact our youth. This will be a continuation of the summer program which has been operating for five years using JAG funds. The program is free of charge to participants and will be facilitated by the School Resource Officers from the Peoria Police Department. This interaction with police officers will have a positive effect on character development, socialization skills, and educational performance. Funds will be used to facilitate this summer program for two years.

The Peoria Police Department is requesting funding to purchase mobile biometrics identification devices. These devices interface with the state AFIS fingerprint database and FBI RISC database and will allow patrol officers to identify individuals in the field that would otherwise need transported to the police station for processing.

Previous Actions:

This is the ninth consecutive year that the United States Department of Justice's Edward Byrne Memorial Justice Assistance Grant (JAG) has made funding available to the Peoria Police Department. The Council has accepted all previous grant awards.

Past funding has been used to enhance police operations, including the purchase of police equipment and computer software, community policing overtime, and youth summer programs.

Options:

A: Authorize the City Manager to enter into a Memorandum of Understanding with Maricopa County, and accept the United States Department of Justice's Edward Byrne Memorial Justice Assistance Grant (JAG) funding and approve a budget adjustment of $20,976 from the Proposed Grants Contingency account (7990-7990-570000) to various JAG Award accounts (7507-7757).

B: Do not authorize participation in the Memorandum of Understanding with Maricopa County, and decline the United States Department of Justice's Edward Byrne Memorial Justice Assistance Grant (JAG) funding.

Staff's Recommendation:

It is recommended that Council authorize the City Manager to enter into a Memorandum of Understanding with Maricopa County. The Memorandum of Understanding will allow the City of Peoria to accept funding in the amount of $20,976 to fund the Youth Citizen Police Academy and purchase biometric identification devices.

Fiscal Analysis:

Request a budget adjustment of $20,976 from the Proposed Grants Contingency account (7990-7990-570000) to various JAG Award accounts (7507-7757) as listed below.

No matching funds are required.

Account #	Description	Amount
7507-7757-530001	Office & General Supplies	$6,000
7507-7757-510200	Overtime	$4,000
7507-7757-530019	Operational Supplies/Equipment	$10,976

Narrative:

Once approved by City Council, the Memorandum of Understanding will be executed as needed.

Exhibit(s):

Exhibit 1: Maricopa County Memorandum of Understanding

Contact Name and Number: Heather Cammarata, 623-773-7069

GMS APPLICATION NUMBER: 2014-H1867-AZ-DJ (Mandatory)

CONTRACT NO_____

THE STATE OF ARIZONA
COUNTY OF MARICOPA

KNOW ALL BY THESE PRESENT

MEMORANDUM OF UNDERSTANDING
AMONG
CITY OF AVONDALE, CITY OF CHANDLER, TOWN OF GILBERT, CITY OF GLENDALE, CITY OF GOODYEAR, CITY OF MESA, CITY OF PEORIA, CITY OF PHOENIX, CITY OF SCOTTSDALE, CITY OF SURPRISE, CITY OF TEMPE, AND COUNTY OF MARICOPA, ARIZONA

EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM
FY 2014 LOCAL SOLICITATION (CFDA #16.738)

This Memorandum of Understanding (MOU) is made and entered into by and among the COUNTY of MARICOPA, hereinafter referred to as COUNTY; and the CITY of AVONDALE; and the CITY of CHANDLER; and the TOWN of GILBERT; and the CITY of GLENDALE; and the CITY of GOODYEAR; and the CITY of MESA; and the CITY of PEORIA; and the CITY of PHOENIX; and the CITY of SCOTTSDALE; and the CITY of SURPRISE; and the CITY of TEMPE, hereinafter referred to as CITIES and TOWNS; all of Maricopa County, State of Arizona, witnesseth:

WHEREAS, this MOU is made under the authority of A.R.S. §§11-201, -251:

WHEREAS, the CITIES and TOWNS and the COUNTY have become entitled to certain grant funds through the Edward Byrne Memorial Justice Assistance Grant (JAG) Program; and

WHEREAS, each governing body, in performing governmental functions or in paying for the performance of governmental functions hereunder, shall make that performance or those payments from current revenues legally available to that party; and

WHEREAS, each governing body finds that the performance of this MOU is in the best interests of all parties, that the undertaking will benefit the public, and that the division of costs fairly compensates the performing party for the services or functions under this agreement; and

WHEREAS, the CITIES and TOWNS agree the COUNTY shall receive all the funds and distribute the funds to the CITIES and TOWNS; and

WHEREAS, the CITIES and TOWNS and COUNTY believe it to be in their best interests to reallocate the JAG funds;

NOW THEREFORE, the COUNTY and CITIES and TOWNS agree as follows:

Section 1

COUNTY agrees to receive $1,395,115 from the JAG award for the Maricopa County JAG Program.
COUNTY agrees to pay City of Avondale a total of $26,659 of JAG funds.
COUNTY agrees to pay City of Chandler a total of $55,890 of JAG funds.
COUNTY agrees to pay Town of Gilbert a total of $15,563 of JAG funds.
COUNTY agrees to pay City of Glendale a total of $94,864 of JAG funds.
COUNTY agrees to pay City of Goodyear a total of $7,714 of JAG funds.
COUNTY agrees to pay City of Mesa a total of $140,063 of JAG funds.
COUNTY agrees to pay City of Peoria a total of $20,976 of JAG funds.
COUNTY agrees to pay City of Phoenix a total of $699,230 of JAG funds.
COUNTY agrees to pay City of Scottsdale a total of $30,448of JAG funds.

COUNTY agrees to pay City of Surprise a total of $7,849 of JAG funds.
COUNTY agrees to pay City of Tempe a total of $65,498 of JAG funds.

All payments to CITIES and TOWNS will be made within thirty (30) days after receipt of the JAG funds by COUNTY.

Section 2

COUNTY agrees to use $230,361 for the JAG Program until September 30, 2017.

Section 3

1. **Term**. This Agreement shall be in effect for the term of the FY2014 JAG grant, being October 1, 2013 through September 30, 2017, unless terminated sooner in accordance with the terms of the grant, and such reasonable time thereafter as may be needed to complete the administration of the grant. Per Section 7 below, this MOU shall not be effective until filed with the Maricopa County Recorder's Office.

2. **Obligations of the COUNTY**. The COUNTY agrees to administer the Funds as provided in Section 1, and shall:
   A. Ensure that the funds received by COUNTY are dispersed to the CITIES and TOWNS in accordance to this MOU, and shall
   B. Collect and transmit to the appropriate Federal funding authorities all financial and program reports as required by the terms and conditions of the grant and applicable Federal regulations.

3. **Obligations of the CITIES and TOWNS.** During the term of this Agreement;
   A. The CITIES and TOWNS agree that the COUNTY will administer the Funds as provided in Section 1.
   B. The CITIES and TOWNS will maintain and provide to the COUNTY all financial and program reports as required by the terms and conditions of the grant and applicable Federal regulations.
   C. The CITIES and TOWNS will be responsible for their own actions in providing services under this MOU and shall hold harmless the parties to this MOU from any liability that may arise from the furnishing of the services by the other parties.

4. **DISCLAIMER**. This MOU is not intended to and will not constitute, create, give rise to, or otherwise recognize a joint venture, agency, partnership or formal business association or organization of any kind among the parties, and the rights and obligations of the parties shall be only those expressly set forth in this MOU.

5. **NON-AVAILABILITY OF FUNDS**. Each payment obligation of the parties created hereby is conditioned on the availability of funds. The parties recognize that the continuation of this MOU after the close of any of their respective fiscal years shall be subject to the approval of their respective governing bodies providing an appropriation covering this item as an expenditure. None of the parties represent that said budget items will be actually adopted.

6. NOTICES. Notices provided under this Agreement shall be directed to the following persons:

The **COUNTY**: Alice Bustillo C/O County Manager's Office 301 W. Jefferson Street, 10th Floor Phoenix, AZ 85003 602-372-7059 Fax: 602-506-1642	The CITY of **AVONDALE** Name: Kimberly Martinez Address: 11465 West Civic Center Drive Address: Address: City/St/Zip: Avondale AZ 85323 Phone: 623-333-1000 Fax: 623-333-0100
The CITY of **CHANDLER** Name: Judy Mandt Address: Chandler Police Department Address: Mail Stop 303 Address: PO Box 4008 City/St/Zip: Chandler AZ 85244-4008 Phone: 480-782-4085 Fax: 480-782-4086	The TOWN of **GILBERT** Name: Joseph Go Address: 75 E. Civic Center Dr Address: Address: City/St/Zip: Gilbert AZ 85296 Phone: 480-635-7060 Fax: 480-497-4943
The CITY of **GLENDALE** Name: David Rice Address: 6835 N. 57th Drive Address: Address: City/St/Zip: Glendale AZ 85301 Phone: 623-930-3212 Fax: 623-847-1399	The CITY of **GOODYEAR** Name: Christine McMurdy Address: City Manager's Office Address:190 North Litchfield Road Address: City/St/Zip: Goodyear AZ 85338 Phone: 623-882-7806 Fax: 623-882-7077
The CITY of **MESA** Name: Beth Thuringer Address: Mesa Police Department Address: P.O. Box 1466 Address: City/St/Zip: Mesa AZ 85211 Phone: 480-644-5365 Fax: 480-644-2857	The CITY of **PEORIA** Name: Teresa Corless Address: City of Peoria Police Department Address: 8351 W. Cinnabar Avenue Address: City/St/Zip: Peoria, AZ 85345 Phone: 623-773-7035 Fax: 623-773-7015

The CITY of **PHOENIX** Name: Gary Turner	The CITY of **SCOTTSDALE** Name: Melissa Miller
Address: Phoenix Police Department	Address: Scottsdale PD Headquarters
Address: 4th Floor, Suite 422	Address: 8401 E. Indian School Rd.
Address: 620 W. Washington St	Address:
City/St/Zip: Phoenix AZ 85003	City/St/Zip: Scottsdale AZ 85251
Phone: 602-534-3622	Phone: 480-312-1979
Fax: 602-534-1613	Fax: 480-312-7891
The CITY of **TEMPE** Name: Miyoung Kim	The CITY of **SURPRISE** Name: Lt. Randy Rody
Address: C/O Tempe Police Department - OMBR	Address: Surprise Police Department
Address: 120 E. 5th Street	Address: 16000 N. Civic Center Plaza
Address:	Address:
City/St/Zip: Tempe AZ 85281	City/St/Zip: Surprise AZ 85374
Phone: 480-350-8358	Phone: 480-312-1979
Fax:	Fax: 480-312-7891

Section 4

The parties to this MOU do not intend for any third party to obtain a right by virtue of this MOU.

Section 5

CONFLICT OF INTEREST. This MOU is subject to A.R.S. §38-511.

Section 6

By entering into this MOU, the parties do not intend to create any obligations express or implied other than those set out herein; further, this MOU shall not create any rights in any party not a signatory hereto.

Section 7

This MOU shall not be effective until filed with the Maricopa County Recorder's Office.

Section 8

The COUNTY and CITIES and TOWNS warrant they are in compliance with the provisions in A.R.S. §41-4401 (e-verify).

Section 9

Mutual Indemnification. Each Party (as "Indemnitor") agrees to indemnify, defend, and hold harmless the other Party (as "Indemnitee") from and against all claims, losses, liability, costs, or expenses (including reasonable attorneys' fees, expert witnesses' fees and other litigation costs) (hereinafter collectively

referred to as "Claims") arising out of bodily injury (including death) of any person or property damage, but only to the extent that such claims, which result in vicarious liability to the Indemnitee, are caused by the act, omission, negligence, misconduct, or other fault of the Indemnitor, its officers, officials, agents, employees, or volunteers.

This Agreement is in the proper legal form and is within the powers and authority granted under the laws of this State to those parties represented by the undersigned legal counsel. _____ Deputy County Attorney, Civil Svcs Div Date	**MARICOPA COUNTY** **By:** _____ Denny Barney **Its**: Chairman of the Board of Supervisors **Attest:** _____ Fran McCarroll, Clerk of the Board **DATE:** _____
This Agreement is in the proper legal form and is within the powers and authority granted under the laws of this State to those parties represented by the undersigned legal counsel. _____ Avondale City Attorney Date	**CITY OF AVONDALE** **By:** _____ Type Name: _____ **Its:** _____ **Attest:** _____ **DATE:** _____
This Agreement is in the proper legal form and is within the powers and authority granted under the laws of this State to those parties represented by the undersigned legal counsel. _____ Chandler City Attorney Date	**CITY OF CHANDLER** **By:** _____ Type Name: _____ **Its:** _____ **Attest:** _____ **DATE:** _____
This Agreement is in the proper legal form and is within the powers and authority granted under the laws of this State to those parties represented by the undersigned legal counsel. _____ Gilbert Town Attorney Date	**TOWN OF GILBERT** **By:** _____ Type Name: _____ **Its:** _____ **Attest:** _____ **DATE:** _____

GMS APPLICATION NUMBER: 2014-H1867-AZ-DJ (Mandatory)

This Agreement is in the proper legal form and is within the powers and authority granted under the laws of this State to those parties represented by the undersigned legal counsel. _____ Glendale City Attorney Date	**CITY OF GLENDALE** **By:** _____ Type Name: _____ **Its:** _____ **Attest:** _____ **DATE**: _____
This Agreement is in the proper legal form and is within the powers and authority granted under the laws of this State to those parties represented by the undersigned legal counsel. _____ Goodyear City Attorney Date	**CITY OF GOODYEAR** **By:** _____ Type Name: _____ **Its:** _____ **Attest:** _____ **DATE:** _____
This Agreement is in the proper legal form and is within the powers and authority granted under the laws of this State to those parties represented by the undersigned legal counsel. _____ Mesa City Attorney Date	**CITY OF MESA** **By:** _____ Type Name: _____ **Its:** _____ **Attest:** _____ **DATE:** _____
This Agreement is in the proper legal form and is within the powers and authority granted under the laws of this State to those parties represented by the undersigned legal counsel. _____ Peoria City Attorney Date	**CITY OF PEORIA** **By:** _____ Type Name: _____ **Its:** _____ **Attest:** _____ **DATE:** _____

GMS APPLICATION NUMBER: 2014-H1867-AZ-DJ (Mandatory)

This Agreement is in the proper legal form and is within the powers and authority granted under the laws of this State to those parties represented by the undersigned legal counsel. _____ Phoenix City Attorney Date	**CITY OF PHOENIX** **By:** _____ Type Name: _____ **Its:** _____ **Attest:** _____ **DATE:** _____
This Agreement is in the proper legal form and is within the powers and authority granted under the laws of this State to those parties represented by the undersigned legal counsel. _____ Scottsdale City Attorney Date	**CITY OF SCOTTSDALE** **By:** _____ Type Name: _____ **Its:** _____ **Attest:** _____ **DATE:** _____
This Agreement is in the proper legal form and is within the powers and authority granted under the laws of this State to those parties represented by the undersigned legal counsel. _____ Surprise City Attorney Date	**CITY OF SURPRISE** **By:** _____ Type Name: _____ **Its:** _____ **Attest:** _____ **DATE:** _____
This Agreement is in the proper legal form and is within the powers and authority granted under the laws of this State to those parties represented by the undersigned legal counsel. _____ Tempe City Attorney Date	**CITY OF TEMPE** **By:** _____ Type Name: _____ **Its:** _____ **Attest:** _____ **DATE:** _____

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 14C

Date Prepared: May 29, 2014 **Council Meeting Date:** June 17, 2014

TO: Carl Swenson, City Manager

THROUGH: Jeff Tyne, Deputy City Manager

FROM: Roy W. Minter, Chief of Police

SUBJECT: Authorization to accept a grant from the Governor's Office of Highway Safety (GOHS) DUI Abatement Council (DUIAC) in the amount of $40,000

Purpose:

This is a request for City Council to authorize the acceptance of funding from the Governor's Office of Highway Safety (GOHS) DUI Abatement Council (DUIAC) in the amount of $40,000.

Background/Summary:

The Peoria Police Department desires to accept funding provided by the Governor's Office of Highway Safety (GOHS) DUI Abatement Council (DUIAC) in the amount of $40,000. This funding has been provided to enhance DUI Enforcement and Education throughout the City of Peoria. This includes conducting West Valley DUI Task Force events, and conducting DUI Education programs at the four high schools in Peoria.

Funding will also be used to conduct Impaired Driving or Operating programs, with the goal of reducing the incidences of alcohol and drug related driving fatalities and injuries through enforcement, education and public awareness.

Media releases that educate the public about the high costs associated with DUI/Alcohol, and emphasize the importance of aggressive DUI enforcement will be prepared.

Previous Actions:

City Council has previously accepted grants from the Governor's Office of Highway Safety; the Peoria Police Department has received funding from the Governor's Office of Highway Safety for approximately ten years.

Options:

A: Accept the grant award in the amount of $40,000 from GOHS and approve a budget adjustment in the amount of $40,000 from the Proposed Grants Contingency Account to the GOHS Grant Overtime Accounts.

B: Choose not to accept the grant award from GOHS, which would reduce the availability of resources for DUI Enforcement and Education.

Staff's Recommendation:

Authorize the City Manager to accept $40,000 from the Governor's Office of Highway Safety (GOHS) to be used by the Peoria Police Department to enhance DUI Enforcement and Education.

Fiscal Analysis:

Request a budget adjustment of $40,000 from the Proposed Grants Contingency account (7990-7990-570000) to the GOHS Grant Overtime account (7515-7765-510200), thus providing expenditure authority.

Narrative:

Once approved by City Council, the grant contract will be executed as needed.

Exhibit 1: Grant Contract DUIAC-E-043 (DUI Enforcement and Education)

Contact Name and Number: Brenda Hope, 623-773-7072

OVERSIGHT COUNCIL ON DRIVING OR OPERATING UNDER THE INFLUENCE ABATEMENT

DUI ABATEMENT GRANT PROGRAM

GRANT AGREEMENT

JANICE K. BREWER
Governor

The Oversight Council on Driving or Operating Under the Influence Abatement is hereafter referred to as the DUI Abatement Council, DUIAC or Council in this agreement. This page and the DUIAC Project Director's Manual incorporated herein by reference constitute the entire agreement between the parties hereto unless deviation is authorized in writing by the DUI Abatement Council.

APPLICANT AGENCY
Peoria Police Department

ADDRESS
8351 West Cinnabar Ave, Peoria, AZ 85345

GOVERNMENTAL UNIT
City of Peoria

ADDRESS
8401 W Monroe Street, Peoria, AZ 85345

AGREEMENT NUMBER
DUIAC-E-043

PROGRAM AREA
Enforcement

AGENCY CONTACT
James Willis

PROJECT TITLE
DUI Enforcement and Education

BRIEFLY STATE PURPOSE OF PROJECT:
DUI Abatement (E) funds will support Personnel Services (Overtime) to enhance DUI Enforcement and Education throughout the City of Peoria.

BUDGET COST CATEGORY		Project Period SFY 2014-2015
I.	**Personnel Services**	$40,000.00
II.	**Employee Related Expenses**	$0.00
III.	**Professional and Outside Services**	$0.00
IV.	**Travel In-State**	$0.00
V.	**Travel Out-of-State**	$0.00
VI.	**Materials and Supplies**	$0.00
VII.	**Capital Outlay**	$0.00
	TOTAL ESTIMATED COSTS	**$40,000.00**

PROJECT PERIOD	**FROM:** Effective Date (*Date of DUIAC Chairman Signature*)	**TO:** 05-31-2015
CURRENT GRANT PERIOD	**FROM:** 06-01-2014	**TO:** 05-31-2015

TOTAL DUI ABATEMENT FUNDS OBLIGATED FOR THIS AGREEMENT PERIOD: $40,000.00

A political subdivision or state agency that is mandated to provide a certified resolution or ordinance authorizing entry into this agreement must do so prior to incurring any expenditures.
Failure to do so may result in termination of the awarded agreement.

PROBLEM IDENTIFICATION AND RESOLUTION:

Agency Background:
The City of Peoria was incorporated in 1954, and is located approximately seven miles northwest of the City of Phoenix in Maricopa County. As one of the fastest growing cities in the country, the population of Peoria has increased from 108,364 in 2000 to 160,504 in 2013. This dramatic growth in population has resulted in a significant increase in vehicle traffic on our roadways. To accommodate the increase in traffic, Peoria built an additional 178 linear miles of roadway from 2000 to 2009, which is an increase of 33% of roadway throughout the nearly 180 square miles that comprise the City of Peoria. The City is bisected by four state highways, which makes Peoria a highly accessible location. Currently, there are more than 583 linear of miles of roadway within the City of Peoria with more being developed. Peoria's largest increase in new roadway construction is the result of the development of new residential communities. From 2000 to 2007, residential streets alone accounted for 124 miles of new roadway construction.

The Peoria Police Department consists of 292 employees who support a strong Community Oriented Policing philosophy. With 191 authorized sworn positions, Peoria has approximately 1.18 officers per 1,000 residents. The Traffic Services Unit (TSU) consists of five speed enforcement officers, a commercial vehicle safety officer, an enforcement officer who focuses on vehicle crimes and follow-up investigations, and one night time enforcement officer who focus on DUI detection and prevention. With these very limited resources covering a large geographic area, the department is challenged to provide proactive or targeted DUI enforcement.

Agency Problem:
Impaired drivers continue to be an area of concern for the Peoria Police Department. For years, the department has been working diligently to deal with the DUI offenses originating from the bars and restaurants in the Peoria Entertainment District. The development of the Southern Entertainment District along the southern border of Peoria and Glendale added to the DUI enforcement challenges. Sporting events at the University of Phoenix Stadium or concerts at Jobing.com Arena bring their own challenges. The egress plan for these events direct traffic north on 91st Avenue and 99th Avenue to Northern Avenue which is the southern portion of the City of Peoria. Also factored in is the recent growth in the northern portion of Peoria (in the area of 8300 W. Deer Valley) that has brought more businesses that serve alcohol.

In February 2015, Arizona will host Super Bowl XLIX at the University of Phoenix Stadium, which is located at Peoria's southern-most border. Activities related to the Superbowl will most certainly bring an increase in alcohol sales and consumption. This event will have a significant impact on police staffing throughout the Valley, but particularly West Valley agencies.

Agency Attempts to Solve Problem:
The City of Peoria works diligently to address the problems that stem from impaired driving. Utilizing predictive policing during special events, such as Spring Training, the city has authorized limited overtime for officers. The Peoria Sports Complex is the Spring Training and player development home of the San Diego Padres and Seattle Mariners, which equates to a large influx of citizens and visitors into the nearby Peoria Entertainment District.

Whenever the Peoria Police Department identifies a large scale event where alcohol consumption will take place, additional officers are provided to detect and apprehend impaired drivers. Not only does the Peoria Police Department identify special events in the City of Peoria, but also in the neighboring City of Glendale. Glendale's major entertainment area, Westgate City Center, is just south of Peoria. Sports and entertainment events, as well as traffic from restaurants and bars create more DUI drivers in Peoria. Although the Peoria Police Department has dedicated two traffic officers to focus on DUI enforcement during the evening hours, regular staffing is challenged to proactively address impaired driving.

DUI enforcement efforts are enhanced through participation in the West Side DUI Task Force, having participated in 26 such task force events in the last year. Saturation patrols have also been conducted.

In 2013, the department received funds from GOHS and deployed a DUI van throughout the calendar year. Using predictive policing, the van was deployed on peak DUI nights and received positive reviews from the patrol officers as well as the DUI motors. The van enabled the DUI motors and patrol officers a much quicker turn around not having to handle the processing portion of a DUI investigation leading to more time on the road looking for impaired drivers.

The Peoria Police Department now has School Resource Officers in all four high schools and each of the high schools has a driving program and a law enforcement program. Through the partnership that the department has built with the Peoria Unified School District, the Peoria Police Department is willing to continue to assist in providing officers to teach traffic safety and DUI education.

Agency Funding:
State DUI Abatement (E) funds will support Personnel Services (Overtime) to enhance DUI Enforcement and Education throughout the City of Peoria.

How Agency Will Solve Problem With Funding:
The Peoria Police Department will conduct DUI enforcement projects using the grant funds for overtime to: Conduct Media Campaign; Conduct West Valley DUI Task Force events; and Conduct DUI Education Program at four high schools.

TRAFFIC DATA SUMMARY

DESCRIPTION	LAST YEAR (2013)	TWO YEARS AGO (2012)	THREE YEARS AGO (2011)
ALCOHOL-RELATED FATALITIES	1	0	6
ALCOHOL-RELATED INJURIES	27	31	26
TOTAL DUI ARRESTS	471	560	588
TOTAL MISDEMEANOR DUI ARRESTS	325	560	588
TOTAL AGGRAVATED DUI ARRESTS	146	0	0
TOTAL EXTREME DUI .15 ARRESTS	46	0	0
TOTAL DUI-DRUG ARRESTS	101	112	118
DUI PRIOR	0	0	0
TOTAL DRE EVALUATIONS	42	54	66
SOBER DESIGNATED DRIVERS CONTACTED	36	125	43
UNDERAGE ALCOHOL VIOLATIONS - TITLE 4	40	0	0
UNDERAGE DUI ARRESTS	53	62	63
UNDERAGE DUI-DRUG ARRESTS	19	27	30

GOALS/OBJECTIVES:

State DUI Abatement (E) funds will support Personnel Services (Overtime) to enhance DUI Enforcement and Education throughout the City of Peoria. The following goals and objectives shall be accomplished as a result of this funding:

ALCOHOL / DUI-Enforcement
Expenditures of funding pertaining to Impaired Driving or Operating Enforcement including Personnel Services shall comply with the Impaired Driving or Operating Program Goals of the DUI Abatement Council in conjunction with those provided by the Arizona Governor's Office of Highway Safety. The Impaired Driving or Operating Program Goal is to reduce the incidence of alcohol and drug related driving or operating, fatalities and injuries through enforcement, education and public awareness and through innovative programs throughout the State of Arizona. Law Enforcement personnel participating in Impaired Driving or Operating Enforcement/DUI activities including DUI Task Force details under this program shall be HGN/SFST certified.

MEDIA RELEASE
To prepare complete press release information for media (television, radio, print and on-line) during each campaign period including a main press release, schedule of events, departmental plans and relevant data. **The material will emphasize the campaign's purpose, aggressive enforcement and the high cost of DUI / Alcohol in terms of money, criminal and human consequences.**

The Peoria Police Department will maintain responsibility for **reporting sustained DUI enforcement** activity in a timely manner. Additionally, it is the responsibility of the Peoria Police Department to report all holiday task force enforcement statistics in which they participate to GOHS on-line at the GOHS website **no later than 10:00a.m. the morning following each day of the event.**

PLEASE NOTE: Failure to submit Statistics, Quarterly Reports and/or RCIs on time and correctly may delay reimbursement for expenditures to your agency, or a cancellation and return of unexpended advanced funding.

METHOD OF PROCEDURE:

The Peoria Police Department will implement the following strategies to meet the outlined goals and objectives:

The Peoria Police Department will make expenditures as follows to meet the outlined Program Goals/Objectives:

Personnel Services – To support Overtime for Alcohol/Impaired Driver Activities

Employee Related Expenses – To support Employee Related Expenses for Agency Overtime

PRESS RELEASE:

Agencies are required to develop and distribute a press release announcing this grant award (a copy of this press release shall be sent to the DUI Abatement Council at the same time it is sent to the media). This press release shall include the objective and specify that the funding is from the Oversight Council on Driving or Operating Under the Influence.

BAC TESTING AND REPORTING REQUIREMENTS:

Alcohol impairment is a major contributing factor in fatality and serious injury motor vehicle collisions. Accurate data on alcohol involvement is essential to understanding the full extent of the role of alcohol and to assess progress toward reducing impaired driving.

Arizona is presently and consistently below the documented average among the states in the Blood Alcohol (BAC) testing of drivers involved in fatal motor vehicle collisions.

Each law enforcement agency that receives an enforcement-related grant is required to ensure that this accurate data on all drivers involved are reported. Failure to comply may result in withholding funds and cancellation of the enforcement contract until this requirement is met.

PURSUIT POLICY:

All law enforcement agencies receiving state funds are encouraged to follow the guidelines established for vehicular pursuits issued by the International Association of Chiefs of Police (IACP) that are currently in effect.

PROJECT EVALUATION:

This project shall be administratively evaluated to ensure that the objectives have been met.

Quarterly Report

The Quarterly Report (QR) purpose is to provide information on agreement grant activities conducted at the conclusion of each respective quarter. The information provided is used to review progress of the funded project and the successfulness in meeting outlined goals and objectives. The information, photos, highlights, obstacles, and mandatory statistical data provided in this report are analyzed by the assigned project coordinator. It is critical that the on-line report contains the following information:

- **Original signatures on all Quarterly Reports and RCI's**
  - **Signatures must include Project Director unless prior authorization for another is on file with GOHS.**

Report Schedule

Reporting Period	Due Date
2014-2 Quarterly Report (April 1 to June 30)	July 30, 2014
2014-3 Quarterly Report (July 1 to September 30)	October 30, 2014
2014-4 Quarterly Report (October 1 to December 31)	January 30, 2015
2015-1 Quarterly Report (January 1 to March 31)	April 30, 2015
2015-2 Quarterly Report (April 1 to June 30)	July 30, 2015
Final Statement of Accomplishment	Within 30 days after Agreement end date

The Quarterly Report **shall be completed on the available on-line form and submitted by mail** to the DUI Abatement Council at the Governor's Office of Highway Safety. The Quarterly Report title is based on the 3 month calendar period (Year-Calendar Quarter). ***Note:*** The "Quarterly Summary DUI Enforcement Report must be included with each Quarterly Report and Final Statement of Accomplishment if applicable.

Final Statement of Accomplishments
The Project Director shall submit a Final Statement of Accomplishments Report to the DUI Abatement Council **no later than 30 days following the agreement end date.** All agencies receiving funding are required to submit a Final Statement of Accomplishments Report.
Note: Failure to comply with the outlined DUI Abatement Council reporting requirements may result in withholding of state funds or termination of the agreement and return of any unexpended advanced funds.

PROFESSIONAL AND TECHNICAL PERSONNEL:

Roy Minter, Chief of Police, Peoria Police Department, shall serve as Project Director.

James Willis, Sergeant, Peoria Police Department, shall serve as Project Administrator.

Philip Corbell, Governor's Office of Highway Safety, shall serve as Project Coordinator.

REPORT OF COSTS INCURRED (RCI):

The Project Director shall submit a Report of Costs Incurred (RCI) with supporting documentation attached, to the Governor's Office of Highway Safety at a minimum on a quarterly basis in correlation with the required report. Agencies may submit additional RCI's forms for expenditures when funds have been expended for which reimbursement is being requested.

RCI's shall be typed and delivered via mail or hand with appropriate supporting documentation, delivered to the Governor's Office of Highway Safety. **Electronically submitted RCI's will not be accepted.** Final RCI's will not be accepted after thirty (30) days after the conclusion of the Agreement end date. **Expenditures submitted after the expiration date will not be reimbursed and the agency will accept fiscal responsibility.**

The RCI template and instructions are available on the Governor's Office of Highway Safety website at http://www.azgohs.gov/grant-opportunities/. **Failure to meet the reporting requirements may be cause to terminate the project.**

PROJECT MONITORING:

DUI Abatement Council grant project monitoring is used by GOHS project coordinators to track the progress of project objectives, performance measures and compliance with applicable procedures, laws, and regulations.

The process is used throughout the duration of the agreement project and serves as a continuous management tool. Project monitoring also presents a good opportunity for developing partnerships, sharing information and providing assistance to contracted agencies. Additionally, project monitoring outlines a set of procedures for project review and documentation.

Project monitoring also serves as a management tool for:

- Detecting and preventing problems
- Helping to identify needed changes
- Identifying training or assistance needed
- Obtaining data necessary for planning, and evaluation
- Identifying exemplary projects

Types of Monitoring

Monitoring is formal and informal, financial and operational. The most common types of monitoring are:

- Ongoing contact with the contracted grantee through phone calls, e-mails, correspondence, and meetings
- On-Site and/or In-House monitoring reviews of project operations, management, and financial records and systems
- Review of project Quarterly Reports
- Review and approval of Requests for Cost Incurred (RCIs)
- Desk review of other documents in the project-grant files for timely submission and completeness

Monitoring Schedule	
Total Awarded Amount	**Type of Monitoring**
Under $50,000.00	Desk Review/Phone Conference.
$50,000.01-$99,999.99	In-House GOHS Review
$100,000+	On-Site
Capital Outlay Greater than $25,000.00 (combined)	On-Site
Desk Review and Phone Conference	Internal Review of all written documentation related to agreement project including but not limited to agreement, quarterly reports, enforcement data, financial data, e-mails, letters, notes, press releases, photographs, inventories, and other written correspondence. A phone conference call conducted during the course of the project which includes the date and time of the call, the person/s contacted and the results. Serves as an informational review to determine progress of programmatic/financial activities. Both the designated project administrator and fiscal contact should be present, if possible, during the phone conference. If identified financial or operational problems are present, GOHS reserves the right to bring the grantee in for an in-house meeting at GOHS. Monitoring form written by Project Coordinator, any findings or areas of improvement, concern or recognition will be provided to the grantee.
In-House Review	Documents performance review results including project activities, reimbursement claims review, equipment purchases, approvals, and other information. Reviews applicable information related to the project(s) including but not limited to agreement, quarterly reports, enforcement data, financial data, e-mails, letters, notes, press releases, photographs, inventories, and other written correspondence. Completed at GOHS in a meeting with appropriate operational and financial personnel. Monitoring form written by Project Coordinator, any findings or areas of improvement, concern or recognition will be provided to the grantee.
On-Site Monitoring	Documents performance review results including project activities, reimbursement claims review, equipment purchases, and other information. Reviews applicable information related to the project(s) including but not limited to agreement, quarterly reports, enforcement data, financial data, e-mails, letters, notes, press releases, photographs, inventories, and other written correspondence. Conducted on-site at the grantee's agency with monitoring form completed on-site by Project Coordinator. Any findings or areas of improvement, concern, or recognition, will be provided to the grantee.

On-site and/or In-house monitoring for grantees of designated projects with large capital outlay purchases, personnel services, and complex projects must be completed within the second or third quarter of the Agreement period. Contracted projects displaying any problems might need on-site monitoring more than once during the fiscal year.

On-site and/or In-house monitoring includes a review and discussion of all issues related to assure the effective and administration of the contracted project. The following are the most important items to review:

- Progress toward meeting goals/objectives and performance measures
- Adherence to the contract specifications, timely submission of complete and correct reports, including required documentation
- Quarterly reports
- Status of expenditures related to the outlined budget
- Accounting records
- Supporting documentation (training documentation, inventory sheets, photographs, press releases etc)

In addition, the designated project administrator will assure that any equipment purchased will be available for inspection and is being used for the purpose for which it was bought under the outlined contractual agreement.

Documentation

All findings will be documented on the GOHS Monitoring Form and placed in the grantee's respective state file. Findings will be discussed with the grantee designated agreement representative (project administrator, fiscal specialist) by phone and/or e-mail. All noted deficiencies will be provided to the grantee with guidance for improvement and solutions to problems. Grantees that exhibit significantly poor performance with be placed on a performance plan as outlined by the project coordinator. Grantee monitoring information will additionally provide documentation for potential funding in subsequent fiscal year grant proposal review.

PROJECT PERIOD:

The Project Period shall commence on the date the DUI Abatement Council Chairman or GOHS Director in the Chairman's stead, signs the DUI Abatement Grant Agreement and terminates on the last day of the month at the end of the one year period as indicated on the DUI Abatement Council Grant Agreement.

DURATION:

Agreements shall be effective on the date the DUI Abatement Council Chairman or GOHS Director in the Chairman's stead, signs the agreement and expire at the end of the project period.

If the Agency is unable to expend the funds in the time period specified and needs an extension, a typed extension request shall be signed by the Project Director on the Agency's letterhead and submitted via mail or hand delivered to the Chairman of the DUI Abatement Council at the Governor's Office of Highway Safety within ninety (90) days before the end of the project period.

The Agency shall address all requests to modify the contract to the Chairman of the DUI Abatement Council on Agency letterhead and either hand deliver or submit the request via regular mail to the GOHS office. All requests for modification must bear the signature of the Project Director.

Failure to comply may result in cancellation of the agreement. Any unexpended funds remaining at the termination of the agreement shall be released back to the DUI Abatement Fund.

ESTIMATED COSTS:

I.	Personnel Services (overtime)	$40,000.00
II.	Employee Related Expenses	$0.00
III.	Professional and Outside Services	$0.00
IV.	Travel In-State	$0.00
V.	Travel Out-of-State	$0.00
VI.	Materials and Supplies	$0.00
VII.	Capital Outlay	$0.00
	TOTAL ESTIMATED COSTS	***$40,000.00**

*Includes all applicable training, tax, freight, and advertising costs. The DUIAC reserves the right to limit reimbursement of Employee Related Expenses from zero (0) to a maximum rate of 40 percent. This is the maximum ERE amount to be reimbursed. It is agreed and understood that the Peoria Police Department shall absorb any and all expenditures in excess of **$40,000.00**.

DAILY ENFORCEMENT REPORT
(For Agency Use Only)

_____
Month Day Year

DESCRIPTION	AGREEMENT ACTIVITY	AGENCY ACTIVITY
ALCOHOL-RELATED FATALITIES		
ALCOHOL-RELATED INJURIES		
TOTAL DUI ARRESTS		
TOTAL MISDEMEANOR DUI ARRESTS		
TOTAL EXTREME DUI .15 ARRESTS		
TOTAL AGGRAVATED DUI ARRESTS		
TOTAL DUI DRUG ARRESTS		
DUI PRIOR		
TOTAL DRE EVALUATIONS		
SOBER DESIGNATED DRIVERS CONTACTED		
UNDERAGE ALCOHOL VIOLATIONS - TITLE 4		
UNDERAGE DUI ARRESTS		
UNDERAGE DUI-DRUG ARRESTS		

QUARTERLY ENFORCEMENT REPORT
(Submitted to GOHS)

_____
Reporting Period

DESCRIPTION	AGREEMENT ACTIVITY	AGENCY ACTIVITY
ALCOHOL-RELATED FATALITIES		
ALCOHOL-RELATED INJURIES		
TOTAL DUI ARRESTS		
TOTAL MISDEMEANOR DUI ARRESTS		
TOTAL EXTREME DUI .15 ARRESTS		
TOTAL AGGRAVATED DUI ARRESTS		
TOTAL DUI DRUG ARRESTS		
DUI PRIOR		
TOTAL DRE EVALUATIONS		
SOBER DESIGNATED DRIVERS CONTACTED		
UNDERAGE ALCOHOL VIOLATIONS - TITLE 4		
UNDERAGE DUI ARRESTS		
UNDERAGE DUI-DRUG ARRESTS		

CERTIFICATIONS AND AGREEMENTS

This AGREEMENT, is made and entered into by and between the STATE OF ARIZONA, by and through the Oversight Council On Driving Or Operating Under The Influence Abatement (DUIAC) hereinafter referred to as "STATE", and the agency named in this Agreement, hereinafter referred to as "AGENCY".

WHEREAS, the Arizona Revised Statutes (§§1303-1304), provides State funds to STATE for approved DUI Enforcement and DUI Innovative projects; and

WHEREAS, STATE may make said funds available to various state, county, tribal, or municipal agencies, governments, or political subdivisions upon application and approval by STATE; and

WHEREAS, AGENCY must comply with the requirements listed herein to be eligible for State funds for approved DUI Enforcement and DUI Innovative projects; and

WHEREAS, AGENCY has submitted an application for State funds for DUI Enforcement and DUI Innovative projects;

NOW, THEREFORE, IN CONSIDERATION OF MUTUAL PROMISES AND OTHER GOODS AND VALUABLE CONSIDERATION, it is mutually agreed that AGENCY will strictly comply with the following terms and conditions and the following Federal and State Statutes, Rules, and Regulations:

I. Project Monitoring, Reports, and Inspections

A. AGENCY agrees to fully cooperate with representatives of STATE monitoring the project, either on-site or by telephone, during the life of the Agreement.

B. AGENCY will submit Quarterly Reports (one for each three-month period of the project year) to STATE in the form and manner prescribed by STATE. Notice of the specific requirements for each report will be given in this Agreement or at any time thereafter by giving thirty (30) days written notice to AGENCY by ordinary mail at the address listed on the Agreement. Failure to comply with Quarterly Report requirements may result in withholding of State funds or termination of this Agreement.

C. AGENCY will submit a Final Report/Statement of Accomplishment at completion of the Agreement to include all financial, performance, and other reports required as a condition of the grant to STATE within thirty (30) days of the completion of the Agreement.

D. Representatives authorized by STATE will have the right to visit the site and inspect the work under this Agreement whenever such representatives may determine such inspection is necessary.

II. Reimbursement of Eligible Expenses

A. AGENCY'S Project Director, or Finance Personnel, will submit a Report of Costs Incurred Form (RCI) to STATE each time there have been funds expended for which reimbursement is being requested. Failure to meet this requirement may be cause to terminate the project under section XIX herein, "Termination and Abandonment".

B. AGENCY will reimburse STATE for any ineligible or unauthorized expenses for which State funds have been claimed and reimbursement received, as may have been determined by a State audit.

C. STATE will have the right to withhold any installments equal to the reimbursement received by AGENCY for prior installments which have been subsequently determined to be ineligible or unauthorized.

III. Property Agreement

A. AGENCY will immediately notify STATE if any equipment purchased under this Agreement ceases to be used in the manner as set forth by this Agreement. In such event, AGENCY further agrees to either give credit to the project cost or to another active DUI Abatement project for the residual value of such equipment in an amount to be determined by STATE or to transfer or otherwise dispose of such equipment as directed by STATE.

B. No equipment will be conveyed, sold, salvaged, transferred, etc., without the express written approval of STATE, or unless otherwise provided elsewhere in this Agreement.

C. AGENCY will maintain or cause to be maintained for its useful life, any equipment purchased under this Agreement.

D. AGENCY will incorporate any equipment purchased under this Agreement into its inventory records.

E. AGENCY will insure any equipment purchased under this Agreement for the duration of its useful life. Self-insurance meets the requirements of this section.

IV. Travel

In-State and Out-of-State Travel

In-state and out-of-state travel claims will be reimbursed at rates provided by AGENCY'S regulations, provided that such regulations are as restrictive as those of STATE. Where they are less restrictive, ARS §38-624 will apply.

All out-of-state travel must be approved in writing in advance by STATE.

V. Standard of Performance

AGENCY hereby agrees to perform all work and services herein required or set forth, and to furnish all labor, materials, and equipment, except that labor, material, and equipment as STATE agrees to furnish pursuant to this Agreement.

VI. Hold Harmless Agreement

Neither party to this agreement agrees to indemnify the other party or hold harmless the other party from liability hereunder. However, if the common law or a statute provides for either a right to indemnify and/or a right to contribution to any party to this agreement then the right to pursue one or both of these remedies is preserved.

VII. Non-Assignment and Sub-Contracts

This Agreement is not assignable nor may any portion of the work to be performed be sub-contracted unless specifically agreed to in writing by STATE. No equipment purchased hereunder may be assigned or operated by other than AGENCY unless agreed to in writing by STATE.

VIII. Work Products and Title to Commodities and Equipment

A. The work product and results of the project are the property of STATE, unless otherwise specified elsewhere in this Agreement. All property, instruments, non-consumable materials, supplies, and the like, which are furnished or paid for by STATE under the terms of this Agreement, unless otherwise provided for elsewhere in this Agreement, are and remain the property of STATE and will be returned at the completion of this project upon request of STATE. The work product and results of the project will be furnished to STATE upon request, if no provision is otherwise made by this Agreement.

B. The provisions of subparagraph A apply whether or not the project agreed to herein is completed.

IX. Copyrights and Patents

Any copyrightable materials, patentable discovery, or invention produced in the course of this project may be claimed by STATE and a copyright or patent obtained by it at its expense. In the event STATE does not wish to obtain such copyright or patent, AGENCY may do so, but in any event, provision will be made by AGENCY for royalty-free, nonexclusive, nontransferable, and irrevocable licenses to be given the United States Government and STATE and its political subdivisions to use such copyrightable material, patented discoveries, or inventions in any manner they see fit. The STATE reserves the right to impose such other terms and conditions upon the use of such copyrights or patents as may be deemed in the best interest of STATE in the event AGENCY is allowed to obtain a copyright or patent.

X. Arizona Procurement Code (ARS, §41-2501, et. seq.)

AGENCY and sub-grantees will use their own procurement procedures, which reflect applicable State and local laws and regulations. The most stringent purchasing requirement at each level must be met.

The Arizona Procurement Code (ARS, §41-2501, et. seq.) and promulgated rules (A.A.C. Title 2, Chapter 7) are a part of this Agreement as if fully set forth herein and AGENCY agrees to fully comply with these requirements for any procurement using grant monies from this Agreement.

XI. Equal Opportunity

A. Pursuant to the requirements of the Federal-Aid Highway Act of 1968 (U.S.C. §103 et. seq.), AGENCY, as a condition to receiving approval of this Agreement, hereby gives its assurance that employment in connection with the subject DUI Abatement Council Grant Project will be provided without regard to race, color, creed, sex, or national origin, and that any contract it enters into with any private agency pursuant hereto will include provisions in compliance with this paragraph (XI).

As a condition of receiving approval of this Agreement, AGENCY will be subject to and will comply with Title VI of the Civil Rights Act of 1964, providing that no person in the United States shall on the ground of race, color, creed, sex, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under the subject DUI Abatement Council Grant Project.

B. If AGENCY fails or refuses to comply with its undertaking as set forth in these provisions, STATE may take any or all of the following actions.

1. Cancel, terminate, or suspend, in whole or in part, the agreement, contract, or other arrangement with respect to which the failure or refusal occurred; and

2. Refrain from extending any further State financial assistance to AGENCY under the DUI Abatement Council Grant Program with respect to which the failure or refusal occurred until satisfactory assurance of future compliance has been received from AGENCY.

C. Pursuant to the requirement of Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. §794), AGENCY must operate this DUI Abatement Council Grant Project so that it is accessible and otherwise non-discriminatory to handicapped persons.

XII. Executive Order 2009-09

It is mutually agreed that AGENCY will comply with the terms and conditions of Executive Order 2009-09, *Non-Discrimination in Employment by Government Contractors and Subcontractors*. Executive Order 2009-09 is located in Part II of the Project Director's Manual.

XIII. Arbitration Clause, ARS §12-1518

Pursuant to ARS §12-1518, the parties agree to use arbitration, after exhausting applicable administrative reviews, to resolve disputes arising out of this Agreement where the provisions of mandatory arbitration apply.

XIV. Inspection and Audit, ARS §35-214

Pursuant to ARS §35-214, all books, accounts, reports, files, and other records relating to this Agreement will be subject at all reasonable times to inspection and audit by STATE for five (5) years after completion of this Agreement. The records will be produced at the Governor's Office of Highway Safety.

XV. Appropriation of Funds by the Arizona Legislature

It is agreed that in no event will this Agreement be binding on any party hereto unless and until such time as funds are appropriated and authorized by the Arizona Legislature and specifically allocated to the project submitted herein by the DUI Abatement Council and then only for the fiscal year for which such allocation is made. In the event no funds are appropriated by the Arizona Legislature or no funds are allocated for the project proposed herein by the DUI Abatement Council for subsequent fiscal years, this Agreement will be null and void, except as to that portion for which funds have then been appropriated or allocated to this project, and no right of action or damages will accrue to the benefit of the parties hereto as to that portion of the Agreement or project that may so become null and void.

XVI. Continuation of DUI Abatement Program

It is the intention of AGENCY to continue the DUI Abatement Program identified in this Agreement once DUI Abatement Council funding is completed. This intended continuation will be based upon cost effectiveness and an evaluation by AGENCY of the program's impact on highway safety.

XVII. E-Verify

Both Parties acknowledge that immigration laws require them to register and participate with the E-Verify program (employment verification program administered by the United States Department of Homeland Security and the Social Security Administration or any successor program) as they both employ one or more employees in this state. Both Parties warrant that they have registered with and participate with E-Verify. If either Party later determines that the other non-compliant Party has not complied with E-Verify, it will notify the non-compliant Party by certified mail of the determination and of the right to appeal the determination.

XVIII. Sudan and Iran

Pursuant to ARS § 35-391.06 and 35.393.06, both of the Parties hereby warrant, and represent that they do not have, and its subcontractors do not have, and during the term hereof will not have a scrutinized business operation in either Sudan or Iran.

XIX. Termination and Abandonment

A. The STATE and AGENCY hereby agree to the full performance of the covenants contained herein, except that STATE reserves the right, at its discretion, to terminate or abandon any portion of the project for which services have not been already performed by AGENCY.

B. In the event STATE abandons the services or any part of the services as herein provided, STATE will notify AGENCY in writing and within twenty-four (24) hours after receiving such notice, AGENCY will discontinue advancing the work under this Agreement and proceed to close said operations under the Agreement.

C. The appraisal value of work performed by AGENCY to the date of such termination or abandonment shall be made by STATE on a basis equitable to STATE and AGENCY and a final reimbursement made to AGENCY on the basis of costs incurred. Upon termination or abandonment, AGENCY will deliver to STATE all documents, completely or partially completed, together with all unused materials supplied by STATE.

D. AGENCY may terminate or abandon this Agreement upon thirty (30) days written notice to STATE, provided there is subsequent concurrence by STATE. Termination or abandonment by AGENCY will provide that costs can be incurred against the project up to and including sixty (60) days after notice is given to STATE.

E. Any equipment or commodities which have been purchased as a part of this Agreement and which have not been consumed or reached the end of its useful life will be returned to STATE upon its written request.

XX. Cancellation Statute

All parties are hereby put on notice that this Agreement is subject to cancellation pursuant to ARS §38-511, the provisions of which are stated below.

In accordance with ARS §38-511, this Agreement may be cancelled without penalty or further obligation if any person significantly involved in initiating, negotiating, securing, drafting, or creating the Agreement on behalf of the STATE, its political subdivisions or any department or agency of either, is at any time while the Agreement or any extension of the Agreement is in effect, an employee of any other party to the Agreement in any capacity or a consultant to any other party of the Agreement with respect to the subject matter or the Agreement.

The cancellation shall be effective when written notice from the Governor or chief executive officer or governing body of the political subdivision is received by all other parties to the Agreement unless the notice specifies a later time.

AGREEMENT OF UNDERSTANDING AND CERTIFICATION OF COMPLIANCE

Acceptance of Condition

It is understood and agreed by the undersigned that a grant received as a result of this Agreement is subject to ARS §28-602, and all administrative regulations governing grants established by the STATE. It is expressly agreed that this DUI Abatement Grant Project constitutes an official part of the STATE's DUI Abatement Council Program and that AGENCY will meet the requirements as set forth in the accompanying DUIAC Project Director's Manual, which are incorporated herein and made a part of this Agreement. All State Statutes, Rules, Regulations, and Circulars referenced in this Agreement are a part of this document as if fully set forth herein. It is also agreed that no work will be performed nor any obligation incurred until AGENCY is notified in writing that this project has been approved by the DUI Abatement Council Representative.

Certificate of Compliance

This is to certify that AGENCY will comply with all of the State Statutes, Rules and Regulations identified in this Agreement.

Certification of Non-Duplication of Grant Funds Expenditure

This is to certify that AGENCY has no ongoing nor completed projects under agreement with other Federal or State fund sources which duplicate or overlap any work contemplated or described in this Agreement. It is further certified that any pending or proposed request for other Federal or State grant funds which would duplicate or overlap work described in the Agreement will be revised to exclude any such duplication of grant fund expenditures. It is understood that any such duplication of Federal or State funds expenditures subsequently determined by audit will be subject to recovery by STATE.

Single Audit Act

If your political subdivision has had an independent audit meeting the requirements of the Single Audit Act of 1984, (31 U.S.C.A. §7501 et. seq.), please forward a copy to GOHS, Attention: Fiscal Services Officer, within thirty (30) days of the effective date of this Agreement. If such audit has not been performed, please advise when it is being scheduled.

REIMBURSEMENT INSTRUCTIONS

1. ***Agency Official authorized by Project Director to certify and sign Reports of Costs Incurred (RCIs):***

   Name: Teresa Corless

   Title: Administrative Services Manager

   Telephone Number: 623-773-7035 Fax Number: 623-773-7015

   E-mail Address: Teresa.Corless@peoriaaz.gov

2. ***Agency's Fiscal Contact:***

   Name: Christen Wilcox

   Title: Senior Accountant

   Telephone Number: 623-773-7344 Fax Number: 623-773-7033

   E-mail Address: Christen.Wilcox@peoriaaz.gov

   Federal Identification Number: [redacted]

3. ***REIMBURSEMENT INFORMATION:***

   Warrant/Check to be made payable to:

   Peoria Police Department

   Warrant/Check to be mailed to:

   Peoria Police Department
   (Agency)

   8351 W. Cinnabar Avenue
   (Address)

   Peoria, AZ 85345
   (City, State, Zip Code)

   Attn: Brenda Hope

ATTEST:

_____

Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

_____

Stephen M. Kemp, City Attorney

Lobbying Restrictions

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

A. No State appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of the Arizona Legislature, an officer or employee of the Arizona Legislature, or an employee of a Member of the Arizona Legislature in connection with the awarding of any State contract, the making of any State grant, the making of any State loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any State contract, grant, loan, or cooperative agreement.

B. If any funds other than State appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of the Arizona Legislature, an officer or employee of the Arizona Legislature, or an employee of a Member of the Arizona Legislature in connection with this State contract, grant, loan, or cooperative agreement, the undersigned will complete and submit Standard Form, "Disclosure Form to Report Lobbying," in accordance with the Arizona Secretary of State instructions.

C. The undersigned will require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients will certify and disclose accordingly.

D. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction.

Signature of Project Director:

Roy Minter, Chief of Police
Peoria Police Department

_____

_____
Date Telephone

Signature of Authorized Official of Governmental Unit:

Carl Swenson, City Manager
City of Peoria

_____

_____
Date Telephone

AUTHORITY & FUNDS

1. This Project is authorized by ARS §28-1303, and the funds authorized for this Project have been provided for by ARS §28-1304. The expenses are **reimbursable or prepaid** under DUI Abatement Council's **Enforcement** program area, as approved for by the DUI Abatement Council.

2. **A. EFFECTIVE DATE:** *Authorization to Proceed Date*

   B. STATE FUNDS: **$40,000.00**

3. **AGREEMENT AND AUTHORIZATION TO PROCEED** by State Official responsible to Governor for the administration of the Oversight Council on Driving or Operating Under the Influence Abatement

Alberto Gutier, Director
Governor's Highway Safety Representative

Date

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 15C

Date Prepared: May 13, 2014 **Council Meeting Date: June 17, 2014**

TO: Carl Swenson, City Manager

FROM: John R. Sefton Jr., Community Services Director

THROUGH: Jeff Tyne, Deputy City Manager

SUBJECT: Library Services and Technology Act Grant – Sunrise Mountain Library

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Purpose:

This is a request for City Council to accept a grant in the amount of $6,705 from the Library Services and Technology Act (LSTA) Grant administered by the State Library, Archives and Public Records for funding to create formal learning support areas. This request also seeks authorization for the appropriate budget amendments.

Background/Summary:

LSTA grants are funded by the U.S. Institute of Museums and Library Services and are offered to Arizona libraries annually. LSTA funds are intended to assist libraries develop central roles as community builders and are used to promote investments in services to all libraries.

With the opening of a new school adjacent to the Sunrise Mountain Library, increased demand will be placed on the library for study spaces, tables and equipment. The purpose of this grant is to create formal learning spaces to support students from kindergarten through eighth grade. Mobile dividers for group study will be used and can be rearranged to accommodate different sized groups. Additional tables will also be purchased. In order to facilitate school reading assignments, books will be displayed by reading level in separate book spinners. These book spinners will also be purchased through the grant. With this grant, the use of study space will be enhanced.

A final report on the progress of the project is due from the Library Manager by September 5, 2015.

Previous Actions:

There has been no previous action on this grant request.

Options:

A. The Council can accept the approved grant and undertake the study area project.
B. Should Council wish not to proceed, the grant funds would likely be allotted to a different agency within the state.
C. Council can request additional information from staff.

Staff's Recommendation:

Discussion and possible action to: a) accept a Library Services and Technology Act Grant; and b) and approve a budget transfer in the amount of $6,705 from the Proposed Grant contingency account (7990-7990-570000) to the Office Equipment and Furniture program account (7280-7350-530016).

Fiscal Analysis:

Matching funds are not required for this grant. Any operational expense is expected to be incidental, and absorbed within the existing Library operation budget.

Narrative:

If approved, staff will request the appropriation from the State Library and anticipates the project will begin in August.

Exhibit 1: Letter of Appropriation

Contact Name and Number: Mary Roberts, 623-773-7557

ARIZONA STATE
LIBRARY, ARCHIVES AND PUBLIC RECORDS
A DIVISION OF THE ARIZONA SECRETARY OF STATE

Joan Clark, State Librarian & Director

PROVIDING ACCESS
Preserving Arizona
Arizona State Library, Archives and Public Records

May 1, 2014

Mary Roberts
Peoria Public Library
8401 West Monroe
Peoria, AZ 85345-6560

Dear Ms. Roberts:

I am pleased to inform you that the 2014 Library Services and Technology Act (LSTA) grant application "SML Formal Learning Support" has been approved by the Arizona State Library for partial funding in the total amount of $6,705.00.

The application submitted, along with criteria outlined in this letter, will be the only contractual documents necessary for the implementation of your project. Federal funds can only be used as stipulated in the grant guidelines and instructions (http://www.azlibrary.gov/libdev/funding/lsta), the application, and the enclosures with this letter. Projects may be monitored periodically by State Library staff.

As Legal Administrator, please sign and return the following enclosed documents:

- Non-Construction Assurances
- General Assurances and certifications
- Internet Safety Certification

Enclosed you will also find materials directly related to project management:

- The sheet called "Managing Your LSTA Grant Award" contains information on federal regulations, requesting your grant funds, acknowledging the Arizona State Library Archives and Public Records and the Institute of Museum and Library Services, and final reporting.
- A registration form for the May 20, 2014 Grant Recipient Workshop at the Carnegie Center in Phoenix should be completed and returned as soon as possible.

Note that all grant funds must be spent prior to August 3, 2015. Your final report is due by September 4, 2015.

Please return all signed documents to: Janet "Jaime" Ball, Grants Consultant • Carnegie Center • 1101 W. Washington St. • Phoenix, AZ 85007.

Jaime is responsible for the distribution of funds and ongoing administration of the grant award, including the final report. If you have any questions concerning your application or other supporting documents, please contact Jaime at jball@azlibrary.gov or call her at 602-926-3365 or 1-800-255-5841 statewide.

Sincerely,

Joan Clark

cc: Monique Clapp

STATE CAPITOL
1700 West Washington • Phoenix, Arizona 85007 • Home Page: http://www.azlibrary.gov/
Phone: (602) 926-4035 • FAX: (602) 256-7983 • E-Mail: jclark@azlibrary.gov
An Equal Opportunity Employer

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 16C

Date Prepared: **May 13, 2014** **Council Meeting Date: June 17, 2014**

TO: Carl Swenson, City Manager

FROM: John R. Sefton Jr., Community Services Director

THROUGH: Jeff Tyne, Deputy City Manager

SUBJECT: Library Services and Technology Act Grant – Main Library

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Purpose:

This is a request for City Council to accept a grant in the amount of $10,000 from the Library Services and Technology Act (LSTA) Grant administered by the State Library, Archives and Public Records for Science, Technology, Engineering, Arts, Mathematics (STEAM) Workshops for youth at the Main Library. This request also seeks authorization for the appropriate budget amendments.

Background/Summary:

LSTA grants are funded by the U.S. Institute of Museums and Library Services and are offered to Arizona libraries annually. LSTA funds are intended to assist libraries develop central roles as community builders and are used to promote investments in services to all libraries.

Science, Technology, Engineering, Mathematics (STEM) programming, was inspired by the President's "Educate to Innovate" Campaign. Interest and knowledge in math and the sciences are a national priority for US competitiveness in a global economy. The arts were added to target younger children using best practices recommended by Every Child Ready to Read. This facilitates the acquisition of complex vocabulary and language at an early age to support common core standards and literacy acquisition. A series of approximately 40 workshops will be presented by such organizations as the Arizona Science Center and Phoenix Center of the Arts. Twenty workshops will be presented for children in grade school with an additional 20 workshops focused on ages 13-18.

A final report on the progress of the project is due from the Library Manager by September 5, 2015.

Previous Actions:

There has been no previous action on this grant request.

Options:

A. The Council can accept the approved grant and undertake the STEAM Workshop project.
B. Should Council wish not to proceed, the grant funds would likely be allotted to a different agency within the state.
C. Council can request additional information from staff.

Staff's Recommendation:

Discussion and possible action to: a) accept a Library Services and Technology Act Grant; and b) approve a budget transfer in the amount of $10,000 from the Proposed Grant contingency account (7990-7990-570000) to the Community Promotions program account (7280-7350-522099).

Fiscal Analysis:

Matching funds are not required for this grant. Any operational expense is expected to be incidental, and absorbed within the existing Library operating budget.

Narrative:

If approved, staff will request the appropriation from the State Library and anticipates the workshops will begin in August.

Exhibit 1: Letter of Appropriation

Contact Name and Number: Mary Roberts, 623-773-7557

ARIZONA STATE
LIBRARY, ARCHIVES AND PUBLIC RECORDS
A DIVISION OF THE ARIZONA SECRETARY OF STATE

Joan Clark, State Librarian & Director

PROVIDING ACCESS
Preserving Arizona
Arizona State Library, Archives and Public Records

May 1, 2014

Mary Roberts
Peoria Public Library
8401 West Monroe
Peoria, AZ 85345-6560

Dear Ms. Roberts:

I am pleased to inform you that the 2014 Library Services and Technology Act (LSTA) grant application "STEAM Workshops" has been approved by the Arizona State Library for partial funding in the total amount of $10,000.00.

The application submitted, along with criteria outlined in this letter, will be the only contractual documents necessary for the implementation of your project. Federal funds can only be used as stipulated in the grant guidelines and instructions (http://www.azlibrary.gov/libdev/funding/lsta), the application, and the enclosures with this letter. Projects may be monitored periodically by State Library staff.

As Legal Administrator, please sign and return the following enclosed documents:

- Non-Construction Assurances
- General Assurances and certifications
- Internet Safety Certification

Enclosed you will also find materials directly related to project management:

- The sheet called "Managing Your LSTA Grant Award" contains information on federal regulations, requesting your grant funds, acknowledging the Arizona State Library Archives and Public Records and the Institute of Museum and Library Services, and final reporting.
- A registration form for the May 20, 2014 Grant Recipient Workshop at the Carnegie Center in Phoenix should be completed and returned as soon as possible.

Note that all grant funds must be spent prior to August 3, 2015. Your final report is due by September 4, 2015.

Please return all signed documents to: Janet "Jaime" Ball, Grants Consultant • Carnegie Center • 1101 W. Washington St. • Phoenix, AZ 85007.

Jaime is responsible for the distribution of funds and ongoing administration of the grant award, including the final report. If you have any questions concerning your application or other supporting documents, please contact Jaime at jball@azlibrary.gov or call her at 602-926-3365 or 1-800-255-5841 statewide.

Sincerely,

[redacted]

Joan Clark

cc: Katina Brodie

STATE CAPITOL
1700 West Washington • Phoenix, Arizona 85007 • Home Page: http://www.azlibrary.gov/
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CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 17C

Date Prepared: May 27, 2014 **Council Meeting Date:** June 17, 2014

TO: Carl Swenson, City Manager

FROM: William Mattingly, Public Works – Utilities Director

THROUGH: Jeff Tyne, Deputy City Manager

SUBJECT: Bureau of Reclamation City Parks Water Conservation Project

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Purpose:
Discussion and possible action to accept the grant award through United States Department of the Interior Bureau of Reclamation for City Parks Water Conservation Project grant agreement number R12AP32020 Mod 001 in the amount of $25,000. In addition, staff recommends approval of a budget adjustment in the amount of $30,373 from Proposed Grant contingency (7990-7990-570000) to BOR HOA Water Efficiency Grant Fund various accounts (7862-7812).

Background/Summary:
On July 2, 2012 the United States Department of the Interior Bureau of Reclamation informed the city that our proposal for HOAs Water Efficiency funding was approved for $25,000. Subsequently, the Bureau of Reclamation contacted the city to offer a continuation of the grant and an additional $25,000 to further our water conservation efforts. Our Community Services Department agreed to utilize the additional money by upgrading irrigation controllers within some of the city parks.

Previous Actions:
On December 4, 2012 council approved the original acceptance of the Bureau of Reclamation Home Owner Associations Water Efficiency Grant. This award is a continuation of that grant in which an additional $25,000 is awarded for the city to upgrade irrigation controllers within some of the city parks.

Options:

A: Accept the grant award through United States Department of the Interior Bureau of Reclamation for City Parks Water Conservation Project Mod 001 of grant agreement number R12AP32020.

B: The Council could decline the grant award from the Bureau of Reclamation.

Staff's Recommendation:
Staff recommends that the Mayor and Council accept the grant award through United States Department of the Interior Bureau of Reclamation in the amount of $25,000 for City Parks Water Conservation Project Mod 001 grant agreement number R12AP32020.

Fiscal Analysis:
In addition, staff recommends approval of a budget adjustment in the amount of $30,373 from Proposed Grant contingency (7990-7990-570000) to the BOR HOA Water Efficiency Grant Fund various accounts (7862-7812).

Community Promotions (7862-7812-522099)	$19,999
Landscape Supplies & Equipment (7862-7812-530014)	$10,374

This transfer will establish appropriation to expend the balance of funds from the original grant award of $5,373 plus the new $25,000 continuation award.

Narrative:
Acceptance of the grant of $25,000 will allow the City to provide water management and conservation measures at City parks that will improve water efficiencies. This is an important component of sustaining water resources in the west.

Exhibit(s):

Exhibit 1: Grant Agreement – R12AP32020 Mod 001

Contact Name and Number: William Mattingly, Public Works – Utilities Director, 623-773-5151

Bureau of Reclamation Form, 7-2279
01-2013

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
ASSISTANCE AGREEMENT

1A. AGREEMENT NUMBER	1B. MOD NUMBER	2. TYPE OF AGREEMENT	3. CLASS OF RECIPIENT
R12AP32020	001	☒ GRANT ☐ COOPERATIVE AGREEMENT	City or Township Government

4. ISSUING OFFICE

Bureau of Reclamation
Lower Colorado Region
P.O. Box 61470
Boulder City, NV 89006-1460

5. RECIPIENT

City of Peoria
8401 West Monroe Street
Peoria, Arizona 85345

EIN #:	866003634	County:	Maricopa
DUNS #:	809812170	Congress. Dist:	02

6. GRANTS MANAGEMENT SPECIALIST

Linda K. Howell – LC 10106
Bureau of Reclamation
Phoenix, Area Office
6150 West Thunderbird Road
Glendale, Arizona 85306
Phone: 623-773-6283 Email: lhowell@usbr.gov

7. RECIPIENT PROJECT MANAGER

Mr. Michael Buettner
Water Resources and Environmental Manager
City of Peoria
8401 West Monroe Street
Peoria, Arizona 85345
Phone: 623-773-7357 Email: Michael.buettner@peoriaaz.gov

8. GRANTS OFFICER TECHNICAL REPRESENTATIVE

Lynne A. Fisher – PXAO 7000
Bureau of Reclamation
Phoenix, Area Office
6150 West Thunderbird Road
Glendale, Arizona 85306
Phone: 623-773-6273 Email: lfisher@usbr.gov

9A. INITIAL AGREEMENT EFFECTIVE DATE:

September 19, 2012

9B. MODIFICATION EFFECTIVE DATE:

See Block 17a

10. COMPLETION DATE

March 31, 2014

11A. PROGRAM STATUTORY AUTHORITY

Public Law 111-11, Omnibus Public Lands Management Act of 2009, Section 9504 (a)

11B. CFDA Number

15.530

12. FUNDING INFORMATION	RECIPIENT/OTHER	RECLAMATION
Total Estimated Amount of Agreement	$59,148.00	$50,000.00
This Obligation	$26,111.00	$25,000.00
Previous Obligation	$33,037.00	$25,000.00
Total Obligation	$59,148.00	$50,000.00
Cost-Share %	54%	46%

13. REQUISITION NUMBER

13320700006

14A. ACCOUNTING AND APPROPRIATION DATA

Cost Authority: A10-1971-6200-200-54-0-0
Budget Org: 3207000
Object Class: 411G

14B. TREASURY ACCOUNT FUNDING SYMBOL

14X0680

15. PROJECT TITLE

HOA Water Efficiency Through Implementation of Recent Conservation Technology

16a. Acceptance of this Assistance Agreement in accordance with the terms and conditions contained herein is hereby made on behalf of the above-named recipient

BY: _____

DATE: _____

17a. Award of this Assistance Agreement in accordance with the terms and conditions contained herein is hereby made on behalf of the United States of America, Department of the Interior, Bureau of Reclamation

BY: _____

DATE: _____

16b. NAME, TITLE, AND TELEPHONE NUMBER OF SIGNER

Carl Swenson
City Manager
623-773-7572

☐ Additional signatures are attached

17b. NAME OF GRANTS OFFICER

Shawna M. Thompson
Grants Officer
702-293-8570

A. PURPOSE OF THIS MODIFICATION:

The purpose of this modification is to add funding to upgrade additional irrigation controllers as outlined in section B of this modification.

B. ADJUSTMENT OF AGREEMENT SCOPE OF WORK AND/OR BUDGET:

As authorized in section 7.6 Changes, the following changes will be made as a result of this modification:

There are two phases to increasing the irrigation efficiency of the Division's 32 neighborhood parks. The first phase includes the upgrade of early generation Calsense brand controllers (the ET, ET1, and ET2000) to the latest generation of smart irrigation controllers. The smart irrigation controllers incorporate evergreen technology which will eliminate the need for future controller upgrades. All future controller technological advances will be able to function in unison. Upgrading the 12 parks that currently utilize early generation Calsense brand controllers will cost the Division approximately $25,516.

The second phase includes the upgrade of outdated Rain Bird and Irritrol brand irrigation controllers. Because these controllers do not currently have the required master valve wiring in place, the cost to convert to a more technologically advanced irrigation controller is significant. An assessment of remaining parks that need to be converted to the smart irrigation controllers reveals that Monroe, Terramar, and Sonoron Mountain Ranch Parks are the best candidates for conversion based on annual water consumption and location of controller wiring with respect to irrigation main line. Upgrading these parks will cost the Division approximately $25,995. This equates to about $8,665.00 per park, which includes purchase of the controller, antenna, communication module, and necessary cables and hardware.

C. ADJUSTMENT OF THE TOTAL ESTIMATED AMOUNT:

As a result of this modification, the total estimated amount of the Agreement is increased by $25,000 from $25,000 to $50,000.

D. NOTICE OF CHANGE IN FUNDS OBLIGATED:

As a result of this modification, the total amount of funding obligated for this Agreement is increased by $25,000 from $25,000 to $50,000.

E. ADJUSTMENT IN THE PERIOD OF PERFORMANCE:

As a result of this modification, the period of performance is unchanged and expires on March 31, 2014.

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 18C

Date Prepared: April 29, 2014 **Council Meeting Date: May 20, 2014**

TO: Carl Swenson, City Manager

FROM: John R. Sefton Jr., Community Services Director

THROUGH: Jeff Tyne, Deputy City Manager

SUBJECT: Purchase and Installation of Scoreboards on Practice Fields

---

Purpose:

This is a request for City Council to a) authorize an expenditure not to exceed $50,000 from the Sports Complex General Admission Surcharge Reserves Fund for the improvement of complex facilities and b) authorize a budget transfer in the amount of $50,000 to make the purchase.

Background/Summary:

As part of the renewed Sports Facilities Use Agreements with the Seattle Mariners and San Diego Padres, a Non-General Admission Surcharge of $.50 per ticket is funding an improvement account. These funds are to be used for improvements specific to the complex and are at the city's discretion.

In planning for the Stadium to host the professional soccer program, the Teams agreed to relocate the play of the rookie ball games to the Major League Practice Fields. To facilitate this arrangement, the teams suggested scoreboards be installed at practice fields. Staff supports the team recommendations of the scoreboards and related practice field improvements.

Previous Actions:

There has been no previous Council action on this item.

Options:

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

A. Approve the expenditure from the Sports Complex GA Surcharge Reserve account and a budget transfer for purchase and installation of scoreboards on two Major League Practice Fields.

B. Deny the expenditure from the aforementioned surcharge account, and thus deny the purchase and installation of scoreboards on two Major League Practice Fields.

Staff's Recommendation:

Staff recommends that City Council approve the expenditure from the improvement account and a budget transfer for purchase and installation of scoreboards.

Fiscal Analysis:

A budget authorization adjustment in the amount of $50,000 is requested from the General Fund Contingency account (1000-0300-570000) to the Sports Complex GA Surcharge Other Professional Services Account (2003-2023-520099). Funds are available for this project in the Sports Complex GA Surcharge Reserves Fund.

The total impact of the purchase and installation of two scoreboards will be approximately $25,000 as the teams have agreed to contribute toward cost for the scoreboard addition.

Exhibit(s): None

Contact Name and Number: Chris Calcaterra, 623-773-8703

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 19C

Date Prepared: May 28, 2014 **Council Meeting Date: June 17, 2014**

TO: Carl Swenson, City Manager

FROM: George Anagnost, Presiding Judge

THROUGH: Brenda Jordan, Court Administrator

SUBJECT: Fixed Term Judicial Assistant position

Purpose:

This is a request for City Council to authorize a fixed term Judicial Assistant position in the Peoria Municipal Court to be funded from the Municipal Court Allocation Fund for Collections and Case Clean-up.

Background/Summary:

The Supreme Court Administrative Office of the Courts (AOC) has approved the FY15 Municipal Court Allocation Fill the Gap (MFTG) spending plan submitted by the Peoria Municipal Court. For the reasons that follow, the Court is requesting council to authorize a fixed term Judicial Assistant position.

1. Improve collection rate and increase enforcement of court orders requiring payment of monetary penalties and obligations.
2. Improve reliability and integrity of case files by examining completeness and accuracy of case file content with the AZTEC case management system to reflect all documents filed and case disposition.

Options:

A: Council could authorize the use of the Municipal Court Allocation Fund for a fixed term Judicial Assistant position in the Peoria Municipal Court with the AOC approved FY15 Municipal Court Allocation Fill the Gap (MFTG) spending plan.

B: Council could decline to authorize a budget transfer.

Staff's Recommendation:

Discussion and possible action to: a) Authorize a fixed term Judicial Assistant position in the Peoria Municipal Court to be funded from the Municipal Court Allocation Fund for Collections and Case Clean-up. b) Approve a budget transfer in the amount of $55,209 from Proposed Grants Fund Contingency Account (7990-7990-570000) to the Municipal Court Allocation Fund Personnel Account (8061-8061-510000).

Fiscal Analysis:

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

Narrative:
Approve one Fixed Term Judicial Assistant position with salary/benefits of $55,209. The purpose of this position is to perform specialized work to improve court performance for collections and case clean-up of receivable balances of FARE (Fines, Fees and Restitution Enforcement) disqualified report. This position aligns with the court's objectives to improve, maintain and enhance the ability to collect and manage monies assessed and received by the court.

This request does not include any request for computer equipment for the position as the court currently has the equipment to support the position.

Exhibit 1: AOC Approval of FY15 Municipal Court Allocation Fill the Gap (MFTG) Spending Plan

Contact Name and Number:

MUNICIPAL FILL THE GAP (MFTG) APPLICATION

A. APPLICANT INFORMATION

1. COURT NAME: PEORIA MUNICIPAL COURT

2. CONTACT PERSON: BRENDA JORDAN

3. TITLE: COURT ADMINISTRATOR

4. ADDRESS (STREET, CITY, STATE, ZIP): 8401 W MONROE ST, PEORIA, AZ 85345

5. PHONE: 623-773-7401

6. FAX: 623-773-7407

7. E-MAIL ADDRESS: BJORDAN@COURTS.AZ.GOV

B. BUDGET INFORMATION

8. PROJECT TITLE: TEMPORARY STAFF FOR COLLECTIONS AND CASE CLEAN UP

9. BEGIN DATE: 7/1/2014 END DATE OR DATE OF PURCHASE: 6/30/2015

10. AMOUNT REQUESTED $ 55,209.00 | MFTG BALANCE $ 204,881.81 | AS OF: 3/31/2014 (CERTIFY WITH LOCAL FINANCE)

11. OTHER ACTIVE APPROVED GRANTS FOR MFTG (STATE $ AMOUNT):

12. THE COURT'S MUNICIPAL FILL THE GAP FUNDS ARE REQUESTED FOR:

- [X] ENHANCEMENT OF COLLECTIONS AND MONEY MANAGEMENT
- [X] IMPROVEMENT TO COURT AUTOMATION
- [X] IMPROVEMENT TO CASE PROCESSING
- [X] IMPROVEMENT TO ADMINISTRATION OF JUSTICE

13. [X] NEW REQUEST | [ ] CONTINUE PROJECT – TIME & $ | [ ] CONTINUE PROJECT – ADDITIONAL STAFF | GPT # | [ ] EXTEND PROJECT MORE TIME NO ADDITIONAL FUNDS | GPT #

C. PROJECT/PURCHASE INFORMATION

14. BRIEF DESCRIPTION OF PROJECT OR ITEM TO BE PURCHASED.

The Peoria Municipal Court is requesting the use of the court's Municipal Fill the Gap Funds in the amount of $55,208.00 for the addition of one full time Judicial Assistant position from July 1, 2014 to June 30, 2015. This request does not include any request for computer equipment for the position as the court currently has the equipment to support the position. The purpose of this project is to add one additional employee to perform specialized work to improve case processing and court performance for collections and case clean up of negative receivables of the FARE disqualified report.

15. DESCRIBE THE NEED FOR THIS PROJECT OR ITEM AND HOW THE EXPENDITURE OF THESE MONIES WILL ADDRESS THE NEED.

This position aligns with the court's objectives to improve, maintain and enhance the ability to collect and manage monies assessed or received by the court, including restitution, fines and civil penalties, improving court collection activity to increase enforcement of court orders requiring payment of monetary penalties and obligations.

The court has a backlog of cases requiring case clean up to accurately reflect accurate accounting and reliable case information in AZTEC and improve the court automation information, day to day court operations and fairness of Judicial decisions.

16. LIST THE PROJECT'S PERFORMANCE MEASURES. (NOTE: NOT REQUIRED IF MONIES USED FOR PURCHASES SUCH AS EQUIPMENT OR FEES)

Improve Reliability and Integrity of Case Files: Examining completeness and accuracy of case file content with AZTEC to reflect all documents filed and case disposition. Complete case clean up to ensure accurate clearance rate of the number of outgoing cases as a percentage of the number of incoming cases to dispose cases in a timely manner; to avoid backlog of cases and assist with conversion to the upcoming new court case management system. (CourTools M6)

Enhance Collection of Monetary Penalties: Improve collection rate and increase enforcement of court orders requiring payment of monetary penalties and obligations. (CourTools M7)

D. BUDGET

PERSONNEL	$	55,209.00
PROFESSIONAL SERVICES	$	
TRAVEL	$	
OTHER OPERATIING	$	
OFFICE EQUIPMENT	$	
COMPUTER EQUIPMENT	$	
TOTAL	$	55,209.00

E. SIGNATURES OF SUBMITTING PARTIES

	4/16/14		
PRESIDING JUDGE OR MAGISTRATE	DATE	PRESIDING JUDGE OF THE SUPERIOR COURT IN THE APPLICANT'S COUNTY	DATE
George Anagnost			
PLEASE PRINT NAME		PLEASE PRINT NAME	

RETURN COMPLETE APPLICATION AND SEND TO:
JERRI MEDINA, GRANT SPECIALIST
COURT SERVICES DIVISION
ADMINISTRATIVE OFFICE OF THE COURTS
1501 W. WASHINGTON, SUITE 410
PHOENIX, AZ 85007

Supreme Court

STATE OF ARIZONA
ADMINISTRATIVE OFFICE OF THE COURTS

Rebecca White Berch
Chief Justice

David K. Byers
Administrative Director
of the Courts

May 5, 2014

Ms. Brenda Jordan
Court Administrator
Peoria Municipal Court #0750
8401 W Monroe St
Peoria, AZ 85345

RE: FY15 Municipal Court Allocation Fill the Gap (MFTG) Spending Plan
Temp Staff for Collections & Case Clean-up
GPT #1507MFTG01 **Request Amount: $55,209.00**
Approved Amount: $55,209.00

Ms. Jordan:

Congratulations! The Administrative Office of the Courts (AOC) has approved the spending plan submitted by the Peoria Municipal Court. The approved request in the amount of $ 55,209.00 will be used to pay for temporary staff for fiscal year 2015, to address the backlog of cases that require case clean-up and collections. This approval is contingent upon the availability of Municipal Court Allocation FTG funds. In the event that the court's MFTG funds are insufficient to support the approved request, there is no obligation or approval to provide state funds.

A Final Status Report is required and due on August 15,2015 or forty-five days after the project expiration date, June 30, 2015. The status report should include a response to the following performance measure:

- ✓ Improve reliability and integrity of case files by examining completeness and accuracy of case file content with AZTEC to reflect all documents filed and case disposition. Submit time to disposition report on FY14 vs. FY15.
- ✓ Improved collection rate and increase enforcement of court orders requiring payment of monetary penalties and obligations showing FY14 vs. FY15 collections report.

If you have any questions, please do not hesitate to contact me at (602) 452-3931 or send an e-mail to jemedina@courts.az.gov.

Sincerely,

Jerri Medina, Grant Specialist
Arizona Supreme Court
Court Services Division

ec: Honorable Norman J. Davis, Presiding Judge of the Superior Court of Maricopa County
Honorable George Anagnost, Judge

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 20C

Date Prepared: May 19, 2014 **Council Meeting Date: June 17, 2014**

TO: Carl Swenson, City Manager

FROM: Scott Whyte, Economic Development Services Director

THROUGH: Susan J. Daluddung, Deputy City Manager

SUBJECT: Deeds and Easements, Various Locations

Purpose:

This is a request for City Council to adopt a Resolution accepting Deeds and Easements for various Real Property interests acquired by the City. The deeds and easements have been recorded by the Maricopa County Recorder's Office and this process will formally accept them into the system.

Background/Summary:

The City of Peoria periodically acquires a number of property interests including deeds, roadway dedications and various types of easements. All documents are reviewed for accuracy and recorded. A Resolution to accept these documents has been prepared, which lists each document by recording number and provides information related to each so the property interest to be accepted can be identified.

Previous Actions:

This is an ongoing process which occurs when we have acquired a number of real property interests.

Options:

A: Approve the adoption of the Resolution accepting Deeds and Easements into our system.

B: Deny adoption of the Resolution that formally accepts the Deeds and Easements into our system, resulting in the City not having an official record of what has been transferred to the City through recordation in the Maricopa County Recorder's office.

Staff's Recommendation:

Staff recommends the adoption of a Resolution accepting Deeds and Easements for various Real Property interests acquired by the City and previously recorded by the Maricopa County Recorder's Office to ensure completeness of the process.

Fiscal Analysis:

There is no fiscal impact to the City.

Narrative:

This Resolution includes Real Property interests acquired since the adoption of the previous acceptance resolution. The acceptance of the Resolution by City Council would bring the deeds and easements into our system and is the final step in the process.

Exhibit(s):

Exhibit 1: Resolution

Contact Name and Number: Rebecca Zook, Deputy Director, EDS, (623) 773-7589

RESOLUTION NO. 2014-110

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA ADOPTING A RESOLUTION FORMALLY ACCEPTING DEEDS AND EASEMENTS FOR PROPERTY RIGHTS CONVEYED TO THE CITY OF PEORIA.

WHEREAS**,** the real estate interests hereinafter referenced have been conveyed to the City of Peoria;

WHEREAS**,** it is to the advantage of the City of Peoria to accept said real property interests; and

WHEREAS, the City has determined that acquisition of these property interests is in the interest of the public health, safety and welfare.

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

SECTION 1. That the following real property interests are hereby accepted by the City of Peoria and referenced by the recording number issued by the Maricopa County Recorder's Office.

Reittinger Custom Home
Mary Janet Klass & Thomas Joseph Reittinger II
EASEMENT FOR PUBLIC UTILITIES
Maricopa County Recording No. 20140300558
(Project No. R1303802/ Deed 14-020)

[redacted] N. 87th Avenue

Lizard Trails
Beverly Lee Lorvig
EASEMENT FOR PUBLIC SEWER LINE
Maricopa County Recording No. 20140329293
(Project No. R130082/ Deed 14-024)

LPP/William North of
Sunset Ranch

SECTION 2. Public Easement and Land Rights

That the Mayor and Council accept the deeds and public easements transferred to the City of Peoria as described herein.

SECTION 3. Recording Authorized

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

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Arizona, this 17th day of June 2014.

_____
Bob Barrett, Mayor

ATTEST:

_____
Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

_____
Stephen M. Kemp, City Attorney

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 21C

Date Prepared: April 29, 2014 **Council Meeting Date: June 17, 2014**

TO: **Carl Swenson, City Manager**

FROM: **Scott Whyte, Economic Development Services Director**

THROUGH: **Susan J. Daluddung, Deputy City Manager**

SUBJECT: **Final Plat, Caballos Del Rio, Happy Valley Road and 76th Drive (Project No. R130043)**

Purpose:

This is a request for City Council to approve a Final Plat of Caballos Del Rio, located on Happy Valley Road and 76th Drive, 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 Sunrise Water Company's water service area. This final

plat creates a total of 38 new lots. All internal roadways are private and will be maintained by the HOA.

Previous Actions:

The preliminary plat was reviewed by the City and completed in May 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

FINAL PLAT
FOR
"CABALLOS DEL RIO"

A SUBDIVISION OF A PORTION OF THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 4 NORTH, RANGE 1 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, CITY OF PEORIA, MARICOPA COUNTY, ARIZONA

DEDICATION
STATE OF ARIZONA
COUNTY OF MARICOPA
KNOW ALL MEN BY THESE PRESENTS:
THAT SHEA HOMES LIMITED PARTNERSHIP, AS OWNER, HAS SUBDIVIDED UNDER THE NAME OF "CABALLOS DEL RIO" A PORTION OF THE EAST HALF OF SECTION 11, TOWNSHIP 4 NORTH, RANGE 1 EAST, OF THE GILA & SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, AND HEREBY PUBLISHES THIS PLAT AS AND FOR THE PLAT OF SAID "CABALLOS DEL RIO" AND HEREBY DECLARES THAT SAID PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSION OF THE LOTS, STREETS, TRACTS, PARCELS, AND EASEMENTS CONSTITUTING SAME, AND THAT EACH LOT, STREET, TRACT, PARCEL, AND EASEMENT SHALL BE KNOWN BY THE NUMBER, NAME OR LETTER GIVEN EACH RESPECTIVELY ON SAID PLAT, AND THAT SHEA HOMES LIMITED PARTNERSHIP, AS OWNER, HEREIN DEDICATES:

A. A PUBLIC UTILITY EASEMENT, PUBLIC WATER EASEMENT, CITY OF PEORIA SEWER EASEMENT, INGRESS AND EGRESS FOR REFUSE COLLECTION, AND EMERGENCY AND SERVICE TYPE VEHICLES ACCESS ARE HEREBY DEDICATED OVER TRACT "A".

PUBLIC UTILITY EASEMENTS (PUE) ARE DEDICATED TO THE CITY OF PEORIA FOR USE AS SUCH, THE MAINTENANCE OF LANDSCAPING WITH THE RIGHT OF WAY SHALL BE THE RESPONSIBILITY OF THE FRONTING PROPERTY OWNER.
TRACT "A" SHALL BE OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION AND SHALL BE UTILIZED FOR PRIVATE STREET PURPOSES. AS SUCH, THE STREETS ARE FOR A LIMITED CLASS OF USERS (I.E., THE LOT OWNERS, THEIR GUESTS AND INVITEES), RATHER THAN FOR PUBLIC USE. AT NO TIME SHALL THE HOMEOWNERS ASSOCIATION DEDICATE TRACT "A" (I.E., THE PRIVATE STREETS) TO THE PUBLIC UNTIL SUCH TIME AS ALL LOT OWNERS (I.E., 100%) VOTE UNANIMOUSLY TO APPROVE SUCH STREET BEING DEDICATED TO PUBLIC USE, AND SUCH DEDICATION IS APPROVED AND ACCEPTED BY THE CITY. IF THE DEDICATION OF SUCH STREETS TO THE PUBLIC IS APPROVED BY ALL THE LOT OWNERS (I.E., 100%) AND IS APPROVED AND ACCEPTED BY THE CITY, THE CITY WILL REQUIRE (AS A CONDITION TO ITS APPROVAL AND ACCEPTANCE), THAT SUCH STREET SHALL BE UPGRADED TO THE CURRENT CITY STANDARDS.
TRACT "A" AND "B" ARE DESIGNATED FOR DRAINAGE EASEMENTS. EASEMENTS WILL BE MAINTAINED BY THE "CABALLOS DEL RIO HOMEOWNERS ASSOCIATION."

B. TRACTS "B", "C", "D", "E", "F", "G", "H" AND "I" ARE DESIGNATED AS OPEN SPACES, DRAINAGE EASEMENTS, AND UTILITY EASEMENT AS DESCRIBED ON SAID PLAT. SAID TRACTS ARE TO BE OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION.

C. TO THE CITY OF PEORIA AN EASEMENT FOR MAINTENANCE OF LANDSCAPING, RETENTION AND DRAINAGE FACILITIES ON TRACTS "B", "C", "D", "E", "F", "G", "H" AND "I". THIS EASEMENT MAY BE EXERCISED BY THE CITY OF PEORIA AT SUCH TIME THAT THE HOMEOWNERS ASSOCIATION FAILS TO EXIST AND PROVIDE THE REQUIRED MAINTENANCE AND OPERATION OF THE LANDSCAPING, RETENTION AND DRAINAGE FACILITIES. AS LONG AS THE HOMEOWNERS ASSOCIATION IS IN EXISTENCE, IT WILL BE RESPONSIBLE FOR PROVIDING ALL MAINTENANCE OF LANDSCAPING, RETENTION AND DRAINAGE FACILITIES, REGARDLESS OF THE DEDICATION OF THE EASEMENT.

D. A SEWER EASEMENT TO THE CITY OF PEORIA, AN ARIZONA MUNICIPAL CORPORATION, IN MARICOPA COUNTY, ARIZONA, ITS SUCCESSORS AND ASSIGNS, A PERMANENT AND PERPETUAL EASEMENT FOR THE FOLLOWING PURPOSES, NAMELY: THE RIGHT TO ENTER UPON FOR CONSTRUCTION, MAINTENANCE, OPERATION AND REPLACEMENT OF A SEWER LINE OVER, UNDER, AND ACROSS TRACT "A" AND TRACT "K" SITUATED IN THE COUNTY OF MARICOPA, STATE OF ARIZONA.
TO HAVE AND TO HOLD SAID EASEMENT UNTO THE CITY OF PEORIA A MUNICIPAL CORPORATION OF MARICOPA COUNTY, ARIZONA AND UNTO ITS SUCCESSORS AND ASSIGNS FOREVER, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS TO PERMIT THE CONSTRUCTION, OPERATION AND MAINTENANCE, AND REPLACEMENT OF PUBLIC SEWER LINES. AS REFERRED TO IN NOTES 1, 2, 3, AND 4.
AND THE GRANTOR HEREBY COVENANTS THAT IT IS LAWFULLY SEIZED AND POSSESSED ON THIS AFOREMENTIONED TRACT OR PARCEL OF LAND; THAT IT HAS 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.

NOTES:
1. THE SAID EASEMENT TO INCLUDE THE RIGHT TO CUT BACK AND TRIM SUCH PORTION OF THE BRANCHES AND TOPS OF THE TREES NOW GROWING OR THAT MAY HEREAFTER GROW UPON THE ABOVE DESCRIBED PREMISES, AS MAY EXTEND OVER SAID EASEMENT, SO AS TO PREVENT THE SAME FROM INTERFERING WITH THE EFFICIENT MAINTENANCE AND OPERATION OF SAID POWER LINES.
2. THE CITY OF PEORIA SHALL NOT BE RESPONSIBLE FOR REPLACING ANY LANDSCAPING OR ANY IMPROVEMENT PLACED IN THE EASEMENT BY GRANTOR OR ITS SUCCESSORS OR ASSIGNS, EXCEPT AS NOTED HEREIN.
3. THE CITY OF PEORIA WILL MAKE REASONABLE EFFORTS TO PROMPTLY RESTORE ASPHALT CONCRETE PAVEMENT SURFACES.
4. GRANTOR, ITS SUCCESSORS OR ASSIGNS AT ITS SOLE COST, SHALL BE RESPONSIBLE FOR PROMPTLY REPLACING ANY LANDSCAPING OR IMPROVEMENT(S) PLACED IN THE EASEMENT BY GRANTOR OR ITS SUCCESSORS OR ASSIGNS.
IN THE EVENT THE RIGHT, PRIVILEGE AND EASEMENT HEREIN GRANTED SHALL BE ABANDONED AND PERMANENTLY CEASE TO BE USED FOR THE PURPOSES HEREIN GRANTED ALL RIGHTS HEREIN GRANTED SHALL CEASE AND REVERT TO THE GRANTORS, THEIR HEIRS OR ASSIGNS.

E. A PRIVATE WATER LINE EASEMENT TO THE SUNRISE WATER COMPANY, ITS SUCCESSORS, AND ASSIGNS, A PERMANENT AND PERPETUAL EASEMENT FOR THE FOLLOWING PURPOSES, NAMELY: THE RIGHT TO ENTER UPON FOR CONSTRUCTION, MAINTENANCE, OPERATION AND REPLACEMENT OF PRIVATE WATER LINES ON, OVER, UNDER, AND ACROSS TRACT "A" AND TRACT "K". TO HAVE AND TO HOLD SAID EASEMENTS UNTO SUNRISE WATER COMPANY AN UNTO ITS SUCCESSORS AND ASSIGNS FOREVER, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS TO PERMIT THE CONSTRUCTION, OPERATION AND MAINTENANCE, AND REPLACEMENT OF PRIVATE WATER LINES.

F. A TRAIL EASEMENT SHALL BE DEDICATED OVER A PORTION OF TRACT "B". SAID TRACT IS TO BE OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION.

SHEA HOMES LIMITED PARTNERSHIP, A CALIFORNIA LIMITED PARTNERSHIP:
AS OWNER,

BY:_____

TITLE:_____

BY:_____

TITLE:_____

ACKNOWLEDGMENT:
STATE OF ARIZONA
COUNTY OF MARICOPA

ON THIS THE ____ DAY OF _____ 2014; BEFORE ME THE UNDERSIGNED NOTARY PUBLIC, PERSONALLY APPEARED DAVID GARCIA AND ACKNOWLEDGED HIMSELF TO BE THE REPRESENTATIVE OF SHEA HOMES AN ARIZONA LIMITED AN ARIZONA LIMITED LIABILITY COMPANY, AND BEING DULY AUTHORIZED SO TO DO EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES HEREIN CONTAINED.

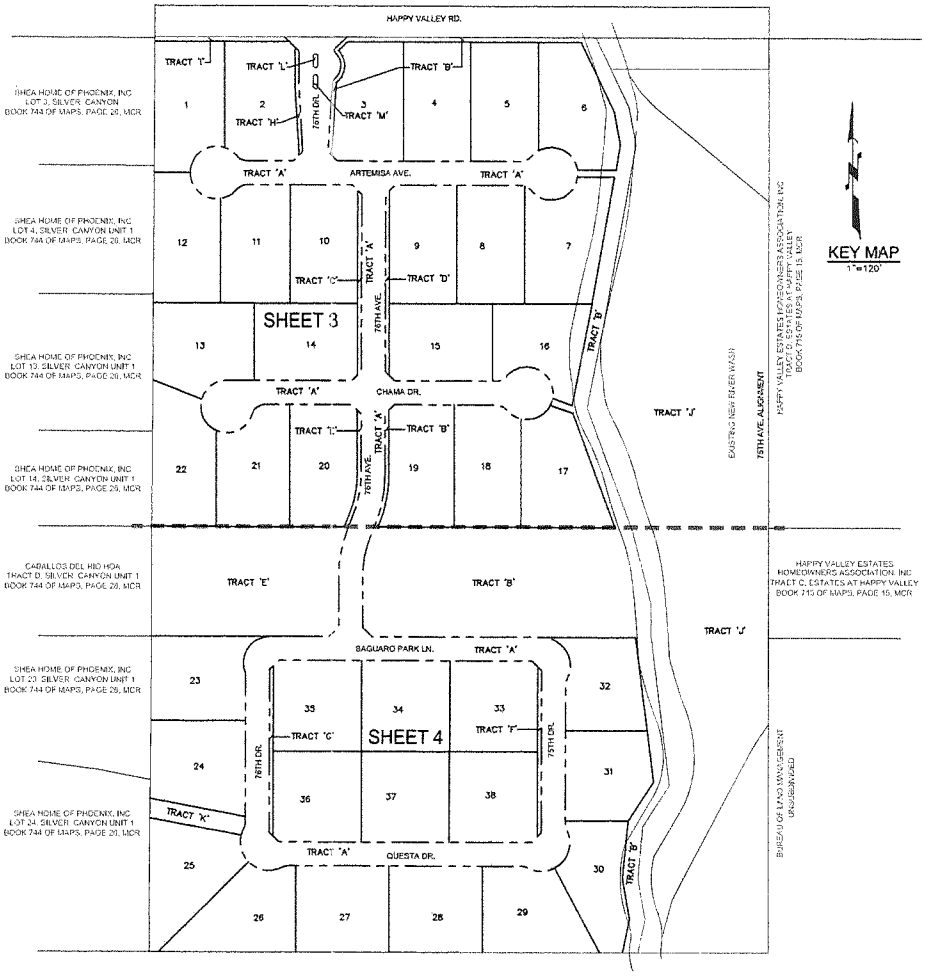
IN WITNESS WHEREOF
I HERE UNTO SET MY HAND & OFFICIAL SEAL

BY:_____ _____
NOTARY PUBLIC MY COMMISSION EXPIRES

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THE PLAT AND SUBDIVISION OF THE PREMISES DESCRIBED AND PLATTED HEREIN WERE MADE UNDER MY SUPERVISION DURING THE MONTH OF AUGUST, 2013, AND THIS PLAT REPRESENTS THE SURVEY MADE. I FURTHER CERTIFY ALL EXTERIOR BOUNDARY MONUMENTS SHOWN HEREON ACTUALLY EXIST AND THEIR LOCATION, SIZE AND MATERIAL ARE ACCURATELY SHOWN AND ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

BY: [redacted] DATE: 02/25/14
COLIN D. HARVEY
REGISTERED LAND SURVEYOR #42017
461 E. DARTMOUTH
CASA GRANDE, ARIZONA 85222
(520) 876-4786



KEY MAP
1"=120'

DEVELOPER
SHEA HOMES LIMITED PARTNERSHIP
8800 N. GAINEY CENTER DRIVE, STE 250
SCOTTSDALE, ARIZONA 85258
PH: 480-348-6000
FAX: 480-948-8397

ENGINEER
KINETIX ENGINEERING & CONSULTATION
4215 E. MCDOWELL ROAD
STE 212
MESA, AZ 85215
PHONE: 480-582-1485
FAX: 480-582-1485
ATTN: DAVID M. BOHN

SURVEYOR
HARVEY LAND SURVEYING, INC.
461 EAST DARTMOUTH DRIVE
CASA GRANDE, ARIZONA 85122
PHONE: 520-876-4786
ATTN: COLIN D. HARVEY

SITE DATA

GROSS AREA	58.594 AC
NET AREA	56.880 AC
TOTAL LOTS	:38 LOTS
GROSS RES DENSITY	:0.61 DU/AC
NET. RES DENSITY	:0.64 DU/AC
EXISTING ZONING	:SR-35 (V13-0001)
MIN LOT AREA	:35,000 SF
AVERAGE LOT AREA	:38,333 SF
MINIMUM LOT DIM	:125'
AVERAGE LOT DIM	:150'x250'

SHEET INDEX

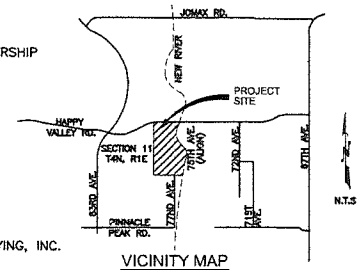
1.....COVER SHEET
2.....LEGAL DESCRIPTION
3-4.....FINAL PLATS

APPROVALS
APPROVED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ARIZONA.
THIS _____ DAY OF _____2014

MAYOR DATE

ATTEST, CITY CLERK DATE

CITY ENGINEER DATE



VICINITY MAP
N.T.S

BENCHMARK
4" MARICOPA COUNTY ENGINEERING BRASS CAP IN HANDHOLE FOUND AT THE INTERSECTION OF 83RD AVENUE & CALLE LEJOS, ALSO BEING THE WEST CORNER OF SECTION 11, TOWNSHIP 04 NORTH, RANGE 01 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.
ELEVATION = 1333.85' (CITY OF PEORIA DATUM)

BASIS OF BEARING
THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 04 NORTH, RANGE 01 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA
BEARING S00°02'19"E. (ASSUMED BEARING)

UTILITIES

WATER	: SUNRISE WATER COMPANY
SEWER	: CITY OF PEORIA
REFUSE	: CITY OF PEORIA
FIRE PROTECTION	: CITY OF PEORIA
POLICE PROTECTION	: CITY OF PEORIA
ELECTRIC	: ARIZONA PUBLIC SERVICE
TELEPHONE	: CENTURY LINK COMMUNICATIONS
GAS	: SOUTHWEST GAS CORPORATION
CABLE TV	: COX COMMUNICATIONS

SRP NOTE:
ALL PROPOSED INSTALLATIONS/ACTIVITIES WITHIN THE SRP EASEMENT (RECORDED IN DOCKET 4443 PAGE 338, OFFICIAL RECORDS OF MARICOPA COUNTY, AZ.) REQUIRE PRIOR REVIEW/WRITTEN APPROVAL BY SALT RIVER PROJECT.

FLOOD ZONE
1. FLOOD ZONE X - ZONE 'X' IS DEFINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY AS: AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN.
2. FLOOD ZONE AE - ZONE 'AE' PER F.E.M.A. PANEL NO. 04013C1255L, REVISED OCTOBER 16, 2013, IS DEFINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY AS: SPECIAL FLOOD HAZARD AREAS INUNDATED BY 100-YEAR FOR WHICH BASE FLOOD ELEVATIONS HAVE BEEN DETERMINED.

NOTES
1. MINIMUM LOT AREAS ARE REDUCED FOR LOTS 16, 30, 31, AND 32 PER V13-0001.

2. HOMES WITH BASEMENTS ARE NOT PERMITTED NEXT TO THE FLOODPLAIN (LOTS 6, 7, 17, 30, 31, AND 32) UNLESS FURTHER ANALYSIS BY A GEOTECHNICAL ENGINEER / STRUCTURAL ENGINEER DEMONSTRATES ADEQUATE DISTANCE FROM THE FLOODPLAIN AND THE INTEGRITY OF THE STRUCTURE.

3. NO STRUCTURES OTHER THAN A PERIMETER WALL SHALL BE CONSTRUCTED WITHIN THE LIMITS OF THE EROSION SETBACK.

CONSENT OF LIENHOLDER
KNOW ALL MENT BY THESE PRESENTS:

THE UNDERSIGNED, AS BENEFICIARY UNDER THAT CERTAIN DEED OF TRUST RECORDED AUGUST 17, 2011, AS INSTRUMENT NO.2011-0568248 OF THE OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA, WHICH WAS AMENDED TO CORRECT THE NAME OF THE TRUSTOR AND ADD SECTION NUMBERS THAT CERTAIN DEED OF TRUST RECORDED JUNE 1, 2012, AS INSTRUMENT NO.2012-0472328 OF THE OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA, HEREBY CONSENT TO AND JOIN IN THAT CERTAIN FINAL PLAT OF "CABALLOS DEL RIO", AND AGREE THAT SUCH PLAT AND THE EASEMENTS SHOWN THEREON AND DEDICATED AS SUCH SHALL BE SUPERIOR TO, AND HAVE PRIORITY OVER, THE ABOVE-DESCRIBED DEED OF TRUST.

WELLS FARGO BANK, NATIONAL ASSOCIATION

BY:_____

NAME:_____
ITS: MANAGER

CITY OF PEORIA PROJECT NUMBER R130043

Harvey Land Surveying, Inc.
461 E. Dartmouth Dr.
Casa Grande, Arizona 85122
(520) 876-0212

REVISIONS

COVER SHEET
PROJECT: CABALLOS DEL RIO
CITY OF PEORIA, MARICOPA COUNTY, ARIZONA

Job No.	12180
Drawn By	KMK
Checked	DB
1st Submittal	
2nd Submittal	
3rd Submittal	

CALL TWO WORKING DAYS BEFORE YOU DIG
(602) 263-1100
1-800-STAKE-IT
(ALL OUTSIDE MARICOPA COUNTY)

JOB NO.
12180
12180CVR01.DWG
SHEET NO.
1
1 OF 4

LOT AREA TABLE

LOT NO	SQ.FT.	ACRES
1	37080.86 SF	0.851
2	36799.7 SF	0.844
3	35001.72 SF	0.803
4	35000.2 SF	0.803
5	35012.45 SF	0.803
6	35117.52 SF	0.806
7	39757.13 SF	0.912
8	34998.11 SF	0.803
9	35000.03 SF	0.803
10	35000.16 SF	0.803
11	35374.58 SF	0.812
12	35251.71 SF	0.809
13	36846.74 SF	0.845
14	35000 SF	0.803
15	35000 SF	0.803
*16	31073.19 SF	0.713
17	36276.03 SF	0.833
18	35000.52 SF	0.804
19	35634.65 SF	0.818
20	35000.74 SF	0.803
21	35016.51 SF	0.803
22	36045.93 SF	0.827
23	35200.6 SF	0.808
24	36236.44 SF	0.831
25	35555.45 SF	0.816
26	35107.43 SF	0.806
27	35173.05 SF	0.807
28	35117.58 SF	0.806
29	35043.63 SF	0.804
*30	30245.18 SF	0.694
*31	31898.5 SF	0.732
*32	31000.82 SF	0.712
33	35001.81 SF	0.804
34	35000.09 SF	0.803
35	35000.1 SF	0.803
36	35000.1 SF	0.803
37	35000.09 SF	0.803
38	35001.81 SF	0.804

*REDUCE LOT AREA BELOW 35,000 SQUARE FEET APPROVED BY THE CITY OF PEORIA BOARD OF ADJUSTMENT FOR LOTS 16, 30, 31, AND 32 THROUGH V13-0001.

LEGAL DESCRIPTION

CABALLOS DEL RIO

THAT PART OF THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 4 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 11;

THENCE SOUTH 00 DEGREES 02 MINUTES 19 SECONDS EAST ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 11 FOR A DISTANCE OF 130.00 FEET;

THENCE CONTINUE SOUTH 00 DEGREES 02 MINUTES 19 SECONDS EAST ALONG SAID EAST LINE FOR A DISTANCE OF 1840.31 FEET TO THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 11;

THENCE NORTH 89 DEGREES 58 MINUTES 08 SECONDS WEST ALONG SAID NORTH LINE FOR A DISTANCE OF 1295.00 TO THE WEST LINE OF THE EAST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 11;

THENCE NORTH 00 DEGREES 17 MINUTES 40 SECONDS EAST ALONG SAID WEST LINE FOR A DISTANCE OF 1916.12 FEET;

THENCE NORTH 00 DEGREES 17 MINUTES 40 SECONDS EAST FOR A DISTANCE OF 65.00 FEET;

THENCE SOUTH 89 DEGREES 53 MINUTES 20 SECONDS EAST ALONG A LINE PARALLEL TO THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 11 FOR A DISTANCE OF 1283.82 FEET TO THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 11 AND TO THE POINT OF BEGINNING.

TRACT TABLE

NAME	USE	AREA
TRACT 'A'	PRIVATE ROAD/WATER, SEWER AND STORM DRAIN	267,168 SQ. FT.
TRACT 'B'	LANDSCAPE/CABLE, ELECTRIC, GAS AND TELEPHONE TRAIL EASEMENT	201,189 SQ. FT.
TRACT 'C'	LANDSCAPE/PUE	3,025 SQ. FT.
TRACT 'D'	LANDSCAPE/PUE	3,025 SQ. FT.
TRACT 'E'	LANDSCAPE/PUE	92,487 SQ. FT.
TRACT 'F'	LANDSCAPE	2,784 SQ. FT.
TRACT 'G'	LANDSCAPE	2,784 SQ. FT.
TRACT 'H'	LANDSCAPE	1,747 SQ. FT.
TRACT 'I'	LANDSCAPE/CABLE, ELECTRIC, GAS AND TELEPHONE	2,762 SQ. FT.
TRACT 'J'	FLOOD ZONE	531,315 SQ. FT.
TRACT 'K'	PUE EMERGENCY ACCESS	7,998 SQ. FT.
TRACT 'L'	LANDSCAPE	244 SQ. FT.
TRACT 'M'	LANDSCAPE	244 SQ. FT.

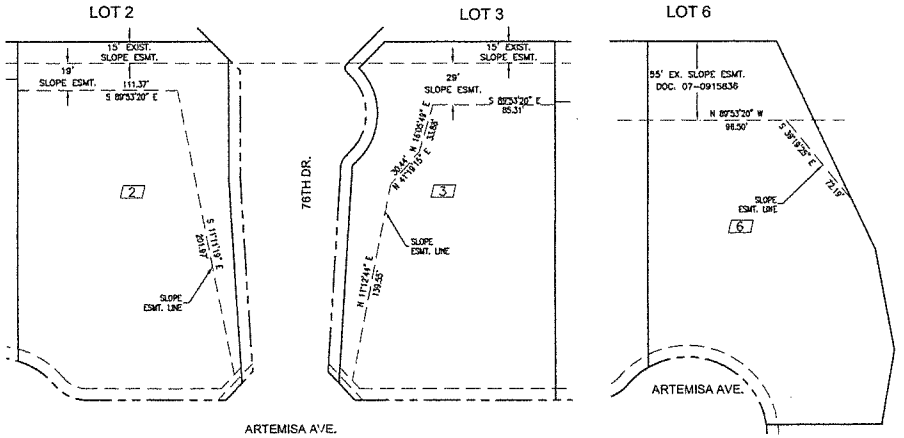
NOTES:

1. THIS SUBDIVISION IS SUBJECT TO A MAINTENANCE IMPROVEMENT DISTRICT (MID 1153).
2. NO CONSTRUCTION OF ANY KIND SHALL BE CONSTRUCTED OR PLACED WITHIN THE UTILITY EASEMENTS, EXCEPT UTILITIES, WOOD, WIRE, OR REMOVABLE SECTION TYPE FENCING, AND / OR PAVING, NOR ANY PLANTING EXCEPT GRASS. IT SHALL FURTHER BE UNDERSTOOD THAT THE CITY OF PEORIA SHALL NOT BE REQUIRED TO, REPLACE ANY OBSTRUCTION OR PLANTING MAY MUST BE REMOVED DURING THE COURSE OF MAINTENANCE, CONSTRUCTION OR RECONSTRUCTION.
3. ALL NEW AND EXISTING UTILITY, ELECTRICAL FACILITIES LESS THE 69 KVA, CABLE TV., TELECOMMUNICATIONS FIBER OPTICS, CELLULAR, GAS, ETC., SHALL BE INSTALLED UNDERGROUND AS PART OF THE STREET IMPROVEMENTS.
4. MAINTENANCE OF SURFACE AND UNDERGROUND DRAINAGE FACILITIES WITHIN ALL TRACTS, EASEMENTS AND RIGHTS-OF-WAY SHALL BE THE RESPONSIBILITY OF THE HOMEOWNERS ASSOCIATION.
5. ALL LOT CORNERS SHALL BE MONUMENTED WITH ½" REBAR AND CAPPED OR TAGGED BEARING THE REGISTRATION NUMBER OF THE SURVEYOR RESPONSIBLE FOR THEIR PLACEMENT.
6. SIGNS, FENCES, WALLS, UTILITY BOXES, STRUCTURES, SHRUBS, HEDGES OR OTHER PLANTS, BUT EXCLUDING TREES OVER 30 INCHES IN HEIGHT SHALL NOT BE PERMITTED WITHIN VIEW EASEMENT OR THE SIGHT DISTANCE TRIANGLES. NO LIMBS, LEAVES, NEEDLES OR OTHER FOLIAGE ABOVE 30 INCHES IN HEIGHT OR BELOW 84 INCHES ARE PERMITTED. TREES ARE TO BE PLANTED SO % OF THE VISIBILITY WHEN AS NOT TO OBSTRUCT 20 COMBINED WITH OTHER OBSTRUCTIONS.
7. THIS SUBDIVISION IS LOCATED WITHIN THE SUNRISE WATER COMPANY SERVICE AREA AND HAS BEEN DESIGNATED AS HAVING A 100-YEAR ASSURED WATER SUPPLY.
8. THIS SUBDIVISION IS LOCATED WITHIN THE CITY OF PEORIA SEWER SERVICE AREA.
9. THIS SUBDIVISION IS LOCATED WITHIN THE VICINITY OF A MILITARY AIRPORT.
10. THIS SUBDIVISION IS LOCATED IN THE DESIGNATED TRUCK ROUTE. HAPPY VALLEY ROAD IS DESIGNATED AS A TRUCK ROUTE BY THE CITY OF PEORIA.
11. THIS SUBDIVISION IS LOCATED IN THE VICINITY OF A ROCK QUARRY (GRAVEL OPERATION).
12. NO STRUCTURE OF ANY KIND MAY BE CONSTRUCTED OR ANY VEGETATION BE PLANTED OR BE ALLOWED TO GROW WITHIN THE DRAINAGE EASEMENT OR TRACT WHICH WOULD IMPEDE THE FLOW OF WATER OVER, UNDER, OR THOROUGH THE EASEMENT OR TRACT.
13. AN ASSOCIATION, INCLUDING ALL PROPERTY OWNERS IN THE DEVELOPMENT, WILL BE FORMED AND HAVE THE RESPONSIBILITY FOR MAINTAINING ALL COMMON AREAS TO BE NOTED AS "TRACTS" OR EASEMENT (INCLUDING LANDSCAPED AREAS AND DRAINAGE FACILITIES) IN ACCORDANCE WITH APPROVED PLANS.
14. THIS SUBDIVISION HAS A REDUCED LEVEL OF STREETLIGHTING. ANY FUTURE ADDITIONAL STREETLIGHTING WILL BE AT THE EXPENSE OF THE ABUTTING PROPERTY OWNERS NOT AT CITY EXPENSE.
15. RESTORATION OF THE GRADE OF TRACTS "B" AND "J" THAT IS IMPACTED BY THE ERODING BANKS OF NEW RIVER ARE THE RESPONSIBILITY OF THE HOME OWNERS ASSOCIATION.
16. VIEW FENCING SHALL BE PROVIDED BETWEEN LOTS 24 AND 25.
17. FRONT YARD ORIENTATION FOR LOTS 14 AND 15 SHALL BE ON CHAMA DRIVE.

LEGEND

	RIGHT OF WAY (R/W)
	BOUNDARY LINE
	LOT LINE
12	LOT NUMBER
	STREET CENTERLINE MONUMENTATION, SET BRASS CAP PER M.A.C. STD. DET. 120-1 TYPE "B". TO BE USED IN PAVED AREAS
	SET OR FOUND MONUMENT PER M.A.G. STD. DET. 120-1 TYPE "C" (CORNER OF SUBDIVISION)
	FOUND OR SET MONUMENT AT SECTION OR 1/4 CORNER PER M.A.G. STD. DET. 120-1 TYPE "A"
	EROSION SETBACK/FLOODWAY LINE
	100-YR FLOODPLAIN LIMIT
	SECTION LINE
	EXISTING EASEMENT
OVE	UNOBSTRUCTED VIEW EASEMENT
FND.	FOUND
NVAE	NON-VEHICLE ACCESS EASEMENT
MCR	MARICOPA COUNTY RECORDER
	EXISTING GAS EASEMENT

SLOPE EASEMENT DETAIL - SEE SHEET 3



CITY OF PEORIA PROJECT NUMBER R130043

Harvey Land Surveying, Inc.
461 E. Dartmouth Dr.
Casa Grande, Arizona 85122
(520) 876-0212

REVISIONS

LEGAL DESCRIPTION

PROJECT: CABALLOS DEL RIO
CITY OF PEORIA, MARICOPA COUNTY, ARIZONA

Job No.	12180
Drawn By	KHE
Checked	DD
1st Submittal	
2nd Submittal	
3rd Submittal	

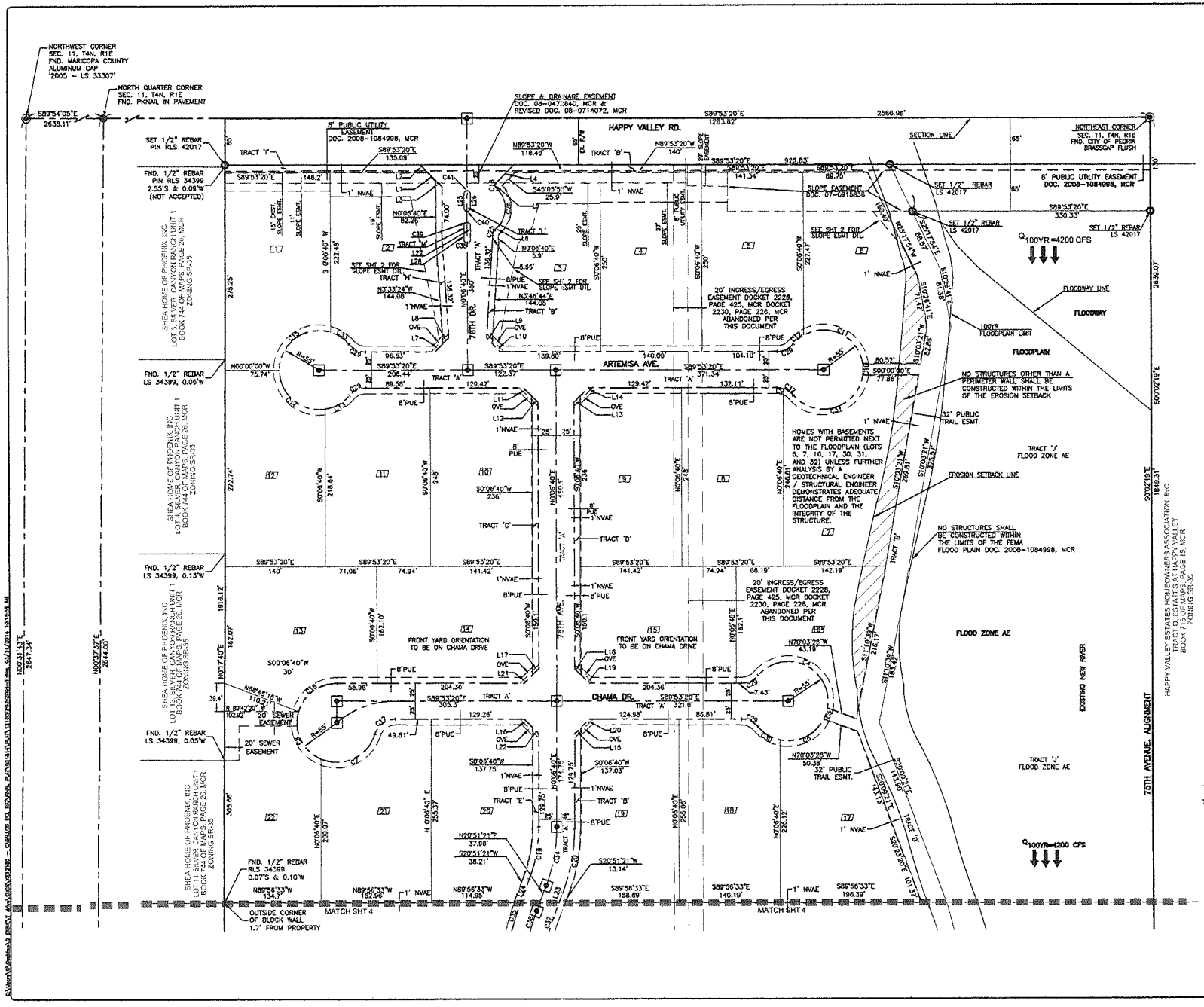
CALL TWO WORKING DAYS BEFORE YOU DIG (602) 263-1100 1-800-STAKE-IT (OUTSIDE MARICOPA COUNTY)

JOB NO. 12180

12180LD02.DWG

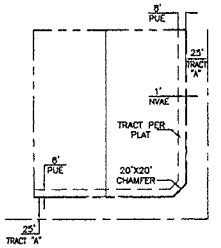
SHEET NO. 2

2 OF 4

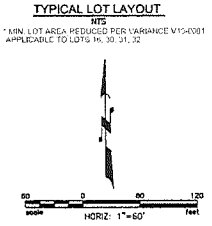


LINE TABLE		
LINE	BEARING	DISTANCE
L1	N44°53'20"W	16.97'
L2	N44°53'20"W	14.14'
L3	N44°53'20"W	11.31'
L4	N43°04'33"E	36.20'
L5	N45°00'00"W	3.81'
L6	S45°13'20"W	5.52'
L7	S43°16'38"W	16.40'
L8	S43°16'38"W	10.97'
L9	N43°03'18"W	10.97'
L10	N43°03'18"W	16.40'
L11	N44°53'20"W	16.97'
L12	N44°53'20"W	11.31'
L13	S45°06'40"W	11.31'
L14	S45°06'40"W	16.97'
L15	S45°06'40"W	11.31'
L16	N44°53'20"W	16.97'
L17	N45°06'40"E	11.31'
L18	N44°53'20"W	11.31'
L19	N44°53'20"W	16.97'
L20	S45°06'40"W	16.97'
L21	N45°06'40"E	16.97'
L22	N44°53'20"W	11.31'
L23	N20°51'21"E	18.18'
L24	N20°51'21"E	35.17'
L25	N00°06'40"E	20.00'
L26	N00°06'40"E	20.00'
L27	N00°06'40"E	20.00'
L28	N00°06'40"E	20.00'

CURVE DATA				
CURVE	RADIUS	LENGTH	DELTA	CHORD
C4	55.00'	144.55'	150°34'58"	106.40'
C5	55.00'	15.05'	15°40'40"	15.00'
C6	55.00'	72.40'	75°25'3"	67.26'
C7	55.00'	92.51'	96°22'20"	81.98'
C8	55.00'	79.35'	82°39'30"	72.64'
C9	30.00'	9.16'	17°29'53"	9.12'
C10	55.00'	15.05'	15°40'30"	15.00'
C11	55.00'	107.64'	112°6'13"	91.27'
C12	55.00'	18.81'	19°35'18"	18.72'
C13	55.00'	39.23'	40°54'24"	38.44'
C14	55.00'	94.71'	98°39'43"	83.43'
C15	55.00'	103.10'	107°24'30"	88.66'
C16	3.02'	6.01'	90°13'30"	5.41'
C17	30.00'	38.17'	72°53'43"	35.65'
C18	55.00'	70.91'	73°51'53"	66.10'
C19	205.00'	74.22'	20°44'41"	73.82'
C20	230.00'	89.81'	20°10'47"	89.35'
C21	12.50'	8.82'	40°24'28"	8.63'
C26	37.50'	58.34'	89°8'28"	52.63'
C29	30.00'	26.01'	49°40'47"	25.21'
C30	55.00'	36.17'	37°40'56"	35.52'
C31	55.00'	126.67'	131°57'12"	100.47'
C32	30.00'	16.85'	32°11'23"	16.63'
C33	55.00'	31.06'	32°22'57"	30.67'
C34	230.00'	83.27'	20°44'41"	82.82'
C35	295.00'	107.08'	20°47'54"	106.50'
C36	270.00'	98.01'	20°47'54"	97.47'
C37	245.00'	88.93'	20°47'54"	88.45'
C38	4.50'	14.14'	180°00'00"	9.00'
C39	4.50'	14.14'	180°00'00"	9.00'
C40	4.50'	14.14'	180°00'00"	9.00'
C41	4.50'	14.14'	180°00'00"	9.00'



TYPICAL LOT LAYOUT
NTS
* MIN. LOT AREA REDUCED PER VARIANCE V13-0081 APPLICABLE TO LOTS 16, 30, 31, 32



CITY OF PEORIA PROJECT NUMBER R130043

Harvey Land Surveying, Inc.
461 E. Dartmouth Dr.
Casa Grande, Arizona 85122
(520) 876-0212

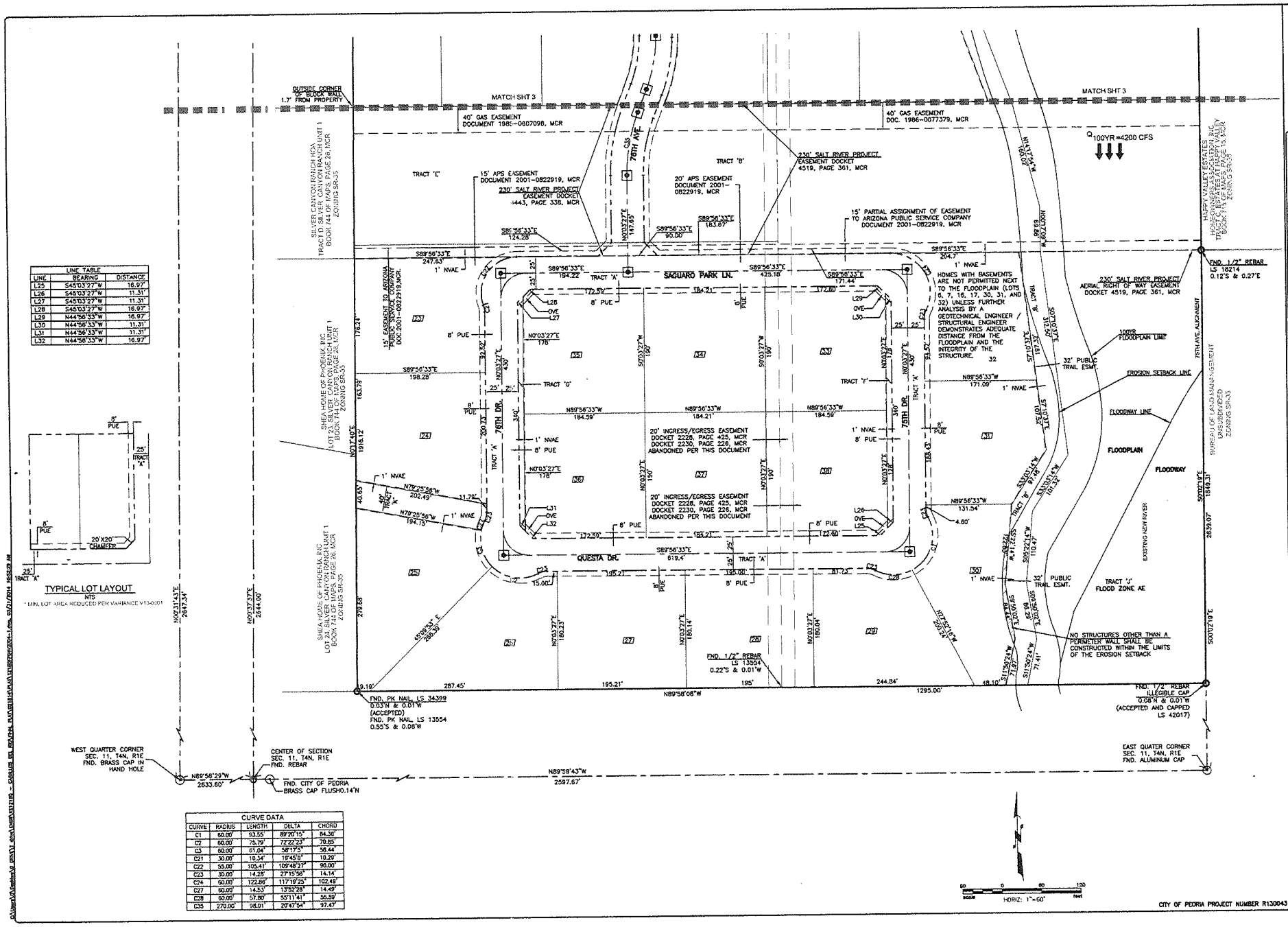
REVISIONS

FINAL PLAT

PROJECT: CABALLOS DEL RIO
CITY OF PEORIA, MARICOPA COUNTY, ARIZONA

CALL THE BLUE STAKE, INC. BEFORE YOU DIG (602) 263-1100 1-800-STAKE-IT (OUTSIDE MARICOPA COUNTY)

JOB NO. 12180
12180FP03.DWG
SHEET NO. 3
3 OF 4



LINE TABLE		
LINE	BEARING	DISTANCE
L25	S45°03'27"W	16.97'
L26	S45°03'27"W	11.31'
L27	S45°03'27"W	11.31'
L28	S45°03'27"W	16.97'
L29	N44°56'33"W	16.97'
L30	N44°56'33"W	11.31'
L31	N44°56'33"W	11.31'
L32	N44°56'33"W	16.97'

CURVE DATA				
CURVE	RADIUS	LENGTH	DELTA	CHORD
C1	60.00'	93.55'	89°20'15"	84.36'
C2	60.00'	75.79'	72°22'23"	70.85'
C3	60.00'	61.04'	58°17'5"	58.44'
C21	30.00'	10.34'	19°45'0"	10.29'
C22	55.00'	105.41'	109°48'27"	90.00'
C23	30.00'	14.28'	27°15'56"	14.14'
C24	60.00'	122.86'	117°19'25"	102.49'
C27	60.00'	14.53'	13°52'28"	14.49'
C28	60.00'	57.80'	55°11'41"	55.59'
C35	270.00'	98.01'	20°47'54"	97.47'

CITY OF PEORIA PROJECT NUMBER R130043

Harvey Land Surveying, Inc.
461 E. Dartmouth Dr.
Casa Grande, Arizona 85122
(520) 876-0212

REVISIONS

FINAL PLAT

PROJECT:

CABALLOS DEL RIO

CITY OF PEORIA, MARICOPA COUNTY, ARIZONA

Job No. 12180
Drawn By KMS
Checked HH
Set Submitted
Set Submitted
Set Submitted

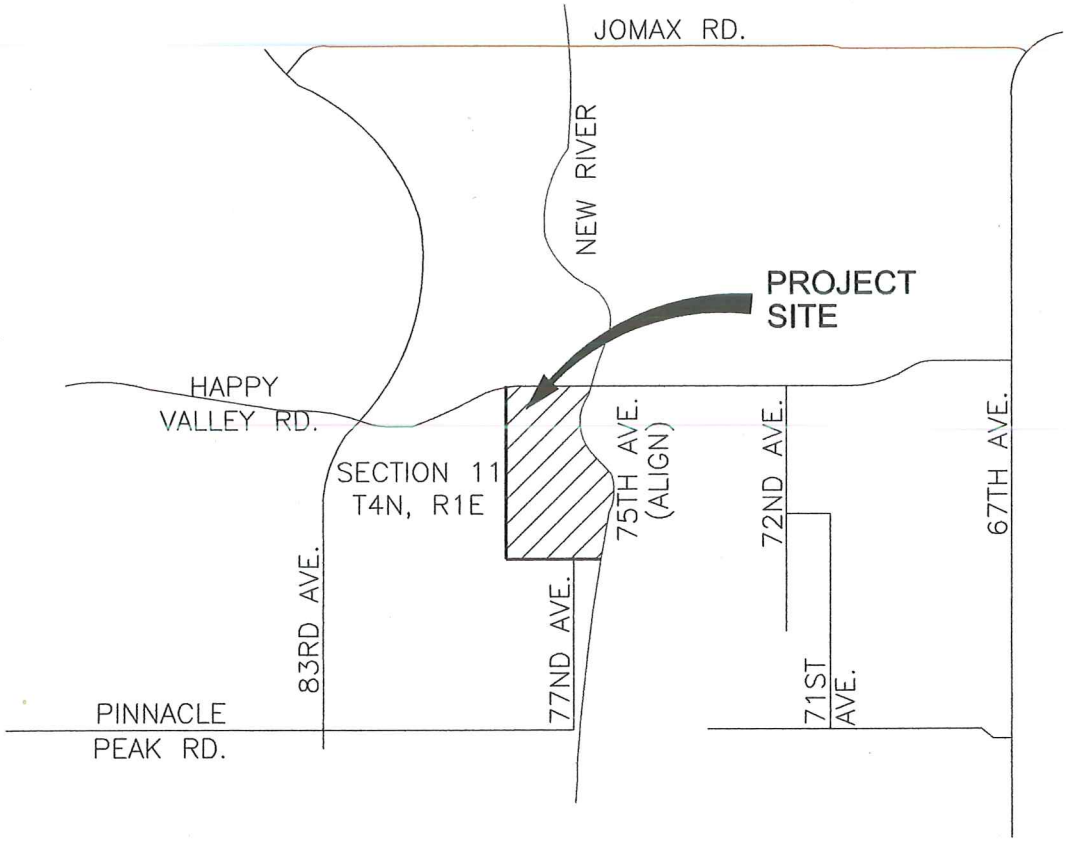
CALL THE NUMBERS BELOW BEFORE YOU DIG
(602) 263-1100
1-800-STAKE-IT
OUTSIDE MARICOPA COUNTY

JOB NO. 12180

12180FP04.DWG

SHEET NO. 4

4 OF 4



N.T.S

KINETIX ENGINEERING & CONSULTATION
4215 E McDOWELL ROAD
STE 212 MESA
ARIZONA 85215
PHONE: 480.582.1485
FAX: 480.582.1485

VICINITY MAP

"CABALLOS DEL RIO"
CITY OF PEORIA
MARICOPA COUNTY, ARIZONA
JOB #: 12180

FIGURE
1

Agenda Item: 22C

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Date Prepared: May 6, 2014 **Council Meeting Date: June 17, 2014**

TO: **Carl Swenson, City Manager**

FROM: **Scott Whyte, Economic Development Services Director**

THROUGH: **Susan J. Daluddung, Deputy City Manager**

SUBJECT: **Final Plat, Candeo School, Calle Lejos and Lake Pleasant Parkway (Project No. R130076)**

Purpose:

This is a request for City Council to approve a Final Plat of Candeo School, located on Calle Lejos and Mariposa Grande, 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 school use. This final plat combines two existing parcels into one to allow for school expansion. The necessary ROW for the adjacent public roadways is being dedicated.

This development is located within the City's water\sewer service area.

Previous Actions:

There have been no previous actions.

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 hinder the school from expanding their campus.

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

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 school to move forward in their expansion.

Exhibit(s):

Exhibit 1: Final Plat

Exhibit 2: Vicinity Map

Contact Name and Number:

Jodi Breyfogle, PE: 623-773-7577

FINAL PLAT
OF
"CANDEO SCHOOL"

BEING A PORTION OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 4 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA.

DEDICATION:

STATE OF ARIZONA)
) SS
COUNTY OF MARICOPA)

KNOW ALL MEN BY THESE PRESENTS:

THAT ARIZONA CHARTER SCHOOL FUND, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, AS OWNER, DOES HEREBY PUBLISH THIS "CANDEO SCHOOL" OVER A PORTION OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 4 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, AS SHOWN AND PLATTED HEREON AND HEREBY PUBLISHES THIS PLAT AS, AND FOR, THE PLAT OF SAID "CANDEO SCHOOL" AND HEREBY DECLARES THAT SAID PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF THE LOT, TRACTS, EASEMENTS AND STREETS CONSTITUTING SAME, AND THAT EACH LOT, TRACT AND STREET SHALL BE KNOWN BY THE NUMBER, LETTER OR NAME GIVEN TO EACH RESPECTIVELY ON SAID PLAT AND HEREBY DEDICATES TO THE CITY OF PEORIA FOR USE, AS SUCH, THE STREETS AS SHOWN ON THE SAID PLAT AND INCLUDED IN THE ABOVE DESCRIBED PREMISES. EASEMENTS ARE DEDICATED FOR THE PURPOSES SHOWN.

ARIZONA CHARTER SCHOOL FUND, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, AS OWNER, HEREBY DEDICATES TO THE CITY THE CALLE LEJOS, MARIPOSA GRANDE, AND LAKE PLEASANT PARKWAY RIGHTS OF WAY AS SHOWN HEREON, FOR THE USE AS (A) PUBLIC STREETS, AND (B) ANY AND ALL PUBLIC SEWER, WATER, GAS, ELECTRIC AND ANY OTHER UTILITY SERVICES. LANDSCAPING WITHIN THE CALLE LEJOS, MARIPOSA GRANDE, AND LAKE PLEASANT PARKWAY RIGHTS OF WAY SHALL BE MAINTAINED BY THE FRONTING PROPERTY OWNER. ARIZONA CHARTER SCHOOL FUND, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, HEREBY WARRANTS TO THE CITY THE TITLE TO SAID RIGHTS OF WAY AS SHOWN HEREON, AGAINST THE CLAIMS OF ALL PERSONS WHOMSOEVER.

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

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

ARIZONA CHARTER SCHOOL FUNDING, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, DO HEREBY GRANT TO THE CITY OF PEORIA, AN ARIZONA MUNICIPAL CORPORATION, IN MARICOPA COUNTY, ARIZONA, ITS SUCCESSORS, AND ASSIGNS, A PERMANENT, PERPETUAL AND EXCLUSIVE UTILITIES EASEMENT FOR THE FOLLOWING PURPOSES, NAMELY: THE RIGHT TO ACCESS AND ENTER UPON, OVER, ACROSS, AND UNDER THE SURFACE, FOR ACCESS, CONSTRUCTION, MAINTENANCE, OPERATION AND REPLACEMENT OF WATERLINES OVER, UNDER, AND ACROSS THE PARCEL AS REFLECTED ON THE PLAT SITUATED IN THE COUNTY OF MARICOPA, STATE OF ARIZONA.

TO HAVE AND TO HOLD THE SAID EASEMENT UNTO CITY OF PEORIA, A MUNICIPAL CORPORATION OF MARICOPA COUNTY, ARIZONA AND UNTO ITS SUCCESSORS AND ASSIGNS FOREVER, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS TO PERMIT THE CONSTRUCTION, OPERATION, MAINTENANCE, AND REPLACEMENT OF WATERLINES SUBJECT TO NOTES 1, 2, 3 AND 4.

AND THE GRANTOR HEREBY COVENANTS THAT IT IS LAWFULLY SEIZED AND POSSESSED ON THIS AFOREMENTIONED TRACT OR PARCEL OF LAND; THAT IT HAS 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.

NOTES:

1. THE SAID EASEMENT TO INCLUDE THE RIGHT TO CUT BACK AND TRIM SUCH PORTION OF THE BRANCHES AND TOPS OF THE TREES NOW GROWING OR THAT MAY HEREAFTER GROW UPON THE ABOVED DESCRIBED PREMISES, AS MAY EXTEND OVER SAID EASEMENT, SO AS TO PREVENT THE SAME FROM INTERFERING WITH THE EFFICIENT MAINTENANCE AND OPERATION OF SAID UTILITY LINES.

2. THE CITY OF PEORIA SHALL NOT BE RESPONSIBLE FOR REPLACING ANY LANDSCAPING OR ANY IMPROVEMENT PLACED IN THE EASEMENT BY GRANTOR OR ITS SUCCESSORS OR ASSIGNS, EXCEPT AS NOTED HEREIN.

3. THE CITY OF PEORIA WILL MAKE REASONABLE EFFORTS TO PROMPLY RESTORE ASPHALT CONCRETE PAVEMENT SURFACES.

4. GRANTOR, ITS SUCCESSORS OR ASSIGNS AT ITS SOLE COST, SHALL BE RESPONSIBLE FOR PROMPTLY REPLACING ANY LANDSCAPING OR IMPROVEMENT(S) PLACED IN THE EASEMENT BY GRANTOR OR ITS SUCCESSORS OR ASSIGNS.

IN THE EVENT THE RIGHT, PRIVILEGE AND EASEMENT HEREIN GRANTED SHALL BE ABANDONED AND PERMANENTLY CEASE TO BE USED FOR THE PURPOSES HEREIN GRANTED ALL RIGHTS HEREIN GRANTED SHALL CEASE AND REVERT TO THE GRANTORS, THEIR HEIRS OR ASSIGNS.

IN WITNESS WHEREOF: ARIZONA CHARTER SCHOOL FUND, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, AS OWNER, HAS CAUSED ITS COMPANY NAME TO BE AFFIXED AND THE SAME TO BE ATTESTED TO BY THE SIGNATURE OF THE UNDERSIGNED MANAGER THEREUNTO DULY AUTHORIZED THIS 5 DAY OF May, 2014.

BY: ARIZONA CHARTER SCHOOL FUND, LLC, AN ARIZONA LIMITED LIABILITY COMPANY

BY: [redacted]
Stephanie Musser MANAGER

ACKNOWLEDGEMENT:

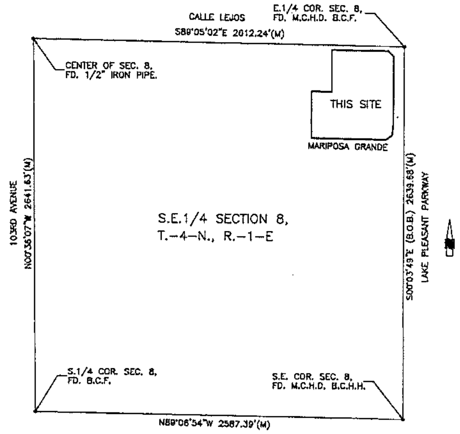
STATE OF ARIZONA)
) SS
COUNTY OF MARICOPA)

DAVID NUNOT
Notary Public - Arizona
Maricopa County
My Comm. Expires Dec. 23, 2015

BEFORE ME THIS 5th DAY OF May 2014 ____ THE UNDERSIGNED, PERSONALLY APPEARED Stephanie Musser WHO ACKNOWLEDGED HIMSELF TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE INSTRUMENT WITHIN, AND WHO EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED.

IN WITNESS WHEREOF: I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

BY: [redacted] 12/23/2015
NOTARY PUBLIC MY COMMISSION EXPIRES



VICINITY MAP
N.T.S.

NOTES:

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

APPROVALS:

APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA,
THIS DAY ______ OF ______________, 2014

APPROVED BY: ______________ MAYOR ______ DATE

ATTESTED BY: ______________ CITY CLERK ______ DATE

APPROVED BY: ______________ CITY ENGINEER ______ DATE

LEGAL DESCRIPTION:

A portion of the Northeast quarter of the Southeast quarter of Section 8, Township 4 North, Range 1 East, Gila and Salt River Meridian, Maricopa County, Arizona, being more particularly described as follows:

BEGINNING at a brass cap flush found marking the East quarter corner of said Section 8, from which a brass cap (in hand hole) found marking the Southeast corner of said Section 8, bears South 00 degrees 03 minutes 49 seconds East, 2639.68 feet;
THENCE South 00 degrees 03 minutes 49 seconds East, along the East line of said Northeast quarter of the Southeast quarter of Section 8, a distance of 487.35 feet to the beginning of a curve with a radius of 1432.39 feet to the right;
THENCE southwesterly, along the arc of said curve, through a central angle of 06 degrees 54 minutes 45 seconds, for an arc distance of 172.81 feet;
THENCE North 89 degrees 05 minutes 30 seconds West, 641.09 feet;
THENCE North 00 degrees 11 minutes 54 seconds West, 330.02 feet;
THENCE South 89 degrees 05 minutes 16 seconds East, 142.21 feet;
THENCE North 00 degrees 03 minutes 49 seconds West, 296.99 feet to the southerly right-of-way line of Calle Lejos;
THENCE North 00 degrees 54 minutes 58 seconds East to the North line of the Northeast quarter of the Southeast quarter of Section 8, a distance of 33.00 feet;
THENCE South 89 degrees 05 minutes 02 seconds East, along the North line of said Northeast quarter of the Southeast quarter of Section 8, a distance of 509.51 feet to the POINT OF BEGINNING.

ENGINEER:

RICK ENGINEERING COMPANY
6150 NORTH 16TH STREET
PHOENIX, ARIZONA, 85016
CONTACT: DAN MANN
PHONE: 602-957-3350

AREA:

NET: 7.052± ACRES
GROSS: 8.787± ACRES

DEVELOPER/OWNER:

CANDEO PREPARATORY ACADEMIES
CANDEO SCHOOLS, INC.

SITE ADDRESS:

9965 WEST CALLE LEJOS ROAD
PEORIA, ARIZONA, 85383

BASIS OF BEARING:

THE BASIS OF BEARING USED FOR THIS PLAT IS BASED ON THE BEARING OF S00°03'49"E ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 4 NORTH, RANGE 1 EAST.

FLOOD ZONE:

SAID PROPERTY IS LOCATED WITHIN AN AREA HAVING A FLOOD ZONE DESIGNATION WITHIN ZONE "X" (SHADED) ACCORDING TO MAP 04013C1235L OF THE FEMA FLOOD INSURANCE RATE MAP, DATED OCTOBER 16, 2013.

CERTIFICATION:

THIS IS TO CERTIFY THAT THIS PLAT IS CORRECT AND ACCURATE AND THE MONUMENTS DESCRIBED HEREIN HAVE EITHER BEEN SET OR LOCATED AS DESCRIBED TO THE BEST OF MY KNOWLEDGE AND BELIEF AND THEIR POSITIONS ARE CORRECTLY SHOWN, AND THAT SAID MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

YSMAEL A. VEGA, R.L.S.
ARIZONA NO. 28236

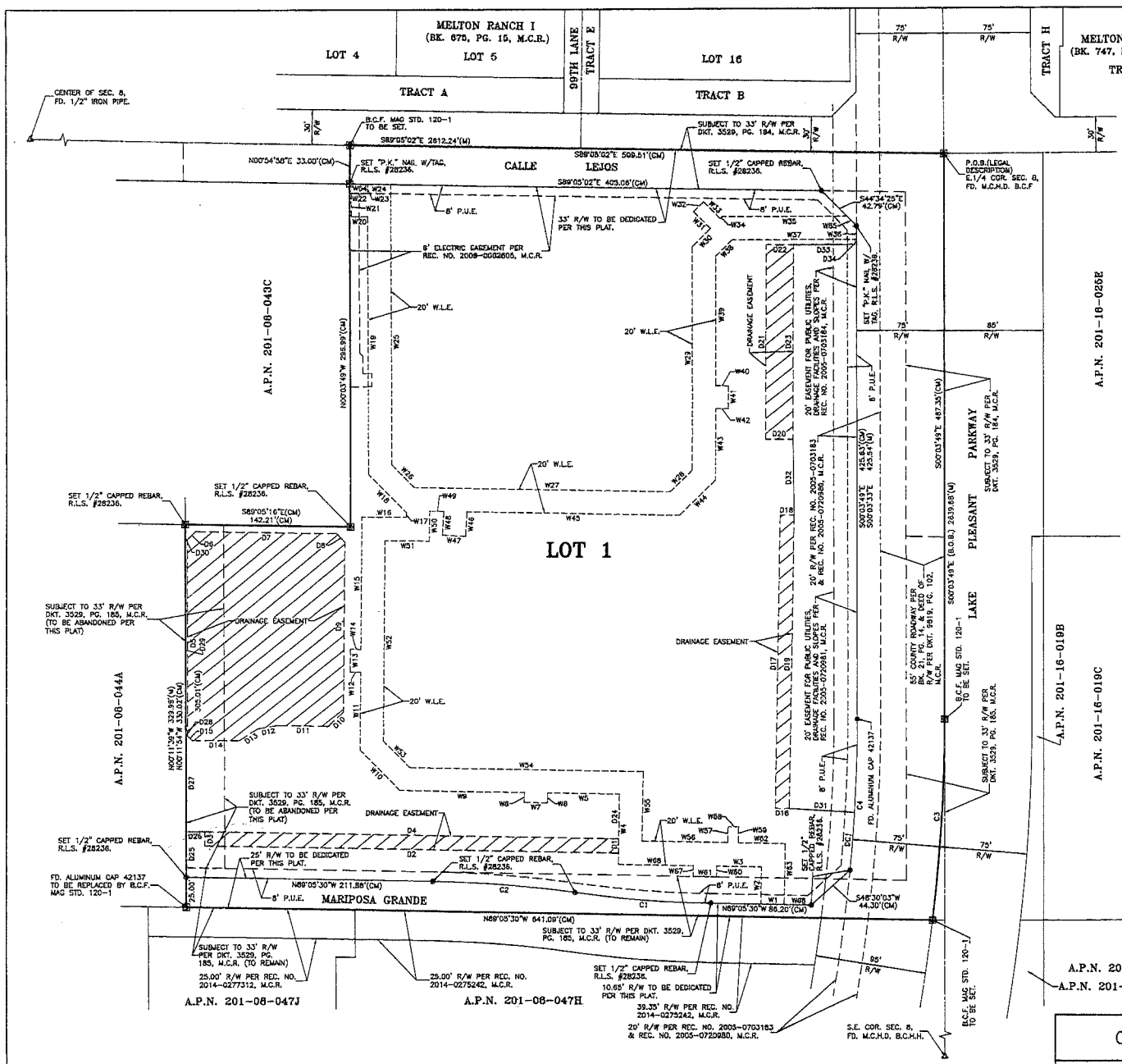
[redacted]

EXPIRES 09-30-2015

R130076

CANDEO SCHOOL	RICK ENGINEERING COMPANY, 6150 NORTH 16TH STREET, PHOENIX, AZ 85016, 602.957.3350, (FAX)602.285.2306	rickengineering.com
SHEET 1 OF 2	JOB NUMBER 4335A	PREPARED BY: D.S.R. / DATE PREPARED: APRIL 2014

S:\4335A\4335A_PLAT_SHT_1.dwg April 30, 2014 1:50 p.m. Scale: 1= 40 P.J.H. Xrefs:



LEGEND:

(R)	–RECORD.	P.U.E.	–PUBLIC UTILITY EASEMENT.
(M)	–MEASURED.	W.L.E.	–WATERLINE EASEMENT.
(CM)	–CALCULATED FROM MEASURED.	P.O.B.	–POINT OF BEGINNING.
M.C.H.D.	–MARICOPA COUNTY HIGHWAY DEPARTMENT.	———	–CENTERLINE.
B.C.F.	–BRASS CAP FLUSH.	———	–SUBDIVISION BOUNDARY.
B.C.H.H.	–BRASS CAP IN HANDHOLE.	– – – –	–EASEMENT LINE.
B.O.B.	–BASIS OF BEARING.	⊠	–CORNER OF SUBDIVISION.
R/W	–RIGHT OF WAY.	●	–SURVEY MONUMENT.
A.P.N.	–ASSESSORS PARCEL NUMBER.		
M.C.R.	–MARICOPA COUNTY RECORDERS.		

WATERLINE EASEMENT TABLE

Course	Bearing	Distance	Course	Bearing	Distance
W1	N89°05'30"W	20.00'	W41	S00°42'14"W	20.00'
W2	N00°03'31"E	51.42'	W42	N89°17'46"W	10.75'
W3	N89°04'29"W	38.40'	W43	S00°01'38"W	61.15'
W4	N00°52'31"E	59.50'	W44	S45°28'02"W	43.45'
W5	N89°04'29"W	61.75'	W45	N89°03'34"W	162.39'
W6	S00°52'31"W	8.50'	W46	S00°55'53"E	21.08'
W7	N89°04'29"W	20.00'	W47	N89°38'07"W	20.00'
W8	N00°52'31"E	8.50'	W48	N00°55'53"E	20.24'
W9	N89°04'29"W	107.18'	W49	N89°03'34"W	12.11'
W10	N44°04'29"W	49.00'	W50	S00°56'26"W	23.62'
W11	N00°55'57"E	59.14'	W51	N89°34'03"W	56.03'
W12	N89°34'03"W	9.00'	W52	S00°26'57"W	174.29'
W13	S00°26'57"E	20.00'	W53	S44°04'29"E	32.53'
W14	S89°34'03"E	9.00'	W54	S89°04'29"E	200.85'
W15	N00°26'57"E	113.33'	W55	S00°55'31"W	59.50'
W16	N89°34'03"W	38.20'	W56	S00°04'59"E	73.08'
W17	N00°26'57"E	4.00'	W57	N00°55'31"E	13.16'
W18	N44°34'16"W	46.42'	W58	S89°04'29"E	8.00'
W19	N00°04'59"W	223.45'	W59	S00°55'31"W	13.16'
W20	S89°57'37"W	14.13'	W60	S00°55'31"W	9.00'
W21	N00°02'23"W	20.00'	W61	N89°04'29"W	20.00'
W22	N89°57'37"E	14.11'	W62	S89°04'29"E	40.30'
W23	N00°04'59"W	9.03'	W63	S00°55'31"W	81.22'
W24	S89°05'02"E	20.00'	W64	S89°05'02"E	15.39'
W25	S00°04'59"E	242.85'	W65	S44°34'25"E	12.06'
W26	S44°34'16"E	27.49'	W66	N89°05'30"W	23.20'
W27	S89°03'54"E	219.99'	W67	N00°55'31"E	9.00'
W28	N45°28'02"E	26.69'	W68	N89°04'29"W	64.39'
W29	N00°01'38"E	193.50'			
W30	N44°57'13"E	22.06'			
W31	N45°02'47"W	20.26'			
W32	N44°57'13"E	12.00'			
W33	S45°02'47"E	20.26'			
W34	N44°57'13"E	2.31'			
W35	N89°52'48"E	106.82'			
W36	S00°03'49"E	11.40'			
W37	S89°52'48"W	106.77'			
W38	S44°57'13"W	20.05'			
W39	S00°01'38"W	112.48'			
W40	S89°17'46"E	10.98'			

Curve	Radius	Length	Delta
C1(CM)	875.00'	114.80'	8°22'07"
C2(CM)	1,025.00'	122.89'	6°52'07"
C3(CM)	1,432.39'	175.81'	6°54'45"
C4(CM)	1,357.39'	130.86'	5°31'29"
C4(M)	1,357.39'	130.95'	5°31'39"

DRAINAGE EASEMENT TABLE

Course	Bearing	Distance
D1	S00°55'31"W	12.00'
D2	N89°04'29"W	355.87'
D3	N00°55'31"E	12.00'
D4	S89°04'29"E	355.87'
D5	N00°03'02"W	170.47'
D6	N45°54'44"E	10.06'
D7	S89°05'18"E	121.31'
D8	S44°03'12"E	9.88'
D9	S00°03'31"W	147.03'
D10	S45°55'32"W	18.34'
D11	S89°04'29"W	43.99'
D12	S89°04'24"W	16.76'
D13	S45°40'50"W	19.50'
D14	N89°05'00"W	40.08'
D15	N42°00'00"W	5.70'
D16	N89°04'29"W	12.00'
D17	N00°55'31"E	255.00'
D18	S89°04'29"E	12.00'
D19	S00°55'31"W	255.00'
D20	N89°49'01"W	23.50'
D21	N00°14'59"E	198.58'
D22	N00°00'00"E	23.20'
D23	S00°03'02"W	198.58'
D24	S00°03'31"W	33.60'
D25	N00°11'54"W	38.71'
D26	N89°48'06"E	18.22'
D27	N00°11'54"W	83.18'
D28	N89°48'06"E	1.47'
D29	N00°11'54"W	170.47'
D30	N89°48'06"E	1.81'
D31	N89°38'24"W	56.06'
D32	N00°03'04"W	54.70'
D33	N89°56'11"E	54.19'
D34	N00°03'49"W	4.38'

Curve	Radius	Length	Delta
DC1	1,357.39'	48.57'	2°03'01"

[redacted]

R130076

CANDEO SCHOOL

SHEET 2 OF 2

RICK ENGINEERING COMPANY
3130 NORTH 16TH STREET
PHOENIX, AZ 85016
602.957.5330
(FAX)602.265.2366
rickeng@rickeng.com
Phoenix · Tucson · Las Vegas · Albuquerque · Henderson · Chandler · San Luis Obispo · Bakersfield

JOB NUMBER: 4358A | PREPARED BY: D.S.R. | DATE PREPARED: APRIL 2014

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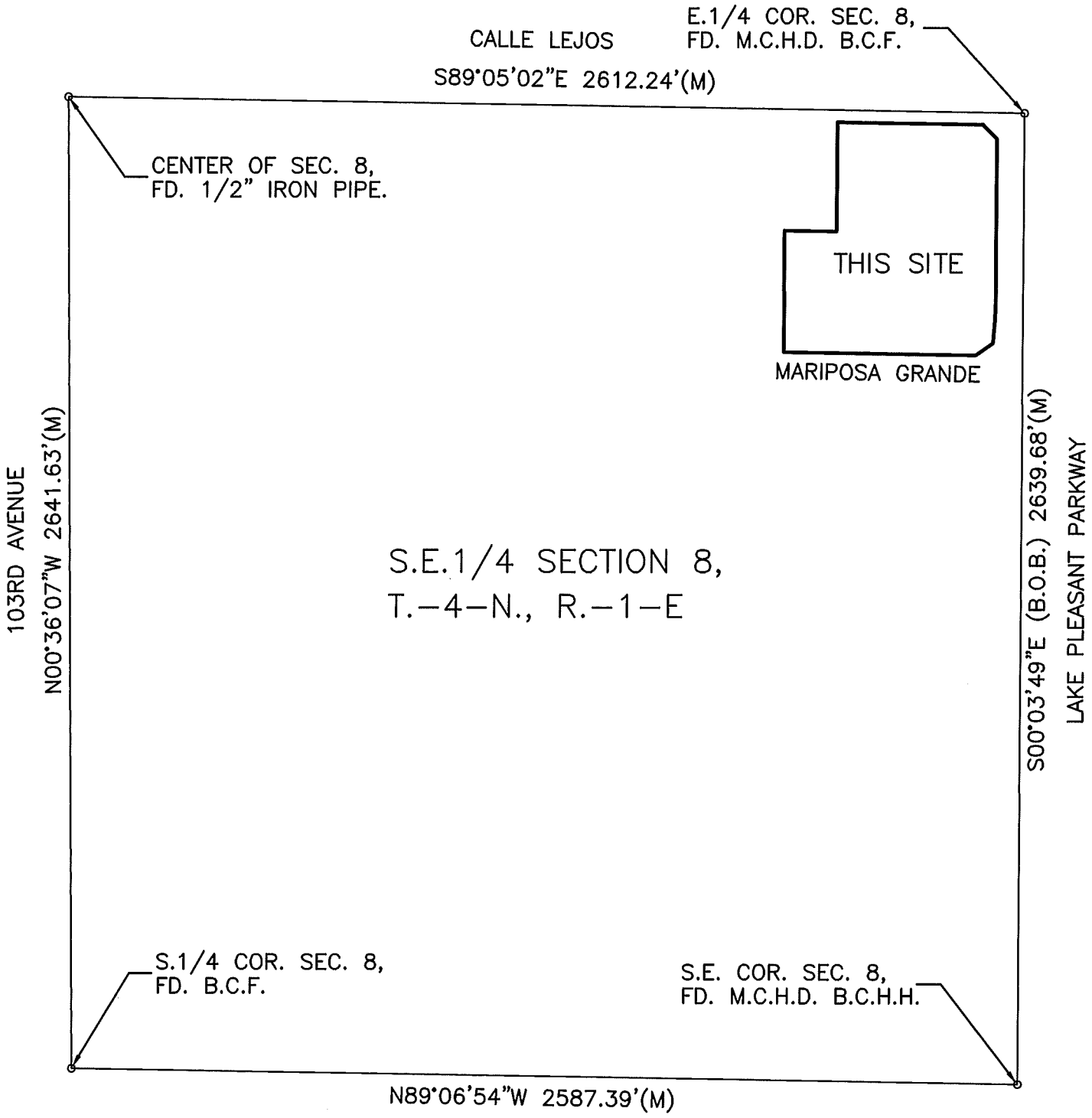


VICINITY MAP

N.T.S.

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 23C

Date Prepared: April 15, 2014 **Council Meeting Date: June 17, 2014**

TO: **Carl Swenson, City Manager**

FROM: **Scott Whyte, Economic Development Services Director**

THROUGH: **Susan J. Daluddung, Deputy City Manager**

SUBJECT: **Final Plat, Vistancia Parcel F4 Phase 2, Vistancia Boulevard and Westland Road (Project No. R100030)**

Purpose:

This is a request for City Council to approve a Final Plat of Vistancia Parcel F4 Phase 2, located on Vistancia Boulevard and Westland Road, 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 water/sewer service area. This final plat creates a total of 22 new lots within

the Vistancia Community. All internal roadways are public and will be maintained by the City. All necessary right of way is being dedicated.

Previous Actions:

The preliminary plat was reviewed by the City and completed in June 2010 and no significant 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

NOTES

1. THE SUBDIVISION IS SUBJECT TO A MAINTENANCE IMPROVEMENT DISTRICT (MID)# 1120 AND A STREET LIGHT IMPROVEMENT DISTRICT (SLID)# 1061.
2. NO CONSTRUCTION OF ANY KIND SHALL BE CONSTRUCTED OR PLACED WITHIN THE UTILITY EASEMENTS, EXCEPT UTILITIES, WOOD, WIRE, OR REMOVABLE SECTION TYPE FENCING, AND/OR PAVING, NOR ANY PLANTING EXCEPT GRASS. IT SHALL BE FURTHER UNDERSTOOD THAT THE CITY OF PEORIA SHALL NOT BE REQUIRED TO REPLACE ANY OBSTRUCTION OR PLANTING THAT MUST BE REMOVED DURING THE COURSE OF MAINTENANCE, CONSTRUCTION OR RECONSTRUCTION.
3. ALL NEW AND EXISTING UTILITY, ELECTRICAL FACILITIES LESS THAN 69 KVA, CABLE T.V., TELECOMMUNICATIONS FIBER OPTICS, CELLULAR, GAS, ETC. SHALL BE INSTALLED UNDERGROUND AS PART OF THE STREET IMPROVEMENTS.
4. MAINTENANCE OF SURFACE AND UNDERGROUND DRAINAGE FACILITIES WITHIN ALL TRACTS, EASEMENTS AND RIGHTS-OF-WAY SHALL BE THE RESPONSIBILITY OF THE HOMEOWNERS ASSOCIATION.
5. ALL LOT CORNERS SHALL BE MONUMENTED WITH 1/2" REBAR AND CAPPED OR TAGGED BEARING THE REGISTRATION NUMBER OF THE SURVEYOR RESPONSIBLE FOR THEIR PLACEMENT.
6. SIGNS, FENCES, WALLS, UTILITY BOXES, STRUCTURES, SHRUBS, HEDGES OR OTHER PLANTS, BUT EXCLUDING TREES OVER 30 INCHES IN HEIGHT SHALL NOT BE PERMITTED WITHIN VIEW EASEMENTS OR THE SIGHT VISIBILITY TRIANGLES. NO LIMBS, LEAVES, NEEDLES OR OTHER FOLIAGE ABOVE 30 INCHES IN HEIGHT OR BELOW 84 INCHES ARE PERMITTED. TREES ARE TO BE PLANTED SO AS NOT TO OBSTRUCT 20% OF THE VISIBILITY WHEN COMBINED WITH OTHER OBSTRUCTIONS.
7. THIS SUBDIVISION IS LOCATED WITHIN THE CITY OF PEORIA WATER SERVICE AREA AND HAS BEEN DESIGNATED AS HAVING A 100-YEAR ASSURED WATER SUPPLY.
8. THIS SUBDIVISION IS LOCATED WITHIN THE CITY OF PEORIA SEWER SERVICE AREA.
9. THIS SUBDIVISION IS LOCATED IN THE VICINITY OF A DESIGNATED TRUCK ROUTE (WESTLAND ROAD).
10. NO STRUCTURE OF ANY KIND BE CONSTRUCTED OR ANY VEGETATION BE PLANTED, NOR BE ALLOWED TO GROW WITHIN THE DRAINAGE EASEMENT OR TRACT WHICH WOULD IMPEDE THE FLOW OF WATER OVER, UNDER, OR THROUGH THE EASEMENT OR TRACT.
11. AN ASSOCIATION, INCLUDING ALL PROPERTY OWNERS IN THE DEVELOPMENT, WILL BE FORMED AND HAVE THE RESPONSIBILITY FOR MAINTAINING ALL COMMON AREAS TO BE NOTED AS "TRACTS" OR EASEMENTS (INCLUDING LANDSCAPED AREAS AND DRAINAGE FACILITIES) IN ACCORDANCE WITH APPROVED PLANS.
12. DEVELOPMENT AND USE OF THIS SITE WILL CONFORM TO ALL APPLICABLE CODES AND ORDINANCES.
13. EACH LOT IN THIS SUBDIVISION IS PERMITTED ONE DWELLING UNIT FOR A TOTAL OF 22 DWELLINGS WITHIN THE ENTIRE SUBDIVISION.
14. THIS SUBDIVISION HAS A REDUCED LEVEL OF STREET LIGHTING. ANY FUTURE ADDITIONAL STREET LIGHTING WILL BE AT THE EXPENSE OF THE ABUTTING PROPERTY OWNERS, NOT AT CITY EXPENSE.

MAINTENANCE CORPORATION RATIFICATION AND CONSENT

THE UNDERSIGNED HEREBY RATIFIES AND CONSENTS TO THIS PLAT, INCLUDING ITS MAINTENANCE OBLIGATIONS AS SET FORTH HEREIN.

VISTANCIA MAINTENANCE CORPORATION, AN ARIZONA NON-PROFIT CORPORATION

BY: [redacted]

ITS: [redacted]

ACKNOWLEDGEMENT FOR RATIFICATION

STATE OF ARIZONA)
) SS
COUNTY OF MARICOPA)

ON THIS, THE 28 DAY OF January 2014 BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, PERSONALLY APPEARED Chris Reed, WHO ACKNOWLEDGED HIMSELF TO BE Vice President OF VISTANCIA MAINTENANCE CORPORATION, AN ARIZONA NON-PROFIT CORPORATION, AND THAT SUCH OFFICER, BEING DULY AUTHORIZED TO DO SO, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED BY SIGNING THIS NAME AS SUCH OFFICER ON BEHALF OF THE FOREGOING.

IN WITNESS WHEREOF, I HEREUNTO SET MY HAND AND OFFICIAL SEAL:

NOTARY PUB[redacted]

MY COMMISSION EXPIRES: Sept. 21, 2014

VISTANCIA VILLAGE ASSOCIATION RATIFICATION AND CONSENT

THE UNDERSIGNED HEREBY RATIFIES AND CONSENTS TO THIS PLAT, INCLUDING ITS MAINTENANCE OBLIGATIONS AS SET FORTH HEREIN.

VISTANCIA VILLAGE A COMMUNITY ASSOCIATION, AN ARIZONA NON-PROFIT CORPO[redacted]

BY: [redacted]

ITS: President

ACKNOWLEDGEMENT FOR RATIFICATION

STATE OF ARIZONA)
) SS
COUNTY OF MARICOPA)

ON THIS, THE 28 DAY OF January 2014 BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, PERSONALLY APPEARED Chris Reed, WHO ACKNOWLEDGED HIMSELF TO BE THE President OF VISTANCIA VILLAGE A COMMUNITY ASSOCIATION, AN ARIZONA NON-PROFIT CORPORATION, AND THAT SUCH OFFICER, BEING DULY AUTHORIZED TO DO SO, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED BY SIGNING THIS NAME AS SUCH OFFICER ON BEHALF OF THE FOREGOING.

IN WITNESS WHEREOF, I HEREUNTO SET MY HAND AND OFFICIAL SEAL:

NOTARY PUB[redacted]

MY COMMISSION EXPIRES: Sept. 21, 2014

APPROVAL

APPROVED BY THE MAYOR AND CITY COUNCIL OF PEORIA, ARIZONA, ON THIS ______ DAY OF ______________, 20___.

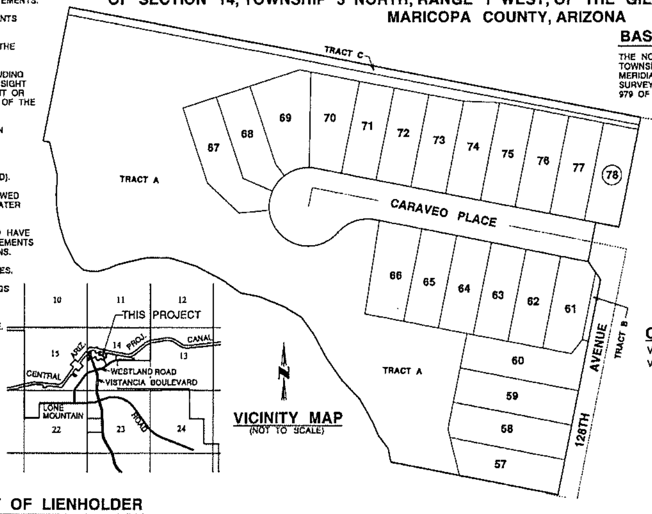
BY: ______________________ MAYOR ______ DATE

ATTEST: ______________________ CITY CLERK ______ DATE

______________________ FOR CITY ENGINEER ______ DATE

FINAL PLAT OF
"VISTANCIA PARCEL F4 PHASE 2"

A REPLAT OF TRACT 'L' AS RECORDED ON THE FINAL PLAT OF "VISTANCIA PARCEL F3 PHASE 1", BOOK 1163 OF MAPS, PAGE 19, M.C.R., LYING WITHIN A PORTION OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 5 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA



VICINITY MAP
(NOT TO SCALE)

BASIS OF BEARING:

THE NORTH LINE OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER MERIDIAN HAVING A BEARING OF N89°46'50"W PER RECORD OF SURVEY FOR VISTANCIA PARCELS F3 & F4 RECORDED IN BOOK 979 OF MAPS, PAGE 32, RECORDS OF MARICOPA COUNTY, ARIZONA.

KEY MAP
(NOT TO SCALE)

OWNER/DEVELOPER:

VISTANCIA CONSTRUCTION, LLC
8800 NORTH GAINEY CENTER DRIVE
SCOTTSDALE, ARIZONA 85258
PH: (480) 348-6000
FAX: (480) 948-8397
CONTACT: DAVE GARCIA

ENGINEER:

COE & VAN LOO CONSULTANTS, INC.
4550 NORTH 12TH STREET
PHOENIX, ARIZONA 85014
PH: (602) 264-6831
FAX: (602) 264-0928
CONTACT: BARBARA RUST

CURRENT ZONING

VISTANCIA NORTH PCD
VRD-5 DISTRICT

SITE AREA

276,484 SQUARE FEET OR 6.347 ACRES

CONSENT OF LIENHOLDER

KNOW ALL MEN BY THESE PRESENTS:

THE UNDERSIGNED, AS BENEFICIARY UNDER THAT CERTAIN DEED OF TRUST RECORDED DECEMBER 4, 2009, AS INSTRUMENT NO. 2009-1114173 OF THE OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA, HEREBY CONSENT TO AND JOIN IN THAT CERTAIN "VISTANCIA F4, PHASE 2", AND AGREE THAT SUCH PLAT AND THE EASEMENTS SHOWN THERON AND DEDICATED AS SUCH SHALL BE SUPERIOR TO, AND HAVE PRIORITY OVER, THE ABOVE-DESCRIBED DEED OF TRUST.

VISTANCIA SOUTH, LLC
A DELAWARE LIMITED LIABILITY COMPANY

BY: SLF III - VPMM, LLC
A TEXAS LIMITED LIABILITY COMPANY,
ITS MANAGING MEMBER

BY: SLF III - VISTANCIA, LLC
A TEXAS LIMITED LIABILITY COMPANY,
ITS SOLE AND MANAGING MEMBER

BY: STRATFORD LAND FUND III, L.P.,
A DELAWARE LIMITED PARTNERSHIP,
ITS SOLE AND MANAGING MEMBER

BY: STRATFORD FUND III GP, LLC,
A TEXAS LIMITED LIABILITY COMPANY,
ITS GENERAL PARTNER

BY: [redacted]

NAME: Ozze Vest
ITS: ~~MANAGER~~ SVP, Entitlements

ACKNOWLEDGEMENT FOR RATIFICATION

STATE OF TEXAS)
) SS
COUNTY OF DALLAS)

ACKNOWLEDGED BEFORE ME THIS 9th DAY OF January, 2014, BY Ozze Vest, THE SVP-Entitlements OF STRATFORD FUND III GP, LLC, A TEXAS LIMITED LIABILITY COMPANY, THE GENERAL PARTNER OF STRATFORD LAND FUND III, L.P., A DELAWARE LIMITED PARTNERSHIP, THE SOLE AND MANAGING MEMBER OF SLF III - VISTANCIA, LLC, A TEXAS LIMITED LIABILITY COMPANY, THE SOLE AND MANAGING MEMBER OF SLF III - VPMM, LLC, A TEXAS LIMITED LIABILITY COMPANY, THE MANAGING MEMBER OF VISTANCIA SOUTH LLC, A DELAWARE LIMITED LIABILITY COMPANY, ON BEHALF OF THAT LIMITED LIABILITY COMPANY.

IN WITNESS WHEREOF;

I HEREUNTO SET MY HAND AND OF[redacted]

BY: [redacted]
NOTARY PUBLIC

MY COMMISSION EXPIRES: 5-15-2014

FLOOD ZONE INFORMATION

ZONE 'X': AREAS OF 0.2% CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FT. OR WITH DRAINAGE AREAS LESS THAN 1 SQ. MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD.
FLOODWAY AREAS IN ZONE 'AE': THE FLOODWAY IS THE CHANNEL OF A STREAM PLUS ANY ADJACENT FLOODPLAIN AREAS THAT MUST BE KEPT FREE OF ENCROACHMENT SO THAT THE 1% ANNUAL CHANCE FLOOD CAN BE CARRIED WITHOUT SUBSTANTIAL INCREASES IN FLOOD HEIGHTS.
PER THE FLOOD INSURANCE RATE MAP NUMBER 04013C0815L, MARICOPA COUNTY DATED: OCT. 16, 2013.
FLOOD ZONE DESIGNATION PROVIDED BY FEDERAL EMERGENCY MANAGEMENT AGENCY.

CONSENT OF LIENHOLDER

KNOW ALL MEN BY THESE PRESENTS:

THE UNDERSIGNED, AS BENEFICIARY UNDER THAT CERTAIN DEED OF TRUST RECORDED JUNE 1, 2012, AS INSTRUMENT NO. 2012-0472328 OF THE OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA, HEREBY CONSENT TO AND JOIN IN THAT CERTAIN "VISTANCIA F4, PHASE 2", AND AGREE THAT SUCH PLAT AND THE EASEMENTS SHOWN THERON AND DEDICATED AS SUCH SHALL BE SUPERIOR TO, AND HAVE PRIORITY OVER, THE ABOVE-DESCRIBED DEED OF TRUST.

WELLS FARGO BANK, A NATIONAL ASSOCIATION

BY: [redacted]

NAME: VICE PRESIDENT
ITS: MANAGER

ACKNOWLEDGEMENT FOR RATIFICATION

ON THIS, THE 21 DAY OF January, 2014 BEFORE ME, [illegible] PERSONALLY APPEARED, AND ACKNOWLEDGED HIMSELF/~~HERSELF~~ TO BE Vice President OF WELLS FARGO BANK, A NATIONAL ASSOCIATION, AND ACKNOWLEDGED THAT HE/SHE, AS Vice President BEING DULY AUTHORIZED TO DO SO, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSE CONTAINED THEREIN.

IN WITNESS WHEREOF, I HEREBY SET MY HAND AND OFFICIAL SEAL[redacted]

NOTARY PUBLIC: [redacted]

MY COMMISSION EXPIRES: 8/8/2015

CERTIFICATION

I, LARRY E. SULLIVAN, HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF ARIZONA, THAT THIS PLAT, CONSISTING OF THREE (3) SHEETS, CORRECTLY REPRESENTS A BOUNDARY SURVEY MADE UNDER MY SUPERVISION DURING THE MONTH OF MAY, 2010, THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN, AND THAT ALL MONUMENTS SHOWN ACTUALLY EXIST OR WILL BE SET AS SHOWN, THAT THEIR POSITIONS ARE CORRECTLY SHOWN AND THAT SAID MONUMENTS ARE SUFFICIENT TO ENABLE THE [redacted]

BY: ______________________
LARRY E. SULLIVAN
REGISTERED LAND SURVEYOR
REGISTRATION #22782
COE & VAN LOO CONSULTANTS, INC.

PREPARED 12-23-13
DATE

ACKNOWLEDGEMENT

STATE OF ARIZONA)
) SS
COUNTY OF MARICOPA)

ON THIS THE 9th DAY OF January, 2014 BEFORE ME, Duoy Satterfield PERSONALLY APPEARED AND ACKNOWLEDGED HIMSELF/HERSELF TO BE Authorized Agent OF VISTANCIA CONSTRUCTION, LLC, A DELAWARE LIMITED LIABILITY COMPANY, BY SHEA HOMES SOUTHWEST, INC., AN ARIZONA CORPORATION, ITS MANAGING MEMBER, ACKNOWLEDGED THAT HE/SHE, AS THE AUTHORIZED AGENT, BEING DULY AUTHORIZED TO DO SO, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSE THEREIN CONTAINED.

IN WITNESS WHEREOF:

I HEREBY SET MY HAND AND OFFICIAL SEAL

BY: [redacted]
NOTARY PUBLIC

MY COMMISSION EXPIRES: 08-07-2015
DATE

ACKNOWLEDGEMENT

STATE OF ARIZONA)
) SS
COUNTY OF MARICOPA)

ON THIS THE 9th DAY OF January, 2014 BEFORE ME David Garcia PERSONALLY APPEARED AND ACKNOWLEDGED HIMSELF/HERSELF TO BE Authorized Agent OF VISTANCIA CONSTRUCTION, LLC, A DELAWARE LIMITED LIABILITY COMPANY, BY SHEA HOMES SOUTHWEST, INC., AN ARIZONA CORPORATION, ITS MANAGING MEMBER, ACKNOWLEDGED THAT HE/SHE, AS THE AUTHORIZED AGENT, BEING DULY AUTHORIZED TO DO SO, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSE THEREIN CONTAINED.

IN WITNESS WHEREOF:

I HE[redacted] AND OFFICIAL SEAL

BY: [redacted]
NOTARY PUBLIC

MY COMMISSION EXPIRES: 08-07-2015
DATE

DEDICATION

STATE OF ARIZONA)
) SS
COUNTY OF MARICOPA)

KNOW ALL MEN BY THESE PRESENTS:

THAT VISTANCIA CONSTRUCTION, LLC, A DELAWARE LIMITED LIABILITY COMPANY AND SHEA HOMES LIMITED PARTNERSHIP, A CALIFORNIA LIMITED PARTNERSHIP, AS OWNERS, DO HEREBY PUBLISH THIS PLAT OF "VISTANCIA PARCEL F4 PHASE 2" A REPLAT OF TRACT 'L' AS RECORDED ON THE FINAL PLAT OF "VISTANCIA PARCEL F3 PHASE 1", BOOK 1163 OF MAPS, PAGE 19, M.C.R., LYING WITHIN A PORTION OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 5 NORTH, RANGE 1 WEST, GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, AS SHOWN HEREON AND HEREBY DECLARES THAT SAID PLAT SETS FORTH THE LOCATIONS AND GIVES THE DIMENSIONS OF THE LOTS, STREETS, TRACTS AND EASEMENTS CONSTITUTING THE SAME AND THAT EACH LOT, STREET AND TRACT SHALL BE KNOWN BY THE NUMBER, NAME OR LETTER GIVEN ON SAID PLAT. THAT VISTANCIA CONSTRUCTION, LLC, A DELAWARE LIMITED LIABILITY COMPANY AND SHEA HOMES LIMITED PARTNERSHIP, A CALIFORNIA LIMITED PARTNERSHIP, AS OWNERS, DO HEREBY DEDICATE TO THE CITY OF PEORIA FOR USE AS SUCH, THE STREET AND EASEMENTS AS SHOWN HEREON AND INCLUDED WITH THE ABOVE DESCRIBED PREMISES. PUBLIC UTILITY EASEMENTS (PUE) ARE DEDICATED TO THE CITY OF PEORIA FOR USE AS SUCH. THE MAINTENANCE OF LANDSCAPING WITHIN THE RIGHT-OF-WAY SHALL BE THE RESPONSIBILITY OF THE FRONTING PROPERTY OWNER.

ALL NOTATIONS AND DEDICATIONS STATED ON OR WITHIN THE FINAL PLAT OF "VISTANCIA PARCEL 3 PHASE 1" AS RECORDED IN BOOK 1163 OF MAPS, PAGE 19, MARICOPA COUNTY RECORDS, SHALL REMAIN IN FULL FORCE AND EFFECT WITH THE RECORDATION OF THIS PLAT.

EASEMENTS ARE DEDICATED FOR THE PURPOSES SHOWN.

TRACT 'A' IS TO BE CONVEYED TO AND MAINTAINED BY VISTANCIA MAINTENANCE CORPORATION, AN ARIZONA NON-PROFIT CORPORATION, AND ARE HEREBY DECLARED TO BE COMMUNITY COMMON AREAS FOR THE USE AND ENJOYMENT OF THE PROPERTY OWNERS. TRACTS 'B' AND 'C' SHALL BE CONVEYED TO AND MAINTAINED BY THE VISTANCIA VILLAGE A COMMUNITY ASSOCIATION, AN ARIZONA NON-PROFIT CORPORATION, AND IS HEREBY DECLARED TO BE A COMMON AREA FOR THE USE AND ENJOYMENT OF THE PROPERTY OWNERS. TRACT 'A' IS DEDICATED AS DRAINAGE EASEMENT. TRACT 'C' IS RESERVED FOR A FUTURE REGIONAL TRAIL AND WILL BE CONVEYED AT NO COST TO THE CITY OF PEORIA AT SUCH TIME THAT THE CITY IS READY TO CONSTRUCT THE TRAIL. NO DWELLING UNITS SHALL BE CONSTRUCTED UPON TRACTS 'A', 'B', AND 'C'.

THE CITY OF PEORIA IS HEREBY GIVEN AN EASEMENT FOR MAINTENANCE OF LANDSCAPING, RETENTION AND DRAINAGE FACILITIES ON TRACTS 'A', 'B', AND 'C'. THIS EASEMENT MAY BE EXERCISED BY THE CITY OF PEORIA AT ANY SUCH TIME WHEN THE HOMEOWNER'S ASSOCIATION FAILS TO EXIST AND PROVIDE THE REQUIRED MAINTENANCE AND OPERATION OF THE LANDSCAPING, RETENTION AND DRAINAGE FACILITIES. AS LONG AS THE HOMEOWNER'S ASSOCIATION IS IN EXISTENCE, IT WILL BE RESPONSIBLE FOR PROVIDING ALL MAINTENANCE OF LANDSCAPING, RETENTION AND DRAINAGE FACILITIES, REGARDLESS OF THE DEDICATION OF THE EASEMENT.

THAT VISTANCIA CONSTRUCTION, LLC, A DELAWARE LIMITED LIABILITY COMPANY AND SHEA HOMES LIMITED PARTNERSHIP, A CALIFORNIA LIMITED PARTNERSHIP, AS OWNERS, GRANT TO THE CITY OF PEORIA, AN ARIZONA MUNICIPAL CORPORATION, OF MARICOPA COUNTY, ARIZONA, ITS SUCCESSORS AND ASSIGNS, A PERMANENT AND PERPETUAL EASEMENT FOR THE FOLLOWING PURPOSES, NAMELY: THE RIGHT TO ENTER UPON FOR CONSTRUCTION, MAINTENANCE, OPERATION AND REPLACEMENT OF A WATER LINE OVER, UNDER, AND ACROSS TRACT 'A' SITUATED IN THE COUNTY OF MARICOPA, STATE OF ARIZONA.

TO HAVE AND TO HOLD THE SAID EASEMENT UNTO CITY OF PEORIA, A MUNICIPAL CORPORATION OF MARICOPA COUNTY, ARIZONA AND UNTO ITS SUCCESSORS AND ASSIGNS FOREVER, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS TO PERMIT THE CONSTRUCTION, OPERATION, MAINTENANCE, AND REPLACEMENT OF PUBLIC WATER LINES. SUBJECT TO NOTES 1, 2, 3, AND 4 BELOW.

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

NOTES:
1. THE SAID EASEMENT TO INCLUDE THE RIGHT TO CUT BACK AND TRIM SUCH PORTION OF THE BRANCHES AND TOPS OF TREES NOW GROWING OR THAT MAY HEREAFTER GROW UPON THE ABOVE DESCRIBED PREMISES, AS MAY EXTEND OVER SAID EASEMENT, SO AS TO PREVENT THE SAME FROM INTERFERING WITH THE EFFICIENT MAINTENANCE AND OPERATION OF SAID WATER LINES.
2. THE CITY OF PEORIA SHALL NOT BE RESPONSIBLE FOR REPLACING ANY LANDSCAPING OR ANY IMPROVEMENT PLACED IN THE EASEMENT BY GRANTOR OR ITS SUCCESSORS OR ASSIGNS, EXCEPT AS NOTED HEREIN.
3. THE CITY OF PEORIA WILL MAKE REASONABLE EFFORTS TO PROMPTLY RESTORE ASPHALT CONCRETE PAVEMENT SURFACES.
4. GRANTOR, ITS SUCCESSORS OR ASSIGNS AT ITS SOLE COST, SHALL BE RESPONSIBLE FOR PROMPTLY REPLACING ANY LANDSCAPING OR IMPROVEMENT(S) PLACED IN THE EASEMENT BY GRANTOR OR ITS SUCCESSORS OR ASSIGNS.

IN THE EVENT THE RIGHT, PRIVILEGE AND EASEMENT HEREIN GRANTED SHALL BE ABANDONED AND PERMANENTLY CEASE TO BE USED FOR THE PURPOSES HEREIN GRANTED ALL RIGHTS HEREIN GRANTED SHALL CEASE AND REVERT TO THE GRANTORS, THEIR HEIRS OR ASSIGNS.

IN WITNESS WHEREOF:

THAT VISTANCIA CONSTRUCTION, LLC, A DELAWARE LIMITED LIABILITY COMPANY, AS OWNER, HAS HEREUNTO CAUSED ITS CORPORATE NAME TO BE AFFIXED AND THE SAME TO BE ATTESTED BY THE SIGNATURE OF THE UNDERSIGNED OFFICERS THEREUNTO DULY AUTHORIZED.

VISTANCIA CONSTRUCTION, LLC, A DELAWARE LIMITED LIABILITY COMPANY

BY: SHEA HOMES SOUTHWEST INC., AN ARIZONA CORPORATION
MEMBER

BY: [redacted] BY: [redacted]

ITS: Authorized Agent ITS: Authorized Agent

THAT SHEA HOMES LIMITED PARTNERSHIP, A CALIFORNIA LIMITED PARTNERSHIP, AS OWNER, HAS HEREUNTO CAUSED ITS CORPORATE NAME TO BE AFFIXED AND THE SAME TO BE ATTESTED BY THE SIGNATURE OF THE UNDERSIGNED OFFICER THEREUNTO DULY AUTHORIZED.

SHEA HOMES LIMITED PARTNERSHIP, A CALIFORNIA LIMITED PARTNERSHIP

BY: [redacted] BY: [redacted]

ITS: Authorized Agent ITS: Authorized Agent

ACKNOWLEDGEMENT

STATE OF ARIZONA)
) SS
COUNTY OF MARICOPA)

ON THIS THE 9th DAY OF January, 2014 BEFORE ME, Duoy Satterfield and David Garcia PERSONALLY APPEARED AND ACKNOWLEDGED HIMSELF/HERSELF TO BE Authorized Agents OF VISTANCIA CONSTRUCTION, LLC, A DELAWARE LIMITED LIABILITY COMPANY, BY SHEA HOMES SOUTHWEST, INC., AN ARIZONA CORPORATION, ITS MANAGING MEMBER, ACKNOWLEDGED THAT HE/SHE, AS THE AUTHORIZED AGENT, BEING DULY AUTHORIZED TO DO SO, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSE THEREIN CONTAINED.

IN WITNESS WHEREOF:

I HEREBY SET MY HAND AND OFFICIAL SEAL

B[redacted]

MY COMMISSION EXPIRES: 08-07-2015
DATE

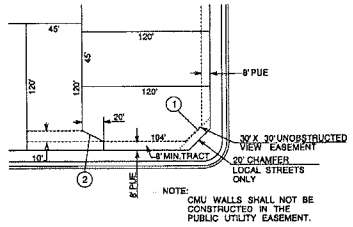
CITY OF PEORIA PROJECT #R100030

SHEET 1 OF 3

SEE SHEET 2 FOR LOT AREAS, LEGAL DESCRIPTION, AND TRACT TABLE SEE SHEET 3 FOR CURVE TABLE.	GROSS AREA = 6.347 AC.	COE & VAN LOO CONSULTANTS, INC. 4550 N. 12TH STREET PHOENIX, AZ 85014 (602) 264-6831

VISTANCIA PARCEL F4 PHASE 2 - FINAL PLAT - C.V.L. JOB# 01-0165802
223/14

12/26/2013
7:51:23 AM
N:\0101658\02\CADD\F4 PHASE 2\FT01C01.dgn



F4-TYPICAL LOT DETAIL (NOT TO SCALE)

LEGAL DESCRIPTION

THAT PART OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 5 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE B.L.M. BRASS CAP FLUSH MARKING THE CENTER OF SAID SECTION 14, FROM WHICH THE G.L.O. BRASS CAP MARKING THE EAST QUARTER CORNER OF SAID SECTION 14 BEARS SOUTH 89°46'06" EAST, A DISTANCE OF 2,648.03 FEET;

THENCE SOUTH 00°13'02" WEST, ALONG THE NORTH-SOUTH MID-SECTION LINE OF SAID SECTION 14, A DISTANCE OF 0.33 FEET TO THE MONUMENT LINE OF WESTLAND ROAD AS SHOWN ON THE "RE-PLAT OF MAP OF DEDICATION VISTANCIA BOULEVARD, LONE MOUNTAIN ROAD, CREOSOTE DRIVE AND WESTLAND ROAD";

RECORDED IN BOOK 850 OF MAPS, PAGE 23, MARICOPA COUNTY RECORDS, SAID POINT BEING ON A 1,187.00 FOOT RADIUS NON-TANGENT CURVE, WHOSE CENTER BEARS SOUTH 01°05'21" EAST;

THENCE ALONG SAID MONUMENT LINE THE FOLLOWING COURSES:

THENCE SOUTHWESTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 38°38'12", A DISTANCE OF 800.44 FEET;

THENCE SOUTH 50°16'27" WEST, A DISTANCE OF 38.81 FEET;

THENCE NORTH 39°43'33" WEST, DEPARTING SAID MONUMENT LINE, A DISTANCE OF 294.63 FEET TO THE BEGINNING OF A TANGENT CURVE OF 150.00 FOOT RADIUS, CONCAVE NORTHEASTERLY;

THENCE NORTHWESTERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 50°45'19", A DISTANCE OF 132.88 FEET;

THENCE NORTH 11°01'46" EAST, A DISTANCE OF 98.64 FEET;

THENCE NORTH 78°58'14" WEST, A DISTANCE OF 26.00 FEET TO THE TRUE POINT OF BEGINNING;

THENCE NORTH 78°58'14" WEST, A DISTANCE OF 216.74 FEET;
THENCE NORTH 10°37'56" WEST, A DISTANCE OF 17.29 FEET;
THENCE NORTH 36°44'11" WEST, A DISTANCE OF 21.39 FEET;
THENCE NORTH 23°00'28" WEST, A DISTANCE OF 17.14 FEET;
THENCE NORTH 29°09'52" WEST, A DISTANCE OF 35.03 FEET;
THENCE NORTH 43°08'39" WEST, A DISTANCE OF 33.21 FEET;
THENCE NORTH 34°41'20" WEST, A DISTANCE OF 33.57 FEET;
THENCE NORTH 28°28'19" WEST, A DISTANCE OF 36.98 FEET;
THENCE NORTH 35°44'24" WEST, A DISTANCE OF 26.01 FEET;

LEGAL DESCRIPTION CONTINUED

THENCE NORTH 58°48'37" WEST, A DISTANCE OF 25.48 FEET;
THENCE NORTH 67°56'02" WEST, A DISTANCE OF 34.41 FEET;
THENCE NORTH 79°00'36" WEST, A DISTANCE OF 24.22 FEET;
THENCE NORTH 54°29'41" WEST, A DISTANCE OF 28.39 FEET;
THENCE NORTH 61°43'37" WEST, A DISTANCE OF 38.09 FEET;
THENCE NORTH 72°36'05" WEST, A DISTANCE OF 38.30 FEET;
THENCE SOUTH 90°00'00" WEST, A DISTANCE OF 28.40 FEET;
THENCE SOUTH 77°55'08" WEST, A DISTANCE OF 18.91 FEET;
THENCE SOUTH 75°32'45" WEST, A DISTANCE OF 21.14 FEET;
THENCE SOUTH 65°23'30" WEST, A DISTANCE OF 10.77 FEET;
THENCE SOUTH 72°55'33" WEST, A DISTANCE OF 7.99 FEET;
THENCE SOUTH 74°04'40" WEST, A DISTANCE OF 6.83 FEET;
THENCE SOUTH 90°00'00" WEST, A DISTANCE OF 8.19 FEET;
THENCE NORTH 77°29'25" WEST, A DISTANCE OF 10.09 FEET;
THENCE NORTH 48°21'49" WEST, A DISTANCE OF 14.93 FEET;
THENCE NORTH 27°10'37" WEST, A DISTANCE OF 28.16 FEET;
THENCE NORTH 16°43'24" WEST, A DISTANCE OF 22.29 FEET;
THENCE NORTH 10°28'24" WEST, A DISTANCE OF 20.03 FEET;
THENCE NORTH 03°25'18" WEST, A DISTANCE OF 20.76 FEET;
THENCE NORTH 04°32'09" EAST, A DISTANCE OF 22.33 FEET;
THENCE NORTH 13°17'50" WEST, A DISTANCE OF 44.94 FEET;

THENCE NORTH 76°57'34" WEST, A DISTANCE OF 8.11 FEET TO AN ANGLE POINT IN THE SOUTHERLY RIGHT-OF-WAY LINE OF THE CENTRAL ARIZONA PROJECT CANAL, AS SHOWN ON THE BUREAU OF RECLAMATION SURVEY DIAGRAM NO. 344-330-3071, DATED FEBRUARY 04, 1981, REVISED MAY 20, 1986;

THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE THE FOLLOWING COURSES:

THENCE NORTH 11°01'46" EAST, A DISTANCE OF 175.03 FEET;
THENCE SOUTH 78°58'14" EAST, A DISTANCE OF 741.35 FEET;

THENCE SOUTH 11°01'46" WEST, DEPARTING SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 142.85 FEET;

THENCE NORTH 78°58'14" WEST, A DISTANCE OF 30.28 FEET;
THENCE SOUTH 11°01'46" WEST, A DISTANCE OF 50.00 FEET;
THENCE SOUTH 33°58'14" EAST, A DISTANCE OF 28.28 FEET;
THENCE SOUTH 11°01'46" WEST, A DISTANCE OF 280.00 FEET TO THE TRUE POINT OF BEGINNING.

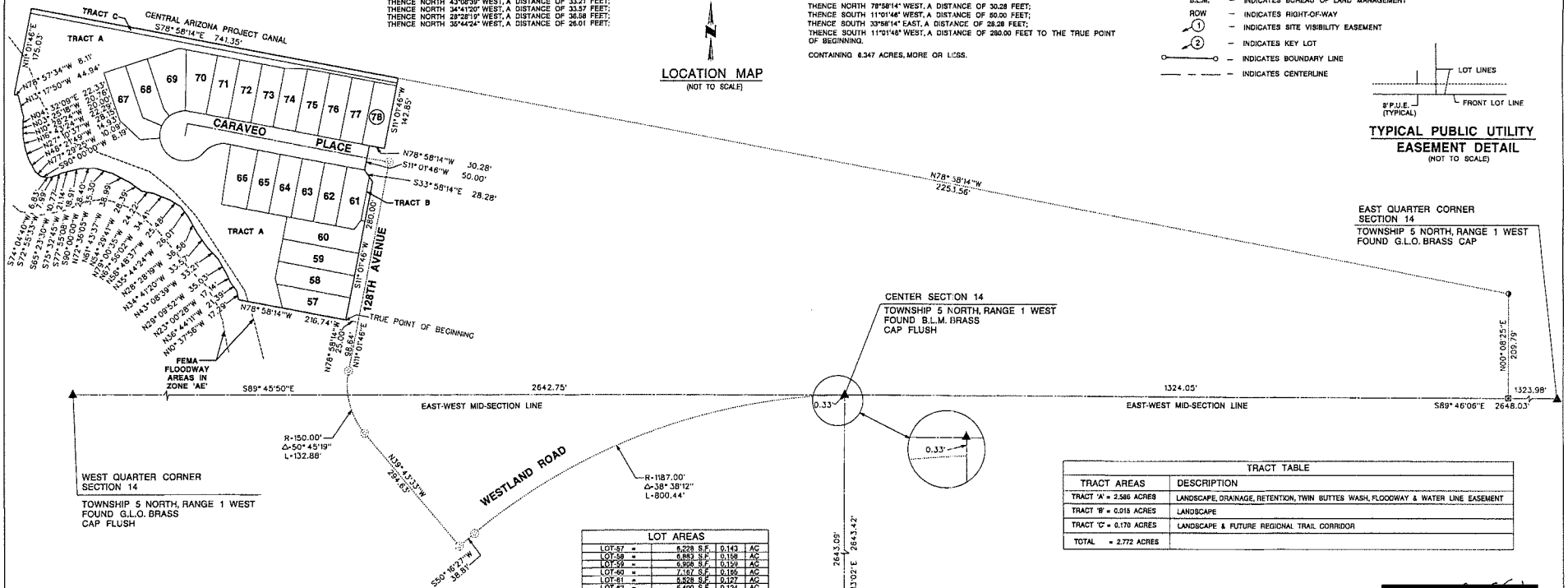
CONTAINING 8.347 ACRES, MORE OR LESS.

LEGEND

- INDICATES SECTION CORNER - FOUND BRASS CAP IN HANDHOLE (UNLESS OTHERWISE NOTED).
- INDICATES CORNER OF THIS SUBDIVISION - FOUND 1/2" IRON BAR WITH CAP L.S.#33315 (UNLESS OTHERWISE NOTED).
- INDICATES CORNER OF THIS SUBDIVISION - FOUND 1 1/2" ALUMINUM CAP L.S.#34404 (UNLESS OTHERWISE NOTED).
- INDICATES CORNER OF THIS SUBDIVISION - FOUND B.L.M. BRASS CAP.
- INDICATES CORNER OF THIS SUBDIVISION - FOUND 1/2" IRON BAR WITH CAP L.S.#34404 (UNLESS OTHERWISE NOTED).
- INDICATES CORNER OF THIS SUBDIVISION - SET 1/2" IRON BAR WITH CAP L.S.#22782 (UNLESS OTHERWISE NOTED) M.A.G. STD. DET. 120-1 TYPE 'C'-MODIFIED.
- INDICATES EXISTING BRASS CAP (UNLESS OTHERWISE NOTED).
- INDICATES CENTER LINE MONUMENTATION - SET BRASS CAP FLUSH UPON COMPLETION OF JOB PER M.A.G. STD. DET. 120-1, TYPE "B".

C1	–	INDICATES CURVE NUMBER
V.N.A.E.	–	INDICATES VEHICULAR NON - ACCESS EASEMENT
P.U.E.	–	INDICATES PUBLIC UTILITY EASEMENT
M.C.R.	–	INDICATES MARICOPA COUNTY RECORDS
G.L.O.	–	INDICATES GENERAL LAND OFFICE
B.L.M.	–	INDICATES BUREAU OF LAND MANAGEMENT
ROW	–	INDICATES RIGHT-OF-WAY
1	–	INDICATES SITE VISIBILITY EASEMENT
2	–	INDICATES KEY LOT
	–	INDICATES BOUNDARY LINE
	–	INDICATES CENTERLINE

TYPICAL PUBLIC UTILITY EASEMENT DETAIL
(NOT TO SCALE)



LOCATION MAP
(NOT TO SCALE)

LOT AREAS				
LOT-57	=	6,228 S.F.	0.143	AC
LOT-58	=	6,883 S.F.	0.158	AC
LOT-59	=	6,908 S.F.	0.159	AC
LOT-60	=	7,167 S.F.	0.165	AC
LOT-61	=	5,528 S.F.	0.127	AC
LOT-62	=	5,400 S.F.	0.124	AC
LOT-63	=	5,400 S.F.	0.124	AC
LOT-64	=	5,400 S.F.	0.124	AC
LOT-65	=	5,400 S.F.	0.124	AC
LOT-66	=	5,300 S.F.	0.121	AC
LOT-67	=	7,019 S.F.	0.161	AC
LOT-68	=	5,697 S.F.	0.131	AC
LOT-69	=	7,269 S.F.	0.167	AC
LOT-70	=	6,292 S.F.	0.145	AC
LOT-71	=	5,400 S.F.	0.124	AC
LOT-72	=	5,400 S.F.	0.124	AC
LOT-73	=	5,400 S.F.	0.124	AC
LOT-74	=	5,397 S.F.	0.124	AC
LOT-75	=	5,715 S.F.	0.131	AC
LOT-76	=	5,715 S.F.	0.131	AC
LOT-77	=	5,715 S.F.	0.131	AC
LOT-78	=	5,715 S.F.	0.131	AC
ST	=	131,916 S.F.	3.029	AC

TRACT TABLE	
TRACT AREAS	DESCRIPTION
TRACT 'A' = 2.586 ACRES	LANDSCAPE, DRAINAGE, RETENTION, TWIN BUTTES WASH, FLOODWAY & WATER LINE EASEMENT
TRACT 'B' = 0.015 ACRES	LANDSCAPE
TRACT 'C' = 0.170 ACRES	LANDSCAPE & FUTURE REGIONAL TRAIL CORRIDOR
TOTAL = 2.772 ACRES	

TOTAL LAND USE	
TOTAL NUMBER OF LOTS	22
TOTAL NUMBER OF TRACTS	3
GROSS RESIDENTIAL DENSITY	3.5 D.U./AC.

[redacted]

SHEET 2 OF 3

SEE SHEET 3 FOR CURVE TABLE

COE & VAN LOO
CONSULTANTS, INC.
4550 N. 12TH STREET
PHOENIX, AZ 85014
(602) 264-6831

CITY OF PEORIA PROJECT #R100030

Oscar3
12/20/2013
7:25:43 AM
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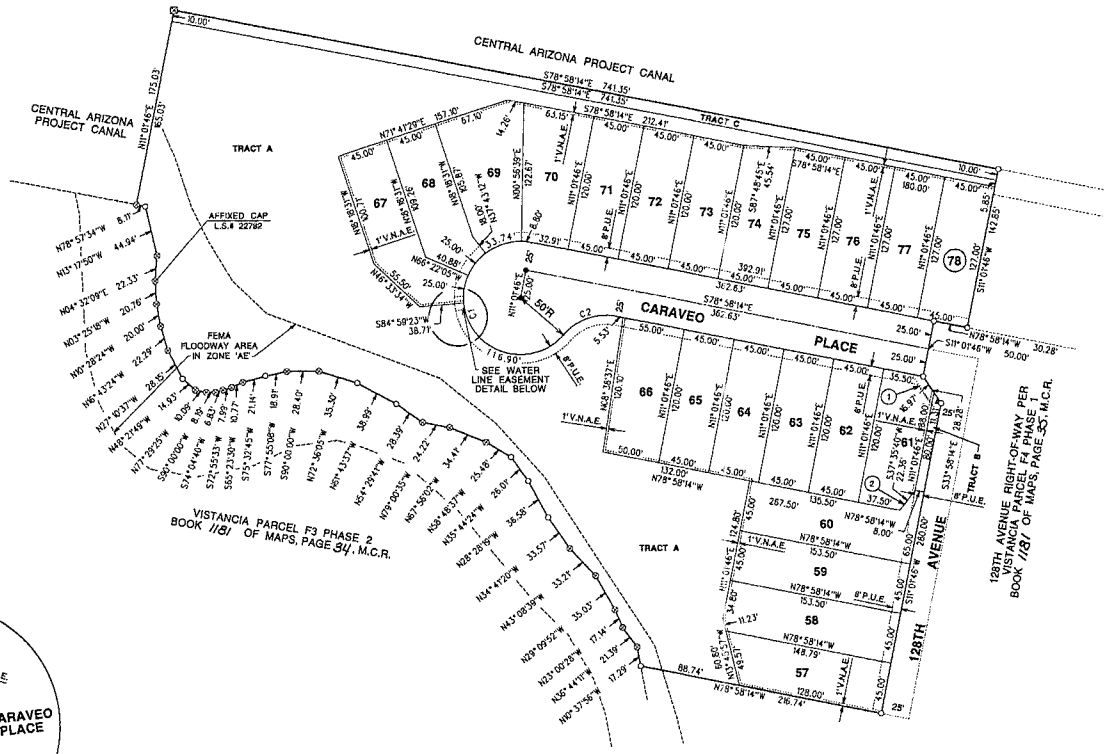
LEGEND

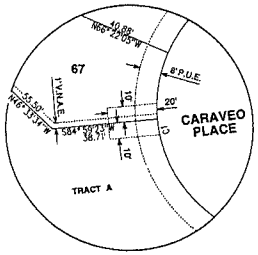
- INDICATES SECTION CORNER - FOUND BRASS CAP IN HANDHOLE (UNLESS OTHERWISE NOTED).
- INDICATES CORNER OF THIS SUBDIVISION - FOUND 1/2" IRON BAR WITH CAP L.S.#33315 (UNLESS OTHERWISE NOTED).
- INDICATES CORNER OF THIS SUBDIVISION - FOUND 1 1/2" ALUMINUM CAP L.S.#34404 (UNLESS OTHERWISE NOTED).
- INDICATES CORNER OF THIS SUBDIVISION - FOUND B.L.M. BRASS CAP.
- INDICATES CORNER OF THIS SUBDIVISION - FOUND 1/2" IRON BAR WITH CAP L.S.#34404 (UNLESS OTHERWISE NOTED).
- INDICATES CORNER OF THIS SUBDIVISION - SET 1/2" IRON BAR WITH CAP L.S.#22782 (UNLESS OTHERWISE NOTED) M.A.G. STD. DET. 120-1 TYPE 'C'-MODIFIED.
- INDICATES EXISTING BRASS CAP (UNLESS OTHERWISE NOTED).
- INDICATES CENTER LINE MONUMENTATION - SET BRASS CAP FLUSH UPON COMPLETION OF JOB PER M.A.G. STD. DET. 120-1, TYPE "B".

C1	–	INDICATES CURVE NUMBER
V.N.A.E.	–	INDICATES VEHICULAR NON - ACCESS EASEMENT
P.U.E.	–	INDICATES PUBLIC UTILITY EASEMENT
M.C.R.	–	INDICATES MARICOPA COUNTY RECORDS
G.L.O.	–	INDICATES GENERAL LAND OFFICE
B.L.M.	–	INDICATES BUREAU OF LAND MANAGEMENT
ROW	–	INDICATES RIGHT-OF-WAY
1	–	INDICATES SITE VISIBILITY EASEMENT
2	–	INDICATES KEY LOT
	–	INDICATES BOUNDARY LINE
	–	INDICATES CENTERLINE

CURVE TABLE

NO.	RADIUS	ARC	DELTA	TANGENT	CHORD	CHORD-BEARING
1	50.00	209.44	240°00'00"	---	88.60	S18°58'14.0"E
2	50.00	52.36	060°00'00"	28.87	50.00	N71°01'46.0"E
3	1187.00	800.44	038°38'12"	416.11	785.36	S69°35'33.0"W
4	150.00	132.88	050°45'19"	71.15	128.57	N14°20'53.5"W





20' X 20' WATER LINE EASEMENT DETAIL
(NOT TO SCALE)

50' 25' 0 50'
SCALE: 1" = 50'

[redacted]

SHEET 3 OF 3

COE & VAN LOO CONSULTANTS, INC.
4550 N. 12TH STREET
PHOENIX, AZ 85014
(602) 264-6831

CITY OF PEORIA PROJECT #R100030

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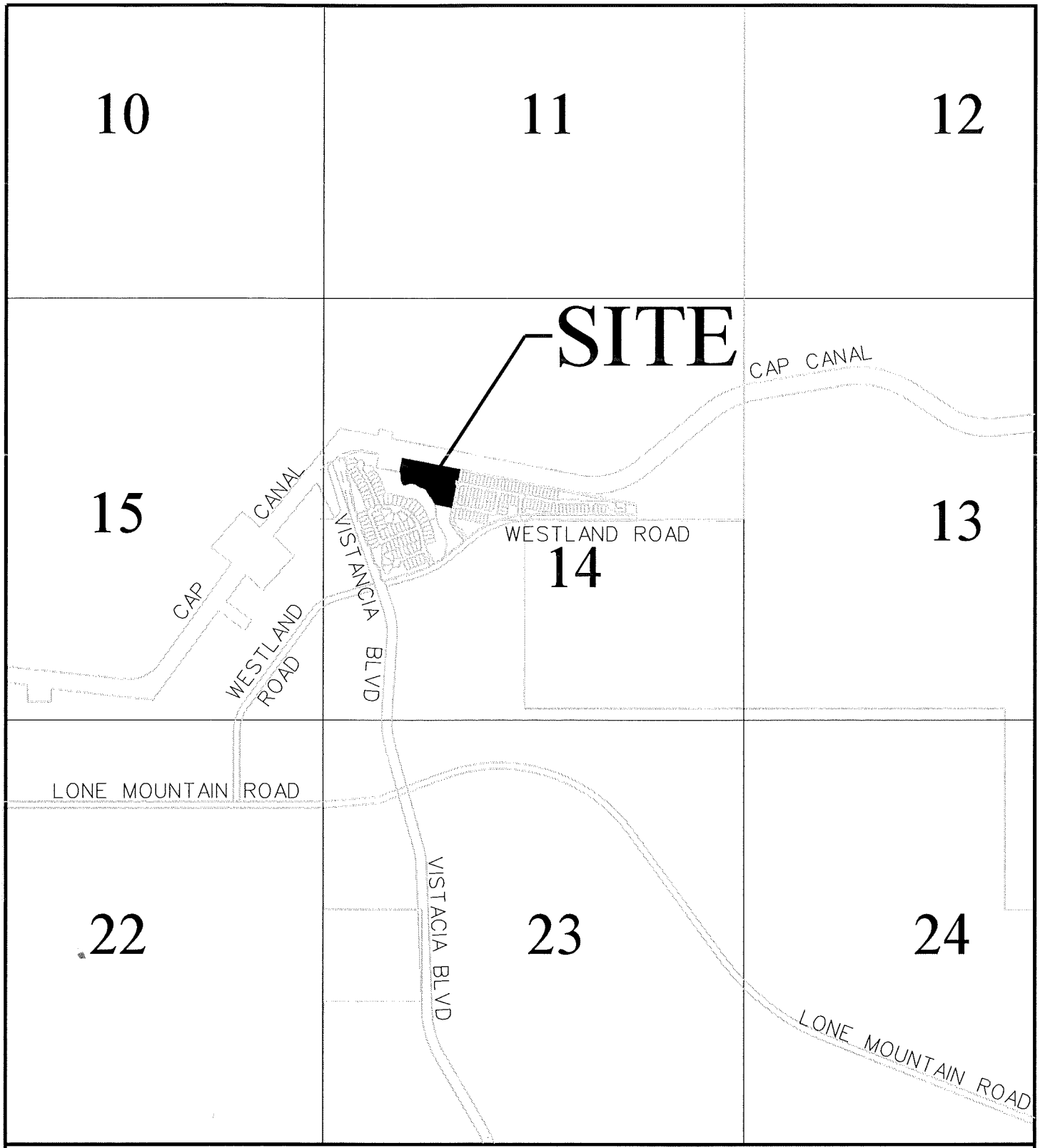


VICINITY MAP

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 24C

Date Prepared: April 15, 2014 **Council Meeting Date: June 17, 2014**

TO: **Carl Swenson, City Manager**

FROM: **Scott Whyte, Economic Development Services Director**

THROUGH: **Susan J. Daluddung, Deputy City Manager**

SUBJECT: **Final Plat, Vistancia Parcel F4 Phase 3, Vistancia Boulevard and Westland Road (Project No. R100031)**

Purpose:

This is a request for City Council to approve a Final Plat of Vistancia Parcel F4 Phase 3, located on Vistancia Boulevard and Westland Road, 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 water/sewer service area. This final plat creates a total of 31 new lots within

the Vistancia Community. All internal roadways are public and will be maintained by the City. All necessary right of way is being dedicated.

Previous Actions:

The preliminary plat was reviewed by the City and completed in June 2010 and no significant 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

FINAL PLAT OF
"VISTANCIA PARCEL F4 PHASE 3"
A REPLAT OF TRACT 'M' AS RECORDED ON THE FINAL PLAT OF "VISTANCIA PARCEL F3 PHASE 1", BOOK 1163 OF MAPS, PAGE 19, LYING WITHIN A PORTION OF THE NORTH HALF OF SECTION 14, TOWNSHIP 5 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA

NOTES

1. THE SUBDIVISION IS SUBJECT TO A MAINTENANCE IMPROVEMENT DISTRICT (MID)# 1121 AND A STREET LIGHT IMPROVEMENT DISTRICT (SLID)# 1062.
2. NO CONSTRUCTION OF ANY KIND SHALL BE CONSTRUCTED OR PLACED WITHIN THE UTILITY EASEMENTS, EXCEPT UTILITIES, WOOD, WIRE, OR REMOVABLE SECTION TYPE FENCING, AND/OR PAVING, NOR ANY PLANTING EXCEPT GRASS. IT SHALL BE FURTHER UNDERSTOOD THAT THE CITY OF PEORIA SHALL NOT BE REQUIRED TO REPLACE ANY OBSTRUCTION OR PLANTING THAT MUST BE REMOVED DURING THE COURSE OF MAINTENANCE, CONSTRUCTION OR RECONSTRUCTION.
3. ALL NEW AND EXISTING UTILITY, ELECTRICAL FACILITIES LESS THAN 69 KVA, CABLE T.V., TELECOMMUNICATIONS FIBER OPTICS, CELLULAR, GAS, ETC. SHALL BE INSTALLED UNDERGROUND AS PART OF THE STREET IMPROVEMENTS.
4. MAINTENANCE OF SURFACE AND UNDERGROUND DRAINAGE FACILITIES WITHIN ALL TRACTS, EASEMENTS AND RIGHTS-OF-WAY SHALL BE THE RESPONSIBILITY OF THE HOMEOWNERS ASSOCIATION.
5. ALL LOT CORNERS SHALL BE MONUMENTED WITH 1/2" REBAR AND CAPPED OR TAGGED BEARING THE REGISTRATION NUMBER OF THE SURVEYOR RESPONSIBLE FOR THEIR PLACEMENT.
6. SIGNS, FENCES, WALLS, UTILITY BOXES, STRUCTURES, SHRUBS, HEDGES OR OTHER PLANTS, BUT EXCLUDING TREES OVER 30 INCHES IN HEIGHT SHALL NOT BE PERMITTED WITHIN VIEW EASEMENTS OR THE SIGHT VISIBILITY TRIANGLES. NO LIMBS, LEAVES, NEEDLES OR OTHER FOLIAGE ABOVE 30 INCHES IN HEIGHT OR BELOW 84 INCHES ARE PERMITTED. TREES ARE TO BE PLANTED SO AS NOT TO OBSTRUCT 20% OF THE VISIBILITY WHEN COMBINED WITH OTHER OBSTRUCTIONS.
7. THIS SUBDIVISION IS LOCATED WITHIN THE CITY OF PEORIA WATER SERVICE AREA AND HAS BEEN DESIGNATED AS HAVING A 100-YEAR ASSURED WATER SUPPLY.
8. THIS SUBDIVISION IS LOCATED WITHIN THE CITY OF PEORIA SEWER SERVICE AREA.
9. THIS SUBDIVISION IS LOCATED IN THE VICINITY OF A DESIGNATED TRUCK ROUTE. (WESTLAND ROAD).
10. NO STRUCTURE OF ANY KIND BE CONSTRUCTED OR ANY VEGETATION BE PLANTED, NOR BE ALLOWED TO GROW WITHIN THE DRAINAGE EASEMENT OR TRACT WHICH WOULD IMPEDE THE FLOW OF WATER OVER, UNDER, OR THROUGH THE EASEMENT OR TRACT.
11. AN ASSOCIATION, INCLUDING ALL PROPERTY OWNERS IN THE DEVELOPMENT, WILL BE FORMED AND HAVE THE RESPONSIBILITY FOR MAINTAINING ALL COMMON AREAS TO BE NOTED AS "TRACTS" OR EASEMENTS (INCLUDING LANDSCAPED AREAS AND DRAINAGE FACILITIES) IN ACCORDANCE WITH APPROVED PLANS.
12. DEVELOPMENT AND USE OF THIS SITE WILL CONFORM TO ALL APPLICABLE CODES AND ORDINANCES.
13. EACH LOT IN THIS SUBDIVISION IS PERMITTED ONE DWELLING UNIT FOR A TOTAL OF 31 DWELLINGS WITHIN THE ENTIRE SUBDIVISION.
14. THIS SUBDIVISION HAS A REDUCED LEVEL OF STREET LIGHTING, ANY FUTURE ADDITIONAL STREETLIGHTING WILL BE AT THE EXPENSE OF THE ABUTTING PROPERTY OWNERS, NOT AT CITY EXPENSE.

MAINTENANCE CORPORATION RATIFICATION AND CONSENT

THE UNDERSIGNED HEREBY RATIFIES AND CONSENTS TO THIS PLAT, INCLUDING ITS MAINTENANCE OBLIGATIONS AS SET FORTH HEREIN.

VISTANCIA MAINTENANCE CORPORATION, AN ARIZONA NON-PROFIT CORPORATION

BY: [redacted]

ITS: Vice President

ACKNOWLEDGEMENT FOR RATIFICATION

STATE OF ARIZONA)
) SS
COUNTY OF MARICOPA)

ON THIS, THE 29 DAY OF January 2014 BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, PERSONALLY APPEARED Chris Reed, WHO ACKNOWLEDGED HIMSELF TO BE Vice President OF VISTANCIA MAINTENANCE CORPORATION, AN ARIZONA NON-PROFIT CORPORATION, AND THAT SUCH OFFICER, BEING DULY AUTHORIZED TO DO SO, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED BY SIGNING THIS NAME AS SUCH OFFICER ON BEHALF OF THE FOREGOING.

IN WITNESS WHEREOF I HEREUNTO SET MY HAND AND OFFICIAL SEAL:

NOTARY PUBLIC: [redacted]

MY COMMISSION EXPIRES: Sept. 21, 2014

VISTANCIA VILLAGE ASSOCIATION RATIFICATION AND CONSENT

THE UNDERSIGNED HEREBY RATIFIES AND CONSENTS TO THIS PLAT, INCLUDING ITS MAINTENANCE OBLIGATIONS AS SET FORTH HEREIN.

VISTANCIA VILLAGE A COMMUNITY ASSOCIATION, AN ARIZONA NON-PROFIT CORPORATION

BY: [redacted]

ITS: President

ACKNOWLEDGEMENT FOR RATIFICATION

STATE OF ARIZONA)
) SS
COUNTY OF MARICOPA)

ON THIS, THE 29 DAY OF January 2014 BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, PERSONALLY APPEARED Chris Reed, WHO ACKNOWLEDGED HIMSELF TO BE THE President OF VISTANCIA VILLAGE A COMMUNITY ASSOCIATION, AN ARIZONA NON-PROFIT CORPORATION, AND THAT SUCH OFFICER, BEING DULY AUTHORIZED TO DO SO, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED BY SIGNING THIS NAME AS SUCH OFFICER ON BEHALF OF THE FOREGOING.

IN WITNESS WHEREOF I HEREUNTO SET MY HAND AND OFFICIAL SEAL:

NOTARY PUBLIC: [redacted]

MY COMMISSION EXPIRES: Sept. 21, 2014

APPROVAL

APPROVED BY THE MAYOR AND CITY COUNCIL OF PEORIA, ARIZONA, ON THIS ______ DAY OF __________, 20___.

BY: ______________ MAYOR ______ DATE

ATTEST: ______________ CITY CLERK ______ DATE

______________ FOR CITY ENGINEER ______ DATE

CURRENT ZONING

VISTANCIA NORTH PCD
VRD-5 DISTRICT

SITE AREA

389,564 SQUARE FEET
OR 8.943 ACRES

BASIS OF BEARING:

THE NORTH LINE OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER MERIDIAN HAVING A BEARING OF N89°45'50"W PER RECORD OF SURVEY FOR VISTANCIA PARCELS F3 & F4 RECORDED IN BOOK 979 OF MAPS, PAGE 32, RECORDS OF MARICOPA COUNTY, ARIZONA.

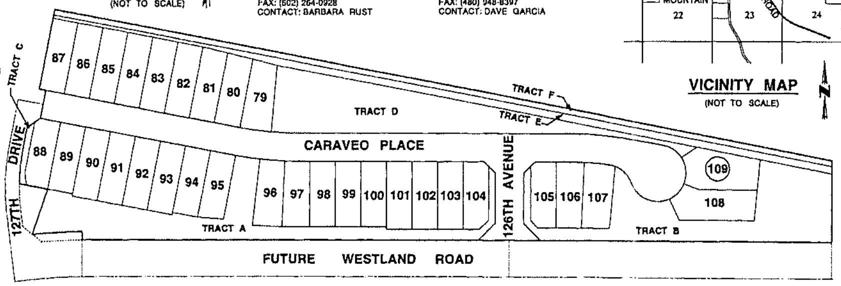
ENGINEER:

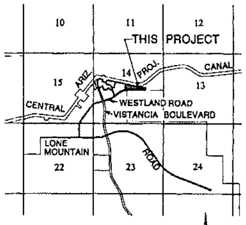
COE & VAN LOO CONSULTANTS, INC.
4550 NORTH 12TH STREET
PHOENIX, ARIZONA 85014
PH: (602) 264-6831
FAX: (602) 264-0928
CONTACT: BARBARA RUST

OWNER/DEVELOPER:

VISTANCIA CONSTRUCTION, LLC
8800 NORTH GAINEY CENTER DRIVE
SCOTTSDALE, ARIZONA 85258
PH: (480) 348-6000
FAX: (480) 948-8397
CONTACT: DAVE GARCIA

KEY MAP
(NOT TO SCALE)





VICINITY MAP
(NOT TO SCALE)

CONSENT OF LIENHOLDER

KNOW ALL MEN BY THESE PRESENTS:

THE UNDERSIGNED, AS BENEFICIARY UNDER THAT CERTAIN DEED OF TRUST RECORDED DECEMBER 4, 2009, AS INSTRUMENT NO. 2009-1114173 OF THE OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA, HEREBY CONSENT TO AND JOIN IN THAT CERTAIN "VISTANCIA F4, PHASE 3", AND AGREE THAT SUCH PLAT AND THE EASEMENTS SHOWN THERON AND DEDICATED AS SUCH SHALL BE SUPERIOR TO, AND HAVE PRIORITY OVER, THE ABOVE-DESCRIBED DEED OF TRUST.

VISTANCIA SOUTH, LLC
A DELAWARE LIMITED LIABILITY COMPANY

BY: SLF III - VPMM, LLC
A TEXAS LIMITED LIABILITY COMPANY, ITS MANAGING MEMBER

BY: SLF III - VISTANCIA, LLC
A TEXAS LIMITED LIABILITY COMPANY, ITS SOLE AND MANAGING MEMBER

BY: STRATFORD LAND FUND III, L.P.,
A DELAWARE LIMITED PARTNERSHIP, ITS SOLE AND MANAGING MEMBER

BY: STRATFORD FUND III GP, LLC,
A TEXAS LIMITED LIABILITY COMPANY, ITS GENERAL PARTNER

BY: [redacted]

NAME: [redacted]

ITS: SVP-Entitlements

ACKNOWLEDGEMENT FOR RATIFICATION

ON THIS, THE 27 DAY OF January, 2014 BEFORE ME, [redacted] PERSONALLY APPEARED, AND ACKNOWLEDGED HIMSELF/HERSELF TO BE Vice President OF WELLS FARGO BANK, A NATIONAL ASSOCIATION, AND ACKNOWLEDGED THAT HE/SHE, AS Vice President, BEING DULY AUTHORIZED TO DO SO, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSE CONTAINED THEREIN.

IN WITNESS WHEREOF I HEREBY SET MY HAND AND OFFICIAL SEAL:

NOTARY PU[redacted]

MY COMMISSION EXPIRES: 8/1/2015

FLOOD ZONE INFORMATION

ZONE "X": AREAS OF 0.2% CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FT. OR WITH DRAINAGE AREAS LESS THAN 1 SQ. MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD.
FLOODWAY AREAS IN ZONE 'AE': THE FLOODWAY IS THE CHANNEL OF A STREAM PLUS ANY ADJACENT FLOODPLAIN AREAS THAT MUST BE KEPT FREE OF ENCROACHMENT SO THAT THE 1% ANNUAL CHANCE FLOOD CAN BE CARRIED WITHOUT SUBSTANTIAL INCREASES IN FLOOD HEIGHTS. PER THE FLOOD INSURANCE RATE MAP NUMBER 04013C0815L, MARICOPA COUNTY DATED: OCT. 16, 2013.
FLOOD ZONE DESIGNATION PROVIDED BY FEDERAL EMERGENCY MANAGEMENT AGENCY.

CONSENT OF LIENHOLDER

KNOW ALL MEN BY THESE PRESENTS:

THE UNDERSIGNED, AS BENEFICIARY UNDER THAT CERTAIN DEED OF TRUST RECORDED JUNE 1, 2012, AS INSTRUMENT NO. 2012-0472328 OF THE OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA, HEREBY CONSENT TO AND JOIN IN THAT CERTAIN "VISTANCIA F4, PHASE 3", AND AGREE THAT SUCH PLAT AND THE EASEMENTS SHOWN THERON AND DEDICATED AS SUCH SHALL BE SUPERIOR TO, AND HAVE PRIORITY OVER, THE ABOVE-DESCRIBED DEED OF TRUST.

WELLS FARGO BANK, A NATIONAL ASSOCIATION

BY: [redacted]

NAME: Vice President

ITS: MANAGER

ACKNOWLEDGEMENT FOR RATIFICATION

STATE OF TEXAS)
) SS
COUNTY OF DALLAS)

ACKNOWLEDGED BEFORE ME THIS 31 DAY OF January 2014, BY Octo Vest, THE SVP-Entitlements OF STRATFORD FUND III GP, LLC, A TEXAS LIMITED LIABILITY COMPANY, THE GENERAL PARTNER OF STRATFORD LAND FUND III, L.P., A DELAWARE LIMITED PARTNERSHIP, THE SOLE AND MANAGING MEMBER OF SLF III - VISTANCIA, LLC, A TEXAS LIMITED LIABILITY COMPANY, THE SOLE AND MANAGING MEMBER OF SLF III - VPMM, LLC, A TEXAS LIMITED LIABILITY COMPANY, THE MANAGING MEMBER OF VISTANCIA SOUTH LLC, A DELAWARE LIMITED LIABILITY COMPANY, ON BEHALF OF THAT LIMITED LIABILITY COMPANY.

IN WITNESS WHEREOF:

I HEREUNTO SET MY HAND AND OFFICIAL SEAL

BY: [redacted] NOTARY PUBLIC

MY COMMISSION EXPIRES: 3-15-2014

CERTIFICATION

I, LARRY E. SULLIVAN, HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF ARIZONA, THAT THIS PLAT, CONSISTING OF THREE (3) SHEETS, CORRECTLY REPRESENTS CORREA BOUNDARY SURVEY MADE UNDER MY SUPERVISION DURING THE MONTH OF MAY, 2010, THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN, AND THAT ALL MONUMENTS SHOWN MOACTUALLY EXIST OR WILL BE SET AS SHOWN, THAT THEIR POSITIONS ARE CORRECTLY SHOWN AND THAT SAID MONUMENTS ARE SUFFICENT TO ENABLE THE SURVEY TO BE RETRACTED.

[redacted]

BY: ______________
LARRY E. SULLIVAN
REGISTERED LAND SURVEYOR
REGISTRATION #22782
COE & VAN LOO CONSULTANTS, INC.

PREPARED 12-23-13
DATE

ACKNOWLEDGEMENT

STATE OF ARIZONA)
) SS
COUNTY OF MARICOPA)

ON THIS THE 9th DAY OF January, 2014 BEFORE ME, Buddy Satterfield PERSONALLY APPEARED AND ACKNOWLEDGED HIMSELF/HERSELF TO BE Authorized Agent OF SHEA HOMES LIMITED PARTNERSHIP, A CALIFORNIA LIMITED PARTNERSHIP, ACKNOWLEDGED THAT THEY, AS THE OWNER, BEING DULY AUTHORIZED TO DO SO, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSE THEREIN CONTAINED.

IN WITNESS WHEREOF:

I HEREBY [redacted] AND OFFICIAL SEAL

BY: [redacted] NOTARY PUBLIC ______ MY COMMISSION EXPIRES: 08-07-2015
DATE

ACKNOWLEDGEMENT

STATE OF ARIZONA)
) SS
COUNTY OF MARICOPA)

ON THIS THE 9th DAY OF January, 2014 BEFORE ME, David Garcia PERSONALLY APPEARED AND ACKNOWLEDGED HIMSELF/HERSELF TO BE Authorized Agent OF SHEA HOMES LIMITED PARTNERSHIP, A CALIFORNIA LIMITED PARTNERSHIP, ACKNOWLEDGED THAT THEY, AS THE OWNER, BEING DULY AUTHORIZED TO DO SO, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSE THEREIN CONTAINED.

IN WITNESS WHEREOF:

I HEREBY SET MY HAND AND OFFICIAL SEAL

BY [redacted] ______ MY COMMISSION EXPIRES: 08-07-2015
DATE

DEDICATION

STATE OF ARIZONA)
) SS
COUNTY OF MARICOPA)

KNOW ALL MEN BY THESE PRESENTS:

THAT VISTANCIA CONSTRUCTION, LLC, A DELAWARE LIMITED LIABILITY COMPANY AND SHEA HOMES LIMITED PARTNERSHIP, A CALIFORNIA LIMITED PARTNERSHIP, AS OWNERS, DO HEREBY PUBLISH THIS PLAT OF "VISTANCIA PARCEL F4 PHASE 3" A REPLAT OF TRACT 'M' AS RECORDED ON THE FINAL PLAT OF "VISTANCIA PARCEL F3 PHASE 1", BOOK 1163 OF MAPS, PAGE 19, M.C.R., LYING WITHIN A PORTION OF THE NORTH HALF OF SECTION 14, TOWNSHIP 5 NORTH, RANGE 1 WEST, GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, AS SHOWN HEREON AND HEREBY DECLARE THAT SAID PLAT SETS FORTH THE LOCATIONS AND GIVES THE DIMENSIONS OF THE LOTS, STREETS, TRACTS AND EASEMENTS CONSTITUTING THE SAME AND THAT EACH LOT, STREET AND TRACT SHALL BE KNOWN BY THE NUMBER, NAME OR LETTER GIVEN ON SAID PLAT, THAT VISTANCIA CONSTRUCTION, LLC, A DELAWARE LIMITED LIABILITY COMPANY AND SHEA HOMES LIMITED PARTNERSHIP, A CALIFORNIA LIMITED PARTNERSHIP, AS OWNERS, DO HEREBY DEDICATE TO THE CITY OF PEORIA FOR USE AS SUCH, THE STREETS AND EASEMENTS AS SHOWN HEREON AND INCLUDED WITH THE ABOVE DESCRIBED PREMISES. PUBLIC UTILITY EASEMENTS (PUE) ARE DEDICATED TO THE CITY OF PEORIA FOR USE AS SUCH. THE MAINTENANCE OF LANDSCAPING WITHIN THE RIGHT-OF-WAY SHALL BE THE RESPONSIBILITY OF THE FRONTING PROPERTY OWNER.

ALL NOTATIONS AND DEDICATIONS STATED ON OR WITHIN THE FINAL PLAT OF "VISTANCIA PARCEL F3 PHASE 1" AS RECORDED IN BOOK 1163 OF MAPS, PAGE 19, MARICOPA COUNTY RECORDS, SHALL REMAIN IN FULL FORCE AND EFFECT WITH THE RECORDATION OF THIS PLAT.

EASEMENTS ARE DEDICATED FOR THE PURPOSES SHOWN.

TRACTS 'A' AND 'B' ARE TO BE CONVEYED TO AND MAINTAINED BY VISTANCIA MAINTENANCE CORPORATION, AN ARIZONA NON-PROFIT CORPORATION, AND ARE HEREBY DECLARED TO BE COMMUNITY COMMON AREAS FOR THE USE AND ENJOYMENT OF THE PROPERTY OWNERS. TRACTS 'C', 'D', 'E' AND 'F' SHALL BE CONVEYED TO AND MAINTAINED BY THE VISTANCIA VILLAGE A COMMUNITY ASSOCIATION, AN ARIZONA NON-PROFIT CORPORATION, AND IS HEREBY DECLARED TO BE COMMON AREAS FOR THE USE AND ENJOYMENT OF THE PROPERTY OWNERS. TRACTS 'A', 'B', 'D', AND 'E' ARE DEDICATED AS DRAINAGE EASEMENTS. TRACT 'F' IS RESERVED FOR A FUTURE REGIONAL TRAIL AND WILL BE CONVEYED AT NO COST TO THE CITY OF PEORIA AT SUCH TIME THAT THE CITY IS READY TO CONSTRUCT THE TRAIL. NO DWELLING UNITS SHALL BE CONSTRUCTED UPON TRACTS 'A' THROUGH 'F' INCLUSIVE.

THE CITY OF PEORIA IS HEREBY GIVEN AN EASEMENT FOR MAINTENANCE OF LANDSCAPING, RETENTION AND DRAINAGE FACILITIES ON TRACTS 'A' THROUGH 'F' INCLUSIVE. THIS EASEMENT MAY BE EXERCISED BY THE CITY OF PEORIA AT ANY SUCH TIME WHEN THE HOMEOWNER'S ASSOCIATION FAILS TO EXIST AND PROVIDE THE REQUIRED MAINTENANCE AND OPERATION OF THE LANDSCAPING, RETENTION AND DRAINAGE FACILITIES. AS LONG AS THE HOMEOWNER'S ASSOCIATION IS IN EXISTENCE, IT WILL BE RESPONSIBLE FOR PROVIDING ALL MAINTENANCE OF LANDSCAPING, RETENTION AND DRAINAGE FACILITIES, REGARDLESS OF THE DEDICATION OF THE EASEMENT.

THAT VISTANCIA CONSTRUCTION, LLC, A DELAWARE LIMITED LIABILITY COMPANY AND SHEA HOMES LIMITED PARTNERSHIP, A CALIFORNIA LIMITED PARTNERSHIP, AS OWNERS, GRANT TO THE CITY OF PEORIA, AN ARIZONA MUNICIPAL CORPORATION, OF MARICOPA COUNTY, ARIZONA, ITS SUCCESSORS AND ASSIGNS, A PERMANENT AND PERPETUAL EASEMENT FOR THE FOLLOWING PURPOSES, NAMELY: THE RIGHT TO ENTER UPON FOR CONSTRUCTION, MAINTENANCE, OPERATION AND REPLACEMENT OF A WATER LINE OVER, UNDER, AND ACROSS TRACT 'B' SITUATED IN THE COUNTY OF MARICOPA, STATE OF ARIZONA.

TO HAVE AND TO HOLD THE SAID EASEMENT UNTO CITY OF PEORIA, A MUNICIPAL CORPORATION OF MARICOPA COUNTY, ARIZONA AND UNTO ITS SUCCESSORS AND ASSIGNS FOREVER, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS TO PERMIT THE CONSTRUCTION, OPERATION, MAINTENANCE, AND REPLACEMENT OF PUBLIC WATER LINES. SUBJECT TO NOTES 1, 2, 3, AND 4 BELOW.

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

NOTES:
1. THE SAID EASEMENT TO INCLUDE THE RIGHT TO CUT BACK AND TRIM SUCH PORTION OF THE BRANCHES AND TOPS OF TREES NOW GROWING OR THAT MAY HEREAFTER GROW UPON THE ABOVE DESCRIBED PREMISES, AS MAY EXTEND OVER SAID EASEMENT, SO AS TO PREVENT THE SAME FROM INTERFERING WITH THE EFFICIENT MAINTENANCE AND OPERATION OF SAID WATER LINES.
2. THE CITY OF PEORIA SHALL NOT BE RESPONSIBLE FOR REPLACING ANY LANDSCAPING OR ANY IMPROVEMENT PLACED IN THE EASEMENT BY GRANTOR OR ITS SUCCESSORS OR ASSIGNS, EXCEPT AS NOTED HEREIN.
3. THE CITY OF PEORIA WILL MAKE REASONABLE EFFORTS TO PROMPTLY RESTORE ASPHALT CONCRETE PAVEMENT SURFACES.
4. GRANTOR, ITS SUCCESSORS OR ASSIGNS AT ITS SOLE COST, SHALL BE RESPONSIBLE FOR PROMPTLY REPLACING ANY LANDSCAPING OR IMPROVEMENT(S) PLACED IN THE EASEMENT BY GRANTOR OR ITS SUCCESSORS OR ASSIGNS.

IN THE EVENT THE RIGHT, PRIVILEGE AND EASEMENT HEREIN GRANTED SHALL BE ABANDONED AND PERMANENTLY CEASE TO BE USED FOR THE PURPOSES HEREIN GRANTED ALL RIGHTS HEREIN GRANTED SHALL CEASE AND REVERT TO THE GRANTORS, THEIR HEIRS OR ASSIGNS.

IN WITNESS WHEREOF:

THAT VISTANCIA CONSTRUCTION, LLC, A DELAWARE LIMITED LIABILITY COMPANY, AS OWNER, HAS HEREUNTO CAUSED ITS CORPORATE NAME TO BE AFFIXED AND THE SAME TO BE ATTESTED BY THE SIGNATURE OF THE UNDERSIGNED OFFICERS THEREUNTO DULY AUTHORIZED.

VISTANCIA CONSTRUCTION, LLC, A DELAWARE LIMITED LIABILITY COMPANY

BY: SHEA HOMES SOUTHWEST INC., AN ARIZONA CORPORATION ITS MANAGING MEMBER

BY: [redacted] ITS: Authorized Agent

BY: [redacted] ITS: Authorized Agent

THAT SHEA HOMES LIMITED PARTNERSHIP, A CALIFORNIA LIMITED PARTNERSHIP, AS OWNER, HAS HEREUNTO CAUSED ITS CORPORATE NAME TO BE AFFIXED AND THE SAME TO BE ATTESTED BY THE SIGNATURE OF THE UNDERSIGNED OFFICER THEREUNTO DULY AUTHORIZED.

SHEA [redacted] PARTNERSHIP, A CALIFORNIA LIMITED [redacted]

BY: [redacted] ITS: Authorized Agent

BY: [redacted] ITS: Authorized Agent

ACKNOWLEDGEMENT

STATE OF ARIZONA)
) SS
COUNTY OF MARICOPA)

ON THIS THE 9th DAY OF January, 2014 BEFORE ME, Buddy Satterfield + David Garcia PERSONALLY APPEARED AND ACKNOWLEDGED HIMSELF/HERSELF TO BE Authorized Agents OF VISTANCIA CONSTRUCTION, LLC, A DELAWARE LIMITED LIABILITY COMPANY, BY SHEA HOMES SOUTHWEST, INC., AN ARIZONA CORPORATION, ITS MANAGING MEMBER, ACKNOWLEDGED THAT HE/SHE, AS THE AUTHORIZED AGENT, BEING DULY AUTHORIZED TO DO SO, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSE THEREIN CONTAINED.

IN WITNESS WHEREOF:

I HEREBY SET MY HAND AND OFFICIAL SEAL

B[redacted] ______ MY COMMISSION EXPIRES: 08-07-2015
DATE

CITY OF PEORIA PROJECT #R100031

SEE SHEET 2 FOR LOT AREAS, LEGAL DESCRIPTION, AND TRACT TABLE. SEE SHEET 3 FOR CURVE TABLE

GROSS AREA = 8.943 AC.

SHEET 1 OF 3

COE & VAN LOO
CONSULTANTS, INC.
4550 N. 12TH STREET
PHOENIX, AZ 85014
(602) 264-6831

OscarG
12/20/2013
7:23:16 AM
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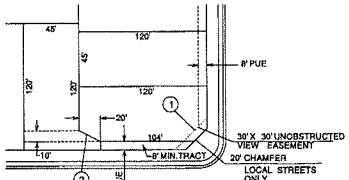


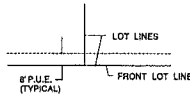
F4-TYPICAL LOT DETAIL (NOT TO SCALE)

LOT AREAS				
LOT-79	=	5,998 S.F.	0.138	AC
LOT-80	=	5,652 S.F.	0.130	AC
LOT-81	=	5,662 S.F.	0.130	AC
LOT-82	=	5,715 S.F.	0.131	AC
LOT-83	=	5,715 S.F.	0.131	AC
LOT-84	=	5,715 S.F.	0.131	AC
LOT-85	=	5,715 S.F.	0.131	AC
LOT-86	=	5,715 S.F.	0.131	AC
LOT-87	=	5,715 S.F.	0.131	AC
LOT-88	=	5,292 S.F.	0.121	AC
LOT-89	=	5,400 S.F.	0.124	AC
LOT-90	=	5,580 S.F.	0.128	AC
LOT-91	=	5,580 S.F.	0.128	AC
LOT-92	=	5,580 S.F.	0.128	AC
LOT-93	=	5,580 S.F.	0.128	AC
LOT-94	=	5,400 S.F.	0.124	AC
LOT-95	=	5,329 S.F.	0.122	AC
LOT-96	=	5,603 S.F.	0.129	AC
LOT-97	=	5,410 S.F.	0.124	AC
LOT-98	=	5,220 S.F.	0.120	AC
LOT-99	=	5,220 S.F.	0.120	AC
LOT-100	=	5,220 S.F.	0.120	AC
LOT-101	=	5,400 S.F.	0.124	AC
LOT-102	=	5,400 S.F.	0.124	AC
LOT-103	=	5,400 S.F.	0.124	AC
LOT-104	=	5,234 S.F.	0.120	AC
LOT-105	=	5,157 S.F.	0.118	AC
LOT-106	=	5,498 S.F.	0.126	AC
LOT-107	=	5,606 S.F.	0.138	AC
LOT-108	=	8,058 S.F.	0.185	AC
LOT-109	=	8,365 S.F.	0.192	AC
ST	=	176,533 S.F.	4.053	AC

LEGEND

- INDICATES SECTION CORNER - FOUND BRASS CAP IN HANDHOLE (UNLESS OTHERWISE NOTED).
- INDICATES CORNER OF THIS SUBDIVISION - FOUND 1 1/2" ALUMINUM CAP L.S.#34404 (UNLESS OTHERWISE NOTED).
- INDICATES CORNER OF THIS SUBDIVISION - FOUND 1/2" IRON BAR WITH CAP L.S.#34404 (UNLESS OTHERWISE NOTED).
- INDICATES CORNER OF THIS SUBDIVISION - SET 1/2" IRON BAR WITH CAP L.S.#22782 (UNLESS OTHERWISE NOTED) M.A.G. STD. DET. 120-1 TYPE 'C'-MODIFIED.
- INDICATES EXISTING BRASS CAP (UNLESS OTHERWISE NOTED).
- INDICATES CENTER LINE MONUMENTATION - SET BRASS CAP FLUSH UPON COMPLETION OF JOB PER M.A.G. STD. DET. 120-1, TYPE "B".

C1	–	INDICATES CURVE NUMBER
V.N.A.E.	–	INDICATES VEHICULAR NON - ACCESS EASEMENT
P.U.E.	–	INDICATES PUBLIC UTILITY EASEMENT
M.C.R.	–	INDICATES MARICOPA COUNTY RECORDS
G.L.O.	–	INDICATES GENERAL LAND OFFICE
B.L.M.	–	INDICATES BUREAU OF LAND MANAGEMENT
ROW	–	INDICATES RIGHT-OF-WAY
1	–	INDICATES SITE VISIBILITY EASEMENT
	–	INDICATES BOUNDARY LINE
	–	INDICATES CENTERLINE



TYPICAL PUBLIC UTILITY EASEMENT DETAIL
(NOT TO SCALE)

TOTAL LAND USE	
TOTAL NUMBER OF LOTS	31
TOTAL NUMBER OF TRACTS	5
GROSS RESIDENTIAL DENSITY	2.8 D.U./AC.

LOCATION MAP
(NOT TO SCALE)

LEGAL DESCRIPTION

THAT PART OF THE NORTH HALF OF SECTION 14, TOWNSHIP 5 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE B.L.M. BRASS CAP FLUSH MARKING THE CENTER OF SAID SECTION 14, FROM WHICH THE G.L.O. BRASS CAP MARKING THE EAST QUARTER CORNER OF SAID SECTION 14 BEARS SOUTH 89°46'06" EAST, A DISTANCE OF 2,648.03 FEET;

THENCE NORTH 00°13'44" EAST, ALONG THE NORTH-SOUTH MID-SECTION LINE OF SAID SECTION 14, A DISTANCE OF 65.00 FEET TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING NORTH 00°13'44" EAST, ALONG SAID NORTH-SOUTH MID-SECTION LINE, A DISTANCE OF 14.69 FEET TO THE NORTHERLY LINE OF TRACT O AS SHOWN ON THE "RE-PLAT OF MAP OF DEDICATION VISTANCIA BOULEVARD, LONE MOUNTAIN ROAD, CREOSOTE DRIVE AND WESTLAND", RECORDED IN BOOK 650 OF MAPS, PAGE 23, MARICOPA COUNTY RECORDS, SAID POINT BEING ON A 1,267.00 FOOT RADIUS NON-TANGENT CURVE, WHOSE CENTER BEARS SOUTH 01°00'21" EAST;

THENCE WESTERLY, ALONG SAID NORTHERLY LINE OF TRACT O AND SAID CURVE, THROUGH A CENTRAL ANGLE OF 04°00'04", A DISTANCE OF 88.48 FEET;

THENCE NORTH 18°36'07" EAST, DEPARTING SAID NORTHERLY LINE, A DISTANCE OF 85.13 FEET;

THENCE NORTH 78°58'14" WEST, A DISTANCE OF 50.73 FEET TO A POINT ON A 362.98 FOOT RADIUS NON-TANGENT CURVE, WHOSE CENTER BEARS SOUTH 89°02'28" EAST;

THENCE NORTHERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 10°04'14", A DISTANCE OF 63.80 FEET;

THENCE NORTH 11°01'46" EAST, A DISTANCE OF 36.53 FEET;
THENCE NORTH 56°01'46" EAST, A DISTANCE OF 28.28 FEET;
THENCE NORTH 11°01'46" EAST, A DISTANCE OF 50.00 FEET;
THENCE NORTH 78°58'14" WEST, A DISTANCE OF 11.72 FEET;

THENCE NORTH 11°01'46" EAST, A DISTANCE OF 142.85 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF THE CENTRAL ARIZONA PROJECT CANAL AS SHOWN ON THE BUREAU OF RECLAMATION SURVEY DIAGRAM NO. 344-330-3071, DATED FEBRUARY 04, 1981, REVISED MAY 20, 1986;

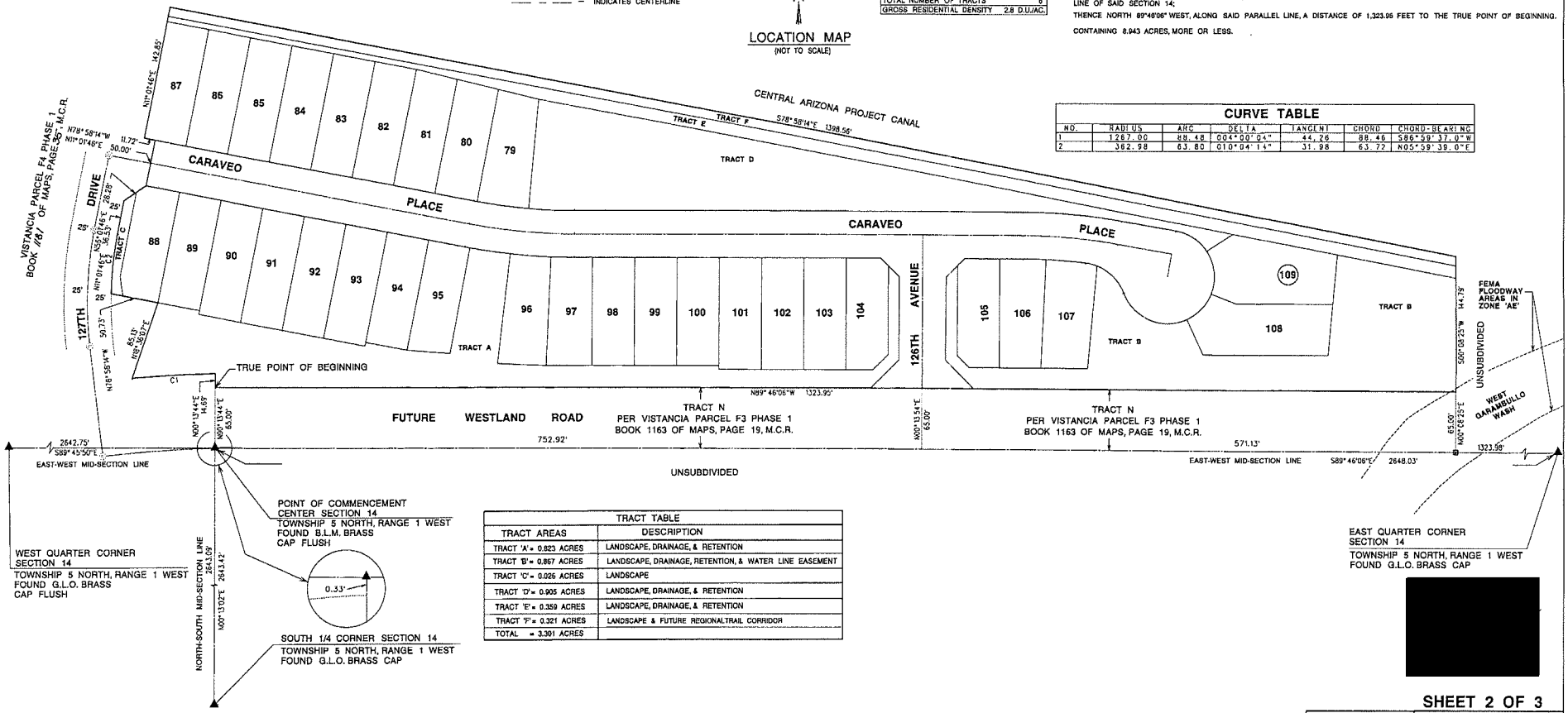
THENCE SOUTH 78°58'14" EAST, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 1,398.56 FEET TO A POINT ON THE EAST LINE OF GOVERNMENT LOT 7, LOCATED WITHIN SAID SECTION 14;

THENCE SOUTH 00°08'25" WEST, ALONG SAID EAST LINE, A DISTANCE OF 144.79 FEET TO A POINT ON A LINE WHICH IS PARALLEL WITH AND 65.00 FEET NORTHERLY, AS MEASURED AT RIGHT ANGLES FROM THE EAST-WEST MID-SECTION LINE OF SAID SECTION 14;

THENCE NORTH 89°46'06" WEST, ALONG SAID PARALLEL LINE, A DISTANCE OF 1,323.96 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 8.943 ACRES, MORE OR LESS.

CURVE TABLE						
NO.	RADIUS	ARC	DELTA	TANGENT	CHORD	CHORD-BEARING
1	1267.00	88.48	004°00'04"	44.26	88.46	S86°59'37.0"W
2	362.98	63.80	010°04'14"	31.98	63.72	N05°59'39.0"E



TRACT TABLE	
TRACT AREAS	DESCRIPTION
TRACT 'A' = 0.823 ACRES	LANDSCAPE, DRAINAGE, & RETENTION
TRACT 'B' = 0.867 ACRES	LANDSCAPE, DRAINAGE, RETENTION, & WATER LINE EASEMENT
TRACT 'C' = 0.026 ACRES	LANDSCAPE
TRACT 'D' = 0.905 ACRES	LANDSCAPE, DRAINAGE, & RETENTION
TRACT 'E' = 0.359 ACRES	LANDSCAPE, DRAINAGE, & RETENTION
TRACT 'F' = 0.321 ACRES	LANDSCAPE & FUTURE REGIONALTRAIL CORRIDOR
TOTAL = 3.301 ACRES	

[redacted]

SHEET 2 OF 3

SEE SHEET 3 FOR CURVE TABLE

COE & VAN LOO CONSULTANTS, INC.
4550 N. 12TH STREET
PHOENIX, AZ 85014
(602) 264-6831

CITY OF PEORIA PROJECT #R100031

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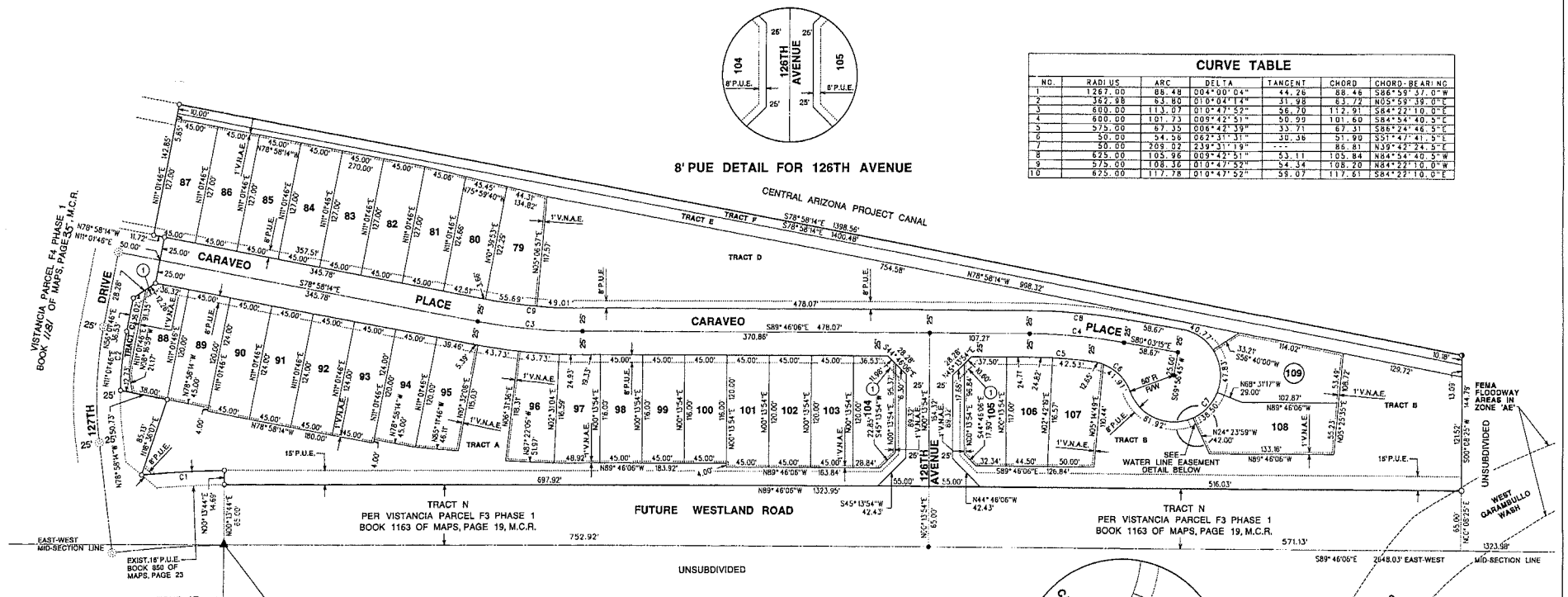

CURVE TABLE

NO.	RADIUS	ARC	DELTA	TANGENT	CHORD	CHORD-BEARING
1	1267.00	88.48	004°00'04"	44.26	88.46	S86°59'37.0"W
2	362.98	63.80	010°04'14"	31.98	63.72	N05°59'39.0"E
3	600.00	113.07	010°47'52"	56.70	112.91	S84°22'10.0"E
4	600.00	101.73	009°42'51"	50.99	101.60	S84°54'40.5"E
5	575.00	67.35	006°42'39"	33.71	67.31	S86°24'46.5"E
6	50.00	54.56	062°31'31"	30.38	51.90	S51°47'41.5"E
7	50.00	209.02	239°31'19"	---	86.81	N39°42'24.5"E
8	625.00	105.96	009°42'51"	53.11	105.84	N84°54'40.5"W
9	575.00	108.36	010°47'52"	54.34	108.20	N84°22'10.0"W
10	625.00	117.78	010°47'52"	59.07	117.61	S84°22'10.0"E

LEGEND

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C1	—	INDICATES CURVE NUMBER
V.N.A.E.	—	INDICATES VEHICULAR NON - ACCESS EASEMENT
P.U.E.	—	INDICATES PUBLIC UTILITY EASEMENT
M.C.R.	—	INDICATES MARICOPA COUNTY RECORDS
G.L.O.	—	INDICATES GENERAL LAND OFFICE
B.L.M.	—	INDICATES BUREAU OF LAND MANAGEMENT
ROW	—	INDICATES RIGHT-OF-WAY
(1)	—	INDICATES UNOBSTRUCTED VIEW EASEMENT
(2)	—	INDICATES KEY LOT
	—	INDICATES BOUNDARY LINE
	—	INDICATES CENTERLINE

SHEET 3 OF 3

COE & VAN LOO CONSULTANTS, INC.
4550 N. 12TH STREET
PHOENIX, AZ 85014
(602) 264-6831

CITY OF PEORIA PROJECT #R100031

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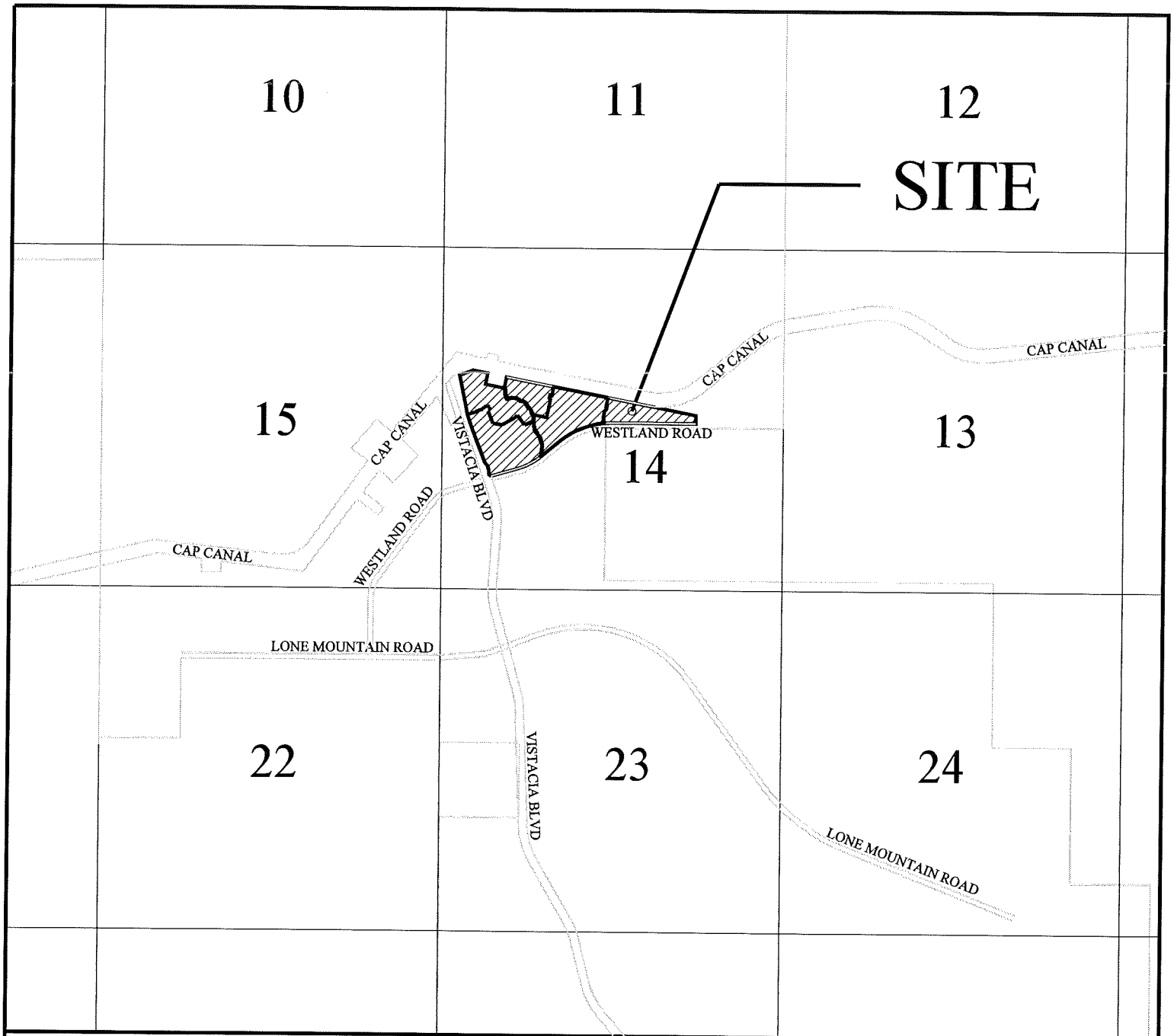

VICINITY MAP

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CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 25C

Date Prepared: May 6, 2014 **Council Meeting Date: June 17, 2014**

TO: **Carl Swenson, City Manager**

FROM: **Scott Whyte, Economic Development Services Director**

THROUGH: **Susan J. Daluddung, Deputy City Manager**

SUBJECT: **Final Plat, Vistancia Village H – Parcel H-15, White Peak Drive & 136th Avenue (Project No. R130055)**

Purpose:

This is a request for City Council to approve a Final Plat of Vistancia Village H – Parcel H-15, located on White Peak Drive and 136th 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 water\sewer service area. This final plat creates a total of 81 new lots within

the Vistancia North Community. All internal roadways are public and will be maintained by the City.

In November 2013, the City Council approved the Replat of Vistancia North Village 1, Village 2, and Village 3 Master Final Plat, creating all of the individual parcels and the rights-of-way for the master subdivision. The Final Plats for each individual parcel are necessary to further subdivide each parcel into individual lots, tracts, and internal roadways for development.

Previous Actions:

The preliminary plat was reviewed by the City and completed in September 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

FINAL PLAT
FOR
"VISTANCIA VILLAGE H - PARCEL H-15"
(A REPLAT OF PARCEL H-15 OF THE REPLAT OF A PORTION OF THE VISTANCIA NORTH VILLAGE 1, VILLAGE 2, AND VILLAGE 3 MASTER FINAL PLAT, AS RECORDED IN BOOK 1172, PAGE 20 OF THE MARICOPA COUNTY RECORDER
LOCATED IN A PORTION OF SECTION 15 OF TOWNSHIP 5 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, PEORIA ARIZONA.

DEDICATION

STATE OF ARIZONA)
) SS
COUNTY OF MARICOPA)

KNOW ALL MEN BY THESE PRESENTS:

VISTANCIA VILLAGE H, LLC, A DELAWARE LIMITED LIABILITY COMPANY, AS OWNER DOES HEREBY PUBLISH THIS FINAL PLAT FOR "VISTANCIA VILLAGE H - PARCEL H-15," A RE-PLAT OF PARCEL H-15 OF THE RE-PLAT OF A PORTION OF THE VISTANCIA NORTH VILLAGE 1, VILLAGE 2, AND VILLAGE 3 MASTER FINAL PLAT, AS RECORDED IN BOOK 1172, PAGE 20 OF THE MARICOPA COUNTY RECORDER, OVER A PORTION OF SECTION 15, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, AS SHOWN AND PLATTED HEREON AND HEREBY PUBLISHES THIS PLAT AS, AND FOR, THE PLAT OF SAID "VISTANCIA VILLAGE H - PARCEL H-15" AND HEREBY DECLARES THAT SAID PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF THE LOTS, TRACTS, EASEMENTS AND STREETS CONSTITUTING SAME, AND THAT EACH LOT, TRACT AND STREET SHALL BE KNOWN BY THE NUMBER, LETTER OR NAME GIVEN TO EACH RESPECTIVELY ON SAID PLAT AND HEREBY DEDICATES TO THE CITY OF PEORIA FOR USE, AS SUCH, THE STREETS AS SHOWN ON SAID PLAT AND INCLUDED IN THE ABOVE DESCRIBED PREMISES. EASEMENTS ARE DEDICATED FOR THE PURPOSES SHOWN.

ALL NOTATIONS AND DEDICATIONS STATED ON OR WITHIN THE RE-PLAT OF A PORTION OF THE VISTANCIA NORTH VILLAGE 1, VILLAGE 2, AND VILLAGE 3 MASTER FINAL PLAT, AS RECORDED IN BOOK 1172, PAGE 20 OF THE MARICOPA COUNTY RECORDER SHALL REMAIN IN FULL FORCE AND EFFECT WITH THE RECORDATION OF THIS FINAL PLAT.

VISTANCIA VILLAGE H, LLC, AS OWNER, HEREBY DEDICATES TO THE CITY THE RIGHTS-OF-WAY AS SHOWN HEREON, FOR THE USE AS (A) PUBLIC STREETS, AND (B) ANY AND ALL PUBLIC SEWER, WATER, GAS, ELECTRIC AND ANY OTHER UTILITY SERVICES. LANDSCAPING WITHIN THE RIGHTS -OF-WAY SHALL BE MAINTAINED BY THE HOMEOWNERS' ASSOCIATION. VISTANCIA VILLAGE H, LLC, HEREBY WARRANTS TO THE CITY THE TITLE TO SAID RIGHT OF WAY AS SHOWN HEREON, AGAINST THE CLAIMS OF ALL PERSONS WHOMSOEVER.

TRACTS "C", "D", "E", "G", "H", AND "I" ARE HEREBY DECLARED AS COMMON AREAS FOR THE PURPOSES SET FORTH IN THE DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR "VISTANCIA NORTH", TO BE HEREIN AFTER RECORDED AND WILL BE OWNED AND MAINTAINED BY THE "VISTANCIA NORTH ASSOCIATION." DWELLING UNITS SHALL NOT BE CONSTRUCTED ON SAID TRACTS.

TRACT "F" IS RESERVED FOR A FUTURE REGIONAL TRAIL AND WILL BE DEEDED TO THE CITY, AT NO COST TO THE CITY, AT THE TIME THE CITY IS READY TO CONSTRUCT THE TRAIL.

TRACT "J" IS HEREBY DECLARED AS COMMUNITY COMMON AREA SET FORTH IN THE DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, AND EASEMENTS FOR THE "VISTANCIA MAINTANANCE CORPORATION," AND WILL BE OWNED AND MAINTAINED BY THE "VISTANCIA MAINTANANCE CORPORATION." DWELLING UNITS SHALL NOT BE CONSTRUCTED IN SAID TRACTS.

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

THE SLOPE EASEMENT IS HEREBY PLACED ON LOTS SHOWN HEREON FOR THE PURPOSE OF RESTRICTING THE REGRADING OR REMOVAL OF MATERIAL FROM THE EASEMENT. THE OWNERS OF THE LOTS MAY CHANGE THE GRADING IN THIS AREA BY OBTAINING A GRADING PERMIT FROM THE CITY ALONG WITH AN ENGINEERED PLAN THAT TAKES INTO CONSIDERATION THE EARTHWORK, WALLS AND DRAINAGE CONCERNS.

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

VISTANCIA VILLAGE H, LLC DOES HEREBY GRANT TO THE CITY OF PEORIA, AN ARIZONA MUNICIPAL CORPORATION, IN MARICOPA COUNTY, ARIZONA, ITS SUCCESSORS, AND ASSIGNS, A PERMANENT AND PERPETUAL EASEMENT FOR THE FOLLOWING PURPOSES, NAMELY: THE RIGHT TO ENTER UPON FOR CONSTRUCTION, MAINTENANCE, OPERATION AND REPLACEMENT OF A WATER AND SEWER LINE OVER, UNDER, AND ACROSS TRACT "C" AND "J" SITUATED IN THE COUNTY OF MARICOPA, STATE OF ARIZONA. TO HAVE AND TO HOLD THE SAID EASEMENT UNTO CITY OF PEORIA, A MUNICIPAL CORPORATION OF MARICOPA COUNTY, ARIZONA AND UNTO ITS SUCCESSORS AND ASSIGNS FOREVER, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS TO PERMIT THE CONSTRUCTION, OPERATION, MAINTENANCE, AND REPLACEMENT OF PUBLIC WATER /SEWER LINE. SUBJECT TO NOTES 1, 2, 3 AND 4.

AND THE GRANTOR HEREBY COVENANTS THAT IT IS LAWFULLY SEIZED AND POSSESSED ON THIS AFOREMENTIONED TRACT OR PARCEL OF LAND; THAT IT HAS 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.

NOTES:

1. THE SAID EASEMENT TO INCLUDE THE RIGHT TO CUT BACK AND TRIM SUCH PORTION OF THE BRANCHES AND TOPS OF THE TREES NOW GROWING OR THAT MAY HEREAFTER GROW UPON THE ABOVE DESCRIBED PREMISES, AS MAY EXTEND OVER SAID EASEMENT, SO AS TO PREVENT THE SAME FROM INTERFERING WITH THE EFFICIENT MAINTENANCE AND OPERATION OF SAID WATER LINES.

2. THE CITY OF PEORIA SHALL NOT BE RESPONSIBLE FOR REPLACING ANY LANDSCAPING OR ANY IMPROVEMENT PLACED IN THE EASEMENT BY GRANTOR OR ITS SUCCESSORS OR ASSIGNS, EXCEPT AS NOTED HEREIN.

3. THE CITY OF PEORIA WILL MAKE REASONABLE EFFORTS TO PROMPTLY RESTORE ASPHALT CONCRETE PAVEMENT SURFACES.

4. GRANTOR, ITS SUCCESSORS OR ASSIGNS AT ITS SOLE COST, SHALL BE RESPONSIBLE FOR PROMPTLY REPLACING ANY LANDSCAPING OR IMPROVEMENT(S) PLACED IN THE EASEMENT BY GRANTOR OR ITS SUCCESSORS OR ASSIGNS.

IN THE EVENT THE RIGHT, PRIVILEGE AND EASEMENT HEREIN GRANTED SHALL BE ABANDONED AND PERMANENTLY CEASE TO BE USED FOR THE PURPOSES HEREIN GRANTED ALL RIGHTS HEREIN GRANTED SHALL CEASE AND REVERT TO THE GRANTORS, THEIR HEIRS OR ASSIGNS.

DEDICATION CONT:

IN WITNESS WHEREOF:

VISTANCIA VILLAGE H LLC AS OWNER HAS HEREUNTO CAUSED ITS NAME TO BE AFFIXED AND THE SAME TO BE ATTESTED BY THE SIGNATURE OF THE UNDERSIGNED OFFICER, THEREUNTO DULY AUTHORIZED THIS ______ DAY OF ______________, 2014

VISTANCIA VILLAGE H, LLC,
A DELAWARE LIMITED LIABILITY COMPANY

BY: SLF II-VPHM, LLC,
A TEXAS LIMITED LIABILITY COMPANY,
ITS MANAGING MEMBER

BY: SLF II-VISTANCIA, LLC,
A TEXAS LIMITED LIABILITY COMPANY,
ITS SOLE AND MANAGING MEMBER

BY: STRATFORD LAND FUND II L.P.,
A DELAWARE LIMITED PARTNERSHIP,
ITS SOLE AND MANAGING MEMBER

BY: STRATFORD FUND II GP, LLC,
A TEXAS LIMITED LIABILITY COMPANY,
ITS MANAGING MEMBER

BY: ______________

NAME: ______________

TITLE: ______________

DEDICATION ACKNOWLEDGEMENT

STATE OF TEXAS)
) SS
COUNTY OF DALLAS)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ______ DAY OF ______, 2014 BY ______________ THE ______________ OF VISTANCIA VILLAGE H LLC, A DELAWARE LIMITED LIABILITY COMPANY FOR AND ON BEHALF THEREOF.

______________ MY COMMISSION EXPIRES: ______________ NOTARY PUBLIC

VISTANCIA NORTH ASSOCIATION RATIFICATION AND CONSENT

THE UNDERSIGNED HEREBY RATIFIES AND CONSENTS TO THIS PLAT AND ITS MAINTENANCE OBLIGATIONS AS SET FORTH HEREON.

VISTANCIA NORTH ASSOCIATION, AN ARIZONA NON-PROFIT CORPORATION

BY: ______________

ITS: ______________

ACKNOWLEDGEMENT

STATE OF ARIZONA)
) SS
COUNTY OF MARICOPA)

ON THIS ______ DAY OF ______________, 2014 BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC PERSONALLY APPEARED ______________ WHO ACKNOWLEDGED HIMSELF TO BE THE ______________ OF VISTANCIA NORTH ASSOCIATION, AN ARIZONA NON-PROFIT CORPORATION, AND THAT SUCH OFFICER, BEING DULY AUTHORIZED TO DO SO, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED BY SIGNING THIS NAME AS SUCH OFFICER ON BEHALF OF THE FOREGOING.

IN WITNESS WHEREOF, I HEREUNTO SET MY HAND AND OFFICIAL SEAL

______________ MY COMMISSION EXPIRES: ______________ NOTARY PUBLIC

APPROVALS

APPROVED BY THE MAYOR AND CITY COUNCIL OF PEORIA, ARIZONA ON THIS ______ DAY OF ______________, 2014.

APPROVED BY: ______________ DATE: ______
MAYOR

ATTESTED BY: ______________ DATE: ______
CITY CLERK

APPROVED BY: ______________ DATE: ______
CITY ENGINEER

NOTES

1. THE SUBDIVISION IS SUBJECT TO MAINTENANCE IMPROVEMENT DISTRICT (MID) *______ AND STREET LIGHT IMPROVEMENT DISTRICT (SLID) *______.

2. NO CONSTRUCTION OF ANY KIND SHALL BE CONSTRUCTED OR PLACED WITHIN THE UTILITY EASEMENTS, EXCEPT UTILITIES, WOOD, WIRE, OR REMOVABLE SECTION TYPE FENCING, AND/OR PAVING, NOR ANY PLANTING EXCEPT GRASS. IT SHALL BE FURTHER UNDERSTOOD THAT THE CITY OF PEORIA SHALL NOT BE REQUIRED TO REPLACE ANY OBSTRUCTION OR PLANTING THAT MUST BE REMOVED DURING THE COURSE OF MAINTENANCE, CONSTRUCTION OR RECONSTRUCTION.

3. ALL NEW AND EXISTING UTILITY ELECTRICAL FACILITIES LESS THAN 69 KVA, CABLE TV TELECOMMUNICATIONS FIBER OPTICS, CELLULAR, GAS, ETC SHALL BE INSTALLED UNDERGROUND AS PART OF THE STREET IMPROVEMENTS.

4. MAINTENANCE OF SURFACE AND UNDERGROUND DRAINAGE FACILITIES WITHIN ALL TRACTS, EASEMENTS, AND RIGHTS-OF-WAY SHALL BE THE RESPONSIBILITY OF THE HOMEOWNERS' ASSOCIATION.

5. ALL LOT CORNERS SHALL BE MONUMENTED WITH 1/2" REBAR AND CAPPED OR TAGGED BEARING THE REGISTRATION NUMBER OF THE SURVEYOR RESPONSIBLE FOR THEIR PLACEMENT.

6. SIGNS, FENCES, WALLS, UTILITY BOXES, STRUCTURES, SHRUBS, HEDGES OR OTHER PLANTS, BUT EXCLUDING TREES OVER 30-INCHES IN HEIGHT SHALL NOT BE PERMITTED WITH VIEW EASEMENTS OR THE SIGHT DISTANCE TRIANGLES. NO LIMBS, LEAVES, NEEDLES OR OTHER FOLIAGE ABOVE 30-INCHES IN HEIGHT OR BELOW 84-INCHES ARE PERMITTED. TREES ARE TO BE PLANTED SO AS NOT TO OBSTRUCT 20% OF THE VISIBILITY WHEN COMBINED WITH OTHER OBSTRUCTIONS.

7. THE SUBDIVISION IS LOCATED WITHIN THE CITY OF PEORIA WATER SERVICE AREA AND HAS BEEN DESIGNATED AS HAVING A 100-YEAR ASSURED WATER SUPPLY.

8. THIS SUBDIVISION IS LOCATED WITHIN THE CITY OF PEORIA SEWER SERVICE AREA.

9. THIS SUBDIVISION IS LOCATED WITHIN THE VICINITY OF A MILITARY AIRPORT.

10. THIS SUBDIVISION IS LOCATED IN THE VICINITY OF A DESIGNATED TRUCK ROUTE. LONE MOUNTAIN ROAD IS DESIGNATED AS A TRUCK ROUTE BY THE CITY OF PEORIA.

11. THIS SUBDIVISION IS LOCATED IN THE VICINITY OF A ROCK QUARRY (GRAVEL OPERATION).

12. NO STRUCTURE OF ANY KIND SHALL BE CONSTRUCTED OR ANY VEGETATION BE PLANTED NOR BE ALLOWED TO GROW WITHIN THE DRAINAGE EASEMENT OR TRACT WHICH WOULD IMPEDE THE FLOW OF WATER OVER, UNDER OR THROUGH THE EASEMENT OR TRACT.

13. AN ASSOCIATION, INCLUDING ALL PROPERTY OWNERS IN THE DEVELOPMENT, WILL BE FORMED AND HAVE THE RESPONSIBILITY FOR MAINTAINING ALL COMMON AREAS TO BE NOTED AS "TRACTS" OR EASEMENTS (INCLUDING LANDSCAPED AREAS AND DRAINAGE FACILITIES) IN ACCORDANCE WITH APPROVED PLANS.

14. THIS SUBDIVISION HAS A REDUCED LEVEL OF STREET LIGHTING. ANY FUTURE ADDITIONAL STREET LIGHTING WILL BE AT THE EXPENSE OF THE ABUTTING PROPERTY OWNERS, NOT AT CITY EXPENSE.

CERTIFICATION

THE MASTER DEVELOPER SHALL CERTIFY THAT RULES AS MAY BE ESTABLISHED BY THE STATE DEPARTMENT OF TRANSPORTATION RELATING TO PROVISIONS FOR THE SAFETY OF ENTRANCE UPON AND DEPARTURE FROM ABUTTING STATE PRIMARY HIGHWAYS HAVE BEEN FOLLOWED AS APPLICABLE.

THE MASTER DEVELOPER SHALL CERTIFY THAT RULES AS MAY BE ESTABLISHED BY THE FLOOD CONTROL DISTRICT OF MARICOPA COUNTY RELATING TO THE CONSTRUCTION OR PREVENTION OF CONSTRUCTION OF STREETS IN LAND ESTABLISHED AS BEING SUBJECT TO PERIODIC INUNDATION HAVE BEEN FOLLOWED AS APPLICABLE.

THE MASTER DEVELOPER SHALL CERTIFY THAT RULES AS MAY BE ESTABLISHED BY THE MARICOPA COUNTY DEPARTMENT OF ENVIRONMENTAL SERVICES RELATING TO THE PROVISION OF DOMESTIC WATER SUPPLY AND SANITARY SEWER DISPOSAL HAVE BEEN FOLLOWED AS APPLICABLE.

THE MASTER DEVELOPER SHALL CERTIFY THAT THE REQUIREMENTS OF THE PEORIA ZONING ORDINANCE AND THE CITY OF PEORIA INFRASTRUCTURE DESIGN GUIDELINES HAVE BEEN ADDRESSED AND FOLLOWED AS APPLICABLE.

VISTANCIA MAINTENANCE CORPORATION RATIFICATION AND CONSENT

THE UNDERSIGNED HEREBY RATIFIES AND CONSENTS THIS PLAT AND ITS MAINTENANCE OBLIGATIONS AS SET FORTH HEREON.

VISTANCIA MAINTENANCE CORPORATION, AN ARIZONA NON-PROFIT CORPORATION

BY: ______________

ITS: ______________

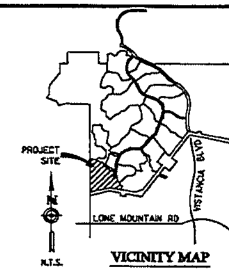
ACKNOWLEDGEMENT

STATE OF ARIZONA)
) SS
COUNTY OF MARICOPA)

ON THIS ______ DAY OF ______________, 2014 BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC PERSONALLY APPEARED ______________ WHO ACKNOWLEDGED HIMSELF TO BE THE ______________ OF VISTANCIA MAINTENANCE CORPORATION, AND THAT SUCH OFFICER, BEING DULY AUTHORIZED TO DO SO, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED BY SIGNING THIS NAME AS SUCH OFFICER ON BEHALF OF THE FOREGOING.

IN WITNESS WHEREOF, I HEREUNTO SET MY HAND AND OFFICIAL SEAL

______________ MY COMMISSION EXPIRES: ______________ NOTARY PUBLIC



VICINITY MAP

DEVELOPER:

VISTANCIA VILLAGE H, LLC
6720 NORTH SCOTTSDALE ROAD, SUITE 250
SCOTTSDALE, ARIZONA 85253
PHONE: (623) 518-2015
CONTACT: JEREMY JOHNSON

VISTANCIA

SURVEYOR

HOSKIN RYAN CONSULTANTS, INC.
6245 N. 24TH PARKWAY, SUITE 100
PHOENIX, AZ. 85016
TEL (602) 252-8384
FAX (602) 252-8385
CONTACT: THOMAS E. GRANILLO, R.L.S., P.E.
EMAIL: TOMG@HOSKINRYAN.COM

SHEET INDEX

1 - COVER SHEET
2 - KEY MAP, LEGEND & TABLES
3-7 - PLAT SHEETS

BASIS OF BEARING

THE BASIS OF BEARING FOR THESE PLANS IS N 89°48'36" W FOR THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA & SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA AS SHOWN ON AN AMENDED RESULTS OF SURVEY RECORDED IN BOOK 632, PAGE 24, MARICOPA COUNTY RECORDS.

ZONING DISTRICT VRD-10

(OVERALL VISTANCIA ZONING - PCD-Z01-40A.12)

FEMA FLOOD PLAIN DESIGNATION

COMMUNITY NUMBER	PARCEL NUMBER	SUFFIX	DATE OF FIRM	FIRM ZONE
04013C	0815	L	10-16-2013	X (SHADED) & AH

ZONE "X": (SHADED) AREAS OF 500-YEAR; AREAS OF 100-YEAR FLOOD WITH AN AVERAGE DEPTH OF LESS THAN ONE (1) FOOT OR WITH DRAINAGE AREAS LESS THAN ONE (1) SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM THE 100-YEAR FLOOD.

ZONE AH: AREAS OF FLOOD DEPTHS OF 1 TO 3 FEET (USUALLY AREAS OF PONDING); BASE FLOOD ELEVATIONS DETERMINED.

LOTS LYING WITHIN ZONE AH FLOODPLAIN SHALL BE REMOVED FROM THE FLOODPLAIN VIA A CLOMR/LOMR, AS APPROVED BY THE CITY OF PEORIA, AND FEMA.

SURVEYOR CERTIFICATION

I, THOMAS E. GRANILLO, A DULY REGISTERED LAND SURVEYOR IN THE STATE OF ARIZONA, DO HEREBY CERTIFY THAT THE SUBDIVISION PLATTED HEREON, CONSISTING OF 7 SHEETS, HAS BEEN PREPARED FROM A SURVEY MADE UNDER MY DIRECT SUPERVISION DURING THE MONTH OF JULY, 2011, AND ACCURATELY REPRESENTS THE PROPERTY DESCRIBED HEREON. I FURTHER CERTIFY THAT THE EXTERIOR BOUNDARIES OF SAID SUBDIVISION ARE, OR WILL BE MONUMENTED IN ACCORDANCE WITH THE "ARIZONA BOUNDARY SURVEY MINIMUM STANDARDS" ADOPTED ON 13 FEBRUARY 2002, AND THAT THE SIZE, LOCATION AND MATERIAL AS SHOWN HEREON ARE ACCURATE AS OF THE DATE OF THIS CERTIFICATION.

[redacted]

THOMAS E. GRANILLO
ARIZONA REGISTERED LAND SURVEYOR
REGISTRATION # 55545
HOSKIN-RYAN CONSULTANTS, INC.
PHOENIX, ARIZONA.

R130055

GROSS AREA 48.361 AC.

SHEET 1 OF 7

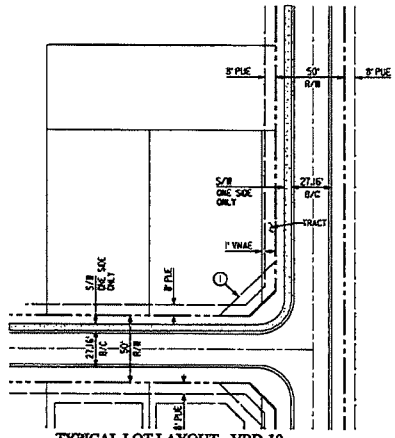
DATE: 4/30/2014

Hoskin • Ryan Consultants, Inc.

Land Planning | Hydrology | Land Development | Civil Infrastructure | Surveying

TRACT TABLE

TRACT	AREA (SF)	AREA (AC)	USE
C	26,184	0.601	PUE, DRAINAGE, RETENTION, LANDSCAPE
D	8,425	0.193	PUE, LANDSCAPE
E	4,316	0.099	PUE, LANDSCAPE
F	17,592	0.406	LANDSCAPE, FUTURE REGIONAL TRAIL, & FLOODPLAIN
G	820,521	18.837	PUE, WATER/SEWER/EMERGENCY ACCESS EASEMENT, DRAINAGE, RETENTION, LANDSCAPE, & FLOODPLAIN
H	4,760	0.109	PUE/SWE/TE, LANDSCAPE
I	19,504	0.448	PUE, DRAINAGE, RETENTION, LANDSCAPE
J	26,289	0.604	WATER/SEWER/EMERGENCY ACCESS EASEMENT, DRAINAGE, 404 WASH, LANDSCAPE, & FLOODPLAIN



TYPICAL LOT LAYOUT - VRD-10 (1"=40' SCALE)

① 30' x 30' UNOBSTRUCTED VIEW EASEMENT

※ BUILDING SETBACKS TO BE VERIFIED THROUGH CURRENT ZONING IN-PLACE.

LOT TABLE

LOT NUMBER	AREA (SF)	AREA (AC)	LOT NUMBER	AREA (SF)	AREA (AC)
1	12237	0.28	42	12559	0.29
2	10744	0.25	43	12560	0.29
3	10400	0.24	44	12560	0.29
4	14123	0.32	45	12734	0.29
5	10400	0.24	46	14543	0.33
6	10400	0.24	47	17868	0.41
7	10400	0.20	48	11236	0.26
8	10257	0.24	49	10532	0.24
9	10556	0.24	50	11019	0.25
10	12524	0.29	51	11397	0.26
11	10609	0.24	52	11320	0.26
12	10677	0.25	53	11326	0.26
13	10677	0.25	54	10730	0.25
14	10677	0.25	55	10949	0.25
15	10677	0.25	56	11350	0.26
16	10677	0.25	57	11343	0.26
17	10578	0.24	58	11347	0.26
18	10578	0.24	59	11840	0.27
19	10677	0.25	60	10490	0.24
20	10677	0.25	61	11395	0.26
21	10677	0.25	62	11801	0.27
22	10677	0.25	63	11388	0.26
23	10677	0.25	64	10400	0.24
24	11123	0.26	65	10659	0.24
25	11480	0.26	66	11456	0.26
26	10782	0.25	67	10893	0.25
27	10782	0.25	68	10400	0.24
28	10782	0.25	69	10400	0.24
29	10782	0.25	70	11290	0.26
30	10766	0.25	71	11967	0.27
31	10854	0.25	72	10519	0.24
32	10854	0.25	73	11892	0.27
33	10854	0.25	74	10384	0.24
34	10539	0.24	75	10400	0.24
35	11528	0.26	76	10400	0.24
36	12577	0.29	77	10400	0.24
37	12577	0.29	78	10400	0.24
38	12577	0.29	79	10994	0.25
39	12577	0.29	80	17889	0.30
40	12236	0.28	81	12611	0.29
41	11956	0.27			

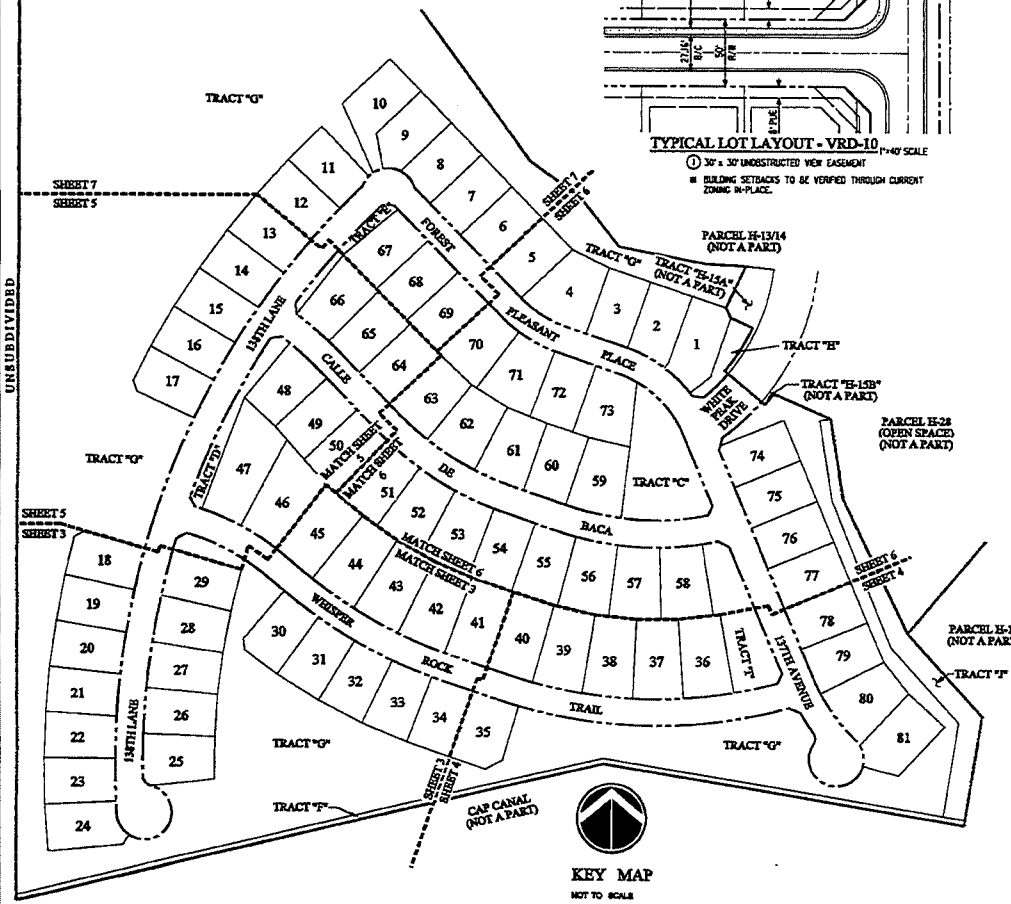
LEGAL DESCRIPTION

PARCEL H-15 OF THE REPLAT OF THE VISTANCIA NORTH VILLAGE 1, VILLAGE 2, AND VILLAGE 3 MASTER FINAL PLAT, AS RECORDED IN BOOK 1172, PAGE 20, OF THE MARICOPA COUNTY RECORDER, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONTAINING 48.361 ACRES, MORE OR LESS.

CURVE DATA TABLE

NO.	RADIUS	ARC	DELTA	CHORD	CHORD-BEARING
1	360.00	202.73	032°24'29"	201.02	S20°59'12.5"W
2	440.00	23.47	003°03'25"	23.47	N38°40'14.5"E
3	400.00	118.77	017°00'48"	118.34	N48°42'31.0"E
4	1475.00	1303.21	050°37'21"	1261.23	N21°59'33.5"E
5	235.00	111.68	027°13'42"	110.63	S57°17'32.0"E
6	225.38	191.28	048°37'34"	185.69	S46°35'26.0"E
7	370.64	147.56	022°48'39"	146.59	S33°41'08.5"E
8	419.64	217.76	029°43'56"	215.33	S64°28'24.0"E
9	875.00	326.80	021°23'57"	324.91	S60°12'24.5"E
10	857.98	560.26	037°24'51"	550.36	S89°36'48.5"E
11	694.20	141.94	011°53'40"	141.71	S49°37'16.0"E
12	545.00	259.00	027°13'42"	256.57	S57°17'32.0"E
13	527.98	321.70	034°54'38"	316.75	S88°21'42.0"E
14	360.00	63.09	010°02'26"	63.01	S45°13'10.0"W
15	250.38	151.52	034°40'29"	149.23	N57°34'09.5"W
16	210.00	99.80	027°13'42"	98.86	N57°17'32.0"W
17	20.00	7.61	021°47'13"	7.56	N32°47'04.5"W
18	50.00	116.83	133°52'15"	92.01	N88°49'37.5"W
19	20.00	7.43	021°17'31"	7.39	S34°32'58.5"W
20	1300.00	1276.83	049°50'51"	1240.45	S21°06'18.5"W
21	50.00	219.97	252°04'07"	80.87	N50°38'49.5"E
22	20.00	26.09	074°44'16"	24.28	N38°01'06.0"W
23	1450.00	444.91	017°34'50"	443.17	N08°08'27.0"E
24	394.64	167.82	024°21'53"	166.36	S61°41'22.5"E
25	900.00	336.14	021°23'57"	334.19	S60°12'24.5"E
26	882.98	539.60	035°00'50"	531.24	S88°24'48.0"E
27	395.64	42.78	006°11'43"	42.76	S32°36'39.5"E
28	20.00	23.99	068°42'45"	22.57	S91°21'28.5"E
29	50.00	225.32	258°12'09"	77.60	N85°59'31.5"E
30	345.64	138.28	022°55'22"	137.36	N32°44'30.0"W
31	440.00	97.37	012°42'20"	97.07	N46°33'07.0"E
32	832.98	501.92	034°31'28"	494.36	N88°10'07.0"W
33	850.00	317.46	021°23'57"	313.62	N60°12'24.5"W
34	444.64	187.00	024°05'43"	185.62	N61°33'17.5"W
35	1450.00	326.88	012°54'39"	326.19	N26°32'21.5"E
36	659.30	96.65	008°23'49"	96.54	S47°52'35.5"E
37	570.00	270.88	027°13'42"	268.34	S57°17'32.0"E
38	333.98	299.53	051°02'15"	289.90	S84°25'39.5"E
39	302.98	263.37	050°00'05"	250.07	N85°54'25.5"W
40	320.00	247.12	027°13'42"	244.80	N57°17'32.0"W
41	709.30	106.95	008°37'34"	106.76	N47°59'38.0"W
42	1450.00	242.03	009°33'49"	241.73	N40°57'30.5"E
43	260.00	123.56	027°13'42"	122.40	S57°17'32.0"E
44	200.38	170.04	048°37'35"	165.00	S46°35'35.5"E
45	332.00	94.83	015°26'11"	94.55	N32°28'31.5"E
50	448.00	25.76	003°17'40"	25.76	N38°33'07.0"E



KEY MAP

NOT TO SCALE

LEGEND

- MONUMENT (SET) PER MAG STD. DET. 120-1, TYPE "C" (UNLESS OTHERWISE NOTED.)
- CENTER LINE MONUMENTATION - SET BRASS CAP PER MAG STD. DET. 120-1, TYPE "B" (UNLESS OTHERWISE NOTED.)
- INDICATES EXISTING MONUMENTATION AS NOTED
- CI — CURVE NUMBER
- VNAE — VEHICULAR NON-ACCESS EASEMENT
- BK__ & PG__ — BOOK AND PAGE
- MCR — MARICOPA COUNTY RECORDS
- ① — 30' X 30' UNOBSTRUCTED VIEW EASEMENT
- EASEMENT
- RIGHT-OF-WAY
- CENTERLINE
- BOUNDARY
- SECTION LINE
- MATCH LINE
- 404 LIMIT LINE
- FEMA 100 YR FLOODPLAIN

R/W	RIGHT-OF-WAY
PUE	PUBLIC UTILITY EASEMENT
EX	EXISTING
COR	CORNER
SWE	SIDEWALK EASEMENT
TE	TRAIL EASEMENT

AREA TABLE

LOT AREA	21.051 AC
TRACT AREA	21.297 AC
R/W AREA	6.013 AC
TOTAL	48.361 AC

[redacted]

R130055

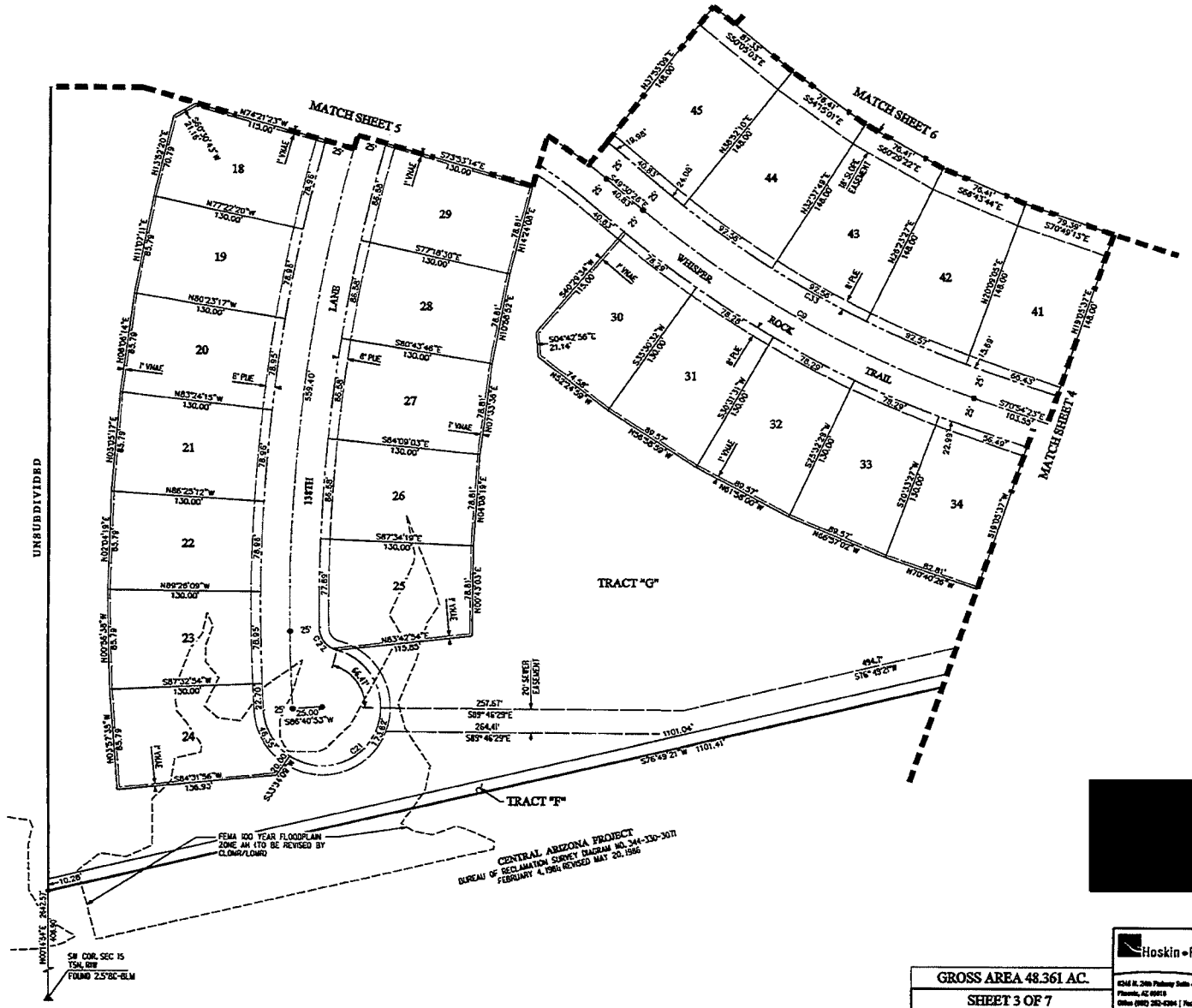
GROSS AREA 48.361 AC.

SHEET 2 OF 7

DATE: 4/30/2014

Hoskin•Ryan Consultants, Inc.
creative engineering solutions
4245 N. 24th Parkway Suite #100
Phoenix, AZ 85016
Office: (602) 262-6384 | Fax: (602) 252-6385 | www.hoskinryan.com
Land Planning | Hydrology | Land Development | Civil Infrastructure | Surveying

FILE: G:\projects\1115-007 vistancia northplan 1124 - vistancia village 1 - parcel h15\1-prelim.dgn



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GROSS AREA 48.361 AC.

SHEET 3 OF 7

DATE: 4/30/2014

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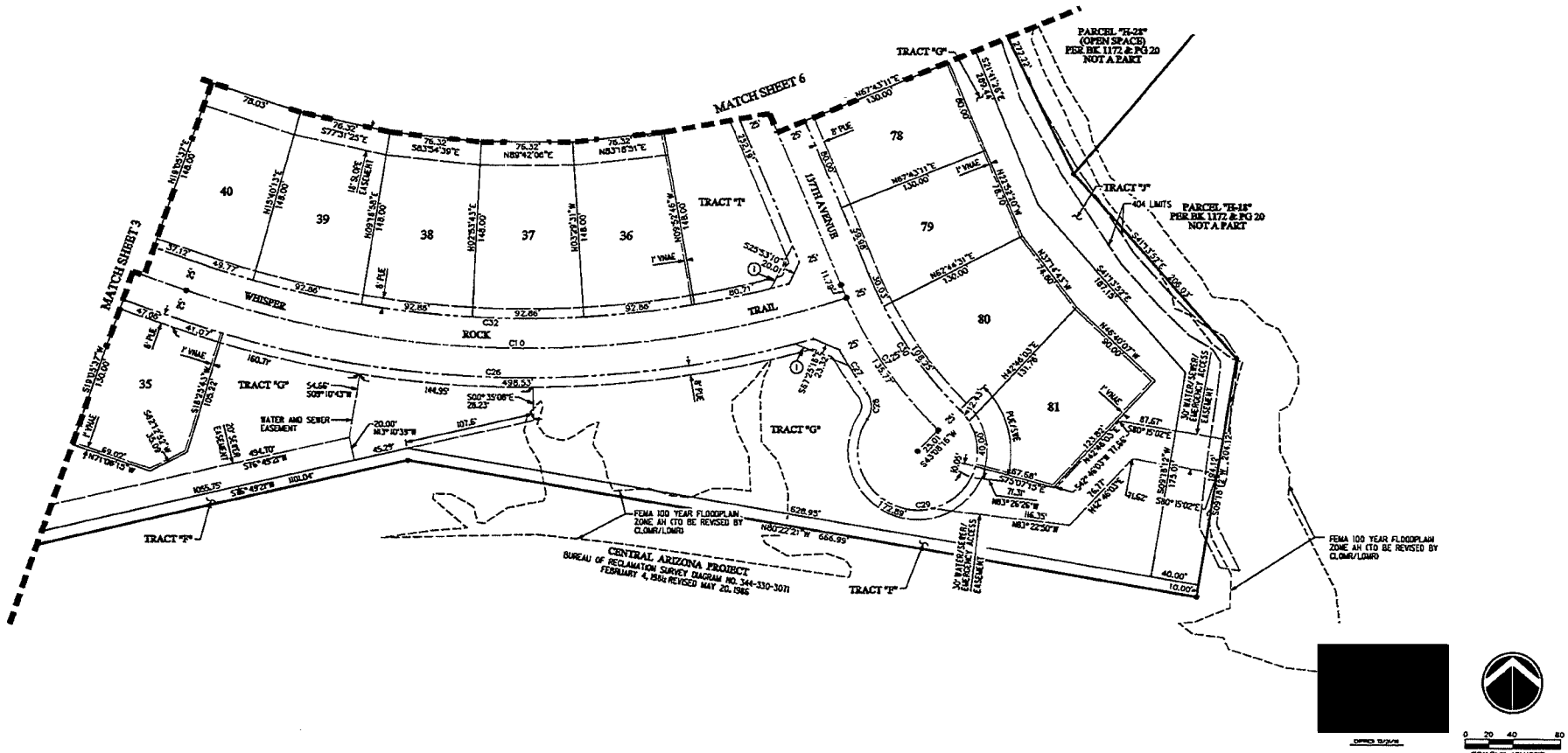

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GROSS AREA 48.361 AC.

SHEET 4 OF 7

DATE: 4/30/2014

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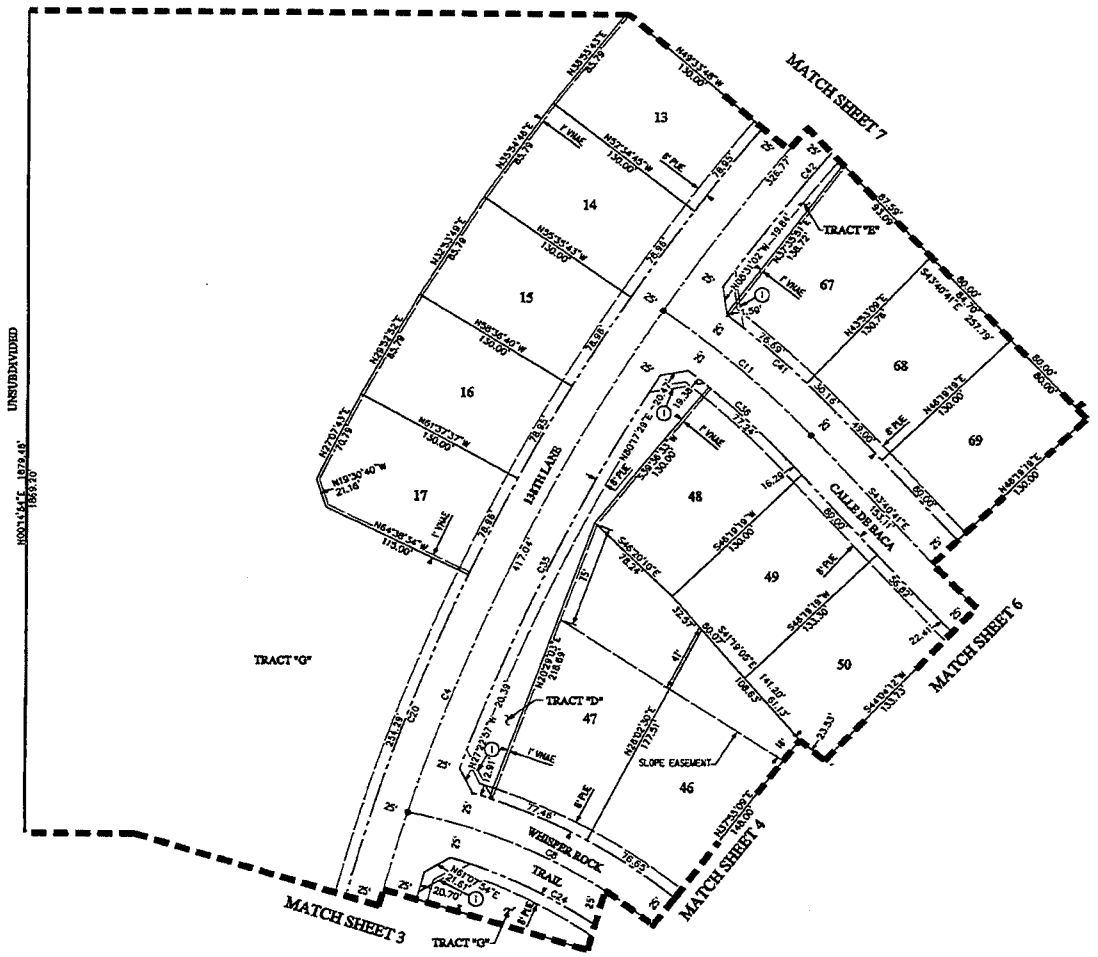

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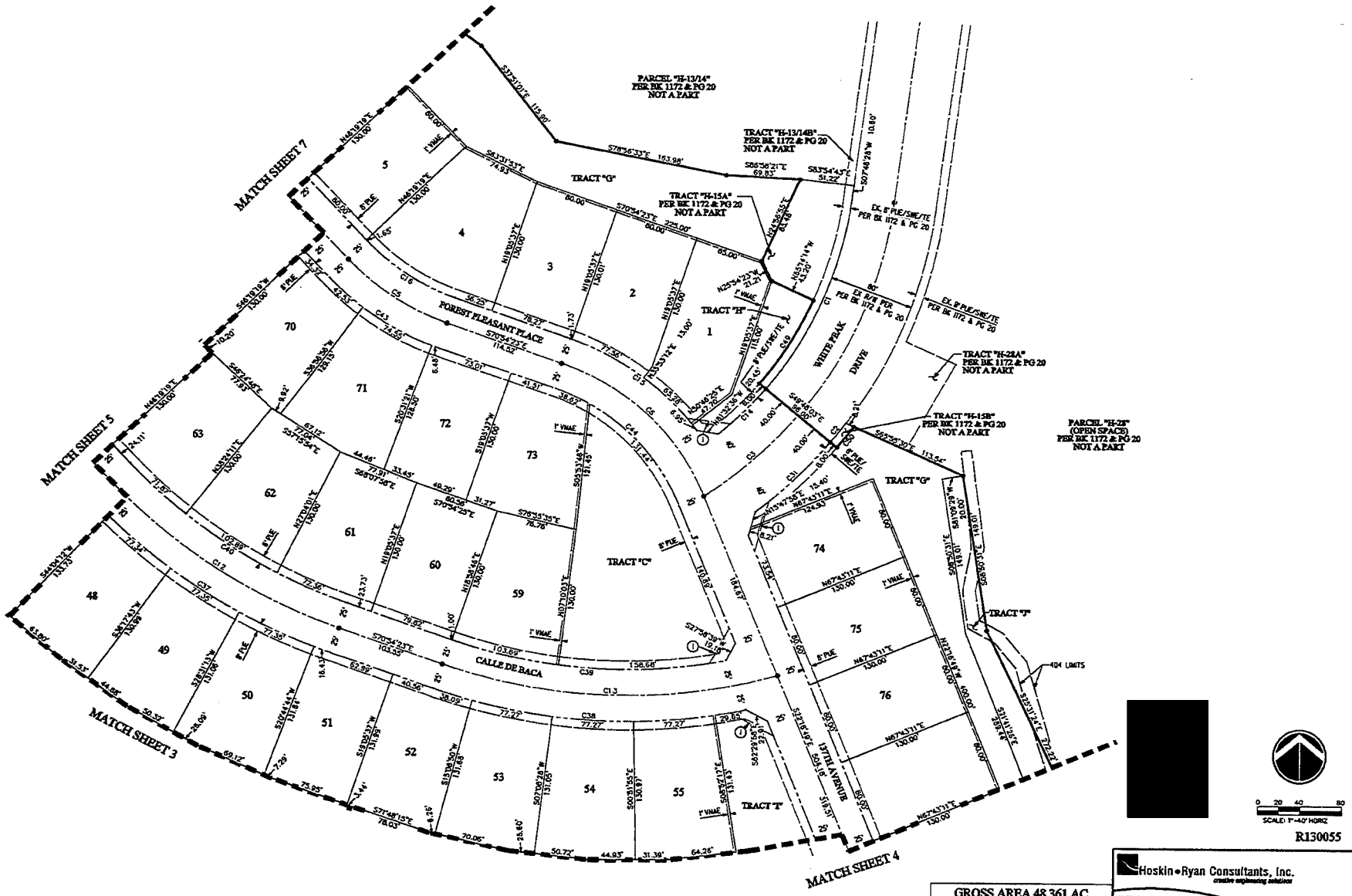
0 20 40 80
SCALE: 1"=40' HORIZ

R130055

GROSS AREA 48.361 AC.	Hoskin•Ryan Consultants, Inc. creative engineering solutions
SHEET 5 OF 7	6245 N. 24th Parkway Suite #100 Phoenix, AZ 85016 Office (602) 252-6384 | Fax (602) 252-6386 | www.hoskinryan.com
DATE: 4/30/2014	Land Planning | Hydrology | Land Development | Civil Infrastructure | Surveying

FILE: P:\Projects\1312-027 vistancia north-phase 1b4 - vistancia village b - parcel b13\2-7\b4-4.dwg



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GROSS AREA 48.361 AC.

SHEET 6 OF 7

DATE: 4/30/2014

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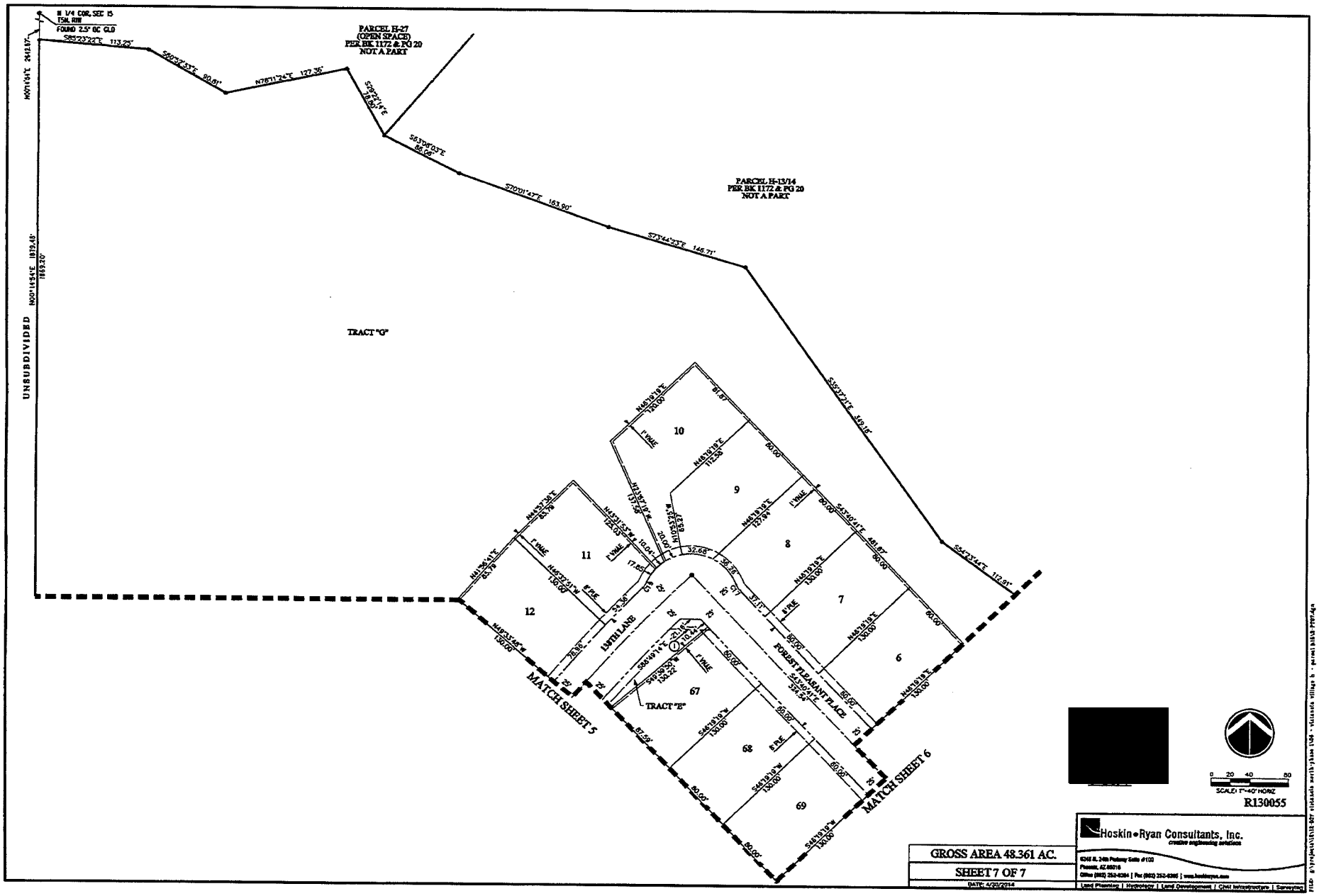
N 1/4 COR, SEC 15
FOUND 2.5" GC GLO
PARCEL H-27
(OPEN SPACE)
PER BK 1172 & PG 20
NOT A PART
PARCEL H-13/14
PER BK 1172 & PG 20
NOT A PART
UNSUBDIVIDED
TRACT "G"
TRACT "E"
137TH LANE
FOREST PLEASANT PLACE
MATCH SHEET 5
MATCH SHEET 6
SCALE: 1"=40' HORIZ
R130055
GROSS AREA 48.361 AC.
SHEET 7 OF 7
DATE: 4/30/2014
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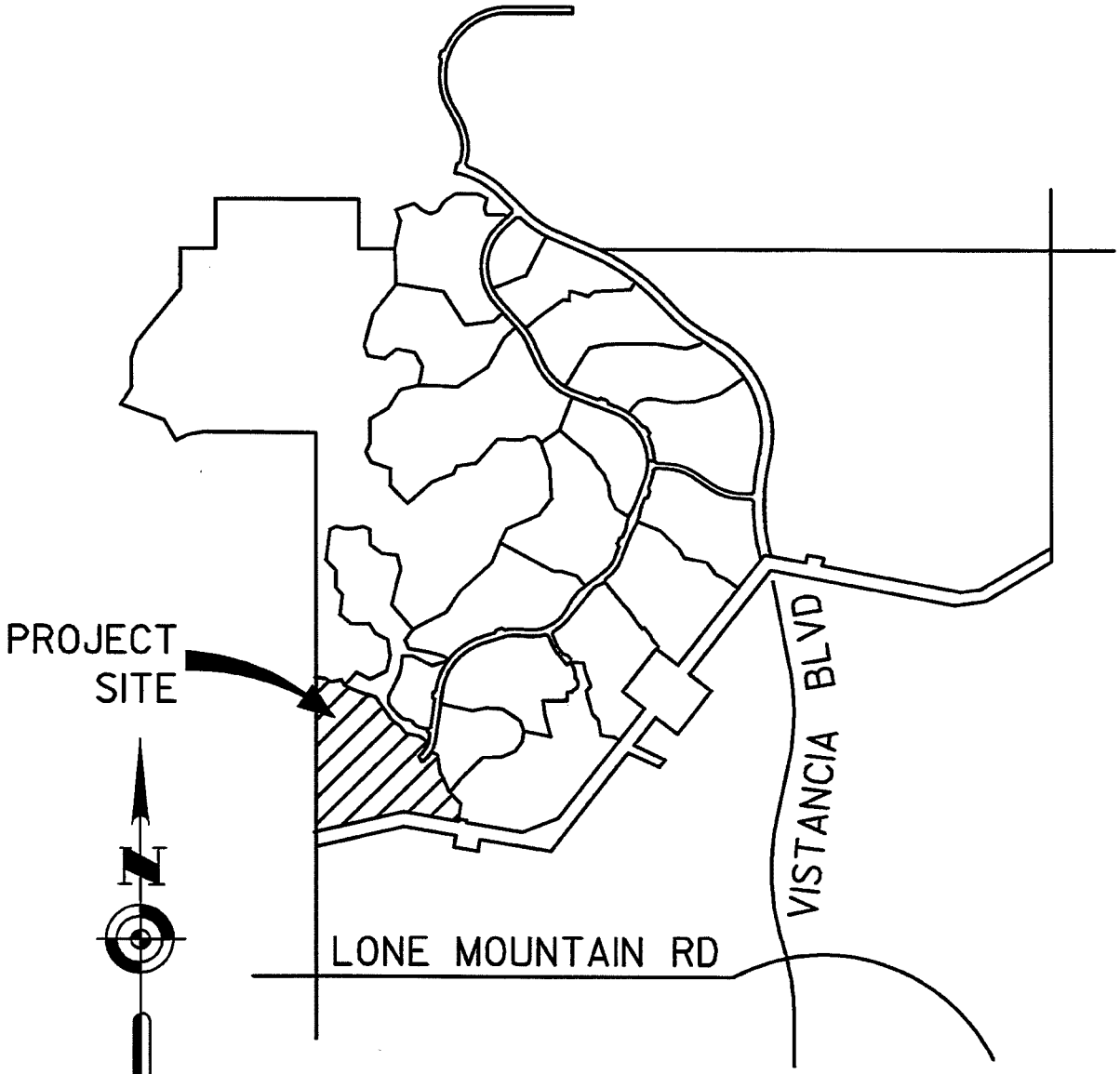


N.T.S.

VICINITY MAP

PARCEL H-15

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 26C

Date Prepared: May 6, 2014 **Council Meeting Date: June 17, 2014**

TO: **Carl Swenson, City Manager**

FROM: **Scott Whyte, Economic Development Services Director**

THROUGH: **Susan J. Daluddung, Deputy City Manager**

SUBJECT: **Final Plat, Vistancia Village H – Parcel H-17, White Peak Drive & Via Caballo Blanco (Project No. R130046)**

Purpose:

This is a request for City Council to approve a Final Plat of Vistancia Village H – Parcel H-17, located on White Peak Drive and Via Caballo Blanco, 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 water\sewer service area. This final plat creates a total of 52 new lots within

the Vistancia North Community. All internal roadways are public and will be maintained by the City.

In November 2013, the City Council approved the Replat of Vistancia North Village 1, Village 2, and Village 3 Master Final Plat, creating all of the individual parcels and the rights-of-way for the master subdivision. The Final Plats for each individual parcel are necessary to further subdivide each parcel into individual lots, tracts, and internal roadways for development.

Previous Actions:

The preliminary plat was reviewed by the City and completed in July 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

FINAL PLAT
FOR
"VISTANCIA VILLAGE H - PARCEL H-17"
(A REPLAT OF PARCEL H-17 OF THE REPLAT OF "VISTANCIA NORTH VILLAGE 1, VILLAGE 2, AND VILLAGE 3 MASTER FINAL PLAT" AS RECORDED IN BOOK 1172, PAGE 20 OF THE MARICOPA COUNTY RECORDER)
LOCATED IN A PORTION OF SECTION 15 OF TOWNSHIP 5 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, PEORIA ARIZONA.

DEDICATION

STATE OF ARIZONA)
) SS
COUNTY OF MARICOPA)

KNOW ALL MEN BY THESE PRESENTS:

VISTANCIA VILLAGE H, LLC, A DELAWARE LIMITED LIABILITY COMPANY, DOES HEREBY PUBLISH THIS FINAL PLAT FOR "VISTANCIA VILLAGE H - PARCEL H-17", A RE-PLAT OF PARCEL H-17 OF THE RE-PLAT OF A PORTION OF THE VISTANCIA NORTH VILLAGE 1, VILLAGE 2, AND VILLAGE 3 MASTER FINAL PLAT, AS RECORDED IN BOOK 1172, PAGE 20 OF THE MARICOPA COUNTY RECORDER, OVER A PORTION OF SECTION 15, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, AS SHOWN AND PLATTED HEREON AND HEREBY PUBLISHES THIS PLAT AS, AND FOR, THE PLAT OF SAID "VISTANCIA VILLAGE H - PARCEL H-17" AND HEREBY DECLARES THAT SAID PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF THE LOTS, TRACTS, EASEMENTS AND STREETS CONSTITUTING SAME, AND THAT EACH LOT, TRACT AND STREET SHALL BE KNOWN BY THE NUMBER, LETTER OR NAME GIVEN TO EACH RESPECTIVELY ON SAID PLAT AND HEREBY DEDICATES TO THE CITY OF PEORIA FOR USE, AS SUCH, THE STREETS AS SHOWN ON SAID PLAT AND INCLUDED IN THE ABOVE DESCRIBED PREMISES. EASEMENTS ARE DEDICATED FOR THE PURPOSES SHOWN.

ALL NOTATIONS AND DEDICATIONS STATED ON OR WITHIN THE RE-PLAT OF A PORTION OF THE VISTANCIA NORTH VILLAGE 1, VILLAGE 2, AND VILLAGE 3 MASTER FINAL PLAT, AS RECORDED IN BOOK 1172, PAGE 20 OF THE MARICOPA COUNTY RECORDER SHALL REMAIN IN FULL FORCE AND EFFECT WITH THE RECORDATION OF THIS FINAL PLAT.

VISTANCIA VILLAGE H, LLC, AS OWNER, HEREBY DEDICATES TO THE CITY THE RIGHTS-OF-WAY AS SHOWN HEREON, FOR THE USE AS (A) PUBLIC STREETS, AND (B) ANY AND ALL PUBLIC SEWER, WATER, GAS, ELECTRIC AND ANY OTHER UTILITY SERVICES. LANDSCAPING WITHIN THE RIGHTS -OF-WAY SHALL BE MAINTAINED BY THE HOMEOWNERS' ASSOCIATION. VISTANCIA VILLAGE H, LLC, HEREBY WARRANTS TO THE CITY THE TITLE TO SAID RIGHT OF WAY AS SHOWN HEREON, AGAINST THE CLAIMS OF ALL PERSONS WHOMSOEVER.

TRACTS "B" AND "C" ARE HEREBY DECLARED AS COMMON AREAS FOR THE PURPOSES SHOWN AND FOR THE USE AND ENJOYMENT OF THE LOT OWNERS AS MORE FULLY SET FORTH IN THE DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR "VISTANCIA NORTH", TO BE HEREIN AFTER RECORDED AND WILL BE OWNED AND MAINTAINED BY THE "VISTANCIA NORTH ASSOCIATION." DWELLING UNITS SHALL NOT BE CONSTRUCTED ON SAID TRACTS.

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

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

VISTANCIA VILLAGE H, LLC DOES HEREBY GRANT TO THE CITY OF PEORIA, AN ARIZONA MUNICIPAL CORPORATION, IN MARICOPA COUNTY, ARIZONA, ITS SUCCESSORS, AND ASSIGNS, A PERMANENT AND PERPETUAL EASEMENT FOR THE FOLLOWING PURPOSES, NAMELY: THE RIGHT TO ENTER UPON FOR CONSTRUCTION, MAINTENANCE, OPERATION AND REPLACEMENT OF A WATER AND SEWER LINE OVER, UNDER, AND ACROSS TRACT B SITUATED IN THE COUNTY OF MARICOPA, STATE OF ARIZONA. TO HAVE AND TO HOLD THE SAID EASEMENT UNTO CITY OF PEORIA, A MUNICIPAL CORPORATION OF MARICOPA COUNTY, ARIZONA AND UNTO ITS SUCCESSORS AND ASSIGNS FOREVER, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS TO PERMIT THE CONSTRUCTION, OPERATION, MAINTENANCE, AND REPLACEMENT OF PUBLIC WATER /SEWER LINE. SUBJECT TO NOTES 1, 2, 3 AND 4. AND THE GRANTOR HEREBY COVENANTS THAT IT IS LAWFULLY SEIZED AND POSSESSED ON THIS AFOREMENTIONED TRACT OR PARCEL OF LAND; THAT IT HAS 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.

NOTES:

1. THE SAID EASEMENT TO INCLUDE THE RIGHT TO CUT BACK AND TRIM SUCH PORTION OF THE BRANCHES AND TOPS OF THE TREES NOW GROWING OR THAT MAY HEREAFTER GROW UPON THE ABOVE DESCRIBED PREMISES, AS MAY EXTEND OVER SAID EASEMENT, SO AS TO PREVENT THE SAME FROM INTERFERING WITH THE EFFICIENT MAINTENANCE AND OPERATION OF SAID WATER LINES.

2. THE CITY OF PEORIA SHALL NOT BE RESPONSIBLE FOR REPLACING ANY LANDSCAPING OR ANY IMPROVEMENT PLACED IN THE EASEMENT BY GRANTOR OR ITS SUCCESSORS OR ASSIGNS, EXCEPT AS NOTED HEREIN.

3. THE CITY OF PEORIA WILL MAKE REASONABLE EFFORTS TO PROMPTLY RESTORE ASPHALT CONCRETE PAVEMENT SURFACES.

4. GRANTOR, ITS SUCCESSORS OR ASSIGNS AT ITS SOLE COST, SHALL BE RESPONSIBLE FOR PROMPTLY REPLACING ANY LANDSCAPING OR IMPROVEMENT(S) PLACED IN THE EASEMENT BY GRANTOR OR ITS SUCCESSORS OR ASSIGNS.

IN THE EVENT THE RIGHT, PRIVILEGE AND EASEMENT HEREIN GRANTED SHALL BE ABANDONED AND PERMANENTLY CEASE TO BE USED FOR THE PURPOSES HEREIN GRANTED ALL RIGHTS HEREIN GRANTED SHALL CEASE AND REVERT TO THE GRANTORS, THEIR HEIRS OR ASSIGNS.

DEDICATION CONT:

IN WITNESS WHEREOF:

VISTANCIA VILLAGE H LLC, AS OWNER HAS HEREUNTO CAUSED ITS NAME TO BE AFFIXED AND THE SAME TO BE ATTESTED BY THE SIGNATURE OF THE UNDERSIGNED OFFICER, THEREUNTO DULY AUTHORIZED THIS ______ DAY OF ____________, 2014

VISTANCIA VILLAGE H, LLC,
A DELAWARE LIMITED LIABILITY COMPANY

BY: SLF III-VPIAM, LLC,
A TEXAS LIMITED LIABILITY COMPANY,
ITS MANAGING MEMBER

BY: SLF III-VISTANCIA, LLC,
A TEXAS LIMITED LIABILITY COMPANY,
ITS SOLE AND MANAGING MEMBER

BY: STRATFORD LAND FUND III, L.P.,
A DELAWARE LIMITED PARTNERSHIP,
ITS SOLE AND MANAGING MEMBER

BY: STRATFORD FUND III GP, LLC,
A TEXAS LIMITED LIABILITY COMPANY,
ITS MANAGING MEMBER

BY: ____________

NAME: ____________

TITLE: ____________

DEDICATION ACKNOWLEDGEMENT

STATE OF TEXAS)
) SS
COUNTY OF DALLAS)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ______ DAY OF ________, 2014 BY ____________ THE ____________ OF VISTANCIA VILLAGE H LLC, A DELAWARE LIMITED LIABILITY COMPANY FOR AND ON BEHALF THEREOF.

____________ ____________
MY COMMISSION EXPIRES: NOTARY PUBLIC

VISTANCIA NORTH ASSOCIATION RATIFICATION AND CONSENT

THE UNDERSIGNED HEREBY RATIFIES AND CONSENTS TO THE THIS PLAT AND ITS MAINTENANCE OBLIGATIONS AS SET FORTH HEREON.

VISTANCIA NORTH ASSOCIATION, AN ARIZONA NON-PROFIT CORPORATION

BY: ____________

ITS: ____________

APPROVALS

APPROVED BY THE MAYOR AND CITY COUNCIL OF PEORIA, ARIZONA ON THIS ______ DAY OF ________, 2014.

APPROVED BY: ____________ DATE: ________
MAYOR

ATTESTED BY: ____________ DATE: ________
CITY CLERK

APPROVED BY: ____________ DATE: ________
CITY ENGINEER

FLOOD PLAIN STATEMENT

ACCORDING TO THE FLOOD INSURANCE RATE MAP #04013C0815L DATED OCTOBER 16, 2013 THE SITE IS LOCATED WITHIN FLOOD INSURANCE ZONE X(SHADED), ZONE X (SHADED) ARE DEFINED AS AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH ASSURANCE DEPTH OF LESS THAN 1 FOOT OR WITH A DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD.

NOTES

1. THE SUBDIVISION IS SUBJECT TO MAINTENANCE IMPROVEMENT DISTRICT (MID) #1163 AND STREET LIGHT IMPROVEMENT DISTRICT (SLID) #1094.
2. NO CONSTRUCTION OF ANY KIND SHALL BE CONSTRUCTED OR PLACED WITHIN THE UTILITY EASEMENTS, EXCEPT UTILITIES, WOOD, WIRE, OR REMOVABLE SECTION TYPE FENCING, AND/OR PAVING, NOR ANY PLANTING EXCEPT GRASS. IT SHALL BE FURTHER UNDERSTOOD THAT THE CITY OF PEORIA SHALL NOT BE REQUIRED TO REPLACE ANY OBSTRUCTION OR PLANTING THAT MUST BE REMOVED DURING THE COURSE OF MAINTENANCE, CONSTRUCTION OR RECONSTRUCTION.
3. ALL NEW AND EXISTING UTILITY, ELECTRICAL FACILITIES LESS THAN 69 KVA, CABLE TV, TELECOMMUNICATIONS FIBER OPTICS, CELLULAR, GAS, ETC SHALL BE INSTALLED UNDERGROUND AS PART OF THE STREET IMPROVEMENTS.
4. MAINTENANCE OF SURFACE AND UNDERGROUND DRAINAGE FACILITIES WITHIN ALL TRACTS, EASEMENTS AND RIGHTS-OF-WAY SHALL BE THE RESPONSIBILITY OF THE HOMEOWNERS' ASSOCIATION.
5. ALL LOT CORNERS SHALL BE MONUMENTED WITH 1/2" REBAR AND CAPPED OR TAGGED BEARING THE REGISTRATION NUMBER OF THE SURVEYOR RESPONSIBLE FOR THEIR PLACEMENT.
6. SIGNS, FENCES, WALLS, UTILITY BOXES, STRUCTURES, SHRUBS, HEDGES OR OTHER PLANTS, BUT EXCLUDING TREES OVER 30-INCHES IN HEIGHT SHALL NOT BE PERMITTED WITH VIEW EASEMENTS OR THE SIGHT DISTANCE TRIANGLES. NO LIMBS, LEAVES, NEEDLES OR OTHER FOLIAGE ABOVE 30-INCHES IN HEIGHT OR BELOW 84-INCHES ARE PERMITTED. TREES ARE TO BE PLANTED SO AS NOT TO OBSTRUCT 20% OF THE VISIBILITY WHEN COMBINED WITH OTHER OBSTRUCTIONS.
7. THE SUBDIVISION IS LOCATED WITHIN THE CITY OF PEORIA WATER SERVICE AREA AND HAS BEEN DESIGNATED AS HAVING A 100-YEAR ASSURED WATER SUPPLY.
8. THIS SUBDIVISION IS LOCATED WITHIN THE CITY OF PEORIA SEWER SERVICE AREA.
9. THIS SUBDIVISION IS LOCATED WITHIN THE VICINITY OF A MILITARY AIRPORT.
10. THIS SUBDIVISION IS LOCATED IN THE VICINITY OF A DESIGNATED TRUCK ROUTE. LONE MOUNTAIN ROAD IS DESIGNATED AS A TRUCK ROUTE BY THE CITY OF PEORIA.
11. THIS SUBDIVISION IS LOCATED IN THE VICINITY OF A ROCK QUARRY (GRAVEL OPERATION).
12. NO STRUCTURE OF ANY KIND SHALL BE CONSTRUCTED OR ANY VEGETATION BE PLANTED NOR BE ALLOWED TO GROW WITHIN THE DRAINAGE EASEMENT OR TRACT WHICH WOULD IMPEDE THE FLOW OF WATER OVER, UNDER OR THROUGH THE EASEMENT OR TRACT.
13. AN ASSOCIATION, INCLUDING ALL PROPERTY OWNERS IN THE DEVELOPMENT, WILL BE FORMED AND HAVE THE RESPONSIBILITY FOR MAINTAINING ALL COMMON AREAS TO BE NOTED AS "TRACTS" OR EASEMENTS (INCLUDING LANDSCAPED AREAS AND DRAINAGE FACILITIES) IN ACCORDANCE WITH APPROVED PLANS.
14. THIS SUBDIVISION HAS A REDUCED LEVEL OF STREET LIGHTING. ANY FUTURE ADDITIONAL STREET LIGHTING WILL BE AT THE EXPENSE OF THE ABUTTING PROPERTY OWNERS, NOT AT CITY EXPENSE.

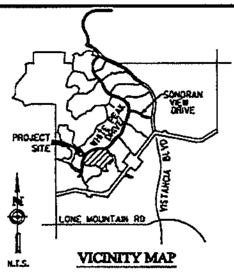
CERTIFICATION

THE MASTER DEVELOPER SHALL CERTIFY THAT RULES AS MAY BE ESTABLISHED BY THE STATE DEPARTMENT OF TRANSPORTATION RELATING TO PROVISIONS FOR THE SAFETY OF ENTRANCE UPON AND DEPARTURE FROM ABUTTING STATE PRIMARY HIGHWAYS HAVE BEEN FOLLOWED AS APPLICABLE.

THE MASTER DEVELOPER SHALL CERTIFY THAT RULES AS MAY BE ESTABLISHED BY THE FLOOD CONTROL DISTRICT OF MARICOPA COUNTY RELATING TO THE CONSTRUCTION OR PREVENTION OF CONSTRUCTION OF STREETS IN LAND ESTABLISHED AS BEING SUBJECT TO PERIODIC INUNDATION HAVE BEEN FOLLOWED AS APPLICABLE.

THE MASTER DEVELOPER SHALL CERTIFY THAT RULES AS MAY BE ESTABLISHED BY THE MARICOPA COUNTY DEPARTMENT OF ENVIRONMENTAL SERVICES RELATING TO THE PROVISION OF DOMESTIC WATER SUPPLY AND SANITARY SEWER DISPOSAL HAVE BEEN FOLLOWED AS APPLICABLE.

THE MASTER DEVELOPER SHALL CERTIFY THAT THE REQUIREMENTS OF THE PEORIA ZONING ORDINANCE AND THE CITY OF PEORIA INFRASTRUCTURE DESIGN GUIDELINES HAVE BEEN ADDRESSED AND FOLLOWED AS APPLICABLE.



VICINITY MAP

DEVELOPER:

VISTANCIA VILLAGE H, LLC
6720 NORTH SCOTTSDALE ROAD, SUITE 250
SCOTTSDALE, ARIZONA 85253
PHONE: (623) 518-2015
CONTACT: JEREMY JOHNSON

VISTANCIA

SURVEYOR

HOSKIN RYAN CONSULTANTS, INC.
6245 N. 24TH PARKWAY, SUITE 100
PHOENIX, AZ 85016
TEL (602) 252-8384
FAX (602) 252-8385
CONTACT: THOMAS E. GRANILLO, P.E. R.L.S.
EMAIL: TOMG@HOSKINRYAN.COM

SHEET INDEX

1 - COVER SHEET
2 - KEY MAP, LEGEND & TABLES
3-5 - PLAT SHEETS

BASIS OF BEARING

THE BASIS OF BEARING FOR THESE PLANS IS N 89°48'36" W FOR THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA & SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA AS SHOWN ON AN AMENDED RESULTS OF SURVEY RECORDED IN BOOK 632, PAGE 24, MARICOPA COUNTY RECORDS.

ZONING DISTRICT VRD-7

(OVERALL VISTANCIA ZONING - PCD -Z01-10A.12)

VRD-7

SURVEYOR CERTIFICATION

I, THOMAS E. GRANILLO, A DULY REGISTERED LAND SURVEYOR IN THE STATE OF ARIZONA, DO HEREBY CERTIFY THAT THE SUBDIVISION PLATTED HEREON, CONSISTING OF 5 SHEETS, HAS BEEN PREPARED FROM A SURVEY MADE UNDER MY DIRECT SUPERVISION DURING THE MONTH OF JULY, 2011, AND ACCURATELY REPRESENTS THE PROPERTY DESCRIBED HEREON. I FURTHER CERTIFY THAT THE EXTERIOR BOUNDARIES OF SAID SUBDIVISION ARE, OR WILL BE MONUMENTED IN ACCORDANCE WITH THE "ARIZONA BOUNDARY SURVEY MINIMUM STANDARDS" ADOPTED ON 13 FEBRUARY 2002, AND THAT THE SIZE, LOCATION AND MATERIAL AS SHOWN HEREON ARE ACCURATE AS OF THE DATE OF THIS CERTIFICATION.

[redacted]

THOMAS E. GRANILLO
ARIZONA REGISTERED LAND SURVEYOR
REGISTRATION # 55545
HOSKIN-RYAN CONSULTANTS, INC.
PHOENIX, ARIZONA.

R130046

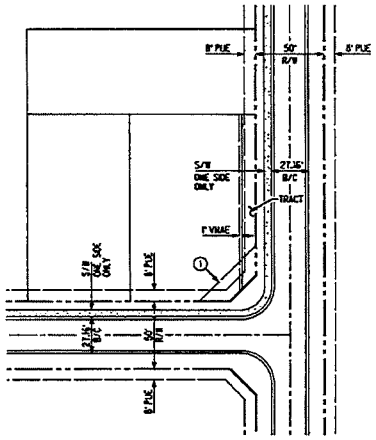
Hoskin • Ryan Consultants, Inc.
creative engineering solutions

GROSS AREA 26.547 AC.

SHEET 1 OF 5

DATE: 4/30/2014

Land Planning | Hydrology | Land Development | Civil Infrastructure | Surveying



TYPICAL LOT LAYOUT - VRD-7 NOT TO SCALE

① 30' x 30' UNOBSTRUCTED VIEW EASEMENT

* BUILDING SETBACKS TO BE VERIFIED THROUGH CURRENT ZONING IN-PLACE.

LEGEND

	MONUMENT (SET) PER MAG STD. DET. 120-1, TYPE "C" (UNLESS OTHERWISE NOTED.)
	CENTER LINE MONUMENTATION - SET BRASS CAP PER MAG STD. DET. 120-1, TYPE "B" (UNLESS OTHERWISE NOTED.)
	INDICATES EXISTING MONUMENTATION AS NOTED
CI	CURVE NUMBER
VNAE	VEHICULAR NON-ACCESS EASEMENT
BK__ & PG__	BOOK AND PAGE
MCR	MARICOPA COUNTY RECORDS
①	30' X 30' UNOBSTRUCTED VIEW EASEMENT
	EASEMENT
	RIGHT-OF-WAY
	CENTERLINE
	BOUNDARY
	SECTION LINE
	MATCH LINE
R/W	RIGHT-OF-WAY
PUE	PUBLIC UTILITY EASEMENT
EX	EXISTING
COR	CORNER
SWE	SIDEWALK EASEMENT
TE	TRAIL EASEMENT
MCR	MARICOPA COUNTY RECORDER

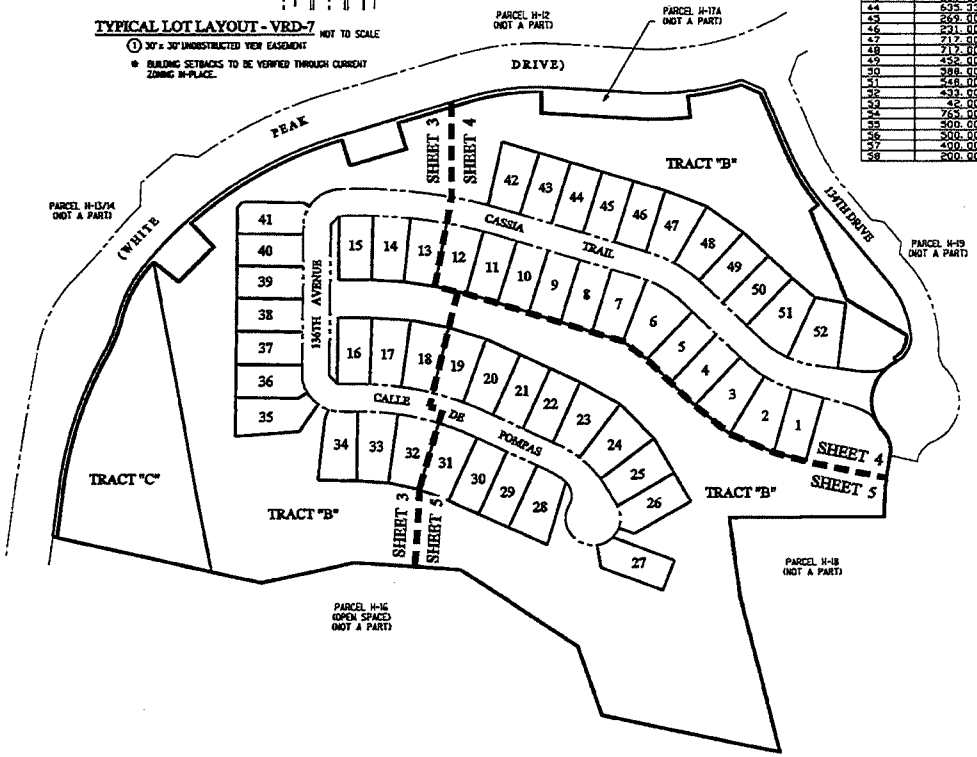
CURVE DATA TABLE

NO.	RADIUS	ARC	DELTA	CHORD	CHORD-BEARING
1	642.39	250.00	022°13'39"	248.43	N18°54'23.5"E
2	261.00	71.24	015°38'23"	71.02	N22°13'11.3"E
3	239.00	96.49	023°07'57"	95.84	N22°57'38.3"E
4	725.00	451.80	035°42'18"	444.52	N33°23'06.0"E
5	460.00	165.32	020°13'06"	161.48	N83°20'48.0"E
6	340.00	193.08	020°29'15"	192.06	N83°12'23.5"E
7	425.00	120.59	016°15'28"	120.19	S31°00'23.0"E
8	175.00	101.67	033°17'15"	100.25	S22°29'23.5"E
9	50.00	60.43	069°16'06"	56.83	S28°47'11.0"W
10	80.00	149.32	106°14'00"	127.98	S10°18'14.0"W
11	50.00	47.79	054°43'36"	45.99	S15°23'48.0"E
12	325.00	111.83	012°12'12"	111.61	S05°31'04.0"W
13	563.00	218.07	023°47'35"	216.50	S77°18'46.5"E
14	175.00	107.34	035°08'42"	105.67	S47°50'28.0"E
15	45.00	70.69	090°00'00"	63.64	N44°12'44.0"W
16	45.00	68.36	087°02'33"	61.98	N44°18'32.3"E
17	885.00	296.08	019°10'01"	294.67	S82°35'10.5"E
18	225.00	105.06	026°45'15"	104.11	S59°27'33.5"E
19	200.00	111.00	031°47'54"	109.58	S62°08'33.0"E
20	50.00	30.96	035°28'26"	30.46	S70°50'31.0"W
21	254.58	39.21	008°49'26"	39.17	N87°00'33.0"W
22	175.00	111.05	036°20'34"	109.17	N64°25'23.0"W
23	250.00	116.74	026°45'15"	115.68	N59°27'33.5"W
24	910.00	304.41	019°10'00"	302.99	N82°35'11.0"W
25	70.00	106.34	087°02'33"	96.41	S44°18'32.3"W
26	70.00	109.95	090°00'00"	98.99	S44°12'44.0"E
27	500.00	207.68	023°47'35"	206.19	S77°18'46.5"E
28	150.00	36.69	014°00'38"	36.60	S58°24'20.0"E
29	55.00	49.43	060°36'35"	47.44	S10°25'23.5"E
30	50.00	209.28	239°49'11"	86.68	N89°38'28.5"E
31	200.00	122.68	035°08'42"	120.77	N47°50'28.0"W
32	550.00	228.45	023°47'35"	226.81	N77°18'46.5"W
33	860.00	291.69	019°26'01"	290.30	S82°43'10.5"E
34	200.00	93.39	026°45'15"	92.54	S59°27'33.5"E
35	225.00	110.00	028°00'39"	108.91	S60°15'13.5"E
36	254.58	42.60	009°35'12"	42.55	S69°27'59.0"E
37	50.00	30.96	035°28'26"	30.46	S46°36'10.5"E
42	281.58	97.92	007°42'54"	97.89	S86°27'17.0"E
44	635.33	246.89	022°13'35"	245.34	N18°54'23.5"E
45	269.00	72.42	015°38'20"	72.20	N22°13'11.3"E
46	231.00	93.26	023°07'57"	92.63	N22°57'38.5"E
47	217.00	27.99	002°14'13"	27.99	N38°39'03.3"E
48	717.00	318.83	025°28'40"	316.21	N60°29'55.0"E
49	452.00	135.95	017°13'58"	135.44	N81°51'14.0"E
50	388.00	99.83	009°43'48"	99.73	N88°33'27.0"E
51	548.00	95.87	010°26'31"	95.73	N78°38'17.5"E
52	431.00	113.95	015°04'29"	113.62	S30°24'38.3"E
53	42.00	50.78	069°16'06"	47.74	S28°47'11.0"W
54	765.00	874.05	065°27'47"	827.27	N40°30'21.5"E
55	500.00	176.44	020°13'06"	175.53	N83°20'48.0"E
56	500.00	476.53	054°37'04"	458.79	N66°08'49.0"E
57	400.00	113.50	016°15'28"	113.12	S31°00'23.0"E
58	200.00	178.32	051°05'17"	172.48	S13°33'28.5"E

LEGAL DESCRIPTION

PARCEL H-17 OF THE REPLAT OF "HISTANCIA NORTH VILLAGE 1, VILLAGE 2, AND VILLAGE 3 MASTER FINAL PLAT", AS RECORDED IN BOOK 1172, PAGE 20 OF THE MARICOPA COUNTY RECORDER, LOCATED IN A PORTION OF SECTION 15 OF TOWNSHIP 5 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, PEORIA ARIZONA.

CONTAINING 26.547 ACRES, MORE OR LESS.



AREA TABLE

LOT AREA	9.213 AC
TRACT AREA	14.848 AC
R/W AREA	2.486 AC
TOTAL	26.547 AC

LOT TABLE

LOT NUMBER	AREA (SF)	AREA (AC)	LOT NUMBER	AREA (SF)	AREA (AC)	LOT NUMBER	AREA (SF)	AREA (AC)
1	7200	0.17	19	7811	0.18	37	7200	0.17
2	8462	0.19	20	7624	0.18	38	7200	0.17
3	8219	0.19	21	7200	0.17	39	7200	0.17
4	7200	0.17	22	7200	0.17	40	7200	0.17
5	7200	0.17	23	8234	0.19	41	7313	0.17
6	9520	0.22	24	8542	0.20	42	7806	0.18
7	7575	0.17	25	7789	0.18	43	7200	0.17
8	7200	0.17	26	7640	0.18	44	7200	0.17
9	7200	0.17	27	7776	0.18	45	7200	0.17
10	7200	0.17	28	8438	0.19	46	7200	0.17
11	7378	0.17	29	7500	0.19	47	8198	0.19
12	7654	0.18	30	7500	0.19	48	8247	0.19
13	7428	0.17	31	8286	0.19	49	7350	0.17
14	7654	0.18	32	8356	0.19	50	7200	0.17
15	7311	0.17	33	8205	0.19	51	9055	0.21
16	7235	0.17	34	8059	0.19	52	9101	0.21
17	7740	0.18	35	8823	0.20			
18	7806	0.18	36	7545	0.17			

TRACT TABLE

TRACT	AREA (SF)	AREA (AC)	USE
B	558,780	12.828	PUE, WATER/SEWER/EMERGENCY ACCESS EASEMENT, DRAINAGE, & LANDSCAPE
C	87,990	2.020	DRAINAGE, LANDSCAPE, TRAIL & OPEN SPACE

[redacted]

R130046

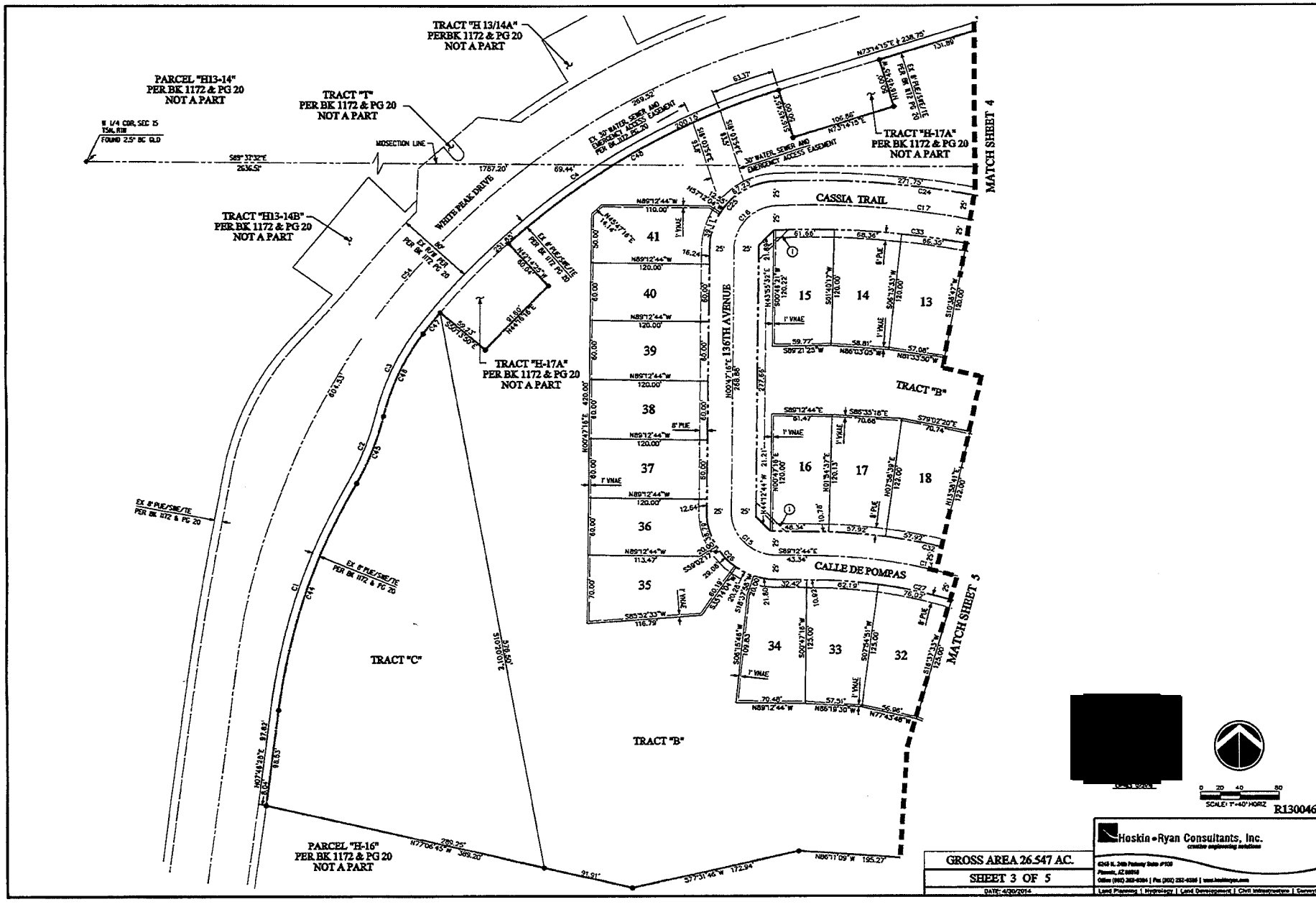
Hoskin•Ryan Consultants, Inc.
creative engineering solutions

GROSS AREA 26.547 AC.

SHEET 2 OF 5

DATE: 4/20/2014

8246 N. 24th Parkway Suite #103
Phoenix, AZ 85016
Office (602) 263-8284 | Fax (602) 263-8285 | www.hoskinryan.com
Land Planning | Hydrology | Land Development | Civil Infrastructure | Surveying


TRACT "H 13/14A"
PERBK 1172 & PG 20
NOT A PART
PARCEL "H13-14"
PER BK 1172 & PG 20
NOT A PART
TRACT "T"
PER BK 1172 & PG 20
NOT A PART
TRACT "H13-14B"
PER BK 1172 & PG 20
NOT A PART
TRACT "H-17A"
PER BK 1172 & PG 20
NOT A PART
TRACT "H-17A"
PER BK 1172 & PG 20
NOT A PART
PARCEL "H-16"
PER BK 1172 & PG 20
NOT A PART
MATCH SHEET 4
MATCH SHEET 3
CASSIA TRAIL
CALLE DE POMPAS
136TH AVENUE
WHITE PEAK DRIVE
TRACT "B"
TRACT "C"
TRACT "B"
MIDSECTION LINE
30' WATER, SEWER AND EMERGENCY ACCESS EASEMENT
SCALE: 1"=40' HORIZ
R130046
GROSS AREA 26.547 AC.
SHEET 3 OF 5
DATE: 4/30/2014
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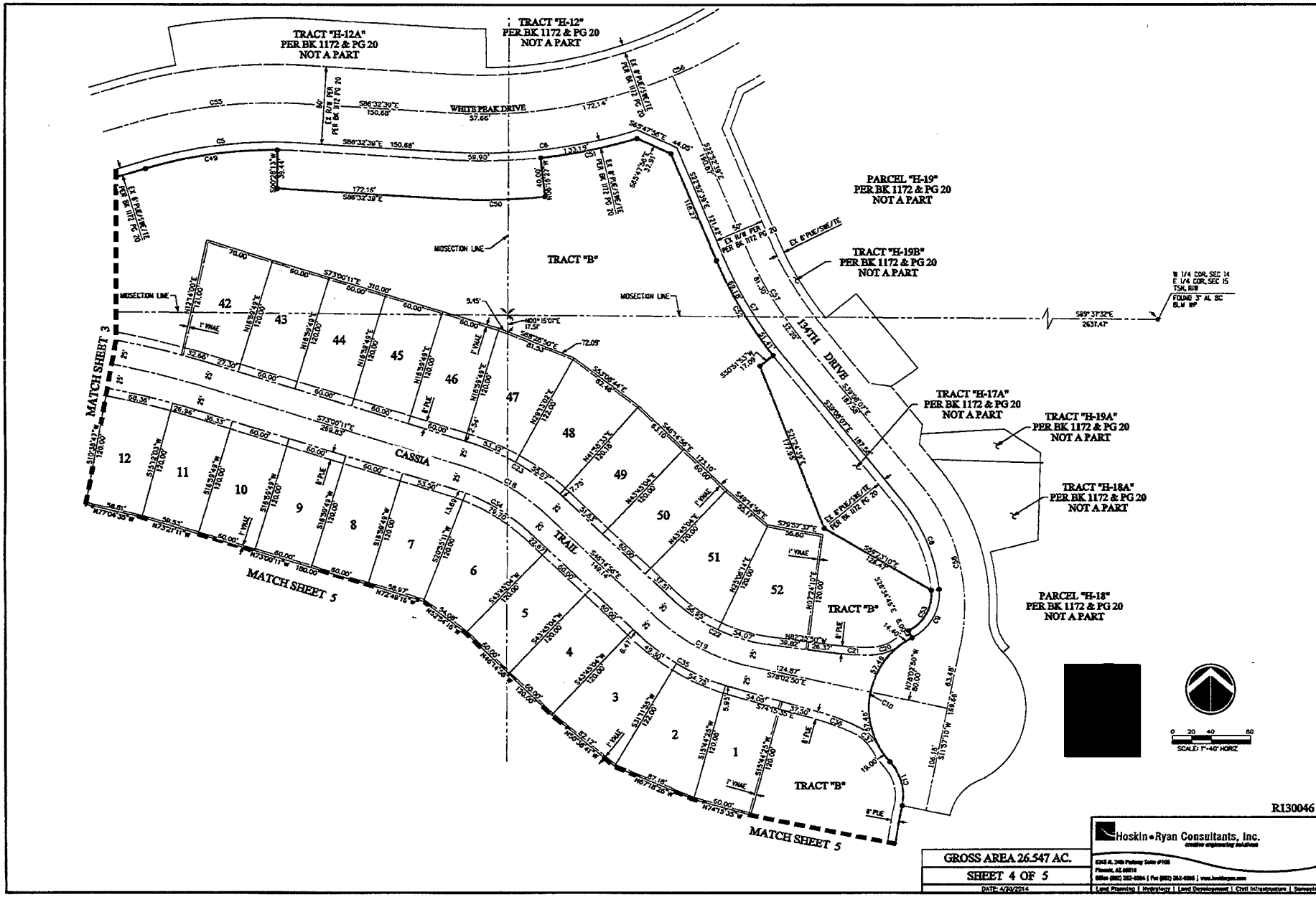

R130046

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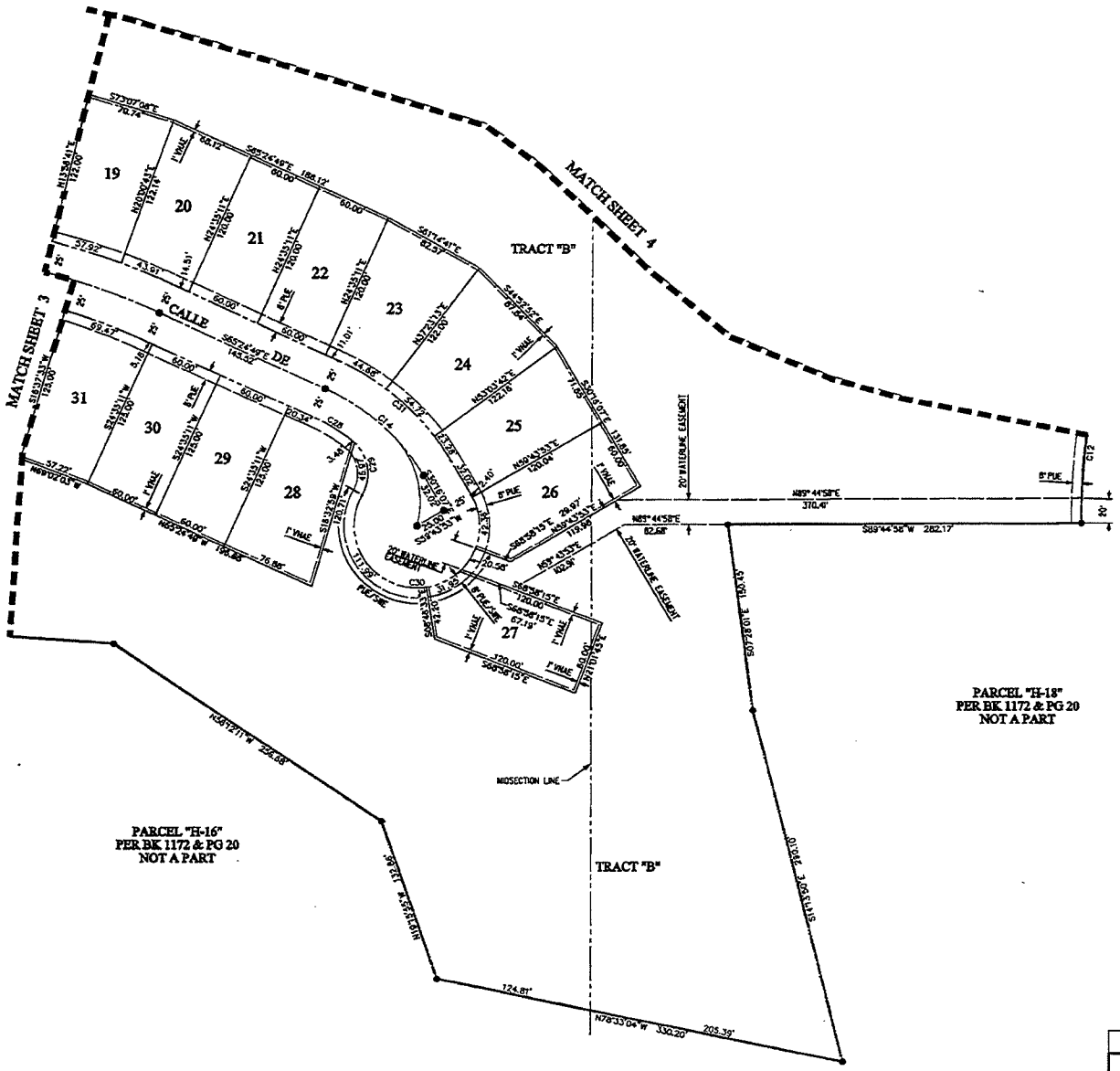
GROSS AREA 26.547 AC.

SHEET 4 OF 5

DATE: 4/29/2014



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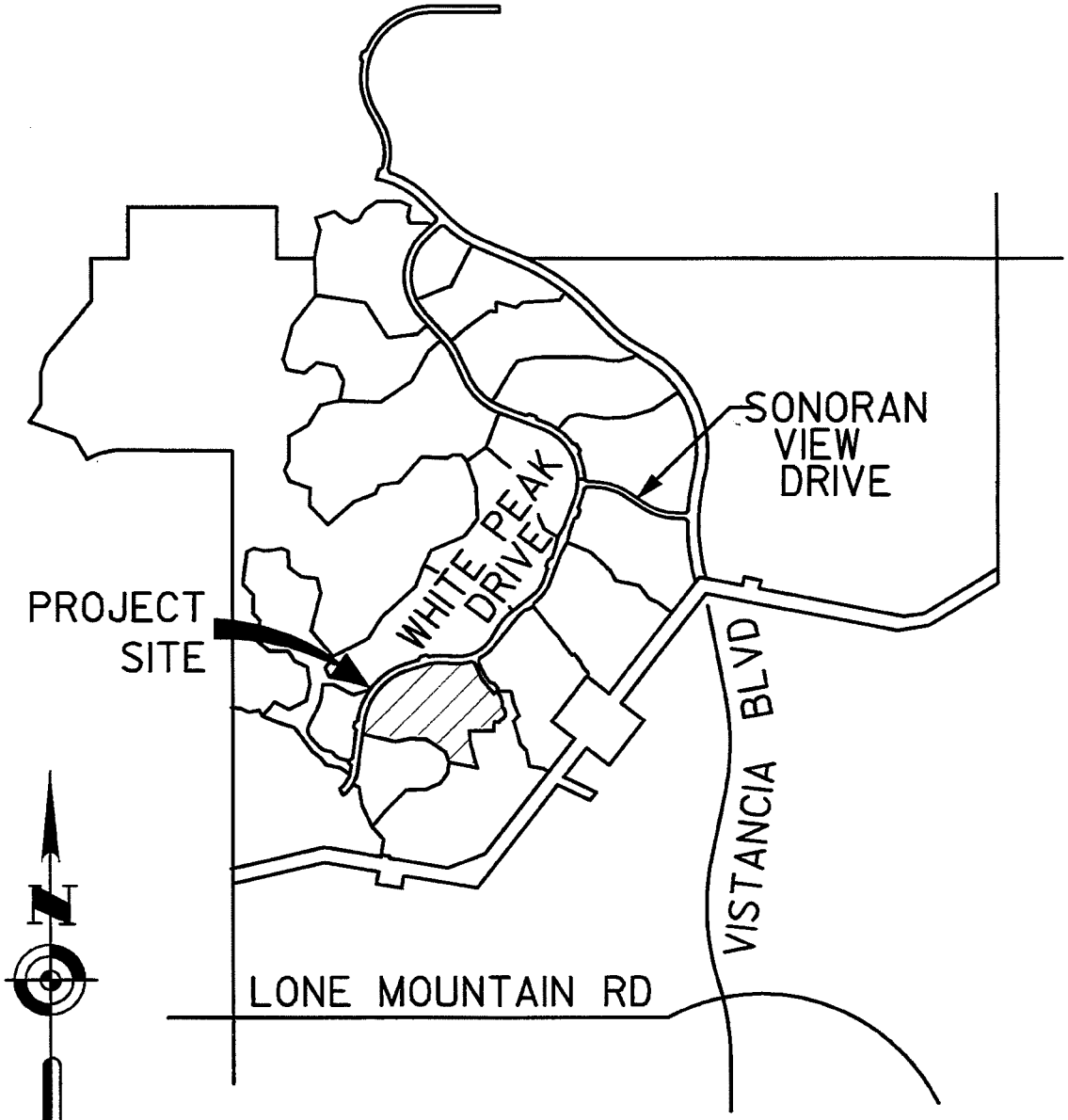
SHEET 5 OF 5

DATE: 4/29/2014



N.T.S.

VICINITY MAP

PARCEL H-17

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 27C

Date Prepared: May 6, 2014 **Council Meeting Date: June 17, 2014**

TO: **Carl Swenson, City Manager**

FROM: **Scott Whyte, Economic Development Services Director**

THROUGH: **Susan J. Daluddung, Deputy City Manager**

SUBJECT: **Final Plat, Vistancia Village H – Parcel H-18, south of White Peak Drive & west of Vistancia Boulevard (Project No. R130047)**

Purpose:

This is a request for City Council to approve a Final Plat of Vistancia Village H – Parcel H-18, located south of White Peak Drive and west of Vistancia Boulevard, 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 water\sewer service area. This final plat creates a total of 69 new lots within

the Vistancia North Community. All internal roadways are public and will be maintained by the City.

In November 2013, the City Council approved the Replat of Vistancia North Village 1, Village 2, and Village 3 Master Final Plat, creating all of the individual parcels and the rights-of-way for the master subdivision. The Final Plats for each individual parcel are necessary to further subdivide each parcel into individual lots, tracts, and internal roadways for development.

Previous Actions:

The preliminary plat was reviewed by the City and completed in June 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

FINAL PLAT
FOR
"VISTANCIA VILLAGE H - PARCEL H-18"

(A REPLAT OF PARCEL H-18 OF THE REPLAT OF "VISTANCIA NORTH VILLAGE 1, VILLAGE 2, AND VILLAGE 3 MASTER FINAL PLAT," AS RECORDED IN BOOK 1172, PAGE 20 OF THE MARICOPA COUNTY RECORDER) LOCATED IN A PORTION OF SECTION 15 OF TOWNSHIP 5 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, PEORIA ARIZONA.

DEDICATION

STATE OF ARIZONA)
) SS
COUNTY OF MARICOPA)

KNOW ALL MEN BY THESE PRESENTS:

VISTANCIA VILLAGE H, LLC, A DELAWARE LIMITED LIABILITY COMPANY, DOES HEREBY PUBLISH THIS FINAL PLAT FOR "VISTANCIA VILLAGE H - PARCEL H-18," A RE-PLAT OF PARCEL H-18 OF THE RE-PLAT OF A PORTION OF THE VISTANCIA NORTH VILLAGE 1, VILLAGE 2, AND VILLAGE 3 MASTER FINAL PLAT, AS RECORDED IN BOOK 1172, PAGE 20 OF THE MARICOPA COUNTY RECORDER, OVER A PORTION OF SECTION 15, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, AS SHOWN AND PLATTED HEREON AND HEREBY PUBLISHES THIS PLAT AS, AND FOR, THE PLAT OF SAID "VISTANCIA VILLAGE H - PARCEL H-18" AND HEREBY DECLARES THAT SAID PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF THE LOTS, TRACTS, EASEMENTS AND STREETS CONSTITUTING SAME, AND THAT EACH LOT, TRACT AND STREET SHALL BE KNOWN BY THE NUMBER, LETTER OR NAME GIVEN TO EACH RESPECTIVELY ON SAID PLAT AND HEREBY DEDICATES TO THE CITY OF PEORIA FOR USE, AS SUCH, THE STREETS AS SHOWN ON SAID PLAT AND INCLUDED IN THE ABOVE DESCRIBED PREMISES. EASEMENTS ARE DEDICATED FOR THE PURPOSES SHOWN.

ALL NOTATIONS AND DEDICATIONS STATED ON OR WITHIN THE RE-PLAT OF A PORTION OF THE VISTANCIA NORTH VILLAGE 1, VILLAGE 2, AND VILLAGE 3 MASTER FINAL PLAT, AS RECORDED IN BOOK 1172, PAGE 20 OF THE MARICOPA COUNTY RECORDER SHALL REMAIN IN FULL FORCE AND EFFECT WITH THE RECORDATION OF THIS FINAL PLAT.

VISTANCIA VILLAGE H, LLC, AS OWNER, HEREBY DEDICATES TO THE CITY THE RIGHTS-OF-WAY AS SHOWN HEREON, FOR THE USE AS (A) PUBLIC STREETS, AND (B) ANY AND ALL PUBLIC SEWER, WATER, GAS, ELECTRIC AND ANY OTHER UTILITY SERVICES. LANDSCAPING WITHIN THE RIGHTS-OF-WAY SHALL BE MAINTAINED BY THE HOMEOWNERS' ASSOCIATION. VISTANCIA VILLAGE H, LLC, HEREBY WARRANTS TO THE CITY THE TITLE TO SAID RIGHT OF WAY AS SHOWN HEREON, AGAINST THE CLAIMS OF ALL PERSONS WHOMSOEVER.

TRACTS "B", AND "C" ARE HEREBY DECLARED AS COMMON AREA SET FORTH IN THE DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, AND EASEMENTS FOR "VISTANCIA NORTH," AND OWNED AND MAINTAINED BY THE "VISTANCIA NORTH ASSOCIATION." DWELLING UNITS SHALL NOT BE CONSTRUCTED IN SAID TRACTS.

TRACT "D" IS RESERVED FOR A FUTURE REGIONAL TRAIL, AND WILL BE DEEDED TO THE CITY, AT NO COST TO THE CITY, AT THE TIME THE CITY IS READY TO CONSTRUCT THE TRAIL.

TRACT "E" AND "F" ARE HEREBY DECLARED AS COMMUNITY COMMON AREAS SET FORTH IN THE DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, AND EASEMENTS FOR THE "VISTANCIA MAINTAINANCE CORPORATION," AND WILL BE OWNED AND MAINTAINED BY THE "VISTANCIA MAINTAINANCE CORPORATION." DWELLING UNITS SHALL NOT BE CONSTRUCTED IN SAID TRACTS.

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

THE SLOPE EASEMENT IS HEREBY PLACED ON LOTS SHOWN HEREON FOR THE PURPOSE OF RESTRICTING THE REGRADING OR REMOVAL OF MATERIAL FROM THE EASEMENT. THE OWNERS OF THE LOTS MAY CHANGE THE GRADING IN THIS AREA BY OBTAINING A GRADING PERMIT FROM THE CITY ALONG WITH AN ENGINEERED PLAN THAT TAKES INTO CONSIDERATION THE EARTHWORK, WALLS AND DRAINAGE CONCERNS.

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

VISTANCIA VILLAGE H, LLC DOES HEREBY GRANT TO THE CITY OF PEORIA, AN ARIZONA MUNICIPAL CORPORATION, IN MARICOPA COUNTY, ARIZONA, ITS SUCCESSORS, AND ASSIGNS, A PERMANENT AND PERPETUAL EASEMENT FOR THE FOLLOWING PURPOSES, NAMELY: THE RIGHT TO ENTER UPON FOR EMERGENCY ACCESS, AND FOR CONSTRUCTION, MAINTENANCE, OPERATION AND REPLACEMENT OF A WATER AND SEWER LINE OVER, UNDER, AND ACROSS TRACTS "B" AND "F" SITUATED IN THE COUNTY OF MARICOPA, STATE OF ARIZONA. TO HAVE AND TO HOLD THE SAID EASEMENT UNTO CITY OF PEORIA, A MUNICIPAL CORPORATION OF MARICOPA COUNTY, ARIZONA AND UNTO ITS SUCCESSORS AND ASSIGNS FOREVER, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS TO PERMIT THE CONSTRUCTION, OPERATION, MAINTENANCE, AND REPLACEMENT OF PUBLIC WATER /SEWER LINE, SUBJECT TO NOTES 1, 2, 3 AND 4. AND THE GRANTOR HEREBY COVENANTS THAT IT IS LAWFULLY SEIZED AND POSSESSED ON THIS AFOREMENTIONED TRACT OR PARCEL OF LAND; THAT IT HAS 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.

NOTES:
1. THE SAID EASEMENT TO INCLUDE THE RIGHT TO CUT BACK AND TRIM SUCH PORTION OF THE BRANCHES AND TOPS OF THE TREES NOW GROWING OR THAT MAY HEREAFTER GROW UPON THE ABOVE DESCRIBED PREMISES, AS MAY EXTEND OVER SAID EASEMENT, SO AS TO PREVENT THE SAME FROM INTERFERING WITH THE EFFICIENT MAINTENANCE AND OPERATION OF SAID WATER LINES.

2. THE CITY OF PEORIA SHALL NOT BE RESPONSIBLE FOR REPLACING ANY LANDSCAPING OR ANY IMPROVEMENT PLACED IN THE EASEMENT BY GRANTOR OR ITS SUCCESSORS OR ASSIGNS, EXCEPT AS NOTED HEREIN.

3. THE CITY OF PEORIA WILL MAKE REASONABLE EFFORTS TO PROMPTLY RESTORE ASPHALT CONCRETE PAVEMENT SURFACES.

4. GRANTOR, ITS SUCCESSORS OR ASSIGNS AT ITS SOLE COST, SHALL BE RESPONSIBLE FOR PROMPTLY REPLACING ANY LANDSCAPING OR IMPROVEMENT(S) PLACED IN THE EASEMENT BY GRANTOR OR ITS SUCCESSORS OR ASSIGNS.

IN THE EVENT THE RIGHT, PRIVILEGE AND EASEMENT HEREIN GRANTED SHALL BE ABANDONED AND PERMANENTLY CEASE TO BE USED FOR THE PURPOSES HEREIN GRANTED ALL RIGHTS HEREIN GRANTED SHALL CEASE AND REVERT TO THE GRANTORS, THEIR HEIRS OR ASSIGNS WILL BE

DEDICATION CONT:

IN WITNESS WHEREOF:

VISTANCIA VILLAGE H LLC, AS OWNER HAS HEREUNTO CAUSED ITS NAME TO BE AFFIXED AND THE SAME TO BE ATTESTED BY THE SIGNATURE OF THE UNDERSIGNED OFFICER, THEREUNTO DULY AUTHORIZED THIS ______ DAY OF ______________, 2014

VISTANCIA VILLAGE H, LLC,
A DELAWARE LIMITED LIABILITY COMPANY

BY: SLF III-VPMA, LLC,
A TEXAS LIMITED LIABILITY COMPANY,
ITS MANAGING MEMBER

BY: SLF III-VISTANCIA, LLC,
A TEXAS LIMITED LIABILITY COMPANY,
ITS SOLE AND MANAGING MEMBER

BY: STRATFORD LAND FUND III L.P.,
A DELAWARE LIMITED PARTNERSHIP,
ITS SOLE AND MANAGING MEMBER

BY: STRATFORD FUND III GP, LLC,
A TEXAS LIMITED LIABILITY COMPANY,
ITS MANAGING MEMBER

BY: ______________

NAME: ______________

TITLE: ______________

DEDICATION ACKNOWLEDGEMENT

STATE OF TEXAS)
) SS
COUNTY OF DALLAS)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ______ DAY OF ______, 2014 BY ______________ THE ______________ OF VISTANCIA VILLAGE H LLC, A DELAWARE LIMITED LIABILITY COMPANY FOR AND ON BEHALF THEREOF.

______________ MY COMMISSION EXPIRES: ______________ NOTARY PUBLIC

VISTANCIA NORTH ASSOCIATION RATIFICATION AND CONSENT

THE UNDERSIGNED HEREBY RATIFIES AND CONSENTS TO THIS PLAT AND ITS MAINTENANCE OBLIGATIONS AS SET FORTH HEREON.

VISTANCIA NORTH ASSOCIATION, AN ARIZONA NON-PROFIT CORPORATION

BY: ______________

ITS: ______________

ACKNOWLEDGEMENT

STATE OF ARIZONA)
) SS
COUNTY OF MARICOPA)

ON THIS ______ DAY OF ______________, 2014 BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC PERSONALLY APPEARED ______________ WHO ACKNOWLEDGED HIMSELF TO BE THE ______________ OF VISTANCIA NORTH ASSOCIATION, AN ARIZONA NON-PROFIT CORPORATION, AND THAT SUCH OFFICER, BEING DULY AUTHORIZED TO DO SO, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED BY SIGNING THIS NAME AS SUCH OFFICER ON BEHALF OF THE FOREGOING.

IN WITNESS WHEREOF, I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

MY COMMISSION EXPIRES: ______________ NOTARY PUBLIC

APPROVALS

APPROVED BY THE MAYOR AND CITY COUNCIL OF PEORIA, ARIZONA ON THIS ______ DAY OF ______________, 2014.

APPROVED BY: ______________ DATE: ______
MAYOR

ATTESTED BY: ______________ DATE: ______
CITY CLERK

APPROVED BY: ______________ DATE: ______
CITY ENGINEER

NOTES

1. THE SUBDIVISION IS SUBJECT TO MAINTENANCE IMPROVEMENT DISTRICT (MID) #1164 AND STREET LIGHT IMPROVEMENT DISTRICT (SLID) #1095.
2. NO CONSTRUCTION OF ANY KIND SHALL BE CONSTRUCTED OR PLACED WITHIN THE UTILITY EASEMENTS, EXCEPT UTILITIES, WOOD, WIRE, OR REMOVABLE SECTION TYPE FENCING, AND/OR PAVING, NOR ANY PLANTING EXCEPT GRASS. IT SHALL BE FURTHER UNDERSTOOD THAT THE CITY OF PEORIA SHALL NOT BE REQUIRED TO REPLACE ANY OBSTRUCTION OR PLANTING THAT MUST BE REMOVED DURING THE COURSE OF MAINTENANCE, CONSTRUCTION OR RECONSTRUCTION.
3. ALL NEW AND EXISTING UTILITY ELECTRICAL FACILITIES LESS THAN 69 KVA, CABLE TV TELECOMMUNICATIONS FIBER OPTICS, CELLULAR, GAS, ETC SHALL BE INSTALLED UNDERGROUND AS PART OF THE STREET IMPROVEMENTS.
4. MAINTENANCE OF SURFACE AND UNDERGROUND DRAINAGE FACILITIES WITHIN ALL TRACTS, EASEMENTS AND RIGHTS-OF-WAY SHALL BE THE RESPONSIBILITY OF THE HOMEOWNERS' ASSOCIATION.
5. ALL LOT CORNERS SHALL BE MONUMENTED WITH 1/2" REBAR AND CAPPED OR TAGGED BEARING THE REGISTRATION NUMBER OF THE SURVEYOR RESPONSIBLE FOR THEIR PLACEMENT.
6. SIGNS, FENCES, WALLS, UTILITY BOXES, STRUCTURES, SHRUBS, HEDGES OR OTHER PLANTS, BUT EXCLUDING TREES OVER 30-INCHES IN HEIGHT SHALL NOT BE PERMITTED WITH VIEW EASEMENTS OR THE SIGHT DISTANCE TRIANGLES. NO LIMBS, LEAVES, NEEDLES OR OTHER FOLIAGE ABOVE 30-INCHES IN HEIGHT OR BELOW 84-INCHES ARE PERMITTED. TREES ARE TO BE PLANTED SO AS NOT TO OBSTRUCT 20% OF THE VISIBILITY WHEN COMBINED WITH OTHER OBSTRUCTIONS.
7. THE SUBDIVISION IS LOCATED WITHIN THE CITY OF PEORIA WATER SERVICE AREA AND HAS BEEN DESIGNATED AS HAVING A 100-YEAR ASSURED WATER SUPPLY.
8. THIS SUBDIVISION IS LOCATED WITHIN THE CITY OF PEORIA SEWER SERVICE AREA.
9. THIS SUBDIVISION IS LOCATED WITHIN THE VICINITY OF A MILITARY AIRPORT.
10. THIS SUBDIVISION IS LOCATED IN THE VICINITY OF A DESIGNATED TRUCK ROUTE. LONE MOUNTAIN ROAD IS DESIGNATED AS A TRUCK ROUTE BY THE CITY OF PEORIA.
11. THIS SUBDIVISION IS LOCATED IN THE VICINITY OF A ROCK QUARRY (GRAVEL OPERATION).
12. NO STRUCTURE OF ANY KIND SHALL BE CONSTRUCTED OR ANY VEGETATION BE PLANTED NOR BE ALLOWED TO GROW WITHIN THE DRAINAGE EASEMENT OR TRACT WHICH WOULD IMPEDE THE FLOW OF WATER OVER, UNDER OR THROUGH THE EASEMENT OR TRACT.
13. AN ASSOCIATION, INCLUDING ALL PROPERTY OWNERS IN THE DEVELOPMENT, WILL BE FORMED AND HAVE THE RESPONSIBILITY FOR MAINTAINING ALL COMMON AREAS TO BE NOTED AS "TRACTS" OR EASEMENTS (INCLUDING LANDSCAPED AREAS AND DRAINAGE FACILITIES) IN ACCORDANCE WITH APPROVED PLANS.
14. THIS SUBDIVISION HAS A REDUCED LEVEL OF STREET LIGHTING. ANY FUTURE ADDITIONAL STREET LIGHTING WILL BE AT THE EXPENSE OF THE ABUTTING PROPERTY OWNERS, NOT AT CITY EXPENSE.

CERTIFICATION

THE MASTER DEVELOPER SHALL CERTIFY THAT RULES AS MAY BE ESTABLISHED BY THE STATE DEPARTMENT OF TRANSPORTATION RELATING TO PROVISIONS FOR THE SAFETY OF ENTRANCE UPON AND DEPARTURE FROM ABUTTING STATE PRIMARY HIGHWAYS HAVE BEEN FOLLOWED AS APPLICABLE.

THE MASTER DEVELOPER SHALL CERTIFY THAT RULES AS MAY BE ESTABLISHED BY THE FLOOD CONTROL DISTRICT OF MARICOPA COUNTY RELATING TO THE CONSTRUCTION OR PREVENTION OF CONSTRUCTION OF STREETS IN LAND ESTABLISHED AS BEING SUBJECT TO PERIODIC INUNDATION HAVE BEEN FOLLOWED AS APPLICABLE.

THE MASTER DEVELOPER SHALL CERTIFY THAT RULES AS MAY BE ESTABLISHED BY THE MARICOPA COUNTY DEPARTMENT OF ENVIRONMENTAL SERVICES RELATING TO THE PROVISION OF DOMESTIC WATER SUPPLY AND SANITARY SEWER DISPOSAL HAVE BEEN FOLLOWED AS APPLICABLE.

THE MASTER DEVELOPER SHALL CERTIFY THAT THE REQUIREMENTS OF THE PEORIA ZONING ORDINANCE AND THE CITY OF PEORIA INFRASTRUCTURE DESIGN GUIDELINES HAVE BEEN ADDRESSED AND FOLLOWED AS APPLICABLE.

VISTANCIA MAINTENANCE CORPORATION RATIFICATION AND CONSENT

THE UNDERSIGNED HEREBY RATIFIES AND CONSENTS THIS PLAT AND ITS MAINTENANCE OBLIGATIONS AS SET FORTH HEREON.

VISTANCIA MAINTENANCE CORPORATION, AN ARIZONA NON-PROFIT CORPORATION

BY: ______________

ITS: ______________

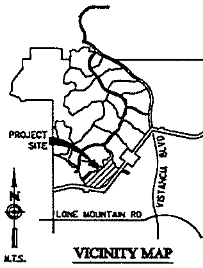
ACKNOWLEDGEMENT

STATE OF ARIZONA)
) SS
COUNTY OF MARICOPA)

ON THIS ______ DAY OF ______________, 2014 BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC PERSONALLY APPEARED ______________ WHO ACKNOWLEDGED HIMSELF TO BE THE ______________ OF VISTANCIA MAINTENANCE CORPORATION, AND THAT SUCH OFFICER, BEING DULY AUTHORIZED TO DO SO, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED BY SIGNING THIS NAME AS SUCH OFFICER ON BEHALF OF THE FOREGOING.

IN WITNESS WHEREOF, I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

MY COMMISSION EXPRES: ______________ NOTARY PUBLIC



VICINITY MAP

DEVELOPER:

VISTANCIA VILLAGE H, LLC
6720 NORTH SCOTTSDALE ROAD, SUITE 250
SCOTTSDALE, ARIZONA 85253
PHONE: (623) 518-2015
CONTACT: JEREMY JOHNSON

VISTANCIA

SURVEYOR

HOSKIN RYAN CONSULTANTS, INC.
6245 N. 24TH PARKWAY, SUITE 100
PHOENIX, AZ. 85016
TEL (602) 252-8384
FAX (602) 252-8385
CONTACT: THOMAS E. GRANILLO, PE, RLS
EMAIL: TOMG@HOSKINRYAN.COM

SHEET INDEX

1 - COVER SHEET
2 - KEY MAP, LEGEND & TABLES
3-7 - PLAT SHEETS

BASIS OF BEARING

THE BASIS OF BEARING FOR THESE PLANS IS N 89°48'36" W FOR THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA & SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA AS SHOWN ON AN AMENDED RESULTS OF SURVEY RECORDED IN BOOK 632, PAGE 24, MARICOPA COUNTY RECORDS.

ZONING DISTRICT VRD-8

(OVERALL VISTANCIA ZONING - PCD-Z01-10A.12) ; VRD-T

FEMA FLOOD PLAIN DESIGNATION

COMMUNITY NUMBER	PARCEL NUMBER	SUFFIX	DATE OF FIRM	FIRM ZONE
04013C	0815	L	10-16-2013	X (SHADED) & AH

ZONE "X": (SHADED) AREAS OF 500-YEAR; AREAS OF 100-YEAR FLOOD WITH AN AVERAGE DEPTH OF LESS THAN ONE (1) FOOT OR WITH DRAINAGE AREAS LESS THAN ONE (1) SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM THE 100-YEAR FLOOD.

ZONE AH: AREAS OF FLOODDEPTHS OF 1 TO 3 FEET (USUALLY AREAS OF PONDING); BASE FLOOD ELEVATIONS DETERMINED.

LOTS LYING WITHIN ZONE AH FLOODPLAIN SHALL BE REMOVED FROM THE FLOODPLAIN VIA A CLOMR/LOMR, AS APPROVED BY THE CITY OF PEORIA, AND FEMA.

H-18 WATERLINE NOTE:

PARCEL H-18 HAS BEEN DESIGNED WITH 8-INCH WATERLINES THROUGHOUT THE SITE. DOMESTIC SERVICE DEMANDS AND PRESSURES THROUGHOUT THE PARCEL CAN BE MET WITH THESE LINES WHEN PARCEL H18 STANDS ALONE; HOWEVER, FIRE FLOWS TO LOTS 38 THROUGH 61 CAN ONLY BE SERVICED WITH ADEQUATE FLOWS AND PRESSURES WHEN PARCEL H-18'S WATER SYSTEM IS CONNECTED TO PARCEL H15'S WATER SYSTEM. IF PARCEL H-15'S WATER SYSTEM IS NOT OPERATIONAL AT THE TIME OF PARCEL H-18'S COMPLETION, ADDITIONAL CONSIDERATION TO BOOST SYSTEM PRESSURES DURING FIRE FLOW WILL NEED TO BE MADE.

SURVEYOR CERTIFICATION

I, THOMAS E. GRANILLO, A DULY REGISTERED LAND SURVEYOR IN THE STATE OF ARIZONA, DO HEREBY CERTIFY THAT THE SUBDIVISION PLATTED HEREON, CONSISTING OF 7 SHEETS, HAS BEEN PREPARED FROM A SURVEY MADE UNDER MY DIRECT SUPERVISION DURING THE MONTH OF JULY, 2011, AND ACCURATELY REPRESENTS THE PROPERTY DESCRIBED HEREON. I FURTHER CERTIFY THAT THE EXTERIOR BOUNDARIES OF SAID SUBDIVISION ARE, OR WILL BE MONUMENTED IN ACCORDANCE WITH THE "ARIZONA BOUNDARY SURVEY MINIMUM STANDARDS" ADOPTED ON 13 FEBRUARY 2002, AND THAT THE SIZE, LOCATION AND MATERIAL AS SHOWN HEREON ARE ACCURATE AS OF THE DATE OF THIS CERTIFICATION.

[redacted]

THOMAS E. GRANILLO
ARIZONA REGISTERED LAND SURVEYOR
REGISTRATION # 55545
HOSKIN-RYAN CONSULTANTS, INC.
PHOENIX, ARIZONA.

R130047

GROSS AREA 41.792 AC.

SHEET 1 OF 7

DATE: 4/30/2014

Hoskin•Ryan Consultants, Inc.
creative engineering solutions

Land Planning | Hydrology | Land Development | Civil Infrastructure | Surveying

LEGAL DESCRIPTION

PARCEL H-18 OF THE REPLAT OF THE VISTANCIA NORTH VILLAGE I, VILLAGE 2, AND VILLAGE 3 MASTER FINAL PLAT, AS RECORDED IN BOOK 1172, PAGE 20, OF THE MARICOPA COUNTY RECORDER,

CONTAINING 41.792 ACRES, MORE OR LESS.

TRACT TABLE

TRACT	AREA (SF)	AREA (AC)	USE
B	764,520	17.482	PUE, DRAINAGE, LANDSCAPE, FLOODPLAIN, WATER/SEWER/EMERGENCY ACCESS EASEMENT
C	109,898	2.523	PUE, DRAINAGE, LANDSCAPE
D	23,426	0.538	LANDSCAPE, FUTURE REGIONAL TRAIL, 404 WASH, & FLOODPLAIN
E	31,583	0.725	404 WASH, DRAINAGE, & FLOODPLAIN
F	17,142	0.394	404 WASH, DRAINAGE, WATER/SEWER/EMERGENCY ACCESS EASEMENT, LANDSCAPE, FLOODPLAIN

AREA TABLE

LOT AREA	15.577 AC
TRACT AREA	21.662 AC
R/W AREA	4.553 AC
TOTAL AREA	41.792 AC

LOT TABLE

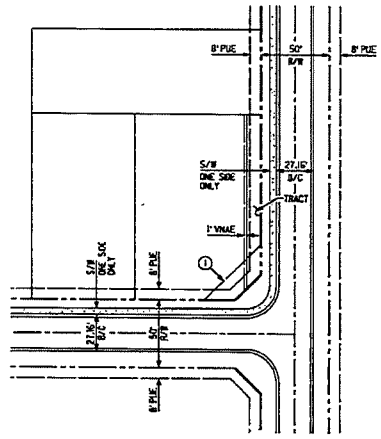
LOT NUMBER	AREA (SF)	AREA (AC)	LOT NUMBER	AREA (SF)	AREA (AC)	LOT NUMBER	AREA (SF)	AREA (AC)
1	9976	0.25	24	11900	0.27	47	8897	0.20
2	9608	0.22	25	11788	0.27	48	8737	0.20
3	8750	0.20	26	9137	0.21	49	15578	0.36
4	8750	0.20	27	9185	0.21	50	16494	0.38
5	9277	0.21	28	8750	0.20	51	10685	0.25
6	10044	0.23	29	8750	0.20	52	10690	0.25
7	9717	0.22	30	8774	0.20	53	10690	0.25
8	8750	0.20	31	9506	0.22	54	10690	0.25
9	8637	0.20	32	9506	0.22	55	10690	0.25
10	8750	0.20	33	9506	0.22	56	10690	0.25
11	9349	0.21	34	9506	0.22	57	10690	0.25
12	9347	0.21	35	9506	0.22	58	10675	0.25
13	9347	0.21	36	8909	0.20	59	16032	0.37
14	9235	0.21	37	8822	0.20	60	11666	0.27
15	9235	0.21	38	9063	0.21	61	11566	0.27
16	9347	0.21	39	9188	0.21	62	8750	0.20
17	9276	0.21	40	9188	0.21	63	9938	0.23
18	8869	0.20	41	9188	0.21	64	10464	0.24
19	8750	0.20	42	9188	0.21	65	8750	0.20
20	8750	0.20	43	9188	0.21	66	8750	0.20
21	8931	0.21	44	9188	0.21	67	9138	0.21
22	9175	0.21	45	9188	0.21	68	9551	0.22
23	8150	0.26	46	9188	0.21	69	9615	0.22

CURVE DATA TABLE

NO.	RADIUS	ARC	DELTA	CHORD	CHORD-BEARING
1	525.00	111.82	012°12'12"	111.61	N05°31'04.0"E
2	50.00	47.79	054°43'36"	45.99	N39°20'08.0"E
3	80.00	155.72	111°31'48"	132.28	N10°37'12.0"E
4	50.00	41.27	047°17'12"	40.11	N21°09'55.5"W
5	225.00	163.43	041°36'38"	159.86	N18°19'38.0"W
6	765.00	164.78	012°01'19"	164.42	N79°36'59.5"E
7	765.00	531.66	042°35'48"	538.44	N51°38'26.0"E
8	200.00	79.70	022°49'58"	79.18	N18°25'33.0"E
9	300.00	135.64	025°54'14"	134.48	N05°36'33.0"W
10	500.00	259.19	030°50'30"	256.98	N02°28'15.0"W
11	893.80	727.29	046°37'19"	707.35	N63°18'37.5"E
12	425.00	189.80	025°33'16"	188.23	S72°37'08.0"E
13	525.00	282.65	030°50'30"	279.25	S02°28'15.0"E
14	275.00	124.33	025°54'14"	123.27	S05°36'33.0"E
15	175.00	60.87	019°55'40"	60.56	S16°58'24.0"W
16	450.00	158.52	020°11'06"	157.71	N70°13'01.0"W
17	50.00	14.93	016°18'40"	14.12	N72°11'14.0"W
18	50.00	80.72	092°29'51"	72.24	S64°45'10.5"W
19	50.00	16.81	019°15'27"	16.73	S31°05'58.5"W
20	868.80	613.44	040°27'19"	600.78	S42°37'21.5"W
21	50.00	16.81	019°15'27"	16.73	N87°11'13.5"W
22	50.00	112.86	129°19'25"	90.38	S37°46'40.5"W
23	50.00	15.88	018°11'42"	15.81	S17°47'16.0"E
24	25.00	30.77	070°31'44"	28.87	N58°16'39.0"E
25	50.00	218.63	250°31'44"	81.63	S31°43'31.0"W
26	730.00	170.46	013°01'19"	170.09	N79°36'59.5"E
27	730.00	570.68	043°35'48"	557.01	N51°38'26.0"E
28	225.00	89.67	022°49'58"	89.07	N18°25'33.0"E
29	325.00	146.94	025°54'14"	145.69	N05°36'33.0"W
30	475.00	255.73	030°50'30"	252.66	N02°28'15.0"W
31	700.00	532.52	043°35'48"	519.88	S51°38'26.0"W
32	700.00	129.73	010°37'06"	129.54	S78°44'53.0"W
33	918.80	677.11	042°13'26"	661.89	N62°52'14.0"E
34	400.00	151.09	021°38'29"	150.19	S70°58'42.5"E
35	42.00	34.67	047°17'33"	33.63	N21°09'55.5"W
36	233.00	67.31	016°32'07"	67.08	N05°47'42.5"W
37	400.00	113.50	016°13'28"	113.12	S31°00'23.0"E
38	200.00	178.33	051°05'17"	172.48	S13°33'28.5"E
39	800.00	40.27	002°53'09"	40.27	N57°28'28.5"E

LEGEND

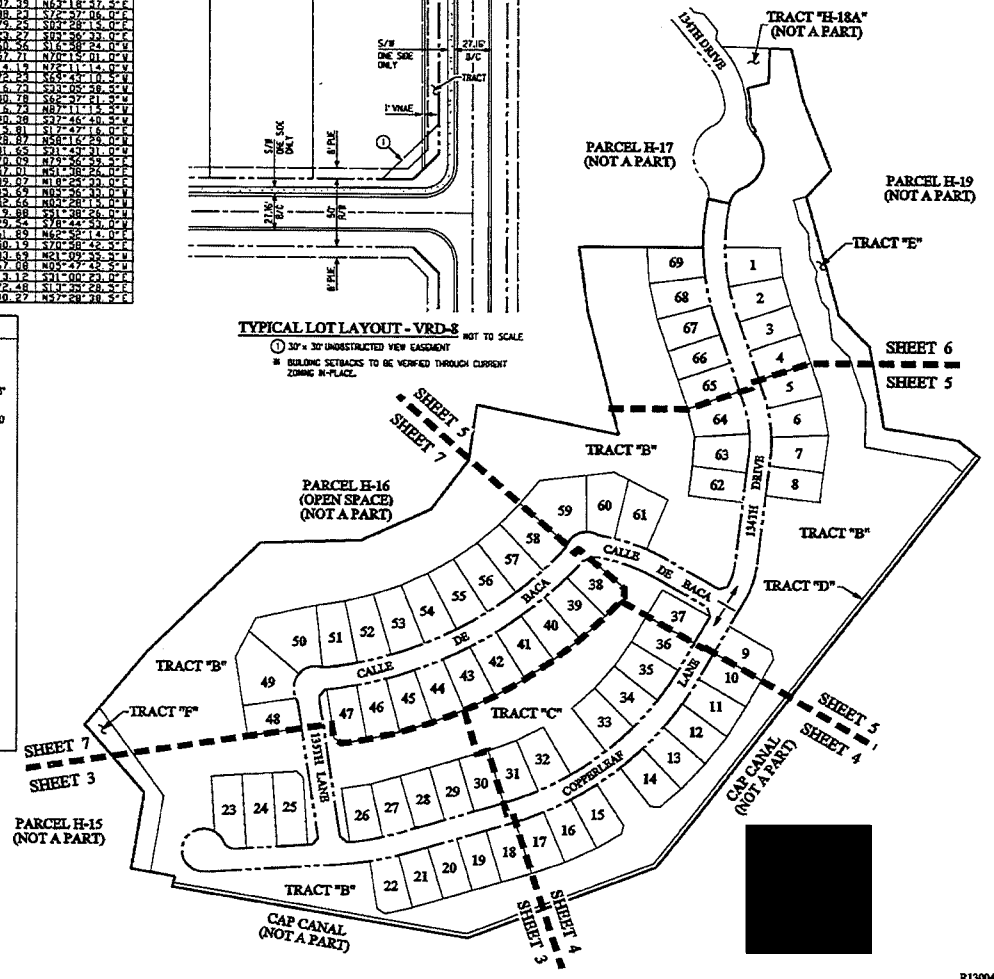
- MONUMENT (SET) PER MAG STD. DET. 120-1, TYPE "C" (UNLESS OTHERWISE NOTED.)
- CENTER LINE MONUMENTATION - SET BRASS CAP PER MAG STD. DET. 120-1, TYPE "B" (UNLESS OTHERWISE NOTED.)
- INDICATES EXISTING MONUMENTATION AS NOTED
- CI — CURVE NUMBER
- VNAE — VEHICULAR NON-ACCESS EASEMENT
- BK__ & PG__ — BOOK AND PAGE
- MCR — MARICOPA COUNTY RECORDS
- 1 — 30" X 30" UNOBSTRUCTED VIEW EASEMENT
- EASEMENT
- RIGHT-OF-WAY
- CENTERLINE
- BOUNDARY
- SECTION LINE
- MATCH LINE
- 404 LIMIT
- FEMA FLOODPLAIN
- R/W — RIGHT-OF-WAY
- PUE — PUBLIC UTILITY EASEMENT
- EX — EXISTING
- COR — CORNER
- SWE — SIDEWALK EASEMENT
- TE — TRAIL EASEMENT



TYPICAL LOT LAYOUT - VRD-8 NOT TO SCALE

1 30" x 30" UNOBSTRUCTED VIEW EASEMENT

* BUILDING SETBACKS TO BE VERIFIED THROUGH CURRENT ZONING IN-PLACE.



R130047

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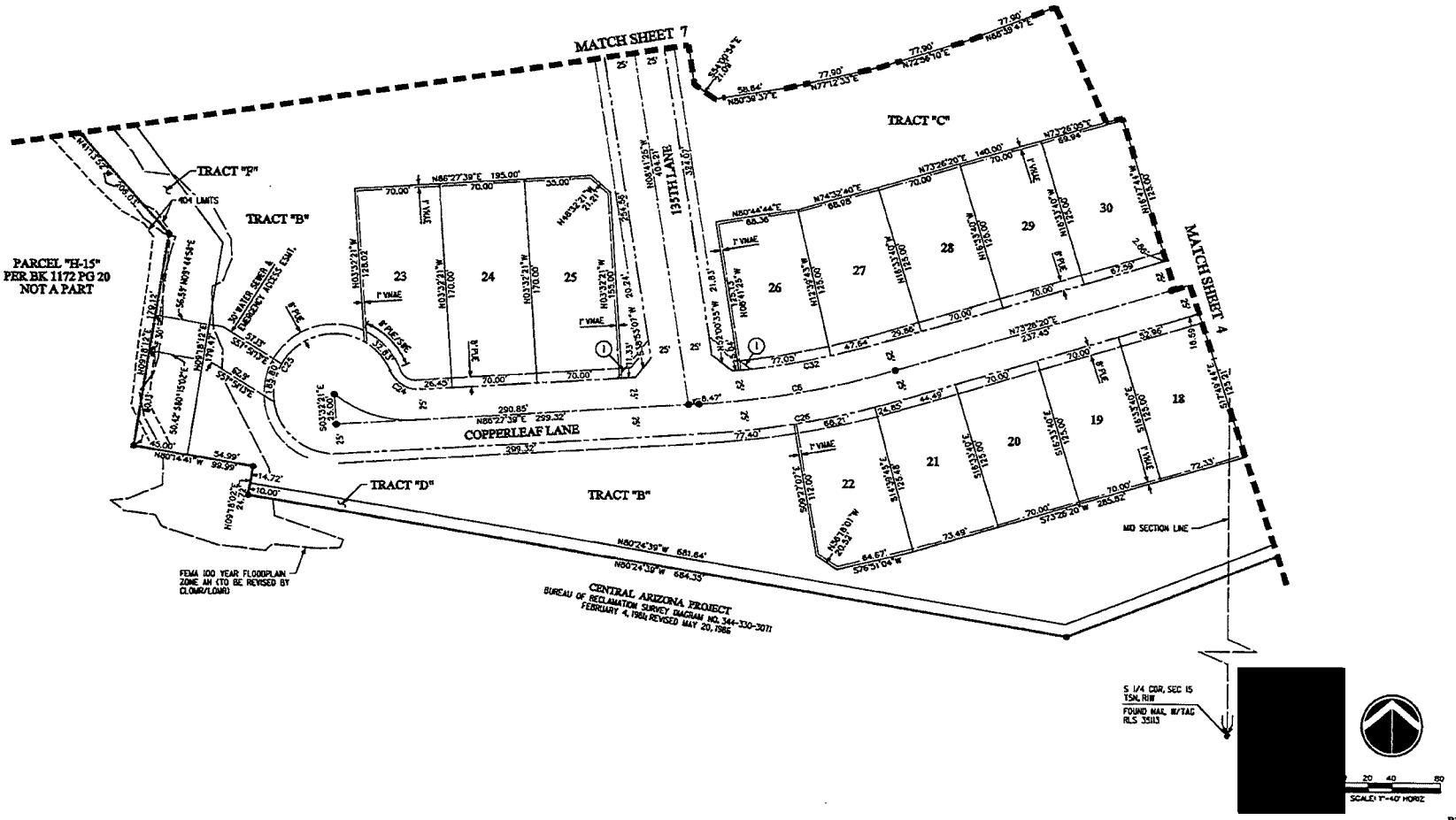
GROSS AREA 41.792 AC.

SHEET 2 OF 7

DATE: 4/30/2014



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GROSS AREA 41.792 AC.

SHEET 3 OF 7

DATE: 4/30/2014

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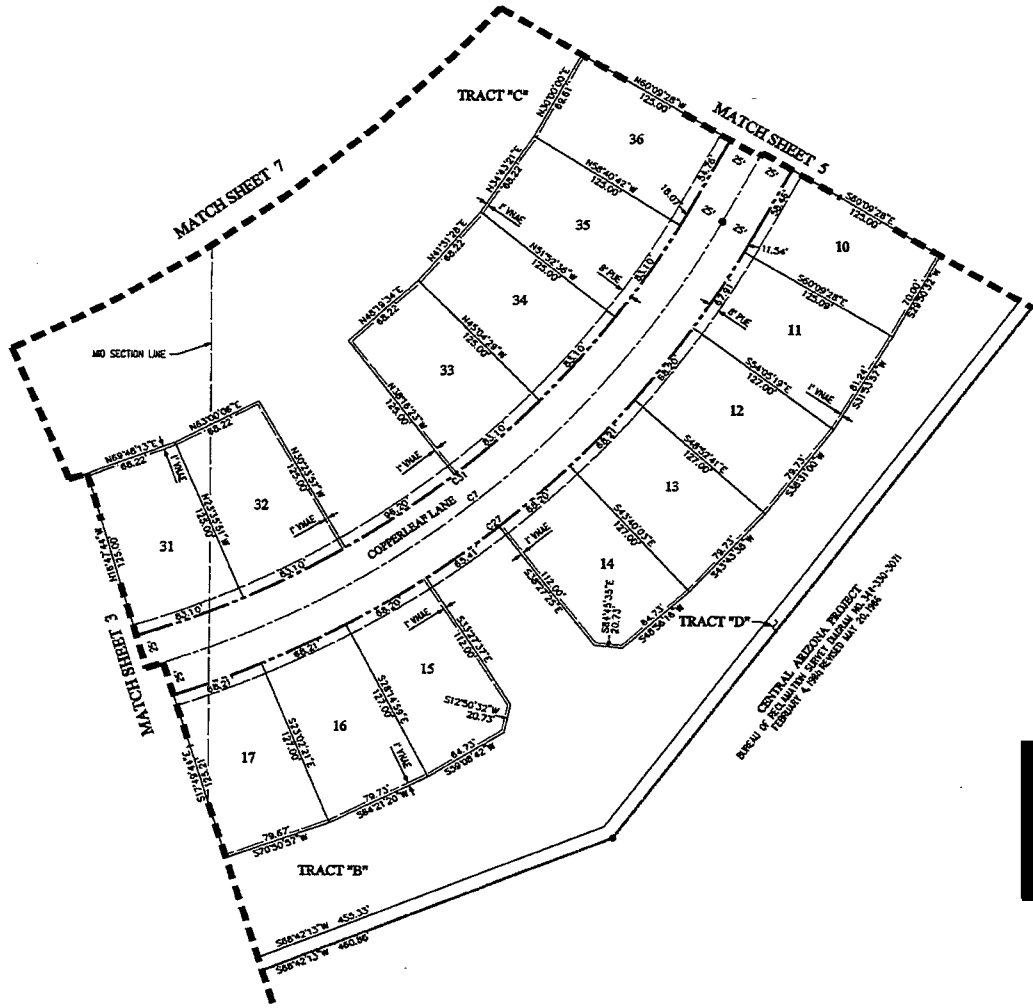
FILE: g:\projects\115-097 vistancia north-plan 106 - vistancia village a - parcel h15\7-prel.dgn



SCALE: 1"=40' HORIZ

R130047

GROSS AREA 41.792 AC.

SHEET 4 OF 7

DATE: 4/30/2014

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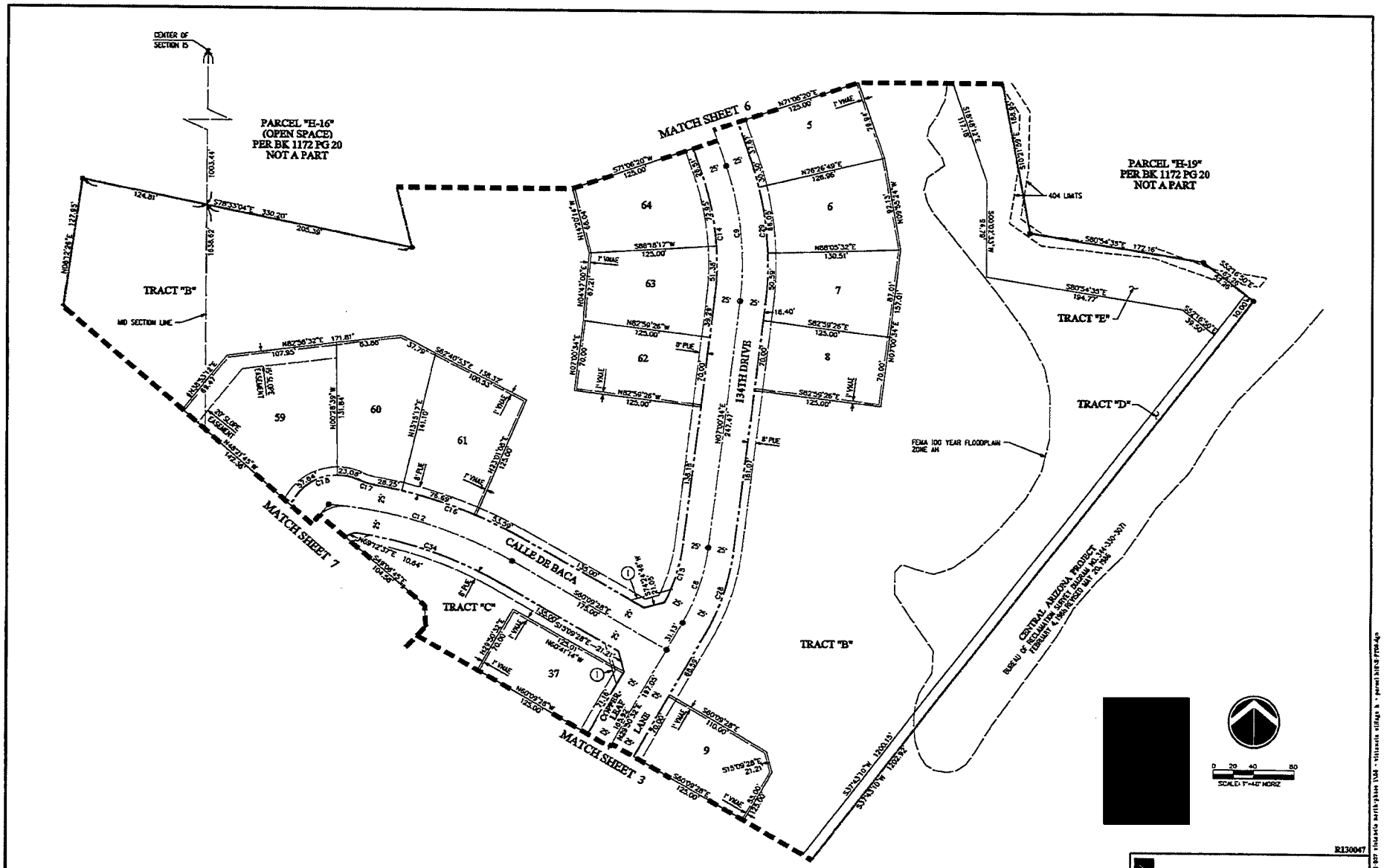

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SHEET 5 OF 7

DATE: 4/30/2014

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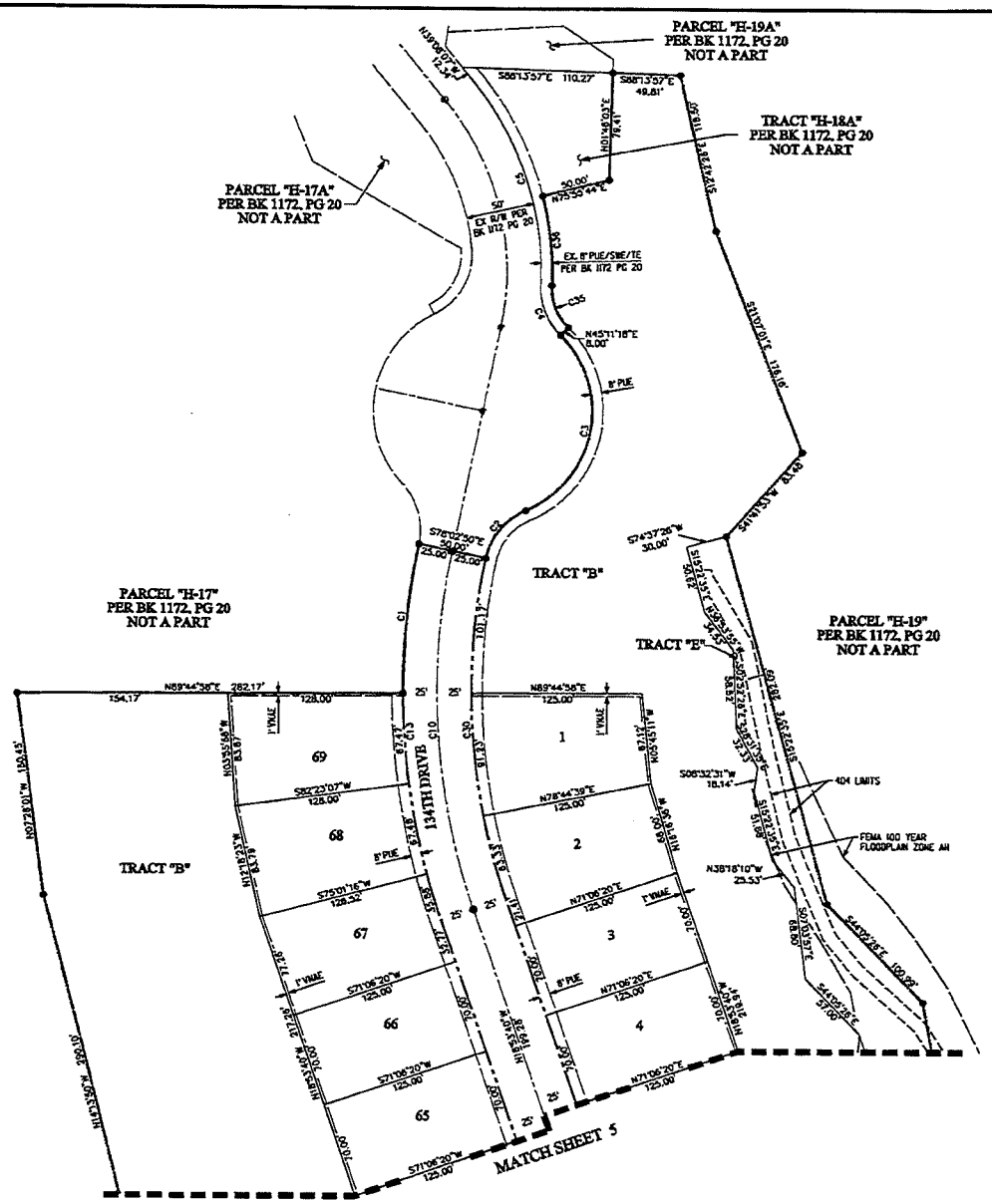

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GROSS AREA 41.792 AC.

SHEET 6 OF 7

DATE: 4/30/2014

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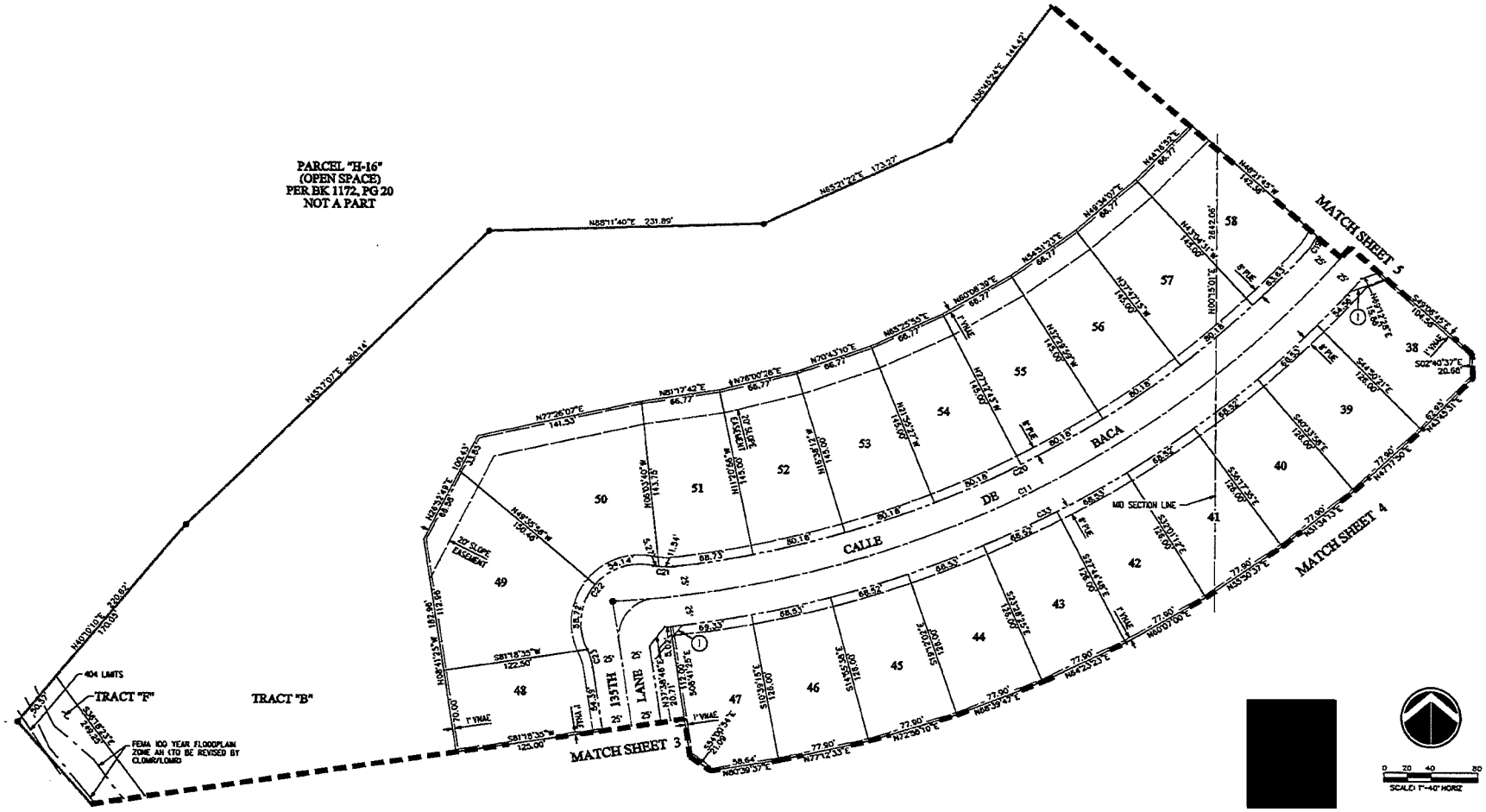

GROSS AREA 41.792 AC.

SHEET 7 OF 7

DATE: 4/30/2014

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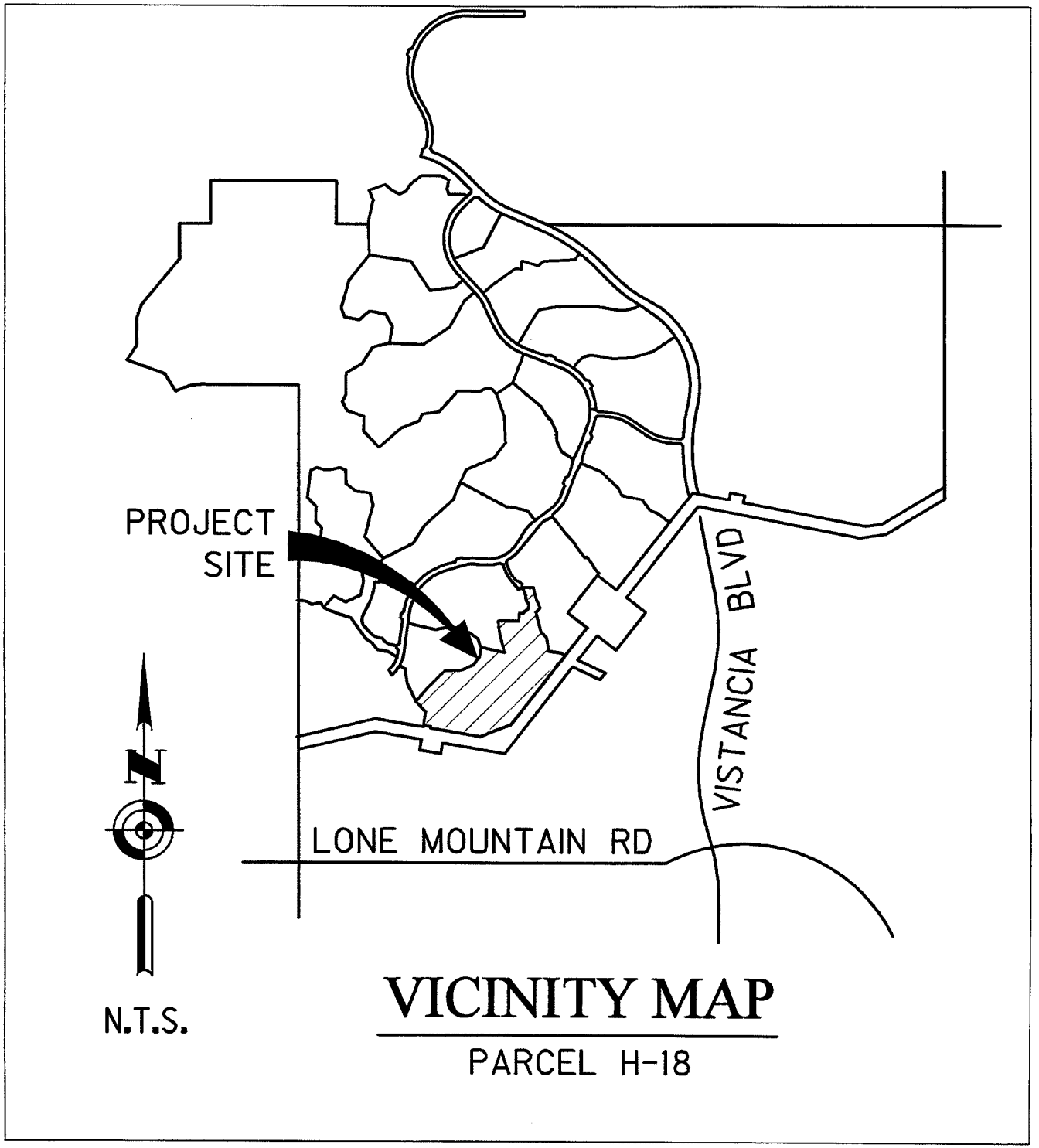


VICINITY MAP

PARCEL H-18

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 28C

Date Prepared: May 6, 2014 **Council Meeting Date: June 17, 2014**

TO: **Carl Swenson, City Manager**

FROM: **Scott Whyte, Economic Development Services Director**

THROUGH: **Susan J. Daluddung, Deputy City Manager**

SUBJECT: **Final Plat, Vistancia Village H – Parcel H-19, White Peak Drive & Vistancia Boulevard (Project No. R130059)**

Purpose:

This is a request for City Council to approve a Final Plat of Vistancia Village H – Parcel H-19, located on White Peak Drive west of Vistancia Boulevard, 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 water\sewer service area. This final plat creates a total of 97 new lots within

the Vistancia North Community. All internal roadways are public and will be maintained by the City.

In November 2013, the City Council approved the Replat of Vistancia North Village 1, Village 2, and Village 3 Master Final Plat, creating all of the individual parcels and the rights-of-way for the master subdivision. The Final Plats for each individual parcel are necessary to further subdivide each parcel into individual lots, tracts, and internal roadways for development.

Previous Actions:

The preliminary plat was reviewed by the City and completed in September 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

FINAL PLAT
FOR
"VISTANCIA VILLAGE H - PARCEL H-19"

(A REPLAT OF PARCEL H-19 OF THE REPLAT OF A PORTION OF THE VISTANCIA NORTH VILLAGE 1, VILLAGE 2, AND VILLAGE 3 MASTER FINAL PLAT, AS RECORDED IN BOOK 1172, PAGE 20 OF THE MARICOPA COUNTY RECORDER)
LOCATED IN A PORTION OF SECTION 15 OF TOWNSHIP 5 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, PEORIA ARIZONA.

DEDICATION

STATE OF ARIZONA)
) SS
COUNTY OF MARICOPA)

KNOW ALL MEN BY THESE PRESENTS:

VISTANCIA VILLAGE H, LLC, A DELAWARE LIMITED LIABILITY COMPANY AS OWNER, DOES HEREBY PUBLISH THIS FINAL PLAT FOR "VISTANCIA VILLAGE H - PARCEL H-19," A RE-PLAT OF PARCEL H-19 OF THE RE-PLAT OF A PORTION OF THE VISTANCIA NORTH VILLAGE 1, VILLAGE 2, AND VILLAGE 3 MASTER FINAL PLAT, AS RECORDED IN BOOK 1172, PAGE 20 OF THE MARICOPA COUNTY RECORDER, OVER A PORTION OF SECTION 15, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, AS SHOWN AND PLATTED HEREON AND HEREBY PUBLISHES THIS PLAT AS, AND FOR, THE PLAT OF SAID "VISTANCIA VILLAGE H - PARCEL H-19" AND HEREBY DECLARES THAT SAID PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF THE LOTS, TRACTS, EASEMENTS AND STREETS CONSTITUTING SAME, AND THAT EACH LOT, TRACT AND STREET SHALL BE KNOWN BY THE NUMBER, LETTER OR NAME GIVEN TO EACH RESPECTIVELY ON SAID PLAT AND HEREBY DEDICATES TO THE CITY OF PEORIA FOR USE, AS SUCH, THE STREETS AS SHOWN ON SAID PLAT AND INCLUDED IN THE ABOVE DESCRIBED PREMISES. EASEMENTS ARE DEDICATED FOR THE PURPOSES SHOWN.

ALL NOTATIONS AND DEDICATIONS STATED ON OR WITHIN THE RE-PLAT OF A PORTION OF THE VISTANCIA NORTH VILLAGE 1, VILLAGE 2, AND VILLAGE 3 MASTER FINAL PLAT, AS RECORDED IN BOOK 1172, PAGE 20 OF THE MARICOPA COUNTY RECORDER SHALL REMAIN IN FULL FORCE AND EFFECT WITH THE RECORDATION OF THIS FINAL PLAT.

VISTANCIA VILLAGE H, LLC, AS OWNER, HEREBY DEDICATES TO THE CITY THE RIGHTS-OF-WAY AS SHOWN HEREON, FOR THE USE AS (A) PUBLIC STREETS, AND (B) ANY AND ALL PUBLIC SEWER, WATER, GAS, ELECTRIC AND ANY OTHER UTILITY SERVICES. LANDSCAPING WITHIN THE RIGHTS -OF-WAY SHALL BE MAINTAINED BY THE HOMEOWNERS' ASSOCIATION. VISTANCIA VILLAGE H, LLC, HEREBY WARRANTS TO THE CITY THE TITLE TO SAID RIGHT OF WAY AS SHOWN HEREON, AGAINST THE CLAIMS OF ALL PERSONS WHOMSOEVER.

TRACTS "C", "D" AND "F" ARE HEREBY DECLARED AS COMMON AREAS SET FORTH IN THE DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR "VISTANCIA NORTH", TO BE HEREIN AFTER RECORDED AND WILL BE OWNED AND MAINTAINED BY THE "VISTANCIA NORTH ASSOCIATION." DWELLING UNITS SHALL NOT BE CONSTRUCTED ON SAID TRACTS.

TRACT "G" IS RESERVED FOR A FUTURE REGIONAL TRAIL AND WILL BE DEEDED TO THE CITY, AT NO COST TO THE CITY, AT THE TIME THE CITY IS READY TO CONSTRUCT THE TRAIL.

TRACT "H" IS HEREBY DECLARED AS COMMUNITY COMMON AREA SET FORTH IN THE DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, AND EASEMENTS FOR THE "VISTANCIA MAINTAINANCE CORPORATION," AND WILL BE OWNED AND MAINTAINED BY THE "VISTANCIA MAINTAINANCE CORPORATION." DWELLING UNITS SHALL NOT BE CONSTRUCTED IN SAID TRACTS.

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

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

VISTANCIA VILLAGE H, LLC DOES HEREBY GRANT TO THE CITY OF PEORIA, AN ARIZONA MUNICIPAL CORPORATION, IN MARICOPA COUNTY, ARIZONA, ITS SUCCESSORS, AND ASSIGNS, A PERMANENT AND PERPETUAL EASEMENT FOR THE FOLLOWING PURPOSES, NAMELY: THE RIGHT TO ENTER UPON FOR CONSTRUCTION, MAINTENANCE, OPERATION AND REPLACEMENT OF A SEWER LINE OVER, UNDER, AND ACROSS TRACT D SITUATED IN THE COUNTY OF MARICOPA, STATE OF ARIZONA. TO HAVE AND TO HOLD THE SAID EASEMENT UNTO CITY OF PEORIA, A MUNICIPAL CORPORATION OF MARICOPA COUNTY, ARIZONA AND UNTO ITS SUCCESSORS AND ASSIGNS FOREVER, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS TO PERMIT THE CONSTRUCTION, OPERATION, MAINTENANCE, AND REPLACEMENT OF PUBLIC SEWER LINE. SUBJECT TO NOTES 1, 2, 3 AND 4. AND THE GRANTOR HEREBY COVENANTS THAT IT IS LAWFULLY SEIZED AND POSSESSED ON THIS AFOREMENTIONED TRACT OR PARCEL OF LAND; THAT IT HAS 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.

NOTES:
1. THE SAID EASEMENT TO INCLUDE THE RIGHT TO CUT BACK AND TRIM SUCH PORTION OF THE BRANCHES AND TOPS OF THE TREES NOW GROWING OR THAT MAY HEREAFTER GROW UPON THE ABOVE DESCRIBED PREMISES, AS MAY EXTEND OVER SAID EASEMENT, SO AS TO PREVENT THE SAME FROM INTERFERING WITH THE EFFICIENT MAINTENANCE AND OPERATION OF SAID WATER LINES.

2. THE CITY OF PEORIA SHALL NOT BE RESPONSIBLE FOR REPLACING ANY LANDSCAPING OR ANY IMPROVEMENT PLACED IN THE EASEMENT BY GRANTOR OR ITS SUCCESSORS OR ASSIGNS, EXCEPT AS NOTED HEREIN.

3. THE CITY OF PEORIA WILL MAKE REASONABLE EFFORTS TO PROMPTLY RESTORE ASPHALT CONCRETE PAVEMENT SURFACES.

4. GRANTOR, ITS SUCCESSORS OR ASSIGNS AT ITS SOLE COST, SHALL BE RESPONSIBLE FOR PROMPTLY REPLACING ANY LANDSCAPING OR IMPROVEMENT(S) PLACED IN THE EASEMENT BY GRANTOR OR ITS SUCCESSORS OR ASSIGNS.

IN THE EVENT THE RIGHT, PRIVILEGE AND EASEMENT HEREIN GRANTED SHALL BE ABANDONED AND PERMANENTLY CEASE TO BE USED FOR THE PURPOSES HEREIN GRANTED ALL RIGHTS HEREIN GRANTED SHALL CEASE AND REVERT TO THE GRANTORS, THEIR HEIRS OR ASSIGNS.

DEDICATION CONT:

IN WITNESS WHEREOF:

VISTANCIA VILLAGE H LLC, AS OWNER HAS HEREUNTO CAUSED ITS NAME TO BE AFFIXED AND THE SAME TO BE ATTESTED BY THE SIGNATURE OF THE UNDERSIGNED OFFICER, THEREUNTO DULY AUTHORIZED THIS ______ DAY OF ______________, 2014

VISTANCIA VILLAGE H, LLC.
A DELAWARE LIMITED LIABILITY COMPANY

BY: SLF II-VPMM, LLC.
A TEXAS LIMITED LIABILITY COMPANY,
ITS MANAGING MEMBER

BY: SLF II-VISTANCIA, LLC.
A TEXAS LIMITED LIABILITY COMPANY,
ITS SOLE AND MANAGING MEMBER

BY: STRATFORD LAND FUND II L.P.,
A DELAWARE LIMITED PARTNERSHIP,
ITS SOLE AND MANAGING MEMBER

BY: STRATFORD FUND II GP, LLC.
A TEXAS LIMITED LIABILITY COMPANY,
ITS MANAGING MEMBER

BY: ______________

NAME: ______________

TITLE: ______________

DEDICATION ACKNOWLEDGEMENT

STATE OF TEXAS)
) SS
COUNTY OF DALLAS)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ______ DAY OF ______________, 2014 BY ______________ THE ______________ OF VISTANCIA VILLAGE H LLC, A DELAWARE LIMITED LIABILITY COMPANY FOR AND ON BEHALF THEREOF.

______________ MY COMMISSION EXPIRES: ______________ NOTARY PUBLIC

VISTANCIA NORTH ASSOCIATION RATIFICATION AND CONSENT

THE UNDERSIGNED HEREBY RATIFIES AND CONSENTS TO THIS PLAT AND ITS MAINTENANCE OBLIGATIONS AS SET FORTH HEREON.

VISTANCIA NORTH ASSOCIATION, AN ARIZONA NON-PROFIT CORPORATION

BY: ______________

ITS: ______________

ACKNOWLEDGEMENT

STATE OF ARIZONA)
) SS
COUNTY OF MARICOPA)

ON THIS ______ DAY OF ______________ 2014 BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC PERSONALLY APPEARED ______________, WHO ACKNOWLEDGED HIMSELF TO BE THE ______________ OF VISTANCIA NORTH ASSOCIATION, AN ARIZONA NON-PROFIT CORPORATION, AND THAT SUCH OFFICER, BEING DULY AUTHORIZED TO DO SO, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED BY SIGNING THIS NAME AS SUCH OFFICER ON BEHALF OF THE FOREGOING.

IN WITNESS WHEREOF, I HEREUNTO SET MY HAND AND OFFICIAL SEAL

______________ ______________
MY COMMISSION EXPIRES: NOTARY PUBLIC

APPROVALS

APPROVED BY THE MAYOR AND CITY COUNCIL OF PEORIA, ARIZONA ON THIS ______ DAY OF ______________, 2014.

APPROVED BY: ______________ DATE: ______________
MAYOR

ATTESTED BY: ______________ DATE: ______________
CITY CLERK

APPROVED BY: ______________ DATE: ______________
CITY ENGINEER

NOTES

1. THE SUBDIVISION IS SUBJECT TO MAINTENANCE IMPROVEMENT DISTRICT (MID) # ______ AND STREET LIGHT IMPROVEMENT DISTRICT (SLID) # ______.
2. NO CONSTRUCTION OF ANY KIND SHALL BE CONSTRUCTED OR PLACED WITHIN THE UTILITY EASEMENTS, EXCEPT UTILITIES, WOOD, WIRE, OR REMOVABLE SECTION TYPE FENCING, AND/OR PAVING, NOR ANY PLANTING EXCEPT GRASS. IT SHALL BE FURTHER UNDERSTOOD THAT THE CITY OF PEORIA SHALL NOT BE REQUIRED TO REPLACE ANY OBSTRUCTION OR PLANTING THAT MUST BE REMOVED DURING THE COURSE OF MAINTENANCE, CONSTRUCTION OR RECONSTRUCTION.
3. ALL NEW AND EXISTING UTILITY ELECTRICAL FACILITIES LESS THAN 69 KVA, CABLE TV TELECOMMUNICATIONS FIBER OPTICS, CELLULAR, GAS, ETC SHALL BE INSTALLED UNDERGROUND AS PART OF THE STREET IMPROVEMENTS.
4. MAINTENANCE OF SURFACE AND UNDERGROUND DRAINAGE FACILITIES WITHIN ALL TRACTS, EASEMENTS AND RIGHTS-OF-WAY SHALL BE THE RESPONSIBILITY OF THE HOMEOWNERS' ASSOCIATION.
5. ALL LOT CORNERS SHALL BE MONUMENTED WITH 1/2" REBAR AND CAPPED OR TAGGED BEARING THE REGISTRATION NUMBER OF THE SURVEYOR RESPONSIBLE FOR THEIR PLACEMENT.
6. SIGNS, FENCES, WALLS, UTILITY BOXES, STRUCTURES, SHRUBS, HEDGES OR OTHER PLANTS, BUT EXCLUDING TREES OVER 30-INCHES IN HEIGHT SHALL NOT BE PERMITTED WITH VIEW EASEMENTS OR THE SIGHT DISTANCE TRIANGLES. NO LIMBS, LEAVES, NEEDLES OR OTHER FOLIAGE ABOVE 30-INCHES IN HEIGHT OR BELOW 84-INCHES ARE PERMITTED. TREES ARE TO BE PLANTED SO AS NOT TO OBSTRUCT 20% OF THE VISIBILITY WHEN COMBINED WITH OTHER OBSTRUCTIONS.
7. THE SUBDIVISION IS LOCATED WITHIN THE CITY OF PEORIA WATER SERVICE AREA AND HAS BEEN DESIGNATED AS HAVING A 100-YEAR ASSURED WATER SUPPLY.
8. THIS SUBDIVISION IS LOCATED WITHIN THE CITY OF PEORIA SEWER SERVICE AREA.
9. THIS SUBDIVISION IS LOCATED WITHIN THE VICINITY OF A MILITARY AIRPORT.
10. THIS SUBDIVISION IS LOCATED IN THE VICINITY OF A DESIGNATED TRUCK ROUTE. LONE MOUNTAIN ROAD IS DESIGNATED AS A TRUCK ROUTE BY THE CITY OF PEORIA.
11. THIS SUBDIVISION IS LOCATED IN THE VICINITY OF A ROCK QUARRY (GRAVEL OPERATION).
12. NO STRUCTURE OF ANY KIND SHALL BE CONSTRUCTED OR ANY VEGETATION BE PLANTED NOR BE ALLOWED TO GROW WITHIN THE DRAINAGE EASEMENT OR TRACT WHICH WOULD IMPEDE THE FLOW OF WATER OVER, UNDER OR THROUGH THE EASEMENT OR TRACT.
13. AN ASSOCIATION, INCLUDING ALL PROPERTY OWNERS IN THE DEVELOPMENT, WILL BE FORMED AND HAVE THE RESPONSIBILITY FOR MAINTAINING ALL COMMON AREAS TO BE NOTED AS "TRACTS" OR EASEMENTS (INCLUDING LANDSCAPED AREAS AND DRAINAGE FACILITIES) IN ACCORDANCE WITH APPROVED PLANS.
14. THIS SUBDIVISION HAS A REDUCED LEVEL OF STREET LIGHTING. ANY FUTURE ADDITIONAL STREET LIGHTING WILL BE AT THE EXPENSE OF THE ABUTTING PROPERTY OWNERS, NOT AT CITY EXPENSE.

CERTIFICATION

THE MASTER DEVELOPER SHALL CERTIFY THAT RULES AS MAY BE ESTABLISHED BY THE STATE DEPARTMENT OF TRANSPORTATION RELATING TO PROVISIONS FOR THE SAFETY OF ENTRANCE UPON AND DEPARTURE FROM ABUTTING STATE PRIMARY HIGHWAYS HAVE BEEN FOLLOWED AS APPLICABLE.

THE MASTER DEVELOPER SHALL CERTIFY THAT RULES AS MAY BE ESTABLISHED BY THE FLOOD CONTROL DISTRICT OF MARICOPA COUNTY RELATING TO THE CONSTRUCTION OR PREVENTION OF CONSTRUCTION OF STREETS IN LAND ESTABLISHED AS BEING SUBJECT TO PERIODIC INUNDATION HAVE BEEN FOLLOWED AS APPLICABLE.

THE MASTER DEVELOPER SHALL CERTIFY THAT RULES AS MAY BE ESTABLISHED BY THE MARICOPA COUNTY DEPARTMENT OF ENVIRONMENTAL SERVICES RELATING TO THE PROVISION OF DOMESTIC WATER SUPPLY AND SANITARY SEWER DISPOSAL HAVE BEEN FOLLOWED AS APPLICABLE.

THE MASTER DEVELOPER SHALL CERTIFY THAT THE REQUIREMENTS OF THE PEORIA ZONING ORDINANCE AND THE CITY OF PEORIA INFRASTRUCTURE DESIGN GUIDELINES HAVE BEEN ADDRESSED AND FOLLOWED AS APPLICABLE.

VISTANCIA MAINTENANCE CORPORATION RATIFICATION AND CONSENT

THE UNDERSIGNED HEREBY RATIFIES AND CONSENTS THIS PLAT AND ITS MAINTENANCE OBLIGATIONS AS SET FORTH HEREON.

VISTANCIA MAINTENANCE CORPORATION, AN ARIZONA NON-PROFIT CORPORATION

BY: ______________

ITS: ______________

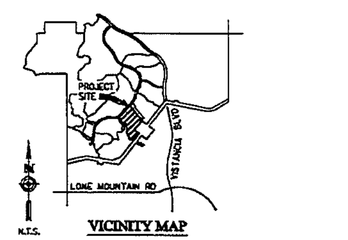
ACKNOWLEDGEMENT

STATE OF ARIZONA)
) SS
COUNTY OF MARICOPA)

ON THIS ______ DAY OF ______________, 2014 BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC PERSONALLY APPEARED ______________, WHO ACKNOWLEDGED HIMSELF TO BE THE ______________ OF VISTANCIA MAINTENANCE CORPORATION, AND THAT SUCH OFFICER, BEING DULY AUTHORIZED TO DO SO, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED BY SIGNING THIS NAME AS SUCH OFFICER ON BEHALF OF THE FOREGOING.

IN WITNESS WHEREOF, I HEREUNTO SET MY HAND AND OFFICIAL SEAL

______________ ______________
MY COMMISSION EXPIRES: NOTARY PUBLIC



VICINITY MAP

DEVELOPER:

VISTANCIA VILLAGE H, LLC
6720 NORTH SCOTTSDALE ROAD, SUITE 250
SCOTTSDALE, ARIZONA 85253
PHONE: (623) 518-2015
CONTACT: JEREMY JOHNSON

VISTANCIA

SURVEYOR

HOSKIN RYAN CONSULTANTS, INC.
6245 N. 24TH PARKWAY, SUITE 100
PHOENIX, AZ. 85016
TEL (602) 252-8384
FAX (602) 252-8385
CONTACT: THOMAS E. CRAWLLO, P.E., R.L.S.
EMAIL: TOMC@HOSKINRYAN.COM

SHEET INDEX

1 - COVER SHEET
2 - KEY MAP, LEGEND & TABLES
3-6 - PLAT SHEETS

BASIS OF BEARING

THE BASIS OF BEARING FOR THESE PLANS IS N 89°48'36" W FOR THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA & SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA AS SHOWN ON AN AMENDED RESULTS OF SURVEY RECORDED IN BOOK 632, PAGE 24, MARICOPA COUNTY RECORDS.

ZONING DISTRICT VRD-6

(OVERALL VISTANCIA ZONING - PCD -Z01-10A.12)

FEMA FLOOD PLAIN DESIGNATION

COMMUNITY NUMBER	PARCEL NUMBER	SUFFIX	DATE OF FIRM	FIRM ZONE
04013C	0815	L	10-16-2013	X (SHADED) & AH

ZONE "X" (SHADED): AREAS OF 500-YEAR; AREAS OF 100-YEAR FLOOD WITH AN AVERAGE DEPTH OF LESS THAN ONE (1) FOOT OR WITH DRAINAGE AREAS LESS THAN ONE (1) SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM THE 100-YEAR FLOOD.

ZONE AH: AREAS OF FLOODDEPTHS OF 1 TO 3 FEET (USUALLY AREAS OF PONDING); BASE FLOOD ELEVATIONS DETERMINED.

LOTS LYING WITHIN ZONE AH FLOODPLAIN SHALL BE REMOVED FROM THE FLOODPLAIN VIA A CLOMR/LOMR, AS APPROVED BY THE CITY OF PEORIA, AND FEMA.

SURVEYOR CERTIFICATION

I, THOMAS E. CRAWLLO, A DULY REGISTERED LAND SURVEYOR IN THE STATE OF ARIZONA, DO HEREBY CERTIFY THAT THE SUBDIVISION PLATTED HEREON, CONSISTING OF 6 SHEETS, HAS BEEN PREPARED FROM A SURVEY MADE UNDER MY DIRECT SUPERVISION DURING THE MONTH OF JULY, 2011, AND ACCURATELY REPRESENTS THE PROPERTY DESCRIBED HEREON. I FURTHER CERTIFY THAT THE EXTERIOR BOUNDARIES OF SAID SUBDIVISION ARE, OR WILL BE MONUMENTED IN ACCORDANCE WITH THE "ARIZONA BOUNDARY SURVEY MINIMUM STANDARDS" ADOPTED ON 13 FEBRUARY 2002, AND THAT THE SIZE, LOCATION AND MATERIAL AS SHOWN HEREON ARE ACCURATE AS OF THE DATE OF THIS CERTIFICATION.

[redacted]

THOMAS E. CRAWLLO
ARIZONA REGISTERED LAND SURVEYOR
REGISTRATION # 55545
HOSKIN-RYAN CONSULTANTS, INC.
PHOENIX, ARIZONA.

R130059

Hoskin • Ryan Consultants, Inc.

GROSS AREA 31.468 AC.

SHEET 1 OF 6

DATE: 4/30/2014

LEGAL DESCRIPTION

PARCEL H-15 OF THE REPLAT OF THE VISTANCIA NORTH VILLAGE 1, VILLAGE 2, AND VILLAGE 3 MASTER FINAL PLAT, AS RECORDED IN BOOK 1172, PAGE 20 OF THE MARICOPA COUNTY RECORDER

CONTAINING 31.468 ACRES, MORE OR LESS

CURVE DATA TABLE

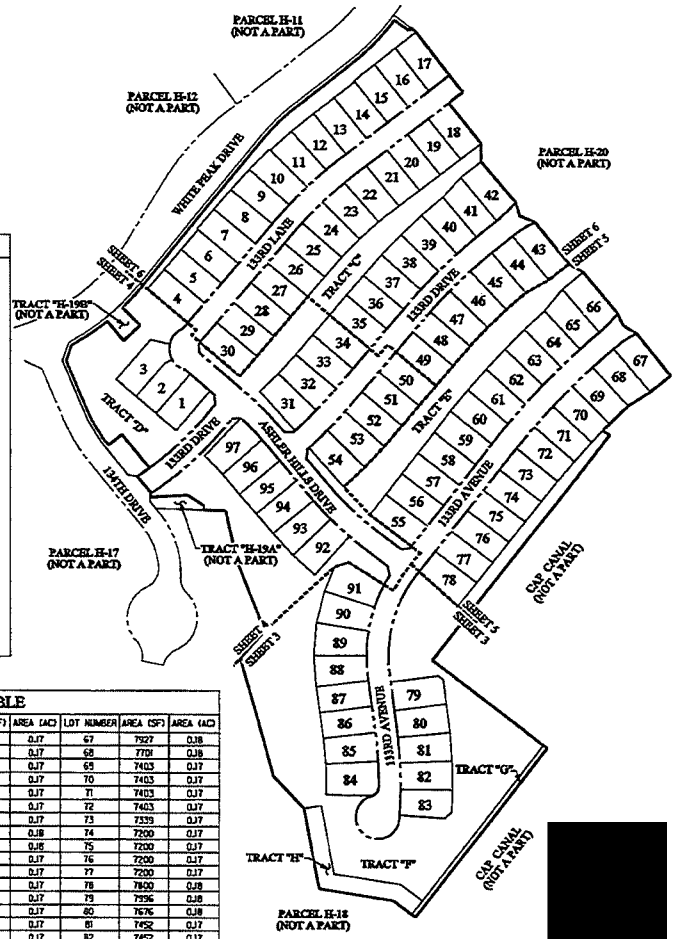
NO.	RADIUS	ARC	DELTA	CHORD	CHORD-BEARING
1	375.00	105.41	016°15'28"	106.05	N21°00'24.0"W
2	540.00	211.48	022°26'19"	210.13	N30°02'28.5"E
3	300.00	113.29	013°12'39"	113.03	N43°26'36.3"E
4	540.00	146.24	015°31'00"	145.79	N44°17'26.0"E
5	2.00	5.85	150°28'12"	3.87	S38°59'51.5"E
6	2.00	3.23	150°27'21"	3.87	S41°28'01.3"E
7	800.00	288.67	020°40'28"	287.11	N45°41'53.0"E
8	761.39	161.90	012°10'48"	161.60	N46°13'14.0"W
9	830.00	134.75	009°18'08"	134.61	N44°44'24.0"W
10	1000.00	205.12	011°45'08"	204.76	N46°10'28.0"E
11	975.47	179.42	010°32'19"	179.17	N43°33'36.3"E
12	1288.60	240.78	010°42'21"	240.43	N43°38'37.3"E
13	1015.70	207.55	011°43'50"	207.39	N01°30'22.0"W
14	332.45	261.67	045°03'31"	254.97	N15°10'27.3"E
15	1813.20	414.28	013°05'27"	413.38	N44°16'07.3"E
16	1025.00	210.24	011°45'08"	209.87	S46°10'28.0"W
17	20.00	7.61	021°47'13"	7.56	S21°11'24.3"W
18	50.00	116.30	133°16'12"	91.80	S34°33'05.0"E
19	20.00	7.61	021°47'13"	7.56	S60°17'34.3"E
20	775.00	244.12	018°02'53"	243.11	S47°10'43.0"W
21	825.00	232.62	017°32'38"	231.83	N47°06'22.0"E
22	805.00	88.72	006°18'53"	88.68	S43°13'16.3"E
23	796.59	167.21	012°10'48"	166.90	S46°11'14.0"W
24	337.42	241.22	038°40'38"	236.77	S11°38'01.0"W
25	590.70	138.05	007°48'37"	134.94	S03°28'09.3"E
26	20.00	26.21	073°22'07"	24.45	S38°07'12.3"W
27	50.00	219.43	251°26'34"	81.18	S49°33'11.0"E
28	1040.70	213.07	011°43'50"	212.70	N01°30'22.0"W
29	307.42	241.99	045°05'31"	235.80	N15°10'27.0"E
30	1788.20	362.04	011°36'00"	361.42	N43°31'24.0"E
31	300.00	63.71	012°10'01"	63.59	N39°24'24.3"E
32	300.00	60.98	011°37'39"	60.78	S43°30'34.3"W
33	1828.20	372.16	011°36'00"	371.53	S43°31'24.0"W
34	735.39	134.39	012°10'48"	134.20	N46°11'14.0"W
35	1000.47	143.62	008°13'29"	143.49	N44°24'31.3"E
36	1253.60	236.11	010°42'21"	235.77	N43°38'37.3"E
37	200.00	61.06	017°45'28"	61.46	N54°52'32.0"E
38	176.39	3.14	001°40'04"	3.14	N61°33'34.0"E
39	300.00	61.36	011°45'28"	61.46	S45°07'24.0"W
40	1313.60	243.43	010°42'21"	243.09	S43°38'37.3"W
41	950.47	135.23	008°09'07"	135.12	S44°22'50.3"W
42	835.00	138.81	009°18'08"	138.66	N44°44'24.0"W
43	975.00	199.99	011°45'08"	199.64	N46°10'28.0"E
44	367.00	99.14	015°28'38"	98.84	N30°36'38.0"W
45	348.00	98.01	010°14'49"	97.87	N35°30'13.3"E
46	348.00	66.72	006°38'35"	66.68	N42°19'34.3"E
47	492.00	113.44	013°12'39"	113.19	N43°26'36.3"E
48	348.00	139.83	014°37'10"	139.43	N44°44'31.0"E
49	775.00	33.09	002°26'46"	33.09	N54°58'46.0"E

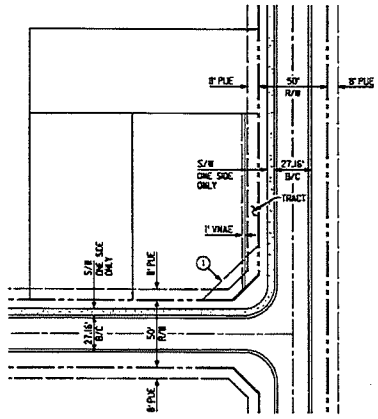
TRACT TABLE

TRACT	AREA (SF)	AREA (AC)	USE
C	48,275	1.108	PUE, DRAINAGE, LANDSCAPE
D	76,935	1.766	PUE, RETENTION, SEWER EASEMENT, DRAINAGE & LANDSCAPE
E	52,813	1.212	PUE, DRAINAGE, LANDSCAPE
F	247,283	5.677	PUE, RETENTION, DRAINAGE, LANDSCAPE, & FLOODPLAIN
G	4,935	0.113	LANDSCAPE, 404 WASH, DRAINAGE, & FUTURE REGIONAL TRAIL
H	15,811	0.363	LANDSCAPE, 404 WASH, DRAINAGE, & FLOODPLAIN

LEGEND

- MONUMENT (SET) PER MAG STD. DET. 120-4, TYPE "C" (UNLESS OTHERWISE NOTED)
- CENTER LINE MONUMENTATION - SET BRASS CAP PER MAG STD. DET. 120-1, TYPE "B" (UNLESS OTHERWISE NOTED)
- INDICATES EXISTING MONUMENTATION AS NOTED
- CI — CURVE NUMBER
- VNAE — VEHICULAR NON-ACCESS EASEMENT
- BK__ & PG__ — BOOK AND PAGE
- MCR — MARICOPA COUNTY RECORDS
- 30' X 30' UNOBSTRUCTED VIEW EASEMENT
- EASEMENT
- RIGHT-OF-WAY
- CENTERLINE
- BOUNDARY
- SECTION LINE
- MATCH LINE
- 404 LIMIT LINE
- FEMA 100 YR FLOODPLAIN ZONE
- R/W — RIGHT-OF-WAY
- PUE — PUBLIC UTILITY EASEMENT
- EX — EXISTING
- COR — CORNER
- SWE — SIDEWALK EASEMENT
- TE — TRAIL EASEMENT





TYPICAL LOT LAYOUT - VRD-6 1"=40' SCALE

① 30' x 30' UNOBSTRUCTED VIEW EASEMENT

※ BUILDING SETBACKS TO BE VERIFIED THROUGH CURRENT ZONING IN-PLACE.

LOT TABLE

LOT NUMBER	AREA (SF)	AREA (AC)	LOT NUMBER	AREA (SF)	AREA (AC)	LOT NUMBER	AREA (SF)	AREA (AC)
1	7200	0.17	34	7200	0.17	67	7927	0.18
2	6982	0.16	35	7200	0.17	68	7701	0.18
3	7888	0.18	36	7200	0.17	69	7403	0.17
4	7200	0.17	37	7363	0.17	70	7403	0.17
5	7200	0.17	38	7401	0.17	71	7403	0.17
6	7200	0.17	39	7401	0.17	72	7403	0.17
7	7380	0.17	40	7401	0.17	73	7339	0.17
8	7380	0.17	41	7576	0.18	74	7200	0.17
9	7553	0.17	42	7749	0.18	75	7200	0.17
10	7653	0.18	43	7638	0.17	76	7200	0.17
11	7456	0.17	44	7566	0.17	77	7200	0.17
12	7439	0.17	45	7496	0.17	78	7800	0.18
13	7200	0.17	46	7496	0.17	79	7796	0.18
14	7200	0.17	47	7496	0.17	80	7676	0.18
15	7380	0.17	48	7310	0.17	81	7452	0.17
16	7380	0.17	49	7200	0.17	82	7452	0.17
17	7380	0.17	50	7200	0.17	83	7346	0.17
18	7200	0.17	51	7200	0.17	84	8749	0.20
19	7200	0.17	52	7296	0.17	85	7587	0.17
20	7200	0.17	53	7462	0.17	86	7255	0.17
21	7200	0.17	54	7462	0.17	87	7200	0.17
22	7439	0.17	55	7200	0.17	88	7762	0.18
23	7594	0.17	56	7200	0.17	89	7895	0.18
24	7594	0.17	57	7200	0.17	90	7895	0.18
25	7344	0.17	58	7200	0.17	91	8295	0.19
26	7200	0.17	59	7240	0.17	92	7531	0.17
27	7200	0.17	60	7345	0.17	93	7563	0.17
28	7200	0.17	61	7345	0.17	94	7200	0.17
29	7200	0.17	62	7345	0.17	95	7200	0.17
30	7200	0.17	63	7345	0.17	96	7378	0.17
31	7605	0.17	64	7345	0.17	97	7688	0.18
32	7573	0.17	65	7661	0.18			
33	7200	0.17	66	7855	0.18			

AREA TABLE

LOT AREA	16.561 AC
TRACT AREA	10.239 AC
R/W AREA	4.668 AC
TOTAL	31.468 AC

R130059

GROSS AREA 31.468 AC.

SHEET 2 OF 6

DATE: 4/30/2014

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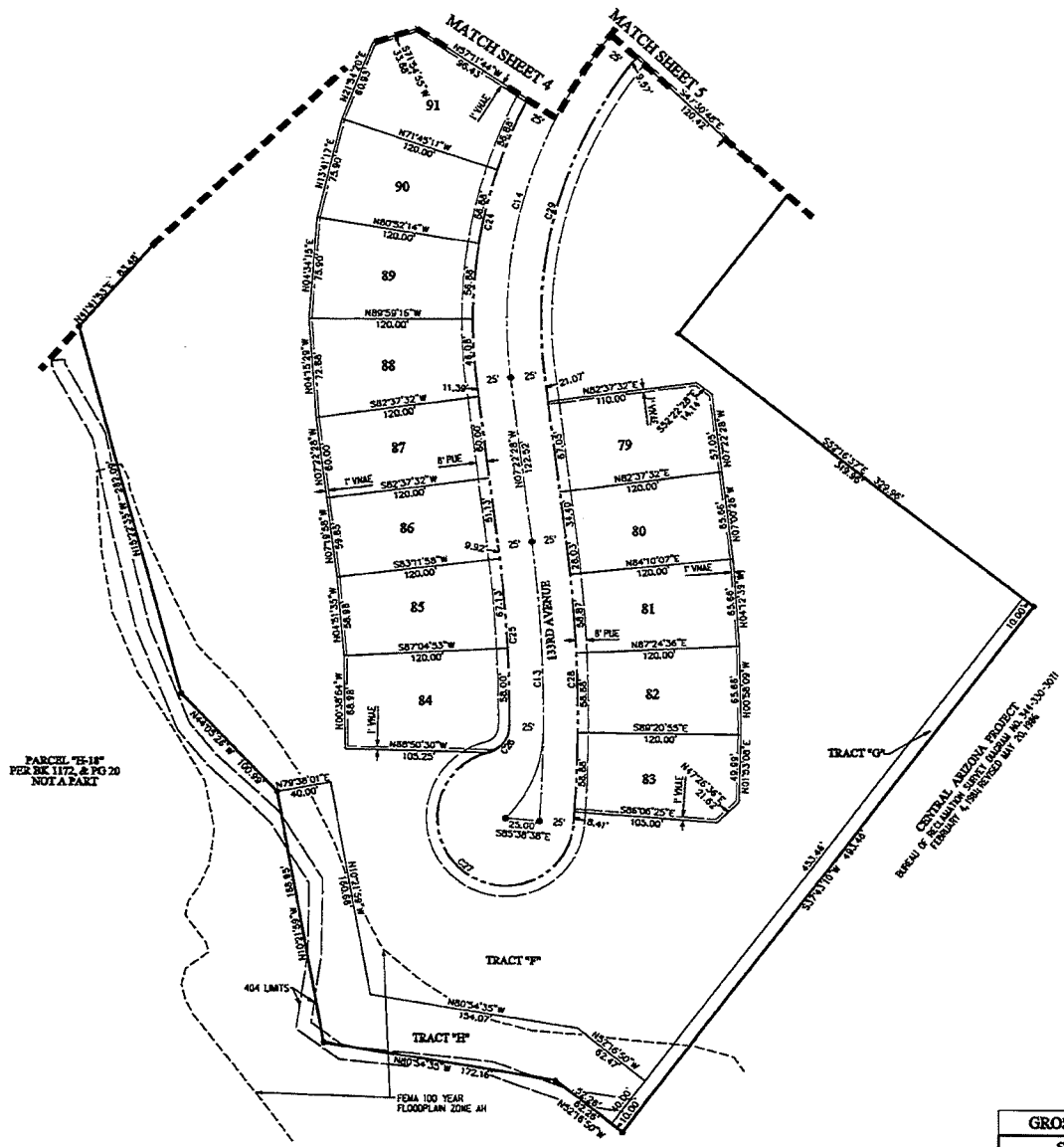

R130059

GROSS AREA 31.468 AC.

SHEET 3 OF 6

DATE: 4/30/2014

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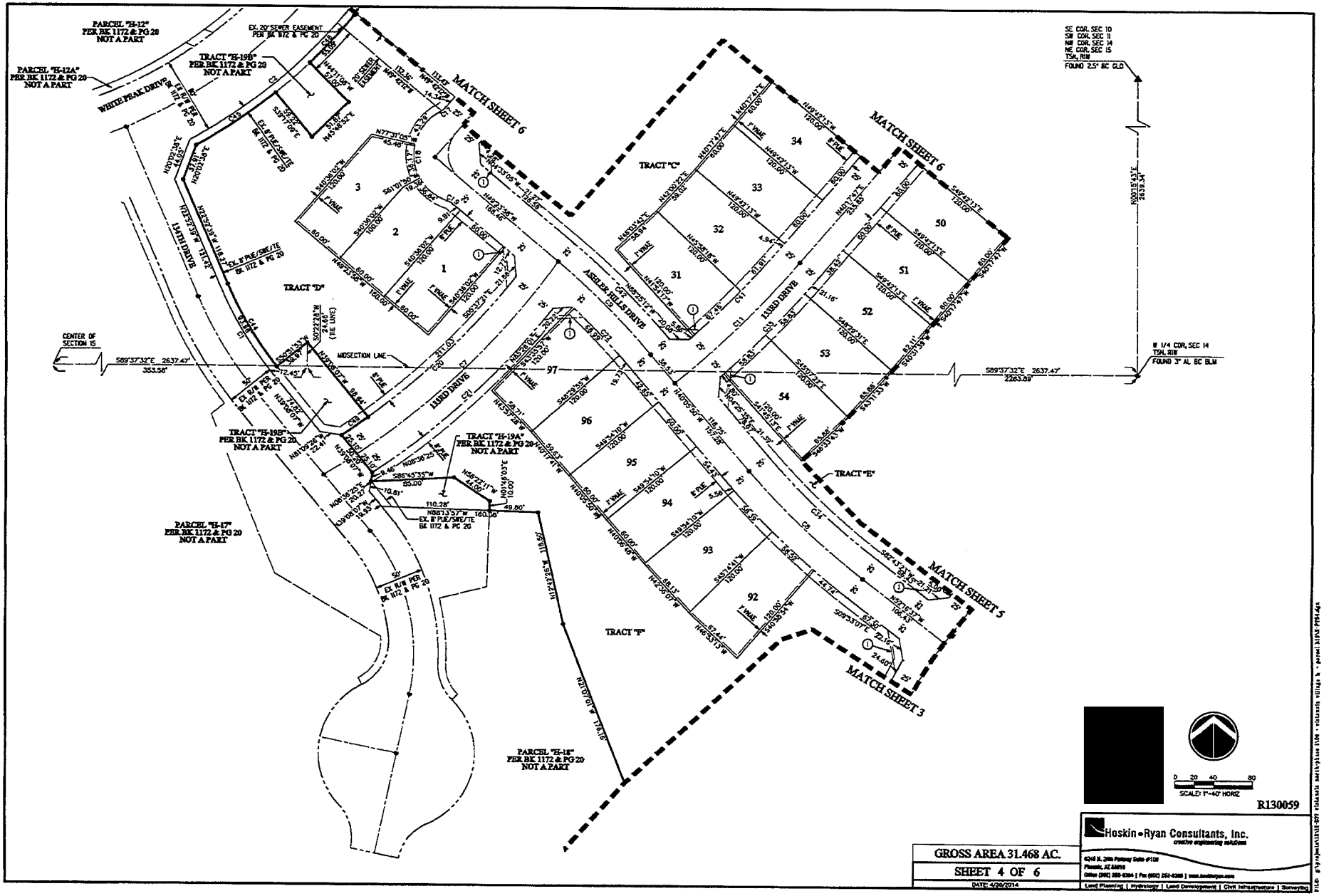
MATCH SHEET 6
MATCH SHEET 5
MATCH SHEET 3
TRACT "C"
TRACT "D"
TRACT "E"
TRACT "F"
ASHLER HILLS DRIVE
HIRD DRIVE
13TH DRIVE
WHITE PEAK DRIVE
PARCEL "H-12" PER BK 1172 & PG 20 NOT A PART
PARCEL "H-12A" PER BK 1172 & PG 20 NOT A PART
TRACT "H-19B" PER BK 1172 & PG 20 NOT A PART
TRACT "H-19E" PER BK 1172 & PG 20 NOT A PART
TRACT "H-19A" PER BK 1172 & PG 20 NOT A PART
PARCEL "H-17" PER BK 1172 & PG 20 NOT A PART
PARCEL "H-18" PER BK 1172 & PG 20 NOT A PART
EX. 20' SEWER EASEMENT PER BK 1172 & PC 20
EX. 8' PUE/SWE/TE BK 1172 & PC 20
EX. R/W PER BK 1172 & PC 20
CENTER OF SECTION 15
MIDSECTION LINE
S89°37'32"E 2637.47'
353.56'
2283.89'
SE COR. SEC 10
SW COR. SEC 11
NW COR. SEC 14
NE COR. SEC 15
TSM, RIW
FOUND 2.5" BC GLO
W 1/4 COR. SEC 14
TSM, RIW
FOUND 3" AL BC BLM
N00°15'43"E
2639.34'
GROSS AREA 31.468 AC.
SHEET 4 OF 6
DATE: 4/30/2014
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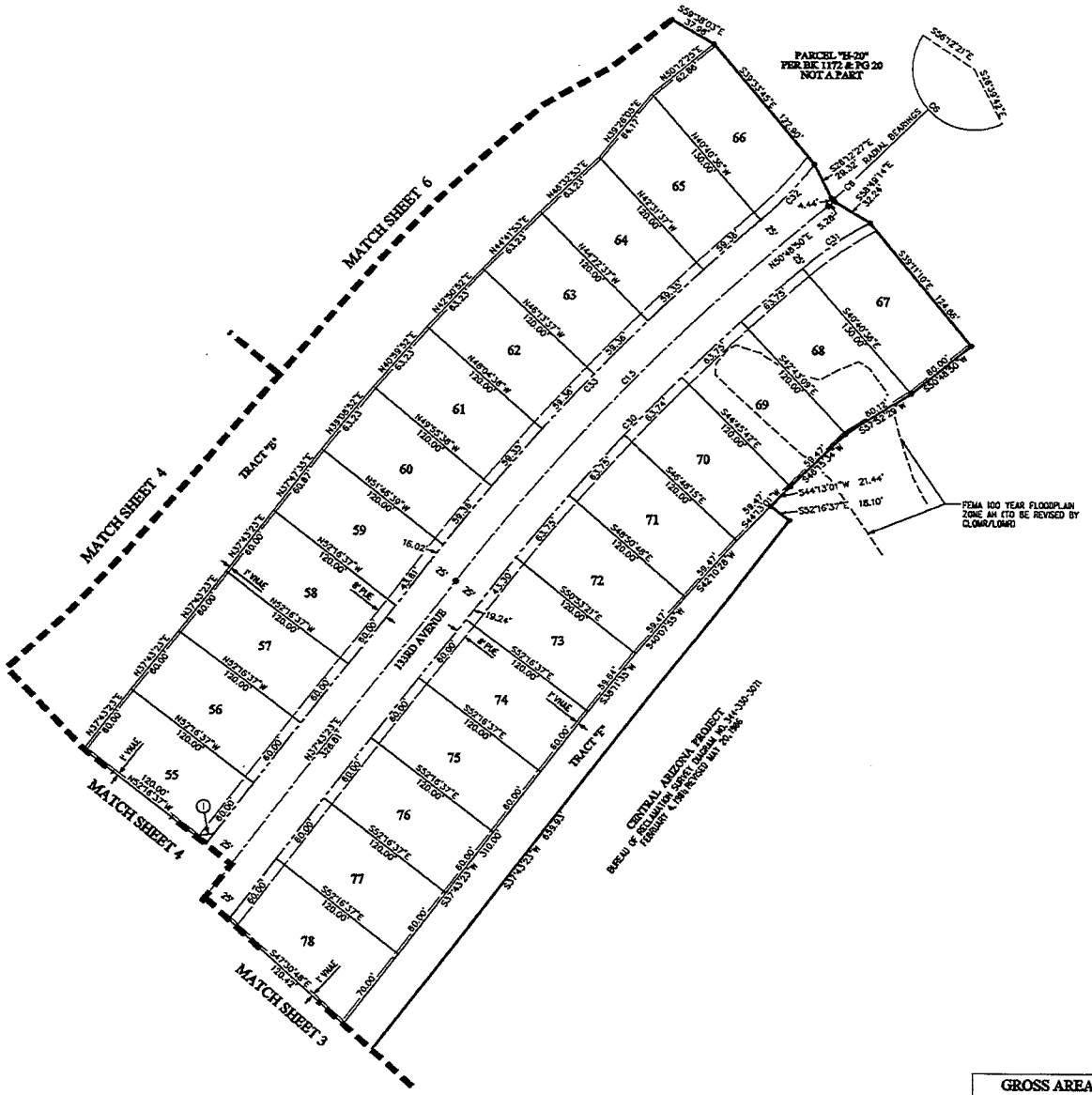
SCALE: 1"=40' HORIZ
R130059



0 20 40 60
SCALE: 1"=40' HORIZ

R130059

GROSS AREA 31.468 AC.

SHEET 5 OF 6

DATE: 4/30/2014

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8242 N. 24th Parkway Suite #100
Phoenix, AZ 85016
Office (602) 252-6394 | Fax (602) 252-6398 | www.hoskinryan.com

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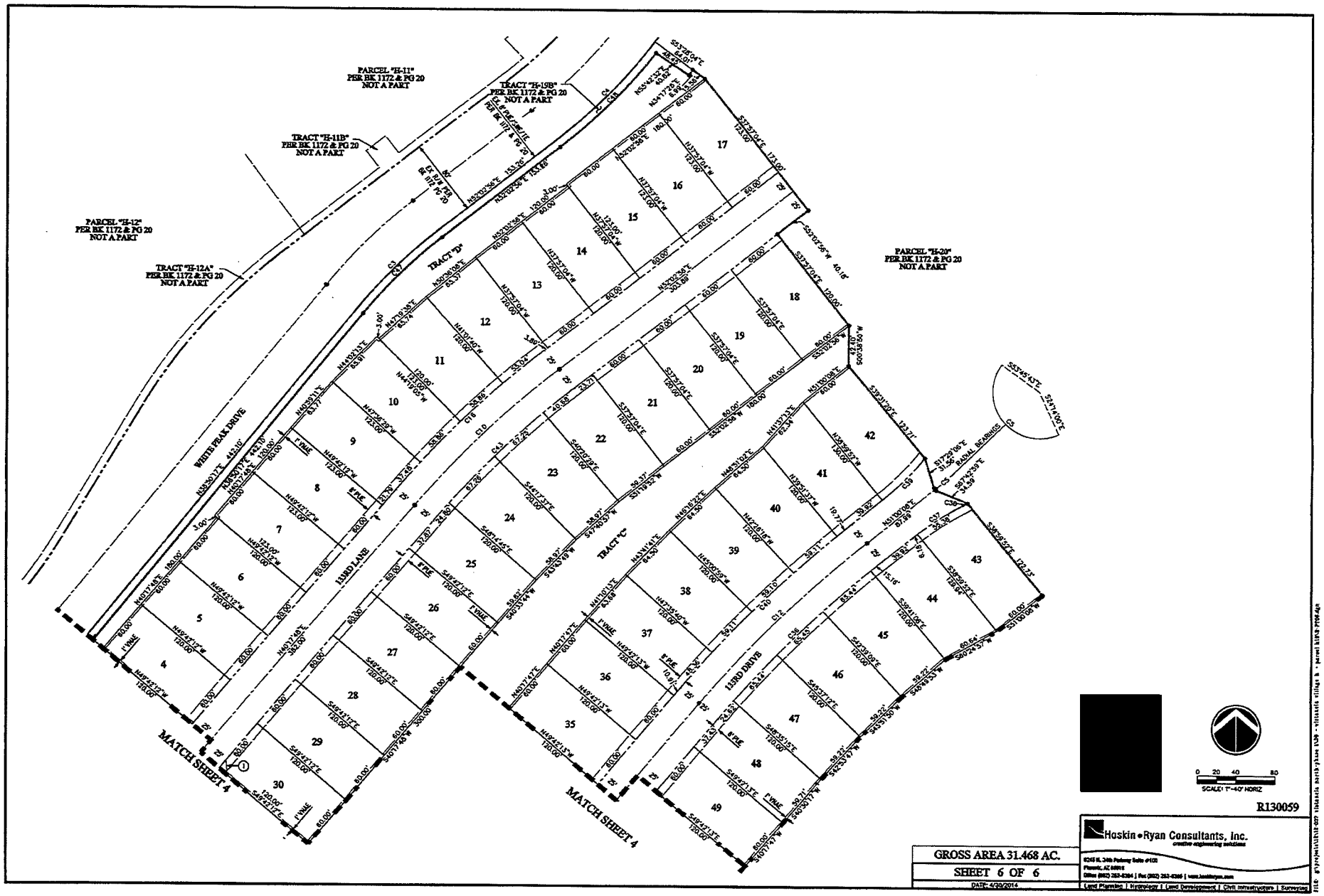
FILE: J:\Projects\1318-007 Vistoria Archipelago LLC - Vistoria Village A - Parcel 317-27-PM-44\



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GROSS AREA 31.468 AC.

SHEET 6 OF 6

DATE: 4/30/2014

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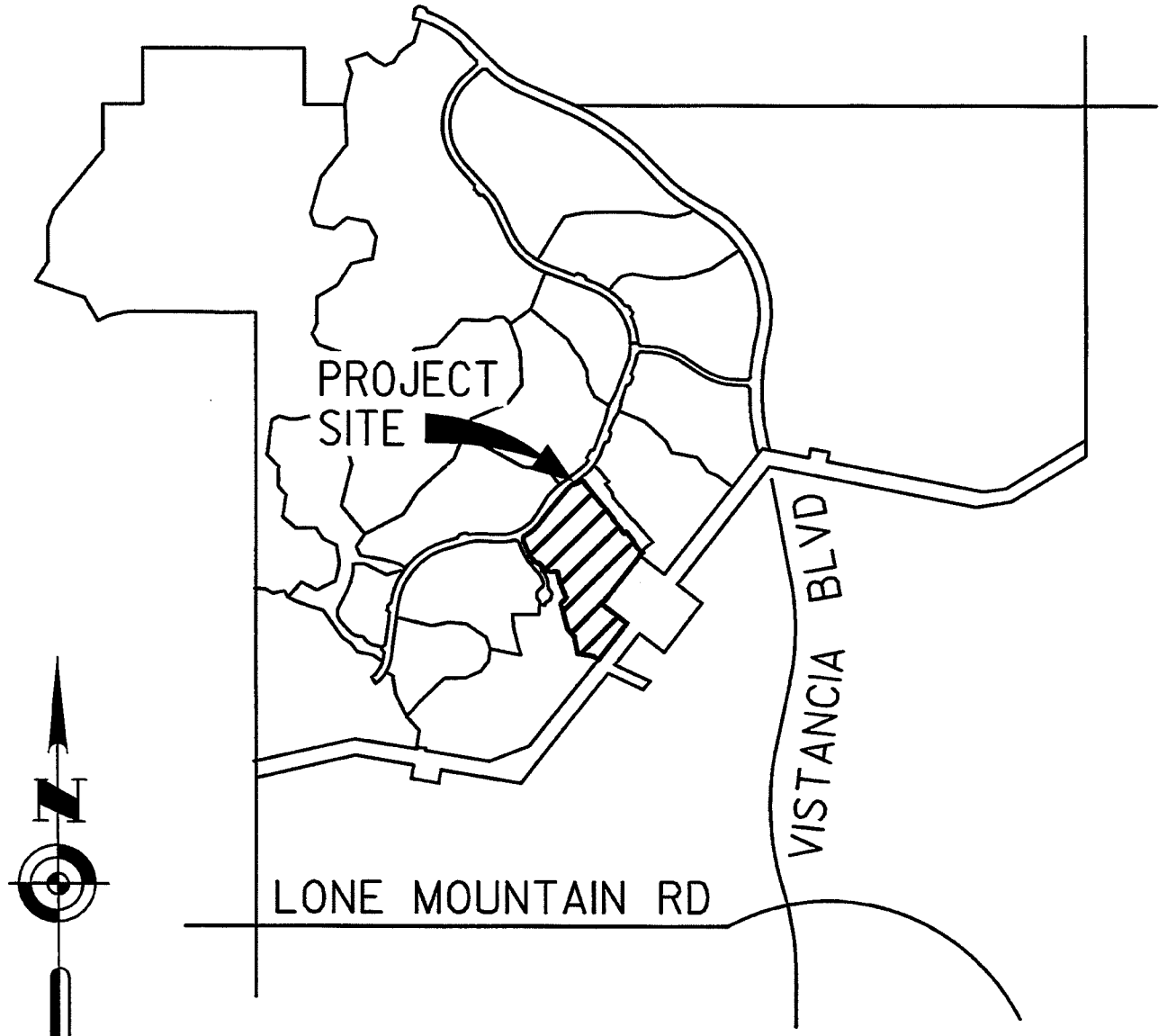


N.T.S.

VICINITY MAP

PARCEL H-19

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 29C

Date Prepared: May 6, 2014 **Council Meeting Date: June 17, 2014**

TO: **Carl Swenson, City Manager**

FROM: **Scott Whyte, Economic Development Services Director**

THROUGH: **Susan J. Daluddung, Deputy City Manager**

SUBJECT: **Final Plat, Vistancia Village H – Parcel H-21, White Peak Drive & Vistancia Boulevard (Project No. R130050)**

Purpose:

This is a request for City Council to approve a Final Plat of Vistancia Village H – Parcel H-21, located on White Peak Drive and Vistancia Boulevard, 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 water\sewer service area. This final plat creates a total of 60 new lots within

the Vistancia North Community. All internal roadways are public and will be maintained by the City.

In November 2013, the City Council approved the Replat of Vistancia North Village 1, Village 2, and Village 3 Master Final Plat, creating all of the individual parcels and the rights-of-way for the master subdivision. The Final Plats for each individual parcel are necessary to further subdivide each parcel into individual lots, tracts, and internal roadways for development.

Previous Actions:

The preliminary plat was reviewed by the City and completed in June 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

FINAL PLAT
FOR
"VISTANCIA VILLAGE H - PARCEL H-21"

(A REPLAT OF PARCEL H-21 OF THE REPLAT OF A PORTION OF THE VISTANCIA NORTH VILLAGE 1, VILLAGE 2, AND VILLAGE 3 MASTER FINAL PLAT, AS RECORDED IN BOOK 1172, PAGE 20 OF THE MARICOPA COUNTY RECORDER) LOCATED IN A PORTION OF SECTION 15 OF TOWNSHIP 5 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, PEORIA ARIZONA.

DEDICATION

STATE OF ARIZONA)
) SS
COUNTY OF MARICOPA)

KNOW ALL MEN BY THESE PRESENTS:

VISTANCIA VILLAGE H, LLC, A DELAWARE LIMITED LIABILITY COMPANY, DOES HEREBY PUBLISH THIS FINAL PLAT FOR "VISTANCIA VILLAGE H - PARCEL H-21", A RE-PLAT OF PARCEL H-21 OF THE RE-PLAT OF A PORTION OF THE VISTANCIA NORTH VILLAGE 1, VILLAGE 2, AND VILLAGE 3 MASTER FINAL PLAT, AS RECORDED IN BOOK 1172, PAGE 20 OF THE MARICOPA COUNTY RECORDER, OVER A PORTION OF SECTION 15, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, AS SHOWN AND PLATTED HEREON AND HEREBY PUBLISHES THIS PLAT AS, AND FOR, THE PLAT OF SAID "VISTANCIA VILLAGE H - PARCEL H-21" AND HEREBY DECLARES THAT SAID PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF THE LOTS, TRACTS, EASEMENTS AND STREETS CONSTITUTING SAME, AND THAT EACH LOT, TRACT AND STREET SHALL BE KNOWN BY THE NUMBER, LETTER OR NAME GIVEN TO EACH RESPECTIVELY ON SAID PLAT AND HEREBY DEDICATES TO THE CITY OF PEORIA FOR USE, AS SUCH, THE STREETS AS SHOWN ON SAID PLAT AND INCLUDED IN THE ABOVE DESCRIBED PREMISES. EASEMENTS ARE DEDICATED FOR THE PURPOSES SHOWN.

ALL NOTATIONS AND DEDICATIONS STATED ON OR WITHIN THE RE-PLAT OF A PORTION OF THE VISTANCIA NORTH VILLAGE 1, VILLAGE 2, AND VILLAGE 3 MASTER FINAL PLAT, AS RECORDED IN BOOK 1172, PAGE 20 OF THE MARICOPA COUNTY RECORDER SHALL REMAIN IN FULL FORCE AND EFFECT WITH THE RECORDATION OF THIS FINAL PLAT.

VISTANCIA VILLAGE H, LLC, AS OWNER, HEREBY DEDICATES TO THE CITY THE RIGHTS-OF-WAY AS SHOWN HEREON, FOR THE USE AS (A) PUBLIC STREETS, AND (B) ANY AND ALL PUBLIC SEWER, WATER, GAS, ELECTRIC AND ANY OTHER UTILITY SERVICES. LANDSCAPING WITHIN THE RIGHTS-OF-WAY SHALL BE MAINTAINED BY THE HOMEOWNERS' ASSOCIATION. VISTANCIA VILLAGE H, LLC HEREBY WARRANTS TO THE CITY THE TITLE TO SAID RIGHT OF WAY AS SHOWN HEREON, AGAINST THE CLAIMS OF ALL PERSONS WHOMSOEVER.

TRACTS "C", "D", "E", F", "G", "J", AND "K" ARE HEREBY DECLARED AS COMMON AREAS FOR THE PURPOSES FULLY SET FORTH IN THE DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS FOR "VISTANCIA NORTH", TO BE HEREIN AFTER RECORDED AND WILL BE OWNED AND MAINTAINED BY THE "VISTANCIA NORTH ASSOCIATION." DWELLING UNITS SHALL NOT BE CONSTRUCTED ON SAID TRACTS.

TRACT "H" IS RESERVED FOR A FUTURE REGIONAL TRAIL AND WILL BE DEEDED TO THE CITY, AT NO COST TO THE CITY, AT THE TIME THE CITY IS READY TO CONSTRUCT THE TRAIL.

TRACT "L" IS HEREBY DECLARED AS COMMUNITY COMMON AREAS SET FORTH IN THE DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, AND EASEMENTS FOR THE "VISTANCIA MAINTAINANCE CORPORATION," AND WILL BE OWNED AND MAINTAINED BY THE "VISTANCIA MAINTAINANCE CORPORATION." DWELLING UNITS SHALL NOT BE CONSTRUCTED IN SAID TRACTS.

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

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

VISTANCIA VILLAGE H, LLC DOES HEREBY GRANT TO THE CITY OF PEORIA, AN ARIZONA MUNICIPAL CORPORATION, IN MARICOPA COUNTY, ARIZONA, ITS SUCCESSORS, AND ASSIGNS, A PERMANENT AND PERPETUAL EASEMENT FOR THE FOLLOWING PURPOSES, NAMELY: THE RIGHT TO ENTER UPON FOR EMERGENCY ACCESS, AND FOR CONSTRUCTION, MAINTENANCE, OPERATION AND REPLACEMENT OF A WATER AND SEWER LINE OVER, UNDER, AND ACROSS TRACTS "C", "F", "G", AND "L" SITUATED IN THE COUNTY OF MARICOPA, STATE OF ARIZONA, TO HAVE AND TO HOLD THE SAID EASEMENT UNTO CITY OF PEORIA, A MUNICIPAL CORPORATION OF MARICOPA COUNTY, ARIZONA AND UNTO ITS SUCCESSORS AND ASSIGNS FOREVER, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS TO PERMIT THE CONSTRUCTION, OPERATION, MAINTENANCE, AND REPLACEMENT OF PUBLIC WATER /SEWER LINE. SUBJECT TO NOTES 1, 2, 3 AND 4. AND THE GRANTOR HEREBY COVENANTS THAT IT IS LAWFULLY SEIZED AND POSSESSED ON THIS AFOREMENTIONED TRACT OR PARCEL OF LAND; THAT IT HAS 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.

NOTES:

1. THE SAID EASEMENT TO INCLUDE THE RIGHT TO CUT BACK AND TRIM SUCH PORTION OF THE BRANCHES AND TOPS OF THE TREES NOW GROWING OR THAT MAY HEREAFTER GROW UPON THE ABOVE DESCRIBED PREMISES, AS MAY EXTEND OVER SAID EASEMENT, SO AS TO PREVENT THE SAME FROM INTERFERING WITH THE EFFICIENT MAINTENANCE AND OPERATION OF SAID WATER LINES.

2. THE CITY OF PEORIA SHALL NOT BE RESPONSIBLE FOR REPLACING ANY LANDSCAPING OR ANY IMPROVEMENT PLACED IN THE EASEMENT BY GRANTOR OR ITS SUCCESSORS OR ASSIGNS, EXCEPT AS NOTED HEREIN.

3. THE CITY OF PEORIA WILL MAKE REASONABLE EFFORTS TO PROMPTLY RESTORE ASPHALT CONCRETE PAVEMENT SURFACES.

4. GRANTOR, ITS SUCCESSORS OR ASSIGNS AT ITS SOLE COST, SHALL BE RESPONSIBLE FOR PROMPTLY REPLACING ANY LANDSCAPING OR IMPROVEMENT(S) PLACED IN THE EASEMENT BY GRANTOR OR ITS SUCCESSORS OR ASSIGNS.

IN THE EVENT THE RIGHT, PRIVILEGE AND EASEMENT HEREIN GRANTED SHALL BE ABANDONED AND PERMANENTLY CEASE TO BE USED FOR THE PURPOSES HEREIN GRANTED ALL RIGHTS HEREIN GRANTED SHALL CEASE AND REVERT TO THE GRANTORS, THEIR HEIRS OR ASSIGNS.

DEDICATION CONT:

IN WITNESS WHEREOF:

VISTANCIA VILLAGE H LLC, AS OWNER HAS HEREUNTO CAUSED ITS NAME TO BE AFFIXED AND THE SAME TO BE ATTESTED BY THE SIGNATURE OF THE UNDERSIGNED OFFICER, THEREUNTO DULY AUTHORIZED THIS ______ DAY OF ______________, 2014

VISTANCIA VILLAGE H, LLC,
A DELAWARE LIMITED LIABILITY COMPANY

BY: SLF III-VPMM, LLC,
A TEXAS LIMITED LIABILITY COMPANY,
ITS MANAGING MEMBER

BY: SLF III-VISTANCIA, LLC,
A TEXAS LIMITED LIABILITY COMPANY,
ITS SOLE AND MANAGING MEMBER

BY: STRATFORD LAND FUND III L.P.,
A DELAWARE LIMITED PARTNERSHIP,
ITS SOLE AND MANAGING MEMBER

BY: STRATFORD FUND III GP, LLC,
A TEXAS LIMITED LIABILITY COMPANY,
ITS MANAGING MEMBER

BY: ______________

NAME: ______________

TITLE: ______________

DEDICATION ACKNOWLEDGEMENT

STATE OF TEXAS)
) SS
COUNTY OF DALLAS)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ______ DAY OF ______________, 2014 BY ______________ THE ______________ OF VISTANCIA VILLAGE H LLC, A DELAWARE LIMITED LIABILITY COMPANY FOR AND ON BEHALF THEREOF.

______________ ______________
MY COMMISSION EXPIRES: NOTARY PUBLIC

VISTANCIA NORTH ASSOCIATION RATIFICATION AND CONSENT

THE UNDERSIGNED HEREBY RATIFIES AND CONSENTS TO THE REPLAT OF A PARCEL H-21, A PORTION OF THE RE-PLAT OF OF THE MASTER FINAL PLAT (MCR ______________), INVOLVING ITS MAINTENANCE OBLIGATIONS AS SET FORTH HEREON.

VISTANCIA NORTH ASSOCIATION, AN ARIZONA NON-PROFIT CORPORATION

BY: ______________

ITS: ______________

ACKNOWLEDGEMENT

STATE OF ARIZONA)
) SS
COUNTY OF MARICOPA)

ON THIS ______ DAY OF ______________, 2014 BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC PERSONALLY APPEARED ______________ WHO ACKNOWLEDGED HIMSELF TO BE THE ______________ OF VISTANCIA NORTH ASSOCIATION, AN ARIZONA NON-PROFIT CORPORATION, AND THAT SUCH OFFICER, BEING DULY AUTHORIZED TO DO SO, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED BY SIGNING THIS NAME AS SUCH OFFICER ON BEHALF OF THE FOREGOING.

IN WITNESS WHEREOF, I HEREUNTO SET MY HAND AND OFFICIAL SEAL

______________ ______________
MY COMMISSION EXPIRES: NOTARY PUBLIC

APPROVALS

APPROVED BY THE MAYOR AND CITY COUNCIL OF PEORIA, ARIZONA ON THIS ______ DAY OF ______________, 2014.

APPROVED BY: ______________ DATE: ______
MAYOR

ATTESTED BY: ______________ DATE: ______
CITY CLERK

APPROVED BY: ______________ DATE: ______
CITY ENGINEER

NOTES

1. THE SUBDIVISION IS SUBJECT TO MAINTENANCE IMPROVEMENT DISTRICT (MID) #1159 AND STREET LIGHT IMPROVEMENT DISTRICT (SLID) #1092.
2. NO CONSTRUCTION OF ANY KIND SHALL BE CONSTRUCTED OR PLACED WITHIN THE UTILITY EASEMENTS, EXCEPT UTILITIES, WOOD, WIRE, OR REMOVABLE SECTION TYPE FENCING, AND/OR PAVING, NOR ANY PLANTING EXCEPT GRASS. IT SHALL BE FURTHER UNDERSTOOD THAT THE CITY OF PEORIA SHALL NOT BE REQUIRED TO REPLACE ANY OBSTRUCTION OR PLANTING THAT MUST BE REMOVED DURING THE COURSE OF MAINTENANCE, CONSTRUCTION OR RECONSTRUCTION.
3. ALL NEW AND EXISTING UTILITY ELECTRICAL FACILITIES LESS THAN 69 KVA, CABLE TV TELECOMMUNICATIONS FIBER OPTICS, CELLULAR, GAS, ETC SHALL BE INSTALLED UNDERGROUND AS PART OF THE STREET IMPROVEMENTS.
4. MAINTENANCE OF SURFACE AND UNDERGROUND DRAINAGE FACILITIES WITHIN ALL TRACTS, EASEMENTS AND RIGHTS-OF-WAY SHALL BE THE RESPONSIBILITY OF THE HOMEOWNERS' ASSOCIATION.
5. ALL LOT CORNERS SHALL BE MONUMENTED WITH 1/2" REBAR AND CAPPED OR TAGGED BEARING THE REGISTRATION NUMBER OF THE SURVEYOR RESPONSIBLE FOR THEIR PLACEMENT.
6. SIGNS, FENCES, WALLS, UTILITY BOXES, STRUCTURES, SHRUBS, HEDGES OR OTHER PLANTS, BUT EXCLUDING TREES OVER 30-INCHES IN HEIGHT SHALL NOT BE PERMITTED WITH VIEW EASEMENTS OR THE SIGHT DISTANCE TRIANGLES. NO LIMBS, LEAVES, NEEDLES OR OTHER FOLIAGE ABOVE 30-INCHES IN HEIGHT OR BELOW 84-INCHES ARE PERMITTED. TREES ARE TO BE PLANTED SO AS NOT TO OBSTRUCT 20% OF THE VISIBILITY WHEN COMBINED WITH OTHER OBSTRUCTIONS.
7. THE SUBDIVISION IS LOCATED WITHIN THE CITY OF PEORIA WATER SERVICE AREA AND HAS BEEN DESIGNATED AS HAVING A 100-YEAR ASSURED WATER SUPPLY.
8. THIS SUBDIVISION IS LOCATED WITHIN THE CITY OF PEORIA SEWER SERVICE AREA.
9. THIS SUBDIVISION IS LOCATED WITHIN THE VICINITY OF A MILITARY AIRPORT.
10. THIS SUBDIVISION IS LOCATED IN THE VICINITY OF A DESIGNATED TRUCK ROUTE. LONE MOUNTAIN ROAD IS DESIGNATED AS A TRUCK ROUTE BY THE CITY OF PEORIA.
11. THIS SUBDIVISION IS LOCATED IN THE VICINITY OF A ROCK QUARRY (GRAVEL OPERATION).
12. NO STRUCTURE OF ANY KIND SHALL BE CONSTRUCTED OR ANY VEGETATION BE PLANTED NOR BE ALLOWED TO GROW WITHIN THE DRAINAGE EASEMENT OR TRACT WHICH WOULD IMPEDE THE FLOW OF WATER OVER, UNDER OR THROUGH THE EASEMENT OR TRACT.
13. AN ASSOCIATION, INCLUDING ALL PROPERTY OWNERS IN THE DEVELOPMENT, WILL BE FORMED AND HAVE THE RESPONSIBILITY FOR MAINTAINING ALL COMMON AREAS TO BE NOTED AS "TRACTS" OR EASEMENTS (INCLUDING LANDSCAPED AREAS AND DRAINAGE FACILITIES) IN ACCORDANCE WITH APPROVED PLANS.
14. THIS SUBDIVISION HAS A REDUCED LEVEL OF STREET LIGHTING. ANY FUTURE ADDITIONAL STREET LIGHTING WILL BE AT THE EXPENSE OF THE ABUTTING PROPERTY OWNERS, NOT AT CITY EXPENSE.
15. VIEW FENCING ONLY IS PERMITTED BETWEEN LOTS 34 AND 35.

CERTIFICATION

THE MASTER DEVELOPER SHALL CERTIFY THAT RULES AS MAY BE ESTABLISHED BY THE STATE DEPARTMENT OF TRANSPORTATION RELATING TO PROVISIONS FOR THE SAFETY OF ENTRANCE UPON AND DEPARTURE FROM ABUTTING STATE PRIMARY HIGHWAYS HAVE BEEN FOLLOWED AS APPLICABLE.

THE MASTER DEVELOPER SHALL CERTIFY THAT RULES AS MAY BE ESTABLISHED BY THE FLOOD CONTROL DISTRICT OF MARICOPA COUNTY RELATING TO THE CONSTRUCTION OR PREVENTION OF CONSTRUCTION OF STREETS IN LAND ESTABLISHED AS BEING SUBJECT TO PERIODIC INUNDATION HAVE BEEN FOLLOWED AS APPLICABLE.

THE MASTER DEVELOPER SHALL CERTIFY THAT RULES AS MAY BE ESTABLISHED BY THE MARICOPA COUNTY DEPARTMENT OF ENVIRONMENTAL SERVICES RELATING TO THE PROVISION OF DOMESTIC WATER SUPPLY AND SANITARY SEWER DISPOSAL HAVE BEEN FOLLOWED AS APPLICABLE.

THE MASTER DEVELOPER SHALL CERTIFY THAT THE REQUIREMENTS OF THE PEORIA ZONING ORDINANCE AND THE CITY OF PEORIA INFRASTRUCTURE DESIGN GUIDELINES HAVE BEEN ADDRESSED AND FOLLOWED AS APPLICABLE.

VISTANCIA MAINTENANCE CORPORATION RATIFICATION AND CONSENT

THE UNDERSIGNED HEREBY RATIFIES AND CONSENTS THIS PLAT AND ITS MAINTENANCE OBLIGATIONS AS SET FORTH HEREON.

VISTANCIA MAINTENANCE CORPORATION, AN ARIZONA NON-PROFIT CORPORATION

BY: ______________

ITS: ______________

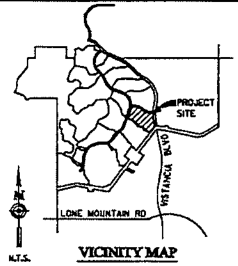
ACKNOWLEDGEMENT

STATE OF ARIZONA)
) SS
COUNTY OF MARICOPA)

ON THIS ______ DAY OF ______________, 2014 BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC PERSONALLY APPEARED ______________ WHO ACKNOWLEDGED HIMSELF TO BE THE ______________ OF VISTANCIA MAINTENANCE CORPORATION, AND THAT SUCH OFFICER, BEING DULY AUTHORIZED TO DO SO, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED BY SIGNING THIS NAME AS SUCH OFFICER ON BEHALF OF THE FOREGOING.

IN WITNESS WHEREOF, I HEREUNTO SET MY HAND AND OFFICIAL SEAL

______________ ______________
MY COMMISSION EXPIRES: NOTARY PUBLIC



VICINITY MAP

DEVELOPER:

VISTANCIA VILLAGE H, LLC
6720 NORTH SCOTTSDALE ROAD, SUITE 250
SCOTTSDALE, ARIZONA 85253
PHONE: (623) 518-2015
CONTACT: JEREMY JOHNSON

VISTANCIA

SURVEYOR

HOSKIN RYAN CONSULTANTS, INC.
6245 N. 24TH PARKWAY, SUITE 100
PHOENIX, AZ. 85016
TEL (602) 252-8384
FAX (602) 252-8385
CONTACT: THOMAS E. GRANILLO, PE, RLS
EMAIL: TOMG@HOSKINRYAN.COM

SHEET INDEX

1 - COVER SHEET
2 - KEY MAP, LEGEND & TABLES
3-5 - PLAT SHEETS

BASIS OF BEARING

THE BASIS OF BEARING FOR THESE PLANS IS N 89°48'36" W FOR THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA & SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA AS SHOWN ON AN AMENDED RESULTS OF SURVEY RECORDED IN BOOK 632, PAGE 24, MARICOPA COUNTY RECORDS.

ZONING DISTRICT VRD-8

(OVERALL VISTANCIA ZONING - PCD-Z01-40A.12)
VRD-8

FEMA FLOOD PLAIN DESIGNATION

COMMUNITY NUMBER	PANEL NUMBER	SUFFIX	DATE OF FIRM	FIRM ZONE
04013C	0815	L	10-16-2013	X (SHADED) & AH

ZONE "X" (SHADED): AREAS OF 500-YEAR; AREAS OF 100-YEAR FLOOD WITH AN AVERAGE DEPTH OF LESS THAN ONE (1) FOOT OR WITH DRAINAGE AREAS LESS THAN ONE (1) SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM THE 100-YEAR FLOOD.

ZONE AH: AREAS OF FLOODDEPTHS OF 1 TO 3 FEET (USUALLY AREAS OF PONDING); BASE FLOOD ELEVATIONS DETERMINED.

LOTS LYING WITHIN ZONE AH FLOODPLAIN SHALL BE REMOVED FROM THE FLOODPLAIN VIA A CLOMR/LOMR, AS APPROVED BY THE CITY OF PEORIA, AND FEMA.

SURVEYOR CERTIFICATION

I, THOMAS E. GRANILLO, A DULY REGISTERED LAND SURVEYOR IN THE STATE OF ARIZONA, DO HEREBY CERTIFY THAT THE SUBDIVISION PLATTED HEREON, CONSISTING OF 5 SHEETS, HAS BEEN PREPARED FROM A SURVEY MADE UNDER MY DIRECT SUPERVISION DURING THE MONTH OF JULY, 2011, AND ACCURATELY REPRESENTS THE PROPERTY DESCRIBED HEREON. I FURTHER CERTIFY THAT THE EXTERIOR BOUNDARIES OF SAID SUBDIVISION ARE, OR WILL BE MONUMENTED IN ACCORDANCE WITH THE "ARIZONA BOUNDARY SURVEY MINIMUM STANDARDS" ADOPTED ON 13 FEBRUARY 2002, AND THAT THE SIZE, LOCATION AND MATERIAL AS SHOWN HEREON ARE ACCURATE AS OF THE DATE OF THIS CERTIFICATION.

[redacted]

THOMAS E. GRANILLO
ARIZONA REGISTERED LAND SURVEYOR
REGISTRATION # 22250
HOSKIN-RYAN CONSULTANTS, INC.
PHOENIX, ARIZONA.

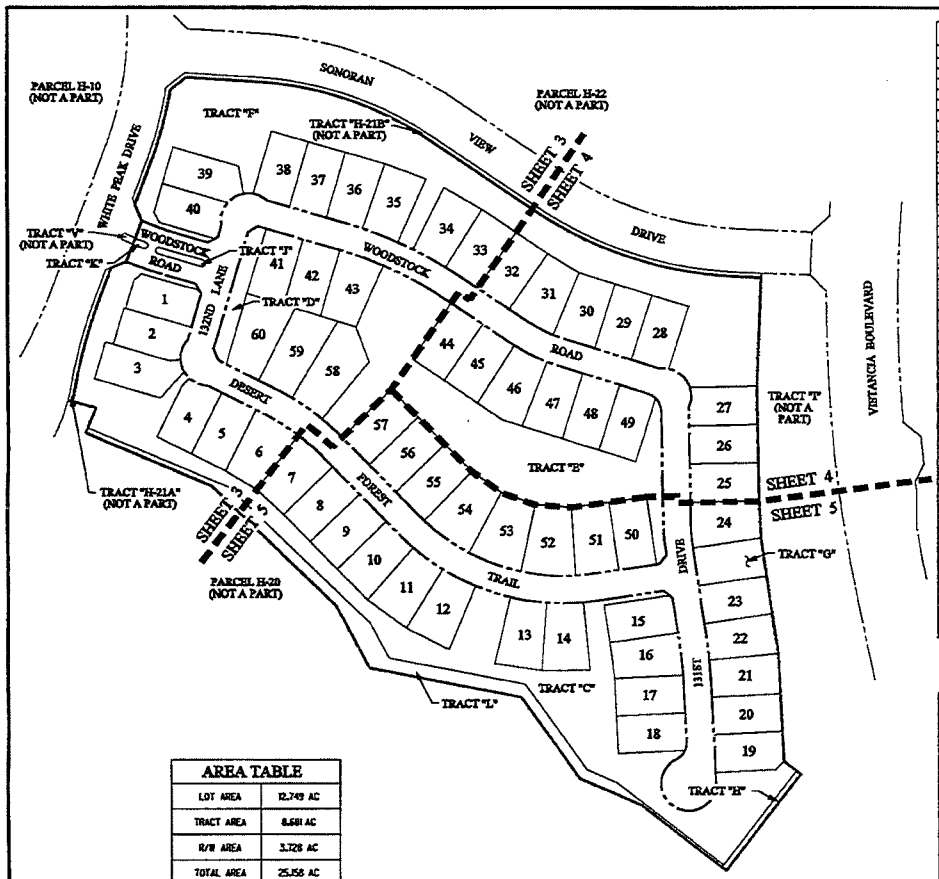
R130050

Hoskin • Ryan Consultants, Inc.
creative engineering solutions
Land Planning | Hydrology | Land Development | Civil Infrastructure | Surveying

GROSS AREA 25.158 AC.

SHEET 1 OF 5

DATE: 4/30/2014



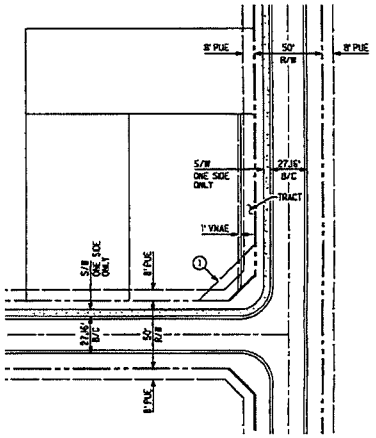
CURVE DATA TABLE

NO.	RADIUS	ARC	DELTA	CHORD	CHORD-BEARING
1	300.00	23.44	004°28'33"	23.43	N12°34'36.5"E
2	968.00	172.15	010°11'23"	171.93	N15°26'00.5"E
3	710.00	138.49	011°10'33"	138.27	N14°56'25.5"E
4	630.00	334.38	030°35'33"	332.40	S71°00'33.5"E
5	710.00	397.55	032°04'55"	392.38	S71°45'14.5"E
6	599.91	73.37	007°00'23"	73.32	S70°11'51.5"E
7	700.00	219.76	017°59'17"	218.86	S64°42'25.5"E
8	300.00	88.29	016°51'41"	87.97	S64°08'37.5"E
9	200.00	25.11	007°11'32"	25.09	S04°41'27.5"E
10	1000.00	97.77	005°36'06"	97.73	S05°29'11.0"E
11	425.00	141.22	019°02'19"	140.57	S53°52'51.5"E
12	290.41	367.64	053°55'32"	354.21	S71°19'28.0"E
13	639.91	76.31	006°49'59"	76.27	S70°17'06.5"E
14	25.00	9.18	021°02'22"	9.13	S56°49'07.0"W
15	50.00	106.27	121°46'41"	87.37	S29°33'02.5"E
16	25.00	9.18	021°02'22"	9.13	S73°55'18.0"E
17	400.00	132.91	019°02'19"	132.30	S53°52'51.5"E
18	415.61	391.16	053°55'32"	376.89	S71°19'28.0"E
19	975.00	95.33	005°36'06"	95.29	S05°29'11.0"E
20	35.00	46.12	045°41'04"	37.96	S38°09'24.0"W
21	50.00	214.40	245°41'04"	84.02	S59°50'36.0"E
22	1025.00	100.21	005°36'06"	100.17	N05°29'11.0"W
23	175.00	21.97	007°11'32"	21.95	N04°41'27.0"W
24	25.00	9.18	021°02'22"	9.13	N09°25'30.0"E
25	50.00	99.10	113°33'32"	83.66	N36°50'05.0"W
26	25.00	9.18	021°02'22"	9.13	N82°03'39.5"W
27	275.00	80.90	016°51'41"	80.64	N64°08'37.5"W
28	725.00	227.62	017°59'17"	226.68	N64°42'25.5"W
29	25.00	9.18	021°02'22"	9.13	N63°10'53.0"W
30	50.00	115.26	132°04'44"	91.38	S61°17'54.0"W
31	25.00	9.18	021°02'22"	9.13	S05°46'45.0"W
32	559.91	70.41	007°12'19"	70.37	N70°05'54.5"W
33	675.00	211.98	017°59'17"	211.05	S64°42'25.5"E
34	325.00	95.65	016°51'41"	95.30	S64°08'37.5"E
35	35.00	43.66	071°28'47"	40.89	S36°30'04.5"E
36	225.00	28.25	007°11'32"	28.23	S04°41'27.5"E
37	365.61	344.10	053°55'32"	331.54	N71°19'28.0"W
38	450.00	149.51	019°02'19"	148.84	N53°52'51.5"W
39	308.00	24.06	004°28'33"	24.06	N12°34'36.5"E
40	960.00	170.73	010°11'23"	170.51	N15°26'00.5"E
41	718.00	137.01	010°55'59"	136.80	N15°09'42.5"E
42	628.00	338.11	030°35'33"	328.18	S71°00'33.5"E
43	718.00	402.04	032°04'55"	396.80	S71°45'14.5"E
44	593.91	20.49	001°59'44"	20.48	S67°38'50.0"E
45	6.00	18.85	180°00'00"	12.00	S31°20'18.0"W
46	605.91	20.51	001°56'23"	20.51	N67°41'00.5"W
47	6.00	18.85	180°00'00"	12.00	N18°39'51.0"E
48	593.91	24.52	002°21'54"	24.51	S72°31'06.0"E
49	6.00	18.85	180°00'00"	12.00	S16°17'57.0"W
50	605.91	25.01	002°21'54"	25.01	N72°31'06.0"W
51	670.00	565.95	048°23'35"	549.28	N03°40'13.5"W
52	670.00	357.74	030°35'33"	353.50	S71°00'33.5"E
53	670.00	375.151	032°04'55"	370.27	S71°45'14.5"E
54	599.91	70.41	006°43'41"	70.40	S63°19'49.5"E
55	2565.00	542.201	012°06'41"	541.18	S05°25'06.5"E

LEGAL DESCRIPTION

PARCEL H-21 OF THE REPLAT OF THE VISTANCIA NORTH VILLAGE I, VILLAGE 2, AND VILLAGE 3 MASTER FINAL PLAT, AS RECORDED IN BOOK 1172, PAGE 20, OF THE MARICOPA COUNTY RECORDER.

CONTAINING 25.158 ACRES, MORE OR LESS.



TYPICAL LOT LAYOUT - VRD-8 NOT TO SCALE

① 30' x 30' UNOBSTRUCTED VIEW EASEMENT

※ BUILDING SETBACKS TO BE VERIFIED THROUGH CURRENT ZONING IN-PLACE.

AREA TABLE

LOT AREA	12.749 AC
TRACT AREA	8.681 AC
R/W AREA	3.728 AC
TOTAL AREA	25.158 AC

LEGEND

	MONUMENT (SET) PER MAG STD. DET. 120-1, TYPE "C" (UNLESS OTHERWISE NOTED.)
	CENTER LINE MONUMENTATION - SET BRASS CAP PER MAG STD. DET. 120-1, TYPE "B" (UNLESS OTHERWISE NOTED.)
	INDICATES EXISTING MONUMENTATION AS NOTED
CI	CURVE NUMBER
VNAE	VEHICULAR NON-ACCESS EASEMENT
BK__ & PG__	BOOK AND PAGE
MCR	MARICOPA COUNTY RECORDS
①	30' X 30' UNOBSTRUCTED VIEW EASEMENT
	EASEMENT
	RIGHT-OF-WAY
	CENTERLINE
	BOUNDARY
	SECTION LINE
	MATCH LINE
R/W	RIGHT-OF-WAY
PUE	PUBLIC UTILITY EASEMENT
EX	EXISTING
COR	CORNER
SWE	SIDEWALK EASEMENT
TE	TRAIL EASEMENT
	FLOODPLAIN
	404 LIMIT
CLOMR/LOMR	(FEMA) CONDITIONAL LETTER OF MAP REVISION/LETTER OF MAP REVISION

LOT TABLE

LOT NUMBER	AREA (SF)	AREA (AC)	LOT NUMBER	AREA (SF)	AREA (AC)	LOT NUMBER	AREA (SF)	AREA (AC)
1	8663	0.20	21	9030	0.21	41	8803	0.20
2	8738	0.20	22	9043	0.21	42	8932	0.21
3	9948	0.23	23	8750	0.20	43	9642	0.22
4	8544	0.20	24	9549	0.22	44	8750	0.20
5	8750	0.20	25	8750	0.20	45	8905	0.20
6	9820	0.23	26	8750	0.20	46	10053	0.23
7	9607	0.22	27	8614	0.20	47	9089	0.21
8	8750	0.20	28	8702	0.20	48	8750	0.20
9	8750	0.20	29	8750	0.20	49	8730	0.20
10	9215	0.21	30	9283	0.21	50	8750	0.20
11	9678	0.22	31	10077	0.23	51	9254	0.21
12	9686	0.22	32	8750	0.20	52	10508	0.24
13	9686	0.22	33	9036	0.21	53	10508	0.24
14	9686	0.22	34	9380	0.21	54	10508	0.24
15	8738	0.20	35	9393	0.21	55	8971	0.21
16	9297	0.21	36	8988	0.21	56	8750	0.20
17	8748	0.20	37	8750	0.20	57	8750	0.20
18	9727	0.20	38	8649	0.20	58	12470	0.29
19	8638	0.20	39	9479	0.22	59	11539	0.26
20	8750	0.20	40	8477	0.19	60	11195	0.26

TRACT TABLE

TRACT	AREA (SF)	AREA (AC)	USE
C	120,450	2.765	PUE, SWE, TE, DRAINAGE, SEWER/EMERGENCY ACCESS EASEMENT, LANDSCAPE, & FLOODPLAIN
D	7,536	0.173	PUE, DRAINAGE, & LANDSCAPE
E	86,586	1.988	PUE, DRAINAGE/RETENTION, & LANDSCAPE
F	124,417	2.856	PUE, SWE, TE, DRAINAGE, WATER/EMERGENCY ACCESS EASEMENT & LANDSCAPE
G	8,731	0.200	PUE, SEWER EASEMENT, DRAINAGE, & LANDSCAPE
H	2,222	0.051	DRAINAGE, LANDSCAPE, & FUTURE REGIONAL TRAIL
J	1,104	0.325	LANDSCAPE
K	304	0.007	LANDSCAPE
L	26,820	0.616	404 WASH, DRAINAGE, WATER/SEWER/EMERGENCY ACCESS EASEMENT, LANDSCAPE, & FLOODPLAIN

[redacted]

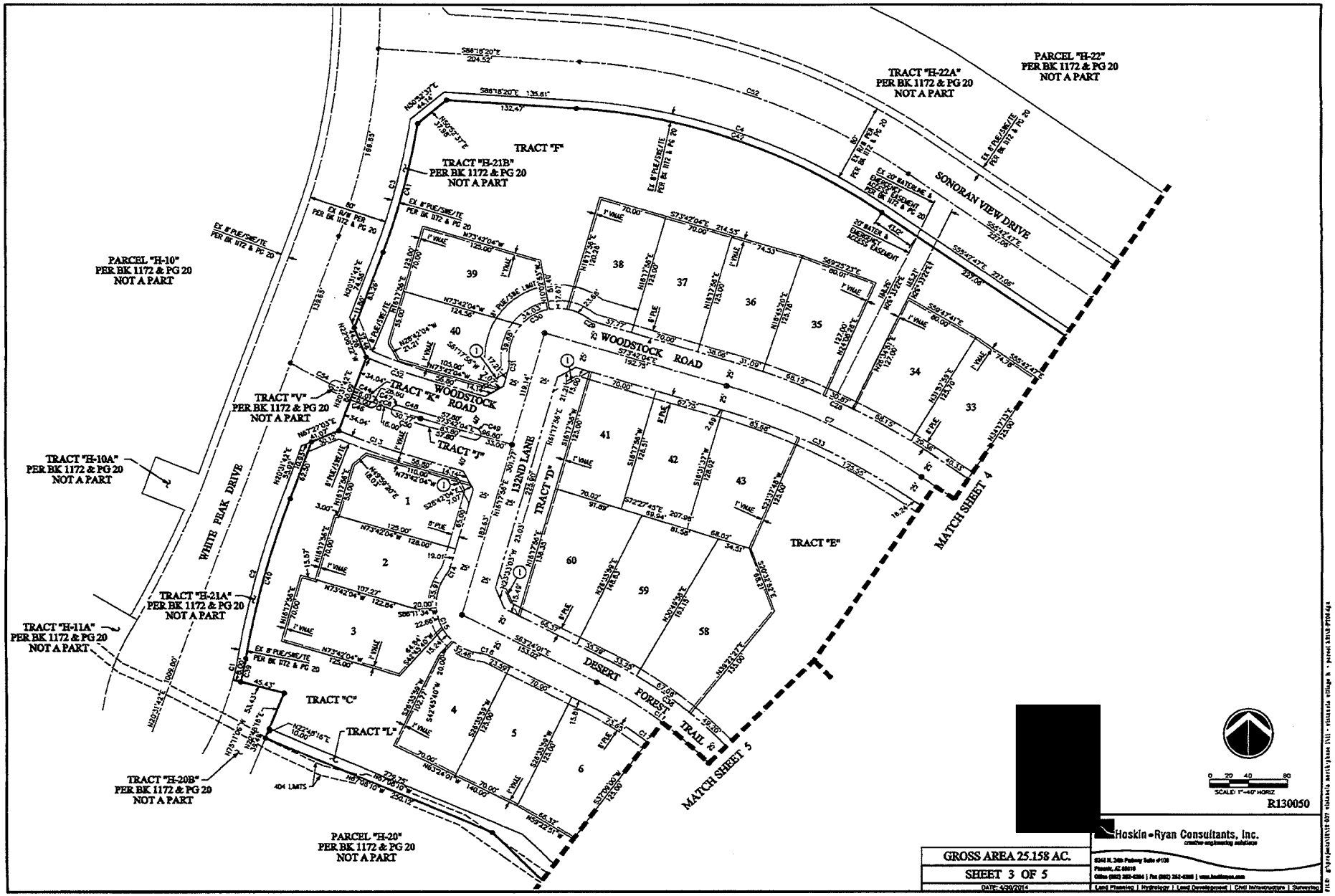
R130050

GROSS AREA 25.158 AC.

SHEET 2 OF 5

DATE: 4/30/2014

Hoskin • Ryan Consultants, Inc.
creative engineering solutions
6247 E. 24th Parkway Suite #100
Phoenix, AZ 85016
Office (602) 252-5384 | Fax (602) 254-5366 | www.hoskinryan.com
Land Planning | Hydrology | Land Development | Civil Infrastructure | Surveying


PARCEL "H-22"
PER BK 1172 & PG 20
NOT A PART
TRACT "H-22A"
PER BK 1172 & PG 20
NOT A PART
TRACT "F"
TRACT "H-21B"
PER BK 1172 & PG 20
NOT A PART
SONORAN VIEW DRIVE
PARCEL "H-10"
PER BK 1172 & PG 20
NOT A PART
WOODSTOCK ROAD
TRACT "K"
TRACT "V"
PER BK 1172 & PG 20
NOT A PART
TRACT "J"
TRACT "H-10A"
PER BK 1172 & PG 20
NOT A PART
WHITE PEAK DRIVE
132ND LANE
TRACT "D"
TRACT "E"
MATCH SHEET 4
TRACT "H-21A"
PER BK 1172 & PG 20
NOT A PART
TRACT "H-11A"
PER BK 1172 & PG 20
NOT A PART
TRACT "C"
TRACT "L"
DESERT FOREST TRAIL
MATCH SHEET 5
TRACT "H-20B"
PER BK 1172 & PG 20
NOT A PART
PARCEL "H-20"
PER BK 1172 & PG 20
NOT A PART
SCALE: 1"=40' HORIZ
R130050
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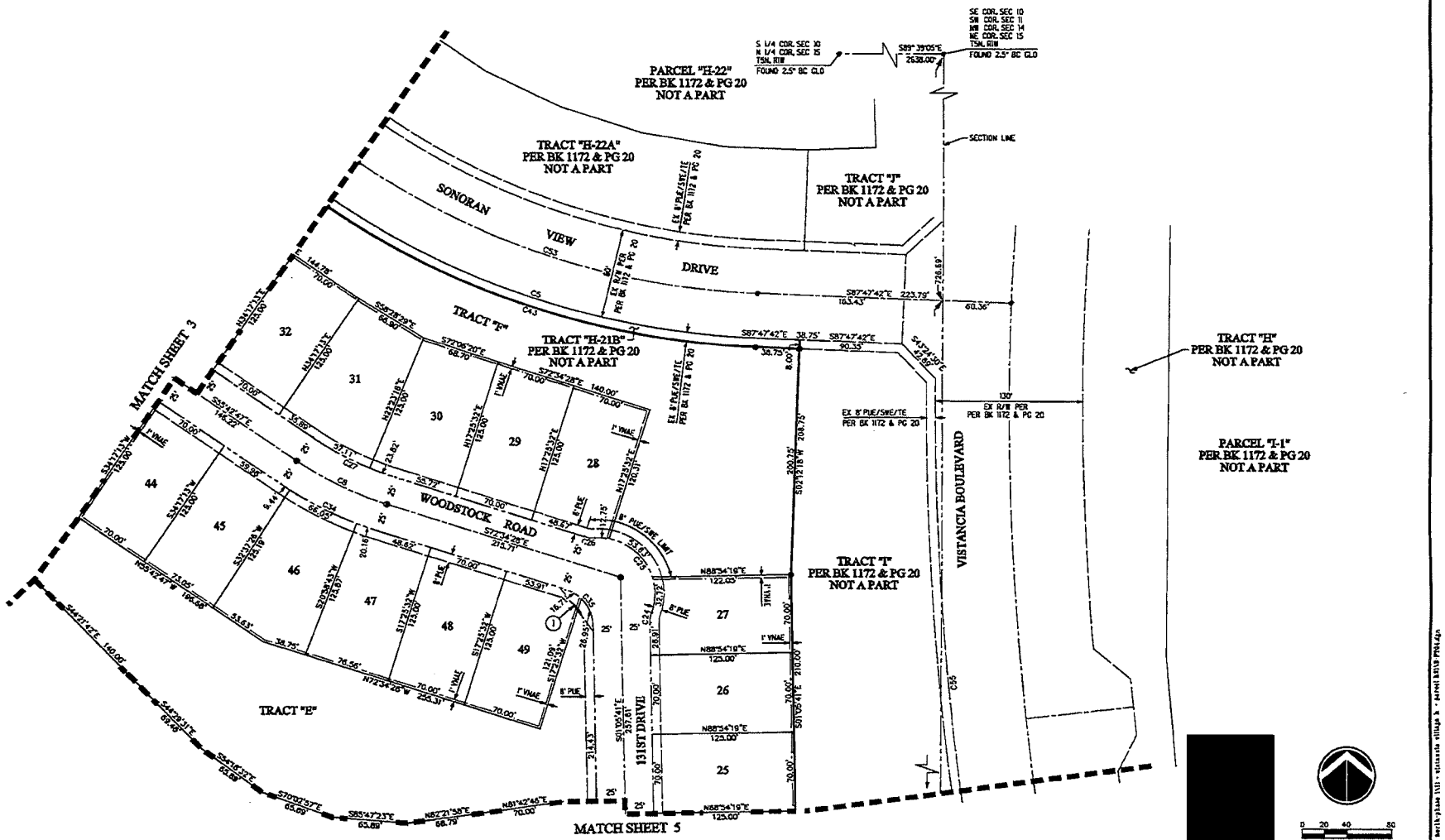
GROSS AREA 25.158 AC.
SHEET 3 OF 5
DATE: 4/30/2014
Land Planning | Hydrology | Land Development | Civil Infrastructure | Surveying



R130050

GROSS AREA 25.158 AC.

SHEET 4 OF 5

DATE: 4/28/2014

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MATCH SHEET 3

MATCH SHEET 4

DESERT FOREST TRAIL

131ST DRIVE

VERMONT BOULEVARD

TRACT "C"

TRACT "E"

TRACT "G"

TRACT "H"

TRACT "I"

TRACT "L"

TRACT "Z"

PARCEL "I-1"
PER BK 1172 & PG 20
NOT A PART

TRACT "H"
PER BK 1172 & PG 20
NOT A PART

TRACT "I"
PER BK 1172 & PG 20
NOT A PART

TRACT "Z"
PER BK 1172 & PG 20
NOT A PART

PARCEL "H-20"
PER BK 1172 & PG 20
NOT A PART

404 LIMITS

FEMA 100 YEAR FLOODPLAIN ZONE AH (TO BE REVISED BY CLOMR/LOMR)

CENTRAL ARIZONA PROJECT
RECLAMATION SURVEY DATUM BCL 34-330-2011
BUREAU OF RECLAMATION
FEBRUARY 4, 2011 REVISED MAY 24, 1988

SECTION LINE

EX. 20' SEWER ESMT AND EMERGENCY ACCESS ESMT PER BK 1172 & PG 20

20' SEWER ESMT AND EMERGENCY ACCESS ESMT

EX. 8' PUE/SWE/TE PER BK 1172 & PG 20

EX R/W PER PER BK 1172 & PG 20

SCALE: 1"=40' HORIZ

R130050

GROSS AREA 25.158 AC.

SHEET 5 OF 5

DATE: 4/28/2014

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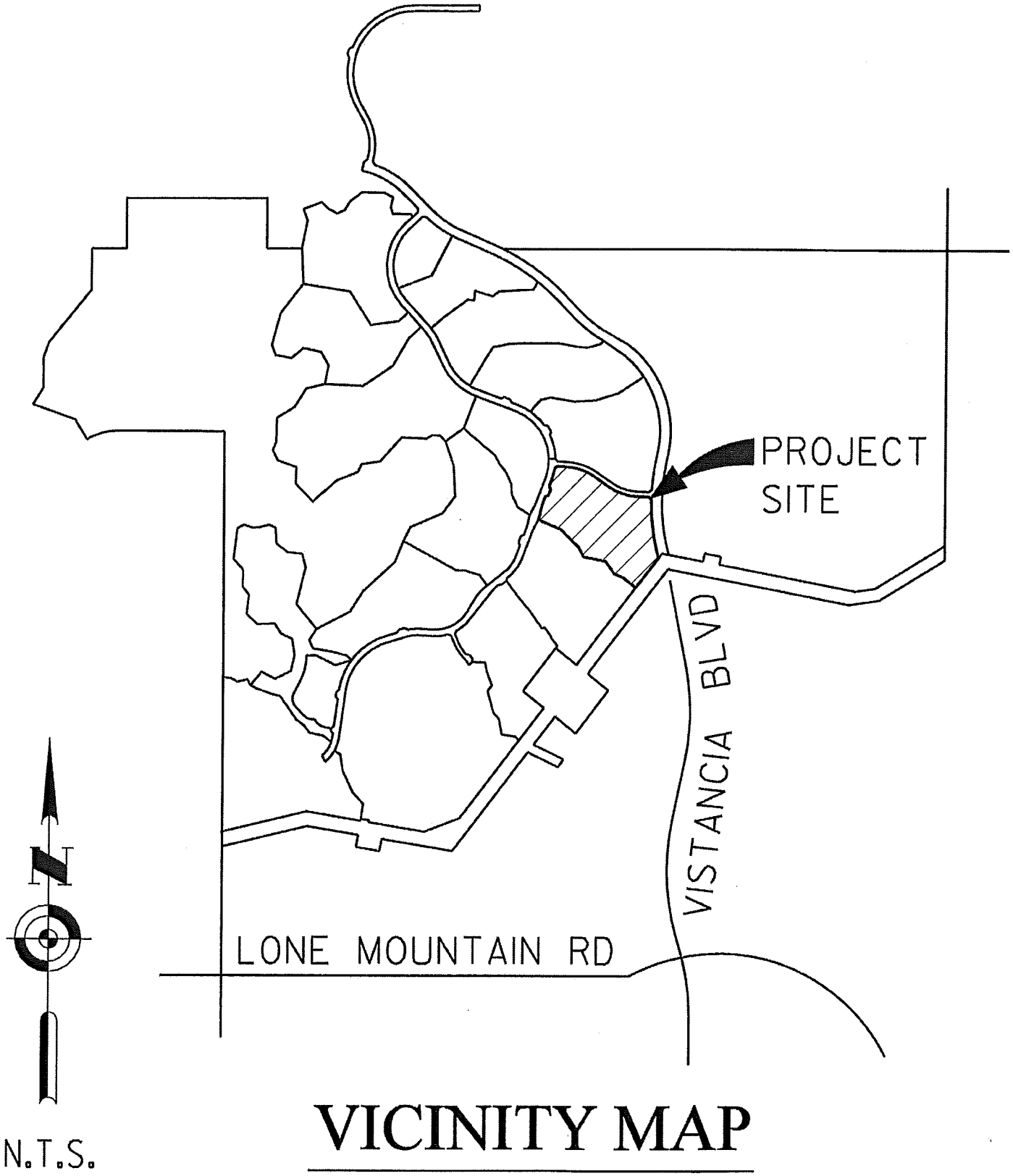


VICINITY MAP

Parcel H-21

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 30C

Date Prepared: May 6, 2014 **Council Meeting Date: June 17, 2014**

TO: **Carl Swenson, City Manager**

FROM: **Scott Whyte, Economic Development Services Director**

THROUGH: **Susan J. Daluddung, Deputy City Manager**

SUBJECT: **Final Plat, Vistancia Village H – Parcel H-20, White Peak Drive & Vistancia Boulevard (Project No. R130060)**

Purpose:

This is a request for City Council to approve a Final Plat of Vistancia Village H – Parcel H-20, located on White Peak Drive west of Vistancia Boulevard, 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 water\sewer service area. This final plat creates a total of 83 new lots within

the Vistancia North Community. All internal roadways are public and will be maintained by the City.

In November 2013, the City Council approved the Replat of Vistancia North Village 1, Village 2, and Village 3 Master Final Plat, creating all of the individual parcels and the rights-of-way for the master subdivision. The Final Plats for each individual parcel are necessary to further subdivide each parcel into individual lots, tracts, and internal roadways for development.

Previous Actions:

The preliminary plat was reviewed by the City and completed in September 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

FINAL PLAT
FOR
"VISTANCIA VILLAGE H - PARCEL H-20"
(A REPLAT OF PARCEL H-20 OF THE REPLAT OF A PORTION OF THE VISTANCIA NORTH VILLAGE 1, VILLAGE 2, AND VILLAGE 3 MASTER FINAL PLAT, AS RECORDED IN BOOK 1172, PAGE 20 OF THE MARICOPA COUNTY RECORDER
LOCATED IN A PORTION OF SECTION 15 OF TOWNSHIP 5 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, PEORIA ARIZONA.

DEDICATION

STATE OF ARIZONA)
) SS
COUNTY OF MARICOPA)

KNOW ALL MEN BY THESE PRESENTS:

VISTANCIA VILLAGE H, LLC, A DELAWARE LIMITED LIABILITY COMPANY AS OWNER, DOES HEREBY PUBLISH THIS FINAL PLAT FOR "VISTANCIA VILLAGE H - PARCEL H-20, A RE-PLAT OF PARCEL H-20" OF THE RE-PLAT OF A PORTION OF THE VISTANCIA NORTH VILLAGE 1, VILLAGE 2, AND VILLAGE 3 MASTER FINAL PLAT, AS RECORDED IN BOOK 1172, PAGE 20 OF THE MARICOPA COUNTY RECORDER, OVER A PORTION OF SECTION 15, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, AS SHOWN AND PLATTED HEREON AND HEREBY PUBLISHES THIS PLAT AS, AND FOR, THE PLAT OF SAID VISTANCIA VILLAGE H - PARCEL H-20 AND HEREBY DECLARES THAT SAID PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF THE LOTS, TRACTS, EASEMENTS AND STREETS CONSTITUTING SAME, AND THAT EACH LOT, TRACT AND STREET SHALL BE KNOWN BY THE NUMBER, LETTER OR NAME GIVEN TO EACH RESPECTIVELY ON SAID PLAT AND HEREBY DEDICATES TO THE CITY OF PEORIA FOR USE AS SUCH, THE STREETS AS SHOWN ON SAID PLAT AND INCLUDED IN THE ABOVE DESCRIBED PREMISES. EASEMENTS ARE DEDICATED FOR THE PURPOSES SHOWN.

ALL NOTATIONS AND DEDICATIONS STATED ON OR WITHIN THE RE-PLAT OF A PORTION OF THE VISTANCIA NORTH VILLAGE 1, VILLAGE 2, AND VILLAGE 3 MASTER FINAL PLAT, AS RECORDED IN BOOK 1172, PAGE 20 OF THE MARICOPA COUNTY RECORDER SHALL REMAIN IN FULL FORCE AND EFFECT WITH THE RECORDATION OF THIS FINAL PLAT.

VISTANCIA VILLAGE H, LLC, AS OWNER, HEREBY DEDICATES TO THE CITY THE RIGHTS-OF-WAY AS SHOWN HEREON, FOR THE USE AS (A) PUBLIC STREETS, AND (B) ANY AND ALL PUBLIC SEWER, WATER, GAS, ELECTRIC AND ANY OTHER UTILITY SERVICES. LANDSCAPING WITHIN THE RIGHTS -OF-WAY SHALL BE MAINTAINED BY THE HOMEOWNERS' ASSOCIATION. VISTANCIA VILLAGE H, LLC, HEREBY WARRANTS TO THE CITY THE TITLE TO SAID RIGHT OF WAY AS SHOWN HEREON, AGAINST THE CLAIMS OF ALL PERSONS WHOMSOEVER.

TRACTS "C", "D", "E", "F", "G", "I", "J", "K" AND "L" ARE HEREBY DECLARED AS COMMON AREAS AND EASEMENTS FOR "VISTANCIA NORTH", TO BE HEREIN AFTER RECORDED AND WILL BE OWNED AND MAINTAINED BY THE "VISTANCIA NORTH ASSOCIATION." DWELLING UNITS SHALL NOT BE CONSTRUCTED ON SAID TRACTS.

TRACT "H" IS RESERVED FOR A FUTURE REGIONAL TRAIL AND WILL BE DEEDED TO THE CITY, AT NO COST TO THE CITY, AT THE TIME THE CITY IS READY TO CONSTRUCT THE TRAIL.

TRACT "M" IS HEREBY DECLARED AS COMMUNITY COMMON AREA SET FORTH IN THE DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, AND EASEMENTS FOR THE "VISTANCIA MAINTAINANCE CORPORATION," AND WILL BE OWNED AND MAINTAINED BY THE "VISTANCIA MAINTAINANCE CORPORATION." DWELLING UNITS SHALL NOT BE CONSTRUCTED IN SAID TRACTS.

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

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

VISTANCIA VILLAGE H, LLC DOES HEREBY GRANT TO THE CITY OF PEORIA, AN ARIZONA MUNICIPAL CORPORATION, IN MARICOPA COUNTY, ARIZONA, ITS SUCCESSORS, AND ASSIGNS, A PERMANENT AND PERPETUAL EASEMENT FOR THE FOLLOWING PURPOSES, NAMELY: THE RIGHT TO ENTER UPON FOR EMERGENCY ACCESS, AND, FOR CONSTRUCTION, MAINTENANCE, OPERATION AND REPLACEMENT OF A SEWER LINE OVER, UNDER, AND ACROSS TRACTS "F" AND "M" SITUATED IN THE COUNTY OF MARICOPA, STATE OF ARIZONA, TO HAVE AND TO HOLD THE SAID EASEMENT UNTO CITY OF PEORIA, A MUNICIPAL CORPORATION OF MARICOPA COUNTY, ARIZONA AND UNTO ITS SUCCESSORS AND ASSIGNS FOREVER, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS FOR EMERGENCY PURPOSES AND TO PERMIT THE CONSTRUCTION, OPERATION, MAINTENANCE, AND REPLACEMENT OF PUBLIC SEWER LINE, SUBJECT TO NOTES 1, 2, 3 AND 4.

AND THE GRANTOR HEREBY COVENANTS THAT IT IS LAWFULLY SEIZED AND POSSESSED ON THIS AFOREMENTIONED TRACT OR PARCEL OF LAND; THAT IT HAS 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.

NOTES:

1. THE SAID EASEMENT TO INCLUDE THE RIGHT TO CUT BACK AND TRIM SUCH PORTION OF THE BRANCHES AND TOPS OF THE TREES NOW GROWING OR THAT MAY HEREAFTER GROW UPON THE ABOVE DESCRIBED PREMISES, AS MAY EXTEND OVER SAID EASEMENT, SO AS TO PREVENT THE SAME FROM INTERFERING WITH THE EFFICIENT MAINTENANCE AND OPERATION OF SAID WATER LINES.

2. THE CITY OF PEORIA SHALL NOT BE RESPONSIBLE FOR REPLACING ANY LANDSCAPING OR ANY IMPROVEMENT PLACED IN THE EASEMENT BY GRANTOR OR ITS SUCCESSORS OR ASSIGNS, EXCEPT AS NOTED HEREIN.

3. THE CITY OF PEORIA WILL MAKE REASONABLE EFFORTS TO PROMPTLY RESTORE ASPHALT CONCRETE PAVEMENT SURFACES.

4. GRANTOR, ITS SUCCESSORS OR ASSIGNS AT ITS SOLE COST, SHALL BE RESPONSIBLE FOR PROMPTLY REPLACING ANY LANDSCAPING OR IMPROVEMENT(S) PLACED IN THE EASEMENT BY GRANTOR OR ITS SUCCESSORS OR ASSIGNS.

IN THE EVENT THE RIGHT, PRIVILEGE AND EASEMENT HEREIN GRANTED SHALL BE ABANDONED AND PERMANENTLY CEASE TO BE USED FOR THE PURPOSES HEREIN GRANTED ALL RIGHTS HEREIN GRANTED SHALL CEASE AND REVERT TO THE GRANTORS, THEIR HEIRS OR ASSIGNS.

DEDICATION CONT:

IN WITNESS WHEREOF:

VISTANCIA VILLAGE H LLC, AS OWNER HAS HEREUNTO CAUSED ITS NAME TO BE AFFIXED AND THE SAME TO BE ATTESTED BY THE SIGNATURE OF THE UNDERSIGNED OFFICER, THEREUNTO DULY AUTHORIZED THIS ______ DAY OF ______________, 2014

VISTANCIA VILLAGE H, LLC,
A DELAWARE LIMITED LIABILITY COMPANY

BY: SLF H-VPMM, LLC,
A TEXAS LIMITED LIABILITY COMPANY,
ITS MANAGING MEMBER

BY: SLF H-VISTANCIA, LLC,
A TEXAS LIMITED LIABILITY COMPANY,
ITS SOLE AND MANAGING MEMBER

BY: STRATFORD LAND FUND III L.P.,
A DELAWARE LIMITED PARTNERSHIP,
ITS SOLE AND MANAGING MEMBER

BY: STRATFORD FUND III GP, LLC,
A TEXAS LIMITED LIABILITY COMPANY,
ITS MANAGING MEMBER

BY: ______________

NAME: ______________

TITLE: ______________

DEDICATION ACKNOWLEDGEMENT

STATE OF TEXAS)
) SS
COUNTY OF DALLAS)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ______ DAY OF ______________, 2014 BY ______________ THE ______________ OF VISTANCIA VILLAGE H LLC, A DELAWARE LIMITED LIABILITY COMPANY FOR AND ON BEHALF THEREOF.

______________ MY COMMISSION EXPIRES: ______________ NOTARY PUBLIC

VISTANCIA NORTH ASSOCIATION RATIFICATION AND CONSENT

THE UNDERSIGNED HEREBY RATIFIES AND CONSENTS TO THIS PLAT AND ITS MAINTENANCE OBLIGATIONS AS SET FORTH HEREON.

VISTANCIA NORTH ASSOCIATION, AN ARIZONA NON-PROFIT CORPORATION

BY: ______________

ITS: ______________

ACKNOWLEDGEMENT

STATE OF ARIZONA)
) SS
COUNTY OF MARICOPA)

ON THIS ______ DAY OF ______________, 2014 BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC PERSONALLY APPEARED ______________ WHO ACKNOWLEDGED HIMSELF TO BE THE ______________ OF VISTANCIA NORTH ASSOCIATION, AN ARIZONA NON-PROFIT CORPORATION, AND THAT SUCH OFFICER, BEING DULY AUTHORIZED TO DO SO, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED BY SIGNING THIS NAME AS SUCH OFFICER ON BEHALF OF THE FOREGOING.

IN WITNESS WHEREOF, I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

MY COMMISSION EXPIRES: ______________ NOTARY PUBLIC

APPROVALS

APPROVED BY THE MAYOR AND CITY COUNCIL OF PEORIA, ARIZONA ON THIS ______ DAY OF ______________, 2014.

APPROVED BY: ______________ DATE: ______________
MAYOR

ATTESTED BY: ______________ DATE: ______________
CITY CLERK

APPROVED BY: ______________ DATE: ______________
CITY ENGINEER

NOTES

1. THE SUBDIVISION IS SUBJECT TO MAINTENANCE IMPROVEMENT DISTRICT (MID) # ______ AND STREET LIGHT IMPROVEMENT DISTRICT (SLID) # ______.
2. NO CONSTRUCTION OF ANY KIND SHALL BE CONSTRUCTED OR PLACED WITHIN THE UTILITY EASEMENTS, EXCEPT UTILITIES, WOOD, WIRE, OR REMOVABLE SECTION TYPE FENCING, AND/OR PAVING, NOR ANY PLANTING EXCEPT GRASS. IT SHALL BE FURTHER UNDERSTOOD THAT THE CITY OF PEORIA SHALL NOT BE REQUIRED TO REPLACE ANY OBSTRUCTION OR PLANTING THAT MUST BE REMOVED DURING THE COURSE OF MAINTENANCE, CONSTRUCTION OR RECONSTRUCTION.
3. ALL NEW AND EXISTING UTILITY ELECTRICAL FACILITIES LESS THAN 69 KVA, CABLE TV TELECOMMUNICATIONS FIBER OPTICS, CELLULAR, GAS, ETC SHALL BE INSTALLED UNDERGROUND AS PART OF THE STREET IMPROVEMENTS.
4. MAINTENANCE OF SURFACE AND UNDERGROUND DRAINAGE FACILITIES WITHIN ALL TRACTS, EASEMENTS AND RIGHTS-OF-WAY SHALL BE THE RESPONSIBILITY OF THE HOMEOWNERS' ASSOCIATION.
5. ALL LOT CORNERS SHALL BE MONUMENTED WITH 1/2" REBAR AND CAPPED OR TAGGED BEARING THE REGISTRATION NUMBER OF THE SURVEYOR RESPONSIBLE FOR THEIR PLACEMENT.
6. SIGNS, FENCES, WALLS, UTILITY BOXES, STRUCTURES, SHRUBS, HEDGES OR OTHER PLANTS, BUT EXCLUDING TREES OVER 30-INCHES IN HEIGHT SHALL NOT BE PERMITTED WITH VIEW EASEMENTS OR THE SIGHT DISTANCE TRIANGLES. NO LIMBS, LEAVES, NEEDLES OR OTHER FOLIAGE ABOVE 30-INCHES IN HEIGHT OR BELOW 84-INCHES ARE PERMITTED. TREES ARE TO BE PLANTED SO AS NOT TO OBSTRUCT 20% OF THE VISIBILITY WHEN COMBINED WITH OTHER OBSTRUCTIONS.
7. THE SUBDIVISION IS LOCATED WITHIN THE CITY OF PEORIA WATER SERVICE AREA AND HAS BEEN DESIGNATED AS HAVING A 100-YEAR ASSURED WATER SUPPLY.
8. THIS SUBDIVISION IS LOCATED WITHIN THE CITY OF PEORIA SEWER SERVICE AREA.
9. THIS SUBDIVISION IS LOCATED WITHIN THE VICINITY OF A MILITARY AIRPORT.
10. THIS SUBDIVISION IS LOCATED IN THE VICINITY OF A DESIGNATED TRUCK ROUTE. LONE MOUNTAIN ROAD IS DESIGNATED AS A TRUCK ROUTE BY THE CITY OF PEORIA.
11. THIS SUBDIVISION IS LOCATED IN THE VICINITY OF A ROCK QUARRY (GRAVEL OPERATION).
12. NO STRUCTURE OF ANY KIND SHALL BE CONSTRUCTED OR ANY VEGETATION BE PLANTED NOR BE ALLOWED TO GROW WITHIN THE DRAINAGE EASEMENT OR TRACT WHICH WOULD IMPEDE THE FLOW OF WATER OVER, UNDER OR THROUGH THE EASEMENT OR TRACT.
13. AN ASSOCIATION, INCLUDING ALL PROPERTY OWNERS IN THE DEVELOPMENT, WILL BE FORMED AND HAVE THE RESPONSIBILITY FOR MAINTAINING ALL COMMON AREAS TO BE NOTED AS "TRACTS" OR EASEMENTS (INCLUDING LANDSCAPED AREAS AND DRAINAGE FACILITIES) IN ACCORDANCE WITH APPROVED PLANS.
14. THIS SUBDIVISION HAS A REDUCED LEVEL OF STREET LIGHTING. ANY FUTURE ADDITIONAL STREET LIGHTING WILL BE AT THE EXPENSE OF THE ABUTTING PROPERTY OWNERS, NOT AT CITY EXPENSE.

CERTIFICATION

THE MASTER DEVELOPER SHALL CERTIFY THAT RULES AS MAY BE ESTABLISHED BY THE STATE DEPARTMENT OF TRANSPORTATION RELATING TO PROVISIONS FOR THE SAFETY OF ENTRANCE UPON AND DEPARTURE FROM ABUTTING STATE PRIMARY HIGHWAYS HAVE BEEN FOLLOWED AS APPLICABLE.

THE MASTER DEVELOPER SHALL CERTIFY THAT RULES AS MAY BE ESTABLISHED BY THE FLOOD CONTROL DISTRICT OF MARICOPA COUNTY RELATING TO THE CONSTRUCTION OR PREVENTION OF CONSTRUCTION OF STREETS IN LAND ESTABLISHED AS BEING SUBJECT TO PERIODIC INUNDATION HAVE BEEN FOLLOWED AS APPLICABLE.

THE MASTER DEVELOPER SHALL CERTIFY THAT RULES AS MAY BE ESTABLISHED BY THE MARICOPA COUNTY DEPARTMENT OF ENVIRONMENTAL SERVICES RELATING TO THE PROVISION OF DOMESTIC WATER SUPPLY AND SANITARY SEWER DISPOSAL HAVE BEEN FOLLOWED AS APPLICABLE.

THE MASTER DEVELOPER SHALL CERTIFY THAT THE REQUIREMENTS OF THE PEORIA ZONING ORDINANCE AND THE CITY OF PEORIA INFRASTRUCTURE DESIGN GUIDELINES HAVE BEEN ADDRESSED AND FOLLOWED AS APPLICABLE.

VISTANCIA MAINTENANCE CORPORATION RATIFICATION AND CONSENT

THE UNDERSIGNED HEREBY RATIFIES AND CONSENTS THIS PLAT AND ITS MAINTENANCE OBLIGATIONS AS SET FORTH HEREON.

VISTANCIA MAINTENANCE CORPORATION, AN ARIZONA NON-PROFIT CORPORATION

BY: ______________

ITS: ______________

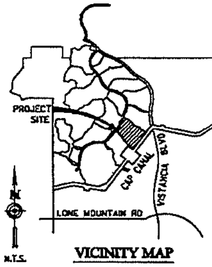
ACKNOWLEDGEMENT

STATE OF ARIZONA)
) SS
COUNTY OF MARICOPA)

ON THIS ______ DAY OF ______________, 2014 BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC PERSONALLY APPEARED ______________, WHO ACKNOWLEDGED HIMSELF TO BE THE ______________ OF VISTANCIA MAINTENANCE CORPORATION, AND THAT SUCH OFFICER, BEING DULY AUTHORIZED TO DO SO, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED BY SIGNING THIS NAME AS SUCH OFFICER ON BEHALF OF THE FOREGOING.

IN WITNESS WHEREOF, I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

MY COMMISSION EXPIRES: ______________ NOTARY PUBLIC



VICINITY MAP

DEVELOPER:

VISTANCIA VILLAGE H, LLC
6720 NORTH SCOTTSDALE ROAD, SUITE 250
SCOTTSDALE, ARIZONA 85253
PHONE: (623) 518-2015
CONTACT: JEREMY JOHNSON

VISTANCIA

SURVEYOR

HOSKIN RYAN CONSULTANTS, INC.
6245 N. 24TH PARKWAY, SUITE 100
PHOENIX, AZ, 85016
TEL (602) 252-8384
FAX (602) 252-8385
CONTACT: THOMAS E. GRANILLO, P.E., R.L.S.
EMAIL: TOMG@HOSKINRYAN.COM

SHEET INDEX

1 - COVER SHEET
2 - KEY MAP, LEGEND & TABLES
3-6 - PLAT SHEETS

BASIS OF BEARING

THE BASIS OF BEARING FOR THESE PLANS IS N 89°48'36" W FOR THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 5 NORTH, RANGE 1 WEST OF THE GILA & SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA AS SHOWN ON AN AMENDED RESULTS OF SURVEY RECORDED IN BOOK 632, PAGE 24, MARICOPA COUNTY RECORDS.

ZONING DISTRICT VRD-6

(OVERALL VISTANCIA ZONING - PCD-Z01-10A.12)
VRD-6

FEMA FLOOD PLAIN DESIGNATION

COMMUNITY NUMBER	PARCEL NUMBER	SUFFIX	DATE OF FIRM	FIRM ZONE
04013C	0815	L	10-16-2013	X (SHADED) & A

ZONE "X": (SHADED) AREAS OF 500-YEAR; AREAS OF 100-YEAR FLOOD WITH AN AVERAGE DEPTH OF LESS THAN ONE (1) FOOT OR WITH DRAINAGE AREAS LESS THAN ONE (1) SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM THE 100-YEAR FLOOD.

ZONE A: ZONE "A" HAS BEEN DETERMINED TO BE AREAS INUNDATED BY THE 100-YEAR FLOODING BASE FLOOD ELEVATIONS DETERMINED.

SURVEYOR CERTIFICATION

I, THOMAS E. GRANILLO, A DULY REGISTERED LAND SURVEYOR IN THE STATE OF ARIZONA, DO HEREBY CERTIFY THAT THE SUBDIVISION PLATTED HEREON, CONSISTING OF 6 SHEETS, HAS BEEN PREPARED FROM A SURVEY MADE UNDER MY DIRECT SUPERVISION DURING THE MONTH OF JULY, 2011, AND ACCURATELY REPRESENTS THE PROPERTY DESCRIBED HEREON. I FURTHER CERTIFY THAT THE EXTERIOR BOUNDARIES OF SAID SUBDIVISION ARE, OR WILL BE MONUMENTED IN ACCORDANCE WITH THE "ARIZONA BOUNDARY SURVEY MINIMUM STANDARDS" ADOPTED ON 13 FEBRUARY 2002, AND THAT THE SIZE, LOCATION AND MATERIAL AS SHOWN HEREON ARE ACCURATE AS OF THE DATE OF THIS CERTIFICATION.

[redacted]

THOMAS E. GRANILLO
ARIZONA REGISTERED LAND SURVEYOR
REGISTRATION # 55545
HOSKIN-RYAN CONSULTANTS, INC.
PHOENIX, ARIZONA.

R130060

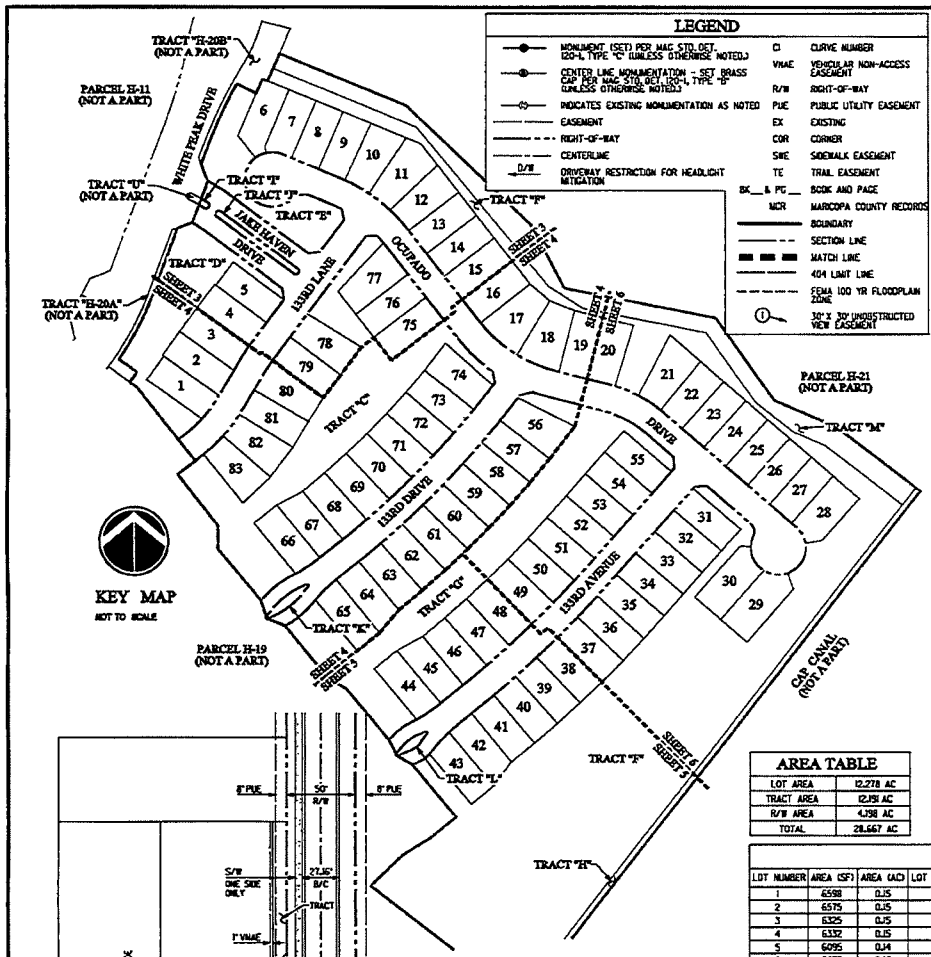
GROSS AREA 28.667 AC.

SHEET 1 OF 6

DATE: 4/30/2014

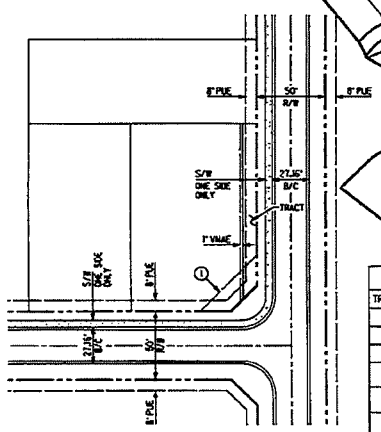
Hoskin • Ryan Consultants, Inc.

Land Planning | Hydrology | Land Development | Civil Infrastructure | Surveying



KEY MAP

NOT TO SCALE



TYPICAL LOT LAYOUT - VRD-6 1"=40' SCALE

① 30' x 30' UNOBSTRUCTED VIEW EASEMENT

※ BUILDING SETBACKS TO BE VERIFIED THROUGH CURRENT ZONING IN-PLACE.

LEGEND

MONUMENT (SET) PER MAC STD. DET. 120-1, TYPE "C" (UNLESS OTHERWISE NOTED.)	CI CURVE NUMBER
CENTER LINE MONUMENTATION - SET BRASS CAP PER MAC STD. DET. 120-1, TYPE "B" (UNLESS OTHERWISE NOTED.)	VNAE VEHICULAR NON-ACCESS EASEMENT
INDICATES EXISTING MONUMENTATION AS NOTED	R/W RIGHT-OF-WAY
EASEMENT	PUE PUBLIC UTILITY EASEMENT
RIGHT-OF-WAY	EX EXISTING
CENTERLINE	COR CORNER
D/W DRIVEWAY RESTRICTION FOR HEADLIGHT MITIGATION	SWE SIDEWALK EASEMENT
	TE TRAIL EASEMENT
	BK__ & PG__ BOOK AND PAGE
	MCR MARICOPA COUNTY RECORDS
	BOUNDARY
	SECTION LINE
	MATCH LINE
	404 LIMIT LINE
	FEMA 100 YR FLOODPLAIN ZONE
	① 30' x 30' UNOBSTRUCTED VIEW EASEMENT

CURVE DATA TABLE

NO.	RADIUS	ARC	DELTA	CHORD	CHORD-BEARING
1	2.00	5.25	150°27'21"	3.87	N41°26'01.5"W
2	2.00	5.25	150°28'17"	3.87	N38°59'51.5"W
3	540.00	140.83	016°00'14"	140.34	N28°31'49.0"E
4	966.00	172.15	010°11'22"	171.92	N35°27'24.0"E
5	300.00	83.27	015°54'11"	83.00	N28°45'59.5"E
6	417.47	18.92	002°35'49"	18.92	S50°26'32.5"E
7	417.47	16.00	002°11'46"	16.00	S52°02'45.0"E
8	417.47	13.05	001°47'25"	13.05	S54°03'09.5"E
9	275.00	103.69	021°36'09"	103.07	N41°14'51.5"E
10	325.00	36.28	006°23'46"	36.26	N33°38'40.0"E
11	275.00	141.76	029°32'07"	140.19	S33°25'40.5"E
12	275.00	182.22	037°57'55"	179.00	S56°28'34.5"E
13	225.00	105.40	026°50'22"	104.44	S62°12'21.0"E
14	1988.48	332.17	009°36'00"	332.78	N44°00'50.0"E
15	1643.48	456.68	015°55'15"	455.21	N43°02'30.5"E
16	377.47	36.50	005°32'26"	36.49	S33°55'40.0"E
17	350.00	39.07	006°23'46"	39.05	S33°38'40.0"W
18	250.00	94.26	021°36'09"	93.70	S41°14'51.5"W
19	300.00	113.11	021°36'09"	112.44	N41°14'51.5"E
20	300.00	33.49	006°23'46"	33.47	N33°38'40.0"E
21	250.00	26.43	006°03'23"	26.42	S40°41'19.5"E
22	300.00	80.99	015°36'44"	80.66	S46°09'29.0"E
23	1618.48	407.28	014°25'06"	406.21	S43°49'35.5"W
24	300.00	61.56	011°45'28"	61.46	S36°32'32.0"W
25	176.59	72.48	023°30'56"	71.97	S51°00'08.0"W
26	176.59	67.34	021°50'52"	66.93	N50°10'06.0"E
27	300.00	61.56	011°45'28"	61.46	N45°07'24.0"E
28	1668.48	427.71	014°41'16"	426.55	N43°39'30.0"E
29	300.00	29.22	005°34'44"	29.20	S72°50'10.0"E
30	200.00	93.69	026°50'22"	92.83	S62°12'21.0"E
31	1963.48	328.99	009°36'00"	328.60	S44°00'50.0"W
32	300.00	64.32	012°29'37"	64.18	S37°08'48.5"W
33	110.75	49.84	025°47'02"	49.42	S50°35'16.0"W
34	300.00	13.15	002°30'43"	13.15	N62°44'46.5"E
35	60.06	28.01	026°43'24"	27.76	N50°38'26.0"E
36	300.00	70.87	013°32'05"	70.70	N44°02'47.0"E
37	2013.48	337.36	009°36'00"	336.97	N44°00'50.0"E
38	20.00	25.62	073°33'34"	23.90	S18°05'13.0"E
39	50.00	221.13	253°27'54"	80.18	N77°54'47.0"E
40	250.00	117.11	026°50'22"	116.04	N62°12'21.0"W
41	250.00	165.65	037°57'55"	162.64	N56°28'34.5"W
42	300.00	154.65	029°32'07"	152.94	N33°25'40.5"W
43	50.00	214.48	245°41'03"	84.02	S18°05'13.5"E
44	35.00	40.12	065°21'00"	37.96	N79°37'44.5"E
45	250.00	22.36	005°07'28"	22.35	S64°28'00.0"E
46	457.47	39.42	007°26'29"	39.37	N56°52'41.5"W
47	270.58	3.42	001°08'31"	3.42	N33°33'13.5"E
48	85.17	32.93	035°26'24"	32.08	N50°27'00.0"E
49	270.58	11.71	002°28'49"	11.71	N67°00'47.5"E
50	2.00	3.23	150°31'36"	3.87	S38°37'49.0"E
51	270.58	20.64	004°22'19"	20.63	S34°06'53.0"W
52	34.48	28.41	047°14'32"	26.02	S50°35'03.0"W
53	270.58	27.35	005°30'01"	27.34	S66°13'18.5"W
54	270.58	6.04	001°16'45"	6.04	N35°35'34.5"E
55	151.01	84.57	032°05'13"	83.47	N51°00'08.5"E
56	270.58	6.04	001°16'45"	6.04	N66°24'22.5"E
57	2.00	3.25	150°28'17"	3.87	S38°59'51.5"E
58	270.58	6.04	001°16'45"	6.04	S35°35'34.5"W
59	151.01	84.57	032°05'13"	83.47	S51°00'08.5"W
60	270.58	6.04	001°16'45"	6.04	S66°24'22.5"W
61	423.47	14.14	001°54'45"	14.14	S59°55'23.5"E
62	6.00	18.85	180°00'00"	12.00	S32°01'37.0"W
63	411.47	11.71	001°37'48"	11.71	N58°46'57.0"W
64	423.47	7.13	000°58'01"	7.13	S33°38'27.5"E
65	6.00	18.85	180°00'00"	12.00	S36°50'33.0"W
66	411.47	6.94	000°58'01"	6.94	N33°38'27.5"W
67	6.00	18.85	180°00'00"	12.00	N33°32'32.0"E
68	548.00	131.63	013°45'46"	131.43	N27°24'25.0"E
69	960.00	130.69	007°47'59"	130.59	N24°23'42.5"E
70	300.00	275.07	031°31'14"	271.61	N36°17'19.0"E
71	417.47	70.34	009°39'15"	70.26	S64°24'04.5"E

LEGAL DESCRIPTION

PARCEL H-20 OF THE REPLAT OF THE VISTANCIA NORTH VILLAGE 1, VILLAGE 2, AND VILLAGE 3 MASTER FINAL PLAT, AS RECORDED IN BOOK 1172, PAGE 20 OF THE MARICOPA COUNTY RECORDER

CONTAINING 28.667 ACRES, MORE OR LESS

AREA TABLE

LOT AREA	12.278 AC
TRACT AREA	12.151 AC
R/W AREA	4.238 AC
TOTAL	28.667 AC

TRACT TABLE

TRACT	AREA (SF)	AREA (AC)	USE
C	68,064	1.563	PUE, DRAINAGE, LANDSCAPE
D	31,266	0.718	PUE, DRAINAGE, LANDSCAPE
E	22,652	0.520	PUE, DRAINAGE, LANDSCAPE
F	280,436	6.438	PUE, SEWER/EMERGENCY ACCESS EASEMENT, DRAINAGE, LANDSCAPE, & FLOODPLAIN
G	65,781	1.510	PUE, 404 WASH, DRAINAGE, LANDSCAPE, & FLOODPLAIN
H	11,878	0.273	LANDSCAPE, FUTURE REGIONAL TRAIL
I	292	0.005	LANDSCAPE
J	2,214	0.051	LANDSCAPE
K	1,320	0.031	LANDSCAPE
L	876	0.020	LANDSCAPE
M	46,307	1.063	LANDSCAPE, DRAINAGE, 404 WASH, & FLOODPLAIN

LOT TABLE

LOT NUMBER	AREA (SF)	AREA (AC)	LOT NUMBER	AREA (SF)	AREA (AC)	LOT NUMBER	AREA (SF)	AREA (AC)	LOT NUMBER	AREA (SF)	AREA (AC)
1	6598	0.15	22	6265	0.14	43	6621	0.15	64	6378	0.15
2	6575	0.15	23	6095	0.14	44	6542	0.15	65	6339	0.15
3	6325	0.15	24	6095	0.14	45	6362	0.15	66	6542	0.15
4	6332	0.15	25	6095	0.14	46	6241	0.14	67	6378	0.15
5	6095	0.14	26	6095	0.14	47	6241	0.14	68	6274	0.14
6	6873	0.16	27	6095	0.14	48	6241	0.14	69	6274	0.14
7	6212	0.14	28	7353	0.17	49	6241	0.14	70	6274	0.14
8	6095	0.14	29	8316	0.19	50	6241	0.14	71	6274	0.14
9	6203	0.14	30	7816	0.18	51	6223	0.14	72	6274	0.14
10	7073	0.16	31	6095	0.14	52	6095	0.14	73	6274	0.14
11	7794	0.18	32	6095	0.14	53	6095	0.14	74	6847	0.16
12	6618	0.15	33	6095	0.14	54	6095	0.14	75	6360	0.15
13	6095	0.14	34	6095	0.14	55	6095	0.14	76	6360	0.15
14	6095	0.14	35	6180	0.14	56	7361	0.17	77	7561	0.17
15	6095	0.14	36	6202	0.14	57	6222	0.14	78	6670	0.15
16	6171	0.14	37	6202	0.14	58	6222	0.14	79	6095	0.14
17	7931	0.18	38	6202	0.14	59	6222	0.14	80	6663	0.15
18	7614	0.17	39	6202	0.14	60	6222	0.14	81	6211	0.14
19	6095	0.14	40	6210	0.14	61	6222	0.14	82	6752	0.15
20	6310	0.14	41	6168	0.14	62	6222	0.14	83	6752	0.15
21	7249	0.17	42	6465	0.15	63	6223	0.14			

[redacted]

R130060

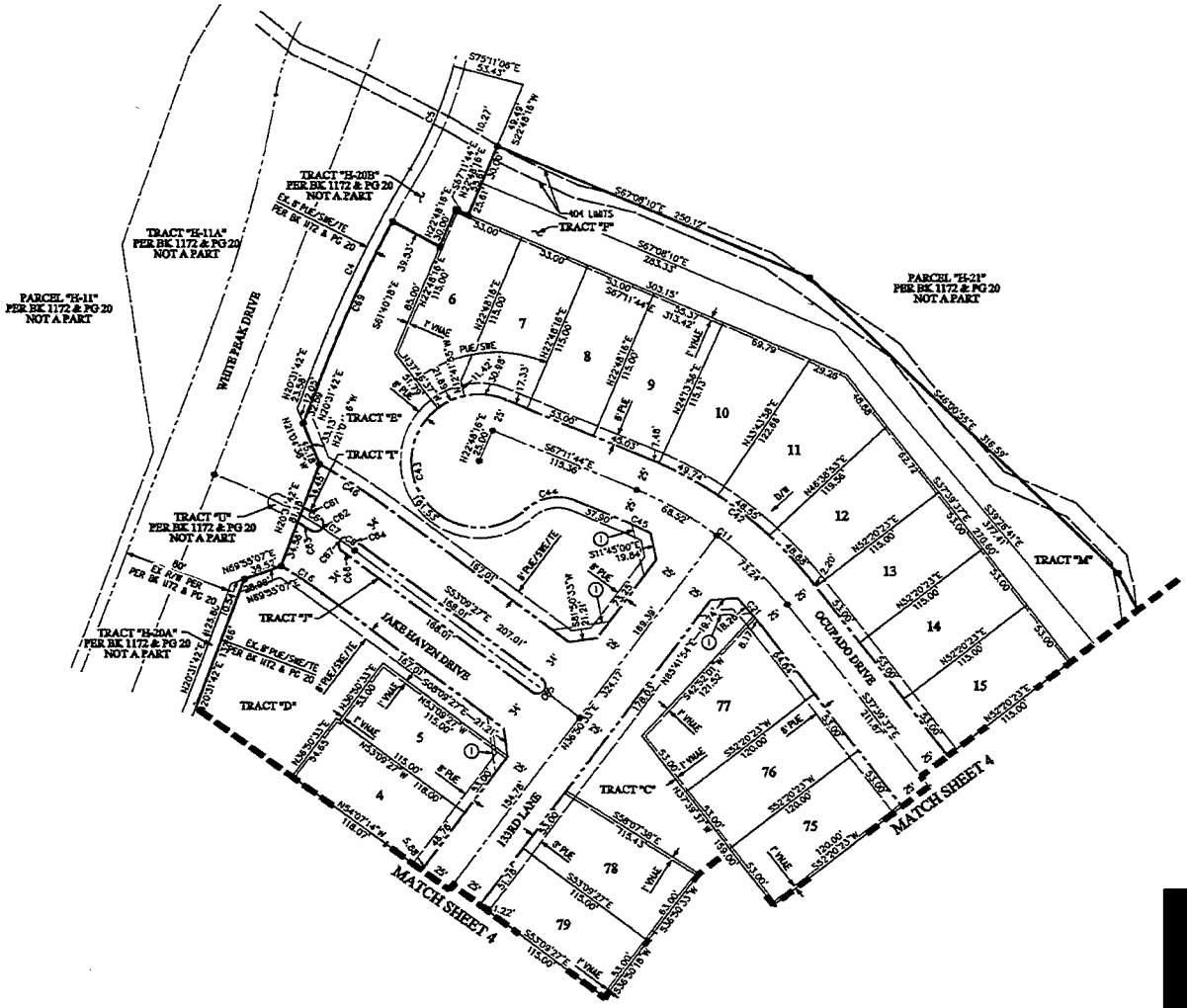
GROSS AREA 28.667 AC.

SHEET 2 OF 6

DATE: 4/30/2014

Hoskin•Ryan Consultants, Inc.
creative engineering solutions
6245 N. 24th Parkway Suite #199
Phoenix, AZ 85016
Office (602) 283-6364 | Fax (602) 282-6366 | www.hoskinryan.com
Land Planning | Hydrology | Land Development | Civil Infrastructure | Surveying

FILE: G:\Projects\1518-007 Vistancia Village B - parcel B2/B4 PPR.dgn



SCALE: 1"=40' HORIZ

R130060

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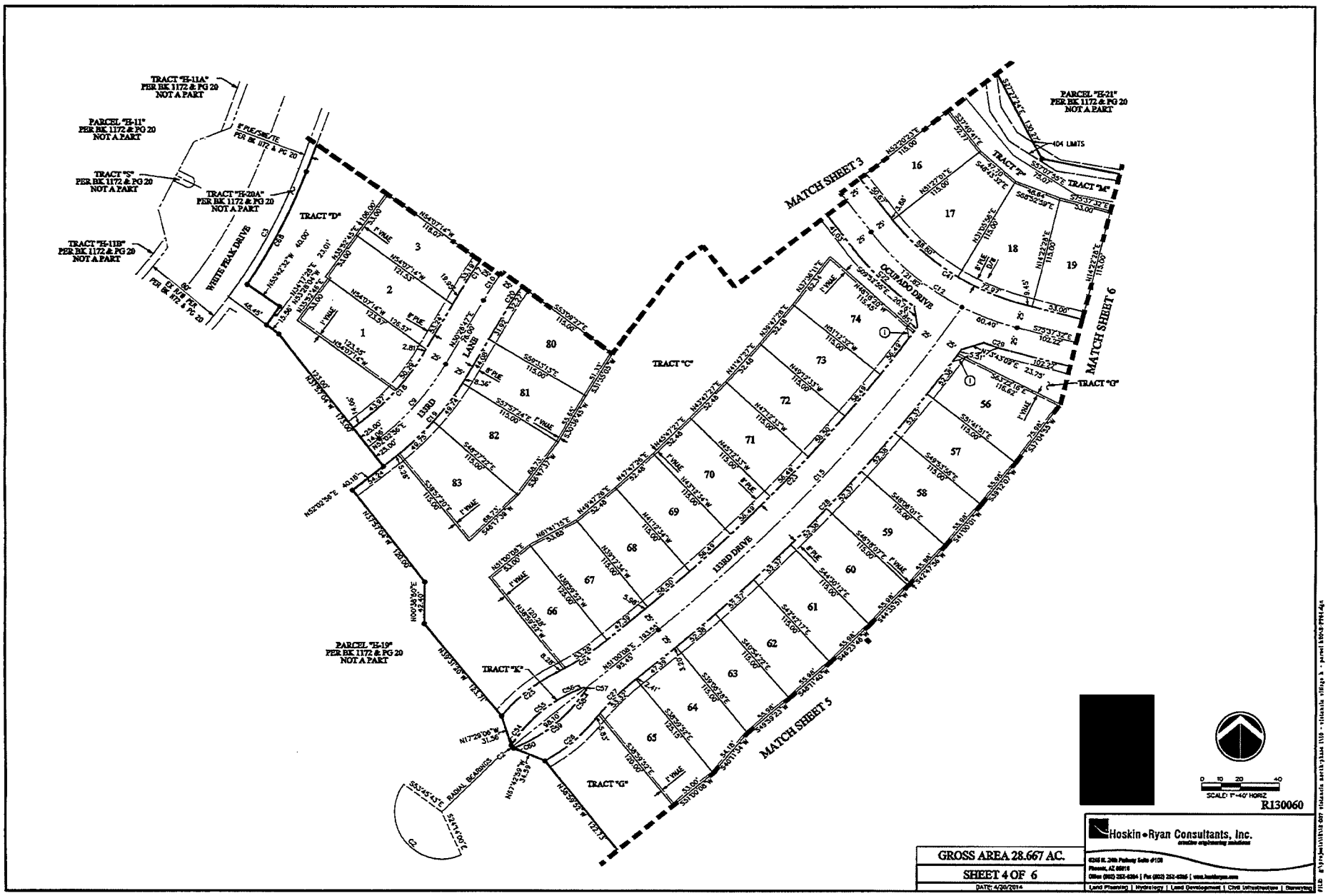
GROSS AREA 28.667 AC.	
SHEET 3 OF 6	
DATE: 4/30/2014	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PARCEL "H-11" PER BK 1172 & PG 20 NOT A PART
TRACT "S" PER BK 1172 & PG 20 NOT A PART
TRACT "H-11B" PER BK 1172 & PG 20 NOT A PART
TRACT "H-20A" PER BK 1172 & PG 20 NOT A PART
PARCEL "H-21" PER BK 1172 & PG 20 NOT A PART
PARCEL "H-19" PER BK 1172 & PG 20 NOT A PART
WHITE PEAK DRIVE
TRACT "D"
TRACT "C"
TRACT "K"
TRACT "G"
TRACT "F"
TRACT "M"
TRACT "O"
MATCH SHEET 3
MATCH SHEET 5
MATCH SHEET 6
OCOTILLO DRIVE
LEIRD LANE
LEIRD DRIVE
404 LMTS
GROSS AREA 28.667 AC.
SHEET 4 OF 6
DATE: 4/30/2014
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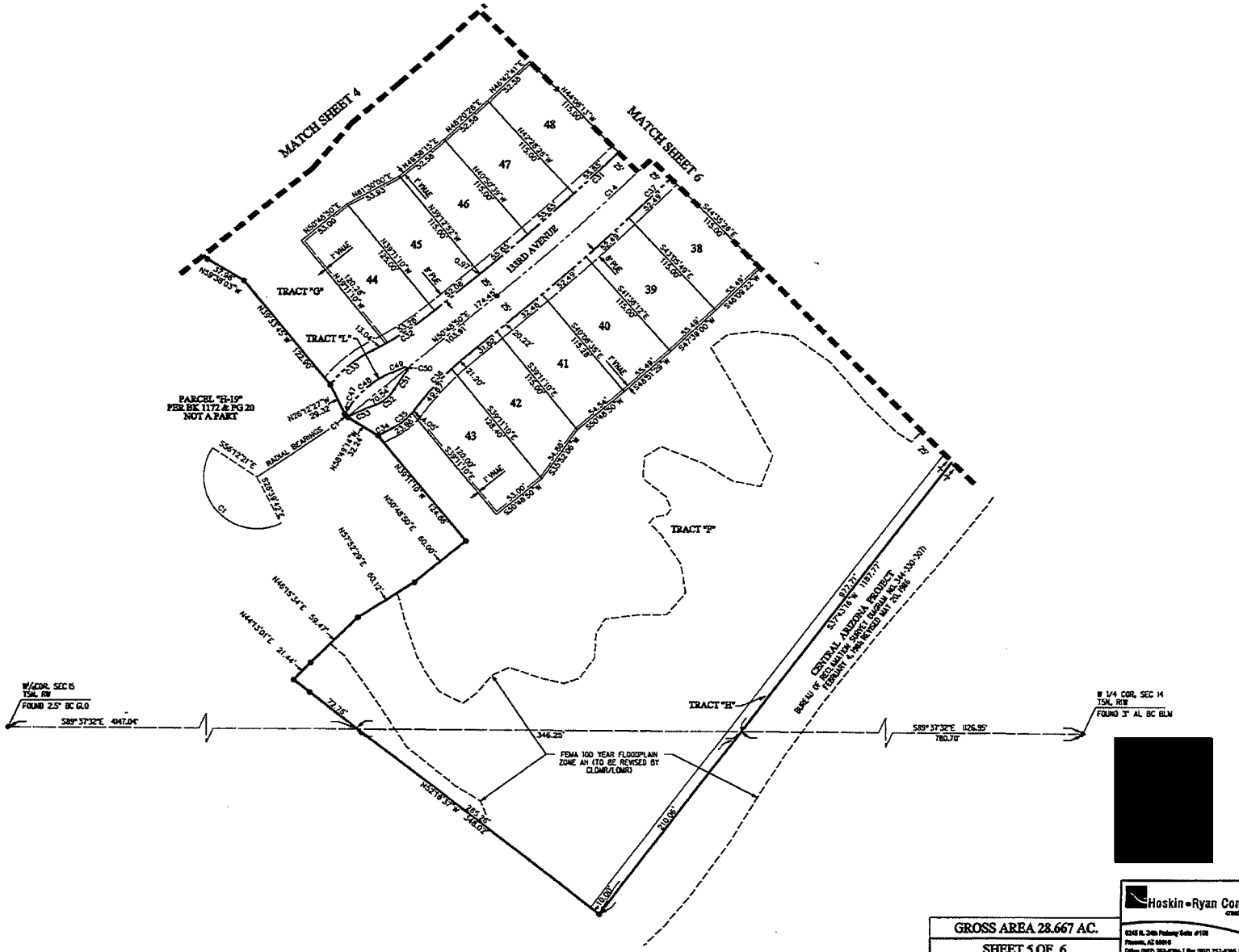
creative engineering solutions
SCALE: 1"=40' HORIZ
R130060



R130060

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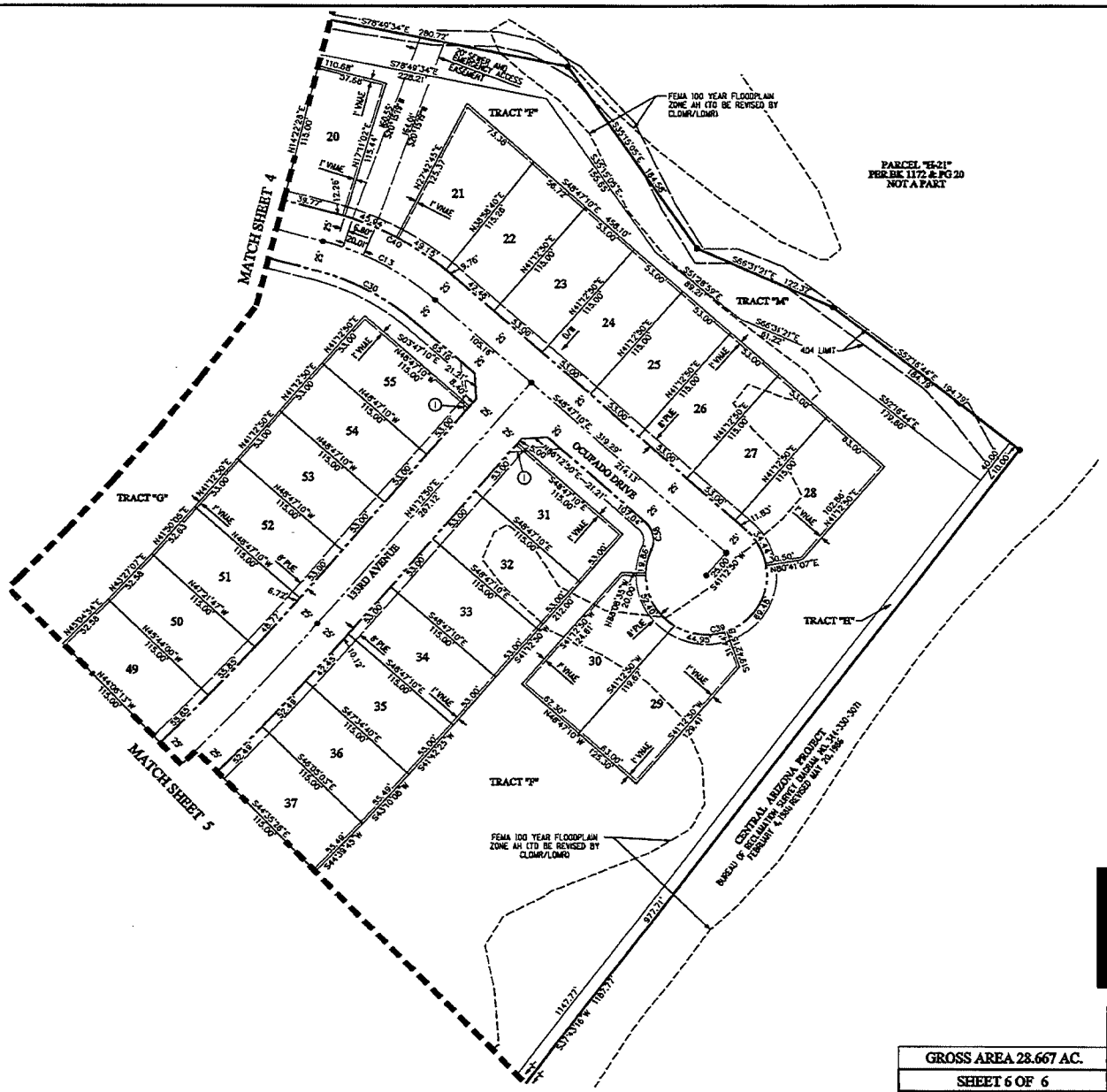
GROSS AREA 28.667 AC.

SHEET 5 OF 6

DATE: 4/30/2014



R130060

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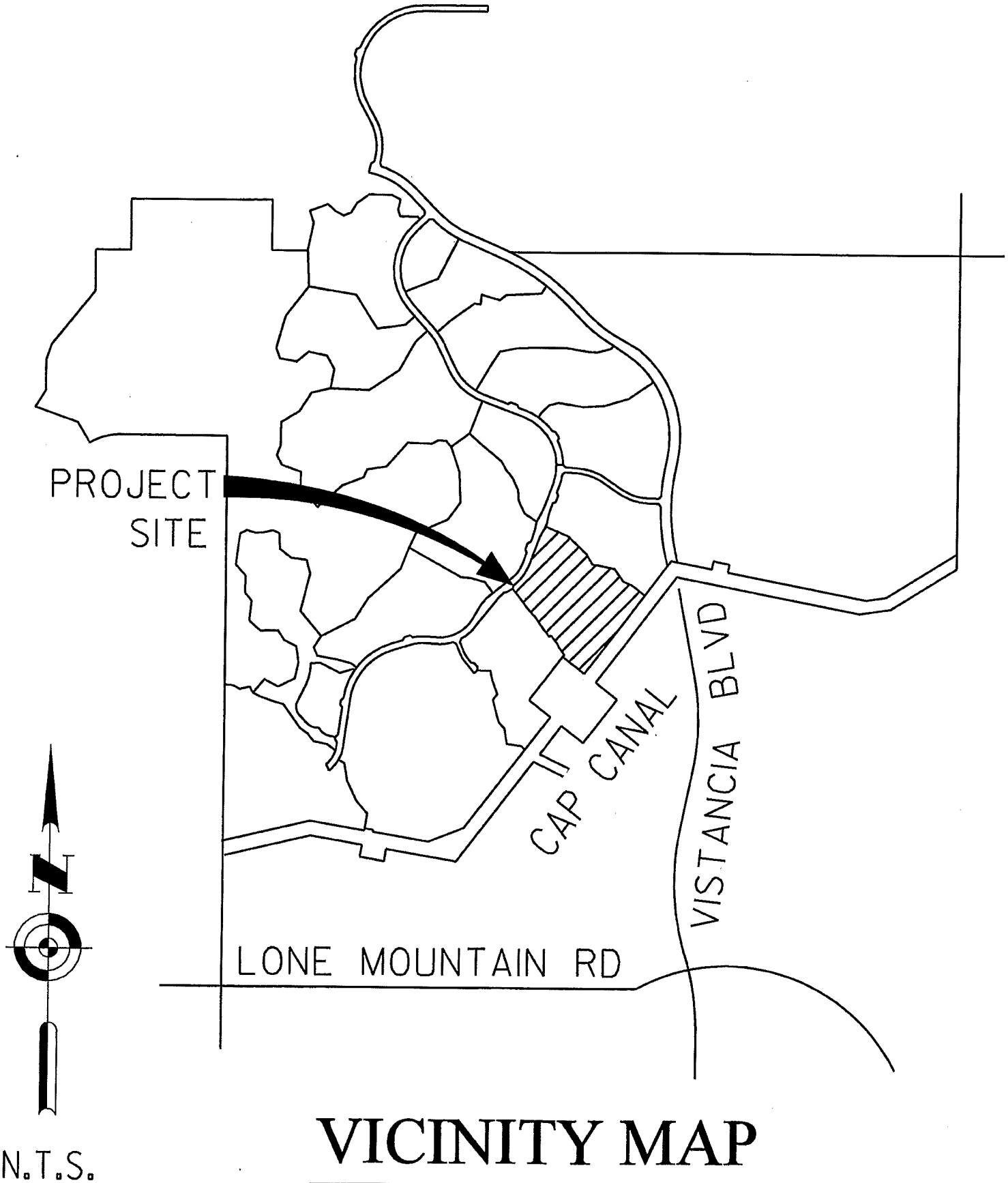
Land Planning | Hydrology | Land Development | Civil Infrastructure | Surveying

GROSS AREA 28.667 AC.

SHEET 6 OF 6

DATE: 4/30/2014



VICINITY MAP

Parcel H-20

Agenda Item: 31C

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Date Prepared: April 24, 2014 **Council Meeting Date: June 17, 2014**

TO: **Carl Swenson, City Manager**

FROM: **Scott Whyte, Economic Development Services Director**

THROUGH: **Susan J. Daluddung, Deputy City Manager**

SUBJECT: **Replat, Tierra Del Rio Parcel 22, 99th Avenue and Jomax Road (Project No. R130041)**

Purpose:

This is a request for City Council to approve a Replat of Tierra Del Rio Parcel 22, located northwest of 99th Avenue and Jomax Road, and authorize the Mayor and City Clerk to sign and record the Replat 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 Replat.

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 Replat.

3. The developer must provide a financial assurance in the amount agreed upon by the City Engineer and an Agreement to Install for construction of the infrastructure improvements in accordance with the City Subdivision Regulations, prior to recordation of the Replat.

4. In the event that the Replat is not recorded within 60 days of Council approval, the Replat will become void. The developer may request re-approval from the City, with the understanding that the City has the option of imposing additional requirements or stipulations.

Background/Summary:

The purpose of the Replat is to plat a subdivision for residential use. This development is within the City's sewer service area and Epcor's water service area. This Replat creates a total of 103

new lots within the Tierra Del Rio Community. All internal roadways are public and will be maintained by the City.

Previous Actions:

In 2007, the City Council approved the Master Replat for Tierra Del Rio (Book 949, Page 13), creating all of the individual parcels and the rights-of-way for the master subdivision. The Replats are necessary to further subdivide each parcel into individual lots, tracts, and internal roadways for development.

The Replat of Tierra Del Rio Parcel 22 is in general conformance with the Land Use Map as depicted in the PAD for Tierra Del Rio approved in 2004.

Options:

A: The Replat has been approved through the Economic Development Services Department. An option would be to not accept the proposed Replat; although it should be noted that not approving the Replat will prevent the Developer from developing this land.

B: The other option would be to formally approve the Replat and allow this parcel to be developed.

Staff's Recommendation:

Staff recommends the approval and subsequent recordation of the attached Replat.

Fiscal Analysis:

There is no direct budgetary impact to the City to approve the Replat.

Narrative:

The acceptance of this Replat by City Council will allow the developer to move forward in developing this property.

Exhibit(s):

Exhibit 1: Replat

Exhibit 2: Vicinity Map

Exhibit 3: Land Use Map

Contact Name and Number:

Jodi Breyfogle, PE: 623-773-7577

REPLAT OF
"TIERRA DEL RIO PARCEL 22"
PEORIA, ARIZONA

A RE-SUBDIVISION OF PARCEL 22 OF TIERRA DEL RIO AS RECORDED IN BOOK 949, PAGE 13, OF MCR ALSO BEING A PORTION OF THE NORTH HALF OF SECTION 32, TOWNSHIP 5 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA

DEDICATION

STATE OF ARIZONA)
) SS
COUNTY OF MARICOPA)

KNOW ALL MEN BY THESE PRESENTS:

THAT TAYLOR MORRISON/ARIZONA, INC., AN ARIZONA CORPORATION, AS OWNER, HAS SUBDIVIDED UNDER THE NAME " TIERRA DEL RIO PARCEL 22", A REPLAT OF PARCEL 22 OF TIERRA DEL RIO AS RECORDED IN BOOK 949, PAGE 13, OF MCR ALSO BEING A PORTION OF THE NORTH HALF OF SECTION 32, TOWNSHIP 5 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, AS SHOWN AND PLATTED HEREON AND HEREBY PUBLISHES THIS REPLAT AS AND FOR THE PLAT OF SAID REPLAT OF "TIERRA DEL RIO PARCEL 22" AND HEREBY DECLARES THAT SAID REPLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF THE STREETS, LOTS, TRACTS AND EASEMENTS CONSTITUTING SAME AND THAT EACH STREET, LOT, TRACT AND EASEMENT SHALL BE KNOWN BY THE NAME, NUMBER OR LETTER GIVEN TO EACH RESPECTIVELY ON SAID REPLAT. TAYLOR MORRISON/ARIZONA, INC., AN ARIZONA CORPORATION, AS OWNER, HEREBY DEDICATES TO THE CITY OF PEORIA, FOR USE AS SUCH, THE STREETS AND EASEMENTS AS SHOWN ON THIS REPLAT.

ALL NOTATIONS AND DEDICATIONS STATED ON OR WITHIN THE RECORDED PLAT OF TIERRA DEL RIO AS RECORDED IN BOOK 949, PAGE 13, MCR SHALL REMAIN IN FULL FORCE AND EFFECT WITH THE RECORDATION OF THIS REPLAT.

TAYLOR MORRISON/ARIZONA, INC., AN ARIZONA CORPORATION, AS OWNER, HEREBY DEDICATE TO THE CITY THE RIGHT-OF-WAY AS SHOWN HEREON, FOR THE USE AS (A) PUBLIC STREETS, AND (B) ANY AND ALL PUBLIC SEWER, WATER, GAS, ELECTRIC AND ANY OTHER UTILITY SERVICES. LANDSCAPING WITHIN THE RIGHT-OF-WAY AND BANK PROTECTION AREA WITHIN THE PUBLIC REGIONAL TRAIL EASEMENT SHALL BE MAINTAINED BY THE HOME OWNERS ASSOCIATION. TAYLOR MORRISON/ARIZONA, INC., HEREBY WARRANTS TO THE CITY THE TITLE TO SAID RIGHT OF WAY AS SHOWN HEREON, AGAINST THE CLAIMS OF ALL PERSONS WHOMSOEVER.

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

TRACTS 'A' THROUGH 'J', INCLUSIVE, SHALL BE RESERVED FOR FUTURE CONVEYANCE TO THE TIERRA DEL RIO NORTH COMMUNITY ASSOCIATION FOR THE PURPOSE OF LANDSCAPE, OPEN SPACE, AND PUBLIC UTILITY EASEMENT.

TRACT 'K' SHALL BE RESERVED FOR FUTURE CONVEYANCE TO THE TIERRA DEL RIO NORTH COMMUNITY ASSOCIATION FOR THE PURPOSE OF BANK PROTECTION AREA, DETENTION, DRAINAGE, LANDSCAPE, OPEN SPACE, PUBLIC UTILITY EASEMENT, SEWER EASEMENT, TRAIL EASEMENT, AND ZONE 'A' FLOODPLAIN.

THE CITY OF PEORIA IS HEREBY GIVEN AN EASEMENT FOR MAINTENANCE OF BANK PROTECTION AREA, LANDSCAPING, RETENTION AND DRAINAGE FACILITIES ON TRACTS ('A' THROUGH 'K', INCLUSIVE). THIS EASEMENT MAY BE EXERCISED BY THE CITY OF PEORIA AT SUCH TIME THAT THE HOMEOWNERS ASSOCIATION FAILS TO EXIST AND PROVIDE THE REQUIRED MAINTENANCE AND OPERATION OF THE BANK PROTECTION AREA, LANDSCAPING, RETENTION AND DRAINAGE FACILITIES. AS LONG AS THE HOMEOWNERS ASSOCIATION IS IN EXISTENCE, IT WILL BE RESPONSIBLE FOR PROVIDING ALL MAINTENANCE OF LANDSCAPING, RETENTION AND DRAINAGE FACILITIES, REGARDLESS OF THE DEDICATION OF THE EASEMENT.

SEWER EASEMENT:
DO HEREBY GRANT TO THE CITY OF PEORIA, AN ARIZONA MUNICIPAL CORPORATION, IN MARICOPA COUNTY, ARIZONA, ITS SUCCESSORS, AND ASSIGNS, A PERMANENT AND PERPETUAL EASEMENT FOR THE FOLLOWING PURPOSES, NAMELY: THE RIGHT TO ENTER UPON FOR CONSTRUCTION, MAINTENANCE, AND REPLACEMENT OF A SEWER LINE OVER, UNDER, AND ACROSS TRACT 'K' SITUATED IN THE COUNTY OF MARICOPA, STATE OF ARIZONA.

TO HAVE AND TO HOLD THE SAID EASEMENT UNTO CITY OF PEORIA, A MUNICIPAL CORPORATION OF MARICOPA COUNTY, ARIZONA AND UNTO ITS SUCCESSORS AND ASSIGNS FOREVER, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS TO PERMIT THE CONSTRUCTION, OPERATION, MAINTENANCE, AND REPLACEMENT OF PUBLIC SEWER LINE, SUBJECT TO NOTES 1, 2, 3 AND 4 BELOW.

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

1. THE SAID EASEMENT TO INCLUDE THE RIGHT TO CUT BACK AND TRIM SUCH PORTION OF THE BRANCHES AND TOPS OF THE TREES NOW GROWING OR THAT MAY HEREAFTER GROW UPON THE ABOVE DESCRIBED PREMISES, AS MAY EXTEND OVER SAID EASEMENT, SO AS TO PREVENT THE SAME FROM INTERFERING WITH THE EFFICIENT MAINTENANCE AND OPERATION OF SAID SEWER LINES.

2. THE CITY OF PEORIA SHALL NOT BE RESPONSIBLE FOR REPLACING ANY LANDSCAPING OR ANY IMPROVEMENT PLACED IN THE EASEMENT BY GRANTOR OR ITS SUCCESSORS OR ASSIGNS, EXCEPT AS NOTED HEREIN.

3. THE CITY OF PEORIA WILL MAKE REASONABLE EFFORTS TO PROMPTLY RESTORE ASPHALTIC CONCRETE PAVEMENT SURFACES.

4. GRANTOR, ITS SUCCESSORS OR ASSIGNS AT ITS SOLE COST, SHALL BE RESPONSIBLE FOR PROMPTLY REPLACING ANY ASPHALT, LANDSCAPING OR ANY IMPROVEMENT PLACED IN THE EASEMENT BY GRANTOR OR ITS SUCCESSORS OR ASSIGNS.

IN THE EVENT THE RIGHT, PRIVILEGE, AND EASEMENT HEREIN GRANTED SHALL BE ABANDONED AND PERMANENTLY CEASE TO BE USED FOR THE PURPOSES HEREIN GRANTED ALL RIGHTS HEREIN GRANTED SHALL CEASE AND REVERT TO THE GRANTORS, THEIR HEIRS OR ASSIGNS.

OWNERS AGREEMENT:
IT IS AGREED THAT BY THE COMPLETION OF CONSTRUCTION ALL LOTS WILL BE ACCURATELY STAKED AND MARKED WITH PERMANENT MARKERS, AS DESIGNATED ON THIS PLAT AND A CERTIFICATION FILED WITH MARICOPA COUNTY BY AN ARIZONA REGISTERED LAND SURVEYOR CERTIFYING SUCH LOTS ARE ACCURATELY STAKED AND MARKED WITH THE LAND SURVEYORS REGISTRATION NUMBER, AND DESCRIBING THE TYPE OF MARKERS USED.

IN WITNESS WHEREOF:
TAYLOR MORRISON/ARIZONA, INC., AS OWNER, HAS HEREUNTO CAUSED ITS NAME TO BE AFFIXED AND THE SAME TO BE ATTESTED TO BY THE SIGNATURES OF THE UNDERSIGNED MEMBER REPRESENTATIVES DULY AUTHORIZED THIS _____ DAY OF _____, 2014.

TAYLOR MORRISON/ARIZONA, INC., AN ARIZONA CORPORATION

BY: __________

ITS: __________

ACKNOWLEDGMENT

STATE OF ARIZONA)
) SS
COUNTY OF MARICOPA)

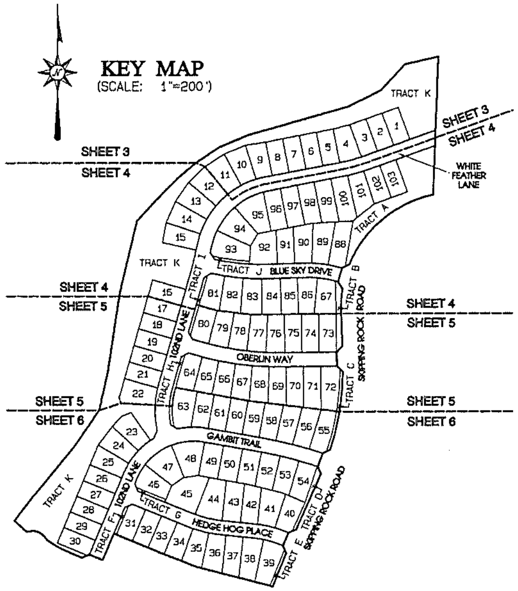
BEFORE ME THIS _____ DAY OF _____, 2014, _____ PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, WHO ACKNOWLEDGED HIMSELF/HERSELF TO BE THE _____ OF TAYLOR MORRISON/ARIZONA, AN ARIZONA CORPORATION, AS OWNER, AND ACKNOWLEDGED THAT HE/SHE IS DULY AUTHORIZED, AS AN OFFICER FOR TAYLOR MORRISON/ARIZONA, AN ARIZONA CORPORATION, EXECUTED THIS INSTRUMENT FOR THE PURPOSES HEREIN CONTAINED.

IN WITNESS WHEREOF, I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC __________

MY COMMISSION EXPIRES: __________

KEY MAP
(SCALE: 1"=200')



APPROVALS

APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA.

THIS DAY _____ OF _____, 2014

APPROVED BY: __________ DATE: _____
MAYOR

ATTESTED BY: __________ DATE: _____
CLERK

APPROVED BY: __________ DATE: _____
CITY ENGINEER

CERTIFICATE OF ASSURED WATER SUPPLY

REPLAT OF "TIERRA DEL RIO PARCEL 22" IS WITHIN THE SERVICE AREA OF EPCOR WATER ARIZONA, INC. AND HAS BEEN GRANTED A CERTIFICATE OF ASSURED WATER SUPPLY FROM THE ARIZONA DEPARTMENT OF WATER RESOURCES.

EPCOR WATER ARIZONA, INC. __________ DATE _____

TIERRA DEL RIO NORTH RATIFICATION AND CONSENT

THE UNDERSIGNED HEREBY RATIFIES AND CONSENTS TO THIS PLAT, INCLUDING ITS MAINTENANCE OBLIGATIONS AS SET FORTH HEREIN.

TIERRA DEL RIO NORTH COMMUNITY ASSOCIATION, AN ARIZONA NON-PROFIT CORPORATION

BY: __________

ITS: __________

ACKNOWLEDGMENT

STATE OF ARIZONA)
) SS
COUNTY OF MARICOPA)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, THIS THE _____ DAY OF _____, 2014, BY _____ THE _____ OF TIERRA DEL RIO NORTH COMMUNITY ASSOCIATION, AN ARIZONA NON-PROFIT CORPORATION, FOR AND ON BEHALF THEREOF.

IN WITNESS WHEREOF, I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC: __________

MY COMMISSION EXPIRES: __________

SURVEYOR'S STATEMENT

I, LANCE C. DICKSON, HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF ARIZONA, THAT THIS MAP, CORRECTLY REPRESENTS A BOUNDARY SURVEY MADE UNDER MY SUPERVISION DURING THE MONTH OF AUGUST 2012 THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN, MEETS THE MINIMUM STANDARDS FOR ARIZONA LAND BOUNDARY SURVEYS, ALL MONUMENTS SHOWN ACTUALLY EXIST AS SHOWN, THEIR POSITIONS ARE CORRECTLY SHOWN AND THAT SAID MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

[redacted]

BY:
LANCE C. DICKSON, R.L.S. #46643
ARIZONA SURVEYING AND MAPPING
2411 W. NORTHERN, SUITE 110
PHOENIX, ARIZONA 85021
(602) 246-9919

I, JOHN N. ROGERS, HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF ARIZONA, DO HEREBY DECLARE THAT THE INTERNAL LOT AND TRACT LINES, EASEMENTS, RIGHTS-OF-WAY, AND OTHER CALCULATIONS OTHER THAN PROPERTY BOUNDARY, WERE PROPERLY PREPARED UNDER MY PERSONAL SUPERVISION IN ACCORDANCE WITH THE PLATTING RULES AND REGULATIONS OF THE STATE OF ARIZONA AND THE CITY OF PEORIA.

[redacted]

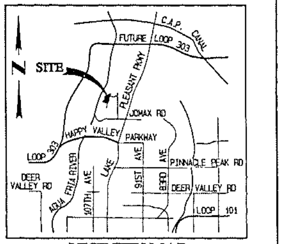
BY:
JOHN N. ROGERS, R.L.S. #54332
GOODWIN AND MARSHALL, INC.
6909 W. RAY ROAD #15
CHANDLER, ARIZONA 85226
(602) 218-7285

EXPIRES 3/31/2016

NOTE:
A.R.S. 32-151 STATES THAT THE USE OF THE WORD "CERTIFY" OR "CERTIFICATE" IS AN EXPRESSION OF PROFESSIONAL OPINION REGARDING THE FACTS OF THE SURVEY AND DOES NOT CONSTITUTE A GUARANTEE, EXPRESS OR IMPLIED.

OWNER / DEVELOPER:

taylor morrison
Homes Inspired By You
9000 EAST PIMA CENTER, STE. 350, SCOTTSDALE, ARIZONA (480) 346-1723



VICINITY MAP
N.T.S.

BASIS OF BEARINGS

SOUTH 87°52'47" EAST ALONG THE NORTH LINE OF NORTHEAST QUARTER OF SECTION 32, T5N, R1E, G&SRB&M AS MEASURED BETWEEN THE MONUMENTS SHOWN HEREON AND ALSO SHOWN ON THE FINAL PLAT FOR TIERRA DEL RIO BK. 949, PG. 13, MCR.

FLOOD PLAIN

ACCORDING TO FLOOD INSURANCE RATE MAP (FIRM) PANEL 04013C1235 L, DATED OCTOBER 16, 2013 MODIFIED BY LOMR CASE NO. 13-09-0216P EFFECTIVE SEPTEMBER 27, 2013. THIS SUBDIVISION IS LOCATED IN FLOOD INSURANCE ZONE 'X' (SHADED) BEING DEFINED AS AREAS OF 0.2% ANNUAL CHANCE FLOOD, AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE, AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD AND THIS SUBDIVISION IS LOCATED IN FLOOD INSURANCE ZONE 'A' BEING DEFINED AS AREAS OF 1% ANNUAL CHANCE FLOOD WITH NO BASE FLOOD ELEVATIONS DETERMINED.

SHEET INDEX

SHEET 1	COVER SHEET
SHEET 2	DETAILS, DEVELOPMENT STANDARDS, NOTES, LEGEND, LEGAL DESCRIPTION, LOT TABLE, TRACT TABLE, STREET DEDICATION TABLE, LINE AND CURVE TABLES
SHEET 3 - 6	FINAL PLAT

UTILITY COMPANIES

WATER	EPCOR WATER ARIZONA, INC.
SEWER	CITY OF PEORIA
ELEC.	ARIZONA PUBLIC SERVICE
GAS	SOUTHWEST GAS
TELEPHONE	CENTURYLINK
CABLE TV.	COX COMMUNICATIONS
POLICE	CITY OF PEORIA
FIRE	CITY OF PEORIA
SCHOOL DISTRICT	PEORIA UNIFIED SCHOOL DISTRICT
WASTE DISPOSAL	PARADISE WASTE

ASSURED WATER SUPPLY

THE SUBDIVISION IS LOCATED WITHIN THE EPCOR WATER ARIZONA, INC. SERVICE AREA AND HAS BEEN DESIGNATED AS HAVING A 100 - YEAR ASSURED WATER SUPPLY.

ZONING

PAD

LEGAL DESCRIPTION

SEE SHEET 2

NO. R130041

COUNTY RECORDER

PREPARED BY:
GOODWIN & MARSHALL
CIVIL ENGINEERS – PLANNERS – SURVEYORS
6909 West Ray Road, Suite 15
Chandler, Arizona 85226
(602) 218-7285

SURVEYED BY:
ASM Arizona Surveying & Mapping
2411 W. Northern, Suite 110
Phoenix, Arizona 85021
(602) 246-9919

W:\10504A - TDR_TM\COGO\FPLAT_TDR P20-P21-P22.pro Plotted: Mon Mar 17 12:08:12 2014

LEGAL DESCRIPTION

All that certain lot, tract, or parcel of land, situated in a portion of the North half of Section 32, Township 5 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being all of Parcel 22 of Tierra Del Rio recorded in Book 949, Page 13, Maricopa County Records (MCR), and being more completely described as follows, to-wit:

COMMENCING at a found Maricopa County 2" aluminum cap stamped "1/4-S29, 1/4-S32, 2001, RLS# 29891" for the North Quarter corner of Section 32, from which the calculated position of the Northeast corner of Section 32 per Book 949, Page 13, MCR bears South 87 deg. 52 min. 47 sec. East (Basis of Bearings) - 2624.17 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 1206.27 feet to a found 1/2" capped rebar stamped "RLS 46643" for the Northwest corner of Tierra Del Rio, Parcel 23 recorded in Book 1153, Page 30, MCR, same being the Northeast corner Parcel 19 of said Book 949, Page 13, MCR,

THENCE South 02 deg. 11 min. 15 sec. West along the West line of said Parcel 23 and the East line of said Parcel 19, a distance of 246.83 feet to the most northerly Southeast corner of said Parcel 19 and the most northerly corner of said Parcel 22, said point being the TRUE POINT OF BEGINNING,

THENCE South 02 deg. 11 min. 15 sec. West along the West line of said Parcel 23 and the East line of said Parcel 22, a distance of 486.01 feet to the North right-of-way line of Yellow Bird Lane (60' R/W) recorded in said Book 949, Page 13, MCR, said point being a Point of Curvature of a non-tangent circular curve to the left, having a radius of 405.00 feet, a central angle of 56 deg. 11 min. 43 sec., and being subtended by a chord which bears South 50 deg. 21 min. 34 sec. West - 381.49 feet,

THENCE in a southerly direction along the North right-of-way line of said Yellow Bird Lane, the West right-of-way line of Skipping Rock Road (60' R/W) recorded in said Book 949, Page 13, MCR, and the East line of said Parcel 22 the following nineteen (19) courses,

Continue in a southwesterly direction along said curve to the left, a distance of 397.22 feet,

South 63 deg. 25 min. 58 sec. West non-tangent to said curve, a distance of 29.45 feet,

South 15 deg. 53 min. 35 sec. West, a distance of 50.00 feet,

South 31 deg. 31 min. 16 sec. East, a distance of 29.51 feet, said point being a Point of Curvature of a non-tangent circular curve to the left, having a radius of 405.00 feet, a central angle of 11 deg. 16 min. 37 sec., and being subtended by a chord which bears South 03 deg. 53 min. 09 sec. West - 79.58 feet,

Continue in a southerly direction along said curve to the left, a distance of 79.71 feet,

South 01 deg. 45 min. 10 sec. East tangent to said curve, a distance of 121.79 feet,

South 43 deg. 51 min. 05 sec. West, a distance of 27.98 feet,

South 01 deg. 23 min. 27 sec. East, a distance of 50.01 feet,

South 45 deg. 06 min. 04 sec. East, a distance of 28.06 feet to a Point of Curvature of a non-tangent circular curve to the right, having a radius of 940.00 feet, a central angle of 16 deg. 58 min. 54 sec., and being subtended by a chord which bears South 09 deg. 26 min. 33 sec. West - 277.58 feet,

Continue in a southerly direction along said curve to the right, a distance of 278.60 feet,

South 63 deg. 50 min. 34 sec. West non-tangent to said curve, a distance of 28.14 feet,

South 20 deg. 40 min. 34 sec. West, a distance of 50.03 feet,

South 24 deg. 02 min. 58 sec. East, a distance of 27.35 feet to a Point of Curvature of a non-tangent circular curve to the right, having a radius of 940.00 feet, a central angle of 0 deg. 20 min. 38 sec., and being subtended by a chord which bears South 23 deg. 35 min. 31 sec. West - 5.64 feet,

Continue in a southwesterly direction along said curve to the right, a distance of 5.64 feet,

South 23 deg. 45 min. 50 sec. West tangent to said curve, a distance of 210.75 feet,

South 67 deg. 51 min. 24 sec. West, a distance of 28.73 feet,

South 22 deg. 26 min. 12 sec. West, a distance of 50.00 feet,

South 23 deg. 05 min. 01 sec. East, a distance of 28.30 feet,

South 21 deg. 53 min. 02 sec. West, a distance of 127.74 feet to the most southerly Southeast corner of said Parcel 22,

THENCE in a westerly direction departing said West right-of-way line and continuing along the South line of said Parcel 22 the following fourteen (14) courses,

North 66 deg. 17 min. 47 sec. West, a distance of 10.01 feet,

North 75 deg. 22 min. 30 sec. West, a distance of 206.57 feet,

North 75 deg. 24 min. 01 sec. West, a distance of 59.98 feet,

North 67 deg. 23 min. 37 sec. West, a distance of 60.00 feet,

North 69 deg. 07 min. 11 sec. West, a distance of 60.03 feet,

North 67 deg. 23 min. 37 sec. West, a distance of 190.00 feet,

South 22 deg. 36 min. 23 sec. West, a distance of 101.00 feet,

North 67 deg. 23 min. 37 sec. West, a distance of 50.00 feet,

South 67 deg. 36 min. 23 sec. West, a distance of 28.28 feet,

North 67 deg. 23 min. 37 sec. West, a distance of 49.43 feet to a Point of Curvature of a circular curve to the right, having a radius of 375.00 feet, a central angle of 12 deg. 14 min. 27 sec., and being subtended by a chord which bears North 61 deg. 16 min. 24 sec. West - 79.96 feet,

Continue in a northwesterly direction along said curve to the right, a distance of 80.12 feet to a Point of Curvature of a compound circular curve to the right, having a radius of 55.00 feet, a central angle of 20 deg. 04 min. 11 sec., and being subtended by a chord which bears North 45 deg. 07 min. 05 sec. West - 19.17 feet,

Continue in a northwesterly direction along said curve to the right, a distance of 19.27 feet to a Point of Curvature of a reverse circular curve to the left, having a radius of 55.00 feet, a central angle of 75 deg. 30 min. 30 sec., and being subtended by a chord which bears North 72 deg. 50 min. 14 sec. West - 67.35 feet,

Continue in a northwesterly direction along said curve to the left, a distance of 72.48 feet,

North 46 deg. 51 min. 09 sec. West, a distance of 57.93 feet to the Southwest corner of said Parcel 22, said point being in the East line of said Parcel 19,

LEGAL DESCRIPTION CONT.

THENCE in a northerly direction along the West line of said Parcel 22 and the East line of said Parcel 19 the following sixteen (16) courses,

North 36 deg. 38 min. 21 sec. East, a distance of 92.07 feet,

North 39 deg. 23 min. 35 sec. East, a distance of 240.80 feet,

North 34 deg. 21 min. 10 sec. East, a distance of 157.98 feet,

North 12 deg. 56 min. 58 sec. East, a distance of 136.28 feet,

North 08 deg. 43 min. 46 sec. East, a distance of 283.21 feet,

North 13 deg. 33 min. 37 sec. East, a distance of 258.58 feet,

North 43 deg. 06 min. 35 sec. East, a distance of 93.56 feet,

North 44 deg. 41 min. 53 sec. East, a distance of 115.45 feet,

North 49 deg. 12 min. 17 sec. East, a distance of 80.12 feet,

North 56 deg. 07 min. 27 sec. East, a distance of 99.49 feet,

North 67 deg. 26 min. 25 sec. East, a distance of 110.55 feet,

North 74 deg. 04 min. 21 sec. East, a distance of 199.65 feet,

North 73 deg. 56 min. 51 sec. East, a distance of 161.51 feet,

North 63 deg. 26 min. 53 sec. East, a distance of 128.92 feet,

North 42 deg. 51 min. 43 sec. East, a distance of 124.45 feet,

North 77 deg. 10 min. 03 sec. East, a distance of 118.87 feet to the POINT OF BEGINNING, containing 1,343,623 square feet or 30.845 acres of land.

NOTES

1. THE SUBDIVISION IS SUBJECT TO MAINTENANCE IMPROVEMENT DISTRICT (MID) #1148, STREET LIGHT IMPROVEMENT DISTRICT (SLID) #1064.

2. NO CONSTRUCTION OF ANY KIND SHALL BE CONSTRUCTED OR PLACED WITHIN THE UTILITY EASEMENTS, EXCEPT UTILITIES, WOOD, WIRE, OR REMOVABLE SECTION TYPE FENCING, AND/OR PAVING, NOR ANY PLANTING EXCEPT GRASS. IT SHALL BE FURTHER UNDERSTOOD THAT THE CITY OF PEORIA SHALL NOT BE REQUIRED TO, REPLACE ANY OBSTRUCTION OR PLANTING THAT MUST BE REMOVED DURING THE COURSE OF MAINTENANCE, CONSTRUCTION OR RECONSTRUCTION.

3. ALL NEW AND EXISTING UTILITY, ELECTRICAL FACILITIES LESS THAN 69 KVA, CABLE T.V., TELECOMMUNICATIONS FIBER OPTICS, CELLULAR, GAS, ETC. SHALL BE INSTALLED UNDERGROUND AS PART OF THE STREET IMPROVEMENTS.

4. MAINTENANCE OF SURFACE AND UNDERGROUND DRAINAGE FACILITIES WITHIN ALL TRACTS, EASEMENTS, RIGHTS-OF-WAY, AND BANK PROTECTION AREA WITHIN TRACT K SHALL BE THE RESPONSIBILITY OF THE HOMEOWNERS ASSOCIATION.

5. ALL LOT CORNERS SHALL BE MONUMENTED WITH 1/2" REBAR AND CAPPED OR TAGGED BEARING THE REGISTRATION NUMBER OF THE SURVEYOR RESPONSIBLE FOR THEIR PLACEMENT.

6. SIGNS, FENCES, WALLS, UTILITY BOXES, STRUCTURES, SHRUBS, HEDGES OR OTHER PLANTS EXCLUDING TREES OVER 30 INCHES IN HEIGHT SHALL NOT BE PERMITTED WITHIN VIEW EASEMENTS OR THE SIGHT DISTANCE TRIANGLES. NO LIMBS, LEAVES, NEEDLES OR OTHER FOLIAGE ABOVE 30 INCHES IN HEIGHT OR BELOW 84 INCHES ARE PERMITTED. TREES ARE TO BE PLANTED SO AS NOT TO OBSTRUCT 20% OF THE VISIBILITY WHEN COMBINED WITH OTHER OBSTRUCTIONS.

7. THIS SUBDIVISION IS LOCATED WITHIN THE EPCOR WATER ARIZONA, INC. WATER SERVICE AREA AND HAS BEEN DESIGNATED AS HAVING A 100-YEAR ASSURED WATER SUPPLY.

8. THIS SUBDIVISION IS LOCATED WITHIN THE CITY OF PEORIA SEWER SERVICE AREA.

9. THIS SUBDIVISION IS LOCATED WITHIN THE VICINITY OF A MILITARY AIRPORT.

10. THIS SUBDIVISION IS LOCATED IN THE VICINITY OF A DESIGNATED TRUCK ROUTE. JOMAX ROAD IS DESIGNATED AS A TRUCK ROUTE BY THE CITY OF PEORIA.

11. THIS SUBDIVISION IS LOCATED IN THE VICINITY OF A ROCK QUARRY (GRAVEL OPERATION).

12. NO STRUCTURE OF ANY KIND BE CONSTRUCTED OR ANY VEGETATION BE PLANTED NOR BE ALLOWED TO GROW WITHIN THE DRAINAGE EASEMENT OR TRACT WHICH WOULD IMPEDE THE FLOW OF WATER OVER, UNDER, OR THROUGH THE EASEMENT OR TRACT.

13. TIERRA DEL RIO NORTH COMMUNITY ASSOCIATION HAS BEEN FORMED AND HAS THE RESPONSIBILITY FOR MAINTAINING ALL COMMON AREAS TO BE NOTED AS "TRACTS" OR EASEMENTS (INCLUDING LANDSCAPED AREAS, DRAINAGE FACILITIES, AND BANK PROTECTION AREA) IN ACCORDANCE WITH APPROVED PLANS.

14. LOTS AT T-INTERSECTIONS WILL REQUIRE DRIVEWAY SET IN LINE WITH ONCOMING TRAFFIC, TO INCLUDE LOTS 18, 19, 26, AND 47.

STREET DEDICATION TABLE

STREET NAME	STREET TYPE	AREA (SQ. FT.)
WHITE FEATHER LANE	LOCAL RESIDENTIAL	46474
102ND LANE	LOCAL RESIDENTIAL	65955
BLUE SKY DRIVE	LOCAL RESIDENTIAL	22328
OBERLIN WAY	LOCAL RESIDENTIAL	25796
GAMBIT TRAIL	LOCAL RESIDENTIAL	25145
HEDGE HOG PLACE	LOCAL RESIDENTIAL	27497
213,195 TOTAL AREA OF STREET DEDICATION (SQ. FT.)		

LOT SUMMARY TABLE

LOT	(SQ. FT.)	LOT	(SQ. FT.)
1	7205	53	8002
2	7205	54	8392
3	7205	55	8850
4	8321	56	8843
5	7200	57	8263
6	7200	58	7837
7	7200	59	7306
8	7200	60	7200
9	7883	61	7200
10	8488	62	7314
11	8488	63	9804
12	8488	64	7715
13	8488	65	7541
14	8488	66	7425
15	8069	67	7556
16	7200	68	7798
17	7200	69	8089
18	7200	70	8304
19	7200	71	8909
20	7200	72	9615
21	7201	73	8128
22	9095	74	8051
23	8684	75	8051
24	8520	76	8293
25	7994	77	8165
26	7200	78	7963
27	7200	79	7559
28	7200	80	8027
29	7200	81	7928
30	7183	82	8672
31	7254	83	8811
32	7304	84	8446
33	7304	85	7660
34	7528	86	7935
35	8107	87	8572
36	8773	88	9720
37	8401	89	9882
38	9616	90	8723
39	10214	91	7485
40	8167	92	10008
41	9587	93	10029
42	8120	94	9731
43	9081	95	10484
44	11165	96	8354
45	13110	97	8366
46	8484	98	8426
47	10144	99	8858
48	10357	100	9542
49	8055	101	8671
50	8055	102	7360
51	8001	103	7200
52	7898	TOTAL	852,804

LINE TABLE

LINE	BEARING	DISTANCE
L1	S63°25'58"W	29.45'
L2	S15°53'35"W	50.00'
L3	S31°31'16"E	29.51'
L4	S43°51'05"W	27.98'
L5	S01°23'27"E	50.01'
L6	S45°06'04"E	28.06'
L7	S63°50'34"W	28.14'
L8	S20°40'34"W	50.03'
L9	S24°02'58"E	27.35'
L10	S67°51'24"W	28.73'
L11	S22°26'12"W	50.00'
L12	S23°05'01"E	28.30'
L13	N67°23'37"W	50.00'
L14	S67°36'23"W	28.28'
L15	N67°23'37"W	49.43'
L16	N73°58'53"W	3.55'
L17	N73°58'53"W	52.83'
L18	N73°58'53"W	3.66'
L19	N13°03'24"E	27.57'
L20	N31°57'30"W	28.28'
L21	N59°32'25"E	29.00'
L22	N28°59'30"W	28.28'
L23	N61°00'30"E	28.28'
L24	N73°59'30"W	34.45'
L25	N73°59'30"W	34.45'
L26	N58°30'01"W	27.88'
L27	N23°10'31"E	31.82'
L28	N22°36'23"E	19.08'
L29	N22°23'37"W	28.28'
L30	N67°36'23"E	28.28'
L31	N68°03'03"W	22.78'
L32	N68°03'03"W	72.33'
L33	N68°03'03"W	22.36'

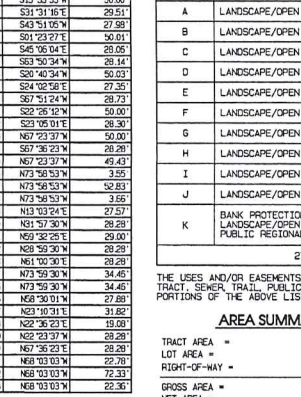
TRACT SUMMARY TABLE

TRACT	LAND USE	AREA (SQ. FT.)
A	LANDSCAPE/OPEN SPACE/PUBLIC UTILITY EASEMENT	33,647
B	LANDSCAPE/OPEN SPACE/PUBLIC UTILITY EASEMENT	4,422
C	LANDSCAPE/OPEN SPACE/PUBLIC UTILITY EASEMENT	2,868
D	LANDSCAPE/OPEN SPACE/PUBLIC UTILITY EASEMENT	3,014
E	LANDSCAPE/OPEN SPACE/PUBLIC UTILITY EASEMENT	1,326
F	LANDSCAPE/OPEN SPACE/PUBLIC UTILITY EASEMENT	1,067
G	LANDSCAPE/OPEN SPACE/PUBLIC UTILITY EASEMENT	1,070
H	LANDSCAPE/OPEN SPACE/PUBLIC UTILITY EASEMENT	2,497
I	LANDSCAPE/OPEN SPACE/PUBLIC UTILITY EASEMENT	2,100
J	LANDSCAPE/OPEN SPACE/PUBLIC UTILITY EASEMENT	1,268
K	BANK PROTECTION AREA/DETENTION/DRAINAGE/ZONE "A" FLOODPLAIN/ LANDSCAPE/OPEN SPACE/PUBLIC UTILITY EASEMENT/SEWER EASEMENT/ PUBLIC REGIONAL TRAIL EASEMENT	224,344
277,264 TOTAL AREA OF TRACTS (SQ. FT.)		

THE USES AND/OR EASEMENTS SHOWN IN THIS TRACT TABLE ARE BLANKET AND COVER THE ENTIRE TRACT. SEWER, TRAIL, PUBLIC UTILITY EASEMENTS, AND ZONE "A" FLOODPLAIN AFFECT ONLY PORTIONS OF THE ABOVE LISTED TRACTS AND ARE AS SHOWN ON THE VARIOUS PLAT SHEETS.

AREA SUMMARY

TRACT AREA =	277,624 SQ. FT.
LOT AREA =	852,804 SQ. FT.
RIGHT-OF-WAY =	213,195 SQ. FT.
GROSS AREA =	1,343,623 SQ. FT.
NET AREA =	1,130,428 SQ. FT.



TYPICAL LOT DETAIL

N.T.S.

* KEY LOT CLIPS ARE NOT REQUIRED WITH (10' TYPICAL) SIDE TRACT

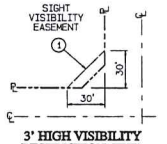
LEGEND

●	FOUND MONUMENT AS NOTED
•	SET CORNER OF THIS PLAT PER MAG. STD. DTL. 120-1 TYPE "C"
⊙	SET BRASS CAP FLUSH PER MAG STD. DTL. 120-1 TYPE "B"
DW	PERMITTED DRIVEWAY SIDE OF LOT
VNAE	VEHICULAR NON-ACCESS EASEMENT
PUE	PUBLIC UTILITY EASEMENT
R/W	RIGHT-OF-WAY
(M)	MEASURED
(R)	RECORD PLAT OF TIERRA DEL RIO RECORDED IN BOOK 949, PAGE 13, MCR
MCR	MARICOPA COUNTY RECORDS
FND	FOUND
BK	BOOK
PG	PAGE
	PLAT BOUNDARY
	RIGHT-OF-WAY LINE
	EASEMENT LINE
	SECTION LINE
	CENTER LINE
	MATCH LINE

NOTE:
SEE CIVIL PLANS FOR PLAT BOUNDARY AND CENTERLINE MONUMENTATION TO BE INSTALLED PER MAG 120-1 STANDARDS.

CURVE TABLE

CURVE	RADIUS	ARC	DELTA	CHORD BEARING	CHORD
C1	405.00'	79.71'	11°16'37"	S03°53'09"W	79.58'
C2	940.00'	5.64'	0°20'38"	S23°35'31"W	5.64'
C3	375.00'	80.12'	12°14'27"	N61°16'24"W	79.96'
C4	55.00'	19.27'	20°04'11"	N45°07'05"W	19.17'
C5	55.00'	72.48'	75°30'30"	N72°50'14"W	67.35'
C6	575.00'	88.22'	8°47'26"	N74°42'03"E	88.13'
C7	600.00'	92.05'	8°47'26"	N74°42'03"E	91.96'
C8	625.00'	95.89'	8°47'26"	N74°42'03"E	95.80'
C9	475.00'	24.47'	2°57'07"	N14°31'57"E	24.47'
C10	500.00'	25.76'	2°57'07"	N14°31'57"E	25.76'
C11	765.00'	130.95'	9°48'27"	N61°52'57"W	130.79'
C12	325.00'	160.87'	28°21'36"	N01°49'42"E	159.23'
C13	300.00'	188.19'	35°56'30"	N01°57'45"W	185.12'
C14	275.00'	127.74'	26°36'52"	N02°42'05"E	126.59'
C15	265.00'	132.28'	28°35'59"	N01°42'31"E	130.91'
C16	265.00'	103.71'	22°25'26"	N89°03'50"E	103.05'
C17	375.00'	108.01'	16°30'08"	N75°38'41"W	107.63'
C18	400.00'	115.21'	16°30'08"	N75°38'41"W	114.81'
C19	425.00'	122.41'	16°30'08"	N75°38'41"W	121.99'
C20	325.00'	89.88'	15°50'43"	N75°58'24"W	89.59'
C21	300.00'	82.97'	15°50'43"	N75°58'24"W	82.70'
C22	275.00'	76.05'	15°50'43"	N75°58'24"W	75.81'
C23	930.00'	147.00'	9°03'24"	N14°00'17"E	146.85'
C24	930.00'	148.06'	9°07'18"	N04°54'56"E	147.90'



3' HIGH VISIBILITY RESTRICTION (TYP)

N.T.S.

NOTE:
DETAIL PERTAINS TO ALL LOCAL UNCONTROLLED INTERSECTIONS

[redacted]

NO. R130041

COUNTY RECORDER

SHEET 2 OF 6

PREPARED BY:

GOODWIN MARSHALL
CIVIL ENGINEERS – PLANNERS – SURVEYORS
6909 West Ray Road, Suite 15
Chandler, Arizona 85226
(602) 218-7285

SURVEYED BY:

ASM Arizona Surveying & Mapping
2411 W. Northern, Suite 110
Phoenix, Arizona 85021
(602) 246-9919

REPLAT OF "TIERRA DEL RIO PARCEL 22"

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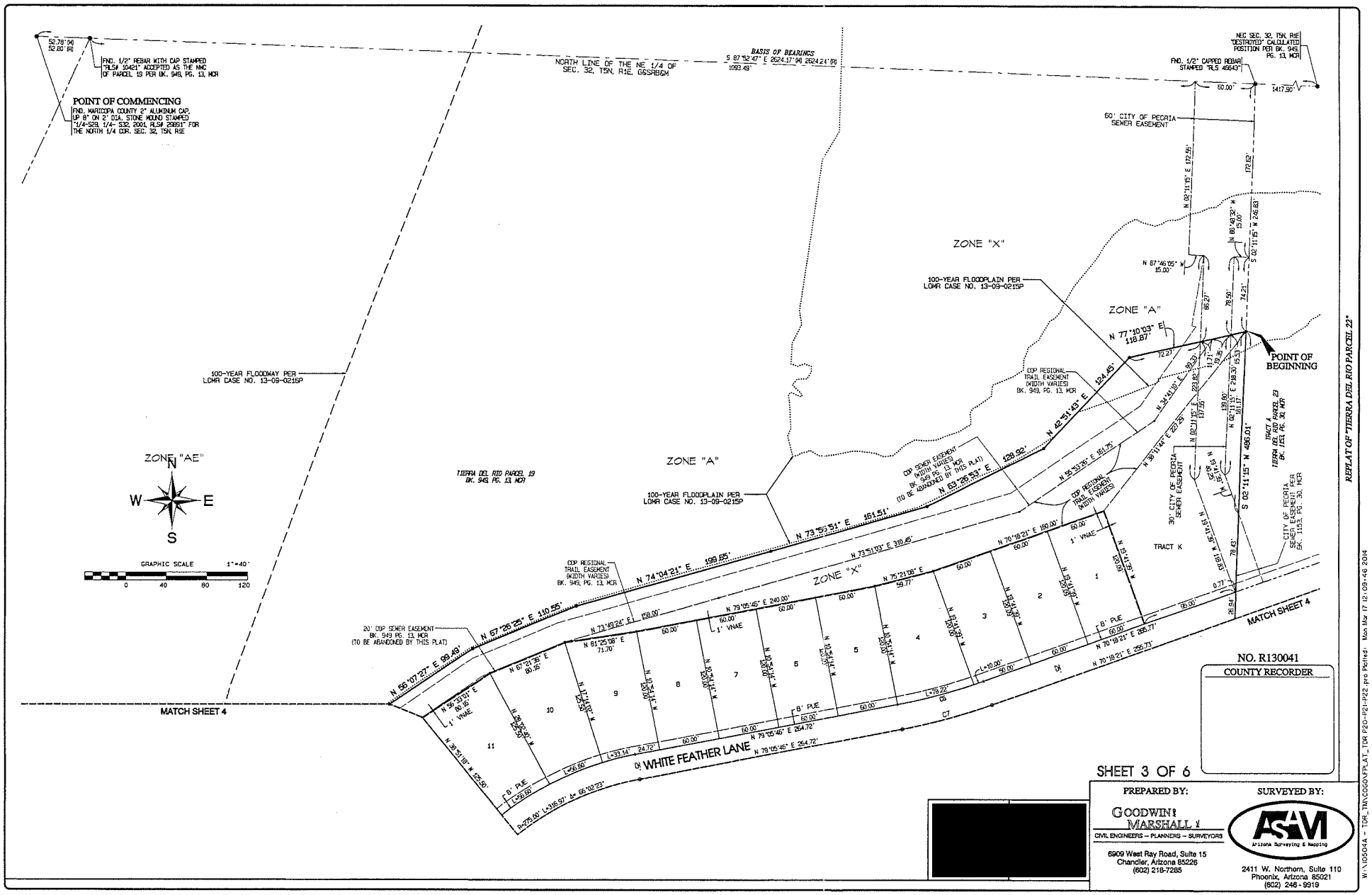
POINT OF COMMENCING
FND. MARICOPA COUNTY 2" ALUMINUM CAP, UP 8" ON 2' DIA. STONE MOUND STAMPED "1/4-SEC 1/4- S32, 2001, RLS# 29851" FOR THE NORTH 1/4 COR. SEC. 32, T5N, R1E
FND. 1/2" REBAR WITH CAP STAMPED "RLS# 10421" ACCEPTED AS THE NWC OF PARCEL 19 PER BK. 949, PG. 13, MCR
NORTH LINE OF THE NE 1/4 OF SEC. 32, T5N, R1E, G&SRB&M
BASIS OF BEARINGS
S 87°52'47" E 2624.17' (M) 2624.24' (R)
NEC SEC. 32, T5N, R1E "DESTROYED" CALCULATED POSITION PER BK. 949 PG. 13, MCR
FND. 1/2" CAPPED REBAR STAMPED "RLS 45943"
60' CITY OF PEORIA SEWER EASEMENT
ZONE "X"
ZONE "A"
ZONE "AE"
100-YEAR FLOODPLAIN PER LOMR CASE NO. 13-09-0215P
100-YEAR FLOODWAY PER LOMR CASE NO. 13-09-0215P
POINT OF BEGINNING
REPLAT OF "TIERRA DEL RIO PARCEL 23"
TIERRA DEL RIO PARCEL 19 BK. 949, PG. 13, MCR
TRACT K
TRACT L TIERRA DEL RIO PARCEL 23 BK. 1151, PG. 32, MCR
CITY OF PEORIA SEWER EASEMENT PER BK. 1153, PG. 30, MCR
30' CITY OF PEORIA SEWER EASEMENT
CDP REGIONAL TRAIL EASEMENT (WIDTH VARIES) BK. 949, PG. 13, MCR
CDP SEWER EASEMENT WIDTH VARIES BK. 949 PG. 13 MCR (TO BE ABANDONED BY THIS PLAT)
20' CDP SEWER EASEMENT BK. 949 PG. 13, MCR (TO BE ABANDONED BY THIS PLAT)
N 42°51'43" E 129.92'
N 63°28'53" E 151.25'
N 73°53'31" E 151.51'
N 73°51'03" E 310.45'
N 74°04'21" E 199.85'
N 57°26'25" E 110.55'
N 56°07'27" E 99.49'
N 77°10'03" E 118.87'
N 02°11'15" W 495.01'
S 02°11'15" W 246.83'
N 02°11'15" E 172.25'
N 70°18'21" E 255.73'
N 79°05'46" E 264.72'
WHITE FEATHER LANE
MATCH SHEET 4
GRAPHIC SCALE 1"=40'
NO. R130041
COUNTY RECORDER
SHEET 3 OF 6
PREPARED BY:
GOODWIN MARSHALL
CIVIL ENGINEERS – PLANNERS – SURVEYORS
6909 West Ray Road, Suite 15
Chandler, Arizona 85226
(602) 218-7285
SURVEYED BY:
ASAM
Arizona Surveying & Mapping
2411 W. Northern, Suite 110
Phoenix, Arizona 85021
(602) 246-9919
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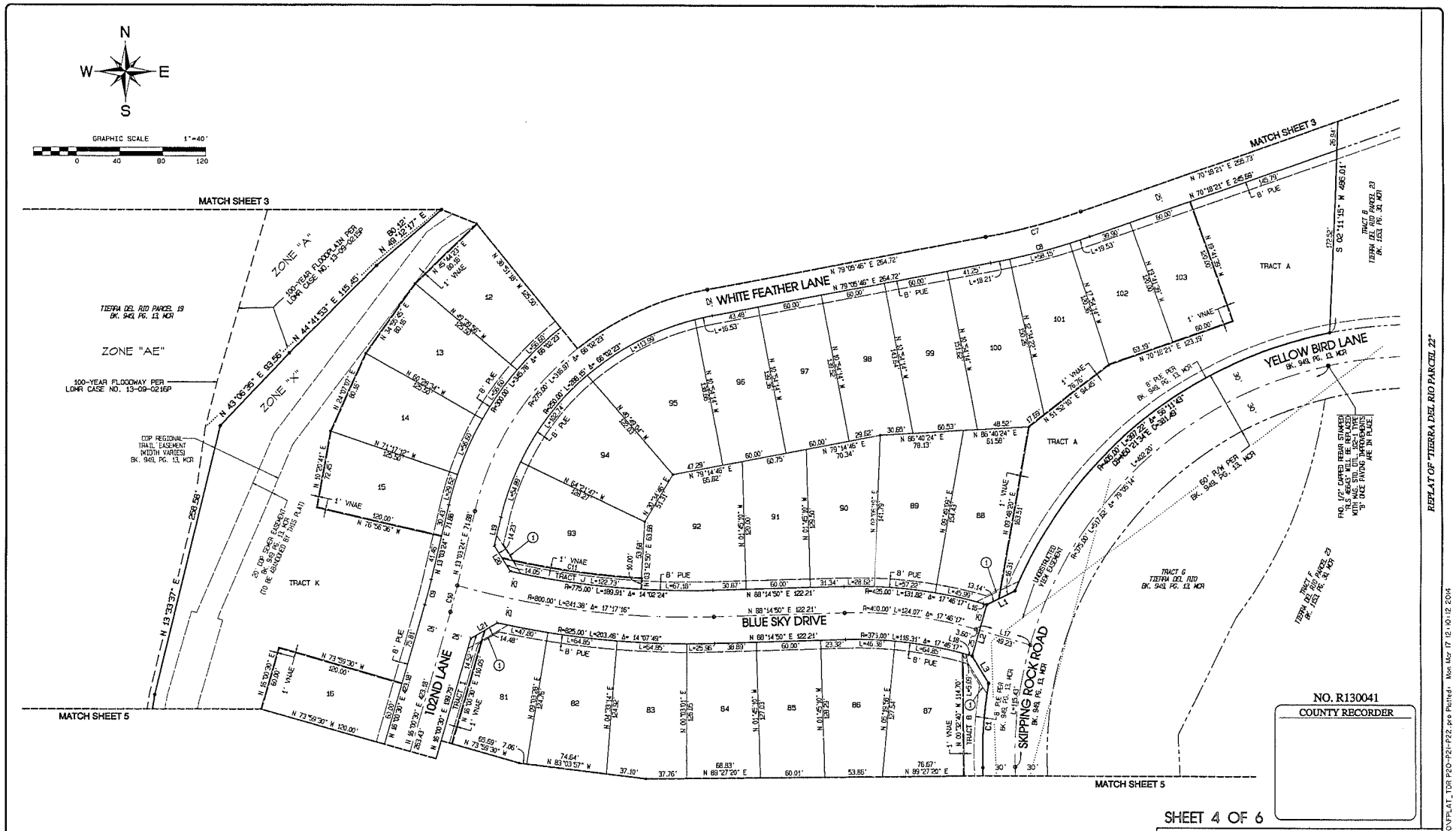
N
W
E
S
GRAPHIC SCALE 1"=40'
0 40 80 120
MATCH SHEET 3
MATCH SHEET 5
ZONE "A"
100-YEAR FLOODPLAIN PER LOMR CASE NO. 13-09-0216P
ZONE "AE"
ZONE "X"
100-YEAR FLOODWAY PER LOMR CASE NO. 13-09-0216P
TIERRA DEL RIO PARCEL 19 BK. 949 PG. 13 MCR
COP REGIONAL TRAIL EASEMENT (WIDTH VARIES) BK. 949 PG. 13 MCR
20' COP SEWER EASEMENT (TO BE GRANTED BY THIS PLAT)
TRACT K
WHITE FEATHER LANE
YELLOW BIRD LANE
BLUE SKY DRIVE
102ND LANE
SKIPPING ROCK ROAD
TRACT A
TRACT B
TRACT 6 TIERRA DEL RIO BK. 949 PG. 13 MCR
TIERRA DEL RIO PARCEL 23 BK. 1551 PG. 32 MCR
60' R/M PER BK. 949, PG. 13, MCR
FND. 1/2" CAPPED REBAR STAMPED "RLS 46647" WILL BE REPLACED WITH A 1/2" REBAR WITH "B" DICE PAVONI IMPROVEMENTS ARE IN PLACE.
REPLAT OF "TIERRA DEL RIO PARCEL 22"
NO. R130041
COUNTY RECORDER
SHEET 4 OF 6
PREPARED BY:
GOODWIN & MARSHALL
CIVIL ENGINEERS ~ PLANNERS ~ SURVEYORS
6909 West Ray Road, Suite 15
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ASM
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Phoenix, Arizona 85021
(602) 246-9919
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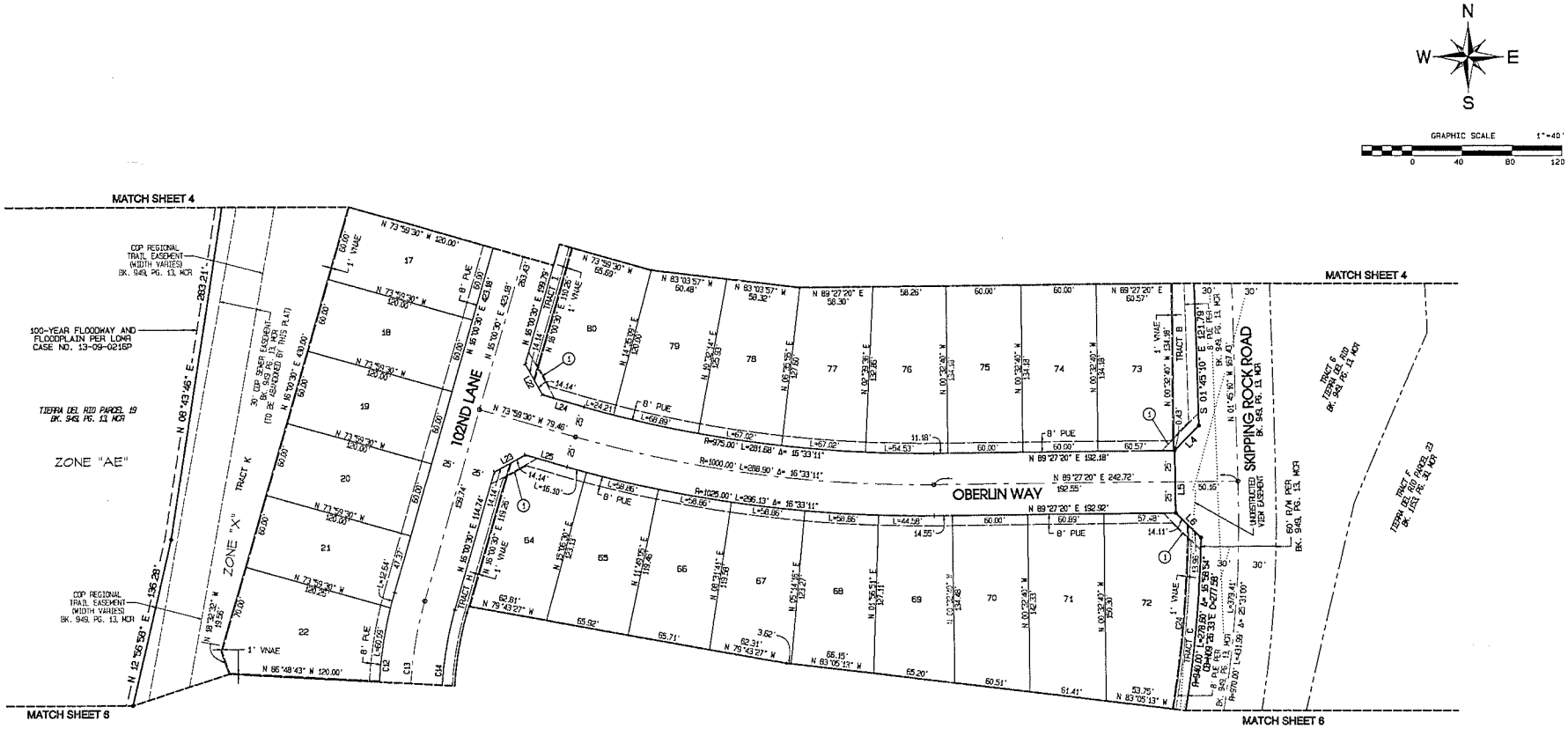

NO. R130041
COUNTY RECORDER

SHEET 5 OF 6

[redacted]

PREPARED BY:

GOODWIN & MARSHALL
CIVIL ENGINEERS – PLANNERS – SURVEYORS
6909 West Ray Road, Suite 15
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MATCH SHEET 5

MATCH SHEET 5

ZONE "AE"

TIERRA DEL RIO PARCEL 19
BK. 949 PG. 13 MCR

100-YEAR FLOODWAY AND FLOODPLAIN PER LOMR CASE NO. 13-09-0216P

ZONE "X"

TRACT K

102ND LANE

GAMBIT TRAIL

HEDGE HOG PLACE

SKIPPING ROCK ROAD

TIERRA DEL RIO PARCEL 21A
BK. 1163 PG. 18 MCR

TIERRA DEL RIO PARCEL 21B
BK. 1163 PG. 18 MCR

TIERRA DEL RIO PARCEL 26
BK. 949 PG. 13 MCR

TIERRA DEL RIO PARCEL 23
BK. 1163 PG. 18 MCR

REPLAT OF "TIERRA DEL RIO PARCEL 22"

NO. R130041
COUNTY RECORDER

SHEET 6 OF 6

PREPARED BY:

GOODWIN & MARSHALL
CIVIL ENGINEERS – PLANNERS – SURVEYORS
6909 West Ray Road, Suite 15
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(602) 218-7285

SURVEYED BY:

ASM
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Phoenix, Arizona 85021
(602) 246-9919

GRAPHIC SCALE 1"=40'
0 40 80 120

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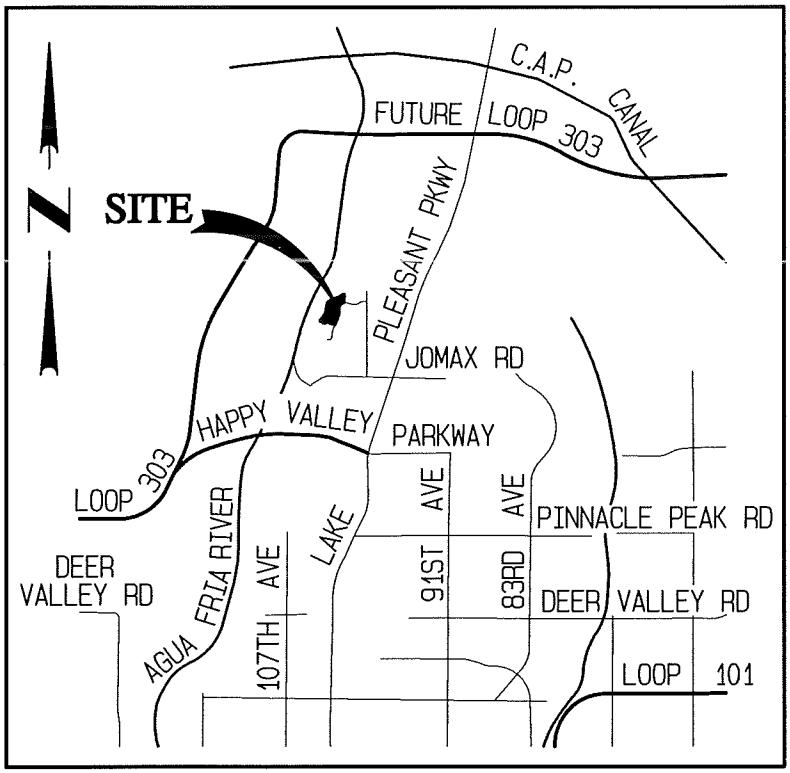
VICINITY MAP



VICINITY MAP

N.T.S.

PAGE 1 OF 1

TITLE: TIERRA DEL RIO PARCEL 22

GOODWIN AND MARSHALL INC.

CIVIL ENGINEERS ~ PLANNERS ~ SURVEYORS

6909 W. RAY ROAD #15, CHANDLER, ARIZONA 85226

(602) 218-7285

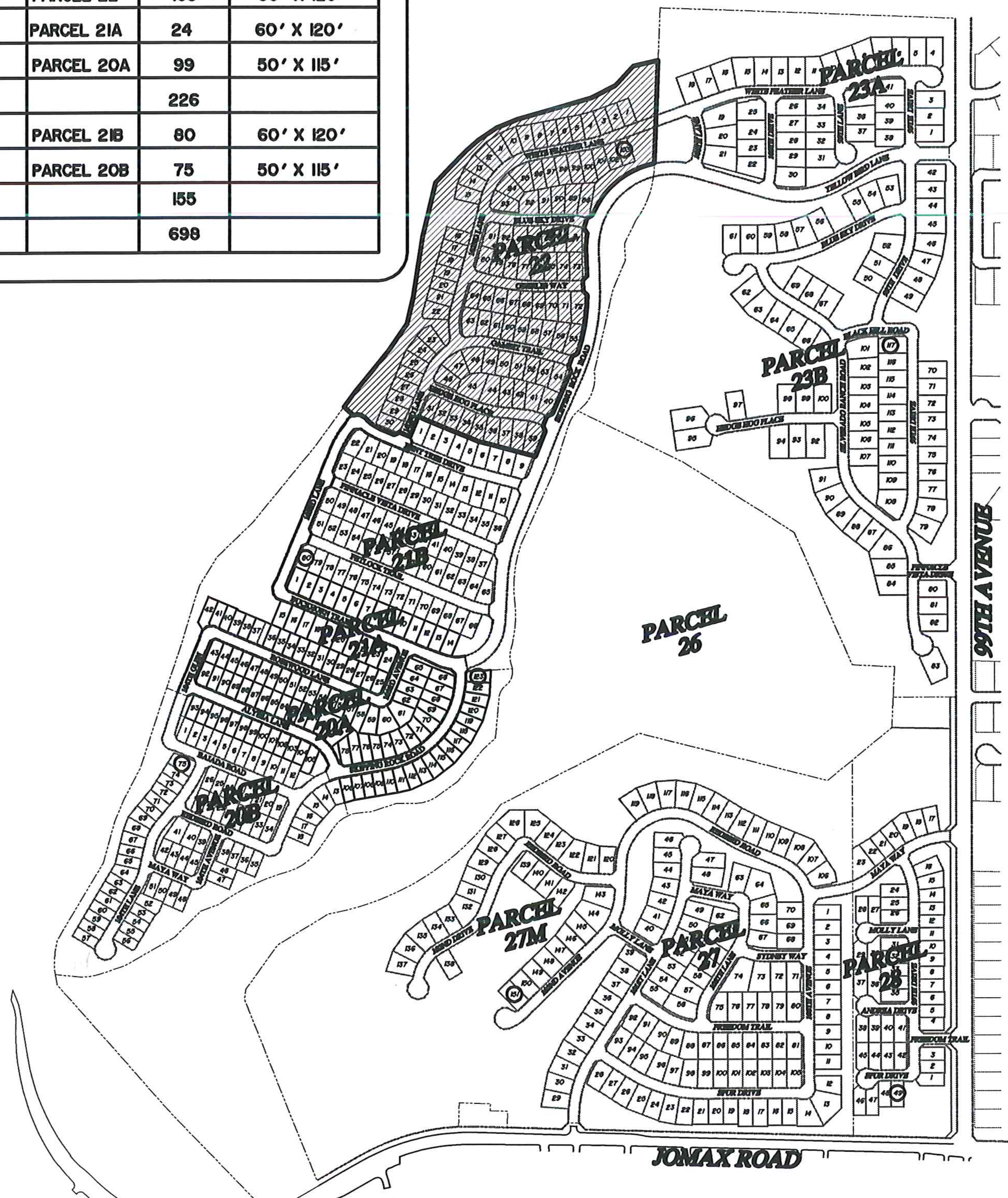
Scale:	NONE
Date:	9/12/2013
Job No.:	10504A
Drafted:	J.N.R.
Checked:	L.C.D.

W:\10504A - TDR_TM\COGO\FPLAT_TDR P20-P21-P22.pro

LEGEND

PHASE		PARCEL	NUMBER OF LOTS	LOT SIZE
PHASE 1		PARCEL 27	90	70' X 125'
		PARCEL 27	61	70' X 125'
		PARCEL 28	49	60' X 120'
		PARCEL 23A	41	80' X 135'
		PARCEL 23B	76	80' X 135'
SUBTOTAL			317	
PHASE 2		PARCEL 22	103	60' X 120'
		PARCEL 21A	24	60' X 120'
		PARCEL 20A	99	50' X 115'
SUBTOTAL			226	
PHASE 3		PARCEL 21B	80	60' X 120'
		PARCEL 20B	75	50' X 115'
SUBTOTAL			155	
TOTAL			698	

LANDUSE MAP
FOR
TDR PARCEL 22
PEORIA, ARIZONA
MARCH, 2014



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CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 32C

Date Prepared: May 12, 2014 **Council Meeting Date: June 17, 2014**

TO: **Carl Swenson, City Manager**

FROM: **Scott Whyte, Economic Development Services Director**

THROUGH: **Susan J. Daluddung, Deputy City Manager**

SUBJECT: **Replat, Amended Unit F Condominium Plat of Arrowhead Ranch Business Park, 78th Avenue & Deer Valley (Project No. R140003)**

Purpose:

This is a request for City Council to approve a Replat of Amended Unit F Condominium Plat of Arrowhead Ranch Business Park, located on 78th Avenue & Deer Valley, and authorize the Mayor and City Clerk to sign and record the Replat with the Maricopa County Recorder's Office subject to the following stipulations:

1. In the event that the Replat is not recorded within 60 days of Council approval, the Replat will become void. The developer may request re-approval from the City, with the understanding that the City has the option of imposing additional requirements or stipulations.

Background/Summary:

The purpose of the Replat is to combine three condo units into one for commercial use. The Amendment to the Condominium Plat for Arrowhead Ranch Business Park is needed to facilitate the sale of a condo unit to a business entity by the owner. The Arrowhead Ranch Business Park condo plat was originally set up with individual units identified within buildings throughout the site. As sales take place in the condominium subdivision, reconfigurations of the units may be necessary (shifting of unit lines, combining of units, etc....).

This development is located within the City's sewer service area and New River Water Company's service area.

Previous Actions:

The condo plat was approved by the City and recorded in October 2006 (Book 872 Page 33). The condo plat was amended in November 2007 (Book 959 Page 32).

Options:

A: The Replat has been approved through the Economic Development Services Department. An option would be to not accept the proposed Replat; although it should be noted that not approving the Replat will prevent the Developer from developing these units.

B: The other option would be to formally approve the Replat and allow these condo units to be developed.

Staff's Recommendation:

Staff recommends the approval and subsequent recordation of the attached Replat.

Fiscal Analysis:

There is no direct budgetary impact to the City to approve the Replat.

Narrative:

The acceptance of this Replat by City Council will allow the developer to move forward in developing these condo units.

Exhibit(s):

Exhibit 1: Replat

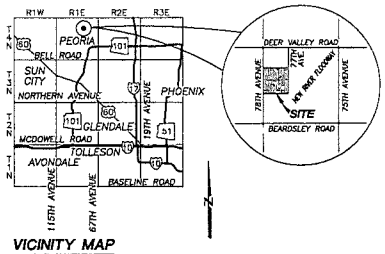
Exhibit 2: Vicinity Map

Contact Name and Number:

Jodi Breyfogle, PE: 623-773-7577

"AMENDED UNIT F, CONDOMINIUM PLAT OF ARROWHEAD RANCH BUSINESS PARK"

BEING A REPLAT OF UNIT F, "AMENDED CONDOMINIUM PLAT OF ARROWHEAD RANCH BUSINESS PARK", BOOK 959, PAGE 32, M.C.R., AMENDING "ARROWHEAD RANCH BUSINESS PARK", BOOK 872, PAGE 33, M.C.R., BEING A PORTION OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 4 NORTH, RANGE 1 EAST, G&S.R.B.&M., CITY OF PEORIA, MARICOPA COUNTY, ARIZONA



VICINITY MAP
PEORIA, ARIZONA

DEDICATION

KNOW ALL MEN BY THESE PRESENTS:

THAT ARIZONA BUSINESS COMMUNITY, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, AS OWNER, DOES HEREBY PUBLISH THIS "AMENDED UNIT F, CONDOMINIUM PLAT OF ARROWHEAD RANCH BUSINESS PARK", OVER A PORTION OF SECTION 23, TOWNSHIP 4 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, AS SHOWN AND PLATTED HEREON AND HEREBY PUBLISH THIS PLAT AS AND FOR, THE PLAT OF SAID "AMENDED UNIT F, CONDOMINIUM PLAT OF ARROWHEAD RANCH BUSINESS PARK" AND HEREBY DECLARES THAT SAID PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF THE UNIT CONSTITUTING SAME, AND THAT EACH UNIT SHALL BE KNOWN BY THE LETTER GIVEN TO EACH RESPECTIVELY ON SAID PLAT.

ALL NOTATIONS AND DEDICATIONS STATED ON OR WITHIN THE CONDOMINIUM PLAT OF "ARROWHEAD RANCH BUSINESS PARK" AS RECORDED IN BOOK 872, PAGE 33, AND "AMENDED CONDOMINIUM PLAT OF ARROWHEAD RANCH BUSINESS PARK" AS RECORDED IN BOOK 959, PAGE 32, OF MARICOPA COUNTY RECORDS, SHALL REMAIN IN FULL FORCE AND EFFECT WITH THE RECORDATION OF THIS REPLAT.

IN WITNESS WHEREOF, ARIZONA BUSINESS COMMUNITY, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, AS OWNER HAS HEREUNTO CAUSED ITS NAME TO BE AFFIXED AND THE SAME TO BE ATTESTED BY THE SIGNATURE OF A MEMBER, THEREUNTO DULY AUTHORIZED PERSONS, THIS 6TH DAY OF May, 2014.

BY: [redacted]
Eric J. Wichterman
ITS: Managing Member

ACKNOWLEDGMENT

STATE OF ARIZONA)
)SS
COUNTY OF MARICOPA)

ON THIS 6 DAY OF May 2014, Eric Wichterman PERSONALLY APPEARED BEFORE ME, AND BEING FIRST DULY SWORN, DID SAY THAT HE IS A MANAGER OF ARIZONA BUSINESS COMMUNITY, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, AND THAT THE FOREGOING INSTRUMENT WAS SIGNED ON BEHALF OF SAID COMPANY BY THE AUTHORITY GRANTED IN ITS OPERATING AGREEMENT, AND SAID Eric Wichterman ACKNOWLEDGED TO ME THAT SAID COMPANY EXECUTED THE SAME.

NOTARY PUBLIC [redacted] MY COMMISSION EXPIRES 8-9-17

Allison Rue
My Commission Expires: Aug. 9, 2017

FLOOD INSURANCE RATE MAP (FIRM) INFORMATION

COMMUNITY NUMBER	PANEL NUMBER (PANEL DATE)	SUFFIX	DATE OF FIRM (INDEX DATE)	FIRM ZONE	BASE FLOOD ELEVATION
04013C1265L	*1195 OCT. 16, 2013	H	OCT. 16, 2013	X	NONE

ZONE "X" IS DEFINED AS "AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREA LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD".

* REVISED TO REFLECT LOMR DATED OCT. 26, 2006

NOTES- FROM BOOK 872, PAGE 33, MCR.

1. NO CONSTRUCTION OF ANY KIND SHALL BE CONSTRUCTED OR PLACED WITHIN THE UTILITY EASEMENTS, EXCEPT UTILITIES, WOOD, WIRE, OR REMOVABLE SECTION TYPE FENCING, AND/OR PAVING, NOR ANY PLANTING EXCEPT GRASS. IT SHALL BE FURTHER UNDERSTOOD THAT THE CITY OF PEORIA SHALL NOT BE REQUIRED TO REPLACE ANY OBSTRUCTION OR PLANTING THAT MUST BE REMOVED DURING THE COURSE OF MAINTENANCE, CONSTRUCTION OR RECONSTRUCTION.
2. ALL NEW AND EXISTING UTILITY, ELECTRICAL FACILITIES LESS THAN 69 KVA, CABLE TV, TELECOMMUNICATIONS FIBER OPTICS, CELLULAR, GAS, ETC. SHALL BE INSTALLED UNDERGROUND AS PART OF THE STREET IMPROVEMENTS.
3. MAINTENANCE OF SURFACE AND UNDERGROUND DRAINAGE FACILITIES WITHIN ALL TRACTS, EASEMENTS AND RIGHT-OF-EWAY SHALL BE THE RESPONSIBILITY OF THE CONDOMINIUM ASSOCIATION.
4. ALL LOT CORNERS SHALL BE MONUMENTED WITH ½" REBAR AND CAPPED OR TAGGED BEARING THE REGISTRATION NUMBER OF THE SURVEYOR RESPONSIBLE FOR THEIR PLACEMENT.
5. SIGNS, FENCES, WALLS, UTILITY BOXES, STRUCTURES, SHRUBS, HEDGES OR OTHER PLANTS, BUT EXCLUDING TREES OVER 30 INCHES IN HEIGHT SHALL NOT BE PERMITTED WITHIN UNOBSTRUCTED VIEW EASEMENTS OR THE SIGHT DISTANCE TRIANGLES. NO LIMBS, LEAVES, NEEDLES, OR OTHER FOLIAGE ABOVE 30 INCHES IN HEIGHT AND BELOW 84 INCHES ARE PERMITTED. TREES ARE TO BE PLANTED SO AS NOT TO OBSTRUCT 20% OF THE VISIBILITY WHEN COMBINED WITH OTHER OBSTRUCTIONS.
6. THIS CONDOMINIUM PLAT IS LOCATED WITHIN THE NEW RIVER UTILITY COMPANY WATER SERVICE AREA AND HAS BEEN DESIGNATED AS HAVING A 100-YEAR ASSURED WATER SUPPLY (TO BE SERVICED BY SEPARATE AGREEMENT).
7. THIS CONDOMINIUM PLAT IS LOCATED WITHIN THE CITY OF PEORIA SEWER SERVICE AREA.
8. THIS CONDOMINIUM PLAT IS LOCATED WITHIN THE VICINITY OF A MILITARY AIRPORT.
9. THIS CONDOMINIUM IS LOCATED IN THE VICINITY OF A DESIGNATED TRUCK ROUTE. DEER VALLEY ROAD ID DESIGNATED AS A TRUCK ROUTE BY THE CITY OF PEORIA.
10. THIS CONDOMINIUM PLAT IS LOCATED IN THE VICINITY OF A ROCK QUARRY (GRAVEL OPERATION).
11. NO STRUCTURE OF ANY KIND SHALL BE CONSTRUCTED OR ANY VEGETATION BE PLANTED NOR BE ALLOWED TO GROW WITHIN THE DRAINAGE EASEMENT OR TRACT WHICH WOULD IMPEDE THE FLOW OF WATER OVER, UNDER, OR THROUGH THE EASEMENT OR TRACT.
12. AN ASSOCIATION, INCLUDING ALL PROPERTY OWNERS IN THE DEVELOPMENT, WILL BE FORMED AND HAVE THE RESPONSIBILITY FOR MAINTAINING ALL COMMON AREAS TO BE NOTED AS "TRACTS" OR EASEMENTS (INCLUDING LANDSCAPED AREAS AND DRAINAGE FACILITIES) IN ACCORDANCE WITH APPROVED PLANS.
13. THE BOUNDARIES OF EACH UNIT ARE THE INTERIOR UNFINISHED SURFACES OF THE PERIMETER WALLS, FLOOR, CEILING, DOORS AND WINDOWS OF THE UNIT AND THE CENTERLINE OF THE DEMISING WALLS.
14. ALL PORTIONS OF THE CONDOMINIUM NOT DEFINED AS A UNIT SHALL BE CONSIDERED COMMON ELEMENTS, DESIGNATED -AS TRACT "A". COMMON ELEMENTS SHALL BE MAINTAINED BY THE ARROWHEAD RANCH OFFICE CONDOMINIUMS ASSOCIATION.
15. IN THE EVENT OF ANY DISCREPANCIES, INCONSISTENCIES OR CONFLICTS BETWEEN THE PLAT AND THE CONDOMINIUM DECLARATION, PROVISIONS OF THE DECLARATION SHALL PREVAIL.
16. THE CITY OF PEORIA WILL NOT PERMIT DRY UTILITIES TO RUN PARALLEL WITHIN DESIGNATED PUBLIC WATER AND SEWER EASEMENTS.

LEGAL DESCRIPTION

UNITS F-1, F-2, AND F-3 AS RECORDED ON THE AMENDED CONDOMINIUM PLAT OF ARROWHEAD RANCH BUSINESS PARK, BOOK 959, PAGE 32, MARICOPA COUNTY RECORDS.

ENGINEER

JMA ENGINEERING CORPORATION
531 E BETHANY HOME ROAD, GARDEN SUITE
PHOENIX, ARIZONA 85012
PHONE: (602) 248-0286
FAX: (602) 248-0976
CONTACT: JAY MIHALEK, R.L.S.

SHEET INDEX

1 COVER SHEET
2 SITE PLAN
3 UNIT "F"

CERTIFICATION

THIS IS TO CERTIFY THAT THIS MAP CORRECTLY REPRESENTS A SURVEY MADE UNDER MY SUPERVISION DURING THE MONTH OF DECEMBER 2013, AND TH[redacted]ACCURATE TO THE BEST OF MY KNOWLE[redacted]

JAY MIHALEK — DATE 5/5/14

APPROVALS

APPROVED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ARIZONA.

THIS _____ DAY OF _____, 2014

MAYOR — DATE

ATTEST, CITY CLERK — DATE

CITY ENGINEER — DATE

JMA ENGINEERING CORPORATION
531 E. Bethany Home Road, Garden Suite
Phoenix, Arizona 85012
Voice 602.248.0286
Fax 602.248.0976

COVER SHEET
"AMENDED UNIT F, CONDOMINIUM PLAT OF ARROWHEAD RANCH BUSINESS PARK"
LOCATED IN THE NORTHEAST QUARTER OF SECTION 23,
RANGE 1 EAST, TOWNSHIP 4 NORTH, OF THE GILA AND SALT RIVER BASE AND MERIDIAN
MARICOPA COUNTY, PEORIA, ARIZONA

Manager	JM
Checked	JRM
Job No.	1324

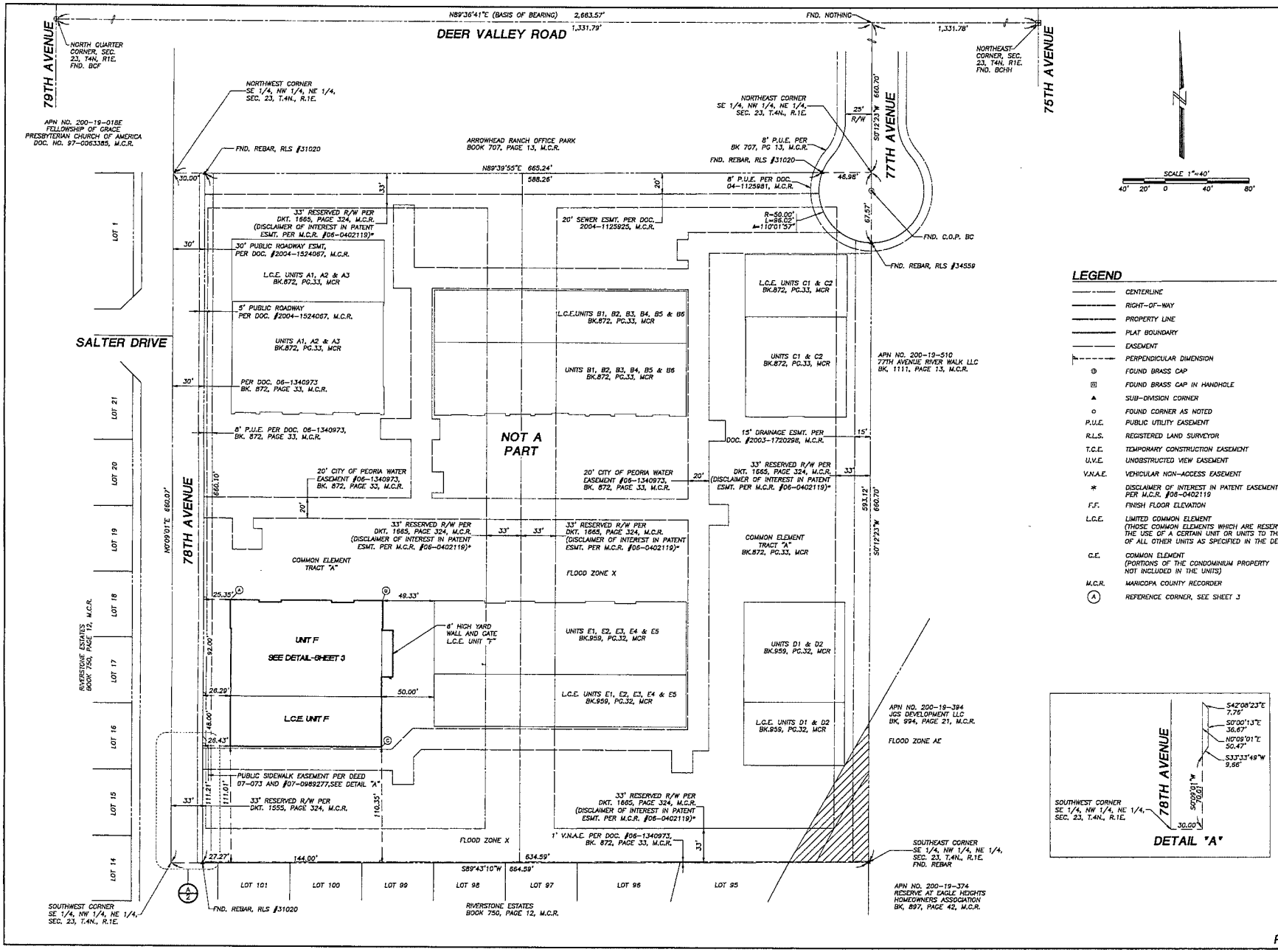
[redacted]

1980 – 2014 Celebrating 26 Years

SHEET 1 OF 3

R140003

G:\Proj\1324\Condo Plat\1324 Condo Cover.dwg, 5/5/2014 12:20:38 PM, Jim



JMA ENGINEERING CORPORATION
531 E. Bethany Home Road, Garden Suite Phoenix, Arizona 85012
Voice 602.248.0286 Fax 602.248.0375

SITE PLAN
"AMENDED UNIT F, CONDOMINIUM PLAT OF ARROWHEAD RANCH BUSINESS PARK"

LOCATED IN THE NORTHEAST QUARTER OF SECTION 23, RANGE 1 EAST, TOWNSHIP 4 NORTH, OF THE GILA AND SALT RIVER BASE AND MERIDIAN
MARICOPA COUNTY, PEORIA, ARIZONA

MANAGER:	JM
Checked:	JRM
Job No.:	1324

[redacted]

1988 – 2014 Celebrating 26 Years

SHEET 2 OF 3

R140003

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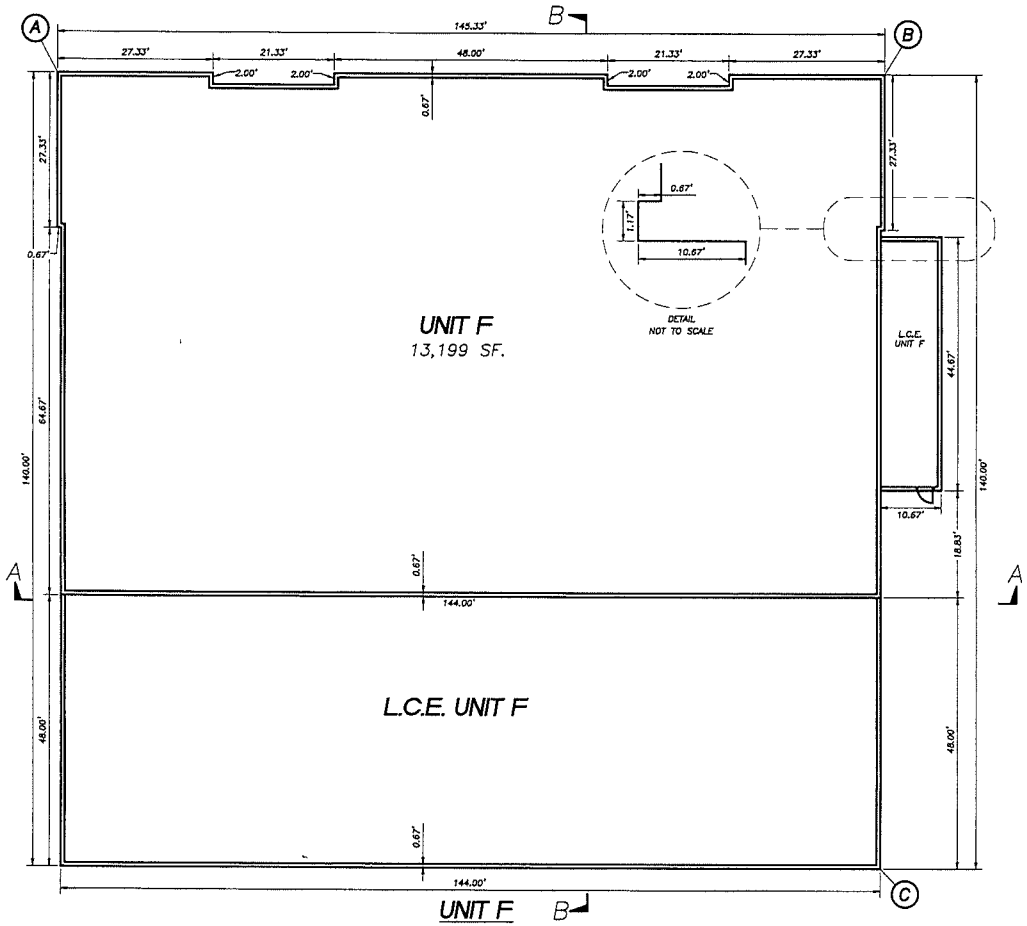
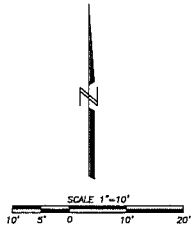
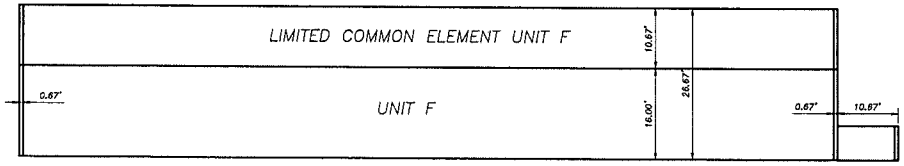


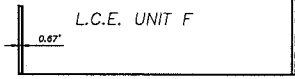


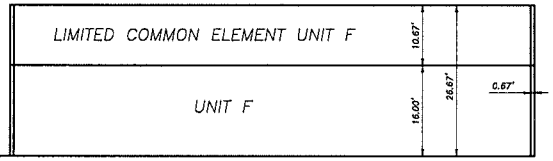
NOTES:

1. ALL WALLS ARE COMMON ELEMENTS.
2. ALL WALLS ARE DIMENSIONED TO THE EXTERIOR FACE OF WALLS.



SECTION A-A





SECTION B-B

R140003

JMA ENGINEERING CORPORATION
531 E. Bethany Home Road, Garden Suite
Phoenix, Arizona 85012
Voice 602.248.0285
Fax 602.248.0318

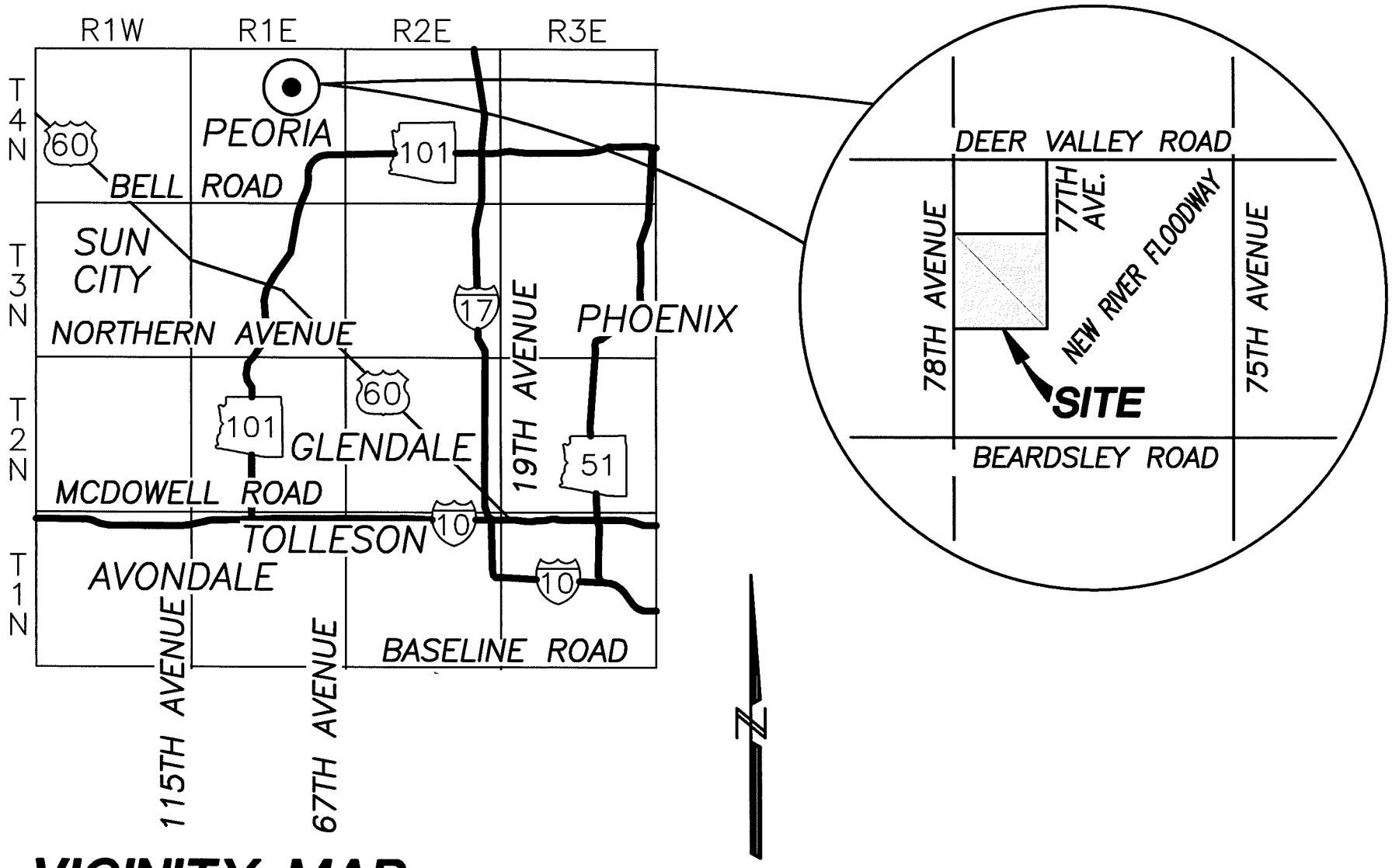
UNIT F
"AMENDED UNIT F, CONDOMINIUM PLAT OF ARROWHEAD RANCH BUSINESS PARK"
LOCATED IN THE NORTHEAST QUARTER OF SECTION 23,
RANGE 1 EAST, TOWNSHIP 4 NORTH, OF THE GILA AND SALT RIVER BASE AND MERIDIAN
MARICOPA COUNTY, PEORIA, ARIZONA

Manager	JM
Checked	JRM
Job No.	1324

1988 – 2014
Celebrating 26 Years

SHEET
3
OF 3

G:\Proj\1324\Condo Plat\1324 Condo Building 7.dwg, 5/5/2014 12:24:32 PM, Jim



VICINITY MAP

PEORIA, ARIZONA

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 33C

Date Prepared: April 28, 2014 **Council Meeting Date: June 17, 2014**

TO: **Carl Swenson, City Manager**

FROM: **Scott Whyte, Economic Development Services Director**

THROUGH: **Susan J. Daluddung, Deputy City Manager**

SUBJECT: **Condominium Replat, A Portion of Building G of Stonegate Office Park Condominium, 83rd Avenue & Thunderbird Road (Project No. R050034A)**

Purpose:

This is a request for City Council to approve a Condominium Replat of A Portion of Building G of Stonegate Office Park Condominium, located on 83rd Avenue north of Thunderbird Road, and authorize the Mayor and City Clerk to sign and record the Condominium Replat with the Maricopa County Recorder's Office subject to the following stipulations:

1. In the event that the Condominium Replat is not recorded within 60 days of Council approval, the Condominium Replat will become void. The developer may request re-approval from the City, with the understanding that the City has the option of imposing additional requirements or stipulations.

Background/Summary:

The purpose of the Condominium Replat is to combine two condo units into one for commercial use. The Stonegate Office Park condo plat was originally set up with individual units identified within buildings throughout the site. As sales take place in the condominium subdivision, reconfigurations of the units may be necessary (shifting of unit lines, combining of units, etc.).

This development is located within the City's water\sewer service area.

Previous Actions:

The Stonegate Office Park condo plat was recorded in Book 799 Page 31 in December 2005.

Options:

A: The Condominium Replat has been approved through the Economic Development Services Department. An option would be to not accept the proposed Condominium Replat; although it should be noted that not approving the Condominium Replat will hinder the business owner from developing this condo unit.

B: The other option would be to formally approve the Condominium Replat and allow this unit to be developed.

Staff's Recommendation:

Staff recommends the approval and subsequent recordation of the attached Condominium Replat.

Fiscal Analysis:

There is no direct budgetary impact to the City to approve the Condominium Replat.

Narrative:

The acceptance of this Condominium Replat by City Council will allow the business owner to move forward in developing this property.

Exhibit(s):

Exhibit 1: Condominium Replat

Exhibit 2: Vicinity Map

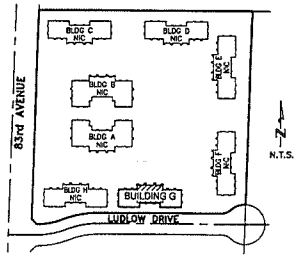
Contact Name and Number:

Jodi Breyfogle, PE, CFM: 623-773-7577

CONDOMINIUM REPLAT OF
"A PORTION OF BUILDING G OF STONEGATE OFFICE PARK CONDOMINIUM"

A REPLAT OF A CONDOMINIUM PLAT RECORDED IN BOOK 799, PAGE 31, RECORDS OF MARICOPA COUNTY, ARIZONA
LOCATED IN THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 3 NORTH, RANGE 1 EAST OF THE G. & S.R.B. & M., MARICOPA COUNTY, ARIZONA
OWNER: 14155 N. 83 AVE LLC

INDEX MAP



GENERAL NOTES

1 NO CONSTRUCTION OF ANY KIND SHALL BE CONSTRUCTED OR PLACED WITHIN THE UTILITY EASEMENTS, EXCEPT UTILITIES, WOOD, WIRE OR REMOVABLE SECTION TYPE FENCING, AND/OR PAVING, NOR ANY PLANTING EXCEPT GRASS. IT SHALL BE FURTHER UNDERSTOOD THAT THE CITY OF PEORIA SHALL NOT BE REQUIRED TO REPLACE ANY OBSTRUCTION OR PLANTING THAT MUST BE REMOVED DURING THE COURSE OF MAINTENANCE, CONSTRUCTION OR RECONSTRUCTION.

2 ALL NEW AND EXISTING UTILITY, ELECTRICAL FACILITIES LESS THAN 69 KVA, CABLE T.V., TELECOMMUNICATIONS FIBER OPTICS, CELLULAR, GAS, ETC. SHALL BE INSTALLED UNDERGROUND AS PART OF THE IMPROVEMENTS.

3 MAINTENANCE OF SURFACE AND UNDERGROUND DRAINAGE FACILITIES WITHIN ALL TRACTS, EASEMENTS AND RIGHTS-OF-WAY SHALL BE THE RESPONSIBILITY OF THE CONDOMINIUM ASSOCIATION.

4 ALL LOT CORNERS SHALL BE MONUMENTED WITH 1/2" REBAR AND CAPPED OR TAGGED BEARING THE REGISTRATION NUMBER OF THE SURVEYOR RESPONSIBLE FOR THEIR PLACEMENT.

5 SIGNS, FENCES, WALLS, UTILITY BOXES, STRUCTURES, SHRUBS, HEDGES OR OTHER PLANTS, BUT EXCLUDING TREES OVER 30 INCHES IN HEIGHT SHALL NOT BE PERMITTED WITHIN VIEW EASEMENTS OR THE SIGHT DISTANCE TRIANGLES. NO LIMBS, LEAVES, NEEDLES OR OTHER FOLIAGE ABOVE 30 INCHES IN HEIGHT OR BELOW 84 INCHES ARE PERMITTED. TREES ARE TO BE PLANTED SO AS NOT TO OBSTRUCT 20% OF THE VISIBILITY WHEN COMBINED WITH OTHER OBSTRUCTIONS.

6 THIS SUBDIVISION IS LOCATED WITHIN THE CITY OF PEORIA WATER SERVICE AREA AND HAS BEEN DESIGNATED AS HAVING A 100-YEAR ASSURED WATER SUPPLY.

7 THIS SUBDIVISION IS LOCATED WITHIN THE CITY OF PEORIA SEWER SERVICE AREA.

8 THIS SUBDIVISION IS LOCATED WITHIN THE VICINITY OF A MILITARY AIRPORT.

9 THIS SUBDIVISION IS LOCATED IN THE VICINITY OF DESIGNATED TRUCK ROUTE. 83RD AVENUE AND THUNDERBIRD ROAD ARE DESIGNATED AS A TRUCK ROUTE BY THE CITY OF PEORIA.

10 NO STRUCTURE OF ANY KIND BE CONSTRUCTED OR ANY VEGETATION BE PLANTED NOR BE ALLOWED TO GROW WITHIN THE DRAINAGE EASEMENT OR TRACT WHICH WOULD IMPEDE THE FLOW OF WATER OVER, UNDER, OR THROUGH THE EASEMENT OR TRACT.

11 AN ASSOCIATION, INCLUDING ALL PROPERTY OWNERS IN THE DEVELOPMENT, HAS BEEN FORMED AND HAVE THE RESPONSIBILITY FOR MAINTAINING ALL COMMON AREAS TO BE NOTED AS "TRACTS" OR EASEMENTS (INCLUDING LANDSCAPED AREAS AND DRAINAGE FACILITIES) IN ACCORDANCE WITH APPROVED PLANS. THE MAINTENANCE OF LANDSCAPING WITHIN THE PUBLIC RIGHT-OF-WAY OF 83RD AVENUE AND LUDLOW DRIVE SHALL BE THE RESPONSIBILITY OF THE ASSOCIATION.

12 THE BOUNDARIES OF EACH UNIT AS SHOWN ON THIS PLAT ARE AS FOLLOWS:
(A) THE VERTICAL BOUNDARIES ARE THE EXTERIOR SURFACES OF THE PERIMETER BUILDING WALLS (AND THE EXTERIOR SURFACE OF ANY WINDOWS OR DOORS IN THE PERIMETER BUILDING WALLS) AND A VERTICAL PLANE RUNNING THROUGH THE CENTER OF ANY PARTY WALL SEPARATING THE UNIT FROM ANOTHER UNIT OR FROM A FIRE RISER ROOM OR ELECTRICAL ROOM;
(B) THE LOWER HORIZONTAL BOUNDARY IS THE TOP OF THE CONCRETE FLOOR SLAB OF THE BUILDING; AND
(C) THE UPPER HORIZONTAL BOUNDARY IS A HORIZONTAL PLANE HAVING AN ELEVATION COINCIDING WITH THE LOWEST POINT OF THE BOTTOM SURFACE OF THE ROOF TRUSSES. ALL SPACES, INTERIOR PARTITIONS AND OTHER FIXTURES AND IMPROVEMENTS (INCLUDING, BUT NOT LIMITED TO, CHUTES, FLUES, WIRES, CONDUITS, HEATING AND AIR CONDITIONING UNITS, HOT WATER HEATERS AND GAS, CABLE TELEVISION, WATER AND ELECTRIC PIPES, LINES OR METERS) WITHIN THE BOUNDARIES OF A UNIT AND WHICH SERVE ONLY THE UNIT ARE PART OF THE UNIT, AND ANY SUCH FIXTURES OR IMPROVEMENTS LOCATED WITHIN THE BOUNDARIES OF A UNIT BUT WHICH SERVE MORE THAN ONE UNIT ARE PART OF THE COMMON ELEMENTS. THE DESCRIPTION OF THE BOUNDARIES OF A UNIT ARE FOUND IN THE CONDOMINIUM DECLARATION FOR STONEGATE OFFICE PARK CONDOMINIUM (THE "DECLARATION") RECORDED WITH THE MARICOPA COUNTY RECORDER. THE DESCRIPTION OF THE UNIT BOUNDARIES DIFFERS FROM THE SPECIFIC LANGUAGE IN A.R.S., SECTION 33-1212. UNIT OWNERS SHOULD REFER TO THE DECLARATION FOR SPECIFIC INFORMATION ABOUT THEIR BOUNDARIES AND RESPONSIBILITIES IN CONNECTION WITH OWNING A UNIT. IN ADDITION, ALTHOUGH THE PERIMETER WALLS OF THE BUILDING ARE WITHIN THE LEGAL BOUNDARIES OF THE UNITS, THE DECLARATION PROVIDES THAT THE PERIMETER BUILDING WALL SHALL BE MAINTAINED, REPAIRED AND REPLACED BY STONEGATE OFFICE PARK CONDOMINIUM ASSOCIATION AND THAT NO UNIT OWNER SHALL ALTER OR MODIFY ANY PERIMETER BUILDING WALL WITHOUT THE PRIOR WRITTEN APPROVAL OF THE BOARD OF DIRECTORS OF THE STONEGATE OFFICE PARK CONDOMINIUM ASSOCIATION.

DEDICATION

STATE OF ARIZONA)
)S.S.
COUNTY OF MARICOPA)

KNOW ALL MEN BY THESE PRESENTS, THAT 14155 N. 83 AVE LLC, AN ARIZONA LIMITED LIABILITY COMPANY, THE OWNER OF THE CONDOMINIUM UNITS SHOWN HEREON, HAS SUBDIVIDED UNDER THE NAME OF "A PORTION OF BUILDING G OF STONEGATE OFFICE PARK CONDOMINIUM", A REPLAT OF A CONDOMINIUM PLAT RECORDED IN BOOK 799, PAGE 31, RECORDS OF MARICOPA COUNTY, ARIZONA, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 3 NORTH, RANGE 1 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, AS SHOWN HEREON AND HEREBY PUBLISHES THIS PLAT AS AND FOR THE PLAT OF "A PORTION OF BUILDING G OF STONEGATE OFFICE PARK CONDOMINIUM" AND HEREBY DECLARES THAT SAID PLAT SETS FORTH THE LOCATION AND GIVES THE MEASUREMENTS AND DIMENSIONS OF THE UNITS CONSTITUTING SAME AND THAT EACH UNIT SHALL BE KNOWN BY THE NUMBER OR NAME GIVEN TO EACH RESPECTIVELY ON SAID PLAT.

THE INTENT OF THIS CONDOMINIUM REPLAT IS TO COMBINE UNITS G-103, G-104 AND G-105 OF THE CONDOMINIUM PLAT FOR STONEGATE OFFICE PARK CONDOMINIUM INTO A SINGLE UNIT, AND ALL NOTATIONS AND DEDICATIONS STATED ON OR WITHIN THE RECORDED CONDOMINIUM PLAT FOR STONEGATE OFFICE PARK CONDOMINIUM (M.C.R. BOOK 799, PAGE 31) SHALL REMAIN IN FULL FORCE AND EFFECT WITH THE RECORDATION OF THIS CONDOMINIUM REPLAT.

IN WITNESS WHEREOF, 14155 N. 83 AVE LLC, AN ARIZONA LIMITED LIABILITY COMPANY HAS HEREUNTO CAUSED ITS NAME TO BE SIGNED AND THE SAME TO BE ATTESTED BY THE SIGNATURE OF ITS OFFICER THEREUNTO DULY AUTHORIZED TO DO SO.

BY: 14155 N. 83 AVE LLC, AN ARIZONA LIMITED LIABILITY COMPANY

BY: [redacted]

STEVEN D. FULLERTON, MEMBER

ACKNOWLEDGMENT

STATE OF ARIZONA)
)S.S.
COUNTY OF MARICOPA)

ON THIS 22 DAY OF April 2014 BEFORE ME THE UNDERSIGNED NOTARY PUBLIC PERSONALLY APPEARED STEVEN D. FULLERTON, WHO ACKNOWLEDGED HIMSELF TO BE AN OFFICER OF 14155 N. 83 AVE LLC, AN ARIZONA LIMITED LIABILITY COMPANY AND THAT HE, AS SUCH OFFICER, BEING DULY AUTHORIZED TO DO, HEREBY EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED BY SIGNING THE NAME OF THE COMPANY, BY HIMSELF AS SUCH OFFICER.

IN WITNESS WHEREOF, I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC [redacted]

DEBORAH ROWE
Notary Public, State of Arizona
Maricopa County
My Commission Expires
September 04, 2016

MY COMMISSION EXPIRES September 4, 2016

OWNERS ASSOCIATION RATIFICATION

BY THIS RATIFICATION DAVID W. SCHWAB DULY ELECTED PRESIDENT OF STONEGATE OFFICE PARK CONDOMINIUM ASSOCIATION ACKNOWLEDGES THE AMENDMENT [redacted]ON.

SIGNA[redacted] 4-18-14
DATE

ACKNOWLEDGMENT, ASSOCIATION

STATE OF ARIZONA)
)S.S.
COUNTY OF MARICOPA)

ON THIS 18 DAY OF April 2014 BEFORE ME THE UNDERSIGNED

NOTARY PUBLIC PERSONALLY APPEARED DAVID W. SCHWAB, WHO ACKNOWLEDGED HIMSELF TO BE AN OFFICER OF STONEGATE OFFICE PARK CONDOMINIUM ASSOCIATION AND THAT HE, AS SUCH OFFICER, BEING DULY AUTHORIZED TO DO, HEREBY EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED.

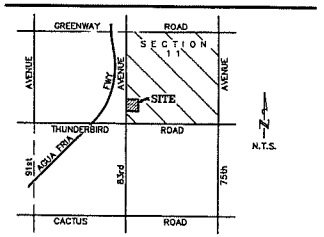
IN WITNESS WHEREOF, I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

NOTARY [redacted]

DEBORAH ROWE
Notary Public, State of Arizona
Maricopa County
My Commission Expires
September 04, 2016

MY COMMISSION EXPIRES September 4, 2016

VICINITY MAP



SW QUARTER, SECTION 11, T.3N., R.1E.

LEGAL DESCRIPTION

UNITS G-103, G-104 AND G-105, BUILDING G, OF THE CONDOMINIUM PLAT FOR STONEGATE OFFICE PARK AS RECORDED IN BOOK 799 OF MAPS, PAGE 31, RECORDS OF MARICOPA COUNTY, ARIZONA.

FLOOD ZONE INFORMATION

LOCATED IN ZONE "X" ACCORDING TO FLOOD INSURANCE RATE MAP NO. 04013C 1705L DATED OCTOBER 16, 2013.

CERTIFICATION

THIS IS TO CERTIFY THAT THE SUBDIVISION OF THE PREMISES DESCRIBED AND PLATTED HEREIN WAS MADE UNDER MY DIRECTION DURING THE MONTH OF MARCH 2014; AND THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN.

[redacted] 4-15-14
DATE

[redacted]

APPROVALS

APPROVED BY:

THE MAYOR AND CITY COUNCIL OF THE CITY OF PEORIA, ARIZONA THIS ____ DAY OF _____, 2014.

MAYOR — DATE

CITY CLERK — DATE

FOR CITY ENGINEER — DATE

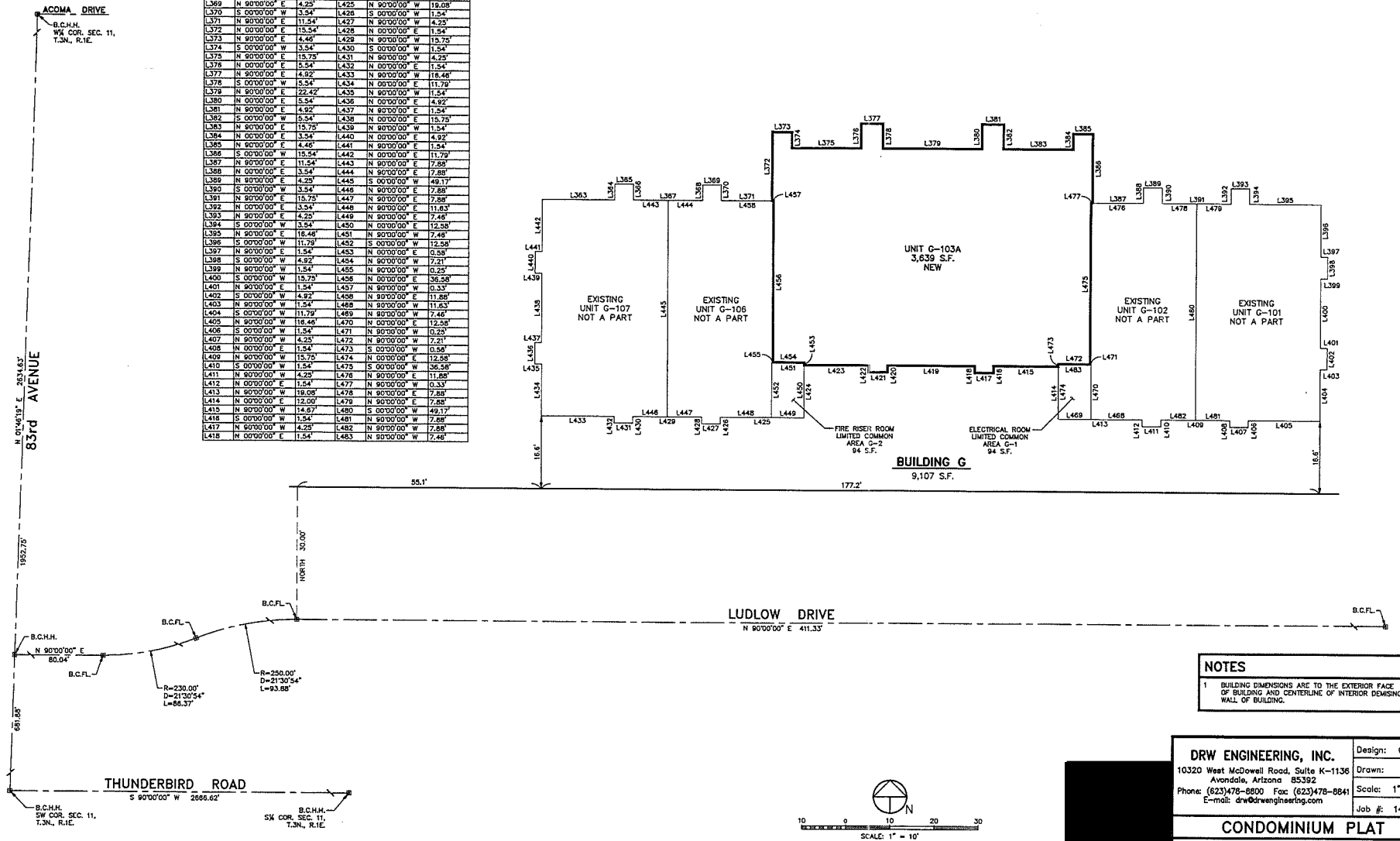
DRW ENGINEERING, INC. 10320 West McDowell Road, Suite K-1136 Avondale, Arizona 85392 Phone: (623)478-8800 Fax: (623)478-8841 E-mail: drw@drwengineering.com	Design: CDW Drawn: VSP Scale: N.T.S. Job #: 14006
CONDOMINIUM PLAT	
CONDOMINIUM REPLAT OF A PORTION OF BUILDING G OF STONEGATE OFFICE PARK CONDOMIMIUM 14155 N. 83rd AVENUE PEORIA, ARIZONA	
Date: 04/15/14	Sheet 1 OF 2

R050034A

File Name: J:\14006\14006CDO.DWG

LINE TABLE (BLDG. G)

NUMBER	DIRECTION	DISTANCE	NUMBER	DIRECTION	DISTANCE
L363	N 90°00'00" E	16.46'	L419	N 90°00'00" W	19.75'
L364	N 00°00'00" E	3.54'	L420	S 00°00'00" W	1.54'
L365	N 90°00'00" E	4.25'	L421	N 90°00'00" W	4.25'
L366	S 00°00'00" W	3.54'	L422	N 00°00'00" E	1.54'
L367	N 90°00'00" E	15.75'	L423	N 90°00'00" W	14.67'
L368	N 00°00'00" E	3.54'	L424	S 00°00'00" W	12.00'
L369	N 90°00'00" E	4.25'	L425	N 90°00'00" W	19.08'
L370	S 00°00'00" W	3.54'	L426	S 00°00'00" W	1.54'
L371	N 90°00'00" E	11.54'	L427	N 90°00'00" W	4.25'
L372	N 00°00'00" E	15.54'	L428	N 00°00'00" E	1.54'
L373	N 90°00'00" E	4.46'	L429	N 90°00'00" W	15.75'
L374	S 00°00'00" W	3.54'	L430	S 00°00'00" W	1.54'
L375	N 90°00'00" E	15.75'	L431	N 90°00'00" W	4.25'
L376	N 00°00'00" E	5.54'	L432	N 00°00'00" E	1.54'
L377	N 90°00'00" E	4.92'	L433	N 90°00'00" W	16.46'
L378	S 00°00'00" W	5.54'	L434	N 00°00'00" E	11.79'
L379	N 90°00'00" E	22.42'	L435	N 90°00'00" W	1.54'
L380	N 00°00'00" E	5.54'	L436	N 00°00'00" E	4.92'
L381	N 90°00'00" E	4.92'	L437	N 90°00'00" E	1.54'
L382	S 00°00'00" W	5.54'	L438	N 00°00'00" E	15.75'
L383	N 90°00'00" E	15.75'	L439	N 90°00'00" W	1.54'
L384	N 00°00'00" E	3.54'	L440	N 00°00'00" E	4.92'
L385	N 90°00'00" E	4.46'	L441	N 90°00'00" E	1.54'
L386	S 00°00'00" W	15.54'	L442	N 00°00'00" E	11.79'
L387	N 90°00'00" E	11.54'	L443	N 90°00'00" E	7.88'
L388	N 00°00'00" E	3.54'	L444	N 90°00'00" E	7.88'
L389	N 90°00'00" E	4.25'	L445	S 00°00'00" W	49.17'
L390	S 00°00'00" W	3.54'	L446	N 90°00'00" E	7.88'
L391	N 90°00'00" E	15.75'	L447	N 90°00'00" E	7.88'
L392	N 00°00'00" E	3.54'	L448	N 90°00'00" E	11.63'
L393	N 90°00'00" E	4.25'	L449	N 90°00'00" E	7.46'
L394	S 00°00'00" W	3.54'	L450	N 00°00'00" E	12.58'
L395	N 90°00'00" E	16.46'	L451	N 90°00'00" W	7.46'
L396	S 00°00'00" W	11.79'	L452	S 00°00'00" W	12.58'
L397	N 90°00'00" E	1.54'	L453	N 00°00'00" E	0.58'
L398	S 00°00'00" W	4.92'	L454	N 90°00'00" W	7.21'
L399	N 90°00'00" W	1.54'	L455	N 90°00'00" W	0.25'
L400	S 00°00'00" W	15.75'	L456	N 00°00'00" E	36.58'
L401	N 90°00'00" E	1.54'	L457	N 90°00'00" W	0.33'
L402	S 00°00'00" W	4.92'	L458	N 90°00'00" E	11.88'
L403	N 90°00'00" W	1.54'	L468	N 90°00'00" W	11.63'
L404	S 00°00'00" W	11.79'	L469	N 90°00'00" W	7.46'
L405	N 90°00'00" W	16.46'	L470	N 00°00'00" E	12.58'
L406	S 00°00'00" W	1.54'	L471	N 90°00'00" W	0.25'
L407	N 90°00'00" W	4.25'	L472	N 90°00'00" W	7.21'
L408	N 00°00'00" E	1.54'	L473	S 00°00'00" W	0.58'
L409	N 90°00'00" W	15.75'	L474	N 00°00'00" E	12.58'
L410	S 00°00'00" W	1.54'	L475	S 00°00'00" W	36.58'
L411	N 90°00'00" W	4.25'	L476	N 90°00'00" E	11.88'
L412	N 00°00'00" E	1.54'	L477	N 90°00'00" W	0.33'
L413	N 90°00'00" W	19.08'	L478	N 90°00'00" E	7.88'
L414	N 00°00'00" E	12.00'	L479	N 90°00'00" E	7.88'
L415	N 90°00'00" W	14.67'	L480	S 00°00'00" W	49.17'
L416	S 00°00'00" W	1.54'	L481	N 90°00'00" W	7.88'
L417	N 90°00'00" W	4.25'	L482	N 90°00'00" W	7.88'
L418	N 00°00'00" E	1.54'	L483	N 90°00'00" W	7.46'



NOTES

1. BUILDING DIMENSIONS ARE TO THE EXTERIOR FACE OF BUILDING AND CENTERLINE OF INTERIOR DEMISING WALL OF BUILDING.

DRW ENGINEERING, INC.
10320 West McDowell Road, Suite K-1136
Avondale, Arizona 85392
Phone: (623)478-8600 Fax: (623)478-8841
E-mail: drw@drwengineering.com

Design: CDW
Drawn: VSP
Scale: 1" = 10'
Job #: 14006

CONDOMINIUM PLAT

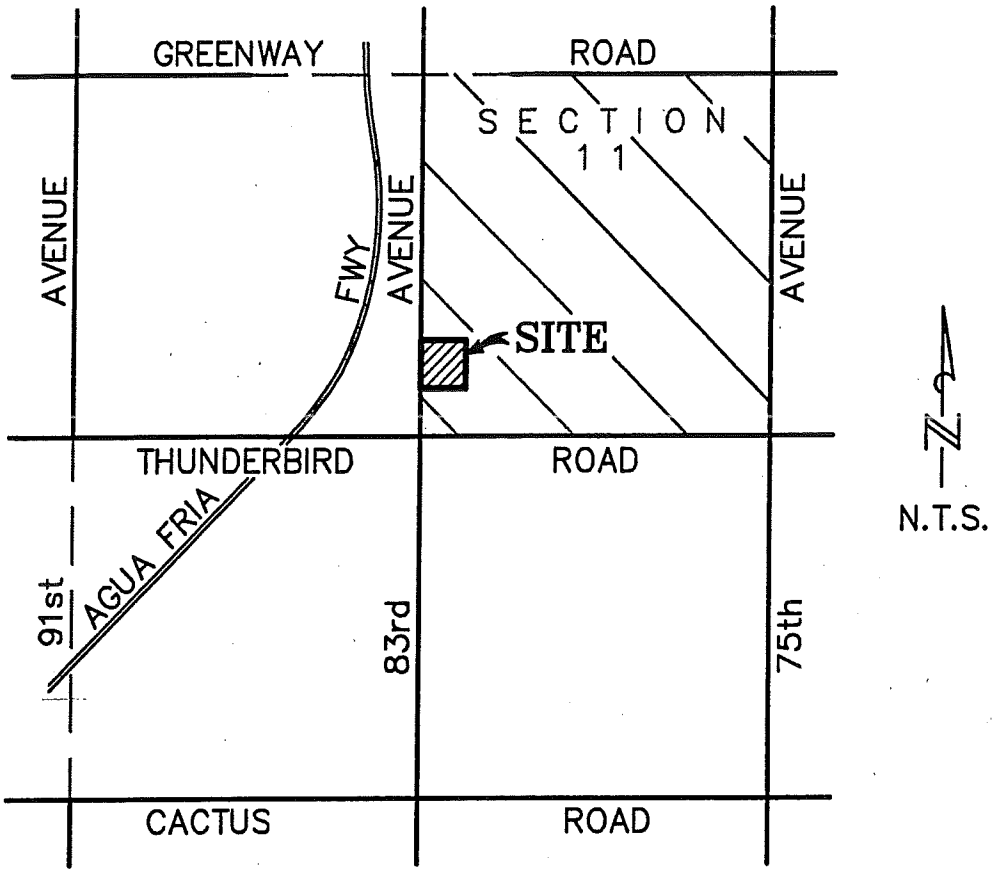
CONDOMINIUM REPLAT OF A PORTION OF
BUILDING G OF STONEGATE OFFICE PARK CONDOMIMIUM
14155 N. 83rd AVENUE
PEORIA, ARIZONA

R050034A

Date: 04/15/14

File Name: J:\14006\14006CD00

VICINITY MAP



SW QUARTER, SECTION 11, T.3N., R.1E.

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 34R

Date Prepared: May 29, 2014 **Council Meeting Date: June 17, 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:

Troy C. DeVos, Agent for Quiktrip #490, has applied for a New Wine and Beer Liquor License (Series 10) located at 8888 W. Thunderbird Road.

Gavin R. Gallifant, Agent for Winery 101, has applied for a New Domestic Farm Winery Liquor License (Series 13) located at 9299 W. Olive Avenue Suite 101.

Tammy D. New, Agent for Sabaca Beverage Group-Arizona, has applied for a New Wholesale Liquor License (Series 04) located at 8990 W. Windsor Drive.

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 8888 W. Thunderbird Road, 9299 W. Olive Avenue Suite 101 and 8990 W. Windsor Drive.

Options:

A: Recommend approval to the Arizona State Liquor Board for a New Wine and Beer Liquor License (Series 10) for Quiktrip #490, located at 8888 W. Thunderbird Road, Troy C. DeVos, Applicant, LL#20009381.

Recommend approval to the Arizona State Liquor Board for a New Domestic Farm Winery Liquor License (Series 13) for Winery 101, located at 9299 W. Olive Avenue Suite 101, Gavin R. Gallifant, Applicant, LL#20010130.

Recommend approval to the Arizona State Liquor Board for a New Wholesale Liquor License (Series 04) for Sabaca Beverage Group-Arizona, located at 8990 W. Windsor Drive, Tammy D. New, Applicant, LL#20010532.

B: Recommend denial to the Arizona State Liquor Board for a New Wine and Beer Liquor License (Series 10) for Quiktrip #490, located at 8888 W. Thunderbird Road, Troy C. DeVos, Applicant, LL#20009381.

Recommend denial to the Arizona State Liquor Board for a New Domestic Farm Winery Liquor License (Series 13) for Winery 101, located at 9299 W. Olive Avenue Suite 101, Gavin R. Gallifant, Applicant, LL#20010130.

Recommend denial to the Arizona State Liquor Board for a New Wholesale Liquor License (Series 04) for Sabaca Beverage Group-Arizona, located at 8990 W. Windsor Drive, Tammy D. New, Applicant, LL#20010532.

Staff's Recommendation:

That the Mayor and Council recommend approval to the Arizona State Liquor Board for a New Wine and Beer Liquor License (Series 10) for Quiktrip #490, located at 8888 W. Thunderbird Road, Troy C. DeVos, Applicant, LL#20009381.

That the Mayor and Council recommend approval to the Arizona State Liquor Board for a New Domestic Farm Winery Liquor License (Series 13) for Winery 101, located at 9299 W. Olive Avenue Suite 101, Gavin R. Gallifant, Applicant, LL#20010130.

That the Mayor and Council recommend approval to the Arizona State Liquor Board for a New Wholesale Liquor License (Series 04) for Sabaca Beverage Group-Arizona, located at 8990 W. Windsor Drive, Tammy D. New, Applicant, LL#20010532.

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: Liquor License Applications.

Arizona Department of Liquor Licenses and Control
800 West Washington, 5th Floor
Phoenix, Arizona 85007
www.azliquor.gov
602-542-5141

'14 APR 14 P 3:32 Liq. Lic.

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 for 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): 10076525

1. Type of License(s): SERIES 10

2. Total fees attached: $ 100.00 (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. ☐ Ms. DeVos (Last) Troy (First) Charles (Middle)
(Insert one name ONLY to appear on license)

2. Corp./Partnership/L.L.C.: QuikTrip Corporation B1022842
(Exactly as it appears on Articles of Inc. or Articles of Org.)

3. Business Name: QuikTrip # 490 B1052159
(Exactly as it appears on the exterior of premises)

4. Principal Street Location 8888 W. Thunderbird Rd. (Do not use PO Box Number) Peoria (City) Maricopa (County) 85381 (Zip)

5. Business Phone: Pending Daytime Phone: 480 446-6329 Email: dtippins@quiktrip.com

6. Is the business located within the incorporated limits of the above city or town? ☒ YES ☐ NO

7. Mailing Address: P.O. Box 3475 Tulsa (City) OK (State) 74101 (Zip)

8. Price paid for license only bar, beer and wine, or liquor store: Type _____ $_____ Type _____ $_____

DEPARTMENT USE ONLY

Fees: 100.00 Application | _____ Interim Permit | _____ Site Inspection | _____ Finger Prints | $ 100.00 TOTAL OF ALL FEES

Is Arizona Statement of Citizenship & Alien Status For State Benefits complete? ☒ YES ☐ NO

Accepted b[redacted] Date: 4-14-14 Lic. # 10076525

1/7/2013

***Disabled individuals requiring special accommodation, please call (602) 542-9027.**

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._____
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,
(Print full name)
MEMBER, STOCKHOLDER, OR LICENSEE (circle the title which applies) of the stated license and location.

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)

'14 APR 14 P. LIC. PM 3:33

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
☐ ☐						
☐ ☐						
☐ ☐						
☐ ☐						

) 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.: QuikTrip Corporation
   (Exactly as it appears on Articles of Incorporation or Articles of Organization)
2. Date Incorporated/Organized: 5/14/~~1958~~ 1999 State where Incorporated/Organized: Oklahoma
3. AZ Corporation Commission File No.: F-0875503-0 Date authorized to do business in AZ: 5/14/1999
4. AZ L.L.C. File No: N/A Date authorized to do business in AZ: N/A
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
SEE ATTACHED LIST					

(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
Cadieux III	Chester	EDOUARD	43.9	P.O. Box 3475	Tulsa, OK 74101-3475
Cadieux II	Chester	EDOUARD	20.9	P.O. Box 3475	Tulsa, OK 74101-3475
OWNED BY SEVERAL PERSONS; NONE OWNS 10% OF THE TOTAL ISSUED OUTSTANDING SHARES					

(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)

'14 APR 14 Liq. Lic PM 3 52

QuikTrip Officers

Name and Title	*Work Address*	*Date of Birth*	*Place of Birth*	*US Citizen*
Cadieux III, Chester Edouard Chairman of the Board/President/CEO	P.O. Box 3475 Tulsa OK 74101-3475	[redacted]		Yes
Stanford, Earnest Michael SR VP - Operations/Chief Operating Officer	P.O. Box 3475 Tulsa OK 74101-3475	[redacted]		Yes
Jeffers, Ronald Steven VP - Operations Systems & Human Resources	P.O. Box 3475 Tulsa OK 74101-3475	[redacted]		Yes
Marchesano, James Denley VP - Store Development	P.O. Box 3475 Tulsa OK 74101-3475	[redacted]		Yes
O'Dell III, Marvin Charles VP - Sales	P.O. Box 3475 Tulsa OK 74101-3475	[redacted]		Yes
Delametter, Marc Andrew VP - Accounting / Controller	P.O. Box 3475 Tulsa OK 74101-3475	[redacted]		Yes
Sullivan, Stuart Coleman VP - Finance/Chief Financial Officer	P.O. Box 3475 Tulsa OK 74101-3475	[redacted]		Yes
Morgan, Bruce Edward VP - Petroleum Supply & Trading	P.O. Box 3475 Tulsa OK 74101-3475	[redacted]		Yes
Fater, Stephen Richard Corporate Treasurer	P.O. Box 3475 Tulsa OK 74101-3475	[redacted]		Yes
Wells, Marshall James General Counsel/Corporate Secretary	P.O. Box 3475 Tulsa OK 74101-3475	[redacted]		Yes
Branham, Mark Owen Assistant Secretary	[redacted]	[redacted]		Yes
Dickerson, Larry Dale Assistant Secretary	[redacted]	[redacted]		Yes
Faust, Joseph S Assistant Secretary	[redacted]	[redacted]		Yes
Gehrke, Thomas Christopher Assistant Secretary	[redacted]	[redacted]		Yes
Hunt, Susan Eileen Assistant Secretary	P.O. Box 3475 Tulsa OK 74101-3475	[redacted]		Yes
Simoens, Avery Allyson Assistant Secretary	[redacted]	[redacted]		Yes
Smith, Beth Ellen Assistant Secretary	P.O. Box 3475 Tulsa OK 74101-3475	[redacted]		Yes
Vaughan, Kelly Assistant Secretary	3701 Arco Corporate Drive, Suite 150 Charlotte NC 28273	[redacted]		Yes
Williams, Craig Donovan Assistant Secretary	5875 Peachtree Industrial Blvd., Ste. 10 Norcross GA 30092	[redacted]		Yes
Zumwalt, Lora Louise Assistant Secretary	P.O. Box 3475 Tulsa OK 74101-3475	[redacted]		Yes

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 transfered: License Type: _____ License Number: _____

7. Current Mailing Address: Street _____
(Other than business)
City, State, Zip _____

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)

'14 APR 14 Liq. Lic. AM 3:32

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: (Exactly as it appears on license) Name _____
   Address _____

2. New Business: (Physical Street Location) Name _____
   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? _____

'14 APR 14 AM 11:15 PM 3:32

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) horizonal 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: 2318 ft. Name of school SKY VIEW ELEMENTARY SCHOOL
   Address 8624 W. SWEETWATER AVE. PEORIA, AZ 85381
   City, State, Zip

2. Distance to nearest church: 2318 ft. Name of church RESURRECTION BAPTIST CHURCH
   Address 8624 W. SWEETWATER AVE. PEORIA, AZ 85381
   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? $NO DEBT INCURRED FOR THIS LICENSE / LOCATION
   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)? CONVENIENCE STORE

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 #_____(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

'14 APR 17 Liq. Lic. PM 3:38

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? 3/31/15
   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.

   [redacted]
   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.

DIAGRAM ATTACHED

*14 APR 14 Liq. Lic. PM 3:32

SECTION 16 **Signature Block**

I, Troy Charles DeVos, hereby declare that I am the OWNER/AGENT filing this
(print full name of applicant)

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 of applicant listed in Section 4, Question 1)

State of ARIZONA County of MARICOPA

The foregoing instrument was acknowledged before me this

14 of APRIL, 2014
Day Month Year

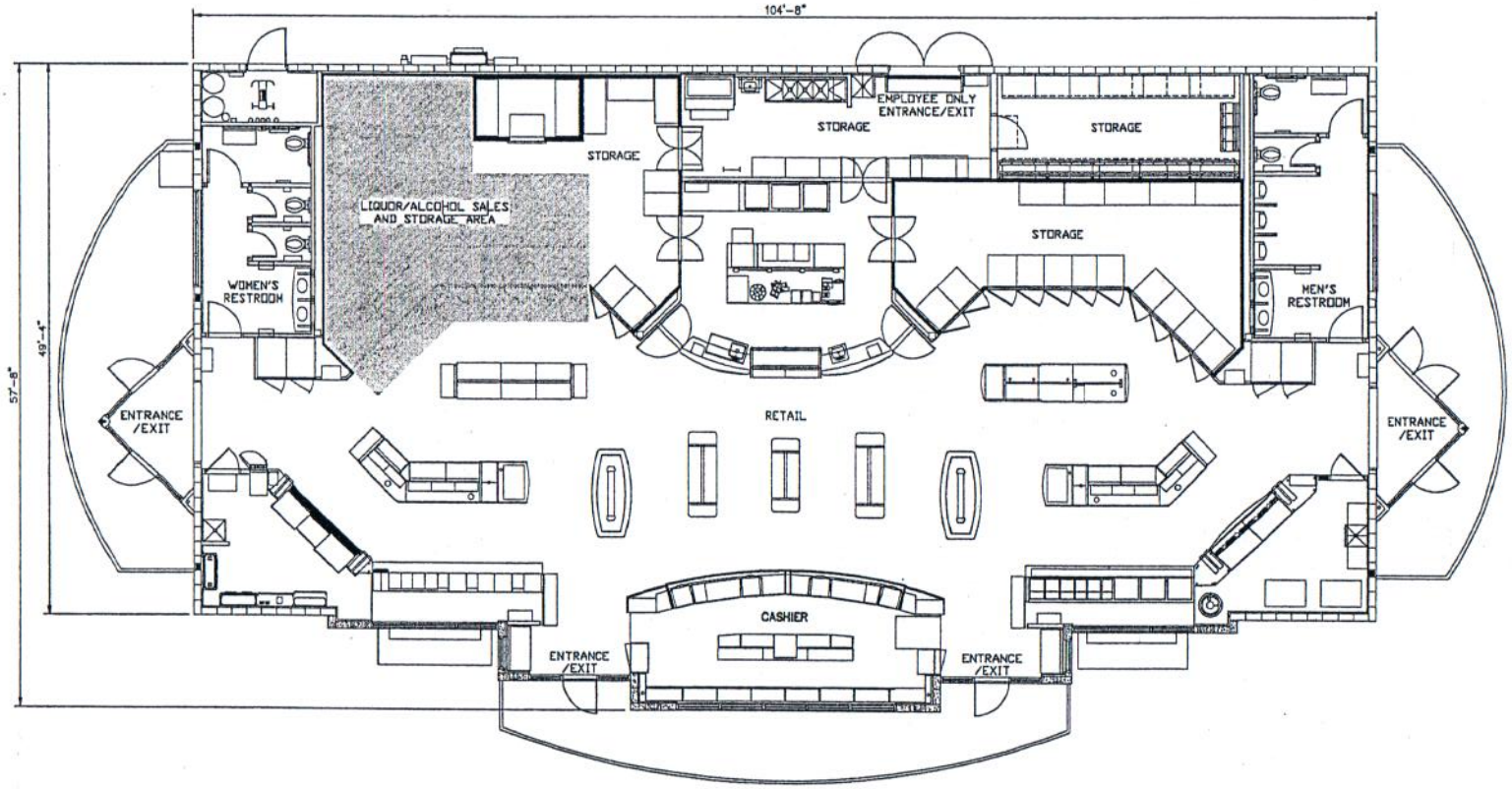
[redacted]
signature of NOTARY PUBLIC

My commission expires on
06/23/2017
Month Year

DONNA H. TIPPINS
Notary Public - Arizona
Maricopa County
My Comm. Expires Jun 23, 2017

SQ FT = 5700

'14 APR 14 Liqr. Lic. PM 3:32



QT

QuikTrip.
4705 South 129th East Ave.
Tulsa, OK 74134-7005
P.O. Box 3475
Tulsa, OK 74101-3475
(918) 615-7700

LIQUOR LICENSE

QuikTrip Store No. :

COPYRIGHT
© 1996 QUIKTRIP CORPORATION
DESIGN PATENTS
QUIKTRIP PLANS ARE THE EXCLUSIVE PROPERTY OF QUIKTRIP CORPORATION, TULSA, OKLAHOMA. THESE PLANS ARE PROTECTED IN THEIR ENTIRETY BY DOMESTIC AND INTERNATIONAL COPYRIGHT AND PATENT STATUTES. ANY UNAUTHORIZED USE, REPRODUCTION, PUBLICATION, DISTRIBUTION OR SALE IN WHOLE OR IN PART, IS STRICTLY FORBIDDEN.

Presentation Exhibit
Gen III Store

STORE NO.:	
SCALE:	NTS
DRAWN BY:	
ISSUE DATE:	10/26/10
SERIAL NUMBER:	
SHEET	1
OF	1

Arizona Department of Liquor Licenses and Control
800 West Washington, 5th Floor
Phoenix, Arizona 85007
www.azliquor.gov
602-542-5141

'14 APR 17 LIQUOR DEPT PM 2:58

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): Series 13 ~~$200.00~~ 13073018

1. Type of License(s): Series 13 - Domestic Farm Winery

2. Total fees attached: Department Use Only $ 144.00

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. ☐ Ms. Gallifant (Last) Gavin (First) Richard (Middle)
(Insert one name ONLY to appear on license)

2. Corp./Partnership/L.L.C.: Gallifant Cellars, LLC
(Exactly as it appears on Articles of Inc. or Articles of Org.)

3. Business Name: Winery 101
(Exactly as it appears on the exterior of premises)

4. Principal Street Location 9299 W. Olive Avenue, Suite 101 (Do not use PO Box Number) Peoria (City) Maricopa (County) 85345 (Zip)

5. Business Phone: 520-477-9463 Daytime Phone: [redacted] Email: info@gcwine.com

6. Is the business located within the incorporated limits of the above city or town? ☒YES ☐NO

7. Mailing Address: 9299 W. Olive Avenue, Suite 101 (City) Peoria, AZ (State) 85345 (Zip)

8. Price paid for license only bar, beer and wine, or liquor store: Type _____ $_____ Type _____ $_____

DEPARTMENT USE ONLY

Fees:				
100.00			44.00	$ 144.00
Application	Interim Permit	Site Inspection	Finger Prints	TOTAL OF ALL FEES

Is Arizona Statement of Citizenship & Alien Status For State Benefits complete? ☒ YES ☐ NO

Accepted by: [redacted] Date: 04-17-14 Lic. # 13073018

1/7/2013

***Disabled individuals requiring special accommodation, please call (602) 542-9027.**

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._____
4. Is the license currently in use? ☐ YES ☐ NO If no, how long has it been out of use?_____

'14 APR 17 Liq. Dept PM 2:58

ATTACH THE LICENSE CURRENTLY ISSUED AT THE LOCATION TO THIS APPLICATION.

I, _____, declare that I am the CURRENT OWNER, AGENT, CLUB MEMBER, PARTNER,
(Print full name)
MEMBER, STOCKHOLDER, OR LICENSEE (circle the title which applies) of the stated license and location.

State of _____ County of_____

X_____
(Signature)

The foregoing instrument was acknowledged before me this

_____day of _____, _____
Day Month Year

My commission expires on: _____

_____
(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
☐ ☐						
☐ ☐						
☐ ☐						
☐ ☐						

) 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.: Gallifant Cellars, LLC
   (Exactly as it appears on Articles of Incorporation or Articles of Organization)
2. Date Incorporated/Organized: 2/16/10 State where Incorporated/Organized: Arizona
3. AZ Corporation Commission File No.: _____ Date authorized to do business in AZ: _____
4. AZ L.L.C. File No: L-1582954-5 Date authorized to do business in AZ: 2/23/10
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
Gallifant	Gavin	Richard	[redacted] Mgr Member	[redacted]	
Gallifant	Irlyn	Kathleen	[redacted] Mgr Member	[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
Gallifant	Gavin	Richard	50	[redacted]	
Gallifant	Irlyn	Kathleen	50	[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.

'14 APR 17 Liq. Dept PM 2:58

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 transfered: License Type: _____ License Number: _____

7. Current Mailing Address: Street _____
(Other than business)
City, State, Zip _____

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: (Exactly as it appears on license) Name _____
   Address _____
2. New Business: (Physical Street Location) Name _____
   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? _____

'14 APR 17 Liq. Dept PM 2:58

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) horizonal 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: 6,336 ft. Name of school Sun Valley Elementary School
   Address 8361 N. 95th Avenue Peoria, AZ 85345
   City, State, Zip
2. Distance to nearest church: 1,584 ft. Name of church South Peoria Baptist Church
   Address 9000 W. Olive Avenue Peoria, AZ 85345
   City, State, Zip
3. I am the: ☒ Lessee ☐ Sublessee ☐ Owner ☐ Purchaser (of premises)
4. If the premises is leased give lessors: Name NES Leasing, LLC
   Address [redacted]
   City, State, Zip

4a. Monthly rental/lease rate $600.00 What is the remaining length of the lease 10 yrs. ____mos.

4b. What is the penalty if the lease is not fulfilled? $0.00 or other _____
(give details - attach additional sheet if necessary)

5. What is the total **business** indebtedness for this license/location excluding the lease? $0.00
   Please list lenders you owe money to.

Last	First	Middle	Amount Owed	Mailing Address	City State	Zip
N/A						

(ATTACH ADDITIONAL SHEET IF NECESSARY)

6. What type of business will this license be used for (be specific)? Wine production/tasting room/wine storage

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 #_____(exactly as it appears on license) Name _____

11 APR 17 Liq. Dept PM 2:58

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? 9/01/2014 or upon license approval
   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.

[redacted]
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.

'14 APR 17 Liqr. Dept PM 2:58

Diagram attached

SECTION 16 Signature Block

I, Gavin Richard Gallifant, hereby declare that I am the OWNER/AGENT filing this
(print full name of applicant)

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 of applicant listed in Section 4, Question 1)

State of ARIZONA County of MARICOPA

The foregoing instrument was acknowledged before me this

17 of APRIL, 2014
Day Month Year

[redacted]
signature of NOTARY PUBLIC

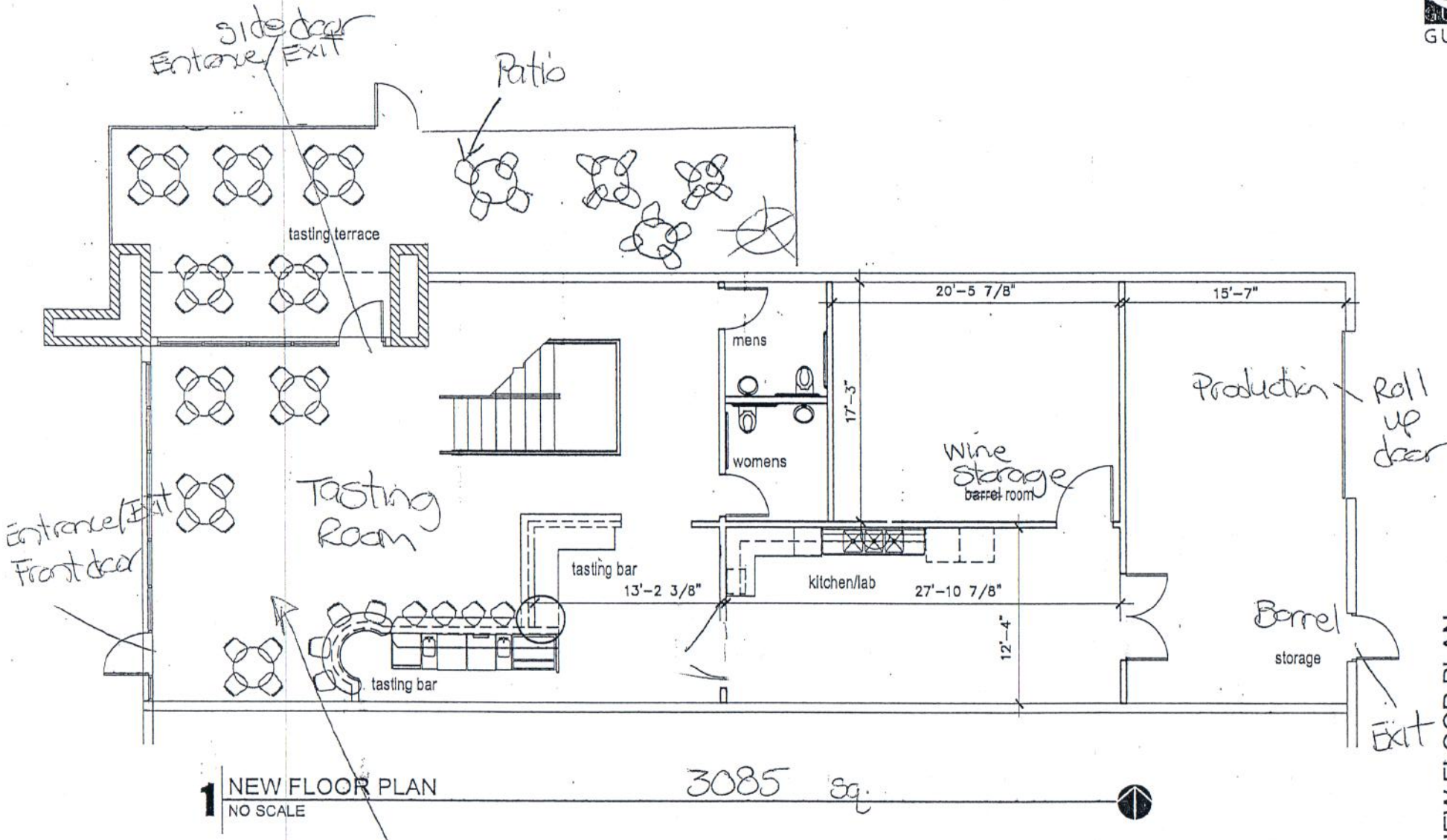
My commission expires on

OFFICIAL SEAL
JENNIFER BENSON
NOTARY PUBLIC - State of Arizona
MARICOPA COUNTY
My Comm. Expires February 16, 2016

Day Month Year

'14 APR 17 Liqr. Dept PM 3:00

GUTHRIE



1 NEW FLOOR PLAN
NO SCALE

3085 sq.

Above tasting room is a loft for seating & tasting

NEW FLOOR PLAN
GALLIFANT CELLARS - PEORIA, ARIZONA

DATE: 20 DECEMBER 2013

8677 W. THUNDERBIRD RD. GLENDALE, AZ. 85306 P. 623.487.0234 F.623.487.1246 WWW.GUTHRIEGENERAL.COM

'14 MAR 17 Liqr. Dept PM 1:18

'13 AUG 16 Liqr. Dept AM11:34

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.

'13 OCT 28 Liqr. Dept PM 4:09

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): 04077060

1. Type of License(s): 04-Wholesaler

2. Total fees attached: $ 144.00 (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. ☒ Ms. New (Last) Tammy (First) Dianne (Middle)
(Insert one name ONLY to appear on license)

2. Corp./Partnership/L.L.C.: Sabaca Beverage Group-Arizona Inc. B1044966
(Exactly as it appears on Articles of Inc. or Articles of Org.)

3. Business Name: Sabaca Beverage Group-Arizona ~~Inc.~~ LLC
(Exactly as it appears on the exterior of premises)

4. Principal Street Location 8990 W. Windsor Drive (Do not use PO Box Number) Peoria (City) Maricopa (County) 85381 (Zip)

5. Business Phone: 602-254-8643 Daytime Phone: [redacted] Email: operations@sabacabeverage.com

6. Is the business located within the incorporated limits of the above city or town? ☒YES ☐NO

7. Mailing Address: 100 Lexington Drive, Suite 202, Buffalo Grove, IL 60089 (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 | ____ Interim Permit | ____ Site Inspection | 44.00 Finger Prints | $ 144.00 TOTAL OF ALL FEES

Is Arizona Statement of Citizenship & Alien Status For State Benefits complete? ☒YES ☐ NO

Accepted by: [redacted] Date: 4/17/2014 Lic. # 04077060

1/7/2013 Disabled individuals requiring special accommodation, please call (602) 542-9027.

SECTION 5 Interim Permit:

'14 MAR 17 Liqr. Dept PM 1:18

'13 AUG 16 Liqr. Dept AM11:34

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,
(Print full name)

MEMBER, STOCKHOLDER, OR LICENSEE (circle the title which applies) of the stated license and location.

State of _____ County of _____

X_____
(Signature)

The foregoing instrument was acknowledged before me this

_____day of _____, _____
Day Month Year

My commission expires on: _____

_____
(Signature of NOTARY PUBLIC)

'13 OCT 28 Liqr. Dept PM 4:09

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
☐ ☐						
☐ ☐						
☐ ☐						
☐ ☐						

) 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.: Sabaca Beverage Group-Arizona, Inc.
   (Exactly as it appears on Articles of Incorporation or Articles of Organization)
2. Date Incorporated/Organized: 10/21/2010 State where Incorporated/Organized: Arizona
3. AZ Corporation Commission File No.: 1635284-5 Date authorized to do business in AZ: 10/26/2010
4. AZ L.L.C. File No: _____ Date authorized to do business in AZ: _____
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
Miller	Melissa-Ann		Dir/Pres/Sec Sec-Treas	[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
Sabaca Beverage Group Holdings, Inc.			100%	100 Lexington Drive. #202, Buffalo Grove, IL 60089	

(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)

'14 MAR 17 Liqr. Dept PM 1:18

Sabaca Beverage Group-Arizona, Inc
Licensee

Sabaca Beverage Group Holdings, Inc
100%

Melissa Ann Miller
President
Secretary
Director
100%

SECTION 9 Probate, Will Assignment or Divorce Decree of an existing Bar or Liquor Store License:

'13 AUG 16 Liq. Dept AM11:34

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.

'14 MAR 17 Liq. Dept PM 1:18

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:

'13 OCT 28 Liq. Dept PM 4:09

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 transfered: License Type: _____ License Number: _____

7. Current Mailing Address: Street _____
(Other than business)
City, State, Zip _____

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)

'13 AUG 16 Liq. Dept AM11:34

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: (Exactly as it appears on license) Name _____ Address _____
2. New Business: (Physical Street Location) Name _____ 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? _____

'14 MAR 17 Liq. Dept PM 1:18

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) horizonal 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))

'13 OCT 28 Liq. Dept PM 4:05

1. Distance to nearest school: 1 mile ft. Name of school Sky View Elementary School
   Address 8634 W. Sweetwater Ave. Peoria AZ 85381
   City, State, Zip
2. Distance to nearest church: 1/2 mile ft. Name of church Phoenix Free Presbyterian Church
   Address 8935 W. Larkspur Dr. Peoria AZ 85381
   City, State, Zip
3. I am the: ☐ Lessee ☐ Sublessee ☒ Owner ☐ Purchaser (of premises)
4. If the premises is leased give lessors: Name Not Applicable
   Address _____
   City, State, Zip

4a. Monthly rental/lease rate $ N/A What is the remaining length of the lease N/A yrs. ___ mos.

4b. What is the penalty if the lease is not fulfilled? $ N/A or other N/A (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
	N/A					

(ATTACH ADDITIONAL SHEET IF NECESSARY)

6. What type of business will this license be used for (be specific)? Wholesale Fruit & Vegetable Sales

SECTION 13 - continued

'13 AUG 16 Liq. Dept AM 11:04

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 #_____(exactly as it appears on license) Name _____

'14 MAR 17 Liq. Dept PM 1:18

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

'13 OCT 28 Liq. Dept PM 4:09

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? _____
   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).

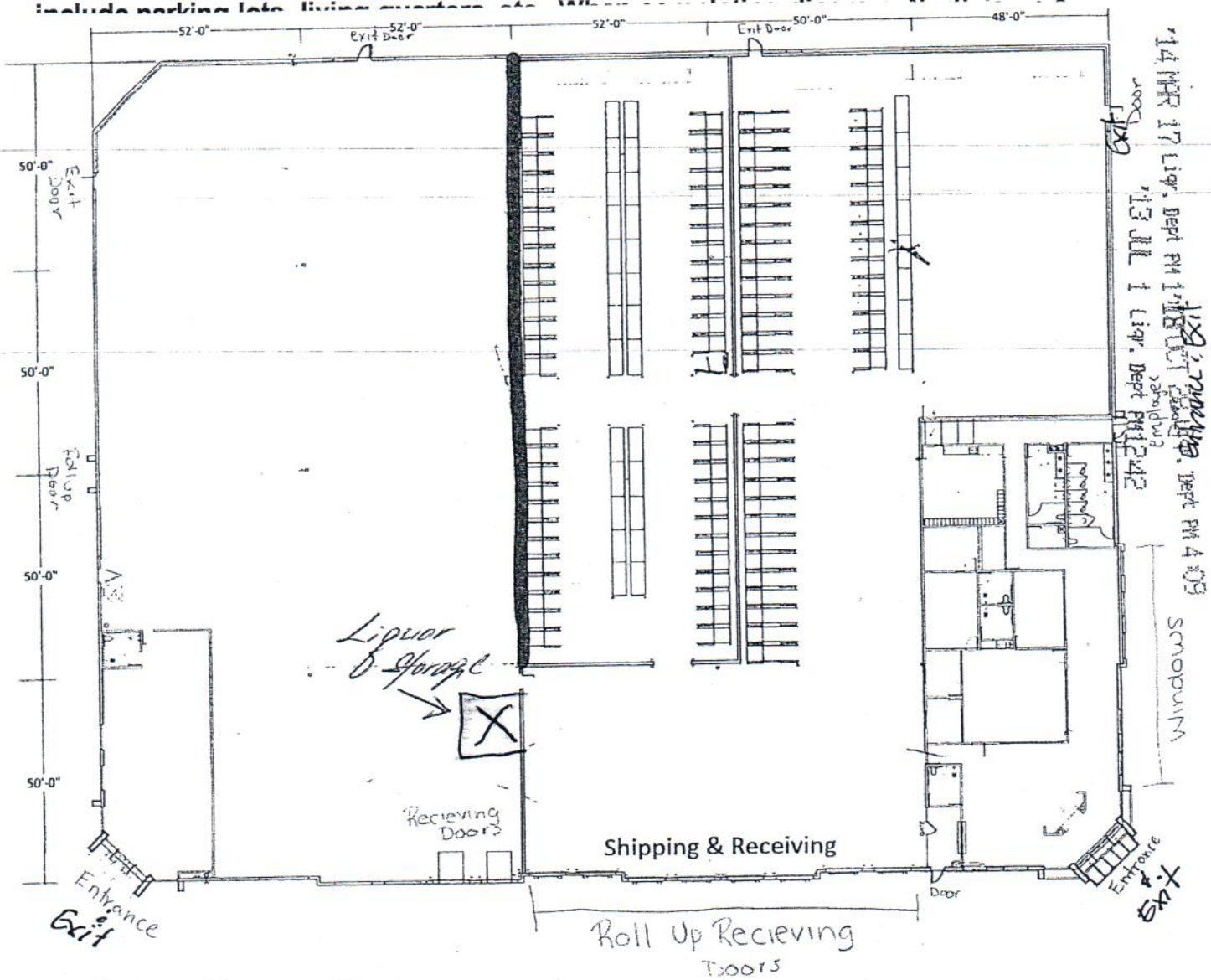
5. Provide the square footage or outside dimensions of the licensed premises. Please do not include non-licensed premises, such as parking lots, living quarters, etc.

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, consu dispensed, possessed or stored. It must show all entrances, exits, interior walls, bars, bar stoo hi-top tables, dining tables, dining chairs, the kitchen, dance floor, stage, and game room. Do n include parking lots, living quarters, etc. Where a building diagram is used, the diagram



SECTION 16 Signature Block

I, Melissa Ann Miller, hereby declare that I am the OWNER/AGENT filing this
(print full name of applicant)

application as stated in Section 4, Question 1. I have read this application and verify all statements to true, correct and complete.

X [redacted]
(signature of applicant listed in Section 4, Question 1)

NOTARY PUBLIC OFFICIAL SEAL STATE OF ILLINOIS
MONTY MITTELMAN
MY COMMISSION EXPIRES
DECEMBER 17, 2013

State of Illinois County of Cook

The foregoing instrument was acknowledged before me this

1st of March, 2013
Day Month Year

My commission expires on : 17 December 2013
Day Month Year

[redacted]
signature of NOTARY PUBLIC

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 35R

Date Prepared: May 29, 2014 **Council Meeting Date: June 17, 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 Department of Revenue for a Class A (Small Game) Bingo License.

Purpose:

Pursuant to Arizona Law the City must recommend to the Arizona Department of Revenue for approval. The Standard for the recommendation is whether the best interest of the community will be served by the issuance of this license and whether the public convenience is served.

Background/Summary:

Robert Turek, Administrator for the Loyal Order of Moose Lodge #2243, has applied for a Class A (Small Game) Bingo License located at 9550 W. Peoria Avenue.

The public hearing notice was posted and no comments were received during the posting period. The license application was reviewed according to State law and all Departments gave approvals.

Previous Actions:

This location has not had a Bingo License.

Options:
A: Recommend approval to the Arizona Department of Revenue for a Class A (Small Game) Bingo License for Loyal Order of Moose Lodge #2243, located at 9550 W. Peoria Avenue, Robert Turek, Applicant, #12464.

B: Recommend denial to the Arizona Department of Revenue for a Class A (Small Game) Bingo License for Loyal Order of Moose Lodge #2243, located at 9550 W. Peoria Avenue, Robert Turek, Applicant, #12464.

Staff's Recommendation:

That the Mayor and Council recommend approval to the Arizona Department of Revenue for a Class A (Small Game) Bingo License for Loyal Order of Moose Lodge #2243, located at 9550 W. Peoria Avenue, Robert Turek, Applicant, #12464.

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: New Class A (Small Game) Bingo License Application.

Arizona Department of Revenue • Bingo Section

Phoenix: (602) 716-7801

APPLICATION FOR BINGO LICENSE

Complete all information on this form. If you do not complete all information, your application will be returned. All information is subject to verification. If you need more space, attach additional sheets.

Falsification of information contained in this application constitutes a Class 6 felony.

All bingo licenses expire one year from the date of issue. To continue conducting bingo games, you must renew your license prior to the expiration date.

For Department of Revenue Use Only

☐ Approved ☐ Disapproved

REVIEWER'S NAME *(please print)*	DATE

License Classification: ☐ Class A ☐ Class B ☐ Class C

LICENSE NUMBER	TERM OF LICENSE: From: To:

Type or print in black ink.

1 APPLICANT'S NAME LOYAL ORDER OF MOOSE LODGE 2243	2 TELEPHONE NUMBER WITH AREA CODE 623 878 4940
3a ADMINISTRATIVE OFFICE LOCATION 9550 W PEORIA AVE	4a MAILING ADDRESS 9550 W PEORIA AVE
3b CITY PEORIA STATE AZ ZIP CODE 85345	4b CITY PEORIA STATE AZ ZIP CODE 85345

5 **Class B and Class C license applicants only:** If applying as a qualified organization, *indicate the type of organization:*
Check one box:

☐ Charitable ☐ Social ☐ Religious ☐ Veterans

☐ Fraternal ☐ Volunteer Fire Department ☐ Homeowners Association ☐ Nonprofit Ambulance Service

6 **Class B and Class C license applicants only:** If applying as a qualified organization, give the name and address of your one parent or auxiliary:

PARENT 6a	AUXILIARY 6b
ADDRESS - NUMBER AND STREET, RURAL RT., APT. NO.	ADDRESS - NUMBER AND STREET, RURAL RT., APT. NO.
CITY STATE ZIP CODE	CITY STATE ZIP CODE

7 **Class B and Class C license applicants only:** If applying as a qualified organization, indicate the date your organization was established in Arizona: ___

Continued on page 2 →

8 **Class B and Class C license applicants only:** If applying as a qualified organization, list current officers:

NAME **8a**	NAME **8b**
TITLE	TITLE
ADDRESS - NUMBER AND STREET, RURAL RT., APT. NO.	ADDRESS - NUMBER AND STREET, RURAL RT., APT. NO.
CITY STATE ZIP CODE	CITY STATE ZIP CODE
NAME **8c**	NAME **8d**
TITLE	TITLE
ADDRESS - NUMBER AND STREET, RURAL RT., APT. NO.	ADDRESS - NUMBER AND STREET, RURAL RT., APT. NO.
CITY STATE ZIP CODE	CITY STATE ZIP CODE

9 **Class B and Class C license applicants only:** Bingo checking account information:

Checking Account Number: _____

Bank Name and Branch: _____

10 **Class B and Class C license applicants only:** Bingo interest-bearing account information:

Account Number: _____

Bank Name and Branch: _____

11 **Class B and Class C license applicants only:** List all **officers and/or supervisors** authorized to sign checks from the accounts listed above. If applying as a qualified organization, all **supervisors must be members** of the applicant:

NAME **11a**	NAME **11b**
TITLE	TITLE
ADDRESS - NUMBER AND STREET, RURAL RT., APT. NO.	ADDRESS - NUMBER AND STREET, RURAL RT., APT. NO.
CITY STATE ZIP CODE	CITY STATE ZIP CODE

12 List the name(s) of the **one or two** persons who will serve as managers. If applying as a qualified organization, these persons **must be members** of the applicant. *Each person must submit an affidavit.*

NAME **12a** ROBERT TUREK	NAME **12b** STEPHEN BROOKS
TITLE ADMINISTRATOR	TITLE TREASURER
ADDRESS - NUMBER AND STREET, RURAL RT., APT. NO. [redacted]	ADDRESS - NUMBER AND STREET, RURAL RT., APT. NO. [redacted]
CITY STATE ZIP CODE [redacted]	CITY STATE ZIP CODE [redacted]

13 List the name of the **one** person designated as proceeds coordinator. If applying as a qualified organization, this person **must be an officer or director and a member** of the applicant. *Each person must submit an affidavit.*

NAME ROBERT TUREK	ADDRESS - NUMBER AND STREET, RURAL RT., APT. NO. [redacted]
TITLE ADMINISTRATOR	CITY STATE ZIP CODE [redacted]

14 List the name(s) of the person(s) who will serve as supervisor. If applying as a qualified organization, each person **must be a member** of the applicant. *Each person must submit an affidavit.*

NAME **14a** ~~KATHLE~~ MEL CANTY	NAME **14b** GEORGE COY
TITLE PAST GOVERNOR	TITLE GOVERNOR
ADDRESS - NUMBER AND STREET, RURAL RT., APT. NO. [redacted]	ADDRESS - NUMBER AND STREET, RURAL RT., APT. NO. [redacted]
CITY [redacted] STATE ZIP CODE [redacted]	CITY [redacted] STATE ZIP CODE [redacted]
NAME **14c**	NAME **14d**
TITLE	TITLE
ADDRESS - NUMBER AND STREET, RURAL RT., APT. NO.	ADDRESS - NUMBER AND STREET, RURAL RT., APT. NO.
CITY STATE ZIP CODE	CITY STATE ZIP CODE

15 List the name(s) of the person(s) who will serve as assistants. If applying as a qualified organization, each person **must be a member or new member** of the applicant. Except for "Class A" licensees, *each person must submit an affidavit.*

NAME **15a** KATHLEEN TURK	NAME **15b** CARMIE KAMINSY - BROOKS
NAME **15c** CHERYL RENTSCHELER	NAME **15d** ESTHER CANTY
NAME **15e** WILLIAM SCHNEIDER	NAME **15f** BOB SCHNEIDER
NAME **15g** SANDRA BALL	NAME **15h** TIM PEEK

16 Street address of the physical location where bingo will be played: 9550 W PEORIA AVE, PEORIA, AZ

17 Indicate the time on each respective day that bingo will be played:

Monday:	2	☐ AM ☒ PM	Friday:		☐ AM ☐ PM
Tuesday:		☐ AM ☐ PM	Saturday:		☐ AM ☐ PM
Wednesday:		☐ AM ☐ PM	Sunday:		☐ AM ☐ PM
Thursday:		☐ AM ☐ PM			

18 List dates of proposed game cancellation if any:

19 Indicate the type of premises where bingo will be played. *Check one box (line 19 continues on page 4):*

a ☒ Neither rent nor mortgage will be paid from bingo funds.

b ☐ Rented or leased. *Attach rental affidavit and copy of rental agreement.*

LANDLORD'S NAME	ADDRESS - NUMBER AND STREET, RURAL RT., APT. NO.
TELEPHONE NUMBER WITH AREA CODE	CITY STATE ZIP CODE

c ☐ Owned solely by the organization. *Attach copy of mortgage, deed of trust, purchase agreement, escrow agreement, etc..*

HOLDER OF MORTGAGE	ADDRESS - NUMBER AND STREET, RURAL RT., APT. NO.
TELEPHONE NUMBER WITH AREA CODE	CITY STATE ZIP CODE

19d ☐ Owned jointly with other organization. *Attach copy of mortgage, deed of trust, purchase agreement, escrow agreement, etc..*

HOLDER OF MORTGAGE 1)	ADDRESS - NUMBER AND STREET, RURAL RT., APT. NO.
TELEPHONE NUMBER WITH AREA CODE	CITY STATE ZIP CODE
CO-OWNER HOLDER: 2)	ADDRESS - NUMBER AND STREET, RURAL RT., APT. NO.
TELEPHONE NUMBER WITH AREA CODE	CITY STATE ZIP CODE
CO-OWNER HOLDER: 3)	ADDRESS - NUMBER AND STREET, RURAL RT., APT. NO.
TELEPHONE NUMBER WITH AREA CODE	CITY STATE ZIP CODE

20 List bingo licensees who are or will be conducting bingo in the same premises as you and those licensees located within 1,000 feet of your premises.

NAME **20a** None	NAME **20b**
ADDRESS - NUMBER AND STREET, RURAL RT., APT. NO.	ADDRESS - NUMBER AND STREET, RURAL RT., APT. NO.
CITY STATE ZIP CODE	CITY STATE ZIP CODE

21 Expected bingo expenses *(line 21 continues on page 5)*:

a Mortgage: $ 0 per month

PAYABLE TO	ADDRESS - NUMBER AND STREET, RURAL RT., APT. NO.
TELEPHONE NUMBER WITH AREA CODE	CITY STATE ZIP CODE

b Rent: $ 0 per ☐ month ☐ hour ☐ occasion

PAYABLE TO	ADDRESS - NUMBER AND STREET, RURAL RT., APT. NO.
TELEPHONE NUMBER WITH AREA CODE	CITY STATE ZIP CODE

c Janitorial Services: $ 400 per ☐ month ☐ hour ☐ occasion

PAYABLE TO AZ TRAINING & EVALUATION CNTR	ADDRESS - NUMBER AND STREET, RURAL RT., APT. NO. 7400 W OLIVE SUITE 24
TELEPHONE NUMBER WITH AREA CODE 623 412 - 2888	CITY STATE ZIP CODE PEORIA AZ 85345

d Accounting Services: $ 0 per ☐ month ☐ hour ☐ occasion

PAYABLE TO	ADDRESS - NUMBER AND STREET, RURAL RT., APT. NO.
TELEPHONE NUMBER WITH AREA CODE	CITY STATE ZIP CODE

e Security Services: $ 50 per ☒ month ☐ hour ☐ occasion

PAYABLE TO PROTECTION ONE	ADDRESS - NUMBER AND STREET, RURAL RT., APT. NO.
TELEPHONE NUMBER WITH AREA CODE 800 498 4357	CITY STATE ZIP CODE

21 Expected Bingo Expenses, continued...

f Bingo Supplies: $ 300 per Mo

PAYABLE TO	ADDRESS - NUMBER AND STREET, RURAL RT., APT. NO.
CALIVS BINGO SUPPLY	3210 E ROESER RD Suite 15
TELEPHONE NUMBER WITH AREA CODE: 602 757-1465	CITY: Phoenix STATE: AZ ZIP CODE: 85040

g Maximum prize payout per occasion: $_____. *Attach game schedule that lists individual prize amounts.*

PAID TO	ADDRESS - NUMBER AND STREET, RURAL RT., APT. NO.
TELEPHONE NUMBER WITH AREA CODE	CITY STATE ZIP CODE

h Utilities Expenses: ~~$ 2100 mo~~

ELECTRIC (payable to) SRP	ADDRESS - NUMBER AND STREET, RURAL RT., APT. NO. 602-236-5357
ACCOUNT NUMBER [redacted] / MONTHLY AMOUNT $ 2100	CITY STATE ZIP CODE

GAS (payable to) FERRELLGAS	ADDRESS - NUMBER AND STREET, RURAL RT., APT. NO.
ACCOUNT NUMBER [redacted] / MONTHLY AMOUNT $ 500	CITY STATE ZIP CODE

WATER (payable to) CITY OF PEORIA	ADDRESS - NUMBER AND STREET, RURAL RT., APT. NO. 8401 W MONROE
ACCOUNT NUMBER [redacted] / MONTHLY AMOUNT 65	CITY: PEORIA STATE: AZ ZIP CODE: 85345

TRASH REMOVAL (payable to) CITY OF PEORIA	ADDRESS - NUMBER AND STREET, RURAL RT., APT. NO. 8401 W MONROE
ACCOUNT NUMBER [redacted] / MONTHLY AMOUNT $ 120	CITY: PEORIA STATE: AZ ZIP CODE: 85345

22 Briefly state the specific projected use of net proceeds from games of bingo:

To Cover Above expenses and donations to 501(c)3 Moose Charities

Under penalty of perjury, upon oath, I, Robert Turek, declare that I am duly authorized to sign and file this application. I hereby swear or confirm that I have read the foregoing application and know the contents thereof, and that all information provided has been fully, accurately, and truthfully completed to the best of my knowledge.

[redacted] 4/9/14 ADMINISTRATOR

AFFIANT'S SIGNATURE DATE TITLE

Arizona Department of Revenue • Bingo Section

1600 West Monroe, Phoenix, AZ 85007 • (602) 716-7801

AFFIDAVIT

This affidavit must be completed by each person who wishes to assist in the conduct of any game of bingo. If any information is blank or incorrect, the affidavit will be returned to you. All information is subject to verification. Disclosure of your Social Security Number is voluntary. This information may be used to establish positive identification for purposes of criminal background checks pursuant to Arizona Revised Statutes, §5-404.

Please type or print in black ink. LOYAL ORDER OF MOOSE

LICENSEE'S NAME	LICENSE NUMBER
GLENDALE MOOSE LODGE #2243	

POSITION

Check the appropriate boxes: ☐ Manager ☒ Supervisor ☐ Proceed Coordinator ☒ Assistant

AFFIANT'S NAME	SOCIAL SECURITY NO.
MELVIN W. CANTY	
ADDRESS [redacted]	DATE OF BIRTH [redacted]
CITY [redacted] STATE ZIP CODE [redacted]	
HOME PHONE NO. *(with area code)* [redacted]	WORK PHONE NO. *(with area code)*

If licensee is a qualified organization, complete the following section:

MEMBER?	DATE JOINED ORGANIZATION
☒ Yes ☐ No	09/30/1961
OFFICERS?	OFFICER TITLE
☐ Yes ☒ No	

DO YOU HAVE AN AFFIDAVIT ON FILE FOR ANY OTHER LICENSEE?

☐ Yes ☒ No If "Yes", list license number(s):

I, MELVIN W. CANTY (AFFIANT'S NAME), the above named affiant, under penalty of perjury, upon oath, depose and say that I will conduct or assist in conducting all bingo games in compliance with the terms of the license, Arizona Revised Statutes, Title 5, Chapter 4, and the rules of the licensing authority. I am of good moral character and have never been convicted of any misdemeanor involving moral turpitude or felony. I have not and shall not receive any reward, compensation or recompense for my participation in the conduct of bingo games except as provided for by law. I hereby swear or confirm that I have read and understand the foregoing and verify that the information and statements made herein are true and correct to the best of my knowledge.

[redacted]

SIGNATURE OF AFFIANT

10-10-13

DATE

ADOR 71-1003f (4/06)

Arizona Department of Revenue • Bingo Section

1600 West Monroe, Phoenix, AZ 85007 • (602) 716-7801

AFFIDAVIT

This affidavit must be completed by each person who wishes to assist in the conduct of any game of bingo. If any information is blank or incorrect, the affidavit will be returned to you. All information is subject to verification. Disclosure of your Social Security Number is voluntary. This information may be used to establish positive identification for purposes of criminal background checks pursuant to Arizona Revised Statutes, §5-404.

Please type or print in black ink.

LICENSEE'S NAME	LICENSE NUMBER
LOYAL ORDER OF MOOSE LODGE 2243	
POSITION *Check the appropriate boxes:* ☒ Manager ☐ Supervisor ☒ Proceed Coordinator ☐ Assistant	

AFFIANT'S NAME	SOCIAL SECURITY NO.
ROBERT TUREK	
ADDRESS [redacted]	DATE OF BIRTH [redacted]
CITY [redacted] STATE [redacted] ZIP CODE [redacted]	
HOME PHONE NO. *(with area code)* [redacted]	WORK PHONE NO. *(with area code)* 623 878 4940

If licensee is a qualified organization, complete the following section:

MEMBER?	DATE JOINED ORGANIZATION
☒ Yes ☐ No	05.01.2009
OFFICERS?	OFFICER TITLE
☒ Yes ☐ No	ADMINISTRATOR
DO YOU HAVE AN AFFIDAVIT ON FILE FOR ANY OTHER LICENSEE? ☐ Yes ☒ No If "Yes", list license number(s):	

I, Robert J Turek (AFFIANT'S NAME), the above named affiant, under penalty of perjury, upon oath, depose and say that I will conduct or assist in conducting all bingo games in compliance with the terms of the license, Arizona Revised Statutes, Title 5, Chapter 4, and the rules of the licensing authority. I am of good moral character and have never been convicted of any misdemeanor involving moral turpitude or felony. I have not and shall not receive any reward, compensation or recompense for my participation in the conduct of bingo games except as provided for by law. I hereby swear or confirm that I have read and understand the foregoing and verify that the information and statements made herein are true and correct to the best of my knowledge.

[redacted]

SIGNATURE OF AFFIANT

DATE 3/17/14

ADOR 71-1003f (4/06)

Arizona Department of Revenue • Bingo Section

1600 West Monroe, Phoenix, AZ 85007 • (602) 716-7801

AFFIDAVIT

This affidavit must be completed by each person who wishes to assist in the conduct of any game of bingo. If any information is blank or incorrect, the affidavit will be returned to you. All information is subject to verification. Disclosure of your Social Security Number is voluntary. This information may be used to establish positive identification for purposes of criminal background checks pursuant to Arizona Revised Statutes, §5-404.

Please type or print in black ink.

LICENSEE'S NAME	LICENSE NUMBER
Loyal Order of Moose Lodge 2243	
POSITION *Check the appropriate boxes:* ☐ Manager ☒ Supervisor ☐ Proceed Coordinator ☐ Assistant	

AFFIANT'S NAME	SOCIAL SECURITY NO.
GEORGE COY	[redacted]
ADDRESS [redacted]	DATE OF BIRTH [redacted]
CITY [redacted]	STATE ZIP CODE [redacted]
HOME PHONE NO. (*with area code*) [redacted]	WORK PHONE NO. (*with area code*)

If licensee is a qualified organization, complete the following section:

MEMBER?	DATE JOINED ORGANIZATION
☑ Yes ☐ No	11 1 2011
OFFICERS?	OFFICER TITLE
☑ Yes ☐ No	Gov.
DO YOU HAVE AN AFFIDAVIT ON FILE FOR ANY OTHER LICENSEE? ☑ Yes ☐ No If "Yes", list license number(s):	

I, GEORGE COY (AFFIANT'S NAME), the above named affiant, under penalty of perjury, upon oath, depose and say that I will conduct or assist in conducting all bingo games in compliance with the terms of the license, Arizona Revised Statutes, Title 5, Chapter 4, and the rules of the licensing authority. I am of good moral character and have never been convicted of any misdemeanor involving moral turpitude or felony. I have not and shall not receive any reward, compensation or recompense for my participation in the conduct of bingo games except as provided for by law. I hereby swear or confirm that I have read and understand the foregoing and verify that the information and statements made herein are true and correct to the best of my knowledge.

[redacted]
SIGNATURE OF AFFIANT

2·10·14
DATE

Arizona Department of Revenue • Bingo Section

1600 West Monroe, Phoenix, AZ 85007 • (602) 716-7801

AFFIDAVIT

This affidavit must be completed by each person who wishes to assist in the conduct of any game of bingo. If any information is blank or incorrect, the affidavit will be returned to you. All information is subject to verification. Disclosure of your Social Security Number is voluntary. This information may be used to establish positive identification for purposes of criminal background checks pursuant to Arizona Revised Statutes, §5-404.

Please type or print in black ink.

LICENSEE'S NAME	LICENSE NUMBER
Loyal Order of Moose Lodge 2243	

POSITION

Check the appropriate boxes: ☒ Manager ☐ Supervisor ☐ Proceed Coordinator ☒ Assistant

AFFIANT'S NAME	SOCIAL SECURITY NO.
Steven Brooks	
ADDRESS [redacted]	DATE OF BIRTH [redacted]
CITY [redacted] STATE [redacted] ZIP CODE [redacted]	
HOME PHONE NO. *(with area code)* [redacted]	WORK PHONE NO. *(with area code)*

If licensee is a qualified organization, complete the following section:

MEMBER?	DATE JOINED ORGANIZATION
☒ Yes ☐ No	3-2090
OFFICERS?	OFFICER TITLE
☒ Yes ☐ No	Treasurer

DO YOU HAVE AN AFFIDAVIT ON FILE FOR ANY OTHER LICENSEE?

☐ Yes ☒ No If "Yes", list license number(s):

I, Steven Brooks (AFFIANT'S NAME), the above named affiant, under penalty of perjury, upon oath, depose and say that I will conduct or assist in conducting all bingo games in compliance with the terms of the license, Arizona Revised Statutes, Title 5, Chapter 4, and the rules of the licensing authority. I am of good moral character and have never been convicted of any misdemeanor involving moral turpitude or felony. I have not and shall not receive any reward, compensation or recompense for my participation in the conduct of bingo games except as provided for by law. I hereby swear or confirm that I have read and understand the foregoing and verify that the information and statements made herein are true and correct to the best of my knowledge.

[redacted]

SIGNATURE OF AFFIANT

4-9-14

DATE

ADOR 71-1003f (4/06)

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 36R

Date Prepared: May 19, 2014 **Council Meeting Date: June 17, 2014**

TO: Carl Swenson, City Manager

FROM: Chris Jacques, AICP, Planning and Community Development Director

THROUGH: Susan J. Daluddung, AICP, Deputy City Manager

SUBJECT: Z14-0001 – Quick Trip PAD (Rezone)
(NEC Rio Vista Boulevard and Thunderbird Road)

Purpose:

This is a request for City Council to hold a Public Hearing to consider an application to rezone approximately 4.88 acres of land from Intermediate Commercial (C-2) and Planned Area Development (PAD) to a single Planned Area Development (PAD) for the relocation of an existing Quik Trip convenience store and gas station and provide for future commercial uses.

Background/Summary:

QuikTrip Corporation is proposing to partially develop a 4.88 acre site, located at the northeast corner of Rio Vista Boulevard and Thunderbird Road, into its new "Gen III" store. The "Gen III" prototype is a slightly larger format including gas pumps and a 5,858 square foot building with entrances on three sides providing for a wider range of fresh foods, fountain drinks, and other consumer items (Exhibit I in the P&Z Report). The facility is proposed to be constructed on a portion of the 4.88 acre site with the balance of the site reserved for future commercial uses. While the subject site is predominantly vacant, it does include the former "Escape Hatch Lounge" building. With the establish of the new store, the QuikTrip Corporation would work concurrently to decommission, maintain and retenant the existing store across the street on Thunderbird Road.

The subject site is comprised of two (2) parcels with separate zoning designations that total 4.88 acres in size:

- The western parcel (2.5 acres) located at the hard corner is currently zoned Intermediate Commercial (C-2) and permits a broader range of commercial uses *including gas stations and convenience stores* (as a CUP); and
- The eastern parcel (2.38 acres) includes the Escape Hatch building and is currently zoned as a Planned Area Development (PAD). This PAD permits a broad range of commercial uses including *gas stations and convenience stores* (CUP), health care

offices, office supply, hotel/motel, banks and financial institutions. Additionally, the PAD contained provisions for automotive uses which included automobile sales and rentals.

While the existing zoning districts already permit the proposed gas station and convenience store uses (with issuance of a Conditional Use Permit), the applicant was agreeable to working with staff to develop a new unified Planned Area Development (PAD). In the PAD, the QuikTrip Corporation would develop the hard corner (Parcel 2) into its new "Gen III" store. Parcels 1 and 3 are intended for future commercial uses. The Quik Trip PAD Standards and Guidelines Report provides specific development standards which are consistent with the Intermediate Commercial (C-2) development standards. As part of the PAD, staff worked with the applicant to tailor the use schedule to prohibit uses deemed incompatible within proximity of the Rio Vista Community Park on Parcels 1 and 3. The newly proposed PAD is in conformance with the underlying General Plan land use designation of Community Commercial.

The site is bounded to the south by Thunderbird Road (major arterial roadway), to the north by Rio Vista Boulevard (minor collector roadway), and to the east by 88th Avenue (local street). Thunderbird Road provides east-west access from the Loop-101 through Sun City to the west. Rio Vista Boulevard provides primary north-south access to the Mack Arrowhead Industrial Park and the City's Rio Vista Community Park to the north with 88th Avenue (partially private road) providing access to existing businesses to the north and east. Contextually, the site abuts existing light industrial land uses to the north and commercial land uses to the east along Thunderbird Road. The existing Quik Trip Convenience Store and Gas Station proposed for relocation is located immediately south across Thunderbird Road.

The site will be accessed from Thunderbird Road, 88th Avenue and at two points along Rio Vista Boulevard. It is anticipated that the access points for Parcels 1 and 3 (via 88th Avenue and Rio Vista Boulevard respectively) will have full turning movements. Access points via Thunderbird Road and Parcel 2 will be restricted to right in-right out only. Furthermore, temporary paving will be installed, per City of Peoria Engineering Standards, in Parcels 1 and 3 to provide access to those points. Conditions of approval will require cross access agreements between the three parcels.

The existing Quik Trip store located across the street on the southeast corner will continue to be in operation until the opening of the new one. At that time, the existing Quik Trip would be closed and decommissioned. The closing and decommissioning process includes the removing of the fuel area canopies, pumps, and underground tanks. The applicant will repair any damaged asphalt due to the removal of the tanks. All building signage will removed as well as any freestanding monument signage located along roadways. All equipment inside the building such as computers, shelving, display cases, soda fountains, and coolers will be removed. Lastly, the entire site will be fenced for security purposes and the landscaping will be maintained by Quik Trip until the property sells (Exhibits F1-F-3 in the P&Z Report).

The PAD has taken great care to protect the surrounding land uses and the community park. The uses outlined in the PAD ensure that incompatible uses will not have negative impacts on the surrounding area and the community park in the future. Additionally, the development will provide additional landscaping and themed signage that will provide a means of wayfinding and will promote the entrance to the community park. Lastly, the relocation of the existing store will promote better circulation and create a safer environment for pedestrian traffic coming from the park.

As a requirement of the Rezoning application process, the applicant conducted a neighborhood meeting and provided a Citizen Participation Report detailing the results of the meeting. The applicant notified all property owners within a 600 foot radius of the site and all registered Homeowner's Associations within 1 mile for the required neighborhood meeting As indicated in Exhibit G, six (6) adjacent property owners attended the meeting. Attendees were in support of the proposal and had questions pertaining to the new Gen III store, types of new programs, access to the location, why move, what is going to happen to the old store, and what improvements would be made to 88th Avenue.

Staff has otherwise not received any emails, phone calls or correspondence in support or opposition to the proposal.

Previous Actions:

At the May 15, 2014 Planning and Zoning Commission meeting, there were no citizens present to speak on the rezone application. There was a brief discussion regarding the amended conditions of approval submitted by staff and the decommissioning process of the existing Quik Trip. A motion was made to recommend approval of the application subject to the modified conditions of approval and those contained in the staff report. The Commission vote unanimously (5-0) in favor of the motion.

Options:

A: Approve as recommended by Planning & Zoning Commission with conditions of approval; 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 that the City Council concur with the Planning and Zoning Commission's May 15, 2014 recommendation (5-0) to approve Case Z14-0001.

Fiscal Analysis:

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

Narrative:

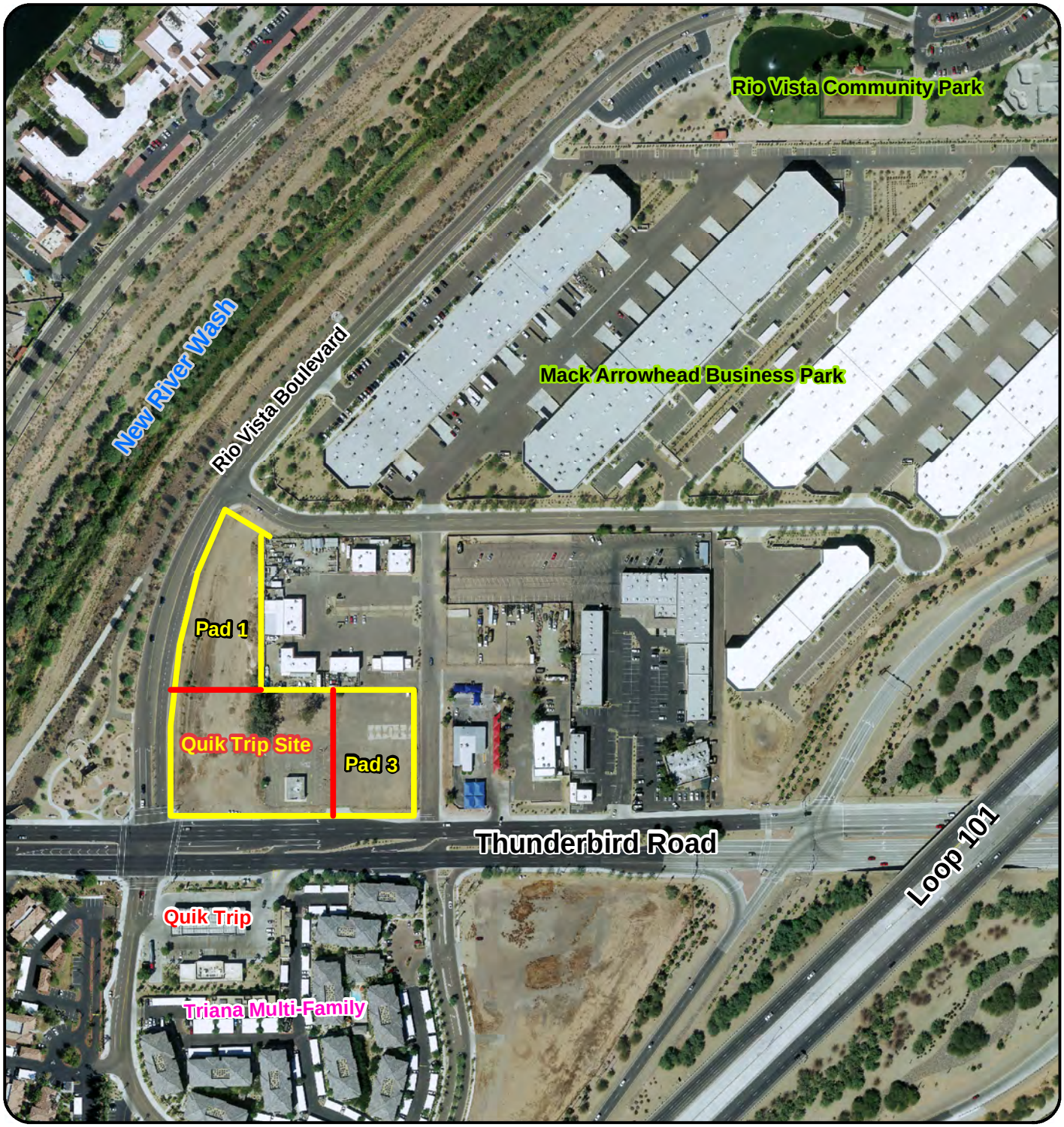
Should the City Council take action in support of this case, next steps would include Site Plan Review and construction permits.

Exhibit(s):

Exhibit 1: Vicinity Map
Exhibit 2: May 15, 2014 Planning and Zoning Commission Staff Report with Exhibits
Exhibit 3: Draft Ordinance
Exhibit 4: Quik Trip Corp. PAD Standards & Guidelines Report.

Contact Name and Number: Rick Williams, Planner, x7565

Z14-0001 Quik Trip Vicinity Map



Z14-0001 Quik Trip Rezone

Applicant: Burch & Cracchiolo, P.A. on behalf of Quik Trip Cororation

Request: Request to rezone 4.88 acres from Intermediate Commercial (C-2) and Planned Area Development (PAD) to a single Planned Area Development (PAD)

Location: NEC of Rio Vista Blvd and Thunderbird Road

N

Not to Scale

REZONING

REPORT TO THE PLANNING AND ZONING COMMISSION

CASE NUMBER: Z14-0001

DATE: May 15, 2014

AGENDA ITEM: 6R

Applicant: Burch & Cracchiolo, P.A. on behalf of Quik Trip Corporation

Request: Rezone approximately 4.48 acres of land from Intermediate Commercial (C-2) and Planned Area Development (PAD) Zoning to a single Planned Area Development (PAD) Zoning designation.

Proposed Development: Relocation of a Quik Trip Convenience Store and Gas Station

Location: Northeast corner of Thunderbird Rd. and Rio Vista Blvd.

Site Acreage Approximately 4.48 acres

Support / Opposition: As of the date of this printing, Staff has not received any written or verbal support or opposition to this proposal.

Recommendation: Recommend **approval** of case Z14-0001, with stipulations to the City Council.

AREA CONTEXT

Table 1: *Existing Land Use, General Plan Designation, Current Zoning. (Exhibits A-C)*

	LAND USE	GENERAL PLAN	ZONING
Site	**Mostly vacant with the former Escape Hatch building**	**Community Commercial (CC)**	**Intermediate Commercial (C-2) and Planned Area Development (PAD)**
North	Storage and other industrial uses	Community Commercial (CC) and Business Park/Industrial (BPI)	Light Industrial (I-1)
South	Thunderbird Road, then Quik Trip and Multi-Family Housing	Residential Medium High (8-15 du/ac)	Intermediate Commercial (C-2) and Multi-Family Residential Planned Area Development (PAD)
East	Truck/Car Wash and Auto Repair	Community Commercial (CC)	Intermediate Commercial (C-2)
West	Rio Vista Blvd and then the New River/Skunk Creek Corridor	Community Commercial (CC) and Water	Intermediate Commercial (C-2) and Agriculture (AG)

Land Use Background

1. The subject site is comprised of two parcels with separate zoning designations that total 4.88 acres in size

    - The western parcel, which totals 2.5 acres, was rezoned to Intermediate Commercial (C-2) in August of 2006 (Case No. Z05-22). It was expected that the rezone would provide for a broader range of business opportunities as permitted in the C-2 zoning district.

    - The eastern parcel, which totals 2.38 acres, was rezoned to Planned Area Development (PAD) in February 2005 (Case No. Z04-20). The approved PAD contained provisions for the existing "Escape Hatch Lounge" and miscellaneous uses such as health care offices, office supply, hotel/motel, banks and financial institutions. Additionally, the PAD contained provisions for automotive uses which included automobile sales and rentals.

PROJECT DESCRIPTION

Site and Project Details

2. The subject site is located on the northeast corner of Thunderbird Rd and Rio Vista Blvd and is comprised of two separate parcels totaling approximately 4.88 acres. The site is relatively flat and vacant with the exception of the abandoned Escape Hatch Lounge. Currently, the western portion of the property is zoned Intermediate Commercial (C-2) and the eastern portion is zoned Planned Area Development (PAD). The applicant is requesting to rezone the entire 4.88 acre site to a single PAD and subdivide into 3 separate parcels. A proposed Quik Trip will be located in Parcel 2 which totals 2.58 acres in size

3. The site is bounded to the south by Thunderbird Rd. (major arterial roadway), to the north by Rio Vista Blvd. (minor collector roadway), and to the east by 88th Avenue (local street). Thunderbird Rd. provides east-west access from the Loop-101 through Sun City to the west. Rio Vista Blvd. provides north-south access to the Mack Arrowhead Industrial Park and the City's Rio Vista Community Park to the north with 88th Ave. providing access to existing businesses to the north and east. Contextually, the site abuts existing Light Industrial (I-1) land uses to the north and Intermediate Commercial (C-2) land uses to the east. Across Thunderbird Rd. to the south is the existing Quik Trip Convenience Store and Gas Station zoned Intermediate Commercial (C-2) and the Triana Park multi-family housing complex zoned (PAD). Finally, to the west across Rio Vista Blvd, is the entry monument for the Rio Vista Community Park and then the New River Wash and trail system.

4. Through the accompanying site plan (Exhibit D), the applicant is proposing to construct a new "Gen III" Quik Trip store consisting of a 5,858 square foot

building with gas pumps (Exhibit I) to be constructed on Parcel 2 with a concurrent effort to decommission the existing store south of Thunderbird Rd. The "Gen III" store is a slightly larger store with entrances on three sides of the building. All deliveries will be made in the back of the building away from customer traffic. The new prototype will allow for a wider range of fresh foods, fountain drinks, and other consumer items.

5. Access to the site will be from 88th Ave. from the east, Thunderbird Rd. from the south, and two points of access via Rio Vista Blvd. from the west (one in Parcel 1 and one in Parcel 2). It is anticipated that the access points via 88th Ave. and Parcel 1 will have full turning movements. Access points via Thunderbird Road and Parcel 2 will be restricted to right in-right out only. Furthermore, temporary paving will be installed, per City of Peoria Engineering Standards, in Parcels 1 and 3 to provide access to those points. Conditions of approval will require cross access agreements between the three parcels and will be recorded with the final plat.

DISCUSSION AND ANALYSIS

Conformance with the General Plan

6. The underlying General Plan land use designation for the property is Community Commercial. This designation is intended to provide areas where commercial development is more intense than that of neighborhood commercial areas. Community Commercial areas generally rely on larger trade areas and typically have a wider variety of goods and services. Typically these centers are located with adequate access to arterial streets. Located on a major regional east/west arterial and adjacent to other automotive and industrial uses, staff finds that the proposed PAD is in general conformance with the underlying land use designation and supports the goals and objectives of the General Plan.

Land Use Compatibility

7. Currently, the proposed site is surrounded by a number of different land uses. To the north and northeast of the proposed development are business park and light industrial land uses. To the east are light industrial and commercial uses. To the south are commercial and residential uses and to the west are open space and trail systems. The relocation of a convenience store and gas station as well as the subsequent development of the abutting parcels is consistent with the current land uses in the immediate area and will provide an overall enhancement to the site. Additionally, the development will be required to install landscaping along those portions of Thunderbird Rd. and Rio Vista Blvd. that are adjacent to the site therefore providing additional site identification and an aesthetically pleasing entrance to the community park.

Quik Trip Development Standards

8. The Quik Trip PAD Standards and Guidelines Report provides specific development standards which are consistent with the Intermediate Commercial

(C-2) Development Standards. The difference in development standards are shown **in bold text** in the table below:

Development Standards	C-2 Development Standards	Quik Trip Development Standards
Max. Building Height	48-feet	48-Feet
Min. Front Setback	15-Feet	15-feet
Min. Rear Setback	20-feet	20-feet
Min. Corner Setback	15-feet	15-feet
Min. Rear Setback	20-feet	20-feet
Min. Setback from Residential	30-feet	30-feet
Max. Percentage Lot Coverage	N/R	N/R

9. The land uses identified in the PAD which are generally Permitted Uses, Conditionally Permitted Uses, and Prohibited Uses on the site mirror those C-2 land uses listed in Table 14-9-3 of the Zoning Ordinance with some stated exceptions. Staff has worked with the application in removing uses that may not be fully compatible with a park use in close proximity. The prohibited uses include Tavern, Bar, and Lounges; Adult Uses; Medical Marijuana Manufacturing or Cultivation; Medical Marijuana Dispensary; Pawn Shop; Tattoo, Body Piercing, and Massage Establishment; Blood Plasma Center; Non-Charter Financial Institutes; and Retail Liquor Stores.

10. Currently, there are no development plans submitted for Parcels 1 and 3. When developed, the standards stated in the Quik Trip Standards and Guidelines report will govern future development of said parcels.

11. Rio Vista Community Park is the City's multi-use recreational facility which attracts users throughout the Phoenix metro area. The entrance to the park is located approximately one-half mile north of the proposed Quick Trip with the only access to the park being Rio Vista Blvd. In addition to the vehicular traffic, the park site also attracts a large pedestrian traffic as well. The existing QT currently receives a high volume of pedestrian traffic from the community park which consists mostly of kids on foot, bicycles, and skateboards. The new location will remove a safety concern by not requiring them to cross Thunderbird Rd. to access the store.

12. There is an existing Quik Trip store located across the street on the southeast corner. The applicant is proposing to operate the existing store until the opening of the new one. At that time, the existing Quik Trip would be closed and decommissioned. The closing and decommissioning process includes the removing of the fuel area canopies, pumps, and underground tanks. The applicant will repair any damaged asphalt due to the removal of the tanks. All building signage will removed as well as any freestanding monument signage located along roadways. All equipment inside the building such as computers, shelving, display cases, soda fountains, and coolers will be removed. Lastly, the

entire site will be fenced for security purposes and the landscaping will be maintained by Quik Trip until the property sells.

13. The existing Quik Trip site is zoned Intermediate Commercial (C-2). Permitted uses and conditionally permitted uses include convenience store and gas stations. Quik Trip proposes to further restrict the allowable uses on the site through deed restrictions. Although this process is new to the Arizona market and more specifically the City of Peoria, Quik Trip has successfully decommissioned other buildings nationwide (Exhibits F1-F3). Being that this is the first Arizona store to be decommissioned there are no local examples or exhibits to include in the staff report. However, based on the process outlined above and the deed restricting of the property, staff has confidence that the relocation of the existing store can be an asset to the surrounding area.

14. The PAD has taken great care to not only promote but to protect the surrounding land uses and the community park. The uses outlined in the PAD as well as the deed restricting and decommissioning of the existing Quik Trip ensure that incompatible uses will not have negative impacts on the surrounding area and the community park in the future. Additionally, the development will provide additional landscaping and signage that will provide a means of wayfinding that promote the entrance to the community park. Lastly, the relocation of the existing store will promote better circulation and create a safer environment for pedestrian traffic.

Minimum PAD Size

15. Section 14-33-2 of the Zoning Ordinance requires Planned Area Developments to be no less than ten (10) gross acres in size. However, the minimum acreage can be waived if it is demonstrated that the waiver would be in the public interest and that one or more of the following conditions exist.

    a. Unusual physical features of the property itself or of the surrounding area are such that development under the standard provisions of this Ordinance would not be appropriate in order to conserve a physical or terrain feature of importance to the neighborhood or community.

       The PAD is necessary on this vacant site and will allow the development of land uses and landscaping that are compatible with the surrounding area. The proposed development includes landscape elements at the northeast corner of Rio Vista and Thunderbird that will complement the existing entry monument to the park (Exhibit H) . Additionally, the site is irregularly shaped which creates additional site planning issues.

    b. The property is adjacent to or across the street or alley from property which has been developed under the provisions of this section and will contribute to the amenities of the area.

The site is located across the street from property that is zoned PAD and C-2. The site is also proximate to other properties located northeast of the site that are zoned PAD for light industrial uses. This PAD contributes towards enhancing the Rio Vista Community Park and prohibits certain land uses that are not compatible with family and children activities at Rio Vista Community Park.

c. The use of the P.A.D. concept will encourage the use of otherwise undevelopable property, particularly in the case of small undeveloped parcels surrounded or partially surrounded by developed property.

The subject site has sat virtually undeveloped for years and is sparsely vegetated. Other portions of the site are vacant and surrounded by light industrial uses. The PAD encourages responsible land uses that are consistent with the surrounding character of the area and the community park.

d. The property is located within the Infill Incentive District.

The project is not located within the Infill Incentive District.

Public Participation Plan

16. Section 14-39-6.F of the Peoria Zoning Ordinance requires the applicant of a rezoning request to hold at least one neighborhood meeting. The applicant notified property owners within 600 feet and HOA's within one mile of the subject site. Accordingly, the applicant held a meeting on March 11, 2014 at the Desert Harbor Elementary School located at 15585 N. 91st Avenue. As indicated in Exhibit G, six adjacent property owners attended the meeting. The applicant gave a brief overview of the proposed development and opened the floor for any questions. Participants asked questions regarding the new Gen III store, types of new programs, access to the location, why move, what is going to happen to the old store, and what improvements would be made to 88th Avenue. The applicant stated that the Gen III store was the new prototype and offered more variety in food programs; that there would be access via 88th Avenue, Thunderbird, and Rio Vista Blvd; that QT intended to improve portions of 88th Avenue but didn't know to what extent; that the Gen III store required a larger lot and that QT felt that the visibility of the current store had been minimized due to ongoing development; and the applicant outlined the decommissioning process.

City Review

17. 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 of this report.

18. The Planning and Community Services departments conducted several meetings with the applicant to identify ways to enhance the aesthetic value of the community park entrance. In a collaborative effort, both parties worked diligently to create sign standards to frame the entrance to our community park (Exhibit H) and add value to the surrounding area.

Public Notice

19. 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.

Proposition 207

20. The applicant has furnished a signed and notarized Proposition 207 Waiver for recordation pending the outcome of the City Council action.

FINDINGS AND RECOMMENDATION

21. Based on the following findings:

- The proposed use is consistent with the Community Commercial land use designation as described in the General Plan; and
- The PAD will enhance and protect commercial activity by attracting, retaining, and improving economic conditions that are consistent and compatible with the character of the surrounding area; and
- The PAD will advance the City's goals of promoting the revitalization of underutilized buildings through site rehabilitation; and
- The PAD will advance the City's goals of developing vacant and/or underutilized infill sites; and
- The PAD will encourage the creation of an attractive, vibrant and sustainable development within mature areas of the City
- The PAD benefits the public interest by providing a means of way finding and an aesthetic quality to the streetscape.

It is recommended that the Planning and Zoning Commission take the following action:

Recommend to the City Council approval of Case Z14-0001 subject to the following conditions:

1. The development shall substantially conform to the "Quik Trip" Narrative and Conceptual Plans (case Z14-0001) date stamped April, 2014.

2. A cross access agreement between Parcels 1 and 2 and Parcels 2 and 3 shall be recorded on the final plat.

3. The access point from Parcel 2 to Rio Vista Blvd. will be limited to a right in-right out traffic movement by the utilization of a “Right Turn Diverter”, more commonly known as a pork chop. If and when the traffic control signal at Rio Vista Blvd. and Thunderbird Rd. is improved by the City of Peoria the “Right Turn Diverter” shall be removed and full turning movements restored at this point of access. Any cost associated with such removal would be the sole responsibility of the land owner and/or tenant.

4. The Developer shall provide an ALTA Survey reflecting existing boundary and recorded easements on the site.

5. 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.
    - It is understood that a drainage waiver has been applied for, requesting relief from the requirement to retain for the gross site area. The final drainage requirements will be per the outcome of that waiver request.

6. A cross drainage easement must be recorded on the final plat, stating the amount of volume that Parcel 1 will be responsible for retaining for Parcel 2.

7. A final water network analysis and final sewer report will be required for final design.

8. A water stub shall be provided for Parcels 1 and 3.

9. The Developer will be responsible for underground any overhead utilities rated less than 69 kV, which are adjacent to the subdivision.

10. The Developer shall provide an Agreement to Install public improvements required by the development with an accompanying financial assurance for subdivision improvements in accordance with City's requirements.

11. 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 Civil Improvement Plans in accordance with the SWPPP checklist.

12. The Developer shall dedicate an 8' PUE outside of all ROW. No walls, signs, or retention shall be allowed within the PUE.

13. The Developer shall construct a 5' sidewalk on Ludlow Drive and curb, gutter, and a 6' sidewalk on Rio Vista Blvd along the project frontage. This shall be completed within the first phase of development.

14. The developer shall construct the half street for 88th Avenue along the project frontage (including, but not limited to, pavement, curb, gutter, sidewalk, and streetlights). This shall be completed at the time that Parcel 3 develops.

ATTACHMENTS

Exhibit A	Vicinity Map
Exhibit B	General Plan Land Use Map
Exhibit C	Zoning Map
Exhibit D	Proposed Conceptual Site Plan
Exhibit E	Citizen Participation Report
Exhibit F1-F3	Decommissioned Buildings
Exhibit G	Quik Trip PAD Standards and Guidelines Report
Exhibit H	NEC of Thunderbird Rd. and Rio Vista Blvd.
Exhibit I	QT Gen III Elevations

Prepared by: Rick Williams
Planner

Z14-0001 Quik Trip Vicinity Map

Z14-0001 Quik Trip Rezone

Applicant: Burch & Cracchiolo, P.A. on behalf of Quik Trip Cororation

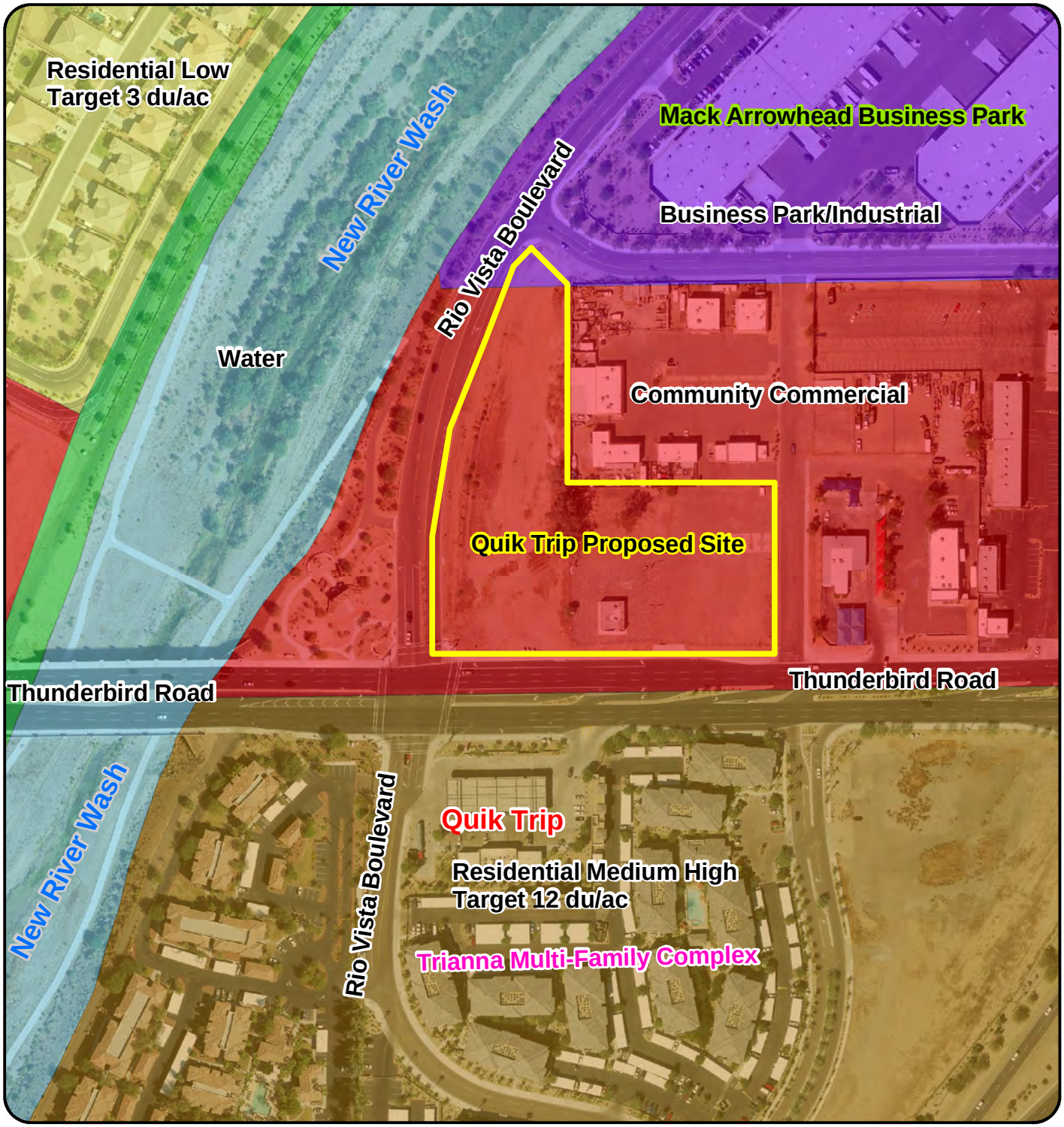
Request: Request to rezone 4.88 acres from Intermediate Commercial (C-2) and Planned Area Development (PAD) to a single Planned Area Development (PAD)

Location: NEC of Rio Vista Blvd and Thunderbird Road

N

Not to Scale

Z14-0001 Quik Trip Land Use Map



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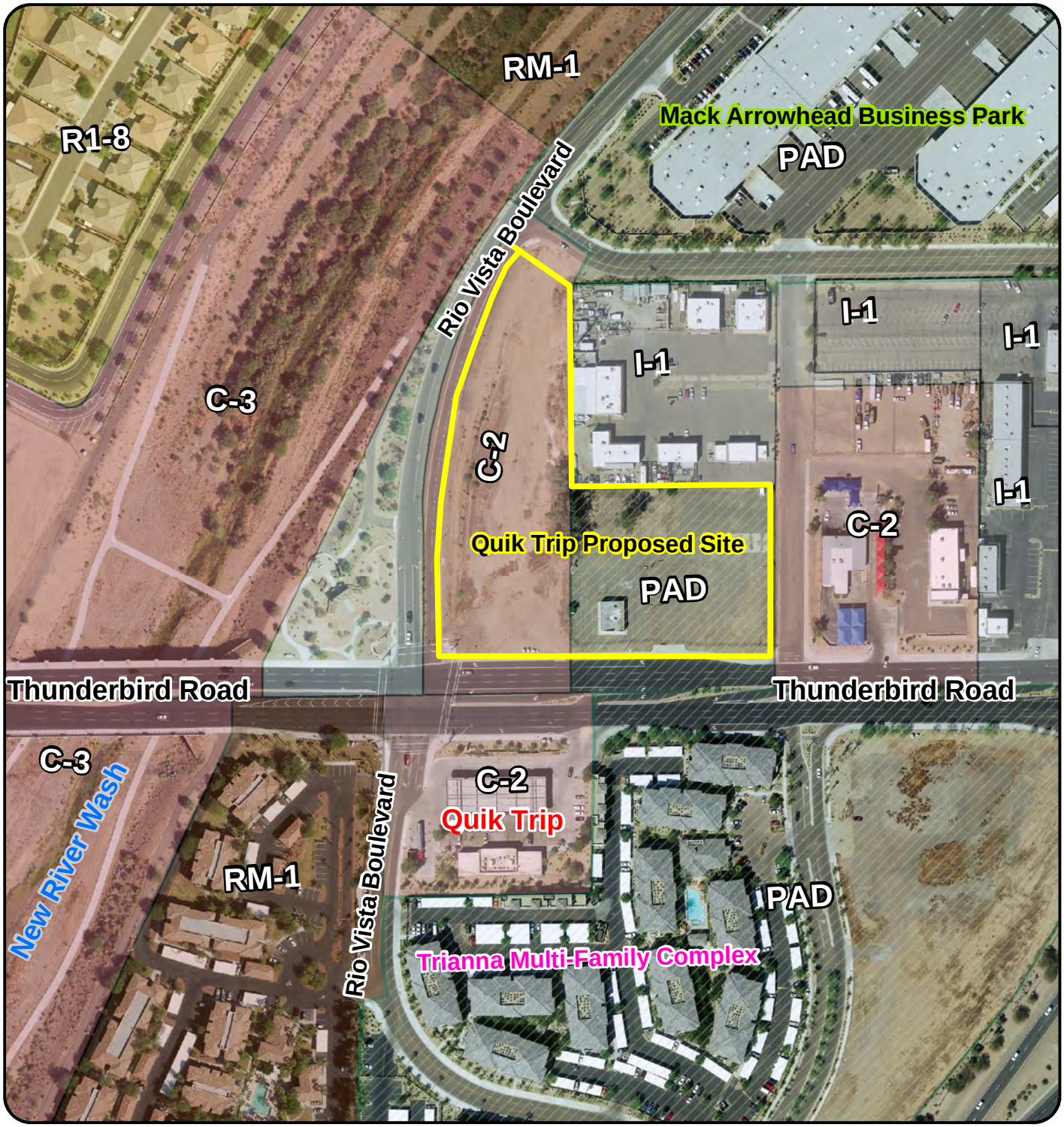
Not to Scale

Z14-0001 Quik Trip Zoning Map



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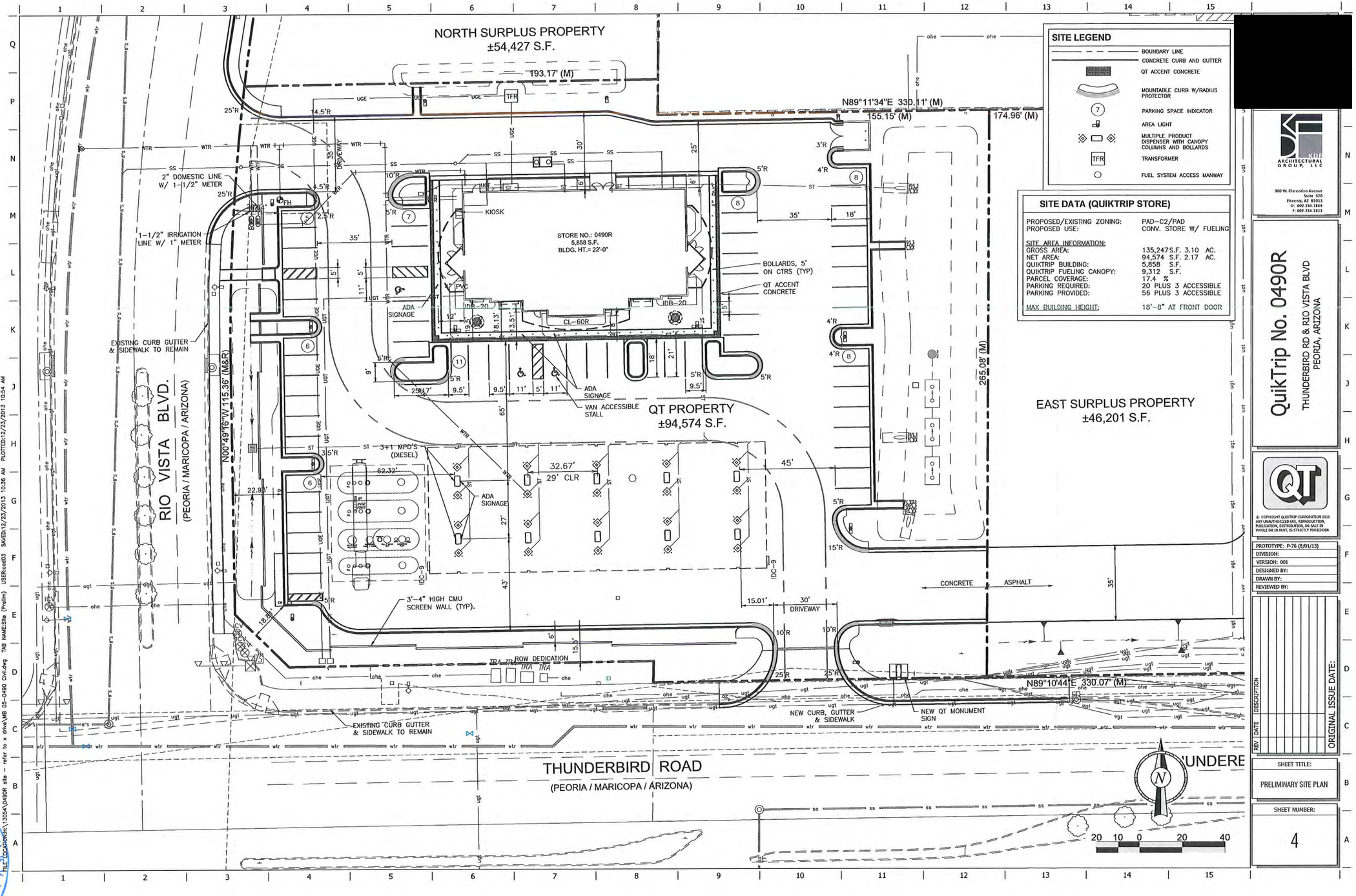

SITE LEGEND

- BOUNDARY LINE
- CONCRETE CURB AND GUTTER
- QT ACCENT CONCRETE
- MOUNTABLE CURB W/RADIUS PROTECTOR
- PARKING SPACE INDICATOR
- AREA LIGHT
- MULTIPLE PRODUCT DISPENSER WITH CANOPY COLUMNS AND BOLLARDS
- TRANSFORMER
- FUEL SYSTEM ACCESS MANWAY

SITE DATA (QUIKTRIP STORE)

PROPOSED/EXISTING ZONING:	PAD-C2/PAD
PROPOSED USE:	CONV. STORE W/ FUELING
SITE AREA INFORMATION:	
GROSS AREA:	135,247 S.F. 3.10 AC.
NET AREA:	94,574 S.F. 2.17 AC.
QUIKTRIP BUILDING:	5,858 S.F.
QUIKTRIP FUELING CANOPY:	9,312 S.F.
PARCEL COVERAGE:	17.4 %
PARKING REQUIRED:	20 PLUS 3 ACCESSIBLE
PARKING PROVIDED:	56 PLUS 3 ACCESSIBLE
MAX BUILDING HEIGHT:	18'-8" AT FRONT DOOR

[redacted]

KDE ARCHITECTURAL GROUP, LLC
300 W. Clarendon Avenue
Suite 320
Phoenix, AZ 85013
O: 602.234.1868
F: 602.234.1413

QuikTrip No. 0490R

THUNDERBIRD RD & RIO VISTA BLVD
PEORIA, ARIZONA

QT

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PROTOTYPE: P-76 (8/01/13)
DIVISION:
VERSION: 001
DESIGNED BY:
DRAWN BY:
REVIEWED BY:

REV	DATE	DESCRIPTION

ORIGINAL ISSUE DATE:

SHEET TITLE:
PRELIMINARY SITE PLAN

SHEET NUMBER:
4

RECEIVED
APR 2013
214-0001
2nd

Exhibit D

BURCH & CRACCHIOLO, P.A.
702 E. Osborn Road, Suite 200
Phoenix, AZ 85014
602-234-9903 (o)
602-343-7903 (fax)
bgreathouse@bcattorneys.com

TO: Area Neighbors and Associations
FROM: Brian Greathouse
DATE: February 21, 2014
RE: QuikTrip
Case No. Z14-0002

Dear Area Neighbors and Associations:

On behalf of QuikTrip Corporation ("QT"), we invite you to a neighborhood meeting scheduled for Tuesday, March 11, 2014 at 6:00 p.m. to review plans for the 4.48± acres site located at the northeast corner of Rio Vista Boulevard and Thunderbird Road, approximately one-half mile west of the Loop 101 Freeway (the "Site"). See attached Aerial.

QT is requesting to rezone this vacant infill Site from C-2 and Planned Area Development ("PAD") to PAD. The Site is being developed as three separate parcels. See attached Parcel Map. A proposed QT "Gen III" convenience store and gas station (the "QT Development") will be located within Parcel 2. Parcels 1 and 3 are planned for future commercial development. A Site Plan of the QT Development is attached.

The purpose of the meeting is to share with the neighborhood the overall plans, City processes and answers to any questions you may have. The neighborhood meeting will be held at the below listed time and place:

Tuesday, March 11, 2014 at 6:00 p.m.
Desert Harbor Elementary School - Library
15585 N. 91st Avenue
Peoria, AZ 85382
(Map of school attached)

Exhibit E

We look forward to seeing you then. If you have any questions regarding this meeting, please contact Juan Romero from QT (480-446-6322), Ricki Horowitz from Burch & Cracchiolo (602-234-8728) or me. You may also contact Rick Williams, the City of Peoria Planner (623-773-7565).

Thank you.

Sincerely,

Brian Greathouse

/rlh
Attachments

NEIGHBORHOOD MEETING

QuikTrip Corporation

NEC of Rio Vista Boulevard and Thunderbird Road

Case No. Z14-0002

Tuesday, March 11, 2014

SIGN-IN SHEET (PLEASE PRINT)

NAME (PLEASE PRINT)	ADDRESS (Please Include City & Zip)	PHONE NO.
Scott Sherman	[redacted]	
[redacted]		
Steve Clark		
[redacted]		
Kurt Hunter		
Trevor Peck		
Rick Williams		

QuikTrip Rio Vista/Thunderbird Road

03/11/14 Neighborhood Meeting Summary

Attendees

Juan Romero- QuikTrip
Brian Greathouse- Burch & Cracchiolo, P.A.
Dayna Murphy-Burch & Cracchiolo, P.A.
Rick Williams- City of Peoria

Introductions by Brian Greathouse

Overview of New Store by Juan Romero

- Replacing existing Generation 2 store at the SEC with Generation 3 store at NEC of Rio Vista and Thunderbird Road
- 3 pedestrian access points; 1 in the front, 1 on each side
- 1 rear access point for vendors
- Picnic style tables outside
- Full Service Counter
- 10 gas pumps including diesel pumps

Questions and Answers

1. What type of food will be offered? Does Quiktrip use outside vendors?

Inside our current QuikTrip locations there are many different food choices such as breakfast and lunch items. In our Generation 3 stores they will have the full service counter which provides coffee choices, ice cream, shakes, etc. We will not be using any type of outside food service vendor such as Subway because we have our own chain and do not want the competition.

2. Is the Generation 3 store the same as the I-17 and Peoria location?

Yes, that was our first Generation 3 store built in Arizona. The I-17/Cactus and Goodyear stores are also Generation 3 stores.

3. When heading eastbound, where will the turn be?

We expect most people will turn onto Rio Vista to enter the Site. There will also be a driveway on 88th Ave and Thunderbird Road.

4. What about the signs?

The PAD includes certain sign restrictions. Although this may change after a meeting with the City tomorrow, one sign will be permitted on each of the Parcel 1, 2, and 3 frontages. The main QuikTrip sign will be located on Parcel 2 and will be approximately 54 square feet. A meeting with the City is scheduled tomorrow regarding the additional signage within Parcel 2 and to possibly coordinate a Rio Vista/QT sign.

5. In regard to the City of Peoria, what is going to happen to the 88th Ave. Road? Is it private?

Portions of 88th Avenue are private and others are public. The portion of 88th Avenue that is located adjacent to Parcel 3 is dedicated right-of-way. We are meeting with the City tomorrow to discuss what improvements need to be completed. We are proposing to install, at most, a sidewalk and landscaping on the west side of 88th Avenue as part of the QT Phase of development, which will be discussed in tomorrow's meeting with the City.

6. What is going to happen to the Generation 2 store once the new location is built?

It will be completely decommissioned, which includes removing the canopy, fuel stations, underground storage tanks, shelving, refrigerators and other items within the store. It will be maintained by QT's Facility Support Group and will remain presentable while QT actively markets the property to an end user.

7. What happens if there are still tanks existing underground from the previous gas station?

Environmental Research has been completed and there has been no indication whatsoever of any existing tanks, but we will follow up and study the issue further.

8. No plans in Parcel 1?

No, there are not currently any plans. Parcel 1 is intended to be a future commercial use.

9. When will construction possibly begin?

Construction will take place after zoning is approved and construction permits are received. Construction may begin end of this year or early next year.

10. Why relocate?

The apartments have blocked most of the visibility of the existing store. Also, need a new site to accommodate our Generation 3 store.

11. How many QuikTrip locations are there? And what states are they located in?

There are over 700 QuikTrip locations and they are privately owned. They are located in Arizona, Texas, Nebraska, Kansas, Iowa, Oklahoma, Georgia, Missouri, North Carolina, South Carolina and Illinois.

Quik Trip

Planned Area Development

NEC Rio Vista and Thunderbird

Decommissioned Building Examples

Z14-0001

Exhibit F1-F3

state farm
Matt McCoy 615-6634
State Farm

DIAMONDS
Vincent Anthony JEWELERS
FINE JEWELRY

QUIKTRIP

Northeast Corner of Rio Vista Boulevard and Thunderbird Road
Peoria, Arizona

PLANNED AREA DEVELOPMENT

STANDARDS AND GUIDELINES REPORT

Applicant/Representative:

Juan Romero
QuikTrip Corporation
1116 East Broadway Road
Tempe, Arizona 85282

Ed Bull and Brian Greathouse
Burch & Cracchiolo, P.A.
702 East Osborn Road, Suite 200
Phoenix, Arizona 85014

Case No. Z14-0001

Prepared: April 2014

Exhibit G

I. INTRODUCTION

QuikTrip Corporation ("QT") is developing approximately 4.48 acres located at the northeast corner of Rio Vista Boulevard and Thunderbird Road, approximately one-half mile west of the Loop 101 Freeway (the "Site"). A Vicinity Map identifying the Site is attached at **Exhibit 1**. QT is developing the Site under the Planned Area Development ("PAD") Zoning District to include a mix of future and proposed commercial uses including, but not limited to, a new QT "Gen III" Convenience Store and Gas Station (the "QT Development"). The Site is being developed as three separate parcels which are shown at **Exhibit 2**, Overall Parcel Plan. The proposed QT Development is located within Parcel 2 (2.17 ac). Parcel 1 (1.25 ac) and Parcel 3 (1.06 ac) are planned for future commercial development.

This PAD proposes uses that are not dissimilar from those already permitted on the Site. The current zoning on the Site includes C-2 and Commercial PAD. The C-2 Zoning District allows gas stations with a Conditional Use Permit and the Commercial PAD allows automobile related and restaurant/bar uses. This PAD will consolidate the existing zoning on portions of the Site to create one comprehensive PAD that allows a better and more attractive development on the Site.

This Standards and Guidelines Report shall function as the development standards framework and identifies all standards, regulations and bulk requirements for the Site. In the event this Standards and Guidelines Report is silent on a development standard or other regulation, the applicable C-2 Zoning District regulation in effect at the time of the City Council Ordinance adopting this PAD shall apply.

II. LEGAL DESCRIPTION OF PROPERTY AND PARCELS

A Legal Description of the Site is provided at **Exhibit 3**.

III. PAD JUSTIFICATION

As indicated above, the Site is approximately 4.48 acres. Section 14-33-2(B)(1) of the City of Peoria Zoning Ordinance ("Zoning Ordinance") requires a minimum of ten (acres) to qualify for a PAD unless it can be shown that the minimum PAD requirements should be waived because the waiver would be in the public interest and one or more of the following *italicized* conditions exist:

a. *Unusual physical features of the property itself or of the surrounding area are such that development under the standard provisions of the Zoning Ordinance would not be appropriate in order to conserve a physical or terrain feature of importance to the neighborhood or community.*

This PAD is necessary on this vacant infill Site. This PAD will allow the development of the Site with land uses and landscaping that are compatible with the surrounding area and the Rio Vista Community Park. The QT Development includes landscape elements at the northeast corner of Rio Vista Boulevard and Thunderbird Road that will blend with and complement the existing Rio Vista Community Park entry monument at the northwest corner of Rio Vista Boulevard and Thunderbird Road. Moreover, the Site is irregularly shaped which creates many site planning challenges. This PAD contributes towards creating a comprehensive plan on this challenging vacant infill site.

b. *The property is adjacent to or across the street or alley from property which has been developed under the provisions of this section and will contribute to the amenities of the area.*

A Context Map is provided at **Exhibit 4**. The Site is located across the street (Thunderbird Road) from property that is zoned PAD for a mixed use development and C-2 (existing QuikTrip "Gen II" Store). The Site is also proximate to other properties located northeast of the Site that are zoned PAD for light industrial uses. This PAD contributes towards enhancing the major amenity in the area, Rio Vista Community Park. Further, this PAD prohibits certain land uses that are incompatible with family and children activities at Rio Vista Community Park.

c. *The use of the PAD concept will encourage the use of otherwise undevelopable property, particularly in the case of small undeveloped parcels surrounded or partially surrounded by developed property.*

An old, vacant and rundown bar exists on the Site that is dilapidated and needs to be demolished. The other portions of the Site are vacant and surrounded by developed properties. This PAD encourages responsible land uses on this vacant infill Site that will benefit the Rio Vista Community Park and the surrounding area.

d. *The property is located within the Infill Incentive District.*

This property is not located within the Infill Incentive District.

Waiving the ten (10) acre requirement for this PAD is in the public interest and (a), (b) and (c) above apply to the Site. The public has a great interest in the 52-acre Rio Vista Community Park. This PAD allows the development of this vacant, infill Site with compatible uses that will complement the area and surrounding developments.

IV. EXISTING CONDITIONS

There is an existing QT "Gen II" Store located south of the Site, across Thunderbird Road. QT is proposing to develop its Gen III Store within Parcel 2 of the Site to expand QT's offerings and provide an updated, more customer friendly experience. The existing QT Gen II Store is also less visible now due to the apartment development that has occurred on three sides of the QT Gen II Store.

V. DECOMMISSIONING THE EXISTING QT GEN II STORE

The existing QT Gen II Store will be closed and decommissioned upon completing and opening the Gen III Store. The closing and decommission process includes removing the gasoline area canopy, fuel stations, and all other gasoline related items such as the underground service tanks. QT will repaired damaged asphalt caused by removing the gas area canopy, fuel stations and underground service tanks. The equipment inside the building such as computers, coolers, and shelving will be removed. The signage will be removed from the building and the freestanding monuments located along the Thunderbird Road frontage. Lastly, the site will be fenced for security purposes and the existing landscaping will be maintained by QT until the property is sold. This reuse plan will ensure that the property is properly maintained during the transition to a new owner.

QT actively markets its surplus property to prospective buyers across the nation. Upon sale, QT intends to deed restrict the property to restrict future gas stations and convenience stores from operating on the property.

VI. PROPOSED DEVELOPMENT

The new approximately 5,858 square feet QT Gen III Store features a redesign of both the exterior and interior of the building to promote the store's customer service options. The exterior features include more enhanced architecture with greater articulation than the Gen II Stores, which provides more character and depth to the building. QT has also added entries into the Gen III store from three sides of the building, which allows more parking closer to the store entry points, which are safer, more efficient, and preferred by QT's customers. Another positive aspect of the new Gen III Store is that QT has provided a vendor area for deliveries and parking away from customer areas, which allows for ease of circulation around the building and site for both the customers and the vendors. The new vendor area is located at the rear of the building.

The Gen III Store will serve a variety of fresh made foods and drinks from a "full service counter" including pizzas, flatbread sandwiches, quesadillas and kolaches. Specialty coffee drinks, espressos, shakes, smoothies, and ice cream cones will be offered as well. The Gen III Store will continue to offer the wide variety of fountain drinks, fresh-brewed

coffee and teas, grilled food items, and more that is currently offered in QT's Gen II Store.

A Gas Service Station on Parcel 2 is compatible with the surrounding area. Moreover, the QT Development meets the following Conditional Use Permit requirements of Article 14-9-5:

- Parcel 2 provides a frontage on Thunderbird Road greater than 180 feet.
- No part of any of the building, canopy, fuel dispenser, or accessory equipment is within 200 feet of any residential property.
- Greater than 500 feet separation is provided between Parcel 2 and other gas service stations located on the north side of Thunderbird Road.
- The development standards listed in Article 14-9-5(d) are met as shown on the Conceptual Development Plan at **Exhibit 5**.

VII. PRELIMINARY DEVELOPMENT PLAN

The Site includes three parcels which are shown at **Exhibit 2**. Parcels 1 (1.25 ac) and 3 (1.06 ac) are intended for future commercial uses and Parcel 2 is proposed as a QT "Gen III" Convenience Store and Gas Station that will complement the surrounding uses and provide Visitors to the Rio Vista Community Park a convenient option for food, beverages, and gasoline. Certain uses are prohibited in this PAD that are incompatible with the Rio Vista Community Park. Prohibited uses are described in Section VIII below.

VIII. LISTING OF PERMITTED, CONDITIONAL AND ACCESSORY USES

The land uses which are Permitted Uses, Conditionally Permitted Uses, and Prohibited Uses on the Site are those C-2 land uses listed in Table 14-9-3 (Land Use Matrix) of the Zoning Ordinance, except as modified below.

The following use is a Permitted Use on Parcel 2:

- Gas Service Station.

Additionally, the following uses are prohibited on the Site:

- Tavern, Bar, Lounge;
- Adult Uses;
- Medical Marijuana Manufacturing or Cultivation;
- Medical Marijuana Dispensary;
- Pawn Shop;

- Tattoo, Body Piercing, and Massage Establishment;
- Blood Plasma Center;
- Non-Chartered Financial Institutes; and
- Retail Liquor Stores.

IX. PROJECT PHASING AND DEVELOPMENT SCHEDULE

It is anticipated that Parcel 2 will be developed as Phase 1 of the proposed development. Phase 1 of the proposed development will also include landscaping and sidewalk improvements along Rio Vista Boulevard and Thunderbird Road. Parcels 1 and 3 will be developed in accordance with market demand. Future improvements to 88th Avenue will be completed currently with the development of Parcel 3.

X. PRELIMINARY DEVELOPMENT STANDARDS

The Development Standards for the Site will be those identified in Section 14-9-5 and 14-9-6 of the City of Peoria Zoning Ordinance for C-2 uses. If there are conflicting Development Standards between Section 14-9-5 and Section 14-9-6, the more restrictive Development Standards shall apply.

The Development Standards for the Site include, but are not limited to, the following:

Gas Service Stations:

- The minimum side and rear building setback including canopies, from a property line abutting a residential zoning district: thirty (30) feet.
- The minimum side and rear building setbacks including canopies, from a property line abutting a non-residential zoning district: ten (10) feet.
- The minimum street setback for buildings, fuel dispensers, accessory equipment, and canopies: twenty-five (25) feet.
- All fuel pump mechanism and any accessory equipment dispensing fuel shall be covered by canopies.
- Under canopy mounted lights shall be flush with the underside of the canopy.
- Fuel tanks larger than 1,000 gallons must be located underground. Above ground tanks shall be screened from street view, shall not exceed 6-feet in height, and shall be setback at least 25-feet from any public street.

Property Development Standards (All Uses)	**C-2 Zoning District**
Maximum Building Height	48 feet[1]
Front Setback	15 feet
Corner Setback	15 feet

Rear Setback	20 feet
Setback from Residential Zones	30 feet
Accessory Building Height & Setbacks	(a)

1 Building Height: Maximum thirty (30) feet high within thirty (30) feet of any residential district. The height may be increased by one (1) foot per each three (3) feet of additional setback to a maximum of forty-eight (48) feet.

(a) All regulations and development standards applicable to the principal building shall apply, except for covered parking canopies which shall comply with the standards established in Section 14-23-3 of the City of Peoria Zoning Ordinance.

XI. PROJECT SIGNAGE STANDARDS

Signage on the Site shall be consistent with Section 14-34-9 of the Zoning Ordinance, except as follows:

Parcel 2 shall be permitted to have a total of three (3) freestanding signs. One freestanding sign shall be permitted on Parcel 2 along the Thunderbird Road frontage. One freestanding sign shall be permitted on Parcel 2 along the Rio Vista Boulevard frontage. Lastly, a sign indicating the entrance to the Rio Vista Community Park shall be permitted at the southwest corner of Parcel 2, which shall be comprised of or similar to lettering installed on the gabion basket screen wall that is further described in Section XII below.

Regarding the Parcel 2 sign permitted along the Thunderbird Road frontage, the maximum sign height shall be 8.5 feet, the maximum square footage of the sign shall be 60 square feet, and the maximum width at the base of the sign shall be 12 feet. See **Exhibit 6**, Conceptual Sign Exhibit

Regarding the Parcel 2 sign permitted along the Rio Vista Boulevard frontage, it is anticipated that this sign shall be an approximately 16 square feet "directional sign" identifying the access point to and from the proposed QT Development.

A Conceptual Sign and Landscape Exhibit is provided at **Exhibit 7** to represent what could be installed on Parcel 2 at the southwest corner at the intersection of Thunderbird Road and Rio Vista Boulevard.

XII. LANDSCAPE STANDARDS

The landscape standards for Parcels 1, 2, and 3 shall be consistent with the C-2 Zoning District as described in Section 14-35 of the Zoning Ordinance. In addition to the C-2 Landscape Standards, the QT Development within Parcel 2 shall include a gabion basket screen wall at the southwest corner of Parcel 2 to blend and complement the existing Park entry monument at the northwest corner of Rio Vista Boulevard and Thunderbird Road. A Conceptual Sign and Landscape Exhibit for the southwest corner of Parcel 2 is provided at **Exhibit 7**.

Landscaping within Parcels 1 and 3 shall be compatible with Parcel 2.

XIII. INFRASTRUCTURE / UTILITIES

The Site will retain stormwater from a 100 year, 2 hour storm within onsite retention basins. Water and wastewater services will be provided by the City of Peoria. Electric, gas, and telephone is available to the Site from APS, Southwest Gas, and Cox Communications and CenturyLink, respectively.

SITE
EXISTING QUIKTRIP STORE
W Acoma Dr
N Desert Harbor Dr
N Rio Vista Blvd
W Gelding Dr
W Crocus Dr
W Hearn Rd
W Ludlow Dr
W Calavar Rd
N 92nd Ave
N 91st Ln
N 91st Dr
N 90th Ln
N 90th Dr
N Desert Harbor Dr
N Rio Vista Blvd
W Ludlow Dr
W THUNDERBIRD RD
W THUNDERBIRD RD
N 88th Ave
N 87th Ln
N 87th Dr
W Rue De Lamour
W Joan De Arc Ave
W Willow Ave
W Emile Zola Ave
W Pershing Ave
W Surrey Ave
W Wood Dr
N 88th Ave
N 83RD AVE
N 83RD AVE

QuikTrip No. 0490R

THUNDERBIRD RD & RIO VISTA BLVD
PEORIA, ARIZONA

DATE	DESCRIPTION

ORIGINAL ISSUE DATE:

SHEET TITLE:
OVERALL PARCEL PLAN

SHEET NUMBER:
2

Legal Description
APN 200-61-013R

That part of the West Half of the Southeast Quarter of the of the Southwest Quarter of Section 10, 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 Aluminum Cap marking the South Quarter Corner of said Section 10, from which the 1 inch Iron Bar marking the Southwest corner of said Section 10 bears South 89 degrees 10 minutes 44 seconds West, a distance of 2,640.52 feet;

Thence South 89 degrees 10 minutes 44 seconds West, along the South line of the Southwest Quarter of said Section 10, a distance of 990.20 feet to a point marking the East line of the West Half of the Southwest Quarter of the Southeast Quarter of the Southwest Quarter of Section 10;

Thence North 00 degrees 26 minutes 12 seconds East, along said East line, a distance of 62.96 feet to a point on the City of Peoria Community Park Entry Road (Rio Vista Drive) recorded in Document No. 2002-0456620, Maricopa County Records and the true **POINT OF BEGINNING;**

Thence along the City of Peoria Community Park Entry Road (Rio Vista Drive) the following courses:

Thence North 83 degrees 13 minutes 35 seconds West, a distance of 91.21 feet;

Thence South 89 degrees 10 minutes 44 seconds West, a distance of 80.00 feet;

Thence North 45 degrees 49 minutes 16 seconds West, a distance of 35.36 feet;

Thence North 00 degrees 49 minutes 16 seconds West, a distance of 115.36 feet to the beginning of a tangent curve of 1,017.40 foot radius, concave Southeasterly;

Thence Northeasterly, along said curve, through a central angle of 28 degrees 59 minutes 56 seconds, a distance of 514.93 feet to a point on the Southerly Right-of-Way of Ludlow Drive;

Thence along said Southerly Right-of-Way of Ludlow Drive the following courses:

Thence South 61 degrees 49 minutes 21 seconds East, departing said City of Peoria Community Park Entry Road (Rio Vista Drive), a distance of 16.37 feet to a point on a 30.00 foot radius non-tangent curve, whose center bears South 58 degrees 14 minutes 28 seconds East;

Thence Northeasterly, along said curve, through a Central Angle of 93 degrees 39 minutes 34 seconds, a distance of 49.04 feet;

Thence South 54 degrees 34 minutes 54 seconds East, a distance of 23.27 feet to a point on a 180.00 foot radius non-tangent curve, whose center bears North 35 degrees 25 minutes 02 seconds East;

Thence Southeasterly, along said curve, through a Central Angle of 06 degrees 48 minutes 20 seconds, a distance of 21.38 feet;

Thence South 28 degrees 36 minutes 42 seconds West, a distance of 26.62 feet to a point on the East line of the West Half of the Southwest Quarter of the Southeast Quarter of the Southwest Quarter of said Section 10;

Thence South 00 degrees 26 minutes 12 seconds West, departing said Southerly Right-of-Way of Ludlow Drive, along said East line, a distance of 597.36 feet to the true **POINT OF BEGINNING**.

EXCEPT that part of the West Half of the Southeast Quarter of the Southwest Quarter of said Section 10, more particularly described as follows:

Commencing at the aluminum cap marking the South Quarter corner of said Section 10, from which the 1" Iron bar marking the Southwest corner of said Section 10 bears South 89 degrees 10 minutes 44 seconds West, a distance of 2,640.52 feet;

Thence South 89 degrees 10 minutes 44 seconds West, along the South line of the Southwest Quarter of said Section 10, a distance of 990.20 feet to a point marking the East line of the West Half of the Southwest Quarter of the Southwest Quarter of the Southwest Quarter of Section 10;

Thence North 00 degrees 26 minutes 12 seconds East, along said East line, a distance of 62.96 feet to a point on the City of Peoria Community Park Entry Road (Rio Vista Drive) recorded in Instrument No. 02-456620, Maricopa County Records and the true **POINT OF BEGINNING:**

Thence continuing North 00 degrees 26 minutes 12 seconds East, a distance of 12.06 feet;

Thence South 89 degrees 10 minutes 44 seconds West, a distance of 90.68 feet to a point on the City of Peoria Community Park Entry Road (Rio Vista Drive) recorded in Instrument No. 02-456620, Maricopa County Records;

Thence South 83 degrees 13 minutes 35 seconds East, a distance of 91.21 feet to the true **POINT OF BEGINNING.**

Any modification to or omission from this description completely
absolves the surveyor from any liability for this description.

Also described as:

Commencing at a Found Aluminum Cap Flush at the South Quarter Corner of said Section 10, from which a Found Brass Cap in Handhole at the Southwest Corner of said Section 10 bears South 89 degrees 10 minutes 44 seconds West, a distance of 2640.47 feet;

Thence South 89 degrees 10 minutes 44 seconds West, along the South line of the Southwest Quarter of said Section 10, a distance of 990.18 feet to the Southeast Corner of the West Half of the Southwest Quarter of the Southeast Quarter of the Southwest Quarter of said Section 10;

Thence North 00 degrees 26 minutes 28 seconds East, along the East line of the West Half of the Southwest Quarter of the Southeast Quarter of the Southwest Quarter of said Section 10, a distance of 75.02 feet to the **POINT OF BEGINNING**.

Thence South 89 degrees 10 minutes 44 seconds West, parallel with and 75.00 feet North of the South line of the Southwest Quarter of said Section 10, a distance of 170.69 feet, to a point on the Easterly Right-of-Way line of Rio Vista Boulevard;

Thence, along said Easterly Right-of-Way line, the following three courses:

North 45 degrees 49 minutes 16 seconds West, a distance of 35.36 feet;

Thence North 00 degrees 49 minutes 16 seconds West, a distance of 115.36 feet, to a tangent curve to the right, having a Radius of 1,017.40 feet;

Thence Northerly, along said curve, through an Arc Length of 514.93 feet, and a Central Angle of 28 degrees 59 minutes 56 seconds, to a point on the Southerly Right-of-Way line of Ludlow Drive;

Thence along said Southerly Right-of-Way line the following five courses:

South 61 degrees 49 minutes 21 seconds East, a distance of 16.37 feet, to a non tangent curve, the center of which bears South 58 degrees 14 minutes 28 seconds East, a distance of 30.00 feet;

Thence Easterly, along said curve, through an Arc Length of 49.04 feet, and a Central Angle of 93 degrees 39 minutes 34 seconds;

Thence South 54 degrees 34 minutes 54 seconds East, a distance of 23.33 feet, to a tangent curve to the left, having a radius of 180.00 feet;

Thence Southeasterly, along said curve, through an Arc Length of 21.39 feet, and a Central Angle of 06 degrees 48 minutes 30 seconds;

Thence South 28 degrees 36 minutes 42 seconds West, a distance of 26.62 feet to the Northeast Corner of the West Half of the Southwest Quarter of the Southeast Quarter of the Southwest Quarter of said Section 10;

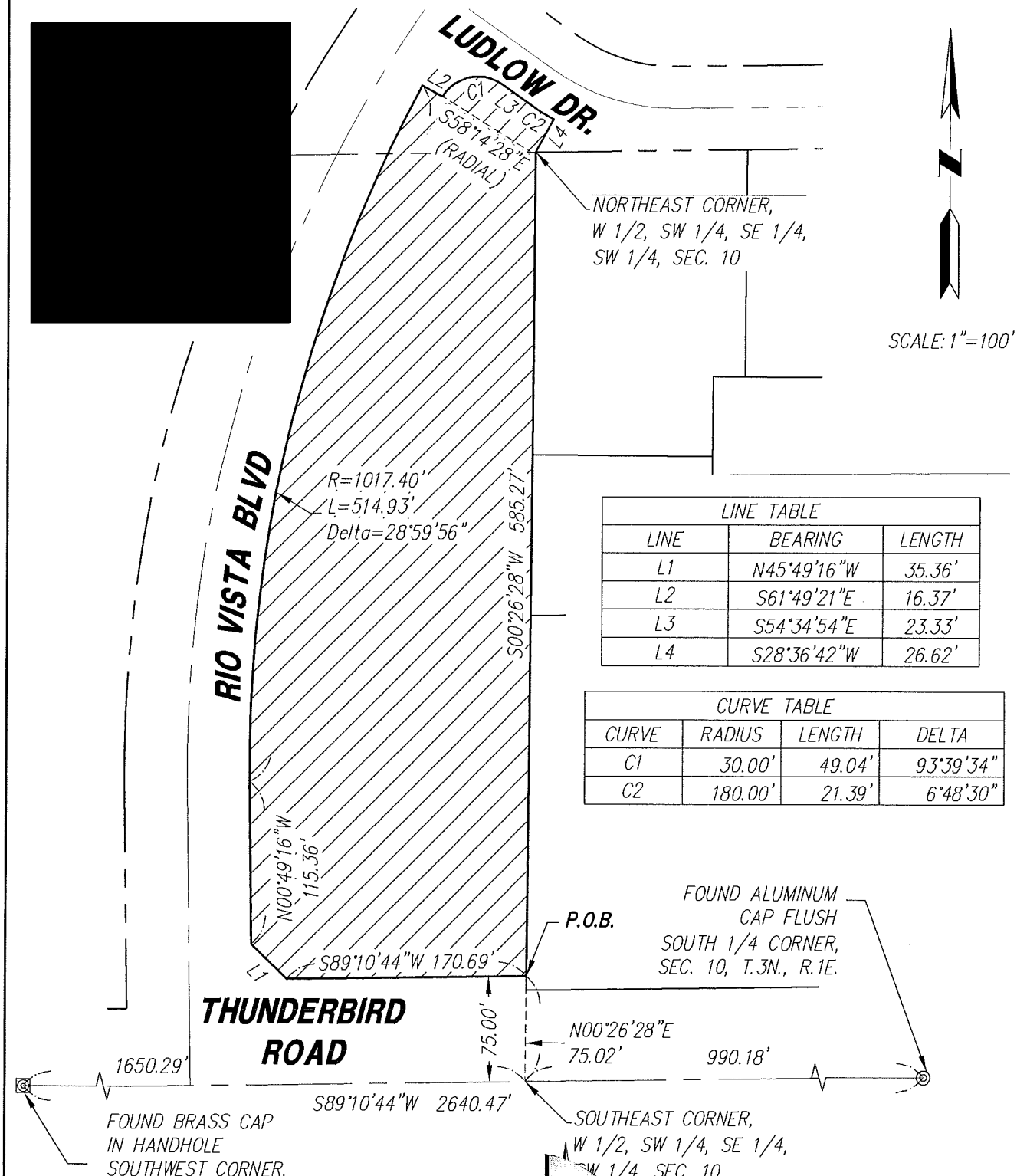
Thence South 00 degrees 26 minutes 28 seconds West, along the East line of said West Half, a distance of 585.27 feet, to the **POINT OF BEGINNING**.

Encompassing 107,719 square feet or 2.473 acres, more or less.

See Exhibit "A" attached hereto and made a part hereof.

Any modification to or omission from this description completely absolves the surveyor from any liability for this description.

EXHIBIT "A"
APN 200-61-013R



LINE TABLE		
LINE	BEARING	LENGTH
L1	N45°49'16"W	35.36'
L2	S61°49'21"E	16.37'
L3	S54°34'54"E	23.33'
L4	S28°36'42"W	26.62'

CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	30.00'	49.04'	93°39'34"
C2	180.00'	21.39'	6°48'30"

NORTHSIGHT
LANDSURVEYCONSULTINGINC
21640 N. 19th Avenue, Suite C-103 | Phoenix, Arizona 85027
P:480-303-0833 | F: 480-303-0834
www.NorthsightSurvey.com

3029XB03.DWG

Legal Description
APN 200-63-552

The South Half of the East Half of the Southwest Quarter of the Southeast Quarter of the Southwest Quarter of Section 10, Township 3 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

Except the South 65 feet thereof.

Also described as:

Commencing at a Found Aluminum Cap Flush at the South Quarter Corner of said Section 10, from which a Found Brass Cap in Handhole at the Southwest Corner of said Section 10 bears South 89 degrees 10 minutes 44 seconds West, a distance of 2640.47 feet;

Thence South 89 degrees 10 minutes 44 seconds West, along the South line of the Southwest Quarter of said Section 10, a distance of 660.12 feet to the Southeast Corner of the South Half of the East Half of the Southwest Quarter of the Southeast Quarter of the Southwest Quarter of said Section 10;

Thence North 00 degrees 27 minutes 04 seconds East, along the East line of the South Half of the East Half of the Southwest Quarter of the Southeast Quarter of the Southwest Quarter of said Section 10, a distance of 65.02 feet to the **POINT OF BEGINNING**.

Thence South 89 degrees 10 minutes 44 seconds West, parallel with and 65.00 feet North of the South line of the Southwest Quarter of said Section 10, a distance of 330.07 feet;

Thence North 00 degrees 26 minutes 28 seconds East, along the West line of the South Half of the East Half of the Southwest Quarter of the Southeast Quarter of the Southwest Quarter of said Section 10, a distance of 265.13 feet, to the Northwest Quarter of said South Half;

Thence North 89 degrees 11 minutes 34 seconds East, along the North line of the South Half of the East Half of the Southwest Quarter of the Southeast Quarter of the Southwest Quarter of said Section 10, a distance of 330.11 feet, to the Northeast Quarter of said South Half;

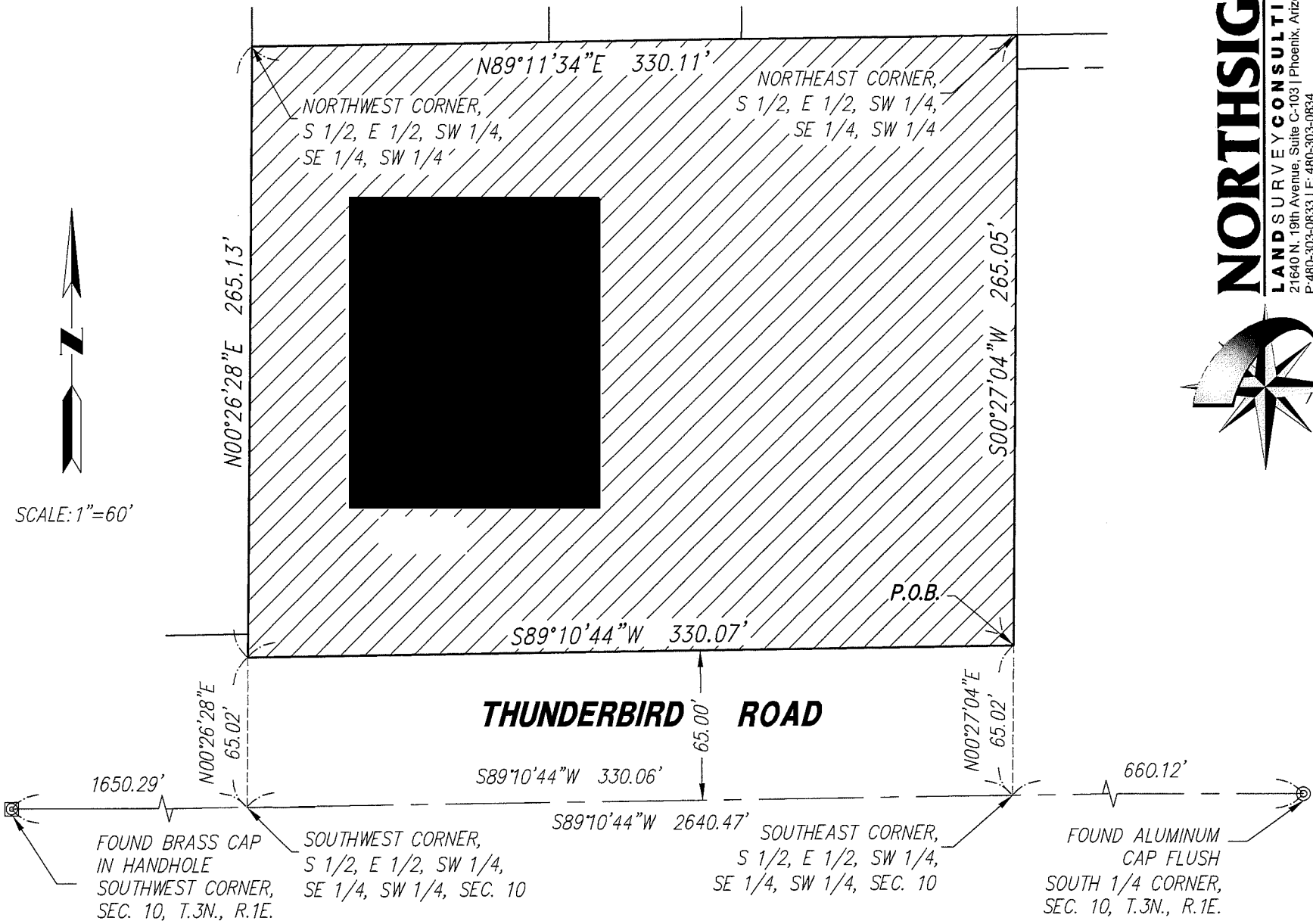
Thence South 00 degrees 27 minutes 04 seconds West, a distance of 265.05 feet, along the East line of the South Half of the East Half of the Southwest Quarter of the Southeast Quarter of the Southwest Quarter of said Section 10, to the **POINT OF BEGINNING**.

Encompassing 87,484 square feet or 2.008 acres, more or less.

See Exhibit "A" attached hereto and made a part hereof.

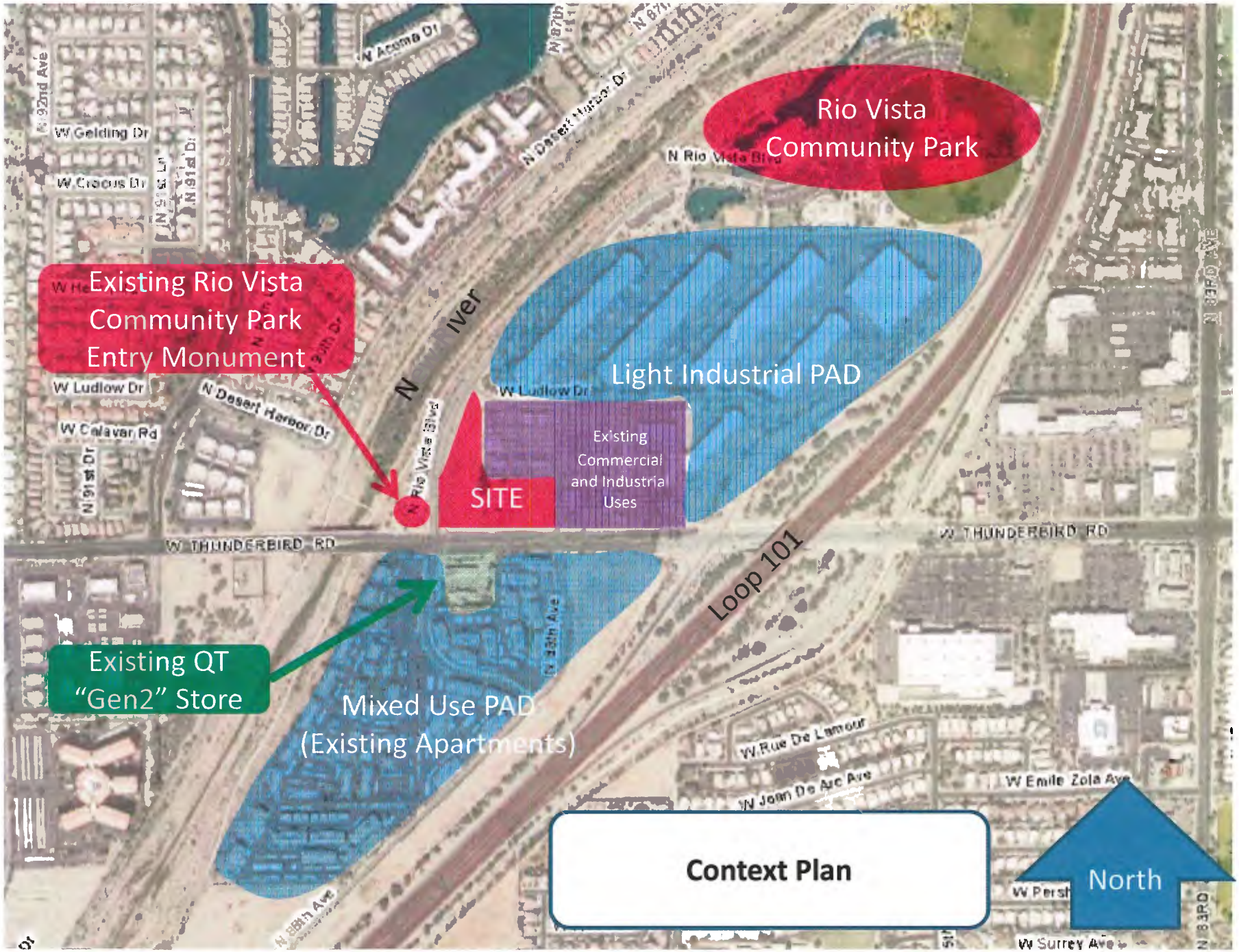
Any modification to or omission from this description comple
absolves the surveyor from any liability for this descriptior

EXHIBIT "A"
APN 200-63-552

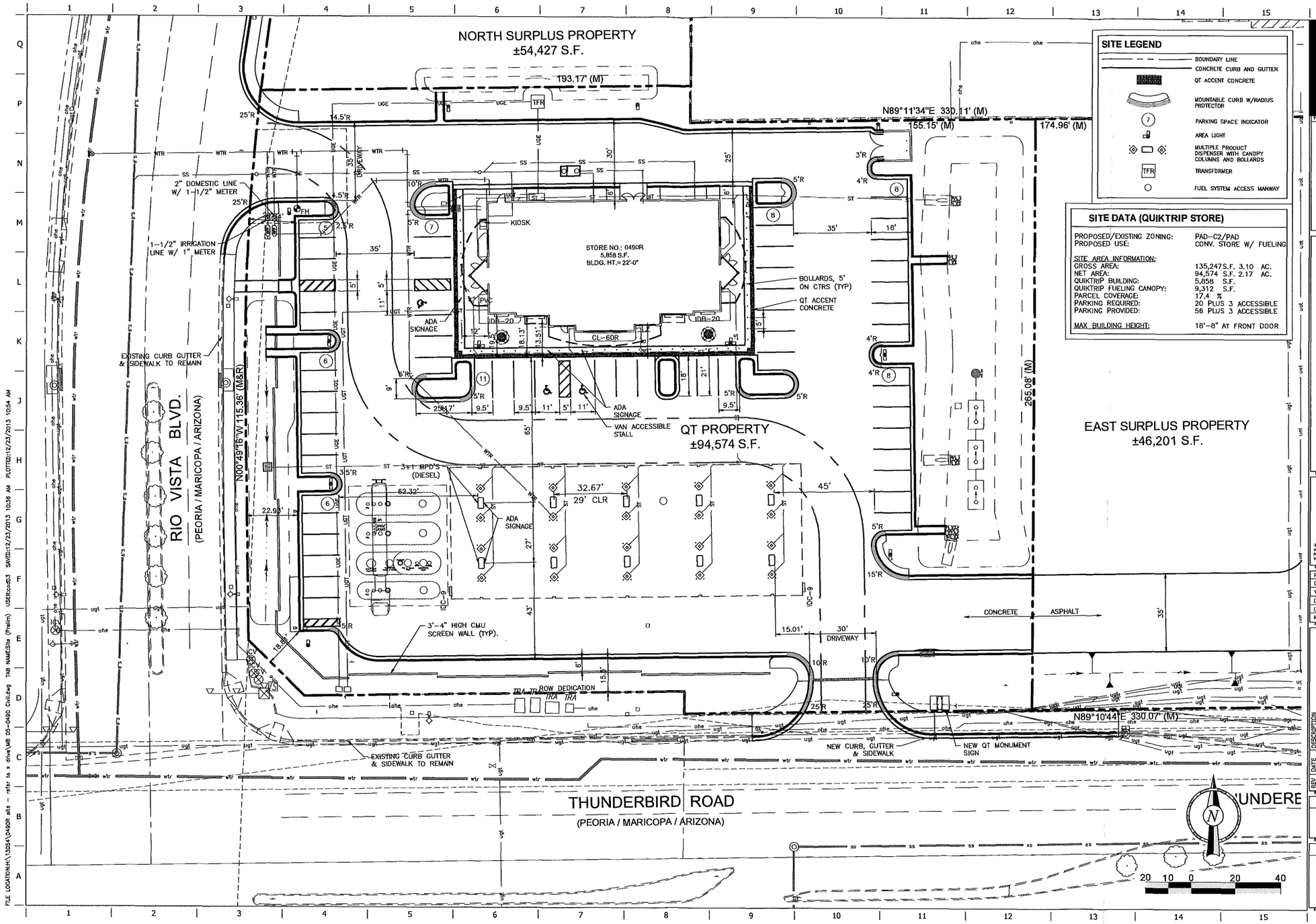


NORTHSIGHT
LAND SURVEY CONSULTING INC
21640 N. 19th Avenue, Suite C-103 | Phoenix, Arizona 85027
P:480-303-0833 | F: 480-303-0834
www.NorthsightSurvey.com

3029XB02.DWG



Context Plan



SITE LEGEND

- BOUNDARY LINE
- CONCRETE CURB AND GUTTER
- QT ACCENT CONCRETE
- MOUNTABLE CURB W/RADIUS PROTECTOR
- PARKING SPACE INDICATOR
- AREA LIGHT
- MULTIPLE PRODUCT DISPENSER WITH CANOPY COLUMNS AND BOLLARDS
- TRANSFORMER
- FUEL SYSTEM ACCESS MANWAY

SITE DATA (QUIKTRIP STORE)

PROPOSED/EXISTING ZONING:	PAD-C2/PAD
PROPOSED USE:	CONV. STORE W/ FUELING
SITE AREA INFORMATION:	
GROSS AREA:	135,247 S.F. 3.10 AC.
NET AREA:	94,574 S.F. 2.17 AC.
QUIKTRIP BUILDING:	5,858 S.F.
QUIKTRIP FUELING CANOPY:	9,312 S.F.
PARCEL COVERAGE:	17.4 %
PARKING REQUIRED:	20 PLUS 3 ACCESSIBLE
PARKING PROVIDED:	56 PLUS 3 ACCESSIBLE
MAX BUILDING HEIGHT:	18'-8" AT FRONT DOOR

[redacted]

PROJECT NO.:

KDF ARCHITECTURAL GROUP, LLC
300 W. Clarendon Avenue
Suite 320
Phoenix, AZ 85013
O: 602.234.1868
F: 602.234.1413

QuikTrip No. 0490R

THUNDERBIRD RD & RIO VISTA BLVD
PEORIA, ARIZONA

QT

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PROTOTYPE: P-76 (8/01/13)
DIVISION:
VERSION: 001
DESIGNED BY:
DRAWN BY:
REVIEWED BY:

REV	DATE	DESCRIPTION

ORIGINAL ISSUE DATE:

SHEET TITLE:
PRELIMINARY SITE PLAN

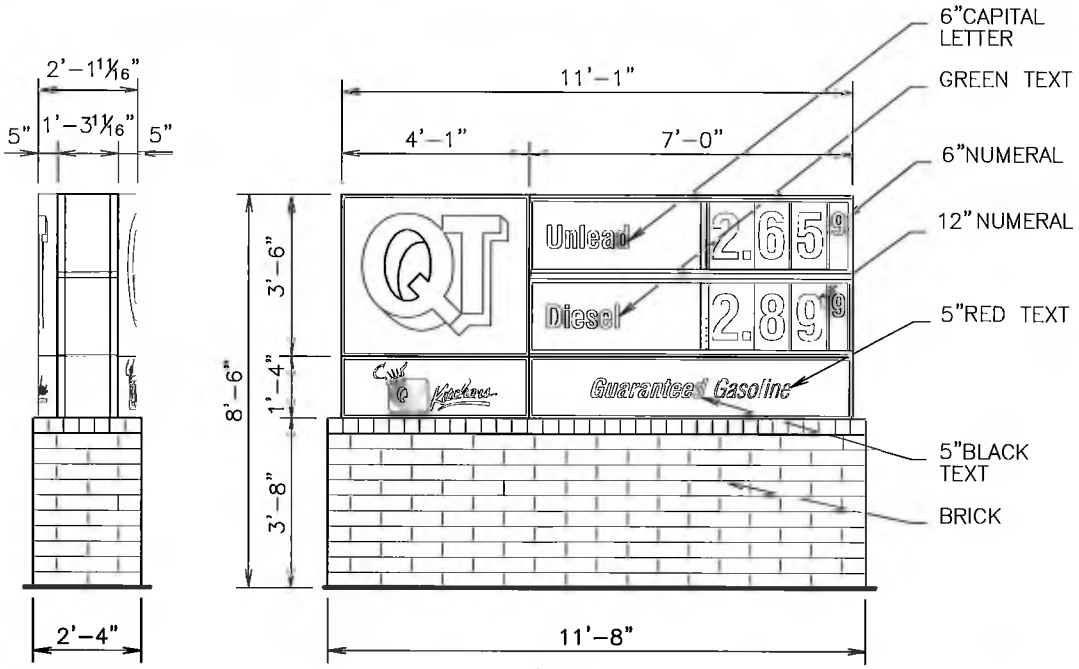
SHEET NUMBER:
4

FILE LOCATION:H:\1354\0490R sits - refer to x drive\MB 05-0490 Civil.dwg TAB NAME:Site (Prelim) USER:cad03 SAVED:12/23/2013 10:36 AM PLOTTED:12/23/2013 10:54 AM

QuikTrip®

Custom Horizontal Monument Sign

MH12-2PGQ-BB Custom BB Height



NOTES:	
DRAWN BY	CDC
ISSUE DATE	12/16/13

SQUARE FOOTAGE	
TYPEFACE	21
INSIDE CAN	47
ENTIRE SIGN	54

SPECIFICATIONS:

LOGO

Flat Solar grade, Clear Cyro Face, .177 thickness, painted on 2nd surface to match 3M Cardinal Red Translucent #3632-53, Akzo Nobel, no embossment.

Pricer

Flat Solar grade, Clear Cyro Face, .177 thickness, painted on 2nd surface, Akzo Noble Black, manual Font Numerals, Clear Helvetica Condensed font. Product Panels, Cyro, Clear text area, painted 2nd surface Akzo Nobel Opaque Black, Diesel Product Panel painted 2nd surface to match PMS 7481C Translucent Green, Akzo Noble.

LOGO Cabinet/Pricer Cabinet/Base

Aluminum Construction, Internally illuminated with GE Tetra PowerStrip DS65/GE PS24 Power Supplies. LOGO Cabinet painted Akzo Noble, QT Red SIGN9141 Low Gloss. Pricer Cabinet painted Akzo Noble Black Low Gloss. Accent Trim section painted 1st surface Akzo Noble Silver-Low Gloss. Base is Brick construction using Interstate Brick Midnight Black Atlas.

SCALE:
1/4" = 1'-0"
SERIAL NUMBER:
MH12-2PGQ-BB
STORE NUMBER:
0490

C:\Vault_QT\Designs\Consultants\05-0490\05 Presentation\05-0490-MH12-2PGQ - BB.dwg - L#00 November 21, 2013 10:15 AM - ccalkins

QuikTrip 0490R

KDF
ARCHITECTURAL
GROUP, LLC

300 W. Clarendon Avenue
Suite 320
Phoenix, AZ 85013
O: 602.234.1868
F: 602.234.1413

Exhibit H

South Elevation

East Elevation

North Elevation

West Elevation

QuikTrip

4705 South 129th East Ave.
Tulsa, Ok 74134-7006
P.O. Box 3475
Tulsa, OK 74101-3475
(918) 615-7700

Store # 0490 Building Elevations			Address: NEC of Thunderbird and N Rio Vista		City, State: Peoria, AZ
Serial # 05-0490-BSTI	Scale: NTS	Issue Date: 11/15/13	Drawn By: BP	Rev/Notes:	

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#	FINISH	MANUFACTURER	SPECIFICATION
1	EIFS INTERIOR	INTERNATIONAL SYSTEMS	STYLE: "TRADITIONAL" SMOOTH
2	EIFS (BASE)	INTERNATIONAL SYSTEMS	STYLE: "TRADITIONAL" SMOOTH
3	EIFS (BRONZE)	INTERNATIONAL SYSTEMS	BRONZE
4	BRICK	[illegible]	"MADISON" 10 MM X 4 MM BRICK
5	EIFS FOR CANOPY/SOFFIT	ALLEN INDUSTRIES	ILLUMINATED BAND
6	[illegible]	[illegible]	[illegible]
7	[illegible] ALUMINUM	[illegible]	[illegible]
8	[illegible]	ALLEN INDUSTRIES	[illegible]
9	[illegible]	ALLEN INDUSTRIES	[illegible]
10	[illegible]	[illegible]	[illegible]
11	[illegible]	[illegible]	[illegible]

Exhibit I

ORDINANCE NO 2014-26

AN ORDINANCE OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA ZONING PROPERTY FROM INTERMEDIATE COMMERCIAL (C-2) AND PLANNED AREA DEVELOPMENT (PAD) ZONING DISTRICT TO A SINGLE PLANNED AREA DEVELOPMENT (PAD) COMMERCIAL ZONING DISTRICT FOR A DEVELOPMENT KNOWN AS QUICK TRIP; AMENDING THE ZONING MAP AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Peoria Planning and Zoning Commission held a public hearing on May 15, 2013 in zoning case Z14-0001 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 a parcel of land as described below from the Intermediate Commercial (C-2) and Planned Area Development (PAD) zoning district to a single Planned Area Development (PAD) as provided in Section 14-33 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 April 25, 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 conditionally rezoned from Intermediate Commercial (C-2) and Planned Area Development (PAD) zoning districts to a single Planned Area Development (PAD).

SECTION 2. The amendment to the zoning herein provided be conditioned and subject to the following stipulations:

1. The development shall substantially conform to the “Quik Trip” Narrative and Conceptual Plans (case Z14-0001) date stamped April, 2014.

Exhibit 3

2. Upon conveying Parcel 1, the Developer shall record a cross access easement between Parcels 1 and 2. Upon conveying Parcel 3, the Developer shall record a cross access easement between Parcels 2 and 3.
3. The access point from Parcel 2 to Rio Vista Blvd. will be limited to a right in-right out and left turn-in traffic movement by the utilization of a “Right Turn Diverter”, more commonly known as a pork chop. If and when the traffic control signal at Rio Vista Blvd. and Thunderbird Rd. is improved by the City of Peoria the “Right Turn Diverter” may be removed and full turning movements restored at this point of access. Any cost associated with such removal would be the sole responsibility of the land owner and/or tenant.
4. The Developer shall provide an ALTA Survey reflecting existing boundary and recorded easements on the site.
5. 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.
    - It is understood that a drainage waiver has been applied for, requesting relief from the requirement to retain for the gross site area. The final drainage requirements will be per the outcome of that waiver request.
6. Upon conveying Parcel 1, the Developer shall record a cross drainage easement stating the amount of volume that Parcel 1 will be responsible for retaining for Parcel 2.
7. A final water network analysis and final sewer report will be required for final design.
8. A water stub shall be provided for Parcels 1 and 3.
9. The Developer will be responsible for underground any overhead utilities rated less than 69 kV, which are adjacent to the subdivision.

10. The Developer shall provide an Agreement to Install public improvements required by the development with an accompanying financial assurance for subdivision improvements in accordance with City's requirements.
11. 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 Civil Improvement Plans in accordance with the SWPPP checklist.
12. The Developer shall dedicate an 6' PUE outside of all ROW. No walls, signs, or retention shall be allowed within the PUE.
13. The Developer shall construct a 5' sidewalk on Ludlow Drive and curb, gutter, and a 6' sidewalk on Rio Vista Blvd along the project frontage. This shall be completed within the first phase of development.
14. The developer shall construct the half street for 88th Avenue along the project frontage (including, but not limited to, pavement, curb, gutter, sidewalk, and streetlights). This shall be completed at the time that Parcel 3 develops.

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 17th day of June, 2014.

_____
Bob Barrett, Mayor

_____
Date Signed

ATTEST:

_____
Rhonda Geriminsky, City Clerk

Ordinance No. 2014-26
June 17, 2014

APPROVED AS TO FORM:

_____

Stephen M. Kemp, City Attorney

Published in: Peoria Times
Pub. Dates: June 27, 2014

Effective Date:

Ordinance No. 2014-26
June 17, 2014

EXHIBIT A

Legal Description
APN 200-63-552

The South Half of the East Half of the Southwest Quarter of the Southeast Quarter of the Southwest
Quarter of Section 10, Township 3 North, Range 1 East of the Gila and Salt River Base and Meridian,
Maricopa County, Arizona;
Except the South 65 feet thereof.
Also described as:
Commencing at a Found Aluminum Cap Flush at the South Quarter Corner of said Section 10, from which
a Found Brass Cap in Handhole at the Southwest Corner of said Section 10 bears South 89 degrees 10
minutes 44 seconds West, a distance of 2640.47 feet;
Thence South 89 degrees 10 minutes 44 seconds West, along the South line of the Southwest Quarter of
said Section 10, a distance of 660.12 feet to the Southeast Corner of the South Half of the East Half of the
Southwest Quarter of the Southeast Quarter of the Southwest Quarter of said Section 10;
Thence North 00 degrees 27 minutes 04 seconds East, along the East line of the South Half of the East
Half of the Southwest Quarter of the Southeast Quarter of the Southwest Quarter of said Section 10, a
distance of 65.02 feet to the **POINT OF BEGINNING**.
Thence South 89 degrees 10 minutes 44 seconds West, parallel with and 65.00 feet North of the South
line of the Southwest Quarter of said Section 10, a distance of 330.07 feet;
Thence North 00 degrees 26 minutes 28 seconds East, along the West line of the South Half of the East
Half of the Southwest Quarter of the Southeast Quarter of the Southwest Quarter of said Section 10, a
distance of 265.13 feet, to the Northwest Quarter of said South Half;
Thence North 89 degrees 11 minutes 34 seconds East, along the North line of the South Half of the East
Half of the Southwest Quarter of the Southeast Quarter of the Southwest Quarter of said Section 10, a
distance of 330.11 feet, to the Northeast Quarter of said South Half;
Thence South 00 degrees 27 minutes 04 seconds West, a distance of 265.05 feet, along the East line of
the South Half of the East Half of the Southwest Quarter of the Southeast Quarter of the Southwest
Quarter of said Section 10, to the **POINT OF BEGINNING**.
Encompassing 87,484 square feet or 2.008 acres, more or less.

Legal Description
APN 200-61-013R

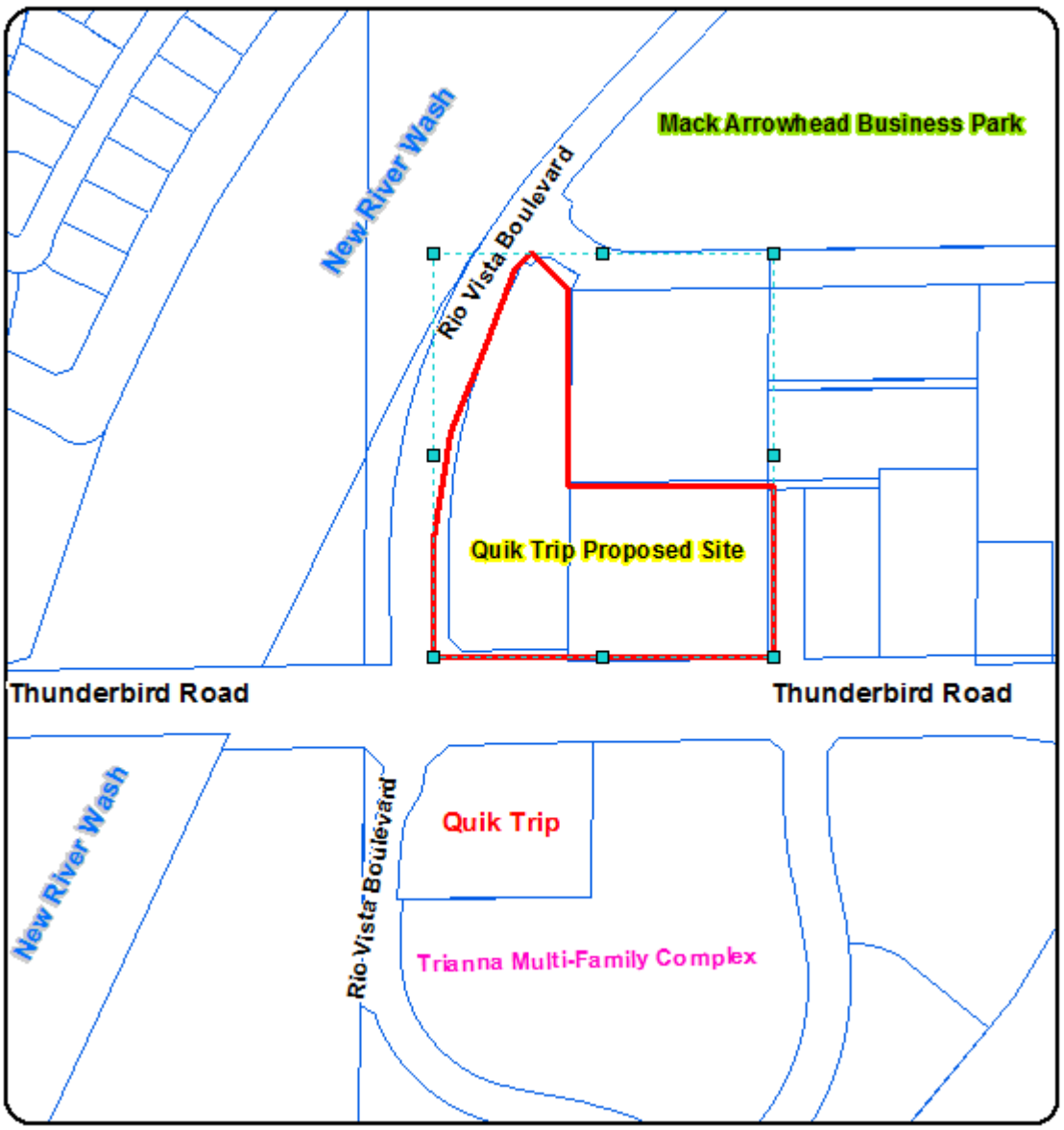
That part of the West Half of the Southeast Quarter of the of the Southwest Quarter of Section 10,
Township 3 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County,
Arizona, more particularly described as follows:
Commencing at the Aluminum Cap marking the South Quarter Corner of said Section 10, from which
the 1 inch Iron Bar marking the Southwest corner of said Section 10 bears South 89 degrees 10
minutes 44 seconds West, a distance of 2,640.52 feet;
Thence South 89 degrees 10 minutes 44 seconds West, along the South line of the Southwest
Quarter of said Section 10, a distance of 990.20 feet to a point marking the East line of the West Half
of the Southwest Quarter of the Southeast Quarter of the Southwest Quarter of Section 10;
Thence North 00 degrees 26 minutes 12 seconds East, along said East line, a distance of 62.96 feet
to a point on the City of Peoria Community Park Entry Road (Rio Vista Drive) recorded in Document
No. 2002-0456620, Maricopa County Records and the true **POINT OF BEGINNING;**
Thence along the City of Peoria Community Park Entry Road (Rio Vista Drive) the following courses:
Thence North 83 degrees 13 minutes 35 seconds West, a distance of 91.21 feet;
Thence South 89 degrees 10 minutes 44 seconds West, a distance of 80.00 feet;
Thence North 45 degrees 49 minutes 16 seconds West, a distance of 35.36 feet;
Thence North 00 degrees 49 minutes 16 seconds West, a distance of 115.36 feet to the beginning of
a tangent curve of 1,017.40 foot radius, concave Southeasterly;
Thence Northeasterly, along said curve, through a central angle of 28 degrees 59 minutes 56
seconds, a distance of 514.93 feet to a point on the Southerly Right-of-Way of Ludlow Drive;
Thence along said Southerly Right-of-Way of Ludlow Drive the following courses:
Thence South 61 degrees 49 minutes 21 seconds East, departing said City of Peoria Community
Park Entry Road (Rio Vista Drive), a distance of 16.37 feet to a point on a 30.00 foot radius nontangent
curve, whose center bears South 58 degrees 14 minutes 28 seconds East;
Thence Northeasterly, along said curve, through a Central Angle of 93 degrees 39 minutes 34
seconds, a distance of 49.04 feet;

Thence South 54 degrees 34 minutes 54 seconds East, a distance of 23.27 feet to a point on a
180.00 foot radius non-tangent curve, whose center bears North 35 degrees 25 minutes 02 seconds
East;
Thence Southeasterly, along said curve, through a Central Angle of 06 degrees 48 minutes 20
seconds, a distance of 21.38 feet;
Thence South 28 degrees 36 minutes 42 seconds West, a distance of 26.62 feet to a point on the
East line of the West Half of the Southwest Quarter of the Southeast Quarter of the Southwest
Quarter of said Section 10;
Thence South 00 degrees 26 minutes 12 seconds West, departing said Southerly Right-of-Way of
Ludlow Drive, along said East line, a distance of 597.36 feet to the true **POINT OF BEGINNING**.
EXCEPT that part of the West Half of the Southeast Quarter of the Southwest Quarter of said Section
10, more particularly described as follows:
Commencing at the aluminum cap marking the South Quarter corner of said Section 10, from which
the 1" Iron bar marking the Southwest corner of said Section 10 bears South 89 degrees 10 minutes
44 seconds West, a distance of 2,640.52 feet;
Thence South 89 degrees 10 minutes 44 seconds West, along the South line of the Southwest
Quarter of said Section 10, a distance of 990.20 feet to a point marking the East line of the West Half
of the Southwest Quarter of the Southwest Quarter of the Southwest Quarter of Section 10;
Thence North 00 degrees 26 minutes 12 seconds East, along said East line, a distance of 62.96 feet
to a point on the City of Peoria Community Park Entry Road (Rio Vista Drive) recorded in Instrument
No. 02-456620, Maricopa County Records and the true **POINT OF BEGINNING:**
Thence continuing North 00 degrees 26 minutes 12 seconds East, a distance of 12.06 feet;
Thence South 89 degrees 10 minutes 44 seconds West, a distance of 90.68 feet to a point on the
City of Peoria Community Park Entry Road (Rio Vista Drive) recorded in Instrument No. 02-456620,
Maricopa County Records;
Thence South 83 degrees 13 minutes 35 seconds East, a distance of 91.21 feet to the true **POINT**
OF BEGINNING.

Also described as:
Commencing at a Found Aluminum Cap Flush at the South Quarter Corner of said Section 10, from
which a Found Brass Cap in Handhole at the Southwest Corner of said Section 10 bears South 89
degrees 10 minutes 44 seconds West, a distance of 2640.47 feet;
Thence South 89 degrees 10 minutes 44 seconds West, along the South line of the Southwest
Quarter of said Section 10, a distance of 990.18 feet to the Southeast Corner of the West Half of the
Southwest Quarter of the Southeast Quarter of the Southwest Quarter of said Section 10;
Thence North 00 degrees 26 minutes 28 seconds East, along the East line of the West Half of the
Southwest Quarter of the Southeast Quarter of the Southwest Quarter of said Section 10, a distance
of 75.02 feet to the **POINT OF BEGINNING**.
Thence South 89 degrees 10 minutes 44 seconds West, parallel with and 75.00 feet North of the
South line of the Southwest Quarter of said Section 10, a distance of 170.69 feet, to a point on the
Easterly Right-of-Way line of Rio Vista Boulevard;
Thence, along said Easterly Right-of-Way line, the following three courses:
North 45 degrees 49 minutes 16 seconds West, a distance of 35.36 feet;
Thence North 00 degrees 49 minutes 16 seconds West, a distance of 115.36 feet, to a tangent curve
to the right, having a Radius of 1,017.40 feet;
Thence Northerly, along said curve, through an Arc Length of 514.93 feet, and a Central Angle of 28
degrees 59 minutes 56 seconds, to a point on the Southerly Right-of-Way line of Ludlow Drive;
Thence along said Southerly Right-of-Way line the following five courses:
South 61 degrees 49 minutes 21 seconds East, a distance of 16.37 feet, to a non tangent curve, the
center of which bears South 58 degrees 14 minutes 28 seconds East, a distance of 30.00 feet;
Thence Easterly, along said curve, through an Arc Length of 49.04 feet, and a Central Angle of 93
degrees 39 minutes 34 seconds;
Thence South 54 degrees 34 minutes 54 seconds East, a distance of 23.33 feet, to a tangent curve to
the left, having a radius of 180.00 feet;
Thence Southeasterly, along said curve, through an Arc Length of 21.39 feet, and a Central Angle of
06 degrees 48 minutes 30 seconds;

Thence South 28 degrees 36 minutes 42 seconds West, a distance of 26.62 feet to the Northeast
Corner of the West Half of the Southwest Quarter of the Southeast Quarter of the Southwest Quarter
of said Section 10;
Thence South 00 degrees 26 minutes 28 seconds West, along the East line of said West Half, a
distance of 585.27 feet, to the **POINT OF BEGINNING**.
Encompassing 107,719 square feet or 2.473 acres, more or less.

EXHIBIT B
Map



QUIKTRIP

Northeast Corner of Rio Vista Boulevard and Thunderbird Road
Peoria, Arizona

PLANNED AREA DEVELOPMENT

STANDARDS AND GUIDELINES REPORT

Applicant/Representative:

Juan Romero
QuikTrip Corporation
1116 East Broadway Road
Tempe, Arizona 85282

Ed Bull and Brian Greathouse
Burch & Cracchiolo, P.A.
702 East Osborn Road, Suite 200
Phoenix, Arizona 85014

Prepared: January 2014

Exhibit 4

I. INTRODUCTION

QuikTrip Corporation ("QT") is developing approximately 4.48 acres located at the northeast corner of Rio Vista Boulevard and Thunderbird Road, approximately one-half mile west of the Loop 101 Freeway (the "Site"). A Vicinity Map identifying the Site is attached at **Exhibit 1**. QT is developing the Site under the Planned Area Development ("PAD") Zoning District to include a mix of future and proposed commercial uses including, but not limited to, a new QT "Gen III" Convenience Store and Gas Station (the "QT Development"). The Site is being developed as three separate parcels which are shown at **Exhibit 2**, Overall Parcel Plan. The proposed QT Development is located within Parcel 2. Parcels 1 and 3 are planned for future commercial development.

This PAD proposes uses that are not dissimilar from those already permitted on the Site. The current zoning on the Site includes C-2 and Commercial PAD. The C-2 Zoning District allows gas stations with a Conditional Use Permit and the Commercial PAD allows automobile related and restaurant/bar uses. This PAD will consolidate the existing zoning on portions of the Site to create one comprehensive PAD that allows a better and more attractive development on the Site.

This Standards and Guidelines Report shall function as the development standards framework and identifies all standards, regulations and bulk requirements for the Site. In the event this Standards and Guidelines Report is silent on a development standard or other regulation, the applicable C-2 Zoning District regulation in effect at the time of the City Council Ordinance adopting this PAD shall apply.

II. LEGAL DESCRIPTION OF PROPERTY AND PARCELS

A Legal Description of the Site is provided at **Exhibit 3**.

III. PAD JUSTIFICATION

As indicated above, the Site is approximately 4.48 acres. Section 14-33-2(B)(1) of the City of Peoria Zoning Ordinance ("Zoning Ordinance") requires a minimum of ten (acres) to qualify for a PAD unless it can be shown that the minimum PAD requirements should be waived because the waiver would be in the public interest and one or more of the following conditions exist:

a. Unusual physical features of the property itself or of the surrounding area are such that development under the standard provisions of the Zoning Ordinance would not be appropriate in order to conserve a physical or terrain feature of importance to the neighborhood or community.

b. The property is adjacent to or across the street or alley from property which has been developed under the provisions of this section and will contribute to the amenities of the area.

c. The use of the PAD concept will encourage the use of otherwise undevelopable property, particularly in the case of small undeveloped parcels surrounded or partially surrounded by developed property.

d. The property is located within the Infill Incentive District.

Waiving the ten (10) acre requirement for this PAD is in the public interest and (a), (b) and (c) above apply to the Site. The public has a great interest in the 52-acre Rio Vista Community Park. This PAD will contribute towards enhancing the entrance to Rio Vista Community Park. The QT Development includes landscape elements at the northeast corner of Rio Vista Boulevard and Thunderbird Road that will blend with and complement the existing Rio Vista Community Park entry monument at the northwest corner of Rio Vista Boulevard and Thunderbird Road. Further, this PAD prohibits certain land uses that are incompatible with family and children activities at Rio Vista Community Park.

This PAD is necessary on this vacant infill Site. A Context Map is provided at **Exhibit 4**. The Site is located across the street (Thunderbird Road) from property that is zoned PAD for a mixed use development and C-2 (existing QuikTrip "Gen II" Store). The Site is also proximate to other properties located northeast of the Site that are zoned PAD for light industrial uses. An old, vacant and rundown bar exists on the Site that is dilapidated and needs to be demolished. Also, as stated above, this PAD contributes towards enhancing the entrance to the major amenity in the area, Rio Vista Community Park.

This PAD will allow the development of the Site with land uses and landscaping that are compatible with the surrounding area and the Rio Vista Community Park. Moreover, the Site is irregularly shaped which creates many site planning challenges. This PAD allows the development of this vacant, infill Site with compatible uses that will complement the area and surrounding developments.

IV. EXISTING CONDITIONS

There is an existing QT "Gen II" Store located south of the Site, across Thunderbird Road. QT is proposing to develop its Gen III Store on the Site to expand QT's offerings and provide an updated, more customer friendly experience. The existing QT Gen II Store is also less visible now due to the apartment development that has occurred on three sides of the QT Gen II Store.

The existing QT Gen II Store will be closed and decommissioned upon completing and opening the Gen III Store. The closing and decommission process includes removing the gasoline area canopy, fuel stations, and all other gasoline related items such as the underground service tanks. The equipment inside the building such as computers, coolers, and shelving will be removed. The signage will be removed from the building and the freestanding monuments located along the Thunderbird Road frontage. Lastly, the site will be fenced for security purposes and the existing landscaping will be maintained by QT until the property is sold. QT actively markets its surplus property to prospective buyers across the nation. This reuse plan will ensure that the property is properly maintained during the transition to a new user.

The new approximately 5,858 square feet QT Gen III Store features a redesign of both the exterior and interior of the building to promote the store's customer service options. The exterior features include more enhanced architecture with greater articulation than the Gen II Stores, which provides more character and depth to the building. QT has also added entries into the Gen III store from three sides of the building, which allows more parking closer to the store entry points, which safer, more efficient, and preferred by QT's customers. Another positive aspect of the new Gen III Store is that QT has provided a vendor area for deliveries and parking away from customer areas, which allows for ease of circulation around the building and site for both the customers and the vendors. The new vendor area is located at the rear of the building.

The Gen III Store will serve a variety of fresh made foods and drinks from a "full service counter" including pizzas, flatbread sandwiches, quesadillas and kolaches. Specialty coffee drinks, espressos, shakes, smoothies, and ice cream cones will be offered as well. The Gen III Store will continue to offer the wide variety of fountain drinks, fresh-brewed coffee and teas, grilled food items, and more that is currently offered in QT's Gen II Store.

V. PRELIMINARY DEVELOPMENT PLAN

The Site includes three parcels which are shown at **Exhibit 2**. Parcels 1 and 3 are intended for future commercial uses and Parcel 2 is proposed as a QT "Gen III" Convenience Store and Gas Station that will complement the surrounding uses and provide Visitors to the Rio Vista Community Park a convenient option for food, beverages, and gasoline. Certain uses are prohibited in this PAD that are incompatible with the Rio Vista Community Park. Prohibited uses are described in Section VI below.

VI. LISTING OF PERMITTED, CONDITIONAL AND ACCESSORY USES

The land uses which are Permitted Uses, Conditionally Permitted Uses, and Prohibited Uses on the Site are those C-2 land uses listed in Table 14-9-3 (Land Use Matrix) of the Zoning Ordinance, except as modified below.

The following use is a Permitted Use on Parcel 2:

- Gas Service Station.

A Gas Service Station on Parcel 2 is compatible with the surrounding area. Moreover, the QT Development meets the Conditional Use Permit requirements of Article 14-9-5. Parcel 2 provides a frontage on Thunderbird Road greater than 180 feet. No part of any of the building, canopy, fuel dispenser, or accessory equipment is within 200 feet of any residential property. Greater than 500 feet separation is provided between Parcel 2 and other gas service stations located on the north side of Thunderbird Road. Lastly, the development standards listed in Article 14-9-5(d) are met as shown on the Conceptual Development Plan at **Exhibit 5**.

Additionally, the following uses are prohibited on the Site:

- Tavern, Bar, Lounge;
- Adult Uses;
- Medical Marijuana Manufacturing or Cultivation;
- Medical Marijuana Dispensary; and
- Pawn Shop.

VII. PROJECT PHASING AND DEVELOPMENT SCHEDULE

It is anticipated that Parcel 2 will be developed as Phase 1 of the proposed development. Parcels 1 and 3 will be developed in accordance with market demand.

VIII. PRELIMINARY DEVELOPMENT STANDARDS

The Development Standards for the Site will be those identified in Section 14-9-5 and 14-9-6 of the Zoning Ordinance for C-2 uses. If there are conflicting Development Standards between Section 14-9-5 and Section 14-9-6, the more restrictive Development Standards shall apply.

IX. PROJECT SIGNAGE STANDARDS

Signage on the Site shall be consistent with Section 14-34-9 of the Zoning Ordinance, except as follows:

Parcels 1, 2, and 3 are permitted to each have one (1) freestanding sign on each respective parcel. Parcel 2 shall only be permitted to have a freestanding sign located on the Thunderbird Road frontage.

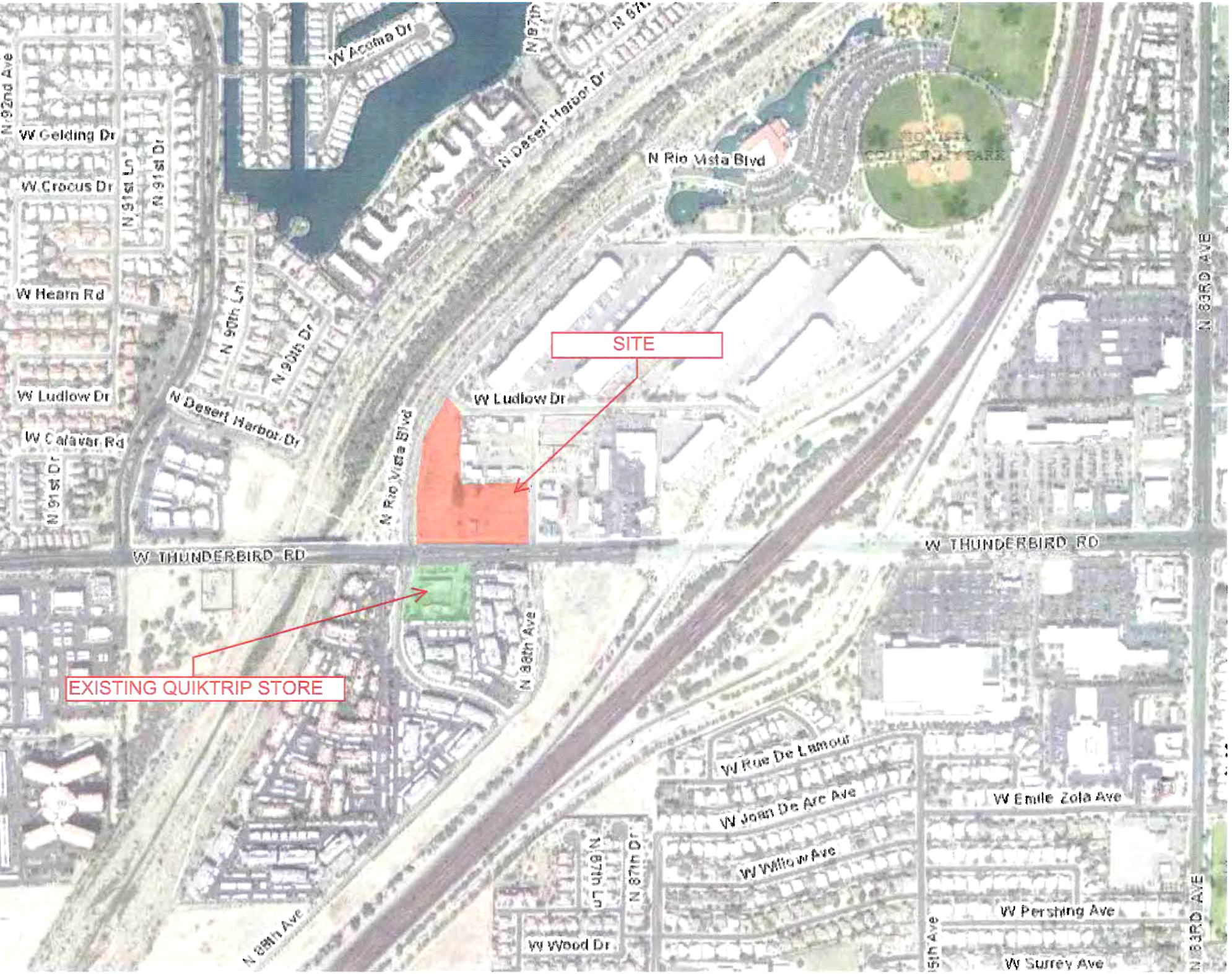
The maximum freestanding sign height for Parcel 2 shall be 8.5 feet. The maximum square footage of a freestanding sign on Parcel 2 shall be 60 square feet. The maximum width at the base of the sign shall be 12 feet. A Conceptual Sign Plan is provided at **Exhibit 6** to represent what could be installed on Parcel 2 in accordance with the above sign regulations.

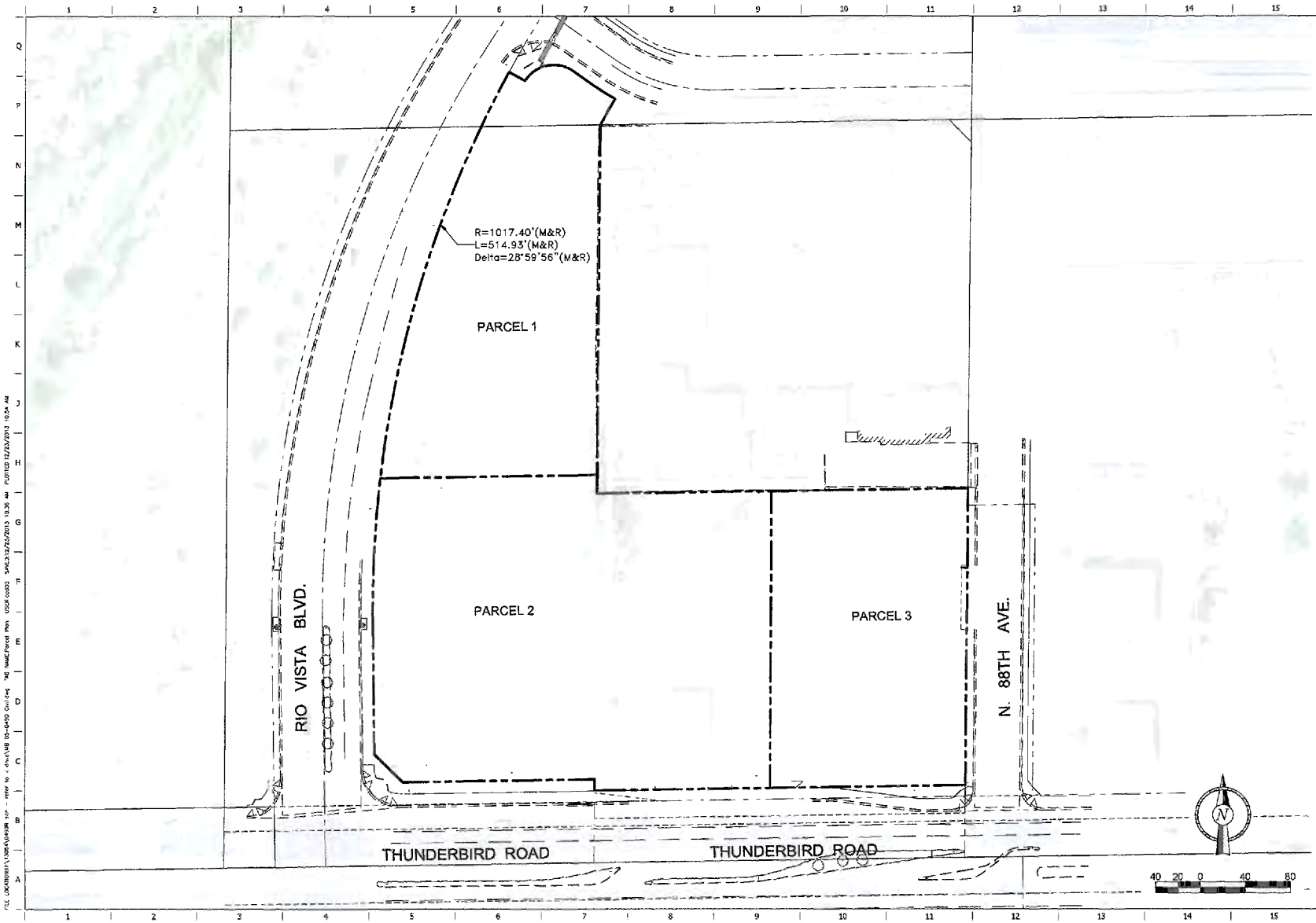
X. LANDSCAPE STANDARDS

The landscape standards shall be consistent with the C-2 Zoning District as described in Section 14-35 of the Zoning Ordinance. The QT Development shall include a gabion basket screen wall at the southwest corner of Parcel 2 to blend and complement the existing Park entry monument at the northwest corner of Rio Vista Boulevard and Thunderbird Road.

XI. INFRASTRUCTURE / UTILITIES

The Site will retain stormwater from a 100 year, 2 hour storm within onsite retention basins. Water and wastewater services will be provided by the City of Peoria. Electric, gas, and telephone is available to the Site from APS, Southwest Gas, and Cox Communications and CenturyLink, respectively.


SITE
EXISTING QUIKTRIP STORE
W Acoma Dr
N Desert Harbor Dr
N Rio Vista Blvd
W Ludlow Dr
W THUNDERBIRD RD
N 83RD AVE
N 92nd Ave
W Gelding Dr
W Crocus Dr
N 91st Ln
N 91st Dr
W Hearn Rd
N 90th Ln
N 90th Dr
W Ludlow Dr
N Desert Harbor Dr
W Calavar Rd
N 91st Dr
N Rio Vista Blvd
W THUNDERBIRD RD
N 88th Ave
W Rue De L'amour
W Joan De Arc Ave
W Willow Ave
W Emile Zola Ave
N 87th Ln
N 87th Dr
W Pershing Ave
W Wood Dr
W Surrey Ave
N 88th Ave
N 83RD AVE



[redacted]

ARCHITECTURAL GROUP, LTD

QuikTrip No. 0490R

THUNDERBIRD RD & RIO VISTA BLVD
PEORIA, ARIZONA

QT

PROTOTYPE: P-76 (8/01/13)
DWG/CAD#:
VERSION: 001
DESIGNED BY:
DRAWN BY:
REVIEWED BY:

REV	DATE	DESCRIPTION

ORIGINAL ISSUE DATE:

SHEET TITLE:
OVERALL PARCEL PLAN

SHEET NUMBER:
2

3

Legal Description
APN 200-63-552

The South Half of the East Half of the Southwest Quarter of the Southeast Quarter of the Southwest Quarter of Section 10, Township 3 North, Range 1 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

Except the South 65 feet thereof.

Also described as:

Commencing at a Found Aluminum Cap Flush at the South Quarter Corner of said Section 10, from which a Found Brass Cap in Handhole at the Southwest Corner of said Section 10 bears South 89 degrees 10 minutes 44 seconds West, a distance of 2640.47 feet;

Thence South 89 degrees 10 minutes 44 seconds West, along the South line of the Southwest Quarter of said Section 10, a distance of 660.12 feet to the Southeast Corner of the South Half of the East Half of the Southwest Quarter of the Southeast Quarter of the Southwest Quarter of said Section 10;

Thence North 00 degrees 27 minutes 04 seconds East, along the East line of the South Half of the East Half of the Southwest Quarter of the Southeast Quarter of the Southwest Quarter of said Section 10, a distance of 65.02 feet to the **POINT OF BEGINNING**.

Thence South 89 degrees 10 minutes 44 seconds West, parallel with and 65.00 feet North of the South line of the Southwest Quarter of said Section 10, a distance of 330.07 feet;

Thence North 00 degrees 26 minutes 28 seconds East, along the West line of the South Half of the East Half of the Southwest Quarter of the Southeast Quarter of the Southwest Quarter of said Section 10, a distance of 265.13 feet, to the Northwest Quarter of said South Half;

Thence North 89 degrees 11 minutes 34 seconds East, along the North line of the South Half of the East Half of the Southwest Quarter of the Southeast Quarter of the Southwest Quarter of said Section 10, a distance of 330.11 feet, to the Northeast Quarter of said South Half;

Thence South 00 degrees 27 minutes 04 seconds West, a distance of 265.05 feet, along the East line of the South Half of the East Half of the Southwest Quarter of the Southeast Quarter of the Southwest Quarter of said Section 10, to the **POINT OF BEGINNING**.

Encompassing 87,484 square feet or 2.008 acres, more or less.

See Exhibit "A" attached hereto and made a part hereof.

Any modification to or omission from this description completely
absolves the surveyor from any liability for this description.

Legal Description
APN 200-61-013R

That part of the West Half of the Southeast Quarter of the of the Southwest Quarter of Section 10, 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 Aluminum Cap marking the South Quarter Corner of said Section 10, from which the 1 inch Iron Bar marking the Southwest corner of said Section 10 bears South 89 degrees 10 minutes 44 seconds West, a distance of 2,640.52 feet;

Thence South 89 degrees 10 minutes 44 seconds West, along the South line of the Southwest Quarter of said Section 10, a distance of 990.20 feet to a point marking the East line of the West Half of the Southwest Quarter of the Southeast Quarter of the Southwest Quarter of Section 10;

Thence North 00 degrees 26 minutes 12 seconds East, along said East line, a distance of 62.96 feet to a point on the City of Peoria Community Park Entry Road (Rio Vista Drive) recorded in Document No. 2002-0456620, Maricopa County Records and the true **POINT OF BEGINNING;**

Thence along the City of Peoria Community Park Entry Road (Rio Vista Drive) the following courses:

Thence North 83 degrees 13 minutes 35 seconds West, a distance of 91.21 feet;

Thence South 89 degrees 10 minutes 44 seconds West, a distance of 80.00 feet;

Thence North 45 degrees 49 minutes 16 seconds West, a distance of 35.36 feet;

Thence North 00 degrees 49 minutes 16 seconds West, a distance of 115.36 feet to the beginning of a tangent curve of 1,017.40 foot radius, concave Southeasterly;

Thence Northeasterly, along said curve, through a central angle of 28 degrees 59 minutes 56 seconds, a distance of 514.93 feet to a point on the Southerly Right-of-Way of Ludlow Drive;

Thence along said Southerly Right-of-Way of Ludlow Drive the following courses:

Thence South 61 degrees 49 minutes 21 seconds East, departing said City of Peoria Community Park Entry Road (Rio Vista Drive), a distance of 16.37 feet to a point on a 30.00 foot radius non-tangent curve, whose center bears South 58 degrees 14 minutes 28 seconds East;

Thence Northeasterly, along said curve, through a Central Angle of 93 degrees 39 minutes 34 seconds, a distance of 49.04 feet;

Thence South 54 degrees 34 minutes 54 seconds East, a distance of 23.27 feet to a point on a 180.00 foot radius non-tangent curve, whose center bears North 35 degrees 25 minutes 02 seconds East;

Thence Southeasterly, along said curve, through a Central Angle of 06 degrees 48 minutes 20 seconds, a distance of 21.38 feet;

Thence South 28 degrees 36 minutes 42 seconds West, a distance of 26.62 feet to a point on the East line of the West Half of the Southwest Quarter of the Southeast Quarter of the Southwest Quarter of said Section 10;

Thence South 00 degrees 26 minutes 12 seconds West, departing said Southerly Right-of-Way of Ludlow Drive, along said East line, a distance of 597.36 feet to the true **POINT OF BEGINNING**.

EXCEPT that part of the West Half of the Southeast Quarter of the Southwest Quarter of said Section 10, more particularly described as follows:

Commencing at the aluminum cap marking the South Quarter corner of said Section 10, from which the 1" Iron bar marking the Southwest corner of said Section 10 bears South 89 degrees 10 minutes 44 seconds West, a distance of 2,640.52 feet;

Thence South 89 degrees 10 minutes 44 seconds West, along the South line of the Southwest Quarter of said Section 10, a distance of 990.20 feet to a point marking the East line of the West Half of the Southwest Quarter of the Southwest Quarter of the Southwest Quarter of Section 10;

Thence North 00 degrees 26 minutes 12 seconds East, along said East line, a distance of 62.96 feet to a point on the City of Peoria Community Park Entry Road (Rio Vista Drive) recorded in Instrument No. 02-456620, Maricopa County Records and the true **POINT OF BEGINNING:**

Thence continuing North 00 degrees 26 minutes 12 seconds East, a distance of 12.06 feet;

Thence South 89 degrees 10 minutes 44 seconds West, a distance of 90.68 feet to a point on the City of Peoria Community Park Entry Road (Rio Vista Drive) recorded in Instrument No. 02-456620, Maricopa County Records;

Thence South 83 degrees 13 minutes 35 seconds East, a distance of 91.21 feet to the true **POINT OF BEGINNING.**

Any modification to or omission from this description completely
absolves the surveyor from any liability for this description.

Also described as:

Commencing at a Found Aluminum Cap Flush at the South Quarter Corner of said Section 10, from which a Found Brass Cap in Handhole at the Southwest Corner of said Section 10 bears South 89 degrees 10 minutes 44 seconds West, a distance of 2640.47 feet;

Thence South 89 degrees 10 minutes 44 seconds West, along the South line of the Southwest Quarter of said Section 10, a distance of 990.18 feet to the Southeast Corner of the West Half of the Southwest Quarter of the Southeast Quarter of the Southwest Quarter of said Section 10;

Thence North 00 degrees 26 minutes 28 seconds East, along the East line of the West Half of the Southwest Quarter of the Southeast Quarter of the Southwest Quarter of said Section 10, a distance of 75.02 feet to the **POINT OF BEGINNING**.

Thence South 89 degrees 10 minutes 44 seconds West, parallel with and 75.00 feet North of the South line of the Southwest Quarter of said Section 10, a distance of 170.69 feet, to a point on the Easterly Right-of-Way line of Rio Vista Boulevard;

Thence, along said Easterly Right-of-Way line, the following three courses:

North 45 degrees 49 minutes 16 seconds West, a distance of 35.36 feet;

Thence North 00 degrees 49 minutes 16 seconds West, a distance of 115.36 feet, to a tangent curve to the right, having a Radius of 1,017.40 feet;

Thence Northerly, along said curve, through an Arc Length of 514.93 feet, and a Central Angle of 28 degrees 59 minutes 56 seconds, to a point on the Southerly Right-of-Way line of Ludlow Drive;

Thence along said Southerly Right-of-Way line the following five courses:

South 61 degrees 49 minutes 21 seconds East, a distance of 16.37 feet, to a non tangent curve, the center of which bears South 58 degrees 14 minutes 28 seconds East, a distance of 30.00 feet;

Thence Easterly, along said curve, through an Arc Length of 49.04 feet, and a Central Angle of 93 degrees 39 minutes 34 seconds;

Thence South 54 degrees 34 minutes 54 seconds East, a distance of 23.33 feet, to a tangent curve to the left, having a radius of 180.00 feet;

Thence Southeasterly, along said curve, through an Arc Length of 21.39 feet, and a Central Angle of 06 degrees 48 minutes 30 seconds;

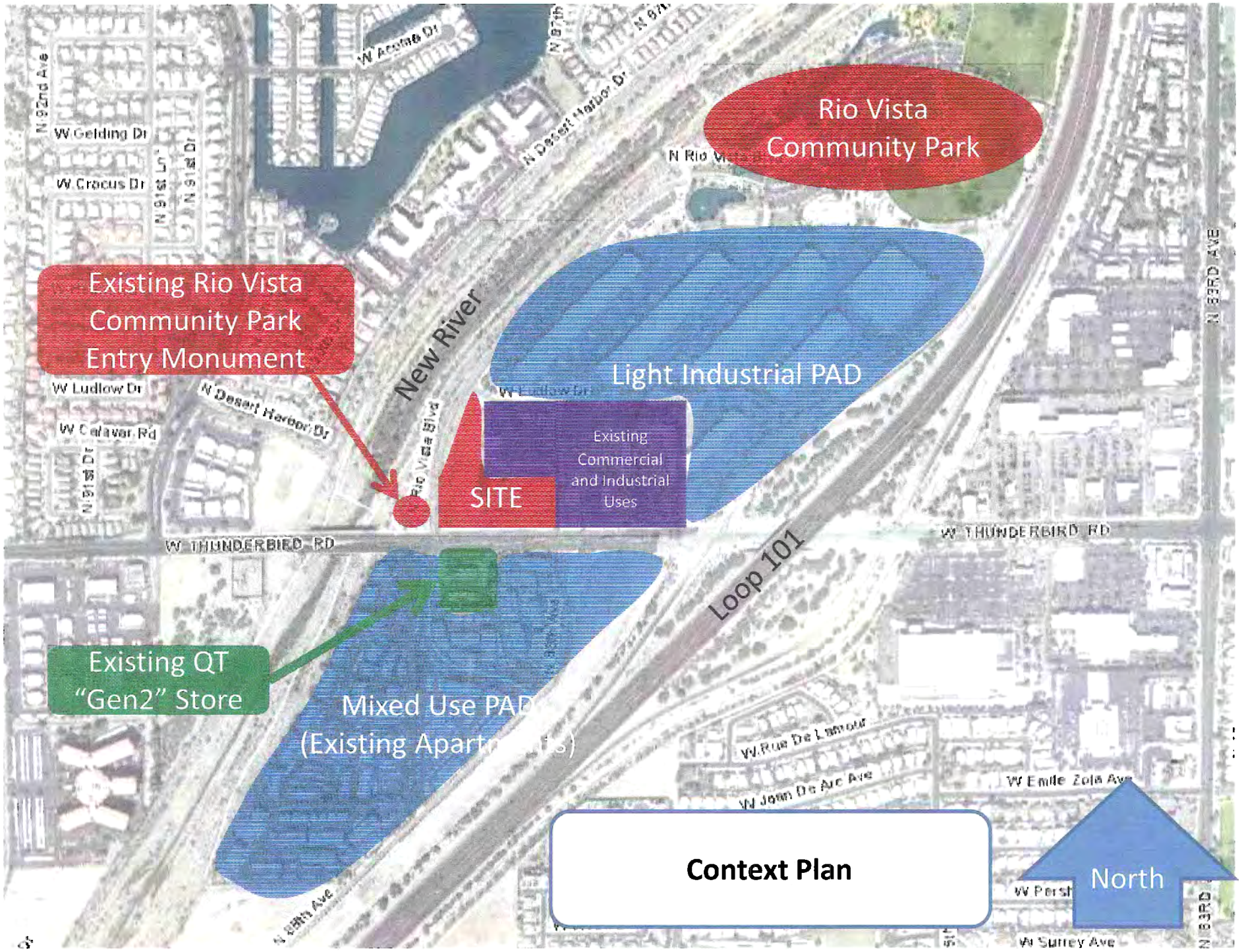
Thence South 28 degrees 36 minutes 42 seconds West, a distance of 26.62 feet to the Northeast Corner of the West Half of the Southwest Quarter of the Southeast Quarter of the Southwest Quarter of said Section 10;

Thence South 00 degrees 26 minutes 28 seconds West, along the East line of said West Half, a distance of 585.27 feet, to the **POINT OF BEGINNING**.

Encompassing 107,719 square feet or 2.473 acres, more or less.

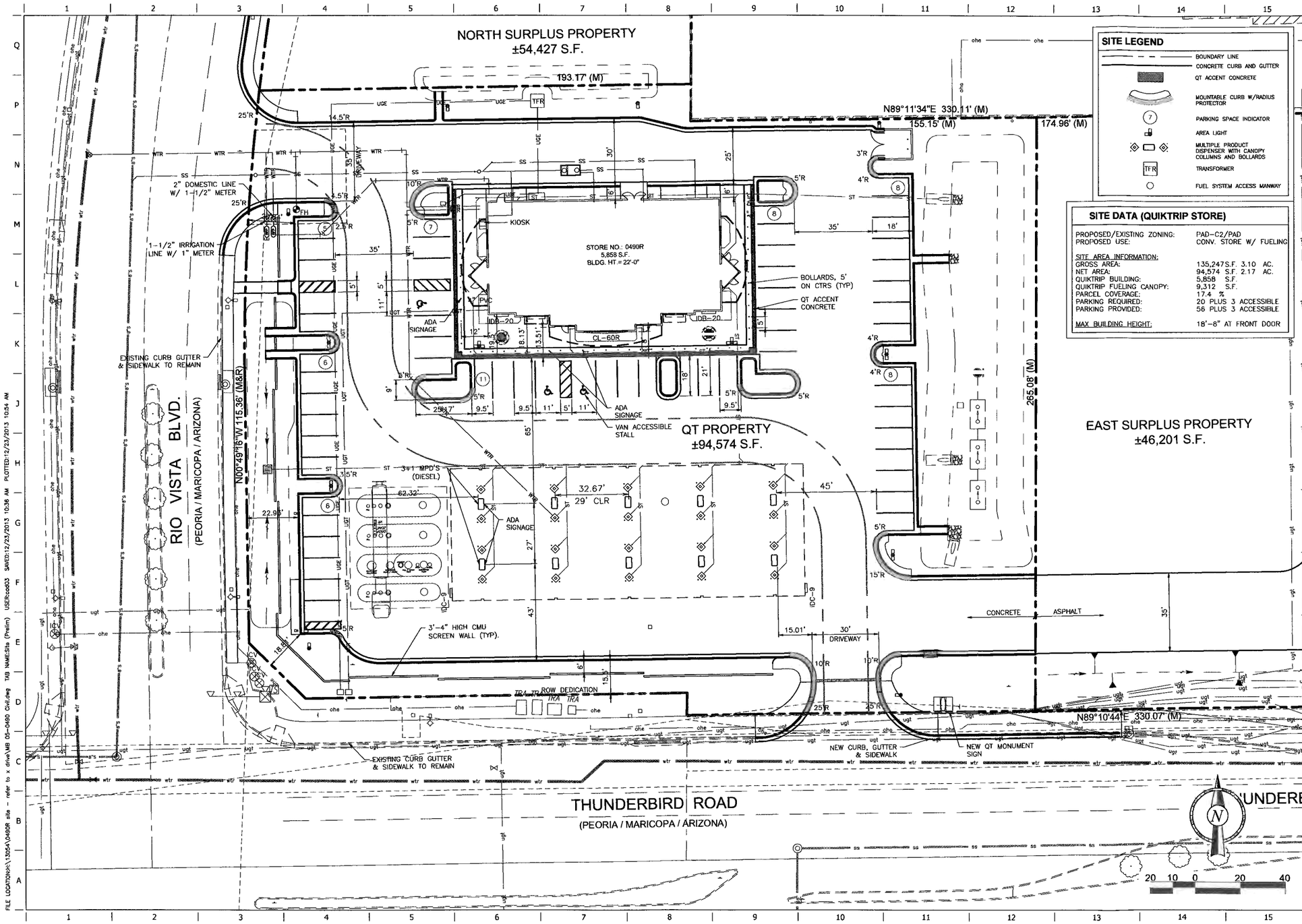
See Exhibit "A" attached hereto and made a part hereof.

Any modification to or omission from this description completely
absolves the surveyor from any liability for this description.



Context Plan

5



SITE LEGEND

- BOUNDARY LINE
- CONCRETE CURB AND GUTTER
- QT ACCENT CONCRETE
- MOUNTABLE CURB W/RADIUS PROTECTOR
- PARKING SPACE INDICATOR
- AREA LIGHT
- MULTIPLE PRODUCT DISPENSER WITH CANOPY COLUMNS AND BOLLARDS
- TRANSFORMER
- FUEL SYSTEM ACCESS MANWAY

SITE DATA (QUIKTRIP STORE)

PROPOSED/EXISTING ZONING:	PAD-C2/PAD
PROPOSED USE:	CONV. STORE W/ FUELING
SITE AREA INFORMATION:	
GROSS AREA:	135,247 S.F. 3.10 AC.
NET AREA:	94,574 S.F. 2.17 AC.
QUIKTRIP BUILDING:	5,858 S.F.
QUIKTRIP FUELING CANOPY:	9,312 S.F.
PARCEL COVERAGE:	17.4 %
PARKING REQUIRED:	20 PLUS 3 ACCESSIBLE
PARKING PROVIDED:	56 PLUS 3 ACCESSIBLE
MAX BUILDING HEIGHT:	18'-8" AT FRONT DOOR

PROJECT NO.: ######

ARCHITECTURAL GROUP, LLC
300 W. Clarendon Avenue
Suite 320
Phoenix, AZ 85013
P: 602.234.1868
F: 602.234.1813

QuikTrip No. 0490R

THUNDERBIRD RD & RIO VISTA BLVD
PEORIA, ARIZONA

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PROTOTYPE:	P-76 (8/01/13)
DIVISION:	
VERSION:	001
DESIGNED BY:	
DRAWN BY:	
REVIEWED BY:	

REV	DATE	DESCRIPTION

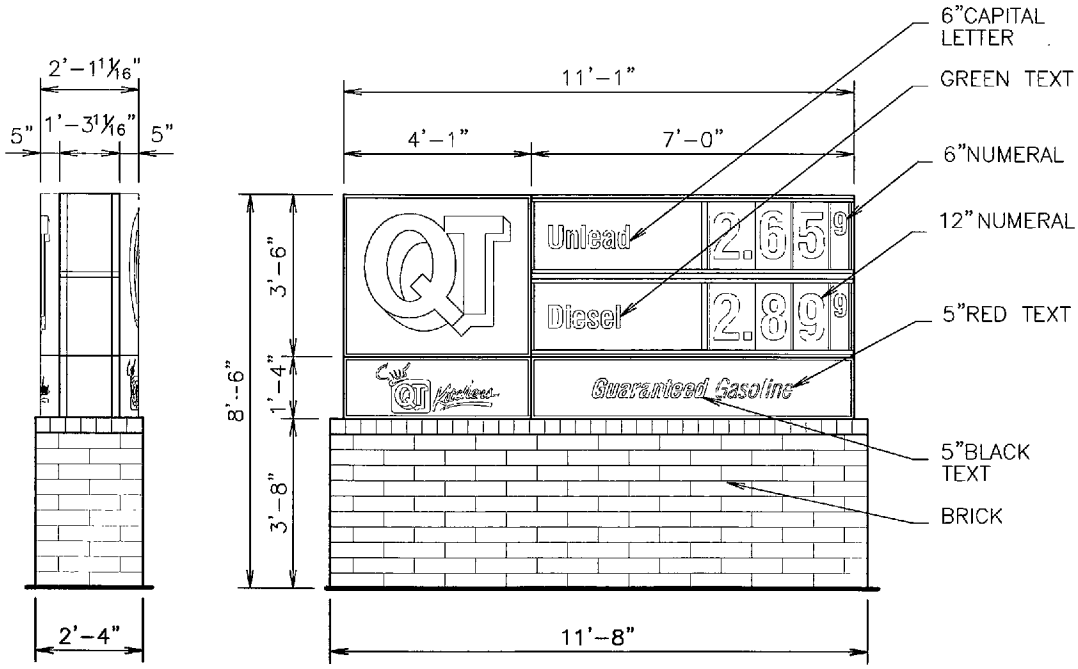
ORIGINAL ISSUE DATE:

SHEET TITLE:
PRELIMINARY SITE PLAN

SHEET NUMBER:
4

FILE LOCATION:H:\13054\0490R site - refer to x drive\MB 05-0490 Civil.dwg TAB NAME:Site (Prelim) USER:cad03 SAVED:12/23/2013 10:36 AM PLOTTED:12/23/2013 10:54 AM

6



QuikTrip

Custom Horizontal Monument Sign

MH12-2PGQ-BB Custom BB Height

NOTES	—
DRAWN BY	CDC
ISSUE DATE	12/16/13

SQUARE FOOTAGE	
TYPEFACE	21
INSIDE CAN	47
ENTIRE SIGN	54

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

SERIAL NUMBER: MH12-2PGQ-BB

STORE NUMBER: 0490

SPECIFICATIONS:

LOGO

Flat Solar grade, Clear Cyro Face, .177 thickness, painted on 2nd surface to match 3M Cardinal Red Translucent #3632-53, Akzo Nobel, no embossment.

Pricer

Flat Solar grade, Clear Cyro Face, .177 thickness, painted on 2nd surface, Akzo Noble Black, manual Font Numerals, Clear Helvetica Condensed font. Product Panels, Cyro, Clear text area, painted 2nd surface Akzo Nobel Opaque Black, Diesel Product Panel painted 2nd surface to match PMS 7481C Translucent Green, Akzo Noble.

LOGO Cabinet/Pricer Cabinet/Base

Aluminum Construction, Internally illuminated with GE Tetra PowerStrip DS65/GE PS24 Power Supplies. LOGO Cabinet painted Akzo Noble, QT Red SIGN9141 Low Gloss. Pricer Cabinet painted Akzo Noble Black Low Gloss. Accent Trim section painted 1st surface Akzo Noble Silver-Low Gloss. Base is Brick construction using Interstate Brick Midnight Black Atlas.

C:\Vault_QT\Designs\Consultants\05-0490\05 Presentation\05-0490-MH12-2PGQ - BB.dwg - L_#00 November 21, 2013 10:15 AM - ccalkins

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 37R

Date Prepared: April 28, 2014 **Council Meeting Date: June 17, 2014**

TO: Carl Swenson, City Manager

FROM: Chris Jacques, AICP, Planning and Community Development Director

THROUGH: Susan J. Daluddung, AICP, Deputy City Manager

SUBJECT: Z02-04A.1 – Saddleback Heights

Purpose:

This is a request for City Council to hold a Public Hearing to consider a Major Amendment to 5,296 acres of the Saddleback Heights Planned Community Development (PCD) to modify the overall project density, hillside development standards, use allowances, and project circulation.

Background/Summary:

Saddleback Heights is a master planned community which is comprised of approximately 5,296 acres of privately owned land and an additional 756 acres of Arizona State Land, for a total acreage of 6,052 acres (the Project). The property is generally located south of State Route 74, between 123rd Avenue and 171st Avenue.

In 2001, the City Council approved the Saddleback Heights Specific Area Plan (SAP), which became the framework for the approved Development Agreement and Planned Community District (PCD) requests in 2002. Subsequent to Council's approval, the applicant sought to reposition the property for the foreseeable future market and adjust the land use plan to respond to the significant changes in the surrounding circulation pattern. Working closely with the City, the applicant developed a revised Land Use Plan that responded to changes in character and function of the surrounding circulation. The revised plan also allowed for an increase in the number of potential residential units allowed on the Property, but only with a proportionate increase in open space. Overall, the resulting parcel layout remained largely unchanged due to the challenging topography and extensive analysis done during the initial entitlement process.

The applicant submitted these modifications as part of a major amendment to the Saddleback SAP which was approved by City Council in 2011. The approved SAP amendment allows up to 8,269 units (1.56 du/ac) on the privately owned land with an open space offset of 5,000 square feet of open space per unit above 5,409 units. Consequently, the 2,860-unit increase would

result in approximately 328 acres of additional open space, or a total of 928 acres of open space for the project as a whole.

This application is to request a major amendment to the Saddleback Heights PCD to modify the project density, hillside development standards, use allowances, and project circulation to be consistent with the approved 2011 Saddleback Heights SAP Land Use Plan. It should be noted that neither the parcel layout, land use designations nor development standards for the 756 acres of State Land are been amended as part of this application.

Conformance with the General Plan/Specific Area Plan
It is staff's assessment that the proposed PCD Amendment is consistent with the 2011 approved Saddleback Heights SAP Amendment, and matches the density and character of surrounding master planned communities, such as Vistancia and the planned Lake Pleasant Heights. The project is contextual and provides for logical development within challenging topography. The increased open space includes recreational amenities, as well as regional open space links and natural open space. As a result, staff believes the project will develop as a quality master planned community and maintain consistency with nearby residential developments.

Citizen Participation
As a requirement of the Rezoning application process, the applicant conducted a neighborhood meeting. All property owners within 1,320 feet and registered Homeowner's Associations within 1 mile of the subject site were notified of the neighborhood meeting, which was held by the applicant on August 14, 2013 at the Sunrise Mountain Library. No property owners attended the meeting and staff has not received any public comment in opposition or support of this proposal.

Development Agreement
Accompanying the PCD Zoning entitlement is a narrowly drafted Development Agreement that principally addresses vested rights and the timing, credit and obligations attached to public safety, parks, open space, and trails. The proposed Development Agreement will be a separate item on the Council Agenda for action. The Development Agreement does not alter the zoning entitlement – rather it serves as an implementation tool.

Previous Actions:

This amendment has been subject to the City's Rezoning process according to Section 14-39-8 of the Peoria Zoning Ordinance. 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 with a 5-0 vote.

Options:

A: Approve as recommended by Planning & Zoning Commission with conditions of approval; 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 that the City Council concur with the Planning and Zoning Commission's March 6, 2014 recommendation (5-0) to approve Case Z02-04A.1.

Fiscal Analysis:

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

Narrative:

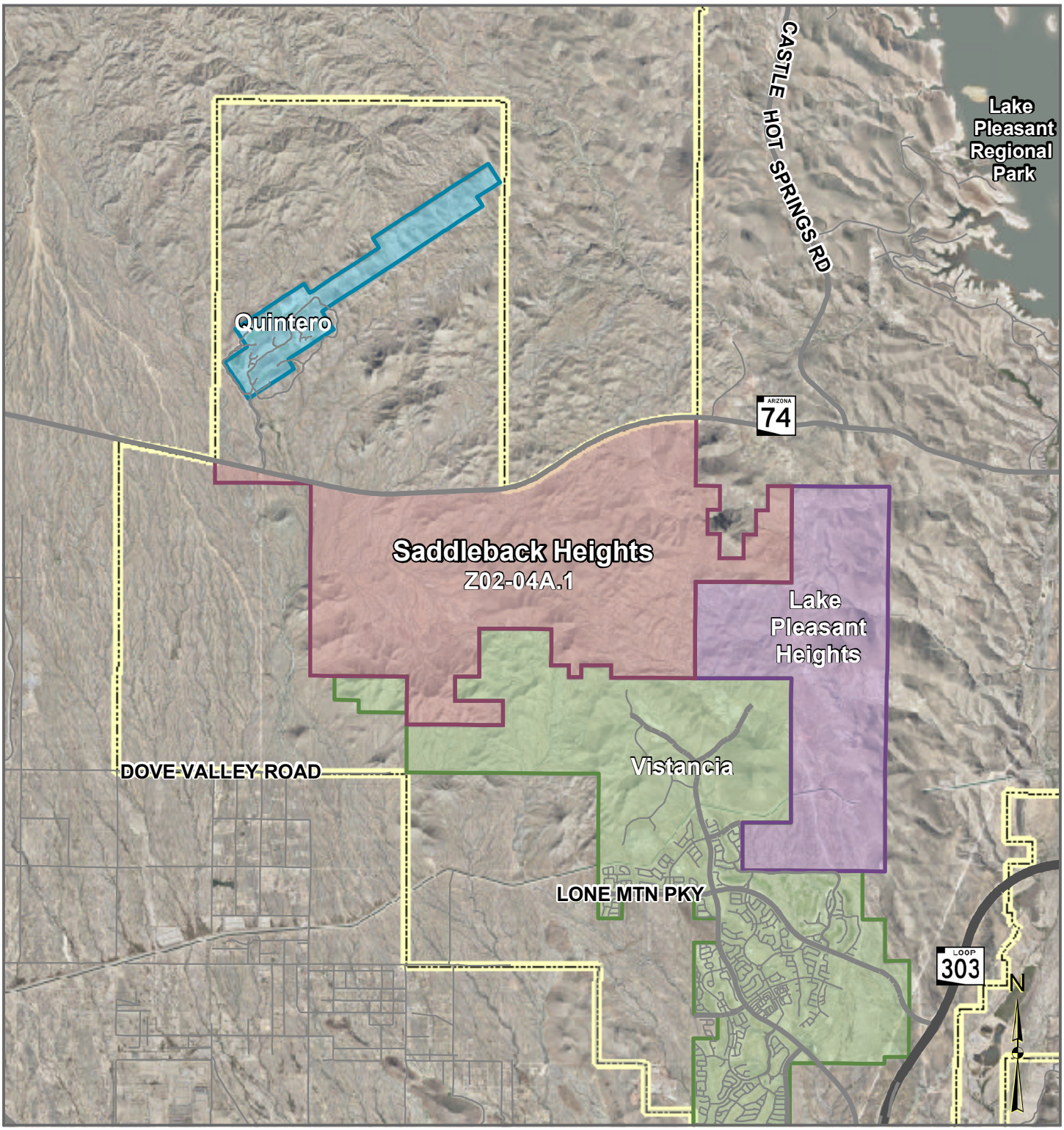
If the City Council takes action to approve this case, the applicant may move forward with the development process through the Preliminary Plat review and approval.

Exhibit(s):

Exhibit 1: Vicinity Map
Exhibit 2: March 6, 2014 Planning and Zoning Commission Staff Report with Exhibits
Exhibit 3: Draft Ordinance

Contact Name and Number: Robert Gubser, AICP, Principal Planner, x7405

Vicinity/Location Map



Not to Scale

Z02-04A.1 Saddleback Heights

Applicant: Hadley Design Group on behalf of Diamond Ventures

Request: A Major Amendment to 5,296 acres of the 6,052 acre Saddleback Heights Planned Community Development (PCD) to modify the overall project density, hillside development standards, use allowances, and project circulation. State Land is not a part of this request.

Location: The property is generally located south of State Route 74, between

Exhibit 1

REZONING

REPORT TO THE PLANNING AND ZONING COMMISSION

CASE NUMBER: Z02-04A.1

DATE: March 6, 2014

AGENDA ITEM: 4R

Applicant: Hadley Design Group on behalf of Diamond Ventures

Request: A Major Amendment to 5,296 acres of the Saddleback Heights Planned Community Development (PCD) to modify the overall project density, hillside development standards, use allowances, and project circulation.

Proposed Development: Saddleback Heights – a master planned community

Location: The property is generally located south of State Route 74, between 123rd Avenue and 171st Avenue (Exhibit A).

Site Acreage Amendment area encompasses approximately 5,296 acres of privately owned land. The overall Saddleback Heights master planned community includes an additional 756 acres of Arizona State Land (State Land), for a total acreage of 6,052 acres. The State Land is not a part of this request.

Support / Opposition: As of the date of this printing, staff has not received any public comment in opposition or support of this proposal.

Recommendation: Recommend **approval** of Case Z02-04A.1, with stipulations to the City Council.

AREA CONTEXT

Table 1: *Existing Land Use, General Plan Designation, Current Zoning (Exhibits A-C)*

	LAND USE	GENERAL PLAN	ZONING
Subject Property	**Vacant**	**Saddleback Heights Specific Area Plan**	**Planned Community District (PCD)**
North	Vacant (BLM)	Residential Estate (0-2 du/ac) and Parks / Open Space	Agriculture (AG)
South	Developing / Vacant (Vistancia)	Residential Estate (0-2 du/ac), Residential Low (2-5 du/ac), Residential Medium Density (5-8 du/ac), and Parks/Open Space	Planned Community District (PCD)

West	Vacant (ASLD)	Residential/Estate (0-2 du/ac), Residential/Low (2-5 du/ac), Community Commercial, Business Park, and Parks/Open Space	Agriculture (AG) and Suburban Ranch (SR-43)
East	Vacant (Lake Pleasant Heights)	Residential/Estate (0-2 du/ac), Residential/Low (2-5 du/ac), and Parks/Open Space	Agriculture (AG) and Planned Community District (PCD)

LAND USE BACKGROUND

Lake Pleasant Heights Specific Area Plan

1. In 1994, the City Council passed Resolution 94-31, adopting the Lake Pleasant Heights Specific Area Plan (SAP). A Specific Area Plan (SAP) is a planning tool used by the City in a manner similar to their zoning counterparts – the Planned Area Development and the Planned Community District. Like the Zoning Ordinance, the General Plan provides guidelines and definitions for each of the land use categories shown on the Land Use Map; however, when large or complicated proposals are made that may not fit perfectly within these categories, the City encourages the use of a Specific Area Plan to better define the land use categories and other characteristics that are unique to the proposal.

2. The SAP provided a general land use and transportation framework encompassing approximately 9,000 acres (14 square miles) in the far north part of the City which included the subject project then known as Lake Pleasant Heights. The SAP was accompanied by an Annexation and Development Agreement that established a set of basic land use rights and entitlements for the area.

Split in Ownership

3. In 2001, the Lake Pleasant Heights SAP was split into two ownership groups. Diamond Ventures, Inc. retained most of the western two-thirds of the area (approximately 9.5 square miles) and continued their master planning efforts.

4. On December 6, 2001, City Council approved Resolution 01-182 for GPA01-05 *Saddleback Heights Specific Area Plan* which established the framework for the forthcoming rezoning application.

5. On December 17, 2002, City Council approved the Saddleback Heights Development Agreement and rezoning (Planned Community District – "PCD") applications. This granted the right to develop the property with the designated land uses, including a maximum of 5,409 dwelling units.

Saddleback Heights Amended Specific Area Plan

6. In 2011, the City Council approved a number of amendments to the SAP primarily allowing the applicant to reposition the property for the foreseeable future market and adjust the land use plan to respond to changes in the

surrounding circulation pattern. It was the SAP amendment that provided the impetus for amending the Saddleback Heights PCD and corresponding Development Agreement (Exhibit B.1 and B.2).

PROJECT DESCRIPTION

Site Details

7. The overall Saddleback Heights project area is 6,052 acres of undeveloped land located immediately north of Vistancia and west of Lake Pleasant Heights. The property is generally located south of State Route 74, between 123rd Avenue and 171st Avenue (Exhibit A).

8. This request is to amend 5,296 acres of the Saddleback Heights Planned Community Development (PCD) to modify the overall project density, hillside development standards, use allowances, and project circulation. Referred to herein as the PCD Amendment (Exhibit C). (The 756 acres of State Land is not a part of this request.)

9. Because the applicant is seeking adjustments to the existing entitlements, they are also proposing modifications to the associated development agreement to ensure consistency between the two. Known as the Third Amended and Restated Development Agreement for Saddleback Heights (Agreement), it will be part of the City Council deliberation when this case moves forward for final action. The Agreement essentially addresses the obligations, timing, and costs associated with infrastructure development in the master planned community, and has been reviewed and modified in coordination with the requested PCD Amendment.

10. More specifically, this major PCD Amendment proposes various adjustments to the entitlement and development standards including the following:

    - Increase in maximum residential dwelling unit count on the privately owned land from 5,409 to 8,296 to align with the 2011 Saddleback Heights Amended SAP Land Use Plan; and
    - Comparative increase in amount of open space required for each dwelling unit developed above 5,409; and
    - Proposed circulation system adjusted to mirror the approved Circulation System within the Amended Saddleback Heights SAP and 2011 General Plan Circulation Element Amendment; and
    - Establishes a Mixed Use Business Park Overlay; and
    - Tailored modifications to the Hillside and Desert Lands Conservation Overlay (DLCO) standards to be more responsive to topographic conditions.

A summary of the changes are identified in table on the following page and discussed in more detail in the report.

ITEM	EXISTING ENTITLEMENT	PROPOSED ENTITLEMENT
Maximum Units	Privately Owned Land: 4,623 units State Land: 786 units Overall: 5,409 UNITS	Privately Owned Land: 7,483 units State Land: 786 units Overall: 8,269 UNITS
Amendment Area Density	1.02 units/acre	1.56 units/acre
Police/Fire Facilities	1, plus 1 more or possible joint public safety facility based on needs.	No Change
Schools	PUSD – 1 elementary school	2 elementary schools
	Nadaburg – up to 1 elementary school	No Change
Golf Courses	Four golf courses shown, Only three can be developed	No Change
Community and Neighborhood Parks (Public)	At least 1 Neighborhood Park	Minimum of 2 Neighborhood Parks (Timing specified in the Development Agreement)
Resort	Up to 800 units	No change
Mixed-Use	70 acres; up to 125 residential units	70 acres; up to 1,051 residential units
Town Center	24 acres	16 acres
Mixed-Use Business Park Overlay	N/A	220 acres *(See Note 1 below)*
Open Space	Minimum 600 acres	Minimum 600 acres, Plus 5,000sf of additional open space per dwelling unit developed above 5,409
Timing of Open Space Dedication	Dedication to occur at the time of Preliminary Plat	No Change
Development Standards	Existing Saddleback Heights PCD Development Standards for following districts: Saddleback Residential Estate (SRE), Saddleback Very Low Density (SVLD), Saddleback Low Density (SLD), Saddleback Medium Density (SMD), and Saddleback Cottage (SC) Saddleback Heights Mixed Use (SHMU) Saddleback Resort Overlay (SH-RO) Community Commercial (C-2) Saddleback Town Center Overlay (SH-TCO)	• Creation of Limited Commercial Overlays • Merging of SVLD and SRE development standards • Modifications to land use category percentages within Residential Development Village Composition Matrix • Creation of Mixed Use Business Park Overlay standards • Tailored Hillside/DLCO standards • No changes to the approved State Land development standards.

Notes:

1. The underlying land use designation for the Mixed-Use Business Park Overlay is Residential Medium Density. Residential development in the parcel may occur in accordance with the Residential Medium Density criteria; therefore, the total acreage for the Residential Medium Density category may be adjusted up to 518.74 acres

DISCUSSION & ANALYSIS

Residential Units

11. The privately owned portion of Saddleback Heights is currently entitled for 5,409 units with a minimum of 600 acres of public open space to be dedicated by the Developer. During the Saddleback Heights SAP amendment process, the

applicant worked closely with the City to develop a revised Conceptual Land Use Plan that would allow for an increase in the number of residential units within the project above what was previously permitted, but would only allow the increase with a proportionate increase in dedicated public open space.

12. This request is for a major amendment to the Saddleback Heights PCD that would increase the number of allowed residential units from 5,409 up to 8,269 units in keeping with the Saddleback Heights Amended SAP. The Project density would be increased from 1.02 du/ac to 1.56 du/ac with an open space offset of 5,000 square feet of open space per unit above 5,409 units. The 2,860-unit increase would result in approximately 328 acres of additional open space, or a total of 928 of dedicated public open space.

Conformance with the Special Area Plan

13. The proposed Conceptual Land Use Plan, Exhibit H within the Saddleback Heights PCD is consistent with the amended Saddleback Heights SAP Land Use Plan.

Open Space

14. The Saddleback Heights SAP identifies a minimum of 600 acres (approximately 11%) of the gross acreage to be allocated as open space. This may be located along major washes and areas of higher elevation not suitable for development, and may include amenities such as pedestrian, hiking, and equestrian trails. The minimum amount of open space will increase 5,000 square feet for each additional unit developed above 5,409 dwelling units. This would result in a maximum of 328 additional acres of open space, for a cumulative total of 928 acres.

Hillside & Desert Lands Conservation Overlay

15. The City of Peoria administers a Hillside Development Overlay District and a Desert Lands Conservation Overlay as found in Articles 14-22A and 14-22B in the Zoning Ordinance. The purpose of these documents is to guide development in a manner that protects natural features in the City. These ordinances were created to apply across a number of different landscapes and circumstances within the City, but were not created with a specific site in mind.

16. The expected character of State Route 74 has changed dramatically since the 2002 PCD approval, from a four-lane road to a planned 10-lane highway of regional significance. In response to those changes, the Saddleback Height developers have invested significantly in planning and analyzing the unique character of property, and are proposing to tailor the City's ordinances to this specific area. Unlike many hillside areas in the City, the terrain within Saddleback Heights is heavily undulating and therefore strict adherence to the City's hillside standards is challenging. The Developer has worked closely with staff to allow more development flexibility in certain regions in exchange for greater open space connectivity, protection of significant environmental features and more comprehensive guidelines for the restoration of disturbed areas.

17. The Developer has submitted a modified Desert Lands Conservation Overlay (DLCO) that replicates the recently approved Vistancia model and are seeking incorporation of the concepts into the new Saddleback Heights PCD. Staff is confident that although there are modifications to the hillside development standards and the DLCO, the project maintains the same high level of design and livability standards approved in surrounding communities such as Vistancia. Throughout the review process, the City and the applicant worked to encourage flexibility in development standards, connectivity among open spaces, and protection of the natural environment and wildlife corridors.

Public Participation Plan

18. As a requirement of the Rezoning application processes, the applicant conducted a neighborhood meeting. All property owners within 1320 feet and registered Homeowner's Associations within 1 mile of the subject site were notified of the neighborhood meeting, which was held by the applicant on August 14, 2013 at the Sunrise Mountain Library. No property owners attended the meeting.

City Review

19. 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.

School District Notification

20. This development lies within the boundaries of the Peoria Unified School District (PUSD) and Nadaburg School District. The Developer and PUSD have reached an agreement concerning developer assistance to the district (Exhibit E). At present, the Developer and Nadaburg are continuing to work towards an agreement.

Public Notice

21. 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.

Proposition 207

22. The applicant has furnished a signed and notarized Proposition 207 Waiver for recordation pending the outcome of the City Council action.

FINDINGS AND RECOMMENDATION

23. Based on the following findings:

- This proposed zoning request is in conformance with the amended Saddleback Heights Specific Area Plan goals and objectives; and

- The rezoning request is consistent with the amended Saddleback Heights Specific Area Plan land use designations; and

- This rezoning request will result in a master planned development that is compatible with the existing and planned adjacent master planned communities.

It is recommended that the Planning and Zoning Commission take the following action:

Recommend to the City Council approval of Case Z02-04A.1 subject to the following conditions:

1. The development shall comply with the approved Saddleback Heights Planned Community District (PCD) Standards Report and Development Plan dated February 24, 2014, except as modified herein.

2. The development shall be limited to a maximum 8,269 dwelling units on privately owned land and 786 dwelling units on State Land. The total development of Saddleback Heights is capped at 9,055 dwelling units.

3. A minimum of 600 acres of passive and active open space is required to be dedicated by the Developer. The location and size of dedicated open space areas shall be in substantial conformance with the Saddleback Heights Landform & Open Space Plan (Exhibit K) and Preservation Master Plan (Exhibit L) contained within the Saddleback Heights PCD and consistent with the requirements as set forth in the Development Agreement.

4. The Developer shall increase the minimum amount of open space by 5,000 square feet for each additional unit developed above 5,409 dwelling units. (A maximum of 328 additional acres of open space, for a cumulative total of 928 acres.)

5. The Developer shall submit a master open space table for the entire project indicating the anticipated number of dwelling units and projected amount of open space to be dedicated within each village at time of the first preliminary plat submittal.

6. As subsequent parcels develop within each village, the master open space table shall be updated by the Developer (at the time of preliminary plat and final plat) to reflect actual number of platted dwelling units and total amount of dedicated open space per parcel.

7. Modifications to washes that are not governed as part of the Saddleback 404 Permit, but identified on the Preservation Master Plan and carry flows less than 500cfs may be modified subject to the review and approval by the Planning

Manager. Proposed modifications to the wash corridors shall be done in a manner that preserves to the extent possible, the naturalistic manner of the drainage corridor and revegetated with a similar plant palette and density that is consistent with the adjacent area.

8. Five conceptual park locations shown on the Conceptual Land Use Plan, Exhibit H, from which a minimum of two neighborhood parks are to be dedicated and improved by the Developer.

9. Amenities selected for Neighborhood Parks shall comply with the 2006 City of Peoria Parks Recreation Open Space and Trails (PROST) Master Plan Update, as amended or subsequently superseded.

10. The Developer will be responsible to form a Street Light Improvement District (SLID) for all parcels located within the master development that have internal public roadways. A SLID Assessment Diagram will be required as part of the Final Plat submittal.

11. A Final Drainage Report shall be submitted with the subdivisions. 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.

12. The City of Peoria will accept the Pre vs. Post concept for this development. However, the developer shall demonstrate that reducing post-development peak discharges and runoff volumes to predevelopment conditions can be achieved.

13. The Final Drainage Report shall address conditions and policies outlined in the North Peoria Area Drainage Master Plan (ADMP).

14. The Final Drainage Report shall address the erosion hazard zone outlined in the North Peoria Area Drainage Master Plan (ADMP).

15. Upon review of the Final Drainage Report, the final determination of basin location and size will be determined.

16. Final drainage facility locations shall be dependent on the finalization and approval of the Master Traffic Study, as the recommendation and location of such roadway is critical to the location of drainage facilities.

17. The Final Drainage Report shall address operations and maintenance of the in-line basins, as such an item is critical to functionality of the system.

18. The development shall comply with the Stormwater Pollution Prevention criteria. This should include runoff control, erosion control and sediment control. These criteria are in the process of being revised as the State of Arizona has applied for primacy from EPA and the City of Peoria will soon be subject to additional

requirements from the State that must be applied to all developments within our boundaries.

19. The Developer shall dedicate all right-of-way to the City of Peoria as required by the City Engineer. Road improvements shall be per the approved Transportation Master Plan as determined by the City Engineer.

20. The Padelford Wastewater Treatment Plant depicted in the Master Plan shall be generally located on the western border of the Project to accommodate future expansion efforts by others related to the development of State Land to the west and the overall intent to provide water and wastewater processing services to the northern Peoria region. The location of any such plant shall be determined by the Owner and the City of Peoria.

21. All water and wastewater treatment facilities (including water distribution systems, wastewater collection systems, wells, storage tanks, wastewater effluent re-use infrastructure, etc) shall be approved by the Maricopa County Department of Environmental Services.

22. Prior to Preliminary Plat approval, the Water and Wastewater Analysis for Saddleback Heights (February 2014) shall be reviewed and modified as needed to conform to regional water and wastewater infrastructure plans.

23. A detailed analysis of the proposed water recharge and recovery facility, including long-term sustainability, will be required prior to Preliminary Plat approval. This analysis shall also demonstrate how the City's redundant water supply requirement will be satisfied.

24. A conceptual design, which considers various potable water treatment technologies, will be required for water treatment facilities (if needed) prior to Preliminary Plat approval.

25. A right-of-way map will be required for the off site water line route prior to preliminary plat approval.

26. Water resources within Peoria's Assured Water Supply Designation for this development is sufficient to satisfy the potable water demands of approximately 75% of the zoning requested. If the development requires additional potable water supplies, the developer must acquire, develop and pay the City for these water supplies prior to any development occurring on property served by this additional water.

27. Final water and wastewaster master plans shall be submitted and approved prior to the approval of any preliminary plats.

28. A detailed analysis of any proposed water reuse system, including integration with a regional system, will be required prior to Preliminary Plat approval.

29. A conceptual design, which considers wastewater treatment technologies, will be required for the proposed water reclamation facilities prior to preliminary plat approval for any parcels served by the facility.

30. Each residence and each property of any other kind shall have a direct connection to a City gravity collection system, unless determined otherwise by the City of Peoria Utilities Director.

31. The Developer shall submit a "Recreation and Amenities Master Plan" concurrently with the submittal of the first preliminary plat for each Village.

32. Outdoor recreational activities within the Town Center Overlay such as, but not limited to dining, entertainment, amphitheater and similar recreational activities with live music or amplified sound systems shall require a conditional use permit if located within 200 feet of a residential development.

33. The Developer shall modify Section 2.1.1.3 Development Standards to be consistent with the Section 2.1.1.11 Saddleback Heights Residential (SH-R) Development Standards Matrix (Table-2) as follows:

    a. SC Cluster Category Lot Development Standards
        i. Maximum Building Height shall be thirty (30) feet except as provided in Section 14-3-8 of the Zoning Ordinance.

34. The Developer shall modify the Section 2.1.1.11 Saddleback Heights Residential (SH-R) Development Standards Matrix (Table-2) to be consistent with Section 2.1.1.3 Development Standards as follows:

    a. Saddleback Residential Low Density (Attached):
        i. Minimum Lot Size (sq. ft.) shall be 5,000 sq. ft.
        ii. Eliminate 12' to garage if side entry setback

    b. Saddleback Residential Medium Density (Attached):
        i. Eliminate 12' to garage if side entry setback

    c. Saddleback Residential Cottage (Cluster):
        i. Side Yard Setback: All attached dwelling buildings shall be a minimum of 15 feet from the side property lines.

35. All product types within Saddleback Heights shall meet the minimum development standards within Section 2.1.1.3, except as modified above.

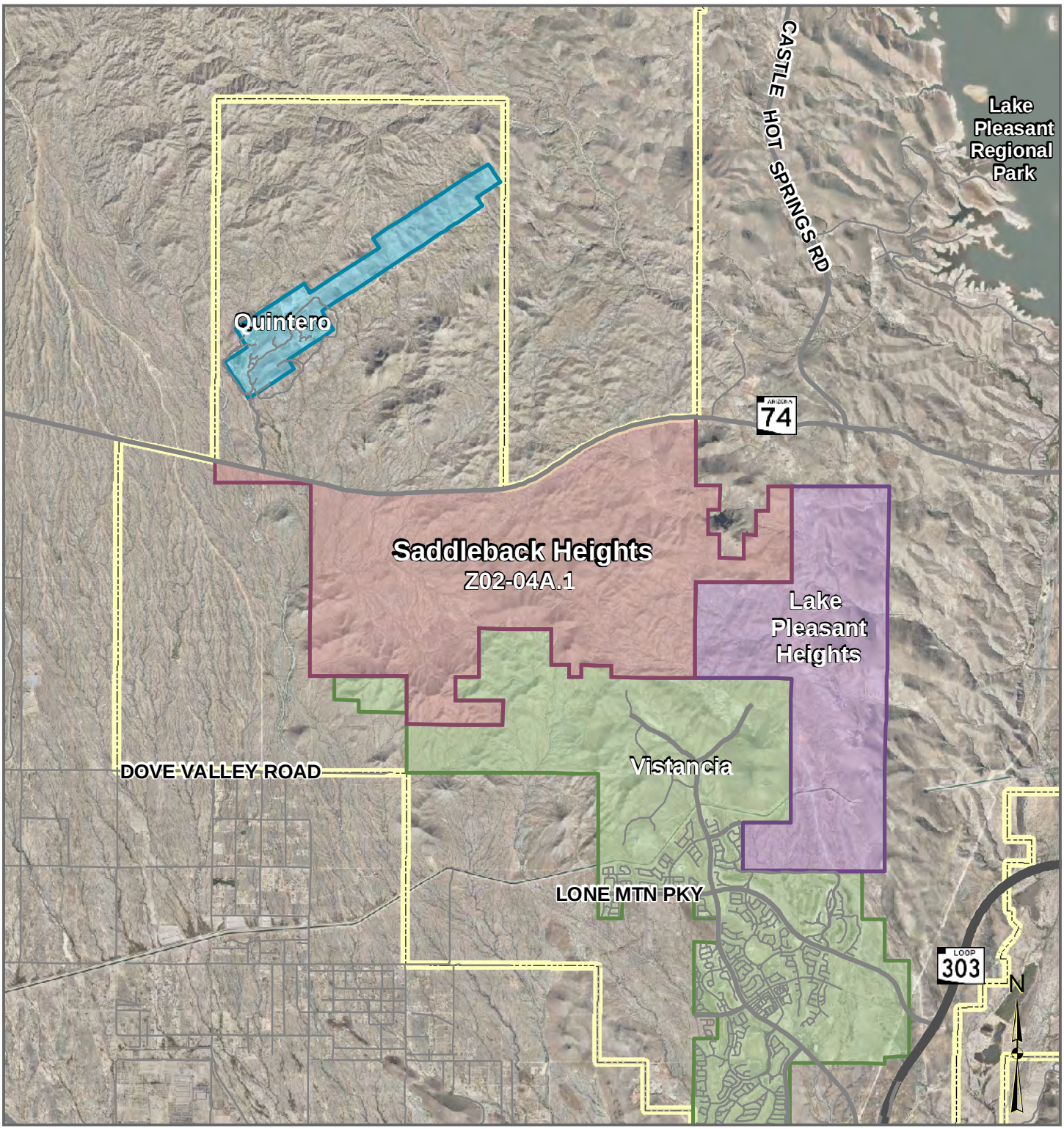
Attachments:

Exhibit A	Vicinity/Location Map
Exhibit B.1	General Plan Land Use Map
Exhibit B.2	Amended Saddleback Heights Specific Area Plan Land Use Map
Exhibit C	Peoria Zoning Map
Exhibit D	Citizen Participation Plan/Results
Exhibit E	Peoria Unified School District Letter of Support
Exhibit F	Saddleback Heights PCD Standards and Guidelines Report
Exhibit G	Saddleback Heights Master Conservation Plan

Prepared by: Robert Gubser, AICP
Principal Planner

Lorie Dever
Planner

Vicinity/Location Map



Not to Scale

Z02-04A.1 Saddleback Heights

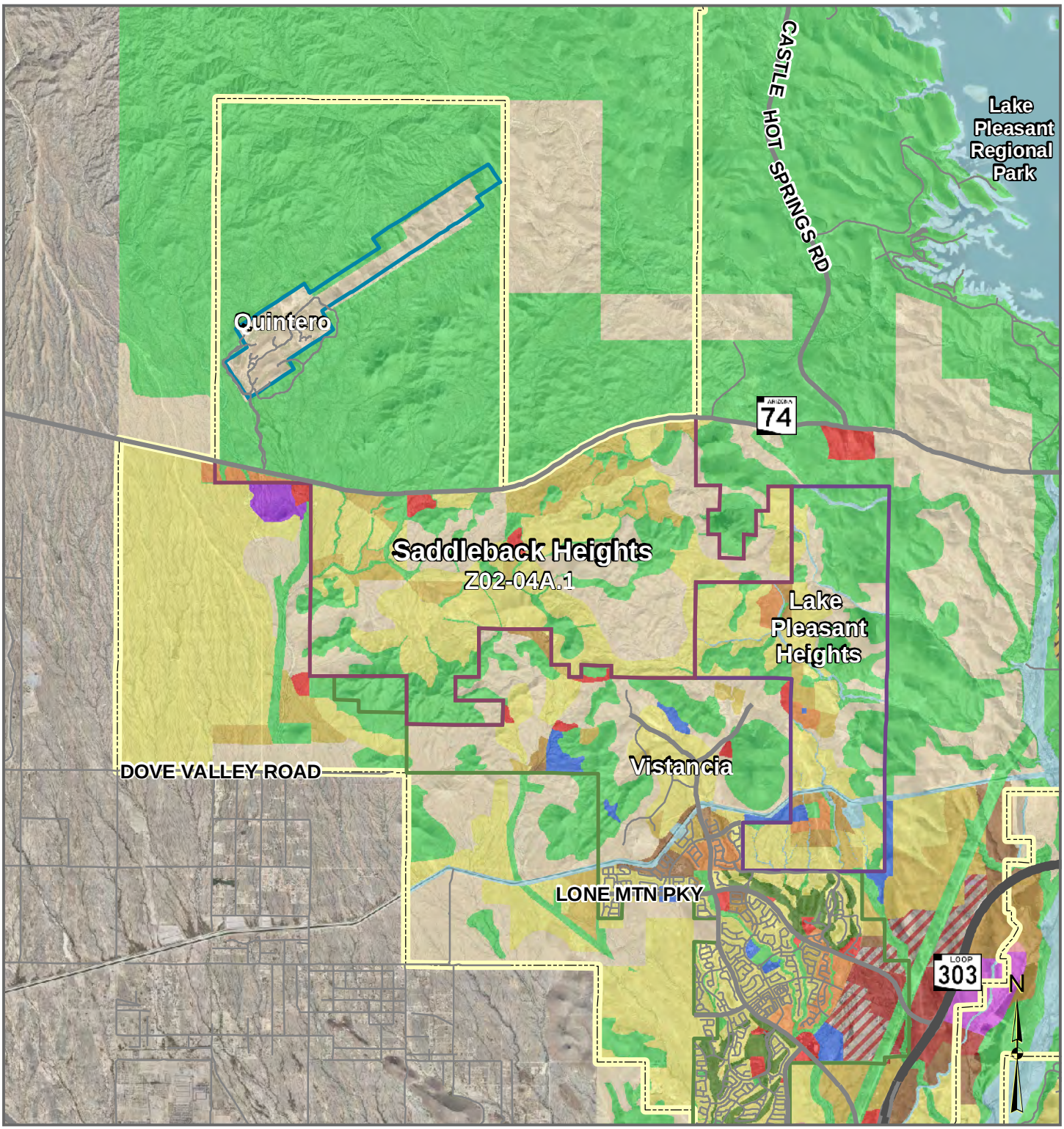
Applicant: Hadley Design Group on behalf of Diamond Ventures

Request: A Major Amendment to 5,296 acres of the 6,052 acre Saddleback Heights Planned Community Development (PCD) to modify the overall project density, hillside development standards, use allowances, and project circulation. State Land is not a part of this request.

Location: The property is generally located south of State Route 74, between

Exhibit A

General Plan Land Use



Not to Scale

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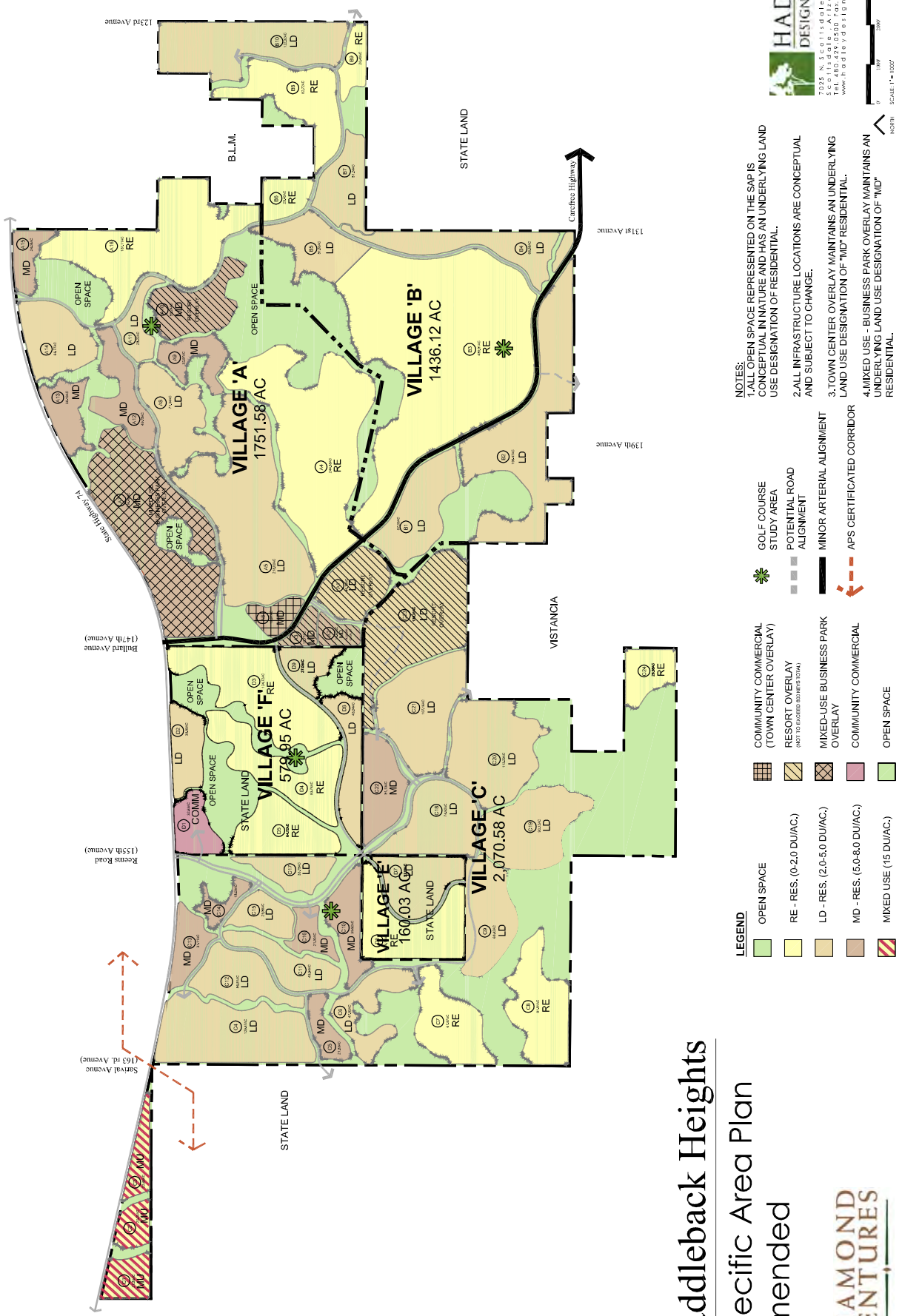
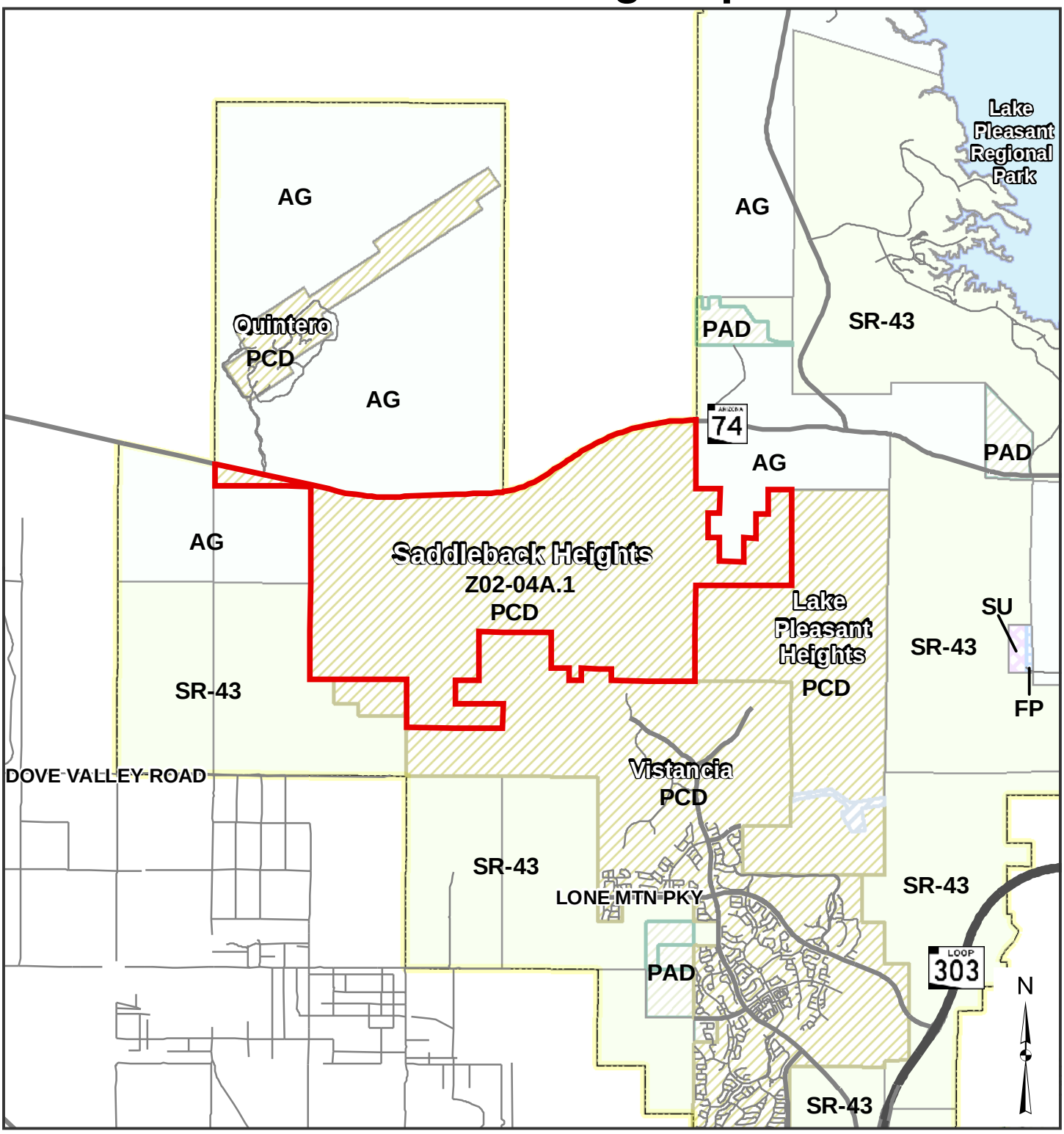
Exhibit B.1

Amended Saddleback Heights Specific Area Plan Land Use Map



Peoria Zoning Map



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Location: The property is generally located south of State Route 74, between

Exhibit C

Exhibit D
Citizen Participation Plan/Results

DIAMOND VENTURES

July 31, 2013

Re: Amendment to the Saddleback Heights Planned Community District

Dear Property Owner:

The purpose of this letter is to invite you to a neighborhood meeting to discuss a proposed Planned Community District Amendment application that has been filed on behalf of Diamond Ventures the owners of Saddleback Heights planned community in north Peoria south of Carefree Highway. The Saddleback Heights project is a 5,296 acre master development plan for a mixed-use project predominantly residential in nature. The general boundaries of the plan area are Highway 74 to the north, the Carefree Highway and Dove Valley Road alignments to the south and the 123rd Avenue alignment to the east. The western boundary of the plan area is near the proposed future alignment of 163rd (Sarival) Avenue. The master plan has regional access provided by Highway 74 and Lake Pleasant Road.

In 2001, an amendment to the Lake Pleasant Heights Specific Area Plan was approved to create the Saddleback Heights Specific for the 5,296 acres of privately-owned property and the 756 acres (approximately) of land owned by the Arizona State Land Department. In 2011, the Saddleback Heights Specific Area Plan was amended consistent with the changes requested in this proposed Planned Community District amendment. No changes to any element of the 756-acre Arizona State Trust Land property are proposed via this 2013 amendment.

Since 2001, a number of significant changes have occurred which affect the reasons for the original master plan design and therefore necessitate updating the Land Use Plan. These changes are consistent with other master plan approvals in the area. For more details on the plan, please call us or plan to attend the neighborhood meeting scheduled to take place as follows:

Sunrise Mountain Library
21109 N. 98th Ave.
Wednesday, August 14th @ 6:00 PM

Hopefully, you will be able to attend this neighborhood meeting to discuss this proposed project. If you have any questions concerning this meeting, or if you cannot attend this meeting but would like to provide input on the proposed changes, please contact me or Jason Hadley at [redacted]. You may also reach the City Planner assigned to this case, Rob Gubser at Rob.Gubser@peoriaaz.gov or via phone at (623) 773-7405.

Sincerely,

[redacted]

Mark Weinberg

2200 EAST RIVER ROAD SUITE 115 TUCSON, ARIZONA 85718-6586
[redacted] • [redacted] • www.diamond-ventures.com

From: [redacted]
To: Rob Gubser
Cc: [redacted]
Subject: FW: Saddleback Letter
Date: Thursday, January 30, 2014 2:50:37 PM
Attachments: [redacted]

Rob – here's the letter that went out for our neighborhood meeting. Pursuant to the notice requirements, the letter was sent to Sunbelt/Vistancia, ASLD, BLM, Sabal and Torjhelm. I don't think there are any other property owners within a mile of the property boundary. As I mentioned last night, Jason and I were the only two people who attended the meeting.

Let me now if you want me or Jason to write a formal report.

Thanks, Mark

From: Nicci Madsen
Sent: Thursday, January 30, 2014 2:30 PM
To: 'Mark Weinberg'
Subject: Saddleback Letter

Nicci Madsen
[redacted]
Diamond Ventures, Inc.
2200 E River Road, Suite 115
Tucson, Az 85718-6586
Phone: [redacted]
Fax: [redacted]

Exhibit E
Peoria Unified School District
Letter of Support

PEORIA
UNIFIED SCHOOL DISTRICT NO. II

October 25th, 2013

Mr. Chris Jacques
Planning Director
City of Peoria
9875 N. 85th Avenue
Peoria, AZ 85345

RE: Saddleback Heights

Dear Chris Jacques,

This letter is intended to keep you informed about the Peoria Unified School District's communication with Diamond Ventures, concerning Saddleback Heights. We would like to express the District's support for this project.

Representatives of Diamond Ventures and staff at the Peoria Unified School District have worked diligently over the past several months to draft a Developer Assistance Agreement. At this time, both Diamond Ventures and Peoria Unified School District's Governing Board have signed and approved an agreement. Mr. Mark Weinberg and Diamond Ventures have expressed their commitment to our Developer Assistance Agreement and their support to the students who will be living in Saddleback Heights. The developer has committed to two elementary school sites to serve their project area or developer assistance fees in lieu of this occurring. The District expects that the agreement will be recorded within the next few days. With this promise of collaboration, the District will fully support Saddleback Heights progression through the development process.

In the future as Saddleback Heights, Lake Pleasant Heights, and other northern developments begin to thrive and welcome families we will look to the City to assist in discussing potential high school needs in the North/Northwest sections of Peoria.

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,

[redacted]

Christian M. Williams,
Department of Research and Planning

Cc: Kenneth Hicks, Chief Financial Officer

6330 W. Thunderbird Road • Glendale, Arizona 85306
P.O. Box 39 • Peoria, Arizona 85380-0039
623.486.6000 • www.peoriaud.k12.az.us

Exhibit F
Saddleback Heights
PCD Standards and Guidelines Report

Planned Community District

Saddleback Heights

APPROVED: December 17, 2002
Case No: Z 02-04
AMENDED: July 02, 2012
REVISED: February 24, 2014

SADDLEBACK HEIGHTS

PEORIA, ARIZONA

DEVELOPMENT BY:
DIAMOND VENTURES

PLANNED COMMUNITY DISTRICT
(PCD)
AMENDMENT

SUBMITTAL DATE
July 02, 2012
Revised: February 24, 2014

PREPARED BY:

HADLEY DESIGN GROUP, INC.

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SECTION I - SADDLEBACK HEIGHTS OVERVIEW

1.0 PROJECT OVERVIEW

1.0.1 CONTACT LIST

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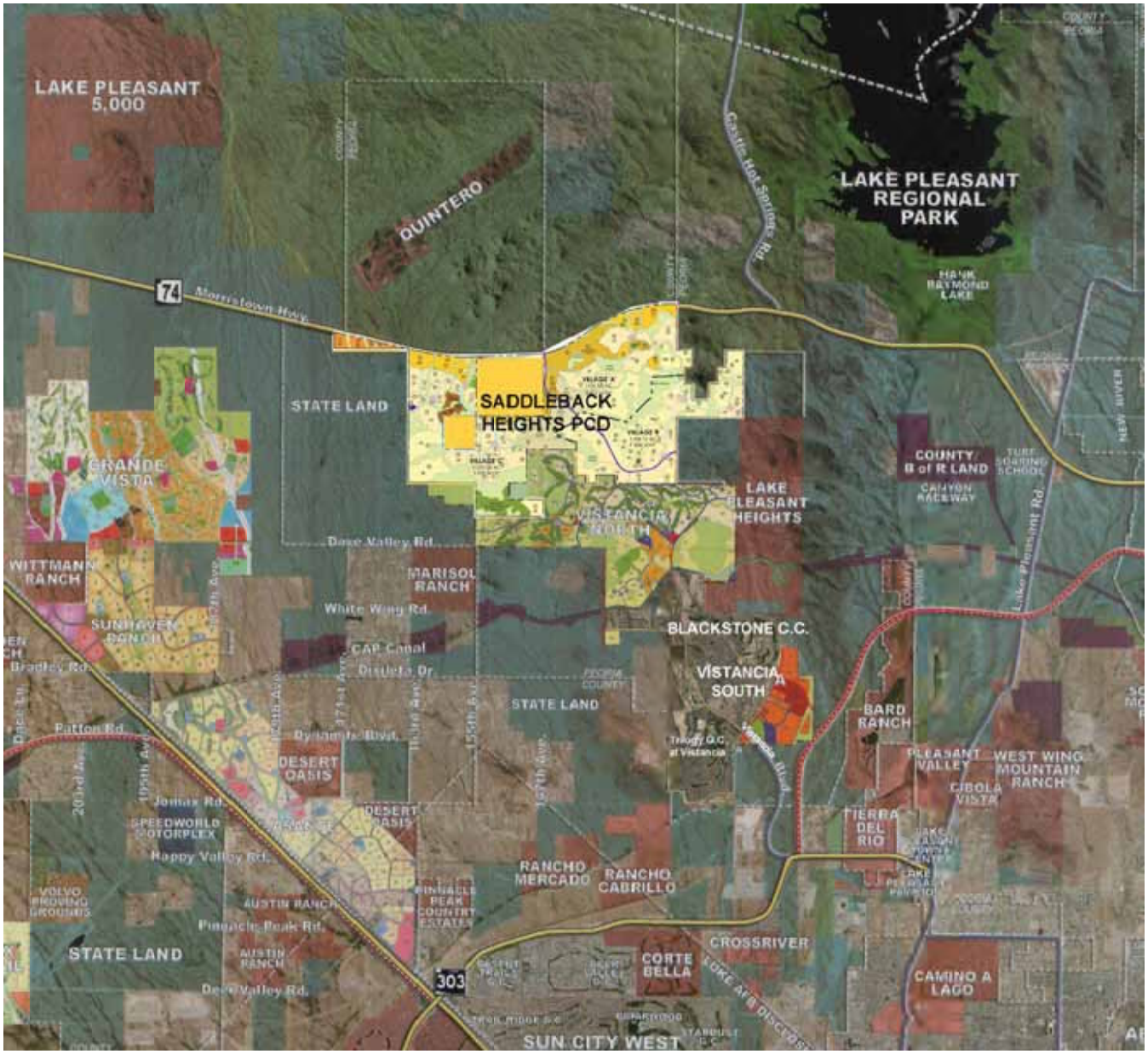
1.0.2 VICINITY MAP – EXHIBIT A

SADDLEBACK HEIGHTS

Vicinity Map

Exhibit A



NORTH

SCALE: N.T.S.
DATE: 02 July 2012
Revised: 24 February 2014

PREPARED FOR:

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1.0.3 LEGAL DESCRIPTION EXHIBIT – B

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Joel P. McCarty, P.E.
Michael Weinberg, P.E.

Revised May 31, 2002
Revised December 27, 2001
December 20, 2001
WP #011407

See Exhibit "B"

PARCEL DESCRIPTION
Proposed Saddleback Heights Boundary

EXISTING PARCELS

Lots 1 through 4, inclusive; the South half of the North half; and the North half of the South half; the North half of the Southwest quarter of the Southwest quarter; the Southeast quarter of the Southwest quarter of the Southwest quarter; the Southeast quarter of the Southwest quarter; the South half of the Southeast quarter of Section 3, Township 5 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

TOGETHER WITH

Lots 1 through 4, inclusive; the South half of the North half; and the North half of the Southeast quarter; the North half of the South half of the Southeast quarter; the East half of the Southeast quarter of the Southwest quarter of the Southeast quarter; the West half of the Southwest quarter of the Southeast quarter of the Southeast quarter of Section 4, Township 5 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

TOGETHER WITH

Lots 1 through 4, inclusive; the South half of the North half; the West half of the Southeast quarter; and the Southwest quarter of Section 5, Township 5 North, Range 1 West of the Gila and Salt River Base and Meridian; Maricopa County, Arizona.

TOGETHER WITH

Lots 3 through 7, inclusive; the Southeast quarter of the Northwest quarter; the Southeast quarter; and the East half of the Southwest quarter of Section 6, Township 5 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

TOGETHER WITH

The South half of the Northeast quarter; and the Northwest quarter of Section 8, Township 5 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

TOGETHER WITH

Lots 4, 6, 8 and 10, Section 25, Township 6 North, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

TOGETHER WITH

Lot 2, Section 26, Township 6 North, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

TOGETHER WITH

Lot 6, Section 30, Township 6 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

TOGETHER WITH

Lots 2, 4, 6, 8 and 9; the Southeast quarter; the East half of the Southwest quarter; and the Southwest quarter of the Southwest quarter of Section 27, Township 6 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

TOGETHER WITH

Lots 2, 6 and 7; and the Southeast quarter of the Southeast quarter of Section 28, Township 6 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

TOGETHER WITH

Lots 2, 3, 4, 6, 8, 10 and 11; the South half of the Northeast quarter; the Southeast quarter of the Northwest quarter; the Southeast quarter; and the East half of the Southwest quarter of Section 31, Township 6 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

TOGETHER WITH

Lot 1; the Southwest quarter of the Northwest quarter; the Southwest quarter; the East half of the Northwest quarter; and the East half of Section 33, Township 6 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

TOGETHER WITH

Parcel Description
Proposed Saddleback Heights Boundary

Revised May 31, 2002
Revised December 27, 2001
December 20, 2001
WP #011407

See Exhibit "B"

All of Section 34, Township 6 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

TOGETHER WITH

The Northwest quarter of the Northwest quarter; the West half of the Southwest quarter of the Northwest quarter; the West half of the Southwest quarter; the Southeast quarter of the Southwest quarter; the East half of the East half; the West half of the Southeast quarter; the East half of the Southwest quarter of the Northeast quarter of Section 35, Township 6 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

TOGETHER WITH

The South 30 feet of the West 30 feet of the following described property:

Lots 1-7, inclusive; the Southwest quarter of the Northeast quarter; the South half of the Northwest quarter; the Southwest quarter; and the West half of the Southeast quarter of Section 1, Township 5 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

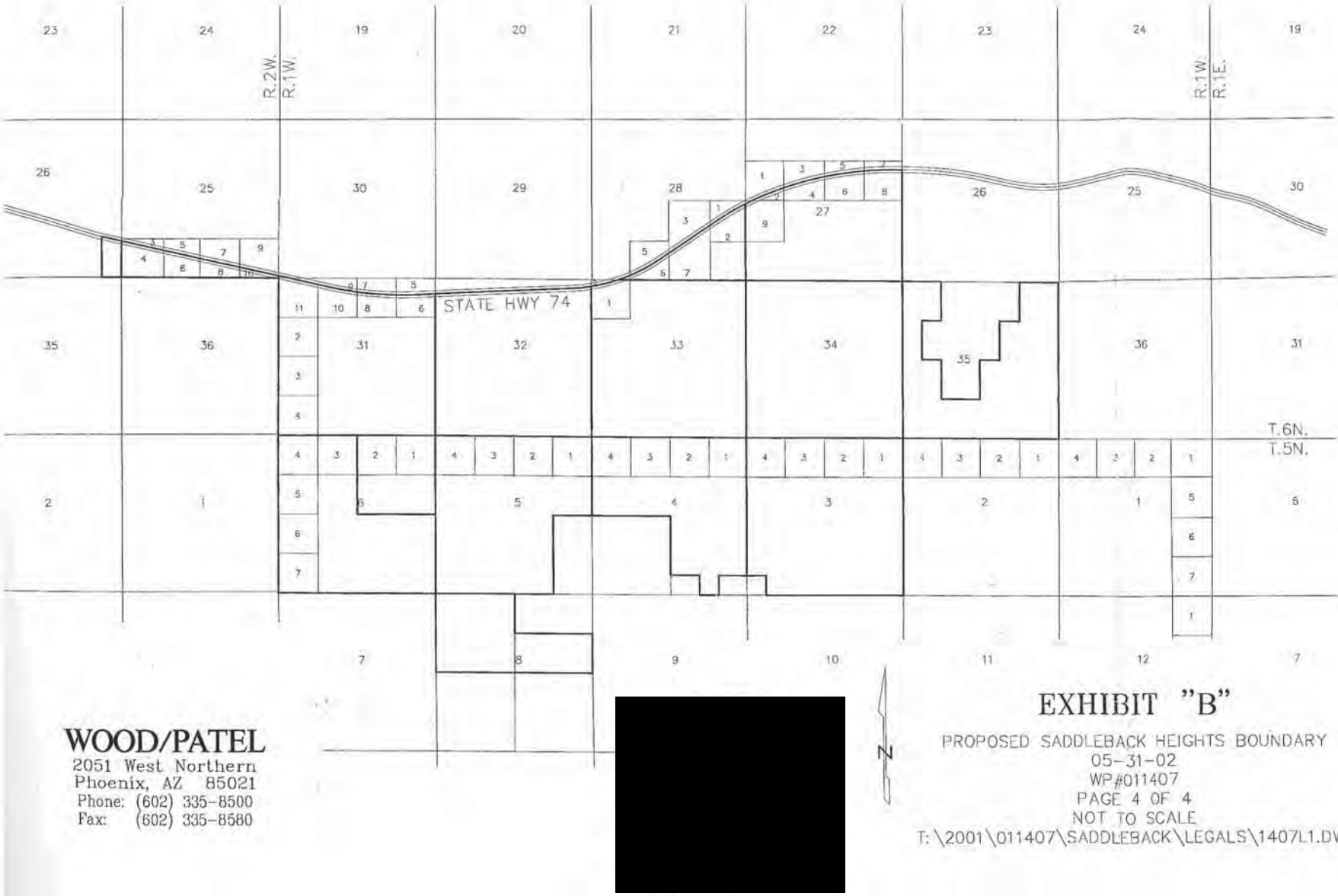
ADD PARCELS

Lots 1 and 2, inclusive; the South half of the Northeast quarter of Section 6, Township 5 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

TOGETHER WITH

All of Section 32, Township 6 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, lying South of the right of way of Arizona Highway 74.

[redacted]



[redacted]

EXHIBIT "B"

PROPOSED SADDLEBACK HEIGHTS BOUNDARY
05-31-02
WP#011407
PAGE 4 OF 4
NOT TO SCALE
T:\2001\011407\SADDLEBACK\LEGALS\1407L1.DWG

WOOD/PATEL
2051 West Northern
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1.1 INTRODUCTION

1.1.1 STATEMENT OF NECESSITY

The Saddleback Heights master planned community (hereinafter referred to as "Saddleback Heights" or the "Property"), which includes privately owned land, and Arizona State Trust Land ("State Land"), is planned and designed to be consistent with City of Peoria requirements. No changes to any element of the 756-acres of Arizona State Land are proposed via this amendment. The City of Peoria Planned Community District regulations require the inclusion of this Statement of Necessity to acknowledge and demonstrate how the proposed Saddleback Heights project complies with Peoria requirements. Several significant changes have occurred since the 2002 PCD Approval which necessitates updating the Land Use Plan. Several of the most significant changes in the area are as follows:

1) The nature and character of SR 74 has changed dramatically. In 2001, SR 74 was contemplated to be a four-lane road. ADOT has since that time radically changed the nature of the roadway and it is now planned to be a 10-lane highway of regional significance. Many of the land use changes proposed by this PCD Amendment respond to the change in character and function of SR 74.

2) In consultation with the City Transportation Department, it has been decided to alter the Circulation Element of the City of Peoria General Plan. The 2001 SAP and 2002 PCD contemplated, from a circulation standpoint, a "stand-alone" Master Plan which was deliberately isolated and not integrated into the circulation system of the region. This PCD amendment, and the City's amendment of the General Plan in 2011, will incorporate Bullard Avenue as a north/sound arterial, with a potential, future interchange at SR 74 within the Saddleback Heights PCD. Bullard Avenue is planned to ultimately connect to El Mirage Road and the Loop 303. Land use changes have been made in this amendment in response to this circulation change.

3) A unique opportunity for an employment village in the land plan exists as a result of the change of SR 74 from 2-10 lanes and the proposed intersection of Bullard Avenue and SR 74. This amendment responds to these changes by providing 220 acres of employment-related land use at this strategic intersection.

4) In response to the changes above, including the need to transition higher density from the SR 74 and Bullard Avenue into the interior of the site, this amendment proposes a modest density increase from the 2002 approved 1 Du/Ac density to 1.56 Du/Ac. This density increase is consistent with other similarly situated and adjacent Master Plans.

5) The Arizona Corporation Commission has approved a certificated power line route for a regional scale 500-kV overhead transmission line a portion of which will be located along the frontage of Saddleback Heights, across SR 74 to the North. The transmission line may include steel monopole or lattice structures between 135 and 195 feet tall, visible from Saddleback Heights;

6) Since 2002, the developer has conducted extensive engineering, planning and site analyses. These studies provide the basis for a refinement and updating of the 2002 approved Saddleback Heights PCD.

The Land Use Element, including the Land Use Plan, is intended to provide general guidelines relating to the intended land uses, taking into account the unique nature of the subject property. These guidelines provide a basis from which the appropriate departments, commissions, and the City Council will review and implement the planning and development processes affecting the plan area. The approvals granted by the City Council should take into account any and all applicable Federal or State air quality and environmental conformity laws and regulations.

Below is description of how the proposed development District is consistent with the required findings as outlined in Section 14-36-6 of the City of Peoria Zoning Ordinance.

A. The Saddleback Planned Community District is in conformance with the General Plan.

The proposed Planned Community District ("PC District") zoning was designed to be consistent with the City of Peoria General Plan and more specifically, with the approved Saddleback Heights Specific Area Plan (the "Saddleback Heights SAP"). The proposed PC District zoning complies with all recommended land uses within the Saddleback Heights SAP.

The Saddleback Heights SAP designates a variety of land uses for the Property, including the State Land. Land use designations include: Residential Estate, Low Density Residential, Medium Density Residential, Resort Development Overlay, Town Center Overlay/Community Commercial and Mixed Use Development, as well as Mixed Use Business Park Overlay. The Saddleback Heights SAP allows for 8,269 dwelling units or approximately one and one-half (1.56) units per acre on the gross acreage of the privately owned property. The dwelling units on the Arizona State Land Department's 756 acres remain unchanged at 786 dwelling units or approximately one (1) dwelling unit per acre on

the gross acreage for the Arizona State Trust Land. Consistent with the Saddleback Heights SAP, a total maximum of 8,269 dwelling units are permitted as part of this PCD amendment. Other areas such as open space areas are also designated consistent with the Saddleback Heights SAP.

B. The streets and thoroughfares proposed in the Saddleback Heights PC District are in conformance with the General Plan Circulation Map and will be adequate to serve the proposed uses.

The Saddleback Heights PC District proposes a circulation system that mirrors the circulation system identified in the Saddleback Heights SAP and the recently updated City of Peoria General Plan Circulation Exhibit. Given the low density proposed for Saddleback Heights, together with the slopes and topography found on the site, the proposed circulation system will appropriately serve the proposed uses.

C. The residential development will promote compatible buildings and uses and will be compatible with the character of the surrounding area.

The Property is being planned with significant attention to the surrounding terrain and environmental features as well as the planned and proposed surrounding uses. Because there are no existing residential uses in the area, Saddleback Heights has a special responsibility to set a high standard of development for the area that fits with the environment. Significant attention is given to blending the development into the surrounding terrain. Use of various zoning categories that allow for larger lots with building envelopes as well as cluster-type development are intended to preserve both topography and natural vegetation. At the time of platting, selection of the appropriate zone and development type will occur which will take into account the unique features of the particular area.

D. The conceptual site locations proposed for public facilities such as schools, fire protection, law enforcement, water, wastewater, streets, public services and parks, are adequate to serve the

anticipated population within Saddleback Heights.

Significant attention is being given to the provision of infrastructure and site amenities. General locations are identified for potential school sites, fire and police facilities, water and wastewater infrastructure, streets and parks, all at a level intended to meet the needs and demands of the future residents of Saddleback Heights. It is anticipated that a ten (10) acre park site will be dedicated adjacent to a proposed elementary school site. Approximately eight (8) acres of the park site has potential for active recreation area and two (2) acres of the site has potential for children's educational/discovery area. Additionally, a site for fire and police facilities is designated.

E. In the case of proposed commercial, industrial, institutional, recreational and other non-residential uses, or mixed uses, such development will be appropriate in area, location and overall planning for the purpose intended.

An appropriate mix of land uses is proposed for the Property including sustainable amounts of commercial, mixed use and recreational uses. These uses are located in areas envisioned by the approved Saddleback SAP. These locations are intended to maximize accessibility to the site by residents.

1.1.2 PHYSICAL SETTING OVERVIEW

Saddleback Heights is located within the City of Peoria (the "City") and is more particularly described in Section 1.0.3 of the Overview. State Highway 74 bounds the Property on the north. The Property's southern boundary is approximately the Carefree Highway and Dove Valley Road alignments. The eastern boundary is approximately the 123rd Avenue (El Mirage Road) alignment. The western boundary is the 163rd (Sarival) Avenue alignment. Topographically, the Property is located at the southern edge of the Hieroglyphic Mountain Range and two (2) miles to the southwest of Lake Pleasant. It contains diverse landforms including: pristine washes, rock outcroppings, rolling hill forms and significant ridge forms. These topographic features create a "Sonoran" desert setting with sufficient topographical relief to provide virtually every potential homesite with a dramatic view of desert terrain

and/or the surrounding mountain range. The western portion of the Property is bounded on the south by a mountain range and slopes gradually ascending northward, rising slightly in elevation as it approaches State Highway 74. Going eastward, the Property rises from 1,600 to 2,300 feet, consequently creating a "bowl" effect on the western 2,000 acres. The eastern portion of the Property is more undulating with topographical relief typically varying from 1,600 to 2,100 feet in elevation. The majority of this portion of the Property is characterized by gradually sloping ridges providing ideal locations for relatively low-density and appropriately planned and designed cluster residential development. The topographical relief on the Property also provides exceptional views in all directions including views of the central metropolitan Phoenix area, Lake Pleasant, Saddleback Mountain, the Hieroglyphic and Bradshaw Mountains to the north, as well as the distant Wickenburg Mountains to the West.

Saddleback Heights contains two drainage zones. The western 2,000 acres drains westerly through a clearly identifiable wash into the Padelford wash. The eastern and southeasterly portion of the Property drains eastward into the Agua Fria River basin.

Saddleback Heights is a comprehensively planned community that is shaped by the natural features of the land and designed with sensitivity toward the appropriate preservation of existing vegetation. Saguaro cactus is abundant and dominates the vegetation on the Property. There are also a variety of other forms of cacti such as Barrel and Cholla. Other types of desert vegetation include Palo Verde, Ironwood and Mesquite trees. To preserve the vegetation, on-site grading will be regulated in accordance with the Hillside Development Standards incorporated herein. Protected vegetation will be relocated as necessary. The thoughtful and deliberate planning effort undertaken for the Property will help ensure that Saddleback Heights will truly be a special and unique place to live.

A large portion of Saddleback Heights is planned as contiguous open space. The majority of this open space is contained in mountainous areas, wash corridors, and centrally located recreation areas found throughout the Property. Many acres of open space are also distributed among open space corridors and in the natural arroyos that are used to provide internal and external links for the Saddleback Heights community and the nearby regional destinations. The on-site open space network is intended to provide important links to regional open space, parks, potential school site(s), potential municipal use

sites, commercial sites, and a resort site(s). Other active recreation open space may include as many as three (3) championship golf courses. The golf courses will be designed to integrate with the site and will be developed as the market dictates.

The Saddleback Heights Planned Community District (the "Saddleback Heights PC District" or the "PC District") includes a variety of single-family residential home-sites that are linked through open space corridors, an extensive path and trails system, and a common thematic character that defines the Saddleback Heights community. The proposed PC District has a maximum density of 8,269 residential dwelling units on approximately 5,296 acres creating an overall gross density of approximately 1.56 dwelling unit per acre per the City of Peoria's General Plan formula. The PC District also includes the potential for a maximum 800 resort keys or units to be designated within the Resort Overlay District. The resort component will be developed as the market dictates. The intent of the PC District is to provide a comprehensive yet flexible framework that allows for a variety of housing opportunities and other complimentary land uses. This framework is intended to provide the inspiration and mechanics for the creation of a successful community that can evolve in the most appropriate fashion and ultimately result in a development that provides an appropriate urban edge for the City.

1.1.3 APPLICANT

The applicant for the Saddleback PC District is Diamond Ventures Inc., an Arizona corporation, based in Tucson (hereinafter referred to interchangeably as the "Developer" or "Diamond"). Diamond has diversified development experience, specializing in high-end residential communities and commercial development projects. Notable community developments include; Casa Contenta, The Canyons, Villago, Steam Pump Village at Oro Valley, as well as Pima Canyon, a 450-acre gated custom home enclave set at the foot of the Santa Catalina Mountains, and the Madera Reserve in Green Valley, which is situated in the foothills of the Santa Rita Mountains, just south of Tucson. Each of Diamond's residential communities reflects a commitment to stewardship through the thoughtful integration of homes and neighbors within their respective spectacular surroundings. Commercial development experience includes River Crossing, a mixed-use retail/residential project located at the crossroads of a major commercial thoroughfare in northwest Tucson; as well as Rio Nuevo, a professional office complex located in the heart of Tucson's

Rio Nuevo District. Although relatively new to the northwest valley, Diamond brings a wealth of experience and has brought together a development team with a proven track record of success in the highest quality communities.

No changes to any element of the 756-acres of Arizona State Land are proposed via this amendment. .

1.1.4 DEVELOPMENT TEAM

Diamond has assembled an experienced team of consultants (the "Development Team"). Each member of the Development Team is experienced in a variety of successful and high quality master planned communities and is comprised of planners, architects, hydrologists, engineers and legal counsel. The expertise gathered for this project will help to ensure that Saddleback Heights is appropriately planned and will be a true asset to the City and its residents.

Jason Hadley of Scottsdale heads the Saddleback Heights Planning Team. He and his firm, Hadley Design Group, are known as experts in sensitive development of High Sonoran Desert. In addition, Mr. Hadley has been involved in several significant projects in Arizona including, among others, the master planning of Del Webb's Anthem, Sun Valley South and Anthem Merrill Ranch, , Sun City Festival Ranch in Buckeye, and has worked extensively at Vistancia and West Wing Mountain in Peoria.

1.1.5 PROJECT BACKGROUND

The Property, as well as the surrounding properties known as Vistancia and Lake Pleasant Heights were originally owned by the Bureau of Land Management ("BLM"). Saddleback Heights was acquired from the BLM by Noranda Properties, Inc. and Group Three Properties, an Arizona general partnership over an approximate ten (10) year period. Prior to annexation into the City of Peoria, the Property was zoned Rural-43 in Maricopa County. An Annexation and Development Agreement was approved on December 7, 1993. The Property was subsequently annexed into the City and the Lake Pleasant Heights Specific Area Plan was approved in 1994 and on October 4, 1994, the Property was rezoned to R1-35.

In 2001, the privately held land included in the Lake Pleasant Heights Specific Area Plan ("Lake Pleasant Heights SAP") was split into two ownerships, with Diamond taking ownership of 5,296 acres and Group Three Properties retaining ownership on 1,085 acres. On December 6, 2001, Diamond received approval of a minor amendment to the Lake Pleasant Heights SAP. This amendment, the Saddleback Heights SAP, provides land use recommendations and guidelines specifically for the

Property. In December of 2011 a subsequent amendment to the Saddleback Heights SAP was approved.

The Vistancia project ("Vistancia") is located south of Saddleback Heights Property and received Council approval of PC District zoning on 7106 acres in 2001. The Vistancia PCD was recently amended in 2012 and approved by City Council in early May 2012

Saddleback Heights is an environmentally sensitive and unique property that is currently undeveloped. The approximately 5,296-acre site provides incredible opportunities to create a community set apart from the less dramatic land to the south and in other parts of Peoria and the West Valley. The Saddleback Heights PC District celebrates the recreational and natural qualities of the surrounding area while providing quality development that is integral to the physical and economic growth of the City.

1.1.6 REGIONAL CONTEXT

Saddleback Heights lies in the northwest portion of the City. The City's growth pattern has been moving to the northwest as many of the vacant lands south and east of the Property have been planned and are currently in various stages of development. The tremendous growth in the Phoenix metropolitan area and, more particularly, in the West Valley, has caused the City and the development community to thoughtfully plan and define future development in northwest Peoria. (See **Regional Context Exhibit C in Section 1.4.3**.)

Saddleback Heights is envisioned as a unique and environmentally sensitive desert master planned community, with great potential for residents who enjoy recreation given its proximity to Lake Pleasant, Saddleback Mountain and the vast amount of dramatic public land that surrounds the Property. Diamond intends to create a master planned community that embraces the diverse desert surroundings and builds on the successes achieved by Vistancia to the south.

1.2 COMMUNITY VISION

1.2.1 VISION STATEMENT

Saddleback Heights is planned to be a desert Master Planned Community that embraces the diverse desert environment it is in creating a strong identity and vision. This identity and vision will create a continuum of contiguous desert and mountain open space that links diverse residential neighborhoods and commercial uses including, but not limited to; a potential Town Center site, resort site(s), C-2 commercial site and regional mixed use development including a mixed use business park overlay located at SR 74 and 143rd Avenue (Bullard) alignment. The Saddleback Heights PC District has been sensitively designed to respond to the land and its many natural features and landforms, to preserve and celebrate these features, and to create a truly unique and spectacular place to live.

1.2.2 GOALS AND OBJECTIVES

1.2.2.1 Environmental Sensitivity

The Saddleback Heights PC District has been created to respond to and work with the Property and its natural features, using these features as the "centerpiece" around which the community and neighborhood are designed. An important part of this community design philosophy includes the use of native Sonoran desert plant material in the Saddleback Heights landscape palette. It also includes the utilization of relocated plant material from the Property as often as possible. Contiguous and connected open space with sensitivity to natural washes and ridgelines are also integral to the Saddleback Heights PC District.

1.2.2.2 Creation of Quality and Connected Neighborhoods

The Saddleback Heights PC District utilizes internal open space in the form of natural desert arroyos and mountain open space as pedestrian corridors to link residents and guests of Saddleback Heights to the paths and trails used for hiking and biking, community recreation elements, and potential school site(s), as well as recreation amenities, residential villages, and commercial, business park and Town Center elements. The Saddleback Heights PC District creates a path and trails system that provides an environmentally sensitive alternative to automobile use. The Saddleback Heights PC District responds to the diverse nature of the site with a variety of development types that allow for the sensitive and quality development of neighborhoods. The diverse housing types, created to respond to the natural washes and landforms, provide a residential variety that eliminates the sameness that is often found in less diverse and less environmentally responsive development.

1.2.2.3 Design and Creation of a Strong Identity and Character

The Saddleback Heights PC District responds to the land by creating land uses that work in conjunction with the natural landforms and features. The emphasis on resort lifestyle and desert master plan design will create a strong community character and identity. The character will be furthered by the use of colors, materials and forms that blend with and enhance the desert environment and that are designed to be comprehensive and timeless.

1.3 PRE-EXISTING DEVELOPMENT CONDITIONS

1.3.1 EXISTING CONDITIONS OVERVIEW

Saddleback Heights was formerly zoned R1-35 and was used for livestock grazing. The Property is currently zoned PCD and is vacant. Extensive jeep trails exist throughout the Property. Hikers, bikers, equestrians, and all terrain vehicles currently use the trails. In addition, there are significant natural features, including washes, ridgelines, rolling hillforms, and rock outcroppings throughout the Property. (See **Existing Conditions Map Exhibit D in Section 1.4.1**).

1.3.2 TOPOGRAPHY

The topography within Saddleback Heights ranges from approximately 1,600 to 2,300 feet in elevation. The majority of the Property ranges from 1,800 to 2,100 feet. The western portion of the Property (approximately 3,000 acres) is bound on the south by a mountain range with slopes gradually ascending northward, rising slightly in elevation as it approaches State Highway 74. Going eastward, the Property rises from 1,600 to 2,300 feet, consequently creating a "bowl" effect on the western 2,000 acres. A variety of hill forms ranging from minor to major in size are also present within the Property. The eastern portion of the Property (approximately 3,000 acres) is more undulating with topographical relief typically varying from 1,600 to 2,100 feet in elevation. The majority of this portion of the Property is characterized by sloping ridges and wash features. The ridgelines and hillforms create incredible views of the City of Phoenix and Saddleback

Mountain. The Project also has spectacular views of the site itself created by the many landforms.

1.3.3 GEOLOGY / SOILS

1.3.3.1 Soils Association

Soils within Saddleback Heights were identified from the Soils Survey of the Aguila-Carefree Area, parts of Maricopa and Pinal Counties, Arizona, published by the U.S. Natural Resources Conservation Service. The soils classified for the site is predominantly of Hydrologic Groups A and B.

Soil Group A is defined as soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well- to excessively-drained sands or gravely sands. These soils have a high rate of water transmission.

Soil Group B is defined as soils having moderate infiltration rates when thoroughly wet, consisting chiefly of moderately deep to deep and moderately well to well-drained soils with moderately fine to moderately coarse textures. These soils have a moderate rate of water transmission.

1.3.3.2 Seismic

The Property lies on the edge of the Transition Zone geologic province, a mountainous area between the Basin and Range and Colorado Plateau geological provinces. Although there is evidence of some faulting within the Hieroglyphic Mountains to the north of the site, various geologic surveys have determined that these fault zones do not present a seismic hazard to the area.

1.3.4 HYDROLOGY

1.3.4.1. Drainage Patterns

The western 2,000 acres drains westerly through a clearly identifiable wash into the Padelford Wash. The eastern and southeasterly portion of the Property drains eastward into the Agua Fria River basin.

1.3.4.2 404 Permitting

With regard to U.S. Army Corps of Engineers (the "Corps") Section 404 permitting, delineation of jurisdictional waters has been prepared for the portion of Saddleback Heights owned by Diamond as shown on the **Boundary Map Exhibit E Section 1.4.2,** submitted to the Corp of Engineers and has been approved. The Property will require a permit if more than 0.5 acre of disturbance is required. **Section 1.4.2**.

1.3.5 BIOLOGY

1.3.5.1. Threatened or Endangered Species Habitat

The biology evaluation report gives no indication that the Property contains habitat for any threatened or endangered species. The majority of the Property could provide habitat for the desert tortoise and Gila Monster. The desert tortoise is a federal candidate 2 species and also listed on the State-listed species. The area supports low tortoise densities and none of the areas on the Property are known or believed to be a critical habitat. No population or density information is available for the Gila monster.

The site does generally support a sparse density of mule deer (approximately one animal per square mile). The site also contains a sparse density of javelina. The catchments throughout the site provide water for large and small game, as well as, a variety of non-game animals. No riparian habitat was found on the Property. However, Gambel quail and dove are found throughout the Property.

1.3.6 ARCHAEOLOGY & CULTURAL/HISTORIC RESOURCES

Archaeological research on the Property was undertaken in conjunction with federal requirements that sample surveys be conducted prior to the Property's transfer from BLM stewardship. An application for a right-of-entry has been applied for to perform an archaeological survey on the State Land portions of Saddleback Heights. ***(See reports submitted under separate cover).***

1.3.7 NATIVE VEGETATION

The Property has an abundance of natural native vegetation. The majority of the plant materials are mature Sonoran vegetation. Desert plant material flourishes throughout the site. The plant material includes, Sage Brush, Brittle Bush, Creosote Brush, Jumping Cholla, Saguaro, Palo Verde, Ironwood, and Mesquite trees. Saguaro cacti dominates the site, combined with a rich mixture of other Sonoran plant materials provide an incredible natural desert landscape.

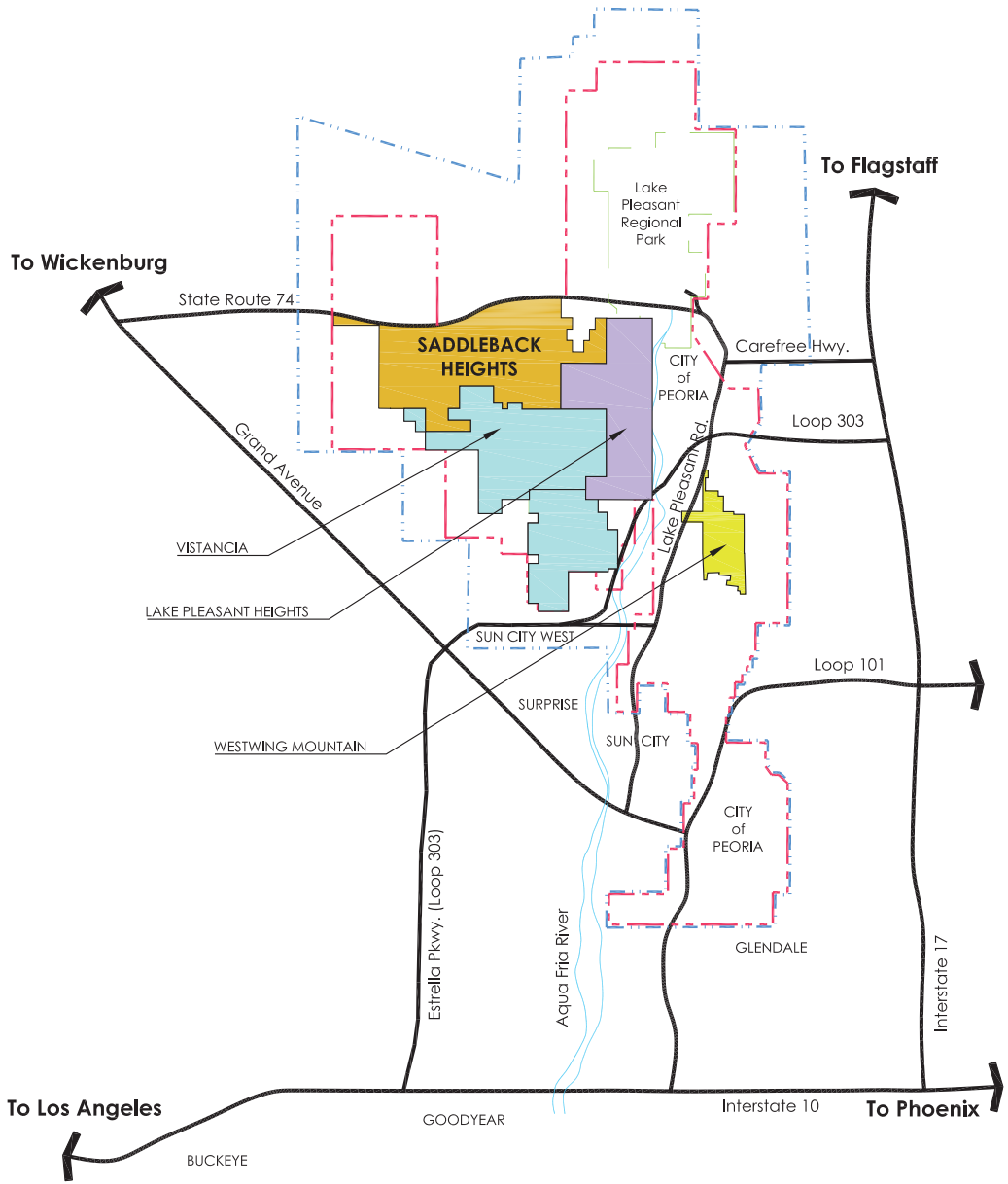
1.4 REFERENCE MAPS & PLANS

1.4.1 REGIONAL CONTEXT MAP EXHIBIT C

SADDLEBACK HEIGHTS

Regional Context Map

Exhibit C



LEGEND

- City of Peoria Boundary
- City of Peoria Planning Area

NORTH

SCALE: N.T.S.
DATE: 02 July 2012
Revised: 24 February 2014

PREPARED FOR:

DIAMOND VENTURES
2200 East River Road Suite 115
Tucson, Arizona 85718
Tel. 520.577.0200 Fax. 520.577.0201
www.diamondventures.com

PREPARED BY:

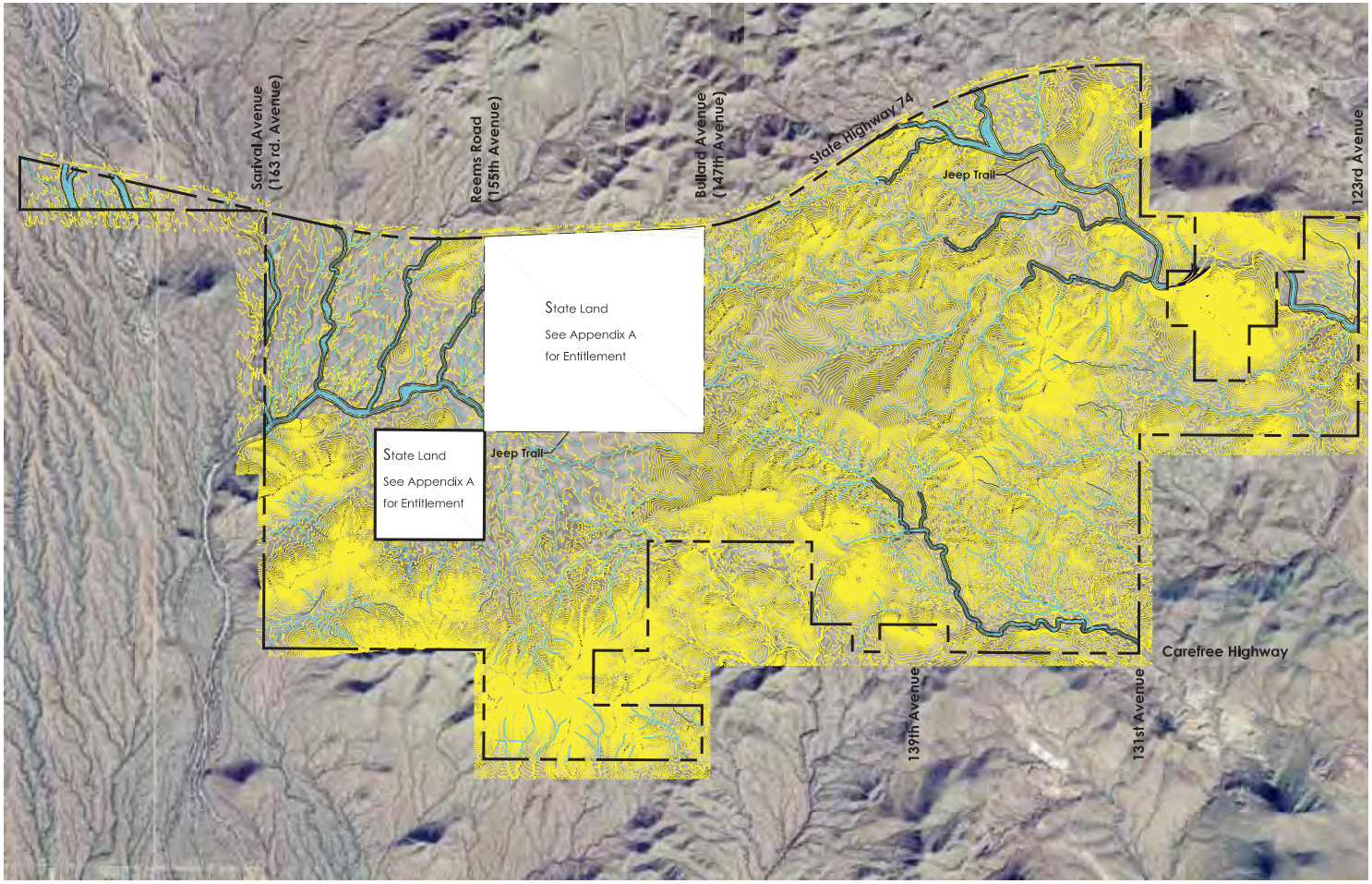
HADLEY DESIGN GROUP
7400 E. McDonald Drive Suite 122
Scottsdale, Arizona 85250
Tel. 480.478.0096 Fax. 480.478.0097
www.hadleydesigngroup.com

1.4.2 EXISTING CONDITIONS MAP EXHIBIT D

SADDLEBACK HEIGHTS

Existing Conditions Map

Exhibit D



LEGEND

- Topography
- Washes
- Saddleback Heights Boundary

NORTH

SCALE: N.T.S.
DATE: 02 July 2012
Revised: 24 February 2014

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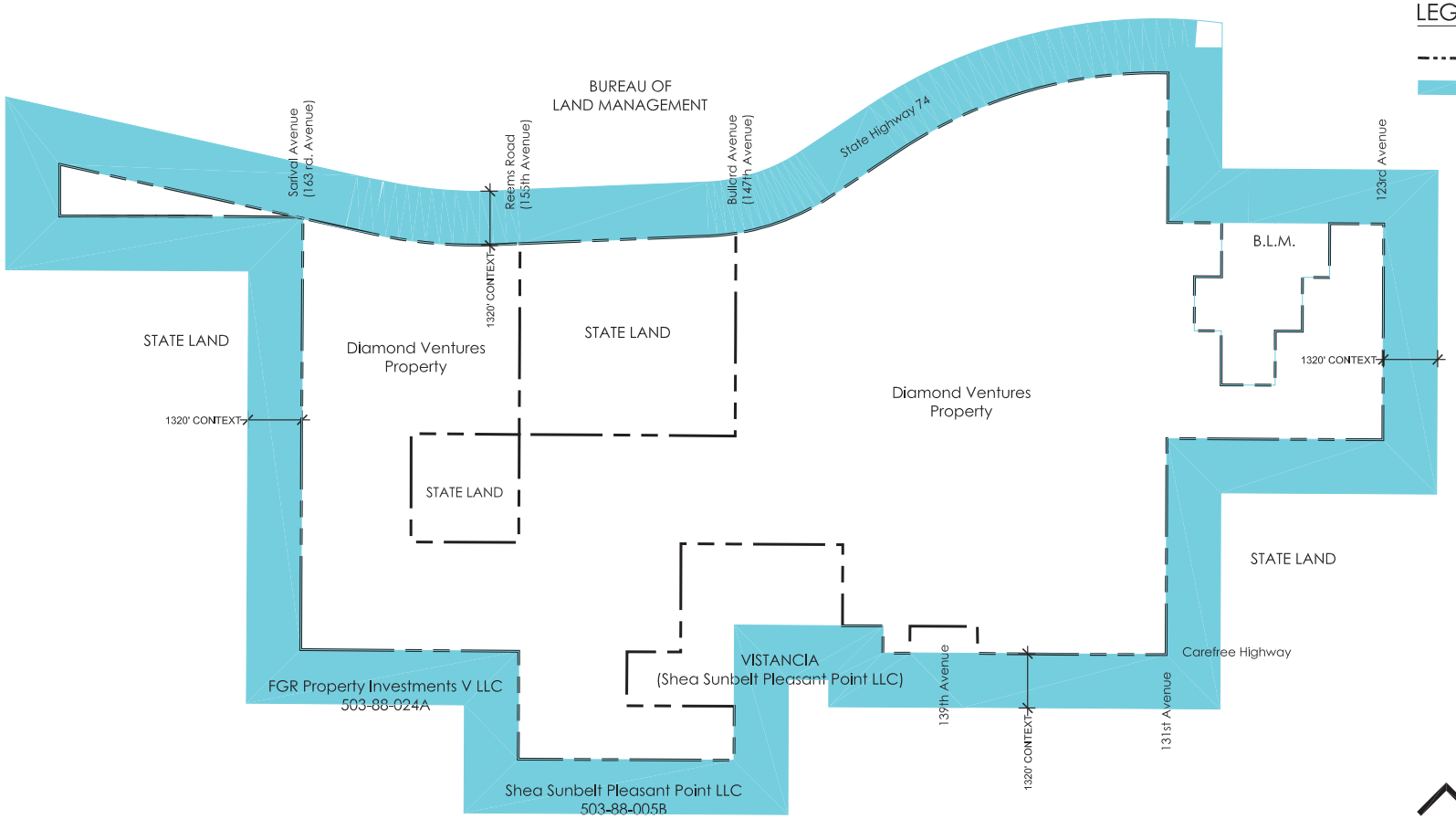
1.4.3 BOUNDARY MAP EXHIBIT E

SADDLEBACK HEIGHTS

Boundary Map

Exhibit E



LEGEND

- Saddleback Heights Boundary
- 1320' Offset

NORTH

SCALE: N.T.S.
DATE: 02 July 2012
Revised: 24 February 2014

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SECTION II - SADDLEBACK HEIGHTS PCD STANDARDS PLAN

2.0 STANDARDS PLAN

2.0.1 OVERVIEW

The Saddleback Heights PC District has been created to respond to the natural landforms and topographic features of the Property. The design of the site is intended to create amenities out of the natural features and preserve them wherever possible. A continuum of open space is created by responding to the natural features to allow for an integrated system of open space that links the variety of land uses within the Property. Saddleback Heights is designed to create a unique blend of residential, commercial, mixed-use and recreational uses that respond to the diverse landforms of the Property and create a well balanced "desert master planned community".

No changes to any element of the 756-acres of Arizona State Land are proposed via this amendment. The Arizona State Land entitlement and circulation system remain as they were in the 2002 PCD approval. The development standards that govern the Arizona State Land are located in **Appendix A**.

2.0.2 CONFORMANCE TO SPECIFIC AREA PLAN

On December 5, 2011, the City Council approved the Amended Saddleback Heights SAP, which was a minor amendment to the Saddleback Heights SAP. The proposed Saddleback Heights PC District conforms to the Saddleback Heights SAP and City's General Plan.

The Saddleback Heights SAP designates a variety of land uses for the Property. Land use designations include: Residential Estate ("RE"), Low Density Residential ("LD"), Medium Density ("MD"), Resort Development Overlay ("RD"), Town Center Overlay or Community Commercial and Mixed Use Development. The Saddleback Heights SAP allows for 8,269 dwelling units or approximately 1.56 units per acre on the gross acreage of the privately owned property as shown on the Boundary Map Exhibit - E -

The Saddleback Heights SAP identifies a minimum of 600 acres of open space or eleven percent (11%) of the gross acres. Approximately 600

acres shall be allocated for Park/Open Space. This area may be located along major washes and areas of higher elevation not suitable for development and may include pedestrian, hiking, and equestrian trails. As part of this amended Saddleback Heights PCD allowing up to 8,269 residential units as part of the amended Saddleback Heights PCD, dedicated public open space will increase 5,000 sq. ft. for each additional developed unit exceeding 5,409 units, which could add as much as 328 acres of public dedicated open space. Dedication of the open space will occur at the time of Final Plat recordation.
The open space includes recreational amenities, as well as regional open space links and natural open space (NOS). In addition to the open space and other land uses, four potential golf course study areas have been identified, with the potential to develop any three of the four. The golf course study areas may develop as championship course as the market and development dictates.

The proposed Saddleback Heights PC District conforms to all aforementioned criteria. Additionally, the uses proposed on the State Land are consistent with the Saddleback Heights SAP. Furthermore the Saddleback Heights PC District provides further in-depth analysis to further identify and refine the goals and general criteria noted in the Saddleback Heights SAP.

2.0.3 STATEMENT OF CONFORMANCE WITH ADOPTED CODES AND POLICIES

Unless otherwise provided herein, the provisions of the PC District, the Saddleback Heights Development Agreement, the City of Peoria Zoning Ordinance (the "Zoning Ordinance"), the City Code and other City Council adopted policies in effect at the time of approval of the Saddleback Heights PC District shall govern and control the development of the Property.

The following development descriptions and standards are intended to direct the nature and intensity of residential and non-residential uses in Saddleback Heights. If the provisions of the Saddleback Heights Standards Plan (Section II) and the Saddleback Heights Development Plan (Section III) of the PC District (collectively, the "Standards Plan and Development Plan") are in conflict with the Zoning Ordinance or the City Code, the provisions of the Standards Plan and Development Plan shall govern and control. Unless expressly modified herein all municipal codes, policies and ordinances, in effect at the time of approval of the Saddleback Heights PC District shall apply.

2.1.0 SADDLEBACK RESIDENTIAL ZONING CATEGORIES

2.1.1.1 Intent

The Saddleback Heights Residential District (hereinafter "SH-R") is intended to allow residential development with a range of lot sizes, depending on topography and site constraints, as well as market conditions. This district includes five (5) development options ("Development Option"), which provide a range of residential lot sizes and establishes minimum property development standards. The "Development Options" include: Saddleback Residential Estate (SRE), Saddleback Very Low Density (SVLD), Saddleback Low Density (SLD), Saddleback Medium Density (SMD), and Saddleback Cottage (SC). The PC District further requires a mix of residential types within each Development Village to ensure a variety of lot sizes and housing products, see Table-1 on page 47 of this section. Certain essential and complementary uses are also permitted under conditions and standards that insure their compatibility with the character of the SH-R District. In addition, uses permitted in all Residential Land Use Categories may include residential and limited commercial development where deemed appropriate..

Limited Commercial Overlay (LCO)

The Limited Commercial Overlay areas are intended to provide an environment conducive to the establishment of professional offices, medical and legal services, and ancillary retail uses. Certain other types of uses are permitted under conditions and standards that ensure their compatibility with surrounding uses as well as nearby residential districts. The O-1 Districts provide for land use transition between more intensive commercial developments and the less intensive residential neighborhoods.

Limited commercial will consist of limited, convenience-oriented establishments that serve the surrounding neighborhood. Typical uses include supermarkets, bakeries, drugstores, video stores, and restaurants. Limited commercial should be restricted to areas that would provide services to the adjacent residential neighborhood, and it should not create a material increase in traffic beyond the design capacity of existing and planned infrastructure improvements. These sites shall not be larger than 25 acres nor have an a single tenant of greater than 75,000 sq.ft. These sites shall be located on eitheraminor arterial and collector intersection, or a collector to collector

intersection, or a minor arterial to minor arterial intersection. Secured linkages between the commercial and the adjacent neighborhood shall be provided to encourage access by pedestrians and via bicycles.

2.1.1.2 Permitted Principal Uses

a. One residential dwelling unit per lot pursuant to the Development Options set forth in Section 2.1.1.3.
Publicly or privately owned and maintained parks, recreation areas, paths, trails and recreation centers;

Public and privately owned golf courses, including clubhouses, maintenance facilities and other accessory uses;

d. Public and private schools, and day care facilities;

e. Religious institutions;

f. Detached guesthouses, including cooking and kitchen facilities;

g. Temporary Uses including sales/marketing facilities, model home complexes and related accessory uses;

h. Public and private utility uses and buildings, water pumping plants and storage tanks and electric substations; and

i. Public and municipal buildings providing cultural, educational, administrative, fire and police protection services.

j. Resort uses in conjunction with SH-RO District.

k. All Limited Commercial Overlay (LCO) Uses are governed by the O-1 Commercial Uses as setforth in Article 14-9-3 of the Peoria Zoning Ordinance.

2.1.1.3 Development Village Composition Matrix

One or more of the following Development Options shall be selected at the point of or prior to subdivision plat or site plan submittal. See **Section 2.1.1.10, Table-1** for Development Options minimum mix per Development Village and **Section**

2.1.1.11, Table-2 for a Development Standards Matrix.

a. <u>Saddleback Residential Estate (SRE) Option</u>: The SRE option is intended to promote very low density development. The minimum lot size produces a very low density of population. The cluster category allows residences to be sited on their respective lots in a way that prevents unnecessary disturbance while preserving significant open space and geographical features. The principal land use is detached single-family dwellings and uses incidental or accessory thereto, together with recreational and educational facilities.

SRE lots shall include: (1) Use of either building envelopes or graded lots; (2) harmonious color and material palette within a coordinated framework; and (3) multiple and/or single homebuilders.

i. SRE Conventional Category - Lot Development Standards

<u>Minimum lot area:</u> Each SRE Conventional lot shall have a minimum area of ten thousand–five hundred (10,500) square feet.

<u>Minimum width</u>: Seventy-five (75) feet. For the purpose of these amended standards, "lot width" shall be defined as the ability to inscribe a circle with a diameter equal to the minimum lot width within the property lines, except as allowed for flag lots, as noted below.

<u>Flag Lots</u>: A "flag lot" shall be defined as an irregularly shaped lot, a portion of which fronts on a private access way and is only usable for a driveway providing ingress and egress. All flag lots shall provide a minimum width in the buildable portion of the lot determined by inscribing a circle with a diameter of seventy-five (75) feet within the property lines. The minimum width of the area not contained within the main building area shall be twenty (20) feet, except that where two or more lots share a common driveway the minimum lot width shall be twelve (12) feet.

<u>Minimum front yard setback</u>: On residences with a front-

entry garage, there shall be a front yard with a depth of not less than twenty (20) feet, as measured from the face of the garage to the property line, and there shall be a front yard with a depth of not less than fifteen (15) feet, as measured from the front of the residence to the property line.

On residences with a side-entry garage, there shall be a front yard with a depth of not less than fifteen (15) feet, as measured from the front of the residence to the property line.

Minimum total side yard setback: Twenty (20) feet (No less than a minimum ten (10) feet on the least side shall be provided).

Minimum rear yard setback: Twenty (20) feet.

Maximum building height: Thirty (30) feet (except as provided in Section 14-3-8 of the Zoning Ordinance)

ii. SRE Cluster Category – Lot Development Standards

Parcel Area: Parcels developed under the SRE Cluster Category shall have an area of not less than five (5) acres.

Minimum lot area: None.

Minimum width: Forty-five (45) feet. For the purpose of these standards, "lot width" shall be defined as the ability to inscribe a circle with a diameter equal to the minimum lot width within the property lines, except as allowed for flag lots, as noted below.

Flag Lots: A "flag lot" shall be defined as an irregularly shaped lot, a portion of which fronts on a private access way and is only usable for a driveway providing ingress and egress. All flag lots shall provide a minimum width in the buildable portion of the lot determined by inscribing a circle with a diameter of forty-five (45) feet within the property lines. The minimum width of the area not contained within the main building area shall be twenty

(20) feet, except that where two or more lots share a common driveway the minimum lot width shall be twelve (12) feet.

Minimum front yard setback: On residences with a front-entry garage, there shall be a front yard with a depth of not less than twenty (20) feet, as measured from the face of the garage to the property line, and there shall be a front yard with a depth of not less than ten (10) feet, as measured from the front of the residence to the property line.

On residences with a side-entry garage, there shall be a front yard with a depth of not less than twelve (12) feet, as measured from the front of the residence to the property line.

Minimum total side yard setback: Eight (8) feet. (Zero (0) feet allowed on one side if the opposite side yard measures at least eight (8) feet).

Minimum rear yard setback: Fifteen (15) feet.

Maximum building height: Thirty (30) feet (except as provided in Section 14-3-8 of the Zoning Ordinance)

c. **Saddleback Low Density (SLD) Option:** The SLD option is intended to promote low density development. The minimum lot size produces a low density of population. The principal land use is detached single-family dwellings and uses incidental or accessory thereto, together with recreational and educational facilities.

SLD lots shall include: (1) A variety of floor plans; (2) multiple elevations; (3) harmonious color and material palette within a coordinated framework; and (4) multiple and/or single homebuilders.

i. SLD Conventional Category - Lot Development Standards

Minimum lot area: Each SLD Conventional lot shall have a minimum area of seven thousand –five hundred (7,500) square feet.

Minimum width: Sixty (60) feet. For the purpose of these standards, "lot width" shall be defined as the ability to inscribe a circle with a diameter equal to the minimum lot width within the property lines, except as allowed for flag lots, as noted below.

Flag Lots: A "flag lot" shall be defined as an irregularly shaped lot, a portion of which fronts on a private access way and is only usable for a driveway providing ingress and egress. All flag lots shall provide a minimum width in the buildable portion of the lot determined by inscribing a circle with a diameter of sixty (60) feet within the property lines. The minimum width of the area not contained within the main building area shall be twenty (20) feet, except that where two or more lots share a common driveway the minimum lot width shall be twelve (12) feet.

Minimum front yard setback: On residences with a front-entry garage, there shall be a front yard with a depth of not less than twenty (20) feet, as measured from the face of the garage to the property line, and there shall be a front yard with a depth of not less than ten (10) feet, as

measured from the front of the residence to the property line.

On residences with a side-entry garage, there shall be a front yard with a depth of not less than twelve (12) feet, as measured from the front of the residence to the property line.

Minimum total side yard setback: Aggregate, Ten (10) feet. (Zero (0) feet allowed on one side if the opposite side yard measures at least ten (10) feet).

Minimum rear yard setback: Twenty (20) feet.

Maximum building height: Thirty (30) feet (except as provided in Section 14-3-8 of the Zoning Ordinance)

ii. SLD Cluster Category – Lot Development Standards

Parcel Area: Parcels developed under the SLD Cluster Category shall have an area of not less than five (5) acres.

Minimum lot area: None.

Minimum width: Forty-five (45) feet. For the purpose of these standards, "lot width" shall be defined as the ability to inscribe a circle with a diameter equal to the minimum lot width within the property lines, except as allowed for flag lots, as noted below.

Flag Lots: A "flag lot" shall be defined as an irregularly shaped lot, a portion of which fronts on a private access way and is only usable for a driveway providing ingress and egress. All flag lots shall provide a minimum width in the buildable portion of the lot determined by inscribing a circle with a diameter of forty-five (45) feet within the property lines. The minimum width of the area not contained within the main building area shall be twenty (20) feet, unless that portion of the lot less than twenty (20) feet in width contains no driveways, buildings or swimming pools; except that where two or more lots share a common driveway the minimum lot width shall

be twelve (12) feet.

Minimum front yard setback: On residences with a front-entry garage, there shall be a front yard with a depth of not less than twenty (20) feet, as measured from the face of the garage to the property line, and there shall be a front yard with a depth of not less than ten (10) feet, as measured from the front of the residence to the property line.

On residences with a side-entry garage, there shall be a front yard with a depth of not less than twelve (12) feet, as measured from the front of the residence to the property line.

Minimum total side yard setback: Aggregate, Eight (8) feet. (Zero (0) feet allowed on one side if the opposite side yard measures at least eight (8) feet).

Minimum rear yard setback: Fifteen (15) feet.

Maximum building height: Thirty (30) feet (except as provided in Section 14-3-8 of the Zoning Ordinance)

iii. SLD Attached Dwelling Units Category – Lot Development Standards

Parcel area: Parcels containing attached dwelling units shall have an area of not less than five (5) acres.

Minimum lot area: Each lot shall have a minimum area of five thousand (5,000) square feet.

Minimum width: thirty-five (35) feet. For the purpose of these standards, "lot width" shall be defined as the ability to inscribe a circle with a diameter equal to the minimum lot width within the property lines, except as allowed for flag lots, as noted below.

Flag Lots: A "flag lot" shall be defined as an irregularly shaped lot, a portion of which fronts on a private access

way and is only usable for a driveway providing ingress and egress. All flag lots shall provide a minimum width in the buildable portion of the lot determined by inscribing a circle with a diameter of forty-five (45) feet within the property lines. The minimum width of the area not contained within the main building area shall be twenty (20) feet, unless that portion of the lot less than twenty (20) feet in width contains no driveways, buildings or swimming pools; except that where two or more lots share a common driveway the minimum lot width shall be twelve (12) feet.

Minimum front yard setback: There shall be a front yard with a depth of not less than twenty (20) feet, as measured from the face of the garage to the property line, and there shall be a front yard with a depth of not less than ten (10) feet, as measured from the front of the residence to the property line.

Side setback: All attached dwelling buildings shall be a minimum of fifteen (15) feet from the side parcel.

Minimum rear yard setback: Fifteen (15) feet.

Maximum building height: Thirty (30) feet (except as provided in Section 14-3-8 of the Zoning Ordinance)

d. Saddleback Medium Density (SMD) Option: The SMD option is intended to promote medium intensity detached and attached residential development. The minimum lot size produces a low density of population. The principal land use is detached and attached single-family dwellings and uses incidental or accessory thereto, together with recreational and educational facilities.

SMD lots shall include; (1) A variety of floor plans; (2) harmonious color and material palette within a coordinated framework; and (3) multiple and/or single home builders.

i. SMD Conventional Category - Lot Development Standards

Minimum lot area: Each SMD Conventional lot shall have

a minimum area of six thousand (6,000) square feet.

Minimum width: Fifty (50) feet. For the purpose of these standards, "lot width" shall be defined as the ability to inscribe a circle with a diameter equal to the minimum lot width within the property lines, except as allowed for flag lots, as noted below.

Flag Lots: A "flag lot" shall be defined as an irregularly shaped lot, a portion of which fronts on a private access way and is only usable for a driveway providing ingress and egress. All flag lots shall provide a minimum width in the buildable portion of the lot determined by inscribing a circle with a diameter of fifty (50) feet within the property lines. The minimum width of the area not contained within the main building area shall be twenty (20) feet, except that where two or more lots share a common driveway the minimum lot width shall be twelve (12) feet.

Minimum front yard setback: On residences with a front-entry garage, there shall be a front yard with a depth of not less than twenty (20) feet, as measured from the face of the garage to the property line, and there shall be a front yard with a depth of not less than ten (10) feet, as measured from the front of the residence to the property line.

On residences with a side-entry garage, there shall be a front yard with a depth of not less than twelve (12) feet, as measured from the front of the residence to the property line.

Minimum total side yard setback: Ten (10) feet. (Zero (0) feet allowed on one side if the opposite side yard measures at least ten (10) feet).

Minimum rear yard setback: Fifteen (15) feet.

Maximum building height: Thirty (30) feet (except as provided in Section 14-3-8 of the Zoning Ordinance)

ii. SMD Cluster Category – Lot Development Standards

Parcel Area: Parcels developed under the SMD Cluster Category shall have an area of not less than five (5) acres.

Minimum lot area: none.

Minimum width: Forty-five (45) feet. For the purpose of these standards, "lot width" shall be defined as the ability to inscribe a circle with a diameter equal to the minimum lot width within the property lines, except as allowed for flag lots, as noted below.

Flag Lots: A "flag lot" shall be defined as an irregularly shaped lot, a portion of which fronts on a private access way and is only usable for a driveway providing ingress and egress. All flag lots shall provide a minimum width in the buildable portion of the lot determined by inscribing a circle with a diameter of forty-five (45) feet within the property lines. The minimum width of the area not contained within the main building area shall be twenty (20) feet, except that where two or more lots share a common driveway the minimum lot width shall be twelve (12) feet.

Minimum front yard setback: On residences with a front-entry garage, there shall be a front yard with a depth of not less than twenty (20) feet, as measured from the face of the garage to the property line, and there shall be a front yard with a depth of not less than ten (10) feet, as measured from the front of the residence to the property line.

On residences with a side-entry garage, there shall be a front yard with a depth of not less than twelve (12) feet, as measured from the front of the residence to the property line.

Minimum total side yard setback: Eight (8) feet. (Zero (0) feet allowed on one side if the opposite side yard measures at least eight (8) feet).

Minimum rear yard setback: Fifteen (15) feet.

Maximum building height: Thirty (30) feet (except as provided in Section 14-3-8 of the Zoning Ordinance)

iii. SMD Attached Dwelling Units Category – Lot Development Standards

Parcel Area: Parcels containing attached dwelling units shall have an area of not less than five (5) acres.

Minimum lot area: Each lot shall have a minimum area of six thousand (6,000) square feet.

Minimum width: thirty-five (35) feet. For the purpose of these standards, "lot width" shall be defined as the ability to inscribe a circle with a diameter equal to the minimum lot width within the property lines, except as allowed for flag lots, as noted below.

Minimum front yard setback: There shall be a front yard with a depth of not less than twenty (20) feet, as measured from face of the garage to the property line, and there shall be a front yard with a depth of not less than ten (10) feet, as measured from the front of the residence to the property line.

Minimum total side yard setback: Eight (8) feet. (Zero (0) feet allowed on one side if the opposite side yard measures at least eight (8) feet).

Side setback: All attached dwelling buildings shall be a minimum of fifteen (15) feet from the side property lines.

Minimum rear yard setback: Fifteen (15) feet.

Maximum building height: Thirty (30) feet (except as provided in Section 14-3-8 of the Zoning Ordinance)

e. Saddleback Cottage (SC) Option: The SC option is intended to promote residential development on smaller lots as a mechanism to preserve significant open space and

geographic features. The principal land use is detached and attached single-family dwellings and uses incidental or accessory thereto, together with recreational and educational facilities.

SC lots shall include: (1) A variety of floor plans; (2) multiple elevations; (3) harmonious color and material palette within a coordinated framework; and (4) multiple and/or single home builders.

i. SC Conventional Category - Lot Development Standards

Minimum lot area: Each SC Conventional lot shall have a minimum area of four thousand five hundred (4,500) square feet.

Minimum width: Forty-five (45) feet. For the purpose of these standards, "lot width" shall be defined as the ability to inscribe a circle with a diameter equal to the minimum lot width within the property lines, except as allowed for flag lots, as noted below.

Flag Lots: A "flag lot" shall be defined as an irregularly shaped lot, a portion of which fronts on a private access way and is only usable for a driveway providing ingress and egress. All flag lots shall provide a minimum width in the buildable portion of the lot determined by inscribing a circle with a diameter of forty-five (45) feet within the property lines. The minimum width of the area not contained within the main building area shall be twenty (20) feet; except that where two or more lots share a common driveway the minimum lot width shall be twelve (12) feet.

Minimum front yard setback: On residences with a front-entry garage, there shall be a front yard with a depth of not less than twenty (20) feet, as measured from the face of the garage to the property line, and there shall be a front yard with a depth of not less than ten (10) feet, as measured from the front of the residence to the property line.

On residences with a side-entry garage, there shall be a front yard with a depth of not less than twelve (12) feet, as measured from the front of the residence to the property line.

Minimum total side yard setback: Eight (8) feet. (Zero (0) feet allowed on one side if the opposite side yard measures at least eight (8) feet).

Minimum rear yard setback: Fifteen (15) feet.

Maximum building height: Thirty (30) feet (except as provided in Section 14-3-8 of the Zoning Ordinance).

ii. SC Cluster Category – Lot Development Standards

Parcel Area: Parcels developed under the SC Cluster Category shall have an area of not less than five (5) acres.

Minimum lot area: None.

Minimum width: Thirty-five (35) feet. For the purpose of these standards, "lot width" shall be defined as the ability to inscribe a circle with a diameter equal to the minimum lot width within the property lines, except as allowed for flag lots, as noted below.

Flag Lots: A "flag lot" shall be defined as an irregularly shaped lot, a portion of which fronts on a private access way and is only usable for a driveway providing ingress and egress. All flag lots shall provide a minimum width in the buildable portion of the lot determined by inscribing a circle with a diameter of forty-five (45) feet within the property lines. The minimum width of the area not contained within the main building area shall be twenty (20) feet; except that where two or more lots share a common driveway the minimum lot width shall be twelve (12) feet.

Minimum front yard setback: On residences with a front-entry garage, there shall be a front yard with a depth of not less than twenty (20) feet, as measured from the face of the garage to the property line, and there shall be a front yard with a depth of not less than ten (10) feet, as measured from the front of the residence to the property line.

On residences with a side-entry garage, there shall be a front yard with a depth of not less than twelve (12) feet, as measured from the front of the residence to the property line.

Minimum total side yard setback: Eight (8) feet. (Zero (0) feet allowed on one side if the opposite side yard measures at least eight (8) feet).

Minimum rear yard setback: Fifteen (15) feet.

iii. SC Attached Dwelling Units Category – Lot Development Standards

Parcel Area: Parcels containing attached dwelling units shall have an area of not less than five (5) acres.

Minimum lot area: Each attached lot shall have a minimum area of four thousand five hundred (4,500) square feet.

Minimum width: Thirty-five (35) feet. For the purpose of these standards, "lot width" shall be defined as the ability to inscribe a circle with a diameter equal to the minimum lot width within the property lines, except as allowed for flag lots, as noted below.

Minimum front yard setback: There shall be a front yard with a depth of not less than twenty (20) feet, as measured from the face of the garage to the property line, and there shall be a front yard with a depth of not

less than ten (10) feet, as measured from front of the residence to the property line.

Side setback: All attached dwelling buildings shall be a minimum of fifteen (15) feet from the side property lines.

Minimum rear yard setback: Fifteen (15) feet.

Maximum building height: Thirty (30) feet (except as provided in Section 14-3-8 of the Zoning Ordinance)

2.1.1.4 Permitted Conditional Uses

Any of the permitted conditional uses set forth in the Zoning Ordinance Article 14-5-, subject to approval by the Commission in accordance with the provisions the Zoning Ordinance as well as cell towers as outlined in Article 14-3

2.1.1.5 Permitted Accessory Uses

Any of the permitted accessory uses set forth in Article 14-5- of the Zoning Ordinance.

2.1.1.6 Development Standards for Conditionally Permitted Uses

See Section 14-5-6 of the Zoning Ordinance.

2.1.1.7 Administrative Relief from Certain Property Development Standards (Article 14-39-15)

See Article14-39-15 of the Zoning Ordinance.

2.1.1.8 Property Development Standards for Accessory Buildings

See Article14-5-8 of the Zoning Ordinance.

2.1.1.9 Property Lot Coverage Standards.

All lot coverage for residential lots will be determined by area defined with the required building setbacks.

2.1.1.10 Saddleback Height Residential (SH-R) Development Village Composition Matrix.

SADDLEBACK HEIGHTS RESIDENTIAL DEVELOPMENT VILLAGE COMPOSITION MATRIX TABLE 1				
LAND USE CATEGORY	**DEVELOPMENT VILLAGE 'A' PERCENT DEVELOPABLE**	**DEVELOPMENT VILLAGE 'B' PERCENT DEVELOPABLE ACRES**	**DEVELOPMENT VILLAGE 'C' PERCENT DEVELOPABLE ACRES**	**DEVELOPMENT VILLAGE 'D' PERCENT DEVELOPABLE ACRES**
COTTAGE (SC)	50% Maximum	50% Maximum	50% Maximum	50% Maximum
MEDIUM DENSITY (SMD)	60% Maximum	60% Maximum	90% Maximum	60% Maximum
LOW DENSITY (SLD)	60% Maximum	60% Maximum	60% Maximum	60% Maximum
RESIDENTIAL ESTATE (SRE)	No Threshold	No Threshold	No Threshold	No Threshold

2.1.1.11 Saddleback Heights Residential (SH-R) Development Standards Matrix (Table –2).

TABLE - 2	SADDLEBACK RESIDENTIAL ESTATE (SRE)		SADDLEBACK LOW DENSITY (SLD)			SADDLEBACK MEDIUM DENSITY (SMD)			SADDLEBACK COTTAGE (SC)		
ZONING DISTRICT	Saddleback Residential Estate Conventional	Saddleback Residential Estate (Cluster Option)	Saddleback Residential Low Density Conventional	Saddleback Residential Low Density (Cluster Option)	Saddleback Residential Low Density (Attached)	Saddleback Residential Medium Density Conventional	Saddleback Residential Medium Density (Cluster Option)	Saddleback Residential Medium Density (Attached)	Saddleback Residential Cottage Conventional	Saddleback Residential Cottage (Cluster)	Saddleback Residential Cottage (Attached)
Min. Parcel Size	-	5 Acres	-	5 Acres	5 Acres	-	5 Acres	5 Acres	-	5 Acres	5 Acres
Min. Lot Size (sq. ft.)	10,500	-	7,500	-	5,500	6,000	-	6,000	4,500	-	4,500
Min. Lot Width	75’	45’	60’	45’	35’	50’	45’	35’	45’	35’	35’
Min. Flag Lot Width	20’, 12’ with shared driveway	20’, 12’ with shared driveway	20’, 12’ with shared driveway	20’, 12’ with shared driveway	20’, 12’ with shared driveway	20’, 12’ with shared driveway	20’, 12’ with shared driveway	-	20’, 12’ with shared driveway	20’, 12’ with shared driveway	-
Min. Front Yard Setback	20’ to Face of Garage 15’ to building 15’ to garage if side entry	20’ to Face of Garage 10’ to building 12’ to garage if side entry	20’ to Face of Garage 10’ to building 12’ to garage if side entry	20’ to Face of Garage 10’ to building 12’ to garage if side entry	20’ to Face of Garage 10’ to building 12’ to garage if side entry	20’ to Face of Garage 10’ to building 12’ to garage if side entry	20’ to Face of Garage 10’ to building 12’ to garage if side entry	20’ to Face of Garage 10’ to building 12’ to garage if side entry	20’ to Face of Garage 10’ to building 12’ to garage if side entry	20’ to Face of Garage 10’ to building 12’ to garage if side entry	20’ to Face of Garage 10’ to building
Side Yard Setback	20’ Aggregate, 10’ min. on least side yard.	8’ Aggregate, 0’ allowed on one side with 8’ min. on opposite side yard.	10’ Aggregate, 0’ allowed on one side with 10’ min. on opposite side yard.	8’ Aggregate, 0’ allowed on one side with 8’ min. on opposite side yard.	15’ min. side yard.	10’ Aggregate, 0’ allowed on one side with 10’ min. on opposite side yard.	8’ Aggregate, 0’ allowed on one side with 8’ min. on opposite side yard.	8’ Aggregate, 0’ allowed on one side with 8’ min. on opposite side yard.	8’ Aggregate, 0’ allowed on one side with 8’ min. on opposite side yard.	8’ Aggregate, 0’ allowed on one side with 8’ min. on opposite side yard.	-
Rear Yard Setback	20’	15’	20’	15’	15’	15’	15’	15’	15’	15’	15’
Maximum Height *	30’	30’	30’	30’	30’	30’	30’	30’	30’	30’	30’

(* Except as provided in Section 14-3-8 of the Zoning Ordinance)

SEE SECTION 2.1.14 EXHIBIT I-1 THOUGH I-4 FOR CONCEPTUAL PRODUCT EXAMPLES

2.1.2 SADDLEBACK RESORT OVERLAY DISTRICT

2.1.2.1 Intent

The Saddleback Heights Resort Overlay District (hereinafter "SH-RO") is intended to allow a high quality, destination oriented resort and accessory uses. The resort(s) shall be designed and developed to fit into the unique and special environs of the Saddleback Property. The "SH-RO" District shall be a supplemental zoning district applying to the area shown as part of the Resort Overlay areas within Saddleback Heights as shown on the **Zoning Map Exhibit F Section 2.1.11**. Development within the "SH-RO" District shall be limited to a maximum of eight hundred (800) resort or hotel rooms in addition to the permitted uses set forth in **Section 2.1.1.2**. All permitted uses listed may only be developed as part of the development of the resort facility(s) and may not be developed as "stand alone" uses. Proposed uses are to complement the resort use and are not permitted until the resort has been approved.

2.1.2.2 Permitted Principal Uses

a. Resort (and all associated facilities including but not limited to meeting facilities, spa, tennis and golf uses);

b. Hotel (and all associated facilities including but not limited to meeting facilities, spa, tennis and golf uses);

c. Retail stores;

d. Restaurants and bars*
   i. The exterior building wall shall not be located within one-thousand (1000) feet of the property lines of a state designated Local Alcohol Reception Center.
   ii. The exterior building walls of the use shall be located at least two-hundred (200) feet from a residentially zoned property.
   iii. Through the Conditional Use Permit (CUP) process, the conditions considered for imposition by the Planning and

Zoning Commission may include, but are not limited to, a restriction on operating hours, additional screening, relocation of any outdoor patio areas, live entertainment standards, noise and visual mitigation, and other measures appropriate to the relevant circumstances;

e. Outdoor recreational activities including, but not limited to, dining, entertainment, horseback riding, swimming, tennis, volleyball, exercise and similar recreational activities;

f. Timeshare or interval ownership residential units.
(Note: Separation requirements from Single Family Residential Districts, Schools and Religious Institutions are required per the Zoning Ordinance)

2.1.2.3 Permitted Conditional Uses

Same as SH-R District.

2.1.2.4 Permitted Accessory Uses

Same as SH-R District.

2.1.2.5 Property Development Standards for Residential Uses

Same as SH-R District.

2.1.2.6 Property Development Standards for Residential Accessory Buildings

Same as SH-R District.

2.1.2.7 Property Development Standards for Non-Residential Uses

Maximum Building Height: No building shall exceed forty-eight (48) feet or four (4) stories, sixty (60) feet or five (5) stories with approval by the Planning and Zoning Commission. The thirty (30) feet that is outlined in the Hillside Ordinance works well for residential homes, but may hinder commercial development. Building "up" not "out" is a more sensitive approach to

development, as it creates less overall disturbance. Under the non-residential uses, no building will be allowed to break adjacent prominent ridgeline profiles and, due to the mountain backdrop and rolling topography, a four-story building can be sensitively sited to fit with the character of the site.

2.1.3 COMMUNITY COMMERCIAL DISTRICT (C-2)

All C-2 zoned property within Saddleback Heights shall conform to the provisions of Article 14-9 of the Zoning Ordinance. Community Commercial denotes areas where the most intensive types of commercial employment development may take place. The commercial areas are intended to develop as the major commercial and service activity centers of the community.

Community Commercial areas should be located such that access will be provided by arterial roadways. Developments within these areas should be designed to be architecturally compatible with the residential components of the development. A full complement of services is contemplated within the Community Commercial areas, including but without limitation, grocery stores, drug stores, retail sales of apparel and accessories, sporting goods, theaters, bookstores, employment, medical etc.

Limited commercial will consist of limited, convenience-oriented establishments that serve the surrounding neighborhoods. Typical uses include supermarkets, bakeries, drugstores, video stores, and restaurants. Secured linkages between the neighborhood and the adjacent neighborhood should be provided to encourage access by pedestrians and via bicycles.

2.1.4 TOWN CENTER OVERLAY

2.1.4.1 Intent

The Saddleback Heights Town Center Overlay District (hereinafter "SH-TCO") is intended to provide a focal point for the community. The Town Center will reflect the high quality

enclave nature of the development by providing the opportunity for service and retail sales to meet the day to day needs of the residents and guests of Saddleback Heights, as well as, provide for professional offices, entertainment opportunities, and residential uses. Residential uses shall be encouraged to integrate with the retail, entertainment and office opportunities to create a cohesive living environment that takes advantage of daytime and nighttime activities. The Town Center shall be designed and developed to fit into the unique setting of Saddleback Heights. The "SH-TCO" District shall be a supplemental zoning district over portions of the residential zoned area of the within Saddleback as outlined in the **Zoning Map Exhibit F Section 2.1.11**.

2.1.4.2 Permitted Principal Uses

Note: For the purpose of this PCD, typical mitigation techniques for separation, sound proofing and other requirements for uses listed below will be required as described under conditional uses for each use in the Zoning Ordinance. A Conditional Use Permit(CUP) will be required for any outdoor dining if located within 300' of a residential use.

a. Hospital for animals including grooming, boarding and lodging with a NRTL listed 45-49 dB STC sound mitigation wall for sound proofing.
    i. Veterinarian and grooming services shall be restricted to the care and treatment of small animals during regular business hours.
    ii. The commercial breeding of animals shall be prohibited. (Ord. No. 06-16)
    iii. All activities shall be completely contained within enclosed buildings; the building shall be designed and constructed to achieve a Sound Transmission Control Value of 50 or greater.

iv. All refuse shall be stored within a completely enclosed building.

v. Outdoor runs or exercise pens shall be prohibited.

vi. Overnight boarding services for household pets may be operated as an accessory use, provided no more than twenty-five percent (25%) of the total square footage of the establishment may be used as sleeping quarters for the boarded pets; and the area shall be constructed, maintained or operated so that the smell of the boarded animals does not create a nuisance off-site. (Ord. No. 06-16)

vii. Veterinary Hospitals shall have no outdoor runs, pens or enclosures.

viii. Veterinary Hospitals shall not be located closer than one hundred (100) feet to any street, residential district or existing restaurant, hotel or motel.

ix. Veterinary Offices and Clinics (excluding animal boarding) shall be subject to all of the following additional requirements:

x. Clinic activities shall be restricted to the medical care and treatment of small animals during regular office hours. The confinement of such animals on the premises shall be limited to essential and occasional overnight care.

b. Municipal Uses.

c. Studios for professional work or teaching of any form of commercial or fine arts. (All fabrication is conditional upon a use permit that addresses any nuisances, health, safety or welfare issues related to this use)

d. Retail stores.

e. Restaurants and bars.

f. Outdoor recreational activities including, but not limited to, dining, entertainment, amphitheater and similar recreational activities.

g. Residential uses that are physically integrated with the commercial establishments or within an integrated site plan.
h. Movie theaters.
i. Specialty Retail including but not limited to:
   i. Antique store.
   ii. Art Gallery.
   iii. Bicycle store.
   iv. Book store.
   v. Camera store.
   vi. Clothing store.
   vii. Electronic equipment store.
   viii. Florist.
   ix. Gift shop.
   x. Hobby or toy store.
   xi. Import store.
   xii. Jewelry store.
   xiii. Music store.
   xiv. Pet shop.
   xv. Small appliance store.
   xvi. Sporting goods store.
   xvii. Stationery Store.
   xviii. Swimming pool supply store.
j. Banks.
k. Theater for performing arts.
l. Travel agency.
m. Gasoline service stations-per Article 14-9.
n. Community buildings and recreational facilities not publicly owned.

2.1.4.3 Permitted Conditional Uses

a. Day Nursery or pre-school.
b. Internalized community storage (with a two-story Maximum, above ground).

2.1.4.4 Permitted Accessory Uses

Permitted accessory uses within the SH-TCO shall be the same as allowed in the SH-R District.

2.1.4.5 Property Development Standards for Non-Residential Uses

a. Minimum lot size and lot coverage shall be determined by the aggregate of buildings, required yards, off-street parking, and loading space and any other specific requirements applicable to the permitted use.
b. Minimum lot width twenty (20) feet.
c. Minimum lot depth forty (40) feet.
d. Minimum front setback zero (0) feet back of sidewalk or five (5) feet back of curb.
e. Minimum side yard setback of zero (0) feet. If a setback is provided, it must be a minimum of 5'.
f. Minimum rear setback 15' from property line.

2.1.4.6 Property Development Standards for Residential Uses

The development standards for residential uses within the SH-TCO are intended to be multi-family, attached and single-family residential uses that are integrated with the commercial and retail uses of the Town Center. Residential uses shall be permitted above, below or beside non-residential uses to create true integration of the residential uses with non-residential uses. This will create the opportunity for vertical and horizontal integration of residential uses. In the event of a conflict between the development standards contained in §14-6 of the Zoning Ordinance and the SH-TCO development option, the development standards contained in the SH-TCO shall control.

a. Minimum lot size 4,500 square feet.
b. Minimum lot width twenty (20) feet.
c. Minimum lot depth forty (40) feet.
d. Maximum Height 4 stories or 48'.
e. Maximum lot coverage seventy-five (75) percent.
f. Minimum front setback zero (0) feet back of sidewalk or five (5) feet back of curb.
g. Minimum side yard setback of zero (0) feet. If a setback is provided it must be a minimum of 5'.

h. In addition to residential uses and criteria set forth in SH-R District residential dwellings may also be integrated above, below or beside non-residential uses.
i. Minimum Open Space (may include setbacks), of 15% of the net parcel size for the first 3 stories or 40' and an additional 5% for each additional story.
j. Above uses such as, office, retail, service, and entertainment uses.
k. Parking shall be provided at two (2) off street parking space per dwelling unit.
l. Minimum rear setback 15' from property line.

2.1.4.7 Property Development Standards for Residential Accessory Buildings

The development standards for residential accessory buildings shall be the same as those set forth in Article 14-5.

2.1.4.8 General Property Development Standards

Maximum Building Height: No building shall exceed seventy-four (74) feet or six (6) stories. Under the non-residential uses, no building will be allowed to break adjacent prominent ridgeline profiles and due to the mountain back drop and rolling topography a four-story building can be sensitively sited to protect views and fit with the character of the site.

2.1.5 MIXED USE DEVELOPMENT DISTRICT

2.1.5.1 Intent

The Saddleback Heights Mixed Use District (hereinafter "SH-MU") is intended to provide a variety of community and regional uses in one geographic area located at significant intersections that will allow both access and viability for the uses. Residential uses shall be permitted above, below or beside non-residential uses to create true integration of the residential uses with non-residential uses. This will create the opportunity for vertical and horizontal integration of residential uses. The mixed-use area will provide the opportunity for service and retail sales, office, employment, entertainment, parks and recreation, as well as, multi-family residential housing.

2.1.5.2 Permitted Principal Uses

a. Hospitals and Medical Offices
b. Employment
c. Hospital for animals including grooming, boarding and lodging.
d. Municipal Uses.
e. Studios for professional work or teaching of any form of commercial of fine arts.
f. Retail stores.
g. Restaurants and bars.
h. Outdoor recreational activities including, but not limited to, dining, entertainment, amphitheater and similar recreational activities.
i. Residential uses that are physically integrated with the commercial establishments.
j. Movie theaters.
k. Gasoline Service Stations per Article 14-9.
l. Specialty Retail including but not limited to:
m. Antique store.
    i. Art Gallery.
    ii. Bicycle store.

iii. Bookstore.
iv. Barber shop
v. Camera store.
vi. Clothing store.
vii. Electronic equipment store.
viii. Florist.
ix. Gift shop.
x. Hobby or toy store.
xi. Import store.
xii. Jewelry store.
xiii. Music store.
xiv. Pet shop.
xv. Small appliance store.
xvi. Sporting goods store.
xvii. Stationery Store.
xviii. Swimming pool supply store.

n. Banks.
o. Theater for performing arts.
p. Travel agency.
q. Daycare facilities, pre-school.
r. Churches.
s. Community Colleges.
t. Educational Campus.
u. Community buildings and recreational facilities not publicly owned.
v. Hospital (Medical)
w. Employment

2.1.5.3 Permitted Conditional Uses (Per Article 14-9)

a. Manufacturing.
b. Wireless communication facilities.
c. Research facilities.
d. Mortuary.
e. Automobile, body shops.
f. Automobile, Sales (new & used).
g. Automobile, service shop.

2.1.5.4 Permitted Accessory Uses

Permitted accessory uses shall be the same as allowed in the SH-R District.

2.1.5.5 Property Development Standards for Non-Residential in Uses Per C-2 Development Standards outlined in Article 14-09 of the Zoning Ordinance

2.1.5.6 Property Development Standards for Residential Uses (Including townhomes, cluster, auto or green court clusters, Row homes, 4-8 plex and duplex units),

a. Minimum lot size 4,500 square feet.
b. Minimum lot width twenty (20) feet.
c. Minimum lot depth forty (40) feet.
d. Maximum Height four (4) stories or forty-eight (48) feet.
e. Maximum lot coverage seventy-five (75) percent.
f. Minimum front setback zero (0) feet back of sidewalk or five (5) feet back of curb.
g. Minimum side yard setback of zero (0) feet. If a setback is provided, it must be a minimum of five (5) feet.
h. In addition to residential uses and criteria set forth in SH-R District, residential dwellings may also be integrated on above, below or beside non-residential uses.
i. Minimum Open Space (may include setbacks) of 15% of the net parcel size for the first 3 stories or forty (40) feet and an additional 5% for each additional story.
j. Above uses such as, office, retail, service, and entertainment uses.
k. Parking shall be provided at two (2) off-street parking space per dwelling unit.
l. Minimum rear setback 15' from property line.

2.1.5.7 Property Development Standards for Residential Accessory Buildings

Same as those set forth in Section 14-6 of the Zoning Ordinance and those outlined in SH-R District.

2.1.5.8 General Property Development Standards

Maximum Building Height: No building shall exceed seventy-four (74) feet approval by the Planning and Zoning Commission through the CUP Process outlined in Article 14-09.. Under the non-residential uses, no building will be allowed to break adjacent prominent ridgeline profiles and due to the mountain back drop and rolling topography a four-story building can be sensitively sited to protect views and fit with the character of the site.

2.1.6 MIXED USE BUSINESS PARK OVERLAY

2.1.6.1 Intent

The Saddleback Heights Business Park Overlay (hereinafter "SH-MU-BPO") is intended to provide variety of large and small employers and office parks in one geographic area located at the southeast corner of the intersection of 143rd Avenue (Bullard) and State Route 74 that will allow both access and viability for the uses. The uses will generally consist of offices, research and development; light manufacturing supported by ancillary uses (to the larger business park area) that could include hotels, eating and retail establishments. The uses may vary in intensity. Residential uses shall be permitted above, below or beside non-residential uses to create true integration of the residential uses with non-residential uses. This will create the opportunity for vertical and horizontal integration of residential uses. The mixed-use business park overlay area will provide the opportunity for service and retail sales, office, employment, entertainment, parks and recreation, as well as, multi-family residential housing.

2.1.6.2 Permitted Principal Uses

a. Hospital and Medical Offices
b. Professional Office and administrative buildings
c. Hospital for animals including grooming, boarding and lodging.

d. Municipal Uses.
e. Studios for professional work or teaching of any form of commercial of fine arts.
f. Retail stores.
g. Restaurants and bars.
h. Outdoor recreational activities including, but not limited to, dining, entertainment, amphitheater and similar recreational activities.
i. Residential uses that are physically integrated with the commercial establishments.
j. Movie theaters.
k. Gasoline Service Stations with CUP per Article 14-09.
l. Specialty Retail including but not limited to:
m. Antique store.
    i. Art Gallery.
    ii. Bicycle store.
    iii. Bookstore.
    iv. Barber shop
    v. Camera store.
    vi. Clothing store.
    vii. Electronic equipment store.
    viii. Florist.
    ix. Gift shop.
    x. Hobby or toy store.
    xi. Import store.
    xii. Jewelry store.
    xiii. Music store.
    xiv. Pet shop.
    xv. Small appliance store.
    xvi. Sporting goods store.
    xvii. Stationery Store.
    xviii. Swimming pool supply store.
n. Banks.
o. Theater for performing arts.
p. Travel agency.

q. Daycare facilities, pre-school.
r. Churches.
s. Community Colleges.
t. Educational Campus.
u. Community buildings and recreational facilities not publicly owned.

2.1.6.3 Permitted Conditional Uses as outlined in Article 14-09.

a. Wireless communication facilities, per Article 14-3, unless integrated into existing architecture

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2.1.6.4 Permitted Accessory Uses

Permitted accessory uses shall be the same as allowed in the SH-R District.

2.1.6.5 Property Development Standards for Non-Residential Uses

a. Minimum lot size and lot coverage shall be determined by the aggregate of buildings, required yards, off-street parking, and loading space and any other specific requirements applicable to the permitted use.
b. Minimum lot width twenty (20) feet.
c. Minimum lot depth forty (40) feet.
d. Minimum front setback zero (0) feet back of sidewalk or five (5) feet back of curb.
e. Minimum side yard setback of zero (0) feet. If a setback is provided, it must be a minimum of 5'.
f. Minimum rear setback 15' from property line.

2.1.6.6 Property Development Standards for Residential Uses

a. Minimum lot size 4,500 square feet.
b. Minimum lot width twenty (20) feet.
c. Minimum lot depth forty (40) feet.
d. Maximum Height four (4) stories or forty-eight (48) feet.
e. Maximum lot coverage seventy-five (75) percent.

f. Minimum front setback zero (0) feet back of sidewalk or five (5) feet back of curb.
g. Minimum side yard setback of zero (0) feet. If a setback is provided, it must be a minimum of five (5) feet.
h. In addition to residential uses and criteria set forth in SH-R District, residential dwellings may also be integrated on above, below or beside non-residential uses.
i. Minimum Open Space (may include setbacks) of 15% of the net parcel size for the first 3 stories or forty (40) feet and an additional 5% for each additional story.
j. Above uses such as, office, retail, service, and entertainment uses.
k. Parking shall be provided at two (2) off-street parking space per dwelling unit.
l. Minimum rear setback 15' from property line.

2.1.6.7 Property Development Standards for Residential Accessory Buildings

Same as those set forth in Section 14-5 of the Zoning Ordinance and those outlined in SH-R District.

2.1.6.8 General Property Development Standards

Maximum Building Height: No building shall exceed seventy-four (74) feet. The thirty (30) feet that is outlined in the Hillside Ordinance works well for residential homes, however that height may hinder commercial development.. Under the non-residential uses, no building will be allowed to break adjacent prominent ridgeline profiles and due to the mountain back drop and rolling topography a four-story building can be sensitively sited to protect views and fit with the character of the site.

ARTICLE 14-22A
SADDLEBACK HEIGHTS HILLSIDE DEVELOPMENT OVERLAY DISTRICT

(Based Upon Revised Ord. No. 04-201)

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SECTION 14-22A-1 INTENT (Ord. No. 99-105)

A. It is the purpose of this Article is to establish regulations which recognize that development of land in hilly or mountainous areas involves special considerations and unique situations which result from the slope of the land. These special considerations and unique situations include but are not limited to increased hazards to development from rock falls, storm water runoff, geologic hazards, increased limitations on vehicular travel, and increased difficulties in providing public services. In addition, steeply sloped lands introduce design limitations to roadways, cuts and fills, and building sites. In general, the more steeply the land slopes, the greater the hazard and development limitation.

The Saddleback Hillside Development Overlay District shall apply to all parcels within the PCD, (**See Zoning Map Exhibit F**), less than five (5) gross acres in size which have over fifty percent (50%) of the gross area of the parcel having a slope of ten percent (10%) or greater. For those parcels not having fifty percent (50%) or greater of the gross parcel area within a Hillside Development Area or those parcels in excess of five (5) gross acres in size, the requirements of the “Saddleback Hillside Development Overlay District” shall be applied only to that portion of

the lot containing slopes of ten percent (10%) or greater. Where multiple slope categories (as defined below) exist within a parcel, requirements for the category that is found to be in the largest quantity shall apply to the applicable hillside area(s). Commercial, Office, Industrial and Resort Developments within the PCD shall comply with all applicable provisions of the Saddleback Hillside Development Overlay District. There may be instances where custom lots are within a development parcel that have met some or all of the provisions of this Hillside Development Overlay. In those instances, custom lots shall not be subject to those provisions that have already been met at the development parcel level. All other provisions that have not been met shall apply. The provisions of this Article may not be modified, except as expressly provided within this Article.

B. Conservation features identified in Article 14-22B, as amended herein, shall be preserved in accordance with that Article.

SECTION 14-22A-2 DENSITY AND SLOPE CATEGORIES

A. The maximum number of residential lots or units permitted within hillside development areas shall determined via the underlying zoning, as set forth in **Table 14-22A-2 – Density Allocation**, which identifies permitted densities per slope/landform Category.

The following slope categories are based on landform characteristics and the ability for development to occur in these areas. Landforms of less than 10% are identified as Flatlands and are not subject to these Hillside regulations. Landforms having slopes over 10% up to 15% are identified as Lower Transitional Lands. Landforms containing slopes over 15% up to 25% are identified as Upper Transitional Lands. Areas with slopes over 25% are identified as “Uplands”. Within the Uplands~~,~~ are areas with slopes that are extremely rugged in terrain, offer very limited development opportunities, and/or contain land features specific upon themselves. **(See Figure the Conceptual Landform & Open Space Designation Plan Exhibit K)**. Each landform category contains specific development parameters that will serve as tool for the Developer and the City during the development process.

TABLE – 14-22A-2
DENSITY ALLOCATION

Slope of Land	Maximum Number of Lots Per Gross Acre
10% to 15% (Lower Transitional)	Per Land Use Category (See Table 1 within PCD)
Over 15% to 25% (Upper Transitional)	Per Land Use Category (See Table 1 within PCD)
Over 25% (Uplands)	Per Land Use Category (See Table 1 within PCD)

B. The transfer of density within a Hillside Development Area shall not be an assumed right and in no case shall a transfer of density occur without the approval of the Planning Manager according to the criteria set forth in the PCD. Approvals of a density transfer shall only be made upon a finding that the proposed transfer will not be detrimental to the intent of the Saddleback Hillside Development Overlay District and will advance the City's interests in protecting a Hillside Development Area.

SECTION 14-22A-3 SLOPE DETERMINATION

A. Slope Category Determination Study shall be required by the Community Development Department prior to the initiation of any Site Disturbance Activities for all land located within the PCD and shall be prepared pursuant to the requirements of this Section. (Ord. No. 05-44)

B. A property owner subject to Subsection A above shall prepare a Slope Category Determination Study utilizing one of the two methodologies outlined in this Article. A property owner or authorized agent shall submit to the Planning Manager a Slope Category Determination Study pursuant to this Section, or request for a waiver from such, as follows:

1. Simultaneously with a rezoning application;

2. If a rezoning action is not required, simultaneously with a preliminary plat or site plan; or

3. If a rezoning, plat, site plan, or minor land division is not required, prior to the issuance of any building permit or site grading permit.

C. Applicants seeking a waiver from the provisions of this Section may request a waiver of the requirements for a Slope Category Determination Study to the Planning Manager. A written waiver request shall be submitted to the Planning Manager with an explanation of why a waiver is warranted and shall include such supporting materials as site photographs, site specific topography information and all other such information which may provide information on the request. The Planning Manager may approve or deny an application as submitted or may request additional information if necessary. It shall be the sole burden of the applicant requesting such a waiver to show that the subject property does not qualify as a Hillside Development Area under this Article. The Planning Manager may grant the requested waiver upon a finding that reasonable evidence exists that the subject site does not contain potential slope area that would qualify as a Hillside Development Area. Appeals from the Planning Manager decision pursuant to this paragraph may be appealed to the Administrative Hillside Hearing Officer subject to the provisions of Section 14-22A-13.

D. Applicants may prepare a Slope Category Determination Study utilizing a methodology differing from those outlined in this Article, if acceptable to the Planning Manager. Applicants seeking to utilize an alternative methodology shall provide both a written explanation of the proposed alternative methodology and a graphical example of its use. If, upon review of the proposed alternative Slope Category Determination Study by the Planning Manager, the slope analysis is not acceptable, the applicant shall utilize one of the adopted methodologies contained herein. Appeals from the Planning Manager decision pursuant to this paragraph may be appealed to the Administrative Hillside Hearing Officer subject to the provisions of Article 14-39 of the Zoning Ordinance. (Ord. No. 05-44)

E. To determine parcel density and the location and extent of slope categories, carry out one of the following procedures:

1. *Manual Slope Determination Method:*

   a. Utilize a topographic map at a scale of two hundred (200) feet or less to the inch and with contours shown at two (2) foot intervals. Applicant may utilize maps containing contours at five (5) foot intervals for grades of more than twenty percent (20%). All contour lines shall be extended onto adjacent properties to a distance that establishes the overall slope of the land but in no case shall they be extended less than fifty (50) feet onto the adjacent properties.

   b. The Hillside Development Area shall commence at the midpoint of the one hundred (100) foot horizontal dimensions used to determine the slope as illustrated by Figure 1, attached hereto and by this reference made a part hereof. The one hundred (100) foot slope determination lines shall be located perpendicular to the site or property contour bands. Those properties containing multiple slope planes should provide slope information for all such planes.

   c. To determine those locations where slopes of ten percent (10%), fifteen percent (15%), twenty percent (20%), twenty-five percent (25%), thirty percent (30%), and thirty-five percent (35%) begin by the application of one hundred (100) foot straight lines that fall within each category. The one hundred (100) foot slope determination lines shall be

extended onto adjacent properties to a distance that establishes the overall slope of the land but in no case shall they be extended less than fifty (50) feet onto the adjacent properties.

d. Connect the midpoints of each series of one hundred (100) foot lines of the same slope category to establish the limits of that slope category.

e. Measure the areas resulting between each series of straight lines to determine the areas in each slope category.

2. *Computer Generated Slope Determination Method:*

a. Utilize digital topographic information with contours shown at a maximum of two (2) foot intervals, except as established herein. Areas known or shown to contain slopes of more than twenty percent (20%) may utilize digital topographic information with contours shown at five (5) foot intervals.

b. Utilizing a slope generating software application, slope categories shall be determined utilizing the slope categories established in Section 14-22A-2 of this Section.

c. Computer generated slope analyses shall be prepared utilizing the following modeling parameters:

i) Maximum two (2) foot slope contour intervals for slopes less than twenty percent (20%);

ii) Maximum five (5) foot slope contour intervals for slopes more than twenty percent (20%);

iii) The slope analysis shall utilize the above noted slope contour interval through the modeling basis of grid evaluation to determine slope facets or contours;

iv) The analysis shall utilize a twenty-five (25) foot grid system.

d. All data generated through the use of a computer generated slope determination shall be presented in both chart and graphical formats. The presentation of all graphical slope information shall be presented in a clear and easily understandable format.

e. The final map shall be plotted at 1” = 200’ and submitted to the Planning Manager for review. If the Planning Manager finds the analysis acceptable, the final slope determination map shall be approved. The Planning Manager may reject the analysis and require correction(s) to the digitized slope category lines to more accurately reflect the generalized slope conditions of the property or other revisions necessary to ensure compliance with this Article. Appeals from the decision of the Planning Manager may be filed for disposition by the Administrative Hillside Hearing Officer pursuant to Article 14-39 of the Zoning Ordinance. (Ord. No. 05-44)

3. *The Final Slope Category Map* resulting from either Section 14-22A-3.E.1 or Section 14-22A-3.E.2 shall be utilized in determining allowable densities, lot area, lot disturbance and lot coverage requirements. Preliminary Plats shall reflect proposed disturbance/coverage envelopes for each lot and shall contain tabular information necessary to determine compliance with this Article.

SECTION 14-22A-4 GENERAL PROVISIONS FOR HILLSIDE CONSTRUCTION

A. In those situations where a density transfer is being utilized, the increased density permitted under Table 14-22A-2 shall only be permitted in an amount equal to the number of lots being transferred.

B. In those situations where density has been transferred from a higher slope category to a lower slope category ALL minimum lot sizes shall be limited as shown in Table 2. The Planning Manager shall have authority to allow further reduced lot sizes by up to twenty percent (20%) provided that all dwelling units/development rights have been transferred off of slope categories greater than twenty percent (20%).

Table 14-22A-4

Slope Category	Minimum Lot Size
10% to 15%	Per underlying Zoning District and allocation outlined in Table 1
Over 15% to 25%	Per underlying Zoning District and allocation outlined in Table 1
Over 25%	Per underlying Zoning District and allocation outlined in Table 1

C. No residential lot within the Saddleback Hillside Development Overlay District shall have a front lot width less than the zoning district allows. The front lot width of all flag lots located within the Saddleback Hillside Development Overlay District shall be measured from the point at which the drive access intersects with the main body of the lot or at a point not to exceed two hundred and fifty (250) feet from the front lot line of the flag lot.

D. Building setbacks shall be as required by the zoning district.

E. All development units and custom lots shall conform to the disturbance and open space requirements of Table 3. Individual lots in a subdivision that have already met the open space requirements of Table 3 shall not be required to provide additional open space. Additional open space may be required per the Saddleback Desert Lands Conservation Overlay, see Article14-22B “Saddleback Desert Lands Conservation Overlay”, which is found in Appendix G of this Document.

F. Maximum lot coverage by the main building and all accessory buildings shall not occupy more than that permitted by the underlying zoning district or Table 3, whichever is the lesser area.

G. No building shall exceed a height of THIRTY (30) feet, above the newly established or finished grade of the land at any section through the structure. Commercial buildings shall not exceed thirty-six (36) **(See figure 1 & 2).** Mixed Use Business Park Overlay shall not exceed seventy-four (74) feet in height, or six (6) stories.

H. Custom lots within a development parcel that has met the open space requirement are not subject to Table 14-22A-6. If a custom lot is within a development parcel that has not met any of the open space requirements for that parcel, then that custom lot shall conform to Table 14-22A-6 and an individual analysis of each lot shall be prepared prior to submitting construction documents for the house and lot. For custom lots within a development parcel which has met a portion of the open space requirements, the remainder of the open space requirement for that development parcel must be provided by the custom lots. In this instance, the total open space provided both by the development parcel and the custom lots within said development parcel shall conform to Table 14-22A-6. No building permit shall be issued prior to demonstrating compliance with an existing approved grading and drainage plan or approval of the grading and drainage plan and individual site analysis unique to the subject lot.

I. All Hillside lots or parcels which abut a dedicated public open space or preserve area shall provide a one foot (1') non-vehicular access easement along the common property line.

SECTION 14-22A-5 HEIGHTS AND APPEARANCES

For development within hillside areas, the height of structures shall be determined by the following Sections and not by the definitions described in Section 14-2 of the Zoning Ordinance.

A. No part of any structure shall penetrate an imaginary plane, the height of which is Thirty (30) feet , and (36) feet for commercial, measured vertically from any point of the building to any newly established or finished grade directly below that point of the building **(see Figure 1, 2 & 3).**

B. No exposed face in any vertical plane (excluding walls) shall be allowed unless it is a rock feature or land form that appears natural. Where a rock feature or rock face remains, an engineer may be required to certify that the exposed face is stable. Where the natural grade is not restored back against the building and the exposed face is not of rock or a landform that appears natural, a combination of retaining walls and/or slope will be utilized to tie into existing grade **(See Figure 4 & 5).**

C. Materials used for exterior surfaces of all structures shall blend in color, hue and tone with the surrounding natural setting to avoid high contrasts.

1. Structures, walls, roofs and fences shall blend with the surrounding terrain and there shall be no material or colors used which have an LRV (Light Reflecting Value) greater than forty percent (40%). Mirror surfaces, or any treatment which changes ordinary glass into a mirror surface is prohibited. Bright untarnished copper or other metallic surfaces shall be treated so they are non-reflective.

2. All electrical service equipment and subpanels and all mechanical equipment including, but not limited to, air conditioning and pool equipment, solar panels, and antennas, shall not be visible from outside the property when viewed from the same or a lower elevation. Restrictions on visibility of solar panels and mechanical equipment may be modified if they are integrated into the roof design.

SECTION 14-22A-6 DISTURBED AREAS and HILLSIDE OPEN SPACE

A. **The Preservation Master Plan Exhibit L** identifies all significant landforms that will be preserved except to allow construction of trails or paths providing access into the featured open spaces, roads and utility crossings. All other areas and development parcels in every slope category are subject to disturbance in accordance to Table 14-22A-6. Within Table 14-22A-6, areas above the 25% slope line, disturbance is limited to areas within the development unit, parcel envelope, localized envelope, or individual custom lot only, and disturbance may not occur on lands outside the limits of the development unit or custom lot except for necessary infrastructure required to serve the proposed development. Mass grading is allowed within each slope category and that disturbance is also regulated by Table 14-22A-6. Specific criteria for development in hillside areas are detailed in the sections below.

1. Minimum lot size is determined by underlying zoning.
2. Cuts and fills are permitted within all slope categories. Exposed Cuts and Fills shall not exceed 30'. Due to the hilly nature of the property, cuts/fills may exceed 30' so long as the land is graded and countoured such that the final resulting exposed cut/fill does not exceed 18' in vertical height for any length greater than one thousand feet. Any resulting exposed cuts/fills exceeding 18' in vertical height for any length greater than 1,000 feet shall require approval from the Planning Manager. All walls must meet zoning ordinance requirements except where modified within this document.
3. Areas preserved per the provisions of the Saddleback Desert Lands Conservation Overlay count towards required minimum open space.
4. Alternative development options, such as cluster products, may be considered along with the associated development standards on a case-by-case basis with approval from the City's Hillside Hearing Officer.

Specific Criteria for areas within the 10-15% slope category, including criteria for grading, are described below.

1. Mass grading is allowed on 100% of the site per Table 14-22A-6.
2. Disturbance is allowed on 100% of the site per Table 14-22A-6.
3. 20% of site must remain as natural or recreated open space
4. Cuts and fills are permitted within all slope categories. Cuts and Fills shall not exceed 30', provided, however, that cuts/fills may exceed 30' so long as the land is graded and countoured such that the final resulting exposed cut/fill does not exceed 18' in vertical height. Any resulting exposed cuts/fills exceeding 18' in vertical height shall require approval from the Planning Manager. All walls must meet zoning ordinance requirements except where modified within this document.

Specific Criteria for areas within the 15%-25% slope category, including criteria for grading, is described below.

1. 75% of the site is eligible for mass grading
2. 100% of the site may be disturbed, but 25% of the site must be restored to look natural (re-vegetated with similar plant species and densities prior to disturbance) and remain as open space.
2. Cuts and fills are permitted within all slope categories. Cuts and Fills should not exceed 30', provided, however, that cuts/fills may exceed 30' so long as the land is graded and countoured such that the final resulting exposed cut/fill does not exceed 18' in vertical height for any length greater than one thousand feet. Any resulting exposed cuts/fills exceeding 18' in vertical height for any length greater than one thousand feet shall require approval from the Planning Manager. All walls must meet zoning ordinance requirements except where modified within this document.

Specific Criteria for areas above 25%, including criteria for grading, are described below.

1. 50% of the site may be disturbed. 50% must remain natural and undisturbed.
2. Disturbance is limited to areas within the development unit, parcel envelope, localized envelope, or individual custom lot only, and disturbance may not occur on lands outside the limits of the development unit or custom lot except for necessary infrastructure required to serve the proposed development.
3. Disturbance used to construct roadways and driveways will not be included site disturbance calculations.
4. Solid parcel boundary walls are not permitted except where adjacent to a right of way. Walls are restricted to the building envelopes only.
5. Alternative development options, such as cluster products, may be considered along with the associated development standards on a case-by-case basis with approval from the City's Hillside Hearing Officer.
6. Cuts and fills are permitted within all slope categories. Cuts and Fills should not exceed 30', provided, however, that cuts/fills may exceed 30' so long as the land is graded and countoured such that the final resulting exposed cut/fill does not exceed 18' in vertical height for any length greater than one thousand feet. Any resulting exposed cuts/fills exceeding 18' in vertical height for any length greater than one thousand feet shall

require approval from the Planning Manager. All walls must meet zoning ordinance requirements except where modified within this document.

7. *Envelope Types*. Grading/disturbance envelopes are the areas within which all grading and/or improvements must occur. The type of envelope to be used depends on the type of development and/or the land use. The three basic types of grading envelopes are described below. The envelopes are configured to preserve significant natural features such as wash corridors, specimen vegetation and/or major rock outcropping and to preserve scenic vistas or specific view opportunities.

    a. *Custom Lot Building Envelopes* - Individual building envelopes for custom lots shall be required for all developments in hillside areas above the 25% slope line, or for all custom lots that have not met the open space requirements. These building envelopes shall be regulated by City of Peoria Code Enforcement and will designate the area that may be disturbed for all residential structures and amenities in the rear yard (i.e. pools, decks, ramadas, turf and retaining walls) in accordance with Table 14-22A-6. The balance of the lot outside this envelope shall be retained in its natural state with the exception that these areas may be enhanced by adding additional native vegetation. No more that 50% of the total lot area may be disturbed.

    b. *Localized Envelope* - In certain areas, the development parcels may employ localized multi-building construction envelopes as opposed to comprehensive grading of the entire development parcel. These localized multi-building construction envelopes could entail the grading of small groups of lots while maintaining pockets of naturally vegetated open space within and around the parcel.

    c. *Parcel Envelopes* - In areas which do not have significant land forms, washes or natural features, one or more development parcels may be graded to achieve the permitted density. These areas will be subject to the plant salvage and transplant standards established for Saddleback, as well as the site grading, drainage, and erosion control standards as defined in this document, the City's Design Manual, and **Article 14-22B "Saddleback Desert Lands Conservation Overlay" (Appendix "B").**

B. *Custom lots* - Shall be developed to provide for the minimum amount of ground disturbance (per the provisions set forth in this document) during the time of construction so as to prevent rock slides and falls, erosion and seepage. At final construction, disturbed areas shall be hidden or supported by retaining walls, buildings, finished surfaces or restored and landscaped to its original natural condition to the maximum extent possible. All cut and fill areas visible from offsite locations shall be treated with a natural staining or aging agent.

    a. The maximum height of any cut or fill used to establish a building site or a driveway shall be thirty (30) feet. All cuts and fills must comply with the engineering provisions of the Peoria Codes and Ordinances. Similarly, the maximum height of any cut or fill used to establish a road or roadway shall be limited to thirty (30) feet and must comply with all Peoria Codes and Ordinances. Cuts may exceed 30' in rolling terrain,

where the hill is removed and the remaining cut or fill slope is less than 20', Cuts or fills above thirty (30) feet for any length greater than one hundred and fifty feet shall require approval from the Planning Manager. In slope areas in excess of 25%, all areas of cut or fill necessary to establish a public or private roadway and falling outside of the public right-of-way or private roadway easement (beyond the 10% allowance identified in paragraph e. below) shall not be counted against the total disturbed lot area of the individual lot or parcel. All roadway cuts and fills shall utilize retaining walls, stacked rock and boulders, re-vegetated slopes, or a combination of walls, rock and slope to minimize spill areas. All spill slope areas shall be re-vegetated and all retaining walls shall be designed to minimize the visual impact.

b. The limits of construction and proposed disturbed areas shall be clearly designated on the property prior to and during construction with visible roping and shall conform to the approved individual site analysis plan. No disturbance outside the designated area shall take place.

c. In the Uplands, all lots less than 24,000 sf. net area are eligible for 100% disturbance and are not subject to Table 3. All lots greater than 24,000 sf. Net area shall establish a construction envelope equal to the combined area of the maximum disturbed area and maximum lot coverage from Table 3, below.

d. All surplus excavated material shall be removed from the lot.

e. All land area above the twenty five percent (25%) slope line that may be used for roadways (public and private) that shall not be included in Disturbed Area calculations. The Disturbed Area of all other uses, including storm water retention areas and accessory use areas, shall not exceed the Maximum Disturbed Area as set forth in **Table 14-22A-6**.

Table 14-22A-6

Landform Category	Building Site Slope Category	Maximum Disturbed Area	Maximum Lot Coverage	Min. required Open Space
Lower Transitional	10% to 15%	100% Disturbance 100% available for Mass Grading	Per Underlying Zoning	20% Non-Natural 20% Natural
Upper Transitional	15% - 25%	100% Disturbance* 75% available for Mass Grading	Per Underlying Zoning	25% Natural or Non-Natural *(25% of total area must be restored to look natural)
Uplands	25%+	50% Disturbance	Per Underlying Zoning	50% Natural

C. A minimum amount of open space must be provided within each development parcel. These areas will be counted towards the required parcel open space. Open space will be both natural and re-created through slope restoration and re-vegetation. Open space will be provided within each development parcel based upon minimum open space criteria setforth in Section 3.2 Open Space Plan of this PCD.

Open Space provided within these parcels can be natural, re-created (as defined below) or a combination thereof. Open space requirements will be calculated and determined at time of Plat.

1. Natural open space that is undisturbed and free from development will primarily be a visual amenity for the community. In addition, some natural open space areas may contain trails that link open space and development parcels within Saddleback. Significant drainage areas (as identified on **Exhibit I, Preservation Master Plan**) shall be set aside as open space (with the exception of potential road and utility crossings). They will be used as primary drainage ways, but also serve as migration corridors for animals, and potential trail corridors that link the open space throughout Saddleback.

2. Re-created, restored or “improved” open space will exist in a variety of types. These areas include parks, both active and passive, paseos, parcel open space and restored desert areas.

SECTION 14-22A-7 GRADING AND DRAINAGE

All proposed development within a Hillside Development Area shall be required to submit for and receive Grading and Drainage Plan approval through the City of Peoria Engineering per the development standards contain herein, prior to the commencement of any development or Site Disturbance Activities.

Grading of development areas must comply with the Hillside Development Standards incorporated herein. As noted earlier, mountain ridges of significance, as identified in **Exhibit I Preservation Master Plan**) shall not be graded or disturbed except to allow construction of roads, utilities, trails or paths providing access into the featured open spaces. Other significant features, such as large rock out croppings, and significant drainage areas, other than disturbances allowed under the Section 404 permit, shall be preserved except to allow construction of roads, utilities, trails or paths providing access to these significant areas. Cuts and fills are permitted within all slope categories. Cuts and Fills should not exceed 30', provided, however, that cuts/fills may exceed 30' so long as the land is graded and countoured such that the final resulting exposed cut/fill does not exceed 18' in vertical height for any length greater than one thousand feet.. Any resulting exposed cuts/fills exceeding 18' in vertical height for any length greater than one thousand feet shall require approval from the Planning Manager. All walls must meet zoning ordinance requirements except where modified within this document.
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A. Graded slopes within Saddleback will be characterized as follows into the following slope categories:

    1. Community Feature Slopes
    2. Neighborhood Slopes
    3. Residential Lot Slopes
    4. Golf Course Slopes and Grading

B. Each of these slope categories are defined below, and contains its own set of standards. In addition, certain slopes may be characterized as “low visibility”, which are defined as slopes that are not readily visible from either public or private streets within the community. These slopes shall be subject to criteria that are appropriate to areas of low visibility. The following describes in detail each of the slope categories.

    1. Community Feature Slopes: Community Feature slopes are located within the community and are in highly visible areas. These slopes will most commonly be found along major roadways and between development parcels. Community Feature slopes will emphasize the look and character of the community. The landforms and landscape will mimic the character of the natural desert, and may be enhanced given the high visibility of these areas. Uniform slopes shall not be allowed and restoration and revegetation shall occur in a timely manner so as not to leave an undisturbed area exposed in a high visibility area. In some instances,

slopes found along community roadways, may not be readily visible; these slopes may be uniform.

2. Neighborhood Slopes: Neighborhood slopes are located primarily within the residential neighborhoods within the community. These slopes will be visible primarily from the specific neighborhood but may be visible from community collectors and arterial streets. These slopes shall feature the look and character of the community and reflect the natural character of the surrounding land. Uniform Neighborhood slopes are discouraged but may be permitted in areas of low visibility. Restoration and revegetation of these slopes shall occur in a timely manner so as not to leave an undisturbed area exposed in a visible area.

3. Residential Lot Slopes: Residential lot slopes exist within residential areas and are found on individual lots owned and maintained by the individual lot owner. Specific cut and fill slope criteria (Section 14-22A-7-D & Section 14-22A-7-E) have been established that will provide developers and home builders direction for developing both production and custom lots. Most of these slopes will not be visible from collector or arterial streets, Uniform slopes may be permitted and restoration/landscaping will occur with construction of each home.

4. Golf Course Slopes and Grading: Notwithstanding anything in this section to the contrary, the maximum height of any cut or fill used to establish a golf course shall not exceed sixty (60) feet without Planning Manager Approval. Cut and fill slopes will be recontoured. Concurrently with the submittal of the site plan for a golf course, a vegetation and contour plan will be submitted to the Planning Manager. The vegetation and contour plan shall require the approval of the Planning Manager: such approval shall be made only upon a finding that the vegetation and contour plan will not be detrimental to the intent of the Hillside Development Overlay District and upon a finding that the plan will advance the City's interest in protecting hillside development area.

C. Cut Slopes

1. Cuts should not be steeper than two to one (2:1) and must average 3:1 for Community Feature Slopes and Neighborhood Slopes. Steeper slopes will be allowed when use of boulder walls or other natural or natural looking material is used to stabilize slope. This average allows for all types of landscape planting including trees. Cut slopes vary in gradient from 2:1 to 4:1 but may be less to create flatter areas for landscape planting **(See Figure 6)**. Cut slopes shall be re-vegetated in accordance with section 14-22A- 7-G**.**

2. Cuts in the Residential Lot Slopes area shall not be steeper than 2:1 on a side lot to side lot basis, up to 12' in height. Slopes greater than 12' in height in a side yard condition may not be steeper that 2:1 unless approved by the Planning Manager. Slopes shall not be steeper than 2:1 on a rear yard condition **(See figure 7) without Planning Manager approval.**

D. Fill Slopes

1. Fill slopes shall not be steeper in gradient than 1.5:1, but must average 3:1. Steeper slopes will be allowed when use of boulder walls or other natural or natural looking material is used to stabilize slope. This criterion applies to all Community Feature Slopes and Neighborhood Slopes. Fill slopes vary in gradient from 1.5:1 to 4:1 but may be less to create flatter areas for landscape planting. This average allows for landscape planting of all types, including trees **(See figure 8)**.

2. Fill areas in the Residential Lot Slopes area shall not be steeper than 2:1 on a side lot to side lot basis, up to 12' in height. Slopes greater than 12' in height in a side yard condition may not be steeper that 2:1 unless approved by the Planning Manager. Slopes shall not be steeper than 2:1 on a rear yard condition **(See figure 9)**.

E. Grade tie-ins

1. Where cut or fill slopes meet existing natural grade, transitions shall be made to mimic or follow the natural movement of the land. Areas where slopes meet natural grade, the slope should be rounded to avoid abrupt grade changes which create unnatural looking conditions. (**See figure 10**).

F. Landscape De-vegetation, Re-vegetation and Restoration

1. Devegetation: Devegetation shall occur per **Article 14-22B, Saddleback Desert Lands Conservation Overlay**. This process requires a Native Plant Permit or multiple Native Plant Permits which must be obtained prior to the destruction, mutilation, removal, or relocation of any protected native plant.

2. Re-vegetation: Re-vegetation shall occur where any area is disturbed for development, and will remain as open space or right of way. Areas of re-vegetation shall mimic the landscape character and match or exceed density of the area prior to disturbance in the following manner. These criteria are intended to supersede Article 14-35 at the discretion of the Planning Manager.

   a. Community Feature Slopes: These slopes will emphasize the look and character of the community. The Developer is encouraged to re-vegetate these areas to higher plant densities than they were prior to development. These slopes shall feature a wide range of plant material, including plant material that may not have occurred prior to development. In appropriate areas, plant material that is typically found as part of the Oasis Area, as described in **Article 14-22B** shall be allowed. Community slopes that are characterized as "low visibility" may utilize a reduction of plant densities up to 15%.

   b. Neighborhood Slopes: These slopes will also feature the look and character of the community and reflect the natural character of the surrounding land. Plant densities will be consistent with densities prior to disturbance. In highly visible areas, densities may be increased by as much as 25% to enhance the scenic quality of these highly

visible areas. Neighborhood slopes that are characterized as “low visibility” may utilize a reduction of plant densities up to 15%.

c. Residential Lot Slopes: Residential lot slopes exist within residential areas and are owned and maintained by the individual lot owner. Specific criteria has been established both in the City’s Design Manual and Saddleback’s Codes Covenants and Restrictions to provide developers and home builders specific direction for landscape requirements on an individual lot basis.

3. Restoration: Restoration occurs where the desert has been damaged or destroyed due to factors outside of the development process. These areas may include, but are not limited to, areas that may have been damaged in a fire or other natural occurrence, disturbed by previous land owners, or areas that are noticeably different from their immediate surroundings. The Developer is committed to restoring previously damaged desert when part of a development parcel. Previously damaged areas that are restored, when part of a development parcel, shall count towards any Natural Open Space (NOS) that may be required for that particular development parcel. The developer, when the disturbed area is part of a development parcel’s open space, shall return the damaged desert area to the same landscape character as the immediate surrounding areas. If large scale and unforeseen damage occurs on the property after the approval date of this document, the City and Developer will work together to determine reasonable Restoration requirements. Salvaged plant material, from other areas of the community, may be used to restore any damaged area within Saddleback. The Developer shall not be required to perform any Restoration activities on the land dedicated to the City as designated open space.

SECTION 14-22A-8 DRIVEWAYS

A. In the Uplands (areas above 25% in slope), to reduce the visual impact of driveways the following is intended to be an incentive to preserve the natural mountain vistas. Driveways surfaced with paving bricks, colored concrete or with exposed aggregate, colored to blend with existing native color of the site, shall only be included in disturbed area calculations at fifty percent (50%) of their total area.

B. Any individual driveway cut greater than eight (8) feet in depth shall not have a length greater than one hundred (100) feet; and the maximum height of any cut or fill used to establish a driveway shall not exceed fifteen (15) feet, unless the driveway is designed to minimize disturbance to significant natural features.

C. In the Uplands (area above 25% in slope) to reduce the visual impact of driveways the following is intended to be an incentive to preserve the natural mountain vistas. Driveways surfaced with paving bricks, colored concrete or with exposed aggregate, colored to blend with existing native color of the site, shall only be included in disturbed area calculations at fifty percent (50%) of their total area.

D. Any Individual driveway cut greater than eight (8) feet in depth shall not have a length greater than one hundred (100) feet; and the maximum height of any cut or fill used to establish a driveway shall not exceed fifteen (15) feet, unless the driveway is designed to minimize disturbance to natural features.

SECTION 14-22A-9 PERIMETER WALLS, PRIVACY WALLS, RETAINING WALLS AND SPILL SLOPES

A. The design of all retaining walls and ground coverings shall be prepared by a registered engineer or architect and shall be designed to blend with the surrounding environment and/or development in color, materials and style.

B. Raw spill slopes are prohibited.

C. All exposed disturbed area fill shall be contained behind retaining walls or covered with a natural rock veneer and treated with an aging agent and landscaped with indigenous plant material.

D. Residential retaining walls shall not exceed ten (10) feet in height; non-residential retaining walls shall not exceed twelve(12) feet in height; if additional height is needed, the wall shall be offset at a minimum of four (4) feet or one (1) foot per one (1) foot of height, whichever is greater. View fences not exceeding 8' (eight) feet in height above the highest part of adjacent natural grade may be added to a retaining wall. Increases in the height of view fences may be granted by the Planning Manager provided that the retaining wall contains unique design and materials or other amenity features that, in the determination of the Planning Manager, mitigate the impact of the additional height. (Ord. No. 05-44)

E. Fences or walls on lots within a hillside district shall be restricted to privacy walls attached to or directly screening a portion of the main residence. Privacy walls shall not exceed six (6) feet in height, shall be architecturally compatible with the main residence and shall be limited to the development envelope area only. Perimeter walls and fences surrounding a lot, tract or parcel shall be prohibited except as provided by Section F of this Article. Privacy walls shall not be erected on a retaining wall and shall be offset a minimum of four (4) feet when utilized.

F. Within the ten to twenty-five percent (10-25%) slope category only, exceptions to the limitations on fences or walls may be permitted. In those instances where an exception is desired, applicants shall submit a detailed Wall Plan to the Planning Manager for review and action. In conjunction with the submittal of the Wall Plan to the Planning Manager, the applicant shall submit a copy of the Wall Plan to the Engineering Department for review and approval for conformance with all City Grading and Drainage requirements. Wall Plans shall indicate the proposed locations of walls or fences, the proposed materials, colors and design of any wall or fence, and fence construction and disturbance mitigation measures. Such plans shall be accompanied by a narrative explaining the reasons why such an exception should be made. Upon completion of the review of the Wall Plan by the Planning Manager, and following the review and approval of the Wall Plan by the Engineering Department, the Planning Manager may approve the Wall Plan. Wall Plans may be approved by the Planning Manager upon a

finding that the proposed location and design of the wall(s) is in accordance with this Article and further that the proposed wall will not be contrary to the intent and purpose of this Article.

G. Perimeter walls or fences approved by the Planning Manager or designee within the ten to twenty-five percent (10-25%) slope category and abutting an open space area or tract, shall be a maximum of six feet eight inches (6'-8") in height with no more than three (3) feet being constructed of a solid or opaque material. That portion of the wall or fence not constructed of a solid or opaque material shall be open in design and may not include chain link or wood materials. Notwithstanding the foregoing, walls exceeding six (6) feet eight inches in height and constructed of solid or opaque material may be approved by the Planning Manager if the wall is for the purpose of screening non-residential uses.

H. All fences and walls within a Hillside Development Area shall be required to obtain a fence permit from the Community Development Department, in addition to all other necessary City of Peoria permits, prior to the initiation of any fence or wall related construction activities.

SECTION 14-22A-10 LIGHTING, SEWERS, UTILITIES

A. All outdoor lighting concepts, fixture types, lamps and wattage shall be indicated on the site plan.

B. Connection to a public sewer system is required in connection with Chapter Twenty-Five (25) of the City Code where available.

C. All, subdivision scale, on-site utilities shall be placed underground. Smaller utilities such as telecom pedestals, cable pedestals and transformers will be allowed to be above ground as well as other utilities based on reasonable utility and engineering standards.

SECTION 14-22A-11 MOUNTAIN RIDGE PROFILE

Within a hillside development area and above the twenty-five percent (25%) slope line, no construction shall occur which will alter the mountain top profile and no building or structure shall be constructed which will project above a ridge line of significance when viewed from adjacent properties not a part of Saddleback. Ridge lines of significance have been identified and indicated on **Exhibit L, Preservation Master Plan**.

Prior to the issuance of any building permits, cross-sections shall be submitted showing the relationship of the proposed development with established mountain top ridge lines and ridge lines of significance when applicable.

SECTION 14-22A-12 SUBMITTAL REQUIREMENTS FOR CONSTRUCTION IN THE HILLSIDE OVERLAY AREA

A. In addition to drawings, plans, specifications and details necessary to obtain a building permit, the following documentary requirements and certifications shall be provided for staff review:

1. A topographic map at an appropriate scale on a 24" x 36" sheet presenting the total lot and a twenty (20) foot area beyond the property line shall be submitted with the application. This map shall show existing and proposed finished contours at two (2) foot intervals within a twenty (20) foot perimeter from any proposed building, five (5) foot intervals elsewhere. Existing contours shall be shown with dashed lines. This map shall show limits of excavation and fill, slope of cut and fill, total cubic yards of excavation and fill. The location and area of the sewage disposal systems, if public sewers are not provided.

2. Detailed site plans and landscape plans at an appropriate scale, shall be submitted with each application and shall include, but not be limited to, the following: grade and slope in percent at all disturbed areas. Dimensions and calculations of all cut and fill for the building site, roads, drives, swimming pools, and the method of concealment for each fill or exposed cut. Dimensions of length and height of retaining walls, fences and other attachments; the location and grade of all drainage channels, swales, drain pipes, etc. The amount and degree of surface disturbance, destruction or removal of natural vegetation. Protected desert vegetation shall be preserved in an appropriate manner in accordance with the Saddleback Desert Lands Conservation Overlay district. (Article 14-22B)

3. Cross sections at 1:1 scale, at two (2) or more locations perpendicular to the contours through the building site. Location of the cross-sections shall be clearly shown on the topographic map. Properties impacting ridge lines shall provide additional cross-sections indicating their relation and impact on such ridge lines as established in Section 14-22A-11.

4. An overall excavation, grading and drainage plan shall be prepared in accordance with sound professional engineering practices and to address minimum standards adopted by the City. Said plans shall be prepared and certified by a professional engineer registered in the State of Arizona. If any drainage structures or culverts are involved, it will be necessary to include calculations for peak flows for a 100 year storm to establish appropriate drainage facilities, cross-sections and details. Storm water diverted from its original drainage pattern shall be returned to its natural course before leaving the property.

5. Where possible and appropriate on less complex lots and lots with acceptable site conditions, the combining of the above maps into one drawing may be acceptable.

6. The Planning Manager, or their designee, may require an accurate oblique view architectural rendering in color; showing the appearance of the building, lot, landscaping, and skyline. The Planning Manager may also require a model if determined necessary to evaluate the project. The model may be a three dimensional physical model or it may be a

computer generated model in a three dimensional format and presented by a series of prints or by a disc that can be viewed on a monitor. The rendering and the model will remain in the custody of the Planning Manager until a Certificate of Occupancy is issued. On the rendering or attached thereto, the applicant shall list all colors depicted on the exterior of all structures according to Section 14-22A-54.C.

7. Plans for any structure to be constructed on any land governed by these Hillside Regulations shall be sealed by a registered engineer or architect.

8. The plans for any hillside development of any kind or nature whatsoever, must be approved by the staff and appropriate permit(s) issued, before any grading, bulldozing, blasting, or movement of earth is commenced.

SECTION 14-22A-13 RESERVED

SECTION 14-22A-14 INSPECTIONS

A. Inspections may be made to insure compliance with this Article.

B. Prior to the inspection of property, an authorized employee shall attempt to obtain the consent of the property owner or representative pursuant to this Article. If consent is denied, the employee may conduct an inspection as permitted pursuant to applicable state or federal law.

SECTION 14-22A-15 ENFORCEMENT / COMPLIANCE

A. Violations should be reported by the City to the property owner, together with a Compliance Order describing the measures required to correct the violation(s). Failure to comply with the terms of a Compliance Order shall constitute a violation of this Article.

B. In those instances where a Site Disturbance Activity has commenced within a Hillside Development Area without an approved Slope Category Determination Study or where another violation of this Article has occurred, the City may issue a Stop Work Order to terminate immediately all development or construction related Site Disturbance Activity on the site, parcel or property. In addition, the City may revoke any or all of the permits issued by the City for the site, parcel or property. Upon the issuance of a Stop Work Order, the responsible party shall immediately terminate all activities on the site and then contact the City of Peoria Planning Division regarding what measures should be taken to eliminate any problems resulting from the development activity. Failure to comply with the terms of a Stop Work Order shall be a violation of this Article.

C. Violations of this Article are subject to prosecution by the City of Peoria as a Misdemeanor violation under the City Code and shall be punishable as provided by law.

SECTION 14-22A-16 DEFINITIONS

***Alter the Mountain Top Ridge Line*.** Means to alter or change the view or appearance of an established ridge line or ridge line of significance with cuts, fills or structures when viewed from a distance.

Construction Envelope. A specific area defined by the sum of the maximum allowable disturbed area plus the maximum coverage allowed for the lot or parcel.

Custom Lot. A lot which can be irregular in shape and size, and gives the lot owner the ability to design a completely unique home.

Cut**.** The land surface which is shaped through the removal of soil, rock, or other materials.

Disturbed Area**.** That area of natural ground that has been or is proposed to be altered through grading, cut and fill, removal of natural vegetation, placement of material, trenching, or by any means that causes a change in the undisturbed natural surface of the land or natural vegetation.

Disturbed Area Reclaimed**.** Disturbed areas may be reclaimed if they are restored to their natural Formatted: Font: Bold, Italic contours, vegetation and colors to the satisfaction of the Staff.

Fill**.** The deposit of soil, rock, or other materials placed by man.

Finished Grade or Newly Established Grade**.** The final grade and elevation of the ground surface after grading is completed.

Grading**.** Any excavating, or filling or combination thereof, including the conditions resulting from any excavation or fill.

Hillside Development Area**.** Building areas, other than sloped areas within washes and rivers, with a building site slope of ten percent (10%) or greater, measured as a vertical rise of ten (10) feet in a horizontal distance of one hundred (100) feet.

Landscape Development Areas**:** Areas within a site with different recommended plant palettes based on their proximity to natural open space, soil stabilization attributes and the desired visual character for the area.

1. ***Oasis Area*****:** A landscaped area consisting of enclosed courtyards, similar semiprivate areas and other areas located within the Disturbed Area where the use of Native Sonoran, Sonoran Character and Arid Zone plants are strongly encouraged, but where Exotic Zone plants are also allowed.

2. ***Transitional Areas*****:** A landscaped area consisting of open backyards, commercial and public areas, streetscapes and common areas where use of Arid Zone plants is limited to 30% by area and where a buffer of Native Sonoran Zone plants is required at the perimeter of the lot or parcel or between the Disturbed Area and Natural Open Space.

3. ***Buffer Area*****:** A landscaped area consisting of open areas adjacent to preserved wash corridors and Natural Open Space areas where the use of plants is limited to the Native Sonoran Zone palette.

Mass Grading. A technique used to significantly alter the landforms of a relatively large area.

Natural Grade**.** The grade and elevation of the ground surface in its natural undisturbed state.

Natural Open Space. Areas dedicated for public ownership or retained in private ownership containing naturally occurring conservation features and accreted Sonoran Desert that have not been altered except to allow decomposed granite trails (private or public) in accordance with ADA

guidelines, roadways and utility easements as necessary.

***Retaining Wall*.** A retaining wall is a wall used solely to retain more than eighteen inches (18") of material but not to support or to provide a foundation or wall for a building.

Site *Disturbance Activity*. Any action which results in a cutting of the natural soil grade, creation of an un-natural soil fill or movement of a significant natural landscape feature. A Site Disturbance Activity may include, but not be limited to the following activities: digging, trenching, filling, drilling, grading or clearing.

***Slope Category Determination Study*.** A detailed study of the topography and slope of a development site, parcel or property. The study shall include a detailed graphic showing all slope areas on the site utilizing the methodologies established in this Article and shall be composed of both graphical, numerical and textual information.

***Spill*.** To cause or allow earth or other material to fall, flow or run down a slope, thereby creating a change in the natural appearance and topography.

Vertical Exposed Face: A remaining unimproved exposed area of earth as a result of grading that is vertical in nature or appears to be vertical in nature (rising more than five (5) feet per every one (1) foot.

2.1.8 SLOPE ANALYSIS CALCULATIONS

SADDLEBACK HEIGHTS DEVELOPMENT VILLAGE SLOPE CALCULATIONS– TABLE 6				
SLOPE CATEGORY	DEVELOPMENT VILLAGE 'A' TOTAL ACRES	DEVELOPMEN T VILLAGE 'B' TOTAL ACRES	DEVELOPMENT VILLAGE 'C' TOTAL ACRES	DEVELOPMENT VILLAGE 'D' TOTAL ACRES
0% - 10%	306.36	190.52	629.96	57.91
10% - 15%	276.54	192.65	214.94	9.30
15% - 20%	259.69	216.09	179.36	5.10
20% - 25%	244.98	207.95	166.87	3.82
25% - 30%	216.14	181.97	162.29	2.97
30% - 35%	174.19	150.17	157.91	2.06
35% - 40%	117.77	109.57	142.50	1.09
40% +	155.91	187.19	336.56	1.08
TOTAL	**1751.58**	**1436.12**	**1990.25**	**83.33**

*Acres are net and are in accordance with the ALTA survey prepared by Wood Patel in 2008.

2.1.9 GENERAL DEVELOPMENT STANDARDS

2.1.9.1 Landscape Standards

The landscape requirements for Saddleback Heights shall be as approved through the Landscape Plan for the Property in accordance with the provisions of Section 14-35of the Zoning Ordinance. The Landscape Plan shall meet the minimum development standards established by Article 14-35 of the Zoning Ordinance or as otherwise may be approved by the Planning Manager through a Master Landscape Plan.

a. Landscape Design Concept

As mentioned in Section I team overview, the Saddleback Heights Development Team has a history of working in sensitive desert environs throughout the southwest United State, including Peoria, Arizona. The landscape standards for Saddleback Heights will be created to preserve the unique Sonoran desert and the biological communities within it. With an abundance of mature Sonoran and high Sonoran plant materials and species already within the project, it is natural to create landscape palettes and plans that celebrate the natural character of the high Sonoran landscape.

A true balance between the man-made and natural environments is always the desired effect. The Saddleback philosophy embraces that concept and strives to incorporate the diverse native plant palette found in the Sonoran desert and create a community with a character and texture as rich as the natural high Sonoran environment. The Team has studied, at length, the site and surrounding areas to understand the existing wildlife and native plant communities of Saddleback Heights and utilize that understanding to create the community landscape palettes.

The plant communities within Saddleback Heights and the Sonoran desert are strongly related to elevation. Within the project the diverse elevation, rolling terrain, and north-south exposure create uniquely diverse plant communities and landscape zones.

Where the natural desert has been disturbed, Saddleback will require revegetation using the Saddleback Landscape Palette. The existing mature plant materials that are available on the site will be a valuable resource. A temporary nursery will be established for the care of plant materials until they are transplanted.

Native plants will be the central theme of the community and the native plant material salvaged from the site will provide strong design and visual elements for Saddleback. It will allow development to seamlessly blend into the preserved natural desert areas with a similar maturity, size, and density of existing plant material.

b. Design Approach

As previously mentioned the Design Team has done extensive research of the project site and surrounding areas and have created design approach that utilizes the high Sonoran Vegetation. The five (5) concepts that form the landscape design approach of Saddleback are as follows:

- *Native vegetation is the predominant influence of design and shall be preserved or salvaged to greatest extent possible.*

- *Maintain simplistic and understated planting design.*

- *Native granular soils provide a consistent, desirable character and shall be maintained as a top dressing on all landscape areas.*

- *Revegetation shall maintain a density of the immediately adjacent natural desert.*

- *Allow a combination of native and desert adapted plant material within a restricted palette to increase color, texture and interest along residential.*

c. Landscape Area Definitions

Within the project, five (5) landscape classifications have been identified to create a hierarchy in the landscape. These areas are intended to transition the undisturbed natural desert areas with various development considerations. Landscape zones are intended to seamlessly blend various classifications yet establish a unique identity for the Saddleback project amongst similar desert oriented master planned communities. Specific plant species are designated for use in each of the following defined areas:

i. Undisturbed Areas

The natural, undisturbed desert must be preserved to the greatest extent possible. Development plans must clearly indicate limits of disturbance. These areas must be roped off and protected throughout the development process. No enhancement or alterations are allowed unless specifically identified and approved.

ii. Native Areas

Native areas are defined as areas planted with materials found in the Sonoran Desert (may not be indigenous to this property). Planting is intended to emulate native character and densities. Native areas are intended to abut other natural or undisturbed areas, wash corridors and arterial roads running through the project. These areas are intended to be low maintenance and naturalize with minimal supplemental irrigation.

iii. Riparian Areas

The landscape character of wash areas are intended to supplement and enhance the natural riparian character and unique plant palette found in wash corridors that run through the project. Modifications to native arroyos and proposed retention areas shall incorporate the specific palette and design criteria established for these unique plant communities.

iv. Transition Areas

Transition areas are distinguished by an expanded list of low water use plants that offer a wider range of color, texture, and compliment the native palettes. Plantings in this zone are generally found in greater densities than natural areas and require a permanent drip irrigation system. Transition areas include major streetscapes, recreation areas, commercial, residential parcels, and front yards. The transition palettes offer a wider range of plants to add shape, height, color, and texture diversity. Planting shall maintain a simplistic, understated design that reinforces the native character of Saddleback.

v. Private Areas

Private areas are defined as enclosed and semi-enclosed areas obscured from view by structures or walls above 3' in height. Planting within these areas may utilize a higher density and diversity of plants beyond those identified on restricted plant palettes. Plant restrictions include varieties that exceed 35' in height and those listed on the prohibited plant list.

d. Native Plant Inventory and Relocation Program

For each phase of development, a Native Plant Inventory and Relocation Program will be submitted for the preservation of all protected trees and cactus. The inventory shall be prepared on a proposed site plan with a photographic aerial overlay to clearly show native outcroppings and adjacent conditions. The site plan information will include property lines, grading limits, proposed facilities, interior lot lines, utilities and any required easements.

The relocation program must provide a summary of plants with their respected size and variety. Plants shall be classified as salvageable, unsalvageable or to remain in place. The relocation program shall also include location of a temporary nursery, temporary watering system, boxing technique, fencing, maintenance considerations and final cleanup.

Refer to construction guidelines for specific requirements and outline. Native Creosote, Jojoba, and Bursage shall also be made available for spading or replanting on other parcels prior to mass grading sites.

e. Turf Areas

Turf areas may be selectively used throughout the project in applications that demonstrate a functional recreational use. These include trail heads, pocket parks, retention basin, community parks, school, enclosed portions of residential yards and other public use areas. Turf areas shall be bordered by a concrete header or other hardscape element. Turf areas shall be installed as a non-pollinating hybrid (midiron or equal) and be over seeded with perennial rye between the months of November through May.

f. Shaping and Grading

All landscape areas disturbed by construction shall be fine graded and altered for a naturalistic random character that blends with native areas or adjacent facilities. Engineered grades shall be softened through the use of variable side slopes, rounded transition along top and toe, shaping to the finish surface to compliment native land forms and extend across property lines whenever possible.

g. Native Topdressings

Native granular soils are a predominant element of the landscape design that shall be preserved and replicated in landscape areas. Native soils consist of granular fines generally 2" and below. Topdressing along all revegetated landscape areas shall maintain a similar character and color. Remove all rocks above 2" in diameter and broom finish for a naturalistic character to blend with adjacent native undisturbed conditions. Decomposed granite may only be used on enclosed landscape areas.

h. Irrigation Design

The irrigation system is intended to be designed in a manner which is responsive to environmental considerations, the most important being water conservation. The goal of water conservation must be achieved through efficient application of water and water management.

An efficient irrigation system is made possible through proper design, incorporating latest technology and using water management tools. It is very important that the design allow for methods to manage the delivery and application of water to individual landscape areas.

2.1.9.2 Wall/Fencing Standards

The wall and fencing standards for the Property shall be in accordance with Section 14-3of the Zoning Ordinance or as otherwise may be approved by the Planning Manager through a Master Walls and Fence Plan.

2.1.9.3 Sign Standards

The sign standards for Saddleback Heights shall be as approved through a Comprehensive Sign Plan in accordance with the provisions of Article 14-34of the Zoning Ordinance and all signs shall be by separate permit or as otherwise approved by the Planning Manager through a Master Sign Plan.

2.1.10 AMENDMENTS

It is contemplated by the Developer and the City that the Saddleback Heights PC District may need to be amended from time to time as development occurs. Any amendment to the PC District shall be processed in accordance with the following criteria:

a. Amendments to the PC District "Development Plan" or "Standards Report" may be requested by the applicant or its successors. Amendments to the approved PC District shall be delineated as major or minor amendments. Amendments to the approved PC "Development Plan" and "Standards Report" may be limited to one or more "development units" and any proposed change will not affect development units not included in the proposed amendment.

b. Upon receipt of an amendment application to the Planning Division, the Planning Manager shall determine if the proposed amendment constitutes a major or minor amendment.

c. Major Amendments. If the Planning Manger determines the amendment to be a major, the amendment request shall be processed in the manner set forth in Article 14-36-.

d. An amendment will be deemed major if it involves any one of the following:

i. A change in the overall PC District Boundary; or

ii. An increase in the total number of approved dwelling units or gross leasable area (GLA) for the overall PC District; or

iii. A significant change to the approximate boundary of one or more "development unit(s)" from that approved in the PC District, as determined by the Planning Manger. A change to an individual development unit generally shall be deemed to be significant if it represents a 10% increase to the approximate gross area of the development unit as approved in the PC District.

iv. An increase of 10% or more of the approved number of projected dwelling units or gross leasable area (GLA) for an individual development unit.

v. Any change in land use or density that is likely to negatively impact or burden public facilities and utilities infrastructure as determined by the City Engineer.

vi. Any change in land use or density that is likely to negatively impact or burden circulation adjacent to the PC District or to the overall major street system as determined by the City Engineer.

vii. Any other proposed change to the "Development Plan" and/or "Standards Report" which substantively alters one of more components of the PC District as determined by the Planning Manger.

e. **Minor Amendments.** Amendments not meeting one or more of the criteria listed in subsection (D) shall be considered *minor.* If the Planning Manager determines the amendment to be *minor*, the Planning Manger may administratively act on the amendment and attach stipulations or conditions for approval thereto, to protect the public health, safety and welfare.

i. If the amendment proposes a change to the Development Plan Map, notice of the proposed minor amendment shall be mailed to each owner of property as last disclosed by County Assessor records, situated wholly or partly within three hundred (300) feet to the affected development unit(s) to which the amendment relates. For purposes of giving mailed notice, the Planning Manger shall require the applicant to furnish the names and addresses and stamped/addressed envelops of all affected property owners as determined above. If the amendment proposes any other change to the "Development Plan" or "Standards Report", including but not limited to, text changes or changes to the development standards of the "Standards Report," notice of the minor amendment shall be published within a newspaper of general circulation.

ii. If written protest to any minor amendment is received from any notified property owner within ten (10) days of the notification mailing date in the case of mailed notice, or within ten (10) days of the final date of advertising in the case of published notification, and such protest cannot be

resolved, then the Minor Amendment shall be reclassified as a Major Amendment. No additional application shall be required, however, all provisions governing Major Amendments shall then apply.

If written protest is not received as described above, the Planning Manger shall render a decision on the minor amendment request. The Planning Division decision shall be final unless appealed under Article 14-36. The Planning Manger or assigned designee, shall send copies of the decision to the applicant, interested parties of record and members of the Planning and Zoning Commission.

2.1.11 DEFINITIONS

CLUSTER UNITS – dwelling units that are designed into compact areas in order to preserve natural features and preserve open space areas. They may be attached or detached.

DEVELOPMENT VILLAGE – a sub-area defined by the PC District Planned Community Plan containing multiple parcels.

MIXED USE DEVELOPMENT – is intended to provide a variety of community and regional uses in one geographic area located at significant intersections that will allow both access and viability for the uses. Mixed-use development will provide the opportunity for service and retail sales, office, employment, entertainment, parks and recreation, as well as, multi-family residential housing.

MIXED USE BUSINESS PARK OVERLAY – is intended to provide a variety of community and regional uses in one geographic area located at significant intersections that will allow both access and viability for the uses. Mixed-use development will provide the opportunity for service and retail sales, medical, office, employment, entertainment, parks and recreation, as well as, multi-family residential housing.

PARCEL - A portion or plot of land such as a subdivision, plat or site plan, a division of a larger area, such as a Development Village.

RESORT OVERLAY DISTRICT- The Resort Overlays denote areas that due to their natural features and scenic qualities may be preserved for resort development. Resort developments should preserve these qualities and provide a range of residential densities (including casitas, timeshare residential, and other housing types) in association with a resort hotel that includes recreational/leisure activities in addition to appropriate supporting commercial/service uses. The underlying land use designation for the Resort Overlay is either Residential-Low Density or Residential-Medium Density.

TOWN CENTER OVERLAY – The Town Center may include restaurants, a theater, a grocery, light retail, and non-retail services such as small office(s). The scale of the Town Center is such that it serves the adjacent residents, with some opportunity to draw from outside the

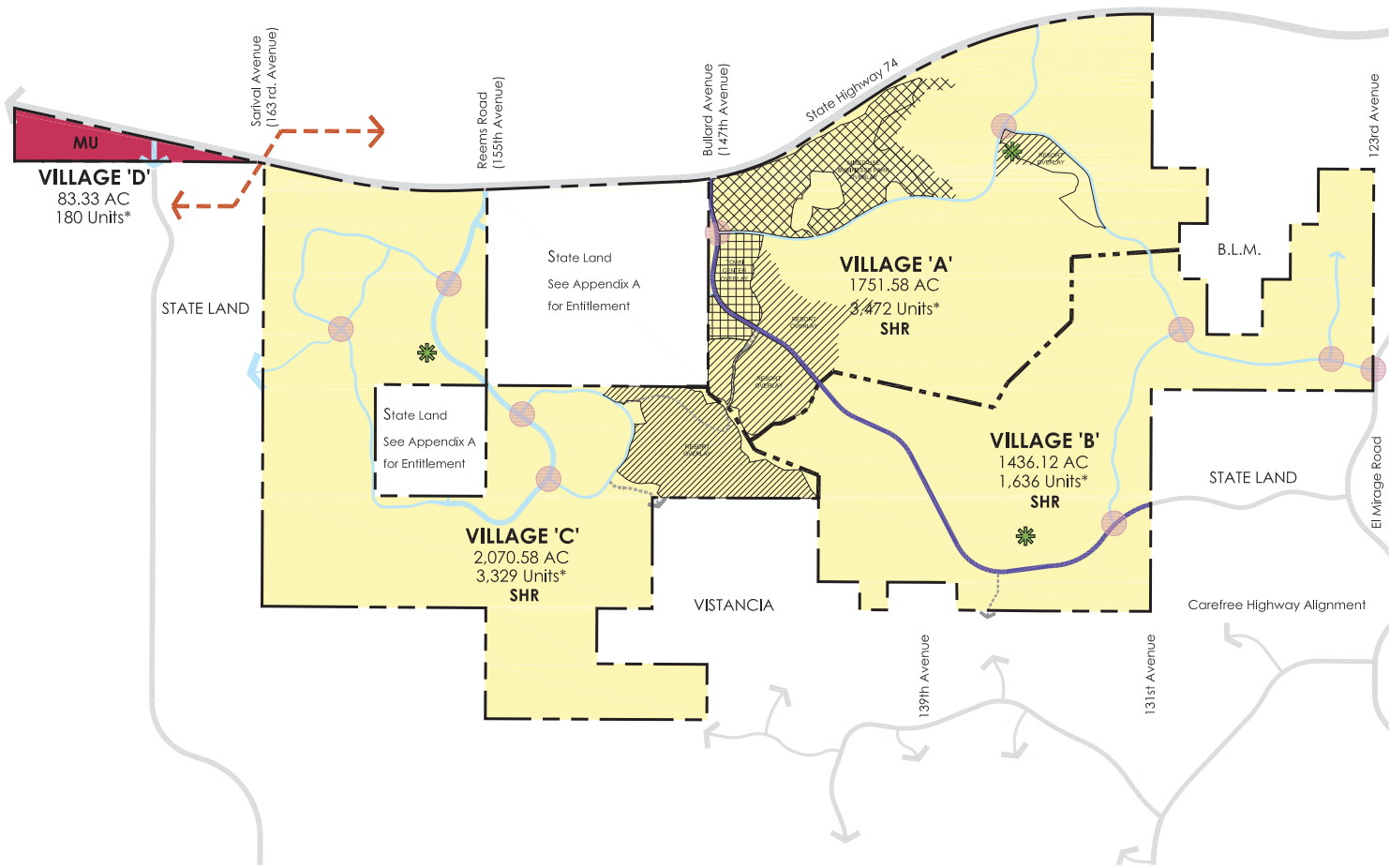
immediate community. The smaller scale generates less traffic and allows the Town Center to be located on collector level roadway. The underlying land use designation is Residential-Medium Density.

2.1.12 Zoning Map Exhibit F

SADDLEBACK HEIGHTS

Zoning Map

Exhibit F



LEGEND

- Saddleback Heights Residential (SHR)
- Limited Commercial Overlay
- Mixed-Use (MU)
- Town Center Overlay - 55.8 Ac.
- Resort Overlay - 387.52 Ac.
- Mixed-Use Business Park Overlay - 179.5 Ac.
- Golf Course Study Area
- Development Village Boundary
- Arterial Road Alignment
- Collector Road Alignment
- Potential Road Alignment
- Offsite Road Alignment
- APS Certificated Corridor

NOTES:

1. Saddleback Resort Overlay District (SH-RO) is an overlay district that applies to all land zoned SHR. The SH-RO allows two (2) potential resort sites including a maximum of 800 keys.

2. Resort Overlay may be relocated within the PCD boundary as a minor amendment.

3. Though four (4) potential golf course study areas exist within Saddleback, only three (3) may be developed.

4. The "*" proceeding the "Units" totals of each Village denotes that the unit totals within each village my vary provided the Total Units within the privately held acres does not exceed 8,269 Units.

5. Limited Commercial Overlay Maintains the underlying zoning of SHR until such time that the Overlay is designated for commercial development. The commercial development may not exceed 25 Acres or have a single tenant greater than 75,000 s.f.

NORTH

SCALE: N.T.S.
DATE: 02 July 2012
Revised: 24 February 2014

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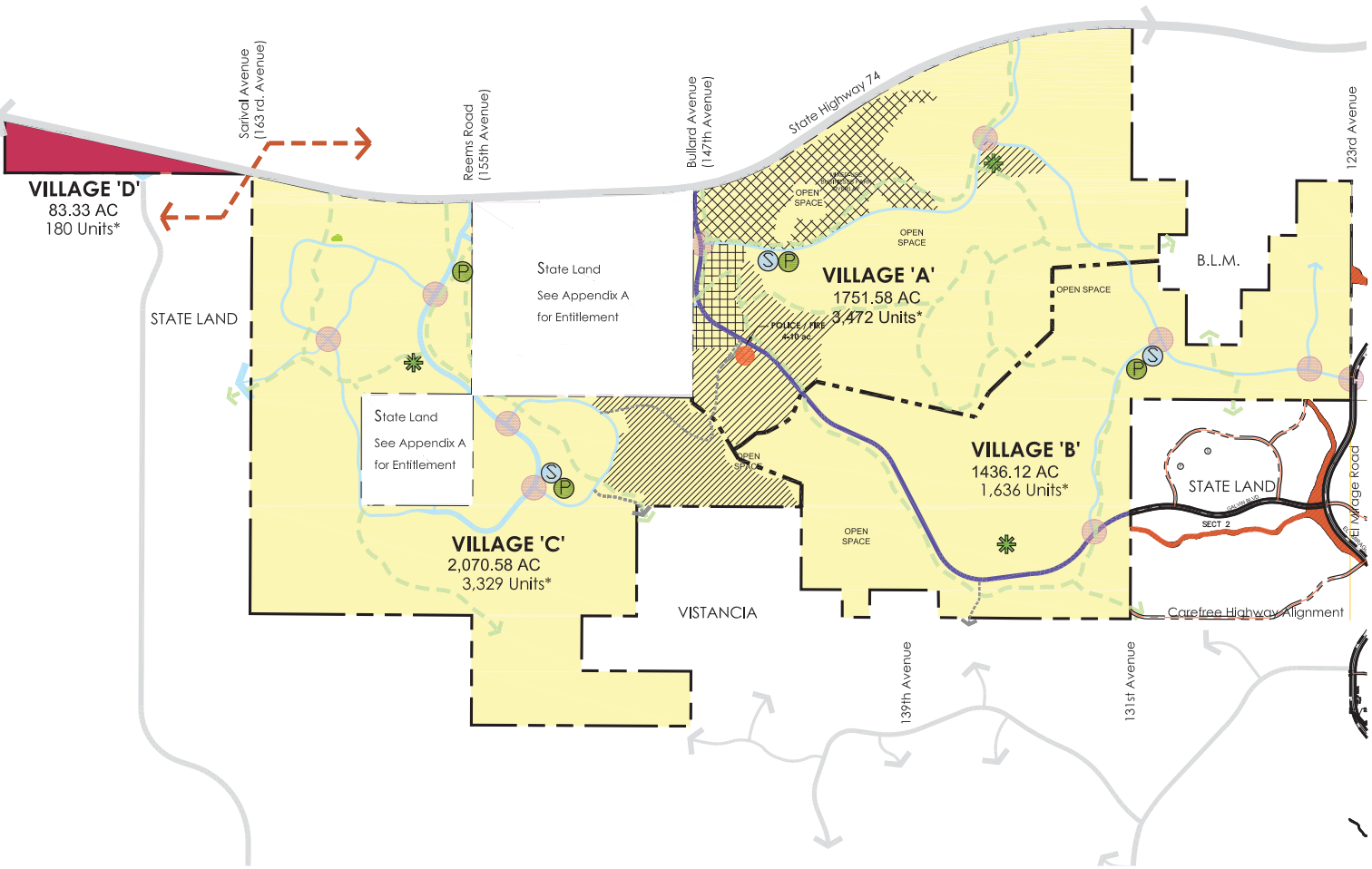
2.1.13 PLANNED COMMUNITY PLAN EXHIBIT G

SADDLEBACK HEIGHTS

Planned Community Plan

Exhibit G



LEGEND

- Saddleback Heights Residential (SHR)
- Limited Commercial Overlay
- Mixed-Use (MU)
- School
- Conceptual Park Location
- Police / Fire
- Town Center Overlay - 24.0 Ac.
- Resort Overlay - 387.52 Ac.
- Mixed-Use Business Park Overlay
- Potential Open Space Links
- Golf Course Study Area
- Development Village Boundary
- Arterial Road Alignment
- Collector Road Alignment
- Potential Road Alignment
- Offsite Road Alignment
- APS Certificated Corridor

NOTES:

1. Saddleback Resort Overlay District (SH-RO) is an overlay district that applies to all land zoned SHR. The SH-RO allows two (2) potential resort sites including a maximum of 800 keys.

2. Resort Overlay may be relocated within the PCD boundary as a minor amendment.

3. Though four (4) potential golf course study areas exist within Saddleback, only three (3) may be developed.

4. The "*" proceeding the "Units" totals of each Village denotes that the unit totals within each village my vary provided the Total Units within the privately held acres does not exceed 8,269 Units.

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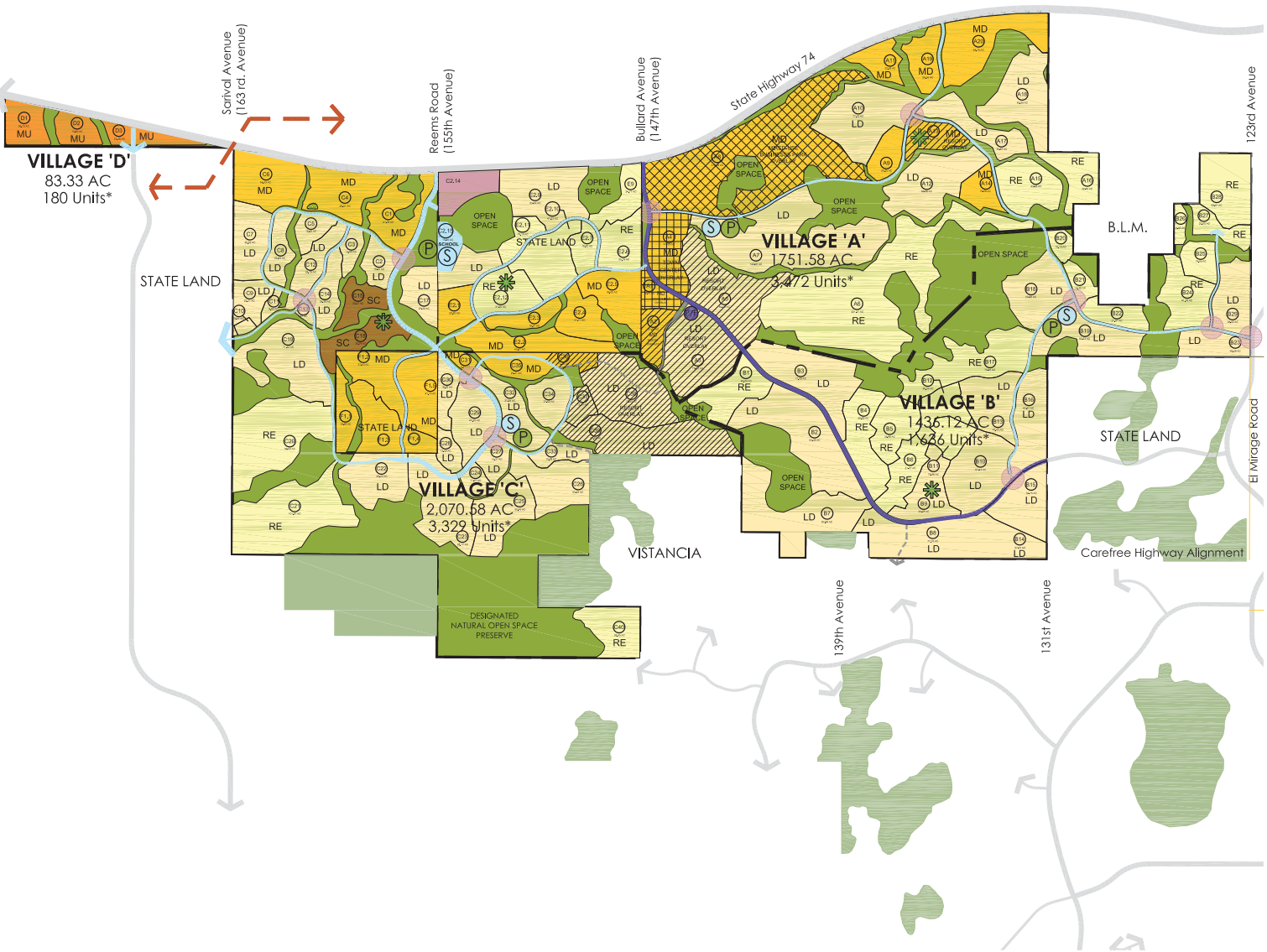
2.1.14 Conceptual Land Use Plan Exhibit H

SADDLEBACK HEIGHTS

Conceptual Land Use Plan

Exhibit H



LEGEND

- Open Space Area
- Offsite Open Space Links
- Conceptual Park Location
- SRE - Res. (0 - 2.0 Du/Ac)
- SLD - Res. (1.0 - 5.0 Du/Ac)
- SMD - Res. (3.0 - 8.0 Du/Ac)
- SC - Res. (6.0 - 12.0 Du/Ac)
- Mixed Use (15 Du/Ac)
- Limited Commercial Overlay
- Community Commercial (Town Center Overlay)
- Resort Overlay (Not To Exceed 800 Keys Total)
- Mixed-Use Business Park Overlay
- Potential School Location
- Conceptual Police / Fire Location
- Golf Course Study Area
- Minor Arterial Alignment
- Minor Collector Alignment
- Potential Road Alignment
- Offsite Road Alignment
- APS Certificated Corridor

NOTE:

1. All land use illustrated on this exhibit, except for commercial and mixed-use, have an underlying zoning of Saddleback Heights residential. All uses are conceptual in nature and are subject to change and modification at anytime. The uses illustrated are governed by Section II and Section III of the Saddleback Heights P.C.D. document.
2. All School and Park locations are conceptual and are subject to change.

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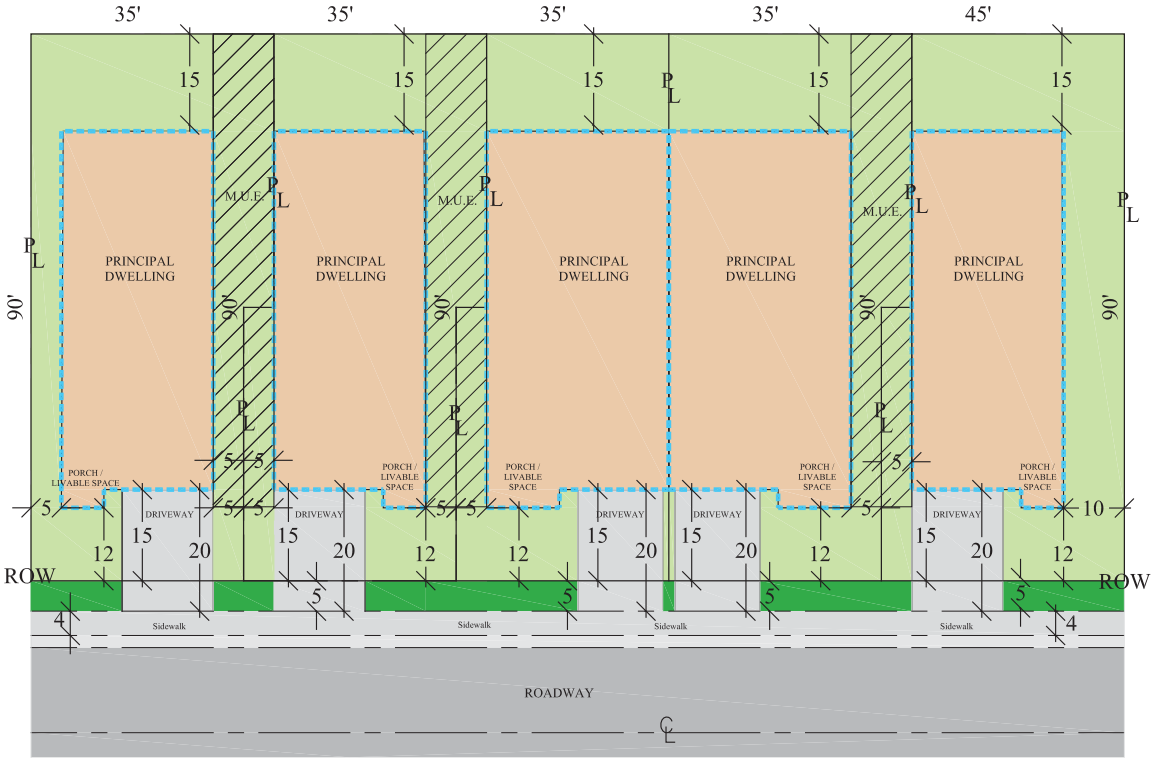
2.1.15 Conceptual Typical Product Examples Exhibit I1-4

SADDLEBACK HEIGHTS

CONCEPTUAL CLUSTER - Z LOT EXAMPLE

Exhibit I -1



PRODUCT / LOT STANDARDS

Zoning District - Various	
Min. Lot S.f.	= 4,000
Min. Lot Width	= 35'
Min. Outdoor Living Area	= 500 S.F
Max. Lot Coverage	= 65%
Min. Front Setback	= 12'/20'*
Min. Rear Yard Setback	= 15'
Min. Side Yard Setback	= 0'/5'
Max. Building Height	= 30'

*12' measured from ROW to side entry garage, porch or livable area. 20' measured from back of sidewalk to face of garage door.

north

0' 20' 40'

Scale: 1"=20'

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SADDLEBACK HEIGHTS

CONCEPTUAL
SLD & SMD LOT EXAMPLES

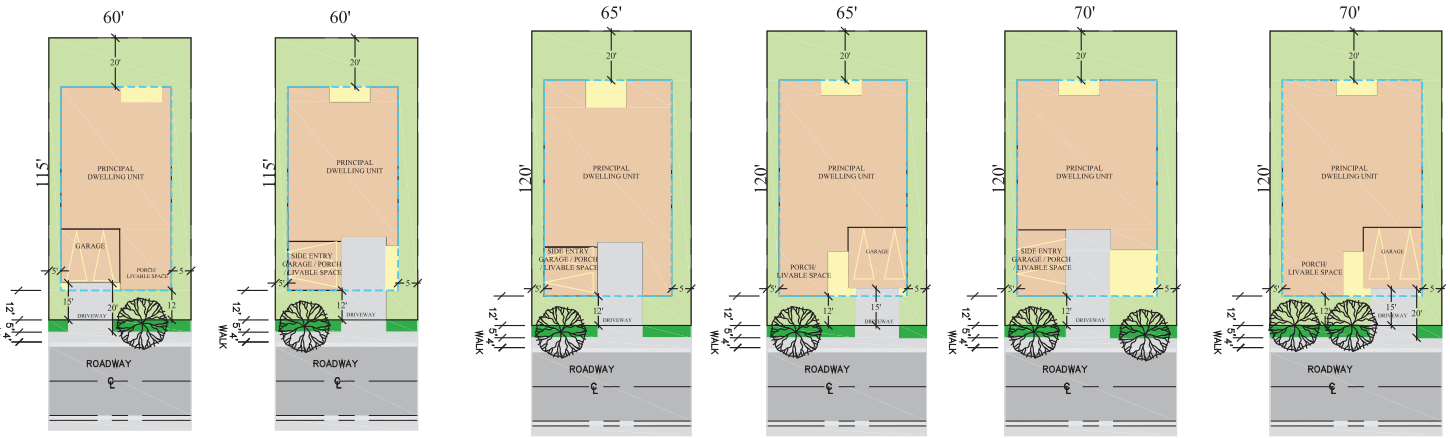
Exhibit I-2

PRODUCT / LOT STANDARDS

Zoning District - SLD & SMD

Min. Lot S.f.	= 4,500
Min. Lot Width	= 50"
Max. Lot Coverage	= 55%
Min. Front Setback	= 12'/20'*
Min. Rear Yard Setback	= 20'
Min. Side Yard Setback	= 10' aggregate
Max. Building Height	= 30'

*12' measured from ROW to side entry garage, porch or livable area. 20' measured from back of sidewalk to face of garage door.



north

0' 50' 100'

Scale: 1"=50'
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SADDLEBACK HEIGHTS

CONCEPTUAL COTTAGE & CLUSTER EXAMPLES

Exhibit I -3

PRODUCT / LOT STANDARDS

Zoning District - Various	
Min. Lot S.f.	= 3,500
Min. Lot Width	= 35'
Min. Outdoor Living Area	= 500 S.F
Max. Lot Coverage	= 65%
Min. Front Setback	= 12'/20'*
Min. Rear Yard Setback	= 15'
Min. Side Yard Setback	= 0'/5'
Max. Building Height	= 30'

0' 50' 100

Scale: 1"=50'

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SADDLEBACK HEIGHTS

CONCEPTUAL COTTAGE & CLUSTER EXAMPLES

Exhibit I -4

PRODUCT / LOT STANDARDS

Zoning District - Various	
Min. Lot S.f.	= 3,500
Min. Lot Width	= 35'
Min. Outdoor Living Area	= 500 S.F
Max. Lot Coverage	= 65%
Min. Front Setback	= 12'/20'*
Min. Rear Yard Setback	= 15'
Min. Side Yard Setback	= 0'/5'
Max. Building Height	= 30'

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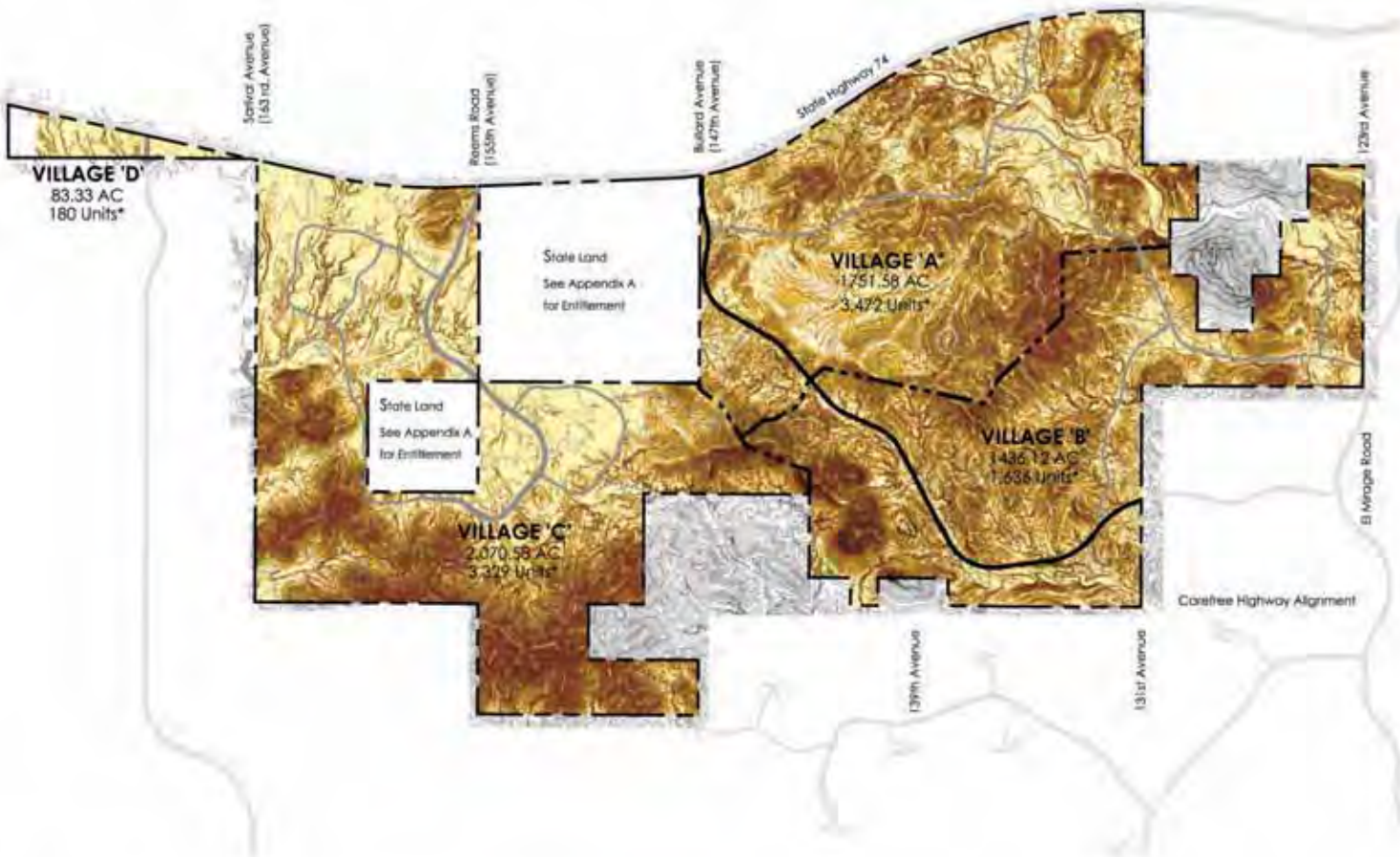
2.1.16 Slope Analysis Exhibit J

SADDLEBACK HEIGHTS

Slope Analysis

Exhibit J



LEGEND

Saddleback Heights - Slope Acreage

- 0% - 10% = 1,190.95 Ac.
- 10% - 15% = 697.52 Ac.
- 15% - 20% = 657.73 Ac.
- 20% - 25% = 616.72 Ac.
- 25% - 30% = 560.24 Ac.
- 30% - 35% = 482.50 Ac.
- 35% - 40% = 369.91 Ac.
- 40%+ = 685.72 Ac.

Total = 5,261.28 Ac.

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NOTE:
See PCD Section 2.1.7: Tables 5 & 6 for complete slope breakdown by Planning Village.

2.1.17 Conceptual Landform & Open Space Exhibit K

SADDLEBACK HEIGHTS

CONCEPTUAL LANDFORM & OPEN SPACE PLAN

Exhibit K

LEGEND

- Lower Transitional (0% - 15% Slope Area)
- Uper Transitional (15% - 25% Slope Area)
- Uplands (25% Plus Slope Area)
- Drainage / 404 Washes
- Conceptual Open Space Area
- Adjacent Open Space
- Conceptual Park
- Potential Golf Course Study Area

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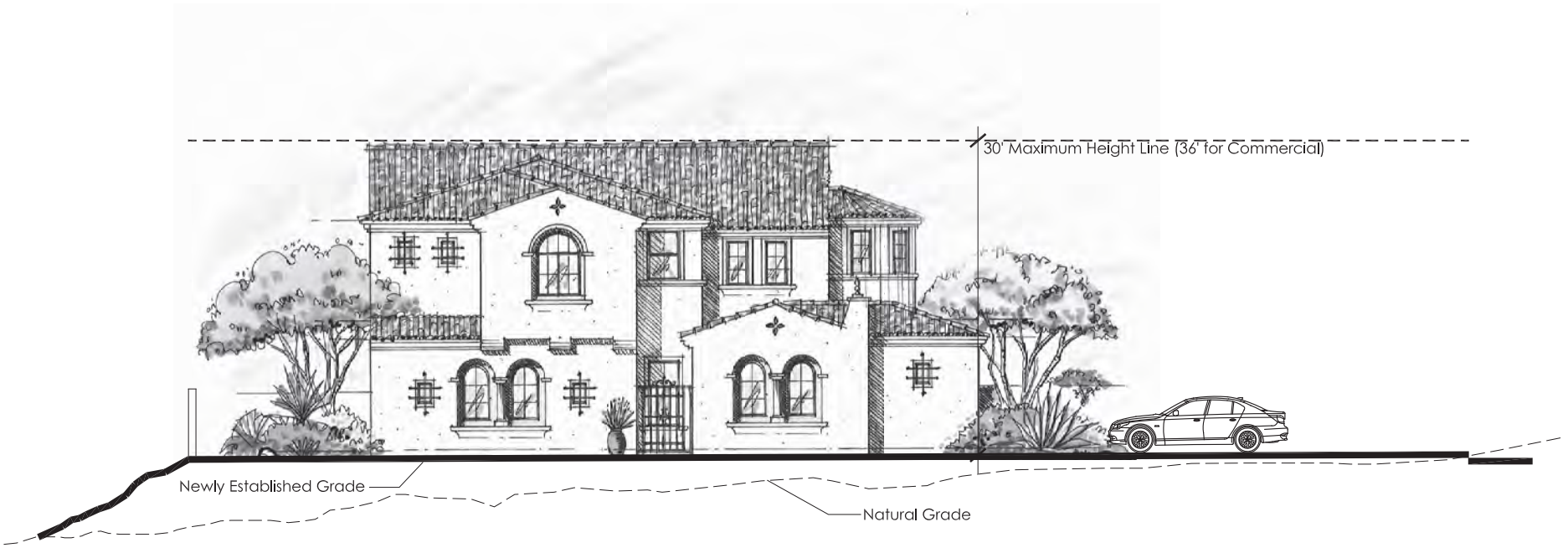
2.1.18 HILLSIDE DEVELOPMENT FIGURES 1-10

SADDLEBACK HEIGHTS

Article 14-22A Hillside Development Overlay District

Figure 1 - Maximum Building Height
Non-Custom Residential



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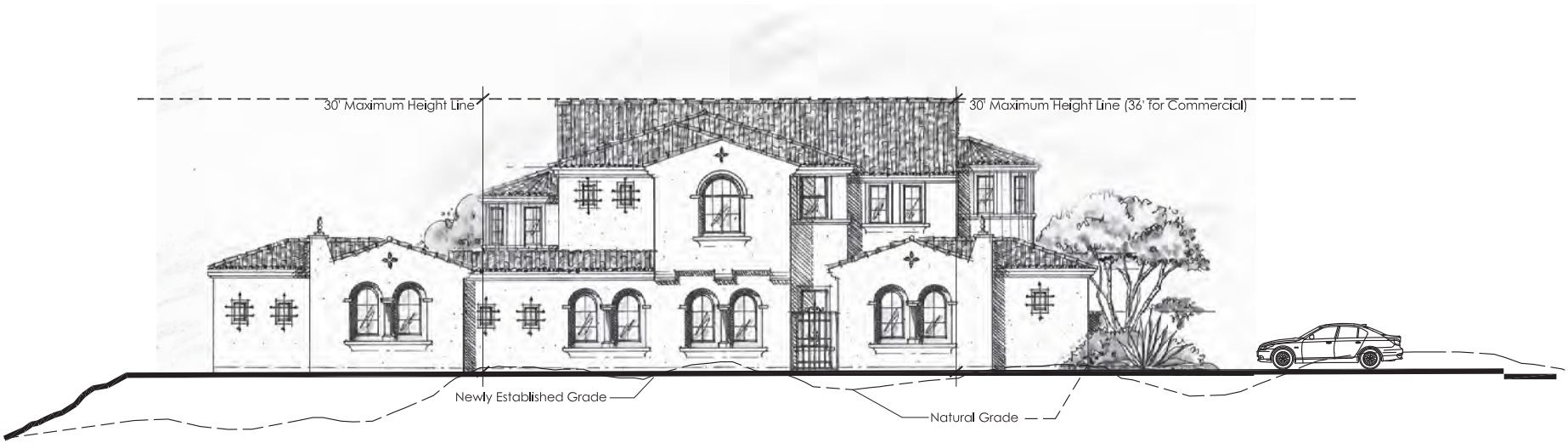
SADDLEBACK HEIGHTS

Article 14-22A Hillside Development Overlay District

Figure 2 - Maximum Building Height
Custom Residential



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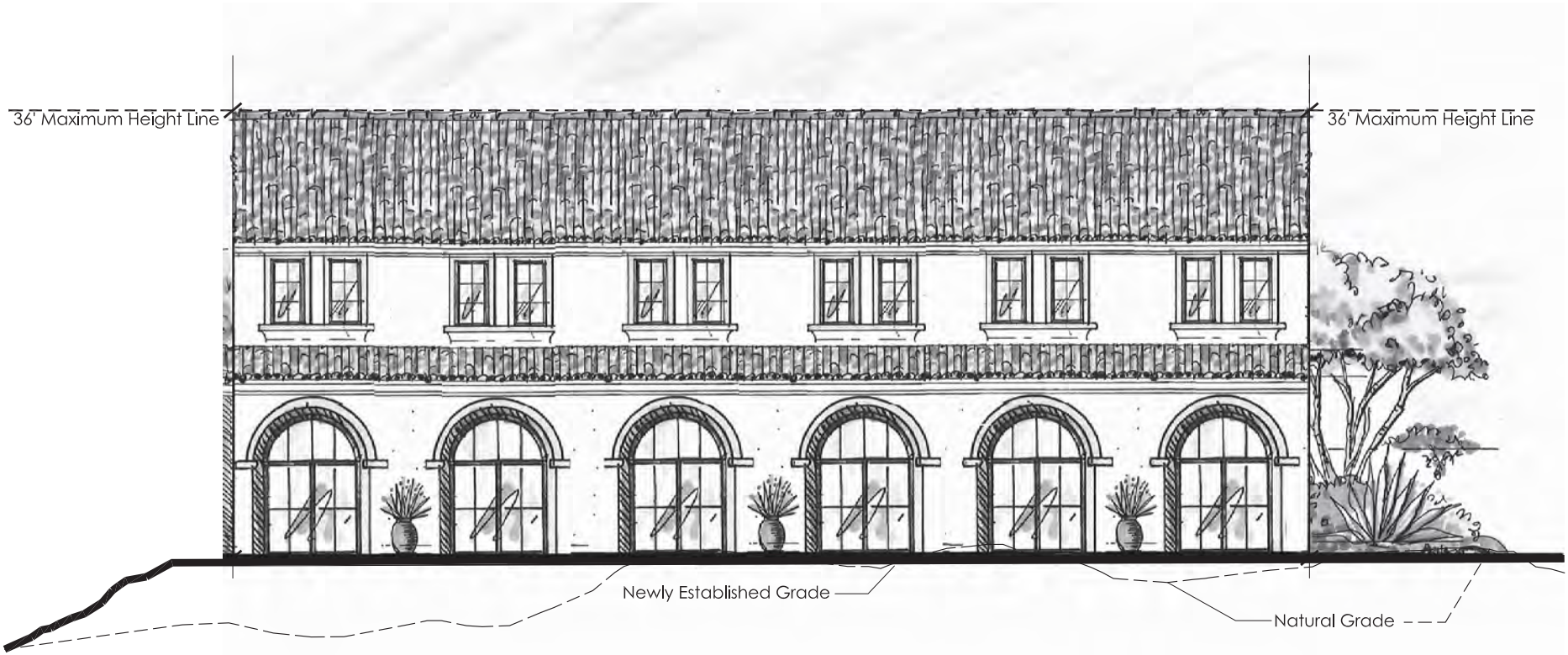
SADDLEBACK HEIGHTS

Article 14-22A Hillside Development Overlay District

Figure 3 - Maximum Building Height
Non-Residential



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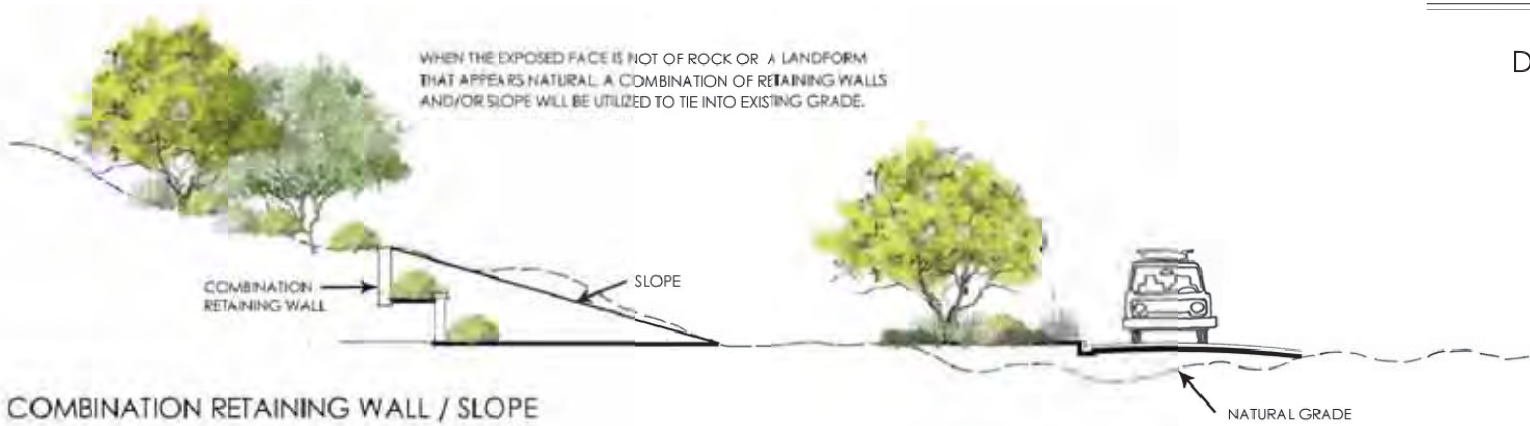
SADDLEBACK HEIGHTS

Article 14-22A Hillside Development Overlay District

Figures 4 & 5



COMBINATION RETAINING WALL / SLOPE

FIGURE 4

EXPOSED FACE

FIGURE 5

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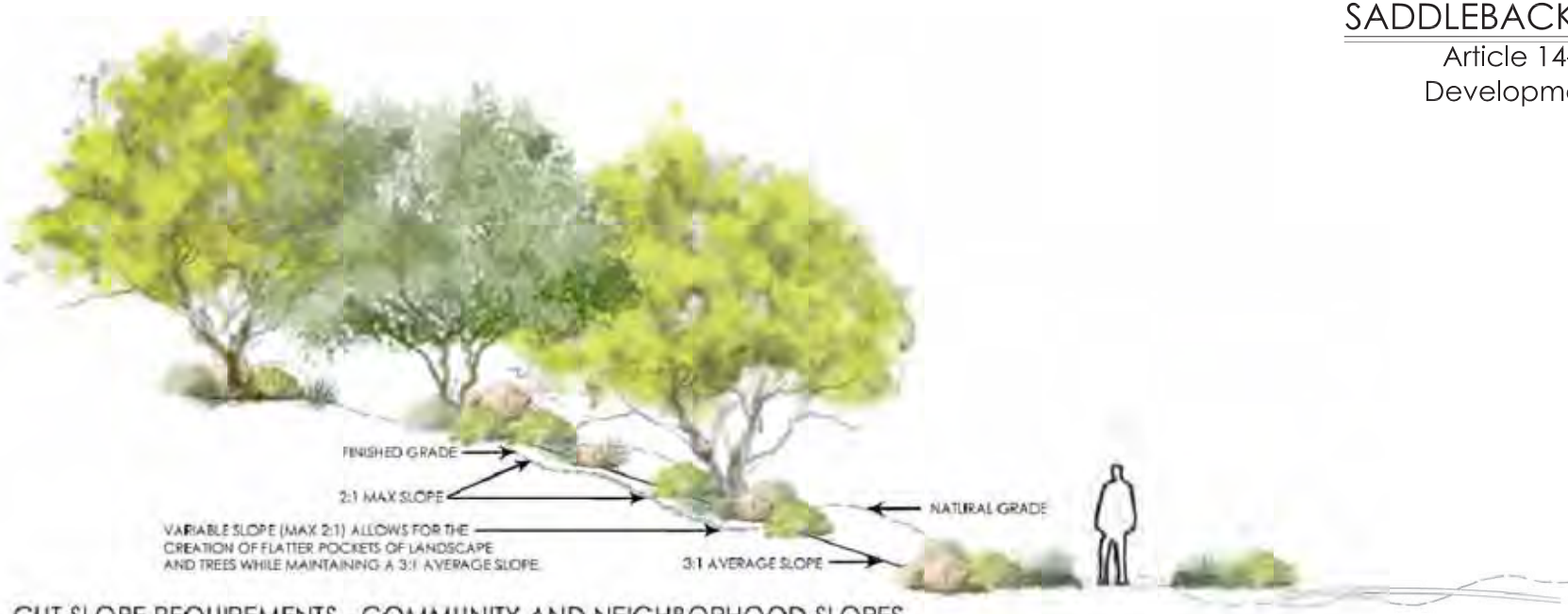
SADDLEBACK HEIGHTS

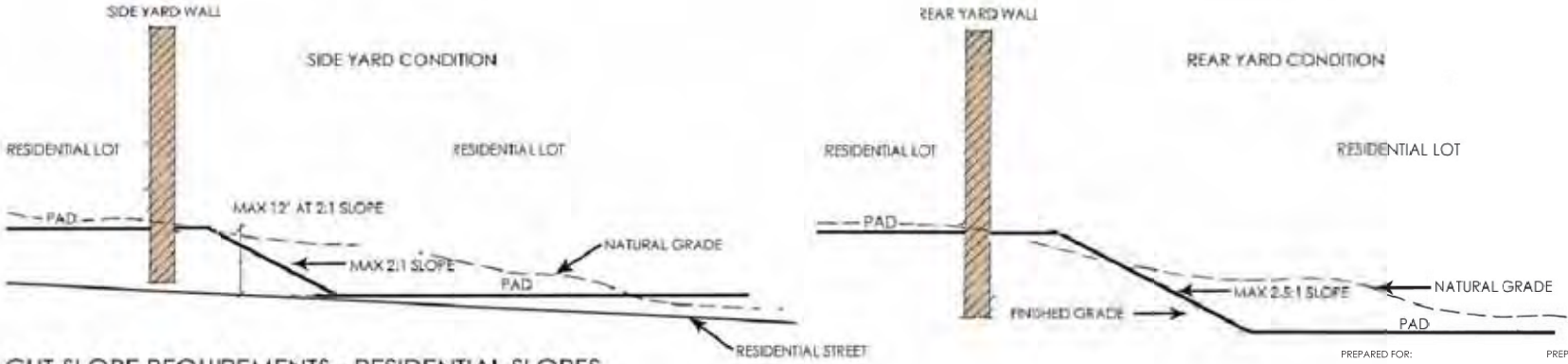
Article 14-22A Hillside Development Overlay District

Figures 6 & 7



CUT SLOPE REQUIREMENTS - COMMUNITY AND NEIGHBORHOOD SLOPES

FIGURE 6



CUT SLOPE REQUIREMENTS - RESIDENTIAL SLOPES

FIGURE 7

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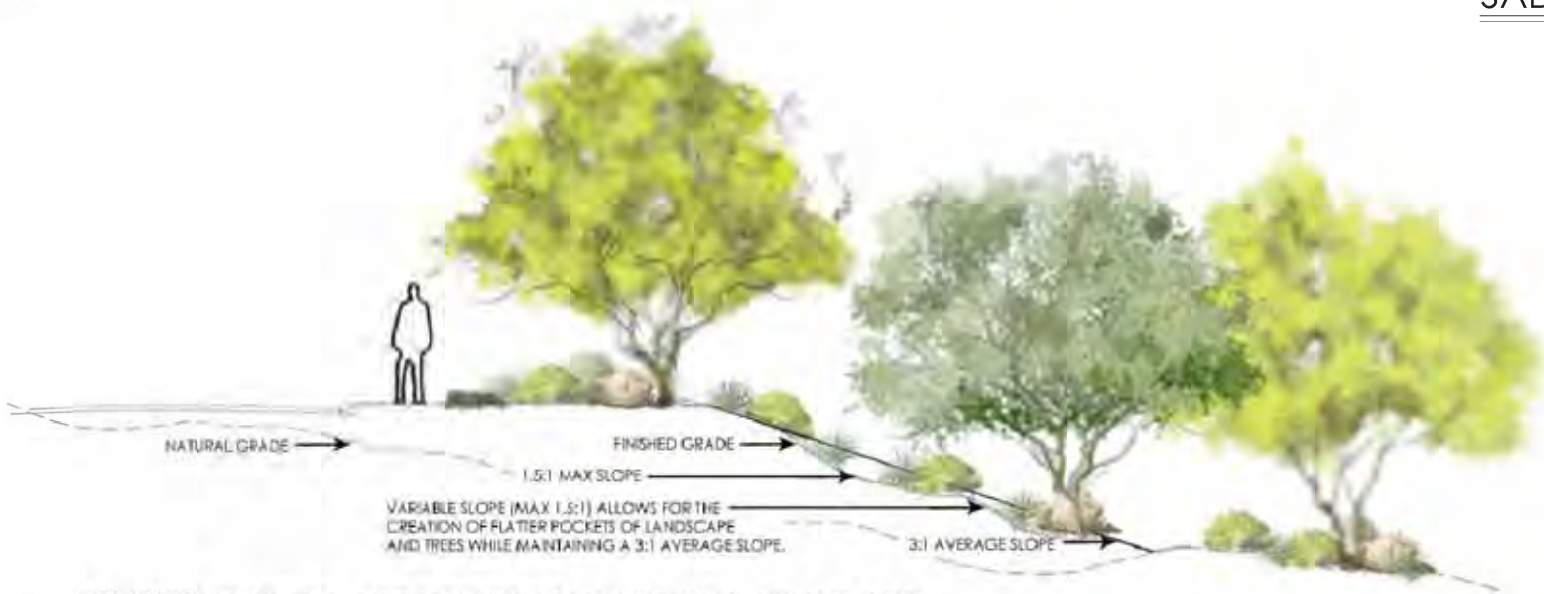
SADDLEBACK HEIGHTS

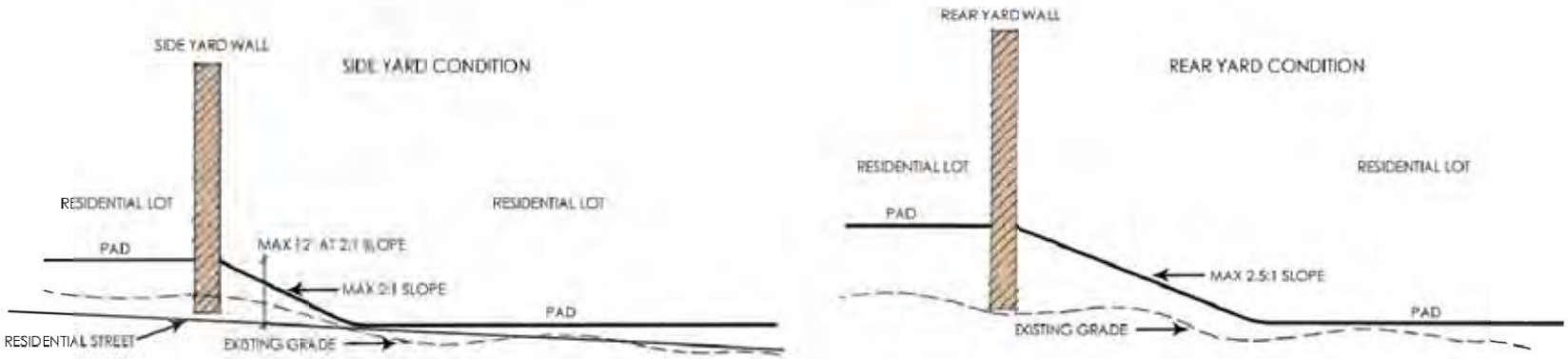
Article 14-22A Hillside Development Overlay District

Figures 8 & 9



FILL SLOPE REQUIREMENTS - COMMUNITY AND NEIGHBORHOOD SLOPES

FIGURE 8



FILL SLOPE REQUIREMENTS - RESIDENTIAL SLOPES

FIGURE 9

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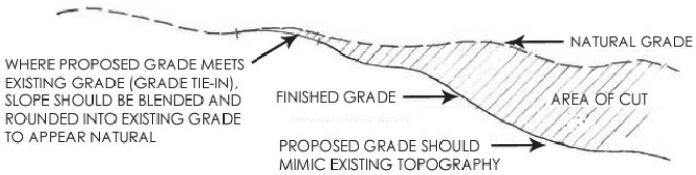
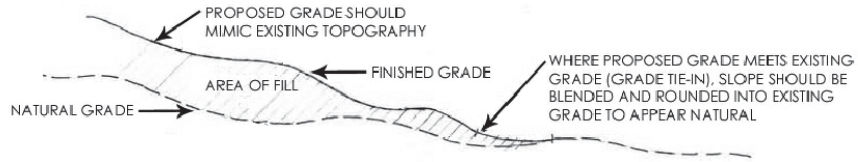
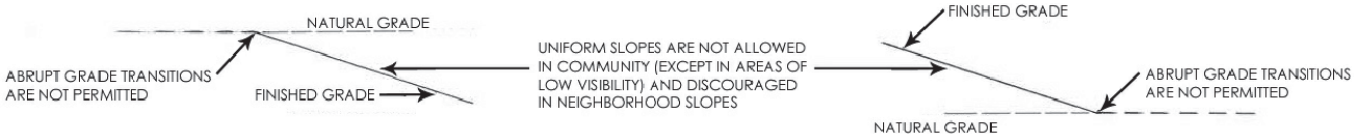
CUT SLOPES



FILL SLOPES





CUT SLOPES

FILL SLOPES

GRADE TIE-INS (CUT & FILL SLOPES)

FIGURE 10

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2.1.19 Preservation Master Plan Space Exhibit L – SEE Appendix C for the Master Conservation PLAN

SADDLEBACK HEIGHTS

PRESERVATION MASTER PLAN

Exhibit L

LEGEND

- Designated Open Space
- 404 Washes/ Migration Corridors
- Protected Ridges / Scenic Resources
- Off Site NOS

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SECTION III SADDLEBACK HEIGHTS PCD DEVELOPMENT PLAN

3.0 DEVELOPMENT PLAN

3.1 LAND USE PLAN

The Planned Community Development Plan for Saddleback Heights (the "Development Plan") is divided into seven (4) distinct development villages (the "Development Villages") in accordance with the Planned Community District of the Zoning Ordinance. Two of the Development Villages contain a total of 756 acres of State Land that Saddleback Heights has included as a part of this submittal. The land uses outlined in this section are illustrated as part of the **Zoning Map Exhibit F Section 2.1.11,Planned Community Plan Exhibit G Section 2.1.12 and Conceptual Land Use Plan Exhibit H Section 2.1.13.**

SADDLEBACK HEIGHTS ZONING CATEGORY SUMMARY – TABLE 7				
LAND USE CATEGORY	**DEVELOP MENT VILLAGE "A"**	**DEVELOP MENT VILLAGE "B"**	**DEVELOPMENT VILLAGE "C"**	**DEVELOPMENT VILLAGE "D"**
Saddleback Heights Residential Acreage	1751.58	1436.12	1990.25	0
Commercial Acreage	0	0	0	0
Mixed Use Acreage	0	0	0	83.33
Total Gross Acres	1751.58	1436.12	1990.25	83.33
Maximum Number of Residential Units*	3472	1636	3329	180

*Maximum units capped at 8,269 per Section 3.1

**Note that Overlays include:

Mixed-Use Business Park Overlay – 180 Acres
Limited Commercial Overlay – 25 Acres Maximum per site
Town Center Overlay – 56 Acres
Resort Overlay – 307 Acres

3.1.1 DEVELOPMENT OPTIONS AND DENSITY ALLOCATION

As referenced in Section 2.1.1.3, residential development options must be selected at the time of submittal of a preliminary plat or site plan. In addition to the residential development option, each Development Village at Saddleback Heights has a maximum unit cap that cannot be exceeded. At no time can the total number of units within the Saddleback Heights exceed 9,055 units, (including State Land) and 8,269 (excluding State Land). See **Table 7** for Development Village density caps.

3.1.2 SCHOOL CONSIDERATIONS

Saddleback Heights is located in both the Peoria Unified School District and in the Nadaburg Unified School District. The boundary between the two districts is the 137th Avenue, or Bullard Avenue alignment, which bisects the Property from north to south. The developer will provide facilities and/or impact fees as warranted by student population and as outlined in agreements to be drafted with both the Peoria Unified School District and in the Nadaburg Unified School District. The underlying zoning for any identified school site will be SH-R District. See **Section 2.1.12 Planned Community Plan Exhibit G** for potential 15 acre Nadaburg School Site within State Land Village E as well as three additional site, one in each of Villages A, B & C. Each school site is adjacent a potential park site as well.

3.2 OPEN SPACE PLAN

A **Conceptual Landform & Open Space Exhibit K** is provided in Section 2.1.16. The Open Space Plan was created to respond to and preserve the unique land forms, natural washes and rock outcroppings of the Property. The Open Space Plan represents a minimum of 600 acres of both passive and active open space areas and opportunities. The purpose of the open space plan for Saddleback Heights is to enhance community character and quality of life by providing connectivity, meaningful open space and recreational opportunities for residents of all ages. An emphasis is placed on concentrating open space recreation facilities within the interconnecting open space network.

Because Saddleback Heights has very unique landforms throughout the property, the open space within the project will be developed in conjunction and in harmony with the unique forms. As a result a hierarchy of public and private open space will be provided throughout Saddleback Heights in the form of linear open space, mountainous open space, an extensive trail/pathway network as well as connected focal parks and neighborhood parks. While Saddleback Heights is a master planned community, due to the nature of the physical features of the site, there will be extensive natural and enhanced natural open space. Each of these spaces and uses offers a destination for project residents. Areas utilized for drainage and retention will incorporate an informal or formal useable recreation elements. Open space programming will be finalized and submitted in detail during the preliminary plat process. Private open space areas will be owned and maintained by the Saddleback Heights Homeowner's Association (HOA), or another appropriate agency. Publicly Dedicated Open Spaces will be owned and maintained by the City of Peoria or other public entity.

The on-site open space network provides important links to the regional open space, parks, potential school site(s), potential municipal use sites, commercial sites, and a resort site(s).

3.2.1 REGIONAL OPEN SPACE

The Saddleback Heights PC District provides for both active and passive recreation and preserves the beauty of the existing mountains as amenities for residents of Saddleback Heights and the surrounding community to enjoy. The Saddleback Heights PC District utilizes internal open space in the form of natural desert arroyos and mountain open space as pedestrian corridors to link residents and guests of Saddleback Heights to the paths and trails used for hiking and biking, community recreation elements, and potential schools sites, as well as recreation amenities, residential villages, and commercial and Town Center elements. A minimum of 600 acres of Park/Open Space were approved in the 2002 Saddleback Heights PCD. If the Saddleback Heights PCD is amended to allow up to 8,269 residential units, dedicated public open space will increase 5,000 sq. ft. for each additional developed unit exceeding 5,409 units, which could add as much as 328 acres of public dedicated open space, as identified as part of the **Conceptual Landform & Open Space Exhibit K**. The mountainous open space is located within Village "B" and will act as a link between two public mountain open space areas within White Peak Ranch to the south and to create the opportunity for a regional trail link.

3.2.2 COMMUNITY RECREATION & OPEN SPACE

The Saddleback Heights PC District integrates private neighborhood park sites throughout the Property. The parks are designed to create community-gathering places. The parks, in conjunction with recreation centers, will allow for a wide range of recreational opportunities.

Neighborhood Parks

Neighborhood Parks are the largest of the developed open space at approximately 10-15 acres in size. Neighborhood Parks are intended to serve as a draw for the residents within each respective Neighborhood at Saddleback, serving as major gathering places and active

recreation areas for each of the Villages. Each Neighborhood Park will be designed to meet the needs of the community and thus will have similar as well as unique recreational programming. The Neighborhood Parks will provide multiple "recreational" amenities such as recreation complexes, tennis and basketball courts, baseball, soccer and/or softball fields, sand volleyball courts, multiple shade ramadas, restroom facilities and barbeque-grilling facilities. The Neighborhood Parks should be strategically located next to school sites, and provide access through the linear open space and trail systems along the collector and arterial streets, as well as internal open space paseos to provide connectivity for all residents. The exact programming of each Neighborhood Park will be determined as the Villages are further defined; however, each Neighborhood Park will include a minimum of three (3) program elements from the "Saddleback Heights Recreational Amenities List," below.

Focal Parks

Focal Parks are neighborhood recreation areas designed and programmed to meet the recreational needs of both neighborhoods and the Village as a whole. Focal Parks will serve as neighborhood cores in some instances and in other instances serve as the unifying recreational and gathering element to bring multiple neighborhoods together as part of the greater Village. Focal Parks will range from one-quarter acre in size to more than an acre in size, with the smaller parks being sized for a single neighborhood and the larger parks being sized to serve multiple neighborhoods within the Village. The exact programming of each Focal Park will be determined as the Villages become further defined; however, each Focal Park will include a minimum of two (2) program elements from the "Saddleback Heights Recreational Amenities List," below.

Linear Park

A comprehensive Linear Park network of pedestrian trails and pathways has been planned along the collector and arterial road systems as well as internally to the Villages and along wash and natural features. The Linear Parks will vary in width from 5' to 50'. The paths and trails within the Linear Park systems will serve as links to both internal recreational uses as well as to regional trails that may connect through adjacent developments. The Linear Park areas may have various "trail-heads" as well as respite areas with seating and shade areas. The systems will provide alternative transportation opportunities by connecting residents to one another, commercial centers, parks and educational facilities.

3.2.3 GOLF OPEN SPACE & COMMUNITY AMENITIES

Four potential golf course study areas have been identified, of which three total golf courses may be developed. Any or all of the golf course study areas may develop as championship courses as the market and development dictates. The location of the golf course study areas have been chosen to integrate into the residential development and compliment both the residential development and enhance the natural area open spaces in and adjacent to the development areas. Clubhouse and maintenance facilities are also associated with each of the three study areas. See **Conceptual Landform & Open Space Exhibit K** for the potential golf course locations.

SADDLEBACK HEIGHTS RECREATIONAL AMENITIES LIST

Each Village Park within Saddleback will have three (3) amenities from the list below developed within the park.

Each Focal Park within Saddleback shall have two (2) amenities from the list below developed within the park.

Amenities selected shall comply with the 2006 PROST, unless superseded or subsequently amended.

- Shaded Play Structures for 2-5 year olds
- Shaded Play Structures for 5-12 year olds
- Active Turf Area
    - Soccer Field(s)
    - Football Field(s)
- Passive Turf Area (min. 10,000 s.f.)
- Baseball/Softball Field(s)
- Barbeques/Grills
- Group Picnic Area
- Shade Ramada/Tensile Structure/Gazebo
- (4) or more benches
- Play Structure with Swings, Slides, and imaginative play
- Shade Structure Covered Play Structure with Swings, Slides, and imaginative play
- Half-court Basketball
- Full Court Basketball
- Sand Volleyball
- Tennis Court(s)

- Aquatic Center
- Swimming Pool Facility
- Restroom Facility
- Climbing Wall
- Recreation Center
- Interactive Water Play (splash pads and/or water jets)
- Interactive/Interpretive Garden
- Amphitheater
- Bocce ball courts
- Skate park
- Par course
- Path and trail head gathering areas
- Trail Head

3.3 PATHS AND TRAILS PLAN

The path and trails network at Saddleback Heights is comprehensive and is designed to link all internal land uses, as well as provide several regional connections. The paths and trails utilize open space corridors that include natural wash features, mountain open space and open space corridors to allow residents and guests to travel to virtually any destination within the Property via hiking or biking trails. Due to the nature of the community and natural terrain bikeways will be included as part of a multi-use path system and along the street. The above paths and trails are illustrated on the **Paths and Trails Plan Section 3.10.4 Exhibit M** and **Paths & Trails Regional Context Map 3.10.5 Exhibit N**.

3.4 CONCEPTUAL LAND USE PLAN & MATRIX

The Conceptual Land Use Plan for Saddleback Heights illustrates potential areas of residential development types, open space and recreation as well as all other land uses within the master planned community. A Conceptual Land Use Matrix also accompanies the plan to show potential intensities of use based on the approved Specific Area for Saddleback Heights. The plan and matrix illustrate a variety of land uses that may be created within the project and show paths and trails that utilize open space corridors that include natural wash features, mountain open space and open space corridors link the various uses and create a resort lifestyle community. The underlying zoning for Development Villages shown in the Conceptual Land Use Plan is detailed on the **Zoning Map Section 2.1.11 Exhibit F**. All uses shown within the SH-R zoning may shift within the Development Villages as long as the overall density cap within any given Development Village is not exceeded. **See Conceptual Land Use Plan Section 2.1.13 Exhibit H** and **Conceptual Land Use Matrix Section 3.10.7.**

3.5 CIRCULATION PLAN

The conceptual Master Circulation Plan and On-Site Traffic Analysis for Saddleback Heights shall be approved by the City Engineer or Designee, prior to approval of the PC District. The conceptual off-site traffic study shall be approved by the Engineering Department prior to the approval of the PC District. The developer is aware that collector level roads may not have access to SR 74 and that a frontage road or alternate alignment for the collectors within Saddleback may be required. See **Section 3.10.8 Circulation Plan Exhibit N.**

3.6 UTILITY PLANS

The Utilities Element explains the proposed provisions for major elements of the water, wastewater, and storm water systems for the plan area.

Currently, the plan area is not served by utilities such as water or sewer systems, nor is there in place a specific storm water drainage system. These utility elements, along with telephone and electrical service, are to be provided by the developer of the subject property pursuant to the Annexation and Development Agreement (or as amended) entered into between the developer and the City of Peoria. Final design of any required water treatment plant, waste-water treatment plant, storm water drainage systems, along with the design of other utility services, will establish sufficient capacity and detail in order to service the plan area. All design specifications shall comply with current criteria of governmental agencies having appropriate jurisdiction over the plan area, including those of the City of Peoria. Prior to commencement of construction of any facilities of the Utilities Element, a Utilities Element Master Plan will be submitted to the City for approval. The subject Master Plan should include a Master Drainage and Hydrology Plan; a Master Water Plan; and a Master Waste Water Plan. Upon completion of construction of the utilities infrastructure, the management and operation of same will be turned over to the City in accordance with the provisions of the Annexation and Development Agreement.

Water System

Water services to the area may be provided through one of the following:

1. Groundwater from existing or later developed wells;
2. Through an arrangement with the City of Peoria and their CAP allocation;
3. Through the inclusion of the area into a Replenishment District;
4. Through the developer's acquisition of a CAP allocation;
5. Through other methods acceptable to the City and developer.

The developer may also elect to work with the City and surrounding developments to create a regional water supply solution.

The developer may construct a facility for water treatment sufficient for the needs of the plan area on an as-needed basis.

This water treatment plant should be located at a site that takes into account the needs of the plan area as well as future City service objectives. The plant may be designed to accommodate future modular expansion by the City should it be deemed appropriate for the City to do so.

An appropriate integration of ground water and Central Arizona Project water should be developed in order to provide both primary and secondary sources of water supply.

Whenever possible, storage tanks providing gravity generated pressure systems should be utilized. Storage tanks should be located so as to minimize their visual impact. They should be designed so as to provide an appropriate blend with the natural surroundings. In cases where adequate water pressure cannot be generated by gravity, pressure pumps or booster pumps should be utilized.

Sewer System

There are no existing sanitary sewer facilities in the plan area. The developer is responsible for the construction of the waste-water infrastructure necessary to service the property. Said infrastructure

may be an on-site waste-water facility and/or utilization of the Jomax Waste-Water Treatment Facility, or a combination thereof. The City of Peoria will retain any and all rights to the effluent generated by the development. A final Water Balance will need to be created for the development prior to the city dedication of any of this water resource.

The location and design of the waste-water treatment plant should take into account the requirements of the plan area as well as future needs of the City. Design specifications should allow for modular expansion of the plant by the City if it deems appropriate to do so in the future.

Lift stations may be utilized throughout the plan area whenever the topography precludes a gravity fed system. Although Lift Stations may be utilized in the development, all efforts shall be made to coordinate with adjacent developments to make connections to gravity collection systems whenever feasible.

Notwithstanding the foregoing, changing technological developments with respect to waste-water collection and treatment should be explored. Phasing of development within the plan area may require the appropriate use of alternative, interim treatment facilities until such time as the economy of development warrants the construction of a more centralized treatment facility.

Electrical/
Telecommunication

All electrical and telecommunication services will be provided by public utility companies and all lines smaller than 69kv lines shall be placed underground.

SANITATION SERVICE

The City may elect to provide sanitation service itself or contract with one or more private parties to provide sanitation service (pursuant to City Code Section 22-20(C)).

3.7 PUBLIC SERVICES PLAN

FIRE/EMS/POLICE

The developer and the City will work together at the time of zoning to develop a cohesive plan for the provision of fire/emergency services and police services that results in the desired response times for the plan area. The plan may include the combined use of public and private services. On-site fire/emergency response and police facilities will be co-located if possible. Exhibit H – Conceptual Land Use Plan show a potential fire and police site located central to the community on Bullard Avenue.

3.8 DRAINAGE PLAN

Storm Water

The developer proposes to prepare a master drainage plan for the area to manage storm water. Existing major washes will be utilized as collectors of storm water to maintain current drainage to the extent that is reasonable and feasible.

All drainage plans shall be prepared so that the specifications outlined therein take into account at least the minimal drainage issues affecting adjoining properties. The drainage design shall not create new conditions that would adversely affect water flows onto adjoining properties. Final design specifications shall meet all appropriate City and county flood control criteria with respect to drainage prior to commencement of development for the respective phases or sub-phases of the plan area.

3.9 PHASING

A commitment to long range land use planning is needed for Saddleback Heights master planned community to be both successful and sustainable. It is anticipated Saddleback Heights will have an approximate build out of twenty-five (25) years. Due to the time frame

for build out of the community, all development and related infrastructure will be built in phases. Ultimately, the schedule of phasing will be dependent upon the market, economic conditions, absorption rates and construction logistics and, as such, all or parts of any Development Village(s) may be developed concurrently provided that the engineering master plans are revised to prove the viability of the development. Other land uses built in phases will include, but not be limited to: open space, recreation components and community amenities. These community amenities typically will be constructed concurrently with adjacent parcels throughout the project. Due to the complex nature of the site, the master developer may develop the project in "sub-projects" or villages simultaneously. The phasing plan for the Saddleback Heights PC District is set forth in the phasing for development infrastructure shall be identified and approved as part of the approval process for the various master plan studies referenced in Sections 3.5, 3.6, 3.7 and 3.8. Infrastructure plans will be updated subsequent to changes in the phasing plan and such revisions may be approved administratively.

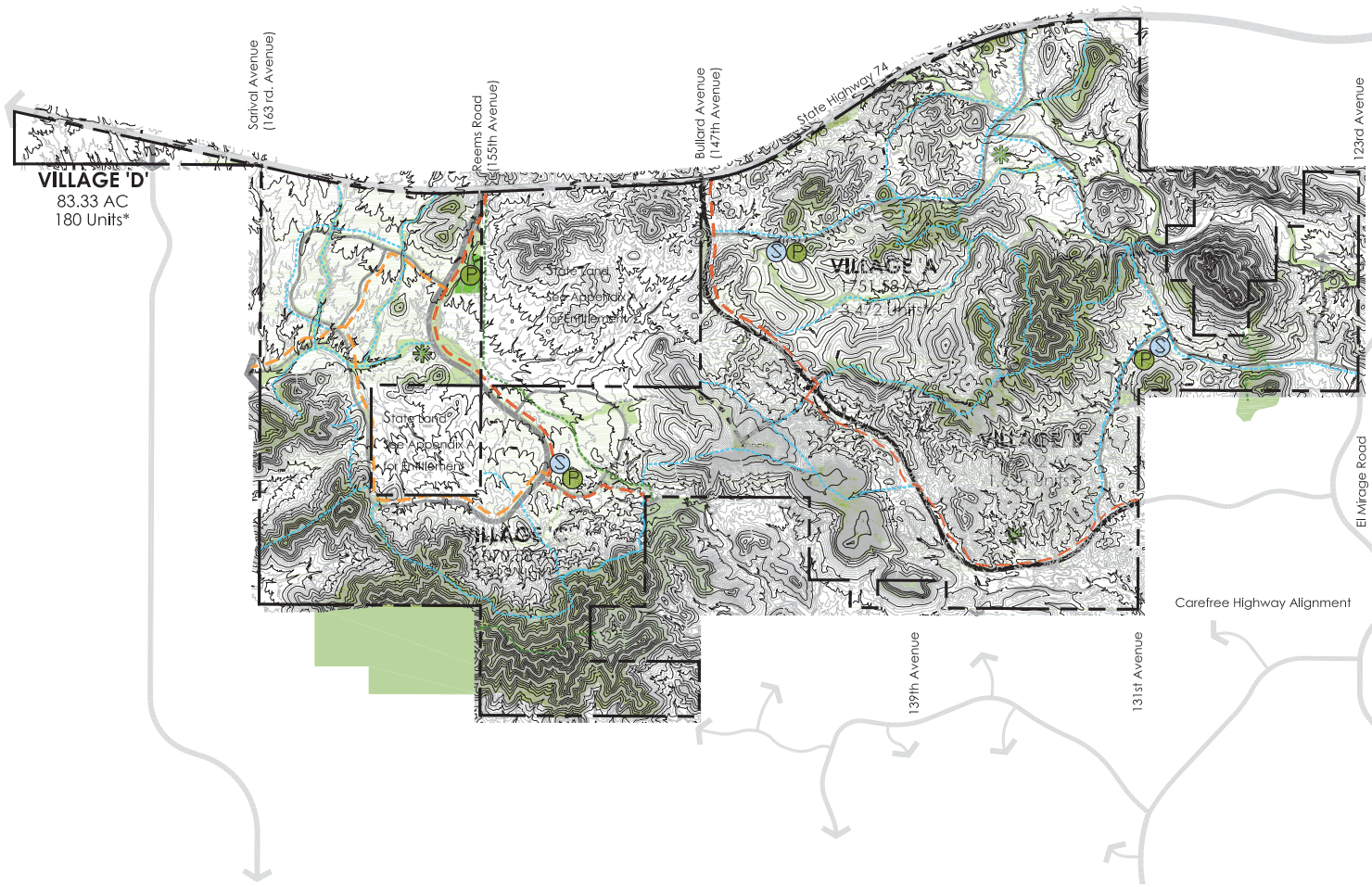
3.10 DEVELOPMENT PLAN - MAPS & PLANS

3.10.1 Paths & Trails Plan - Exhibit M

SADDLEBACK HEIGHTS

Conceptual Paths and Trails Plan

Exhibit M



LEGEND

- 8' Wide Public Multi-Use Path
- 8' Wide Private Multi-Use Path
- 6' Wide Natural Surface Trail
- Trail (3' - 6' Width Varies)
- Development Village Boundary
- Potential Road Alignment
- Collector Road Alignment
- Minor Arterial Alignment

NOTES:

1. Bike lanes will be incorporated as part of the City of Peoria sections for Collector and Arterial roadways.
2. All path and trail materials will be selected as part of the Parks, Recreation, Open Space and Trails Plan (PROST) for Saddleback Heights.

NORTH

SCALE: N.T.S.
DATE: 02 July 2012
Revised: 24 February 2014

PREPARED FOR:

DIAMOND VENTURES

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PREPARED BY:

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7400 E. McDonald Drive Suite 122
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www.hadleydesigngroup.com

3.10.2 Paths & Trails Regional Context Map – Exhibit N

SADDLEBACK HEIGHTS

Regional Conceptual Paths and Trails Plan

Exhibit N

LEGEND

- 8' Wide Public Multi-Use Path
- 8' Wide Private Multi-Use Path
- 6' Wide Natural Surface Public Pedestrian Trail
- Trail (3' - 6' Width Varies)
- Development Village Boundary
- Potential Road Alignment
- Collector Road Alignment
- Minor Arterial Alignment

NOTES:

1. Bike lanes will be incorporated as part of the standard sections for Collector and Arterial roadways.
2. All path and trail materials will be selected as part of the Parks, Recreation, Open Space and Trails Plan (PROST) for Saddleback Heights.

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3.10.3 Conceptual Land Use Matrix

Saddleback Heights

Conceptual Land Use Matrix

	Parcel	Gross Acreage	Zoning Categories Allowed	Target Density	Units
Village 'A'	A1	14.70	SRE, SLD, SMD, SC, TCO	5.00	73
	A2	21.30	SRE, SLD, SMD,SC, RO	5.00	107
	A3	73.53	SRE, SLD, SMD,SC, RO	3.00	221
	A4	41.09	SRE, SLD, SMD, SC, TCO	5.00	205
	A5	80.52	SRE, SLD, SMD, RO	3.00	242
	A6	221.37	SRE, SLD, SMD, SC	1.00	221
	A7	142.06	SRE, SLD, SMD, SC	3.00	426
	A8	212.58	SRE, SLD, SMD, SC	5.00	1,063
	A9	20.25	SRE, SLD, SMD, SC	5.00	101
	A10	77.33	SRE, SLD, SMD, SC	3.00	232
	A11	22.08	SRE, SLD, SMD, SC	5.00	110
	A12	66.98	SRE, SLD, SMD, SC	3.00	201
	A13	24.14	SRE, SLD, SMD,SC, RO	5.00	121
	A14	19.58	SRE, SLD, SMD, SC	5.00	98
	A15	43.68	SRE, SLD, SMD, SC	1.00	44
	A16	32.49	SRE, SLD, SMD, SC	1.00	32
	A17	36.83	SRE, SLD, SMD, SC	3.00	110
	A18	63.99	SRE, SLD, SMD, SC	3.00	192
	A19	26.56	SRE, SLD, SMD, SC	5.00	133
	A20	64.76	SRE, SLD, SMD, SC	5.00	324
Village 'A' Sub Total		**1,305.83**			**4,256**
		Acreage	**Projected Development Type**	**Target Density**	**Units**

	0.00	RE	1.00	298
	0.00	LD	3.00	1,624
	0.00	MD	5.00	2,335
	0.00			**4,256**
	*** Total Units in Village A are Capped**			**3,396**

	Parcel	Gross Acreage	Zoning Categories Allowed	Target Density	Units
Village 'B'	B1	40.00	SRE, SLD, SMD, SC	1.00	40
	B2	93.38	SRE, SLD, SMD, SC	3.00	280
	B3	71.59	SRE, SLD, SMD, SC	3.00	215
	B4	46.86	SRE, SLD, SMD, SC	1.00	47
	B5	35.80	SRE, SLD, SMD, SC	1.00	36
	B6	31.27	SRE, SLD, SMD, SC	1.00	31
	B7	83.88	SRE, SLD, SMD, SC	3.00	252
	B8	77.76	SRE, SLD, SMD, SC	3.00	233
	B9	39.28	SRE, SLD, SMD, SC	3.00	118
	B10	67.43	SRE, SLD, SMD, SC	3.00	202
	B11	18.98	SRE, SLD, SMD, SC	1.00	19
	B12	26.56	SRE, SLD, SMD, SC	1.00	27
	B13	43.43	SRE, SLD, SMD, SC	3.00	130
	B14	27.57	SRE, SLD, SMD, SC	3.00	83
	B15	34.75	SRE, SLD, SMD, SC	3.00	104
	B16	40.97	SRE, SLD, SMD, SC	3.00	123
	B17	70.69	SRE, SLD, SMD,	1.00	71

			SC		
	B18	50.58	SRE, SLD, SMD, SC	3.00	152
	B19	50.72	SRE, SLD, SMD, SC	3.00	152
	B20	10.15	SRE, SLD, SMD, SC	1.00	10
	B21	12.36	SRE, SLD, SMD, SC	1.00	12
	B22	21.01	SRE, SLD, SMD, SC	1.00	21
	B23	26.58	SRE, SLD, SMD, SC	3.00	80
	B24	41.76	SRE, SLD, SMD, SC	1.00	42
	B25	19.55	SRE, SLD, SMD, SC	1.00	20
	B26	6.96	SRE, SLD, SMD, SC	1.00	7
	B27	20.05	SRE, SLD, SMD, SC	1.00	20
	B28	52.51	SRE, SLD, SMD, SC	1.00	53
	B29	38.45	SRE, SLD, SMD, SC	3.00	115
Village 'B' Sub Total		**1,200.88**			**2,694**
		Acreage	**Projected Development Type**	**Target Density**	**Units**
		0.00	RE	1.00	455
		0.00	LD	3.00	2,239
		0.00			**2,694**
		*** Total Units in Village B are Capped**			**1,636**

	Parcel	Gross Acreage	Zoning Categories Allowed	Target Density	Units
Village 'C'	C1	41.78	SRE, SLD, SMD, SC	5.00	209
	C2	19.42	SRE, SLD, SMD, SC	3.00	58
	C3	12.09	SRE, SLD, SMD, SC	3.00	36
	C4	49.01	SRE, SLD, SMD, SC	5.00	245
	C5	16.46	SRE, SLD, SMD, SC	3.00	49
	C6	54.03	SRE, SLD, SMD, SC	3.00	162
	C7	38.82	SRE, SLD, SMD, SC	3.00	116
	C8	22.59	SRE, SLD, SMD, SC	3.00	68
	C9	22.31	SRE, SLD, SMD, SC	3.00	67
	C10	3.63	SRE, SLD, SMD, SC		0
	C11	8.86	SRE, SLD, SMD, SC	3.00	27
	C12	24.79	SRE, SLD, SMD, SC	3.00	74
	C13	3.81	SRE, SLD, SMD, SC	3.00	11
	C14	24.39	SRE, SLD, SMD, SC	3.00	73
	C15	22.07	SRE, SLD, SMD, SC	6.00	132
	C16	10.21	SRE, SLD, SMD, SC		
	C17	27.32	SRE, SLD, SMD,	3.00	82

		SC		
C18	30.74	SRE, SLD, SMD, SC	6.00	184
C19	71.32	SRE, SLD, SMD, SC	3.00	214
C20	94.02	SRE, SLD, SMD, SC	1.00	94
C21	101.87	SRE, SLD, SMD, SC	1.00	102
C22	46.43	SRE, SLD, SMD, SC	3.00	139
C23	68.17	SRE, SLD, SMD, SC	3.00	205
C24	11.67	SRE, SLD, SMD, SC	3.00	35
C25	50.49	SRE, SLD, SMD, SC	3.00	151
C26	50.09	SRE, SLD, SMD, SC	3.00	150
C27	15.31	SRE, SLD, SMD, SC	3.00	46
C28	13.02	SRE, SLD, SMD, SC	3.00	39
C29	40.29	SRE, SLD, SMD, SC	3.00	121
C30	18.36	SRE, SLD, SMD, SC	3.00	55
C31	6.31	SRE, SLD, SMD, SC	5.00	32
C32	37.54	SRE, SLD, SMD, SC	3.00	113
C33	15.08	SRE, SLD, SMD, SC	3.00	45
C34	27.62	SRE, SLD, SMD, SC	3.00	83
C35	25.21	SRE, SLD, SMD, SC	5.00	126
C36	11.38	SRE, SLD, SMD, SC	5.00	57

	C37	12.23	SRE, SLD, SMD, SC, RO	3.00	37
	C38	73.89	SRE, SLD, SMD, SC, RO	3.00	222
	C39	76.39	SRE, SLD, SMD, SC, RO	3.00	229
	C40	38.95	SRE, SLD, SMD, SC	1.00	39
Village 'C' Sub Total		**1,337.97**			**3,929**
		Acreage	**Projected Development Type**	**Target Density**	**Units**
		0.00	RE	1.00	235
		0.00	LD	3.00	2,708
		0.00	MD	5.00	668
		0.00	SC	6.00	317
		4.0-10.0	Police/Fire(1)		0
		10.21	Park		0
		14.21 – 20.21			**3,928**
		*** Total Units in Village C are Capped**			**3,057**

(1) The Police/Fire station may be relocated to Village 'A' or 'B' depending on the direct need of the City.

	Parcel	Gross Acreage	Development Type	Target Density	Units
Village 'D'	D1	26.73	MU		
	D2	19.80	MU		
	D3	21.36	MU		
Village 'D' Sub Total		**67.89**			**0**
		Acreage	**Development Type**	**Target Density**	**Units**
		67.89	MU		180
		67.89			**180**

(*1) Parcel contains a Resort Overlay, that if executed will result in resort keys being allocated to the site. A maximum number of 800 Resort Keys are allocated for the entire project.

(*2) Open Space Acres to be a minimum of 600 acres. More acreage may be added as part of the zoning and platting process and/or finalization of the development agreement. All Open Space location illustrated on the PCD is conceptual and subject to change.

(*3) Developable acres include potential golf course acres and may be adjusted based on detail study during the zoning and platting process. The above developable acres for each parcel may not total 4,521 due to acreage contained in washes, natural features and golf that may not be included at this time.

(*4) All infrastructure is conceptual and subject to change.

(*5) The Minimum Density Threshold has been set at 1.0 dwelling units per acre based on the gross acreage and will ultimately be governed by the zoning of the property.

(*6) Total units will not exceed 8,269 or approximately 1.56 dwelling units per gross acre.

* Maximum units capped at 8,269 per Section 3.1 – Land Use Plan and Table 7 of this document

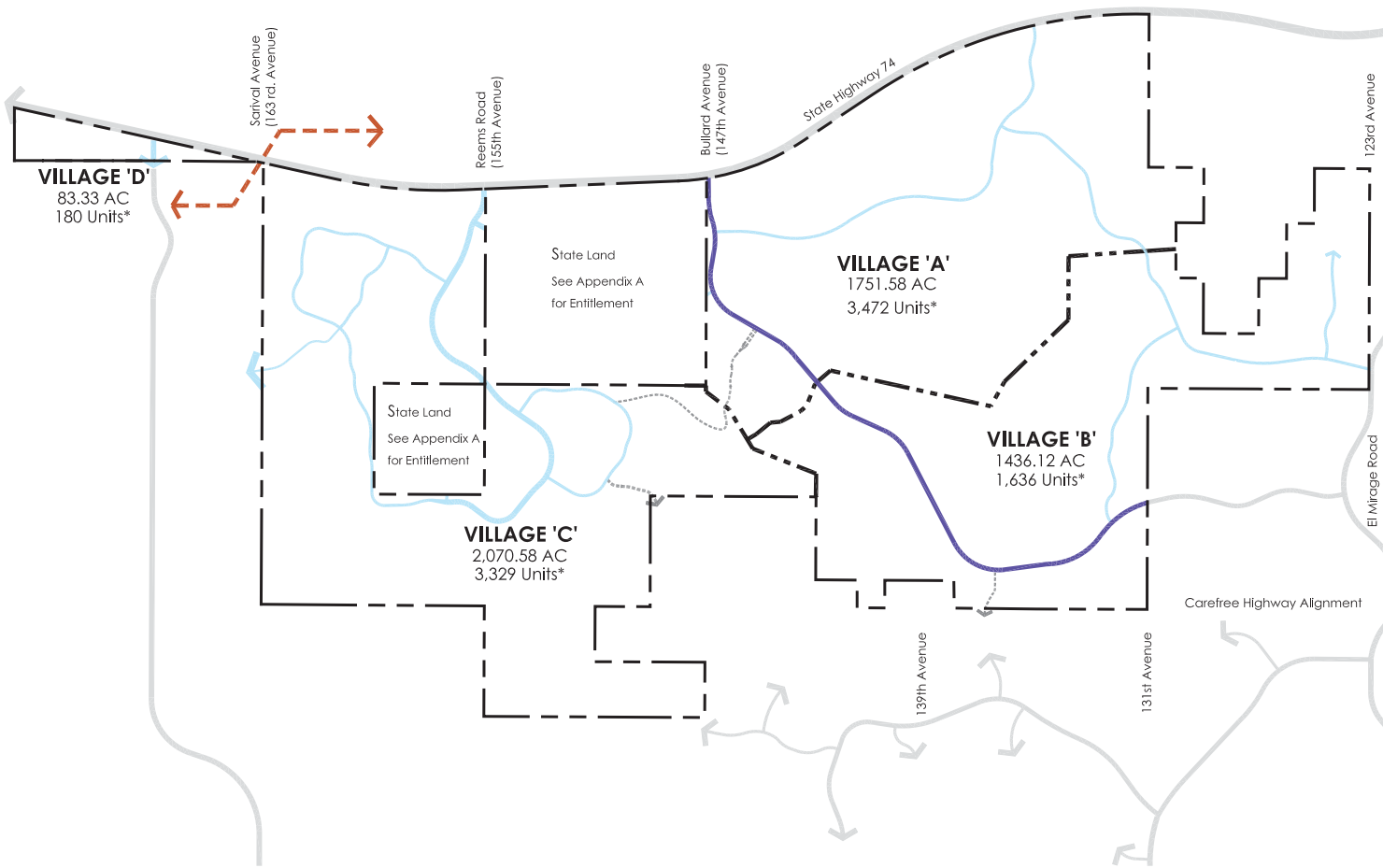
LAND USE SUMMARY	PROJECT TOTALS	PUBLIC FACILITIES
SINGLE FAMILY HOMES	8,089* DU	Public Park (10 Acres)
APARTMENTS	180 DU	Police / Fire (4-10 Acres)
RETAIL	138,300 sq. ft. (approx.)	Public Open Space (600 Ac)
SHOPPING CENTER	275,000 sq. ft. (approx.)	
OFFICE	750,000 sq. ft. (approx.)	
EMPLOYMENT	1,000,000 sq. ft. (approx.)	
RESORT HOTEL	800 Rooms	
GOLF COURSE	54 Holes	
PROJECTED POPULATION	21,500	
ESTIMATED ELEMENTARY SCHOOL DEMAND	2,894	

3.10.4 Circulation Plan Exhibit O

SADDLEBACK HEIGHTS

Circulation Plan

Exhibit O



LEGEND

- Saddleback Heights Boundary
- Development Village Boundary
- Minor Arterial Road Alignment
- Minor Collector Road Alignment
- Potential Road Alignment
- Offsite Road Alignment
- APS Certificated Corridor

NORTH

SCALE: N.T.S.
DATE: 02 July 2012
Revised: 24 February 2014

PREPARED FOR:

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NOTES:

1. Roadway classifications for all infrastructure is set forth in the attached traffic study.
2. Potential service collector(s) exact location and phasing to be determined in conjunction with City staff, police and fire.

4.0 DEVELOPMENT AGREEMENT

(See Agreement Under Separate Cover)s

APPENDIX A: - Approved PCD Governing Arizona State Land Trust Land Sections within Saddleback Heights

SECTION I - SADDLEBACK HEIGHTS OVERVIEW

1.0 PROJECT OVERVIEW

1.0.1 CONTACT LIST

DISCIPLINE	ADDRESS/TELEPHONE	CONTACT PERSON	E-MAIL
Contact: Arizona State Land Department	1616 West Adams Street Phoenix, Arizona 85007 Phone: (602) 542-6331	Mark Edelman	medelman@land.az.gov

1.0.5 PROJECT BACKGROUND

The Property, as well as the surrounding properties known as White Peak Ranch, Lake Pleasant Heights and Lakeland Village were originally owned by the Bureau of Land Management ("BLM"). Saddleback Heights was acquired from the BLM by Noranda Properties, Inc. and Group Three Properties, an Arizona general partnership over an approximate ten (10) year period. Prior to annexation into the City of Peoria, the Property was zoned Rural-43 in Maricopa County. An Annexation and Development Agreement was approved on December 7, 1993. The Property was subsequently annexed into the City and the Lake Pleasant Heights Specific Area Plan was approved in 1994 and on October 4, 1994, the Property was rezoned to R1-35.

In 2001, the privately held land included in the Lake Pleasant Heights Specific Area Plan ("Lake Pleasant Heights SAP") was split into two ownerships, with Diamond taking ownership of 5,296 acres and Group Three Properties retaining ownership on 1,085 acres. On December 6, 2001, Diamond received approval of a minor amendment to the Lake Pleasant Heights SAP. This amendment, the Saddleback Heights SAP, provides land use recommendations and guidelines specifically for the Property as well as 756 acres of contiguous State Land.

As noted previously, several other specific area plans or zonings have been approved or are in the process of being approved. The remaining portion of the original Lake Pleasant Heights SAP, under the ownership of Group Three Properties is currently under review as a major General Plan Amendment and Specific Area Plan for Lake Pleasant Heights (East). This Plan consists of approximately 3,263 areas and includes additional State Land.

The White Peak Ranch project ("White Peaks") is located south of Saddleback Heights Property and received Council approval of PC District zoning on 3,985 acres in 2001. A third master planned community in the vicinity is the 3,121 acre Lakeland Village ("Lakeland") which is located southeast of the Property. A Development Master Plan and zoning was approved the Lakeland property by the Maricopa County Board of Supervisors. The Lakeland property was subsequently annexed into the City of Peoria and received equivalent zoning in the City in 2001.

Saddleback Heights is an environmentally sensitive and unique property that is currently undeveloped. The approximately 6,052-acre site provides incredible opportunities to create a community set apart from the less dramatic land to the south and in other parts of Peoria and the West Valley. The Saddleback Heights PC District celebrates the recreational

and natural qualities of the surrounding area while providing quality development that is integral to the physical and economic growth of the City.

1.0.6 REGIONAL CONTEXT

Saddleback Heights lies in the northwest portion of the City. The City's growth pattern has been moving to the northwest as many of the vacant lands south and east of the Property have been planned and are currently in various stages of development. The tremendous growth in the Phoenix metropolitan area and, more particularly, in the West Valley, has caused the City and the development community to thoughtfully plan and define future development in northwest Peoria. (See **Regional Context Section 1.4.3**.)

Saddleback Heights is envisioned as a unique and environmentally sensitive enclave community, with great potential for resort lifestyles given its proximity to Lake Pleasant, Saddleback Mountain and the vast amount of dramatic public land that surrounds the Property. Diamond intends to create a community that will define the quality of development in environmentally significant areas of the region by setting a new level of development standards for future master planned communities in the City, the Valley and the Southwest United States.

1.1 COMMUNITY VISION

1.1.1 VISION STATEMENT

Saddleback Heights is planned to be a desert enclave community with a strong resort lifestyle identity and vision. This identity and vision will create a continuum of contiguous desert and mountain open space that links diverse residential neighborhoods and commercial uses including, but not limited to; a potential Town Center site, resort site(s), C-2 commercial site and regional mixed use development. The Saddleback Heights PC District has been sensitively designed to respond to the land and its many natural features and landforms, to preserve and celebrate these features, and to create a truly unique and spectacular place to live.

1.1.2 GOALS AND OBJECTIVES

1.1.2.1 Environmental Sensitivity

The Saddleback Heights PC District has been created to respond to and work with the Property and its natural features, using these features as the "centerpiece" around which the community and neighborhood are designed. An important part of this

community design philosophy includes the use of native Sonoran desert plant material in the Saddleback Heights landscape palette. It also includes the utilization of relocated plant material from the Property as often as possible. Contiguous and connected open space with sensitivity to natural washes and ridgelines are also integral to the Saddleback Heights PC District.

1.1.2.2 Creation of Quality and Connected Neighborhoods

The Saddleback Heights PC District utilizes internal open space in the form of natural desert arroyos and mountain open space as pedestrian corridors to link residents and guests of Saddleback Heights to the paths and trails used for hiking and biking, community recreation elements, and potential school site(s), as well as recreation amenities, residential villages, and commercial and Town Center elements. The Saddleback Heights PC District creates a path and trails system that provides an environmentally sensitive alternative to automobile use. The Saddleback Heights PC District responds to the diverse nature of the site with a variety of development types that allow for the sensitive and quality development of neighborhoods. The diverse housing types, created to respond to the natural washes and landforms, provide a residential variety that eliminates the sameness that is often found in less diverse and less environmentally responsive development.

1.1.2.3 Design and Creation of a Strong Identity and Character

The Saddleback Heights PC District responds to the land by creating land uses that work in conjunction with the natural landforms and features. The emphasis on resort lifestyle and desert enclave design will create a strong community character and identity. The character will be furthered by the use of colors, materials and forms that blend with and enhance the desert environment and that are designed to be comprehensive and timeless.

1.2 PRE-EXISTING DEVELOPMENT CONDITIONS

1.2.1 EXISTING CONDITIONS OVERVIEW

Saddleback Heights was formerly zoned agriculture (AG) and was used for livestock grazing. The Property is currently zoned R1-35 and is vacant. Extensive jeep trails exist throughout the Property. Hikers, bikers, equestrians, and all terrain vehicles currently use the trails. In addition, there are significant natural features, including washes,

ridgelines, rolling hillforms, and rock outcroppings throughout the Property. (See **Existing Conditions Map Section 1.4.1**).

1.2.2 TOPOGRAPHY

The topography within Saddleback Heights ranges from approximately 1,600 to 2,300 feet in elevation. The majority of the Property ranges from 1,800 to 2,100 feet. The western portion of the Property (approximately 3,000 acres) is bound on the south by a mountain range with slopes gradually ascending northward, rising slightly in elevation as it approaches State Highway 74. Going eastward, the Property rises from 1,600 to 2,300 feet, consequently creating a "bowl" effect on the western 2,000 acres. A variety of hill forms ranging from minor to major in size are also present within the Property. The eastern portion of the Property (approximately 3,000 acres) is more undulating with topographical relief typically varying from 1,600 to 2,100 feet in elevation. The majority of this portion of the Property is characterized by sloping ridges and wash features. The ridgelines and hillforms create incredible views of the City of Phoenix and Saddleback Mountain. The Project also has spectacular views of the site itself created by the many landforms.

1.2.3 GEOLOGY / SOILS

1.2.3.1 Soils Association

Soils within Saddleback Heights were identified from the Soils Survey of the Aguila-Carefree Area, parts of Maricopa and Pinal Counties, Arizona, published by the U.S. Natural Resources Conservation Service. The soils classified for the site is predominantly of Hydrologic Groups A and B.

Soil Group A is defined as soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well- to excessively-drained sands or gravely sands. These soils have a high rate of water transmission.

Soil Group B is defined as soils having moderate infiltration rates when thoroughly wet, consisting chiefly of moderately deep to deep and moderately well to well-drained soils with moderately fine to moderately coarse textures. These soils have a moderate rate of water transmission.

1.2.3.2 Seismic

The Property lies on the edge of the Transition Zone geologic province, a mountainous area between the Basin and Range and

Colorado Plateau geological provinces. Although there is evidence of some faulting within the Hieroglyphic Mountains to the north of the site, various geologic surveys have determined that these fault zones do not present a seismic hazard to the area.

1.2.4 HYDROLOGY

1.3.4.1. Drainage Patterns

The western 2,000 acres drains westerly through a clearly identifiable wash into the Padelford Wash. The eastern and southeasterly portion of the Property drains eastward into the Agua Fria River basin.

1.3.4.2 404 Permitting

With regard to U.S. Army Corps of Engineers (the "Corps") Section 404 permitting, a draft delineation of jurisdictional waters has been prepared for the portion of Saddleback Heights owned by Diamond as shown on the Boundary Map **Section 1.4.2**. The Property will likely require an Individual Permit, since it is likely that more than 0.5 acres of jurisdictional waters will be impacted by development on the Property. An additional delineation will be performed for the State Land parcels within Villages F & G as shown on the Boundary Map **Section 1.4.2**.

1.2.5 BIOLOGY

1.3.5.1. Threatened or Endangered Species Habitat

The biology evaluation report gives no indication that the Property contains habitat for any threatened or endangered species. The majority of the Property could provide habitat for the desert tortoise and Gila Monster. The desert tortoise is a federal candidate 2 species and also listed on the State-listed species. The area supports low tortoise densities and none of the areas on the Property are known or believed to be a critical habitat. No population or density information is available for the Gila monster.

The site does generally support a sparse density of mule deer (approximately one animal per square mile). The site also contains a sparse density of javelina. The catchments throughout the site provide water for large and small game, as well as, a variety of non-game animals. No riparian habitat was found on

the Property. However, Gambel quail and dove are found throughout the Property.

1.4 REFERENCE MAPS & PLANS

SECTION II - SADDLEBACK HEIGHTS STANDARDS PLAN

2.0 STANDARDS PLAN

2.0.1 OVERVIEW

The Saddleback Heights PC District has been created to respond to the natural landforms and topographic features of the Property. The design of the site is intended to create amenities out of the natural features and preserve them wherever possible. A continuum of open space is created by responding to the natural features to allow for an integrated system of open space that links the variety of land uses within the Property. Saddleback Heights is designed to create a unique blend of residential, commercial, mixed-use and recreational uses that respond to the diverse landforms of the Property and create a well balanced "desert enclave" community.

The Saddleback Heights PC District also includes 756 acres of State Land that was included in the Saddleback Heights Specific Area Plan (the "Saddleback Heights SAP"). The State Land is contained in two "Development Villages", the 160 acre Village F, and the 596 acre Village G as shown on the Zoning Map **Section 3.10.1**. Villages F and G have been designed to allow them to be developed separately from the remainder of the Saddleback Heights privately owned land with no adverse effect on either property.

2.0.2 CONFORMANCE TO SPECIFIC AREA PLAN

On December 6, 2001, the City Council approved the Saddleback Heights SAP, which was a minor amendment to the Lake Pleasant Heights SAP. The proposed Saddleback Heights PC District conforms to the Saddleback Heights SAP and City's General Plan.

The Saddleback Heights SAP designates a variety of land uses for the Property, including the State Land. Land use designations include: Residential Estate ("RE"), Low Density Residential ("LD"), Medium Density ("MD"), Resort Development Overlay ("RD"), Town Center Overlay or Community Commercial and Mixed Use Development. The Saddleback Heights SAP allows for 5,409 dwelling units or approximately 1.04 units per acre on the gross acreage of the privately owned property as shown on the Boundary Map **Section 1.4.2** and 786 dwelling units or approximately 1.09 units per acre on the gross acreage State Land. Total

overall density of both privately held and Arizona State Trust Land per the City of Peoria General Plan formula is 1.05 units per acre.

The Saddleback Heights SAP identifies a minimum of 600 acres of open space or eleven percent (11%) of the gross acres. The open space includes recreational amenities, as well as regional open space links. In addition to the open space and other land uses, four potential golf course study areas have been identified, with the potential to develop any three of the four. The golf course study areas may develop as championship course as the market and development dictates.

The proposed Saddleback Heights PC District conforms to all aforementioned criteria. Additionally, the uses proposed on the State Land are consistent with the Saddleback Heights SAP. Furthermore the Saddleback Heights PC District provides further in-depth analysis to further identify and refine the goals and general criteria noted in the Saddleback Heights SAP.

2.0.3 STATEMENT OF CONFORMANCE WITH ADOPTED CODES AND POLICIES

Unless otherwise provided herein, the provisions of the PC District, the Saddleback Heights Development Agreement, the City of Peoria Zoning Ordinance (the "Zoning Ordinance"), the City Code and other City Council adopted policies in effect at the time of approval of the Saddleback Heights PC District shall govern and control the development of the Property.

The following development descriptions and standards are intended to direct the nature and intensity of residential and non-residential uses in Saddleback Heights. If the provisions of the Saddleback Heights Standards Plan (Section II) and the Saddleback Heights Development Plan (Section III) of the PC District (collectively, the "Standards Plan and Development Plan") are in conflict with the Zoning Ordinance or the City Code, the provisions of the Standards Plan and Development Plan shall govern and control. Unless expressly modified herein all municipal codes, policies and ordinances, in effect at the time of approval of the Saddleback Heights PC District shall apply.

2.1.1 SADDLEBACK RESIDENTIAL ZONING CATEGORIES

2.1.1.1 Intent

The Saddleback Heights Residential District **(hereinafter "SH-R")** is intended to allow residential development with a range of lot sizes, depending on topography and site constraints, as well as market conditions. This district includes five (5) development

options ("Development Option"), which provide a range of residential lot sizes and establishes minimum property development standards. The "Development Options" include: Saddleback Residential Estate (SRE), Saddleback Very Low Density (SVLD), Saddleback Low Density (SLD), Saddleback Medium Density (SMD), and Saddleback Cottage (SC). The PC District further requires a mix of residential types within each Development Village to ensure a variety of lot sizes and housing products, see **Table-1** on page 35 of this section. Certain essential and complementary uses are also permitted under conditions and standards that insure their compatibility with the character of the SH-R District.

2.1.1.2 Permitted Principal Uses

a. One residential dwelling unit per lot pursuant to the Development Options set forth in Section 2.1.1.3.

b. Publicly or privately owned and maintained parks, recreation areas, paths, trails and recreation centers;

c. Public and privately owned golf courses, including clubhouses, maintenance facilities and other accessory uses;

d. Public and private schools, and day care facilities;

e. Religious institutions;

f. Detached guesthouses, including cooking and kitchen facilities;

g. Temporary Uses including sales/marketing facilities, model home complexes and related accessory uses;

h. Public and private utility uses and buildings, water pumping plants and storage tanks and electric substations; and

i. Public and municipal buildings providing cultural, educational, administrative, fire and police protection services.

g. Resort uses in conjunction with SH-RO District.

2.1.1.3 Development Options

One or more of the following Development Options shall be

selected at the point of or prior to subdivision plat or site plan submittal. See **Section 2.1.1.10, Table-1** for Development Options minimum mix per Development Village and **Section 2.1.1.11, Table-2** for a Development Standards Summary.

a. <u>Saddleback Residential Estate (SRE) Option</u>: The SRE option is intended to promote residential uses that are sensitive to the environment. The minimum lot size produces a very low density of population. The cluster category allows residences to be sited on their respective lots in a way that prevents unnecessary disturbance while preserving significant open space and geographical features. The principal land use is detached single-family dwellings and uses incidental or accessory thereto, together with recreational and educational facilities.

SRE lots shall include: (1) building envelopes for each lot except for cluster option; (2) site specific plans for each lot; (3) harmonious color and material palette within a coordinated framework; and (4) multiple and/or single home builders.

i. SRE Conventional Category - Lot Development Standards

<u>Minimum lot area</u>: Each SRE Conventional lot shall have a minimum area of thirty-five thousand (35,000) square feet.

<u>Minimum width</u>: One hundred ten (110) feet. For the purpose of these standards, "lot width" shall be defined as the ability to inscribe a circle with a diameter equal to the minimum lot width within the property lines, except as allowed for flag lots, as noted below.

<u>Flag Lots</u>: A "flag lot" shall be defined as an irregularly shaped lot, a portion of which fronts on a private access way and is only usable for a driveway providing ingress and egress. All flag lots shall provide a minimum width in the buildable portion of the lot determined by inscribing a circle with a diameter of one hundred ten (110) feet within the property lines. The minimum width of the area not contained within the main building area shall be twenty (20) feet, except that where two or more lots share a common driveway the minimum lot width shall be twelve (12) feet.

Minimum front yard setback: On residences with a front-entry garage, there shall be a front yard with a depth of not less than thirty (30) feet, as measured from the face of the garage to the property line, and there shall be a front yard with a depth of not less than twenty-five (25) feet, as measured from the front of the residence to the property line.

On residences with a side-entry garage, there shall be a front yard with a depth of not less than twenty (20) feet, as measured from the front of the residence to the property line.

Minimum total side yard setback: Thirty (30) feet. (No less than a minimum ten (10) feet on the least side shall be provided.

Minimum rear yard setback: Twenty-five (25) feet.

Maximum building height: Thirty (30) feet (except as provided in Section 14-3-8 of the Zoning Ordinance)

ii. SRE Cluster Category – Lot Development Standards

Parcel Area: Parcels developed under the SRE Cluster Category shall have an area of not less than five (5) acres.

Minimum lot area: None.

Minimum width: Forty-five (45) feet. For the purpose of these standards, "lot width" shall be defined as the ability to inscribe a circle with a diameter equal to the minimum lot width within the property lines, except as allowed for flag lots, as noted below.

Flag Lots: A "flag lot" shall be defined as an irregularly shaped lot, a portion of which fronts on a private access way and is only usable for a driveway providing ingress and egress. All flag lots shall provide a minimum width in the buildable portion of the lot determined by inscribing a circle with a diameter of forty-five (45) feet within the property lines. The minimum width of the area not contained within the main building area shall be twenty (20) feet, except that where two or more lots share a common driveway the minimum lot width shall be twelve (12) feet.

Minimum front yard setback: On residences with a front-entry garage, there shall be a front yard with a depth of not less than twenty (20) feet, as measured from the face of the garage to the property line, and there shall be a front yard with a depth of not less than ten (10) feet, as measured from the front of the residence to the property line.

On residences with a side-entry garage, there shall be a front yard with a depth of not less than twelve (12) feet, as measured from the front of the residence to the property line.

Minimum total side yard setback: Eight (8) feet. (Zero (0) feet allowed on one side if the opposite side yard measures at least eight (8) feet).

Minimum rear yard setback: Fifteen (15) feet.

Maximum building height: Thirty (30) feet (except as provided in Section 14-3-8 of the Zoning Ordinance)

b. Saddleback Very Low Density (SVLD) Option: The SVLD option is intended to promote very low density development. The minimum lot size produces a very low density of population. The cluster category allows residences to be sited on their respective lots in a way that prevents unnecessary disturbance while preserving significant open space and geographical features. The principal land use is detached single-family dwellings and uses incidental or accessory thereto, together with recreational and educational facilities.

SVLD lots shall include: (1) Use of either building envelopes or graded lots; (2) harmonious color and material palette within a coordinated framework; and (3) multiple and/or single homebuilders.

i. SVLD Conventional Category - Lot Development Standards

Minimum lot area: Each SVLD Conventional lot shall have a minimum area of thirteen thousand (13,000) square feet.

Minimum width: Seventy-five (75) feet. For the purpose of these amended standards, "lot width" shall be defined as the ability to inscribe a circle with a diameter equal to the minimum lot width within the property lines, except as allowed for flag lots, as noted below.

Flag Lots: A "flag lot" shall be defined as an irregularly shaped lot, a portion of which fronts on a private access way and is only usable for a driveway providing ingress and egress. All flag lots shall provide a minimum width in the buildable portion of the lot determined by inscribing a circle with a diameter of seventy-five (75) feet within the property lines. The minimum width of the area not contained within the main building area shall be twenty (20) feet, except that where two or more lots share a common driveway the minimum lot width shall be twelve (12) feet.

Minimum front yard setback: On residences with a front-entry garage, there shall be a front yard with a depth of not less than twenty (20) feet, as measured from the face of the garage to the property line, and there shall be a front yard with a depth of not less than fifteen (15) feet, as measured from the front of the residence to the property line.

On residences with a side-entry garage, there shall be a front yard with a depth of not less than fifteen (15) feet, as measured from the front of the residence to the property line.

Minimum total side yard setback: Twenty (20) feet (No less than a minimum ten (10) feet on the least side shall be provided).

Minimum rear yard setback: Twenty (20) feet.

Maximum building height: Thirty (30) feet (except as provided in Section 14-3-8 of the Zoning Ordinance)

ii. SVLD Cluster Category – Lot Development Standards

Parcel Area: Parcels developed under the SVLD Cluster Category shall have an area of not less than five (5) acres.

Minimum lot area: None.

Minimum width: Forty-five (45) feet. For the purpose of these standards, "lot width" shall be defined as the ability to inscribe a circle with a diameter equal to the minimum lot width within the property lines, except as allowed for flag lots, as noted below.

Flag Lots: A "flag lot" shall be defined as an irregularly shaped lot, a portion of which fronts on a private access way and is only usable for a driveway providing ingress and egress. All flag lots shall provide a minimum width in the buildable portion of the lot determined by inscribing a circle with a diameter of forty-five (45) feet within the property lines. The minimum width of the area not contained within the main building area shall be twenty (20) feet, except that where two or more lots share a common driveway the minimum lot width shall be twelve (12) feet.

Minimum front yard setback: On residences with a front-entry garage, there shall be a front yard with a depth of not less than twenty (20) feet, as measured from the face of the garage to the property line, and there shall be a front yard with a depth of not less than ten (10) feet, as measured from the front of the residence to the property line.

On residences with a side-entry garage, there shall be a front yard with a depth of not less than twelve (12) feet, as measured from the front of the residence to the property line.

Minimum total side yard setback: Eight (8) feet. (Zero (0) feet allowed on one side if the opposite side yard measures at least eight (8) feet).

Minimum rear yard setback: Fifteen (15) feet.

Maximum building height: Thirty (30) feet (except as provided in Section 14-3-8 of the Zoning Ordinance)

c. **Saddleback Low Density (SLD) Option:** The SLD option is intended to promote low density development. The minimum lot size produces a low density of population. The principal land use is detached single-family dwellings and

uses incidental or accessory thereto, together with recreational and educational facilities.

SLD lots shall include: (1) A variety of floor plans; (2) multiple elevations; (3) harmonious color and material palette within a coordinated framework; and (4) multiple and/or single homebuilders.

i. SLD Conventional Category - Lot Development Standards

Minimum lot area: Each SLD Conventional lot shall have a minimum area of nine thousand (9,000) square feet.

Minimum width: Sixty (60) feet. For the purpose of these standards, "lot width" shall be defined as the ability to inscribe a circle with a diameter equal to the minimum lot width within the property lines, except as allowed for flag lots, as noted below.

Flag Lots: A "flag lot" shall be defined as an irregularly shaped lot, a portion of which fronts on a private access way and is only usable for a driveway providing ingress and egress. All flag lots shall provide a minimum width in the buildable portion of the lot determined by inscribing a circle with a diameter of sixty (60) feet within the property lines. The minimum width of the area not contained within the main building area shall be twenty (20) feet, except that where two or more lots share a common driveway the minimum lot width shall be twelve (12) feet.

Minimum front yard setback: On residences with a front-entry garage, there shall be a front yard with a depth of not less than twenty (20) feet, as measured from the face of the garage to the property line, and there shall be a front yard with a depth of not less than fifteen (15) feet, as measured from the front of the residence to the property line.

On residences with a side-entry garage, there shall be a front yard with a depth of not less than twelve (12) feet, as measured from the front of the residence to the property line.

Minimum total side yard setback: Ten (10) feet. (Zero (0) feet allowed on one side if the opposite side yard

measures at least ten (10) feet).

Minimum rear yard setback: Twenty (20) feet.

Maximum building height: Thirty (30) feet (except as provided in Section 14-3-8 of the Zoning Ordinance)

ii. SLD Cluster Category – Lot Development Standards

Parcel Area: Parcels developed under the SLD Cluster Category shall have an area of not less than five (5) acres.

Minimum lot area: None.

Minimum width: Forty-five (45) feet. For the purpose of these standards, "lot width" shall be defined as the ability to inscribe a circle with a diameter equal to the minimum lot width within the property lines, except as allowed for flag lots, as noted below.

Flag Lots: A "flag lot" shall be defined as an irregularly shaped lot, a portion of which fronts on a private access way and is only usable for a driveway providing ingress and egress. All flag lots shall provide a minimum width in the buildable portion of the lot determined by inscribing a circle with a diameter of forty-five (45) feet within the property lines. The minimum width of the area not contained within the main building area shall be twenty (20) feet, unless that portion of the lot less than twenty (20) feet in width contains no driveways, buildings or swimming pools; except that where two or more lots share a common driveway the minimum lot width shall be twelve (12) feet.

Minimum front yard setback: On residences with a front-entry garage, there shall be a front yard with a depth of not less than twenty (20) feet, as measured from the face of the garage to the property line, and there shall be a front yard with a depth of not less than ten (10) feet, as measured from the front of the residence to the property line.

On residences with a side-entry garage, there shall be a front yard with a depth of not less than twelve (12) feet, as measured from the front of the residence to the property line.

Minimum total side yard setback: Eight (8) feet. (Zero (0) feet allowed on one side if the opposite side yard measures at least eight (8) feet).

Minimum rear yard setback: Fifteen (15) feet.

Maximum building height: Thirty (30) feet (except as provided in Section 14-3-8 of the Zoning Ordinance)

iii. SLD Attached Dwelling Units Category – Lot Development Standards

Parcel area: Parcels containing attached dwelling units shall have an area of not less than five (5) acres.

Minimum lot area: Each lot shall have a minimum area of nine thousand (9,000) square feet.

Minimum width: thirty-five (35) feet. For the purpose of these standards, "lot width" shall be defined as the ability to inscribe a circle with a diameter equal to the minimum lot width within the property lines, except as allowed for flag lots, as noted below.

Minimum front yard setback: There shall be a front yard with a depth of not less than twenty (20) feet, as measured from the face of the garage to the property line, and there shall be a front yard with a depth of not less than ten (10) feet, as measured from the front of the residence to the property line.

Side setback: All attached dwelling buildings shall be a minimum of fifteen (15) feet from the side parcel.

Minimum rear yard setback: Fifteen (15) feet.

Maximum building height: Thirty (30) feet (except as provided in Section 14-3-8 of the Zoning Ordinance)

d. Saddleback Medium Density (SMD) Option: The SMD option is intended to promote medium intensity detached and

attached residential development. The minimum lot size produces a low density of population. The principal land use is detached and attached single-family dwellings and uses incidental or accessory thereto, together with recreational and educational facilities.

SMD lots shall include; (1) A variety of floor plans; (2) harmonious color and material palette within a coordinated framework; and (3) multiple and/or single home builders.

i. SMD Conventional Category - Lot Development Standards

Minimum lot area: Each SMD Conventional lot shall have a minimum area of six thousand (6,000) square feet.

Minimum width: Fifty (50) feet. For the purpose of these standards, "lot width" shall be defined as the ability to inscribe a circle with a diameter equal to the minimum lot width within the property lines, except as allowed for flag lots, as noted below.

Flag Lots: A "flag lot" shall be defined as an irregularly shaped lot, a portion of which fronts on a private access way and is only usable for a driveway providing ingress and egress. All flag lots shall provide a minimum width in the buildable portion of the lot determined by inscribing a circle with a diameter of fifty (50) feet within the property lines. The minimum width of the area not contained within the main building area shall be twenty (20) feet, except that where two or more lots share a common driveway the minimum lot width shall be twelve (12) feet.

Minimum front yard setback: On residences with a front-entry garage, there shall be a front yard with a depth of not less than twenty (20) feet, as measured from the face of the garage to the property line, and there shall be a front yard with a depth of not less than fifteen (15) feet, as measured from the front of the residence to the property line.

On residences with a side-entry garage, there shall be a front yard with a depth of not less than twelve (12) feet,

as measured from the front of the residence to the property line.

Minimum total side yard setback: Ten (10) feet. (Zero (0) feet allowed on one side if the opposite side yard measures at least ten (10) feet).

Minimum rear yard setback: Fifteen (15) feet.

Maximum building height: Thirty (30) feet (except as provided in Section 14-3-8 of the Zoning Ordinance)

ii. SMD Cluster Category – Lot Development Standards

Parcel Area: Parcels developed under the SMD Cluster Category shall have an area of not less than five (5) acres.

Minimum lot area: none.

Minimum width: Forty-five (45) feet. For the purpose of these standards, "lot width" shall be defined as the ability to inscribe a circle with a diameter equal to the minimum lot width within the property lines, except as allowed for flag lots, as noted below.

Flag Lots: A "flag lot" shall be defined as an irregularly shaped lot, a portion of which fronts on a private access way and is only usable for a driveway providing ingress and egress. All flag lots shall provide a minimum width in the buildable portion of the lot determined by inscribing a circle with a diameter of forty-five (45) feet within the property lines. The minimum width of the area not contained within the main building area shall be twenty (20) feet, except that where two or more lots share a common driveway the minimum lot width shall be twelve (12) feet.

Minimum front yard setback: On residences with a front-entry garage, there shall be a front yard with a depth of not less than twenty (20) feet, as measured from the face of the garage to the property line, and there shall be a front yard with a depth of not less than fifteen (15) feet, as measured from the front of the residence to the property line.

On residences with a side-entry garage, there shall be a front yard with a depth of not less than twelve (12) feet, as measured from the front of the residence to the property line.

Minimum total side yard setback: Eight (8) feet. (Zero (0) feet allowed on one side if the opposite side yard measures at least eight (8) feet).

Minimum rear yard setback: Fifteen (15) feet.

Maximum building height: Thirty (30) feet (except as provided in Section 14-3-8 of the Zoning Ordinance)

iii. SMD Attached Dwelling Units Category – Lot Development Standards

Parcel Area: Parcels containing attached dwelling units shall have an area of not less than five (5) acres.

Minimum lot area: Each lot shall have a minimum area of six thousand (6,000) square feet.

Minimum width: thirty-five (35) feet. For the purpose of these standards, "lot width" shall be defined as the ability to inscribe a circle with a diameter equal to the minimum lot width within the property lines, except as allowed for flag lots, as noted below.

Minimum front yard setback: There shall be a front yard with a depth of not less than twenty (20) feet, as measured from face of the garage to the property line, and there shall be a front yard with a depth of not less than ten (10) feet, as measured from the front of the residence to the property line.

Side setback: All attached dwelling buildings shall be a minimum of fifteen (15) feet from the side property lines.

Minimum rear yard setback: Fifteen (15) feet.

Maximum building height: Thirty (30) feet (except as provided in Section 14-3-8 of the Zoning Ordinance)

e. Saddleback Cottage (SC) Option: The SC option is intended to promote residential development on smaller lots

as a mechanism to preserve significant open space and geographic features. The principal land use is detached and attached single-family dwellings and uses incidental or accessory thereto, together with recreational and educational facilities.

SC lots shall include: (1) A variety of floor plans; (2) multiple elevations; (3) harmonious color and material palette within a coordinated framework; and (4) multiple and/or single home builders.

i. SC Conventional Category - Lot Development Standards

Minimum lot area: Each SC Conventional lot shall have a minimum area of four thousand five hundred (4,500) square feet.

Minimum width: Forty-five (45) feet. For the purpose of these standards, "lot width" shall be defined as the ability to inscribe a circle with a diameter equal to the minimum lot width within the property lines, except as allowed for flag lots, as noted below.

Flag Lots: A "flag lot" shall be defined as an irregularly shaped lot, a portion of which fronts on a private access way and is only usable for a driveway providing ingress and egress. All flag lots shall provide a minimum width in the buildable portion of the lot determined by inscribing a circle with a diameter of forty-five (45) feet within the property lines. The minimum width of the area not contained within the main building area shall be twenty (20) feet; except that where two or more lots share a common driveway the minimum lot width shall be twelve (12) feet.

Minimum front yard setback: On residences with a front-entry garage, there shall be a front yard with a depth of not less than twenty (20) feet, as measured from the face of the garage to the property line, and there shall be a front yard with a depth of not less than ten (10) feet, as measured from the front of the residence to the property line.

On residences with a side-entry garage, there shall be a front yard with a depth of not less than twelve (12) feet, as measured from the front of the residence to the property line.

Minimum total side yard setback: Eight (8) feet. (Zero (0) feet allowed on one side if the opposite side yard measures at least eight (8) feet).

Minimum rear yard setback: Fifteen (15) feet.

Maximum building height: Thirty (30) feet (except as provided in Section 14-3-8 of the Zoning Ordinance).

ii. SC Cluster Category – Lot Development Standards

Parcel Area: Parcels developed under the SC Cluster Category shall have an area of not less than five (5) acres.

Minimum lot area: None.

Minimum width: Thirty-five (35) feet. For the purpose of these standards, "lot width" shall be defined as the ability to inscribe a circle with a diameter equal to the minimum lot width within the property lines, except as allowed for flag lots, as noted below.

Flag Lots: A "flag lot" shall be defined as an irregularly shaped lot, a portion of which fronts on a private access way and is only usable for a driveway providing ingress and egress. All flag lots shall provide a minimum width in the buildable portion of the lot determined by inscribing a circle with a diameter of forty-five (45) feet within the property lines. The minimum width of the area not contained within the main building area shall be twenty (20) feet; except that where two or more lots share a common driveway the minimum lot width shall be twelve (12) feet.

Minimum front yard setback: On residences with a front-entry garage, there shall be a front yard with a depth of not less than twenty (20) feet, as measured from the face of the garage to the property line, and there shall be a front yard with a depth of not less than ten (10) feet, as

measured from the front of the residence to the property line.

On residences with a side-entry garage, there shall be a front yard with a depth of not less than twelve (12) feet, as measured from the front of the residence to the property line.

Minimum total side yard setback: Eight (8) feet. (Zero (0) feet allowed on one side if the opposite side yard measures at least eight (8) feet).

Minimum rear yard setback: Fifteen (15) feet.

iii. SC Attached Dwelling Units Category – Lot Development Standards

Parcel Area: Parcels containing attached dwelling units shall have an area of not less than five (5) acres.

Minimum lot area: Each attached lot shall have a minimum area of four thousand five hundred (4,500) square feet.

Minimum width: Thirty-five (35) feet. For the purpose of these standards, "lot width" shall be defined as the ability to inscribe a circle with a diameter equal to the minimum lot width within the property lines, except as allowed for flag lots, as noted below.

Minimum front yard setback: There shall be a front yard with a depth of not less than twenty (20) feet, as measured from the face of the garage to the property line, and there shall be a front yard with a depth of not less than ten (10) feet, as measured from front of the residence to the property line.

Side setback: All attached dwelling buildings shall be a minimum of fifteen (15) feet from the side property lines.

Minimum rear yard setback: Fifteen (15) feet.

Maximum building height: Thirty (30) feet (except as provided in Section 14-3-8 of the Zoning Ordinance)

2.1.1.4 Permitted Conditional Uses

Any of the permitted conditional uses set forth in the Zoning Ordinance Section 14-5-3, subject to approval by the Commission in accordance with the provisions of Section 14-24 of the Zoning Ordinance.

2.1.1.5 Permitted Accessory Uses

Any of the permitted accessory uses set forth in Section 14-5-4 of the Zoning Ordinance.

2.1.1.6 Development Standards for Conditionally Permitted Uses

See Section 14-5-6 of the Zoning Ordinance.

2.1.1.7 Minor Variances from Certain Property Development Standards

a. A Minor Variance is defined as a variance from the front, rear or side yard setbacks contained in Sections 2.1.1.3(a), 2.1.1.3(b), 2.1.1.3(c), 2.1.1.3(d), and 2.1.1.3 (e), respectively, of an amount not greater than ten percent (10%) of the required setback.

b. Upon application by a property owner, the planning manager of the City (the "Planning Manager") may authorize a Minor Variances from the required yard setbacks pursuant to Article 14-5 of the Zoning Ordinance.

2.1.1.8 Property Development Standards for Accessory Buildings

See Section 14-5-7 of the Zoning Ordinance.

2.1.1.9 Property Lot Coverage Standards.

All lot coverage for residential lots will be determined by area defined with the required building setbacks.

2.1.1.10 Saddleback Height Residential (SH-R) Development Village Composition Matrix.

SADDLEBACK HEIGHTS RESIDENTIAL DEVELOPMENT VILLAGE COMPOSITION MATRIX – TABLE 1							
LAND USE CATEGORY						**DEVELOPMENT VILLAGE 'F' PERCENT DEVELOPABLE ACRES (STATE LAND)**	**DEVELOPMENT VILLAGE 'G' PERCENT DEVELOPABLE ACRES (STATE LAND)**
COTTAGE (SC)						5% Maximum	5% Maximum
MEDIUM DENSITY (SMD)						50% Maximum	50% Maximum
LOW DENSITY (SLD)						50% Maximum	50% Maximum
VERY LOW DENSITY (SVLD)						10% Minimum	20% Minimum
RESIDENTIAL ESTATE (SRE)						0% Minimum	20% Minimum

2.1.1.11 Saddleback Heights Residential (SH-R) Development Standards Matrix (Table –2).

Note: A Minimum of 20% of developable land within the SRE Category will have lots that have a minimum of 35,000 square feet.

TABLE - 2	SADDLEBACK RESIDENTIAL ESTATE (SRE)		SADDLEBACK LOW DENSITY (SLD)			SADDLEBACK MEDIUM DENSITY (SMD)			SADDLEBACK COTTAGE (SC)		
ZONING DISTRICT	Saddleback Residential Estate Conventional	Saddleback Residential Estate (Cluster Option)	Saddleback Residential Low Density Conventional	Saddleback Residential Low Density (Cluster Option)	Saddleback Residential Low Density (Attached)	Saddleback Residential Medium Density Conventional	Saddleback Residential Medium Density (Cluster Option)	Saddleback Residential Medium Density (Attached)	Saddleback Residential Cottage Conventional	Saddleback Residential Cottage (Cluster)	Saddleback Residential Cottage (Attached)
Min. Parcel Size	-	5 Acres	-	5 Acres	5 Acres	-	5 Acres	5 Acres	-	5 Acres	5 Acres
Min. Lot Size (sq. ft.)	10,500	-	7,500	-	5,500	6,000	-	6,000	4,500	-	4,500
Min. Lot Width	75’	45’	60’	45’	35’	50’	45’	35’	45’	35’	35’
Min. Flag Lot Width	20’, 12’ with shared driveway	20’, 12’ with shared driveway	20’, 12’ with shared driveway	20’, 12’ with shared driveway	20’, 12’ with shared driveway	20’, 12’ with shared driveway	20’, 12’ with shared driveway	-	20’, 12’ with shared driveway	20’, 12’ with shared driveway	-
Min. Front Yard Setback	20’ to Face of Garage 15’ to building 15’ to garage if side entry	20’ to Face of Garage 10’ to building 12’ to garage if side entry	20’ to Face of Garage 10’ to building 12’ to garage if side entry	20’ to Face of Garage 10’ to building 12’ to garage if side entry	20’ to Face of Garage 10’ to building 12’ to garage if side entry	20’ to Face of Garage 10’ to building 12’ to garage if side entry	20’ to Face of Garage 10’ to building 12’ to garage if side entry	20’ to Face of Garage 10’ to building 12’ to garage if side entry	20’ to Face of Garage 10’ to building 12’ to garage if side entry	20’ to Face of Garage 10’ to building 12’ to garage if side entry	20’ to Face of Garage 10’ to building
Side Yard Setback	20’ Aggregate, 10’ min. on least side yard.	8’ Aggregate, 0’ allowed on one side with 8’ min. on opposite side yard.	10’ Aggregate, 0’ allowed on one side with 10’ min. on opposite side yard.	8’ Aggregate, 0’ allowed on one side with 8’ min. on opposite side yard.	15’ min. side yard.	10’ Aggregate, 0’ allowed on one side with 10’ min. on opposite side yard.	8’ Aggregate, 0’ allowed on one side with 8’ min. on opposite side yard.	8’ Aggregate, 0’ allowed on one side with 8’ min. on opposite side yard.	8’ Aggregate, 0’ allowed on one side with 8’ min. on opposite side yard.	8’ Aggregate, 0’ allowed on one side with 8’ min. on opposite side yard.	-
Rear Yard Setback	20’	15’	20’	15’	15’	15’	15’	15’	15’	15’	15’
Maximum Height *	30’	30’	30’	30’	30’	30’	30’	30’	30’	30’	30’

(* Except as provided in Section 14-3-8 of the Zoning Ordinance)

2.1.2 SADDLEBACK RESORT OVERLAY DISTRICT

2.1.2.1 Intent

The Saddleback Heights Resort Overlay District (hereinafter "SH-RO") is intended to allow a high quality, destination oriented resort and accessory uses. The resort(s) shall be designed and developed to fit into the unique and special environs of the Saddleback Property. The "SH-RO" District shall be a supplemental zoning district applying to the area shown as part of the Resort Overlay areas within Saddleback Heights as shown on the Zoning Map **Section 3.10.1**. Development within the "SH-RO" District shall be limited to a maximum of eight hundred (800) resort or hotel rooms in addition to the permitted uses set forth in **Section 2.1.1.2**.

2.1.2.2 Permitted Principal Uses

a. Resort (and all associated facilities including but not limited to meeting facilities, spa, tennis and golf uses);

b. Hotel (and all associated facilities including but not limited to meeting facilities, spa, tennis and golf uses);

c. Retail stores;

d. Restaurants and bars;

e. Outdoor recreational activities including, but not limited to, dining, entertainment, horseback riding, swimming, tennis, volleyball, exercise and similar recreational activities;

f. Timeshare or interval ownership residential units.

2.1.2.3 Permitted Conditional Uses

Same as SH-R District.

2.1.2.4 Permitted Accessory Uses

Same as SH-R District.

2.1.2.5 Property Development Standards for Residential Uses

Same as SH-R District.

2.1.2.6 Property Development Standards for Residential Accessory Buildings

Same as SH-R District.

2.1.2.7 Property Development Standards for Non-Residential Uses

Maximum Building Height: No building shall exceed forty-eight (48) feet or four (4) stories, sixty (60) feet or five (5) stories with approval by the Planning and Zoning Commission. The thirty (30) feet that is outlined in the Hillside Ordinance works well for residential homes, but may hinder commercial development. Building "up" not "out" is a more sensitive approach to development, as it creates less overall disturbance. Under the non-residential uses, no building will be allowed to break adjacent prominent ridgeline profiles and, due to the mountain backdrop and rolling topography, a four-story building can be sensitively sited to fit with the character of the site.

2.1.3 COMMUNITY COMMERCIAL DISTRICT (C-2)

All C-2 zoned property within Saddleback Heights shall conform to the provisions of Article 14-13 of the Zoning Ordinance in effect at the time of approval of the Saddleback Heights PC District.

2.1.4 TOWN CENTER OVERLAY

2.1.4.1 Intent

The Saddleback Heights Town Center Overlay District (hereinafter "SH-TCO") is intended to provide a focal point for the community. The Town Center will reflect the high quality enclave nature of the development by providing the opportunity for service and retail sales to meet the day to day needs of the residents and guests of Saddleback Heights, as well as, provide for professional offices, entertainment opportunities, and residential uses. Residential uses shall be encouraged to integrate with the retail, entertainment and office opportunities to create a cohesive living environment that takes advantage of daytime and nighttime activities. The Town Center shall be designed and developed to fit into the unique setting of Saddleback Heights. The "SH-TCO" District shall be a supplemental zoning district over portions of the residential

zoned area of the within Saddleback as outlined in the **Zoning Map Section 3.10.1**.

2.1.4.2 Permitted Principal Uses

a. Hospital for animals including grooming, boarding and lodging.
b. Municipal Uses.
c. Studios for professional work or teaching of any form of commercial or fine arts.
d. Retail stores.
e. Restaurants and bars.
f. Outdoor recreational activities including, but not limited to, dining, entertainment, amphitheater and similar recreational activities.
g. Residential uses that are physically integrated with the commercial establishments or within an integrated site plan.
h. Movie theaters.
i. Specialty Retail including but not limited to:
    i. Antique store.
    ii. Art Gallery.
    iii. Bicycle store.
    iv. Book store.
    v. Camera store.
    vi. Clothing store.
    vii. Electronic equipment store.
    viii. Florist.
    ix. Gift shop.
    x. Hobby or toy store.
    xi. Import store.
    xii. Jewelry store.
    xiii. Music store.
    xiv. Pet shop.
    xv. Small appliance store.
    xvi. Sporting goods store.
    xvii. Stationery Store.
    xviii. Swimming pool supply store.
j. Banks.
k. Theater for performing arts.
l. Travel agency.
m. Gasoline service stations.
n. Community buildings and recreational facilities not publicly owned.

2.1.4.3 Permitted Conditional Uses

a. Day Nursery or pre-school.
b. Game center.
c. Internalized community storage.

2.1.4.4 Permitted Accessory Uses

Permitted accessory uses within the SH-TCO shall be the same as allowed in the SH-R District.

2.1.4.5 Property Development Standards for Non-Residential Uses

a. Minimum parcel size and lot coverage shall be determined by the aggregate of buildings, required yards, off-street parking, and loading space and any other specific requirements applicable to the permitted use.
b. Minimum lot width twenty (20) feet.
c. Minimum lot depth forty (40) feet.
d. Minimum front setback zero (0) feet back of sidewalk or five (5) feet back of curb.
e. Minimum side yard setback of zero (0) feet. If a setback is provided, it must be a minimum of 5'.
f. Minimum rear setback 15' from property line.

2.1.4.6 Property Development Standards for Residential Uses

The development standards for residential uses within the SH-TCO are intended to be multi-family, attached and single-family residential uses that are integrated with the commercial and retail uses of the Town Center. Residential uses shall be permitted above, below or beside non-residential uses to create true integration of the residential uses with non-residential uses. This will create the opportunity for vertical and horizontal integration of residential uses. In the event of a conflict between the development standards contained in §14-6 of the Zoning Ordinance and the SH-TCO development option, the development standards contained in the SH-TCO shall control.

a. Minimum parcel size 4,500 square feet.
b. Minimum lot width twenty (20) feet.
c. Minimum lot depth forty (40) feet.
d. Maximum Height 4 stories or 48'.
e. Maximum lot coverage seventy-five (75) percent.
f. Minimum front setback zero (0) feet back of sidewalk or five (5) feet back of curb.

g. Minimum side yard setback of zero(0) feet. If a setback is provided it must be a minimum of 5'.
h. In addition to residential uses and criteria set forth in SH-R District residential dwellings may also be integrated above, below or beside non-residential uses.
i. Minimum Open Space (may include setbacks), of 15% of the net parcel size for the first 3 stories or 40' and an additional 5% for each additional story.
j. Above uses such as, office, retail, service, and entertainment uses.
k. Parking shall be provided at two (2) off street parking space per dwelling unit.
l. Minimum rear setback 15' from property line.

2.1.4.7 Property Development Standards for Residential Accessory Buildings

The development standards for residential accessory buildings shall be the same as those set forth in the as SH-R District.

a. Minimum parcel size 4,500 square feet.
b. Minimum lot width twenty (20) feet.
c. Minimum lot depth forty (40) feet.
d. Maximum Height 4 stories or 48'.
e. Maximum lot coverage seventy-five (75) percent.
f. Minimum front setback zero (0) feet back of sidewalk or five (5) feet back of curb.
g. Minimum side yard setback of zero(0) feet. If a setback is provided it must be a minimum of 5'.
h. In addition to residential uses and criteria set forth in SH-R District residential dwellings may also be integrated above, below or beside non-residential uses.
i. Minimum Open Space (may include setbacks), of 15% of the net parcel size for the first 3 stories or 40' and an additional 5% for each additional story.
j. Above uses such as, office, retail, service, and entertainment uses.
k. Parking shall be provided at two (2) off street parking space per dwelling unit.
l. Minimum rear setback 15' from property line.

2.1.4.8 General Property Development Standards

Maximum Building Height: No building shall exceed forty-eight

(48) feet or four (4) stories, sixty (60) feet or five (5) stories with approval by the Planning and Zoning Commission. The thirty (30) feet that is outlined in the Hillside Ordinance works well for residential homes, but may hinder commercial development. Building "up" not "out" is a more sensitive approach to development, as it creates less overall disturbance. Under the non-residential uses, no building will be allowed to break adjacent prominent ridgeline profiles and due to the mountain back drop and rolling topography a four-story building can be sensitively sited to protect views and fit with the character of the site.

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2.1.5 MIXED USE DEVELOPMENT DISTRICT

2.1.5.1 Intent

The Saddleback Heights Mixed Use District (hereinafter "SH-MU") is intended to provide a variety of community and regional uses in one geographic area located at significant intersections that will allow both access and viability for the uses. Residential uses shall be permitted above, below or beside non-residential uses to create true integration of the residential uses with non-residential uses. This will create the opportunity for vertical and horizontal integration of residential uses. The mixed-use area will provide the opportunity for service and retail sales, office, employment, entertainment, parks and recreation, as well as, multi-family residential housing.

2.1.5.2 Permitted Principal Uses

a. Hospital for animals including grooming, boarding and lodging.
b. Municipal Uses.
c. Studios for professional work or teaching of any form of commercial of fine arts.
d. Retail stores.
e. Restaurants and bars.
f. Outdoor recreational activities including, but not limited to, dining, entertainment, amphitheater and similar recreational activities.
g. Residential uses that are physically integrated with the commercial establishments.
h. Movie theaters.
i. Gasoline Service Stations.
j. Specialty Retail including but not limited to:

k. Antique store.
   i. Art Gallery.
   ii. Bicycle store.
   iii. Bookstore.
   iv. Barber shop
   v. Camera store.
   vi. Clothing store.
   vii. Electronic equipment store.
   viii. Florist.
   ix. Gift shop.
   x. Hobby or toy store.
   xi. Import store.
   xii. Jewelry store.
   xiii. Music store.
   xiv. Pet shop.
   xv. Small appliance store.
   xvi. Sporting goods store.
   xvii. Stationery Store.
   xviii. Swimming pool supply store.
l. Banks.
m. Theater for performing arts.
n. Travel agency.
o. Daycare facilities, pre-school.
p. Churches.
q. Community Colleges.
r. Educational Campus.
s. Community buildings and recreational facilities not publicly owned.

2.1.5.3 Permitted Conditional Uses

a. Manufacturing.
b. Wireless communication facilities.
c. Research facilities.
d. Mortuary.
e. Automobile, body shops.
f. Automobile, Sales (new & used).
g. Automobile, service shop.

2.1.5.4 Permitted Accessory Uses

Permitted accessory uses shall be the same as allowed in the SH-R District.

2.1.5.5 Property Development Standards for Non-Residential Uses

a. Minimum parcel size and lot coverage shall be determined by the aggregate of buildings, required yards, off-street parking, and loading space and any other specific requirements applicable to the permitted use.
b. Minimum lot width twenty (20) feet.
c. Minimum lot depth forty (40) feet.
d. Minimum front setback zero (0) feet back of sidewalk or five (5) feet back of curb.
e. Minimum side yard setback of zero (0) feet. If a setback is provided, it must be a minimum of 5'.
f. Minimum rear setback 15' from property line.

2.1.5.6 Property Development Standards for Residential Uses

a. Minimum parcel size 4,500 square feet.
b. Minimum lot width twenty (20) feet.
c. Minimum lot depth forty (40) feet.
d. Maximum Height four (4) stories or forty-eight (48) feet.
e. Maximum lot coverage seventy-five (75) percent.
f. Minimum front setback zero (0) feet back of sidewalk or five (5) feet back of curb.
g. Minimum side yard setback of zero (0) feet. If a setback is provided, it must be a minimum of five (5) feet.
h. In addition to residential uses and criteria set forth in SH-R District, residential dwellings may also be integrated on above, below or beside non-residential uses.
i. Minimum Open Space (may include setbacks) of 15% of the net parcel size for the first 3 stories or forty (40) feet and an additional 5% for each additional story.
j. Above uses such as, office, retail, service, and entertainment uses.
k. Parking shall be provided at two (2) off-street parking space per dwelling unit.
l. Minimum rear setback 15' from property line.

2.1.5.7 Property Development Standards for Residential Accessory Buildings

Same as those set forth in Section 14-6 of the Zoning Ordinance and those outlined in SH-R District.

2.1.5.8 General Property Development Standards

<u>Maximum Building Height:</u> No building shall exceed forty-eight (48) feet or four (4) stories, sixty (60) feet or five (5) stories with

approval by the Planning and Zoning Commission. The thirty (30) feet that is outlined in the Hillside Ordinance works well for residential homes, but may hinder commercial development. Building "up" not "out" is a more sensitive approach to development, as it creates less overall disturbance. Under the non-residential uses, no building will be allowed to break adjacent prominent ridgeline profiles and due to the mountain back drop and rolling topography a four-story building can be sensitively sited to protect views and fit with the character of the site.

HILLSIDE DEVELOPMENT STANDARDS

Summary

The Saddleback Hillside Development Standards have been created to provide meaningful open space by protecting sensitive lands, including wash features, hillside areas, significant rock outcroppings, and major ridgelines. These standards set up the framework to create a parcel by parcel disturbance calculation that will allow the unique landforms of Saddleback to be sensitively developed and create meaningful open space in both revegetated and natural open space. The Saddleback Hillside Development Standards conform to the City of Peoria's Hillside Development Overlay District (Article 14-22-A of the Peoria Zoning Ordinance), which is repeated in its entirety following this summary, except as noted in the capitalized and deleted text contained below. The capitalized and deleted text expressly modify the Hillside Development Overlay District for Saddleback, as permitted by Section 14-36-2 and Section 14-22A-1 of the Peoria Zoning Ordinance. References below to the "Hillside Development Overlay District" shall mean the Saddleback Hillside Development Standards, and the Saddleback Hillside Development Standards shall mean the Hillside Development Overlay District as modified below.

SECTION 1 INTENT

A. It is the purpose of this Section to establish regulations which recognize that development of land in hilly or mountainous areas involves special considerations and unique situations which result from the slope of the land. These special considerations and unique situations include but are not limited to increased hazards to development from rock falls, storm water runoff, geologic hazards, increased limitations on vehicular travel, and increased difficulties in providing public services. In addition, steeply sloped lands introduce design limitations to roadways, cuts and fills, and building sites. In general, the more steeply the land slopes, the greater the hazard and development limitation.

B. The Hillside Development Overlay District is an overlay district that applies to all land wherever the natural terrain of any lot or parcel or any portion thereof has a slope of ten percent (10%) or greater. The Hillside Development Overlay District shall apply to all lots or parcels less than five (5) gross acres in size which have over fifty percent (50%) of the gross area of the lot or parcel having a slope of ten percent (10%) or greater. For those ~~lots or~~ parcels not having fifty percent (50%) or greater of the gross lot or parcel area within a Hillside Development Area or those lots or parcels in excess of five (5) gross acres in size, the requirements of the Hillside Development Overlay District shall be applied only to that portion of the ~~lot~~ PARCEL containing slopes of ten percent (10%) or greater. Commercial, Office, Industrial and Resort Developments shall comply with all applicable provisions of the

Hillside Development Overlay District. The provisions of this Article may not be modified, except as expressly provided within this Article. ~~All rezoning applications including Planned Community (PC) and Planned Area Developments (PAD) shall conform with the provisions of this Article unless expressly modified through an approved PC or PAD District Standards/Guidelines Report and Development Plan.~~ FOR PURPOSES OF IMPLEMENTING THE SADDLEBACK HILLSIDE DEVELOPMENT STANDARDS, "PARCEL" SHALL MEAN A PORTION OR PLOT OF LAND, SUCH AS A SUBDIVISION PLAT OR SITE PLAN AREA, THAT IS A DIVISION OF A LARGER AREA, SUCH AS A DEVELOPMENT UNIT. WITHIN SADDLEBACK AND NOTWITHSTANDING ANYTHING IN THIS ARTICLE TO THE CONTRARY, THE HILLSIDE DEVELOPMENT OVERLAY DISTRICT SHALL BE APPLIED ON A PARCEL BY PARCEL BASIS, RATHER THAN ON THE BASIS OF INDIVIDUAL LOTS. DISTURBANCE AND DWELLING UNITS WITHIN SADDLEBACK HILLSIDE AREAS WILL COMPLY WITH TABLES-1 AND 2, BELOW. DISTURBANCE AND DWELLING UNITS THAT ARE ALLOWED WITHIN PRESERVED PUBLIC AND PRIVATE OPEN SPACE WILL BE CALCULATED AND HELD IN RESERVE SO THAT THEY CAN BE TRANSFERRED TO OTHER PARCELS WITHIN SADDLEBACK. SADDLEBACK WILL CREATE A PARCEL BY PARCEL ANALYSIS THAT WILL PERMIT PARCELS TO BALANCE THE AMOUNT OF DISTURBANCE ALLOWED AND DWELLING UNITS ALLOWED WITHIN THE PARCEL BASED ON TABLE-1 AND TABLE –2.

SECTION 2 DENSITY

A. The maximum number of residential lots or units permitted within hillside development areas shall be the sum of the number of lots allowed by the zoning district, or the sum of the number of lots allowed in each slope category of land as shown by the following table, whichever is the lesser number.

TABLE – 1
DENSITY ALLOCATION

Slope of Land	Maximum Number of Lots Per Gross Acre
10% to 15%	1.50(1)
15% to 20%	1.00(1)
20% to 25%	0.70
25% to 30%	0.50
30% to 35%	0.30
35% to 40%	0.20
40% & Over	0.10

(1) The allowable density within the 10-15% and 15-20% slope categories may exceed the Maximum Number of Lots Per Gross Acre shown above when density is transferred from a higher slope category. In no case shall the density exceed the sum of the number of lots allowed by the zoning district. SADDLEBACK CONTAINS UNIQUE MESAS AND PLATEAUS IN THE HILLSIDE AREAS THAT RESULT IN LOWER SLOPE CATEGORIES BEING FOUND IN HIGHER ELEVATIONS. THUS, SUBJECT TO SECTION 11, DENSITY AND DISTURBANCE MAY BE TRANSFERRED FROM A HIGHER SLOPE CATEGORY TO LOCATIONS OF HIGHER ELEVATION WITHIN THE 10-15% OR 15-20% SLOPE CATEGORIES.

There shall be no more lots created than permitted by the slope category, except that lots not placed in a slope category may be placed in a lower slope category so long as the total number of lots in the Hillside Development Area shall not exceed the sum of the lots permitted in each slope category. Lots shall comply with the underlying zoning requirements or as set forth in Section 2.C.

B. Lots may be transferred to land outside of the Hillside Development Area if under the same ownership and abutting the Hillside Development Area from which lots may be transferred or land if under different ownership within a project submitted under a single development proposal and abutting the Hillside Development Area from which lots may be transferred. When all of the allowable dwelling units are transferred from a Hillside Development Area above the ten percent (10%) slope line to a non-hillside development area, resulting in a minimum fifty (50) acre undisturbed area above the ten percent (10%) slope line, the density transfer from the Hillside Development Area to the non-hillside development area may occur at a rate of 1:1.25 allowable dwelling units.

C. The transfer of density within a Hillside Development Area shall not be an assumed right and in no case shall a transfer of density occur without the approval of the Planning Manager. Approvals of a density transfer shall be made only upon a finding that the proposed transfer will not be detrimental to the intent of the Hillside Development Overlay District and upon a finding that the transfer will advance the City's interests in protecting a Hillside Development Area.

SECTION 3 SLOPE DETERMINATION

A. A Slope Category Determination Study shall be required by the Community Development Department prior to the initiation of any Site Disturbance Activities for all land located north of Deer Valley Road and shall be prepared pursuant to the requirements of this Section.

B. A property owner subject to Subsection A above shall prepare a Slope Category Determination Study utilizing one of the two methodologies outlined in this Article. A property owner or authorized agent shall submit to the Planning Manager a Slope Category Determination Study pursuant to this Section, or request for a waiver from such, as follows:

1. Simultaneously with a rezoning application;

2. If a rezoning action is not required, simultaneously with a preliminary plat or site plan; or

3. If a rezoning, plat, site plan, or minor land division is not required, prior to the issuance of any building permit or site grading permit.

C. Applicants seeking a waiver from the provisions of this Section may request a waiver of the requirements for a Slope Category Determination Study to the Planning Manager. A written waiver request shall be submitted to the Planning Manager with an explanation of why a waiver is warranted and shall include such supporting materials as site photographs, site specific topography information and all other such information which may provide information on the request. The Planning Manager may approve or deny an application as submitted or may request additional information if necessary. It shall be the sole burden of the applicant requesting such

a waiver to show that the subject property does not qualify as a Hillside Development Area under this Article. The Planning Manager may grant the requested waiver upon a finding that reasonable evidence exists that the subject site does not contain potential slope area that would qualify as a Hillside Development Area. Appeals from the Planning Manager decision pursuant to this paragraph may be appealed to the Administrative Hillside Hearing Officer subject to the provisions of Section 13.

D. Applicants may prepare a Slope Category Determination Study utilizing a methodology differing from those outlined in this Article, if acceptable to the Planning Manager. Applicants seeking to utilize an alternative methodology shall provide both a written explanation of the proposed alternative methodology and a graphical example of its use. If, upon review of the proposed alternative Slope Category Determination Study by the Planning Manager, the slope analysis is not acceptable, the applicant shall utilize one of the adopted methodologies contained herein. Appeals from the Planning Manager decision pursuant to this paragraph may be appealed to the Administrative Hillside Hearing Officer subject to the provisions of Section 13.

E. To determine parcel density and the location and extent of slope categories, carry out one of the following procedures:

1. Manual Slope Determination Method:

a. Utilize a topographic map at a scale of two hundred (200) feet or less to the inch and with contours shown at two (2) foot intervals. Applicant may utilize maps containing contours at five (5) foot intervals for grades of more than twenty percent (20%). All contour lines shall be extended onto adjacent properties to a distance that establishes the overall slope of the land but in no case shall they be extended less than fifty (50) feet onto the adjacent properties.

b. The Hillside Development Area shall commence at the midpoint of the one hundred (100) foot horizontal dimensions used to determine the slope as illustrated by Figure 1, attached hereto and by this reference made a part hereof. The one hundred (100) foot slope determination lines shall be located perpendicular to the site or property contour bands. Those properties containing multiple slope planes should provide slope information for all such planes.

c. To determine those locations where slopes of ten percent (10%), fifteen percent (15%), twenty percent (20%), twenty-five percent (25%), thirty percent (30%), and thirty-five percent (35%) begin by the application of one hundred (100) foot straight lines that fall within each category. The one hundred (100) foot slope determination lines shall be extended onto adjacent properties to a distance that establishes the overall slope of the land but in no case shall they be extended less than fifty (50) feet onto the adjacent properties.

d. Connect the midpoints of each series of one hundred (100) foot lines of the same slope category to establish the limits of that slope category.

e. Measure the areas resulting between each series of straight lines to determine the areas in each slope category.

f. Figure 2, attached hereto and by this reference made a part hereof, illustrates the method used in calculating the slope categories.

2. Computer Generated Slope Determination Method:

a. Utilize digital topographic information with contours shown at a maximum of two (2) foot intervals, except as established herein. Areas known or shown to contain slopes of more than (20%) may utilize digital topographic information with contours shown at five (5) foot intervals.

b. Utilizing a slope generating software application, slope categories shall be determined utilizing the slope categories established in Section 2 of this Section.

c. Computer generated slope analyses shall be prepared utilizing the following modeling parameters:

1. Maximum two (2) foot slope contour intervals for slopes less than twenty (20) percent;

2. Maximum five (5) foot slope contour intervals for slopes more than twenty (20) percent;

3. The slope analysis shall utilize the above noted slope contour intervals through the modeling basis of grid evaluation to determine slope facets or contours;

4. The analysis shall utilize a twenty-five (25) foot grid system.

d. All data generated through the use of a computer generated slope determination shall be presented in both chart and graphical formats. The presentation of all graphical slope information shall be presented in a clear and easily understandable format.

~~e. Utilizing the resulting slope map and data, the applicant shall manually draw slope category lines approximating the generalized slope conditions of the property. The resulting slope map shall be computer digitized to determine the area within each slope category which shall approximate the amount of land within each slope category (within five (5) percent) which resulted from the initial computer analysis generated pursuant to subsection c above. The comparison of slope category acres between the two slope maps shall be made in sections of the property no larger than 300 acres.~~

f. The final map shall be plotted at 1" = 200' and submitted to the Planning Manager for review. If the Planning Manager finds the analysis acceptable, the final slope determination map shall be approved. The Planning Manager may reject the analysis and require correction(s) to the digitized slope category lines to more accurately

reflect the generalized slope conditions of the property or other revisions necessary to ensure compliance with this Article. Appeals from the decision of the Planning Manager may filed for disposition by the Administrative Hillside Hearing Officer pursuant to Section 13

3. The Final Slope Category Map resulting from either Section 3.E.1, or Section 3.E.2 shall be utilized in determining allowable densities~~, lot area, lot disturbance and lot coverage requirements~~ AND PARCEL DISTURBANCE. Preliminary Plats shall reflect proposed disturbance/coverage envelopes for each ~~lot~~ PARCEL and shall contain tabular information necessary to determine compliance with this Article.

SECTION 4 GENERAL PROVISIONS FOR CONSTRUCTION ON A HILLSIDE LOT

A. No residential lot or parcel within a Hillside Development Overlay District and having DISTURBANCE IN THE slope areas in excess of twenty percent (20%) shall be subdivided or split to provide less than ~~one acre~~ THREE THOUSAND FIVE HUNDRED (3,500) FEET. No residential lot or parcel within a Hillside Development Overlay District and having slope areas between ten and twenty percent (10-20%) shall be subdivided or split to provide more density than is permitted in Table 1, where no density transfer has occurred. In those situations where a density transfer is being utilized, the increased density permitted under Table 1 shall only be permitted in an amount equal to the number of lots being transferred.

B. In those situations where density has been transferred from a higher slope category to a lower slope category within the ten to fifteen (10-15%) slope category, no residential lot shall be subdivided or split to provide less than ~~ten thousand (10,000)~~ THREE THOUSAND FIVE HUNDRED (3,500) square feet. In those situations where density has been transferred from a higher slope category to a lower slope category within the fifteen to twenty percent (15-20%) slope category, no residential lot shall be subdivided or split to provide less than ~~thirty two thousand (32,000)~~ THREE THOUSAND FIVE HUNDRED (3,500) square feet.

C. No residential lot within the Hillside Development Overlay District and having slope areas in excess of fifteen percent (15%) shall have a front lot width less than ~~seventy-five (75)~~ THIRTY-FIVE (35) feet. The front lot width of all flag lots located within the Hillside Development Overlay District shall be measured from the point at which the drive access intersects with the main body of the lot or at a point not to exceed ~~two~~ THREE hundred and fifty (350) feet from the front lot line of the flag lot.

D. Building setbacks shall be as required by the zoning district.

E. Maximum lot coverage by the main building and all accessory buildings shall not occupy more than that permitted by the zoning district DEVELOPMENT OPTION. ~~or Table 2, whichever is the lesser area.~~

F. No RESIDENTIAL building shall exceed a height of ~~twenty-eight (28)~~ THIRTY (30) feet, above the natural grade of the land at any section through the structure. NO NONRESIDENTIAL BUILDING SHALL EXCEED A HEIGHT OF FORTY-EIGHT (48) FEET, OR SIXTY (60) FEET WITH THE APPROVAL OF THE PLANNING AND ZONING COMMISSION, ABOVE THE NATURAL GRADE OF THE LAND AT ANY SECTION THROUGH THE STRUCTURE.

G. All hillside ~~lots~~ PARCELS shall conform to Table 2 and an individual analysis of each ~~lot or~~ parcel shall be prepared prior to recording the final plat or minor land division. For existing lots of record as of the date of adoption of this ordinance, an individual site analysis shall be submitted prior to the approval of any development permits. Following review and approval of the Slope Category Determination Study by the Planning Division, the individual site analysis shall be submitted in conjunction with a grading and drainage plan. No building permit shall be issued prior to approval of the grading and drainage plan and individual site analysis.

H. All Hillside lots or parcels which abut a dedicated public open space or preserve area shall provide a one foot (1') non-vehicular access easement along the common property line.

I. CLUSTERING OF RESIDENTIAL LOTS SHALL BE UTILIZED TO PRESERVE HILLSIDE AREAS. THE CLUSTERING OF LOTS SHALL NOT INCREASE THE UNDERLYING DENSITY ALLOWED BY THE SADDLEBACK HEIGHTS PC DISTRICT. SPECIAL DEVELOPMENT STANDARDS FOR CLUSTER RESIDENTIAL DEVELOPMENT ARE AS FOLLOWS:

1. THE UNDERLYING ZONING DISTRICT AND PROPOSED USE IS FOR SINGLE-FAMILY DWELLING UNITS.

2. THE MINIMUM AREA OF THE DEVELOPMENT IS FIVE (5) ACRES.

3. THE MINIMUM LOT SIZE OF A CLUSTERED LOT IS 3,500 SQUARE FEET.

4. THE UNDISTURBED AREA SHALL BE MAINTAINED PERMANENTLY AS UNIMPROVED OPEN SPACE.

5. THE MODIFIED DEVELOPMENT STANDARDS USED PURSUANT TO THIS SECTION SHALL BE APPROVED CONCURRENTLY WITH THE PRELIMINARY PLAT.

6. THE APPLICANT MUST DEMONSTRATE TO THE PLANNING MANAGER THAT THE CLUSTER RESIDENTIAL DEVELOPMENT WILL NOT BE DETRIMENTAL TO THE INTENT OF THE HILLSIDE DEVELOPMENT OVERLAY DISTRICT AND THAT IT WILL ADVANCE THE CITY'S INTERESTS IN PROTECTING A HILLSIDE DEVELOPMENT AREA.

SECTION 5 HEIGHTS AND APPEARANCES

For development within hillside areas, the height of structures shall be determined by the following Sections and not by the definitions described in Section 2 of the Zoning Ordinance.

A. No part of any structure shall penetrate an imaginary plane, the height of which is ~~twenty-eight (28)~~ THIRTY (30) feet (FOR RESIDENTIAL STRUCTURES) OR FORTY-EIGHT (48) FEET (FOR NONRESIDENTIAL STRUCTURES), OR SIXTY (60) FEET, IF APPROVED BY THE PLANNING AND ZONING COMMISSION (FOR NONRESIDENTIAL STRUCTURES) measured vertically from any point outside of the building where the face of the building or support intersects natural ground (see Figure 3), except that:

Where natural grade is not restored back against the building, no exposed face in any vertical plane shall exceed a height of ~~twenty-eight (28~~) THIRTY (30) feet (FOR RESIDENTIAL STRUCTURES) OR FORTY-EIGHT (48) FEET (FOR NONRESIDENTIAL STRUCTURES), OR SIXTY (60) FEET, IF APPROVED BY THE PLANNING AND ZONING COMMISSION (FOR NONRESIDENTIAL STRUCTURES) measured from the lowest exposed base.

B. Materials used for exterior surfaces of all structures shall blend in color, hue and tone with the surrounding natural setting to avoid high contrasts.

1. Structures, walls, roofs and fences shall blend with the surrounding terrain and there shall be no material or colors used which have an LRV (Light Reflecting Value) greater than forty percent (40%).

2. Mirror surfaces, or any treatment which changes ordinary glass into a mirror surface is prohibited. Bright untarnished copper or other metallic surfaces shall be treated so they are non-reflective.

3. All electrical service equipment and subpanels and all mechanical equipment including, but not limited to, air conditioning and pool equipment, solar panels, and antennas, shall not be visible from outside the property when viewed from the same or a lower elevation. Restrictions on visibility of solar panels and mechanical equipment may be modified if they are integrated into the roof design.

C. The principal and accessory buildings, excluding chimneys, shall not exceed forty (40) feet from the highest point of the building to the lowest exposed base of a supporting structure (see Figure 3). The subterranean portion of a structure is not included in the total height calculation.

SECTION 6 DISTURBED AREA

Lots shall be developed to provide for the minimum amount of ground disturbance during the time of construction so as to prevent rock slides and falls, erosion and seepage. At final construction, disturbed areas shall be hidden or supported by retaining walls, buildings, finished surfaces or restored and landscaped to its original natural condition to the maximum extent possible. All cut and fill areas visible from off-site locations shall be treated with a natural staining or aging agent.

A. All buildings, structures and roads shall to the fullest extent practicable, utilize the natural contours of the land so as to minimize the disturbed area.

B. The maximum height of any cut or fill used to establish a building site or a driveway shall not exceed ~~fifteen (15)~~ TWENTY (20) feet and must comply with the provisions

of the Peoria Building Codes. The maximum height of any cut or fill used to establish a road or roadway shall not exceed thirty (30) feet. All areas of cut or fill necessary to establish a public or private roadway and falling outside of the public right-of-way or private roadway easement shall be counted against the total disturbed lot area of the individual lot or parcel. All roadway cuts shall be re-vegetated and all roadway fills shall utilize retaining walls to minimize spill areas. All spill slope areas shall be re-vegetated and all retaining walls shall be designed to minimize the visual impact of any required retaining wall.

C. The limits of construction and proposed disturbed areas shall be clearly designated on the property prior to and during construction with visible roping and shall conform to the approved individual site analysis plan. No disturbance outside the designated area shall take place.

D. All surplus excavated material shall be removed from the lot.

E. The total disturbed area in each parcel, including driveway and accessory use areas, shall not exceed the combined disturbed area and ~~lot~~ coverage as set forth in Table 2.

TABLE – 2

Building Site Slope Category	**Maximum Disturbed Area**[2]	**Maximum ~~Lot~~ Coverage**[4]
10% to 15%	25%	30%[3]
15% to 20%	20%	25%
20% to 25%	20%	20%
25% to 30%	15%	15%
30% to 35%	12%	10%
35% to Over	10%	7.5%

(2) MAXIMUM DISTURBED AREA SHALL BE CALCULATED ON A PARCEL BY PARCEL BASIS. MAXIMUM DISTURBED AREA CALCULATIONS SHALL NOT APPLY TO AREA USED FOR IMPROVED GOLF COURSE.

(3) The Maximum ~~Lot~~ Coverage in the ten to fifteen percent (10-15%) slope category may be increased up to a maximum of forty percent (40%) when density has been transferred from a higher slope category FOR RESIDENTIAL DEVELOPMENT OR WHEN DISTURBED AREA HAS BEEN TRANSFERRED FROM A HIGHER SLOPE CATEGORY FOR NONRESIDENTIAL DEVELOPMENT.

(4) MAXIMUM COVERAGE WILL BE DETERMINED BY THE DEVELOPMENT OPTION EXERCISED.

F. The Maximum Disturbed Area for each ~~individual lot or~~ parcel shall be the sum of the amount of disturbance allowed within each of the individual slope categories found on the ~~lot or~~ parcel. Permitted disturbed area from a higher slope category may be transferred to the ten to fifteen percent (10-15%) slope category only with the sum of

the transferable disturbed area and the permitted disturbed area comprising the new Maximum Disturbed Area figure.

The transfer of a disturbed area allowance to the ten to fifteen percent (10-15%) slope category shall only occur when accompanying the actual transfer of dwelling units FOR RESIDENTIAL DEVELOPMENT AND TRANSFER OF DISTURBED AREA AND DEVELOPMENT RIGHTS FOR NONRESIDENTIAL DEVELOPMENT; ~~and disturbed area shall only be transferable~~ at ~~an amount equal to the Maximum Disturbed Area for a minimum lot size parcel~~. DISTURBED AREA MAY BE TRANSFERRED TO ANY LAND WITHIN THE 10-15% SLOPE CATEGORY OF THE HILLSIDE DEVELOPMENT AREA THAT IS UNDER THE SAME OWNERSHIP. The transfer of disturbed area within a Hillside Development Area shall not be an assumed right and in no case shall a transfer of disturbed occur without the approval of the Planning Manager. Approvals of a disturbed area transfer shall be made only upon a finding that the proposed transfer will not be detrimental to the intent of the Hillside Development Overlay District and upon a finding that the transfer will advance the City's interests in protecting a Hillside Development Area. THE LOCATION OF THE MAXIMUM DISTURBED AREA SHALL REQUIRE THE APPROVAL OF THE PLANNING MANAGER; SUCH APPROVAL SHALL BE MADE ONLY UPON A FINDING THAT THE PROPOSED LOCATION WILL NOT BE DETRIMENTAL TO THE INTENT OF THE HILLSIDE DEVELOPMENT_OVERLAY DISTRICT AND UPON A FINDING THAT THE LOCATION WILL ADVANCE THE CITY'S INTEREST IN PROTECTING A HILLSIDE DEVELOPMENT AREA.

G. Within the ten to fifteen percent (10-15%) slope area only, the amount of disturbed area being transferred may exceed one hundred percent and any excess disturbable area may be transferred to a ~~lot~~ PARCEL other than the receiving ~~lot~~ PARCEL. In no case shall excess permitted disturbed area be transferred to ~~lots~~ PARCELS or portions of a ~~lot~~ PARCEL above the fifteen percent (15%) slope line. In those cases where an increase in the maximum ~~lot~~ coverage is desired due to a transfer of density, the maximum ~~lot~~ coverage shall only be increased on the ~~lots~~ PARCELS receiving density transferred from a higher slope area. In those cases where all of the density has been transferred from a higher slope category to the ten to fifteen (10-15%) slope area, all ~~lots~~ PARCELS OR PORTIONS THEREOF within the ten to fifteen (10-15%) slope category may utilize the increased ~~lot~~ coverage allowance.

H. A disturbed area (up to 50% over Table 2, for slope areas over 10%) may be excluded from disturbed area calculations when the applicant has committed to comply with the following restoration conditions:

1. The restored area shall be re-contoured to match pre-existing contours.

2. The restored area shall be re-vegetated to its pre-development condition utilizing native plant types arranged and placed at a density matching the surrounding native desert.

3. The restoration area shall be treated with an aging agent approved by the Planning Manager and restored with indigenous desert material.

4. The restoration plan and process shall be prepared by a registered engineer or landscape architect and shall be approved prior to issuance of a building permit.

I. NOTHWITHSTANDING ANYTHING IN THIS SECTION TO THE CONTRARY, THE MAXIMUM HEIGHT OF ANY CUT OR FILL USED TO ESTABLISH A GOLF COURSE SHALL NOT EXCEED FORTY (40) FEET. CUT AND FILL SLOPES WILL BE RE-CONTOURED. CONCURRENTLY WITH THE SUBMITTAL OF A SITE PLAN FOR A GOLF COURSE, A VEGETATION AND CONTOUR PLAN WILL BE SUBMITTED TO THE PLANNING MANAGER. THE VEGETATION AND CONTOUR PLAN SHALL REQUIRE THE APPROVAL OF THE PLANNING MANAGER; SUCH APPROVAL SHALL BE MADE ONLY UPON A FINDING THAT THE VEGETATION AND CONTOUR PLAN WILL NOT BE DETRIMENTAL TO THE INTENT OF THE HILLSIDE DEVELOPMENT OVERLAY DISTRICT AND UPON A FINDING THAT THE PLAN WILL ADVANCE THE CITY'S INTEREST IN PROTECTING A HILLSIDE DEVELOPMENT AREA.

SECTION 7 GRADING AND DRAINAGE

All proposed development within a Hillside Development Area shall be required to submit for and receive Grading and Drainage Plan approval through the City of Peoria Engineering and Public Works Department prior to the commencement of any development or Site Disturbance Activities.

SECTION 8 DRIVEWAYS

A. If any portion of a driveway grade is more than twenty percent (20%), the entire residence and all accessory buildings over one hundred twenty (120) square feet of roof area shall be protected with an approved fire sprinkling system.

B. Driveways with turning radii of less than forty (40) feet may be used provided all structures are protected with an approved fire sprinkling system.

C. To reduce the visual impact of driveways the following is intended to be an incentive to preserve the natural mountain vistas. Driveways surfaced with paving bricks, colored concrete or with exposed aggregate, colored to blend with existing native color of the site, shall only be included in disturbed area calculations at 50% of their total area.

D. Any driveway cut greater than eight (8) feet in depth shall not have a length greater than one hundred (100) feet; and the maximum height of any cut or fill used to establish a driveway shall not exceed fifteen (15) feet.

SECTION 9 PERIMETER WALLS, PRIVACY WALLS, RETAINING WALLS AND SPILL SLOPES

A. The design of all retaining walls and ground coverings shall be prepared by a registered engineer or architect and shall be designed to blend with the surrounding environment and/or development in color, materials and style.

B. Raw spill slopes are prohibited.

C. All exposed disturbed area fill shall be contained behind retaining walls or covered with a natural rock veneer and treated with an aging agent and landscaped with indigenous plant material.

D. RESIDENTIAL Retaining walls shall not exceed six (6) feet in height; NON-RESIDENTIAL RETAINING WALLS SHALL NOT EXCEED EIGHT (8) FEET: if additional height is needed, the wall shall be offset at a minimum of four (4) feet or one (1) foot per one (1) foot of height, whichever is greater.

E. Fences or walls on lots within a hillside district shall be restricted to privacy walls attached to or directly screening a portion of the main residence. Privacy walls shall not exceed six (6) feet in height, shall be architecturally compatible with the main residence and shall be limited to the development envelope area only. Perimeter walls and fences surrounding a lot, tract or parcel shall be prohibited except as provided by SUB-Section F of this SECTION. Privacy walls shall not be erected on a retaining wall and shall be offset a minimum of four (4) feet when utilized.

F. Within the ten to fifteen percent (10-15%) slope category only, exceptions to the limitations on fences or walls may be permitted. In those instances where an exception is desired, applicants shall submit a detailed Wall Plan to the Planning Manager for review and action. In conjunction with the submittal of the Wall Plan to the Planning Manager, the applicant shall submit a copy of the Wall Plan to the Public Works / Engineering Department for review and approval for conformance with all City Grading and Drainage requirements. Wall Plans shall indicate the proposed locations of walls or fences, the proposed materials, colors and design of any wall or fence, and fence construction and disturbance mitigation measures. Such plans shall be accompanied by a narrative explaining the reasons why such an exception should be made. Upon completion of the review of the Wall Plan by the Planning Manager, and following the review and approval of the Wall Plan by the Public Works / Engineering Department, the Planning Manager may approve the Wall Plan. Wall Plans may be approved by the Planning Manager upon a finding that the proposed location and design of the wall(s) is in accordance with this Article and further that the proposed wall will not be contrary to the intent and purpose of this Article.

G. Perimeter walls or fences approved by the Planning Manager within the ten to fifteen (10-15%) slope category and abutting an open space area or tract, shall be a maximum of six feet eight inches (6'-8") in height with no more than three (3) feet being constructed of a solid or opaque material. That portion of the wall or fence not constructed of a solid or opaque material shall be open in design and may not include chain-link or wood materials. NOTWITHSTANDING THE FOREGOING, WALLS EXCEEDING SIX (6) FEET EIGHT (8) INCHES IN HEIGHT AND CONSTRUCTED OF SOLID OR OPAQUE MATERIAL MAY BE APPROVED BY

THE PLANNING MANAGER IF THE WALL IS FOR THE PURPOSE OF SCREENING NON-RESIDENTIAL USES.

H. All fences and walls within a Hillside Development Area shall be required to obtain a fence permit from the Community Development Department, in addition to all other necessary City of Peoria permits, prior to the initiation of any fence or wall related construction activities.

SECTION 10 LIGHTING, SEWERS, UTILITIES

A. All outdoor lighting concepts, fixture types, lamps and wattage shall be indicated on the site plan.

B. Connection to a public sewer system is required in connection with chapter twenty-five (25) of the City Code where available.

C. Private individual lot sewer systems shall be designed by a registered engineer.

D. All on-site utilities shall be placed underground.

SECTION 11 MOUNTAIN RIDGE PROFILE

A. Within a hillside development area and above the twenty percent (20%) slope line, no construction shall occur which will alter the mountain top profile and no building or structure shall be constructed which will project above a ridge line of significance when viewed from adjacent properties. Ridge lines of significance shall be identified in the hillside analysis accompanying the project submittal for a subdivision or shall be shown on the individual site analysis plan for individual lots. Upon review of the project submittal, the Planning Manager or their designee, shall determine the ridges of significance for the site. Ridge lines of significance shall include, but not be limited to the following, and may include ridge lines or ridge line complexes which meet the criteria listed below:

1. Ridge lines and ridge line complexes which are visible from existing and/or planned collector and arterial roadways,

2. Ridge lines and ridge line complexes which are visible from surrounding vantage points when viewed from a location with an elevation difference of a maximum of three hundred (300) vertical feet from the property line of the subject parcel/structure,

3. Ridge lines and ridge line complexes which have a vertical height increase of more than three hundred (300) feet as measured from the point of the ten percent (10%) slope line of the ridge or ridge complex, and

4. Other significant ridge lines or ridge line complexes as determined during the site analysis process.

B. Prior to the issuance of any building permits, cross-sections shall be submitted showing the relationship of the proposed development with established mountain top ridge lines and ridge lines of significance when applicable.

SECTION 12 SUBMITTAL REQUIREMENTS FOR CONSTRUCTION ON A HILLSIDE LOT

A. In addition to drawings, plans, specifications and details necessary to obtain a building permit, the following documentary requirements and certifications shall be provided for staff review:

1. A topographic map at an appropriate scale on a 24” x 36” sheet presenting the total lot and a twenty (20) foot area beyond the property line shall be submitted with the application. This map shall show existing and proposed finished contours at two (2) foot intervals within a twenty (20) foot perimeter from any proposed building, five (5) foot intervals elsewhere. Existing contours shall be shown with dashed lines. This map shall show limits of excavation and fill, slope of cut and fill, total cubic yards of excavation and fill. The location and area of the sewage disposal systems, if public sewers are not provided.

2. Detailed site plans and landscape plans at an appropriate scale, shall be submitted with each application and shall include, but not be limited to, the following: grade and slope in percent at all disturbed areas. Dimensions and calculations of all cut and fill for the building site, roads, drives, swimming pools, septic systems and the method of concealment for each fill or exposed cut. Dimensions of length and height of retaining walls, fences and other attachments; the location and grade of all drainage channels, swales, drain pipes, etc. The amount and degree of surface disturbance, destruction or removal of natural vegetation. Protected desert vegetation shall be preserved in an appropriate manner.

3. Cross sections at 1:1 scale, at two (2) or more locations perpendicular to the contours through the building site. Location of the cross-sections shall be clearly shown on the topographic map. Properties impacting ridge lines shall provide additional cross-sections indicating their relation and impact on such ridge lines as established in Section 9.

4. An overall excavation, grading and drainage plan shall be prepared in accordance with sound professional engineering practices and to address minimum standards adopted by the City. Said plans shall be prepared and certified by a professional engineer registered in the State of Arizona. If any drainage structures or culverts are involved, it will be necessary to include calculations for peak flows for a 100 year storm to establish appropriate drainage facilities, cross-sections and details. Storm water diverted from its original drainage pattern shall be returned to its natural course before leaving the property.

5. Where possible and appropriate on less complex lots and lots with acceptable site conditions, the combining of the above maps into one drawing may be acceptable.

6. The Planning Manager, or their designee, may require an accurate oblique view architectural rendering in color; showing the appearance of the building, lot, landscaping, and skyline. The Planning Manager may also require a model if determined necessary to evaluate the project. The model may be a three dimensional physical model or it may be a computer generated model

in a three dimensional format and presented by a series of prints or by a disc that can be viewed on a monitor. The rendering and the model will remain in the custody of the Planning Manager until a Certificate of Occupancy is issued. On the rendering or attached thereto, the applicant shall list all colors depicted on the exterior of all structures according to Section 4.B.

7. Plans for any structure to be constructed on any land governed by these Hillside Regulations shall be sealed by a registered engineer or architect.

8. The plans for any hillside development of any kind or nature whatsoever, must be approved by the staff and appropriate permit(s) issued, before any grading, bulldozing, blasting, or movement of earth is commenced.

SECTION 13 ADMINISTRATIVE APPEALS

A. Appeal to the Hearing Officer.

1. Decisions of the Community Development staff arising from the administration of the requirements contained in THE SADDLBEACK HILLSIDE DEVELOPMENT STANDARDS may be appealed by the applicant or any property owner within three hundred (300) of the affected property to a hearing officer(s). Applications for variances from the provisions of THE SADDLEBACK HILLSIDE DEVELOPMENT STANDARDS may be filed by the property owner for consideration by the hillside hearing officer(s). Appeals or requests for variance shall be in writing and shall specifically set forth those decisions of the Community Development staff which are being appealed or the basis of the variance request. The application shall be filed with the Community Development Director. Applications for a variance from the conditions of SADDLEBACK HILLSIDE DEVELOPMENT STANDARDS shall be in writing and shall specifically set forth those provisions of the SADDLEBACK HILLSIDE DEVELOPMENT STANDARDS from which a variance is being sought.

   Upon receipt of the written appeals application, the Community Development Director shall make a determination as to the nature of the appeal and shall determine the appropriate appeal hearing officer to hear the case. Those appeals of a technical nature such as utility locations, final grading and drainage or heights of cut and fill shall be heard by the City engineer or their designee, acting in the capacity of hearing officer. All other appeals including slope category determination, allowable densities, lot coverage and disturbance calculations shall be heard by the Administrative Hillside Hearing Officer. The Administrative Hillside Hearing Officer shall be the City Manager or designee.

2. Upon receipt of a completed hillside interpretation or variance application, the Community Development Director or their designee shall fix a reasonable date, not to exceed thirty (30) calendar days from the date which the application was received, for hearing the action. Notice of the action shall be advertised in the local newspaper at least fifteen (15) days prior to the hearing date. The property to which the action applies shall be posted with a notice of the hearing and first class stamped letters indicating the time, date and location of the hearing shall be mailed to all property owners of record

located wholly or partially within three hundred (300) feet of the perimeter of the property.

The applicant shall be responsible for submitting to the Community Development Department a list of all property owners of record located wholly or partially within three hundred (300) feet of the affected property, two sets of first class stamped envelopes containing the name and mailing address of all property owners within three hundred (300) feet of the affected property and a completed affidavit of accuracy for the submittal package.

3. A copy of the appeal and complete file shall be transmitted to the hearing officer. The hearing officer shall hold a hearing and provide the applicant and Community Development staff an opportunity to present their position. Such hearings shall be informal and the rules of evidence and civil procedure shall not apply.

4. The hearing officer shall have the authority to approve, deny or modify the request.

B. Appeals to the City Council.

1. An applicant, the City or any property owner within three hundred (300) feet of the affected property may appeal the decision of the hearing officer to the City Council. The appeal shall be in writing and shall specifically set forth the decision of the hearing officer which is being appealed. The appeal shall be filed with the Community Development Director.

2. A notice of the appeal shall be mailed at least fifteen (15) days prior to the Council meeting in which the appeal is heard to each property owner situated wholly or partially within three hundred (300) feet of the property to which the plan relates. The applicant shall provide the Community Development staff with the names and addresses and addressed and stamped envelopes for all property owners within three hundred (300) feet of the property. The Community Development staff shall be responsible for mailing such notices.

3. A copy of the appeal letter, decision of the hearing officer and supporting material shall be transmitted to the City Council. At a regularly scheduled Council meeting, the applicant and the hearing officer shall present their positions.

4. The City Council shall have the authority to affirm, overrule or modify the decision of the hearing officer.

SECTION 14 INSPECTIONS

A. Inspections may be made to insure compliance with this Article.

B. Prior to the inspection of property, an authorized employee shall attempt to obtain the consent of the property owner or representative pursuant to this Article. If consent is denied, the employee may conduct an inspection as permitted pursuant to applicable state or federal law.

SECTION 15 ENFORCEMENT/ COMPLIANCE

A. Violations should be reported by the City to the property owner, together with a Compliance Order describing the measures required to correct the violation(s). Failure to comply with the terms of a Compliance Order shall constitute a violation of this Article.

B. In those instances where a Site Disturbance Activity has commenced within a Hillside Development Area without an approved Slope Category Determination Study or where another violation of this Article has occurred, the City may issue a Stop Work Order to terminate immediately all development or construction related Site Disturbance Activity on the site, parcel or property. In addition, the City may revoke any or all of the permits issued by the City for the site, parcel or property. Upon the issuance of a Stop Work Order, the responsible party shall immediately terminate all activities on the site and then contact the City of Peoria Planning Division what measures should be taken to eliminate any problems resulting from the development activity. Failure to comply with the terms of a Stop Work Order shall be a violation of this Article.

C. Violations of this Article are subject to prosecution by the City of Peoria as a Misdemeanor violation under the City Code and shall be punishable as provided by law.

SECTION 16 DEFINITIONS

Alter the Mountain Top Ridge Line - Means to alter or change the view or appearance of an established ridge line or ridge line of significance with cuts, fills or structures when viewed from a distance.

Cut - The land surface which is shaped through the removal of soil, rock, or other materials.

Disturbed Area - That area of natural ground that has been or is proposed to be altered through grading, cut and fill, removal of natural vegetation, placement of material, trenching, or by any means that causes a change in the undisturbed natural surface of the land or natural vegetation.

Disturbed Area Reclaimed - Disturbed areas may be reclaimed if they are restored to their natural contours, vegetation and colors to the satisfaction of the Staff.

Fill - The deposit of soil, rock, or other materials placed by man.

Finished Grade - The final grade and elevation of the ground surface after grading is completed.

Grading - Any excavating, or filling or combination thereof, including the conditions resulting from any excavation or fill.

Hillside Development Area - Building areas with a building site slope of ten percent (10%) or greater, measured as a vertical rise of ten (10) feet in a horizontal distance of one hundred (100) feet.

Natural Grade - The grade and elevation of the ground surface in its natural undisturbed state.

Retaining Wall - A retaining wall is a wall used solely to retain more than eighteen inches (18") of material but not to support or to provide a foundation or wall for a building.

Site Disturbance Activity - Any action which results in a cutting of the natural soil grade, creation of an un-natural soil fill or movement of a significant natural landscape feature. A Site Disturbance Activity may include, but not be limited to the following activities: digging, trenching, filling, drilling, grading or clearing.

Slope Category Determination Study - A detailed study of the topography and slope of a development site, parcel or property. The study shall include a detailed graphic showing all slope areas on the site utilizing the methodologies established in this Article and shall be composed of both graphical, numerical and textual information.

Spill - To cause or allow earth or other material to fall, flow or run down a slope, thereby creating a change in the natural appearance and topography.

2.1.7 SLOPE ANALYSIS

A Slope Analysis is included in this submittal in **Slope Analysis Map Section 2.1.11**. Slopes range from minor inclines to steep hillsides. The majority of developable areas on the western portion of the site are within the minor incline slope conditions and the majority of developable areas in the eastern portion is more diverse and includes all of the slope ranges. Also included in Section 2.1.12 is the Parcel Slope Analysis Example and in Section 2.1.12 and Section 2.1.13 is the Parcel Slope Analysis Plan and Matrix respectively. Sections 2.1.12 and 2.1.13 provide and example and methodology for the parcel by parcel slope analysis and implementation of Tables-1 & 2 of the Saddleback Heights Hillside Development Standards.

SADDLEBACK HEIGHTS SLOPE ACREAGE – TABLE 3	
Exclusive of State Land	
SLOPE CATEGORY	**ACRES**
0% - 10%	1190.95
10% - 15%	697.52
15% - 20%	657.73
20% - 25%	616.72
25% - 30%	560.24
30% - 35%	482.50
35% - 40%	369.91
40% +	685.72
TOTAL	5261.28

The methodology used for calculating the acreage within each slope category as set forth in ***Table 3*** is in accordance with Section 14-22A-2(B) of the Saddleback Height Hillside Development Standards.

SLOPE ANALYSIS– STATE LAND ALLOCATIONS

SADDLEBACK HEIGHTS SLOPE ACREAGE – TABLE 4	
State Land – Village "E"	
SLOPE CATEGORY	**ACRES**
0% - 10%	100.03
10% - 15%	29.92
15% - 20%	13.32
20% - 25%	7.25
25% - 30%	4.28
30% - 35%	2.31
35% - 40%	1.26
40% +	1.67
TOTAL	160.03

*Acres are net and are in accordance with the ALTA survey prepared by Erie & Associates, Inc. on 4-24-01

The methodology used for calculating the acreage within each slope category as set forth in ***Table 3*** is in accordance with Section 14-22A-2(B) of the Saddleback Height Hillside Development Standards.

SADDLEBACK HEIGHTS SLOPE ACREAGE – TABLE 5	
State Land – Village "F"	
SLOPE CATEGORY	**ACRES**
0% - 10%	209.48
10% - 15%	119.17
15% - 20%	87.61
20% - 25%	63.82
25% - 30%	5.19
30% - 35%	38.78
35% - 40%	27.13
40% +	28.79
TOTAL	579.95

*Acres are net and are in accordance with the ALTA survey prepared by Erie & Associates, Inc. on 4-24-01

The methodology used for calculating the acreage within each slope category as set forth in ***Table 3*** is in accordance with Section 14-22A-2(B) of the Saddleback Height Hillside Development Standards.

SADDLEBACK HEIGHTS DEVELOPMENT VILLAGE SLOPE CALCULATIONS– TABLE 6							
SLOPE CATEGORY						DEVELOPMENT VILLAGE 'E' TOTAL ACRES (STATE LAND)	DEVELOPMENT VILLAGE 'F' TOTAL ACRES (STATE LAND)
0% - 10%						95.81	188.71
10% - 15%						31.75	100.80
15% - 20%						14.28	80.73
20% - 25%						7.87	63.84
25% - 30%						4.61	51.12
30% - 35%						2.45	38.82
35% - 40%						1.38	27.13
40% +						1.87	28.80
TOTAL						**160.03**	**579.95**

*Acres are net and are in accordance with the ALTA survey prepared by Erie & Associates, Inc. on 4-24-01

The methodology used for calculating the acreage within each slope category as set forth in ***Table 4***, ***Table 5, and Table 6*** is in accordance with Section 14-22A-2(B) of the Saddleback Heights Hillside Development Standards using a 20 foot grid to computer process digital aerial topography in AutoDesk Land Development Desktop.

2.1.8 GENERAL DEVELOPMENT STANDARDS

2.1.8.1 Landscape Standards

The landscape requirements for Saddleback Heights shall be as approved through the Landscape Plan for the Property in accordance with the provisions of Section 14-35-1 of the Zoning Ordinance. The Landscape Plan shall meet the minimum development standards established by Article 14-35 of the Zoning Ordinance or as otherwise may be approved by the Planning Manager through a Master Landscape Plan.

a. Landscape Design Concept

As mentioned in Section I team overview, the Saddleback Heights Development Team has a history of working in sensitive desert environs throughout the southwest United State, including Peoria, Arizona. The landscape standards for Saddleback Heights will be created to preserve the unique Sonoran desert and the biological communities within it. With an abundance of mature Sonoran and high Sonoran plant materials and species already within the project, it is natural to create landscape palettes and plans that celebrate the natural character of the high Sonoran landscape.

A true balance between the man-made and natural environments is always the desired effect. The Saddleback philosophy embraces that concept and strives to incorporate the diverse native plant palette found in the Sonoran desert and create a community with a character and texture as rich as the natural high Sonoran environment. The Team has studied, at length, the site and surrounding areas to understand the existing wildlife and native plant communities of Saddleback Heights and utilize that understanding to create the community landscape palettes.

The plant communities within Saddleback Heights and the Sonoran desert are strongly related to elevation. Within the project the diverse elevation, rolling terrain, and north-south exposure create uniquely diverse plant communities and landscape zones.

Where the natural desert has been disturbed, Saddleback will require revegetation using the Saddleback Landscape Palette. The existing mature plant materials that are available on the site will be a valuable resource. A temporary nursery will be established for the care of plant materials until they are transplanted.

Native plants will be the central theme of the community and the native plant material salvaged from the site will provide strong design and visual elements for Saddleback. It will allow development to seamlessly blend into the preserved natural desert areas with a similar maturity, size, and density of existing plant material.

b. Design Approach

As previously mentioned the Design Team has done extensive research of the project site and surrounding areas and have created design approach that utilizes the high Sonoran Vegetation. The five (5) concepts that form the landscape design approach of Saddleback are as follows:

- *Native vegetation is the predominant influence of design and shall be preserved or salvaged to greatest extent possible.*
- *Maintain simplistic and understated planting design.*
- *Native granular soils provide a consistent, desirable character and shall be maintained as a top dressing on all landscape areas.*
- *Revegetation shall maintain a density of the immediately adjacent natural desert.*
- *Allow a combination of native and desert adapted plant material within a restricted palette to increase color, texture and interest along residential.*

c. Landscape Area Definitions

Within the project, five (5) landscape classifications have been identified to create a hierarchy in the landscape. These areas are intended to transition the undisturbed natural desert areas with various development considerations. Landscape zones are intended to seamlessly blend various classifications yet establish a unique identity for the Saddleback project amongst similar desert oriented master planned communities. Specific plant species are designated for use in each of the following defined areas:

i. Undisturbed Areas

The natural, undisturbed desert must be preserved to the greatest extent possible. Development plans must clearly indicate limits of disturbance. These areas must be roped off and protected throughout the development process. No enhancement or alterations are allowed unless specifically identified and approved.

ii. Native Areas

Native areas are defined as areas planted with materials found in the Sonoran Desert (may not be indigenous to this property). Planting is intended to emulate native character and densities. Native areas are intended to abut other natural or undisturbed areas, wash corridors and arterial roads running through the project. These areas are intended to be low maintenance and naturalize with minimal supplemental irrigation.

iii. Riparian Areas

The landscape character of wash areas are intended to supplement and enhance the natural riparian character and unique plant palette found in wash corridors that run through the project. Modifications to native arroyos and proposed retention areas shall incorporate the specific palette and design criteria established for these unique plant communities.

iv. Transition Areas

Transition areas are distinguished by an expanded list of low water use plants that offer a wider range of color, texture, and compliment the native palettes. Plantings in this zone are generally found in greater densities than natural areas and require a permanent drip irrigation system. Transition areas include major streetscapes, recreation areas, commercial, residential parcels, and front yards. The transition palettes offer a wider range of plants to add shape, height, color, and texture diversity. Planting shall maintain a simplistic, understated design that reinforces the native character of Saddleback.

v. Private Areas

Private areas are defined as enclosed and semi-enclosed areas obscured from view by structures or walls above 3' in height. Planting within these areas may utilize a higher density and diversity of plants beyond those identified on restricted plant palettes. Plant restrictions include varieties that exceed 35' in height and those listed on the prohibited plant list.

d. Native Plant Inventory and Relocation Program

For each phase of development, a Native Plant Inventory and Relocation Program will be submitted for the preservation of all protected trees and cactus. The inventory shall be prepared on a proposed site plan with a photographic aerial overlay to clearly show native outcroppings and adjacent conditions. The site plan information will include property lines, grading limits, proposed facilities, interior lot lines, utilities and any required easements.

The relocation program must provide a summary of plants with their respected size and variety. Plants shall be classified as salvageable, unsalvageable or to remain in place. The relocation program shall also include location of a temporary nursery, temporary watering system, boxing technique, fencing, maintenance considerations and final cleanup.

Refer to construction guidelines for specific requirements and outline. Native Creosote, Jojoba, and Bursage shall also be made available for spading or replanting on other parcels prior to mass grading sites.

e. Turf Areas

Turf areas may be selectively used throughout the project in applications that demonstrate a functional recreational use. These include trail heads, pocket parks, retention basin, community parks, school, enclosed portions of residential yards and other public use areas. Turf areas shall be bordered by a concrete header or other hardscape element. Turf areas shall be installed as a non-pollinating hybrid (midiron or equal) and be over seeded with perennial rye between the months of November through May.

f. Shaping and Grading

All landscape areas disturbed by construction shall be fine graded and altered for a naturalistic random character that blends with native areas or adjacent facilities. Engineered grades shall be softened through the use of variable side slopes, rounded transition along top and toe, shaping to the finish surface to compliment native land forms and extend across property lines whenever possible.

g. Native Topdressings

Native granular soils are a predominant element of the landscape design that shall be preserved and replicated in landscape areas. Native soils consist of granular fines generally 2" and below. Topdressing along all revegetated landscape areas shall maintain a similar character and color. Remove all rocks above 2" in diameter and broom finish for a naturalistic character to blend with adjacent native undisturbed conditions. Decomposed granite may only be used on enclosed landscape areas.

h. Irrigation Design

The irrigation system is intended to be designed in a manner which is responsive to environmental considerations, the most important being water conservation. The goal of water conservation must be achieved through efficient application of water and water management.

An efficient irrigation system is made possible through proper design, incorporating latest technology and using water management tools. It is very important that the design allow for methods to manage the delivery and application of water to individual landscape areas.

2.1.8.2 Wall/Fencing Standards

The wall and fencing standards for the Property shall be in accordance with Section 14-3-14 of the Zoning Ordinance or as otherwise may be approved by the Planning Manager through a Master Walls and Fence Plan.

2.1.8.3 Sign Standards

The sign standards for Saddleback Heights shall be as approved through a Comprehensive Sign Plan in accordance with the provisions of Section 14-34-8(c) of the Zoning Ordinance and all signs shall be by separate permit or as otherwise approved by the Planning Manager through a Master Sign Plan.

2.1.8.4 Wash Protection Standards

Saddleback Heights is committed to sensitive development that

preserves natural features including the washes, the rock outcroppings, and the mature Sonoran vegetation that are found throughout the project. In keeping with the above outlined concept for the development we have created a wash protection standard for the major washes contained within the community. Significant or major washes are often deemed significant or major in other Valley municipalities at the 750 c.f.s. or greater, 100 year event flow rate. At Saddleback Heights the significant or major washes are deemed so at the 500 c.f.s. or greater 100 year event flow rate, and as such will be protected as follows. Disturbance within major washes shall be limited to disturbance needed for wash crossing with roads, utilities and path and trail crossings. This will allow Saddleback to develop sensitively and efficiently while preserving the major wash features of the site. The major washes may also be disturbed in order to apply wash protection and enhance the major washes for both public safety and aesthetic reasons. The channelization design of the wash shall be reviewed and approved administratively by the City.

2.1.9 AMENDMENTS

It is contemplated by the Developer and the City that the Saddleback Heights PC District may need to be amended from time to time as development occurs. Any amendment to the PC District shall be processed in accordance with the following criteria:

a. Amendments to the PC District "Development Plan" or "Standards Report" may be requested by the applicant or its successors. Amendments to the approved PC District shall be delineated as major or minor amendments. Amendments to the approved PC "Development Plan" and "Standards Report" may be limited to one or more "development units" and any proposed change will not affect development units not included in the proposed amendment.

b. Upon receipt of an amendment application to the Planning Division, the Planning Manager shall determine if the proposed amendment constitutes a major or minor amendment.

c. Major Amendments. If the Planning Manger determines the amendment to be a major, the amendment request shall be processed in the manner set forth in Sections 14-36-4 & 5.

d. An amendment will be deemed major if it involves any one of the following:

i. A change in the overall PC District Boundary; or

ii. An increase in the total number of approved dwelling units or gross leasable area (GLA) for the overall PC District; or

iii. A significant change to the approximate boundary of one or more "development unit(s)" from that approved in the PC District, as determined by the Planning Manger. A change to an individual development unit generally shall be deemed to be significant if it represents a 10% increase to the approximate gross area of the development unit as approved in the PC District.

iv. An increase of 10% or more of the approved number of projected dwelling units or gross leasable area (GLA) for an individual development unit.

v. Any change in land use or density that is likely to negatively impact or burden public facilities and utilities infrastructure as determined by the City Engineer.

vi. Any change in land use or density that is likely to negatively impact or burden circulation adjacent to the PC District or to the overall major street system as determined by the City Engineer.

vii. Any other proposed change to the "Development Plan" and/or "Standards Report" which substantively alters one of more components of the PC District as determined by the Planning Manger.

e. **Minor Amendments.** Amendments not meeting one or more of the criteria listed in subsection (D) shall be considered *minor*. If the Planning Manager determines the amendment to be *minor*, the Planning Manger may administratively act on the amendment and attach stipulations or conditions for approval thereto, to protect the public heath, safety and welfare.

i. If the amendment proposes a change to the Development Plan Map, notice of the proposed minor amendment shall be mailed to each owner of property as last disclosed by County Assessor records, situated wholly or partly within three hundred (300) feet to the affected development unit(s) to which the amendment relates. For purposes of giving mailed notice, the Planning Manger shall require the

applicant to furnish the names and addresses and stamped/addressed envelops of all affected property owners as determined above. If the amendment proposes any other change to the "Development Plan" or "Standards Report", including but not limited to, text changes or changes to the development standards of the "Standards Report," notice of the minor amendment shall be published within a newspaper of general circulation.

ii. If written protest to any minor amendment is received from any notified property owner within ten (10) days of the notification mailing date in the case of mailed notice, or within ten (10) days of the final date of advertising in the case of published notification, and such protest cannot be resolved, then the Minor Amendment shall be reclassified as a Major Amendment. No additional application shall be required, however, all provisions governing Major Amendments shall then apply.

If written protest is not received as described above, the Planning Manger shall render a decision on the minor amendment request. The Planning Division decision shall be final unless appealed under Section 14-36-9. The Planning Manger or assigned designee, shall send copies of the decision to the applicant, interested parties of record and members of the Planning and Zoning Commission.

2.1.10 DEFINITIONS

CLUSTER UNITS – dwelling units that are designed into compact areas in order to preserve natural features and preserve open space areas. They may be attached or detached.

DEVELOPMENT VILLAGE – a sub-area defined by the PC District Planned Community Plan containing multiple parcels.

MIXED USE DEVELOPMENT – is intended to provide a variety of community and regional uses in one geographic area located at significant intersections that will allow both access and viability for the uses. Mixed-use development will provide the opportunity for service and retail sales, office, employment, entertainment, parks and recreation, as well as, multi-family residential housing.

PARCEL - A portion or plot of land such as a subdivision, plat or site plan, a division of a larger area, such as a Development Village.

RESORT OVERLAY DISTRICT- The Resort Overlays denote areas that due to their natural features and scenic qualities may be preserved for resort development. Resort developments should preserve these qualities and provide a range of residential densities (including casitas, timeshare residential, and other housing types) in association with a resort hotel that includes recreational/leisure activities in addition to appropriate supporting commercial/service uses. The underlying land use designation for the Resort Overlay is either Residential-Low Density or Residential-Medium Density.

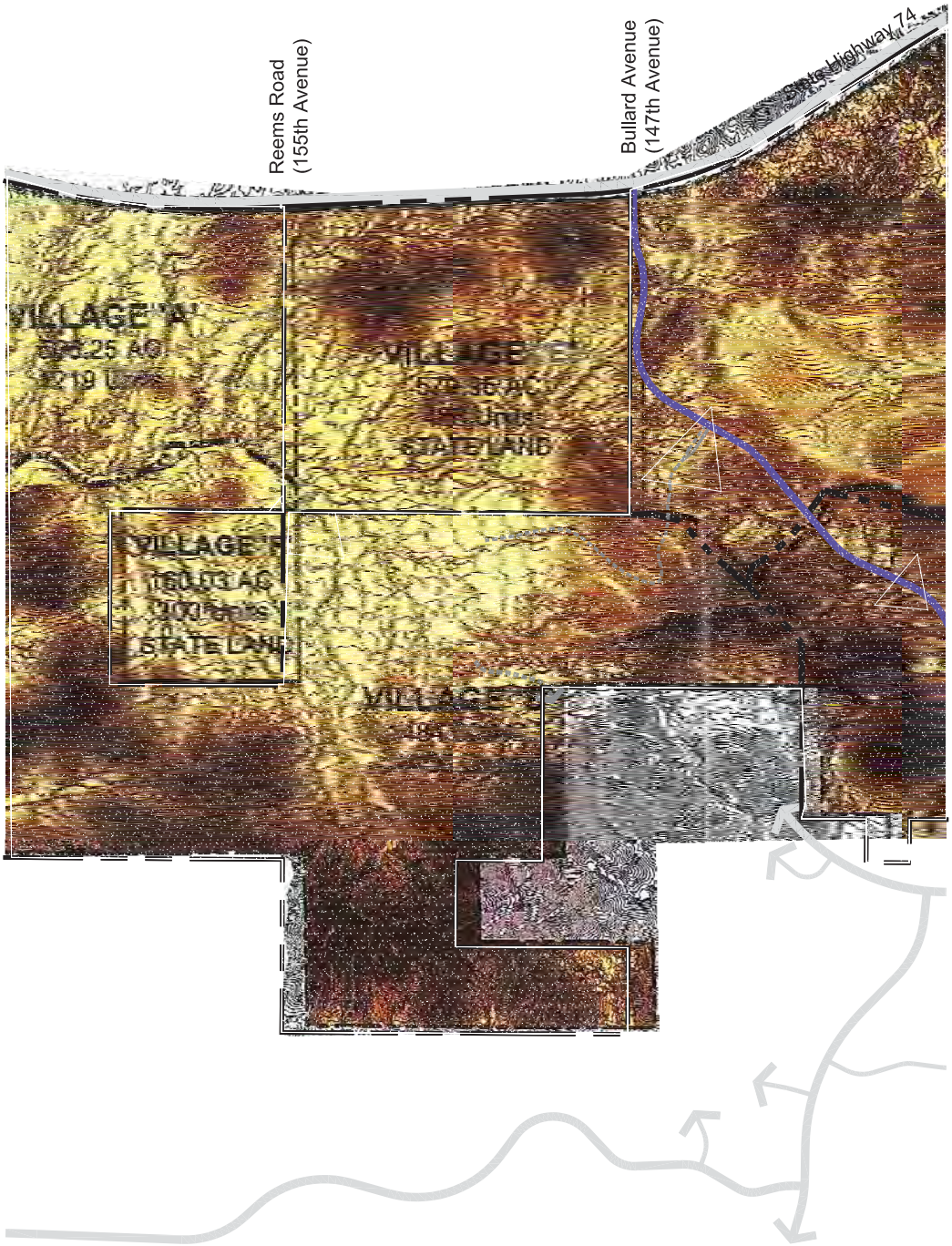
TOWN CENTER OVERLAY – The Town Center may include restaurants, a theater, a grocery, light retail, and non-retail services such as small office(s). The scale of the Town Center is such that it serves the adjacent residents, with some opportunity to draw from outside the immediate community. The smaller scale generates less traffic and allows the Town Center to be located on collector level roadway. The underlying land use designation is Residential-Medium Density.

2.1.11 Slope Analysis

SADDLEBACK HEIGHTS

Slope Analysis

State Land - Villages E & F



LEGEND

State Land Village "F" - Slope Acreage

- 0% - 10% = 100.03 Ac.
- 10% - 15% = 29.92 Ac.
- 15% - 20% = 13.32 Ac.
- 20% - 25% = 7.25 Ac.
- 25% - 30% = 4.28 Ac.
- 30% - 35% = 2.31 Ac.
- 35% - 40% = 1.26 Ac.
- 40%+ = 1.67 Ac.

Village "F" Total = 160.03 Ac.

State Land Village "G" - Slope Acreage

- 0% - 10% = 209.48 Ac.
- 10% - 15% = 119.17 Ac.
- 15% - 20% = 87.61 Ac.
- 20% - 25% = 63.82 Ac.
- 25% - 30% = 5.19 Ac.
- 30% - 35% = 38.78 Ac.
- 35% - 40% = 27.13 Ac.
- 40%+ = 28.79 Ac.

Village "G" Total = 579.95 Ac.

NORTH

SCALE: N.T.S.
APPROVED: 2002
RESVISED: 24 February 2014

PREPARED FOR:
DIAMOND VENTURES

PREPARED BY:
HADLEY

SADDLEBACK HEIGHTS				
HILLSIDE DEVELOPMENT OVERLAY TABLE 1 DENSITY ALLOCATION PARCEL B-14			DENSITY ALLOCATION TABLE 1 APPLIED	
SLOPE OF LAND	MAXIMUM NUMBER OF LOTS PER GROSS ACRE	NUMBER OF GROSS ACRE PER SLOPE CATEGORY	MAXIMUM NUMBER OF LOT PER GROSS ACRE	TOTAL NUMBER OF LOTS ALLOWED
10% - 15%	1.5	4.9	1.5	7.35
15% - 20%	1.0	4.75	1.0	4.75
20% - 25%	0.7	3.7	0.7	2.59
25% - 30%	0.5	0.75	0.5	0.375
30% - 35%	0.3	0.65	0.3	0.195
35% - 40%	0.2	1.13	0.2	0.226
40% - OVER	0.1	0.95	0.1	0.095
	SUB TOTAL	16.83		16
0% - 10%	2	3.3	2	6.6
	TOTAL	20.13		22

SADDLEBACK HEIGHTS						
HILLSIDE DEVELOPMENT OVERLAY TABLE 1 DISTURBANCE AND COVERAGE PARCEL B-14				TABLE 2 APPLIED		
BUILDING SITE SLOPE CATEGORY	MAXIMUM DISTURBED AREA	MAXIMUM LOT COVERAGE	COMBINED DISTURBED AREA AND LOT COVERAGE	NUMBER OF GROSS ACRE PER SLOPE CATEGORY	COMBINED DISTURBED AREA AND LOT COVERAGE	TOTAL DISTIURBANCE ALLOWED (ACRES)
10% - 15%	25%	30%	55%	4.9	55%	2.70
15% - 20%	20%	25%	45%	4.75	45%	2.14
20% - 25%	20%	20%	40%	3.7	40%	1.48
25% - 30%	15%	15%	30%	0.75	30%	0.23
30% - 35%	12%	10%	22%	0.65	22%	0.14
35% - 40%	10%	7.5%	17.5%	1.13	18%	0.20
40% - OVER	10%	7.5%	17.5%	0.95	18%	0.17
			SUB TOTAL	16.83		7.0
0% - 10%	100%	100%	100%	3.3	100%	3.30
			TOTAL	20.13		10.9

SECTION III SADDLEBACK HEIGHTS– DEVELOPMENT PLAN

3.0 DEVELOPMENT PLAN

3.1 LAND USE PLAN

The Planned Community Development Plan for Saddleback Heights (the "Development Plan") is divided into seven (7) distinct development villages (the "Development Villages") in accordance with the Planned Community District of the Zoning Ordinance. Two of the Development Villages contain a total of 756 acres of State Land that Saddleback Heights has included as a part of this submittal. The land uses outlined in this section are illustrated as part of the **Zoning Map Section 3.10.1** and the **Planned Community Plan Section 3.10.2**

SADDLEBACK HEIGHTS ZONING CATEGORY SUMMARY – TABLE 7

LAND USE CATEGORY						DEVELOPMENT VILLAGE "E" (State Land)	DEVELOPMENT VILLAGE "F" (State Land)
Saddleback Heights Residential Acreage						160.03	549.95
Commercial Acreage						0	30
Mixed Use Acreage						0	0
Total Gross Acres						160.03	579.95
Maximum Number of Residential Units						300	486

3.1.1 DEVELOPMENT OPTIONS AND DENSITY ALLOCATION

As referenced in Section 2.1.1.3, residential development options must be selected at the time of submittal of a preliminary plat or site plan. In addition to the residential development option, each Development Village at Saddleback Heights has a maximum unit cap that cannot be exceeded by more than 10% without a major amendment to the Saddleback Heights PC District. At no time can the total number of units within the Saddleback Heights

exceed 6,195 units, (including State Land) and 5,409 (excluding State Land). See **Table 7** for Development Village density caps.

3.1.2 SCHOOL CONSIDERATIONS

Saddleback Heights is located in both the Peoria Unified School District and in the Nadaburg Unified School District. The boundary between the two districts is the 137th Avenue, or Bullard Avenue alignment, which bisects the Property from north to south. The developer will provide facilities and/or impact fees as warranted by student population and as outlined in agreements to be drafted with both the Peoria Unified School District and in the Nadaburg Unified School District. The underlying zoning for any identified school site will be SH-R District. See **Section 3.10.2 Planned Community Plan** for potential 15 acre Nadaburg School Site within State Land Village G.

3.2 OPEN SPACE PLAN

A Conceptual Open Space Plan (the "Open Space Plan") is provided in **Section 3.10.3**. The Open Space Plan was created to respond to and preserve land forms, natural washes and rock outcroppings of the Property. The Open Space Plan represents a minimum of 600 acres of both passive and active open space areas and opportunities. The on-site open space network provides important links to the regional open space, parks, potential school site(s), potential municipal use sites, commercial sites, and a resort site(s).

3.2.1 REGIONAL OPEN SPACE

The Saddleback Heights PC District provides for both active and passive recreation and preserves the beauty of the existing mountains as amenities for residents of Saddleback Heights and the surrounding community to enjoy. The Saddleback Heights PC District utilizes internal open space in the form of natural desert arroyos and mountain open space as pedestrian corridors to link residents and guests of Saddleback Heights to the paths and trails used for hiking and biking, community recreation elements, and potential schools sites, as well as recreation amenities, residential villages, and commercial and Town Center elements. A 252.7 acre public preserve area and a total of 374.45 acres or 62% of the required 600 acres of open space has been identified as part of the Conceptual Open Space Plan Section 3.10.3. The mountainous open space is located within Village "B" and will act as a link between two public mountain open

space areas within White Peak Ranch to the south and to create the opportunity for a regional trail link.

3.2.2 COMMUNITY RECREATION & OPEN SPACE

The Saddleback Heights PC District integrates private neighborhood park sites throughout the Property. The parks are designed to create community-gathering places. The parks, in conjunction with recreation centers, will allow for a wide range of recreational opportunities. By way of example, these uses could include one, but not be limited to one or more of the following uses: basketball, tennis, volleyball and tot lots, etc., linked through an extensive paths and trails system. The underlying zoning for the parks and recreation centers shall be SH-R. A public park of ten (10) acres is planned within Village A, adjacent the fifteen (15) acre school site on Village G. The park may contain eight (8) acres of field and active park open space and two (2) acres of interpretive or educational passive open space.

The parks and recreation centers are located to serve the residents in each of the residential villages including State Land, see **Section 3.10.3** for potential private and public open space locations. They are located to so residents may walk and bike to them without traveling outside the "neighborhood." They are also located along the major path and trails system where possible. The parks and recreation areas will be owned and maintained by the Saddleback Heights homeowners association.

3.2.3 GOLF OPEN SPACE & COMMUNITY AMENITIES

Four potential golf course study areas have been identified, of which three total golf courses may be developed. Any or all of the golf course study areas may develop as championship courses as the market and development dictates. The location of the golf course study areas have been chosen to integrate into the residential development and compliment both the residential development and enhance the natural area open spaces in and adjacent to the development areas. Clubhouse and maintenance facilities are also associated with each of the three study areas. See **Section 3.10.3** for the potential golf course locations.

3.3 PATHS AND TRAILS PLAN

The path and trails network at Saddleback Heights is comprehensive and is designed to link all internal land uses, as well as provide several regional connections. The paths and trails utilize open space corridors that include natural wash features, mountain open space and open space corridors to allow residents and guests to travel to virtually any destination within the Property via hiking or biking trails. Due to the resort enclave nature of the community and natural terrain bikeways will be included as part of the 10' multi-use path system. No bike lanes will be provided "on street". This reduces and need for automobile traffic within the community and creates a truly pedestrian friendly community. The above paths and trails are illustrated on the **Paths and Trails Plan Section 3.10.4** and **Paths & Trails Regional Context Map 3.10.5**.

3.4 CONCEPTUAL LAND USE PLAN & MATRIX

The Conceptual Land Use Plan for Saddleback Heights illustrates potential areas of residential development types, open space and recreation as well as all other land uses within the master planned community. A Conceptual Land Use Matrix also accompanies the plan to show potential intensities of use based on the approved Specific Area for Saddleback Heights. The plan and matrix illustrate a variety of land uses that may be created within the project and show paths and trails that utilize open space corridors that include natural wash features, mountain open space and open space corridors link the various uses and create a resort lifestyle community. The underlying zoning for Development Villages shown in the Conceptual Land Use Plan is detailed on the **Zoning Map Section 3.10.1**. All uses shown within the SH-R zoning may shift within the Development Villages as long as the overall density cap within any given Development Village is not exceeded. **See Conceptual Land Use Plan Section 3.10.6** and **Conceptual Land Use Matrix Section 3.10.7.**

3.5 CIRCULATION PLAN

The conceptual Master Circulation Plan and On-Site Traffic Analysis for Saddleback Heights shall be approved by the Public Works Director prior to approval of the PC District. The conceptual off-site traffic study shall be approved by the Public Works Director prior to the approval of the PC District.

3.6 UTILITY PLANS

The conceptual Master Potable Water Study and Report and the Master Wastewater Study and Report shall be approved by the Utilities Director prior to the approval of the PC District.

The potable water for the project will be provided from participation in CAWCD's proposed Hieroglyphic Hills recharge facility. This 50-acre recharge facility will be adjacent to the Central Arizona Project ("CAP") aqueduct at the 163rd Avenue alignment. The proposed recharge facility will be capable of recharging 35,000 acre-feet per year. Recovery wells and a 20-inch transmission line paralleling the 16-inch Quintero waterline will deliver the required production to the western edge of the project.

The Saddleback Heights Development will be constructed within Pressure Zones 8W, 10W, and 12W. The development within Pressure Zone 10W (ground elevations between 1,788 to 1,988) will be served utilizing the pressures available from the proposed onsite storage tanks. A main booster pump station, within (Zone 10W), will be located at the proposed water treatment site, which will pump water to the two onsite storage tanks. If development occurs within the higher elevations of Pressure Zone 12W (ground elevations 1,988 to 2,188), additional booster pump stations will be needed to serve those junctions in the higher pressure zone. Development in Pressure Zone 8W (ground elevations between 1,588 to 1,788) will be served through PRV's from Zone 10W.

There are no current existing wastewater facilities on the site. The Saddleback Heights project will be served by a regional wastewater treatment facility located on the western edge of the property. This wastewater facility will ultimately be expanded to serve development to the west and north of the Saddleback Heights project.

3.7 PUBLIC SERVICES PLAN

Police and fire service to the Property will be provided by the Peoria Police and Fire Departments, respectively. The Saddleback Land Use Plan will be amended as needed to designate a site for municipal uses such as a Police/Fire Station Joint Use facility, see **Planned Community Plan, Section 3.10.2** for proposed location**.** Satellite fire station site(s) will be located as deemed appropriate based on need and response times.

3.8 DRAINAGE PLAN

The conceptual Master Drainage Plan and Report for Saddleback Heights shall be approved by the Public Works Director prior to approval of the PC District.

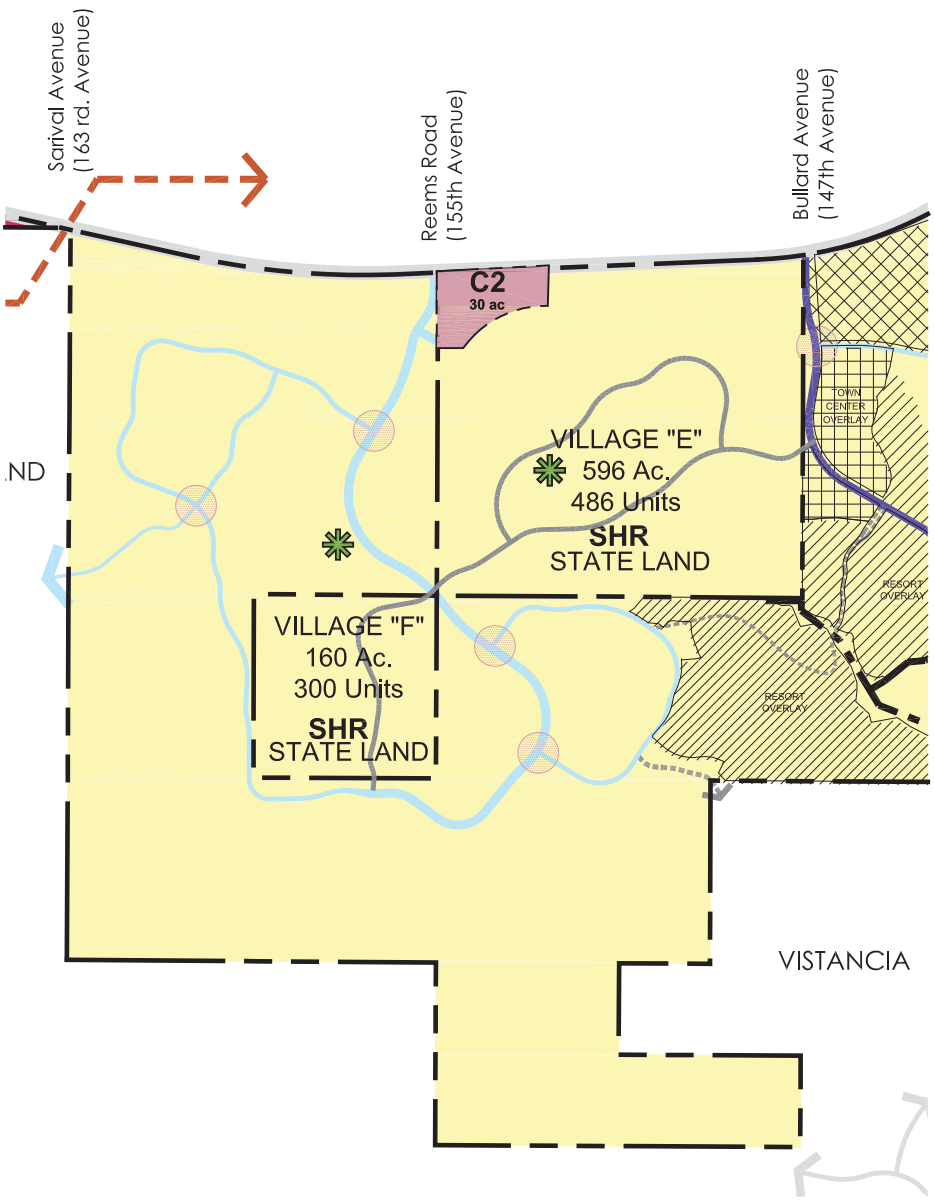
3.10 DEVELOPMENT PLAN - MAPS & PLANS

3.10.1 Zoning Map

SADDLEBACK HEIGHTS

Zoning Map

State Land - Villages E & F



LEGEND

- Saddleback Heights Residential (SHR)
- Community Comercial (C2)
- Town Center Overlay - 55.8 Ac.
- Resort Overlay - 387.52 Ac.
- Mixed-Use Business Park Overlay - 179.5 Ac.
- Golf Course Study Area
- Development Village Boundary
- Arterial Road Alignment
- Collector Road Alignment
- Potential Road Alignment
- Offsite Road Alignment
- APS Certificated Corridor

NOTES:

1. Saddleback Resort Overlay District (SH-RO) is an overlay district that applies to all land zoned SHR. The SH-RO allows two (2) potential resort sites including a maximum of 800 keys.

2. Resort Overlay may be relocated within the PCD boundary as a minor amendment.

3. Though four (4) potential golf course study areas exist within Saddleback, only three (3) may be developed.

4. The "*" proceeding the "Units" totals of each Village denotes that the unit totals within each village my vary provided the Total Units within the privately held acres does not exceed 8,269 Units.

5. Limited Commercial Overlay Maintains the underlying zoning of SHR until such time that the Overlay is designated for commercial development. The commercial development may not exceed 25 Acres or have a single tenant greater than 75,000 s.f.

NORTH

SCALE: N.T.S.
DATE: 02 July 2012
Revised: 24 February 2014

PREPARED FOR:

DIAMOND VENTURES
2200 East River Road Suite 115
Tucson, Arizona 85718

PREPARED BY:

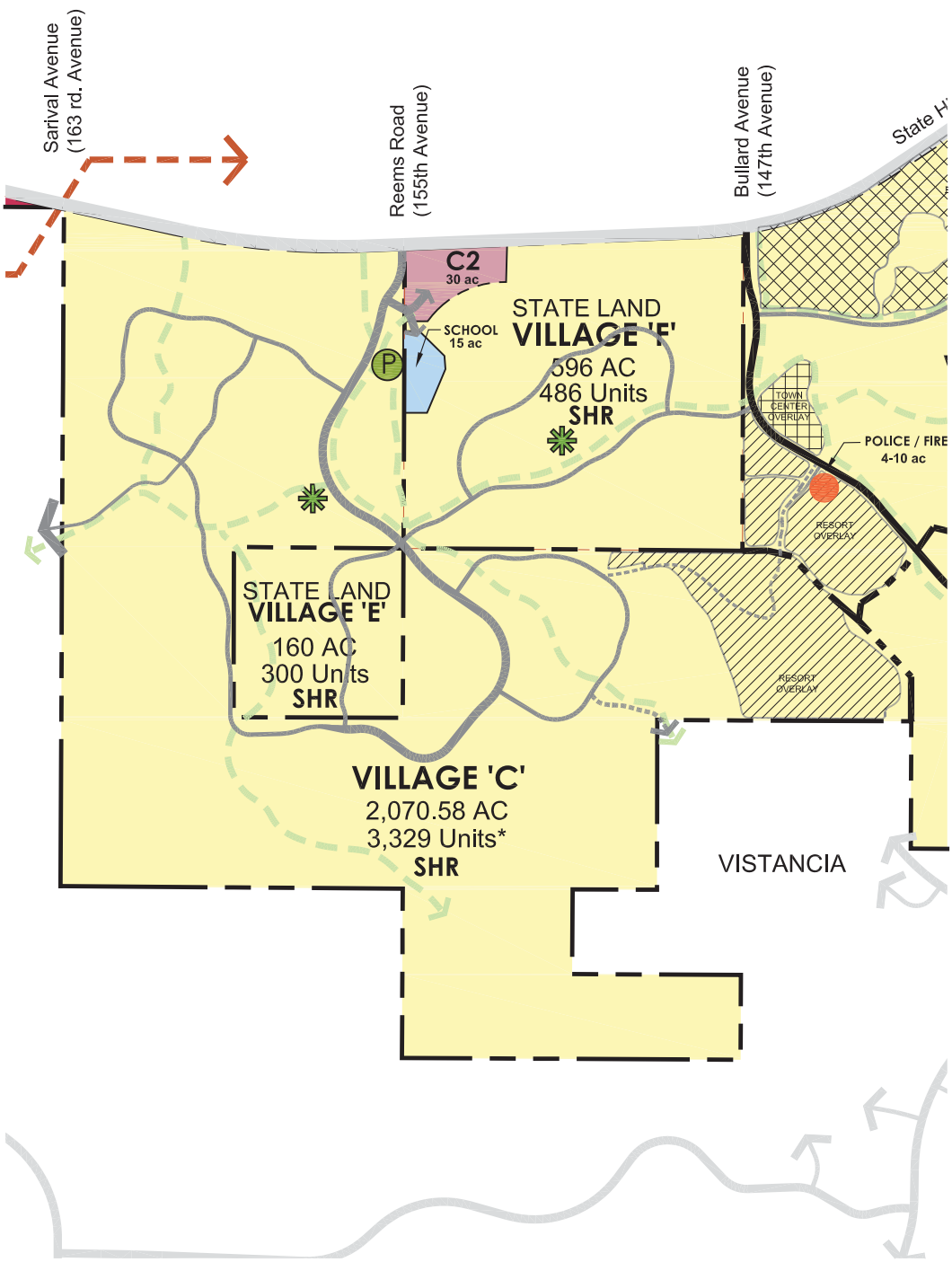
HADLEY DESIGN GROUP
7400 E. McDonald Drive Suite 122
Scottsdale, Arizona 85250

3.10.2 Planned Community Plan

SADDLEBACK HEIGHTS

Planned Community Plan

State Land Villages E& F



LEGEND

- Saddleback Heights Residential (SHR)
- Commercial (C2)
- Mixed-Use (MU)
- School
- Potential Park
- Police / Fire
- Town Center Overlay - 24.0 Ac.
- Resort Overlay - 247.62 Ac.
- Mixed-Use Business Park Overlay
- Potential Open Space Links
- Golf Course Study Area
- Development Village Boundary
- Arterial Road Alignment
- Collector Road Alignment
- Potential Road Alignment
- Offsite Road Alignment
- APS Certificated Corridor

NOTES:

1. Saddleback Resort Overlay District (SH-RO) is an overlay district that applies to all land zoned SHR. The SH-RO allows two (2) potential resort sites including a maximum of 800 keys.

2. Resort Overlay may be relocated within the PCD boundary as a minor amendment.

3. Though four (4) potential golf course study areas exist within Saddleback, only three (3) may be developed.

NORTH

SCALE: N.T.S.
DATE: 02 July 2012
Revised: 24 February 2014

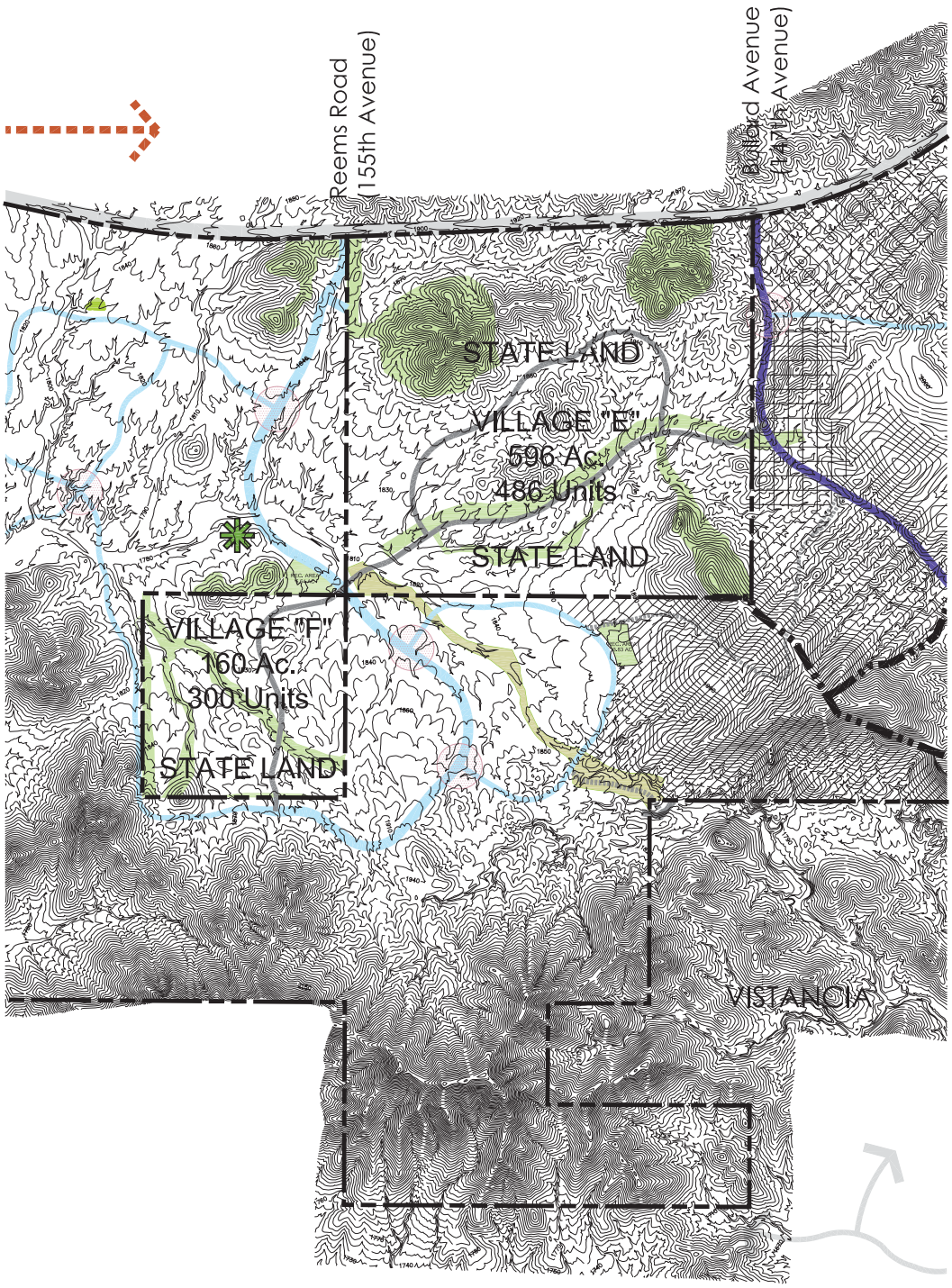
PREPARED FOR:
DIAMOND VENTURES

PREPARED BY:
HADLEY DESIGN GROUP

3.10.3 Open Space Plan

SADDLEBACK HEIGHTS

Open Space Plan
State Land Villages E & F



LEGEND

- OPEN SPACE PRIVATE AREAS
- PUBLIC PRESERVE - 252.71 AC
- PUBLIC OPEN SPACE AREA - 364.45 AC
- OFFSITE OPEN SPACE LINKS
- GOLF COURSE STUDY AREA
- POTENTIAL ROAD

NORTH

SCALE: N.T.S.
APPROVED: 2002
Revised: 24 February 2014

PREPARED FOR:
DIAMOND VENTURES

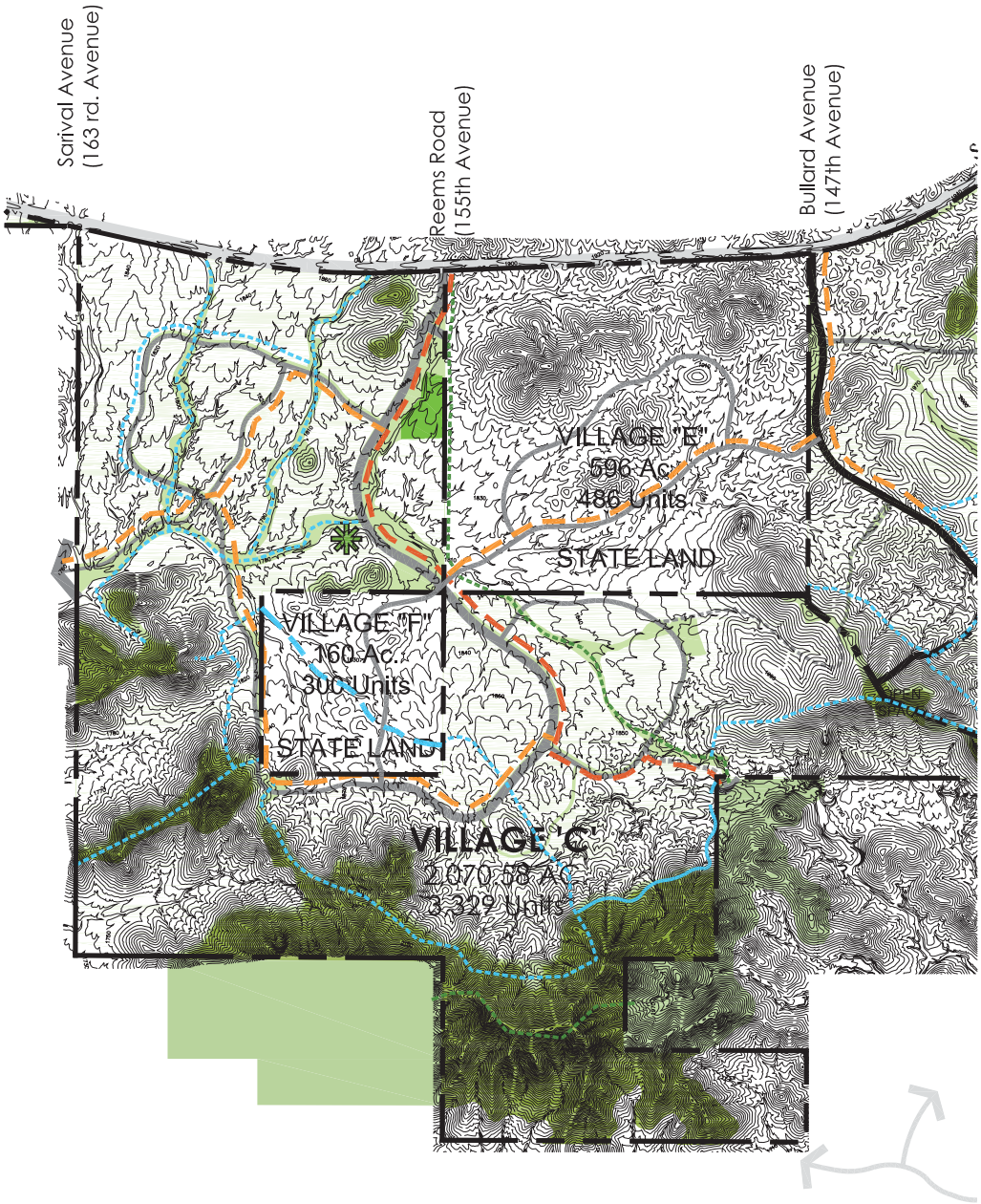
PREPARED BY:
HADLEY DESIGN GROUP

3.10.4 Paths & Trails Plan

SADDLEBACK HEIGHTS

Conceptual Paths and Trails Plan

State Land Villages E & F



LEGEND

- 8' Wide Public Multi-Use Path
- 8' Wide Private Multi-Use Path
- 6' Wide Natural Surface Public Pedestrian Trail
- Private Trail (3' - 6' Width Varies)
- Development Village Boundary
- Potential Road Alignment
- Collector Road Alignment
- Minor Arterial Alignment

NOTES:

1. Bike lanes will be incorporated as part of the standard sections for Collector and Arterial roadways.
2. All path and trail materials will be selected as part of the Parks, Recreation, Open Space and Trails Plan (PROST) for Saddleback Heights.

NORTH

SCALE: N.T.S.
DATE: 02 July 2012
Revised: 24 February 2014

PREPARED FOR:
DIAMOND VENTURES

PREPARED BY:
HADLEY DESIGN GROUP

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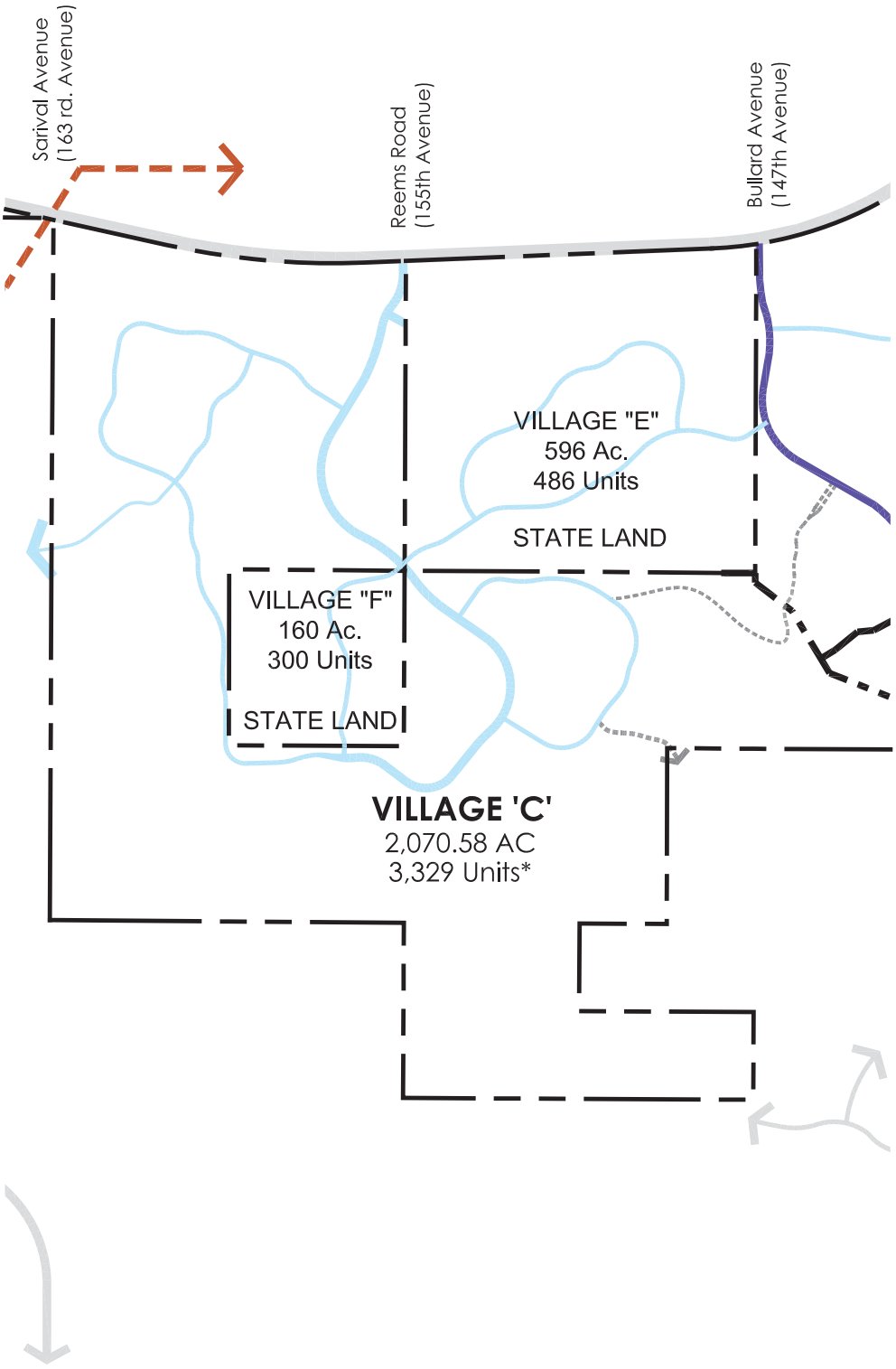
3.10.5 Circulation Plan

SADDLEBACK HEIGHTS

Circulation Plan

State Land Villages E & F



LEGEND

- Saddleback Heights Boundary
- Development Village Boundary
- Minor Arterial Road Alignment
- Minor Collector Road Alignment
- Potential Road Alignment
- Offsite Road Alignment
- APS Certificated Corridor

NORTH

SCALE: N.T.S.
DATE: 02 July 2012
Revised: 24 February 2014

PREPARED FOR:
DIAMOND VENTURES

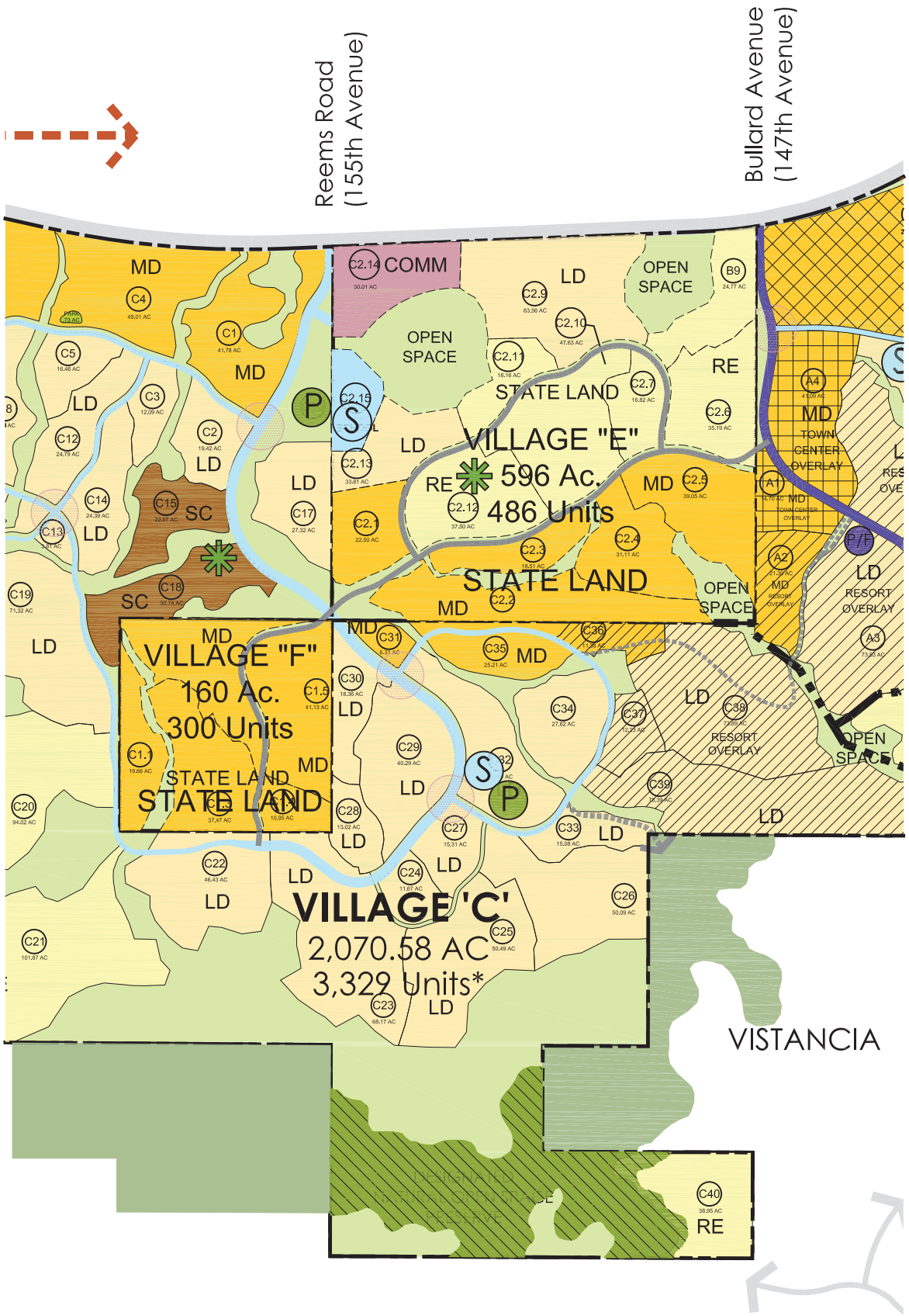
PREPARED BY:
HADLEY

3.10.6 Conceptual Land Use Plan

SADDLEBACK HEIGHTS

Conceptual Land Use Plan

State Land Villages E & F



LEGEND

- Private Open Space Area
- Natural Open Space Preserve
- Offsite Open Space Links
- Potential Park Location
- RE - Res. (0 - 2.0 Du/Ac)
- LD - Res. (1.0 - 5.0 Du/Ac)
- MD - Res. (3.0 - 8.0 Du/Ac)
- SC - Res. (6.0 - 12.0 Du/Ac)
- Mixed Use (15 Du/Ac)
- Limited Commercial Overlay
- Community Commercial (Town Center Overlay)
- Resort Overlay (Not To Exceed 800 Keys Total)
- Mixed-Use Business Park Overlay
- School
- Police / Fire (4-10 ac)
- Golf Course Study Area
- Minor Arterial Alignment
- Minor Collector Alignment
- Potential Road Alignment
- Offsite Road Alignment
- APS Certificated Corridor

NORTH

SCALE: N.T.S.
DATE: 02 July 2012
Revised: 24 February 2014

PREPARED FOR: DIAMOND

PREPARED BY:

APPENDIX B: - Saddleback Heights Desert Conservation Lands Ordinance

ARTICLE 14-22B
SADDLEBACK DESERT LANDS CONSERVATION OVERLAY

(Ord. No. XX-XXX)

CONTENTS

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14-22B-2 APPLICABILITY
14-22B-3 DEFINITIONS
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SECTION 14-22B-1 INTENT

The purpose of the Saddleback Desert Lands Conservation Overlay (DLCO) is to identify and protect the unique and environmentally sensitive Sonoran Desert lands in the City and to provide appropriate and reasonable controls for the development of such lands. Specifically, these lands are located within Saddleback, **see the Preservation Master Plan Exhibit L within the Saddleback Heights PCD.** The DLCO is intended to:

A. Identify sensitive desert conservation features and resources.

B. Protect Peoria's distinctive desert landscapes and wildlife habitats.

C. Protect people and property from hazardous conditions characteristic of environmentally sensitive lands and their development.

D. Integrate conservation design into the development of sensitive desert lands and employ development standards and guidelines that equitably balance conservation and development objectives.

In addition, the DLCO is intended to implement the goals, policies and objectives of the City of Peoria General Plan and the Saddleback PCD. The overlay establishes a holistic approach to evaluating the environmental conditions of each site that allows both City staff and the development community a better basis for determining conservation areas. The overlay also establishes criteria for determining conservation priorities based on the potential to expand or extend a regional open space corridor, the opportunity to provide a link to an existing or future trail system, the possibility of expanding an existing open space, or the possibility of creating a buffer zone between different intensities of uses.

The DLCO not only preserves sensitive and unique desert features, but also native plants and plant communities in order to enhance the City's aesthetic appeal by conserving distinctive scenic character. Native plant communities are also protected because they thrive in the local desert environment and provide soil stabilization to fragile desert soils, stabilization that is lost after development activity that disturbs plants and top soil layers. Canopied plants such as palo verde provide nurturing shade and protection for lower level plants. Native plants identified for preservation are chosen on the basis of their slow growth habit, the fact that the plant alone or in combination with others provides unique wildlife habitat and soil stabilization support, its rarity in this environment, and its proven success rate for salvage in this region.

Finally, the DLCO establishes standards and design guidelines for development within desert areas and adjacent to conservation areas. These regulations and guidelines vary by landform type in order to address the four distinctive types of geography (Desert Floor, Bajada, Floodplain and Upland, as consistent with the landforms as part of Section 14-22A Saddleback Hillside Overlay District, included in this document) found in the Peoria desert areas. The classification system assumes a single vegetation type in Peoria, Lower Sonoran, consisting of creosote, bursage, and saltbush associations. The DLCO is to be applied in conjunction with the 2003 International Urban-Wildland Interface Code (IUWIC). In cases where there is conflicting provisions the Saddleback Heights DLCO will take precedence.

Saddleback will be designed to incorporate community level private amenities and open spaces to be utilized by its residents. There will be an abundance of usable natural open space throughout the project and the residents of Saddleback will have great opportunities to enjoy extensive passive and active recreational uses.

Given the village concept of this master plan, the requirements of this article be analyzed at the village level. Until such time that a village level plan is provided by the Developer and approved by the Planning Manager, the open space requirements for each subdivision shall be reviewed on a standalone basis per the provisions of this article.

Shall it be determined that a development parcel does not contain any conservation features, the developer may seek, and the Planning Manager may provide, a waiver to exclude such development parcel from the provisions of this article.

SECTION 14-22B-2 APPLICABILITY

A. The Saddleback Desert Lands Conservation Overlay (DLCO) establishes a special overlay zoning district, which applies to specific resources and environmental conditions Saddleback. In order to accomplish the purpose of this district, the City of Peoria shall apply these provisions to these lands that contain any of the following special conservation features and resources:

B. Conservation Features:

1. **Bajada:** Cone-shaped alluvial fans that have coalesced into a continuous slope along the front of a mountain (a compound alluvial fan)

2. **Cultural Resource:** Prehistoric and historic sites identified according to standards established by the State Historic Preservation Office. Includes artifacts such as rock walls, etc.

3. **Floodplain:** Flat or nearly flat land adjacent to streams or rivers that receives periodic flooding. Consists of the channel and the flood fringe.

4. **Inselberg Peak:** The prominent peaks which jut out of a typically flatland area. These are landmark features whose rugged vertical form contrasts sharply with the horizontal ground plain.

5. **Mountainous Area:** Areas such as the Hieroglyphic Mountain Range which include numerous peaks, rugged topography, steep slopes and small v-bottomed washes flowing out of the area. The limits of a mountainous area is established when more than 60% of the area has slopes of 25% or greater.

6. **Primary Peak:** Prominent peaks that are visual landmarks from various points of view and rise at least 400 feet above the surrounding base elevation.

7. **Riparian Vegetation:** Native vegetation that grows where there is a concentration of sustainable drainage water resulting in larger plants, greater species diversity and greater density. Generally found parallel to washes, rivers, tanks and springs.

8. **Riverine Area:** Environmentally diverse riparian areas associated with rivers and major washes (e.g. the New River, the Agua Fria River, Morgan City Wash.

9. **Rock/Boulder Formation:** Formations including escarpments, cliffs or pinnacles which consist of exposed rock faces with limited vegetative cover.

10. **Significant Vegetation Area:** A stand of Sonoran Desert vegetation that is thirty percent more concentrated than the general aspect of the immediate context area and difficult to salvage due to slope, rocky soil conditions or exposed roots due to an adjacent wash. Generally located adjacent to a wash or other source of water and maintains the character of the site best when protected in place.

11. **Significant Vegetation Specimen:** A native tree with an 8” or greater caliper trunk and multi-trunk in good health, a saguaro over 20 feet in height and/or multiple arms or crest or other unusual configuration in good heath, or other mature protected species, such as Ocotillo.

12. **Skyline Ridge: See Exhibit L in the PCD Preservation Masterplan**

13. **Spring:** A permanent small stream or source of water coming out of the ground where the aquifer meets the ground surface.

14. **Talus Slope (or Alluvial Fan):** A slope strewn with a layer of loose rock debris, usually over unconsolidated soils.

15. **Terrace:** An extensive land area characterized by slopes leading to a relatively level surface and situated at a uniformly higher elevation than adjacent land on at least one side.

16. **Unstable Slope:** A slope that exhibits one or more of the following conditions: boulder collapse, boulder rolling, rock falls, slope collapse and talus slopes.

17. **Wash, Jurisdictional:** A wash that is governed by the United States Army Core of Engineers ("USACOE"), and is included as part of the permit ("404 Permit") obtained through Section 404 of the United States Federal Water Pollution Control Act, or commonly known as the "Clean Water Act".

18. **Wash, Non-Jurisdictional:** These are washes not governed by the USACOE and are not subject to the provisions of the 404 Permit.

19. **Wildlife Corridor:** Open space linkages that connect wildlife populations that are separated by human activity (such as roads or other development). These Corridors provide a number of benefits, including 1) permit animals to move between remaining habitats allowing depleted populations to be replenished and promoting genetic exchange; 2) provide escape routes from fire, predators, and human disturbances, thus reducing the risk that catastrophic events, such as fire or disease, will result in population or species extinction; 3) serve as travel paths for individual animals as they wander throughout their home ranges in search of food, water, mates, and other needs, or for dispersing juveniles in search of new home ranges.

20. **Wildlife Habitat:** Locations where native wildlife has a tendency to congregate due to provision of food, shelter and/or water.

SECTION 14-22B-3 DEFINITIONS

A. **Archaeologist:** A person engaged in the study of human activity, primarily through the study of its material remains, which includes structures still standing, and has received certification from the Register of Professional Archaeologists.

C. **Alter:** Change or modify natural vegetation and/or topography by removal, cuts, fills, grading or the building of structures.

D. **Conservation:** Open space that may be moderately modified from its natural condition due to surrounding development, but where certain effort is made to retain and maintain as much of the character as possible. Such areas may be improved with paths, trails, trailheads and similar features intended to carefully intertwine people with the open space. For comparison, see also *Preservation.*

E. **Conservation Features or Areas:** Individual conservation features, defined above, and/or areas of the highest significance and preservation priority.

F. **Cultural Resources:** A broad assortment of assets, which includes buildings, sites, structures, objects, and districts that are of historic, cultural, architectural, or archaeological significance. Examples of such resources include petroglyphs, jewelry, textiles, pottery, projectiles, tools, irrigation canals, and pit houses. This includes artifacts, records, and material remains related to such resources. These assets may be included in or eligible for inclusion in the National Register.

G. **Cut:** A land surface, which is shaped through the removal of soil, rock, or other materials.

H. **Desert Lands Conservation Report (DLCR):** A submittal required with any development application to the City for property within the Saddleback Desert Lands Conservation Overlay area, which contains an overview of the conservation features and items of specific interest as they pertain to the intent of the Saddleback Desert Lands Conservation Overlay.

I. **Destroy:** To kill, or cause the death of any protected native plant by any means.

J. **Developer:** the property owner or his representative that is undertaking the development of land subject to the Saddleback Desert Lands Conservation Overlay District.

K. **Disturbed Area:** That area of natural ground that has been or is proposed to be altered through grading, construction, cut and fill, removal of natural vegetation, placement of material, trenching, or by any means that causes a change in the undisturbed natural surface of the land or natural vegetation. The Disturbed Area is coterminous with the Disturbed Area identified in the Saddleback Hillside Development Overlay District of this code and shall be subject to the same requirements of that Article.

L. **Disturbed Area, "Reclaimed" or "Restored":** Disturbed areas that have been restored to their natural contours, vegetation and colors to the satisfaction of the City of Peoria.

M. **Fill:** The deposition of soil, rock or other materials place by man.

N. **Finished Grade or Newly Established Grade:** The final grade and elevation of the ground surface after grading is completed. (All grading must comply with the provisions set forth Article 14-22A "Saddleback Hillside Development Overlay District")

O. **Grade, Natural:** The elevation through any section of a site on an undisturbed lot at the time of adoption of this overlay by City Council. On lots that have been disturbed previously, the natural grade is the pre-existing grade if it can be determined; otherwise it shall be determined by an average of off-site elevations at points taken around the boundary of the site. All determinations shall have been made by an engineer, registered landscape architect, or land surveyor licensed to practice in the State of Arizona.

P. **Grading:** Any excavating, or filling or combination thereof, including the conditions resulting from an excavation or fill.

Q. **Habitat Preservation Plan**: An official document submitted as part of a Master Conservation Plan (MCP) containing wildlife habitat and corridor identification and

conservation / protection procedures as supported by the Arizona Game & Fish Department.

R. **Habitat Survey:** An official document submitted as part of a Desert Lands Conservation Report (DLCR) containing correspondence from the Arizona Game & Fish Department that identifies known or potential wildlife living on a given property.

S. **Habitat Value:** The suitability of the landscape to support wildlife, considering site conditions. Suitability shall be ascertained by comparing similar sites and conditions and may require returning the habitat as closely to its original condition as possible when natural conditions have been changed.

T. **Landform Type.**

1. **Desert Floor Landform Type:** Characterized in general by level plains and expanses that typically occupy the broad lowlands floodplains between desert mountain ranges. The area is dominated by low growing shrubs, such as creosote and bursage, and supports larger shrubs and trees, such as palo verde and ironwood, and cacti, such as saguaro. Because the uplands support a greater diversity and density of plants, wildlife density and diversity are higher and important wildlife resources occur in both wash and upland areas. The terrain is relatively flat, with typical slopes of less than five (5) percent, although the slope of this landform classification extends up to ten (10) percent. Soils are generally deep and alluvial. This landform is not listed in the companion Saddleback Hillside Development Overlay District for Saddleback as the slope of this land is less than 10% and therefore not considered hillside.

2. **Bajada Landform Type:** Characterized as the irregular terrain near or at the base of mountain ridges or isolated mountain outcrops. This area is located in the transition zone between the Desert Floor and the Upland landform types and exhibits relatively high vegetation density and diversity. The lower portions of alluvial fans dominated by palo verde and mixed cacti vegetation typify this area, such as the bases of low mountain ranges. Saguaro is a visually dominant and important component of this area. Higher density and diversity of vegetation results in higher wildlife density and diversity that is dispersed between both wash and upland areas. It is comprised primarily of bedrock materials with land slopes generally in the range of ten (10) to twenty-five (25) percent. Drainage courses are typically well incised. Typical hazards include boulder rolling, rock falls, debris movement and general slope instability. The surface movement of materials occurs as a result of both gravity and water transport. The surface material size includes large boulders, rocks and gravel, as well as grainy soil materials. The Bajada landform is generally consistent with the Lower and Upper Transitional landform in the companion Saddleback Hillside Development Overlay District.

3. **Upland Landform Type:** Consists of the higher elevation rugged areas, with relatively steep slope and high vegetation density and diversity. These areas include mountains, hills, buttes, or escarpments predominantly composed of bedrock materials. The slope is greater than twenty-five (25) percent, and in many cases is greater than thirty-five (35) percent. Upper portions of alluvial fans and the foothills of low mountains dominated by palo verde and mixed cacti vegetation typify this area. The saguaro is a visually

dominant and important component of this area and higher density and diversity of vegetation results in higher wildlife density and diversity. Streambeds are typically narrow, rocky and incised. Drainage courses are relatively poorly defined on the slopes, but collect into deep canyon bottom courses strewn with large-sized rubble. Typical hazards include boulder rolling, rock falls, debris movement and general slope instability. Soils are generally shallow and rocky. Cultural resource sites are smaller and more scattered. There are a greater number of petroglyphs and few sites related to prehistoric agricultural uses. This landform includes the Uplands landforms in the companion Saddleback Hillside Development Overlay District.

U. **Landscape Character Zone:** An association of plants that create an identifiable landscape character, and further defined by specific plant palettes found in the Desert Lands Conservation Guide.

1. **Tonto Upland:** Landscape character zone that represents indigenous plants typically found in the desert of the northern Phoenix metropolitan areas.

2. **Sonoran Desert Upland:** Landscape character zone with an associated plant list which represents plants that are generally native to the southwest deserts or have the appearance of being native to those deserts.

3. **Lower Sonoran Desert:** Landscape character zone where plants are generally compatible with the look of an arid landscape. The associated plant list is a broader representation of drought tolerant plants and includes nonnatives that are considered appropriate for the area.

4. **Exotic Zone Desert Oasis:** Landscape character zone where plants are permitted which are not included on the other landscape character zone lists, as long as they are not on the prohibited plants list. The use of these plants is limited to Oasis Landscape Development Areas and areas included in the Disturbed Area.

V. **Landscape Development Areas:** Areas within a site with different recommended plant palettes based on their proximity to natural open space, soil stabilization attributes and the desired visual character for the area.

1. **Oasis Area:** A landscaped area consisting of enclosed courtyards, semiprivate areas and other areas located within the Disturbed Area where the use of Native Sonoran, Sonoran Character and Arid Zone plants are encouraged, but Desert Oasis plants are also allowed. These areas may also include special public areas, such as, but not limited to, parks, plazas, neighborhood open space, etc.

2. **Lush Desert Edge:** A landscaped area consisting of open backyards, commercial and public areas, streetscapes and common areas where use of Arid Zone plants is generally limited to 30% by area and where a buffer of Native Sonoran Zone plants is required at the perimeter of the lot or parcel or between the Disturbed Area and Natural Open Space.

3. **Riparian Area:** A landscaped area consisting of open areas adjacent to preserved wash corridors and natural open space areas where the use of plants is limited to the Tonto Upland palette. Open areas used for recreation, including active and passive areas, parks, and neighborhood open space are not included in this area.

W. **Master Conservation Plan (MCP):** A submittal which contains the identification and proposed conservation measures for protected landforms, native plants, wildlife habitats, open spaces and cultural resources.

X. **Mature Trees:** Healthy, full-bodied trees of the following minimum sizes: Eight (8) feet in height with a four (4) inch caliper trunk measured six (6) inches above grade for smaller and measured twelve (12) inches above grade for larger species. Multi-trunk species shall be measured in the same manner as single-trunk species, but must have a minimum diameter of one (1) inch.

Y. **Mutilate:** To deface, maim, damage or disfigure any protected native plant by shooting, chopping, pushing over, burning, cutting or any other means.

Z. **Native Plant Permit:** A type of permit issued by the State of Arizona Department of Agriculture and by the City of Peoria for the purpose of removing from the premises, relocating on the premises, or destroying any protected native plant.

AA. **Native Plant Preservation Plan:** A development plan specifying the proposed treatment of plants with Protected Plant Status for which a native plant permit is required. This plan shall identify the location of the on-site nursery and shall establish an approximate amount of time each plant, or group of plants, is expected to remain in the nursery. A method for tracking the amount of time each plant or group of plants will remain in the nursery shall also be provided.

BB. **Natural Open Space:** Areas containing naturally occurring conservation features of the Sonoran Desert that have not been altered or have minimal disturbance for roads, utilities, trails and pedestrian pathways providing access to feature areas.

CC. **Plant Protection:** Any project that contains specified on the Protected Native Plant List is required to submit a Native Plant Preservation Plan detailing the existing location and proposed treatment of each protected plant. Optimally, protected plants should remain in place.

DD. **Plant Salvaging:** Healthy plants, meeting minimum standards as defined by the Protected Plant Status, which must be removed due to construction, are required to be salvaged unless the applicant can demonstrate how conditions such as poor health make successful relocation impossible. Salvaged plants are expected to be replanted within the project.

EE. **Preservation:** Similar to *Conservation* but is more closely related to a wilderness area in that these open spaces are intended to remain in their natural, untouched state regardless of surrounding development. In some instances, unpaved hiking trails and trailheads may be utilized to gain limited access to these areas; however, park-like amenities such as

water, restrooms, lighting, directional signage, improved parking or educational facilities are not likely to be present.

FF. **Private Buffer:** An area located adjacent to a public or private preserve open space edge that is used as an undisturbed or enhanced landscape setback. The buffer may be platted as common open space for the development or as individual lots. The area shall contain no improvements or be used for any purpose other than a landscaped setback.

GG. **Protected Plant Status:** Native cacti which are three (3) feet or greater in height and native trees which are four (4) inches or greater in caliper.

HH. **Relocate:** To transplant a protected native plant to another location on the premises.

II. **Remove:** To transport a protected native plant from the premises on which it has been growing.

JJ. **Restore:** To replant areas of burned, damaged or disturbed Sonoran Desert vegetation and topographical features with trees and plants of the same species, size, density and placement as the surrounding area; and re-contour, as necessary, to appear similar to or to match the character of nearby slopes.

KK. **Retaining Wall:** A wall used solely to retain twelve (12) or more inches of material but not to support or to provide a foundation or wall for a building.

LL. **Ridge Line:** That line running along the highest elevation between mountain peaks.

MM. **Rip Rap:** A bank protection measure composed of rock, cobble or rubble of differing sizes to protect against erosion or scour.

NN. **Spill:** To cause or allow earth or other material to fall, flow or run down a slope, thereby creating a change in the natural appearance and topography.

OO. **Undisturbed Natural Desert:** Naturally occurring Sonoran Desert vegetation and topographical features, including washes, are not altered except to allow for roads, utilities, trails and pedestrian pathways providing access to feature areas. Vegetation is not pruned or removed, except to remove a fire hazard, in order to retain a natural habitat for native animal species. Dead trees or cacti also form and integral part of the wildlife habitat.

PP. **Unique Feature:** A unique and identifiable feature that varies from the immediate surroundings, such as springs, tanks, saddles, expansive saguaro or cholla forests, boulder outcrop, escarpment, etc.

QQ. **Unsalvageable Plant:** means a protected native plant that cannot be successfully relocated due to any of the following:

1. Deteriorated health from disease, infestation, or natural causes; or

2. Physical constraints related to plant location, orientation, or general condition which obstruct and/or prevent the application of approved relocation techniques.

SECTION 14-22B-4 APPLICABILITY AND APPROVAL PROCESS

A. Single Residential Lot Development

The development of a single-family custom home shall not require a Desert Lands Conservation Report or Master Conservation Plan. The developer of a single-family custom home shall indicate on the site plan the location of conservation features to be preserved. Development of individual custom residential lots within an existing master planned community will be evaluated in accordance with the approved DLCR or MCP for the subject parcel or overall master plan, depending upon the level of approval currently established for the community. In the event that a MCP has not been approved for the parcel, each individual custom lot will be evaluated independently and will be required to provide a modified MCP for the subject lot. The Planning Manager or designee shall have the authority to modify the criteria required for the MCP. In the event that any lot has been prematurely cleared or graded prior to issuance of a building permit, the Planning & Community Development Department shall have the authority to establish appropriate revegetation and salvage criteria, which may include the use of historical aerial photos.

B. Development Parcels

All Development Parcels (excluding Custom Residential Lot Development Parcels) shall provide an MCP at the time of preliminary plat. If property is being rezoned prior to preliminary plat, then a DLCR shall be provided at the time of rezoning to establish areas of interest and a general concept of conservation measures.

Phased developments size may provide a DLCR for the overall project; however an MCP shall be submitted with each smaller parcel at the time of preliminary plat.

C. Custom Residential Lot Development Parcels

Custom Residential Lot Developments are only required to submit a DLCR with the required Minor Land Division. Each individual lot owner or developer will be required to provide a MCP with their building permit application. The MCP will establish conservation measures for any qualified landforms, cultural resources or vegetation existing on site. In the event that any lot has been prematurely cleared or graded prior to issuance of a building permit, but after the Minor Land Division, the Planning & Community Development Department has the authority to establish appropriate revegetation / salvage criteria, which may include the use of historical aerial photos.

D. Desert Lands Conservation Report

Desert Lands Conservation Reports are intended to be concept reports that describe areas of interest for conservation features and methods of preservation for projects of all types and sizes. This report is typically the first of two reports to be submitted to the City prior to site development. The second, more detailed report is the Master Conservation Plan (MCP).

A Desert Lands Conservation Report (DLCR) shall be prepared by certified professionals in each particular topic area being analyzed in the report (e.g. engineer, landscape architect,

biologist, botanist, arborist, etc) and shall be submitted in accordance with Sections 14-22B-4A-H of this Article. DLCR submittal requirements are provided in the Desert Lands Conservation Process Guide.

E. Master Conservation Plan

A Master Conservation Plan (MCP) is intended to provide a site specific analysis of conservation features on a given property. Unlike the DLCR, the MCP will provide specific details regarding the variety of native vegetation on site, the number and species of vegetation to be salvaged, salvage and revegetation plans, habitat preservation, unique landforms including washes and hillside areas to be protected, and other related site elements requiring preservation.

The Master Conservation Plan (MCP) shall be prepared by certified professionals in each particular topic area being analyzed in the report (e.g. engineer, landscape architect, biologist, botanist, arborist, etc) and shall be submitted in accordance with Sections 14-22B-4A-H of this Article. MCP submittal requirements are provided in the Desert Lands Conservation Process Guide.

F. Site Inspection

For those sites with particularly complex conditions, the City may request a site inspection of the property by City staff. The applicant shall distribute copies of the Existing Conditions Data Report for the on-site meeting. Applicants, their site designers, and the landowner will participate in the site inspection. The purpose of this visit is to review the property's existing conditions and special features, to identify potential site design issues, and to provide an informal opportunity to discuss site design concepts, including the prioritization of conservation features, and possible locations for buildings and street alignments.

G. Approval Process

The Staff shall review all DLCR and MCP documents for completeness and shall evaluate the extent to which the document and any recommendations satisfy the requirements and overall intent of this ordinance. Revisions to the document(s) may be required by staff.

All DLCO applications shall require either a Certificate of No Effect, Certificate of Appropriateness, or approved mitigation plan before final project approval may be obtained. If review of the submitted documentation indicates that no cultural resources are likely to be present, staff may issue a Certificate of No Effect. If a DLCR/MCP indicates that cultural resources are present or are likely to be present on the site, the Cultural Resources portion of DLCR/MCP shall require review by the Historic Preservation Commission. The Commission's purview shall include validation of all archaeological surveys, archaeological reports, and archaeological mitigation plans.

Appeals of the decision(s) regarding a DLCR or MCP will be addressed in the same manner as the development request which it accompanies. Approvals of the DLCR shall be valid for the same period of time accorded to the accompanying development request. After a period of one year from the submittal date of the MCP the Planning Manager shall determine the

continued sufficiency of the MCP for future development planning applications. The Planning Manager or designee shall not approve any DLCR or MCP unless the City has received a Waiver of Proposition 207 from the Owner or Owners of the property that is the subject of the DLCR or MCP or has determined that the absence of such a Waiver of Proposition 207 is consistent with the City's General Plan and Zoning goals and regulations.

(Section 14-22B-4 amended by Ordinance No. 07-14, enacted April 17, 2007 and effective May 17, 2007.)

SECTION 14-22B-5 CONSERVATION STANDARDS

In order to preserve sensitive environmental conditions, retain and protect meaningful desert open space, and conserve ecological and aesthetic resources, all development within the affected DLCO area shall be subject to requirements for the preservation of Natural Open Space (NOS) and native plants. In Hillside Areas, requirements of the Hillside Overlay District and the DLCO shall be coordinated as specified herein. The required NOS area shall not exceed the percentages shown in the following NOS Slope/Landform Matrix.

A. Natural Open Space

1. Natural Open Space (NOS) within each development shall be in accordance and not in addition to the open space provisions of Article 14-22A Saddleback Hillside Development Overlay District, when conservation features are present, and as depicted below. Development Parcels are only required to provide up to the minimum NOS as shown on the table below. Development Parcels that do not contain conservation features are not required to provide NOS per the Saddleback Desert Lands Conservation Overlay, but are still subject to the provisions of the Saddleback Hillside Development Overlay District.

NOS Slope / Landform Matrix

Table 2 (Ord. No. 05-44)			
NOS SLOPE / LANDFORM MATRIX			
LANDFORM TYPE	**SLOPE RANGE**	**MINIMUM REQUIRED NOS**	**MAXIMUM* REQUIRED NOS**
Desert Floor	0%-10%	0%	25%
Bajada	10%-15%	10%	25%
	15%-20%		30%
	20%-25%		40%
Upland	25%-30%	40%	50%
	30%-35%		60%
	35%+		70%
NOTE: Usable Open Space requirements of this ordinance may be satisfied by accessible NOS containing dedicated trails, floodway areas or reserved or dedicated steep slope areas. *In no event shall the developer/builder/owner be required to exceed the Maximum Required			

NOS.

2. The NOS acreage shall be comprised of the conservation features listed and defined in this Article in the following priority:

   a. Wash corridor or protected hillside,
   b. expansion or extension of an open space / wildlife corridor,

   c. increases in the size of an existing or adjacent open space area,

   d. creation of a linkage to an existing or planned trail, or

   e. the provision of a public access point (trailhead) to existing or planned natural open space.

3. In the event that the combined area of all required NOS exceeds the maximum required acreage, the following criteria, listed in order of priority shall be used to guide the determination of which features shall be preserved:

   a. Conservation Features;

   b. Land that expands or extends a regional open space or drainage corridor;

   c. Land that abuts existing and/or planned open space;

   d. Land that allows opportunity to provide a link to existing or future trail systems; and

   e. Land that provides a non-motorized access route from the nearest public right-of way to an open space area.

4. Where the lot size is twenty-four thousand (24,000) square feet or less, NOS shall be allowed on individual lots however, the NOS on private lots cannot be utilized to satisfy project NOS requirements.

5. Any NOS being considered for dedication to the City of Peoria, regardless of size and location, will be reviewed by the Community Services and Planning & Community Development Departments for a recommendation as to the acceptance or rejection of the dedication.

6. Whether the NOS is located on individual lots or in common tracts, the boundaries of disturbed areas shall be delineated to prevent encroachment into NOS areas and / or conservation easements.

7. Identification of NOS shall be coordinated with the Saddleback Hillside Overlay District, Article 14-22A.

8. Within areas identified as NOS, no grading or other disturbance shall occur except the minimum grading required for trails, roadways and utility easements. No walls are permitted within the NOS except where needed for paths, trails, roads or other similar necessary elements. Restoration of the Disturbed Area not used to support buildings, paths or trails or Oasis is mandatory and shall follow plans reviewed and approved by the City. Restored Disturbed Area within NOS, approved by the City, shall count towards NOS acreage requirements.

9. Saddleback will provide multiple public access locations as referenced in **Figure C-4** of the Saddleback PCD. Individual parcels within the master plan development will not be required to provide additional public access to adjacent NOS areas.

10. The total combined length of lots per street backing up to the NOS shall not exceed 1,000 feet without incorporating one of the edge treatments described in this Article or providing a visual or wildlife corridor to the NOS.

B. Edge Treatments

1. Transitions from the built to natural environment play an important role in the development of Saddleback. These areas provide both a scenic value and a physical connection between the two areas. It is important to provide both visual and physical access to natural public open space, yet at the same time provide appropriate separation for both humans and desert wildlife. Development parcels adjacent to natural open space dedicate to the public, are encouraged to provide open space edge treatments using the following considerations, or combination of the following considerations.

    a. Single loaded public street with non-gated public access.
    b. Improved park space a minimum of 200’ wide designed to blend with the natural open space.
    c. Cul-de-sacs designed to open onto open space.
    d. Alternative wall and fence designs that prevent abrupt transitions between the built and natural environments.
    e. Defined trailheads with signage / wayfinding, parking, water and shade provisions.
    f. Substantially alternating lot depths places in clusters straight-line edge development. Alternating lot depths shall articulate no less than 20% of the average lot depth within the parcel.
    g. Alternative building placement and / or lot widths for the nearest two rows of homes or the nearest commercial or non-residential building to promote increased views into the natural open space. To qualify, lot widths and / or setbacks shall be increased by no less than 50%.
    h. Creation of a useable greenbelt or paseo along the edge of development
    i. Enhanced native landscaping located along the edge of the development and placed and maintained in a manner that does not result in an easily identified manicured landscaped edge.
    j. A creative alternative not included in this Article that satisfies the intent of this ordinance. Such alternative shall be approved in writing by the Planning Manager or designee.

C. Rivers and Washes

1. All Washes shall meet the provisions of the approved Saddleback 404 Permit.

2. An undisturbed area of fifteen (15) feet minimum and measured from the delineated wash edge per the Saddleback 404 Permit, shall be preserved on both sides of a wash that is governed by the Saddleback 404 Permit.

3. Washes that are not governed as part of the Saddleback 404 Permit, identified on the **Preservation Master Plan (See Exhibit L in the PCD),** and carry flows less than 500 cfs, may be modified subject to the review and approval by the Planning Manager. Proposed modifications to the wash corridors shall be done in a manner that preserves to the extent possible, the naturalistic manner of the drainage corridor and re-vegetated with a similar plant palette and density that is consistent with the adjacent area. Significant non-jurisdictional washes (washes greater than 500 cfs) shall utilize a minimum area of twenty-five (25) feet on each side of the wash measured from the centerline of the wash. Areas used to convey drainage, that are not part of an engineered channel, are encouraged to provide an area fifty (50) feet average width to allow for wildlife passage.

4. No major structural changes or improvements shall be allowed in rivers and washes governed by the Saddleback 404 Permit except those as allowed under the permit. Where changes are made, protected plants shall be left in place except as follows:

   a. to prevent erosion from channelization or combination of smaller washes;

   b. to allow wash crossings of roadways, trails and utility easements. Trails and utilities may cross washes, but shall not be placed in the wash bed running within and parallel to the wash bottom exceeding 300' in length. Public utility easements shall be restored when construction is completed;

   c. to prevent wash migration, where structures are placed behind the required wash setback; and

   d. to allow discharge from adjacent retention or drainage facilities, as approved by the City Engineer as part of a drainage system improvement plan resulting from a drainage study performed by an engineer registered in the State of Arizona.

D. Wildlife Habitat

Wildlife corridors shall be established along both sides of washes identified as part of the 404 Permit and those identified on the **Preservation Master Plan (See Exhibit L in the PCD)**. As described above.

1. Linear utility lines may be placed parallel to washes identified as part of the 404 Permit. Utility corridors shall be restored using indigenous plants so that there is no net loss of habitat function or value.

E. Scenic Resources

1. For the purposes of this ordinance, a Scenic Resource is a broad term used to describe the characteristics of an area based on the given geographic location and local visual resources. Scenic Resources within Saddleback have been identified and are depicted on the Saddleback **Preservation Master Plan (See Exhibit L in the PCD)**. Scenic Resources may be comprised of any combination of the following:
   a. Scenic roadways in mountainous terrain
   b. Large natural area with surface water, undisturbed vegetation and eco-systems, cultural resources, and / or unfragmented wildlife habitat.
   c. Areas with unaltered ridgelines or distinct views of undisturbed ridgelines.
   d. Areas with particularly dense populations of specific native plant populations such as saguaro cacti.

2. Methods of protection of scenic resources or incorporating such resources into a development may vary on a case-by-case basis depending upon the nature of the resource and its scale. Such methods shall be described in the Desert Lands Conservation Report and detailed in the Master Conservation Plan and in conjunction with the Saddleback Hillside Development Overlay District. Typical conservation methods shall include, but not be limited to, absolute preservation (i.e. leave in natural state), strategic placement and design of buildings, planned / prohibited access, unique building and wall standards intended to preserve desirable views.

F. Archaeological Resources

1. Preliminary Archaeological Site Review

   Provide a report, to be submitted with the Existing Conditions Data Report, from the Arizona State Museum, the State Historic Preservation Office (SHPO), or an Archaeologist that reviews all of the available archaeological information for the site. This record check shall: determine whether the site has been field surveyed for cultural resources; identify any previously-recorded archaeological or historic resources known to exist on the property; state the probability that buried archaeological resources not visible from the surface would be discovered on the site; and make a recommendation as to whether an archaeological survey of the site is needed.

2. Archaeological Survey; Duties of the Archaeologist

   If an archaeological survey of the site is recommended then the following tasks shall be completed by an Archaeologist.

   a. Complete a field survey and submit the results with the Existing Conditions Data Report. Any cultural resources identified shall be entered by the Archaeologist making the discovery into the Arizona State Museum site file system.

   b. Describe and map archaeological and historic sites identified on the property in either the records check or the field survey.

c. The Archaeologist shall complete an archaeological report that:

i. Determines the significance of the reported cultural resource(s);

ii. Assesses the impact of the proposed development on the cultural resource(s). If the resource cannot be preserved in place or protected by acceptable means, it must be mitigated;

iii. Makes a determination that the cultural resource must be either preserved/ protected or mitigated;

iv. Identifies mitigation measures and a mitigation plan that have been reviewed and approved by the City and/or SHPO.

3. Any proposed mitigation measures shall be reviewed and approved by SHPO, having primary responsibility, and/or the City, as the Certified Local Government with jurisdiction, prior to the commencement of any activity on the site.

G. Native Plants

1. No person shall destroy, mutilate, remove, or relocate any protected native plant on land that is subject to the provisions of this Article without first obtaining all required Native Plant Permit(s).

2. Protected Native Plant List – See http://www.azda.gov/ESD/nativeplants.htm
For the purpose of consistency with the Arizona Department of Agriculture (AZDA), the City of Peoria recognizes the AZDA's protected plant lists as the City's official list. A current copy of this list shall be on file with the Planning and Community Development Department and a link to the AZDA list can be found on the Planning Division's website. The AZDA maintains the lists and descriptions provided below. Please contact the Planning and Community Development Department or visit http://www.azda.gov/ESD/nativeplants.htm for specific permitted plants listed by name.

a. Highly Safeguarded Native Plants: includes those species of native plants and parts of plants, including the seeds and fruit, whose prospects for survival in this state are in jeopardy or which are in danger of extinction throughout all or a significant portion of their ranges, and those native plants which are likely within the foreseeable future to become jeopardized or in danger of extinction throughout all or a significant portion of their ranges. This category also includes those plants resident to this state and listed as endangered, threatened, or category 1 in the federal Endangered Species Act of 1973.

b. Salvage Restricted Native Plants: includes those native plants which are not included in the highly safeguarded category but are nevertheless subject to a high potential for damage by theft or vandalism.

c. Salvage Assessed Native Plants: includes those native plants which are not included in either the highly safeguarded or salvage restricted categories but nevertheless have a sufficient value if salvaged to support the cost of salvage tags and seals.

d. Harvest Restricted Native Plants: includes those native plants which are not included in the highly safeguarded category but are subject to excessive harvesting or overcutting because of the intrinsic value of their by-products, fiber or woody parts.

3. Drought-Tolerant Plant List – See http://www.azwater.gov/AzDWR/WaterManagement/AMAs/LowWaterUsePlantList.htm

   For the purpose of consistency with the Arizona Department of Water Resources (ADWR), the City of Peoria recognizes the ADWR low-water plant list as the City's official list and will be used in conjunction with the Protected Native Plant List. A current copy of this list shall be on file with the Planning and Community Development Department and a link to the AWDR list can be found on the Planning Division's website. Please contact the Planning and Community Development Department or visit: http://www.azwater.gov/AzDWR/WaterManagement/AMAs/LowWaterUsePlantList.htm

4. Prohibited Plant List

   Certain plants that do well in the Sonoran Desert present a distinctly non-desert appearance and/or pose potential hazards to the native vegetation, wildlife and landscape due to their invasive nature, high pollen production, and / or their high water demand. Because of this, the following Sample Prohibited Plant Species List has been provided. This list, though not exhaustive, provides guidance for certain types of plants of which should be avoided.

5. Deviations from the Protected or Prohibited Plant Species Lists may be made by the City if sufficient support from a registered landscape architect or botanist is provided. Such modifications shall be approved on a case-by-case basis if it is determined that the inclusion or exclusion of a particular plant species will deter from the desert appearance or poses a threat to the surrounding habitat, landscape, or general population (e.g. users in parking areas, parks or other open space amenities).

6. Protected Native Plant List

Protected Native Plant List

Botanical Name	***Common Name***
TREES	
Cercidium floridum	Blue Palo Verde
Cercidium microphyllum	Foothills Palo Verde
Chilopsis linearis	Desert Willow
Juniperus mono sperma	One-Seeded Juniper
Olneya tesota	Ironwood
Populus fremontii	Fremont Cottonwood

Prosopis velutina	Velvet Mesquite
SHRUBS	
Acacia constricta	Whitethorn Acacia
Acacia greggii	Catclaw Acacia
Celtis pallida	Desert Hackberry
Larea tridentada	Creosote
CACTI / SUCCULENTS / ACCENTS	
Carnegiea gigantean	Saguaro
Ferocactus species	Barrel Cactus
Fouquieria splendens	Ocotillo
Peniocereus greggii	Desert Night-Blooming Cereus
Yucca baccata	Banana Yucca/Blue Yucca/Datil Yucca
Yucca elata	Soaptree Yucca

7. Native Sonoran Desert vegetation should not be heavily pruned or removed from areas identified as Natural Open Space unless demonstrated to the City that a health, safety or welfare issue exists. This includes removal of dead trees or cacti as they are commonly used as habitat.

8. The prohibited plant species list shall be provided by the Developer to all purchasers of property within the development. Exceptions to the Prohibited Plant Species List may be approved by the Planning Manager or designee.

SAMPLE PROHIBITED PLANT SPECIES LIST

Botanical Name	***Common Name***
TREES	
Brachychiton populneus	Bottle Tree
Eucalyptus sp. (except those specifically identified in Arid Character Zone – see Desert Lands Conservation Guide)	Eucalyptus
Olea sp.	Olive Tree
Parkinsonia aculeata	Jerusalem Thorn/Mexican Palo Verde
Pinus sp.	All species of Pine
Prosopis chilensis (prohibited in parking areas only)	Chilean Mesquite
Rhus lancea	African Sumac
Washingtonia sp.	Fan Palm
SHRUBS	
Oleander sp. (except petite varieties)	Oleander
Thevetia peruviana	Yellow Oleander

GROUNDCOVERS, ANNUALS, PERENNIALS, VINES, ETC.	
Cenchrus ciliaris or Pennisetum cileare	Buffel Grass
Cynodon dactylon (except in private backyards, enclosed courtyards, and public use areas buffered from Native Sonoran Zones by Sonoran Character Zones - see Desert Lands Conservation Guide)	Common Bermuda Grass
Eragrostis lehmanniana	Lehmann's Lovegrass
Gutierrezia sarothrae	Snakeweed
Hordeum jubatum	Foxtail Barley
Pennisetum sp.	Fountain Grass

H. Native plant materials being salvaged for public or quasi-public uses may, at the City's discretion, be replanted off-site for local public projects, right-of-way improvements or other government uses which may include storage at a City-operated nursery.

1. Excess salvageable native plant material from private development projects may be donated at no cost by the developer to the City for use in local public projects, right-of-way improvements or other government uses which may include storage at a City operated nursery. The developer shall contact private nurseries and salvage companies prior to offering any materials to the City. The City will, at its discretion, obtain only those desirable plant materials which are at risk of being destroyed.

2. All materials donated to the City for municipal use or for distribution to other government projects shall be only those materials in excess of the minimum required salvaged materials and those which cannot be located elsewhere on the subject property for reasons of survivability or health of the species.

3. The City shall adhere to the adopted Native Plant Salvage & Donation Protocol when acquiring native plant materials from public, quasi-public or private sources.

SECTION 14-22B-6 NATIVE PLANT PERMIT

The process of preparing a site for development that contains native plants is authorized by a Native Plant Permit and guided by a Native Plant Preservation Plan (NPPP), which is commonly included within the Master Conservation Plan.

A. The Native Plant Preservation Plan shall be prepared by a botanist that has received a formal education in Botany, Biology or Ecology, a Licensed Landscape Architect or Certified arborist. The plan shall contain information and procedures listed in the Desert Lands Conservation Process Guide which addresses the following items:

1. Plant Inventory

2. Plant tagging,

3. Plant salvaging,

4. Establishing and managing the temporary salvage plant nursery, and

5. Transplanting the salvaged plants.

B. The Native Plant Permit authorizes a process for preservation and salvaging of native plants. The process includes the following activities:

1. Preparation of a Native Plant Preservation Plan,

2. Plant Inventory,

3. Acquisition of a Native Plant Permit,

4. Tagging of all native plants as to disposition,

5. Establish the temporary native plant nursery,

6. Move native plants to be salvaged to the nursery,

7. Care of plants in nursery,

8. Transplant the salvaged plants, and

9. Termination of the temporary native plant nursery and restoration of the nursery site.

C. Responsibility for obtaining permit.

In no instance shall destruction of plants with Protected Plant Status occur prior to issuance of all required Native Plant Permits unless the Planning Manager or his/her designee agrees to allow preliminary at-risk grading. Such decision will be based on a report by a registered landscape architect or arborist providing an assessment of the salvageability given the time of year, and concurrence from the Planning & Community Development Department.

D. Action on applications.

Applications may be approved, conditionally approved, or denied. Where the Planning Manager or designee determines that the application is in conformance with the provisions of this Article, a permit shall be issued, with such conditions attached as necessary to insure that the Native Plant Preservation Plan is successfully accomplished. Where it is determined that the application is not in conformance with the provisions of this Article, the application shall be denied. Action taken on applications may be appealed to the hearing officer appointed by the City Manager according to the procedures specified in this Article.

E. Timing of Permit approval.

For proposed development, the Native Plant Permit shall not be issued until the necessary development approvals have been secured.

F. Modification

It shall be prohibited to modify, alter, or amend an approved Native Plant Permit or an accompanying Native Plant Preservation Plan without reapplication for a Native Plant Permit according to the provisions of this Article.

G. Expiration

1. All permits, site plans, conditional use permits and preliminary plat approvals issued by the City have a defined expiration period. Approved Native Plant Permits shall expire if the work authorized under the provisions of this Article has not commenced within the expiration date of the associated development application. Request to extend the expiration period may be made to the Planning Manager or designee.

2. Work shall be completed within the time period specified on the Native Plant Permit. The Planning Manager or designee shall have the authority to grant a project-specific time extension for completion of the work upon written request of the applicant. Failure to comply with the time limitation without an extension authorized by the city shall require application for a new permit pursuant to the provisions of this Article.

H. Plants to be tagged; requirements.

1. All plants with Protected Plant Status scheduled to remain in place or authorized for destruction or relocation by the approved Native Plant Permit must be tagged and numbered prior to permit submittal. Tags shall be color-coded according to the following schedule so that the status of each plant affected by the development proposal may be easily identified:

   a. Plants proposed for destruction shall be tagged with blue plastic tape

   b. Plants proposed for relocation shall be tagged with red plastic tape

   c. Plants proposed to remain shall be tagged with white plastic tape.

2. Tags required by this Article shall be affixed in a visible and uniform location (preferably the north side) on the plant. Once affixed, the tags shall not be removed until the plants are removed, relocated, or destroyed in compliance with the Native Plant Permit and a final inspection has been made.

3. Tag numbers shall correspond to the site plan and the plant inventory.

4. Tag numbers shall be transferred to the side of the box when site boxing is completed.

I. Compliance with approved permit; revocation.

All work authorized by a permit issued in conformance with the terms of this Article shall be completed as authorized. Failure to comply with the conditions of permit approval or the approved Native Plant Preservation Plan shall constitute a violation of the Native Plant Permit and may be punishable by permit revocation and/or citation under the authority of this Article.

J. Inspections.

All aspects of the work performed as a result of a Native Plant Permit issued under the provisions of this Article shall be subject to inspection by the City. Specific Inspections shall be performed 1) following completion of tagging, 2) following completion of relocation of plants to the plant nursery, and 3) following completion of all transplanting and removal of the nursery. Inspections may be performed by City personnel or may be required of the developer. Developer's inspections shall be signed and certified by one of the professionals listed as responsible for preparation or assisting in the preparation of the Native Plant Preservation Plan.

K. Destruction or restoration

1. A Native Plant Permit shall not be issued after a violation resulting in destruction, removal, or relocation of plants with Protected Plant Status has been discovered until such time as a restoration program has been approved and the property has been restored with plants included on the Protected Native Plant List of equivalent type, size, density, distribution, and condition as existed on the property prior to the violation. A program for restoration of the site shall be determined by the Planning Manager or designee and shall be based on the expected type, size, density, distribution, and condition of plants with Protected Plant Status within the vegetation communities in which the violation occurred. Appeal of a decision made by the Planning Manager or designee regarding a restoration program shall be heard by the Hearing Officer appointed by the City Manager. Appeal of a decision made by the Hearing Officer regarding a restoration program may be made to the City Council in accordance with the rules and procedures established in this Article.

2. Waiver of restoration requirement.

   The Planning & Community Development Director or designee may waive or modify the restoration requirement in this Article if, and only if it will further the purpose of this Article.

SECTION 14-22B-7 INSPECTIONS

A. In order to ensure compliance with this Article, inspections may be made by the Planning Manager or designee consistent with law.

B. If such inspection reveals that any property or portion of a project is not in compliance with the requirements of this Article, the Planning Manager or designee shall report the discrepancy to the property owner, developer or their representative and shall order work on the project stopped or corrective action taken as appropriate.

SECTION 14-22B-8 APPEALS

A. Appeal to the Hearing Officer

1. Decisions arising from the administration of this Article may be appealed to the Hearing Officer, which shall be appointed by the City Manager to hear such appeals. The appeals shall be in writing and set forth the specific decision being appealed. The appeal shall be filed with the Planning & Community Development Director.

2. The Hearing Officer shall hold a hearing and provide the applicant and Planning & Community Development staff an opportunity to present their position. Such hearings shall be informal and the rules of evidence and civil procedure shall not apply. Such hearings shall be noticed in accordance with Article 14-39.

B. Appeals to the City Council

1. An applicant or the City may appeal the decision of the Hearing Officer to the City Council. The appeal shall be in writing and shall specifically set forth the decision of the hearing officer which is being appealed. The appeal shall be filed with the Planning & Community Development Director.

2. A notice of the appeal shall be mailed at least ten (10) days prior to the council meeting in which the appeal is heard to each property owner situated wholly or partially within the radius defined by Article 14-39 of the property to which the plan relates. The Planning & Community Development staff shall be responsible for mailing such notices.

3. A copy of the appeal letter, decision of the Hearing Officer and supporting material shall be transmitted to the City Council. At a regularly scheduled Council meeting the applicant and the Hearing Officer or designated staff member shall present their positions.

4. The City Council shall act upon the appeal within sixty (60) days after the appeal is filed with the Planning & Community Development Director, or at the next regularly scheduled City Council meeting, whichever date is later.

APPENDIX C: - Saddleback Heights Master Conservation Plan

SECTION I - SADDLEBACK HEIGHTS MASTER CONSERVATION PLAN (MCP)

1.0 PROJECT OVERVIEW

1.0.1 CONTACT LIST

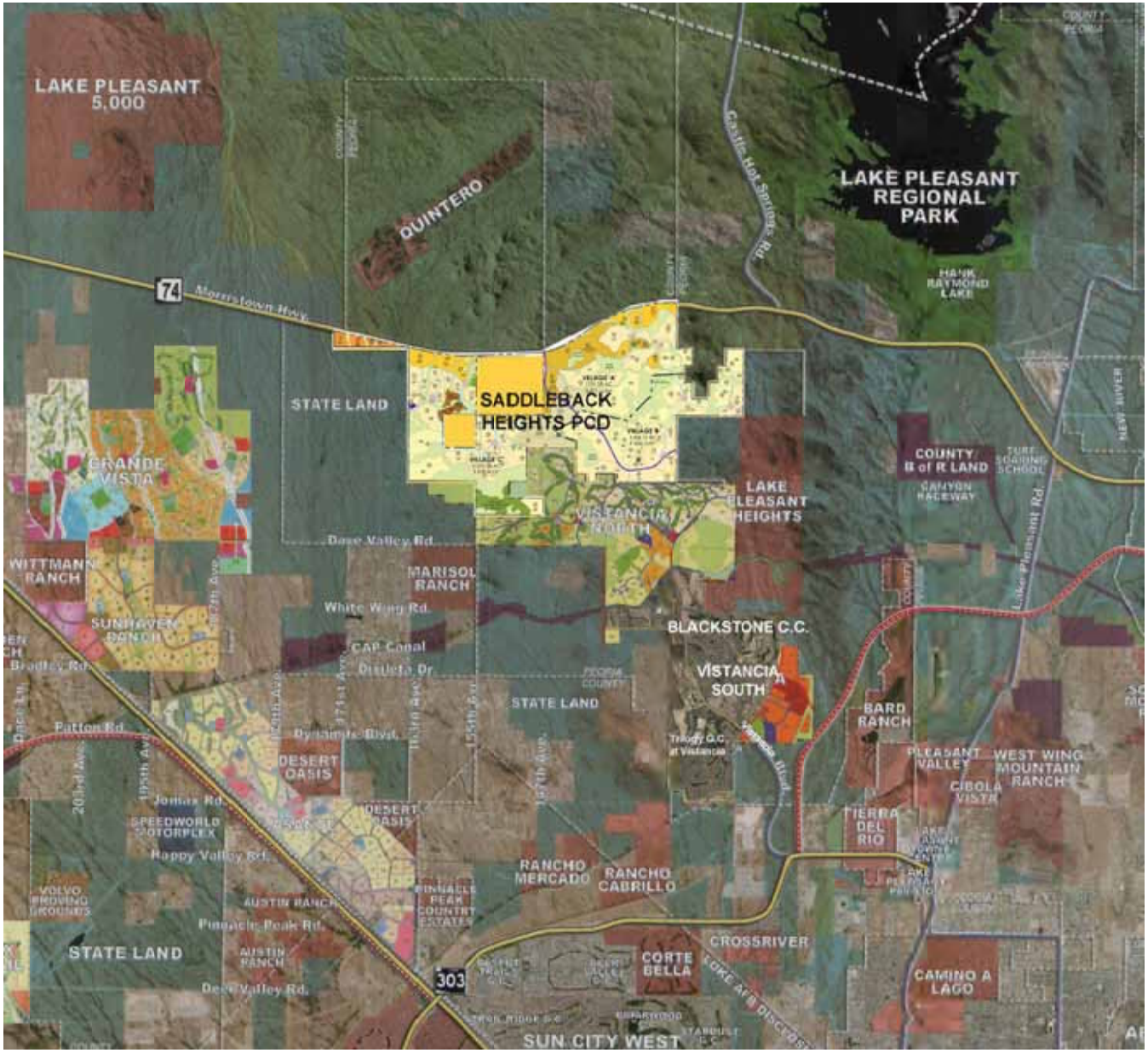
DISCIPLINE	ADDRESS/TELEPHONE	CONTACT PERSON	E-MAIL
Developer:	Diamond Ventures 2200 E. River Road Suite 155 Tucson, Arizona 85718 Phone: (520) 577-0200 Fax: (520) 299-5602	Mark Weinberg Chad Kolodisner	mweinberg@diamondven.com ckolodisner@diamondven.com
Planner:	Hadley Design Group, Inc. 7400 East McDonald Drive Suite 122 Scottsdale, Arizona 85250 Phone: (480)478-0096 Fax: (480) 478-0097	Jason Hadley	jhadley@hadleydesigngroup.com
Civil Engineer:	Wood-Patel Associates 2051 West Northern Avenue Suite 100 Phoenix, Arizona 85021 Phone: (602) 335-8500 Fax: (602) 335-8580	Mike Young	myoung@woodpatel.com
Legal Council:	Earl, Curley & Lagarde 3101 N. Central Avenue, Suite 1000 Phoenix, AZ 85012 Phone: 602-903-3077 Toll Free: 866-919-3621 Fax: 602-265-2195	Mike Curley	mcurley@ECLLAW.com
Traffic Engineer:	Trace Consulting 4645 N 12th Street # 202 Phoenix, AZ 85014 Phone: (602) 680-8264	Joe Perrin	jperrin@traceconsulting.us
Utility Engineer:	Wilson Engineers 9633 South 48th Street, Ste. 290 Phoenix, AZ 85044 Phone: 480-893-8860	Michael Johnson	Mike.Johnson@Wilson-engineers.com

VICINITY MAP – EXHIBIT A

SADDLEBACK HEIGHTS

Vicinity Map

Exhibit A



NORTH

SCALE: N.T.S.
DATE: 02 July 2012
Revised: 24 February 2014

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OVERVIEW

It is the purpose of the Saddleback Heights Master Conservation Plan ("MCP") to establish guideline that builds on the Saddleback Heights Hillside Development Overlay District, as well as the Saddleback Heights Desert Land Conservation Ordinance. In creating the plan we recognize that development of land in sensitive areas including natural features such as washes, hillforms or mountainous areas as well as other natural features such as archeological features and wildlife corridors, requires special considerations and that the forms create unique situations for development. The MCP encompasses the entirety of the Saddleback Heights property, including all four landform types identified in the DLCO (Desert Floor, Bajada, Floodplain and Upland). The plan establishes "conservation" and "preservation" areas that protect the various forms while working in conjunction with the development standards set forth in the DLCO and Hillside Ordinances. The protection of certain forms and features is established to enhance the project for its residents and the community at large and occur within all three slope categories established in the Saddleback Heights Hillside Ordinance (Lower Transitional, Upper Transitional and Uplands. The areas outlined within the Master Conservation Plan create guidelines for conservation within Saddleback Heights and will be further refined and updated as more detailed design is completed through the platting and development process. Concurrent with the platting of the first phase, a detail Desert Lands Conservation Report (DLCR) will be submitted as a companion piece to this Plan. The Preservation Master Plan illustrates sensitive conservation and resources of the property including:

- Natural Open Space (NOS)
  - Washes with flows over 500 c.f.s that are to be preserved or involved in further study
  - Rock outcroppings to be preserved
  - High slope areas to be preserved
  - Skyline Ridges to be preserved
  - Open space areas to be preserved
  - Open space areas preserved to connect to neighboring and/or regional open space links
  - Wildlife habitats and/or corridors
  - Area the preserve Scenic Character

A large portion of Saddleback Heights is planned as contiguous Natural Area Open space. The majority of this Natural Open Space is contained in mountainous areas, 404 designated wash corridors, and Scenic Resources areas found throughout the Property. Many acres of passive and active recreational open space are also distributed among open space corridors and in the natural arroyos that are used to provide internal and external links for the Saddleback Heights community and the nearby regional destinations. The on-site open space network is intended to provide important links to regional open space and parks from all the land uses with the project. Other active recreation open space may include as many as three (3) championship golf courses designated in three distinct development Villages. The golf courses will be designed to integrate with the site and will be developed as the market dictates. Area within Saddleback Heights that are owned by Arizona State Land Department are not included in or governed by this document.

REGIONAL CONTEXT

Saddleback Heights lies in the northwest portion of the City. The City's growth pattern has been moving to the northwest as many of the vacant lands south and east of the Property have been planned and are currently in various stages of development. The tremendous growth in the Phoenix metropolitan area and, more particularly, in the West Valley, has caused the City and the development community to thoughtfully plan and define future development in northwest Peoria. (See Regional Context Exhibit B)

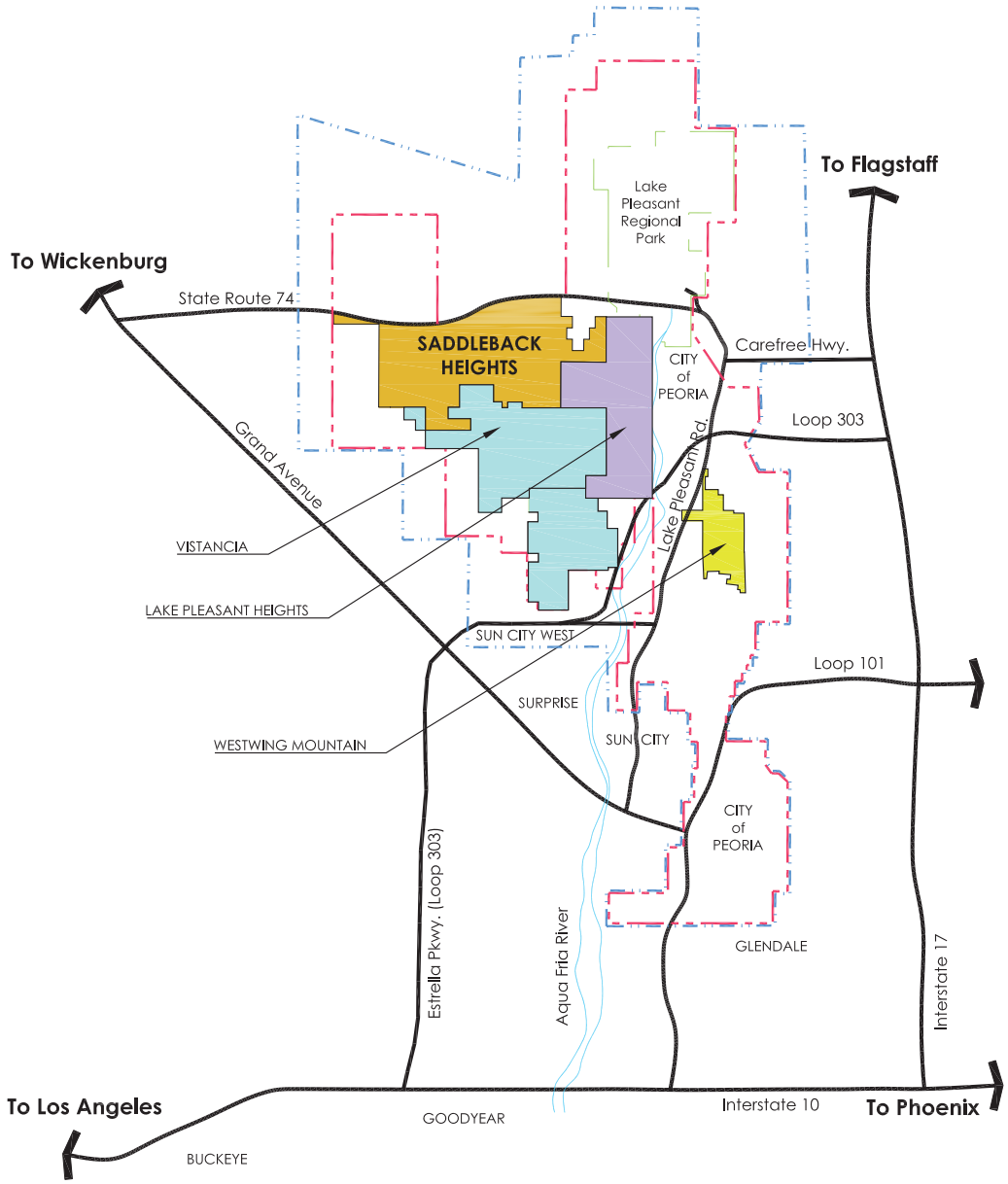
Saddleback Heights is envisioned as a unique and environmentally thoughtful desert master planned community, with great potential for residents who enjoy recreation given its proximity to Lake Pleasant, Saddleback Mountain and the vast amount of dramatic public land that surrounds the Property. Saddleback will be master planned community that embraces the diverse desert surroundings and buildings on the successes of adjacent projects, while preserving scenic resources, natural open space, and washes as well as wildlife corridors and other natural features.

REGIONAL CONTEXT – EXHIBIT B

SADDLEBACK HEIGHTS

Regional Context Map

Exhibit B



LEGEND

- City of Peoria Boundary
- City of Peoria Planning Area

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PHYSICAL SETTING

Saddleback Heights is located within the City of Peoria (the "City"). State Highway 74 bounds the Property on the north. The Property's southern boundary is approximately the Carefree Highway and Dove Valley Road alignments as well as Vistancia. The eastern boundary is approximately the 123rd Avenue (El Mirage Road) alignment. The western boundary is the 163rd (Sarival) Avenue alignment, adjacent to Arizona State Land. Topographically, the Property is located at the southern edge of the Hieroglyphic Mountain Range and two (2) miles to the southwest of Lake Pleasant. It contains diverse landforms including: pristine washes, rock outcroppings, rolling hill forms and significant ridge forms. These topographic features create a "Sonoran" desert setting with sufficient topographical relief to provide virtually every potential homesite with a dramatic view of desert terrain and/or the surrounding mountain range. The western portion of the Property is bounded on the south by a mountain range and slopes gradually ascending northward, rising slightly in elevation as it approaches State Highway 74. Going eastward, the Property rises from 1,600 to 2,300 feet, consequently creating a "bowl" effect on the western 2,000 acres. The eastern portion of the Property is more undulating with topographical relief typically varying from 1,600 to 2,100 feet in elevation. The majority of this portion of the Property is characterized by gradually sloping ridges providing ideal locations for relatively low-density residential development. The topographical relief on the Property also provides exceptional views in all directions including views of the central metropolitan Phoenix area, Lake Pleasant, Saddleback Mountain, the Hieroglyphic and Bradshaw Mountains to the north, as well as the distant Wickenburg Mountains to the West.

Drainage

Saddleback Heights contains two drainage zones. The western 2,000 acres drains westerly through a clearly identifiable wash into the Padelford wash. The eastern and southeasterly portion of the Property drains eastward into the Agua Fria River basin.

Vegetation

Saddleback Heights is a comprehensively planned community that is shaped by the natural features of the land and designed with sensitivity toward the appropriate preservation of existing vegetation. Saguaro cactus is abundant and dominates the

vegetation on the Property. There are also a variety of other forms of cacti such as Barrel and Cholla. Other types of desert vegetation include Palo Verde, Ironwood and Mesquite trees. To preserve the vegetation, on-site grading will be kept to a minimum and protected vegetation will be relocated as necessary. The thoughtful and deliberate planning effort undertaken for the Property will help ensure that Saddleback Heights will truly be a special and unique place to live.

Seismic

The Property lies on the edge of the Transition Zone geologic province, a mountainous area between the Basin and Range and Colorado Plateau geological provinces. Various geologic surveys have determined that these fault zones do not present a seismic hazard to the area.

Soils Association

Soils within Saddleback Heights were identified from the Soils Survey of the Aguila-Carefree Area, parts of Maricopa and Pinal Counties, Arizona, published by the U.S. Natural Resources Conservation Service. The soils classified for the site is predominantly of Hydrologic Groups A and B.

Soil Group A is defined as soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well- to excessively-drained sands or gravely sands. These soils have a high rate of water transmission.

Soil Group B is defined as soils having moderate infiltration rates when thoroughly wet, consisting chiefly of moderately deep to deep and moderately well to well-drained soils with moderately fine to moderately coarse textures. These soils have a moderate rate of water transmission.

EXISTING CONDITIONS OVERVIEW

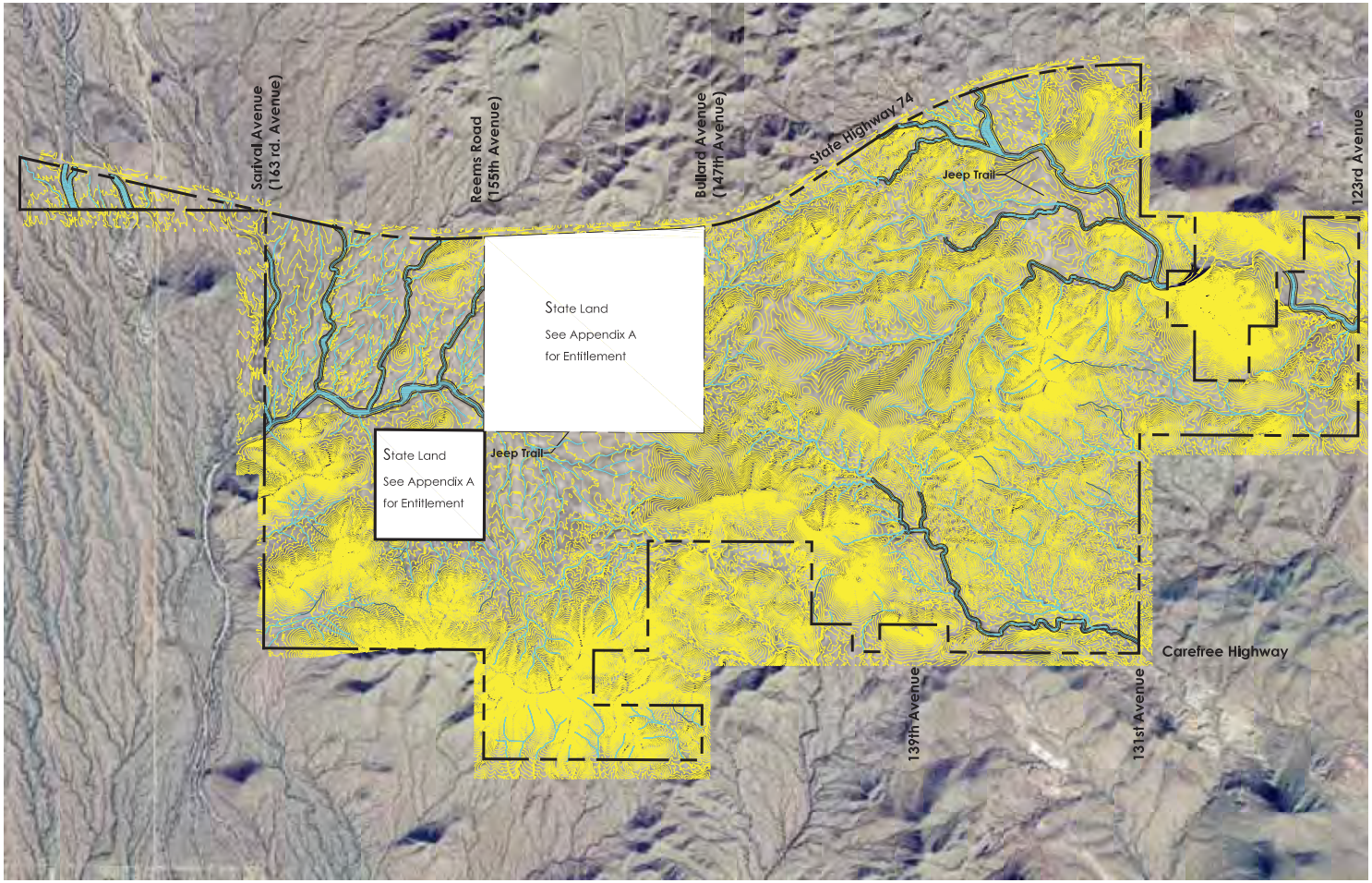
Saddleback Heights was formerly zoned R1-35 and was used for livestock grazing. The Property is currently zoned PCD and is vacant. Extensive jeep trails exist throughout the Property. Some the existing trails will be enhanced and/or maintained as part of the development of Saddleback Heights. In addition, there are significant natural features, including washes, ridgelines, rolling hillforms, and rock outcroppings throughout the Property. (See Existing Conditions - Exhibit C)

EXISTING CONDITIONS – EXHIBIT C

SADDLEBACK HEIGHTS

Existing Conditions Map

Exhibit C



LEGEND

- Topography
- Washes
- Saddleback Heights Boundary

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Natural Open Space and Open Space

The Saddleback Heights PCD identifies a minimum of 600 acres of open space or eleven percent (11%) of the gross acres. This area may be located along major washes and areas of higher elevation not suitable for development and may include pedestrian, hiking, and equestrian trails. Dedicated Natural Open Space will increase 5,000 sq. ft. for each additional developed unit exceeding 5,409 units up to 8,269 residential units, which could add as much as 328 acres of Natural Open Space Dedicated to the City. (See Natural Open Space – Exhibit D)

The open space includes recreational amenities, as well as regional open space links and natural open space (NOS). In addition to the open space and other land uses, four potential golf course study areas have been identified, with the potential to develop any three of the four. The golf course study areas may develop as championship course as the market and development dictates.

In order to preserve sensitive environmental conditions, retain and protect meaningful desert open space, and conserve ecological and aesthetic resources, all development within the affected MCP area shall be subject to requirements for the preservation of Natural Open Space (NOS) and native plants. In Hillside Areas, requirements of the Hillside Overlay District and the DLCO shall be coordinated as specified herein. The required NOS area shall not exceed the percentages shown in the following NOS Slope/Landform Matrix.

a. Natural Open Space (NOS) within each development shall be in accordance and not in addition to the open space provisions of Article 14-22A Saddleback Hillside Development Overlay District, when conservation features are present, and as depicted below. Development Parcels are only required to provide up to the minimum NOS as shown on the table below. Development Parcels that do not contain conservation features are not required to provide NOS per the Saddleback Desert Lands Conservation Overlay, but are still subject to the provisions of the Saddleback Hillside Development Overlay District.

NOS Slope / Landform Matrix

Table 2 (Ord. No. 05-44)			
NOS SLOPE / LANDFORM MATRIX			
LANDFORM TYPE	**SLOPE RANGE**	**MINIMUM REQUIRED NOS**	**MAXIMUM* REQUIRED NOS**
Desert Floor	0%-10%	0%	25%
Bajada	10%-15%	10%	25%
	15%-20%		30%
	20%-25%		40%
Upland	25%-30%	40%	50%
	30%-35%		60%
	35%+		70%
NOTE: Usable Open Space requirements of this ordinance may be satisfied by accessible NOS containing dedicated trails, floodway areas or reserved or dedicated steep slope areas. *In no event shall the developer/builder/owner be required to exceed the Maximum Required NOS.			

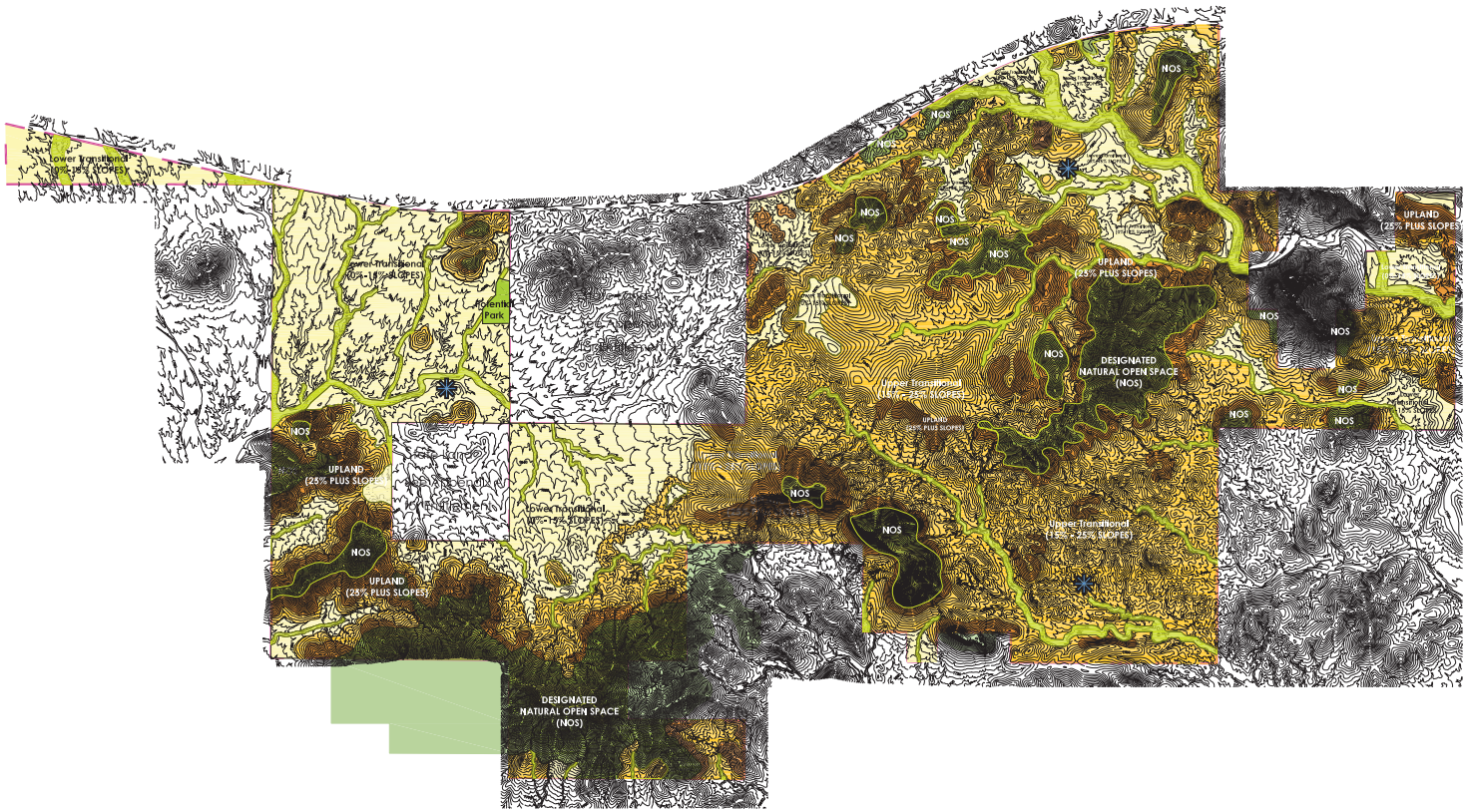
b. Within areas identified as NOS, no grading or other disturbance shall occur except the minimum grading required for trails, roadways and utility easements. No walls are permitted within the NOS except where needed for paths, trails, roads or other similar elements. Restoration of the Disturbed Area not used to support buildings, paths or trails or Oasis areas shall follow plans reviewed and approved by the City. Restored Disturbed Area within NOS, approved by the City, shall count towards NOS acreage requirements.

CONCEPTUAL LAND FORM & NATURAL OPEN SPACE – EXHIBIT D

SADDLEBACK HEIGHTS

CONCEPTUAL LANDFORM & NATURAL OPEN SPACE PLAN

Exhibit D



LEGEND

- Lower Transitional (0% - 15% Slope Area)
- Uper Transitional (15% - 25% Slope Area)
- Uplands (25% Plus Slope Area)
- Drainage / 404 Washes
- Conceptual Open Space Area
- Adjacent Open Space
- Potential Park Location
- Potential Golf Course Study Area

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Washes and Wash Preservation

The western 2,000 acres drains westerly through a clearly identifiable wash into the Padelford Wash. The eastern and southeasterly portion of the Property drains eastward into the Agua Fria River basin.

With regard to U.S. Army Corps of Engineers (the "Corps") Section 404 permitting, delineation of jurisdictional waters has been prepared for the portion of Saddleback Heights owned by Diamond as shown on the Boundary Map Exhibit of the Saddleback Heights MCP, submitted to the Corp of Engineers and has been approved. The Property will require a permit if more than 0.5 acre of disturbance is required.

1. An undisturbed area of fifteen (15) feet average and measured from the delineated wash edge per the Saddleback 404 Permit, shall be preserved on both sides of a wash that is governed by the Saddleback 404 Permit.

2. Washes that are not governed as part of the Saddleback 404 Permit, identified on the Preservation Master Plan (See Exhibit L in the PCD), and carry flows less than 500 cfs**,** may be modified subject to the review and approval of the Planning Manager. Proposed modifications to the wash corridors shall be done in a manner that preserves to the extent possible, the naturalistic manner of the drainage corridor and re-vegetated with a similar plant palette and density that is consistent with the adjacent area. Significant non-jurisdictional washes (washes greater than 500 cfs) shall utilize a minimum area of twenty-five (25) feet on each side of the wash measured from the centerline of the wash. Areas used to convey drainage that are not part of an engineered channel, are encouraged to provide an area fifty (50) feet average width to allow for wildlife passage.

Wildlife Habitat

Wildlife corridors shall be established within washes identified as part of the 404 Permit and those identified on the Preservation Master Plan (Exhibit E). As described above.

Linear utility lines may be placed parallel to washes identified as part of the 404 Permit or with floodplains. Utility corridors shall be restored using indigenous plants so that there is no net loss of habitat function or value.

The biology evaluation report, attached in Appendix X, gives no indication that the Property contains habitat for any threatened or endangered species.

The site does generally support a sparse density of mule deer (approximately one animal per square mile). The site also contains a sparse density of javelina. The catchments throughout the site provide water for large and small game, as well as, a variety of non-game animals. No riparian habitat was found on the Property. However, Gambel quail and dove are found throughout the Property. **SEE THE BIOLOGICAL EVALUATION – EXHIBIT F ATTACHED FOR DETAILED ANALYSIS**

Scenic Resources & Skyline Ridges

Resource is a broad term used to describe the characteristics of an area based on the given geographic location and local visual resources. Scenic Resources within Saddleback have been identified and are depicted on the Saddleback Preservation Master Plan-Exhibit E**.** Scenic Resources within Saddleback Heights are comprised as a combination of the following:

1. Significant ridges and washes along SR 74 that frame and enhance the scenic nature of the corridor
a. Areas with unaltered ridgelines or distinct views of undisturbed ridgelines that are preserved within all three Development Villages
b. Several Areas with particularly dense populations of native saguaro cacti
c. Skyline Ridges*

Each of the above are preserved through a combination of, preservation (i.e. leave in natural state), strategic placement and design of buildings, planned / prohibited access to preserve desirable views, dedicated open space, common area open space or preservation within privately owned open space.

*Note that Saddleback Heights is a part of the southern portion of the Hieroglyphic Mountain Range that continues to the south of the site onto Vistancia, there are no ridgelines that would truly be considered Skyline Ridges, however, Saddleback as preserved the landform the extents, upward and off-site to the south that actually falls on Vistancia. In addition, Saddleback will preserve the secondary ridge that separate Villages A & B as illustrated on the Preservation Master Plan (Exhibit E).

Hillside Open Space

The Preservation Master Plan (Exhibit E) identifies all significant landforms that will be preserved except to allow construction of trails or paths providing access into the featured open spaces, roads and utility crossings. All other areas are subject to disturbance in accordance to Table 1 below. In areas above the 25% slope line, disturbance is limited to areas within the development unit, parcel envelope, localized envelope, or individual custom lot only, and disturbance may not occur on lands outside the limits of the development unit or custom lot except for necessary infrastructure required to serve the proposed development and all disturbance will be in accordance with Table-1. Specific criteria for development in hillside is detailed within Article 14-22A- Saddleback Heights Hillside Development Overlay District.

Table 1

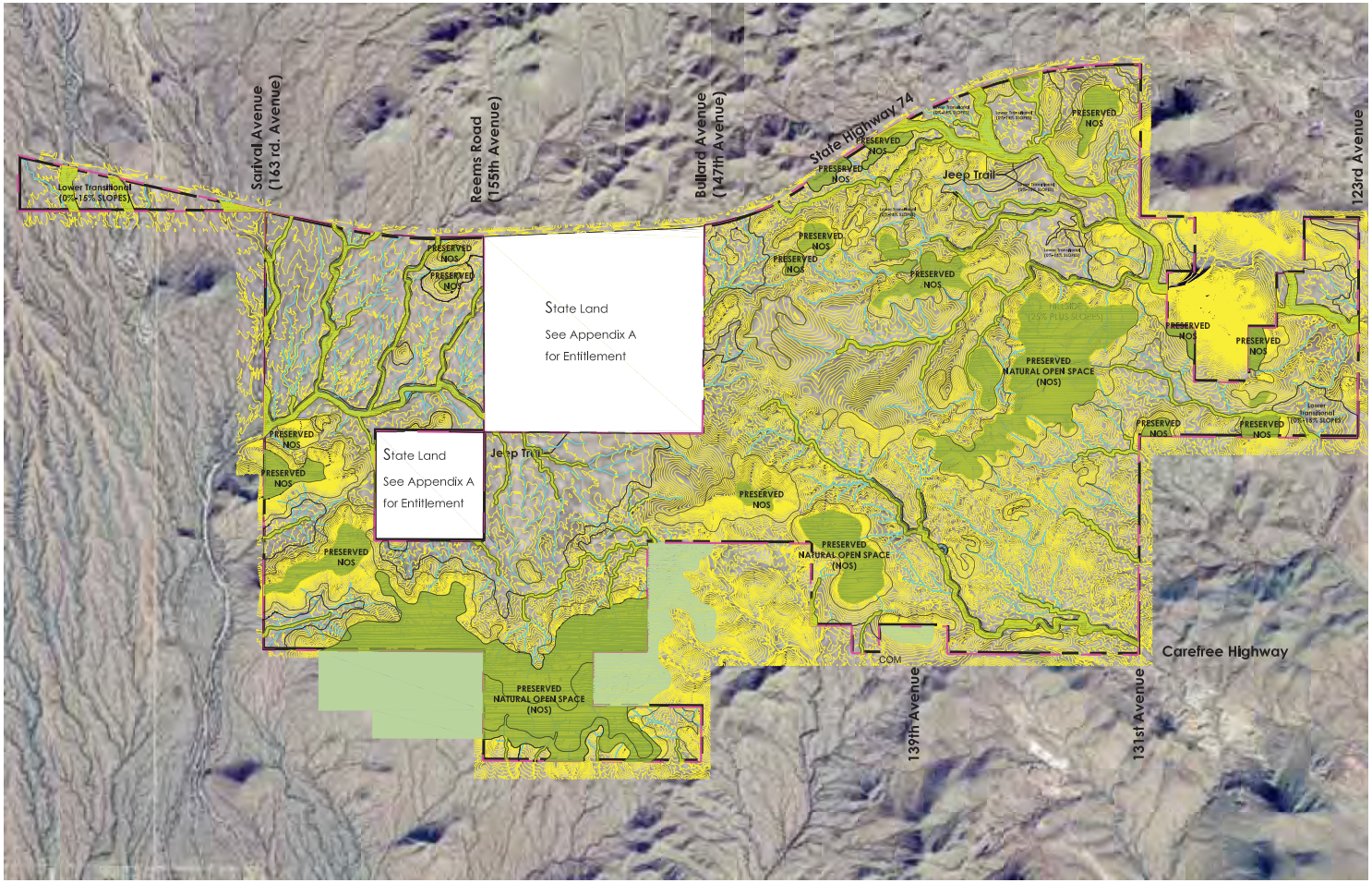
Landform Category	Building Site Slope Category	Maximum Disturbed Area	Maximum Lot Coverage	Min. required Open Space
Lower Transitional	10% to 15%	100% Disturbance 100% available for Mass Grading	Per Underlying Zoning	15% Non-Natural 0% Natural
Upper Transitional	15% - 25%	100% Disturbance* 75% available for Mass Grading	Per Underlying Zoning	25% Natural or Non-Natural *(25% of total area must be restored to look natural)
Uplands	25%+	50% Disturbance 40% available for Mass Grading	Per Underlying Zoning	40% Natural

PRESERVATION MASTER PAN – EXHIBIT E

SADDLEBACK HEIGHTS

Preservation Master Plan

Exhibit E



LEGEND

- Drainage / 404 Washes
- Preserved Natural Open Space

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ARCHAEOLOGY & CULTURAL/HISTORIC RESOURCES

Archaeological research on the Property was undertaken in conjunction with federal requirements that sample surveys be conducted prior to the Property's transfer from BLM stewardship. (See **ARCHAEOLOGY & CULTURAL/HISTORIC RESOURCES Exhibit G Attached**)

Native Plant Preservation Plan

The Property has an abundance of natural native vegetation. The majority of the plant materials are mature Sonoran vegetation. Desert plant material flourishes throughout the site. The plant material includes, Sage Brush, Brittle Bush, Creosote Brush, Jumping Cholla, Saguaro, Palo Verde, Ironwood, and Mesquite trees. Saguaro cacti dominates the site, combined with a rich mixture of other Sonoran plant materials provide an incredible natural desert landscape. As part of the platting process, a Native Plant inventory will be created for each development area that is included in or affected by the plat. MCP will provide specific details regarding the variety of native vegetation on site, the number and species of vegetation to be salvaged, salvage and revegetation plans, habitat preservation, unique landforms including washes and hillside areas to be protected, and other related site elements requiring preservation.

Each phase of development is required to prepare and submit a Native Plant Preservation Plan including a Native Plan Inventory and Relocation Program for the preservation of all protected trees and cactus. The inventory shall be prepared on a proposed site plan with a photographic aerial overlay to clearly show native outcroppings and adjacent conditions. The site plan information must include property lines, grading limits, proposed facilities, interior lot lines, utilities and any required easements.

The relocation program will provide a summary of plants with their respected size and variety. Plants shall be classified as salvageable, unsalvageable or to remain in place. The relocation program shall also include location of a temporary nursery, temporary watering system, boxing technique, fencing, maintenance considerations and final cleanup.

As part of the Desert Lands Conservation Map, specific construction guidelines and requirements will be outlined. Native Creosote, Jojoba, and Bursage shall also be made available for spading or replanting on other parcels prior to mass grading sites.

Saddleback Height will establish temporary plant nursery as part of the finalization of the first phase Desert Lands Conservation Map where salvaged plants will be placed and cared for while they await planting.

SAMPLE NATIVE PLANT PRESERVATION PLAN CHECKLIST

1. Native Plant Preservation Plan Narrative and Application Form.
2. Three (3) copies of the site plan aerial with plat overlay indicating the location by tag number of each plant, which is required to be protected per the Protected Native Plant List.
3. Three (3) copies of the plant inventory performed by a salvage contractor*, (which corresponds to the tag number on the site plan) indicating the following:
    a. Plant type
    b. Plant size in caliper inches
    c. Plant salvage ability
    d. Whether the plant will remain in place, be moved to another location, or be destroyed*
4. Plant nursery location
5. Copy of vicinity map indicating the location of the parcel or site within Saddleback Heights.
6. Notice when plant materials have been tagged in the field for City Staff review with the following:
    a. Plastic tape to correspond to the determinations made in 3.d. above:
        - White tape - remain in place
        - Red tape - moved to another location
        - Blue tape - destroyed
    b. Tag numbers that correspond to the site plan and to the plant inventory
    c. Tag number is to be transferred to the side of the box when side boxing is completed
7. Letter of Authorization from the property owner identifying the salvage contractor for the project and verifying that all plants are to be re-planted on site.
8. A copy of the form notifying the Arizona Department of Agriculture, Native Plant Section at 602-542-4373, of the Notice of Intent to Clear Land.

* Unsalvageable Plant**:** means a protected native plant that cannot be successfully relocated due to any of the following:

a. Deteriorated health from disease, infestation, or natural causes; or

b. Physical constraints related to plant location, orientation, or general condition which obstruct and/or prevent the application of approved relocation techniques.

Plant Resources

1. ProtectedNative Plant List – See http://www.azda.gov/ESD/nativeplants.htm
   For the purpose of consistency with the Arizona Department of Agriculture (AZDA), the City of Peoria recognizes the AZDA's protected plant lists as the City's official list. A current copy of this list shall be on file with the Planning and Community Development Department and a link to the AZDA list can be found on the Planning Division's website. The AZDA maintains the lists and descriptions provided below. Please contact the Planning and Community Development Department or visit http://www.azda.gov/ESD/nativeplants.htm for specific permitted plants listed by name.

2. Drought-Tolerant Plant List – See http://www.azwater.gov/AzDWR/WaterManagement/AMAs/LowWaterUsePlantList.htm

3. For the purpose of consistency with the Arizona Department of Water Resources (ADWR), the City of Peoria recognizes the ADWR low-water plant list as the City's official list and will be used in conjunction with the Protected Native Plant List. A current copy of this list shall be on file with the Planning and Community Development Department and a link to the AWDR list can be found on the Planning Division's website. Please contact the Planning and Community Development Department or visit: http://www.azwater.gov/AzDWR/WaterManagement/AMAs/LowWaterUsePlantList.htm

Protected Native Plant List

Protected Native Plant List

Botanical Name	***Common Name***
TREES	
Cercidium floridum	Blue Palo Verde
Cercidium microphyllum	Foothills Palo Verde
Chilopsis linearis	Desert Willow
Juniperus mono sperma	One-Seeded Juniper
Olneya tesota	Ironwood
Populus fremontii	Fremont Cottonwood
Prosopis velutina	Velvet Mesquite
SHRUBS	
Acacia constricta	Whitethorn Acacia
Acacia greggii	Catclaw Acacia
Celtis pallida	Desert Hackberry
Larea tridentada	Creosote
CACTI / SUCCULENTS / ACCENTS	
Carnegiea gigantean	Saguaro
Ferocactus species	Barrel Cactus
Fouquieria splendens	Ocotillo
Peniocereus greggii	Desert Night-Blooming Cereus
Yucca baccata	Banana Yucca/Blue Yucca/Datil Yucca
Yucca elata	Soaptree Yucca

SAMPLE PROHIBITED PLANT SPECIES LIST

Botanical Name	***Common Name***
TREES	
Brachychiton populneus	Bottle Tree
Eucalyptus sp. (except those specifically identified in Arid Character Zone – see Desert Lands Conservation Guide)	Eucalyptus
Olea sp.	Olive Tree
Parkinsonia aculeata	Jerusalem Thorn/Mexican Palo Verde
Pinus sp.	All species of Pine
Prosopis chilensis (prohibited in parking areas only)	Chilean Mesquite
Rhus lancea	African Sumac
Washingtonia sp.	Fan Palm
SHRUBS	
Oleander sp. (except petite varieties)	Oleander
Thevetia peruviana	Yellow Oleander
GROUNDCOVERS, ANNUALS, PERENNIALS, VINES, ETC.	
Cenchrus ciliaris or Pennisetum cileare	Buffel Grass
Cynodon dactylon (except in private backyards, enclosed courtyards, and public use areas buffered from Native Sonoran Zones by Sonoran Character Zones - see Desert Lands Conservation Guide)	Common Bermuda Grass
Eragrostis lehmanniana	Lehmann's Lovegrass
Gutierrezia sarothrae	Snakeweed
Hordeum jubatum	Foxtail Barley
Pennisetum sp.	Fountain Grass

B. Native plant materials being salvaged for public or quasi-public uses may, at the City's discretion, be replanted off-site for local public projects, right-of-way improvements or other government uses which may include storage at a City-operated nursery.

1. Excess salvageable native plant material from private development projects may be donated at no cost by the developer to the City for use in local public projects, right-of-way improvements or other government uses which may include storage at a City operated nursery. The developer shall contact private nurseries and salvage companies prior to offering any materials to the City. The City will, at its discretion, obtain only those desirable plant materials which are at risk of being destroyed.

2. All materials donated to the City for municipal use or for distribution to other government projects shall be only those materials in excess of the minimum required salvaged materials and those which cannot be located elsewhere on the subject property for reasons of survivability or health of the species.

3. The City shall adhere to the adopted Native Plant Salvage & Donation Protocol when acquiring native plant materials from public, quasi-public or private sources.

DEFINITIONS

A. **Archaeologist:** A person engaged in the study of human activity, primarily through the study of its material remains, which includes structures still standing, and has received certification from the Register of Professional Archaeologists.

C. **Alter:** Change or modify natural vegetation and/or topography by removal, cuts, fills, grading or the building of structures.

D. **Conservation:** Open space that may be moderately modified from its natural condition due to surrounding development, but where certain effort is made to retain and maintain as much of the character as possible. Such areas may be improved with paths, trails, trailheads and similar features intended to carefully intertwine people with the open space. For comparison, see also *Preservation.*

E. **Conservation Features or Areas:** Individual conservation features, defined above, and/or areas of the highest significance and preservation priority.

F. **Cultural Resources:** A broad assortment of assets, which includes buildings, sites, structures, objects, and districts that are of historic, cultural, architectural, or archaeological significance. Examples of such resources include petroglyphs, jewelry, textiles, pottery, projectiles, tools, irrigation canals, and pit houses. This includes artifacts, records, and material remains related to such resources. These assets may be included in or eligible for inclusion in the National Register.

G. **Cut:** A land surface, which is shaped through the removal of soil, rock, or other materials.

H. **Desert Lands Conservation Report (DLCR):** A submittal required with any development application to the City for property within the Saddleback Desert Lands Conservation Overlay area, which contains an overview of the conservation features and items of specific interest as they pertain to the intent of the Saddleback Desert Lands Conservation Overlay.

I. **Destroy:** To kill, or cause the death of any protected native plant by any means.

J. **Developer:** the property owner or his representative that is undertaking the development of land subject to the Saddleback Desert Lands Conservation Overlay District.

K. **Disturbed Area:** That area of natural ground that has been or is proposed to be altered through grading, construction, cut and fill, removal of natural vegetation, placement of material, trenching, or by any means that causes a change in the undisturbed natural surface of the land or natural vegetation. The Disturbed Area is coterminous with the Disturbed Area identified in the Saddleback Hillside Development Overlay District of this code and shall be subject to the same requirements of that Article.

L. **Disturbed Area, "Reclaimed" or "Restored":** Disturbed areas that have been restored to their natural contours, vegetation and colors to the satisfaction of the City of Peoria.

M. **Fill:** The deposition of soil, rock or other materials place by man.

N. **Finished Grade or Newly Established Grade:** The final grade and elevation of the ground surface after grading is completed. (All grading must comply with the provisions set forth Article 14-22A "Saddleback Hillside Development Overlay District")

O. **Grade, Natural:** The elevation through any section of a site on an undisturbed lot at the time of adoption of this overlay by City Council. On lots that have been disturbed previously, the natural grade is the pre-existing grade if it can be determined; otherwise it shall be determined by an average of off-site elevations at points taken around the boundary of the site. All determinations shall have been made by an engineer, registered landscape architect, or land surveyor licensed to practice in the State of Arizona.

P. **Grading:** Any excavating, or filling or combination thereof, including the conditions resulting from an excavation or fill.

Q. **Habitat Preservation Plan**: An official document submitted as part of a Master Conservation Plan (MCP) containing wildlife habitat and corridor identification and conservation / protection procedures as supported by the Arizona Game & Fish Department.

R. **Habitat Survey:** An official document submitted as part of a Desert Lands Conservation Report (DLCR) containing correspondence from the Arizona Game & Fish Department that identifies known or potential wildlife living on a given property.

S. **Habitat Value:** The suitability of the landscape to support wildlife, considering site conditions. Suitability shall be ascertained by comparing similar sites and conditions and may require returning the habitat as closely to its original condition as possible when natural conditions have been changed.

BIOLOGICAL EVALUATION – EXHIBIT F

BIOLOGICAL EVALUATION

SADDLEBACK HEIGHTS
5,000-ACRE PROPERTY
IN MARICOPA COUNTY, ARIZONA

Prepared for:

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Project No. 0846.03

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Appendix B. Representative Photographs of the Project Site
Appendix C. AGFD HDMS Report On-line Environmental Review Tool Results

1. INTRODUCTION

WestLand Resources, Inc. (WestLand) was retained by Diamond Ventures Inc. to conduct a Biological Evaluation (BE) for the proposed Saddleback Heights residential development (the Project) in support of the Saddleback Heights Master Conservation Plan. The proposed Project is located on approximately 5,500 acres immediately south of the Morrison New River Highway/AZ State Route 74 (AZ SR 74) in portions of Sections 3, 4, 5, 6, and 8 of Township 5N, Range 1W, Sections 27, 28, 31, 32, 33, 34, and 35 of Township 6N Range 1W, and Sections 26 and 25 of Township 6N Range 2W in Maricopa County, Arizona (the Project Site; ***Figure 1***). Saddleback Heights will consist of up to 8,269 residential units and a minimum of 600 acres, or 11percent of the total area, is intended to remain undisturbed as open space.

The purpose of this BE is to determine the potential for occurrence of federally listed (endangered or threatened) or candidate species for federal listing (collectively special status species) or proposed or designated critical habitat have the potential to occur within the Project Site.

2. METHODS

The list of species considered in this analysis was obtained from the U.S. Fish and Wildlife Service (USFWS) list of special status species for Maricopa County (2013; ***Appendix A***) and includes species listed as threatened or endangered, species considered as candidates for listing, species with an extant conservation agreement, and delisted species. Delisted species are not considered further in this analysis.

The potential for special status species to occur in the Project Site was evaluated based on: 1) a review of information from the Arizona Game and Fish Department (AGFD) Heritage Data Management System (HDMS; AGFD 2013); 2) evaluation of the known geographic range and distribution of Listed Species; 3) review of information regarding the habitat requirements of Listed Species; and 4) field observations of environments present during our Project Site visit and comparisons of these observations with habitat requirements of Listed Species. HDMS data and USFWS databases were accessed to ascertain if the project area contains or is adjacent to any designated or proposed critical habitat.

Prior to a field visit, WestLand obtained occurrence records from the AGFD's Online Environmental Review Tool which provides documented occurrences of special status species and/or designated or proposed critical habitat (per AGFD; see ***Appendix B***). The request for this project looked at the project area and within 3 miles of the Project Site boundary. Seventeen special-status species are listed by the USFWS for Maricopa County (USFWS 2013; ***Appendix A***).

WestLand biologists visited the Project Site on March 18, 2013 to collect information with regard to the nature and extent of habitat within the project. This effort included compilation of preliminary list of plant species observed during the site visit and an assessment of vegetation communities and environments that might support Listed Species. WestLand documented and evaluated physical features and biological characteristics of the Project Site in order to compare those characteristics with habitats known to support Listed Species.

During the screening analysis, WestLand made determinations for each species with regard to the likelihood that each of the special status species evaluated was present, might potentially occur, was unlikely to occur, or had no potential to occur. Each of these categories is described below.

1) Present: Habitat characteristics suitable for the taxon are present within the analysis area, the taxon has been recently recorded within the analysis area, and the taxon is expected to occupy the analysis area on a regular basis.

2) Possible: Habitat characteristics suitable for the taxon are present in the analysis area, the currently known geographic and elevational distribution of the taxon includes the analysis area, but the taxon has not been documented within the analysis area.

3) Unlikely: Habitat characteristics suitable or marginally suitable for the taxon are present within the analysis area, the analysis area is outside, but in the vicinity of the currently known geographic or elevational distribution of the taxon, and this distribution is not considered highly restricted (see below). Taxa are also considered unlikely to be present within the analysis area if suitable habitat characteristics are not present, but the taxon of interest is highly mobile (e.g. most bats and birds), and thus could pass over or through the analysis area.

4) None: The analysis area is outside of the currently known geographic or elevational distribution of the taxon, and habitat characteristics suitable for the taxon are not present. Taxa with highly restricted ranges and limited mobility (e.g., springsnails) are considered to have no potential to occur if the site is outside their known ranges, even if the suitable habitat characteristics are present onsite.

3. PROJECT SITE DESCRIPTION

The Project Site is situated in the northwest portion of Peoria, Arizona along the southwestern flank of the Hieroglyphic Mountains. Elevations within the Project Site range from approximately 1,700 to 2,400 feet above mean sea level. The topography generally consists of gently to moderately sloped rolling hills, with occasional, isolated steep rock outcrops. The Project Site is traversed by numerous unnamed arroyos and washes that primarily drain to the west, forming the headwaters of Padelford Wash (in part) and to the east with all drainages eventually discharging to the Agua Fria River. There are no perennial or intermittent water features (e.g., springs, creeks, wetlands) on the Project Site. We identified (from USGS 7.5" topographic maps) and investigated two mine adits on the Project Site. We are aware of no natural caves or other features on that project site that might provide suitable bat roost habitat. The Project Site is crossed by numerous dirt roads and off-road vehicle trails. An aerial overview of the Project Site is provided in ***Figure 2***.

The entire Project Site is mapped within the Arizona upland subdivision of the Sonoran desertscrub biotic community (Brown and Lowe 1994). The majority of the Project Site supports upland Sonoran desert vegetation consisting largely of foothill palo verde (*Parkinsonia microphyllum*), creosote (*Larrea tridentata*), triangleleaf bursage (*Ambrosia deltoidea*), and brittlebush (*Encelia farinose*), with occasional

whitethorn acacia (*Acacia constricta*), catclaw acacia (*A. greggii*), and ocotillo (*Fouquieria splendens*). The dominant cactus species observed were saguaro (*Carneria giganteus*), barrel cactus (*Ferocactus wislizenii*), prickly pear cactus (*Opuntia engelmannii*), and cane cholla (*O. spinosior*). Vegetation occurring along larger washes of the Project Site is representative of typical xeroriparian Sonoran desertscrub species. Velvet mesquite (*Prosopis velutina*), foothill palo verde, desert ironwood (*Olneya tesota*), and catclaw acacia (*A. greggii*) are the dominant species, with canyon ragweed (*Ambrosia ambrosioides*), whitethorn acacia (*Acacia constricta*), and globemallow (*Sphaeralcea ambigua*) occurring less frequently. We provide representative photographs of upland and xeroriparian vegetation with their relative location on the Project Site in ***Appendix B*** and ***Figure 2***, respectively.

4. RESULTS

4.1 AGFD HDMS REVIEW TOOL

The AGFD HDMS Environmental Review Tool (AGFD 2013) search identified the occurrence of four Listed Species within 3 miles of the Project Area; desert pupfish (*Cyprinodon macularius*; endangered), southwestern willow flycatcher (*Empidonax traillii extimus*; endangered), yellow-billed cuckoo (*Coccyzus americanus*; candidate) and desert tortoise – Sonoran population (*Gopherus morafkai*; candidate). No critical habitat occurs within the Project Site (**see *Appendix C***). Only one of these species is known to occur on habitats similar to the habitat found within and immediately adjacent to the project area.

As outlined in greater detail in ***Table 1***, 16 of the 17 special-status species are not expected to occur or are unlikely to occur and have been eliminated from further review. The project site is outside their known geographic range or does not support their preferred habitats. Only Sonoran desert tortoise has the potential, and is in fact expected, to utilize habitats within the project area. We discuss Sonoran desert tortoise in greater detail in the following section.

4.2 SONORAN DESERT TORTOISE (*GOPHERUS MORAFKAI*)

The Sonoran desert tortoise is identified as a candidate species by the USFWS. A candidate species is a species that the USFWS considers warranted but precluded by higher priority listing actions (USFWS 2010, 2012). Candidate species are not afforded protection under the ESA. As part of a legal settlement with environmental groups, the USFWS has agreed to make a determination in 2015 as to whether or not Sonoran desert tortoise should be listed as threatened or endangered. If they decide listing is warranted, the will publish a proposal to list and a determination regarding designation of critical habitat. A final rule would be expected to be published after public comment and input in 2016.

Sonoran desert tortoises occur throughout much of the central and southwestern portions of the Arizona. The northeastern extent of their range abuts the Salt River in Gila County, while the easternmost records are located along the middle San Pedro River drainage in Cochise County. Tortoises have been recorded as far southwest as the Yuma Proving Ground, the Barry M. Goldwater Range, and the Cabeza Prieta National Wildlife Refuge (AGFD 2010).

Table 1. Special Status Species Screening Analysis for the Saddleback Heights Analysis Area. Species range and habitat data were obtained primarily from information provided by Arizona Game and Fish Department (AGFD) Heritage Data Management System (HDMS) online abstracts, unless otherwise specified.

Species and ESA Status	Known Geographic Range and Habitat Preference(s)	Potential to occur within the Analysis Area
Plants		
Acuna cactus (*Echinomastus erectocentrus var. acunensis*) **Federal Listing Status:** Proposed Endangered **Critical Habitat:** Proposed	**Range:** Known to occur as small, isolated localities in western Pima, southwestern Maricopa, and central Pinal counties. **Habitat:** This species grows on open, typically rounded knolls and ridges between sandy washes within Sonoran desertscrub vegetation communities. **Elevation:** 1,200-3,775 ft. **Reference(s):** AGFD 2011a; ARPC 2001	**Potential to occur**: None; the Analysis Area contains potential habitat and falls within the elevation for the species, but the known species distribution and proposed critical occurs much further south in southwestern Maricopa and central Pinal counties.
Arizona Cliffrose (*Purshia subintegra*) **Federal Listing Status:** Endangered **Critical Habitat:** No	**Range:** Known to occur in central Arizona at four locations: the Burro Creek Drainage, Horseshoe Lake, Verde Valley, and near the community of Bylas, within the San Carlos Indian Reservation. **Habitat:** This species grows exclusively in limestone soils formed from tertiary lake-bed deposits. **Elevation:** 2,120-4,000 ft. **Reference(s):** AGFD 2001b	**Potential to occur**: None; the Analysis Area is located outside of this species' currently known range, and lacks the necessary tertiary limestone lake-bed substrate.
Fish		
Desert pupfish (*Cyprinodon macularius*) **Federal Listing Status:** Endangered **Critical Habitat:** Yes	**Range:** Historically occurred throughout the lower Gila River basin in the U.S. and Mexico. No natural populations persist in Arizona; currently managed at discreet natural and artificial refuge sites. **Habitat:** Shallow waters of springs, small streams, and marshes. **Elevation:** < 4,000 ft. **Reference(s):** AGFD 2001a	**Potential to occur**: None; the site visit determined that the Analysis Area contains no perennial or intermittent aquatic features that could support fish. There is no critical habitat in the vicinity of the Analysis Area.

Table 1. Special Status Species Screening Analysis for the Saddleback Heights Analysis Area. Species range and habitat data were obtained primarily from information provided by Arizona Game and Fish Department (AGFD) Heritage Data Management System (HDMS) online abstracts, unless otherwise specified.

Species and ESA Status	Known Geographic Range and Habitat Preference(s)	Potential to occur within the Analysis Area
Gila topminnow (*Poeciliopsis occidentalis occidentalis)* **Federal Listing Status:** Endangered **Critical Habitat:** No	**Range:** Historically distributed throughout the Gila River basin. **Habitat:** Headwater springs, vegetated margins and backwater areas of intermittent to perennial streams and rivers. **Elevation:** < 4,500 ft. **Reference(s):** AGFD 2001c	**Potential to occur**: None; None; the site visit determined that the Analysis Area contains no perennial or intermittent aquatic features that could support fish.
Razorback sucker (*Xyrauchen texanus*) **Federal Listing Status:** Endangered **Critical Habitat:** Yes	**Range:** Endemic to large rivers throughout the Colorado River Basin. Natural populations occur in Lake Mohave, Green River Basin, and upper Colorado River Basin. Designated critical habitat includes parts of the Colorado, Gila, Salt, and Verde rivers. **Habitat:** Found in a variety of slow-water habitats in medium to large rivers, including backwaters. In impoundments, prefer depths of one meter over mud, sand, or gravel. **Elevation:** <6,000 ft **Reference(s):** AGFD 2002a	**Potential to occur**: None; the site visit determined that the Analysis Area contains no perennial or intermittent aquatic features that could support fish. There is no critical habitat in the vicinity of the Analysis Area.
Roundtail chub (*Gila robusta*) **Federal Listing Status:** Candidate **Critical Habitat:** No	**Range:** Historically found throughout the larger tributaries of the greater Colorado River Basin from Wyoming to Arizona. Populations in the Lower Colorado River Basin (i.e., Little Colorado, Bill Williams, and Gila River populations) are considered a distinct population segment and are a candidate species. **Habitat:** Inhabit mid-elevation streams and rivers of moderate temperatures. Adults use deep pools, up to 2.0 meters deep, adjacent to riffles and runs. Cover is usually present and consists of large boulders, woody debris, and undercut banks, bedrock, and root masses. **Elevation:** 1,000–7,500 ft **Reference(s):** AGFD 2002b	**Potential to occur**: None; the site visit determined that the Analysis Area contains no perennial or intermittent aquatic features that could support fish.

Table 1. Special Status Species Screening Analysis for the Saddleback Heights Analysis Area. Species range and habitat data were obtained primarily from information provided by Arizona Game and Fish Department (AGFD) Heritage Data Management System (HDMS) online abstracts, unless otherwise specified.

Species and ESA Status	Known Geographic Range and Habitat Preference(s)	Potential to occur within the Analysis Area
Woundfin (*Plagopterus argentissimus*) **Federal Listing Status:** Endangered **Critical Habitat:** Yes	**Range:** Historically found throughout the Lower Colorado River Basin downstream of the Grand Canyon. Currently, the native population can only be found in the Virgin River. Experimental populations exist in designated reaches of the Verde, Gila, San Francisco, and Hassayampa rivers, as well as Tonto Creek. **Habitat:** Generally found in shallow, turbid, fast-moving waters. The species also has a tolerance for high salinity and relatively warm temperatures. **Elevation:** < 4,500 ft. **Reference(s):** AGFD 2000	**Potential to occur**: None; the Analysis Area is located outside of this species' currently known range, and the site visit determined that the Analysis Area contains no perennial or intermittent aquatic features that could support fish. There is no critical habitat in the vicinity of the Analysis Area.
Reptiles		
Tucson shovel-nosed snake (*Chionactis occipitalis klauberi*) **Federal Listing Status:** Candidate **Critical Habitat:** No	**Range:** Currently known from Pima County in the Avra and Santa Cruz valleys and from western Pinal and southeastern Maricopa counties. **Habitat:** Creosote-mesquite flood plains with soils described as soft, sandy loams with sparse gravel. **Elevation:** 785-1,662 ft. **Reference(s):** AGFD 2010a, Wood et al., 2008	**Potential to occur**: Unlikely; the Analysis Area contains limited potential for suitable habitat along desert washes (i.e., valley flats with soft, sandy loams) but occurs outside of currently recognized range of this subspecies (Wood et al. 2008).
Sonoran desert tortoise (*Gopherus morafkai*) **Federal Listing Status:** Candidate **Critical Habitat:** No	**Range:** Occurs throughout Arizona's Sonoran Desert within appropriate habitat. Eastern edge of range extends to the middle San Pedro River. **Habitat:** Found primarily on rocky slopes and bajadas of Mojave and Sonoran desertscrub; also associated with caliche caves (shelter sites) along lower Sonoran desert washes. **Elevation:** < 7,800 ft. **Reference(s):** AGFD 2010b	**Potential to occur**: Possible; the Analysis Area is within know distributional range and contains suitable habitat, i.e. Sonoran desertscrub vegetation, potential shelter sites along desert washes, and burrows. No tortoise or spoor were observed during field surveys.

Table 1. Special Status Species Screening Analysis for the Saddleback Heights Analysis Area. Species range and habitat data were obtained primarily from information provided by Arizona Game and Fish Department (AGFD) Heritage Data Management System (HDMS) online abstracts, unless otherwise specified.

Species and ESA Status	Known Geographic Range and Habitat Preference(s)	Potential to occur within the Analysis Area
	Birds	
California Least Tern (*Sterna antillarum browni*) **Federal Listing Status:** Endangered **Critical Habitat:** No	**Range:** Primarily California, but there are transient migrants with occasional breeding in Arizona. Recorded in Mohave, Maricopa, and Pima counties. **Habitat:** Nests in shallow depressions on open sandy beaches, sand bars, gravel pits, or exposed flats along shorelines of inland rivers and lakes. **Elevation:** < 2,000 ft **Reference(s)**: USFWS 2013	**Potential to occur**: None; the Analysis Area lacks shoreline habitat and shallow water foraging habitat required for this species.
Mexican spotted owl (*Strix occidentalis lucida)* **Federal Listing Status:** Threatened **Critical Habitat:** Yes	**Range:** Patchily distributed in forested mountains and steep canyons with sheer faces throughout Arizona. **Habitat:** This species typically nests in dense old growth mixed conifer forests. **Elevation:** 4,100 – 9,000 ft. **Reference(s)**: AGFD 2005	**Potential to occur**: None; the Analysis Area is located outside of this species' currently occupied range and no potential habitat is present. There is no critical habitat in the vicinity of the Analysis Area.
Yellow-billed cuckoo (*Coccyzus americanus*) **Federal Listing Status:** Candidate **Critical Habitat:** No	**Range:** A late spring migrant from South America, cuckoos breed throughout the western U.S. They occur in west, central and southeastern Arizona. **Habitat:** Typically associated with rivers and streams supporting dense, humid, riparian woodlands (e.g., cottonwood, willow, tamarisk galleries, and mesquite bosques). In southeastern Arizona they are known to nest along intermittent streams supporting dense stands of mesquite and netleaf hackberry. **Elevation:** < 6,500 ft. **Reference(s)**: AGFD 2011b, Corman and Wise-Gervais 2005	**Potential to occur**: Unlikely; the Analysis Area lacks suitable riparian habitat for nesting and/or foraging. However, .the Analysis Area is situated roughly four miles southwest of the Agua Fria River, where this species is known to occur. The species may pass through the Analysis Area during migration periods.

Table 1. Special Status Species Screening Analysis for the Saddleback Heights Analysis Area. Species range and habitat data were obtained primarily from information provided by Arizona Game and Fish Department (AGFD) Heritage Data Management System (HDMS) online abstracts, unless otherwise specified.

Species and ESA Status	Known Geographic Range and Habitat Preference(s)	Potential to occur within the Analysis Area
Southwestern willow flycatcher (*Empidonax traillii extimus*) **Federal Listing Status:** Endangered **Critical Habitat:** Yes	**Range:** A neotropical migrant that winters in Mexico and Central America and breeds throughout the greater southwestern U.S. Breeds very locally along the middle Gila, Salt, and Verde rivers; middle to lower San Pedro River; and upper San Francisco River near Alpine. **Habitat:** Cottonwood/willow and/or tamarisk riparian communities along rivers and streams; prefer riparian areas with dense under- and mid-story vegetation that is ≥ 10 ft. in height, with or without canopy cover, and in close proximity to surface water. **Elevation:** < 8,500 ft. **Reference(s)**: AGFD 2002c	**Potential to occur**: Unlikely; the Analysis Area is completely lacking the riparian communities and vegetation structured required by this species to nest and/or forage. However, the Analysis Area is situated roughly four miles southwest of Lake Pleasant and the Agua Fria River, where this species is known to occur. The species may pass through the Analysis Area along migration routes. There is no critical habitat in the vicinity of the Analysis Area.
Sprague's pipit (*Anthus spragueii*) **Federal Listing Status:** Candidate **Critical Habitat:** No	**Range:** Within Arizona, this species winters primarily in San Rafael, Sonoita, and Sulpher Springs valleys. Less commonly, individuals have been seen in grassy fields along the Colorado River, and in grass or alfalfa fields near Phoenix. Considered rare and sparse as a winter resident in southeastern AZ. Less commonly, individuals have been seen in grassy fields along the Colorado River, and in grass or alfalfa fields near Phoenix. **Habitat:** This species prefers to nest in plains, prairies, and meadows that consist mainly of native grasses. They tend to be found in areas of intermediate vegetation height with low cover of woody shrubs. **Elevation:** < 5,000 ft. **Reference(s)**: AGFD 2010c	**Potential to occur**: None; the Analysis Area is located outside of this species' currently occupied range and no suitable habitat is present.

Table 1. Special Status Species Screening Analysis for the Saddleback Heights Analysis Area. Species range and habitat data were obtained primarily from information provided by Arizona Game and Fish Department (AGFD) Heritage Data Management System (HDMS) online abstracts, unless otherwise specified.

Species and ESA Status	Known Geographic Range and Habitat Preference(s)	Potential to occur within the Analysis Area
Yuma Clapper Rail (*Rallus longirostris yumanensis*) **Federal Listing Status:** Endangered **Critical Habitat:** No	**Range:** Lower Colorado River and tributaries from the Gulf of California to Topock Marsh (Havasu National Wildlife Refuge) **Habitat:** Freshwater or brackish marshes. Prefer the tallest, densest stands of cattails and bulrushes and inhabit the area where standing water is replaced by moist soils. **Elevation:** < 4,500 ft **Reference(s)**: AGFD 2006, Corman and Wise-Gervais 2005	**Potential to occur**: None; the Analysis Area is located outside of this species' currently occupied range and no suitable habitat is present.
Mammals		
Lesser long-nosed bat (*Leptonycteris curasoae yerbabuenae*) **Federal Listing Status:** Endangered **Critical Habitat:** No	**Range:** A summer migrant that winters in Central America, Lesser Long-nosed bats are found locally in the U.S. only in southern Arizona and extreme southwestern New Mexico from April to late-September. **Habitat:** Sonoran desertscrub through semi-desert grasslands and into oak woodlands where columnar cacti and agaves occur. Roosts in caves, abandoned mines and occasionally old buildings. Forages at night on nectar, pollen, and on the fruit of columnar cacti and agaves. **Elevation:** 1,600 – 7,500 ft. **Reference(s)**: AGFD 2011c, Hoffmeister 1986	**Potential to occur**: Unlikely; the Analysis Area occurs outside of the extreme northwestern extent of the species' recognized range. Nearest known records are from the vicinty of Phoenix ≥ 20 miles to the southeast. During field reconnaissance, WestLand biologists determined that no agaves occur on site, but saguaro cacti are common, providing potential foraging habitat. Two mine features occur in the Analysis Area and after investigation, WestLand determined that neither adit provided adequate roosting habitat for this species.
Sonoran Pronghorn (*Antilocapra americana sonoriensis)* **Federal Listing Status:** Endangered **Critical Habitat:** No	**Range:** Known from the Cabeza Prieta National Wildlife Refuge, Organ Pipe Cactus National Monument, Barry M. Goldwater Gunnery Range, and the Tohono O'odham Indian Reservation. **Habitat:** Broad intermountain alluvial valleys with creosote-bursage and palo verde-mixed cacti associations. **Elevation:** 2,000-4,000 ft. **Reference(s)**: AGFD 2002d	**Potential to occur**: None; the Analysis Area occurs well outside of the currently known distributional and ecological range of this species.

Sonoran desert tortoises are closely associated with the Arizona Upland and Lower Colorado River subdivisions of the Sonoran desertscrub biotic community (AGFD 2010). Sonoran desert tortoise requires adequate shelter sites to escape extreme winter and summer temperatures. The Sonoran population typically excavates or modifies burrows under rocks and boulders, but also excavates under shrubs or open ground and uses rock crevices and caliche caves along dry arroyos for shelter. Sonoran desert tortoises are observed most commonly on rocky, steep slopes and bajadas at elevations between 510 to 5,300 feet (AGFD 2010b).

The Project Site is within the Sonoran desert tortoise's known elevational and distributional range and supports suitable habitat that is similar to habitats where this species has been observed in the vicinity of the project. AGFD (2013) HDMS report indicates desert tortoise has been documented within three miles of the Project Site. Arizona upland vegetation with rocky slopes, where desert tortoises are typically found, is present within the Project Site and WestLand identified several potential shelter sites located along desert washes. Planned development activities on the Project Site are expected to impact resident Sonoran desert tortoise.

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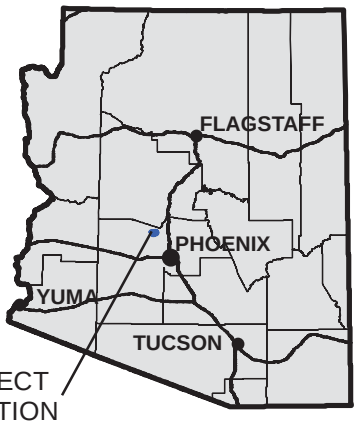
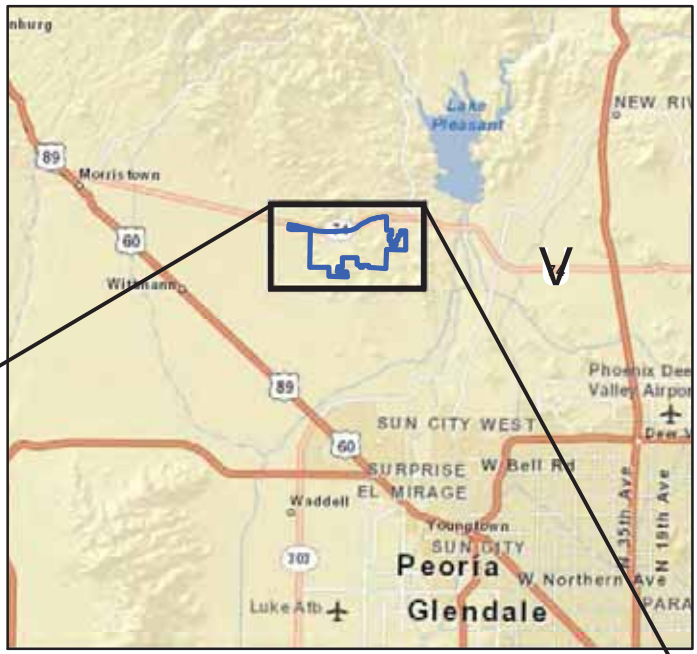
FIGURES

ARIZONA



PROJECT LOCATION

SADDLEBACK HEIGHTS AREA



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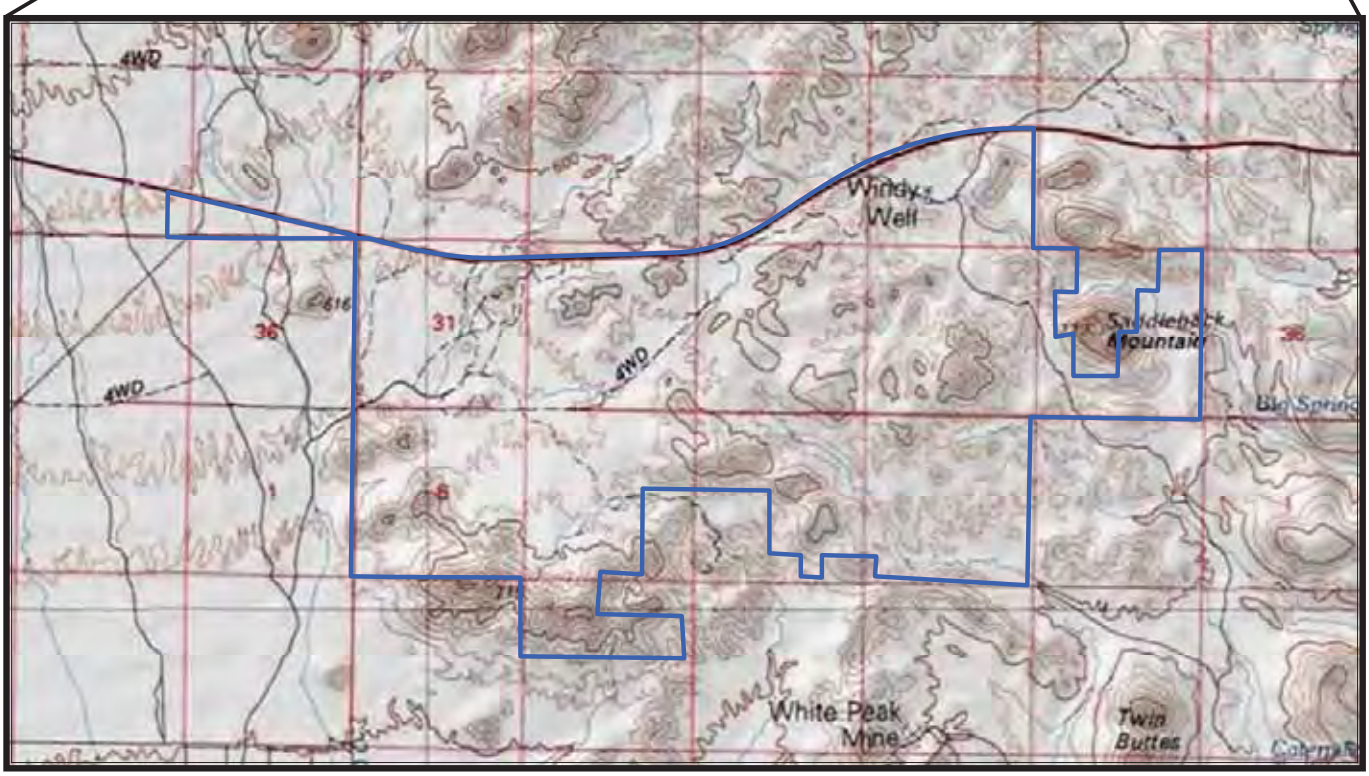

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T5N, R2W, Portions of Sections 1 and 12,
T6N, R1W, Portions of Sections 27-28 and 30-35,
T6N, R2W, Portions of Sections 25-26 and35-36,
Maricopa County, Arizona,
Hieroglyphic Mountains SW and
Baldy Mountain USGS 7.5' Quadrangles

Legend

Project Area

WestLand Resources, Inc.
Tucson • Phoenix • Flagstaff
4001 E. Paradise Falls Drive
Tucson, Arizona 85712 (520) 206-9585

0 3,000 6,000 Feet

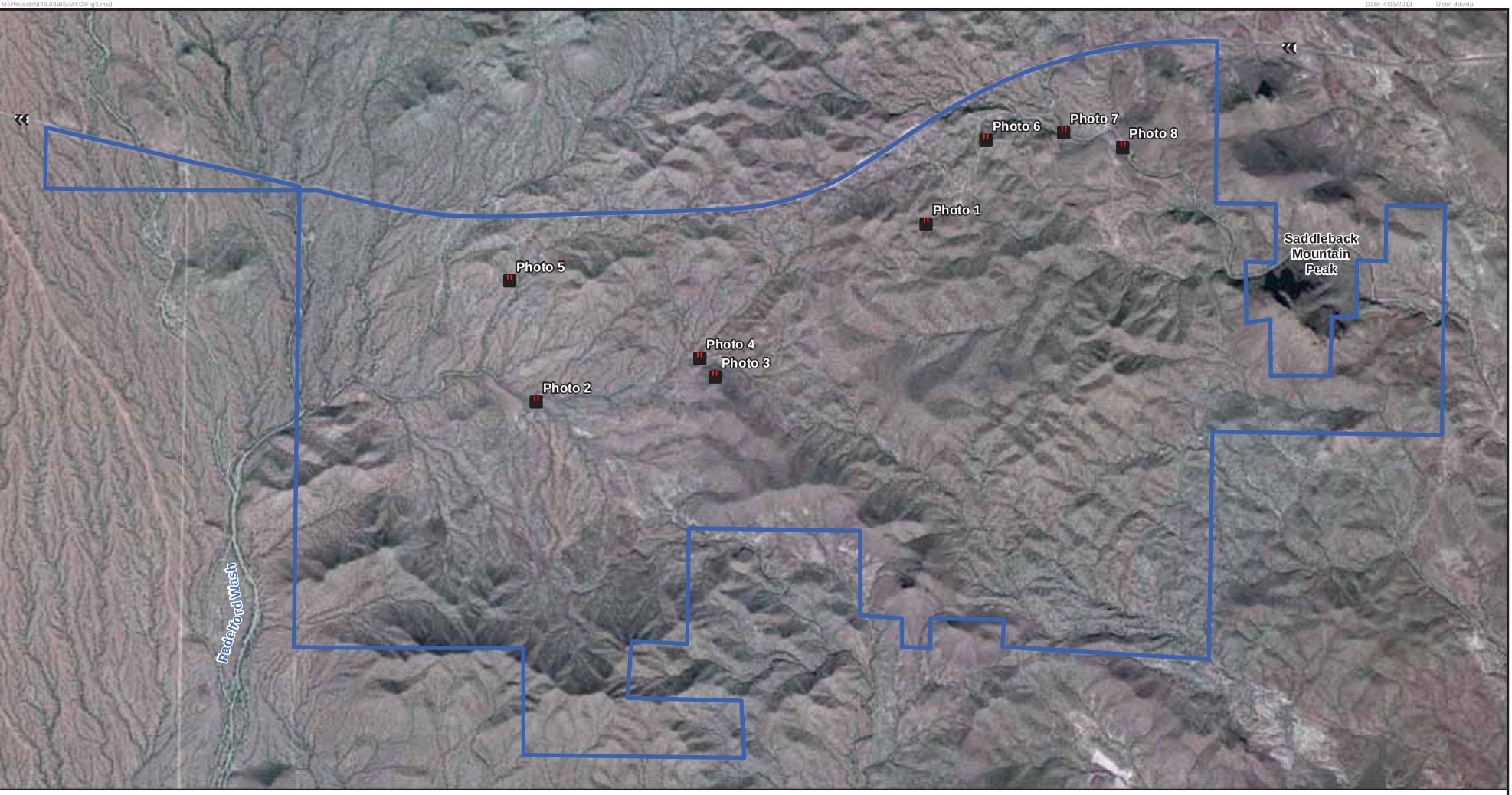
DIAMOND VENTURES INC.

Biological Evaluation

VICINITY MAP

Figure 1

M:\Projects\846.03\BE\MXD\Fig2.mxd Date: 4/25/2013 User: davidp



6N, R1W, Portions of Sections 2-8 and 10,
6N, R2W, Portions of Sections 1 and 12,
6N, R1W, Portions of Sections 27-28 and 30-35,
6N, R2W, Portions of Sections 25-26 and35-36,
aricopa County, Arizona,
hoto Source: Microsoft November 2010

estLand Resources Inc.

0 1,100 2,200 Feet

Legend

Ground Photo Locations

Project Area

DIAMOND VENTURES INC.

Biological Evaluation

AERIAL OVERVIEW AND GROUND PHOTO LOCATIONS

Figure 2

APPENDIX A

USFWS List of Endangered, Threatened, Proposed, Candidate, and Conservation Agreement Species for Maricopa County

Maricopa County

COMMON NAME	SCIENTIFIC NAME	STATUS	DESCRIPTION	COUNTY	ELEVATION	HABITAT	COMMENTS
Acuna cactus	*Echinomastus erectocentrus var. acunensis*	Proposed Endangered	Less than 12 inches tall; spine clusters borne on tubercles, each with a groove on the upper surface. 2-3 central spines and 12 radial spines. Radial spines are dirty white with maroon tips. Flowers pink to purple.	Maricopa, Pima, Pinal	1,198 to 3,773 ft	Well drained knolls and gravel ridges in Sonoran desertscrub.	Immature plants distinctly different from mature plants. Immatures are disc-shaped or spherical and have no central spines until they are about 1.5 inches. Critical habitat is being proposed for a total of 53,720 ac in Maricopa, Pima, and Pinal counties (77 FR 60510).
Arizona cliffrose	*Purshia subintegra*	Endangered	Evergreen shrub of the rose family (Roseaceae). Bark pale gray and shreddy. Young twigs covered with dense hairs. Leaves have 1-5 lobes and edges curl downward (revolute). Flowers: 5 petals, white or yellow <0.5 inches long.	Graham, Maricopa, Mohave, Yavapai	< 4,000 ft	White limestone soils derived from tertiary lakebed deposits.	Occurs across central Arizona: in the Burro Creek drainage, near Bylas, near Cottonwood in the Verde Valley, and at Horseshoe Lake.
California Least Tern	*Sterna antillarum browni*	Endangered	Smallest of the North American terns. Body length is 21-24 cm (8-9 inches) with a wingspan of 45-51 cm (18-20 inches). Has black crown and loral stripe on head, snowy white forehead and underside, and gray upperparts. Outer two primaries black, yellow or orange bill with black tip, and orange legs. Males have a wider dark loral stripe but sexes mostly distinguished by behavior.	Maricopa, Mohave, Pima	< 2,000 ft	Open, bare or sparsely vegetated sand, sandbars, gravel pits, or exposed flats along shorelines of inland rivers, lakes, reservoirs, or drainage systems.	Breeding occasionally documented in Arizona; migrants may occur more frequently. Feeds primarily on fish in shallow waters and secondarily on invertebrates. Nests in a simple scrape on sandy or gravelly soil.

COMMON NAME	SCIENTIFIC NAME	STATUS	DESCRIPTION	COUNTY	ELEVATION	HABITAT	COMMENTS
Desert pupfish	*Cyprinodon macularius*	Endangered	Small (2 inches) smoothly rounded body shape with narrow vertical bars on the sides. Breeding males blue on head and sides with yellow on tail. Females and juveniles tan to olive colored back and silvery sides.	Cochise, Graham, Maricopa, Pima, Pinal, Santa Cruz, Yavapai	< 4,000 ft	Shallow springs, small streams, and marshes. Tolerates saline and warm water.	Two subspecies are recognized: Desert Pupfish (C.m. macularis) and Quitobaquito Pupfish (C.m. eremus). Critical habitat includes Quitobaquito Springs, Pima County, portions of San Felipe Creek, Carrizo Wash, and Fish Creek Wash, Imperial County, California.
Gila topminnow	*Poeciliopsis occidentalis occidentalis*	Endangered	Small (2 inches), guppy-like, live bearing, lacks dark spots on its fins. Breeding males are jet black with yellow fins.	Cochise, Gila, Graham, La Paz, Maricopa, Pima, Pinal, Santa Cruz, Yavapai	< 4,500 ft	Small streams, springs, and cienegas vegetated shallows.	Species historically also occurred in backwaters of large rivers but is currently isolated to small streams and springs.
Lesser long-nosed bat	*Leptonycteris curasoae yerbabuenae*	Endangered	Elongated muzzle, small leaf nose, and long tongue. Yellowish brown or gray above and cinnamon brown below. Tail minute and appears to be lacking. Easily disturbed.	Cochise, Gila, Graham, Greenlee, Maricopa, Pima, Pinal, Santa Cruz, Yuma	1,600-7,500 ft	Desert scrub habitat with agave and columnar cacti present as food plants.	Day roosts in caves and abandoned tunnels. Forages at night on nectar, pollen, and fruit of paniculate agaves and columnar cacti. This species is migratory and is present in Arizona usually from April to September and south of the border the remainder of the year.
Mexican spotted owl	*Strix occidentalis lucida*	Threatened	Medium sized with dark eyes and no ear tufts. Brownish and heavily spotted with white or beige.	Apache, Cochise, Coconino, Gila, Graham, Greenlee, Maricopa, Mohave, Navajo, Pima, Pinal, Santa Cruz, Yavapai	4,100-9,000 ft	Nests in canyons and dense forests with multi-layered foliage structure.	Generally nest in older forests of mixed conifer or ponderosa pine/gambel oak type, in canyons, and use variety of habitats for foraging. Sites with cool microclimates appear to be of importance or are preferred. Critical habitat was finalized on August 31, 2004 (69 FR 53182) in Arizona in Apache, Cochise, Coconino, Gila, Graham, Greenlee, Maricopa, Navajo, Pima, Pinal, Santa Cruz, and Yavapai counties.
Razorback sucker	*Xyrauchen texanus*	Endangered	Large, up to 3 feet long and up to 6 lbs, high sharp-edged keel-like hump behind the head. Head flattened on top. Olive-brown above to yellowish below.	Coconino, Gila, Graham, Greenlee, La Paz, Maricopa, Mohave, Pinal, Yavapai, Yuma	< 6,000 ft	Riverine and lacustrine areas, generally not in fast moving water and may use backwaters.	Big River fish also found in Horseshoe reservoir (Maricopa County). Critical habitat includes the 100-year floodplain of the river through the Grand Canyon from confluence with Paria River to Hoover Dam; Hoover Dam to Davis Dam; Parker Dam to Imperial Dam. Also Gila River from Arizona/New Mexico border to Coolidge Dam; and Salt River from Hwy 60/SR77 Bridge to Roosevelt Dam; Verde River from FS boundary to Horseshoe Lake (59 FR 13374).

COMMON NAME	SCIENTIFIC NAME	STATUS	DESCRIPTION	COUNTY	ELEVATION	HABITAT	COMMENTS
Sonoran pronghorn	*Antilocapra americana sonoriensis*	Endangered	Upperparts tan; underparts, rump, and two bands across the neck are white. Male has two black cheek pouches. Hoofed with slightly curved black horns having a single prong. Smallest and palest of the pronghorn subspecies.	Maricopa, Pima, Yuma	2,000-4,000 ft	Broad intermountain alluvial valleys with creosote-bursage and palo verde-mixed cacti associations.	Typically, bajadas are used as fawning areas and sandy dune areas provide food seasonally. Cacti (jumping cholla) appears to make up substantial part of diet. This subspecies also occurs in Mexico.
Southwestern willow flycatcher	*Empidonax traillii extimus*	Endangered	Small passerine (about 6 inches) grayish-green back and wings, whitish throat, light olive-gray breast and pale yellowish belly. Two wingbars visible. Eye-ring faint or absent.	Apache, Cochise, Coconino, Gila, Graham, Greenlee, La Paz, Maricopa, Mohave, Navajo, Pima, Pinal, Santa Cruz, Yavapai, Yuma	< 8,500 ft	Cottonwood/willow and tamarisk vegetation communities along rivers and streams.	Riparian-obligate bird that occupies migratory/breeding habitat from late April-Sept. Critical habitat was finalized on October 19, 2005 in Apache, Cochise, Gila, Graham, Greenlee, Maricopa, Mohave, Pima, Pinal, and Yavapai counties (70 FR 60886). Revised critical habitat was proposed August 15, 2011 (76 FR 50542) and includes river segments in counties currently designated plus those in La Paz, Santa Cruz, and Yuma counties. The 2005 critical habitat designation remains in effect until the current proposal is finalized. Training seminar/permits required for those conducting call playback surveys.
Woundfin	*Plagopterus argentissimus*	Endangered	Small (4 inches) silver minnow with fairly large fins and a sharp dorsal fin spine.	Maricopa, Mohave	< 4,500 ft	Inhabits shallow, warm, turbid, fast-flowing water. Tolerates high salinity.	Native population only in Virgin River. Designated critical habitat includes the Virgin River and its 100-year floodplain (65 FR 4140). Experimental non-essential populations (50 FR 30188) designated in portions of the Verde, Gila, San Francisco, and Hassayampa rivers and Tonto Creek. Species also occurs in Washington County, UT and Clark County, NV.
Yuma clapper rail	*Rallus longirostris yumanensis*	Endangered	Water bird with long legs and short tail. Long, slender decurved bill. Mottled brown or gray on its rump. Flanks and undersides are dark gray with narrow vertical stripes producing a barring effect.	Gila, La Paz, Maricopa, Mohave, Pinal, Yuma	< 4,500 ft	Fresh water and brackish marshes.	Species is associated with dense emergent riparian vegetation. Requires wet substrate (mudflat, sandbar) with dense herbaceous or woody vegetation for nesting and foraging. Channelization and marsh destruction are primary sources of habitat loss.

COMMON NAME	SCIENTIFIC NAME	STATUS	DESCRIPTION	COUNTY	ELEVATION	HABITAT	COMMENTS
Roundtail chub	*Gila robusta*	Candidate	Member of the minnow family Cyprinidae and characterized by streamlined body shape. Color usually olive gray with silvery sides and a white belly. Breeding males develop red or orange coloration on the lower half of the cheeks and on the bases of paired fins. Individuals may reach 49.0 cm (19.3 in) but usually average 25-30 cm (9.8 - 11.8 in).	Apache, Coconino, Gila, Graham, Greenlee, La Paz, Maricopa, Mohave, Navajo, Pinal, Yavapai	1,000-7,500 ft.	Cool to warm waters of rivers and streams, often occupy the deepest pools and eddies of large streams.	Historical range of roundtail chub included both the upper and lower Colorado River basins. A 2009 status review determined that the lower Colorado River basin roundtail chub population segment (Arizona and New Mexico) qualifies as a distinct vertebrate population segment (DPS). Populations in the Little Colorado, Bill Williams, and Gila River basins are considered candidate species.
Sonoran desert tortoise	*Gopherus morafkai*	Candidate	Large herbivorous reptile with domed shell and round stumpy hind legs. The carapace is a dull brown or grey color and the plastron is unhinged, often pale yellow in coloration. Sonoran desert tortoises generally have a flatter carapace than tortoises in the Mohave population. Active in spring and during the monsoon; dormant in winter and mid-summer months.	Cochise, Gila, Graham, La Paz, Maricopa, Mohave, Pima, Pinal, Santa Cruz, Yavapai, Yuma	< 7,800 ft	Primarily rocky (often steep) hillsides and bajadas of Mohave and Sonoran desertscub but may encroach into desert grassland, juniper woodland, interior chaparral habitats, and even pine communities. Washes and valley bottoms may be used in dispersal.	Desert tortoises that occur east and south of the Colorado River in Arizona are known as the Sonoran desert tortoise. Individuals are found throughout their historic range; but populations are becoming increasingly fragmented due to threats to their habitat in valley bottoms, which are used for dispersal and exchange of genetic material.
Sprague's pipit	*Anthus spragueii*	Candidate	Small, sparrow-sized bird (10-15 cm in length), with buff and blackish streaking on the crown, nape, and underparts. Has a short bill with a blackish upper mandible, a buffy face with a large eye ring, white outer tail feathers and pale to yellowish legs.	Cochise, Maricopa, La Paz, Santa Cruz, Yuma	<5,000 ft	Strong preference to native grasslands with vegetation of intermediate height and lacking woody shrubs.	Rare in Arizona. Few individuals of this elusive species have been sighted during October through March. Native grass fields are rare in Arizona but cultivated, dry Bermuda grass, alfalfa fields mixed with patches of dry grass, or fallow fields appear to support the species during wintering. They will not use mowed or burned areas until the vegetation has had a chance to grow. There are no breeding records in Arizona.

COMMON NAME	SCIENTIFIC NAME	STATUS	DESCRIPTION	COUNTY	ELEVATION	HABITAT	COMMENTS
Tucson shovel-nosed snake	*Chionactis occipitalis klauberi*	Candidate	Small snake (10-17 inches total length) in the family Colubridae, with a shovel-shaped snout and an inset lower jaw. Overall coloring mimics coral snakes, with pale yellow to cream-colored body, 21 or more black or brown saddle-like bands across the back, and orange-red saddle-like bands in between. The subspecies is distinguished from the other subspecies in that these secondary orange-red crossbands are suffused with dark pigment, making them appear brown or partly black, and the black and red crossbands do not encircle the entire body.	Maricopa, Pima, Pinal	785-1,662 ft	Sonoran Desertscrub; associated with soft, sandy soils having sparse gravel.	Found in creosote-mesquite floodplain environments, finds refuge under desert shrubs,active during crepuscular (dawn and dusk) and daylight hours.
Yellow-billed cuckoo	*Coccyzus americanus*	Candidate	Medium-sized bird with a slender, long-tailed profile, slightly down-curved bill that is blue-black with yellow on the lower half. Plumage is grayish-brown above and white below, with rufous primary flight feathers.	Apache, Cochise, Coconino, Gila, Graham, Greenlee, La Paz, Maricopa, Mohave, Navajo, Pima, Pinal, Santa Cruz, Yavapai, Yuma	< 6,500 ft	Large blocks of riparian woodlands (cottonwood, willow, or tamarisk galleries).	Neotropical migrant that winters primarily in South America and breeds primarily in the U.S. (but also in southern Canada and northern Mexico). As a migrant it is rarely detected; can occur outside of riparian areas. Cuckoos are found nesting statewide, mostly below 5,000 feet in central, western, and southeastern Arizona. Concern for cuckoos are primarily focused upon alterations to its nesting and foraging habitat. Nesting cuckoos are associated with relatively dense, wooded, streamside riparian habitat, with varying combinations of Fremont cottonwood, willow, velvet ash, Arizona walnut, mesquite, and tamarisk. Some cuckoos have also been detected nesting in velvet mesquite, netleaf hackberry, Arizona sycamore, Arizona alder, and some exotic neighborhood shade trees.

COMMON NAME	SCIENTIFIC NAME	STATUS	DESCRIPTION	COUNTY	ELEVATION	HABITAT	COMMENTS
American peregrine falcon	*Falco pereginus anatum*	Delisted	A crow-sized falcon with slate blue-gray on the back and wings, and white on the underside; a black head with vertical "bandit's mask" pattern over the eyes; long pointed wings; and a long wailing call made during breeding. Very adept flyers and hunters, reaching diving speeds of 200 mph.	Apache, Cochise, Coconino, Gila, Graham, Greenlee, La Paz, Maricopa, Mohave, Navajo, Pima, Pinal, Santa Cruz, Yavapai, Yuma	3,500-9,000 ft	Areas with rocky, steep cliffs, primarily near water, where prey (primarily shorebirds, songbirds, and waterfowl) concentrations are high. Nests are found on ledges of cliffs, and sometimes on man-made structures such as office towers and bridge abutments.	Species recovered with over 1,650 breeding birds in the US and Canada.
Arizona agave	*Agave arizonica*	Delisted	Member of the agave family. Has rosettes of bright green leaves, 17-24cm long and 2-4cm wide, broadest in the middle. Flowers are small, pale yellow, and jar shaped.	Gila, Maricopa, Yavapai	3,600-5,800 ft	Occurs on open slopes in chaparral or juniper grasslands. Prefers shallow, cobbled, and gravelly soils on steep slopes.	Arizona agave is a hybrid produced by a crossing of two other common agave species (A. chrysantha x A. toumeyana ssp. toumeyana).
Bald eagle	*Haliaeetus leucocephalus*	Delisted	Large, adults have white head and tail. Height 28 to 38 inches; wingspan 66 to 96 inches. Juveniles and subadults are dark brown with varying degrees of white mottling on chest, wings, and head.	Apache, Coconino, Gila, Graham, La Paz, Maricopa, Mohave, Pinal, and Yavapai	Varies	Large trees or cliffs near water (reservoirs, rivers, and streams) with abundant prey.	Nationwide and throughout the State of Arizona, the bald eagle is currently not listed under the Endangered Species Act. On September 30, 2010, the U.S. District Court dissolved an injunction that led to the bald eagle in the Sonoran Desert Area of central Arizona being placed on the Endangered Species list in 2008. This determination is presently (January 2011) under judicial consideration. Bald eagles are protected under the Bald and Golden Eagle Protection Act (Eagle Act) and other Federal and state statutes. The word "disturb" under the Eagle Act was recently clarified, as well as the implementation of new regulations requiring permits to incidentally "take" eagles. Retrieve more information on management and life history at http://SWBEMC.org.

COMMON NAME	SCIENTIFIC NAME	STATUS	DESCRIPTION	COUNTY	ELEVATION	HABITAT	COMMENTS
California brown pelican	*Pelecanus occidentalis californicus*	Delisted	Large, dark gray-brown water bird with webbed feet, pouch underneath its long bill, and wingspan of 7 ft. Adults have a white head and neck, brownish black breast, and silver gray upper parts.	Gila, La Paz, Maricopa, Mohave, Pinal, Yuma	Varies	Coastal land and islands; species found occasionally around Arizona's lakes and rivers.	Considered an uncommon transient in Arizona. Most observations recorded along the Colorado River and in the Gila Valley. Individuals known to wander up from Mexico in summer and fall. No breeding has been documented in Arizona. Delisted on November 17, 2009 (74 FR 59444).

APPENDIX B

REPRESENTATIVE PHOTOGRAPHS

Photo 1. Representative photo of the upland vegetation community within the Analysis Area.

Photo 2. Representative photo of the xeroriparian vegetation community that occurs along the larger washes within the Analysis Area.

Photo 3. Overview of the Analysis Area. Photo was taken from atop a rock outcrop roughly 1200 meters South of the SR 74. Photo taken facing North.

Photo 4. One example of the potential Sonoran desert tortoise habitat that occurs throughout the Analysis Area.

Photo 5. Photo taken at a mine adit centrally located within the Analysis Area. Photo shows that no adequate roosting habitat for LLNB is present.

Photo 6. Photo taken at a mine adit located in the eastern portion of the Analysis Area, near the Windy Well. This adit was a hole roughly 15 feet deep had no drifts; thus it does not provide adequate roosting habitat for LLNB.

Photo 7. This photo shows Windy Well, which was dry and has been out of operation for some time. The vegetation community of the surrounding area receives no supplemental water as a result of the presence of the well.

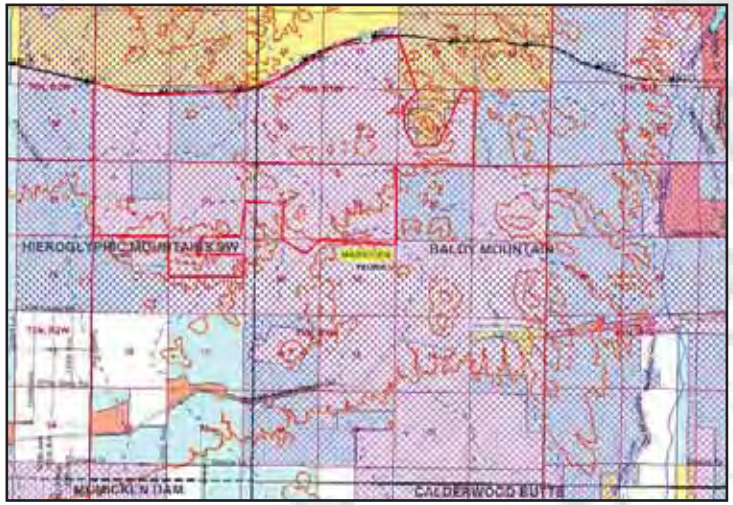
Photo 8. This photo shows a depression within a major wash that looks to hold water for a period of time following flow events. It was dry at the time of field reconnaissance. It also represents the only evidence of water ponding that was encountered during the site visit.

APPENDIX C

AGFD HDMS Report
On-line Environmental Review Tool Results

Arizona's On-line Environmental Review Tool
Search ID: 20130416020160
Project Name: Saddleback Heights East
Date: 4/16/2013 5:58:56 PM

Project Location



Project Name: Saddleback Heights East
Submitted By: Mike Wendell
On behalf of: PRIVATE
Project Search ID: 20130416020160
Date: 4/16/2013 5:58:49 PM
Project Category: Development Within Municipalities (Urban Growth),Residential subdivision and associated infrastructure,New construction
Project Coordinates (UTM Zone 12-NAD 83): 372977.069, 3742192.498 meter
Project Length: 31006.875 meter
County: MARICOPA
USGS 7.5 Minute Quadrangle ID: 1157
Quadrangle Name: HIEROGLYPHIC MOUNTAINS SW
Project locality is currently being scoped

Location Accuracy Disclaimer

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The Department appreciates the opportunity to provide in-depth comments and project review when additional information or environmental documentation becomes available.

Special Status Species Occurrences/Critical Habitat/Tribal Lands within 3 miles of Project Vicinity:

Name	Common Name	FWS	USFS	BLM	State
Agosia chrysogaster chrysogaster	Gila Longfin Dace	SC	S	S	
Bat Colony					
Coccyzus americanus	Yellow-billed Cuckoo (Western U.S. DPS)	PS:C*	S		WSC
Cyprinodon macularius	Desert Pupfish	LE			WSC
Empidonax traillii extimus	Southwestern Willow Flycatcher	LE			WSC
Gopherus morafkai	Sonoran Desert Tortoise	C*	S		WSC
Haliaeetus leucocephalus (wintering pop.)	Bald Eagle - Winter Population	SC,BGA	S	S	WSC
Haliaeetus leucocephalus pop. 3	Bald Eagle - Sonoran Desert Population	SC,BGA	S	S	WSC
Macrotus californicus	California Leaf-nosed Bat	SC	S	S	WSC
Myotis velifer	Cave Myotis	SC		S	
Rana yavapaiensis	Lowland Leopard Frog	SC	S	S	WSC

 APPLICATION INITIALS: _____

Please review the entire receipt for project type recommendations and/or species or location information and retain a copy for future reference. If any of the information you provided did not accurately reflect this project, or if project plans change, another review should be conducted, as this determination may not be valid.

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1. This On-line Environmental Review Tool inquiry has generated recommendations regarding the potential impacts of your project on Special Status Species (SSS) and other wildlife of Arizona. SSS include all U.S. Fish and Wildlife Service federally listed, U.S. Bureau of Land Management sensitive, U.S. Forest Service sensitive, and Arizona Game and Fish Department (Department) recognized species of concern.
2. These recommendations have been made by the Department, under authority of Arizona Revised Statutes Title 5 (Amusements and Sports), 17 (Game and Fish), and 28 (Transportation). These recommendations are preliminary in scope, designed to provide early considerations for all species of wildlife, pertinent to the project type you entered.
3. This receipt, generated by the automated On-line Environmental Review Tool does not constitute an official project review by Department biologists and planners. Further coordination may be necessary as appropriate under the National Environmental Policy Act (NEPA) and/or the Endangered Species Act (ESA).

The U.S. Fish and Wildlife Service (USFWS) has regulatory authority over all federally listed species under the ESA. Contact USFWS Ecological Services Offices: http://arizonaes.fws.gov/.

Phoenix Main Office
2321 W. Royal Palm Road, Suite 103
Phoenix, AZ 85021
Phone 602-242-0210
Fax 602-242-2513

Tucson Sub-Office
201 North Bonita, Suite 141
Tucson, AZ 85745
Phone 520-670-6144
Fax 520-670-6154

Flagstaff Sub-Office
323 N. Leroux Street, Suite 101
Flagstaff, AZ 86001
Phone 928-226-0614
Fax 928-226-1099

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management programs, and to provide wildlife resources and safe watercraft and off-highway vehicle recreation for the enjoyment, appreciation, and use by present and future generations.

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All degraded and disturbed lands should be restored to their natural state. Vegetation restoration projects (including treatments of invasive or exotic species) should have a completed site-evaluation plan (identifying environmental conditions necessary to re-establish native vegetation), a revegetation plan (species, density, method of establishment), a short and long-term monitoring plan, including adaptive management guidelines to address needs for replacement vegetation.

Based on the project type entered; coordination with Arizona Department of Environmental Quality may be required (http://www.azdeq.gov/).

Based on the project type entered; coordination with Arizona Department of Water Resources may be required (http://www.water.az.gov/adwr/)

Based on the project type entered; coordination with County Flood Control districts may be required.

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Communities can actively support the sustainability and mobility of wildlife by incorporating wildlife planning into their regional/comprehensive plans, their regional transportation plans, and their open space/conservation land system programs. An effective approach to wildlife planning begins with the identification of the wildlife resources in need of protection, an assessment of important habitat blocks and connective corridors, and the incorporation of these critical wildlife components into the community plans and programs. Community planners should identify open spaces and habitat blocks that can be maintained in their area, and the necessary connections between those blocks to be preserved or protected. Community planners should also work with State and local transportation planning entities, and planners from other communities, to foster coordination and cooperation in developing compatible development plans to ensure wildlife habitat connectivity. The Department’s guidelines for incorporating wildlife considerations into community planning and developments can be found at http://www.azgfd.gov/hgis/guidelines.aspx.

Development plans should provide for open natural space for wildlife movement, while also minimizing the potential for wildlife-human interactions through design features. Please contact Project Evaluation Program for more information on living with urban wildlife.

During planning and construction, minimize potential introduction or spread of exotic invasive species. Invasive species can be plants,

animals (exotic snails), and other organisms (e.g. microbes), which may cause alteration to ecological functions or compete with or prey upon native species and can cause social impacts (e.g. livestock forage reduction, increase wildfire risk). The terms noxious weed or invasive plants are often used interchangeably. Precautions should be taken to wash all equipment utilized in the project activities before and after project activities to reduce the spread of invasive species. Arizona has noxious weed regulations (Arizona Revised Statutes, Rules R3-4-244 and R3-4-245). See Arizona Department of Agriculture website for restricted plants http://www.azda.gov/PSD/quarantine5.htm. Additionally, the U.S. Department of Agriculture has information regarding pest and invasive plant control methods including: pesticide, herbicide, biological control agents, and mechanical control: http://www.usda.gov/wps/portal/usdahome. The Department regulates the importation, purchasing, and transportation of wildlife and fish (Restricted Live Wildlife), please refer to the hunting regulations for further information http://www.azgfd.gov/h_f/hunting_rules.shtml.

During the planning stages of your project, please consider the local or regional needs of wildlife in regards to movement, connectivity, and access to habitat needs. Loss of this permeability prevents wildlife from accessing resources, finding mates, reduces gene flow, prevents wildlife from re-colonizing areas where local extirpations may have occurred, and ultimately prevents wildlife from contributing to ecosystem functions, such as pollination, seed dispersal, control of prey numbers, and resistance to invasive species. In many cases, streams and washes provide natural movement corridors for wildlife and should be maintained in their natural state. Uplands also support a large diversity of species, and should be contained within important wildlife movement corridors. In addition, maintaining biodiversity and ecosystem functions can be facilitated through improving designs of structures, fences, roadways, and culverts to promote passage for a variety of wildlife.

Hydrological considerations: design culverts to minimize impacts to channel geometry, or design channel geometry (low flow, overbank, floodplains) and substrates to carry expected discharge using local drainages of appropriate size as templates. Aquatic wildlife considerations: reduce/minimize barriers to migration of amphibians or fish (e.g. eliminate falls). Terrestrial wildlife: washes and stream corridors often provide important corridors for movement. Overall culvert width, height, and length should be optimized for movement of the greatest number and diversity of species expected to utilize the passage. Culvert designs should consider moisture, light, and noise, while providing clear views at both ends to maximize utilization. For many species, fencing is an important design feature that can be utilized with culverts to funnel wildlife into these areas and minimize the potential for roadway collisions. Guidelines for culvert designs to facilitate wildlife passage can be found at http://www.azgfd.gov/hgis/guidelines.aspx.

Minimization and mitigation of impacts to wildlife and fish species due to changes in water quality, quantity, chemistry, temperature, and alteration to flow regimes (timing, magnitude, duration, and frequency of floods) should be evaluated. Minimize impacts to springs, in-stream flow, and consider irrigation improvements to decrease water use. If dredging is a project component, consider timing of the project in order to minimize impacts to spawning fish and other aquatic species (including spawning seasons), and to reduce spread of exotic invasive species. We recommend early direct coordination with Project Evaluation Program for projects that could impact water resources, wetlands, streams, springs, and/or riparian habitats.

Planning: consider impacts of lighting intensity on mammals and birds and develop measures or alternatives that can be taken to increase human safety while minimizing potential impacts to wildlife. Conduct wildlife surveys to determine species within project area, and evaluate proposed activities based on species biology and natural history to determine if artificial lighting may disrupt behavior patterns or habitat use.

The Department recommends that wildlife surveys are conducted to determine if noise-sensitive species occur within the project area. Avoidance or minimization measures could include conducting project activities outside of breeding seasons.

The Department requests further coordination to provide project/species specific recommendations, please contact Project Evaluation Program directly.

The construction or maintenance of water developments should include: incorporation of aspects of the natural environment and the visual resources, maintaining the water for a variety of species, water surface area (e.g. bats require a greater area due to in-flight drinking), accessibility, year-round availability, minimizing potential for water quality problems, frequency of flushing, shading of natural features, regular clean-up of debris, escape ramps, minimizing obstacles, and minimizing accumulation of silt and mud.

Trenches should be covered or back-filled as soon as possible. Incorporate escape ramps in ditches or fencing along the perimeter to deter small mammals and herptefauna (snakes, lizards, tortoise) from entering ditches.

Project Location and/or Species recommendations:

Heritage Data Management System records indicate that one or more listed, proposed, or candidate species or Critical Habitat (Designated or Proposed) have been documented in the vicinity of your project (refer to page 1 of the receipt). Please contact:
Ecological Services Office
US Fish and Wildlife Service
2321 W. Royal Palm Rd.
Phoenix, AZ 85021-4951
Phone: 602-242-0210
Fax: 602-242-2513

Recommendations Disclaimer:

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3. Additional site specific recommendations may be proposed during further NEPA/ESA analysis or through coordination with affected agencies.
4. Making this information directly available does not substitute for the Department's review of project proposals, and should not decrease our opportunity to review and evaluate additional project information and/or new project proposals.
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6. **Further coordination requires the submittal of this initialed and signed Environmental Review Receipt with a cover letter and project plans or documentation that includes project narrative, acreage to be impacted, how construction or project activity(s) are to be accomplished, and project locality information (including site map).**
7. Upon receiving information by AZGFD, please allow 30 days for completion of project reviews. Mail requests to:

Project Evaluation Program, Habitat Branch
Arizona Game and Fish Department
5000 West Carefree Highway
Phoenix, Arizona 85086-5000
Phone Number: (623) 236-7600
Fax Number: (623) 236-7366

 APPLICATION INITIALS: _____

Terms of Use

By using this site, you acknowledge that you have read and understand the terms of use. Department staff may revise these terms periodically. If you continue to use our website after we post changes to these terms, it will mean that you accept such changes. If at any time you do not wish to accept the Terms, you may choose not to use the website.

1. This Environmental Review and project planning website was developed and intended for the purpose of screening projects for potential impacts on resources of special concern. By indicating your agreement to the terms of use for this website, you warrant that you will not use this website for any other purpose.
2. Unauthorized attempts to upload information or change information on this website are strictly prohibited and may be punishable under the Computer Fraud and Abuse Act of 1986 and/or the National Information Infrastructure Protection Act .
3. The Department reserves the right at any time, without notice, to enhance, modify, alter, or suspend the website and to terminate or restrict your access to the website.
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Signature:_____

Date: _____

Proposed Date of Implementation: _____

 APPLICATION INITIALS: _____

Please provide point of contact information regarding this Environmental Review.

Application or organization responsible for project implementation

Agency/organization:_____

Contact Name: _____

Address: _____

City, State, Zip: _____

Phone: _____

E-mail: _____

Person Conducting Search (if not applicant)

Agency/organization:_____

Contact Name: _____

Address: _____

City, State, Zip: _____

Phone: _____

E-mail: _____

 APPLICATION INITIALS: _____

Arizona's On-line Environmental Review Tool
Search ID: 20130416020161
Project Name: Saddleback Heights West
Date: 4/16/2013 6:03:16 PM

Project Location

Project Name: Saddleback Heights West
Submitted By: Mike Wendell
On behalf of: PRIVATE
Project Search ID: 20130416020161
Date: 4/16/2013 6:03:03 PM
Project Category: Development Within Municipalities (Urban Growth),Residential subdivision and associated infrastructure,New construction
Project Coordinates (UTM Zone 12-NAD 83): 368176.396, 3743880.702 meter
Project Length: 4158.604 meter
County: MARICOPA
USGS 7.5 Minute Quadrangle ID: 1157
Quadrangle Name: HIEROGLYPHIC MOUNTAINS SW
Project locality is currently being scoped

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US Fish and Wildlife Service
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Phoenix, AZ 85021-4951
Phone: 602-242-0210
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Project Evaluation Program, Habitat Branch
Arizona Game and Fish Department
5000 West Carefree Highway
Phoenix, Arizona 85086-5000
Phone Number: (623) 236-7600
Fax Number: (623) 236-7366

 APPLICATION INITIALS: _____

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Signature:_____

Date: _____

Proposed Date of Implementation: _____

 APPLICATION INITIALS: _____

Please provide point of contact information regarding this Environmental Review.

Application or organization responsible for project implementation

Agency/organization:_____

Contact Name: _____

Address: _____

City, State, Zip: _____

Phone: _____

E-mail: _____

Person Conducting Search (if not applicant)

Agency/organization:_____

Contact Name: _____

Address: _____

City, State, Zip: _____

Phone: _____

E-mail: _____

 APPLICATION INITIALS: _____

ARCHAEOLOGY & CULTURAL/HISTORIC RESOURCES - EXHIBIT G
(SUBMITTED UNDER SEPARATE COVER)

APPENDIX D: - Archaeology & Cultural/Historic Resources Map
(See Report Submitted Under Separate Cover)

Exhibit 3

Draft Ordinance

ORDINANCE NO 2014-25

AN ORDINANCE OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA ZONING PROPERTY FROM PLANNED COMMUNITY DISTRICT (PCD) ZONING TO PLANNED COMMUNITY DISTRICT (PCD) ZONING FOR A DEVELOPMENT KNOWN AS SADDLEBACK HEIGHTS; 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 Z02-04A.1 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 a parcel of land as described below from a Planned Community District (PCD) zoning district to Planned Community District (PCD) zoning district as provided in Section 14-33 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 conditionally rezoned from a Planned Community District (PCD) zoning district to a Planned Community District (PCD) zoning district.

SECTION 2. The amendment to the zoning herein provided be conditioned and subject to the following stipulations:

1. The development shall comply with the approved Saddleback Heights Planned Community District (PCD) Standards Report and Development Plan dated February 24, 2014, except as modified herein.

2. The development shall be limited to a maximum 8,269 dwelling units on privately owned land and 786 dwelling units on State Land. The total development of Saddleback Heights is capped at 9,055 dwelling units.

3. A minimum of 600 acres of passive and active open space is required to be dedicated by the Developer. The location and size of dedicated open space areas shall be in substantial conformance with the Saddleback Heights Landform & Open Space Plan (Exhibit K) and Preservation Master Plan (Exhibit L) contained within the Saddleback Heights PCD and consistent with the requirements as set forth in the Development Agreement.

4. The Developer shall increase the minimum amount of open space by 5,000 square feet for each additional unit developed above 5,409 dwelling units. (A maximum of 328 additional acres of open space, for a cumulative total of 928 acres.)

5. The Developer shall submit a master open space table for the entire project indicating the anticipated number of dwelling units and projected amount of open space to be dedicated within each village at time of the first preliminary plat submittal.

6. As subsequent parcels develop within each village, the master open space table shall be updated by the Developer (at the time of preliminary plat and final plat) to reflect actual number of platted dwelling units and total amount of dedicated open space per parcel.

7. Modifications to washes that are not governed as part of the Saddleback 404 Permit, but identified on the Preservation Master Plan and carry flows less than 500cfs may be modified subject to the review and approval by the Planning Manager. Proposed modifications to the wash corridors shall be done in a manner that preserves to the extent possible, the naturalistic manner of the drainage corridor and revegetated with a similar plant palette and density that is consistent with the adjacent area.

8. Five conceptual park locations shown on the Conceptual Land Use Plan, Exhibit H, from which a minimum of two neighborhood parks are to be dedicated and improved by the Developer.

9. Amenities selected for Neighborhood Parks shall comply with the 2006 City of Peoria Parks Recreation Open Space and Trails (PROST) Master Plan Update, as amended or subsequently superseded.

10. The Developer will be responsible to form a Street Light Improvement District (SLID) for all parcels located within the master development that have internal public roadways. A SLID Assessment Diagram will be required as part of the Final Plat submittal.

11. A Final Drainage Report shall be submitted with the subdivisions. 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.

12. The City of Peoria will accept the Pre vs. Post concept for this development. However, the developer shall demonstrate that reducing post-development peak discharges and runoff volumes to predevelopment conditions can be achieved.

13. The Final Drainage Report shall address conditions and policies outlined in the North Peoria Area Drainage Master Plan (ADMP).

14. The Final Drainage Report shall address the erosion hazard zone outlined in the North Peoria Area Drainage Master Plan (ADMP).

15. Upon review of the Final Drainage Report, the final determination of basin location and size will be determined.

16. Final drainage facility locations shall be dependent on the finalization and approval of the Master Traffic Study, as the recommendation and location of such roadway is critical to the location of drainage facilities.

17. The Final Drainage Report shall address operations and maintenance of the in-line basins, as such an item is critical to functionality of the system.

18. The development shall comply with the Stormwater Pollution Prevention criteria. This should include runoff control, erosion control and sediment control. These criteria are in the process of being revised as the State of Arizona has applied for primacy from EPA and the City of Peoria will soon be subject to additional requirements from the State that must be applied to all developments within our boundaries.

19. The Developer shall dedicate all right-of-way to the City of Peoria as required by the City Engineer. Road improvements shall be per the approved Transportation Master Plan as determined by the City Engineer.

20. The Padelford Wastewater Treatment Plant depicted in the Master Plan shall be generally located on the western border of the Project to accommodate future expansion efforts by others related to the development of State Land to the west and the overall intent to provide water and wastewater processing services to the northern Peoria region. The location of any such plant shall be determined by the Owner and the City of Peoria.

21. All water and wastewater treatment facilities (including water distribution systems, wastewater collection systems, wells, storage tanks, wastewater

effluent re-use infrastructure, etc) shall be approved by the Maricopa County Department of Environmental Services.

22. Prior to Preliminary Plat approval, the Water and Wastewater Analysis for Saddleback Heights (February 2014) shall be reviewed and modified as needed to conform to regional water and wastewater infrastructure plans.

23. Water resource requirements for the requested zoning of the development appear to be sufficient to satisfy anticipated potable water demands as demonstrated by dedication or contribution by the owner in the form of recharge facility ownership capacity, recharge wells site(s), and water credits dedicated to the city and by participation in regional water supply projects. If the development requires additional potable water supplies, in accordance with the terms of the Development Agreement, the developer must cooperate with the city to provide those resources.

24. Final water and wastewaster master plans shall be submitted and approved prior to the approval of any preliminary plats.

25. A detailed analysis of any proposed water reuse system, including integration with a regional system, will be required prior to Preliminary Plat approval.

26. A conceptual design, which considers wastewater treatment technologies, will be required for the proposed water reclamation facilities prior to preliminary plat approval for any parcels served by the facility.

27. Each residence and each property of any other kind shall have a direct connection to a City gravity collection system, unless determined otherwise by the City of Peoria Utilities Director.

28. The Developer shall submit a “Recreation and Amenities Master Plan” concurrently with the submittal of the first preliminary plat for each Village.

29. Outdoor recreational activities within the Town Center Overlay such as, but not limited to dining, entertainment, amphitheater and similar recreational activities with live music or amplified sound systems shall require a conditional use permit if located within 200 feet of a residential development.

30. The Developer shall modify Section 2.1.1.3 Development Standards to be consistent with the Section 2.1.1.11 Saddleback Heights Residential (SH-R) Development Standards Matrix (Table-2) as follows:

    a. SC Cluster Category Lot Development Standards
        i. Maximum Building Height shall be thirty (30) feet except as provided in Section 14-3-8 of the Zoning Ordinance.

31. The Developer shall modify the Section 2.1.1.11 Saddleback Heights Residential (SH-R) Development Standards Matrix (Table-2) to be consistent with Section 2.1.1.3 Development Standards as follows:

    a. Saddleback Residential Low Density (Attached):
        i. Minimum Lot Size (sq. ft.) shall be 5,000 sq. ft.
        ii. Eliminate 12' to garage if side entry setback

    b. Saddleback Residential Medium Density (Attached):
        i. Eliminate 12' to garage if side entry setback

    c. Saddleback Residential Cottage (Cluster):
        i. Side Yard Setback: All attached dwelling buildings shall be a minimum of 15 feet from the side property lines.

32. All product types within Saddleback Heights shall meet the minimum development standards within Section 2.1.1.3, except as modified above.

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.

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 17th day of June, 2014.

_____

Bob Barrett, Mayor

_____

Date Signed

ATTEST:

_____

Rhonda Geriminsky, City Clerk

Ordinance No. 2014-25
June 17, 2014

APPROVED AS TO FORM:

_____

Stephen M. Kemp, City Attorney

Published in: Peoria Times
Pub. Dates: June 27, 2014

Effective Date:

EXHIBIT A

LEGAL DESCRIPTION

Darrel E. Wood, P.E., R.L.S.
Ashok C. Patel, P.E., R.L.S.
James S. Campbell, P.E.
Gordon W. R. Wark, P.E.
Thomas R. Gettings, R.L.S.
Randall Beck, P.E.
Timothy A. Huval, P.E.
Jack K. Moody, P.E.
Scott A. Nelson, R.L.S.
Richard L. Hiner, P.E.
Leslie J. Kland, P.E.
Curtis L. Brown, P.E., R.L.S.
Paul M. Haas, P.E.
Shimin Zou, Ph.D., P.E.
Michael T. Young, P.E.
Shawn D. Gustafson, P.E.
Joseph C. Daconta, P.E.
Robert S. Unger, R.L.S.
Steven J. Rinkeviczie, P.E.
Sherrick H. Campbell, P.E.
James L. Condit, P.E.
Sandra J. Lie, P.E.
Joel P. McCarty, P.E.
Michael Weinberg, P.E.

Revised May 31, 2002
Revised December 27, 2001
December 20, 2001
WP #011407

See Exhibit "B"

PARCEL DESCRIPTION
Proposed Saddleback Heights Boundary

EXISTING PARCELS

Lots 1 through 4, inclusive; the South half of the North half; and the North half of the South half; the North half of the Southwest quarter of the Southwest quarter; the Southeast quarter of the Southwest quarter of the Southwest quarter; the Southeast quarter of the Southwest quarter; the South half of the Southeast quarter of Section 3, Township 5 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

TOGETHER WITH

Lots 1 through 4, inclusive; the South half of the North half; and the North half of the Southeast quarter; the North half of the South half of the Southeast quarter; the East half of the Southeast quarter of the Southwest quarter of the Southeast quarter; the West half of the Southwest quarter of the Southeast quarter of the Southeast quarter of Section 4, Township 5 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

TOGETHER WITH

Lots 1 through 4, inclusive; the South half of the North half; the West half of the Southeast quarter; and the Southwest quarter of Section 5, Township 5 North, Range 1 West of the Gila and Salt River Base and Meridian; Maricopa County, Arizona.

TOGETHER WITH

Lots 3 through 7, inclusive; the Southeast quarter of the Northwest quarter; the Southeast quarter; and the East half of the Southwest quarter of Section 6, Township 5 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

TOGETHER WITH

The South half of the Northeast quarter; and the Northwest quarter of Section 8, Township 5 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

TOGETHER WITH

Lots 4, 6, 8 and 10, Section 25, Township 6 North, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

TOGETHER WITH

Lot 2, Section 26, Township 6 North, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

TOGETHER WITH

Lot 6, Section 30, Township 6 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

TOGETHER WITH

Lots 2, 4, 6, 8 and 9; the Southeast quarter; the East half of the Southwest quarter; and the Southwest quarter of the Southwest quarter of Section 27, Township 6 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

TOGETHER WITH

Lots 2, 6 and 7; and the Southeast quarter of the Southeast quarter of Section 28, Township 6 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

TOGETHER WITH

Lots 2, 3, 4, 6, 8, 10 and 11; the South half of the Northeast quarter; the Southeast quarter of the Northwest quarter; the Southeast quarter; and the East half of the Southwest quarter of Section 31, Township 6 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

TOGETHER WITH

Lot 1; the Southwest quarter of the Northwest quarter; the Southwest quarter; the East half of the Northwest quarter; and the East half of Section 33, Township 6 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

TOGETHER WITH

All of Section 34, Township 6 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

TOGETHER WITH

The Northwest quarter of the Northwest quarter; the West half of the Southwest quarter of the Northwest quarter; the West half of the Southwest quarter; the Southeast quarter of the Southwest quarter; the East half of the East half; the West half of the Southeast quarter; the East half of the Southwest quarter of the Northeast quarter of Section 35, Township 6 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

TOGETHER WITH

The South 30 feet of the West 30 feet of the following described property:

Lots 1-7, inclusive; the Southwest quarter of the Northeast quarter; the South half of the Northwest quarter; the Southwest quarter; and the West half of the Southeast quarter of Section 1, Township 5 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

ADD PARCELS

Lots 1 and 2, inclusive; the South half of the Northeast quarter of Section 6, Township 5 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

TOGETHER WITH

All of Section 32, Township 6 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, lying South of the right of way of Arizona Highway 74.

[redacted]

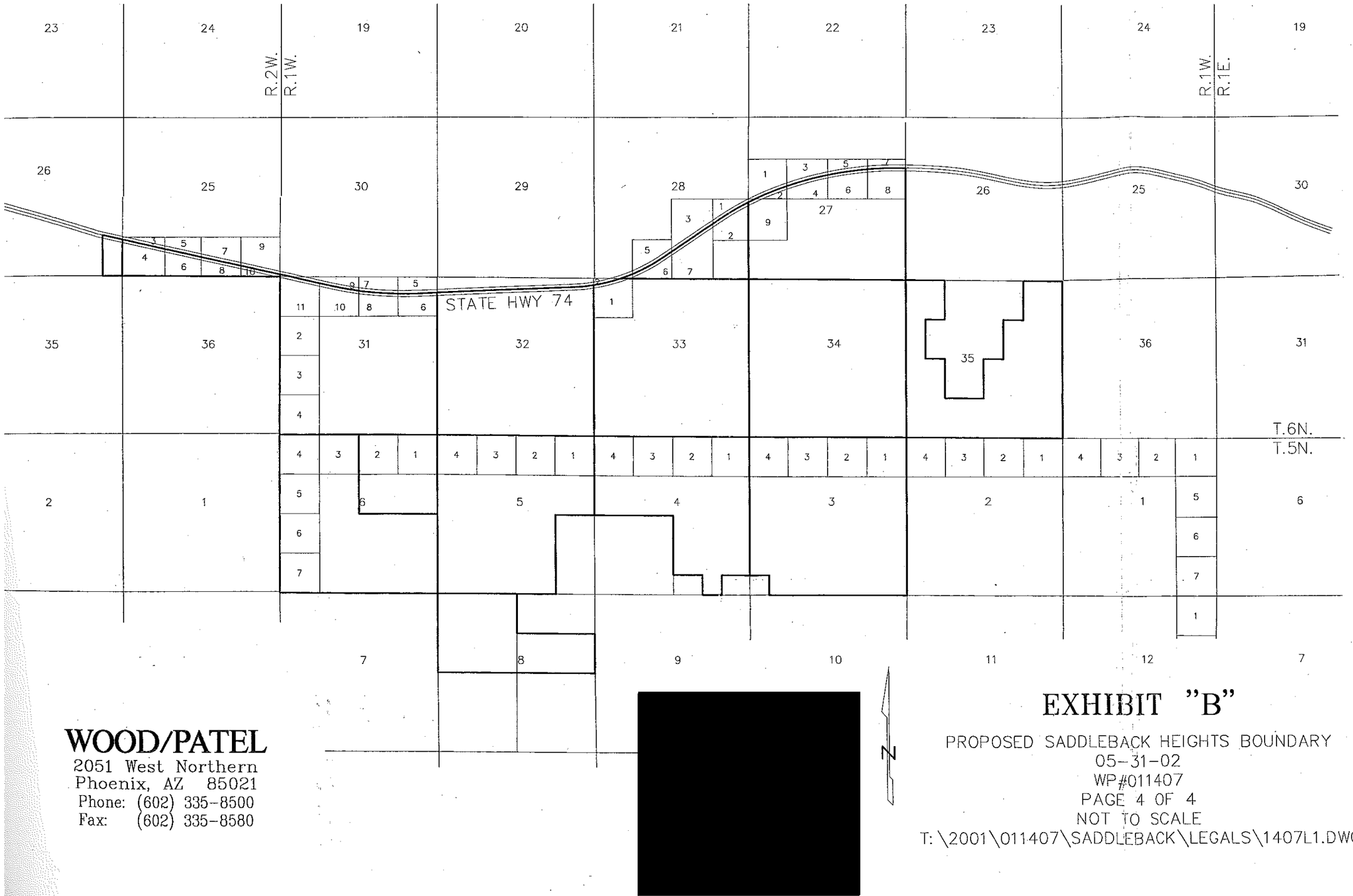

EXHIBIT "B"

PROPOSED SADDLEBACK HEIGHTS BOUNDARY
05-31-02
WP#011407
PAGE 4 OF 4
NOT TO SCALE
T:\2001\011407\SADDLEBACK\LEGALS\1407L1.DWG

WOOD/PATEL
2051 West Northern
Phoenix, AZ 85021
Phone: (602) 335-8500
Fax: (602) 335-8580

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 38R

Date Prepared: June 3, 2014 **Council Meeting Date: June 17, 2014**

TO: Carl Swenson, City Manager

FROM: Chris M. Jacques, AICP, Planning & Community Development Director

THROUGH: Susan J. Daluddung, AICP, Deputy City Manager

SUBJECT: Saddleback Heights Amended and Restated Development Agreement
(XREF: Saddleback Heights PCD Amendment – Case Z 02-04A.1)

Purpose:

This is a request for the City Council to approve an accompanying Development Agreement between the City of Peoria and Diamond Ventures, Inc. and other specified beneficiaries pertaining to the proposed Major Amendment to the Saddleback Heights Planned Community District (PCD).

Background/Summary:

Saddleback Heights Specific Area Plan (2001) and PCD Zoning (2002)
Saddleback Heights is a master planned community which is comprised of approximately 5,296 acres of privately owned land and an additional 756 acres of Arizona State Land, for a total acreage of 6,052 acres (9.5 square miles). The property is generally located south of State Route 74, between the El Mirage Road and Cotton Lane alignments.

In 2001, the City Council approved the Saddleback Heights Specific Area Plan (SAP), which became the framework for the approved Development Agreement and Planned Community District (PCD) zoning entitlement which followed in 2002.

Amended Saddleback Heights Specific Area Plan (2011)
In 2011, the applicant sought to reposition the property for the foreseeable future market and adjust the land use plan to respond to the significant changes in the surrounding circulation pattern. Working closely with the City, the applicant developed a revised Land Use Plan that responded to changes in character and function of the surrounding circulation. The revised plan also allowed for an increase in the number of potential residential units allowed on the property, but only with a proportionate increase in open space. Overall, the resulting parcel layout remained largely unchanged due to the challenging topography and extensive analysis done during the initial entitlement process. This work culminated in the adoption of an amended Saddleback Heights Specific Area Plan (General Plan Amendment) in 2011.

The approved SAP amendment allows up to 8,269 units (1.56 du/ac) on the privately owned land with an open space offset of 5,000 square feet of open space per unit above 5,409 units. Consequently, the 2,860-unit increase would result in approximately 328 acres of additional open space, or a total of 928 acres of open space. Other changes included the slight reduction of the acreage allotted for town center and an introduction of up to 220 acres for Mixed Use Business Park Overlay along SR-74. The 756 acres of State Land was unaffected by this amendment.

Proposed Amendment to the Saddleback Heights PCD zoning
The applicant is proposing a major amendment to the Saddleback Heights PCD to modify the project density, hillside development standards, use allowances, and project circulation to be consistent with the approved 2011 Saddleback Heights SAP Land Use Plan. It should be noted that neither the parcel layout, land use designations nor development standards for the 756 acres of State Land were amended as part of this application.

Proposed Amended and Restated Development Agreement
Accompanying the proposed amendment to the Saddleback Heights PCD is a concurrent request to update the associated Development Agreement. Both items are scheduled for the same meeting; however, the subject of this report is the Amended and Restated Development Agreement.

The proposed Development Agreement serves as an implementation tool for the entitlement to facilitate the development plan. Essentially, it addresses the timing, obligations and reimbursements for public resources and infrastructure. The City has worked cooperatively with the applicant on the entitlement and the terms of this Development Agreement. It is not uncommon to have a Development Agreement accompany a multi-phased, master-planned project of this size. The highlights of the proposed Development Agreement are as follows:

- **Recreation and Amenities Master Development Plan (RAMP):** The agreement requires the submittal of a RAMP with the first preliminary plat for each Village. This Plan is to be consistent with the PCD and City's PROST ("Parks, Recreation, Open Space and Trails Master Plan") and is intended to conceptually identify preserve areas, parks, trails, and other public and private open spaces including any connections, amenities and timeframes for construction and delivery. The RAMP is intended to ensure the appropriate timing, functional and appropriate recreation needs for the Village based on the overall PCD framework.

- **Hillside Preserves and Public Open Space:** Saddleback Heights will be donating no less than 600 acres of open space to the City. The donation would occur when infrastructure is available to provide public access or as otherwise identified in the RAMP. Additionally, for each unit above 5,409 on private land, an additional 5,000 square feet

of open space would be provided. Should the full entitlement of 8,269 units be realized on private land, an additional 328 acres of open space would be provided under this formula. This "offset" was identified as part of the 2011 Specific Area Plan. At the City's discretion, the additional open space could added to the public preserve or parks, or delineated as privately managed open space.

- **Neighborhood Parks:** The original PCD provided for public open space and the provision of one (1) neighborhood park. With the amended PCD, up to three (3) neighborhood parks could be netted (1 in each Village). The developer is required to reserve up to 20 acres in each Village for 60 acres overall. Under the guidance of the RAMP, the City and Developer will agree on the location of 36 usable acres of park land. The 60 acres acres provides flexibility in siting. The Developer will be required to improve and dedicate each park upon the issuance of 50% of the total permitted units within each Village or as specified in the RAMP for that Village. Should the Developer elect to build and dedicate the park sooner, the Developer would be responsible for reimbursing the City for O&M costs until the 50% threshold or approved timeframe is reached.

- **Public Safety:** The agreement provides for the reservation of a potential joint public safety facility site (10 acres); or at the City's discretion, the site may be reduced to four (4) acres for a permanent fire station rather than a joint facility. The site is to be reserved for at least 10 years after the 50th building permit is issued. To this end, it is within the City's discretion as to the necessity and/or timing of the facility, which is to be constructed and equipped at the Developer's expense, subject to impact fee provisions. If the facility was requested by the Developer to be constructed earlier than the City had planned, the Developer will participate in a letter agreement identifying share of costs for O&M.

  Upon construction of the development, the City at its discretion may require the Developer to site, construct and equip an interim fire station up to 3,000 SF on a site no more than 1-acre in area. The interim facility would initially include space for two (2) firefighters and two (2) police officers with the actual assignment to the City's discretion. The Developer would pay 100% of the O&M until levels of service dictate an expansion at which point the O&M share (for the interim facility) would be reduced to 50%. The requirement to pay or contribute to O&M costs for the interim station would cease at the earlier of (1) the issuance of the 2,800th residential building permit; or (2) ten (10) years from the issuance of the 50th residential building permit; or (3) the completion of a permanent fire or joint station.

- **Water Infrastructure:** Tha Master Water Plan for the development includes a connection to a planned off-site transmission line ("Lone Mountain waterline") crossing the Agua Fria River. The Developer will be paying the full cost of oversizing its

proportionate share of the waterline and other related infrastructure and/or services associated with the development needs.

- **Wastewater Infrastructure:** The eastern villages (Villages A & B) are located in the sewer basin that flows to the Jomax WRF in Vistancia and owned and operated by the City of Peoria. The Developer is required to pay the costs for expanding the capacity necessary to provide sewer capacity for Villages A and B.

  Villages C & D are located on the western half of the master plan. These villages will obtain service from a new water reclamation facility to be constructed at the Developer's cost on a mutually agreeable 15-acre site near the western border of the property ("Padelford WRF").

- **Transportation:** The Developer is responsible for its proportionate share of roadway improvements indentified in the Traffic Impact Analysis, with phasing ultimately under the discretion of the City Engineer. Moreover, to ensure a reliable transportation network for the development, a minimum of two points of access will be required. A secondary connection to the development will be required no later than the issuance of the 500th residential occupancy.

- **Development Impact Fees:** The statute governing impact fees was modified recently. To that end, the agreement reflects the limitations set forth therein. The Developer will be entitled to impact fee credits, offsets and/or reimbursements collected by the City for property dedications and infrastructure so long as said improvements are within an Impact Fee category for a zone covering Saddleback, identified in the City's adopted Infrastructure Improvement Plan ("IIP") and fees have been collected.

Previous Actions:

There have been no prior actions on this proposed Development Agreement. However, in regards to the associated Rezoning request – Saddleback Heights PCD (Case Z 02-04A.1) – the Planning & Zoning Commission issued a unanimous recommendation of approval at their March 6, 2014 meeting. The amended Saddleback Heights PCD rezoning and the accompanying Development Agreement will both be heard and considered together at the June 17, 2014 City Council meeting.

Options:

A: The Council could act to approve the proposed Development Agreement as recommended by Staff; or

B: The Council could decline to approve the Development Agreement. In this scenario, the staff would want to modify the Zoning Stipulations attached to the Saddleback Heights PCD to address timing, obligations and reimbursements for public lands and infrastructure.

C: The Council could direct staff to attempt to renegotiate all or part of the proposed Agreement.

Staff's Recommendation:

Staff recommends the City Council approve the attached Development Agreement between the City of Peoria and Diamond Ventures, Inc. et al pertaining to the Major Amendment to the Saddleback Heights Planned Community District (PCD).

Fiscal Analysis:

This request is not expected to have immediate budgetary impacts to the City. However, as the community develops, the City would have operational costs associated with the provision and maintenance of services for public safety, water/wastewater, transportation, recreation and general governance.

Narrative:

Should the City Council take action to approve the PCD and the accompanying Development Agreement, the next step would be to begin the design process to develop the property. The Developer would need to submit Preliminary/Final Plats (subdivisions), infrastructure plans, and various permits prior to construction. The Development would need to comply with the PCD, Development Agreement and any other relevant ordinances.

Exhibit(s):

Exhibit 1: Draft Development Agreement (City of Peoria and Diamond Ventures, Inc. et al)

Contact Name and Number:

Chris M. Jacques, AICP, Planning & Community Development Director, x7609

RETURN TO:

City of Peoria
City Clerk's Office
8401 W. Monroe Street
Peoria, Arizona 85345

THIRD AMENDMENT TO AND RESTATEMENT OF DEVELOPMENT AGREEMENT FOR SADDLEBACK HEIGHTS IN PEORIA, ARIZONA

This Third Amendment to and Restatement of Development Agreement ("Agreement") is entered into as of the ___ day of _____, 2014 ("Effective Date"), by and between the CITY OF PEORIA, ARIZONA, an Arizona municipal corporation ("City"), and FIRST AMERICAN TITLE INSURANCE COMPANY TRUST #4912, a California Title Trust (the "Owner"), Southwest Holdings, Inc., an Arizona corporation, Diamond Ventures, Inc., an Arizona corporation and Diamond Equity Pool V, LLC, an Arizona limited liability company (the "Beneficiaries"). The Beneficiaries have appointed Diamond Ventures, Inc., an Arizona corporation, as their spokesperson. The City and the Owner may be referred to herein individually as a "Party" or collectively as the "Parties."

RECITALS

A. A.R.S. § 9-500.05 authorizes the City to enter into a development agreement with a landowner or any other person having an interest in real property located in the City or outside its incorporated area.

B. The Owner owns real property located within the incorporated boundaries of the City. This real property is commonly known as "Saddleback Heights" and is more particularly described and depicted in ***Exhibit A*** (hereinafter referred to as "Saddleback Heights" or the "Property").

C. Saddleback Heights formerly was part of a planned development known as "Lake Pleasant Heights". Lake Pleasant Heights was the subject of the Annexation and Development Agreement dated December 7, 1993 between the City and Group Three Properties and recorded in the Official Records of the Maricopa County Recorder's Office as Document Number 94-0056067 ("Original Agreement"), which was amended by the First Amendment to the Annexation and Development Agreement dated June 10, 2002 among the City, Group Three Properties and the Owner and recorded in the Official Records of the Maricopa County Recorder's Office as Document Number 2002-0946414 ("First Amendment").

D. On December 11, 2001, the Peoria City Council approved Case No. GPA 01-05, the Specific Area Plan Amendment for Saddleback Heights, (the "Original SAP"). On December 17, 2002, the Peoria City Council approved Case No. Z 02-04, the Planned Community District ("PCD") zoning for Saddleback Heights (the "Zoning"). (All of the Zoning documents, including the PCD zoning "Standards Plan and Development Plan" are hereinafter referred to collectively as the "Development Plans" and incorporated by reference). The Development Plans may be amended from time to time; thus, references herein to the "Development Plans" shall include amendments to the Development Plans, as may be approved by the City from time to time.

E. On December 24, 2002, to facilitate and implement the Zoning, the City and the Owner entered into that certain Second Amendment to and Restatement of Saddleback Heights Development Agreement, recorded on December 27, 2002, in the Maricopa County Recorder's Office as document number 2002-1408592 (the "Second Amendment"), which superseded and replaced in its entirety the Original Agreement.

F. As a result of a number of changes that occurred in the vicinity of the Property since the Original SAP, the Zoning and the Second Amendment, on December 6, 2011, the Peoria City Council approved Case No. GPA 11-0009, amending the Specific Area Plan for Saddleback Heights (the "2011 SAP"). At the same time, the City amended its General Plan to incorporate Bullard Avenue in its Circulation Plan as a north/south arterial connecting to El Mirage and the Loop 303, thereby providing regional access from the Property to the Loop 303 and regional access through the Property to SR 74. To incorporate the refinements contained in the 2011 SAP into the Zoning, as well as refinements to the Zoning, the Peoria City Council will consider Case No. Z-02-04A.1 to amend the Zoning for Saddleback Heights the "PCD Amendment").

G. The Parties desire to enter into this Agreement to facilitate the implementation of the Development Plans consistent with the City's General Plan, the 2011 Specific Area Plan, and the Zoning, as amended and superseded by the PCD Amendment (Z-02-04A.1) and as may be further amended from time to time (collectively, the "PCD"). Additionally, the Parties expressly acknowledge and agree that the Development Plans and the PCD are generally consistent with the portions of the General Plan and Specific Area Plan applicable to the Property on the date hereof.

H. The Development Plans contemplate the development of the Property in phases. The Owner anticipates that the Property will be fully developed within twenty-five (25) years of the date of this Agreement, subject to economic and market conditions. The Owner and the City are entering into this Agreement pursuant to the provisions of A.R.S. § 9-500.05 in order to facilitate the implementation of the PCD by providing for, among other things: (i) conditions, terms, restrictions and requirements for the construction, installation, and funding/financing of public services/infrastructure improvements, (ii) the permitted uses for the Property; and (iii) other matters related to the development of the Property.

I. The Parties desire and intend that the Owner will have the ability to direct the timing and phasing of the public infrastructure improvements on the Property to correspond with the actual development of the Property and in accordance with the phasing in the Development Plans. This does not, however, prevent the City from withholding permits related to phasing if necessary infrastructure is not constructed and operational.

J. The Parties acknowledge that they will approach the infrastructure obligations being imposed upon the Owner as a whole and the Owner will be required to pay the full cost of, or its proportionate share, if applicable, of the overall costs of development. Owner is fully responsible for all on-site and off-site improvements necessary to serve the property as set forth in the PCD or amendments thereto. If agreements are made with third parties, including the City, regarding offsite infrastructure and improvements, Owner will be responsible for its proportionate share of the cost of such offsite infrastructure and improvements. If infrastructure is oversized at the City's request, then the City will pay the incremental increase in cost associated with the City's oversizing.

K. The Parties acknowledge that the development of the Property pursuant to the Development Plans, the PCD, and this Agreement will result in promoting community benefits to the City and otherwise improving or enhancing the economic welfare of its residents by: (1) promoting economic development; (2) improving the City's tax base; (3) providing for increased employment opportunities; and (4) encouraging public use via unique undisturbed, natural open space.

L The Parties also acknowledge that this Agreement will result in significant benefits to the Owner by providing assurances to the Owner that it, or its successors, will have the ability to develop the Property in accordance with an approved PCD, and approved Development Plans and amendments thereto.

M. Among other things, development of the property in accordance with the City's Development Requirements, Regulations and Rules will result in the planning, design, engineering, construction, acquisition, installation, and/or provision of public services/infrastructure improvements that will support development of the Property.

N. The Arizona Legislature amended A.R.S. § 9-463 pertaining to impact fees in 2011 and this Amendment is intended, among other things, to bring this Agreement into conformity with current state law.

O. This Agreement supersedes and replaces in its entirety the Original Agreement (as the Original Agreement pertains to the Property) and the Second Amendment, but does not supersede or in any way replace the First Amendment.

NOW, THEREFORE, in consideration of the foregoing premises and the mutual agreements set forth herein, the Parties amend and restate the Second Amendment, in its entirety, as follows:

AGREEMENT

1. Incorporation of Recitals. The recitals set forth above are acknowledged by the Parties to be true and correct and are incorporated herein by this reference.

2. Incorporation of Exhibits and Certain Public Documents.

2.1 The following documents, either referred to herein or newly added, are made a part of this Agreement by this reference:

Exhibit	Description
A	Saddleback Heights Legal Description and Vicinity Map
	The 2011 Saddleback Heights Specific Area Plan and the Saddleback Heights PCD (as currently amended on the Effective Date of this Agreement) are incorporated by reference.

3. City Council Action Requirement. The Parties acknowledge that, notwithstanding any language of this Agreement or any subsequent additional documents, no act, requirement, payment, or other agreed upon action to be done or performed by the City which would, under any federal, state, or city constitution, statute, charter provision, ordinance, or regulation, require formal action, approval, or concurrence by the City Council, will be required to be done or performed by the City unless and until formal City Council action has been taken and completed. This Agreement in no way acquiesces to or obligates the City to perform a future legislative act.

4. Public Benefits**.** This Agreement provides details for the coordinated planning, design, engineering, construction, acquisition, installation, and/or provision of services/infrastructure improvements as set forth in the PCD and as expected to be further developed and refined during the development plan process or subdivision or site plan process described therein. Each component or segment of the infrastructure improvements identified in the Development Plans as subsequently amended by detailed master plans which the Parties recognize are requirements of the PCD Amendment and Zoning requirements as well as those infrastructure improvements not referenced in the Development Plans but specifically set forth in this Agreement shall be referred to herein, individually and collectively, as the “Infrastructure or infrastructure.” If subsequent updates of the Development Plans, demonstrate the need for additional Infrastructure within the relevant development unit, adjacent to the development unit, or at any point off-site, beyond those described in the Development Plans or this

Agreement, the Owner shall pay for such additional Infrastructure, or increase the size of the planned Infrastructure (provided, however, that any additional Infrastructure shall be the financial responsibility of the Owner only if such additional Infrastructure is necessary to serve the Property). Similarly, unless the Parties otherwise contractually agree, if subsequent updates of the Development Plans, or other reports submitted at the planning level, demonstrate the need for Infrastructure within the relevant development unit, adjacent to the development unit, or at any point off-site, that is smaller or less than that described in the Development Plans or this Agreement, the Owner shall construct, in conformance with City regulations and approval, only such Infrastructure demonstrated in the updated Development Plans or other reports as is necessary. The obligations regarding Infrastructure in this Section 4 and anywhere else in this Agreement or the Development Plans are the obligation of the Owner. To the extent Section 20 "Development Impact Fees" applies to certain infrastructure improvements, the provisions of Section 20 will govern the application of such fees (and related offsets or credits), whether or not Section 20 is specifically referenced elsewhere herein.

5. Municipal Services. The City will cause municipal services to be provided to the Property and the occupants thereof. Such municipal services will be comparable to other landowners and occupants of the City that are similarly situated, if any. There will be a period of time that these municipal services will fall under those services provided to landowners and occupants of the City in rural areas, due to the nature, stage, location of the development and timing of construction of certain infrastructure improvements by the Owner. These services include, without limitation, police, fire and other emergency services, water and wastewater utility services, waste collection and disposal, and other services typically provided by municipalities; provided, however, that provision of certain services such as roadways, drainage, water and wastewater services is contingent upon construction of all necessary infrastructure improvements by the Owner and acceptance by the City, as provided herein.

6. Implementation of the Development Plans through the PCD. The PCD is intended to implement and facilitate the development of the Property described in the Development Plans. The Development Plans may be amended or supplemented from time to time to as necessary to refine the Development Plans for circulation, parks, trails, open space and other elements.

7. Changes to the PCD. For the duration of this Agreement, the City will not initiate any changes or amendments to the PCD, except at the request of the Owner of the portion of the Property for which such change or amendment is sought, or as set forth herein. Any changes or modifications to the PCD will be processed in the manner set forth in the City's then current Zoning Ordinance and Master Plans. The City is not required or obligated to approve any changes or amendments to the PCD after the Effective Date of this Agreement.

8. Reliance on Zoning. To allow Owner to rely upon the continued validity of certain provisions of the City's Zoning Ordinance , the City will take no action

that would result in subjecting the Property to a change in the provisions of Zoning so long as specific and definitive standards are identified within the PCD on the Effective Date of this Agreement, and except as expressly provided for in this Agreement, if such change would affect, in a substantial way, Owner's ability to timely develop the Property in accordance with the PCD and this Agreement. Any such prohibited changes made during the period set forth above will not affect the Property, the owners(s), mortgagee(s) or lessee(s) thereof, or any person or entity having any interest in the Property or any portion thereof, unless the affected owner(s), mortgagee(s) or lessee(s) will have expressly consented in writing to the otherwise prohibited changes. The City may, however, enact the following provisions and take the following actions, which will be applicable to and binding on the development of the Property:

8.1 Future updates of and amendments to the existing subdivision regulations, building, construction, plumbing, mechanical, electrical, drainage, and similar construction and safety related codes, specifications and regulations, including but not limited to the recognized International Codes, which updates and amendments are generated by a nationally recognized construction/safety organization, or by Maricopa County, the State of Arizona or the Federal government.

8.2 Ordinances, rules, regulations and legislation of the City reasonably necessary to alleviate legitimate severe threats to public health, welfare and safety in which event any ordinance, rule, regulation, legislation imposed in an effort to contain or alleviate such legitimate severe threats to public health, welfare and safety will be the least intrusive alternative practicable.

8.3 Ordinances, rules, regulations and legislation of the City enacted as necessary to comply with mandatory requirements imposed on the City by Maricopa County, the State of Arizona or the Federal government, including but not limited to court decisions and other similar superior external authorities beyond the City's control. If in the event any such mandatory requirement prevents or precludes compliance with this Agreement, if permitted by law, such affected provisions of this Agreement will be modified as may be necessary to achieve the minimum possible compliance with such mandatory requirements. Any such modification to this Agreement will be made in accordance with Paragraph 27.

8.4 Nothing in this Agreement will be interpreted as relieving the Owner of any obligation it may have either on the Effective Date of this Agreement or in the future, to comply with all governmental rules and regulations~~,~~ enacted by governmental entities other than the City which apply to the Property.

8.5 Ordinances, rules, regulations, and legislation (exclusive of zoning) imposed under the City's police power authority, which is applied in the City to similarly situated properties.

8.6 Future enactment of fees and taxes or modifications thereto, regardless if such fees are imposed or charged by the City uniformly or only to similarly situated properties.

8.7 If the City's Zoning Ordinance or subsequent amendment(s) to the Zoning Ordinance specifically address an issue on which the PCD, on the Effective Date of this Agreement, does not identify specific standards, is undefined or is silent, the Zoning Ordinance or such subsequent amendment thereto shall apply to development of the Property with regard to such issue unless such application would unduly affect, in a substantial way, Owner's ability to timely develop the Property in accordance with the PCD and this Agreement.

9. Applicability of Restriction on Building Permits or Other Necessary Approvals. The City agrees to cooperate reasonably in processing the review, approval and issuance of building permits or other necessary approvals for the Property as may be required. The City will not unreasonably restrict the availability of building permits or other applicable permits or approvals necessary to allow construction of improvements contemplated and permitted under the Development Plans (provided Owner adheres to the City's applicable ordinances, rules, regulations and requirements including but not limited to implementation of the City's Master Plans, as amended). The parties hereby acknowledge and agree that the development of the Property will be phased and that, for the term of this Agreement, no moratorium shall be imposed except as required by federal or state law, except as otherwise provided for herein.

10. Vested Rights. The City acknowledges that the Owner has made significant efforts to develop the Property. In accordance with the terms of this Agreement and the requirements of the PCD, Owner will have vested rights to develop the property pursuant to the PCD.

11. Police Power; Taxing Power. The City will not impose or enact any additional conditions, exactions, dedications, regulations or any other requirement through exercise of either the police power or the taxing power related to the development of the Property except: (1) as have been expressly agreed to by the Parties in this Agreement, or (2) except those of general application to similarly situated properties within the City that are not in conflict with or otherwise prohibited by the provisions of this Agreement.

12. No Additional Dedications or Exactions. Except for the dedications and exactions identified in this Agreement, the PCD or the Development Plans, and other than as part of the standard City subdivision and site plan approval process, the City will not attempt to acquire or require, through, zoning, subdivision, subdivision or site plan stipulations or otherwise, any exactions, reservations, or further dedications of portions of the Property or easements or other rights over portions of the Property, except that to the extent the Owner agrees to such or desires to obtain an amendment to the PCD or Plans, the City may require additional exactions, reservations, easements or dedications provided for under the then current Zoning Ordinance or General Plan.

Nothing in this Agreement limits the City's power of condemnation in regard to the Property.

13. Parks and Open Space.

13.1 Recreation and Amenities Master Development Plan. To comply with the City's PROST Master Plan and amendments and replacements thereto, Owner shall submit a Recreation and Amenities Master Development Plan ("RAMP") consistent with the PCD concurrently with the submittal of the first preliminary plat for each Village within the PCD. The RAMP shall be consistent with the PCD and shall conceptually identify the Preserve Areas, Additional Open Space Areas, Private Open Space Areas, Neighborhood Parks (as defined in this Section 13), and mini/HOA parks to be located in such Village. It also shall conceptually identify the amenities to be located in the Private Open Space Areas, Additional Open Space Areas, Neighborhood Parks, and/or mini/HOA parks, if any. The selection of amenities in the Neighborhood Parks is subject to the City's discretion and approval. The RAMP shall include all parks, paths/trails, and recreation amenities (public and private/HOA owned and operated), as well as the connections between these amenities and the development on the Property. Additionally, the RAMP shall include an estimated construction and delivery timeline for each amenity consistent with the phased development of the Property, thus ensuring timely, functional and appropriate recreation amenities for the City's residents. The RAMP may be amended from time to time by the Owner prior to individual final subdivision plat approval by the City.

13.2 Donation of Preserve Lands. The Parties acknowledge that the Owners will donate, at no cost to the City, no less than 600 acres of the Property for the purpose of preserving meaningful public open space (the "Preserve Areas"). The Preserve Areas are conceptually identified in the Development Plans. The Parties hereto expressly acknowledge and agree that the donation of this land by the Owner is donative in nature and is not made in satisfaction of any condition of approval of the PCD or in satisfaction of any obligations contained therein. The Owner will not be entitled to any Owner reimbursements or credits for the donation of this land to the City but the donations will count as open space for purposes of any open space calculations under the PCD. Upon such donation, the Owner will, at its own expense, provide the City with suitable documents evidencing said donation and the value thereof, so as to properly document the donation for any and all reasonable fiscal purposes, including but not limited to tax purposes. The City will acknowledge the documents evidencing the donation value if such is determined in a commercially reasonable manner, but this acknowledgement does not mean the City has separately evaluated the accuracy of Owner's valuation of such property for tax purposes, same remaining the sole duty and responsibility of the Owner. The Owner will donate the Preserve Areas and, if applicable, the Additional Open Space Areas to the City when infrastructure is available to provide public access to the adjacent open space or as otherwise set forth in the RAMP. The Parties acknowledge that the Preserve Areas will be publicly owned and accessible to the public and that the City may construct improvements within the Preserve Areas after donation, including trails, trailheads, parking areas and other

associated improvements to provide access. Within 180 days of the donation of all or part of the Preserve Areas, the Owner will provide the City with a legal description for the Preserve Areas donated and a map that specifically identifies the locations of the donated Preserve Areas. The donation will be evidenced by a Special Warranty Deed in a form acceptable to the City Attorney and conveying a fee simple interest.

13.3 Additional Open Space Areas. In addition to the Preserve Areas, for every dwelling unit developed on the Property in excess of 5,409 dwelling units, the Owner will provide, at no cost to the City, an additional 5,000 square feet of active or passive (developed or undeveloped) open space (the "Additional Open Space Areas"). At the discretion of the City the Additional Open Space Areas may be: (i) privately owned natural and developed open space areas (the "Private Open Space Areas"); (ii) additional Preserve Areas; or (iii) additional Neighborhood Parks (defined below) areas. The parties agree that the Additional Open Space Areas shall be counted as open space for purposes of any open space calculations under the PCD and that the location of the Additional Open Space will be jointly agreed upon by the parties. The Parties acknowledge that the exact boundaries of Additional Open Space Areas cannot be determined until each Final Plat has been approved. As such, Additional Open Space Areas may be donated (for public use) or dedicated (for private use) at the time of approval of each Final Plat within which such Additional Open Space Areas are located or at such other time as the parties may agree. Within 180 days of each donation or dedication of Additional Open Space Areas the Owner will provide the City with a legal description for the Additional Open Space Areas and a map which specifically identifies the locations of the Additional Open Space Areas. There will be no requirement for, but the Owner may provide detention/retention facilities or structures for storm water within the Additional Open Space Areas subject to the sole discretion of and approval by the City.

13.4 Neighborhood Parks and Trails. The Owner will reserve three sites (one in each Village, except Village D) with each having an area of approximately twenty (20) acres, for a total of sixty (60) reserved acres. The City and the Owner will jointly agree on the location of thirty-six (36) usable acres within the sixty (60) reserved acres, which usable acres will be the location of two (2) or three (3) neighborhood parks (each, a "Neighborhood Park"). The Owner will bear land, construction, title insurance, appraisal, and all other costs related to the dedication and acceptance by the City of the Neighborhood Parks, and funding for same may be subject to the provisions of Section 20, as applicable. The Owner will improve each Neighborhood Park with such amenities as are reasonably requested by the City at the time of development. The Owner will improve and dedicate each Neighborhood Park at the City's sole discretion upon the issuance of 50% of the residential building permits in each respective Village or as otherwise set forth in the RAMP, unless otherwise agreed by the Parties. If the Owner elects to improve and dedicate a Neighborhood Park prior to the timing set forth in the previous sentence, then the Owner may be responsible for reimbursing the City for the costs to operate and maintain such Neighborhood Park until such time as 50% of the residential building permits are issued within the Village in which such Neighborhood Park is located. The donation will be evidenced by a Special

Warranty Deed in a form acceptable to the City Attorney and conveying a fee simple interest. Public and private trails are to be constructed concurrently with adjacent development on a phased basis per applicable City standards set forth in the PCD. Owner shall construct trail improvements in such a way that the trail system forms a contiguous and cohesive system within Saddleback Heights and the adjoining communities and regions. The elements of all trails and paths shall be consistent with the RAMP and established through the PCD and platting process and any amendments thereto.

13.5 Relationship of Neighborhood Parks to School Sites. The City's preference is to locate Neighborhood Parks adjacent to public school sites. Neighborhood Parks shall be no less than ten (10) useable acres in size when adjacent to public school sites. The Development Plans currently include proposed school sites. The City's preference is for public parks to include shared facilities for active and passive recreation, parking and other typical park uses provided the size of the school sites and the parks are not significantly diminished. If a public park is not located adjacent to a public school, or if the City is unable to reach a shared-use agreement with the public school, any such stand-alone Neighborhood Park shall be in conformance with Section 13.4, above. The school site acreage requirement approved by a school district shall in no way affect the acreage required for a Neighborhood Park.

14. Water, Wastewater and Reclaimed Water Service and Infrastructure.

14.1 Water. The Property will obtain potable water from the City's regional potable water system. All infrastructure needs are the sole responsibility of the Owner. If certain infrastructure needs for water are included within an Infrastructure Improvement Plan (IIP) adopted in accordance with the provisions of A.R.S. § 9-463.05 et.seq., then the provisions of Section 20 will apply. To the extent the Owner constructs any facilities prior to construction by the City, the Owner is responsible for such costs and/or may participate with other area developers in such costs to provide all necessary water for development in accordance with City standards and regulations (as well as all other governmental regulation(s) related to providing water resources) existing at the time of submission of a preliminary plat for the Property or for any phase of the Property. Any entitlement to impact fee credits is subject to the provisions of Section 20. The City agrees that the Master Water Plans for the Property shall include only one connection to an off-site transmission line crossing the Agua Fria River to the east of the Property, which crossing is currently anticipated to be along Lone Mountain Boulevard with the understanding that Developer shall pay the full cost of oversizing its proportionate share of the Lone Mountain Waterline (or equivalent waterline) and all other related infrastructure and/or services that are necessary for, and associated with, the Property's development needs. All water infrastructure shall be constructed pursuant to the City's Master Water Plan in effect at the time of any phased development.

14.2 Water Redundancy. As part of the City requirements with respect to water, the Owner is required to satisfy the City's redundancy standards. The Owner has fulfilled this requirement by its purchase of capacity in the Central Arizona Water Conservation District's Hieroglyphics Recharge Facility on behalf of the City, for an initial recharge of 3,459 (3,636 if the State Land property identified in Paragraph 19 is developed) acre feet of water, which water supply has been or will be transferred to the City. Additionally, Owner acquired 15 acres, more or less, of real property in the vicinity of the Hieroglyphics Recharge Facility for the purpose of recovering stored water. Owner will, at the City's written request, transfer to the City at no cost good and marketable title in and to said acreage by Special Warranty Deed in a form acceptable to the City Attorney.

14.3 Wastewater. Wastewater service to the Property will be provided from two separate facilities.

14.3.1 Villages A and B. Villages A and B of the Property are located in the sewer basin that flows to the Jomax Water Reclamation Facility (the "Jomax WRF") owned and operated by the City. The Jomax WRF and all related wastewater facilities necessary to serve the Property will be expanded and/or oversized as necessary to provide sewer capacity sufficient for the development of Villages A and B as shown in the Development Plans. Owner will pay for the cost of such expanded and/or oversized capacity. To the extent the Owner constructs any of the facilities prior to the City, the Owner is responsible for such costs and/or may participate with other area developers in such cost in an amount and as agreed to by the area developers. The application of impact fee credits or reimbursements to any such infrastructure is subject to the provisions of Section 20.

14.3.2 Villages C and D. Villages C and D of the Property will obtain wastewater service from a new water reclamation facility to be constructed, at Owner's cost, on an approximately 15 acre site mutually acceptable to City and Owner near the western border of the Property (the "Padelford WRF"). The location of the Padelford WRF will be identified on or before the filing of the first preliminary plat for the Village (C or D) in which the Padelford WRF will be located. The Padelford WRF must meet all City specifications (including but not limited to its then current design guidelines and Wastewater Master Plan) and other engineering requirements that the City may reasonably require. The Padelford WRF must be designed and constructed to be a permanent facility, expandable also in accordance with City's specifications, the City's then current design guidelines and Wastewater Master Plan and it must also meet all standards and specifications of Maricopa County Environmental Services and the Arizona Department of Environmental Quality ("ADEQ"). Upon completion of construction and acceptance by the City, the land and improvements will be conveyed by the Owner to the City by Special Warranty Deed for real property and appurtenances thereto, and by Bill of Sale for any personal property in a form acceptable to the City Attorney. The application of impact fee credits or reimbursements to any such infrastructure is subject to the provisions of Section 20.

14.4 Reclaimed Water. The City requires that the Owner use reclaimed water to irrigate turf facilities which are ten acres or larger including but not limited to parks, schools and golf courses. The City rate for reclaimed water will apply. The City acknowledges that in the event sufficient reclaimed water capacity is not available from the Vistancia reclaimed water system and/or the Padelford WRF at the time Owner constructs a turf facility requiring the use of reclaimed water, that Owner may use a reasonably acceptable alternative water source on an interim basis until sufficient capacity is available from such facilities.

Owner is responsible for the expansion of the Vistancia reclaimed water system and the construction of a new Padelford reclaimed water system, at its cost, and upon construction and approval by the City, such improvements will be dedicated to the City. The nearest Vistancia reclaimed water facility is proposed to be located along the south property line of Village "B".

To the extent there is excess reclaimed water in either of the two sewer collection basins servicing the development, the Owner will construct groundwater recharge facilities at the affected treatment plant at its cost. All infrastructure necessary to deliver reclaimed water to the property is the sole responsibility of Owner and upon approval, same shall be dedicated to the City.

15. Construction. To the extent the Owner and/or its successor in interest develops the Property, the Owner shall have the right and the obligation, at any time after the execution of this Agreement, to donate or dedicate land, subject to the City's or other applicable jurisdiction's acceptance at no cost to the City, and/or construct or cause to be constructed and installed any or all portions of the Infrastructure that relate to the portions of the Property developed by the Owner. All such construction performed by the Owner shall be performed in compliance with this Agreement, the PCD, and applicable rules and regulations, and shall be dedicated to the City upon the City's inspection and acceptance. Dedications of real property may be subject to impact fee credits or reimbursements, if any, subject to the application of Section 20. The Owner, its agents, and employees, shall have the additional right, upon receipt from the City of an appropriate permit, as required by applicable rules and regulations, to enter and remain upon and cross over any City easements or rights-of-way to the extent reasonably necessary to permit construction of the Infrastructure, or reasonably necessary to maintain or repair such Infrastructure, including privately-owned infrastructure, all as allowed by the permit, provided that the Owner's use of such easements and rights-of-way shall not impede or adversely affect the City's use and enjoyment thereof and provided that the Owner shall restore such easements and rights-of-way to their condition prior to Owner's entry upon for completion of such construction, repairs or maintenance. Subject to obtaining the required permit from the City, and as allowed by the terms of such permit once obtained, the prior dedication of any easements or right-of-way shall not affect or proscribe the Owner's right to construct, install, and/or provide Infrastructure thereon or thereover. The City, as necessary to implement the Infrastructure Plans, shall cooperate reasonably with: a) at the sole cost of the Owner, the abandonment of any unnecessary public rights-of-way or easements currently located on the Property and not otherwise used or required by

other members of the public; b) the Owner's requests or applications with Maricopa County or other appropriate governmental entities regarding the abandonment or acquisition of public rights-of-way or easements necessary to develop the Property; (c.) establishing intergovernmental agreements with Maricopa County regarding the improvement of roads adjacent to the Property to the extent agreement can be reached with the County; (d) the Owner's request to work with adjacent landowners regarding the installation of consistent landscaping within and next to perimeter arterial roadways; and (e) the Owner's request for assistance in acquiring necessary off-site public rights-of-way or easements. The City reserves the right to require Owner to oversize the water, wastewater and reclaimed water systems to accommodate other developments. The incremental cost between what is needed to serve the Property and the oversizing will be the responsibility of the City. The City may charge and collect fees from third parties seeking to utilize such oversizing.

Owner will comply with the City's Infrastructure Guide in providing assurances for all public infrastructure.

16. Public Safety.

16.1 Fire Station/Public Safety Facility Site. The Owner will reserve one permanent joint public safety facility site not to exceed ten (10) acres (the "Site"). At the City's election, the Site may be reduced to four (4) acres for the location of a permanent fire station rather than a joint public safety facility. The site will be reserved for a period of ten (10) years from the date of issuance of the 50th building permit for a residential dwelling on the Property. The location of the Site will be mutually agreed upon by Owner and the City, and will be adjacent to a collector or arterial street. Within the City's sole discretion as to necessity of and/or timing for a joint public safety facility or fire station, the City will build at Owner's expense, or alternatively, upon written request from the City, Owner will commence and diligently complete construction on the Site of the permanent joint use public safety facility or fire station to the City's specifications, which will be consistent with the scope and expense of the City's other standard joint use public safety facilities or fire stations, as appropriate. Upon completion of construction, the Owner at its cost shall equip the permanent joint public safety facility or fire station, as applicable. A list of the standard Permanent Fire Station Equipment is maintained in the Office of the Peoria Fire Chief and includes one standard fire engine of the type used in typical City fire stations. A list of the standard Police Department Station Equipment is maintained in the Office of the Peoria Chief of Police. Should the Owner request that the City build a permanent joint public safety facility or fire station prior to the City's desire to build and operate such facility(ies), then Owner will cooperate in paying operational and maintenance costs for such a facility in an amount agreed upon by the Parties as set forth in a letter agreement to be prepared at such time and filed with the Peoria City Clerk. This provision does not, however, bind the City to build and/or operate either such facility, same being within the City's discretion. The City will use its best efforts to plan the Property and other properties in the area north of the Central Arizona Project canal so that no more facilities than necessary are constructed and so that all benefitted

developments participate pro-rata in such staff costs To the extent impact fee credits are available for the costs of any land, building or equipment, the provisions of Section 20 control. Owner acknowledges that those items not impact fee eligible will nevertheless be provided at Owner's cost and dedicated or donated to the City. All real property and personal property shall be transferred to the City in a form acceptable to the City Attorney.

16.2 Interim Fire Station. At any time after construction has commenced on the Property the City may require the Owner to site, construct, and equip an interim fire station. The interim fire station is to be sited at a location mutually acceptable to the Parties, but in no event will the interim fire station site be more than one acre in size. The interim fire station will be of modular construction; approximately 3000 square feet in size, equipped with one brush truck of the type typically used elsewhere in the City, and shall have access to a water supply which the Parties agree is reasonable and sufficient. The interim fire station will initially include sufficient space for the use of two (2) firefighters and two (2) police officers, but the actual assignment of personnel will remain within the sole discretion of the City. The Owner will lease the interim fire station, but not the land underlying same, to the City at no cost on a month-to-month basis, with said lease to terminate one (1) month after construction and donation of the above-described first permanent fire station or public safety facility. The Owner will convey to the City, at no cost to the City, all equipment and improvements at or prior to the initial occupancy of the interim fire station by the City by a Bill of Sale acceptable to the City Attorney. The Owner will be responsible for the cost of staffing the interim fire station as follows. When the interim facility is capable of being staffed by two (2) firefighters and two (2) police officers, Owner will be responsible for 100% of the operation and maintenance costs ("O&M") related to the interim facility. Once homes are occupied, but prior to such time, if any, as Owner must complete construction and staffing of a permanent safety facility, the interim facility will, at the City's request, be expanded at Owner's cost to provide sufficient space for no less than four (4) firefighters (staffed twenty-four (24) hours per day) and two (2) police officers with one new Fire Engine of the type typically used within the City and with access to a water supply that the Parties agree is reasonable and sufficient. The expansion will result in a reduction of Owner's share of O&M to 50% of said costs. The requirement to pay O&M costs for an interim facility will cease at the earlier of: (1) the issuance of the 2,800th residential building permit; or (2) ten (10) years from the date of issuance of the 50th building permit for a residential dwelling on the Property; or (3) the completion of a permanent fire station or joint public safety facility. The equipment and improvements located at the interim facility will be transferred to the permanent joint public safety facility or fire station, as applicable. To the extent impact fee credits and reimbursements apply, the provisions of Section 20 will govern their application and then only to the extent allowed by law. Owner acknowledges and agrees that interim improvements and operational costs are not impact fee eligible and such improvements and operating costs will be provided and delivered to the City at Owner's cost.

16.3 Police Presence During Construction. The Owner may rent City police department cars/vehicles, provided that off-duty City police officers will be

utilizing the cars as they patrol the Property. The off-duty work is authorized for City police department sworn officers at the then applicable City rate for off-duty officers and same shall be paid by the Owner directly to the officers. The off-duty rate of pay is examined annually and is subject to revision each year. The department vehicles may be available for use for off-duty work, based upon availability, at the then existing rate for hourly usage, which would be paid by the Owner to the City.

17. Transportation.

17.1 Improvements. Except as indicated below in Subparagraphs 17.2 and 17.3, the City and the Owner agree that the Owner will ultimately be responsible for its proportionate share of the roadway improvements included in the updated Saddleback Heights Traffic Impact Analysis (as revised from time to time at the direction of the City Engineer), revised on April, 2014 (hereinafter referred to as the "Traffic Study"). Future proposed updates to the Traffic Study will be subject to the approval of the City Engineer in his sole discretion. The Owner and the City Engineer may from time to time agree that the Traffic Study will be updated and re-approved by the City Engineer. Phasing of the roadway infrastructure will be determined on a cooperative basis by the Parties (with the ultimate decision/conclusion being made by the City Engineer) during the relevant platting process. Following construction of any such roadway improvements and approval and acceptance of same, the Owner will dedicate said improvements to the City or, as may be appropriate with respect to certain off-site roadway improvements, to the appropriate public entity relevant to the jurisdictional location of such roadway. The City and the Owner may agree that certain roadway infrastructure, such as median and shoulder landscaping, sidewalks, paths or trails, may be dedicated to the City but that a Property homeowners association or sub-association thereof will be responsible for maintenance of any such dedicated infrastructure.

17.2 Regional Roads. The Parties acknowledge that both the 2011 SAP and the City's General Plan (collectively "Plans") designate Bullard Avenue as a north/south major arterial to provide regional access from the Property to El Mirage and the Loop 303, as well as regional access through the Property to and from State Route 74. The Plans also designate Sarival Road/163rd Avenue as a north/south arterial from State Route 74 to Grand Avenue (State Route 60), El Mirage Road as a north/south arterial from State Route 74 to the Loop 303 and Westland Boulevard as an east/west arterials from El Mirage Road to the Loop 303. Portions of these off-site roadways may be required to provide roadway connections for the Property. It is acknowledged by the Parties that certain segments of the listed regional roads may, after the Agreement Date, be included within the City's IIP, and therefore development costs related to same may be eligible for impact fee credits. The Parties recognize that any access to State Route 74 will be subject to the access management plan of the Arizona Department of Transportation.

17.3 Redundant Point of Access. The Parties acknowledge that to ensure a reliable transportation network for the Property there will be a minimum of two

points of access. When a certificate of occupancy has been issued for the 500th home on the Property, the Owner will provide a second access to the City's existing street network in order to provide a wholly separate ingress/egress route to and from the Property. The Owners and City Engineer shall work together in order to agree on the roadway infrastructure needed to meet this requirement with final discretion resting with the City Engineer. The second access shall at a minimum meet the City's requirements for emergency access.

17.4 Acquisition of Rights-of-Way and Easements from Private Property Owners. The Owner will use commercially reasonable efforts to acquire from private property owners any and all necessary rights-of-way and easements for off-site transportation improvements for which the Owner is responsible and such rights of way and easements will be in a form acceptable to the Peoria City Attorney. If the Owner is unable to acquire such rights-of-way or easements from private property owners within a commercially reasonable time period, then the City may, at its discretion exercise its power of condemnation to the full extent permitted by law to acquire such right-of-way, provided the City has received (1) notice from the Owner of the Owner's inability to acquire the right-of-way or easement pursuant to this Paragraph, and (2) all other necessary documents (*e.g.*, satisfactory environmental, reports, appraisals, etc.) for condemnation. In the event the City exercises its power of condemnation pursuant to this Paragraph, the Owner will be responsible for all costs of condemnation, including but not limited to reasonable attorneys' fees.

17.5 Acquisition of Rights-of-Way and Easements from Public Property Owners. The Owner will use commercially reasonable efforts to acquire from public property owners, including but not limited to the Arizona State Land Department, the Central Arizona Water Conservation District and the United States, any and all necessary rights-of-way and easements for offsite transportation improvements for which the Owner is responsible. The City will cooperate as reasonably necessary with such efforts, including but not limited to serving as an applicant or co-applicant on necessary governmental applications and such rights of way and easements will be in a form acceptable to the Peoria City Attorney. The Owner will be responsible for all costs associated with acquiring right-of-way and easements from public property owners.

18. Drainage.

18.1 Improvements. Except as indicated below in Subparagraphs *18.2* and *18.3*,, the City and the Owner agree that the Owner will ultimately be responsible for the drainage improvements included in the Saddleback Heights Master Drainage Plan and in accordance with the plans prepared by Wood Patel (as revised from time to time at the direction of the City Engineer) and dated the 2nd day of January, 2002, (hereinafter referred to as the "Drainage Plan"). The City Engineer will have sole discretion with reference to the updates to the Drainage Plan in addition to such being ultimately approved by the City Engineer. The Owner and the City Engineer may from time to time agree that the Drainage Plan will incorporate applicable Maricopa County Flood Control Drainage Master Plans and those of adjacent offsite

developments. Such drainage plans will be updated and then must be re-approved by the City Engineer. Phasing of the drainage infrastructure will be determined on a cooperative basis by the Parties (with the ultimate decision/conclusion being made by the City Engineer) during the relevant platting process. Should any drainage improvements be included in an IIP, credits or reimbursements, if any, are subject to the provisions of Section 20.

18.2 Acquisition of Rights-of-Way and Easements from Private Property Owners. The Owner will use commercially reasonable efforts to acquire from private property owners any and all necessary (in the City's judgment) rights-of-way or easements for offsite drainage improvements and such rights-of-way and easements will be in a form acceptable to the Peoria City Attorney. If the Owner is unable to acquire such right-of-way or easement from private property owners within a commercially reasonable time period, then the City may at its discretion, exercise its power of condemnation to the full extent permitted by law to acquire such right-of-way or easement. The City may exercise its power of condemnation after receipt by the City of: (1) notice from the Owner of the Owner's inability to acquire the right-of-way or easement pursuant to this Subparagraph 17.2; and (2) all other necessary documents (e.g. satisfactory environmental, reports, appraisals, etc.) for condemnation. In the event the City exercises its power of condemnation pursuant to this Subparagraph 17.2, the Owner will be responsible and unreimbursed for all costs of condemnation, including but not limited to reasonable attorneys' fees.

18.3 Acquisition of Rights-of-Way and Easements from Public Property Owners. The Owner will use commercially reasonable efforts to acquire from public property owners, including but not limited to the Arizona State Land Department, the Central Arizona Water Conservation District and the United States, any and all necessary (in the City's judgment) rights-of-way and easements for offsite drainage improvements. The City will cooperate with such efforts, including but not limited to serving as an applicant or co-applicant on necessary governmental applications. The Owner will be responsible and unreimbursed for all costs associated with acquiring right-of-way and easements from public property owners and such rights of way and easements will be in a form acceptable to the Peoria City Attorney.

19. Additional Property. The Development Plans also include approximately seven hundred fifty-six acres of land currently held in trust by the Arizona State Land Department ("Additional Property"). The City agrees that if the Owner takes title to all or a portion of the Additional Property, then at the request of the Owner, the City will amend this Agreement to incorporate into this Agreement such Additional Property; thereafter, such Additional Property shall be included in the Property and shall be subject to and shall benefit from and be burdened by all provisions of this Agreement applicable thereto and any reference herein to the Property shall include such Additional Property.

20. Development Impact Fees. Pursuant to A.R.S. § 9-463.05 ("Impact Fees") in order to collect Impact Fees the City is required to adopt an Infrastructure

Improvement Plan ("IIP") outlining the particular infrastructure, improvement, or real property subject to the fee. The Owner acknowledges that the City has sole discretion in deciding whether to include within an IIP, or remove from inclusion in an IIP, any infrastructure, infrastructure improvements or real property. The City acknowledges that some of the dedications, and or improvements which the Owner is required to provide install/or pay for are not in the current IIP because they extend beyond the 10 year timeframe of the IIP. The City and Owner agree to work together in future updates of the IIP to consider inclusion of infrastructure required by Owner hereunder that may be eligible to be funded with impact fees based upon a reasonable methodology consistent with a standard city wide approach. If included within an IIP, the City agrees to provide Owner with impact fee credits, offsets and/or reimbursements for all such eligible infrastructure to prevent Owner from being double charged for eligible facilities.

20.1. Impact Fee Credits. Owner is entitled to Impact Fee credits, offsets and/or reimbursements collected by the City for property dedications or for infrastructure or infrastructure improvements made or constructed by Owner so long as the dedications or improvements are included within an Impact Fee category within the established Zone that includes Saddleback Heights, and so long as the property or improvements are identified in an IIP and Impact Fees have, in fact, been collected. Any accrual of credits is governed by A.R.S. § 9-463.05, and amendments thereto, as well as by Peoria City Code Chapter 20, and amendments thereto. If the City does not impose an Impact Fee, the Owner is not eligible for credits (offsets or reimbursements) for any property dedications or infrastructure improvements.

Any development Impact Fee credits not used in connection with the development of the Property will be deemed extinguished.

20.2. Interest. In no event will the City be required to pay interest on the costs of constructing public infrastructure or improvements thereto or for real property dedications, or other things, if any, the costs of which may be subject to development impact fee credits, or otherwise.

21. Financing of Improvements. The Parties acknowledge that certain of the infrastructure described herein may be eligible for and the Owner may wish to submit an application to the City for consideration of the possible formation of a Community Facilities District ("CFD") pursuant to A.R.S. 48-701 as is now, or hereinafter, authorized under applicable law. The Owner's application for a CFD shall be in accordance with the City's CFD Guidelines and Procedures that are in place at the time that the CFD is being considered for formation. Nothing herein, however, shall be construed or interpreted as a waiver or other abrogation of the City Council's legislative absolute discretion regarding the possible formation of a CFD.

22. Assignment and Assumption. The rights and obligations of the Owner under this Agreement may be transferred or assigned, in whole or in part, by written instrument, from time to time, to a subsequent owner of all or any portion of the Property without further consent from the City. Upon the written assumption of any of the Owner's obligations under this Agreement by any person or entity that succeeds to

the Owner's obligations with respect to, or to the Owners' ownership of, all or any portion of the Property, the Owner will be released of all obligations assumed, but only if a copy of such assumption agreement is delivered to the City and recorded in the official records of Maricopa County, Arizona.

Notwithstanding the foregoing, however, the Parties agree that the City has relied upon the experience, expertise, financial strength, and prior history of the Owner in reaching this Agreement. Accordingly, for a period of 25 years following the Effective Date of this Third Amendment, the Owner will not assign or delegate its obligations under Paragraphs 13, 14, 16, 17, 18 unless such assignee or delegate has the experience, financial strength, past history, and technical ability to perform the obligations of the Owner under a commercially reasonable standard.

23. Successors and Assigns. The burdens and benefits of this Agreement will be binding upon and inure to the benefit of the Parties hereto and their respective successors and assigns. A future owner of any interest in a portion of the Property will be deemed a successor-in-interest to the Owner, provided no such owner will be deemed a third-party beneficiary with respect to this Agreement, the PCD or approvals relating to any other portion of the Property, which Agreement, PCD and approvals may be amended by the action of the City and the Owner of the portion of the Property for which such amendment is sought in accordance with and subject to the limitations of Paragraphs 6, 7 and 27 of this Agreement.

24. Effective Date of Agreement. The Effective Date of this Agreement is written in the first sentence of the Agreement.

25. Relationship of the Parties. It is acknowledged and understood that the contractual relationship between the Parties is undertaken pursuant to the authorization contained in A.R.S. § 9-500.05 and nothing contained in this Agreement will create any partnership, joint venture or agency relationship between the City and the Owner. Except as provided in Paragraphs 22 and 23 hereof, no term or provision of this Agreement is intended to, or will, be for the benefit of any person, firm, organization or corporation not a party hereto, and no such other person, firm, organization or corporation will have any right or cause of action hereunder, whether as a third-party beneficiary or otherwise.

26. Guiding Principles. Because of the size and physical characteristics of the Property, the Parties recognize that planning and development activities for the Property will extend over many years. Many of the requirements and procedures provided for in this Agreement and in the Master Plans contemplate that use of the Property in the future will be subject, in many ways, to procedures, requirements, regulations and ordinances not presently in effect as well as actions and decisions by City staff and officials which cannot be provided for with particularity at the time the Agreement was approved and this Agreement is being executed. Consequently, the Parties agree that they will act in good faith and with reasonableness in implementing,

operating under, and exercising the rights, powers, privileges and benefits conferred or reserved by this Agreement or by law.

27. Amendment or Cancellation of the Agreement. This Agreement may be amended or cancelled, in whole or in part and with respect to all or any portion of the Property, with the mutual written consent of the Parties hereto. Within ten days after any such amendment or cancellation of this Agreement, the amendment or cancellation will be recorded by the City in the Official Records of Maricopa County, Arizona.

28. Duration. If not sooner terminated in accordance with the terms of this Agreement, this Agreement will automatically terminate and be of no further force or effect if Owner fails to record a Final Plat within ten (10) years of the Effective Date of this Agreement, unless the Parties otherwise agree. If a Final Plat is timely filed, this Agreement will expire and terminate twenty-five (25) years after the Effective Date; provided, however, that some provisions of the Agreement may provide for earlier termination of such provision. Extension of the duration of this Agreement may be granted upon written request and signed confirmation agreement between all Parties.

29. Notice.

29.1 Manner of Service. All notices, filings, consents, approvals and other communications provided for herein or given in connection herewith ("Notices") will be validly given, filed, made, delivered or served if in writing and delivered personally or sent by registered or certified United States Postal Service Mail, return receipt requested, postage prepaid to:

If to the City:	City of Peoria City Manager's Office 8401 West Monroe Street Peoria, Arizona 85345
With a copy to:	City of Peoria City Attorney's Office 8401 West Monroe Street Peoria, Arizona 85345
If to Owner:	First American Title Insurance Company Trust #4912 [Insert Address]
With a copy to:	Diamond Ventures, Inc. Attn: Chad Kolodisner 2200 E. River Road, Suite 115 Tucson, AZ 85718

or to such other addresses as either Party may from time to time designate in writing and deliver in a like manner. Any such change of address notice will be given at least ten days before the date on which the change is to become effective.

29.2 Mailing Effective. Notices, given by mail, will be deemed delivered 72 hours following deposit in the U.S. Postal Service, in the manner set forth above.

30. General Provisions.

30.1 Waiver. No delay in exercising any right or remedy will constitute a waiver thereof and no waiver by the Parties of the breach of any provision of this Agreement will be construed as a waiver of any preceding or succeeding breach of the same or any other provision of this Agreement. Nothing herein or in the Master Plans will constitute or be deemed to be a waiver by the Owner of its rights to request future rezoning or changes in development standards for all or any portion(s) of the Property pursuant to City procedures and requirements existing at the time of the request. Nothing herein contained will be deemed to be a waiver by the City of the right to act, by approval or denial, on such rezoning or change, to the extent such action would not otherwise be in breach of this Agreement.

30.2 Attorneys' Fees and Costs. If legal action by either party is brought because of a breach of this Agreement or to enforce a provision of this Agreement, the prevailing party is entitled to reasonable attorneys' fees and court costs.

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

30.4 Headings. The description headings of the paragraphs of this Agreement are inserted for convenience only and will not control or affect the meaning or construction of any of the provisions of this Agreement.

30.5 Entire Agreement. This Agreement constitutes the entire agreement between the Parties and will not be changed or added to except in the manner provided in Paragraph 27. All prior and contemporaneous agreements, representations and understandings of the parties, oral or written, other than specifically incorporated herein by reference, are superseded by this Agreement. All prior and contemporaneous agreements, representations and understandings of the City with any other parties, oral or written, other than specifically

incorporated herein by reference, regarding any portion of or all of the Property, are superseded by this Agreement.

30.6 Termination Upon Sale to Public. This Agreement is not intended to and will not create conditions or exceptions to title or covenants running with the Property as to Public Lots as defined below. Therefore, to alleviate any concern as to the effect of this Agreement on the status of title to any of the Property, notwithstanding anything contained herein to the contrary, this Agreement will terminate without the execution or recordation of any further document or instrument as to any lot which has been finally subdivided and individually (and not in "bulk") leased (for a period of longer than one year) or sold to the end purchaser or user thereof (a "Public Lot") and thereupon such Public Lot will be released from and no longer be subject to or burdened by the provisions of this Agreement.

30.7 Severability. If any provision of this Agreement is declared void or unenforceable, the provisions will be severed from this Agreement and the remainder of the Agreement will otherwise remain in full force and effect, provided that the overall intent of the Parties is not materially vitiated by such severability.

30.8 Governing Law. This Agreement is entered into in Arizona and will be construed and interpreted under the laws of the State of Arizona.

30.9 Recordation. No later than ten days after this Agreement has been executed by the City and the Owner, it will be recorded in its entirety, by the City, in the Official Records of Maricopa County, Arizona.

31 Default, Remedies. If any Party to this Agreement breaches any provision of the Agreement, the non-defaulting Party will be entitled to all remedies available at both law and in equity, including but not limited to specific performance.

31.1 Authority. The Owner represents and warrants to the City: (1) that it is duly formed and validly existing under the laws of the State of Delaware; and (2) that the individual(s) executing this Agreement on behalf of the Owner is authorized and empowered to bind the Owner. The City represents and warrants to the Owner: (1) that it is a duly formed municipal corporation with the State of Arizona; and (2) that the individual(s) executing this Agreement on behalf of the City are authorized and empowered to bind the City.

31.2 Estoppel. The Parties hereto covenant and agree with each other to provide within 21 days of written request from the other an estoppel certificate signed by a duly authorized representative of such party indicating that the other party is not then in default under any of the obligations pursuant to this Agreement.

31.3 Cancellation. This Agreement is subject to cancellation for conflict of interest without penalty or further obligation as provided by A.R.S. § 38-511.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the day and year first above written.

"CITY"
CITY OF PEORIA, ARIZONA,
A municipal corporation

By:_____
Bob Barrett, Mayor

Attest:

_____
Rhonda Geriminsky, City Clerk

Approved as to form:

_____
Stephen M. Kemp, City Attorney

"OWNER"

FIRST AMERICAN TITLE INSURANCE COMPANY TRUST #4912, a California corp., as trustee only and not otherwise

By: _____

Its: _____

STATE OF ARIZONA)
)ss.
County of Maricopa)

SUBSCRIBED AND SWORN to before me this ____ day of _____, 201_, by _____ the Trustee of FIRST AMERICAN TITLE INSURANCE COMPANY TRUST #4912, California Title trust, on behalf of the trust and not otherwise.

_____
Notary Public

My Commission Expires:

_____

EXHIBIT A

[Saddleback Heights Legal Description]

Parcel No. 1:

Lots 1 through 4, inclusive; the South half of the North half; and the North half of the South half; the North half of the Southwest quarter of the Southwest quarter; the Southeast quarter of the Southwest quarter of the Southwest quarter; the Southeast quarter of the Southwest quarter; the South half of the Southeast quarter of Section 3, Township 5 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

Parcel No. 2:

Lots 1 through 4, inclusive; the South half of the North half; and the North half of the Southeast quarter; the North half of the South half of the Southeast quarter; the East half of the Southeast quarter of the Southwest quarter of the Southeast quarter; the West half of the Southwest quarter of the Southeast quarter of the Southeast quarter of Section 4, Township 5 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

Parcel No. 3:

Lots 1 through 4, inclusive; the South half of the North half; the West half of the Southeast quarter; and the Southwest quarter of Section 5, Township 5 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

Parcel No. 4:

Lots 3 through 7, inclusive; the Southeast quarter of the Northwest quarter; the Southeast quarter; and the East half of the Southwest quarter of Section 6, Township 5 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

Parcel No. 5:

The South half of the Northeast quarter; and the Northwest quarter of Section 8, Township 5 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

Parcel No. 6:

Intentionally Omitted

Parcel No. 7:

Intentionally Omitted

Parcel No. 8:

Lot 6, Section 30, Township 6 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

Parcel No. 9:

Lots 2, 4, 6, 8 and 9; the Southeast quarter; the East half of the Southwest quarter; and the Southwest quarter of the Southwest quarter of Section 27, Township 6 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

Parcel No. 10:

Lots 2, 6 and 7; and the Southeast quarter of the Southeast quarter of Section 28, Township 6 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

Parcel No. 11:

Lots 2, 3, 4, 6, 8, 10 and 11; the South half of the Northeast quarter; the Southeast quarter of the Northwest quarter; the Southeast quarter; and the East half of the Southwest quarter of Section 31, Township 6 North, Range 1 West of the Gila and Salt River Base and Meridian,
Maricopa County, Arizona.

Parcel No. 12:

Lot 1; the Southwest quarter of the Northwest quarter; the Southwest quarter; the East half of the Northwest quarter; and the East half of Section 33, Township 6 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

Parcel No. 13:

All of Section 34, Township 6 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

Parcel No. 14:

The Northwest quarter of the Northwest quarter; the West half of the Southwest quarter of the Northwest quarter; the West half of the Southwest quarter; the Southeast quarter of the Southwest quarter; the East half of the East half; the West half of the Southeast quarter; the
East half of the Southwest quarter of the Northeast quarter of Section 35, Township 6 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

Parcel No. 15:

A parcel of land lying within Section 22, Township 5 North, Range 2 West 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 22;

Thence along the East line of the Southeast quarter of said Section, as shown on Results of Survey recorded in Book 282 of Maps, page 34, Maricopa County Records, North 00 degrees 00 minutes 00 seconds East, a distance of 1352.69 feet, to a point of intersection of said East line
and the South line of a parcel recorded in Instrument No. 84-0320193, Maricopa County Records;

Thence leaving said East line, along said South line, South 68 degrees 11 minutes 00 seconds West, a distance of 85.78 feet, to the easternmost property corner of said parcel, being also the POINT OF BEGINNING;

Thence continuing along said South line, South 68 degrees 11 minutes 00 seconds West, a distance of 1945.78 feet;

Thence leaving said South line, North 00 degrees 00 minutes 00 seconds East, a distance of 723.42 feet, to a point on the North line of said Parcel;

Thence along said North line, South 89 degrees 59 minutes 26 seconds East, a distance of 1806.41 feet to the POINT OF BEGINNING.

CITY OF PEORIA, ARIZONA
COUNCILCOMMUNICATION

Agenda Item: 39R

Date Prepared: June 4, 2014 **Council Meeting Date: June 17, 2014**

TO: Honorable Mayor and Council

FROM: Stephen M. Kemp, City Attorney

SUBJECT: Amendments to Chapter 9 of the Peoria City Code (1992) pertaining to Fireworks

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Purpose:

This is a request for Council to adopt a proposed code amendment to Chapter 9 of the Peoria City Code (1992) pertaining to Fireworks.

Background/Summary:

In the most recent legislative session, the Arizona Legislature adopted Chapter 108 amending state laws pertaining to fireworks. The law included a number of preemptive provisions impacting all cities in the state. The law was also enacted with an emergency clause making the law effective immediately, instead of the normal effective date of July 24, for this session.

Because the law includes language applicable to the upcoming July 4 holiday, there is not sufficient time to bring this code amendment to the Council through a more detailed discussion and review process. Further, the code amendment contains an emergency clause which provides that if a ¾ vote of the Council adopts the ordinance the changes will become effective immediately.

The ordinance makes a number of language changes to the City Code provisions as well as the following substantive changes:

1. Incorporates the state statute definition of Permissible Consumer Fireworks.

2. Use of Permissible Consumer Fireworks will now be permitted from June 24 through July 6 and December 24 through January 3 on private property in the City with the permission of the private property owner.

3. Use of Permissible Consumer Fireworks will not be permitted on City and other political subdivision owned property.

4. Penalties are modified to conform with state law for improper sale or use of permissible consumer fireworks.

5. All definitions are revised to conform to the new state statute.

This proposed ordinance has been reviewed with the Fire and Police Departments.

Previous Actions:

None

Options:

A: Discussion and possible action to approve the ordinance amending Chapter 9 of the Peoria City Code (1992) pertaining to Fireworks.

B: Discussion and possible action to reject the ordinance amending Chapter 9 of the Peoria City Code (1992) pertaining to Fireworks.

Staff's Recommendation:

With the new state law in place and the upcoming July 4 holiday, it is necessary to amend the Peoria City Code to have enforceable rules in place. Now, that fireworks usage will be permitted, it is critical to bring our code into compliance with state law. Therefore it is my recommendation that the Mayor and Council adopt the proposed ordinance amending Chapter 9 of the Peoria City Code (1992) to provide that the City Code provisions conform to state statue.

Fiscal Analysis:

Not applicable

Narrative:

Not applicable

Exhibit:

Exhibit 1: Proposed ordinance amending Chapter 9 of the Peoria City Code (1992)

ORDINANCE NO. 2014-27

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA AMENDING CHAPTER 9 OF THE PEORIA CITY CODE (1992) BY AMENDING SECTION 9-46 PERTAINING TO FIREWORKS; DEFINITIONS AND BY AMENDING SECTION 9-47 PERTAINING TO FIREWORKS; PROHIBITED; EXCEPTIONS AND BY AMENDING SECTION 9-48 PERTAINING TO FIREWORKS, SALE OF FIREWORKS; VIOLATIONS AND BY AMENDING SECTION 9-49 PERTAINING TO FIREWORKS; POSTING OF SIGNS BY PERSONS ENGAGED IN THE SELLING OF PERMISSIBLE CONSUMER FIREWORKS; CIVIL PENALTY AND AMENDING SECTION 9-50 PERTAINING TO FIREWORKS; AUTHORITY TO ENFORCE VIOLATIONS; MEANS OF ENFORCEMENT AND AMENDING SECTION 9-51 PERTAINING TO FIREWORKS; LIABILITY FOR EMERGENCY RESPONSES RELATED TO USE OF FIREWORKS AND AMENDING SECTION 9-52 PERTAINING TO FIREWORKS; PENALTY AND ENACTING SECTION 9-53 PERTAINING TO FIREWORKS; LIMITED USE OF PERMISSIBLE CONSUMER FIREWORKS; PERMITTED TIME PERIODS; CONDITIONS AND LOCATIONS AND PROVIDING THAT SECTIONS 9-54 THROUGH 9-60 SHALL BE RESERVED AND PROVIDING FOR SEVERABILITY AND DECLARING AN EMERGENCY.

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

SECTION 1. Chapter 9 of the Peoria City Code (1992) is amended by amending Section 9-46 pertaining to Fireworks; definitions and which shall read as follows:

Sec. 9-46. Fireworks; definitions.

(a) The following words, terms and phrases, when used in this ~~article~~ Chapter, have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) City permit means a permit issued by the Fire Department.

~~(2) Consumer fireworks means those fireworks defined by Arizona Revised Statutes Section 36-1601.~~

(2) Display fireworks means those fireworks defined by Arizona Revised Statutes Section 36-1601.

(3) Expenses of an emergency response means those reasonable costs incurred by City public agencies, including but not limited to Fire, Police and Public Works or other first responders pursuant to an intergovernmental agreement or contract with the City.

(4) Fireworks means ~~any combustible or explosive composition, substance or combination of substances, or any article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, that is a consumer firework,~~ display fireworks, consumer fireworks or permissible consumer fireworks as defined by Arizona Revised Statutes Section 36-1601.

(5) Novelty item means federally deregulated novelty items that are known as snappers, snap caps, party poppers, glow worms, snakes, toy smoke devices~~,~~ and sparklers. ~~and certain toys as defined in Arizona Revised Statutes Section 36-1601.~~

(6) Permissible consumer fireworks ~~means those fireworks as defined by~~ has the same meaning as Arizona Revised Statutes Section 36-1601~~. that may be sold within the City of Peoria even where the use of those items has been prohibited~~.

(7) Reasonable Costs means the costs of providing police, fire, clean-up, hazardous waste, rescue and emergency medical services at the scene of an incident and the salaries of the persons who respond to the incident.

(8) Supervised public display means a monitored performance of display fireworks open to the public and authorized by City permit. ~~by the Fire Marshall and/or Fire Chief or their designee~~

SECTION 2. Chapter 9 of the Peoria City Code (1992) is amended by amending Section 9-47 pertaining to Fireworks; prohibited; exceptions and which shall read as follows

Sec. 9-47. Fireworks; prohibited; exceptions.

~~(a) The use, discharge or ignition of fireworks within the City of Peoria is prohibited. The use of all consumer fireworks is banned within the incorporated City of Peoria.~~

(a) The use of fireworks, including permissible consumer fireworks within the City is prohibited, except for the limited use of permissible consumer fire works during the time periods and under the conditions provided for in Section 9-53 of this Code.

(b) Permits may be granted by the Fire Marshal and/or Fire Chief or their designee for conducting a properly supervised public display of fireworks. Every such public display of fireworks shall be of such character and so located, discharged or fired, only after proper inspection and in a manner that does not endanger persons, animals or property. A permit shall not be issued and may be revoked, during time periods of High Fire Danger warnings. The Fire Marshal and/or Fire Chief have authority to impose conditions on any permits granted.

(c) Failure to comply with any permit requirements issued by the Fire Marshal and/or Fire Chief shall result in the immediate termination of the permit and imposition of a civil penalty of not less than five hundred dollars ($500.00) imposed by the Fire Chief. A revocation of the permit or imposition of a civil penalty may be appealed in the manner provided for license appeals pursuant to Chapter 11 of this code

SECTION 3. Chapter 9 of the Peoria City Code (1992) is amended by amending Section 9-48 pertaining to Fireworks; sale of fireworks; violations and which shall read as follows:

Sec. 9-48. Fireworks; sale of fireworks; violations.

(a) No person shall sell or permit or authorize the sale of permissible consumer fireworks to a person who is under ~~sixteen~~ eighteen years of age.

(b) No person shall sell or permit or authorize the sale of permissible consumer fireworks in conflict with state law.

(c) No person shall sell, possess, authorize or manufacture consumer or display fireworks unless authorized by state law, city permit or otherwise authorized by this code.

(d) No person shall sell permissible consumer fireworks to the public except in a properly permitted facility and only from May 20th through July 6th and December 10th through January 3rd of the following year.

~~(c) It shall be a class one misdemeanor to sell, permit or authorize the sale of permissible consumer fireworks in violation of state law.~~

(e) A first violation of this section is punishable by a civil sanction with a minimum fine of one thousand dollars ($1,000.00), which shall be under the jurisdiction of the municipal court and subject to the rules of the City and State for civil violations. Any subsequent violations of this section within two (2) years are designated as class one misdemeanors, punishable by a minimum fine of two thousand dollars.

(f) As part of any civil sanction imposed upon a person or entity found responsible under this section, the Municipal Court may impose a prohibition restricting the person or entity from selling fireworks in the City of Peoria for a period not to exceed one year

SECTION 4. Chapter 9 of the Peoria City Code (1992) is amended by amending Section 9-49 pertaining to Fireworks; posting of signs by persons engaged in the sale of permissible consumer fireworks; civil penalty and which shall read as follows:

Sec. 9-49. Fireworks; posting of signs by persons engaged in the selling of permissible consumer fireworks; civil penalty.

(a) Prior to the sale of permissible consumer fireworks, every person engaged in the selling of permissible consumer fireworks ~~such sales~~ shall prominently display signs indicating the following:

(1) NOTICE: Use of fireworks, including permissible consumer fireworks as defined under state law is ~~not allowed~~ prohibited in the City of Peoria, except as authorized by City permit or on private property with the consent of the owner from June 24th through July 6th and December 24th through January 3rd of each year.

(2) Permissible Consumer fireworks authorized for sale under state law may not be sold to persons under the age of ~~16~~ eighteen years

~~(3)~~ Any person who obtains a business license for the sale of retail fireworks under this section shall have signage placed at each cash register and in each area where fireworks are displayed for ~~sale informing customers that the use of fireworks in the City of Peoria is prohibited.~~

(4) The prominently displayed signs are required to be at least 8½ X 11 at a minimum and the type (font) size cannot be less than 1 inch in size.

(b) Failure to comply with subparts ~~a, b, and c~~ (1); (2); (3) or (4) of this section is a civil offense punishable by a civil fine of not less than two hundred dollars ($250.00) for each violation. A second or subsequent violation of any subparts (1); (2); (3) or (4) within two years is a civil offense punishable by a minimum fine of not less than five hundred ($500.00)

SECTION 5. Chapter 9 of the Peoria City Code (1992) is amended by amending Section 9-50 pertaining to Fireworks; authority to enforce violations; means of enforcement and which shall read as follows

Sec. 9-50. Fireworks; authority to enforce violations; means of enforcement.

(a) The Fire Marshal and/or Fire Chief or their designee, a police officer or the Peoria City Attorney may issue civil complaints to enforce violations of ~~this article~~ Sections 9-46 through 9-53 of this code designated as civil offenses.

(b) Any person authorized pursuant to this section to issue a civil complaint may also issue a notice of violation specifying actions to be taken and the time in which they are to be taken to avoid issuance of a civil or criminal complaint.

(c) A Peoria police officer or the Peoria City Attorney may issue criminal complaints to enforce sections 9-46 through 9-5~~2~~3.

SECTION 6. Chapter 9 of the Peoria City Code (1992) is amended by amending Section 9-51 pertaining to Fireworks; liability for emergency responses related to use of fireworks and which shall read as follows:

Sec. 9-51. Fireworks; liability for emergency responses related to use of fireworks~~; definitions~~.

(a) A person who uses, discharges or ignites ~~permissible consumer fireworks~~, fireworks or anything that is designed or intended to rise into the air and explode or to detonate in the air or to fly above the ground, is liable for the expenses of any emergency response that is required by such use, discharge or ignition. The fact that a person is convicted or found responsible for a violation(s) of this article is prima facie evidence of liability under this section.

(b) The expenses of an emergency response are a charge against the person liable for those expenses pursuant to subpart (a) of this section. The charge constitutes a debt of that person and may be collected proportionately by the public agencies, for-profit entities or not-for-profit entities that incurred the expenses. The person's liability for the expense of an emergency response shall not exceed five hundred sixty-nine dollars ($569.00) per hour of emergency response time for a single incident depending on the apparatus and personnel required to respond. The person will be liable for a minimum hourly rate upon response. The liability imposed under this section is in addition to and not in limitation of any other liability that may be imposed.

(1) The Fire Department shall promulgate a schedule of charges for emergency response under this section.

~~(c) For the purpose of this section:~~

~~(1) "Expenses of an emergency response" means reasonable costs directly incurred by public agencies, for-profit entities or not-for-profit entities that make an appropriate emergency response to an incident.~~

~~(2) "Reasonable costs" includes the costs of providing police, fire fighting, rescue and emergency medical services at the scene of an incident and the salaries of the persons who respond to the incident~~

<u>SECTION 7</u>. Chapter 9 of the Peoria City Code (1992) is amended by amending Section 9-52 pertaining to Fireworks; penalty and which shall read as follows

Sec. 9-52. Fireworks; penalty.

The penalty for violating any prohibition or requirement imposed by ~~this article~~ <u>Sections 9-46 through 9-53</u> is a class two misdemeanor and is punishable by a fine not to exceed seven hundred fifty dollars ($750.00) or jail time not to exceed four (4) months<u>, unless another penalty is specifically provided for under this code or state statute.</u>

SECTION 8. Chapter 9 of the Peoria City Code (1992) is amended by enacting Section 9-53 pertaining to Fireworks; limited use of permissible consumer fireworks; permitted time periods; conditions and locations and which shall read as follows

Sec. 9-53. Fireworks; limited use of permissible consumer fireworks; permitted time periods; conditions and locations.

(a) The use of permissible consumer fireworks within the City is prohibited on all city owned property, which includes, but is not limited to city buildings, city parking lots, city plazas; city parks, swimming pools and aquatic centers and city streets, rights of ways and utility easements.

(b) The use of permissible consumer fireworks within the City is prohibited on land owned or managed by the State of Arizona or the United States unless an agency of the state or the United States has issue a permit for such use.

(c) The use of permissible consumer fireworks within the City is prohibited on land owned by a political subdivision of this state, unless the political subdivision has issued a permit for such use.

(d) The use of permissible consumer fireworks within the City is prohibited on land owned, leased or under the control of any school district or charter school unless the school district or charter school has issue a permit for such use.

(e) The use of permissible consumer fireworks is prohibited by anyone under the age of eighteen (18) years.

(f) Except as provided in subsections (a) through (e) of this section, permissible consumer fireworks may be used on private property with the consent of the owner from June 24th through July 6th and December 24th through January 3rd of the following year.

SECTION 9. Chapter 9 of the Peoria City Code (1992) is amended by providing that Sections 9-54 through 9-60 shall be reserved.

SECTION 10. 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 11. The Council having declared an emergency and that it is necessary to preserve the public health, safety and welfare; therefore, this ordinance shall become effective immediately.

The following votes were cast pertaining to this ordinance:

AYES	NAYS
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Arizona, this 17th day of June, 2014.

_____
Bob Barrett

_____
Date Signed

ATTEST:

_____
Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

_____
Stephen M. Kemp, City Attorney

Published in Peoria Times
Publication Dates: June 27 and July 4, 2014
Effective Date: _____

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 40R

Date Prepared: June 5, 2014 **Council Meeting Date: June 17, 2014**

TO: Carl Swenson, City Manager

FROM: John R. Sefton Jr., Community Services Director

THROUGH: Jeff Tyne, Deputy City Manager

SUBJECT: Theater Works Lease Agreement

Purpose:

Review and possible action to approve an amended lease with Theater Works regarding the use, programming, and maintenance of the Peoria Center for the Performing Arts.

Background/Summary:

Over the past few years, City staff has been in discussions with representatives of Theater Works, a 501(c)(3) corporation, regarding the use, programming, and maintenance operations of the Peoria Center for the Performing Arts. This discussion has led to an interest in revisiting the tenant status of Theater Works for the operation of the Theater.

In 2006, the City constructed a 20,000 square foot Center for the Performing Arts. The Center includes a 270-seat main stage, as well as an 80-seat black box theater for alternative programming. In its inaugural year, the City contracted with Theater Works to operate and maintain the facility through a 20-year Improved Property Lease.

The current lease agreement provides for Theater Works to be the master tenant of the facility, which includes managing the operations and programming at the site. The agreement also includes terms and conditions regarding the maintenance and upkeep of the facility, and provides for City access to the facility as well.

In March of 2012, the City Council instructed staff to work closely with Theater Works representatives to explore options for continuing the arrangement going forward. The emphasis was placed on providing quality, diverse and sustainable programming in the community, while ensuring the upkeep and management of the Center.

Over fiscal year 2014, city staff worked diligently with Theater Works to provide operational support, program collaboration, and financial and facilities maintenance accountabilities. Based on the City's requested performance data measures, the terms and objectives of the

FIRST AMENDMENT TO IMPROVED PROPERTY LEASE have been satisfactorily accomplished. In addition, all past surcharge amounts have been paid in full.

As result of ongoing discussions, evaluation of operational data, and programming outcomes, city staff anticipates that the city's Center for Performing Arts will require continued financial support to deliver the expected level of service. An annual funding allocation of $350,000 distributed over the next fiscal year is projected to address the facility-related operations issues. A progressively increasing number of terms are again included in this lease amendment to help forward the City's interests for the theater. These terms include:

- The number of days the theater facility would be made available would be increased from 12 to 20 days. Access on these days will be mutually agreed upon early on in the programming calendar schedule.
- Theater Works will offer interactive participation in a number of City-affiliated special events, including the FY2015 ParkFest! events at neighborhood parks.
- Theater Works will organize a minimum number of performance series and will engage in area events which showcase cultural diversity.
- The City and Theater Works will continue working collaboratively on youth- related programs, senior-related activities, and support for programs supporting the developmentally disabled.
- Theater Works executive staff will meet at least bi-monthly with City leadership to discuss updates on the agency's work plan, financial activity, facility maintenance issues, and programming deliverables.
- Theater Works executive staff will collaborate with city staff to develop a documented action plan for assumption of facility operations by January 15, 2015. The plan will be presented at a future Council Study session.

Options:

As described above, the city currently has a lease agreement with Theater Works for their management of the Center for the Performing Arts facility. In context with the stated policy objectives, staff has identified the following options for Council consideration:

A. Direct staff to <u>maintain the current lease</u> and continue with current payment arrangement.

B. Direct staff to amend the lease agreement with Theater Works to include $350,000 in one-time funding, with additional terms on facility maintenance, programming, event participation, and City-related access.

Staff Recommendation:

In recognition of the collaborative effort of both parties, and with the hope to enhance the access to performing arts opportunities to citizens, staff recommends that the City Council approve the SECOND AMENDMENT TO IMPROVED PROPERTY LEASE with Theater Works as outlined above and provided as attached.

Fiscal Analysis:

The adopted FY 2015 budget includes $350,000 to support the structural financial requirements for the operation of Peoria's Center for Performing Arts. If this amended lease agreement is approved, payment to Theater Works will be made from the General Fund, City Participation in Outside Programs Account 1000-0300-522006.

Exhibit: SECOND AMENDMENT TO IMPROVED PROPERTY LEASE

Contact Name and Number: John Sefton, 623-773-7135

SECOND AMENDMENT TO IMPROVED PROPERTY LEASE

THIS Second Amendment to Improved Property Lease dated November 28, 2005, (LCON11805) is made this ____ day of June, 2014, by and between the City of Peoria, Arizona ("Peoria" or "City") a municipal corporation, ("Lessor"), and The Theater Works, Inc. ("Theater Works") an Arizona Non-Profit Corporation, ("Lessee").

RECITALS

A. Lessor and Lessee entered into that certain Improved Property Lease ("Lease") on November 28, 2005, for certain real property legally described within the Lease, and more commonly known as The Peoria Center for the Performing Arts.

B. Lessor believes that Lessee's business activities significantly improve the welfare and quality of life in Peoria and Lessee wishes to provide additional activities to improve welfare and quality of life in Peoria.

C. Lessor and Lessee entered into the "First Amendment to Improved Property Lease" on June 24, 2013.

D. Lessor and Lessee desire to amend the Lease in this Second Amendment for the purposes hereinafter set forth.

NOW, THEREFORE, the parties agree to amend the Lease as follows:

AGREEMENT

1. 2.1 "Allowed Uses" is amended as follows:

   The Allowed Uses are theatrical performances, rehearsals, dramatic classes, fundraisers, special events related to the foregoing, and subletting of the Theater Property in accordance with the terms of the Lease for the Allowed Uses. Theater Works may generate revenue from such Allowed Uses, including silent auctions. The City of Peoria owns the Liquor License for the Peoria Center for Performing Arts and a contracted vendor will supply the alcohol. Theater Works has the right to request suspension of the City's Liquor License in order to obtain a Special Events Liquor License for scheduled non-profit events. Requests to suspend the City's Liquor License will be for five events or less annually. Revenue received from the contracted vendor for sales of liquor will go to the City of Peoria revenue account for the Peoria Center for Performing Arts building.

   In recognition of the Allowed Uses, the City of Peoria will pay Theater Works $350,000 to assist with paying for utilities, box office functions and building maintenance. Payment installments will be $125,000 in July 2014 and $75,000 in the months of October 2014, January 2015, and April 2015.

2. Section 2.3.2 "Theater Works Financial and Use Reporting" is amended as follows:

Theater Works shall meet with City on a bi-monthly basis for the purpose of updating city staff on its financial status and facility maintenance (i.e., capital projects and routine maintenance). As a part of this bi-monthly meeting, Theater Works shall provide City with current financial statements as well as copies of minutes from monthly board meetings after they have been approved by the Theater Works board. The bi-monthly financial statement will be accompanied by a work plan status that clearly outlines the currently booked Allowed Uses as well as all performance data related to these uses, including but not limited to attendance targets, programming targets and specific capacity utilization. Moreover, Theater Works shall brief the City on all planned and/or booked Allowed Uses for a rolling time frame that extends six months out from each bi-monthly meeting. Moreover, if requested, Theater Works shall provide the City with other information related to its financial and programmatic metrics.

The Executive Director will meet on a quarterly basis or as needed with the City team to start planning for the facility transition. The Executive Director will supply information as requested that will assist the City team in creating a comprehensive and cohesive plan. By January 15, 2015, the team will have a documented plan of action for consideration during a future Council Study Session.

The remainder of Section 2.3.2 remains unchanged, except that the following paragraph is added after the last sentence in the section.

Theater Works understands and acknowledges that City may from time to time choose to provide funding to Theater Works at City's sole discretion. If funding is provided, then Theater Works agrees that a breach of this Lease, which breach is not timely cured pursuant to the cure provisions of the Lease, shall result in Theater Works' obligation to repay City the remaining daily pro rata share of any such funding as calculated from the date of breach through the last day of City's fiscal year in which the breach occurs.

3. Section 2.5 "Peoria Use of the Theater Property" is amended in its entirety as follows:

City may have full use of the Demised Facilities for up to twenty (20) days per calendar year at no charge. In order to coordinate with Theater Works' production calendar, annually on or before November 1st, City shall give Theater Works notice of the days it will have full use of the Demised Facilities. If City does not specify the use of all twenty (20) days by November 1st, then those days that are not designated shall be subject to use by City as follows. City may request to use its remaining undesignated days with at least fourteen (14) calendar days' notice to Theater Works. Use of the remaining undesignated days is subject to agreement by Theater Works, which agreement shall not unreasonably be withheld. The City will not request use for days during which Theater Works performances have already been scheduled.

Theater Works shall work with the City to actively participate in no less than seven (7) City-affiliated special events. The parties expect that this involvement in special events requires Theater Works' full interactive participation at the planning and implementation stages of the events. The FY2015 programs will include participation in the city's ParkFest! events at neighborhood parks.

In addition to the City's actual use of the Demised Facilities, Theater Works agrees to work with the City and more specifically with productions and performances specifically requested by the City, so long as such requests are reasonably made. In no way is this provision meant to affect Theater Works' management of its operations or its rights and/or obligations as a Lessee pursuant to the Lease.

Throughout the remainder of the Lease term Theater Works shall, as part of its ongoing programming, offer at least three different performance series each calendar year which showcase divergent performance/programming (i.e. jazz, classical, Broadway tunes, lecture series, comedies, and dramas). Each performance series shall include a minimum of three separate events. Moreover, Theater Works shall engage in three significant events which will showcase and positively advance the cultural diversity existing within the State of Arizona for the benefit of the local and regional communities which the Peoria Center for the Performing Arts serves.

Theater Works' staff shall also support youth-related activities, senior related activities and activities for the developmentally disabled at the Peoria Center for the Performing Arts and Theater Works agrees to adopt programming responsive to the needs of youth, seniors and the developmentally disabled.

4. Section 4.2 "Ticket Surcharge" reverts to original Lease verbiage. As of the signing of this Second Amendment, all surcharge amounts are paid in full.

5. This Second Amendment shall replace the First Amendment in its entirety, so that the terms of the First Amendment are no longer in effect. Except as modified by this Second Amendment, the Lease and all terms, covenants, conditions and agreements therein remain the same, in full force and effect.

6. This Second Amendment shall be binding upon and inure to the benefit of the parties hereto, their respective successors in interest and assigns and shall run with the land, both as respects benefits and burdens created herein.

7. This Second Amendment may be executed in separate counterparts with signature to one being deemed signature to each such counterpart, each of which shall be deemed to be an original and all of which together shall constitute a single instrument.

IN WITNESS WHEREOF, the parties have executed this Second Amendment on the date first listed above.

CITY/LESSOR SIGNATURE PAGE

LESSOR

CITY OF PEORIA, ARIZONA, an Arizona
Municipal Corporation

By: _____
Bob Barrett, Mayor

ATTEST:

_____
Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

_____
Stephen M. Kemp, City Attorney

STATE OF ARIZONA)
) ss:
COUNTY OF MARICOPA)

SUBSCRIBED AND SWORN to before me this _____ day of June 2014, by Bob Barrett, Mayor of the City of Peoria, Arizona, an Arizona municipal corporation, on behalf of the corporation.

_____
Notary Public

My Commission Expires:

LESSEE SIGNATURE PAGE

LESSEE

The Theater Works, Inc., an Arizona non-profit corporation

By: _____

Name:_____

Its: _____

STATE OF ARIZONA)
) ss:
COUNTY OF MARICOPA)

SUBSCRIBED AND SWORN to before me this _____ day of June 2014, by _____, the _____ of The Theater Works, Inc., an Arizona non-profit corporation.

_____
Notary Public

My Commission Expires:

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 41R

Date Prepared: May 20, 2014 **Council Meeting Date: June 17, 2014**

TO: Honorable Mayor and City Council

FROM: Stephen M. Kemp, City Attorney

SUBJECT: Award of General Liability Insurance Package FY 2015

Purpose:

This is a request for the Mayor and City Council to award the Fiscal Year 2015 general liability insurance package as recommended by the City's insurance broker, Willis of Arizona, Public Entity Services. The insurance package will maintain the City's Liability Self-Insured Retention (SIR) level at $1,000,000 per claim occurrence. The City's aggregate level will be maintained at $4,000,000 for the aggregate of claims during the year. The City also maintains layers of liability insurance coverage up to $40,000,000. The City's Self-Insured Retention level and aggregate level remain the same as last year.

Background/Summary:

The general liability insurance coverage package includes all of the City's property, liability, equipment, casualty insurance, and fidelity bonds. It does not include workers' compensation or employee benefits. The City obtains annual insurance coverage each FY, so it must be reviewed and renewed each year. The City contracts with an insurance broker, Willis of Arizona, Public Entity Services (Willis), on a fee-for-service basis to assist us in acquiring the most comprehensive and cost-effective insurance.

There has been a market trend over the past couple of years involving a hardening of the insurance market (increasing costs for cities and other governmental agencies). The driving forces for these market changes include super storms, wild fires, increasing money damage awards and litigation costs most especially for law enforcement liability and employment practices liability. These factors and others have impacted many insurance companies and the market as a whole. Also, on the local level there have been a number of decisions in court cases indicating a greater willingness for courts and juries to consider damages and exposures related to these types of incidents and occurrences. These trends are increasing the potential costs related to municipal government insurance.

However, even though the insurance market rates overall increased last year the City was able to obtain some savings by moving our primary liability policy from Traveler's to OneBeacon. Additionally, this year the OneBeacon primary liability policy rate increase was nominal, going from $92,720 up to $93,723 for FY 15. As a whole the City insurance costs for this FY 15

insurance package only increased 3.3%. The City's claims handling, loss rates, claims costs, and litigation management all continue to help keep our insurance costs down.

We expect and project those costs to go up substantially over the next few years as insurance companies pass nationwide claims and litigation costs onto their policyholders by way of increased premiums. While the City Attorney's Office will continue to handle and manage claims and litigation costs in the most effective manner possible, we still expect the City insurance costs to increase in the future.

As for this year, Willis recommends maintaining our current SIR levels through OneBeacon and Endurance American Insurance. The City was able to continue with several of the expanded coverages added into our policy last year. Those include expanded coverage for EMT liability, failure to supply liability, and abuse & molestation liability.

Additionally this year Willis is recommending, and our Office agrees, that expanding the City's cyber liability protection from $2 million to $5 million would be a wise investment. The premium difference for that recommended change comes to $8,910.28. Given the potential liability exposure related to data breaches and other cyber crime, we believe an increase in this coverage is in order. The recent cyber liability costs and claims for data breaches, such as the ones involving Target and the Maricopa Community College system, have brought to light this topic and the associated risks and costs in having your data breached. These costs can be difficult to ultimately determine as the costs go on for years in many cases.

Above and beyond the City's primary insurance policies it is also necessary for the City to obtain and purchase several specialized policies. These additional policies are expected to run in excess of $40,000,000. These additional policies include specific policies for underground tanks, extra unscheduled special events, our EMS Medical Director, the Fireboat at Lake Pleasant, and several other specialized type policies not included in the main insurance package. The City also continues to add new equipment and expand with new parks and development. This year we added Pioneer Park along with completing two large clubhouse renovations at the Peoria Sports Complex. These new structures, equipment, and facilities, bring with them additional costs including additional insurance related costs.

With some enhancements and specialty policies we will be able to fund the FY 2015 insurance package within the tentative budget amount of $1,045,761.00 approved by the Mayor and City Council. The level of insurance coverage (i.e. the categories of coverage, deductibles, etc.) offered by OneBeacon for FY 2015 is very similar and comparable to what the City had in place with OneBeacon in FY 14 and prior years with Travelers.

Previous Actions:

No action has occurred previously on this request for the FY 2015 insurance package. The Mayor and City Council has approved the insurance packages for prior years on an annual basis.

Options:

A: Award the insurance package as submitted

B: Direct staff to make such changes as the Mayor and City Council determines to be appropriate

C: Take no action on the proposed insurance package

Staff's Recommendation:

The City Attorney's Office recommends that the Mayor and City Council award the general liability insurance package as submitted. The City's current insurance contract and coverage will expire on July 1, 2014. It is not in the City's interests to be without insurance. The Finance Department reviewed the insurance package and concur with this recommendation.

Fiscal Analysis:

The City Attorney's Office recommends contracting with insurance providers as proposed and funding is available in the amount of $1,045,761 in the City Attorney's Liability Insurance Account (3200-3600-523011).

Narrative:

The general liability insurance package presented to the Mayor and City Council for FY 2015 will continue to provide sufficient insurance to the City beyond the City's SIR levels to insure that the City's financial exposure is protected.

Exhibit:

City of Peoria 2014-2015 Premium Summary

Contact Name and Number:

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

CITY OF PEORIA 2014-2015 PREMIUM SUMMARY

COVERAGE	2014 CARRIERS	2014 RETENTION	2014 LIMITS	2014 PREMIUMS	2013 PRMIUMS	2012 PREMIUMS
Property & Boiler & Mach.	Travelers	$50,000	$250,000,000	**$370,675**	**$354,698**	**$335,787**
(TIV $624,377,785)						
Crime Package	Great American	$10,000	$1,000,000	**$4,900**	**$4,900**	**$5,227**
Liability Package						
General Liability	OneBeacon	$1,000,000	$2 million/$3 million	$93,723	$92,720	$142,568
Abuse & Molestation	OneBeacon	$1,000,000	$1,000,000	Included	Included	Included
Healthcare (EMTs)	OneBeacon	$1,000,000	$2,000,000	Included	Included	Included
Failure to Supply	OneBeacon	$1,000,000	$1,000,000	Included	Included	Included
Employee Benefits Liability	OneBeacon	$1,000,000	$2 million/$2 million	Included	Included	$150
Law Enforcement Liability	OneBeacon	$1,000,000	$2 million/$2 million	$109,235	$106,708	$88,214
Public Entity Management	OneBeacon	$1,000,000	$2 million/$2 million	Included	Included	$26,953
Employment Practices	OneBeacon	$1,000,000	$2 million/$2 million	Included	Included	$43,659
Auto Liability	OneBeacon	$1,000,000	$2,000,000	$92,562	$88,253	$61,854
Auto Physical Damage	OneBeacon	$5,000	ACV	Included	Included	$56,021
SIR Aggregate	OneBeacon		$4,000,000	Included	Included	
Terrorism	OneBeacon			Included	Included	
Excess (1)	OneBeacon	$3,000,000	$13 million/$13 million	$231,137	$234,389	$170,538
Sub Total				**$526,657**	**$522,070**	**$589,957**
Excess Liability (w/terrorism)	Endurance American	$16,000,000	$25 million/$25 million	**$94,591.06**	**$90,942.94**	**$70,000**
Cyber Liability	**Axis**	$10,000	$5 million/$2 million	**$17,437.70**	**$7,744.14**	**$9,113.00**
Identity Theft	**Travelers**	None	$10,000 per Person	**$5,097**	**$4,103**	**$4,171**
Watercraft Package	**Travelers**	$2,500	1,000,000	**$3,475**	**$4,838**	**NA**
TOTAL PREMIUMS				**$1,022,832.76**	**$989,296.08**	**$1,014,255.00**
as of 5/9/2014				**3.3% Increase**	**2.5% Decrease**	
(1) EPLI Sub Limits	**$8 Million/$8 million**					
(1) Sexual Abuse Sub Limit	**$4 Million/$4 million**					

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 42R

Date Prepared: April 17, 2014 **Council Meeting Date:** June 17, 2014

TO: Carl Swenson, City Manager

FROM: Katie Gregory, Deputy Director of Finance and Budget

THROUGH: Jeff Tyne, Deputy City Manager

SUBJECT: Fiscal Year 2015 SLID/MID Levies

Purpose:

This is a request for the Mayor and City Council to approve the ordinances adopting the Street Light and Maintenance Improvement District Levies for FY 2015.

Background/Summary:

The Council will consider a motion to adopt an ordinance for 215 Street Light Improvement Districts located in the City. The ordinance approves the levies for each street light district in the City. A second action is requested to consider adoption of the City's 11 Maintenance Improvement Districts.

A schedule of proposed tax revenues for the Maintenance and Street Light Improvement Districts within the City is attached. Staff has used calculations based on the percent of build out completed for the various subdivisions in calculating the proposed tax levies.

Previous Actions:

A schedule of SLIDS and MIDS was published in the Peoria Times on May 2, 2014, and May 9, 2014.

Options:

A: That the Mayor and Council approve the ordinances adopting the Street Light and Maintenance Improvement District Levies for FY 2015.

B: That the Mayor and Council not approve the improvement district tax levies and provide staff direction to change the improvement district tax levies.

Staff's Recommendation:

Staff recommends that the Mayor and Council approve the ordinances adopting the Street Light and Maintenance Improvement District Levies for FY 2015.

Fiscal Analysis:

The Street Light Improvement District levy is expected to generate $599,878 and the Maintenance Improvement District levy is expected to generate $143,441 in the next fiscal year.

Exhibit(s):

Exhibit 1: Street Light Improvement Districts Ordinance

Exhibit 2: Schedule of Street Light Improvement Districts

Exhibit 3: Maintenance Improvement Districts Ordinance

Exhibit 4: Schedule of Maintenance Improvement Districts

Contact Name and Number: Katie Gregory, (623) 773-7364

ORDINANCE NO. 2014-28

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, LEVYING UPON THE ASSESSED VALUATION OF THE PROPERTY WITHIN THE CITY OF PEORIA AND WITHIN THE FOLLOWING STREET LIGHT IMPROVEMENT DISTRICTS EACH DESIGNATED AS CITY OF PEORIA STREET LIGHT IMPROVEMENT DISTRICT NOS. 1 - 34 INCLUSIVE, NOS. 36 – 37, INCLUSIVE, NOS. 39 - 51 INCLUSIVE, NOS. 54 - 64 INCLUSIVE, NO. 66, NOS. 70 - 73 INCLUSIVE, NOS. 76 - 80 INCLUSIVE, NOS. 82 - 84 INCLUSIVE, NOS. 93 - 99 INCLUSIVE, NOS. 101 - 102 INCLUSIVE, NO. 104, NOS. 107 - 108 INCLUSIVE, NO. 110, NO. 114, NOS. 116 - 117 INCLUSIVE, NO. 119, NOS. 121 - 123 INCLUSIVE, NOS. 125 - 129 INCLUSIVE, NO. 131, NOS. 135 -157 INCLUSIVE, NOS. 159 – 164 INCLUSIVE, NOS. 166 - 167 INCLUSIVE, NOS. 171 - 172 INCLUSIVE, NOS. 176 - 177 INCLUSIVE, NO. 179, NOS. 183 - 185 INCLUSIVE, NOS. 187 - 191 INCLUSIVE, NO. 195, NOS. 197 - 199 INCLUSIVE, NOS. 201 - 202 INCLUSIVE, NOS. 204 - 216 INCLUSIVE, NO. 218, NO. 221-236 INCLUSIVE, NOS. 238 - 240 INCLUSIVE, NOS. 1000-1002 INCLUSIVE, NOS. 1004-1014 INCLUSIVE, NO. 1016, NO 1018, NOS. 1020 – 1022 INCLUSIVE, NO. 1025, NO. 1031, NOS. 1033 – 1034 INCLUSIVE, NOS. 1038 - 1039 INCLUSIVE, NO. 1046, NO. 1050, NO. 1055, NO. 1063, NOS. 1067 – 1069, AND NO. 1071 SUBJECT TO TAXATION A CERTAIN SUM UPON EACH ONE HUNDRED DOLLARS ($100.00) OF VALUATION SUFFICIENT TO RAISE THE AMOUNT ESTIMATED TO BE REQUIRED IN THE ANNUAL BUDGET, LESS THE AMOUNT ESTIMATED TO BE RECEIVED FROM OTHER SOURCES OF REVENUE; PROVIDING FUNDS FOR THE PURPOSE OF GENERAL DISTRICT EXPENSES; ALL FOR THE FISCAL YEAR ENDING THE 30TH DAY OF JUNE, 2015, AND DECLARING AN EMERGENCY

BE IT ORDAINED by the Mayor and Council of the City of Peoria, Arizona as follows:

SECTION 1. There is hereby levied on each One Hundred Dollars ($100.00) of the assessed value of all property, both real and personal, within the corporate limits of the City of Peoria Street Light Improvement Districts, except such

property as may be by law exempt from taxation, a primary property tax rate sufficient to raise a sum necessary to pay annual expenses of said District for the fiscal year ending on the 30th day of June, 2015. If such sum exceeds the maximum levy allowed by law, the Board of Supervisors of the County of Maricopa is hereby authorized to reduce the levy to the maximum amount allowed by law after providing notice to the City.

SECTION 2. Failure by the County officials of Maricopa County, Arizona to properly return the delinquent list, any irregularity in assessments or omissions in the same, or any irregularity in any proceedings shall not invalidate such proceedings or invalidate any title conveyed by any tax deed; failure or neglect of any officer or officers to perform or to timely perform any of the duties assigned to him or to them shall not invalidate any proceeding or any deed deficiency or sale pursuant thereto, the validity of the assessment or levy of taxes, or of the judgment of sale by which the collection of the same may be enforced, shall not affect the lien of the City of Peoria upon such property for the delinquent taxes unpaid thereon; overcharge as to part of the taxes or of costs shall not invalidate any proceedings for the collection of taxes, or the foreclosure of the lien therefore, or a sale of the property under such foreclosure; and all acts of officers de facto shall be valid as if performed by officers de jure.

SECTION 3. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. This Ordinance shall be in full force and effect from and after its passage by the Mayor and Council.

SECTION 5. In order to preserve the peace, health and safety of the City of Peoria, an EMERGENCY is declared to exist and this Ordinance shall be effective immediately upon its passage and adoption.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Arizona, this 17th day of June 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: June 27 and July 4, 2014
Effective Date:

CITY OF PEORIA
2014/2015 BUDGET

City #	Subdivision Name	Assessment
SLID 1	Westfield Gardens	1,319
SLID 2	Autumn Point	1,459
SLID 3	Vistas Avenida II	1,072
SLID 4	Cypress Point Estates II @ WBV	1,730
SLID 5	Shavano	1,621
SLID 6	Bell Park Central	2,554
SLID 7	Bell Park & Parcels 2B-8	7,227
SLID 8	Foxwood Unit Four	1,621
SLID 9	Vista Crossing	1,190
SLID 10	Vista Pinnacle	2,672
SLID 11	North Shores @ Ventana Lakes	824
SLID 12	Vistas @ Desert Harbor Phase I	1,484
SLID 13	Village Terrace	1,978
SLID 14	The Coves/Ventana Lakes	3,684
SLID 15	Windwood	891
SLID 16	Lakeside Unit 2 @ Ventana Lakes	2,374
SLID 17	Arrowhead Shores I	2,965
SLID 18	Arrowhead Shores II	2,719
SLID 19	Westfield Gardens 2	772
SLID 20	Cactus Point Crossing	1,757
SLID 21	Country Meadows Estates	1,895
SLID 22	The Gardens @ V.L. includes North Park	4,036
SLID 23	Brookside Village I & II	1,730
SLID 24	Country Meadows Unit 11	249
SLID 25	Vista Point, Village Terrace II & III @ WBV	2,863
SLID 26	Calbrisa	2,037
SLID 27	Torrey Pines I & II	3,047
SLID 28	The Landings @ V.L. includes South Bay	3,047
SLID 29	Sweetwater Place	2,269
SLID 30	Vistas @ Desert Harbor Unit II	1,647
SLID 31	Westfield Gardens III	1,367
SLID 32	83rd Ave & Thunderbird	3,969
SLID 33	Crystal Cove	2,224
SLID 34	Villas @ Desert Harbor	660
SLID 36	Arrowhead Cove	1,895
SLID 37	Vistas Fairways @ WBV	2,642
SLID 39	Bridlewood	6,012
SLID 40	The Shores @ V.L.	742
SLID 41	Fairway Views @ WBV	1,812
SLID 42	Sweetwater Place II	730
SLID 43	Steeple Hill	2,339
SLID 44	Paradise Shores	1,400
SLID 45	Calle Lejos Estates	1,154
SLID 46	Eagle Ridge @ WBV	2,471
SLID 47	Olive Park	1,053
SLID 48	Paseo Verde Estates	2,748
SLID 49	The Boardwalk	2,635
SLID 50	Parkridge I & II	12,023
SLID 51	Scottland Hills @ WBV	1,484
SLID 54	Wildflower Point I	1,977
SLID 55	Crystal Bay @ Desert Harbor	412
SLID 56	Diamond Cove @ Desert Harbor	2,186
SLID 57	Alta Vista Estates	8,871
SLID 58	Sweetwater Ridge	5,626
SLID 59	Hunter Ridge	2,307
SLID 60	Arrowhead Horizons	1,730

CITY OF PEORIA
2014/2015 BUDGET

City #	Subdivision Name	Assessment
SLID 61	Cactus Place	660
SLID 62	Legacy Place	1,702
SLID 63	Granite Run	3,130
SLID 64	Willow Ridge @ WBV	3,624
SLID 66	New River Shores	3,212
SLID 70	Sweetwater Ridge Unit 3	458
SLID 71	Teresita	1,937
SLID 72	Country Club Estates @ WBV	989
SLID 73	Fletcher Heights Phase 1A	16,605
SLID 76	Silverton	6,012
SLID 77	Deer Village Unit 3	1,319
SLID 78	Deer Village Unit 1	1,977
SLID 79	Deer Village Unit 2	2,142
SLID 80	Deer Village Unit 4	1,566
SLID 82	Pivotal Peoria Center Tracts C & D	1,782
SLID 83	Fairmont Unit 1	4,777
SLID 84	Fairmont Unit 2	2,965
SLID 93	Terramar Parcel 1	4,918
SLID 94	Terramar Parcel 2A	562
SLID 95	Terramar Parcel 3	2,748
SLID 96	Terramar Parcel 4A	1,707
SLID 97	Terramar Parcel 5	1,566
SLID 98	Terramar Parcel 6	3,593
SLID 99	Terramar Parcel 7B	1,984
SLID 101	Terramar Parcel 9A	1,154
SLID 102	Terramar Parcel 10A	660
SLID 104	Dove Valley Ranch Parcel 2A3	2,694
SLID 107	Fletcher Heights Phase 1B	8,991
SLID 108	Fletcher Heights Phase 1C	4,152
SLID 110	South Bay @ Ventana Lakes	1,908
SLID 114	Fletcher Heights Phase 2A	11,042
SLID 116	Tierra Norte V	2,851
SLID 117	Summersett Village	8,976
SLID 119	Dove Valley Ranch Parcel 3A	2,020
SLID 121	Dove Valley Ranch Parcels 3D & 3E	5,274
SLID 122	Clearview Estates	4,040
SLID 123	Terramar Parcel 2B	3,444
SLID 125	Terramar Parcel 12	3,638
SLID 126	Terramar Parcel 13	2,426
SLID 127	Terramar Parcel 14	1,566
SLID 128	Peoria Mountain Vistas	3,928
SLID 129	Fletcher Heights Phase 2B	10,210
SLID 131	Bay Pointe @ V.L.	5,170
SLID 135	Sun Cliff IV	4,265
SLID 136	Ironwood Phase 1A	2,133
SLID 137	Ironwood Phase 1B	1,460
SLID 138	Ironwood Phase 2A	1,123
SLID 139	Ironwood Phase 2B	899
SLID 140	Ironwood Phase 3A	562
SLID 141	Ironwood Phase 3B	562
SLID 142	Ironwood Phase 4A	562
SLID 143	Ironwood Phase 4B	674
SLID 144	Crosswinds	2,014
SLID 145	Sun Cliff III	786
SLID 146	Ryland @ Silvercreek	3,591
SLID 147	Harbor Shores @ Desert Harbor	742

CITY OF PEORIA
2014/2015 BUDGET

City #	Subdivision Name	Assessment
SLID 148	Sun Aire Estates, UNIT 6	1,216
SLID 149	Silverton 2	5,611
SLID 150	Dove Valley Ranch Parcel 6	6,171
SLID 151	Dove Valley Ranch Parcel 3B	3,816
SLID 152	Dove Valley Ranch Parcel 3C	3,479
SLID 153	Dove Valley Ranch Parcel 3F	1,571
SLID 154	Dove Valley Ranch Parcel 2B & 2C	1,348
SLID 155	Dove Valley Ranch Parcel 2D	3,898
SLID 156	Dove Valley Ranch Parcel 2E	2,357
SLID 157	Dove Valley Ranch Parcel 2F	1,908
SLID 159	Terramar Parcel 7A	1,647
SLID 160	Terramar Parcel 11	1,550
SLID 161	Skyview Place	915
SLID 162	Arrowhead Shadows	732
SLID 163	Greystone Heritage @ V.L.	1,319
SLID 164	Erin Groves	1,097
SLID 166	Bay Pointe Unit Two @ V.L.	640
SLID 167	Springer Ranch 2	1,296
SLID 171	Greystone II Heritage @ V.L.	2,418
SLID 172	Erin Groves 2	1,378
SLID 176	Twin Palms	1,555
SLID 177	Desert Star Subdivision	7,677
SLID 179	Westwing Mountain Parcel 1A	1,796
SLID 183	Westwing Mountain Parcel 4	337
SLID 184	Westwing Mountain Parcel 5	982
SLID 185	Westwing Mountain Parcel 6	450
SLID 187	Westwing Mountain Parcel 8	1,348
SLID 188	Westwing Mountain Parcel 9	1,571
SLID 189	Westwing Mountain Parcel 10	1,235
SLID 190	Westwing Mountain Parcel 11	1,571
SLID 191	Westwing Mountain Parcel 12	1,460
SLID 195	South Bay Unit 2 @ Ventana Lakes	2,245
SLID 197	Sun Cliff V	3,249
SLID 198	Fletcher Heights 3A	11,700
SLID 199	Fletcher Heights 3B	3,462
SLID 201	Central Park Subdivision	3,479
SLID 202	Starlight Canyon	899
SLID 204	North Ranch	3,201
SLID 205	Tuscany Shores - Desert Harbor Parcel 12	1,319
SLID 206	West Valley Ranch	1,216
SLID 207	Sunset Ranch	3,386
SLID 208	Sonoran Mountain Ranch Parcel 1	2,554
SLID 209	Sonoran Mountain Ranch Parcel 2	2,635
SLID 210	Vistancia Village A Par A37	907
SLID 211	Vistancia Village A Par A36	1,236
SLID 212	Vistancia Village A Par A33	1,154
SLID 213	Vistancia Village Par A 32	989
SLID 214	Vistancia Village A Par A14	824
SLID 215	Vistancia Village A Par A13	660
SLID 216	Vistancia Village Par A12	1,072
SLID 218	Vistancia Village A Par A10B	989
SLID 221	Cibola Vista 1B	1,288
SLID 222	Cibola Vista 2	2,389
SLID 223	Cibola Vista 3	5,686
SLID 224	Cibola Vista 4	1,895
SLID 225	Cibola Vista 5	3,294

CITY OF PEORIA
2014/2015 BUDGET

City #	Subdivision Name	Assessment
SLID 226	Sonoran Mountain Ranch Parcel 4.1	2,307
SLID 227	Sonoran Mountain Ranch Parcel 4.2	1,730
SLID 228	Sonoran Mountain Ranch Parcel 5	1,647
SLID 229	Sonoran Mountain Ranch Parcel 6	2,635
SLID 230	Sonoran Mountain Ranch Parcel 7	2,801
SLID 231	Sonoran Mountain Ranch Parcel 9A Ph 1	1,730
SLID 232	Sonoran Mountain Ranch Parcel 9A Ph 2	1,154
SLID 233	Westwing Ph 2 Par 18	2,009
SLID 234	Westwing Ph 2 Par 19	899
SLID 235	Westwing Ph 2 Par 29	2,918
SLID 236	Westwing Ph 2 Par 15	2,133
SLID 238	Casa Del Rey	8,976
SLID 239	Westwing Ph 2 Par 21	1,005
SLID 240	Westwing Ph 2 Par 22	1,341
SLID 1000	Sonoran Mountain Ranch Parcel 10	3,871
SLID 1001	Vistancia Village A Parcel A9	1,154
SLID 1002	Fletcher Farms	2,059
SLID 1004	Vistancia Village A Parcel G10	660
SLID 1005	Vistancia Phase 2 Parcel A-8	742
SLID 1006	Vistancia Phase 2 Parcel A-15	1,072
SLID 1007	Vistancia North Parcel G-11	495
SLID 1008	Riverstone Estates	1,730
SLID 1009	Vistancia Village A Parcel G3	1,400
SLID 1010	Vistancia Parcel A-7	495
SLID 1011	Varney Village	249
SLID 1012	Vistancia North Parcel G-4	660
SLID 1013	Vistancia A28	1,812
SLID 1014	Vistancia A29	2,835
SLID 1016	Sonoran Mountain Ranch Parcel 14	1,895
SLID 1018	Park Rose	9,880
SLID 1020	Plaza Del Rio Phase I	2,318
SLID 1021	Plaza Del Rio Phase 2	5,540
SLID 1022	Tierra del Rio Parcel 6	11,587
SLID 1025	Rio Estates	649
SLID 1031	Tierra del Rio Parcel 9	4,931
SLID 1033	Camino a Lago South, Unit 8	10,601
SLID 1034	Camino a Lago South, Unit 7	7,828
SLID 1038	Camino a Lago South, Unit 5	11,558
SLID 1039	Camino a Lago South, Unit 6	13,861
SLID 1046	Terramar 9B	2,159
SLID 1050	Sunset Ranch IIA	2,737
SLID 1055	Sunset Ranch IIB	1,960
SLID 1063	Vistancia Parcel F5	4,172
SLID 1067	The Meadows Parcel 4A	13,674
SLID 1068	Sunset Ranch IIC	1,498
SLID 1069	Sunset Ranch IID	393
SLID 1071	Umbria Estates	1,388
	TOTAL	**599,878**

ORDINANCE NO. 2014-29

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, LEVYING UPON THE ASSESSED VALUATION OF THE PROPERTY WITHIN THE CITY OF PEORIA AND WITHIN THE FOLLOWING MAINTENANCE INPROVEMENT DISTRICTS EACH DESIGNATED AS CITY OF PEORIA MAINTENANCE IMPROVEMENT DISTRICT NOS. 1 - 7 INCLUSIVE, NO. 10, NO. 69, NO. 1025, AND NO. 1044 SUBJECT TO TAXATION A CERTAIN SUM UPON EACH ONE HUNDRED DOLLARS ($100.00) OF VALUATION SUFFICIENT TO RAISE THE AMOUNT ESTIMATED TO BE REQUIRED IN THE ANNUAL BUDGET, LESS THE AMOUNT ESTIMATED TO BE RECEIVED FROM OTHER SOURCES OF REVENUE; PROVIDING FUNDS FOR THE PURPOSE OF GENERAL DISTRICT EXPENSES; ALL FOR THE FISCAL YEAR ENDING THE 30TH DAY OF JUNE, 2015, AND DECLARING AN EMERGENCY

BE IT ORDAINED by the Mayor and Council of the City of Peoria, Arizona as follows:

SECTION 1. There is hereby levied on each One Hundred Dollars ($100.00) of the assessed value of all property, both real and personal, within the corporate limits of the City of Peoria Maintenance Improvement Districts, except such property as may be by law exempt from taxation, a primary property tax rate sufficient to raise a sum necessary to pay annual expenses of said District for the fiscal year ending on the 30th day of June, 2015. If such sum exceeds the maximum levy allowed by law, the Board of Supervisors of the County of Maricopa is hereby authorized to reduce the levy to the maximum amount allowed by law after providing notice to the City.

SECTION 2. Failure by the County officials of Maricopa County, Arizona to properly return the delinquent list, any irregularity in assessments or omissions in the same, or any irregularity in any proceedings shall not invalidate such proceedings or invalidate any title conveyed by any tax deed; failure or neglect of any officer or officers to perform or to timely perform any of the duties assigned to him or to them shall not invalidate any proceeding or any deed deficiency or sale pursuant thereto, the validity of the assessment or levy of taxes, or of the judgment of sale by which the collection of the same may be enforced, shall not affect the lien of the City of Peoria upon such property for the delinquent taxes unpaid thereon; overcharge as to part of the taxes or of costs shall not invalidate any proceedings for the collection of taxes, or the foreclosure of the lien therefore, or a sale of the property under such foreclosure; and all acts of officers

de facto shall be valid as if performed by officers de jure.

SECTION 3. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. This Ordinance shall be in full force and effect from and after its passage by the Mayor and Council.

SECTION 5. In order to preserve the peace, health and safety of the City of Peoria, an EMERGENCY is declared to exist and this Ordinance shall be effective immediately upon its passage and adoption.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Arizona, this 17th day of June 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: June 27 and July 4, 2014
Effective Date:

CITY OF PEORIA
2014/2015 BUDGET

City #	Subdivision Name	Assessment
MID 1	Cactus Point Crossing	10,778
MID 2	Westfield Gardens II	10,619
MID 3	Bell Park (Parcel 5)	9,957
MID 4	Country Meadows	10,362
MID 5	Crystal Cove	21,657
MID 6	Westfield Gardens III	11,628
MID 7	Sweetwater Place	14,598
MID 10	Tierra Norte III	20,674
MID 69	Stonebridge	15,007
MID 1025	Bedford Village 1 - 82nd Ave and Shangri La	9,126
MID 1044	Bedford Village 2 – 83rd Ave and Shangri La	9,035
	TOTAL	**143,441**

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 43R

Date Prepared: May 27, 2014 **Council Meeting Date:** June 17, 2014

TO: Carl Swenson, City Manager

FROM: Katie Gregory, Deputy Director of Finance and Budget

THROUGH: Jeff Tyne, Deputy City Manager

SUBJECT: Fiscal Year 2015 Property Tax Levy

Purpose:

This is a request for the Mayor and City Council to approve the resolution and ordinance adopting the City of Peoria, Arizona Primary and Secondary Property Tax Levies for FY2015.

Background/Summary:

During the FY2015 budget deliberations, it was recommended the City's overall property tax rate remain at $1.44 per $100 of assessed valuation. The primary property tax rate is recommended to remain at $0.19 per $100 of assessed valuation and the secondary tax rate at $1.25 per $100 of assessed valuation.

Given the proposed rate, the primary property tax levy is expected to generate $2,115,485 in the next fiscal year. New development within the City limits will generate an additional $38,894 and increased valuations on existing properties will generate an additional $78,011.

The City's secondary property tax rate is used to retire outstanding debt on City-issued general obligation bonds. This will generate a secondary tax levy of $14,446,518.

Overall the FY2015 property tax levy is $16,562,003, which represents an increase of 8.8% from the FY2014 levy.

In compliance with Section 42-17104 and 42-17107, Arizona Revised Statutes, the City of Peoria notified property taxpayers through advertisements placed in the Peoria Times on May 2, 2014 and May 9, 2014 of our intention to set the City's primary property tax levy. A public hearing was held on May 20, 2014 for citizen input into the fiscal year 2015 budget which was adopted based upon these proposed levies. Additionally, a public hearing was held on May 20, 2014 for citizen input into the proposed tax levies.

Previous Actions:

A public hearing was held on May 20, 2014, for citizen input into the proposed tax levies.

At the Council Budget Workshop held March 25th – March 27th, Council reviewed and discussed a budget that did not include any changes in the property tax rate for FY2015.

Options:

A: That the Mayor and Council approve the resolution and ordinance adopting the City of Peoria, Arizona Primary and Secondary Property Tax Levies for FY2015.

B: That the Mayor and Council not approve the property tax levies and provide staff direction to change the property tax levies.

Staff's Recommendation:

Staff recommends that the Mayor and Council approve the resolution and ordinance adopting the City of Peoria, Arizona Primary and Secondary Property Tax Levies for FY2015.

Fiscal Analysis:

Given the proposed rate, the primary property tax levy is expected to generate $2,115,485 and the secondary property tax levy is expected to generate $14,446,518 in the next fiscal year.

Narrative:

This is the final step of the formal budget and tax levy adoption for fiscal year 2015.

Exhibit(s):

Exhibit 1: Resolution for FY2015 Property Tax Levy

Exhibit 2: Ordinance for FY2015 Property Tax Levy

Contact Name and Number: Katie Gregory, (623) 773-7364

RESOLUTION NO. 2014 -111

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, APPROVING ORDINANCE 2014-30.

WHEREAS, in accordance with the provisions of Title 42, Section 17253, A.R.S. the City Council shall by resolution levy the tax for the city, and

WHEREAS, in accordance with said sections of said Code, compute the tax rate per one hundred dollars of valuation to be levied for each separate fund for which taxes are to be levied and collected; and

WHEREAS, in accordance with said sections of said Code, deliver a certified duplicate of its tax levy to the county board of supervisors on or before the day on which the board of supervisors levies the county tax; and

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

That said tax levies shown on the accompanying Ordinance 2014-30, are hereby adopted for Fiscal Year 2015.

PASSED AND ADOPTED by the Mayor and City Council of the City of Peoria, Arizona this 17th day of June 2014.

_____
Bob Barrett, Mayor

ATTEST:

_____
Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

_____
Stephen M. Kemp, City Attorney

ORDINANCE NO. 2014-30

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, LEVYING UPON THE ASSESSED VALUATION OF THE PROPERTY WITHIN THE CITY OF PEORIA, SUBJECT TO TAXATION A CERTAIN SUM UPON EACH ONE HUNDRED DOLLARS ($100.00) OF VALUATION SUFFICIENT TO RAISE THE AMOUNT ESTIMATED TO BE REQUIRED IN THE ANNUAL BUDGET, LESS THE AMOUNT ESTIMATED TO BE RECEIVED FROM OTHER SOURCES OF REVENUE; PROVIDING FUNDS FOR VARIOUS BOND REDEMPTIONS, FOR THE PURPOSE OF PAYING INTEREST UPON BONDED INDEBTEDNESS AND PROVIDING FUNDS FOR GENERAL MUNICIPAL EXPENSES; ALL FOR THE FISCAL YEAR ENDING THE 30TH DAY OF JUNE, 2015, AND DECLARING AN EMERGENCY.

BE IT ORDAINED by the Mayor and Council of the City of Peoria, Arizona, as follows:

SECTION 1. There is hereby levied a primary property tax of $2,115,212.01 for the fiscal year ending on the 30th day of June, 2015. The levy is based on a rate for each One Hundred Dollars ($100.00) of the assessed value of all property, both real and personal, within the corporate limits of the City of Peoria, located in Maricopa County, except such property as may be by law exempt from taxation. If such sum exceeds the maximum levy allowed by law, the Board of Supervisors of the County of Maricopa is hereby authorized to reduce the levy to the maximum amount allowed by law after providing notice to the City.

SECTION 2. There is hereby levied a primary property tax of $273.30 for the fiscal year ending on the 30th day of June, 2015. The levy is based on a rate for each One Hundred Dollars ($100.00) of the assessed value of all property, both real and personal, within the corporate limits of the City of Peoria, located in Yavapai County, Arizona, except such property as may be by law exempt from taxation. If such sum exceeds the maximum levy allowed by law, the Board of Supervisors of the County of Yavapai is hereby authorized to reduce the levy to the maximum amount allowed by law after providing notice to the City.

Ordinance No. 2014-30
June 17, 2014

SECTION 3. In addition to the rate set in Section 1 hereof, there is hereby levied a secondary property tax of $14,444,842.97, to support the general obligation bond debt service due during the year for the purpose of providing a bond interest and redemption fund for the City of Peoria for the fiscal year ending June 30, 2015. The levy is based on a rate for each One Hundred Dollars ($100.00) of assessed valuation of all property, both real and personal, within the corporate limits of the City of Peoria, located in Maricopa County, except such property as may be by law exempt from taxation.

SECTION 4. In addition to the rate set in Section 2 hereof, there is hereby levied a secondary property tax of $1,675.04, to support the general obligation bond debt service due during the year for the purpose of providing a bond interest and redemption fund for the City of Peoria for the fiscal year ending June 30, 2015. The levy is based on a rate for each One Hundred Dollars ($100.00) of assessed valuation of all property, both real and personal, within the corporate limits of the City of Peoria, located in Yavapai County, except such property as may be by law exempt from taxation.

SECTION 5. Failure by the County Officials of Maricopa County, Arizona to properly return the delinquent list, any irregularity in assessments or omissions in the same, or any irregularity in any proceedings shall not invalidate such proceedings or invalidate any title conveyed by any tax deed; failure or neglect of any officer or officers to perform or to timely perform any of the duties assigned to him or them shall not invalidate any proceeding or any deed deficiency or sale pursuant thereto; the validity of the assessment or levy of taxes, or of the judgment of sale by which the collection of the same may be enforced, shall not affect the lien of the City of Peoria upon such property for delinquent taxed paid thereon; overcharge as to part
of the taxes or of costs shall not invalidate any proceedings for the collection of taxes, or the foreclosure of lien therefore, or a sale of property under such foreclosure; and all acts of officers de facto shall be valid as if performed by officers de jure.

SECTION 6. Failure by the County Officials of Yavapai County, Arizona to properly return the delinquent list, any irregularity in assessments or omissions in the same, or any irregularity in any proceedings shall not invalidate such proceedings or invalidate any title conveyed by any tax deed; failure or neglect of any officer or officers to perform or to timely perform any of the duties assigned to him or them shall not invalidate any proceeding or any deed deficiency or sale pursuant thereto; the validity of the assessment or levy of taxes, or of the judgment of sale by which the collection of the same may be enforced, shall not affect the lien of the City of Peoria upon such property for delinquent taxed paid thereon; overcharge as to part of the taxes or of costs shall not invalidate any proceedings for the collection of taxes, or the foreclosure of lien therefore, or a sale of property under such foreclosure; and all acts of officers de facto shall be valid as if performed by officers de jure.

SECTION 7. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Ordinance No. 2014-30
June 17, 2014

SECTION 8. This ordinance shall be in full force and effect from and after its passage by the Mayor and City Council.

SECTION 9. In conformance with A.R.S. § 42-17107, the City Council held a public hearing on May 20, 2014 to allow discussion on the City's intent to increase the primary tax levy.

SECTION 10. In order to preserve the peace, health and safety of the City of Peoria, an EMERGENCY is declared to exist and this ordinance shall be effective immediately upon its passage and adoption.

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Arizona, this 17th day of June 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: June 27 and July 4, 2014
Effective Date:

CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION

Agenda Item: 44R

Date Prepared: May 13, 2014 **Council Meeting Date: June 17, 2014**

TO: Honorable Mayor and City Council

FROM: Stephen M. Kemp, City Attorney

SUBJECT: Rules of Procedure for Ethics Complaints involving City Council members

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Purpose:

This is a request for City Council to adopt a city council policy governing rules of procedure for ethics complaints pertaining to City Council members.

Background/Summary:

The City Council instructed the City Attorney to prepare a draft set of rules of procedure for ethics complaints involving members of the City Council. On February 4, 2014, the City Council held a Study Session on the draft set of rules and changed time frames and definitions of the rules. The City Attorney was directed by City Council to submit the rule changes to a city council meeting, so it can be adopted as a City Council policy.

Based on that direction, a revised set of rules of procedure were provided to members of the City Council for comment and review. Changes from the initial draft of rules of procedure for ethics complaints involving City Council members are indicated by double underline, including changes to definitions and time frames for events. At this time the revised set of rules are before the City Council for adoption as a formal city council policy based on the City Council's direction.

Previous Actions:

On February 4, 2014, a Study Session was held on rules of procedure for ethics complaints pertaining to City Council members.

Options:

A: Adopt City Council policy pertaining to rules of procedure for ethics complaints pertaining to City Council members

B: Do not adopt City Council policy pertaining to rules of procedure for ethics complaints pertaining to City Council members

Staff's Recommendation:

While a council operational process matter is generally not a matter of legal counsel recommendation, in this case due to the legal issues involved it is the recommendation of the City Attorney that the legal interest of the City and members of the City Council in their official capacity is best served by the adoption of formal rules of procedure for ethics complaints pertaining to City Council members and in that context recommends approval of the proposed rules of procedure.

Fiscal Analysis:

Not Applicable

Narrative:

Not Applicable

Exhibit:

Exhibit 1:

Proposed City Council policy regarding rules of procedure for ethics complaints pertaining to City Council members

Contact Person:

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

CITY COUNCIL POLICY	**CP 1-15** Category: General
	Department: Office of the City Attorney
TITLE: Rules of Procedure for City Council Ethics Proceedings	Approved:

A. Purpose

These Rules of Procedure for City Council Ethics Proceedings are intended to establish a standard policy for Ethics Proceedings involving City Council.

B. Definitions

1. Censure means a formal determination by the City Council that a members' conduct falls below the minimum standard expected of a member of the City Council.

2. Formal Proceeding means a determination by the City Council Ethics Subcommittee that probable cause exists that a violation may have occurred and that sufficient evidence exists to warrant commencement of a formal ethics process.

3. Formal Reprimand means a determination by the City Council Ethics Subcommittee that a city council member's conduct in a particular matter constituted a violation and that the council member should be publically reprimanded for their conduct.

4. Informal Proceeding means a determination by the City Council ethics Subcommittee that probable cause exists that a violation may have occurred and that the evidence warrants disposition of the matter without conducting a full screening investigation

C. Procedure

Rule 1. Initiation of Proceedings; Investigation.

(a) Commencement; Determination to Proceed. Upon receipt by the City

Attorney, City Manager or any Department under the City Manager of a charge, allegation or otherwise, alleging unprofessional conduct, misconduct or incapacity by a member of the Peoria City Council, the matter shall be transmitted as soon as possible to the Chairperson of the City Council Ethics Subcommittee. The matter may be transmitted electronically.

1. The Chairperson shall schedule a meeting of the Subcommittee within ten calendar (10) days to determine if the matter falls within its jurisdiction. The Subcommittee shall evaluate all information coming to its attention, in any form as follows:

   (a) The Subcommittee shall determine if the charge, allegation or otherwise is within the jurisdiction of the committee. If the charge, allegation or otherwise is not within the jurisdiction of the Subcommittee, the Subcommittee shall refer the information to the appropriate entity and dismiss the matter.

   (b) If the Subcommittee determines that the charge, allegation or otherwise is within its jurisdiction it shall, in the exercise of its discretion, initially proceed with the matter in one of the following ways:

      (1) Dismiss the matter with or without comment; or
      (2) Enter into an agreement for an informal disposition or take other appropriate action without conducting a full screening investigation where warranted; or
      (3) Refer the matter for a screening investigation as provided in Rule 2 if the alleged conduct may warrant the imposition of a sanction.

Rule 2. Screening Investigation and Recommendation by the Subcommittee.

(a) Process for Screening Investigation. When a determination is made to proceed with a screening investigation, the chairperson shall advise the City Attorney of the determination. The Office of the City Attorney shall within ten (10) calendar days retain special legal counsel to represent the Subcommittee in the conduct of the investigation. The councilmember against whom the charge, allegation or otherwise is made is designated the Respondent. Within ten (10) calendar days following the determination to proceed with a screening investigation, the Subcommittee shall give the Respondent written notice that he or she is under investigation and of the nature of the allegations. No disposition adverse to the Respondent shall be determined or recommended by the Subcommittee until the Respondent has been afforded an opportunity to respond in writing to the charge. The special legal counsel for the Subcommittee shall serve as the clerk for the Subcommittee.

1. *Response to Allegations.* The Respondent shall provide a written response to the allegations to the Subcommittee counsel within fifteen (15) days after notice of the investigation is given.

(a) *Extensions of Time.* The Chairperson of the Subcommittee may grant one extension of time to file a written response not to exceed twenty (20) days. Any additional requests for extensions of time must be approved by the Chairperson of the Subcommittee for good cause shown.

(b) *Failure to Respond.* If Respondent fails to timely respond as provided in these rules, the Subcommittee may authorize issuance of an investigative subpoena to compel Respondent's attendance and production of documents. Respondent may be subject to contempt proceedings pursuant to Arizona Revised Statute §12-2212 if he or she refuses to appear or comply with the subpoena.

(c) *Time Limits.* The Subcommittee shall complete the screening investigation within forty-five days of its determination to proceed. In the event it is unable to do so, it shall advise all parties in writing.

Rule 3. Action Taken by the Subcommittee.

(a) ***Dismissal***. After conducting a screening investigation, if there is no probable cause to believe that misconduct under these rules exists, the Subcommittee shall dismiss the charge, with or without comment, by filing a letter of dismissal with the Department of the City Clerk and serving a copy of the letter upon the Respondent. The decision of the Subcommittee shall be final.

(b) ***Recommendation Other than Dismissal.*** If, after a screening investigation, the Subcommittee determines that probable cause exists that the Respondent has engaged in conduct within the Subcommittee's jurisdiction that warrants a formal proceeding, the Subcommittee shall authorize the issuance of a formal complaint to be prepared by Special Legal Counsel against the Respondent.

Rule 4. Formal Proceedings by the Subcommittee.

(a) **Complaint.** Formal discipline proceedings shall be instituted by the Special Legal Counsel for the Subcommittee filing a complaint. The complaint is deemed filed upon service upon the members of the Subcommittee. The complaint shall be sufficiently clear and specific to inform a Respondent of the alleged misconduct. The existence of prior sanctions or a prior course of conduct may be stated in the complaint if the existence of the prior sanction or course of conduct is necessary to prove the conduct alleged in the complaint.

1. *Form.* The complaint and all subsequent pleadings filed before the Subcommittee should be captioned as set forth below:

CITY OF PEORIA, ARIZONA

BEFORE THE CITY COUNCIL ETHICS SUBCOMMITTEE

In the Matter of a Member	)
of the City Council of the City of	)
Peoria, Arizona:	)
	)
(Name)	)
	)
_____	)

2. *Service of Complaint.* The Special Legal Counsel shall serve the complaint upon the Respondent within five (5) days of filing. The Complaint may be served personally or by certified United States Mail addressed to the Respondent. The Special Legal Counsel shall advise the Respondent in writing of Respondent's right to retain counsel.

(a) If the respondent is seeking the City to provide Counsel at the City's expense, the respondent shall file a request for indemnification in accordance with Section 2-49(g) of the Peoria City Code (1992) within ten (10) calendar days after service of the complaint with the Office of the City Attorney. The time to file an answer shall be stayed until the City Attorney's Office coverage counsel has provided a determination as to whether the respondent is entitled to indemnification. If the respondent is entitled to indemnification, the City Attorney's office shall retain counsel to represent the respondent in accordance with Section 2-49(g) of the Peoria City Code (1992).

B. Answer. Respondent shall file an answer with the Special Legal Counsel for the Subcommittee within ten businesses (10) days after service of the complaint, unless, upon written request by Respondent, the time is extended by the Chairperson of the Subcommittee. The Chairperson of the Subcommittee may grant one extension of time, not to exceed thirty calendar (30) days. Respondent's answer shall respond to each allegation in the complaint.

C. Case Management Conference. The Chairperson of the Subcommittee may hold one or more case management conferences to establish schedules, hearing dates and such other matters to provide for a prompt adjudication of the matter. The parties may participate in the conference telephonically or by other appropriate electronic means.

D. Default Procedure; Disposition Hearing. If Respondent fails to answer within the prescribed time, the Special Legal Counsel for the Subcommittee shall, within ten (10)

days thereafter, file and serve a copy of the notice of default upon Respondent. A default shall not be entered if the Respondent files an answer prior to the expiration of ten (10) days from the service of the notice of default. Otherwise, a default shall be entered by the Chairperson of the Subcommittee and the allegations in the complaint shall be deemed admitted. The Chairperson of the Subcommittee shall schedule and hold a disposition hearing before the Subcommittee. Not less than fifteen (15) days before the date set for the disposition hearing, the Chairperson of the Subcommittee shall serve notice of the hearing on the parties.

E. Disclosure Statements. The Special Legal Counsel for the Subcommittee and the Respondent within ten (10) days after the answer is filed shall each serve upon the other an initial disclosure statement. The initial disclosure statement shall include the following:

1. The names, addresses, and telephone numbers of any witnesses whom the disclosing party expects to call at the hearing;

2. The existence, location, custodian, and general description of any tangible evidence or relevant documents that the disclosing party plans to use at the hearing, including documentation of prior discipline the Special Legal Counsel may seek to introduce;

3. A list of the documents known by a party to exist whether or not in the party's possession, custody or control and which that party intends to introduce at the hearing. Unless good cause is stated for not doing so, a copy of each document listed shall be served with the disclosure if not previously provided. If production is not made, the name and address of the custodian of the document will be indicated. A party who produces documents for inspection shall produce them as they are kept in the usual course of business;

4. The existence of prior discipline or a prior course of conduct;

5. Evidence in aggravation or mitigation that may be presented at hearing;

6. The factual and legal bases upon which the parties may rely at hearing to contest the allegations in the complaint.

F. Discovery.

1. *Time limits.* Discovery may be permitted by the Chairperson of the Subcommittee. All discovery requests must be made within twenty (20) days of the date an initial answer is filed, except that additional discovery requests may be filed upon approval by the Chairperson of the Subcommittee.

2. *Response time.* Unless extended by the Chairperson of the Subcommittee, answers to discovery requests shall be provided within twenty (20) days of the date of service of the discovery request.

3. *Sanctions for failure to make disclosure or discovery.* Following a good faith effort to resolve a discovery issue, either party may file a notice of failure to comply with discovery rules, which shall include a statement that an attempt was made to resolve the issue. A hearing, which may be telephonic, shall be held within five (5) days of the date the notice is filed. Evidence of compliance and non-compliance may be produced at the hearing. The Chairperson of the Subcommittee shall enter appropriate orders at the conclusion of the hearing.

(a) V*iolations of the disclosure rules*. The Chairperson of the Subcommittee may utilize any of the following sanctions for violations of the disclosure or discovery rules:

(1) An order refusing to allow the non-compliant party to support or oppose designated allegations, claims or defenses, or prohibiting that party from introducing designated matters in evidence;

(2) An order striking out pleadings or parts thereof, or staying further proceedings until the disclosure or discovery rules order is obeyed, or dismissing designated allegations in the complaint or defenses thereto, or rendering a judgment by default against the non-compliant party.

G. Hearing.

1. *Time Limits.* The hearing panel shall hold and complete the hearing on the merits within sixty (60) days of the filing of the complaint. The hearing date may be continued sua sponte by the Chairperson of the Subcommittee, or upon request or stipulation of the parties, for good cause shown.

2. *Procedure.* The Special Legal Counsel shall prove the allegations contained in the complaint by a preponderance of the evidence. The Respondent may request that the City provide counsel or may retain counsel at their expense to provide representation at the hearing and may cross-examine witnesses and present evidence on Respondent's behalf.

3. *Telephonic testimony.* Telephonic witness testimony should normally be permitted, if the offering party provides evidence that the witness is unavailable to testify in-person.

4. *Evidence of prior sanctions.* The existence of prior sanctions may be presented to the Subcommittee during the hearing on the merits of the complaint.

H. *Decision*. Within thirty (30) days after completion of the formal hearing proceedings or upon receipt of the transcript, if any, the Subcommittee shall prepare and file with City Clerk a written report containing findings of fact, conclusions of law and an order regarding discipline, together with the entire record of the proceedings. If such discipline is a letter of formal reprimand or lesser discipline, the decision of the Subcommittee is final.

(a) The written report to be filed with the City Clerk shall be signed by each member of the hearing panel. Two members are required to make a decision. A member of the hearing panel who dissents shall also sign the report and indicate the basis of the dissent in the report. The Subcommittee shall serve a copy of the report to the Respondent and to the Special Legal Counsel for the Subcommittee. The decision of the Subcommittee is final, unless the report recommends a Censure, in which case the matter shall be transmitted to the City Council.

I. *City Council Hearing*. The City Clerk shall acknowledge and notify the parties of receipt of the matter. After consultation with the Mayor, the City Clerk shall notify the Respondent and the Special Legal Counsel for the Subcommittee for the date of hearing before the City Council.

1. *Time for Pre-meeting Statements*. Not less than ten (10) days prior to the meeting, both the Respondent and Special Legal Counsel for the Subcommittee may submit to the City Clerk a written pre-hearing statement outlining their position on the Subcommittee recommendation. Such statements shall not exceed ten (10) pages in length.

2. *Transmittal of Record*. After the decision by the Subcommittee, the entire record shall be transmitted to the City Clerk.

3. *Oral Argument*. Oral argument before the Council shall occur in an open public session. There shall be no new testimony taken and no public comment may be permitted. Each party may not exceed more than twenty (20) minutes for oral argument. Upon completion of the oral argument, the Council shall make the decision on a regular agenda with a roll call vote.

4. *Special Assistant City Attorney*. The City Attorney shall retain on behalf of the City a Special Assistant City Attorney, not an employee of the City to serve as legal counsel to the City Council in this matter.

5. *Form of Decision*. The Council may in its discretion prepare written findings of fact and conclusions of law in its discretion.

APPROVED:

Bob Barrett, Mayor

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

Adopted:

City Council Calendar

Color Key:
City Council

< May	June 2014					July >
Sunday	**Monday**	**Tuesday**	**Wednesday**	**Thursday**	**Friday**	**Saturday**
1	2	3	4	5	6	7
8	9	**10** Council Subcommittee on Policy and Appointments Meeting	11	12	13	14
15	16	**17** Regular City Council Meeting Special Meeting & Study Session	18	19	20	21
22	23	**24** City Council Subcommittee on Community Culture & Public Safety	25	26	27	28
29	30					

City Council Calendar

Color Key:
City Council

< June	July 2014					August >
Sunday	**Monday**	**Tuesday**	**Wednesday**	**Thursday**	**Friday**	**Saturday**
		1 Regular City Council Meeting Special Meeting & Study Session	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22 City Council Subcommittee on Community Culture & Public Safety	23	24	25	26
27	28	29	30	31		

CITY OF PEORIA, ARIZONA
CITY MANAGER REPORT

Agenda Item: RCM 46A

Date Prepared: 20 May 2014 **Council Meeting Date: 17 June 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 22 June 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 22 June 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.	4/1/2014
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 22 June 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 22 June 2014

Tony Rivero	Procurement Process	5/21/2014	Item was discussed. Forward to Council Study Session. Completed	

Peoria Council Subcommittees
Updated 22 June 2014

Policy and Appointments Subcommittee

Submitter	Subject	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 22 June 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

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 22 June 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 22 June 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 22 June 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	4/1/2014

CITY OF PEORIA, ARIZONA
CITY MANAGER REPORT

Agenda Item: RCM 46B

Date Prepared: May 20, 2014 **Council Meeting Date: June 17, 2014**

TO: Carl Swenson, City Manager

FROM: John R. Sefton Jr., Community Services Director

THROUGH: Jeff Tyne, Deputy City Manager

SUBJECT: 2014 Summer Splash Tour

The City of Peoria has partnered with White Water to present the **2014 Summer Splash Tour**; visiting Peoria on Saturday, June 21 from 9am – 1pm at Sunset Park, 29898 N Sunset Point.

The 2014 Summer Splash Tour features splashing fun activities for the whole family. Admission is free. This day of play includes various water rides and activities which all support water safety, conservation and family fun.

Event highlights include swimming pools, water slides, games, misters, dunk tanks, bounce houses, water balloon battles, carnival style games, and a special area designated just for toddlers and preschool children.

Featured vendors will sell summer favorites including: shaved ice, frozen lemonade, cotton candy, nachos, hot dogs, ice cream and more.

Exhibit(s): flyer

Contact Name and Number: Matt Kalcevich, 623-773-7133

BRINGING THE WATER PARK TO YOU!
Summer Splash Tour
CITY OF PEORIA
ARIZONA
1954
SATURDAY, JUNE 21 • 9AM -1PM
PEORIA SUMMER SPLASH
SUNSET PARK
SUNSET PARK 29898 N SUNSET POINT, PEORIA AZ
DOLPHIN WATER SLIDE
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CITY OF PEORIA, ARIZONA
CITY MANAGER REPORT

Agenda Item: RCM 46C

Date Prepared: May 22, 2014 **Council Meeting Date:** June 17, 2014

TO: Carl Swenson, City Manager

FROM: William J. Mattingly, Public Works-Utilities Director

THROUGH: Jeff Tyne, Deputy City Manager

SUBJECT: Recognition of Accomplishments at Arizona Water Association State Conference

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Summary:

The Utilities Division of the Public Works – Utilities Department is an active member of the Arizona Water Association (AZ Water). The AZ Water is the state's premier water and wastewater industry association and is the Arizona section of the national American Water Works Association and the Arizona member association of the national Water Environment Federation. The Arizona Water Association is dedicated to promoting and ensuring high quality water and public health, planning for water certainty for Arizona water consumers, promoting and fostering environmental leadership, increasing the financial resources dedicated to the water industry and the environment, sponsoring collaboration and public outreach, and enhancing the human resources available to the industry.

The Annual Arizona Water Association Conference was held in Glendale between May 7 through May 9, 2014. City of Peoria staff participated as presenters and subject matter experts on a variety of water related topics, and notably a number of Peoria staff were recognized for their professional achievements. We congratulate the City's Public Works-Utilities and Engineering team members who were recognized by their peers at the Conference. The well-deserved recognition came via the following prestigious individual awards:

Individual Awards/Recognition

- Robin Bain – Environmental Steward of the Year
- Dan Giebner – Instrumentation Tech of the Year
- Scot Piercy – Operator of the Year
- Scot Piercy – Mechanic of the Year
- Gilbert Reyes – Operator Supervisor of the Year

In addition to those individual awards, numerous Public Works-Utilities facilities were recognized for exemplary safety records and practices:

Safety Awards

- Butler Water Reclamation Facility
- Jomax Water Reclamation Facility
- Quintero Water Treatment Plant
- Wastewater Collection System
- Water Distribution System
- Well Production System

In the spirit of sharing knowledge with our peers and associates and bringing well-deserved recognition to the City for its efforts, industry leadership, and innovation, several Peoria Public Works-Utilities and Engineering representatives met the challenge by having papers selected through a competitive process for presentation at the conference's technical sessions. The following individuals did an outstanding job developing and presenting interesting papers on topics relevant to both Peoria and the industry as a whole (some of these presentations were co-authored and the listed individuals are indicated by AZ Water as the primary presenter):

Presenter – *Presentation Title*

- Robin Bain – *Smart Irrigation Technology – A Case Study of Peoria Homeowner Associations*
- Roger Carr – *Steady State Your Treatment Process, Time Is Relative*
- Claudia Christo – *Butler Well, Reservoir, and Booster Station Retrofit – Maximizing Public Investment through JOC Delivery*
- Phil Glass – *Optimizing a Distribution System*
- Matt Hagenswiecicki – *Wastewater Microscopy; Taking a Closer Look at What's Going On*
- Joe Kurrus – *PVC Pipe in a Desert Climate*
- Chris Opsahl – *Reducing Odors through Automation*

In addition to the above, many of our staff served as technical session moderators, trainers, and in various support roles to make the conference a great success. All involved did an outstanding job and warrant our congratulations.

Contact Name & Number: William Mattingly, Public Works-Utilities Director, 623-773-5151

60th Anniversary Communications Plan – 2014-2015

The City of Peoria is recognizing its 60th Anniversary on June 7, 2014. This is the date of the city's incorporation.

To honor the anniversary, the Office of Communications will lead an internal and external strategy to raise awareness. Other City groups which would participate in the communication efforts include the Diversity Committee and the Public Library.

The communication strategies include the following:

1. All User mention in Carl Swenson message the week of June 2.
2. CityNet article – ongoing monthly starting the week of June 2, end spring 2015
3. City Hall posters – Week of June 9, rotation ending Christamas 2015
4. City Manager's Report, City Council – June 17
5. Monthly "Peoria Stories" in Peoria Now starting July issue, ending May 2015
6. Ch. 11 promos – starting week of June 9, ending Winter 2015
7. Facebook stories – starting week of June 2, end tbd
8. Dedicated webpage, www.peoriaaz.gov – Starting week of June 9
9. Social media banners highlighting 60th Anniversary
10. City Council Chambers placque (2004 -) of elected officials

In addition, the Office of Communications is working with the Arizona Republic to provide historical based articles. The Peoria Times will also run our articles. June 2.