

City Council Meeting Notice & Agenda



Tuesday, April 21, 2015
City Council Chamber
8401 West Monroe Street
Peoria, AZ 85345

Special Meeting & Study Session

5:00 P.M. Convene

Roll Call

Consent Agenda

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

Consent

1. **C - Authorization to Hold an Executive Session**

Discussion and possible action to authorize the holding of an Executive Session with representatives of the public body to consider its position and instruct its representatives regarding the potential acquisition of New River Water Utility pursuant to A.R.S. § 38-431.03.(A)3.

Study Session Agenda

Subject(s) for Discussion Only

2. BioInspire Accomplishments

Adjournment

Mayor
Cathy Carlat

Willow District
Jon Edwards,
Vice Mayor

Acacia District
Vicki Hunt

Ironwood District
Bill Patena

Mesquite District
Bridget Binsbacher

Palo Verde District
Michael Finn

Pine District
Carlo Leone

Executive Session

**Convene immediately following Special City Council Meeting
Executive Room, City Council Chamber**

Under the provisions of A.R.S. § 38-431.02 there will be a **CLOSED EXECUTIVE SESSION**.

Executive Session Agenda

3. An Executive Session for the purpose of discussion and consultation with representatives of the public body pertaining to the potential acquisition of New River Water Utility pursuant to A.R.S. § 38-431.03.(A)3.

Adjournment

The above-named Public Body of the City of Peoria, Arizona will convene into Executive Session pursuant to A.R.S. § 38-431.03 for those items listed on the agenda. Only those persons who are:

- Members of the Public Body, or
- Officers of the City that are required to attend, or
- Those individuals whose presence is reasonably necessary for the Public Body to carry out its Executive Session responsibilities as determined by the City Attorney may be present during the Executive Session.

All persons who remain present during the Executive Session are reminded that the business conducted in Executive Session, including all discussion taking place herein, is confidential and may not be disclosed to any person, except as permitted by law.

Arizona Open Meeting Act:

Arizona law requires that persons who are present in an executive session receive instruction regarding the confidentiality requirements of the Arizona Open Meetings Act. Minutes and discussions made during executive sessions are confidential and may not be disclosed to any party, except:

- Members of the council,
- Appointees or employees who were subject of discussion under the personnel item subsection of the Open Meetings Act,
- County Attorney or Attorney General pursuant to an investigation of a violation of the Open Meetings Act, and
- Arizona Auditor General in connection with an audit authorized by law.

Any person who violates or who knowingly aids, agrees to aid, or attempts to aid another person in violating the Arizona Open Meetings Law may be punished by fine of up to \$500.00 per violation and/or by removal from public office.

Regular Meeting

7:00 P.M. Convene

Pledge of Allegiance – Posting of Colors and Pledge of Allegiance led by Boy Scout Troop 298
Roll Call
Final Call To Submit Speaker Request Forms

Presentation

4. Proclamation declaring the week of May 3 – 9 as “Municipal Clerks Week”
5. Proclamation declaring the week of May 17 – 23 as “National Public Works Week”
6. American Cancer Society - Relay for Life
7. United Blood Services Award

Consent Agenda

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

Consent

8. **C - Disposition of Absence**

Discussion and possible action to approve the absence of Council Youth Liaison Ian Mullane from the City Council Meetings held on April 7, 2015.

9. **C - Grant, Peoria Police Department, Governor's Office of Highway Safety, Click it or Ticket**

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

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

Discussion and possible action to authorize an Intergovernmental Agreement with the City of Glendale to provide law enforcement and security services at the University of Phoenix Stadium.

11. **C - Development Plan Review Approval Processes**

Discussion and possible action to approve the Priority Track Development Process and the Expedited Plan Review Process to enhance customer service for the development community and attract new targeted industry opportunities pursuant to the Economic Development Implementation Strategy.

Regular Agenda

New Business

12. **R - PUBLIC HEARING - General Plan Amendment, Land Use Map, WestWing Mountain Development, Parcels 24 & 27, Lake Pleasant Parkway and WestWing Parkway**

PUBLIC HEARING: RE: A request to amend the Peoria General Plan Land Use Map by re-designating a site encompassing approximately 30.0 acres of land, located at the southeast and northeast corner of Lake Pleasant Parkway and WestWing Parkway from Community Commercial to Low-Density Residential (2-5 du/ac, target of 3 du/ac)(GPA14-0003).

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 **RES. 2015-39** approving an amendment to the General Plan Land Use Map by re-designating a site encompassing approximately 30.0 acres of land, located at the southeast and northeast corner of Lake Pleasant Parkway and WestWing Parkway from Community Commercial to Low-Density Residential (2-5 du/ac, target of 3 du/ac)(GPA14-0003).

13. **R - PUBLIC HEARING - Rezoning, WestWing Mountain Planned Community District, Lake Pleasant Parkway and WestWing Parkway**

PUBLIC HEARING: RE: A request to rezone approximately 40.7 acres of land (Parcels 24 & 27) of the WestWing Mountain Planned Community District (PCD) from PCD Commercial to PCD Residential in order to allow for the development of a detached single-family residential community of up to 140 lots.

Staff Report:

Open Public Hearing:

Public Comment:

Close Public Hearing:

COUNCIL ACTION: Discussion and possible action to concur with the Planning and Zoning Commission's recommendation to adopt **ORD. 2015-09**, rezoning approximately 40.7 acres of land (Parcels 24 & 27) of the WestWing Mountain Planned Community District (PCD) from PCD Commercial to PCD Residential in order to allow for the development of a detached single-family residential community of up to 140 lots (Z98-09A.10).

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

14. **Council Calendar**

15. **Reports**

- A. Crime Statistics Update
- B. Neighborhood ParkFest! Series
- C. Multicultural Music Festival

Reports from City Council Reports from the Mayor

Adjournment

Vistancia Community Facilities District Board Meeting

Convene immediately following Regular City Council Meeting

Roll Call Final Call To Submit Speaker Request Forms

VCFD Consent Agenda

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

16. **C - Minutes**

Discussion and possible action to approve the March 3, 2015 Special Meeting minutes.

VCFD Regular Agenda

17. **R - Preliminary Fiscal Year 2016 Budget and Tax Levy for Vistancia Community Facilities District**

Discussion and possible action to: (a) adopt **VCFD RES. 2015-01** approving the preliminary Fiscal Year 2016 budget and tax levy for the Vistancia Community Facilities District; and (b) establish a public hearing date of May 19, 2015 to review and adopt the budget and tax levy.

Call To The Public (Non-Agenda Items)

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

Adjournment

Vistancia West Community Facilities District Board Meeting

Convene immediately following Regular City Council Meeting

Roll Call

Final Call To Submit Speaker Request Forms

VWCFD Consent Agenda

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

18. **C - Minutes**

Discussion and possible action to approve the March 17, 2015 Special Meeting minutes.

VWCFD Regular Agenda

19. **R - Preliminary Fiscal Year 2016 Budget and Tax Levy for Vistancia West Community Facilities District**

Discussion and possible action to: (a) adopt **VWCFD RES. 2015-02** approving the Fiscal Year 2016 preliminary budget and tax levy for the Vistancia West Community Facilities District; and (b) establish a public hearing date of May 19, 2015 to review and adopt the budget and tax levy.

Call To The Public (Non-Agenda Items)

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

Adjournment

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

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

Public Notice

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

City Council Meetings can be viewed live on Channel 11 (Cox Cable) and are available for viewing on demand at <http://www.peoriaaz.gov/content2.aspx?id=2151>.

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Date Prepared: April 15, 2015

Council Meeting Date: April 21, 2015

TO: Carl Swenson, City Manager

FROM: Scott Whyte, Economic Development Services Director

THROUGH: Susan J. Daluddung, Deputy City Manager

SUBJECT: BioInspire Accomplishments Update

Purpose:

To provide the City Council an update on the progress and accomplishments of BioInspire, the City's medical device incubator, since officially opening the facility on September 25, 2012.

Background/Summary:

In November 2011, the City of Peoria entered into an operating grant agreement with BioAccel, a non-profit organization specializing in the advancement of bioscience companies, for the creation and operation of a medical device incubator in Peoria (BioInspire). The commercialization of bioscience companies, which ultimately locate in Peoria after completing their progression through BioInspire, is a key outcome contemplated in the Council-adopted Economic Development Implementation Strategy (EDIS). Those companies that emerge from BioInspire, following commercialization, and locate in Peoria to create high wage technology jobs, is the end goal of the BioInspire Program.

BioAccel launched a national recruitment in May 2012 for prospective bioscience businesses to come to Peoria. Since then, seven new medical device companies have been selected to be tenants in BioInspire. The selected firms, representing a variety of technologies, are comprised of three California companies and four Arizona companies that moved their operations into the BioInspire facility. Information in this report is generated and provided by BioAccel. The reference to jobs created is not specific to Peoria; however, the BioInspire portfolio companies have created 39 jobs as of 2015, with an average salary of \$70,800. The facility is currently 94% occupied. (See Exhibit 1 for an Accomplishment Summary).

These portfolio companies offer significant future opportunities for growth in the medical device industry, as well as public benefits and job creation to the City in the form of growing a technology and innovation economy in Peoria.

Additionally, BioAccel has assembled an impressive team of national experts to be on the BioInspire Council of Advisors. The Advisors have national and international reach in terms of business development, medical device sales and marketing, as well as venture capital

capabilities. The caliber of this Council of Advisors lends credibility both to Peoria's effort to attract high technology entrepreneurs to the city and to Peoria's larger economic development initiatives as they relate to business attraction and building an innovation economy. See Exhibit 2 for the complete list of Advisors.

Previous Actions:

- November 5, 2013 – BioAccel Annual Report Update
- January 8, 2013 – City Council update on BioInspire's accomplishments
- November 2011 – City Council authorizes a lease with the Plaza Companies
- November 2011 – City Council authorizes the Operating Grant Agreement with BioAccel for the creation of BioInspire
- May 31, 2011 – BioAccel and EDS present the concept of a medical device incubator to City Council in a study session.
- May 3, 2011 – BioAccel and EDS present the concept of a medical device incubator to City Council in a study session.

Staff Recommendation:

Receive the accomplishment information on BioInspire.

Fiscal Analysis:

There is no fiscal impact as a result of this report.

Exhibit(s):

- Exhibit 1: BioInspire Accomplishment Summary
Exhibit 2: BioInspire Council of Advisors

Summary Portfolio Metrics



BiInspire Metrics End of Q1 2015

Portfolio Companies located in BiInspire	Jobs created	Seed & TAP funds Allocation
Arizona Medical Systems	2	\$200,000
Hildeez	2	\$110,000
Kulira	2	\$300,000
Nasseo	5	\$300,000
StimWave	15	\$300,000
Verve Medical	5	\$450,000
Yolia	8	\$300,000
Total	39	\$ 1,960,000.00

Average salary of jobs	\$70,800
Total City funds spent on Operations	\$1,712,211
Total Non-City Operational funds leveraged	\$1,141,025
BiInspire current occupancy rate	94%
Total follow on funding invested into portfolio companies	\$12,915,000

Council of Advisors



Chairman

(*Boston, MA*) Enrico Picozza is a pioneer in the life sciences with a history of recognizing and developing new technologies that change markets. He is currently a director of SensAble Technologies. Prior to joining HLM as a Venture Partner, Enrico co founded HTS Biosystems, Inc., an early developer of platforms for drug discovery and point of care diagnostics, where he served as COO and CTO. Prior to HTS, Enrico held leadership positions with PerkinElmer, Inc. and Applied Biosystems, Inc. He is the holder of nine patents and has been recognized by the Smithsonian Institute for his achievements in PCR.



(*Phoenix, AZ*) MaryAnn Guerra is currently the Chief Executive Officer, Chairman of the Board and co founder of BioAccel. Ms. Guerra brings more than 25 years of experience in business, health, cancer technology and genomics research management to BioAccel. Prior to joining BioAccel, Ms. Guerra served as President of TGen Accelerators, LLC and Chief Business Officer at the Translational Genomics Research Institute (TGen).



(*Phoenix, AZ*) Randal Schulhauser is the Senior Manager of Technology & Business Development at Medtronic. Randal holds four patents with another six applications filed at the US Patent Office. He has also published multiple articles in peer reviewed literature. His technical affiliations include the Institute of Electrical and Electronics Engineers (IEEE), Professional Engineers of Ontario (PEO), International Society for Cardiovascular Translational Research (ISCTR) and Heart Rhythm Society (HRS, formerly NASPE). He is a current board member for the Arizona Chapter of the American Diabetes Association (ADA), and an industry representative for the American Heart Association (AHA).



(*Phoenix, AZ*) Dr. Vishu Jhaveri, M.D., M.S.A. of Blue Cross Blue Shield of AZ is a Senior Vice President of Health Services and Chief Medical Officer. Dr. Jhaveri oversees the development of corporate medical policies and the daily administrative functions of the Health Services Division. In addition to the academics of medical policy development, those functions include: accreditation, medical underwriting, medical claims review, clinical quality improvement, care management, disease management, health promotion/wellness, utilization review and provider credentialing.



(*Tempe, AZ*) Tom Star is the president of MDI (Molded Devices Inc.) Injection Molding. Tom spent the last 15 years working in Silicon Valley in sales and product development. Tom has been part of the commercialization of over 90 devices during that time including the BSCI Blazer Ablation Catheter, the Cordis Exosea Wound Closure Device, the EV3 Silver Hawk Catheter. Tom has been certified in GMP, ISO 13485:2003, CAPA, 510k and PMA Submissions, RJG Master Molding, and Six Sigma problem solving tools.



(Chicago, IL) John H. Linehan, Ph.D. is a Professor of Biomedical Engineering at Northwestern University, and a Consulting Professor of Bioengineering in Stanford University's Biodesign Program. He is also an educational advisor to 5 universities in Ireland helping initiate BioInnovate – Ireland. His current research interests concern the medical device innovation process, health technology assessment, and comparative effectiveness. He was responsible for implementing and managing the International Biomedical Engineering Educational Summit meetings (2000 & 2005) and the national Academic Leadership Program for developing young faculty as leaders.



(San Francisco, CA) Rafael Torres is the Senior Managing Director and GE Ventures, Healthcare leader, where he leads the VC team for Healthcare investments. Previously, he led GE Equity Healthcare investments and acquisitions and integrations at GE Healthcare, where he had been a key driving force behind the healthcare investing since its inception. Rafael has spent 11 years investing in healthcare in GE across the healthcare space, and prior to joining GE in 2001, held various positions at The Boston Consulting Group, AT Investments (a Latin American venture capital fund) and Citibank.



(Peoria, AZ) Brent Mattingly joined the City Finance Department in June 1997 as the Financial Services Manager. In 2000, he was promoted to Deputy Finance Director and in July 2004 to Finance Director. In 2006, Mr. Mattingly was appointed as the City's Chief Financial Officer. Prior to moving to Arizona, Mr. Mattingly served as the Finance Director and Assistant City Manager for the City of Rancho Palos Verdes, California. He has 25 years of financial management experience in the public and private sectors.



(Peoria, AZ) Scott Whyte is the Economic Development Services Director for the City of Peoria. Mr. Whyte served eight years in the Corona Redevelopment Agency in California. He also spent eight years with the Los Angeles County Community Development Commission where he gained valuable experience in public/private development finance. Just prior to joining the City of Peoria, Mr. Whyte worked for a private real estate development company where he managed development projects including securing land use entitlements, and the management of project site plan creation, pro forma budgets, economic analysis, and financing plans.



(Flagstaff, AZ) Paul C. Begovac, Ph.D. is currently a Business Technology Leader at W. L. Gore & Assoc., Inc. He was trained in biomedical sciences receiving his B.Sc. from NAU, a Ph.D. from University of Florida, a Post doctoral Fellow at M.D. Anderson Cancer Center, and a faculty member at the University of Oklahoma. He has numerous publications and patents in the bioscience area and has focused on medical device innovation from early technology and product development through commercialization throughout his career. His 25+ years' tenure at Gore has included external technology screening and evaluation, involvement in development of dozens of medical devices, and university and company collaborations.



(Hopkinton, MA) Larry Davis has over 25 years of medical device sales, service and sales management experience. Prior to joining Arterioocyte in October of 2013 he spent the last 7 years at Neurotherm, a leading private equity sponsored medical device company focused on delivering interventional pain management and vertebroplasty / kyphoplasty solutions for the hospital and outpatient setting. While at Neurotherm Mr. Davis led the company to a 15%+ CAGR in revenue growth over his seven years there. Mr. Davis has led sales teams in the surgical optics, medical integration technology, cosmetic aesthetic and interventional pain management fields. His primary focus over the last 20 years has been building out and managing distribution channels taking advantage of direct, independent and strategic partnership opportunities. Prior to Neurotherm, Larry held leadership positions in ACMI Gyrus, and Karl Storz Endoscopy. Larry holds a B.S. in Business Administration from Auburn University.

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 4

Date Prepared: April 13, 2015

Council Meeting Date: April 21, 2015

TO: Carl Swenson, City Manager
FROM: Rhonda Geriminsky, City Clerk
THROUGH: Susan Daluddung, Deputy City Manager
SUBJECT: **Proclamation Declaring Municipal Clerks Week**

Purpose:

Present a proclamation declaring May 3, 2015 through May 9, 2015 as Municipal Clerks Week.

Background/Summary:

The City of Peoria will designate May 3, 2015 through May 9, 2015 as “Municipal Clerks Week” recognizing the accomplishments of the Office of Municipal Clerk and expressing appreciation for the vital services provided to the communities they represent.

Previous Action:

Municipal Clerks Week was initiated in 1969 by the International Institute of Municipal Clerks (IIMC), a professional association of City, Village, Town, Township, Borough and County Clerks, Secretaries and Recorders, and is endorsed by all of its members throughout the United States, Canada and 15 other countries.

In 1984 and in 1994, Presidents Ronald Reagan and Bill Clinton, respectively, signed a Proclamation officially declaring Municipal Clerks Week the first full week of May and recognizing the essential role Municipal Clerks play in local government.

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

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 5

Date Prepared: March 3, 2015

Council Meeting Date: April 21, 2015

TO: Carl Swenson, City Manager

FROM: William Mattingly, P.E., R.L.S. Public Works – Utilities Director

THROUGH: Jeff Tyne, Deputy City Manager

SUBJECT: Proclamation declaring the week of May 17 – 23 “National Public Works Week”

Purpose:

Present a proclamation declaring the week of May 17 – 23, 2015 as “National Public Works Week.”

Background/Summary:

The City of Peoria will designate the week of May 17 – 23, 2015, as “National Public Works Week” and urge all people to join with representatives of the American Public Works Association and the Public Works – Utilities Department in activities and ceremonies designed to pay tribute to our public works professionals, engineers, managers, and employees and to recognize the substantial contributions they have made to our national health, safety and quality of life.

Previous Actions:

Contact Name and Number: William Mattingly, Public Works – Utilities Director, 623-773-5151

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 6

Date Prepared: April 13, 2015

Council Meeting Date: April 21, 2015

TO: Carl Swenson, City Manager

FROM: Corina Russo, Assistant to the City Manager

SUBJECT: Presentation from Tim & Jill Mills of the American Cancer Society

Purpose:

Tim and Jill Mills of the American Cancer Society will present information about an upcoming Relay for Life fundraising event on April 25, 2015.

Background/Summary:

The American Cancer Society hosts the annual fundraising event, Relay for Life. The purpose of this cancer fundraising event is not only to raise money for cancer research, but to spread cancer awareness, celebrate the lives of cancer survivors, remember those who have lost their battle to cancer, and bring communities together in a united fight against cancer.

Previous Actions:

This is for presentation purposes only

Options:

This is for presentation purposes only

Staff's Recommendation:

This is for presentation purposes only

Fiscal Analysis:

This is for presentation purposes only

Contact Name and Number: Corina Russo, (623) 773-7572

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 7

Date Prepared: April 13, 2015

Council Meeting Date: April 21, 2015

TO: Carl Swenson, City Manager

FROM: Corina Russo, Assistant to the City Manager

SUBJECT: Award Presentation from Katrina Eaton of the United Blood Services to the City of Peoria

Purpose:

Katrina Eaton of the United Blood Services of Arizona will present the Valentines for Life Award to Mayor Carlat.

Background/Summary:

The Valentines for Life Award is an award given by United Blood Services of Arizona to recognize outstanding blood drive coordinators. Award levels are based on a group's size and the percent of participation of their members. The City is receiving the Platinum Award, the highest level of recognition available for the City's outstanding participation in last year's blood drives. The City of Peoria is top municipal winner and the only municipality receiving an award this year.

Previous Actions:

This is for presentation purposes only

Options:

This is for presentation purposes only

Staff's Recommendation:

This is for presentation purposes only

Fiscal Analysis:

This is for presentation purposes only

Contact Name and Number: Corina Russo, (623) 773-7572

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 9C

Date Prepared: April 7, 2015

Council Meeting Date: April 21, 2015

TO: Carl Swenson, City Manager

THROUGH: Jeff Tyne, Deputy City Manager

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

SUBJECT: Authorization to accept a grant from the Governor's Office of Highway Safety (GOHS) totaling \$7,500

Purpose:

This is a request for City Council to authorize the acceptance of funding from the Governor's Office of Highway Safety (GOHS) for participation in the "2015 Buckle Up Arizona. . . It's the Law!" enforcement campaign (\$7,500).

Background/Summary:

The Peoria Police Department desires to accept funding provided by the Governor's Office of Highway Safety (GOHS) in the amount of \$7,500. GOHS has provided funding for participation in the 2015 "Buckle Up Arizona. . . It's the Law!" campaign. This two-week program focuses on enforcement of Arizona's safety belt and child passenger safety laws, and is part of the national "Click it or Ticket" campaign. Funds will be used to support personnel services, on an overtime basis, from May 18, 2015 through May 31, 2015.

This grant is reimbursable. A media release emphasizing the importance of this program and specifying that funding is provided by the Governor's Office of Highway Safety will be issued.

Previous Actions:

City Council has previously accepted grants from GOHS. The awarded grant is in addition to the six grants already accepted for the FY 2015 grant cycle.

Options:

A: Accept the grant award totaling \$7,500 from GOHS and approve a budget adjustment in the amount of \$7,500 from the Proposed Grants Contingency Account to the GOHS Grant Overtime Account.

B: Choose not to accept the grant from GOHS, which would prevent participation in the “Buckle Up Arizona. . .It’s the Law!” enforcement campaign.

Staff’s Recommendation:

Authorize the City Manager to accept \$7,500 from the Governor’s Office of Highway Safety (GOHS) to be used by the Peoria Police Department to participate in the 2015 “Buckle Up Arizona. . . It’s the Law!” campaign.

Fiscal Analysis:

Request a budget adjustment of \$7,500 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 2015-CIOT-011

Contact Name and Number: Heather Cammarata, 623-773-7069

HIGHWAY SAFETY CONTRACT

This page, the Project Directors Manual and attached hereto and incorporated herein by reference, constitute the entire contract between the parties hereto unless the Governor's Highway Safety Representative authorizes deviation in writing.

CFDA: 20.600

1. APPLICANT AGENCY Peoria Police Department (PPD)	GOHS CONTRACT NUMBER 2015-CIOT-011
ADDRESS 8351 West Cinnabar Avenue, Peoria, Arizona 85345	PROGRAM AREA 402-OP
2. GOVERNMENTAL UNIT City of Peoria	AGENCY CONTACT Sergeant Russ Scarborough
ADDRESS 8401 West Monroe Street, Peoria, Arizona 85345	3. PROJECT TITLE Buckle Up Arizona Enforcement Campaign (CIOT)
4. GUIDELINES 402 – Occupant Protection (OP)	

5. BRIEFLY STATE PURPOSE OF PROJECT:
Federal 402 funds will support Personnel Services (Overtime) and Employee Related Expenses to participate in the two-week Buckle Up Arizona Enforcement Campaign from May 18, 2015 through May 31, 2015 to enhance seat belt and child safety seat usage throughout the City of Peoria.

6. BUDGET COST CATEGORY	Project Period FY 2015
I. Personnel Services	\$7,500.00
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	\$7,500.00

PROJECT PERIOD	FROM: Effective Date (<i>Date of GOHS Director Signature</i>)	TO: 05-31-15
CURRENT GRANT PERIOD	FROM: 05-18-15	TO: 05-31-15

TOTAL FEDERAL FUNDS OBLIGATED THIS FY: \$7,500.00

A political subdivision or state agency that is mandated to provide a certified resolution or ordinance authorizing entry into this contract must do so prior to incurring any expenditures. Failure to do so may result in termination of the awarded contract.

PROBLEM IDENTIFICATION AND RESOLUTION:

Motor vehicle collisions continue to be the leading cause of death, injury and property damage in Arizona and the United States. A number of factors contribute to the risk of collision including; vehicle design, speed of operation, road design, road environment, driver skill and/or impairment and driver behavior. The human factor that has been consistently identified in reducing collisions and minimizing their effects is consistent usage of seat belts and child safety seats.

According to the Arizona Motor Vehicle Crash Facts, there were 656 vehicle occupant (driver/passenger) fatalities in 2013, of which 299 (46%) were unrestrained. Children under the age of five accounted for 11 passenger fatalities in 2013, of which 7 (64%) were unrestrained.

In 2014, seat belt usage in Arizona reached **87.2%**, an increase of **2.5%** since 2013. The noted increase is attributed partly to the Arizona Governor's Office of Highway Safety (GOHS) funded statewide enforcement campaigns, enhanced earned media, and extensive outreach support of educational and public awareness activities.

The summary of the 2010 through 2014 Arizona Seat Belt Use Survey results are presented in the following table:

GROUPS OBSERVED	2010	2011	2012	2013	2014
Total Front Seat Occupants Seat Belt Use	81.8%	82.9%	82.2%	84.7%	87.2%
All Drivers Seat Belt Use	82.3%	83.5%	82.6%	84.7%	87.1%
Front Seat Passenger Seat Belt Use	79.9%	80.6%	80.2%	84.0%	87.7%
Children Safety Restraint Use	78.0%	79.1%	75.0%	n/a	n/a

Seat belts and child safety seats have proven to significantly reduce the chance of death and injuries of passengers in vehicles. According to the Center for Disease Control and Prevention, seat belt use reduces serious crash-related injuries and deaths by about **50%**. The proper and consistent use of Child Safety Seats has been found to reduce the risk of fatal injury by **71%** for infants (younger than 1 year old) and by **54%** for toddlers (1 to 4 years old) in passenger cars. Properly installed booster seats reduce the risk for serious injury by **45%** among children ages 4 to 8 year old.

Numerous factors affect the occupant protection enforcement program in Arizona:

- Arizona presently conducts enforcement under a secondary seat belt law and a primary child safety seat law
- Arizona currently exceeded the national average seat belt usage rate of 87% in 2014
- Arizona continues to develop and expand a highly visible Occupant Protection Enforcement Program

Selective Traffic Enforcement Programs (STEP) is a proven approach that can be used to quickly change motorists' behavior in a short period of time. This particular STEP is a widely publicized enforcement campaign focused on changing a particular behavior among motorists.

As part of the National Click It or Ticket Campaign, Arizona has developed and promoted the "**Buckle Up Arizona... It's the Law!**" program, which has been an effective enforcement message in a secondary law state.

This program unites state-wide law enforcement agencies to engage in aggressive traffic enforcement with a "**zero tolerance**" approach to seat belt and child safety seat violations. The goal is to sustain and increase seatbelt usage rates in the designated geographical areas of the participating agencies.

The mobilizations begin with earned media generated at the State and local level followed by a high visibility enforcement campaign lasting two weeks. Paid media phases in approximately one week later followed by high-visibility enforcement lasting for two weeks. Additional earned media conducted through the GOHS has been paramount in enhancing occupant protection message.

OVERVIEW OF PROGRAM:

Federal 402 funding will support Personnel Services (Overtime) and Employee Related Expenses to participate in the national two-week "**Buckle Up Arizona**" enforcement campaign from **May 18, 2015 through May 31, 2015**.

The purpose of the campaign is for the Peoria Police Department (PPD) to engage in aggressive traffic enforcement with a "**zero tolerance**" approach to seat belt and child safety seat violations. The goal is to sustain seatbelt usage rates in the designated geographical areas of the participating agencies.

The campaign will be supported by earned media to reinforce the occupant protection message. The Peoria Police Department (PPD) will participate in other educational and public awareness activities to support the enforcement component.

Occupant protection usage surveys will be conducted subsequent to the enforcement campaign by an independent research organization to analyze the effectiveness of the program. Results will be provided to the respective law enforcement agency upon receipt of the completed study.

GOALS/OBJECTIVES:

The Peoria Police Department (PPD) is required to complete the following goals and objectives under the guidelines of the contract:

- Provide intensive traffic enforcement during designated period with zero tolerance for safety belt/child restraint laws
- Heighten enforcement visibility through news media contacts, safety belt/child seat inspections, and other public awareness and educational activities
- PPD shall provide a written press release announcing the enforcement program to the local media affecting their respective areas (a copy of this press release shall be sent to the GOHS Director prior to the initiation of the enforcement campaign)

- PPD is additionally encouraged to invite media representatives for live interviews and ride-a-longs during the enforcement activities
- PPD shall develop and participate in some form of enforcement activity, such as saturation patrols, multi-agency enforcement task forces etc. related to respective areas with low restraint usage.
- PPD shall submit a Final Enforcement Summary Report to GOHS no later than **June 3, 2015**
- PPD shall a Final Statement of Accomplishments Report including press releases, news stories, educational/public awareness activities, enforcement statistics and quality photographs by **June 10, 2015**
- **PPD shall provide the names of top enforcement performers for possible future recognition by GOHS and their respective agency**

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 Occupant Protection in terms of money, criminal and human consequences.**

The Peoria Police Department (PPD) will maintain responsibility for **reporting sustained enforcement** activity in a timely manner. Additionally, it is the responsibility of PPD to report all holiday task force enforcement statistics to GOHS on-line at the GOHS website **no later than 10:00a.m. the morning following each day of the event.**

PURSUIT POLICY:

All law enforcement agencies receiving federal 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.

METHOD OF PROCEDURE:

The Peoria Police Department (PPD) will make expenditures as follows to meet the outlined Program Goals/Objectives:

Personnel Services – To support Overtime for two-week Buckle Up Arizona Enforcement Campaign from May 18, 2015 through May 31, 2015

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 GOHS Director 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 Governor's Office of Highway Safety. A sample press release for the Buckle Up Arizona Campaign will be provided to the agency.

PROFESSIONAL AND TECHNICAL PERSONNEL:

Roy Minter, Chief, Peoria Police Department, shall serve as Project Director.

Russ Scarborough, Sergeant, Peoria Police Department, shall serve as Project Administrator.

Lizette Vasquez, Occupant Protection Coordinator, 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 within thirty (30) days of the enforcement period in correlation with the required report.

RCIs shall be typed and delivered via mail or hand delivered with appropriate supporting documentation, to the Governor's Office of Highway Safety. **Electronically submitted RCIs will not be accepted.** 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.

FINAL ENFORCMENT SUMMARY REPORT:

All participating agencies shall complete and submit total enforcement statistical data implementing the attached form no later than **June 3, 2015**, to the Governor's Office of Highway Safety.

FINAL STATEMENT OF ACCOMPLISHMENTS:

The Project Director shall complete and submit the attached Final Statement of Accomplishments Report no later than **June 10, 2015**, to the Governor's Office of Highway Safety. All agencies receiving funding are required to submit a Final Statement of Accomplishments Report. The report is a summary overview of the contracted project and is reviewed by the Governor's Office of Highway Safety project coordinator to determine the effectiveness of the project.

PROJECT MONITORING:

Highway safety 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 contracted project and serves as a continuous management tool. Project monitoring also presents an opportunity to develop partnerships, share information and provide 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 Report of Costs 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	Desk Review/Phone Conference
\$50,000 and over	May have an In-House GOHS Review
\$100,000+	May have an On-Site Review
Capital Outlay Greater than \$25,000 (combined)	May have an On-Site Review
Desk Review and Phone Conference	Internal Review of all written documentation related to contractual project including but not limited to contract, 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. It 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 contract, 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 contract, 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 fiscal year. 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 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

The Governor's Office of Highway Safety will retain all findings documented on the GOHS Monitoring Form in the grantee's respective federal file. Findings will be discussed with the grantee designated contract 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 will 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 GOHS Director signs the Highway Safety Contract and terminate on May 31, 2015 of that or subsequent year as indicated on the Highway Safety Contract.

Any unexpended funds remaining at the termination of the contract shall be released back to the Governor's Office of Highway Safety.

DURATION:

Contracts shall be effective on the date the Governor's Office of Highway Safety Director signs the contract and expire at the end of the project period.

If the Agency is unable to expend the funds in the time specified, the Project Director will submit notification on the Agency's letterhead and hand-deliver or submit via regular mail to the Director of the Governor's Office of Highway Safety a minimum of 90 days prior to the end of the project period.

The Agency shall address all requests to modify the contract to the Director of the Governor's Office of Highway Safety on Agency letterhead and either hand deliver or submit the request via regular mail. All requests for modification must bear the signature of the Project Director.

Failure to comply may result in cancellation of the contract. Any unexpended funds remaining at the termination of the contract shall be released back to the Governor's Office of Highway Safety.

ESTIMATED COSTS:

I.	Personnel Services (overtime)	\$7,500.00
II.	Employee Related Expenses <i>Please Note Entire ERE Will Be Absorbed by Peoria Police Department</i>	\$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		*\$7,500.00

*Includes all applicable training, tax, freight, and advertising costs. The GOHS 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 (PPD) shall absorb any and all expenditures in excess of **\$7,500.00**.

CERTIFICATIONS AND AGREEMENTS

This CONTRACT, is made and entered into by and between the STATE OF ARIZONA, by and through the Governor's Office of Highway Safety (GOHS) hereinafter referred to as "STATE", and the agency named in this Contract, hereinafter referred to as "AGENCY".

WHEREAS, the National Highway Safety Act of 1966, as amended (23 USC §§401-404), provides Federal funds to STATE for approved highway safety 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 the United States Department of Transportation (USDOT); and

WHEREAS, AGENCY must comply with the requirements listed herein to be eligible for Federal funds for approved highway safety projects; and

WHEREAS, AGENCY has submitted an application for Federal funds for highway safety 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 Contract.
- 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 Contract or at any time thereafter by giving thirty (30) days written notice to AGENCY by ordinary mail at the address listed on the Contract. Failure to comply with Quarterly Report requirements may result in withholding of Federal funds or termination of this Contract.
- C. AGENCY will submit a Final Report/Statement of Accomplishment at completion of the Contract 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 Contract.
- D. Representatives authorized by STATE and the National Highway Traffic Safety Administration (NHTSA) will have the right to visit the site and inspect the work under this Contract 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 XX herein, "Termination and Abandonment".

- B. AGENCY will reimburse STATE for any ineligible or unauthorized expenses for which Federal funds have been claimed and reimbursement received, as may have been determined by a State or Federal 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 Contract ceases to be used in the manner as set forth by this Contract. In such event, AGENCY further agrees to either give credit to the project cost or to another active highway safety 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 Contract.
- C. AGENCY will maintain or cause to be maintained for its useful life, any equipment purchased under this Contract.
- D. AGENCY will incorporate any equipment purchased under this Contract into its inventory records.
- E. AGENCY will insure any equipment purchased under this Contract 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.

The State must approve all out-of-state travel in writing and in advance.

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 Contract.

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 Contract 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 Contract. All property, instruments, non-consumable materials, supplies, and the like, which are furnished or paid for by STATE under the terms of this Contract, unless otherwise provided for elsewhere in this Contract, 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 Contract.

B. The provisions of subparagraph A apply whether or not the project contracted for 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. "Common Rule" and OMB Circular No. A-102 (Revised)

"Common Rule" (49 CFR, Part 18): Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments

OMB Circular No. A-102 (Revised): Grants and Cooperative Agreements with State and Local Governments

The application of USDOT "Common Rule" and Circular A-102 requires that:

AGENCY and sub-grantees will use their own procurement procedures, which reflect applicable State and local laws and regulations, provided that the procurements conform to applicable Federal law. 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 Contract as if fully set forth herein and AGENCY agrees to fully comply with these requirements for any procurement using grant monies from this Contract.

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 Contract submitted under the Highway Safety Act of 1966, as amended, hereby gives its assurance that employment in connection with the subject Highway Safety 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 Contract, AGENCY will be subject to and will comply with Title VI of the Civil Rights Act of 1964 and all applicable requirements of the Department of Commerce regulations as adopted by the USDOT, 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 Highway Safety Project.

- B. If AGENCY fails or refuses to comply with its undertaking as set forth in these provisions, STATE or the USDOT 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 Federal financial assistance to AGENCY under the Highway Safety 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 Highway Safety 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. Application of Hatch Act

AGENCY will notify all of its employees whose principal employment is in connection with any highway safety project, financed in whole or in part by loans or grants under the Highway Safety Act of 1966, as amended, of the provisions of the Hatch Act (5 U.S.C. §7321 et. seq.).

XIV. Minority Business Enterprises (MBE) Policy and Obligation

A. Policy: It is the policy of the USDOT that minority business enterprises as defined in 49 CFR, Part 23, will have the maximum opportunity to participate in the performance of contracts financed in whole or in part with Federal funds under this Contract. Consequently, the minority business enterprises requirements of 49 CFR, Part 23 apply to this Contract.

B. Obligation: The recipient or its contractor agrees to ensure that minority business enterprises as defined in 49 CFR, Part 23 have the subcontracts financed in whole or in part with Federal funds provided under this Contract. In this regard, all recipients or contractors will take all necessary and reasonable steps in accordance with 49 CFR, Part 23 to ensure that minority business enterprises have the maximum opportunity to compete for and perform contracts. Recipients and their contractors will not discriminate on the basis of race, color, creed, sex, or national origin in the award and performance of USDOT-assigned contracts.

XV. 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 Contract where the provisions of mandatory arbitration apply.

XVI. Inspection and Audit, ARS §35-214

Pursuant to ARS §35-214, all books, accounts, reports, files, and other records relating to this Contract will be subject at all reasonable times to inspection and audit by STATE for five (5) years after completion of this Contract. The records will be produced at the Governor's Office of Highway Safety.

XVII. Appropriation of Funds by U.S. Congress

It is agreed that in no event will this Contract be binding on any party hereto unless and until such time as funds are appropriated and authorized by the U.S. Congress and specifically allocated to the project submitted herein and then only for the fiscal year for which such allocation is made. In the event no funds are appropriated by the U.S. Congress or no funds are allocated for the project proposed herein for subsequent fiscal years, this Contract 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 Contract or project that may so become null and void.

XVIII. Continuation of Highway Safety Program

It is the intention of AGENCY to continue the Highway Safety Program identified in this Contract once Federal 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.

XIX. 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.

XX. 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 Contract and proceed to close said operations under the Contract.
- 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 Contract 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 Contract and which have not been consumed or reached the end of its useful life will be returned to STATE upon its written request.

XXI. Cancellation Statute

All parties are hereby put on notice that this Contract is subject to cancellation pursuant to ARS §38-511, the provisions of which are stated below.

In accordance with ARS §38-511, this Contract may be cancelled without penalty or further obligation if any person significantly involved in initiating, negotiating, securing, drafting, or creating the Contract on behalf of the STATE, its political subdivisions or any department or agency of either, is at any time while the Contract or any extension of the Contract is in effect, an employee of any other party to the Contract in any capacity or a consultant to any other party of the Contract with respect to the subject matter or the Contract.

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 Contract 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 Contract is subject the Highway Safety Act of 1966, as amended (23 U.S.C.A. §§401-404), ARS §28-602, and all administrative regulations governing grants established by the USDOT and STATE. It is expressly agreed that this Highway Safety Project constitutes an official part of the STATE's Highway Safety Program and that AGENCY will meet the requirements as set forth in the accompanying Project Director's Manual, which are incorporated herein and made a part of this Contract. All State and Federal Statutes, Rules, Regulations, and Circulars referenced in this Contract 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 Governor's Highway Safety Representative.

Certificate of Compliance

This is to certify that AGENCY will comply with all of the State and Federal Statutes, Rules and Regulations identified in this Contract.

Certification of Non-Duplication of Grant Funds Expenditure

This is to certify that AGENCY has no ongoing nor completed projects under contract with other Federal fund sources which duplicate or overlap any work contemplated or described in this Contract. It is further certified that any pending or proposed request for other Federal grant funds which would duplicate or overlap work described in the Contract will be revised to exclude any such duplication of grant fund expenditures. It is understood that any such duplication of Federal 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 Contract. If such audit has not been performed, please advise when it is being scheduled.

Buy America Act

In accordance with the Buy America Act (49 U.S.C. 5323(j)):
Only steel, iron and manufactured products produced in the United States may be purchased with Federal funds unless the Secretary of Transportation determines that such domestic purchases would be inconsistent with the public interest, that such materials are not reasonably available and of a satisfactory quality, or that inclusion of domestic materials will increase the cost of the overall project contract by more than 25 percent. Clear justification for the purchase of non-domestic items must be in the form of a waiver request submitted to and approved by the Secretary of Transportation.

REIMBURSEMENT INSTRUCTIONS

1. **Agency Official preparing the Reports of Costs Incurred:**

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: 86-6003634

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)

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 Federal 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 Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- B. If any funds other than Federal 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 Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its 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 imposed by 31 USC §1352. Any person who fails to file the required certification will be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Signature of Project Director:

Roy Minter, Chief
Peoria Police Department

***Signature of Authorized Official of
Governmental Unit:***

Carl Swenson, City Manager
City of Peoria

Date

Telephone

Date

Telephone

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 10C

Date Prepared: April 6, 2015

Council Meeting Date: April 21, 2015

TO: Carl Swenson, City Manager

THROUGH: Jeff Tyne, Deputy City Manager

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

SUBJECT: Intergovernmental Agreement with the City of Glendale to provide Law Enforcement and Security Services at the Stadium

Purpose:

This is a request for City Council to approve an Intergovernmental Agreement (IGA) between the City of Peoria and the City of Glendale to continue providing law enforcement and security services at the University of Phoenix Stadium.

Background/Summary:

The renewal of this IGA extends the agreement between the City of Glendale and the City of Peoria. This agreement is for the purpose of continuing to cooperatively provide law enforcement and security services at the University of Phoenix Stadium.

The University of Phoenix Stadium is located within Glendale's corporate limits and Glendale has jurisdictional authority over any public safety interests in the operation of the Stadium. Global Spectrum Enterprises, L.L.C., an Arizona limited liability company is managing the Stadium on behalf of the Arizona Sports and Tourism Authority.

The purpose of this agreement is to continue providing the means through which the parties intend to provide high-quality law enforcement and security services to Global Spectrum by maximizing cooperation, by integrating the agency assets and by addressing issues including command, control, personnel, planning and training. This Agreement will be effective through June 30, 2018 unless terminated sooner in accordance with the terms of this agreement or by mutual written consent.

Previous Actions:

City Council has previously approved the attached IGA. Previous agreements were approved in 2006, 2009 and 2012.

Options:

A: Approve the renewal of the IGA with the City of Glendale to continue providing law enforcement and security services at the University of Phoenix Stadium in Glendale, AZ.

B: Choose not to renew this agreement with the City of Glendale.

Staff's Recommendation:

Discussion and possible action to authorize the Intergovernmental Agreement between the City of Peoria and the City of Glendale to provide law enforcement and security services at the University of Phoenix Stadium.

Fiscal Analysis:

This IGA creates no fiscal impact on the City of Peoria.

Narrative:

Once approved by City Council, the agreement will be executed as needed.

Exhibit(s):

Exhibit 1: Intergovernmental Agreement

Contact Name and Number: Heather Cammarata, 623-773-7069

**INTERGOVERNMENTAL AGREEMENT
BETWEEN
CITY OF GLENDALE AND CITY OF PEORIA**

THIS INTERGOVERNMENTAL AGREEMENT (this “Agreement”) is entered into pursuant to Arizona Revised Statutes (“A.R.S.”) § 11-952 by the City of Glendale (“Glendale”) and the City of Peoria (“Peoria”), collectively known herein as the “parties”.

RECITALS

- A. The University of Phoenix Stadium in Glendale (the “Stadium”) is located within Glendale’s corporate limits and Glendale has jurisdictional authority over and public safety interests in the operation of the Stadium; and
- B. Global Spectrum Enterprises, L.L.C., an Arizona limited liability company (“Global Spectrum”) is managing the Stadium on behalf of the Arizona Sports and Tourism Authority; and
- C. Global Spectrum has the need for qualified personnel to provide law enforcement security services at the Stadium; and
- D. The parties desire to participate in providing law enforcement security services to Global Spectrum for the Stadium by making available Peoria Police Department (“PPD”) and Glendale Police Department (“GPD”) officers in accordance with the terms set forth herein.
- E. The parties desire to enter into this Agreement to cooperatively provide the necessary law enforcement and security services while acknowledging Glendale’s primary responsibility for law enforcement at the Stadium.

AGREEMENT

Therefore, in consideration of the foregoing recitals, the covenants, promises, terms and conditions set forth herein, and other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the parties hereby agree as follows:

- 1. **Purpose and Intent.** The purpose of this Agreement is to provide the means through which the parties intend to provide professional law enforcement and security services to Global Spectrum by maximizing cooperation, by integrating the PPD and GPD assets, and by addressing issues including, command, control, personnel, planning, and training.
- 2. **Supervision and Staffing.**
 - 2.1 Peoria acknowledges that command and control for all events worked for Global Spectrum pursuant to this Agreement (individually “Event” and collectively “Events”) shall be the duty and responsibility of GPD.
 - 2.2 In carrying out this responsibility, GPD will in good faith assign officers to work Events in accordance with the procedures adopted in consultation with the Chiefs of Police for all of the member agencies providing officers to Events.
 - 2.3 Peoria agrees and understands that entities other than Glendale and the GPD have input into the decisions regarding whether, and to what extent, law enforcement will provide

service for Events; however, Glendale will provide information regarding staffing decisions to Peoria as soon as it becomes available.

3. Assigned Personnel

- 3.1 Peoria shall have the discretion to determine which and how many of its officers will be allowed to apply for assignments at Events and how many officers will be assigned to the Events (hereinafter referred to as “Assigned Officers”).
 - a. All Assigned Officers will be required to enter into temporary employment contracts with Glendale.
 - b. The contract will outline the mutual responsibilities of the Assigned Officer and Glendale and will specify that the Assigned Officers are “at will” temporary employees of Glendale and that either party can terminate the contract, with or without cause at any time and without notice.
 - c. If possible, Glendale will consult with Peoria prior to terminating any Assigned Officer.
- 3.2 While working an Event, the Assigned Officers must wear uniforms approved by PPD, and the Assigned Officers may carry other equipment authorized by PPD.
- 3.3 When working an Event, GPD will make available to Assigned Officers forms and other supplies that are necessary to work the Event.
- 3.4 Upon termination of this Agreement and conclusion of any assignments, all personal property, assets, equipment, and supplies used by the parties and Assigned Officers in performance of their responsibilities shall remain with or be returned to the owner of such property.
- 3.5 Any inconsistency between GPD and PPD rules or regulations and all operational disputes will immediately be brought to the attention of the Glendale Police Chief and will be fully and finally addressed and resolved by the Glendale Police Chief in accordance with his or her determination of the best practices under the circumstances. The Glendale Police Chief may delegate this responsibility to a specific command officer.

4. Compensation, Insurance and Reporting

- 4.1 The parties agree that during Events the Assigned Officers shall be temporary employees of Glendale for compensation purposes and not independent contractors; provided however, that each such Assigned Officer will at all times also be deemed an employee of PPD and nothing in this Agreement is intended to contradict or otherwise modify the provisions of A.R.S. § 23-1022 (D).
- 4.2 Each Assigned Officer who works an Event will be paid the negotiated hourly rate, less the \$5.00 per hour administrative fee that is paid by Global Spectrum directly to Glendale and applied to the cost of providing liability coverage as set forth below.
 - a. Assigned Officers’ compensation shall be subject to all applicable federal and state taxes, which shall be deducted prior to payment, and which shall be evidenced by a W-2 statement issued by Glendale to each Assigned Officer.

- b. Each officer's home agency (primary employer) shall provide the workers' compensation coverage in such amounts and under the same terms and conditions as other sworn, full-time employees for all Assigned Officers.
 - c. Except for liability coverage, Assigned Officers are not entitled to any other employee benefits or compensation from Glendale.
- 4.3 Glendale shall make available to the PPD information about the hours worked by Assigned Officers not later than seven days following each Event to enable PPD to properly monitor and regulate the hours worked by all of their Assigned Officers.
- 4.4 Each party affirms that it has complied with the provisions of A.R.S. § 23-1022 (E) with respect to activities addressed by the Agreement.

5. Indemnification

- 5.1 To the extent permitted by law, Glendale shall indemnify, defend, save and hold harmless Peoria, its departments, agencies, boards, commissions, officers, officials, agents, and employees (hereinafter referred to as "Indemnitee") for, 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 acts or willful misconduct of the Assigned Officers.
- 5.2 Glendale's indemnity includes any Claim or amount due arising out of the failure of such Indemnitee to conform to any federal, state or local law, statute, ordinance, rule, regulation or court decree.
- 5.3 It is agreed that Glendale will be responsible for primary loss investigation, defense and judgment costs where this indemnification is applicable and in consideration of the covenants and promises set forth in this Agreement, Glendale agrees to waive all rights of subrogation against Peoria, its officers, officials, agents and employees for losses arising from the work performed by Peoria's Assigned Officers under this Agreement.

6. Media Releases and Relations

- 6.1 Any release of information to the media, other than a public records release, regarding an Event or any activities under this Agreement will be coordinated by Glendale in cooperation with Peoria but, except as provided below, no unilateral media releases will be distributed by Peoria without the prior approval of Glendale.
- 6.2 A copy of all public record and media releases regarding an Event or any activities under this Agreement shall be forwarded to Glendale prior to release; provided however, if an incident is primarily focused upon or concerned with the actions of PPD's Assigned Officer, PPD will be responsible for the release of information to the media relative to the incident.
- 6.3 The parties will not reveal any investigative information or operational procedures except as required by law.

7. Arizona POST certification

- 7.1 Relative to its Assigned Officers, Peoria agrees that it will be responsible to the Arizona Peace Officer's Standards and Training Board ("POST") for complying with all requirements mandated by Arizona Administrative Code Regulation R13-4-101 *et seq.*; including but not limited to, Peoria's responsibilities to POST for the hiring, fitness for duty, record-keeping, training, and testing requirements imposed upon law enforcement agencies employing police officers in Arizona.
- 7.2 Glendale and Peoria agree to cooperate to ensure any issues that arise relative to POST certification are resolved in a reasonable and efficient manner.

8. Execution, Duration and Renewal

- 8.1 This Agreement will be effective as to Peoria immediately upon the approval and execution by Glendale and Peoria and shall remain in full force and effect until June 30, 2018.
- 8.2 This Agreement may be executed in counterparts.
- 8.3 This Agreement may be renewed for successive additional three (3) year periods upon mutual consent of the parties.

9. General Provisions

- 9.1 Entire Agreement. This Agreement embodies the entire understanding of the parties and supersedes any other agreement or understanding between the parties relating to the subject matter of this Agreement.
- 9.2 Severability. The provisions of this Agreement are severable to the extent that any provision or application held to be invalid by a court of competent jurisdiction shall not affect any other provision or application of the Agreement which may remain in effect without the invalid provision or application.
- 9.3 Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Arizona.
- 9.4 Conflict of Interest. This Agreement may be canceled by any of the parties pursuant to the provisions of A.R.S. § 38-511.
- 9.5 Termination. Peoria may, at any time, terminate this Agreement by giving Glendale not less than sixty (60) days prior written notice. Glendale may at any time terminate this Agreement by giving Peoria not less than sixty (60) days prior written notice.
- 9.6 Dispute Resolution. In the event of any dispute regarding the terms or the interpretation of this Agreement the parties command staff will consult with each other in an effort to settle the dispute, in good faith. If the parties are unable to settle the dispute, either party may terminate this agreement.
- 9.7 Waiver. The waiver of any breach of this Agreement shall not be deemed to amend this Agreement and shall not constitute a waiver of any other subsequent breach.
- 9.8 Headings. Headings of this Agreement are for convenience only and shall not affect the interpretation of this Agreement.

- 9.9 Recordation of Agreement. This Agreement shall be filed with the Maricopa County Recorder pursuant to A.R.S. § 11-952(G) upon its execution.
- 9.10 Further Acts. Each party shall execute and deliver all such documents and perform all such acts as reasonably necessary, from time to time, to carry out the matters contemplated by this Agreement.
- 9.11 Nondiscrimination. No party shall illegally discriminate in either the provision of services, or in employment, against any person because of sex, race, disability, national origin, veteran's status, sexual preference or religion. Each party agrees to comply with all applicable federal and state laws, rules, regulations, and executive orders relating to non-discrimination, affirmative action and equal employment opportunity.

10. E-Verify

- 10.1 The 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.
- 10.2 The parties warrant that they have registered with and participate with E-Verify.
- 10.3 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. **The parties retain the legal right to inspect the papers of any employee who works pursuant to this agreement or any related subcontract to ensure compliance with the warranty given above.** Either party may conduct a random verification of the employment records of the other party to ensure compliance with this warranty.
- 10.4 Failure to comply shall be deemed a material breach of the Agreement that is subject to penalties up to and including termination of the Agreement.

11. Non- Discrimination

The parties must not discriminate against any employee or applicant for employment on the basis race, color, religion, sex, national origin, age, marital status, sexual orientation, gender identity or expression, genetic characteristics, familial status, U.S. military veteran status or any disability.

[signatures appear on the following pages]

CITY OF GLENDALE

City Manager

ATTEST:

Pamela Hanna, City Clerk (SEAL)

CERTIFICATION BY LEGAL COUNSEL

The foregoing Intergovernmental Agreement between City of Glendale and the City of _____ is in proper form and is within the powers and authority of the City of Glendale granted under the laws of the State of Arizona.

APPROVED AS TO FORM AND AUTHORITY:

Michael Bailey, City Attorney

CITY OF PEORIA

BY: _____

NAME: _____

TITLE: _____

DATE: _____

ATTEST:

PEORIA CITY CLERK

CERTIFICATION BY LEGAL COUNSEL

The foregoing Intergovernmental Agreement between City of Glendale and the City of Peoria is in proper form and is within the powers and authority of the City of Peoria granted under the laws of the State of Arizona.

APPROVED AS TO FORM AND AUTHORITY:

PEORIA CITY ATTORNEY

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 11C

Date Prepared: February 19, 2015

Council Meeting Date: April 21, 2015

TO: Carl Swenson, City Manager

FROM: Scott Whyte, Economic Development Services Director

THROUGH: Susan J. Daluddung, Deputy City Manager

SUBJECT: Development Plan Review Approval Processes

Purpose:

This is a request for City Council to approve two development plan review processes which are intended to enhance customer service for the development community, and attract new targeted industry opportunities pursuant to the Economic Development Implementation Strategy (EDIS).

Background/Summary:

In December 2010, the Peoria City Council approved an Economic Development Implementation Strategy (EDIS) which provides an implementation-based plan for achieving the economic development goals of the City, as established by the City Council. One such strategy identified in the EDIS is creation and implementation of an economic development incentive and investment policy that sets forth in detail the types of public incentives and investments that the City is authorized and willing to make on a discretionary basis in furtherance of retaining existing businesses, and attracting certain targeted businesses and industries identified in the EDIS.

One such mechanism towards attracting targeted industries is the Priority Track Development Process. The Priority Track process provides “front of the line” and reduced time frame City development Plan review services, at no cost to the targeted industry/business prospect, for plan reviews and permits. This process is offered only to those targeted industries identified in the EDIS and the Economic Development Incentive and Investment Policy (EDIIP), as amended.

Another mechanism is the Peoria Expedited Plan Review Process. The Expedited Plan Review process provides reduced time frame City development review services, at an increased cost over standard plan reviews and permits, based on the current fee schedule. This process is offered to all projects as long as there are adequate City resources to provide the service. Since staff resources vary between departments, there may be instances when one department may not be able to expedite reviews while others will have the capability. In those instances, the

requestor can evaluate which reviews can be expedited and determine if the service will be advantageous for them to pay the appropriate fees, which are currently between 150% and 200% of the standard plan review fee or \$1,000 whichever is greater.

Previous Actions:

No previous Council action

Options:

A: Approve the staff recommendation to implement the Priority Track Development Process and the Expedited Plan Review Process.

B: Not approve the staff recommendation to implement the Priority Track Development Process and the Expedited Plan Review Process.

Staff's Recommendation:

Staff recommends the City Council approve the Priority Track Development Process and the Expedited Plan Review Process for immediate implementation.

Exhibit(s):

Exhibit 1: Priority Track Development Review Process

Exhibit 2: Expedited Plan Review Process

Contact Name and Number:

Robert Goodhue, Deputy Director of Development 623-773-7589



Peoria Priority Track Development Review Guidelines

In December 2010, the Peoria City Council approved the Economic Development Implementation Strategy (EDIS) which provides an implementation-based plan for achieving the economic development goals of the City, as established by the City Council. One such strategy identified in the EDIS is the creation and implementation of an Economic Development Incentive and Investment Policy (EDIIP) that sets forth in detail the types of public incentives and investments that the City is authorized and willing to make on a discretionary basis in furtherance of retaining existing businesses and attracting certain targeted businesses and industries identified in the EDIS.

One such mechanism towards attracting targeted industries is the Peoria Priority Track Development Review Process. The Priority Track process provides “front of the line” and reduced time frame City development plan review services, at no cost to the targeted industry/business prospect, for plan reviews and permits. This process is offered only to those targeted industries identified in the EDIS and the EDIIP, as amended, including:

- Manufacturing
- Corporate or Divisional Headquarter Operations
- Advanced Business Services
- Back Office Operations (e.g. data centers, etc.)
- Research and development, or processes which involve the utilization of high technology or innovative new technologies
- Bioscience
- Alternative Energy
- Telecommunications
- Health Care
- Higher Education

The preceding types of businesses shall meet the following criteria to be eligible for consideration in the Peoria Priority Track Development Review Process:

1. The expanding or relocating business must create a minimum of 10 new permanent full-time jobs with an average education level of a 4-year degree and average salary of \$50,000 per year on a FTE basis, with benefits.
2. The new or expanding business must invest a total of \$250,000 in capital expenditures

Redevelopment Projects - The EDIIP also identifies projects that will economically reposition unused or underutilized properties as complying with the minimum EDIIP project qualification criteria.

CITY DEVELOPMENT REVIEWS INCLUDED IN THE PRIORITY TRACK PROGRAM

The Priority Track Program includes the review of new development, as well as tenant improvements in existing commercial space by the Economic Development Services Department, Fire Department, Engineering Department, Planning and Community Development Department, and the Public Works Department. Review times are generally 50% less than standard review times and can be customized to fit the type of business use.

PRIORITY TRACK REVIEW TIME FRAMES

Review times are based on a 4-day work week (not including holidays) and are subject to the following:

*Review times can be affected by size and complexity, required public meetings/hearings, and if the process involves further review by federal, state, or county agencies.

Building, Site, Fire, Environmental Reviews:

New Commercial tenant – First Review - 8 days maximum; Subsequent Reviews - 4 days maximum

Spec Suite – First Review - 8 days maximum; Subsequent Reviews – 4 days maximum

Commercial Shell – First Review - 8 days maximum; Subsequent Reviews – 4 days maximum

Commercial Tenant Improvement – First Review - 8 days maximum; Subsequent Reviews – 4 days maximum

Engineering Reviews:

Commercial Project – 8 days maximum; Subsequent Reviews – 6 days maximum

Final Plat – 8 days maximum; Subsequent Reviews – 6 days maximum

Planning and Community Development Reviews:

Proposed sites which require General Plan Amendments, rezoning, conditional use permits, variances, and other public review processes to accommodate the project will receive accelerated reviews within a compressed schedule as reasonably practical, pursuant to the required public review process and notification timeframes.

All other reviews – First Review - 8 days maximum; Subsequent Reviews – 8 days maximum

AUTHORIZATION AS A PRIORITY TRACK PROJECT

The Priority Track Program is available only to those targeted industries determined by the City to meet the minimum project qualifications pursuant to the EDIIP, as amended. Such determination can be made in the following ways:

- Approval of an economic development agreement or equivalent agreement type by the City Council evidencing its support for Priority Track Program eligibility for an economic development purpose; or
- Approval in writing by the City Manager for a project meeting the EDIS and EDIIP for which City Council approval is not required.

All requests for Priority Track Development processing must be **in writing** to the Director of the Economic Development Services Department. Projects not meeting the above qualifications may be considered eligible on a case-by-case basis. The City Manager, after consultation with the Economic Development Services, Engineering, and Planning and Community Development Department Directors will determine eligibility and potential department review time frame commitments. The applicant must provide to the review agencies a written development schedule (working backwards from their proposed construction completion date).

If approved, the Priority Track Review Team, which represents all affected City departments in the review process, will hold a kick off meeting with the requestor's Development Team to discuss the project schedule and agree to project specific Priority Track review timelines. After the meeting, the Economic Development Services Department will issue a Letter of Mutual Understanding for the applicant to execute, with a copy to all effected City departments (see attached). This Letter must be signed by the applicant and submitted along with the plans to the City to initiate the entire development review process. When the development plans are received, they will receive a special designation for Priority Track Review.

_____, 2015

Owner Name:

Address:

Subject: Mutual Understanding for Priority Track Project: _____

Dear:

The City of Peoria has agreed that your project will receive **PRIORITY TRACK** status. This status is reliant on your acceptance of the responsibilities outlined below. Please read these responsibilities and sign this document on behalf of your company. Please return the completed document to the Deputy Director of Development, who will be responsible for oversight of your project from initial plan submittal through Certificate of Occupancy.

Mutual
Understanding

The Priority Track Review Team shall...

1. Have the Deputy Director of Development act as the single point of contact through the plan review and construction processes.
2. Complete, at no cost to the applicant, a technical review of the preliminary site plan.
3. Establish a building plan review turnaround timeframe that meets the proposed project timeframe.
4. Provide clear and concise review comments that are reduced in subsequent reviews if issues are addressed and no new changes are introduced.
5. Contact the applicant, without delay, once plans are available for pickup.

The Owner/Applicant shall...

1. Identify a representative to act as the single point of contact during the review and construction process and provide a development schedule to the city for compatibility with city review processes.
2. Submit adequate plans for the technical review of the preliminary site plan.
3. Provide 100% complete plan review submissions that are responsive to staff comments.
4. Meet with the Priority Track Review team after the First Review comments are returned and analyzed.
5. Retrieve the plan review documents as soon as possible following the city contact.

Letter of Mutual Understanding Continued

6. Assure permit issuance in a timely manner.

6. Ensure the design team must be available to answer staff questions.

Economic Development Services Director

Date

Project Owner/Applicant

Date

cc: _____



Peoria Expedited Plan Review Guidelines

In December 2010, the Peoria City Council approved an Economic Development Implementation Strategy (EDIS) which provides an implementation-based plan for achieving the economic development goals of the City, as established by the City Council. One such strategy identified in the EDIS is creation and implementation of an economic development incentive and investment policy that sets forth in detail the types of public incentives and investments that the City is authorized and willing to make on a discretionary basis in furtherance of assisting development.

One such mechanism is the Peoria Expedited Plan Review Process. The Expedited Plan Review process provides reduced time frame City development review services, at an increased cost over standard plan reviews, based on the current fee schedule. This process is offered to all projects, as long as there are adequate City resources to provide the service. Since staff resources vary between departments, there may be instances where one department may not be able to expedite reviews while others will have the capability. In those instances, the requestor can evaluate which reviews can be expedited and determine if the service will be advantageous for them and pay the appropriate fees.

CITY DEVELOPMENT REVIEWS INCLUDED IN THE EXPEDITED PLAN REVIEW PROGRAM

Expedited Plan Review includes the review of all new development, as well as tenant improvements in existing commercial space by the Economic Development Services Department, Fire Department, Engineering Department, Planning and Community Development Department, and the Public Works-Utilities Department. Review times are generally 50% less than standard review times and can be customized to fit the type of business use.

EXPEDITED PLAN REVIEW TIME FRAMES

Review times are based on a 4-day work week (not including holidays) and are subject to the following:

*Review times can be affected by the size and complexity of the project, required public meetings/hearings, and if the process involves further review by federal, state, or county agencies.

Building, Site, Fire, Environmental Reviews:

New Commercial tenant – First Review - 8 days maximum; Subsequent Reviews - 4 days maximum

Spec Suite – First Review - 8 days maximum; Subsequent Reviews – 4 days maximum

Commercial Shell – First Review - 8 days maximum; Subsequent Reviews – 4 days maximum

Commercial Tenant Improvement – First Review - 8 days maximum; Subsequent Reviews – 4 days maximum

Residential – First Review – 8 days maximum; Subsequent Reviews – 4 days maximum

Engineering Reviews:

Commercial Project – 8 days maximum; Subsequent Reviews – 6 days maximum

Final Plat – 8 days maximum; Subsequent Reviews – 6 days maximum

Residential – 8 days maximum; Subsequent Reviews – 6 days maximum

Planning and Community Development Reviews:

Proposed sites which require General Plan Amendments, rezoning, conditional use permits, variances, and other public review processes to accommodate the project, will receive accelerated reviews within a compressed schedule as reasonably practical, pursuant to the required public review process and notification timeframes.

All other reviews – First Review - 8 days maximum; Subsequent Reviews – 8 days maximum.

AUTHORIZATION AS AN EXPEDITED PLAN REVIEW PROJECT

All requests for Expedited Plan Review processing must be **in writing** to the Deputy Director of Development. Projects may be considered eligible on a case-by-case basis, depending on staff resources. The Deputy Director, after consultation with review supervisors in the Economic Development Services, Engineering, and Planning and Community Development Departments, will determine eligibility and potential department review time frame commitments. Plans submitted to the City will be accompanied by the appropriate fees. When the development plans are received, they will receive a special designation for Expedited Plan Review.

**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 12R

Date Prepared: March 25, 2015

Council Meeting Date: April 21, 2015

TO: Carl Swenson, City Manager

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

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

SUBJECT: GPA14-0003 – WestWing Mountain Parcels 24 and 27
Minor General Plan Amendment

Purpose:

This is a request for City Council to hold a Public Hearing to consider a minor amendment to the General Plan Land Use Map for approximately 30 acres of land from Community Commercial (CC) to Low Density Residential (2-5 du/ac, target of 3 du/ac).

Background/Summary:

The applicant is requesting a minor amendment to the General Plan Land Use Map for approximately 30.0 acres of the overall 40.7 acre site located at the northeast and southeast corners of Lake Pleasant Parkway and WestWing Parkway. The amendment would change the current Community Commercial designation to Low Density Residential (2-5 du/ac, target of 3 du/ac) to allow for a single-family residential development within the WestWing Mountain master planned community. The proposed land use change would enable the development of up to 140 residential lots on the area identified on the attached development plan.

This request is accompanied by an application to amend the Westwing Planned Community District (PCD) rezoning the gross 40.7 acre site to allow for a mix of single family lot sizes ranging from 6,000 square feet to 7,600 square feet (Case Z98-09A.10). The property is currently zoned in the WestWing PCD as General Commercial (C-2).

The request is to change the land use designation for the site to Low Density Residential (2-5 du/ac) with a target density of 3 du/ac. This category denotes areas where detached, moderately-sized lot, single-family residential neighborhoods are desirable. These areas support a suburban lifestyle with areas of increased density while maintaining a detached single family residential character.

The original PCD zoning in March 1999 provided the four corners of Lake Pleasant Parkway and West Wing Parkway with commercial zoning, equivalent to the Intermediate Commercial (C-2)

zone. These corners were envisioned as a commercial core for the WestWing Mountain Development. However, since the original zoning case was approved, the two mile stretch of Lake Pleasant Parkway between West Wing Parkway and Happy Valley Road has been in transition. The Happy Valley Road alignment was originally intended to serve as the alignment for the Loop 303. With a future freeway interchange south of the subject property, the original WestWing Mountain land plan envisioned the need for Community Commercial to serve the development and surrounding areas and was represented as such in the original land use planning for the development.

The Loop 303 alignment ultimately shifted north away from Happy Valley Road resulting in the development of Happy Valley Road as a six-lane limited-access parkway providing regional access from the Loop 303 to I-17. Additionally, the Happy Valley Road and Lake Pleasant Parkway intersection has developed into a major regional commercial node offering over 1.3 million square feet of commercial space.

Moreover, with the shift of the Loop 303 a mere two miles to the north the land plan around the 303/Lake Pleasant Parkway was updated to reflect the city's desire to create a major future employment and/or commercial node. Additionally, while not reflected on the land use map, the corner at Jomax and Lake Pleasant Parkway is zoned commercial and it remains a part of the commercial inventory in the local area.

While the proximity of existing and planned commercial land use in the area does present concerns for economic health in the area due to potential "cannibalization" of existing commercial services, staff was sensitive to the loss of future commercial acreage in its inventory. To this end, staff asked the developer to provide and Economic a Fiscal Impact Study. A study was prepared by Elliott D. Pollock & Company and submitted to the City. The Study concluded the following:

- a) Parcels 24 and 27 were not viable as a retail or employment site today or in the future.
- b) The site, due to its location 2.5 miles from the Loop 303, does not benefit from the pass by traffic nor would the site be visible from the Loop 303. Exposure to the site is limited to north/south traffic along Lake Pleasant Parkway and residential neighborhoods.
- c) A Lone Mountain Parkway and Loop 303 development would be more suitable and compete for residents spending dollars in the region.
- d) The Lake Pleasant Parkway corridor at Happy Valley Road has proven to be a superior retail destination.

As mentioned earlier in this report, Parcels 24 and 27 are adjacent to Lake Pleasant Parkway which is a six-lane limited-access parkway. Additionally, the proposed site abuts property with the Community Commercial General Plan Land Use Designation to the north as well as fully

developed single-family residences to the east. WestWing Mountain Parcels 22 and 29 to the east contain 6,000 sf-8,000 sf lots and Cibola Vista, Parcel 5 to the southeast is zoned single-family residential R1-6. All three parcels are fully developed.

The conceptual development plan for Parcels 24 and 27 proposes three different minimum lot sizes: 6,000sf, 6,600sf, and 7,600sf lots. The plan proposes 6,000sf lots adjacent to Lake Pleasant Parkway increasing in size as the development transitions to the east with the largest lots located adjacent to existing WestWing Mountain residences. Parcels 24 and 27 propose a total of 10.4 acres of natural and active open space or approximately 25% of the proposed development.

It is staff's assessment that the proposed amendment creates a logical extension of the Low Density Residential land use category and the associated rezoning application provides for an appropriate transition in residential density, considering the surrounding land uses and limited access parkway.

Public Participation

As a requirement of the General Plan Amendment and Rezoning application processes, the applicant conducted a neighborhood meeting and provided a Citizen Participation Report detailing the results of the meeting. The applicant notified all property owners within a 1,320 foot radius of the site and all registered Homeowner's Associations within 1 mile for the required neighborhood meeting.

Due to neighborhood interest, three (3) citizen participation meetings were held for this request. The first meeting was held on November 11, 2014, the second on February 3, 2015, and the third on March 16, 2015. All three meetings were held at the WestWing Community Center. There was a strong turnout of residents at all three meetings which were attended by City staff as well. The applicant presented the details of the proposed project and meeting attendees provided several comments/concerns regarding the plans.

The first neighborhood meeting was attended by approximately 70 residents. The group was split about 50/50 in support/opposition to the proposed land use and rezone request. Of the 50% in opposition, approximately 2/3 were opposed to the lot sizes proposed by the applicant and approximately 1/3 were opposed to any residential change to a land use. Specific concerns included:

- The proposed lot sizes were perceived as inconsistent with the WestWing development in general
- The proposal would significantly diminish the value of their homes
- Two-story homes adjacent to existing residences would be intrusive
- The proposal would have a negative impact on the existing school
- The proposal would create additional traffic in the community

- The proposal did not meet the intent of the City's General Plan
- The proposal would effectively eliminate the ability to provide for any future local commercial needs

The applicant stated that they would address expanding the lot sizes in the two parcels as well as two-story limitations and that they were in discussions with the Deer Valley Unified School District (DVUSD).

The second public meeting took place on February 3, 2015 and was attended by approximately 50 residents and two City Staff. The applicant gave a brief overview of the project and presented changes to the plan based on the previous meeting. The applicant stated that they were willing to stipulate to single-story homes adjacent to existing residences and they had increased the lot sizes. The group was split with about 10% in support and 90% opposed. Again, approximately 2/3 of the opposition was not in support of the proposed lot sizes with 1/3 of the opposition supporting no change at all in land use. Again, residents continued to express a desire for larger lots and had concerns with increased traffic and overcrowding of the school.

Two residents did speak in favor of the proposal stating that with the existing commercial land use there is no control as to what could eventually locate there.

The third public meeting took place on March 16, 2015 and was attended by approximately 40 residents and City Staff. The applicant gave a brief overview of the project and presented changes to the plan based on the previous meeting.

As a result of this meeting the following changes have occurred with the request:

- The conceptual lotting plan has been reduced from 143 single-family lots to 140.
- Larger 7,900sf and 7,600sf lots abut existing residential lots in Parcels 22 and 29.
- The applicant has agreed to stipulations that prohibit two-story home construction adjacent to existing residences in Parcel 22 and 29.
- The applicant and DVUSD have reached an agreement in principal to a land swap and donation agreement that would mitigate the impact on the school.
- Traffic engineering staff approved the Traffic Impact Analysis (TIA).

Previous Actions:

This amendment has been subject to the City's Minor General Plan Amendment process. A public hearing was held for this item at the March 19, 2015 Planning & Zoning Commission Meeting. The Planning & Zoning Commission unanimously recommended approval of this request with a **6-0** vote.

A public hearing was held at the same meeting for a related Rezone application (Z98-09A.10) for the WestWing Mountain PCD Amendment.

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 Recommendation:

Staff recommends the City Council concur with the Planning & Zoning Commission's March 19, 2015 unanimous recommendation (6-0) to approve Case GPA 14-0003.

Fiscal Analysis:

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

Narrative:

No further action would be necessary should the City Council take action to approve this application.

Exhibit(s)

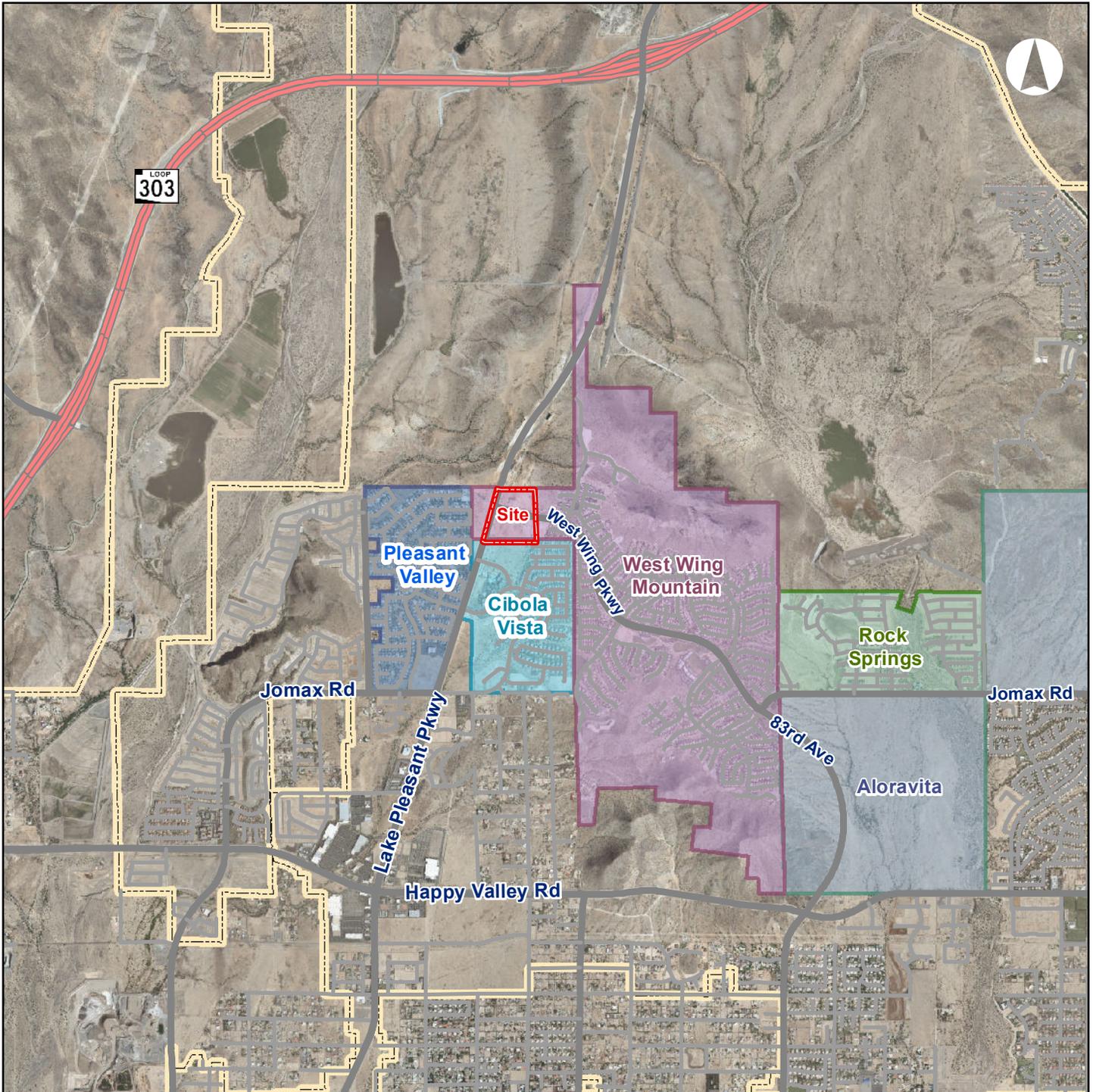
Exhibit 1: Vicinity Map

Exhibit 2: March 19, 2015 Planning and Zoning Commission Staff Report with Exhibits

Exhibit 3: Draft Resolution

Contact Name and Number: Rick Williams, Planner x7565

Context Map



Not to Scale

GPA14-0003 West Wing Mountain - Parcels 24 & 27

Applicant: Pivotal Realty AZ, LLC

Request: To amend the City of Peoria General Plan Land Use Map from the Community Commercial Land Use designation to the Low Density Residential Land Use for 30.0 acres of land to allow for the development of 140 single-family lots.

Location: Northeast and southeast corners of West Wing Parkway and Lake Pleasant Parkway.



Exhibit 1



MINOR GENERAL PLAN AMENDMENT

REPORT TO THE PLANNING AND ZONING COMMISSION

CASE NUMBER: GPA 14-0003

DATE: March 19, 2015

AGENDA ITEM: 4R

Applicant: Tiffany & Bosco on behalf of Pivotal Realty

Request: A Minor Amendment to the City of Peoria General Plan for approximately 30.0 acres of land from Community Commercial to Low Density Residential (2-5 du/ac, Target 3 du/ac) for portions of Parcels 24 and 27.

Proposed Development Up to 140 single family residences in Parcels 24 and 27 of WestWing Mountain, a master planned community consisting of up to 2,150 residential homes on approximately 1,312 acres.

Location: The property is located at the northeast and southeast corners of Lake Pleasant Parkway and West Wing Parkway.

Site Acreage 30.0 acres

Support / Opposition: Staff has received numerous phone calls and emails in opposition to this proposal. The applicant has held two neighborhood meetings with the surrounding property owners to present the proposal and address citizen concerns. Since these meetings, staff has continued to receive further opposition. No calls or letters of support have been received at the time of this writing.

Recommendation: Recommend **approval** of case GPA 14-0003 to the City Council

Table 1: Existing Land Use, Future Land Use, Current Zoning (Exhibits A & B)

	LAND USE	GENERAL PLAN	ZONING
Subject Property	Vacant	Community Commercial/Low Density Residential (2-5 du/ac, Target 3 du/ac)	WestWing Planned Community District (PCD) General Commercial
North	Vacant, Arizona State Trust Land	Community Commercial	General Agricultural (AG)
South	Cibola Vista single-family residential and vacant undeveloped land	Low Density Residential (2-5 du/ac, target 3 du/ac) and Community Commercial	Cibola Vista Planned Area Development (PAD), resort commercial and single family residential
East	WestWing Mountain single-family residential. Parcels 29 and 22, 6-8,00sf lots	Low Density Residential (2-5 du/ac, target 3 du/ac)	WestWing Mountain PCD - single family
West	Lake Pleasant Parkway, then vacant undeveloped land	Community Commercial	WestWing Mountain PCD, General Commercial

PROJECT DESCRIPTION

1. The applicant is requesting a minor amendment to the General Plan Land Use Map for approximately 30.0 acres of land located at the northeast and southeast corners of Lake Pleasant Parkway and WestWing Parkway. The amendment would change the current Community Commercial designation to Low Density Residential (2-5 du/ac, target of 3 du/ac) to allow for a single-family residential development (Exhibit C) within the WestWing Mountain master planned community. The proposed land use change will allow for a maximum of 140 new home lots on the area identified on the attached development plan.
2. This request is accompanied by an application to amend the Westwing Planned Community District (PCD,) rezoning the gross 30.0 acres to allow for a mix of single family lot sizes ranging from 6,000 square feet to 7,600 square feet (Case Z98-09A.10). The property is currently zoned in the WestWing PCD as General Commercial (C-2).

LAND USE BACKGROUND

Annexation Ordinance 89-34

3. In November of 1989, the Mayor and City Council adopted *Ordinance 89-34*, thereby annexing the WestWing Mountain property and the larger surrounding area into the City, which was subsequently initially zoned as General Agricultural (AG).

Rezoning (Case Z98-09, WestWing Mountain)

4. The Westwing Planned Community District (PCD) is a 1,312 acre planned community that was established through Ordinance No. 99-07 in March of 1999. The PCD contained four villages that provided for up to 2,150 single-family lots in the residential development and included a school site, fire station, a religious facility, a resort component, and 56.7 acres of commercially zoned property

located in Village 4 at the intersection of Westwing Parkway and Lake Pleasant Parkway.

SURROUNDING AREA

5. The predominant land use in the area is single-family residential to the east and west of the subject area. There is an undeveloped sixteen acres commercially zoned site immediately west of Lake Pleasant Parkway. North of the proposed site is undeveloped Arizona State Trust property designated for Community Commercial and Low Density Residential land uses. South of the proposed site are Parcels 5 and 6 of the Cibola Vista Planned Area Development. The development plan for Cibola Vista provides 19.4 acres of Resort Commercial (C-2) in Parcel 6 directly south of the subject site and 35.8 acres of R1-6 single-family residences to the southeast. The single-family residences in Parcel 5 have been fully developed while the commercial land in Parcel 6 is still vacant undeveloped land.
6. Parcels 24 and 27 in the WestWing Mountain development are adjacent to Lake Pleasant Parkway, a regional six-lane limited-access parkway that provides north south access to Loop 303 and I-17 and to future commercial and employment nodes in the City of Peoria. The northern and southern boundaries of Parcels 24 and 27 are separated by West Wing Parkway, which is classified as a four lane major arterial that provides east west access to the WestWing community.

DISCUSSION AND ANALYSIS

Minor General Plan Amendment Evaluative Criteria

7. Chapter 14 of the Peoria General Plan (“Plan Administration”) directs the City to make an affirmative finding that the proposal substantially demonstrates or exhibits the following evaluative criteria:
 - i. The development pattern contained in the Land Use Plan inadequately provides appropriate optional sites for the use or change proposed in the amendment.
 - ii. The amendment constitutes an overall improvement to the General Plan and is not solely for the good or benefit of a particular landowner or owners at a particular point in time.
 - iii. The amendment will not adversely impact the community as a whole or a portion of the community by:
 - Significantly altering acceptable existing land use patterns,
 - Requiring larger and more expensive improvements to roads, sewer or water delivery systems than are needed to support the prevailing land uses and which, therefore, may impact developments in other areas,

- Adversely impacting existing uses because of increased traffic on existing systems, or
 - Affecting the livability of the area or the health and safety of the residents.
- iv. That the amendment is consistent with the overall intent of the General Plan and other adopted plans, codes and ordinances.

Existing General Plan Land Use Designation

8. The existing General Plan land use designation (Exhibit B) for the subject property is Community Commercial (CC). This designation is intended to provide areas where commercial development is more intense than Neighborhood Commercial but less intense than Regional Commercial. These commercial uses may take place in the form of large-scale retail buildings and shopping centers having less than 500,000 square feet aggregate of indoor commercial shopping or office space.

Request to Designate Site to Low Density Residential

9. The request is to change the land use designation for the site to Low Density Residential (2-5 du/ac) with a target density of 3 du/ac. This category denotes areas where detached single-family homes with moderate-sized lots are desirable. The category is intended to provide for increased density range while still maintaining a detached single-family home character. Suitability is determined on the basis of location, access, availability of existing or proposed public facilities and utilities, existing and future land use patterns, service amenities, and natural or man-made constraints.

The WestWing Mountain PCD was approved with a maximum density of 2.0 du/ac. The PCD allows for a density bonus up to 3.5 du/ac for open space preservation and the addition of public recreational amenities. The WestWing PCD identifies nearly 30% of the gross acres for open space and includes public recreational amenities, thus meeting the density bonus criteria. Parcels 24 and 27 propose an additional 140 single-family residential units on 40.7 acres or 3.43 du/ac for the two parcels. This amendment would increase the total number of platted or developed lots to 1,890, which is well below the 2,150 which were approved in the PCD, and would increase the overall density of the development to 1.44 du/ac.

Land Use Transition and Compatibility

10. The original PCD zoning in March 1999 provided the four corners of Lake Pleasant Parkway and West Wing Parkway with commercial zoning, equivalent to the C-2, Intermediate Commercial zone. These corners were envisioned as a commercial core for the WestWing Mountain Development. However, since the original zoning case was approved, the two mile stretch of Lake Pleasant Parkway between West Wing Parkway and Happy Valley Road has been in transition. The Happy Valley Road alignment was originally intended to serve as the Loop 303 and therefore represented the original land use planning for the

WestWing Mountain development. The Loop 303 alignment ultimately shifted north away from Happy Valley Road resulting in the development of Happy Valley Road as a six-lane limited-access parkway providing regional access from the loop 303 to I-17. Additionally, the Happy Valley Road and Lake Pleasant Parkway intersection has developed into a major regional commercial node.

11. Currently, West Wing Parkway terminates at Lake Pleasant Parkway as its western boundary. However, the City's General Plan Circulation Map designates the future western extension of West Wing Parkway as Lone Mountain Parkway as an Arterial with future access across the Agua Fria River to Loop 303. This will ultimately provide an additional connection to the Loop 303, increasing traffic access to the WestWing Mountain development. However, the continuation of Lone Mountain Parkway's timing is uncertain as it is not currently in the City's five or ten year Capital Improvement Plans.
12. Recognizing that the shift of the Loop 303 to the north ultimately resulted in the development of the regional commercial node two miles to the south at Happy Valley and Lake Pleasant Parkway, staff was sensitive to the loss of 30.0 acres from the commercial inventory and asked the developer to provide an Economic and Fiscal Impact Study. A study was prepared by Elliott D. Pollock & Company (Exhibit E) and submitted to the City. The Study concluded the following:
 - a) Parcels 24 and 27 were not viable as a retail or employment site today or in the future.
 - b) The site, due to its location 2.5 miles from the Loop 303, does not benefit from the pass by traffic nor would the site be visible from the Loop 303. Exposure to the site is limited to north/south traffic along Lake Pleasant Parkway and residential neighborhoods.
 - c) A Lone Mountain Parkway and Loop 303 development would be more suitable and compete for residents spending dollars in the region.
 - d) The Lake Pleasant Parkway corridor at Happy Valley Road has proven to be a superior retail destination.
13. As mentioned earlier in this report, Parcels 24 and 27 are adjacent to Lake Pleasant Parkway which is a six-lane limited-access parkway. Additionally, the proposed site abuts property with the Community Commercial General Plan Land Use Designation to the north as well as fully developed single-family residences to the east. WestWing Mountain Parcels 22 and 29 to the east contain 6,000sf-8,000sf lots and Cibola Vista, Parcel 5 to the southeast is zoned R1-6. All three parcels are fully developed.

The conceptual development plan for Parcels 24 and 27 proposes three different lots sizes: 6,000sf, 6,600sf, and 7,600sf lots. The plan proposes 6,000sf lots adjacent to Lake Pleasant Parkway increasing in size as the development transitions to the east with the largest lots located adjacent to existing WestWing

Mountain residences. Parcels 24 and 27 propose a total of 10.4 acres of natural and active open space or approximately 25% of the proposed development.

14. It is staff's assessment that the proposed amendment creates a logical extension of the Low Density Residential land use category and the associated rezoning application provides for an appropriate transition in residential density, considering the surrounding land uses and arterial parkway. Due to the previously noted changes in the existing and planned transportation network and the emergence of the Lake Pleasant Parkway and Happy Valley Road commercial core, single family residences will be an appropriate land use for the site.

Relevant General Plan Policies and Objectives

15. The applicant has identified goals and policies from the General Plan that support this request (Exhibit E1-E5). Staff finds the following goals and objectives particularly relevant:

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

Objective 2.1.M.1: Accommodate an adequate supply and mix of developable residential land to accommodate future housing needs.

Objective 2.1.N: Support healthy residential environments that provide for safe and convenient access, open space and recreational opportunities, access to public schools and services and protection from incompatible land uses.

Policy 2.1.A.1: Promote planned developments where resources and infrastructure are in place to facilitate orderly and efficient growth.

Policy 1.H.4: Encourage infill residential development that takes advantage of existing municipal services, utilities, transportation facilities, schools, and shopping areas.

Public Participation Plan - Neighborhood Meeting

16. As a requirement of the General Plan Amendment and Rezoning application processes, the applicant conducted a neighborhood meeting and provided a Citizen Participation Report detailing the results of the meeting. The applicant notified all property owners within a 1,320 foot radius of the site and all registered Homeowner's Associations within 1 mile for the required neighborhood meeting. Two citizen participation meetings were held for this request. The first meeting was held on November 11, 2014 and the second on February 3, 2015. Both meetings were held at the WestWing Community Center. There was a strong turnout of residents at both of the applicant's meetings, which City staff attended

as well. The applicant presented the details of the proposed project and meeting attendees provided several comments/concerns regarding the plans (Exhibit F).

17. The first neighborhood meeting was attended by approximately 70 residents. The group was split about 50/50 in support/opposition to the proposed land use and rezoning request. Of the 50% in opposition, approximately 2/3 were opposed to the lot sizes proposed by the applicant and 1/3 were opposed to any change to a residential land use. Specific concerns included:
 - The smaller lot sizes were not consistent with WestWing development in general,
 - The proposed change would significantly diminish the value of their homes
 - Two-story homes adjacent to existing residences would be intrusive,
 - The proposal would have a negative impact on the existing school,
 - The proposal would create additional traffic in the community
 - The proposal did not meet the intent of the City's General Plan
 - The proposal would effectively eliminate the ability to provide for any future community commercial needs.

The applicant stated that they would address expanding the lot sizes in the two parcels as well as two-story limitations, that they were in discussions with the Deer Valley Unified School District (DVUSD) and expected support, the applicant reiterated the regional change with the realignment of the Loop 303 and the affect it had on the City's General Plan, and offered, at his expense, to survey the WestWing community in order to determine overall support or opposition to the request.

18. The second public meeting took place on February 3, 2015 and was attended by approximately 50 residents and two City Staff. The applicant gave a brief overview of the project and presented changes to the plan based on the previous meeting. The applicant stated that they were willing to stipulate to single-story homes adjacent to existing residences and they had increased the lot sizes. The group was split with about 10% in support and 90% opposed. Again, approximately 2/3 of the opposition was not in support of the proposed lot sizes with 1/3 of the opposition supporting no change at all in land use. More specifically, numerous residents still objected to the revised conceptual lotting plan and the size of the lots, several of the residents questioned the accuracy of the Traffic Impact Analysis based on when it was completed, there was increased concern and opposition based on the impact to the elementary school already at capacity, there was increased opposition to the elimination of the commercial land uses, and there was a general consensus amongst the opposition that the revised request would still have a negative impact on home values and more specifically the elementary school. Two residents did speak in favor of the proposal stating that with the existing commercial land use there is no control as to what could eventually locate there.

The applicant stated that he would confer with his client with regards to expanding lot sizes and reiterated that they were receptive to stipulating to single-story homes adjacent to existing residences, that they would revisit the TIA and the validity of the traffic counts it contained, and that they would continue to work with the DVUSD to find a solution to the impact the proposed development would have on the elementary school.

19. Public notice was provided in the manner prescribed under Section 14-39-6 of the City of Peoria General Plan. Posting of the site was completed within the prescribed number of days prior to the Public Hearing.

Support / Opposition

20. Staff received numerous calls and emails in opposition to this proposal. A copy of written correspondence received has been included in this staff report with Exhibit F. The opposition generally addressed the proposed project, and has therefore been included in both this case and the associated rezoning application. The applicant has held two neighborhood meetings with the surrounding property owners to present the proposal and address citizen concerns. Since these meetings, staff has continued to receive further opposition. No calls or letters of support have been received at the time of this writing.

FINDINGS AND RECOMMENDATION

21. The proposed amendment supports the following findings:
 - The amendment constitutes an overall improvement to the City's General Plan; and
 - The proposal provides for a land use category that will allow for a development of compatible scale and intensity as the adjacent residential areas; and
 - The amendment will better reflect the development needs of the area while accounting for the existing built environment; and
 - The amendment is in conformance with the Goals, Objectives, and Policies of the Peoria General Plan; and
 - That the amendment will not adversely impact the community as a whole or a portion of the community by:
 - i. Significantly altering acceptable existing land use patterns,
 - ii. Requiring larger and more expensive improvements to roads, sewer or water systems than are needed to support the prevailing land uses and which, therefore, may impact development of other lands,
 - iii. Adversely impacting existing uses because of increased traffic on existing systems, or
 - iv. Affecting the livability of the area or the health and safety of the residents.

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

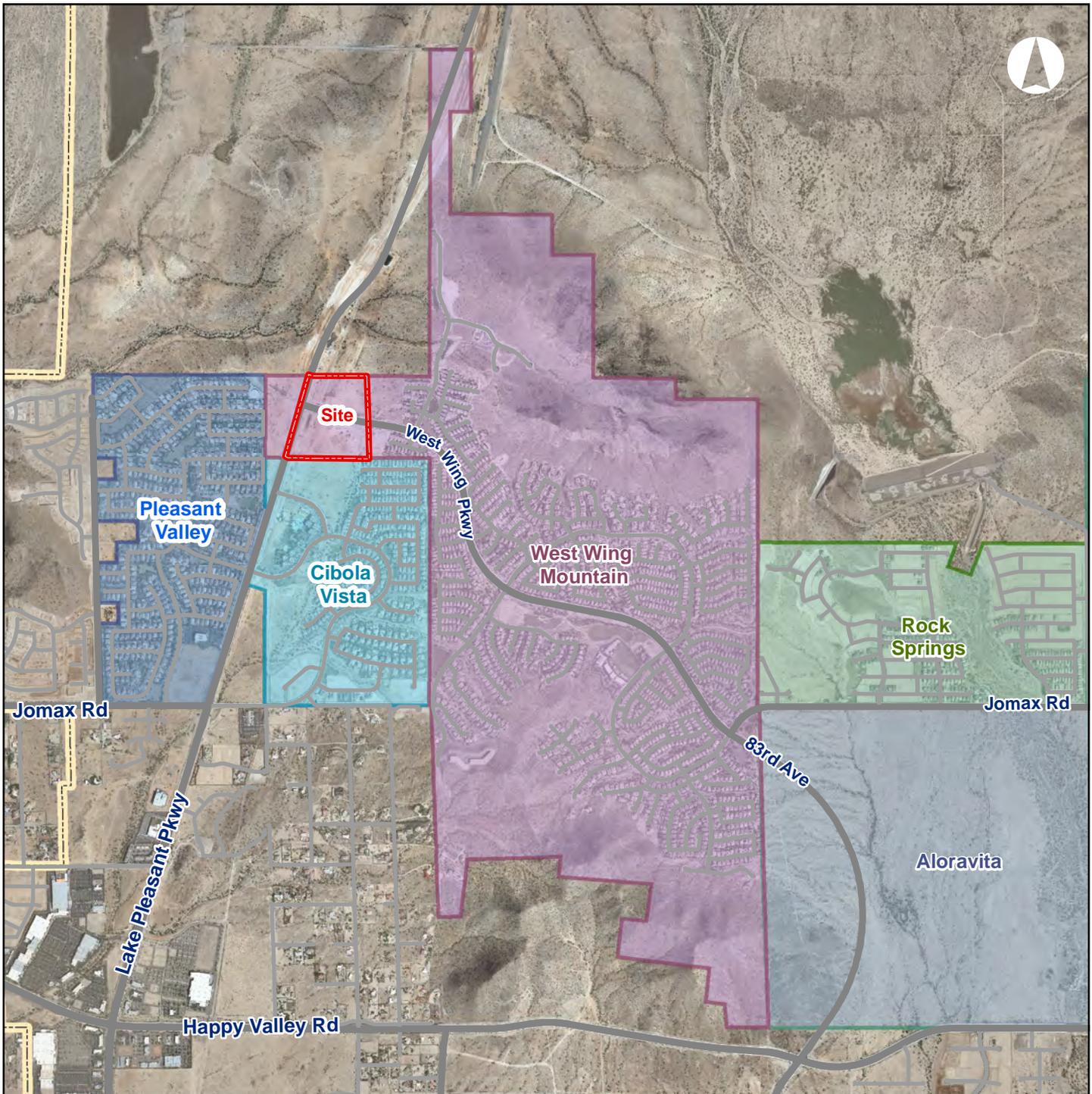
Recommend approval of Case GPA14-0003 to the City Council.

Attachments

Exhibit A:	Context Map
Exhibit B:	Existing General Plan Land Use Map
Exhibit C:	Proposed General Plan Land Use Map
Exhibit D:	Conceptual Development Plan
Exhibit E	Economic & Fiscal Impact Analysis (Elliott D. Pollack Company)
Exhibit F	Citizen Participation Report with Citizen Correspondence
Exhibit G	Project Narrative/Justification

Prepared by: Rick Williams
Planner

Context Map



Not to Scale

GPA14-0003 West Wing Mountain - Parcels 24 & 27

Applicant: Pivotal Realty AZ, LLC

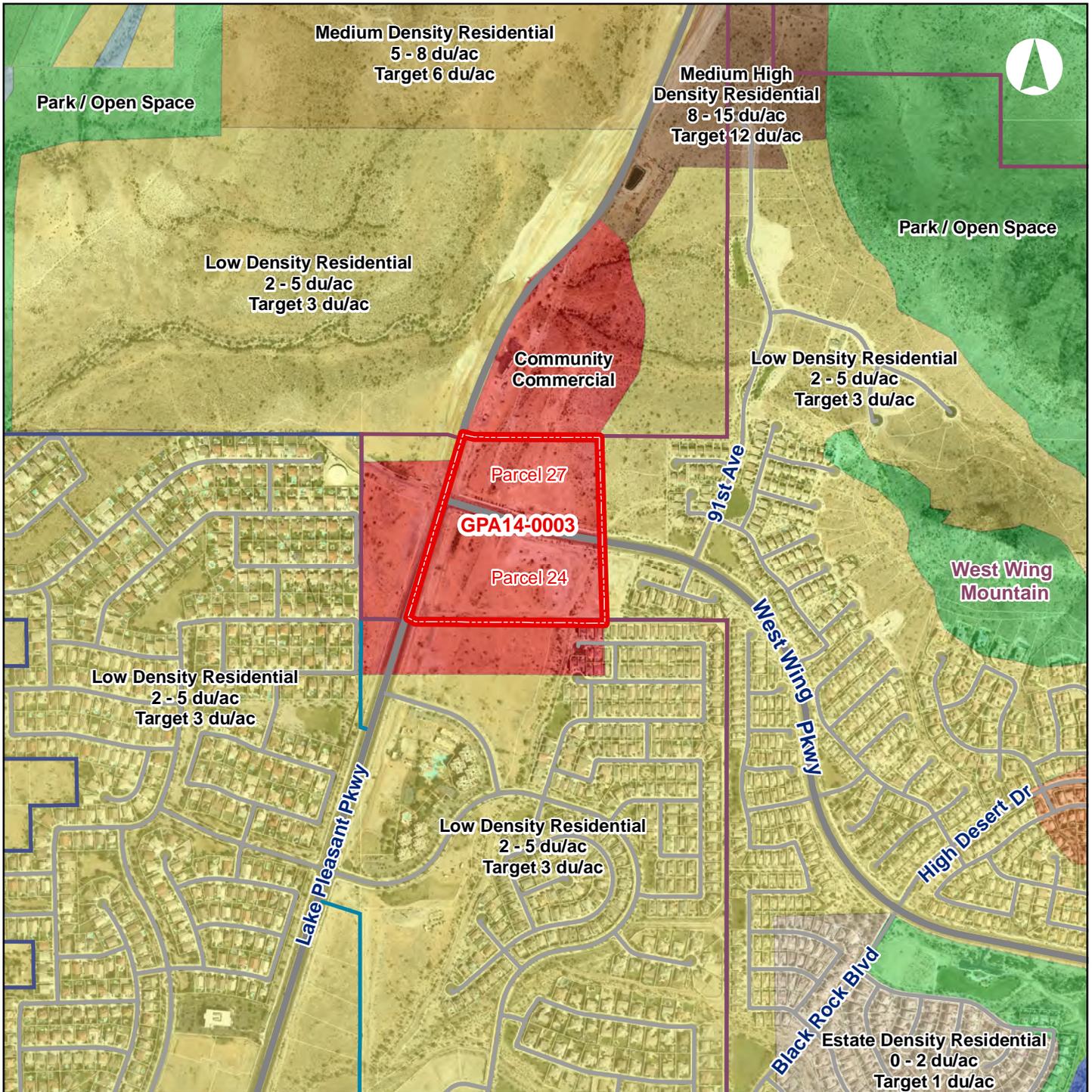
Request: To amend the City of Peoria General Plan Land Use Map from the Community Commercial Land Use designation to the Low Density Residential Land Use for 30.0 acres of land to allow for the development of 140 single-family lots.

Location: Northeast and southeast corners of West Wing Parkway and Lake Pleasant Parkway.



Exhibit A

General Plan Land Use Map



Not to Scale

GPA14-0003 West Wing Mountain - Parcels 24 & 27

Applicant: Pivotal Realty AZ, LLC

Request: To amend the City of Peoria General Plan Land Use Map from the Community Commercial Land Use designation to the Low Density Residential Land Use for 30.0 acres of land to allow for the development of 140 single-family lots.

Location: Northeast and southeast corners of West Wing Parkway and Lake Pleasant Parkway.



Exhibit B



WEST WING MOUNTAIN
CONCEPTUAL SITE PLAN

FEBRUARY 19, 2015

HILGARTWILSON
ENGINEER | PLAN | SURVEY | MANAGE



THIS SITE PLAN IS CONCEPTUAL AND SUBJECT TO CHANGE
U:\1200\1276\0101_0102 & 0103 - Pivotal Realty AZ I, LLC\PLANNING\LAND USE & SITE PLANS\CSP\1276-05-SITE PLAN-GRAPHIC.dwg 2/24/2015 4:30 PM

Economic & Fiscal Impact of the Proposed West Wing Mountain Single Family Residential Development Peoria, Arizona



Prepared for:
Pivotal Realty AZ I, LLC

March 2014

Prepared by:



Elliott D. Pollack & Company
7505 East 6th Avenue, Suite 100
Scottsdale, Arizona 85251

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Executive Summary

This report examined the commercial viability of two parcels located on the northeast and southeast corner of Lake Pleasant Parkway and Westwing Parkway. In addition, the impacts of residential development on these two sites in terms of job creation and tax revenue for the City of Peoria. The following are the key findings of this report.

- Lake Pleasant Parkway's traffic counts surrounding Happy Valley Road are 2.1 to 3.7 times higher than the counts further north surrounding Westwing Parkway. More importantly, the subject site lacks proximity to the major arterial route of Happy Valley Road. Traffic flowing east and west along Happy Valley Road is 5 to 7.7 times higher than the counts along Westwing Parkway.
- Though the proposed roadway from Lone Mountain Parkway connecting into Westwing Parkway would increase traffic, the development timing is currently uncertain. Also, traffic flowing south along Vistancia Parkway to Happy Valley Road is likely to remain the major traffic corridor. In addition, planned commercial development west of the Loop 303 and Lone Mountain would be a more suitable site and would strongly compete for residents' spending dollars in the region, especially residential developments west of the Loop 303.
- The retail market in Greater Phoenix will continue to be dominated by power and community centers anchored by big box retailers for the foreseeable future. The buying power of these chains will continue to place pressure on traditional grocery retailers who have been the primary drivers behind the development of smaller neighborhood shopping centers. Unanchored shopping centers have historically had much higher vacancy rates than anchored centers.
- The site, due to its location approximately 2.5 miles away from the Loop 303, does not benefit from that pass by traffic nor would the site be visible from the Loop 303. Exposure to the site is limited to north/south traffic along Lake Pleasant Parkway and residential neighborhoods along Westwing Parkway.
- The Lake Pleasant Parkway corridor at the Happy Valley Road intersection has proven to be a superior retail destination. Over 642,000 square feet is available in existing buildings, ready-to-build pads or in future phases at this intersection alone.
- Both the Lake Pleasant Parkway corridor and the Loop 303 corridor have been extensively planned and are expected to be a significant draw for both retail and employment centers along their routes through North Peoria. The Lake Pleasant Parkway and Happy Valley area has already established itself as a retail draw due mainly to high traffic counts as a major travel route. The subject site is located two miles north of this major intersection and well off of the Loop 303.



- The estimated \$23.1 million hard cost of residential construction would generate a total of 329 jobs during the construction period. Total wages are estimated at \$20.0 million during the construction process with total economic activity of nearly \$43.8 million.
- The City of Peoria would receive \$471,700 in tax revenues generated by the construction of the residential project. This includes \$454,800 generated by the City's 1.8% prime contracting sales tax rate and an additional \$16,900 from the construction employees projected to live and spend their incomes within City limits.
- Once the project is fully built out, primary revenue sources would total \$222,000. The bulk of impact will be realized due to the increase in population for the City. Sales taxes from resident spending and property taxes are expected as well.
- Overall, the City is forecasted to collect nearly \$1.7 million in revenues over ten years generated by the construction and subsequent years of resident impacts.



1.0 Introduction

1.1 Purpose of Study

Elliott D. Pollack and Company was retained to the market area surrounding the two sites were analyzed in terms of current, planned, and available commercial and employment development.

In addition perform an economic and fiscal impact analysis of a proposed single family residential development at the southeast and northeast corners of Lake Pleasant Parkway and Westwing Parkway.

Economic impact analysis examines the regional implications of an activity in terms of three basic measures: output, earnings and job creation. Fiscal impact analysis, on the other hand, evaluates the public revenues and costs created by a particular activity. In fiscal impact analysis, the primary revenue sources of a city, county or state government are analyzed to determine how the activity may financially affect them.

1.2 Limiting Conditions

This study prepared by Elliott D. Pollack & Company is subject to the following considerations and limiting conditions.

- It is our understanding that this study is for the client's due diligence and other planning purposes. Neither our report, nor its contents, nor any of our work were intended to be included and, therefore, may not be referred to or quoted in whole or in part, in any registration statement, prospectus, public filing, private offering memorandum, or loan agreement without our prior written approval.
- The reported recommendation(s) represent the considered judgment of Elliott D. Pollack and Company based on the facts, analyses and methodologies described in the report.
- Except as specifically stated to the contrary, this study will not give consideration to the following matters to the extent they exist: (i) matters of a legal nature, including issues of legal title and compliance with federal, state and local laws and ordinances; and (ii) environmental and engineering issues, and the costs associated with their correction. The user of this study will be responsible for making his/her own determination about the impact, if any, of these matters.
- This study is intended to be read and used as a whole and not in parts.
- This study has not evaluated the feasibility or marketability of any site for planned uses.



- Estimates regarding specific land use were provided by Pivotal Realty AZ I, LLC. Data has been reviewed and verified to determine its reasonableness and applicability to the project.
- This economic and fiscal impact study evaluates the potential “gross impacts” of construction and operations activities. The term “gross impacts” as used in this study refers to the total revenue, jobs and economic output that would be generated by the construction and operations. The study does not consider the potential impact on other businesses or real estate property in the trade area that may occur as a result of the proposed project.
- This analysis does not consider the costs to local governments associated with providing services to the development. Such analysis is beyond the scope of this study. In addition, the analysis is based on the current tax structure and rates imposed by the State, counties, and local governments. Changes in those rates would alter the findings of this study.
- All dollar amounts are stated in current dollars and, unless indicated, do not take into account the effects of inflation.
- Our analysis is based on currently available information and estimates and assumptions about long-term future development trends. Such estimates and assumptions are subject to uncertainty and variation. Accordingly, we do not represent them as results that will be achieved. Some assumptions inevitably will not materialize and unanticipated events and circumstances may occur; therefore, the actual results achieved may vary materially from the forecasted results. The assumptions disclosed in this study are those that are believed to be significant to the projections of future results.



2.0 Commercial Viability

This section provides an overview of broader commercial trends as well as analyzes commercial and employment development in the North Peoria market.

2.1 Retail Market Trends

The Greater Phoenix retail market is currently experiencing some of its highest vacancy rates in history resulting from the effects of the Great Recession. According to Cassidy Turley Commercial Real Estate Services, the vacancy rate across the Valley reached 15% in 2011 and has since trended downward to 12.1% through the fourth quarter of 2013. Nearly 83% of this vacancy is in neighborhood and unanchored strip retail space as retailers either went out of business, closed non-performing stores or exited the Greater Phoenix market. Recent construction activity has been driven by outlet malls with the 360,000 square foot Phoenix Premium Outlets on the Gila River Indian Community and the 328,000 square foot Tanger Outlets Westgate which opened in Glendale in 2012. Only 16,500 square feet of retail (neighborhood) is currently under construction.

Cassidy Turley estimates the retail vacancy rate for the Northwest Valley market area through the fourth quarter of 2013 at 14.5%, well above the Greater Phoenix vacancy rate. The vacancy data is not disaggregated to individual cities or smaller regions, so the vacancy rate for North Peoria could vary from the total. However, of significance is the vacancy rate for neighborhood shopping centers at 15.5% and strip or unanchored centers at 15.6%. These two categories of retail centers account for over 75% of all vacant retail space in the Northwest Valley market area.

2013 Q4 Retail Vacancy Rates Northwest Valley and Greater Phoenix						
Northwest Valley	Inventory	Total Vacant	% Vacant	YTD Net Absorption	Under Construction	Average Asking Rate
Neighborhood	17,991,470	2,787,990	15.5%	62,187	7,000	\$13.23
Power	4,584,631	158,926	3.5%	(11,180)	-	\$20.32
Regional	3,126,627	801,953	25.6%	(15,130)	-	\$10.26
Specialty/Theme	1,073,335	92,084	8.6%	(38,846)	-	\$19.47
Strip	2,595,803	403,998	15.6%	23,020	-	\$12.84
TOTAL	29,371,866	4,244,951	14.5%	20,051	7,000	\$13.12
Greater Phoenix						
Neighborhood	91,536,667	12,989,630	14.2%	1,393,890	16,500	\$13.36
Power	20,196,719	1,135,982	5.6%	213,722	-	\$21.11
Regional	24,260,976	1,699,138	7.0%	262,246	-	\$19.88
Specialty/Theme	2,881,023	360,111	12.5%	(8,376)	-	\$25.03
Strip	12,820,713	2,190,958	17.1%	157,196	-	\$13.20
TOTAL	151,696,098	18,375,819	12.1%	2,018,678	16,500	\$14.10

Source: Cassidy Turley



Bricks and mortar retailing has been significantly affected over the past decade by several trends. Internet sales have had a major effect on store sales and the trend is expected to continue in the future. Retailers in electronics products and books have been especially hard hit. The rise of big box retailers and large power and community shopping centers has also dominated the retail market over the past two decades. The two largest retailers who anchor these centers, Target and Wal-Mart, have ventured into grocery sales, resulting in the curtailment of the development of traditional neighborhood shopping centers anchored by grocery retailers. In Greater Phoenix, there has been significant consolidation in the grocery industry as a result of this trend. The traditional grocery store industry today is down to four major chains – Safeway, Fry's, Albertson's and Basha's. The entrance of natural foods grocers such as Whole Foods has also cut into the traditional grocery store business.

Greater Phoenix is generally considered to be over-retailed. As one of the country's fastest growing regions, Greater Phoenix drew a wide variety of national retailers to the area over the last ten to twenty years, all hoping to take advantage of the rapidly growing population base. When the housing bust and Great Recession occurred, store closures occurred, resulting in the unexpectedly high retail vacancy rates. The market is now recovering, consumer confidence is increasing and retail vacancy rates are moderating. However, the market still needs a few more years to fully restore itself.

Based on current trends, it is the opinion of this firm that the retail market will continue to be dominated by power and community centers anchored by big box retailers. The buying power of these chains will continue to place pressure on traditional grocery retailers who have been the primary drivers behind the development of smaller neighborhood shopping centers.

2.2 Office Market Trends

The office in Greater Phoenix is also considered overbuilt. Overall office vacancy has finally begun to improve and is currently reported at 20.6% according to Cassidy Turley. While this is down from peak vacancy experienced in 2010, it is still nowhere near a stabilized occupancy rate that would spur additional development. Most projects completed in recent years have been build-to-suit buildings. Indeed, most of the projects announced for 2014 (State Farm, Go Daddy, Garmin, etc.) are build-to-suit as well.

Cassidy Turley estimates the office vacancy rate for the Northwest Valley market area in the fourth quarter of 2013 at 19.6%, slightly better than the Greater Phoenix vacancy rate. Much of the office inventory is located in more mature markets with a higher population base such as the Deer Valley Airport area, Camelback Corridor, Scottsdale Airpark, and the Downtown Phoenix/Sky Harbor region.



Office Vacancy Rates Northwest Valley and Greater Phoenix							
Northwest Valley							
Class	Bldgs	Inventory	Total Vacant	% Vacant	Net Absorption	Under Construction	Average Asking Rate
Class A	1	80,849	-	0.0%	6,900	-	N/A
Class B	19	833,957	181,263	21.7%	36,401	-	\$21.13
Class C	1	29,998	3,898	13.0%	(795)	-	\$15.86
TOTAL	21	944,804	185,161	19.6%	42,506	-	\$21.12
Greater Phoenix							
Class A	236	38,931,693	7,572,253	19.5%	474,329	565,622	\$23.85
Class B	800	53,620,322	11,419,950	21.3%	834,295	95,000	\$19.09
Class C	115	4,396,017	961,750	21.9%	49,405	-	\$17.59
TOTAL	1,151	96,948,032	19,953,953	20.6%	1,358,029	660,622	\$20.72

Source: Cassidy Turley

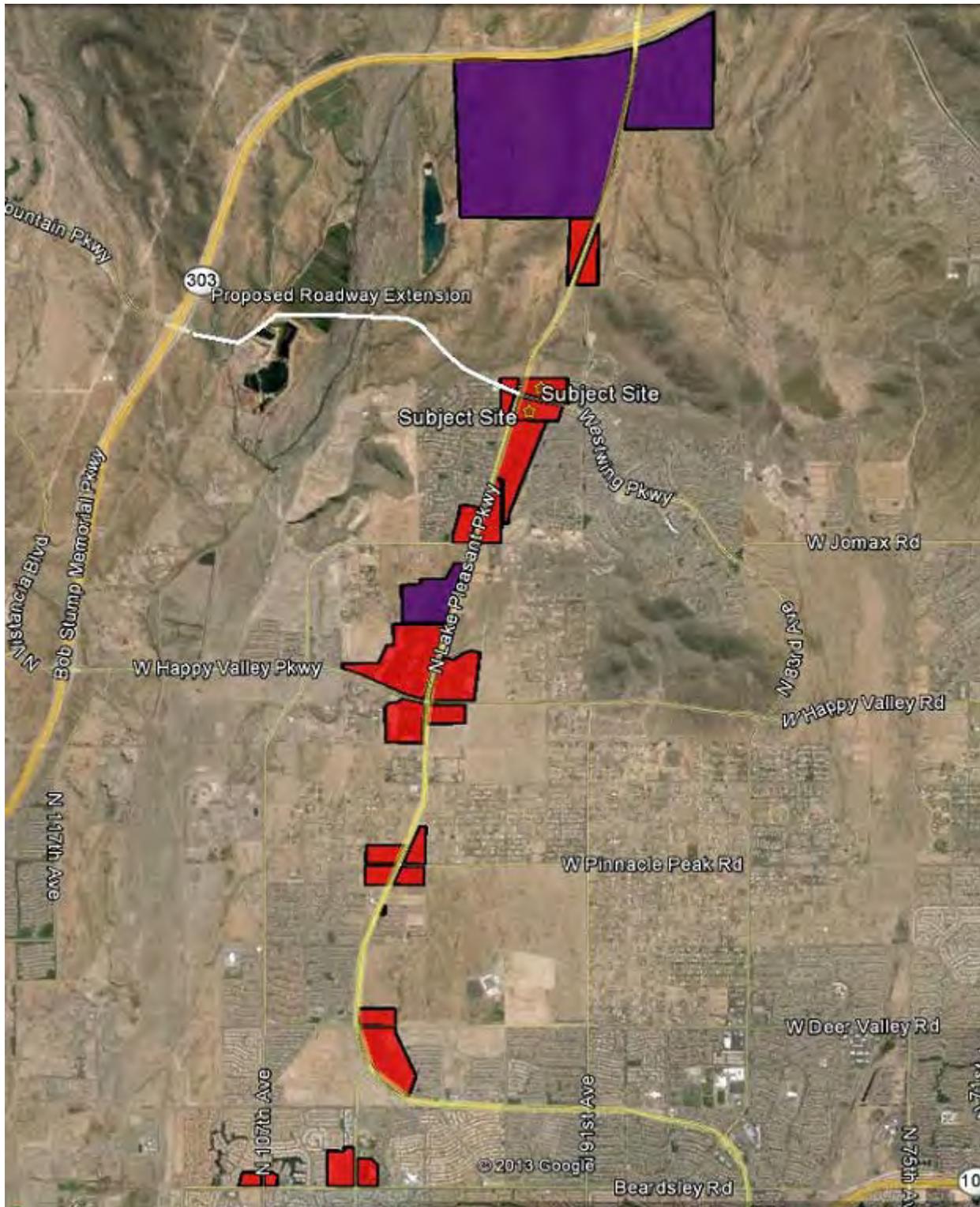
2.3 Existing Development and Available Land

Two study areas were analyzed in terms of commercial and employment land that is currently zoned. This was done to assess the availability of land for future development and to compare it to the subject site from a competitive standpoint. The first study area is the Lake Pleasant Parkway Corridor. This corridor has proven to be the preferred location for a wide variety of retailers and that trend is expected to continue, especially at the Happy Valley intersection. The second study area includes the Loop 303 Corridor which has great long term potential, especially as the region grows in population.

The following map illustrates the Lake Pleasant Parkway Corridor from Beardsley Road up to the Loop 303 interchange. Commercial land is represented in red and employment land is represented in purple.

Commercial uses make up a majority of individual parcels along this corridor. However, a significant amount of employment has been planned further north near the Loop 303. In total, there are over 1,281 acres of commercial and employment land along this corridor. Of that total, only 282.5 acres have been developed. That amounts to 17.8% of the total land zoned for commercial or employment purposes. **This leaves nearly 1,054 acres left to be developed in this region alone.**

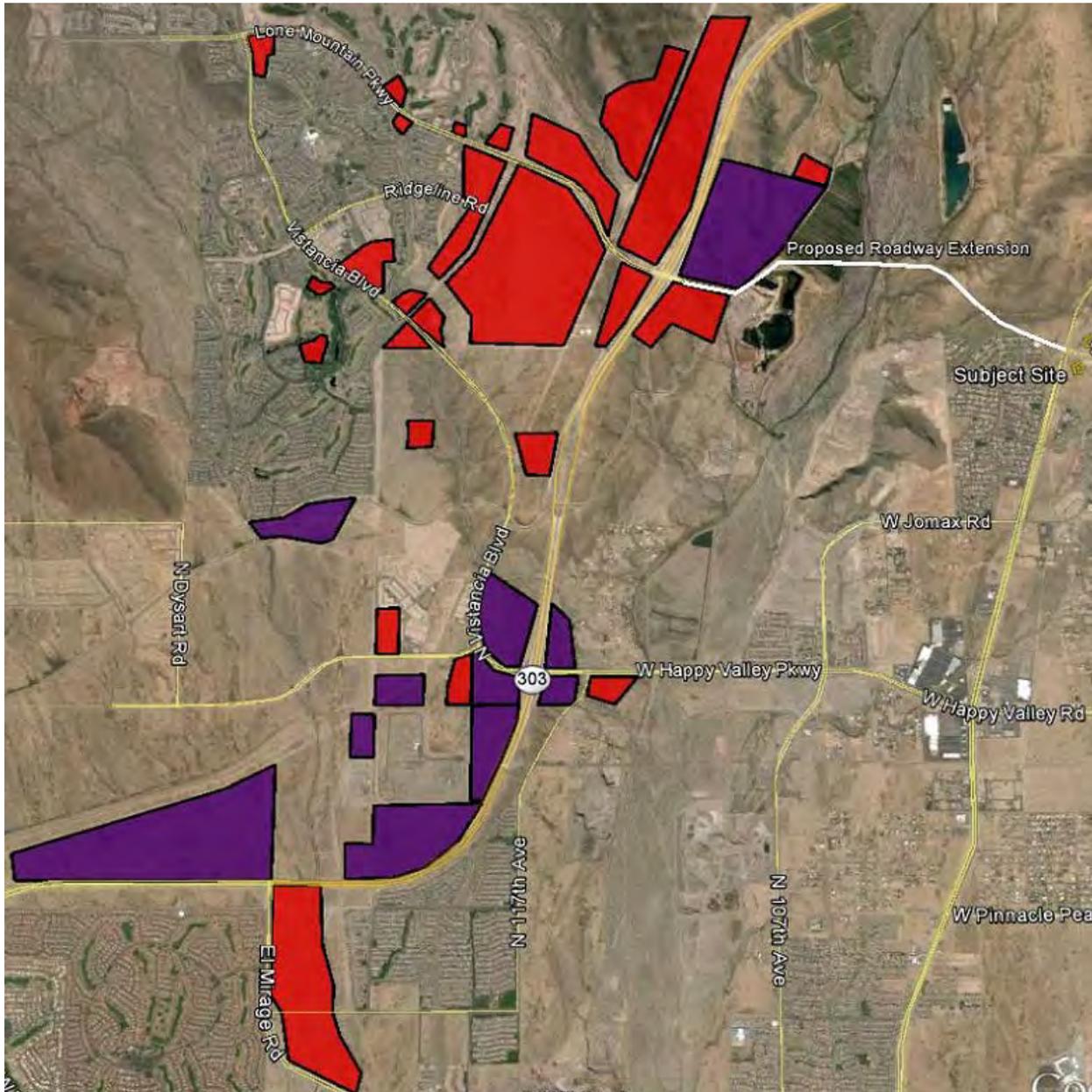




The second region of commercial and employment land along the Loop 303 corridor is displayed on the following map. As discussed previously, this region has very strong long term prospects but may not experience significant development in the short term.



There is approximately 2,529 acres of commercial and employment land in this area and only 41 acres have been developed. That represents less than 2% of available land. Indeed, there are decades of available commercial land in this area which will provide a significant retail and employment base for the City for years to come.



While much of the undeveloped land is in the northern part of this region, there is also a significant amount of available land in close proximity to the subject site. Undeveloped parcels surrounding the Happy Valley Road area total 113.58 acres (between Pinnacle Peak and Jomax Road along Lake Pleasant Parkway), or 44% of the total commercial



a description of available space at each of the four developments located at this intersection.

Lake Pleasant Crossing (Northeast corner of Lake Pleasant & Happy Valley Road)

- Phase I has five pads available and a significant amount of shop space available in three other buildings. **Over 40,000 square feet.**
- Phase II (planned future phase) has an Anchor Space available, two spaces for Majors, one space for a Minor, two pads planned for shop space and three general pads available. **Approximately 180,000 square feet.**

Mountainside Crossing (Southeast corner of Lake Pleasant & Happy Valley Road)

- There are three pads available totaling **108,000 square feet.**
- Five shop spaces also available in two buildings. **6,443 square feet.**

Lake Pleasant Town Center (Northwest corner of Lake Pleasant & Happy Valley Road)

- There are two Majors, six pads, and shop space available. **97,866 square feet available.**
- Second phase state land frontage along Lake Pleasant Parkway could accommodate an **additional 160,655 square feet.**

Lake Pleasant Pavilion (Southwest corner of Lake Pleasant & Happy Valley Road)

- There is a Junior Anchor space, pads, and shop space available. **49,174 square feet available.**

All totaled, there currently exists over **642,000 square feet** of available space at the existing centers at this intersection. Brokers representing these developments were all contacted and the response was consistent: Additional retail space would hurt existing space absorption and there is no apparent demand for more space for the foreseeable future.

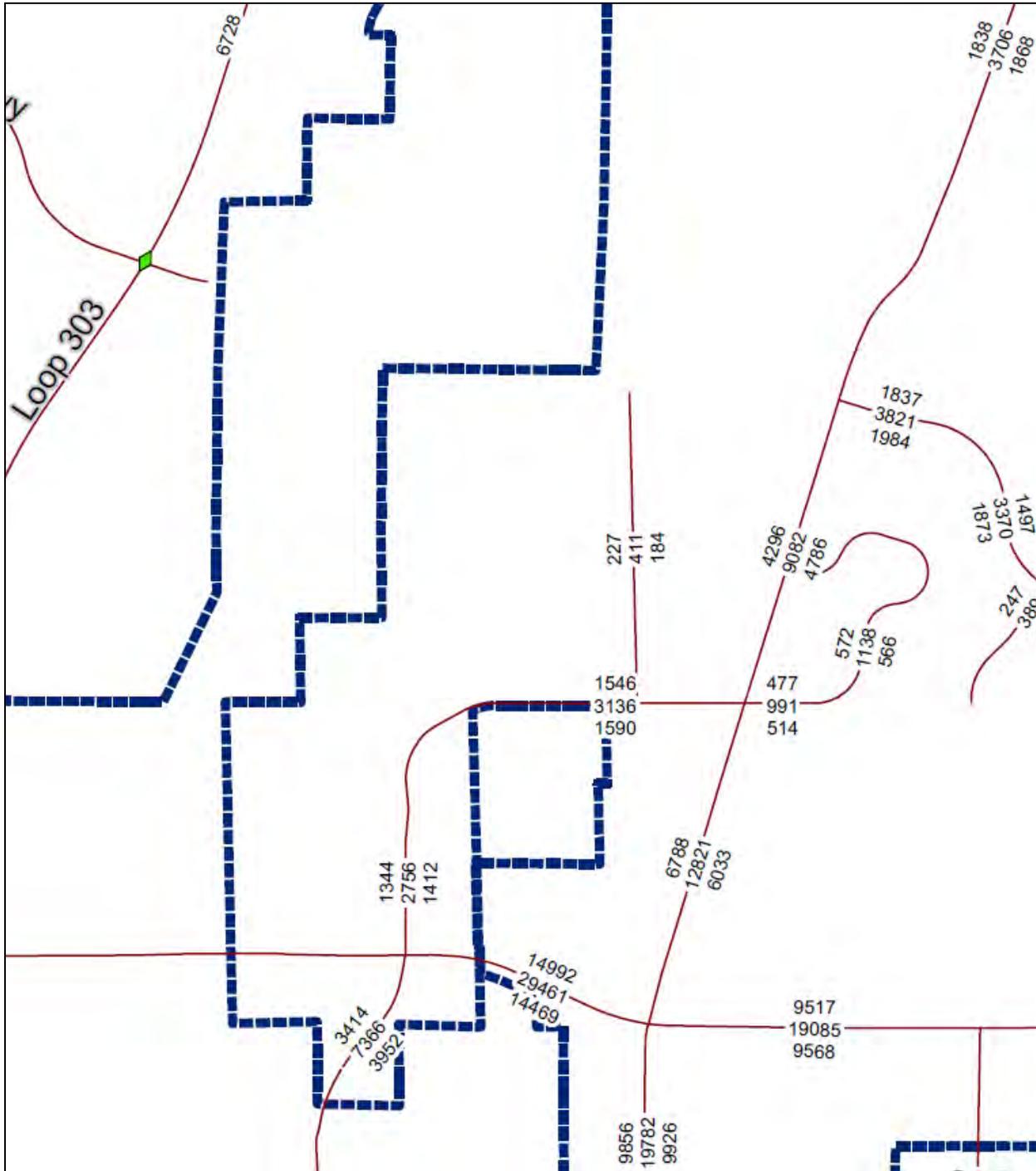
2.4 Traffic Counts and Accessibility

The following illustration shows the traffic counts for major roads surrounding the intersection of Lake Pleasant Parkway and Westwing Parkway in comparison to the Happy Valley and Lake Pleasant Parkway intersection. Traffic data has been acquired from 2011 Peoria traffic counts.

Currently, Lake Pleasant Parkway's traffic counts northbound approaching Happy Valley Road are 2.1 times higher than the counts on Lake Pleasant Parkway approaching Westwing Parkway and 3.7 times higher than the counts of southbound approach of the two intersections. The Lake Pleasant and Happy Valley intersection really illustrates its



locational advantage with the traffic along Happy Valley Road. The traffic along Happy Valley Road near Lake Pleasant Parkway is 5 to 7.7 times higher than traffic along Westwing Parkway.



Traffic counts are an important factor for shopping center tenants. High traffic intersections are highly sought after by developers as well as retailers. This concept is



proven by the significant amount of retail developed and planned at the Lake Pleasant Parkway and Happy Valley Road intersection.

Happy Valley Road generates significant traffic, while Westwing Parkway is only a three-way feeder intersection allowing residents east of Lake Pleasant Parkway access to the major north/south arterial.

2.5 Conclusions

In our opinion, the two parcels comprising the subject site at the northeast and southeast corners of Lake Pleasant Parkway and Westwing Parkway currently zoned for commercial uses is not viable as a retail or employment site today or in the future. We base this opinion on the findings of the analyses contained in this report as outlined below.

- Lake Pleasant Parkway's traffic counts surrounding Happy Valley Road are 2.1 to 3.7 times higher than the counts further north surrounding Westwing Parkway. More importantly, the subject site lacks proximity to the major arterial route of Happy Valley Road. Traffic flowing east and west along Happy Valley Road is 5 to 7.7 times higher than the counts along Westwing Parkway.
- Though the proposed roadway from Lone Mountain Parkway connecting into Westwing Parkway would increase traffic, the development timing is currently uncertain. Also, traffic flowing south along Vistancia Parkway to Happy Valley Road is likely to remain the major traffic corridor. In addition, planned commercial development west of the Loop 303 and Lone Mountain would be a more suitable site and would strongly compete for residents' spending dollars in the region, especially residential developments west of the Loop 303.
- The retail market in Greater Phoenix will continue to be dominated by power and community centers anchored by big box retailers for the foreseeable future. The buying power of these chains will continue to place pressure on traditional grocery retailers who have been the primary drivers behind the development of smaller neighborhood shopping centers. Unanchored shopping centers have historically had much higher vacancy rates than anchored centers.
- The site does not benefit from the freeway as it is located some distance from traffic along the Loop 303. Exposure to the site is limited to north/south traffic along Lake Pleasant Parkway and residential neighborhoods along Westwing Parkway.
- The Lake Pleasant Parkway corridor at the Happy Valley Road intersection has proven to be a superior retail destination. Over 642,000 square feet is available in existing buildings, ready-to-build pads or in future phases at this intersection alone.



- Both the Lake Pleasant Parkway corridor and the Loop 303 corridor have been extensively planned and are expected to be a significant draw for both retail and employment centers along their routes through North Peoria. The Lake Pleasant Parkway and Happy Valley area has already established itself as a retail draw due mainly to high traffic counts as a major travel route. The subject site is located two miles north of this major intersection and well off of the Loop 303 with no direct access.

With lower traffic counts and a significant amount of existing and planned retail development in close proximity, the subject site would be more suitable for residential development.

While it is understandable that the City of Peoria desires to expand its commercial retail inventory, the development of retail shopping centers does not necessarily lead to additional retail sales, particularly when retail vacancy rates are at high levels. Retail sales originate from the spending of a community's residents, meaning there is a finite amount of spending that can occur based on the size of the resident population. Additional residents in proximity to commercial assets would lead to higher retail sales activity.

Given that the area is in the northern portion of Peoria, the City is additionally not at risk of retail leakage to surrounding communities nor would the area have any real potential to capture spending from residents outside of the community.

We would advise Peoria to work to strengthen its existing retail real estate assets as opposed to protecting potential future commercial centers where they are not warranted or demanded. In the end, the addition of new retail centers in a community may have no effect on growing retail sales and may only disperse sales among competing shopping centers. A viable alternative strategy is to support and strengthen existing retail establishments where they are clearly demanded. This includes promoting residential development to support the retail base.



3.0 Impact Assumptions & Methodology

3.1 Project Description

The entire site consists of four parcels located on each corner of Lake Pleasant Parkway and Westwing Parkway as illustrated in the map below. The current zoning is for commercial development. Only the parcels on the east side of Lake Pleasant Parkway are requested for rezoning to residential. The two parcels located west of Lake Pleasant Parkway would remain available for commercial development and could accommodate a variety of neighborhood retail options.

West Wing Parcel Map



The Subject Sites are located in North Peoria along Westwing Parkway just east of Lake Pleasant Parkway. The sites consist of two separate parcels just to the north and south of Westwing Parkway known as Parcel 27 and Parcel 24. Access to the sites is located on Westwing Parkway.

The rezoning request includes a proposed 143-home single family development. Parcel 27 is 21.0 acres in size and is planned for 81 homes. Parcel 24 is a 19.7 acre site and is planned for 62 homes. The following map illustrates the proposed site plan.



West Wing Mountain Proposed Site Plan



3.2 Assumptions

The assumptions used to estimate the economic and fiscal impacts of the construction and ongoing fiscal impacts of the proposed residential project are outlined below. The project plans for an average density of 3.5 units per acre. Housing is expected to range in size from 2,300 square feet to 3,400 square feet. Sales prices of these new homes are projected to start at range of \$235,000 to \$320,000. Based on these sales values, qualifying household incomes of these homes would be approximately \$59,000 to \$80,000 though actual incomes could be higher.



Project Assumptions West Wing Mountain	
Acres	40.7
Units	143
Average dwelling units per acre	3.5
Average unit size (50 ft lots)	2,300
Average sales price per unit (50 ft lots)	\$235,000
Average household income	\$59,000
Average unit size (60 ft lots)	3,400
Average sales price per unit (60 ft lots)	\$320,000
Average household income	\$80,000
Total sales value	\$38,875,000
Person per household	2.7
Per capita State shared revenues	\$342

Source: Pivotal Group; ARMLS; Belfiore Real Estate Consulting; AZ Department of Revenue; Elliott D. Pollack & Co.

The primary inputs of the economic and fiscal impact model are based on (1) project assumptions supplied by the client regarding the scale and size of the project and (2) basic economic source data such as the Consumer Expenditure Survey to determine spending patterns of employees and Census surveys showing live-work relationships. All values in this study are expressed in 2014 dollars. Unless otherwise indicated, an inflation factor has not been included in this analysis.

3.3 Economic Impact Methodology

Economic impact analysis examines the economic implications of an activity in terms of output, earnings, and employment. For this study, the analysis focuses on the impact during construction as well as the ongoing impact of the project once homes are sold out and occupied.

The different types of economic impacts are known as direct, indirect, and induced, according to the manner in which the impacts are generated. For instance, direct employment consists of permanent jobs held by construction employees. Indirect employment is those jobs created by businesses that provide goods and services essential to the construction of the project. These businesses range from manufacturers (who make goods) to wholesalers (who deliver goods). Finally, the spending of the wages and salaries of the direct and indirect employees on items such as food, housing, transportation and medical services creates induced employment in all sectors of the economy, throughout the metropolitan area. These secondary effects are captured in the analysis conducted in this study.



Multipliers have been developed to estimate the indirect and induced impacts of various direct economic activities. The Minnesota IMPLAN Group developed the multipliers used in this study. The economic impact is categorized into three types of impacts:

- (1) **Employment Impact** – the total wage and salary and self employed jobs in a region. Jobs include both part time and full time workers.
- (2) **Earnings Impact** – the personal income, earnings or wages, of the direct, indirect and induced employees. Earnings include total wage and salary payments as well as benefits of health and life insurance, retirement payments and any other non-cash compensation.
- (3) **Economic Output** – also referred to economic activity, relates to the gross receipts for goods or services generated by the company's operations.

Economic impacts are by their nature regional in character. Such impacts are best illustrated when not assigned to a specific city or locality, although clearly the primary impact of job creation would be on the city where the project is located. However, many other communities in the surrounding region would also benefit from the construction and operations of the project.

3.4 Fiscal Impact Methodology

Fiscal impact analysis studies the public revenues associated with a particular economic activity. The primary revenue sources of local, county, and state governments (i.e., taxes) are analyzed to determine how an activity may affect the various jurisdictions. This section will evaluate the impact of the development on State and local government revenues.

The fiscal impact figures cited in this report have been generated from information provided by a variety of sources including the U.S. Bureau of the Census; the U.S. Department of Labor; the Internal Revenue Service; the State of Arizona; the Arizona Tax Research Association; and the U.S. Consumer Expenditure Survey. Elliott D. Pollack and Company has relied upon the estimates of construction cost and operating revenues outlined in this study. Unless otherwise stated, all dollar values are expressed in 2013 dollars.

Fiscal impacts are categorized by type in this study, similar to economic impact analysis. The major sources of revenue generation for governmental entities are related to the proposed construction and ongoing operations.

Construction impacts relate to the revenues generated from construction of the project and include state and local sales taxes levied on construction materials. These are the “primary” revenues generated from the construction. In addition, the direct, indirect and induced employees supported by the construction activity also generate revenues to



local and state governments. For instance, employees will spend part of their salaries on retail goods (thereby paying sales taxes), pay property taxes on real estate they own and contribute to the other revenue sources that are shared by the State with counties and local cities. In addition, part of the State's collection of sales taxes on construction materials is also shared with counties and local cities. All of these revenues create benefits for counties and local cities. They are referred to in this report as "secondary" impacts.

New residents will also create beneficial fiscal effects. Households will spend part of their salaries on local goods and services and pay taxes on the homes they occupy. This spending will contribute to revenues collected by the City of Peoria. Additionally, the City of Peoria will benefit in terms of state shared revenue as the project will increase the City's population and the share of revenue that they receive from state sales taxes, state income taxes, and other fees as outlined below.

Following is a description of the applicable revenue sources that will be considered for this analysis.

- Construction Sales Tax

The State, counties and cities levy a sales tax on materials used in the construction of buildings and land improvements. That tax is calculated by State law under the assumption that 65% of the construction cost of the facility and its land improvements are related to construction materials with the remaining 35% devoted to labor. The sales tax rate is then applied to the 65% materials figure. The sales tax on construction materials is a one-time collection by the governmental entity. The State currently levies a 5.6% sales tax on construction activity (a portion of which is shared with local governments) while the Maricopa County rate is 0.7% and the City of Peoria sales tax rate for contracting is 1.8%.

- Sales Tax

The State, counties, and local cities in Arizona charge sales tax on retail goods. The sales tax rate for the State is 5.6%. Portions of this tax are redistributed through revenue sharing to counties and cities throughout Arizona based on population. The County's sales tax rate is 0.7% while the City of Peoria levies 1.8%. These tax rates are applied to the spending of residents as well as to the spending of direct, indirect and induced employees. Based on data from the U.S. Consumer Expenditure Survey, the projected extent of retail spending and resulting sales tax receipts was calculated. In addition, the employees of the project are projected to spend money retail and restaurant establishments or other local goods.

- Property Taxes

Employees supported by the construction of the project will pay property taxes on the homes they occupy. In order to estimate property taxes, the assessed full cash value of a typical housing unit has been calculated based on expected wage levels.



Residents of the newly built homes will also pay property taxes on their homes and the value of these homes will expand the net assessed value base of the City and other taxing districts.

- State Shared Revenues

Each city in Arizona receives a portion of State revenues from four different sources - State sales tax (see description above), State income tax, vehicle license tax and highway user tax. The formulas for allocating these revenues are primarily based on population. Counties also share in the revenue sources of the State, with the exception of income tax.

State Income Tax

The State of Arizona collects taxes on personal income. The tax rate used in the analysis averages about 1.6% for earnings. This percentage is based on the most recently available income tax data from the Arizona Department of Revenue. The factor is applied to the projected wage levels of direct, indirect and induced employees supported by the construction and operations of the project. Portions of this tax are redistributed through revenue sharing to cities throughout Arizona based on population.

HURF Taxes

The State of Arizona collects specific taxes for the Highway User Revenue Fund (HURF). Both the registration fees and the motor vehicle fuel tax (gas tax) are considered in this analysis. The motor vehicle fuel tax is \$0.18 per gallon and is calculated based on a vehicle traveling 12,000 miles per year at 20 miles per gallon. Registration fees average \$66 per employee in the State of Arizona. These factors are applied to the projected direct and indirect employee count. Portions of these taxes are distributed to cities and counties throughout Arizona based on a formula that includes population and the origin of gasoline sales.

Vehicle License Tax

The vehicle license tax is a personal property tax placed on vehicles at the time of annual registration. This factor is applied to the projected direct, indirect and induced employee count. The average tax used in this analysis is \$325 and portions of the total collections are distributed to the Highway User Revenue Fund. The remaining funds are shared between cities and counties in accordance with population-based formulas.

The above tax categories represent the largest sources of revenues that would be generated to city, county, and State governments. This analysis considers gross tax collections and does not differentiate among dedicated purposes or uses of such gross tax collections.



4.0 Impact of Construction

Construction phase impacts are short-term effects related to onsite and offsite construction employment as well as other supporting industries. The long-term consequences of a project are the new resident impacts (Section 4.0).

4.1 Economic Impact of Construction

The following table describes the economic impact of construction. This table reflects the total impact regardless of how many years the project takes to build out.

In total, the estimated \$23.1 million hard cost of construction will generate 181 direct jobs earning over \$12.3 million in wages. An additional 149 indirect and induced jobs will be created from the ripple effects throughout the economy for a total of 329 jobs created during the construction period. Total wages are estimated at \$20.0 million during the construction process with total economic activity of nearly \$43.8 million.

Economic Impact of Construction West Wing Mountain Greater Phoenix (2014 Dollars)			
Impact Type	Person Years of Employment	Wages	Economic Output
Direct	181	\$12,252,000	\$23,053,000
Indirect	48	\$3,006,000	\$7,281,000
Induced	101	\$4,708,000	\$13,436,000
Total	329	\$19,966,000	\$43,770,000
1/ The total may not equal the sum of the impacts due to rounding. All dollar figures are in constant dollars. Inflation has not been included in these figures.			
Source: Elliott D. Pollack & Company; IMPLAN			

4.2 Fiscal Impact of Construction

The tables included in this section summarize the revenues that would ultimately flow to the City of Peoria from construction of the 143-home project. Some revenues are more direct and definable than others. Revenues have been defined in this analysis as either primary or secondary, depending on their source and how the dollars flow through the economy into government tax accounts. For instance, some revenues, such as



construction sales taxes, are definable, straightforward calculations based on the value of construction. These revenues are described in this study as primary revenues.

Secondary revenues, on the other hand, flow from the wages of those direct, indirect and induced employees who are supported by the project as well as revenues distributed by the State from various tax categories. Revenue projections are based on typical wages of the employees working in the project, their spending patterns, projections of where they might live, and other assumptions outlined earlier in this report.

The City of Peoria will receive \$471,700 in tax revenues generated by the construction of the residential project. This includes \$454,800 generated by the City's 1.8% prime contracting sales tax rate and an additional \$16,900 from the construction employees projected to live and spend their incomes within City limits.

Fiscal Impact of Construction West Wing Mountain City of Peoria (2014 Dollars)					
	Primary Revenues	Secondary Revenues			
Impact Type	Speculative Builders Sales Tax	Employee Spending Sales Tax	Resident Property Tax	State Shared Revenues	Total Revenues
Direct	\$454,800	\$4,700	\$2,600	\$2,700	\$464,800
Indirect	N/A	\$1,200	\$700	\$500	\$2,400
Induced	N/A	\$2,100	\$1,500	\$900	\$4,500
Total Revenues	\$454,800	\$8,000	\$4,800	\$4,100	\$471,700

1/ The figures are intended only as a general guideline as to how the City could be impacted by the project. The above figures are based on the current economic structure and tax rates of the State of Arizona and City

Source: Elliott D. Pollack & Company; IMPLAN; Arizona Department of Revenue; Arizona Tax Research Association



5.0 New Resident Impact

Once construction is completed and the project is fully occupied, the City of Peoria will benefit in terms of ongoing annual tax revenues. The fiscal impacts described below are anticipated to occur at build-out. This means they would occur when construction is complete and residences are at full capacity.

Primary revenue sources would total \$222,000 annually at build-out. The bulk of impact will be realized due to the increase in population for the City. Sales taxes from resident spending and property taxes are expected as well.

Annual Fiscal Impact at Buildout West Wing Mountain City of Peoria (2014 Dollars)			
Resident Spending Sales Tax	State Shared Revenues	Property Tax	Total Annual Revenues
\$47,800	\$128,300	\$45,900	\$222,000
1/ The total may not equal the sum of the impacts due to rounding. All dollar figures are in constant dollars. Inflation has not been included in these figures. All of the above figures are representative of the major revenue sources for the City.			
Source: EDPCo; IMPLAN; AZ Department of Revenue; AZ Tax Research Association			



6.0 Fiscal Impacts over 10 Years

The following tables provide the fiscal impact over a 10-year time frame.

During construction, the City of Peoria will collect \$454,800 from primary revenue sources (construction sales taxes) and \$16,900 in secondary revenues from construction employees. Also during construction, the project will be delivering homes each year that will be occupied by residents and will begin to generate revenue from resident spending.

Once the project is completely built out and occupied, the City will collect \$222,000 each year, mainly from state shared revenues (as soon as new population is officially counted) as well as property taxes and sales taxes. Overall, the City is forecasted to collect nearly \$1.7 million in revenues over ten years generated by the construction and subsequent years of resident impacts as illustrated in the table below.



**10-Year Fiscal Impact on the City of Peoria
West Wing Mountain
(2014 Dollars)**

	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Total
Home Sales	36	36	36	35	-	-	-	-	-	-	143
Primary Revenues											
Speculative Builders Tax	\$114,495	\$114,495	\$114,495	\$111,315	--	--	--	--	--	--	\$454,800
Sales Tax	--	\$12,034	\$24,067	\$36,101	\$47,800	\$47,800	\$47,800	\$47,800	\$47,800	\$47,800	\$359,001
Property Tax	--	\$11,555	\$23,110	\$34,666	\$45,900	\$45,900	\$45,900	\$45,900	\$45,900	\$45,900	\$344,731
State shared Revenues	--	--	\$64,599	\$64,599	\$64,599	\$64,599	\$64,599	\$128,300	\$128,300	\$128,300	\$707,893
Secondary Revenues											
Employee Sales Tax	\$2,014	\$2,014	\$2,014	\$1,958	--	--	--	--	--	--	\$8,000
Residential Property Tax	\$1,208	\$1,208	\$1,208	\$1,175	--	--	--	--	--	--	\$4,800
State Shared Revenues	\$1,032	\$1,032	\$1,032	\$1,003	--	--	--	--	--	--	\$4,100
Total Impact^{1/}	\$118,750	\$142,338	\$116,031	\$139,501	\$158,299	\$158,299	\$158,299	\$222,000	\$222,000	\$222,000	\$1,657,516

^{1/} The total may not equal the sum of the impacts due to rounding. All dollar figures are in constant dollars. Inflation has not been included in these figures. All of the above figures are representative of the major revenue sources for the City. The figures are intended only as a general guideline as to how the City could be impacted by the project. The above figures are based on the current economic structure and tax rates of the City.

Source: Elliott D. Pollack & Company; IMPLAN; Arizona Department of Revenue; Arizona Tax Research Association



CITIZEN PARTICIPATION PLAN & REPORT

WestWing Mountain

Minor General Plan Amendment Major PCD Amendment

November 25, 2014

Updated February 27, 2015

Parties Affected by Application

Individual letters have been sent to all property owners within 1320' and included all of the information required by the City to explain the date, time and location of the neighborhood meetings for the Minor General Plan Amendment and Major PCD Amendment applications. The subject property is 40.7 acres (over 40 acres), so the notification distance shall be 1320 feet. The letters were also mailed to adjacent jurisdictions, school districts, public utilities and state and federal agencies.

Notification and Information Procedures

We will meet all City of Peoria ("City") noticing requirements for a PCD Major Amendment/Rezoning request. These requirements include letters notifying of the neighborhood meeting to surrounding property owners and other interested stakeholders as mentioned above. We will post the site on our street frontages with signs to inform passersby of the proposed amendment and the hearing dates, times and locations. The signs will be posted 15 days prior to the first hearing. The City will also send notifications as the cases near public hearing dates with the Planning Commission and City Council.

If we are requested to meet with any of the surrounding property owners or stakeholders, we will detail our discussions in a final Citizen Participation Results Report. Once our letters are sent to property owners within 1320' and other stakeholders, we will ensure our contact information is on these documents. If requested, we will meet individually with anyone who contacts us for more information.

Response Procedures

We will respond to all input and comments we receive from parties affected by our applications. We will also provide our responses to the City staff for their records. We will request letters of support from stakeholders, if possible. We'll follow-up as necessary to ensure proper responses are provided and information is shared regarding the status of the Request to interested stakeholders. We will provide the City with copies of our correspondence, letters, and

information shared with stakeholders. In addition, maps and lists of stakeholders and property owners will be included in our final Citizen Participation Results Report.

Schedule of Completion

We anticipate holding the public meeting after first review comments are received from the City. We intend to send out letters to property owners, stakeholders and others mentioned in the 'Parties Affected by Application' section above 10 days prior to the neighborhood meeting. We will be prepared to meet with any other stakeholder, if requested, after the notification letter is sent and the signs are posted on the Property. We will provide City staff with a complete Citizen Participation Results Report with the details and techniques used to involve the public and provide a summary of concerns, issues and resolutions to these issues. We anticipate submitting a final report on our public outreach at the beginning of November 2014.

Status Procedure

We will update the City staff via email and telephone calls of important issues that come about as the result of our public outreach. The entire report will be completed prior to the time the City informs us of the pending Planning Commission hearing date. If additional public outreach occurs after the submittal of the Citizen Participation Results Report, we will provide updates to inform City staff and council members.

Citizen Review Report

The following is a report of the implementation of the Citizen Participation Plan submitted with the initial application.

Meeting with the Deer Valley Unified School District (“DVUSD”)

4/3/14 and 6/12/14 - We met with the DVUSD Superintendent Mr. Jim Migliorino twice on April 3, 2014 and June 12, 2014. Our discussions focused on the Deer Valley School Demographic and Enrollment Analysis, Governing Board Presentation, revised dates January 8, 2014, conducted by Applied Economics. We discussed with Mr. Migliorino the analysis and the WestWing School’s enrollment numbers. In our final discussion, we provided Mr. Migliorino our written review of the school districts analysis. We came to an understanding with Mr. Migliorino that there are ways to address the increase in the number of student’s impact from our proposed residential development. We will continue to work with the DVUSD to find solutions to any enrollment impact issues our proposal creates for the district.

Since receiving City staff’s first set of comments, we have completed the following outreach regarding our proposal:

Public Outreach

9/23/14 - Met with Community Manager, Johanna Sears to go over proposal

9/30/14 – Met with WestWing Homeowners Association Board and Ms. Sears to go over proposal and provided them with maps, plans and reports.

10/9/14 – Walked two closest neighborhoods. We left an information packet for the property owners that were not home. See **Tab 1** for that packet. A majority of residents we spoke to prefer residential over commercial (refer to **Tab 2** for the map of the neighborhoods we walked to discuss the proposal with adjacent property owners. This included lots within Cibola Vista that back up to Parcel 24)

- Two follow-up phone calls from neighbors who agree with residential proposal

11/12/14 – Met with WestWing Homeowners Association Board to go over neighborhood meeting expectations and updates to the plan.

Neighborhood Meeting notifications were sent out to the community. Attached at **Tab 3** is the map of property owners within 1,320 feet of the two (2) parcels. Also attached is the list of the property’s within 1,320 feet of the rezoning proposal along with the most recent letter.

11/19/14 – The Neighborhood Meeting took place on November 19 at 6:30 pm – 8:00 pm at the WestWing Community Center. Approximately 75 people attended the meeting. Attached at **Tab 4** are the questions from the community and our responses, as well as sign-in sheet and comment cards. The majority of the group was in support of the project as long as the lot sizes and design guidelines are similar to existing homes. The HOA president asked the neighbors to raise their hands in support of commercial and only five raised their hands. The rest in attendance at that time raised their hand in support of residential.

12/01/14 – 02/03/15 – Constant communication between Tiffany & Bosco representatives and WestWing HOA board members and Community Manager.

02/03/15 – A second neighborhood meeting/open house took place on February 3, 2015. Representatives from Tiffany & Bosco presented the request again to new attendees and provide background on the request. The changes to the plan were presented based on input from the previous meeting to demonstrate that that we were willing to stipulate to a minimum lot size that is larger than the smallest lot size in WestWing. We will stipulate to single story homes where they abut an existing home. We will stipulate to follow all of the adopted WestWing design guidelines. We will accept to be incorporated into the HOA if requested by the HOA. Also, we will adopt the existing CC&R's for the proposed residential development.

At the meeting, there was approximately half the amount of attendees from the first meeting. There were new attendees and attendees from the first meeting in November. The attendees were split into three (3) groups. One group was supportive of the current residential development plan with the added stipulations mentioned above. The second group was acceptable of the residential proposal as long as the lot sizes increased greatly and the number of lots decreased greatly. The third group, which also consisted of a majority of the HOA board members, did not want the residential proposal to move forward and wanted the properties to remain commercially zoned. Attached at **Tab 5** is the sign-in sheets, support sheet and comment card. Also attached at **Tab 5** is a map of residents that signed in with no preference, as well as opposition letters that have been sent to the City and people that have stated support through petitions, emails and discussion during the outreach.

Questions and topics of discussion from attendees were as follows:

- Traffic study was conducted in April 2014. Resident said the Loop 303 wasn't even open to Lake Pleasant Pkwy. This statement was not true as the Loop 303 from I-17 to Happy Valley Rd. opened in 2011. Other segments came on-line periodically over the next 3-4 years. Resident believes traffic numbers are higher now and that another traffic study should be completed.
 - Response: Our traffic study was presented to the City of Peoria with the application and has not created any need for re-study or update. The site

intersection and access points have been predetermined. The secondary access sites will be determined at the time of platting. Our traffic study is representative of traffic that had direct access to an open interchange at Lake Pleasant Parkway. The resident seemed to think that the Loop 303 not being open all the way to I-10 would skew the traffic numbers and that a newer study is necessary. I believe this question/statement was asked in an effort to obtain increased traffic information for the intersection. Our response is that the traffic numbers would need to increase tenfold to make for a viable commercial corner. An updated TIA is not needed at this point.

- Residents request larger lots as that will provide for larger homes and higher property values
 - Response: We informed the residents we'd look into larger lots with our client. We are currently evaluating a revision to modify lot sizes.
- Impacts to the WestWing school which is at or just over capacity
 - Response: We are meeting with the school district the week of Feb. 9th to better understand the schools needs as it relates to capacity issues. We will present staff with solutions once the school district advises us as to their needs.
- Plan approval process – can city allow for larger lots if future homebuilder wants to change plan for larger lots
 - Response: We will work towards a stipulation, if necessary, to allow for larger lots to be platted than the minimum approved without the need to rezone the parcels.
- Residents wanted to know how the residential development plan enhances their community
 - Response: The property is vacant and has become a dumping ground over the years. The commercial zoning designation occurred during a time of unknown traffic patterns, regional highway planning and future roadway connections that never occurred. By providing a neighborhood of similar sized lots, similar quality design and standards consistent with the existing residential neighborhoods of WestWing, the future residential neighborhood will provide similar value to one of Peoria's most desired master planned communities.
- Potential for signage at the west entrance to WestWing to allow residents to know they are entering WestWing community
 - Response: We are open to a signage requirement at the intersection of WestWing Parkway and Lake Pleasant Parkway to announce entrance into the WestWing community.

Response to Community's Concerns

- We have modified the conceptual site plan to reflect a number of the community's concerns regarding density and the square footage of the lots. The new conceptual site plan shows 140 units from 143 bringing the density to 3.4 du/ac for the total of both parcels. The existing adjacent parcels, 29 and 22, are at 3.75 du/ac. The lot sizes on parcel 27 are now from 6,600 square feet to 7,200 square feet, which are consistent with the lots on adjacent parcel 29 that are 7,200 square feet to 7,400 square feet. The lot sizes on parcel 24 are now 6,000 square feet to 6,600 square feet, which are consistent with the lots on adjacent parcel 22 that are 6,400 square feet to 6,600 square feet. We are still in agreement to the condition of single story homes adjacent to existing homes on Parcel 29.
- We met with the Deer Valley School District on February 13 to discuss the issues raised by the community at the last meeting. We are continuing discussions with the School District on three offers that they tentatively support:
 - We agree to swap the land that was previously donated to the School District from Pivotal for the 14 acre property located at Lake Pleasant Blvd and Dixiletta Dr. The swap could also include the 6 acre property across Lake Pleasant Blvd and just south and east of the main property.
 - We agree to a \$750/unit donation to the school district to offset the need to create new space in the current school by moving a computer lab or by installing mobile units on the basketball court.
 - Enter into a lease for the 1.4 acre property located at the corner of Westwing Parkway and High Desert Drive in order to allow for vehicular staging during school drop-off and pick-up; therefore reducing the traffic congestion on the adjacent streets and in adjacent neighborhoods.

As we move through the public hearing calendar, we continue to update City staff and the stakeholders of any updates or changes to our application proposal.

Project Narrative/Justification

Minor General Plan Amendment

Major PCD Amendment

WestWing Mountain

Background

WestWing is located generally west of 83rd Avenue and east of 91st Avenue. The southern boundary is approximately the Happy Valley Road alignment and the northern boundary is approximately the Dixileta Road alignment. WestWing Mountain is a comprehensively planned master planned community with extensive preservation of environmental features. A significant planning effort was undertaken for the Property with the goal of ensuring that WestWing will truly be a special and unique community. To achieve that purpose, the WestWing PCD was approved to guide development in WestWing.

Pivotal Realty AZ I, L.L.C., an Arizona limited liability company ("Pivotal") received entitlements for WestWing Mountain in 1999 and since that time, have proceeded with the development of the community. Implementation of the WestWing PCD has been occurring over the last decade, land dedicated to the Deer Valley School District and a WestWing Elementary School is now operating, and a significant amount of Preserve land dedicated to the City of Peoria ("City").

As WestWing developed over the past decade, other surrounding commercial parcels have developed and opened south of the master planned community. With most of the master planned communities to the east and west of WestWing accessing commercial properties along the Happy Valley Road corridor, the commercial needs and traffic coming from the north to the commercially designated land at the intersection of WestWing Parkway and Lake Pleasant Parkway have diminished. The large commercial center to the south at Lake Pleasant Parkway and Happy Valley Road has created the commercial mix to serve the surrounding master planned communities and drive-by users.

Over the years traffic patterns and new roadways have created different driving patterns than was anticipated when the WestWing land plan and circulation element was originally designed. As WestWing developed, there was no east/west connection to the west extending WestWing Parkway west from Lake Pleasant Parkway to the Loop 303 and the Vistancia master planned community to the northwest. With the construction and opening of the Loop 303 and the major interchange at Lone Mountain Parkway at Vistancia, driving patterns from Vistancia now utilize the Loop 303, Vistancia Boulevard and the Happy Valley Road corridor. Much of Vistancia's residents will utilize the

commercial core of their community, future commercial and employment core along the Loop 303 and the direct circulation connection from Vistancia down to the Happy Valley Road corridor. Currently, there are private lands, Bureau of Reclamation land and Arizona State Trust lands restricting the construction of the Lone Mountain Road connection from the Loop 303 to Lake Pleasant Parkway. Lack of density from the north and lack of circulation connections from the west are the main reasons the retail zoned parcels have remained undeveloped at Lake Pleasant Parkway and WestWing Parkway. A majority of traffic from the residential communities of Pleasant Valley and Tierra Del Rio have access to Jomax Road and Lake Pleasant Parkway. Driving patterns from these communities also support the new commercial core at Happy Valley Road and Lake Pleasant Parkway. There are no direct access points from the Pleasant Valley and Tierra Del Rio residential subdivisions to the intersection of Lake Pleasant Parkway and WestWing Parkway.

Proposal

Other than users of Lake Pleasant recreational area and residents of the northwestern portions of WestWing, there is no major traffic utilizing the WestWing Parkway and Lake Pleasant Parkway intersection. With the State Land parcels to the north and other limited abilities for development that would require commercial and service uses, we are respectfully requesting to redesignate a portion of the commercial corner at WestWing Parkway and Lake Pleasant Parkway for residential uses.

The justification below and within the associated rezoning case demonstrates that there is adequate residential density and acreage available to allow for the additional 140 dwelling units within the WestWing PCD. We are proposing to designate the parcels as Low Density residential parcels. The proposed Low Density designation is under the thresholds required by the WestWing PCD.

The proposal leaves commercial designated parcels at the direct northwest and southwest corners of Lake Pleasant Parkway and Westwing Boulevard. These remaining commercial parcels will be able to handle convenience commercial not offered by the larger commercial district to the south along the Happy Valley Road corridor. In addition, there is additional commercially designated land north of this intersection.

Please review the attached description and justification for the request.

DESCRIPTION AND JUSTIFICATION FOR REQUEST

1. Provide a brief description and reason for the requested change. Provide supporting data.

The proposal is a request for a minor amendment to the City of Peoria ("City") General Plan ("Minor GPA") to re-designate the red 'Commercial' delineation to a yellow 'Residential Low' designation ("Request"). A concurrent request to amend the WestWing Planned Community Plan and Program ("PCD") to allow for a residential designation at the northeast and southeast corners of WestWing Parkway and Lake Pleasant Parkway is under a separate application.

The reason for the Request is to allow for the development of the eastern corners of the WestWing Parkway and Lake Pleasant Parkway intersection to develop into a low density residential subdivision similar to the adjacent subdivisions within WestWing Mountain. This intersection has evolved over the course of the development of WestWing Mountain. This intersection has remained a three-legged intersection with no access to the west. There are no major developments to the north or west that provide residential or commercial vehicle traffic into this intersection.

The attached economic impact study and background analysis regarding the changing circulation patterns and evolving growth patterns in the area since WestWing Mountain was approved in the late 1990's demonstrates the logical land use request for this portion of the PCD.

2. If map amendment, indicate the existing and the proposed General Plan Land Use designation(s).

The Minor GPA would remove the commercial (red) designation on the northeast and southeast corners of the WestWing Parkway and Lake Pleasant Parkway intersection. The new designation would be for a residential land use (yellow).

3. In what way does the existing plan inadequately provide suitable alternatives for this request?

The existing plan designates all four (4) corners of the WestWing Parkway and Lake Pleasant Parkway intersection as commercial (red). This intersection was originally planned to serve as a commercial core for WestWing and other surrounding developments off Lake Pleasant Parkway. With large tracts of land north and east of this intersection being within the City's Preserve or owned by Maricopa County Flood Control District ("FCD"), there will not be any land use demands for commercial. The lack of any east/west connection to WestWing Parkway and the future Lone Mountain Parkway has limited this intersections function as a major core for the a surrounding area. The lack of any real access from existing and future residential developments in the area accessing this intersection limits the commercial viability of the property. There is existing smaller, commercial property at the northwest and southwest corners of the WestWing Parkway and Lake Pleasant Parkway intersection. These smaller

commercial parcels could potentially provide a convenience commercial component at the intersection.

The existing plan inadequately provides for a suitable alternative because the City's General Plan delineates the property as commercial with no delineation the parcels are a part of an overall PCD. Most PCD's allow for movement of residential and commercial land uses within the PCD as long as certain thresholds are met. Within the existing WestWing PCD, the ability to re-designate these parcels to a residential land use does not exceed the determinations for a major PCD amendment. The change from a commercial land use designation to a residential land use designation on the City's land use map necessitates a Minor GPA.

There are seven (7) components within the City's PCD ordinance that constitute a major PCD amendment. The only threshold the Request meets within the City's PCD zoning ordinance is Section 14-36-8, D. 7, which is a more subjective determination of altering one or more components of the PCD. The non-flexibility to change general plan land use designations within an approved PCD, that establishes its own internal PCD thresholds, creates an inadequate alternative to the City's general plan amendment processes.

4. How will this amendment affect property values and neighborhood stability? Provide supporting data and/or case studies.

The Request will further add to the successful WestWing Mountain PCD by expanding the quality residential neighborhoods to the west of similar residential neighborhoods within WestWing. Other than major commercial centers at other arterial roadways within the City, Lake Pleasant Parkway is lined with newer and older residential neighborhoods. The proposed low density residential lots for these two parcels will provide for a quality residential entrance to the WestWing development. Similar to the intersection of WestWing Parkway and Jomax Roads, the Request will create a softer main entrance to the overall master planned development. The property values of the existing WestWing residential lots to the east will be enhanced by an appropriate land use buffer of residential versus commercial. The property values of the remaining commercial property across Lake Pleasant Parkway will increase as the only remaining commercially zoned parcels within this stretch of Lake Pleasant Parkway.

As these parcels have remained commercial from their inception of the WestWing PCD, the valley's commercial brokers and developers have passed on developing out this intersection as commercial. The major intersections to the south and east fulfilled this areas commercial need. The areas to the west around the Loop 303 interchanges and the commercial core of Vistancia have created less commercial needs at the WestWing Parkway and Lake Pleasant Parkway intersection. The lack of development at this intersection has not created neighborhood stability for the adjacent WestWing residential lots. The vacant parcels have been used as dumping grounds and trespassers because of its convenient access from the WestWing Parkway and Lake Pleasant Parkway intersection. The platting of similar residential lots within the WestWing low density category will provide for similar property values, enhance the

adjacent residential neighborhood with more full-time residents and provide for land use stability at this intersection.

5. How will this amendment contribute to compatible neighborhood patterns? Provide supporting data.

The properties to the east of the Request are low density single family residential neighborhoods and a part of the WestWing PCD. Our Request is to develop at a similar density and residential design to complement the existing residential neighborhoods. The request is to create a natural land use extension of the low density residential product allowed within the WestWing PCD. With residential to the east, residential across Lake Pleasant Parkway to the west and south and a newer multi-family development to the south, a low density residential neighborhood will contribute to compatible neighborhood patterns.

6. How will this amendment contribute to an increased tax base, economic development, and employment opportunities? Provide supporting data.

The parcels have been designated commercial since their inception of the approval of the WestWing PCD in 1999. Fifteen (15) years later and a majority of all the residential parcels within WestWing fully developed, the commercial viability of the WestWing Parkway and Lake Pleasant Parkway intersection is still not warranted. The lack of commercial interest is outlined in the attached economic impact study. The study details how other commercial centers and the abundance of future commercial land along the Loop 303 corridor will continue to lessen the need for commercial uses at this intersection. By removing the commercial designation and allowing for a compatible residential development, the other existing and future commercial cores in the area will thrive and add sales tax dollars for the City. By sticking to a commercial land use designation, these parcels will continue to remain vacant and not produce sales tax dollars for the City. The master plan at the time WestWing developed was for this intersection to provide for neighborhood commercial type services. Over the years, commercial center design and make-up of tenants has evolved. Their locations are dependent on consistent traffic patterns and the necessary residential densities. The Request to remove commercial from the WestWing Parkway and Lake Pleasant Parkway intersection is a logical one. Even with almost all of the residential lots developed within WestWing, there is no market for commercial development at this intersection. The commercial core south of this area at the Happy Valley Road and Lake Pleasant Parkway intersection will also thrive with less saturation of the commercial market in this area.

7. How will this amendment contribute to the City's goal of achieving balanced housing, shopping, employment, and recreational opportunities?

The proposed amendment will allow for similar high quality residential development to extend westward from the remainder of the residential developed portion of WestWing. The property values, design standards and overall development plan of WestWing have been one of Peoria's master planned community successes. The extension of the successful residential subdivision design and quality residential homes will provide for

more residents to call WestWing their home. These future residents will live, work and play in this growing area of the City. The proximity to Peoria's natural, recreational amenities such as Lake Pleasant and the Regional Preserve is what makes WestWing's residential location ideal. The growing commercial core to the south will benefit from the new residents within this proposal. New residents are potential new employees to existing and future Peoria businesses.

8. How will this amendment affect existing infrastructure of the area, specifically, the water, wastewater, and street systems?

The infrastructure for this area of WestWing is currently constructed. The water and sewer lines are adjacent to both parcels within WestWing Parkway. The streets are fully developed with wide medians for future expansion within the center of the roadway. The main access points are set as the median breaks allow for full access to both proposed subdivisions. Secondary access roads from the proposed subdivisions onto WestWing Parkway will provide for two (2) points of access to both corners.

9. How will this amendment affect the ability of the school district to accommodate children? Indicate the specific schools to be attended and provide attendance and other data reflecting impacts to the specified schools, and district comments.

The new residents will be a part of the Deer Valley Unified School District ("DVUSD"). The West Wing School within the WestWing master planned community will provide for Kindergarten through 8th grade education for the new residents. Section 2.4.1.4 of the Westwing Mountain Planned Community Plan and Program (PCD) allows for a maximum of forty (40) percent of the residential developable acres within the Westwing PCD to be used for Low Density residential type lots. With 967 developable acres for residential, there can only be a maximum of 386 acres used for the Low Density Option ($967 \times .4 = 386$). Currently, there is approximately 144 developable acres for low density residential development. The proposal is to develop forty (40) acres of additional low density residential within WestWing. Therefore, the new residents will not add to what was originally planned for the WestWing master planned community. As part of our outreach with this application, we will approach the school district and seek their enrollment numbers and comments on our proposal.

10. Specifically, what Elements, Goals, Objectives, and Policies of the General Plan will be affected?

The proposal is consistent with the following Land Use Plan goals, polices and objectives from the City of Peoria General Plan:

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

The proposal supports a healthy residential environment by providing ample open space and amenities and being consistent with the already established WestWing Mountain residential development. The new residential development will provide its

own convenient access, open space and recreation opportunities with the rest of the community and build upon what has already been established.

Policy 1.H.4: Encourage infill residential development that takes advantage of existing municipal services, utilities, transportation facilities, schools, and shopping areas.

This residential development provides improvement to a parcel that has been a vacant dirt lot and will provide a quality entrance into the WestWing community. The consistent nature and quality of the new development will be a seamless integration into the existing infrastructure and services of the surrounding area.

Policy 2.1.N.1: Require adequate buffering to protect residential neighborhoods from intrusion by incompatible land uses.

The PCD amendment and General Plan amendment removes more intense commercial uses potentially adjacent to established single-family residential and will replace it with consistent housing units. These proposed housing units are much more compatible to the existing land uses than the current commercial designation.

11. How will this amendment support the overall intent and/or constitute an overall improvement to the General Plan?

The placement of the commercial land use designation is an important function of the Land Use Element of the General Plan. The commercial designations allow the City to determine where appropriate commercial centers will be located to provide goods and services to the residents and visitors of the City. The Lake Pleasant Parkway corridor is dotted from the southern portion of the City to the northern reaches of the City with the red community commercial designations at major intersections. The removal of the Community Commercial designation will be for the east side of Lake Pleasant Parkway at WestWing Parkway. Smaller Community Commercial designations will remain at the northwest and southwest corner of this intersection. The potential for convenience and smaller commercial uses will be available at this intersection, if commercial ever becomes viable in this location. The major Community Commercial Corridor to the south at Happy Valley Road and Lake Pleasant Parkway is strengthened by our application for residential. Not only do the actual commercial uses exist to the south along the Happy Valley Road corridor, but they will continue to create a core commercial node for this area of the City. This amendment is allowed within the flexibility of the PCD document. The improvement to the General Plan will enable other major intersections with commercial uses based on market needs. The General Plan is a guide for where certain land uses will locate within a community. It is however, a general guide, and not a specific guide. The parcels in question are a part of the WestWing PCD. The approved PCD allows for the proposed residential development. This request will add to the quality residential character set forth in the WestWing community. The future residents will support the nearby commercial cores and strengthen the development patterns in this area. As a result, the amendment supports the goals and objectives of the overall General Plan.

EXHIBIT 3

Draft Resolution

RESOLUTION NO. 2015-39

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA AMENDING THE LAND USE MAP OF THE PEORIA GENERAL PLAN FOR THE CITY OF PEORIA, ARIZONA; AND PROVIDING FOR SEPARABILITY AND AN EFFECTIVE DATE.

WHEREAS, the General Plan heretofore adopted by the City of Peoria, Arizona provides for periodic review and amendment;

WHEREAS, the City of Peoria is required to follow the procedures of A.R.S. 9-461.06 in adopting any amendments to the General Plan; and

WHEREAS, the Peoria Planning and Zoning Commission, after due and proper notice as required by law, held a public hearing regarding amendment number GPA14-0003, on March 19, 2015; and

WHEREAS, after such public hearing and consideration of GPA14-0003, the Peoria Planning and Zoning Commission recommended adoption of GPA14-0003 on March 19, 2015, a copy of which recommendation is on file with the City Clerk of the City of Peoria, Arizona, and which said case number GPA14-0003 was transmitted to the Mayor and Council of the City of Peoria prior to the meeting of April 21, 2015; and

WHEREAS, after due and proper consideration of such GPA 14-0003, the Mayor and Council of the City of Peoria, Arizona have found that GPA 14-0003 will properly aid in the orderly growth and development of the City of Peoria, Arizona.

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

Section 1. Amendment to the Peoria General Plan

1. The City Council of the City of Peoria, Arizona, does hereby accept and adopt amendment number GPA14-0003, amending the Land Use Map of the Peoria General Plan, for the area described in Exhibits A1-A2.

SECTION 2. Separability.

In the event any part, portion or paragraph of this Resolution is found to be invalid by any court of competent jurisdiction, the invalidity of such part, portion, or paragraph shall

not affect any other valid part, portion, or paragraph of this Resolution and effectiveness thereof;

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

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria, Maricopa County, Arizona this 21st day of April, 2015.

Cathy Carlat, Mayor

Date Signed _____

ATTEST:

Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

EXHIBIT A1

LEGAL DESCRIPTION

WESTWING - PARCEL 24

A portion of land being situated within the Northeast quarter of Section 33, Township 5 North, Range 1 East of the Gila and Salt River Meridian, Maricopa County, Arizona, being more particularly described as follows:

COMMENCING at a found brass cap flush accepted as the North quarter corner of said Section 33, from which a found brass cap flush accepted as the Northeast corner thereof bears South 89°31'22" East, 2645.38 feet;

Thence along the north line of said Northeast quarter, South 89°31'22" East, 839.16 feet;

Thence leaving said north line, South 00°28'38" West, 609.25 feet, to a point on the southerly right-of-way line of Westwing Parkway, shown on the Map of Dedication, recorded in Book 684, Page 22, Records of Maricopa County, Arizona, being the **POINT OF BEGINNING**;

Thence along said southerly right-of-way line the following 3 courses:

Thence South 72°48'53" East, 374.05 feet, to the beginning of a tangent curve, concave northerly, having a radius of 2,765.00 feet;

Thence easterly along said curve, through a central angle of 07°26'13", an arc length of 358.89 feet, to a point of tangency;

Thence South 80°15'06" East, 482.16 feet, to the west line of Parcel 22, shown in the Special Warranty Deed, recorded in Document no. 2003-0817536, Records of Maricopa County, Arizona;

Thence leaving said southerly right-of-way line and along said west line, South 17°11'07" West, 476.79 feet, to the south line of the north half of said Northeast quarter;

Thence leaving said west line and along said south line, North 89°50'52" West, 1,479.15 feet, to a point on the easterly right-of-way line of Lake Pleasant Parkway, as dedicated in the Special Warranty Deeds, recorded in Document no. 2004-0132120 and Document no. 2012-0447434, Records of Maricopa County, Arizona;

Thence along said easterly right-of-way line the following 6 courses:

Thence North 16°59'01" East, 171.20 feet;

Thence South 73°00'59" East, 15.00 feet;

Thence North 16°59'01" East, 235.59 feet;

Thence South 73°00'59" East, 5.00 feet;

Thence North 16°59'01" East, 387.55 feet;

Thence North 62°05'04" East, 32.47 feet, to southerly right-of-way line of Westwing Parkway, as dedicated in the Special Warranty Deed, recorded in Document no. 2012-0447434, Records of Maricopa County, Arizona;

Thence leaving said easterly right-of-way line and along said southerly right-of-way line, South 72°48'53" East, 164.11 feet,

Thence continuing along said southerly right-of-way line, North 17°11'07" East, 7.00 feet, to the **POINT OF BEGINNING**.

The above described parcel contains a computed area of 876,081 sq. ft. (20.1121 acres) more or less and being subject to any easements, restrictions, rights-of-way of record or otherwise.

The description shown hereon is not to be used to violate any subdivision regulation of the state, county and/or municipality or any land division restrictions.

WESTWING - PARCEL 27

A portion of land being situated within the Northeast quarter of Section 33, Township 5 North, Range 1 East of the Gila and Salt River Meridian, Maricopa County, Arizona, being more particularly described as follows:

COMMENCING at a found brass cap flush accepted as the North quarter corner of said Section 33, from which a found brass cap flush accepted as the Northeast corner thereof bears South 89°31'22" East, 2,645.38 feet;

Thence along the north line of said Northeast quarter, South 89°31'22" East, 814.09 feet, to the **POINT OF BEGINNING**;

Thence continuing along said north line, South 89°31'22" East, 1,396.81 feet, to the west line of Parcel 29, shown in the Special Warranty Deed, recorded in Document no. 2003-0817536, Records of Maricopa County, Arizona;

Thence leaving said north line and along said west line, South $00^{\circ}28'38''$ West, 779.24 feet, to a non-tangent curve, concave southerly, having a radius of 1,455.00 feet, the center of which bears South $14^{\circ}32'46''$ West, said curve being a point on the northerly right-of-way line of Westwing Parkway, shown on the Map of Dedication, recorded in Book 684, Page 22, Records of Maricopa County, Arizona;

Thence along said northerly right-of-way line the following 4 courses:

Thence westerly along said curve, through a central angle of $04^{\circ}47'52''$, an arc length of 121.84 feet to a point tangency;

Thence North $80^{\circ}15'06''$ West, 530.72 feet, to the beginning of a tangent curve, concave northerly, having a radius of 2,635.00 feet;

Thence westerly along said curve, through a central angle of $07^{\circ}26'13''$, an arc length of 342.02 feet to a point of tangency;

Thence North $72^{\circ}48'53''$ West, 537.47 feet, to the easterly right-of-way line of Lake Pleasant Boulevard, as dedicated in the Special Warranty Deed, recorded in Document no. 2012-0948441, Records of Maricopa County, Arizona;

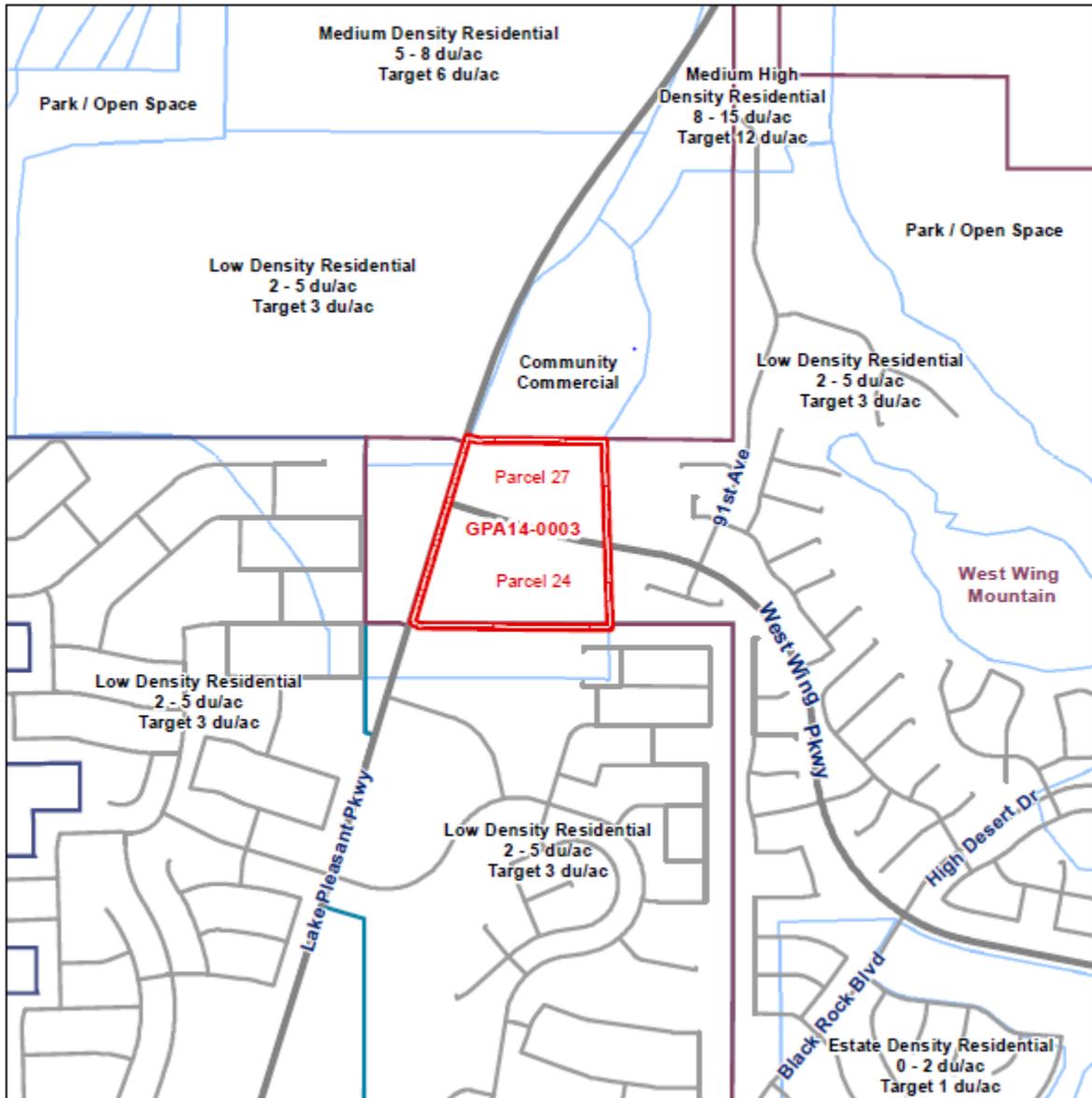
Thence along said easterly right-of-way line, North $27^{\circ}54'56''$ West, 48.41 feet;

Thence continuing along said easterly right-of-way line, North $16^{\circ}59'01''$ East, 412.15 feet, to the **POINT OF BEGINNING**.

The above described parcel contains a computed area of 927,108 sq. ft. (21.2835 acres) more or less and being subject to any easements, restrictions, rights-of-way of record or otherwise.

The description shown hereon is not to be used to violate any subdivision regulation of the state, county and/or municipality or any land division restrictions.

EXHIBIT A2



**CITY OF PEORIA, ARIZONA
COUNCIL COMMUNICATION**

Agenda Item: 13R

Date Prepared: March 25, 2015

Council Meeting Date: April 21, 2015

TO: Carl Swenson, City Manager

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

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

SUBJECT: Case Z98-09A.10 – WestWing Mountain Rezone – Parcels 24 & 27

Purpose:

This is a request for City Council to hold a Public Hearing to consider a proposal to rezone approximately 40.7 acres (Parcels 24 & 27) of the WestWing Mountain Planned Community District (PCD) from PCD/Commercial to PCD/Residential in order to allow the development of a detached single-family residential community of up to 140 lots.

Background/Summary:

In November of 1989, the Mayor and City Council adopted *Ordinance 89-34*, thereby annexing the WestWing Mountain property and the larger surrounding area into the City, which was subsequently provided with initial zoning of General Agricultural (AG).

In 1999, the City Council adopted Ordinance 99-07 zoning the 1,312 acre development as the WestWing Planned Community District (PCD). The PCD contained four villages that provided for up to 2,150 single-family lots, a school site, fire station, a religious facility, a resort component, and 56.7 acres of Intermediate Commercial (C-2) located in Village 4 at the intersection of Westwing Parkway and Lake Pleasant Parkway.

The WestWing PCD today includes 26 single-family, and open space parcels comprising approximately 1,253.6 gross acres permitting up to 2,150 dwelling units for a gross density of 1.71 du/ac; and four commercial parcels totaling 56.4 gross acres for an overall 30 parcels across 1,312 gross acres.

The request pertains to Parcels 24 and 27, totaling 40.7 acres, located at the northeast and southeast corners of Lake Pleasant Parkway and West Wing Parkway, a signalized intersection of two major arterial roadways. Parcel 24 totals 20.1 acres and is located at the southeast corner of Lake Pleasant Parkway and West Wing Parkway; Parcel 27 consists of 20.6 acres and is located at the northeast corner of Lake Pleasant Parkway and West Wing Parkway. The

topography of the area slopes from east to west with Parcel 27 being slightly elevated as compared to Parcel 24.

Contextually, the site is adjacent to Lake Pleasant Parkway, a six-lane limited-access parkway to the west, undeveloped State Trust land to the north, vacant undeveloped commercial land to the south, and existing single-family residences to the east and southeast. Furthermore, the site is located within two miles of the intersection of Happy Valley Parkway and Lake Pleasant Parkway, a major regional commercial node offering approximately 1.3 million square feet of commercial development including restaurants, services, retailers and big-box format anchor users such as Target, Home Depot, Lowes and others.

Section 2.4.1.1 of the WestWing PCD states that WestWing Residential (WW-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 residential district contains three development options, which provide a range of residential lot sizes, and establishes minimum property development standards. The applicant has proposed the Low Density development option under the PCD for Parcels 24 and 27. The development standards for the three residential development options are listed below:

General Plan Discussion

The existing General Plan land use designation for a majority of the subject property is Community Commercial (CC). This designation denotes areas where commercial development that is more intense than that of neighborhood commercial areas and may take place in the form of large-scale retail buildings and shopping centers that serve a market radius of generally 3 - 5 miles. Community Commercial areas rely on larger trade areas and typically have a wider variety of goods and services than neighborhood shopping areas and should be located with adequate controlled access to arterial roadways.

In the corresponding Minor General Plan Amendment (Case GPA14-0003), the applicant has proposed to re-designate the site to Low Density Residential (2-5 du/ac) with a target density of 3 du/ac. This category denotes areas where detached, moderately-sized lot, single-family residential neighborhoods are desirable. These areas support a suburban lifestyle with areas of increased density while maintaining a detached single family residential character. The proposed density of 3.4 du/ac would fall within the density range prescribed in this designation. In that analysis, staff has identified a number of factors in support of the requested change including changing economic, transportation and land use conditions in the area since the original entitlement.

Recognizing that the shift of the Loop 303 to the north ultimately resulted in the development of the regional commercial node two miles to the south at Happy Valley and Lake Pleasant Parkway, staff was sensitive to the loss of 40.7 acres from the commercial lands inventory and

asked the developer to provide an Economic and Fiscal Impact Study. A study was prepared by Elliott D. Pollock & Company and submitted to the City. The Study concluded the following:

- a) Parcels 24 and 27 were not viable as a retail or employment site today or in the future.
- b) The site, due to its location 2.5 miles from the Loop 303, does not benefit from the pass by traffic nor would the site be visible from the Loop 303. Exposure to the site is limited to north/south traffic along Lake Pleasant Parkway and residential neighborhoods.
- c) A Lone Mountain and Loop 303 development would be more suitable and compete for residents spending dollars in the region.
- d) The Lake Pleasant Parkway corridor at Happy Valley Road has proven to be a superior retail destination.

Planning staff also consulted with the Economic Development Services Department. Again, while there is sensitivity to the loss of commercially-zoned parcels, the City is also concerned about the continuing health of existing commercial centers and the potential “cannibalization” of existing commercial centers through duplication of services in the area. Ultimately, vibrant, healthy commercial centers require a sufficient number of homes in the area to create a customer base. The shift of the Loop 303 alignment has pushed the major commercial centers to the Lake Pleasant Parkway/Happy Valley Road intersection and to the Loop 303 corridor making the project site less necessary and desirable as a commercial node.

Conformance with the WestWing PCD

As previously stated, there are three (3) residential development options approved in the WestWing PCD. The development options and lot size range includes: Custom 13,000sf – 5 Acres, Semi-Custom 8-20,000sf, and Low Density 6-12,000sf. The PCD indicates that the Low Density Development Option (Min 6,000sf lots) is approximately 40% of the development and is the prominent development option adjacent to West Wing Parkway east to west. The Semi-Custom Option (Min 8,000sf lots) accounts for roughly 40% of the development and with the exception of Parcels 9 and 15, which are adjacent to West Wing Parkway, this option serves as a transition between the Low Density and Custom development options. The Custom Option (Min 13,000sf lots) accounts for roughly 20% of the development and is primarily located on the periphery of the development to the north and south and adjacent to hillside preserves.

While each of the development options provide for a wide range in lot sizes, the actual development of individual parcels has occurred within a more narrow range of lot sizes. The Low Density Option (6,000sf – 12,000sf) developed with lots typically between 6,000-8,000sf in size, the Semi-Custom Option (8,000sf-20,000sf) developed with lots in three typical range of sizes, and the Custom Option developed with lots in excess of 18,000sf.

Table 4: WestWing PCD Development Options vs Actual Platted Lots

Development Option	Actual Size of Lots	Parcels
Low Density	6-8,000sf	7,8,9,10,11,21,22,29
6-12,000sf		
Semi-Custom	8-10,00sf	3,9,12,15
8-20,000sf	10-12,000sf	5,6,10
	12-15,000sf	13
Custom	18,000sf +	2,13,30 - *5,*6,*15,*29
13,000sf – 5 acres		

* A portion of the parcel contained lots in excess of 18,000sf

The applicant is requesting to amend the approved WestWing Mountain Planned Community District (PCD) by rezoning Parcels 24 and 27 from Commercial to Single-Family Residential to facilitate a single-family residential subdivision of up to 140 lots, with a gross density of 3.4 du/ac. **This change will not increase the overall number of WestWing dwelling units which was approved at a maximum of 2,150 dwelling units.**

As indicated by the Conceptual Site Plan (Exhibit 3), Parcels 24 and 27 will each be comprised of two individual parcels. Parcels A and B (Parcel 27) are located north of Westwing Parkway, totaling 69 single-family lots with average lot sizes of 6,684sf and 7,925sf respectively. Parcels C and D (Parcel 24) are located south of WestWing Parkway, total 71 single-family residential lots, with average lot sizes of 6,314sf and 7,631sf respectively. The Development Summary of each of Parcels 24 and 27 are listed in the table below:

Table 2: Parcels 24/27 Development Summary

Land Use Summary	Parcel 24 (SEC)	Parcel 27 (NEC)
Gross Acres	20.1	20.6
Existing Zoning	PCD/Commercial (C-2)	PCD/Commercial (C-2)
Proposed Zoning	PCD/Residential Low Density Option	PCD/Residential Low Density Option
Proposed SF Lots	71 Residential Lots	69 Residential Lots
Gross Density	3.5 du/ac	3.3 du/ac
Residential Lot Size	Minimum 6,000 sf	Minimum 6,600 sf
Proposed Open Space	4.8 acres (24.0%)	5.6 acres (27.1 %)

Overall, approximately 25.5% of the project site will be retained as open space. Parcel 24 contains 4.8 acres of open space (24.0%). including 1.2 acres of natural open space being preserved at the southeast corner of the site. Parcel 27 contains 5.6 acres of open space (27.1%) which will be utilized for local recreational opportunities.

Public Participation

As a requirement of the General Plan Amendment and Rezoning application processes, the applicant conducted a neighborhood meeting and provided a Citizen Participation Report detailing the results of the meeting. The applicant notified all property owners within a 1,320 foot radius of the site and all registered Homeowner's Associations within 1 mile for the required neighborhood meeting.

Due to neighborhood interest, three (3) citizen participation meetings were held for this request. The first meeting was held on November 11, 2014, the second on February 3, 2015, and the third on March 16, 2015. All three meetings were held at the WestWing Community Center. There was a strong turnout of residents at all three meetings which were attended by City Staff as well. The applicant presented the details of the proposed project and meeting attendees provided several comments/concerns regarding the plans.

The first neighborhood meeting was attended by approximately 70 residents. The group was split about 50/50 in support/opposition to the proposed land use and rezone request. Of the 50% in opposition, approximately 2/3 were opposed to the lot sizes proposed by the applicant and approximately 1/3 were opposed to any residential change to a land use. Specific concerns included:

- The proposed lot sizes were perceived as inconsistent with the WestWing development in general,
- The proposal would significantly diminish the value of their homes
- Two-story homes adjacent to existing residences would be intrusive,
- The proposal would have a negative impact on the existing school,
- The proposal would create additional traffic in the community
- The proposal did not meet the intent of the City's General Plan
- The proposal would effectively eliminate the ability to provide for any future local commercial needs.

The applicant stated that they would address expanding the lot sizes in the two parcels as well as two-story limitations and that they were in discussions with the Deer Valley Unified School District (DVUSD). .

The second public meeting took place on February 3, 2015 and was attended by approximately 50 residents and two City Staff. The applicant gave a brief overview of the project and presented changes to the plan based on the previous meeting. The applicant stated that they were willing to stipulate to single-story homes adjacent to existing residences and they had increased the lot sizes. The group was split with about 10% in support and 90% opposed. Again, approximately 2/3 of the opposition was not in support of the proposed lot sizes with 1/3 of the opposition supporting no change at all in land use.

Primary questions and concerns from neighboring residents at the second public meeting are summarized below. The manner in which each concern has been addressed or mitigated follows in italics.

- Residents expressed concern with the conceptual lotting plan and the size of the lots. They would prefer larger lots and believe that proposed lot sizes are not consistent with existing development in WestWing.
- Residents questioned the accuracy of the Traffic Impact Analysis based on when it was completed and believe the proposed development would increase traffic in the community.
- Neighbors were concerned that the proposal would negatively impact WestWing elementary school, which they understand is already at capacity,
- Residents stated opposition to the elimination of the commercial land uses.

Two residents did speak in favor of the proposal stating that with the existing commercial land use there is no control as to what could eventually locate there.

The applicant stated that he would confer with his client with regards to expanding lot sizes and reiterated that they were receptive to stipulating to single-story homes adjacent to existing residences, that they would revisit the TIA and the validity of the traffic counts it contained, and that they would continue to work with the DVUSD to find a solution to the impact the proposed development would have on the elementary school.

The third public meeting took place on March 16, 2015 and was attended by approximately 40 residents and City Staff. The applicant gave a brief overview of the project and presented changes to the plan based on the previous meeting.

As a result of this meeting the following changes have occurred with the request:

- The conceptual lotting plan has been reduced from 143 single-family lots to 140.
- 7,900sf and 7,600sf lots abut existing residential lots in Parcels 22 and 29.
- The applicant has agreed to stipulations that prohibit two-story home construction adjacent to existing residences in Parcel 22 and 29.
- The applicant and DVUSD have reached an agreement in principal to a land swap and donation agreement that would mitigate the impact on the school.
- The applicant made no changes to the existing traffic report.

Deer Valley Unified School District

This development lies within the boundaries of the Deer Valley Unified School District (DVUSD). The Developer and the District have conceptually reached an agreement on the terms of a Voluntary Developer Assistance Agreement. The terms include a \$750/unit donation and a land swap for a more usable site to accommodate future growth.

Previous Actions:

This amendment has been subject to the City's rezoning process. A public hearing was held for this item at the March 19, 2015 Planning & Zoning Commission Meeting. The Planning & Zoning Commission unanimously recommended approval of this request with a 6-0 vote.

Options:

- A:** Approve as recommended by Planning & Zoning Commission; or
- B:** Approve with modifications; or
- C:** Deny; or
- D:** Continue action to a date certain or indefinitely; or
- E:** Remand to the Planning & Zoning Commission for further consideration.

Staff's Recommendation:

Staff recommends the City Council concur with the Planning & Zoning Commission's March 19, 2015 recommendation (6-0) to approve Case Z98-09A.10.

Fiscal Analysis:

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

Narrative:

If the City Council takes action to approve this case, the applicant may move forward with the development process through Preliminary Plat review and approval

Exhibit(s):

Exhibit 1: Vicinity Map

Exhibit 2: March 19, 2015 Planning and Zoning Commission Staff Report with Exhibits

Exhibit 3: Conceptual Site Plan Dated March 16,2015

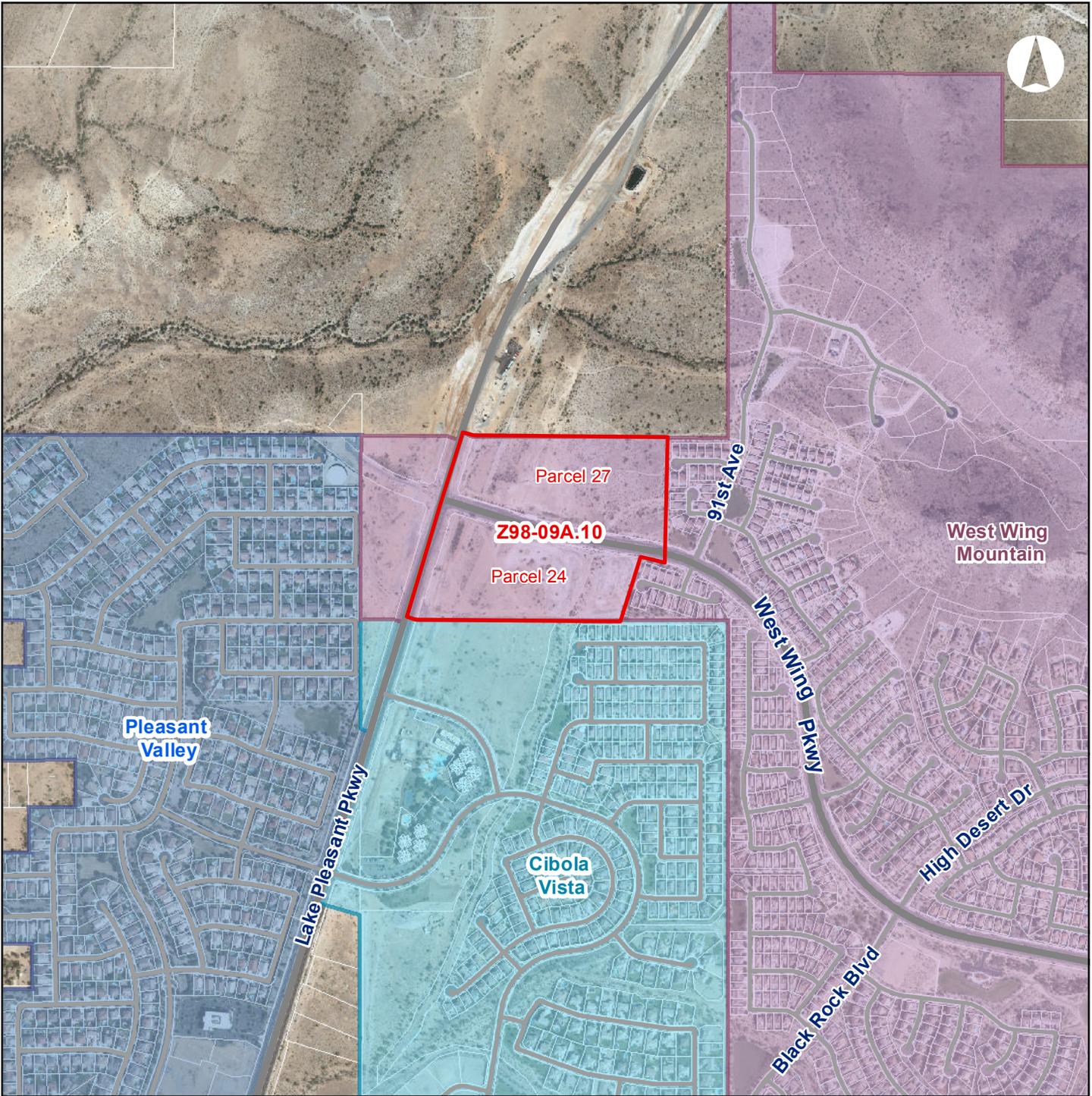
Exhibit 4: Additional public comments

Exhibit 5: Draft Ordinance

Exhibit 6: WestWing Parkway Standards and Guidelines Report

Contact Name and Number: Rick Williams, Planner, x7565

Vicinity Map



Not to Scale

Z98-09A.10 West Wing Mountain - Parcels 24 & 27

Applicant: Pivotal Realty AZ, LLC

Request: A major amendment to the WestWing Mountain Planned Community District (PCD) rezoning 40.7 acres of land from PCD Commercial to PCD Single-Family Residential for the development of 140 single-family lots.

Location: Northeast and southeast corners of West Wing Parkway and Lake Pleasant Parkway.



Exhibit 1



REZONING

REPORT TO THE PLANNING AND ZONING COMMISSION

CASE NUMBER: Z98-09A.10
DATE: March 19, 2015
AGENDA ITEM: 6R

Applicant: Tiffany & Bosco on behalf of Pivotal Realty AZ

Request: Major Amendment to the WestWing Mountain Planned Community District (PCD) rezoning Parcels 24 and 27 from PCD/commercial to PCD/residential to allow the development of up to 140 single-family residences.

Proposed Development: The development proposes up to 140 single-family residential lots on Parcels 24 and 27 of WestWing Mountain, a master planned community consisting of a total of up to 2,150 residential homes on approximately 1,312 acres.

Location: Parcels 24 and 27 are located at the northeast and southeast corners of Lake Pleasant Parkway and West Wing Parkway.

Site Acreage Approximately 40.7 acres

Support / Opposition: At the time of this printing, staff has received sixty (60) letters in opposition and three (3) in support of the GPA/Rezone.

Recommendation: Recommend **approval** of case Z98-09A.10, 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	Community Commercial/Low Density Residential (2-5 du/ac, Target 3 du/ac)	WestWing Planned Community District (PCD) General Commercial
North	Vacant, Arizona State Trust Land	Community Commercial	General Agricultural (AG)
South	Cibola Vista single-family residential and vacant undeveloped land	Low Density Residential (2-5 du/ac, target 3 du/ac) and Community Commercial	Cibola Vista Planned Area Development (PAD), resort commercial and single family residential
East	WestWing Mountain single-family residential. Parcels 29 and 22, 6-8,00sf lots	Low Density Residential (2-5 du/ac, target 3 du/ac)	WestWing Mountain PCD - single family
West	Lake Pleasant Parkway, then vacant undeveloped land	Community Commercial	WestWing Mountain PCD, General Commercial

LAND USE BACKGROUND

Annexation Ordinance 89-34

1. In November of 1989, the Mayor and City Council adopted *Ordinance 89-34*, thereby annexing the WestWing Mountain property and the larger surrounding area into the City, which was subsequently provided with initial zoning of General Agricultural (AG).

WestWing Mountain Planned Community Development (Case Z98-09)

2. In 1999, the City Council adopted Ordinance 99-07 zoning the 1,312 acre development as the WestWing Planned Community District (PCD). The PCD contained four villages that provided for up to 2,150 single-family lots, a school site, fire station, a religious facility, a resort component, and 56.7 acres of Intermediate Commercial (C-2) located in Village 4 at the intersection of Westwing Parkway and Lake Pleasant Parkway. Subsequent amendments have occurred since the original approval. The amendments have included minor modifications to the procedural process, an increase in lot coverage, modification of setbacks and areas of disturbance, religious facility development standards, and adjustments to the hillside development standards.
3. The WestWing PCD today includes 26 single-family, and open space parcels comprising approximately 1,253.6 gross acres permitting up to 2,150 dwelling units for a gross density of 1.71 du/ac; and four commercial parcels totaling 56.4 gross acres for an overall 30 parcels across 1,312 gross acres.

PROJECT DESCRIPTION

Site and Project Details

4. The request pertains to Parcels 24 and 27, totaling 40.7 acres, located at the northeast and southeast corners of Lake Pleasant Parkway and West Wing Parkway, a signalized intersection of two major arterial roadways. Parcel 24 totals 20.1 acres and is located at the southeast corner of Lake Pleasant Parkway and West Wing Parkway; Parcel 27 consists of 20.6 acres and is located at the northeast corner of Lake Pleasant Parkway and West Wing Parkway. The topography of the area slopes from east to west with Parcel 27 being slightly elevated as compared to Parcel 24.

5. Contextually, the site is adjacent to Lake Pleasant Parkway, a six-lane limited-access parkway to the west, undeveloped State Trust land to the north, vacant undeveloped commercial land to the south, and existing single-family residences to the east and southeast. Furthermore, the site is located within two miles of the intersection of Happy Valley Parkway and Lake Pleasant Parkway, a major regional commercial node offering approximately 1.3 million square feet of commercial development including restaurants, services, retailers and big-box format anchor users such as Target, Home Depot, Lowes and others.

6. The applicant is requesting to amend the approved WestWing Mountain Planned Community District (PCD) by rezoning Parcels 24 and 27 from Commercial to Single-Family Residential to facilitate a single-family residential subdivision of up to 140 lots, with a gross density of 3.4 du/ac. This change will not increase the overall number of WestWing dwelling units which was approved at a maximum of 2,150 dwelling units.

Table 2: Parcels 24/27 Development Summary

Land Use Summary	Parcel 24 (SEC)	Parcel 27 (NEC)
Gross Acres	20.1	20.6
Existing Zoning	PCD/Commercial (C-2)	PCD/Comercial (C-2)
Proposed Zoning	PCD/Residential Low Density Option	PCD/Residential Low Density Option
Proposed SF Lots	44 Residential Lots	69 Residential Lots
Gross Density	3.5 du/ac	3.3 du/ac
Residential Lot Size	Minimum 6,000 sf	Minimum 6,600 sf
Proposed Open Space	4.8 acres (15.0%)	5.6 acres (15.0 %)

7. Section 2.4.1.1 of the WestWing PCD states that WestWing Residential (WW-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 residential district contains three development options, which provide a range of residential lot sizes, and establishes minimum property development standards. The applicant has proposed the Low Density development option under the PCD for Parcels 24 and 27. The development standards for the three residential development options are listed below:

Table 3: *WestWing PCD Development Options*

West Wing Mountain PCD Development Options	Custom Home	Semi-Custom	Low Density
Min. Lot Area	13,000sf- 5 Acres	8-20,000 sf	6-12,000 sf
Min. Lot Width	NA	NA	NA
Min. Lot Depth	NA	NA	NA
Min. Front Setback	25'	20'	20'
Min. Rear Setback	20'	15'	15'
Min. Side Setback (min/total ft)	20'	5/10'	5/10'
Max. Building Height	28'	28'	28'
Max. Percentage Lot Coverage	50%	48%	48%

DISCUSSION AND ANALYSIS

Conformance with the General Plan

The existing General Plan land use designation (Exhibit B) for a majority of the subject property is Community Commercial (CC). This designation denotes areas where commercial development that is more intense than that of neighborhood commercial areas may take place in the form of large-scale retail buildings and shopping centers that serve a market radius of generally 3 - 5 miles. Community Commercial areas rely on larger trade areas and typically have a wider variety of goods and services than neighborhood shopping areas and should be located with adequate controlled access to arterial

8. In the corresponding Minor General Plan Amendment (Case GPA 14-0003), the applicant has proposed to re-designate the site to Low Density Residential (2-5 du/ac) with a target density of 3 du/ac. This category denotes areas where detached, moderately-sized lot, single-family residential neighborhoods are desirable. These areas support a suburban lifestyle with areas of increased density while maintaining a detached single family residential character. The proposed density of 3.4 du/ac would fall within the density range prescribed in this designation. In that analysis, staff has identified a number of factors in support of the requested change including changing economic, transportation and land use conditions in the area since the original entitlement.

Conformance with the WestWing Mountain PCD

9. As previously stated, there are three (3) residential development options approved in the WestWing PCD. The developments options and lot size range includes: Custom 13,000sf – 5 Acres, Semi-Custom 8-20,000sf, and Low Density 6-12,000sf. The PCD indicates that the Low Density Development Option (Min

6,000sf lots) is approximately 40% of the development and is the prominent development option adjacent to West Wing Parkway east to west. The Semi-Custom Option (Min 8,000sf lots) accounts for roughly 40% of the development and with the exception of Parcels 9 and 15, which are adjacent to West Wing Parkway, this option serves as a transition between the Low Density and Custom development options. The Custom Option (Min 13,000sf lots) accounts for roughly 20% of the development and is primarily located on the periphery of the development to the north and south (Exhibits G&H).

10. While each of the development options provide for a wide range in lot sizes, the actual development of individual parcels has occurred within a more narrow range of lot sizes. The Low Density Option (6,000s.f – 12,000sf) developed with lots typically between 6,000-8,000sf in size, the Semi-Custom Option (8,000sf-20,000sf) developed with lots in three typical range of sizes, and the Custom Option developed with lots in excess of 18,000sf.

Table 4: WestWing PCD Development Options vs Actual Platted Lots

Development Option	Actual Size of Lots	Parcels
<i>Low Density</i>	6-8,000sf	7,8,9,10,11,21,22,29
6-12,000sf		
<i>Semi-Custom</i>	8-10,00sf	3,9,12,15
8-20,000sf	10-12,000sf	5,6,10
	12-15,000sf	13
<i>Custom</i>	18,000sf +	2,13,30 - *5,*6,*15,*29
13,000sf – 5 acres		

* A portion of the parcel contained lots in excess of 18,000sf

11. Overall, approximately 25.5% of the project site will be retained as open space. Parcel 24 contains 4.8 acres of open space (24.0%). including 1.2 acres of natural open space being preserved at the southeast corner of the site. Parcel 27 contains 5.6 acres of open space (27.1%) which will be utilized for local recreational opportunities.
12. Recognizing that the shift of the Loop 303 to the north ultimately resulted in the development of the regional commercial node two miles to the south at Happy Valley and Lake Pleasant Parkway, staff was sensitive to the loss of 40.7 acres from the commercial lands inventory and asked the developer to provide and Economic and Fiscal Impact Study. A study was prepared by Elliott D. Pollock & Company (Exhibit F) and submitted to the City. The Study concluded the following:
 - a) Parcels 24 and 27 were not viable as a retail or employment site today or in the future.

- b) The site, due to its location 2.5 miles from the Loop 303, does not benefit from the pass by traffic nor would the site be visible from the Loop 303. Exposure to the site is limited to north/south traffic along Lake Pleasant Parkway and residential neighborhoods.
 - c) A Lone Mountain and Loop 303 development would be more suitable and compete for residents spending dollars in the region.
 - d) The Lake Pleasant Parkway corridor at Happy Valley Road has proven to be a superior retail destination.
13. Planning staff also consulted with the Economic Development Services Department. Again, while there is sensitivity to the loss of commercially-zoned parcels, the City is also concerned about the continuing health of existing commercial centers and the potential “cannibalization” of existing commercial centers through duplication of services in the area. Ultimately, vibrant, healthy commercial centers require a sufficient number of homes in the area to create a customer base. The shift of the Loop 303 alignment has pushed the major commercial centers to the Lake Pleasant Parkway/Happy Valley Road intersection and to the Loop 303 corridor making the project site less necessary and desirable as a commercial node.

Public Participation Plan – Neighborhood Meetings

14. As a requirement of the General Plan Amendment and Rezoning application processes, the applicant conducted a neighborhood meeting and provided a Citizen Participation Report detailing the results of the meeting. The applicant notified all property owners within a 1,320 foot radius of the site and all registered Homeowner’s Associations within 1 mile for the required neighborhood meeting.
15. Due to neighborhood interest, two (2) citizen participation meetings were held for this request. The first meeting was held on November 11, 2014 and the second on February 3, 2015. Both meetings were held at the WestWing Community Center. There was a strong turnout of residents at both meetings led by the applicant and City staff attended as well. The applicant presented the details of the proposed project and meeting attendees provided several comments/concerns regarding the plans (Exhibit E).
16. The first neighborhood meeting was attended by approximately 70 residents. The group was split about 50/50 in support/opposition to the proposed land use and rezone request. Of the 50% in opposition, approximately 2/3 were opposed to the lot sizes proposed by the applicant and approximately 1/3 were opposed to any residential change to a land use. Specific concerns included:
- The proposed lot sizes were perceived as inconsistent with the WestWing development in general,
 - The proposal would significantly diminish the value of their homes
 - Two-story homes adjacent to existing residences would be intrusive,
 - The proposal would have a negative impact on the existing school,

- The proposal would create additional traffic in the community
- The proposal did not meet the intent of the City's General Plan
- The proposal would effectively eliminate the ability to provide for any future local commercial needs.

The applicant stated that they would address expanding the lot sizes in the two parcels as well as two-story limitations and that they were in discussions with the Deer Valley Unified School District (DVUSD). .

17. The second public meeting took place on February 3, 2015 and was attended by approximately 50 residents and two City Staff. The applicant gave a brief overview of the project and presented changes to the plan based on the previous meeting. The applicant stated that they were willing to stipulate to single-story homes adjacent to existing residences and they had increased the lot sizes. The group was split with about 10% in support and 90% opposed. Again, approximately 2/3 of the opposition was not in support of the proposed lot sizes with 1/3 of the opposition supporting no change at all in land use.
18. Primary questions and concerns from neighboring residents at the second public meeting are summarized below. The manner in which each concern has been addressed or mitigated follows in italics.
 - Residents expressed concern with the conceptual lotting plan and the size of the lots. They would prefer larger lots and believe that proposed lot sizes are not consistent with existing development in WestWing.
 - *The applicant stated the exhibit being shown (Exhibit D) was a revised lotting plan but would confer with the client with regards to further expanding lot sizes as well as agree to stipulations that would prohibit two-story homes adjacent to existing residential.*
 - Residents questioned the accuracy of the Traffic Impact Analysis based on when it was completed and believe the proposed development would increase traffic in the community.
 - *The applicant stated that the traffic counts were current as of the submittal date of the rezone application to the city of Peoria. However, he would consult with the traffic engineer as to the availability of more recent data.*
 - Neighbors were concerned that the proposal would negatively impact WestWing elementary school, which they understand is already at capacity,
 - *The applicant stated that they were in contact with the Deer Valley Unified School District and working towards a unified solution to*

mitigate the impact the proposed development would have on the elementary school.

- Residents stated opposition to the elimination of the commercial land uses.
 - *The applicant reiterated that the commercial land use designation at the intersection Lake Pleasant Parkway and West Wing Parkway was no longer viable given the shift of the Loop 303 to the north and the development of the regional commercial node at the intersection of Lake Pleasant Parkway and Happy Valley Road.*

Two residents did speak in favor of the proposal stating that with the existing commercial land use there is no control as to what could eventually locate there.

19. The applicant stated that he would confer with his client with regards to expanding lot sizes and reiterated that they were receptive to stipulating to single-story homes adjacent to existing residences, that they would revisit the TIA and the validity of the traffic counts it contained, and that they would continue to work with the DVUSD to find a solution to the impact the proposed development would have on the elementary school.

As a result of this meeting the following changes have occurred with the request:

- The conceptual lotting plan has been reduced from 143 single-family lots to 140.
- 7,600sf and 6,600sf lots abut existing residential lots in Parcels 22 and 29.
- The applicant has agreed to stipulations that prohibit two-story home construction adjacent to existing residences in Parcel 22 and 29.
- The applicant and DVUSD have reached an agreement in principal to a land swap and donation agreement that would mitigate the impact on the school.
- The applicant made no changes to the existing traffic report.

Deer Valley Unified School District

20. This development lies within the boundaries of the Deer Valley Unified School District (DVUSD). The Developer and the District have conceptually reached an agreement on the terms of a Voluntary Developer Assistance Agreement (Exhibit I). The terms include a \$750/unit donation and a land swap for a more usable site to accommodate future growth.

Public Notice

21. Public notice was provided in the manner prescribed under Section 14-39-6 of the Zoning Ordinance. Posting of the site was completed within the prescribed number of days prior to the hearing.

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

Based on the following findings:

- The proposal will result in an improvement to the General Plan. This amendment to the PCD zoning is consistent with General Plan Low Density Residential (2-5 du/ac, target of 3 du/ac) land use designation as proposed under case GPA14-0003.
- This amendment to the PCD zoning will result in a residential development with lot sizes and densities that are compatible with the existing adjacent neighborhood(s), and planned non-residential developments.

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

Recommend to the City Council approval of Case Z98-09A.10 subject to the following conditions:

1. The development shall be in substantial conformance with the amended WestWing Mountain Planned Community District (case Z98-09A.10) date stamped January 26, 2015.
2. The approval entered herein shall not negate any of the prior conditions contained or referenced within the original case Z98-09 (WestWing PCD) and the subsequent amendments (Z98-09A1-Z98-09A.9). These conditions shall remain in force for the PAD.
3. The Preliminary Plats shall demonstrate compliance with the DLCO prior to approval. All documentation required therein shall be submitted with the Preliminary Plat.
4. A slope analysis shall be submitted with the preliminary plat.
5. Lots adjacent to existing Parcels 22 and 29 in the WestWing Mountain development shall be restricted to single-story. A note shall be provided on the face of the plat denoting the restriction.

6. The Developer shall provide an ALTA Survey reflecting existing boundary and recorded easements on the site.
7. 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.
8. 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.
9. The Developer shall submit a noise mitigation study in accordance with the ADOT Noise Abatement Policy to address the anticipated truck traffic on Lake Pleasant Parkway and on Westwing Parkway. All walls shall be designed in accordance with the recommendations of the noise study.
10. The Developer shall dedicate an 8’ PUE outside of all ROW and/or private roadway tracts. No walls or retention shall be allowed within the PUE.
11. 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.
12. The Development is responsible for payment of all current repayment zones. Prior to issuance of any permits for Parcel 24, repayment for RZST0601 in the amount of \$181,372.99 must be paid in full. This repayment obligation expires in March 2017

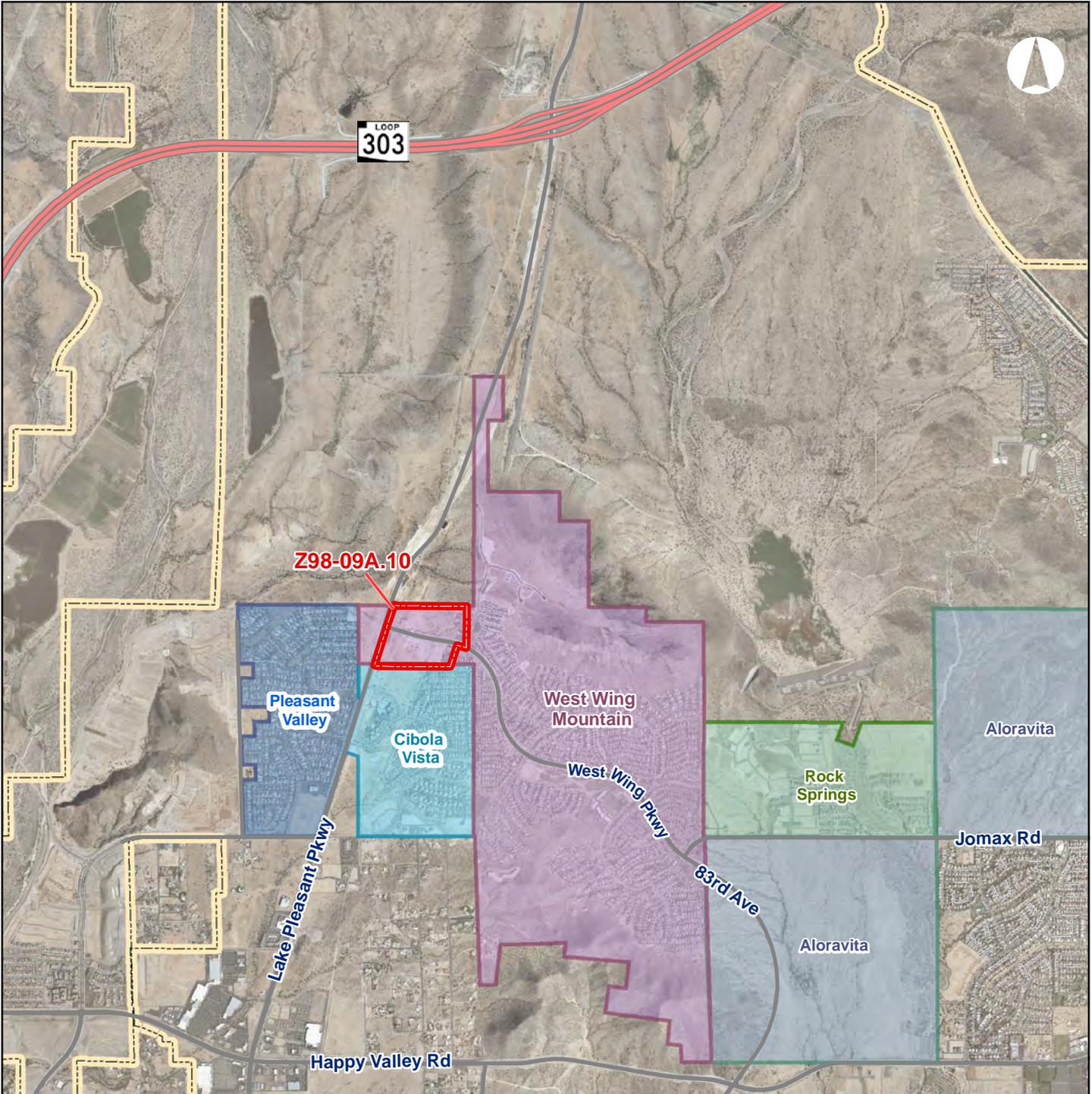
ATTACHMENTS

- Exhibit A: Vicinity Map
Exhibit B: General Plan Land Use Map
Exhibit C: Zoning Map
Exhibit D: Conceptual Development Plan (for reference)

- Exhibit E: Citizen Participation Report
- Exhibit F: Economic & Fiscal Impact Analysis (Elliot D. Pollack & Company)
- Exhibit G: WestWing Mountain Density Analysis
- Exhibit H: WestWing Mountain Lot Size Analysis
- Exhibit I: Letter from Deer Valley Unified School District
- Exhibit J: Citizen Correspondence
- Exhibit K: WestWing Planned Community District Standards and Guidelines Report

Prepared by: Rick Williams
Planner

Vicinity Map



Not to Scale

Z98-09A.10 West Wing Mountain - Parcels 24 & 27

Applicant: Pivotal Realty AZ, LLC

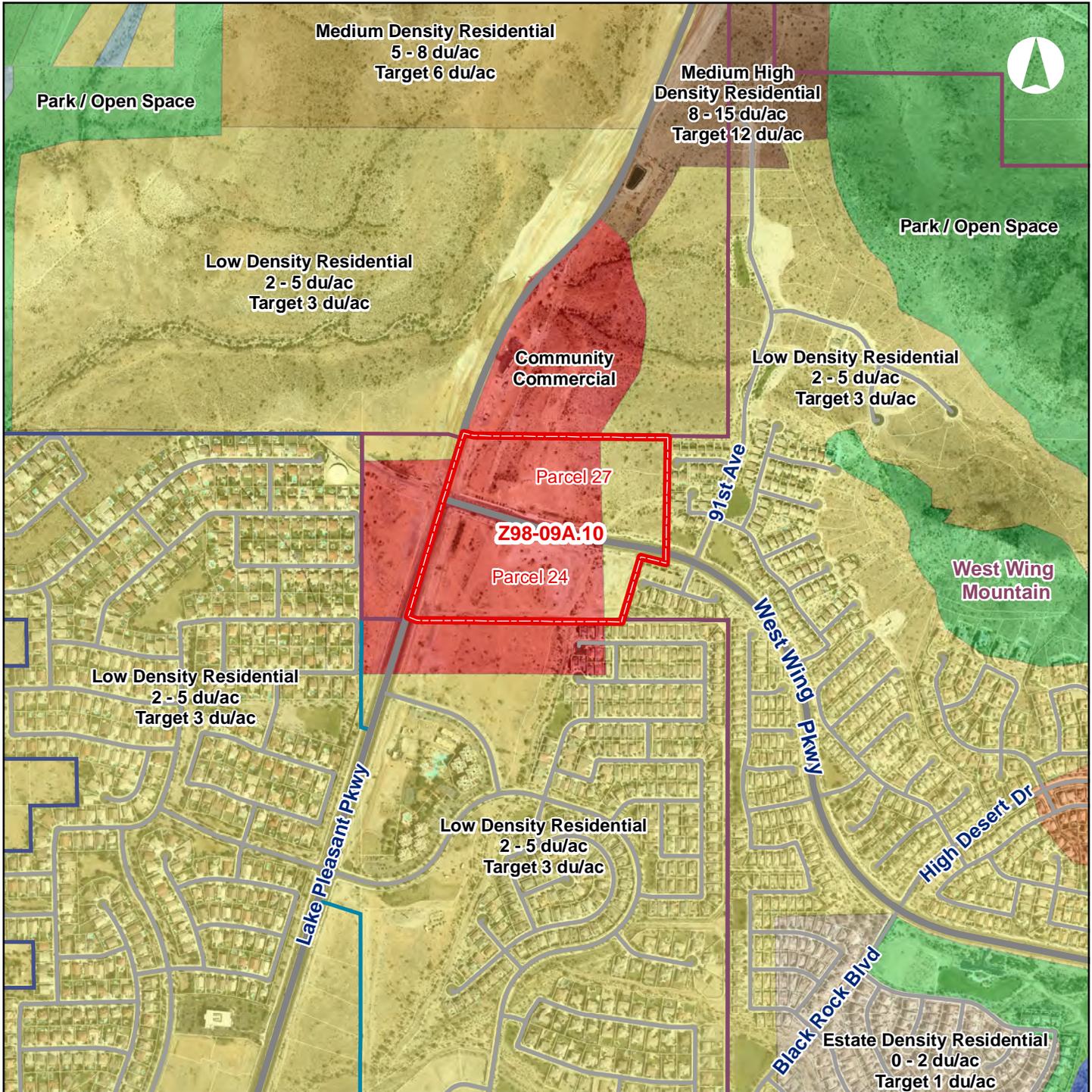
Request: A major amendment to the WestWing Mountain Planned Community District (PCD) rezoning 40.7 acres of land from PCD Commercial to PCD Single-Family Residential for the development of 140 single-family lots.

Location: Northeast and southeast corners of West Wing Parkway and Lake Pleasant Parkway.



Exhibit A

General Plan Land Use Map



Not to Scale

Z98-09A.10 West Wing Mountain - Parcels 24 & 27

Applicant: Pivotal Realty AZ, LLC

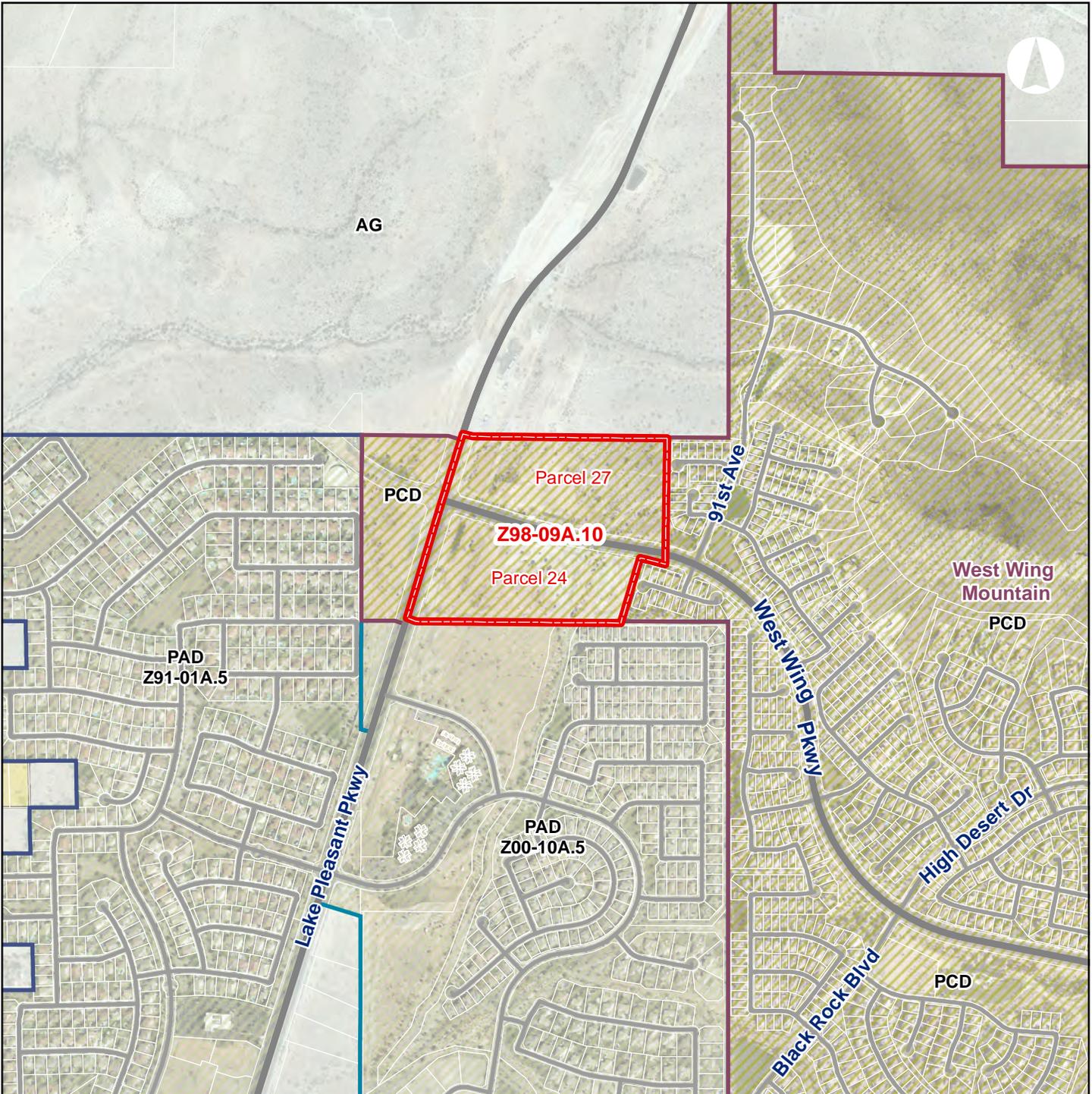
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Location: Northeast and southeast corners of West Wing Parkway and Lake Pleasant Parkway.



Exhibit B

Zoning Map



Not to Scale

Z98-09A.10 West Wing Mountain - Parcels 24 & 27

Applicant: Pivotal Realty AZ, LLC

Request: A major amendment to the WestWing Mountain Planned Community District (PCD) rezoning 40.7 acres of land from PCD Commercial to PCD Single-Family Residential for the development of 140 single-family lots.

Location: Northeast and southeast corners of West Wing Parkway and Lake Pleasant Parkway.



Exhibit C



WEST WING MOUNTAIN
CONCEPTUAL SITE PLAN

FEBRUARY 19, 2015

HILGARTWILSON
ENGINEER | PLAN | SURVEY | MANAGE



THIS SITE PLAN IS CONCEPTUAL AND SUBJECT TO CHANGE
U:\1200\1276\0101_0102 & 0103 - Pivotal Realty AZ I, LLC\PLANNING\LAND USE & SITE PLANS\CSP\1276-05-SITE PLAN-GRAPHIC.dwg 2/24/2015 4:30 PM

CITIZEN PARTICIPATION PLAN & REPORT

WestWing Mountain

Minor General Plan Amendment Major PCD Amendment

November 25, 2014

Updated February 27, 2015

Parties Affected by Application

Individual letters have been sent to all property owners within 1320' and included all of the information required by the City to explain the date, time and location of the neighborhood meetings for the Minor General Plan Amendment and Major PCD Amendment applications. The subject property is 40.7 acres (over 40 acres), so the notification distance shall be 1320 feet. The letters were also mailed to adjacent jurisdictions, school districts, public utilities and state and federal agencies.

Notification and Information Procedures

We will meet all City of Peoria ("City") noticing requirements for a PCD Major Amendment/Rezoning request. These requirements include letters notifying of the neighborhood meeting to surrounding property owners and other interested stakeholders as mentioned above. We will post the site on our street frontages with signs to inform passersby of the proposed amendment and the hearing dates, times and locations. The signs will be posted 15 days prior to the first hearing. The City will also send notifications as the cases near public hearing dates with the Planning Commission and City Council.

If we are requested to meet with any of the surrounding property owners or stakeholders, we will detail our discussions in a final Citizen Participation Results Report. Once our letters are sent to property owners within 1320' and other stakeholders, we will ensure our contact information is on these documents. If requested, we will meet individually with anyone who contacts us for more information.

Response Procedures

We will respond to all input and comments we receive from parties affected by our applications. We will also provide our responses to the City staff for their records. We will request letters of support from stakeholders, if possible. We'll follow-up as necessary to ensure proper responses are provided and information is shared regarding the status of the Request to interested stakeholders. We will provide the City with copies of our correspondence, letters, and

information shared with stakeholders. In addition, maps and lists of stakeholders and property owners will be included in our final Citizen Participation Results Report.

Schedule of Completion

We anticipate holding the public meeting after first review comments are received from the City. We intend to send out letters to property owners, stakeholders and others mentioned in the 'Parties Affected by Application' section above 10 days prior to the neighborhood meeting. We will be prepared to meet with any other stakeholder, if requested, after the notification letter is sent and the signs are posted on the Property. We will provide City staff with a complete Citizen Participation Results Report with the details and techniques used to involve the public and provide a summary of concerns, issues and resolutions to these issues. We anticipate submitting a final report on our public outreach at the beginning of November 2014.

Status Procedure

We will update the City staff via email and telephone calls of important issues that come about as the result of our public outreach. The entire report will be completed prior to the time the City informs us of the pending Planning Commission hearing date. If additional public outreach occurs after the submittal of the Citizen Participation Results Report, we will provide updates to inform City staff and council members.

Citizen Review Report

The following is a report of the implementation of the Citizen Participation Plan submitted with the initial application.

Meeting with the Deer Valley Unified School District (“DVUSD”)

4/3/14 and 6/12/14 - We met with the DVUSD Superintendent Mr. Jim Migliorino twice on April 3, 2014 and June 12, 2014. Our discussions focused on the Deer Valley School Demographic and Enrollment Analysis, Governing Board Presentation, revised dates January 8, 2014, conducted by Applied Economics. We discussed with Mr. Migliorino the analysis and the WestWing School’s enrollment numbers. In our final discussion, we provided Mr. Migliorino our written review of the school districts analysis. We came to an understanding with Mr. Migliorino that there are ways to address the increase in the number of student’s impact from our proposed residential development. We will continue to work with the DVUSD to find solutions to any enrollment impact issues our proposal creates for the district.

Since receiving City staff’s first set of comments, we have completed the following outreach regarding our proposal:

Public Outreach

9/23/14 - Met with Community Manager, Johanna Sears to go over proposal

9/30/14 – Met with WestWing Homeowners Association Board and Ms. Sears to go over proposal and provided them with maps, plans and reports.

10/9/14 – Walked two closest neighborhoods. We left an information packet for the property owners that were not home. See **Tab 1** for that packet. A majority of residents we spoke to prefer residential over commercial (refer to **Tab 2** for the map of the neighborhoods we walked to discuss the proposal with adjacent property owners. This included lots within Cibola Vista that back up to Parcel 24)

- Two follow-up phone calls from neighbors who agree with residential proposal

11/12/14 – Met with WestWing Homeowners Association Board to go over neighborhood meeting expectations and updates to the plan.

Neighborhood Meeting notifications were sent out to the community. Attached at **Tab 3** is the map of property owners within 1,320 feet of the two (2) parcels. Also attached is the list of the property’s within 1,320 feet of the rezoning proposal along with the most recent letter.

11/19/14 – The Neighborhood Meeting took place on November 19 at 6:30 pm – 8:00 pm at the WestWing Community Center. Approximately 75 people attended the meeting. Attached at **Tab 4** are the questions from the community and our responses, as well as sign-in sheet and comment cards. The majority of the group was in support of the project as long as the lot sizes and design guidelines are similar to existing homes. The HOA president asked the neighbors to raise their hands in support of commercial and only five raised their hands. The rest in attendance at that time raised their hand in support of residential.

12/01/14 – 02/03/15 – Constant communication between Tiffany & Bosco representatives and WestWing HOA board members and Community Manager.

02/03/15 – A second neighborhood meeting/open house took place on February 3, 2015. Representatives from Tiffany & Bosco presented the request again to new attendees and provide background on the request. The changes to the plan were presented based on input from the previous meeting to demonstrate that that we were willing to stipulate to a minimum lot size that is larger than the smallest lot size in WestWing. We will stipulate to single story homes where they abut an existing home. We will stipulate to follow all of the adopted WestWing design guidelines. We will accept to be incorporated into the HOA if requested by the HOA. Also, we will adopt the existing CC&R's for the proposed residential development.

At the meeting, there was approximately half the amount of attendees from the first meeting. There were new attendees and attendees from the first meeting in November. The attendees were split into three (3) groups. One group was supportive of the current residential development plan with the added stipulations mentioned above. The second group was acceptable of the residential proposal as long as the lot sizes increased greatly and the number of lots decreased greatly. The third group, which also consisted of a majority of the HOA board members, did not want the residential proposal to move forward and wanted the properties to remain commercially zoned. Attached at **Tab 5** is the sign-in sheets, support sheet and comment card. Also attached at **Tab 5** is a map of residents that signed in with no preference, as well as opposition letters that have been sent to the City and people that have stated support through petitions, emails and discussion during the outreach.

Questions and topics of discussion from attendees were as follows:

- Traffic study was conducted in April 2014. Resident said the Loop 303 wasn't even open to Lake Pleasant Pkwy. This statement was not true as the Loop 303 from I-17 to Happy Valley Rd. opened in 2011. Other segments came on-line periodically over the next 3-4 years. Resident believes traffic numbers are higher now and that another traffic study should be completed.
 - Response: Our traffic study was presented to the City of Peoria with the application and has not created any need for re-study or update. The site

intersection and access points have been predetermined. The secondary access sites will be determined at the time of platting. Our traffic study is representative of traffic that had direct access to an open interchange at Lake Pleasant Parkway. The resident seemed to think that the Loop 303 not being open all the way to I-10 would skew the traffic numbers and that a newer study is necessary. I believe this question/statement was asked in an effort to obtain increased traffic information for the intersection. Our response is that the traffic numbers would need to increase tenfold to make for a viable commercial corner. An updated TIA is not needed at this point.

- Residents request larger lots as that will provide for larger homes and higher property values
 - Response: We informed the residents we'd look into larger lots with our client. We are currently evaluating a revision to modify lot sizes.
- Impacts to the WestWing school which is at or just over capacity
 - Response: We are meeting with the school district the week of Feb. 9th to better understand the schools needs as it relates to capacity issues. We will present staff with solutions once the school district advises us as to their needs.
- Plan approval process – can city allow for larger lots if future homebuilder wants to change plan for larger lots
 - Response: We will work towards a stipulation, if necessary, to allow for larger lots to be platted than the minimum approved without the need to rezone the parcels.
- Residents wanted to know how the residential development plan enhances their community
 - Response: The property is vacant and has become a dumping ground over the years. The commercial zoning designation occurred during a time of unknown traffic patterns, regional highway planning and future roadway connections that never occurred. By providing a neighborhood of similar sized lots, similar quality design and standards consistent with the existing residential neighborhoods of WestWing, the future residential neighborhood will provide similar value to one of Peoria's most desired master planned communities.
- Potential for signage at the west entrance to WestWing to allow residents to know they are entering WestWing community
 - Response: We are open to a signage requirement at the intersection of WestWing Parkway and Lake Pleasant Parkway to announce entrance into the WestWing community.

Response to Community's Concerns

- We have modified the conceptual site plan to reflect a number of the community's concerns regarding density and the square footage of the lots. The new conceptual site plan shows 140 units from 143 bringing the density to 3.4 du/ac for the total of both parcels. The existing adjacent parcels, 29 and 22, are at 3.75 du/ac. The lot sizes on parcel 27 are now from 6,600 square feet to 7,200 square feet, which are consistent with the lots on adjacent parcel 29 that are 7,200 square feet to 7,400 square feet. The lot sizes on parcel 24 are now 6,000 square feet to 6,600 square feet, which are consistent with the lots on adjacent parcel 22 that are 6,400 square feet to 6,600 square feet. We are still in agreement to the condition of single story homes adjacent to existing homes on Parcel 29.
- We met with the Deer Valley School District on February 13 to discuss the issues raised by the community at the last meeting. We are continuing discussions with the School District on three offers that they tentatively support:
 - We agree to swap the land that was previously donated to the School District from Pivotal for the 14 acre property located at Lake Pleasant Blvd and Dixiletta Dr. The swap could also include the 6 acre property across Lake Pleasant Blvd and just south and east of the main property.
 - We agree to a \$750/unit donation to the school district to offset the need to create new space in the current school by moving a computer lab or by installing mobile units on the basketball court.
 - Enter into a lease for the 1.4 acre property located at the corner of Westwing Parkway and High Desert Drive in order to allow for vehicular staging during school drop-off and pick-up; therefore reducing the traffic congestion on the adjacent streets and in adjacent neighborhoods.

As we move through the public hearing calendar, we continue to update City staff and the stakeholders of any updates or changes to our application proposal.

Economic & Fiscal Impact of the Proposed West Wing Mountain Single Family Residential Development Peoria, Arizona



Prepared for:
Pivotal Realty AZ I, LLC

March 2014

Prepared by:



Elliott D. Pollack & Company
7505 East 6th Avenue, Suite 100
Scottsdale, Arizona 85251

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Executive Summary

This report examined the commercial viability of two parcels located on the northeast and southeast corner of Lake Pleasant Parkway and Westwing Parkway. In addition, the impacts of residential development on these two sites in terms of job creation and tax revenue for the City of Peoria. The following are the key findings of this report.

- Lake Pleasant Parkway's traffic counts surrounding Happy Valley Road are 2.1 to 3.7 times higher than the counts further north surrounding Westwing Parkway. More importantly, the subject site lacks proximity to the major arterial route of Happy Valley Road. Traffic flowing east and west along Happy Valley Road is 5 to 7.7 times higher than the counts along Westwing Parkway.
- Though the proposed roadway from Lone Mountain Parkway connecting into Westwing Parkway would increase traffic, the development timing is currently uncertain. Also, traffic flowing south along Vistancia Parkway to Happy Valley Road is likely to remain the major traffic corridor. In addition, planned commercial development west of the Loop 303 and Lone Mountain would be a more suitable site and would strongly compete for residents' spending dollars in the region, especially residential developments west of the Loop 303.
- The retail market in Greater Phoenix will continue to be dominated by power and community centers anchored by big box retailers for the foreseeable future. The buying power of these chains will continue to place pressure on traditional grocery retailers who have been the primary drivers behind the development of smaller neighborhood shopping centers. Unanchored shopping centers have historically had much higher vacancy rates than anchored centers.
- The site, due to its location approximately 2.5 miles away from the Loop 303, does not benefit from that pass by traffic nor would the site be visible from the Loop 303. Exposure to the site is limited to north/south traffic along Lake Pleasant Parkway and residential neighborhoods along Westwing Parkway.
- The Lake Pleasant Parkway corridor at the Happy Valley Road intersection has proven to be a superior retail destination. Over 642,000 square feet is available in existing buildings, ready-to-build pads or in future phases at this intersection alone.
- Both the Lake Pleasant Parkway corridor and the Loop 303 corridor have been extensively planned and are expected to be a significant draw for both retail and employment centers along their routes through North Peoria. The Lake Pleasant Parkway and Happy Valley area has already established itself as a retail draw due mainly to high traffic counts as a major travel route. The subject site is located two miles north of this major intersection and well off of the Loop 303.



- The estimated \$23.1 million hard cost of residential construction would generate a total of 329 jobs during the construction period. Total wages are estimated at \$20.0 million during the construction process with total economic activity of nearly \$43.8 million.
- The City of Peoria would receive \$471,700 in tax revenues generated by the construction of the residential project. This includes \$454,800 generated by the City's 1.8% prime contracting sales tax rate and an additional \$16,900 from the construction employees projected to live and spend their incomes within City limits.
- Once the project is fully built out, primary revenue sources would total \$222,000. The bulk of impact will be realized due to the increase in population for the City. Sales taxes from resident spending and property taxes are expected as well.
- Overall, the City is forecasted to collect nearly \$1.7 million in revenues over ten years generated by the construction and subsequent years of resident impacts.



1.0 Introduction

1.1 Purpose of Study

Elliott D. Pollack and Company was retained to the market area surrounding the two sites were analyzed in terms of current, planned, and available commercial and employment development.

In addition perform an economic and fiscal impact analysis of a proposed single family residential development at the southeast and northeast corners of Lake Pleasant Parkway and Westwing Parkway.

Economic impact analysis examines the regional implications of an activity in terms of three basic measures: output, earnings and job creation. Fiscal impact analysis, on the other hand, evaluates the public revenues and costs created by a particular activity. In fiscal impact analysis, the primary revenue sources of a city, county or state government are analyzed to determine how the activity may financially affect them.

1.2 Limiting Conditions

This study prepared by Elliott D. Pollack & Company is subject to the following considerations and limiting conditions.

- It is our understanding that this study is for the client's due diligence and other planning purposes. Neither our report, nor its contents, nor any of our work were intended to be included and, therefore, may not be referred to or quoted in whole or in part, in any registration statement, prospectus, public filing, private offering memorandum, or loan agreement without our prior written approval.
- The reported recommendation(s) represent the considered judgment of Elliott D. Pollack and Company based on the facts, analyses and methodologies described in the report.
- Except as specifically stated to the contrary, this study will not give consideration to the following matters to the extent they exist: (i) matters of a legal nature, including issues of legal title and compliance with federal, state and local laws and ordinances; and (ii) environmental and engineering issues, and the costs associated with their correction. The user of this study will be responsible for making his/her own determination about the impact, if any, of these matters.
- This study is intended to be read and used as a whole and not in parts.
- This study has not evaluated the feasibility or marketability of any site for planned uses.



- Estimates regarding specific land use were provided by Pivotal Realty AZ I, LLC. Data has been reviewed and verified to determine its reasonableness and applicability to the project.
- This economic and fiscal impact study evaluates the potential “gross impacts” of construction and operations activities. The term “gross impacts” as used in this study refers to the total revenue, jobs and economic output that would be generated by the construction and operations. The study does not consider the potential impact on other businesses or real estate property in the trade area that may occur as a result of the proposed project.
- This analysis does not consider the costs to local governments associated with providing services to the development. Such analysis is beyond the scope of this study. In addition, the analysis is based on the current tax structure and rates imposed by the State, counties, and local governments. Changes in those rates would alter the findings of this study.
- All dollar amounts are stated in current dollars and, unless indicated, do not take into account the effects of inflation.
- Our analysis is based on currently available information and estimates and assumptions about long-term future development trends. Such estimates and assumptions are subject to uncertainty and variation. Accordingly, we do not represent them as results that will be achieved. Some assumptions inevitably will not materialize and unanticipated events and circumstances may occur; therefore, the actual results achieved may vary materially from the forecasted results. The assumptions disclosed in this study are those that are believed to be significant to the projections of future results.



2.0 Commercial Viability

This section provides an overview of broader commercial trends as well as analyzes commercial and employment development in the North Peoria market.

2.1 Retail Market Trends

The Greater Phoenix retail market is currently experiencing some of its highest vacancy rates in history resulting from the effects of the Great Recession. According to Cassidy Turley Commercial Real Estate Services, the vacancy rate across the Valley reached 15% in 2011 and has since trended downward to 12.1% through the fourth quarter of 2013. Nearly 83% of this vacancy is in neighborhood and unanchored strip retail space as retailers either went out of business, closed non-performing stores or exited the Greater Phoenix market. Recent construction activity has been driven by outlet malls with the 360,000 square foot Phoenix Premium Outlets on the Gila River Indian Community and the 328,000 square foot Tanger Outlets Westgate which opened in Glendale in 2012. Only 16,500 square feet of retail (neighborhood) is currently under construction.

Cassidy Turley estimates the retail vacancy rate for the Northwest Valley market area through the fourth quarter of 2013 at 14.5%, well above the Greater Phoenix vacancy rate. The vacancy data is not disaggregated to individual cities or smaller regions, so the vacancy rate for North Peoria could vary from the total. However, of significance is the vacancy rate for neighborhood shopping centers at 15.5% and strip or unanchored centers at 15.6%. These two categories of retail centers account for over 75% of all vacant retail space in the Northwest Valley market area.

2013 Q4 Retail Vacancy Rates Northwest Valley and Greater Phoenix						
Northwest Valley	Inventory	Total Vacant	% Vacant	YTD Net Absorption	Under Construction	Average Asking Rate
Neighborhood	17,991,470	2,787,990	15.5%	62,187	7,000	\$13.23
Power	4,584,631	158,926	3.5%	(11,180)	-	\$20.32
Regional	3,126,627	801,953	25.6%	(15,130)	-	\$10.26
Specialty/Theme	1,073,335	92,084	8.6%	(38,846)	-	\$19.47
Strip	2,595,803	403,998	15.6%	23,020	-	\$12.84
TOTAL	29,371,866	4,244,951	14.5%	20,051	7,000	\$13.12
Greater Phoenix						
Neighborhood	91,536,667	12,989,630	14.2%	1,393,890	16,500	\$13.36
Power	20,196,719	1,135,982	5.6%	213,722	-	\$21.11
Regional	24,260,976	1,699,138	7.0%	262,246	-	\$19.88
Specialty/Theme	2,881,023	360,111	12.5%	(8,376)	-	\$25.03
Strip	12,820,713	2,190,958	17.1%	157,196	-	\$13.20
TOTAL	151,696,098	18,375,819	12.1%	2,018,678	16,500	\$14.10

Source: Cassidy Turley



Bricks and mortar retailing has been significantly affected over the past decade by several trends. Internet sales have had a major effect on store sales and the trend is expected to continue in the future. Retailers in electronics products and books have been especially hard hit. The rise of big box retailers and large power and community shopping centers has also dominated the retail market over the past two decades. The two largest retailers who anchor these centers, Target and Wal-Mart, have ventured into grocery sales, resulting in the curtailment of the development of traditional neighborhood shopping centers anchored by grocery retailers. In Greater Phoenix, there has been significant consolidation in the grocery industry as a result of this trend. The traditional grocery store industry today is down to four major chains – Safeway, Fry's, Albertson's and Basha's. The entrance of natural foods grocers such as Whole Foods has also cut into the traditional grocery store business.

Greater Phoenix is generally considered to be over-retailed. As one of the country's fastest growing regions, Greater Phoenix drew a wide variety of national retailers to the area over the last ten to twenty years, all hoping to take advantage of the rapidly growing population base. When the housing bust and Great Recession occurred, store closures occurred, resulting in the unexpectedly high retail vacancy rates. The market is now recovering, consumer confidence is increasing and retail vacancy rates are moderating. However, the market still needs a few more years to fully restore itself.

Based on current trends, it is the opinion of this firm that the retail market will continue to be dominated by power and community centers anchored by big box retailers. The buying power of these chains will continue to place pressure on traditional grocery retailers who have been the primary drivers behind the development of smaller neighborhood shopping centers.

2.2 Office Market Trends

The office in Greater Phoenix is also considered overbuilt. Overall office vacancy has finally begun to improve and is currently reported at 20.6% according to Cassidy Turley. While this is down from peak vacancy experienced in 2010, it is still nowhere near a stabilized occupancy rate that would spur additional development. Most projects completed in recent years have been build-to-suit buildings. Indeed, most of the projects announced for 2014 (State Farm, Go Daddy, Garmin, etc.) are build-to-suit as well.

Cassidy Turley estimates the office vacancy rate for the Northwest Valley market area in the fourth quarter of 2013 at 19.6%, slightly better than the Greater Phoenix vacancy rate. Much of the office inventory is located in more mature markets with a higher population base such as the Deer Valley Airport area, Camelback Corridor, Scottsdale Airpark, and the Downtown Phoenix/Sky Harbor region.



Office Vacancy Rates Northwest Valley and Greater Phoenix							
Northwest Valley							
Class	Bldgs	Inventory	Total Vacant	% Vacant	Net Absorption	Under Construction	Average Asking Rate
Class A	1	80,849	-	0.0%	6,900	-	N/A
Class B	19	833,957	181,263	21.7%	36,401	-	\$21.13
Class C	1	29,998	3,898	13.0%	(795)	-	\$15.86
TOTAL	21	944,804	185,161	19.6%	42,506	-	\$21.12
Greater Phoenix							
Class A	236	38,931,693	7,572,253	19.5%	474,329	565,622	\$23.85
Class B	800	53,620,322	11,419,950	21.3%	834,295	95,000	\$19.09
Class C	115	4,396,017	961,750	21.9%	49,405	-	\$17.59
TOTAL	1,151	96,948,032	19,953,953	20.6%	1,358,029	660,622	\$20.72

Source: Cassidy Turley

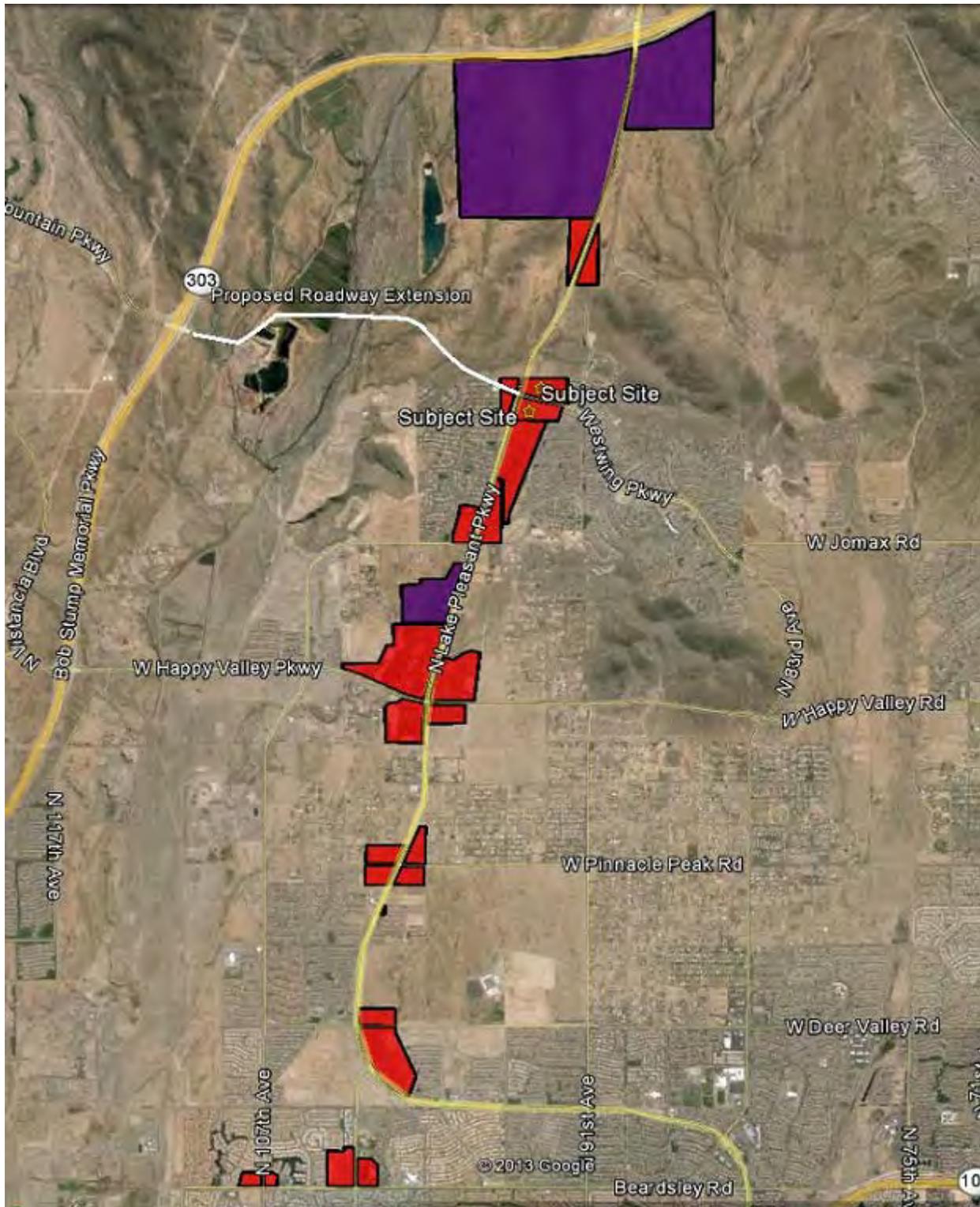
2.3 Existing Development and Available Land

Two study areas were analyzed in terms of commercial and employment land that is currently zoned. This was done to assess the availability of land for future development and to compare it to the subject site from a competitive standpoint. The first study area is the Lake Pleasant Parkway Corridor. This corridor has proven to be the preferred location for a wide variety of retailers and that trend is expected to continue, especially at the Happy Valley intersection. The second study area includes the Loop 303 Corridor which has great long term potential, especially as the region grows in population.

The following map illustrates the Lake Pleasant Parkway Corridor from Beardsley Road up to the Loop 303 interchange. Commercial land is represented in red and employment land is represented in purple.

Commercial uses make up a majority of individual parcels along this corridor. However, a significant amount of employment has been planned further north near the Loop 303. In total, there are over 1,281 acres of commercial and employment land along this corridor. Of that total, only 282.5 acres have been developed. That amounts to 17.8% of the total land zoned for commercial or employment purposes. **This leaves nearly 1,054 acres left to be developed in this region alone.**

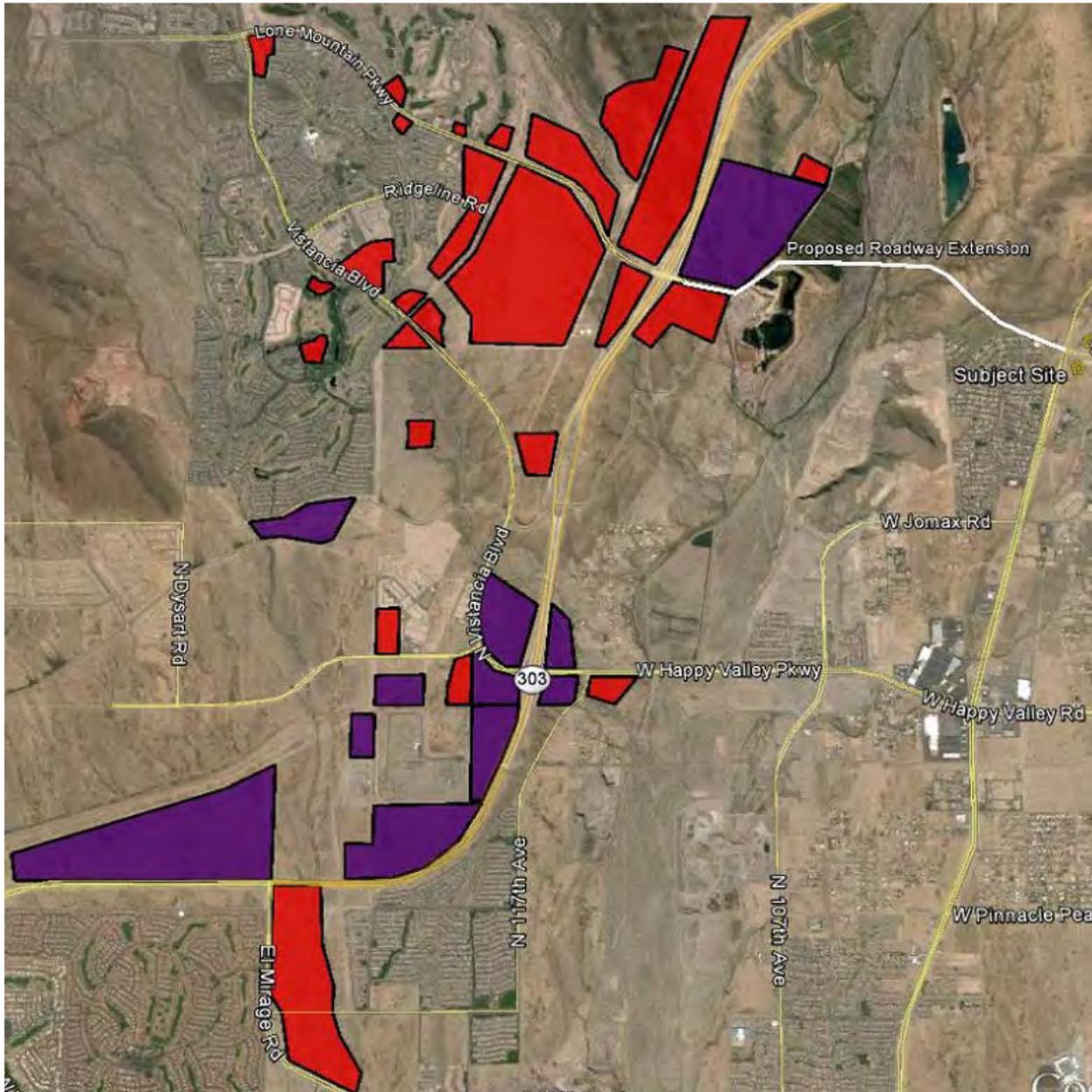




The second region of commercial and employment land along the Loop 303 corridor is displayed on the following map. As discussed previously, this region has very strong long term prospects but may not experience significant development in the short term.



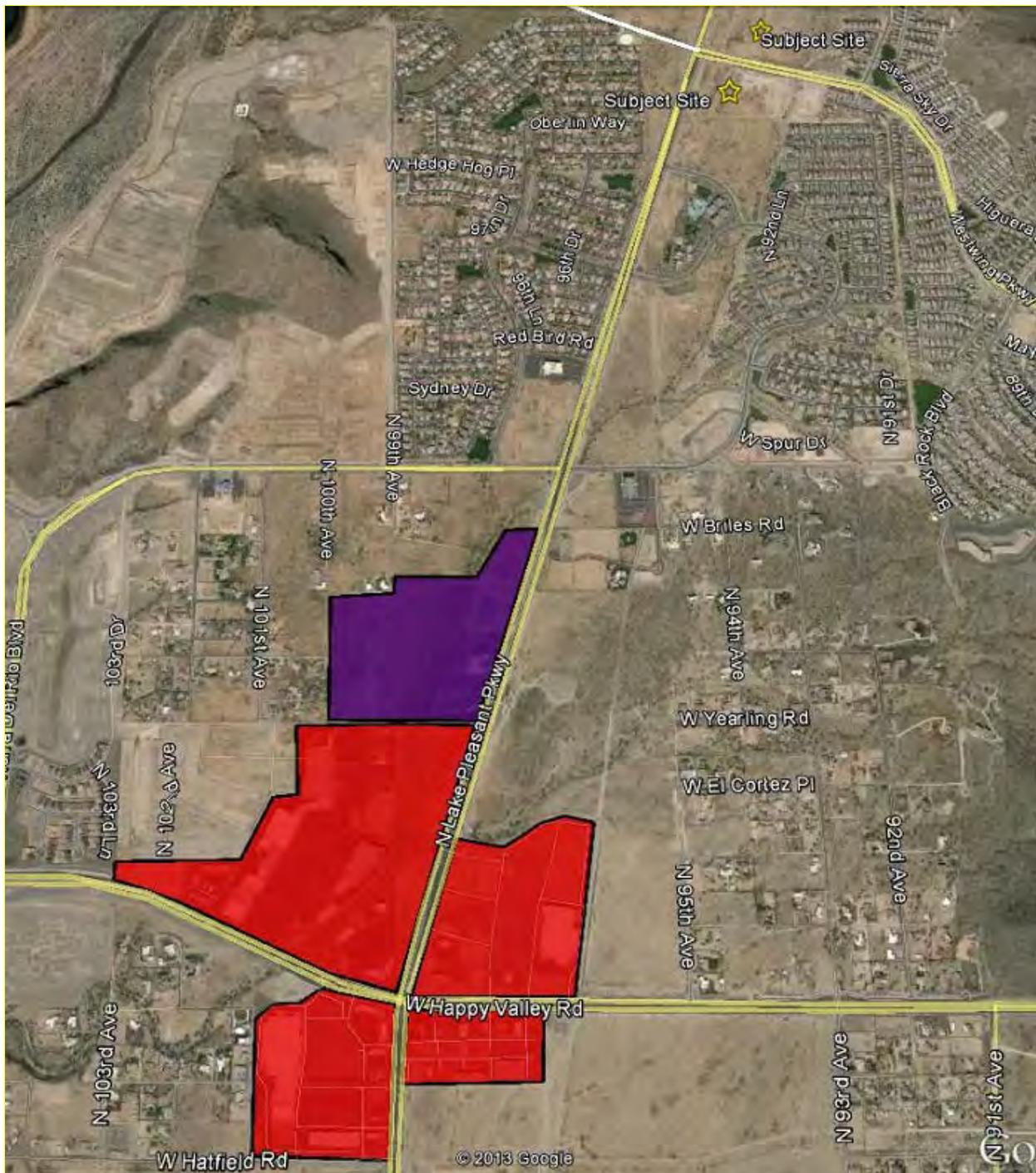
There is approximately 2,529 acres of commercial and employment land in this area and only 41 acres have been developed. That represents less than 2% of available land. Indeed, there are decades of available commercial land in this area which will provide a significant retail and employment base for the City for years to come.



While much of the undeveloped land is in the northern part of this region, there is also a significant amount of available land in close proximity to the subject site. Undeveloped parcels surrounding the Happy Valley Road area total 113.58 acres (between Pinnacle Peak and Jomax Road along Lake Pleasant Parkway), or 44% of the total commercial



and employment land within these boundaries. At full build out, there will be almost double the amount of commercial development in this area.



2.3.1 Immediate Region – Lake Pleasant Parkway and Happy Valley Road Intersection

There is over 1.3 million square feet of retail development at the intersection of Happy Valley Road and Lake Pleasant Parkway. This includes big box anchors such as Home



Depot, Lowe's, Target, Michaels, Ross, Pier 1 and Mountainside Fitness. Dozens of restaurants and specialty retailers have occupied space within these retail centers as well, including auto and tire centers, pet supplies, cell phone, bedding, office supplies, banks, and personal care, among many others.



There is existing available space and vacancies within these existing developments. Future phases on improved land are planned for these projects as well. The following is



a description of available space at each of the four developments located at this intersection.

Lake Pleasant Crossing (Northeast corner of Lake Pleasant & Happy Valley Road)

- Phase I has five pads available and a significant amount of shop space available in three other buildings. **Over 40,000 square feet.**
- Phase II (planned future phase) has an Anchor Space available, two spaces for Majors, one space for a Minor, two pads planned for shop space and three general pads available. **Approximately 180,000 square feet.**

Mountainside Crossing (Southeast corner of Lake Pleasant & Happy Valley Road)

- There are three pads available totaling **108,000 square feet.**
- Five shop spaces also available in two buildings. **6,443 square feet.**

Lake Pleasant Town Center (Northwest corner of Lake Pleasant & Happy Valley Road)

- There are two Majors, six pads, and shop space available. **97,866 square feet available.**
- Second phase state land frontage along Lake Pleasant Parkway could accommodate an **additional 160,655 square feet.**

Lake Pleasant Pavilion (Southwest corner of Lake Pleasant & Happy Valley Road)

- There is a Junior Anchor space, pads, and shop space available. **49,174 square feet available.**

All totaled, there currently exists over **642,000 square feet** of available space at the existing centers at this intersection. Brokers representing these developments were all contacted and the response was consistent: Additional retail space would hurt existing space absorption and there is no apparent demand for more space for the foreseeable future.

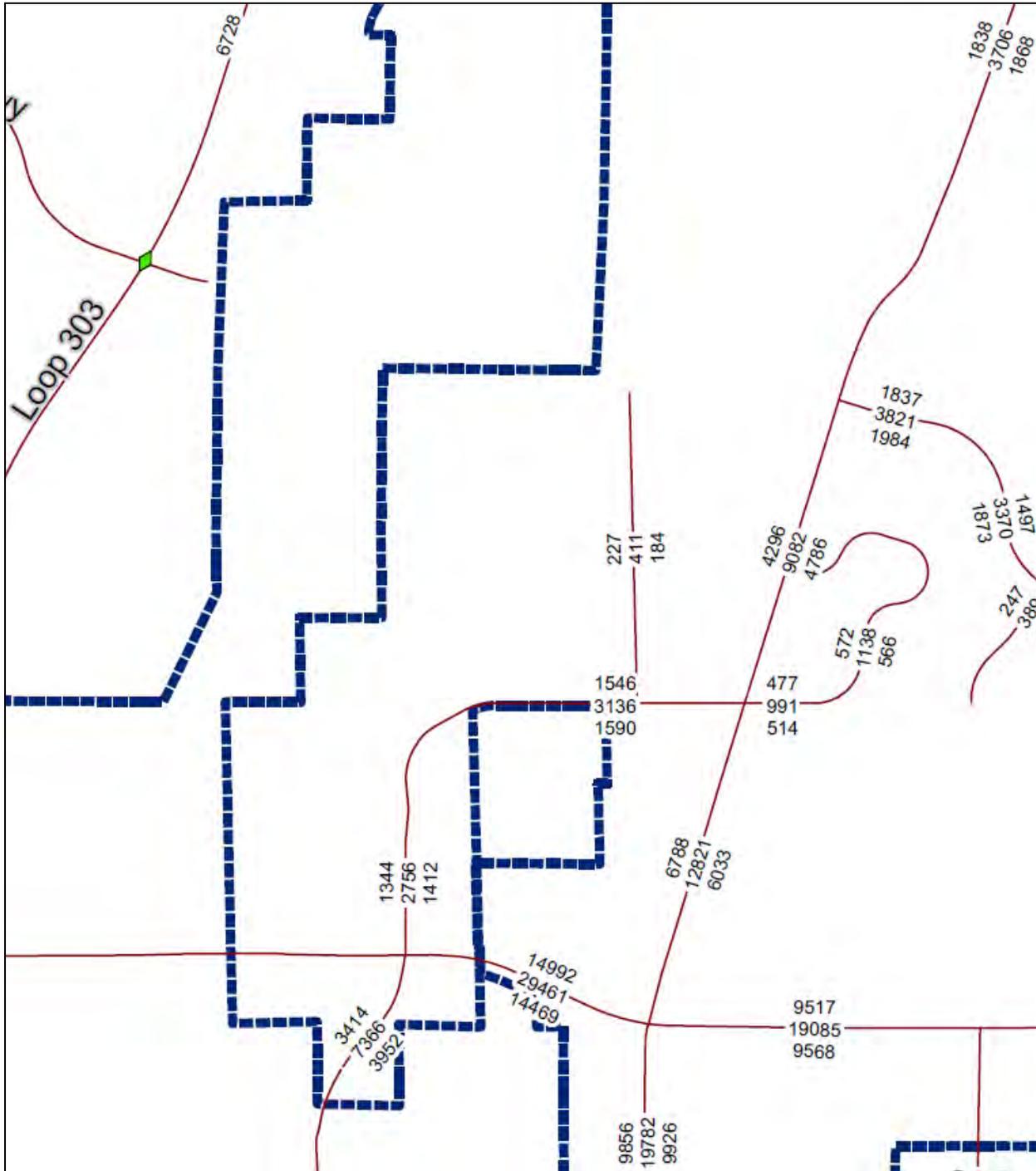
2.4 Traffic Counts and Accessibility

The following illustration shows the traffic counts for major roads surrounding the intersection of Lake Pleasant Parkway and Westwing Parkway in comparison to the Happy Valley and Lake Pleasant Parkway intersection. Traffic data has been acquired from 2011 Peoria traffic counts.

Currently, Lake Pleasant Parkway's traffic counts northbound approaching Happy Valley Road are 2.1 times higher than the counts on Lake Pleasant Parkway approaching Westwing Parkway and 3.7 times higher than the counts of southbound approach of the two intersections. The Lake Pleasant and Happy Valley intersection really illustrates its



locational advantage with the traffic along Happy Valley Road. The traffic along Happy Valley Road near Lake Pleasant Parkway is 5 to 7.7 times higher than traffic along Westwing Parkway.



Traffic counts are an important factor for shopping center tenants. High traffic intersections are highly sought after by developers as well as retailers. This concept is



proven by the significant amount of retail developed and planned at the Lake Pleasant Parkway and Happy Valley Road intersection.

Happy Valley Road generates significant traffic, while Westwing Parkway is only a three-way feeder intersection allowing residents east of Lake Pleasant Parkway access to the major north/south arterial.

2.5 Conclusions

In our opinion, the two parcels comprising the subject site at the northeast and southeast corners of Lake Pleasant Parkway and Westwing Parkway currently zoned for commercial uses is not viable as a retail or employment site today or in the future. We base this opinion on the findings of the analyses contained in this report as outlined below.

- Lake Pleasant Parkway's traffic counts surrounding Happy Valley Road are 2.1 to 3.7 times higher than the counts further north surrounding Westwing Parkway. More importantly, the subject site lacks proximity to the major arterial route of Happy Valley Road. Traffic flowing east and west along Happy Valley Road is 5 to 7.7 times higher than the counts along Westwing Parkway.
- Though the proposed roadway from Lone Mountain Parkway connecting into Westwing Parkway would increase traffic, the development timing is currently uncertain. Also, traffic flowing south along Vistancia Parkway to Happy Valley Road is likely to remain the major traffic corridor. In addition, planned commercial development west of the Loop 303 and Lone Mountain would be a more suitable site and would strongly compete for residents' spending dollars in the region, especially residential developments west of the Loop 303.
- The retail market in Greater Phoenix will continue to be dominated by power and community centers anchored by big box retailers for the foreseeable future. The buying power of these chains will continue to place pressure on traditional grocery retailers who have been the primary drivers behind the development of smaller neighborhood shopping centers. Unanchored shopping centers have historically had much higher vacancy rates than anchored centers.
- The site does not benefit from the freeway as it is located some distance from traffic along the Loop 303. Exposure to the site is limited to north/south traffic along Lake Pleasant Parkway and residential neighborhoods along Westwing Parkway.
- The Lake Pleasant Parkway corridor at the Happy Valley Road intersection has proven to be a superior retail destination. Over 642,000 square feet is available in existing buildings, ready-to-build pads or in future phases at this intersection alone.



- Both the Lake Pleasant Parkway corridor and the Loop 303 corridor have been extensively planned and are expected to be a significant draw for both retail and employment centers along their routes through North Peoria. The Lake Pleasant Parkway and Happy Valley area has already established itself as a retail draw due mainly to high traffic counts as a major travel route. The subject site is located two miles north of this major intersection and well off of the Loop 303 with no direct access.

With lower traffic counts and a significant amount of existing and planned retail development in close proximity, the subject site would be more suitable for residential development.

While it is understandable that the City of Peoria desires to expand its commercial retail inventory, the development of retail shopping centers does not necessarily lead to additional retail sales, particularly when retail vacancy rates are at high levels. Retail sales originate from the spending of a community's residents, meaning there is a finite amount of spending that can occur based on the size of the resident population. Additional residents in proximity to commercial assets would lead to higher retail sales activity.

Given that the area is in the northern portion of Peoria, the City is additionally not at risk of retail leakage to surrounding communities nor would the area have any real potential to capture spending from residents outside of the community.

We would advise Peoria to work to strengthen its existing retail real estate assets as opposed to protecting potential future commercial centers where they are not warranted or demanded. In the end, the addition of new retail centers in a community may have no effect on growing retail sales and may only disperse sales among competing shopping centers. A viable alternative strategy is to support and strengthen existing retail establishments where they are clearly demanded. This includes promoting residential development to support the retail base.



3.0 Impact Assumptions & Methodology

3.1 Project Description

The entire site consists of four parcels located on each corner of Lake Pleasant Parkway and Westwing Parkway as illustrated in the map below. The current zoning is for commercial development. Only the parcels on the east side of Lake Pleasant Parkway are requested for rezoning to residential. The two parcels located west of Lake Pleasant Parkway would remain available for commercial development and could accommodate a variety of neighborhood retail options.

West Wing Parcel Map



The Subject Sites are located in North Peoria along Westwing Parkway just east of Lake Pleasant Parkway. The sites consist of two separate parcels just to the north and south of Westwing Parkway known as Parcel 27 and Parcel 24. Access to the sites is located on Westwing Parkway.

The rezoning request includes a proposed 143-home single family development. Parcel 27 is 21.0 acres in size and is planned for 81 homes. Parcel 24 is a 19.7 acre site and is planned for 62 homes. The following map illustrates the proposed site plan.



West Wing Mountain Proposed Site Plan



3.2 Assumptions

The assumptions used to estimate the economic and fiscal impacts of the construction and ongoing fiscal impacts of the proposed residential project are outlined below. The project plans for an average density of 3.5 units per acre. Housing is expected to range in size from 2,300 square feet to 3,400 square feet. Sales prices of these new homes are projected to start at range of \$235,000 to \$320,000. Based on these sales values, qualifying household incomes of these homes would be approximately \$59,000 to \$80,000 though actual incomes could be higher.



Project Assumptions West Wing Mountain	
Acres	40.7
Units	143
Average dwelling units per acre	3.5
Average unit size (50 ft lots)	2,300
Average sales price per unit (50 ft lots)	\$235,000
Average household income	\$59,000
Average unit size (60 ft lots)	3,400
Average sales price per unit (60 ft lots)	\$320,000
Average household income	\$80,000
Total sales value	\$38,875,000
Person per household	2.7
Per capita State shared revenues	\$342

Source: Pivotal Group; ARMLS; Belfiore Real Estate Consulting; AZ Department of Revenue; Elliott D. Pollack & Co.

The primary inputs of the economic and fiscal impact model are based on (1) project assumptions supplied by the client regarding the scale and size of the project and (2) basic economic source data such as the Consumer Expenditure Survey to determine spending patterns of employees and Census surveys showing live-work relationships. All values in this study are expressed in 2014 dollars. Unless otherwise indicated, an inflation factor has not been included in this analysis.

3.3 Economic Impact Methodology

Economic impact analysis examines the economic implications of an activity in terms of output, earnings, and employment. For this study, the analysis focuses on the impact during construction as well as the ongoing impact of the project once homes are sold out and occupied.

The different types of economic impacts are known as direct, indirect, and induced, according to the manner in which the impacts are generated. For instance, direct employment consists of permanent jobs held by construction employees. Indirect employment is those jobs created by businesses that provide goods and services essential to the construction of the project. These businesses range from manufacturers (who make goods) to wholesalers (who deliver goods). Finally, the spending of the wages and salaries of the direct and indirect employees on items such as food, housing, transportation and medical services creates induced employment in all sectors of the economy, throughout the metropolitan area. These secondary effects are captured in the analysis conducted in this study.



Multipliers have been developed to estimate the indirect and induced impacts of various direct economic activities. The Minnesota IMPLAN Group developed the multipliers used in this study. The economic impact is categorized into three types of impacts:

- (1) **Employment Impact** – the total wage and salary and self employed jobs in a region. Jobs include both part time and full time workers.
- (2) **Earnings Impact** – the personal income, earnings or wages, of the direct, indirect and induced employees. Earnings include total wage and salary payments as well as benefits of health and life insurance, retirement payments and any other non-cash compensation.
- (3) **Economic Output** – also referred to economic activity, relates to the gross receipts for goods or services generated by the company's operations.

Economic impacts are by their nature regional in character. Such impacts are best illustrated when not assigned to a specific city or locality, although clearly the primary impact of job creation would be on the city where the project is located. However, many other communities in the surrounding region would also benefit from the construction and operations of the project.

3.4 Fiscal Impact Methodology

Fiscal impact analysis studies the public revenues associated with a particular economic activity. The primary revenue sources of local, county, and state governments (i.e., taxes) are analyzed to determine how an activity may affect the various jurisdictions. This section will evaluate the impact of the development on State and local government revenues.

The fiscal impact figures cited in this report have been generated from information provided by a variety of sources including the U.S. Bureau of the Census; the U.S. Department of Labor; the Internal Revenue Service; the State of Arizona; the Arizona Tax Research Association; and the U.S. Consumer Expenditure Survey. Elliott D. Pollack and Company has relied upon the estimates of construction cost and operating revenues outlined in this study. Unless otherwise stated, all dollar values are expressed in 2013 dollars.

Fiscal impacts are categorized by type in this study, similar to economic impact analysis. The major sources of revenue generation for governmental entities are related to the proposed construction and ongoing operations.

Construction impacts relate to the revenues generated from construction of the project and include state and local sales taxes levied on construction materials. These are the “primary” revenues generated from the construction. In addition, the direct, indirect and induced employees supported by the construction activity also generate revenues to



local and state governments. For instance, employees will spend part of their salaries on retail goods (thereby paying sales taxes), pay property taxes on real estate they own and contribute to the other revenue sources that are shared by the State with counties and local cities. In addition, part of the State's collection of sales taxes on construction materials is also shared with counties and local cities. All of these revenues create benefits for counties and local cities. They are referred to in this report as "secondary" impacts.

New residents will also create beneficial fiscal effects. Households will spend part of their salaries on local goods and services and pay taxes on the homes they occupy. This spending will contribute to revenues collected by the City of Peoria. Additionally, the City of Peoria will benefit in terms of state shared revenue as the project will increase the City's population and the share of revenue that they receive from state sales taxes, state income taxes, and other fees as outlined below.

Following is a description of the applicable revenue sources that will be considered for this analysis.

- Construction Sales Tax

The State, counties and cities levy a sales tax on materials used in the construction of buildings and land improvements. That tax is calculated by State law under the assumption that 65% of the construction cost of the facility and its land improvements are related to construction materials with the remaining 35% devoted to labor. The sales tax rate is then applied to the 65% materials figure. The sales tax on construction materials is a one-time collection by the governmental entity. The State currently levies a 5.6% sales tax on construction activity (a portion of which is shared with local governments) while the Maricopa County rate is 0.7% and the City of Peoria sales tax rate for contracting is 1.8%.

- Sales Tax

The State, counties, and local cities in Arizona charge sales tax on retail goods. The sales tax rate for the State is 5.6%. Portions of this tax are redistributed through revenue sharing to counties and cities throughout Arizona based on population. The County's sales tax rate is 0.7% while the City of Peoria levies 1.8%. These tax rates are applied to the spending of residents as well as to the spending of direct, indirect and induced employees. Based on data from the U.S. Consumer Expenditure Survey, the projected extent of retail spending and resulting sales tax receipts was calculated. In addition, the employees of the project are projected to spend money retail and restaurant establishments or other local goods.

- Property Taxes

Employees supported by the construction of the project will pay property taxes on the homes they occupy. In order to estimate property taxes, the assessed full cash value of a typical housing unit has been calculated based on expected wage levels.



Residents of the newly built homes will also pay property taxes on their homes and the value of these homes will expand the net assessed value base of the City and other taxing districts.

- State Shared Revenues

Each city in Arizona receives a portion of State revenues from four different sources - State sales tax (see description above), State income tax, vehicle license tax and highway user tax. The formulas for allocating these revenues are primarily based on population. Counties also share in the revenue sources of the State, with the exception of income tax.

State Income Tax

The State of Arizona collects taxes on personal income. The tax rate used in the analysis averages about 1.6% for earnings. This percentage is based on the most recently available income tax data from the Arizona Department of Revenue. The factor is applied to the projected wage levels of direct, indirect and induced employees supported by the construction and operations of the project. Portions of this tax are redistributed through revenue sharing to cities throughout Arizona based on population.

HURF Taxes

The State of Arizona collects specific taxes for the Highway User Revenue Fund (HURF). Both the registration fees and the motor vehicle fuel tax (gas tax) are considered in this analysis. The motor vehicle fuel tax is \$0.18 per gallon and is calculated based on a vehicle traveling 12,000 miles per year at 20 miles per gallon. Registration fees average \$66 per employee in the State of Arizona. These factors are applied to the projected direct and indirect employee count. Portions of these taxes are distributed to cities and counties throughout Arizona based on a formula that includes population and the origin of gasoline sales.

Vehicle License Tax

The vehicle license tax is a personal property tax placed on vehicles at the time of annual registration. This factor is applied to the projected direct, indirect and induced employee count. The average tax used in this analysis is \$325 and portions of the total collections are distributed to the Highway User Revenue Fund. The remaining funds are shared between cities and counties in accordance with population-based formulas.

The above tax categories represent the largest sources of revenues that would be generated to city, county, and State governments. This analysis considers gross tax collections and does not differentiate among dedicated purposes or uses of such gross tax collections.



4.0 Impact of Construction

Construction phase impacts are short-term effects related to onsite and offsite construction employment as well as other supporting industries. The long-term consequences of a project are the new resident impacts (Section 4.0).

4.1 Economic Impact of Construction

The following table describes the economic impact of construction. This table reflects the total impact regardless of how many years the project takes to build out.

In total, the estimated \$23.1 million hard cost of construction will generate 181 direct jobs earning over \$12.3 million in wages. An additional 149 indirect and induced jobs will be created from the ripple effects throughout the economy for a total of 329 jobs created during the construction period. Total wages are estimated at \$20.0 million during the construction process with total economic activity of nearly \$43.8 million.

Economic Impact of Construction West Wing Mountain Greater Phoenix (2014 Dollars)			
Impact Type	Person Years of Employment	Wages	Economic Output
Direct	181	\$12,252,000	\$23,053,000
Indirect	48	\$3,006,000	\$7,281,000
Induced	101	\$4,708,000	\$13,436,000
Total	329	\$19,966,000	\$43,770,000
1/ The total may not equal the sum of the impacts due to rounding. All dollar figures are in constant dollars. Inflation has not been included in these figures.			
Source: Elliott D. Pollack & Company; IMPLAN			

4.2 Fiscal Impact of Construction

The tables included in this section summarize the revenues that would ultimately flow to the City of Peoria from construction of the 143-home project. Some revenues are more direct and definable than others. Revenues have been defined in this analysis as either primary or secondary, depending on their source and how the dollars flow through the economy into government tax accounts. For instance, some revenues, such as



construction sales taxes, are definable, straightforward calculations based on the value of construction. These revenues are described in this study as primary revenues.

Secondary revenues, on the other hand, flow from the wages of those direct, indirect and induced employees who are supported by the project as well as revenues distributed by the State from various tax categories. Revenue projections are based on typical wages of the employees working in the project, their spending patterns, projections of where they might live, and other assumptions outlined earlier in this report.

The City of Peoria will receive \$471,700 in tax revenues generated by the construction of the residential project. This includes \$454,800 generated by the City's 1.8% prime contracting sales tax rate and an additional \$16,900 from the construction employees projected to live and spend their incomes within City limits.

Fiscal Impact of Construction West Wing Mountain City of Peoria (2014 Dollars)					
	Primary Revenues	Secondary Revenues			
Impact Type	Speculative Builders Sales Tax	Employee Spending Sales Tax	Resident Property Tax	State Shared Revenues	Total Revenues
Direct	\$454,800	\$4,700	\$2,600	\$2,700	\$464,800
Indirect	N/A	\$1,200	\$700	\$500	\$2,400
Induced	N/A	\$2,100	\$1,500	\$900	\$4,500
Total Revenues	\$454,800	\$8,000	\$4,800	\$4,100	\$471,700

1/ The figures are intended only as a general guideline as to how the City could be impacted by the project. The above figures are based on the current economic structure and tax rates of the State of Arizona and City

Source: Elliott D. Pollack & Company; IMPLAN; Arizona Department of Revenue; Arizona Tax Research Association



5.0 New Resident Impact

Once construction is completed and the project is fully occupied, the City of Peoria will benefit in terms of ongoing annual tax revenues. The fiscal impacts described below are anticipated to occur at build-out. This means they would occur when construction is complete and residences are at full capacity.

Primary revenue sources would total \$222,000 annually at build-out. The bulk of impact will be realized due to the increase in population for the City. Sales taxes from resident spending and property taxes are expected as well.

Annual Fiscal Impact at Buildout West Wing Mountain City of Peoria (2014 Dollars)			
Resident Spending Sales Tax	State Shared Revenues	Property Tax	Total Annual Revenues
\$47,800	\$128,300	\$45,900	\$222,000
1/ The total may not equal the sum of the impacts due to rounding. All dollar figures are in constant dollars. Inflation has not been included in these figures. All of the above figures are representative of the major revenue sources for the City.			
Source: EDPCo; IMPLAN; AZ Department of Revenue; AZ Tax Research Association			



6.0 Fiscal Impacts over 10 Years

The following tables provide the fiscal impact over a 10-year time frame.

During construction, the City of Peoria will collect \$454,800 from primary revenue sources (construction sales taxes) and \$16,900 in secondary revenues from construction employees. Also during construction, the project will be delivering homes each year that will be occupied by residents and will begin to generate revenue from resident spending.

Once the project is completely built out and occupied, the City will collect \$222,000 each year, mainly from state shared revenues (as soon as new population is officially counted) as well as property taxes and sales taxes. Overall, the City is forecasted to collect nearly \$1.7 million in revenues over ten years generated by the construction and subsequent years of resident impacts as illustrated in the table below.



**10-Year Fiscal Impact on the City of Peoria
West Wing Mountain
(2014 Dollars)**

	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Total
Home Sales	36	36	36	35	-	-	-	-	-	-	143
Primary Revenues											
Speculative Builders Tax	\$114,495	\$114,495	\$114,495	\$111,315	--	--	--	--	--	--	\$454,800
Sales Tax	--	\$12,034	\$24,067	\$36,101	\$47,800	\$47,800	\$47,800	\$47,800	\$47,800	\$47,800	\$359,001
Property Tax	--	\$11,555	\$23,110	\$34,666	\$45,900	\$45,900	\$45,900	\$45,900	\$45,900	\$45,900	\$344,731
State shared Revenues	--	--	\$64,599	\$64,599	\$64,599	\$64,599	\$64,599	\$128,300	\$128,300	\$128,300	\$707,893
Secondary Revenues											
Employee Sales Tax	\$2,014	\$2,014	\$2,014	\$1,958	--	--	--	--	--	--	\$8,000
Residential Property Tax	\$1,208	\$1,208	\$1,208	\$1,175	--	--	--	--	--	--	\$4,800
State Shared Revenues	\$1,032	\$1,032	\$1,032	\$1,003	--	--	--	--	--	--	\$4,100
Total Impact^{1/}	\$118,750	\$142,338	\$116,031	\$139,501	\$158,299	\$158,299	\$158,299	\$222,000	\$222,000	\$222,000	\$1,657,516

^{1/} The total may not equal the sum of the impacts due to rounding. All dollar figures are in constant dollars. Inflation has not been included in these figures. All of the above figures are representative of the major revenue sources for the City. The figures are intended only as a general guideline as to how the City could be impacted by the project. The above figures are based on the current economic structure and tax rates of the City.

Source: Elliott D. Pollack & Company; IMPLAN; Arizona Department of Revenue; Arizona Tax Research Association





West Wing Mountain Density Analysis

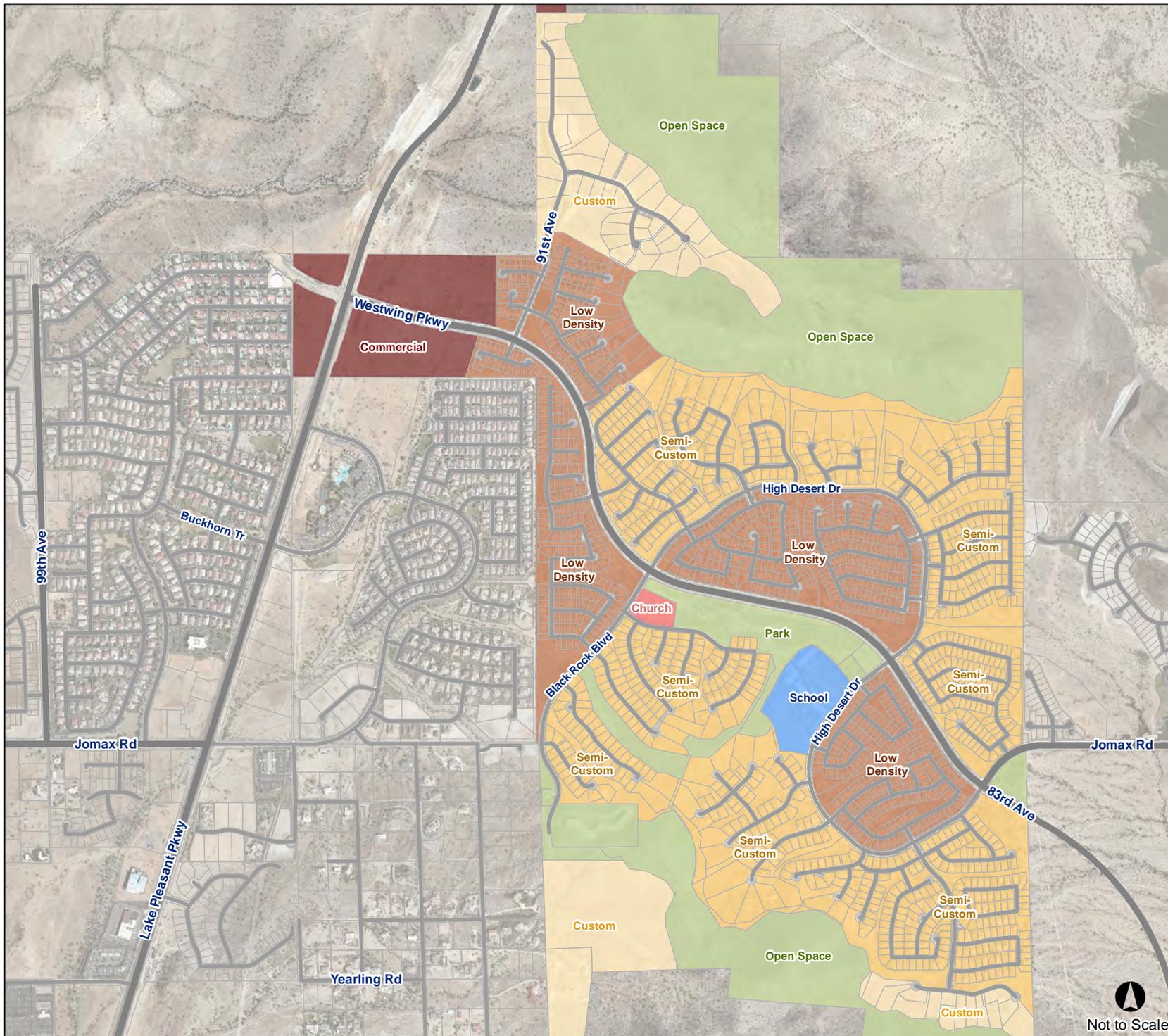
Legend

Land Use Mix

- Low Density (Min 6,000 Square Feet)
- Semi Custom (Min 8,000 Square Feet)
- Custom (Min 13,000 Square Feet)

Other Land Uses

- Park
- Public
- Church
- Commercial





West Wing Mountain Lot Size Analysis

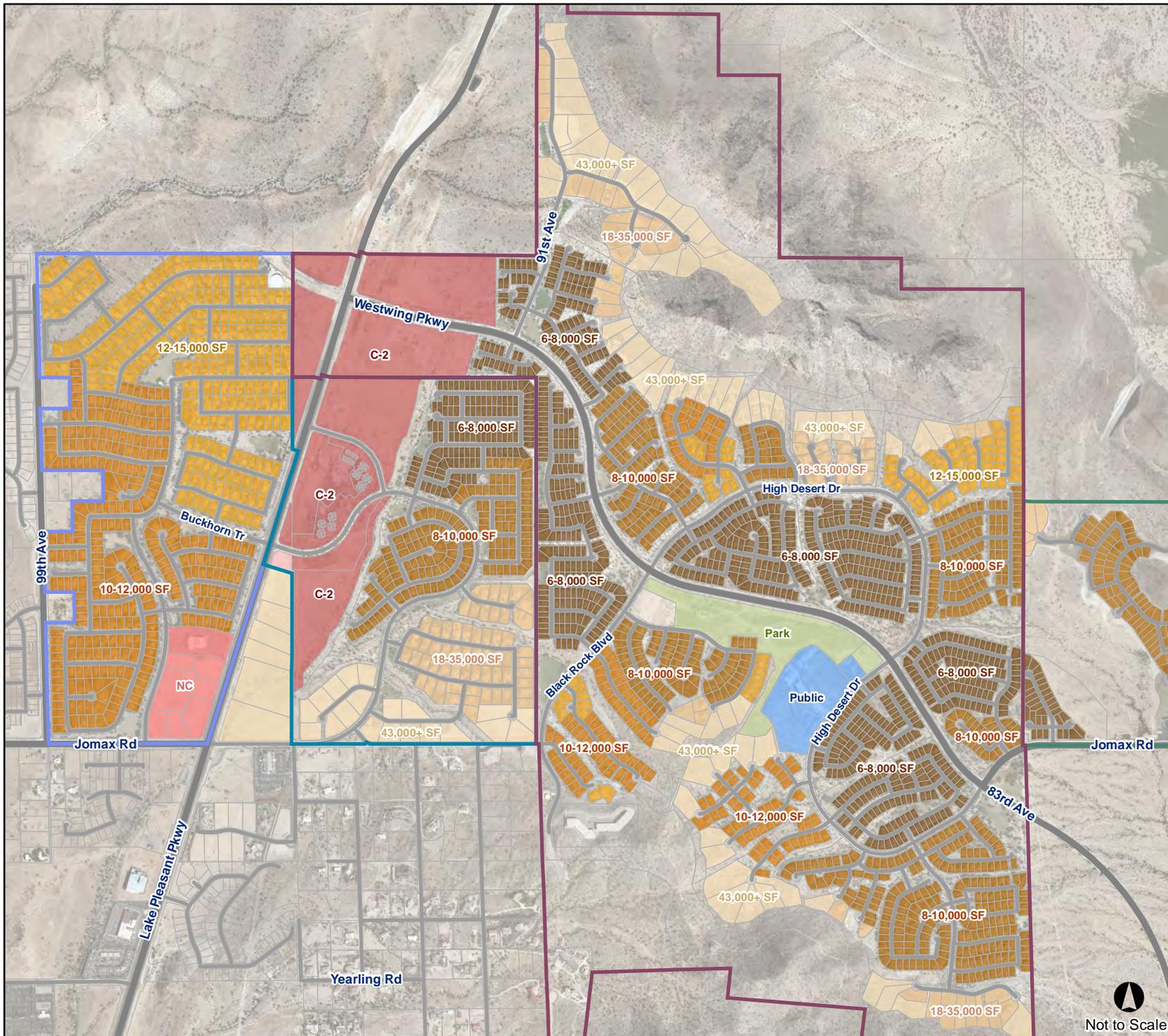
Legend

Average Lot Range

- 6,000 - 8,000 Square Feet
- 8,000 - 10,000 Square Feet
- 10,000 - 12,000 Square Feet
- 12,000 - 15,000 Square Feet
- 18,000 - 35,000 Square Feet
- 43,000+ Square Feet

Non-Residential Uses

- Park
- Public
- Office (O-1)
- Neighborhood Commercial (NC)
- Intermediate Commercial (C-2)





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3200 E. Camelback Road, Suite 295
Phoenix, AZ 85018

RE: Parcels 201-06-075K and 201-06-075H

Mr. Garner:

We have appreciated the continued discussion with Pivotal Group regarding the rezoning case before the City of Peoria for the two parcels on the northeast and southeast corner of West Wing Parkway and Lake Pleasant Parkway. It is our understanding that these parcels are currently zoned for commercial use and Pivotal Group is seeking these parcels to be rezoned for residential use.

Our initial discussions indicated that we would not have enough capacity at West Wing Elementary School to accommodate the projected students from an additional 143 residential units that would be built on these two parcels. We have appreciated the willingness of Pivotal Group to develop alternatives for us to consider to mitigate the impact of rezoning these parcels.

To that end, we can conceptually agree to the rezoning of these parcels if the following can be agreed to by all parties:

1. Exchange an unimproved parcel held by the Deer Valley Unified School District near 83rd Ave and Happy Valley Road (parcel 201-06-089C) with a parcel or parcels of equal or greater value within the Deer Valley Unified School District boundary held by Pivotal Group. The intent of this is to provide a more usable site to accommodate growth the school district may experience in future years.
2. A \$750/unit donation from Pivotal Group to the Deer Valley Unified School District, the intent of which is to offset any costs to accommodate any increased student population.

It should be noted that we have only had preliminary discussions about these items above and much more work would be necessary to learn the requirements of each party to be able to accomplish what is proposed.

Respectfully,

Jim Migliorino
Associate Superintendent of Fiscal and Business Services

cc: Mr. Chris Jacques, City of Peoria Planning Director

SUPERINTENDENT
Dr. James R. Veitenheimer

GOVERNING BOARD
Ron Bayer
Kimberly K. Fisher, MAFM
Michael Gregoire
Ann O'Brien
Ann Elizabeth Ordway

From: [Anthony Alejandro](#)
To: [Richard Williams](#)
Subject: FW: Tiffany & Bosco rezoning request within Westwing
Date: Thursday, February 05, 2015 10:42:18 AM

Comments of proposed rezone.

Thank you,

Anthony Alejandro
Council Assistant
Intergovernmental Affairs
City Of Peoria, AZ
8401 W. Monroe St.
Peoria, AZ 85345
Phone: 623.773.7538
Fax: 623.773.7301
Anthony.Alejandro@peoriaaz.gov

-----Original Message-----

From: Alan Barber [[mailto: \[REDACTED\]](mailto:)]
Sent: Thursday, February 05, 2015 9:48 AM
To: Irene Charlez; briana.decker@peoriaaz.gov; Terri Smith; Anthony Alejandro
Subject: Tiffany & Bosco rezoning request within Westwing

Mayor Carlat and City Council members,

My wife and I have lived within the Westwing community since 2005, and absolutely love the community, and would hate to see anything cause detriment to the community. In the past 9 years, we have watched the community and surrounding commercial area grow, even though the majority of this growth has occurred during a sluggish economy. I am writing you all today to request your help to stop the Tiffany & Bosco rezoning request from commercial to residential, as we strongly believe this will cause detriment to the community, the school, and to the existing property values. My wife and I attended the second presentation by Pivotal on the rezoning request located at Westwing Parkway this past Tuesday evening, and it was very disheartening to learn that minimal changes to the current plot plan had been made, which appears to be the biggest sticking point with the majority in attendance. In short, the current plot plan includes lot sizes of 6100 sq. ft, for approximately 150 homes. This was increased from the prior 6050 sq. ft. proposal in our prior meeting. I think we can all agree that an increase of 50 ft is far from a significant change. The Pivotal "argument" is that this lot size exists within the community; however, what they fail to communicate is at what density of homes those lot sizes exist within. What I mean by this is, it may be factual that 6100 sq ft exists; however, they DO NOT exist with the density they are requesting. As you can see from any real estate analysis, the average lot size is in excess of 9000 sq ft. If this rezoning is approved, the new homes being proposed would certainly degrade existing property values in the area, as well as increase population to an already crowded elementary school. Lastly, we are only now beginning to see some recovery in our property values since the housing market crash, and allowing this proposal to go through would certainly reverse, and/or, negatively impact these gains.

I implore the council to stop this rezoning request, and stick to the City of Peoria 100 year plan.

Thank you for your time today, and we appreciate you dedication and commitment to the community.

Sincerely,

Alan and Jacquie Barber



From: [Lori Barnes](#)
To: [Richard Williams](#)
Subject: FW: Rezoning parcels 24 & 27 WestWing Mountain
Date: Thursday, February 05, 2015 12:44:27 PM

Mr. Williams, I meant to add you to my send list. Pls see my email to Mayor Carlat.
Thank You

[Sent from Yahoo Mail for iPad](#)

----- Begin Forwarded Message -----

From: Lori Barnes <[REDACTED]>
Date: Feb 5, 2015, 12:36:08 PM
To: Ben Toma <'ben.toma@peoriaaz.gov'>, briana.decker@peoriaaz.gov <'briana.decker@peoriaaz.gov'>
CC: briana.decker@peoriaaz.gov <'briana.decker@peoriaaz.gov'>
Subject: Rezoning parcels 24 & 27 WestWing Mountain

Mayor Carlat, I am a resident in WestWing Mountain and I oppose the rezoning of the commercial parcels within my community. The lot size and home size do not resemble the rest of the community and will negatively impact home prices. Additionally, WestWing Elementary is close to capacity and the Seller of the property has made no provision to address the problem.

In conclusion, with the growth we are experiencing in North Peoria along with the recently opened 303 we may need this commercial space. I think it is a mistake to rezone at this time especially with what is proposed.

Thank you,

Lori Barnes
[REDACTED]

[Sent from Yahoo Mail for iPad](#)

From: [Briana Decker](#)
To: [Richard Williams](#)
Cc: [Chris Jacques](#)
Subject: FW: Rezoning parcels 24 & 27 WestWing Mountain
Date: Monday, February 09, 2015 10:04:15 AM

For public record.

Thank you,

Briana Decker-Cortinas

Assistant to the Mayor

City of Peoria

8401 W. Monroe St. Peoria, AZ. 85345

Phone: 623.773.5133 / Fax: 623.773.7384

Briana.Decker@peoriaaz.gov

Work hours: 7:00 a.m. - 6:00 p.m. (Monday-Thursday)



Please consider the environment before printing this email.

From: Lori Barnes [REDACTED]
Sent: Thursday, February 05, 2015 12:36 PM
To: Ben Toma; Briana Decker
Cc: Briana Decker
Subject: Rezoning parcels 24 & 27 WestWing Mountain

Mayor Carlat, I am a resident in WestWing Mountain and I oppose the rezoning of the commercial parcels within my community. The lot size and home size do not resemble the rest of the community and will negatively impact home prices. Additionally, WestWing Elementary is close to capacity and the Seller of the property has made no provision to address the problem.

In conclusion, with the growth we are experiencing in North Peoria along with the recently opened 303 we may need this commercial space. I think it is a mistake to rezone at this time especially with what is proposed.

Thank you,

Lori Barnes
[REDACTED]

From: [REDACTED]
To: [Richard Williams](#)
Subject: No on rezoning to more residential of parcels 24 & 27 the city should be resolute to its long term master plan
Date: Friday, February 13, 2015 8:36:53 AM

No on rezoning to more residential of parcels 24 & 27

Myself and my family are against the rezoning to residential on these parcels.

Thank-you.

Life isn't about finding yourself. Life is about creating yourself. – George Bernard Shaw

From: [REDACTED]
To: [Richard Williams](#)
Subject: No on rezoning to more residential of parcels 24 & 27 the city should be resolute to its long term master plan
Date: Thursday, February 12, 2015 7:43:40 AM

To Richard Williams,

I am a home owner in Cibola Vista Community. I would like the rezoning of parcels 24 & 27 (Lake Pleasant parkway and West Wing parkway) from commercial to residential not to be approved by the City. I feel the City should be resolute to its long term master plan that spaces commercial, open space, and residential proportionately.

Sincerely,

Harry and Kim Bissell

[REDACTED]

[REDACTED]

From: [hotmail2](#)
To: [Richard Williams](#)
Cc: [Kim Bissell](#)
Subject: Many feel Westwingparcel 24 & 27 at Lake Pleasant parkway and Westwing parkway should remain Commercial
Date: Thursday, December 04, 2014 11:20:03 AM

Good afternoon Mr. Williams,

Thank you for taking the time to speak with me Tuesday December 2nd. I wanted to share some thoughts and information I have on the Westwing Mountain rezoning of parcel 24 & 27 at Lake Pleasant parkway and Westwing parkway. I am very interested in your thoughts. Please feel free to clear up any misinformation I may have and thank you in advance for your input. I feel as well as many in my immediate neighborhood feel parcel 24 & 27 should remain Commercial

I too was at the meeting at Westwing.

My observation was it was about split for and against the rezoning. I would say there was a turnout of approximately 60 people tops. Considering there are over 2000 homes collectively with Pleasant Valley, Westwing, and Cibola vista I think the turnout was very small .03%. It was nice and lucky that some of us in Cibola Vista were on a Pleasant valley distribution list and heard about it.

As a high-end custom home Builder for 22 years in San Francisco and Marin County CA. I have seen property developers do this before and the study Tiffany & Bosco presented seemed biased to their agenda.

Tiffany & Bosco spoke a great deal about traffic counts needed to make commercial investments viable at these locations. Then additionally said the 303 completion did not bring the traffic counts up to make it motivating for commercial buyers/builders. I asked for and received copies of their studies and found their traffic count data was taken April 1, 2014 before the 303 was even completed to Happy Valley let alone Lake Pleasant Parkway or I-17. The presentation led people to believe this traffic count data was current. They spoke about a gas station or box store being there but did not speak about it being built out for local community small businesses offices or a Starbucks, coffee shop, drycleaners, restaurant, etcetera. These types of establishments add to our property values and create a sense of community as gathering places that you can walk or bike to. The commercial property center at Lake Pleasant parkway and Happy Valley is small for the amount of homes in the area when you include homes in a 2 mile radius just finished or under development now. I am concerned with the constant building of new homes without the infrastructure to support it. Property north-east at Lake Pleasant parkway and Yearling was recently rezoned from open space to residential and seems to be a trend to generate short term income. We need to consider the future impact these all additional homes will have on this community and the long term vision not the immediate cash the property the developers want. The developers need to be accountable to the city's long term vision and plan which they agreed to when they made their original deal with the city. The city should

also be resolute to the long term vision and plan they developed because it was a good one.

When Pivotal Group bought Westwing they committed to the land in question being commercial based on a very in-depth study the City did.

I don't know if you were aware of the more than 1000 homes recently built or at this time under construction within a 2.5 mile radius of these commercial properties at Lake Pleasant parkway and Westwing Parkway. If you figure 2 cars per home that's a significant increase in daily traffic. I and many others now use the 303 to get to I-17 and avoid Happy Valley increasing the traffic counts by these properties significantly. At a minimum I feel a traffic count should be taken now the 303 is open to I-17 and should probably include an estimation for the above mentioned subdivisions under construction.

My information shows Subdivisions currently building in a 2.5 mile radius of Lake Pleasant parkway and Westwing parkway.

Tierra Del Rio – Cactus, Tierra Del Rio – Canyon, Florenza, Northlands Encore Collection, Northlands Passage Collection, Northlands Summit Collection, Querencia, Summit at Rock Springs, Foothills at Rock Springs, Rock Springs Discovery, Vintage at Rock Springs

Sincerely Harry,

H. S. Bissell

[REDACTED]
[REDACTED]
[REDACTED]

From: [Kevin Boontjer](#)
To: [Briana Decker](#); [Ben Toma](#); [Richard Williams](#)
Subject: rezoning
Date: Friday, February 13, 2015 11:10:24 AM

I AM A HOME OWNER IN THE CIBOLA VISTA COMMUNITY, NEXT TO WEST WING. I WOULD LIKE THE REZONING OF PARCELS 24 & 27 (LAKE PLEASANT PARKWAY AND WEST WING PARKWAY) FROM COMMERCIAL TO RESIDENTIAL NOT TO BE APPROVED BY THE CITY. I FEEL THE CITY SHOULD BE RESOLUTE TO ITS LONG TERM MASTER PLAN THAT SPACES COMMERCIAL, OPEN SPACE, AND RESIDENTIAL PROPORTIONATELY. I MOVED TO THIS COMMUNITY JUST OVER 2 YEARS AGO FOR A VARIETY OF REASONS, ONE BEING THE WAY I UNDERSTOOD THE SURROUNDING AREA WOULD BE BUILT OUT IN THE FUTURE.

[REDACTED]

[REDACTED]

From: [John Brennan](#)
To: [Richard Williams](#)
Subject: Rezoning of parcels 24 & 27 (Lake Pleasant parkway and West Wing parkway)
Date: Thursday, February 12, 2015 5:30:29 PM

I am a home owner in Cibola Vista Community. I would like the rezoning of parcels 24 & 27 (Lake Pleasant parkway and West Wing parkway) from commercial to residential not to be approved by the City. I feel the City should be resolute to its long term master plan that spaces commercial, open space, and residential proportionately.

Thank You,



From: [Heather](#)
To: [Richard Williams](#)
Subject: Parcels 24 & 27 Rezoning
Date: Thursday, February 19, 2015 10:31:15 AM

Dear Mr. Williams,

I am a home owner in the Cibola Vista Community. I would like the rezoning of parcels 24 & 27 (Lake Pleasant parkway and West Wing parkway) from commercial to residential **not** to be approved by the City. I feel the City should be resolute to its long term master plan that spaces commercial, open space, and residential proportionately. I am requesting your assistance by voting NO on this matter.

Thank you,

Heather Bruen



From: [REDACTED]
To: [Richard Williams](#)
Date: Thursday, February 12, 2015 11:02:09 AM

I am a home owner in Cibola Vista Community. I would like the rezoning of parcels 24 & 27 (Lake Pleasant parkway and West Wing parkway) from commercial to residential **not** to be approved by the City. I feel the City should be resolute to its long term master plan that spaces remain commercial, open space, and residential proportionately.

Meta Campbell

[REDACTED]

From: [Briana Decker](#)
To: [Richard Williams](#)
Cc: [Chris Jacques](#)
Subject: FW: Stop Bosco
Date: Thursday, February 05, 2015 7:37:23 AM

For public record.

Thank you,

Briana Decker-Cortinas

Assistant to the Mayor

City of Peoria

8401 W. Monroe St. Peoria, AZ. 85345

Phone: 623.773.5133 / Fax: 623.773.7384

Briana.Decker@peoriaaz.gov

Work hours: 7:00 a.m. - 6:00 p.m. (Monday-Thursday)



Please consider the environment before printing this email.

From: Kim Camping [REDACTED]
Sent: Wednesday, February 04, 2015 9:30 PM
To: Terri Smith; Anthony Alejandro; Irene Charlez; Briana Decker
Subject: Stop Bosco

Dear Council Member,

The proposed change to the zoning change at West Wing Parkway and Lake Pleasant Parkway is not good for the community. I am asking for your help to stop this change to the City of Peoria 100 year plan. The change will not benefit the family community and will hurt us. I know you are committed to public service and a strong community where families and individuals can flourish. Please help us protect our community and stop the change to the 100 year plan.

Sincerely,

Dianna K Camping

[REDACTED]

From: [Briana Decker](#)
To: [Richard Williams](#)
Cc: [REDACTED]
Subject: Proposed rezone to Parcels 24 and 27 in Westwing
Date: Tuesday, February 24, 2015 4:47:28 PM

Richard,

Mayor Carlat received a call from Mr. Michael Cassano who would like to have his opinion recorded as part of the public record for this development project. Mr. Cassano is opposed to the current development proposal and would like the property to remain commercial.

Michael Cassano
Cibola Vista

[REDACTED]
[REDACTED]
[REDACTED]

Thank you,

Briana Decker-Cortinas

Assistant to the Mayor

City of Peoria

8401 W. Monroe St. Peoria, AZ. 85345

Phone: 623.773.5133 / Fax: 623.773.7384

Briana.Decker@peoriaaz.gov

Work hours: 7:00 a.m. - 6:00 p.m. (Monday-Thursday)

 Please consider the environment before printing this email.

From: [REDACTED]
To: [Richard Williams](#)
Subject: Please do not approve rezoning of parcels 24 & 27
Date: Sunday, March 01, 2015 3:51:30 PM

Sent from Windows Mail

As a homeowner in Cibola Vista, I am against the rezoning of parcels 24 & 27 (Lake Pleasant partway and West wing parkway) from commercial to residential. I feel the city should be resolute to its long term master plan that spaces commercial, open space, and residential proportionately.

Kathryn Cookson

[REDACTED]

[REDACTED]

PARCELS 24 & 27 REZONING MEETING

Hello,

I am a neighbor and I live in Cibola Vista and attended the rezoning meeting at WWM community center on Nov 19th and have since completed some additional research on the data presented as well as some supplemental research provided herein. If you are interested in keeping these properties commercial please send a letter to the city of Peoria and let them know your thoughts. I was given the name of Richard Williams to who I expressed my thoughts and desire to keep the current zoning. Richard.Williams@peoriaaz.gov

I feel the study Tiffany & Bosco presented was biased to their agenda and misleading.

As I understand Tiffany & Bosco represents the Pivotal Group. At the last meeting I heard them speak a great deal about traffic counts needed to make commercial investments viable at these locations. Then additionally said the 303 completion did not bring the traffic counts up to make it appealing for commercial buyers/builders. I asked for and received copies of their studies and found their traffic count data was taken April 1, 2014 before the 303 was even completed to Happy Valley let alone Lake Pleasant Parkway or I-17. The presentation led people to believe this traffic count data was current. At my rough count there are more than 1000 homes recently built or at this time under construction (see list below) within just a 2.5 mile radius of these commercial properties (Lake Pleasant parkway and West Wing parkway). If you figure 2 cars per home that's a significant increase in daily traffic everywhere and a lot of it will definitely pass this location. I and many others now use the 303 to get to I-17 and avoid Happy Valley increasing the traffic counts by these properties significantly.

We need to consider the future impact all additional homes will have on our community and not the impatience and desire for the developers to get out of their commitment and move on. When Pivotal Group bought West Wing they committed to the land in question being commercial based on the city's long term vision. Peoria spent considerable time and money to develop an extensively researched master plan that located residential, commercial, and open space proportionately to create a high quality of life. Peoria continues to invest in our area with walking and running paths that will feed these commercial properties.

Additionally they spoke about a gas station or box store being there but did not speak about it being built out for local community small businesses or a Starbucks, coffee shop, drycleaners, restaurant, etcetera. These types of establishments add to our property values and create a sense of community as gathering places that you can walk or bike to. The commercial property center at Lake Pleasant parkway and Happy Valley is small for the amount of homes in the area when you include homes in a 2 mile radius just finished or under development now. I am concerned with the building of new homes without the infrastructure to support it. Property north-east at Lake Pleasant parkway and Yearling was recently rezoned from open space to residential and seems to be a repeating trend that will leave us forced to longer congested drive for simple conveniences and amenities. A 30 minute wait or more is common place for weekend dining at restaurants at Lake Pleasant parkway and Happy Valley.

I feel the city should also be resolute to the long term vision and plan they spent considerable time and money to develop.

Addendum 1:

My research shows Subdivisions currently building in a 2.5 mile radius of Lake Pleasant parkway and WestWing parkway.

Tierra Del Rio – Cactus, Tierra Del Rio – Canyon, Florenza, Northlands Encore Collection, Northlands Passage Collection, Northlands Summit Collection, Querencia, Summit at Rock Springs, Foothills at Rock Springs, Rock Springs Discovery, Vintage at Rock Springs

Stop the Rezoning.

www.StopBosco.com

- ✓ The proposed change in rezoning at *West Wing Parkway and Lake Pleasant Parkway* will hurt the community of West Wing, Cibola Vista and Pleasant Valley and area neighborhoods.
- ✓ **It will hurt you and cost you money!**
- ✓ It is not in the best interest of the community.
- ✓ The over crowded Elementary school will be **even more over crowded.**
- ✓ Home values **will go down.**
- ✓ Traffic/noise and pollution **will increase.**

Don't let outsiders come in and rezone the commercial property to residential.

They are going to make a quick buck at our expense by flipping the land.

Don't be fooled by Tiffany & Bosco. This is a bad idea and will hurt the community and living standards.

Tell Jacob Zonn, Senior Planner at Tiffany & Bosco that we don't want outsiders coming in and making a **quick buck at our expense.** This is a bad idea and needs to be stopped.

How do we stop it?

Contact the Mayor and every Council Member by email or phone (see back of page). Email them and express your opinions. We need to express our concerns and opinions. Without our input the city will allow the rezoning.

What do you say?

Below is an example of an email you can send. Tell them that this will not benefit the community and will hurt the community. Don't allow the outsiders to come in and violate the 100 year city plan. Tell them you are not behind the change and **please help us stop** the rezoning request.

Dear Council Member _____,

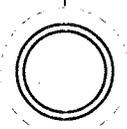
The proposed change to the zoning change at West Wing Parkway and Lake Pleasant Parkway is not good for the community. I am asking for your help to stop this change to the City of Peoria 100 year plan. The change will not benefit the family community and will hurt us. I know you are committed to public service and a strong community where families and individuals can flourish. Please help us protect our community and stop the change to the 100 year plan.

Sincerely,

Your name

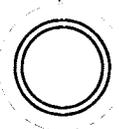
If you don't tell the City Council that you don't want this to happen, then it will happen. Email or call and express your opinion.

West Wing Mountain Rezoning



PUBLIC HEARING FEBRUARY 3, 2015

Simply Put



Facts:

- Pivotal is not the builder
- If allowed by the city to rezone from commercial to residential the community loses control of that parcel.
- **Pivotal has provided in writing a “commitment” to “not negatively impact the community”**
 - ★ Suggested impacts could include:
 - Depreciation of current property values
 - Comparable product and design
 - HOA dues potentially increased to help sustain the additional expenses
- Fundamentally this makes most of their content theoretical in regards to any proposed residential plan and commitments.

Items to Consider



- The vacant medium sized commercial pad would NOT support BIG BOX!
- Currently 350+ lots are available for sale within one mile of the community
- Implications to traffic
- Impact to Schools:
 - Due to overcrowding Deer Valley School District rezoned the boundaries feeding into the high schools to accommodate the high number of students in the classroom.
 - West Wing Elementary School current average class size = 30 (currently 1,061 students). District Planning has stated that no one was submitted a request for to support the additional students.
 - Waiting list for all charter schools in the area
 - Parking is already beyond capacity
- All of the ingredients to create a rental property community: low interest rates, smaller houses, small lot size, lower priced while sitting next to a community of higher value.

Statistical Market Analysis



Active Listings: Market Analysis as of February 2, 2014

West Wing* <7,000 sq ft	West Wing* > 7,000 sq ft	Pleasant Valley*	Cibola*
Avg Lot Size: 6,411 sq ft	Avg Lot Size: 9,916 sq ft	Avg Lot Size: 12,726 sq ft	Avg Lot Size: 9,983 sq ft
Avg List Price: \$279,880	Avg List Price: \$423,779	Avg List Price: \$417,850	Avg List Price: \$355,881
Avg Price per Lot Sq Ft: \$43.73	Avg Price per Lot Sq Ft: \$43.11	Avg Price per Lot Sq Ft: \$32.92	Avg Price per Lot Sq Ft: \$39.61
Combined Days on Market = 68	Combined Days on Market = 131	Combined Days on Market = 86	Combined Days on Market = 104

(Based on 5 Active Listings)

(Based on 29 Active Listings)

Pivotal proposal:

Lot Size = 6,100

Builders Discretion on pricing – Uncontrolled by current owner

From: [Briana Decker](#)
To: [Richard Williams](#)
Cc: [Chris Jacques](#)
Subject: FW: Mayor Cathy Carlat
Date: Monday, February 09, 2015 10:04:43 AM

For public record.

Thank you,

Briana Decker-Cortinas
Assistant to the Mayor
City of Peoria
8401 W. Monroe St. Peoria, AZ. 85345
Phone: 623.773.5133 / Fax: 623.773.7384
Briana.Decker@peoriaaz.gov
Work hours: 7:00 a.m. - 6:00 p.m. (Monday-Thursday)
Please consider the environment before printing this email.

-----Original Message-----

From: [REDACTED]
Sent: Thursday, February 05, 2015 7:47 AM
To: Briana Decker
Subject: Mayor Cathy Carlat

Dear Mayor Carlat-

I oppose the rezoning of Westwing Parkway mainly because of the school situation. At the last meeting a couple who live in Westwing shared with us that they had phoned the planner for the Deer Valley School District. The planner told them that Westwing Elementary school right now is at capacity. There is no room to add on to the school. Can't put in portables because both the parking lot and playground are small.

All the surrounding charter schools were contacted. They all are at capacity and have waiting lists. To add more homes whether they are larger or smaller will cause overcrowding.

The landowner is not part of our community. The 100 year plan was compiled by people educated and experienced in city planning. This is not my area of expertise. Think we need to take the advice of this plan. It is for the good of the community .

Appreciate your time.

Joan Dahlberg
Westwing Home Owner

Sent from my iPad

From: [Briana Decker](#)
To: [Chris Jacques](#)
Cc: [Richard Williams](#)
Subject: FW: Re zoning Case at Lake Pleasant Pkwy
Date: Monday, February 02, 2015 1:23:11 PM

Mr. Dahlberg has requested that the email below be included in the public record for this development proposal.

Thank you,

Briana Decker-Cortinas

Assistant to the Mayor

City of Peoria

8401 W. Monroe St. Peoria, AZ. 85345

Phone: 623.773.5133 / Fax: 623.773.7384

Briana.Decker@peoriaaz.gov

Work hours: 7:00 a.m. - 6:00 p.m. (Monday-Thursday)

 Please consider the environment before printing this email.

From: Dennis @ Level 4 Funding [REDACTED]
Sent: Saturday, January 31, 2015 10:18 AM
To: Briana Decker
Subject: Re zoning Case at Lake Pleasant Pkwy

Hope you will be present at the next meeting.

They have not addressed the concerns of the community.

Their plan will hurt the community and make things worse.

The overcrowded school will become even more overcrowded.

They are doing this to make a quick buck at the expense of the community.

Violating the 100 year city plan is a very bad idea. In the next few years it will make good economic sense to have commercial. If we put homes on the land, there will NEVER be any chance of commercial.

Please don't let these outsiders hurt our community.

Subject: RE: Rezoning Case at Lake Pleasant Pkwy and Westwing Pkwy

Ms. Dahlberg,

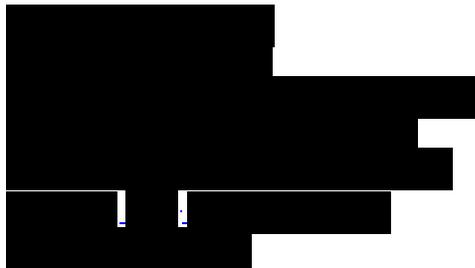
I hope to see you at our neighborhood meeting [next Tuesday night, February 3 from 6:30-8:00 pm](#) at the WestWing Community Center ([27008 N High Desert Dr](#)).

Please contact me if you have any questions.

Thank you,
Dennis Dahlberg
Westwing home owner



*I have a feeling that you are going
to have a Richer Life in 2014!!
Great things are going to happen to you!
Get ready!! You are blessed!*



Notes are offered only to persons who are: (1) "Accredited Investors" and "Verified" within the meaning of Rule 506(c) of Regulation D Promulgated under the Act and applicable State Securities Law; this consists of a General Solicitation under Rule 506(c). (2) Able to bear the economic risk of an investment in the Notes, including a loss of the entire investment and (3) Sufficient knowledgeable and experience in financial and business matters to be able to evaluate the merits and risks of an investment in the Notes either alone or with a purchaser representative. The Notes are not offered and will not be sold to any prospective investor unless such investor has established, to the satisfaction of Dennis [REDACTED], Managing Member of Level 4 Funding LLC, that the investor meets all of the foregoing criteria. This is an advertisement, not the Private Offering Memorandum. Each investor must acquire the Notes for his/her/its own account, for investment purposes only, and without any intention of distributing or reselling any of the Notes, either in whole or in part. [REDACTED]

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From: [Richard Williams](#)
To: [Richard Williams](#)
Subject: FW: Westwing Rezone
Date: Wednesday, February 25, 2015 11:44:14 AM

Rick Williams, Planner

City of Peoria | Planning and Community Development
9875 N 85th Ave, Peoria AZ 85345 | 623.773.7565 | richard.williams@peoriaaz.gov |
Office Hours are Monday through Thursday, 7am to 6pm

From: Tammy Damato [REDACTED]
Sent: Tuesday, February 24, 2015 12:33 PM
To: Richard Williams
Subject: Re: Westwing Rezone

Dear City Council Members,

The proposed change to the zoning at West Wing Parkway and Lake Pleasant Parkway is not good for the community. We need your help to stop this change to the City of Peoria 100 year plan. Changing it to residential will affect our community in so many negative ways. The main thing I am worried about is sending more kids to our already crowded West Wing school. It will also bring down the prices on our homes because the lot size is so small they will be able to cram in more homes on these two vacant parcels. We are a family community and this will not benefit us. Please help us protect our community and stop the change to the 100 year plan. We have lived in West Wing for 10 years and we were told at that the time we bought, that the parcels by Lake Pleasant were zoned for commercial. We knew that would be great for our community. Peoria has held up to its reputation for family communities, please don't let us down. The owner just wants to make a quick buck and will only benefit him if it goes residential.

Thank you for your time,
Tammy Damato

My address is

[REDACTED]
See you March 5th.

Thank you,
Tammy

[Sent from Yahoo Mail on Android](#)

From: "Richard Williams" <Richard.Williams@peoriaaz.gov>
Date: Tue, Feb 24, 2015 at 11:09 AM
Subject: Westwing Rezone

Tammy

Thank you so much for your email regarding the WestWing land use and zoning change. I have included your email in the case file and forwarded it to the applicant as well.

We are tracking all opposition and noting locations on a map for visual reference. It would be a big help if you could please provide your address.

Thank you,

Rick

Rick Williams, Planner

City of Peoria | Planning and Community Development
9875 N 85th Ave, Peoria AZ 85345 | 623.773.7565 | richard.williams@peoriaaz.gov |
Office Hours are Monday through Thursday, 7am to 6pm

From: [Irene Charlez](#)
To: [Richard Williams](#)
Subject: FW: West Wing Rezoning
Date: Tuesday, February 24, 2015 9:59:36 AM

Irene Charlez

Council Assistant

City of Peoria
623-773-7785

From: Tammy Damato [REDACTED]
Sent: Thursday, February 12, 2015 8:09 PM
To: Briana Decker; Irene Charlez; Terri Smith; Anthony Alejandro
Subject: West Wing Rezoning

Dear City Council Members,

The proposed change to the zoning at West Wing Parkway and Lake Pleasant Parkway is not good for the community. We need your help to stop this change to the City of Peoria 100 year plan. Changing it to residential will affect our community in so many negative ways. The main thing I am worried about is sending more kids to our already crowded West Wing school. It will also bring down the prices on our homes because the lot size is so small they will be able to cram in more homes on these two vacant parcels. We are a family community and this will not benefit us. Please help us protect our community and stop the change to the 100 year plan. We have lived in West Wing for 10 years and we were told at that the time we bought, that the parcels by Lake Pleasant were zoned for commercial. We knew that would be great for our community. Peoria has held up to its reputation for family communities, please don't let us down. The owner just wants to make a quick buck and will only benefit him if it goes residential.

Thank you for your time,
Tammy Damato

From: [REDACTED]
To: Richard.Williams
Subject: Fwd: Rezoning of Parcel 24 &27 Westwing Mountain Community
Date: Thursday, January 15, 2015 11:42:27 AM

> Date: Thu, 15 Jan 2015 10:41:59 -0800
> From: [REDACTED]
> To: Richard.Williams@peoriaas.gov
> Subject: Rezoning of Parcel 24 &27 Westwing Mountain Community

>
> Hello Mr. Williams,

>
> I am a homeowner and have lived here in the Westwing Mountain Community for the past 10 years. I am married with two children that go to Westwing Mountain Elementary School. I am against the rezoning of Parcel 24 & 27 for a number of reasons. The Westwing School is full to capacity and cannot handle more students. The area in and around Westwing Mountain School is not fully developed and the construction of existing homes will continue for quite some time. Also there is no parking available at the school to accommodate the current residents at the school. How will parking improve with the build out of the current area and then adding these new parcels 24 and 27 will only make matters worse.

>
> Also the lot sizes are too small changing from 6000 square ft. to 6100 sq. feet is not a big change. These lot sizes need to be minimum 7000 sq. ft. and there needs to be a pocket park located on each parcel for the residents to take their children to play. This is a single family residential area and kids need a place to play down the street of their community.

>
> Thank you for all your time with this matter.

>
> Tony Dudzinski
[REDACTED]

From: [REDACTED]
Subject: Rezoning of Parcel 24 and 27 Westwing Mountain Community
Date: Wednesday, February 04, 2015 9:48:25 AM

To Whom it may concern,

I am a resident of 10 + years in the Westwing Community, married with two children and I am against the proposed rezoning of Parcel 24 and 27 in the Westwing Community from a commercial property to residential property.

My reasons for this is a concern of the Westwing Elementary School K-8 being overcrowded and the quality of the childrens education will be affected. The school is small, the parking lot is small, the open field is small. The school is at full capacity currently and there is still 350 + more homes to be built within a one mile radius of the Westwing Community.

Also I am concerned about the small lot sizes that are in parcel 27 which is a minimum lot size of 6100 sq ft. This will bring in lower valued homes that are smaller than the average sized home in the Westwing Community. This will affect property values within the Westwing Community.

I am urging the City of Peoria to maintain the current plan Development within the Westwing Community and keep these parcels of land commercial. There is no reason to try and change these parcels of land because the whole area has not been fully developed. Also with the Loop 303 and newly developed Lake Pleasant Parkway there will be more traffic to support commercial development in the future.

Thank you for your time with this concern.
Thank you for all of your hard work in making the City of Peoria a great place to live and raise a family.
Have a great day.

Sincerely,
Tony Dudzinski

[REDACTED]

[REDACTED]

From: [Anthony Alejandro](#)
To: [Richard Williams](#)
Subject: FW: WestWing Mountain Rezoning Proposal
Date: Tuesday, February 10, 2015 10:43:47 AM

[Rick – re-zoning comments.](#)

From: ALAINA DYKES [REDACTED]
Sent: Tuesday, February 10, 2015 8:28 AM
To: Anthony Alejandro
Subject: WestWing Mountain Rezoning Proposal

Dear Councilmember Carlo Leone,

I am a resident of WestWing Mountain and am very concerned with the rezoning proposal that is being presented to Peoria City Council in March.

This proposal will change Parcels 24 & 27 at WestWing Parkway & Lake Pleasant Parkway from commercial to residential.

As a property owner, I am concerned that the high-density & inexpensive homes (compared to WestWing's current density & average home price) the current land owner is proposing will decrease our property value.

As a tax payer & community member, I find that the strain this would put on WestWing Mountain School is unacceptable. The school is already filled beyond capacity, and there is no room to expand the campus. Classrooms are currently overcrowded, parking for parents & staff is nearly nonexistent, and the playground is already too small to accommodate all the children. In addition, there are already a few hundred homes currently being built in neighboring communities that will funnel to our school. With no other elementary schools planned for construction in the near future in our area, our children & teachers will bear the negative impacts of this decision.

I believe strongly that Peoria ought to allow the 100-Year City Plan to naturally "play out" as it has in other successful, long-standing communities. While there is no guarantee that keeping the property zoned for commercial will either benefit or harm our property values & community aesthetic, rezoning the property for residential use & selling to the current interested party for high-density housing will **DEFINITELY** harm property value & community aesthetic and will negatively impact the quality of our children's education.

I ask that you support WestWing community (and Peoria as a whole) in our efforts to keep the property zoned for commercial use.

Thank you for your attention to this matter & I appreciate the time and energy that you devote to our beautiful town!

Alaina Dykes



From: [Trinity](#)
To: [Richard Williams](#)
Subject: WestWing Mountain Rezoning Proposal
Date: Wednesday, February 04, 2015 11:51:47 AM

Dear Mr. Williams:

I am a resident of WestWing Mountain and am very concerned with the rezoning proposal that is being presented to Peoria City Council in March.

This proposal will change Parcels 24 & 27 at WestWing Parkway & Lake Pleasant Parkway from commercial to residential.

As a property owner, I am concerned that the high-density & inexpensive homes (compared to WestWing's current density & average home price) the current land owner is proposing will decrease our property value.

As a tax payer & community member, I find that the strain this would put on WestWing Mountain School is unacceptable. The school is already filled beyond capacity, and there is no room to expand the campus. Classrooms are currently overcrowded, parking for parents & staff is nearly nonexistent, and the playground is already too small to accommodate all the children. In addition, there are already a few hundred homes currently being built in neighboring communities that will funnel to our school. With no other elementary schools planned for construction in the near future in our area, our children & teachers will bear the negative impacts of this decision.

I believe strongly that Peoria ought to allow the 100-Year City Plan to naturally "play out" as it has in other successful, long-standing communities. While there is no guarantee that keeping the property zoned for commercial will either benefit or harm our property values & community aesthetic, rezoning the property for residential use & selling to the current interested party for high-density housing will **DEFINITELY** harm property value & community aesthetic and will negatively impact the quality of our children's education.

I ask that you support WestWing community (and Peoria as a whole) in our efforts to keep the property zoned for commercial use.

Thank you for your attention to this matter & I appreciate the time and energy that you devote to our beautiful town!

Crystal Dykes



From: [Anthony Alejandro](#)
To: [Richard Williams](#)
Subject: FW: WestWing Mountain Rezoning Proposal
Date: Thursday, February 05, 2015 10:41:33 AM

Hi Rick,

I was asked to forward any emails I receive regarding the Proposed Re-zone at West Wing Parkway. I will send whatever I receive going forward.

Thank you,

Anthony Alejandro
Council Assistant
Intergovernmental Affairs
City Of Peoria, AZ
8401 W. Monroe St.
Peoria, AZ 85345
Phone: 623.773.7538
Fax: 623.773.7301
Anthony.Alejandro@peoriaaz.gov

From: Trinity [REDACTED]
Sent: Wednesday, February 04, 2015 11:49 AM
To: Anthony Alejandro
Subject: WestWing Mountain Rezoning Proposal

Dear Councilmember Patena:

I am a resident of WestWing Mountain and am very concerned with the rezoning proposal that is being presented to Peoria City Council in March.

This proposal will change Parcels 24 & 27 at WestWing Parkway & Lake Pleasant Parkway from commercial to residential.

As a property owner, I am concerned that the high-density & inexpensive homes (compared to WestWing's current density & average home price) the current land owner is proposing will decrease our property value.

As a tax payer & community member, I find that the strain this would put on WestWing Mountain School is unacceptable. The school is already filled beyond capacity, and there is no room to expand the campus. Classrooms are currently overcrowded, parking for parents

& staff is nearly nonexistent, and the playground is already too small to accommodate all the children. In addition, there are already a few hundred homes currently being built in neighboring communities that will funnel to our school. With no other elementary schools planned for construction in the near future in our area, our children & teachers will bear the negative impacts of this decision.

I believe strongly that Peoria ought to allow the 100-Year City Plan to naturally “play out” as it has in other successful, long-standing communities. While there is no guarantee that keeping the property zoned for commercial will either benefit or harm our property values & community aesthetic, rezoning the property for residential use & selling to the current interested party for high-density housing will **DEFINITELY** harm property value & community aesthetic and will negatively impact the quality of our children’s education.

I ask that you support WestWing community (and Peoria as a whole) in our efforts to keep the property zoned for commercial use.

Thank you for your attention to this matter & I appreciate the time and energy that you devote to our beautiful town!

Crystal Dykes



From: [REDACTED] on behalf of [Suz Dykes](#)
To: [Richard Williams](#)
Subject: Rezoning of Parcels 24 & 27; WestWing Community
Date: Wednesday, February 04, 2015 3:52:37 PM
Attachments: [image003.png](#)

Dear Mr. Williams -

I am a resident of WestWing Mountain and am very concerned with the rezoning proposal that is being presented to Peoria City Council in March.

This proposal will change Parcels 24 & 27 at WestWing Parkway & Lake Pleasant Parkway from commercial to residential.

As a property owner, I am concerned that the high-density & inexpensive homes (compared to WestWing's current density & average home price) the current land owner is proposing will decrease our property value.

As a tax payer & community member, I find that the strain this would put on WestWing Mountain School is unacceptable. The school is already filled beyond capacity, and there is no room to expand the campus. Classrooms are currently overcrowded, parking for parents & staff is nearly nonexistent, and the playground is already too small to accommodate all the children. In addition, there are already a few hundred homes currently being built in neighboring communities that will funnel to our school. With no other elementary schools planned for construction in the near future in our area, our children & teachers will bear the negative impacts of this decision.

I believe strongly that Peoria ought to allow the 100-Year City Plan to naturally "play out" as it has in other successful, long-standing communities. While there is no guarantee that keeping the property zoned for commercial will either benefit or harm our property values & community aesthetic, rezoning the property for residential use & selling to the current interested party for high-density housing will **DEFINITELY** harm property value & community aesthetic and will negatively impact the quality of our children's education.

I ask that you support WestWing community (and Peoria as a whole) in our efforts to keep the property zoned for commercial use.

Thank you for your attention to this matter & I appreciate the time and energy that you devote to our beautiful town!

 **Suz Dykes**

[REDACTED]
[REDACTED]

From: [Scott](#)
To: [Richard Williams](#)
Subject: Westwing parkway and lake pleasant rezoning
Date: Thursday, February 12, 2015 3:19:30 PM

Hello Richard,

My name is Scott Eller and I live at [REDACTED] in Peoria. I'm writing to express my opposition and ask for your support to oppose the rezoning of the property owned by the Pivotal group at the corner of Westwing and Lake Pleasant Parkways. I recently purchased a home in Peoria and read up on the 100 year plan as a part of my research. I would ask you to honor that plan and not approve the zoning change that is proposed. Quite simply, it is not in the best interest of our community.

Thank you for your service and your consideration.

Best regards,

Scott Eller

From: [Briana Decker](#)
To: [Richard Williams](#)
Cc: [Chris Jacques](#)
Subject: FW: Suggestion from website user regarding Mayor
Date: Wednesday, February 04, 2015 4:45:50 PM

For public record.

Thank you,

Briana Decker-Cortinas

Assistant to the Mayor

City of Peoria

8401 W. Monroe St. Peoria, AZ. 85345

Phone: 623.773.5133 / Fax: 623.773.7384

Briana.Decker@peoriaaz.gov

Work hours: 7:00 a.m. - 6:00 p.m. (Monday-Thursday)



Please consider the environment before printing this email.

From: Web Master
Sent: Wednesday, February 04, 2015 1:50 PM
To: InetMayor
Cc: Bill Mims; [REDACTED]
Subject: Suggestion from website user regarding Mayor

Request Submitted: Wednesday, February 04, 2015

Submitter's Name: Scott Eller

Submitter's Email: [REDACTED]

Submitter's Address: [REDACTED]

Apt #:

City: Peoria

State: AZ

Zip: 85383

Submitter's Phone: [REDACTED]

Suggestion Regarding: Mayor

Suggestion: Dear Mayor Carlat, I'm writing in opposition of the proposed change to the property at the north end of Westwing Mountain neighborhood and Lake Pleasant Parkway. The proposed change to the zoning is not good for our community. I am asking for your help to stop this change to the City of Peoria 100 year plan. The change will not benefit the family community and will hurt the city of Peoria. Thank you for your service to our community. I hope you will carefully consider the potential impact of this change on our community. Best regards, Scott Eller [REDACTED]



Contact Submitter VIA: Email

From: [Kari Falkiewicz](#)
To: [Briana Decker](#); [Ben Toma](#); [Richard Williams](#)
Subject: Opposed to Rezoning Proposal at West Wing & Lake Pleasant Pkwys
Date: Sunday, March 01, 2015 9:14:49 AM

To Mayor Cathy Carlat, Ben Toma, Richard Williams

I am a concerned home owner in the Cibola Vista Community located just south of West Wing Parkway & Lake Pleasant Parkway intersection. I would like the rezoning of parcels 24 and 27 (Lake Pleasant Parkway and West Wing Parkway) from commercial to residential **NOT** to be approved by the City of Peoria. I feel the City should be resolute to its long term master plan pertaining to commercial spaces, open spaces and residential spaces to provide a high quality of life. There have already been a significant number of new home communities near the intersection noted with many more homes to be built in those communities. Even without full occupancy of these residential areas already under construction, there has been significant increase in traffic and overcrowding of current commercial infrastructure at the corner of Happy Valley Parkway and Lake Pleasant Parkway. Peoria schools in the area are overcrowded and, in my opinion, will be unable to accommodate the increase in new families coming to the area. Rezoning from commercial to residential will only exacerbate these problems. Parcels 24 and 27 will provide much needed commercial shops (small shops, gathering places) for the north Peoria community. As an elected official, I feel it is your duty to represent the constituents who voted for you and veto the rezoning of parcels 24 and 27 and the intersection of West Wing Parkway and Lake Pleasant Parkway.

Sincerely,

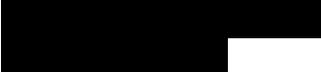
Kari Falkiewicz

Email: 

From: [Jen Farr](#)
To: [Richard Williams](#)
Subject: Parcel 24 and 27
Date: Friday, February 13, 2015 10:45:16 AM

I am a home owner in Cibola Vista Community. I would like the rezoning of parcels 24 & 27 (Lake Pleasant parkway and West Wing parkway) from commercial to residential not to be approved by the City. I feel the City should be resolute to its long term master plan that spaces commercial, open space, and residential proportionately.

Jennifer Farr



From: [Rene Fink](#)
To: [Richard Williams](#); [Ben Toma](#); [Briana Decker](#)
Cc: ["Rene Fink Work"](#)
Subject: FW: Rezoning commercial vs residential
Date: Tuesday, February 17, 2015 1:02:16 PM

I am a home owner in Cibola Vista Community. I would like the rezoning of parcels 24 & 27 (Lake Pleasant parkway and West Wing parkway) from commercial to residential not to be approved by the City. I feel the City should be resolute to its long term master plan that spaces commercial, open space, and residential proportionately.

Thank you for your consideration!

Rene Fink



From: [REDACTED]
To: [Richard Williams](#)
Subject: Westwing mountain
Date: Friday, February 06, 2015 7:00:23 AM

Hi, I would like to voice my opinion that I do not want small lot small homes being built at the edge of our neighborhood here in Westwing Mountain as I understand is being proposed by a developer at the corner of Lake Pleasant and West Wing Pkwy.

The center island of West Wing Pkwy. as it is is not even being maintained correctly the curbs are not repainted the landscaping is horrible we do not need any more stress on our neighborhoods or environment with more traffic and our elementary school cannot handle anymore children.

Thank you!
Peter Foreste
Altamont

Sent from my iPhone

From: [Irene Charlez](#)
To: [Richard Williams](#)
Subject: FW: Stop the rezoning at West Wing
Date: Monday, February 23, 2015 11:43:48 AM

Irene Charlez

Council Assistant

City of Peoria
623-773-7785

From: susan frank [REDACTED]
Sent: Wednesday, February 11, 2015 8:59 PM
To: Irene Charlez
Subject: Stop the rezoning at West Wing

Dear Council Member Ben Toma,

The proposed change to the zoning change at West Wing Parkway and Lake Pleasant Parkway is not good for the community. I am asking for your help to stop this change to the City of Peoria 100 year plan. The change will not benefit the family community and will hurt us. I know you are committed to public service and a strong community where families and individuals can flourish. Please help us protect our community and stop the change to the 100 year plan.

Sincerely,

Susan Frank

From: [Kat](#)
To: [Richard Williams](#)
Subject: Rezoning 24 and 27
Date: Friday, February 13, 2015 8:08:18 AM

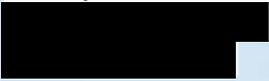
I am a home owner in Cibola Vista Community. I would like the rezoning of parcels 24 & 27 (Lake Pleasant parkway and West Wing parkway) from commercial to residential not to be approved by the City. I feel the City should be resolute to its long term master plan that spaces commercial, open space, and residential proportionately.

Thank you,
Kathy Fuenmayor



From: [Mickey Garcia](#)
To: [Briana Decker](#); [Ben Toma](#); [Richard Williams](#)
Subject: re-zoning Parcels 24 & 27
Date: Thursday, February 12, 2015 4:37:09 PM

I am respectfully asking that you stick with your master plan. When we bought our homes, we relied on the information that the city gave us to make a decision about where we should purchase. The re-zoning of these parcels is a real detriment to our neighborhood. Sticking to the master plan will insure the integrity of our city and specifically our neighborhood!

Mickey Garcia




Please remember to use GCTA for your next escrow or refi. We appreciate your business!

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From: [Richard Williams](#)
To: [Richard Williams](#)
Subject: FW: Advise, Opt to input disapproval for WestWing Mountain Rezoning on Parcels 24 & 27
Date: Wednesday, February 25, 2015 11:49:36 AM

Rick Williams, Planner

City of Peoria | Planning and Community Development
9875 N 85th Ave, Peoria AZ 85345 | 623.773.7565 | richard.williams@peoriaaz.gov |
Office Hours are Monday through Thursday, 7am to 6pm

From: [REDACTED]
Sent: Sunday, February 22, 2015 2:58 PM
To: Ben Toma; Richard Williams; Briana Decker
Subject: Advise, Opt to input disapproval for WestWing Mountain Rezoning on Parcels 24 & 27

To Whom it may concern,

I would like to input my disapproval for WestWing Mountain Community Rezoning project which would change parcels 24 & 27 from commercial to residential. I thoroughly disapprove and would like my vote recorded. How do I do this properly?

Sincerely,
Alex Heiser

Alex Heiser
[REDACTED]

From: [Kevin Iamiceli](#)
To: [Briana Decker](#); [Ben Toma](#); [Richard Williams](#)
Subject: PARCELS 24 & 27 REZONING
Date: Tuesday, February 17, 2015 6:48:43 AM

I am a home owner in Cibola Vista Community. I would like the rezoning of parcels 24 & 27 (Lake Pleasant parkway and West Wing parkway) from commercial to residential not to be approved by the City. I feel the City should be resolute to its long term master plan that spaces commercial, open space, and residential proportionately.

Regards,

Kevin Iamiceli

[REDACTED]
[REDACTED]

From: [Jehorek, Jeff](#)
To: [Richard Williams](#)
Subject: PARCELS 24 & 27 REZONING MEETING
Date: Friday, February 13, 2015 9:43:27 AM

Peoria Zoning Commission,

I am a home owner in Cibola Vista Community. I am against the rezoning of parcels 24 & 27 (Lake Pleasant parkway and West Wing parkway) from commercial to residential and don't want it to be approved by the City. I feel the City should be resolute to its long term master plan that spaces commercial, open space, and residential proportionately.

Jeff & Dawn Jehorek

[REDACTED]
[REDACTED]

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From: [REDACTED]
To: [Richard Williams](#)
Subject: Cibola Vista / West Wing commercial property rezoning
Date: Friday, February 13, 2015 11:17:50 PM

Hello Mr. Williams,

I am a home owner in Cibola Vista Community. I would like the rezoning of parcels 24 & 27 (Lake Pleasant parkway and West Wing parkway) from commercial to residential, to NOT be approved by the City. I feel the City should be resolute to its long term master plan that spaces commercial, open space, and residential proportionately.

Sincerely,

Theresa Jensen

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

From: [REDACTED]
To: [Richard Williams](#)
Subject: Cibola Vista / West Wing commercial property rezoning
Date: Friday, February 13, 2015 11:17:50 PM

Hello Mr. Williams,

I am a home owner in Cibola Vista Community. I would like the rezoning of parcels 24 & 27 (Lake Pleasant parkway and West Wing parkway) from commercial to residential, to NOT be approved by the City. I feel the City should be resolute to its long term master plan that spaces commercial, open space, and residential proportionately.

Sincerely,

Theresa Jensen

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

From: [Briana Decker](#)
To: [Richard Williams](#)
Subject: FW: Rezoning proposal
Date: Thursday, February 19, 2015 4:29:43 PM

Thank you,

Briana Decker-Cortinas
Assistant to the Mayor
City of Peoria
8401 W. Monroe St. Peoria, AZ. 85345
Phone: 623.773.5133 / Fax: 623.773.7384
Briana.Decker@peoriaaz.gov
Work hours: 7:00 a.m. - 6:00 p.m. (Monday-Thursday)
Please consider the environment before printing this email.

-----Original Message-----

From: Danielle Jenson [REDACTED]
Sent: Thursday, February 19, 2015 4:29 PM
To: Briana Decker
Cc: Ben Toma
Subject: Rezoning proposal

To Mayor Cathy Carlat, Ben Toma, Richard Williams,

I am a home owner in the Cibola Vista community. I would like the rezoning of parcels 24 and 27 at Lake Pleasant Parkway and West Wing Pkwy., from commercial to residential, NOT to be approved by the city. I feel the city should be resolute to its long term master plan that spaces commercial, open space, and residential proportionately. PLEASE do not rezone parcels 24 & 27.

Sincerely,
Danielle Jenson

[REDACTED]

Sent from Danielle's iPhone

From: [Sanjay Kanungo](#)
To: [Briana Decker](#); [Ben Toma](#); [Richard Williams](#)
Cc: [Sonia Kanungo](#)
Subject: Rezoning of parcels 24 & 27
Date: Sunday, February 15, 2015 11:54:57 PM

To
Mayor Cathy Carlat,
Mr. Ben Toma,
Mr. Richard Williams,

I am a homeowner in Cibola Vista community. I would like the rezoning of parcels 24 & 27 (Lake Pleasant Pkwy and West Wing Pkwy) from commercial to residential NOT to be approved by the City. I feel the city should be resolute to its long term master plan that spaces commercial, open space and residential proportionately.

Sincerely,
Sanjay Kanungo



From: [Christine Keefner](#)
To: [Richard Williams](#)
Subject: rezoning of parcels 24 & 27 (Lake Pleasant parkway and West Wing parkway)
Date: Friday, February 13, 2015 8:50:01 AM

I am a home owner in Cibola Vista Community. I would like the rezoning of parcels 24 & 27 (Lake Pleasant parkway and West Wing parkway) from commercial to residential NOT to be approved by the City. I feel the City should stick to its long term master plan that spaces commercial, open space, and residential proportionately. Our community would best benefit from a commercial environment on that corner to promote restaurants and small businesses. Our area is heavily saturated already with three new home communities already coming in within a miles radias, we don't need more homes, we need more open spaces, small businesses and restaurants to continue to make North Peoria a beautiful place to live.

Thank You

Jeff & Christine Keefner



From: [Kwan Fan](#)
Subject: Parcel 24 & 27
Date: Wednesday, February 11, 2015 8:54:24 AM

Hello City Representative,

I am a resident in Westing Community and I AM AGAINST THE proposed rezoning of parcel 24 & 27 in the Westwing Community from a commercial property to a residential property. The Westwing school currently is over capacity, that is not counting the current community buildout of homes on Jomax road and other custom lots within Westwing that will be built in the near future.

WE are against the builder rezoning this piece of land. WE are against them building homes that is low value and will be turned into rental properties and ruining the beautiful Westwing community and impacting everyones property values here.

Thank you,

Kwan Fan
Home Owner



From: [REDACTED]
To: [Ben Toma](#); [Irene Charlez](#); [Briana Decker](#); [Richard Williams](#)
Subject: Parcel 24 & 27
Date: Friday, February 20, 2015 10:48:29 AM

To whom it may concern,

I am a resident within the Westwing Community and I am against the proposed rezoning of Parcel 24 & 27 in the Westwing Community from a commercial property to a residential property. I am urging the city to maintain the current plan with this parcel of land and keep it a commercial property.

regards,

Jeff & Juli LeDuc

[REDACTED]

From: [WENDY and IAN](#)
To: [Richard Williams](#)
Subject: Rezoning concerns
Date: Friday, February 13, 2015 9:03:22 PM

Dear Mr. Richard Williams,

I am a home owner in Cibola Vista Community. Please do NOT rezone parcels 24 & 27 (Lake Pleasant parkway and West Wing parkway) from commercial to residential. I feel the City should be resolute to its long term master plan that spaces commercial, open space, and residential proportionately.

Sincerely,

Wendy L. Liu

[REDACTED]

[REDACTED]

From: [Irene Charlez](#)
To: [Richard Williams](#)
Subject: FW: Mesquite District - Rezoning Request Adjacent to West Wing Mountain
Date: Monday, February 23, 2015 11:32:56 AM

Irene Charlez

Council Assistant

City of Peoria

623-773-7785

From: David Melkin [REDACTED]
Sent: Saturday, February 21, 2015 11:02 AM
To: Irene Charlez
Subject: Mesquite District - Rezoning Request Adjacent to West Wing Mountain

Council Member Toma,

Please accept my note as a vote against the proposed rezoning of the property at Lake Pleasant Parkway and West Wing Parkway from commercial use to residential.

As a resident within West Wing parcel 29, which sits next to the proposed property to be rezoned, I just don't see the proposed rezoning and developer plans as being something that will benefit property values, whether mine or other West Wing residents'. I fully expect that, at some point, the land may be find a buyer that may put it to its original commercial use, and that this initial interest in the property could be the start of other, more amenable propositions to come. It feels like a vote to rezone it at this time is settling on a first offer, suggesting that no other offer will materialize.

I have other, more pointed feelings towards a presentation made by the proposed buyer's management company a couple of weeks ago, and it is worth noting that the overwhelming sentiment of those in attendance was that this is not an appropriate change to make at this time.

Lastly, in an unrelated note, I wanted to wish you good luck in the upcoming election! I had recently spoken to Phoenix City Councilman Sal DiCiccio regarding the Mesquite election, and he had some very nice things to say about you and the work you have done in the past.

Thank you for your consideration!

Respectfully,

David Melkin
[REDACTED]
[REDACTED]

From: [Casey Meyeres](#)
To: [Ben Toma](#); [Richard Williams](#); [Briana Decker](#)
Subject: Westwing Rezoning - Parcels 24 & 27
Date: Thursday, February 12, 2015 3:12:44 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Let it be known that I strongly oppose the rezoning of the above mentioned parcels.

Lot sizes of less than 9,000 – 10,000 should strongly be discouraged to maintain property values and decrease traffic.

To change zoning, there should be a strong argument that promotes the city/area and the pre-existing residents that purchased based upon the original zoning and not just benefiting the land owner/developer.

Thanks,

Casey D. Meyeres, CPA
Partner



To ensure compliance with requirements imposed by the IRS, we inform you that any US federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and it cannot be used for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing, or recommending to another party any transaction or matter addressed herein. If you are not the original addressee of this communication, you should seek advice based on your particular circumstances from an independent advisor.

This message (including any attachments) contains confidential information intended for a specific individual and purpose, and is protected by law. If you are not the intended recipient, you should delete this message. Any disclosure, copying, or distribution of this message, or the taking of any action based on it, is strictly prohibited.

From: [Briana Decker](#)
To: [Richard Williams](#)
Cc: [Chris Jacques](#)
Subject: FW: West Wing Parcels 24 & 27 Rezoning Meeting
Date: Thursday, February 12, 2015 11:11:46 AM

For public record.

Thank you,

Briana Decker-Cortinas

Assistant to the Mayor

City of Peoria

8401 W. Monroe St. Peoria, AZ. 85345

Phone: 623.773.5133 / Fax: 623.773.7384

Briana.Decker@peoriaaz.gov

Work hours: 7:00 a.m. - 6:00 p.m. (Monday-Thursday)



Please consider the environment before printing this email.

From: Amy Nichols [REDACTED]
Sent: Thursday, February 12, 2015 10:51 AM
To: Briana Decker
Subject: West Wing Parcels 24 & 27 Rezoning Meeting

Dear Mayor Carlat,

Tiffany & Bosco, attorneys representing Pivotal Group who own parcels 24 and 27 at the intersection of WestWing and Lake Pleasant Parkways in West Wing, are proposing to rezone the parcels from commercial to residential. They held a meeting on February 2 at the West Wing HOA center. The plan they want to implement is 147 homes on the two parcels, with lot sizes of 6,100 & 7,000 square feet. The average lot now in West Wing is 9,431 square feet. 86 homes sold in West Wing in 2014 at an average price of \$367,411. T&B is proposing that homes built on these lots be an average of \$277,500. THIS WILL CAUSE REGRESSION IN OUR HOME VALUES. Our home values will go down by this proliferation of smaller size lots and lower value homes. Any residential plan should be comparable or improve on what already exists in West Wing.

Please vote no on this rezoning proposal.

Thank you,
Amy Nichols

From: [Briana Decker](#)
To: [Richard Williams](#)
Subject: FW: PARCELS 24 & 27 REZONING MEETING
Date: Tuesday, February 17, 2015 11:57:43 AM

Thank you,

Briana Decker-Cortinas

Assistant to the Mayor

City of Peoria

8401 W. Monroe St. Peoria, AZ. 85345

Phone: 623.773.5133 / Fax: 623.773.7384

Briana.Decker@peoriaaz.gov

Work hours: 7:00 a.m. - 6:00 p.m. (Monday-Thursday)



Please consider the environment before printing this email.

From: Kym Polanco [REDACTED]
Sent: Saturday, February 14, 2015 9:47 AM
To: Briana Decker
Subject: PARCELS 24 & 27 REZONING MEETING

Briana,

We are residents of Pleasant Valley, and strongly oppose the rezoning of parcels 24 and 27. The traffic report used did not account for the dramatic increase we already have for the area subdivisions which are building like crazy. My husband and I are Realtors and the area is very much a bedroom community to the point even going to dinner or shopping takes everyone to either Norterra or Arrowhead. Rezoning this would be a mistake in the long term growth plan for a balanced community.

Respectfully,

Tim and Kym Polanco

--

Kym Polanco



From: [J Renick](#)
To: [Richard Williams](#)
Subject: Rezoning of Percels 24 and 27
Date: Saturday, February 14, 2015 7:34:49 PM

Hello,

Please do not rezone parcels 24 and 27. I do not want all those houses on those parcels. I own lot [REDACTED] and the house on it in WestWing. Thank you for your consideration. I am one of the women who shook hands and thanked Mayor Carlat at our last community meeting when the developers representatives were there.

Sincerely,

Jobyann Renick
[REDACTED]

From: [Briana Decker](#)
To: [Richard Williams](#)
Subject: FW: West Wing Rezoning Parcels 24 & 27
Date: Tuesday, February 17, 2015 11:58:08 AM

Thank you,

Briana Decker-Cortinas
Assistant to the Mayor
City of Peoria
8401 W. Monroe St. Peoria, AZ. 85345
Phone: 623.773.5133 / Fax: 623.773.7384
Briana.Decker@peoriaaz.gov
Work hours: 7:00 a.m. - 6:00 p.m. (Monday-Thursday)
Please consider the environment before printing this email.

-----Original Message-----

From: [REDACTED]
Sent: Saturday, February 14, 2015 2:12 PM
To: Briana Decker
Cc: Ben Toma
Subject: West Wing Rezoning Parcels 24 & 27

My husband & I are happy residents of West Wing Mountain. We LOVE everything about our home, neighborhood & surroundings. Please do everything in your power to prevent this Rezoning from happening. We are completely AGAINST this proposal. Bruce & Suzanne Reno [REDACTED]

From: [Briana Decker](#)
To: [Richard Williams](#)
Subject: FW: rezoning
Date: Wednesday, February 18, 2015 9:09:02 AM

Thank you,

Briana Decker-Cortinas

Assistant to the Mayor

City of Peoria

8401 W. Monroe St. Peoria, AZ. 85345

Phone: 623.773.5133 / Fax: 623.773.7384

Briana.Decker@peoriaaz.gov

Work hours: 7:00 a.m. - 6:00 p.m. (Monday-Thursday)



Please consider the environment before printing this email.

From: Laura Rogers [REDACTED]
Sent: Wednesday, February 18, 2015 8:16 AM
To: Briana Decker
Subject: rezoning

To Whom It May Concern:

I am a home owner in Cibola Vista Community. I would like the rezoning of parcels 24 & 27 (Lake Pleasant parkway and West Wing parkway) from commercial to residential not to be approved by the City. I feel the City should be resolute to its long term master plan that spaces commercial, open space, and residential proportionately.

Laura Rogers
[REDACTED]

From: [Irene Charlez](#)
To: [Richard Williams](#)
Subject: FW: Westwing rezoning
Date: Wednesday, February 18, 2015 9:47:18 AM

Correspondence to add...

Irene Charlez

Council Assistant

City of Peoria

623-773-7785

From: Karen Halstead
Sent: Tuesday, February 17, 2015 7:42 AM
To: Irene Charlez
Subject: FW: Westwing rezoning

Irene, I believe this is Councilmember Toma's district.

Karen

623-773-7049

From: [REDACTED]
Sent: Saturday, February 14, 2015 5:07 PM
To: Karen Halstead
Subject: Westwing rezoning

Please forward our concerns regarding the upcoming meeting to address rezoning at Westwing Mt and Lake Pleasant. After listening to comments from each side, it is our preference to decline rezoning and proceed with attempts to follow the existing development plans.

Thank you, Liz and Michael Rumbin

[REDACTED]

From: [Amy Sap](#)
To: [Richard Williams](#)
Subject: Rezoning of parcels 24 and 27 -LP Pkwy and WW Pkwy
Date: Thursday, February 19, 2015 1:53:29 PM

Good afternoon,

I am a homeowner in the community of West Wing Mountain. I would like the rezoning of parcels 24 and 27 (Lake Pleasant Parkway and West Wing Parkway) from commercial to residential not to be approved by the city. I would like for this to remain commercial.

Sincerely,

Amy E. Sap

[REDACTED]

From: [Briana Decker](#)
To: [Richard Williams](#)
Cc: [Chris Jacques](#)
Subject: FW: Suggestion from website user regarding Mayor
Date: Wednesday, February 04, 2015 4:45:50 PM

For public record.

Thank you,

Briana Decker-Cortinas

Assistant to the Mayor

City of Peoria

8401 W. Monroe St. Peoria, AZ. 85345

Phone: 623.773.5133 / Fax: 623.773.7384

Briana.Decker@peoriaaz.gov

Work hours: 7:00 a.m. - 6:00 p.m. (Monday-Thursday)



Please consider the environment before printing this email.

From: Web Master
Sent: Wednesday, February 04, 2015 1:50 PM
To: InetMayor
Cc: Bill Mims; [REDACTED]
Subject: Suggestion from website user regarding Mayor

Request Submitted: Wednesday, February 04, 2015

Submitter's Name: Scott Eller

Submitter's Email: [REDACTED]

Submitter's Address: [REDACTED]

Apt #:

City: Peoria

State: AZ

Zip: 85383

Submitter's Phone: [REDACTED]

Suggestion Regarding: Mayor

Suggestion: Dear Mayor Carlat, I'm writing in opposition of the proposed change to the property at the north end of Westwing Mountain neighborhood and Lake Pleasant Parkway. The proposed change to the zoning is not good for our community. I am asking for your help to stop this change to the City of Peoria 100 year plan. The change will not benefit the family community and will hurt the city of Peoria. Thank you for your service to our community. I hope you will carefully consider the potential impact of this change on our community. Best regards, Scott Eller [REDACTED]



Contact Submitter VIA: Email

From: [Briana Decker](#)
To: [Richard Williams](#)
Subject: FW: Stop the rezoning
Date: Wednesday, February 18, 2015 9:10:35 AM

Thank you,

Briana Decker-Cortinas

Assistant to the Mayor

City of Peoria

8401 W. Monroe St. Peoria, AZ. 85345

Phone: 623.773.5133 / Fax: 623.773.7384

Briana.Decker@peoriaaz.gov

Work hours: 7:00 a.m. - 6:00 p.m. (Monday-Thursday)

 Please consider the environment before printing this email.

From: Scott King [REDACTED]
Sent: Wednesday, February 18, 2015 1:46 AM
To: Briana Decker
Subject: Stop the rezoning

Hello Mayor Carlat,

I am a homeowner and have lived here in the Westwing Mountain Community for 3 plus years. I have lived in the near vacinity for 20 plus years. The closest things were Lake Pleasant to the North or Ace Hardware to the South. If it were to rain hard, we were either trapped in or had to go to dinner and a movie till the waters reseded. I am also a student of the old Peoria Elementary/High School. I am divorced with 1 child that goes to Westwing Mountain Elementary School. He is my Step Grandson and I am in the process of adoption. I have raised 2 step kids, 2 foster and my little guy. I have had some experince with overcrowded schools when I volunteered at Thomas J. Papas School for the Homeless. I was also on the Board of Directors for the Schoolhouse Foundation and Fostered 2 of the students full time and many others when they needed me.

I am against the rezoning of Parcel 24 & 27

for a number of reasons. The Westwing School is full to capacity and cannot handle more students. The area in and around Westwing Mountain School is not fully developed and the construction of exsisting homes will continue for quite some time. Also there is no parking available at the school to accomidate the current residents at the school. How will parking improve with the build out of the current area and then adding these new parcels 24 and 27 will only make matters worse.

This community is a well planned community and I am proud to live here and have plans to retire here. I have always been proud of the way Peoria has ran business. The city has not sold out or done things in the sake of the almighty dollar at the risk of It's citizens. These parcels need to stay light comercial and not flood our schools and over build the area. This rezoning is all about money and not the benefit of the City or the Westwing and near communities.

Thank you for all your time with this matter.

[REDACTED]

From: [Nathaniel Simmons](#)
To: [Richard Williams](#)
Subject: Proposed rezoning of Parcels 24 & 27
Date: Monday, February 09, 2015 9:25:14 AM

To whom it may concern:

My name is Nathaniel Simmons, and my wife and I reside at [REDACTED] in the Westwing community in Peoria, 85383. I wish to voice my opposition to the proposed rezoning of Parcels 24 & 27. I would like to reiterate that I do not wish for those parcels to be rezoned for the purpose of residential property.

Thank you
Nate Simmons

From: [Joe Spiek](#)
To: [Richard Williams](#)
Subject: Rezoning parcels 24 & 27
Date: Friday, February 13, 2015 10:18:12 AM

Hello Mr. Williams,

I would be against the rezoning of parcels 24 & 27 located near Westwing Parkway. I live in Westwing on [REDACTED], the last street before the parcels begin. If the area couldn't remain desert, then I would prefer commercial businesses went into that space before more homes.

If you have questions, please feel free to contact me.

Thanks,

Joe Spiek

From: [Mike Steg](#)
To: [Richard Williams](#)
Subject: West Wing
Date: Monday, February 09, 2015 8:45:14 AM

I am writing to you to voice my opinion on the rezoning of Parcels 24 and 27 in West Wing from Commercial to Residential. The property is part of a master plan to build commercial in this area. Now a developer wants to put homes on lot's with an average lot size of 6100 s.f.. This is about 3000 sf smaller than the average lot size in West Wing currently. In addition the average price median of the last 87 homes sold in the area is approx. \$377,000.00. The developer wishes to sell homes in the \$275,000 range which will have a negative impact on the area.

I recently purchased in West Wing and did my research of the area and bought my home knowing the West wing area was done building residential in mass production and I would get a return one day on my home as this area offers some of the most beautiful back drops in the Valley. Now if you flood the two parcels with less expensive homes you will devalue my home and also attract a lower income homeowner then what is currently required to own in West Wing.

Also you will impact the area with possibly another 250 cars and add additional traffic signals into our wonderful community. I purchased my home like many others knowing this land was designed commercial and we need some commercial stores on that corner. The loop 303 is up and running and the City spent millions of dollars with Haydon Construction and Ames Construction through the CMAR methods of construction to draw attention to this area. So now giving up on a prime commercial site to attract more homes is a disservice to the tax payers and myself as a homeowner. I also feel if you allow the homes to be built that the residents will be let down by the City and personally I would feel this could draw a class action suit against the City from the homeowners who purchased in this area under the current stated master plan.

We already have a church going in the area that now blocks mountain views and looks so out of place in the area that we do not need additional devaluing to our neighborhood. I will be in touch once the church begins to cause traffic issues in my area and will be sure to draw as much attention to this eye sore as I can in my neighborhood and local news publications.

Please vote to leave the land commercial as more homes does not equate to good revenue for the City. Take the City of Mesa who has failed in commercial and went to a bedroom community and they have money issues and it all stems from lack of good planning.

I appreciate you taking the time to read this and rest assured the residents of West Wing will not go down without a fight. The mayor is a resident and she might want to keep her own community she calls home happy as well.

Mike Steg

From: [Heather Stewart](#)
To: [Briana Decker](#); [Ben Toma](#); [Richard Williams](#)
Subject: WestWing Rezoning Proposal
Date: Friday, February 20, 2015 9:13:19 AM

Dear Mayor Carlat, Mr. Toma, and Mr. Williams:

I am a home owner in Cibola Vista Community at [REDACTED] [REDACTED] [REDACTED]

I understand that there is a rezoning proposal for parcels 24 and 27 at Lake Pleasant Parkway and West Wing Parkway under consideration. Please **DO NOT** approve this rezoning proposal.

I feel the City should remain committed to its long-term master plan regarding spaces for Commercial, Open Space, and Residential.

Sincerely,
Heather M Stewart

From: [ralf.sztorc](#)
To: [Richard.Williams](#)
Subject: Parcels 24 and 27
Date: Saturday, February 21, 2015 4:28:33 PM

Richard,

I am typing this letter on behalf several families residing in WestWing Mountain. We understand that the issue of the parcels 24 and 27 should be addressed. And we support the idea of rezoning from commercial to residential.

However all of us who are named below and almost every home owner in our neighborhood has been highly concerned with the manner it is being done. The proposal of the legal firm that has no any interest to make our area better and is known for it's shark approach to business is simply not to be accepted.

We think it is a paramount to conform a new residential area to be built on those two parcels with the rest of WestWing Mountain neighborhood in terms of the lot size, type of the homes and providing an adequate areas for parks and outdoor entertainment. The proposed class of the homes to be built is too low on lots that are too small. We are in favor of homes on larger lots - 10,000 sqf with medium density population.

The plans do not take into a consideration a large number of people to move into our area and the interest of current homeowners. It appears that City of Peoria presents the same, unfortunate approach in city planing like Surprise or Buckeye. We simply do not agree with that and demand that every city official representing us could show a proper amount of responsibility, civility and imagination. You are just about to damage our neighborhood which we built and cared for many years. We hope you will consider our voice. Sincerely,

Ralf Sztorc
Alicja Sztorc,
Andy Adamczyk
Craig Vosekalns
Sharon Vosekalns
Sandee Domzella
Chris Gorosics
Bettina Fry
Rosie Rodriguez

From: [Trimmier Kathryn - ktrimm](#)
To: [Richard Williams](#)
Subject: Rezoning proposal lots 24 and 27
Date: Tuesday, February 17, 2015 10:59:39 AM

Richard - I am sending this email to request that you deny the rezoning proposal for parcels 24 and 27 at the intersection of West Wing and Lake Pleasant Parkway. The developers are presenting to the Planning Commission on March 5th.

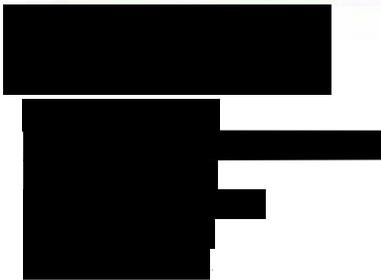
I am currently a resident in the West Wing development in the Engle properties. The impact of this rezoning would be highly detrimental to the current property values, which have only just started to recover from the housing disaster.

Approving a change that would allow smaller homes on smaller lots for a lower price would just send our values back down, instead of the desired appreciation.

There are other plots of land that are available for these developers to purchase without this detrimental rezoning. Please deny this request and keep Peoria growing in the right direction.

Thank you for your consideration on this matter.

Kathryn Trimmier
Business Analyst



The information contained in this communication is confidential, is intended only for the use of the recipient named above, and may be legally privileged.

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If you have received this communication in error, please resend this communication to the sender and delete the original message or any copy of it from your computer system.

Thank You.

From: [Briana Decker](#)
To: [Richard Williams](#)
Subject: FW: WestWing Parcels 24 & 27
Date: Tuesday, February 17, 2015 11:59:11 AM

Thank you,

Briana Decker-Cortinas

Assistant to the Mayor

City of Peoria

8401 W. Monroe St. Peoria, AZ. 85345

Phone: 623.773.5133 / Fax: 623.773.7384

Briana.Decker@peoriaaz.gov

Work hours: 7:00 a.m. - 6:00 p.m. (Monday-Thursday)



Please consider the environment before printing this email.

From: Barbara Twardus [REDACTED]
Sent: Saturday, February 14, 2015 8:00 PM
To: Briana Decker
Subject: WestWing Parcels 24 & 27

Hello,

I have lived in Westwing for over 10 years and am opposed to changing the zoning from commercial to residential. For one, the proposed lot sizes for residential are smaller than existing lots. This may be good for the developer but adversely affect property values of existing homes.

Secondly, we really need a little commercial development here, for a restaurant or two, a coffee shop & maybe a bagel place as examples. This would provide great meeting places & promote our sense of community.

Thank you, Barbara Twardus, [REDACTED]

[Sent from Yahoo Mail on Android](#)

From: [Briana Decker](#)
To: [Chris Jacques](#); [Richard Williams](#)
Subject: FW: Suggestion from website user regarding Mayor
Date: Tuesday, February 03, 2015 4:57:59 PM

Good Afternoon,

Ms. Ziegler would like her email added to the public record for this development proposal.

Thank you,

Briana Decker-Cortinas

Assistant to the Mayor

City of Peoria

8401 W. Monroe St. Peoria, AZ. 85345

Phone: 623.773.5133 / Fax: 623.773.7384

Briana.Decker@peoriaaz.gov

Work hours: 7:00 a.m. - 6:00 p.m. (Monday-Thursday)

 Please consider the environment before printing this email.

From: Web Master
Sent: Tuesday, February 03, 2015 4:00 PM
To: InetMayor
Cc: Bill Mims
Subject: Suggestion from website user regarding Mayor

Request Submitted: Tuesday, February 03, 2015

Submitter's Name: becky ziegler

Submitter's Email: [REDACTED]

Submitter's Address: [REDACTED]

Apt #:

City: peoria

State: az

Zip: 85383

Submitter's Phone: [REDACTED]

Suggestion Regarding: Mayor

Suggestion: Dear Mayor, The proposed change to the zoning change at West Wing Parkway and Lake Pleasant Parkway is not good for the community. I am asking for your help to stop this change to the City of Peoria 100 year plan. The change will not benefit the family community and will hurt us. I know you are committed to public service and a strong community where families and individuals can flourish. Please help us protect our community and stop the change to the 100 year plan. Sincerely,

Becky Ziegler WW resident

Contact Submitter VIA: Do Not Contact

From: [Briana Decker](#)
To: [Chris Jacques](#); [Richard Williams](#)
Subject: FW: Suggestion from website user regarding Mayor
Date: Tuesday, February 03, 2015 4:57:59 PM

Good Afternoon,

Ms. Ziegler would like her email added to the public record for this development proposal.

Thank you,

Briana Decker-Cortinas

Assistant to the Mayor

City of Peoria

8401 W. Monroe St. Peoria, AZ. 85345

Phone: 623.773.5133 / Fax: 623.773.7384

Briana.Decker@peoriaaz.gov

Work hours: 7:00 a.m. - 6:00 p.m. (Monday-Thursday)

 Please consider the environment before printing this email.

From: Web Master
Sent: Tuesday, February 03, 2015 4:00 PM
To: InetMayor
Cc: Bill Mims
Subject: Suggestion from website user regarding Mayor

Request Submitted: Tuesday, February 03, 2015

Submitter's Name: becky ziegler

Submitter's Email: [REDACTED]

Submitter's Address: [REDACTED]

Apt #:

City: peoria

State: az

Zip: 85383

Submitter's Phone: [REDACTED]

Suggestion Regarding: Mayor

Suggestion: Dear Mayor, The proposed change to the zoning change at West Wing Parkway and Lake Pleasant Parkway is not good for the community. I am asking for your help to stop this change to the City of Peoria 100 year plan. The change will not benefit the family community and will hurt us. I know you are committed to public service and a strong community where families and individuals can flourish. Please help us protect our community and stop the change to the 100 year plan. Sincerely,

Becky Ziegler WW resident

Contact Submitter VIA: Do Not Contact

From: [Anthony Alejandro](#)
To: [Richard Williams](#)
Subject: FW: West Wing Community
Date: Thursday, February 05, 2015 2:52:24 PM

Hi Rick,

Westwing Re-Zone.

Thank you,

Anthony Alejandro
Council Assistant
Intergovernmental Affairs
City Of Peoria, AZ
8401 W. Monroe St.
Peoria, AZ 85345
Phone: 623.773.7538
Fax: 623.773.7301
Anthony.Alejandro@peoriaaz.gov

From: Shari Mills-Zumstein [REDACTED]
Sent: Thursday, February 05, 2015 2:46 PM
To: Anthony Alejandro; Ben Toma; Irene Charlez
Subject: West Wing Community

Dear Council Member:

I am a resident of West Wing Mountain and am very concerned with the rezoning proposal that is being presented to Peoria City Council in March.

This proposal will change Parcels 24 & 27 at West Wing Parkway & Lake Pleasant Parkway from commercial to residential.

I ask that you support West Wing community (and Peoria as a whole) in our efforts to keep the property zoned for commercial use.

As a property owner, I am concerned that the high-density & inexpensive homes (compared to West Wing's current density & average home price) the current land owner is proposing will decrease our property value.

I believe strongly that Peoria ought to allow the 100-Year City Plan to naturally "play out" as it has in other successful, long-standing communities. While there is no guarantee that keeping the property zoned for

commercial will either benefit or harm our property values & community aesthetic, rezoning the property for residential use & selling to the current interested party for high-density housing will **DEFINITELY** harm property value & community aesthetic and will negatively impact the quality of our children's education.

Thank you for your attention to this matter & I appreciate the time and energy that you devote to our beautiful town!

Sincerely,

Shari Zumstein

Shari Mills-Zumstein
Library Media Clerk



From: [Briana Decker](#)
To: [Richard Williams](#)
Subject: FW: Suggestion from website user regarding Mayor
Date: Monday, March 09, 2015 8:55:11 AM

For public record.

Thank you,

Briana Decker-Cortinas

Assistant to the Mayor

City of Peoria

8401 W. Monroe St. Peoria, AZ. 85345

Phone: 623.773.5133 / Fax: 623.773.7384

Briana.Decker@peoriaaz.gov

Work hours: 7:00 a.m. - 6:00 p.m. (Monday-Thursday)

 Please consider the environment before printing this email.

From: Web Master
Sent: Saturday, March 07, 2015 1:22 PM
To: InetMayor
Cc: Bill Mims; [REDACTED] Mayor

Request Submitted: Saturday, March 07, 2015

Submitter's Name: Natalie Noblitt

Submitter's Email: [REDACTED]

Submitter's Address:

Apt #:

City: Peoria

State: Az

Zip: 85383

Submitter's Phone: [REDACTED]

Suggestion Regarding: Mayor

Suggestion: Dear Mayor Cathy Carlat: The proposed change to the zoning change at West Wing Parkway and Lake Pleasant Parkway is not good for the community. I am asking for your help to stop this change to the City of Peoria 100 year plan. The change will not benefit the family community and will hurt us. I know you are committed to public service and a strong community where families and individuals can flourish. Please help us protect our community and stop the change to the 100 year plan. Sincerely, Natalie Noblitt

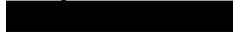
Contact Submitter VIA: Email

From: [Kathy Lorenzana](#)
To: [Briana Decker](#); [Ben Toma](#); [Richard Williams](#)
Cc: [Kathy Lorenzana](#)
Subject: No To West Wing Rezone Proposal
Date: Wednesday, March 04, 2015 10:38:43 AM

To Mayor Cathy Carlat, Ben Toma, and Richard Williams,

I am a homeowner in Cibola Vista Community. Please do not rezone parcels 24 and 27 (Lake Pleasant Parkway and West Wing Parkway) from commercial to residential. I feel the City should hold firm to the its long term master plan that spaces commercial, open space, and residential proportionately. As a parent with children in the local K-8 elementary school, I feel that this would have a huge negative impact on the already overcrowded school.

Sincerely,
Kathy Lorenzana



From: [Kwan Fan](#)
Subject: Parcel 24 & 27
Date: Wednesday, February 11, 2015 8:54:24 AM

Hello City Representative,

I am a resident in Westing Community and I AM AGAINST THE proposed rezoning of parcel 24 & 27 in the Westwing Community from a commercial property to a residential property. The Westwing school currently is over capacity, that is not counting the current community buildout of homes on Jomax road and other custom lots within Westwing that will be built in the near future.

WE are against the builder rezoning this piece of land. WE are against them building homes that is low value and will be turned into rental properties and ruining the beautiful Westwing community and impacting everyones property values here.

Thank you,

Kwan Fan
Home Owner



From: [Irene Charlez](#)
To: [Richard Williams](#)
Subject: names to add to opposition of re-zoning
Date: Thursday, March 05, 2015 1:42:33 PM

- Hames Robert and Nancy, [REDACTED]
- Michael Cas [REDACTED]

Irene Charlez

Assistant to City Council

City of Peoria, Intergovernmental/Council Affairs Office | 8401 W. Monroe St., Peoria AZ 85345
|623.773.7785 p | 623.773.7384 f| irene.charlez@peoriaaz.gov | www.peoriaaz.gov
Office hours: Monday through Thursday, 7a.m. to 6p.m. City Hall closed Fridays

From: [Leo DeLangis](#)
To: ben.toma@peoriaaz.com; [Richard Williams](#)
Subject: Rezoning of West Wing Parcels 24 & 27 - PLEASE VOTE NO!
Date: Monday, March 02, 2015 2:19:50 PM

Ms Mayor, City Councilman, City Planner

My wife and [REDACTED] in West Wing in Peoria and are totally against the rezoning of the subject parcels.

The size lots that Tiffany & Basco are proposing do not fit into the current scope of the West Wing community. The current average lot in WW is 9,431 sqft with the average home at 2,973 sqft. T&B are proposing 6,100 and 7,000 sqft lots with resulting homes much smaller than our current average. This will result in lower prices and higher density causing added strain on our infrastructure, facilities and especially our schools.

The average home price proposed in the T&B plan is \$277,500. 86 homes sold in WW in 2014 at an average price of \$364,411; this is a 24% decline in home prices. This will definitely cause Regression in the prices of the existing homes. We understand that progress is good, but not when it harms the community and only lines the pocket of the developer.

We want to keep WW as the unique community that it is and want to stop the person/developer that is only out for the fast buck.

Sincerely,
Leo & Margaret DeLangis
Owner,
Realtor

From: [David Cameron](#)
To: [Richard Williams](#)
Subject: Proposed Rezoning of lots in West Wing
Date: Thursday, March 05, 2015 3:10:48 PM

My wife and I live at [REDACTED] in West Wing in Peoria and are totally against the rezoning of the subject parcels. The size lots that Tiffany & Basco are proposing do not fit into the current scope of the West Wing community. The current average lot in WW is 9,431 sqft with the average home at 2,973 sqft. T&B are proposing 6,100 and 7,000 sqft lots with resulting homes much smaller than our current average. This will result in lower prices and higher density causing added strain on our infrastructure, facilities and especially our schools. The average home price proposed in the T&B plan is \$277,500. 86 homes sold in WW in 2014 at an average price of \$364,411; this is a 24% decline in home prices. This will definitely cause Regression in the prices of the existing homes. We understand that progress is good, but not when it harms the community and only lines the pocket of the developer. We want to keep WW as the unique community that it is and want to stop the person/developer that is only out for the fast buck. We have a fairly strict CC&R contract geared to protecting our investment. This type of rezoning only works to undermine those investments.

Sincerely,
Dave and Mary Cameron
Owners

From: [Kevin Boontjer](#)
To: [Briana Decker](#); [Ben Toma](#); [Richard Williams](#)
Subject: rezoning
Date: Friday, February 13, 2015 11:10:24 AM

I AM A HOME OWNER IN THE CIBOLA VISTA COMMUNITY, NEXT TO WEST WING. I WOULD LIKE THE REZONING OF PARCELS 24 & 27 (LAKE PLEASANT PARKWAY AND WEST WING PARKWAY) FROM COMMERCIAL TO RESIDENTIAL NOT TO BE APPROVED BY THE CITY. I FEEL THE CITY SHOULD BE RESOLUTE TO ITS LONG TERM MASTER PLAN THAT SPACES COMMERCIAL, OPEN SPACE, AND RESIDENTIAL PROPORTIONATELY. I MOVED TO THIS COMMUNITY JUST OVER 2 YEARS AGO FOR A VARIETY OF REASONS, ONE BEING THE WAY I UNDERSTOOD THE SURROUNDING AREA WOULD BE BUILT OUT IN THE FUTURE.

From: [Brian Beachy](#)
To: [Richard Williams](#)
Subject: Rezoning of WestWing Parcels 24 & 27
Date: Friday, March 06, 2015 1:50:15 PM

My wife and I live at [REDACTED] in West Wing in Peoria and are totally against the rezoning of the subject parcels.

The size lots that Tiffany & Basco are proposing do not fit into the current scope of the West Wing community. The current average lot in WW is 9,431 sqft with the average home at 2,973 sqft. T&B are proposing 6,100 and 7,000 sqft lots with resulting homes much smaller than our current average. This will result in lower prices and higher density causing added strain on our infrastructure, facilities and especially our schools.

The average home price proposed in the T&B plan is \$277,500. 86 homes sold in WW in 2014 at an average price of \$364,411; this is a 24% decline in home prices. This will definitely cause Regression in the prices of the existing homes. We understand that progress is good, but not when it harms the community and only lines the pocket of the developer.

We want to keep WW as the unique community that it is and want to stop the person/developer that is only out for the fast buck.

Sincerely,
Brian & Cathy Beachy
West Wing Home Owner

From: [Jeff Farr](#)
To: [Richard Williams](#)
Subject: Re: WestWing Rezone
Date: Wednesday, March 04, 2015 7:42:27 AM

Hi Rick
My address is
[REDACTED]
Peoria, AZ 85383

And again, I strongly support the rezoning to residential.

Thanks
Jeff Farr

Sent from my iPhone

On Mar 4, 2015, at 7:15, Richard Williams <Richard.Williams@peoriaaz.gov> wrote:

Jeff

Thank you very much for your email regarding the land use and rezone application in WestWing. I have placed a copy of your email in the case file and forwarded it on to the applicant.

We are tracking all of the opposition and support on a map. It would be a big help if you could send me your address for mapping purposes.

Thank you and have a good day.

Rick

Rick Williams, Planner

City of Peoria | Planning and Community Development
9875 N 85th Ave, Peoria AZ 85345 | 623.773.7565 | richard.williams@peoriaaz.gov |
Office Hours are Monday through Thursday, 7am to 6pm

From: Jeff Farr [REDACTED]
Sent: Tuesday, March 03, 2015 7:35 PM
To: Cathy Carlat; Ben Toma; Vicki Hunt; Carlo Leone; Michael Finn; Jon Edwards; Bill Patena; Briana Decker; Irene Charlez; Terri Smith; Anthony Alejandro; Richard Williams
Subject: WestWing Rezone

Hello City of Peoria,

I am writing you to express my support for the rezoning of Commercial to Residential property on the corner of Lake Pleasant Parkway and West Wing Parkway. I am an adjacent property owner at [REDACTED] My back

wall overlooks where the residential property is to be rezoned.

Two years ago, we had a pool and landscaping put in to enhance the beauty of the view of the mountains that we currently have. ANY commercial property that would go in would be a huge eyesore from my back yard, especially from my second story. I DO NOT WANT any kind of commercial property, with the added traffic, security lights at night and constant noise destroying my back yard tranquility.

The opponents to this rezoning, do not have to deal with any of this. As they live a good distance away from this corner.

I cannot understand why anyone would want this small parcel as a commercial property. There are restaurants, stores and gas stations on Happy Valley and Lake Pleasant. Also the 303 corridor is zoned for commercial use.

Where our house sits, a commercial will add potential for crime in the Cibola Vista neighborhood because we are not a walled community, our cul-de-sac is open to the desert, so anyone parking at a commercial lot can walk right in to our neighborhood and do whatever they want. Not to mention the increase in litter.

By putting in a commercial property, it will further depress our already depressed home values. I'm not sure the West Wing supporters of the Commercial property would be willing to give all of the home owners additional funds to offset any lost property value.

Please let this re-zoning happen.

Thank you,
Jeff and Crystal Farr

From: [Jacob E. Zonn](#)
To: [Richard Williams](#)
Subject: FW: Westwing Rezoning
Date: Monday, March 09, 2015 11:39:21 AM

Rick,

[REDACTED]

Thanks,

Jacob E Zonn
Senior Planner

[REDACTED]



Seventh Floor Camelback Esplanade II
2525 East Camelback Road
Phoenix, AZ 85016-9240
Visit our website at: www.tblaw.com

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From: Susan DeBusk [REDACTED]
Sent: Sunday, March 08, 2015 12:15 PM
To: cathy.carlat@peoriaaz.gov; ben.toma@peoriaaz.gov; vicki.hunt@peoriaaz.gov; carlo.leone@peoriaaz.gov; michael.finn@peoriaaz.gov; jon.edwards@peoriaaz.gov; bill.paterna@peoriaaz.gov
Cc: Crystal Farr; Amy Crespo; Christina DeBusk; Jacob E. Zonn
Subject: Westwing Rezoning

Greetings,

We have the pleasure of living in the Cibola Vista neighborhood, directly adjacent to the property located at the NE and SE corner of Westwing Parkway and Lake Pleasant Parkway. We want this to be zoned as residential, as do all of our neighbors to the east and west of us. We feel it will help the neighborhood and its families to change it from commercial to residential.

Retaining the commercial zoning in this area has no demonstrable benefit to the community, and will only serve to line the pockets of developers at the expense of our home values and personal safety. Although this correlation is obvious to anyone with the ability to run a

Google search, we will nonetheless be providing a study demonstrating that residential zones which directly abut commercial zones experience higher crime rates than those with transitional zones as a buffer.

We have attended all the meetings conducted by Tiffany & Bosco, P.A., and feel that we have been well informed in coming to this conclusion. Please feel free to contact us directly should you have questions or concerns regarding our position on this matter.

Respectfully,

Dan and Susan DeBusk

WESTWING MOUNTAIN

PEORIA, ARIZONA

DEVELOPMENT BY:
PIVOTAL GROUP

PLANNED COMMUNITY PLAN & PROGRAM

REVISED
August 21, 1998

APPROVED
March 16, 1999
April 7, 2009

UPDATED/APPROVED MINOR AMENDMENTS

July 29, 2003
January 20, 2005
February 20, 2008
January 26, 2015

Prepared by:
Swaback Partners, P.C. & Hadley Design Group, Inc.
And
Biskind, Hunt & Taylor
2015 Amendment by Tiffany & Bosco, PA

Minor Text Amendment
November 26, 2007
Hadley Design Group, Inc.

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SECTION I - WESTWING MOUNTAIN PROJECT NARRATIVE

1. PROJECT OVERVIEW

1.1 INTRODUCTION

1.1.1 PHYSICAL SETTING

WestWing Mountain master planned community (hereinafter referred to as “WestWing” or the “Property”) is located near the geographic center of the City of Peoria (the “City”) and is more particularly described in Section 6.1. WestWing is bound on the east by 83rd Avenue and on the west by 91st Avenue and portions of Lake Pleasant Parkway. The Property’s southern boundary is approximately the Happy Valley Road alignment and the northern boundary is approximately the Dixileta Road alignment. Topographically, the Property is bound by WestWing Mountain to the north and Sunrise Mountain to the south. These topographic features create a “valley” setting for the central portion of the Property. These mountains also provide exceptional views of the metropolitan area, the surrounding mountain ranges, and both the Agua Fria River and New River. The mountainous terrain limits the views into the Property from areas south of Sunrise Mountain and north of WestWing Mountain.

WestWing is a comprehensively planned master planned community. The significant planning effort undertaken for the Property will help ensure that WestWing will truly be a special and unique community. A large portion of WestWing is dedicated to contiguous open space. The majority of this open space is contained in the mountainous areas, the Rock Springs Wash corridor, a centrally located community park and pocket parks found throughout WestWing. 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 WestWing community and its neighbors. The on-site open space network provides important linkage to the regional open space, parks, school site(s), a church site, a fire station site, commercial sites, and a resort site. The major arterial through the Property, WestWing Parkway, acts as an important addition to the City’s Transportation Master Plan providing an east/west link between 83rd Avenue and Lake Pleasant Parkway.

The WestWing Planned Community Plan and Program (interchangeably the “WestWing P.C. Plan and Program” or the “P.C. Plan and Program”) includes a variety of single family residential lots contained within four distinct “Villages” or “Development Units” that are linked through open space corridors, an extensive paths and trails system, and a common thematic character that defines the WestWing community. The proposed P.C. Plan and Program has a maximum density of 2,150 residential dwelling units on approximately 1,312 acres creating an overall gross density of approximately two (2) dwelling units per acre. The intent of the P.C. Plan and Program is to provide a cohesive framework that provides for a variety of housing opportunities linked to form a flexible and vibrant community to grow and thrive as the City continues to expand.

1.1.2 COMMUNITY INPUT / NEIGHBORHOOD PARTICIPATION SUMMARY

In planning a successful master planned community it is important, if not vital, to have input from the property owners that are adjacent to the site.

During the earliest phases of the planning process for WestWing, adjacent and nearby property owners were invited to attend a series of neighborhood meetings. The first series of meetings provided WestWing’s Development Team (as hereinafter defined) with an opportunity to meet these neighbors, introduce them to the project, and develop a list of issues and concerns important to them. Specifically, the first series of meetings identified the following issues:

Neighborhood Issues List:

1. Wash Corridor Preservation
2. Quality Streetscape
3. Non-Repetitive “Cookie-Cutter” Housing
4. Open Space/Mountain Preservation
5. Hiking and Horse Trails
6. Incorporation of Schools
7. Only “Quality” Light Commercial at Lake Pleasant Parkway (if any)
8. Maintain Desert Landscape Character
9. Low Level Lighting
10. CC&Rs and Design Controls
11. Provide Color Diversity and Controls
12. Wildlife Corridors
13. Strong Community Identity and Entry Features
14. No Apartments
15. No Community Wide Gates
16. No Industrial
17. Density

18. Provide Own Water Source and Disposal System
19. Minimize Walls
20. Help Relocate the Loop 303 and Avoid Impact to Happy Valley

The purpose of the second series of meetings was to demonstrate how these issues could be and would be addressed in the planning process for WestWing. The third series of meetings introduced the neighbors to the WestWing P.C. Plan and Program and submittal package.

1.1.3 APPLICANT

The applicant for the WestWing P.C. Plan and Program is Pivotal Realty AZ I, L.L.C., an Arizona limited liability company (hereinafter referred to interchangeably as the “Developer” or “Pivotal”). Pivotal has significant real estate development experience in Arizona and, specifically, in the West Valley with the build-out of Arrowhead Ranch in Glendale. More recently, Pivotal purchased over 3,500 acres of vacant and commercial property from Talley Realty Holdings. The cornerstone of the Talley purchase is WestWing.

1.1.4 DEVELOPMENT TEAM

Over a several month period following acquisition of WestWing, Pivotal assembled a team of consultants (the “Development Team”) to plan the Property. The Development Team is comprised of planners, architects, archeologists, biologists, hydrologists, engineers and legal counsel with significant experience in the planning and development of first-class master planned communities. The expertise gathered for this project will help to ensure that WestWing will be a true asset to the City and its residents.

In particular, the WestWing design team is headed by the world-renowned land planner, Vernon Swaback of Scottsdale. Mr. Swaback, a protégé of Frank Lloyd Wright, is known as the expert in sensitive development of the Sonoran Desert. In addition, Mr. Swaback has been involved in several significant projects in Arizona including, among others, the Arizona Biltmore in Phoenix, and DC Ranch in Scottsdale.

1.1.5 PROJECT BACKGROUND

WestWing is a unique property nestled between WestWing Mountain and Sunrise Mountain. The approximately 1,312 acre site provides incredible opportunities to create a community set apart from the less topographically diverse land of southern Peoria. The WestWing P. C. Plan and Program celebrates the rural 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

WestWing lies near the geographic center of the City. Although the City's growth pattern has focused generally on vacant lands south of Sunrise Mountain, tremendous growth in the Phoenix metropolitan area and the West Valley, in particular, has caused the City and the development community to thoughtfully plan and define future development in the northern portions of the City.

WestWing is envisioned as a gateway to northern Peoria. It is the intent of the WestWing Development Team to help define the quality of development in the region, to establish the framework for responsible future development, and to set new standards for future master planned communities in the City.

1.2 COMMUNITY VISION

1.2.1 VISION STATEMENT

WestWing is planned to be a sustainable community with a strong identity and vision that integrates diverse residential neighborhoods with contiguous open space and some commercial uses including a resort. The WestWing P.C. Plan and Program has been designed to preserve and celebrate the natural features of the Property and provide a truly special place to live.

1.2.2 GOALS AND OBJECTIVES

1.2.2.1 Environmental Sensitivity

The WestWing P.C. Plan and Program has been created to conserve and preserve the natural topographic features of the Property and embrace them as cherished amenities. Part of this philosophy includes the use of native desert plant material in the WestWing landscape palette and the utilization of relocated plant material from the Property as often as possible. Connected open space with sensitivity to ridgelines and the hillsides are also integral to the WestWing P.C. Plan and Program.

1.2.2.2 Phasing of Development

The creation of a successful and sustainable master planned community requires a commitment to long-range land use planning. It is anticipated the final build out of WestWing will be approximately fifteen (15) years. As such, the community and all the associated infrastructure will be built in phases. Generally, development is anticipated to begin on the southeast and move northwest. The ultimate schedule of phasing will be

dependent upon the market, economic conditions, absorption rates and construction logistics. The infrastructure, open space, parks and amenities will also be built in phases and constructed concurrently with adjacent parcels. The phasing plan for the P.C. Plan and Program is set forth in Section 2.13.5.

1.2.2.3 Creation of Quality and Connected Neighborhoods

The WestWing P.C. Plan and Program utilizes internal open space and natural arroyos to connect adults and children to hiking and biking trails, schools, parks and the community recreation center. The P.C. Plan and Program provides residents with a means of traveling safely throughout the community without relying strictly on the automobile. The P.C. Plan and Program ensures a variety of housing types and private governance controls to avoid the conception of “cookie cutter” housing. In addition, the P.C. Plan and Program provides for the development of a governance structure that will provide quality control throughout the life of the project and beyond the last house built.

1.2.2.4 Design and Creation of a Strong Thematic Character

The WestWing P.C. Plan and Program sets forth the framework to embrace the existing natural features of the Property. By integrating a cohesive theme and by designing and using appropriate materials, colors, and forms, the long-term value of the Property will be preserved. The attention to details such as these is very important to the long-term success of WestWing.

1.3 PRE-EXISTING DEVELOPMENT CONDITIONS

1.3.1 EXISTING CONDITIONS OVERVIEW

WestWing was formerly used for livestock grazing. Although the Property is currently vacant, there are dirt roads and trails throughout the Property, which are now used by hikers, bikers, equestrians, and all-terrain vehicles. In addition, there are significant wash features that run through the Property. (See Existing Conditions Map in Section 4.1).

1.3.2 TOPOGRAPHY AND SLOPE ANALYSIS

1.3.2.1 Topography

The Property rises in elevation from 1,374 feet above sea level within Rock Springs Wash to 1,930 feet at the peak of WestWing Mountain.

From the low point of the Property at Rock Springs Wash, the topography gently rises in a southerly direction to Sunrise Mountain and in a northerly direction to WestWing Mountain. Small hill forms are also present within the Property. Secondary drainage areas extend down from the northern and southern hillside areas into Rock Springs Wash and extend across the valley floor in an east-west direction.

1.3.2.2 Slope Analysis

A Slope Analysis is set forth in Section 4.2. The slopes range from slight to extreme with the majority of developable areas within the slight slope conditions.

1.3.3 GEOLOGY

The Property is located within the Phoenix Active Management Area, otherwise known as the Phoenix Basin, which contains alluvial soils often over 1,500 feet thick with areas known to exceed a thickness of 10,000 feet. The basin is further sub-divided into five sub-basins by numerous small, fault control mountains. The Property is situated within the northern portion of the West Salt River Sub-Basin.

1.3.3.1 Soils Association

Three soil associations are present on the Property including Precambrian granite, Cretaceous andesite and tuff, and alluvium.

The Sunrise Mountain area in the southern portion of the Property is predominantly Precambrian granite, an intrusive igneous rock. Intruding into this older granite near the center of the Sunrise Mountain area is younger Cretaceous-Tertiary granite. The younger granite is probably responsible for the gold-copper-lead mineralization associated with the Sunrise Relief Mine located southwest of the Property.

WestWing Mountain is located at the north end of the Property and consists of Cretaceous andesite and tuff. Andesite is an extrusive igneous rock typically associated with volcanoes. Tuff is a rock composite of small, compact volcanic fragments ejected from the volcano during eruption.

Between the two mountains is an alluvium-filled valley, which encompasses most of the Property. Alluvium is recent sediment that has been classified as sandy and gravel loam. Loam is soil with organic materials. These sediments form a thin-veneer over silica-calcite-cemented sediments that overlay bedrock.

Based on site reconnaissance and soils testing, the surface soils in the alluvium areas should not exhibit significant expansive characteristics. Development of the Property will probably require excavation of rock and shallow bedrock within the valley.

1.3.3.2 Seismic

Both Sunrise Mountain and WestWing Mountain trend northwest-southeast, reflecting the general structure trend of the basin. The presence of a northwest-southeast trending fault is located approximately three miles to the southeast in Hedgepeth Hills. During site reconnaissance, faulting along the southwestern flank of the WestWing Mountain is present. However, this appears to be part of normal faulting. No indications of recent movement (i.e., less than 25,000 years) was observed.

1.3.4 HYDROLOGY

The nearest significant drainage features are the Agua Fria River (located approximately one mile west), and New River (located one quarter to one mile east). Both drainage features are large ephemeral streams (due to flood control structures built upstream of the Property) that drain north to south into the Salt and Gila River System. These areas are usually dry except during periods of heavy storm runoff. Rock Springs Wash is the primary drainage fixture that bisects the Property from the east to the west, between WestWing Mountain and Sunrise Mountain. Secondary drainage areas extend down from the mountain areas to the north and south.

1.3.5 BIOLOGY

The Property is currently undeveloped. Soil conditions are such that very little precipitation is absorbed into the ground. Drainage is primarily collected in Rock Springs Wash and ultimately drains west to Agua Fria River and east to New River. The biology evaluation report does not show any endangered or threatened species on the Property.

1.3.6 ARCHEOLOGY

The Property was originally owned by the U.S. Bureau of Land Management ("BLM") and subject to several extended archaeological investigations. In 1987, the Property was transferred into private ownership. In preparation for the transfer, BLM completed site surveys and other studies. As a result of these surveys and studies, BLM concluded that there are no Register-eligible site located on the Property. BLM has confirmed that no further archaeological work

is required by the Developer. BLM is finalizing its report summarizing its work on the Property.

1.3.7 NATIVE VEGETATION

The Property's vegetation is typical of the Sonoran desert, with creosote brush, jumping cholla, saguaro, palo verde, ironwood, and mesquite trees.

SECTION II - WESTWING P.C. PLAN AND PROGRAM

2. PLANNED COMMUNITY PLAN AND PROGRAM

2.1 OVERVIEW

The WestWing P.C. Plan and Program has been created to work with the unique geographic features of the Property using them as amenities and preserving them wherever possible. This sensitivity to preservation creates a contiguous open space system within the P.C. Plan and Program that the City and the WestWing community will be able to enjoy for generations to come. The WestWing P.C. Plan and Program conforms to the City's Comprehensive Master Plan, including the Land Use Map, the Transportation Plan and the Open Space Circulation Plan.

2.2 CONFORMANCE TO COMPREHENSIVE MASTER PLAN

The Property is designated as Resort Development ("RD") on the City's Comprehensive Master Plan Land Use Plan. The RD land use designation on the City's Comprehensive Master Plan Land Use Plan allows residential densities up to two (2) units per acre with bonus densities up to three and a half (3.5) units per acre allowed for open space preservation and the addition of public recreational amenities. Residential densities of three and a half (3.5) units per acre are allowed as part of a mixed-use master planned development with fifteen percent (15%) preserved open space and a resort component.

The WestWing P.C. Plan and Program identifies nearly thirty percent (30%) of the gross acres for open space and includes public recreational amenities thus meeting the bonus density criteria. However, the P.C. Plan and Program allows an overall gross density of 2,150 units (1.76 units per acre).

2.3 STATEMENT OF CONFORMANCE WITH ADOPTED CODES AND POLICIES

Unless otherwise provided herein, the provisions of 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 P.C. Plan and Program shall govern and control the development of the Property.

2.4 LAND USE PLAN

The Planned Community Land Use Plan for WestWing (the “Land Use Plan”) is divided into four (4) distinct development units (the “Development Units”) in accordance with the Planned Community District of the Zoning Ordinance. The following **Project Land Use Summary** (Table 1) sets forth the total project acreage for open space, commercial and residential land uses.

WESTWING MOUNTAIN LAND USE SUMMARY – TABLE 1					
LAND USE CATEGORY	DEVELOPMENT UNIT I	DEVELOPMENT UNIT II	DEVELOPMENT UNIT III	DEVELOPMENT UNIT IV	
	ACRES	ACRES	ACRES	ACRES	TOTAL ACRES
WestWing Residential	263.9	257	159.4	185.8	
Hillside Open Space	116.1	107	19.6	101.8	
Commercial	1.4			56.7***	
School Site•	15.0				
Park Site*			21.9		
Recreation/ Sales Center•	1.0				
Fire Station•••					
Religious Facility*			5.6		
TOTAL	397.4	364	206.5	344.3	1312.2
<p>*THE UNDERLYING ZONING IN THIS CATEGORY IS WESTWING RESIDENTIAL.</p> <p>** THE ORIGINAL FIRE STATION SITE IS NOT GOING TO BE USED. A SUBSEQUENT SITE MAY BE UTILIZED IN A DIFFERENT LOCATION AT THE REQUEST OF THE FIRE DEPARTMENT.</p> <p>***THE COMMERCIAL AREA DESIGNATED NEAR THE INTERSECTION OF WESTWING PARKWAY AND LAKE PLEASANT PARKWAY MUST BE DESIGNED TO INCLUDE A MINIMUM OF 1.4 ACRES OF USABLE OPEN SPACE/PUBLIC SPACE.</p>					

The following development descriptions and standards are intended to direct the nature and intensity of residential and non-residential uses in WestWing. If the provisions of this Land Use Plan are in conflict with the Zoning Ordinance, the provisions of this Land Use Plan shall govern and control. If a subject is not covered within this Land Use Plan, the provisions and definitions of the Zoning Ordinance in effect at the time of approval of the WestWing P.C. Plan and Program shall apply.

The Land Use Plan shall include two (2) zoning districts and one overlay zoning district as described in this Section 2.4 and depicted on the Zoning Map for WestWing in Section 2.13.1. The Planned Community Plan, which depicts the four (4) Development Units in accordance with the Planned Community District of the Zoning Ordinance, is set forth in Section 2.13.2. A Conceptual Land Use Mix is set forth in Section 4.5. The Conceptual Land Use Mix is conceptual in nature and is provided only as a reference for future planning processes.

2.4.1 WESTWING RESIDENTIAL

2.4.1.1 Intent

The WestWing Residential District (hereinafter “WW-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 three development options, which provide a range of residential lot sizes, and establishes minimum property development standards (“Development Option”). The district further requires a Development Option mix within each Development Unit to ensure a variety of lot sizes and housing products. Certain essential and complementary uses are also permitted under conditions and standards, which ensure their compatibility with the character of the WW-R District.

2.4.1.2 Permitted Principal Uses

- a. One residential dwelling unit per custom, semi-custom or low-density lot pursuant to the Development Options set forth in Section 2.4.1.3;
- b. Publicly or privately owned and maintained parks, recreation areas, paths, trails and recreation centers;
- c. Public schools;
- d. Religious facilities;
- e. Detached guest houses;
- f. Temporary Uses including sales/marketing facilities, model home complexes and related accessory uses.

2.4.1.3 Development Options

One of the following Development Options shall be selected at the point of or prior to subdivision plat submittal and shall be subject the development standards set forth herein for each respective Development Option.

- a. Custom Option: Custom lots are the largest lots within WestWing and are intended to include those lots in hillside areas and sites with other

sensitive topographic features. Custom lots shall range in size from 13,000 square feet to five (5) acres and larger.

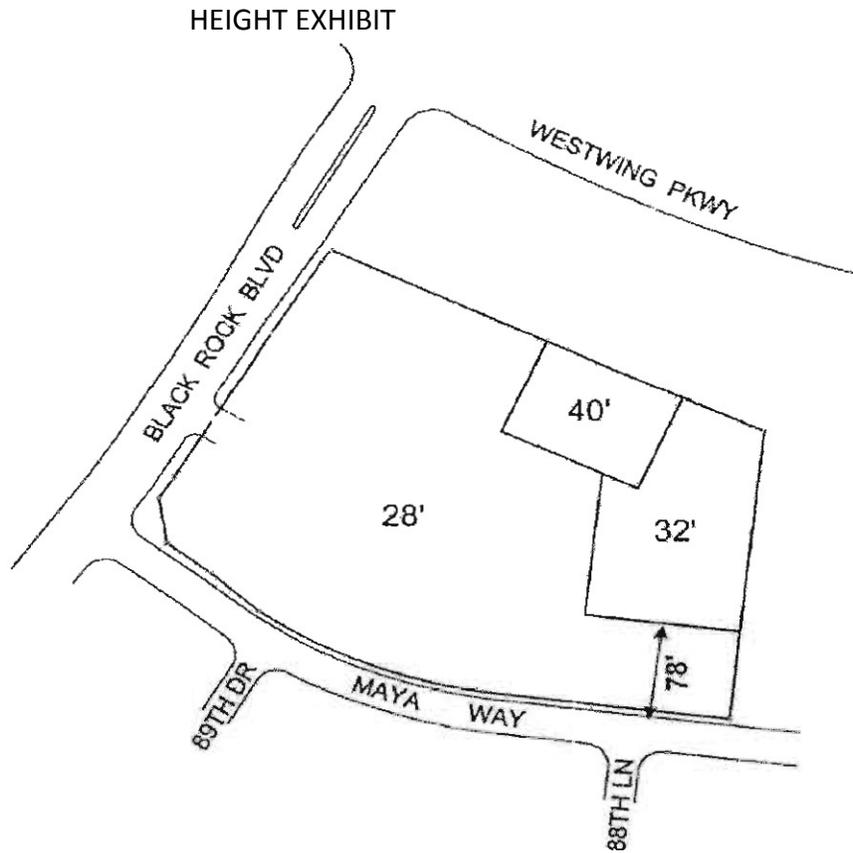
Custom lots shall include: (1) building envelopes for each lot; (2) site specific plans for each lot; (3) custom elevation diversity; (4) diverse color and material palette within a coordinated framework; and (5) multiple or single custom home builders.

i. Custom Lot Development Standards

Minimum front yard setback:	Twenty-five (25) feet; fifteen (15) feet with side entry garage
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:	Twenty-eight (28) feet (except as provided in Section 14-3-8 of the Zoning Ordinance)
Maximum lot coverage:	50%

ii. Development Standards for Parcel #201-06-0770

Minimum front yard setback:	Twenty-five (25) feet (applies to Black Rock Blvd. and Maya Way frontages)
Minimum total side yard setback:	Zero (0) feet (applies to north and east property lines)
Minimum rear yard setback:	N/A, no "rear" yard
Maximum building height:	Forty (40) feet (except as provided in Section 14-3-8 of the Zoning Ordinance) – see height exhibit below for clarification of the area with a maximum height of 40' 0" and the area with a maximum height of 32' 0"
Maximum lot coverage:	48%



- b. Semi-Custom Option: Semi-custom lots consist of large lots that are designed for transition areas between the hillside sites and the gentler slopes of WestWing. The Semi-Custom Option will include irregular-shaped lots that conform to the natural features and topography along local and hillside streets. Semi-Custom lots shall range in size from 8,000 square feet to 20,000 square feet and larger.

Semi-custom lots shall include: (1) standard floor-plans with extensive exterior elevation diversity; (2) color palette diversity; (3) exterior material diversity; (4) ability to modify standard floor plans; and (5) pre-developed sites and building envelopes to allow site integration in higher slope areas or in natural features.

- i. Semi-Custom Lot Development Standards

Minimum front yard setback:	Twenty (20) feet with front entry garage; eighteen (18) feet with side entry garage. Within Parcels 3, 8, 10 & 14 of Development Units I and II when a minimum twenty (20) foot setback from a front entry garage is maintained, (1) the
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minimum front yard setback to liveable space shall be fifteen (15) feet and, (2) front porches may extend five (5) feet into the front yard setback. For side entry garages/casitas, the minimum front yard setback shall be ten (10) feet.

Minimum total side yard setback: Fifteen (15) feet (Zero lot line allowed with a minimum separation between structures of fifteen (15) feet; provided, however, that in the event a zero lot line is not utilized, a minimum side yard of five (5) feet shall be required.)

Bay windows, porticos including their cornices and eaves, fireplaces, and entertainment niches may project into any required side yard not more than three (3) feet provided that the sum of the projection on any wall does not exceed one-third (1/3) the length of the wall and provided further that in no case shall such projections be nearer than five (5) feet to the property line.

Minimum rear yard setback: Fifteen (15) feet
Maximum building height: Twenty-eight (28) feet (except as provided in Section 14-3-8 of the Zoning Ordinance)
Lot coverage: 48%

- c. Low Density Option: Low Density lots are designed for sites that have gentler slopes and are less constrained by the natural features contained in WestWing. These lots will take advantage of parcel and arroyo open spaces. Low Density lots will range in size from 6,000 square feet to 12,000 square feet and larger.

Low Density lots shall include: (1) standard floor plans with exterior elevation diversity per plan; (2) color palette diversity; (3) exterior material diversity; and (4) single builder pre-prepared homesites.

i. Low Density Lot Development Standards

- Minimum front yard setback: Twenty (20) feet with front entry garage; eighteen (18) feet with side entry garage
- Minimum total side yard setback: Fifteen (15) feet (Zero lot line allowed with a minimum separation between structures of ten (10) feet; provided, however, that in the event a zero lot line is not utilized, a minimum side yard of five (5) feet shall be required.)
- Minimum rear yard setback: Fifteen (15) feet
- Maximum building height: Twenty-eight (28) feet (except as provided in Section 14-3-8 of the Zoning Ordinance)
- Lot coverage: 48%

2.4.1.4 Density Allocation

- a. The maximum density within each Development Unit in the Planned Community Plan shall be as provided on the following **Density Allocation Table** (Table 2):

WESTWING MOUNTAIN DENSITY ALLOCATION - TABLE 2				
DEVELOPMENT UNIT	TOTAL NUMBER OF DWELLING UNITS	HILLSIDE OPEN SPACE	NET DEVELOPABLE	TOTAL NUMBER OF ACRES
I	821	116.1	281.3	397.4
II	804	107	257	364
III	408	19.6	186.9	206.5
IV	517	101.8	242.5	344.3
TOTAL	2150	344.5	967.7	1312.2

WESTWING MOUNTAIN UNITS TABLE 2.A			
DEVELOPMENT UNIT	NUMBER OF DEVELOPED DWELLING UNITS	DEVELOPABLE ACRES	TOTAL NUMBER OF ACRES
I	609	228.4	397.4
II	513	193.2	364
III	361	183.9	206.5
IV	404*	180.6	344.3
TOTAL	1887	786.1	1312.2

Table 2.A depicts number of developed dwelling units as of January 26, 2015.

**Includes proposed 140 units on parcels 24 and 27.*

- b. Within each Development Unit, with the exception of Development Unit 4, a minimum of twenty percent (20%) of the residential developable acres shall be developed pursuant to the Custom Development Option in accordance with the development standards of Section 2.4.1.3(a); and a minimum of twenty percent (20%) of the residential developable acres shall be developed pursuant to the Semi-Custom Development Option in accordance with the development standards of Section 2.4.1.3(b). Development Unit 4 shall not be required to include the Semi-Custom Development Option but shall include a minimum of thirty-five percent (35%) of the residential developable acres developed pursuant to the Custom Development Option in accordance with the development standards of Section 2.4.1.3(a); provided, however, in the event a resort use is developed within Development Unit 4, there shall be no minimum required lot mix within Development Unit 4. No more than forty percent (40%) of the residential developable acres within WestWing shall be developed pursuant to the Low Density Option.

The foregoing product mix requirements are set forth in the following ***Development Unit Composition Table*** (Table 3):

WESTWING MOUNTAIN DEVELOPMENT UNIT COMPOSITION – TABLE 3				
DEVELOPMENT OPTION	DEVELOPMENT UNIT I	DEVELOPMENT UNIT II	DEVELOPMENT UNIT III	DEVELOPMENT UNIT IV
Custom	Minimum 20%	Minimum 20%	Minimum 20%	Minimum 35%
Semi-Custom	Minimum 20%	Minimum 20%	Minimum 20%	N/A

WESTWING MOUNTAIN DEVELOPMENT UNIT COMPOSITION AT BUILDOUT – TABLE 3.A				
DEVELOPMENT OPTION	DEVELOPMENT UNIT I	DEVELOPMENT UNIT II	DEVELOPMENT UNIT III	DEVELOPMENT UNIT IV
Custom	21%	24%	27%	54%
Semi-Custom	46%	39%	56%	N/A

c. A majority of the lots within each development unit shall exceed the minimum lot area established for each development option by a minimum of ten percent (10%).

2.4.1.5 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.

2.4.1.6 Permitted Accessory Uses

Any of the permitted accessory uses set forth in Section 14-5-4 of the Zoning Ordinance.

2.4.1.7 Development Standards for Conditionally Permitted Uses

See Section 14-5-6 of the Zoning Ordinance.

2.4.1.8 Property Development Standards for Accessory Buildings

See Section 14-5-7 of the Zoning Ordinance.

2.4.2 INTERMEDIATE COMMERCIAL DISTRICT (C-2)

All C-2 zoned property within WestWing shall conform to the provisions of Article 14-13 of the Zoning Ordinance.

2.4.3 HILLSIDE DEVELOPMENT STANDARDS

All development within WestWing shall comply with the provisions of Section 14-22A of the Zoning Ordinance except as modified herein. A slope analysis for the Property is set forth in Section 4.2. The acreage within each slope category is set forth in the following ***Slope Category Acreage Table*** (Table 4):

WESTWING MOUNTAIN SLOPE ACREAGE – TABLE 4	
SLOPE CATEGORY	HILLSIDE ACRES
0% - 10%	721.89
10% - 15%	117.03
15% - 20%	70.25
20% - 25%	60.36
25% - 30%	38.88
30% - 35%	36.04
35% - 40%	64.95
40% +	202.8
TOTAL	1312.2

The methodology used for calculating the acreage within each slope category as set forth in **Table 4** is in accordance with Section 14-22A-2(B) of the Zoning Ordinance. (See Appendix)

2.4.4 GENERAL DEVELOPMENT STANDARDS

2.4.4.1 Landscape Standards

The landscape requirements for WestWing 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.

The Landscape Plan for the Property shall include a native plant salvage plan designed to preserve and relocate native plant material on the Property.

2.4.4.2 Wall/Fencing Standards

The wall and fencing standards for the Property shall be in accordance with Section 14-3-14 of the Zoning Ordinance.

2.4.4.3 Sign Standards

The sign standards for WestWing shall be as approved through a Comprehensive Sign Plan in accordance with the provisions of Section 14-34- B(c) of the Zoning Ordinance.

2.4.4.4 Residential Lot Width

For the purposes of determining lot width within residential areas, lot width shall be defined as the distance between side lot lines measured at right angles to the line comprising the depth of the lot at a point midway between the front lot line and the rear lot line.

2.4.5 SCHOOL CONSIDERATIONS

WestWing is located in the Peoria Unified School District and in the Deer Valley School District. The district boundary is the Jomax Road alignment that bisects the Property from east to west. Approximately one-third (1/3) of the projected density is in the Peoria School District and the other two-thirds (2/3) are in the Deer Valley School District. The P.C. Plan and Program provides for an approximate fifteen (15) acre elementary school site adjacent to the neighborhood park site in the central core of WestWing. It is anticipated that the school will share facilities such as ball fields and parking with the neighborhood park. The Planned Community Plan also identifies a possible future school site in Development Unit IV. The underlying zoning for the school site will be WW-R.

2.4.6 RELIGIOUS FACILITIES

A church site is designated on the Planned Community Plan adjacent to the neighborhood park site as part of the active core of the WestWing community. The church site is designated as an approximately five (5) acre site and is located to allow shared parking and joint usage with the neighborhood park. The church site is also strategically located along the paths and trails system to make it easily accessible to the residents of WestWing. The underlying zoning for the church site will be WW-R.

2.4.7 AMENDMENTS

It is contemplated by the Developer and the City that the WestWing P.C. Plan and Program may need to be amended from time to time as development

occurs. Any amendment to the P.C. Plan and Program shall be processed in accordance with Section 14-36 of the Zoning Ordinance.

2.5 OPEN SPACE PLAN

The Conceptual Open Space Plan (the “Open Space Plan”) set forth in Section 2.13.3 is a product of the natural features

2.5.1 REGIONAL OPEN SPACE

The P.C. Plan and Program provides for both active and passive recreation and preserves the beauty of the existing mountains as amenities for residents of WestWing and the surrounding community to enjoy. The open space allows pedestrian, bike and equestrian traffic to be connected throughout the Property.

2.5.2 CITY NEIGHBORHOOD PARK

The P.C. Plan and Program integrates a neighborhood park site in the center of WestWing to be dedicated to the City. The neighborhood park site is planned to potentially accommodate a wide range of amenities including basketball, tennis, volleyball, tot lots, softball, and baseball fields, as well as, the paths and trails system which is integrated into the park. The development of the neighborhood park shall contain the minimum standard park improvements, which shall be completed to City standards. The neighborhood park can potentially share facilities such as ball fields and parking with the school site immediately adjacent the park site. The Rock Springs Wash is incorporated into the neighborhood park to provide passive open space and an aesthetic amenity. The Wash also provides an important buffer between WestWing Parkway and the neighborhood park. The neighborhood park in conjunction with the Rock Springs Wash are designed to be focal points of the WestWing community with the paths and trails system providing easy and safe access. The underlying zoning for the neighborhood park shall be WW-R.

2.5.3 NEIGHBORHOOD POCKET PARKS

There are three pocket parks located in the P.C. Plan and Program at conceptual locations. The pocket parks will have a range of activities and amenities including limited turf areas, tot lot type equipment, barbecues, shade ramadas, picnic tables and other recreational components. The pocket parks are designed to provide both passive and active recreation for each Village (Development Unit). The pocket parks will provide a place where neighbors can meet and children can play within walking distance of their homes and without leaving the “neighborhood.” The paths leading from each neighborhood to the pocket parks are connected with the main park, regional open space, as well as hiking and

biking trails. The pocket parks will to be privately owned and maintained by the WestWing homeowners association. The underlying zoning for the pocket parks shall be WW-R.

2.5.4 NEIGHBORHOOD OPEN SPACE

The Open Space Plan is designed to create many open space corridors including natural arroyos that provide connections to the school and park sites from each residential parcel within WestWing. These open space corridors may have a turf element for passive recreation, as well as native vegetation. The design of open space buffers at the entry to each residential parcel and landscaped areas throughout the residential neighborhoods are encouraged to provide variety and enhance each individual neighborhood within WestWing. The underlying zoning for the neighborhood open space shall be WW-R.

2.5.5 COMMUNITY RECREATION CENTER

A community recreation center is provided in the P.C. Plan and Program near the center of the Property along WestWing Parkway (the "Recreation Center"). The Recreation Center is designed to be the sales and marketing center during the first phase of the project, and then later used as a private community amenity for the residents of WestWing. The Recreation Center will potentially include a pool facility, workout facilities, lockers, community meeting rooms and additional recreational amenities. There is also the possibility of a smaller recreation center in the third phase of the project. The architecture of the Recreation Center(s) will reinforce the thematic character and vision of the WestWing. The underlying zoning for the Recreation Center(s) shall be WW-R.

2.6 PATHS AND TRAILS PLAN

Like the Open Space Plan, the Conceptual Paths and Trails Plan (the "Paths and Trails Plan") set forth in Section 2.13.4 is a product of the natural and historic features of the Property. The Paths and Trails Plan is designed to link the neighborhoods in WestWing to the open space and parks via an integrated pedestrian/equestrian network. Consistent with the Open Space Plan, the Paths and Trails Plan integrates Rock Springs Wash as the major east and west connection for pedestrian, bike and equestrian traffic and integrates the core of active open space in WestWing. The Paths and Trails Plan utilizes other Wash features and natural arroyos as linkages to open space. The Paths and Trails Plan focuses such traffic off the major roadways. The Paths and Trails Phasing plan is set forth in Section 2.13.5.

The Paths and Trails Plan recognizes the importance of having wider sidewalks around the schools and parks. Additionally a grade-separated crossing is planned to avoid the busiest street, WestWing Parkway. Paved pathways will range in width from five (5)

feet to ten (10) feet. Earthen or decomposed granite paths will range from four (4) feet to six (6) feet wide. Any City standard that requires sidewalks on one or both sides of public streets may be waived by the Public Works Director, on a parcel-by-parcel basis, upon a showing that pedestrian connections can be adequately maintained based on the Paths and Trails Plan.

The Paths and Trails Plan ties into currently identified local and regional corridors such as the New River and Agua Fria River. The regional context for the WestWing Paths and Trails Plan is set forth in Section 2.13.6 (the Paths and Trails Regional Context Map). In addition, the paths and trails are generally in their historic location on the Property. The Development Team deliberately identified the historic location of equestrian and pedestrian routes on the Property in order to keep the Property accessible to such traffic. The paths, trails, and trailheads represented on the Paths and Trails Plan are conceptual in their depiction and represent approximate locations for trails and access to trails.

2.7 CIRCULATION PLAN

The Master Circulation Plan and On-Site Traffic Analysis for WestWing Mountain shall be amended as required by the Public Works Director and approved prior to submittal of the first preliminary subdivision plat within the Property. The off-site traffic study shall be approved by the City Engineer prior to the submittal of the first preliminary subdivision plat within the Property.

2.8 UTILITY PLANS

The Master Potable Water Study and Report and the Master Wastewater Study and Report shall be amended as required by the Utilities Director and approved prior to submittal of the first preliminary subdivision plat within the Property.

2.9 PUBLIC SERVICES PLAN

Police and fire service to the Property will be provided by the Peoria Police and Fire Departments respectively. The WestWing Land Use Plan designates a site to be dedicated to the Fire Department for the construction of a fire station. The fire station site is depicted on the Planned Community Plan and is generally located in the center of the Property, adjacent to the school site, the community recreation center and the community park.

2.10 DRAINAGE PLAN

The Master Drainage Plan and report for WestWing Mountain shall be amended as required by the Public Works Director and approved prior to submittal of the first preliminary subdivision plat within the Property.

2.11 PHASING PLAN

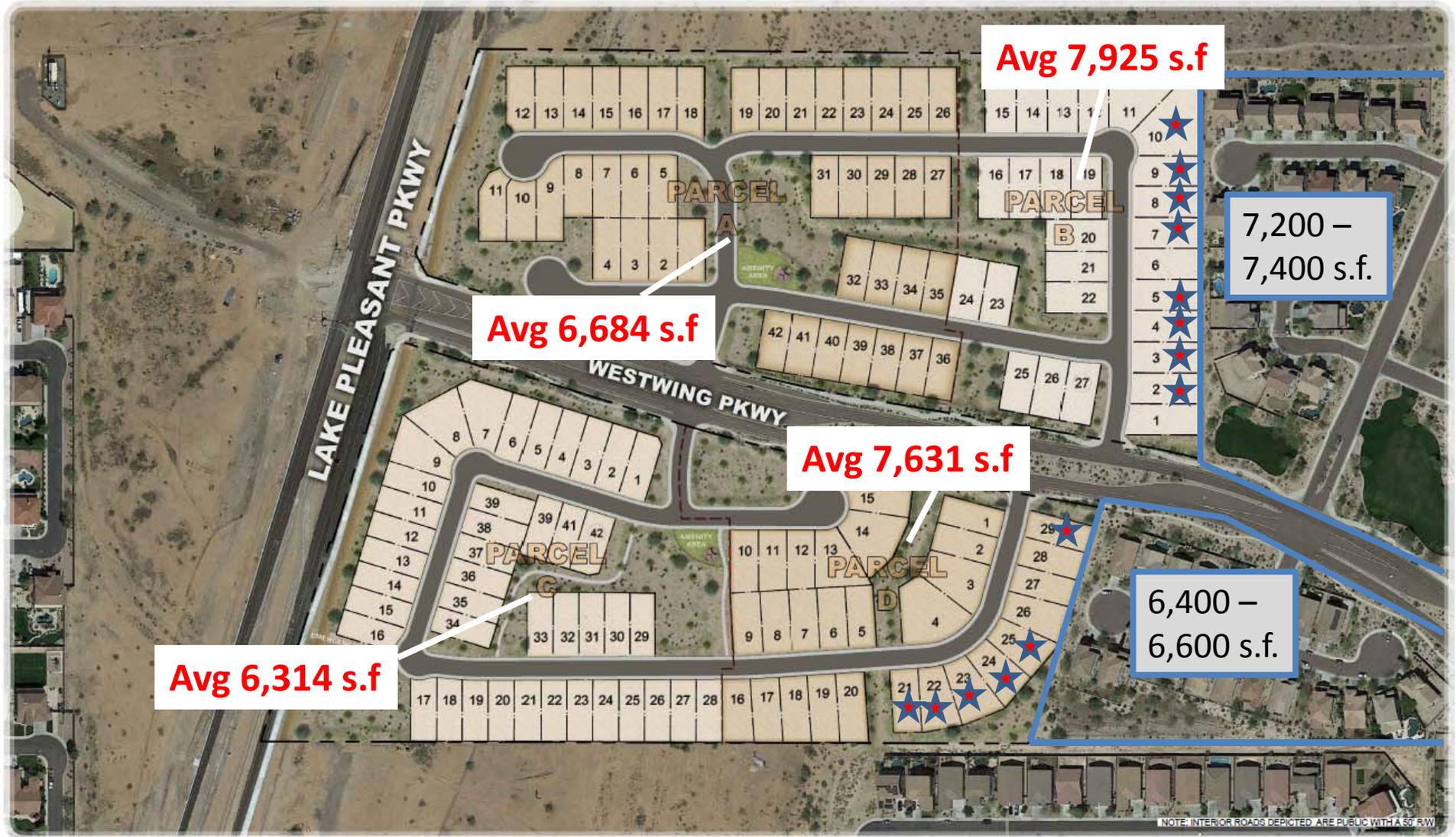
The development of WestWing is anticipated to begin in the southeast portion of the Property (Development Unit I) and move to the northwest portion of the Property (Development Unit IV). It is anticipated that the final build out of WestWing will be approximately fifteen (15) years. The infrastructure, open space, parks and amenities will also be built in phases and constructed concurrently with adjacent parcels. The phasing for the P.C. Plan and Program is set forth in Section 2.13.5. 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 2.7 and 2.10. A comprehensive phasing plan for all on and off-site development infrastructure shall be prepared and approved by the City prior to submittal of the first preliminary subdivision plat within the Property.

2.12 DESIGN REVIEW

All development within WestWing shall comply with the City's Residential and Non-Residential Design Review Guidelines in effect at the time of approval of the P.C. Plan and Program.

2.13 MAPS & PLANS

- 2.13.1 Zoning Map
- 2.13.2 Planned Community Plan
- 2.13.3 Open Space Plan
- 2.13.4 Paths & Trails Plan
- 2.13.5 Paths & Trail Phasing Plan
- 2.13.6 Paths & Trails Regional Context Map
- 2.13.7 Phasing Plan



Conceptual Site Plan

★ Single Story Designated Home

From: [REDACTED]
[REDACTED]; [Cathy Carlat](#); [Richard Williams](#)
Cc: [Cyndi](#)
Subject: Parcel 24 & 27
Date: Tuesday, March 17, 2015 7:16:28 AM

We reside in WestWing at [REDACTED] (and voted for Mayor Carlat largely because of the care she showed for our community). We are opposed to the rezoning of parcels 24 and 27 from Commercial to Residential. We urge the city to maintain the current plan which was a key element in our master plan when we purchased our home.

Thank you for considering your homeowners

Cyndi and Bill Coniam

[REDACTED]
Peoria AZ 85383

From: [REDACTED]
To: [Richard Williams](#)
Cc: [REDACTED]
Subject: West Wing Rezoning
Date: Wednesday, March 18, 2015 1:12:58 PM

Dear Rick Williams

Have attended all 3 meetings for the proposed rezoning of Westwing. Am still opposed to it.

Residents brought up several vital concerns if the land is re zoned to commercial, among them the lots are not large enough to build the size homes that are in keeping with the area, we are deviating from the 100 year plan and our resources, mainly Westwing Elementary will be strained.

It was revealed that the \$107,250 (\$750 per home) will be used to purchase laptops that go on a wheeled cart which would be taken to classrooms as needed. The land swap proposed by the Pivotal Group will do nothing to alleviate the now at capacity Westwing Elementary School because there are no plans to build a school on this new land.

The focus should be on the statements of a Westwing Elementary student who shared with us the fact that there are no empty classrooms at the school. Also the young man stated, "***I thought that change was supposed to be for the better. How is this better?***"

Let's keep Westwing better for this young man and for all the children of our community by keeping with the 100 year plan.

Thank you.

Joan Dahlberg
[REDACTED]
Peoria. 85383
Westwing

From: [Chris Jacques](#)
To: [Richard Williams](#)
Subject: Fwd: West wing rezoning
Date: Tuesday, March 17, 2015 10:16:47 PM

Sent from my iPhone

Begin forwarded message:

From: Brian Derrick <[REDACTED]>
Date: March 17, 2015 at 9:03:32 PM MST
To: <Chris.Jacques@Peoriaaz.gov>
Cc: Brian Greathouse <[REDACTED]>
Subject: West wing rezoning

Chris,

My name is Brian Derrick, I'm a resident of the pleasant Valley neighborhood in the mesquite district, a business owner in Peoria, and president of the parks and rec commission.

My understanding of the issue is that I really can't recommend going against the 100 year plan and rezoning the land off Lake Pleasant and West Wing to residential. I've seen the developers side of the story and it just doesn't make sense as being beneficial to existing residents and the long term plan of Peoria.

Should you feel differently, help me understand your point of view.

I hope you don't mind me sharing my feelings in this manner, and I respect any decision you recommend.

Brian Derrick

Should you want to talk, my cell phone number is [REDACTED]

From: [REDACTED]
Subject: [REDACTED]; [Ben Toma](#); [Richard Williams](#)
Date: Westwing Rezoning
Wednesday, March 18, 2015 7:06:16 PM

Hello

Ed & Sherrie Erfort here...just wanting to express our disapproval for the WestWing rezoning initiative for parcels 24 & 27. We do not want to this to take place because it will result in higher density... straining the infrastructure (especially our schools). It will also cause a regression in the prices of our/your homes. Please put a stop on this initiative!

thank you..

Sincerely Ed & Sherrie Erfort

From: [REDACTED]
To: [Richard Williams](#)
Subject: Tiffany and Bosco Rezoning (NE and SE corner of West Wing Parkway and Lake Pleasant Parkway)
Date: Wednesday, March 11, 2015 9:48:38 AM

Dear Richard,

My wife and I live at [REDACTED] [REDACTED] [REDACTED] in Cibola Vista (directly adjacent to West Wing) in Peoria and are totally against the rezoning of the subject parcels.

The size lots that Tiffany & Bosco are proposing do not fit into the current scope of the Cibola Vista and West Wing communities. The current average lot in Cibola Vista and West Wing is 9,431 SF with the average home at 2,973 SF. Tiffany and Bosco are proposing 6,100 and 7,000 SF lots with resulting homes much smaller than our current average. This will result in lower prices and higher density causing added strain on our infrastructure, facilities and especially our schools.

The average home price proposed in the Tiffany and Bosco plan is \$277,500. Eight-six (86) homes sold in West Wing in 2014 at an average price of \$364,411. This is a 24% decline in home prices. This will definitely cause regression in the prices of the existing homes. We understand that progress is good, but not when it harms the community and only lines the pocket of the developer.

We want to keep Cibola Vista and West Wing as the unique community that it is and want to stop the person/developer that is only out for the fast buck.

Sincerely,
Steve and Jillene Lemke
Cibola Vista Homeowner

From: [Briana Decker](#)
To: [Richard Williams](#)
Subject: FW: Rezoning of West Wing Community
Date: Tuesday, March 17, 2015 11:16:27 AM

For public record.

Thank you,

Briana Decker-Cortinas

Assistant to the Mayor

City of Peoria

8401 W. Monroe St. Peoria, AZ. 85345

Phone: 623.773.5133 / Fax: 623.773.7384

Briana.Decker@peoriaaz.gov

Work hours: 7:00 a.m. - 6:00 p.m. (Monday-Thursday)

 Please consider the environment before printing this email.

From: Heather Marzano [mailto:████████████████████]
Sent: Tuesday, March 17, 2015 10:42 AM
To: Anthony Alejandro; Briana Decker; Bridget Binsbacher; Irene Charlez; terr.smith@peoriaaz.gov; Terri Smith
Subject: Rezoning of West Wing Community

Good Morning ~ We have been in attendance at the Open House meetings for the proposed changes in rezoning at West Wing Parkway.

We would like to express our thoughts about the proposed change.

We have been a home owners of 12 years in this beautiful community. Our son has attended West Wing School and currently have our daughter attending. I am in my 8th year as an office employee at West Wing School. I have had the wonderful privilege to have a one on one relationship with so many wonderful involved community members.

The proposed change in zoning is not the vision that our community has for our future. We are all for development but it has to be a SMART chose in development. The lot sizes are not comparable to the existing lost sizes. The average lot size in West Wing is actually more like 9400 sq feet and Pleasant Valley lot sizes are an average of 15,000 sq feet, not the proposed 6300 to 7900 sq feet that Pivotal has proposed. The conceptual plan will produce small lot sizes. Which we all know what happens with smaller homes, they become RENTALS. Investors will come in and buy up homes and turn around and rent them out!! With that said we do not want families coming and going that are renting. If you want to disrupt a school just add RENTALS!! It is too much in and out in and out. It is a lot of work for the office and so much more work for the teachers trying to educate our future leaders. If people are truly concerned with West Wing Schools needs they would take this in consideration. Pivotal needs to bump up their lot sizes to keep with the comps of the neighborhood to attract serious home owners!!!! We as a community want commercial at the corner of Lake Pleasant and West Wing Parkway. You have Lake Pleasant traffic that is ENDLESS in the summer months and also no one has mentioned the Cibola Vista resort that is located blocks away from the corner.

I am asking for your help to stop this change to the City of Peoria 100 year plan. There is no hurry to development this area. We do not want outsiders coming in and making a quick buck at our expense. This is a bad plan and needs to be stopped. Please help us protect our community!

Sincerely,

Chuck and Heather Marzano

IN SUPPORT

Please sign if you are in support of changing the zoning at the northeast and southeast corners of WestWing Pkwy and Lake Pleasant Pkwy (GPA 14-0003 & Z98-09A.10) from Commercial to Residential with the conditions listed below:

- Lot sizes consistent with the adjacent existing lot sizes.
- One story homes adjacent to other existing homes.
- Abide by existing WestWing CCR's and Design Guidelines.
- Being part of the HOA will be agreed to only if condition will not raise existing dues on existing homeowners.

NAME	ADDRESS	EMAIL
DAN DEBUSK SUSAN DEBUSK	[REDACTED]	[REDACTED]
Jeff Farr Crystal Farr	[REDACTED]	[REDACTED]
Lowie Crespo Amy Crespo	Peoria AZ 85383	[REDACTED]
Dallas Lewis Kristen Lewis	Peoria AZ 85383	[REDACTED] com
Matt Miltner Jessica Miltner	Peoria, AZ. 85383	[REDACTED]
Al Sisemore Sabrina Sisemore	Peoria, AZ 85383	[REDACTED]
Faye & Jerry Crossarth	Peoria, AZ 85383	[REDACTED]
Tommy OH	Peoria, AZ 85383	[REDACTED]
AMAN HUNDAL	Peoria AZ 85383	[REDACTED]

From: [REDACTED]
Subject: West Wing Mountain community additional homes
Date: Tuesday, March 17, 2015 9:59:45 PM

Ms, Carlat, Mr. Toma and Mr. Williams,

I'm a West Wing Mountain resident and I'm opposed to the zoning change for parcels 24 & 27 in our community. I'm concerned about the unfavorable effect that the additional homes will have in our area. I'm trusting that the City of Peoria Planning Commission will make the right decision for our community.

Respectfully,

Debby Pool

From: [Chris Jacques](#)
To: [Richard Williams](#)
Subject: FW: Regarding General Plan Amendment – WestWing Mountain Parcel 24 & 27
Date: Tuesday, March 17, 2015 5:51:01 PM

From: Toots az [REDACTED]
Sent: Tuesday, March 17, 2015 5:21 PM
To: Chris Jacques
Cc: Briana Decker; Benjamin Toma
Subject: Regarding General Plan Amendment – WestWing Mountain Parcel 24 & 27

Hello Mr. Jacques,

I am asking that you please forward this email to the members of the Planning & Zoning Board as soon as possible as it is in regard to the agenda item noted above. Thank you!

Dear Members of the City of Peoria Planning and Zoning Board,

Please **vote NO** on the **proposed amendment to Westwing Mountain parcels 24 & 27** from commercial to low density residential. I have owned a home in WWM since 2003 and absolutely love this neighborhood. But lately it seems to me that major aspects of our **infrastructure are becoming overburdened (police, schools, roads)** resulting in a loss of the quality of life I have always loved about my city and neighborhood.

Additionally, there are other new developments planned very close to us already that will result in the need for this commercial land being available. Aloravita (between Terramar & WWM Prky) and the development being planned west of Lake Pleasant Parkway at approximately Dixiletta (Peoria Lakes may be the name..?)

We are already on **small postage stamp size lots** that are now being seen for what they are, a **nuisance**, and this new developer wants to put in **even smaller lots** with fairly large homes on them. This will add so many negative and add NO POSITIVES.

Not to mention, it will add more heat to the heat island all this development creates already (which is, imho, why we have the climate changes we are experiencing in addition to the cyclical changes that are normal).

We **do not need more high density SFRs** being built. It *only benefits developers not us citizens*, by **denigrating our QUALITY of LIFE** here in lovely Peoria, AZ for all time.

Thank you,
Suzanne Rowe
Peoria Resident

From: [REDACTED]
To: [Jacob E. Zonn](#); [REDACTED]
Cc: [Richard Williams](#); [Ben Toma](#)
Subject: Re: Rezone from Commercial to Residential
Date: Monday, March 16, 2015 4:06:00 PM
Attachments: [Peoria Crime Rates.xlsx](#)

Hi Jacob,

It was a pleasure meeting you as well. Thank you for taking time to meet with me and my neighbors regarding the proposed development plan for the vacant parcels adjacent to my community, Cibola Vista. As I stated during the meeting, my biggest concern with zoning the land for commercial use is the potential for crime. Data from the Federal Bureau of Investigation (FBI) Uniform Crime Reports, in the attached spreadsheet, show that both property crime and violent crime have been steadily declining in Peoria. I would like to continue to see a decline in the crime rate in Peoria. Placing commercial property next to the current residential areas increases the propensity for crime.

Research shows that certain types of land uses, such as shopping malls, form suitable targets for crime due to the numerous opportunities for shoplifting and car theft. Entertainment districts also contain suitable targets for crime, as there are generally large numbers of individuals who are drunk and less vigilant (Brantingham & Brantingham, 1999). Edges are the areas where physical spaces converge and transition such as residential neighborhoods and commercial properties. Research shows that the areas around edges frequently have high rates of crime. Edges next to high-activity areas (sports arenas and commercial locations) are especially vulnerable.

The community of Cibola Vista is surrounded by natural desert. Not only is the natural desert beautiful, it serves a purpose in crime prevention. The desert landscape allows for natural surveillance of the area and the ability to quickly identify any activity that does not appear legitimate. Placing commercial property in these areas not only impedes natural surveillance, but also creates edges and suitable targets for crime.

During the meeting you mentioned some nearby residents are concerned about potentially declining property values with the addition of residential homes. These residents should be concerned about declining property values due to crime, or the increased propensity for crime, if the area is zoned commercial.

Again, thank you for taking the time to meet with concerned residents of Cibola Vista. I am not able to attend the meeting schedule for this evening, but I look forward to hearing a positive outcome.

Sincerely,

Amy Crespo

Sent from Windows Mail

From: [Jacob E. Zonn](#)

Sent: Wednesday, March 11, 2015 10:08 AM

To: [REDACTED]

Hi Louie and Amy,

Just a reminder that when you are sending your emails to please include Richard Williams at the city of Peoria. Email below.

Thanks!

richard.williams@peoriaaz.gov

Jacob E Zonn
Senior Planner

[REDACTED]



[REDACTED] Floor Camelback Esplanade II

2525 East Camelback Road

Phoenix, AZ 85016-9240

Visit our website at: www.tblaw.com

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From: Jacob E. Zonn

Sent: Monday, March 09, 2015 2:13 PM

To: [REDACTED]

Subject: Rezone from Commercial to Residential

Louie and Amy,

It was great to meet you two at the Dan and Susan's yesterday. We greatly appreciate your support moving forward. As I stated yesterday, any email that you could send to the Mayor and Council would go a long way. They have been getting a bunch of opposition emails from WestWing. I've listed the emails below again just in case. It would also be beneficial to have at the two hearing dates, also listed below.

Please contact me at any time with questions at the contact info below. Thanks again.

Mayor Carlat – cathy.carlat@peoriaaz.gov
Councilman Toma – ben.toma@peoriaaz.gov
Councilwoman Hunt – vicki.hunt@peoriaaz.gov
Councilman Leone – carlo.leone@peoriaaz.gov
Councilman Finn – Michael.finn@peoriaaz.gov
Councilman Edwards – jon.edwards@peoriaaz.gov
Councilman Patena – bill.patena@peoriaaz.gov

Staff

Briana.Decker@peoriaaz.gov
Irene.charlez@peoriaaz.gov
Terri.smith@peoriaaz.gov
Anthony.alejandro@peoriaaz.gov

City Planner for the City of Peoria – Richard Williams
richard.williams@peoriaaz.gov

Planning & Zoning Commission will be held on March 19, 2015 at 6:30 PM. City Council will be held on April 21, 2015 at 7:00 PM

Jacob E Zonn
Senior Planner
Direct (602) 452-2714 / Cell (602) 616-5031



Seventh Floor Camelback Esplanade II
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From: [Jacob E. Zonn](#)
To: [Richard Williams](#)
Subject: FW: Rezoning at Lake Pleasant and WestWing
Date: Wednesday, March 11, 2015 2:43:23 PM

Rick,

Below is another support email from an adjacent neighbor in Cibola Vista. Please forward to Mayor and Council offices.

Thank you,

Jacob E Zonn
Senior Planner
Direct (602) 452-2714 / Cell (602) 616-5031



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From: Rene Fink [REDACTED]
Sent: Wednesday, March 11, 2015 1:25 PM
To: Jacob E. Zonn
Subject: RE: Rezoning at Lake Pleasant and WestWing

Hi

Thank you for sending this and for the follow up. After talking more about it, we do agree that residential zoning would be best. We appreciate the follow up and the houses marked with the stars, is perfect. I think that would help preserve as much of our views as possible.

Thank you!

Rene' and Matthew Fink

From: Jacob E. Zonn [REDACTED]
Sent: Monday, March 09, 2015 4:24 PM
To: [REDACTED] and WestWing

Mr. and Mrs. Fink,

It was great to meet you two yesterday. Thank you for taking time out of your day to discuss the rezoning case to residential behind your home. I understand your concerns regarding the rezoning, but I have attached the site plan with notations of what homes would be single-story as we discussed. A single story home is about 15 feet in height. The current commercial zoning is allowed to go to 30 feet. Please keep that in mind.

Please review the attached site plan and let me know if this is sufficient for you. I would really like to gain your support on this rezoning since you and your neighbors are the ones that will be affected the most.

Please feel free to contact me at any time at the information below.

Thank you,

Jacob E Zonn
Senior Planner
Direct (602) 452-2714 / Cell (602) 616-5031



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From: [REDACTED]
Subject: Rezone from Commerical to Residential
Date: Tuesday, March 17, 2015 8:23:03 AM

Good morning, Mr. Williams:

My name is Al Sisemore and I live at [REDACTED] I am writing this email to voice my support for the rezoning efforts at Lake Pleasant and West Wing. In my humble opinion, rezoning this land for residential use will yield a net positive effect for the families that live in the immediate area.

Thank you for your continued efforts and your consideration for those of us that are truly affected by this issue.

Cordially,

Al Sisemore

Al Sisemore
[REDACTED]

From: [Cheryl T](#)
To: [REDACTED]; [Ben Toma](#); [Richard Williams](#)
Subject: NO to rezoning in West Wing
Date: Wednesday, March 11, 2015 7:23:12 AM

My husband and I live at [REDACTED] in West Wing in Peoria and are totally against the rezoning of the subject parcels.

We are in agreement with the statement posted by the DeLangis family below:
The size lots that Tiffany & Basco are proposing do not fit into the current scope of the West Wing community. The current average lot in WW is 9,431 sqft with the average home at 2,973 sqft. T&B are proposing 6,100 and 7,000 sqft lots with resulting homes much smaller than our current average. This will result in lower prices and higher density causing added strain on our infrastructure, facilities and especially our schools.

The average home price proposed in the T&B plan is \$277,500. 86 homes sold in WW in 2014 at an average price of \$364,411; this is a 24% decline in home prices. This will definitely cause Regression in the prices of the existing homes. We understand that progress is good, but not when it harms the community and only lines the pocket of the developer.

We want to keep WW as the unique community that it is and want to stop the person/developer that is only out for the fast buck. Sincerely,
Leo & Margaret DeLangis

Please do not allow developers to build this proposed community -- home values must stay consistent in our neighborhood so we are not faced with being "underwater" again like we did in the recession. There will be no benefit to the local economy, schools and neighbors by adding this unwanted low cost density. If they have the right to go forward, they should at least build homes that are consistent with the current neighborhoods / lot sizes / prices.

Thank you for your time.

Cheryl and Michael Trott

ORDINANCE NO 2015- 09

AN ORDINANCE OF THE CITY OF PEORIA, MARICOPA COUNTY, ARIZONA ZONING PROPERTY FROM WESTWING MOUNTAIN PLANNED COMMUNITY DEVELOPMENT COMMERCIAL TO WESTWING MOUNTIAN PLANNED COMMUNITY DEVELOPMENT RESIDENTIAL ZONING DISTRICT; AMENDING THE ZONING MAP AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Peoria Planning and Zoning Commission held a public hearing on March 19, 2015 in zoning case Z98-09A.10 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 WestWing Mountain Planned Community Development Commercial to the WestWing Mountain Planned Community Development Residential 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 27, 2015; 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 WestWing Mountain Planned Community Development Commercial to WestWing Mountain Planned Community Development Residential.

SECTION 2. The amendment to the zoning herein provided be conditioned and subject to the following stipulations:

1. The development shall be in substantial conformance with the amended WestWing Mountain Planned Community District (case Z98-09A.10) date stamped January 26, 2015.

2. The approval entered herein shall not negate any of the prior conditions contained or referenced within the original case Z98-09 (WestWing PCD) and the subsequent amendments (Z98-09A1-Z98-09A.9). These conditions shall remain in force for the PAD.
3. The Preliminary Plats shall demonstrate compliance with the DLCO prior to approval. All documentation required therein shall be submitted with the Preliminary Plat.
4. A slope analysis shall be submitted with the preliminary plat.
5. Lots adjacent to existing Parcels 22 and 29 in the WestWing Mountain development shall be restricted to single-story. A note shall be provided on the face of the plat denoting the restriction.
6. The Developer shall provide an ALTA Survey reflecting existing boundary and recorded easements on the site.
7. 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.
8. 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.
9. The Developer shall submit a noise mitigation study in accordance with the ADOT Noise Abatement Policy to address the anticipated truck traffic on Lake Pleasant Parkway and on Westwing Parkway. All walls shall be designed in accordance with the recommendations of the noise study.

10. The Developer shall dedicate an 8' PUE outside of all ROW and/or private roadway tracts. No walls or retention shall be allowed within the PUE.
11. 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.
12. The Development is responsible for payment of all current repayment zones. Prior to issuance of any permits for Parcel 24, repayment for RZST0601 in the amount of \$181,372.99 must be paid in full. This repayment obligation expires in March 2017.
13. The development of Parcels 24 and 27 shall be in substantial conformance to Exhibit D ("Conceptual Site Plan") as contained in the staff report to the Planning & Zoning Commission for March 19, 2015. The development shall be limited to a maximum of 140 lots.
14. There shall be a maximum of forty-two (42) lots less than 6,600 square feet in area. All lots less than 6,600 square feet shall be located in Parcel C as identified in Exhibit D in the staff report to the Planning & Zoning Commission for March 19, 2015
15. Entry monuments shall be in accordance with the Design Review Manual and all other applicable standards and the design character of the WestWing Mountain Planned Community District.

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 21st day of April, 2015.

Cathy Carlat, Mayor

Date Signed

ATTEST:

Rhonda Geriminsky, City Clerk

APPROVED AS TO FORM:

Stephen M. Kemp, City Attorney

Published in: Peoria Times
Publication Date: May 1, 2015
Effective Date:

EXHIBIT A

WESTWING - PARCEL 24

A portion of land being situated within the Northeast quarter of Section 33, Township 5 North, Range 1 East of the Gila and Salt River Meridian, Maricopa County, Arizona, being more particularly described as follows:

COMMENCING at a found brass cap flush accepted as the North quarter corner of said Section 33, from which a found brass cap flush accepted as the Northeast corner thereof bears South 89°31'22" East, 2645.38 feet;

Thence along the north line of said Northeast quarter, South 89°31'22" East, 839.16 feet;

Thence leaving said north line, South 00°28'38" West, 609.25 feet, to a point on the southerly right-of-way line of Westwing Parkway, shown on the Map of Dedication, recorded in Book 684, Page 22, Records of Maricopa County, Arizona, being the **POINT OF BEGINNING**;

Thence along said southerly right-of-way line the following 3 courses:

Thence South 72°48'53" East, 374.05 feet, to the beginning of a tangent curve, concave northerly, having a radius of 2,765.00 feet;

Thence easterly along said curve, through a central angle of 07°26'13", an arc length of 358.89 feet, to a point of tangency;

Thence South 80°15'06" East, 482.16 feet, to the west line of Parcel 22, shown in the Special Warranty Deed, recorded in Document no. 2003-0817536, Records of Maricopa County, Arizona;

Thence leaving said southerly right-of-way line and along said west line, South 17°11'07" West, 476.79 feet, to the south line of the north half of said Northeast quarter;

Thence leaving said west line and along said south line, North 89°50'52" West, 1,479.15 feet, to a point on the easterly right-of-way line of Lake Pleasant Parkway, as dedicated in the Special Warranty Deeds, recorded in Document no. 2004-0132120 and Document no. 2012-0447434, Records of Maricopa County, Arizona;

Thence along said easterly right-of-way line the following 6 courses:

Thence North 16°59'01" East, 171.20 feet;

Thence South 73°00'59" East, 15.00 feet;

Thence North 16°59'01" East, 235.59 feet;

Thence South 73°00'59" East, 5.00 feet;

Thence North 16°59'01" East, 387.55 feet;

Thence North 62°05'04" East, 32.47 feet, to southerly right-of-way line of Westwing Parkway, as dedicated in the Special Warranty Deed, recorded in Document no. 2012-0447434, Records of Maricopa County, Arizona;

Thence leaving said easterly right-of-way line and along said southerly right-of-way line, South 72°48'53" East, 164.11 feet,

Thence continuing along said southerly right-of-way line, North 17°11'07" East, 7.00 feet, to the **POINT OF BEGINNING**.

The above described parcel contains a computed area of 876,081 sq. ft. (20.1121 acres) more or less and being subject to any easements, restrictions, rights-of-way of record or otherwise.

The description shown hereon is not to be used to violate any subdivision regulation of the state, county and/or municipality or any land division restrictions.

WESTWING - PARCEL 27

A portion of land being situated within the Northeast quarter of Section 33, Township 5 North, Range 1 East of the Gila and Salt River Meridian, Maricopa County, Arizona, being more particularly described as follows:

COMMENCING at a found brass cap flush accepted as the North quarter corner of said Section 33, from which a found brass cap flush accepted as the Northeast corner thereof bears South 89°31'22" East, 2,645.38 feet;

Thence along the north line of said Northeast quarter, South 89°31'22" East, 814.09 feet, to the **POINT OF BEGINNING**;

Thence continuing along said north line, South 89°31'22" East, 1,396.81 feet, to the west line of Parcel 29, shown in the Special Warranty Deed, recorded in Document no. 2003-0817536, Records of Maricopa County, Arizona;

Thence leaving said north line and along said west line, South $00^{\circ}28'38''$ West, 779.24 feet, to a non-tangent curve, concave southerly, having a radius of 1,455.00 feet, the center of which bears South $14^{\circ}32'46''$ West, said curve being a point on the northerly right-of-way line of Westwing Parkway, shown on the Map of Dedication, recorded in Book 684, Page 22, Records of Maricopa County, Arizona;

Thence along said northerly right-of-way line the following 4 courses:

Thence westerly along said curve, through a central angle of $04^{\circ}47'52''$, an arc length of 121.84 feet to a point tangency;

Thence North $80^{\circ}15'06''$ West, 530.72 feet, to the beginning of a tangent curve, concave northerly, having a radius of 2,635.00 feet;

Thence westerly along said curve, through a central angle of $07^{\circ}26'13''$, an arc length of 342.02 feet to a point of tangency;

Thence North $72^{\circ}48'53''$ West, 537.47 feet, to the easterly right-of-way line of Lake Pleasant Boulevard, as dedicated in the Special Warranty Deed, recorded in Document no. 2012-0948441, Records of Maricopa County, Arizona;

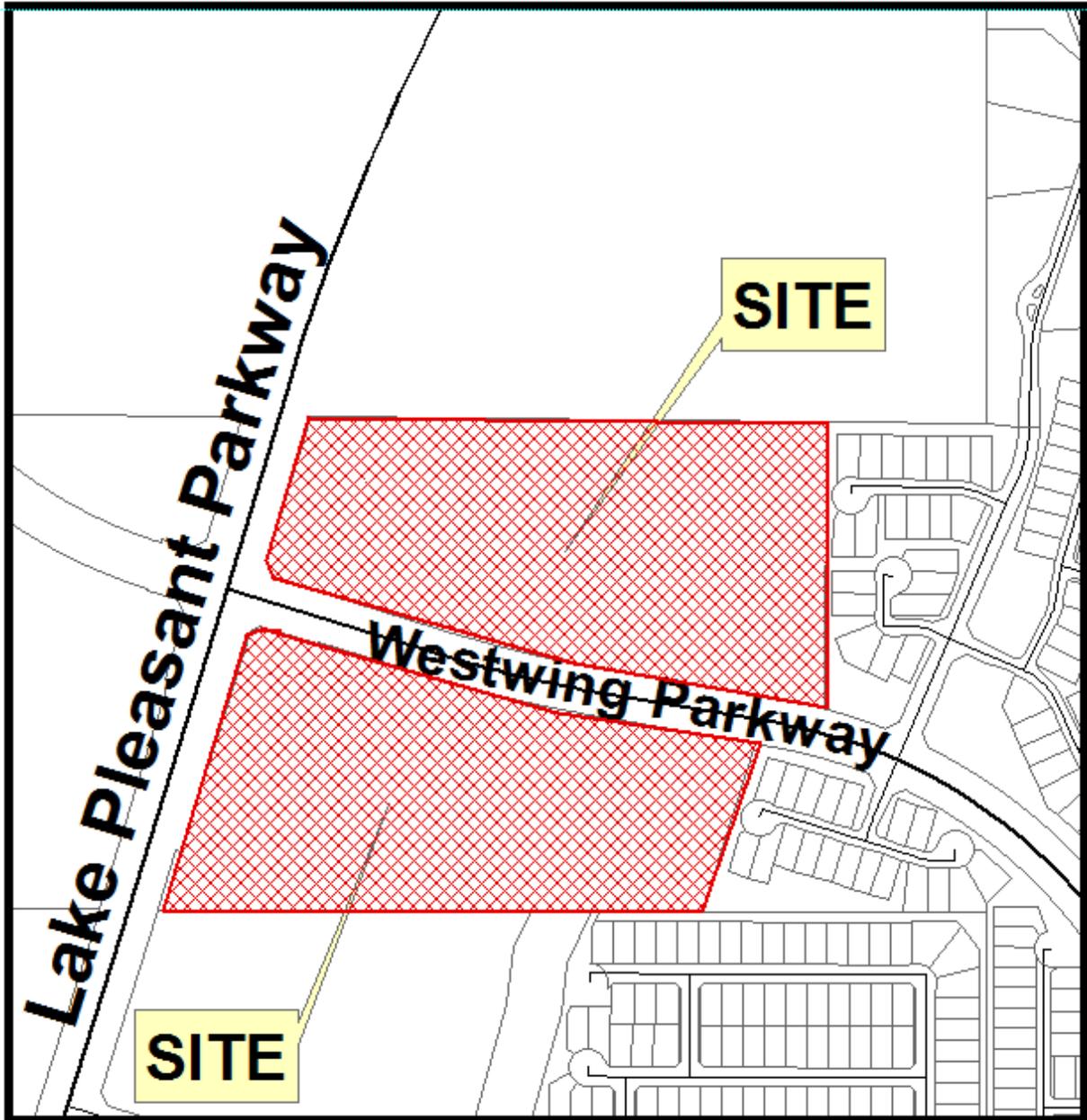
Thence along said easterly right-of-way line, North $27^{\circ}54'56''$ West, 48.41 feet;

Thence continuing along said easterly right-of-way line, North $16^{\circ}59'01''$ East, 412.15 feet, to the **POINT OF BEGINNING**.

The above described parcel contains a computed area of 927,108 sq. ft. (21.2835 acres) more or less and being subject to any easements, restrictions, rights-of-way of record or otherwise.

The description shown hereon is not to be used to violate any subdivision regulation of the state, county and/or municipality or any land division restrictions.

EXHIBIT B
Map





City Council Calendar

Color Key:
City Council

< March	April 2015					May >
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1	2	3	4
5	6	7 Special City Council Meeting & Study Session Regular City Council Meeting	8	9	10	11
12	13 City Council Budget Study Session	14	15 City Council Budget Study Session	16	17	18
19	20 City Council Budget Study Session	21 Special City Council Meeting & Study Session Regular City Council Meeting	22	23	24	25
26	27	28	29	30		



City Council Calendar

Color Key:
City Council

< April	May 2015					June >
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
3	4	5 Special City Council Meeting & Study Session Regular City Council Meeting	6	7	8	9
10	11	12	13	14	15	16
17	18	19 Special City Council Meeting & Study Session Regular City Council Meeting	20	21	22	23
24	25	26	27	28	29	30
31						

**CITY OF PEORIA, ARIZONA
CITY MANAGER REPORT**

Agenda Item: RCM 15A

Date Prepared: April 14, 2015

Council Meeting Date: April 21, 2015

TO: Carl Swenson, City Manager
FROM: Roy W. Minter, Jr., Chief of Police
THROUGH: Jeff Tyne, Deputy City Manager
SUBJECT: Crime Stats Update

Summary:

The Police Department currently operates based on a Community Oriented Policing Initiative in order to become more effective in identifying and addressing crime and to promote proactive and positive partnerships within the Community.

Our three focus goals are:

- Reduce crime and the fear of crime
- To partner with the community to identify and solve problems
- To operate the Department with maximum efficiency

The Police Department will give a crime stats update recap for the last year to discuss crime prevention efforts and community partnerships.

Contact Name and Number: Roy W. Minter, Jr., Chief of Police, 623-773-7059

**CITY OF PEORIA, ARIZONA
CITY MANAGER REPORT**

Agenda Item: RCM 15B

Date Prepared: March 26, 2015

Council Meeting Date: April 28, 2015

TO: Carl Swenson, City Manager
FROM: John R. Sefton Jr., Community Services Director
THROUGH: Jeff Tyne, Deputy City Manager
SUBJECT: Neighborhood ParkFest! Series

Summary:

Community Services, Neighborhood Resources, and Public Safety are set to engage Peoria neighborhoods with free, fun, entertaining and informative activities. Peoria's **ParkFest!** events are continuing year two and are designed to connect with the community by introducing neighbors and providing information about city services through a unique and creative festival atmosphere.

ParkFest! @ Sweetwater Park, 7418 W. Sweetwater Avenue, will be held on **Saturday, May 2, from 9am-12pm**. This event will feature interactive inflatables and games, live music, face painting, a spray on tattoo artist, a bike rodeo sponsored by Peoria Police as well as an interactive obstacle course provided by Peoria Fire. Food and drinks will be provided while supplies last.

This is the last **ParkFest!** event of 2015. Since the inception of the ParkFest! events in 2013, an impressive 4100 people have enjoyed these exciting activities and city-sponsored information right in their neighborhoods.

Exhibit(s): Flyer

Contact Name and Number: Matt Kalcevich (623)773-7133



ParkFest!

Fun in the Park

Saturday,

May 2nd, 9 a.m. to 12 p.m.

Sweetwater Park, 7460 W. Sweetwater Ave., Peoria

Live Music, Kids Activities, Inflatables, Games, Food and MORE!

For more information, 623.773.7137 or visit www.peoriaaz.gov/specialevents

NEW!
Bike Rodeo



City of Peoria

COMMUNITY SERVICES

8401 West Monroe Street
Peoria, AZ 85345

PRSR STD
U.S. POSTAGE
PAID
SUN CITY, AZ
PERMIT NO. 228

NEW!
Bike Rodeo

The Bike Rodeo is an opportunity for youth to learn about bike safety and etiquette in a fun and unique environment. Bikes are limited and participants are encouraged to bring their own. Remember to always wear a helmet.

*****ECRWSSEDDM*****

Local Postal
Customer

**CITY OF PEORIA, ARIZONA
CITY MANAGER REPORT**

Agenda Item: RCM 15C

Date Prepared: March 30, 2015

Council Meeting Date: April 21, 2015

TO: Carl Swenson, City Manager
FROM: John R. Sefton Jr., Community Services Director
THROUGH: Jeff Tyne, Deputy City Manager
SUBJECT: Multicultural Music Festival

Summary:

The 2015 Multicultural Music Festival will take place on Sunday, April 26 from 1-8pm in Osuna Park located at 10510 N. 83rd Avenue. This year's event will feature headliner *Tierra* with an incredible line-up of opening acts: *Thee Latin All Stars*, *The Floaters*, *Willie Clayton* and many others.

Entry to the event is \$5 with children 12 and under being free. For more information call (623)204-0959, e-mail info@aznbhc.org or visit the Northwest Black History Committee website at <http://aznbhc.org>.

The Multicultural Music Festival is an event hosted by the Northwest Black History Committee with support from the City of Peoria.

Exhibit(s): None

Contact Name and Number: Kelli Kincaid (623)773-7178

MINUTES OF THE VISTANCIA COMMUNITY FACILITIES DISTRICT BOARD
CITY OF PEORIA, ARIZONA
COUNCIL CHAMBER
March 3, 2015

A **Special Meeting** of the Vistancia Community Facilities District Board was convened at 8401 West Monroe Street in open and public session at 8:28 p.m.

Members Present: Board Chairperson Cathy Carlat; Vice Chairperson Jon Edwards; Board Members Michael Finn, Vicki Hunt, Carlo Leone, Bill Patena and Ben Toma.

Board Youth Liaisons: Michael Helt.

Members Absent: Board Youth Liaison Ian Mullane.

Other Municipal Officials Present: Carl Swenson, District Manager; Susan Daluddung, Deputy District Manager; Jeff Tyne, Deputy District Manager; Bill Bock, Assistant District Counsel; Rhonda Geriminsky, District Clerk; Julie Ayers, Human Resources Director; Andy Granger, Engineering Director; John Imig, Information Technology Director; Chris Jacques, Planning and Community Development Director; Bo Larsen, Public Information Director; Bill Mattingly, Public Works Director; Brent Mattingly, Chief Financial Officer; Roy Minter, Police Chief; Tom Pendley, Deputy Fire Chief; John Sefton, Community Services Director; Scott Whyte, Economic Development Services Director; Corina Russo, Assistant to the District Manager; and Linda Blas, Deputy District Clerk.

Audience: Approximately five members of the public were present.

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

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

Chairperson Carlat asked if any Board Member wished to have an item removed from the Consent Agenda. Having no requests from the Board, motion was made by Board Member Hunt, seconded by Board Member Toma, to approve the Consent Agenda.

Upon vote, the motion carried unanimously 7 to 0.

CONSENT – New Business:

Clerk's Note: The agenda item numbers shown below reflect the items as they were numbered on the agenda.

20. **C - Minutes**

Approved the December 9, 2014 Special Meeting minutes.

21. **C - Investment Report, Quarter Ending December 31, 2014**

Reviewed and accepted the Investment Report as presented.

Call To The Public (Non-Agenda Items)

None.

ADJOURNMENT:

Being no further business to come before the District Board, the meeting was duly adjourned at 8:30 p.m.

Cathy Carlat, Board Chairperson

ATTEST:

Rhonda Geriminsky, District Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct summary of the proceedings of the Special Meeting of the Vistancia Community Facilities District held on the 3rd day of March, 2015. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 21st day of April, 2015.

(Seal)

Rhonda Geriminsky, District Clerk

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

Agenda Item: 17R

Date Prepared: April 6, 2015

District Meeting Date: April 21, 2015

TO: Carl Swenson, District Manager

FROM: Sonia Andrews, Finance Manager

THROUGH: Brent D. Mattingly, District Chief Financial Officer

SUBJECT: Resolution Approving Preliminary Budget and Tax Levy Estimates for Fiscal Year 2016

Purpose:

This is a request for the District Board to adopt a resolution approving the Preliminary Budget and Tax Levy for Fiscal Year 2016 for the Vistancia Community Facilities District and to establish a public hearing date of May 19, 2015 for review and final adoption of the budget and tax levy.

Background/Summary:

Each year around April or May, the District Board is asked to adopt a resolution approving a preliminary form of the Vistancia Community Facilities District budget and tax levy information for the following fiscal year and also to establish a public hearing date for review of the proposed budget and tax levy estimates. In May or June each year, the Board will hold a public hearing and adopt the final budget for the Vistancia Community Facilities District and order that an Ad Valorem Tax be levied and assessed on the assessed value of all real and personal property within the District.

The Fiscal Year 2016 Preliminary District Budget provides for an operating, debt service and capital budget of \$18,829,993 for the District for the upcoming fiscal year. This amount includes \$8,568,678 in bond proceeds for capital projects that will be carried over into FY 2016. The budget identifies the revenues and expenses of the District, and outlines the sources and uses of funds for Fiscal Year 2016.

The proposed tax rate to be set for the District is unchanged at \$2.10 per \$100 of limited assessed value for debt service. The total tax levy revenue for the upcoming year is estimated to be \$2,610,978. The balance of revenues for the District is anticipated to come from the Developer as per the existing 2002, 2005, and 2006 Standby Contribution Agreements, as well as the Development Agreement.

As required by State Statute (ARS 48-716), a notice of public hearing on the District Budget and the tax levy information for Fiscal Year 2016 will be published in the Peoria Times on May 1,

2015 and May 8,2015, at least ten days prior to the hearing date. The public hearing is proposed for May 19, 2015, prior to the District Board adopting the budget and tax levy.

Previous Actions:

None

Options:

The District Board may select the following options:

- A:** Adopt the attached resolution approving the preliminary budget and tax levy estimates for Fiscal Year 2016 for the Vistancia Community Facilities District and establish a public hearing date of May 19,2015.
- B:** Do not adopt the attached resolution approving the preliminary budget and tax levy estimates for Fiscal Year 2016 for the Vistancia Community Facilities District.

Staff's Recommendation:

Staff recommends that the District Board adopt the attached resolution approving the preliminary budget and tax levy estimates for Fiscal Year 2016 for the Vistancia Community Facilities District and establish a public hearing date of May 19,2015 for review and final adoption of the budget and tax levy.

Fiscal Analysis:

This item will establish a preliminary Fiscal Year 2016 budget of \$18,829,993 and tax levy of \$2.10 per \$100 of limited assessed value for the Vistancia Community Facilities District.

Narrative:

The preliminary District Budget provides for an operating, debt service and capital budget of \$18,829,993 for the District for the upcoming fiscal year. The budget identifies the revenues and expenses of the District, and outlines the sources and uses of funds for the upcoming year. The proposed tax rate to be set for the district is \$2.10 per \$100 of limited assessed value for debt service. The total levy revenue for Fiscal Year 2016 is estimated at \$2,610,978. The public hearing is proposed for May 19, 2015, prior to the District Board taking action on the budget.

Attachment(s):

Attachment 1: Resolution

Attachment 2: Exhibit 1 - Preliminary FY 2016 Budget

Attachment 3: Exhibit 2 - FY 2016 Tax Levy Statements and Estimates

Attachment 4: Exhibit 3 – Notice of Public Hearing

Contact:

Sonia Andrews, Finance Manager, x5206

RESOLUTION NO. VCFD 2015-01

(VISTANCIA)

A RESOLUTION OF THE DISTRICT BOARD OF VISTANCIA COMMUNITY FACILITIES DISTRICT APPROVING A PROPOSED BUDGET AND SETTING A PUBLIC HEARING DATE ON SAID PROPOSED BUDGET FOR FISCAL YEAR 2016 PURSUANT TO A.R.S. §48-716; FILING STATEMENTS AND ESTIMATES OF THE OPERATION AND MAINTENANCE EXPENSES OF THE DISTRICT, THE COSTS OF CAPITAL IMPROVEMENTS TO BE FINANCED BY THE APPROVED AD VALOREM TAX LEVY, AND THE AMOUNT OF ALL OTHER EXPENDITURES FOR PUBLIC INFRASTRUCTURE PURPOSES PROPOSED TO BE PAID FROM THE TAX LEVY AND OF THE AMOUNT TO BE RAISED TO PAY GENERAL OBLIGATION BONDS OF THE DISTRICT, ALL OF WHICH SHALL BE PROVIDED FOR BY THE LEVY AND COLLECTION OF AD VALOREM TAXES ON THE ASSESSED VALUE OF ALL THE REAL AND PERSONAL PROPERTY IN THE DISTRICT AND PROVIDING FOR NOTICE OF FILING THE STATEMENTS AND ESTIMATES AND NOTICE OF A PUBLIC HEARING ON THE PORTIONS OF THE STATEMENTS AND ESTIMATES NOT RELATING TO DEBT SERVICE ON GENERAL OBLIGATION BONDS FOR FISCAL YEAR 2016 PURSUANT TO A.R.S. §48-723; AND PROVIDING THAT THIS RESOLUTION SHALL BE EFFECTIVE AFTER ITS PASSAGE AND APPROVAL ACCORDING TO LAW.

WHEREAS, Vistancia Community Facilities District (the "District") is a special purpose district for purposes of Article IX, Section 19, Constitution of Arizona, a tax-levying public improvement district for the purposes of Article XIII, Section 7, Constitution of Arizona, and a municipal corporation for all purposes of Title 35, Chapter 3, Articles 3, 3.1., 3.2, 4 and 5, Arizona Revised Statutes, as amended, and [except as otherwise provided in §48-708(B), as amended] is considered to be a municipal corporation and political subdivision of the State of Arizona, separate and apart from the City of Peoria, Arizona; and

WHEREAS, the District was created to finance construction and maintenance of certain public infrastructure needed for the development of the project known as "Vistancia", including through assessment of ad valorem taxes on all real and personal property within the District for such purpose; and

WHEREAS, in accordance with A.R.S. §§48-719 and 48-723, a special election was held wherein the qualified electors of the District authorized the issuance of general obligation bonds to cover costs of constructing required public infrastructure and the levy and collection of an annual ad valorem tax at a rate not to exceed thirty cents (30¢) per one hundred dollars (\$100) of assessed valuation for operation and maintenance expenses of the District; and

WHEREAS, by Resolution Nos. VCFD 02-02, VCFD 05-01, and VCFD 06-03 of the District authorized the sale and issuance of \$21,250,000 aggregate principal amount of Bonds, Series 2002 (the "2002 Bonds"), \$23,550,000 aggregate principal amount of Bonds, Series 2005 (the "2005 Bonds"), and \$22,760,000 aggregate principal amount of Bonds, Series 2006 (the "2006 Bonds") respectively, to fund certain public infrastructure for such development; and

WHEREAS, the District also entered into a Standby Contribution Agreement, dated as of December 1, 2002, a Standby Contribution Agreement, dated as of April 1, 2005, and a Standby Contribution Agreement, dated as of December 1, 2006, with entities involved in such development and with respect to the 2002 Bonds, the 2005 Bonds, and the 2006 Bonds respectively, whereby annual payments will be made to the District in order to maintain the tax rate at no more than two dollars and ten cents (\$2.10) per one hundred dollars (\$100) of secondary assessed valuation for debt service, given the tax base of the District in each tax year; and

WHEREAS, in accordance with A.R.S. §§ 48-716 and 48-723, there has been submitted a proposed budget for Fiscal Year 2016 which includes statements and estimates of the operation and maintenance expenses of the District, the costs of capital improvements to be financed by the authorized ad valorem tax levy, and the amount of all other expenditures for public infrastructure purposes proposed to be paid from the tax levy and of the amount to be raised to pay debt service with respect to the 2002 Bonds, the 2005 Bonds, and the 2006 Bonds, all of which shall be provided for by the levy and collection of ad valorem taxes on the assessed value of all the real and personal property within the District and from amounts raised pursuant to the above described Standby Contribution Agreements; and

WHEREAS, this Board desires now to approve said proposed budget for Fiscal Year 2016, to publish notice of having filed the required statements and estimates, and to set a date (and publish a notice thereof) for a public hearing to receive comment on the proposed budget and, particularly, on the portions of the statements and estimates not relating to debt service on general obligation bonds; and

WHEREAS, after said public hearing (and on or before October 1), this Board expects to adopt a final budget by resolution; and

WHEREAS, on or before the third Monday in August, this Board also expects to order the fixing, levying and assessment of required ad valorem taxes and to cause certified copies of the order providing for the same to be delivered to the Maricopa County Board of Supervisors and the Arizona Department of Revenue;

NOW, THEREFORE, BE IT RESOLVED BY THE DISTRICT BOARD OF THE VISTANCIA COMMUNITY FACILITIES DISTRICT, AS FOLLOWS:

1. That certain proposed budget for Fiscal Year 2016 for the District, attached hereto and expressly made a part hereof as Exhibit 1, is hereby tentatively approved.

2. That the statements and estimates of the operation and maintenance expenses of the District, the costs of capital improvements to be financed by the approved ad valorem tax levy by the District, and the amount of all other expenditures for public infrastructure purposes proposed to be paid from the tax levy and of the amount to be raised to pay general obligation bonds in Fiscal Year 2016 by the District are hereby filed in accordance with A.R.S. §§ 42-17101(3) and 48-723(C), and are attached hereto and expressly made a part hereof as Exhibit 2.

3. That a public hearing date of Tuesday, May 19, 2015, beginning at or after 7:00 p.m. at the City of Peoria Council Chambers at 8401 W. Monroe Street, Peoria, Arizona, is hereby set to consider said proposed budget (including, but expressly not limited to, consideration of those portions of the statements and estimates not relating to debt service on general obligation bonds), and said notice (attached hereto and expressly made a part hereof as Exhibit 3) shall be published at least once in the Peoria Times no later than ten (10) days prior to said hearing date.

4. That if any provision in this Resolution is held invalid by a court of competent jurisdiction, the remaining provisions shall not be affected but shall continue in full force and effect.

5. That this Resolution shall be effective after its passage and approval according to law.

RESOLVED by the District Board of the Vistancia Community Facilities District this 21st day of April, 2015.

Cathy Carlat
Chairman, District Board,
Vistancia Community Facilities District

ATTEST:

Rhonda Geriminsky
District Clerk, Vistancia
Community Facilities District

EXHIBIT 1

VISTANCIA COMMUNITY FACILITIES DISTRICT OF PEORIA, ARIZONA

FISCAL YEAR 2016 BUDGET

	OPERATIONS	FY 2016	
REVENUES			
Tax levy at \$.30 per \$100 of Limited Assessed Valuation – Operations		0	
Amounts expected to be paid from Standby Contribution Agreement		250,000	
Developer Contributions pursuant to Development Agreement		80,500	
TOTAL REVENUES		<u>330,500</u>	
EXPENSES			
Funding for Insurance Deductible		250,000	
Premium – General Liability and District Board Liability Insurance		50,000	
Trustees Fees		7,500	
Auditing and Accounting Costs		15,500	
Other costs – Continuing Disclosure, etc.		5,000	
Contingency		2,500	
TOTAL EXPENSES		<u>330,500</u>	330,500
	DEBT SERVICE		
SOURCES			
Tax levy at \$2.10 per \$100 of Limited Assessed Valuation - Debt		2,610,978	
Amounts expected to be paid from Standby Contribution Agreement		2,847,922	
Transfer of interest income from Capital Project Fund		17,000	
Carryover of Debt Service Reserve Funds		4,437,915	
TOTAL SOURCES		<u>9,913,815</u>	
USES			
Debt Service on Series 2002 Bonds		1,986,500	
Debt Service on Series 2005 Bonds		1,933,200	
Debt Service on Series 2006 Bonds		1,556,200	
Total Debt Service		<u>5,475,900</u>	
Debt Service Reserve Funds - Series 2002 and 2005 Bonds		4,437,915	
TOTAL USES		<u>9,913,815</u>	9,913,815
	CAPITAL IMPROVEMENTS		
SOURCES OF FUNDS			
Carryover of Bond Proceeds		8,568,678	
Interest Income		17,000	
TOTAL SOURCES		<u>8,585,678</u>	
USES OF FUNDS			
Capital Costs		8,568,678	
Transfer of Interest Income to Debt Service Fund		17,000	
TOTAL USES		<u>8,585,678</u>	8,585,678
TOTAL APPROPRIATION FOR FY 2016			<u><u>18,829,993</u></u>
LETTER OF CREDITS PER STANDBY CONTRIBUTION AGREEMENT			
Depository Payment - Series 2002 Bonds		2,125,000	
Depository Payment - Series 2005 Bonds		2,355,000	
Depository Payment - Series 2006 Bonds		2,276,000	
		<u>6,756,000</u>	

EXHIBIT 2

VISTANCIA COMMUNITY FACILITIES DISTRICT

CITY OF PEORIA, ARIZONA

Fiscal Year 2016 Tax Levy Statements and Estimates

Tax Rate Amount for Fiscal Year 2016:

Tax rate at maximum amount of \$2.10 per \$100 of Limited Assessed Valuation – Debt Service.

Assessed Valuation:

Maricopa County's estimation of limited assessed property valuation for the district is \$124,332,283.

Estimated Levy Amount:

The levy is estimated to be \$2,610,978 for debt service.

Operation and Maintenance Expenses:

Funding for Insurance Deductible	\$250,000
Premium – General Liability and District Board Liability Insurance	50,000
Trustees Fees	7,500
Auditing and Accounting Costs	15,500
Other costs – Continuing Disclosure, etc.	5,000
Contingency	2,500
Total:	<u>\$330,500</u>

Capital Expenses:

Estimated Cost of Capital Improvements to be financed: \$0

EXHIBIT 3

**COMMUNITY FACILITIES DISTRICT
NOTICE OF FILING STATEMENTS AND ESTIMATES
AND
NOTICE OF PUBLIC HEARING ON
THE PROPOSED FY 2016 BUDGET
(INCLUDING SUCH STATEMENTS AND ESTIMATES)
REQUIRED BY A.R.S. §§ 48-716 AND 48-723**

NOTICE OF FILING STATEMENTS AND ESTIMATES OF THE OPERATION AND MAINTENANCE EXPENSES OF VISTANCIA COMMUNITY FACILITIES DISTRICT, THE COSTS OF CAPITAL IMPROVEMENTS TO BE FINANCED BY THE AD VALOREM TAX LEVY, AND THE AMOUNT OF ALL OTHER EXPENDITURES FOR PUBLIC INFRASTRUCTURE PURPOSES PROPOSED TO BE PAID FROM THE TAX LEVY AND OF THE AMOUNT TO BE RAISED TO PAY GENERAL OBLIGATION BONDS OF THE DISTRICT AND NOTICE OF A PUBLIC HEARING ON THE PROPOSED FY 2016 BUDGET OF THE DISTRICT, INCLUDING A HEARING ON THOSE PORTIONS OF THE STATEMENTS AND ESTIMATES NOT RELATING TO DEBT SERVICE ON GENERAL OBLIGATION BONDS.

Notice is hereby given that statements and estimates have been filed in the Office of the District Clerk of Vistancia Community Facilities District of the operation and maintenance expenses of the District, the costs of capital improvements to be financed by the voter-approved ad valorem tax levy by the District, and the amount of all other expenditures for public infrastructure purposes proposed to be paid from the tax levy and of the amount to be raised to pay general obligation bonds of the District by the District, all of which shall be provided for by the levy and collection of ad valorem taxes on the assessed value of all the real and personal property in the District. Notice is further given that a public hearing on the proposed FY 2016 Budget of the District, including (but not limited to) a hearing on those portions of the statements and estimates not relating to debt service on general obligation bonds, all pursuant to Arizona Revised Statutes §§48-716 and 48-723, will be held by the District Board on Tuesday, May 19, 2015 at or after 7:00 p.m. in the Council Chambers of the City of Peoria, 8401 W. Monroe Street, Peoria, Arizona. Copies of the budget are available from the Office of the District Chief Financial Officer, Brent D. Mattingly, City of Peoria, 8401 W. Monroe Street, Peoria, Arizona, telephone number: (623) 773-7150.

Dated this Day of April 21, 2015

/s/.....
Brent D. Mattingly
District Chief Financial Officer
Vistancia Community Facilities District

Publish Peoria Times: May 1, 2015 & May 8, 2015

MINUTES OF THE VISTANCIA WEST COMMUNITY FACILITIES DISTRICT BOARD
CITY OF PEORIA, ARIZONA
COUNCIL CHAMBER
March 17, 2015

A **Special Meeting** of the Vistancia West Community Facilities District Board was convened at 8401 West Monroe Street in open and public session at 8:18 p.m.

Members Present: Board Chairperson Cathy Carlat; Vice Chairperson Jon Edwards; Board Members Bridget Binsbacher, Michael Finn, Vicki Hunt, Carlo Leone and Bill Patena.

Board Youth Liaisons: Ian Mullane and Michael Helt.

Members Absent: None.

Other Municipal Officials Present: Carl Swenson, District Manager; Susan Daluddung, Deputy District Manager; Jeff Tyne, Deputy District Manager; Steve Kemp, District Counsel; Rhonda Geriminsky, District Clerk; Julie Ayers, Human Resources Director; Andy Granger, Engineering Director; Chris Jacques, Planning and Community Development Director; Bill Mattingly, Public Works Director; Brent Mattingly, Chief Financial Officer; Roy Minter, Police Chief; John Sefton, Community Services Director; and Linda Blas, Deputy District Clerk.

Audience: Approximately five members of the public were present.

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

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

Chairperson Carlat asked if any Board Member wished to have an item removed from the Consent Agenda. Having no requests from the Board, motion was made by Board Member Hunt, seconded by Vice Chairperson Edwards, to approve the Consent Agenda.

Upon vote, the motion carried unanimously 7 to 0.

CONSENT – New Business:

Clerk’s Note: The agenda item numbers shown below reflect the items as they were numbered on the agenda.

19. **C - Minutes**

Approved the December 9, 2014 Special Meeting minutes.

REGULAR AGENDA

New Business:

20. **R - Sale and Issuance of General Obligation Bonds of the District**

Brent Mattingly, Chief Financial Officer, provided background on the formation of the Vistancia West Community Facilities District.

Mr. Mattingly informed the Board that the proposed Resolution is related to the sale and issuance of up to \$60,000 of General Obligation Bonds of the District and levying an ad valorem property tax rate of approximately \$2.10 per \$100 of assessed valuation within the District for payment of the bonds.

Mr. Mattingly advised that a future bond sale of approximately \$6 million is anticipated for infrastructure projects as outlined in the approved development agreement.

Motion was made by Board Member Patena, seconded by Board Member Finn, to adopt **VWCFD RES. 2015-01** authorizing the sale and issuance of General Obligation Bonds of the District, prescribing certain terms and conditions of such bonds including making certain findings, certifications and covenants with respect to such bonds; approving the form and authorizing the execution and delivery of a Placement Agreement; awarding such bonds to the purchaser thereof; delegating the determination of certain terms of such bonds and matters related thereto to the District Treasurer and authorizing the subsequent levying of an Ad Valorem property tax with respect to such bonds.

Upon vote, the motion carried unanimously 7 to 0.

Call To The Public (Non-Agenda Items)

None.

ADJOURNMENT:

Being no further business to come before the District Board, the meeting was duly adjourned at 8:25 p.m.

ATTEST:

Rhonda Geriminsky, District Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct summary of the proceedings of the Special Meeting of the Vistancia West Community Facilities District held on the 17th day of March, 2015. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 21st day of April, 2015.

(Seal)

Rhonda Geriminsky, District Clerk

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

Agenda Item: 19R

Date Prepared: April 6, 2015

District Meeting Date: April 21, 2015

TO: Carl Swenson, District Manager

FROM: Sonia Andrews, Finance Manager

THROUGH: Brent D. Mattingly, District Chief Financial Officer

SUBJECT: Resolution Approving Preliminary Budget and Tax Levy Estimates for Fiscal Year 2016

Purpose:

This is a request for the District Board to adopt a resolution approving a Preliminary Budget and Tax Levy for Fiscal Year 2016 for the Vistancia West Community Facilities District and to establish a public hearing date of May 19, 2015 for review and final adoption of the budget and tax levy.

Background/Summary:

Each year around April or May, the District Board will be asked to adopt a resolution approving a preliminary form of the Vistancia West Community Facilities District Budget and tax levy information for the following fiscal year and also to establish a public hearing date for review of the proposed budget and tax levy estimates. In May or June each year, the Board will hold a public hearing and adopt the final budget for the Vistancia West Community Facilities District and order that an Ad Valorem Tax be levied and assessed on the assessed value of all real and personal property within the District.

The Fiscal Year 2016 Preliminary District Budget provides for an operating, debt service and capital budget of \$113,500 for the District for the upcoming fiscal year. This amount includes \$60,000 in bond proceeds for administrative and capital costs including bond issue costs. The budget identifies the revenues and expenses of the District, and outlines the sources and uses of funds for Fiscal Year 2016.

The proposed tax rate to be set for the District is \$2.10 per \$100 of limited assessed value for debt service. The total tax levy revenue for the upcoming year is estimated to be \$18,500. The District does not anticipate any contribution for debt service to come from the Developer for this first series of bonds.

As required by State Statute (ARS 48-716), a notice of public hearing on the District Budget and the tax levy information for Fiscal Year 2016 will be published in the Peoria Times on May 1,

2015 and May 8,2015, at least ten days prior to the hearing date. The public hearing is proposed for May 19, 2015, prior to the District Board adopting the budget and tax levy.

Previous Actions:

None

Options:

The District Board may select the following options:

- A:** Adopt the attached resolution approve the preliminary budget and tax levy estimates for Fiscal Year 2016 for the Vistancia West Community Facilities District and establish a public hearing date of May 19,2015.
- B:** Do not adopt the attached resolution approve the preliminary budget and tax levy estimates for Fiscal Year 2016 for the Vistancia West Community Facilities District.

Staff's Recommendation:

Staff recommends that the District Board adopt the attached resolution approving the preliminary budget and tax levy estimates for Fiscal Year 2016 for the Vistancia West Community Facilities District and establish a public hearing date of May 19,2015 for review and final adoption of the budget and tax levy.

Fiscal Analysis:

This item will establish a preliminary Fiscal Year 2016 budget of \$113,500 and tax levy of \$2.10 per \$100 of limited assessed value for the Vistancia West Community Facilities District.

Narrative:

The preliminary District Budget provides for an operating, debt service and capital budget of \$113,500 for the District for the upcoming fiscal year. The budget identifies the revenues and expenses of the District, and outlines the sources and uses of funds for the upcoming year. The proposed tax rate to be set for the district is \$2.10 per \$100 of limited assessed value for debt service. The total levy revenue for Fiscal Year 2016 is estimated at \$18,500. The public hearing is proposed for May 19, 2015, prior to the District Board taking action on the budget.

Attachment(s):

Attachment 1: Resolution

Attachment 2: Exhibit 1 - Preliminary FY 2016 Budget

Attachment 3: Exhibit 2 - FY 2016 Tax Levy Statements and Estimates

Attachment 4: Exhibit 3 - Notice of Public Hearing

Contact:

Sonia Andrews, Finance Manager, x5206

RESOLUTION NO. VWCFD 2015-02

(VISTANCIA WEST)

A RESOLUTION OF THE DISTRICT BOARD OF VISTANCIA WEST COMMUNITY FACILITIES DISTRICT APPROVING A PROPOSED BUDGET AND SETTING A PUBLIC HEARING DATE ON SAID PROPOSED BUDGET FOR FISCAL YEAR 2016 PURSUANT TO A.R.S. §48-716; FILING STATEMENTS AND ESTIMATES OF THE OPERATION AND MAINTENANCE EXPENSES OF THE DISTRICT, THE COSTS OF CAPITAL IMPROVEMENTS TO BE FINANCED BY THE APPROVED AD VALOREM TAX LEVY, AND THE AMOUNT OF ALL OTHER EXPENDITURES FOR PUBLIC INFRASTRUCTURE PURPOSES PROPOSED TO BE PAID FROM THE TAX LEVY AND OF THE AMOUNT TO BE RAISED TO PAY GENERAL OBLIGATION BONDS OF THE DISTRICT, ALL OF WHICH SHALL BE PROVIDED FOR BY THE LEVY AND COLLECTION OF AD VALOREM TAXES ON THE ASSESSED VALUE OF ALL THE REAL AND PERSONAL PROPERTY IN THE DISTRICT AND PROVIDING FOR NOTICE OF FILING THE STATEMENTS AND ESTIMATES AND NOTICE OF A PUBLIC HEARING ON THE PORTIONS OF THE STATEMENTS AND ESTIMATES NOT RELATING TO DEBT SERVICE ON GENERAL OBLIGATION BONDS FOR FISCAL YEAR 2016 PURSUANT TO A.R.S. §48-723; AND PROVIDING THAT THIS RESOLUTION SHALL BE EFFECTIVE AFTER ITS PASSAGE AND APPROVAL ACCORDING TO LAW.

WHEREAS, Vistancia West Community Facilities District (the "District") is a special purpose district for purposes of Article IX, Section 19, Constitution of Arizona, a tax-levying public improvement district for the purposes of Article XIII, Section 7, Constitution of Arizona, and a municipal corporation for all purposes of Title 35, Chapter 3, Articles 3, 3.1., 3.2, 4 and 5, Arizona Revised Statutes, as amended, and [except as otherwise provided in §48-708(B), as amended] is considered to be a municipal corporation and political subdivision of the State of Arizona, separate and apart from the City of Peoria, Arizona; and

WHEREAS, the District was created to finance construction and maintenance of certain public infrastructure needed for the development of the project known as "Vistancia West", including through assessment of ad valorem taxes on all real and personal property within the District for such purpose; and

WHEREAS, in accordance with A.R.S. §§48-719 and 48-723, a special election was held wherein the qualified electors of the District authorized the issuance of general obligation bonds to cover costs of constructing required public infrastructure and the levy and collection of an annual ad valorem tax at a rate not to exceed thirty cents (30¢) per one hundred dollars (\$100) of assessed valuation for operation and maintenance expenses of the District; and

WHEREAS, by Resolution Nos. VWCFD 2015-01, the District authorized the sale and issuance of up to \$9,000,000 aggregate principal amount of Bonds, to fund public infrastructure for such development; and

WHEREAS, the District also entered into a District Development, Financing Participation and Intergovernmental Agreement, whereby annual payments will be made to the District in order to maintain the tax rate at no more than two dollars and ten cents (\$2.10) per one hundred dollars (\$100) of limited assessed valuation for debt service, given the tax base of the District in each tax year; and

WHEREAS, in accordance with A.R.S. §§ 48-716 and 48-723, there has been submitted a proposed budget for Fiscal Year 2016 which includes statements and estimates of the operation and maintenance expenses of the District, the costs of capital improvements to be financed by the authorized ad valorem tax levy, and the amount of all other expenditures for public infrastructure purposes proposed to be paid from the tax levy and of the amount to be raised to pay debt service, all of which shall be provided for by the levy and collection of ad valorem taxes on the assessed value of all the real and personal property within the District; and

WHEREAS, this Board desires now to approve said proposed budget for Fiscal Year 2016, to publish notice of having filed the required statements and estimates, and to set a date (and publish a notice thereof) for a public hearing to receive comment on the proposed budget and, particularly, on the portions of the statements and estimates not relating to debt service on general obligation bonds; and

WHEREAS, after said public hearing (and on or before October 1), this Board expects to adopt a final budget by resolution; and

WHEREAS, on or before the third Monday in August, this Board also expects to order the fixing, levying and assessment of required ad valorem taxes and to cause certified copies of the order providing for the same to be delivered to the Maricopa County Board of Supervisors and the Arizona Department of Revenue;

NOW, THEREFORE, BE IT RESOLVED BY THE DISTRICT BOARD OF THE VISTANCIA WEST COMMUNITY FACILITIES DISTRICT, AS FOLLOWS:

1. That certain proposed budget for Fiscal Year 2016 for the District, attached hereto and expressly made a part hereof as Exhibit 1, is hereby tentatively approved.

2. That the statements and estimates of the operation and maintenance expenses of the District, the costs of capital improvements to be financed by the approved ad valorem tax levy by the District, and the amount of all other expenditures for public infrastructure purposes proposed to be paid from the tax levy and of the amount to be raised to pay general obligation bonds in Fiscal Year 2016 by the District are hereby

filed in accordance with A.R.S. §§ 42-17101(3) and 48-723(C), and are attached hereto and expressly made a part hereof as Exhibit 2.

3. That a public hearing date of Tuesday, May 19, 2015, beginning at or after 7:00 p.m. at the City of Peoria Council Chambers at 8401 W. Monroe Street, Peoria, Arizona, is hereby set to consider said proposed budget (including, but expressly not limited to, consideration of those portions of the statements and estimates not relating to debt service on general obligation bonds), and said notice (attached hereto and expressly made a part hereof as Exhibit 3) shall be published at least once in the Peoria Times no later than ten (10) days prior to said hearing date.

4. That if any provision in this Resolution is held invalid by a court of competent jurisdiction, the remaining provisions shall not be affected but shall continue in full force and effect.

5. That this Resolution shall be effective after its passage and approval according to law.

RESOLVED by the District Board of the Vistancia West Community Facilities District this 21st day of April, 2015.

Cathy Carlat
Chairman, District Board,
Vistancia West Community Facilities
District

ATTEST:

Rhonda Geriminsky
District Clerk, Vistancia West
Community Facilities District

APPROVED AS TO FORM:

Stephen M. Kemp
District Counsel, Vistancia West
Community Facilities District

ATTACHMENTS: Exhibit 1 – Preliminary FY 2016 Budget
Exhibit 2 - Statements and Estimates – Tax Levy
Exhibit 3 – Notice of Public Hearing

EXHIBIT 1

VISTANCIA WEST COMMUNITY FACILITIES DISTRICT OF PEORIA, ARIZONA

FISCAL YEAR 2016 BUDGET

	OPERATIONS	FY 2016	
REVENUES			
Tax levy at \$.30 per \$100 of Limited Assessed Valuation – Operations		0	
Developer Contributions pursuant to Development Agreement		35,000	
TOTAL REVENUES		<u>35,000</u>	
EXPENSES			
Premium – General Liability and District Board Liability Insurance		15,000	
Auditing and Accounting Costs		10,000	
Other Administrative Costs		10,000	
TOTAL EXPENSES		<u>35,000</u>	35,000
	DEBT SERVICE		
REVENUES			
Tax levy at \$2.10 per \$100 of Limited Assessed Valuation - Debt		18,500	
Amounts expected to be paid from Standby Contribution Agreement			
TOTAL REVENUES		<u>18,500</u>	
EXPENSES			
Debt Service		18,500	
Trustee Fees		0	
TOTAL EXPENSES		<u>18,500</u>	18,500
	CAPITAL IMPROVEMENTS		
REVENUES			
Bond Proceeds - First Series		60,000	
TOTAL REVENUES		<u>60,000</u>	
EXPENSES			
Administrative and Capital Costs		60,000	
TOTAL EXPENSES		<u>60,000</u>	60,000
TOTAL APPROPRIATION FOR FY 2016			<u><u>113,500</u></u>

EXHIBIT 2

VISTANCIA WEST COMMUNITY FACILITIES DISTRICT

CITY OF PEORIA, ARIZONA

Fiscal Year 2016 Tax Levy Statements and Estimates

Tax Rate Amount for Fiscal Year 2016:

Tax rate at maximum amount of \$2.10 per \$100 of Limited Assessed Valuation – Debt Service.

Assessed Valuation:

Maricopa County's estimation of limited assessed property valuation for the district is \$882,333.

Estimated Levy Amount:

The levy is estimated to be \$18,500 for debt service.

Operation and Maintenance Expenses:

Premium – General Liability and District Board Liability Insurance	\$ 15,000
Auditing and Accounting Costs	10,000
Other Administrative Costs	<u>10,000</u>
Total:	\$ 35,000

Capital Project Fund Expenses:

Estimated Bond Issues Costs: \$60,000

Estimated Cost of Administrative and Capital Costs to be financed: \$60,000

EXHIBIT 3

**COMMUNITY FACILITIES DISTRICT
NOTICE OF FILING STATEMENTS AND ESTIMATES
AND
NOTICE OF PUBLIC HEARING ON
THE PROPOSED FY 2016 BUDGET
(INCLUDING SUCH STATEMENTS AND ESTIMATES)
REQUIRED BY A.R.S. §§ 48-716 AND 48-723**

NOTICE OF FILING STATEMENTS AND ESTIMATES OF THE OPERATION AND MAINTENANCE EXPENSES OF VISTANCIA WEST COMMUNITY FACILITIES DISTRICT, THE COSTS OF ADMINISTRATION AND CAPITAL IMPROVEMENTS TO BE FINANCED BY THE AD VALOREM TAX LEVY, AND THE AMOUNT OF ALL OTHER EXPENDITURES FOR PUBLIC INFRASTRUCTURE PURPOSES PROPOSED TO BE PAID FROM THE TAX LEVY AND OF THE AMOUNT TO BE RAISED TO PAY GENERAL OBLIGATION BONDS OF THE DISTRICT AND NOTICE OF A PUBLIC HEARING ON THE PROPOSED FY 2016 BUDGET OF THE DISTRICT, INCLUDING A HEARING ON THOSE PORTIONS OF THE STATEMENTS AND ESTIMATES NOT RELATING TO DEBT SERVICE ON GENERAL OBLIGATION BONDS.

Notice is hereby given that statements and estimates have been filed in the Office of the District Clerk of Vistancia West Community Facilities District of the operation and maintenance expenses of the District, the costs of administration and capital improvements to be financed by the voter-approved ad valorem tax levy by the District, and the amount of all other expenditures for public infrastructure purposes proposed to be paid from the tax levy and of the amount to be raised to pay general obligation bonds of the District by the District, all of which shall be provided for by the levy and collection of ad valorem taxes on the assessed value of all the real and personal property in the District. Notice is further given that a public hearing on the proposed FY 2016 Budget of the District, including (but not limited to) a hearing on those portions of the statements and estimates not relating to debt service on general obligation bonds, all pursuant to Arizona Revised Statutes §§48-716 and 48-723, will be held by the District Board on Tuesday, May 19, 2015 at or after 7:00 p.m. in the Council Chambers of the City of Peoria, 8401 W. Monroe Street, Peoria, Arizona. Copies of the budget are available from the Office of the District Chief Financial Officer, Brent D. Mattingly, City of Peoria, 8401 W. Monroe Street, Peoria, Arizona, telephone number: (623) 773-7150.

Dated this Day of April 21, 2015 /s/.....

Brent D. Mattingly
District Chief Financial Officer
Vistancia West Community Facilities
District